

**Board of Adjustment and Appeals  
Pinellas County  
March 3, 2021 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:01 AM on this date in the Magnolia Room at the Pinellas County Extension Office, 12520 Ulmerton Road, Largo, Florida.

**Present**

Alan C. Bomstein, Chairman  
Cliff Gephart, Vice-Chairman  
Jose Bello  
Joe C. Burdette  
Vincent Cocks  
John Doran  
Deborah J. White

**Others Present**

Glenn Bailey, Zoning Manager  
Michael D. Schoderbock, Principal Planner  
Christopher Young, Program Planner  
Gina Berutti, Code Enforcement Project Coordinator  
Chelsea Hardy, Assistant County Attorney  
Jenny Masinovsky, Senior Board Reporter, Deputy Clerk  
Other Interested Individuals

**CALL TO ORDER**

Chairman Bomstein called the meeting to order at 9:01 AM 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.

Case No. VAR-21-06

APPLICATION OF EQUITY TRUST COMPANY CDN THROUGH KLEJDI POLOSKA, REPRESENTATIVE, FOR A VARIANCE – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Equity Trust Company CDN through Klejdi Poloska for a variance to allow for the construction of a single-family home on each of two adjacent 50-foot wide, 5,270-square-foot lots of record that are under common ownership, where a minimum width of 60 feet and a lot size of 6,000 square feet are required, regarding property located at 5006 Rena Street North in West Lealman. 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 subject lots are platted lots of record from a 1950 subdivision that predates the zoning code. In addition, there are other similarly sized developed lots within the immediate vicinity within the same subdivision, including two lots immediately to the south.

Approval should be subject to the following conditions:

1. The 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 is the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Doran moved, seconded by Mr. Burdette, 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.

In response to query by Mr. Burdette, Mr. Bailey indicated that in the future, staff will be handling requests for development of land lots in subdivisions predating the zoning code, where similar development exists nearby.

Case No. VAR-21-07

APPLICATION OF ANGEL L. SANTIAGO THROUGH JULIO RAMOS, REPRESENTATIVE, FOR A VARIANCE – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Angel L. Santiago through Julio Ramos for a variance to allow for the construction of a single-family home on a 48-foot-wide platted lot of record under common ownership with an adjacent 48-foot-wide lot, where a minimum width of 50 feet is required, regarding property located at 5652 35th Street in Lealman. 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 subject lot is a platted lot of record from a 1924 subdivision that predates the zoning code. In addition, there are other similarly sized developed lots within the immediate vicinity within the same subdivision, including immediately to the north and south. Approval should be subject to the following conditions:

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

Julio Ramos, St. Petersburg, appeared and indicated that he represents the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Doran moved, seconded by Ms. White, 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.

Case No. TY2-21-01

APPLICATION OF 44TH AVENUE RENTAL GROUP, LLC THROUGH JAMIE GUZMAN, REPRESENTATIVE, FOR A TYPE 2 USE – CONTINUED TO THE MARCH 31, 2021 MEETING

Mr. Bailey referred to the application of 44th Avenue Rental Group, LLC through Jamie Guzman to allow a fitness center as a Type 2 Use, regarding property located at 3312

44th Avenue North in Lealman, and related that the case was continued from the last meeting pursuant to the applicant's request. No correspondence relative to the application has been received by the Clerk.

No one appeared upon the Chairman's call for the applicant; whereupon, he moved the hearing to the end of the agenda in order to provide more time for the applicant to appear and participate.

Later in the meeting, Chairman Bomstein noted that the applicant remains absent, and following brief discussion, Mr. Burdette moved, seconded by Mr. Cocks, that the case be continued for the last time, to the March 31, 2021 meeting. Upon call for the vote, the motion carried unanimously; whereupon, Chairman Bomstein requested that Mr. Bailey notify the applicant of the Board's decision.

Case No. TY2-21-02

APPLICATION OF WAT LAO MIXAIYARAM, INC. THROUGH BRIAN AUNGST, JR., REPRESENTATIVE, FOR A TYPE 2 USE – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Wat Lao Mixaiyaram, Inc. through Brian Aungst, Jr., to allow a meeting hall/community assembly facility (religious facility) as a Type 2 Use, regarding property located at 4300 43rd Street North in Lealman. One letter in support and one letter of concern with regard to 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 Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The subject property has been used as a religious facility for many years without proper authorization and some unpermitted construction has occurred. Obtaining a Type 2 Use approval is an important step in addressing these oversights and making the use legal. The property owners were recently successful in vacating the alley that separated their main facility with the lot they own to the west, which is planned for parking. Additional traffic impacts are not anticipated, and drainage requirements will be addressed during site plan review. 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. Unpermitted construction must be addressed, via either removal or after-the-fact permitting.

Brian Aungst, Jr., Clearwater, appeared and indicated that he represents the applicant; and that the applicant's engineer, Brian Barker, is present in the audience.

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

Mr. Doran moved, seconded by Mr. Gephart, that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report; whereupon, Chairman Bomstein noted an accumulation of unpermitted construction in the area over the years, and Mr. Aungst provided background information regarding the property and indicated that the applicant plans to address the matter by either removing or permitting the structures.

Upon call for the vote, the motion carried unanimously.

#### Case No. VAR-21-08

APPLICATION OF GEORGE K. BALCOMBE THROUGH RICHARD MURPHY, REPRESENTATIVE, FOR A VARIANCE – CONTINUED TO THE MARCH 31, 2021 MEETING

Public hearing was held on the application of George Balcombe through Richard Murphy for a variance to allow for the construction of a home addition having between a 2.15 and 5-foot side setback from the southeast property line where 7.5 feet is required, regarding property located at 2802 Woodhall Terrace in East Lake Tarpon. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. 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 or unnecessary hardships, the request is not the minimum variance necessary, and it is inconsistent with the Land Development Code and the Comprehensive Plan. There is ample space at the rear of the house where a home addition could be built within the required setbacks without

the need for a variance. The proposed addition would be as close as 2.15 feet from the side property line, which may impede or hinder access to the rear of the home in the event of an emergency. It would also be an outlier, as the other nearby homes appear to meet required setbacks.

George Balcombe, Palm Harbor, indicated that he is the applicant, and responding to queries by the members, provided clarification regarding the location and purpose of the proposed addition.

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

During discussion about possible alternative solutions for constructing the addition within the setback requirements and responding to queries by the members, Mr. Balcombe indicated that setback measurements are inaccurate on the application; that he could ensure that the addition would be no closer than 46 inches from the property line on all sides; and that the adjacent property owner does not object to the addition. Chairman Bomstein agreed with Ms. White's observation that the subject lot shape is unusual and presents minimal hardship, and suggested that the applicant return to the next meeting with a drawing reflecting the aforementioned parameters and the expressed agreement from the impacted neighbor, and Messrs. Burdette and Doran concurred.

Mr. Doran moved, seconded by Mr. Bello, that the case be continued to the March 31, 2021 meeting, to provide the applicant an opportunity to present a revised drawing of the requested addition and a testimony from the adjacent affected property owner to the Board.

Upon call for the vote, the motion carried unanimously; whereupon, Mr. Bailey responded to queries by Chairman Bomstein regarding staff's review of the revised application.

### **MINUTES OF THE FEBRUARY 3, 2021 MEETING — APPROVED**

Upon presentation by Chairman Bomstein, Mr. Cocks moved, seconded by Mr. Doran and carried unanimously, that the minutes of the February 3, 2021 meeting be approved.

### **ADJOURNMENT**

The meeting was adjourned at 9:32 AM.