

Clearwater, Florida, November 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 C. Burdette; Cliff Gephart; and Deborah J. White.

Also Present: Glenn Bailey, Zoning Manager; Gina Berutti, Code Enforcement Operations Manager; Chelsea Hardy, Assistant County Attorney; other interested individuals; and Chris Bartlett, 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 MARTA FALCON GIMENEZ FOR A VARIANCE (BA-07-11-18)  
– GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Marta Falcon Gimenez for a variance to allow for the construction of a covered porch having an 11-foot front setback from the west property line along 14th Street where 20 feet is required, re the double-frontage property located at 1403 Nebraska Avenue in Palm Harbor (BA-07-11-18). Two letters in opposition to the application have been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The proposed location of the covered porch would meet the standards of the Pinellas County Land Development Code update expected to go into effect early next year. In addition, the proposed porch would not encroach further into the setback than does a

portion of the existing residential structure. Approval should be subject to the following condition:

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

Steven Ehlers, Palm Harbor, appeared and indicated that he represents 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.

#2 APPLICATION OF SABRIJA AND AZEMINA DIMIRACA ALICIC FOR A VARIANCE (BA-02-11-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Sabrija and Azemina Dimiraca Alicic for a variance to allow for the construction of a screen porch addition having a 4-foot, 5-inch side setback from the west property line where a 6-foot side setback is required, re the property located at 601 Channing Drive in Palm Harbor (BA-02-11-18). Two letters in favor of the application have been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property's subdivision has in certain areas an unusual layout of lots and building placements that creates odd angles and asymmetric property shapes. Because of this, it would be difficult to place the proposed porch in a logical location that is outside of the setbacks. The home's main entrance is on the west side where the porch is proposed. 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 roofed and screened, but not enclosed.

Azemina Dimiraca, Palm Harbor, 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 SUSAN C. WATSON AND MARY L. TILLMAN THROUGH DAVID R. PHILLIPS, ESQUIRE, REPRESENTATIVE, FOR A VARIANCE (BA-10-11-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Susan C. Watson and Mary L. Tillman through David R. Phillips for a variance to allow for a single-family subdivision with up to 11 lots fronting a private road, where frontage along a publicly accessible right-of-way is required, re the property located at 2840 Summerdale Drive in unincorporated Clearwater (BA-10-11-18). 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 private road will be internal to the proposed subdivision with no negative impacts anticipated. 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.

David R. Philips, Clearwater, appeared and indicated that he represents the applicants. 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 WILLIAM KLUEBER FOR A VARIANCE (BA-08-11-18) – GRANTED AS PER STAFF RECOMMENDATION

---

Public hearing was held on the application of William Klueber for a variance to allow for the construction of a single-family home on a lot having 20 feet of frontage on a public right-of-way where 125 feet is required, re property located on the north side of 74th Avenue North, approximately 620 feet east of 128 Street North in unincorporated Seminole (BA-08-11-18). 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 as the applicant cannot acquire additional property to meet the frontage requirements of the E-1 zoning district. The Board previously approved an identical request that has since expired. Approval of the current request should be subject to the same conditions approved in case BA-04-05-13:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All setback requirements shall be met.
3. Submittal of an engineered design to accommodate historic drainage.
4. The single-family residence shall install a fire sprinkler system.
5. Plans for the fire sprinkler system shall be submitted to the Fire Marshal's office for review and approval.
6. The City of Seminole Fire Marshal shall have a letter from an engineer stating that the roads can meet 64,000 pounds and must be an all-weather service for emergency vehicles after the roads have been installed.
7. All final inspections by the Fire Marshal shall be done before occupancy.

William Klueber and Alexander Sanchez, Seminole, appeared and indicated that they are seeking the aforesaid variance. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff; whereupon, responding to query by Mr. Bomstein, the applicants acknowledged the requirements for a fire sprinkler system and roadway accommodation for fire trucks.

#5 APPLICATION OF JOHN GODDARD & ASSOCIATES, INC., C/O SID SHAW, FOR A VARIANCE (BA-03-11-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of John Goddard & Associates, Inc., c/o Sid Shah, for a variance to allow an after-the-fact 500-square-foot carport to remain having a 10-inch separation from an adjacent mobile home where 5 feet is required between structures, re the property located at 3503 58 Avenue North in Lealman (Lot 75 of Mobile Manor Mobile Home Park) (BA-03-11-18). The Clerk has received one letter in support of the application.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The separation requirement between structures in mobile home parks is based largely on building and fire safety considerations. In this case, the applicant has provided evidence that the Fire Marshall has inspected the situation and the Building Department has signed off, subject to Engineering. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Approval from the Fire Marshal.
3. The carport cannot be enclosed.
4. Drainage from the carport shall be directed away from the neighboring structure.

Sid Shaw, Tampa, and Joe Erwin, St. Petersburg, appeared and indicated that they are the applicant and general contractor, respectively. No one appeared in response to the Chairman's call for objectors to the application.

Responding to query by Mr. Bomstein, Mr. Erwin confirmed that the structures in question are both mobile homes, and related that there are no drainage problems within the mobile home park. Discussion ensued with regard to a previous similar case, and Development Review Services Director Blake Lyon provided input; whereupon, Mr. Erwin confirmed his acceptance of Condition No. 3.

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.

#6 APPLICATION OF TOMCAT VIDEO PRODUCTIONS, INC. FOR A VARIANCE (BA-01-11-18) – GRANTED WITH CONDITIONS

Public hearing was held on the application of Tomcat Video Productions, Inc., c/o Thomas Forrest, for a variance to allow an after-the-fact 6-foot-high chain-link fence (black vinyl covered) to remain with a 0-foot front setback from the east front property line where 3 feet is the maximum height allowed within the required 50-foot front setback, re the property located at 1051 East Lake Drive in East Lake Tarpon (BA-01-11-18). The Clerk has received two letters in opposition to the application.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. 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.

Thomas Forrest, Tarpon Springs, appeared and indicated that he is the applicant. Responding to queries by the members, he related that he intends to build a home on the property; that the fence is necessary to prevent people from throwing trash on the lot; that it will be removed once construction begins; and that upon completion of the home, he plans to replace it with a decorative fence.

Discussion ensued pertaining to the types of fences that currently exist in the area, and Mr. Forrest displayed photographs and estimated his timeline for construction; whereupon, Mr. Bailey explained what fence alternatives would be acceptable.

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 subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The fence will be allowed to remain in place for 18 months or until issuance of a Certificate of Occupancy for the home, whichever comes first.

Upon call for the vote, the motion carried unanimously; whereupon, responding to query by the applicant, Mr. Bomstein provided clarification regarding the permit.

#7 APPLICATION OF WAFFA WAHAB THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR VARIANCES (BA-02-09-18) – DENIED

Public hearing was held on the application of Waffa Wahab through Housh Ghovae for variances to allow the following after-the-fact structures to remain, re the property located at 2870 Phillipe Parkway in unincorporated Safety Harbor (BA-02-09-18):

- 1) A 6-foot-tall chain-link fence with a 0-foot front setback from the west front property line where 3 feet is the maximum height allowed within the required 50-foot front setback; and
- 2) A 4-foot-tall chain-link fence, 6-foot-tall decorative gate, and 7-foot-tall decorative columns with a 10-foot setback from the west front property line where 3 feet is the maximum height allowed within the required 50-foot front setback.

No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. On September 6, 2018 the Board continued the case to give the applicant time to address the condition of the fence. The applicant is moving forward with no changes to the initial request. Staff cannot support the request as it does not meet the criteria for the granting of variances found 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 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.

Mr. Bailey indicated that the Board had heard the case in September, but had deferred it to allow the applicant time to address the members' concerns regarding a dilapidated fence.

Housh Ghovae, Northside Engineering, Clearwater, indicated that following the previous hearing, the applicant had considered replacing the entire fence and found it cost prohibitive; that subsequently, he had presented a proposal to staff to remove and replace the fence along the south property line, the area adjacent to property owned by the objector; and that he had advised the applicant to refrain from taking any action pending further direction from the Board.

Mr. Bailey clarified that the issue before the Board pertains to the height of the front fence within the required setback area, noting that the dilapidated south fence is a code enforcement issue. Discussion ensued pertaining to the height and location of the existing fence segments and possible alternatives, and Ms. Berutti stated that the entire fence must be brought into compliance with respect to the code enforcement violation.

Mr. Ghovae stated that his client will remove the 4-foot-high chain-link fence and replace it with a 3-foot fence at the property line, and requested direction with respect to the 6-foot-high gate area; whereupon, Mr. Doran moved, seconded by Mr. Gephart and carried unanimously, that the variances be denied.

Mr. Bailey related that the front fence must be moved back to comply with the code, and Mr. Bomstein opined that staff would likely allow a 25-foot setback, which would comply with the updated Land Development Code set to take effect on January 1, 2019.

#8 APPLICATION OF SUN TRUST BANK AS CO-TRUSTEE FOR KATHLEEN SCHMAHL REVOCABLE TRUST, AMANDA K. CHADWICK, CO-TRUSTEE, THROUGH THOMAS CRISTELLO OR TIMOTHY THOMPSON, REPRESENTATIVES, FOR A VARIANCE (BA-06-11-18) – DENIED

Application of Sun Trust Bank as Co-Trustee for Kathleen Schmahl Revocable Trust, Amanda K. Chadwick, Co-Trustee, through Thomas Cristello or Timothy Thompson for a variance to allow an after-the-fact 8.6-foot-high fence/wall to remain along the west property line adjacent to a condominium parking lot where 6 feet is the maximum height allowed, re the property located at 5460 Joes Creek Drive in Lealman (BA-06-11-18). One letter in opposition to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. 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.

Timothy J. Thompson, Brandon, and Jennifer Bishop, St. Petersburg, appeared and indicated that they are the general contractor and applicant, respectively.

Mr. Thompson confirmed that no permits were requested for the new retaining wall, which replaced a much older one and includes a 6-foot paneled fence along the top, and related that it was needed for privacy as well as to prevent the public from using the property as a park. Ms. Bishop added that the new higher structure was built out of concern that the older one might collapse into the parking lot of the neighboring condominium complex, to keep condominium residents off her property, including a registered sex offender who has had contact with her young children, and as a barrier to prevent people from throwing garbage onto her property.

Larry McGettigen, St. Petersburg, spoke in favor of the fence/wall and related similar reasons for its construction.

Responding to the Chairman's call for objectors, David Hack, Kenneth City, presented a petition in objection to the structure and displayed photographs. Discussion ensued, and responding to queries by the members, Mr. Hack indicated that his main objection is that the wall is too tall.

Responding to a concern of the objector, Mr. Thompson noted that the fence posts were set in two feet of concrete prior to pouring of the wall. In response to query by Mr. Doran, he related that the original wall was at the property line, but the new one was moved further back, as shown on a submitted survey.

Mr. Bomstein stated that a hardship does not exist, and granting of the variance would set a precedent; whereupon, he moved, seconded by Mr. Gephart, that the application be denied. Upon call for the vote, the motion carried unanimously.

#9 APPLICATION OF FERNANDO AND LUCY CHAVEZ FOR A VARIANCE (BA-05-11-18) – DENIED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Fernando and Lucy Chavez for a variance to allow an after-the-fact 1,608.5-square-foot addition to a 1,500-square-foot accessory storage building to remain, which when combined exceeds the size of the primary residential structure by 1,514.5 square feet, re the property located at 2560 Highland Acres Drive in unincorporated Clearwater (BA-05-11-18). The Clerk has received three letters in opposition to the application.

Recommend Denial. The unpermitted addition to the accessory storage building brings the total square footage of that building to being almost 50 percent larger than the primary residential structure. 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.

Fernando Chavez, Clearwater, appeared and indicated that he is the applicant. Responding to queries by the members, he explained that no one lives on the property, confirmed the presence of a mobile home and two storage buildings, and related that he bought the property to store his large personal collection of cars that he uses for pleasure.

Ms. Berutti related that her department has cited the applicant for code violations, that he is operating an auto salvage business, which is not permitted in a residential zone; and that inspectors took photographs of cars in various stages of disrepair; whereupon, Ms. White noted there have also been complaints of noise at night.

During discussion and responding to queries by the members, Mr. Chavez stated that he is not operating a business; and that all of the cars are for his personal use; whereupon, Mr. Bomstein suggested that he either construct a larger home on the property as his primary residence or move into the storage building. Mr. Doran clarified that the Board is not telling him what to do with his property, only what is not permitted.

Mr. Bomstein moved, seconded by Ms. White, that the variance be denied. Upon call for the vote, the motion carried unanimously.

#10 APPLICATION OF FIRST BAPTIST CHURCH OF CLEARWATER, C/O HOWARD PARKER, THROUGH BRIAN J. AUNGST, MACFARLANE FERGUSON & MCMULLEN, REPRESENTATIVE, FOR REINSTATEMENT AND MODIFICATION OF AN EXISTING SPECIAL EXCEPTION (BA-04-11-18) – GRANTED WITH CONDITIONS

Public hearing was held on the application of First Baptist Church of Clearwater, c/o Howard Parker, through Brian J. Aungst for reinstatement and modification of a previously approved special exception for a place of worship to allow for the construction of a new 37,121-square-foot assembly building, two temporary 864-square-foot modular buildings, and related parking, re the property located at 1190 East Lake Road in East Lake Tarpon (BA-04-11-18). The Clerk has received five letters in opposition to the application.

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 it meets the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code. Approval of request should be subject to the same conditions approved in case BA-03-08-16:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Full site plan review, including consolidation of all previous site plans.
3. There shall be no additional access drives from East Lake Road.
4. Silver Eagle Drive access drives shall be improved, including the installation of a 5-foot-wide sidewalk across the entire frontage of the right-of-way.
5. Scenic/Non-Commercial Corridor landscaping requirements must be met.
6. No full-time school or daycare is permitted.

Brian J. Aungst, Clearwater, provided background information regarding the application; whereupon, he stated that the only change made to the request approved by the Board in 2016 is the addition of two temporary modular buildings; that there will be no school or daycare on the property; that there will be no religious classes when public schools are in regular session; and that the current building is approved as a shelter for nearby public schools. Referring to aerial photographs and diagrams, he confirmed that the main access route will remain on East Lake Road.

Upon the Chairman’s call for persons in opposition to the application, the following individuals appeared and stated their concerns:

Richard and Laura Speruggia, Tarpon Springs  
Gene Cunningham, Tarpon Springs, on behalf of Charolais Place Homeowners Association  
David and Rebecca Barron, Tarpon Springs

November 1, 2018

David Gonu, Tarpon Springs  
Greg Nelson, Tarpon Springs

Mr. Burdette pointed out that several of the objectors' concerns pertain to issues that are not the purview of the Board and would need to be addressed with County staff.

Donald Mullins and Peter Palmer, Tarpon Springs, spoke in favor of the application, indicating that they are members of the church. Mr. Mullins addressed the objectors' concerns regarding traffic, safety, and noise and stated that the modular buildings are needed to provide indoor space for some of the church's programs that are currently being held outdoors.

Mr. Aungst indicated that the project meets and exceeds all code requirements; that the church has owned the property since 1981, predating any of the neighborhoods or schools; and that it has an approved site plan and is ready to file for a building permit; whereupon, Howard Parker, Clearwater, spoke on behalf of Calvary Baptist Church. He acknowledged delays in commencement of the project and noted issues that have been addressed, indicating that a study shows that the proposed location is the best place for the building with regard to drainage, landscaping, and tree preservation. He stated that traffic will not be impacted, and responding to queries by the members, provided information regarding building height and capacity, church activities and attendance, and fencing.

During discussion, Mr. Bomstein pointed out that if a church was not occupying the site, the zoning would permit the construction of 125 housing units on the property; and that all churches in residential areas have been granted a special exception. At the request of Ms. White, Mr. Aungst discussed traffic flow, with input by Mr. Parker, and Mr. Bailey related that a traffic study is not required. In response to query by Mr. Doran, Mr. Aungst stated that a 125-unit residential development would be significantly more impactful than a church and its associated activities.

Mr. Burdette indicated that all the concerns raised were addressed when the special exception was granted in 2016; that nothing has changed; and that delays are inherent in the construction industry; whereupon, he moved, seconded by Mr. Bomstein, that the special exception be granted as recommended by staff, with the additional condition that the modular units shall be removed within 24 months. Upon call for the vote, the motion carried unanimously.

#11 APPLICATION OF FLORIDA WEST COVERED STORAGE, LLC, THROUGH GARY BRUNDAGE, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-09-11-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Florida West Covered Storage, LLC through Gary Brundage for a special exception to allow for the construction of a 175-foot-tall camouflaged communications monopole tower and associated supporting equipment, re the property adjacent to the south of 4450 Alternate U.S. Highway 19 in Palm Harbor (BA-09-11-18). The Clerk has received five letters in opposition to the application.

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 Sections 138-238 and 138-240(25) of the Pinellas County Land Development Code have been met. Approval should be subject to the following conditions:

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

Mr. Bailey related that the Board had approved a similar request in August for a tower located at the Suncoast Primate Sanctuary, approximately 650 feet to the north; and that the requests stem from the County's decision to decommission one of its existing towers.

At the request of Mr. Burdette, Attorney Hardy advised those in the audience that the Federal Telecommunications Act prohibits local governments from regulating wireless facilities based on perceived radio frequency emissions, as long as they comply with Federal Communications Commission standards.

Deborah Martohue, St. Petersburg, and Gary Brundage, Largo, appeared on behalf of the applicant. Ms. Martohue provided background information regarding the request and referred to several photographs, relating that two communication towers located on a nearby site had provided cellular service in the area; that one tower will remain and serve only local, state, and federal communication needs; and that the County has decommissioned the other tower and it is being dismantled.

November 1, 2018

Ms. Martohue related that her client, CLQ, LLC, had initially approached the Suncoast Primate Sanctuary, but had decided against the location due to existing code violations and other issues; that the nearby storage facility property was identified as an alternate site with the advantage of having a clear title and no pending code violations; and that surveys and other preparation work have been completed and the company is prepared to submit a site plan for review within 7 to 10 days of receiving the special exception, while the company associated with the primate sanctuary has yet to submit a site plan or fulfill other requirements.

Responding to queries by the members, Ms. Martohue provided information pertaining to tower design, technology, and height requirements, and indicated that the new tower would be equipped to accommodate up to five carriers. She related that the subject site is 1,000 feet away from a new neighborhood, noting that the two original towers were present and clearly visible when the homes were built about three years ago.

Responding to the Chairman's call for objectors, Therese Cutter, Palm Harbor, appeared on behalf of the Harbor Springs Homeowners Association. Referring to photographs, she expressed concerns regarding the proposed tower's visibility and impact on property values. Alan Ruiz, Tampa, appeared on behalf of the applicant in the primate sanctuary case. He provided an update on the resolution of site issues, the due diligence process, and the use of temporary towers, and affirmed the company's plan to build a tower, stating that a second tower is unnecessary.

In rebuttal, Ms. Martohue reiterated that the County-owned towers are substantially higher and were clearly visible when the townhome community was constructed. She offered the option of a monopole tower, as opposed to the proposed monopine design, and noting that there is no perfect place to construct a tower, indicated that a replacement is necessary for continued wireless coverage.

Mr. Bomstein expressed concern about the proliferation of towers in the county and the possibility that two companies are engaged in a race to be the first to install a tower, noting that he hopes only one will be built since only one appears to be necessary; whereupon, Ms. Martohue responded that only her client has completed all of the preparations and is ready to commence construction.

Referring to the implementation of 5G technology, Mr. Bomstein expressed concern about the possibility of abandoned unused towers, and Ms. Martohue related that abandonment provisions are typically conditions of approval and are part of the code.

November 1, 2018

Addressing the concerns of the neighbors, Mr. Bomstein stated that while the Board is sensitive to their needs, economic impacts to neighborhoods are not a consideration of the Board, and it is uncertain whether any negative economic impact will occur.

Following further discussion with input by Mr. Bailey, Mr. Burdette moved, seconded by Mr. Doran, that the special exception be approved. Upon call for the vote, the motion carried 4 to 2, with Ms. White and Mr. Bomstein casting the dissenting votes.

### MISCELLANEOUS

Mr. Bailey related that a new County Commissioner will begin next week who will appoint the seventh Board member; whereupon, he noted that the new Land Development Code has been approved and will take effect on January 1, 2019, and confirmed that the Board of Adjustment will be renamed the *Board of Adjustment and Appeals*.

### ADJOURNMENT

The meeting was adjourned at 11:31 A.M.

---

Chairman