

**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.**

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

**1. VAR-22-23 (Conditional Approval)**

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 (Conditional Approval)**

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 (Conditional Approval)**

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 (Conditional Approval)**

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 ACCOMMODATIONS:** 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](mailto: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, 4<sup>th</sup> Floor, Clearwater, Florida 33756, or you may email us at [zoning@pinellas.gov](mailto: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.