

Clearwater, Florida, June 7, 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; Joe Burdette; and Michael Foley, Alternate.

Not Present: Alan C. Bomstein, Cliff Gephart, and Deborah J. White.

Also Present: Chelsea Hardy, Assistant County Attorney; Renea Vincent, Planning Director; other interested individuals; Lynn Abbott, Board Reporter, Deputy Clerk; and Teresa Adkins, Board Reporter. Minutes by Teresa Adkins.

CALL TO ORDER

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

Ms. Vincent indicated that due to the four-member quorum, applicants have the option to request a deferral. Chairman Cocks indicated that anyone wishing to request a continuance should do so at this time, and no response was heard.

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.

#8 APPLICATION OF WEST COAST PROPERTIES, LLC THROUGH BEN FORKOS, REPRESENTATIVE, FOR A VARIANCE (BA-03-06-18) – DEFERRED

Deviating from the agenda, Ms. Vincent referred to the application of West Coast Properties, LLC through Ben Forkos for a variance to allow for the construction of an 8-foot-tall vinyl fence on the south and southwest property lines of a Mobile Home Park where 6 feet tall is the maximum perimeter fence height allowed on the non-addressed sides of a multiple-frontage lot, re property located at 2560 62nd Avenue North in Lealman (BA-03-06-18), and related that the item will be deferred due to an advertising error.

#1 APPLICATION OF NADEEM EL ALAMI, FOR A VARIANCE (BA-04-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Nadeem El Alami for a variance to allow for a 10-foot front setback from the northern property line where 25 feet is required for the construction of a single-family home for a vacant double-frontage property located on the west side of Alternate U.S. Highway 19, approximately 654 feet north of Willard Street in Palm Harbor (BA-04-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property is an oddly shaped triangular parcel that has double frontage. The variance is being sought from the 'secondary' front, which is a 30-foot-wide undeveloped public right-of-way that will likely never be improved. The requested setback is wider than the normally required minimum side setback of 7.5 feet in the RM-5 zone. 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.

Sammy Alami, Palm Harbor, appeared and indicated that he is the applicant and concurs with the proposed conditions.

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

Mr. Burdette 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 JACQUELYN H. MCGEE AND CHARLES ROBERTSON THROUGH ROBERT MORIARTY, REPRESENTATIVE, FOR A VARIANCE (BA-10-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Jacquelyn H. McGee and Charles Robertson through Robert Moriarty for a variance to allow for the expansion of a deck and screen enclosure having a 16.5-foot front setback from the east property line along Southpointe Drive where 20 feet is required, re the double-frontage property located at 2082 Ridgecrest Drive in unincorporated Dunedin (BA-10-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The setback relief being sought is minimal and along the secondary front of a double-frontage lot. The proposed deck and screen enclosure would meet normal side setback requirements. The corner lot setback requirement being proposed with the pending land development code update is 10 feet. 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.

Robert Moriarty, Holiday, appeared and indicated that he represents the applicant.

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

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.

#3 APPLICATION OF JOAO V. DOS SANTOS, JR. FOR A VARIANCE (BA-06-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Joao V. Dos Santos, Jr. for a variance to allow for construction to take place on a parcel with a width of 46 feet and having 46 feet

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of public right-of-way frontage where a width of 60 feet and 60 feet of public right-of-way frontage is required, re property located at 7070 1/2 46th Avenue North in Lealman (BA-06-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property was split from the parcel to the west about 15 years ago. The odd shape of the property results from the need to avoid property lines bisecting the existing homes that predate the zoning code. The overall property size is similar to others within the surrounding area. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Required setbacks shall be met for any new construction.

Joao V. Dos Santos, Jr., Lealman, appeared and indicated that his records showed no problem with the property; and that only after his purchase did he realize that the water meter was shared with the neighboring house.

In response to the Chairman's call for persons wishing to speak in opposition to the application, Annamarie Reed and Patricia Raberge, St. Petersburg, expressed their concerns, as follows, and responded to queries by the members.

- Lot size
- Possible future subdivision of land
- Out of character to existing neighborhood

Ms. Vincent provided an overview of the property's history, noting that it was split 15 years ago; that the applicant acquired it as is; and that he is attempting to correct the issue in order to obtain a separate water meter; whereupon, she stated that the square footage is the same as the original platted lot.

Responding to concerns of the objectors, Mr. Dos Santos indicated that the issue in question was inherited upon purchase of the property; that there are two houses on the same

lot; that failure to grant the variance would inhibit the sale of either home; that the home is similar to others in the area; and that he intends to fix the roof and make other repairs.

Discussion ensued, and responding to query by Mr. Burdette, Development Review Services Director Blake Lyon referred to a plat and provided additional information pertaining to the placement of the homes and division of the property, indicating that parcels 1 and 2 are equivalent in size and mirror each other; and that the variance is needed to allow the applicant to obtain permits and install the water meter.

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.

#4 APPLICATION OF JERRY D. HOLLAND, JR. AND HEATHER T. HOLLAND THROUGH ROBERT STAUFFER, REPRESENTATIVE, FOR A VARIANCE (BA-07-06-18) – GRANTED WITH AMENDED CONDITION

Public hearing was held on the application of Jerry D. Holland, Jr. and Heather T. Holland through Robert Stauffer for a variance to allow for the construction of an in-ground pool having a 13-foot front setback from the east property line fronting 128th Way North where 20 feet is required, re the double-frontage property located at 12840 90th Terrace North in unincorporated Seminole (BA-07-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request, provided that the setback from the front property line is set at 15 feet rather than the requested 13 feet. The subject property is an oddly shaped double-frontage lot with power lines, which all limit the potential location of the proposed pool without encroaching into the required setbacks. Importantly, the absence of a screen enclosure will make it less obtrusive to neighboring properties. Staff prefers a 15-foot setback because it would meet the standards of the proposed new zoning code that is currently under review. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The setback for the proposed pool shall be 15 feet from the east property line fronting 128th Way North.
3. There shall be no screen enclosure.
4. The existing fence shielding the pool area from view shall be maintained.

Jerry Holland, Seminole, and Robert Stauffer, Oldsmar, appeared and indicated that they are the applicant and representative, respectively.

Referring to the pool plans, Mr. Stauffer requested that Condition No. 2 be revised to allow an additional one-foot encroachment into the required setback, noting that he has received similar variances in the past; that he is unable to move the pool closer to the house due to the location of underground power lines; that there is an existing fence at the property line; and that there are no plans to construct a screen enclosure.

Discussion ensued, and Ms. Vincent related that the proposed new land development code requires a 15-foot setback, as opposed to the current 20 feet, and confirmed that the original request was for 13 feet. Responding to query by Mr. Doran, she related that if a 14-foot setback were granted today, no future action would be required under the new code unless a pool cage is proposed, and Mr. Doran clarified for the record that a future request for a screen enclosure would require an additional variance.

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

Thereupon; Mr. Burdette moved, seconded by Mr. Doran that the variance be granted as recommended by staff with the following amendment:

The setback for the proposed pool shall be 14 feet from the east property line fronting 128th Way North.

Upon call for the vote, the motion carried unanimously.

#5 APPLICATION OF DENNIS RIVERA FOR A VARIANCE (BA-02-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Dennis Rivera for a variance to allow for the construction of a carport addition to a single-family home with a 3.5-foot side setback on the east side where 7.5 feet is required, re property located at 9551 130th Avenue North in unincorporated Largo (BA-02-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The house on the property was built in 2001 without a garage. The proposed location of the carport is adjacent to the rear of a commercial property which incurs the least impact in comparison to surrounding residential properties. 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, no screening or wall enclosures.

Dennis Rivera, Largo, appeared in response to the Chairman's call for the applicant; whereupon, responding to query by Mr. Foley, he indicated that he understands the conditions set forth by staff.

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

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

#6 APPLICATION OF VEHICLE RECOVERY SERVICES, INC. THROUGH WAYNE PARKER, REPRESENTATIVE, FOR A VARIANCE (BA-01-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Vehicle Recovery Services, Inc. through Wayne Parker for a variance to allow for after-the-fact structures to remain with the

following setbacks, re property located at 4550 35th Street North in Lealman (BA-01-06-18). No correspondence relative to the application has been received by the Clerk.

- 1) A 2.9-foot side setback at the shallowest from the west property line, where 20 feet is required;
- 2) A 4.0-foot side setback at the shallowest from the south property line, where 20 feet is required; and
- 3) A 5.9-foot front setback at the shallowest from the east property line, where 25 feet is required.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. There is a helicopter landing pad on the property and the FAA approved glide slope for the landing pad prohibits any structures on the north and northeast portions of the parcel, which is the reason why the structures are repositioned along the south property line. One of the structures pre-dates the zoning code. Additionally, there are many surrounding properties with reduced setbacks. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Approval is subject to the Conditional Use approval of the helipad by the Board of County Commissioners.

Wayne Parker and Michelle Mullins, St. Petersburg, appeared in response to the Chairman's call for the applicant. Responding to query by Mr. Foley, Mr. Parker related that the helipad is used infrequently; and that he flies a military helicopter to various locations in support of war veterans.

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

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

#7 APPLICATION OF MONIKA MAKSYMOWICZ FOR A VARIANCE (BA-09-06-18) - GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Monika Maksymowicz for a variance to allow for an after-the-fact structure to remain with a 13-inch side setback from the north property line where 25 feet is required, re property located at 10634 Seminole Boulevard in unincorporated Seminole (BA-09-06-18). No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property is substandard in size for a CP-1 zone, which has large setback requirements. The structure in question is adjacent to a commercial property to the north, which is zoned C-1. The C-1 district does not require side setbacks when the adjacent property is zoned nonresidential. The proposed changes to the subject property's CP-1 district via the pending code update would, like the C-1 district, eliminate side setback requirements when the neighboring property is commercially zoned. The structure meets the required setbacks to the adjacent residential property to the west. Approval should be subject to the following conditions:

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

Monika Maksymowicz, Seminole, indicated that she is the applicant; and that she agrees to the conditions for approval.

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

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

#9 APPLICATION OF J & J WHEEL REPAIR, LLC, C/O JAMES AND TINA QUICK,
FOR A VARIANCE (BA-08-06-18) – CONTINUED

Public hearing was held on the application of J & J Wheel Repair, LLC, c/o James and Tina Quick, for a variance to allow two sheds to remain on the property where only one shed is permitted, each having a 4-foot front setback from the northern property line where 20 feet is required, re the double-frontage property located at 1211 Wood Avenue in unincorporated Clearwater (BA-08-06-18). One letter in opposition to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Denial. This request pertains to two after-the-fact sheds (282 square feet and 162 square feet), placed within the front setback without permits. It appears the sheds could be combined and placed in a location that would reduce or eliminate the setback encroachment. 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 requested 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.
4. *Minimum variance necessary.* That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

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James Quick, Clearwater, appeared and indicated that he is the applicant; that he was unaware of the requirements; and that he would be willing to comply.

Discussion ensued pertaining to the setback requirements; the size, location, and contents of the sheds; and potential solutions.

Upon the Chairman's call for objectors to the application, Jill Norden and Steven A. Grow, Clearwater, appeared and stated their concerns, as follows:

- Devaluation of their property
- Setback requirements not met
- Sheds placed without permitting
- Conducting a business out of the home
- Visually obstructive

Development Review Services Director Blake Lyon provided input and clarification, noting that a shed larger than 10 feet by 10 feet is allowed, but must meet setbacks and conditions of the building code.

In rebuttal, Mr. Quick referred to a photograph, indicating that a permitted 10-foot by 16-foot shed was existing when he purchased the property; that he would like to keep the larger of the two sheds; that he would be willing to move it; and that he does not work out of his home.

During discussion and responding to queries by Mr. Doran, Ms. Vincent indicated that the Board could continue the case to allow the applicant time to find a workable solution, noting that there may not be a need to re-advertise.

Thereupon, Mr. Doran moved, seconded by Mr. Burdette, that the case be continued to the August meeting. Upon call for the vote, the motion carried unanimously.

Deviating from the agenda and at the suggestion of Ms. Vincent, Chairman Cocks indicated that Item No. 11 would be heard at this time, and no objections were noted.

#11 APPLICATION OF STONEWALL PARTNERS, LLC THROUGH CHRISTA MOFFATT, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-11-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Stonewall Partners, LLC through Christa Moffatt for a special exception to allow for an adult daycare use on the parcel located at 1634 Nebraska Avenue in Palm Harbor (BA-11-06-18). The Board previously approved a special exception for an assisted living facility on the subject property in 1998. No correspondence relative to the application has been received by the Clerk.

Ms. Vincent presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request, provided the Board is satisfied that the ‘standards’ of Section 138-238 of the Pinellas County Land Development Code have been met. The Board has granted special exceptions on the subject property in the past, including a Category 1 Group Home in 1995 and an Assisted Living Facility in 1998. 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. Hours of operation shall be normal daytime business hours, Monday through Saturday.

Christa Moffatt and Christopher Moffatt, Palm Harbor, appeared and indicated that they represent the applicant, Stonewall Partners.

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

Mr. Doran moved, seconded by Mr. Foley, that the special exception be granted as recommended by staff, and upon call for the vote, the motion carried unanimously.

#10 APPLICATION OF EDUCATIONAL PARTNERSHIP THROUGH JACOB STOWERS, REPRESENTATIVE, FOR A SPECIAL EXCEPTION AND VARIANCES (BA-05-06-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Educational Partnership through Jacob Stowers for the following special exception and variances, re properties located at 4500 43rd Street North and 4312 46th Avenue North, and a vacant parcel on the south side of 45th Avenue North in Lealman (BA-05-06-18). One email and 49 letters in opposition to the application have been received by the Clerk.

- 1) A special exception for a 50-percent affordable housing density bonus to allow an increase from 19 residential units to 28 residential units;
- 2) A variance to allow an off-street parking reduction from 42 required spaces to 38 spaces; and
- 3) A variance to allow the following setback requirement reductions:
 - a. From 25 feet to 10 feet from the north frontage on 46th Avenue North,
 - b. From 25 feet to 15 feet from the east frontage on 43rd Street North,
 - c. From 25 feet to 10 feet from both the north and south frontages on 45th Avenue North, and
 - d. From 25 feet to 8 feet from the west property line of 4500 43rd Avenue North.

Ms. Vincent 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 of the Pinellas County Land Development Code have been met. The current use over much of the subject property is a private educational facility, which was granted a special exception by the Board in the 1970s. This portion of the property is currently in process for land use and zoning amendments to Residential Medium and RM-12.5, respectively. That process is expected to be completed on June 5. Notably, the subject property is within the Lealman Community Redevelopment Area (CRA), which supports revitalization and redevelopment projects that foster a diverse mix of housing types such as that being proposed.

Staff also has no objection to the conditional approval of the requested variances, which will provide needed flexibility for the placement of the proposed additional density. In addition, parking demand is typically lower for affordable housing developments than for market-rate projects:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Full site plan review.

Ms. Vincent stated for the record that the property, with the exception of the vacant parcel on the south side of 45th Avenue North, was the subject of a Zoning and Land Use case that was finalized by the Board of County Commissioners sitting as the Countywide Planning Authority on June 5; and that 12.5 units per acre is officially approved on the property to the north of 45th Avenue. Referring to the site plan, she provided an overview of the setback variance requests and discussed the parking arrangement, noting that it will be provided by alley access, to the rear; whereupon, she indicated that the project demonstrates compliance with the requirements for an affordable housing development; and that the Board is permitted to vary setbacks, parking, and density up to 50 percent. Responding to query by Chairman Cocks, she related that the housing units will be rentals.

Jacob Stowers, St. Petersburg, provided background information regarding Contemporary Housing Alternatives of Florida (CHAF), noting that the company has developed numerous properties in Pinellas County to address the need for affordable housing. Referring to photographs and a rendering, he described the proposed development; whereupon, he related that CHAF had sent 72 letters to the surrounding neighbors and held a community meeting on May 10 to address their concerns.

Responding to query by Mr. Doran regarding certain setbacks, Mr. Stowers indicated that the configuration was necessary to accommodate emergency and waste collection vehicles, and Development Review Services Director Blake Lyon provided input, referring to a tight visibility triangle with regard to the alleyway.

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The meeting recessed at 10:20 A.M. and reconvened at 10:34 A.M.

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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, and Ms. Vincent and the members provided input.

Lawrence Kereres, St. Petersburg

David Lee, St. Petersburg

Bibi Sipra, St. Petersburg

Eric Trevor, St. Petersburg

Concerns expressed by the citizens include:

- Increase in density
- Reduction of parking
- On-street parking
- Setbacks
- Landscaping
- Water retention
- Quality of life
- Building height
- Property values
- Precedence for similar projects
- Traffic increase
- Lack of notification; short notice

Upon the Chairman's call for supporters, Joe Letterrein, St. Petersburg, an affiliate of CHAF, reiterated the benefit to the area, referencing the CRA that has been developed to meet the goals of the community.

In response to query by Mr. Burdette, Mr. Stowers indicated that he would like to proceed, rather than continue the discussion at a future meeting; whereupon, he addressed concerns of the objectors and Board members pertaining to the number of parking spaces, notice to nearby residents, the need for affordable housing, setbacks and the provision of greenspace, sidewalks, and the location of the project in the Lealman community. He related that his organization has been working in collaboration with County staff with respect to the CRA; and that the County Commission has dedicated Penny for Pinellas revenue through a Housing Trust Fund in support of affordable housing.

Following discussion, Mr. Doran moved, seconded by Mr. Foley, that the special exception and variances be granted as recommended by staff, and upon call for the vote, the motion carried unanimously.

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MINUTES OF THE MAY 3 AND APRIL 5, 2018 MEETINGS – APPROVED

Mr. Doran moved, seconded by Mr. Foley, that the minutes of the May 3 and April 5, 2018 meetings be approved. Upon call for the vote, the motion carried unanimously.

ADJOURNMENT

The meeting was adjourned at 11:10 A.M.

Chairman