



**TOWN OF REDINGTON BEACH
BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA
Thursday, June 15, 2023**

The Board of Adjustment of the Town of Redington Beach, Florida, will hold a Meeting at 6:30pm, on Thursday, June 15, 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**
- 3. ROLL CALL**
- 4. Approval of Agenda of June 15, 2023**
- 5. Approval of Minutes of May 18, 2023**
- 6. New Business**

a. Property address 399 161st Ave. REDINGTON BEACH HOMES 6TH ADD BLK 2, LOT 1 & RIP RTS. The applicant is requesting a variance from Section 6-235 and Section 5, (b) from the Town's Code or Ordinances to allow a spa and attached arbor to be located within the required 25-foot setback with a proposed setback of approximately 16 feet from the seawall.

7. 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, May 18th, 2023
6:30PM**

The Board of Adjustment meeting was called to order at 6:30pm by Chairman Bellemore.

The Pledge of Allegiance was followed by a moment of silence.

Roll call was taken: Mr. Mike Morgan, Vice-Chairman Ken Sulewski, Mr. James Sommer, Chairman Darcy Bellemore, Alternate member Mr. John Laratta. Absent was Mr. Robert Rockell. Attending via phone was Building Official Mr. Bruce Cooper. Also in attendance was Attorney, Jeremy Simon and Deputy Clerk Dee Runyon.

Approval of agenda: Agenda of May 18, 2023 was approved with all ayes.

Approval of minutes: Minutes of February 16, 2023 was approved with all ayes.

Oath of Office:

- a) John Laratta – Attorney, Jeremy Simon administered oath
- b) Mike Morgan – Attorney, Jeremy Simon administered oath

New Business:

- a) Property located at 15807 Redington Dr. requested the Board of Adjustment approve a variance to replace an existing dock with a new 50' dock.

Chairman Bellemore called for the swearing in of any audience members wishing to testify.

Attorney, Jeremy Simon performed the swearing in of the applicants Wendy and Mitchell Covington.

Ms. Covington of 10071 Gulf Blvd. Treasure Island, stated that her property had an existing dock longer than 50'. Initially they were only going to replace the decking. Pursuant to Chapter 5 Section 5-57 (a)(3)(e) she decided to now build a new one. Applicant requests replacing existing dock with new dock.

Chairman Bellemore asked if anyone request to speak against it. No one opposes. Also, there were no letters submitted either approving or opposing the request.

Chairman Bellemore addressed Bruce Cooper asking his opinion of his findings in the case, and he is in favor of granting the request since she is replacing an existing dock.

Vice-Chairman, Ken Sulewski made a motion to approve the request and Mike Morgan seconded the motion.

Roll call – Request to approve with all ayes.

	Motion	Second	Aye	Nay	Absent
Darcy Bellemore			X		
Ken Sulewski	X		X		
James Sommer			X		
John Laratta			X		
Mike Morgan		X	X		

Chairman, Darcy Bellemore - Moving on to new business (b)

b) Property located at 16100 5th St. E. requested the Board of Adjustment approve a variance to permit a new dock with boat lift to be located six inches from the waterward projection of the side lot lines.

Chairman Bellemore called for the swearing in of any audience members wishing to testify. Attorney Simon swore-in anyone who wished to give testimony.

Attorney for the applicant, Mr. Craig Taraszki of 490 1st Ave. South, St. Petersburg, requested approval for a variance to encroach onto the 7.5" sideline setback to build a dock with boat lift to be located six inches from the waterward projection of the side lot lines. Attorney Tareszki stated special conditions due to the pie shape of the lot being 120' at street view, narrowing to 25' waterfront. Attorney Taraszki also noted similar cases of past approved variance request from years 2009 and 2005.

Attorney Simon reminded applicant that past cases are irrelevant to this case.

Chairman Bellemore asked if anyone in the audience would like to testify.

The applicant Keith Koehler of 401 N Howard Ave. Tampa, Fl. approached the Board and requested the Board approve the variance.

5-persons in the audience spoke against approving the variance request.

5-letters were submitted as well – opposing variance request.

Attorney Tareszki made closing statement to approve the request for the dock and watercraft lift.

Building official Bruce Cooper recommended approval due to special circumstance.

Attorney Simon asked for any closing statements.

Chairman Bellemore called for a motion.

Vice-Chairman Ken Sulewski made a motion to deny the variance request. Mr. Morgan seconded the motion.

Attorney Simon clarified to the Board that voting "yes" will deny the variance request.

Motion to deny request with a roll call vote.

	Motion	Second	Aye	Nay	Absent
Darcy Bellemore			X		
Ken Sulewski	X		X		
James Sommer			X		
John Laratta			X		
Mike Morgan		X	X		

With no further business, Chairman Bellemore adjourned the meeting at 7:34pm.



Dee Runyon
Deputy Town Clerk

TOWN OF REDINGTON BEACH, FLORIDA
VARIANCE APPLICATION

MAY 15 2023

(Please type or print clearly)

Property Owner(s)

Name <i>Barbara and Charles Wimpee</i>		Email <i>bwimpee@gmail.com</i> <i>cwimpee@gmail.com</i>	
Address <i>399 161st Ave</i>			
City <i>Redington Beach</i>		State <i>FL</i>	Zip <i>33708</i>
Phone	Fax	Cellular	

Applicant

Name <i>Same as above.</i>		Email	
Address			
City		State	Zip
Phone	Fax	Cellular	

Agent (if applicable) *N/A*

Name		Email	
Address			
City		State	Zip
Phone	Fax	Cellular	

General Information

Property Location or Address <i>399 161st Ave Redington Beach FL 33708</i>	
Legal Description (attach additional sheet if necessary) <i>see attached</i>	
Tax Parcel Number <i>04/31/15/73962/002/0010</i>	Zoning District

Requested Action:

Describe request and applicable code section:

Variance for spa.

Article VIII Section 6-233, 6-234, 6-235

Appendix A Section 5b

Required LDC Regulation(s): [list all that apply]

TOWN OF REDINGTON BEACH

VARIANCE APPLICATION

1. What special conditions or circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other similarly situated lands, structures or buildings in the same district?

The only peculiarity is that our seawall is at an angle relative to the house, meaning that the concrete slab is 16 feet 3 inches from the center of the seawall cap one side, and 19 feet on the other. Our spa does not obstruct anyone's view. It is located behind a row of low palm trees.

2. What literal interpretation of the provisions of the applicable code would deprive the Applicant(s) of rights commonly enjoyed by other similarly situated properties in the same district under the terms of the applicable code?

We read Article VIII Sec. 6-233, Sec. 6-234 and Sec. 6-235 and thought that we were abiding by the regulations, including a 12 foot setback. We were informed of a different section of the code (Appendix A Section 5b) that specifies a 25 foot setback. We were not aware that this regulation would apply to our spa, since it is not a building.

3. What special conditions or circumstances entitles the Applicant to a variance that are NOT self-created by the Applicant or an action taken with the Applicant's prior knowledge or approval?

See above. We were not aware of any code violation. All actions were taken with our prior knowledge and approval, but without a full understanding of the subtleties of the code.

4. Explain how the granting of the variance will not confer on the Applicant any special privilege that is denied by the applicable code to other similarly situated lands, structures or buildings in the same district.

A permit for the concrete slab passed inspection twice (June 20, 2022 and July 22, 2022). The notarized Notice of Commencement states that the concrete slab is for a spa. We do not think the granting of a variance would confer any special privilege, since we thought the regulations for a spa would be the same as for a pool, and is comparable to other pools in the neighborhood.

5. Explain how the variance requested is the minimum variance necessary to permit the reasonable use of the lands, structures or buildings, will be in harmony with the general purpose and intent of the applicable code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

As stated above, our interpretation was that we were abiding by the regulations set forth in Article VIII. We feel that the position of the spa is therefore is reasonable and in harmony with the general intent of the code. It is not injurious or detrimental to the neighborhood or general public welfare, since it is barely visible from the street.

Note: No variance may be granted arising from illegal construction of a structure or an illegal use of the premises which would otherwise have required a permit to be issued and which construction was commenced illegally. Under such conditions, the property owner shall have no legal right to apply for a variance and the Board shall have no legal right to grant a variance.

Section 6-290(g): Any variance granted under the provisions of this code shall expire within sixty (60) days from the date of the executed order granting the variance unless a building permit for construction or alteration has been issued in accordance with the plans and conditions upon which the variance was granted.

Non-Ad Valorem Assessments

LEVYING AUTHORITY

RATE

AMOUNT

No Non-Ad Valorem Assessments.

Parcel Details

Owner:	WIMPEE, CHARLES FRANKLIN WIMPEE, BARBARA ANN	Account	R37232	Assessed value:	\$666,997
		Parcel Number	04/31/15/73962/002/0010	School assessed value:	\$666,997
Situs:	399 161ST AVE REDINGTON BEACH	Millage code	RB - REDINGTON BCH TR		
		Millage rate	15.3220		

2022 TAX AMOUNTS		LEGAL DESCRIPTION	LOCATION	
Ad valorem:	\$9,602.70	REDINGTON BEACH HOMES 6TH ADD BLK 2, LOT 1 & RIP RTS	Property class:	
Non-ad valorem:	\$0.00		Range:	15
Total	\$9,602.70		Township:	31
Discountable:			Section:	04
Total tax:	\$9,602.70		Neighborhood:	REDINGTON BEACH HOMES 6TH ADD
			Block:	002
			Lot:	0010
			Use code:	0110

EXEMPTIONS

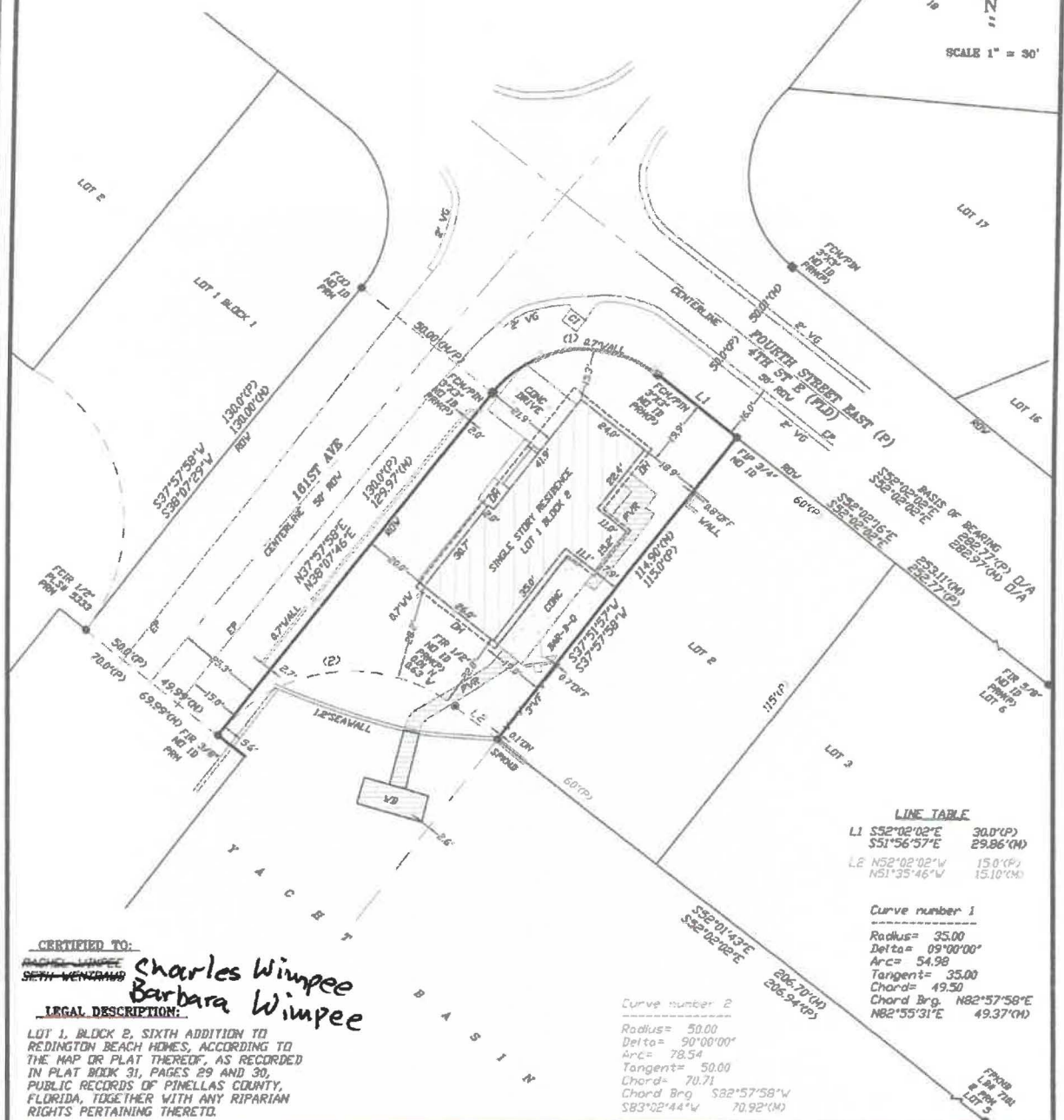
ADDITIONAL HOMESTEAD	\$25,000
HOMESTEAD	\$25,000

Pinellas County Tax Collector
P.O. Box 31149, Tampa, FL 33631-3149

LOT 19

N

SCALE 1" = 30'



~~RACHEL LINDER~~
~~SETH WEINBAUM~~

Charles Wimpee
Barbara Wimpee
DESCRIPTION:

LOT 1, BLOCK 2, SIXTH ADDITION TO
REDINGTON BEACH HOMES, ACCORDING TO
THE MAP OR PLAT THEREOF, AS RECORDED
IN PLAT BOOK 31, PAGES 29 AND 30,
PUBLIC RECORDS OF PINELLAS COUNTY,
FLORIDA, TOGETHER WITH ANY RIPARIAN
RIGHTS PERTAINING THERETO.

L1	S52°02'02"E	30.0'(P)
	S51°56'57"E	29.86'(M)
L2	N52°02'02"W	15.0'(P)
	N51°35'46"W	15.10'(M)

Radius= 35.00
Delta= 09°00'00"
Arc= 54.98
Tangent= 35.00
Chord Brg. N82°57'58"E
N82°55'31"E 49.37(M)

Radius= 50.00
Delta= 90°00'00"
Arc= 78.54
Tangent= 50.00
Chord= 70.71
Chord Brg S82°57'58"W
S83°02'44"W 70.92'(M)

[illegible]

SURVEYORS NOTES:

SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREIN. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENT OR RIGHT-OF-WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREIN. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREIN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS SURVEY IS VALID FOR 90 DAYS.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY MAP WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN HEREON AND IN ACCORDANCE BY THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPER, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.50 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

BY: ERROL A. AYUSO
ERROL A. AYUSO, P.S.M #5955

FLOOD ZONE: "AE"(EL: 11)
COMMUNITY PANEL
No. 125140-0183G
DATED: 09-03-2003

INFORMATION SHOWN HEREON BY NO MEANS
REPRESENT A DETERMINATION ON WHETHER
PROPERTIES WILL OR WILL NOT FLOOD.
LAND WITHIN THE BOUNDARIES OF THIS
PLAY MAY OR MAY NOT BE SUBJECT TO
FLOODING.

AYUSO SURVEYING, INC. D/B/A ERROL A. AYUSO
PROFESSIONAL SURVEYORS & MAPPERS PSM #5935
10170 11TH STREET NORTH UNIT # 105
ST. PETERSBURG, FLORIDA 33716
727-528-2399 OR 528-1839, FAX 727-528-2038
E-MAIL AYUSOSURVEYING@YAHOO.COM

REVISIONS DATE:

FILE NO. 16130P11

SURVEY FIELD DATE: 11-29-2018

CHECK BY: EAA

DRAWN BY: EAA

FIELD CREW: EA, CM, GL

**TOWN OF REDINGTON BEACH, FLORIDA
VARIANCE APPLICATION**

AFFIDAVIT

I (we), the undersigned, certify ownership of the property within this application, that said ownership has been fully divulged, whether such ownership by contingent or absolute, and that the name of all parties to an existing contract for sale or any options are filed with this application.

I (we) certify that _____ is/are duly designated as the agent(s) for the owner, that the agent(s) is (are) authorized to provide subject matter on the application contained herein, whether verbal or written, and appear at any public hearing(s) involving this petition. Further, it is understood that this application must be complete and accurate and the appropriate fee paid prior to processing.

Date: May 15, 2023

Title Holder: _____

Date: May 15, 2023

Title Holder: _____

Date: _____

Title Holder: _____

Date: _____

Title Holder: _____

STATE OF FLORIDA

Florida

COUNTY OF PINELLAS

Pinellas

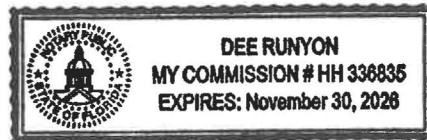
The foregoing instrument was acknowledged before me by X physical presence or _____ online notarization this 15 day of May, A.D. 2023, by

Charles Wimpee who is personally known to me or who has produced
FL. D.L. as identification and who did (did not) take an oath.

NOTARY PRINTED NAME: _____

NOTARY SIGNATURE: _____

NOTARY STAMP





Town of Redington Beach
105 164th Avenue, Redington Beach, FL 33708
Email: info@townofredingtonbeach.com
Phone: 727-391-3875

NOTICE OF PUBLIC HEARING VARIANCE APPLICATION

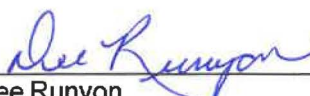
Property located at 399 161st Ave. REDINGTON BEACH HOMES 6TH ADD BLK 2, LOT 1 & RIP RTS of the Public Records of Pinellas County Florida., The applicant is requesting a variance from Section 6-235 and Section 5, (b) from the Town's Code or Ordinances to allow a spa and attached arbor to be located within the required 25-foot setback with a proposed setback of approximately 16 feet from the seawall.

Town Code: Sec 6-235 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.

You as a property owner are within 150' of the subject property and are invited to register your opinion at a Public Hearing to be held June 15, 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 Clerk stating your reasons for your opinion. This letter should be mailed or emailed to 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 Clerk
Town of Redington Beach, FL

Date of Notice: May 16, 2023



TOWN OF REDINGTON BEACH
105-164th AVENUE
REDINGTON BEACH, FL 33708
PHONE: 727-391-3875
FAX: 727-397-6911
www.townofredingtonbeach.com

Variance request for 399 161st

The board of adjustment shall have the following powers and duties:

(1) To authorize upon application in specific cases such variances from the terms of the Town's Code of Ordinances unless otherwise specifically excepted, that as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of those provisions would result in unnecessary and undue hardship.

(2) To consider written applications for a variance when it is demonstrated that:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other similarly situated lands, structures, or buildings in the same district; and

STAFF COMMENT:

The applicant's lot is located at the corner of 4th St E and 161st. The lot is peculiar in shape along seawall which the rear setback goes from 19 feet to 16 feet. The spa has an attached open arbor.

b. A literal interpretation of the provisions of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated properties in the same district under the terms of the applicable code.

STAFF COMMENT:

The literal interpretation of the code would not deprive the applicant of rights commonly enjoyed by others.

c. No variance shall be granted unless the applicant demonstrates by relevant, competent, and substantial evidence that the following criteria have been satisfied:

1. The property has an unusual hardship not suffered by other similarly situated properties within the same district;

STAFF COMMENT:

As stated above, this property does have a peculiar shape and is located on the corner.



TOWN OF REDINGTON BEACH
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2. The hardship of the property was not self-created by the applicant and was not the result of an action taken with the applicant's prior knowledge or approval. Further, no variance may be granted arising from illegal construction of a structure or an illegal use of the premises which would otherwise have required a permit to be issued and which construction was commenced illegally. Under such conditions, the property owner shall have no legal right to apply for a variance and the board shall have no legal right to grant a variance.

STAFF COMMENT:

The special conditions were not created by the applicant.

3. The requested variance is the minimum variance necessary to permit the reasonable use of the property;

STAFF COMMENT:

Based on the above conditions, this request is reasonable provided that the applicant can move the spa closer to the house to provide additional rear setback.

4. The requested variance will not confer on the applicant any special privilege that is denied by the applicable code to other similarly situated property owners;

STAFF COMMENT:

Granting the variance would not confer any special privilege.

5. The literal interpretation of the applicable code would deprive the applicant of rights commonly enjoyed by other similarly situated property owners;

STAFF COMMENT:

Literal interpretation would not deprive the applicant of rights commonly enjoyed by other properties



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6. The requested variance will not be contrary to the public interest and will be in harmony with general intent and purpose of the applicable code.

STAFF COMMENT:

The requested variance will not be contrary to the public interest and would be in harmony of the code.

STAFF RECOMMENDATION:

Recommend approval provided that the applicant can move the spa closer to the house which would provide for additional rear setback.

Bruce Cooper

Bruce Cooper, CBO, CFM

Building Official