

**Board of Adjustment and Appeals
Pinellas County
September 2, 2026 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:01 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Alan C. Bomstein, Chair
Jose Bello
Andrew Hunsicker
Luis Serna (alternate)
Robert Warner
Deborah J. White

Not Present

Jason Holloway, Vice-Chair
Alonda Vaughan

Others Present

Michael Schoderbock, Division Manager, Zoning and Project Management
Kirby Kreider, Assistant County Attorney
Eric Jewett, Code Enforcement Supervisor
Ashley Pabilonia, Board Reporter, Deputy Clerk
Other interested individuals

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

CALL TO ORDER

Chair Bomstein called the meeting to order at 9:01 AM and provided an overview of the hearing process; whereupon, he requested that the members disclose if they have visited the subject property as each item is discussed.

QUASI-JUDICIAL STATEMENT

Attorney Kreider 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, she provided information regarding the types of evidence that are considered as such.

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-26-10

APPLICATION OF KIMMY LOVE FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for the after-the-fact placement of a six-foot-high non-decorative fence having a 3.1-foot front setback where 20 feet is required, for the property located at 44 Citrus Drive in Palm Harbor. One letter in support, three letters in opposition, and a petition in support, which contains 26 signatures, have been received.

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 subject property contains a single-family residence with a vegetable garden located in the front yard along Citrus Drive, while the rear yard abuts a canal. The garden includes a variety of organic vegetables, a planter, mulch, and 6-foot-high reed fencing that encloses the area.

The property owner received zoning violation, CZO-26-00441, for installing and maintaining a bamboo and PVC fence exceeding three feet in height within the required front setback. Under Sec. 138-3703 of the Land Development Code, fences or walls must be constructed from standard materials such as wrought iron, brick, concrete block, plastic, vinyl, chain link, or commercially available wood products. Any deviation from these materials requires approval by the county administrator or their designee.

Additionally, a 6-foot-high fence must meet the required front setback. In the R-3 zoning district, the front setback is 20 feet. The existing 6-foot-high

reed fence surrounding the vegetable garden is located approximately 3.1 feet from the front property line and therefore requires a variance from the Board of Adjustment and Appeals. It is staff's opinion that the six-foot-high reed fence enclosure functions as an accessory use supporting a vegetable garden, which is permitted on single-family residential lots. The enclosure is also positioned roughly 17 feet from the right-of-way curb, preserving adequate sight visibility for both pedestrians and vehicles. The applicant has also submitted a neighborhood petition with signatures from 26 Citrus Drive residents in support of the request. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The fence shall comply with Code Section 158.332 – fence in a floodplain.

In response to Chair Bomstein's call for the applicant, Kimmy Love, Palm Harbor, appeared and provided information regarding the utilization, construction, and maintenance of the vegetable garden on the subject property, as well as the rationale for its placement; whereupon, in response to a query by the Chair, she noted that her property backs up into a canal; and that most of her backyard consists of decking.

Ms. White and Mr. Bello disclosed that they visited the site; whereupon, no one appeared in response to Chair Bomstein's call for objectors to the case. Responding to comments and queries by Ms. White and Mr. Bello, Mr. Schoderbock explained that reed fencing is not considered decorative and instead requires a 20-foot setback designated for non-decorative fencing; that the variance request is being heard by the BAA due to the fence standing at six feet; and that the applicant chose a reed fence to keep pests out of the garden; whereupon, Ms. Love provided additional details regarding her reasoning for selecting a reed fence.

Upon the Chair's call for a motion, Mr. Bello made a motion to approve based on staff's findings and conditions as outlined in the staff report and the absence of opponents; whereupon, the motion was seconded by Mr. Hunsicker.

Ms. White indicated that she drove through the neighborhood of the subject property and expressed her concerns regarding the reed fence not matching the aesthetic of neighboring homes; whereupon, Ms. Love related that she surveyed the neighbors, who responded favorably with regard to the fence.

Upon the Chair's call for the vote, the motion carried by a vote of 4 to 2, with Mr. Warner and Ms. White dissenting.

Case No. VAR-26-11

APPLICATION OF EDWARD AND TIFFANY MORAN THROUGH BINH DANG,
REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for the construction of an attached one-story accessory dwelling unit approximately 250 square feet in area having a 4.78-foot side street setback to the eastern property line along the 16th Street right-of-way, where 10 feet is required, for the property located at 1548 Illinois Avenue in Palm Harbor. One letter in support of the application has been received.

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 is a corner lot developed with a one-story single-family home, an in-ground pool, and decking. The property fronts Illinois Avenue, where the existing access is located, with 16th Street serving as the side street. The property is outside both the designated floodplain and the Coastal Storm Area (CSA).

The applicant proposes to construct a one-story, approximately 250-square-foot accessory dwelling unit containing a full kitchen, one bedroom, and one bathroom. The submitted floor plan and architectural elevations demonstrate that the proposed unit meets all minimum code requirements for accessory dwelling units. The applicant would like to construct the accessory dwelling unit along the eastern portion of the lot adjacent to the 16th Street right-of-way. To allow for this placement, a variance is requested to reduce the required side street setback from 10 feet to 4.78 feet along the eastern property line. This variance request applies solely to the reduced side street setback; no additional variances are included in this application.

It is staff's opinion that the requested variance represents a reasonable deviation that supports the efficient use of an already developed residential lot. The variance applies solely to reducing the side street setback along the

eastern portion of the property, which abuts a public right-of-way and does not directly impact any adjacent property owners. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The applicant shall obtain a zoning clearance to relocate the existing fence out of the 16th Street public right-of-way.
3. The applicant shall comply with all applicable requirements for Accessory Dwelling Units as outlined in Section 138-3210 of the Land Development Code.

Upon Chair Bomstein's call for the applicant, Edward Moran, Palm Harbor, appeared; whereupon, in response to a query by the Chair, Mr. Moran confirmed that a letter in support of the application was written by his neighbor, who would be affected by the proposed accessory dwelling unit (ADU) to be located at the rear of the subject property.

No one responded to Chair Bomstein's call for opponents; whereupon, in response to additional queries by the Chair, Mr. Moran provided information regarding the purpose of the proposed ADU, including plans to accommodate family members and improve the return on investment should he sell his home in the future.

Upon the Chair's call for a motion, Ms. White made a motion to approve the staff recommendation of conditional approval in accordance with the findings of fact, as outlined in the staff report; whereupon, the motion was seconded by Mr. Bello and carried unanimously.

Case No. VAR-26-12

APPLICATION OF CLAUDIA PARKER THROUGH ROBERT GROSSO,
REPRESENTATIVE, FOR TWO VARIANCES

A public hearing was held on the above application for the following variances requested for the R-2 zoned property located at 8381 Monarch Circle North in unincorporated Seminole:

1. A variance to allow for the replacement of an in-ground pool having a 12-foot front setback from water's edge to the eastern property line along the 122nd Street North right-of-way, where 20 feet is required.

2. A variance to allow for the construction of a pool screen enclosure having an 11-foot front setback to the eastern property line along the 122nd Street North right-of-way, where 20 feet is required.

One letter of concern relative to the application has been received.

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 is a double-fronted lot developed with a one-story single-family home, covered patio, oval shaped in-ground pool, and surrounding decking. The lot fronts Monarch Circle to the west, where access currently exists, and 122nd Street North to the east, which functions as the rear. The site is not located within a designated floodplain or Coastal Storm Area (CSA).

In 2007, the Board of Adjustment and Appeals granted a variance, BA-02-11-07, allowing the existing in-ground pool to be set back approximately 12.5 feet from the eastern property line along the 122nd Street North right-of-way, where a 15-foot setback was previously required. The applicant proposes to construct a new rectangular in-ground pool with accompanying deck to replace the existing damaged pool. In addition, the applicant is seeking a variance for a pool screen enclosure to be installed over the proposed decking. The new rectangular pool would be set back approximately 12 feet from the eastern property line along the 122nd Street North right-of-way, and the pool screen enclosure would be set back approximately 11 feet from that same frontage. Under the current Land Development Code, a front setback applies to any secondary frontage opposite the primary frontage. For properties within the R-2 zoning district, this front setback requirement is 20 feet. Due to both street frontages requiring a 20-foot front setback, the area available for development on this property is significantly constrained.

It is staff's opinion that the proposed replacement of the in-ground pool with the addition of a pool screen enclosure to be reasonable, as the improvements generally fall within a similar footprint to what was previously approved by the Board of Adjustment and Appeals, with the exception of

the new enclosure. This variance request seeks only the minimum relief needed to allow the applicant to replace the damaged in-ground pool and decking within essentially the same footprint as the previous structure. Additionally, the improvements are adjacent to a public right-of-way and do not directly affect a neighboring property owner. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The applicant shall obtain a building permit and right-of-way utilization permit to remove the portion of the covered porch located within the designated 10-foot utility easement along the 122nd Street North right-of-way.
3. The applicant shall meet all other setback requirements.

In response to a query by Chair Bomstein regarding why the variance previously granted for the existing pool does not apply to the current request, Mr. Schoderbock explained that the applicable setbacks have changed, the proposed pool is of a different design, and the applicant is also requesting to install a screen enclosure.

Upon the Chair's call for the applicant, Bob Grosso, Tampa, and Veronica Latore, Tampa, appeared; whereupon, Mr. Grosso indicated that he and Ms. Latore are with A-Better Pool and Spa Service, LLC.

No one appeared in response to the Chair's call for opponents; whereupon, Mr. Grosso provided information regarding the applicant's request. Responding to a query by Ms. White, Mr. Schoderbock indicated that the side setback would be located six feet to the water's edge of the pool and five feet from the screen enclosure.

Upon Chair Bomstein's call for a motion, Mr. Hunsicker made a motion to approve based on the facts and findings of the staff recommendation; whereupon, in response to a query by the Chair, he confirmed his motion applies to both variances. The motion was seconded by Ms. White and carried unanimously.

MINUTES OF THE AUGUST 5, 2026 MEETING

Chair Bomstein indicated that the next agenda item is the minutes from the last BAA meeting. Mr. Schoderbock then noted that the meeting occurred on August 5;

whereupon, Mr. Hunsicker made a motion to approve the minutes from August 5, 2026. The motion was seconded by Ms. White and carried unanimously.

ADJOURNMENT

Mr. Schoderbock explained that he has received approval to transition from paper agendas to tablets; and that staff is in the process of acquiring the tablets and will notify the members if they will be available for next month's meeting; whereupon, responding to a query by Mr. Hunsicker, he indicated that parking passes will still be mailed to the members.

Thereupon, the meeting was adjourned at 9:25 AM.