

Clearwater, Florida, November 7, 2019

The Board of Adjustment and Appeals (BAA) 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: John Doran, Chairman; Joe C. Burdette; Vincent Cocks; Cliff Gephart; and Pamela Kern, Alternate Member.

Not Present: Deborah J. White, Vice-Chairman; Jose Bello; and Alan C. Bomstein.

Also Present: Glenn Bailey, Planning Department Zoning Manager; Gina Berutti, Code Enforcement Operations Manager; Brendan Mackesey, Assistant County Attorney; other interested individuals; and Amelia Hanks, Board Reporter.

CALL TO ORDER

Chairman Doran called the meeting to order at 9:00 A.M. and provided an overview of the hearing process.

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 IVA NALLBANI THROUGH KLEJDI POLOSKA, REPRESENTATIVE, FOR A VARIANCE (BA-01-11-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Iva Nallbani through Klejdi Poloska for a variance to allow for the construction of a single-family home on each of the three adjacent 46-foot-wide platted lots of record under common ownership where a minimum width of 50 feet is required, re property located at 4350 56th Avenue North in Lealman (BA-01-11-19). 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 it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The three subject lots are platted lots of record that predate the zoning code. In addition, there are other similarly sized developed lots within the immediate vicinity, including directly to the north and south. Approval should be subject to the following conditions:

1. Applicant must obtain all required permits and pay all applicable fees.
2. All setback requirements shall be met.

Klejdi Poloska, 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. Burdette moved, seconded by Mr. Gephart, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#2 APPLICATION OF ASBURY JAX HON LLC THROUGH DAWN DODGE C/O KIMLEY-HORN & ASSOCIATES, REPRESENTATIVE, FOR A VARIANCE (BA-02-11-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Asbury Jax Hon LLC through Dawn Dodge for a variance to allow for onsite building(s) to occupy a minimum of 20 percent of primary roadway frontage where Pinellas County Land Development Code District Design Criteria require 40 percent, re property located at 31975 U.S. Highway 19 North in Palm Harbor (BA-02-11-19). 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 it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land

Development Code. The District Design Criteria require that at least 40 percent of that frontage be occupied by a building (i.e. moving the building closer to the roadway to enhance urban form and pedestrian accessibility). The Criteria allows certain features to be placed between the buildings and roadway frontage, such as open space and pedestrian amenities, LID stormwater facilities, free-standing architectural elements, and no more than one drive aisle and two rows of parking. The subject property is unusual in that it has 1,385 feet of frontage along US-19, which is much longer than most properties and would require 554 feet of building along the roadway. It is currently developed with a primary retail/office building and a parking garage. The applicants are proposing to retain the parking garage but demolish the main building and replace it with an auto showroom/service facility. The proposed building and parking garage add up to occupy between 20 and 25 percent of the roadway frontage.

Another unusual aspect of the subject property is that it is within a closed basin, meaning that all of the stormwater must be contained on the site. There are currently multiple large stormwater ponds with retaining walls in place, which the applicant intends to maintain. Those ponds occupy a sizeable portion of the frontage along US-19. In addition, enhancements to the US-19 corridor in the area will occur during the upcoming years. The enhancements, which could include an adjacent overpass and/or frontage road, pose unknown impacts toward the effectiveness and viability of the District Design Criteria and their overall intent. 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. Architectural embellishments shall be applied to the parking garage.

Dawn Dodge, St. Petersburg, appeared on behalf of the applicant. Responding to query by Chairman Doran, she indicated that she concurs with the conditions, noting that a rendering of the parking garage was submitted subsequent to the application.

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

Mr. Burdette moved, seconded by Mr. Gephart, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#3 APPLICATION OF SARA HORN THROUGH JAMES HOLTZMAN C/O GIT R DONE CONTRACTING, REPRESENTATIVE, FOR A VARIANCE (BA-03-11-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Sara Horn through James Holtzman for a variance to allow for the construction of a garage addition having a 12-foot front setback from the south property line along Cypress Drive where 20 feet is required and a 5-foot side setback from the east property line where 6 feet is required, re property located at 32 Cypress Drive in Palm Harbor (BA-03-11-19). Two letters in support 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 as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The owner is proposing to enclose the existing one-car garage, remove an existing carport (which was granted a setback variance by the Board in 1994), and construct a new two-car side-loaded garage on the east side of the property. The home is at the end of a cul-de-sac with a canal wrapping around the rear and east side of the property, which limits the construction of any addition towards the front. As a result, it is difficult to place the garage addition in the required setbacks. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The addition must be architecturally compatible with the house.
3. The carport shall be removed.

James Holtzman, Odessa, appeared on behalf of the applicant, and responding to query by Chairman Doran, clarified that he wishes to convert the existing garage to habitable space.

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

Mr. Burdette moved, seconded by Mr. Gephart, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

#4 APPLICATION OF MATTHEW AND ASHLEY ISEL FOR A VARIANCE (BA-04-11-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Matthew and Ashley Isel for a variance to allow for a 14-foot rear setback from the mean high water line where 25 feet is required for the placement of a pool, deck, and retaining wall, re property located at 850 Seaview Drive in Crystal Beach (BA-04-11-19). 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 it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The proposed location of the pool requires a variance from the mean high water line of the adjacent lake to the rear, which does not have a seawall or other form of stabilization that would serve to reduce the distance requirement. The property is oddly shaped and has a conservation easement that runs along the lakeshore. Additionally, there is a large stand of trees on the southeast side of the house that the applicant wishes to maintain, and the northwest side is a low area proposed for a rain garden. All of these factors limit the potential location for the pool to the area proposed. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. No pool screen enclosure.

Matthew Isel, Crystal Beach, appeared and indicated that he is seeking the aforesaid variance. In response to query by Mr. Burdette, he related that he does not desire a pool enclosure because it would not attach to his house properly.

Ms. Kern indicated that she visited the property; and that there is room for a pool on either side of the house, but not to the rear. Responding to her comments, Mr. Isel related that he wishes to preserve the trees to the south and to install a rain garden to collect runoff; and that he would like to maintain a line of sight when his child is in the pool.

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

Mr. Burdette moved, seconded by Mr. Gephart that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried 4 to 1, with Ms. Kern casting the dissenting vote.

#5 APPLICATION OF HANNAH S. BEAVERS FOR A VARIANCE (BA-05-11-19) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Hannah S. Beavers for a variance to allow for the construction of a garage addition having a 15-foot front setback from the west property line along Madrid Avenue where 20 feet is required, re property located at 2361 Madrid Avenue in unincorporated Safety Harbor (BA-05-11-19). 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 it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The owner is proposing to construct a new two-car garage on the front side of the existing home. The existing platted lot is oddly shaped with a narrow front width. Small side yards and the placement of the existing home on the property make access to the rear difficult. As a result, the garage cannot be built behind the house. Due to the shape of the property and how the existing home is sited, it is difficult to place the proposed garage within the required setbacks. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The garage must be architecturally compatible with the house.

Joseph Beavers, Safety 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. Burdette moved, seconded by Mr. Gephart, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report. Upon call for vote, the motion carried unanimously.

MINUTES OF THE OCTOBER 3, 2019 MEETINGS – APPROVED

Upon presentation by Chairman Doran, Mr. Burdette moved, seconded by Mr. Cocks and carried unanimously, that the minutes of the regular meeting held October 3, 2019 be approved; whereupon, Mr. Burdette moved, seconded by Mr. Cocks, that the minutes of October 3 Habitat Permit appeal hearing be approved, and upon call for the vote, the motion carried unanimously.

MISCELLANEOUS DISCUSSION

Attorney Mackesey provided an update pertaining to the Canine Estates appeal (Case No. BA-01-06-19), indicating that Attorney Hardy has filed a response brief; and that the Circuit Court is reviewing the documents and will either uphold the decision or remand it back to the BAA for further action; whereupon, referring to the Dannemiller/Tides Golf Course appeal (Case No. BA-01-09-19) he related that the window for appeal of the Board's decision has apparently closed.

Mr. Burdette noted that Chairman Doran will not be in attendance at the December 5 Board meeting and acknowledged him for his leadership during 2019.

November 7, 2019

ADJOURNMENT

Upon motion by Mr. Burdette, the meeting was adjourned at 9:18 A.M.

Chairman