

Clearwater, Florida, August 6, 2014

The Board of Adjustment met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida on this date with the following members present: John Doran, Chairman; Alan C. Bomstein, Vice-Chairman; Joe C. Burdette; Michael Foley (Alternate); Ray Hoeneisen; Gregory Pierce; and Stephen G. Watts.

Not Present: Deborah White.

Also present: John F. Cueva, Planning Department Zoning Manager; Chelsea Hardy, Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; other interested individuals; and Trudy Futch, Board Reporter, Deputy Clerk.

CALL TO ORDER

Chairman Doran called the meeting to order at 8:59 A.M.

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:

1 APPLICATION OF R. BARRETT, LLC FOR A VARIANCE (BA-1-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of R. Barrett, LLC for a variance to allow a six-foot-high fence to be set back five feet from the front property line where a 25-foot front setback for a six-foot-high fence is required, re property located at 2300 South Wind Lane, Largo (BA-1-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the property is zoned residential, but has a land use designation of industrial limited, which represents a non-conforming parcel as it pertains to zoning which means the property will eventually

be rezoned to either C-3 or M-1 zoning districts, which permit fencing having a zero-foot front setback subject to sight distance review by Development Review Services. Approval of the request is subject to the following condition:

Sight distance review and approval shall be obtained from Development Review Services Division.

Rita Barrett, Largo, appeared and being duly sworn, indicated that she is seeking the aforementioned variance.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

2 APPLICATION OF JEFFRY D. KNIGHT THROUGH RICHARD A. ROIG, REPRESENTATIVE, FOR A VARIANCE (BA-3-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Jeffry D. Knight through Richard A. Roig for a variance to allow a zero-foot side setback (west) where a ten-foot side setback is required, re property containing approximately 1.85 acres located 320 feet south of Ulmerton Road, 220 feet west of 60th Street North, Clearwater (BA-3-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the applicant also owns the adjacent property to the west and is proposing to construct a building on the M-1 zoned lot which will be adjacent to the adjacent parcel, which is zoned C-2 and is allowed to

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have a zero-foot side setback from the subject property zoned M-1. Approval of the request will not pose an adverse impact to the adjacent C-2 zoned property regardless of the ownership. Approval of the request is subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. Full site plan approval.
3. The side setback shall be zero feet from the west property line.

Christopher J. Voll, Clearwater, appeared and being duly sworn, indicated that he represents the applicant.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

3 APPLICATION OF WILLIAM BAUMGART THROUGH ROBERT PERGOLIZZI, REPRESENTATIVE, FOR A VARIANCE (BA-4-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of William Baumgart through Robert Pergolizzi for a variance to allow multiple accessory structures subordinate to the single-family residence on 40 acres of land, where one accessory structure is allowed, re vacant property located north of Keystone Road, Tarpon Springs (BA-4-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the applicant owns 40 acres of land and to restrict the applicant to one accessory structure, in this instance, would be unreasonable and not consistent with the intent of the code, which is intended to address lots in more conventional platted subdivisions. Approval of the request is subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The accessory structures shown on the submitted concept plan shall be allowed subject to permitting.

Robert Pergolizzi, Clearwater, appeared and being duly sworn, indicated that he represents the applicant.

No one appeared in response to the Chairman's call for objectors to the application.

In response to query by Mr. Bomstein, Mr. Pergolizzi stated that the accessory structures will all be new structures.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

4 APPLICATION OF REBECCA JOHNSON THROUGH WILLIAM DONOVAN, REPRESENTATIVE, FOR A VARIANCE (BA-7-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Rebecca Johnson through William Donovan for a variance to allow a proposed addition with a reduced 15-foot setback where a 20-foot setback is required, re property located at 9121 Briarwood Drive, Seminole (BA-7-8-14).

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John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request as the proposed addition will be in line with the existing home, which is set back 15 feet from the 91st Terrace North property line and, as such, will not pose an adverse impact to the adjacent homes in the area. Approval of the request is subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The front setback from the property line adjacent to 91st Terrace North shall be 15 feet.

Bill Donovan, Dunedin, appeared and being duly sworn, indicated that he represents the applicant.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

5 APPLICATION OF ERIC J. DAVIES FOR A VARIANCE (BA-9-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Eric J. Davies for a variance to reduce the required front setback of 20 feet for an elevated deck having a 12-foot front setback and a zero-foot front setback for four-foot columns and fencing where a 20-foot front setback is required, re property located at 1875 Sunrise Boulevard, Clearwater (BA-9-8-14).

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John F. Cueva, Planning Department Zoning Manager, indicated that three letters in support of the application have been received, and presented the following staff recommendation:

Recommend Conditional Approval. As the site lies at the southern terminus of Sunrise Boulevard, the proposed 12-foot front setback and four-foot-high columns and fence will not have a detrimental effect on the other homes in the subdivision. Being at the southern terminus of the road, only the subject property owner and one other lot owner will see the result of the variance, if approved. Additionally, there is 24 feet of unpaved right-of-way area before the actual pavement is reached, which further supports the staff position. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The front setback shall be 12 feet.
3. The fence and columns shall have a zero-foot front setback.

Eric J. Davies, Clearwater, appeared and being duly sworn, indicated that he is seeking the aforementioned variance.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

6 APPLICATION OF WILLIAM AND CONNIE BOLLER FOR A VARIANCE (BA-12-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of William and Connie Boller for a variance to allow an existing deck to be enclosed with a screen having a 15-foot setback from a public right-of-way (76th Terrace North) where a 25-foot setback is required, re property located at 7645 Harbor View Way, Seminole (BA-12-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the lot abuts 76th Terrace North, which incurs a 20-foot setback for any structure placed on the subject lot. As there is no access to this road from the subject property, staff has no objection to the approval of the variance subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The rear setback for the screen enclosure shall be 15 feet.

Connie Boller, Seminole, appeared and being duly sworn, indicated that she is seeking the aforementioned variance.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

7 APPLICATION OF FAMILY DOLLAR STORES OF FLORIDA, INC. THROUGH DAVID R. STYKA, REPRESENTATIVE, FOR A VARIANCE (BA-8-8-14) – DENIED

Public hearing was held on the application of Family Dollar Stores of Florida, Inc. through David R. Styka for a variance to allow for the dispensing of alcoholic beverages (beer and wine) within 750 feet of a church (200 feet), re property located at 13625 South Belcher Road, Largo (BA-8-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of the request as the sale of alcohol will be for off-site consumption only and, as such, would not appear to pose an adverse impact to the Church, which is located 200 feet to the northwest across Belcher Road from the subject property. Staff is of the opinion that the existence of Belcher Road, a 110-foot wide right-of-way, provides a buffer area between the Church and the subject property adequate to meet the intent of the code. Approval of the request should be subject to the following conditions:

1. Approval shall be for a 2 APS license only (beer and wine).
2. No onsite consumption shall be allowed.

Kevin Davis, Tampa, and Joann Palmeri, Clearwater, appeared and being duly sworn, indicated that they represent the applicant; and that approval of the variance will not change the structure of the store or increase the traffic, but would increase the revenue by \$1,500 to \$2,000 per month.

Responding to queries by Messrs. Watts and Foley, Mr. Davis stated that the license is designated for off-site consumption, and other stores that have been granted the same variance have no issues with on-site consumption; that there is a strip mall adjacent to the establishment that has on-site consumption and possibly a liquor license; and that he is unsure if there is a church in the vicinity of that establishment.

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In response to the Chairman's call for objectors to the application, Matthew Trill, Largo, appeared and being duly sworn, stated that he is the Pastor of the New Testament Baptist Church and pointed out the location of the Church, indicating that it is across the street from the subject property. He stated his concerns, noting that staff and Church members frequently find intoxicated people in the stairwells, which presents safety and security issues; that approval of the application would be detrimental to his congregation and to the neighborhood, and that would defeat the purpose of the Code.

Responding to queries by Messrs. Watts and Pierce, Pastor Trill indicated that about 250 people attend the Church; that services are completed by noon on Sunday, evening services are at 6:00 p.m., and there is a large children's program on Wednesday nights; that the Church has been in existence since 1965, with a large marquee sign that changes messages weekly; and that all of the buildings, including the Sunday School building and children's building, are visible from Belcher Road.

In rebuttal, Mr. Davis indicated that, during discussion, he determined that he is aware of the Church's location; that the Church is across a six-lane highway; and that the Family Dollar would probably not be selling alcohol at 11:00 a.m. on a Sunday morning. Mr. Watts suggested that signs be posted on the premises prohibiting loitering and drinking on the premises; whereupon, Mr. Davis remarked that the suggestion could be explored with corporate headquarters, and they probably would not object to adding the signs as a condition to the approval of the application.

Pointing out that the Code provides for 750 feet of separation between alcoholic beverage sales and churches, Mr. Bomstein explained that the Code does not distinguish between on-site or off-site alcohol consumption; that the requirement can be waived as a special exception if there are no objections by the neighboring church; and that, as there is an objection, the Church should be afforded the protection of the Code as written; and Messrs. Watts and Burdette concurred.

Thereupon, Mr. Bomstein moved, seconded by Mr. Pierce, that the variance be denied.

In response to query by Mr. Foley, Mr. Cueva indicated that he is unaware of other businesses within 750 feet of the Church currently serving alcohol; and that restaurants are not subject to the Code requirement; whereupon, he noted that the CVS pharmacy, mentioned earlier, is under the jurisdiction of the City of Largo.

Upon call for the vote, the motion carried unanimously.

8 APPLICATION OF JOHN AND MARIOLI SCHAFFER FOR A VARIANCE (BA-2-8-14) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of John and Marioli Schaffer for a variance to allow a porch addition to have an 11-foot front setback from the property line adjacent to Michigan Avenue where a 20-foot front setback is required, re property located at 1342 Michigan Avenue, Palm Harbor (BA-2-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. As the existing home was built in 1947 and the proposed porch addition is consistent with other older homes in the area, staff has no objection to the addition of the proposed open porch having an 11-foot setback from the Michigan Avenue property line. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The porch shall remain open and shall not be enclosed.
3. The open porch shall have an 11-foot front setback from the Michigan Avenue property line.

Marioli Schaffer, Palm Harbor, appeared and being duly sworn, indicated that she is seeking the aforementioned variance.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

9 APPLICATION OF KEVIN BAUMGARDNER FOR A VARIANCE (BA-5-8-14) – GRANTED WITH ADDED STIPULATIONS

Public hearing was held on the application of Kevin Baumgardner for a variance to allow an existing above-ground pool to remain at four-foot-nine-inches where an eight-foot rear setback is required, re property located at 2940 Shore Drive, Safety Harbor (BA-5-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Denial. Staff cannot support the request as it appears the request does not meet the criteria for granting a variance as follows:

1. *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, including the nature of and to what extent these special conditions and circumstances may exist as direct results from actions by the applicant.
2. *No special privilege.* That granting the variance requested will not confer on the applicant any special privilege that is denied by the chapter to other similar lands, buildings, or structures in the same zoning district.
3. *Unnecessary hardship.* That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter.

In conclusion, it appears the pool could be relocated to meet the required eight-foot rear setback.

No one appeared in response to the Chairman's call for objectors to the application.

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Kevin Baumgardner, Safety Harbor, appeared and being duly sworn, indicated that he is seeking the aforementioned variance.

In response to query by Mr. Burdette regarding how the case came before the Board, Mr. Myers indicated that the complaint was referred to his office by the Code Enforcement Office of the City of Safety Harbor; whereupon, Mr. Baumgardner clarified that the complaint was in regard to the maintenance of the pool, not the location of the pool; and that the County discovered the pool was unpermitted. He stated that the previous owners built the pool; that the County has been provided with a copy of the Seller's Disclosure Statement indicating that there were no zoning violations; and that relocating the pool would constitute a hardship for him, and discussion ensued.

Responding to queries by Messrs. Bomstein and Burdette, Mr. Myers related that Mr. Baumgardner was cited for the stagnant water and the placement of the pool in the setback area without a zoning clearance; whereupon, in response to queries by the members regarding the adjacent property owners, Mr. Baumgardner stated that one of the neighbors had mentioned that the pool needed maintenance; that he cleaned and covered the pool, complying with the Code requirements; and that he is now applying for the permits to make the pool legal.

Mr. Bomstein moved, seconded by Mr. Burdette, that the variance be approved.

Pointing out that the approval of the application would not absolve Mr. Baumgardner of the responsibility of pool maintenance, Mr. Foley related that there could be another Code Enforcement issue if the pool is not maintained, and Mr. Myers concurred.

Messrs. Bomstein and Doran clarified that approval still requires that the applicant shall obtain all required permits and pay the appropriate impact and/or other fees, and Mr. Cueva concurred.

Upon call for the vote, the motion carried unanimously.

#10 APPLICATION OF NATASA DELIC THROUGH VEDRANA CAJIC, REPRESENTATIVE, FOR A SPECIAL EXCEPTION AND A VARIANCE (BA-6-8-14) – GRANTED WITH ADDED CONDITION

Public hearing was held on the application of Natasa Delic through Vedrana Cajic for a special exception to allow a 20-student daycare and a variance to allow a new septic tank on a parcel which does not have two acres of lot area, re property located at 2201 Curtis Drive South, Clearwater (BA-6-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that one letter in opposition to the application has been received; and that he is circulating a letter in opposition to the application that was received this morning; whereupon, he presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request provided the Board is satisfied that the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code have been met and subject to the following conditions:

1. Appropriate site plan review.
2. The number of children shall not exceed 20.
3. The operation of the queuing of vehicles shall occur as shown on the concept plan.

With regard to allowing the septic system for this site, it is apparent the owner cannot acquire the two acres required by code and, as such, staff has no objection to an upgraded septic system subject to Health Department requirements.

Later in the meeting, in reference to the letter of objection to the application with an attached petition that was circulated by Mr. Cueva, Mr. Bomstein queried as to why the petition was blank; whereupon, Mr. Cueva stated that the members are presented with what is received.

Vedrana Cajic, Clearwater, and Tim Bauer, Tampa, appeared and being duly sworn, indicated that they represent the applicant; and that the application meets

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County criteria. Ms. Cajic indicated that she currently operates a child care facility in the area; that eight children attend, two of which are her own children; and that the new facility is 10,000 square feet, which allows for 20 children. She pointed out the location of the outside play area in relation to Belcher Road and in response to queries by Messrs. Burdette and Watts, Ms. Cajic, with input by Mr. Bauer, indicated that the front door faces Curtis Drive, not Belcher Road; and that three adults will be responsible for the 20 children.

Noting that the key concerns of the objectors pertain to parking, Mr. Burdette queried as to the number of employees at the facility during the day. Ms. Cajic discussed the parking situation, explaining that there will be two employees and two cars during the day; and that the other cars will only pick up or drop off the children.

Mr. Cueva related that the applicant has worked with staff to produce a system that works with the site to create a continuous loop, exiting through an alley after dropping off or picking up the children; whereupon, in response to queries by the members regarding the alley and the expected age range of the children, Ms. Cajic, with input by Mr. Bauer, stated that to the south of the facility and at the southern end of the alley is an office complex with daily ingress and egress that fronts Belcher Road; and that the children attending the facility will range in age from one- to four-years old.

In response to the Chairman's call for objectors to the application, the following individuals appeared and being duly sworn, expressed their concerns regarding property values, parking and traffic issues with a middle school across the street, and child safety concerns, and responded to queries and comments by the members:

Eldridge Bradley, Clearwater (presented a petition with 18 signatures)
Rosemary Bradley, Clearwater
Jowita Berdychowska, Clearwater
Lina Hawana, Clearwater

Referring to the applicant's request for to have 20 children at the facility and in response to queries by Messrs. Watts and Burdette, Mr. Cueva stated that Ms. Cajic meets criteria for the open space requirements for 20 children; and that the state regulates indoor space requirements; whereupon, Ms. Cajic discussed allowable square footage per child under Pinellas County Code.

In response to query by Mr. Bomstein regarding the septic tank, Mr. Cueva replied that he is unaware of an available sewer line on Belcher Road; and that the

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owner may need to annex to the City of Clearwater; whereupon, Ms. Cajic, with input by Mr. Bauer, indicated that the Health Department was contacted; and that an employee at the license department for septic tanks indicated that a special requirement of ten gallons per child is required. During discussion, Chairman Doran pointed out that the City of Clearwater disapproves of septic systems, and in response to his query as to how the owner could annex to the City of Clearwater to access the sewer system, Mr. Cueva indicated that the applicant could not annex to the City of Clearwater and would need to apply for a rezoning and a Land Use Plan amendment, as the City of Clearwater has no exception process; and that the City of Clearwater had indicated that it would not accept the property as a non-conforming use.

In rebuttal, Ms. Cajic related that people sometimes park on the subject property, but once the facility opens, the area will be for the drop off and pick up of children only. In response to query by Mr. Hoeneisen, Ms. Cajic replied that the children will be dropped off from 7:30 to 8:30 a.m. and picked up from 4:00 to 5:30 p.m. according to the staggered times that is assigned to each parent; whereupon, Mr. Hoeneisen noted that there seems to be an ongoing traffic issue, and discussion ensued.

In response to queries by Mr. Hoeneisen, Ms. Cajic related that she spoke with the neighbors across the street and the ones next door, and they had no concerns about the preschool; that the middle school traffic will be across the street; and that the parents sign a contract, so the pick-up times can be moved to 6:00 p.m.

During discussion, Mr. Watts pointed out that the members have an obligation to protect the residents, as a business is asking to go into a residential neighborhood. Mr. Bomstein indicated that the Code provides for the use of a special exception in residential neighborhoods for daycare centers; and that the impact to traffic on Curtis Drive would be minimal, as the patrons would enter the facility from Curtis Drive and exit into the alley, back on to Belcher Road; whereupon, in response to query by Mr. Burdette, Mr. Cueva, with input by Ms. Cajic, confirmed that the site plan encourages a one-way street with one-way signage.

In response to queries by Mr. Foley, Mr. Bauer stated that he worked with the County, met with the traffic engineer on several occasions, and designed the site plan.

Thereupon, Mr. Bomstein moved, seconded by Mr. Foley, that the variance be granted as recommended by staff, and discussion ensued.

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Chairman Doran called for the vote. Mr. Cueva recommended that, as Ms. Cajic has stated for the record that she is willing to regulate dropping off and picking up the children according to the scheduling log, that the log be made a condition and become a part of the record, so that, if the property is sold, the new owner would be subject to the same requirement. In response to query by Mr. Bomstein regarding the specifics of the motion, Mr. Cueva indicated that the scheduling of drop off and pickup times should be coordinated as was displayed to the Board; whereupon, he requested that Ms. Cajic provide a copy of the log for the record, and she agreed to the request.

Thereupon, Mr. Bomstein amended his motion to approve the variance as recommended by staff with the added condition that the drop off and pickup of children be staggered to comply with the schedule log; and that such documentation shall be provided to staff by the applicant as presented at the public hearing, and the seconder concurred.

Upon call for the vote, the motion carried 5 to 2, with Messrs. Pierce and Watts dissenting.

#11 APPLICATION OF DELIA V. OZOA FOR A SPECIAL EXCEPTION AND A VARIANCE (BA-11-8-14) – GRANTED WITH CONDITIONS

Public hearing was held on the application of Delia V. Ozoa for a special exception to allow a group home resident increase to eight beds where six beds are allowed and a variance to reduce the parking spaces from eight parking spaces to six parking spaces, re property located at 1308 Viewtop Drive, Clearwater (BA-11-8-14).

John F. Cueva, Planning Department Zoning Manager, indicated that one letter and a petition with 39 signatures in support and one letter in opposition to the application have been received, and presented the following staff recommendation:

Recommend Denial. While staff is usually supportive of assisted living facilities throughout Pinellas County, staff cannot comfortably support the increase in beds from six to eight, as it appears to staff that the parking of vehicles on this lot cannot be accomplished in an orderly manner. Staff is of the opinion that, if approved, the “Standard” of not increasing traffic on minor residential streets will not be met and, as such, staff cannot support the requested special

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exception and variance. It should be noted that a previous request for a ten-bed facility at this location was denied in 2005.

Delia V. Ozoa, St. Petersburg, appeared and being duly sworn, indicated that she is seeking the aforementioned special exception and variance; that she has been operating the group home since 2004; and that the County denied her request for a ten-bed facility in 2005.

Mr. Bakhit, the facility manager, appeared and being duly sworn, explained that the group home was previously a 10-bed hospice; that under state law, the size of the house allows for a 10-bed facility; and that the group home is a non-ambulatory, medical home for elderly people that need 24/7 monitoring.

Referring to a photograph and in response to queries by the members, Mr. Bakhit indicated that the vehicles parked in front of the group home are from physical therapists sent by Medicaid to work with the patients, company vehicles for transporting the residents to and from adult training classes, and an employee's vehicle; that there is one house between the facility and Lakeview Road; and that having two more beds would not require additional staff.

In response to queries by Mr. Bomstein, Mr. Cueva indicated that staff's denial was based on the possible requirement of additional staff with additional parking; and that he would have no objection as long as the parking situation remains the same; whereupon, responding to query by Mr. Foley regarding extra physical therapists, Mr. Bakhit related that the therapists come in, work with several cases at the same time, and then leave.

Responding to queries by Chairman Doran and Mr. Burdette, Mr. Bakhit explained that the variance would reduce the parking spaces from eight to six spaces; and that the building size will not change. Mr. Cueva clarified that Code requires one parking space for each bed; that the facility would be required to have eight parking spaces on the site; and that he is unsure if the facility has eight legal parking spaces; whereupon, Mr. Bomstein related that, typically, the requirement is waived for an assisted living facility, as the residents do not have cars.

Pointing out that the letter submitted from the Agency for Persons with Disabilities is addressed to the City of Clearwater, Mr. Pierce queried as to whether the

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City of Clearwater was involved in the matter; whereupon, Mr. Cueva replied that the City of Clearwater has no bearing on the application; and that there are no group homes within a 1,000-foot radius of the establishment.

No one appeared in response to the Chairman's call for objectors to the application.

Mr. Burdette moved, seconded by Mr. Bomstein, that the application be approved with the following conditions: (1) license by Human Resource Services for the facility to have a capacity of eight beds; and (2) reduction from eight to six parking spaces.

Mr. Cueva stated that there are citizens concerned with the age of the residents in the facility; and that an additional condition could be made to limit the resident age to the elderly; whereupon, Mr. Burdette amended his motion, and moved, seconded by Mr. Bomstein, to approve the application with the following conditions:

1. Reduction of resident parking spaces from eight to six parking spaces.
2. The group home shall have a capacity of eight beds.
3. The group home shall be occupied by the elderly only.

Upon call for the vote, the motion carried 6 to 1, with Mr. Pierce dissenting.

CITIZEN TO BE HEARD RE APPLICATION OF SCHIEFER ENTERPRISES, INC
APPROVED AT JUNE MEETING (BA-20-6-14)

Referencing Case BA-20-6-14, Mr. Cueva stated that a citizen in the audience would like to query the Board regarding the members' discussion with the architect last month concerning the fence along 77th Avenue.

Mohammad Mostajabian, Seminole, described the fence along 77th Avenue and related that the architect indicated that he would be replacing the existing wooden fence with a six-foot vinyl fence; that the fence will be around two feet high by the time it reaches his property, as there is a difference in elevation between the properties; and that the Board members

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allowed the changes at the last meeting; whereupon, Mr. Burdette indicated that the only thing that was changed at the last meeting was that the fence was to be located behind the parking lot; and that the height of the fence was not discussed.

Following discussion, the members, with input by Mr. Cueva, indicated that the applicant will need to apply for a variance, as the fence would be measured from the grade; and that it will be a public hearing; whereupon, Mr. Cueva requested that the citizen have the applicant contact him, and no objections were noted.

INTRODUCTION OF NEW EMPLOYEE

Building and Development Review Services Division Director Blake Lyon introduced Building and Development Review Services Planner Roberta Korcz.

MINUTES OF JUNE 5, 2014 MEETING – APPROVED

Upon motion by Mr. Burdette, seconded by Mr. Watts and carried, the minutes of the meeting of June 5, 2014 were approved.

ADJOURNMENT

At the direction of Chairman Doran, there being no further business, the meeting was adjourned at 10:28 A.M.

Chairman