

Clearwater, Florida, November 3, 2016

The Board of Adjustment (BA) met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida on this date with the following members present: Cliff Gephart, Chairman; Joe C. Burdette, Vice-Chairman; John Doran; Stephen G. Watts; and Deborah J. White.

Not present: Alan C. Bomstein; Gregory R. Pierce.

Also present: Glenn Bailey, Planning Department Zoning Manager; Todd F. Myers, Environmental Code Enforcement Director; Chelsea Hardy, Assistant County Attorney; other interested individuals; and Tony Fabrizio, Board Reporter.

CALL TO ORDER

Chairman Gephart called the meeting to order at 9:00 A.M.

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 the Deputy Clerk.

1 **APPLICATION OF JANET ALONSO-BLOSS, THROUGH RICK MYRICK, NuROOM CORPORATION, FOR THREE VARIANCES (BA-1-11-16) – TWO VARIANCES GRANTED AS PER STAFF RECOMMENDATION, ONE DENIED**

Public hearing was held on the application of Janet Alonso-Bloss through Rick Myrick to allow the following variances on a corner lot, re property located at 12714 83rd Avenue in the unincorporated area of Seminole: (1) To allow an existing sunroom to remain having a 7-foot front setback from the property line fronting 127th Lane North where a 20-foot setback is required; (2) To allow an existing pool to remain having a 12-foot front setback from the property line fronting 127th Lane North where a 20-foot setback is required; and (3) To allow an existing 14.2-foot by 12.1-foot shed to remain having 1-foot side setbacks from the south and west property lines where 6-foot setbacks are required. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The subject property is a corner lot with double frontage along 127th Lane North and 83rd Avenue North. Conditional approval of the request would allow a shed, sunroom, and in-ground pool to remain in locations where they have existed for many years. The shed is approximately 170 square feet in size and located at the southwestern corner of the property. The sunroom and pool are adjacent to 127th Lane North, which is to the side of the home. There is a wide right-of-way with approximately 13 feet of green space between the roadway edge and the applicant's property line. The requested setback relief should not pose any new impacts to nearby properties, nor disrupt the street character of 127th Lane North. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The sunroom shall remain unconditioned space.
3. The pool shall not be screened.
4. The applicant shall maintain Code-compliant opaque fencing between the sunroom and the 127th Lane North right-of-way and between the shed and adjacent property lines.

Rick Myrick, Clearwater, appeared and indicated that he represents the applicant; and that his company has been contracted to enclose a portion of the home into living space. Referring to a survey, he noted that the pool, sunroom, and shed were existing on the property when the applicant and her husband, now deceased, purchased the home in 1998; and that she became aware of the setback issue during inspection of a new roof.

Responding to queries by the members, Mr. Bailey indicated that staff recommends that the sunroom remain unconditioned because it is not part of the main structure; and that the shed would not be in violation of the code if it were 100 square feet rather than 170. Mr. Myrick related that the Building Department shows no record of a permit being issued for the sunroom or the shed when they were built; and that while a permit was issued for the pool in the late 1970s, there is no record of a final inspection being completed.

Responding to the Chairman's call for objectors to the application, Cindy Scheuermann, Seminole, appeared and expressed concerns about shed impinging on two property lines, the condition of the structure, and the maintenance of the pool.

Mr. Myers distributed photographs of the shed and provided input, indicating that Code Enforcement staff have been to the property multiple times; and that there are more violations on the property than those for which applicant is seeking variances. Responding to query by Mr. Burdette, Mr. Myers indicated that the shed appears to be in good condition, but there could be a problem with water runoff onto an adjacent lot. Attorney Hardy indicated that the Board's role in the matter is only to address the setback issues; and that any dispute over whether the shed encroaches onto a neighboring property would be a private matter.

In rebuttal, Mr. Myrick indicated that the applicant has demonstrated intent to clean up the property by replacing the roof, adding a fence, and contracting his company to do additional work.

Responding to query by Mr. Watts, Mr. Bailey indicated the Board could effectively limit the size of the shed by denying the variance; whereupon, Mr. Doran moved, seconded by Mr. Foley and carried unanimously, that the variances for the sunroom and pool be approved and the variance for the shed be denied.

2 APPLICATION OF CARL AND/OR MARIA WHITE THROUGH ADAM B. CARTER, ESQUIRE, REPRESENTATIVE, FOR A VARIANCE (BA-3-11-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Carl and/or Maria White through Adam B. Carter for a variance to allow an existing 4-foot-high chain-link fence to remain with a 0-foot front setback where a 50-foot front setback is required, re property located at 155 Garland Circle in Palm Harbor. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The variance will allow the existing perimeter chain-link fence to remain at its current location. The fence

appears to have been on the property since the mid-1980s and mainly serves to prevent trespassing and public access to a spring-fed lake (roughly one acre in size) that is on the property. Approval of the request should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Sight distance requirements shall be met.
3. The applicant shall install and maintain a landscaped hedge abutting the fence along Garland Circle.
4. The applicant shall obtain a right-of-way utilization permit for any landscaping within the public right-of-way.

Adam Carter, Esquire, New Port Richey, appeared and indicated that he represents the applicant. He noted that the applicant has already taken steps toward meeting staff's recommended conditions by planting shrubbery, hiring a landscaper, and paying for a permit for landscaping within the public right-of-way.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Burdette moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

3 APPLICATION OF TBR PROPERTIES, LLC, THROUGH SHELLI TATRO, REPRESENTATIVE, FOR A VARIANCE (BA-8-10-16) – GRANTED WITH CONDITION

Public hearing was held on the application of TBR Properties, LLC, through Shelli Tatro for a variance to allow a 194-square-foot freestanding sign to remain where a 150-square-foot sign is permitted, re property located at 4400 34th Street North in Lealman. No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial: Staff recommends denial of the variance to allow the existing sign to remain, as it does not meet the criteria for granting a

variance in Section 138-113 of the Pinellas County Land Development Code, specifically in regard to:

- (1) *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, including the nature of and to what extent these special conditions and circumstances may exist as direct results from actions by the applicant.
- (2) *No special privilege.* That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to other similar lands, buildings, or structures in the same zoning district.
- (3) *Unnecessary hardship.* That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.

Shelli Tatro, St. Petersburg, and Steve Gerlach, Clearwater, appeared and indicated that they represent the applicant. Ms. Tatro related that she became a tenant of the property in 2010 and, referring to photographs, indicated that the sign has been in place since about 1959; that she invested about \$10,000 to replace the banner; and that the sign company she used was told by the County that no permit was necessary.

Responding to an observation by Mr. Watts that the sign is already difficult to see because it is adjacent to an overpass, Ms. Tatro cited data from the United States Sign Council indicating that her sign is set back much further from the road than recommended for visibility and noted that the area is industrial, and there are several nearby signs that are as big or bigger.

Mr. Bailey provided additional historical background information, indicating that a new sign code went into effect in the early 1990s requiring that all nonconforming signs be removed within a 7-year amortization period, and noted that Ms. Tatro is also seeking to add a wall sign at the location. Attorney Hardy provided input, explaining that the law's intent was to reduce the number of billboards in the area, and discussion ensued.

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No one responded to the Chairman's call for objectors to the application; whereupon, Mr. Watts moved, seconded by Mr. Foley and carried unanimously, that the variance be granted with the following condition:

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

MINUTES OF OCTOBER 6, 2016 MEETING – APPROVED

Upon motion by Mr. Burdette, seconded by Mr. Watts and carried unanimously, the minutes of the meeting held October 6, 2016 were approved.

MISCELLANEOUS DISCUSSION

Responding to queries by Mr. Burdette, Mr. Bailey provided a brief update pertaining to proposed Land Development Code changes that may affect the Board, and suggested that the project manager give a presentation at a future meeting.

In response to queries by the members, Attorney Hardy indicated that election of the new Chairman and Vice-Chairman traditionally takes place at the December meeting.

ADJOURNMENT

The meeting was adjourned at 9:39 A.M.

Chairman