



**TOWN OF REDINGTON BEACH
BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
Thursday, January 19, 2023**

The Board of Adjustment of the Town of Redington Beach, Florida, will hold a Meeting at 6:30pm, on Thursday, January 19, 2023 in the Redington Beach Town Hall at 105 164th Avenue, Redington Beach, Florida to consider the items of business listed below:

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- 3. ROLL CALL**
- 4. Approval of Agenda of January 19, 2023**
- 5. Approval of Minutes of October 20, 2022**
- 6. Election of Chair**
- 7. Swearing-in of new Alternate Member John Laratta**
- 8. New Business**

a. Property located at 15811 Redington Drive is requesting the Board of Adjustment to hear an appeal concerning the interpretation of the Town's Code of Ordinances relative to construction of a swimming pool.

- 9. Other business**
- 10. Adjournment**

One or more elected or appointed officials may be in attendance.

Please Note: If a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at the above cited meeting, the person 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 the testimony and evidence upon which the appeal is to be based. The Town maintains an audio recording of all public hearings. In the event that you wish to appeal a decision, the recording may or may not adequately ensure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section F 286.0105, Florida Statutes).

In accordance with the Americans with Disability Act and Florida Statutes 286.26, persons with disabilities needing special accommodations to participate in the proceedings should contact the Town Clerk's Office with your request. Phone (727) 391-3875 or Fax (727) 397-6911 for assistance; if hearing impaired, contact the Florida Relay Service Numbers (800) 955-8771 (TDD).



**TOWN OF REDINGTON BEACH, FLORIDA
BOARD OF ADJUSTMENT
Regular Meeting Minutes
Thursday, October 20, 2022
6:30 PM**

The Board of Adjustment meeting was called to order at 6:30 P.M. by Vice-Chairman Ken Sulewski.

Vice-Chairman Ken Sulewski led the Pledge of Allegiance, followed by a moment of silence.

Roll call was taken: Mr. Robert Fronstin, Mr. Robert Rockell, Mr. James Sommer, Mr. Michael Morgan, Vice-Chairman Sulewski, Attorney Jeremy Simon, Town Clerk Adriana Nieves, and building official Bruce Cooper by telephone. Also present were applicant representatives Brian Wolf, John Francisco, George Nicholas and Raymond Bellus. Mr. Darcy Bellemore was absent.

Approval of Agenda: A motion by Mr. Morgan and seconded by Mr. Sommer to accept the agenda as presented. Motion passed with all ayes.

Approval of minutes of May 19, 2022: A motion by Mr. Morgan and seconded by Mr. Rockell to approve the minutes as written. Motion passed with all ayes.

Attorney Simon swore in all witnesses giving testimony.

Attorney Simon read the following into the record:

The property located at 102 162nd Avenue is requesting the Board of Adjustment to approve a variance request to build a new single-family home which will encroach into the side setback area 5 feet.

Mr. Brian Wolf, 5005 Picket Ct., Tampa, FL 33624 and Johnny Francisco, 5422 Adamo Drive, Lutz, FL 33558 explained that the plans were approved by the Building Department with the side setback at 10 feet. It wasn't until further along into the plan review process that the Building Official realized he misinterpreted the zoning code for corner lots and discovered the side setback is actually 15 feet. They reported that it was more cost effective to apply for a variance than to draw up new plans.

Building official, Bruce Cooper submitted a staff report which supported approval of the applicant's request for the 5 foot encroachment into the side setback due to the fact that the zoning code is poorly written and is undergoing revisions.

Raymond Bellus, PE, 2GH Solutions 6329 Grand Blvd., New Port Richey, FL 34652 informed the Board that he works with the Engineer of Record on the project and is available to answer questions.

No more Public comments.

The board discussed the case amongst themselves. Noted the letter of opposition received was not opposed to the setback encroachment but to the design of the structure itself. Mr. Cooper informed the Board that the 3 foot wall would be relocated to increase safety at the corner of 1st St E and 162nd Avenue.

Mr. Sommer made a motion to approve the variance request for a 5 foot encroachment into the side setback seconded by Mr. Morgan. Roll call vote was taken and the motion to approve was passed with all ayes.

	Motion	Second	Aye	Nay	Absent
Vice Chair Sulewski			X		
Robert Fronstin			X		
Robert Rockell			X		
James Sommer	X		X		
Mike Morgan		X	X		

With no further business, Vice Chair Sulewski adjourned the meeting at 6:50 p.m.

Adriana Nieves, CMC, CFM
Town Clerk



TOWN OF REDINGTON BEACH
105 164th Avenue
Redington Beach, FL, 33708

DEC 02 2022

NOTICE OF APPEAL FROM AN INTERPRETATION
OR ADMINISTRATION OF THE BUILDING CODE
BY THE BUILDING OFFICIAL (Building Code Administrator)

ACTION APPEALED (attach copy):

Permit Denial ☒ Stop Work Order ☐ Other ☐ Describe: _____

Date of Action Appealed 11/28/22 (Appeal MUST be filed within 30 days of the Building Official's action)

Parcel I.D.: 04-31-15-52560-018-0080

Property Owner: Tim Newton; Address: 14203 VALENTINE TRL
LARGO FL 33774-2836

Property Address: 15811 REDINGTON DR
REDINGTON BEACH FL 33708 Permit No: NA

Owner Phone: 727-244-9448; Owner Cell: _____; Owner e-mail: timnewton@leadersfurniture.com

Appellant (if different than owner): Pools By Jordan; Appellant Address: 13932 Walsingham Rd Largo FL 33774

Appellant Phone: 727-599-4339; Appellant Cell: _____; Appellant e-mail: jordan@poolsbyjordan.com

Relationship of Appellant to Property Owner: (agent authorization required) _____

Legal Description: LONE PALM BEACH 2ND ADD BLK 18, PART OF LOTS 8 & 9 ALL DESC AS FROM SW COR OF LOT 11 TH CUR LT RAC

Applicable Florida Building Code² or Referenced Code¹ Sections: na

Applicable Town Code Sections: 6-235 swimming pool maximum height

Grounds for Appeal: Describe the Building Official decision(s) you are appealing and
specifically set forth the alleged error in the interpretation or administration of the Code (Use
separate sheet if necessary): _____

Building official states i must use the front of the house garage floor as my reference elevation to determine pool deck heights,

Code states "In-ground pools and decks shall not be higher than 12 inches above the lowest dwelling slab level that exits onto the rear yard"

Garage does not enter into the rear yard, and if correct exit is used per code then permit should be approved as submitted

Fee: _____

¹ See FBC Section 101.4 for a list of Referenced Codes. ² As permitted by the FBC.

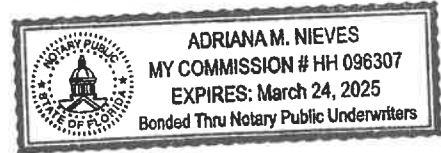
ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED to as true and correct before me this 2nd day of December 2022
by Jordan Hidalgo who is personally known to me or who has produced
FL Drivers License as identification and who did take an oath.

Adriana M. Nieves
Notary Public

My Commission Expires: March 24, 2025



IMPORTANT INFORMATION ABOUT YOUR APPEAL

Your statement of the Grounds for Appeal establishes what the Board of Adjustment will consider in adjudicating your appeal. Issues not contained in the Grounds for Appeal will not be considered by the Board.

You will receive notice of the date, time and place of the Board of Adjustment hearing. Decisions of the Board of Adjustment cannot be appealed to the Town Commission.

ENABLING LEGISLATION (Town Code, Chapter 6) Sec. 6-292. - Appeals to the board of adjustment.

It is the intent of this article that all questions of interpretation and enforcement of the Building Code and Building Regulations of the Town of Redington Beach shall be first presented to the building code administrator.

(a) Appeals to the board of adjustment concerning interpretation or administration of the Town's Building Regulations may be taken by any person aggrieved by any decision, determination, or requirement of the building code administrator.

(b) Such appeals shall be taken within 30 days, by filing a notice of appeal specifying the grounds of appeal with the building code administrator. The building code administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the building code administrator took the action appealed.

(c) The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof in the same manner as for variances, as provided in section 6-290, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(d) An appeal stays all proceedings in furtherance of the action appealed unless the building code administrator, from whom the appeal is taken, certifies to the board after notice of appeal is filed that, in the administrator's opinion, a stay would cause a hazard to life or property. In such event, the proceedings shall not be stayed except by a supermajority vote by the board or by an injunction issued by a court of competent jurisdiction, on notice to the administrator and with good cause shown.

OFFICE USE ONLY

Received (date/time): 12/22 @ 9:00 am Intake Signature: [Signature]
Attachments Included: Yes: X No: Fee Paid:

From: Bruce Cooper
Sent: Monday, November 28, 2022 4:27 PM
To: Norm Niven
Subject: 15811 Redington

Good afternoon,

Please be advised I'm unable to process your application until you can meet the below code. Although the code refers to a rear exit, the intent and approval of the amendment is based on the garage floor.

Bruce Cooper CBO, CFM
Building Official, Floodplain Manager
Towns of Belleair, North Redington Beach & Redington Beach
Plans Examiner (B,M,E,P)
Cell: 727.263.8366
bcooper@safebuilt.com



Town of Redington Beach
105 164th Avenue
Redington Beach, FL 33708
Phone: 727-391-3875
Fax: 727-397-6911

Email address: info@townofredingtonbeach.com

NOTICE OF PUBLIC HEARING
Appeal from Interpretation of Building Official

Property located at 15811 Redington Dr. LONE PALM BEACH 2ND ADD BLK 18, PART OF LOTS 8 & 9 ALL DESC AS FROM SW COR OF LOT 11 TH CUR LT RAD 382.87FT ARC 123.77FT CB N05D56'18"W 123.23FT FOR POB TH CUR LT RAD 405.58FT ARC 61.88FT CB N19D49'46"W 61.82FT TH N73D49'59"E 162.65FT TO A POINT ON E'LY BNDRY OF SD LOT 8 TH CUR RT RAD 420FT ARC 101.6FT CB S09D21'20"E 101.35FT TH S88D42'10"W 151.76FT TO POB as recorded in the Pinellas County Official Records, is requesting the Board of Adjustment hear an appeal concerning the interpretation of the town's Code of Ordinances relative to construction of a swimming pool.

As a property owner within 150' of the subject property, you are invited to register your opinion at a Public Hearing to be held **January 19, 2023** at 6:30pm in the Town Hall Assembly Room located at 105 164th Avenue, Redington Beach, FL 33708 or you may respond by letter to the Deputy Town Clerk stating your reasons for your opinion. This letter should be mailed or emailed to the Town Hall at the above address. It is imperative that the Board of Adjustment members know the reasons for your approval or disapproval so that they can give your comments the proper consideration.

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


Dee Runyon
Deputy Town Clerk

Date of Notice: December 6, 2022



MIKE TWITTY, MAI, CFA
Pinellas County Property Appraiser
www.pcpao.org mike@pcpao.org

Run Date: 05 Dec 2022

Subject Parcel: 04-31-15-52560-018-0080

Radius: 150 feet

Parcel Count: 10

Note: Parcels with protected address status are not included in this report.

Total pages: 2

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

COUNTY COURTHOUSE
315 Court Street - 2nd Floor
Clearwater, FL 33756

PHONE: (727) 464-3207

NORTH COUNTY
29269 US Highway 19 N
Clearwater, FL 33761

FAX: (727) 464-3448 TTY/TDD: (727) 464-3370

MID COUNTY
13025 Starkey Road
Largo, FL 33773

MAIL: PO Box 1957, Clearwater, FL 33757

SOUTH COUNTY
2500 34th Street N - 2nd Floor
St. Petersburg, FL 33713

mailed Dec 7th

MILLER, RICHARD
MILLER, CHELY
15816 REDINGTON DR
REDINGTON BEACH FL 33708-1744

SIDERI, ERIC
SIDERI, CHRISTINA
15805 REDINGTON DR
REDINGTON BEACH FL 33708-1743

COVINGTON, JON
MITCHELL-COVINGTON, WENDY
10071 GULF BLVD
TREASURE ISLAND FL 33706-4806

GOMEZ, ROBERT
15810 REDINGTON DR
REDINGTON BEACH FL 33708-1744

MOROS, JOSE A
15818 REDINGTON DR
REDINGTON BEACH FL 33708-1744

HAMILTON, WALTER W TRUST
HAMILTON, WALTER W TRE
15801 REDINGTON DR
REDINGTON BEACH FL 33708-1743

SERIGNESE, MATTHEW JOSEPH
SERIGNESE, ADELINE R
15815 REDINGTON DR
REDINGTON BEACH FL 33708-1743

DIANGELO, ERICA
ALLEN, WILLIAM MAXWELL
15812 REDINGTON DR
REDINGTON BEACH FL 33708-1744

KRAUS, FREDERICK O JR
KRAUS, DEBRA M
15808 REDINGTON DR
REDINGTON BEACH FL 33708-1751

HERRICK, RICHARD T
HERRICK, STELLA K
15813 REDINGTON DR
REDINGTON BEACH FL 33708-1743

Sec. 6-292. - Appeals to the board of adjustment.

It is the intent of this article that all questions of interpretation and enforcement of the Building Code and Building Regulations of the Town of Redington Beach shall be first presented to the building code administrator.

- (1) Appeals to the board of adjustment concerning interpretation or administration of the town's building regulations may be taken by any person aggrieved by any decision, determination, or requirement of the building code administrator.
- (2) Such appeals shall be taken within 30 days, by filing a notice of appeal specifying the grounds of appeal with the building code administrator. The building code administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the building code administrator took the action appealed.
- (3) The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof in the same manner as for variances, as provided in section 6-290, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.
- (4) An appeal stays all proceedings in furtherance of the action appealed unless the building code administrator, from whom the appeal is taken, certifies to the board after notice of appeal is filed that, in the administrator's opinion, a stay would cause a hazard to life or property. In such event, the proceedings shall not be stayed except by a supermajority vote by the board or by an injunction issued by a court of competent jurisdiction, on notice to the administrator and with good cause shown.

(Ord. No. 2013-02, § 2, 6-4-13; Ord. No. 2020-06, § 1, 11-4-20)

ARTICLE VIII. - SWIMMING POOLS

Sec. 6-231. - Reserved.

Editor's note— Ord. No. 09-06, § 1, adopted May 5, 2009, deleted § 6-231. Former § 6-231 pertained to impact fee and derived from Code 1980, § 5-116.

Sec. 6-232. - Reserved.

Editor's note— Ord. No. 09-06, § 1, adopted May 5, 2009, deleted § 6-232. Former § 6-232 pertained to final inspection and derived from Code 1980, § 5-6(f); and Ord. No. 92-06, § II, adopted May 19, 1992.

Sec. 6-233. - Definition.

A swimming pool, pool or spa is any structure, that is intended for swimming or recreational bathing and contains water over 24 inches deep including but not limited to inground, aboveground, and onground swimming pools, hot tubs, and non portable spas.

(Code 1980, § 5-6(g); Ord. No. 09-06, § 1, 5-5-09)

Sec. 6-234. - Location.

- (a) *Gulf-front property.* A swimming pool may be constructed on any property lying between Gulf Boulevard and the Gulf of Mexico, provided the pool is set back at least 20 feet from the coastal construction control line as said line is established by the state. Side lot line restrictions shall apply as provided for in appendix A, section 5, of this Code.
- (b) *Intracoastal-frontage property.* A swimming pool may be constructed in the rear yard of intracoastal frontage property, provided the pool is set back at least 12 feet from the seawall and does not interfere with seawall deadman or tiebacks. If the rear set back is less than 18 feet, an inspection by the building official during excavation shall be mandatory. Side lot line restrictions shall apply as provided for in appendix A, section 5 of this Code.
- (c) *Non-waterfront property.* A swimming pool may be constructed in rear yards of inside non-gulf-front and non-intracoastal frontage lots, provided the pool is set back at least five feet from the rear lot line. Side lot line restrictions shall apply as provided for in appendix A, section 5, of this Code.
- (d) Notwithstanding the setback requirements of subsections 6-234(a) and (b), when the engineer of record certifies to the building official that the proposed swimming pool along with all existing or proposed seawalls can be safely engineered so that foundations, deadman, tiebacks, and all other structural features of both the swimming pool and the seawall meet the requirements of

the state building code as well as sound engineering and construction practices, the building official may, if the engineering of the seawall and pool so permit, administratively vary the gulf front setback to no less than 12 feet from the coastal construction control line and the required setback on intracoastal-frontage properties to no less than five feet from the center of the seawall cap. The certification required by this paragraph shall be in writing to the town building official on a form to be provided by the town.

For the purposes of this section, the "engineer of record" is defined in section 10-10.

(Code 1980, § 5-6(a)—(c); Ord. No. 94-08, § I, 12-5-94; Ord. No. 09-06, § 1, 5-5-09; Ord. No. 2018-04, § 2, 1-2-19; Ord. No. 2022-11, § 2, 9-21-22)

Cross reference— Zoning, App. A.

Sec. 6-235. - Maximum height.

In-ground pools and decks shall not be higher than 12 inches above the lowest dwelling slab level that exits onto the rear yard unless erected within the building setback requirements. All pools shall meet side yard setbacks. Above ground pools or spas shall not exceed four feet above average ground level on non-waterfront yards and shall meet side yard setbacks and the rear setback shall be a minimum of ten feet. On waterfront lots, above ground pools or spas shall meet all setbacks.

(Code 1980, § 5-6(d); Ord. No. 2022-11, § 3, 9-21-22)

Sec. 6-236. - Reserved.

Editor's note— Ord. No. 92-06, § I, adopted May 19, 1992, repealed § 6-236, which pertained to enclosures and derived from § 5-6(e) of the town's 1980 Code.

Secs. 6-237—6-255. - Reserved.