



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, December 16, 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. **11-18-2020 Minutes**
4. Action Items
 - a. **Approval of 2021 Meeting Dates**
 - b. **Case #: 20084 - Variance - Setback** 1002 Pass-A-Grille Way (Case #: 20084):
Request to exceed the maximum permitted front setback of the House - Medium building type to allow for a pool to be located in the front of the home (LDC Sec. 20.15).
5. Adjournment - Next Meeting 1/27/2021

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 MEETING MINUTES

November 18, 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: Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

Vice Chair Lyman called the meeting to order at 2:00 PM.

1. **Changes to the Agenda** – Ms. Rosetti added that the 2021 meeting schedule was included.

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

2. **Audience Comments** - There were no audience comments.

3. **Approval of Minutes** a. 10/28/2020

Member Bomar moved and Member Holehouse seconded the approval of the minutes from the October 28, 2020 meeting; the motion carried unanimously.

4. **Action Items**

- a. **VARIANCE – Case # 20080 - 8051 Coquina Way;** 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).

Mr. Berry reviewed a presentation of the request including survey, photos and other details. No communications in favor or against were received. Staff found the request reasonable and recommended approval with two conditions outlined in the meeting packet.

Applicant Joshua Wilhelm, 8051 Coquina Way, appeared regarding his request and to answer questions; he accepted the staff recommended conditions as presented. The Board discussed.

Member Bomar moved and Member Holehouse seconded to approve the Variance for Case No. 20080 with two conditions. The motion carried unanimously.

5. **Adjournment – Next Meeting 12/16/2020**

Member Bomar moved and Chair Lyman adjourned the meeting at 2:15 PM.

These minutes will be considered for approval at the December 16, 2020 Board of Adjustment meeting.

Notice of Meetings
Board of Adjustment
2021

The Board of Adjustment meets on the last Wednesday of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>	<u>Agenda Packet Deadline</u>
January 27, 2021	2:00 pm	January 15, 2021
February 24, 2021	2:00 pm	February 12, 2021
March 31, 2021	2:00 pm	March 19, 2021
April 28, 2021	2:00 pm	April 16, 2021
May 26, 2021	2:00 pm	May 14, 2021
June 30, 2021	2:00 pm	June 18, 2021
July 28, 2021	2:00 pm	July 16, 2021
August 25, 2021	2:00 pm	August 13, 2021
September 29, 2021	2:00 pm	September 17, 2021
October 27, 2021	2:00 pm	October 15, 2021
November 17, 2021*	2:00 pm	November 6, 2021
December 15, 2021*	2:00 pm	December 3, 2021

Meeting to elect the Chair and Vice Chair will be on April 28, 2020.

The Code of Ordinances pertaining to this board can be found at:
https://www.municode.com/library/fl/st._pete_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH22BOCOCO_ARTIIBOARD

*Rescheduled due to holidays

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

Issue Considered: Case #: 20084 - Variance - Setback

Date: December 16, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: A Practical Difficulty Variance to exceed the maximum permitted front setback of the House - Medium building type to allow for a pool to be located in the front of the home (LDC Sec. 20.15).

Funding: N/A

Requested Motion: If the Board of Adjustment approves the request, Staff recommend the following conditions:

1. The property's frontage between the pool and front sidewalk shall be fully landscaped in accordance with the 'Common Yard' standards for the District; and,
2. The pool shall be enclosed by a fence or wall that meets the Florida Pool Code and is compatible with the design of the structure, but no pool screen enclosure shall be permitted in the front yard; and,
3. The pool, deck and any other associated ancillary features shall not exceed two feet above grade, except adjustments may be made as required to rectify issues with lot slope or Florida Building Code requirements.

Attachments:

1. 20084 1002 Pass-a-Grille Way Staff Report
2. Proposed Site Plan for Legal Ad Case 20084
3. Variance Application
4. Variance Questions



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

**VARIANCE CASE NO. 20084 – Bruce Rosenbaum for Ruth Schiros/Ciega Cottage
Land Trust**

MEETING DATE: December 16, 2020

PREPARED BY: Brandon Berry, Planner II

REQUEST	A <u>Practical Difficulty Variance</u> to exceed the maximum permitted front setback of the House - Medium building type to allow for a pool to be located in the front of the home (LDC Sec. 20.15).
SUBJECT PROPERTY	1002 Pass-a-Grille Way; MOREY BEACH BLK 4, LOT 4; Property ID #19-32-16-58932-004-0040.
ACERAGE	Approximately 0.10 acres (4,300 sq. ft.)
LAND USE	ROR/PAG on the Zoning Map; ROR on the Future Land Use Map.
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Single-family Residence South - Two-family Residence East – Pass-a-Grille Way West – Five-family Residence

BACKGROUND

The zoning lot currently contains a single-family residence and a duplex residence, both of which were originally constructed in 1910 according to the Pinellas County Property Appraiser. The existing structures are contributing to the Pass-a-Grille Historic District but are not locally designated. The applicant has spoken with staff and communicated that extensive water and other interior damage has impacted the ability of the existing structures to be feasibly restored.

The applicant is proposing to construct a new single-family residence on the lot and has applied for this practical difficulty variance as well as:

- a) Certificate of Appropriateness for Demolition (Case No. 20085);
- b) Design Review for New Construction (Case No. 20086);

- c) Administrative Variance to allow for the home to encroach one foot into required side setbacks (Case No. 20083)

The Certificate of Appropriateness and Design Review were approved by the Historic Preservation Board on December 3, 2020.

ANALYSIS

For lots in the Pass-a-Grille Overlay District which do not meet the dimensional requirements to build to the underlying district, as is the case for the subject property, construction is required to be to the appropriate District building type. For the applicant this is a House – Medium, which has a maximum front setback of 15'. The applicant is requesting the home to be set back to 32' at its closest point to allow for a pool to be set at the front of the property.

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 home will be set back a distance of 32' on the southern portion of the frontage, and approximately 38' on the northern part of the frontage, representing a variance of 113% to 153% of the maximum code standard of 15'.

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

Staff do not find that an immediate adverse change will be produced in the character of the neighborhood. The home will be set back further than other structures along the same block-face. However, over time, staff do not find that the structure will feature the same block-face consistency as is sought for structures in Pass-a-Grille through the Overlay standards. Furthermore, staff find the intent of the design standards for the ordinance is to feature the structure's private frontage as the focal point of the front of the structure, which staff find may not be accomplished through the lot layout proposed.

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

The lot could likely accommodate a pool to the rear of the structure, albeit possibly a smaller pool due to the presence of a proposed driveway at the back of the lot. Staff are supportive of access to the structure's ground-floor parking from the rear alleyway so as to prevent curb cuts along Pass-a-Grille Way.

- 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 not in line with the residential home design standards for the Pass-a-Grille Overlay District as adopted, and that new builds provide greater flexibility in locating less critical accessory structures as subservient to the home. However, Staff also recognize that the

lot does somewhat limit a pool placement of the proposed size elsewhere given the proposed home structure. Furthermore, Staff recognize that the lot is located in a district that accommodates both commercial and office uses, which could potentially result in a more eclectic redevelopment pattern for the street-end than other street-ends to the north and south.

SUMMARY:

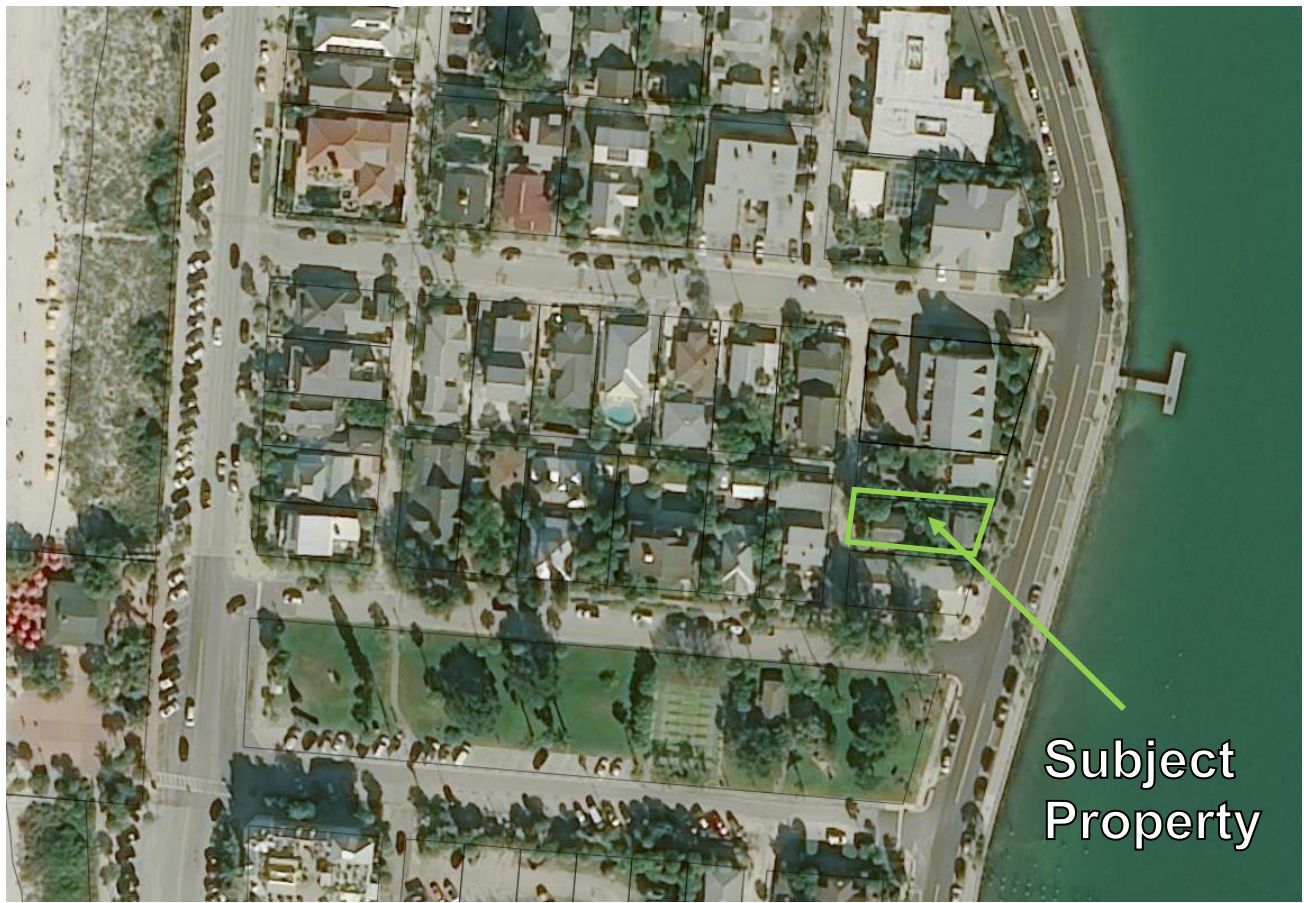
Staff find that the request is not in line with the Pass-a-Grille Overlay District standards as adopted, specifically those standards related to the residential building envelope. However, Staff do not find the proposal outright incompatible, as the lot is located in a zoning district which permits a greater variety of frontages and a larger emphasis on the front “courtyard” that most residential-only portions of the district. Staff recognize that the lot is somewhat more narrow than many interior lots along abutting Avenues, which does somewhat limit the placement of the home and accessory structures.

RECOMMENDATION:

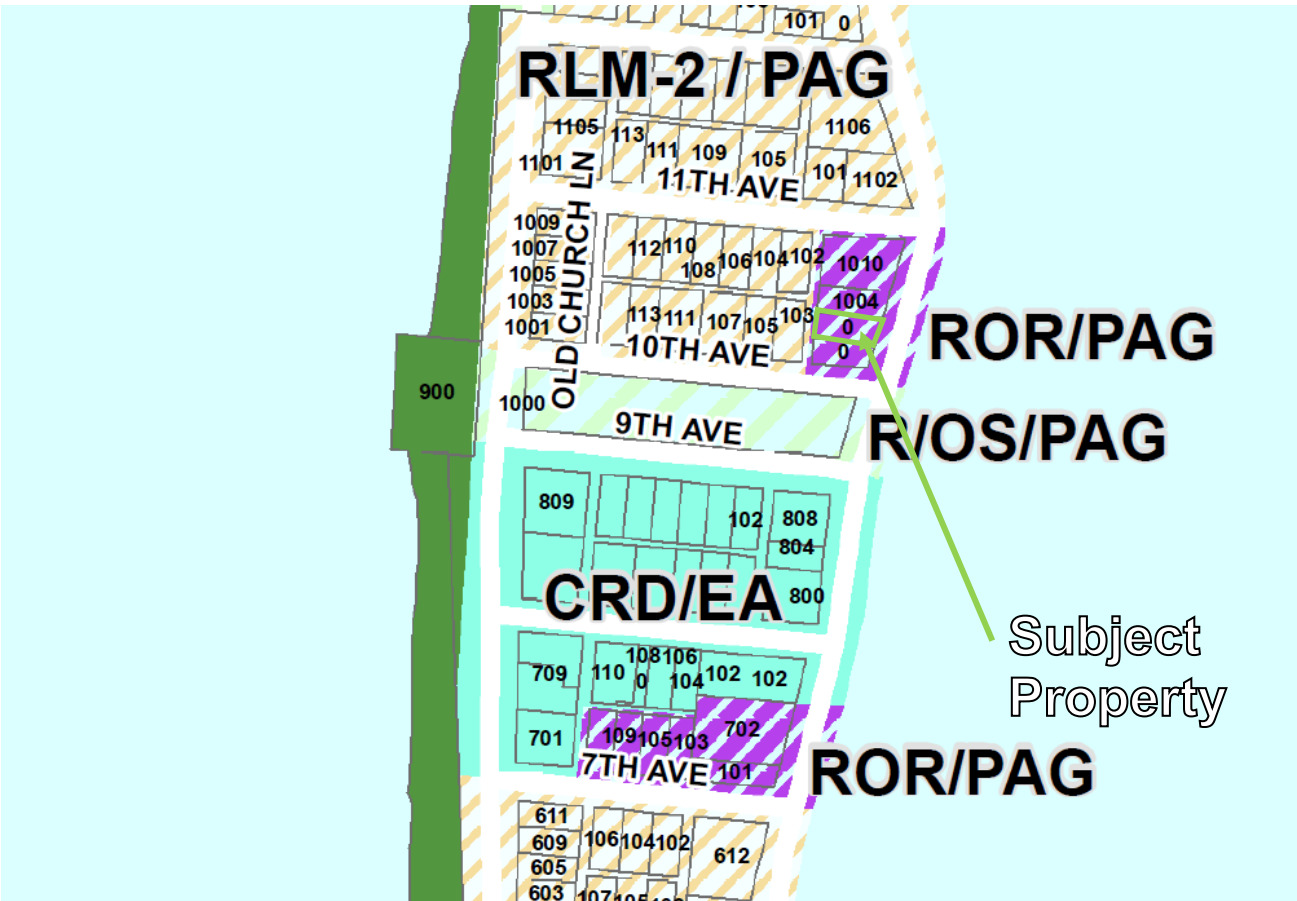
If the Board of Adjustment approves the request, Staff recommend the following conditions:

- 1) The property’s frontage between the pool and front sidewalk shall be fully landscaped in accordance with the ‘Common Yard’ standards for the District; and,
- 2) The pool shall be enclosed by a fence or wall that meets the Florida Pool Code and is compatible with the design of the structure, but no pool screen enclosure shall be permitted in the front yard; and,
- 3) The pool, deck and any other associated ancillary features shall not exceed two feet above grade, except adjustments may be made as required to rectify issues with lot slope or Florida Building Code requirements.

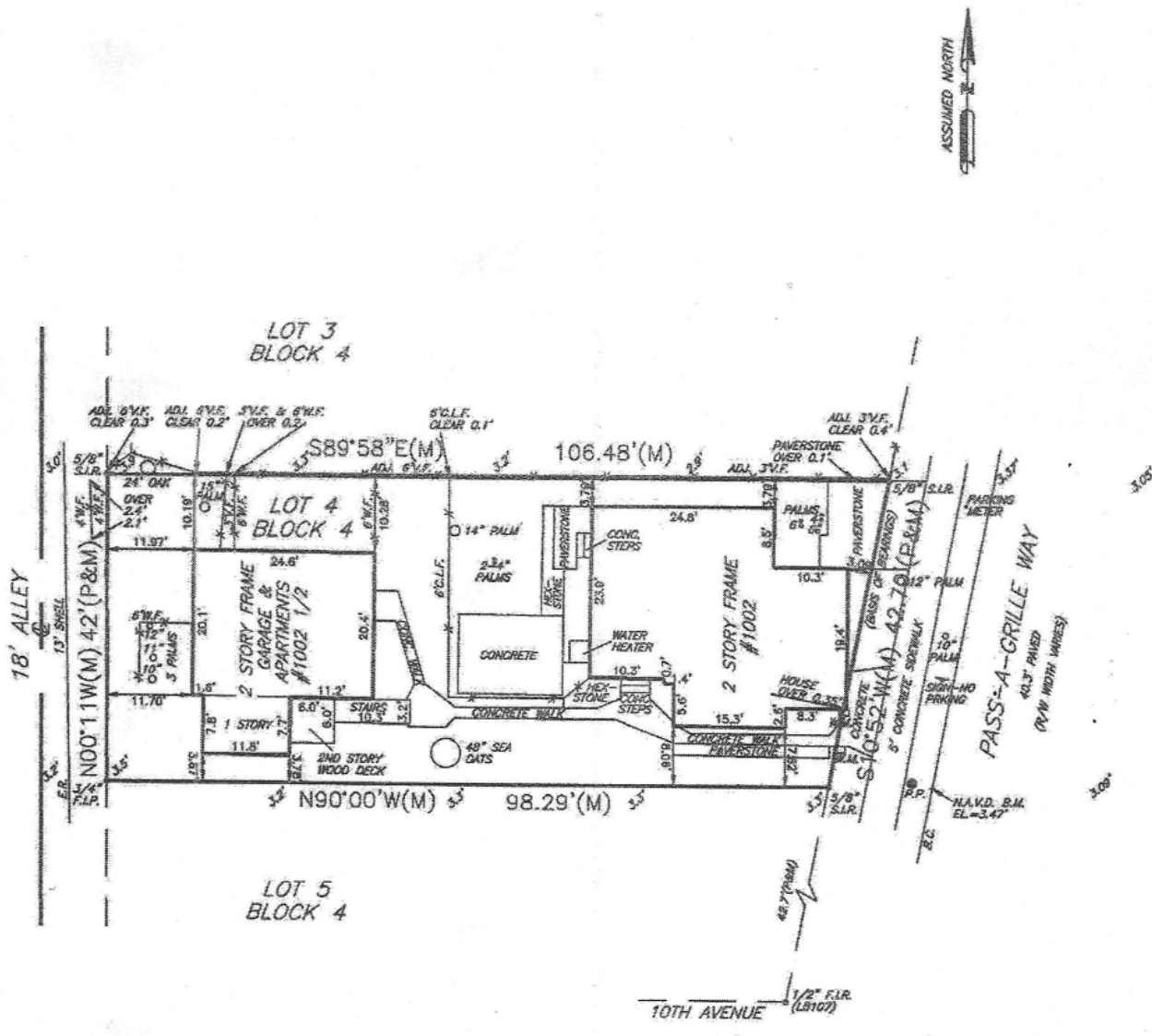
AERIAL MAP



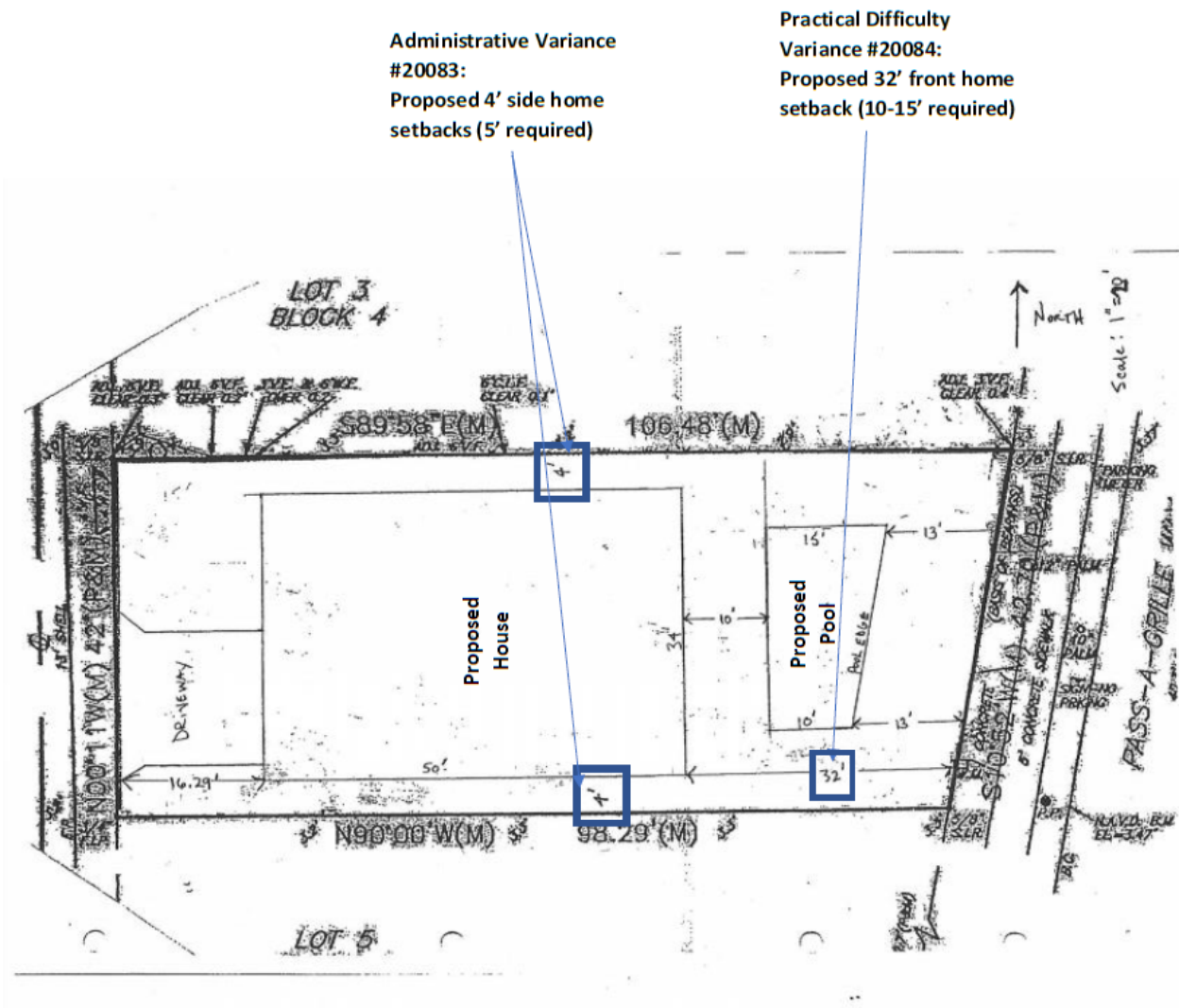
ZONING MAP



SURVEY



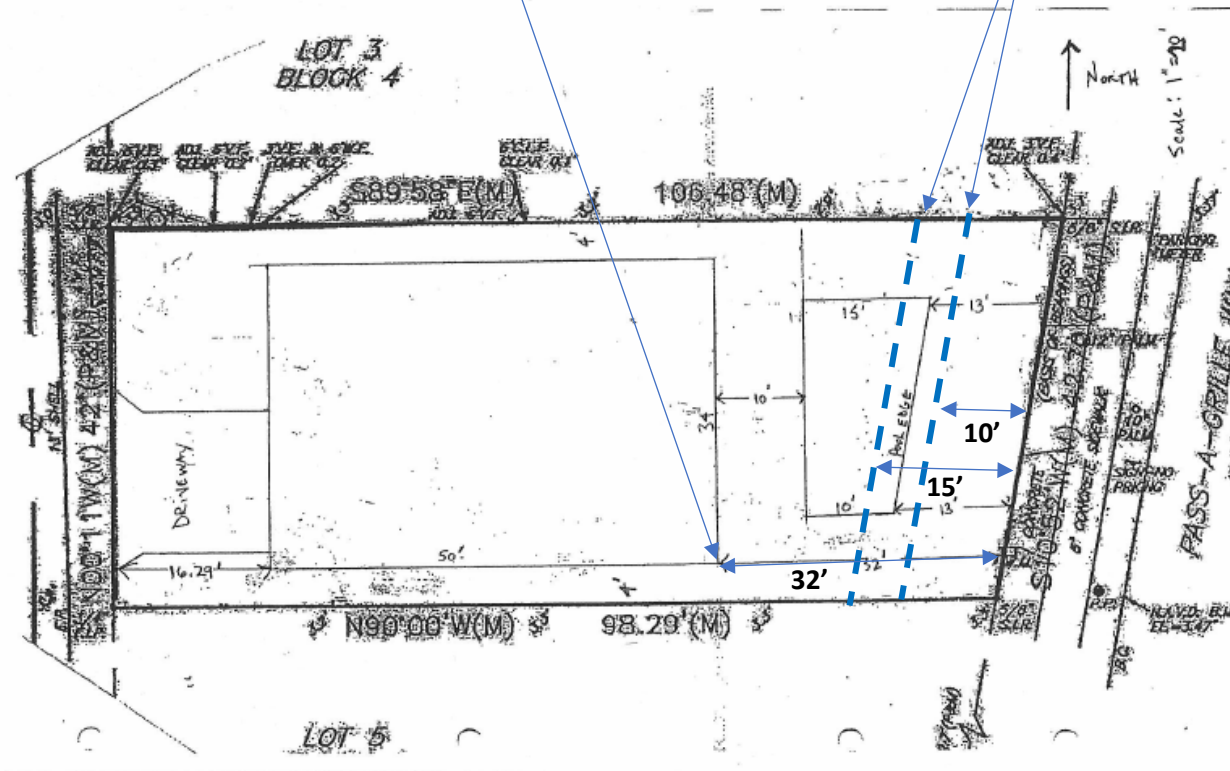
SITE PLAN



PROPOSED SITE PLAN

Required front setback of 10' (minimum) to 15' (maximum).

Proposed front setback of 32' or greater.



CASE #: _____

SUBMITTAL DATE: 7/29/2020

AMOUNT DUE: _____

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 #
Owner	Bickford Parma	3516 Belle Vista Dr. E. St. Pete Beach, FL 33706	615-394-8139
Applicant/ Agent	Dee Dee (E. Albertson) Albertson	1501 Robie Ave. Mt. Dora, FL 32757	407-720-4774
Owner Email Address: <u>bic@shaubconstruction.com</u>		Applicant/Agent Email Address: <u>deedee@orlandoou tdoorliving.com</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>12</u>	Future Land Use Designation <u>Residential Urban</u>	Lot Area <u>66 x 120</u>
Legal Description:	<u>Belle Vista Shores BLK 5, Lot 22</u>	
Parcel ID:	<u>07-32-16-07542-005-0220</u>	
Address:	<u>3516 Belle Vista Dr. East</u>	
Explanation of Request: <u>Seeking an 8'-6" overhang variance for my currently permitted #2001134 aluminum StruXure Pergola system. This 8'-6" overhang is engineered to hurricane codes.</u> <u>This overhang occupies airspace and does not physically encroach onto the</u> <u>15'-0" setback of land/property, it does not have any permanent footers and/or post as support</u> <u>that encroaches on the allowable 15'-0" setback.</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;

see attached

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

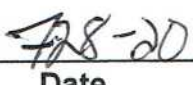
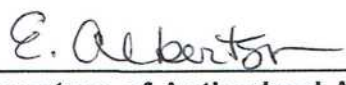
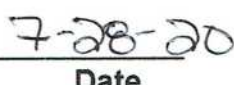
see attached

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

see attached

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

see attached

			
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



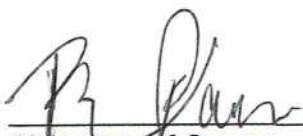
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE Bickford Parma
(print name of property owner)
hereby authorize E. Albertson
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

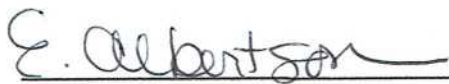

Signature of Owner

Signature of Owner

Bickford Parma
Print Name of Owner

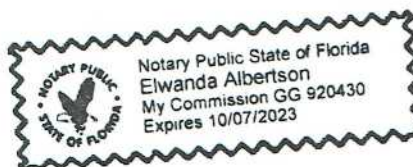
Print Name of Owner

The forgoing instrument was acknowledged before me this 28th day of
July 2020 by Bickford Parma or who is
personally known _____ produced
FDL as identification.


(Notary Signature)

7-28-20
(Date)

My Commission Expires 10/7/23





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Bickford Parma, 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): E. Albertson

Address: 1501 Robie Ave. Mt. Dora, FL 32757

E. Albertson
Signature

8/18/20
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 18th day of August, 2020 by: Elvanda Boggs Albertson who appeared before me, and is personally known to me, or has produced FL Driver's License as identification, and did take an oath.

My commission Expires: 10/28/2023

NOTARY:

Print Name: Laneth Concepcion 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.

Variance Justifications: 8'-6" cantilever addition to currently permitted (200-1134) accessory structure

3516 Belle Vista Dr. East St. Pete Beach, FL 33706

The purpose of this structure is to add to our current deck area and provide an area that would allow us to enjoy our backyard area with shade. This structure is a beautiful maintenance free improvement and enhancement to my property and the community.

Currently Permitted (200-1134) Structure (still under construction)



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

Approval of this variance would allow owner (us) to do what other property owners in the same situation are allowed to do with screen enclosures that obstruct views from floor to 10'-0" height and allowed to be 8'-0" off the back setback.

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

There would be no adverse change with this variance approval in the character of the neighborhood. In fact, it would be an improvement without less obstruction of allowable pool screen enclosures.

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

There is no feasible method to pursue with the current structure other than to extend the 8" beam members which occupy air space. No additional support members required to be placed within the county setback to allow this extension of my accessory structure.

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

Denial of this variance would deprive us of the rights enjoyed by others with approved like variance applications in similar situations. This structure extension will not extend past the current paver codes of perimeter and encroaches only 4" (15'-0" code requirement of post...which post are actually at 15'-8" (see survey); with an allowable 1'-0" overhang). We are asking for an 8'-6" variance to extend.

Proposed Extension:

