

**Board of Adjustment and Appeals
Pinellas County
September 4, 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 (appeared virtually)
Cliff Gephart

Others Present

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

All documents received by the Clerk have been made a part of the record.

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.

Deviating from the agenda, Chairman Bello noted that a motion is needed to allow Mr. Doran to participate virtually; whereupon, Mr. Cocks made a motion, which was seconded by Ms. White and carried unanimously.

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-24-16

APPLICATION OF PHOENIX SERVICES, LLC. AND ROBERT DUBOISE THROUGH SCOTT WHEELER, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for a reduction of the minimum lot width requirement of the R-4 zone from 50 feet to 47 feet for two new lots, for the property located at 4189 56th Avenue North in Lealman. 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. The subject property consists of one platted lot (Lot 26) according to the historic 1926 Magnolia Park's Subdivision's plat map which predates the Pinellas County Land Development Code. The subject lot is the only remaining portion of the original lot of record that has not been split into six individual 47-foot-wide lots. The six 47-foot-wide lots are considered deficient as the minimum lot width requirement in the R-4 zone requires 50 feet. The owner is proposing to split the existing parcel and create two buildable single-family lots on the western and eastern sides of the property. Presently, the parcel has a lot width of 94 feet and a lot area of approximately 12,690 square feet. If split, each of the two lots would have a lot width of 47 feet and a lot area of 6,345 square feet. As individual lots, both are substandard in lot width and requires variance approval to be split. It is staff's opinion that the proposed construction will be at a size and scale compatible with other single-family homes in the neighborhood. In addition, there are other substandard lots constructed with single-family homes in the immediate area and are also throughout the Lealman community. Approval should be subject to the following conditions:

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

2. All setback requirements shall be met on any new construction.

Upon the Chairman's call for the applicant, Scott Wheeler, Tampa, appeared.

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

Case No. TY2-24-05

APPLICATION OF DIOCESE OF ST. PETERSBURG THROUGH RYAN MANASSE AND MARK BENTLEY, REPRESENTATIVES, FOR A MODIFICATION OF A PREVIOUSLY APPROVED TYPE 2 USE

A public hearing was held on the above application for a modification of a previously approved Type 2 Use to allow an 1,863-square-foot addition for a private school's existing sports field to be used for concessions, restrooms, press box, storage, and bleacher seating on an R-A and GO zoned parcel located at 2750 Haines Bayshore Road in the unincorporated High Point area. 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. The subject property is improved with the Clearwater Central Catholic High School facility located along Haines Bayshore Road. The Board of Adjustment and Appeals formerly approved a special exception in 2018 (Case No. BA-03-01-18) for the expansion of the existing private high school. These improvements included the addition of a new administration building, classroom building, chapel, field house, and reconfiguration of the existing parking lot and internal drives. This request proposes renovations to its existing campus, more specifically to the outdoor athletic fields which includes an 1,863-square-foot addition to the existing baseball field. The proposed addition would be used as an area for concessions, restrooms, a press box, bleacher seating, and accessory storage. A Type 2 Use approval is required for the major modification of an existing sports field on an R-A and GO zoned property.

It is staff's opinion that the request with the recommended conditions will accommodate the Clearwater Central Catholic High School's needs for modernizing their current facilities at their athletic fields. In addition, the request does not appear to be an intensification of the overall campus considering these amenities exist at the baseball field excluding the lavatories. No other changes are proposed to the Clearwater Central Catholic High School campus. In addition, vehicular circulation and parking layout would remain the same. 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. Compliance with previous site plan and Board requirements.

Upon the Chairman's call for the applicant, Ryan Manasse, Tampa, appeared and provided brief comments.

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

Case No. TY-24-06

APPLICATION OF GULF SHORES BAPTIST CHURCH CORP. THROUGH SEAN CASHEN, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the above application for a Type 2 Use to allow for the addition of two 1,056-square-foot modular classroom buildings in an R-1 zone for the adjacent place of worship, for the property located at 1220 Espina Court in unincorporated Dunedin. Ten letters in opposition to the application 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. The subject property is vacant and owned by the Gulf Shores Baptist Church Corp. This site is approximately .40 acres and is located on the corner of Curlew Road and Espina Court. The Gulf Shores Baptist Church

formerly received special exception approval (Case No. BA11-2-97) on their adjacent parcel for a place of worship in an R-A zone. In 2004, the existing place of worship received Board approval (Case No. BA8-1-04) to expand its existing sanctuary and modify the existing parking layout. The Gulf Shores Baptist Church would like to relocate portions of its existing educational activities that occur at the place of worship to the subject property. This would include the addition of two one-story 1,056-square-foot modular classroom buildings on the vacant portion of their property to be utilized as a weekly educational program in association with the adjacent place of worship. This educational program would accommodate the Gulf Shores Baptist Church's congregation. In addition, the relocation of their existing educational programs to the adjacent site would relieve the current capacity of the existing place of worship. Per the applicant, the proposed modular classroom buildings would be used for approximately 30 individuals which range from kindergarten through fifth grade and teens. The educational classes would occur twice a week during the place of worship services from 9:30 am to noon and in the evening from 5:30 pm to 7:00 pm. A Type 2 Use approval is required for a community assembly use to occur on a residentially zoned property.

The proposed meeting hall will meet all minimum development parameters and parking requirements to serve its intended use. Traffic impacts are anticipated to be small, and drainage requirements will be addressed during the site plan review process. There would be no additional traffic generated or demand for additional parking as these individuals would be gathering from the existing place of worship to the modular classroom buildings with a shared walkway. Additionally, the applicant is proposing to install a 6-foot-high opaque fence along the southern portion of the parcel to act as a visual buffer from the adjoining residence to the south of the subject property. 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. A sidewalk must be constructed along Espina Court. Sidewalks shall be constructed in accordance with the Pinellas County Transportation Design Manual.
4. No vehicular use can occur on site.

Upon the Chairman's call for the applicant, Sean Cashen, Clearwater, appeared; whereupon, he referred to a document detailing the parking layout on-site and discussed details relating to parking, noting that the applicant would like to continue to utilize a portion of the subject property for overflow parking in tandem with the two proposed modular classroom buildings.

Thereupon, Mr. Cashen and Tim Delaney, Palm Harbor, with input by Mr. Schoderbock, responded to comments and queries by the members regarding details related to the condition and use of the modular classroom buildings, including their placement on the subject property.

Upon the Chairman's call for opponents, the following individuals appeared, expressed their concerns, and responded to comments and queries by the members, with input from Mr. Schoderbock:

William Krench, Dunedin
Mary Attardo Krench, Dunedin
Jean Hand, Weeki Wachee
Jared Cook, Dunedin (submitted documents)
Gabrielle Chidichimo, Dunedin (submitted documents)
Charles L. Attardo, Tarpon Springs (submitted documents)

During public comment, Attorney McAteer provided information regarding the Religious Land Use and Institutionalized Persons Act and requested that the members provide a detailed motion with grounds stated in the event that the request is denied.

In response to a query by Chairman Bello, Mr. Schoderbock confirmed that notices were properly posted and sent on time, per Florida Statutes.

At the request of Mr. Burdette, Mr. Cashen provided information regarding his qualifications as a licensed professional engineer and traffic expert; whereupon, in rebuttal, Messrs. Cashen and Delaney addressed concerns expressed by the opponents to the request and responded to comments and queries by the members regarding the location of the modular classroom buildings, traffic impacts, noise concerns, proposed fencing, and parking arrangements.

Responding to a query by Chairman Bello, Mr. Schoderbock provided brief comments regarding the conditions that approval should be subject to, including limiting usage of the modular classroom buildings to twice weekly and barring vehicular use on-site; whereupon, Chairman Bello closed the public hearing, and discussion ensued.

During discussion, Attorney McAteer, with input from Mr. Schoderbock, confirmed that the applicant's request for overflow parking cannot be approved today because it was not

property noticed as part of this hearing; and that the concept plan before the Board today only includes the portable classrooms and a sidewalk.

Thereupon, Mr. Bomstein made a motion to deny the request based on the following findings of fact:

- The proposed modular classroom buildings will negatively impact the character and the quiet enjoyment of the adjacent neighborhood properties.
- There is not adequate separation from adjacent properties.
- There is a reasonable alternative location on the current church property to locate the modular classroom buildings.

The motion was seconded by Mr. Doran and carried unanimously.

MINUTES OF THE AUGUST 7, 2024 MEETING

Mr. Gephart made a motion to approve the minutes. The motion was seconded by Mr. Burdette and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 10:12 AM.