

Largo, Florida, December 2, 2020

The Board of Adjustment and Appeals (BAA) met in regular session in the Magnolia Room at the Pinellas County Extension Office in Largo, Florida on this date with the following members present: Deborah J. White, Chairman; Alan C. Bomstein, Vice-Chairman; Jose Bello, Joe C. Burdette, John Doran, Cliff Gephart, and Pamela Kern, Alternate Member.

Not Present: Vincent Cocks.

Also Present: Glenn Bailey, Zoning Manager; Gina Berutti, Code Enforcement Manager; Chelsea Hardy, Assistant County Attorney; Blake Lyon, Director of Building and Development Review Services; other interested individuals; and Sitara Coyle, Board Reporter.

### CALL TO ORDER

Chairman White called the meeting to order at 9:00 A.M. and provided an overview of the hearing process.

### 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 a Deputy Clerk.

#1 APPLICATION OF LARRY CROW THROUGH TROY CARTER, REPRESENTATIVE, FOR A VARIANCE (BAA-20-26) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Larry Crow through Troy Carter for a variance to allow for a proposed onsite building to occupy 20 percent of the primary roadway frontage along U.S. Highway 19 where Pinellas County Land Development Code District Design Criteria require 40 percent, re property located at 38652 U.S. Highway 19 North in unincorporated Tarpon Springs (BAA-20-26). 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 as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code.

The District Design Criteria require that at least 40 percent of the primary frontage be occupied by a building (i.e. moving the building closer to the roadway to enhance urban form and pedestrian accessibility). The Criteria allows certain features to be placed between the buildings and roadway frontage, such as open space and pedestrian amenities, LID stormwater facilities, free-standing architectural elements, and no more than one drive aisle and two rows of parking. The subject property is a corner lot with two road frontages, with the primary frontage consisting of approximately 200 feet. The applicant is proposing to demolish the existing building and redevelop the site with a car wash. The proposed design of the redevelopment offers the best orientation for site traffic circulation. Two of the four current access points to the property will be closed, which enhances traffic safety.

Approval 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. The remaining District Design Criteria not being varied shall be required.

Troy Carter, Lutz, appeared on behalf of the applicant and provided information regarding the proposed site layout.

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

Mr. Bomstein moved, seconded by Ms. Kern, that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. Upon call for the vote, the motion carried unanimously.

#2 APPLICATION OF THOMAS O'BRIEN THROUGH KATIE COLE, REPRESENTATIVE, FOR A VARIANCE (BAA-20-30) – GRANTED AS PER STAFF RECOMMENDATION

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Public hearing was held on the application of Thomas O'Brien through Katie Cole for a variance to allow an elevated cantilevered deck to remain having a 7-foot setback from the seawall along the north property line where 15 feet is required, re property located at 121 6th Street East in Tierra Verde (BAA-20-30). 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 cantilevered deck was installed by a previous owner of the subject property and is thought to have been built with the house back in the early 1990s. The deck needs repair, and the issue was discovered when the current owner tried to obtain a building permit. As it is cantilevered, the deck is attached to the house and not the ground; therefore, the integrity of the seawall should not be affected. The deck is not covered and has open, mostly transparent railings, which helps preserve the viewshed of neighboring properties. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The deck shall not be roofed.
3. The deck railings shall remain mostly open and transparent.

Katie Cole, Clearwater, and Thomas O'Brien, Tierra Verde, appeared in response to the Chairman's call for the applicant, and Ms. Cole provided background information regarding the request.

No one appeared in response to the Chairman's call for opponents or proponents of the application.

In response to queries by the members, Ms. Cole clarified that the deck needs structural repair, not replacement; therefore, no features of the deck are changing. Mr. Bailey indicated that the wording for the third condition is sufficient, and Mr. Bomstein concurred.

Mr. Bomstein moved, seconded by Mr. Burdette, that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. Upon call for the vote, the motion carried unanimously.

#3 APPLICATION OF PINELLAS COUNTY HOUSING & COMMUNITY DEVELOPMENT THROUGH JOE RIDDLE, REPRESENTATIVE, FOR A VARIANCE (BAA-20-31) – WITHDRAWN

Mr. Bailey referred to the application of Pinellas County Housing & Community Development for a variance to allow for the construction of a single family home on each of two adjacent 50-foot-wide lots under common ownership where 60 feet of width is required, re property located 160 feet west of the intersection of 133rd Avenue and Oak Street, south side of 133rd Ave, in unincorporated Largo (BAA-20-31) and indicated that it has been withdrawn.

#4 APPLICATION OF KANAKENA, LLC FOR A TYPE-2 USE (BAA-20-32) – GRANTED AS PER STAFF RECOMMENDATION

Public hearing was held on the application of Kanakena, LLC for a Type-2 Use to allow a medical office in an E-2 zone, re property located at 3519 Alternate U.S. Highway 19 in Palm Harbor (BAA-20-32). 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 as it appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The subject property is part of a multi-parcel/building development that shares access, parking, and stormwater retention. No external improvements are proposed, and the request should pose minimal overall impacts. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Appropriate site plan review.

Judith Soliman, Palm Harbor, appeared and indicated that she is the applicant; and that she is acquiring a unit in the building for a medical outpatient clinic. In response to query by Mr. Bomstein, she related that she is the medical owner with her husband, who is the medical practitioner.

No one appeared in response to the Chairman's call for opponents or proponents of the application.

Mr. Bomstein moved, seconded by Mr. Doran, that the Type-2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report. Upon call for the vote, the motion carried unanimously.

#5 APPLICATION OF JOHN SKOPOS FOR A VARIANCE (BAA-20-28) – GRANTED WITH CONDITIONS

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Public hearing was held on the application of John Skopos for a variance to allow for the placement of a pool with a 6-foot rear setback to water's edge where 8 feet is required, re property located at 503 Palm Avenue in Palm Harbor (BAA-20-28). No correspondence relative to the application has been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. The request is for a variance to allow a new inground pool having a 6-foot rear setback to the pool water's edge, which is 2 feet closer to the rear property line than allowed by Code.

Staff cannot support the request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. In short, there are no special conditions or unnecessary hardships, the request is not the minimum variance necessary, and it is inconsistent with the Land Development Code and the Comprehensive Plan. There is ample space for a pool in the rear yard that would not impact required setbacks. Also, the pool shape could be redesigned to meet the required setbacks. In addition, in June 2020 a right-of-way vacation was approved by the Board of County Commissioners, which added an additional 6 feet to the rear of the property.

John Skopos, Palm Harbor, appeared and indicated that he is the applicant and responded to queries by the members regarding the location and size of the proposed pool, the configuration of the property, and possible alternatives to construct the pool within the current setback requirements.

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

Mr. Bomstein moved, seconded by Mr. Gephart, that the variance be granted based upon findings of fact that the placement of the pool will do no harm and the back yard is small, subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. No pool cage is allowed.

Upon call for the vote, the motion carried unanimously.

#6 APPLICATION OF SARDO'S PIZZA THROUGH SANTO SARDO, REPRESENTATIVE, FOR A VARIANCE (BAA-20-29) – GRANTED WITH CONDITIONS

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Public hearing was held on the application of Sardo's Pizza through Santo Sardo for a variance to allow the construction of a 2,000-square-foot accessory structure having a 5-foot rear setback where 20 feet is required in a C-2 zone when adjacent to a residential zoning district, re property located at 10839 Ulmerton Road in unincorporated Largo (BAA-20-29). Two letters in support of the application have been received by the Clerk.

Mr. Bailey presented the following staff recommendation:

Recommend Denial. The request is for a variance to allow a 2,000-square-foot accessory storage structure to be constructed having a 5-foot rear setback, which is 15 feet closer to the rear (north) property line than allowed by the Zoning Code in a C-2 zone when adjacent to a residential zoning district. There are two adjacent residential properties to the north, both zoned R-4 and developed with single family homes. The structure was being built without permits, but construction was halted after receiving notice from the County.

Staff cannot support the request as it does not meet the criteria for the granting of a variance found in Section 138-231 of the Pinellas County Land Development Code. In short, there are no special conditions or unnecessary hardships, the request is not the minimum variance necessary, and it is inconsistent with the Land Development Code and the Comprehensive Plan. The required 15-foot setback is intended to buffer residential properties from nonresidential buildings, and the request could be precedent setting. A smaller building that meets required setbacks could be constructed instead.

Mr. Lyon noted that the primary use on the property is the pizza establishment; that the proposed use for the building would be storage to support charity activities; that there is a concern that if the property changes hands, the building could be used for an alternate purpose; and that it is strongly suggested that the use of the building be restricted to storage only, if the opinion of the Board differs from that of staff's recommendation.

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Santo Sardo, Largo, provided background information regarding his work with various outreach programs and charities, the history of construction on the property, and the proposed use for the building. In response to query by Mr. Burdette, he related that he has no objection to restricting the use of the building to storage only.

Steve Cleveland, Largo, and Greg Rife, Gordon, Georgia, spoke in support of the application.

Ms. Kern and Mr. Bello disclosed that they had ex parte communications with the applicant prior to today's meeting.

Responding to comments by Mr. Rife, Mr. Bomstein referred to a photograph of the building and clarified that the power lines are less than 2 feet from the foundation of the building.

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

In response to queries by the members, Mr. Sardo provided an example of the variety of products the building would be used to store and the traffic pattern during pick up and drop off times, noting that those activities only occur on Sundays. He indicated that he purchased the pre-engineered steel package and erected the building with the help of friends; that he did receive advice about acquiring a permit; and that the items are stored for varying periods of time.

During discussion and responding to queries by the members, Mr. Bailey related that one parking space per 1,500 square feet would be required for the storage building; and that an accessory structure would be tied to the primary use and can be attached or detached; whereupon, Mr. Sardo stated that one-quarter of the building is used for products related to the restaurant.

Mr. Sardo responded to queries by Messrs. Bello and Bomstein pertaining to construction costs and activities, and reiterated that he started construction without the proper permits; whereupon, Mr. Bomstein related that it will be difficult for the Pinellas County Building Department to review the structural integrity of the building.

Responding to comments and queries by Mr. Doran, Mr. Bailey indicated that there would be no difference if the structure was attached; and that there is no side setback, just a rear



setback, and Mr. Sardo noted that he received an offer to annex into the City of Largo; whereupon, discussion ensued with input from Messrs. Sardo and Lyon.

Following input by Attorney Hardy, Mr. Burdette moved, seconded by Mr. Bello, that the variance be granted based upon findings of fact that special conditions exist since the use is intended for noble purposes and activity will be limited to one day a week; that granting the request is the minimal code deviation that will make possible the reasonable use of the land, building, or structure; that annexation of the property has been considered and rezoning is not an option; that the request would not be injurious to the area involved or otherwise detrimental to the public welfare; that granting the request does not circumvent a condition placed upon the subject property by the Board; and that all of the following conditions must be met:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. Full site plan review.
3. Pickup and deliveries are limited to Sundays only.
4. The structure will be limited to storage purposes only.

Following further discussion with staff input and upon call for the vote, the motion carried 6 to 1, with Mr. Doran dissenting.

#### MINUTES OF THE NOVEMBER 4, 2020 MEETING — APPROVED

Upon presentation by Chairman White, Mr. Doran moved, seconded by Mr. Bomstein and carried unanimously, that the minutes of the November 4, 2020 meeting be approved.

#### SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2021

Mr. Burdette moved, seconded by Mr. Doran and carried unanimously, that Mr. Bomstein be selected to serve as Chairman and Mr. Gephart as Vice-Chairman for 2021.

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ADJOURNMENT

The meeting was adjourned at 10:12 A.M.

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Chairman