



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, November 18, 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. **10/28/2020 Minutes**
4. Action Items
 - a. **Case #: 20080 - 8051 Coquina Way - Variance** A Practical Difficulty Variance to permit the encroachment of a pool to five feet from the rear property line, and pool equipment to three feet, eight inches from the rear property line (LDC Sec. 6.13(c)(1) & 6.14).
5. Adjournment

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 meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT BOARD OF ADJUSTMENT VIRTUAL MEETING MINUTES

October 28, 2020 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Michael Bomar, Member
Denis Chase, Member
Jake Holehouse, Member

STAFF PRESENT: Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

1. Changes to the Agenda – Ms. Rosetti explained that Case No. 20067, Variance for 106 6th Avenue (Item 4.a.) was withdrawn as a variance was not required.

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

2. Audience Comments - There were no audience comments.

3. Approval of Minutes a. 9/30/2020

Member Chase moved and Vice Chair Lyman seconded the approval of the minutes from the September 30, 2020 meeting; the motion carried unanimously.

4. Action Items

a. Item removed from agenda.

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.

Mr. Berry presented exhibits on the two variance requests and explained the standards and staff recommendation for approval of both variances, with four conditions as outlined in the meeting packet.

Mark Colburn, applicant at 1701 Pass-a-Grille Way appeared to explain reasons for the applications. No one spoke in objection or in favor and the Chair closed public comment and opened the meeting for Board discussion.

Vice Chair Lyman moved and Member Bomar seconded to approve the driveway Variance for Case No. 20070. The motion carried unanimously by a roll call vote.

Vice Chair Lyman moved and Member Bomar seconded to approve the secondary setback Variance, with staff recommended conditions, for Case No. 20070. The motion passed unanimously.

- 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.

Mr. Berry reviewed the request and exhibits for the variance request for Case 20073 and reported that staff recommended approval with two conditions.

Keith Heatly, General Manager for applicant Envoy Point Condo Association, appeared to explain the reason for the request. There were no audience comments and the Chair closed public comment opened for Board discussion.

Member Bomar moved to approve the Variance for Case No. 20073. The motion was seconded by Member Holehouse and passed unanimously.

- 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.

Ms. Rosetti reviewed the variance request with exhibits including site plan and photos. Staff recommended the conditions, if approved, that the dock permit be contingent upon Pinellas County Water and Navigation's assessment and confirmation regarding the seagrass beds and any other stipulations they might make regarding dockage, seawall or setback. A letter of opposition was in the meeting packet. Mr. Dickman clarified that the City can approve zoning and setbacks, but the County reserves the evaluation of building permits. He also stated that some of the dashed lines on site plans should read R/L for Riparian Line vs. P/L for Property Line; he has directed staff to notify contractors.

Bill Zalla, father and neighbor to the north of applicant Angela Chandler, spoke about the reasons for the application. The applicant would be amenable to flipping the dock to the north approximately 20 feet if necessary.

Mary Cole, 2921 E. Vina del Mar, neighbor to the south of the applicant distributed handouts and gave comments in opposition to the 85 ft. dock.

Chair closed public comment and opened Board discussion. Mr. Zalla appeared a second time and stated that he would withdraw the application for the boatlift on the south side and leave the application for length, pending Pinellas County approvals.

Vice Chair Lyman moved to approve the Variance the length of the dock in Case No. 20074 with staff conditions; the motion was seconded by Member Bomar and passed 5-0.

- 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.

Mr. Berry reviewed the variance application with exhibits. No letters or communication in objection or in favor were received. Staff recommended approval.

Richard Ham of Ham Construction appeared for applicant Mark Bailey. There were no public comments or objections and the Chair opened for Board discussion.

Member Chase moved and Member Bomar seconded the approval of the Variance for Case No. 20075. The motion passed unanimously.

- 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.

Mr. Berry reviewed the variance request with exhibits. No letters in favor or opposition were received. Staff recommended approval with no conditions.

Applicant Constance Coe, 1025 Boca Ciega Isle Drive, appeared to answer any questions. There was no public comment and the Chair opened Board discussion.

Member Bomar moved and Member Chase seconded approval of the Variance for Case No. 20076 as presented. The motion carried unanimously.

5. Adjournment – Next Meeting 11/18/2020

Member Chase's motion to adjourn at 3:13 PM passed unanimously.

These minutes will be considered for approval at the November 18, 2020 Board of Adjustment meeting.

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

Issue Considered: Case #: 20080 - 8051 Coquina Way - Variance

Date: November 18, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: A Practical Difficulty Variance to permit the encroachment of a pool to five feet from the rear property line, and pool equipment to three feet, eight inches from the rear property line (LDC Sec. 6.13(c)(1) & 6.14).

Funding:

Requested Motion:

Attachments:

1. 20080 Staff Report
2. 20080 Supporting Documents



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

VARIANCE CASE NO. 20080 – Joshua Wilhelm

MEETING DATE: November 18, 2020

PREPARED BY: Brandon Berry, Planner II

REQUEST	A Practical Difficulty Variance to permit the encroachment of a pool to five feet from the rear property line, and pool equipment to three feet, eight inches from the rear property line (LDC Sec. 6.13(c)(1) & 6.14).
SUBJECT PROPERTY	8051 Coquina Way; ST PETERSBURG BEACH NORTH UNIT NO. 3 BLK 91, LOT 1; Parcel ID #36-31-15-78192-091-0010
ACERAGE	Approximately 0.145 acres (6,400 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE-11
SURROUNDING AREA	North – Turning Circle/Single-family Residence South - Single-family Residence East – Water West – Coquina Way/Single-family Residence

BACKGROUND

The property contains a home constructed in 1996 according to the Pinellas County Property Appraiser.

ANALYSIS

The subject property is one of the few in the City which has a waterfront side yard from a zoning perspective. While that does not impact the setback of the pool compared to a conventional side yard, it does require the applicant to submit engineering to show protection of the seawall.

As the property has frontage along the turning circle of Coquina Way, the front yard is oriented toward the north and the rear yard toward the subject property's neighbor's side yard. This results in a rear setback requirement of 9' from the property line that the subject property shares with its neighbor. The

applicant is requesting that the pool encroach to five feet from the property line, and pool equipment encroach to 3'-8" from the rear property line, where nine and 16 feet are required respectively.

Structure	Required Rear Setback	Proposed Rear Setback	Percent Encroachment
Pool	9'	5'	44%
Pool equipment	16'	3'-8"	77%

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 the pool water's edge to 5' from the rear property line, representing an encroachment of 44%, and an encroachment of pool equipment to 3'-8" from the rear property line, representing an encroachment of 77%.

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 pool is an in-ground structure, and the applicant has supplied engineering showing how the seawall will be protected. The applicant's rear yard abuts their neighbor's side yard, and the pool equipment would be permitted a three-foot side setback had this lot lacked a frontage along the turning circle of the cul-de-sac.

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

The orientation of the home relative to the seawall provides narrowing space as the property jogs toward the front property line, limiting space for accessory structures. The pool size appears overall modest relative to others in the neighborhood, and the pool encroaches only seven inches closer to the rear lot line than the building does currently. Regarding the pool equipment, staff find that the orientation of the home is unique for the area and, due to the extensive required rear setback for this property relative to where the home is constructed, placing the equipment elsewhere may be difficult for the applicant.

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 the requests are reasonable given the relatively-modest proposed size for the pool, the unique orientation of the home compared to others in the neighborhood limiting the buildable space for accessory structures, existing setback conditions on the property, and the applicant's demonstration that the seawall will be protected. Staff are recommending a permeable buffer between the pool deck and the neighbor's property, and recommend that the site be brought up to the city's greenspace standards.

SUMMARY:

Staff find the request to be reasonable. The orientation of the lot, especially given the presence of the home, is unique for the neighborhood and appears to limit the area for accessory structures to a greater extent than other neighboring properties.

RECOMMENDATION:

Staff recommend approval with two conditions:

- 1) A three-foot-wide permeable space shall be left between the applicant's pool deck and the property line shared with the neighbor;
- 2) The applicant shall bring the lot up to code regarding permeable greenspace groundcover, or submit an alternative plan showing innovative landscaping design that increases the tree canopy spread, reduces the need for ground-water irrigation, or retains stormwater on-site, among other alternatives suggested in the Land Development Code. This plan shall be required at time of pool permit approval.

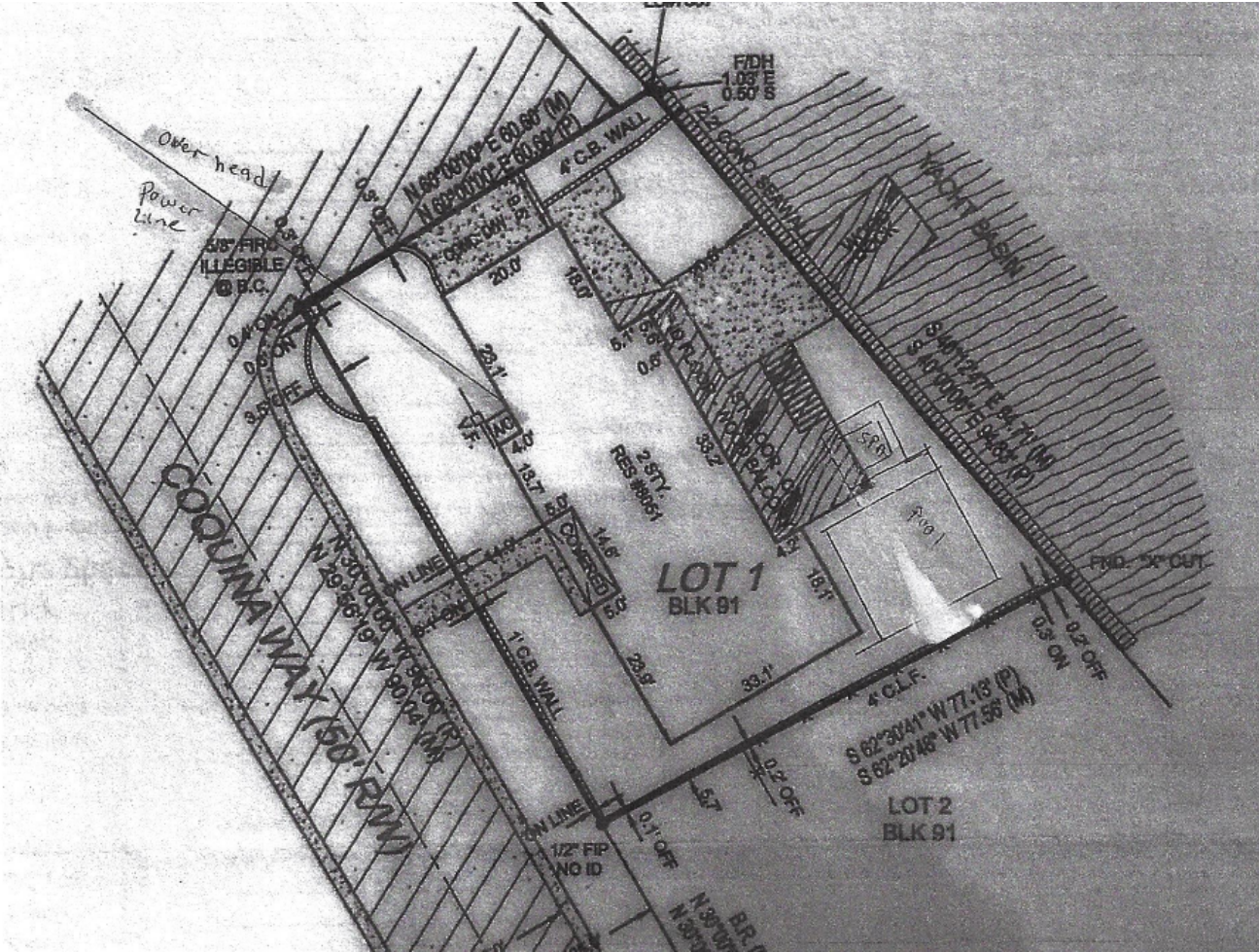
AERIAL MAP



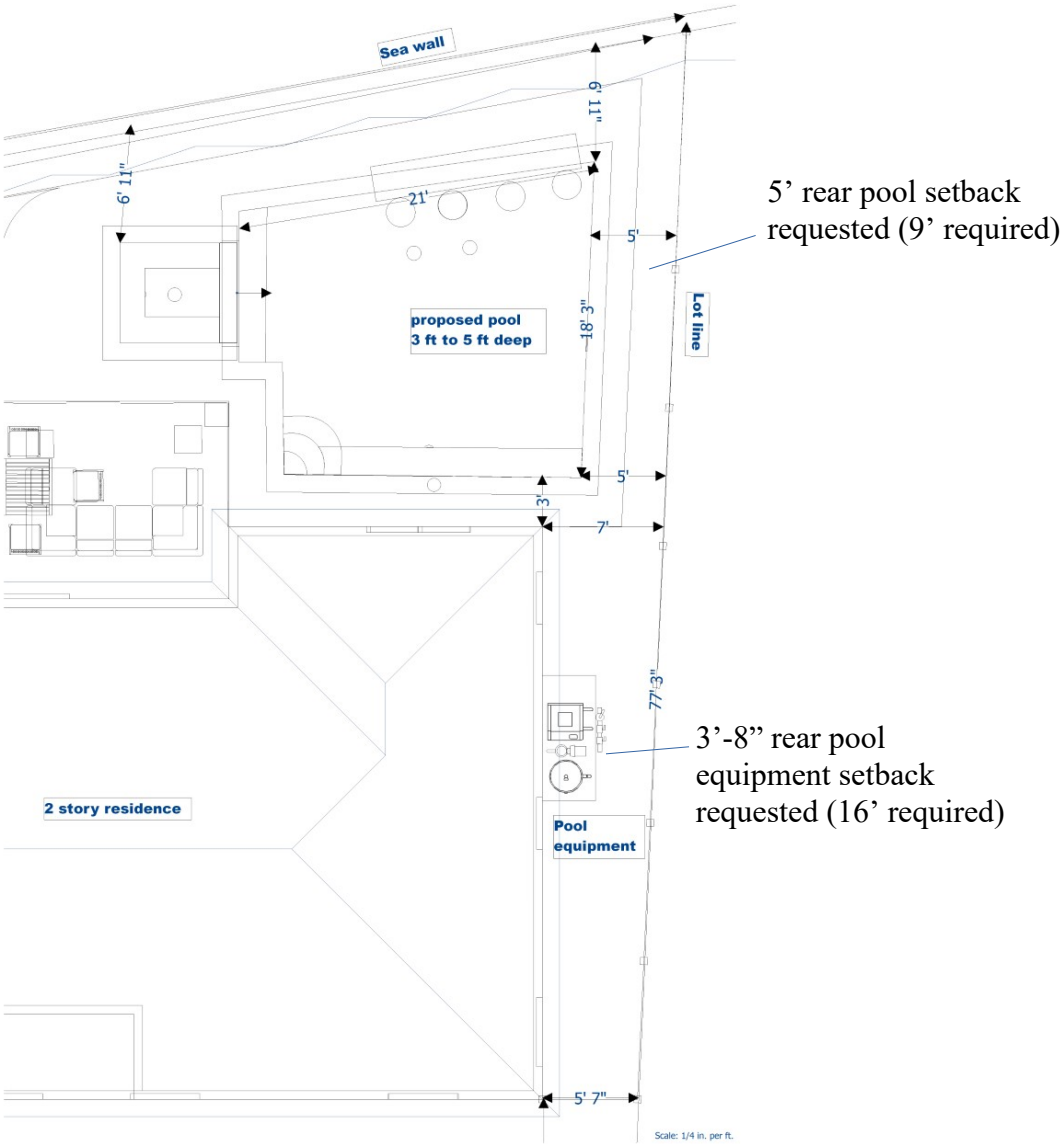
ZONING MAP



SURVEY



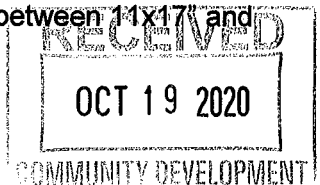
PROPOSED SITE PLAN



CASE #: 20080SUBMITTAL DATE: 10/19/2020AMOUNT DUE: \$518.90PAYMENT DATE: 10/19/2020**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	Joshua Wilhelm	805 Couquina Way St Pete beach FL 33706	412-722-6368
Applicant/ Agent	Same as above		
Owner Email Address: joshwilhelms@yahoo.com		Applicant/Agent Email Address: Same	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>RU-1</u>	Future Land Use Designation 0110 Single Family Home	Lot Area 6,210 Sq Ft
Legal Description:	ST PETERSBURG BEACH NORTH UNIT NO. 3 BLK 91, LOT 1	
Parcel ID:	36-31-15-78192-091-0010	
Address:	8051 Coquina way St pete Beach FL 33706	
Explanation of Request: Due to the double frontage of this property we would like to install a pool and spa at the side of the property with respect to the 10% setback (on the side) and at the rear of the property at 5'7" set back as the Residence (Building) is already at 5'7" since built in 1996 and will no block or obstruct in any way the view from surrounding neighboring properties as it will be inground and at grade.		

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;

It is a minimal change

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

It will not change the structure or value of the neighborhood. The lot is aligned with the rest of the neighbors on Coquina Way. The next door neighbors pool and pool equipment are right on the other side of the fence from our proposed location (see photos). This is an odd lot where the true back of the house faces the water even though that is being considered the side of the house. The proposed area is the only area that a pool would fit.

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

No. Double frontage property. mass of property being used to comply with city setback.

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

We are doing an improvement and help increasing the value of the area. The yard is currently bare and the pool and deck area will be surrounded by new landscaping which will dramatically change the view from the water.

 10/19/2020

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.

 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

10/19/20
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Josh Wilhelm, 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): Josh Wilhelm

Address: 8051 Capuina Way St Pete Beach 33706

Signature: [Signature] Date: 10/19/2020

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19th day of October, 2020 by: Joshua M Wilhelm who appeared before me, and is personally known to me, or has produced FL DRIVER'S LIC as identification, and did take an oath.

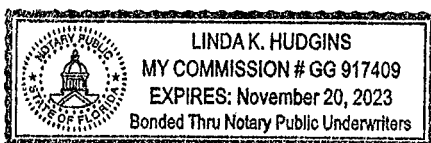
My commission Expires:

NOTARY:

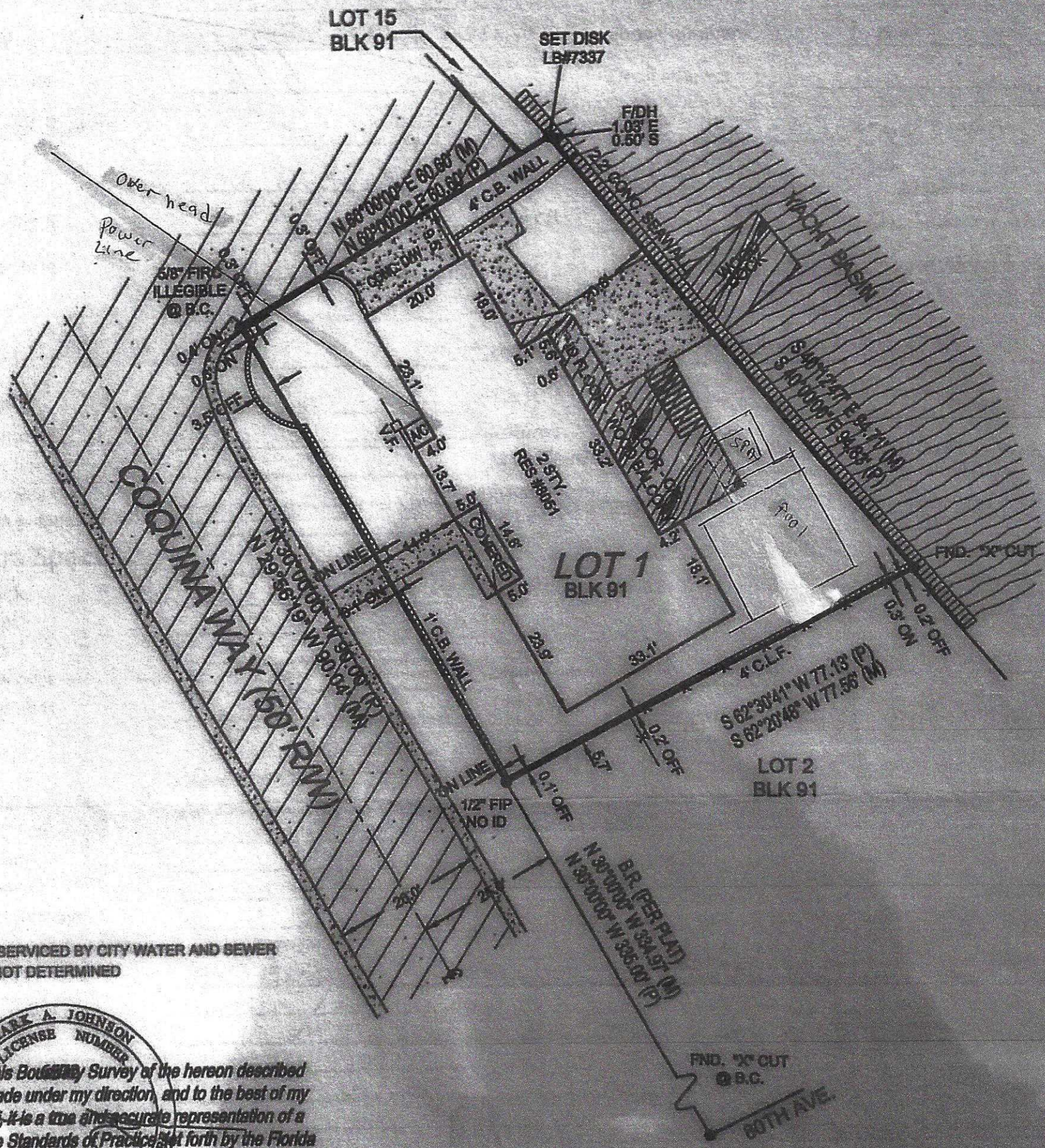
Print Name: Linda K. Hudgins Notary

Public, State of Florida

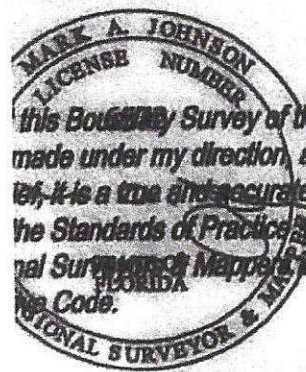
(Notarial Seal)



EY
Y



E SERVICED BY CITY WATER AND SEWER
P NOT DETERMINED

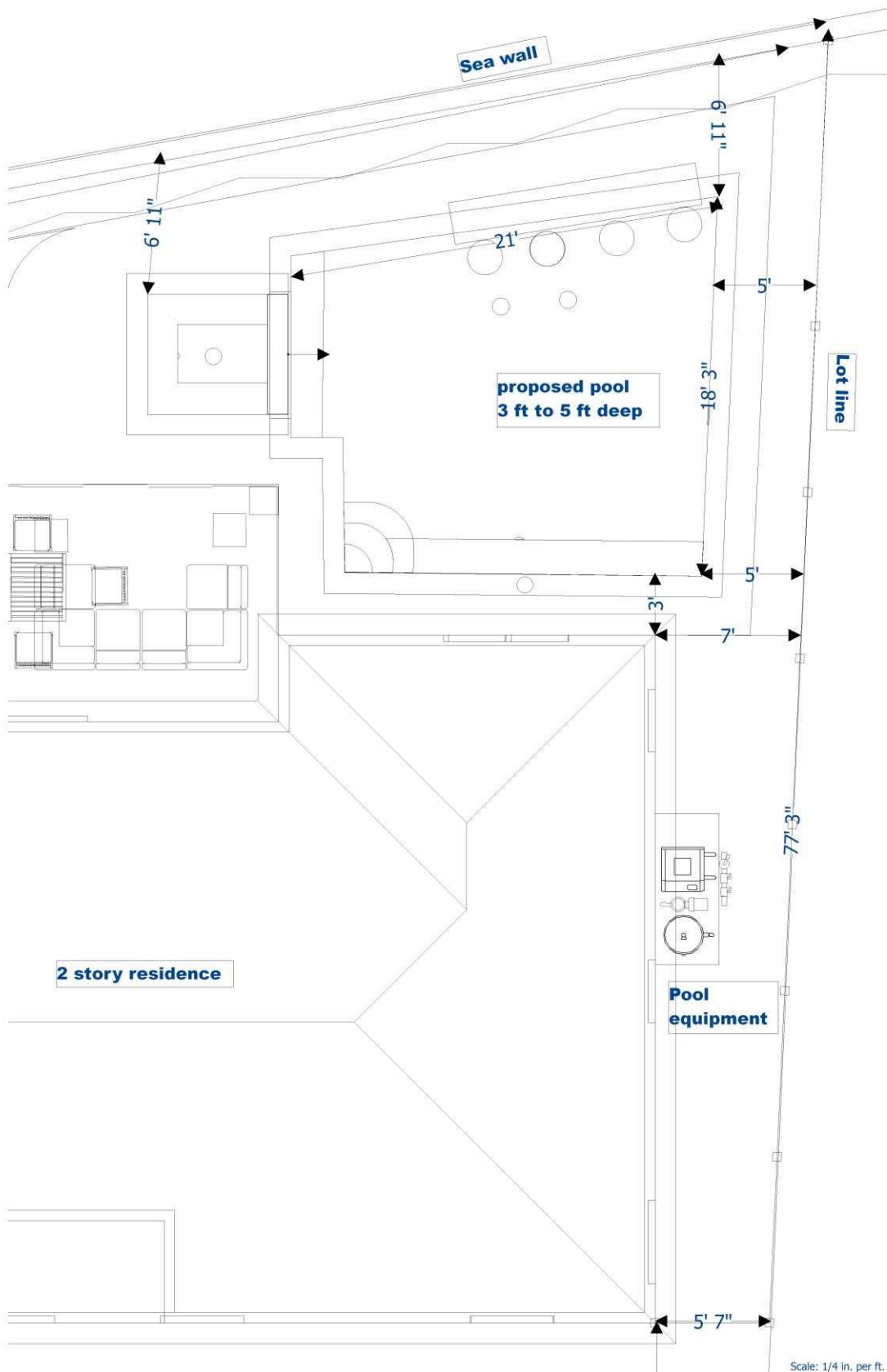


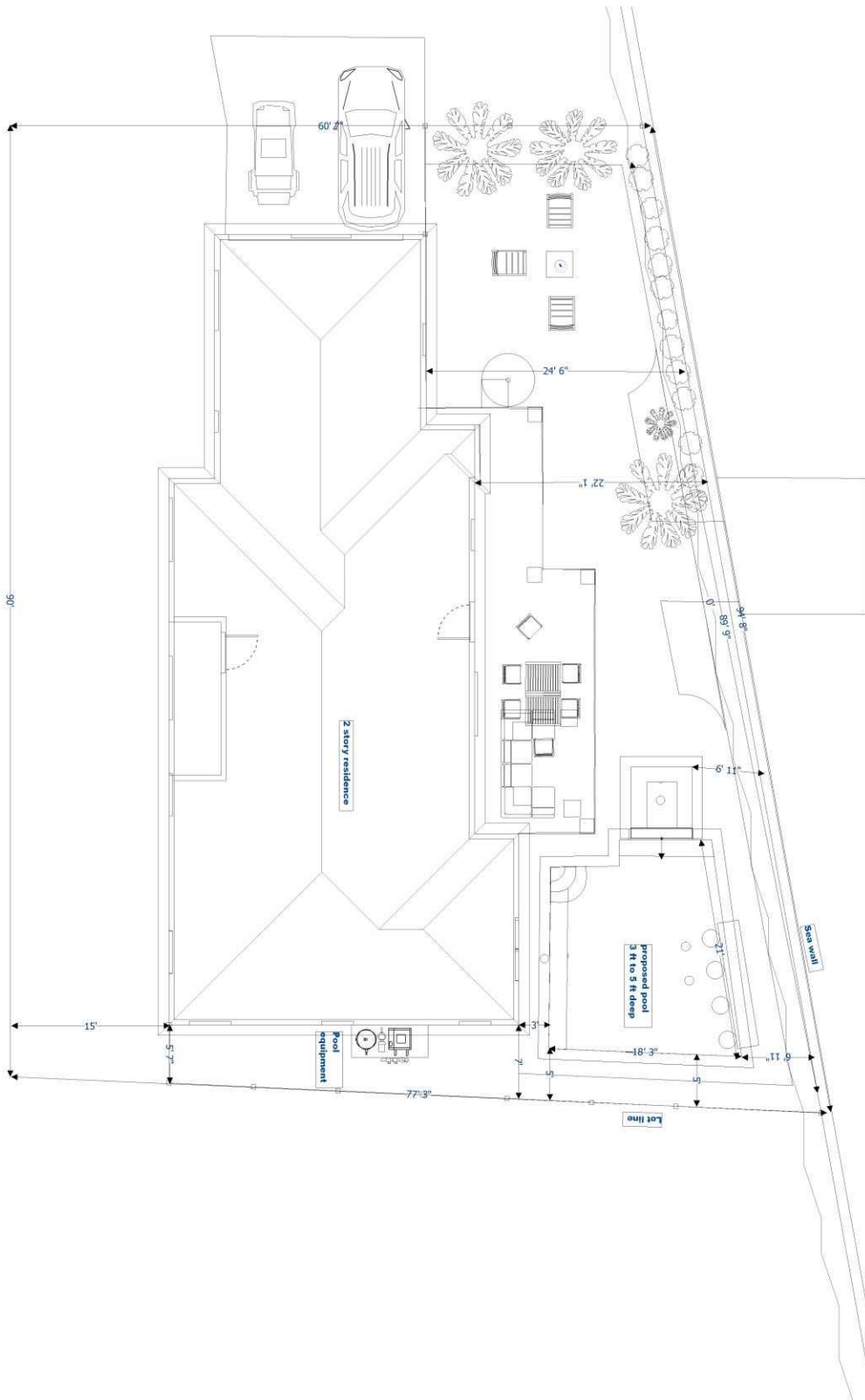
Mark A. Johnson
Florida Professional Surveyor and Mapper
License No. 6672



GRAPHIC SCALE (In Feet)
1 inch = 30' ft.







Scale: 1/8 in. per ft.

