

The Board of Adjustment and Appeals (BAA) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida on this date with the following members present: John Doran, Chairman, Deborah J. White; Vice-Chairman, Jose Bello (late arrival), Alan C. Bomstein, Joe C. Burdette; Vince Cocks; and Cliff Gephart.

Also Present: Glenn Bailey, Planning Department Zoning Manager; Gina Berutti, Code Enforcement Operations Manager; Chelsea Hardy, Assistant County Attorney; other interested individuals; Christopher Bartlett, Board Reporter, Deputy Clerk; and Amelia Hanks, Board Reporter.

CALL TO ORDER

Chairman Doran called the meeting to order at 9:01 A.M. and provided an overview of the hearing process.

PUBLIC HEARING ITEMS

Due notice having been given to interested persons pursuant to Comprehensive Zoning Ordinance No. 90-1, public hearings were held on the following applications. All persons planning to give testimony were duly sworn by the Deputy Clerk.

#1 APPLICATION OF GEOFFREY BARR AND/OR KANDICE C. BARR FOR A TYPE 2 USE (BA-01-08-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Geoffrey Barr and/or Kandice C. Barr for a Type 2 Use to allow for the keeping of non-traditional pets (two pygmy goats) in an R-4 zone, re property located at 807 Ohio Avenue in Ozona (BA-01-08-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land

Development Code. The request involves the keeping of non-traditional pets as described in Section 138-3352 of the Pinellas County Land Development Code. Approval should be subject to the following conditions:

1. The applicant shall obtain any required permits and pay all applicable fees.
2. Animal waste will be managed to minimize odor, vermin, and insect infestation.
3. Maintain a 6-foot-high opaque fence around the rear yard where animals are kept.
4. The animal enclosure shall remain in the location shown on the concept plan.
5. Approval is for the keeping of two pygmy goats only.

Geoffrey and Kandice Barr, Palm Harbor, appeared and indicated that they are the applicants. In response to query by Mr. Bomstein, Ms. Barr indicated that she is familiar with the conditions; and that the goats are pets and will not be bred.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Cocks, that the Type 2 Use be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

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Mr. Bello entered the meeting at 9:06 A.M.

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#2 APPLICATION OF NEW LIFE BAPTIST CHURCH OF LARGO, INC. THROUGH STEVE WEIGAND, REPRESENTATIVE, FOR A TYPE 2 USE (BA-02-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of New Life Baptist Church of Largo, Inc. through Steve Wiegand for a Type 2 Use to allow for the expansion of a church in an R-3 zone, re property located at 10539 122nd Avenue in unincorporated Largo (BA-02-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The request involves an addition to the church that includes ADA accessible bathrooms, a meeting room, and storage. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.

Steve Wiegand, Clearwater, Jonathan Redford, Largo, and Anthony Polito, St. Petersburg, appeared and indicated that they represent the applicant. In response to queries by Mr. Bomstein, they provided information regarding the proposed expansion.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Ms. White, that the Type 2 Use be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#3 APPLICATION OF ELIZABETH BAUTISTA FOR A VARIANCE (BA-07-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Elizabeth Bautista for a variance to allow for the construction of a single-family home on the northern lot of two adjacent 4,050-square-

foot, 45-foot-wide platted lots of record under common ownership where a minimum lot size of 5,000 square feet and a minimum width of 50 feet is required, re property located at 826 Hall Street in unincorporated Largo (BA-07-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The two subject lots are platted lots of record that predate the zoning code. In addition, there are other similarly sized developed lots within the immediate vicinity, including directly to the west and south. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All required setbacks shall be met.

No one appeared upon the Chairman's call for the applicant; whereupon, he indicated that the case would be moved to the end of the agenda.

Later in the meeting, Elizabeth Bautista appeared and indicated that she is the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously (Mr. Bello absent).

#4 APPLICATION OF CHRIS AND SHANNON SPROWLS THROUGH BRUCE BARTLETT, REPRESENTATIVE, FOR A VARIANCE (BA-09-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Chris and Shannon Sprowls through Bruce Bartlett for a variance to allow for the construction of a pool with a 4-foot setback from a seawall where 15-feet is required, re property located at 313 Crosswinds Drive in Palm

Harbor (BA-09-09-19). Four letters in support and one in opposition to the application have been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The existing home is built further toward the rear of the property than many other homes in the neighborhood. The back yard is relatively small as a result and has a seawall. There is no other logical location to place a pool. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. No pool enclosure.

Chris Sprowls, Palm Harbor, and Bruce Bartlett, St. Petersburg, appeared and indicated that they are the applicant and representative, respectively. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Burdette moved, seconded by Mr. Bomstein, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#5 APPLICATION OF JONATHAN J. AND JESSICA B. MILLER THROUGH SUNSHINE POOLS & SPAS, INC., C/O CRAIG TENNANT, REPRESENTATIVE, FOR A VARIANCE (BA-04-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Jonathan J. and Jessica B. Miller through Sunshine Pools & Spas, Inc. for a variance to allow for a 5-foot rear setback from the east property line where 8 feet is required for the placement of a pool, re property located at 7377 122nd Way North in unincorporated Seminole (BA-04-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The existing home is built further toward the rear of the property than many other homes in the neighborhood, due to the curvature of the road in front of the property resulting from its proximity to a water body. As a result, it is difficult to place the pool outside of the required setbacks. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Maintain a 6-foot-high opaque fence between the pool and the adjacent property to the rear.
3. No pool cage.

Jonathan and Jessica Miller, Seminole, appeared and indicated that they are the applicants. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for vote, the motion carried unanimously.

#6 APPLICATION OF MICHAEL R. AND JENNIFER A. DE HART FOR A VARIANCE (BA-06-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Michael R. and Jennifer A. De Hart for a variance to allow for the construction of a pool screen enclosure with a 3.4-foot rear setback from the north property line where 5 feet is required, re property located at 14365 86th Avenue North in unincorporated Seminole (BA-06-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The existing home is built askew on the property compared to many other homes in the neighborhood, which is thought to be the result of an error during construction. In order to make the pool cage “square” with the house and existing pool, only the northwest corner would meet the setback. Approval should be subject to the following conditions.

1. The applicant shall obtain all required permits and pay all applicable fees.

Michael De Hart, Seminole, appeared and indicated that he is the applicant. In response to query by Mr. Bomstein, he related that the house is askew by 18 inches.

No one appeared in response to the Chairman’s call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Cocks and carried unanimously, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report.

#7 APPLICATION OF THE GETAWAY TAMPA BAY LLC THROUGH SCOTT TASHKIN AND CHRIS MEARES, REPRESENTATIVES, FOR A TYPE 2 USE (BA-08-09-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of The Getaway Tampa Bay LLC through Scott Tashkin and Chris Meares for a Type 2 Use to allow for a Restaurant use and a Retail Sales and Services use in an E-1 zone, re property located at 13050 Gandy Boulevard in unincorporated St. Petersburg (BA-08-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land

Development Code. The request is to allow retail and restaurant-related uses within the subject E-1 zoned area, such as paddleboard rentals, space for food trucks, seating, and restrooms. The applicants recently purchased the subject area and have combined it as part of their primary parcel, which houses The Getaway restaurant. The acquired property has various code enforcement violations from the previous owner which are currently being addressed by the applicant. Notably, the applicants intend to initiate land use and zoning amendments in the future to change the subject area to commercial. They opted to apply for a Type 2 Use first, based on timeliness as a business decision. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.
3. Approval shall not become effective until final settlement of all code enforcement issues and the release of liens.

In response to query by Mr. Bomstein, Mr. Bailey related that actions to address the code violations are nearly complete.

Mathew Poling, Tampa, appeared and indicated that he is the attorney for the applicant. In response to query by Mr. Bomstein, he described the property and indicated that it is the former location of the I.C. Sharks restaurant.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Ms. White, that the Type 2 Use be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#8 APPLICATION OF MARCIA B. FITZGERALD TRE THROUGH PETER PREBLE, REPRESENTATIVE, FOR A TYPE 2 USE AND A VARIANCE (BA-10-09-19) – GRANTED WITH REVISED CONDITIONS

Public hearing was held on the application of Marcia B. Fitzgerald through Peter Preble for a Type 2 Use to allow a Small-Scale Alcoholic Beverage Production use and a variance to allow for the dispensing and consumption of alcohol with a 68-foot separation from a residential district boundary line where 150 feet is required, re property located at 315 Orange Street in Ozona (BA-10-09-19). One letter in support of the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the requests as they appear to meet the criteria of granting Type 2 Uses and variances found in Sections 138-241 and 138-231 of the Pinellas County Land Development Code, respectively. The applicants wish to establish a brewery with a taproom/restaurant on the subject property, which will require a Type 2 Use approval in the C-1 zoning district and a variance to allow for the dispensing and on-site consumption of alcohol within 150 feet of the nearest residential zoning district boundary line. The applicants intend to utilize the existing building, which is currently approved as a meeting hall. In 2004, the Board granted a variance to allow the dispensing of alcohol in association with events held at the meeting hall. Prior to that, in 1994, the Board approved a special exception to allow a restaurant, which was required under the code at that time.

The subject property is located within the neighborhood commercial node of 'downtown' Ozona. Nearby businesses include several restaurants that are exempt from the alcohol separation requirements because their primary business is food sales. It is not anticipated that approval of these requests would create any new significant impacts to the area. The nearest residential zoning district boundary line is 68 feet northwest from the proposed alcohol consumption area on the outdoor patio. The closest residential home is over 150 feet away from the patio.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.
3. No amplified music after 11:00 P.M.
4. Hours of operation may be limited by the Board.

Peter Preble, Palm Harbor, and Jay Dingman, Clearwater, appeared on behalf of the applicant, and responding to queries by the members, provided information regarding the proposed brewery operation.

In response to the Chairman's call for objectors to the application, Michael Murphy, Ozona, appeared and expressed his concerns regarding amplified music and other potential activities on the site.

Responding to queries by the members with regard to the objector's concerns, Messrs. Preble and Dingman provided information pertaining to the surrounding property, the intention to provide outdoor amplified music, and proposed business hours.

Discussion ensued, with input by Mr. Murphy; whereupon, Mr. Bomstein moved, seconded by Ms. White, that the Type 2 Use and variance be granted based upon the written findings of fact set forth in the staff report and with the following revised conditions:

3. No live music after 11:00 P.M.
4. Business will close by 12:00 A.M. Sunday through Thursday and by 1:00 A.M. Friday and Saturday.

Upon call for the vote, the motion carried unanimously.

#9 APPLICATION OF HAWKINS FAMILY PARTNERSHIP THROUGH LORI PICKARD AND SCOTT ROBINSION, REPRESENTATIVES, FOR A VARIANCE (BA-03-09-19) – DENIED

Public hearing was held on the application of Hawkins Family Partnership through Lori Pickard and Scott Robinson for a variance to allow a 197-square-foot freestanding sign on the 34th Street North frontage where 150 square feet is the maximum allowed, re property located at 6001 34th Street North in Lealman (BA-03-09-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. The request is to allow a 197-square-foot freestanding sign where 150 square feet is the maximum allowed. The 197 square feet is based on a 78-square-foot horizontal section that is attached to an approximately 6-foot-wide base/post that is 25 feet tall. The base/post is of the color of the branding of the product being sold with a clear intent to stand out and differentiate it from the surroundings. Per interpretation of Pinellas County Land Development Code Section 138-3755(b)(1), all of this is included in the computation of the sign area.

Staff cannot support the request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. In short, there are no special conditions or unnecessary hardships that warrant more signage than allowed by the code. The sign size could meet code by narrowing the width of the base/post.

Lori Pickard, Lutz, appeared and indicated that she represents the applicant. Referring to a photograph, she described sign options offered by the Volvo corporation, noting that a 20-foot sign, which would comply with the code, would be obscured by the dealership's landscaping, which is subject to strict County regulations, and Mr. Bailey indicated that the County would be flexible with respect to the landscaping.

No one appeared in response to the Chairman's call for objectors.

Mr. Bomstein related that corporations frequently modify their signage in order to meet the requirements of the local code and ordinances, and discussion ensued.

Thereupon, Mr. Bomstein moved, seconded by Mr. Bello, that the application be denied based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#10 APPLICATION OF SEMINOLE CHRISTIAN FELLOWSHIP, INC. THROUGH RICHARD HALL, REPRESENTATIVE, FOR A TYPE 2 USE (BA-01-10-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Seminole Christian Fellowship, Inc. through Richard Hall for a Type 2 Use to allow for the expansion of a private school in an R-R zone, re property located at 13233 and 10202 102nd Avenue North in unincorporated Seminole (BA-01-10-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request, as it appears to meet criteria for granting Type 2 Use found in Section 138-241 of the Pinellas County Land Development Code. The request is for the expansion of an existing private school. The addition includes classrooms, offices, playground, and vehicle parking area. The school has a parking arrangement with the adjacent church that will help accommodate parking requirements.

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.
3. The maximum number of students shall be 235.

Brian Barker and Robert Richardson, Clearwater, and Richard Hall and Lisa Hall, Seminole, appeared and indicated that they represent the applicant. In response to queries by the members, Ms. Hall clarified that the Type 2 Use will allow the school to serve infants and toddlers and improve the parking lot.

No one appeared in response to the Chairman's call for objectors.

Mr. Burdette moved, seconded by Mr. Cocks, that the Type 2 Use be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#11 APPLICATION OF ALDERMAN CROSSINGS LLC THROUGH GARY A. BOUCHER, REPRESENTATIVE, FOR A VARIANCE (BA-04-10-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Alderman Crossings LLC through Gary A. Boucher for a variance to allow for the construction of an off-site subdivision sign, re property located approximately 175 feet north of Crystal Beach Avenue in Palm Harbor (BA-04-10-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The applicant owns both the subject property and the adjacent lot to the rear (west). The subject property is zoned commercial and planned for commercial uses. The lot to the west is zoned residential and planned for a residential subdivision. The rear lot does not have any frontage (an easement will provide access to Alternate U.S. Highway 19); therefore, an off-premises subdivision sign is being requested. The Board granted a similar request on this property in 2017, but that approval has since expired. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The sign shall be no larger than 4 feet by 8 feet.
3. The sign shall meet sight visibility standards and all required setbacks.

Gary Boucher, Palm Harbor, appeared and indicated that he represents the applicant. No one appeared in response to the Chairman's call for objectors to the application.

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Mr. Bello returned to the meeting at 9:55 A.M.

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Mr. Bomstein moved, seconded by Mr. Cocks, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#12 APPLICATION OF REBECCA K. GUENTHER AND MICHAEL A. HONEYCUTT FOR A VARIANCE (BA-02-10-19) – DENIED

Public hearing was held on the application of Rebecca K. Guenther and Michael A. Honeycutt for a variance to allow for the construction of a garage addition with a 15-foot front setback from the north property line along Driftwood Drive South where 20 feet is required, re property located at 214 Driftwood Drive South in Palm Harbor (BA-02-10-19). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. The request is for a variance to allow a 167-square-foot garage extension with a 15-foot setback, which is 5 feet closer to the front property line than allowed by code.

Staff cannot support the request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. In short, there are no special conditions or unnecessary hardships, the request is not the minimum variance necessary, and it is inconsistent with the Land Development Code and the Comprehensive Plan.

Michael Honeycutt and Michael Brannigan, Palm Harbor, appeared and indicated they are the applicant and representative, respectively. Referring to photographs, Mr. Honeycutt provided background information regarding the application and stated that the variance request is consistent with others granted in the neighborhood.

Discussion ensued pertaining to previously granted variances, and Messrs. Bomstein and Gephart suggested alternative configurations. Acknowledging that a precedent exists, the

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members clarified the definition of *hardship*, indicating that the County code changed this year, making it more difficult to justify the granting of a variance. In response to query by Mr. Honeycutt, Chairman Doran indicated that the Board's decision can be appealed in Circuit Court.

No one appeared in response to the Chairman's call for objectors.

Following further discussion with input by Attorney Hardy, Mr. Bomstein moved, seconded by Mr. Cocks, that the application be denied based on the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

MINUTES OF THE JULY 31, 2019 MEETING – APPROVED

Upon motion by Mr. Bomstein, seconded by Mr. Burdette and carried unanimously, the minutes of the meeting held July 31, 2019 were approved.

ADJOURNMENT

The meeting was adjourned at 10:25 A.M.

Chairman