



TOWN OF REDINGTON BEACH, FLORIDA  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES

Thursday, June 18, 2020  
7:00 PM

The Board of Adjustment meeting was called to order at 7:00pm by Chairman Hawthorne.

Chairman Hawthorne led the Pledge of Allegiance, followed by a moment of silence.

Roll call was taken: Mr. Darcy Bellemore, Mr. Ken Sulewski, Mr. James Sommer, Mr. Mike Morgan, Chairman Wally Hawthorne and Attorney Erica Augello were present. Also present were Darin Cushing, Building Official; Bruce McLaughlin, Town Planner; applicants Derek Malam and Leslie Bethencourt Malam; applicant Cliff Fernandez; residents Tony and Joann Diaz; resident Ellen Harvey; resident Charles Clark.

Approval of agenda: Motion was made by Mr. Sulewski and seconded by Mr. Bellemore to approve the agenda of June 18, 2020. Motion passed with all ayes.

Approval of minutes: Motion was made by Mr. Sulewski and seconded by Mr. Bellemore to approve the minutes of February 20, 2020. Motion passed with all ayes.

Attorney Augello swore in all witnesses giving testimony.

New Business:

Attorney Augello read the following:

**Property located at 16027 Redington Drive, REDINGTON BEACH HOMES 2ND ADDITION BLOCK 11, LOT 17, as recorded in plat book 23 page 40 of the Pinellas County Property Appraiser's office, is requesting the Board of Adjustment to grant an exception for an increased impervious surface ratio of 59.3% to construct a new carport and driveway. Per Town Code 6-103(1), the impervious surface ratio must not exceed the allowable impervious lot coverage established in the Future Land Use Element of the Comprehensive Plan. The Town's current Comprehensive Plan allows for a maximum impervious surface ratio of 65% for single-family homes zoned in the RU (Residential Urban) Future Land Use Designation.**

Attorney Augello announced that this application had been withdrawn since the Town's Impervious Surface Ratio (ISR) is now officially 65% and no variance is needed.

Attorney Augello read the following:

Property located at **16104 4<sup>th</sup> St E**, REDINGTON BEACH HOMES 6TH ADDITION BLOCK 1, LOT 3, as recorded in plat book 31 page 29 of the Pinellas County Property Appraiser's office, is requesting the Board of Adjustment to grant an exception for an increased impervious surface ratio of 84% to replace an existing concrete and paver patio. Per Town Code 6-103(1), the impervious surface ratio must not exceed the allowable impervious lot coverage established in the Future Land Use Element of the Comprehensive Plan. The Town's current Comprehensive Plan allows for a maximum impervious surface ratio of 65% for single-family homes zoned in the RU (Residential Urban) Future Land Use designation. In addition, a pergola has been constructed that requires an after-the-fact permit which encroaches into the side and rear setback areas, according to Art. II, § 6-65, Town of Redington Beach Code of Ordinances, which provides, in relevant part, that all permanent installations of any kind located above grade are prohibited in the building setback areas. Appendix A, Section 5(b) states "...these lots bordering on Boca Ciega Bay the building line on the Bay side is hereby fixed at twenty-five (25) feet from the bay-front property line, the mean high tide mark or center of seawall cap..." and "No building, nor any part thereof, as above set forth (excepting eaves which may approach two and one-half (2½) feet nearer shall approach nearer than seven and one-half ((7½) feet to the side line of... the lot upon which the same is constructed..."

Applicant Leslie Bethencourt Malam brought to the attention of the Board that the agenda is incorrect for her agenda item. The agenda incorrectly stated that she was installing a carport and driveway. The Chariman confirmed that the Board understands that what the application is requesting is correct and the agenda item as written is incorrect. Applicant Bethencourt Malam testified that when they replaced the seawall, the rear yard area adjacent to that was raised to the same level as the new seawall. Previously the rear yard area had multiple levels of grass and pavers which had been in a state of disrepair. Applicant also stated they added a small sidewalk from the front yard to the rear yard. Board members had a chance to question the applicant.

Resident Tony Diaz of 16102 4<sup>th</sup> St E. voiced his concerns about drainage on the property and stated his objection to the increased ISR. Chairman Hawthorne reminded him that the only issues to be discussed that evening are the increased ISR and the set back for the pergola.

Resident Joann Diaz of 16102 4<sup>th</sup> St E. testified that the fire pit in the Malam's rear yard is placed too close to the fence and is dangerous. Chariman Hawthorne informed Ms. Diaz that is a code enforcement issue.

Resident Charles Clark of 16108 4<sup>th</sup> St E testified that the increased ISR amplifies sound and stated his objection to the increased ISR.

Resident Ellen Harvey of 16106 4<sup>th</sup> St E testified that there was more grassy area in the rear yard prior to the Malam's renovations and stated her objection to the increased ISR.

Darin Cushing, Redington Beach Building Official, testified that his office issued a stop work order. He suggested that the applicants apply for both an "after-the-fact" permit and a variance request. He provided the Board additional information concerning the fire pit and portable pergola/gazebo.

Resident Ellen Harvey objected to the pergola/gazebo on the grounds that the lighting it produces is a nuisance.

Resident Charles Clark objected to the pergola/gazebo on the grounds that it has electricity and is not portable.

The Board asked additional questions of the Building Official and then discussed amongst themselves.

Mr. Morgan motioned to deny both requests for an exception and was seconded by Mr. Sulewski. A roll call vote was taken, and Motion passed with all ayes.

|                    | Motion | Second | Aye | Nay | Absent |
|--------------------|--------|--------|-----|-----|--------|
| Darcy Bellemore    |        |        | X   |     |        |
| Ken Sulewski       |        | X      | X   |     |        |
| James Sommer       |        |        | X   |     |        |
| Mike Morgan        | X      |        | X   |     |        |
| Chairman Hawthorne |        |        | X   |     |        |

Attorney Augello read the following:

**Property located at 15711 Redington Drive, LONE PALM BEACH 2ND ADD**  
 BLK 18, LOT 20, as recorded in plat book 20 page 72 of the Pinellas County  
 Property Appraiser's office, is requesting the Board of Adjustment to grant an  
 exception for an the installation of a boatlift on an existing, non-conforming dock.

Attorney Augello stated that the Board of Adjustment's jurisdiction is limited to variances from the requirements set forth in Chapter 6 of the Code. Docks are regulated by Chapter 5 of the Code and, therefore, outside the jurisdiction of the Board of Adjustment. Attorney Augello stated that Chapter 5 used to contain a provision which allowed for the Board to hear special exceptions/variances from that chapter; however, that section of the Code was removed when Chapter 5 was redrafted. There is no longer any mechanism in the Code giving the Board any power to hearing variances or special exceptions for docks. Armed with these facts, the Board was tasked with determining whether the Town's Code prohibits them from hearing **this** application.

The Board discussed among themselves and asked Attorney Augello additional questions.

Mr. Sulewski motioned that the Board of Adjustment is outside its jurisdiction and will not consider the application. Mr. Sommer seconded. The motion passed with all ayes.

Applicant Cliff Fernandez was afforded an opportunity to question the decision of the Board.

With no further business, Chairman Hawthorne adjourned the meeting at 8:25pm.



Adriana Nieves, CMC  
 Deputy Town Clerk