

Largo, Florida, October 7, 2020

The Board of Adjustment and Appeals (BAA) met in regular session online using the Zoom virtual meeting platform and in person at the Pinellas County Cooperative Extension, 12520 Ulmerton Road, Largo, Florida, on this date with the following members present: Deborah J. White, Chairman; Alan C. Bomstein, Vice-Chairman; Joe C. Burdette; Vincent Cocks; and John Doran.

Not Present: Jose Bello and Cliff Gephart.

Also Present: Glenn Bailey, Zoning Manager; Chelsea Hardy, Assistant County Attorney; David Sadowsky, Senior Assistant County Attorney; Michael Schoderbock, Principal Planner; Denise Whisennant, Planning Technician; Christopher Young, Program Planner; other interested individuals; and Teresa Ribble, Board Reporter.

#### CALL TO ORDER

Chairman White called the meeting to order at 9:02 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 a Deputy Clerk.

#1      APPLICATION OF RLW TRIBUTE PROPERTIES, LLC THROUGH KATIE COLE, REPRESENTATIVE, FOR A VARIANCE (BAA-20-19) — GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of RLW Tribute Properties, LLC through Katie Cole for a variance to allow the proposed building to occupy a minimum of zero percent of primary roadway frontage along Seminole Boulevard where Pinellas County Land Development Code District Design Criteria require 40 percent, re property located at 10201 Seminole Boulevard in unincorporated Seminole (BAA-20-19). 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 variance 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 the primary 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 a corner lot with two road frontages, with the primary frontage consisting of approximately 171 feet. The applicant is proposing to demolish the existing building and redevelop the site with a convenience store with gas pumps. While the proposed building would occupy approximately 40 percent of the primary roadway frontage (Seminole Boulevard), the building is proposed to be located to the rear of the property with the gas pumps/canopy located between the store and the primary frontage, thus the need for the variance requested. This offers the best orientation for site traffic circulation.

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. The remaining District Design Criteria not being varied shall be required.

Katie Cole, Clearwater, appeared and indicated that she represents the applicant. She provided background information regarding the request and stated that the applicant concurs with the conditions required for approval.

Responding to query by Mr. Cox, Ms. Cole indicated that a median in Seminole Boulevard would prevent direct access for southbound traffic.

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

Mr. Burdette moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended, based upon the written findings of fact set forth in the staff report.

#2 APPLICATION OF TAMPA BAY ELECTRICAL CONTRACTORS, LLC THROUGH DARA ECKART, REPRESENTATIVE, FOR A TYPE 2 USE (BAA-20-20) — GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Tampa Bay Electrical Contractors, LLC through Dara Eckart for a Type 2 Use to allow for a kennel/pet care facility in an E-1 zone, re properties located at 3015 and 3055 46th Avenue North in Lealman (BAA-20-20). 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 Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The request is to allow a kennel/pet care facility (Friends of Strays Animal Shelter) on two parcels that are currently occupied with businesses. The animal shelter use would utilize the existing buildings, reconfigure the parking spaces, and add an outdoor animal play area. The animal shelter currently occupies a building one block to the north and is seeking a larger facility. 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. Meet the Kennel/Pet Care specific use criteria located in Section 138-3249 of the Land Development Code.

Dara Eckart, St. Petersburg, appeared and indicated that she is the Chief Executive Officer of Friends of Strays.

In response to query by Mr. Bomstein, Mr. Bailey indicated that a parking variance is not required; that there is ample parking for this use; and that any parking concerns will be addressed during site plan review.

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

Mr. Bomstein moved, seconded by Mr. Doran, that the Type 2 Use 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 DANIELLE M. SCHOELKOPF FOR A VARIANCE (BAA-20-21)  
— GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Danielle M. Schoelkopf for a variance to allow for an 8-foot-high fence along the rear and side property lines where 6 feet is the maximum height allowed, re property located at 95 Woodcutter Lane in Palm Harbor (BAA-20-21). Three 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 Land Development Code. The owner is proposing to install an 8-foot-tall fence along the rear and side property lines where 6 feet is the maximum height allowed. The subject property is a single-family lot located in an area with numerous elevation changes, which is the basis for the request. Approval should be subject to the following condition:

1. The applicant shall obtain all required permits and pay all applicable fees.

Danielle Schoelkopf, Palm Harbor, appeared and indicated that she is the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended based upon the written findings of fact set forth in the staff report.

#4 APPLICATION OF JESSE AND JILLIAN BROOKMAN FOR A VARIANCE (BAA-20-22) — CONTINUED TO NOVEMBER 4, 2020 MEETING

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Public hearing was held on the application of Jesse and Jillian Brookman for a variance to install an in-ground pool with a 6.6-foot side street setback from the water's edge, a screen pool enclosure with a 4.6-foot side street setback from the northwest property line along Dixie Lane, and a 7.26-foot setback from the northeast property line where 10 feet is required, re property located at 1344 Marion Drive South in unincorporated St. Petersburg (BAA-20-22). Two letters in opposition to the application have been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval of the Pool and Denial of the Screen Enclosure. Staff has no objection to the conditional approval of the proposed in-ground pool as it appears to meet the criteria for the granting of variances found in Section 138-231 of the Pinellas County Land Development Code; however, there is objection to the proposed installation of the pool screen enclosure as it does not appear to meet the same variance criteria.

The subject property is a corner lot with a small back yard. The proposed area for the pool within the side yard between the house and the side street (Dixie Lane) is the only logical place for its installation. The fence along the property lines adjacent to the pool will serve as an effective screen for the pool itself, but not for the pool screen enclosure which would be considerably higher. It is staff's opinion that the screen enclosure would be obtrusive, as it would be close to the Dixie Lane right-of-way and out of place along a street where no other such intrusions exist. Requests for pool variances within side street setbacks typically do not include companion pool screen enclosures for this reason.

Approval should be subject to the following conditions:

1. The applicant must obtain all required permits and pay all applicable fees.
2. Approval is for the in-ground pool installation only. No pool screen enclosure is permitted.

No one appeared in response to the Chairman's call for the applicant; whereupon, she indicated that the case would be moved to the end of the agenda.

Later in the meeting, no one appeared in response to the Chairman's second call for the applicant.

Following brief discussion, Mr. Bomstein moved, seconded by Mr. Doran, that the case be continued until the November 4, 2020 meeting. Upon call for the vote, the motion carried unanimously.

#5 APPLICATION OF MATTHEW AND MICHELLE NAGY THROUGH FIBRE TECH, INC., REPRESENTATIVE, FOR A VARIANCE (BAA-20-23) — GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Matthew and Michelle Nagy through Fibre Tech, Inc. for a variance to allow for the construction of a pool with a 4-foot rear setback from the west property line where 8 feet is required, re property located at 406 Driftwood Drive East in Palm Harbor (BAA-20-23). One letter in support of 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 existing home extends further towards the rear of the property than many other homes in the neighborhood, and the back yard is relatively small as a result. The subject property also has double frontage, and there are no other logical locations to place a pool. 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.
3. All other setback requirements shall be met.

Matthew and Michelle Nagy, 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.

Mr. Bomstein moved, seconded by Mr. Doran, 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.

#6 APPLICATION OF ENOCH AND LAURA DOANE FOR A VARIANCE (BAA-20-24)  
— GRANTED WITH CONDITIONS

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Public hearing was held on the application of Enoch and Laura Doane for a variance to allow a 4.5-foot side setback from the southern property line for the placement of a standby generator where 6 feet is required, re property located at 7648 115th Street in unincorporated Seminole (BAA-20-24). One letter in support of the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. This is a request for a variance to allow a standby generator to be within 4.5 feet of a side property line where at least 6 feet (the standard side setback minimum) is required by Code.

Staff cannot support this request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. In short, there are no special conditions related to the land, structure, or building involved, nor any unnecessary hardships that warrant placing the generator within the required setbacks.

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The proposed location of the generator is within the side yard of the subject property that is across the property line from the side of the neighbor's home that contains a bedroom and other living space. A generator can be very noisy, and that noise can reverberate and echo between the two homes. Though less convenient, there are other locations on the subject property (e.g. parts of the back yard) where the generator can be placed that would be further away from neighboring homes.

Enoch Doane, Seminole, appeared and indicated that he is the applicant.

Referring to a document in the agenda packet regarding the proposed generator's sound output specifications, Mr. Bomstein opined that staff's objection due to potential excessive noise was not valid; and that in lieu of additional testimony, he would move for approval of the request. Responding to query by Mr. Cocks, Mr. Doane indicated that placing the generator in a different location on his property would involve considerable expense.

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 with the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The generator must match the sound specifications as included in the application.

Upon call for the vote, the motion carried unanimously.

#### MINUTES OF THE SEPTEMBER 2, 2020 MEETING – APPROVED

Upon presentation by Chairman White, Mr. Cocks moved, seconded by Mr. Doran and carried unanimously, that the minutes of the September 2, 2020 meeting be approved.

#### MISCELLANEOUS DISCUSSION

Attorney Hardy related that the Governor's Emergency Order which has allowed local boards to meet virtually will expire on November 1; that a physical quorum will again be required; and that

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under extenuating circumstances virtual participation by some members could be possible. She indicated that the County Attorney's Office would generally support an extenuating circumstance related to COVID-19 based upon CDC separation guidelines; and that if some members are allowed to attend virtually, the public should also be given the opportunity to do so, and discussion ensued.

Attorney Hardy confirmed a consensus among the members that extenuating circumstances exist and to continue virtual participation; and noted that if Zoom is unavailable, the Board would meet in person with a physical quorum.

Attorney Hardy provided information regarding the expiration of Board members' terms, noting that they run concurrent with those of their nominating Commissioners; that four Commissioner seats will expire on November 16; and that BAA appointments and/or reappointments will be made by the BCC on November 17.

Discussion ensued and in response to queries by Mr. Bomstein, Attorney Hardy stated that newly elected Commissioners will take office on November 17; and that staff is evaluating possibly amending the Code, which would provide additional time to complete the transition.

#### ADJOURNMENT

The meeting was adjourned at 9:36 A.M.

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Chairman