

Clearwater, Florida, December 5, 2019

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: Deborah J. White, Vice-Chairman; Jose Bello; Alan C. Bomstein; Joe C. Burdette; Vincent Cocks; Cliff Gephart; and Pamela Kern, Alternate Member.

Not Present: John Doran, Chairman.

Also Present: Glenn Bailey, Planning Department Zoning Manager; Brendan Mackesey, Assistant County Attorney; other interested individuals; and Amelia Hanks, Board Reporter.

CALL TO ORDER

Vice-Chairman White called the meeting to order at 9:00 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 SHELTER SOUTH INC. THROUGH JAMES ROSENBLUTH, REPRESENTATIVE, FOR A VARIANCE (BA-01-12-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Shelter South Inc. through James Rosenbluth for a variance to allow for the construction of a single-family home on the 45-foot-wide southern lot of two adjacent lots under common ownership where a minimum width of 50 feet is required, re property located at 4420 67th Street North in Lealman (BA-01-12-19). 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 lots are platted lots of record that predate the zoning code. The south lot was originally 50 feet wide, but at some point in time, its southern 5 feet were combined with the adjacent property to the south, leaving a substandard 45-foot-wide lot. The difference of 5 feet in width can be considered minimal from the many 50-foot-wide lots within the immediate vicinity, including directly to the north and east. Approval should be subject to the following conditions:

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

James Rosenbluth, St. Petersburg, appeared and indicated that he represents the applicant. No one appeared in response to the Vice-Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Gephart, 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.

#2 APPLICATION OF 201 ALT 19 NORTH LLC THROUGH FRANCIS FURMAN, REPRESENTATIVE, FOR A VARIANCE (BA-02-12-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of 201 Alt 19 North LLC through Francis Furman for a variance to allow for the construction of a building having a 5-foot setback from both side property lines where 10 feet is required, and a variance to allow for the building to occupy zero percent of primary roadway frontage, where Pinellas County Land Development Code District Design Criteria regarding Building Orientation (Section 138-3804) requires 40 percent, re property located at 201 Alternate U.S. Highway 19 North in Palm Harbor (BA-02-12-19). 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 adjacent side properties to the north and south, which are currently developed with office buildings. The requested variances will allow for a more cohesive development form with those neighboring properties, including a shared parking design and internal traffic flow. In addition, the requests will allow for the retention of a large onsite tree. Approval should be subject to the following conditions:

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

Frank Furman, Palm Harbor, appeared and indicated that he represents the applicant.

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

In response to query by Mr. Bomstein, Mr. Bailey related that in all non-residential zoning districts, the new Land Development Code requires buildings to be closer to the front of the property.

Mr. Bomstein moved, seconded by Mr. Gephart, 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.

#3 APPLICATION OF RENEE L. LETOSKY-SMITH THROUGH JUSTIN VESSEY, REPRESENTATIVE, FOR A VARIANCE (BA-03-12-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Renee L. Letosky-Smith through Justin Vessey for a variance to allow for a 32-square-foot off-premises identification sign on the property located at 2847 Belcher Road in unincorporated Dunedin (BA-03-12-19). 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, which is vacant, and the adjacent property to the rear (east). The property to the rear has no roadway frontage and contains a kennel business (an easement across the subject property provides access to Belcher Road). A sign for the kennel has long existed on the adjacent property to the south which is owned by and within the jurisdiction of the City of Dunedin. The City is requiring the removal of that sign; therefore, an off-premises identification sign for the kennel is being requested on the subject property. 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 meet sight visibility standards and all required setbacks.
3. An easement for the sign shall be required.
4. All existing identification signs for the kennel business shall be removed. No additional identification signs are allowed. Directional signs as permitted by code are permissible.
5. Any future business on the subject property shall co-locate signage on the sign approved by this action.

Justin Vessey, Tarpon Springs, appeared and indicated that he represents the applicant.

In response to queries by Mr. Bomstein, Mr. Bailey related that should the subject property be developed in the future, both properties would share the 32-square-foot sign, and Mr. Vessey indicated that there are no current plans to develop it; and that the kennel will use the entirety of the sign at this time.

Mr. Bomstein expressed concern that a future property owner would likely come before the Board to seek an additional variance, and referring to proposed Conditions Nos. 3 and

5, Mr. Vessey indicated that the arrangement would be set forth in the easement documents; whereupon, he related that the County Commission previously granted a Conditional Use for a veterinary clinic on the property, along with a variance for a 32-foot sign.

In response to query by Mr. Bomstein, Renee Letosky-Smith, Tarpon Springs, related that the County had recommended removal of the current signage from the City of Dunedin's property. She provided historical background information regarding the subject property, and indicated that any future use would complement her kennel business; that the shared sign would benefit both businesses; and that the sale contract could stipulate a 50/50 division of the area.

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

Mr. Bomstein moved, seconded by Mr. Gephart, 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.

SELECTION OF 2020 CHAIRMAN AND VICE-CHAIRMAN

Mr. Cocks moved, seconded by Mr. Burdette and carried unanimously, that Ms. White be named Chairman for 2020; and that Mr. Bomstein be named Vice-Chairman.

MINUTES FROM THE NOVEMBER 7, 2019 MEETING – APPROVED

Upon presentation by Vice-Chairman White, Mr. Cocks moved, seconded by Mr. Gephart and carried unanimously, that the minutes of the regular meeting held November 7, 2019 be approved.

MISCELLANEOUS DISCUSSION

Mr. Bailey indicated that beginning in January, the case numbers will not include the month; and that they will follow a sequential order throughout the year.

December 5, 2019

ADJOURNMENT

The meeting was adjourned at 9:17 A.M.

Chairman