

**Board of Adjustment and Appeals
Pinellas County
December 1, 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. TY-21-12

APPLICATION OF BOULEVARD PARK PROPERTIES, LLC, THROUGH MARK BENTLEY, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Boulevard Park Properties, LLC through Mark Bentley for a Type 2 Use to allow for the construction of a 12-unit townhome subdivision in a C-2 zone, for the property located at the western terminus of 20th Terrace SW 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. The Board of County Commissioners recently approved a land use amendment on the subject property to Residential High (RH) to facilitate the proposed use. A Type 2 Use approval is required for single-family attached dwellings (townhomes) in the C-2 zoning district. The RH land use allows up to 30 residential units per acre and would allow well above the requested 12 units per the subject property's acreage. Surrounding uses include a large apartment complex to the west and south, a mobile home park to the north, and a mix of residential and commercial uses to the west. Traffic impacts are anticipated to be acceptable; parking needs are being met, and drainage requirements will be addressed and enforced as part of 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. There shall be a maximum of 12 residential units.

Mark Bentley, Tampa, appeared, indicated that he is representing the applicant, and provided information regarding the request, noting that the applicant agrees with the conditions. No one appeared in response to the Chairman's call for proponents or opponents.

Mr. Doran made a motion that the Type 2 Use be granted as recommended in accordance with the findings of fact and conditions as outlined in the staff report. The motion was seconded by Mr. Burdette and carried unanimously.

Case No. VAR-21-27

APPLICATION OF FRANK L. VAN BIBBER FOR A VARIANCE

A public hearing was held on the application of Frank L. Van Bibber for a variance to allow for the construction of a pool having a 3-foot rear setback from the pool's water edge to the seawall, where 8 feet is normally required with an engineer's certification that it will not affect the integrity or functioning of the seawall, for the property located at 1441 Sea Gull Drive South in unincorporated South Pasadena. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey related that the applicant is requesting a continuance; whereupon, he presented the following staff recommendation:

Recommendation: 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. 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 pool could be redesigned to be compliant with the required setbacks.

Mr. Van Bibber, St. Petersburg, appeared in response to the Chairman's call for the applicant and requested a continuance until his counsel can be present; whereupon, Mr. Doran made a motion that the case be continued to the January 5 Board meeting. The motion was seconded by Mr. Burdette and carried unanimously.

In response to a comment by Attorney Morris, the Chairman called for proponents or opponents of the application, and no one appeared to be heard.

Case No. APL-21-02

APPEAL OF OCC PROPERTY HOLDINGS, LLC THROUGH MATTHEW OLSEN, REPRESENTATIVE, REGARDING NONCONFORMING USE VERIFICATION CASE NO. NCU-21-01

An appeal hearing on the appeal of OCC Property Holdings, LLC, through Matthew Olsen regarding nonconforming use verification Case No. NCU-21-01, which determined that the alleged nonconforming use of auto repair/maintenance being conducted outside of a

fully enclosed building on the subject property cannot be verified. One letter in opposition, one letter of concern, and 32 letters in support of the original application have been received by the Clerk.

Mr. Bailey indicated that staff recommends denial of the appeal, finding that Pinellas County staff correctly determined that the alleged nonconforming use cannot be verified per the evidence submitted. He noted that at the appellant's request, the Board continued this case last month so it could be heard on the same date as his pending variance, which was scheduled to be heard by the Development Review Committee (DRC); that the applicant was unable to attend on the scheduled date; and that staff understands that the applicant is seeking another continuance.

Matthew Olsen, Palm Harbor, appeared and indicated that he is the appellant and confirmed that he is requesting a continuance so that both matters could be heard at the same time. He further stated that he has collected approximately 700 signatures on petitions in support of the case.

No one appeared in response to the Chairman's call for opponents or proponents who cannot attend the January meeting; whereupon, Mr. Doran made a motion that the appeal be continued to January 5, which was seconded by Mr. Cocks and carried unanimously.

At the request of an audience member, the Chair, and with no objection from Attorney Morris, allowed the following individuals to appear and state their support:

Joe Sentowski, Crystal Beach
Chris Soukas, Crystal Beach
Elizabeth Lyttle-Bryant, Crystal Beach

MINUTES OF THE NOVEMBER 3, 2021 MEETING

Mr. Cocks made a motion, which was seconded by Mr. Doran and carried unanimously, that the minutes of the November 3 meeting be approved.

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2022

Chairman Bomstein noted that it has been the tradition of this Board that the appointees of the Board of County Commissioners' newly selected Chair and Vice-Chair serve as Chairman and Vice-Chairman of the Board; whereupon, Mr. Cocks made a motion that Mr. Gephart be selected to serve as Chairman and Mr. Burdette as Vice-Chairman for 2022. The motion was seconded by Ms. White and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 9:22 AM.