

Largo, Florida, August 5, 2020

The Board of Adjustment and Appeals (BAA) met in regular session in the Magnolia Room at the Pinellas County Cooperative Extension in Largo, Florida on this date with the following members present: Deborah J. White, Chairman; Alan C. Bomstein, Vice-Chairman; Jose Bello; Joe C. Burdette; Vincent Cocks; John Doran; and Cliff Gephart (late arrival).

Not Present: Gina Berutti, Code Enforcement Manager.

Also Present: Glenn Bailey, Zoning Manager; Chelsea Hardy, Assistant County Attorney; other interested individuals; and Amelia Hanks, Board Reporter.

Office of Technology and Innovation Director Bryan Zumwalt introduced himself and announced that he would be the Technology Moderator for the hybrid virtual and in-person meeting.

#### CALL TO ORDER

Chairman White 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 a Deputy Clerk.

#### #1 APPLICATION OF SVZ, INC. THROUGH LUKE LIROT, REPRESENTATIVE, FOR A VARIANCE (BAA-20-7) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of SVZ, Inc. through Luke Lirot for a variance to allow an adult use within approximately 240 feet of a residential zone and approximately 304 feet from a child care facility where a 400-foot separation from each is required, re property located at 7400 Park Boulevard in unincorporated Pinellas Park (BAA-20-7). One letter in opposition 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. In 2001, the Board granted a variance to allow the adult use on the subject property to be closer than the required 400-foot distance from a residential zoning district. With that approval, the Board placed a condition that the use be restricted to a cabaret (topless club) only, which was what was specifically proposed at the time. The applicant now wishes to remove that condition to allow for other options as permitted by the County's adult use ordinance. Currently, the adult use on site is allowed as a topless club that can sell alcoholic beverages. Essentially, the applicant wants to have the option to either continue to operate in that manner or change the operation to full nudity without having the ability to sell alcoholic beverages, per the parameters of the adult use ordinance. No new construction or physical expansion of the use is proposed.

Because no new construction or expansion is proposed, the current request will not involve any further encroachment toward the residential district or the child care facility. In fact, the distance from the residential zoning district is further than what was approved in 2001 due to the vacation of a right-of-way between the subject property and the residential district (a portion of the vacated area was assigned a commercial zoning district). The child care facility from which the variance is being requested did not exist in 2001; therefore, it was established with full knowledge that an approved adult use was approximately 300 feet to the east. Importantly, it is felt that there are sufficient physical barriers in place that separate the adult use from the residential district and the child care facility. The subject property is separated from the residential district by a developed 210-foot-wide commercially-zoned property plus a 30-foot-wide portion of the vacated right-of-way, and it is separated from the child care facility by two developed commercially-zoned properties totaling 245 feet in width plus a 60-foot-wide public street. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits, and appropriate licensure shall be maintained.

2. Hours of operation shall be limited to 5:00 P.M. – 2:00 A.M. Monday through Friday, 11:30 A.M. – 2:00 A.M. Saturday, and 1:00 P.M. – 2:00 A.M. Sunday.

Bruce McLaughlin, Indian Rocks Beach, appeared and indicated that he represents the applicant. Responding to query by Mr. Cocks, he confirmed that if the establishment would be fully nude, soft drinks and juice would be the only beverages sold, noting that the applicant would like to be able to choose between the two options.

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

Mr. Bomstein moved, seconded by Mr. Burdette, 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 CHRISTOPHER OROZCO THROUGH BRIE RUSH, REPRESENTATIVE, FOR A TYPE 2 USE (BAA-20-10) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Christopher Orozco through Brie Rush for a Type 2 Use to recognize the existing multifamily residence (4-plex) that was constructed prior to the establishment of the zoning code (1947) and allow for the installation of an accessory storage structure, re property located at 5203 Seminole Boulevard in unincorporated Seminole (BAA-20-10). 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 subject multifamily structure was constructed prior to the adoption of the zoning code in 1963. Approval would legitimize this historic use and permit its ‘expansion’ by allowing for the proposed accessory storage structure. 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. The storage structure should complement the appearance of the residential building and only be utilized by residents of the subject property.

Christopher Orozco, St. Petersburg, and Brie Rush, Seminole, appeared and indicated that they are the applicant and representative, respectively.

In response to query by Mr. Burdette pertaining to Condition No. 3, Ms. Rush indicated that the applicant plans to paint the structure white.

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.

#3 APPLICATION OF RYAN AND FRANCESCA DANIELS FOR A VARIANCE (BAA-20-11) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Ryan and Francesca Daniels for a variance to allow for the construction of a single-family home having a 0-foot side setback from the west property line along the Wolford Drive right-of-way where 10 feet is required, re property located 190 feet south of the intersection of Bayshore Road and Rainbow Boulevard in unincorporated Largo. One letter in opposition 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 owner is proposing to construct a new single-family home closer to the west property line than normally allowed. The subject lot is an odd triangular shape and is adjacent to two public rights-of-way, which makes it difficult to site a home outside of the required setbacks. The west property line from which the variance is being sought is adjacent to an unimproved public right-of-way (Wolford Drive) that is not anticipated for construction. The owner also wishes to avoid impacting some existing vegetation. Approval should be subject to the following conditions:

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

Ryan Daniels appeared and indicated that he is the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Burdette, 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.

#4 APPLICATION OF RICHARD AND KATHRYN OLIVERO FOR A VARIANCE (BAA-20-13) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Richard and Kathryn Olivero for a variance to allow the conversion of an existing screen room having a 7.5-foot rear setback into living space where 10 feet is required, re property located at 8536 King Street North in unincorporated Seminole (BAA-20-13). 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 owner is proposing to convert an existing roofed screened patio into an enclosed living space with one corner that is closer to the rear property line than is allowed per Code. The subject lot fronts a cul-de-sac, and the existing home was built towards the rear of the property at an angle that is not parallel to the rear property line. The screened room was built at the same time as the rest of the house, and enclosing it will not result in any further setback encroachment. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The enclosure shall not expand beyond the existing roofline.

Richard and Kathryn Olivero, 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 Mr. Burdette, 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 AMY LASCOLA FOR A VARIANCE (BAA-20-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Amy LaScola for a variance to allow the construction of a pool with a 5-foot side street setback from the north property line along Ibis Place where 10 feet is required, re property located at 130 Laughing Gull Lane in Palm Harbor (BAA-20-14). 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 owner is proposing to construct a pool closer to the north side street property line than normally allowed. The subject lot is a corner lot with a back yard that contains a large easement and mature trees which make it difficult to site a pool in the back yard. The north property line from which the variance is being sought is adjacent to a public right-of-way (Ibis Place). No pool cage is proposed. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All other setback requirements shall be met.
3. No pool screen enclosure is allowed.
4. The pool pump equipment shall be located interior on the lot.
5. An opaque fence is required to screen the pool.

Mark and Amy LaScola, Palm Harbor, appeared and indicated that they are the applicants. No one appeared in response to the Chairman's call for objectors to the application.

In response to query by Mr. Burdette, Mr. LaScola indicated that they understand and concur with the conditions required in the approval.

Mr. Bomstein moved, seconded by Mr. Burdette, 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.

#6 APPLICATION OF NELL MARIE MARTIN-RUHL FOR A VARIANCE (BAA-20-15)  
– GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Nell Marie Martin-Ruhl for a variance to allow for a 5-foot side setback from the northwest property line where 7.5 feet is required for the placement of a standby generator and propane tank, re property located at 2483

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Johnna Court in Palm Harbor (BAA-20-15). 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 owner is proposing to install a standby generator and propane tank closer to the side property line than normally allowed. The subject lot is a townhome lot with limited open space area on the property. The side property line from which the variance is being sought is adjacent to the side yard of a townhome. The side walls of the property's townhome as well as the neighbor's townhome in this area have no windows. Approval should be subject to the following condition:

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

Nell Martin-Ruhl, Palm Harbor, and Rob Schwiebert, Oldsmar, 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.

In response to query by Mr. Bomstein, Mr. Bailey clarified that the County Code differentiates between a generator and an air conditioning unit due to the decibel level of the sound created by the equipment.

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.

#7 APPLICATION OF HARDMAN ENTERPRISES LLC THROUGH CRAIG TARASZKI, REPRESENTATIVE, FOR A TYPE 2 USE (BAA-20-16) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Hardman Enterprises LLC through Craig Taraszki for a Type 2 Use to allow for the construction and operation of a fire station in an



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RM zone, re property located at 6785 46th Avenue North in Lealman (BAA-20-16). 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 for the construction and operation of a fire station on a parcel that has split zoning designations. The proposed fire station building will mostly occupy the C-2 portion of the subject property, with the parking lot located within the RM-zoned portion. The proposed fire station will replace an existing fire station, which is located a short distance away at 6694 46th Avenue North. 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.

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

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.

#### MISCELLANEOUS DISCUSSION

In response to query by Mr. Burdette regarding future meetings, Attorney Hardy indicated that the Governor's Order suspending the Sunshine Law requirement for a physical quorum will expire at the end of August; that if it is not extended, it will be necessary to have four members present, with the possibility of virtual participation by the other members, subject to approval by County Administration. Noting that the cases before the Board are quasi-judicial proceedings, she indicated that the preference is to allow applicants and others to participate virtually; whereupon, she suggested the possibility of creating procedures requiring speaker pre-registration. Discussion

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ensued, and the members expressed general support of the concept, with a possible cutoff time of 5:00 P.M. on the day prior to a meeting.

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Mr. Gephart entered the meeting at 9:25 A.M.

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Mr. Zumwalt provided input, indicating that a person registered to participate via the Zoom platform could be allowed to forward the meeting link to a proxy to testify on their behalf, and Mr. Burdette indicated that anyone appearing in person would be allowed to speak in accordance with the standard procedure.

Thereupon, Chairman White related that the Board will continue to meet in the Magnolia Room on the first Wednesday of each month through the end of the year; and that Attorney Hardy will draft pre-registration procedures for review by the members at the September meeting.

ADJOURNMENT

The meeting was adjourned at 9:31 A.M.

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Chairman