

Board of Adjustment and Appeals
Pinellas County
December 3, 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
Jose Bello
Jason Holloway
Andrew Hunsicker
Alonda Vaughan
Robert Warner

Others Present

Molly Cord, Principal Planner
Derrill McAteer, Senior Assistant County Attorney
Keith Vargus, Code Enforcement Operations Manager
Tammy Burgess, Board Reporter, Deputy Clerk
Other interested individuals

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

CALL TO ORDER

Chair White called the meeting to order at 9:02 AM and provided an overview of the hearing process; whereupon, she requested that the members disclose if they have visited the site of issue as each public hearing is opened.

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.

Attorney McAteer reminded the members that they should disclose if they have visited the site of issue as each case is introduced.

Deviating from the agenda, Attorney McAteer indicated that an appeal has been filed related to a case pertaining to the Florida Dream Center, which was heard by the BAA at its October meeting; and that, if anyone involved in the matter attempts to contact the members, he advises avoiding a conversation; whereupon, in response to a query by Chair White, he confirmed that it would be appropriate for the members to forward him any correspondence they may receive related to the matter.

Later in the meeting, Attorney McAteer indicated that Mr. Bomstein informed staff of a lobbyist who attempted to contact him; and that while the lobbyist argued that she could speak to the members since litigation had not yet been filed, doing so would be inconsistent with the law. He related that, if it is reasonably foreseeable that a matter could come before the BAA, then speaking to the members would be considered ex parte communication, which violates the quasi-judicial ordinance in the Code; and that he would avoid having such conversations; whereupon, in response to comments and queries by the members, Attorney McAteer provided brief comments regarding the petitioner associated with the now-open litigation.

PUBLIC HEARINGS

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

Case No. VAR-25-15

APPLICATION OF DAVID AND GLORIA CARDEW THROUGH CRAIG DRAKE, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for a variance to allow the construction of a covered patio addition having a 4.86-foot rear setback from the northern property line where 10 feet is required, for the RPD zoned property located at 1087 Muirfield Court in East Lake Tarpon. No correspondence relative to the application has been received.

Ms. Cord 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 is located within the Cypress Run residential master-planned community, specifically Lot #36 of Cypress Run Villas East on the

west side of East Lake Road. This residential planned development consists of 38 condominium units in a combination of one-story and two-story buildings.

The owner would like to construct a new 9.16' x 30'-4" one-story covered patio addition at the rear of the property, utilizing the existing concrete slab. The proposed addition would be situated approximately 4.86 feet from the rear property line, where a minimum setback of 10 feet is required for this development. The owner has indicated that the request for a variance stems from the lack of drainage control, wind resistance, and the overall protection of the living spaces at both the upper and lower rear levels of the existing residential structure. Recent storm events, specifically Hurricane Milton and Hurricane Helene, further highlighted these design flaws. Both storms compromised the roof structure, decking, side paneling, framing, windows, and doors due to the inadequate drainage control. The proposed patio addition is intended to address and mitigate these issues, enhancing the durability and resilience of the property. The owner plans for the roofline of the proposed structure to be visually unobtrusive and in harmony with the neighboring homes in this development. Additionally, the proposed covered patio addition would not extend past the common walls of the existing building.

The owner has obtained approval from the HOA for the covered patio addition and has received two letters of support from the abutting property owners. No other setback reductions are being requested by the applicant. Additionally, the request does not conflict with the existing Cypress Run development master plan. Approval should be subject to the following condition:

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

Ms. Vaughan arrived at 9:06 AM.

David Cardew, Tarpon Springs, and Thomas McCue, New Port Richey, appeared; whereupon, no one responded to Chair White's call for opponents.

Seeing no objectors, Mr. Bomstein made a motion for the staff recommendation of conditional approval in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Case No. VAR-25-16

APPLICATION OF JAMES NESSELROAD, THROUGH HUNTER CATALDO,
REPRESENTATIVE, FOR TWO VARIANCES

A public hearing was held on the above application for the following two variances requested for the R-2 zoned property located at 1848 Dolphin Boulevard South in unincorporated Gulfport:

1. A variance to allow for the construction of an inground pool having a 7-foot-6-inch rear setback from the water's edge to the midpoint of a seawall where 15 feet from the midpoint of a seawall is required.
2. A variance to allow for the construction of the inground pool's infinity basin having a 4-foot-6-inch rear setback to the midpoint of a seawall where 15 feet from the midpoint of a seawall is required.

Three letters of no objection to the application have been received.

Ms. Cord 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 a single-family residential home situated on an approximately 0.22-acre lot along Dolphin Boulevard, in unincorporated Gulfport. The owner would like to construct a new in-ground pool and spa with an infinity wall feature on the subject property. The proposed pool and infinity wall are planned to be positioned closer to the seawall than normally allowed by Section 138-3505 of the Land Development Code. Per the Land Development Code, all residential and accessory structures on waterfront lots must maintain a minimum setback of 15 feet from the midpoint of the seawall or riprap stabilization, provided stabilization is adequate. The owner is seeking a variance to allow a rear setback reduction for the proposed in-ground pool and infinity wall. The specific request is for a 7-foot-6-inch setback from the water's edge of the pool to the midpoint of the seawall, and a 4-foot-6-inch setback from the infinity basin to the midpoint of the seawall. As part of the variance request, the applicant has provided a seawall engineering letter confirming that the span beam tiebacks and seawall deadmen are engineered to accommodate

the proposed pool, spa, and infinity basin area. The plan indicates that all other setback requirements will be met. In addition, the rear of the property overlooks Boca Ciega Bay, with no rear neighbors so there will be no direct impact if the variance is permitted. 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 to be constructed.
3. The applicant must meet all other development requirements as identified in Chapter 158 of the Land Development Code, including a Wave Run-up Model Analysis (Floodplain Management).

Upon the Chair's call for the applicant, John Nesselroad, St. Petersburg, and Hunter Cataldo, Clearwater, appeared; whereupon, no one responded to Chair White's call for objectors.

Seeing no objections, Mr. Bomstein made a motion for the staff recommendation in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Case No. VAR-25-14

APPLICATION OF JOSHUA PATTERSON 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 rear setback from water's edge to the southern property line, where 8 feet is required, for the R-4 zoned property located at 735 Patterson Street in unincorporated Largo. No correspondence relative to the application has been received.

Ms. Cord introduced the case and presented the following staff recommendation:

Recommend Denial. Staff cannot support this request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code.

The subject property is a vacant 0.22-acre residential lot intended for the construction of a new two-story detached single-family home. The vacant property is approximately 44.4 feet in width and 155 feet in depth. The lot begins as a relatively narrow parcel at the front and gradually widens as the property lines extend toward the rear of the lot. The owner has indicated

that the construction of the new single-family home on this lot will comply with all required building setback requirements. In addition to the development of a single-family home, the owner would like to construct an in-ground pool. The owner is seeking relief to allow for the construction of a new in-ground pool having a 5-foot rear setback from water's edge of the pool to the southern property line, where an 8-foot setback is required by Section 138-3505(b)(3) of the Land Development Code. A pool screen enclosure is not included in this application.

Staff finds that the request does not meet the criteria for granting a variance under Sec. 138-231 of the Land Development Code. Specifically, there are no special conditions or unnecessary hardships, and the request does not represent the minimum variance necessary. Staff notes that the future single-family home could be redesigned to accommodate the placement of an in-ground pool to meet all setback requirements.

Upon the Chair's call for the applicant, Joshua Patterson, Clearwater, appeared and provided background information related to his efforts to redesign the property in order to accommodate both a single-family home and a proposed in-ground pool; whereupon, he also provided brief comments regarding the distance between the subject property and neighboring properties.

In response to queries by Mr. Bomstein, Mr. Patterson referred to a concept plan and pointed out the locations of where the single-family home and proposed in-ground pool would be constructed on the subject property; whereupon, Mr. Bomstein provided brief comments regarding the need for a hardship for the Board to grant a variance.

Responding to comments and queries by Messrs. Bomstein and Hunsicker, Mr. Patterson provided information regarding abutting properties and potential adjustments that could be made to the dimensions of the single-family home, which would allow for the construction of the proposed in-ground pool without the need for a variance; whereupon, Mr. Bomstein related that the applicant's design does not fit the size of the lot; that the applicant is creating his own hardship due to the design he has proposed; and that the applicant has options since he has not yet built the home.

No one appeared upon the Chair's call for anyone wishing to speak related to the case.

Mr. Hunsicker made a motion to deny the request based on staff's recommendation and the facts and findings of the case. The motion was seconded by Mr. Bomstein and carried unanimously.

Case No. TY2-25-10

APPLICATION OF CMNY TECH DRIVE, LLC., THROUGH BRUCE VAUGHAN,
REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the above application for a Type 2 Use to allow a medical office in an E-1 zone, for the property located at 3051 Tech Drive in unincorporated Pinellas Park. No correspondence relative to the application has been received.

Ms. Cord 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 a 4.22-acre parcel developed with an existing two-story, 85,558-square-foot office/warehouse building. The site currently accommodates a semi-private training facility for body builders and professional athletes (approved as Type 2 Use No. TY2-24-01) and a manufacturing/warehousing operation known as Dress the Population. A prospective tenant is proposing to occupy approximately 4,800 square feet of the first-floor office space for a wellness center, situated directly across the lobby from the existing fitness center. The proposed wellness center aims to foster collaboration with the existing fitness center, establishing a comprehensive environment dedicated to supporting the health and aesthetics of both businesses and their clients. A Type 2 Use is required for a stand-alone medical office use in the E-1 zoning district.

The proposed tenant will share existing access, parking, and stormwater facilities with the rest of the complex. No new construction of exterior modifications is planned, and the other existing uses in the building will remain unchanged. 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.

Upon the Chair's call for the applicant, Bruce Vaughan, Tampa, appeared; whereupon, no one appeared upon the Chair's call for opposition.

Seeing no objections, Mr. Bomstein made a motion for the staff recommendation of conditional approval for the Type 2 Use, based on the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Case No. TY2-25-11

APPLICATION OF 12388 STARKEY ROAD, LLC., THROUGH FRANK SQUIRES, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the above application for a Type 2 Use to allow auto sales in an E-2 zone, for the property located at 12388 Starkey Road in unincorporated Largo. No correspondence relative to the application has been received.

Ms. Cord 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 consists of a two-story, 35,000 square-foot warehouse located along Starkey Road, featuring a driveway, loading dock, and an accessory building. Constructed in 1971, the warehouse previously housed the Suncoast Seabird Sanctuary, which provided care for native birds until its operations ceased.

The prospective tenant, Toy Barn Cars, intends to occupy the now-vacant warehouse and convert the interior into a luxury and exotic car dealership with associated administrative offices. A Type 2 Use is required for auto sales in the E-2 zoning district.

Toy Barn Cars operates on an appointment-based, low-traffic model, specializing in the sale of luxury and exotic vehicles. Most clients arrange visits in advance to confirm vehicle availability. All vehicle storage and display will be indoors; there will be no exterior display of vehicles. Most of the dealership's interior space will be designated for non-public functions, such as vehicle storage and preparation, which will not be accessible to clients. Only specific areas, including the showroom and administrative office, will be open to the public, further minimizing client access within the building. No vehicle repair services will be provided as part of this operation. No modifications to the existing structures or site improvements are planned at this time; all existing facilities will remain in place. 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 shall adhere to the regulations set forth in Chapter 154 of the Land Development Code and the Transportation Design Manual for the proposed redevelopment of this site.
4. All vehicle display and storage shall occur exclusively within the interior of the structure.

Frank Squires, Largo, appeared; whereupon, no one responded to the Chair's call for opponents to the application.

Mr. Squires provided background information related to the history and operations of Toy Barn Cars, indicating that it currently has a large facility located in Dublin, Ohio; and that Toy Barn Cars is looking to expand its operations to Florida since the company purchases many of its cars from this area. He also provided information regarding the company's philanthropic work; whereupon, in response to comments and a query by Mr. Bomstein, Mr. Squires provided details regarding Toy Barn Cars' operations and types of vehicles sold.

Mr. Bomstein made a motion for staff's recommendation of the Type 2 Use approval in accordance with the findings of fact in the staff report, along with the conditions listed. The motion was seconded by Mr. Bello and carried unanimously.

MINUTES OF THE OCTOBER 1, 2025 MEETING

Mr. Bomstein made a motion to approve the minutes of the October 1 meeting, which was seconded by Mr. Bello and carried unanimously.

SELECTION OF CHAIR AND VICE-CHAIR FOR 2026

Chair White related that the next order of business is to vote for a new Chair and Vice-Chair; whereupon, she indicated that the new Chair would be Mr. Bomstein, who is Commissioner Eggers' appointee; and that, as Commissioner Latvala's appointee, Mr. Holloway would be the new Vice-Chair.

Upon the Chair's call for a motion, Mr. Hunsicker made a motion to select Messrs. Bomstein and Holloway as Chair and Vice-Chair, respectively; whereupon, Attorney McAteer advised that two separate votes are needed.

Thereupon, Mr. Hunsicker made a motion for Mr. Bomstein to serve as Chair, which was seconded by Mr. Bello and carried unanimously.

Mr. Hunsicker made a motion to nominate Mr. Holloway for Vice-Chair, which was seconded by Mr. Bello and carried unanimously.

Deviating from the agenda, Mr. Vargas indicated that he is retiring; that this will be his last BAA meeting; and that Code Enforcement Supervisor Eric Jewett will be replacing him at future meetings; whereupon, the members expressed appreciation to Mr. Vargas for his time and support.

ADJOURNMENT

The meeting was adjourned at 9:45 AM.