

MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART BOARD OF ADJUSTMENT HELD IN CITY HALL, 121 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, JANUARY 24, 2013

Those present: Bonnie Landry, Chair
Dr. E.E. Griffith, Vice Chair
Mark Mathes
Donna Rollins
Howard Gilman Jr.

Those absent:

Also present: Tom Reetz, Project Planner II

I. CALL TO ORDER: Chairman

Chair Landry called the meeting to order at 5:00PM.

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above

III. OATH OF OFFICE

IV. REORGANIZATION

MOTION: Mark Mathes nominated Bonnie Landry as Chair

SECOND: Donna Rollins

Motion carried 5/0

MOTION: Mark Mathes nominated Dr. Griffith as Vice Chair

SECOND: Donna Rollins

Motion carried 5/0

V. ORIENTATION

Terry O'Neil reviewed the board rules and regulations and Mike Durham reviewed the Sunshine Laws.

VI. APPROVAL OF MINUTES: July 26, 2012

MOTION: Donna Rollins

SECOND: Dr. Griffith`

Motion carried 5/0

Public Comments: None

Board Comments: None

1. Request to consider a variance from minimum rear building setback standard to allow for the addition of a covered lanai on the property located at 327 SE Cardinal Way. Owners: Gianni and Sherrie Crescini

Presentation: Tom Reetz, Project Planner II
Kirk Geismar, General Contractor

Public Comments:

Stanley Huddleston of 334 Cardinal Way said the Crescini's have greatly enhanced the property since they've moved in.

Arthur Ehrhardt of 320 Egret Place said the content of the mailed notice did not include the map, he said the boundary survey in the packet does not accurately reflect the addition of the structure that Mr. Crescini built without a permit on the south side.

Bonnie Landry said that they are only discussing the variance and if he has a conflict with something else, this board has no authority.

Arthur Ehrhardt said the board can't grant a variance for something that no longer has legal use.

Mark Mathes said he asked that question in the beginning and was told by staff this is a legal conforming structure that was being added to and the addition is not to the portion he has questions about.

Arthur Ehrhardt said the stairway was built after the fact and is not on any of the documents, his property is obstructed by airflow and light, he has sustained water damage and this property is the only one in St. Lucie Crescent with setbacks that encroach so much and giving it additional encroachments is not right and sets a bad precedent.

Dr. Griffith asked about a picture that Arthur Ehrhardt gave to the board clarifying that the runoff from their building has created this big area.

Bonnie Landry said what they are proposing is going to improve the drainage with rain barrels.

Arthur Ehrhardt said he was told that if he brought these issues up and pursued them that the city would then look at the whole neighborhood including his property and start picking out zoning variances which was disconcerting to him.

Terry O'Neil said they spoke with the Crescini's regarding construction without permits and they needed to address and remedy this. He said they came in and met with staff and the building official and had to disclose all construction that they knew was built without a permit and to obtain the after the fact permits in order to cure that before coming before0

this board. The Crescini's have come before the board under oath and testified what was built. He said the building official has visited the site and in his opinion it is in compliance as to permits.

Sherrie Crescini said they did not build the addition on her home; it was done before they purchased the property as was the spiral staircase and the deck.

Board Comments:

Mark Mathes asked Tom Reetz to confirm that on Exhibit B, the foundation plan crosshatching is actually reflecting the limits of the existing concrete pad and the electrical plan implies the footings holding up the lanai are outside the concrete foundation which means the foundation plan is inaccurate and asked for clarification.

Kirk Geismar, the General Contractor said they are only going out to the edge of the building which is nine feet.

Mark Mathes asked if the plans were inaccurate.

Kirk Geismar said that they were. He said originally when the plans were done they did not know how to deal with the variance.

Mark Mathes asked if they were going to saw cut the existing pavement to fit the foundation for the footings, asked about the block wall and how the roof drains.

Kirk Geismar said that they would and it would be a continuous footing as opposed to isolated pads, there would not be a block wall.

Tom Reetz said the owner will put gutters along the back fascia of the lanai.

Kurt Geismar said there is already a concrete slab there and it would not increase any impervious area.

Mark Mathes asked where the water from the downspout is going to be routed to.

Kirk Geismar said to the back yard.

Bonnie Landry clarified with staff that they are basing the recommendation on the criteria, they are not required to improve any current conditions; they just can't make conditions worse?

Terry O'Neil said they could place a condition that the applicants demonstrate that the statement is true otherwise the permit would not be issued.

Mark Mathes asked staff if the work that was done on the property without permits has been taken care of.

Tom Reetz said the applicants have gotten all four after the fact permits.

Mark Mathes said there was a comment in the packet that some of the after the fact permits that were granted would have had to come with a variance because they were improvements in the setbacks and asked how they were granted.

Tom Reetz said those permits did not pertain to that allegation.

Mark Mathes said there may have been improvements done without benefit of a permit and asked if they intended to do any research on them.

Tom Reetz said they received information earlier this week and they will investigate.

Donna Rollins asked if concrete slab came under the same rules.

Tom Reetz said concrete slabs don't necessarily encroach on setbacks.

Donna Rollins asked if the variance is for the entire 30 feet.

Tom Reetz said the variance is for the width or the nine foot part that encroaches into the rear setback.

Kirk Geismar they are only talking about 14.8% encroachment into a 270 square foot patio so they are not asking for a variance for the entire patio, just a small portion.

Sherrie Crescini gave each board member information on the home, said she explained to the neighbors what they wanted to do and that when it rains water seeps in and causes wood rot and mold.

Gianni Crescini clarified the porch location, said the pilings are new and the stairs have been reinforced.

Mark Mathes reviewed the criteria and recommended that a French drain be installed along the entire rear property line and that they use rain barrels.

Gianni Crescini asked about using sand instead.

Dr. Griffith said it sounded like Arthur Erhardt had a list of concerns that he felt had never been dealt with from the previous owner to the present owner.

Arthur Erhardt said the present owner only because what's done is done with the previous owner.

Dr. Griffith asked if he was upset with what the previous owner had done.

Arthur Erhardt said no, he had watched Mr. Crescini build the addition and he would swear to that in an affidavit along with other people and he did not say anything about the stairway other than it does not conform to setback requirements.

Dr. Griffith asked if the French drain would help him.

Arthur Erhardt said if he didn't have to build a trench each time it rained to redirect the water and if Mr. Crescini disconnected the plastic pipe that dumps the water on his property, then it would solve the situation.

MOTION: Mark Mathes moved to approve the variance such that all portions of the foundation of the lanai and the columns do not extend beyond the extreme portion of the house and that the homeowner as part of the permit for obtaining the lanai address the drainage overflow across the entire eastern property line through either a sub-surface trench drain, rain barrels with gutters or some type of above ground containment system to the satisfaction of City Staff and City Public Works Engineers as clarifying staff with the amendment that they preferred the subterranean solution and direct any gutters away from the neighboring property

SECOND: Dr. Griffith

Motion carried 5/0

Terry O'Neil said with the suggested improvements it is important that the City Engineer look and assure that in creating that fix it doesn't adversely affect the property owners on the sides

VII: COMMENTS FROM THE PUBLIC:

VIII: NEXT BOA MEETING:

February 28, 2013

IX: ADJOURN:

6:52PM

Chair Landry, there being no further business before the Board the meeting is adjourned.

APPROVED

RESPECTFULLY SUBMITTED

Bonnie Landry, Chair

Michelle Vicat, Board Secretary