

Clearwater, Florida, January 5, 2017

The Board of Adjustment (BA) 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: Joe C. Burdette, Chairman; Alan C. Bomstein; John Doran; Cliff Gephart; Stephen G. Watts; and Deborah J. White.

Not Present: Gregory R. Pierce, Vice-Chairman.

Also Present: Renea Vincent, Planning Director; Chelsea D. Hardy, Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; Ryan Brinson, Program Planner; other interested individuals; and Christopher Bartlett, Board Reporter, Deputy Clerk.

### CALL TO ORDER

Chairman Burdette called the meeting to order at 9:00 A.M.

### 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 MARGUERITE FREEBORN, EMIL AND MELINDA PRATESI, AND RICHARD LABELLE THROUGH ROBERT PERGOLIZZI, GULF COAST CONSULTING, INC., REPRESENTATIVE, FOR THREE VARIANCES (BA-1-1-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Marguerite Freeborn, Emil and Melinda Pratesi, and Richard LaBelle through Robert Pergolizzi for variances to allow a single family subdivision with lots having frontage on a private road where frontage along a publicly accessible right-of-way is required, reduced front setbacks of 18 feet to the edge of a private road right-of-way/easement on all proposed lots where 20 feet is required, and a 10-foot setback for structures from the right-of-way of Lake Drive on proposed lots 7 and 8 where a 20-foot setback is required, re properties located at 3436 Fisher Road, 3440 Fisher Road, and 3446 Lake Drive in Palm Harbor (BA-1-1-17). No correspondence has been received by the Clerk.

Mr. Brinson provided background information, referred to maps and aerial photographs, and noted that the proposed subdivision is Phase 2 of Highland Wood Estates; and that

the request is similar to variances approved for the adjacent property in the previous year; whereupon, he presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The proposed private road and front setback relief are minimal and internal to the development. The requested 10-foot setback involving proposed lots 7 and 8 is from the terminus of Lake Drive and approval of the variance will not impact that roadway. Normal 10-foot rear setbacks will apply. Similar variances were approved by the Board last year for the adjacent property to the west. Approval of the request 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 and platting.
3. Garages shall be placed in such a manner as to maintain adequate space for the parking of a vehicle without encroachment into the adjacent right-of-way/easement.
4. The proposed road shall remain private.

Robert Pergolizzi, Clearwater, appeared and provided information regarding the layout and plans of the development, and indicated that in response to neighborhood concerns regarding bright lights in the previous phase of the project, the applicant has arranged for Duke Energy to replace 80-watt bulbs with 50-watt bulbs in the existing lighting structures; and that the lighting concern has no bearing on the variances being requested today.

Upon the Chairman's call for those opposed to the application, the following individual appeared, stated his concerns, and responded to queries by Mr. Bomstein:

Michael Cooper, Dunedin (speaking on behalf of himself and others)

In rebuttal, Mr. Pergolizzi reiterated that a contract has been signed to replace the Phase 1 lighting within the next two weeks, pointed out the location of the subject property relative to that of the objectors, and noted that the Phase 2 zoning was approved by the Board of County Commissioners in October after proper public notice regarding the plan.

Mr. Bomstein moved, seconded by Ms. White and carried unanimously, that the variances be granted as recommended by staff.

#2 APPLICATION OF ALTWT 2, LLC, THROUGH CYNTHIA TARAPANI, FLORIDA DESIGN CONSULTANTS, INC., REPRESENTATIVE, FOR A VARIANCE (BA-2-1-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of ALTWT 2, LLC through Cynthia Tarapani for a variance to allow the enclosure and conversion of an existing carport into living space with an 11-foot front setback where 25 feet is required, re property located at 1310 Riverside Avenue in the unincorporated area of Tarpon Springs (BA-2-1-17). One letter of no objection has been received by the Clerk.

Mr. Brinson provided background information and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The proposal is for the enclosure of an existing carport into living space, which will not lead to further encroachment into the setback. The structure is attached to a historic home that was built prior to establishment of the zoning code. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. A minimum 11-foot setback shall be maintained from the property line adjacent to Wacassassa Street.

Cynthia Tarapani, New Port Richey, appeared and indicated that she represents the applicant and concurs with the proposed conditions.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

#3 APPLICATION OF SUNCOAST PRIMATE SANCTUARY FOUNDATION, INC., THROUGH JOHN C. LANDON, P.E., REPRESENTATIVE, FOR AN AMENDMENT TO PREVIOUSLY APPROVED SPECIAL EXCEPTIONS (BA-4-1-17) – GRANTED WITH ADDITIONAL CONDITION

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Public hearing was held on the application of Suncoast Primate Sanctuary Foundation, Inc. through John C. Landon to amend previously-approved special exceptions related to the maintaining of animals in a C-3 zone, re property located at 4612 Alternate U.S. Highway 19 in Palm Harbor (BA-4-1-17). No correspondence has been received by the Clerk.

Ms. Vincent referred to a handout, a copy of which has been filed and made a part of the record, and provided an overview of the property's case history noting that the first variance was granted in 2004 for a 10-foot fence; and that a special exception with several conditions was granted in 2005 to allow a primate center in a C-3 zoning district. She noted that additional special exceptions were granted in 2012 and 2013 to allow expansion of an enclosure and four modular buildings to be added to the site.

Ms. Vincent indicated that conditions of the previous approvals are in various stages of completion; that the conditions to include a full site plan have never been completed; and that several code enforcement violations remain open; whereupon, she stated that the requested amendment would establish a new baseline to supersede the previous special exceptions and allow for the maintaining of animals in a C-3 zone.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request provided the Board is satisfied that it meets the "Standards" of Section 138-238, Division 7, of the Pinellas County Land Development Code. This request is an update to previous Board approvals on the subject property and will provide the applicant with additional time to comply with Board-mandated conditions. Approval of the request 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.

3. The applicant shall submit a site plan within six months of special exception approval. All required permits must be obtained within one year of site plan submittal; otherwise the special exception approval is subject to revocation.
4. All setback requirements shall be met.
5. Accessory educational activities, such as field trips, are permissible; however, there shall be no onsite school.

John Landon, Palm Harbor, appeared and indicated that the applicant has met and concurs with staff. He noted that site plans exist for previous changes to the site; that the foundation has no control over the County's review process which could make it difficult to obtain the required permits within a year as noted in the third condition; that as a result, he is asking the Board to relax that requirement; and that all other proposed conditions are acceptable.

Development Review Services Director Blake Lyon related that prior reviews were processed over the counter with walkthrough site plans; and that the County is now looking for a full site plan review to ensure that stormwater, parking, and other accommodations are documented accordingly. He indicated that should the applicant submit a site plan within the allotted time, staff is committed to reviewing and approving the plan in a timely matter; whereupon, he noted that the proposed amendment would ensure that all parties are operating from the same reference point and understanding moving forward.

Responding to query by Mr. Doran, Mr. Landon stated that the foundation is not conducting school activities; that a reference to a veterinarian school on the site is erroneous; that the foundation does intend to continue educating the public; and that veterinarians are on site to learn how to treat animals but not in a school environment, and Attorney Tom Dandar, Tampa, representing the applicant, provided input.

Discussion ensued concerning temporary and permanent signage on the property and the foundation's reliance on volunteer donations to help fund site plans and building projects.

Noting no response to his call for supporters of the application, Chairman Burdette called for those wishing to speak in opposition, and the following individual stated his concerns and responded to queries by the members:

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Chris Noell, Ozona (speaking on behalf of himself and others, submitted document)

Responding to Mr. Noell's concern regarding the length of the planning process, Mr. Doran related that the Board can only control the time allowed to submit the site plan; and that the code and staff take over after that; whereupon, Ms. Vincent indicated that the Board could designate a performance standard to begin construction by a certain date, if it so chooses, and Attorney Hardy concurred.

Mr. Bomstein noted that the property is unique; that it would be difficult to shut down the foundation should restrictions remain unfulfilled; and that a compromise must be found to help the foundation meet County mandates around public safety and other enforcement issues; whereupon, in response to queries by Mr. Gephart, Mr. Myers discussed current violations pertaining to site plan, safety, and parking issues, and Mr. Lyon provided background information on abandoned permits related to the four modular units onsite, and discussion ensued.

In rebuttal, Mr. Landon noted that safety measures at the sanctuary are regulated by the U.S. Departments of Agriculture and Fish and Wildlife Service; that the existing trailers have been permitted and are above flood elevation; and that most code enforcement violations could be cured within six months with the submittal of the site plan. He indicated that stormwater is being contained within the property; and that a retention pond near the south wetland will be part of the site plan.

Following further discussion with input by Ms. Vincent and Mr. Lyon, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the amendment be approved as recommended by staff with the additional condition that the initial implementation of the site plan address life safety, fire, and environmental issues; and that staff be authorized to extend the timeframe to complete the improvements on the site plan if those issues are met.

MINUTES OF NOVEMBER 3, 2016 AND DECEMBER 1, 2016 MEETINGS – APPROVED

Upon separate motions by Mr. Bomstein, both seconded by Ms. White and carried unanimously, the minutes of the meetings of November 3, 2016 and December 1, 2016 were approved.

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ADJOURNMENT

The meeting was adjourned at 10:07 A.M.

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Chairman