

Clearwater, Florida, December 7, 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; Deborah J. White, Vice-Chairman; Alan C. Bomstein; Vince Cocks; John Doran; Cliff Gephart; and Stephen G. Watts.

Also present: Michael Schoderbock, Principal Planner; Chelsea Hardy, Assistant County Attorney; Todd F. Myers, Project Coordinator, Development Review Services; other interested individuals; and Lynn Abbott, Board Reporter, Deputy Clerk. Minutes by Lynn Abbott and Amanda Napier.

### 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 PATRICK OWEN AND LAURINDA KELLEY FOR A VARIANCE (BA-01-11-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Patrick Owen and Laurinda Kelley for a variance to reduce the rear setback from 10 feet to 5 feet from the north property line for an “after the fact” detached garage, re property located at 4253 42nd Avenue North in Lealman (BA-01-11-17). One letter in support of the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. According to the applicant, the detached garage has been in place for about 15 years. The rear of the subject property abuts a 16-foot-wide alley that provides separation from the property to the north. Access to the garage is from the alley. Approval should be subject to the following conditions:

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

Patrick Kelley, St. Petersburg, appeared and indicated that the contractor that he hired 15 years ago to build a garage did not follow proper procedure; and that he is trying to resolve the matter by filing for a variance. In response to query by Mr. Bomstein, Mr. Kelley explained that Code Enforcement noted the violation after receiving a complaint regarding another issue.

Responding to the Chairman's call for objectors to the application, Conrad Haneke, St. Petersburg, appeared and expressed his concerns regarding setback requirements, alley access, and a commercial business operating in a residential area.

In response to queries by Mr. Bomstein, Mr. Myers indicated that parking is allowed in the unpaved County-owned alley, noting that law enforcement would get involved if access was impeded.

In rebuttal and in response to queries by the members, Mr. Kelley referred to photographs depicting front and rear views of his house and related that he hired an architect; that permits were not pulled during construction; and that the garage has been in place for 15 years, and discussion ensued regarding permitting, alley maintenance, setback requirements, and parking.

Mr. Bomstein moved, seconded by Mr. Watts, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#2 APPLICATION OF RICK HENNESSEY THROUGH RICHARD BADDERS, REPRESENTATIVE, FOR A VARIANCE (BA-02-11-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Rick Hennessey through Richard Badders for a variance to reduce the front setback from 25 feet to 12 feet from the north property line fronting Crystal Beach Avenue for construction of a porch and pergola addition to a single-family home, re property located at 605 Crystal Beach Avenue in Crystal Beach (BA-02-11-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The home on the property was built in 1947, prior to the zoning code and the establishment of required setbacks. The proposed porch and pergola will not encroach any further into the front setback than the home currently does. It will be a horizontal extension only. In addition, Crystal Beach Avenue has a wide right-of-way. The home and the proposed additions are about 45 feet from the pavement. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The porch may be screened but shall not be enclosed.

Richard Badders, Dunedin, and Rick Hennessey, Crystal Beach, appeared and indicated that they are the representative and the applicant, respectively.

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

Mr. Cocks moved, seconded by Mr. Bomstein, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#3 APPLICATION OF WILDS LAND COMPANY LLC THROUGH WILLIAM J. KIMPTON, ESQUIRE, REPRESENTATIVE, FOR A VARIANCE (BA-03-11-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Wilds Land Company LLC through William J. Kimpton for a variance to allow up to 17 single-family residences in a new subdivision having 15-foot front setbacks for lots having a side entry garage and 20-foot front setbacks for lots having a front entry garage, where 25 feet is required, re property located at 3001 Hawks Landing Boulevard in East Lake Tarpon (BA-03-11-17). A previously approved similar case in July 2016 (BA-08-07-16) has expired. No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. This recommendation is consistent with Board action taken on September 4, 2014 (Case BA-5-9-14) and July 7, 2016 (BA-8-7-16) on similar requests that have since expired due to a challenging site plan. Staff is of the same opinion that special conditions exist on the subject property (notably wetlands) that warrant setback relief internal to the proposed subdivision. 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.

In response to query by Chairman Burdette, Mr. Schoderbock related that it is a new request because the previous case had expired; and that the applicant is asking for a reduction of the previously requested setbacks.

William Kimpton, Dunedin, appeared and indicated that he represents the applicant.

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

In response to query by Mr. Bomstein, Mr. Kimpton discussed the difference between the original and current requests.

Mr. Bomstein moved, seconded by Mr. Watts, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#4 APPLICATION OF TRACY FITZGERALD FOR A VARIANCE (BA-04-11-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Tracy Fitzgerald for a variance to allow for the construction of an addition to a single-family home having a 1.94-foot setback from the west side property line where 7.5 feet is required, re property located at 4292 57th Avenue North in Lealman (BA-04-11-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The home on the property was built in 1946, prior to zoning code and the establishment of required setbacks. The proposed addition will not encroach any further into the side setback than the home currently does. It will be a horizontal extension only. In addition, a 16-foot wide alley abuts the subject property on the side where the addition is proposed, therefore providing additional separation to the properties to the west. Approval should be subject to the following condition:

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

Tracy Fitzgerald, St. Petersburg, appeared and indicated that she is seeking the aforesaid variance.

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

#5 APPLICATION OF CHRISTOPHER T. WRIGHT FOR A VARIANCE (BA-02-12-17)  
– GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Christopher T. Wright for a variance to allow for an existing swimming pool to remain with a 5.5-foot side setback from the east property line where 7.5 feet is required, re property located at 416 Tennessee Avenue in Crystal Beach (BA-02-12-17). One letter in support of the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. According to the applicant, the pool has been in place since 2005 and was properly permitted. However, it failed final inspection for being built too close to the side property line, and no action was taken to correct it at that time. The issue has arisen now

because the property is under contract for sale. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The pool cannot be screened in.

Christopher T. Wright, Crystal Beach, 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; whereupon, Mr. Bomstein moved, seconded by Mr. Watts and carried unanimously, that the variance be granted as recommended by staff.

#6 APPLICATION OF JINERGY HOUZING FOR A VARIANCE (BA-05-12-17) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Jinergy Houzing for a variance to allow construction of a single-family home on a 5,490-square-foot parcel with a width of 61 feet and 61 feet of public right-of-way frontage where 7,500 square feet, a width of 75 feet and 75 feet of public right-of-way frontage is required, re property located at 3740 57th Avenue North in Lealman (BA-05-12-17). One email in opposition to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property currently consists of two 'substandard' lots that were platted in 1928, prior to the establishment of the zoning code. The applicant wishes to reconfigure the lots in an east-west direction instead of a north-south. The existing home crosses both lots as they are currently configured. The reconfiguration would place the existing home solely on the proposed north lot, which would leave the proposed south lot vacant and available for new construction. The reconfigured pattern currently exists within other areas of the neighborhood. 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 for new construction.
3. Vehicle access to the southern lot shall be from the alley.

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

Later in the meeting, Jocelyn Hilliard, St. Petersburg, appeared on behalf of the applicant, indicating that her company name has been changed to Power Housing.

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

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#7 APPLICATION OF PLEASANT VALLEY BAPTIST CHURCH THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-03-12-17) – GRANTED WITH ADDITIONAL CONDITION

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Public hearing was held on the application of Pleasant Valley Baptist Church through Robert Pergolizzi for a special exception to allow for the construction of a private school on a parcel containing a church, re property located at 1700 East Klosterman Road in Palm Harbor (BA-03-12-17). The Clerk has received a letter of no objection from the City of Tarpon Springs and one letter in opposition to the application.

Mr. Schoderbock 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. Full site plan review.
3. The school shall have a maximum enrollment of 90 students.

Responding to the Chairman's call for the applicant, Robert Pergolizzi, Gulf Coast Consulting, Clearwater, indicated that he represents Pleasant Valley Baptist Church; and that Center Academy School Administrator Steve Hicks is present seeking a special exception to allow placement of a school for special needs students. He stated that the site is zoned Agricultural-Estate Residential with a land use designation of Institutional that allows churches, schools, hospitals, and other public uses; and that Pleasant Valley Baptist Church has existed since 1960. In response to query by Mr. Gephart, he referred to aerial photographs and a plot plan of the existing church property, related that the site abuts Innisbrook Golf Course, and described the surrounding area.

Mr. Pergolizzi indicated that the school can comply with Section 138-238, Division 7 of the Land Development Code and addressed the seven criteria; whereupon, he noted that staff recommends conditional approval; that the applicant agrees with the conditions; and that a traffic study and final site plan will be submitted during the site plan review process.

In response to concerns and queries by Mr. Bomstein, Mr. Pergolizzi indicated that vehicular stacking would occur onsite within the approximately 400 feet of school property along Klosterman Road; that the proposed building's location on the west end of the property will allow for maximum stacking; and that there would be a limited capacity of 90 special needs students. Mr. Hicks related that the school has been in operation for approximately 13 years in a nearby location, and provided information regarding the types of special needs accepted, student mobility, school operation, building ownership, and the enrollment rate and cap.

In response to the Chairman's call for persons wishing to speak in opposition to the application, the following individuals appeared and expressed their concerns:

Lawrence Rose, Palm Harbor  
Mike Willey, Palm Harbor  
Bill Lomaka, Palm Harbor

Concerns expressed by the objectors included:

- Vehicle stacking
- Traffic flow and congestion

- Parking
- Drainage/flooding
- Improper zoning
- Setback requirements
- Proposed building location
- Roadway access
- Vehicular accidents

Chairman Burdette related that drainage would be addressed as part of the site plan approval process, and Mr. Bomstein clarified that County Code provides that schools can be built in residential zones by special exception and commented that Klosterman Road is a Level of Service B, the second best rating in Pinellas County.

In rebuttal, Mr. Pergolizzi referred to the legal description and sketch, and indicated that 10.39 acres would provide ample room for a drainage retention pond should one be required, noting that he agreed with Mr. Bomstein's comment that the County will not approve a plan that has water flowing from a property onto another.

During discussion and in response to queries by the members, Mr. Pergolizzi related that the applicant will be required to do a traffic analysis; that the location of the school on the west end of the site complements the one-way traffic circulation pattern and provides the maximum amount of stacking for student drop-off; that improved signage will clearly identify the traffic pattern; that student pick-up would occur between 2:30 and 3:00 P.M, and there is a Wednesday evening church service; and that there is ample space on the property to accommodate all parking. He stated for the record that Mr. Hicks will ensure that the school administration notifies parents not to park in the Klosterman Oaks Village subdivision.

Mr. Bomstein related that he supports the proposal because the applicant has addressed the valid concerns of the neighbors regarding traffic, drainage, setback requirements, and school intensity, and recommended that a fourth condition be added that the entry drive to the property be placed at the east side of the property as presented in the application, noting that siting the school on the west end of the property is appropriate to provide adequate stacking; and that the placement of the building will best utilize the existing parking; whereupon, he moved, seconded by Mr. Watts, that the special exception be granted with the additional condition. Upon call for the vote, the motion carried unanimously.

#8 APPLICATION OF WILLIAM A. ADAMS, JR., THROUGH JAMES JOHNSTON, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-01-12-17) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of William A. Adams, Jr., through James Johnston for a special exception to allow for the construction of a 150-foot-tall communication monopole cellphone tower and associated supporting equipment, re property located at 2925 47th Avenue North in Lealman (BA-01-12-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock 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.

Upon the Chairman’s call for the applicant, James Johnston appeared and provided information regarding the proposed tower. He indicated that the request is for a 145-foot tower with a 5-foot lightning rod; and that towers are permitted by right in industrial zoning, but only to a height of 95 feet; whereupon, referring to a letter from Verizon radio frequency design engineers, he explained that the 145-foot height would be necessary in order to provide reliable coverage, increased capacity, and improved service in the area, noting that all setbacks and other criteria will be met.

At the request of the Chairman, Attorney Hardy related that the Federal Government has ruled that health concerns are not a valid consideration with regard to the location of cell phone towers, given the absence of foundation and evidence to support that claim.

Upon the Chairman’s call for objectors to the application, the following citizens appeared, stated their concerns, and responded to queries by the members, noting that there is already another tower in the vicinity; and that the proposed tower may raise the

risk of lightning and affect the surrounding industrial tenants, and inquired as to why the existing tower could not be made taller:

Greg Simek, St. Petersburg  
Kevin Byrne, St. Petersburg

In rebuttal, Mr. Johnston related that the proposed tower is designed to meet strict federal and local regulations; that it is grounded by a lightning rod; that the requested height is necessary in order to provide the level of coverage and capacity required by Verizon; and that an investigation concluded that the existing tower cannot be added onto because it will fail.

The Chairman closed the public hearing and discussion ensued; whereupon, Mr. Bomstein moved, seconded by Mr. Doran, that the special exception be granted as recommended by staff. Attorney Hardy responded to query by Mr. Doran and provided additional information, and upon call for the vote, the motion carried unanimously.

#9 APPLICATION OF SKYWAY TRAP AND SKEET CLUB AND APC TOWERS, LLC THROUGH MATTANIAH S. JAHN, ESQUIRE, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-09-12-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Skyway Trap and Skeet Club and APC Towers, LLC through Mattaniah S. Jahn for a special exception to allow for the construction of a 145-foot-tall communication monopole cellphone tower and associated supporting equipment, re property located at 3200 74th Avenue North in Lealman (BA-09-12-17). The Clerk has received a letter of no objection from the City of Pinellas Park.

Mr. Schoderbock 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.

Mattaniah Jahn, Palm Harbor, appeared on behalf of the applicant. Referring to a map and aerial photograph, he described the surrounding area and proposed tower installation, noting that T-Mobile wishes to improve its coverage in the area; that a 145-foot height is required; and that the tower will accommodate four additional co-locations.

Responding to queries by Mr. Gephart and Ms. White, Mr. Jahn related that the coverage area varies depending on the type of tower, and confirmed that the property size is sufficient, noting that the tower is designed to bend over upon itself in the case of a collapse.

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 special exception be granted as recommended by staff.

#10 APPLICATION OF H2004, INC. THROUGH JOHN HODGES, REPRESENTATIVE, FOR A VARIANCE (BA-06-12-17) – DENIED

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Public hearing was held on the application of H2004, Inc. through John Hodges for a variance to reduce the front setback from 50 feet to 23 feet, the rear setback from 25 feet to 10 feet, the west side setback from 25 feet to 6 feet and the east side setback from 25 feet to 6 feet for the construction of an attached garage/carport and an addition to a single-family home, re property located at 1075 Sandra Drive in Palm Harbor (BA-06-12-17). The request is a modification to a previously approved variance (BA-11-10-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Denial. On October 5, 2017, the Board approved a similar case on the subject property that granted setback relief on multiple sides for the construction of an attached garage/carport and a single-family home addition. The applicant is now modifying the original request by asking for additional setback relief from the east property line (from the previously approved 19 feet from the east property line to 6 feet from the

east property line). Staff recommended denial of the original request due to the opinion that a zoning amendment is a more appropriate way to address the setback issues. The existing home on the property is nonconforming to setbacks on all sides except the rear, and the proposed additions would encroach even further into the setbacks required by the Agricultural Estate (A-E) district. In contrast, the proposed additions would meet all of the required standards of the R-3 single-family residential zoning district. Therefore, staff cannot support the request as it does not meet the criteria for granting a variance in accordance with Section 138-113 of the Pinellas County Land Development Code, specifically in regard to:

9. *Consideration of Rezoning.* A rezoning or, where applicable, an amendment to another future land use map category has been considered and determined not to meet the objective of the variance and would not be appropriate.

Upon the Chairman's call for the applicant, John Hodges, Palm Harbor, appeared and stated that he was seeking the variance to build a carport; and that the request was not included as part of the original application. Responding to queries by the members, Mr. Schoderbock explained that the five houses in the neighborhood are zoned A-E; that the requested setbacks would be permitted in R-3 zoning; and that Mr. Hodges and his neighbors are not interested in rezoning.

Attorney Hardy discussed the distinction between a rezoning and a variance, noting that each have their own criteria, requirements, process, and procedure.

Ms. White inquired as to whether the rezoning could be forced upon the neighborhood, and Mr. Schoderbock responded that the County could initiate a change, but due to lack of interest among the neighbors, the position of the Planning Department was to not pursue the matter.

No one appeared in response to the Chairman's call for objectors to the application. The Chairman closed the public hearing, and discussion ensued wherein Mr. Doran noted that the Board could approve the variance request, but a zoning change would require approval of the County Commission, which would be unlikely; whereupon, Mr. Cocks moved, seconded by Mr. Gephart, that the application be denied. Upon call for the vote, the motion carried 6 to 1, with Mr. Doran casting the dissenting vote.

#11 APPLICATION OF JOHN HODGES FOR A VARIANCE (BA-07-12-17) – GRANTED WITH CONDITION

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Public hearing was held on the application of John Hodges for a variance to reduce the front setback from 50 feet to 20 feet, the rear setback from 25 feet to 10 feet, and the two side setbacks from 25 feet to 6 feet for the construction of a new single-family home, re property located at 1087 Sandra Drive in Palm Harbor (BA-07-12-17). The request is a modification to a previously approved variance (BA-10-10-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock related that the subject property is located next to the property in the previous case (BA-06-12-17); whereupon, he presented the following staff recommendation:

Recommend Denial. On October 5, 2017, the Board approved a similar case on the subject property that granted setback relief on multiple sides for the construction of additions to an existing single-family home. The applicant is now modifying the original request by asking for the same setback relief for the construction of an entirely new single-family home. Staff recommended denial of the original request due to the opinion that a zoning amendment is a more appropriate way to address the setback issues. The proposed new home would meet all of the required setbacks of the R-3 single-family residential zoning district without the need for a variance. Therefore, staff cannot support the request as it does not meet the criteria for granting a variance in accordance with Section 138-113 of the Pinellas County Land Development Code, specifically in regard to:

9. *Consideration of Rezoning.* A rezoning or, where applicable, an amendment to another future land use map category has been considered and determined not to meet the objective of the variance and would not be appropriate.

Mr. Hodges appeared and stated that it would be more cost effective to build a new home than to add onto the existing home. Chairman Burdette noted staff’s recommendation to rezone the property, and Mr. Hodges reiterated that his neighbors were not interested in rezoning and questioned whether “spot zoning” would be a possibility for his two parcels; whereupon, Attorney Hardy indicated that the request would go through the normal rezoning process and would have a possibility of being granted, and Chairman Burdette suggested that he obtain letters of support from his neighbors.

Discussion ensued, and responding to query by the Chairman, Mr. Schoderbock confirmed that the requested setbacks are the same as those approved by the Board in October; whereupon, Mr. Gephart moved, seconded by Mr. Doran and carried unanimously, that the variance be granted with the condition that the applicant shall obtain all required permits and pay all applicable fees.

#12 APPLICATION OF SIR JULIAN LLC THROUGH HELEN L. SPICOLA, REPRESENTATIVE, FOR A VARIANCE (BA-04-12-17) – GRANTED WITH CONDITION

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Public hearing was held on the application of Sir Julian LLC through Helen L. Spicola for a variance to allow for (1) an existing covered deck with a 5-foot side setback from the west property line where 7.5 feet is required and a 9.51-foot rear setback from the northern property line where 10 feet is required, and (2) an existing covered patio with a 1.5-foot side setback from the east property line where 7.5 feet is required, re property located at 3925 52nd Avenue North in Lealman (BA-04-12-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Denial. The request pertains to an after-the-fact covered deck and patio that were installed without permits. Staff cannot support the request as it does not meet the criteria for granting a variance in accordance with Section 138-113 of the Pinellas County Land Development Code, specifically in regard to:

- (1) *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, including the nature of and to what extent these special conditions and circumstances may exist as direct results from actions by the applicant.
- (2) *No special privilege.* That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to other similar lands, buildings, or structures in the same zoning district.
- (3) *Unnecessary hardship.* That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly

enjoyed by other properties in the same zoning district under the terms of this chapter.

Responding to query by Chairman Burdette, Mr. Myers confirmed that the case was before the Board as the result of a Code violation.

Appearing on behalf of the applicant, Helen L. Spicola, Tampa, and Rick Pavlick, Tarpon Springs, distributed photographs of the property and provided background information regarding the request, indicating that Ms. Spicola purchased the property “as is” as an investment; and that she was trying to improve the home and neighborhood.

In response to queries by the members, Mr. Pavlick indicated that the property is very narrow; that the deck and patio were existing when Ms. Spicola purchased the property, and it would be a financial hardship to remove them; and that there have been no complaints. Ms. Spicola stated that she purchased the property in January 2014 and it contains three units.

Upon the Chairman’s call for proponents of the application, Jody Caldwell, Lealman, appeared and stated her support, noting that Ms. Spicola has made improvements to the property. No one appeared in response to the Chairman’s call for objectors to the application.

Following brief discussion, Mr. Doran moved, seconded by Mr. Cocks and carried unanimously, that the variance be granted; whereupon, Chairman Burdette clarified that as a condition of the approval, the applicant will be required to obtain all required permits.

#13 APPLICATION OF THE PINELLAS HOUSING AUTHORITY THROUGH ALISSA SIEBEN AND BRIAN EVJEN, NORSTAR DEVELOPMENT, REPRESENTATIVES, FOR A SPECIAL EXCEPTION AND VARIANCES (BA-08-12-17) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of the Pinellas Housing Authority through Alissa Sieben and Brian Evjen, Norstar Development, for (1) a special exception for a 50-percent affordable housing density bonus to allow an increase from 220 units to 330 units; (2) a variance to allow parking requirement reductions from 2.0 spaces to 1.5 spaces per unit for single-family detached dwellings, from 1.5 spaces to 1.0 space per unit for single-family attached dwellings, and from 1.5 spaces to 0.75 space per unit for

multi-family dwellings; (3) a variance to allow setback requirement reductions from 25 feet to 10 feet for all structures from publicly dedicated rights-of-way, from 7.5 feet to 6 feet for single-family structure side yards, from 15 feet to 6 feet for multi-family structure side yards, and from 35 feet to 5 feet for all structures from edge of pavement of private roadways; (4) a variance to increase the maximum allowable building height from 45 feet to 50 feet; and (5) a variance to reduce the required building separation distance from 15 feet to 12 feet, re properties located at 12301 134th Avenue North and 12375 Jefferson Circle in the unincorporated Largo area (BA-08-12-17). No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the requested special exception for an affordable housing density bonus, provided the Board is satisfied that the ‘Standards’ of Section 138-238, Division 7, of the Pinellas County Land Development Code have been met. The subject property is the site of the Pinellas County Housing Authority’s Rainbow Village, a collection of 200 duplex-style residential units. The request will help achieve the revitalization of the properties in accordance with an approved redevelopment Master Plan that has been extensively vetted and received community buy-in. The redeveloped project is to be renamed the Oaks at Ridgecrest and is envisioned to consist of a mixture of single-family and multi-family structures as shown in the associated concept plan.

Staff also has no objection to the conditional approval of the requested variances, which will provide needed flexibility for the placement of the additional density. The requested building separation/setback relief is mostly internal to the project and is compatible with the surrounding Ridgecrest community. In addition, parking demand is typically lower for affordable housing developments than for market rate projects. The height request is minimal and will provide flexibility for the multi-family senior housing component of the project. 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.

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Alissa Sieben, Tampa, indicated that she represents Norstar Development, the developer partner of the Pinellas County Housing Authority, and, referring to aerial photographs and site maps, provided background information regarding the application, noting that the redevelopment of the 28 acres will occur in phases; that approval of the special exception would allow an affordable housing density bonus increase of 110 units, enabling the PCHA to apply for low income housing tax credit funding; that renderings are available; and that the variance requests pertaining to parking, setbacks, and building height would accommodate the additional density; whereupon, she related that there is a relocation plan; that the project meets the Code requirements; and that staff has recommended conditional approval.

In response to queries by Mr. Bomstein, Ms. Sieben pointed out the locations of the single-family attached duplex-style bungalows and the three- to four-story elderly residential units with garden-style apartments.

In response to the Chairman's call for objectors to the application, Marva Perry, Largo, expressed her concerns regarding the increase in the number of units, housing density, limited parking, setback requirements, resident safety, traffic, and property maintenance, and responded to queries and comments by the members.

In rebuttal and responding to queries by the members, Ms. Sieben addressed concerns related to development overpopulation, traffic flow, unused parking and green spaces, project aesthetics, and tenant management, and provided information regarding a new application process, the addition of a community center, the proposed breakdown of families and elderly and single residents, and the number of Americans with Disabilities Act (ADA) accessible units.

Discussion ensued regarding elderly and resident drivers and what is considered a reasonable number of parking spaces per unit; whereupon, responding to queries by the members, Ms. Sieben related that the site plan would need to be redeveloped to change the parking allotment to one space per unit, and discussed Norstar's role in project construction and property management and the ratio of affordable and market-rate units, and Mr. Doran provided input.

Thereupon, Mr. Doran moved, seconded by Mr. Cocks, that the special exception and variances be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

RESOLUTION CODIFYING THE RULES OF THE PINELLAS COUNTY BOARD OF ADJUSTMENT

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Chairman Burdette referred to a document titled *Resolution Codifying the Rules of the Pinellas County Board of Adjustment*, and responding to query by Mr. Bomstein, Attorney Hardy confirmed that the only substantial change is a reduction in the number of members required to establish a quorum from five to four; and that no action would be taken with a tie vote; whereupon, Mr. Bomstein clarified for the record that a minimum of three votes would still be necessary for approval of a motion.

Discussion ensued wherein Chairman Burdette opined that, in the case of a four-member quorum, applicants should be given the option of requesting that their case be continued, and Messrs. Cocks and Doran concurred. Attorney Hardy stated that she recommends an odd-number quorum; that she would not recommend giving the applicant an absolute right to continue; and that the Board could consider granting a continuance if it feels it is proper to do so.

Responding to query by Mr. Doran pertaining to the requirements of Article VI of the resolution, Mr. Bomstein confirmed that submittal of a site plan is not required, and a drawing or graphic depiction of the property will suffice.

Thereupon, Mr. Bomstein moved, seconded by Ms. White and carried unanimously, that the resolution be adopted, repealing and replacing the previous Board of Adjustment rules of procedure.

MINUTES OF THE OCTOBER 5 AND NOVEMBER 2, 2017 MEETINGS – APPROVED

Mr. Doran moved that the October 5 and November 2, 2017 minutes be approved, and Ms. White noted that she was shown as being present in November but was not; whereupon, she moved, seconded by Mr. Bomstein, that the minutes of the October 5 meeting be approved; and that the November 2 minutes be approved as amended. Upon call for the vote, the motion carried unanimously.

SELECTION OF 2018 CHAIRMAN AND VICE-CHAIRMAN

Chairman Burdette indicated that the Board must select a new Chairman and Vice-Chairman for 2018, and related that in past years, the positions were filled by the appointees of the Board of

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County Commissioners Chairman and Vice-Chairman, noting that Commissioner Kenneth T. Welch will be BCC Chairman for 2018, and the Vice-Chairman has yet to be appointed.

Following brief discussion, Mr. Cocks, as Commissioner Welch's appointee, agreed to serve as Board of Adjustment Chairman for 2018; and Chairman Burdette indicated that selection of the Vice-Chairman would be postponed until the January meeting.

ADJOURNMENT

The meeting was adjourned at 11:28 A.M.

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Chairman