

**CITY OF PANAMA CITY BEACH
PLANNING BOARD MEETING MINUTES
February 14, 2024
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. Painter, Mr. Jones, Mr. Coleman, Mr. Morehouse, Mr. Houk, Mr. Register, and Chairman Wakstein. Mr. Register led the Pledge of Allegiance.

ITEM NO. 3 Approval of the December 13, 2023, Planning Board Meeting Minutes

Chairman Wakstein asked if there were any comments or corrections to the meeting minutes. Mr. Coleman made a motion to approve. It was seconded by Mr. Morehouse. Ms. Deese called the roll.

Mr. Coleman	Yes	Mr. Morehouse	Yes	Mr. Houk	Yes
Mr. Register	Yes	Mr. Painter	Yes	Mr. Jones	Yes
Chairman Wakstein	Yes				

ITEM NO. 4 Public Comments – Non-Agenda Items

There were no public comments.

ITEM NO. 5 Alfredo and Donna Martin are requesting authorization of a variance from Land Development Code Section 5.02.03.A.1 to increase the maximum rear fence height from 8' to 12' for a variance of 4' and a variance from Section 5.02.01.D.3 to decrease the required setback from 5' to 3' for an accessory structure (4' wide walkover). The property is located at 116 Crane Street.

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

Mr. Coleman drove by the property. Mr. Morehouse visited the property and spoke with staff. Mr. Houk visited the property. Mr. Register visited the property and spoke with staff. Mr. Painter visited the property. Mr. Jones drove by the property. Chairman Wakstein visited the property and spoke with the City attorney.

Chairman Wakstein announced that if it pleased the Board, there will be a separate vote for each variance request.

Mrs. Donna Martin, the applicant and owner of 116 Crane Street, presented the application. She stated the shape of the property is unique and the only one impacted by the Margaritaville Resort. Mrs. Martin described the three (3) short-term rentals that abut the property as housing an estimated 12 people and no buffer. She said there was yelling and garbage thrown at her and her family from the balconies during construction. Mrs. Martin said no houses were initially proposed to be next to them. She stated they are asking for the variances so they can enjoy their home and are requesting a taller fence, raise their tiki bar, and add a walkover. She felt this was the minimum to mitigate the problem.

Mr. Alfredo Martin, the applicant and owner of 116 Crane Street described the technical aspects of the proposed 12' fence and 12' high walkover with handrails.

Chairman Wakstein asked if the walkover with handrails would make the structure 16' in height.

Mr. Jones said this would give a straight eye view of the balconies of the adjacent property and inquired about the purpose of the walkover.

Mr. Martin explained that the proposed walkover is to access the proposed second floor of the tiki room. He said a 6' tall person would stand 18' high on the walkover. The walkover is intended to help block the view of the pool. He thought that it would be impossible to mitigate the problem completely but would try to work with the City to make it visually appealing. He stated the 240 square foot deck is open and the tiki bar is not to see the balcony but to see the sunset. He shared

when his daughter visited, she was unable to use the pool because of the actions of the workers at the Margaritaville Resort.

Mrs. Martin said a lot of people don't live here, but they have lived in their home for 12 years.

Mr. Register posed the question of why not construct a simple staircase. He then inquired about the type of railings and if it is a way to expand the privacy height.

Mr. Painter asked about the proposed width of the walkover.

Mr. Martin responded that he does not want to cut down any trees. The proposed walkover is along the back of pool, so he plans to use the staircase to mitigate. The walkway is proposed to be 4' in width and the rails will be made with wooden spindles.

Mr. Leonard presented the staff report. His understanding after meeting with the homeowners is that having the second floor on tiki hut will give a larger buffer and raise the skyline of two homes. He explained that variances can offer relief for certain circumstances caused by development and believes these are unique circumstances. He disclosed that Mr. Martin is on the Public Art Committee that he is also a member of but has no other interest with the applicant.

Chairman Wakstein inquired if short-term rentals are allowable in R-1c or R-2 zoning districts.

Mr. Leonard responded that R-1c does not, but R-2 does allow for short-term rentals.

Mr. Morehouse asked Mr. Leonard if it would be better to cover the deck with a roof to block the view rather than the walkway with handrails, additional fence height, and making the tiki hut level with the other houses.

Mr. Leonard responded that during a visit to the property he discussed the possibility of a sunbrella shade. He said the homeowners stated they may fill in gaps with sunshades or umbrellas after the improvements but did not believe it would give them the coverage they needed while allowing light and air in.

Mr. Coleman asked Mr. Leonard if increasing the height of the deck to two stories would make the required setback 10' and thus a third variance.

Mr. Leonard responded that it is a habitable roof, but for R-1c zoning the setback remains 5'.

Chairman Wakstein inquired if the walkover is considered an additional accessory structure.

Mr. Leonard stated he does not believe it is an additional structure since it is not independent.

Chairman Wakstein called for affected parties, public comment, and rebuttal at this time, there were none. He asked if there were any further questions for the applicant.

Mr. Painter asked Mr. Martin if landscape buffering was considered as an option.

Mr. Jones inquired about the length of the walkover.

Chairman Wakstein asked if it would connect to stairs.

Mr. Coleman asked if the pool was not used due to people looking over, would the deck over the tiki bar be used.

Mr. Register said he understands that the 12' fence is not enough to create privacy. They need the walkover plus the additional 4' railing plus the second floor of the tiki room to provide ample privacy from the Margaritaville Resort.

Mr. Martin stated he would like to be mindful of other people; bamboo would grow to the other side of the fence. He does plan to landscape the area and estimates the walkover to be 45' to 50' in length. He said the pictures he provided do not show the 45-degree angle to the balconies.

Chairman Wakstein called for further rebuttal and closing remarks, there was none. Board deliberation was opened.

Mr. Painter voiced concern that a 12' fence would open the door to others and suggested a vertical shade versus a 12' fence and walkover.

Mr. Register voiced the same concern as Mr. Painter. He stated Mr. & Mrs. Martin have the only property affected on that side of the road.

Mr. Morehouse said he did not think the 12' fence would make a difference without the walkway. He said there may be a better way to accomplish this with a roof structure or to enclose the pool.

Chairman Wakstein said that in Bid-A-Wee everyone overlooks onto adjacent property. He voiced concerns about proliferation and establishing a precedent.

Mr. Jones stated he could not look past the deck, putting them face to face across the fence.

Mr. Coleman stated he could understand the fence but felt the walkover with the deck would create a situation. He suggested the use of an overhang or some other structure.

Mr. Coleman made a motion to approve the Variance request to allow an increase of the maximum fence height to 12'. It was seconded by Mr. Houk.

Mr. Coleman	Yes	Mr. Morehouse	No	Mr. Houk	No
Mr. Register	No	Mr. Painter	No	Mr. Jones	No
Chairman Wakstein	No				

Mr. Coleman made a motion to approve the Variance request to allow an accessory structure in the setback (walkover). It was seconded by Mr. Houk.

Mr. Coleman	No	Mr. Morehouse	No	Mr. Houk	No
Mr. Register	No	Mr. Painter	No	Mr. Jones	No
Chairman Wakstein	No				

ITEM NO. 6 Code Enforcement Update

Mr. Smith provided an update from mid-December through mid-January. Most of the Division's efforts were in the areas of tall grass, detrimental conditions, and dogs on the beach. There were several double red flag days, but the cool water temperature kept swimmers away. Code Officers also addressed signs in the right of way, evaluated sea turtle lighting, and doggie dining compliance.

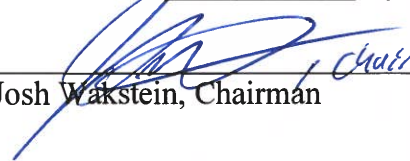
Mr. Coleman inquired if the Division used social media to educate the public about the collection of signs in the right of way.

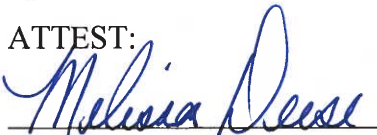
Mr. Smith responded that when real estate signs are collected, contact is made with the realtor and a visual is sent via email. The right of way is usually just behind a utility pole or water meter. It is election season, and all candidates have been sent information.

Mr. Painter suggested the Association of Realtors as a good outlet to help broadcast the requirements.

The meeting adjourned at 2:00 p.m.

DATED this 10th day of April, 2024.


Josh Wakstein, Chairman

ATTEST:

Melissa Deese, Secretary