

**Board of Adjustment and Appeals
Pinellas County
April 2, 2025 Meeting Minutes**

The Board of Adjustment and Appeals (BAA) met in regular session at 9:05 AM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Deborah J. White, Chair
Alan C. Bomstein, Vice-Chair
Jose Bello
Jason Holloway
Andrew Hunsicker
Alonda Vaughan
Robert Warner

Others Present

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

All documents received by the Clerk have been filed and made a part of the record.

CALL TO ORDER

Chair White called the meeting to order at 9:05 AM and provided an overview of the hearing process.

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.

Attorney McAteer indicated that the agenda includes one case wherein applications for a variance and Type 2 Use will be heard together; whereupon, he requested that the Chair or Board clarify which case each individual is speaking on for the record.

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. VAR-24-25

APPLICATION OF KATE PETERSON AND AARON SANCHEZ FOR TWO VARIANCES

A public hearing was held on the above application for the following two variances for the R-3 zoned property located at 1342 Alaska Avenue in Palm Harbor:

1. A variance to allow for the construction of an in-ground pool and spa having a 6-foot rear setback from water's edge to the southern property line, where 8 feet is required.
2. A variance to allow for the construction of a covered porch with an outdoor kitchen having a 6-foot rear setback from the southern property line, where 10 feet is required.

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. 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 situated on a corner lot, with Alaska Avenue designated as the legal front and 14th Street serving as a side street. The lot is developed with a single-family home that was built in 2023. The applicant intends to construct an inground pool, spa, covered porch, and outdoor kitchen, positioning these structures closer to the southern property line than normally allowed per Section 138-3505 and Section 138-370.1 of the Land Development Code. The Land Development Code requires that pools on non-waterfront properties may have an 8-foot rear setback, measured from the water's edge of the pool or the minimum rear setback of the zoning district, whichever is less. Furthermore, the addition of a covered porch with an outdoor kitchen also necessitates compliance with the full setback requirements. The proposed location of these improvements would be along the rear yard and is the only logical place for its installation. No other setback reductions are being requested

by the applicant. If the variance request is approved, the addition of an in-ground pool with covered porch would not be out of character with the neighborhood. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All other setback requirements shall be met.

Thereupon, Aaron Sanchez, Palm Harbor, appeared.

No one appeared upon the Chair's call for opponents; whereupon, Mr. Bomstein made a motion for staff's recommendation of conditional approval in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Ms. Vaughan arrived at 9:10 AM.

Case No. VAR-24-27

APPLICATION OF JOSEPH BARBARA FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for the conversion of approximately 252 square feet of a covered unconditioned storage area into an enclosed, conditioned space for a bathroom, having an 18-foot side setback from the top of bank of the adjacent canal where 25 feet is required from top of bank, for the property located at 607 8th Street in Palm Harbor. 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 subject property is a corner lot where 8th Street is considered the legal front and Ohio Avenue is a side street. In addition, the property is adjacent to a canal. The site features a detached single-family residence constructed in 2002, which includes a swimming pool, deck, open porch/storage area and a screened enclosure. This property is designated as Lot 63 within the St. Joseph Sound Estates Plat. A review of the plat reveals a significant easement along the canal side of the property. In 2004, a prior homeowner vacated a portion of this easement, approximately 532 square feet. Following this vacation, a covered porch with open storage was constructed. The applicant seeks to convert 252 square feet of the open porch/storage area into conditioned space for a bathroom. The enclosed portion of the covered porch would be

closer to the top of bank than what is normally allowed per Section 138-3505 of the Land Development Code. The Land Development Code requires that all residential structures, and their accessory structures, on waterfront lots to be subject to certain setback limitations. Where no seawall is present, structures shall be set back 25 feet from the top of bank.

It is staff's opinion that the proposed renovations will have little impact on the neighboring properties as the proposed storage room conversion would back up to a canal. No additional structures or exterior improvements are being proposed by the applicant that would increase the footprint of the existing single-family residence or create further setback encroachment. The proposed renovation will occur under the existing roof. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All other unpermitted structures shall be removed.
3. The applicant must meet all other development requirements as identified in Chapter 158 of the Land Development Code (Floodplain Management).

Staff supports 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. During the Development Review Committee meeting discussion, the following staff concerns were raised: Pinellas County Development Review Services Engineering Division and Pinellas County Public Works expressed that the proposed variance request does not reveal a justifiable hardship. In addition, this variance request would allow the permitting of living space within the Coastal High Hazard Area. Separately, it was identified by the Floodplain Administrator that a floodplain-related variance may be required if this variance request is granted by the Board of Adjustment and Appeals.

Thereupon, Joseph Barbara, Palm Harbor, and Mr. Schoderbock responded to comments and queries by Mr. Bomstein related to the potential need for a floodplain variance, the canal behind the property, and the permitting process.

No one appeared upon the Chair's call for opponents; whereupon, Mr. Bomstein made a motion for staff's recommendation of conditional approval in accordance with the findings

of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Case Nos. VAR-24-23 and TY2-24-07

APPLICATION OF APHORAO TO THE SON, LLC., THROUGH JAIME MAIER AND KATIE COLE, REPRESENTATIVES, FOR THE FOLLOWING:

- (VAR-24-23) A VARIANCE TO ALLOW FOR TWO OFF-SITE PARKING LOTS FOR OVERFLOW PARKING LOCATED APPROXIMATELY 1,700 FEET FROM THE SUBJECT PROPERTY WHERE 600 FEET IS THE MAXIMUM ALLOWED FOR OFF-SITE PARKING LOTS, FOR AN R-A AND R-3 ZONED PROPERTY

and

- (TY2-24-07) A MODIFICATION OF A PREVIOUSLY APPROVED TYPE 2 USE FOR AGRICULTURAL ACTIVITIES, COMMERCIAL USE (EQUINE-RELATED THERAPEUTIC SESSIONS), TO ALLOW FOR THE ADDITION OF A CLUB, COMMUNITY SERVICE AND FRATERNAL USE AND MEETING HALL/COMMUNITY ASSEMBLY FACILITY FOR AN R-A AND R-3 ZONED PROPERTY

A public hearing was held on the above applications for the property located at 1743 Doncaster Road in unincorporated Largo. Three emails in opposition, one email in concern, two emails in support of the applications, and seven emails in support of Inspired Acres have been received by the Clerk.

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

Recommend 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 applicant seeks to expand the allowable uses on the property to include club, community service, and fraternal activities, in addition to hosting community events on-site. These events would encompass weekly workshops for veterans and seniors, field days for individuals with special needs, corporate retreats, weddings, and other gatherings. Given the property's zoning as R-A and R-3, this proposed land use activity necessitates Type 2 Use approval from the Board of Adjustment and Appeals (case #TY2-24-07). The applicant has submitted a comprehensive narrative detailing all proposed on-site programming and

community events. Furthermore, the applicant is requesting a variance concerning off-site parking. An on-site parking area is located next to the current access road from Doncaster Road, comprising of 18 parking spaces. The available parking on site is insufficient to support some of the proposed land use activities. Therefore, the applicant has entered into an agreement with two nearby institutions, Belcher Elementary School and Temple B'nai Israel, to facilitate off-site parking during medium-sized events, which will include shuttle services for pick-up and drop-off during these occasions. In total, approximately 224 parking spaces are available. The Land Development Code requires that off-site parking must be within 600 feet and easily accessible by walking, public transit, or shuttle service. However, the site is situated about 1,700 feet from the two off-site parking locations, thus necessitating a variance. Staff believes that the requested variance is justifiable, as it would mitigate potential traffic impacts on adjacent residential properties and preserve existing environmental features on the site. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. The applicant shall comply with Section 138-3356, Temporary Uses, of the Land Development Code.
3. The applicant shall comply with Section 138-3602(e)(2)(a), Off-Site Parking, of the Land Development Code.
4. The applicant shall comply with Section 58-445, Noise, of the County Code.

and

Recommend Conditional Approval. Staff has no objection to the conditional approval of these requests as they appear to meet the criteria for granting Type 2 uses Section 138-241 of the Pinellas County Land Development Code. The subject property encompasses approximately 12.76 acres and features a detached single-family residence along with various agricultural structures, including a horse farm, stable, barn, and riding area. In 2020, the applicant received approval from the Board of Adjustment and Appeals for therapeutic sessions involving horses that are kept on the property. No new construction was proposed at that time, as the existing facilities were deemed sufficient. The Board has previously granted several variances

concerning horse-related accessory structures, such as the barn and covered arena located on the property. The applicant seeks to expand the allowable uses on the property to include club, community service, and fraternal activities, in addition to hosting community events on-site. These events would encompass weekly workshops for veterans and seniors, field days for individuals with special needs, corporate retreats, weddings, and other gatherings. Given the property's zoning as R-A and R-3, this proposed land use activity necessitates Type 2 Use approval from the Board of Adjustment and Appeals. The applicant has submitted a comprehensive narrative detailing all proposed on-site programming and community events. Furthermore, the applicant is requesting a variance for off-site parking (case #VAR-24-2-3).

Staff believes that the requested Type 2 Use for the proposed land use activity, along with the suggested conditions, is appropriate. The proposed business operations are designed to make use of existing structures without significantly impacting the adjacent residential neighborhood. Furthermore, the environmental characteristics present on the site indicate that the activities will be adequately buffered and screened from the residential properties to the north and east, thereby not creating any additional nuisance for nearby residents. Approval should be subject to the following conditions:

1. Appropriate Site Plan review.
2. The applicant shall pay all applicable fees and obtain all required permits.
3. All the specific use standards pertaining to meetings halls/community assembly facilities as described in Land Development Code Section 138-3294 shall be met.
4. The Conditions of BAA-20-1 shall remain in effect.

Responding to a query by Chair White, Mr. Schoderbock indicated that the existing parking located on the property will remain the same.

Upon the Chair's call for the applicant, Jaime Maier, Tampa, appeared and played a video highlighting the activities currently conducted on the subject property.

Referring to a PowerPoint presentation, Ms. Maier emphasized that the activities conducted on the site will remain the same; that the proposal is to diversify the range of

programming provided to current attendees and the types of special events that can be held; and that the Type 2 use would allow Inspired Acres to become more self-sustaining; whereupon, she related that the sole purpose of the variance is to allow for overflow parking off-site.

Referring to comments received from neighbors regarding noise at a recent event, Ms. Maier explained that she has discussed the current conditions of approval with the management team; and that the conditions would carry over if today's request is approved by the Board; whereupon, she related that she is unaware of any formal noise complaints.

Ms. Maier provided an overview of the site, parking, proposed modifications to the number and type of events that can be held, and current activities.

In response to a query by Mr. Bomstein, Ms. Maier, with input from Mr. Schoderbock, provided information regarding permissible temporary uses and indicated that weddings or private corporate events are not allowable uses.

Attorney McAteer clarified for the record that all of the information presented by the applicant is related to both the variance and Type 2 Use applications.

Upon the Chair's call for proponents, Michael and Deborah Johnson, St. Pete Beach, appeared and expressed their support for both applications.

Upon the Chair's call for opponents, the following individuals appeared, expressed their concerns related to both applications, and responded to comments and queries by Messrs. Bomstein and Hunsicker:

Janet Muscolina, Clearwater (submitted documents)
Bridget Loring, Clearwater (submitted documents)
Amber Loring, Clearwater (submitted documents)

In rebuttal, Ms. Maier addressed concerns raised by the opponents related to noise, parking, and modification of the existing Type 2 Use; whereupon, she and Mr. Schoderbock responded to queries by Messrs. Bomstein and Bello regarding the proposed and currently allowed frequency of events.

In response to concerns raised by Mr. Bomstein, Philip DiBlasi, Dunedin, indicated that attendance at large community events would be limited to 110 individuals; and that medium private events would be limited to 40 individuals; whereupon, responding to comments and queries by the members, Mr. DiBlasi and Ms. Maier, with input by Mr. Schoderbock, discussed various topics, including noise, allowable activities and

temporary uses, maximum capacity at events, and the conditions associated with Case No. BAA-20-1.

Responding to comments and a query by Mr. Vargas, Mr. DiBlasi confirmed that permission has been obtained from the School Board to utilize the parking lot at Belcher Elementary School for overflow parking during non-working hours and weekends; whereupon, Katie Cole, Tampa, provided clarifying information regarding amplified noise restrictions and temporary use standards in the applications.

Chair White closed the public hearing and brief discussion ensued, with input by Attorney McAteer, regarding the applications, amplified sound, and monitoring code enforcement complaints.

Mr. Bomstein indicated that he will make a recommendation for conditional approval of the Type 2 Use, with the number of large gatherings limited to six events per year, medium private events limited to two per month, prohibition of amplified music, and adherence to the hours stipulated by the applicant in the PowerPoint slide titled *Event and Venue Operation Details*, all in accordance with the findings of fact as outlined in the staff report.

He also noted that Code Enforcement will be asked to monitor the situation; that the Board may revisit it if necessary; and that the applicant will have the ability to request removal of the constraints; whereupon, Mr. Bomstein made a motion. The motion was seconded by Mr. Warner and carried by a vote of 6 to 1, with Mr. Hunsicker dissenting.

Mr. Bomstein made a motion for staff's recommendation of conditional approval of the variance in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Bello and carried unanimously.

Case No. VAR-25-01

APPLICATION OF REINALDO FERNANDEZ AND ZORAIDA MACEDA FOR A VARIANCE

A public hearing was held on the above application for a variance to allow for an after-the-fact 512 square foot detached garage under construction having a 4-foot-6-inch side setback from the western property line where 6 feet is required, for the property located at 3780 45th Avenue North in Lealman. 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. 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 and the provisions for an after-the-fact variance found in Section 138-232 of the Pinellas County Land Development Code. The subject property is developed with a single-family home, approximately 594 square feet in area. The lot in question is a narrow substandard lot of record, which complicates compliance with the minimum side setback requirement of 6 feet.

The project involves the construction of an after-the-face 512-square-foot one-story detached garage intended for vehicular parking and personal storage. The applicant secured a building permit (BR-NEW-24-00045) for this garage addition in September of 2024, which confirmed adherence to all minimum building setback regulations, resulting in the building permit's issuance. However, during the slab inspection, the building inspector noted that the slab had been improperly poured into the side setback area. This oversight was attributed to the applicant's miscalculation, as they measured the required side setback from the fence line rather than the actual property line.

Staff has determined that this situation aligns with the objectives of after-the-fact variances as outlined in Section 138-232 of the Land Development Code. Therefore, the applicant seeks relief to encroach further into the western property line than what is normally allowed under the R-4 development standards outlined in Section 138-385.1 of the Pinellas County Land Development Code.

Separately, the applicant provided architectural elevations of the proposed detached garage which complements the front elevation of the existing single-family home. The proposed design of the detached structure appears to meet the intent of the residential accessory structures and uses section concerning architectural compatibility with the primary structure as required within the Land Development Code. Approval should be subject to the following conditions:

1. The applicant shall obtain all required permits and pay all applicable fees.
2. All other setback requirements shall be met.

Thereupon, Reinaldo and Rolando Fernandez, St. Petersburg, appeared. In response to comments and a query by Mr. Bomstein, Mr. Schoderbock provided information related to accessory structures.

No one appeared upon the Chair's call for opponents; whereupon, Mr. Bomstein made a motion for staff's recommendation of conditional approval in accordance with the findings of fact as outlined in the staff report. The motion was seconded by Mr. Holloway and carried unanimously.

Case No. NCM-25-01

APPLICATION OF ANVIL ACRES, LLC., THROUGH JOHN COOK, REPRESENTATIVE,
FOR A NON-CONFORMING USE MODIFICATION

A public hearing was held on the above application for a non-conforming use modification to permit a 14,000 square foot covered roof structure over an existing horse-riding arena in an R-A zone, for the property located at 10505 60th Street North in unincorporated Pinellas Park. Three letters in support of the application have 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 conditional approval of this request as it appears to meet the criteria for granting non-conforming use modifications found in Section 138-203(e)(4) of the Pinellas County Land Development Code. The property in question, known as Anvil Acres, spans approximately 3.69 acres, while the applicant owns a total of around 10 acres. This site is dedicated to commercial agricultural activities, featuring facilities such as horse-riding arenas for training, boarding stables, jumping fields, and a trail course. The adjacent land uses consist of detached single-family residential to the north, east, and west, with agricultural land directly to the south.

In 1980, the previous owner applied for a rezoning (case #Z-2262) from the former A-E Agricultural Estate Residential zone to AG-5 Agricultural. At that time, the property was equipped with barns, stables, and a riding ring, which were utilized for riding and boarding operation purposes. Historical zoning documentation reveals that this use had been established for years prior to the rezoning action. Further, an amendment to the zoning regulations in 1980 designated this property as nonconforming.

The applicant intends to construct a new open-walled metal roof structure, measuring 14,000 square feet, over the existing riding area. The proposed structure will be approximately 20'2" in height. Currently, no additional modifications to the site are being proposed. Per the applicant, the covered structure aims to provide protection for the horses from environmental conditions and enhance the comfort of their riders. It is staff's opinion that

the proposed roof covering for the existing riding arena will enhance the property, will not lead to increased traffic, and will be compatible with the surrounding development, particularly with the existing agricultural use to the south. Approval of the modification to the non-conforming use should be contingent upon the following conditions:

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

Thereupon, John Cook, Tampa, appeared and indicated that he is the general contractor and applicant; and that the owner of Anvil Acres is also present.

No one appeared upon the Chair's call for opponents; whereupon, Mr. Bomstein made a motion for staff's recommendation of conditional approval 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 FEBRUARY 5, 2025 MEETING

Mr. Bomstein made a motion to approve the minutes of the February 5 meeting. The motion was seconded by Mr. Bello and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 10:50 AM.