

Board of Zoning Appeals
Minutes
April 14, 2009

I. Call to order

Chairman Guy Taylor called the regular meeting of the Board of Zoning Appeals to order on April 14, 2009 at 5:30PM in the Building Department Conference Room, 1301 Palm Boulevard. Other members present were Arnold Karig, Mike Layman and Tom Miller; also Secretary Douglas Kerr was present. Frances Anderson was absent. Mr. Kerr explained that the meeting was advertised in compliance with the Freedom of Information Act.

II. Approval of Minutes

The next item on the agenda was the review of the minutes of the February 10, 2009 meeting. Mr. Taylor noted that in the Miscellaneous Business section the word "and" should be "an". Mr. Karig made a motion to approve the minutes as amended and Mr. Miller seconded the motion. The vote was unanimous in favor of the motion.

III. Home Occupations

Mr. Taylor explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony and therefore any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

3904 Cameron Boulevard

Mr. Taylor asked the applicant if there was anything she wanted to add to her written application. Mrs. Raih answered no. Mr. Miller asked if there was already a home occupancy operating in this house. Mr. Kerr explained that he had made an error in the staff write-up and there was not a home occupation currently operating out of the house. He explained that the applicant's husband had been approved to operate from a different house and this was the source of the confusion. Mr. Taylor asked the applicant what she did. Mrs. Raih answered that she estimated the long term cost of medical expenses in situations involving catastrophic health care issues. She explained that her clients could use this information to settle health care claims up front and have the freedom to decide how to proceed with their care. She explained that in her home she would only be doing office work as most of her clients have severe disabilities. Mr. Karig made a motion to approve the request and Mr. Miller seconded the motion. The vote was unanimous in favor of the motion.

2102 Waterway Boulevard

Mr. Taylor asked the applicant if there was anything he wanted to add to his written application. Mr. Viehmann explained that he was planning on offering mobile marine services, but he would only be doing administrative work at the house and no boats would be coming to the home. Mr. Taylor asked what work he specifically did on boats. Mr. Viehmann answered primarily he did electronic and plumbing work. Mr. Taylor if he had a detached garage with items that would be used for the business. Mr. Viehmann answered no. Mr. Miller asked the applicant who would use his services. Mr. Viehmann answered he typically did work on smaller power boats. Mr. Karig asked if he would have any signs associated with the business. Mr. Viehmann answered no. Mr. Taylor asked the applicant what prompted him to apply for the home occupation. Mr. Viehmann answered that he just wanted to do things according to the applicable rules and regulations. Mr. Miller made a motion to approve the request and Mr. Karig seconded the motion. The vote was unanimous in favor of the motion.

IV. Miscellaneous Business

Mr. Kerr explained that he had included ordinance 2009-02 on the agenda for the Board's information. He explained that this ordinance had been drafted as a result of several Council members reacting to the Board approving the height variance for the elevator shaft. He explained that the ordinance would explicitly state that variances could not be granted for self created hardships and an applicant cannot base a claim of unnecessary hardship on a financial hardship. He added that these two criteria are already in the State code, so the Board is bound by them, but this would put the criteria in the City's ordinance as well. The Board generally agreed that this was something they already considered and they did not see any problems with it being added to the local ordinance.

V. Adjournment

With no other business, the meeting was adjourned at 5:50pm.