

**Board of Adjustment and Appeals  
Pinellas County  
August 4, 2021 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:00 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 Burdette  
John Doran  
Vincent Cocks  
Deborah J. White

**Others Present**

Glenn Bailey, Zoning Manager  
Anne Morris, Assistant County Attorney  
Michael D. Schoderbock, Principal Planner  
Christopher Young, Program Planner  
Gina Berutti, Code Enforcement Project Coordinator  
Sitara Coyle, Board Reporter, Deputy Clerk  
Other Interested Individuals

**CALL TO ORDER**

Chairman Bomstein called the meeting to order, indicated that Mr. Doran is attending virtually, 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.

**Case No. VAR-21-18**

**APPLICATION OF ANDREW AND MELISSA LARSEN THROUGH PHIL LARSEN,  
REPRESENTATIVE, FOR A VARIANCE**

Public hearing was held on the application of Andrew and Melissa Larsen through Phil Larsen for a variance to allow for the construction of a 780-square-foot detached accessory dwelling unit where 750 square feet is the maximum size allowed in the R-3 zoning district, regarding the property located at 1442 Blanton Lane in unincorporated Clearwater. No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock presented information regarding the case and 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 requested increase in size of the accessory dwelling unit is 30 square feet (4.0 percent) larger than the maximum square footage allowed by the Code. The small size increase 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 setback requirements shall be met.

Andrew Larsen, Clearwater, appeared and indicated that he is the applicant. No one appeared in response to the Chairman's call for opponents.

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. Upon call for the vote, the motion carried unanimously.

#### Case No. VAR-21-20

#### APPLICATION OF WILLIAM S. STEWART FOR A VARIANCE

Public hearing was held on the application of William S. Stewart for a variance to allow for the construction of an accessory structure having an 11-foot side setback from the eastern property line fronting Stiles Lane where 15 feet is required in an R-R zoning district, regarding the property located at 1661 Laney Drive in Palm Harbor. No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock introduced the case and 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 property is a corner lot, with a small interior side yard and other natural features that limit the placement of an accessory structure.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Landscape screening planted along the east side wall facing Stiles Lane is required.
3. All other setback requirements shall be met.

William Stewart, Palm Harbor, appeared and indicated that he is the applicant. No one appeared in response to the Chairman's call for opponents.

Mr. Cocks 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.

#### Case No. VAR-21-22

#### APPLICATION OF BARBARA FRANGOS FOR A VARIANCE

Public hearing was held on the application of Barbara Frangos for a variance to allow for the construction of a 7.5-foot-tall entry gate with a 15-foot-tall decorative entry feature having a minimum clearance height of 13.6 feet and having a 20-foot front setback where 25 feet is required in an R-A zone, regarding the property located at 1021 Ranch Road in East Lake Tarpon. No correspondence relative to the application has been received by the Clerk.

Mr. Young introduced the case and 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. Mature trees located on the property limit the ability of the gate structure to be placed within the required setbacks. The Florida

Fire Prevention Code requires minimal clearance width of 20 feet and a height of 13.6 feet for emergency service vehicles.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. No portion of the structure will be permitted within the 20-foot drainage and utility easement.
3. The structure will meet or exceed Florida Fire Prevention Code standards.

Upon the Chairman's call for the applicant, Matthew Brosious, Tarpon Springs, appeared and indicated that he is representing the applicant, Barbara Frangos, who is his wife. No one appeared in opposition of the application.

Chairman Bomstein provided comments regarding the request; whereupon, Mr. Burdette 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. VAR-21-21

#### APPLICATION OF GARY L. OWEN FOR A VARIANCE

Public hearing was held on the application of Gary L. Owen for a variance to allow for the construction of a screen porch having a nine-foot setback where 15 feet is required in an R-A zone, regarding the property located at 1219 Lake Avenue Southeast in unincorporated Largo. No correspondence relative to the application has been received by the Clerk.

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

Recommend Denial. Staff cannot support the variance 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. The hardship is self-imposed due to the proposed location of the porch. There is ample space

on the east side of the property where a screen porch structure could be built within the required setbacks without the need for a variance.

Continuing, Mr. Schoderbock related that the subject property is currently non-conforming, noting that it does not meet the required side setbacks.

Upon the Chairman's call for the applicant, Gary Owen, Largo, appeared and shared photographs of his property and a letter of no objection from his neighbor to the north. Chairman Bomstein pointed out that it appears that the proposed screen porch has the same side setback as the house; whereupon, in response to queries by him and Ms. White, Mr. Owen provided information regarding the placement and specifications of the proposed screen porch structure.

Chairman Bomstein opined that staff's suggestion to locate the porch elsewhere on the lot does not take into consideration the functionality of the access and appropriateness of the use.

No one appeared in response to the Chairman's call for opponents or proponents; whereupon, Ms. White moved, seconded by Mr. Gephart, that the variance be granted based on the presented evidence and testimony from the applicant, indicating that the screen porch structure would not encroach any further into the setback than the house already does; that the proposed location of the porch is most practical; and that the applicant shall obtain all permits and pay all applicable fees. Upon call for the vote, the motion carried unanimously.

Case No. TY2-21-05

APPLICATION OF GAETANO CRITELLI THROUGH TERRY COYLE, REPRESENTATIVE, FOR A TYPE 2 USE

Public hearing was held on the application of Gaetano Critelli through Terry Coyle for a Type 2 Use to allow for the construction of a nine-unit townhome subdivision in a C-1 zone, regarding the property located on the south side of Park Boulevard, approximately 110 feet west of Oakhurst Road in unincorporated Seminole. No correspondence relative to the application has been received by the Clerk.

Mr. Young introduced the case and 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 proposed townhome subdivision is located south of Park

Boulevard and north of 77th Avenue North. The subject property abuts C-1-zoned properties both to the east and west and is near a signalized intersection. Traffic impacts are anticipated to be small, 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. Site is limited to a maximum of nine townhome units.
4. A minimum 1,400-square-foot lot size is required for each unit.

Gaetano Critelli, Madeira Beach, and Terry Coyle, Indian Rocks Beach, appeared and indicated that they are the applicant and the representative, respectively. In response to queries by Chairman Bomstein, Mr. Coyle related that the current size of the lot would allow for 13 units; that the proposed project is comprised of three-story townhomes, each with a two-car garage and a visitor parking spot behind each garage.

Upon the Chairman's call for persons wishing to speak, Diane Caylor, Seminole, appeared and expressed her concerns regarding visitor parking, traffic, and economic impact. In response to her queries, Messrs. Coyle and Bailey provided information regarding the fence, garbage pickup, and access from 77th Avenue North. Mr. Bomstein noted that the proposed project would result in a lower traffic impact than what the maximum use of the property could generate, and Mr. Burdette provided input regarding a traffic signal concern.

Responding to a query by Mr. Gephart, Ms. Caylor clarified that while she supports residential development in the area, she is opposed to the proposed construction based on the aforementioned concerns.

Mr. Burdette moved, seconded by Mr. Bello, that the Type 2 Use 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. TY2-21-06

APPLICATION OF NORTHSTAR CEMETERY SERVICES OF FLORIDA, LLC  
THROUGH STACY ADAMS, REPRESENTATIVE, FOR A TYPE 2 USE

Public hearing was held on the application of Northstar Cemetery Services of Florida, LLC through Stacy Adams for a Type 2 Use to allow for the expansion of an existing cemetery in an R-A zone with the construction of a new 1,444-square-foot memorial niche building, regarding the property located at 5750 49th Street North in Lealman. No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock introduced the case and 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 proposed memorial niche building is considered an accessory structure of the cemetery per Section 138-3290 of the Code. The proposed location of the building is internal to the site and exceeds the minimum setbacks required by Code. Traffic impacts are anticipated to be small and drainage requirements will be addressed during the site plan review.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay any applicable fees.
2. Appropriate site plan review.

Dustin Rood, Palm Harbor, and Stacy Adams, St. Petersburg, appeared and indicated that they represent the applicant, and responding to a query by Chairman Bomstein, Mr. Rood explained that the proposed memorial building would serve as a place where people can keep memorabilia of their family. No one appeared in response to the Chairman's call for opponents.

In response to a query by Chairman Bomstein, Mr. Schoderbock stated that since the cemetery is in a residential agricultural zone, a Type 2 Use is needed for any expansion on the property.

Mr. Bello moved, seconded by Mr. Cocks, that the Type 2 Use 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.

## **MINUTES OF THE JUNE 2, 2021 MEETING**

Mr. Cocks moved, seconded by Mr. Burdette and carried unanimously, that the minutes be approved.

## **BOARD COMMENTS**

Chairman Bomstein suggested that the Board continue to meet in the Magnolia Room, noting a recent discussion by the Board of County Commissioners (BCC) regarding returning to the BCC Assembly Room, and Mr. Bailey provided input; whereupon, the Chairman commented on the spike in COVID-19 cases in the County and urged the members to take precautions.

## **ADJOURNMENT**

The meeting was adjourned at 9:33 AM.