

BOARD OF COUNTY COMMISSIONERS

DATE: May 19, 2015

AGENDA ITEM NO. 27

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subject:

Zoning Case No. (Q) Z-8-4-15 (Susan McCann)

Department:

Planning Department

Staff Member Responsible:

Gordon Beardslee, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) HEAR PUBLIC COMMENT AND APPROVE THE PROPOSED ZONING AMENDMENT AND THE REQUESTED VARIANCE SUBJECT TO FOUR CONDITIONS.

Summary Explanation/Background:

This is a zoning change from R-1, Single Family Residential to R-R, Rural Residential, which will still allow only single family development to occur, but at a lower density, (twelve (12) potential homes with the R-1 zoning district compared to five (5) potential homes with the proposed R-R district). The purpose of the rezoning is to allow the applicant to have horses on the subject property. The proposed R-R zoning requires a larger lot per home site than the R-1 as the R-R zoning requires a 16,000 square foot minimum lot size compared to the R-1 minimum home site of 9,500 square feet. Setbacks are also somewhat greater with the R-R zoning as well.

The R-R zoning also allows three livestock animals per acre whereas the existing R-1 zoning does not permit any livestock. The applicant currently keeps horses on this property.

This request also includes a variance to allow an existing four (4) foot high fence to remain on the north side of the property having a zero (0) foot front setback where a 25-foot front setback is required. Staff recommends approval of the fence variance subject to conditions (1), (2), and (4) as recommended by the Local Planning Agency (LPA) in the attached Staff Report.

It should be noted that the applicant initially agreed with the third LPA recommendation to place a swale and berm between the areas where the horses would be allowed to roam and the wetlands. However, since the LPA meeting, the applicant reassessed the LPA recommendation and is proposing a more extensive and improved manure collection system that would be better at controlling the runoff of nutrients from the livestock into the bay than the swale and berm recommended by the LPA. Staff supports this revised design and recommends the Board require construction of the manure collection system (see attached) subject to obtaining the appropriate permit as a fourth condition of the fence variance approval.

955

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Maps, Resolution, Correspondence and Site Plan
Manure Collection System proposed by the applicant

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. Z-8-4-15

LPA Recommendation: The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the zoning amendment, and the variance to allow a 4 ft. high fence with a 0 foot front setback where 25 ft. front is required, subject to the following conditions:

- 1) The fence on the north side of the subject site would be of the type that currently exists at this location (i.e., 2 planks between poles); and
- 2) A fence for the livestock along the south side of the property set back 50 feet from the upland edge of the wetlands.
- 3) Construct a swale and berm on the south side of the property to control runoff from the livestock area into the wetlands and Boca Ciega Bay.
- 4) All trailers are to be parked on the subject property and not in the public right-of-way.

LPA Public Hearing: April 9, 2015

(The vote was 6-0, in favor)

PLANNING STAFF RECOMMENDATION:

Staff recommends that the LPA find the proposed amendment to the Zoning Atlas to be consistent with the Pinellas County Comprehensive Plan, based on the findings in this report.

And further, Staff recommends that the LPA recommend approval of the proposed Zoning Atlas amendment and the requested variance to the Pinellas County Board of County Commissioners subject to the following conditions:

1. The fence on the north side of the subject site would be of the type that currently exists at this location (i.e., 2 planks between poles); and
2. A fence for the livestock along the south side of the property set back 50 feet from the upland edge of the wetlands.

CASE SUMMARY

APPLICANT'S NAME: Susan McCann
DISCLOSURE: N/A
REPRESENTED BY: Michelle Serdyski

ZONING CHANGE	
FROM:	R-1, Single Family Residential
TO:	R-R, Rural Residential
And a variance to allow a 4 ft. high fence with a 0 foot front setback where a 25 ft. front setback is required in an R-R zone.	

PROPERTY DESCRIPTION: Approximately 2.3 acres located at the southeast corner of 74th Avenue North and 138th Street North in the unincorporated area of Seminole (street address: 13798 74th Avenue North).

PARCEL ID(S): 30/30/15/36486/000/0530

PROPOSED BCC HEARING DATE: May 19, 2015

CORRESPONDENCE RECEIVED TO DATE:

Four letters received in favor.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

Two persons appeared in opposition.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Low & Preservation	R-1	Single family dwelling
Adjacent Properties:			
North	Residential Low	R-1	Single family dwelling
East	Residential Low	R-1	Single family dwelling
South	Residential Low	R-1 & Unzoned	Single family dwelling
West	Residential Low	R-1	Single family dwelling

STAFF DISCUSSION AND ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USES

The area in the vicinity of the subject property is characterized exclusively by single family home development with many of the lot sizes ranging from 9,500 sq. ft. to as large as 2 acres. North of 74th Avenue North the homes are on lots that were platted in 1910 as 60 ft. wide lots and have since been combined to meet the R-1 zoning requirements. The applicant desires to continue this trend by requesting the R-R, Rural Residential zoning district which has a lot area requirement of 16,000 sq. ft. compared to the current minimum lot area requirement of 9,500 sq. ft. This proposal would also reduce the potential current lot development of 12 single lots to a maximum of 5 single family lots under the proposed R-R zoning district. It should also be noted that with the R-R, Residential Rural zoning district, a maximum of six livestock would be allowed on this site. Based on the applicant's testimony, it appears horses have been kept on this site dating back to the 60's and 70's; however, staff has not

been able to confirm this statement at this time. The proposed R-R zoning would have less impact on the local roads that serve this area than if the site were developed under the current R-1 zoning. Also, as this site lies within the hurricane evacuation A zone, the reduced number of potential dwelling units associated with the proposed R-R zoning would reduce the demand on evacuation facilities. Additionally, as this site abuts Boca Ciega Bay the larger lot sizes required by the proposed R-R zoning are likely to have less impact on the natural conditions of this estuary. It should be noted that R-R zoning exists 430 ft. to the east of the site at the intersection of Oakhurst Road and 74th Avenue North.

This request also involves a variance to allow the existing 4 ft. high fence, which exists along the applicant's north property line, to remain having a 0 ft. front setback where a 25 ft. front setback is required in both the R-1 and R-R zoning districts. Staff has no objection to the variance as it is apparent its height above the allowed height is one foot and as such will not pose an adverse impact to adjacent homes in the area as the type of fence being two slats between poles will be the only fence allowed. Additionally, staff recommends as part of the variance, that a fence for the livestock be setback 50 feet from the upland edge of the wetlands on the southern portion of the lot that abuts Boca Ciega Bay to keep horses from the wetland area. The basis for this requirement is to prevent any adverse impact to the water quality of Boca Ciega Bay resulting from animal waste into the wetland area. With that being said staff recommends approval of the variance subject to the fence being the type of fence that currently exists (two wood planks between poles) and a fence being installed on the southern portion of the site set back from the wetlands.

SUMMARY

Staff is of the opinion the proposed R-R, Residential Rural zoning district would maintain the established large lot characteristics south of 74th Avenue North, reduce potential increase in traffic on minor residential streets, reduce the number of individuals impacted by hurricane evacuation and would be compatible with the larger sized lots located on the south side of 74th Avenue North, along with a variance to allow a four foot high fence having a 0 ft. front setback.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed amendments are consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE ELEMENT

- | | |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 1.2 | Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity. |
| Policy 1.2.4. | Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods. |
| Objective 3.2 | Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored. |

Policy 3.2.6 Natural drainage features/areas shall be utilized where possible as part of the Pinellas County Stormwater Management Plan.

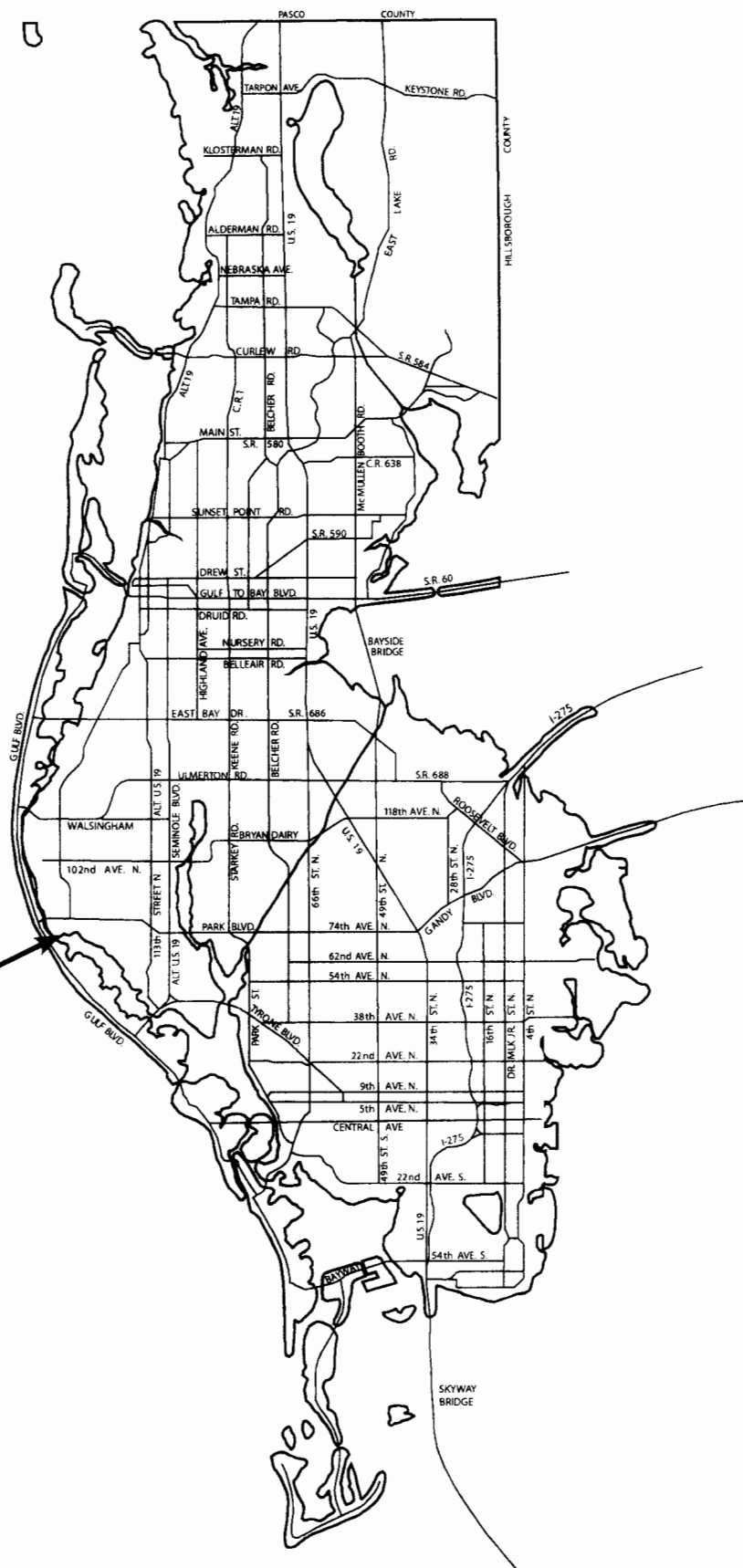
COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

LOCATION MAP

Z-8-4-15



MAP-1

Z-8-4-15

Zone From: R-1, Single Family Residential
To: R-R, Rural Residential
 and a Variance to allow a 4 ft. high fence where a 25 ft. front setback is required in an R-R zone.

Parcel I.D. 30/30/15/36486/000/0530

Prepared by: Pinellas County Planning Department February 2015





Z-8-4-15

Zone From: R-1, Single Family Residential
To: R-R, Rural Residential
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Parcel I.D. 30/30/15/36486/000/0530

Prepared by: Pinellas County Planning Department February 2015





Z-8-4-15

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Prepared by: Pinellas County Planning Department February 2015





Z-8-4-15

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Parcel I.D. 30/30/15/36486/000/0530

Prepared by: Pinellas County Planning Department February 2015



RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 2.3 ACRES LOCATED AT THE SOUTHEAST CORNER OF 74TH AVENUE NORTH AND 138TH STREET NORTH IN THE UNINCORPORATED AREA OF SEMINOLE (STREET ADDRESS: 13798 74TH AVENUE NORTH) AND A VARIANCE TO ALLOW A 4 FT. HIGH FENCE WITH A ZERO FT. FRONT SETBACK WHERE A 25 FT. FRONT SETBACK IS REQUIRED IN AN R-R ZONE; PAGE 284 OF THE ZONING ATLAS, AS BEING IN SECTION 30, TOWNSHIP 30, RANGE 15; FROM R-1, SINGLE FAMILY RESIDENTIAL TO R-R, RURAL RESIDENTIAL; UPON APPLICATION OF SUSAN MCCANN THROUGH MICHELLE SERDYSKI, REPRESENTATIVE, Z-8-4-15

WHEREAS, Susan McCann, Owner of the property hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from R-1, Single Family Residential to R-R, Rural Residential and a variance to allow a 4 ft. high fence with a 0 ft. front setback where a 25 ft. front setback is required in an R-R zone; and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed and the variance granted with conditions.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 19th day of May, 2015, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

HARBOR VIEW NO. 4 LOT 53 & PT VAC RD AND UPLAND & SUBM LAND ON S DESC AS BEG NE COR SD LOT TH S 295FT (S) TH NW 60 FT (S) TH S 184FT 9S) TH NW'LY 21FT TH N 300 FT (S) TH NE 167FT (S) TO PT 9327FT W OF NW COR SD LOT TH E 70FT TO POB & LOTS 54, 55, 56, AND SUBM NO. 20812

be, and the same is hereby changed from R-1, Single Family Residential to R-R, Rural Residential and a variance to allow a 4 ft. high fence with a 0 foot front setback where a 25 ft. front setback is required in an R-R zone, in case #Z-8-4-15, with the following conditions:

1. The fence on the north side of the subject site would be of the type that currently exists at this location (i.e., 2 planks between poles).
2. A fence for the livestock along the south side of the property setback 50 feet from the upland edge of the wetlands.
3. Construct a swale and berm on the south side of the property to control runoff from the livestock area into the wetlands and Boca Ciega Bay.
4. All trailers are to be parked on the subject property and not in the public right-of-way.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

February 5, 2015

Ref: McCann

13798 74th Ave. N,
Seminole FL 33776

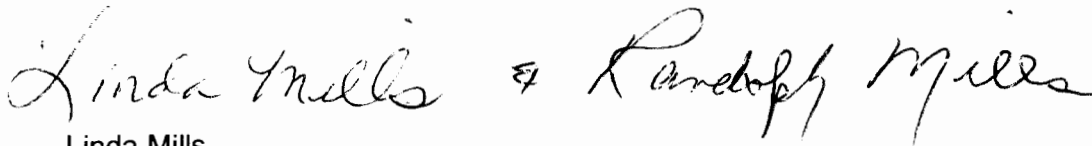
Dear Board Members,

I have been living in the neighborhood and the same house for 30 years. I feel the horses are a benefit to the neighborhood. We enjoy driving by and seeing them. They have been a part of the neighborhood for such a long time; it wouldn't feel like the same place without them. Very few areas are left in Seminole or even in the entire county that have this character that we so treasure.

Rezoning to RR would allow for larger sized lots, if in the future any other homes were to be built on their property. Adding another hi-density development to our already crowding neighborhood would make parking issues that our area cannot handle.

I am in favor of Susan McCann rezoning to RR, to allow more greenspace to be preserved in the future and to allow them to keep horses.

Sincerely,

A handwritten signature in cursive script that reads "Linda Mills & Randolph Mills". The ink is dark and the handwriting is fluid.

Linda Mills

7430 138th St. North
Seminole, FL 33776

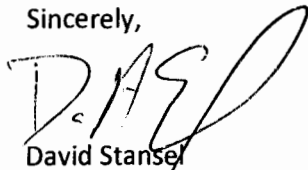
February 14th, 2015

To Zoning Board Members

Regarding McCann Property: 13798 74th Ave. N, Seminole FL 33776

My property is adjoining to the McCann's. I have no objection to them rezoning to RR. I support and am in favor of them rezoning.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Stansel", written over the printed name.

David Stansel
7355 138th Street
Seminole, FL 33776

February 14th, 2015

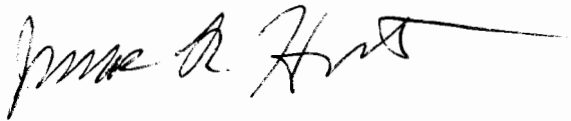
To Board Members

Ref: McCann Property: 13798 74th Ave. N,
Seminole FL 33776

We have lived in the neighborhood for many years next to the McCann's. We were very saddened by the loss of Dan but enjoy his and Susan's scenic property next to us. Our children love playing on their property due to that it is safe from traffic and feels like an escape from city living.

Besides the fact that we feel the McCann family should be able to keep their horses we also feel that rezoning would protect us from future development that would increase traffic and parking issues in our quiet neighborhood. We are in favor of the McCann property rezoning to RR.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Hunt", with a long horizontal flourish extending to the right.

James Russel Hunt
13762 74th Ave. N
Seminole, FL 33776

February 15th, 2015

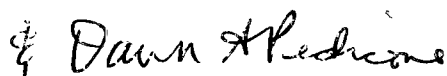
Dear Zoning Board Members,

Re: McCann Property:
13798 74th Ave. N, Seminole FL 33776

We have lived across from the McCann's for over 3 years now. There have been many times where our road has been crowded due to neighbors and parties etc. The McCann's have never complained about people parking in front of their property, it's nice to have extra greenspace without more houses and driveways that would eliminate our "overflow" parking. We also enjoy our view and would like to keep it as undeveloped as possible. Their horses have never been a problem and we want them to stay as it only adds good character to our neighborhood.

Our daughter always enjoys playing around the McCann property and we feel safe, they are good people and have done a good job in preserving a nice "welcome home" feel to our neighborhood. We are in favor of the McCann rezoning to RR.

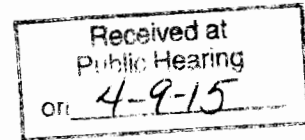
Sincerely,



Oscar Rivas & Dawn Pedicone
13749 74th Ave. N, Seminole FL 33776

April 8, 2015

Nancy Soifer
7398 138th St. N.
Seminole, FL 33776
RE: Case # ~~2~~-8-4-15
Susan McCann - Applicant

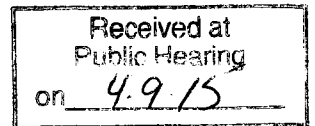


I oppose the zone change from R-1 Single Family Residential to R-R, Rural Residential. My reasons are as follows:

Our neighborhood is quiet and secluded with single family homes. We purchased our home in this area twenty six years ago. For this reason, we have had very little traffic which keeps the area private, quiet, and safe.

In the last two years that multiple horses have been boarded at the property address of 13798 74th Ave. During that period of time we have had many problems with our driveway (7398 138th St. N.) being blocked and not being able to get to our property.

When we asked for the vehicles to be moved, we were told by Michelle



2-8-4-15

In addition, these vehicles are using the parking spaces next to our home. This does not allow for us to have parking for ourselves and our guests. This will be an ongoing problem if the zone change is approved.

This zone change will bring the smell of horse manure to our upscale neighborhood. With the summer approaching, the odor will be very strong. Our neighborhood is used by children and adults for walking and biking.

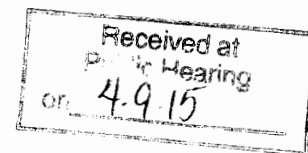
Why should our neighborhood be subjected to horse manure in our streets? Who will clean up the streets and how will the odors be controlled?

I sincerely hope that you will not allow this zone change to take place.

Nancy Sorpey

Michelle Serdynski

From: Jansen, Scott <sjansen@pcpao.org>
Sent: Thursday, March 26, 2015 3:31 PM
To: Home Email
Cc: Moore, Erin
Subject: RE: PARCEL NO. 30-30-15-36486-000-0530



Good day, Ms. Serdynski

The Property Appraiser's Office has no role or authority in the development review/zoning/planning processes. Our basic purpose is to produce an annual tax roll. As previously stated, the tax roll is not a definitive statement of property ownership. It is simply a roster of tax assessment values. The tax roll map is a graphic representation of the tax roll. Our current tax roll map is viewable online. The permitting office should be able to access it. We cannot attest to what a property owner's boundaries "should look like". I would recommend you consult with your surveyor if you are required to prove or defend your title.

All this being said, we are going to make a miscellaneous correction to our map, adjusting the southerly boundary south of Lot 53 to be more in accord with the visible extent of the land shown on our most recent aerial photograph. I cannot give you time frame for when that amendment will be completed and viewable on our public web site though, as we are in the process of implementing new computer mapping software which has slowed our processes down drastically.

Scott Jansen, CFE
Director of Land Records
Pinellas County Property Appraiser's Office -
PO Box 1957 -
Clearwater, FL 33757 -
Tel: (727) 464-3710
Fax: (727) 464-3448
Website: <http://www.pcpao.org>
Direct Email: sjansen@pcpao.org

PLEASE NOTE: All electronic mail sent TO and FROM Pinellas County Government is subject to the Public Records provision of the Florida Statutes, and may be released as part of a public records request.

From: Home Email [<mailto:mserdynski@tampabay.rr.com>]
Sent: Thursday, March 26, 2015 2:46 PM
To: Jansen, Scott
Subject: Re: PARCEL NO. 30-30-15-36486-000-0530

I forwarded the information onto the zoning board and they suggested I "obtain a statement with a map attached saying and showing what the map should look like."

Can your office provide this information so I may submit to the zoning board? I have been corresponding with John Cueva in case you need a reference for this request. Again thank you so much with your assistance.

Michelle Serdynski

727-459-0593

On Mar 24, 2015, at 8:39 AM, Jansen, Scott <sjansen@pcpao.org> wrote:

Good morning Ms. Serdynski:

Thank you for providing documentation regarding Lot 53 of Harbor View #4. Both the deed and survey drawing make reference to Lot 53 including lands adjacent to the south to the mean high water line of the Narrows of Boca Ciega Bay. While our records indicate this, it is apparent, when overlaying our tax roll map on a recent aerial photograph, that the high water mark may have changed over the years since our base map was initially drafted.

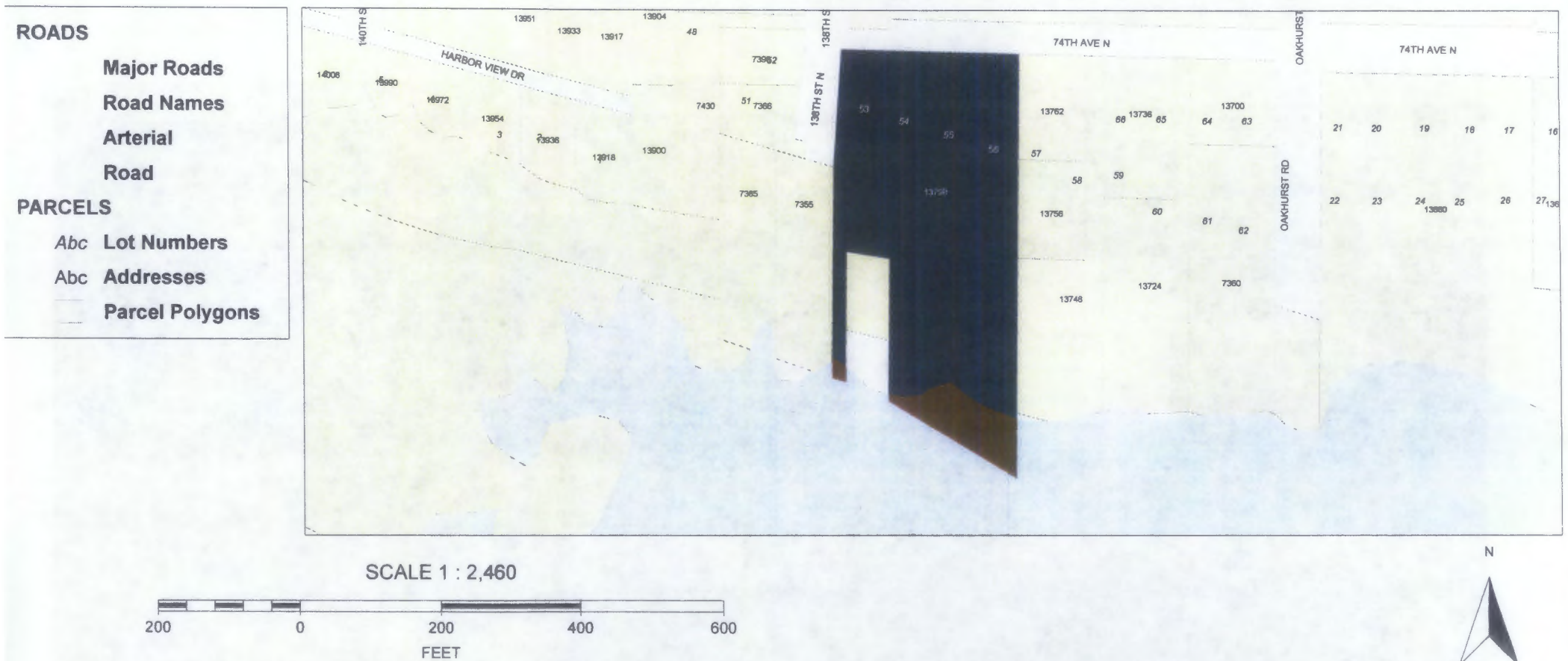
The Property Appraiser and I have had conversations about how/when we should undertake a countywide project of tracing new shorelines. Until we can, it should be noted that the tax roll is not a definitive statement of ownership and should not be relied upon as such. Thus, regardless of how a property is depicted on our tax roll maps, your deed defines your ownership; in this case it states your ownership goes to the high water mark.

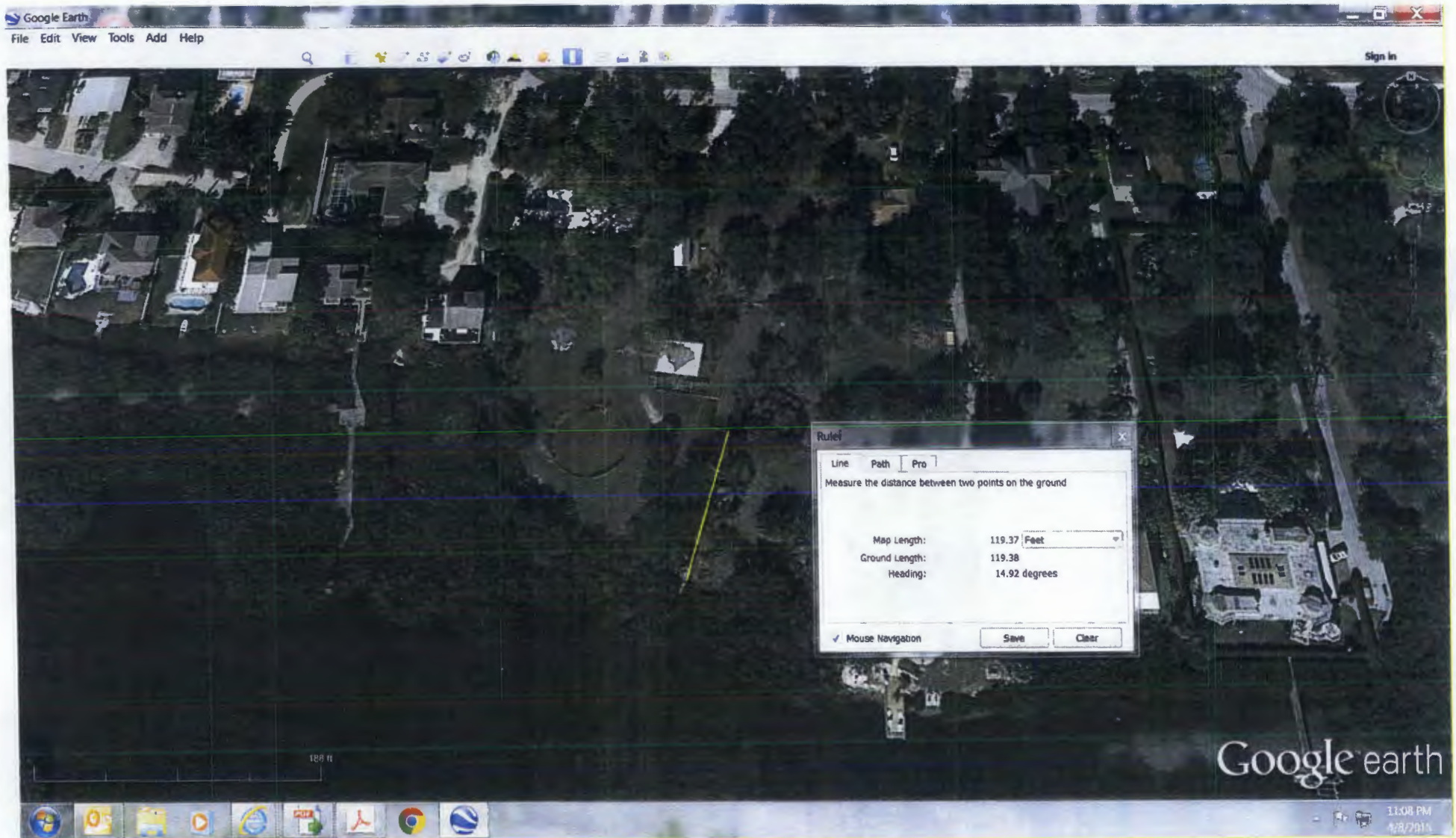
Scott Jansen, CFE
Director of Land Records
Pinellas County Property Appraiser's Office -
PO Box 1957 -
Clearwater, FL 33757 -
Tel: (727) 464-3710
Fax: (727) 464-3448
Website: <http://www.pcpao.org>
Direct Email: sjansen@pcpao.org

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From: Michelle Serdynski [<mailto:mserdynski@tampabay.rr.com>]
Sent: Sunday, March 15, 2015 11:07 PM
To: Jansen, Scott
Subject: RE: PARCEL NO. 30-30-15-36486-000-0530

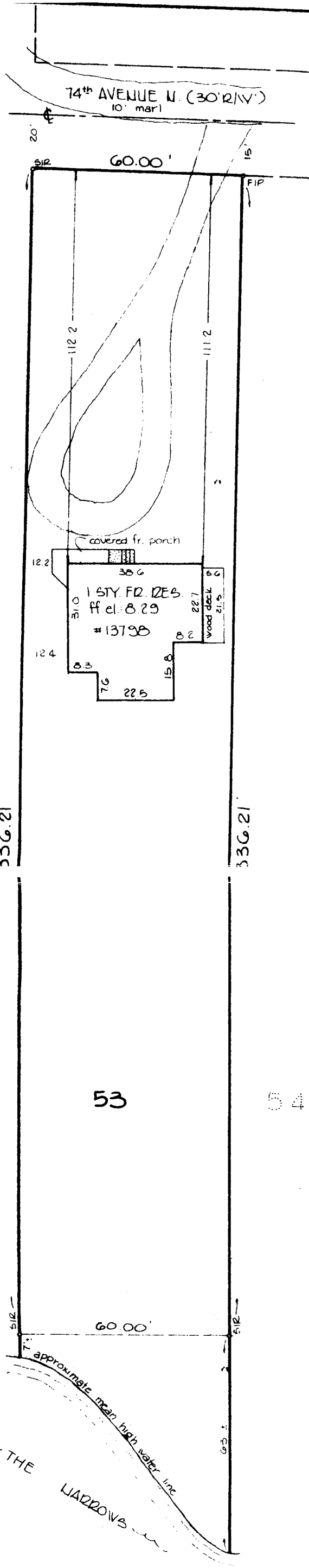
Pinellas County Public GIS



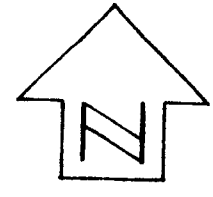


Z-8-4-15

Received at
Public Hearing
on 4-9-15



Sec. 30, Twp. 30S, Rng. 15E.



Scale: 1" = 30'

For: Daniel McCann

Prepared for Home Federal Savings and Loan Association

LEGAL DESCRIPTION

All of Lot 53, according to the plat of
HARBOR VIEW #4
as recorded in Plat Book 6, Page 9
of the Public Records of Hillsborough County, Florida
of which Pinellas County was formerly a part
and also a strip of land lying South of Lot 53
and between the East and West line of Lot 53
extended to the mean high water line mark of
the Narrows of Boca Ciega Bay

This is to certify that a survey of the above described property
has been made this date in accordance with the plat thereof and
is true and correct to the best of my knowledge and belief.

John C. Brendla

JOHN C. BRENDLA & ASSOCIATES, P. A.
Registered Land Surveyor No. 1269
State of Florida
September 25, 1980

m

I hereby certify that the survey represented
hereon meets the minimum requirements adopted
by the F.S.P.L.S. & F.L.T.A.

Elevation refers to Mean Sea Level = 0.00ft.

FB # 294 on 79d 20

2-8-415

JOHN C. BRENDLA & ASSOCIATES, P.A.
CONSULTING ENGINEERS & LAND SURVEYORS
1409 4th Street S., St. Petersburg, Florida

Manure Collection System Proposal from the Applicant for Case #Z-8-4-15

Simply put, our method of manure handling is already much more environmentally friendly than any farm which allows to the manure to lay in the pasture. The major improvement I am proposing, would be a manure composte/containment system that would assist with rain and water leaching issue even farther. The composte would have a concrete slab bottom, rigid side walls on three sides, a removable roof (metal or fiberglass), a removable wall on one side and have two to three separate areas for several stages of composting. This would allow for the manure to be collected daily and put into an area in which rain and ground water could not leech the nutrients into the ground.

Michael and Michelle Serdynski

