



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, October 28, 2020
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda**
- 2. Audience Comments - Comments shall be limited to 3 minutes per person**
- 3. Approval of Minutes**
 - a. 9/30/2020 Minutes**
- 4. Action Items**
 - a. VARIANCE – SETBACK - 20067** 106 6TH AVE; Request for a cantilevered second-story porch addition to encroach into the required front setback.
 - b. VARIANCE – SETBACK - 20070** 1701 Pass-A-Grille Way; Request to construct a residence with a zero-foot secondary front setback along 17th Avenue, and permit a fourth residential driveway connection to the street.
 - c. VARIANCE – SETBACK - 20073** 7100 Sunset Way; Request for the installation of two entry gates, one exit gate, one pedestrian gate, and ornamental fencing of six to eight feet in height in the required front setback at Envoy Point Condominiums.
 - d. VARIANCE – SETBACK - 20074** 2931 E Vina Del Mar Blvd; Request to construct a new dock that extends 85 feet from the seawall where 37.5" is the maximum, and encroach to 17.17" from the southern side property line where an 18.5" side setback is the minimum.
 - e. VARIANCE – SETBACK - 20075** 5820 Bimini Way; Request to replace and expand an existing carport that encroaches to 7.7 feet from the front property line with a block garage
 - f. VARIANCE – SETBACK - 20076** 1025 Boca Ciega Isle Dr; Variance to permit the construction of an open carport that encroaches to 13 feet from the front property line at

its closest point.

5. Adjournment - Next Meeting 11/18/2020

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this virtual meeting.
All agenda material is available for review at City Hall or
www.stpetebeach.org.**

DRAFT BOARD OF ADJUSTMENT VIRTUAL MEETING MINUTES

September 30, 2020 2:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Michael Bomar, Member
Jake Holehouse, Member

EXCUSED: Paul Skipper, Chair
Denise Chase, Member

STAFF PRESENT: Matthew McConnell, Dickman Law Firm
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

1. Changes to the Agenda - Mr. McConnell reminded the Board that most of the items reviewed by this Board are quasi-judicial in nature, and he reviewed those requirements. Prior to beginning the agenda's action items, the Clerk will swear in any witnesses (members of the public) and Board members would disclose any ex-parte communications with the applicant/s prior to the item. Staff would present their case, applicants would present, the Chair would open to public comment, allow the applicant to rebut if they wish, the Chair would close public comment and open the Board discussion. There were no changes to the agenda.

All persons wishing to speak on any items were sworn in.

2. Audience Comments - There were no audience comments.

3. Approval of Minutes a. 08/26/2020

Member Holehouse moved and Member Bomar seconded the approval of the minutes from the August 26, 2020 meeting; the motion carried unanimously.

4. Action Items

- a. SUBDIVISION – PRELIMINARY REQUEST (20061) 3101 Pass-A-Grille Way (Case No. 20061); Request to subdivide a 14,971 sq. ft. lot into two individual 62.5'x120' (7,500 sq. ft.) lots.**

Mr. Wright stated that in addition to reviewing and approving variances, this Board has authority to review subdivision plans and make recommendations in favor of or against to the City Commission. He thoroughly reviewed the request, staff findings and staff recommendation. Dave Feinberg was present for Applicant/Owner Seabiscuit Properties, 3101 Pass-a-Grille Way. Selena Holmes of 3104 Pass-a-Grille Way gave public comment and Mr. Feinberg answered questions. There was no opposition to the request. The Vice Chair closed public comment and opened to board discussion.

Member Bomar moved to approve the request for Case No. 20061 as presented. The motion was seconded by Member Holehouse. The motion carried 3-0.

- b. VARIANCE – DECK COVER – SETBACK (20062) 3516 Belle Vista Dr - Request to reduce the rear yard setback to 5ft-7in for a 18x19' deck cover (Sec. 6.13(c)(4)).**

Mr. Berry presented the details of this practical difficulty variance application; no calls or letters in favor or opposition were received. Staff recommendation was for approval. Applicants Dee Dee Albertson and Bickford Parma were in attendance to answer questions. The Chair closed the meeting to public comment and the Board discussed the request.

Member Holehouse moved to approve the Variance for Case No. 20062. The motion was seconded by Member Bomar and passed unanimously by a roll call vote.

- c. VARIANCE – GENERATOR – SETBACK (20064) 2200 Sunset Way - Request to install an elevated generator that encroaches to 7 inches from the side property line (LDC Sec. 6.14).**

Mr. Berry reviewed a presentation detailing the practical difficulty variance request. Staff found the request reasonable and recommended approval. Dean Dupre of 113 Masters Lane in Safety Harbor was present to represent applicants Herb and Patricia Ligon and provided additional comments. There were no comments for or against the request. The Chair closed public comment and opened board discussion.

Member Bomar moved to approve the Variance for Case No. 20064. The motion was seconded by Member Holehouse and passed unanimously.

- d. VARIANCE – GENERATOR – SETBACK (20065) 2805 Sunset Way - Request to install an elevated generator that encroaches to 17 inches from the side property line (LDC Sec. 6.14).**

Ms. Rosetti reviewed the request and staff report for the practical difficulty variance for an elevated generator encroachment. Staff recommended approval. Tim Reilly of 119 91st Ave., Treasure Island and applicant Paul Reilly were present. The applicant has spoken to the neighbor to the south, who has not expressed any objection. Public comment was closed, and board discussion followed.

Member Bomar moved to approve the Variance for Case No. 20065. The motion was seconded by Member Holehouse and passed unanimously.

- e. VARIANCE – GENERATOR - SETBACK (20066) 1801 Pass-A-Grille Way - Request to install an elevated generator that encroaches to 27 inches from the side property line (LDC Sec. 6.14).**

Ms. Rosetti reviewed the practical difficulty variance for an encroaching elevated generator. She included photos and staff findings. Staff found the request to be reasonable and recommended approval. David Iverson of Pinellas Generator Electric, 14770 62nd St. N. Unit C, Clearwater,

appeared for applicant Casey Kotchman to answer any questions. There were no comments in favor or opposition of the request. Board discussion followed.

Member Bomar moved to approve the Variance for Case No. 20066. The motion was seconded by Member Holehouse and passed unanimously.

- f. **VARIANCE – POOL, FENCE, and EQUIPMENT – SETBACK (19019) 1706 Pass-A-Grille Way - Request for the encroachment of an approximately 25.5x15.5’ pool into the rear setback, encroachment of pool equipment into the secondary front setback, and the installation of a 6ft tall fence that exceeds four feet in height in the secondary front setback (LDC Secs. 6.13(c)(1)c., 6.14, & 6.15).**

Mr. Berry reviewed a presentation detailing this unnecessary and undue hardship variance. He stated that this is part of a larger project. This matter went before the Historic Preservation Board last year and they made a positive recommendation with the suggestion of additional landscaping. Staff review found the request to be reasonable and the recommendation was for approval. Architect Ralph Lickton, 1706 Pass-a-Grille Way, Apt. 3, spoke and answered questions on behalf of the applicant. Bill Rice of 103 18th Ave. spoke regarding the location of the pool and pool rules and Mr. Lickton responded. Mr. Wright stated that the Board could add conditions to the variance. Public comment was closed, and Board discussion followed.

Member Holehouse moved to approve the Variance for Case No. 19019 as presented. The motion was seconded by Member Bomar and passed unanimously.

5. Adjournment – Next Meeting 10/28/2020

Vice Chair Lyman complimented staff on the thoroughness of their presentations.

Member Holehouse made a motion and the meeting was adjourned at 3:30 p.m.

These minutes will be considered for approval at the October 28, 2020 Board of Adjustment meeting.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: VARIANCE – SETBACK - 20070

Date: October 28, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Request to construct a residence with a zero-foot secondary front setback along 17th Avenue, and permit a fourth residential driveway connection to the street.

Funding:

Requested Motion: Staff recommend approval of the unnecessary and undue hardship variance to permit a fourth driveway curb cut at the property.

If the Board of Adjustment finds that the criteria for the issuance of the secondary front setback encroachment practical difficulty variance have been met, staff recommend the following four (4) conditions:

1. The applicant shall be required to construct their home to the House-Medium building type standard found in Land Development Code Sec. 20.15, with the exception that the home may encroach to zero feet from the secondary front lot line;
2. The applicant shall be subject to review of the home design by the Historic Preservation Board prior to submittal of a building permit under the criteria and procedures described in Land Development Code Sec. 20.24;
3. The applicant shall be held to the fourteen feet height standard for the first living level as referenced in the definition for “Building height” in Land Development Code Sec. 20.02, and the garage height shall not exceed nine feet from existing grade to the bottom of the horizontal structural member of the lowest floor, except that height may be increased as required by the

Building Official to meet FEMA requirements;

There shall be no projections of certain building features into the right-of-way including, but not limited to, balconies, staircases, and bay windows. Eaves may project a maximum of two feet into the right-of-way and shall be equipped with gutters and downspouts. Ornamental building features such as those identified in Land Development Code Sec. 6.22(c) may encroach into the right-of-way up to one foot if recommended under the Historic Preservation Board design review.

Attachments:

1. 20070 1701 PAG Way Staff Report
2. 20070 Supporting Docs



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 20070 – Mark S. Colburn and Brett Warner, Assistant Public Works Director

MEETING DATE: October 28, 2020

PREPARED BY: Brandon Berry, Planner I

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> to allow for a fourth driveway (LDC Sec. 23.11(b)(1) – Variance #1), and a <u>Practical Difficulty Variance</u> to allow for a zero-foot setback along the property's secondary front property line (LDC Sec. 11.7(a)(2) and Sec. 20.15 – Variance #2).
SUBJECT PROPERTY	1701 Pass-a-Grille Way; PHILLIPS DIVISION REV MAP UNNUMB TR IN FRONT OF LOT 15 BLK F 50 FT WIDE; Property ID #18-32-16-68634-000-0005.
ACERAGE	Approximately 0.16 acres (6,900 SF).
LAND USE	RLM-2 Residential District within the Pass-a-Grille Overlay District on the Zoning Map; RLM on the Future Land Use Map.
FLOOD ZONE	
SURROUNDING AREA	North – Two-family Residence South - 17 th Ave Street-end and Multi-family Residence East – Boca Ciega Bay West – Pass-a-Grille Way and Condominiums

BACKGROUND

The subject property is vacant and appears to have formerly contained a dock according to the Pinellas County Property Appraiser. The applicant states they had previously communicated with the city regarding the proposed placement of their home and driveways, and that the city agreed to incorporate this design into their road plans. The applicant states that a sub-station was installed along the length of the property of their 17th Avenue street-end, and after paying for relocation, one of the three electrical boxes was left standing while the remaining two units were undergrounded rather than relocated. This narrative is detailed to a greater degree in the supporting documents to this case.

ANALYSIS

The applicant is permitted three driveway curb cuts for their property, and is requesting a fourth, necessitating this variance. Three will be installed along the 17th Avenue street-end, two of which service proposed garages and one of which will form half of a circular drive proposed to exit onto Pass-a-Grille Way.

The applicant is also requesting a zero-foot setback for their home along the 17th Ave street-end. The applicant has not supplied detailed plans regarding to which standard they propose to build their home, as they have the option to build to either the Pass-a-Grille Overlay standards or the underlying RLM-2 standards due to their lot size. The applicant's proposed front, rear, and side setbacks would be permissible under either standard, so for the purpose of this variance, the applicant is requesting either a five foot variance to the secondary front setback if they choose to build to the Pass-a-Grille Overlay standards, or a ten foot variance to the secondary front setback if they choose to build to the RLM-2 standards.

Feature	Number Permitted	Number Requested
Driveway	3	4

Structure	Secondary Front Setback Required	Secondary Front Setback Requested	Percent Encroachment
Single-family Residence	5-10'	0'	100%

Variance #1 – Additional Driveway

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- a) **Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;**

The presence of the utility boxes at the street-end side of this property are special circumstances that do not apply elsewhere in the neighborhood, especially provided the applicant's documented history with the substation and city. This does somewhat impede the applicant's ability to construct their driveways as originally proposed, although a variance to the driveway width standard was still required at the time of proposal and issuance would have still been necessary prior to the actual construction of the driveways.

- b) **The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**

The conditions and circumstances do not result from the actions of the applicant, and the applicant appears to have actively tried to mitigate the presence of the substation in their property's street-end right-of-way.

- c) Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;**

The property adjacent the applicant's has a much wider driveway than the one afforded to the applicant. The applicant appears to have proposed a similar configuration to the one submitted for review with this application during prior talks with the city, although the driveway under review in this application has a much narrower cut along the 17th Ave street-end than originally proposed.

- d) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;**

No use disallowed in the district would be created by the issuance of this variance.

- e) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;**

Staff do not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is attempting to work around a substation that was installed in the right-of-way of the property's street-end.

- f) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;**

Unique conditions apply to this property that do not apply to others in the vicinity. The applicant has brought the size of their driveway curb cuts into conformity with code standards for this request, whereas a much wider cut had been proposed along 17th Avenue previously, and staff do not find these driveways will be out of character with other driveways in the area.

- g) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and**

Staff find the variances requested are the minimum provided the property's history.

- h) The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.**

Staff find that the request is generally in harmony with the purpose and intent of the Land Development Code, and will not be injurious to the neighborhood. Staff find that, given conditions along Pass-a-Grille Way and the general intensity of the vicinity, parking access along the street-end and a circular driveway that allows pulling onto rather than backing into the Way provides a greater degree of safety. The driveways proposed are generally compatible with the neighborhood and staff do not find the request will substantially diminish or impair property values.

Variance #2 – New Home Encroachment into the Secondary Front Setback

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is proposing the home be set zero feet from the secondary lot line, resulting in a 100% variance from the standard. The applicant has not stated whether they intend to build to the Pass-a-Grille Overlay standards, which would represent a five-foot variance to the five-foot setback standard, or the RLM-2 standards, which would represent a ten-foot variance to the ten-setback standard. In either case, they are asking for the building to be placed along the secondary front lot line.

b) Whether an adverse change will be produced in the character of the neighborhood;

While other homes in the vicinity appear to be placed close to the adjoining lot line, owing to historical development patterns in Pass-a-Grille, development standards in the district require that new structures come into compliance with current code standards. Staff agree with the applicant that the secondary front encroachment generally has less of a neighborhood impact than side setback encroachment, and find that structures of a reduced height as the applicant is proposing are generally promoted (but not required) in the district, especially given that existing homes on the block are single-story.

c) Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

Staff do not find that the variance is necessary to construct a single-family home on the lot. The lot is slightly narrower than the adjacent lot, but is of a similar overall size to others on the eastern side of Pass-a-Grille Way. If designing to the Pass-a-Grille Overlay standards, the applicant also has an identical setback along the street-end compared to the side setback. While a greater emphasis is placed on design standards in Pass-a-Grille compared to other neighborhoods in the city, specifically compatibility with adjacent property frontages and the integration of certain details into the design, the applicant does have the ability to construct a home on the lot to either the Pass-a-Grille or the RLM-2 standards without this variance.

d) Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

The applicant cites flood concerns, neighborhood design considerations, and avoidance of the remaining substation utilities as reasons for the requesting this portion of the variance. Staff agree that the provision of a single living level would create greater compatibility with neighboring single- and two-family properties than the applicant constructing a two-living-level structure, and that conditions could be placed upon the variance to ensure that the structure is constructed to the heightened design standards of the Pass-a-Grille Overlay district. As this is a vacant lot of standard size for the eastern side of Pass-a-Grille Way, staff find that this variance is not necessary to construct a home on the lot, but do find could promote the aesthetic standards of the district.

Any variance(s) granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

SUMMARY:

Staff find that the unnecessary and undue hardship variance request for the additional driveway curb cut is in harmony with the Land Development Code and will not be detrimental to the public welfare. Staff find that existing conditions in the vicinity allow for the support of this variance on the basis of public safety and intersection visibility.

Staff find the practical difficulty variance request for the secondary front setback encroachment could help to mitigate some of the applicant's concerns regarding existing utilities in the secondary front right-of-way and could promote the city's design standards for Pass-a-Grille, but find the variance unnecessary to construct a home on the property.

RECOMMENDATION:

Staff recommend approval of the unnecessary and undue hardship variance to permit a fourth driveway curb cut at the property.

If the Board of Adjustment finds that the criteria for the issuance of the secondary front setback encroachment practical difficulty variance have been met, staff recommend the following four (4) conditions:

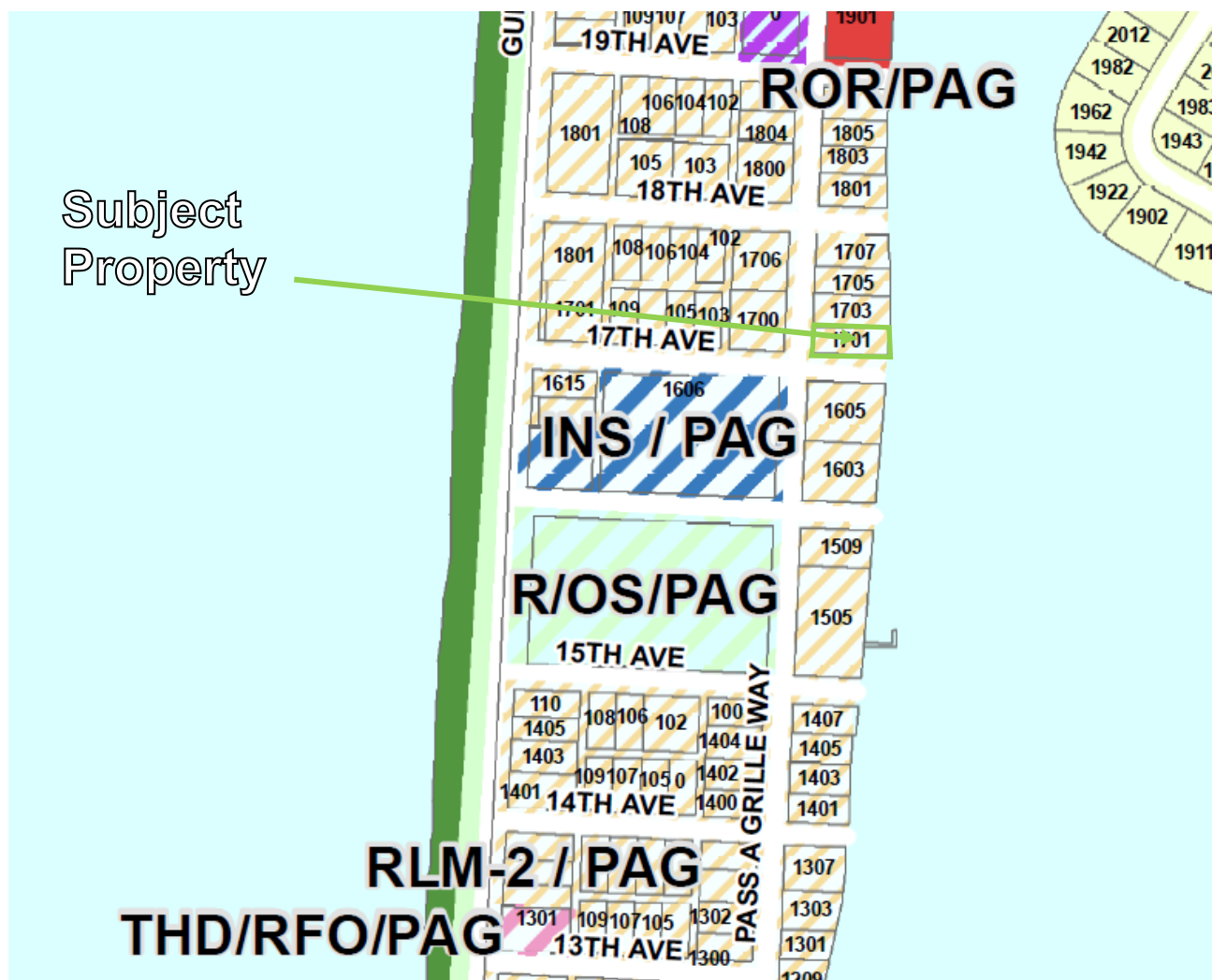
- 1) The applicant shall be required to construct their home to the House-Medium building type standard found in Land Development Code Sec. 20.15, with the exception that the home may encroach to zero feet from the secondary front lot line;
- 2) The applicant shall be subject to review of the home design by the Historic Preservation Board prior to submittal of a building permit under the criteria and procedures described in Land Development Code Sec. 20.24;
- 3) The applicant shall be held to the fourteen feet height standard for the first living level as referenced in the definition for "Building height" in Land Development Code Sec. 20.02, and the garage height shall not exceed nine feet from existing grade to the bottom of the

horizontal structural member of the lowest floor, except that height may be increased as required by the Building Official to meet FEMA requirements;

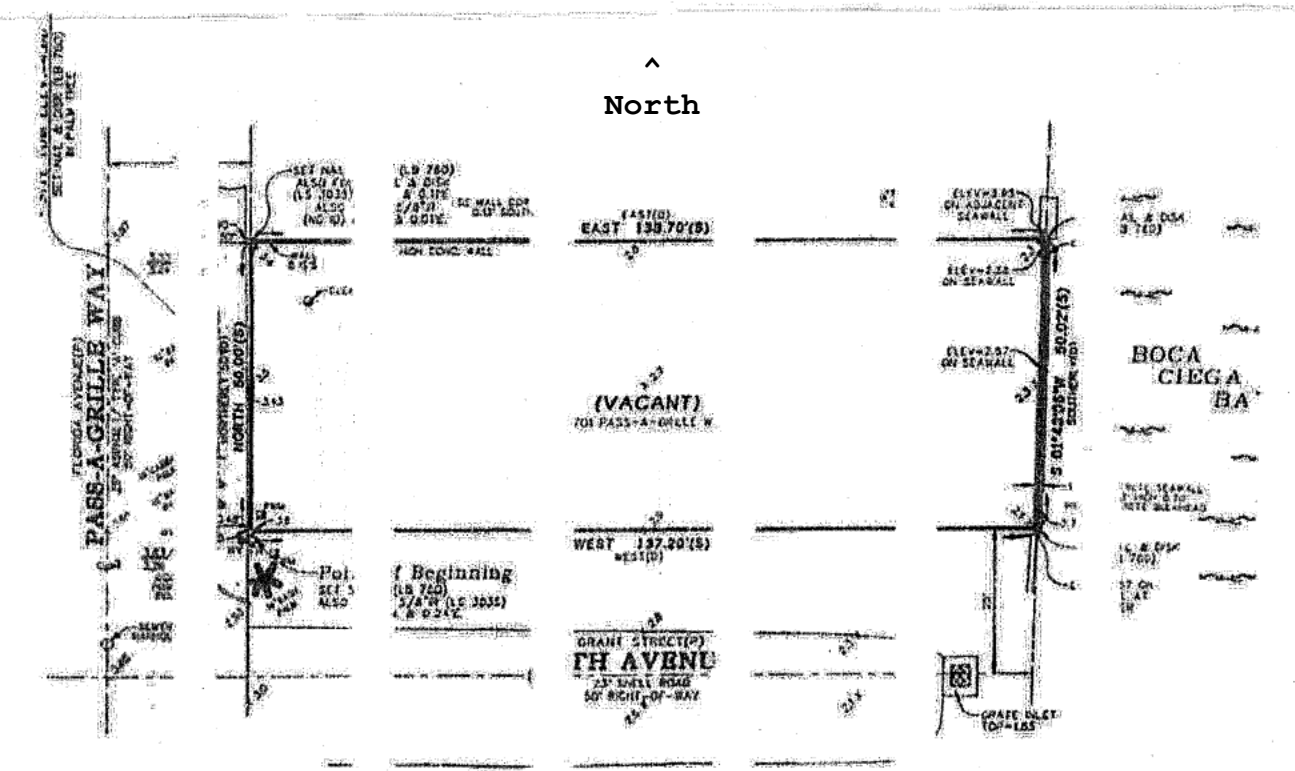
- 4) There shall be no projections of certain building features into the right-of-way including, but not limited to, balconies, staircases, and bay windows. Eaves may project a maximum of two feet into the right-of-way and shall be equipped with gutters and downspouts. Ornamental building features such as those identified in Land Development Code Sec. 6.22(c) may encroach into the right-of-way up to one foot if recommended under the Historic Preservation Board design review.

AERIAL MAP

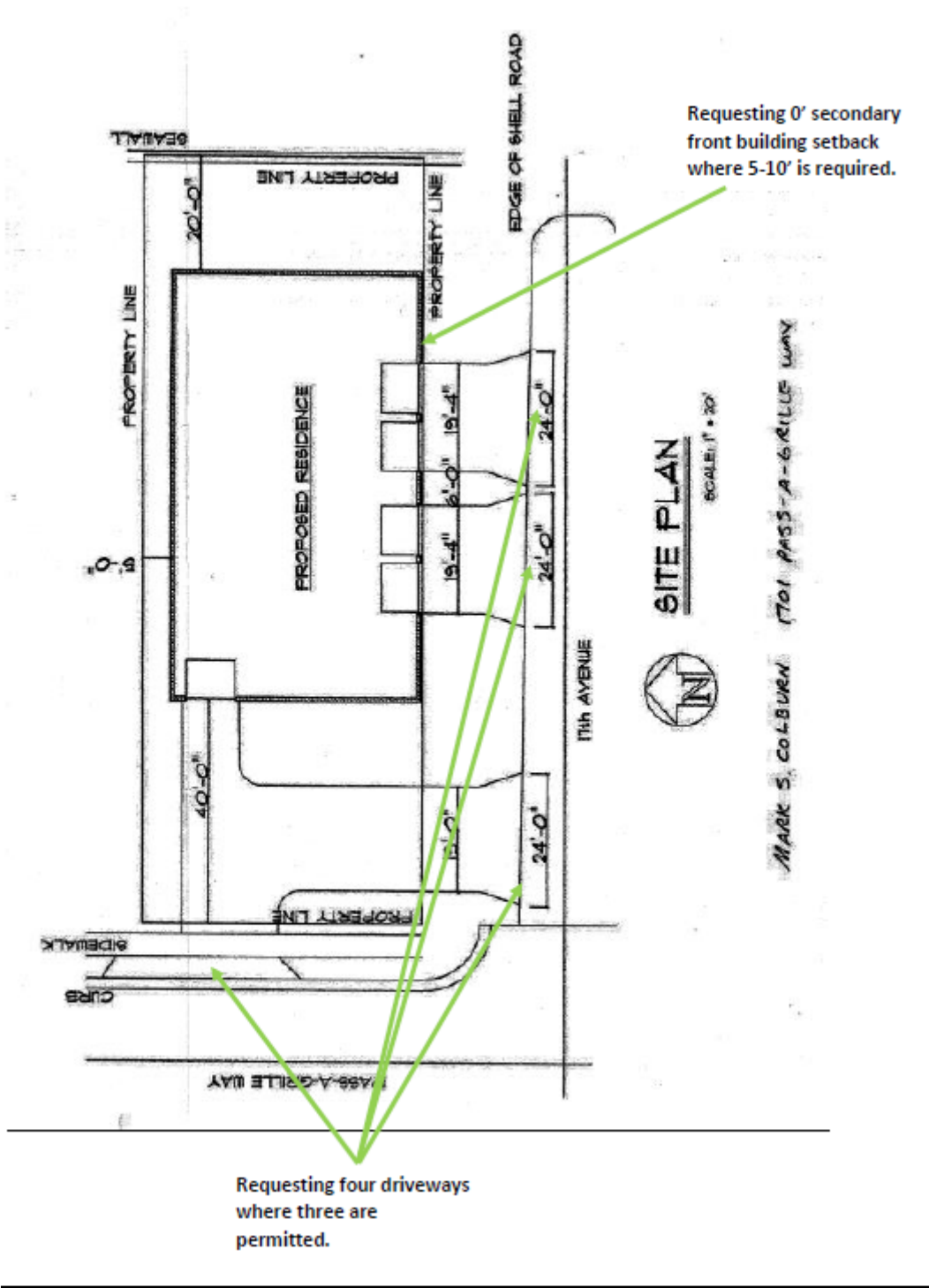


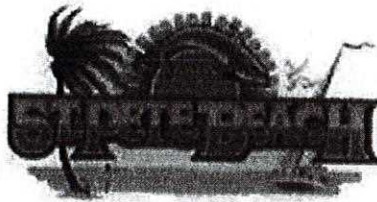


SURVEY



SITE PLAN





Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9265
email: k.holley@stpetebeach.org

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.
- ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages.

Mah Stan Colon 8-23-20
Signature of Applicant Date

Brett Warner 10/1/2020
Signature of Co-Applicant Date

Co-Applicant: Brett Warner, Assistant Public Works Director and City Engineer

VARIANCE APPLICATION

Case Number: _____

APPLICANT/AGENT:

PROPERTY OWNER:

Name: MARK S. COLBURN

Name: MARK S. COLBURN

Address: P.O. BOX 67416

Address: P.O. BOX 67416

City: ST. PETE BEACH State: FL.

City: ST. PETE BEACH State: FL.

Zip: 33736 Phone: 407-973-9995

Zip: 33736 Phone: 407-973-9995

PROPERTY:

Address: 1701 PASS-A-GRILLE WAY ST. PETE BEACH FL.

Parcel ID: 18-32-16-68634-000-0005

Current Zoning: RLM2/PAG FLUM Designation: _____

Lot Area: 6860 SQ. FT.

Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

1. AN ADDITIONAL 24' CURB CUT ON 17TH AVE

2. TO DECREASE 17TH AVE SIDE SETBACK TO 0 LOT LINE

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Mark S. Colburn 8-23-20 Mark S. Colburn 8-23-20
Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment or the City Commission must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.

(1). This property differs from most residential lots in that it fronts both on Pass-a-Grille Way and on a cross street, 17th Avenue.

(2). During the Pass-a-Grille Way road construction, the City placed three electrical boxes (a "sub-station") on the southwest side of the lot. This was not done on any similarly situated lot in the construction zone.

(3). This variance request is co-sponsored by Brett Warner, Assistant Public Works Director and City Engineer and the City of St. Pete Beach due to special circumstances relating to the placement of utility transformer boxes on the property during the road construction of Pass-a-Grille Way.

* See attached narrative for further details

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

A structure with a single living level above the garage level is desired. The current side setback on 17th Avenue would create a building envelope for only a very long and narrow configuration. In addition to this being an unaesthetic, rather trailer-esque, configuration, my architect cannot create an acceptable arrangement of rooms on one living level under the current side setback constraints. Increasing the maximum building width would enable a more aesthetically pleasing structure with a more functional floor plan, as well as reducing the linear footage exposure of the residence on 17th Avenue. Such a structure would better comport with the City's design goals.

Since this lot is prone to flooding, the elevation will need to be raised for a new residence. A zero-lot line structure would allow us to reduce the length and increase the width of the structure, resulting in a smoother transition from the garage floor to the berm adjacent to 17th Avenue. This would also avoid the proximity to the remaining utility box and buried utilities placed along 17th Avenue. It also would allow space for the circular drive from the existing curb cut on Pass-a-Grille Way to 17th Avenue.

3. The peculiar conditions and circumstances are not the result of the actions of the applicant.

I attempted to avoid the peculiar conditions and circumstances now impacting this property by communicating with City officials prior to the commencement of the Pass-a-Grille Way road construction.

4. The proposed variance will not have the effect of changing any district boundary on the zoning map. The proposed variances will not change any district boundary on the zoning map.

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

The requested variances will not permit a non-conforming use or one not specifically permitted in the RLM2/PAG zoning district.

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

The requested variances will not increase density or intensity over that which is permitted in the Comprehensive Plan.

7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Both the requested zero-lot line variance and the variance for an additional curb cut on 17th Avenue will not have any impact on adjacent property owners. The south side of the lot for which the variances are requested fronts directly onto 17th Avenue. The additional curb cut request on 17th Avenue provides for increased public safety and welfare by providing for improved ingress and egress from the residence, removing the need to back large vehicles out of a driveway onto Pass-a-Grille Way.

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

The proposed variances are the minimum required to make reasonable use of the property for a single-family residence that is aesthetically pleasing for the Pass-a-Grille Way neighborhood.

Mark S. Colburn
Signature of Applicant

MARK S. COLBURN
Printed Name of Applicant

8-23-20
Date

Narrative in Support of Variance Application
Mark S. Colburn

Narrative in Support of Variance Application
Mark S. Colburn
1701 Pass-a-Grille Way, St. Pete Beach, FL

Prior to the design work and commencement of the road construction project on Pass-a-Grille Way, I had several consultations with city officials of St. Pete Beach (including the city engineer and the public works director). This was in regard to my concern about the ability to develop a house plan utilizing side-entry garage access, as well as a circular drive from Pass-a-Grille Way to 17th Avenue. Years ago, this lot was specifically purchased for this ingress-egress configuration. Prior to the finalization of the Pass-a-Grille Way road construction plans, I presented a rendering of such to the engineering and public works departments. I was told, and this is supported by email threads, that they would incorporate this into the road project plans.

I verified this on several occasions with additional meetings. Content with this assurance, I began preliminary conceptual plans for a single-family residence with four side-entry garages and a circular drive coming into the property from Pass-a-Grille Way. I wanted to wait until the road project was complete to make final drawings.

Much to my dismay, as the road construction proceeded, three large utility boxes (actually a "sub-station") were placed halfway down the length of my lot along 17th Avenue, totally occupying the space where I would be placing my driveways.

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The zero lot line variance requested would allow a more aesthetic structure, rather than the long and narrow structure that would have to be built according to the current setback along 17th Avenue.

Mark S. Colburn
Signature of Applicant

MARK S. COLBURN
Printed Name of Applicant

8-23-20
Date

From: ddsmagd@aol.com,

To: bwamer@stpetebeach.org,

Cc: mclarke@stpetebeach.org,

Bcc: licktondesign@verizon.net,

Subject: Fwd: Curb cuts 1803 & 1701 Pass-a-Grille Way

Date: Fri, Apr 6, 2018 3:35 pm

Attachments: PASSAGRILLE WAY_COLBURN.pdf (910K), (2) PASSAGRILLE WAY_COLBURN.pdf (258K)

Dear Brett Warner, PE:

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I request that the 3 transformers be re-located. I also request that the curb cuts be done as per the attached drawing, as I was assured would be incorporated into the final plans. I have owned and maintained this property for 20 years in anticipation of certain curb cuts that I was assured would be incorporated into the final plan.

Sincerely,

Mark Colburn

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To: ddsmagd <ddsmagd@aol.com>

Sent: Fri, Apr 6, 2018 12:35 pm

Subject: Fwd: Curb cuts 1803 & 1701 Pass-a-Grille Way

—Original Message—

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To: Ian Wade <iwade@stpetebeach.org>

Cc: John Kretzer <j.kretzer@stpetebeach.org>; 'ddsmagd@aol.com' <ddsmagd@aol.com>

Sent: Fri, Mar 11, 2016 8:54 am

Subject: FW: Curb cuts 1803 & 1701 Pass-a-Grille Way

Ian,

Please pass this on to our design firm and have them incorporate it into the plans.

Thanks,

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cell (407) 973-9995

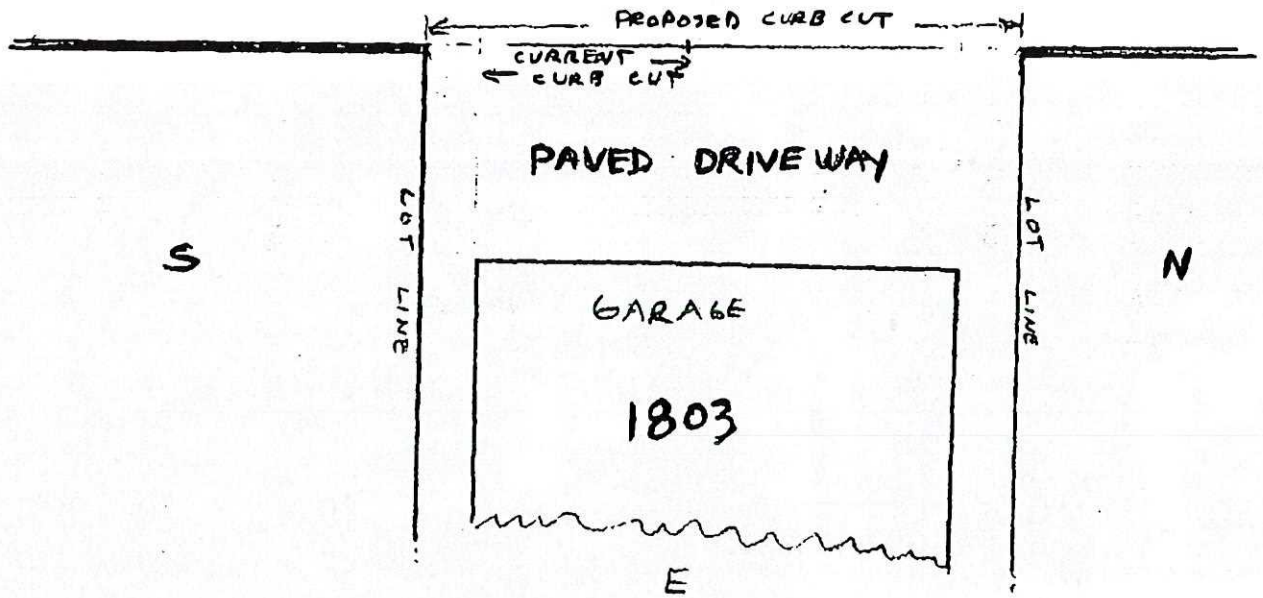
Download SPBConnect at www.stpetebeach.org/spbconnect

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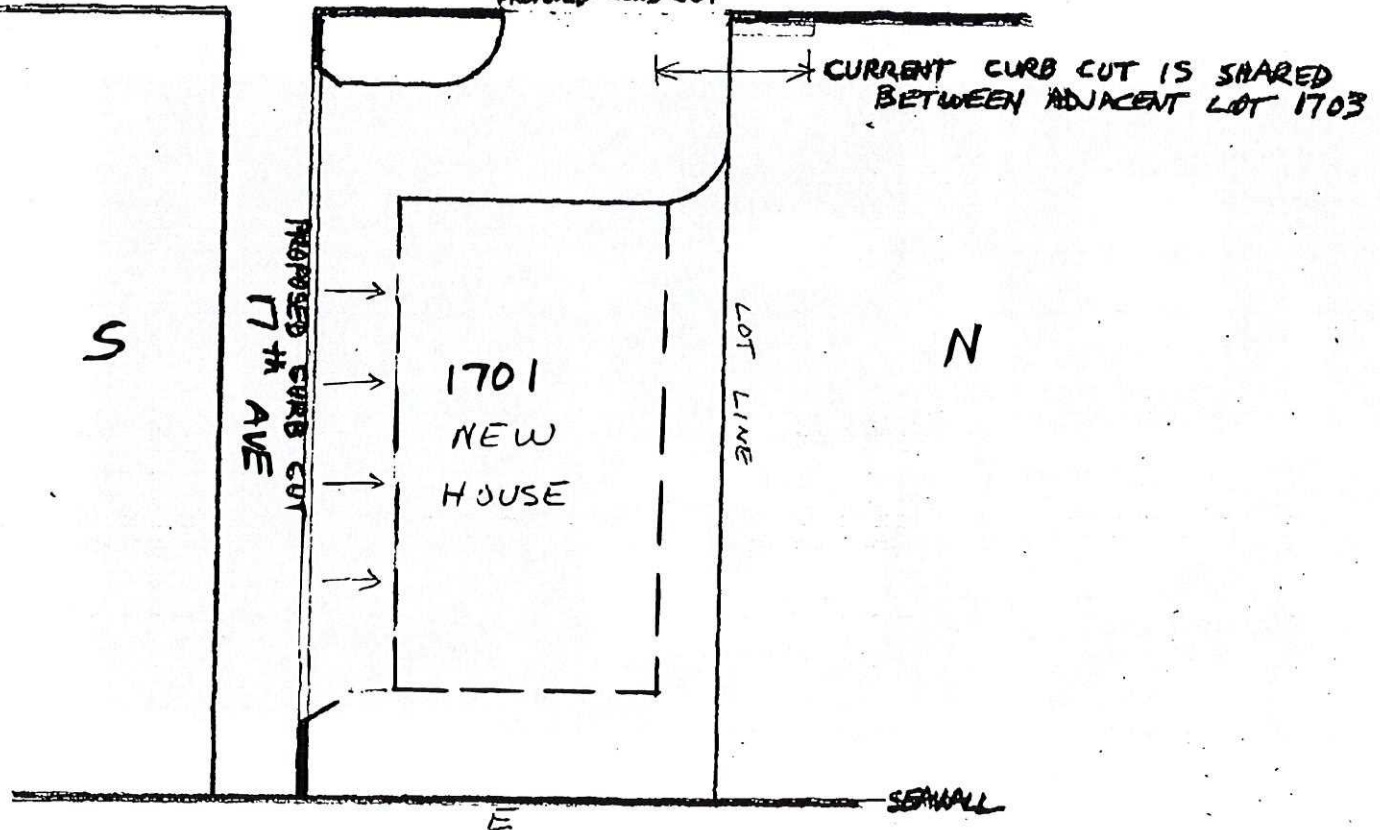
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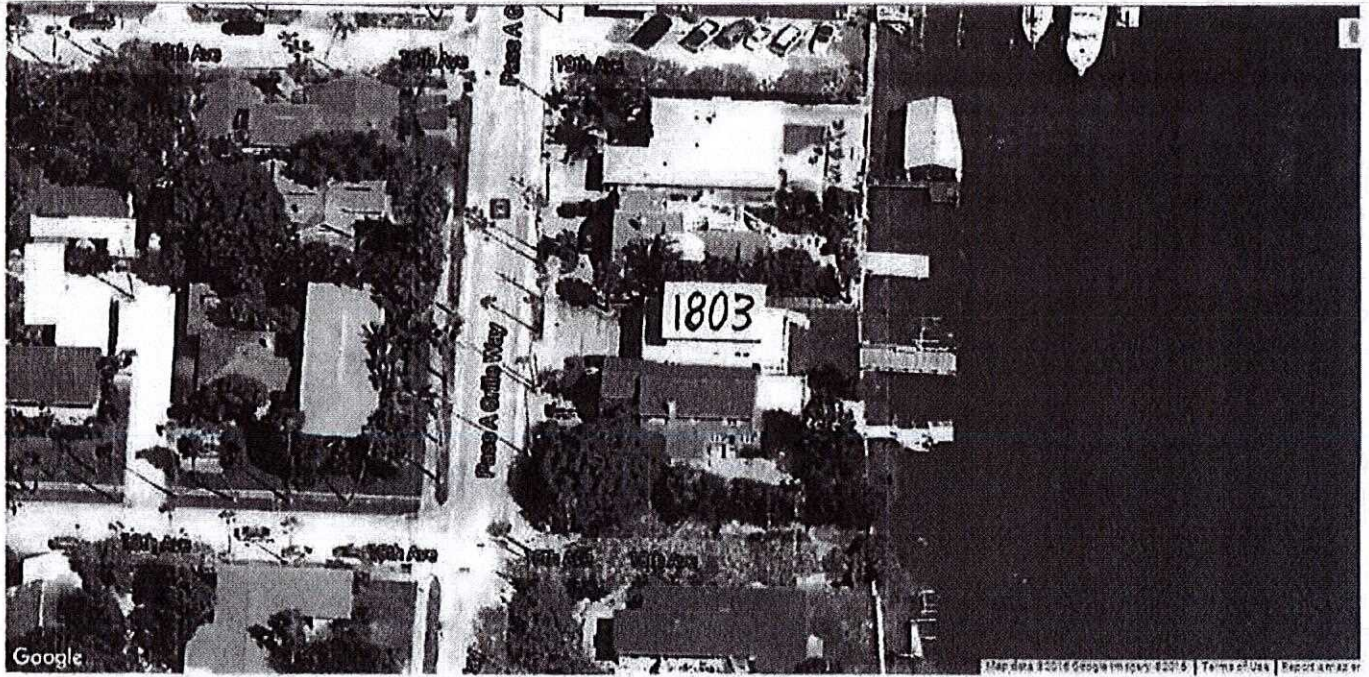
PASS-A-GRILLE WAY



W

PASS-A-GRILLE WAY
PROPOSED CURB CUT





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To: ddsmagd@aol.com,
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9/1/2020

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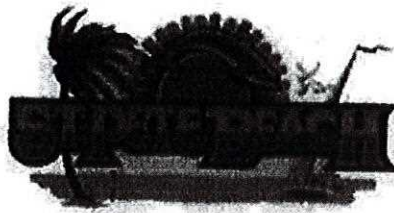
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Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9265
email: k.holley@stpetebeach.org

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.
- ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages.

Mah Starn G. Linn 8-23-20
Signature of Applicant Date

VARIANCE APPLICATION

Case Number: _____

APPLICANT/AGENT:

PROPERTY OWNER:

Name: MARK S. COLBURN

Name: MARK S. COLBURN

Address: P.O. BOX 67416

Address: P.O. BOX 67416

City: ST. PETE BEACH State: FL. City: ST. PETE BEACH State: FL.

Zip: 33736 Phone: 407-973-9995 Zip: 33736 Phone: 407-973-9995

PROPERTY:

Address: 1701 PASS-A-GRILLE WAY ST. PETE BEACH FL.

Parcel ID: 18-32-16-68634-000-0005

Current Zoning: RLM2/PAG FLUM Designation: _____ Lot Area: 6860 SQ. FT.

Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

1. AN ADDITIONAL 24' CURB CUT ON 17th AVE

2. TO DECREASE 17th AVE SIDE SETBACK TO 0 LOT LINE

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Mark S. Colburn 8-23-20 Mark S. Colburn 8-23-20
Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment or the City Commission must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.

(1). This property differs from most residential lots in that it fronts both on Pass-a-Grille Way and on a cross street, 17th Avenue.

(2). During the Pass-a-Grille Way road construction, the City placed three electrical boxes (a "sub-station") on the southwest side of the lot. This was not done on any similarly situated lot in the construction zone.

(3). This variance request is co-sponsored by Alex Rey and the City of St. Pete Beach due to special circumstances relating to the placement of utility transformer boxes on the property during the road construction of Pass-a-Grille Way.

*See attached narrative for further details

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

A structure with a single living level above the garage level is desired. The current side setback on 17th Avenue would create a building envelope for only a very long and narrow configuration. In addition to this being an unaesthetic, rather trailer-esque, configuration, my architect cannot create an acceptable arrangement of rooms on one living level under the current side setback constraints. Increasing the maximum building width would enable a more aesthetically pleasing structure with a more functional floor plan, as well as reducing the linear footage exposure of the residence on 17th Avenue. Such a structure would better comport with the City's design goals.

Since this lot is prone to flooding, the elevation will need to be raised for a new residence. A zero-lot line structure would allow us to reduce the length and increase the width of the structure, resulting in a smoother transition from the garage floor to the berm adjacent to 17th Avenue. This would also avoid the proximity to the remaining utility box and buried utilities placed along 17th Avenue. It also would allow space for the circular drive from the existing curb cut on Pass-a-Grille Way to 17th Avenue.

3. The peculiar conditions and circumstances are not the result of the actions of the applicant.

I attempted to avoid the peculiar conditions and circumstances now impacting this property by communicating with City officials prior to the commencement of the Pass-a-Grille Way road construction.

4. The proposed variance will not have the effect of changing any district boundary on the zoning map. The proposed variances will not change any district boundary on the zoning map.

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

The requested variances will not permit a non-conforming use or one not specifically permitted in the RLM2/PAG zoning district.

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

The requested variances will not increase density or intensity over that which is permitted in the Comprehensive Plan.

7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Both the requested zero-lot line variance and the variance for an additional curb cut on 17th Avenue will not have any impact on adjacent property owners. The south side of the lot for which the variances are requested fronts directly onto 17th Avenue. The additional curb cut request on 17th Avenue provides for increased public safety and welfare by providing for improved ingress and egress from the residence, removing the need to back large vehicles out of a driveway onto Pass-a-Grille Way.

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

The proposed variances are the minimum required to make reasonable use of the property for a single-family residence that is aesthetically pleasing for the Pass-a-Grille Way neighborhood.

Mark S. Colburn
Signature of Applicant

MARK S. COLBURN
Printed Name of Applicant

8-23-20
Date

Narrative in Support of Variance Application
Mark S. Colburn

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Mark S. Colburn
1701 Pass-a-Grille Way, St. Pete Beach, FL

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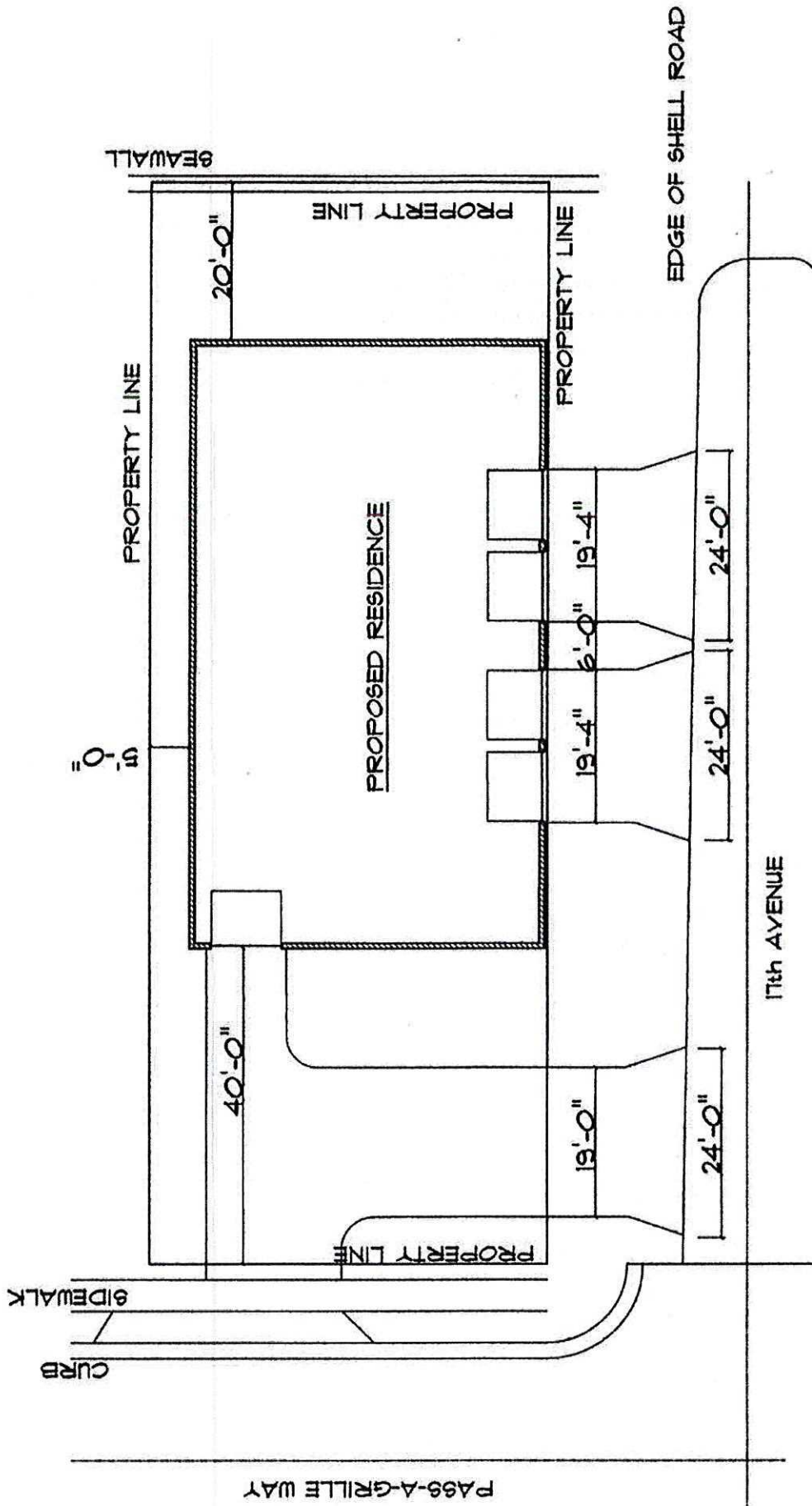
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MARK S. COLBURN
Printed Name of Applicant

8-23-20
Date

[illegible]



SITE PLAN

SCALE: 1" = 20'

MARK S. COLBURN 1701 PASS-A-GRILLE WAY

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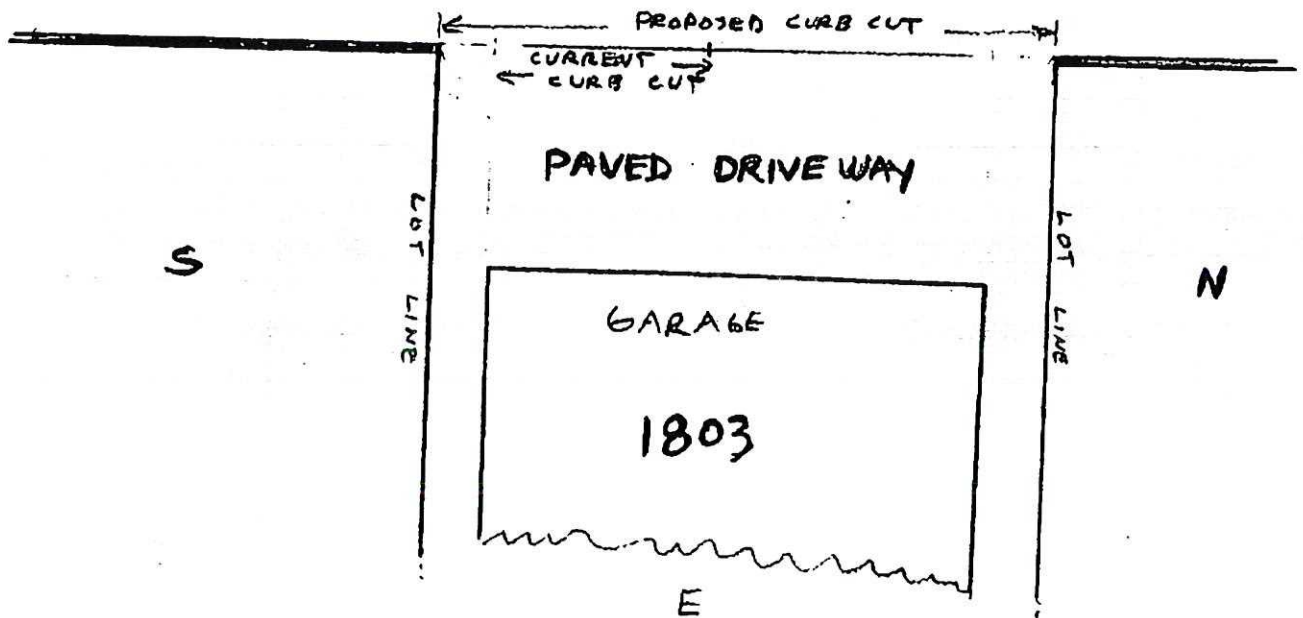
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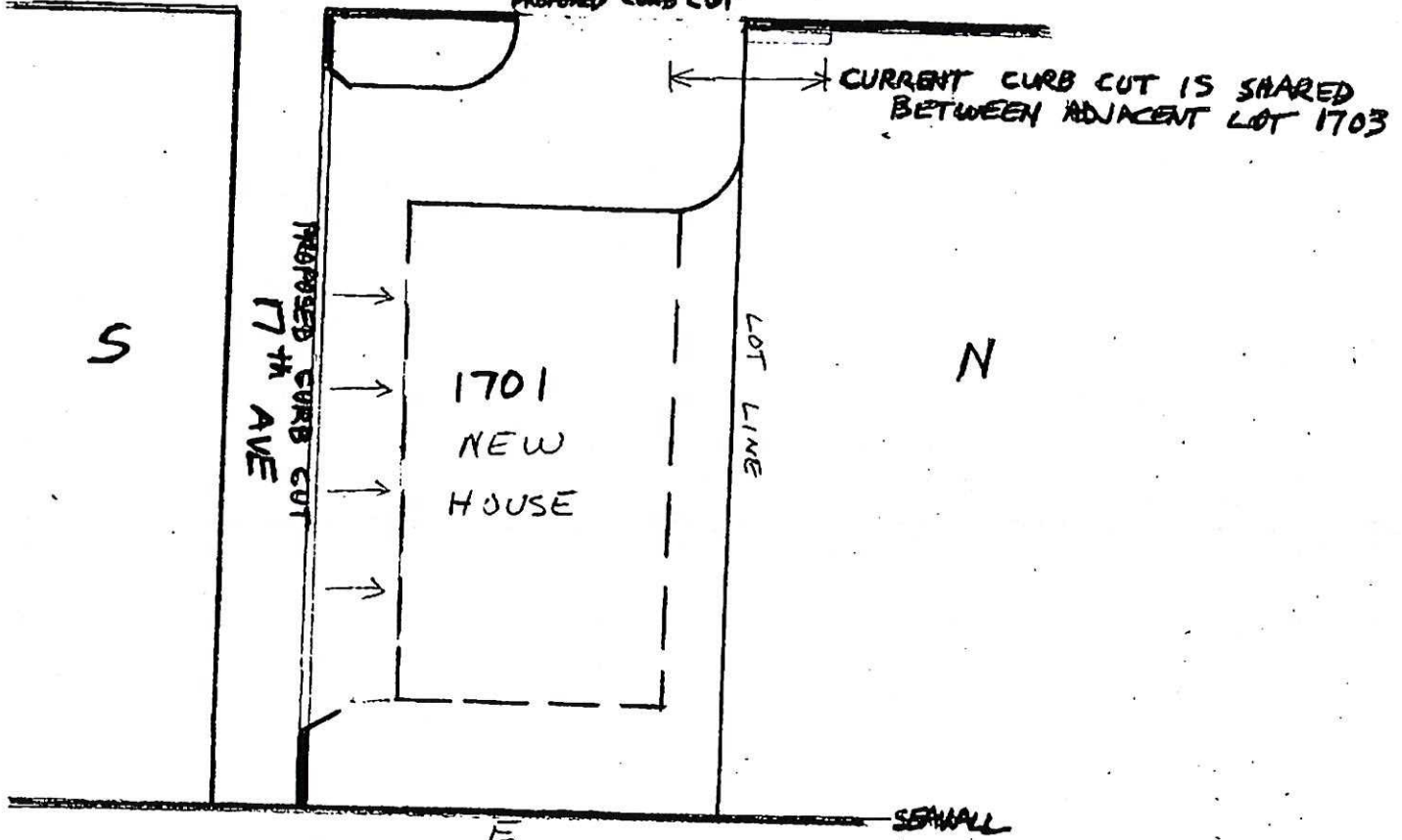
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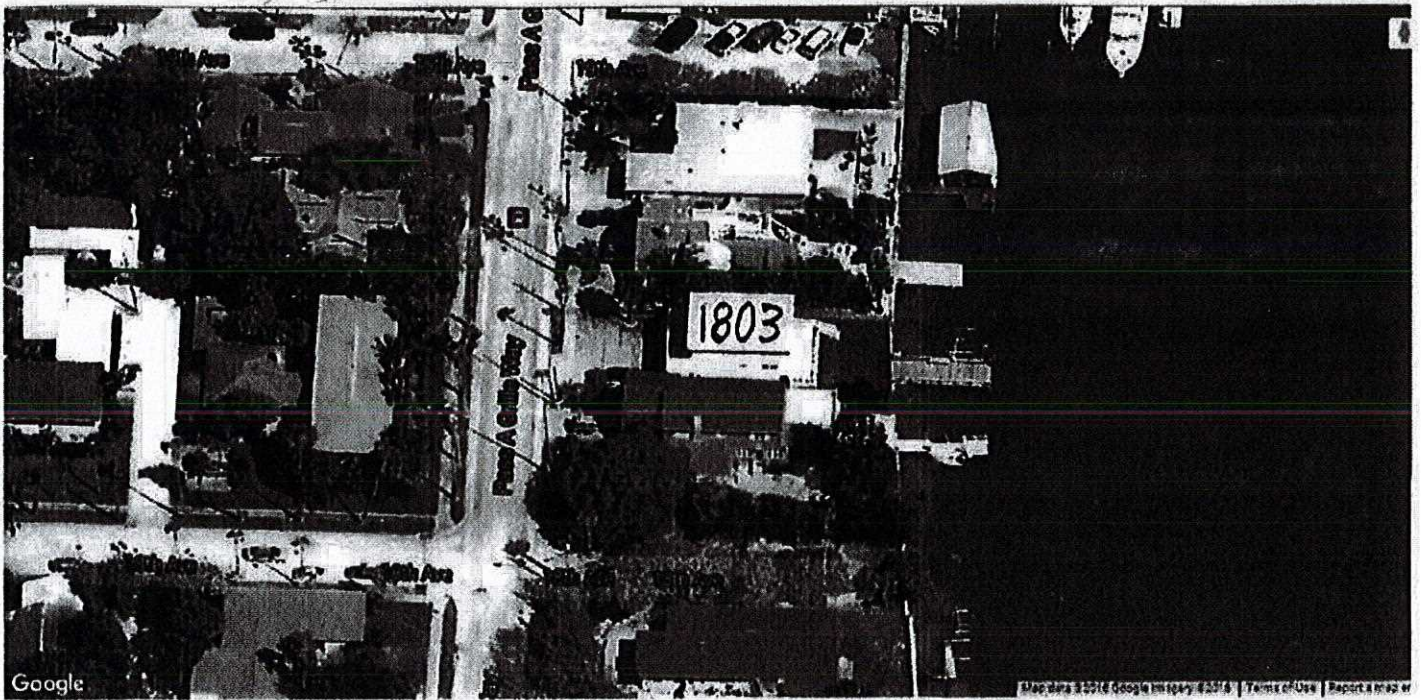
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My two properties of concern are 1803 Pass-a-Grille Way and 1701 Pass-a-Grille way. Both properties are on the east side of the road.

With regard to 1803, my driveway currently extends virtually the entire width of the property. Yet, I only have a curb cut accessing the southern half. This makes it cumbersome for larger vehicles and for handicap accessibility. I am requesting in the new road design a curb cut extending the entire width of my lot so I may better utilize the entire width of the driveway.

With regard to 1701, the current curb cut onto Pass-a-Grille Way is only a partial curb cut because it is shared half and half with the adjacent property owner. I am assuming that in the past it was one parcel. In the new road design, I am requesting a full curb cut beginning at the northwest corner of the property and extending south for approximately half the lot width. This will be for a semicircular drive from 17th Avenue to Pass-a-Grille Way. I am developing plans for a house utilizing side-entry garages off 17th Avenue. I don't know if curbs are going to be placed on 17th Avenue but, if so, I would need a provision for a curb cut allowing for four side-entry garages (length to be determined) as well as the semicircular drive. I am in the design phase of the house right now.

It is my intention to attend the informational meeting on March 17th. Please feel free to contact me with any information either before or after this meeting. I would greatly appreciate your assistance in this matter.

Sincerely,

Mark Colburn
cell (407) 973-9995

Download SPBConnect at www.stpetebeach.org/spbconnect

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: VARIANCE – SETBACK - 20073

Date: October 28, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Request for the installation of two entry gates, one exit gate, one pedestrian gate, and ornamental fencing of six to eight feet in height in the required front setback at Envoy Point Condominiums.

Funding:

Requested Motion: Staff recommend approval with two (2) conditions:

1. Any gates or fences associated with this request shall be of a semi-open design similar to the design shown for the “Royal Mediterranean” gate in documents submitted by the applicant;
2. Any existing landscaping removed to accommodate this request shall be relocated, or replaced like-for-like at the property’s frontage.

Attachments:

1. 20073 7100 Sunset Way Staff Report
2. 20073 Supporting docs



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

**VARIANCE CASE NO. 20073 – Keith Heatly, General Manager for Envoy Point
Condominium Association**

MEETING DATE: October 28, 2020

PREPARED BY: Brandon Berry, Planner I

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> to allow for the installation of two six to eight feet tall entry gates, one six to eight feet tall exit gate, and one six feet tall pedestrian gate in the property's required front setback (LDC Sec. 6.15).
SUBJECT PROPERTY	7100 Sunset Way; ENVOY POINT WEST, A CONDOMINIUM, ACCORDING TO THE PLAT THEREOF AS RECORDED JUNE 1, 1977, IN CONDOMINIUM PLAT BOOK 25, PAGES 1 THROUGH 18, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
ACERAGE	Approximately 5.7 acres, of which a portion is seaward of the CCCL.
LAND USE	RFM Resort Facilities Medium and P Preservation on the Zoning Map; RFM on the Future Land Use Map.
FLOOD ZONE	AE-12 (near Sunset Way) to VE-15 (near beach)
SURROUNDING AREA	North – City Park South - Condominiums East – Sunset Way and Condominiums/Residences West – Beach and Gulf of Mexico

BACKGROUND

The property contains a multi-family condominium building that was constructed in 1977, as well as secondary residential facilities. There is an existing guard house with entry and exit arm bars on the eastern side of the property.

ANALYSIS

Fences, walls and gates are generally permitted to be located in the front property setback, but are limited to four feet in height. The applicant is requesting to replace existing entry and exit arm bars adjacent a guard house at the front of the property with gates that vary between

six and eight feet in height, as well as install a pedestrian access gate and ornamental fencing of six feet in height. As these gates are to be located in the front property setback, a variance is required.

	Structure	Maximum Height	Proposed Height	Percentage Exceeded
Front Yard	Gates and ornamental fencing	4'	8'	50-100%

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize unnecessary and undue hardship variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- a) **Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;**

The property contains an existing guard house as well as arm bars at the entry and exit areas. While staff does not find there are special circumstances unique to this property that are not applicable elsewhere, staff does find there are other existing multi-family properties in the same zoning district that have open fences that exceed permitted height in the front setback. Staff further find that properties should be afforded reasonable options for security.

- b) **The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**

The existing conditions have been in place since the project was constructed in 1977.

- c) **Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;**

Existing conditions on the lot, along with code standards that were enacted after the condominium's initial construction, would significantly impact the ability of the applicant to reconstruct existing security features at the front of the site without a variance or substantial reconfiguration of the property's parking lot.

- d) **The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;**

No use disallowed in the district would be created by the issuance of this variance.

- e) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;**

Staff do not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The existing arrangement at the front of the site has existed for several decades.

- f) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;**

Other multi-family properties in the vicinity appear to have security fences that exceed the maximum height permitted in the property's front setback.

- g) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and**

The design of the gates flourish from six feet in height at one end to eight feet in height at the center. Provided that the gate is intended to provide additional security than existing arm bars, and given the existing height of the guard house to which the staff find the variance is minimal.

- h) The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.**

Staff find that the request is generally in harmony with the purpose and intent of the Land Development Code, and will not be injurious to the neighborhood. Staff find that the fence, wall and gate height standards in the Code are in place to preserve visibility, prevent the construction of visual fortresses, and retain emphasis on existing landscaping at the front of the site. Staff find that no issues related to these concerns will be significantly advanced by this request. Staff find that the request is generally compatible with the neighborhood and will not substantially diminish or impair property values within the neighborhood, while affording the property a reasonable degree of security.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

SUMMARY:

Staff find the request is generally in harmony with the Land Development Code and will not be detrimental to the public safety and welfare. The request should provide the property a reasonable degree of security while retaining visibility and other features at the front of the site.

RECOMMENDATION:

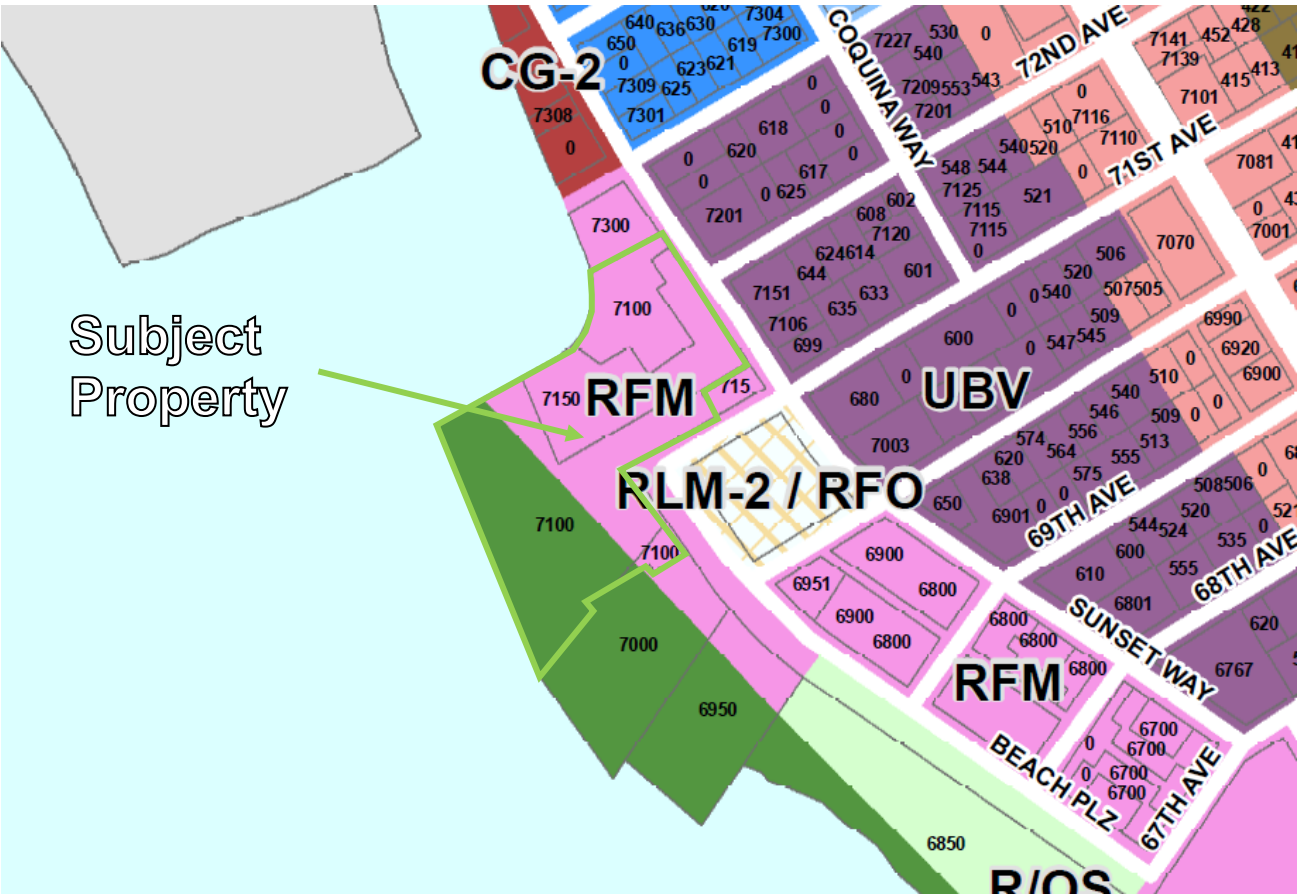
Staff recommend approval with two (2) conditions:

- 1) Any gates or fences associated with this request shall be of a semi-open design similar to the design shown for the “Royal Mediterranean” gate in documents submitted by the applicant;
- 2) Any existing landscaping removed to accommodate this request shall be relocated, or replaced like-for-like at the property’s frontage.

AERIAL MAP

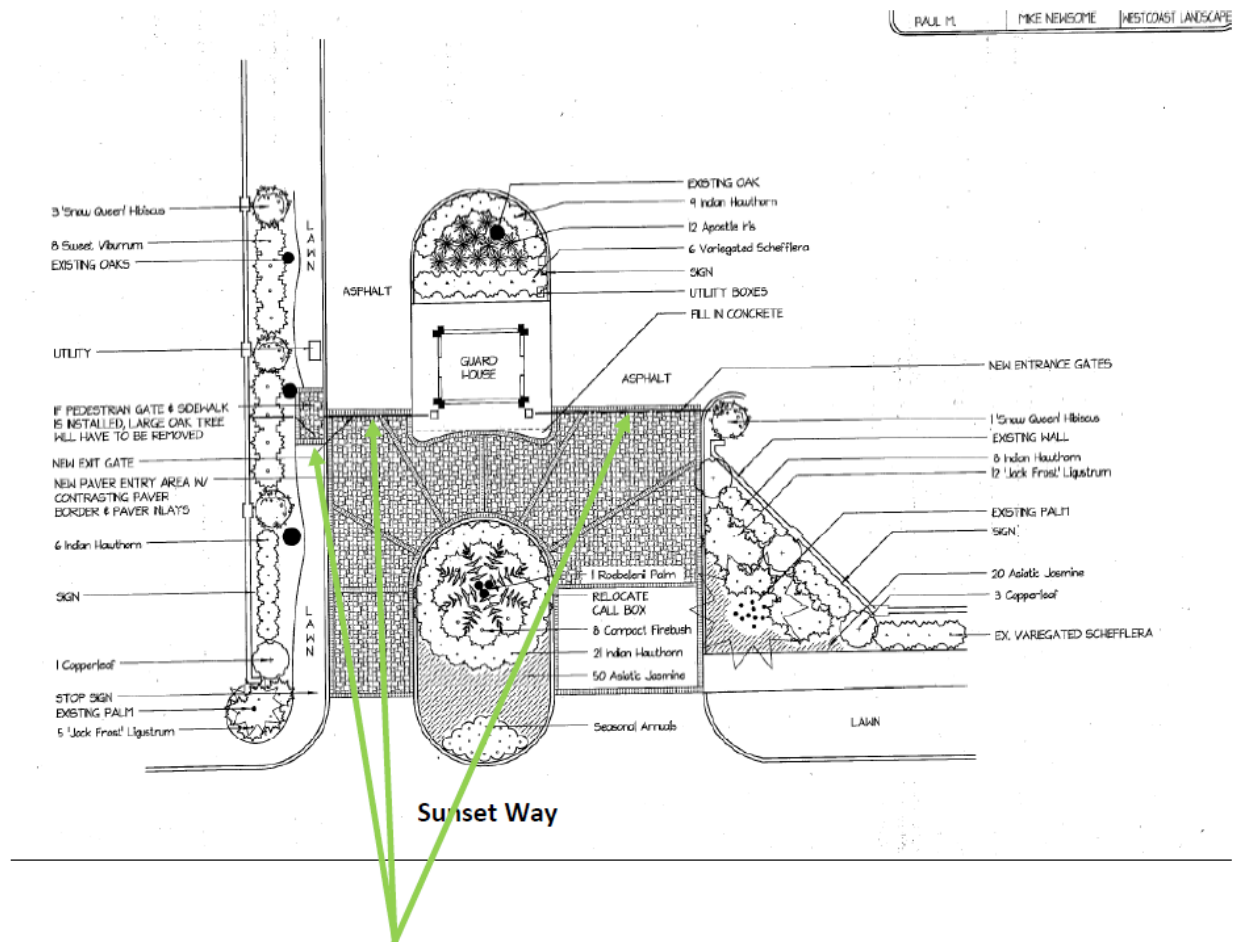


ZONING MAP





SITE PLAN



Installation of pedestrian gate (left), exit gate (center) and entrance gates (right) of 6-8' in height in required 50' front setback.

CASE #: 20073

PARCEL #: _____

SUBMITTAL DATE: 9/25/20 AMOUNT DUE: \$ 785.60 PAYMENT DATE: 9/25/20**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Envoy Point Condominium Assn.	7100 Sunset Way St. Pete Beach, Florida 33706	727.360.9224
Applicant/ Agent	Keith Heatly General Manager		727.542.0234 (cell)
Owner Email Address: EnvoyOffice@tampabay.rr.com		Applicant/Agent Email Address: kheatly@kbmservicesgroup.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:		
Address: 7100 Sunset Way St. Pete Beach, Florida 33706		
Explanation of Request: <u>The installation of (2) two 72 inch to 96 inch tall x 12 inch wide single slide ENTRY gates that come together in the middle. (1) one 72 inch to 96 inch tall x 13 inch wide single swing EXIT gate. (1) one 72 inch tall x 4 inch wde PEDESTRIAN gate with a 72 inch tall ornamental aluminum fencing.</u>		
<u>The automatic gates will be installed at the entrance to the property adjacent to the current security guard house.</u>		

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

The current security guard house and barrier arms were built in 1977 requiring the location of the automatic entry and exit gates to be installed in that same area. The purpose of the gates are to secure the private property entrance from the public and to prevent trespassers from climbing over the gate and fence onto the property.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The construction of the building and creating of the homeowners association was completed in April 1977 in compliance with all applicable building codes at the time.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

The literal interpretation of the land development code requiring all street facing fencing be 4 ft or under creates an unnecessary and undue hardship for Envoy Point because the low height of the gates would allow easy access onto the property by allowing an average size person to climb over the gates which would compromise the security and safety of the residents. The additional requested four feet of gate height is minimal and is consistent with the average height of most security entry gates.

4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

The property has had 24 hour staffed security guards for 44 years. The association desires to continue to have security guards on duty at the front entrance during the daytime only. The entry and exit sliding gates will provide security for the property during the evening and nighttime hours.

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

The homeowners association is a not-for-profit organization

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

Security gates are used by many private condominiums and hotel facilities in the St. Pete Beach community.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The additional height of (4) four feet for the entrance gates is very minimal and does not alter the original use of the property in anyway.

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The entrance gates will increase the public safety and welfare of the neighbor as well as increase property values.

Gary T. Canfield

9/24/2020

Keith Heatly

9/24/2020

Signature of Applicant

Date

Signature of Authorized Agent

Date

client:	scale	date	checked by	drawn by
	1/8" = 1'-0"	7/ 12/ 2020	MIKE NEWSOME	WEST



Mo'zArt Designs
4350 E US Highway 92
Plant City, FL 33566-7336 US
mozartdesigns@yahoo.com
www.mozartdesigns.net



ADDRESS

KEITH HEATLY
ENVOY POINT CONDOMINIUM
7100 SUNSET WAY-
ST. PETE BEACH, FLA. 33706

Estimate 2253

DATE 06/09/2020

DESCRIPTION

AMOUNT

THIS PROPOSAL IS FOR PROVIDING ALL MATERIAL & LABOR TO FABRICATE, POWDER COAT, & INSTALL THE FOLLOWING MATERIAL:

2 - "APPROX." 72" to 96" tall X 12' wide SINGLE SLIDE "ENTRY" GATES with "V-TRACK" SYSTEM. These gate are both "Entry Gates" that come together in the middle, "but" are not Master / Slave. Meaning

that they open independently of one another.

1- "APPROX." 72" to 96" tall X 13' wide SINGLE SWING "EXIT" GATE.

1 - "APPROX." 72" tall X 4' wide PEDESTRIAN GATE.

"APPROX." 30 lineal Ft. of 72" tall ORNAMENTAL ALUMINUM FENCING.

"ALL" of the ABOVE WILL BE FABRICATED OUT OF ALUMINUM. FABRICATION IS OF "ALL WELDED" CONSTRUCTION.

Due to the size of the "Swing" gate, the bottom frame horizontal will be 2" X 3" (not the normal 2" X 2"). Therefore, so that the "Entry" gates & "Exit" gate match, the "Slide" gates will also have a 2" X 3" (3"face) bottom horizontal. Also, due to the size of "Swing" gate, the "hinge end" frame vertical will be 1/4" wall (not the typical 1/8" wall).

Both "entry" & "exit" gates will be fabricated using a "double" top, "Arched", 1" X 2" channel horizontals. The pickets are 3/4" X 3/4" tubing, spaced 4.75" O/C. Each picket is "hydraulically pressed" into a spear point that can't be removed or broken off. These also make it "very" difficult to climb over.

The "Pedestrian Gate" will be fabricated, using 2" X 2" frame, double top 1" X 2" channel horizontals, 3/4" X 3/4" pickets, space 4.75" O/C, & pressed into spear point. There is "no" arch in the top of this gate. This gate will be equipped with "Self Closing" hinges, & "Mechanical Code" (non electrical) Lock Handle. It will be "code in" & "free exit" out. Due to the "free exit", the gate will be covered with a piece of "expanded metal", to prevent anyone from reaching between pickets & opening the gate, from the outside.

The fence sections will be fabricated using the "double" 1" X 2" top channel horizontals, 3/4" X 3/4" pickets, spaced 4.75" O/C, & top "pressed spears". Each panel is 6' wide. The line posts are 2.5" X 2.5" X 8' tubing. These posts are "Aluminum" & set in concrete.

DESCRIPTION

AMOUNT

ALSO INCLUDED:

6 - 4" x 4" STEEL GATE POSTS. 4 - for SLIDE GATES. Inside & outside Guide Roller Posts. 2 - for SWING GATE. All set in concrete.
 4 - "GUIDE ROLLER" BRACKETS
 1 - CATCH BRACKET. For slide gate.
 1 - "CUSTOM", ANTI-LIFT GROUND BRACKET for SLIDE GATES. This will prevent someone from lifting the gates up, in the middle, & swinging them open.
 24' of "FRONT" V-TRACK & 24' of "BACK" V-TRACK. All set in concrete.
 2 - "HEAVY DUTY" V-GROVE WHEELS & WHEEL BOXES. For Sliders.
 1 - PR. HEAVY DUTY, "ADJUSTABLE", "J-BOLT" STYLE, HINGES with BEARINGS & GREASE FITTINGS. For Swinger.
 1 - PHYSICAL STOP. On "latch post", for swing gate.
 2 - 3" X 3" STEEL POSTS for PEDESTRIAN GATE. Set in concrete.

ONCE ALL FABRICATION IS COMPLETED, THE GATES, POSTS, PANELS, & ASSOCIATED HARDWARE WILL BE PAINTED, USING THE "BAKED ON" POWDER COATING PROCESS. THE FINAL COLOR IS "BLACK".

ACCESS CONTROLS:

2 - VIKING Mod. L-3 "ENTRY" SLIDE GATE OPERATOR.
 1 - VIKING Mod. F-1 "EXIT" SWING GATE OPERATOR.
 3 - OPERATOR PADS. Set in concrete.
 6 - LOOPS. 2 for each "Entry" & 2 for "Exit".
 5 - "REQUIRED" SAFETY DEVICES. In this application, we are using the Miller Safety Edges. 1 - "3 sided" Miller Edge for swing gate. 4 - "single sided" Miller Edges for slide gate. One goes on front of slide gate & one goes on the rear of slide gate.

*** NOTE ***

1) THIS PROPOSAL "DOES NOT" INCLUDE ANY "HIGH" or "LOW" VOLTAGE WIRING or CONDUITS.

2) ALSO, *** "VERY IMPORTANT" ***: THERE ARE NO PROVISIONS FOR ANY "ADDITIONAL" ACCESS CONTROLS, for OPENING THESE NEW GATES.

IT WAS "UNCLEAR" TO ME, AT THE TIME OF OUR "ON SITE" MEETING, AS TO HOW YOU WANTED TO CONTROL THE NEW GATES.

If you are going to want to incorporate your "existing" Phone Unit & Guard House controls into the new operators, this is going to involve the electrician, or whomever you are having do the other conduit & wiring work.

"We" can provide the low voltage wiring, that would be required. But will need to know how much is needed, based on what the electrician does "&" what additional controls you are going to want.

3) "DOES NOT" INCLUDE ANY PERMITTING COSTS. THIS IS USUALLY DONE, IF REQUIRED, BY THE ELECTRICIAN.

TOTAL with INSTALLATION: \$32,310.00

32,310.00

TO ACCEPT THIS PROPOSAL, PLEASE SIGN BELOW & RETURN. UPON ACCEPTANCE, 50% DEPOSIT IS REQUIRED. ONCE DEPOSIT IS RECEIVED, PROJECT WILL BE SCHEDULED.

"REQUOTE";
 GATES, FENCING, ACCESS CONTROLS

TOTAL

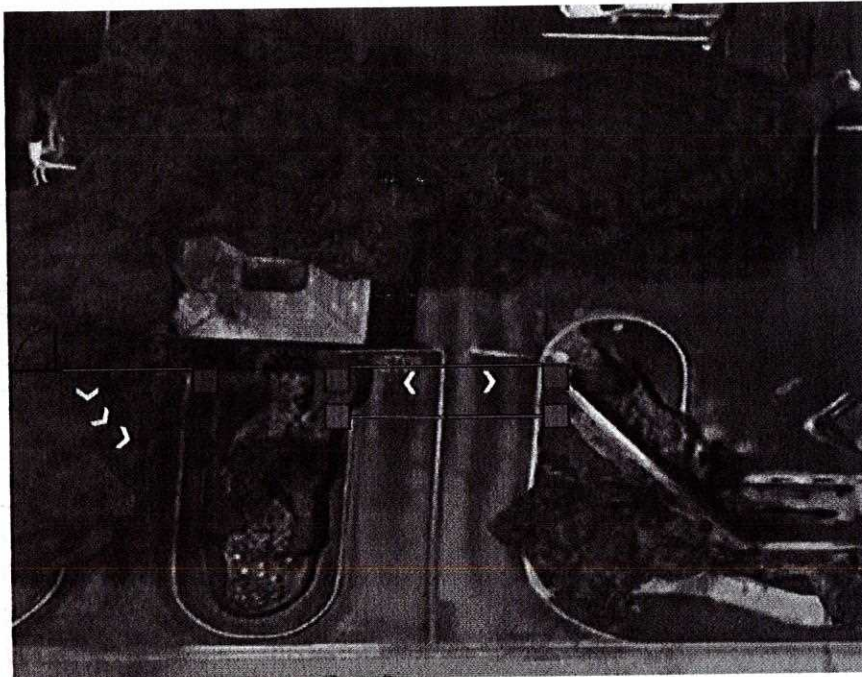
\$32,310.00

Accepted By

Gary T. Canfield

Accepted Date

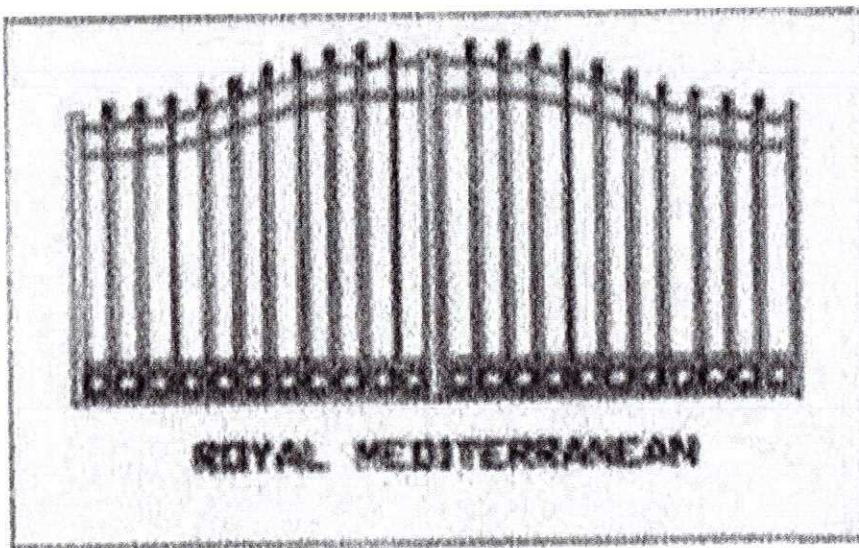
07/29/2020



KEY

-  Slide Gate Operator
-  Swing Gate Operator
-  Existing Barrier Operator

Envoy Point 7100 Sunset Way St Pete Beach, Florida		DATE PS/MNO		DWG NO Double Slide Gates Entrance Single Swing Gate Exit		REV
DRAWN JBUFF		SCALE 1 : 1		SHEET 1 OF 1		







**St. Pete Beach City Commission
Agenda Report**

Issue Considered: VARIANCE – SETBACK - 20074

Date: October 28, 2020

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: 2931 E Vina Del Mar Blvd; Request to construct a new dock that extends 85 feet from the seawall where 37.5" is the maximum, and encroach to 17.17" from the southern side property line where an 18.5" side setback is the minimum.

Funding:

Requested Motion: If approved, Staff recommends the following conditions:

1) That the dock permit requested herein be conditionally approved by the City contingent upon Pinellas County Water and Navigation's assessment and confirmation of the extent of the seagrass bed undertaken prior to the City's final approval takes effect.

2) Should the assessment of Pinellas County Water and Navigation Department stipulate dockage requiring any greater length from the seawall or relocation decreasing the side setback as approved by the City, then such review would return to the Board of Adjustment for further review and action.

Attachments:

1. 20074 - Staff Report
2. 20074 Supporting Docs
3. 20074 Pics



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 20074: Angela Chandler
MEETING DATE: October 28, 2020
PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> to construct a new dock with boat lift that extends 85 feet from the seawall where 37.5 feet is the maximum; and to be located 17.17 feet from the right (south) extended side property line where an 18.5 feet side setback is the minimum. This is an encroachment of 1.33 feet into the side setback. [LDC Sec. 6.23(d)(3) and (4)]
SUBJECT PROPERTY	2931 E Vina Del Mar Boulevard, Property ID #18-32-16-94176-002-0670, Vina Del Mar, Section 2 Addition, Block 2, Lot 67.
ACERAGE	Approximately 0.2038 acres (8,880 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE, Elevation 10 feet
SURROUNDING AREA	North – Single-family Residential Properties South - Single-family Residential Properties East – Boca Ciega Bay West – East Vina Del Mar Boulevard and Single-family Residential Properties

BACKGROUND

The applicant is seeking two variances from the Land Development Regulations to allow: 1) a dock with boat lift that exceeds the allowable length due to the existence of a seagrass bed directly underneath the existing dock and surrounding area, and 2) a dock with boat lift that encroaches into the right (or south) extended property line.

Section 6.23(d)(3) of the Land Development Code limits dock length to one-half the width of the of the zoning lot at the waterfront. The subject zoning lot is 75 feet in width, giving an allowable dock length of 37.5 feet. The existing dock is 73.0 feet in overall length and was permitted in 1968. The existing dock is also damaged and appears to be in deteriorating condition. The property owner has provided photographs that exhibit this damage/deteriorating condition of the dock. The property owner has also provided photographs that exhibit the water at low tide along with the seagrass area

which are attached to this staff report. Additionally, the applicant has provided photographic documentation that shows the existing dock in its entirety prior to a portion of it requiring removal because of deterioration and/or damage. Because of the age of the original permit, staff was unable to find the related permit drawings from 1968.

Section 6.23(d)(4) of the Land Development Code limits the dock width to be located within the center one-half of the width of the property at the waterfront. In this case, the boat lift is proposed to be located on the right side and encroaches 1.33 feet into the required setback. Please note that the existing boat lift is also on the right side.

As stated in the application, a variance to allow the dock to extend out further is due to both an existing seagrass bed and shallow water during low tide. The applicant further states that an 85-foot dock is needed in order access deeper water and provide for a boat lift.

Seagrass beds are an environmental issue that are reviewed and mitigated by Pinellas County Water and Navigation on a case by case basis.

ANALYSIS

The applicant is requesting to rebuild the subject dock with boat lift in a manner similar to the existing dock. The applicant is requesting to build a new dock that is 12 feet longer than what was originally permitted in 1968 to get better access to deeper water as well as reasonably clear the seagrass bed. The specific variance requests are shown in the tables below. Please note that the originally permitted dock is 35.5 feet longer than allowed by Code today.

Dock	Length Existing Structure*	Length Allowed by LDC	Length Requested	Percent Greater Than Allowed
Dock	73.0 feet	37.5 feet	85.0 feet	126% greater

*Determined via Google Earth measurement tool by staff.

Dock (Boat Lift only)	Side Setback Required	Side Setback Requested (right side only)	Amount Encroachment (right side only)	Percent Greater Than Allowed
Dock (Boat Lift only)	18.5 feet	17.17 feet	1.33 feet	9.2%

Staff has reviewed this request and finds the following:

- The aerial photograph and photographs provided by the applicant show evidence of shallow water near the seawall as well as large portions of seagrass beds in the vicinity. This issue does not seem to be limited to the subject property, but to others in the vicinity as well. It is likely that shallow water and seagrass beds are a major reason that other docks in the vicinity are generally longer than what is allowed by Code.

- The protection of seagrass beds has been an on-going environmental issue in Pinellas County for many years. As such, an environmental review by Pinellas County and Water and Navigation is an integral part of the County's dock reviews.
- The existing dock structure is in disrepair and should be removed as soon as possible for safety reasons.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;**

Staff finds that there are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to others in the same zoning district. Staff finds that the subject property is a single-family residential lot in the Vina Del Mar neighborhood. The lot's 75' x 120' size is similar to other waterfront lots along the eastern perimeter of Vina Del Mar bordering Boca Ciega Bay. Staff finds that the special conditions relate to shallow water at low tide and seagrass beds. Sea grasses appear to surround the subject dock and appear prevalent in the surrounding vicinity. (see aerial photograph). Seagrasses are afforded environmental protections and Pinellas County Water and Navigation reviews dock permits to ensure impact on sea grass beds are minimized.

- b) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**

Staff finds that the specific conditions and circumstances are not the result of the actions of the applicant. This is a natural occurrence and environmental rules strictly limit actions and activities that would adversely impact these seagrasses.

- c) Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;**

Staff finds that a literal interpretation of the provisions of the Land Development Code appears to deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and may result in unnecessary and undue hardship on the applicant. At issue with respect to the subject property both shallow water near the seawall and environmentally protected seagrass areas located in the vicinity of the subject dock. In 1968, this dock was permitted with a 73-foot length. The dock directly to the left (north) of the subject property is 86 feet in length and the dock to the right (south) is 60 feet in length. All exceed the length of dockage allowed by Code.

- d) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan**

or the Land Development Code, nor will it permit an increase in development density;

Staff finds that it is likely that this hardship was not deliberately or knowingly created by the applicant because the original dock was constructed in 1968. The subject dock is now in deteriorating condition and needs to be replaced. The abutting property to the north has an 86-foot long dock and the subject property has a dock that was approved in 1968 with a 73-foot length. The applicant seeks an additional 12 feet of dock length from what was approved in 1968.

e) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant wants to replace what was already there with an additional 12-feet of dock to better access deeper water and avoid the seagrass bed.

f) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property. In this case, the applicant is attempting to remedy her hardship by extending her dock out an additional 12 feet from what was approved in 1968 (although today's LDC limits this dock to 37.5 feet in length). In addition, the applicant seeks to replace the boat lift which will encroach into the right (south) side setback by 1.33 feet.

g) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Staff finds that the requested variance appears to be the minimum variance that makes possible the reasonable use of the dock. The area cannot be dredged due to the seagrass bed. Nor can the seagrass be disturbed except very minimally and as approved by the Pinellas County Water and Navigation Department. Staff also finds that this property is situated directly on Boca Ciega Bay and that the proposed dock extension does not appear to hinder others' access to the waterway. Staff also finds that review of nearby docks on Vina Del Mar abutting Boca Ciega Bay appear to generally be longer than allowed by the LDC. Finally, the abutting property owner to the left (north) signed off on the dock extension application. However, the abutting property owner on the right (south) side did not sign off on this request.

h) The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Staff finds that while this request is not in harmony with the purpose and intent of the Comprehensive Plan and Land Development Regulations, it is also not anticipated to cause injury to the neighborhood, public safety or welfare, and is generally compatible with the neighborhood wherein many properties have docks. In this case, environmental concerns and protections for seagrasses provide a limitation on any disturbance and/or harm to the existing seagrass bed.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

SUMMARY:

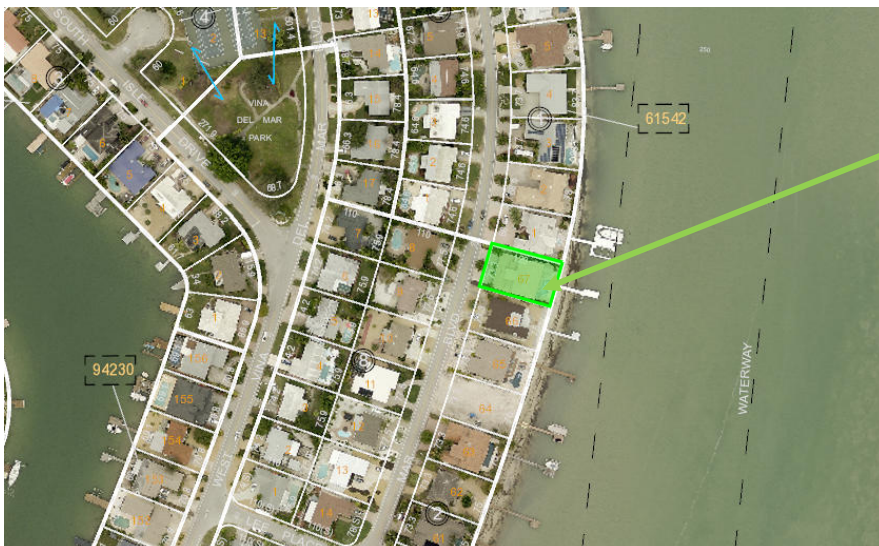
Staff finds the request to be reasonable due to the water level at low tide and the presence of a seagrass bed in the vicinity of the subject property. This an environmental concern whereby the seagrasses are a protected species. The extended dock will help lessen any harmful effects from operating a boat in this vicinity because this will remove the boat from the seagrass bed location.

RECOMMENDATION:

If approved, Staff recommends the following conditions:

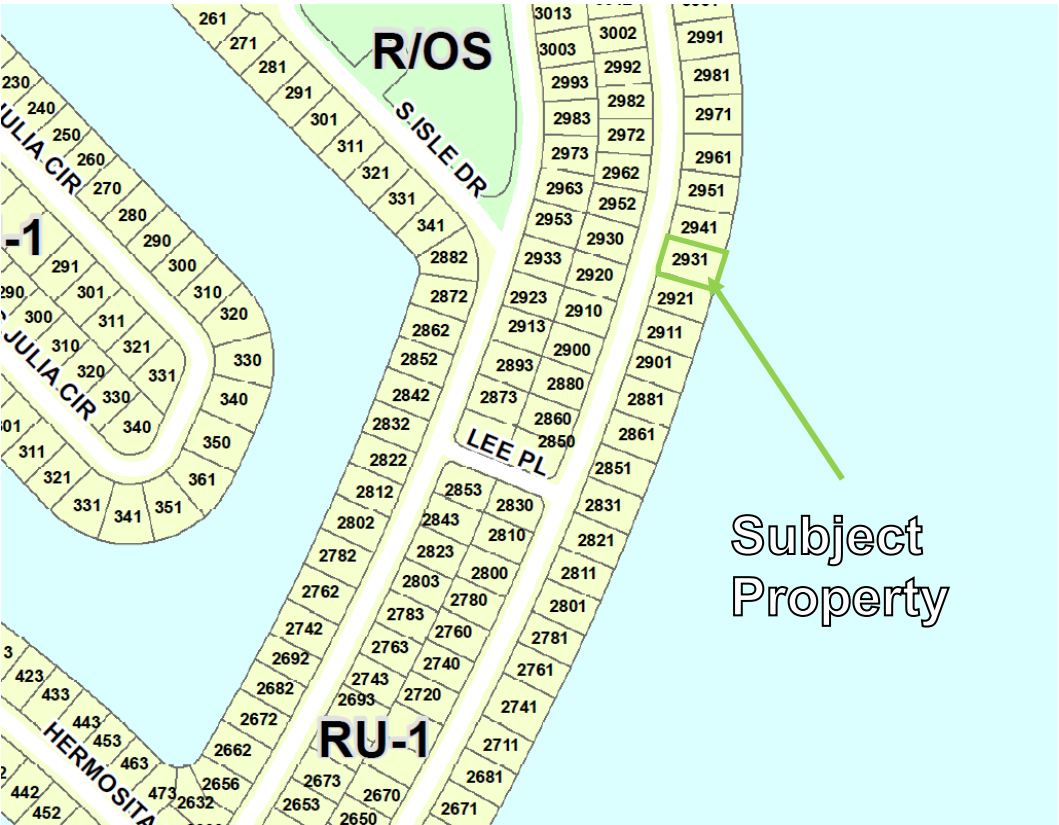
- 1) That the dock permit requested herein be conditionally approved by the City contingent upon Pinellas County Water and Navigation's assessment and confirmation of the extent of the seagrass bed undertaken prior to the City's final approval takes effect.
- 2) Should the assessment of Pinellas County Water and Navigation Department stipulate dockage requiring any greater length from the seawall or relocation decreasing the side setback as approved by the City, then such review would return to the Board of Adjustment for further review and action.

AERIAL MAP

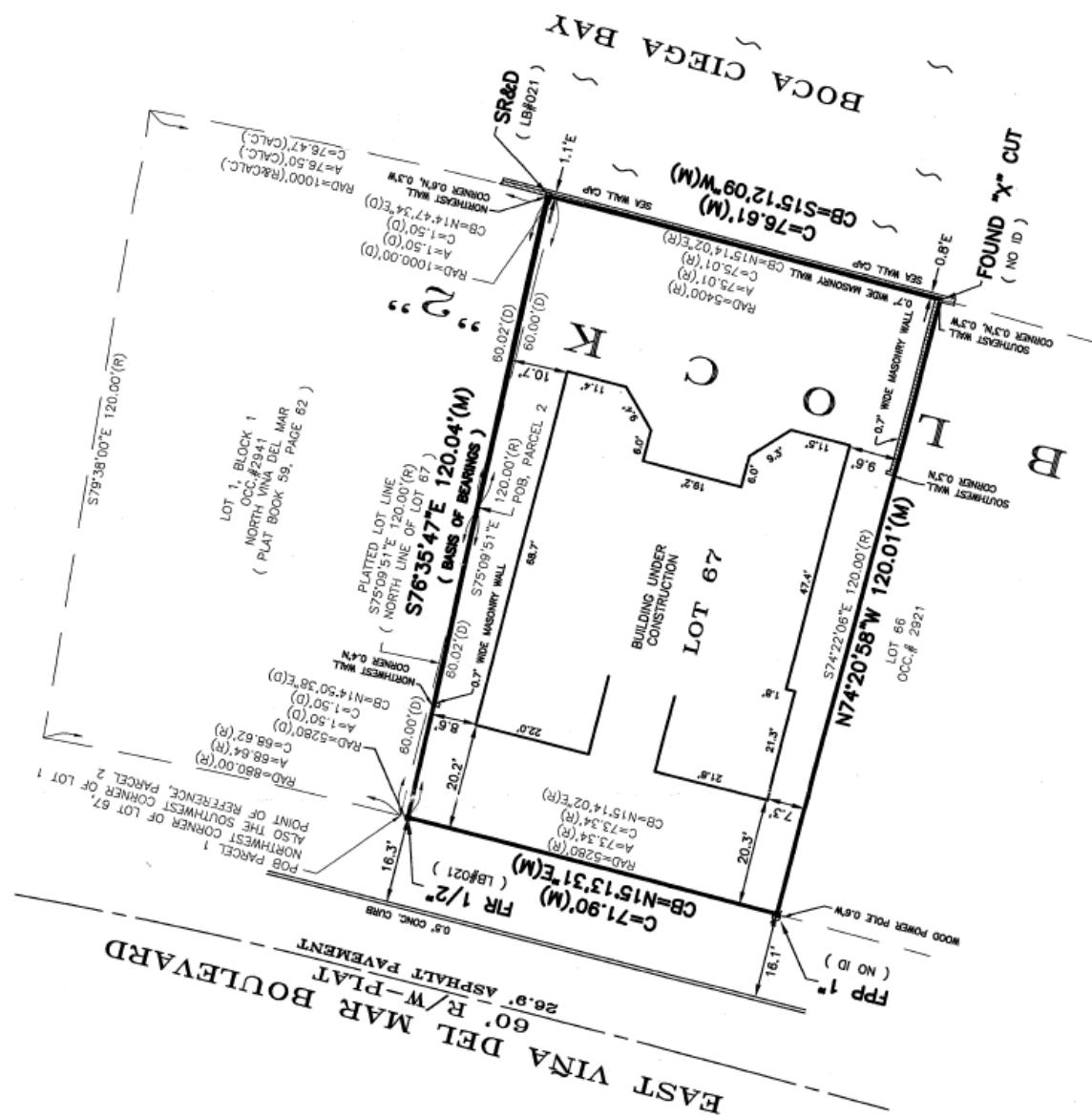


Subject Property

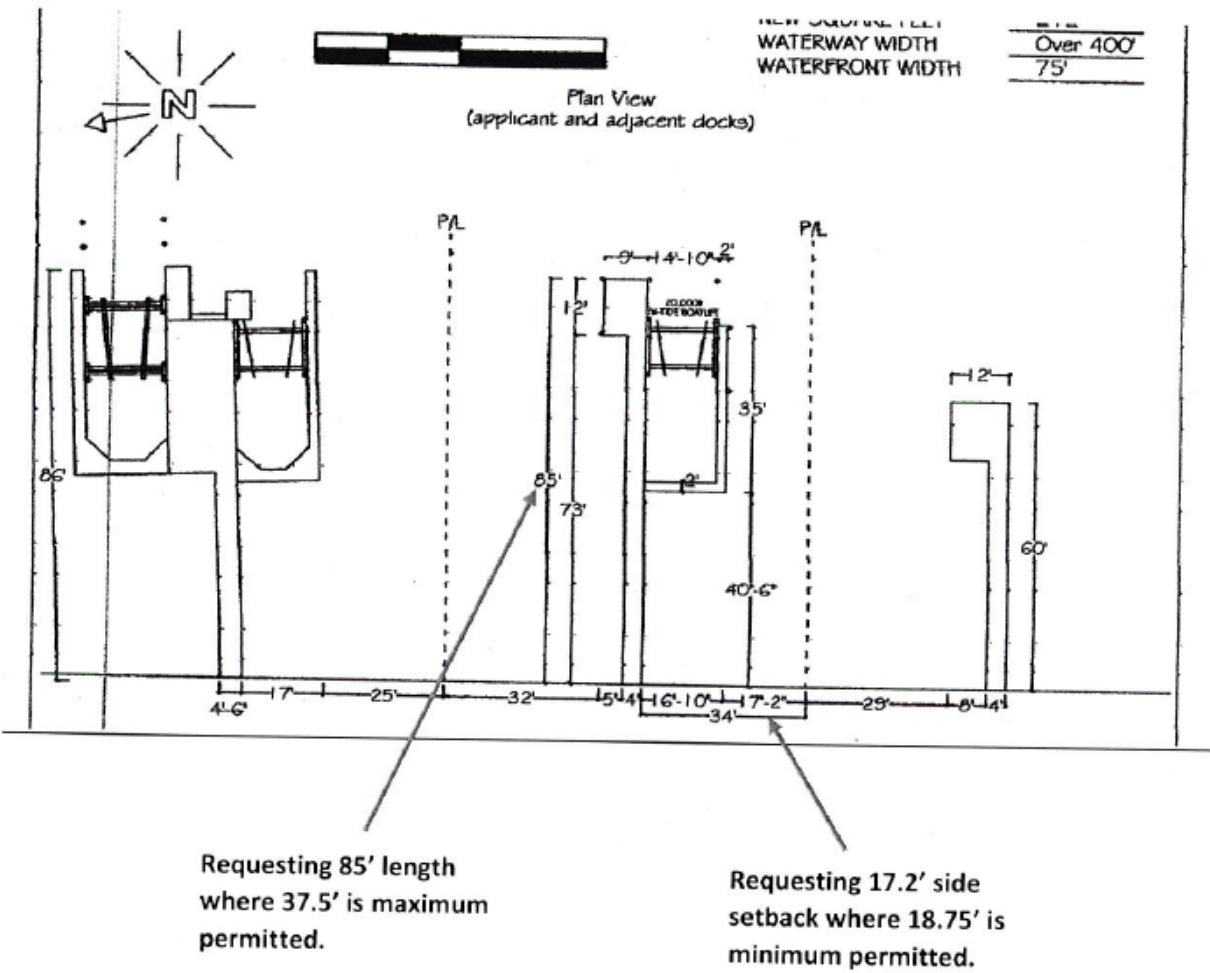
ZONING MAP



SURVEY



SITE PLAN



CASE #: 20074

PARCEL #: _____

SUBMITTAL DATE: 9/28/20 AMOUNT DUE: \$518.40 PAYMENT DATE: _____**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, at least 30 days prior to the public hearing:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Angela R Chandler IRREVOCABLE TRUST U/T/A DATED 07/10/2006	2931 E Vina Del Mar St. Pete Beach Florida 33706	727-224-9565
Applicant/ Agent	William Zalla	2941 E Vina Del Mar St. Pete Beach, FI 33706	727-647-3500
Owner Email Address: chandlerkids123@gmail.com		Applicant/Agent Email Address: billzalla@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-1	Future Land Use Designation RU	Lot Area
Legal Description: Vina-Del-Mar-SEC 2 ADD BLK 2 Lot 67 (please see attached by George F. Young To confirm water frontage)		
Address: 2931 E. Vina Del Mar St. Pete Beach, FI 33706		
Explanation of Request: <u>My neighbor Mary Cole has refused to sign off on the variance request from. Please see her letter attached. Please see my rebuttal enclosed.</u>		
Thank You		

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

ac I understand that the City will not accept or process an incomplete application.

ac I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

ac On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

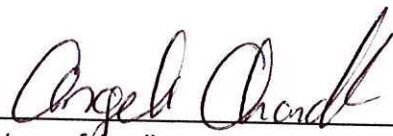
ac I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

ac I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

ac I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

ac I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

After acknowledgement of these conditions, complete the application form on the following pages.


Signature of Applicant

8-31-2020
Date

Community Development Department
City of St. Pete Beach, Florida

(type of application: variance, conditional use, zoning, etc.)



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Angela R Chandler, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Angela R Chandler

Address: 2931 E Vina Del Mar St. Pete BEach, FL 33706

Angela Chandler
Signature

8/31/2020

Date

STATE OF FLORIDA)

PINELLAS COUNTY)

SS:

The foregoing instrument was acknowledged before me this 30 day of AUG, 2020 by: ANGIE CHANDLER who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires: PINELLAS
STATE OF FLORIDA COUNTY OF

NOTARY:

Sworn to (or affirmed) and subscribed before me by means of

Print Name: CLARENCE E. JOHNSON Notary

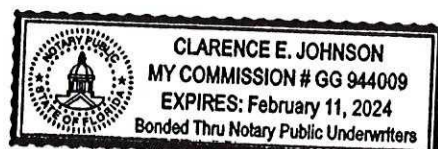
☒ physical presence or ☐ online notarization, this 30 day of

Public, State of Florida

AUG, 2020 by ANGIE CHANDLER

(Notarial Seal)

Notary Public Signat



The water depth beyond my sea wall is quite shallow allowing an abundance of sea grass to prevail. By moving my boat lift and main dock away from my seawall, the sea grass will not be disturbed. Without moving my dock out, the water is too shallow such as 9" on low tide to use a boat lift (I have attached pictures as well to show this), which creates an undue hardship on me.

My next-door neighbor to the North had the same issue as me and he received a variance to extend his dock to 85 ft which is the exact same variance I am requesting.

My rebuttal to my neighbor, Mary Cole.

The additional footage will "adversely affect my enjoyment of my property by loss of view."

Her floor elevation is approximately 6'5" above my dock level. Add another 5 ft for her eye level and that puts her line of sight 11'5" above my dock.

"Negatively impact my property valuation"

This does not deserve my comment.

"Enhanced navigation hazard to the waterways in from on my property"

It is a long way from the end of my proposed dock to the channel marker.

I thank you in advance for your favorable consideration to my request for this unnecessary and unique hardship variance application.

A handwritten signature in black ink, appearing to read "Angela R Chandler". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Angela R Chandler

Mary Cole <mary@pscop.com>
To: Angie Chandler <chandlerkids123@gmail.com>

Thu, Aug 20, 2020 at 8:20 AM

Angie:

After much thought and discussion with my family, I regretfully will not sign the requested form.

I do not have a problem signing this form if the length of your dock would remain as it presently is – the problem is with the additional feet you want to extend it by.

The additional footage will:

- adversely affect my enjoyment of my property by loss of view
- negatively impact my property valuation
- enhanced navigation hazard to the waterways in front of my property

caused by extending your dock

Respectfully,

Mary Cole

2921 E Vina del Mar Blvd

St Pete Bch, FL 33706

Mary@pscop.com

From: Angie Chandler <chandlerkids123@gmail.com>
Sent: Friday, August 07, 2020 1:10 PM
To: mary@pscop.com
Subject: 2931 e vina del mar dock permit papers

Good Afternoon Mary,

[Quoted text hidden]

- See attached document -

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Signature of Applicant

Date

Signature of Authorized Agent

Date

1. Special Conditions etc.

The water depth in my dock area is very shallow (9" on low tide, fall/winter months are worse) not allowing for a boat lift within the first 60-65 feet. Thus, a variance to 85" is required for me to have a boat lift.

2. I have no control over the water depth in my area.

3. Many other boat owners have deep water near their seawalls in my district. Due to the shallow water depth, I am deprived from the same rights enjoyed by other properties in my district.

4. Please see #2

5. N/A

6. My next-door neighbor was granted a variance to take his dock out 85' which is the same variance I am seeking.

7. My requested variance is the minimum variance to allow me to have a boat life.

8. My requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

 8-31-2020

Signature of Applicant Date

 8-31-2020

Signature of Authorized Agent

Date

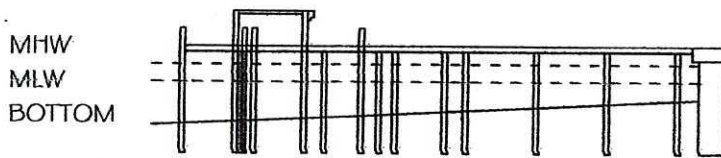
PRIVATE DOCK

Application # _____

(OFFICIAL USE ONLY)

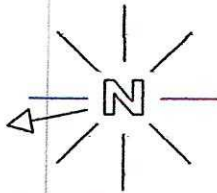
NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706



Profile View

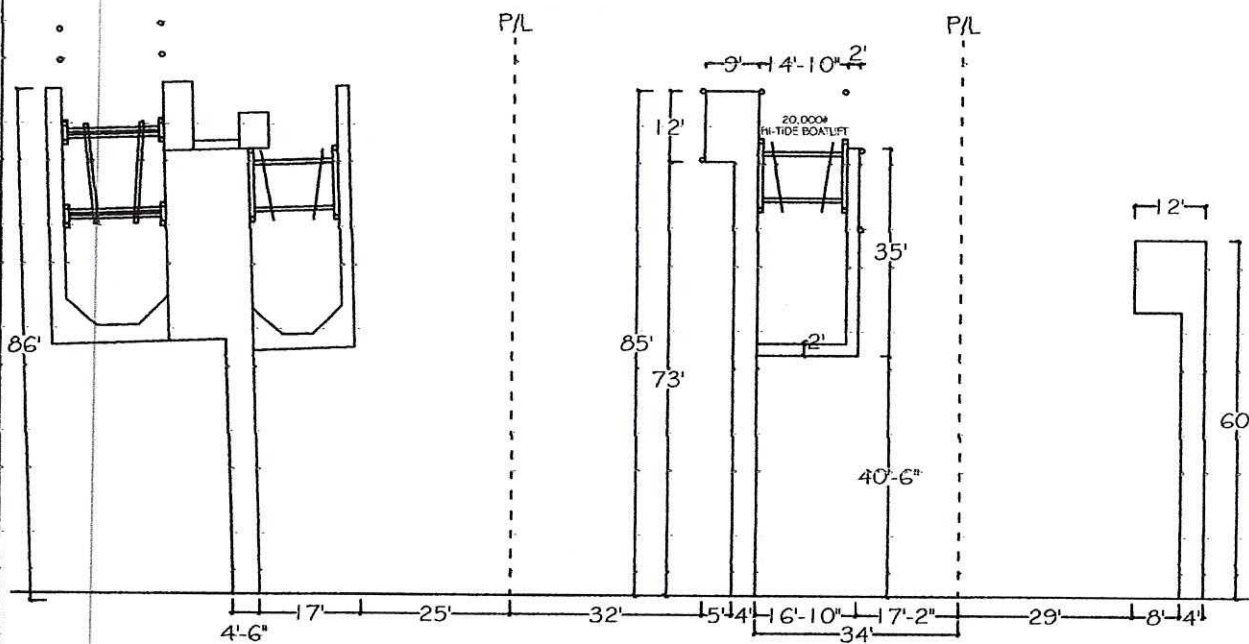
ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

500'
212'
Over 400'
75'

Plan View
(applicant and adjacent docks)



The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner: William R. &/or Carol J. Zalla

Right Owner: Mary J. Cole

Signature

Date 8-31-20

Signature

Date

Municipality Approval

Water and Navigation Approval

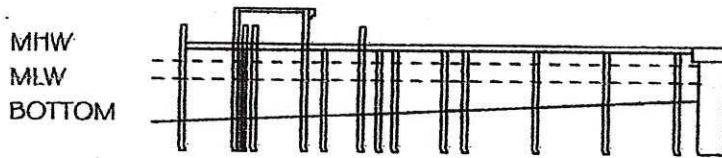
PRIVATE DOCK

Application # _____

(OFFICIAL USE ONLY)

NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706

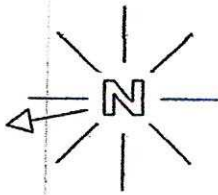


Profile View

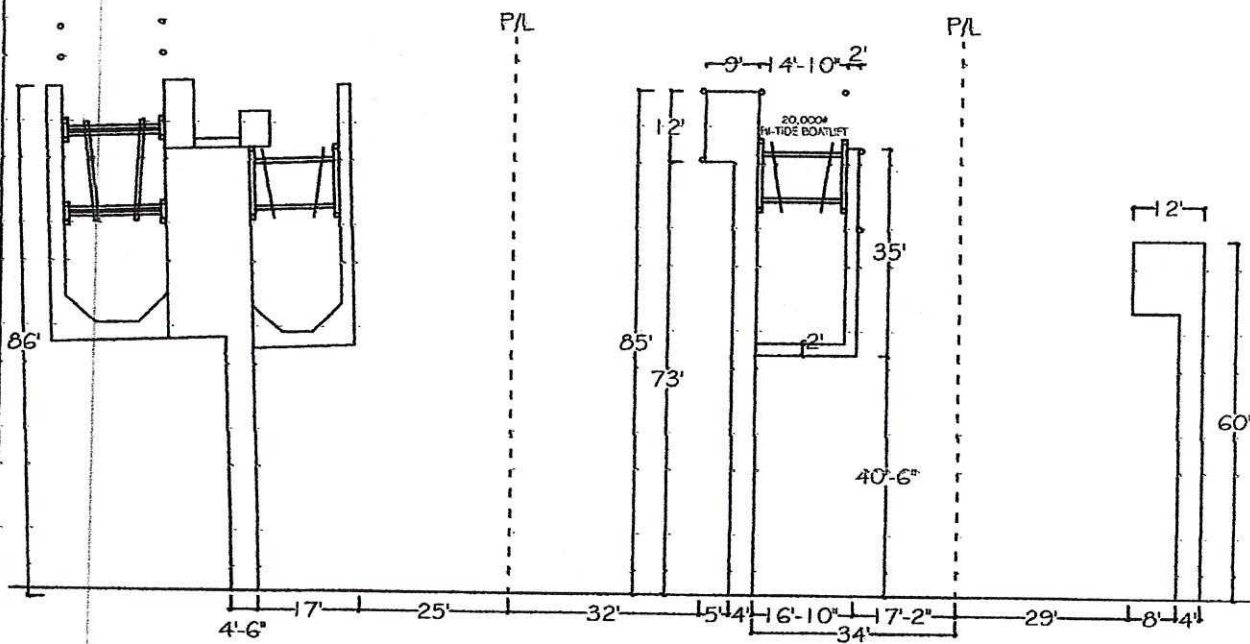
ENG. SCALE: 1" = 30'

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NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

500'
212'
Over 400'
75'



Plan View
(applicant and adjacent docks)



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Left Owner: William R. &/or Carol J. Zalla	Right Owner: Mary J. Cole
Signature <i>William R. Zalla</i> Date 8-31-20	Signature _____ Date _____
Municipality Approval	Water and Navigation Approval

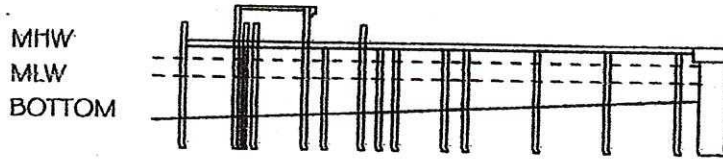
PRIVATE DOCK

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(OFFICIAL USE ONLY)

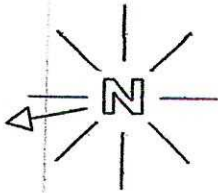
NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706



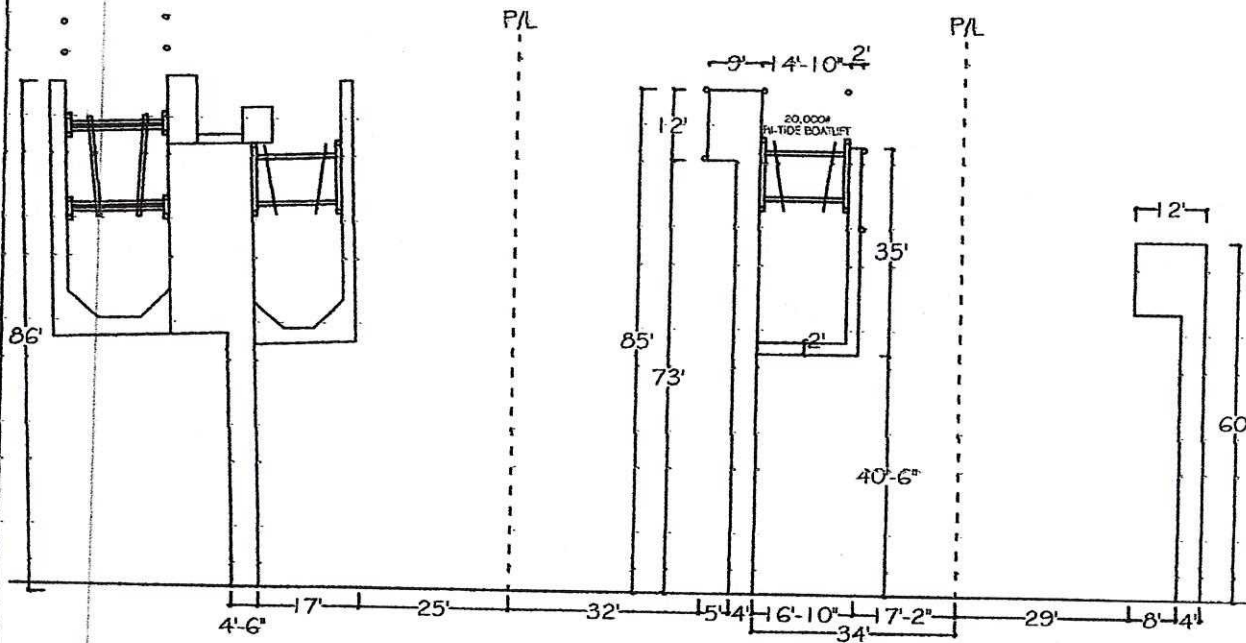
Profile View

ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET	500'
NEW SQUARE FEET	212'
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WATERFRONT WIDTH	75'

Plan View
(applicant and adjacent docks)



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Right Owner: Mary J. Cole

Signature

[Signature] Date 8-31-20

Signature

Date

Municipality Approval

Water and Navigation Approval

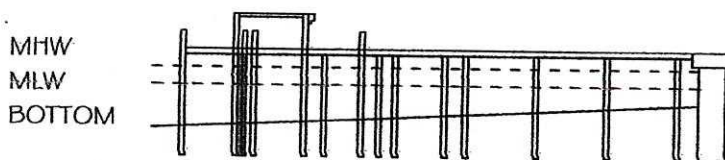
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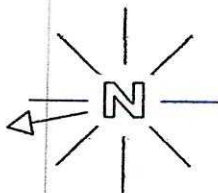
Profile View

ENG. SCALE: 1" = 30'

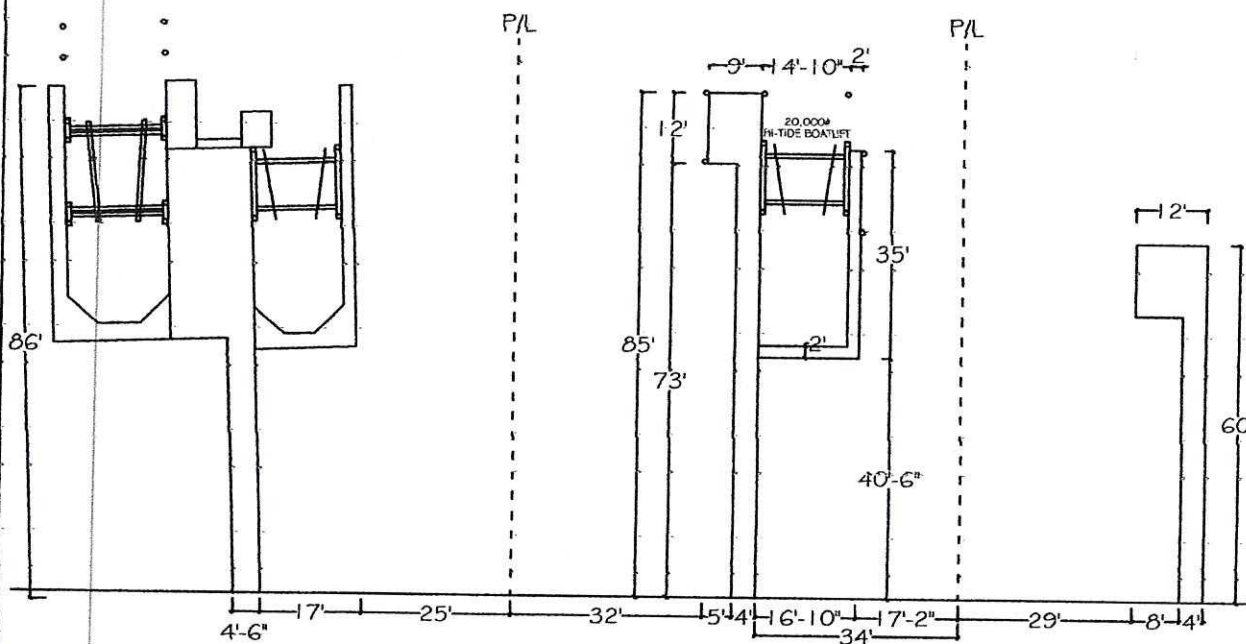


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NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

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Over 400'
75'



Plan View
(applicant and adjacent docks)



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Left Owner: William R. &/or Carol J. Zalla

Signature

William R. Zalla

Date 8-31-20

Municipality Approval

Right Owner: Mary J. Cole

Signature

Date

Water and Navigation Approval

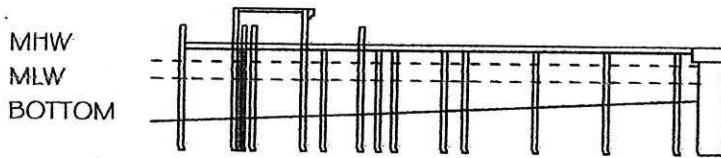
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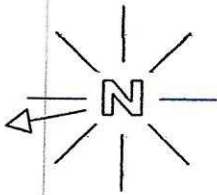
NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706



Profile View

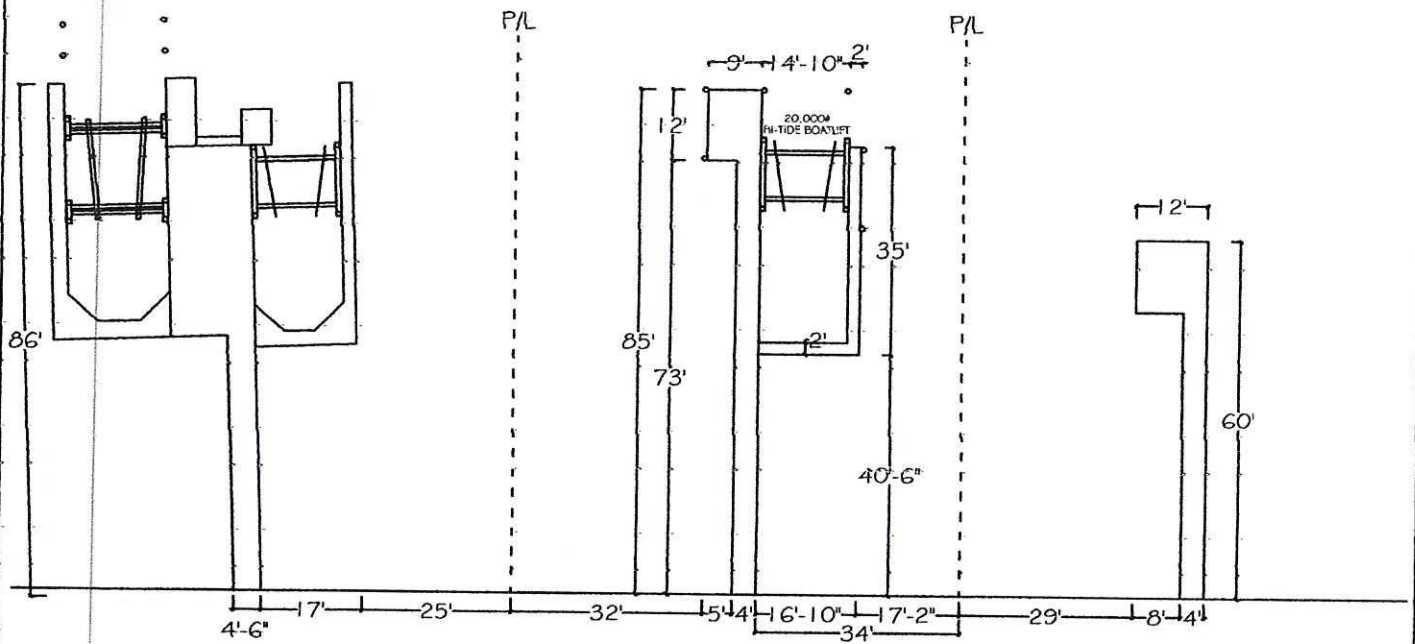
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(applicant and adjacent docks)



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Signature

Date 8-31-20

Municipality Approval

Right Owner: Mary J. Cole

Signature

Date

Water and Navigation Approval

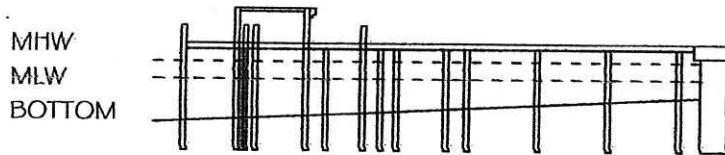
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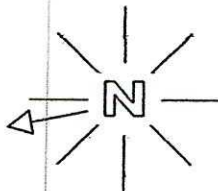


Profile View

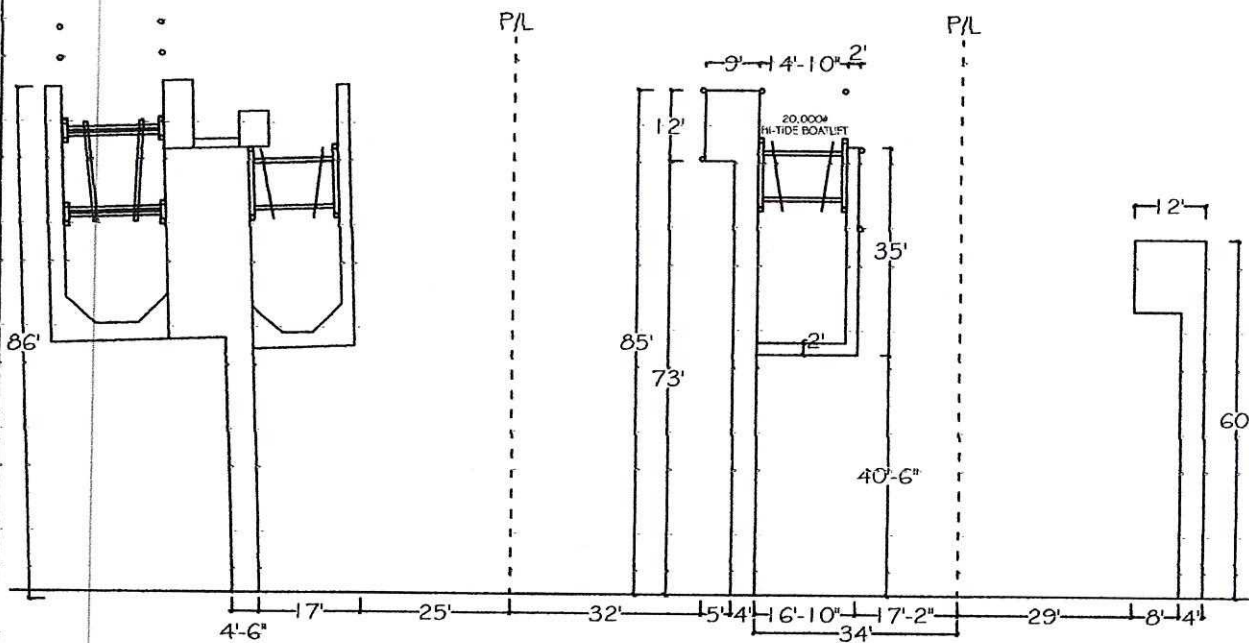
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Plan View
(applicant and adjacent docks)



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Right Owner: Mary J. Cole

Signature [Signature] Date 8-31-20
Municipality Approval

Signature _____ Date _____
Water and Navigation Approval

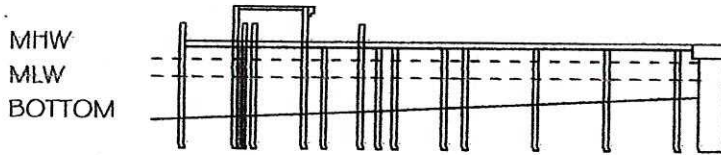
PRIVATE DOCK

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(OFFICIAL USE ONLY)

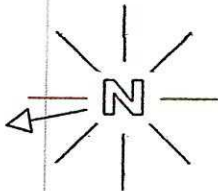
NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706



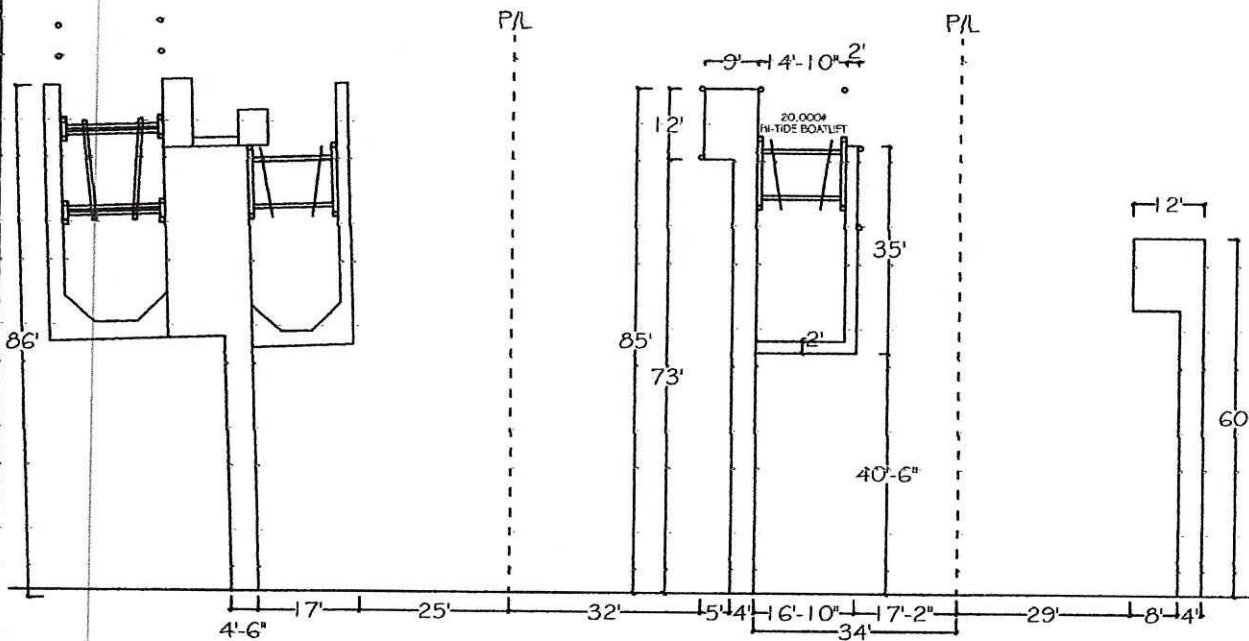
Profile View

ENG. SCALE: 1" = 30'



Plan View
(applicant and adjacent docks)

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Left Owner: William R. #/or Carol J. Zalla

Right Owner: Mary J. Cole

Signature

William R. Zalla

Date 8-31-20

Signature

Date

Municipality Approval

Water and Navigation Approval

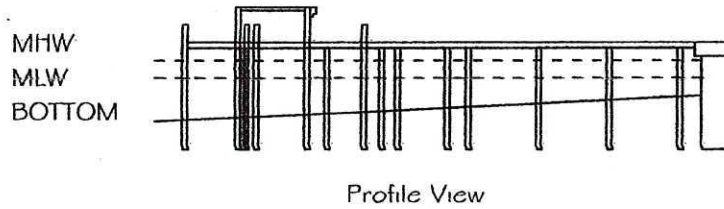
PRIVATE DOCK

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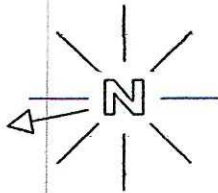
2931 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706



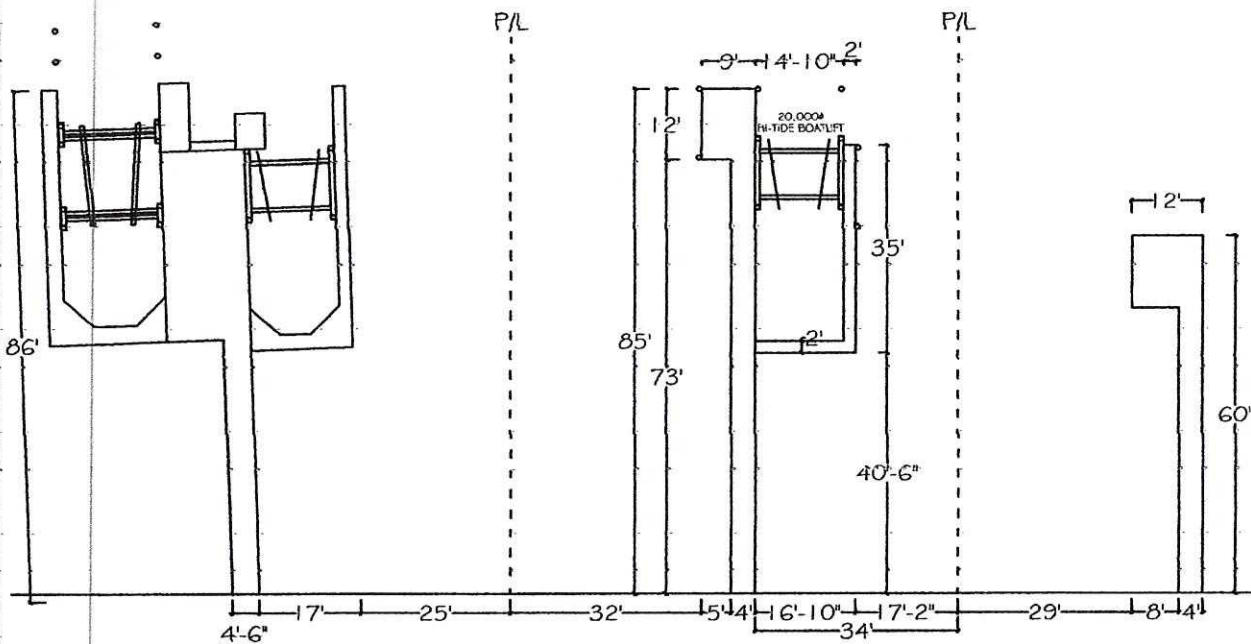
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Plan View
(applicant and adjacent docks)



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Right Owner: Mary J. Cole

Signature

[Signature]

Date 8-31-20

Signature

Date

Municipality Approval

Water and Navigation Approval

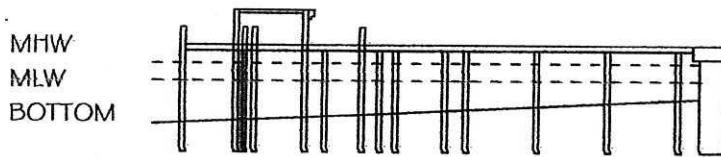
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(OFFICIAL USE ONLY)

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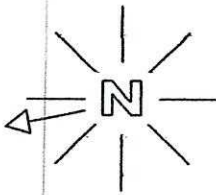
2931 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706



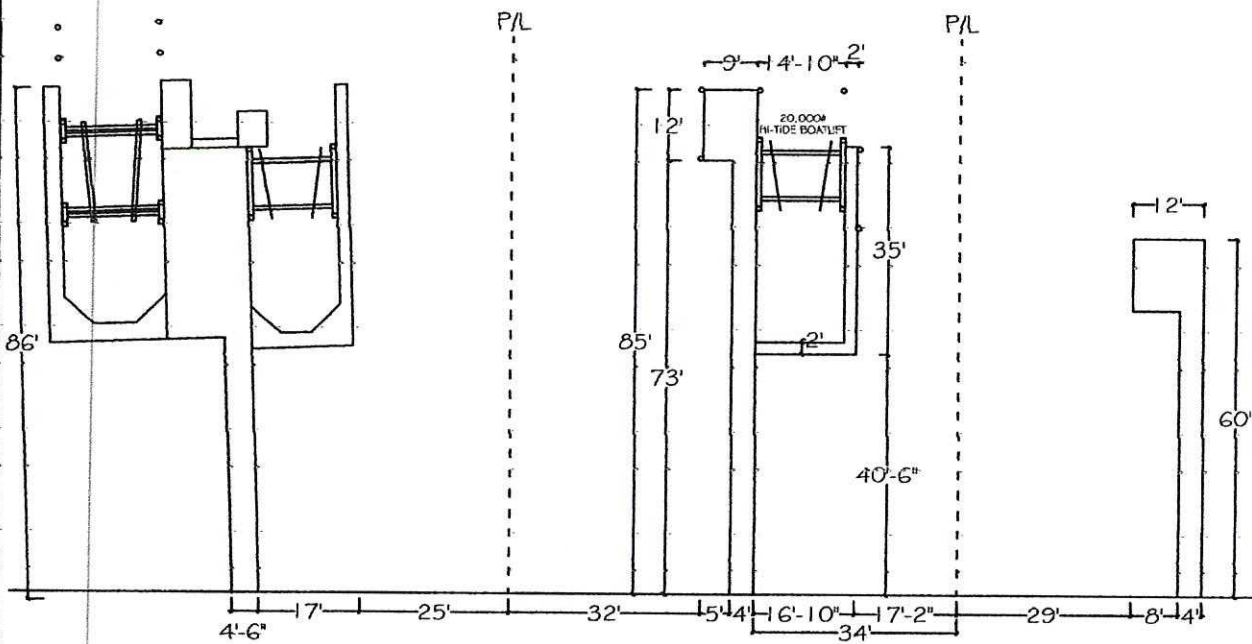
Profile View

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Plan View
(applicant and adjacent docks)



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Right Owner: Mary J. Cole

Signature

[Signature]

Date 8-31-20

Signature

Date

Municipality Approval

Water and Navigation Approval

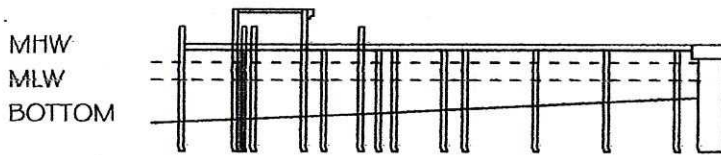
PRIVATE DOCK

Application # _____

(OFFICIAL USE ONLY)

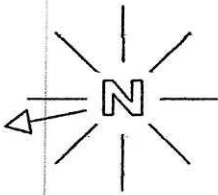
NAME: Chandler, Angela

2931 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706



Profile View

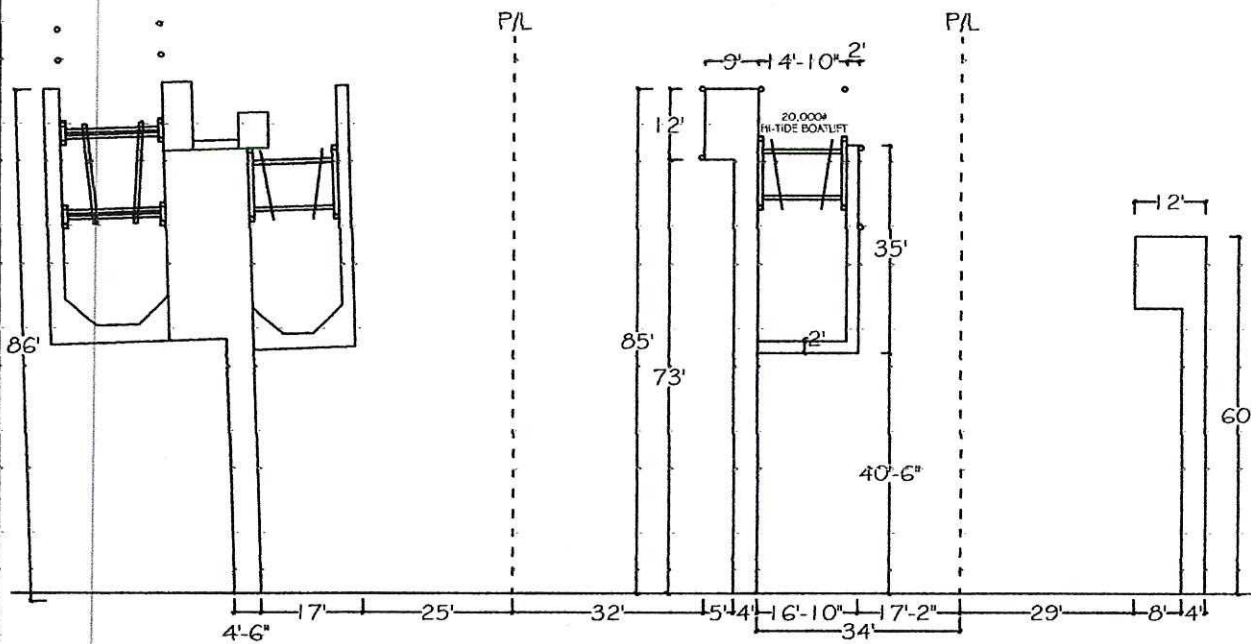
ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

500'
212'
Over 400'
75'

Plan View
(applicant and adjacent docks)



The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner: William R. &/or Carol J. Zalla

Right Owner: Mary J. Cole

Signature

[Handwritten Signature]

Date 8-31-20

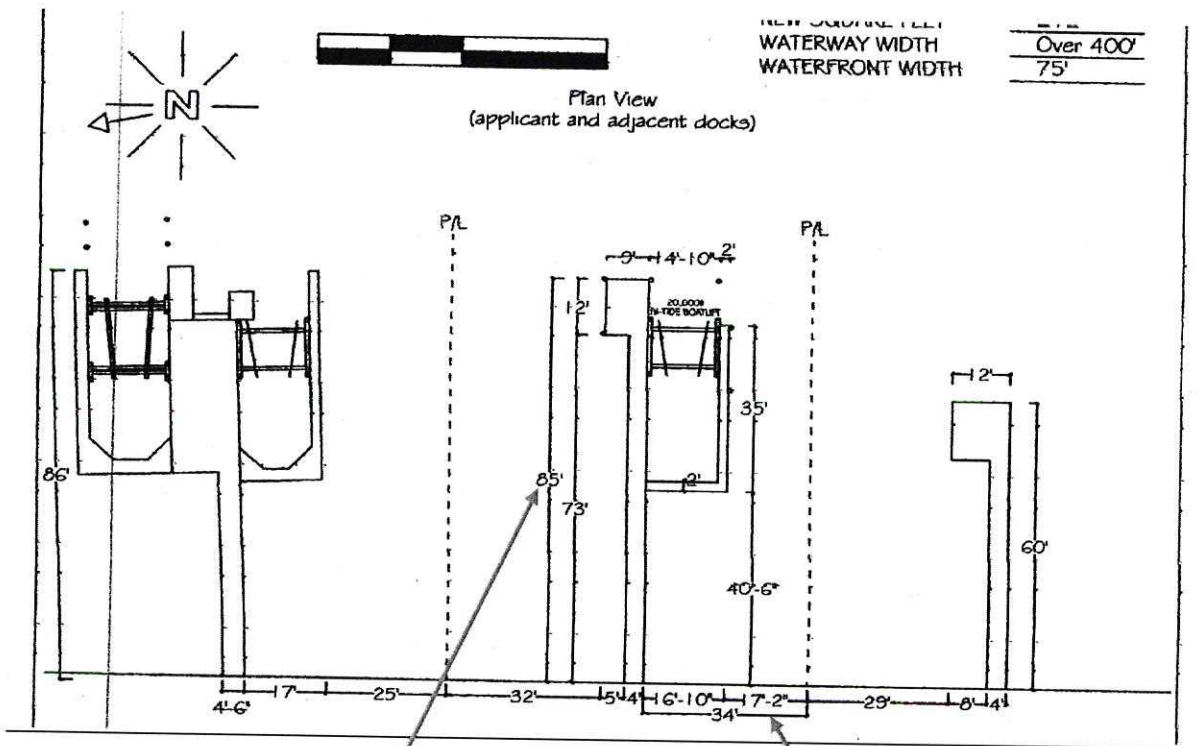
Signature

Date

Municipality Approval

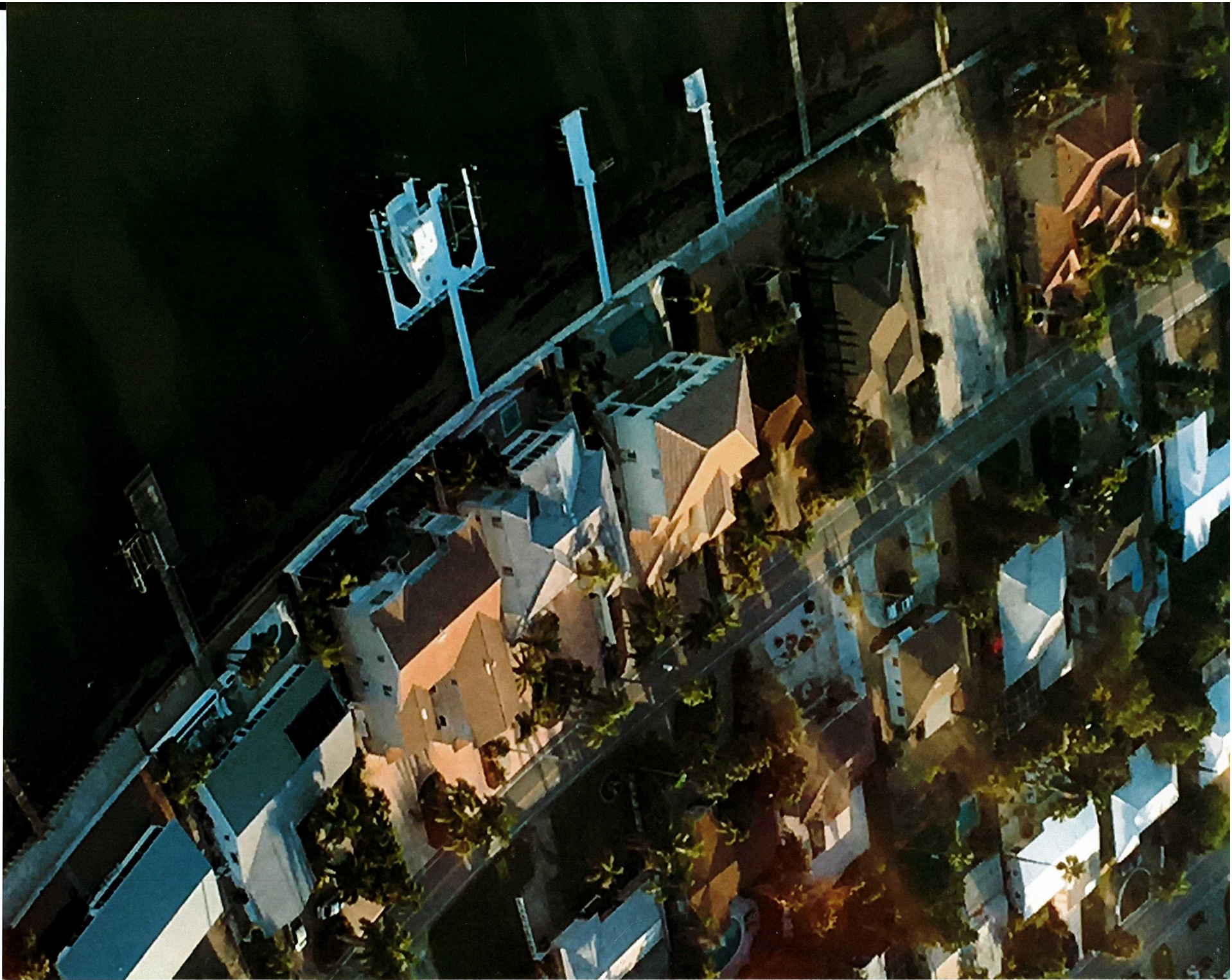
Water and Navigation Approval

Proposed Site Plan – 2931 E Vina Del Mar Blvd



Requesting 85' length
where 37.5' is maximum
permitted.

Requesting 17.2' side
setback where 18.75' is
minimum permitted.



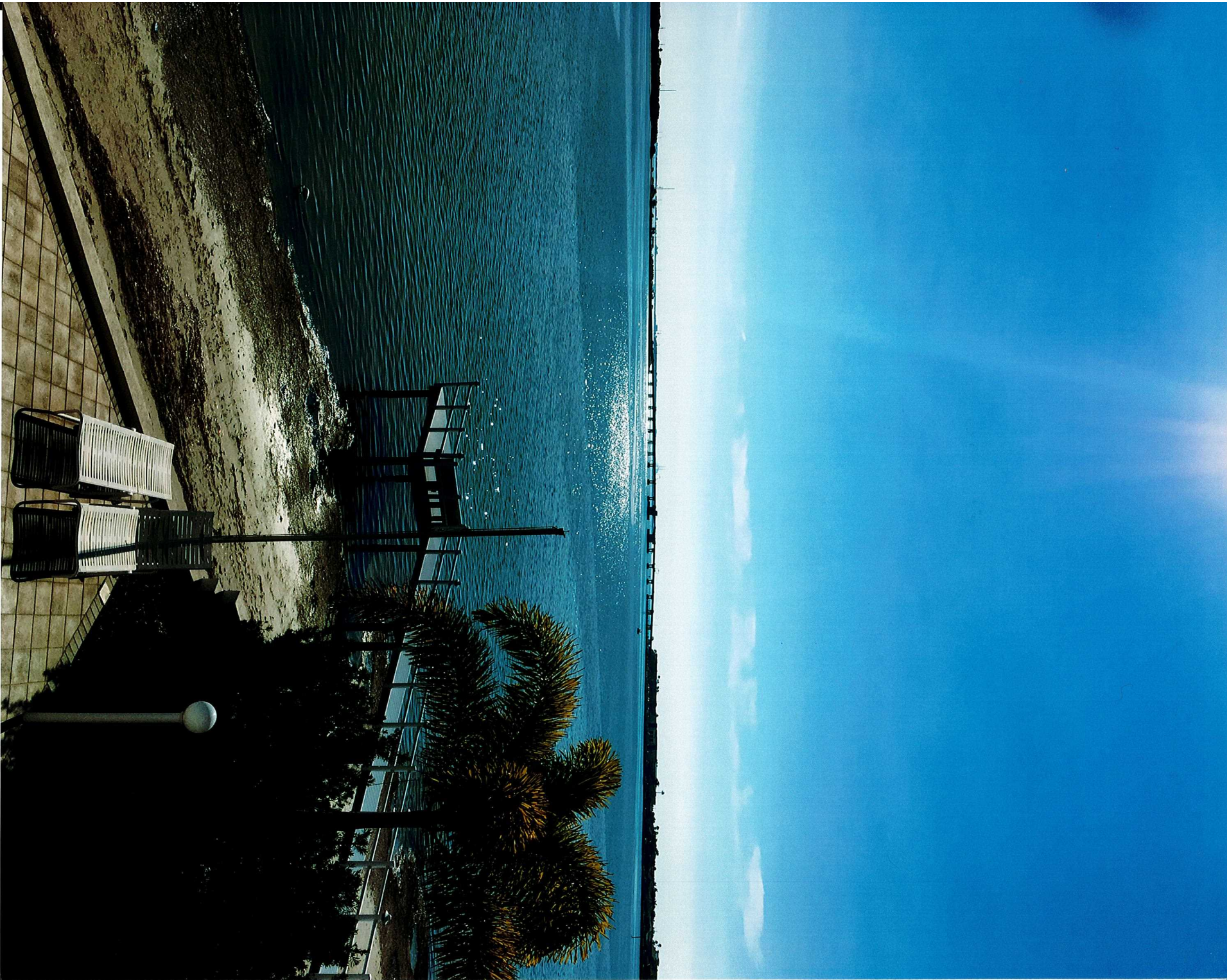


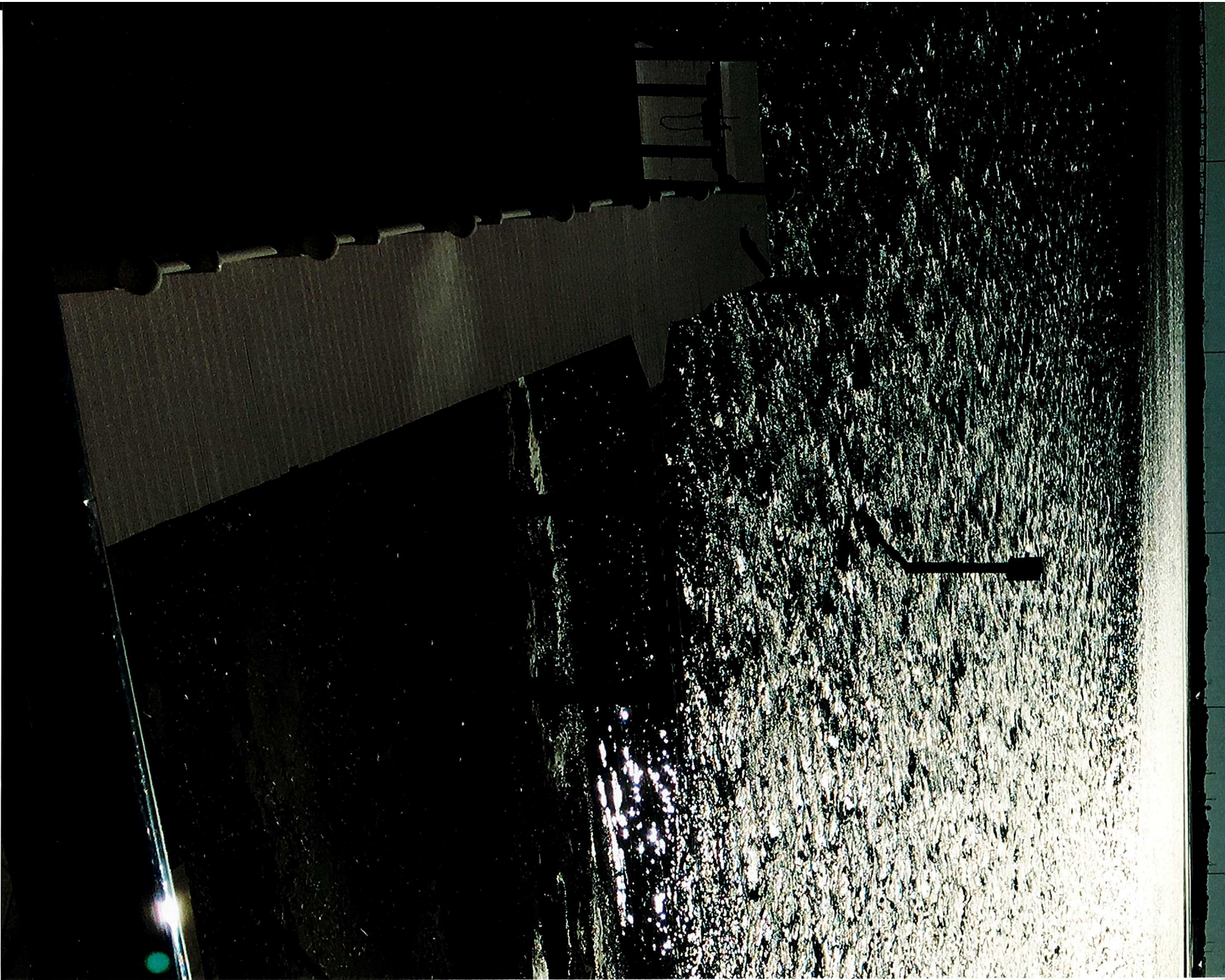






















**St. Pete Beach City Commission
Agenda Report**

Issue Considered: VARIANCE – SETBACK - 20075

Date: October 28, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Request to replace and expand an existing carport that encroaches to 7.7 feet from the front property line with a block garage

Funding:

Requested Motion: Staff recommend approval.

Attachments:

1. 20075 5820 Bimini Way S Staff Report
2. 20075 Supporting Docs



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 20075 – Richard Ham for Mark Bailey

MEETING DATE: October 28, 2020

PREPARED BY: Brandon Berry, Planner II

REQUEST	A Practical Difficulty Variance to permit the enclosure and lateral extension of an existing carport into an enclosed garage and utility room (LDC Sec. 8.7(a)(1)).
SUBJECT PROPERTY	5820 Bimini Way S; BAHIA SHORES 1ST ADD LOT 15; 06-32-16-02340-000-0150.
ACERAGE	Approximately 0.195 acres (8,500 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE-12
SURROUNDING AREA	North – Bimini Way S/Single-family Residential South - Boca Ciega Bay East – Single-family Residential West – Single-family Residential

BACKGROUND

The property contains a home constructed in 1955 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to enclose an existing carport that is set back 7.7' from the front property line, and extend the garage laterally to the west to accommodate a utility room. The enclosure and addition proposed will encroach no closer to the front property line than the carport exists currently, nor will the addition encroach into the property's required seven-foot side setback.

Structure	Required Front Setback	Proposed Front Setback	Percent Encroachment
Enclosed Garage	20'	7.7'	61.5%

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

a) How substantial the variance is in relation to the requirement sought to be varied;

The enclosure will be set back 7.7' from the front property line at its closest point, representing a 61.5% front setback encroachment, and 13' at its furthest point. The enclosed garage will project no closer to the front property line than the carport exists currently.

b) Whether an adverse change will be produced in the character of the neighborhood;

Staff find that no adverse change will be produced in the character of the neighborhood. The cul-de-sacs of 59th Ave are uniquely configured compared to other areas of the city, and curb setbacks of approximately 20 feet such as proposed here are not atypical. The applicant is not proposing to extend any closer to the front property line than the carport structure exists currently, and will maintain required side setbacks from abutting neighbors.

c) Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

The difficulty cannot be obviated through another feasible method. The lot could not accommodate a garage elsewhere without substantial modifications to the structure, and extending the garage to the eastern side of the lot would result in encroachment toward that neighbor.

d) Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Staff find that the request is reasonable given the existing layout of the home and the modest request for additional space given the scale of other homes in the immediate area. Enclosed garages are commonplace throughout the neighborhood, and a number appear to encroach toward the front property line to a similar degree as proposed here. The home is located along a cul-de-sac and appears to generally maintain the curvature found along the western side of the cul-de-sac with this request.

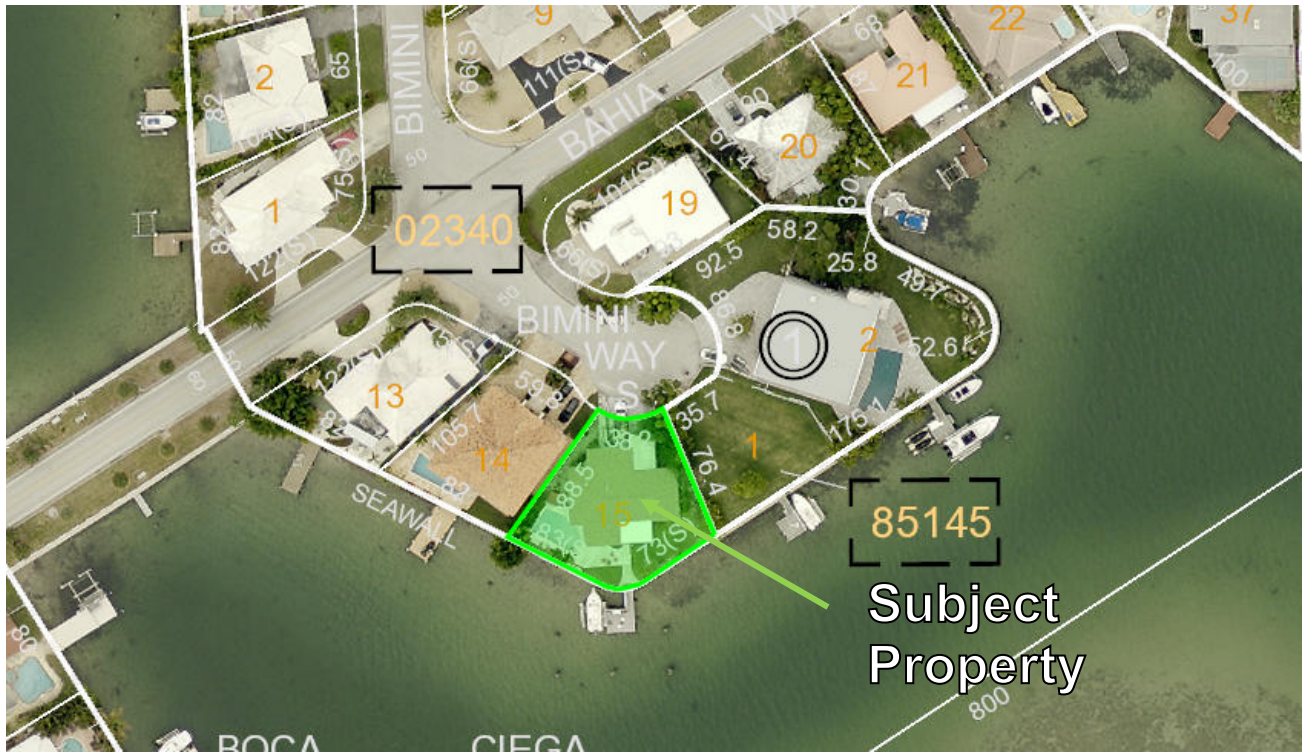
SUMMARY:

Staff finds the request to be reasonable given the existing layout of the home on the lot, the request for additional space being modest, the commonality of enclosed garages throughout the neighborhood that appear to be of a similar size and setback, and the general maintenance of existing frontages along the western side of the cul-de-sac.

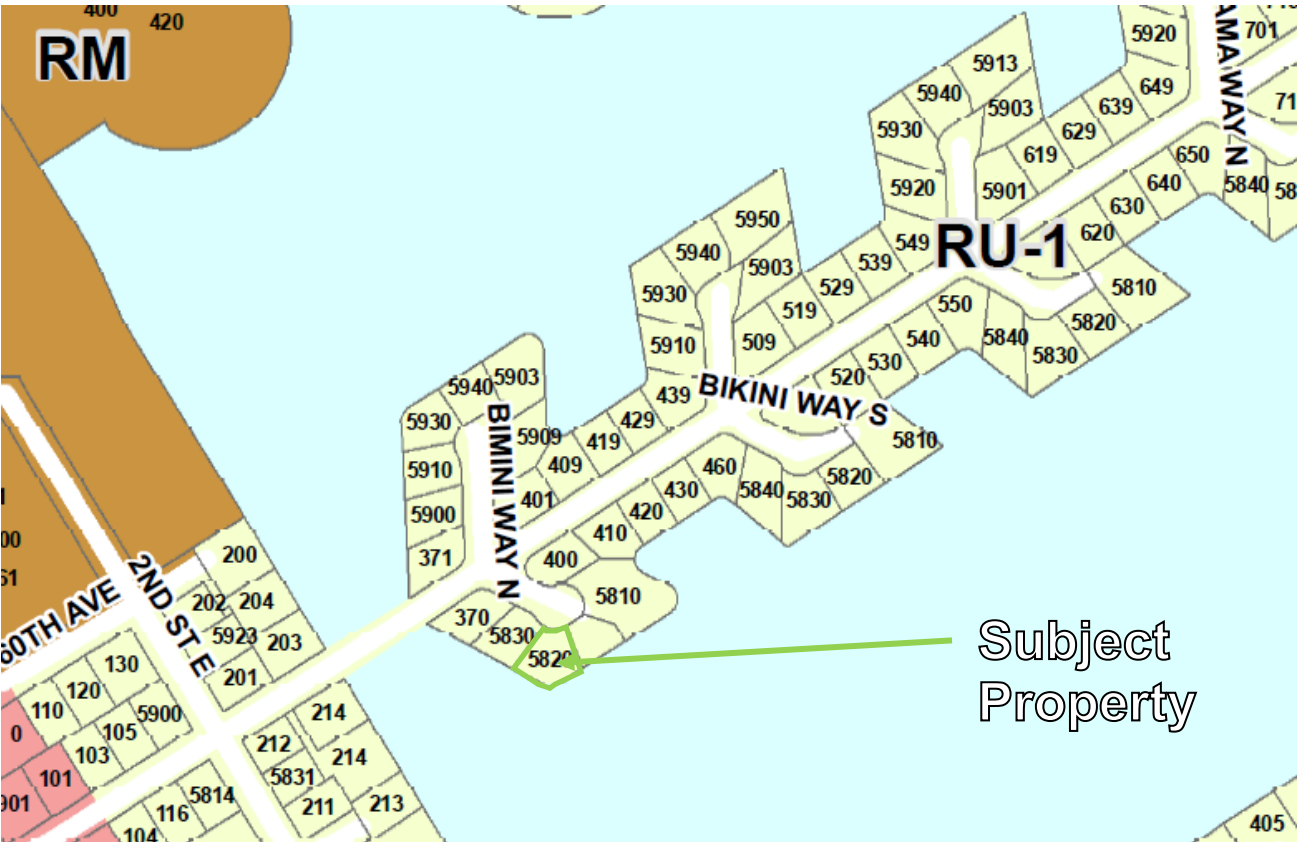
RECOMMENDATION:

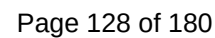
Staff recommend approval.

AERIAL MAP

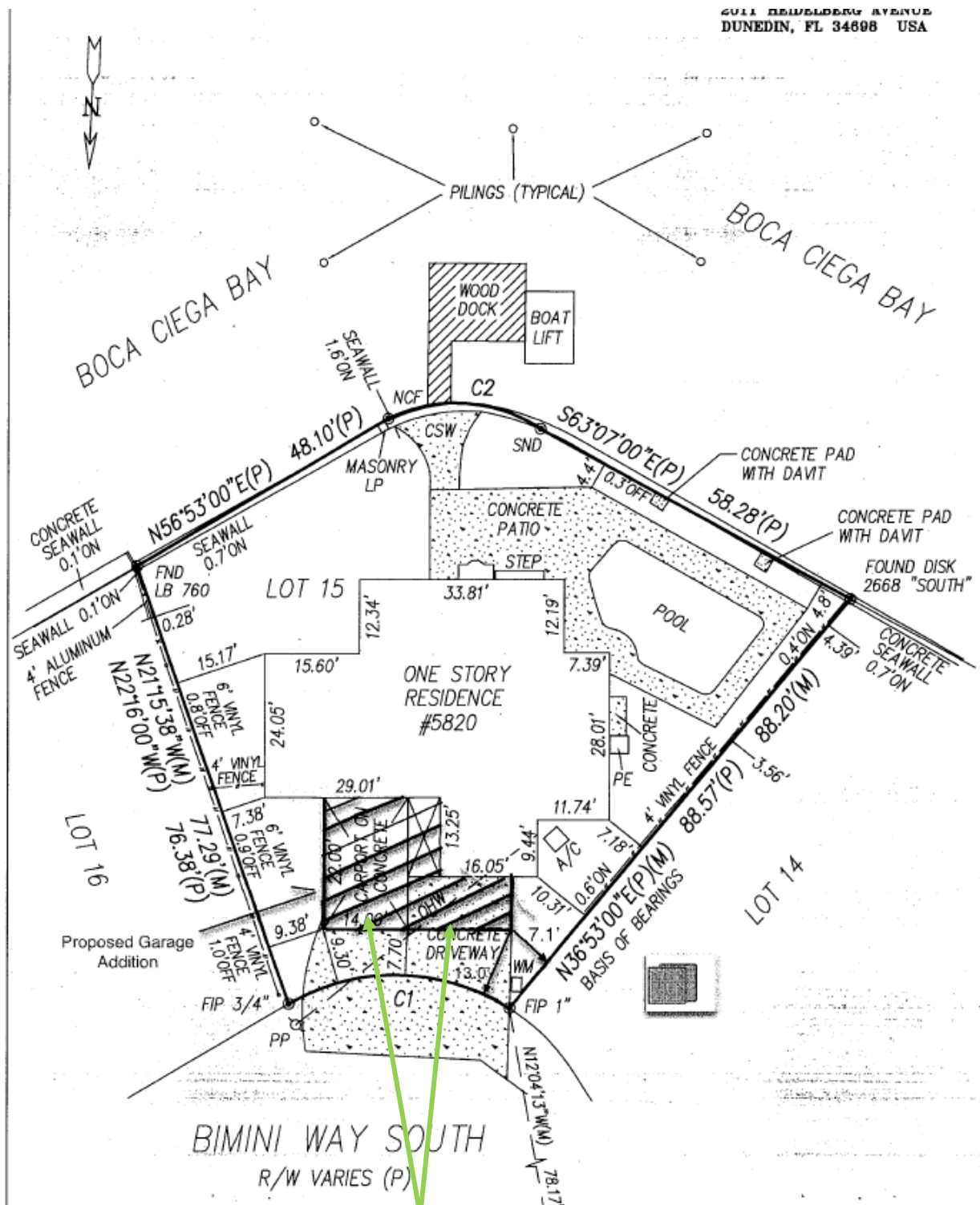


ZONING MAP





SITE PLAN



Proposed carport enclosure conversion to garage (left) and utility room extension (right), 7.7' from front property line at its closest point.

CASE #: 20075

SUBMITTAL DATE: 9-28-20 AMOUNT DUE: \$513.30 PAYMENT DATE: 9-25-20

PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following Items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Mark Bailey	5820 Bimini Way S., St. Pete Beach, FL.	812-593-1763
Applicant/ Agent	Richard Ham	635 Riviera Bay Dr. S., St. Petersburg, FL	727-692-3324
Owner Email Address: imbailey84@gmail.com		Applicant/Agent Email Address: rhamco@mac.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:	BAHIA SHORES 1ST ADD LOT 15	
Parcel ID:	06-32-16-02340-000-0150	
Address:	5820 Bimini Way S., St. Pete Beach, FL	
Explanation of Request: <u>Request for a 12.3' variance of the front setback to replace carport with a block garage</u>		

Findings Necessary for Granting Request: In order for an application for a practical difficulty variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. How substantial the variance is in relation to the requirement sought to be varied;

WE ARE NOT ASKING TO ENCROACH FARTHER THEN THE EXISTING VARIANCE GRANTED FOR THE ALUMINUM CARPORT. NO ADDITIONAL ENCROACHMENT IS SOUGHT.

2. Whether an adverse change will be produced in the character of the neighborhood;

NO. THE NEW STRUCTURE WILL BE AN IMPROVEMENT. IT WILL REPLACE THE CURRENT ALUM. CARPORT WITH SOMETHING THAT MATCHES THE HOUSE.

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

NO.

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

YES. THE NEIGHBORS WILL APPRECIATE THE REPLACEMENT OF THE CURRENT EYSORE.

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

1. The first part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It is argued that the study of the world's history is not only a matter of interest, but also a matter of necessity, for the purpose of understanding the present and the future of the world.

2. The second part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It is argued that the study of the world's history is not only a matter of interest, but also a matter of necessity, for the purpose of understanding the present and the future of the world.

3. The third part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It is argued that the study of the world's history is not only a matter of interest, but also a matter of necessity, for the purpose of understanding the present and the future of the world.

4. The fourth part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It is argued that the study of the world's history is not only a matter of interest, but also a matter of necessity, for the purpose of understanding the present and the future of the world.

5. The fifth part of the paper discusses the importance of the study of the history of the world, and the need for a more comprehensive and systematic approach to the study of the world's history. It is argued that the study of the world's history is not only a matter of interest, but also a matter of necessity, for the purpose of understanding the present and the future of the world.

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

 I understand that the City will not accept or process an incomplete application.

 I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

 On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

 I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

 I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

After acknowledgement of these conditions, complete the application form on the following pages.


Signature of Applicant

9-25-20
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, MARK BAILEY, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): RICHARD HAM

Address: 635 RIVERA BAY AVE. NE. ST. PETERSBURG, FL 33702

RMH
Signature

9-25-20
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by:
_____ who appeared before me, and is personally known to me, or has produced
_____ as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: _____ Notary

Public, State of Florida

(Notarial Seal)

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Lloyd Mark Bailey
(print name of property owner)

hereby authorize

(print name of agent)

to represent me/us in an application for

(type of application: variance, conditional use, zoning, etc.)

[Signature]
Signature of Owner

Signature of Owner

Lloyd Mark Bailey
Print Name of Owner

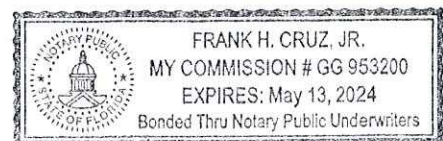
Print Name of Owner

The forgoing instrument was acknowledged before me this 18 day of
September 2020 by Lloyd Mark Bailey or who is
personally known _____ produced
driver license as identification.

[Signature]
(Notary Signature)

9-18-2020
(Date)

My Commission Expires _____



ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Lloyd Mark Bailey Revocable Trust & Judith K Wright Revocable Trust				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5820 BIMINI WAY S				Company NAIC Number:	
City ST PETE BEACH		State Florida		ZIP Code 33706	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) PARCEL # 06-32-16-02340-000-0150					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>27.73325</u> Long. <u>-82.74187</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1A</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>N/A</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CITY OF ST PETE BEACH 125149			B2. County Name PINELLAS COUNTY		B3. State Florida
B4. Map/Panel Number 12103C0276	B5. Suffix G	B6. FIRM Index Date 08-18-2009	B7. FIRM Panel Effective/ Revised Date 09-03-2003	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 11.0 FEET
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5820 BIMINI WAY S			Policy Number:
City ST PETE BEACH	State Florida	ZIP Code 33706	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

- C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.
- C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: GPS Vertical Datum: NAVD 1988
- Indicate elevation datum used for the elevations in items a) through h) below.
☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____
- Datum used for building elevations must be the same as that used for the BFE.
- | | | Check the measurement used. |
|---|------------|--|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>4.1</u> | ☒ feet ☐ meters |
| b) Top of the next higher floor | <u>5.0</u> | ☐ feet ☐ meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | ☐ feet ☐ meters |
| d) Attached garage (top of slab) | <u>N/A</u> | ☒ feet ☐ meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>4.8</u> | ☒ feet ☐ meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>3.9</u> | ☒ feet ☐ meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>4.1</u> | ☒ feet ☐ meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>3.9</u> | ☒ feet ☐ meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name BILL HYATT FLORIDASURVEYOR@AOL.COM		License Number LS 4636		
Title SURVEYOR				
Company Name KNOW IT NOW INC				
Address 1497 MAIN STREET #321				
City DUNEDIN	State Florida	ZIP Code 34698		
Signature 	Date 08-24-2020	Telephone (727) 415-8305	Ext.	

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

C2E ELEVATION IS AT BASE OF AIR CONDITIONING UNIT - LOCATED IN REAR

NOT TO BE USED FOR CONSTRUCTION OR DESIGN

THIS CERTIFICATE IS WARRANTED TO THE PERSON NAMED ABOVE AND IS NOT TRANSFERRABLE

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5820 BIMINI WAY S			Policy Number:
City ST PETE BEACH	State Florida	ZIP Code 33706	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5820 BIMINI WAY S			Policy Number:
City ST PETE BEACH	State Florida	ZIP Code 33706	Company NAIC Number
SECTION G – COMMUNITY INFORMATION (OPTIONAL)			
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.			
G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)			
G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.			
G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.			
G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued	
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement			
G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____			
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____			
G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____			
Local Official's Name		Title	
Community Name		Telephone	
Signature		Date	
Comments (including type of equipment and location, per C2(e), if applicable)			
☐ Check here if attachments.			



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, MARK BAILEY, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): RICHARD HAM

Address: 635 RIVERA BAY AVE. NE. ST. PETERSBURG, FL 33702

Signature [Handwritten Signature]

Date 9-25-20

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 28 day of Sept, 2020 by:
Richard Ham who appeared before me, and is personally known to me, or has produced
Driver's license as identification, and did take an oath.

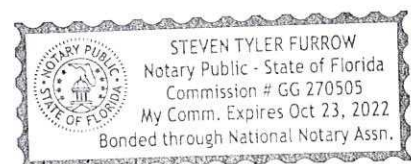
My commission Expires: 10/23/22

NOTARY: [Handwritten Signature]

Print Name: Steven T. Furrow Notary

Public, State of Florida

(Notarial Seal)



Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

LLOYD MARK BAILEY
(print name of property owner)

hereby authorize

RICHARD HAM
(print name of agent)

to represent me/us in an application for

VARIANCE
(type of application: variance, conditional use, zoning, etc.)

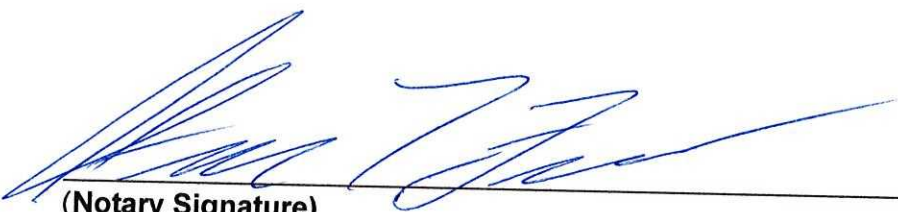

Signature of Owner

LLOYD MARK BAILEY
Print Name of Owner

Signature of Owner

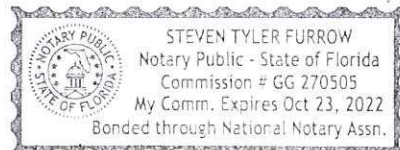
Print Name of Owner

The forgoing instrument was acknowledged before me this 28 day of September 2020 by Lloyd Bailey or who is personally known _____ produced Drivers license as identification.


(Notary Signature)

9-28-2020
(Date)

My Commission Expires 10/23/22





ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5820 BIMINI WAY S

City
ST PETE BEACH

State
Florida

ZIP Code
33706

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

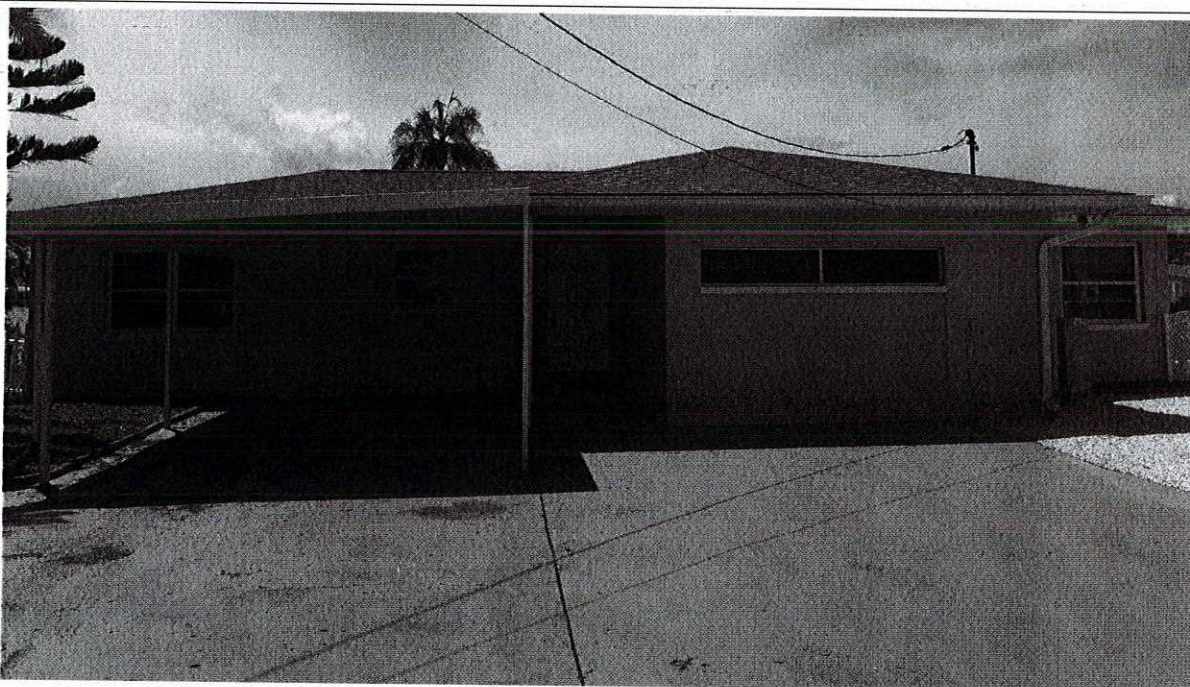


Photo One

Photo One Caption FRONT VIEW 08-21-2020

Clear Photo One



Photo Two

Photo Two Caption RIGHT SIDE 08-21-2020

Clear Photo Two

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
5820 BIMINI WAY S

Policy Number:

City
ST PETE BEACH

State
Florida

ZIP Code
33706

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

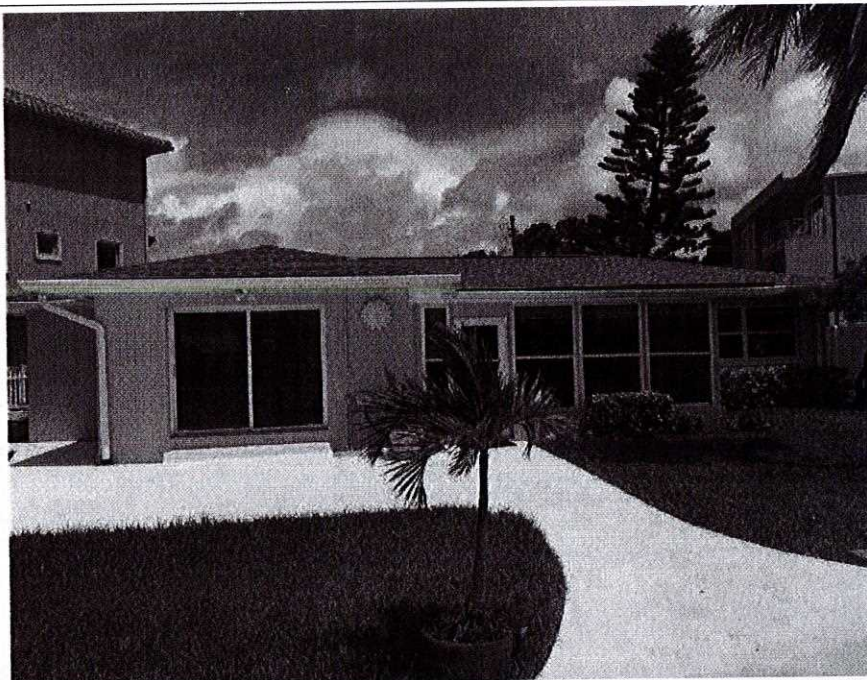


Photo Three

Photo Three Caption REAR VIEW 08-21-2020

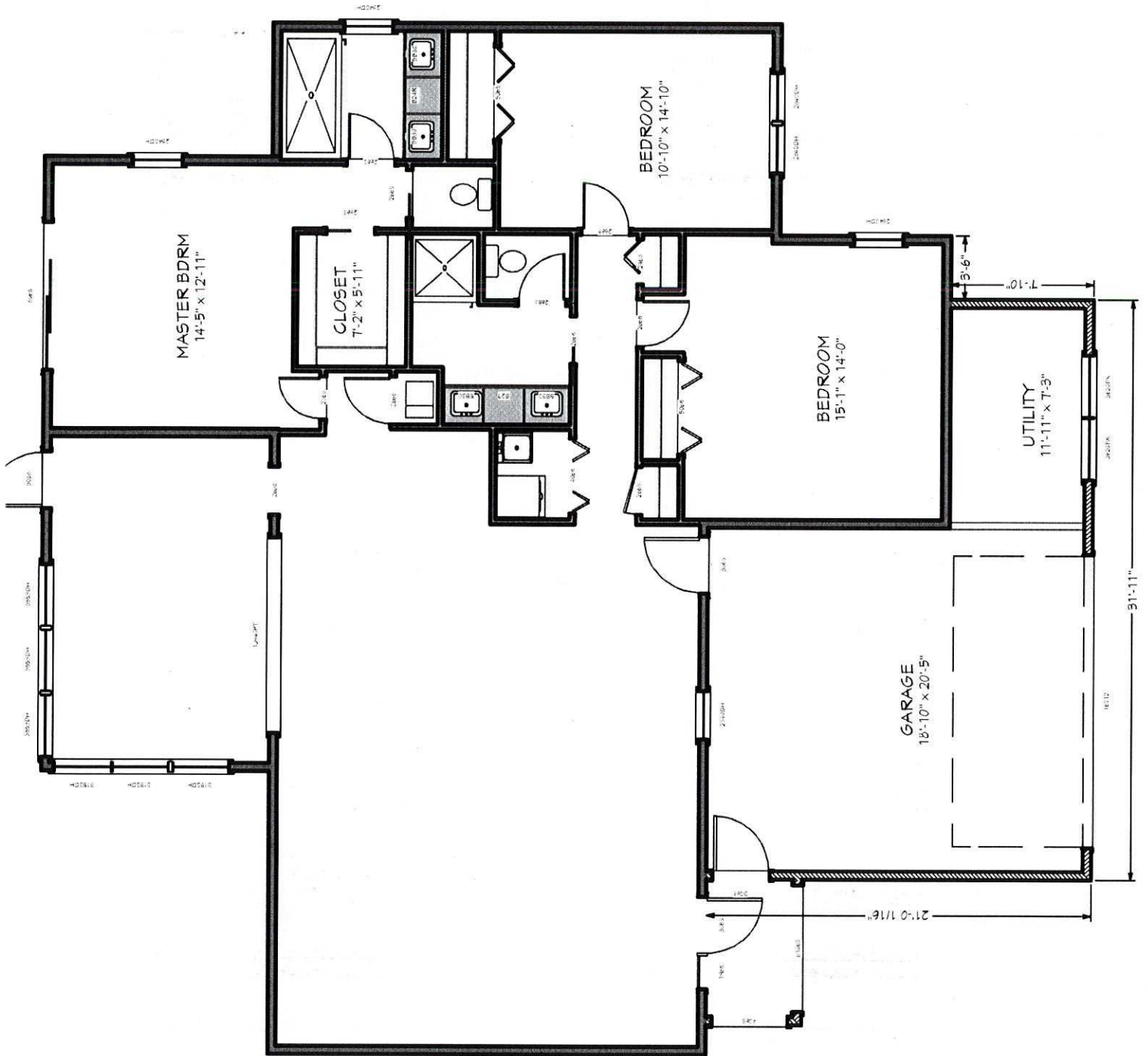
Clear Photo Three

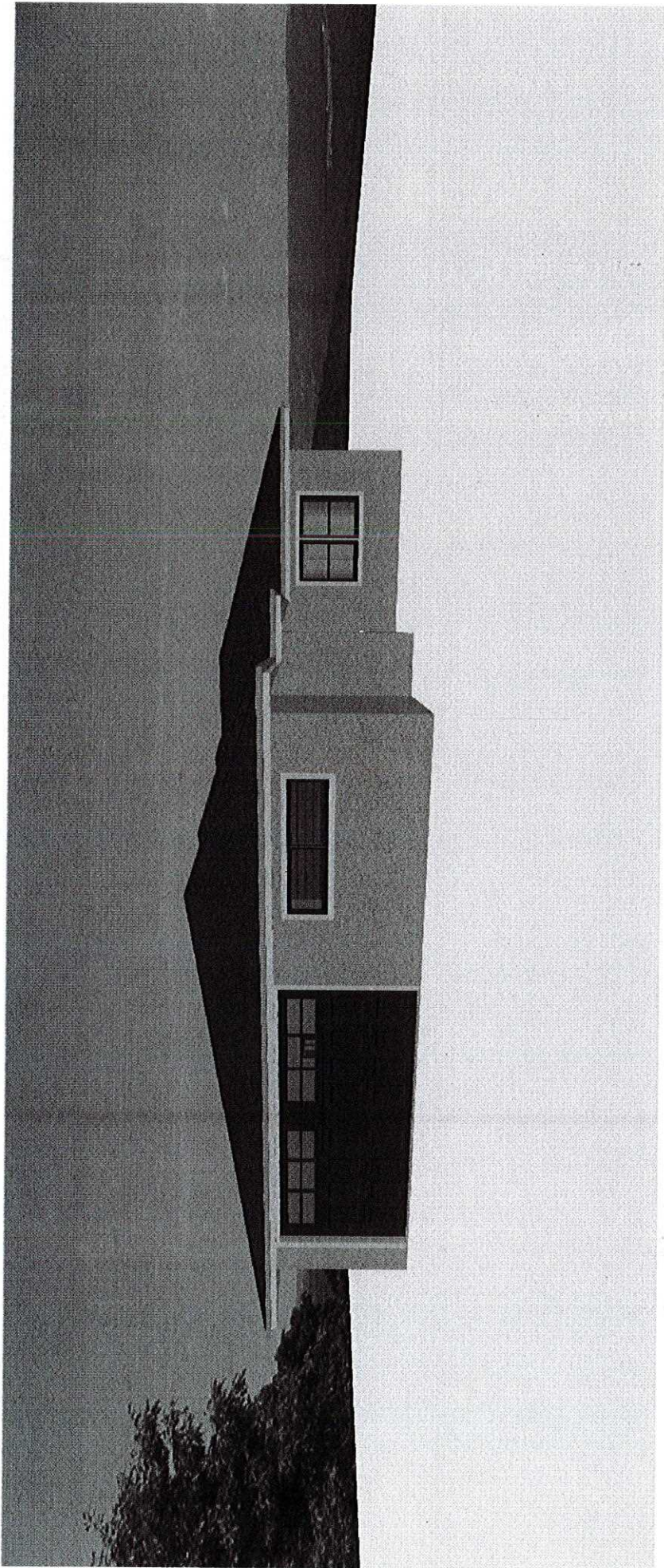


Photo Four

Photo Four Caption LEFT SIDE 08-21-2020

Clear Photo Four





BOUNDARY SURVEY OF
5820 BIMINI WAY SOUTH
ST. PETE BEACH, FLORIDA 33706

KNOW IT NOW, INC.
aka Affordable Surveys
727-415-8305

2011 HEIDELBERG AVENUE
DUNEDIN, FL 34698 USA

LEGAL DESCRIPTION:

LOT 15, BAHIA SHORES 1ST ADDITION, ACCORDING TO
THE MAP OR PLAT THEREOF AS RECORDED IN PLAT
BOOK 36, PAGE 3, OF THE PUBLIC RECORDS OF
PINELLAS COUNTY, FLORIDA.

C1(P)
RADIUS=35.00'
LENGTH=38.29'
CHORD=36.41'
BEARING=N88°13'22"E

C1(M)
RADIUS=35.00'
LENGTH=38.39'
CHORD=36.49'
BEARING=N88°48'49"E
DELTA=62°50'15"

C2(P)
RADIUS=25.00'
LENGTH=26.18'
CHORD=25.00'
BEARING=S86°53'00"E

SHEET 1 OF 2

A/C	AIR CONDITIONER	FIP	FOUND IRON PIPE	PP	POWER POLE
(C)	CALCULATED	FIR	FOUND IRON ROD	POB	POINT OF BEGINNING
CB	CABLE BOX	FN	FOUND NAIL	POC	POINT OF COMMENCEMENT
CLF	CHAIN LINK FENCE	FND	FOUND NAIL AND DISK	RW	RIGHT OF WAY
CONC	CONCRETE	FXC	FOUND X CUT	SIR	SET 1/2" IRON ROD WITH CAP--
CSW	CONCRETE SIDEWALK	LP	LIGHT POLE		LB 6912
(D)	DEED	(M)	MEASURED	SND	SET NAIL AND DISK LB 6912
DE	DRAINAGE EASEMENT	MH	MANHOLE	TOB	TOP OF BANK
EB	ELECTRIC BOX	NCF	NO CORNER FOUND	TOE	TOE OF SLOPE
EDW	EDGE OF WATER	OHW	OVERHEAD WIRES	TP	TELEPHONE PEDESTAL
EP	EDGE OF PAVEMENT	O/A	OVER-ALL	UE	UTILITY EASEMENT
FCIR	FIR CAPPED	(P)	PLAT	WM	WATER METER
FCM	FOUND CONC MONUMENT	PE	POOL EQUIPMENT	WDF	WOOD FENCE

0 10 20 40

SCALE: 1"=20'



FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS
REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR - IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE
ON OR OFF PROPERTY - OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

(1) UNLESS STATED OTHERWISE THIS SURVEY IS AN AS-BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

(C) 2020 CERTIFIED EXCLUSIVELY TO:

LLOYD MARK BAILEY REVOCABLE TRUST &
JUDITH K. WRIGHT REVOCABLE TRUST
FIRST TITLE SOURCE
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT
USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.



BILL H
HYATT
2020.08.2
5 08:54:31
-04'00'

DATE OF FIELD SURVEY: 08/21/2020

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

FLORIDASURVEYOR@AOL.COM
727-415-8305

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: VARIANCE – SETBACK - 20076

Date: October 28, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Variance to permit the construction of an open carport that encroaches to 13 feet from the front property line at its closest point.

Funding:

Requested Motion: Staff recommend approval.

Attachments:

1. 20076 Staff Report
2. 20076 Supporting Docs



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 20076 – Leonard and Constance Coe

MEETING DATE: October 28, 2020

PREPARED BY: Brandon Berry, Planner II

REQUEST	A Practical Difficulty Variance to permit the installation of an open carport that encroaches seven feet into the required front setback (LDC Sec. 9.7(a)(1)).
SUBJECT PROPERTY	1025 Boca Ciega Isle Dr; BOCA CIEGA ISLE BLK B, LOT 36 & SW 10FT OF LOT 35; #06-32-16-09594-002-0360.
ACERAGE	Approximately 0.195 acres (8,500 sq. ft.)
LAND USE	RU-2, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE-11
SURROUNDING AREA	North – Boca Ciega Isle Dr and Single-family Residential South - Single-family Residential East – Single-family Residential West – Single-family Residential

BACKGROUND

The property contains a home constructed in 1953 according to the Pinellas County Property Appraiser. The home had previously possessed an open carport, which was enclosed by a former owner in 2001 to create a den.

ANALYSIS

The applicant is requesting to construct an open carport of approximately 24'x20.6' in size. The existing home is set at a moderate angle toward the front property line, resulting in the western portion of the carport encroaching closer to the front property line than the eastern side. The western side of the carport is proposed to be located 13' from the front property line to the closest point of the overhang, with a 16.7' front setback to the first post, whereas the eastern side is proposed to be 15.75' from the closest point of the overhang to the front property line.

Structure	Required Front Setback	Proposed Front Setback	Percent Encroachment
Open Carport	20'	13' (closest point)	35%

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting an encroachment of seven feet into the front setback at the closest point of the carport. This represents a 35% encroachment into the 20' front setback standard. The required side setback of approximately six feet will be maintained.

b) Whether an adverse change will be produced in the character of the neighborhood;

Staff find that no adverse change will be produced in the character of the neighborhood. Other structures in the immediate vicinity of this home appear to have both open and closed portions that encroach to a similar setback from the curb as proposed here. The structure is not located in a waterfront yard, nor do staff find that the structure will impair visibility for motorists or pedestrians. Carports are uncommon features in the neighborhood, with most structures possessing enclosed garages, but open front porch structures are somewhat common in the neighborhood and staff find the general form of the neighborhood will be preserved.

c) Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

The difficulty cannot be obviated through another feasible method. The home is of a modest size and was constructed prior to the city's incorporation when zoning codes were adopted. Meeting the setback for the carport size proposed, which staff finds to be reasonable, would require the loss of a considerable portion of the home's interior.

d) Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Staff find that the addition of an open carport is reasonable given the frequency of inclement weather in the State, the modest size of the request, the general preservation of neighborhood form, and the minimal visual impact the structure is anticipated to have on neighbors. Staff find the applicant's justification for the request to be valid. While the home had previously possessed an open carport, the enclosure took place under a former owner and staff do not find that the current owner is responsible for the difficulty encountered in this application.

SUMMARY:

Staff finds the request to be reasonable given the existing layout of the lot, the modesty of the request, the general preservation of neighborhood form, and the applicant's justification for the structure as a means to mitigate inclement weather.

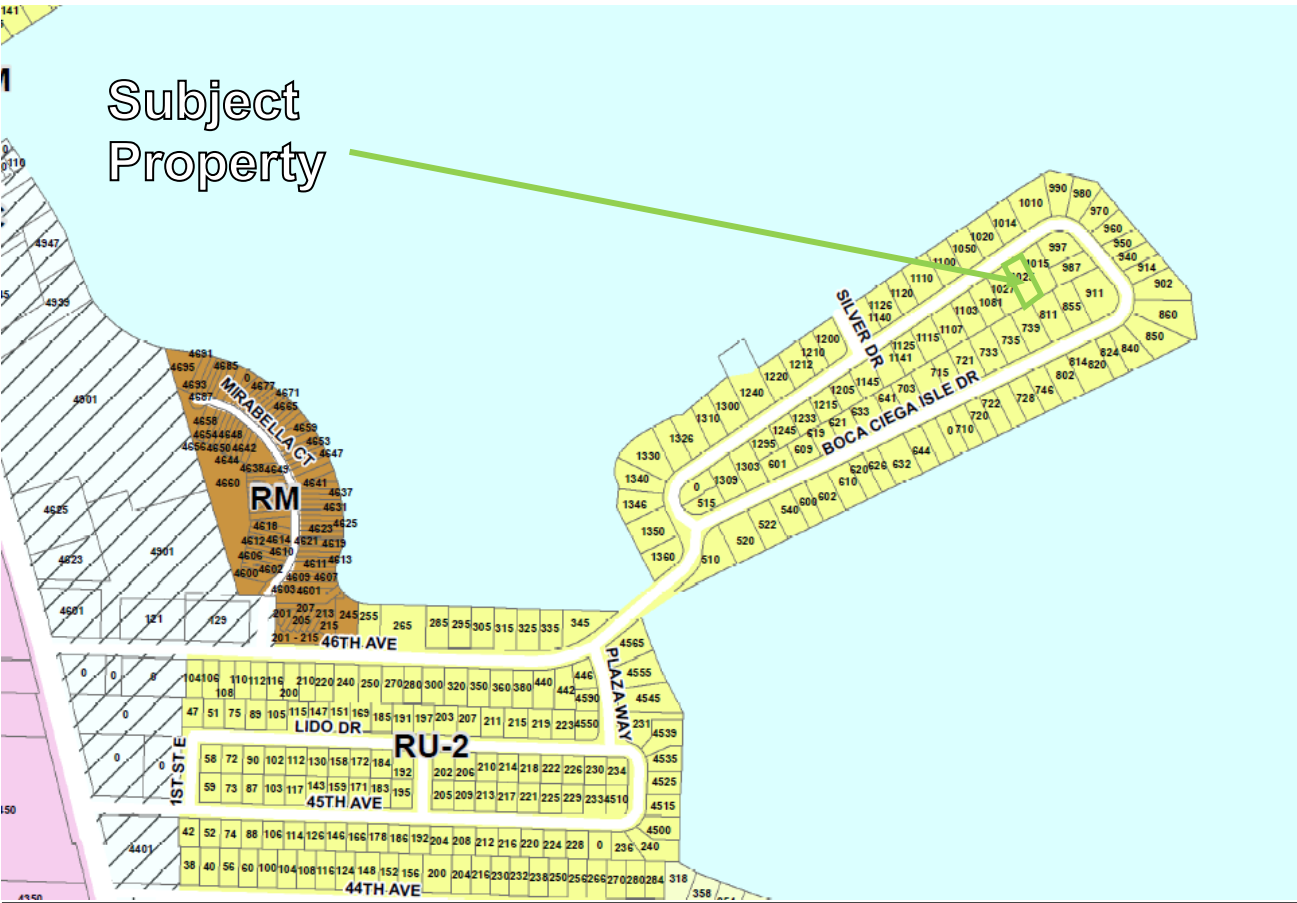
RECOMMENDATION:

Staff recommend approval.

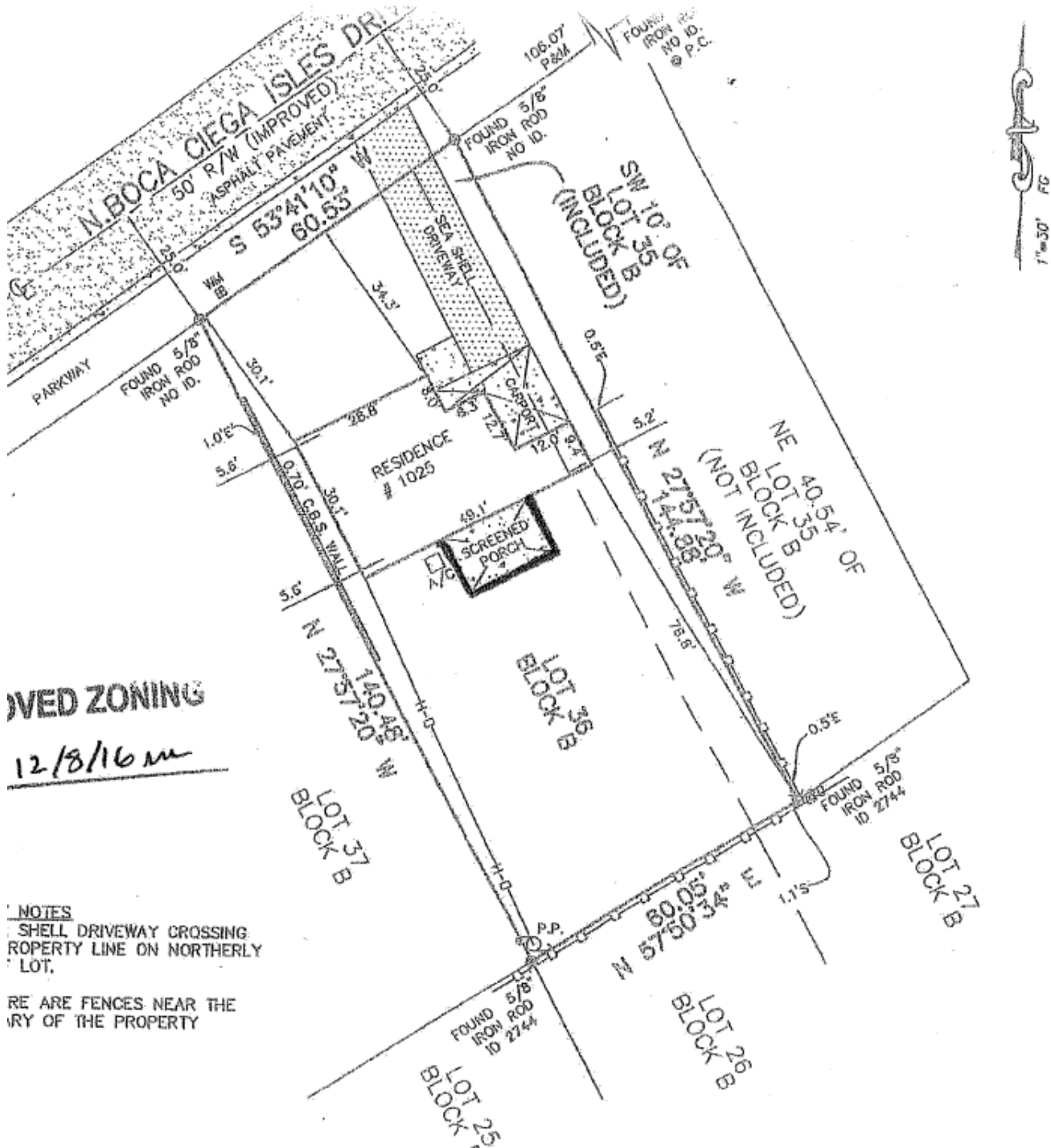
AERIAL MAP



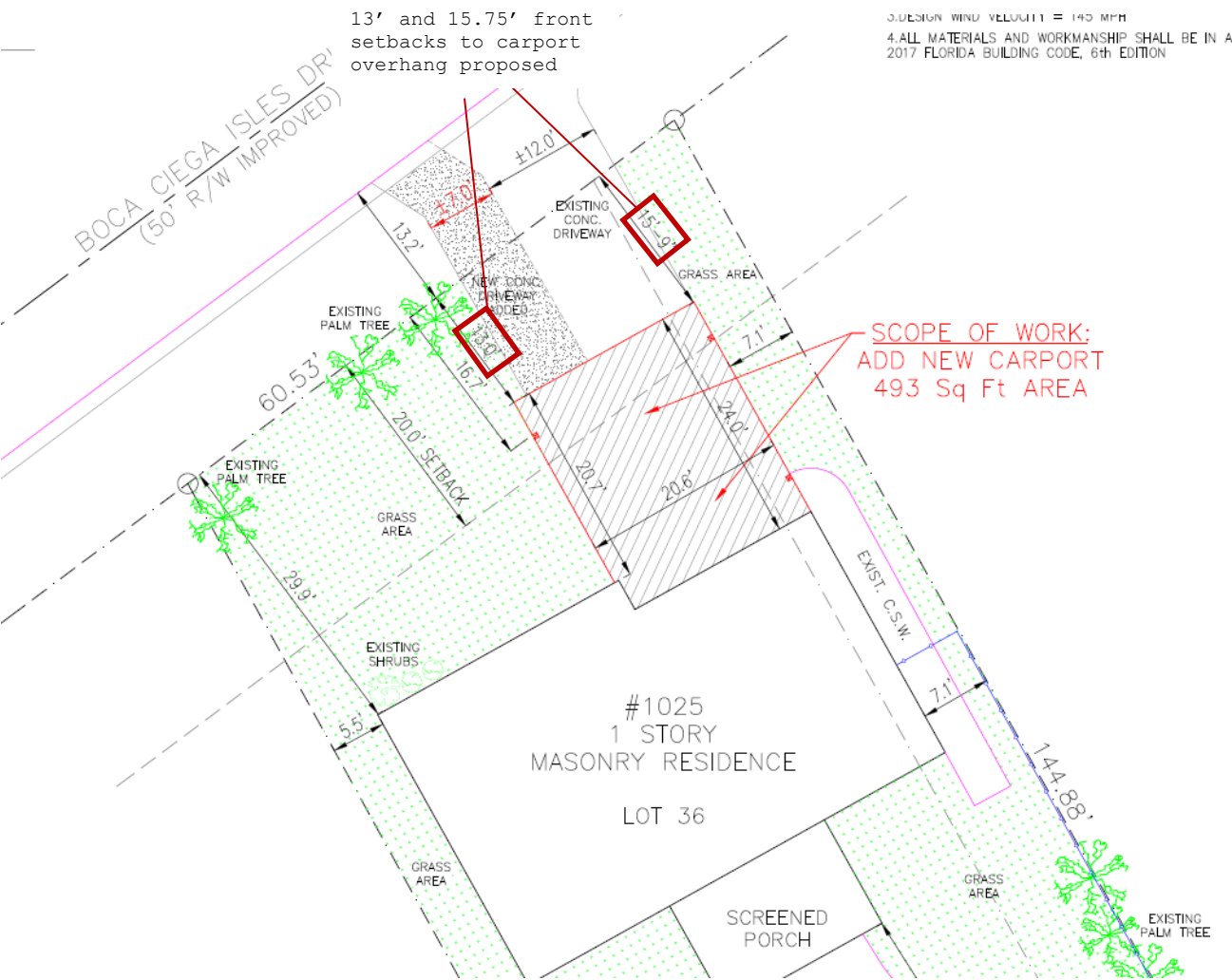
ZONING MAP



SURVEY



SITE PLAN



CASE #: 20076SUBMITTAL DATE: 09-25-2020AMOUNT DUE: \$ 528.20

PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following Items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
	Leonard and Consta	1025 Boca Ciega Isle Dr. St. Pete Beach	813-318-1146
Owner	Leonard and Constance Coe	1025 Boca Ciega Isle Dr. St. Pete Beach	813-318-1145(Leonard) 813-318-1146(Constance)
Applicant/ Agent	Leonard and Constance Coe	1025 Boca Ciega Isle Dr. St Pete Beach	813-318-1145(Leonard) 813-318-1146(Constance)
Owner Email Address: <u>cpcoe@msn.com</u> <u>lennycoc11@gmail.com</u>		Applicant/Agent Email Address: <u>cpcoe@msn.com</u> <u>lennycoc11@gmail.com</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation 0110 Single Family Home	Future Land Use Designation	Lot Area Lot 36 Block B
Legal Description:	BOCA CIEGA ISLE BLK B, LOT 36 & SW 10FT OF LOT 35	
Parcel ID:	06-32-16-09594-002-0360	
Address:	1025 Boca Ciega Isle Dr. St Pete Beach FL	
Explanation of Request: <u>We would like to add an open carport that adequately covers the length of a car or mid-size SUV and the width of two vehicles side by side. This will allow coverage when going to and from the car in inclement weather as well as protecting the vehicles from the mid-day sun.</u> <u>Aesthetically, the carport will have the same flat roof line as the house and due to the angle of the lot, the two pillars will be approx. 3ft 5in and ~0ft 6in from the Setback and the roof corners will be 7 ft and 4ft 3 in respectively.</u>		

STANDARD FORM NO. 64

FBI FORM NO. 1

RECEIVED BY THE FBI

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

TO : DIRECTOR, FBI (100-388610)

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

RE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

Findings Necessary for Granting Request: In order for an application for a practical difficulty variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. How substantial the variance is in relation to the requirement sought to be varied;

Minimal. Due to the angle of the lot, the two pillars will be approx.
3ft 5in and ~0ft 6in from the Setback and the corners of the roof
will be 7 ft and 4ft 3 in respectively

2. Whether an adverse change will be produced in the character of the neighborhood;

No. The proposed carport will be open and minimalistic. It will maintain an open view and blend with the aesthetics of the house. There currently are several houses on Boca Ciega Isle in which enclosed garages and open carports are less than one car length from the street and block neighboring views. This carport will not block any view.

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

No, The lot is narrow and there is no room to either side of the house. The length of a carport is dependent on reasonable length of a family vehicle and available space to park.

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Yes, the carport will provide protection for residents during inclement weather (rain, lightning) when exiting and entering vehicles. It will maintain the character of the house and neighborhood.

Constance Coe

09-25-2020

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

CC & LC I understand that the City will not accept or process an incomplete application.

LC & CC I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

LC & CC On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

LC & CC I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

LC & CC I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

LC & CC I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

LC & CC I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

After acknowledgement of these conditions, complete the application form on the following pages.

Constance Coe

LEONARD COE

09-25-2020

Signature of Applicant

Date

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO is a private, non-profit institution of higher learning. It is a member of the Association of American Universities and the Association of Research Universities.

The University of Chicago is a private, non-profit institution of higher learning. It is a member of the Association of American Universities and the Association of Research Universities.

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/

N/A

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

(print name of property owner)

hereby authorize

(print name of agent)

to represent me/us in an application for

(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of
_____ 2020 by _____ or who is
personally known _____ produced
_____ as identification.

(Notary Signature)

(Date)

My Commission Expires _____

1. The first part of the paper is devoted to the study of the

properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt.$$

(1.1)

It is well known that the function $f(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

Moreover, the function $f(x)$ is bounded on the interval $(-\infty, \infty)$ and its range is the interval $(0, \frac{\pi}{2})$.

It is also known that the function $f(x)$ is invertible and its inverse function is the arctangent function $\arctan x$.

2. In the second part of the paper, we study the properties of the function $g(x)$ defined by the equation

$$g(x) = \int_0^x \frac{1}{1+t^2} dt + \int_0^x \frac{1}{1+t^4} dt.$$

It is well known that the function $g(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.

Moreover, the function $g(x)$ is bounded on the interval $(-\infty, \infty)$ and its range is the interval $(0, \frac{\pi}{2} + \frac{\pi}{4})$.

It is also known that the function $g(x)$ is invertible and its inverse function is the function $\arctan x + \frac{1}{2} \arctan x^2$.

3. In the third part of the paper, we study the properties of the function $h(x)$ defined by the equation

$$h(x) = \int_0^x \frac{1}{1+t^2} dt + \int_0^x \frac{1}{1+t^4} dt + \int_0^x \frac{1}{1+t^6} dt.$$

It is well known that the function $h(x)$ is increasing and concave down on the interval $(-\infty, \infty)$.



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Leonard and Constance Coe, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Leonard and Constance Coe

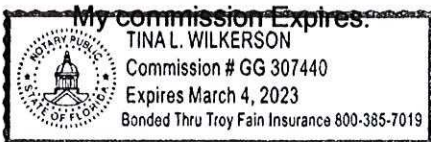
Address: 1025 Boca Ciega Isle Dr. St Pete Beach, FL 33706

Constance Coe
Signature

9-25-2020
Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 25 day of Sept, 2020 by: Constance Coe who appeared before me, and is personally known to me, or has produced P.D.H. 949-0 as identification, and did take an oath.

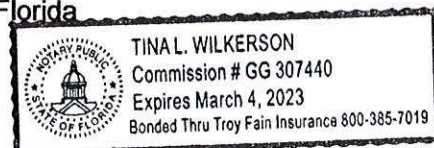


NOTARY: Tina L. Wilkerson

Print Name: TINA L. Wilkerson Notary

Public, State of Florida

(Notarial Seal)



DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN FINAL DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing for unnecessary and undue hardship variances or final administrative decision for administrative variances. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, City Manager, or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, or City Manager.

A Notary Public is available in City Hall; 155 Corey Avenue.

APPROVED ZONING

DATE 12/8/16 m

SURVEY NOTES

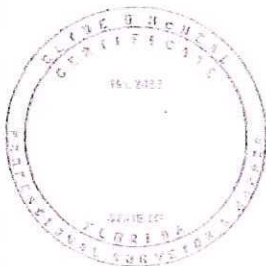
1- SEA SHELL DRIVEWAY CROSSING OVER PROPERTY LINE ON NORTHERLY SIDE OF LOT.

2- THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY

PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #7893



SURVEYORS CERTIFICATE

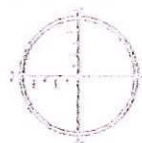
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A WRITTEN SIGNED SEAL AND SIGNATURE.

Clyde O. McNeal

Member
Florida Board of Professional Surveyors
C-15110-0-15110
Surveying Seal No. 15110
Seal
2016-2017 No. 15110-0-15110
01/16

(SIGNED)

CLYDE O. MCNEAL, PROFESSIONAL SURVEYOR, M.D. (LAPSED 2017)



TARGET
SURVEYING, LLC

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