

Clearwater, Florida, April 3, 2014

The Board of Adjustment met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:02 A.M. on this date with the following members present: John Doran, Chairman; Alan C. Bomstein, Vice-Chairman; Joe C. Burdette; Ray Hoeneisen; Gregory Pierce; Stephen G. Watts; and Deborah White.

Also present: John F. Cueva, Planning Department Zoning Manager; Jason C. Ester, Senior Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; other interested individuals; and Arlene L. Smitke, Board Reporter, Deputy Clerk. Minutes by Laura M. Todd, Board Reporter, Deputy Clerk.

CALL TO ORDER

Chairman Doran called the meeting to order at 9:02 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:

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Deviating from the agenda, Chairman Doran indicated that Item No. 9 would be heard at this time.

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9 APPLICATION OF TAMPA ROAD GAS, LLC THROUGH PETER R. PENSA, AICP AND KATIE E. COLE, ESQUIRE, REPRESENTATIVES, FOR A VARIANCE – (BA-6-3-14 – GRANTED WITH ADDED CONDITION

Public hearing was held on the application of Tampa Road Gas, LLC through Peter R. Pensa and Katie E. Cole for a variance to allow redevelopment of the subject parcel having a lot depth of 174 feet where a depth of 200 feet is required, a five-foot front parkway buffer yard where a 30-foot parkway buffer yard is required, a front setback of 45 feet where a 50-foot front setback is required, and a ten-foot side setback where a 25-foot side setback is required, re property located at 32490 U.S. Highway 19 North, Palm Harbor (BA-6-3-14).

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John F. Cueva, Planning Department Zoning Manager, indicated that one letter in opposition to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff supports the request due to the limited depth associated with the lot having 174 feet in depth where 200 feet is required. Additionally, as the site was developed prior to the adoption of the CP-1 regulations which require 30 feet of open permeable area, this 30-foot area is primarily a paved area, thereby negating the appropriateness of this requirement. Important to note in the revised concept plan is the fact that the proposed convenience store will be located ten feet from the side property line thereby increasing the current setback that exists by five feet, in addition to providing increased treatment of storm water run-off and the elimination of two driveways, which access U.S. Highway 19 and Tampa Road. Approval of the request should be subject to the following conditions:

1. Full site plan review.
2. The side setback shall be ten feet.
3. The front buffer yard setback shall be five feet.
4. The front building setback shall be 40 feet for development as shown on the concept plan.
5. No other buildings shall be located on the subject property except as shown on the concept plan.

Responding to query by Mr. Bomstein, Mr. Cueva stated that the site plan is different from the plan presented last month in that the side setback has been moved from five feet to ten feet, noting that the applicant has moved the location of the building.

Katherine E. Cole, Esquire, Clearwater, appeared and being duly sworn, indicated that she represents the applicant; that the applicant has been working with staff to determine how to better separate the proposed development from the adjacent

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property; that the engineer was able to move the building five feet closer to U.S. Highway 19, providing a ten-foot setback; and that the applicant is requesting a reduction in lot depth, which is allowed by Code with new development, but requires a variance.

Referring to the site plan, Ms. Cole gave a brief overview and history of the property, indicating that it is currently zoned Commercial Parkway (CP-1); that it was previously zoned Commercial-2 (C-2); that the property was developed with zero setbacks on the side and rear, as allowed in C-2 zoning; and that redevelopment of the property would be an improvement. She indicated that the CP-1 designation was designed to create view corridors; that the County is considering modifying the Code with regard to the corridors; and that the proposed site plan reduces the number of site access points from three to two and relocates them away from the intersection.

Ms. Cole indicated that the intersection is complicated by the fact that the County and the Metropolitan Planning Organization have adopted a truck route requirement which prohibits major trucks from using Belcher Road or other alternate routes to the west as their primary delivery mechanism during non-daylight hours; that they have to come down Tampa Road and turn onto U.S. Highway 19 to access the site, deliver fuel in the fuel pump area, and navigate through the site; and that the drive isles are necessary, as the trucks make wide turns; whereupon, she stated that the new development would be more attractive and would provide the opportunity to create a viable business.

Ms. Cole noted that, over the last ten years, several applications have been made to the Board in an attempt to develop the site, each of which called for a smaller convenience store and included an area of about 20 feet on the south side of the property which is under different ownership and is not included in the current plan. She indicated that she has spoken with Ms. Westine, representative of the adjacent property owner who opposes the setback request; that they discussed possible buffering opportunities; and that the proposed site layout will offer a clear view of the adjacent property from the intersection; whereupon, she reviewed the special considerations that justify the request and stated that the applicant respectfully requests approval of the modified site plan and variance to facilitate the redevelopment of the property, noting that the requested variance is the minimum that would be feasible.

Responding to query by Mr. Bomstein, Ms. Cole stated that the rear of the proposed building adjacent to the Ferrari dealership would have a landscape buffer and a sidewalk, with no vehicular access; whereupon, Peter R. Pensa, AVID Engineering,

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related that the rear of the building will have emergency egress which is required by the Building and Fire Codes, but there will not be a customer entrance or loading area on that side of the building; that there will be a landscaped area and a sidewalk for safety purposes; that employees would exit via the front door to bring trash to the dumpster, located at the southwest corner of the property; and that the distance from the rear wall of the proposed building to the Ferrari building is approximately 150 feet.

In response to queries by Ms. White, Ms. Cole stated that the fence is owned by her client; that it is unknown whether the client would propose a new fence; and that some modifications will have to be made during construction.

Responding to queries by Mr. Pierce, Ms. Cole indicated that she is working with the title company to determine the owner of the 20-foot area to the south; that there is a break in the chain of title; and that there is a possibility it could be acquired by her client; whereupon, Mr. Pensa related that the industry standard drive isle is 40 feet, but 50 is preferred; and that the minimum width for customers to be able to turn and safely exit the pump area would be 37.5 feet. Mr. Pierce expressed concern that cars waiting in line for pumps to become available would have no way to get around the vehicles, and cited additional concerns as to the tight turning radius, noting that the gas station he uses is always congested; whereupon, Mr. Pensa described the process by which the fuel truck would make a delivery to the tanks, noting that vehicles would still be able to exit the pump area and leave the station.

Jode Ballard, Thorntons, Inc., Louisville, Kentucky, appeared and being duly sworn, indicated that he is working with the Florida Department of Transportation (FDOT) with regard to widening the driveway to allow safe maneuvering of the fuel trucks.

Responding to queries by Ms. White, Ms. Cole referred to a survey and pointed out the location of an existing retention pond and structures, noting that the pond will remain, but the barbeque/hot dog stand and convenience store will be removed. She indicated that there are currently two access points on U.S. Highway 19 and one on Tampa Road; and that one U.S. 19 access point is proposed; whereupon, Mr. Pensa provided additional information regarding reconfiguration of the driveways and the site layout.

In response to the Chairman's call for objectors to the application, Lauralee Westine, Esquire, Palm Harbor, appeared and being duly sworn, indicated that

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she represents the adjacent property owner, Ferrari of Tampa Bay; that her client objects to any kind of variance in the side setback on the west property line; that he also has a narrow lot, yet he developed it within the confines of the Land Development Code; that the Board approved two previous site plans for gas stations on the property and another was submitted and withdrawn, none of which requested a variance; and that the hardship is self-imposed; whereupon, she requested that the variance be denied, noting that a gas station is currently operating on the site; that the fuel tanks have already been replaced; and that the owner can continue to operate a gas station on site in compliance with the rules.

Mr. Bomstein indicated that in the previous applications cited by Ms. Westine, the building was sited differently which required a variance to a different lot line on the site; and that at some point, to redevelop the property to today's FDOT standards for gas stations, a variance will likely be needed on one property line or the other; whereupon, Ms. Westine suggested that the impact occur on the front buffer along U.S. Highway 19 as opposed to the side adjacent to her client's property.

Responding to query by Mr. Watts as to how the variance would adversely affect her client's property, Ms. Westine indicated that her client is a multimillion dollar car dealership; and that the wall and a fence on the adjoining property would be 15 feet closer than it should be, noting that there would be no perception of open space; whereupon, she reiterated her objection and requested that the variance be denied. During discussion and in response to queries by Mr. Hoeneisen as to the impact of the variance on the Ferrari dealership, Ms. Westine indicated that her client believes there would be an economic impact.

In rebuttal and in response to queries by the members, Ms. Cole, with input by Mr. Ballard, referred to a photograph from 2008 of the rear of the property, pointed out the zero lot line, and indicated that the request is for the building to be ten feet away from the location of the existing building; and that her client would be amenable to installing a fence or hedge along the rear of the property. She stated that prior approved site plans should be irrelevant to the Board's consideration of the current request; that the proposed plan moves the site access away from the intersection, which the others did not; that it does not include the 20-foot area that is not under clear title of the property owner; and that the County's truck ordinance was also not a consideration at the time. Responding to query by Mr. Watts, Mr. Ballard provided information relative to traffic conditions and the proposed driveway locations, and discussion ensued as to the time of day for delivery of fuel.

Chairman Doran closed the public hearing, and Mr. Burdette suggested that the Board consider adding a condition relative to buffering; whereupon, Mr. Cueva suggested a requirement for a six-foot-high vinyl fence or a hedge along the west property line. Discussion ensued, and Ms. Cole and Westine provided input, with Ms. Westine indicating a reluctance to agree to a condition without the approval of her client.

Thereupon, Mr. Bomstein moved, seconded by Mr. Watts, to adopt staff's recommendation for approval, with the added condition that a maintenance-free fence be placed along the west property line from the northern end of the building to the south property line.

Following further discussion and upon call for the vote, the motion carried unanimously.

1 APPLICATION OF IMTIAZ HOSSAIN AND ISMET SAIFULLAH FOR A VARIANCE (BA-1-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Imtiaz Hossain and Ismet Saifullah for a variance to allow a six-foot-high fence and entry gate having a zero-foot front setback where a fence in excess of three feet in height is required to be set back 50 feet from the front property line, re property located at 2460 Central Avenue, Clearwater (BA-1-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the home fronts on a private road in a subdivision which has many homes with similar fences along their property lines to provide security. Approval of the request should be subject to the following conditions:

1. The fence shall be placed and constructed as shown on the submitted concept plan.

2. The fence shall be reviewed and approved by the Development Review Services Division for compliance with sight distance criteria for safety.

Imtiaz Hossain, Clearwater, appeared and being duly sworn, indicated that he is 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. Burdette, that the variance be granted per staff recommendation.

Upon call for the vote, the motion carried unanimously.

2 APPLICATION OF AMERICAN HOUSING BUILDERS, INC. THROUGH STUART A. COHEN, REPRESENTATIVE, FOR A VARIANCE (BA-2-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of American Housing Builders, Inc. through Stuart A. Cohen for a variance to allow a single family residence on a lot having 50 feet of width where a lot having 60 feet of width is required, re property located on the south side of 70th Avenue North, 100 feet west of 67th Street North, Pinellas Park (BA-2-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as the property is bordered on both sides by single family homes thereby making the acquisition of additional land to meet the frontage requirements impractical. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.

2. All setback requirements shall be met.

Stuart A. Cohen, Pinellas Park, appeared and being duly sworn, 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. Cueva related that a notice was sent to the City of Pinellas Park, as it is the adjacent municipality.

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

3 APPLICATION OF AMERICAN HOUSING BUILDERS, INC. THROUGH STUART A. COHEN, REPRESENTATIVE, FOR A VARIANCE (BA-3-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of American Housing Builders, Inc. through Stuart A. Cohen for a variance to allow a single family home to have six-foot side setbacks where a 7.5-foot side setback is required, re property located on the south side of 42nd Avenue North, 200 feet west of 37th Street North, St. Petersburg (BA-3-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as there are many older homes in the subdivision that were built when the side setbacks were based on ten percent of the lot width. The request is consistent with that older pattern of development and, as such, approval of the request will (not) pose an adverse impact to the adjacent homes. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The side setbacks shall be six feet.

Stuart A. Cohen, Pinellas Park, appeared and being duly sworn, indicated that he represents the applicant; whereupon, he noted that the recommendation should read “approval of the request will not pose an adverse impact,” and Mr. Cueva concurred.

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

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

4 APPLICATION OF ROBERT HYPES AND LYNDA HARRELL FOR A VARIANCE (BA-6-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Robert Hypes and Lynda Harrell for a variance to allow a pool cage having a 12-foot setback to the mean high water mark of a lake where a 25-foot setback to the mean high water mark is required, re property located at 5291 40th Avenue North, St. Petersburg (BA-6-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the proposed pool cage will not pose an adverse impact to the adjacent water body by being located 12 feet from the mean high water line. It should be noted that the pool is also within 25 feet of the mean high water line; however, the pool was permitted before the required setback was implemented in the code. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The pool enclosure shall be set back 12 feet from the mean high water line.

Samantha Solon, St. Petersburg, appeared and being duly sworn, indicated that she represents the applicants.

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

Mr. Bomstein moved, seconded by Mr. Watts, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

5 APPLICATION OF JAMES W. BRYDON FOR A VARIANCE (BA-7-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of the James W. Brydon for a variance to allow a 1.46-foot front setback for the reconstruction of a roofed porch including columns, stairs, stair railings, and landing where a 20-foot front setback is required, re property located at 960 65th Street South, St. Petersburg (BA-7-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as this is an older subdivision that was developed before the adoption of the zoning code, as evidenced by the many structures in this neighborhood that do not meet current requirements. Additionally, as many of the lots are substandard in size, it would be difficult for any of the homes to meet current requirements if they were redeveloped. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The roofed porch including columns, stairs, stair railings, and landing shall have a 1.46-foot front setback.

James W. Brydon, St. Petersburg, appeared and being duly sworn, indicated that he is seeking the aforesaid variance.

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

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

6 APPLICATION OF MICHAEL HARTLEY THROUGH KENNY ESPOSITA, REPRESENTATIVE, FOR A VARIANCE (BA-9-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of the Michael Hartley through Kenny Esposito for a variance to allow a four-foot-high wrought iron fence having four-foot, six-inch-high columns having a zero-foot front setback where a 25-foot front setback is required, re property located at 1825 Jessica Road, Clearwater (BA-9-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the proposed fence will not pose an adverse impact to adjacent properties, and the fence, as proposed, is in keeping with the rural nature of the area. Approval of the request should be subject to the following conditions:

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1. The fence shall not exceed four feet in height and the columns shall not exceed four feet, six inches in height.
2. The fence shall have a zero-foot front setback.
3. The fence shall be a wrought iron fence. A solid fence shall be prohibited.
4. Before digging for the fence commences, the contractor shall call "Sunshine" 811 or 1-800-432-4770 to locate underground utilities.

Michael R. Hartley, Clearwater, appeared and being duly sworn, indicated that he is seeking the aforesaid variance.

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

Mr. Bomstein moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

7 APPLICATION OF CONNIE REYES MATRANGA REVOCABLE TRUST, CONNIE REYES MATRANGA, TRUSTEE, FOR A VARIANCE (BA-10-4-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Connie Reyes Matranga Revocable Trust, Connie Reyes Matranga, Trustee, for a variance to allow an existing elevated deck and utility shed both having a zero-foot rear setback where ten-foot rear setbacks are required, re property located at 1987 Hidden Springs Place, Clearwater (BA-10-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the subject property abuts land owned by Pinellas County, which is used for drainage purposes and, as such, the existing structures do not pose an adverse impact. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The elevated deck and utility shed shall have a zero-foot rear setback.

Mr. Cueva indicated that when the recommendation was written, staff was unaware of the exact location of the shed; that the shed is located on County property; and that the applicant will move it onto her property.

Connie Reyes Matranga, Clearwater, appeared and being duly sworn, indicated that she is seeking the aforesaid variance.

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

Responding to query by Mr. Bomstein, Ms. Matranga indicated that she is aware that she must move the shed onto her property or face continued violations by Code Enforcement.

Mr. Bomstein moved, seconded by Mr. Watts, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

8 APPLICATION OF ROBERT R. AND JESSIE V. BERKEBILE THROUGH DONNA PARKER, REPRESENTATIVE, FOR A VARIANCE (BA-4-4-14) – DENIED

Public hearing was held on the application of Robert R. and Jessie V. Berkebile through Donna Parker for a variance to allow a single family dwelling on a lot having a ten-foot front setback where a 20-foot front setback is required, re property located at 95 feet south of 86th Avenue North on the east side of Forsyth Drive North, Seminole (BA-4-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that one letter in opposition to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request due to the curvature of the road along the frontage of this lot. There had been a residence on this lot previously, and in looking at aerial photographs of the lot with the previous house, it appears that the home was set back approximately ten feet from the front property line. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The front setback shall be ten feet.
3. Six-foot setbacks shall be required from the other two property lines.

Responding to the Chairman's call for the applicant, Donna Parker, St. Petersburg, appeared and being duly sworn, gave a brief overview of the property. Referring to a sketch, she indicated where the home would be without the variance, noting that the lot is irregular in shape, and the application is to reduce the front setback line from 20 feet to ten feet to allow a 20-foot back yard.

In response to query by Mr. Bomstein, Mr. Cueva indicated that the required setback on the north side is six feet. Discussion ensued, and responding to queries by the members, Ms. Parker related that the original home was destroyed; that it

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was located approximately ten feet from the front property line; that she may wish to build a larger home than is indicated on the submitted site plan; and that it would be 28 feet from the corner of the home to the road.

In response to the Chairman's call for individuals in support of the application, Joe Judice, Seminole, appeared and being duly sworn, provided background information regarding the property and the surrounding area, indicating that construction of a new home would have a positive impact on the neighborhood.

Responding to the Chairman's call for objectors to the application, the following individuals appeared and being duly sworn, expressed their concerns regarding the size and orientation of the proposed home, noting that it would block the view of the curve in the road, causing a safety issue.

James Raymer, Seminole
Robert Fuller, Seminole
Christina Mancini, Seminole
Mary Ramer, Seminole
Shirley Bond, Seminole

Referring to a map, Ms. Parker pointed out the location of the subject lot and that of Mr. and Mrs. Ramer, noting that the proposed home will face the same direction as the Ramer's home and it will not block their driveway; whereupon, she displayed the front elevation of the proposed home, indicating that it is not oversized for the neighborhood; and that it would not be economically feasible to build a home like the one that formerly existed on the property.

Discussion ensued, and responding to queries by the members, Mr. Cueva indicated that the circular driveway would be removed; and that he assumed the prior house had a ten-foot setback, but was not sure as he did not have an accurate survey. Mr. Bomstein commented that reference had been made to the house being built at an angle, noting that he believed the objectors would like the front of the house to face Forsyth Drive, following the curvature of the road; and Ms. Parker indicated that most of the neighbors in attendance would have a view of the front of the house.

At the request of Chairman Doran, Ms. Parker pointed out the front of the house on a survey; whereupon, Mr. Bomstein indicated that people coming from the east on Forsyth Drive would wind up driving by what appears to be the side of the house, and

discussion ensued as to building a smaller home that would meet the setback requirements.

Mr. Bomstein commented that a reasonable house could be built on the property the way the lot is currently configured, thus concluding that no hardship exists, and Mr. Hoeneisen concurred, indicating that the variance is before the Board, not the size of the house; that the highest and best use principle and demographic changes in Pinellas County are requiring different homes than were built in the 1960s; and that even if the application is not approved, a larger home will most likely be built on the lot.

Mr. Bomstein moved, seconded by Ms. White, that the variance be denied.

Upon call for the vote, the motion carried unanimously.

#10 APPLICATION OF PORTOBELLO SQUARE SHOPPING CENTER, LTD, LLP
THROUGH EDWARD J. LURIE, REPRESENTATIVE, FOR A VARIANCE (BA-5-4-
14) – DENIED

Public hearing was held on the application of Portobello Square Shopping Center, Ltd., LLP through Edward J. Lurie for a variance to allow two existing identification signs having a height of 31 feet where a maximum height of identification signs allowed is 25 feet, re property located at 13023 Park Boulevard, Seminole (BA-5-4-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received; and presented the following staff recommendation:

Recommend Denial. Staff cannot support the request as the amortization period for non-conforming signs expired 15 years ago and also based on the fact that it does not meet the following criteria for a variance:

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.* The literal interpretation of the provisions of the this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.

Edward J. Lurie, Seminole, appeared and being duly sworn, indicated that he represents the applicant. He gave a brief overview and history of the shopping center and existing signage, and indicated that several of his tenants have requested a new electronic sign; whereupon, he referred to a photograph of the existing sign, noting that it was designed to match the architecture of the center; that the permit application to remove and replace the message panel was denied; and that shortly thereafter, Code Enforcement told him to remove the existing sign as it violates the height limit restriction of 25 feet.

Responding to query by Mr. Bomstein, Mr. Lurie stated that he is now aware that the sign regulations changed in the 1990s and of the 15-year period to bring existing signs into compliance, noting that hundreds of signs are not yet in compliance. Mr. Bomstein stated that the Board has been strict about enforcing the sign standards, and Mr. Burdette concurred, indicating that many people have spent the money to comply, and it would difficult for the Board to grant a variance in this instance; whereupon, Messrs. Bomstein and Watts suggested the possibility of lowering the existing sign.

Responding to queries by Mr. Pierce, Mr. Cueva stated that the only issue is the height of the sign, and Mr. Myers indicated that the ability to expand the square footage is limited; and that removing the decorative top portion and “Portobello Square” panel would allow additional square footage below and bring it into compliance.

In response to the Chairman’s call for citizens wishing to be heard, the following individuals spoke in support of the application and responded to comments and queries by the members:

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Mindy Rovillo, Seminole
Mike Lurie, Seminole
Richard Silvers, Seminole (Adtech Electric Advertising, Inc.)

The members discussed the height and characteristics of the two signs in question and possible alternatives to bring them into compliance, noting that a compromise would be to lower the legs of the signs by six feet or install monument signs at ground level.

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

Discussion continued, and Messrs. Bomstein, Watts, and Burdette indicated that the applicant has not provided a compelling reason to override the rules and regulations of the County Commission, and Ms. White and Chairman Doran concurred; whereupon, Mr. Watts moved, seconded by Mr. Hoeneisen, that the variance be denied.

Upon call for the vote, the motion to deny carried unanimously.

MINUTES OF MARCH 6, 2014 MEETING – APPROVED

Upon motion by Mr. Watts, seconded by Ms. White and carried, the minutes of the meeting of March 6, 2014 were approved.

ADJOURNMENT

At the direction of Chairman Doran, there being no further business, the meeting was adjourned at 10:58 A.M.

Chairman