

Clearwater, Florida, February 1, 2018

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: Vince Cocks, Chairman; John Doran, Vice-Chairman; Alan C. Bomstein; Joe Burdette; and Deborah J. White.

Not Present: Cliff Gephart and Stephen G. Watts.

Also Present: Glenn Bailey, Zoning Manager; Chelsea Hardy, Assistant County Attorney; Todd F. Myers, Project Coordinator, Development Review Services; other interested individuals; Amanda M. Napier, Board Reporter; and Jenny Masinovsky, Board Reporter, Deputy Clerk.

CALL TO ORDER

Chairman Cocks 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 MEAGAN MADOLE THROUGH SCOTT MADOLE, REPRESENTATIVE, FOR A VARIANCE (BA-01-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Meagan Madole through Scott Madole for a variance to allow for an existing wood deck to remain with a 3-foot side setback from the east property line where 7.5 feet is required, re property located at 7954 48th Avenue North in Lealman (BA-01-02-18). The Clerk has received one letter stating no objection to the application.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. According to the applicant, the deck was constructed to allow for safe access to the backyard due to no rear exit on the house and a drainage easement on the east side of the property that creates a sharp grade

difference on that side of the property. The home was constructed by Habitat for Humanity in 2017. Approval should be subject to the following condition:

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

Meagan and Scott Madole, St. Petersburg, appeared and indicated they are the applicant and the representative, respectively.

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.

#2 APPLICATION OF JAMES AND NATALIE BROWN II FOR A VARIANCE (BA-02-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of James and Natalie Brown II for a variance to allow for the construction of a carport to replace a carport that was damaged by Hurricane Irma with a 17.4-foot setback on the west side where 25 feet is required, an 11.3-foot front setback on the south side where 25 feet is required, and a 3.5-foot setback on the east side where 7.5 feet is required, for a double-frontage lot located at 205 Broadus Street in Crystal Beach (BA-02-02-18). The Clerk has received one letter stating no objection to the application, signed by four neighbors.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. According to the applicant, the carport is original to the house, which was built in 1954. The proposed carport reconstruction will occupy the same footprint as the original and should not pose any additional impacts to surrounding properties, nor be intrusive to the neighborhood. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The carport shall remain open.

Natalie Brown, Crystal Beach, appeared and indicated that she is the applicant.

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.

#3 APPLICATION OF CORY THOMASON FOR A VARIANCE (BA-09-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Cory Thomason for a variance to reduce the side setback from 6 feet to 5 feet from the west property line for an "after-the-fact" wood deck, re property located at 8399 42nd Avenue North in Lealman (BA-09-02-18). 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. Repairs were made to an existing deck that should pose no new impacts to surrounding properties. The setback violation was discovered by the Building Department upon inspection. Approval should be subject to the following condition:

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

Cory Thomason, Tampa, 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. Doran, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#4 APPLICATION OF GULFWIND CONTRACTING, LLC THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A VARIANCE (BA-04-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Gulfwind Contracting, LLC through Robert Pergolizzi for a variance to allow building setbacks of 28 feet from edge of pavement of a

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private street where 35 feet is required for lots 5 and 9 of a new single-family subdivision, and a variance to allow for an 8-foot-tall decorative wall including 10-foot-tall columns with an 11-foot setback from the Belcher Road right-of-way, where 6 feet is the maximum height allowed within the 25-foot front setback, re property located at 923 Belcher Road and the vacant parcel to the south in Palm Harbor (BA-04-02-18). 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. The reduced front setbacks of 28 feet from the edge of pavement are minimal and will not pose any adverse impact to surrounding properties as they are on a private road internal to the development. The increase in the subdivision wall height will increase privacy and noise abatement along a heavily-traveled arterial roadway and should not have any impacts on the adjacent properties. The proposed development already has site plan approval. 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. Sight distance requirements shall be met.
3. The applicant shall revise and submit amended site plan sheets for review.

Robert Pergolizzi, Clearwater, appeared and indicated that he represents the applicant. Referring to a site plan, he provided an overview of the request, noting that the lots are constrained due to cul-de-sacs and turnarounds requested by the County and by an 11-foot landscape buffer required in the scenic non-commercial corridor.

Upon the Chairman's call for objectors to the application, David Morrison and William Barsanti, Palm Harbor, appeared, stated their concerns, and responded to queries by the members, noting that Belcher Road has a lot of traffic noise and they believe that noise may be bounced across the street toward their homes if an 8-foot wall is built.

In rebuttal, Mr. Pergolizzi stated that the testimony provided by the objectors supports the case for an 8-foot wall. Responding to query by Chairman Cocks, Mr. Pergolizzi related that sound will usually bounce off of a surface and travel upwards; and that he does not

expect the sound to travel 110 feet away to the eastern side of Belcher Road. Discussion ensued, and Mr. Bailey related that the Board has approved 8-foot walls on Belcher Road on at least two occasions, and he is unaware of any complaints.

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

#5 APPLICATION OF JAMES AND AIXAVELYSEE FUNDERBURK THROUGH JIM FUNDERBURK, REPRESENTATIVE, FOR A VARIANCE (BA-03-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of James and Aixavelysee Funderburk through Jim Funderburk for a variance to allow for the construction of a new single-family home with a 15-foot setback from the east property line adjacent to Moss Rose Avenue where a 25-foot front setback is required, for a double-frontage parcel located approximately 180 feet east of the intersection of Chateau Court and Summerfield Cove in Palm Harbor (BA-03-02-18). 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. The subject property is an irregularly shaped lot that has a second frontage on an unimproved public right-of-way. The requested 15-foot setback is from the east property line adjacent to Moss Rose Avenue, which will likely never be constructed. The request is consistent with other developed single-family R-4 zoned lots in the area and does not appear to be out of character with the neighborhood. 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. The new home shall be required to meet all other setbacks.

Jim Funderburk, Wadsworth, Illinois, appeared in response to the Chairman's call for the applicant.

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

In response to query by Mr. Funderburk, Mr. Bomstein related that the variance could not be increased at today's meeting due to legal advertising requirements; whereupon he moved, seconded by Ms. White, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#6 APPLICATION OF JOSHUA J. AND ALISSA KEHS THROUGH BOB STAUFFER, REPRESENTATIVE, FOR A VARIANCE (BA-05-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Joshua J. and Alissa Kehs through Bob Stauffer for a variance to allow for the construction of an in-ground pool having a 17-foot front setback where 25 feet is required, re property located at 774 Jacqueline Lane in Palm Harbor (BA-05-02-18). 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. There are no other feasible locations on the subject site for the pool as it cannot be located toward the rear of the property due to a large drainage easement. Notably, the abutting property to the east received approval for a similar variance in 1996. 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. The pool shall not be caged.

Joshua Kehs, Palm Harbor, 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 Ms. White, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#7 APPLICATION OF CLUB CHALET COOPERATIVE ASSN I THROUGH CHARLES LUCAS, REPRESENTATIVE, FOR A VARIANCE (BA-07-02-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Club Chalet Cooperative Assn I through Charles Lucas for a variance to allow for an existing community storage building to remain with a 1-foot setback from the east property line fronting 78th Street North where 15 feet is required for the Club Chalet Mobile Home Park located at 7880 54th Avenue North in Lealman (BA-05-02-18). 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. The community storage building in question is utilized to store furniture and other household items for the mobile home park's residents. Its location is on an Association-maintained lot adjacent to the laundry facility. There are no other practical locations to place the structure. A six-foot-high decorative fence helps shield it from view. Keeping the structure will give the Association the flexibility to remove three other smaller storage sheds. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The opaque fence that helps shield the structure from view shall remain in place.
3. The three smaller nearby storage sheds shall be removed from the premises.

Charles Lucas, 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; whereupon, Mr. Doran noted for the record that an email was received from Robert Nagle in objection to the variance.

In response to query by Ms. White, Mr. Bailey related that the case is before the Board as the result of a citation by a building official.

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.

#8 APPLICATION OF SHANE AND AMANDA LEMMON FOR A VARIANCE (BA-06-02-18) – GRANTED WITH CONDITIONS

Public hearing was held on the application of Shane and Amanda Lemmon for a variance to allow for the construction of a garage addition with a 10.4-foot front setback from West Canal Drive where 20 feet is required, a front porch addition with a 19.1-foot front setback from West Canal Drive where 20 feet is required, and an open covered porch addition with a 6.7-foot rear setback from the eastern property line where 15 feet is required from a seawall for the property located at 209 West Canal Drive in Palm Harbor (BA-06-02-18). The Clerk received three letters stating no objection to the application prior to the meeting.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval of the front porch addition and the open covered porch addition. Staff has no objection to the conditional approval of the front porch addition and the open covered porch addition requests. The front porch request is minimal and should not pose any significant impacts to surrounding properties. The open covered porch addition request for encroachment into the rear setback is similar to development on several other properties in the area, including those abutting directly to the north and south. Approval of the requests should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The open covered porch addition shall not be enclosed.

Recommend Denial of the garage addition. Staff cannot support the reduced front setback request for the garage addition because it would be out-of-character and obtrusive to the neighborhood as no other properties on the east side of West Canal Drive have similar projections into the front setback. It would also not provide enough space for a vehicle to park in front of it without encroaching into the public right-of-way. Therefore, staff is of the opinion that the garage addition request does not meet the criteria for

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granting a variance as outlined in 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.

Shane and Amanda Lemmon, Palm Harbor, appeared and stated that they are the applicants.

Mr. Lemmon indicated that he had letters of support from both adjacent neighbors, a letter from Lake Shore Estates, and a petition from more than 50 percent of the residents on West Canal Drive; whereupon, he submitted the petition for the record. Referring to various photographs, he pointed out that the Board had previously approved a 10-foot setback on the property located at 252 West Canal Drive; and that he is requesting a 10.4-foot setback. Mr. Bailey noted that staff had also recommended denial of the referenced case, and stated that while a car would not extend into the road, it would extend into the right-of-way and may cause issues if the County needs to utilize that area in the future.

Discussion ensued, and responding to query by Ms. White, Mr. Lemmon indicated that he currently has a single-car garage, which he plans to lengthen and widen for storage purposes.

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

Following further discussion, Mr. Doran moved, seconded by Mr. Burdette and carried unanimously, that the entire request be granted with the conditions set forth by staff.

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MINUTES OF THE JANUARY 4, 2017 MEETING – APPROVED

Mr. Bomstein moved, seconded by Mr. Doran, that the minutes of the January 4, 2018 meeting be approved. Upon call for the vote, the motion carried unanimously.

OTHER BUSINESS

Mr. Bailey noted that the Long-Range Planning Manager will be present at the April 5, 2018 meeting to provide an overview of the new code.

Mr. Bomstein stated that he will not be present at the February 28, 2018 meeting.

ADJOURNMENT

The meeting was adjourned at 9:35 A.M.

Chairman