

Clearwater, Florida, July 2, 2015

The Board of Adjustment met in regular session in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida at 9:01 A.M. on this date with the following members present: Alan C. Bomstein (Acting Chairman); Joe C. Burdette, (Acting Vice-Chairman); Cliff Gephart; Gregory Pierce; Deborah G. White; and Michael C. Foley (alternate).

Not Present: Stephen G. Watts, Chairman; and John Doran, Vice-Chairman.

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

CALL TO ORDER

Mr. Bailey welcomed those in attendance, introduced new Board member Cliff Gephart, and announced that since the Chairman is absent today and the Vice-Chairman resigned a few months ago, the members would need to select an Acting Chairman and Vice-Chairman for the day.

Mr. Burdette nominated Mr. Bomstein to serve as Acting Chairman, seconded by Ms. White; whereupon, Ms. White nominated Mr. Burdette to serve as Acting Vice-Chairman, seconded by Mr. Foley.

Upon call for the vote, the nominations 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 the Deputy Clerk.

7 APPLICATION OF SEMINOLE CHRISTIAN FELLOWSHIP, INC. THROUGH E.D. ARMSTRONG, III, ESQUIRE, REPRESENTATIVE, FOR A SPECIAL EXCEPTION AND VARIANCE (BA-6-10-13) – CONTINUED TO SEPTEMBER 3, 2015 MEETING

Deviating from the Agenda, Public hearing was held on the application of Seminole Christian Fellowship, Inc. through E.D. Armstrong. The case originally came before the Board of Adjustment on December 5, 2013 for a special exception to allow a

July 2, 2015

150-foot-high unipole communication tower and for a variance to allow a setback of 50 feet from the north property line and 104 feet from the west property line where a 150-foot setback from the north and west property lines are required, respectively, re property located at 10202 131st Street North, Seminole. The Board approved the special exception and both variances, and the decision was appealed.

On appeal, the Circuit Court upheld the validity of the special exception determination and remanded the matter to the Board of Adjustment for further proceedings regarding the variance requests. The case is now before the Board to determine whether the variance to allow a 104-foot setback from the west property line and a 50-foot setback variance from the north property line for a communication tower, where a 150-foot setback from both the north and west property lines are required, are warranted under the Pinellas County Code (BA-6-10-13).

Mr. Bailey indicated that the applicant is requesting a continuance to the September 3, 2015 meeting.

E.D. Armstrong, Clearwater, appeared and indicated that he represents the applicant; that the case has been in litigation; and that he has been in communication with the attorney for the neighbors, Robert Chapman, and both have agreed to continue the case until the September meeting.

Thereupon, Mr. Burdette moved, seconded by Mr. Foley, that the case be continued to the September 3, 2015 meeting.

Upon call for the vote, the motion carried unanimously.

6 APPLICATION OF INDIAN SPRING MARINA, INC. THROUGH HOUSH GHOVAEE, REPRESENTATIVE, FOR A VARIANCE (BA-5-7-15) – CONTINUED TO AUGUST 5, 2015 MEETING

Deviating from the agenda, Public hearing was held on the application of Indian Spring Marina, Inc. through Housh Ghovae for a variance to allow a floor area ratio of 0.385 where 0.35 is allowed and a variance to allow a building replacement with a 22.4-foot front setback where a 35-foot front setback is required, re property located at 15151 113th Avenue North in the unincorporated area of Largo (BA-5-7-15).

July 2, 2015

Mr. Bailey indicated that the applicant is requesting a continuance to the August 5, 2015 meeting.

Thereupon, Mr. Foley moved, seconded by Ms. White, that the case be continued to August 5, 2015.

Upon call for the vote, the motion carried unanimously.

1 APPLICATION OF BRIAN FRANK FOR A VARIANCE (BA-6-7-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Brian Frank for a variance to allow a single family dwelling on a lot having zero-foot frontage on a public road where 80 feet of frontage on a public road is required, re property located off a private road approximately 440 feet south of Park Boulevard, 450 feet east of Oakhurst Road (BA-6-7-15).

Mr. Bailey indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the approval of this request, as it is apparent the applicant cannot obtain enough land fronting on a public road. There are other property owners between the public road (Park Boulevard) and the applicant's property that make this impractical. Staff recommends the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. All setback requirements shall be met.
3. Recording of ingress/egress easement to the subject property.

Brian Frank, St. Petersburg, appeared and indicated that he is seeking the aforesaid variance.

July 2, 2015

No one appeared in response to the Acting Chairman's call for objectors to the application.

In response to queries by Mr. Pierce and Acting Chairman Bomstein as to how access to the property is gained, Mr. Frank, referring to a map, pointed out a private road, and indicated that all of the homeowners use the road for access, noting that it is commonly shared and maintained; whereupon, in response to query by Mr. Foley, he stated that he agrees with the conditions of approval.

Mr. Burdette moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

2 APPLICATION OF BINNIE MARTIN FOR A VARIANCE (BA-1-7-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Binnie Martin for a variance to allow an existing detached garage to be remodeled into a 912-square-foot accessory unit where a 500-square-foot accessory dwelling unit is allowed, re property located at 13265 Park Boulevard in the unincorporated area of Seminole (BA-1-7-15).

Mr. Bailey indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this request. The applicant desires to utilize an existing accessory building as a residence for an elderly family member. The parcel is large enough to allow two single family residences if subdivided. As the required setbacks will be met, no adverse impact should occur to adjacent properties in the area. Staff recommends the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.

2. The accessory dwelling unit shall not exceed 912 square feet of living area.
3. The primary dwelling unit shall be owner-occupied.
4. No separate electric meter shall be allowed for the accessory dwelling unit.
5. All setbacks shall be met.

Binnie Martin, Seminole, appeared and indicated that she is seeking the aforesaid variance.

No one appeared in response to the Acting Chairman's call for objectors to the application.

Responding to query by Ms. White, Ms. Martin indicated that she agrees with the conditions of approval.

Thereupon, Ms. White moved, seconded by Mr. Foley, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

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- # 3. Acting Chairman Bomstein indicated that Item No. 3, Case No. BA-4-7-15, would be moved to the end of the agenda, as no applicant is present, and no objections were noted.

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4 APPLICATION OF ROBERT E. KELLER FOR A VARIANCE (BA-3-7-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Robert E. Keller for a variance to allow two after-the-fact garden shade framings to remain, one having a three-foot side setback and the other having an eight-inch side setback where six-foot side setbacks are required, re property located at 1018 Oak Lake Drive in the unincorporated area of Clearwater (BA-3-7-15).

Mr. Bailey indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this request. The shade framings are portable and can be readily moved if necessary. The shade framings are positioned within the setback because they cover an existing established garden that would be impractical to move and reestablish. Approval should be subject to the following condition:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The east shade framing shall maintain at least a three-foot side setback while the west shade framing shall maintain at least an eight-inch side setback.
3. A fence shall be maintained on the north property line between the shade framings and the property to the north.

Robert E. Keller, Clearwater, appeared and indicated that he is seeking the aforesaid variance.

No one appeared in response to the Acting Chairman's call for objectors to the application.

In response to query by Mr. Burdette, Mr. Bailey indicated that, although the garden shade framings are portable, the Code considers them a structure; and that if the existing garden were to be moved, it would be difficult to reestablish.

Mr. Foley moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

5 APPLICATION OF TOD AND AMANDA FULLERTON THROUGH LEE CURTIS, REPRESENTATIVE, FOR A VARIANCE (BA-2-7-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Tod and Amanda Fullerton through Lee Curtis for a variance for a room addition having a 22-foot front setback where a 25-foot front setback is required, re property located at 324 Bay Street, Ozona (BA-2-7-15).

Mr. Bailey indicated that no correspondence relative to the application has been received, and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this request. The proposed room addition is planned for the side of the house and would be in line with the front wall of the existing structure, which predates the Land Development Code and is approximately three feet within the front setback. Therefore, the proposed addition would not encroach into the front setback any further than the existing home. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay the appropriate impact and/or other fees.
2. The proposed addition shall maintain at least a 22-foot front setback from the property line adjacent to Bay Street.
3. All other setback standards shall be met.

July 2, 2015

Lee Curtis, Ozona, appeared and indicated that he represents the applicants.

No one appeared in response to the Acting Chairman's call for objectors to the application.

Responding to query by Mr. Foley, Mr. Curtis indicated that he agrees with the conditions of approval.

Thereupon, Mr. Foley moved, seconded by Ms. White, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

3 APPLICATION OF WALTER Q. BOWLIN, JR. THROUGH MARK CAGNI, REPRESENTATIVE, FOR A VARIANCE (BA-4-7-15) – CONTINUED TO AUGUST 5, 2015 MEETING

Public hearing was held on the application of Walter Q. Bowlin, Jr. through Mark Cagni for a variance to allow a fence higher than three feet to remain with a zero-foot front setback where a 50-foot front setback is required and a variance to allow an after-the-fact pole barn to remain having a nine-foot side setback where a 25-foot side setback is required, re property located at 3411 Forelock Road in East Lake (BA-4-7-15).

Noting that the applicant does not appear to be present and in response to query by Mr. Pierce, Mr. Bailey, with input by Mr. Myers, indicated that the code violation was discovered in the permitting process; whereupon, in response to query by Mr. Foley, Acting Chairman Bomstein related that, in general, he does not advocate approving cases when the applicant is not present.

No one appeared in response to the Acting Chairman's call for objectors to the application.

Thereupon, Mr. Burdette moved, seconded by Mr. Foley, that the case be continued to the August 5, 2015 meeting.

Upon call for the vote, the motion carried unanimously.

July 2, 2015

MINUTES OF MAY 6 AND JUNE 3, 2015 MEETINGS – APPROVED

Upon motion by Mr. Pierce, seconded by Mr. Foley and carried unanimously, the minutes of the meetings of May 6 and June 3, 2015 were approved.

ADJOURNMENT

At the direction of Acting Chairman Bomstein, there being no further business, the meeting was adjourned at 9:14 A.M.

Acting Chairman