

Board of Adjustment and Appeals
Pinellas County
April 6, 2022 Meeting Minutes

The Board of Adjustment and Appeals (BAA) met in regular session at 9:00 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Cliff Gephart, Chairman
Joe Burdette, Vice-Chairman
Jose Bello
Alan C. Bomstein
John Doran
Pam Kern, alternate
Deborah J. White

Not Present

Vincent Cocks

Others Present

Glenn Bailey, Zoning Manager
Anne Morris, Assistant County Attorney
Keith Vargus, Code Enforcement Supervisor
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Gephart 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.

Deviating from the agenda, Chairman Gephart recommended that Case No. VAR-22-02 be heard at this time.

Case No. VAR-22-02

APPLICATION OF SPECKLED TROUT BOATYARD, INC. THROUGH KATIE COLE, ESQ. AND JAIME MAIER, ESQ., REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Speckled Trout Boatyard, Inc. through Katie Cole, Esq. and Jaime Maier, Esq., for a variance to the Water and Navigation Code Section 58-556(b)(1) to allow for construction of a commercial dock addition with ten boat lifts having a one-foot setback from the north property line and a nine-foot setback from the west property line, where the Code requires a minimum setback of approximately 90 feet, or one-third of the applicant's waterfront property width, from an adjacent waterfront residential property, for the property located at 370 Bayshore Drive in unincorporated Ozona. No correspondence relative to the application has been received by the Clerk.

Per staff recommendation, Mr. Bomstein made a motion that the case be continued to the BAA meeting on May 4, 2022. The motion was seconded by Mr. Doran and carried unanimously.

Case No. TY2-22-02

APPLICATION OF CEG PROPERTIES, LLC THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR A TYPE-2 USE

A public hearing was held on the application of CEG Properties, LLC through Housh Ghovae for a Type 2 Use to allow for motor vehicle sales in an E-2 zone, for the property located at 12350 South Belcher Road in unincorporated Largo. 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. The request is to allow for motor vehicle sales on a property zoned E-2. The applicant proposes to use one of the existing onsite structures and surrounding area to conduct car sales. Approval should be subject to the following conditions:

1. Appropriate Site Plan Review.
2. The applicant shall obtain all required permits and pay all applicable fees.

Housh Ghovae, Clearwater, appeared and indicated that the applicant agrees with staff's recommended conditions and offered to answer any questions.

Upon the Chairman's call for opponents, the following individuals appeared and expressed their concerns:

Carole Hoffman, Largo
Eileen Kolb, Largo
Hetha Chelin, Clearwater

Referring to photographs, Ms. Chelin elaborated on parking issues that she has been experiencing for the past several years and noted that there is a pending Code Enforcement case. During discussion, Messrs. Bailey and Vargus responded to queries and concerns by the members and confirmed that there is a Code Enforcement case to address pending the outcome of the application.

In rebuttal and in response to queries by the members, Mr. Ghovae indicated that the request is not for rezoning; that no outdoor lighting or speakers are being requested; and that the easement is an appropriate amount of space for proper access to Ms. Chelin's business. In response to a query by Mr. Bomstein, he agreed that only parallel parking should be allowed on the south side of the structure.

Mr. Bomstein made a motion that the Type 2 Use be granted as recommended, based upon the written findings of fact set forth in the staff report with an additional condition that parking on the south side of the building shall be parallel parking only. The motion was seconded by Mr. Doran and carried unanimously.

Case No. TY2-22-03

APPLICATION OF KANES FURNITURE, LLC THROUGH TRUETT REALTY GROUP, LLC, C/O ROBERT TRUETT, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Kanes Furniture, LLC through Truett Realty Group, LLC for a Type 2 Use to allow for motor vehicle sales in an E-2 zone, for the property located at 4601 34th Street North in Lealman. One letter in support of 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 motor vehicle dealership as a primary

use on a property zoned E-2. The applicant proposes to repurpose the existing furniture outlet building on site. The proposed improvements will also include landscaping and stormwater retention, which should result in a betterment of the site.

Approval should be subject to the following conditions:

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

Upon the Chairman's call for proponents and opponents, David Lee, Lealman, appeared virtually and stated his support 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 outlined in the staff report. The motion was seconded by Mr. Doran and carried unanimously.

Case No. VAR-22-03

APPLICATION OF JARED AND JENNIFER MOON FOR A VARIANCE

A public hearing was held on the application of Jared and Jennifer Moon for a variance to allow for the construction of a pool and detached accessory structure (pool cabana) having a five-foot rear setback from the east property line where 20 feet is required in an R-A zone, for the property located at 2421 Meander Lane in unincorporated Safety Harbor.

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 a single family detached residential on 3.11 acres in unincorporated Safety Harbor. Ample buffering to adjacent residences exists in the form of the railroad to the rear property line. The existence of shade trees that were removed was noted, and the following conditions apply.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Any unauthorized tree removal shall be addressed.

No one appeared upon the Chairman's call for opponents or proponents; whereupon, 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 Mr. Doran and carried unanimously.

Case No. VAR-22-04

APPLICATION OF HENRY AND LISA BARTELS FOR A VARIANCE

A public hearing was held on the application of Henry and Lisa Bartels for a variance to allow for the construction of an enclosed lanai having a six-foot rear setback from the midpoint of a seawall where 15 feet is required, for the property located at 553 Boca Ciega Point Boulevard 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 rear of the property overlooks an inlet of the Intercoastal Waterway, with no rear neighbors.

1. Approval should be subject to the following conditions:
2. The applicant shall obtain all required permits and pay all applicable fees.
3. Full building plan review of the lanai.
4. Submittal of certification from an engineer registered in the State of Florida prior to issuance of a permit, verifying that the proposed structure will not affect the integrity or functioning of the seawall or its underground support structures.

Henry Bartels, Seminole, appeared and provided information on the project.

No one appeared upon the Chairman's call for opponents; whereupon, 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 Mr. Doran and carried unanimously.

Case No. VAR-22-01

APPLICATION OF PARKVIEW ANIMAL HOSPITAL, INC. C/O MICHELINA HOELZLE THROUGH BRIAN J. AUNGST, JR., REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Parkview Animal Hospital, Inc. through Brian J. Aungst, Jr., for a variance to allow for the construction of a veterinary office building having a 10-foot rear setback from the south property line where 20 feet is normally required in a C-2 zone when abutting residential zoned property, for the property located at 3720 54th Avenue North in Lealman. Two 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 that justify a reduced setback for the proposed new building allowed by the Land Development Code.

Brian Aungst, Jr., Clearwater, appeared and indicated that the applicant's engineer will testify regarding the hardships that exist on the property; and that Dr. Nannette Parra, owner and proprietor, is present and available for questions. Referring to a PowerPoint presentation containing maps and photographs, Mr. Aungst related that the eight-foot wide utility easement separates the two parcels eliminating the ability for the addition to be attached to the current facility; that support has been granted by the affected abutting neighbors; that the vacant lot experiences issues with homelessness and trash; and that a similar request was approved in 2014 for a direct competitor; whereupon, he provided information on the 2014 request.

Brian Barker, Deuel and Associates, Clearwater, appeared and noted that the site has a deep setback on the west side and is a corner lot, which requires the site access to move as far to the rear of the site as possible; that several layouts of various sizes and features were evaluated; and that the proposed layout is the only configuration that matches the office size needed and meets the parking requirements.

Responding to a query by Mr. Bomstein, Mr. Barker stated that in order to meet current setbacks, the proposed building would have to be reduced by 500 square feet. Mr. Aungst indicated that reducing the proposed 3,500-square-foot building to 3,000 square feet is significant; and that denying the application would ignore special benefits given to the competitor down the street.

Mr. Bomstein stated that the code was different in 2014 and that the circumstances between the two cases are not comparable as the rules have changed. Attorney Morris concurred, noting that each property is unique; that different hardship considerations are present from case to case; and that approving a similar case in the past does not obligate the Board to grant the request presented today, and discussion ensued.

Upon the Chairman's call for citizens wishing to comment on the application, David Lee, Lealman, appeared virtually and expressed his concerns.

In rebuttal, Mr. Aungst related that competent, substantial evidence has been provided regarding the hardships of the property that were not created by the applicant, referring to the easement and access issues; that the applicant accepts the conditions of approval; that the two abutting neighbors feel this is a tremendous benefit to the community; and that the success of small businesses and economic development in Lealman should continue to be supported.

Mr. Bomstein related that he does not consider the easement a hardship. Mr. Doran stated that he feels the utility easement and site access requirements do establish and create a hardship; whereupon, he made a motion to approve the application with the following conditions:

1. Full Site Plan Review.
2. The applicant shall obtain all required permits and pay all applicable fees.
3. Conform to the Standards of Section 138-3252(c)(2) of the Pinellas County Land Development Code.
4. No boarding of dogs.

The motion was seconded by Ms. Kern and approved 6-1, with Mr. Bomstein dissenting.

MINUTES OF THE FEBRUARY 4 AND MARCH 2, 2022 MEETING

Mr. Doran made a motion, which was seconded by Mr. Bomstein and carried unanimously, that the minutes of the February 4 and March 2 meetings be approved.

ADJOURNMENT

The meeting was adjourned at 9:57 AM.