

Board of Adjustment and Appeals
Pinellas County
June 2, 2021 Meeting Minutes

The Board of Adjustment and Appeals met in regular session at 9:00 AM on this date in the Magnolia Room at the Pinellas County Cooperative Extension, 12520 Ulmerton Road, Largo, Florida.

Present

Alan Bomstein, Chairman
Jose Bello
Joe Burdette
Vincent Cocks
John Doran
Deborah White
Pamela Kern, alternate

Not Present

Cliff Gephart, Vice-Chair

Others Present

Glenn Bailey, Zoning Manager
Anne Morris, Assistant County Attorney
Gina Berutti, Code Enforcement
Chris Bartlett, Board Records Supervisor
Other interested individuals

CALL TO ORDER

Chairman Bomstein called the meeting to order at 9:00 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-21-14

APPLICATION OF MATTHEW R. EGAN THROUGH BOB TENNANT,
REPRESENTATIVE, FOR A VARIANCE

Public hearing was held on the application of Matthew R. Egan through Bob Tennant for a variance to allow for the construction of an in-ground pool, screen enclosure, and retaining wall having a five-foot three-inch rear setback from the west property line where ten feet is required in an R-3 zone, regarding property located at 2698 Knoll Street in Palm Harbor. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey introduced the case and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The property drops in elevation from front to back with the most significant grade change to the rear of the house. This leaves the backyard without a flat surface for building without the use of a retaining wall taller than 12 inches. Additionally, the rear yard faces a retention area and will pose minimal offsite impacts.

Approval should be subject to the following conditions:

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

Upon the Chairman's call for the applicant, Bob Tennant, Oldsmar, appeared and indicated that he is available to answer any questions. No one appeared in opposition of the application.

Mr. Burdette moved, seconded by Mr. Cocks, that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report.

In response to a query by Ms. Kern, Mr. Tennant confirmed that utilization of the fill from the pool would not eliminate the need for a variance. Mr. Bailey clarified that because the retaining wall will be over 12 inches high, it must meet setbacks.

Upon call for the vote, the motion carried unanimously.

Case No. VAR-21-16

APPLICATION OF ASBURY JAX HON, LLC THROUGH MARK BRENCHLEY,
REPRESENTATIVE, FOR TWO VARIANCES

Public hearing was held on the application of Asbury Jax Hon, LLC through Mark Brenchley for the following variances for the CP-zoned property located at 31975 U.S. Highway 19 North in Palm Harbor:

1. A variance to allow a total of 332.84 square feet of wall signage on the U.S. Highway 19 frontage where 150 square feet of wall signage is the maximum allowed.
2. A variance to allow a 3.5-foot-tall directional sign within the sight visibility triangle of the sidewalk, where unobstructed sight lines and cross visibility shall be maintained between a height of three and eight feet.

Mr. Bailey introduced the case and presented the following staff recommendation:

Recommend Denial. Staff cannot support the sign variance requests as they do not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. The request is to allow 332.84 square feet of wall signage on the U.S. Highway 19 frontage where 150 square feet is the maximum allowed. In short, there are no special conditions or unnecessary hardships that warrant more wall signage than allowed by the Code.

Additionally, this request is to allow a 3.5-foot-tall directional sign that is located within the pedestrian sight visibility triangle of a sidewalk along the front of the site. The Code requires that unobstructed sight lines and cross visibility shall be maintained between a height of three and eight feet. There are no special conditions and the sign could be a detriment to public welfare in this location.

Mark Brenchley, Clermont, appeared, indicated that he is the applicant's representative, and expressed that this location is vulnerable to natural and physical constraints due to a fast-moving heavy traffic arterial; that the sign limitation is arbitrary and puts wider buildings at a disadvantage; and that the reasonable considerations and incentives for redevelopment projects within the County's Comprehensive Plan should apply to this property.

In response to queries by Ms. White and Mr. Doran, Mr. Brenchley provided information concerning the applicant's willingness to reduce signage above overhead doors in an effort to alleviate concerns of sign proliferation and clutter and to meet any discretionary concerns put forth by the Board.

During further discussion, Chairman Bomstein, with input by Mr. Bailey, emphasized that the hardship claimed by the applicant is not unique to the property; and that similar properties, including other car dealerships on U.S. Highway 19, are subject to the same set of rules, and several members concurred. Mr. Burdette stated that there are other signage opportunities available to the applicant that do not require a variance.

Mr. Cocks moved, seconded by Ms. White, that the variance be denied as recommended by staff in accordance with the findings of fact as outlined in the staff report. Responding to a query by Attorney Morris, Chairman Bomstein called for proponents and opponents wishing to speak on the matter and noted that no one was present; whereupon, he called for the vote and the motion carried unanimously.

Case No. VAR-21-17

APPLICATION OF CHRISTOPHER GOURDINE FOR A VARIANCE

Public hearing was held on the application of Christopher Gourdine for a variance to allow for the conversion of a portion of a carport to a garage having a 15-foot front setback where 20 feet is required and a 5-foot side setback where 6 feet is required in an R-3 zone, regarding the property located at 10818 102nd Street in unincorporated Largo.

Mr. Bailey introduced the case and 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. A primary reason the required front setback for garages is 20 feet is to allow for the parking of vehicles in driveways without them encroaching into the adjacent road right-of-way. Additionally, an enclosed garage has a very different look and feel than an open carport, which can be obtrusive to the neighboring property.

Upon the Chairman's call for the applicant, Chris Gourdine, Largo, appeared, provided signed letters of consent from his neighbors, and indicated that the home was constructed prior to the implementation of the current Code; and that 30 homes within a two-block radius have enclosed carports. No one appeared in opposition of the application.

During discussion, Chairman Bomstein noted that enclosing the carport would be in line with the front of Mr. Gourdine's home; and that he disagreed with the staff recommendation. Ms. White acknowledged that the shape of the lot affects the circumstances of the request. In response to queries by the members, Mr. Gourdine stated that he uses the space for storage; and that he has no plans to use it for parking.

Mr. Doran moved, seconded by Ms. Kern, that the variance be granted based on the presented evidence and testimony heard in opposition to the staff recommendation, noting that special conditions exist regarding the shape of the lot and the house being built at a time when a 15-foot setback was permitted. Upon call for the vote, the motion carried unanimously.

Case No. BAA-20-25

APPLICATION OF PINELLAS COUNTY LAND ASSEMBLY TRUST-OASIS ACRES, PINELLAS HOUSING FINANCE AUTHORITY TRE, THROUGH BRUCE BUSSEY, REPRESENTATIVE, FOR A TYPE 2 REVOCATION

Public hearing was held on the application of Pinellas County Land Assembly Trust-Oasis Acres through Bruce Bussey for the revocation of a previously approved 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 and related incentives, regarding the property located at 3901 46th Avenue North in Lealman.

Mr. Bailey introduced the case and presented the following recommendation:

Recommend Approval of the Revocation. On November 4th, 2020, the Board approved with conditions a Type-2 Use on the subject property that allows for the redevelopment of a mobile home park with a nonconforming density of 32 units. The developer no longer wishes to move forward with the project and the property owner, under mutual written agreement with the developer, is requesting the revocation of the Type-2 Use conditional approval per the standards of Section 138-240 of the Pinellas County Land Development Code.

Community Development Manager Bruce Bussey and Director of Building and Development Review Services Blake Lyon appeared and responded to queries by the members. Mr. Bussey indicated that the previously installed utility improvements would be removed, and Mr. Lyon specified that the underlying zoning for the property has not changed.

No one appeared upon the Chairman's call for proponents and opponents to the application.

Mr. Doran moved, seconded by Mr. Burdette, that the revocation be approved as recommended in the staff report. Upon call for the vote, the motion carried unanimously.

MINUTES OF THE MAY 05, 2021 MEETING

Upon presentation by the Chairman, Mr. Doran moved, seconded by Mr. Cocks and carried unanimously, that the minutes be approved.

ADJOURNMENT

The meeting was adjourned at 9:48 AM.