

Board of Adjustment and Appeals
Pinellas County
June 1, 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

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

Not Present

Cliff Gephart, Chairman
Vincent Cocks

Others Present

Glen 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

Acting Chairman Burdette called the meeting to order at 9:00 AM; provided an overview of the hearing process; and indicated that with six members present, a four-member majority is needed to prevail in a case.

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-22-05

APPLICATION OF JENNIFER BERRES THROUGH ANTHONY MASSELLI,
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Jennifer Berres through Anthony Masselli for a variance to allow for the construction of a pool having a five-foot setback from the northwest property line where eight feet is required from the pool water's edge in an R-3 zone, for the property located at 217 Shore Drive in Ozona. 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 variances found in Section 138-231 of the Pinellas County Land Development Code. The subject property is an odd-shaped lot with the bulk of it pushed forward toward Shore Drive and neighboring homes situated behind the area of the building footprint. The new home being constructed meets front setback requirements but there is limited backyard space.

Approval should be subject to the following conditions:

1. Applicant must obtain all required permits and pay all applicable fees.
2. No pool enclosure.

Anthony Masselli, Clearwater, appeared and indicated that he represents the applicant.

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. TY2-22-04

APPLICATION OF NEIGHBORLY CARE NETWORK, INC. THROUGH HAILEY DALTON AND/OR JOHNATHAN STANTON, REPRESENTATIVE, FOR A TYPE 2 USE AND A VARIANCE

A public hearing was held on the application of Neighborly Care Network, Inc. through Hailey Dalton for a modification to a previously approved Type 2 Use (BA-15-09-98) to allow for a 261 square-foot Community Service Use addition, and a variance request to allow for a four-foot side setback from the south property line where ten feet is required

in an R-R zone for the property located at 11095 131st Street in unincorporated Seminole. One letter of concern 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 variances found in Section 138-231 of the Pinellas County Land Development Code. The subject property is being used as an adult day care center and the applicant wishes to construct a small addition to help facilitate a Meals on Wheels distribution use. The small addition is not anticipated to create any detrimental impacts. Regarding the variance, the location and configuration of the existing building and traffic circulation make the south side of the building the most appropriate place for the addition. The addition could not be placed on the north side of building due to an existing storm water pipe.

Approval should be subject to the following conditions:

1. Applicant must obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.

Neighborhood Care Network Executive Director David Lomaka, Clearwater, and Hailey Dalton, St. Petersburg, appeared and indicated that they are the applicant and the representative, respectively, and responded to queries by the members.

Upon the Chairman's call for opponents, George Sinn and William Miles, Largo, expressed their concerns regarding drainage; whereupon, following brief discussion, Board members and staff confirmed that drainage issues will be addressed as part of site plan review.

Mr. Bomstein made a motion that the Type 2 Use and variance be granted as recommended, based upon the written findings of fact set forth in the staff report. He requested that County engineering review drainage as it relates to the subject and neighboring properties. Mr. Doran seconded the motion and upon call for the vote, the motion carried unanimously.

Case No. TY2-22-06

APPLICATION OF JOSHUA DRAKE FOR A TYPE 2 USE

A public hearing was held on the application of Joshua Drake for a Type 2 Use to allow for a Bed and Breakfast in an R-A zone, for the property located at 1524 Kansas Avenue in Palm Harbor. 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 subject property is a relatively large parcel that should be able to accommodate the proposed use and maintain separation and buffering from nearby properties. There is plenty of room for parking, significant traffic impacts are not anticipated, 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. Full site plan review.
3. The bed and breakfast use shall comply with all the standards of Section 138-3230, bed and breakfast specific use standards.

Joshua Drake, Palm Harbor, appeared and indicated that he is the applicant. No one appeared in response to the Chairman's call for opponents.

Mr. Bomstein made a motion that the Type 2 Use 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-22-06

APPLICATION OF LAND TRUST SERVICE CORP TRE THROUGH ARDEN DITTMER, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Land Trust Service Corp TRE through Arden Dittmer for the following variances regarding signage in a C-2 zone, for the property located at 6160 Ulmerton Road in unincorporated Pinellas Park:

1. A variance to allow a second freestanding sign on the 288-foot Ulmerton Road frontage with a 200-foot separation between signs, where the minimum required separation is 300 feet.
2. A variance to allow a total of 172 square feet of freestanding signage where 150 square feet of freestanding signage is the maximum allowed.

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. This request is to allow a second freestanding sign along the Ulmerton Road corridor where only one freestanding sign is allowed for properties having less than 500 feet of frontage. The subject property in this case has 288 feet of frontage. The Code also requires 300 feet of separation between signs for properties large enough to qualify. In this case, the proposed second sign is approximately 200 feet from the existing sign already in place.

This request is also to allow 172 square feet of freestanding signage on the Ulmerton Road frontage where 150 square feet is the maximum allowed. The existing sign is 100 square feet, and the proposed sign is 72 square feet.

Staff cannot support this request as it does not meet the criteria for the granting of 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 warrant more signage than allowed by the Code. There are other ways to provide additional signage within the parameters of the Code. For example, the existing 100-square-foot sign could be enlarged by 50 square feet to provide additional sign space. In addition, up to a 100-square-foot freestanding sign could be placed along the secondary frontage of 62nd Street North.

Thomas Menichino, Clearwater, appeared and indicated that he is the applicant; that there are two buildings on the one parcel totaling 36,000 square feet; and that the buildings are vertically facing each other, limiting road frontage and tenant exposure.

Referring to photographs, Arden Dittmer, Largo, provided information on the existing sign and explained the need for an additional sign on Ulmerton Road, indicating that the new sign would complement the existing sign and offered to forfeit any future signage on 62nd Street.

Responding to a query by Mr. Doran, Mr. Menichino reiterated that hardship exists due to the land deficiency as it is a very deep plaza with no street exposure; and that when Ulmerton Road was widened, it changed the dynamics of the intersection reducing traffic on 62nd Street.

Following discussion, Mr. Bomstein made a motion to approve both requested variances, finding that the configuration of the subject property is such that it makes it difficult and creates a hardship, noting that approval is limited to the dimensions in the application, which is a 72-square-foot additional sign, and is subject to the following conditions:

1. No signage is allowed on the 62nd Street frontage.
2. The applicant shall obtain all required permits and pay all applicable fees.

The motion was seconded by Mr. Doran and approved unanimously.

MINUTES OF THE MAY 4, 2022 MEETING

Mr. Doran made a motion, which was seconded by Mr. Bello and carried unanimously, that the minutes of May 4 be approved.

OTHER BUSINESS

Attorney Morris informed the members that Senior Assistant County Attorney David Sadowsky will be retiring, and the Board expressed appreciation for his service.

Attorney Morris provided feedback regarding board procedures and brief discussion ensued.

ADJOURNMENT

The meeting was adjourned at 9:46 AM.