

Clearwater, Florida, September 7, 2017

The Board of Adjustment 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; Deborah J. White, Vice-Chairman; Alan C. Bomstein; Vince Cocks; John Doran; Cliff Gephart; and Stephen G. Watts.

Also Present: Glenn Bailey, Zoning Manager; Brendan Mackesey, Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; other interested individuals; and Lynn Abbott, Board Reporter, Deputy Clerk. *Minutes by 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 ROBERT C. AND SUSAN C. UNDERWOOD THROUGH RICK MYRICK, NUROOM CORPORATION, REPRESENTATIVE, FOR A VARIANCE (BA-01-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Robert C. and Susan C. Underwood through Rick Myrick for a variance to allow for the construction of a screen porch addition having a 22-foot setback from the Bardmoor Place right-of-way where 25 feet is required, re property located at 10601 Andrew Lane in the unincorporated area of Seminole (BA-01-09-17). Two letters in support of 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. The proposal is to add a screen porch addition. The property is a double-frontage lot with 25-foot minimum setbacks on two

sides. The proposed variance is on the “secondary” frontage adjacent to Bardmoor Place on the south, which the property has no direct access to. Approval should be subject to the following conditions:

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

Rick Myrick, Clearwater, appeared and indicated that he represents the applicant. He related that the complex is wholly enclosed with no access to Bardmoor Place; that the screening will be 10-feet wide; and that the request would allow the porch to be more functional.

In response to the Chairman’s call for objectors to the application, Marilee Friedman, Largo, appeared and stated that additions to homes within the Chase at Bardmoor development are prohibited by the governing documents of the homeowners association (HOA); whereupon, she responded to comments and queries by the members. Mr. Doran noted that the HOA has submitted a letter indicating its approval of the application.

Responding to Ms. Friedman’s concern, Mr. Myrick noted that a rendering of the screen porch showing its conformity to the existing structure and architecture was provided to the HOA Board, which led to its approval.

Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

#2 APPLICATION OF STEPHEN M. AND OLIVE FAITH CLARK FOR A VARIANCE (BA-02-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Stephen M. and Olive Faith Clark for a variance to reduce the side setback from 25 feet to 15 feet from the west property line for the construction of a detached carport, re property located at 3361 Meander Lane in the unincorporated Safety Harbor area (BA-02-09-17). 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 request. The proposal is to add a detached carport 15 feet

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from the western property line, where 25 feet is required. The proposal would place the carport over an existing parking slab. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The carport structure cannot be enclosed.
3. Roof drainage from the structure should be captured and directed towards the existing pond on the property.

Stephen Clark, Safety Harbor, appeared and indicated that he is seeking the aforesaid variance.

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

Mr. Bomstein indicated that the lot has plenty of room to build without an immediate need for a variance; that an existing concrete slab is poor justification for the variance; and that he is concerned approval of the variance would set a precedent and result in many illegal carports being built on newly-laid concrete.

Responding to Mr. Bomstein's comments, Mr. Clark stated that to move the carport closer to the home, he would have to remove a large clump of palm trees used to shelter the house; that moving to the opposite side of the house would require an additional paved surface; that the area is environmentally sensitive and subject to flooding; and that adding 600 square feet of impervious surface area would not be responsible.

In response to queries by the members, Mr. Clark indicated that the carport would be approximately 25 to 30 feet by 20 feet and wide enough for two vehicles; and that the concrete slab already existed when he purchased the house about two years ago. Mr. Bailey noted that a large portion of the property is close to a wetland pond; that a significant amount of water drains into the ponds; and that increasing the amount of impervious area on the property would potentially lead to drainage issues.

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

#3 APPLICATION OF ON TOP OF THE WORLD, INC. THROUGH SHARON LICATA, REPRESENTATIVE, FOR A VARIANCE (BA-03-09-17) – GRANTED WITH ADDITIONAL CONDITION

Public hearing was held on the application of On Top of the World, Inc. through Sharon Licata for a variance to replace an existing 198-square-foot multifamily subdivision entrance wall sign with a new 78.5-square-foot sign where 24 square feet is allowed, re property located at 2069 World Parkway Boulevard West in the unincorporated Clearwater area (BA-03-09-17). No correspondence has been received by the Clerk.

Mr. Bailey noted that the request would result in a 100-square-foot reduction in signage; and that while the code allows for separate signs on both sides of the entrance, the proposed sign will be the only sign at the entrance; whereupon, he presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The proposal is to replace an existing 198-square-foot subdivision entrance sign. The proposed variance is for the installation of a 78.5-square-foot sign. The original subdivision sign pre-dates the code. Approval should be subject to the following condition:

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

Mike Booth and Sharon Licata, Clearwater, appeared and indicated that they represent the applicant.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff with a further condition that no additional entrance signage will be allowed.

Upon call for the vote, the motion carried unanimously.

#4 APPLICATION OF AUTOCRACY, LLC THROUGH SCOTT GRAGES, REPRESENTATIVE, FOR A VARIANCE (BA-04-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Autocracy, LLC through Scott Grages for a variance to allow for the construction of a single family home with a 10-foot front setback from the east property line along the 129th Street North public right-of-way where 25 feet is required, re property located at the southwest corner of the intersection of Poinsettia Avenue and 129th Street North in the unincorporated area of Seminole (BA-04-09-17). No correspondence 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. The subject property is a “Lot of Record” and contains a building site area smaller than the requirements of the R-1 district. Additionally, the property is a double-frontage lot and the request pertains to the “secondary” front on the east side of the site adjacent to 129th Street North. Approval should be subject to the following conditions:

1. The driveway for the property is to be accessed from Poinsettia Avenue.
2. The applicant shall obtain all required permits and pay all applicable fees.

Jonathan McHenry, Madeira Beach, and Scott Grages, Seminole, appeared and indicated that they represent the applicant. Mr. Grages indicated that the variance is needed to build a 42-foot-wide home; and that without the variance, the home would be limited to only 27 feet wide, which would not fit the character of the neighborhood. He noted that a planned garage will be moved to the front of the house to satisfy staff conditions.

Mr. McHenry related that there is an existing 25-foot right-of-way along 129th Street North; that an additional 25-foot setback requirement collectively reserves the first 50 feet of land from the road; and that the request is only for 15 feet.

During discussion and responding to queries by Mr. Bomstein, Mr. Grages related that the lot had been combined with two adjacent lots but was separated from them earlier this year. Mr. Bailey noted that the lot continued to exist as a “Lot of Record” even while it was combined with the other lots.

In response to the Chairman's call for objectors to the application, Jim Simons, Seminole, appeared, expressed his concerns regarding building on a smaller-sized lot, impacts on stormwater drainage, and whether the applicant attempted to acquire additional property before making the request, and responded to comments and queries by the members; whereupon, Mr. Bailey and the members addressed his concerns.

In response to Mr. Simon's concerns, Mr. Grages indicated that similarly small lots in the neighborhood have 40-foot-wide homes built on the property; that the lots have 8-foot setback requirements on both sides; and that the applicant's lot has the larger setback requirement because it is a corner lot.

Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

#5 APPLICATION OF NURUL AND IFFAT ALAM THROUGH JOE MCKINNON, REPRESENTATIVE, FOR TWO VARIANCES (BA-06-09-17) – CONTINUED TO NEXT MEETING

Public hearing was held on the application of Nurul and Iffat Alam through Joe McKinnon for a variance to place a 1,000-gallon above-ground propane tank within 10 feet of the west property line along 37th Street North where 25 feet is required, and a variance to relocate a dumpster/dumpster enclosure to within 10 feet of the north property line where 20 feet is required, re property located at 3695 54th Avenue North in Lealman (BA-06-09-17). No correspondence 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. The subject property is a double-frontage lot and the reduced setback for the propane tank is proposed for the "secondary" front. The tank cannot be placed outside of the setback due to state separation requirements between propane tanks and buildings. The proposed reduced setback for the dumpster will not adversely affect the properties to the north due to the buffering effect of a large pond. 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 propane tank and dumpster shall not encroach into any easements.

No one appeared upon the Chairman's call for the applicant; whereupon, Chairman Burdette moved the hearing to the end of the agenda in order to provide more time for the applicant to appear and participate.

Later in the meeting, Chairman Burdette noted that the applicant remained absent from the proceedings. Mr. Bomstein indicated that many people have not returned after having evacuated due to Hurricane Irma; and that the Board has historically continued cases to the next meeting under similar circumstances. He noted that those in attendance today wishing to speak in opposition to the application can return at the next meeting, or choose to be heard today for the Board's future consideration; whereupon, Chairman Burdette indicated that the Board will hear the objector's statements to be included in today's record of the proceedings.

Mr. Bailey re-introduced Case No. BA-06-09-17, providing the background information and presenting the staff recommendation noted above. He indicated that the exact placement of the propane tank is not yet known as it has to complete the permitting process through the State; that it is possible it may not require a variance for placement; and that staff has kept the request at 10 feet in order to provide for flexibility. He stated that the applicant may be able to keep the dumpster at 16 feet from the north property line.

Responding to queries by the members, Mr. Bailey related that the commercial building was built in 1979 and received a variance at that time to allow a zero-foot setback to the rear of the building and a parking variance; that since that time there has been possible encroachment beyond the property for a deck built without approval; that in 2007, a variance was granted allowing the dispensing of alcohol; and that the applicant intends to sell propane as a service of the commercial business.

In response to the Chairman's call for objectors to the application, the following individuals appeared, expressed their concerns, and responded to comments and queries by the members.

Dee Graham, Lealman
Anthony Quandt, Lealman
Lorrissa Fillmon, Lealman

Noting the absence of the applicant to rebut the objectors' concerns, Mr. Bomstein moved, seconded by Mr. Doran, that Case No. BA-06-09-17 be continued until the next scheduled meeting in October.

Mr. Gephart stated that neither the applicant nor the applicant's representative have contacted the Board or staff regarding their failure to appear; and that he is not in favor of the motion.

Upon call for the vote, the motion carried 6 to 1, with Mr. Gephart dissenting.

#6 APPLICATION OF GATEWAY MOBILE HOME PARK LTD. THROUGH SUSAN WORDEN, REPRESENTATIVE, FOR A VARIANCE (BA-07-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Gateway Mobile Home Park Ltd. through Susan Worden for a variance to allow the installation of a second residential subdivision sign in a location along the Gandy Boulevard right-of-way that is approximately 550 feet from the subdivision entrance, re property located at 10100 Gandy Boulevard in the unincorporated area of St. Petersburg (BA-07-09-17). No correspondence 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. The proposed sign is warranted due to the recent construction of the Gandy Boulevard "flyover" that begins near the eastern side of the subject property. The proposed sign will create enhanced visibility so motorists can have the opportunity to merge onto the frontage road that provides access to the subject property. The proposed sign will be integrated into the perimeter fence and will be over 500 feet from the existing entrance sign. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The sign must not encroach into the public right-of-way.
3. There shall be no commercial advertising on the sign.
4. The sign shall meet all electronic changeable messaging code standards, including luminance, dwell times, etc.

Susan Worden and John Kendall, St. Petersburg, appeared and indicated that they represent the applicant.

In response to query by Mr. Bomstein, Mr. Bailey confirmed that the sign will be placed on-site but away from the entrance to the property; whereupon, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

#7 APPLICATION OF LINDA C. FEHR REVOCABLE TRUST, CLINTON G. FEHR REVOCABLE TRUST, AND ALDERMAN CROSSINGS LLC THROUGH GARY A. BOUCHER, REPRESENTATIVE, FOR TWO VARIANCES (BA-08-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Linda C. Fehr Revocable Trust, Clinton G. Fehr Revocable Trust, and Alderman Crossings LLC through Gary A. Boucher for a variance to allow for development to occur on a parcel with no right-of-way frontage where 75 feet of frontage is required, and a variance to allow for the construction of an off-site subdivision sign, re property located approximately 173 feet west of U.S. Alternate Highway 19, approximately 175 feet north of Crystal Beach Avenue in Palm Harbor (BA-08-09-17). No correspondence 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. The RM-7.5 zoned parcel has no direct frontage on a public right-of-way, and there are no opportunities to acquire enough land to provide the required frontage. In addition, due to the lack of frontage, having an off-site subdivision sign is the only way to provide sign visibility along a roadway. Approval should be subject to the following conditions:

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1. The applicant shall obtain all required permits and pay all applicable fees.
2. Full site plan review.
3. Recording of ingress/egress easement.
4. Sight visibility standards shall be met.
5. All setback requirements shall be met.

Gary Boucher, Dunedin, appeared and indicated that he represents the applicants; that the commercial property and residential property owners are both in agreement; that a permanent easement was put in place when the property was split in 2005; and that access through the commercial property is the only option available for the project.

In response to the Chairman's call for objectors to the application, the following individuals appeared and expressed their concerns, and Mr. Bailey responded to comments and queries by the objectors and the members.

Paul Morrissette, Crystal Beach
Joanne Morrissette, Crystal Beach
Jim Tierney, Crystal Beach

Responding to the objectors' concerns, Mr. Boucher stated that the alleyway is not wide enough for access and will not be viable for secondary access; that a fence between the residential and commercial properties will be built as required; that there is no connection available to Avery Avenue; and that trees will be replanted as part of the development process.

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

#8 APPLICATION OF TRIPLE L CITRUS & SALES AND APC TOWERS LLC THROUGH MATTANIAH S. JAHN, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-09-09-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Triple L Citrus & Sales and APC Towers LLC through Mattaniah S. Jahn for a special exception to allow for the construction of a

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120-foot-tall communication unipole cellphone tower and associated supporting equipment, re property located at 301 South Belcher Road in the unincorporated Clearwater area (BA-09-09-17). No correspondence 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, provided the Board is satisfied the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code have been met. 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.

Mr. Bailey noted that the request has changed from a 120-foot tower to 113-foot tower based on Federal Aviation Administration (FAA) approval; and that a fence is required.

Mattaniah Jahn, Palm Harbor, appeared and indicated that he represents the applicant. He stated that an FAA pre-application was approved for 120 feet; that a subsequent staff review determined it should be no higher than 113 feet; and that the reduction accommodates safety concerns with regard to the nearby Clearwater Air Park. He noted that the tower will be completely dark at night.

Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the special exception be granted as recommended by staff.

MINUTES OF THE AUGUST 2, 2017 MEETING – APPROVED

Mr. Doran moved, seconded by Mr. Cocks and carried unanimously, that the minutes of the meeting of August 2, 2017 meeting be approved.

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MISCELLANEOUS DISCUSSION

Attorney Mackesey introduced himself as the new counsel for the Board as appointed by the County Attorney's Office, noting that he had previously served the Board during the temporary absence of its previous counsel.

ADJOURNMENT

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

Chairman