

Clearwater, Florida, March 5, 2015

The Board of Adjustment 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: Stephen G. Watts, Chairman; Ray Hoeneisen, Vice-Chairman; Alan C. Bomstein; Joe C. Burdette; John Doran; Gregory Pierce; and Deborah White.

Also present: Chelsea Hardy, Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; John F. Cueva, Planning Department Zoning Manager; Glenn Bailey, Planning Department Zoning Manager; other interested individuals; and Laura M. Todd, Board Reporter, Deputy Clerk. Minutes by Lynn M. Abbott, Board Reporter.

### CALL TO ORDER

Chairman Watts called the meeting to order at 9:01 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.

Mr. Cueva indicated that he will be retiring in May and thanked the members for working with him over the years; whereupon, he introduced newly appointed Zoning Manager Glenn Bailey, noting that he will be available to the members during the transition process.

#### # 1 APPLICATION OF MATTHEW AND ANN MARIE GUNN FOR A VARIANCE (BA-2-3-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Matthew and Ann Marie Gunn for a variance to allow a six-foot-high fence having a zero-foot front setback from the property line adjacent to 8th Street where a 20-foot front setback is required, re property located at 1711 8th Street, Palm Harbor (BA-2-3-15).

Mr. Bailey 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 this request. The property

has an unusual layout in relation to the intersection of 8th Street and Missouri Avenue to the east and the adjacent waterfront to the north. The proposed fence will not extend the entire length of the property and will not be placed in front of the exterior of the home. Surrounding property owners will not be adversely impacted, as the proposed fence would be 17 feet from the edge of the road and still allow water views and access from the public right-of-way. In addition, the fence would alleviate insurance concerns as it would block access to the private seawall. Approval of this request should be subject to the following conditions:

1. The applicant is to obtain site distance approval from Development Review Services.
2. The fence shall be constructed as shown on the submitted concept plan.

Responding to the Chairman's call for the applicants, Matthew and Ann Marie Gunn, Palm Harbor, 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, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

# 2     APPLICATION OF MENORAH MANOR SR. LIVING, LLC THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A VARIANCE (BA-1-3-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Menorah Manor Sr. Living, LLC through Robert Pergolizzi for a variance to allow building setbacks of 33 feet from the pavement edge of a private street, rather than 35 feet, and rear setbacks from unimproved rights-of-way of 15 feet for buildings and five feet for pool screen enclosures

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where 25 feet from public rights-of-way are required, re property containing 7.7 acres located on the west side of Belcher Road, 660 feet south of Nebraska Avenue, Palm Harbor (BA-1-3-15).

Mr. Bailey 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 this request. The reduced rear setbacks are for lots abutting unimproved rights-of-way that are not anticipated for construction. The reduced front setbacks of 33 feet from the edge of pavement are minimal and will not pose any adverse impact to surrounding properties as they are on a private road internal to the development. Approval of this 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 rear setbacks shall not be less than 15 feet for buildings and five feet for pool screen enclosures from the unimproved rights-of-way.
3. The front setbacks shall not be less than 33 feet from the pavement edge of the internal private street.

Robert Pergolizzi, Gulf Coast Consulting, Clearwater, indicated that he represents the applicant, Menorah Manor, and displaying an aerial image, described the property and proposed development, noting that the applicant intends to construct private roadways in accordance with Pinellas County local road standards.

Responding to queries by the members, Mr. Pergolizzi stated that Georgia Avenue is entirely unimproved; that the plan calls for 17 single-family detached homes with a minimum size of 9,700 square feet, exceeding the R-1 standards; that the owner of the property, Menorah Manor, is selling the property to Gulfwind Contracting and will not be providing any further services; and that no special privilege will be requested,

because the roadway will be built to Pinellas County public road standards, and the setback is internalized and will not be detrimental to public welfare.

In response to the Chairman's call for opponents to the application, Donald Sawyer, Palm Harbor, stated his concerns pertaining to traffic congestion on Belcher Road and privacy and asked that the applicants build a fence or separation bordering his property; whereupon, Mr. Bomstein noted that no setback variances are requested adjacent to Mr. Sawyer's property, and discussion ensued.

Responding to queries by Messrs. Bomstein and Watts and addressing Mr. Sawyer's concerns, Mr. Pergolizzi indicated that the applicants would likely construct a fence or wall around the property; that the plan shows a gated connection to Belcher Road limited to right-in, right-out access, which may cut down additional traffic; that this section of Belcher Road is operating at Level of Service B, well above the traffic congestion standard; and that the gate is set well in excess of code for the stacking of cars.

Mr. Bomstein stated that he would be abstaining from the vote due to a conflict of interest and, in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

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

Upon call for the vote, the motion carried 6-0, with Mr. Bomstein abstaining.

# 3     APPLICATION OF ANABELLA AND STEFAN HOPPE FOR A VARIANCE (BA-4-3-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Anabella and Stefan Hoppe for a variance to allow two single family lots which do not have frontage on a public road, where 80 feet of frontage on a public road is required, re property located on the west side of 141st Street, 175 feet south of 76th Avenue North, Seminole (BA-4-3-15).

Mr. Bailey 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 this request. The subject property is so far removed from a public right-of-way that the owners cannot acquire enough land to meet frontage requirements. The Board has granted conditional approval on this case before (BA-7-6-98), which has since expired. Approval of this request should be subject to the following conditions:

1. The applicant is to obtain all required permits and pay the appropriate impact and/or other fees.
2. Recording of ingress-egress easement to the subject property.
3. Any additional setbacks deemed necessary by the Development Review Services Department to ensure adequate separation from adjacent mangroves/wetlands shall be met.
4. Prior to issuance of a building permit, the applicant is to provide zoning staff with a written statement acknowledging that emergency vehicles and/or other public service providers may be able to adequately service the subject property because of its limited access.
5. Site plan review to ensure proper drainage.
6. Conditions submitted by the City of Seminole Fire Marshal.

Anabella and Stefan Hoppe, Seminole, indicated that they are seeking the aforesaid variance; whereupon, referring to a survey, Mr. Hoppe described the property and the location of an existing easement and related that he intends to separate it into two single family properties; and that Randy Ayers, their neighbor and adjacent property owner, supports the variance.

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Responding to queries by the members, Mr. Hoppe related that the easement will be continued to the second property if the variance is granted; that he is aware of and has no issues with the fire department requirements or other conditions; and that access to the properties will be via a 20-foot-wide street to be maintained by both the Hoppes and Mr. Ayers that will accommodate emergency vehicles.

Upon the Chairman's call for supporters, Randy Ayers, Seminole, referred to the survey and indicated that he owns the adjacent property; that the existing easement has been recorded; and that both parties will maintain the easement at 50 percent of the cost.

In response to Mr. Pierce's concerns pertaining to the second property, Mr. Hoppe related that he plans to split the property and has contacted the County for information and direction regarding the protected area; and that he is still waiting for a response and is more than happy to comply with the County.

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 BEN AND SHERRY W. PREWITT THROUGH JOHN LANGSTON, IV, REPRESENTATIVE, FOR A VARIANCE (BA-3-3-15) – DENIED WITHOUT PREJUDICE

Mr. Bailey referred to the application of William Ben and Sherry W. Prewitt through John Langston, IV, for a variance to permit a carport having a ten-foot front setback where a 20-foot front setback is required, re property located at 36 Citrus Drive, Palm Harbor (BA-3-3-15) and reported that the applicants requested withdrawal of the application by email this morning; whereupon, he recommended that the application be denied without prejudice.

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be denied without prejudice as recommended by staff, and responding to query by Mr. Pierce, Mr. Bailey clarified that the request could come back before the Board at a later date.

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Upon call for the vote, the motion carried unanimously.

MINUTES OF DECEMBER 4, 2014 MEETING – APPROVED

Upon motion by Mr. Bomstein, seconded by Ms. White and carried unanimously, the minutes of the meeting of December 4, 2014 were approved.

ADJOURNMENT

At the direction of Chairman Watts, there being no further business, the meeting was adjourned at 9:28 A.M.

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Chairman