

**Board of Adjustment and Appeals
Pinellas County
December 6, 2023 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:02 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Joe Burdette, Chairman
Jose Bello, Vice-Chairman
Alan C. Bomstein
John Doran
Robert Warner, alternate
Deborah J. White

Not Present

Vincent Cocks
Cliff Gephart

Others Present

Michael Schoderbock, Division Manager, Zoning and Project Management
Derrill McAteer, Senior Assistant County Attorney
Keith Vargus, Code Enforcement Operations Manager
Shirley Westfall, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chairman Burdette called the meeting to order at 9:02 AM and provided an overview of the hearing process; whereupon, he indicated that with six members present, a four-member majority is needed to prevail in a case.

QUASI-JUDICIAL STATEMENT

Attorney McAteer noted that the following hearings are quasi-judicial; and that only competent substantial fact-based testimony or evidence may be considered in the decisions by the Board; whereupon, he provided information regarding the types of evidence that are considered as such.

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. TY2-23-15

APPLICATION OF PINELLAS COUNTY GOVERNMENT THROUGH PAUL COZZIE, REPRESENTATIVE, FOR A TYPE 2 USE

A public hearing was held on the above application to allow for the modification and redevelopment of an existing sports field use within a Residential Agriculture (R-A) zone for the property located at 10150 98th Street North in unincorporated Seminole. No correspondence relative to the application has been received by the Clerk.

Mr. Schoderbock introduced the case and presented the following staff recommendation:

Recommend Conditional Approval: The Development Review Committee 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 home to the Cross Bayou Athletic Association sports complex, owned by Pinellas County. The site is developed with a two-story masonry building containing restrooms and concessions with 6 individual baseball fields with grass vehicular parking. The proposed redevelopment would add two additional baseball fields; three new buildings for concession, administrative office, storage, and restrooms; and paved parking for 226 vehicles. The proposed buildings are one-story, pre-manufactured structures. A playground is indicated on the concept plan as a future amenity. This project is a direct coordination effort between the Pinellas County Parks Department and the Cross Bayou Athletic Association. Approval should be subject to the following conditions:

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

Upon the Chairman's call for the applicant, Pinellas County Engineer Dan Glaser appeared.

No one appeared upon the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion, which was seconded by Ms. White and carried unanimously, to approve the Type 2 Use request as recommended in accordance with the findings of fact as outlined in the staff report.

Case No. TY2-23-16

APPLICATION OF PINELLAS COUNTY GOVERNMENT THROUGH DAVID HUGGLESTONE, WANNEMACHER JENSEN ARCHITECTS, AND CHRISTOPHER KELSEY, PINELLAS COUNTY FACILITY MANAGEMENT, REPRESENTATIVES, FOR A TYPE 2 USE

A public hearing was held on the above application for the modification of a previously approved Type 2 Use to allow a 6,445 square foot community recreation center and three pickleball courts in a Residential Agriculture (R-A) zone for the property located at 540 Sands Point Drive in Tierra Verde. One letter in support has been received by the Clerk.

Mr. Schoderbock introduced the case and presented the following staff recommendation:

Recommend Conditional Approval: Staff has no objection to the modification of the previous Type 2 Use approval (Case No. BA-14-6-06) granted by the Board in 2006, subject to the recommended conditions as the request appears to meet the criteria for granting Type 2 Uses found in Section 138-241 of the Pinellas County Land Development Code. The request includes two phases for the Tierra Verde Community Park. Phase I of the proposed development would include the construction of a 6,445-square-foot community center and Phase II would encompass the addition of three pickleball courts. This phased development will provide additional recreational opportunities and onsite management for the existing Tierra Verde Community Park. The proposed community center would include office suites, a conference room, storage, a warming kitchen that would serve the park during activities, and a meeting room designed to accommodate 100-150 people for community events and meetings. This project is a direct coordination effort between the Pinellas County Parks Department and the Tierra Verde community and has been further identified as a high-priority project. Approval should be subject to the following conditions:

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

Upon the Chairman's call for the applicant, David Hugglestone, St. Petersburg, appeared.

No one appeared in response to the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion, which was seconded by Mr. Bello, that the Type 2 Use be granted as recommended in accordance with the findings of fact outlined in the staff report. Responding to a query by Ms. White, Mr. Schoderbock, with input from Mr. Hugglestone, related that pickleball courts are part of future plans for the park; and that noise and light trespass will need to meet Code requirements, which will be addressed during the site plan review process. Upon call for the vote, the motion carried unanimously.

Case No. VAR-23-21

APPLICATION OF MARINERS MHC LLC THROUGH RENEE OIJ AND LINDSAY OIJ, SIGN PERMITS PLUS, REPRESENTATIVES, FOR TWO VARIANCES

A public hearing was held on the above application for the following two variances for the Residential Mobile/Manufactured Home (RMH) zoned property located at 5796 Ulmerton Road in unincorporated Pinellas Park.

1. A variance to allow a total of 84 square feet of freestanding signage where 24 square feet is the maximum allowed in a residential zoning district.
2. A variance to allow an 18-foot-high free-standing sign where 6 feet is the maximum height allowed in a residential zoning district.

The Clerk has received no correspondence relative to the application.

Mr. Schoderbock introduced the case and presented the following staff recommendation:

Recommendation Conditional Approval. Staff has no objection to the conditional approval of this request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The subject property is the Mariner's Cove Mobile Home Community located at 5796 Ulmerton Road in unincorporated Pinellas Park. The mobile home community is situated on an 11.27-acre parcel zoned RMH. The existing 15.5-foot-high freestanding sign with a total of 84 square feet in sign area was constructed in the early 1960s and is positioned in the northwestern region of the mobile home community. The freestanding sign is deemed nonconforming as the sign exceeds the maximum height and sign area allowed in a residential zoning district. The applicant is proposing to replace the existing nonconforming sign with a

taller sign and maintain the same sign area to prevent visibility issues due to the existing 8'-11" high wall concrete barriers that were placed on eastbound Ulmerton Road. The request for an increase in sign area and height is warranted in the assessment of the appropriateness of this nonconforming sign as it would further enhance safe egress and identification for the visitors of the mobile home park community. Approval should be subject to the following conditions:

1. Applicant must obtain all required permits and pay all applicable fees.

Lance Oij, Apollo Beach, appeared and provided information regarding the request, pointing out the uniqueness of the residential property located amongst commercial properties that contain much larger signs and billboards. Referring to photographs of the subject property and the surrounding area, Mr. Oij related that the 11.9-foot wall built by the County has obstructed the view of the current sign from both directions and creates safety concerns.

Discussion ensued, wherein Mr. Bomstein related that the sign is not in compliance with the Countywide sign ordinance established over 20 years ago; that different sign regulations exist for commercial properties; and that such a large sign for a residential property is not appropriate; whereupon, Mr. Oij indicated that the placement of the concrete wall creates a hardship that was not self-imposed.

Mr. Doran made a motion to approve the variance based upon the testimony and findings of fact set forth in the staff report, indicating that the wall creates a hardship by blocking view of the sign. Responding to a query by Attorney McAteer, Mr. Doran related that his motion includes both variances; whereupon, Ms. White seconded the motion and it carried 5-1, with Mr. Bomstein dissenting.

Case No. VAR-23-25

APPLICATION OF ERIC HOLLAND, JENNIFER KUEHN, AND EVAN KUEHN THROUGH JENNIFER KUEHN, REPRESENTATIVE, FOR A VARIANCE

A public hearing was held on the above application for a variance to allow a reduction of the minimum lot depth requirement of the R-3 zone from 80 feet to 75.69 feet for the property located on the east side of 78th Street North near the intersection with 44th Avenue North in Lealman. The Clerk has received no correspondence relative to the application.

Mr. Schoderbock introduced the case and presented the following staff recommendation:

Recommend Conditional Approval. The Development Review Committee staff has no objection to the conditional approval of this request as it appears to meet the criteria for granting variances found in Section 138-231 of the Pinellas County Land Development Code. The owner is proposing to split the existing parcel and create two buildable single-family lots on the western and eastern sides of the existing property. It should be noted that other substandard lots are constructed with single-family homes in the immediate area and are also throughout the West Lealman community. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All setback requirements shall be met on any new construction.

Upon the Chairman's call for the applicant, Jennifer Kuehn, Clearwater, appeared.

No one appeared upon the Chairman's call for opponents; whereupon, Mr. Bomstein made a motion that the variance be granted as recommended in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

MINUTES OF THE NOVEMBER 1, 2023, MEETING

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

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2024

Deviating from the agenda, Mr. Bomstein made a motion that Mr. Bello be selected to serve as Chairman and Ms. White as Vice-Chairman for 2024. The motion was seconded by Mr. Doran and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 9:30 AM.