

BOARD OF ADJUSTMENT AND APPEALS
May 3, 2023
Pinellas County Courthouse
County Commissioners Assembly Room - Fifth Floor
315 Court Street
Clearwater, FL
9:00 A.M.

CURRENTLY SCHEDULED APPLICATIONS

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES FOR THE APRIL 5, 2023, BOAA Meeting.**
- III. QUASI JUDICIAL STATEMENT – County Attorney**
- IV. HEARING ITEMS – ACTION BY THE BOAA REGARDING THE FOLLOWING ITEMS:**

1. VAR-22-23

Application of Robert Gruber through Brian J. Aungst, Jr., MacFarlane, Ferguson & McMullen, P.A. Representative, for the following variances requested at 555 Gulf Drive in Crystal Beach: 1) A variance to allow for the construction of an in-ground pool having a 10-foot front setback from water's edge to the western property line, where 20 feet is required. 2) A variance to allow for the construction of an elevated retaining wall and associated decking having a 7-foot 5-inch front setback from the western property line, where 20 feet is required.

2. VAR-23-07

Application of Joseph Caruso for the following variances requested for the R-4 zoned property located at 650 Georgia Avenue in Crystal Beach: 1) A variance to allow for the construction of a manufactured pool having a 6.91-foot side street setback from water's edge to the western property line, where 10 feet is required. 2) A variance to allow for the extension of an existing elevated deck having a 2.95-foot side street setback from the western property line, where 10 feet is required.

3. VAR-23-08

Application of Vidya and Sheila Sagar, through Dan Drayton, Drayton Homes, Representative, for a variance to allow for the construction of a 1,124 square foot attached accessory dwelling unit where 750 square feet is the maximum permitted for the property located at 160 Turtle Creek Circle in East Lake Tarpon.

4. VAR-23-05

Application of Alan Kahana, through Katie Cole, Esq. and Jaime Maier, Esq., Hill Ward Henderson, P.A., Representatives. Alan Kahana owns the single-family residential property at 692 Columbus Drive, Tierra Verde, FL 33715 in unincorporated Pinellas County (the "Subject Property"). County Staff issued County Permit No. WND-21-00235 (the "Permit") to Mr. Kahana on June 4, 2021. The Permit authorizes the construction of certain docking facilities (the "Docking Facilities") extending from the Subject Property. The Docking Facilities were subsequently partially constructed in accordance with the Permit. Mr. Kahana seeks a variance to allow those constructed Docking Facilities to remain, as well as to construct the Docking Facilities that have not yet been constructed. The sections of the County Code that require a variance here are 58-555(b)(1) and (b)(2), discussed further below.

Sections 58-555(b)(1) and (b)(2) set forth length and setback requirements respectively for private single-family docking facilities in unincorporated County; these requirements are based upon waterfront property width. Specifically, Section 58-555(b)(1) requires that the length of docking facilities not exceed 50% of the waterfront property width. Section 58-555(b)(2) requires that docking facilities be located within the center 1/3 of the waterfront property, or 50 feet from the adjacent property, whichever is less restrictive. Each of these requirements may be waived by County Staff if signed statements of no objection from affected adjacent property owners are provided (in the case of Section 58-555(b)(1), both adjacent property owners must sign off; in the case of Section 58-555(b)(2), only the encroached upon adjacent neighbor(s) must sign off). No signed statements of no objection from affected adjacent property owners have been provided here.

The waterfront width of the Subject Property is 100'. Accordingly, Section 58-555(b)(1) requires that the length of the Docking Facilities be 50'. However, the length of the Docking Facilities is 60'. **Therefore, a variance of 10' to Subsection 58-555(b)(1) is required.** Further in accordance with the Subject Property's 100' waterfront width, Section 58-555(b)(2) requires that the Docking Facilities be constructed within the center 33.33' of the Subject Property at the waterfront. However, the Docking Facilities are setback 10' from the adjacent property to the north. **Therefore, a variance of 23.33' to Section 58-555(b)(2) is required.**

V. ADJOURNMENT

SPECIAL ACCOMODATIONS: Persons with disabilities who need reasonable accommodations to effectively participate in this meeting are asked to contact Pinellas County's Office of Human Rights by e-mailing such requests to accommodations@pinellas.gov at least three (3) business days before the need for reasonable accommodation. You may also call (727) 464-4882.

NOTICE: The matters heard by the Board of Adjustment and Appeals are quasi-judicial in nature. Please note that only competent, substantial, fact-based testimony or evidence may be considered by the board in deciding the matters before it. Pure speculation or opinion, not based on competent facts, cannot be legally considered by the board. Lay testimony with fact-based support (including but not limited to meeting minutes, surveys, engineering reports, etc.) may be considered competent and substantial evidence. The county attorney's office represents and advises the board and county staff but cannot give legal advice to the applicant or other interested parties.

Written correspondence may be directed to the Pinellas County Housing and Community Development Department, Zoning Section, 440 Court Street, 4th Floor, Clearwater, Florida 33756, or you may email us at zoning@pinellas.gov.

Failure by the applicant or an authorized representative of the applicant to appear at the scheduled public hearings may result in an automatic denial of the request.

Appeals of any final decision made at this hearing must be filed in circuit court within 30 calendar days of the decision. This time period is jurisdictional in nature and cannot be extended. Persons are advised that if they decide to file an appeal, they will need to seek independent legal counsel and a record of the proceedings. It is the appellant's responsibility to ensure that a verbatim record of the proceedings is created if needed for purposes of appeal.

CHECKLIST AND WORKSHEET
BOARD OF ADJUSTMENT AND APPEALS HEARING
BA CASE NUMBER: VAR-22-23

DRC MEETING: February 13, 2023 @ 9:00 AM - 1st Floor, Housing & Community Development Conference Room

April 10, 2023 @ 9:00 AM - 1st Floor, Housing & Community Development Conference Room

BOA HEARING: May 3, 2023 @ 9:00 AM - 5th Floor, Board Assembly Room

ATLAS PAGE: 68 & 70

OWNER/ADDRESS: Robert Gruber
P.O. Box 1011
Crystal Beach, FL. 34681

REP/ADDRESS: Brian J. Aungst Jr.
MacFarlane, Ferguson & McMullen, P.A.
625 Court St, Suite 200
Clearwater, FL. 33756

PROPERTY ZONING: R-4, One, Two & Three Family Residential

LAND USE DESIG: RL, Residential Low

TYPE APPLICATION: Variance

CASE DESCRIPTION: The following variances are requested for the R-4 zoned property located at 555 Gulf Drive in Crystal Beach: 1) A variance to allow for the construction of an in-ground pool having a 10' front setback from water's edge to the western property line, where 20 feet is required. 2) A variance to allow for the construction of an elevated retaining wall and associated decking having a 7'5" front setback from the western property line, where 20 feet is required.

PARCEL ID NUMBER: 35/27/15/19872/016/0090

NOTICES SENT TO: Robert Gruber (Owner), Brian Aungst, Jr., MacFarlane, Ferguson & McMullen, P.A. (Representative), Cynthia Johnson, Economic Development, Surrounding Owners (See Attached List) & BCC Office

DISCLOSURE: N/A

Reference #: VAR-22-00028

CHECKLIST AND WORKSHEET
BOARD OF ADJUSTMENT AND APPEALS HEARING
BA CASE NUMBER: VAR-23-05

DRC MEETING: N/A

BOA HEARING: May 3, 2023 @ 9:00 AM - 5th Floor, Board Assembly Room

ATLAS PAGE: 898

OWNER/ADDRESS: Alan Kahana
692 Columbus Drive
Tierra Verde, FL. 33715

REP/ADDRESS: Katie Cole, Esq.
Jaime Maier, Esq.
Hill Ward Henderson, PA
600 Cleveland St. STE. 800
Clearwater, FL. 33602

PROPERTY ZONING: R-2, Single Family Residential

LAND USE DESIG: RL, Residential Low

TYPE APPLICATION: Variance

CASE DESCRIPTION:

Alan Kahana owns the single-family residential property at 692 Columbus Drive, Tierra Verde, FL 33715 in unincorporated Pinellas County (the "Subject Property"). Mr. Kahana requests an after-the-fact variance to Pinellas County ("County") Code Sections 58-555(b)(1) and 58-555(b)(2) to retain the docking facilities (the "Docking Facilities") extending from the Subject Property. The Docking Facilities were constructed in accordance with County Dock Permit No. WND-21-00235, which was approved by County Staff on June 4, 2021; Mr. Kahana applied for and obtained this Permit.

Sections 58-555(b)(1) and (b)(2) set forth length and setback requirements respectively for private single-family docking facilities in unincorporated County; these requirements are based upon waterfront property width. Specifically, Section 58-555(b)(1) requires that the length of docking facilities not exceed 50% of the waterfront property width. Section 58-555(b)(2) requires that docking facilities be located within the center 1/3 of the property, or 50 feet from the adjacent property, whichever is less restrictive. Each of these requirements may be waived by County Staff if signed statements of no objection from affected adjacent neighbors are provided (in the case of 58-555(b)(1), both adjacent neighbors must sign off; in the case of 58-555(b)(2), only the encroached upon adjacent neighbor(s) must sign off). No signed statements of no objection from neighbors have been provided here.

The waterfront width of the Subject Property is 100'. Accordingly, Section 58-555(b)(1) requires that the length of the Docking Facilities be 50'. However, the length of the Docking Facilities is 60'. **Therefore, a variance of 10' to 58-555(b)(1) is sought.** Section 58-555(b)(2) requires that the Docking Facilities be constructed within the center 33.33' of the property at the waterfront. However, the Docking Facilities are setback 10' from the adjacent property to the north. **Therefore, a variance of 23.33' to 58-555(b)(2) is sought**

PARCEL ID NUMBER: 19/32/16/90900/009/0130

NOTICES SENT TO: Alan Kahana, (Owner) Katie, Cole, Esq., Jaime Maier, Esq, Hill Ward Henderson, PA, (Representatives), Cynthia Johnson, Economic Development, Surrounding Owners (notice sent by Water & Nav) & BCC Office

DISCLOSURE: N/A

Reference #: VAR-22-00009

CHECKLIST AND WORKSHEET
BOARD OF ADJUSTMENT AND APPEALS HEARING
BA CASE NUMBER: VAR-23-07

DRC MEETING: March 13, 2023 @ 9:00 AM - 1st Floor, Housing & Community Development Conference Room (Deferred at Request of Applicant)

April 10, 2023 @ 9:00 AM - 1st Floor, Housing & Community Development Conference Room

BOA HEARING: May 3, 2023 @ 9:00 AM - 5th Floor, Board Assembly Room

ATLAS PAGE: 68 & 70

OWNER/ADDRESS: Joseph Caruso
P.O. Box 431
Crystal Beach, FL. 34681 043

REP/ADDRESS: Same as Above

PROPERTY ZONING: R-4, One, Two & Three Family Residential

LAND USE DESIG: RL, Residential Low

TYPE APPLICATION: Variance

CASE DESCRIPTION: The following variances are requested for the R-4 zoned property located at 650 Georgia Avenue in Crystal Beach: 1) A variance to allow for the construction of a manufactured pool having a 6.91 foot side street setback from water's edge to the western property line, where 10 feet is required. 2) A variance to allow for the extension of an existing elevated deck having a 2.95 foot side street setback from the western property line, where 10 feet is required.

PARCEL ID NUMBER: 35/27/15/19872/026/0080

NOTICES SENT TO: Joseph Caruso (Owner), Cynthia Johnson, Economic Development, Surrounding Owners (See Attached List) & BCC Office

DISCLOSURE: N/A

Reference #: VAR-23-00007

CHECKLIST AND WORKSHEET
BOARD OF ADJUSTMENT AND APPEALS HEARING
BA CASE NUMBER: VAR-23-08

DRC MEETING: April 10, 2023 @ 9:00 AM - 1st Floor, Housing & Community Development Conference Room

BOA HEARING: May 3, 2023 @ 9:00 AM - 5th Floor, Board Assembly Room

ATLAS PAGE: 577

OWNER/ADDRESS: Vidya Sagar
Sheela Sagar
160 Turtle Creek Cir.
Oldsmar, FL. 34577-1914

REP/ADDRESS: Dan Drayton
Drayton Homes
2678 Markham Court
Palm Harbor, Fl. 34684

PROPERTY ZONING: RPD-W, Residential Planned Development – Wellhead Protection Overlay

LAND USE DESIG: RS, Residential Suburban

TYPE APPLICATION: Variance

CASE DESCRIPTION: A variance to allow for the construction of a 1,484 sq. ft. attached accessory dwelling unit where 750 sq. ft. is the maximum permitted for the property located at 160 Turtle Creek Circle in East Lake Tarpon.

PARCEL ID NUMBER: 03/28/16/92677/000/0340

NOTICES SENT TO: Vidya Sagar, Sheela Sagar (Owners), Dan Drayton (Representative), Cynthia Johnson, Economic Development, Surrounding Owners (See Attached List) & BCC Office

DISCLOSURE: N/A

Reference #: VAR-23-00011