

Largo, Florida, November 4, 2020

The Board of Adjustment and Appeals (BAA) met in regular session in the Magnolia Room at the Pinellas County Extension Office in Largo, Florida on this date with the following members present: Deborah J. White, Chairman; Alan C. Bomstein, Vice-Chairman; Joe C. Burdette; Vincent Cocks; Cliff Gephart; and Pamela Kern, Alternate Member.

Not Present: Jose Bello and John Doran.

Also Present: Glenn Bailey, Zoning Manager; Gina Berutti, Code Enforcement Manager; Chelsea Hardy, Assistant County Attorney; Blake Lyon, Director of Building and Development Review Services; other interested individuals; and Sitara Coyle, Board Reporter.

CALL TO ORDER

Chairman White called the meeting to order at 9:01 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 JESSE AND JILLIAN BROOKMAN FOR A VARIANCE (BAA-20-22) – GRANTED FOR POOL ONLY AS PER STAFF RECOMMENDATION

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 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 rear 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). No correspondence relative to the application has 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 those 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 that reason.

Approval should be subject to the following conditions:

1. 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.

Jillian Brookman, St. Petersburg, appeared virtually and indicated that she is the applicant. Referring to photographs, she pointed out various features of the property and surrounding area and responded to queries by the members regarding the location of the proposed screen enclosure.

Responding to query by Mr. Burdette regarding sight triangle requirements, Mr. Bailey indicated that the issue is unrelated; and that the staff recommendation is based on the proximity to the property line and the obtrusiveness of the screen enclosure along a street where no other such intrusions exist.

Mr. Bomstein expressed concern regarding setting a precedent by approving the screen enclosure, and Ms. Brookman displayed additional photographs and discussed other houses in the neighborhood and surrounding area.

In response to query by Mr. Burdette, Mr. Lyon related that there is a safety requirement for pool enclosures that is typically approached through the use of a fence, which is not required to be six feet tall. Ms. Kern opined that the screen enclosure would not be obtrusive to the neighborhood or a hinderance to traffic, and discussion ensued, with input from Mr. Bailey.

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

Ms. Kern moved, seconded by Mr. Gephart, that the variance be approved for the pool and screen enclosure, noting that special conditions and circumstances exist which are peculiar to the land, structure, or building involved; that the property is a corner lot with a small back yard and interior side yard, limiting available space; and that the applicant is subject to the conditions outlined in staff's recommendation. Upon call for the vote, the motion failed 3 to 3 with Chairman White and Messrs. Bomstein and Cocks casting the dissenting votes.

Mr. Bomstein moved, seconded by Mr. Cocks, that the pool variance be granted and the screen enclosure variance be denied as recommended in accordance with the findings of fact as outlined in the staff report. Upon call for the vote, the motion carried unanimously.

#2 APPLICATION OF MARILYN ANN HOURDAS THROUGH BOYLE'S ALUMINIUM AND SCREENING, REPRESENTATIVE, FOR A VARIANCE (BAA-20-27) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Marilyn Ann Hourdas through Boyle's Aluminum and Screening for a variance to allow for the construction of a screened room enclosure having a 5-foot setback from the rear property line where 10 feet is required and a 4-foot setback from both side property lines where 7.5 feet is required, re property located at 3418 Hillmoor Drive in Palm Harbor (BAA-20-27). 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 applicant is proposing to construct a roofed screen enclosure over an existing slab in the back yard. The subject property is a single-family attached townhouse with a small yard that makes it difficult to meet required setbacks. Importantly, the property's subdivision plat also requires the same setbacks as the Code. The BAA does not have the authority to vary setbacks established via a plat. The applicant will have to take additional steps to amend the plat in order to build the screen enclosure as proposed. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The required setbacks in the subdivision plat must be amended in a way that allows the screen enclosure as proposed.

Marilyn Ann Hourdas, Palm Harbor, appeared virtually and indicated that she is the applicant. No one appeared in response to the Chairman's call for objectors to the application. At the request of Chairman White, Ms. Hourdas explained why she is seeking a variance.

In response to query by Mr. Bomstein, Attorney Hardy related that there is a standard process for amending the plat; and that the applicant is asking the Board for a variance from the Land Development Code, which is a separate issue.

Mr. Burdette moved, seconded by Mr. Gephart, that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. Upon call for the vote, the motion carried unanimously.

Mr. Lyon provided Ms. Hourdas with information pertaining to amending the plat.

#3 APPLICATION OF PINELLAS COUNTY LAND ASSEMBLY TRUST-OASIS ACRES THROUGH R. DONALD MASTRY AND JACOB STOWERS, REPRESENTATIVES, FOR A TYPE 2 USE (BAA-20-25) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Pinellas County Land Assembly Trust-Oasis Acres through Donald Mastry and Jacob Stowers for a Type-2 Use related to affordable housing development to allow for the redevelopment of a legally-established 36-unit mobile home park in an RMH zone with a similar nonconforming density of 32 units, re property located at 3901 46th Avenue North in Lealman. The proposed development is also requesting additional affordable housing incentives such as a zero-lot line configuration along the periphery of the development, reduced parking requirements, limited landscaping, waiving sidewalk requirements, etc. Six letters and a petition with 14 signatures in opposition to the application have been received by the Clerk.

Mr. Lyon presented the following staff recommendation:

Recommend Conditional Approval. Staff is supportive of a conditional approval for 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 subject property is the former location of the Wood Acres Mobile Home Park (MHP) that was established in 1967 (under a different name) and approved for 36 units. Due to the time period that it was established, the former MHP was not subject to the development regulations that are found under today's current code. For example, the County did not have the same onsite stormwater treatment requirements, landscaping requirements, or parking requirements. Furthermore, the setbacks between many of the units from the periphery of the property and internal drive aisles were minimal. Prior to its dismantling, the park and many of its units were substandard and in a highly dilapidated state. Section 38-100 of the Pinellas County Code allows for the redevelopment of outdated nonconforming mobile home parks up to the same density as they were formerly approved (affordable housing density bonus) to incent their redevelopment while maintaining neighborhood affordability and compatibility. In order to qualify, the MHP must be located within a Community Redevelopment Area (CRA) and the density bonus, or the preservation of the nonconforming density, must be approved via the Type-2 Use approval process.

The property is owned by the Housing Finance Authority of Pinellas County as Trustee of the Pinellas County Land Assembly Trust-Oasis Acres, as is leased to Contemporary Housing Alternatives of Florida, Inc. (CHAF) via a long-term ground lease. CHAF is proposing to redevelop the site with 32 new mobile home units. The subject property is zoned RMH, Residential Mobile Home and has a Residential Urban land use, which under normal circumstances would allow up to 12 units based on the property's acreage (1.55 acres). Therefore, the ability to redevelop a nonconforming mobile home park could also be characterized as an affordable housing density bonus for 20 units above the 12 units allowed by the RU land use. Importantly, the Pinellas County Land Development Code allows affordable housing density bonuses as a Type 1 administrative review in the RMH zoning district, but only up to a 50 percent bonus (18 total units). The current request equates to an approximately 267 percent bonus, which requires the Level 2 review process under the parameters of Section 38-100. Moreover, Section 138-3211 provides Affordable Housing Developments (AHDs) a list of incentives to further encourage the provision of affordable housing. Included in this list of available incentives are density bonuses, setback reductions, on-site parking reductions, expedited reviews, fee waivers, zero lot line configurations, street design modifications, redevelopment of nonconforming MHPs, etc.

The developer is seeking to implement several of these incentives with the current design of the project, as enumerated below:

- A. Section 138-3211 (c)(2)(k) allows the approval of a nonconforming MHP to be redeveloped as affordable housing, subject to the approval of a Type 2 use in accordance with Section 138-100 (as referenced above). As previously stated, the application is requesting to redevelop the park with 32 units, where 36 units were previously allowed.

Furthermore, Section 138-3211 (c)(2)(a) allows AHDs to be granted a density bonus and development standard flexibility as part of the development review process, when it is demonstrated that the development will be compatible with the surrounding neighborhood in terms of scale and building character.

- B. If redevelopment of the MHP is granted per Section 138-3211 (c)(2)(k), then the remaining items would be addressed through the nonconforming status. However, should the BAA wish to consider the other incentives, the reduced parking of one space per unit, where 1.5 spaces per unit would otherwise be required is permissible under Section 138-3211 (c)(2)(d).
- C. Zero lot lines are also permissible under Section 138-3211 (c)(2)(g) which states, “zero lot line configuration proposed on the periphery of an AHD where located in a single-family residential district may be permitted as a special exception pursuant to article II division 7 of this chapter.”
- D. The applicant is requesting the ability to modify the street design associated with this project, under Section 138-3211 (c)(2)(h), which allows modification in street layout and design subject to site constraints, type and intensity of development, and compatibility with surrounding development. In particular, the developer is looking to waive the sidewalk requirement, which would otherwise have the developer build sidewalks along the frontage of the subject property.
- E. The developer is also seeking to use the nonconforming status to address the fact that the project is not meeting the current code requirements regarding stormwater (other than a stormwater pond on the southwest corner) and landscaping, since no such requirements were in place when the site was originally developed. Furthermore, Section 138-3211 (c)(2)(a) allows for “development standard flexibility,” which could also be used to address deviations from stormwater and landscaping standards that would otherwise be applicable for new development.

The developer contends that these requests are necessary due to site constraints and are in keeping with the historical development pattern of the property. However, staff is of the opinion that pedestrian connections and alternative transportation options are important and are a priority of the Linking Lealman mobility plan. It is also felt that landscaping standards are important to aesthetics and community character. The developer has already removed most of the landscaping that was on the site without

obtaining the proper permits. At a minimum, what was removed should be replaced.

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. Sidewalks shall be required, unless in lieu construction is within proximity of the subject property and a crosswalk is provided to connect to the sidewalk on the south side of 46th Avenue North.
4. There shall be at least five visitor parking spaces provided on the subject property.
5. Bike racks shall be provided on the subject property.
6. Parking surfaces shall be stabilized.
7. At a minimum, the trees removed by the developer shall be replaced and there should be landscaping provided along the perimeter of subject property for screening purposes.

In response to query by Mr. Burdette, Mr. Lyon clarified that the matter before the Board is whether to agree with the assessment in the staff report that the applicant has a nonconforming mobile home park and the right to redevelop; and that the incentives requested help facilitate affordable housing.

Responding to queries by the members, Mr. Lyon indicated that developing the property to be conforming would limit the base density to 12 units, 18 units with the affordable housing bonus; that the applicant went through the Development Review Committee and refined details regarding landscaping and other requirements as requested; and that there are some issues to be reviewed during the site plan process. He related that the applicant's current developer completed work on the underground utilities before permitting on the

site was finalized, which created challenges with regard to meeting stormwater drainage requirements.

In response to queries by the members, Attorney Hardy related that it is prudent but not a requirement to wait for a determination of nonconforming before demolition, and Mr. Lyon added that the County had initially anticipated preserving existing on-site circulation and some infrastructure. Mr. Lyon indicated that historically, the plat had 25 units; that the 1967 approved layout included 36 units; that there were 27 units on site; and that the applicant is requesting 32 units.

Donald Mastry, St. Petersburg, appeared and indicated that he represents the applicant. He discussed the location of the property, the surrounding land uses, the proposed redevelopment, the requested incentives, and criteria regarding affordable housing. Referring to a document, a copy of which has been made a part of the record, he displayed photographs of the mobile home park before demolition and the proposed manufactured home designs. He noted that the Sheriff honored CHAF with the Community Service Award for the organization's outstanding service and dedication to the community.

Mr. Mastry indicated that the existing layout and design is consistent with mobile home parks; and that the applicant has filed a new landscape plan, which accommodates the suggestions from staff. He responded to queries by the members, with input from Messrs. Bailey and Lyon, pertaining to the proposed manufactured home units, sidewalk plans, parking areas, and site water retention, noting that the mobile home units will be Americans with Disabilities Act (ADA) compliant; and that other details will be discussed during site plan review.

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

The following individuals appeared in response to the Chairman's call for objectors to the application:

- Jennifer Post, St. Petersburg
- Robert Carter, St. Petersburg
- David Lee, St. Petersburg
- Tony Clark, St. Petersburg
- Jeremy Heath, St. Petersburg
- Gary Grooms, St. Petersburg

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Responding to queries by Messrs. Burdette and Bomstein, CHAF President Joe Lettelleir indicated that CHAF representatives have attended Lealman Community Redevelopment Area Advisory Board meetings and cooperated with County staff regarding the redevelopment project. He provided background information regarding the acquisition and subsequent cleanup of the property, noting that the underground utilities were compromised and replaced, and permits were not required.

In rebuttal to comments by the objectors, Mr. Mastry related that CHAF was contacted by the County and encouraged to redevelop the park; that it provides high quality affordable housing; and that all Code requirements have been met as per staff's report.

In response to queries by the members, Mr. Mastry indicated that one vehicle per unit is realistic because a lower parking demand is expected at the average tenant's income level; whereupon, Mr. Burdette related that the ADA requires one visitor parking space to be compliant. Mr. Mastry stated that the surface of the parking areas will be determined at site plan review; and that building a sidewalk on the property is not feasible; whereupon, Mr. Lyon reviewed the four available options to satisfy the sidewalk requirement.

Following further discussion, Mr. Bomstein moved, seconded by Mr. Burdette, that the Type-2 Use be conditionally approved as recommended in accordance with the findings of fact set forth in the staff report. Upon call for the vote, the motion carried unanimously.

MINUTES OF THE OCTOBER 7, 2020 MEETING — APPROVED

Upon presentation by Chairman White, Mr. Burdette moved, seconded by Mr. Bomstein and carried unanimously, that the minutes of the October 7, 2020 meeting be approved.

ADJOURNMENT

The meeting was adjourned at 11:13 A.M.

Chairman