

Clearwater, Florida, May 4, 2016

The Board of Adjustment (BA) 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: Alan C. Bomstein; John Doran; Gregory R. Pierce; Stephen G. Watts; and Deborah J. White.

Not Present: Cliff Gephart, Chairman; and Joe C. Burdette, Vice-Chairman.

Also present: Glenn Bailey, Planning Department Zoning Manager; Brendan Mackesey, Assistant County Attorney; Todd F. Myers, Environmental Code Enforcement Director; other interested individuals; and Christopher Bartlett, Board Reporter, Deputy Clerk.

CALL TO ORDER

Noting the absence of Chairman Gephart and Vice-Chairman Burdette, Mr. Pierce moved, seconded by Ms. White and carried unanimously, that Mr. Bomstein be selected Acting-Chairman for today's meeting; whereupon, Chairman Bomstein called the meeting to order at 9:04 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. All persons planning to give testimony were duly sworn by the Deputy Clerk.

#1 APPLICATION OF CROWN LAND HOLDINGS LLC THROUGH KATHERINE COLE, ESQUIRE, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-5-5-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Crown Land Holdings LLC through Katherine Cole for a special exception to allow overflow parking from an adjacent commercial use, re property located on the south side of 55th Avenue North, approximately 280 feet east of 34th Street North in Lealman (BA-5-5-16). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the request, provided the Board is satisfied the Standards of Section 138-238, Division 7 of the Pinellas County Land Development Code have been met. Approval of the request 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 proposed parking area shall be constructed in substantial conformance with the submitted concept plan.

Ed Armstrong, Hill Ward Henderson, Clearwater, appeared and indicated that he represents the applicant; and that there are others in support of the application in the audience.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Doran moved, seconded by Mr. Watts, that the special exception be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#2 APPLICATION OF MARTIN DEL MONTE THROUGH GULFSTREAM POOLS, REPRESENTATIVE, FOR A VARIANCE (BA-6-5-16) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Martin Del Monte through Gulfstream Pools for a variance to allow for the construction of a pool without a screen enclosure having a 5-foot side setback where 8 feet is required, re property located at 949 8th Street in Palm Harbor (BA-6-5-16). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to conditional approval of the request. There are multiple drainage and/or utility easements on the property that make it difficult to place the pool out of the

required setbacks. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The pool, including related footers, retaining walls, etc., shall not encroach within the adjacent drainage/utility easements.

Karie Del Monte, Palm Harbor, appeared in response to the Chairman's call for the applicant, accompanied by Bruce Greene, Gulfstream Pools; whereupon, Timothy Tennant, Palm Harbor, appeared and indicated that he is the applicant's neighbor to the south.

In response to query by Mr. Watts, Mr. Greene stated that the setback cannot be met due to a utility easement located in the middle of the property.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Doran moved, seconded by Mr. Watts and carried unanimously, that the variance be granted as recommended by staff.

#3 APPLICATION OF VICKY GOUDE THROUGH CHRIS DOWD, REPRESENTATIVE, FOR A VARIANCE (BA-2-5-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Vicky Goude through Chris Dowd for a variance to allow for the conversion of an existing carport on a double-frontage lot into living space having front setbacks of 6.1 feet from Hibiscus Avenue South and 11.8 feet from Park Street South where 20 feet is required, re property located at 6657 Hibiscus Avenue South in Bear Creek (BA-2-5-16). The Clerk has received two letters in support of the application.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The property is an irregularly-shaped lot with double frontage. The conversion of the existing carport into

living space will not encroach any further into the required setbacks. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The aluminum shed at the northeast corner of the property shall be screened from view by a 6-foot-high opaque fence.

Chris Dowd, Gulfport, appeared and indicated that he represents the applicant, who is in agreement with the proposed conditions.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Doran moved, seconded by Mr. Watts, that the variance be granted as recommended by staff. Upon call for the vote, the motion carried unanimously.

#4 APPLICATION OF HIGHLAND MOBILE HOME PARK LLC THROUGH CHRISTOPHER VELLANTI, REPRESENTATIVE, FOR A VARIANCE (BA-1-5-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Highland Mobile Home Park LLC through Christopher Vellanti for a variance to allow an after-the-fact porch with steps to remain with a 6-foot front setback where 15 feet is required and a 6.4-foot side setback where 7.5 feet is required, re property located at 5600 43rd Street North in Lealman (BA-1-5-16). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The primary structures on the property were built prior to the establishment of the zoning code. The porch in question is generally in-line with the structure to the east. An unroofed porch may encroach into a required front setback up to ten feet. The setback violation occurred when the roof was constructed over the porch to provide shade. Approval of the request should be subject to the following conditions:

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1. The applicant shall obtain all required permits and pay all applicable fees.
2. The fence shall be removed from the 56th Avenue North right-of-way.

Chris Vellanti, St. Petersburg, appeared and indicated that he represents the applicant; that a roof was added to the porch in order to provide shade for the property's tenant; and that the fence should be allowed to remain as it provides security. Mr. Bailey noted that the fence is in the public right-of-way and not on the property; whereupon, Chairman Bomstein stated that while he understands the applicant's frustrations, a private fence cannot be constructed in a public right-of-way.

Responding to queries by the members, Mr. Bailey indicated that the porch and two homes exist on the property and pre-date the established zoning code; and that the recent addition of a roof to the porch has rendered it non-conforming and illegal without a permit.

Upon the Chairman's call for persons in opposition to the application, Stephen Mitchell, St. Petersburg, appeared and stated his concerns and objections. In response to query by Mr. Pierce, he indicated that his concerns are crowding and high crime in the neighborhood; and that if all new structures could be built in the area, it would make for a better community, and discussion ensued.

In rebuttal, Mr. Vellanti addressed the concerns of Mr. Mitchell; whereupon, in response to direction from Chairman Bomstein, he stated that he would agree to move the fence from the right-of-way back to his lot line.

Upon the Chairman's call for a motion, Mr. Doran moved, seconded by Mr. Watts and carried unanimously, that the variance be granted as recommended by staff.

#5 APPLICATION OF PHD PRODUCTS LLC THROUGH VAN TRAN, REPRESENTATIVE, FOR A VARIANCE (BA-3-5-16) – CONTINUED TO JUNE 1, 2016 MEETING

Public hearing was held on the application of PHD Products LLC through Van Tran for a variance to allow for the construction of a building addition with a 15-foot front setback along 58th Avenue North where 25 feet is required and a variance to allow the existing 8-foot-high fence to remain along a portion of the west property line where a maximum

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6-foot-high fence is allowed, re property located at 5800 34th Street North in Lealman (BA-3-5-16). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The property is a double-frontage lot that is subject to two 25-foot front setbacks. The addition is proposed along the secondary frontage. The 8-foot fence along a portion of the west property line provides screening from an adjacent use that can be noisy. Approval of the request 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. The project shall comply with all parking requirements.

No one appeared in response to Chairman Bomstein's call for the applicant; whereupon, he indicated that the item would be moved to the end of the agenda.

Later in the meeting, noting the applicant's continued absence, Mr. Doran moved, seconded by Mr. Watts and carried unanimously, that the case be continued to the next meeting.

#6 APPLICATION OF BRIAN AND TINA NICHOLS FOR A VARIANCE (BA-4-5-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Brian and Tina Nichols for a variance to allow for the construction of a detached garage on a double-frontage lot having an 11.3-foot front setback from Wayne Street North where 25 feet is required and a 0-foot front setback from the unimproved right-of-way along the north property line where 15 feet is required, re property located at 6597 Wayne Street North in Lealman (BA-4-5-16). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The proposed detached garage will not encroach into the required setbacks any further than the existing carport and workshop, which have been in place for decades. The property is a double-frontage lot located at the north end of Wayne Street. The second frontage to the north is a “paper” road that will likely never be constructed. Approval of the request should be subject to the following condition:

1. The applicant shall obtain all required permits and pay all applicable fees.

Upon the Chairman’s call for the applicant, Brian and Tina Nichols, St. Petersburg, appeared and indicated that they are seeking the aforesaid variance.

No one appeared in response to the Chairman’s call for objectors to the application; whereupon, Mr. Doran moved, seconded by Mr. Watts and carried unanimously, that the variance be granted as recommended by staff.

ADJOURNMENT

At the direction of Chairman Bomstein, there being no further business, the meeting was adjourned at 9:24 A.M.

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Chairman

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*At 9:25 A.M., the applicant for Case No. BA-3-5-16 entered the Assembly Room. Following brief discussion and in response to query by Chairman Bomstein, Attorney Mackesey indicated that the case would remain continued until next month’s meeting.*

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