



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, January 27, 2021
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. **Minutes for 12-16-2020**
4. Action Items
 - a. **Variance - 20107 - 107 14th Ave**
5. Adjournment - Next Meeting 2/24/2021

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

December 16, 2020 2:00 P.M.

PRESENT: Board Members Michael Bomar, Denise Chase, Jake Holehouse, and Vice Chair Sandie Lyman

EXCUSED: Paul Skipper, Chair

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

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

1. **Changes to the Agenda** – There were no changes to the agenda.

The Deputy Clerk swore in all individuals wishing to speak on agenda item matters.

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

3. **Approval of Minutes** a. 11/18/2020

Member Chase moved and Member Holehouse seconded the approval of the minutes from the November 18, 2020 meeting; the motion carried unanimously.

4. **Action Items** -

- a. **Approval of 2021 Meeting Dates**

Member Chase moved and Member Holehouse seconded the approval of the Board of Adjustment meeting dates for 2021; the motion carried unanimously.

- b. **Case # 20084 – Variance – Setback 1002 Pass-A-Grille Way;** 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).

Mr. Berry gave a detailed presentation on this variance request, which was included in the meeting packet. A Certificate of Appropriateness and Design Review had previously been approved for this project by the Historic Preservation Board and a practical difficulty variance by staff. Staff found that the proposal was not outright incompatible with the Pass-A-Grille Overlay District, and recommended, if the request is approved, three conditions for landscaping, fencing, and the height of ancillary features.

Applicant Bob Schiros, 1002 Pass-A-Grill Way, provided further details on the project, steps that have been taken toward compliance, and shared a handout from the December Historic Preservation Board meeting.

General Contractor Bruce Rosenbaum appeared to answer questions and provide information.

Chris Core, 110 11th Avenue, spoke in favor of the project.

Vice Chair Lyman opened the public session; hearing no comments, the public session was closed, and Board discussion followed.

Member Bomar moved and Member Holehouse seconded the approval of Case # 20084 with the recommendations and conditions that the City has put forth. The motion carried unanimously.

5. Adjournment – Next Meeting 1/27/2021

Member Bomar moved, Member Chase seconded, and Chair Lyman adjourned the meeting at 2:27 PM.

These minutes will be considered for approval at the January 27, 2020 Board of Adjustment meeting.

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

Issue Considered: Variance - 20107 - 107 14th Ave

Date: January 27, 2021

Prepared By: Lynn Rosetti, ACIP, CFM, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Request to construct a pergola and deck expansion that will encroach 2-feet into the west side property line setback to stay even with the existing home (LDC Sec. 20.15).

Funding: N/A

Requested Motion: Staff Recommends Approval.

Attachments:

1. 20107 107 14th Avenue Staff Report
2. 20107 Supporting Docs



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

VARIANCE CASE NO. 20107 – Christina M. Christl

MEETING DATE: January 27, 2021

PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

REQUEST	A Practical Difficulty Variance to allow for a pergola and deck expansion to encroach into the west side yard setback area by two (2) feet. (LDC Sections 6.13(c)(3) and 6.13(c)(5).
SUBJECT PROPERTY	107 14 th Avenue; Parcel ID #18-32-16-95454-005-0830; WEBSTER'S MAP, WARREN BLK C, Lot 83.
ACERAGE	Approximately 0.115 acres (5000 sq. ft.)
LAND USE	RLM-2 / PAG Residential District in the Pass-a-Grille Overlay District on the Zoning Map; RLM Residential Low Medium on the Future Land Use Map
FLOOD ZONE	Zone AE (EL 10 feet)
SURROUNDING AREA	North – Single-family Residence South - Two-unit Residence (2 structures) East – Single-family Residence West – Triplex Residence

BACKGROUND

The zoning lot contains a single-family residence that was constructed in 1942 according to the property's Florida Master Site File #PI12555 (historical structure form). This property is located in the Pass-a-Grille National Register Historic District and zoning overlay and is included in the City's 2015 historic survey update. The subject property is a contributing structure to the historic district but has not been voluntarily designated as a local landmark. (Note: the Pinellas County Property Appraiser records indicate a 1925 construction date, but the historic researchers found the date to be 1942.)

The requested variance involves: (1) the expansion of an existing wooden deck into the west side yard by two (2) feet; (2) the addition of new decking that would encroach into the west side yard by two (2) feet; and, (3) the addition of a pergola to be located in front of the deck extensions (south side) in a manner that encroaches into the west side yard setback area by two (2) feet. The request matches the existing house setback encroachment of two (2) feet on the west side. The required side

yard setback is five (5) feet. The applicant is seeking to have the existing deck expansion and pergola match the existing house setback which is three (3) feet on the west side for a two (2) foot encroachment.

Although the existing residential structure is nonconforming as to the side (and rear) setback area, the existing house pre-dates the City's zoning and land development regulations. As noted, the existing house is located three (3) feet from the west side yard property line, and three (3) feet from the rear property line. The house sits back 51.58 feet from the front property line. The proposed deck addition and pergola are requested to follow the existing three (3) foot setback of the existing house. There is no encroachment into the front yard setback area.

ANALYSIS

The applicant is requesting to install (1) a 2 foot x 2.5 foot addition to the west of the existing deck; (2) a 6 foot by 30 foot deck extension to the south of the existing deck, and (3) a 14 foot by 14 foot pergola to the south of proposed deck addition.

Review of the surrounding area (see aerial photograph) shows that most buildings are not set back as far as the subject house structure, although many properties contain more than one structure per property. Many buildings also appear to encroach into various setbacks in the vicinity of the subject property. This general area is typical of the Pass-a-Grille National Register Historic District wherein many of the existing older properties do not conform to current zoning setback standards.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Deck extension and pergola addition.	5'	3'	40%

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 a variance of 40% of the side setback standard to add a wooden deck extension plus a pergola. The location of the proposed additions reflect the existing house's historic encroachment into the west side yard setback area. Additionally, because this property is located within the oldest neighborhood in the City, many of the existing properties were developed prior to existing zoning regulations and do not meet these standards, including the subject property. The request is in keeping with the existing development's setback characteristics.

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 eclectic character of the neighborhood. Pass-a-Grille is the City's oldest neighborhood which had its beginnings more than 120 years ago. Within the context of the neighborhood, development on properties is not uniform and these properties exhibit a multitude of setbacks. The abutting properties to the east and west are much more densely developed than the subject property (see aerial). No adverse change to the character of the neighborhood is anticipated should the Board grant this particular request for variance to the west side yard setback area to allow the expansion of an existing deck and the addition of a pergola as depicted on the Site Layout provided by the applicant.

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

While the applicant could adhere to the required setbacks, staff find that it would be a less cohesive appearance and would likely look unbalanced from the front view. Appearance-wise, following the historic setback line is the more cohesive option. While later residential developments within the City exhibit great uniformity due to the adherence of established zoning regulations, such zoning regulations were not in existence during much of Pass-a-Grille's historic development. As a result, a major characteristic of Pass-a-Grille's historic development is much more individualistic or eclectic with respect to the placement of buildings and accessory structures. Staff find that this request for variance is logical and will best suit the integrity of this historic property.

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 and that the interest of justice will be served by allowing the variance. The existing residential structure is located three (3) feet from the west side property line and is also three (3) feet from the rear property line. Parking in in the rear off the alley. There is over 51 feet between the residential structure and the front property line. The applicant is seeking to use the area of the lot to the front of the house for outdoor living space as this is the only area available for such use. Staff find that a two (2) foot encroachment on the west side property line will be in keeping with the existing residential structure's established setback.

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 that the request is reasonable and should have minimal if any impact on the surrounding neighborhood.

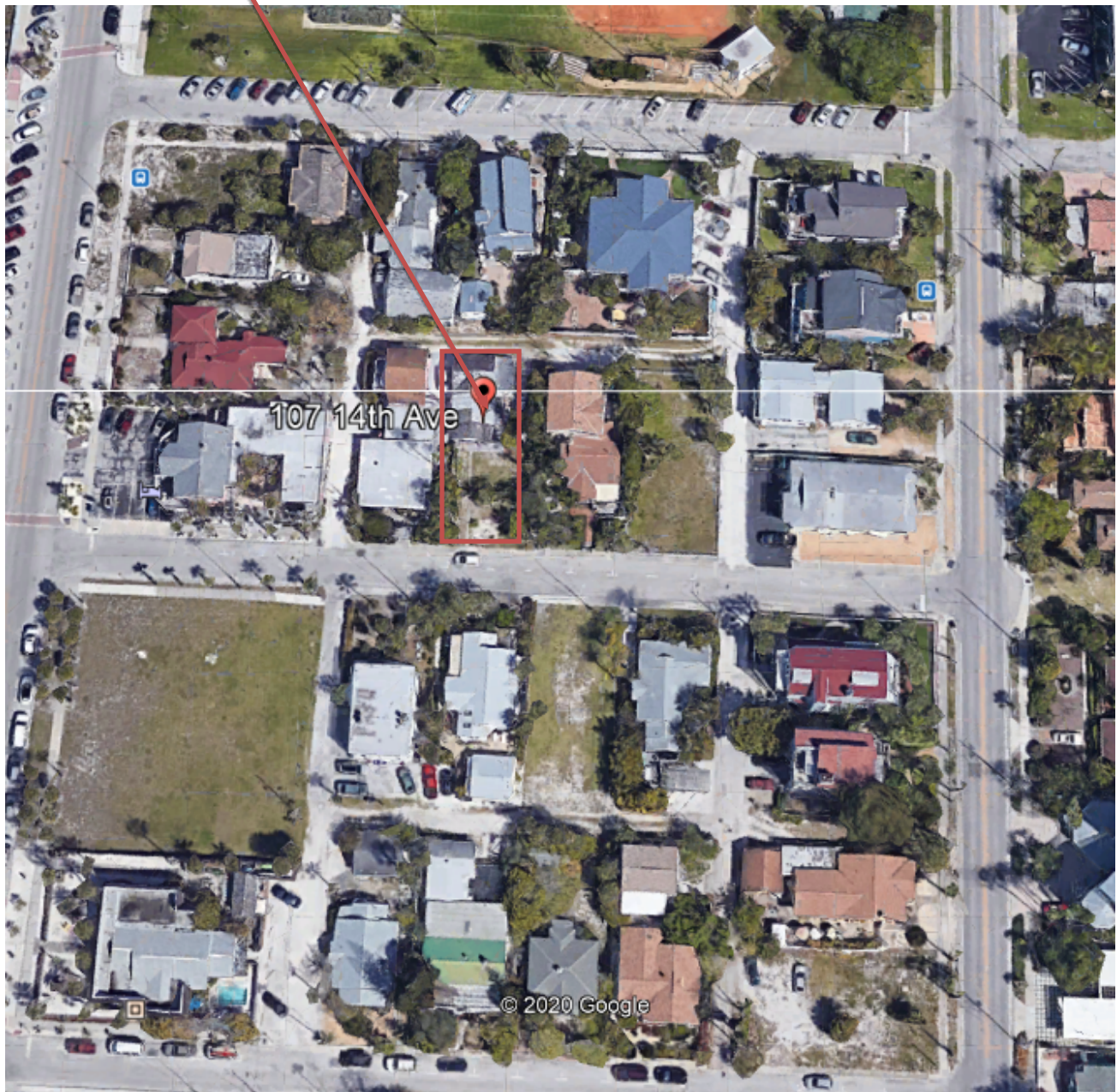
Staff also find that the request for the issuance of a practical difficulty variance meets the criteria laid out in the Land Development Code.

RECOMMENDATION:

Staff recommend approval as presented.

AERIAL MAP

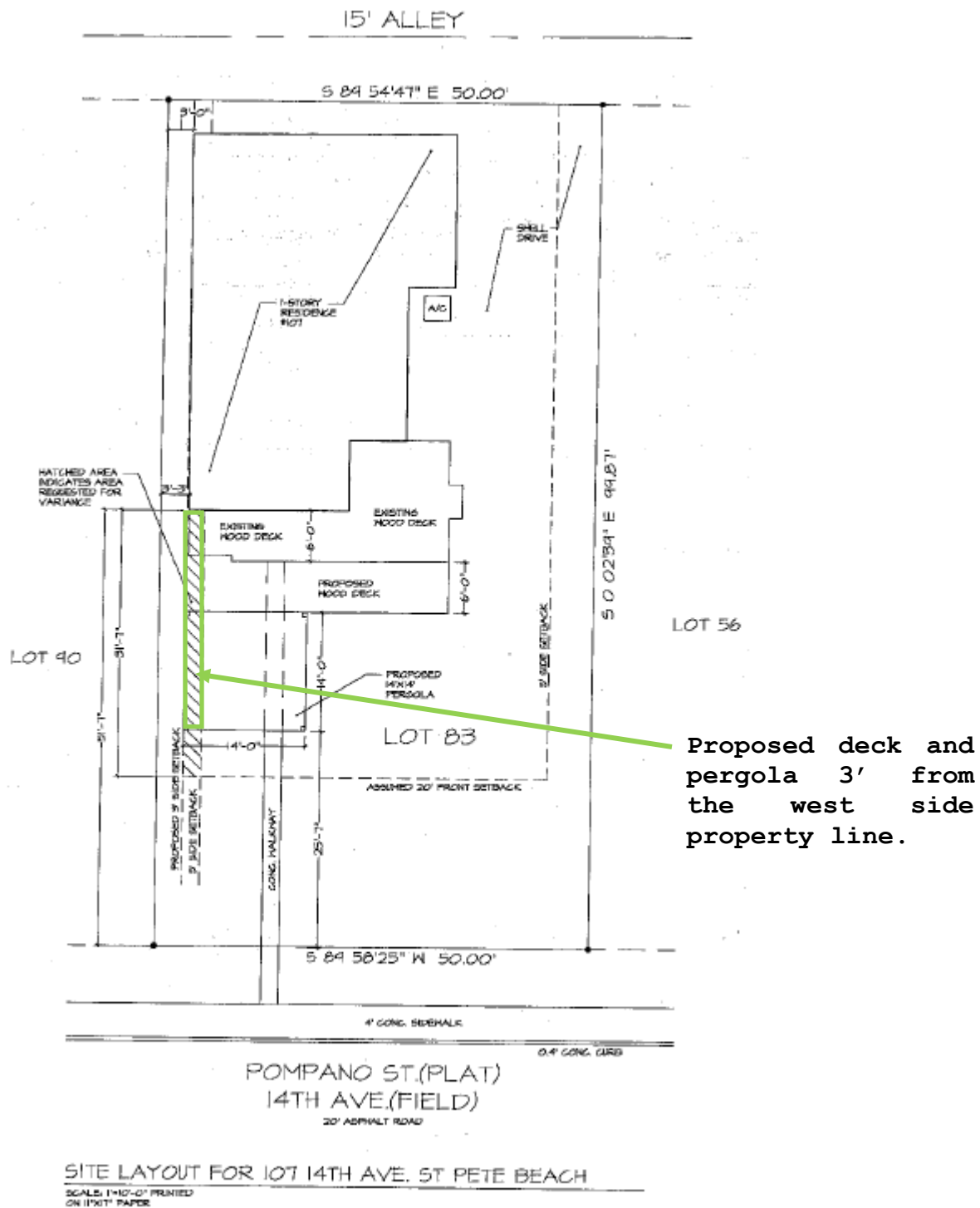
Subject
Property



ZONING MAP



SURVEY & SITE PLAN



CASE #: 20107

SUBMITTAL DATE: 12/09/2020 AMOUNT DUE: \$529.40 PAYMENT DATE: 12/9/2020

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	Christina M Christl	107 14th Ave, St Pete Beach, FL 33706	310-866-6906
Applicant/ Agent	Same		
Owner Email Address: cmchristL@me.com		Applicant/Agent Email Address: Same	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Residential	Future Land Use Designation	Lot Area 5000 Sq Ft
Legal Description:	Webster's Map, Warren Blk C, Lot 83	
Parcel ID:	183216954540050830	
Address:	107 14th Ave St Pete Beach, FL 33706	
Explanation of Request: Requesting a 2' variance on the side set back from 5' to 3' to match the existing set back of 3' of the house and existing deck in order to extend the existing deck and add a covered pergola. The house was built in 1925 and is non conforming to the current set-back requirement of 5' on the side, there is only a 3' set back between my house and the neighboring commercial property.		

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;

REQUESTING A SIDE VARIANCE of 2 feet. EXISTING SIDE SET BACK OF HOUSE AND EXISTING DECK TO SIDE PROPERTY LINE IS ONLY 3 feet, not 5 feet NOT A SUBSTANTIAL VARIANCE TO THE PROPERTY OR SURROUNDING PROPERTIES.

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

NO ADVERSE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD. WITHOUT THE VARIANCE THE CHARACTER WOULD BE DIMINISHED BECAUSE AESTHETICALLY + PRACTICALLY THE PERGOLA WOULD NOT BLEND AS WELL. WITHOUT THE VARIANCE, THE PERGOLA WOULD NOT BE BUILT DIMINISHING THE FUNCTIONAL + AESTHETICS OF THE OUTDOOR LIFESTYLE OF THE NEIGHBORHOOD.

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

NO. I CAN NOT MOVE MY HOUSE TO MATCH THE 5' SIDE SET BACK Requirement. THE 5' SIDE SET BACK WOULD POSITION THE PERGOLA IN THE MIDDLE OF THE HOUSE ENTRYWAY / FRONT DOOR AND FRONT YARD RENDERING IT IMPRACTICAL AND NOT FULLY USEABLE. I CAN NOT MOVE THE POSITION OF THE FRONT DOOR AND I HAVE NO BACKYARD. THE FRONT YARD IS OUR ONLY OUTDOOR SPACE.

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

YES JUSTICE WILL BE SERVED BY ALLOWING THE 2' VARIANCE. I WILL BE ABLE TO FUNCTIONALLY USE MY OUTDOOR LIVING SPACE. NO OTHER PROPERTIES WILL BE IMPACTED. THE AESTHETIC AND FUNCTIONAL VALUE OF THE PROPERTY WILL BE INCREASED.

Liam Clark 12-9-2020
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.

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

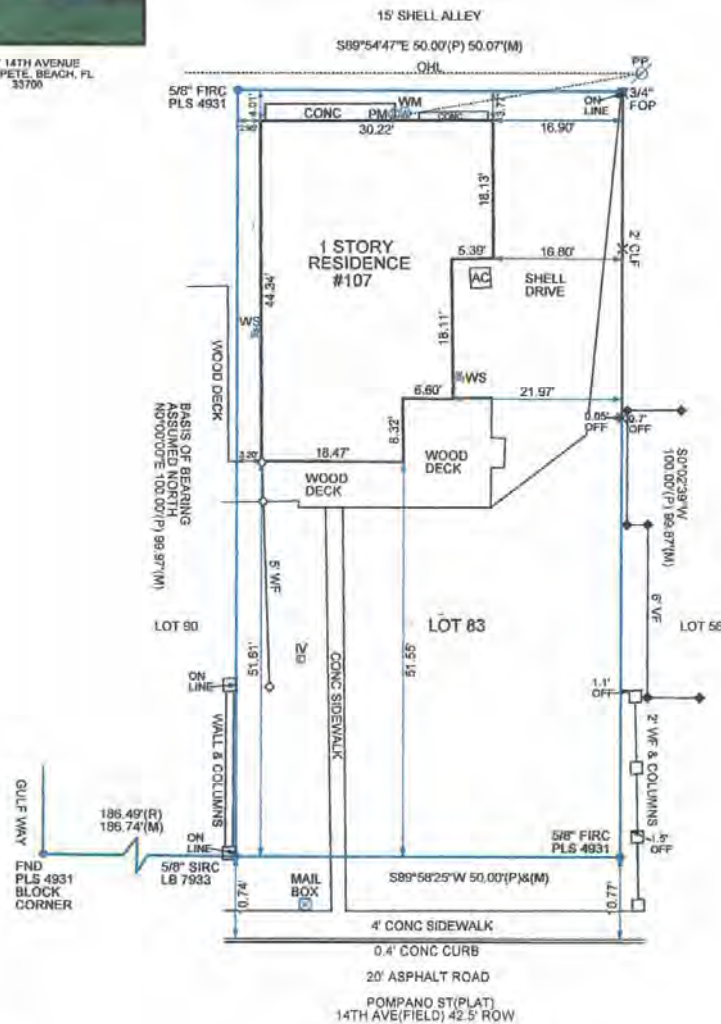
W M. C. C.
Signature of Applicant

12-9-2020
Date



107 14TH AVENUE
ST. PETE BEACH, FL
33700

MAP OF BOUNDARY SURVEY



CERTIFIED TO:
CHRISTINA M. CHRISTL
FIRST AMERICAN TITLE INSURANCE COMPANY
ELLISON & LAZENBY, PLLC
MICHIGAN MUTUAL, INC., 603 MINUTUAL MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS
TCF NATIONAL BANK, ITS SUCCESSORS AND/OR ASSIGNS

LEGAL DESCRIPTION:
LOT 83, BLOCK C, WARREN WEBSTER'S MAP, ACCORDING TO
THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK &
PAGE(S) 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY
FLOOD INSURANCE RATE MAP NUMBER 12103C02780,
COMMUNITY NUMBER 128146, EFFECTIVE DATE 8/24/2003,
THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN
ZONE AE, BASE FLOOD ELEVATION 10.0'

NOTE:
IN COMPLIANCE WITH F.A.C. 5J-17.052 (2), (3), (4)
IF LOCATION OF EASEMENTS OR RIGHT OF WAY OF
RECORD, OTHER THAN THOSE ON RECORD PLAT, IS
REQUIRED, THIS INFORMATION MUST BE FURNISHED
TO THE SURVEYOR AND MAPPER.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR
REPORTS BY OTHER THAN SIGNING PARTY OR PARTIES
IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE
SIGNING PARTY OR PARTIES.

ABBREVIATIONS:
(P) - PLAT MEASUREMENT
(R) - RECORD MEASUREMENT
(M) - FIELD MEASUREMENT
(C) - CALCULATED MEASUREMENT
PM - PERMANENT REFERENCE
MONUMENT
FCM - FOUND CONCRETE
MONUMENT
FIRC - FOUND IRON ROD
WITH CAP
SIRC - SET IRON ROD
WITH CAP
FIR - FOUND IRON ROD
FIP - FOUND IRON PIPE
FOP - FOUND OPEN PIPE
FPP - FOUND PINCHED PIPE
FN - FOUND NAIL
FND - FOUND NAIL & DISK
FSD - SET NAIL & DISK
FRD - FOUND RIVET & DISK
NTT - NAIL & TIN TAB
ROW - RIGHT OF WAY
BM - BENCHMARK
CONC - CONCRETE
PP - POWER POLE
PM - POWER METER
OHL - OVERHEAD LINE
WM - WATER METER
WS - WATER GRIDOT
IV - IRRIGATION VALVE
CLF - CHAINLINK FENCE
VF - VINYL FENCE
WF - WOOD FENCE

IN COMPLETE ACCORDANCE WITH FLORIDA STATUTE
472.025 AND PURSUANT TO THE ELECTRONIC SIGNATURE
ACT OF 1996 OR FLORIDA STATUTE TITLE XXXIX,
CHAPTER 686, IF THIS DOCUMENT WAS RECEIVED
ELECTRONICALLY VIA PDF, THEN IT HAS BEEN
LAWFULLY ELECTRONICALLY SIGNED, THEREFORE, THIS
SURVEY PDF, IF AUTHENTIC, IS COMPLETELY OFFICIAL
AND INSURABLE.



silverkingssurveyors@gmail.com
(727) 518-4758

I HEREBY CERTIFY THAT THE SURVEY REPRESENTED PERSON MEETS THE STANDARDS OF PRACTICE
SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17,
FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

7/25/2019

DATE OF SURVEY

TOM HUMMEL
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NUMBER LS 6595
STATE OF FLORIDA

SILVER KING SURVEYORS, INC.

PROFESSIONAL SURVEYORS & MAPPERS LB 7933

4831 8TH ST. N. ST. PETERSBURG, FL 33703

DATE: 7/25/2019

SCALE: 1" = 20'

DRAWN BY: TH

