

Board of Adjustment and Appeals
Pinellas County
May 4, 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

Not Present

Vincent Cocks
Deborah J. White

Others Present

Michael Schoderbock, Principal Planner
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. Responding to a query by Mr. Bomstein, Attorney Moore indicated that there is a quorum of four members present; and that a three-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. TY2-22-05

APPLICATION OF PALM HARBOR WORD OF FAITH CHURCH INC. THROUGH DANA JOHNSON, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Palm Harbor Word of Faith Church Inc. through Dana Johnson for a Type 2 Use to allow for a private school in a Residential Agriculture (R-A) zone, for the property located at 1588 Klosterman Road in Palm Harbor. One letter of concern has been received by the Clerk.

Mr. Schoderbock 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 Kindergarten through 12th grade private school. The proposed school use will replace a church use on the site. No exterior site modifications or building expansions are proposed. Approval should be subject to the following conditions:

1. The maximum number of students is limited to 50.
2. Appropriate site plan review.
3. The applicant shall obtain all required permits and pay all applicable fees.

Jennifer Bell, Palm Harbor, appeared virtually and indicated that she represents the applicant; whereupon, she responded to queries by the members, indicating that the fence around the property parking lot will continue to be maintained, and Mr. Schoderbock confirmed that the matter will be addressed as part of the site plan review.

No one appeared upon the Chairman's call for opponents to the application; whereupon, Mr. Burdette 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. The motion was seconded by Mr. Doran and carried unanimously.

Case No. VAR-22-02

APPLICATION OF SPECKLED TROUT BOATYARD INC. THROUGH KATIE COLE,
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the application of Speckled Trout Boatyard Inc. through Katie Cole for a variance to the Pinellas County Code Section 58-556(b)(1) to allow for the 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 setback minimum 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.

Mr. Schoderbock introduced the case, relating that there are two existing docks and 14 boat lifts on the property totaling 1,951 square feet; and that the addition would increase the total to 3,426 square feet. He stated that the subject property abuts residential properties to the north and south; that the Code requires the addition to fall within the center one-third of the extended property lines; and that the proposed addition falls outside of the center one-third at various points, particularly to the south.

Mr. Schoderbock indicated that the requested setback from the extended north property line is one-foot where 15.3 feet is required; that at the northwest corner of the addition, a nine-foot setback from the extended west property line is requested where 15.3 feet is also required; and that at the southwest corner of the addition, a 10-foot setback from the extended west property line is requested where 47.2 feet is required; whereupon, he noted that staff is recommending denial of the request; and that Water and Navigational Department staff are present to address any questions.

Recommend Denial. Staff objects to the requested variance as it does not appear to satisfy all of the criteria under Section 138-231 of the Pinellas County Land Development Code. Staff recommends denial of the dock and lift additions at this property primarily due to the fact that the variance requested is not the minimum code deviation necessary.

Katie Cole, Clearwater, appeared and requested that a continuance be granted due to the level of public interest regarding the application and in hopes of being able to present the case to the full Board. Discussion ensued; whereupon, Mr. Bomstein made a motion, seconded by Mr. Burdette and carried unanimously, that the case be continued to the BAA meeting on August 3, 2022.

MINUTES OF THE APRIL 6, 2022 MEETING

Mr. Bomstein made a motion, which was seconded by Mr. Doran and carried unanimously, that the minutes be approved.

ADJOURNMENT

The meeting was adjourned at 9:15 AM.