

Clearwater, Florida, December 6, 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 Teresa Adkins, Board Reporter.

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 BEN ATKINS – 1730 CALUMET RE HOLDING, LLC THROUGH MARK JONNATTI, JONNATTI ARCHITECTURE, INC., REPRESENTATIVE, FOR A VARIANCE (BA-04-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Ben Atkins – 1730 Calumet RE Holding, LLC through Mark Jonnatti for a variance to allow for 19 after-the-fact air conditioning compressors to remain with a 3.8-foot side setback from the east property line where a 10-foot side setback is required, re property located at 1730 Calumet Street in unincorporated Clearwater (BA-04-12-18). 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 a variance will no longer be necessary under the updated Pinellas County Land Development Code that will become effective January 1, 2019. 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.

Mark Jonnatti, Clearwater, 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 COURTNEY WHITENER VAUGHAN THROUGH DAVID VAUGHAN, REPRESENTATIVE, FOR A VARIANCE (BA-02-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Courtney Whitener Vaughan through David Vaughan for a variance to allow for the construction of a 3,200-square-foot detached accessory garage on a parcel where a 1,080-square-foot accessory structure already exists, which when combined would exceed the size of the primary residential structure by 2,009 square feet, re property located at 660 Old East Lake Road in East Lake Tarpon (BA-02-12-18). The Clerk has received two 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. The 2-acre subject property is zoned Agricultural Estate Residential and is located in an area exemplified by larger lots and relatively large structures. The existing 1080-square-foot structure is a stable that can be used for agricultural purposes and is not considered a second storage building. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All required setbacks shall be met.
3. The proposed garage shall have residential design features, and the short side of the structure must face the street as shown on the associated concept plan.

David Vaughan and Courtney Whitener Vaughan, Palm Harbor, appeared and indicated that they are the applicants. No one appeared in response to the Chairman's call for objectors to the application.

In response to comments and queries by Mr. Bomstein, Mr. Vaughan related that he owns a vehicle transporting business; that the garage will only be used to protect and store personal property and vehicles; that he understands the residential area is not zoned to allow business operations; and that the exterior siding of the garage will match the siding of the home.

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 LAWRENCE AND ALLISON DOLAN THROUGH KEVIN MCGINLEY, REPRESENTATIVE, FOR A VARIANCE (BA-06-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Lawrence and Allison Dolan through Kevin McGinley for a variance to allow for the construction of a pool screen enclosure having a 10.3-foot setback to a seawall where a 15-foot setback is required, re property located at 11452 Harborside Circle in unincorporated Seminole (BA-06-12-18). Two letters stating no objection 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 subject property has an odd shape, particularly the west property line along Lake Seminole that is not a straight line. The odd boomerang-like configuration makes it difficult to place the screen enclosure completely outside of the required rear setback. Approval should be subject to the following conditions:

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

Allison Dolan, Largo, and Kevin McGinley, Seminole, appeared and indicated that they are the applicant and 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.

#4 APPLICATION OF MOUNT OLIVE MISSIONARY BAPTIST CHURCH THROUGH VAL STELMACH, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-07-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Mount Olive Missionary Baptist Church through Val Stelmach for a special exception to allow for the construction of a 3,521-square-foot fellowship hall addition and related parking area for a place of worship, re property located at 13207 Pine Street in unincorporated Largo (BA-07-12-18). 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 the standards of Section 138-238 of the Pinellas County Land Development Code have been met. The Board approved the same request in 2016, which has since expired. 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. Maintain substantial conformance with the associated concept plan.

Andre Blunt, Largo, 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 special exception be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#5 APPLICATION OF CHABAD OF CLEARWATER, INC. THROUGH RABBI LEVI HODAKOV, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-05-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Chabad of Clearwater, Inc. through Rabbi Levi Hodakov for a special exception to allow for the construction of a 6,000-square-foot place of worship, ancillary uses, and related parking, re property located at 2260 Belleair Road in unincorporated Clearwater (BA-05-12-18). The Clerk has received one letter 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 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. Scenic/Non-Commercial Corridor landscaping requirements must be met.
4. Flexibility for meeting any applicable new development standards found in the updated land development code is permissible.

Levi Hodakov, Clearwater, appeared and indicated that he represents the applicant. No one appeared in response to the Chairman’s call for objectors to the application.

Responding to query by Mr. Burdette, Mr. Bailey related that there are standards in the new code regarding recreational areas that require further setbacks and that the fourth condition for the variance allows flexibility, and discussion ensued concerning local traffic impacts and the square footage of the facility.

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

#6 APPLICATION OF HONOR THY PET, LLC THROUGH BRIAN BARKER, P.E., DEUEL & ASSOCIATES, REPRESENTATIVE, FOR A SPECIAL EXCEPTION AND VARIANCES (BA-03-12-18) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Honor Thy Pet, LLC through Brian Barker for a special exception to allow for the construction of a pet crematory accessory to an existing pet cemetery with variances to allow the crematory to be placed within 65 feet of a neighboring parcel where 200 feet is required and allow the construction on a parcel having 0 feet of public road frontage where 80 feet is required, re property located at 17103 U.S. Highway 19 North in unincorporated Largo (BA-03-12-18). 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 of the Pinellas County Land Development Code have been met. The Board approved the same request in 2015 via Case No. BA-06-04-15, which has since expired. 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. A 6-foot-high vinyl fence shall be placed along the east property line.
4. All applicable air quality requirements shall be met.

Brian Barker, Clearwater, 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. Burdette, that the special exception and variances be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#7 APPLICATION OF BRYCE J. AND BONNIE J. SCHMIDT FOR VARIANCES (BA-01-12-18) – DENIED WITHOUT PREJUDICE

Public hearing was held on the application of Bryce J. and Bonnie J. Schmidt for variances to allow the following, re the double-frontage property located at 6202 60th Avenue North in Lealman (BA-01-12-18):

- 1) An after-the-fact 6-foot-tall wood fence to remain with a 0-foot front setback from the north front property line where 3 feet is the maximum height allowed within the required 20-foot front setback; and
- 2) Construction of an in-ground pool with a 9-foot front setback from the north front property line where 20 feet is required.

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

Mr. Bailey presented the following staff recommendation:

Recommend Denial. There appears to be ample space to place the pool in a location that is outside of the setback fronting 60th Avenue North. In addition, there are no apparent slope discrepancies that would warrant a fence higher than that normally allowed by code. Therefore, staff cannot support the request as it does not meet the criteria for the granting of a variance 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.

Bryce J. and Bonnie J. Schmidt, St. Petersburg, appeared and indicated that they are the applicants.

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

Responding to queries by Mr. Bomstein, Mr. Schmidt related that he was advised by fencing companies and the County that a permit was not necessary to replace his existing 3-foot-high fence with a 6-foot-high fence; that the higher fence is to provide privacy for the pool; and that because of the odd shape of the property, they are limited as to where the pool and screen enclosure can be built; whereupon, Mr. Bailey pointed out that the request does not mention a screen enclosure; that it is not part of the variance; and that a zoning clearance is required for a 6-foot-high fence.

In response to query by Mr. Burdette, Mr. Schmidt indicated that the current code violation on the property is in regard to a shed that was moved from his former residence; and that he is working on resolving that issue.

Discussion ensued, and the members expressed general agreement that a hardship does not exist for the pool; and that the granting of the variance for the fence would set a precedent; whereupon, Mr. Bomstein moved, seconded by Mr. Doran, that the request be denied without prejudice allowing the applicant to return and not have to pay a second application fee.

Attorney Hardy clarified that application fees cannot be waived; and that denied without prejudice means that an applicant may return to the Board with a proposed solution without having to wait the usual six months, and Mr. Bailey stated that the County could incur notification fees; whereupon, Mr. Bomstein amended his motion to require the payment of costs only, and the seconder concurred. Upon call for the vote, the motion carried unanimously.

SELECTION OF 2019 CHAIRMAN AND VICE-CHAIRMAN

Chairman Cocks indicated that the Board must select a new Chairman and Vice-Chairman for 2019, and Mr. Bailey related that Commissioners Karen Williams Seel and Pat Gerard will be the Board of County Commissioners Chairman and Vice-Chairman, respectively, for 2019.

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Mr. Burdette moved, seconded by Mr. Bomstein and carried unanimously, that Mr. Doran be named Chairman for 2018; and that Ms. White be named Vice-Chairman.

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

Mr. Doran moved, seconded by Mr. Bomstein and carried unanimously, that the minutes of the October 4 and November 1, 2018 meetings be approved.

OTHER BUSINESS

Mr. Bailey related that next month the Board will continue to hear cases under the existing code; and that the new Land Development Code will take effect on January 1, 2019.

Responding to queries by Mr. Doran, Mr. Bailey discussed the special exception extension process, and brief discussion ensued regarding Case No. BA-01-12-18, heard earlier in the meeting.

ADJOURNMENT

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

Chairman