

Clearwater, Florida, October 6, 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; Alan C. Bomstein; John Doran; Gregory R. Pierce; Stephen G. Watts; and Deborah J. White.

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 9:01 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 DIOCESE OF ST. PETERSBURG THROUGH BARRY M. BYWALEC, P.E., REPRESENTATIVE, FOR A MODIFICATION OF AN EXISTING SPECIAL EXCEPTION (BA-5-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Diocese of St. Petersburg through Barry M. Bywalec for modification of an existing special exception for a place of worship to allow for the construction of a new 4,000-square-foot meeting facility, re property located at 2757 Alderman Road in Palm Harbor (BA-5-10-16). 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, provided the Board is satisfied that it meets the “Standards” of Section 138-238, Division 7 of the Pinellas County Land

Development Code. 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. Full site plan review.

Barry Bywalec, P.E., Palm Harbor, appeared and indicated that he represents the applicant.

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

2 APPLICATION OF REBECCA FARLEY CHEANEY AND BRIAN CHEANEY FOR A VARIANCE (BA-9-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application Rebecca Farley Cheaney and Brian Cheaney for a variance to allow an existing atrium to be remodeled into a 1,050-square-foot accessory dwelling unit where a maximum of 750 square feet is allowed, re property located at 720 Ranch Road in East Lake Tarpon (BA-9-10-16). One letter of no objection was 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 applicant desires to utilize an existing accessory building (atrium) as a residence for a 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. 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 accessory dwelling unit shall not exceed 1,050 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.

Rebecca Cheaney, Tarpon Springs, appeared and indicated that she is seeking the aforesaid variance.

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

3 APPLICATION OF GERHARD AND SANDY WINTER THROUGH TIM RONEY, REPRESENTATIVE, FOR VARIANCES (BA-10-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Gerhard and Sandy Winter through Tim Roney for variances to allow for the construction of a room addition having a 17.6-foot front setback and for a 6-foot-high privacy wall having a 15.7-foot front setback from the property line adjacent to Madonna Boulevard where 20 feet is required, re property located at 340 6th Avenue North in Tierra Verde (BA-10-10-16). 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 an oddly-shaped double-frontage lot with an existing home that is not built square to the property lines. Madonna Boulevard has a wide right-of-way, with approximately 25 feet of green space between the roadway edge and the applicant's property line. The proposal should not impact any nearby properties or utility lines, nor disrupt the

street character of the area. 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. All other required setbacks shall be met.

Tim Roney, Roney Design Group, LLC, St. Petersburg, appeared and indicated that he represents the applicant.

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

4 APPLICATION OF NORTHSIDE BAPTIST CHURCH, INC. THROUGH TIM JOHNSON, REPRESENTATIVE, FOR A VARIANCE (BA-6-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Northside Baptist Church, Inc. through Tim Johnson for a variance to allow for the installation of a 6-foot-high decorative fence and entrance gate with up to 9-foot-2-inch-high columns having a 0-foot to 10-foot front setback where a 50-foot setback is required, re property located at 7777 62nd Avenue North in the unincorporated area of Pinellas Park (BA-6-10-16). 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 applicant is proposing to install a 6-foot-high semi-transparent fence for security purposes and a decorative entrance gate with columns for an existing school. 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. Appropriate site plan review.
4. The fence, gate, and columns shall be constructed in substantial conformance with the submitted concept plan and associated drawings.

Don James, Head of School, Northside Christian School, St. Petersburg, and Tim Johnson, Rampart Consulting Group, Treasure Island, appeared and indicated that they represent the applicant.

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

5 APPLICATION OF BAYOU HOMES HOLDING, LLC THROUGH BRIAN O'CONNELL, REPRESENTATIVE, FOR A VARIANCE (BA-4-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Bayou Homes Holding, LLC through Brian O'Connell for a variance to allow for the construction of a single-family home on a lot having 0 feet of frontage on a public right-of-way where 75 feet of frontage is required, re property located behind 721 and 279 Orange Street in Palm Harbor (BA-4-10-16). Two letters of no objection from citizens, a letter of no objection from Palm Harbor Fire Rescue, and a letter from the Ozona Village Improvement Society (OVIS) requesting that an existing spring be set aside from the development were received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Conditional Approval: This request, if granted, could potentially lead to the construction of a single-family home on Lot 3 as identified on the submitted concept plan, which does not presently have any development entitlements. The subject property, along with the two properties to the east fronting Orange Street (Lots 1 and 2) historically comprised the parent parcel. The parent parcel had legal lot frontage onto Orange Street; however, the owner of record obtained a lot split via metes and bounds for three lots and subsequently sold and constructed homes on Lots 1 and 2. Had the owner of record gone through the subdivision and platting process in the appropriate sequence, this variance would not be

required. Given the placement of the recently constructed homes, additional land cannot be acquired to meet the frontage requirements; therefore, the applicant has submitted a 25-foot-wide utility/access easement. Staff has no objection to the conditional approval of the request as long as all conditions noted below are approved by the Board to ensure that construction on Lot 3 meets both County and State subdivision and platting requirements.

1. Applicant shall obtain all required permits and pay all applicable fees.
2. Meet all required state and local platting and subdivision requirements showing all access/utility easements.
3. Full site plan application and review to include all three lots as a subdivision including, but not limited to, protection of the existing spring and surrounding wetland environs, drainage requirements, etc.
4. All setback requirements shall be met.

Katie Cole, Esquire, Hill Ward Henderson, Clearwater, appeared and indicated that she represents the applicant. Referring to the letter from OVIS, she indicated that the site plan process and the platting process will require a conservation easement over the wetlands and the spring, as well as in the wetlands buffer area, thereby providing better protection for the spring than exists currently.

Responding to query by Mr. Bomstein, Ms. Cole provided historical background information regarding the property, relating that it is part of a larger parcel of commonly owned land, which the applicant sought to subdivide into lots for three single-family homes and, due to an immediate need to construct one of the homes, he obtained a lot split via metes and bounds. She further indicated that had the applicant gone through the platting process, the variance could have been approved through an administrative waiver, but because he is platting after the first two homes were constructed, he must apply for the variance through the Board of Adjustment.

Responding to a comment by Mr. Bomstein that the applicant had adequate time to go through the proper development process, Ms. Cole acknowledged that the ideal course of action would have been to submit a plat and subdivision plan in advance, while asserting that the request still meets the criteria for the variance.

Responding to the Chairman's call for objectors to the application, OVIS President Brian Smith, Odessa, and Dennis Green, Ozona, appeared and presented their concerns.

Mr. Smith indicated that he is not opposed to the application but wants the Board to explore ways to transfer the spring and adjacent land to public ownership. Mr. Bomstein stated that he did not think the Board had such authority; whereupon, Attorney Hardy confirmed that any condition imposed by the Board would have to be related in both nature and extent to the request. She added that she does not see a distinction between the level of protection offered by a conservation easement and the land being publicly owned, noting that conservation easements are governed by state statute and the County has the authority to ensure that the land is maintained in its preserved state.

Mr. Green also did not express an objection to the application, but rather indicated that he believes the Board should require the developer to construct a concrete wall to prevent runoff into the adjacent preserve.

In rebuttal, Ms. Cole indicated that the variance request is only for lot frontage; that the property to the north has a conservation easement, which the County determined was an appropriate protection for the wetlands; that the question of whether a wall or a wetland buffer should be required is not pertinent to the request and would be determined during site plan approval; and that the County has expressed no interest in purchasing the portion of the property containing the spring.

Mr. Bomstein recommended that concerned neighbors who want to pursue County ownership of the spring contact the Board of County Commissioners or other County officials; whereupon, he moved, seconded by Mr. Doran and carried unanimously, that the variance be granted as recommended by staff.

6 APPLICATION OF VERNON AND VELMA GOULD, AS TRUSTEES OF THE GOULD REVOCABLE TRUST, THROUGH HUNG T. MAI, P.E., REPRESENTATIVE, FOR A SPECIAL EXCEPTION (BA-2-10-16) – GRANTED WITH ADDITIONAL CONDITION

Public hearing was held on the application of Vernon and Velma Gould, as Trustees of the Gould Revocable Trust, through Hung T. Mai for a special exception to allow an existing single-family home to be used as a community outreach center and food pantry, re property

located at 3718 139th Avenue North in the unincorporated area of Largo (BA-2-10-16). The Clerk has received three letters in opposition to the application.

Mr. Bailey related that the applicant has withdrawn the request for a community outreach center; whereupon, he presented the following staff recommendation:

Recommend Conditional Approval: Staff has no objection to the conditional approval of the request provided the Board is satisfied that it meets the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code. 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. Full site plan review.
3. Approval is for food distribution and food storage only.
4. Hours of operation shall be between 8:00 A.M. and 5:00 P.M., seven days a week.
5. No retail sales will be permitted.
6. No commercial vehicles are allowed to load or unload.

Hung T. Mai, Tampa, and Monsignor Robert Morris, St. Catherine of Siena Catholic Church, Clearwater, appeared and indicated they represent the applicant.

Responding to the letters of objection, Mr. Mai indicated that some neighbors are unaware that a portion of the original application requesting use as a community center has been dropped; that traffic would be minimal because the food pantry serves only nearby residents and many of them walk; and that there will be no truck deliveries. Monsignor Morris related that Coral Heights has been identified as an at-risk community; that the church has been working with the Sheriff’s Office, County representatives, and the Neighborhood Association to improve conditions in the community; and that records are kept relative to the distribution of food.

Responding to queries by the members, Monsignor Morris indicated that the pantry is feeding about 60 families once a month, and the frequency would increase if the special exception is granted; that the program is operated by the Diocese of St. Petersburg and overseen by a Sister from the church; that the home is rented out and the pantry is operated out of an adjacent structure; that the church is interested in purchasing the property; and that the food is stored at the church and transported by personal vehicles in partnership with another church.

Director of Development Review Services Blake Lyon clarified that no permit is needed for the food pantry beyond the special exception unless prepared food is served, in which case Department of Health oversight would apply.

Robert Murray and Jay Sewell, Largo, appeared in support of the application. Mr. Murray opined that the church should be allowed to help the community fight poverty. Ms. Sewell indicated that she has lived in the neighborhood for 11 years; that she helped start the Neighborhood Association; that significant gains have been made in cleaning up drugs and prostitution; and that the food pantry is serving a valuable service by feeding hungry families. Responding to queries by members, she related that the neighborhood is multilingual and multicultural; and that it includes 435 homes and 322 children.

Upon the Chairman's call for objectors to the application, Robert Hoff and George Gusler, Largo, appeared and expressed their concerns, including:

- More frequent operation of the food pantry would be disruptive and cause traffic and parking issues.
- Property values of the adjacent homes could be diminished.
- Meals have been served out of the property without permits being obtained.
- Signs are being posted in neighbors' yards before food distribution days and are not being taken down for days.
- Food containers and other debris are being dumped in neighbors' yards.

In rebuttal, Mr. Mai indicated that most of the food distributed is dry or canned; and that the neighbors behind the subject property are not impacted. Ms. Sewell also appeared and, in response to members' queries, disputed the objectors' contention that signs are being placed in yards; and indicated that the meals referenced were served at the location by Pinellas County Schools.

Following discussion, Mr. Watts moved, seconded by Mr. Doran, that the special exception be approved with the additional condition that the food pantry is for the use of the immediate and contiguous neighborhood only. Upon call for the vote, the motion carried 6 to 1, with Mr. Pierce casting the dissenting vote.

7 APPLICATION OF FAMILY-OWNED SERVICE COMPANY, INC. THROUGH RICHARD J. MARCEL, REPRESENTATIVE, FOR MODIFICATION OF A SPECIAL EXCEPTION AND A VARIANCE (BA-7-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held in the application of Family-Owned Service Company, Inc. through Richard J. Marcel for modification of an existing special exception for a cemetery and funeral home to allow for the renovation and expansion of the funeral home, the addition of accessory mausoleums/columbaria, the removal of a crematory, and reconfiguration of parking areas, sidewalks, and drives, along with a variance to recognize existing burial plots, mausoleums, and crypts within the required 50-foot setback, re property located at 2966 Belcher Road in the unincorporated area of Dunedin (BA-7-10-16). One letter in opposition and one letter stating concerns with regard to the application have 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 special exception request provided the Board is satisfied that it meets the “Standards” of Section 138-238, Division 7 of the Pinellas County Land Development Code. In regard to the requested variance, approval would recognize existing and previously sold burial spaces that are within the required 50-foot setbacks. The cemetery predates the zoning code, having confirmed burial sites dating from as early as the 1940s. 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. Full site plan review.
3. A Burial Plot Plan shall be filed in association with an approved site plan.

4. The existing crematory shall be removed.
5. Appropriate landscape buffering shall be maintained/installed to provide adequate screening of the mausoleums/columbaria from nearby residential uses.

Responding to query by Mr. Bomstein, Mr. Bailey clarified that the some of the burial plots, mausoleums, and crypts that are located within the required setback are family plots that are sold, but not yet full; and that some plots are located up to the property line.

Richard J. Marcel, The Sustainability Group, New Port Richey, appeared and indicated that he represents the applicant; whereupon, responding to queries by the members, he indicated that the crematory has not been used since the applicant purchased the property; that an existing sidewalk along Solon Avenue will remain in place; and that the variance would validate the location of the existing graves. Referring to a map and drawing, he summarized the proposed improvements and additions.

Upon the Chairman's call for supporters of the application, Gary Grayshaw, Dunedin, appeared and thanked the applicant for improving the aesthetics of the property and maintaining the dignity of the gravesites.

Thereupon, the Chairman called for objectors to the application, and the following individuals appeared and expressed their concerns:

J. Michael Redmond, Dunedin
Roberta McCarter, Dunedin
Ova Moore, Dunedin
Thomas Kinney, Dunedin
Hany Habib, Dunedin

Mr. Redmond indicated that he is the longtime owner of an adjacent mobile home park; and that he is pleased with the applicant's property improvements to date, but he wants to make sure the 50-foot setback requirement for new construction is adhered to if the special exception is granted.

Concerns of the other individuals included:

- The potential 35-foot height of the proposed indoor mausoleum.
- Air quality and environmental problems related to the mausoleums.
- Whether access to the Solon Avenue sidewalk adjacent to the property will be impeded during construction.
- Existing parking issues and whether they will continue.

Environmental Code Enforcement Director Todd Myers indicated that residents could call Code Enforcement if they have a complaint pertaining to air quality issues; and Mr. Bailey related that Air Quality staff had no concerns about health risks with regard to the application.

In rebuttal, Barry K. Brewer, Family-Owned Services, Dunedin, addressed the odor and environmental concerns, indicating that the funeral home and cemetery are regulated and inspected by the state; and that caskets and entombments are completely sealed. Responding to queries by the members, he related that above-ground burials are necessary for the business to be economically viable because the cemetery is about 85 percent full; that a columbarium differs from a mausoleum in that it houses urns; and that that the interior sidewalk will be improved. Responding to additional queries by the members, Mr. Marcel indicated that the sidewalks along Solon Avenue and Belcher Road will not be affected; and that the plans include a decorative wall along both roadways.

Following discussion, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the special exception and variance be approved as recommended by staff.

8 APPLICATION OF WILLIAM AND NANCY ATKINSON THROUGH MICHAEL CAMPAGNA, REPRESENTATIVE, FOR A VARIANCE (BA-3-10-16) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of William and Nancy Atkinson through Michael Campagna for a variance to allow the construction of a single-family home having a front setback of 15 feet where a 20-foot setback is required, re property located at 100 Klosterman Road West in Palm Harbor (BA-3-10-16). 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 has water frontage on its rear and western sides, each requiring a 15-foot setback from the associated seawall where, in normal situations, 10-foot rear and a 6-foot side setbacks would apply. Additionally, the property is adjacent to the western terminus of Klosterman Road, which has an approximately 60-foot-wide right-of-way, much of which is not paved. 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 minimum front setback shall be 15 feet.
3. All other setbacks shall be met.
4. The driveway to the home shall be designed in such a way as to allow for the parking of a car without encroachment into the adjacent public right-of-way.

Michael Campagna, Palm Harbor, appeared and indicated that he represents the applicant.

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

9 APPLICATION OF MONICA REINERT FOR A VARIANCE (BA-1-10-16) – GRANTED WITH CONDITION

Public hearing was held on the application of Monica Reinert for a variance to allow an after-the-fact 12-foot-by-12-foot storage shed to remain with a reduced rear setback of 3 feet, 9 inches where 10 feet is required, re property located at 1433 Lemon Street in the unincorporated area of Clearwater (BA-1-10-16). One letter in support of the application was received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial: Staff recommends denial of the after-the-fact shed, 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.

Monica Reinert, Clearwater, appeared and indicated that she is seeking the aforesaid variance. She related that the shed was built many years ago by her ex-husband and his father; that her former husband no longer lives there; that having to move the shed would create a financial hardship; that she has signatures of neighbors who do not object to its location; and that she would agree to any conditions attached to a variance.

Responding to query by Mr. Pierce as to whether the shed has electricity, Ms. Reinert indicated that it has power to a ceiling fan and light; whereupon, Mr. Watts commented that, based on the survey, he does not see any other place where it could reasonably go; and Mr. Bomstein noted that no neighbors have complained, and the violation was discovered accidentally.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted subject to the condition that the applicant obtain all permits and pay all applicable fees.

#10 APPLICATION OF TBR PROPERTIES, LLC THROUGH SHELLI TATRO, REPRESENTATIVE, FOR A VARIANCE (BA-8-10-16) – CONTINUED AT THE REQUEST OF THE APPLICANT

Mr. Bailey referred to 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 (BA-8-10-16) and related that the property owner was called away unexpectedly and has requested a continuance to next month.

Shelli Tatro, Bayside Sports Academy, St. Petersburg, and Starlyn Fikkert, Great Bay Signs, Indian Shores, appeared and indicated that they represent the applicant. Ms. Tatro related that she is the tenant whose sign is impacted by the zoning, but that she would prefer to present her case when the property owner is available. Responding to query by Mr. Bomstein, Ms. Tatro explained that her sign is not replacing a sign depicted in a photograph advertising Oldja Enterprises.

Mr. Bomstein indicated that he did not want to discuss the case further; whereupon, he moved, seconded by Mr. Doran and carried unanimously, that the case be continued for 30 days.

#11 APPLICATION OF LARGO LAKES PROPERTY OWNERS ASSOCIATION, INC. THROUGH CHRIS WEDDLE, P.E., REPRESENTATIVE, FOR A VARIANCE (BA-7-7-16) – GRANTED WITH CONDITIONS

Public hearing was held on the application of Largo Lakes Property Owners Association, Inc. through Chris Weddle for a variance to allow for the construction of a second freestanding sign on a parcel of land with 282 feet of road frontage where 500 feet of frontage is required for a second sign, at a distance of 50 feet from the existing sign where 300 feet of separation is required, re property located at the northeast intersection of Starkey Road and Largo Lakes Drive in the unincorporated area of Pinellas Park (BA-7-7-16). 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 proposed off-premises freestanding sign, 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.

Mr. Bailey related that the case came before the Board in July and was continued; that the variance request is primarily for a YMCA located within the corporate park; and that the revised application does not differ enough to change staff's recommendation of denial.

Responding to queries by members, Mr. Bailey indicated that the recommendation of denial is based on the property being limited by regulations to one sign per the available road frontage; that the proposed sign would be located only 50 feet from the existing sign; that the applicant could accomplish its goal with a single sign; and that the park has another sign near its connection to Bryan Dairy Road.

Katie Cole, Esquire, Hill Ward Henderson, Clearwater, appeared and indicated that she represents the applicant. Referring to a rendering of the proposed sign and a map, she related that the YMCA is willing to revise its proposal in order to remove space on the proposed sign for other tenant signage; that the essence of the request is to have a more visible sign for the YMCA; that various easements along the property limit where the sign can be erected; and that the YMCA is the only business in the corporate park that serves the general public.

Providing input and responding to queries by members, Chris Weddle, P.E., Aurora Civil Engineering, Inc., Brandon, indicated that the proposed and existing signs have less combined square footage than the 150 square feet allowed for a single sign.

October 6, 2016

Discussion ensued during which Mr. Watts commented that the lack of a visible sign presents a traffic safety problem; and Mr. Bomstein indicated that the YMCA has a strong argument for needing to identify itself, but cautioned that approval could be setting a precedent; whereupon, Attorney Hardy related that there is no difference in the applicability of the sign code between residential, commercial, and industrial uses.

No one appeared in response to the Chairman's call for objectors to the application; whereupon, Mr. Bomstein moved, seconded by Mr. Doran and carried unanimously, that the variance be granted subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Signage shall conform to submitted depiction.

MINUTES OF JULY 7 AND AUGUST 3, 2016 MEETINGS – APPROVED

Upon motion by Mr. Bomstein, seconded by Mr. Doran and carried unanimously, the minutes of the meetings held July 7 and August 3, 2016 were approved.

MISCELLANEOUS DISCUSSION

Seminole Christian Fellowship – F&L Towers, Representative (BA-6-10-13)

Attorney Hardy provided an update regarding a case (BA-6-10-13) originally brought forward by Seminole Christian Fellowship, LLC in 2013 and last discussed at the July 7, 2016 meeting. She indicated that the case has been officially withdrawn.

ADJOURNMENT

At the direction of Chairman Gephart, there being no further business, the meeting was adjourned at 11:01 A.M.

Chairman