

BOARD OF ADJUSTMENT AND APPEALS
June 5, 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. TY2-24-01

Application CMNY Tech Drive, LLC, through Bruce Vaughan, Vaughan Commercial Advisors, Representative, for a Type-2 Use to allow a fitness center in an E-1 zone, for the property located at 3051 Tech Drive in unincorporated Pinellas Park.

2. VAR-24-08

Application of Daryl Grimm and Jessica Grimm for a variance to allow for the construction of a pool screen enclosure having a 10-foot setback from the midpoint of a seawall where 15 feet from the midpoint of a seawall is required in an R-3 zone, for the property located at 3150 South Canal Drive in Palm Harbor.

3. VAR-24-09

Application of John Schaffer for a variance to allow for the conversion of approximately 353 square feet of a covered unenclosed porch into an enclosed, conditioned space for a kitchen, having a 12-foot front setback from the northern property line where 20 feet is required, for the property located at 1342 Michigan Avenue in Palm Harbor.

4. VAR-24-11

Joel Kassewitz owns the single-family residential property at 780 Columbus Drive, Tierra Verde, FL 33715 in unincorporated Pinellas County (the "Subject Property"). On December 27, 2023, the Applicant applied for a County permit (the "Permit") to construct the Boatlift together with an approximate 416 square foot single-family dock. The permit was issued by County Staff ("Staff") on January 2, 2024. After construction of the Boatlift was fully complete, an adjacent property owner lodged a complaint regarding the waterward extent of the Boatlift. While investigating this complaint, Staff discovered the Permit was issued in error. Specifically, the (permitted and constructed) Boatlift exceeds the length restrictions imposed by the County Code ("Code") Section 58-555(b)(1), which reads as follows:

"Private docks to be constructed in water of the county shall be constructed so that the length of the dock, excluding tie poles, shall not extend from the mean high-water line or seawall of the property further than one-half the width of the property at the waterfront. The requirement may be waived by the County provided that signed statements of no objection from both adjacent waterfront property owners have been submitted."

To resolve this issue, Staff encouraged the Applicant to obtain signed statements of no objection from both adjacent waterfront property owners. The Applicant obtained a signed statement of no objection from the adjacent waterfront property owner to the north (764 Columbus Drive). To date however, the Applicant has been unable to obtain a signed statement of no objection from the adjacent waterfront property owner to the south (788 Columbus). In the absence of such statement, the Applicant seeks an after-the-fact variance from the Code section 58-555(b)(1) to allow the Boatlift to remain in its current location – hence the need for the Public Hearing before the BOA, which is authorized to consider variances to Code Section 58-555(b)(1) by Code Section 58-539(a).

IV. APPROVAL OF MINUTES FOR THE MAY 1, 2024, BOAA Hearing

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.

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>