

SEPTEMBER 5, 2024 **SEPTEMBER 5, 2024** **RE: PINELLAS COUNTY SPECIAL MAGISTRATE HEARING; VAR 24-00019**

SUBJECT VARIANCE REQUEST: REPLACE EXISTING MANUFACTURED HOME WITH NEW HOME BELOW ELEVATION REQUIRED BY PINELLAS COUNTY CODE SECTION 158-286

SUBJECT UNIT OWNER/APPLICANT: KEITH THOMAS WOODALL

SUBJECT LAND OWNER: EDGEWATER PINES MOBILE HOME ROC INC. MOBILE HOME ASSOCIATION

SUBJECT LAND: 10399 67TH AVE N, UNIT #84 SEMINOLE, FL 33772

Please be advised that the Pinellas County Special Magistrate is holding a public hearing (the “Public Hearing”) to consider the Subject Variance Request on **September 16, 2024 at 9:00 AM at the 5th Floor Assembly Room of the Pinellas County Clearwater Courthouse located at 315 Court Street in Clearwater, Florida, 33756**. The proceedings will be governed by County Code (“Code”) Section 134-14 (Quasi-Judicial Proceedings). Pursuant to Code Section 134-14(c)(3), any written material that you wish to submit in support or opposition of the Subject Variance Request must be received no later than September 9, 2024 to ensure that it is part of the record; materials introduced at hearing may be accepted or rejected in the Special Magistrate’s sole discretion. Please deliver such materials either by mail to the Pinellas County Special Magistrate Administrative Division, 631 Chestnut Street, Clearwater, Florida, 33756 or via e-mail to cgonzalez@pinellas.gov. To speak at the Public Hearing, you must appear in-person; virtual participation is not allowed.

The Subject Unit Owner seeks to replace his existing manufactured home, which lies in an unincorporated flood hazard area, with a new home that is elevated below the elevation required by Code Section 158-286 (Manufactured Homes; General Elevation Requirement). Code Section 158-286 requires that replacement manufactured homes “be elevated such that the bottom of the frame is at or above the elevation, as applicable to the flood hazard area, in the Florida Building Code (FBC).” Here, the base-flood elevation (BFE) for the Subject Land is 11 feet and the ground elevation ranges from approximately 5.5 - 6 feet. The Florida Building Code, Residential, (FBC-R) Section R322.2.1(1) requires that the lowest floor of residential structures in flood hazard areas be elevated to BFE + 1 foot (this extra foot is commonly referred to as “freeboard”) or the design flood elevation, whichever is higher. Here, BFE + 1 foot, which is 12 ft, is the required elevation. Therefore, the bottom of the frame for the replacement manufactured home must be elevated by approximately 6 - 6.5 feet above existing grade to comply with Code Section 158-286.

The Subject Unit Owner seeks to replace his manufactured home using the FEMA floodplain development requirements, which are a lower requirement than the FBC and Pinellas County Code. FEMA minimum standards only require the lowest floor be placed at the BFE. In certain flood hazard areas, the County has adopted flood maps that have higher BFEs than the Federal Emergency Management Agency (FEMA). This is one such instance, as FEMA has adopted a BFE of 10.4 feet for the Subject Land and the County’s BFE is 11 ft. The FBC-R 322.2.1 also requires an additional 1 ft of elevation over the BFE. Therefore, the Subject Unit Owner seeks a variance to place the bottom of frame 1.6 feet (19.2 inches) below the required elevation. The Subject Unit Owner cites personal physical hardship as grounds for the Subject Variance; he also claims that there will be an adverse aesthetic impact to the community if the replacement Subject Unit is constructed at the required elevation.

The Public Hearing is quasi-judicial. Accordingly, only competent and substantial testimony or written materials may be considered. It follows that lay testimony with fact-based support (including but not limited to meeting minutes, surveys, engineering reports, etc.) may be appropriate. However, pure speculation or opinion without fact-based support cannot be considered.

Failure by the Subject Unit Owner or an authorized representative of the Subject Unit Owner to appear at the Public Hearing may result in an automatic denial of the Subject Variance Request.

Pursuant to Florida Rules of Appellate Procedure Rule 9.100(c), an appeal of the Special Magistrate’s decision must be filed in Circuit Court within 30 calendar days of the date that the Special Magistrate’s written order is rendered. Further, anyone wishing to file an appeal they may need to ensure that a transcript of the Public Hearing is created. Although the Public Hearing will be recorded, neither the Special Magistrate Administrative Decision nor County Staff will create a written transcript of same.

The Special Magistrate Administrative Division is facilitating the Subject Variance Request. In addition to the mailing and e-mail address listed above, the Division may be reached at (727) 464-4761, option 3, option 1. Anyone with a disability who requires reasonable accommodation to effectively participate in the Public Hearing is asked to contact the Office of Human Rights by e-mailing accommodations@pinellas.gov or calling (727) 464-4882 by September 9, 2024.