

Clearwater, Florida, March 5, 2020

The Board of Adjustment and Appeals (BAA) met in regular session in the Clerks Conference Room, Fourth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida on this date with the following members present: Deborah J. White, Chairman; Alan C. Bomstein, Vice-Chairman; Jose Bello; Joe C. Burdette; Vincent Cocks; John Doran; and Cliff Gephart.

Also Present: Glenn Bailey, Zoning Manager; Gina Berutti, Code Enforcement Manager; Chelsea Hardy, Assistant County Attorney; other interested individuals; and Krissie Lawson, Board Reporter.

CALL TO ORDER

Chairman White called the meeting to order at 9:00 A.M. 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.

#1 APPLICATION OF WILLIAM DAVISON FOR A VARIANCE (BAA-20-5) — GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of William Davison for a variance to allow for the construction of a single-family home on a 50-foot-wide, 4,500-square-foot lot that is under common ownership with adjacent lots to the north, where a minimum width of 60 feet and a lot size of 6,000 square feet are required, re property located at 5645 66th Lane North in Lealman (BAA-20-5). 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 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 includes a 40-foot-wide platted lot of record that predates the zoning code (platted in 1926) plus a 10-foot-wide portion of the adjacent platted lot to the north. There are other similarly sized developed lots within the immediate vicinity within the same subdivision, including directly to the east and west. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All setback requirements shall be met.

William Davison, Treasure Island, appeared and indicated that he is the applicant. No one appeared in response to the Chairman's call for objectors to the application.

Mr. Bomstein moved, seconded by Mr. Gephart and carried unanimously, that the variance be granted as recommended, based upon the written findings of fact set forth in the staff report.

#2 APPLICATION OF STEPHEN D. AND DENISE M. DAY THROUGH JAMES DAY, REPRESENTATIVE, FOR A VARIANCE (BAA-20-6) — GRANTED AS PER STAFF RECOMMENDATION

---

Public hearing was held on the application of Stephen D. and Denise M. Day through James Day for a variance to allow for the construction of a 2,348-square-foot detached accessory garage on a parcel where a 400-square-foot accessory structure already exists, which when combined would exceed the size of the primary residential structure by 563 square feet, re property located at 1420 Georgia Avenue in Palm Harbor (BAA-20-6). 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 as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The proposed garage will have an 864-square-foot basement and a 1,484-square-foot main floor. Due to the underground square footage, it will have a smaller footprint at ground level than the

adjacent primary residence. The garage will replace a long-standing residential structure that was demolished in 2018, which was formerly on a separate parcel. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The garage shall be architecturally similar to the primary residence.
3. All required setbacks shall be met.

James Day, Palm Harbor, appeared and indicated that he represents the applicants. No one appeared in response to the Chairman's call for objectors to the application.

In response to comments and queries by Mr. Bomstein, Mr. Day related that the building will be utilized to store cars and a motor home; that an engineering firm was hired to draw the plans; that there are five private wells surrounding the property, and the water table is 35 feet below sea level; and that the proposed structure will be 2,400 square feet in size.

Responding to queries by Mr. Bomstein, Mr. Bailey related that, per Code, the combined square footage of all accessory buildings cannot exceed the size of the primary use; that the proposed garage will appear smaller than the house; and that a two-story above-ground structure was not discussed by the Development Review Committee; whereupon, Mr. Bomstein noted that the Code does not address the building footprint, only the square footage of the building.

Mr. Burdette moved, seconded by Mr. Cocks, that the variance be granted as recommended, based upon the written findings of fact set forth in the staff report. Upon call for the vote, the motion carried six to one, with Mr. Bomstein dissenting.

#3 APPLICATION OF BDG 54th, LLC, ANALESSA J. AND MICHAEL J. NOWOGROCKI, AND BDG ALBEE, LLC THROUGH JACOB T. CREMER, STEARNS WEAVER MILLER, REPRESENTATIVE, FOR VARIANCES (BAA-20-8) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of BDG 54th, LLC, Analessa J. and Michael J. Nowogrocki, and BDG ALBEE, LLC through Jacob T. Cremer, Stearns Weaver Miller,

for the following variances, re properties located at the southwest corner of 66th Street North and 54th Avenue North in Lealman (BAA-20-8).

1. A variance to allow for the proposed onsite building to occupy 32 percent of the primary roadway frontage along 66th Street North where Pinellas County Land Development Code District Design Criteria require 40 percent;
2. A variance to allow for an increase in the number of parking spaces to 49 spaces, where 35 spaces is the maximum allowed for the proposed retail use (150% of minimum); and
3. A variance to allow for zero feet of building foundation planting along the west side fronting 66th Way North where five feet is required along a street-facing facade.

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 three variance requests as they appear to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code.

The District Design Criteria require that at least 40 percent of the primary frontage be occupied by a building (i.e. moving the building closer to the roadway to enhance urban form and pedestrian accessibility). The Criteria allows certain features to be placed between the buildings and roadway frontage, such as open space and pedestrian amenities, LID stormwater facilities, free-standing architectural elements, and no more than one drive aisle and two rows of parking. The subject property is unusual in that it is bordered by three road frontages (east, north and west), with the primary frontage alone consisting of approximately 280 feet. The request contains seven parcels currently developed with multiple retail uses. The applicants are proposing to demolish those buildings, combine the parcels, and redevelop the site with a convenience store with gas pumps. The proposed building would occupy 32 percent of the primary roadway frontage (66th Street North) with the gas pumps/canopy located between the store and the primary frontage. This orientation keeps the gas pumps

and main vehicle use areas of the site furthest from the residential to the west and offers the best orientation for site traffic circulation.

Section 138-3602 of the Land Development Code limits the maximum number of required parking for a retail use to 150 percent, calculated at 4.0 spaces per 1,000 square feet of building. For the proposed use, that is 35 parking spaces. The applicant is requesting an increase to 49 parking spaces. The request is based on a parking study for the proposed use provided by the applicant. Additionally, the proposed redevelopment is proposing to provide some offsite stormwater treatment and close multiple driveways on the three road frontages in order to accommodate traffic circulation on the site.

Section 138-3659 of the Code requires a 5-foot building foundation landscaping for all street facing facades. The applicant is requesting no foundation landscape planting on the west side (rear) of the building. The property has three roadway frontages on the east, north, and west, with the front of the building facing east. They are proposing to provide foundation planting on the north, east, and south sides of the building that face the customer use areas of the property. To offset the foundation planting on the west side, the applicant is proposing a 5-foot-wide landscape buffer and a 6-foot-tall opaque fence along the western property line. This not only meets the intent of the foundation planting but will provide buffering for delivery vehicles and screening of the rear of the building from the adjacent residential uses across 66th Way North.

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. Applicant to provide 5-foot building foundation landscaping along the south side of the building and a 5-foot landscape buffer with a 6-foot-tall opaque fence along the western property line.

4. The remaining District Design Criteria not being varied shall be required.

Responding to query by Mr. Bomstein regarding the design criteria, Mr. Bailey related that the urban design features apply to arterial roads in commercial districts and are intended to be pedestrian friendly; whereupon, he explained the rationale behind the recommendation of approval.

Jessica Icerman, Tampa, appeared and indicated that she represents the applicant. Referring to a PowerPoint presentation, a copy of which has been made a part of the record, she discussed the location of the property, the proposed development, and the requested variances, noting that the applicant intends to build a Wawa convenience store and gas station. Ms. Icerman pointed out various features on a site plan and responded to queries by the members pertaining to the proposed parking area and site ingress and egress.

Responding to the Chairman's call for public comment, Lois A Henault, St. Petersburg, indicated that she owns a building located nine inches from the proposed demolition area and expressed concerns regarding construction noise, dirt, access to her property, potential damage to customer vehicles, and loss of business; whereupon, Mr. Burdette noted that the applicant would be required to have a County-approved demolition plan and appropriate insurance.

Carlos Yepes, Pinellas Park, appeared and indicated that he is the applicant. He related that he will provide Ms. Henault with an insurance certificate and cover any damages; that her access and parking will not be affected; that a dumpster near her location will be enclosed; and that he will be glad to meet with her prior to demolition to address any concerns.

In response to query by Mr. Doran, Mr. Yepes referred to the site plan and discussed the location of the proposed stormwater ponds, noting that the major pond will be located away from Ms. Henault's property and underground.

Following further discussion with input by Mr. Bailey, Mr. Doran moved, seconded by Mr. Bello and carried unanimously, that the variances be granted as recommended, based upon the testimony presented today and the written findings of fact set forth in the staff report.

#4 APPLICATION OF BOARD OF TRUSTEES FLORIDA ANNUAL CONFERENCE, LEALMAN METHODIST CHURCH, THROUGH SOMDETH INTHALANGSY, REPRESENTATIVE, FOR A TYPE 2 USE AND A VARIANCE (BAA-20-9) — GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Board of Trustees Florida Annual Conference, Lealman Methodist Church, through Somdeth Inthalangsy for a Type 2 Use and a variance, as follows, re properties located at 4070 and 4090 58th Avenue North in Lealman (BAA-20-9). No correspondence relative to the application has been received by the Clerk.

1. A Type 2 Use to allow for a Community Assembly Facility and its accessory uses, including a cultural center, temple, offices, after school care, museum, activity fields, apartment, and storage; and
2. A variance to allow for a reduction in parking from 102 spaces to 82 spaces.

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 requests as they appear to meet the criteria for granting Type 2 Uses and variances found in Sections 38-241 and 138-231, respectively, of the Pinellas County Land Development Code. The subject property formerly housed a place of worship for decades. The proposed use is similarly institutional in nature and will utilize the existing onsite buildings. Regarding the requested parking variance, the required parking is based on the square footage of all buildings and uses combined. The various uses will not regularly occur at the same time; therefore, the actual parking demand is expected to be lower. Notably, the applicants have secured permission to utilize a nearby property for overflow parking during occasional special events. 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.

March 5, 2020

Somdeth Inthalangsy, Clearwater, appeared and indicated that he represents the applicant. No one appeared in response to the Chairman's call for objectors to the application.

In response to queries by Mr. Bomstein, Mr. Bailey related that the Type 2 Use is consistent with the previous use of the property, noting that the property was previously granted a Special Exception for the Lealman Neighborhood Family Center, and Mr. Inthalangsy confirmed that the existing buildings will be utilized, with no new construction.

Mr. Bomstein moved, seconded by Mr. Gephart and carried unanimously, that the Type 2 Use and variance be granted as recommended, based upon the written findings of fact set forth in the staff report.

#### MINUTES OF THE FEBRUARY 6, 2020 MEETING — APPROVED

Upon presentation by Chairman White, Mr. Bomstein moved, seconded by Mr. Burdette and carried unanimously, that the minutes of the February 6, 2020 meeting be approved.

#### ADJOURNMENT

The meeting was adjourned at 9:46 A.M.

---

Chairman