

BOARD OF ADJUSTMENT AND APPEALS
March 6, 2024
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. QUASI JUDICIAL STATEMENT – County Attorney**
- III. HEARING ITEMS – ACTION BY THE BOAA REGARDING THE FOLLOWING ITEMS:**

1. VAR-24-02

Application of Hillary Simpson, Owner, for a variance to allow for the construction of an approximately 315 square foot detached pool house having a 6-foot side setback from the western property line where 15 feet is required, for the property located at 12983 Hibiscus Avenue in unincorporated Seminole.

2. VAR-23-22 (Item continued from February 7, 2024, BAA Meeting)

The applicant, Couture Revocable Trust (the “Applicant”), owns the property at 600 Pennsylvania Avenue, Palm Harbor (the “Applicant Property”). The Applicant seeks a variance (the “Variance”) to Section 58-555(b)(2) of the Pinellas County Code (the “Code”) to construct a new observation pier (the “Pier”) within an easement (the “Easement”) that the Applicant holds over a neighboring property owned by Ryan’s Woods Townhomes Homeowners Assn, Inc. (the “Site Property”). The Applicant Property features a single-family home and large yard. The Site Property is undeveloped at the northern end and supports multi-family townhomes to the south.

The Easement, which is 50’ wide from north to south, extends west from a small piece of upland into a finger canal off Sutherland Bayou. Notably, the north boundary of the Easement mirrors the north boundary of the Site Property. This latter point is significant because Code Section 58-555(b)(2) requires that the Pier be built at least 50 feet from the adjacent property to the north, which is a single-family residential property located at 672 Soundview Drive, Palm Harbor owned by Michael and Kristine Janish (the “Janish Property”). It follows that to fall within the Easement boundaries, the Pier must also fall within the 50-foot setback, hence the need for this variance. Specifically, the Applicant proposes placing the most northern part of the Pier 33.5’ away from the Janish Property, thus a variance of 16.5’ is required.

The Pier totals 576 square feet of decked area; it includes a kayak lift and stairs landward of the terminal platform. The Pier will not impact any submerged vegetation such as seagrass, but the 24’ by 4’ section of walkout will be placed through a mangrove fringe. Given depth constraints, the Pier cannot accommodate the mooring of motorized vessels.

**Note: Compliance with Section 58-555(b)(2) may be waived by County Staff if a signed statement of no objection is received from the encroached upon neighbor. However, a signed statement of no objection has not been provided by Mr. and Ms. Janish – the owners of the North Property – to date.*

IV. APPROVAL OF MINUTES FOR THE FEBRUARY 7, 2024, BOAA Hearing

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 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.

Letters of opposition or support, written arguments, evidence, explanations, studies, reports, petitions or other documentation to be provided for consideration by the boards must be submitted at least one week (7 days) in advance of the advertised hearing and may be directed to the Pinellas County Building and Development Review Services Department, Zoning Division, 440 Court Street, 4th Floor, Clearwater, FL 33756, or 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.

The public hearing will be streamed live at <https://youtube.com/pcctv1> and <https://pinellas.gov/pinellas-county-connection-television-pcc-tv/>, and broadcast on the Pinellas County cable public access channels: Spectrum Channel 637, Frontier Channel 44 or WOW! Channel 18.