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; Michael Foley; Cliff Gephart; and Deborah J. White.

Not Present: Alan Bomstein and Joe Burdette.

Also Present: Glenn Bailey, Zoning Manager; Brendan Mackesey, Assistant County Attorney; Todd F. Myers, Project Coordinator, Development Review Services; other interested individuals; Amanda M. Napier, Board Reporter; and Lynn Abbott, Board Reporter, Deputy Clerk. Minutes by Amanda M. Napier.

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 ERICA JOAN FOSTER-ETJEKE FOR A VARIANCE (BA-01-03-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Erica Joan Foster-Etjeke for a variance to allow for the construction of an 8-foot-high fence, where 6 feet is the maximum, adjacent to the 5-foot-high subdivision wall along the east property line fronting Belcher Road, reproperty located at 1326 Moss Drive in the unincorporated Dunedin area (BA-01-03-18). No correspondence relative to the application was received by the Clerk prior to the meeting.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The 5-foot-high subdivision wall was constructed
in the late 1970s when Belcher Road had fewer travel lanes. The increase in height for an 8-foot-high fence/wall addition will increase privacy and noise abatement along a heavily-traveled arterial roadway and should not have any impacts on the adjacent properties. Approval should be subject to the following conditions:

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

2. All structural supports for the fence/wall addition shall be on the applicant’s property side of the wall.

3. Maximum height shall be limited to 8-feet.

Erica Joan Foster-Etjeke, Dunedin, appeared and indicated that she is the applicant; whereupon, she submitted a letter of no objection from the Spanish Pines Homeowners Association.

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

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

#2 APPLICATION OF DAVID L. AND/OR LISA M. LEVY FOR A VARIANCE (BA-02-03-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of David L. and/or Lisa M. Levy for a variance to allow for an existing 6-foot-high chain link fence to remain along the northern and eastern sides of the property that encroach into the 50-foot front setbacks for a double-frontage lot, re property located at 249 Dogwood Trace in East Lake Tarpon (BA-02-03-18). Seven 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. According to the applicant, the 6-foot-high chain link fence was erected for safety to contain the horses on the property. The
fence does not cause any site visibility issues on this double-frontage lot.
Approval should be subject to the following condition:

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

David L. Levy, Tarpon Springs, appeared and indicated that he is the applicant. He stated that prior to constructing the 6-foot-high chain link fence, he checked the County’s website but did not read into the code to see that the fence would need to be reduced to a 3-foot height within 50 feet of the marked address. Referring to photographs, he described the property and the location of the fence and noted that the reason for the 6-foot fence is that he owns horses that could jump over a 3-foot fence and escape; whereupon, he responded to queries by the members, and Mr. Bailey provided input.

Upon the Chairman’s call for objectors to the application, Reece Smith, Tarpon Springs, and Timothy Rice, Palm Harbor, appeared, stated their concerns, and responded to queries by the members, noting that the neighborhood has drainage problems; and that the placement of the fence atop a berm could disrupt storm water drainage patterns.

Dane Morris, Development Review Services, related that a portion of the fence was placed on top of the berm; and that he was unable to find a record that the berm was permitted, and discussion ensued with input by Attorney Mackesey.

In rebuttal, Mr. Levy stated that he and his wife moved into the home in July 2017; and that neighbors told him the berm has been in place for at least 20 years. He noted that the fence is chain link, and water will flow through it. Responding to query by Mr. Foley, he stated that he has not done anything with the berm; and that he has only tried to improve the property and install a fence.

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

#3 APPLICATION OF KYLE B. AND MEAGAN WRIGHT THROUGH JIM PELOSI, REPRESENTATIVE, FOR A VARIANCE (BA-03-03-18) – CONTINUED

Public hearing was held on the application of Kyle B. and Meagan Wright through Jim Pelosi for a variance to allow for the construction of a new single-family home and
swimming pool with a 10-foot front setback from the north property line adjacent to 81st Avenue North where a 20-foot front setback is required, re property located at 11980 81st Avenue North in unincorporated Seminole. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

**Recommend Denial.** Staff cannot support the reduced front setback request for the construction of a new single-family home because it would be out of character and obtrusive to the neighborhood, as no other properties on the south side of 81st Avenue North have similar projections into the front setback. It would also not provide enough space for a vehicle to park in front of the structure without encroaching into the public right-of-way. With it being new construction on a lot of conforming size and dimensions with no double frontage, alternatives should exist for placing the structure without encroachment into required setbacks. Therefore, staff is of the opinion that the request does not meet the criteria for 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.

Kyle Wright, Seminole, appeared and indicated that he is the applicant. He stated that he does not see how the variance would be out of character and obtrusive to the neighborhood and noted that another gentleman in the neighborhood was granted the same variance, and Mr. Bailey provided information regarding the previous case. During discussion and
responding to queries by Messrs. Foley and Doran, Mr. Wright indicated that there are no other homes on the street that encroach ten feet into the setback; whereupon, he discussed the basis for his request.

Mr. Doran stated that special conditions have to do with the land; that the hardships being discussed were self-imposed; and that the personal circumstances in this case did not give him, as a Board member, justification to override the code.

Mr. Foley suggested that the applicant be given more time to consider his position and gather appropriate evidence. Following brief discussion and responding to query by Mr. Doran, Mr. Wright indicated that he would like a continuance.

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

Thereupon, Mr. Foley moved, seconded by Ms. White, that the case be continued for 60 days. Upon the call for the vote, the motion carried unanimously.

#4 APPLICATION OF DEBORAH DIESING THROUGH HENRY PATRICK GOODWIN, REPRESENTATIVE, FOR A VARIANCE (BA-04-03-18) – GRANTED WITH CONDITIONS

Public hearing was held on the application of Deborah Diesing through Henry Patrick Goodwin for a variance to allow for a carport addition having a 5-foot front setback from the northern property line along Hibiscus Avenue South where 20 feet is required, reproperty located at 6640 Hibiscus Avenue South in unincorporated St. Petersburg (BA-04-03-18). The Clerk has received four letters stating no objection to the request.

Mr. Bailey presented the following staff recommendation:

Recommend Denial of the forward expansion of the carport; Conditional Approval of its reconstruction and lateral expansion. Staff cannot support the full request because the proposed forward extension of the carport to only five feet from the front property line along Hibiscus Avenue would be out of character and obtrusive to the neighborhood. Staff does support, however, the reconstruction of the existing carport in its same location as well as the portion of the proposed carport expansion that runs along the southeast side of the existing carport. The existing carport has been in place for decades and this more limited expansion would not encroach further into the front
setback. Approval of the reconstruction and limited expansion of the carport should be subject to the following conditions:

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

2. Approval is limited to the reconstruction of the existing carport and the proposed lateral expansion of the carport on its southeast side. The reconstructed and expanded carport shall not encroach further into the front setback that it currently does. It is currently 8 feet from the front property line at its closest point, which is at its northwest corner.

Deborah Diesing, St. Petersburg, appeared and indicated that she is the applicant. Referring to photographs, she described the existing carport, laundry room, and lot configuration and discussed the basis for her request, indicating that the property was greatly impacted by the County’s recent Bear Creek project.

Ms. Diesing described the nature of the neighborhood and presented photographs showing the conditions of various properties, noting that she has received letters of support from her immediate neighbors. Discussion ensued, and Mr. Doran indicated that after looking at the photographs displayed by Ms. Diesing and those provided as part of the application, it is his opinion that some of the conditions were not self-imposed, as they were imposed by the County; that the requested variance would only impact the applicant’s property; and that there are special conditions and hardships in this case.

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

Mr. Doran moved, seconded by Mr. Foley and carried unanimously, that the application be approved subject to the following conditions: (1) The applicant shall obtain all required permits and pay all applicable fees, and (2) the existing temporary carport is to be removed.

APPLICATION OF LINDA S. PULVER AND NANCY C. STIFF THROUGH PATERSON OGBURN, REPRESENTATIVE, FOR A VARIANCE (BA-05-03-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Linda S. Pulver and Nancy C. Stiff through Paterson Ogburn for a variance to allow for the construction of a commercial building having a 10-foot setback from the west property line fronting Thompson Avenue where 25-feet is required, re a triple frontage property located at 1748 South Missouri Avenue in
unincorporated Largo (BA-05-03-18). 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 has 25-foot front setbacks on three sides, which makes siting all required structural components of the proposed use outside of the setbacks challenging. 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. Installation of a 6-foot-high opaque fence/wall and appropriate landscaping along the rear (west) property line.

4. Site lighting shall be directional and shielded from nearby residential uses.

Matthew Campo, Tampa, appeared and indicated that he represents the applicant. He provided an overview of the request, noting that the property has three frontages; that it is only 159 feet deep; that parcels to the north and south have greater depth, which gives them more flexibility; and that the proposed building is 60 by 120 feet. He concurred with the conditions proposed by staff, indicating that there are plans to add 6-foot fencing with landscaping; and that there will be no access to the west, or rear, of the structure.

Responding to queries by the members, Mr. Campo clarified that the proposed use is for an O’Reilly Auto Parts store located on U.S. Highway Alternate 19/Missouri Avenue, and described the location with respect to surrounding businesses.

In response to the Chairman’s call for persons wishing to speak with regard to the application, the following individuals appeared and expressed their concerns:

Melcolm Jacobsen, Clearwater
Richard Witterek, Largo
Nasri Shammas, Clearwater
Marinos Kolitopoulos, Clearwater
Gus Panageas, Clearwater

Concerns expressed by the objectors included:
- Increased traffic on Thompson Avenue
- Large delivery trucks driving on a small road with pedestrian and bicycle traffic
- Parcel being used as a distribution center
- Status of existing trees
- Not being shown the site plan

Responding to comments by the speakers, Mr. Myers clarified that the plan includes a fence and landscaping along Thompson Avenue, with access restricted to Auburn Street and Missouri Avenue, and Mr. Bailey provided input.

Paterson Ogburn, Fairhope, Alabama, appeared and indicated that he is the developer for the project; that he is amenable to installation of a sidewalk to the rear of the property; that O'Reilly Auto Parts attempts to meet codes and setback requirements, but could not in this case; and that it has agreed to shrink the store’s footprint due to the size of the property.

In rebuttal, Mr. Campo stated that all business would be conducted on private property; that the width of Thompson Avenue would not be reduced; that the trees on site are not in good health and will be replaced; that the property will be used as a standard store and not a distribution center; and that delivery trucks will not be using Thompson Avenue.

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

#6 APPLICATION OF 8 ACRE RENTALS LLC THROUGH STEVEN D. LANGE, REPRESENTATIVE, FOR A VARIANCE (BA-07-03-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of 8 Acre Rentals LLC through Steven D. Lange for a variance to allow for the construction of a warehouse with a 3.8-foot setback from the north property line where a 10-foot side setback is required, re property located at 4200 31st Street North in Lealman (BA-07-03-18). 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 proposed setback relief for the new construction is identical to the location of the existing building that has been in place for decades. New construction is desired in order to modernize the site and meet changing demands for industrial-type buildings. The proposed redevelopment of the site is in keeping with the Lealman Community Redevelopment Area’s objectives of encouraging reinvestment and high-quality construction and design. 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 three associated parcels shall be combined into one.

Steven D. Lange, St. Petersburg, appeared and indicated that he represents the applicant. He provided an overview of the request and noted that the building was built in 1971 and has an existing grandfathered condition along the north face of the building where it encroaches into the setback; and that the applicant concurs with the conditions set forth by staff.

Responding to the Chairman’s call for persons wishing to be heard, Bill Higman, St. Petersburg, appeared and stated that he does not have an issue with the variance being granted; that he is working with the applicant regarding water drainage and traffic concerns; and that he has received a verbal and written commitment that no water will run onto his neighboring property, but an agreement has not been finalized.

In response to query by Mr. Foley, Mr. Lange noted that the project architect is working on the site plans to mitigate the issues; and that they will be resolved to the County’s satisfaction during site plan review; whereupon, Mr. Foley moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.
Public hearing was held on the application of Pinellas County through Renea Vincent for a special exception to allow for the use of administration offices and limited storage of materials and dry goods to provide support and assistance to the Lealman community, reproperty located at 4017 56th Avenue North in Lealman (BA-05-03-18). 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 provided the Board is satisfied that 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. Uses shall be limited to office and storage space to support the provision of services to the Lealman community, specifically neighborhood improvement programs and child hunger programs.

2. In support of the child hunger program, the use of the space shall be limited to dry food storage to supply community partners who separately provide single meal delivery.

3. Activities shall be limited to normal business hours.

Mr. Bailey related that the property had a previous approved special exception for redevelopment activity in 2008 under Case No. BA-17-04-08.

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

Mr. Foley moved, seconded by Mr. Doran, that the special exception be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.
MINUTES OF THE FEBRUARY 1, 2018 MEETING – APPROVED

Mr. Doran moved, seconded by Mr. Foley, that the minutes of the February 1, 2018 meeting be approved. Upon call for the vote, the motion carried unanimously.

OTHER BUSINESS

Mr. Bailey reminded the Board that an overview of the new Land Development Code will be presented at the April 5, 2018 meeting.

Mr. Gephart stated that he will not be present for the June meeting.

Chairman Cocks inquired about a formal “thank you” to Stephen G. Watts for his years of service to the Board. Attorney Mackesey asked when a replacement for Mr. Watts will be appointed, and Mr. Bailey indicated that the appointment will be made by Commissioner Morroni.

ADJOURNMENT

Upon motion by Mr. Doran, seconded by Mr. Foley, the meeting was adjourned at 10:39 A.M.

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Chairman