



**MINUTES
BOARD OF ZONING APPEALS
MAY 5, 2021**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Convention Center, on Wednesday, May 5, 2021.

The Board members' staff briefing, was held at 1:00 p.m. at the Convention Center to provide the Board members information pertaining the agenda of May 5, 2021.

Board Members Present: Janice Anderson, Myles Pocta, Harry Purkey Jr., Robert Thornton, David Whitley, and Elizabeth Kovner and Jan Hall sat as the alternates.

Case 2021-BZA-00018: Linda Patterson Variance to a 3.24 foot west side yard setback instead of 8 feet as required for a proposed addition **5735 Brandon Blvd** Zoning: R-5D GPIN: 1455-75-5518

Board Action: APPROVED WITH 2 CONDITIONS ON MAY 5, 2021

Conditions:

1. The proposed attached garage addition shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 1 SITE B BLOCK L RESUBDIVISION OF LOTS 1,2,3 & 5 BLOCK L, LOTS 4,5,6,7 & 8 BLOCK I BRANDON, SECTION SIX" dated October 30, 2019 prepared by Compass and Chain L.L.C.
2. Two 9-foot by 18-foot off-street all-weather surface parking spaces shall be installed and provided on-site, prior to receiving a final inspection for the proposed garage addition.

Linda Patterson appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
KOVENER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00021: Greg Battaglia Variances to an 18.8 foot front yard setback instead of 30 feet as required for a proposed 2nd floor dormer and porch/entry; and to a 15 foot side corner setback from the property line adjacent to Atlantic Ave instead of 30 feet as required for proposed room additions; and to a 14 foot side corner setback from the property line adjacent to Atlantic Ave instead of 30 feet as required for a proposed detached garage **4607 Atlantic Ave** Zoning: R7.5 GPIN: 2418-87-9785

Board Action: APPROVED WITH 5 CONDITIONS ON MAY 5, 2021

Conditions:

1. The proposed building additions, renovations and detached garage shall be made in substantial adherence to the submitted site plan entitled "LOT 91 AND PART OF LOT 92 A MAP OF THE HOLLIES ON ATLANTIC OCEAN" dated December 23, 2020 prepared by ALPHATEC SURVEYORS LTD.
2. The proposed building additions, renovations and detached garage shall be made in substantial adherence to the submitted building elevations prepared by Battaglia Design.
3. The proposed building additions to the existing dwelling must be completed with a final building inspection before obtaining a building permit for the proposed 1 ½- Story 590 square foot detached garage. Otherwise, the proposed detached garage cannot exceed 500 square feet in floor area.
4. The existing storage shed shall be removed, prior to receiving a final inspection for the proposed building additions.
5. Modified to a 20 foot side corner setback from the property line adjacent to Atlantic Avenue instead of 30 feet as required for a proposed detached garage.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the variance as modified with 5 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
KOVENER	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00022: Aaron Phipps Variances to a 28.2 foot front yard setback from the western property line adjacent to Penguin Cir instead of 50 feet as required; & to a 29.2 foot front yard setback from the eastern property line adjacent to Penguin Cir instead of 50 feet as required for a proposed residential addition **1301 Penguin Cir** Zoning: R-40 GPIN: 2418-31-2436

Board Action: APPROVED WITH 2 CONDITIONS ON MAY 5, 2021

Conditions:

1. The proposed room addition and renovations shall be made in substantial adherence to the submitted concept site plan entitled "PHILLIPS RESIDENCE CONCEPT PLAN-BZA" dated February 17, 2021 prepared by 1230 ARCHTECTS.
2. The proposed room addition and renovations shall be made in substantial adherence to the submitted building elevations entitled "PHILLIPS RESIDENCE BZA ELEVATIONS" dated February 17, 2021 prepared by 1230 ARCHTECTS.

Tyler Rosa, Attorney with Williams Mullen appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
KOVENER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00015: Gerald O'Hara Variance to a 24-foot side corner setback from the property line adjacent to Bruton Lane; instead of 30-feet as required for proposed two-story attached three-car garage/building addition **1100 Bay Colony Dr** Zoning: R-20 GPIN: 2418-27-6955

Board Action: WITHDRAWN ON MAY 5, 2021

An email was received requesting to withdraw the application.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Purkey to withdraw the application. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
KOVENER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00019: Allegra Staicer An appeal to the Zoning Administrator’s or his designee letter dated February 9, 2021 entitled “Determination for Conditional Use Permit (Tattoo Parlor), 2133 Upton Drive Suite 120” considering if a tattoo parlor and/or permanent makeup operation is within 600 feet of another tattoo parlor and/or permanent makeup operation Zoning: B-2 GPIN: 2414-35-2667

Board Action: UPHELD ZONING ADMINISTRATOR’S INTERPRETATION ON MAY 5, 2021

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

Victoria Eisenberg, Assistant City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

Kevin Kemp, Zoning Administrator appeared before the Board to provide commentary.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Purkey to uphold the Zoning Administrator’s interpretation. All voted for the motion except Mr. Thornton who voted no.

AYE	6	NO	1	ABSTAIN	0	ABSENT	0
ANDERSON			AYE				
HALL			AYE				
KOVENER			AYE				
POCTA			AYE				
PURKEY			AYE				
THORNTON			NO				
WHITLEY			AYE				

Respectfully Submitted

David Whitley
Chairman

lmr