

**Board of Adjustment and Appeals  
Pinellas County  
September 1, 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 Extension Office, 12520 Ulmerton Road, Largo, Florida.

**Present**

Alan C. Bomstein, Chairman  
Cliff Gephart, Vice-Chairman  
Joe Burdette  
John Doran (appearing virtually)  
Vincent Cocks  
Deborah J. White  
Pamela Kern, Alternate Member

**Not Present**

Jose Bello

**Others Present**

Glenn Bailey, Zoning Manager  
Anne Morris, Assistant County Attorney  
Michael D. Schoderbock, Principal Planner  
Gina Berutti, Code Enforcement Project Coordinator  
Katie Poviones, Board Reporter  
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. TY2-21-07

APPLICATION OF JAMES D KILPATRICK THROUGH GREG PRESBY AND BRIAN BARKER, REPRESENTATIVES, FOR A TYPE 2 USE

Public hearing was held on the application of James D Kilpatrick through Greg Presby and Brian Barker for a Type 2 Use to allow RV and boat storage in a C-1 zone, regarding property located at 13052 95th Street North in unincorporated Largo. 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 Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. This request is to allow vehicle storage (RV and boat storage) on the commercial portion of a dual commercial- and residential-zoned property. The commercial-zoned area of the subject property is adjacent to other commercial and industrial uses to the north, south, and east, while the residential portion will provide a buffer to the residential uses to the west. Traffic impacts are anticipated to be minimal as vehicle storage uses do not have high traffic volume. 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.

Brian Barker appeared and indicated that he represents the applicant, Mr. Kilpatrick, who is present in the audience.

Upon the Chairman's call for opponents, Pamela Ajitomi, Largo, appeared and stated her concerns; whereupon, Chairman Bomstein, with input from Mr. Bailey, clarified that there is a 160-foot buffer between the developable commercial portion of the subject property and neighboring property lines; and that utilization of the residential part of the property is limited to passive uses, including stormwater retention and landscaping.

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

Case No. TY2-21-08

APPLICATION OF AL RAHMAN INC THROUGH HAYATH JAVEED,  
REPRESENTATIVE, FOR A MODIFICATION OF A TYPE 2 USE

Public hearing was held on the application of Al Rahman Inc through Hayath Javeed for a modification of a Type 2 Use to allow an expansion of a meeting hall/community assembly facility (place of worship) in an R-A zone via the conversion of a detached accessory storage structure, regarding property located at 2577 Keystone Road in East Lake Tarpon. 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 this 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. This request involves the conversion of a detached accessory storage structure into habitable space as an accessory use of a meeting hall/community assembly facility per Section 138-3294 of the Code. The location of the accessory building is internal to the site. Traffic impacts are anticipated to be small, and drainage requirements will be addressed during site plan review.

Because the adjacent properties to the west are also institutional uses (place of worship and assisted living facility) and designated as Institutional on the Pinellas County Future Land Use Map, the land use of the subject property will have to be amended to Institutional, as well to comply with acreage threshold criteria of the Pinellas County Comprehensive Plan and the Countywide Rules. Whenever there is contiguous area of institutional use that is five acres or larger, the properties must be amended to Institutional. In this case, the contiguous properties total approximately 12.4 acres.

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.

3. The applicant must submit an application to amend the subject property's Future Land Use designation to Institutional within six months of Type 2 Use approval.

No one appeared in response to the Chairman's call for the applicant; whereupon, he directed that the item be deferred to the end of the agenda.

Later in the meeting, David Havasi, Tarpon Springs, appeared and indicated that he represents the applicant; and that included in the application documents submitted to the Board is a plan detailing expansion of the subject property's parking lot and addition of Americans with Disabilities Act (ADA)-compliant bathrooms.

In response to a query by Chairman Bomstein, Mr. Bailey provided information regarding the above-referenced condition pertaining to a requirement for the land use designation change.

Upon the Chairman's call for opponents, Roy Thomas, Tarpon Springs, appeared and stated his concerns regarding code violations associated with the subject property; whereupon, Ms. Berutti provided information concerning an ongoing special magistrate case, indicating that the property owner has failed to bring the property into compliance, resulting in accrual of daily fines; and that should the current application be approved and requirements of the Board met, code violations would be abated. Discussion ensued regarding the types of violations and why they had not been resolved.

Mr. Havasi provided clarifying comments in rebuttal, indicating that the site plan addresses the violations such as removal of an unpermitted structure, debris, and grass overgrowth, and Ms. Berutti related that before any fines can be paid, an inspection must take place of the subject property to verify that any code violations have been resolved.

Senior Assistant County Attorney David S. Sadowsky indicated that per the Pinellas County Land Development Code, no development permits or approvals should be issued until code violations are addressed. Discussion ensued, followed by closing remarks from the applicant and the opponent, and Chairman Bomstein noted that while the applicant has not been compliant in the past, approval of the application would be an incentive for change and is predicated upon resolving the violations, which may otherwise continue.

Mr. Cocks moved, seconded by Ms. White and carried unanimously, that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report, and Chair Bomstein reiterated that the approval is conditioned upon all violations being corrected, fines paid, and liens removed.

Case No. TY2-21-09

APPLICATION OF THE PINELLAS COUNTY HOUSING AUTHORITY THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR A TYPE 2 USE

Public hearing was held on the application of the Pinellas County Housing Authority through Housh Ghovae for a Type 2 Use to allow for the 5,833-square-foot expansion of a Youth Center in a RM zone and a variance to allow for a reduction in the required parking spaces to 11 spaces, where 16 spaces are required, regarding property located at 12301 134th Avenue in unincorporated Largo. 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 Type 2 Uses found in Section 138-241 and the Criteria for Granting Variances found in Section 138-231 of the Pinellas County Land Development Code. This request involves the addition of a building to be used for after school programs for surrounding community youth. The location of the new building is internal to the site. The request for reduced number of parking spaces is based on the fact that most of the youth accessing this site will come by foot, bicycle, or bus. Most of the parking will be for staff needs. 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 any applicable fees.
2. Appropriate site plan review.

Housh Ghovae, Clearwater, appeared and indicated that he is representing the applicant alongside Ed Hoffman, Mary Alvarez, and Angela Clute, who are present in the audience.

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

Mr. Burdette 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.

Case No. TY2-21-10

APPLICATION OF MANH VAN PHAM THROUGH ANTON PHAM, REPRESENTATIVE,  
FOR A TYPE 2 USE

Public hearing was held on the application of Manh Van Pham through Anton Pham for a Type 2 Use to allow a meeting hall/community assembly facility (place of worship) in an R-4 zone, regarding property located at 6513 48th Avenue North in west Lealman. One letter in opposition 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 this 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. This request involves the conversion of a portion of a single-family home into a meeting hall/community assembly facility (place of worship) per Section 138-3295 of the Code. 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 any applicable fees.
2. Appropriate site plan review.

In response to a query by Mr. Burdette, Mr. Bailey clarified that the subject property is located in a Community Redevelopment Area; and that the proposed changes have already been made, noting that after-the-fact approval would rectify the issue and is allowed under Type 2 Use applications.

Anton Pham, Brandon, appeared and indicated that he is representing the applicant; and that outside of annual holidays which attract more visitors, there are normally few people who visit the facility. Responding to queries by the members, he provided details regarding the facility and parking, noting that people generally park in a nearby commercial plaza or carpool on holidays when parking is limited.

Upon the Chairman's call for opponents, Wade Hall, St. Petersburg, appeared and stated his concerns regarding the facility visitor cars blocking the road on a regular basis, unpermitted construction, and encroachment issues; whereupon, he distributed photographs of the subject property. Discussion ensued regarding the party responsible for the ownership and maintenance of the road next to the property, 48th Avenue North,

and related matters, and Mr. Bailey provided information as to unpermitted construction concerns and parking requirements. Responding to a query by Mr. Burdette, Mr. Schoderbock discussed conditions that would require the property owner to apply for an event permit.

In rebuttal, Mr. Pham provided clarifying comments regarding parking and responded to queries by the Chairman, and Mr. Bailey provided input. Chairman Bomstein stated that approval of the application would require parking spaces on the property to be appropriately designated and signed to prevent visitors from parking on the street; and that the property owner would be required to provide documentation of a shared parking agreement with the nearby plaza to the County as a condition of the ability to host events throughout the year.

Discussion ensued regarding the possibility of installing a no-parking street sign on the 48<sup>th</sup> Avenue North, the conversion of a portion of the single-family home into a place of worship, and the motion verbiage. Staff and Mr. Pham responded to queries by the members, and Mr. Pham indicated that arrangements will be made to add parking spaces on the subject property. Ms. White stressed that parking requirements need to be clearly communicated to the visitors.

Ms. White moved, with clarifications provided by Chair Bomstein, seconded by Mr. Burdette and carried unanimously, that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report; that in addition, all parking is required to be on site, unless there is a shared parking agreement for offsite overflow parking; that no parking occur on 48th Avenue North; that there be no additional uses exterior of the building; and that all permit and other site violations be resolved.

#### **MINUTES OF THE AUGUST 4, 2021 MEETING**

Upon presentation by the Chairman, Ms. White moved, seconded by Mr. Cocks, that the minutes be approved. Upon call for the vote, the motion carried unanimously.

#### **ADJOURNMENT**

The meeting was adjourned at 10:25 AM.