

Clearwater, Florida, August 5, 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 on this date with the following members present: Stephen G. Watts, Chairman; Cliff Gephart, Vice-Chairman, Alan C. Bomstein; Joe C. Burdette; John Doran; Deborah J. White; and Greg Pierce.

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

CALL TO ORDER

Chairman Watts 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 RONALD S. TICHENOR, TRUSTEE OF THE RONALD S. TICHENOR TRUST, FOR A VARIANCE (BA-5-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Ronald S. Tichenor, Trustee of the Ronald S. Tichenor Trust, for a variance to allow a single family dwelling on a lot having 0 feet of frontage on a public road where 90 feet of frontage on a public road is required, re property located approximately 500 feet south of the intersection of 98th Avenue North and 92nd Street North in the unincorporated area of Seminole (BA-5-8-15).

Mr. Bailey indicated that the application originally included a variance pertaining to lot size, as indicated on the agenda; and that staff has determined such a variance is not required; whereupon, he related that three letters in opposition to the application have been received and presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of the request. The applicant cannot acquire enough

additional land to meet frontage requirements. Approval of the request 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. Recording of an ingress/egress easement to the subject property.
3. Any conditions submitted by the City of Seminole Fire Marshal.
4. All required setbacks shall be met.

In response to the Chairman's call for the applicant, Ronald S. Tichenor, Tarpon Springs, indicated that he wants to prepare the property for sale and acknowledges the concern regarding the right-of-way. Referring to a survey, Mr. Tichenor pointed out the location of his property and stated that the property has been vacant since 1988; and that the right-of-way to the south has been vacated and purchased by the owner of adjacent Lot 29, eliminating any concern of through traffic.

Responding to query by Chairman Watts, Mr. Bailey clarified that the applicant's purchase of the property in 1988 predated adoption of the zoning code in 1990; and that, in accordance with the current code at the time, the requirement for a two-acre lot does not apply. In response to queries by the members, Mr. Tichenor indicated that the property will be accessed from the west side and described the right-of-way extending south from 98th Avenue. He related that he has an easement recorded June 2, 2015; and that the Seminole Fire Department has sent a letter of conditional approval.

Responding to the Chairman's call for objectors to the application, the following individuals appeared and expressed their concerns pertaining to the issues of access, notice, drainage and flooding, lot size, frontage, easement legitimacy, utility right-of-way, and tree preservation:

Michael Bollenback, Seminole
Julia Harter, Seminole
Sharman Eicher, Seminole

Responding to Mr. Bollenback's concerns, Mr. Bomstein related that the Board has no authority over the drainage or flooding as they are engineering aspects under the control of the Pinellas County Engineering Department; whereupon, Mr. Tichenor pointed out

and clarified the location of the easement. Mr. Bailey, with input from Attorney Hardy, explained that a valid, recorded easement is a condition of approval; that Department of Development Review Services staff makes the determination of whether the easement is wide enough and proper; that a variance can be approved or denied based upon the criteria in the Code; and that a house cannot be built on an easement.

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff, and requested that special attention be paid to the engineering in the area during the site plan review process.

Upon call for the vote, the motion carried 6 to 1, with Mr. Pierce casting the dissenting vote.

2 APPLICATION OF EVELIO CALZADILLA THROUGH JOHN WILLIAM BARGER, REPRESENTATIVE, FOR A VARIANCE (BA-7-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Evelio Calzadilla through John William Barger for a variance to allow for a building addition to be located 21.78 feet from the rear property line where a 25-foot setback is required, re property located at 10999 Seminole Boulevard (BA-7-8-15).

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 the request. The applicant is attempting to enhance a dilapidated site in need of redevelopment. The proposed building addition is in the same location as a previously existing awning and will not encroach any further into the setback than an adjacent part of the existing building. Approval of the request 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. Appropriate site plan review.

3. The proposed building additional shall maintain at least a 21.78-foot setback from the rear property line.

In response to the Chairman's call for the applicant, Evelio Calzadilla, Redington Beach, appeared and indicated that he is seeking the aforesaid variance.

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

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

3 APPLICATION OF IMPERIAL POINT PROPERTY OWNERS ASSOCIATION THROUGH ANDRE BOURGEOUS, REPRESENTATIVE, FOR A VARIANCE (BA-4-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Imperial Point Property Owners Association through Andre Bourgeois for a variance to allow for the reconstruction of an existing concrete wall with a new 6-foot-high fence having a 0-foot setback from 102nd Avenue North and Hamlin Boulevard where a 2-foot setback is required for landscaping, re Lots 1 through 14 and Lots 509 through 530 within the Imperial Point Subdivision in the unincorporated area of Largo (BA-4-8-15).

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 as the homeowners along both Hamlin Boulevard and 102nd Avenue North are attempting to replace their existing fence that is unsightly due to its mixture of both concrete and wood along the aforementioned public rights-of-way. Setting the new fence two feet within the property lines will impact existing mature vegetation. The proposed changes will still enhance the thoroughfares dramatically. 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 fence shall have 0-foot setbacks along Hamlin Boulevard and 102nd Avenue North.
3. Appropriate sight distances shall be maintained, subject to approval from the Department of Development Review Services.

In response to the Chairman's call for the applicant, David Parhalo, Seminole, indicated that he represents the applicant; that conditional approval of the request was received 18 months ago; that it expired due to a delay in construction; and that the request is being presented to the Board a second time.

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

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

4 APPLICATION OF PAUL M. REIS FOR A VARIANCE (BA-3-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Paul M. Reis for a variance to allow for the reconstruction of a staircase with a 12-foot-4-inch front setback where a 25-foot front setback is required, re property located at 532 South Mayo Street, Crystal Beach (BA-3-8-15).

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 the request. Due to the wide right-of-way width of Mayo Street, the proposed staircase would still be over 42 feet from the edge of pavement. Approval of the request 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 staircase shall maintain at least a 12-foot-4-inch setback from the property line along May Street.

Roberta Rice, Crystal Beach, appeared on behalf of the applicant and submitted three letters of no objection from nearby neighbors.

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

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

5 APPLICATION OF DANIEL PARVIN FOR A VARIANCE (BA-2-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Daniel Parvin for a variance to allow the construction of a new home with an 18.5-foot front setback from Grace Street where a 25-foot setback is required, a 3.5-foot front setback from unimproved Seaford Avenue where a 15-foot front setback is required on a double frontage lot, and a 5-foot side setback where a 7.5-foot side setback is required, re property located at 160 Grace Street, Crystal Beach (BA-2-8-15).

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 the request. The subject property is a double frontage 50-foot-wide lot that backs onto a canal. The requested 3.5-foot setback is from an unimproved right-of-way (Seaford Avenue) that will likely never be built. The requested 18.5-foot front setback from Grace Street is consistent with other homes that are along the street and does not appear to be out of character with the area. It should be noted that a request for similar setback distances was approved by the Board in May of 2006; however, construction never commenced and the variance expired. Approval of the request 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 new home shall maintain at least an 18.5-foot setback from the property line along Grace Street, a 3.5-foot setback from the property line along unimproved Seaford Avenue, and a 5-foot setback from the east property line.
3. At least 25 percent of the property shall remain as permeable open space.

Daniel Parvin, Crystal Beach, indicated that he is the owner of the subject property; and that he purchased the house in 2006 from his neighbor, who had previously received a variance but let it lapse. Mr. Parvin related that the required setbacks would leave only 27.5 feet to build a new house; that the current house is 900 square feet; and that he is seeking an additional 40 feet.

In response to queries by the members, Mr. Parvin clarified that he plans to tear down the existing home and build a new, two-story structure with a garage at ground level at the current setbacks, noting that the current home is grandfathered to pre-FEMA regulations; whereupon, Mr. Bailey confirmed that staff is comfortable that Mr. Parvin's plans comport with the surrounding neighborhood setbacks.

Responding to the Chairman's call for objectors, Juliet Beltz and Ed Close, Crystal Beach, expressed their concerns pertaining to placement of utilities, encroachment, and preservation of water access. Following input by Messrs. Bomstein and Burdette, they rescinded their objections.

Mr. Parvin reiterated there will be no encroachment upon the right-of-way, noting that he is just asking to be closer to it; whereupon, he indicated that he has letters of no objection from all of the utility companies.

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

6 APPLICATION OF PALM HARBOR UNITED METHODIST CHURCH THROUGH JOHN R. KIKER, III, REPRESENTATIVE, FOR A MODIFICATION TO AN EXISTING SPECIAL EXCEPTION (BA-1-8-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Palm Harbor United Methodist Church through John R. Kiker, III, for a modification to an existing special exception to allow the addition of a 1,400-square-foot two-classroom modular building, re property located at 1551 North Belcher Road, Palm Harbor (BA-1-8-15).

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 the request, provided the Board is satisfied the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code have been met and subject to the following condition:

1. Appropriate site plan review.

John R. Kiker, III, Palm Harbor, appeared and indicated that he represents the applicant. In response to queries by the members, Mr. Kiker stated that the intent is to add up to 36 children; that 20 children are allowed per class, but 18 is set as the standing limit; that there are over 400 parking spaces for the 1,700 people who attend the church; and that entry is off of Belcher Road.

Mr. Bomstein moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

7 APPLICATION OF OAKHURST UNITED METHODIST CHURCH THROUGH REVEREND TIMOTHY W. EHRLICH, REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-6-8-15) – GRANTED WITH REVISED CONDITION

Public hearing was held on the application of Oakhurst United Methodist Church through Reverend Timothy W. Ehrlich to modify an existing special exception that allows the church to operate a private school in order to include the existing preschool and to allow

an increase in the total number of combined students from 50 to 150, re property located at 13400 Park Boulevard in the unincorporated area of Seminole (BA-6-8-15).

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 the request provided the Board is satisfied the standards of Sections 138-238 and 138-240 (14 & 16) of the Pinellas County Land Development Code have been met, subject to the following conditions:

1. The combined number of students for the preschool and private school shall not exceed 150.
2. Hours of operation for the private school shall be Monday through Friday 8:30 a.m. to 2:30 p.m.
3. Hours of operation for the preschool shall be Monday through Friday 9:00 a.m. to 2:00 p.m.
4. Adequate space for vehicle queuing shall be provided on site.

Reverend Timothy W. Ehrlich, Seminole, pointed out the location of the school and the existing buildings on a map and indicated that the school would like to eventually expand enrollment to 150 students. In response to queries by the members, Reverend Ehrlich related that the expansion would double the current traffic load; that the days of operation are Monday through Friday; and that outside agencies provide onsite therapies to special-needs students and then leave. Referring to a diagram, he described the proposed traffic pattern, noting that staggered drop-off and pick-up times will help prevent the accumulation of vehicles.

Mr. Bailey recommended that the preschool hours of 9:00 a.m. to 2:00 p.m. be changed to 9:00 a.m. to 3:00 p.m. He indicated that Rainbow Preschool has been in operation for 30 years under the false assumption of an approved special exception; that Rainbow has enrolled 50-plus students and that LiFT Academy has enrolled approximately 40 students; that the zoning allows for 50 students; that the actual increase with regard to

traffic, parking and queuing is from 90 to 150; and that preschool standards for square footage and parking have been met.

Reverend Ehrlich clarified that Rainbow Preschool operated with the understanding that because the state licensed the school for 72 students, it was zoned for 72 students; and that when the application was submitted, it was discovered that the zoning capacity had been exceeded.

Responding to the Chairman's call for objectors to the application, the following individuals expressed their concerns pertaining to the issues of a playground buffer, further expansion of the school, an existing fence, noise, traffic, and a speeding hazard:

Ellen Hanke, Seminole
Ken Hanke, Seminole

Responding to the objectors' concerns, Reverend Ehrlich indicated that the church would have no objection to closing the fence or building a higher fence; that the plan to curtail noise is to stagger the drop-off, lunch, and pick-up hours; and that the church does not plan to expand beyond 150 students; whereupon, at the Chairman's suggestion, Reverend Ehrlich agreed to work with the neighbors to absolve the issues.

Mr. Pierce moved, seconded by Ms. White, that the variance be granted as recommended by staff, with the added condition that the preschool hours be changed to 9:00 a.m. to 3:00 p.m.

Upon call for the vote, the motion carried unanimously.

8 APPLICATION OF WALTER Q. BOWLIN, JR. THROUGH MARK CAGNI, CAGNI CONSTRUCTION COMPANY, INC., REPRESENTATIVE, FOR VARIANCES (BA-4-7-15) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Walter Q. Bowlin, Jr. through Mark Cagni for a variance to allow a fence higher than 3 feet to remain with a 0-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 9-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).

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

Recommend Approval. Staff has no objection to the conditional approval of the requests, subject to the following conditions being met:

1. The applicant shall obtain all required permits, including the appropriate impact and/or other fees.
2. Sight distance requirements for the fence shall be met.
3. The pole barn shall not be enlarged.
4. The pole barn shall retain its current 9-foot setback from the west property line; however, in the event it is destroyed beyond 50 percent of its market value, any new structure shall meet the required setbacks.

In response to the Chairman's call for the applicant, Mark Cagni, Clearwater, indicated that he is seeking the aforesaid variance.

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

Mr. Pierce moved, seconded by Mr. Doran, that the variance be granted as recommended by staff.

Upon call for the vote, the motion carried unanimously.

MINUTES OF JULY 2, 2015 MEETING – APPROVED AS AMENDED

Upon presentation of the minutes of the meeting of July 2, 2015, Mr. Pierce noted that the minutes should reflect that Mr. Gephart is Vice-Chairman, and Ms. White noted that her middle initial is "J"; whereupon, Mr. Bomstein moved, seconded by Mr. Doran and carried, that the minutes of the July 2, 2015 meeting be approved with the above-noted corrections.

August 5, 2015

ADJOURNMENT

At the direction of Chairman Watts, there being no further business, the meeting was adjourned at 10:03 A.M.

Chairman