

**Board of Adjustment and Appeals  
Pinellas County  
January 5, 2022 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**

Cliff Gephart, Chairman (late arrival)  
Joe Burdette, Vice-Chairman  
Jose Bello  
Alan C. Bomstein  
Vincent Cocks  
Deborah J. White

**Not Present**

John Doran

**Others Present**

Glenn Bailey, Zoning Manager  
Anne Morris, Assistant County Attorney  
Michael D. Schoderbock, Principal Planner  
Gina Berutti, Code Enforcement Project Coordinator  
Teresa Ribble, Board Reporter, Deputy Clerk  
Other interested individuals

**CALL TO ORDER**

Vice-Chairman Burdette called the meeting to order at 9:00 AM and provided an overview of the hearing process. Chairman Gephart arrived during the overview and moved the meeting forward.

**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. TY2-21-13

APPLICATION OF NORTHSIDE BAPTIST CHURCH, INC. THROUGH ASHLEY OVERBAUGH, REPRESENTATIVE, FOR MODIFICATON OF A TYPE 2 USE APPROVAL

A public hearing was held on the application of Northside Baptist Church, Inc. through Ashley Overbaugh for a modification of a Type 2 Use approval to allow an 83,904-square-foot campus expansion to an existing private school in R-A and RPD zones, for the property located at 7777 62nd Avenue in Lealman. 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 request is to allow for a 42,848 square foot, two-story classroom building and a 41,056 square foot, one-story performing arts building as additions to an existing private school. The proposed buildings will replace numerous, small older classroom structures.

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. Conditions associated with past Board approvals shall remain in effect.

Greg Wegener, New Port Richey, appeared and indicated that he is available to answer questions. No one appeared in opposition of the application.

Mr. Bomstein 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. TY2-21-14

APPLICATION OF WE MOVE FAMILIES, LLC THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of We Move Families, LLC through Robert Pergolizzi for a Type 2 Use to allow for the construction of five single-family detached homes in an RM zone, for the property located at 4501 48th Avenue North in Lealman. 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. A Type 2 Use approval is required for single-family detached dwellings in the RM zoning district. The RL (Residential Low) land use on this property allows up to 5.0 residential units per acre and would allow a maximum of eight units per the subject property's acreage. The applicant is only proposing five residential units. Surrounding uses include mostly single-family detached homes, a church, and a public park. 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 five residential units.

Robert Pergolizzi, Clearwater, appeared and indicated that he represents the applicant. He provided a brief presentation, noting that while eight multi-family homes would be allowable under the subject property's current zoning, the applicant is requesting to construct five single-family homes for compatibility with the neighborhood; and that the applicant agrees with staff's recommended conditions.

Responding to a query by Mr. Burdette, Mr. Pergolizzi, with input by Mr. Bailey, confirmed that the applicant could build eight multi-family homes without seeking Board approval; and that the applicant's ability to construct single-family detached homes requires the Type 2 Use approval.

Upon the Chairman's call for opponents, Jerry Hutchison, Lealman, appeared and stated his concerns. In response to Mr. Hutchison and queries by Messrs. Bomstein and Bello,

Mr. Pergolizzi related that 49th Terrace North is a private road owned by the applicant; and that the applicant's proposal includes widening the road to two lanes at site plan approval.

Following Attorney Morris' request of confirmation that there was no one online wishing to comment on the case, Mr. Bomstein moved for approval of the Type 2 Use as recommended in accordance with the findings of fact as outlined in staff's recommendation. The motion was seconded by Mr. Burdette and carried unanimously.

Case No. TY2-21-15

APPLICATION OF PINELLAS COUNTY – POLICE ATHLETIC LEAGUE FACILITY FOR MODIFICATION OF A PREVIOUSLY APPROVED TYPE 2 USE (BA-7-5-10) THROUGH HOUSH GHOVAEE, REPRESENTATIVE

A public hearing was held on the application of Pinellas County – Police Athletic League Facility through Housh Ghovae for a modification of a previously approved Type 2 Use to allow for the expansion of a recreational facility in an E-1 zone by adding two modular buildings to be used for after-school programs, for the property located at 3755 46th Avenue North in Lealman. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey introduced the case, presented the following staff recommendation, and noted that the previously granted Type 2 Use has expired:

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 subject property is County-owned and leased by the Pinellas Athletic League as a recreation facility. The addition of two modular buildings, to be used for after-school programs, should pose minimal overall impacts. The Board approved a similar request on this same property in 2019, but that approval has since expired.

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.

Housh Ghovae, Clearwater, appeared and indicated that he is available to answer questions. No one appeared in response to the Chairman's call for opponents to the application.

Mr. Bomstein made a motion to grant the Type 2 Use approval 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. TY2-21-16

APPLICATION OF SIX EXPANDED ENTERPRISES, LLC THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Six Expanded Enterprises, LLC through Housh Ghovae for a Type 2 Use to allow for the construction of an overflow parking lot in an R-4 zone, for the property located at the southwest corner of U.S. Alternate Highway 19 and Rebstock Boulevard in Crystal Beach. 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 request is to allow for an overflow parking lot as a primary use on a property with two different zoning districts, the west 50 feet is R-4 while the rest of the property is C-2. Standalone parking lots are an allowed use in C-2 but require a Type 2 Use approval in R-4. The veterinarian clinic to the south wishes to use the property for employee parking. People have parked on the property in its unimproved state for many years. The proposed improvements will provide landscaping and stormwater retention, which should result in a betterment.

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.

Housh Ghovae, Clearwater, appeared and provided a brief presentation; whereupon, responding to queries by Ms. White and Mr. Bomstein, he indicated that the proposed

overflow parking lot would be paved and meet all other site plan requirements; and that the primary parking lot and the proposed overflow lot are not connected due to a dedicated right-of-way located between the two lots.

Mr. Bomstein opined that 49 total parking spaces seems unusual for the size of the clinic. Mr. Ghovae indicated that the overflow lot would provide for staff parking; and that staff parking requires approximately 30 parking spaces.

Upon the Chairman's call for opponents, Patrick Cullen, Palm Harbor, expressed his concerns and responded to queries by the members.

Discussion ensued; whereupon, Kevin Adney, Palm Harbor, appeared, indicated that he is the owner of the veterinarian clinic, and provided information regarding the subject property and needed staff parking. Responding to a query by Mr. Bomstein, Mr. Adney confirmed that staff members work in shifts; and that there are times when there are 15 or more staff working at the same time.

Mr. Cocks noted that a picture included in the agenda packet shows 18 parked vehicles, which includes vehicles in both the clinic lot and the property of the proposed lot; and that this bears credence to the necessity of additional parking.

Responding to queries by the members, Mr. Ghovae indicated that a six-foot fence will be installed on the subject property; and that no handicap spaces will be added to the proposed overflow lot due to its distance from the clinic.

Mr. Bomstein made a motion to grant the Type 2 Use as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Cocks and passed unanimously.

#### Case No. VAR-21-29

#### APPLICATION OF JAIMEE PARRY FOR A VARIANCE

A public hearing was held on the application of Jaimee Parry for a variance to allow for an after-the-fact detached accessory structure, installed by a previous owner, to remain in place with a 7-foot rear setback where 10 feet is required in an R-3 zone, for the property located at 4522 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 subject property is single family detached residential, and the accessory structure (similar to a tiki hut) is compatible with the main structure and residential use. Ample buffering to adjacent residences exists in the form of lush landscaping. The accessory structure was built by a previous owner without permits, which was discovered when the current owner sought to run a propane line to the grill underneath it. No changes to the accessory structure are proposed.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees. Fire marshal review shall be required.
2. Any future replacement structure shall fully meet setbacks.

Jaimee Parry, Largo, appeared and indicated that she is the property owner. No one appeared upon the Chairman's call for opponents.

Mr. Bomstein 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 Ms. White 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 to allow for 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. Two letters in support of the application has been received by the Clerk.

Mr. Bailey introduced the case and noted that it was continued from the December 1, 2021 meeting at the applicant's request; whereupon, he 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 pool could be redesigned to be compliant with the required setbacks.

Jason Goldstein, St. Petersburg, appeared and indicated that he is the applicant's attorney. No one appeared upon the Chairman's call for opponents.

Responding to queries by Mr. Bomstein, Mr. Bailey clarified that the case was not remanded to the Development Review Committee during the continuance; that it, therefore, was not reviewed again; and that the encroachment is related to the setback to the seawall; whereupon, Mr. Goldstein noted that Mr. Van Bibber purchased the property to the rear; and that it provides for ownership of 107 feet of ground from his seawall. After confirming that the property mentioned by Mr. Goldstein is riparian in nature, Mr. Bomstein pointed out that riparian land rights do not factor into lot lines.

Referencing a letter included in the agenda packet from Reuben Clarson of Reuben Clarson Consulting, Mr. Bomstein expressed that he does not agree with the staff recommendation; whereupon, Mr. Burdette concurred.

In response to a request by Attorney Morris, the Chairman called for proponents or opponents to the case and no one appeared in person or online.

Mr. Bomstein made a motion to grant the variance based on the findings of fact that the case is unique in that there is no neighbor which will be impacted by the setback variance; that the dimensions of the proposed pool is not excessive; and that these are special conditions which warrant the granting of the variance.

Mr. Cocks stated that the criteria of unnecessary hardship have not been met; whereupon, responding to comments by Mr. Goldstein, Mr. Bomstein related that while personal hardships would not qualify, unnecessary hardships involving the site and its conditions would be relevant.

Mr. Bomstein reintroduced his motion, adding that he believes that the hardship exists; that the variance is largely a do-no-harm situation; and that it is not out of comport with many other pool setback variances approved by the Board in the past; whereupon, Mr. Bailey requested that a condition of approval be that no pool cage be constructed, and Mr. Bomstein concurred and clarified that approval would also include conditions requiring the applicant pay all applicable permits and complete full site plan review.

Mr. Burdette seconded the motion. Upon call for the vote, the motion carried 5-1, with Mr. Cocks dissenting.



Attorney Morris requested that, for the record, Mr. Goldstein provide all of the documents which he referenced at today's meeting. All documents referenced have been made a part of the record.

Case No. VAR-21-28

APPLICATION OF OCC PROPERTY HOLDINGS, LLC THROUGH MARK OLSEN, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held to allow for after-the-fact (previous owner installed) outdoor auto repair and service uses, including outdoor vehicle lifts, where the Land Development Code requires all auto service and repair activities to be within a fully enclosed building, for the property located at 2509 U.S. Alternate Highway 19 in Crystal Beach. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey explained that both this case and Case No. APL-21-02, next on the agenda, are related and provided a brief summary of each. Staff recommendation for the variance request is as follows:

Recommend Conditional Approval. With the incorporation of some conditions (as further described below), to help definite acceptable operational parameters, staff can support 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 applicant is requesting to vary the specific use standard found in Pinellas County Land Development Code Section 138-3270(c)(1) related to *Vehicle Storage, Maintenance and Repair*, which states that "all service and repair activities shall be within fully enclosed buildings". In Section 138-1, the Code defines a completely enclosed building as a "structure with a roof and having the entire area under the roof totally enclosed by walls with no more than 20 percent of the total wall surface area having openings and no more than 50 percent of any one side wall surface area having openings. It shall be the intent of this term, where used in this chapter 138, to provide indoor locations for certain uses which may be noisy, odiferous, noxious, aesthetically displeasing, or which may have similarly undesirable effects on nearby properties. By requiring such indoor locations, these undesirable effects can be reduced, mitigated, and buffered to such a degree so as to provide neighboring properties with reasonable protection from such potentially undesirable effects". Code Section 138-235(b)(9) provides the Board with the authority to vary "specific use standards for land use".

The subject property is located at the southwest corner of Alternate US-19 and Crystal Beach Avenue in Palm Harbor. Evidence suggests that auto-oriented uses have occurred on the property since the 1950's. The Code has required automobile repairs to be conducted within fully enclosed buildings since 1978. The property currently has up to seven unenclosed/outdoor lifts that were installed by a previous owner at various times, the most recent being within the early to mid-2010s when doing so was prohibited by the Code. It is unclear when the earliest lift was installed, as none have any specific permit histories with the County. Per the applicant, not all lifts are operational and currently in use, including some of those located within onsite buildings. The outdoor auto lifts drew attention when County code enforcement responded to a complaint of vehicles parked within the right-of-way.

In 2005, the Board approved an after-the-fact variance on the subject property for a carport within the front setback. The meeting minutes made no mention of outdoor auto repair or auto lifts. A condition of approval required the application to obtain all required permits. The permit subsequently obtained specifically noted that there was to be 'no heavy auto repair outside, detailing only'. There are two auto lifts located under this structure, though they are not large and appear mobile. In addition, an open, roofed structure on the southwest portion of the subject property was installed by a previous owner in 2013. The permit for this structure described it being over concrete with no mention of an auto lift. Such a structure by itself is permissible in the C-2 zoning district. Two larger unenclosed auto lifts are located under this structure, which is accessed via an alley on the south side of the property. Regarding the other three auto lifts, one is in front of the business facing Alternate US-19 to the south of the carport, one is located under roof (but not fully enclosed) near the center of the property between buildings, and the other is located at the rear of the property behind a building. The permanent lift in front of the business on the east side of the property poses a safety risk as it is close to Alternate US-19 and requires vehicles to back out into the right-of-way.

Much of the outside area of the property is being utilized for storage. Some vehicles are being stored/parked long term and repair parts and other implements are being stored at various locations on the property, leaving little room for onsite circulation and customer parking. It is unclear how much repair work is conducted indoors, or how much storage space is available inside.

Auto-oriented uses have existed on the subject property for decades, but the specifics of those uses are not fully clear. It is clear, however, that the magnitude of the outdoor auto repair use has increased in recent years per aerial and street photo evidence. The volume of stored outdoor materials and vehicles impacts cite circulation and parking, which sometimes forces vehicles to be parked in the public right-of-way. The large permanent lift on the east side of the property poses a safety risk as its location requires vehicles to back out into the Alternate US-19 right-of-way. Staff is of the opinion that improvements to the site can be made that would allow some level of outdoor operations to continue in a way that increases safety and has less potential to be impactful to neighboring properties per the intent of the Code.

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. There shall be no more than four permanent auto lifts on the subject property that are not within a fully enclosed building.
4. Outdoor work must be conducted within the boundaries of the subject property and not within public right-of-way. Parking is permitted in the designated spaces within the Crystal Beach Avenue right-of-way, but not within the Alternate US-19 right-of-way or the adjacent alley.
5. All auto lifts shall be accessible from the subject property and not directly from a public right-of-way. There shall be no permanent auto lifts located between the onsite buildings and the Alternate US-19 right-of-way.
6. Storage of repair parts and implements shall be within a building or behind an opaque fence.
7. The outdoor storage or parking of disabled, wrecked or partially dismantled vehicles shall not exceed 30 days in any 60-day period, in keeping with Code section 138-3270(c)(4).

Mr. Bailey noted that the appeal has been heard by the Board at two previous meetings; that it was continued so that the applicant could present the variance in tandem with the

appeal; and that Director of Building and Development and Review Services Blake Lyon will present the cases.

Responding to a query by Mr. Burdette, Mr. Lyon provided a detailed presentation utilizing maps and photographs to provide timelines for historical and current perspectives regarding uses of the subject property.

Mr. Lyon related that conditional approval of the variance is staff's recommendation; that it is believed that a viable business model can be achieved through the proposed conditions; and that staff's primary concern regarding the property is related to safety and the right-of-way.

Responding to comments and a query by Mr. Bomstein, Attorney Morris, with input by Mr. Lyon, reiterated that the Board should consider the variance request prior to the appeal since approval of the variance would make the appeal a moot matter; and that, if the Board were to approve the variance, the applicant could either withdraw the appeal or the Board could deny it.

In response to comments and queries, Mr. Lyon indicated that the applicant promptly cleared an alley after concerns were raised; that it is now fully accessible; that conditional approval includes only four auto lifts to be located on the property; and that the lift facing U.S. Alternate Highway 19 is of the most concern due to its proximity to the right-of-way.

No one appeared upon the Chairman's call for opponents.

Matt and Brittany Olsen, Palm Harbor, appeared and indicated they are the applicant. Responding to queries and comments by the members, Mr. Olsen related that they were not aware that storage of vehicles on the property was not allowed; that 12 vehicles have since been removed; and that they would like to discuss the condition which would involve the removal of the lift closest to U.S. Alternate Highway 19.

Referring to a photograph of the subject property, Ms. Olsen pointed out a right-of-way owned by the Florida Department of Transportation (FDOT); and shared that their business pays rent each month to the FDOT for use of the space; whereupon, Mr. Olsen specified that the rent covers nine feet of space from the curb; that the space is used for parking and internal circulation of vehicles; that when vehicles are removed from the drive-on lift and extend into the right-of-way, spotters are used; and that this practice has been in place for many years. A discussion ensued pertaining to options for potentially relocating lifts on the property.

Upon the Chairman's call for proponents or opponents, the following appeared and expressed their support of the application:

Susan Mosser, Palm Harbor  
Patricia Smith, Crystal Beach  
Bill Faloon, Crystal Beach  
Michael McCarthy, Crystal Beach  
Gordon Moss, Palm Harbor  
Jim Mosser, Palm Harbor  
Elizabeth Lyttle-Bryant, Largo

No one appeared upon the Chairman's call for opponents to the application. In response to a comment by Attorney Morris, the Chairman confirmed that there was no one online wishing to speak.

Upon the applicant's return to the podium, Mr. Bomstein commented on the uniqueness of the Crystal Beach neighborhood and applauded the Olsens on their efforts to reduce the density of vehicles on the property, and Mr. Cocks concurred; whereupon, Mr. Bomstein indicated that he is conflicted as to the need for removal of the permanent auto lift since use of it has been managed by the applicants without any real hazard.

Additional discussion ensued regarding Conditional Approval Item Number 5, and Mr. Olsen responded to comments and queries, including volume of recreational vehicle repairs and the hydraulic nature and capacity of the hydraulic lift; whereupon, the applicant's attorney, Todd Bober, Crystal Beach, appeared telephonically and offered that the applicants could establish a procedure which provides spotter training for each employee as a method to address safety concerns for vehicles entering the right-of-way following exits from the permanent lift.

Following brief discussion by the members and a query by Ms. White, Mr. Olsen confirmed that all conditions for approval, with the exception of number five, are acceptable; whereupon, Mr. Bello expressed his appreciation to the applicants for their efforts to advocate for their business and community.

Chairman Gephart closed the public hearing; whereupon, Mr. Lyon noted that staff was not aware of the applicant's aforementioned lease agreement with the FDOT and requested that the agreement be provided for a better understanding of the terms.

Referencing the development of a potential procedure regarding the use of spotters for vehicles exiting the auto lift and possibly extending into the travel lane of the roadway, Mr. Lyon explained that he believes that this poses a liability risk for the County, and further discussion ensued; whereupon, responding to a request by Attorney Morris, Mr. Olsen indicated that he would provide the email from FDOT which contains the terms of the lease agreement.

With no objection by Attorney Morris, the Chair allowed Elizabeth Lyttle-Bryant, Largo, and Bill Faloon, Crystal Beach, to share additional comments.

Ms. White indicated that she does not agree with Condition Number 5, which would require the removal of the permanent auto lift near U.S. Alternate Highway 19; that moving it would be a hardship to the applicants; and that she is not sure that there is an alternative location on the property to which it could be relocated.

Responding to a request by Mr. Cocks regarding potential liability for the County, Attorney Morris related that one variance criterion is that an approval cannot be injurious to the public; and that Condition Number 5 could be modified in an attempt to address the safety concerns voiced at today's meeting; whereupon, Mr. Cocks suggested that only standard vehicles could be serviced on that particular lift, and a brief discussion ensued as to the difficulty of monitoring such use of the lift.

Attorney Morris suggested that Condition Number 5 could be revised to reflect that vehicles must be able to enter and exit the lift without creating safety concerns. She clarified that this could be accomplished by striking the second sentence in the condition, replacing it with the suggested language, and leaving the first sentence intact.

Mr. Bomstein made a motion to grant the variance in accordance based on the findings of fact as outlined in the staff recommendation, with a modification to Condition Number 5 by deleting the second sentence which reads as follows: "There shall be no permanent auto lifts located between the onsite buildings and the Alternate US-19 right-of-way", and replacing that sentence with the following: "Vehicles must be able to enter and exit the property without any safety concerns". Attorney Morris requested that the motion also reference the FDOT lease agreement, and Mr. Bomstein concurred. The motion was seconded by Mr. Bello and carried unanimously.

#### Case No. APL-21-02

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

A public hearing was held on the appeal of a 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. The Staff Report indicates that "seven hundred fifty-three letters/petitions" have been received in support and "33 letters/petitions" in opposition to the appeal have been received.

Citing the Board's decision on Case No. VAR-21-28, the appellant withdrew the appeal.

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

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

**ADJOURNMENT**

The meeting was adjourned at 10:58 AM.