

**Board of Adjustment and Appeals
Pinellas County
January 4, 2023 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:00 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Joe Burdette, Vice-Chairman
Jose Bello
Alan C. Bomstein
Vincent Cocks
John Doran (appeared virtually)
Deborah J. White

Not Present

Cliff Gephart, Chairman

Others Present

Molly Cord, Principal Planner
Maria White, Assistant County Attorney
Keith Vargus, Code Enforcement Operations Manager
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Acting Chairman Burdette called the meeting to order at 9:00 AM and provided an overview of the hearing process. Mr. Bomstein made a motion, which was seconded by Mr. Bello and carried unanimously, that Mr. Doran be allowed to appear virtually and participate in voting.

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2023

Mr. Bomstein made a motion that Mr. Burdette be selected to serve as Chairman and Mr. Bello as Vice-Chairman for 2023. The motion was seconded by Mr. Cocks and 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 a Deputy Clerk.

Case No. TY2-22-15

APPLICATION OF MICHELLE COLEMAN THROUGH KENDLE ANZ, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of Michelle Coleman through Kendle Anz for a Type 2 Use to allow a 22-bed assisted living facility in an R-4 zone, for the property located at 2470 Curlew Road in unincorporated Clearwater. One letter in opposition to the application has been received by the Clerk.

Ms. Cord introduced the case and presented the following staff recommendation:

Recommend Conditional Approval: Staff has no objection to the conditional approval of this 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 consists of a one-story building approximately 4,609 square feet with an existing parking lot. The request is to allow an assisted living facility on a property that once housed a pre-school/day care facility. The assisted living facility proposes 22 beds and would support supervised living for adults with developmental disabilities. Approval should be subject to the following conditions:

1. The assisted living facility shall supply an evacuation plan for direct ingress/egress access.
2. All current floodplain ordinance requirements must be met.
3. Appropriate site plan review.
4. The applicant shall obtain all required permits and pay all applicable fees.

Kendle Anz, Tampa, appeared and indicated that she is the representative for the applicant and the architect.

No one appeared upon the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion that the Type 2 Use be granted as recommended in accordance with the

findings of fact as outlined in the staff report. The motion was seconded by Ms. White and carried unanimously.

Case No. TY2-22-16

APPLICATION OF C & R KEYSTONE LAND DEVELOPMENT, LLC THROUGH KATIE COLE, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the application of C & R Keystone Land Development, LLC through Katie Cole for a Type 2 Use to allow fill removal in excess of 1,000 cubic yards in a Residential Agriculture (R-A) zone, for the property located at 2875 Keystone Road in East Lake Tarpon. Two letters in opposition to the application have been received by the Clerk.

Ms. Cord introduced the case and related that in 2006 the BAA approved the applicant's request for a special exception for the excavation of fill in excess of 1000 cubic yards; and that the parcel was intended to be developed as a five or six lot subdivision; and that the current proposal is for construction of two single-family dwellings; whereupon, she presented the following staff recommendation:

Recommend Conditional Approval. Staff has no objection to the conditional approval of this 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 zoning district is R-A which allows single-family detached residential and accessory agriculture uses. The proposed land excavation activity would exceed 1,000 cubic yards and is therefore subject to BAA approval. Approval should be subject to the following conditions:

1. Appropriate site plan review.
2. A complete tree survey and mitigation plan shall be supplied upon site plan review.
3. A traffic management and erosion control plan, including interaction with the Pinellas Trail, shall be supplied upon site plan review.
4. Truck routing schedule shall be provided upon site plan review.
5. A stabilization plan of proposed excavation areas shall be provided upon site plan review.
6. The applicant shall obtain all required permits and pay all applicable fees.

Katie Cole, Clearwater, appeared and indicated that the work associated with the 2006 excavation request was never performed; and that due to a code change, the same request would now be considered under a Type 2 Use. Referring to photographs, she responded to queries by the members and related that approximately 200,000 cubic yards would be removed.

In rebuttal to the opposition letters received, John Landon, LMA Civil & Environmental Engineers – Planners - Surveyors, Palm Harbor, appeared and addressed the concerns of noise, dust, and hours of operation for the excavation activity; whereupon, Ms. Cole related that a 20-acre parcel separates the two objecting neighbors and the subject property.

Upon the Chairman's call for opponents, Graham Milne, Tarpon Springs, appeared virtually and expressed his concerns regarding waterflow, the noise, and dirt; whereupon, Mr. Bomstein related that the waterflow concerns will be addressed during the site plan review, and Mr. Landon reiterated that Mr. Milne's property is far from the subject property, where the noise should not reach.

Following a brief discussion, Mr. Bomstein made a motion that the Type 2 Use be granted as recommended in accordance with the findings of fact as outlined in the staff report; and that approval should be subject to the following additional condition:

7. Hours of operation shall be 7:00 AM to 4:00 PM, Monday through Friday, with no operation on weekends and/or holidays.

The motion was seconded by Mr. Cocks and carried unanimously.

MINUTES OF THE NOVEMBER 30, 2022 MEETING

Mr. Bomstein made a motion, which was seconded by Mr. Bello and carried unanimously, that the minutes be approved.

OTHER BUSINESS

Chairman Burdette informed the members that sadly, BAA alternate member Pam Kern passed away over the holidays; and that a new alternate will need to be appointed.

ADJOURNMENT

The meeting was adjourned at 9:22 AM.