

**Board of Adjustment and Appeals  
Pinellas County  
October 6, 2021 Meeting Minutes**

The Board of Adjustment and Appeals 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 Burdette  
John Doran  
Vincent Cocks  
Deborah J. White

**Others Present**

Glenn Bailey, Zoning Manager  
Anne Morris, Assistant County Attorney  
Gina Berutti, Code Enforcement Project Coordinator  
Shirley Westfall, 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-21-23**

APPLICATION OF NANCY MARTINI-WOLF THROUGH MARK ANTOZZESKI,  
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Nancy Martini-Wolf through Mark Antozzeski for a variance to allow for an after-the-fact pool cage having a 5-foot rear setback from the western property line where 10 feet is required when abutting a public right-of-way in an R-3 zone, regarding property located at 6620 122nd Street in unincorporated Seminole. 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 pool cage was installed decades ago by the previous property owner. The public right-of-way referenced is in an unimproved platted right-of-way which is part of Boca Ciega Millennium Park. It is doubtful the right-of-way will ever be improved or utilized for public use. The pool cage has minimum impact on neighboring properties as it backs up to the park and is separated by 66th Avenue to the south.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Any future replacement of the pool cage may not encroach into the rear utility and drainage easement.

Mark Antozzeski, Bordentown, New Jersey, appeared and indicated that he is representing the applicant. No one appeared in response to the Chairman's call for opponents or proponents.

Mr. Burdette made a motion that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Cocks and carried unanimously.

Case No. VAR-21-26

APPLICATION OF RICHARD COHEN THROUGH ERIC BRONSON,  
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Richard Cohen through Eric Bronson for a variance to allow for the construction of an open-air covered patio having an 8-foot 4-inch rear setback to the roof overhang and a 12-foot rear setback to the closest

structural column, where 15 feet from a seawall is required, regarding property located at 4598 Clearwater Harbor Drive 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 variances found in Section 138-231 of the Pinellas County Land Development Code. The rear of the property overlooks Clearwater Harbor (Intercoastal Waterway), with no rear neighbors.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The porch cannot be enclosed.
3. Submittal of certification from an engineer registered in the state prior to issuance of a permit, verifying that the proposed structure will not affect the integrity or functioning of the seawall or its dead-men (underground support structures).

Richard Cohen, Largo, and Eric Bronson, Tarpon Springs, appeared and indicated that they are the applicant and representative, respectively. Responding to a query by Chairman Bomstein, both stated that they understand the conditions.

Mr. Burdette made a motion that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Doran and carried unanimously.

#### Case No. VAR-21-24

#### APPLICATION OF RUSSELL AND JESSICA URQUHART FOR A VARIANCE

A public hearing was held on the application of Russell and Jessica Urquhart for a variance to allow for the construction of a carport addition having an 8-foot front setback where 20 feet is required in a R-3 zone, regarding property located at 11189 69th Avenue in unincorporated Seminole. Five letters in support of the application have been received by the Clerk.

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 granting 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 is inconsistent with the Land Development Code and the Comprehensive Plan. The garage could be extended up to 12 feet and still be compliant with the required setbacks. The proposed carport addition would be an outlier, as the other nearby properties appear to meet the required front setbacks.

Russell Urquhart, Seminole, appeared, indicated that he is the applicant, discussed his request, and responded to queries by the members, indicating that the proposed structure would protect his assets from falling tree debris.

Chairman Bomstein emphasized that a smaller structure can be built within setback parameters and expressed concern with setting a precedent, and other members concurred.

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

Following discussion, Mr. Doran made a motion, which was seconded by Mr. Bello, that the variance be granted based upon staff analysis, information presented today, and the findings of fact in support of the application, noting the concern regarding trees on the property, the lack of opposition, and the support of the neighborhood; whereupon, he indicated that approval is subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The carport shall maintain at least a 12-foot setback from the front property line.
3. The carport cannot be enclosed.
4. The carport shall be built in accordance with the general design of the house and not be a temporary structure.

Upon call for the vote, the motion carried unanimously.

Case No. VAR-21-25

APPLICATION OF JOHN AND KATIE HODGES FOR A VARIANCE

A public hearing was held on the application of John and Katie Hodges for a variance to allow for construction of a new single-family home having a 15-foot front setback where 25 feet is required, 6-foot side setbacks where 15 feet is required, and a 10-foot rear setback where 20 feet is required in an R-A zone, regarding property located at 1087 Sandra Drive 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 Denial. On December 7, 2017, the Board approved a similar case on the subject property that granted setback relief on multiple sides for the construction of a new single-family home. That approval has expired, and the applicant is now modifying the original request by asking for an additional setback relief for the construction of a new single-family home. Staff recommended denial of the original request due to the opinion that a zoning amendment is a more appropriate way to address the setback issues. The proposed new single home would meet the required setbacks of the R-3 single family residential zoning district without the need for a variance, apart from the front setback. Therefore, staff cannot support this request as it does not meet the criteria for granting a variance in accordance with Section 138-231 of the Pinellas County Land Development Code.

John Hodges, Palm Harbor, appeared, indicated that he is the applicant, discussed his request, and responded to queries by the members. In response to a query by Chairman Bomstein, Mr. Bailey related that if the property were rezoned, a variance would still be required for the front setback.

Upon call for opponents, Arturo Vazquez, Palm Harbor, appeared, stated his concerns, and responded to queries by the members.

Following discussion, Attorney Morris advised the members to specify what hardship, if any, exists with regard to the case, when making a motion, noting that zoning of property is not considered a hardship.

Mr. Doran indicated that based on the staff report, the subject property is a non-conforming lot; and that the current zoning is inappropriate for the current use; whereupon, he made a motion, which was seconded by Mr. Burdette, that considering the aforementioned special conditions, the variance be approved as to the front 15-foot setback and the side 6-foot setbacks, with the following conditions:

1. The applicant must obtain all required permits and pay all applicable fees.
2. No variance to the rear setback be granted; The normal 20-foot rear setback shall apply.

Upon call for the vote, the motion carried unanimously.

Case No. TY2-21-11

APPLICATION OF GARETH R. WHITEHURST THROUGH GRIFFETH I. WHITEHURST, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Gareth R. Whitehurst through Griffeth I. Whitehurst for a Type 2 Use to allow the following in an R-A zone, regarding the properties under common ownership located at 475 and 550 East Lake Drive in East Lake Tarpon:

1. To allow the existing residence at 550 East Lake Drive to be used as a meeting hall/community assembly facility for special events.
2. To allow the property at 475 East Lake Drive to be used for offsite overflow parking for the meeting hall/community assembly facility.

One letter in opposition 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. Both subject properties are currently developed with single family homes. The applicant is proposing to make the larger property at 550 East Lake Drive available to rent as a meeting hall/special event space. The smaller property at 475 East Lake Drive across the street is proposed for overflow parking as needed for the special events. The subject properties would still be used as residences. The applicant also owns other adjacent properties, including to the south and west of 550 East Lake Drive. East Lake Drive is classified as a collector roadway. Traffic impacts are anticipated to be similar to other types of community assembly facilities. Parking needs are being addressed by the overflow parking location, 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. Appropriate site plan review.
3. Days of operation shall be limited to weekends (Friday, Saturday, and Sunday) and holidays, with additional consideration given to not exceeding the County's noise ordinance requirements.
4. No outdoor amplified music.

Gareth Whitehurst and Griffeth Whitehurst, Tarpon Springs, appeared and indicated that they are the applicant and representative, respectively, discussed their request, and responded to queries by the members.

Upon call for opponents, Barbara Warren, Tarpon Springs, appeared, indicated that she represents three neighbors of the subject property, and stated her concerns, mainly regarding noise.

During discussion, Attorney Morris pointed out that limiting operations to weekends is a condition of the request approval per staff report; and that Section 138-241 allows the Board to require additional conditions, which may include those relating to the hours of operation, site entry and exit points, fencing and screening, additional setbacks, capacity of the use, and number and type of events.

The applicant provided comments in rebuttal; whereupon, Mr. Cocks made a motion, which was 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, with the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.
3. Days of operation shall be limited to Friday, Saturday, and Sunday, with additional consideration given to not exceeding the County's noise ordinance requirements.
4. No outdoor amplified music.
5. No outdoor tents.
6. Property rental event is limited to no more than 75 people.
7. No more than 52 events per calendar year.
8. Events must end by 11:00 PM.

Upon call for the vote, the motion carried unanimously.

**MINUTES OF THE SEPTEMBER 1, 2021 MEETING**

Mr. Burdette made a motion, which was seconded by Ms. White and carried unanimously, that the minutes of the September 1, 2021 meeting be approved.

**ADJOURNMENT**

The meeting was adjourned at 10:35 AM.