

**Board of Adjustment and Appeals  
Pinellas County  
July 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

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 hearings are quasi-judicial; and that only competent substantial fact-based testimony or evidence may be considered in the decisions 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, public hearings were held on the following applications. All persons planning to give testimony were duly sworn by a Deputy Clerk.

Case No. VAR-24-13

APPLICATION OF ROBERT WARREN THROUGH CYNTHIA TARAPANI,  
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for the following three-part variance in a Residential Agriculture (R-A) zone for the property located at 1051 East Lake Drive in East Lake Tarpon:

1. A variance to allow for the construction of an approximately 676 square-foot attached garage having a 10-foot front setback from the western property line, where 25 feet is required.
2. A variance to allow for the construction of an approximately 338 square-foot detached accessory structure having a 6-foot side setback from the southern property line, where 15 feet is required, and having a 13-foot rear setback from the eastern property line, where 20 feet is required.
3. A variance to allow for the construction of a pool screen enclosure on top of a 6-foot-tall wall having a 3-foot rear setback from the eastern property line, where 5 feet is required.

One letter of concern 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. The subject property fronts East Lake Drive and is developed with a single-family home. The subject property received Board approval (Case No. BA-01-05-18) in 2018 for a reduction in setbacks to build the home. At that time, the parcel contained substandard dimensions for the AE (now R-A) zoning district and was a parcel of record. The current owner acquired additional property to the south to increase the size of the lot and to build an addition and accessory uses, however the lot remains substandard to the standards of the R-A zoning district. The requested

setback reductions are consistent with the 2018 request. Importantly, due to the location of the subject property in East Lake Tarpon and considering the surrounding zoning designations, rezoning to a district with smaller setbacks is not feasible. The property directly to the south is a maintenance area for a golf course, and there is ample separation from the house to the north. Therefore, there will be minimal impacts on adjacent properties. Approval should be subject to the following condition:

1. The applicant shall obtain all required permits and pay all applicable fees.

Upon the Chairman's call for the applicant, Cyndi Tarapani, Tarpon Springs, appeared and indicated that she is the authorized representative for the property owner. Referring to a document, she pointed out the location of the subject property, the surrounding areas, and the proposed additions, noting that the applicant acquired additional property to allow for the construction of a garage and a pool. Responding to queries by Mr. Bomstein, she confirmed that the proposed pool screen enclosure would be on top of a six-foot wall; and that the subject house is a two-story home.

Ms. Tarapani reviewed the criteria for granting variances and indicated that special conditions existing on the property include the extremely small lot size and the wider right-of-way, which impacts the location of the proposed garage.

Responding to comments and queries by the members, Ms. Tarapani discussed the dimensions of the proposed garage and the location of the pool; whereupon, Mr. Bomstein expressed concern regarding claiming lot size as a hardship, but also noted that the request is harmless since the applicant would not be encroaching on a neighbor.

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

Case No. TY2-24-02

**APPLICATION OF SOLID ROCK COMMUNITY SCHOOL, INC. THROUGH MICHELE FASNACHT AND AMY HUBER, REPRESENTATIVES, FOR A TYPE-2 USE**

A public hearing was held on the above application for a Type-2 Use to allow for the keeping and maintaining of farm animals as part of an educational/instructional use in a Residential Agriculture (R-A) zone for the property located at 2801 Keystone Road in East Lake Tarpon. Four letters of no objection have 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 Type-2 Uses found in Section 138-241 of the Pinellas County Land Development Code (LDC). The subject property is an existing K-12 private school along Keystone Road. The BAA formerly approved a special exception in 2008 (Case No. BA-5-1-08) for the expansion of the existing school. Solid Rock Community School has proposed modifications to its existing private school to redevelop the northern vacant portion of the subject property to expand its institution to include a farm and veterinary program and further expand its educational program on campus. Per the applicant, the campus expansion would include the following: expansion of the existing parking and traffic circulation to include additional parking spaces and stacking for drop-off and pick-up, additional sidewalks, a concrete pad with sunshade for outdoor learning and activities, two multi-purpose buildings, an educational animal care building, a multi-story caretaker building, a maintenance shed, fencing, a barn, and the addition of animals as part of the academic curriculum. Per LDC Section 138-3350, the keeping and maintenance of farm animals is permitted as an educational/instructional use under the Zoning Matrix Table of Uses. Since the subject property is zoned R-A, this request requires a Type-2 Use approval from the BAA.

It is staff's opinion that the request with the recommended conditions will further accommodate the private school's needs for implementing and developing their agricultural and veterinary curriculum. It should be noted that there are no proposed changes to the enrollment of children attending the private school. Additionally, the number of employees employed at the private school would remain the same and no changes to the hours of operation would occur. Approval should be subject to the following conditions:

1. Appropriate site plan review.
2. The applicant shall obtain all required permits and pay all applicable fees.
3. The applicant must adhere to all conditions set forth by the Board in previous Type-2 Use, Case No. BA-5-1-08.

Upon the Chairman's call for the applicant, Amy Huber, Indian Rocks Beach, appeared and indicated that she is the authorized agent for the property owner.

Upon Mr. Burdette's call for opponents, Ms. Huber indicated that there is no opposition; and that letters of support or no objection from abutting property owners are included in the packet provided to the members.

Seeing no objections, Mr. Burdette made a motion to recommend approval of the Type-2 Use based on the information provided by staff and the conclusions of law. The motion was seconded by Ms. White and carried unanimously.

Case No. TY2-24-03

APPLICATION OF CHABAD OF PINELLAS COUNTY, INC. THROUGH PATRICIA MONTECKI, REPRESENTATIVE, FOR A TYPE-2 USE

A public hearing was held on the above application for a Type-2 Use to allow for a place of worship in a Rural Residential (R-R) zone for the property located at 2303 County Road 39 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 Type-2 Uses found in Section 138-241 of the Pinellas County Land Development Code (LDC). The subject property is owned by Chabad of Pinellas County Inc. The site is approximately 0.86 acres and is located on the corner of County Road 39 and Winding Willow Drive. Currently, the site is improved with a detached single-family home, metal shed, and associated driveway. There is an existing place of worship on Fisher Road that the applicant owns which has been in operation since the late 1990s. The adjacent site has received previous Board approvals for the expansion of the existing place of worship and to accommodate a new daycare facility (Case Nos. BA-1-7-99, BA-9-12-94, and BA-10-2-02). The applicant intends to relocate portions of their existing place of worship and educational activities to the subject property with the addition of a new one-story building and parking to accommodate community activities, weekly educational programs, a new sanctuary, and an administration office. Per the applicant, the weekly educational programs that would occur are intended to cater to the needs and interests of the Chabad of Pinellas County's members. Notably, these classes/activities are scheduled during the week and do not coincide with

their primary worship service. A Type-2 Use approval is required for a place of worship on a residentially zoned property.

The proposed place of worship will meet all minimum development parameters and parking requirements to serve its use. Traffic impacts are anticipated to be small, and drainage requirements will be addressed during the site plan review process. Separately, the applicant has provided conceptual architectural elevations of the proposed place of worship. The proposed design of the place of worship appears to meet the intent of the community assembly facilities uses section concerning architectural compatibility on a residentially zoned parcel as required within the LDC. In addition, the proposed parking lot will be located behind the primary building. Approval should be subject to the following conditions:

1. A DRC site plan.
2. The applicant shall obtain all required permits and pay all applicable fees.

Upon the Chairman's call for the applicant, Pat Montecki, New Port Richey, appeared, provided information regarding the request, and indicated that she is the engineer for the project; and that because there will be no increase in the number of people coming to the synagogue, an increase in traffic is not anticipated. Responding to a query by Mr. Bomstein, she related that it is not intended for the Chabad to ultimately relocate its entire operation to the new site.

Karen Miller, Palm Harbor, appeared and expressed her concerns regarding impacts to drainage as a result of the proposed 29-space parking lot; whereupon, Mr. Schoderbock, with input from Mr. Bomstein, responded to comments and queries and discussed the site plan review process, noting that staff worked with Ms. Montecki to ensure that site plan requirements were met; and that the applicant has not requested a variance for any of the site plan conditions.

In rebuttal, Pinchas Adler, Palm Harbor, appeared, provided information regarding the request, and indicated that many discussions were had with staff regarding drainage; and that the proposed 29-space parking lot will include substantial grassy areas; whereupon, he noted that a portion of the property is being given to the County for a right-of-way; and that a sidewalk will also be constructed, which would help the community.

Responding to a query by Mr. Cocks, Mr. Adler confirmed that many of the Chabad's congregants live near the synagogue and walk there as part of their religious beliefs, noting the impact of relocating to a commercial area.

Ms. Montecki indicated that the applicant has offered to design the site as if it was undeveloped; and that stormwater retention will be located in an underground facility, such as a vault or stormwater chambers.

Thereupon, Mr. Bomstein made a motion for conditional approval of the Type-2 Use in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Doran and carried unanimously.

### **MINUTES OF THE JUNE 5, 2024 MEETING**

Mr. Burdette made a motion that the minutes be approved. The motion was seconded by Ms. White and carried unanimously.

### **ADJOURNMENT**

The meeting was adjourned at 9:39 AM.