

**Board of Adjustment and Appeals
Pinellas County
April 3, 2024 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

Jose Bello, Chairman
Deborah J. White, Vice-Chairman
Alan C. Bomstein
Joe Burdette
Vincent Cocks
John Doran
Robert Warner (alternate)

Not Present

Cliff Gephart

Others Present

Michael Schoderbock, Division Manager, Zoning and Project Management
Derrill McAteer, Senior Assistant County Attorney
Keith Vargus, Code Enforcement Operations Manager
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Bello called the meeting to order at 9:00 AM and provided an overview of the hearing process.

QUASI-JUDICIAL STATEMENT

Attorney McAteer noted that the following hearing is quasi-judicial; and that only competent substantial fact-based testimony or evidence may be considered in the decision by the Board; whereupon, he provided information regarding the types of evidence that are considered as such.

PUBLIC HEARING ITEMS

Due notice having been given to interested persons pursuant to Comprehensive Zoning Ordinance No. 90-1, a public hearing was held on the following application. All persons planning to give testimony were duly sworn by a Deputy Clerk.

Case No. VAR-23-26

APPLICATION OF RYAN AND JESSICA JONES FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for the construction of an in-ground pool having a 5-foot-8-inch setback from the water's edge to the rear property line where 10 feet is required when abutting an alley, for the property located at 1407 Columbia Avenue in Palm Harbor. No correspondence relative to the application 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 variances found in Section 138-231 of the Pinellas County Land Development Code (LDC). The subject property is a 50-foot-wide by 115-foot-deep lot fronting Columbia Avenue in Palm Harbor developed with a single-family home. Additionally, the lot backs up to an unimproved alley. The unimproved alley is accessible, but it remains unclear if it will be improved. The owner is proposing to construct an in-ground pool closer to the northern property line than what is normally allowed per Section 138-3505 of the LDC. The LDC allows pools on non-waterfront properties to have an 8-foot rear setback measured from the water's edge of the pool or the minimum rear setback of the zoning district, whichever is less. However, the LDC states that if a portion of the lot abuts an alley, a designated public park, or a trail, a setback requirement of 10 feet shall be imposed. Since this is a general setback requirement within the LDC, rear setback encroachment for a pool would not be allowed.

The proposed location of the in-ground pool would be along the rear yard and is the only logical place for its installation. It is expected that the proposed in-ground pool would have minimal impact on the neighboring properties as the proposed pool location would back up to an unimproved alley. It is staff's opinion that the unimproved alley situated at the site's rear will act as an adequate buffer from the northern properties. Per the

applicant, no pool enclosure is proposed. Approval should be subject to the following conditions:

1. Applicant must obtain all required permits and pay all applicable fees.
2. No pool screen enclosure permitted.

Ryan Jones, Palm Harbor, appeared and indicated that he is the applicant.

No one appeared upon the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion, which was seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report.

MINUTES OF THE MARCH 6, 2024 MEETING

Mr. Cocks made a motion, which was seconded by Ms. White and carried unanimously, that the minutes be approved.

ADJOURNMENT

The meeting was adjourned at 9:05 AM.