

**Board of Adjustment and Appeals  
Pinellas County  
January 2, 2025 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:02 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Deborah J. White, Chair  
Alan C. Bomstein, Vice-Chair  
Jason Holloway  
Alonda Vaughan

Not Present

Jose Bello

Others Present

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

**VOTE TO ELECT CHAIR AND VICE-CHAIR**

In response to a query by Mr. Bomstein, Attorney McAteer confirmed that the members may nominate a Chair and Vice-Chair before the meeting is called to order; whereupon, deviating from the order of the agenda, Mr. Bomstein indicated that, keeping with the BAA's tradition of following the leadership of the Board of County Commissioners, he would nominate Ms. White as Chair. The nomination was seconded by Mr. Holloway and carried unanimously.

Responding to queries by Mr. Bomstein and Chair White, Attorney McAteer indicated that the members may choose to nominate a Vice-Chair today or wait until the next meeting; and that the Chair may not make the nomination; whereupon, Mr. Holloway made a motion to nominate Mr. Bomstein as Vice-Chair. The motion was seconded by Ms. Vaughan and carried unanimously.

Upon Attorney McAteer's request for the record, Chair White stated that she is the Chair, and Mr. Bomstein indicated that he is the Vice-Chair.

## **CALL TO ORDER**

Chair White called the meeting to order at 9:02 AM and provided an overview of the hearing process.

## **QUASI-JUDICIAL STATEMENT**

Attorney McAteer explained 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, a public hearing was held for the following application. All persons planning to give testimony were duly sworn by a Deputy Clerk.

### Case No. VAR-24-26

APPLICATION OF NICOLE MANTZKE THROUGH BRENDON MARTIN, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for an after-the-fact in-ground pool under construction having a 5-foot-10-inch rear setback from pool water's edge to the rear property line where eight feet is required in a R-3 zone, for the property located at 2274 Lake Drive in unincorporated Dunedin.

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 and the provisions for an after-the-fact variance found in Section 138-232 of the Pinellas County Land Development Code.

The property contains a single-family home (permitted and under construction) with a pool and deck (permitted and under construction). The

pool permit, BR-POL-24-00272, was issued on November 26, 2024, with the incorrect rear setback provided by County staff. By the time the setback error was discovered, construction of the pool had already commenced, and initial inspections were performed, making it economically impractical to correct the mistake.

The subject lot is located on a curve in the road making it irregularly shaped, with a curved front property line and a smaller than required lot depth on the west side, which makes it difficult to meet the required setbacks, especially along the rear. The two properties to the west of the subject site both received BAA approval for reduced rear setbacks in 2002 due to similar lot depth constraints.

Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All other setback requirements shall be met.

Upon call by the Chair, Nicole Mantzke, Dunedin, appeared.

Responding to queries by Mr. Bomstein, Mr. Schoderbock, with input from Ms. Mantzke, provided information regarding setback requirements and indicated that there is no fee associated with this variance since staff was at fault for the erroneous issuance of a permit.

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

#### **MINUTES OF THE DECEMBER 4, 2024 MEETING**

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

**ADJOURNMENT**

Chair White made a motion to adjourn the meeting, which was seconded by Mr. Holloway. Attorney McAteer noted that a vote to adjourn is not necessary; whereupon, the meeting was adjourned at 9:10 AM.