

**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
December 14, 2022
MINUTES TO THE REGULAR MEETING**

The meeting was called to order by Chairman Wakstein at 1:00 p.m. and Ms. Deese was asked to call the roll. Members present were Mr. Scruggs, Mr. Coleman, Mr. Houk, and Chairman Wakstein. Mr. Johns, Mr. Morehouse, and Mr. Register were absent. Mr. Scruggs led the Pledge of Allegiance.

ITEM NO. 3 Approval of the November 9, 2022, Planning Board Meeting Minutes

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Mr. Houk noted his address correction for Ms. Deese and made a motion to approve as the minutes as amended. It was seconded by Mr. Coleman. Ms. Deese called the roll.

Mr. Scruggs	Yes	Mr. Coleman	Yes
Mr. Houk	Yes	Chairman Wakstein	Yes

ITEM NO. 4 Public Comments – Non-Agenda Items

There were no public comments.

ITEM NO. 5 Rodney Parrish is requesting authorization of a variance from Land Development Code 4.02.00 to reduce the required 20' rear setback to an 18'4" rear setback for a variance of 1'8". The property is located at 102 East Gulf Court.

Chairman Wakstein introduced the item and read aloud the proceedings for a quasi-judicial hearing. All participants identified as affected parties were sworn in for testimony. **Ms. Chester** acknowledged that all the requirements of the application notices were satisfied. Ms. Deese was asked to call Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Coleman nothing to disclose. Mr. Houk visited the property. Chairman Wakstein visited the property.

David Katrana, Precision Contracting Technologies, Inc. introduced himself as the acting agent for the application and presented the request.

Ms. Chester said staff had no objections to the request and there were no objections from the neighbors. The application stated the request was to make accommodations to the home that would allow the owner to age in place.

Chairman Wakstein asked if there was an alternate layout without encroaching into the setbacks.

Mr. Katrana explained the bathroom has zero entry to allow for wheelchair use. They would like to continue with the same block material that is on the rest of the home for aesthetics and strength of the structure.

Chairman Wakstein called for adversely affected parties, there were none. There was no public comment, rebuttal, or closing arguments. He opened Board deliberation and stated that there appears to be a positive finding on all eight (8). The application was entered into the record.

Mr. Scruggs stated that this was a textbook example of how to present a variance and made a motion to accept that all eight (8) findings had been satisfied. **Mr. Coleman** seconded the motion.

Mr. Scruggs	Yes	Mr. Coleman	Yes
Mr. Houk	Yes	Chairman Wakstein	Yes

ITEM NO. 6 John Stark is requesting authorization of a variance from Land Development Code 5.02.07 and 4.02.02.A to allow a structure to be on the side yard and to reduce the required 5' side setback to a 1'6" side setback for a variance of 3'6". The property is located at 507 West Gulf Boulevard.

Chairman Wakstein introduced the item and read aloud the proceedings for a quasi-judicial hearing. The application was entered into the record and all participants identified as affected parties were sworn in for testimony. **Mr. Leonard** acknowledged that all the requirements of the application notices were satisfied. Ms. Deese was asked to call Jennings Act.

Mr. Scruggs, nothing to disclose. Mr. Coleman drove by the property. Mr. Houk drove by the property. Chairman Wakstein drove by the property and was made aware of the existence of a post on the Next-Door app by staff.

John Stark, property owner of 507 West Gulf Boulevard explained that he purchased a golf cart and did not want it to sustain sun and rain damage. There was a foundation in place from a previous structure and at the time he did not believe a permit was needed. He said there are 60 side structures, 50 of which are in violation of City code in his neighborhood. He is here because a neighbor made a report to Code Enforcement and a neighbor to his rear built the same structure and was not reported.

After discussion with **Chairman Wakstein** about whether the structure was removed, **Mr. Stark** said the structure was taken down above grade.

Chairman Wakstein said the 5-foot setbacks were listed on the submitted plans and there was no existing golf cart carport. He asked Mr. Stark if he was aware of the 5-foot setback.

Mr. Stark responded that structure was on the survey. He said he was aware of the 5-foot setback and unable to build the structure for about a year and a half.

Mr. Leonard presented a summary of the staff report. Staff's view was that six (6) of the eight (8) criteria for the required findings were not met and recommended denial of the request.

Chairman Wakstein explained that they must find positive on all eight (8) criteria for a variance request. He called for adversely affected parties at this time.

Nancy Abood, 600 West Gulf Boulevard said the homeowner pulled his own permit for the home, sat for a test, and knew what the rules were. She listed dates of various permits and paperwork and said that the survey was marked incorrectly.

Gregory Kuneman, 601 West Gulf Boulevard said he saw 15 questionable structures in the neighborhood and Mr. Stark's awning is the depth of the building. He spoke of a property line dispute and stormwater issues from a gutter and retaining wall on Mr. Stark's property.

Chairman Wakstein called for public comment, there was none. He called for rebuttal.

Mr. Stark said that water does not cross the road, but 601 West Gulf Boulevard does get a lot of water. He said the City paved on top of the existing road and Ms. Abood's property across the street flooded previously. The new rules require a minimum of one (1) foot above the street and he did exactly 12 inches above grade. He said Mark McWaters determined that he was not causing flooding.

Gregory Kuneman, 601 Gulf Boulevard said the structure was previously on the back and is now 28-feet in length. Others in the neighborhood with golf carts cover them or park in a garage. The structure is 11-foot tall, a golf cart is 6-feet in height, and erosion is greater than at 8-feet.

Nancy Abood, 600 West Gulf Boulevard said the road was not elevated according to GIS maps from 2019, and her home did not previously flood.

Chairman Wakstein concluded the evidentiary portion of the hearing and asked for closing arguments.

Nancy Abood, 600 West Gulf Boulevard asked that the variance be denied and open an investigation into if the home was built to code.

Chairman Wakstein said they are only hearing the variance and opened Board deliberation. He said he did not see a hardship and the applicant stated "no" to required finding number three (3).

Mr. Scruggs said if there was a structure, there was only a pad when the home was built and there is no reasonable expectation that it would be grandfathered.

During Board discussion, all members agreed that the request does not satisfy all eight (8) of the required findings.

Mr. Scruggs made a motion to deny the request because it does not satisfy all eight (8) of the required findings. **Mr. Coleman** seconded the motion.

Mr. Scruggs Yes
Mr. Houk Yes

Mr. Coleman Yes
Chairman Wakstein Yes

ITEM NO. 7 Discussion of Multi-Family (Apartments) as a Conditional Use continued from September 14, 2022, Planning Board meeting.

All Board members agreed that staff's proposal for Multi-Family as a Conditional Use was positive and a good start.

Mr. Davis asked for input on what the threshold should be, so all multi-family is not included.

Chairman Wakstein and **Ms. Chester** both responded, three (3) or more acres.

Mr. Davis stated they would need a new definition in the Land Development Code and determine if the prohibition for 100 feet for property that is used as single family residential also.

Chairman Wakstein responded that he liked the wording "zoned or used."

Mr. Scruggs noted four (4) acres of transient rental housing that are three (3) stories has the same effect as a three (3) story apartment.

Mr. Davis explained that the Board needs to stay consistent with the Comprehensive Plan and encourage responsible multi-family housing.

There was discussion between staff and the Board as to whether the Conditional Use should stop at the Board or follow the same as path as a Large Conditional Use and also be seen before the City Council. It was agreed that it would be seen by both the Board and City Council.

Mr. Scruggs made a motion to direct staff to move forward with the changes as proposed. **Mr. Houk** seconded the motion.

Mr. Scruggs Yes
Mr. Houk Yes

Mr. Coleman Yes
Chairman Wakstein Yes

ITEM NO. 8 Code Enforcement Update

Mr. Smith provided an update for the month of November. He highlighted the divisions efforts assisting with injured birds and medical calls as well as continuing education. He also answered several questions from the Board relating to fines and enforcement of the new City Ordinance pertaining to smoking on the beach.


Chairman Wakstein asked if there were any comments from the Board. There were none.

The meeting adjourned at 2:10 p.m.

DATED this 12th day of April, 2023.


Josh Wakstein, Chairman

ATTEST:


Melissa Deese, Secretary