

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, JANUARY 4, 2011
6:00 P.M.**

CALL TO ORDER

Chair Mattick called the meeting to order at 6:00 p.m.

PLEDGE TO THE FLAG

PRESENT: Boardmembers Margaret Jenkins, Nancy Yetter, Tom Turner (6:05 p.m.), Bob Barlow, and Chair Sandy Mattick.

Absent: Boardmembers Carl Pearman and Mike Pescitelli.

Staff Present: City Clerk Alice Baird, Building Official Bob Welch, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

Also Present: Mayor Michael Selby.

Press: Sun and Islander.

PUBLIC HEARING

1. **A Variance Request from the Provisions of Section 114-262(4) Requesting a 35-ft Variance from the Required 35-ft Front Yard Setback and a 7-ft Variance from the Required 7-ft Side Yard Setback for the Waterfront Restaurant Located at 111 South Bay Blvd, Lot 30, Block 2, Anna Maria Beach Subdivision.**

Applicant – Jason R. Suzor – Suzor Properties, LLC d/b/a The Waterfront Restaurant

--*Chair Mattick* asked if there were any ex-parte communications. There were none.

--*City Clerk Baird* swore in all persons wishing to speak.

--*Planner Garrett* acknowledged that the applicant had provided the proof of notifications for the mailings to all the surrounding property owners and the proof of publication in the newspaper.

Applicant Presentation

Applicant *Jason R. Suzor*, on behalf of Suzor Properties, LLC d/b/a The Waterfront Restaurant, stated he was applying for a variance for the restaurant - mainly for the purpose of safety. He informed that the variance was to extend the current railing and awning on the existing deck around to the side of the building. Pointing out that there are presently flower boxes where they would like the railing and awning extended, often their patrons will cut through the flower boxes and will trip and fall. Also, due to the occasional winds, the umbrellas and tables on that side of the building will fall over. He pointed out that his insurance company has indicated the need to address the safety issue of the existing flower boxes.

Mr. Suzor and his Architect *Gene Aubry* confirmed that the total square footage was approximately 2,600 sf. The parking lot behind the restaurant was included in the land.

Boardmember Turner stated that the canopy was not originally included in the original Site Plan.

Mr. Suzor explained that originally the railing was to be brought around the deck and not the awning. However, at that time, rather than waiting an additional month to obtain P&Z Board approval prior to re-opening their business after a fire that had occurred, it was agreed that planters would be placed there instead. Explanation followed.

Mr. Suzor stated that extending the currently existing awning would allow his patrons protection from the wind and would block the sun.

Planner Garrett suggested that the P&Z Board may only want to consider the side yard setback variance for only that portion of the property where the existing deck is located (25.5-ft southwesterly from the S. Bay Blvd and Spring Ave Lot corner). He said if the variance were to be granted as requested then the entire building could be brought all the way up to Spring Ave. However, the applicant is only asking for changes for a portion of the deck.

Discussion followed relating to what was approved on the original Site Plan approximately six years earlier and building of the deck. Details were explained by *Planner Garrett*.

Public Comment

Chair Mattick officially opened the Public Comment portion of the Public Hearing.

Architect Gene Aubry stated that there had been no changes to the original Site Plan and the deck had been built as originally proposed. The seating on the deck had not changed since the restaurant opened. Mr. Aubry felt that The Waterfront Restaurant was a great asset to the community. He encouraged approval of the variance request.

Hearing no further public comment, Chair Mattick officially closed the public comment portion of the Hearing.

Continued P&Z Board Discussion

Boardmember Turner suggested that a rollup awning be utilized.

Mr. Suzor informed that with the L-shaped area it would be difficult to design a rollup awning. Also, it was windier in the front of the restaurant. He stated that the canvas awning was a hurricane awning that can completely be removed in the event of a hurricane. He felt extending the current awning and tempered safety glass around the deck would be more esthetically pleasing and would allow the best protection from the wind and sun.

Boardmember Turner still felt a rollup awning should be considered.

ACTION

Passing the gavel to Vice-Chair Barlow, *Chair Mattick* made the following motion:

- MOTION:** **Chair Mattick** moved to grant a Variance for the existing deck area only -for the Waterfront Restaurant located at 111 S. Bay Blvd, Lot 30, Block 2, Anna Maria Beach Subdivision, as shown on the boundary survey dated March 4, 2009 and based on the following findings:
- 1) **There are substantial practical difficulties and hardships in carrying out the strict letter of the regulation, and these difficulties and hardships are due to existing special conditions and unique circumstances which are peculiar to the specific property involved and which are not generally applicable to other properties or structures in the same district;**
 - 2) **The condition giving rise to the requested variance is due to unique circumstances not created by the applicant or any person presently having an interest in the property;**
 - 3) **The variance request is not based exclusively upon a desire to reduce the cost of developing the site;**

- 4) **The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public;**
- 5) **The proposed variance will not substantially diminish property values in, or alter the essential character of, the area surrounding the site;**
- 6) **The variance request is not passed on the presence of nonconformities in the district or adjoining districts;**
- 7) **The proposed variance is the minimum modification of the regulation at issue that will afford viable relief, and**
- 8) **The effect of the proposed variance is in harmony with the general intent of the comprehensive plan, this chapter, and the specific intent of the subject area of the provision.**

The motion was seconded by Vice-Chair Barlow.

ACTION: On Roll Call Vote, the motion carried on a vote of 4 to 1 with Boardmember Turner voting No.

Planner Garrett announced that the P&Z's recommendation for approval will be presented to the City Commission for their final consideration at their January 27, 2011 – 7:00 p.m. – meeting. The Public Hearing has been duly noticed and advertised.

DISCUSSION

1. Continued Discussion Regarding Variance Findings.

Planner Garrett informed he had researched approximately six communities relating to their variance findings requirements. However, all findings deal primarily with issues not found in Anna Maria such as hardship, configuration of the land, height, etc. It was agreed that Planner Garrett will continue his research and bring back his recommendations at the February 2011 meeting.

OLD BUSINESS

New Comprehensive Land Use Designations

Chair Mattick informed that the P&Z Board, at their December 7, 2010 meeting, had recommended approval of the new Comprehensive Land Use Designations – Historic Pier Land Use Category and the Marine Use Land Use Category.

Planner Garrett stated that at the P&Z Board's next meeting they will address Zone Districts to implement the new Land Use Designations. Planner Garrett noted he had asked the Rod & Reel if they sold beer outside to persons arriving in boats. Since the Rod & Reel has no packaged license, beer could only be sold to those persons coming into the restaurant to purchase individual beers.

Future joint City Commission/P&Z Board Workshops

No date has been set. The P&Z Board will be notified when the next workshop is scheduled.

NEW BUSINESS – None.

MINUTES

Consider P&Z Board Meeting Minutes for December 7, 2010.

**MOTION: Boardmember Turner moved that the December 7, 2010 Planning & Zoning Board Meeting Minutes be approved as written. Boardmember Yetter seconded the motion.
Motion carried – All Aye.**

PUBLIC COMMENT – None.

ADJOURNMENT

The meeting was adjourned by Chair Mattick at 6:35 p.m.

The next P&Z meeting will be held on Tuesday, February 1, 2011, 6:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____