



**Board of Adjustment
155 Corey Avenue
11/30/2011**

2:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting

1. Acceptance of Minutes:

- 10/26/2011

2. Public Hearings:

a. Old Business

Case # 2011-0030

Application of Morgan Scaritt for property located at 7081 Gulf Boulevard, requesting a variance from Section 15.7 of the Land Development Code to reduce the required front yard setback from 25 feet to 11 feet, and to reduce the required side yard setback from 10 % of the lot width (10.5 feet) to 0 feet to accommodate outdoor seating.

b. New Business:

Case # 2011-0034

Application of Beachmart LLC for the property located at 5297 Gulf Boulevard. Applicant requests a variance from Section 26.30 for more than the permitted number of signs as well as exceeding the maximum height of a sign.

Case # 2011-37

Application of Daniel Walsh for the property located at 3940 Belle Vista Drive. Applicant requests a variance from Section 8.7 of the Land Development Code to reduce the required side-yard setback to 4 '7" in order to build a staircase and landing to enter the garage.

Case # 2011-0038

Application of Jack Satterfield for the property located at 1350 Boca Ciega Isle Drive. Applicant requests a variance from section 6.13 (c)(5) of the Land Development Code for variance to reduce the required side yard setback from 10' to 5' for the construction of a gazebo.

3. Next Meeting: December 14, 2011

4. Adjourn

APPEAL

If a person decides to appeal any decision made at this meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

AMERICAN DISABILITIES ACT

In Accordance with the American's with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than (4) days prior to the meeting for assistance.

The public is cordially invited to attend. All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT

October 26, 2011

2:00 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Park Lampson, Member
Stephan M. Phalor, J.D., Member
David Littell, Member

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk

ABSENT:

Doug Lampe, Member (Excused)

1. Consideration of Minutes:

a. September 28, 2011

Member Littell made a motion to approve the minutes as written. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

2. Action Items

(1) Case #2011-0025, Applicant of Kevin Hunton, agent for Walgreens, Inc., for property located at 337 75th Avenue. Application requests variance from Section 26.4 to allow the placement of a banner advertising flue shots from September to April each year.

Senior Planner Hartley explained that the request was to place a banner advertising flu shots on the outside wall of the building. She advised that the applicant could display the banner inside the window and not need a variance.

Chairman Skipper called for audience comments. There were no comments.

Member Lampson made a motion to approve the request. The motion was seconded by Member Littell and approved by a 3-1 roll call vote, with Member Phalor voting no.

(2) Case #2011-0029, Application of Alan Ronay, Agent for Evodia LLC, for property located at 6498 Gulf Boulevard. Applicant requests variance to Section 26.30(a) to reduce the required front yard setback to two feet for a freestanding sign.

Ms. Hartley explained the application stating the proposed location for the sign was inside the visibility triangle which was prohibited. She advised that the applicant could have a sign on their building or use a sandwich sign neither of which would require a variance.

The agent for the applicant Mr. Ronay, explained that they needed signage because the sign on the building is not visible to passersby.

The Board held considerable discussion regarding the sign not being allowed in the visibility triangle and other options for placement of a sign.

Chairman Skipper called for audience comments. There were no comments.

Member Littell made a motion to deny the request. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

3. New Business

(1) Case # 2011-0030, Application of Morgan Scaritt for property located at 7081 Gulf Boulevard. Applicant requests a variance from Section 15.7 of the Land Development Code to reduce the required front yard setback from 25 feet to 11 feet, and to reduce the required side yard setback from 10% of the lot width (10.5 feet) to 0 feet to accommodate outdoor seating.

Ms. Hartley explained the application was for a covered structure for the outdoor seating area which was already in place. She advised that she received two letters of opposition to the request.

Mr. Scaritt explained that he needs a covering over the seating area to protect patrons from the weather.

Chairman Skipper called for audience comments.

Ms. Beverly Hall, 507 70th Avenue, spoke in opposition to the variance. She testified that the police department has had several complaints regarding the outdoor music being played and testified that the business was cited for a violation of the noise ordinance. She presented a petition signed by 20 residents opposing the request due to the loud music.

Mr. Steve Griffin, 400 70th Avenue, spoke in opposition to the variance due to the loud outdoor music and noise from the patrons.

Mr. Mike (inaudible), 546 70th Avenue spoke in opposition to the variance due to the loud music being played outdoors.

Chairman Skipper closed the audience comments.

Chairman Skipper pointed out that the Board was not here today to discuss the noise issue only the variance request.

Mr. Scaritt stated that he has tried to control the outdoor music and has terminated two managers because of the police calls. He stated the thatched roof over the area would reduce the noise to some extent. He stated that he is trying to be a good neighbor and has eliminated the 3-4 piece bands outside to just one person playing. He stated that there are no drums being played outside. He advised that he could use some weather panels on the sides of the roof to try to eliminate the noise.

Jim Parent, 503 55th Avenue suggested that the Board take into consideration the neighbors concerns when making a decision regarding the variance.

After considerable discussion this case was continued until the November meeting, in order for the applicant to meet with the neighbors and try to resolve the noise issues.

The applicant agreed to the continuation.

4. Discussion Items

There was no discussion.

5. Adjournment

Being no further business to come before the Board, the meeting was adjourned at 3:15 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman



VARIANCE APPLICATION

CASE NO. 20110030

Applicant: Morgan Scarritt

Owner: Morgan Scarritt

Property: 7081 Gulf Boulevard

Lot area: 0.32 Acres

Request: Applicant requests Variance to Section 15.7 to reduce the required front yard setback of 25' to 11' and reduced the side yard setback from 10% of the lot width (10.5 feet) to 0' to accommodate outdoor seating.

GENERAL INFORMATION:

FLUP map category: CC-1

Current zoning: CG-1

Current use: Commercial

Proposed use: Commercial

Surrounding properties:

Location:

	Zoning:	Land use:
North:	CG-1	Commercial
South:	CG-1	Commercial
East:	RM	Residential
West:	CG-1	Commercial



Application Summary:

The applicant desires to construct a permanent, roofed structure to cover an established outdoor seating area.

APPLICABLE STATUTES:

Sec. 15.7. Minimum yard requirements.

The minimum yard requirements for principal structures in the CG-1 Commercial District are as follows:

(a) *Transient accommodations uses.*

- (1) *Front yard:* 25 feet.
- (2) *Secondary front yard:* 15 feet--applicable to property lines defining the zoning lot only.
- (3) *Side yard:* Ten percent of the lot width--applicable to property lines defining the zoning lot only.
- (4) *Rear yard:* 25 feet.
- (5) A minimum of 30 percent of the total required yard areas shall be maintained as green space.

(b) *All other uses.* The yard requirements stated below shall be considered the minimum standards; however, the requirements may be modified by the city under the site plan review process to fit the specific use.

- (1) *Front yard:* 25 feet.
- (2) *Secondary front yard:* 25 feet.
- (3) *Side yard:* Ten percent of the lot width.
- (4) *Rear yard:* 25 feet.

Sec. 3.12. Variances.

(a) *Authority and approval criteria.*

(1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

(a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and

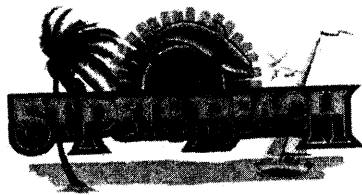
(b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and

(c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and

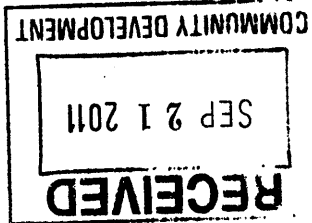


Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706

- (d) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
- (c) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.
- (2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.
- (3) 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.
- (b) *Limitations on variance authority of appointed boards.* Any request for variance to the city's coastal control line shall be made directly to the city commission. No board of authority shall grant a variance from any requirement imposed by the city commission as a condition of rezoning, conditional use approval or any other action of the commission resulting in the granting of specific development rights.



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9265
www.stpetebeach.org



VARIANCE APPLICATION

Case Number: 2011-0030

PROPERTY:

Legal Description: Parcel 36-31-15-05094-026-0030

Parcel ID or address is one has been assigned: 7081 Gulf Blvd

Current Zoning: CG1 FLUM Designation: _____ Lot Area: 3 BLK 26

Existing Use: patio Dining Proposed Use: Covered patio Dining

APPLICANT/AGENT:

Name: E. MORGAN SCARRITT

Address: 7081 GULF BLVD

City: ST. PETERSBURG BEACH State: FLA

Zip: 33706 Phone: 727-623-9995

PROPERTY OWNER:

Name: E. MORGAN SCARRITT

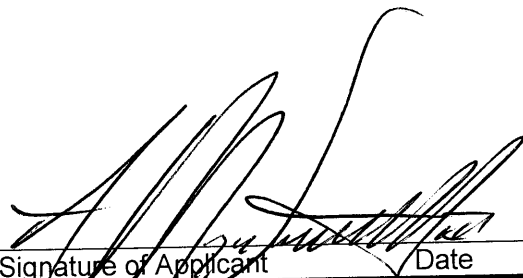
Address: 708 COLUMBUS DRIVE

City: Tierra Verde State: FLA

Zip: 33715 Phone: 727-410-5620

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary)

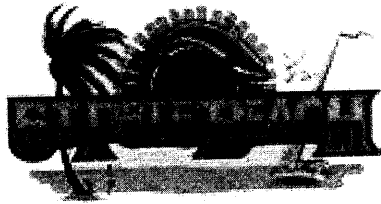
Refer to Land survey -
according to my findings we would need a front set
Back of 11 Feet and a side set Back at 0 feet

 9-10-11
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



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.

[Initials]

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.

[Initials]

On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

[Initials]

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.

[Initials]

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.

[Initials]

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.

[Signature]
Signature of Applicant

9-10-11
Date

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 documents, 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. If any materials are missing or any part of this application is left blank, staff may refuse the application until such time as it is completed by the applicant.

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

4. The proposed variance will not have the effect of changing 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.
6. The variance shall 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.
8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Signature of Applicant	Date	Signature of Authorized Agent	Date
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For office use only:

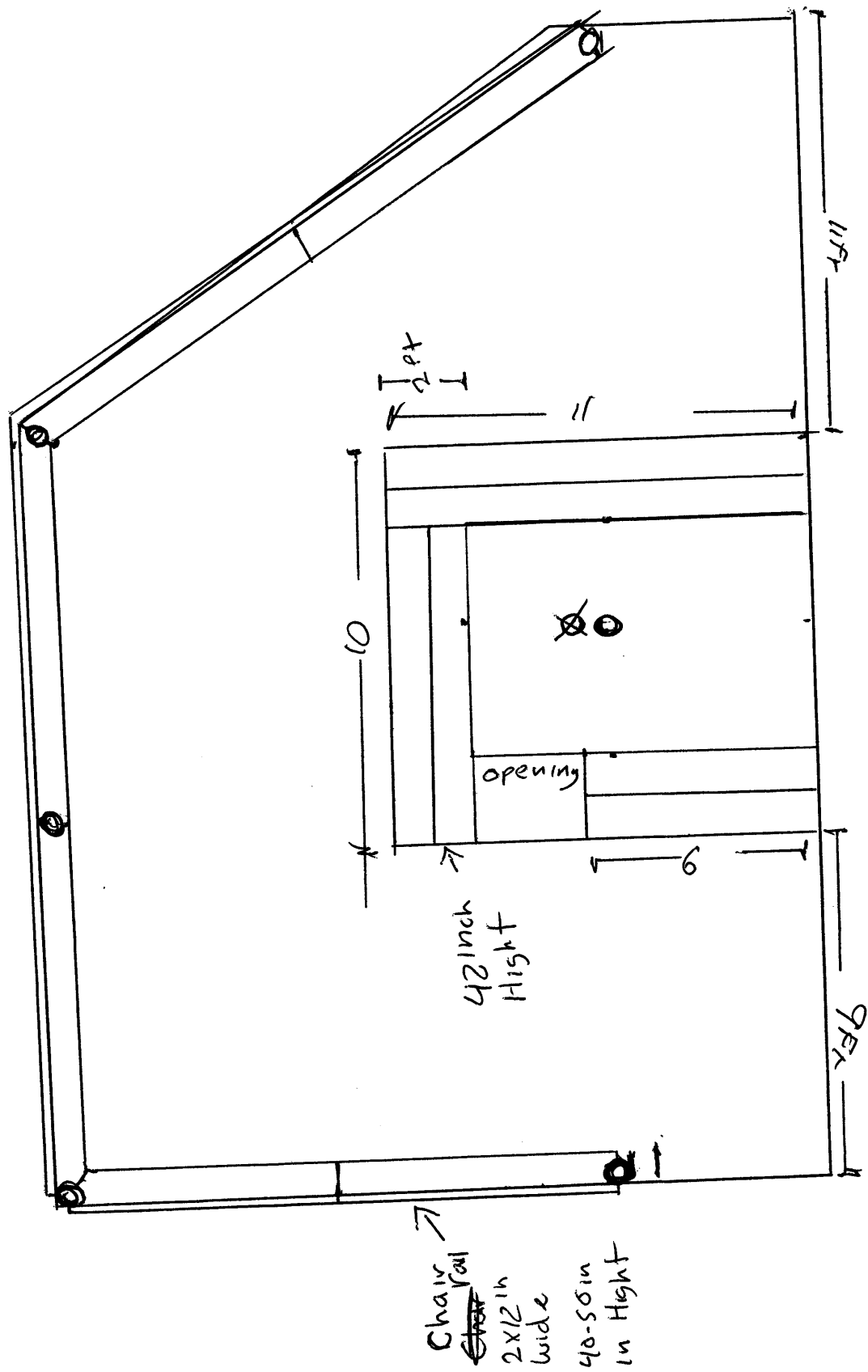
Hearing Date: _____ Fees: _____

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

Questionnaire Answer sheet

- 1. Gulf Blvd has been widened several times since the construction of the building. This in effect has decreased amount of space needed in order to allow covering for approved patio dinning area.**
- 2. Without use of this land (granting of variance) we would not be able to provide our customers with a comfortable outside dinning experience. This would result in a serious loss of business revenue in extreme weather months.**
- 3. Since we where not involved in the construction of the existing building we are unable to build within the current set backs and still provide our customers with protection from the elements.**
- 4. True.**
- 5. True.**
- 6. True**
- 7. True. Covering for the dinning area will not only provide protection from the elements during extreme weather months, but will also provide substantial sound insulation/absorption for surrounding neighborhood.**
- 8. True. This is the minimum amount required to cover/protect/insulate approved outside dinning area.**

27 ft of Bar too 5450 ft



522-051

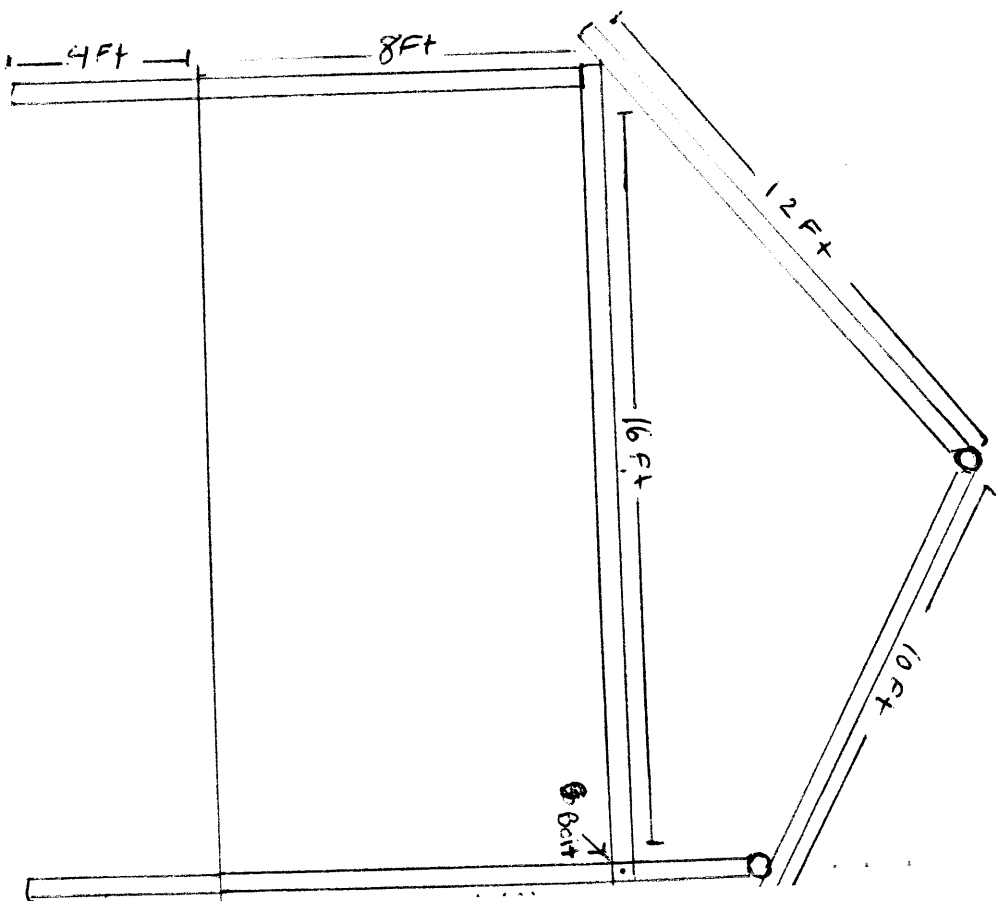
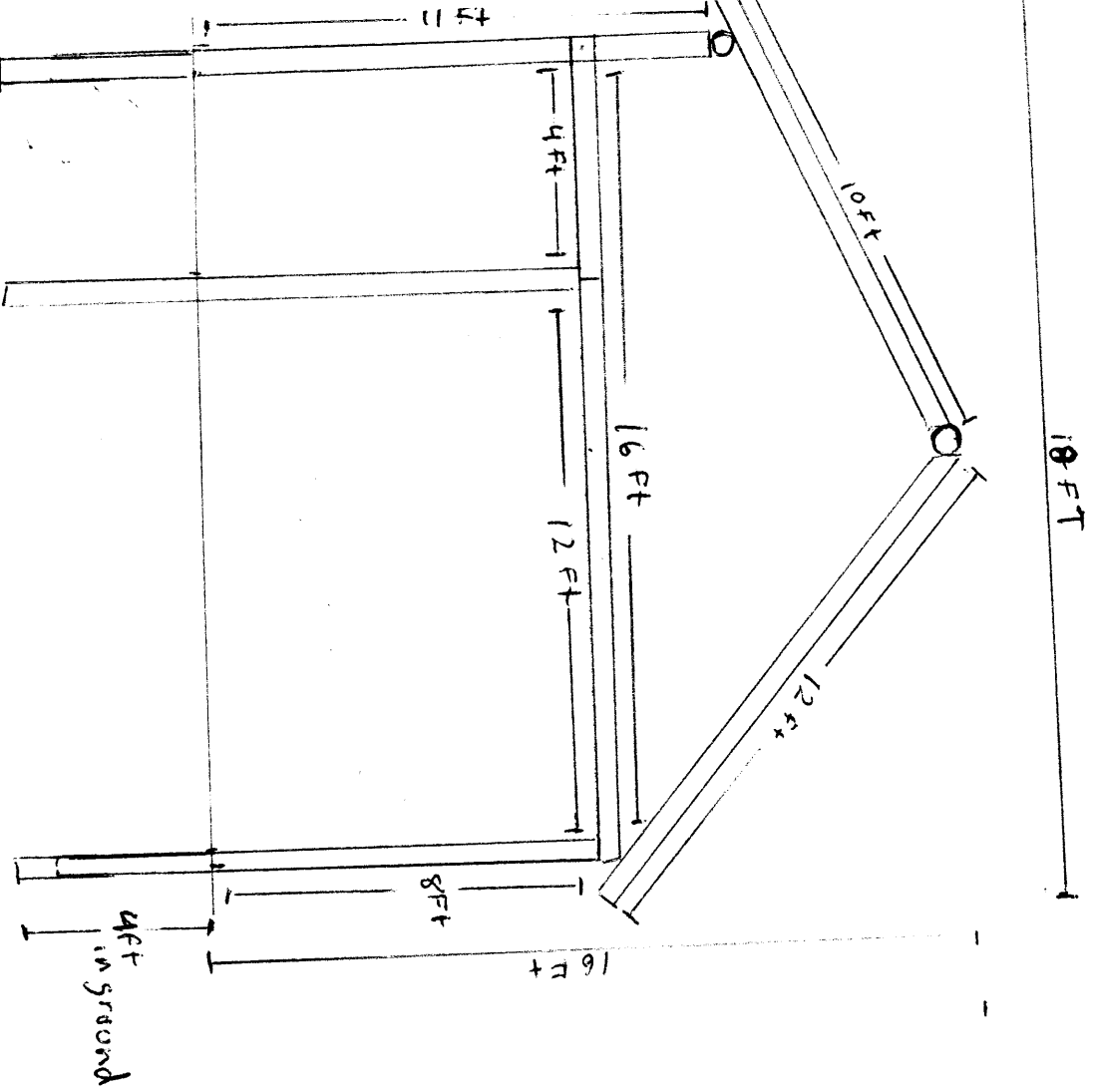
~~Scale~~ Scale 3/4 inch = 1 foot

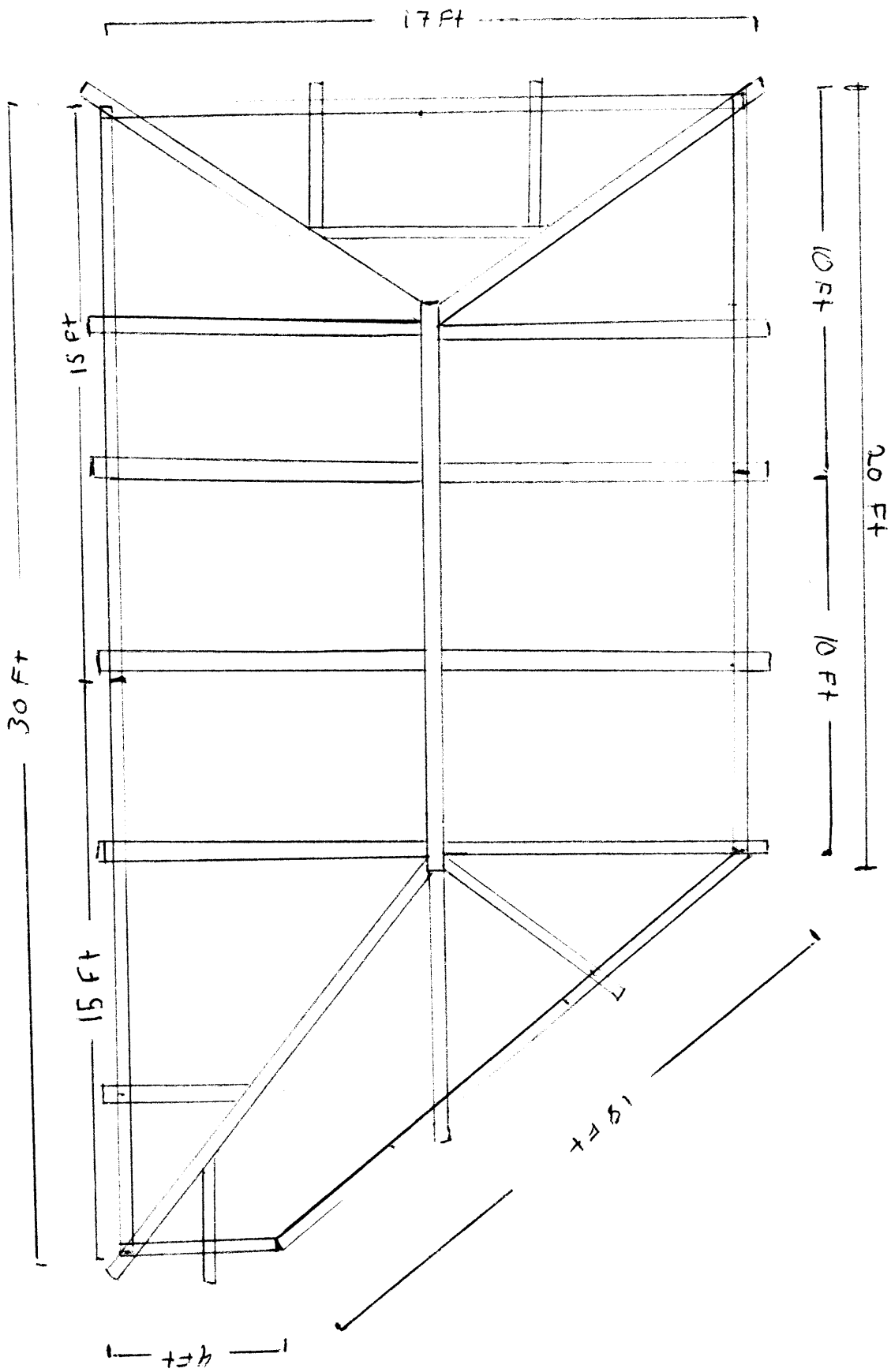
Frames: Six inch Round Pressure treated Lumber

Hardware: 12 & 10 inch Galvanized spikes in Header Beams & Hip Beams

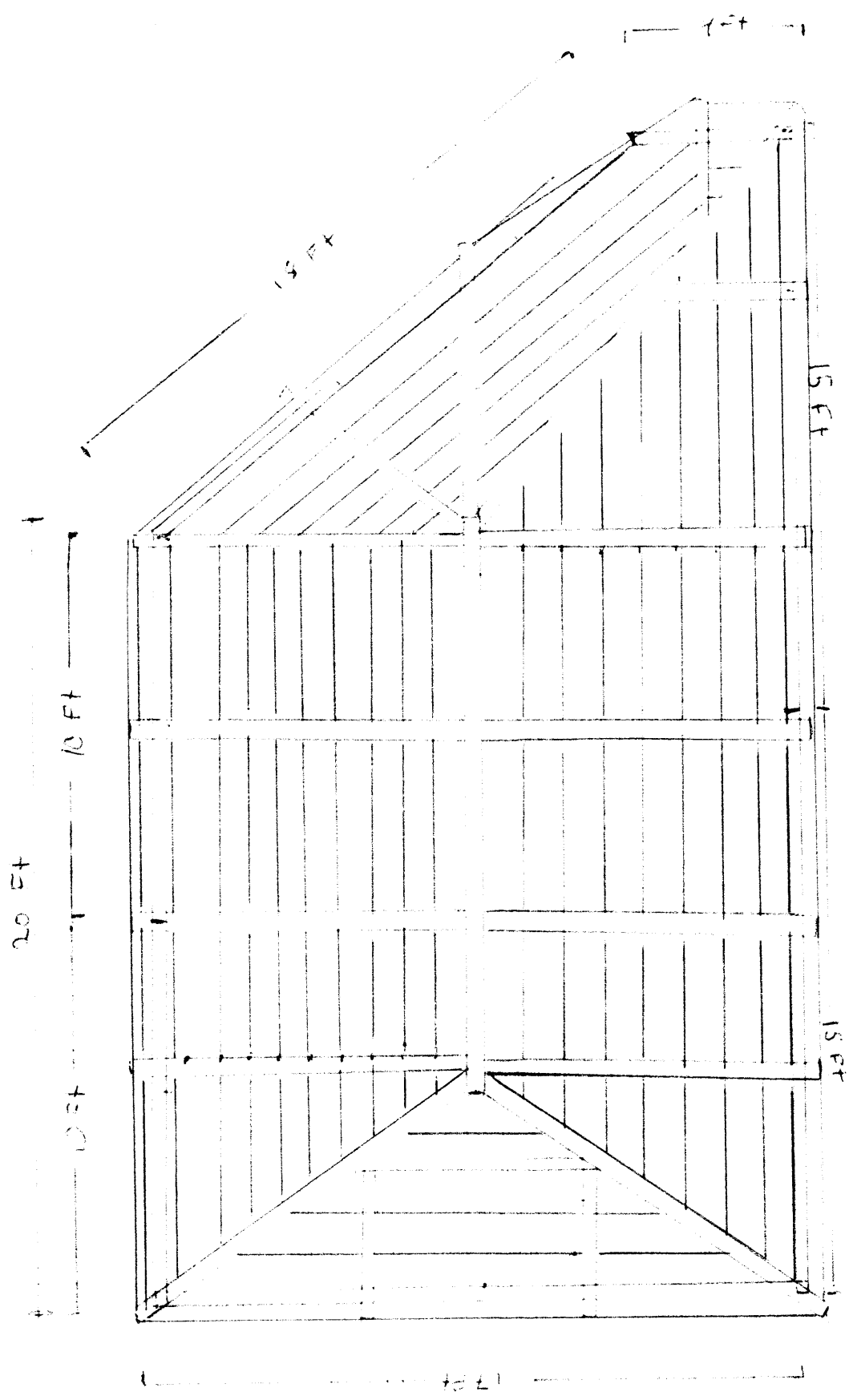
Opening Spikes attach Hip and Divider Beams to Ridge pole

1st Bolt

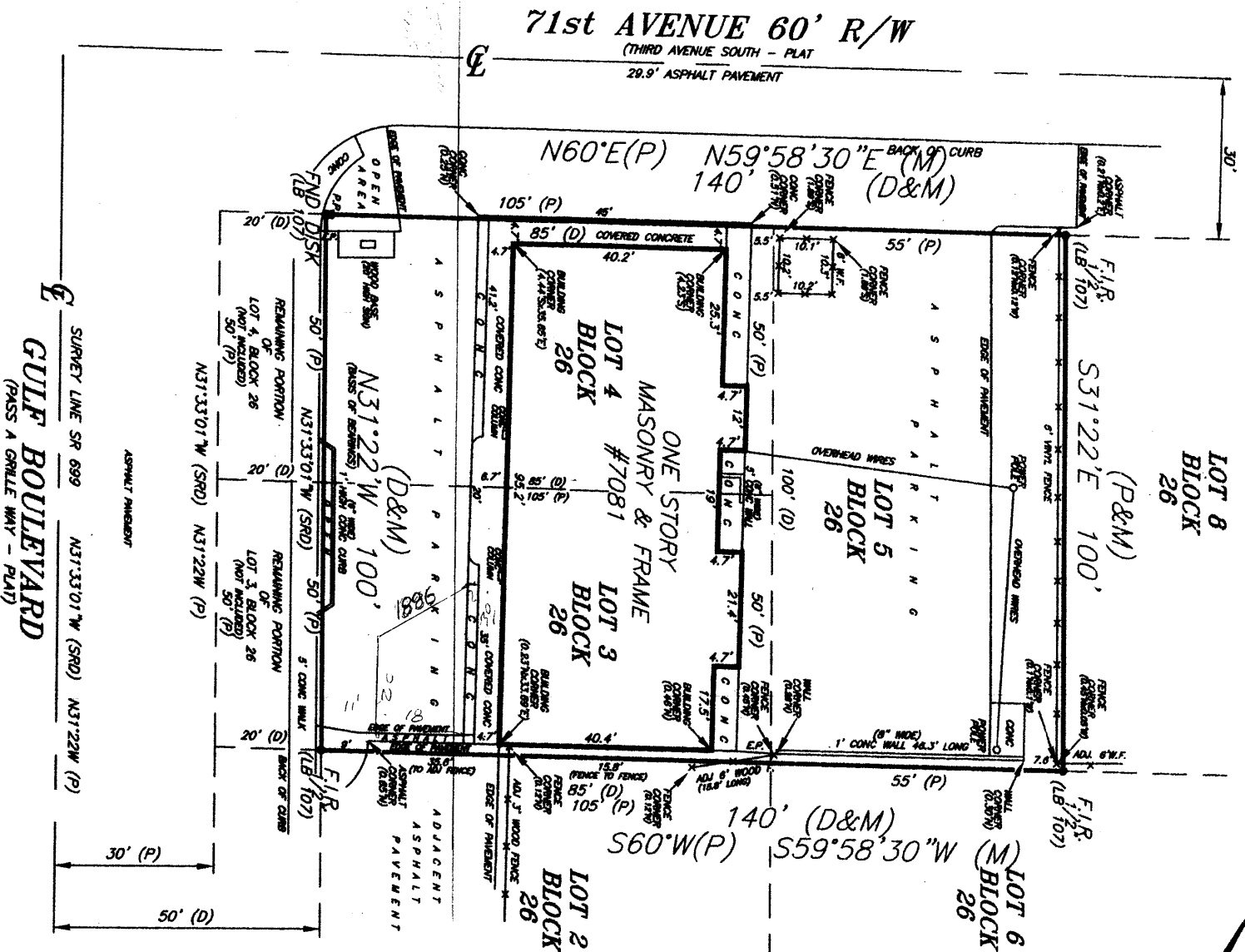




Perkins (2-3 in thick 6 1/2 foot long) round pressure treated lumber
Perkins Attached with two 12 penny galvanized nails at each contact point.
Thatch (Sable or palm leaves) Attached with 6 penny ring shank galvanized nails



30 ft



A Land Survey of Lots 3, 4 and 5, Block 26, BAYSIDE ADDITION TO ST. PETE BEACH, according to the plat thereof, as recorded in Plat Book 23, Page 15, of the Public Records of Pinellas County, Florida, LESS AND EXCEPT that portion taken for road right-of-way as shown in that certain instrument recorded in O.R. Book 1792, Page 359, Public Records of Pinellas County, Florida.

JOB NUMBER: 60122
TELEPHONE: (727) 360-0636
DATE OF FIELD SURVEY: 1/31/06
SCALE: 1 INCH = 30 FEET
DRAWN BY: DLP

DAVID C. HARVER
PROFESSIONAL LAND SURVEYOR
9925 GULF BOULEVARD
TREASURE ISLAND, FL 33706

FLOOD ZONE: "AE"
FLOOD MAP DATE: 9/03/03
COMMUNITY NUMBER: 125149
PANEL NUMBER: 0276 G
CHECKED BY: DCH

FRANCIS MORGAN SCARRITT, III
ATTORNEYS' TITLE INSURANCE FUND, INC.
HERITAGE TITLE INSURANCE CORPORATION

I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.

NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.

DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650

L=ARC LENGTH AD=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C-CHLC C.L.F.=CHAINLINK FENCE
 CONC.=CONCRETE M.H.=MANHOLE G./D.=COVERED CONC. CL.=CENTERLINE E.P.=EDGE OF PAVEMENT
 ELEVATION FF=FINISHED FLOOR F.I.R.=ROUND IRON PIPE S.I.R.=SET ROW WITH CAP #2650
 F.I.R.=ROUND IRON ROD R.C.M.=ROUND CONCRETE MONUMENT M=MEASURED U.S.=METAL SHED
 D-DIGGED RECORD W.W.=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE.=EASEMENT
 B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

October 15, 2011

St. Pete Beach City Hall
Community Development Department
Board of Adjustment
155 Cory Avenue
St. Pete Beach, FL 33706

TO: Board of Adjustment
Re: Case No.: 2011-0030

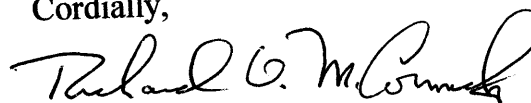
As a resident on 70th Avenue, approximately 300 feet from Morgan's Bar and Grill, I want to go on record as being opposed to owner Morgan Scaritt's request for a variance to construct a roof over his outside patio area.

By allowing such a variance it will only enhance the volume of the music which often is over the top with its loud, pulsating, window-rattling decibels. Our only respite now occurs on rainy days when the establishment is forced to take their Raymond James Stadium speakers inside. Repeated contacts with the bar's management to moderate the music have met with little or no success.

On many occasions I have personally had to don noise-suppressing ear muffs at night to drown out the house-shaking, throbbing bass and verbal comments of the performers between their blaring cacophony. I can only imagine what this roof addition will do to enhance the blaring music coming out of this small outside area. It is totally inappropriate and disrespectful to the residents in the vicinity of this establishment. —

It is for these reasons that I am requesting that the Board of Adjustment reject this application for variance.

Cordially,



Richard O. McCormick
505 70th Avenue
St. Pete Beach, FL 33706
mccormickro@cs.com

Catherine Hartley

From: Beverly Hall [bhall3050@hotmail.com]
Sent: Wednesday, November 23, 2011 4:45 AM
To: Catherine Hartley
Subject: Variance-Morgan Scarritt

Gentlemen-Since our last meeting, nothing has changed. After the meeting, we talked with Morgan for over an hour regarding our concerns and it fell on deaf ears. My I please go on record, I am pro-business, I welcome change and I feel our beach shows a friendly, fun atmosphere. When I moved from 20yrs. in Belle Vista as my husband was very ill and I needed to down-size, I signed up for road noise, motorcycles, sirens, fireworks, I did not sign up for a Beach Party Headquarters permeating noise into my home and yard.

Legally, we could hire someone to sit in-front of your homes and Morgan's and let you hear 65 decimals for 4 hours, 4 nights a week. We have asked Morgan to do his own "secret shopping" with his music. Park at the Waffle House and walk up and down 70th and 71st and see if he would like to have this noise in his neighborhood. Again, deaf ears.

The police have been called and when the band saw the sgt. walk up with the sonometer, they "shut it off" which was noted in the report. I, personally, walked over two Sundays ago as the music was fine until 6:50pm and then WOW, it tripled. I found a waitress and her boyfriend sitting there. The MOD was unfriendly and the music was so loud, we had to yell and move the end of the railings.

With this being said, I am asking respectfully for you "not" to grant this variance. Please give us time to meet with Mr. Bonfield and Chief Romine to see what we can do to get this under control. I have included an article from August regarding another bar in Largo with the same problems. Also, an email from Chief Romine on Sec. 39.5. I do not know why this has not been applied to our problem.

May I, also, say we have children in our neighborhood who have to be at the bus at 6:30 am. We are a working neighborhood. I leave at 6:30, my neighborhood leaves at 6am, her husband leaves at 6 to take their daughter to the bus. At the end of the day, whether we rent or own, the one thing we have is the solitude of our homes which since June, Mr. Scarritt has taken away from us.

Respectfully

Beverly Hall
so7 70th Ave

Catherine Hartley

From: barryb4000@aol.com
Sent: Monday, October 24, 2011 7:10 PM
To: Catherine Hartley
Subject: CASE # : 2011-0030/MORGAN SCARITT

Hello, I live at 410 71st ave. 2 houses directly behind the restaurant. I've lived here for nearly 20 years. I remember when the establishment was Caldwell's, The Paradise Pig, then Caldwell's again, the Sailfish, Los Mexicanos, then Picante's, which now changed names to MORGAN'S.

I strongly oppose this application for variance. Not ONE of the restaurants above has invaded my home like this one has. The newly placed sign on the far left window of the restaurant says it all- "BEACH PARTY HEADQUARTERS". Given an inch, Mr. Morgan will most definitely take the mile. It's a slap of utter disregard for the homeowners living in the immediate vicinity.

The street in front of my house is already a parking lot for events that are going on. I can only imagine what the "BEACH PARTY HEADQUARTERS" will bring to my doorstep. The peaceful residents of the community don't need another Caddy's in their frontyard.

My bedroom is only 50 walking steps from the left side of the bar(facing 71st). My neighbor's master bedroom window is only 30 walking steps from the left side of the bar.

Please, this location is simply not appropriate for the requested variance and would greatly decrease the quality of life for those living in the immediate area.

Sincerely,

Barry Brown

To: Mr. J. Parent, Commissioner
District 2

From: Jana W. Paerberg

Subject: Outstanding Noise Pollution from
Morgans Restaurant

Date October 20, 2011

CC: Police Chief St. Pete Beach

Mr. Parent the noise pollution coming from Morgans Bar and Grill has continued since their grand opening. My husband and I live in the middle of 70th Avenue and are disturbed when attempting to sit on the patio, open windows, watch television, as well as sleeping. Even with closed thermopane windows you can hear the music in the bedroom. Attempts have been made to communicate with the owner - which obviously have gone unchanged - does he really want to be neighborhood friendly?!

Mr. Scaritt is now requesting a variance to increase his outdoor use and build a roof for some!! I question if he even has the necessary parking spaces to accommodate his customers without spilling into the residential areas?!
This noise pollution does not attract customers, but definitely impacts people driving down Gulf Blvd, tourists residing in the small motels and condominiums, as well as taxpayers from your district.

This intrusion into a peaceful community is unwarranted and one you would not want close to your home. We don't want this noise either!! As our Commissioner we would appreciate action on this neighborhood concern.

Please respond to our letter and let us know your results on this issue and the neighborhood watch.

8-7-2011

Neighbors ask Largo to rein in new bar's noise

Its owner says Mako's on the Rocks is being improved. Residents want soundproofing.

BY KATIE PARK
Times Staff Writer

LARGO — Ben Gustafson didn't have a problem with living close to a bar — until it changed hands. Now, he said, his nights are disrupted not only by loud music, but also by vibrations that enter his home.

Gustafson, 57, of Largo appeared before the City Commission Tuesday to complain about noise coming from Mako's on the Rocks, a bar that opened in June at 14450 Walsingham Road. He brought along a petition with 68 signatures from Largo residents and visitors complaining about the bar.

"Mako's has been very disruptive to a lot of people," he told the commission.

Gustafson lives in Caribbean Cove, a neighborhood about 200 feet from the bar. His family hears a "loud, vibrating woofer sound" from 9 p.m. to 3 a.m., he said.

"It's not only that you can hear it, you can feel the vibration," Gustafson said. "It's a noise pollution nuisance to the whole community."

City Manager Mac Craig said the city has been addressing the complaints, but it's hampered by a lack of functional equipment. The city's two decibel readers must be calibrated and a police officer must be trained to use them before the city can quantify the noise coming from the bar, he said.

Police should be able to use the decibel readers after Aug. 16, he said.

"We will get it under control," Craig said.

Craig had previously received "sporadic" complaints about Mako's from people living in unincorporated Pinellas County. Nevertheless, Craig said the

noise complaints are Largo's business.

"I don't care who gets to hear the noise and where they live, the bar is ours and we need to take care of it," Craig said. "The bar is making the noise, and the bar is in Largo."

For now, police officers will check on the area surrounding Mako's and meet with the bar's management, Craig said. Businesses that cause noise complaints often cooperate with the city, he said.

While circulating the petition, Gustafson said, he heard from other residents that the bar had removed its insulation and installed outdoor speakers. Mako's owner, Robert Florio, said that isn't true.

"There's been more insulation put in here," he said. "We've done everything to improve the place."

Florio said he turned down the bar's music and repositioned its speakers after hearing complaints from residents.

"We're trying to do everything we can without losing business," Florio said. "I don't know what else we can do."

The building Mako's is in once housed a bar called Sassy's, which Gustafson said he and his wife used to visit. They never had a problem with noise outside the building, he said.

"It was loud in the building, but once you shut the door in the nightclub, it would stop," he said.

Gustafson stressed that he has no problem with the bar itself, just the way its noise travels.

"I don't object to loud music. I grew up in the rock 'n' roll era, and I really enjoy it," Gustafson said. "What we're asking is simply to soundproof the building."

Katie Park can be reached at (727) 445-4154 or kpark@sptimes.com.

OFFICIAL PETITION

Upham Beach Neighborhood
St. Pete Beach, FL

WE THE UNDESIGNED RESIDENTS, GUESTS, AND VISITORS OF THE
UPHAM BEACH COMMUNITY OF ST. PETE BEACH WISH TO LODGE
THIS COMPLAINT OF THE OUTSIDE, LIVE, LOUD, AND VIBRATING
MUSIC EMANATING FROM THE **PICANTE RESTAURANT AND BAR**
LOCATED AT 7081 GULF BLVD. MORGANS

NAME

ADDRESS

1. Candace Paplawski

429 70th Ave

2. Josh Croft

429 70th Ave.

3. Lou SHIMITS

370 70TH AVE.

4. Gary Lee

412 71ST AVE

5. Barry Brown
morgans

410 71ST AVE

6. Candace Techler Griffin

400 70th Ave

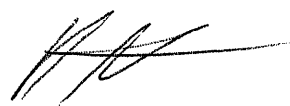
7. Jack M Joylar

415 70th AVE

OFFICIAL PETITION

Upham Beach Neighborhood
St. Pete Beach, FL

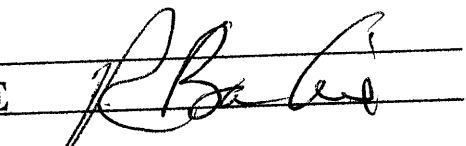
WE THE UNDESIGNED RESIDENTS, GUESTS, AND VISITORS OF THE
UPHAM BEACH COMMUNITY OF ST. PETE BEACH WISH TO LODGE
THIS COMPLAINT OF THE OUTSIDE, LIVE, LOUD, AND VIBRATING
MUSIC EMANATING FROM THE PICANTE RESTAURANT AND BAR
LOCATED AT 7081 GULF BLVD.

<u>NAME</u>	<u>ADDRESS</u>
1. Richard M. Cornish	505 70 th Ave
2. 	504 70 th
3. James Osberg	556 70 th Ave.
4. Marianne Osberg	556 70 th Ave.
5. Beverly Hall	507 - 70 th Ave
6. 	506 7 th + Ave
7. Alan + Barbara Bell	OWNERS OF SERENOPITY APTS. + 638 70 th AVE.

OFFICIAL PETITION

Upham Beach Neighborhood
St. Pete Beach, FL

WE THE UNDESIGNED RESIDENTS, GUESTS, AND VISITORS OF THE
UPHAM BEACH COMMUNITY OF ST. PETE BEACH WISH TO LODGE
THIS COMPLAINT OF THE OUTSIDE, LIVE, LOUD, AND VIBRATING
MUSIC EMANATING FROM THE **PICANTE RESTAURANT AND BAR**
LOCATED AT 7081 GULF BLVD.

<u>NAME</u>	<u>ADDRESS</u>
1.  Mike Lockett	504 1/2 70th Ave - 546 70th Ave
" "	540 70th Ave.
2.  Steve Criff	400 70th AVE
3.	
4.	
5.	
6.	
7.	

OFFICIAL PETITION

Upham Beach Neighborhood
St. Pete Beach, FL

WE THE UNDESIGNED RESIDENTS, GUESTS, AND VISITORS OF THE UPHAM BEACH COMMUNITY OF ST. PETE BEACH WISH TO LODGE THIS COMPLAINT OF THE OUTSIDE, LIVE, LOUD, AND VIBRATING MUSIC EMANATING FROM THE PICANTE RESTAURANT AND BAR LOCATED AT 7081 GULF BLVD.

REPEATED CONTACTS WITH PICANTE MANAGEMENT, POLICE DEPARTMENT, AND CITY OFFICIALS HAVE MET WITH LITTLE OR NO SUCCESS. WE ARE ASKING FOR HELP WITH THIS SITUATION.

NAME**ADDRESS**

1. Janet @ Pearlberg 556 70th Ave St. Pete Beach FL
33706

* I had called the police when they
made so much noise after 10:45.

I heard it loudly playing through the windows
and doors the window closed. I didn't press
charges at the time but the police told them to turn it down. They have not been
a good residence to the neighborhood! - where is their consideration!!

* they way down the block

2. William Pearlberg 556 70th Ave St. Pete Beach,
Flor.
33706

3.

4.

5.



**CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

October 10, 2011

BOARD OF ADJUSTMENT

NOTICE OF PUBLIC HEARING, OCTOBER 26, 2011

Case No.: 2011-0030
Address: 7081 GULF BLVD
Parcel ID No.: 363115050940260030
Owner: Morgan Scaritt
Agent: Same
Zoning: CG-1
Request: **Application for variance from Section 15.7 to reduce the required front yard setback of 25' to 11' and reduced the side yard setback from 10% of the lot width (10.5 feet) to 0' to accommodate outdoor seating.**

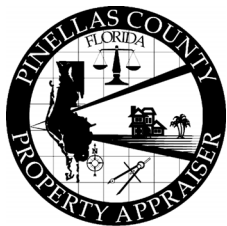
You are hereby notified that a variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 300 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. It is the intent of Board of Adjustment to hear this request at 2:00 p.m. on Wednesday, October 26, 2011. Interested persons are urged to examine the application prior to the scheduled hearing date.

Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the Board of Adjustment for consideration. **The Community Development Department may be contacted by telephone at 727-363-9266 or by email at c.hartley@stpetebeach.org.**

This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals, which include prohibited discussion with Board members. Comments should be directed to Community Development Department staff in writing prior to the public hearing, and those documents will be presented to the Board.

Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).



PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

Run Date: 21 Sep 2011

Subject Parcel: 36-31-15-05094-026-0030

Radius: 300 feet

Parcel Count: 59

Note: Parcels with protected address status are not included in this report.

Total pages: 6

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ **MAIN BRANCH- COURTHOUSE**

315 Court St. – 2nd Floor
Clearwater, FL 33756
MAIL: PO Box 1957
Clearwater, FL 33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408
COMMERCIAL APPRAISALS:
TEL: (727) 464-3284
RESIDENTIAL APPRAISALS:
TEL: (727) 464-3643 (C/W)

☐ **NORTH COUNTY**

29269 US Highway 19 N
Clearwater, FL 33761
TEL: (727) 464-8780
FAX: (727) 464-8794

☐ **TYRONE (SOUTH)**

1800 66TH St. N
St. Petersburg, FL 33710
TEL: (727) 582-7652
FAX: (727) 582-7610

☐ **MID-COUNTY**

CUSTOMER SERVICE CENTER – WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TANGIBLE PERSONAL PROPERTY
TPP TEL: (727) 464-8484
TPP FAX: (727) 464-8488
MAIL: PO Box 1957 – Clearwater, FL 33757

MIKNIUS, ANGELA J
PRICE, LAIMA S
10 WEST 15TH ST # 1208
NEW YORK NY 10011-6826

MIKNIUS, ANGELA J
PRICE, LAIMA S
10 WEST 15TH ST # 1208
NEW YORK NY 10011-6826

STANELIS, RAYMOND A
STANELIS, VIDA T
506 71ST AVE # 7
ST PETE BEACH FL 33706-3668

SCOTT, ANDREW
506 71ST AVE # 2
ST PETERSBURG FL 33706-3667

BALTIC APTS CONDO ASSN
506 71ST AVE
ST PETE BEACH FL 33706-3682

LIAUKUS, SIGITAS
LIAUKUS, MILDA
21 BROWNSON DR
SHELTON CT 06484-2735

OSINSKAS, ARVYDAS
OSINSKIENE, GENOVAITE
506 71ST AVE # 8
ST PETE BEACH FL 33706-3668

LEVERING, DAVID R
LEVERING, JANET S
360 71ST AVE
ST PETE BEACH FL 33706-1906

PLETCHER, STEVE
PLETCHER, MELINDA
2281 E VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2829

BORDEAUX, BETH A
BORDEAUX, HAROLD
428 72ND AVE
ST PETE BEACH FL 33706-1915

SANTINI, JEAN CLAUDE
22 POPLAR ST
PORT CHESTER NY 10573-3134

ST PETE BEACH CHAMBER OF COMMERCE
6990 GULF BLVD
ST PETE BEACH FL 33706-2030

MISKOVIC, JELISAVETA
PO BOX 66772
ST PETE BEACH FL 33736-6772

SFASSIE, ELI
SFASSIE, MYRA L
C/O WAFFLE HOUSE TAX DEPT
PO BOX 6450
NORCROSS GA 30091-6450

FIDELIS, CONCEICAO F
GRIFFIN, STEPHEN M
400 70TH AVE
ST PETE BEACH FL 33706-2013

CASSU INV GROUP LTD MC DONALDS 009/0255
C/O J T S ENTERPRISES TAMPA
4908 W NASSAU ST
TAMPA FL 33607-3827

WICKHAM, RAYMOND A
WICKHAM, SANDRA L
1 BEACH DR SE # 2110
ST PETERSBURG FL 33701-3927

MEYERS, ANGELA M
411 71ST AVE
ST PETE BEACH FL 33706-1907

HURLEY, FRANK T JR TRE
2808 SUNSET WAY
ST PETE BEACH FL 33706-4133

HILL, VICKY RAY MILOSEVIC
24 DALEWOOD CRES
HAMILTON ON L8S 4B6

J C J VENTURES OF PINELLAS COUNTY INC
7365 ROSETREE PL W
SEMINOLE FL 33772-5710

MORRIS, TONY C
MORRIS, SUSAN M
7101 BLIND PASS RD
ST PETE BEACH FL 33706-1931

EMERSON, KENNETH L
EMERSON, DIANE L
521 S 7TH ST
OSAGE IA 50461-1326

SANTINI, JEAN CLAUDE
22 POPLAR ST
PORT CHESTER NY 10573-3134

DALE, JACK R
PO BOX 292
VINCENNES IN 47591-0292

BRINSKO, MARTHA L
452 72ND AVE
ST PETERSBURG FL 33706-1915

ROLDAN, MARIA
PO BOX 66571
ST PETE BEACH FL 33736-6571

PROPERTY 7081 INC
708 COLUMBUS DR
TIERRA VERDE FL 33715-2032

COUTURE, MARY JANE
7000 BLIND PASS RD
ST PETE BEACH FL 33706-1930

AMERICAN LEGION POST 305 LONG KEY
6999 GULF BLVD
ST PETE BEACH FL 33706-2029

437 LAND TRUST AGREEMENT
KENDRICK, PAULINE TRE
447 COREY AVE
ST PETE BEACH FL 33706-1901

WHEELER, TIMOTHY
DUDLEY, WILLIAM J
520 72ND AVE N
ST PETE BEACH FL 33706-3613

BROWN, CAROL R
7442 APPLING CLUB CIR
CORDOVA TN 38016-4970

KOORLAND, MARK
FUEYO, VIVIAN
2103 GULF WAY
ST PETE BEACH FL 33706-4140

HOTZ, EDWIN A
HOTZ, SANDRA A
7998 1ST AVE S
ST PETERSBURG FL 33707-1020

MURPHY, OLGA F TRE
6500 SUNSET WAY # 506
ST PETE BEACH FL 33706-2161

VAN VLERAH, RUTH
LONG, GARY P
506 71ST AVE # 1
ST PETE BEACH FL 33706-3667

BIGLIERI, ALDO
BIGLIERI, GIULIA
212 KERR ST # 801
OAKVILLE ON L6K 3B1

KARALIUS, ALGIRDAS J
KARALIUS, KESTUTIS J
205 NEUSE HARBOR BLVD
NEW BERN NC 28560-8492

SWOPE, CHERYL
512 79TH AVE
ST PETE BEACH FL 33706-1722

KNASAS, RIMA TRE
RIMA REALTY FLORIDA TRUST
8 EVANDALE TER
BOSTON MA 02125-1047

DYMOND, ERNEST A
354 LOVELL ST
MAHOPAC NY 10541-3916

JADVIRSIS, ANGELE
GRIAUZDE, LYDIA
216 NUTTALL
RIVERSIDE IL 60546-1803

GROSSE, JOHN G
805 LEICESTER RD # 210
ELK GROVE VILLAGE IL 60007-3386

CRAWFORD, ARTHUR J
CRAWFORD, NINA C
7100 BLIND PASS RD
ST PETE BEACH FL 33706-1932

JORDAN, KIMBERLY ANNE
BIRDSEY, DEBORAH J
1465 HOOKSETT RD # 20
HOOKSETT NH 03106-1861

AITHRION LLC
12550 LEATHERLEAF DR
TAMPA FL 33626-3052

CABANA, FILIMENA
6251 43RD TER
KENNETH CITY FL 33709

KASIULIS, BENITA
JUODIKIS, JOHN
8934 W 100TH ST
PALOS HILLS IL 60465-1190

445 70TH AVE LAND TRUST
KENDRICK, PAULINE TRE
447 COREY AVE
ST PETE BEACH FL 33706-1901

THOMPSON, JOHN A
7714 GINGERBREAD LN
FAIRFAX STATION VA 22039-2203

KUBEL, MARIANNA
MATYJEK, ANETA
506 71ST AVE # 11
ST PETE BEACH FL 33706-3668

BRIGGS, KATHLEEN
413 71ST AVE
ST PETE BEACH FL 33706-1907

AMERICAN LEGION POST 305 LONG KEY
6999 GULF BLVD
ST PETE BEACH FL 33706-2029

CUNNINGHAM, DAVID M
CUNNINGHAM, MARY C
412 71ST AVE
ST PETE BEACH FL 33706-1908

MC CORMICK, RICHARD O
1109 POWELL AVE
COLLINSVILLE IL 62234-3139

445 70TH AVENUE SOUTH LAND TRUST
KENDRICK, PAULINE TRE
447 COREY AVE
ST PETE BEACH FL 33706-1901

ONLINE TECHNOLOGY EXCHANGE INC
7100-7110 GULF BLVD
ST PETE BEACH FL 33706-1944

HALL, HARRY
HALL, BEVERLY
507 70TH AVE
ST PETE BEACH FL 33706-2014

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0034
November 30, 2011

Property Information

Address: 5297 Gulf Blvd.

Owner: Beachmart LLC

Agent: Davidson Sign Services

Existing Use: Retail

Current Zoning:

Parcel Size: 0.91 acres MOL

Requests: Variance from Section 26.30 for more than the permitted number of signs as well as exceeding the maximum height of a sign.

Background Information:

According to the record of the proceedings, the applicant had applied for a variance from Section 26.30 of the Land Development Code to increase the number of permitted signs from 3 to 8 signs. The variance was granted (see case#2011-0027).

The applicant has since requested a second variance from the Sign Code (Division 26) to accommodate an LED lighted "reader board" type sign on the existing freestanding pole sign. The LED sign is replacing the channel letter sign.

Staff Analysis

Typically when a new business moves into an existing building, a building permit is issued to replace a sign face without having to comply with the sign code. In this case, however, the LED sign did not fit in the existing cabinet; Therefore, the applicant has requested a variance from Section 26.30, as the sign is too tall (11 feet where 8 feet is the maximum height) and the number of signs exceeds the maximum of three signs.

Section 3.12 of the land Development Code sets forth the conditions that an applicant must meet in order for a variance to be granted:

(a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and

- (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and*
- (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and*
- (d) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and*
- (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.*

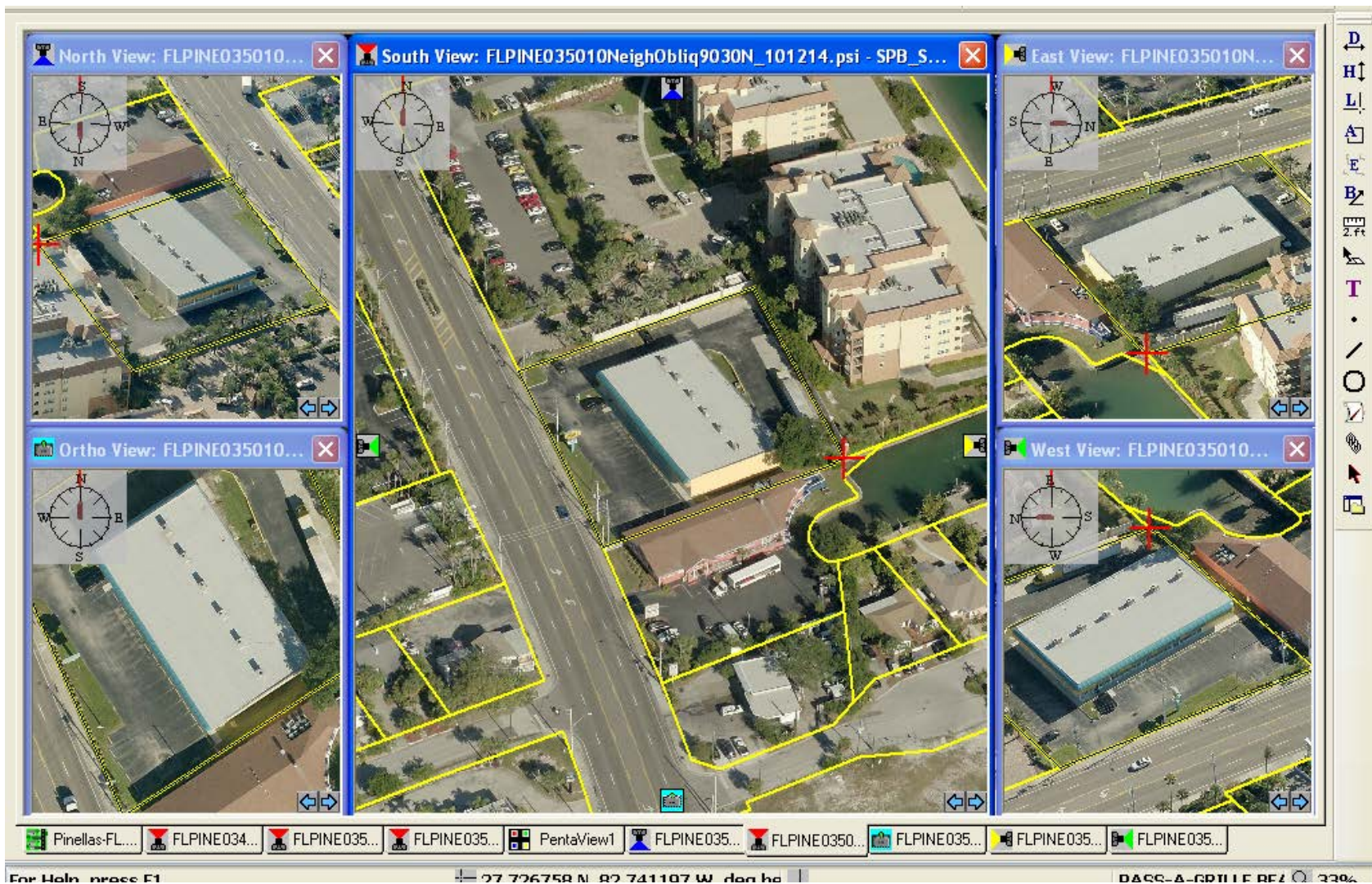
Based on these standards, staff makes the following observations:

- (a) The channel letter sign did not have to be replaced; the applicant created the hardship. The applicant has reasonable use of the land, as the site has a retail space and more than the allowable number of signs.
- (b) The applicant has not argued that neighboring non-conforming signs are justification for the granting of this variance.
- (c) The granting of this variance does not change any boundary on the zoning map.
- (d) Based on the height and location of the sign, the LED lighting might be visible from the adjacent residential property. It is advisable that if granted, steps should be taken to shield any indirect light that would be visible from a neighboring residential property.
- (e) The applicant has stated that the additional 3 inches need to ventilate is the minimum required by the sign's specifications for ventilation.

Summary and Conclusion

The request for a variance does not meet criteria (a), as the applicant has reasonable use of the land and this is a self created hardship.

Submitted by: Catherine Hartley, AICP, Senior Planner



Case # 2011-34
5297 Gulf Boulevard



0 30 60 120 180 240 Feet

VARIANCE APPLICATION

Case Number: 2011-34

APPLICANT/AGENT:

AGENT
Name: Mandi Wise (Davidson Sign Services)

Address: 12018 Cedar St

City: Safety Harbor

State: FL

Zip: 34645

Phone: 727-726-3555

PROPERTY OWNER:

Name: Beachmart LLC / Steve Luper

Address: 5297 Gulf Blvd

City: St Pete Beach

State: FL

Zip: 33706

Phone: 727-423-7886

PROPERTY:

Address: 5927 Gulf Blvd

Parcel ID: 06-32-16-94537-000-0020

Current Zoning: CG-1

FLUM Designation: _____

Lot Area: _____

Existing Use: Retail

Proposed Use: Same

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

Requesting that the permitted LED boards for the existing pylon sign may stick out from the existing cabinet by 3" on each side, therefore providing adequate ventilation. (See attached drawing)

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.

[Signature]
Signature of Applicant

10/5/11
Date

[Signature]
Signature of Authorized Agent

10/5/11
Date

For office use only:

Hearing Date: 11/30/11

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.

The owner was allowed to replace existing manual changeable message boards on his existing pylon sign with new LED message boards. Upon installation the boards are unable to fit within the existing cabinet entirely and must stick out 3" in the front for proper ventilation/operation.

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.

If asked to squeeze the new LED boards within the confines of the existing cabinet, the owner would either lose operation of the signs due to poor ventilation ~~and~~ and would have to compromise the integrity of the steel pole which would cause the sign to be unsafe.

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

The conditions of the sign were existing and not in the control of the owner. He is simply looking to an upgraded, higher quality sign option for his business. He is unable to change the sign in any other way due to new sign code changes.

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

This variance only changes the existing pylon sign's bottom cabinet and will not change any boundaries

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

There is no code stating that the LED message center is not allowed and the extra depth added to the cabinet would not be prohibited if this was a new sign structure.

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

N/A

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.

This sign allows the owner to provide a better experience for citizens and tourists therefore enhancing public welfare.

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

We are requesting to allow the ^{LED} boards to stick out from the existing cabinet an additional 3" per side for proper ventilation. This is the minimum required.

Mullish

Signature of Applicant

10/5/11

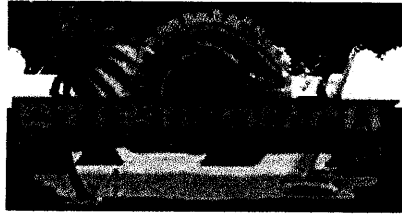
Date

Mullish

Signature of Authorized Agent

10/5/11

Date



**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.

ku

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.

ku

On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

ku

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.

ku

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.

ku

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.

ku

Signature of Applicant

10/3/11

Date

City of St. Pete Beach

Permit # **20110963**

Department of Community Development / Building

CO Required

Plan Review and Permit Receipt☐ Yes ☐ No**Job Address:** 5297 GULF BLVD**Unit #**

LOA on file with this permit

Structural No	Electrical No	Plumbing No	Mechanical No	Pool No	Sign Yes
---------------	---------------	-------------	---------------	---------	----------

Details:

replace existing changeable message board in pole sign with electronic message center. no sq ft changes

Owner Information:**Name:** BEACH MART LLC**Phone:****Address:** 5297 GULF BLVD ST PETE BEACH FL 33706-2427**Contractor's Information:****Name:** DAVIDSON SIGN SERVICES INC**Phone:****Address:** 1201 CEDAR ST #B SAFETY HARBOR FL 34695**Architect:****Engineer:****Lot Information:** Lot: Block: Sub: VOZZA SUB**Parcel ID:** 06/32/16/94537/000/0020 **Zoning** CG-1**FEMA Flood Zone:** AE **Base Flood Elev:** 11**Total Valuation of this Work:** **\$18,100.00****PERMIT FEES**

Type of Fee	Account	Amount	Payment Date
PLAN REV	(37) (001.322.200)	\$167.50	8/24/2011
BUILDING	(34) (001.322.100)	\$335.00	9/8/2011
SURCHARGE FEE	(220) (001.325.200)	\$15.07	9/8/2011
Total:		\$517.57	

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY.

ISSUED BY: _____**DATE ISSUED:** 9/8/2011

INSPECTIONS: All work must be inspected prior to covering. Call the 24 hour inspection request line at (727) 363-9240 up to 3:30 pm for next day inspection. For other information call (727) 363-9241.

Catherine Hartley

From: Catherine Hartley
Sent: Tuesday, November 22, 2011 9:37 AM
To: 'SMPHALOR@gmail.com'; 'park.lampson@floridamoves.com'; 'natvprop@aol.com'; 'dlittell1@earthlink.net'; 'dlampe@tampabay.rr.com'
Cc: 'rjkusnir@gmail.com'; Rebecca Haynes
Subject: FW: Beach Mart variance

Board of Adjustment Members,

Please see one resident's comments below regarding another application for a sign variance for the Beach Mart store. Just FYI they have requested their application be tabled until the December meeting.

As a friendly reminder, please don't discuss this with your fellow board members, and disclose any conversations you have with residents, the applicant, etc as an ex parte communication at the public hearing.

Jane – Please let this email serve as proof that your comments were distributed to the board members. It will be part of the public record for this case.

I hope you all have a wonderful Thanksgiving and I will see you next week.

Catherine

Catherine M. Hartley, AICP, CNU-a
Senior Planner
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9266
c.hartley@stpetebeach.org

"Density and Urbanism are not the same thing". -Andres Duany

From: Richard Kusnir [<mailto:rjkusnir@gmail.com>]
Sent: Tuesday, November 22, 2011 7:07 AM
To: Catherine Hartley
Subject: Re: Beach Mart variance

November 22, 2011

I E-mailed you about my objections for the last variance that Beach Mart wanted. You said that you would pass them on and they did not read them at the meeting so I assume they did not get that objection. There was not time to mail the objection because I did not get the notice in time. I was told that you did not get the notice out because you ran out of postage and could not mail them in the time that you should.

When I was in Florida a few weeks ago and saw every window of the Beach Mart was covered with advertising. They are already in violation of your current ordinance.

There is another request for more signs as well as exceeding the maximum height of a sign.

This is case number 2011-0034 due to be heard November 30. I hope the Board of Adjustments will deny any variance from what is currently code. I understand that is no more than TWO signs on a building. They have been in violation for years. I own at Boca Sands and find it objectionable every time I drive passed that building. Please pass this objection on.

Since I will not be able to attend the meeting, I will have time to send a letter.

Jane Kusnir

On Tue, Oct 4, 2011 at 9:05 AM, Richard Kusnir <rjkusnir@gmail.com> wrote:
since

On Mon, Oct 3, 2011 at 8:36 PM, Richard Kusnir <rjkusnir@gmail.com> wrote:
Catherine,

I am so disappointed that you did not turn my objection in to that board. I was told that they would never agree to the ordinance to approve more signs. There was never even a discussion about the fact that the Beach mart was so far over compliance now that they should never be granted even more signs. The signs were never a discussion. It was the the improvement of the building that suade council, That was not what they were there for to decide. They were to decide on MORE sinage which they did. I spoke with someone in your polital payroll that said it would never pass. Since you did not pass my opionion on to the board can their decision be challanged?

On Sun, Oct 2, 2011 at 10:55 AM, Richard Kusnir <rjkusnir@gmail.com> wrote:
Clould you please tell me what the out come was on this past Wednesday meeting? Was the variance approved or denied?

Jane Kusnir

Catherine Hartley

From: Jack Snavely [jjsnavely@tampabay.rr.com]
Sent: Tuesday, November 22, 2011 4:08 PM
To: Catherine Hartley
Cc: Tessler Leigh
Subject: Beachmart variance letter from Board of Adjustment/SPB

To: Catherine M. Hartley, Senior Planner
St. Pete Beach, Florida 33706

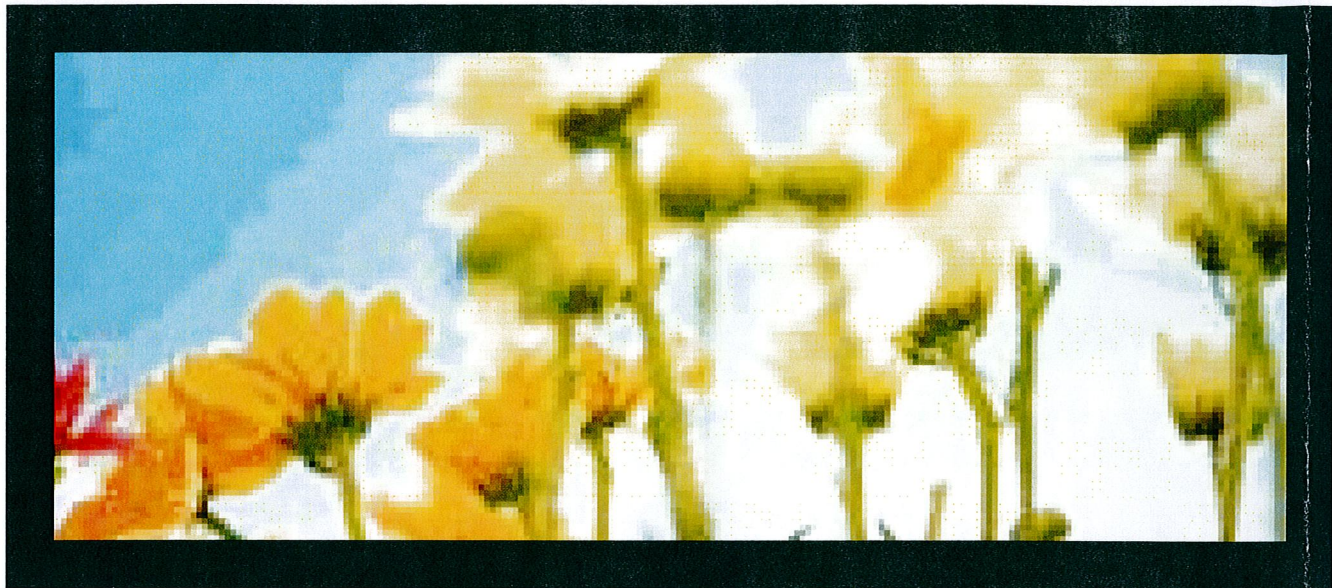
From: Boca Sands Condominium Association
5301 Gulf Blvd., St. Pete Beach, FL 33706

RE: Case No. 2011-0034 Variance for Beachmart LLC, 5297 Gulf Blvd.

We oppose any variance for Beachmart from Section 26.30 for more than the permitted number of signs as well as exceeding the maximum height of a sign.
Please present this objection to the Board of Adjustment for consideration.

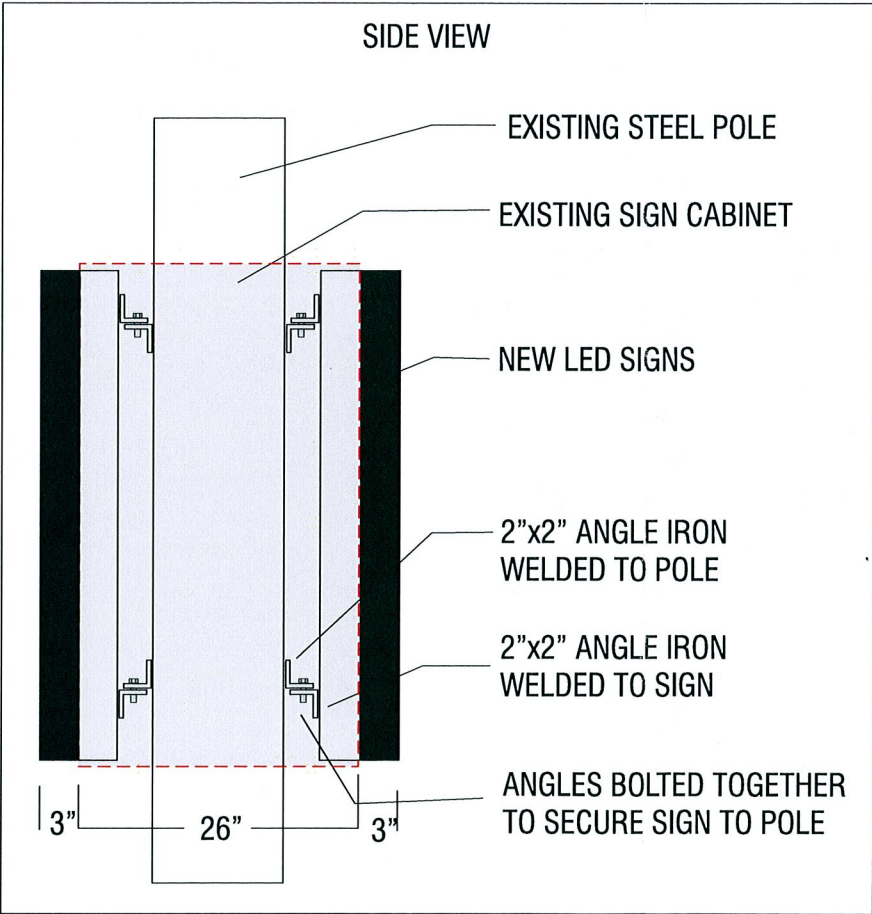
Thank you,
Boca Sands Condominium Association
cc: Leigh Tessler

SCALE: 1"=1'



REMOVE:
EXISTING ACRYLIC SIGN FACES
RETAINERS
LAMPS & ELECTRICAL COMPONENTS

INSTALL NEW FULL COLOR LED SIGN BOARDS
INSIDE EXISTING SIGN CABINET AS PER DETAILS

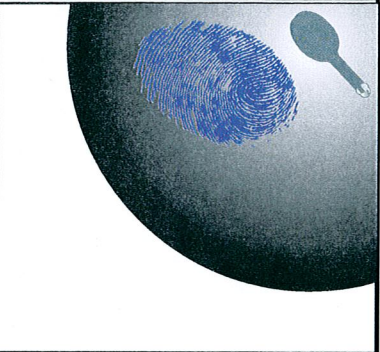


EXISTING SIGN
CABINET DIMENSIONS:
37"x85"x24"

BEFORE



AFTER



TITLE:

CUSTOMER: BEACH MART

PHONE:

EMAIL:

REVISION #:

DATE PREPARED:

SCALE:

PAGE NUMBER: 1

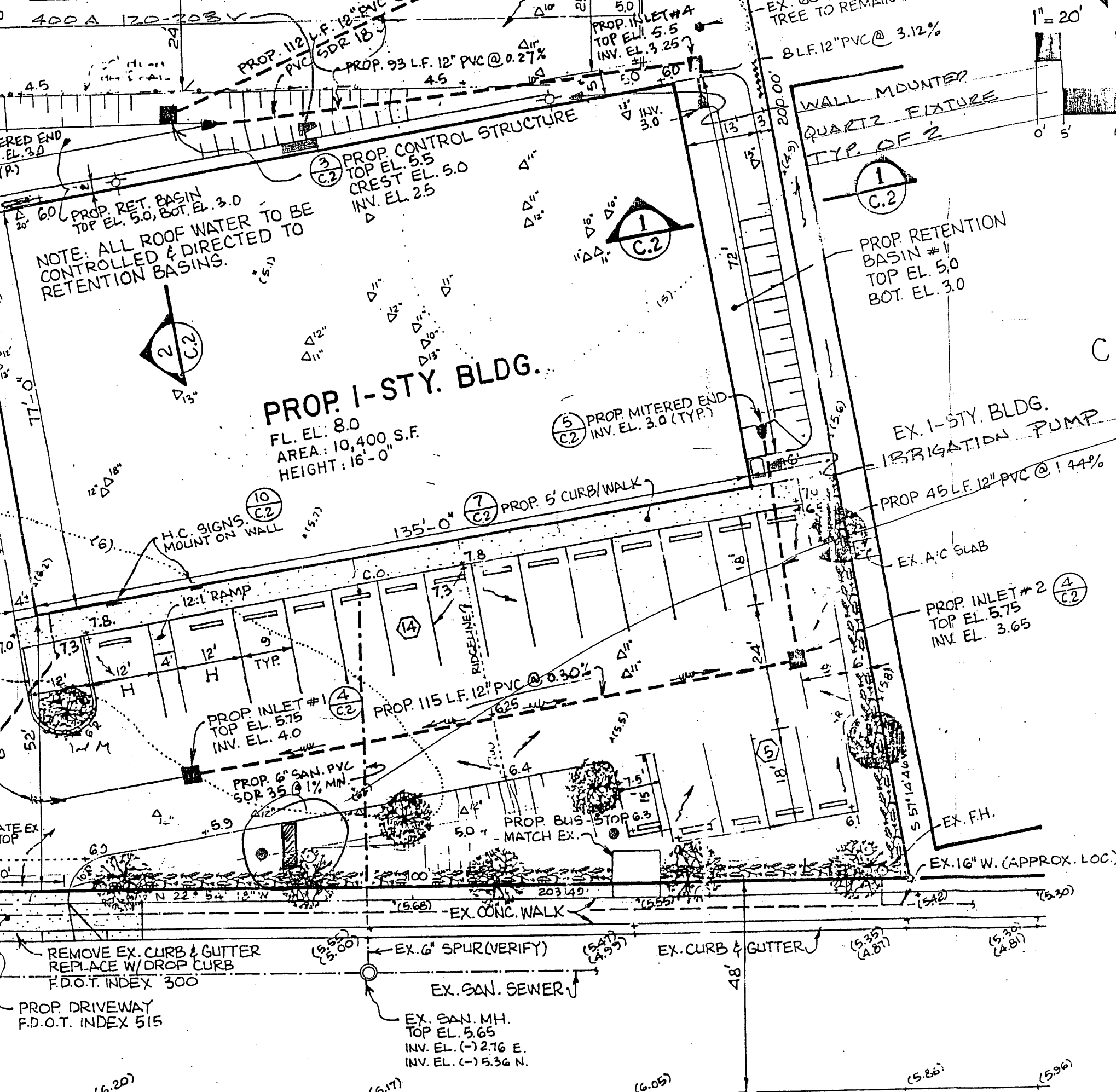
REVISIONS	
DATE	DESCRIPTION

This is an original unpublished drawing. It is submitted for your personal use in connection with a project being prepared for you by Business I.D.. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, or exhibited in any fashion.

THE CUSTOM ARTWORK DEPICTED HEREIN IS FOR REPRESENTATIONAL PURPOSES ONLY AND MAY NOT EXACTLY MATCH THE COLORS OF THE MATERIALS PROPOSED.

I have carefully reviewed and hereby accept the drawing(s) as shown. I realize that any changes to these designs made before or after production may alter the contract price. All changes must be in writing and approved by both parties prior to production

Signature:



Existing Sign

C-2

LEGEND

- Ex. Elev. + (6.1)
- Prop. Elev. + 5.75
- Ex. Contour (6)
- Ex. Palm tree to be relocated/removed by the owner's instructions. Δ
- Ex. Rubber tree to remain
- Prop. tree
- Prop. hedge

LANDSCAPE NOTES:

- All landscape material shall be Florida grade #1 or better selected from the salt water Hardy species list of city of St. Petersburg Beach.
- Required trees shall be 3" DBH and 12' high at the time of planting (provide 3 different species).



CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
727-363-9266

Mailing date: November 15, 2011

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
November 30, 2011

Case No.: 2011-0034
Address: 5297 Gulf Boulevard
Owner: Beachmart LLC
Agent: Mandi Wise, Davidson Sign Services
Zoning: CG-1
Request: **Variance from Section 26.30 for more than the permitted number of signs as well as exceeding the maximum height of a sign.**

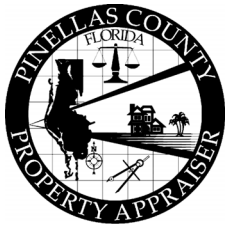
You are hereby notified that a variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 300 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. It is the intent of Board of Adjustment to hear this request at 2:00 p.m. on Wednesday, November 30, 2011. Interested persons are urged to examine the application materials prior to the scheduled hearing date.

Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the Board of Adjustment for consideration. **Community Development Department may be contacted by telephone at 727-363-9266.**

This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member will be disclosed at the public hearing.

Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).



PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

Run Date: 15 Nov 2011

Subject Parcel: 06-32-16-94537-000-0020

Radius: 300 feet

Parcel Count: 87

Note: Parcels with protected address status are not included in this report.

Total pages: 8

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ **MAIN BRANCH- COURTHOUSE**

315 Court St. – 2nd Floor
Clearwater, FL 33756
MAIL: PO Box 1957
Clearwater, FL 33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408

COMMERCIAL APPRAISALS:

TEL: (727) 464-3284

RESIDENTIAL APPRAISALS:

TEL: (727) 464-3643 (C/W)

☐ **NORTH COUNTY**

29269 US Highway 19 N
Clearwater, FL 33761
TEL: (727) 464-8780
FAX: (727) 464-8794

☐ **TYRONE (SOUTH)**

1800 66TH St. N
St. Petersburg, FL 33710
TEL: (727) 582-7652
FAX: (727) 582-7610

☐ **MID-COUNTY**

CUSTOMER SERVICE CENTER – WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TANGIBLE PERSONAL PROPERTY
TPP TEL: (727) 464-8484
TPP FAX: (727) 464-8488

MAIL: PO Box 1957 – Clearwater, FL 33757

JAGANNATH, ROOPAN
JAGANNATH, SHANTA
5235 GULF BLVD
ST PETE BEACH FL 33706-2427

JAGANNATH, ROOPAN
JAGANNATH, SHANTA
5235 GULF BLVD
ST PETE BEACH FL 33706-2427

MEDOSCH, RUTH B TRE
54 MOURNING DOVE CT
ELLENTON FL 34222-4211

NICKLAUS, H GREGG TRE
SIRATA BEACH RESORT TRUST
5300 GULF BLVD
ST PETERSBURG FL 33706-2319

MANEE, ROBERT G TRE
MANEE, CAROLYN H TRE
PO BOX 1669
CASHIERS NC 28717-1669

MEDOSCH, RUTH B TRE
54 MOURNING DOVE CT
ELLENTON FL 34222-4211

REHERMANN, BERNHARD A
132 PUNTA VISTA DR
ST PETE BEACH FL 33706-2430

BENNETT BEACH CO LTD
C/O MILLER, CREG
9554 BENCHMARK LN
CINCINNATI OH 45242-6006

BEACH MART LLC
5297 GULF BLVD
ST PETE BEACH FL 33706-2427

MODRCIN, LARRY L
110 PUNTA VISTA DR
ST PETE BEACH FL 33706-2430

RIVERO, EVARISTO E
RIVERO, LORI
230 INTERLAKE BLVD
LAKE PLACID FL 33852-9603

MEDOSCH, RUTH B TRE
54 MOURNING DOVE CT
ELLENTON FL 34222-4211

CALLAHAN, THOMAS A
124 PUNTA VISTA DR
ST PETE BEACH FL 33706-2430

BENNETT BEACH CO LTD
C/O MILLER, R CRAIG
9554 BENCHMARK LN
CINCINNATI OH 45242-6006

BUTAS, ANATOLE LIVING TRUST
BUTAS, ANATOLE TRE
150 PUNTA VISTA DR
ST PETE BEACH FL 33706-2430

WEBER, JILL A
5301 GULF BLVD # D304
ST PETE BEACH FL 33706-2380

PAULEY, JAMES F
5301 GULF BLVD # F201
ST PETE BEACH FL 33706-2383

SHUCK, ROBERT F
SHUCK, MARCY D
5301 GULF BLVD # B711
ST PETE BEACH FL 33706-2375

WEST GULF CONDO HOLDINGS LLC
5301 GULF BLVD
APT E-711
ST PETE BEACH FL 33706-2382

BALDELLI, ROCCO D
BALDELLI, MICHELLE A
5301 GULF BLVD # C610
ST PETE BEACH FL 33706-2353

MALTARP, HUGO
MALTARP, SHARON
129 BRAMBEL RD RR # 1
SHANTU BAY ON LOL 2LO

JESTER, HAROLD G
JESTER, KATHRYN A
35 SANKATY CIR
HENDERSON NV 89052-6670

PATEL, SAMIR
PATEL, RAJESH
57 CEDAR MEADOW DR
CAPE MAY COURT HOUSE NJ 08210-2841

HIGDON, LEWIS
HIGDON, CAROL
453 COOPERS HAWK DR
ASHEVILLE NC 28803-6102

KOWALEWSKI, RYSZARD
KOWALEWSKI, BOZENA W
4190 SHOEMAKER RD
HUNTINGDON VALLEY PA 19006-1708

KUSS, JOHN R
KUSS, LINDA L
7353 MCGREGOR RD
ROCKFORD IL 61102-9648

MIENTKIEWICZ, DOUGLAS A
MIENTKIEWICZ, JODI S
810 LUGO AVE
CORAL GABLES FL 33156-6321

NICKLAUS, DEBORAH L
HVAL, VALERIE N
5302 GULF BLVD
ST PETE BEACH FL 33706

COX, JEFFREY S
PO BOX 1342
WILSON NC 27894-1342

MC NALLY, MAURICE
MC NALLY, KATHLEEN
36W442 HUNTERS GARE RD
ST CHARLES IL 60175-5132

PRIVATE COLLECTIONS LLC
45 PHEASANT RUN TER
DANVILLE CA 94506-5875

KURUSZ, HENRY
KURUSZ, PATRICIA E
5301 GULF BLVD # D202
ST PETE BEACH FL 33706-2380

MASON, JOHN H
5410 LEILANI DR
ST PETE BEACH FL 33706-2325

SEPE, MICHAEL S
5301 GULF BLVD # D201
ST PETE BEACH FL 33706-2380

MILLER, TREVER D
MILLER, PARI T
24155 HIDEOUT TRL
LAND O LAKES FL 34639-8111

BUTTON, W WAYNE
BUTTON, LINDA M
147 ELIZABETH AVE
ST JOHNS NL A1B 1S2

COCKEY, CHARLES
17915 BUNKER HILL RD
PARKTON MD 21120-9429

LARRINAGA, ROSARIO A
5301 GULF BLVD # F406
ST PETE BEACH FL 33706-2383

GERRISH, JEFFREY
GERRISH, CAROLYN
4450 GULF BLVD # 505
ST PETE BEACH FL 33706-3853

SCHULZ, JOHN S
SCHULZ, KARIN L
219 55TH AVE
ST PETE BEACH FL 33706-2306

C W TRICE PROPERTIES LLC
1591 GOLDEN ISLES PKWY
PERRY GA 31069-9417

KINGSBURY, JONNIE KAY
KINGSBURY, JAMES M
5301 GULF BLVD # A202
ST PETE BEACH FL 33706-2314

REKIEL, DEBRA
5301 GULF BLVD # A610
ST PETE BEACH FL 33706-2314

PAYNE ENTERPRISES LLP
12033 GANDY BLVD N # 171
ST PETERSBURG FL 33702-1522

DEUTSCHE BANK NATL TRUST CO TRE
101 S TRYON ST
CHARLOTTE NC 28280-0002

HVAL, VALERIE N
NICKLAUS, H GREGG
5300 GULF BLVD # B405
ST PETE BEACH FL 33706-2319

SCHNEIDER, JAMES R
SCHNEIDER, MELODEE C
3580 NW 85TH TER
OCALA FL 34482-3877

DRIVER, BURT
5301 GULF BLVD # B202
ST PETE BEACH FL 33706-2355

ABEND, ALFRED
ABEND, MARY
5301 GULF BLVD # B201
ST PETE BEACH FL 33706-2355

LEE, EUI-DONG
LEE, JEE-YEUN
29125 HERITAGE LN
PAW PAW MI 49079-8412

DUVOISIN, JAN
DUVOISIN, DEBRA
5301 GULF BLVD #C609
ST PETE BEACH FL 33706-2353

GRESKIEWICZ, LEONARD
GRESKIEWICZ, JUDITH
1645 PINELLAS BAYWAY S # A7
TIERRA VERDE FL 33715-2547

MC KNIGHT, EMMA
MC KNIGHT, RACHEL
101 DUNKIRK RD
WARINGSTOWN CO ARNAGN

SNAVELY, JACK REVOCABLE TRUST
SNAVELY, JACK TRE
5301 GULF BLVD # C405
ST PETE BEACH FL 33706-2353

GRESKIEWICZ, LEONARD
GRESKIEWICZ, JUDITH
1645 PINELLAS BAYWAY S # A7
TIERRA VERDE FL 33715-2547

WEDGWOOD, GODFREY J
WEDGWOOD, SHEILA M
PO BOX 13366 STN A
SAINT JOHNS NL A1B 4B7

DEL PORTO, CHARLES
CHEMIN DU LAC 1
1195 DULLY

MAVILIA, JOHN
MAVILIA, LINDA
11209 BROWN RD
UPPER MARLBORO MD 20774-9367

BOCA SANDS CONDO ASSN INC
5301 GULF BLVD
ST PETE BEACH FL 33706-2307

VALLEE, JERRY E
VALLEE, CAROL B
9734 62ND AVE N
ST PETERSBURG FL 33708-4516

SWICK, MARK W
SWICK, VALERIE A
5301 GULF BLVD # B712
ST PETE BEACH FL 33706-2375

HAGGARD, HERBERT C
HAGGARD, ALICE M
7795 BIG BEND RD
MARTINSVILLE IN 46151-7785

CZYSZCZON, KRZYSTOF REV TRUST
CZYSZCZON, KRZYSTOF TRE
5301 GULF BLVD # F-508
ST PETE BEACH FL 33706-2383

WAGNER FAMILY TRUST
WAGNER, ROGER PHILIP TRE
1812 WINCANTON DR
LAS VEGAS NV 89134-6171

BALL, NICKLAUS W
5301 GULF BLVD # D406
ST PETE BEACH FL 33706-2380

BALL, RONALD WINSTON
511 55TH AVE
ST PETE BEACH FL 33706-2312

SMITH, STEVE O
SMITH, SANDRA K
111 PUNTA VISTA DR
ST PETE BEACH FL 33706-2429

DONLAN, LAURA J REVOCABLE TRUST
DONLAN, LAURA J TRE
10574 N DAHLIA CT
PEORIA IL 61615

DOUCETTE, DEBORAH D
6361 4TH PALM POINT ST
ST PETE BEACH FL 33706-2113

CHATHAM, CLAYTON D
CHATHAM, CAROL L
320 BARDOLIER
ALPHARETTA GA 30022-5129

COASTAL LEISURE INVESTMENTS INC
1 COLLANY RD
TIERRA VERDE FL 33715-2105

SCHWARZ, MATTHEW B
143 108TH AVE
TREASURE ISLAND FL 33706

NICKLAUS, H GREGG
NICKLAUS, DEBORAH L
5300 GULF BLVD
ST PETE BEACH FL 33706-2319

JACKSON, GERALD L SR
JACKSON, SONDRRA
129 BRENT CIR
OLDSMAR FL 34677-3342

PRAMG LLC
5880 CHERRY WOOD DR
YOUNGSTOWN OH 44512-3986

CEKANDER, DOUGLAS G
CEKANDER, JAYME M
10802 N BODELL DR
PEORIA IL 61615-8824

KUTAY, GULSUN TRUST
KUTAY, GULSUN TRE
5301 GULF BLVD # E202
ST PETE BEACH FL 33706-2381

KAYSER, ROLF REVOCABLE LIVING TRUST
KAYSER, ROLF TRE
5301 GULF BLVD # A609
ST PETE BEACH FL 33706

WACKER LAKE INV XI GULF HARBOR LLC
C/O W H I REAL ESTATE PARTNERS LLC
191 N WACKER DR STE 1500
CHICAGO IL 60606-1899

VALLEE, JERRY E
VALLEE, CAROL B
9734 62ND AVE N
ST PETERSBURG FL 33708-4516

GRAND PLAZA RESORTS INC
5250 GULF BLVD
ST PETE BEACH FL 33706-2408

BERKS, RICK
1201 SW 19TH AVE
BOCA RATON FL 33486-8591

HARRIS FAMILY TRUST
HARRIS, KEN
5301 GULF BLVD # E610
ST PETE BEACH FL 33706-2381

ORA, MELVIN D
ORA, PAMELA K
1930 SADDLE HILL RD N
DUNEDIN FL 34698-2437

WACKER LAKE INV XI GULF HARBOR LLC
C/O WHI REAL ESTATE PARTNERS LLC
191 N WACKER DR STE 1500
CHICAGO IL 60606-1899

NICKLAUS, H GREGG
HVAL, VALERIE N
5300 GULF BLVD
ST PETE BEACH FL 33706-2319

KUSNIR, RICHARD
KUSNIR, JANE
4486 E HARBORS EDGE DR
PORT CLINTON OH 43452-8977

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0037
November 30, 2011

Property Information

Address: 3940 Belle Vista Drive East

Owner: Daniel Walsh

Agent: Don Strobel

Existing Use: Single Family Residential

Zoning: RU-1

Parcel Size: 16,988 square feet MOL

Requests: Variance from Section 8.7 of the Land Development Code to reduce the side-yard to 4 '7" in order to build a staircase and landing to enter the garage.

Background Information:

The house on the subject property was built in 2006. Recently, the owner has applied for building permits to do some "minor renovations". The door that has been added to enter the garage was constructed without a building permit. Approval of an after the fact building permit is pending based on the variance. (Note: The building permit cannot be approved if the impervious surface ratio is over that which is established in the Comprehensive Plan).

Based on the placement of the door, the applicant has requested a variance from section 8.7 of the Land Development Code:

The minimum yard requirements for principal structures in the RU-1 Residential District are as required in this section.

(a) Detached single-family dwellings.

(1) Front yard: 20 feet.

(2) Secondary front yard: 20 feet.

(3) Side yards: The lesser of ten percent of the lot width or seven feet.

(4) Rear yard: 20 feet.

The stairs and landing encroach into the side yard setback by 2 feet 5 inches.

Staff Analysis

Section 3.12 of the land Development Code sets forth the conditions that an applicant must meet in order for a variance to be granted:

(a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of

reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and

(b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and

(c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and

(d) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and

(e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

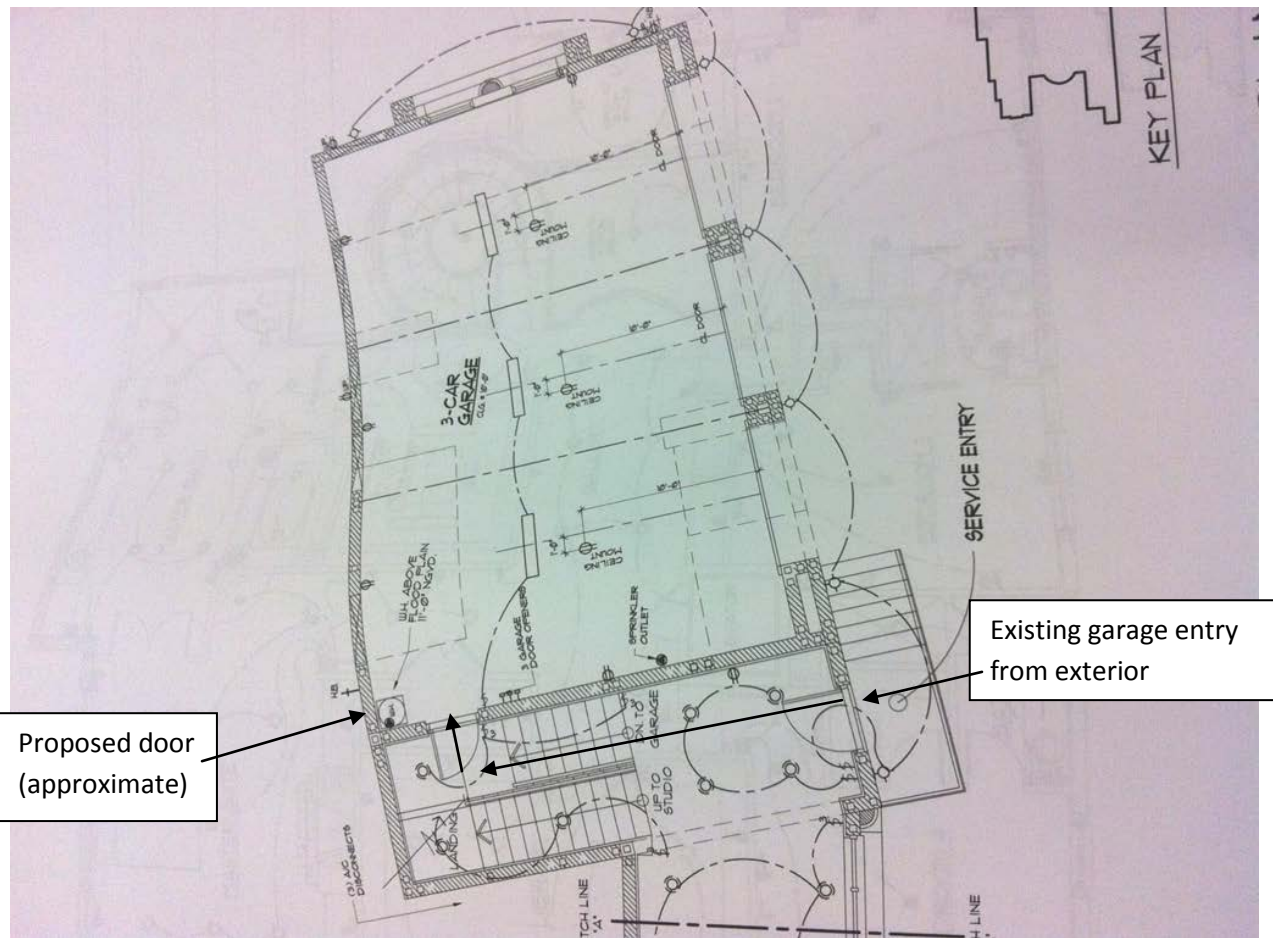
Based on these standards, staff makes the following observations:

- (a) Strict application of the land development code would not deprive reasonable use of the land, as a house has already been built on the lot and is a permitted use in this district. Additionally, an exterior entrance to the garage already exists. The circumstances are the result of the applicant, as the door was cut into the garage without a permit and the applicant is now seeking an after-the-fact permit. Additionally, there is an access point to the garage from the southern façade of the structure and the additional entry point does not seem necessary (see attached plans).
- (b) The applicant has not made the case that this variance should be granted based on a non-conforming use or structure in the same district.
- (c) The granting of the variance will not change the zoning map or approve a non-conforming use; a single family residence is a permitted use in this zoning district.
- (d) The applicant argues that there is sufficient buffering between this property and the neighboring property, as a 6' fence separates the two properties.
- (e) The applicant seems to have proven this is the minimum variance needed to build the staircase; designed otherwise in the same location, the stairs would have encroached further into the side yard setback.

Summary and Conclusion

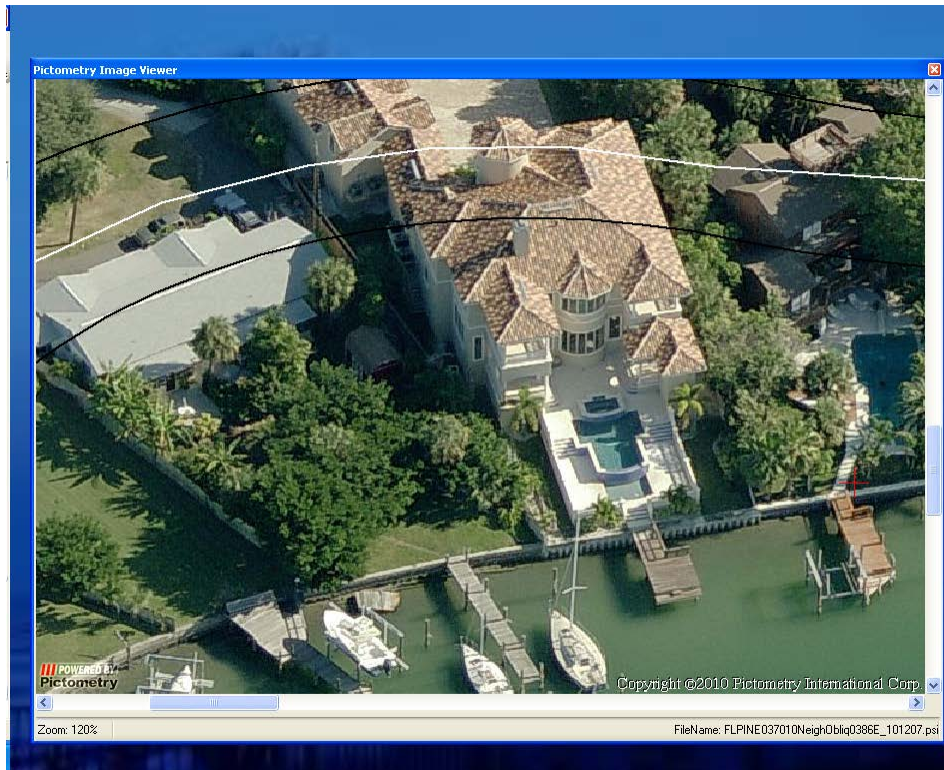
It does not seem that the applicant has been able to meet standard (a): it is a self-created hardship. An entry to the garage from the exterior already exists.

The burden is on the applicant to show a hardship exists.

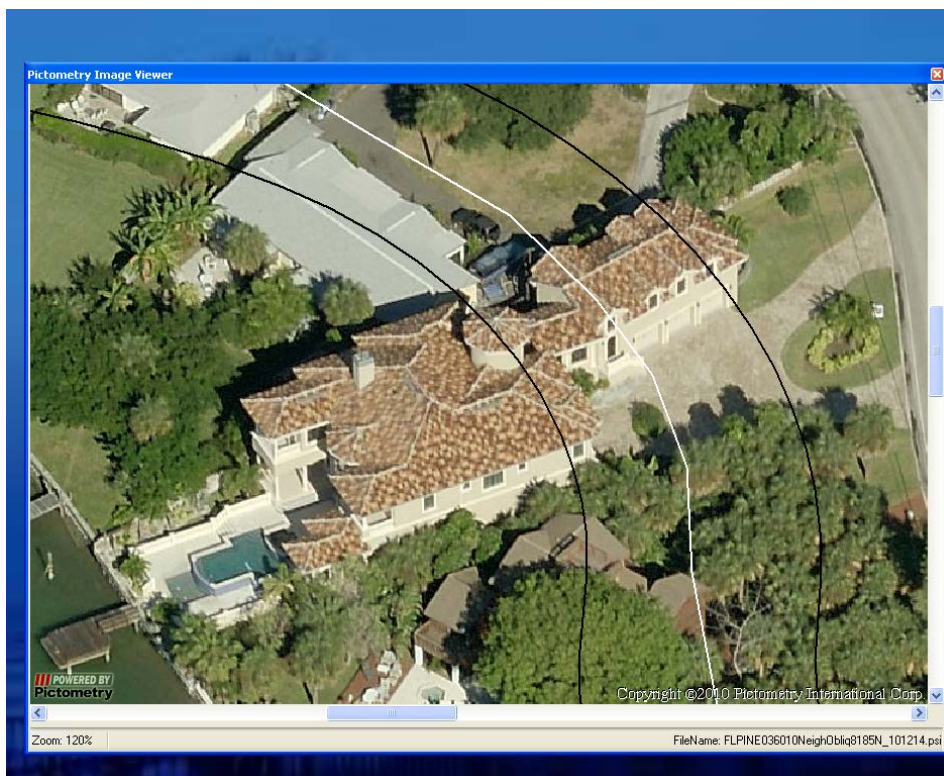


**Staff obtained the above rendering from the approved building plans. Staff modified the graphic adding the comments and arrows.*

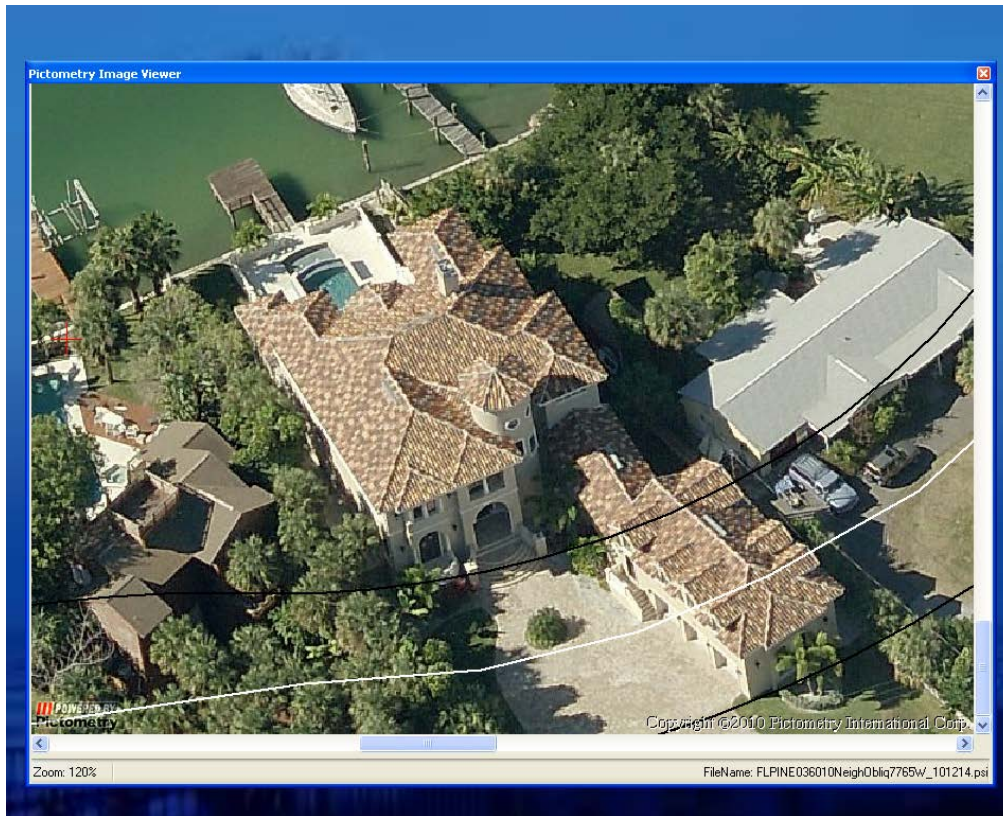
Submitted by: Catherine Hartley, AICP, Senior Planner



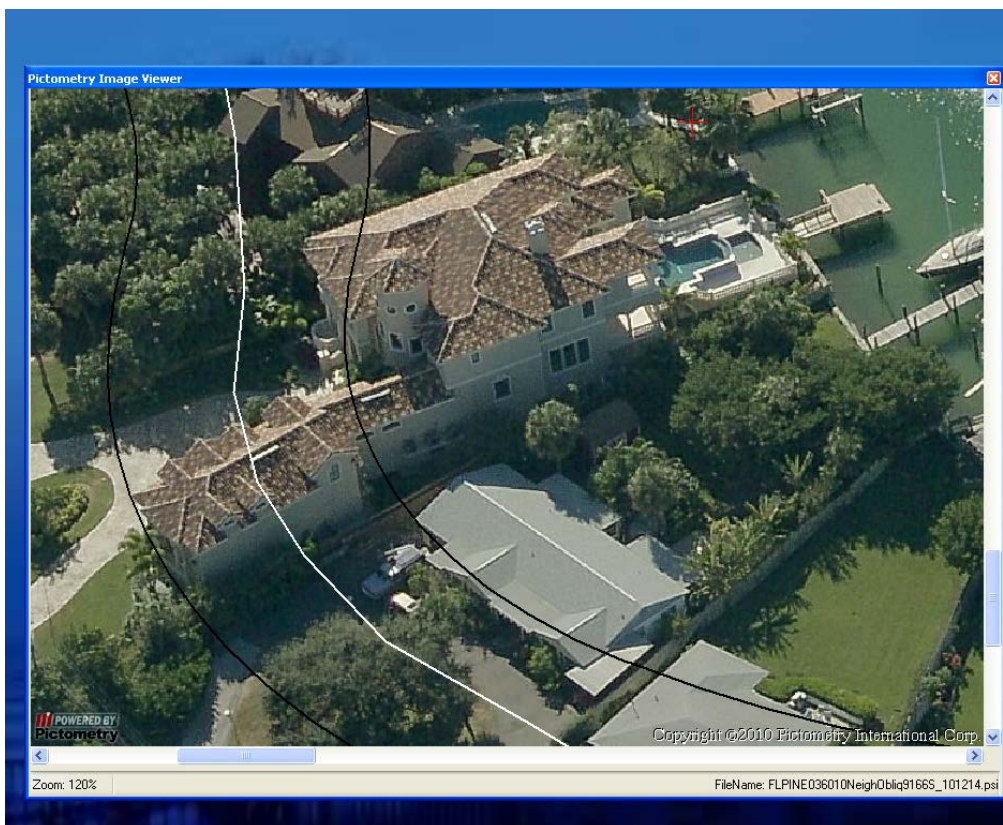
View from SW



View from S-Sw



View from W



View from N

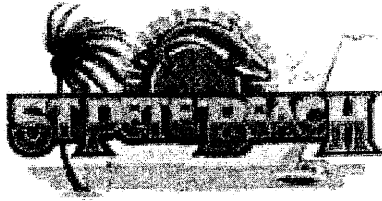
*Views are approximate

3940 Belle Vista Drive East
Case #2011-0037



0 20 40 80 120 160 Feet





Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE DANIEL WALSH
(print name of property owner)

hereby authorize DON STROBEL
(print name of agent)

to represent me/us in an application for VARIANCE FOR SIDE YARD SPACE.
(type of application: variance, land use, zoning, special event, etc)

Signature of owner

Print name of owner

D Walsh
Signature of owner

DANIEL P. WALSH
Print name of owner

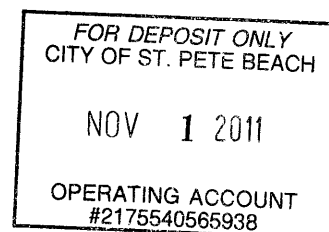
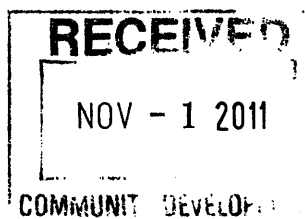
The foregoing instrument was acknowledged before me this 14th day
of October 2011, by Daniel P Walsh, DO who
is personally known to me or produced _____ as
identification.

Wendayn A Weitzel
(Notary Signature)

10/14/11

(Date)

My commission expires 02-22-16





Community Development Department
155 Corey Avenue
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.

DS. 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.

DS. On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

DS. 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.

DS. 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.

DS. 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.

DS.  9/29/11
Signature of Applicant Date

VARIANCE APPLICATION

Case Number:

2011-0037

APPLICANT/AGENT:

Name: DON STROBEL
 Address: 2716 6th Ave. South
 City: St. Petersburg State: FL
 Zip: 33712 Phone: 727-321-5588

PROPERTY OWNER:

Name: DANIEL WALSH
 Address: 17717 Gulf Blvd #305
 City: Redington Shores State: FL
 Zip: 33708 Phone: 440-871-3665

PROPERTY:

Address: 3940 Belle Vista Drive East
 Parcel ID: 07-32-16-07452-000-0020
 Current Zoning: _____ FLUM Designation: _____ Lot Area: _____
 Existing Use: _____ Proposed Use: _____

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

Construct wood stair landing & steps to garage
from 3' garage exit door. Landing & steps
built to code minimum 3' wide x 10'6" long w/
2 steps. Height of landing from ground is
21"22".

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.

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.

NO EXIT EXISTS TO SIDE & REAR OF GARAGE CURRENTLY.
SAFETY CONSIDERATIONS FOR QUICK EXIT FROM HOUSE
& GARAGE WILL BE IMPROVED WITH NEW 3' REAR DOOR
FROM GARAGE. DOOR IS PLACED NEXT TO HOUSE EXIT DOOR.

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.

IN GARAGE, IF POWER FAILS AND OVERHEAD DOORS CANNOT
BE OPERATED THERE IS NO WAY OUT OF GARAGE TO EXTERIOR.
2nd FLOOR DOOR WILL PROVIDE SAFE, SECURE EXIT TO EXTERIOR.

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

SEVERAL ISSUES EXIST.
THE OVERHEAD DOORS IN GARAGE ARE DIFFICULT TO
OPEN MANUALLY, OWNER IS UNABLE TO MANUALLY
OPEN THE LARGE OVERHEAD DOORS. NEW 3' DOOR
WILL SATISFY NEED TO SAFELY EXIT TO EXTERIOR.

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

WILL NOT AFFECT P/L ON BOUNDARY.

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

NOT APPLICABLE, WILL NOT.

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

NOT APPLICABLE, WILL NOT.

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.

THERE IS A 6' WOODEN FENCE BETWEEN
NEIGHBORS YARD TO NORTH OF SUBJECT PROPERTY.

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

THE LANDING & STAIR (3 STEPS) WILL BE BUILT
TO THE BUILDING CODE MINIMUM STANDARDS.

THE DOOR ITSELF DOES NOT NEED VARIANCE.
CODE REQUIRES THE 3' LANDING, SO A VARIANCE IS
REQUIRED FOR STAIR & DECK LANDING CONSTRUCTION.

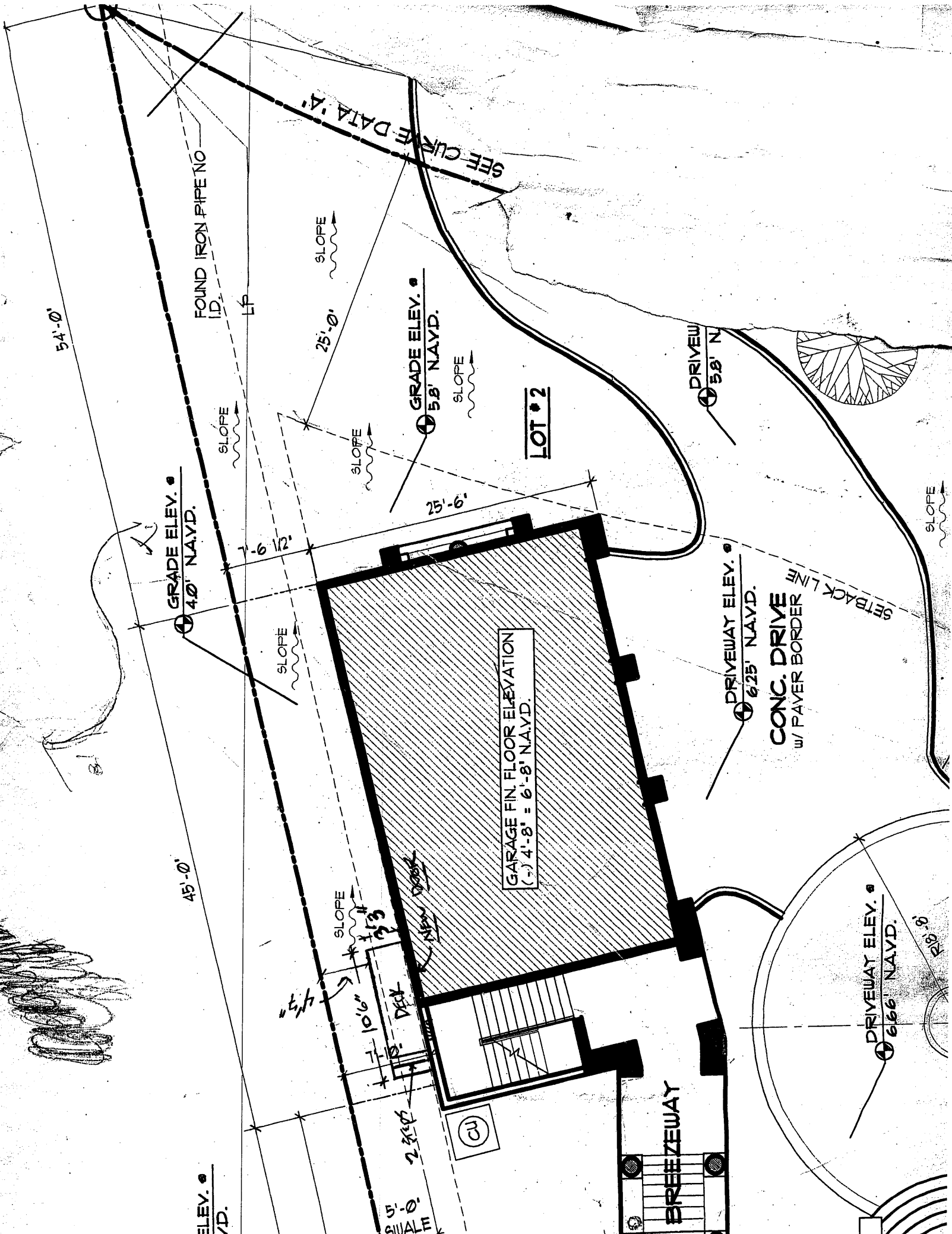
Signature of Applicant

Date

Signature of Authorized Agent

Date

9/29/11



54'-0'

FOUND IRON PIPE NO. 10

SEE CURVE DATA 'A'

GRADE ELEV. 4.0' NAVD.

GRADE ELEV. 5.8' NAVD.

LOT #2

DRIVEWAY 5.8' N

DRIVEWAY ELEV. 6.25' NAVD.

CONC. DRIVE w/ PAVER BORDER

SETBACK LINE

GARAGE FIN. FLOOR ELEVATION (-) 4'-8" = 6'-8" NAVD.

DRIVEWAY ELEV. 6.66' NAVD.

BREEZEWAY

ELEV. 1.0' NAVD.

Walsh Residence

3940 Belle Vista Drive W.
St. Pete Beach, FL 33706

Shown: Proposed deck

Scale: 3/4" = 1'0"

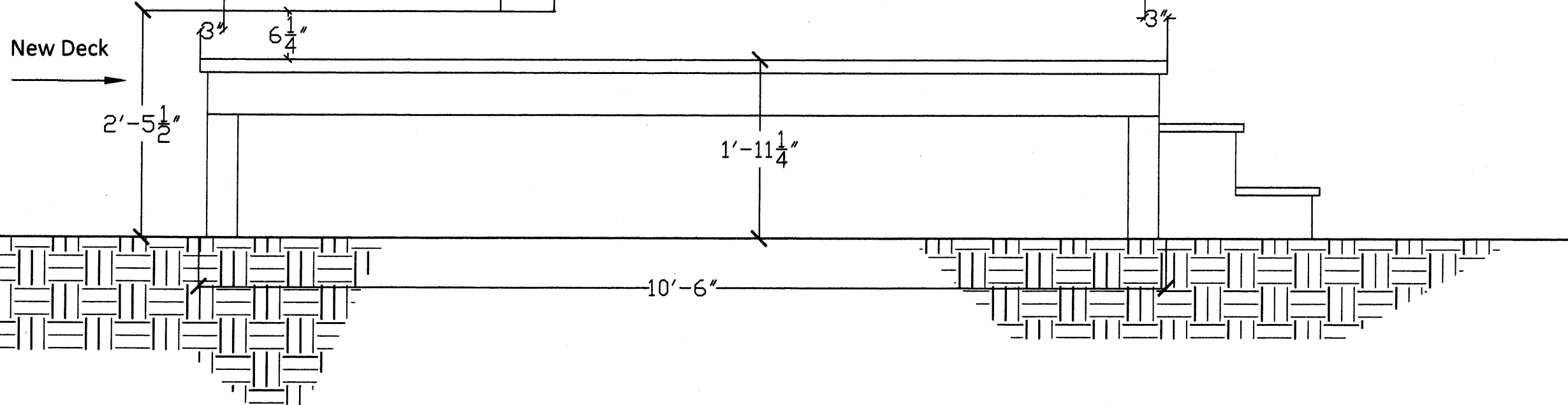
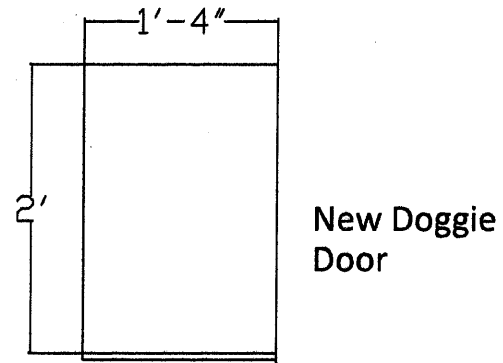
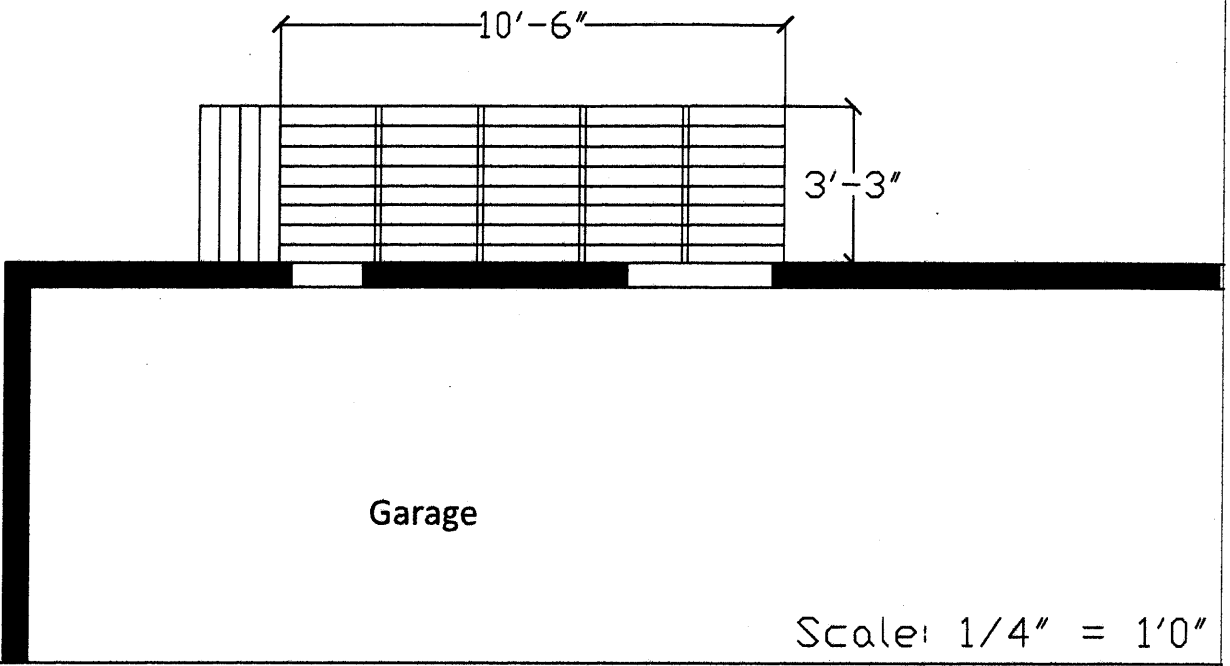
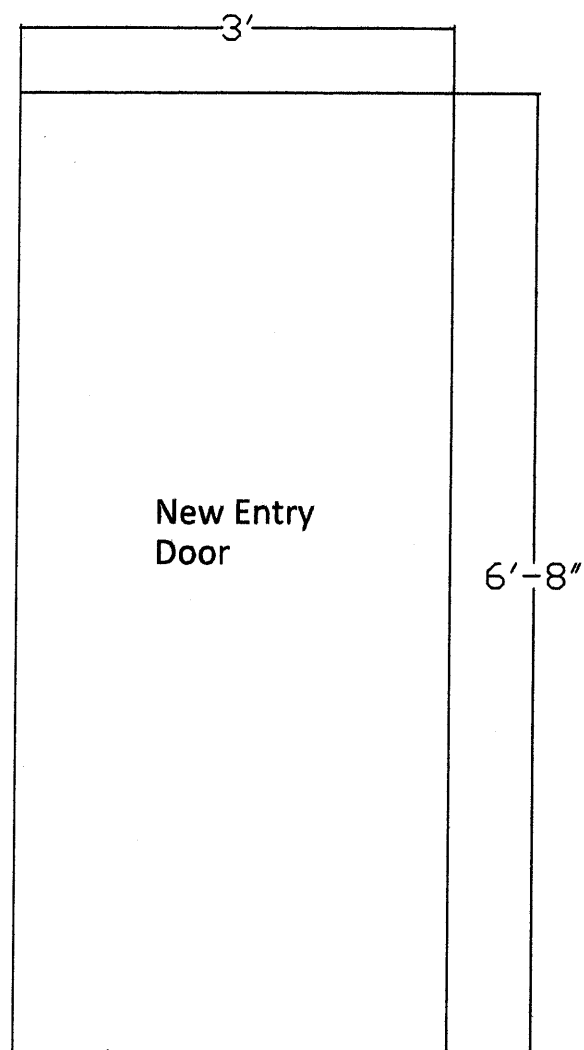
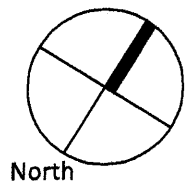
Additional information:

Deck to be 10'-6" from post to post

Deck to be 6 1/4" from threshold of door to top of deck

Treads: 10" in length

Risers: 7 1/2" high

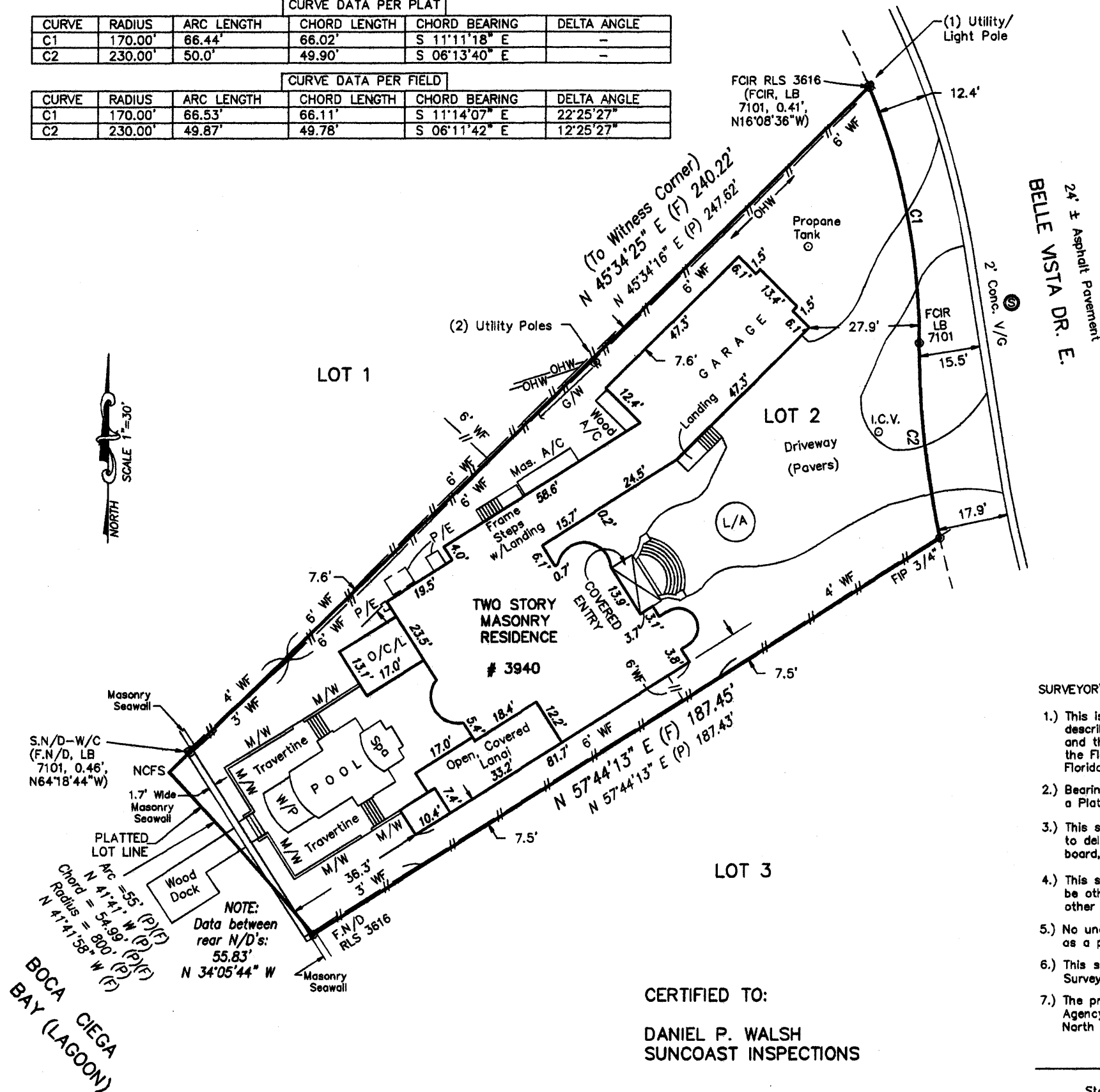


RECEIVED
NOV - 1 2011
COMMUNITY DEVELOPMENT

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST PINELLAS COUNTY, FLORIDA

CURVE DATA PER PLAT					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	170.00'	66.44'	66.02'	S 11°11'18" E	-
C2	230.00'	50.0'	49.90'	S 06°13'40" E	-

CURVE DATA PER FIELD					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	170.00'	66.53'	66.11'	S 11°14'07" E	22°25'27"
C2	230.00'	49.87'	49.78'	S 06°11'42" E	12°25'27"



DESCRIPTION: (Per O.R. Book 17301, Page 1713)

Lot 2, Fourth Addition to Belle Vista Beach, according to the map or plat thereof as recorded in Plat Book 28, page 13 of the Public Records of Pinellas County, Florida.

LEGEND:

NCFS	NO CORNER FOUND OR SET, FALLS IN WATER
F.N/D	FOUND NAIL & DISK IN SEAWALL
FCIR	FOUND CAPPED IRON ROD
FIP	FOUND IRON PIPE
S.N/D-W/C	SET NAIL & DISK - WITNESS CORNER, SURVEYOR NUMBER 5523
LB	LICENSED BUSINESS
RLS	REGISTERED LAND SURVEYOR
(P)	PLAT DATA
(F)	FIELD DATA
I.C.V.	IRRIGATION CONTROL VALVE
Conc. V/G	CONCRETE VALLEY GUTTER
M/W	MASONRY WALL
OHW	OVERHEAD WIRE(S)
O/C/L	OPEN, COVERED LANAI
P/E	POOL EQUIPMENT
Mas. A/C	MASONRY AIR CONDITIONER PLATFORM
Wood A/C	WOOD FRAME AIR CONDITIONER PLATFORM
WF	WOOD FENCE
W/P	WADING POOL
L/A	LANDSCAPED AREA
G/W	GUY WIRE
⊙	SANITARY SEWER MANHOLE

SURVEYOR'S NOTES:

- 1.) This is to certify that a survey has been made under my supervision of the property described hereon and that this drawing is a true and accurate representation thereof and that this survey meets or exceeds the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6 of the Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.
- 2.) Bearings are based on the Southeasterly Boundary of subject property bearing N57°44'13"E, a Plat bearing.
- 3.) This survey was conducted for the purposes as stated hereon only, and is not intended to delineate the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity.
- 4.) This survey was conducted without the benefit of an abstract of title, therefore, there may be other easements, rights-of-way, setback lines, agreements, reservations, restrictions, or other similar matters of public record, not depicted on this survey.
- 5.) No underground utilities, underground encroachments, building foundations were observed as a part of this Survey, unless otherwise shown. Shrubs, if any, were not located.
- 6.) This survey not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
- 7.) The property shown hereon falls within Flood Zone "AE", per Federal Emergency Management Agency Flood Map No. 12103C0278G 0219 H, dated 9-3-2003 (Base Flood Elevation 11), North American Vertical Datum of 1988.

CERTIFIED TO:
DANIEL P. WALSH
SUNCOAST INSPECTIONS

Patrick J. Collins
State of Florida Surveyor No. 5523

Date Signed: _____
Last Date of Field Survey: 10-20-2011

Select Surveying, Inc.
Licensed Business Number 7318
315 S. Delaware Ave. #2
Tampa, Florida 33606
PH. (813) 258-3210

BOUNDARY & TOPOGRAPHIC (& TREE) SURVEY
3940 BELLE VISTA DR. E.
ST. PETE. BEACH, FL. 33706

REVISIONS:

DRAWN BY: PC
SCALE: 1"=20'
DATE: 10-17-11
PARTY CHIEF: PC
FIELD BOOK: 1
PAGE: 4
DWG #: 327 Belle View
JOB #: 11-1018



CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
727-363-9266

Mailing date: November 15, 2011

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
November 30, 2011

Case No.: 2011-0037
Address: 3940 Belle Vista
Owner: Daniel Walsh
Agent: Don Strobel
Zoning: RU-1
Request: **Applicant requests a variance from Section 8.7 of the Land Development Code: Required side yard for the RU-1 zoning district is the lesser of ten percent of the lot width or seven feet.**

The applicant has requested a variance from this section to reduce the sideyard to 4 '7" in order to build a staircase and landing to enter the garage.

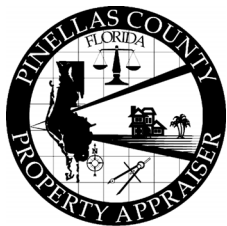
You are hereby notified that a variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 300 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. It is the intent of Board of Adjustment to hear this request at 2:00 p.m. on Wednesday, November 30, 2011. Interested persons are urged to examine the application materials prior to the scheduled hearing date.

Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the Board of Adjustment for consideration. **Community Development Department may be contacted by telephone at 727-363-9266.**

This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member will be disclosed at the public hearing.

Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).



PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

Run Date: 06 Oct 2011

Subject Parcel: 07-32-16-07452-000-0020

Radius: 300 feet

Parcel Count: 34

Note: Parcels with protected address status are not included in this report.

Total pages: 4

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ **MAIN BRANCH- COURTHOUSE**

315 Court St. – 2nd Floor
Clearwater, FL 33756
MAIL: PO Box 1957
Clearwater, FL 33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408
COMMERCIAL APPRAISALS:
TEL: (727) 464-3284
RESIDENTIAL APPRAISALS:
TEL: (727) 464-3643 (C/W)

☐ **NORTH COUNTY**

29269 US Highway 19 N
Clearwater, FL 33761
TEL: (727) 464-8780
FAX: (727) 464-8794

☐ **TYRONE (SOUTH)**

1800 66TH St. N
St. Petersburg, FL 33710
TEL: (727) 582-7652
FAX: (727) 582-7610

☐ **MID-COUNTY**

CUSTOMER SERVICE CENTER – WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TANGIBLE PERSONAL PROPERTY
TPP TEL: (727) 464-8484
TPP FAX: (727) 464-8488
MAIL: PO Box 1957 – Clearwater, FL 33757

MARTIN, LACY B
MARTIN, SHIRLEY J
3701 BELLE VISTA DR
ST PETE BEACH FL 33706-3807

MARTIN, LACY B
MARTIN, SHIRLEY J
3701 BELLE VISTA DR
ST PETE BEACH FL 33706-3807

WALSH, DANIEL P REV TRUST
WALSH, DANIEL P TRE
17717 GULF BLVD # 305
REDINGTON SHORES FL 33708-1251

COBB, RHODA T TRUST
COBB, RHODA T TRE
3912 POINSETTIA DR
ST PETE BEACH FL 33706-2639

HAMILTON, NELSON R
HAMILTON, DONNA J
3903 BELLE VISTA DR E
ST PETE BEACH FL 33706-2654

TURNER, BILL J TRE
TURNER, KATHIE E TRE
3601 BELLE VISTA DR
ST PETE BEACH FL 33706-3805

ALLART, MICHAEL C
5300 QUEEN ST N
ST PETERSBURG FL 33714-2736

TURNER, JEFFERSON E
TURNER, DIEDRE N
3942 POINSETTIA DR
ST PETE BEACH FL 33706-2639

SAFRANEK, BARBARA
310 39TH AVE
ST PETE BEACH FL 33706-2602

BUTLER, JOHN M
3892 BELLE VISTA DR E
ST PETE BEACH FL 33706-2629

HISCOCK, NANCY M TRE
HISCOCK, ROBERT A TRE
8 MANGROVE PT
ST PETE BEACH FL 33706-3801

MOREAN, BETH A
309 39TH AVE
ST PETE BEACH FL 33706-2601

BUFF, LORETTA P
ERDMANN, LAURA B
3900 BELLE VISTA DR E
ST PETE BEACH FL 33706-2631

WILLIAMS, GREGORY M
WILLIAMS, MARCY
3922 POINSETTIA DR
ST PETE BEACH FL 33706-2639

PREMER, GREGORY M
PENNEY, MELISA L
3957 MOODY ST
ST PETE BEACH FL 33706-2632

LAZUK, MICHAEL
LAZUK, JANET
3988 BELLE VISTA DR
ST PETE BEACH FL 33706-2631

GROSSNICKLE, STEPHAN
GROSSNICKLE, FAITH
39 E 79TH ST
NEW YORK NY 10075-0240

RUTTENCUTTER, EDWARD A
PO BOX 49362
ST PETERSBURG FL 33743-9362

WHEATON, STEPHEN K
WHEATON, DEBORAH
305 40TH AVE
ST PETE BEACH FL 33706-2611

MC BRAYER, W MICHAEL
MC BRAYER, KAREN S
3952 POINSETTA DR
ST PETE BEACH FL 33706-2639

MEYER, WILLIAM P
3907 BELLE VISTA DR E
ST PETE BEACH FL 33706-2654

FISCHER, JOHN A
3751 BELLE VISTA DR
ST PETE BEACH FL 33706-3807

KILPATRICK, MARY A
KILPATRICK, THOMAS C
433 75TH AVE
ST PETE BEACH FL 33706-1831

PETERSON, WILLIAM KENDALL
PETERSON, KAREN S
3917 BELLE VISTA DR E
ST PETE BEACH FL 33706-2654

MATUSKOVA, OLGA
3897 BELLE VISTA DR E
ST PETE BEACH FL 33706-2628

WRIGHT, GARY
WRIGHT, JEAN
3650 BELLE VISTA DR E
ST PETE BEACH FL 33706-2625

GREENE, LUCILE REV TRUST
4140 BAYSHORE BLVD NE
ST PETERSBURG FL 33703-5524

PETERSON, LANCE B
PETERSON, SARAH K
3919 BELLE VISTA DR E
ST PETE BEACH FL 33706-2654

MURRAY, JAMES F
MURRAY, CAROL L
351 39TH AVE
ST PETE BEACH FL 33706-2601

MATUSKA, OLGA
3897 BELLE VISTA DR E
ST PETE BEACH FL 33706-2628

UNDERWOOD, LINDA
UNDERWOOD, STEVEN
3920 BELLE VISTA DR E
ST PETE BEACH FL 33706-2631

CHUDOZILOV, NIKOLA
318 39TH AVE
ST PETE BEACH FL 33706-2602

SCHMEDES, WALTER
SCHMEDES, ILSE MARIE
3666 BELLE VISTA DR
ST PETE BEACH FL 33706

PAPE, MICHAEL G
EHRKE-PAPE, WENDY H
7705 GARDNER RD
TAMPA FL 33625

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0038
November 30, 2011

Property Information

Address: 1350 Boca Ciega Isle Drive

Owner: Jack Satterfield

Agent: Rick Waugh

Existing Use: Single Family Residential

Zoning: RU-2

Parcel Size: 0.3 acres, MOL

Requests: Variance from Section 6.13 (c)(5) of the Land Development Code for variance to reduce the required side yard setback from 10' to 5' for the construction of a gazebo.

Background Information:

The applicant owns a single family home and has requested a variance to the required side yard setback in order to build a residential accessory structure, specifically a gazebo. Based on the plans provided, it appears the requested gazebo is roughly 423 square feet.

Section 6.13 restricts the size of a gazebo to 64 square feet. It should be noted the applicant did not request a variance for the size of the proposed gazebo. If the side yard setback variance is granted, the applicant will have to apply for another variance for the size of the structure.

Staff Analysis

Section 3.12 of the land Development Code sets forth the conditions that an applicant must meet in order for a variance to be granted:

(a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and

(b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and

(c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and

(d) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and

(e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Based on these standards, staff makes the following observations:

- (a) Strict application of the land development code would not deprive reasonable use of the land, as a house has already been built on the lot and is a permitted use in this district. This request is also self-created, as the gazebo could be designed with less square footage and could meet the minimum setback requirements.
- (b) The applicant stated that the request is to build a “conforming structure”. While the structure would be a conforming use, it would not be conforming in size. This statement is untrue.
- (c) The granting of the variance will not change the zoning map or approve a non-conforming use; a gazebo is a permitted accessory use in this zoning district.
- (d) The applicant argues that the gazebo will “enhance property values,” but no evidence of this has been submitted.
- (e) The applicant would have reasonable use of the land even if the gazebo were constructed at a smaller size and met the minimal setback requirements.

Summary and Conclusion

It does not seem that the applicant has been able to meet standard (a): it is a self-created hardship. The gazebo can be re-designed to be smaller in square footage and fit into the required setback.

The burden is on the applicant to show a hardship exists.

Submitted by: Catherine Hartley, AICP, Senior Planner



Case # 2011-0038
1350 Boca Ciega Isle Drive



0 35 70 140 210 280 Feet

VARIANCE APPLICATION

Case Number: 2011-0038

APPLICANT/AGENT:

Name: RICK VAUGHN (Captain)

Address: 4792 RIDGEVIEW CIR.

City: Palm Harbor

State: FL

Zip: 34685

Phone: 727-463-4925

PROPERTY OWNER:

Name: JACK SATTERFIELD

Address: 1366 BOCA CIEGA ISE DR.

City: ST. PETERSBURG

State: FL

Zip: 33706

Phone: 727-403-5471

PROPERTY:

Address: 1350 BOCA CIEGA ISE DR. ST. PETERSBURG, FL 33706

Parcel ID: 06/32/16/09594/003/0170

Current Zoning: RL-2

FLUM Designation: _____

Lot Area: _____

Existing Use: _____

Proposed Use: _____

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

THE PARCEL IN QUESTION IS A DOUBLE LOT WITH 10 FOOT SIDE YARD SET BACKS. WE ARE REQUESTING A RELAXATION TO THE NORTH-SIDE YARD-SET BACK, SO WE CAN MAXIMIZE OUR USE OF THE LAND AVAILABLE TO US.

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.

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.

AFTER CONSIDERABLE ARCHITECTURAL DESIGN WORK & LAYOUTS, WE HAVE ESTABLISHED THE BEST LAYOUT AND USE OF OUR REAR AND SIDE YARD WITHOUT INTERRUPTION OF THE WATER VIEW FROM OUR HOME OR ANY OF OUR NEIGHBARS.

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.

STRICT APPLICATION WOULD PUT A STRANGLE HOLD ON OUR ABILITY TO GET COMPLETE USE OF OUR PROPERTY.

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

WE ARE LOOKING FOR A RELAXATION TO THE NORTH-SIDE YARD-SET BACK SO WE CAN MAXIMIZE OUR USE OF THIS DUMB LOTS.

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

No

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

WE PROSE TO BUILD A CONFORMING STRUCTURE THAT WILL ENHANCE OUR PROPERTY AND THE NEIGHBORHOOD.

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

WILL NOT CHANGE DENSITY OR INTENSITY AT ALL

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.

THE VARIANCE WILL ALLOW US TO ENHANCE OUR PROPERTY AND HELP TO INCREASE PROPERTY VALUE.

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

THE VARIANCE WOULD ALLOW MINIMAL RELAXATION TO ONE SETBACK AREA WHILE ALLOWING US MAXIMUM EFFORT FOR USE AND VALUE FOR THE COVERED AREA WE ARE TRYING TO CREATE.

Signature of Applicant

Date

Signature of Authorized Agent

Date

October 14, 2011

St. Pete Beach City Commission

Subject: Variance Request
Property Address
1350 Boca Ciega Isle Dr
St. Pete Beach, FL

I own the property adjacent to 1350 Boca Ciega Isle Dr. Mr. Satterfield has shown me the plans for the Pool Gazebo and the request for the side yard lot line variance adjacent to my property.

This letter will serve to advise that I have no objections to the request for variance.

A handwritten signature in black ink, appearing to read 'Wayne Sharpe', with a long horizontal stroke extending to the right.

Wayne Sharpe
1346 Boca Ciega Isle Dr.
St. Pete Beach, FL 33706



Community Development Department
155 Corey Avenue
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.

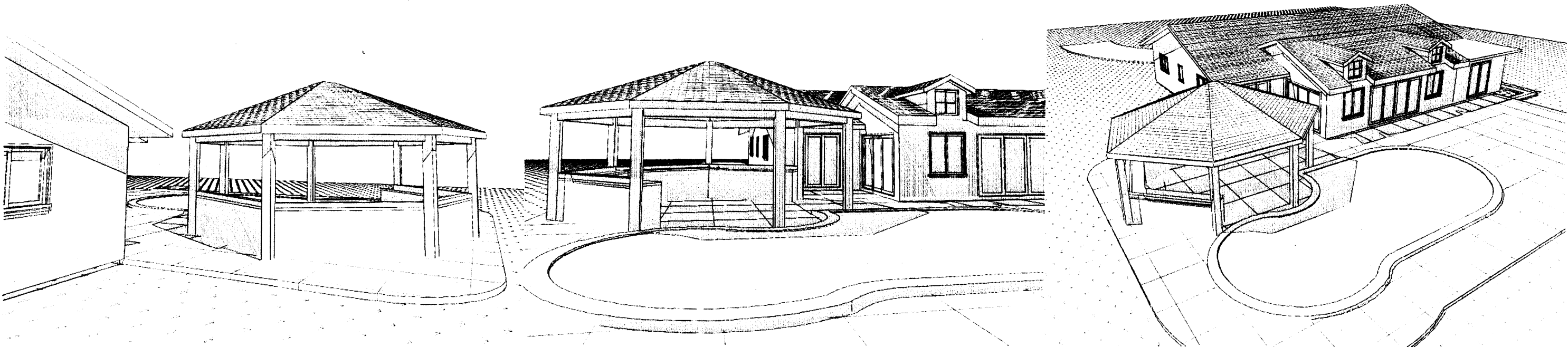
- KPH I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- KPH On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- KPH 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.
- KPH 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.
- KPH 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.

[Signature] 10/5/11
Signature of Applicant Date

Concept Plans for: The Satterfield Residence

1350 Boca Ciega Isle Drive St. Petersburg Beach, Florida 33706



24' W. 7 SIDED GAZEBO-FRONT

24' W. 7 SIDED GAZEBO-REAR

24' W. 7 SIDED GAZEBO-AERIAL

DRAWING INDEX

C-1	COVER SHEET
A-1	COVERED PATIO PLAN
A-2	ELEVATIONS RIGHT & REAR



Pinnacle
Construction Services, LLC



TBBB
TAMPA BAY
BUILDING ASSOCIATION



AIBD



BBB
ACCREDITED
BUSINESS

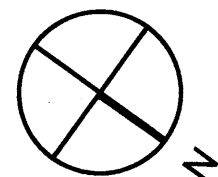


NAHB

4792 Ridgemoor Circle Palm Harbor, Florida 34685 State Certified General Contractor CGC021882 Phone: 727-771-0455

PROJECT NO:	2011.02
DRAWING DATE:	10/1/2011
DRAWN BY:	Paul Alan Beuckers
CHK'D BY:	Earl Richard Waugh

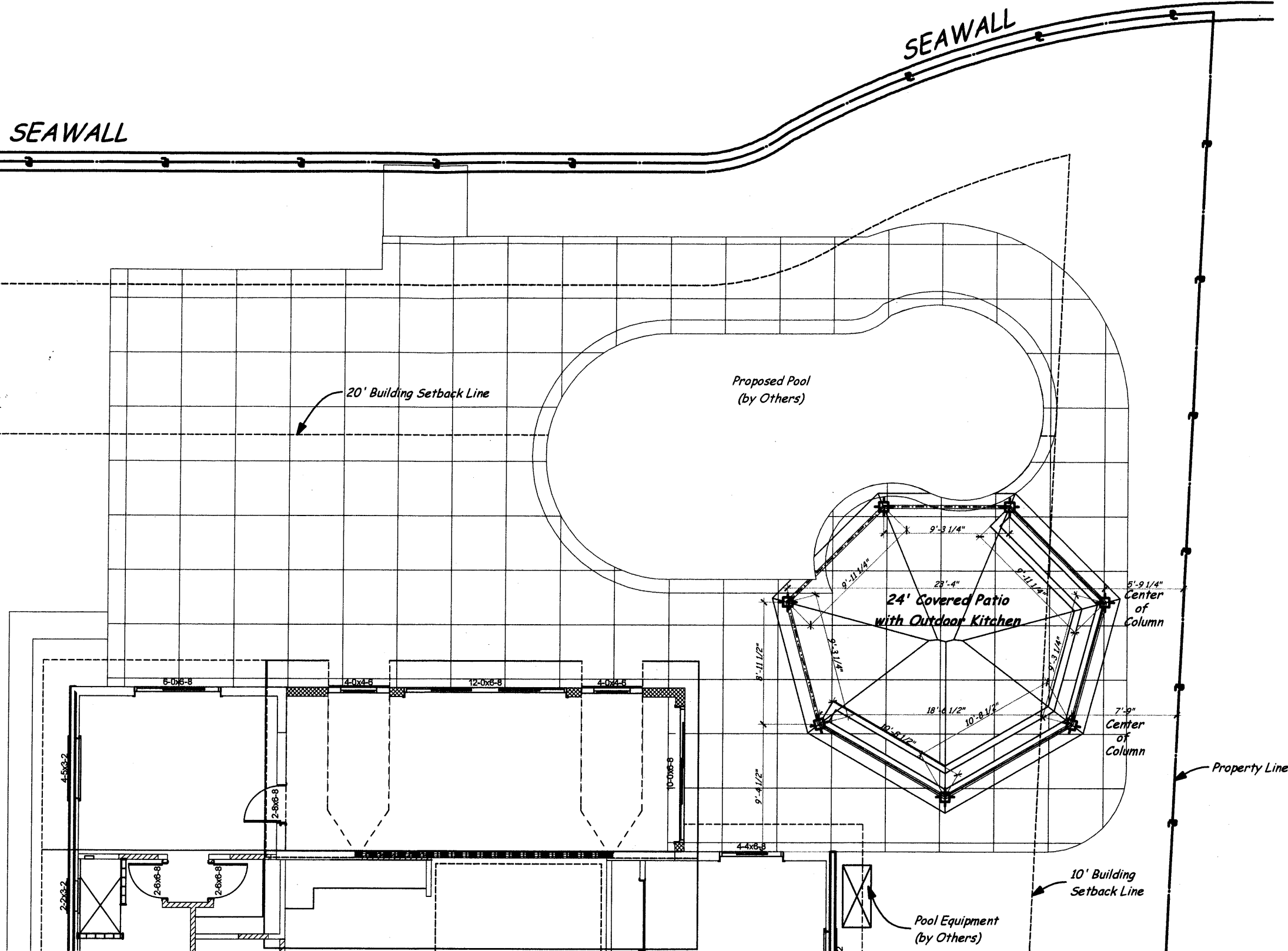
SHEET TITLE
COVER SHEET
SHEET 1 OF 3
C-1

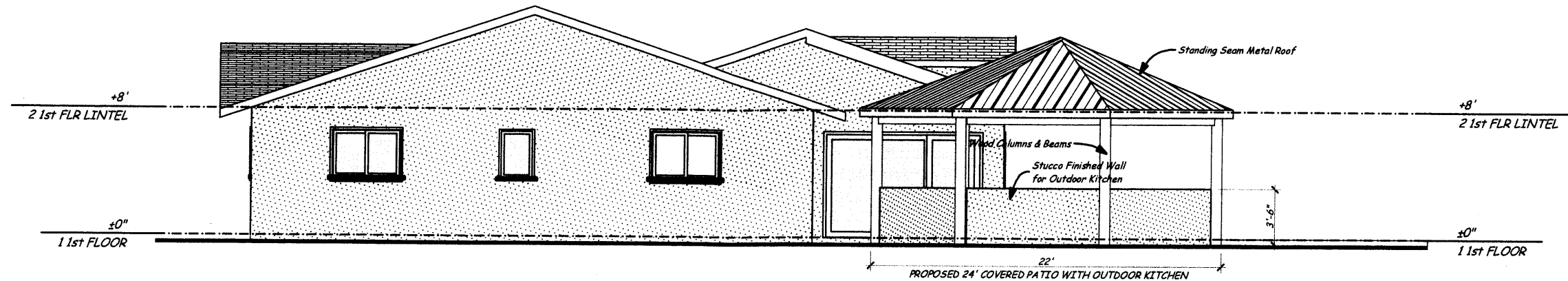


1 Proposed Covered Patio Plan
SCALE: 1/8" = 1'-0"

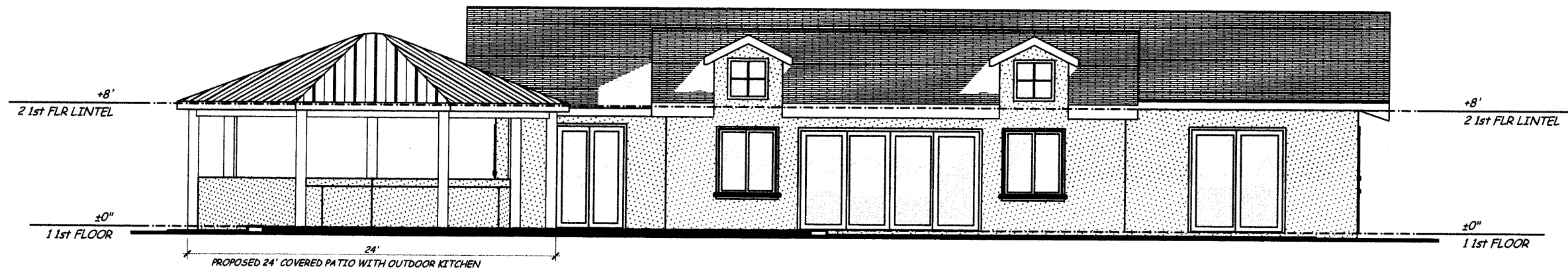
10' Building Setback Line

20' Building Setback Line





1 **RIGHT ELEVATION**
SCALE: 1/8" = 1'-0"



2 **REAR ELEVATION**
SCALE: 1/8" = 1'-0"



4792 Ridgemoor Circle Palm Harbor, Florida 34685 State Certified General Contractor CGC021882 Phone: 727-771-0455



Concept Plans for: The Satterfield Residence

1350 Boca Ciega Isle Drive St. Petersburg Beach, Florida 33706

PROJECT NO: 2011.02
DRAWING DATE: 10/1/2011
DRAWN BY: Paul Alan Beuckens
CHK'D BY: Earl Richard Waugh

SHEET TITLE
**ELEVATIONS RIGHT &
REAR**
SHEET 3 OF 3 **A-2**



CITY OF ST. PETE BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
727-363-9266

Mailing date: November 15, 2011

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
November 30, 2011

Case No.: 2011-0038
Address: 1350 Boca Ciega Isle Drive
Owner: Jack Satterfield
Agent: Rick Waugh
Zoning: RU-2
Request: **Request from section 6.13 (c)(5) of the Land Development Code for variance to reduce the required side yard setback from 10' to 5' for the construction of a gazebo.**

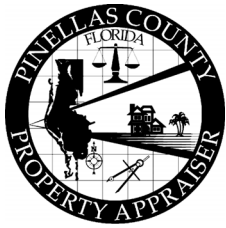
You are hereby notified that a variance application for the above-referenced request has been filed with the Community Development Department. Records indicate that you own property within 300 feet of this property. The application is on file with the Community Development Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. It is the intent of Board of Adjustment to hear this request at 2:00 p.m. on Wednesday, November 30, 2011. Interested persons are urged to examine the application materials prior to the scheduled hearing date.

Individuals who wish to object to the request may either appear at the hearing or file their objection in writing with the Community Development prior to the hearing date. If the objection is in writing, it should refer to the assigned case number and specify the grounds for the objection. Written objections will be presented to the Board of Adjustment for consideration. **Community Development Department may be contacted by telephone at 727-363-9266.**

This public hearing is part of a quasi-judicial proceeding and is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member will be disclosed at the public hearing.

Appeals of the decision are by petition for writ of certiorari to the Circuit Court. Persons appealing a decision will need a record of the proceedings and may need to ensure that a verbatim record is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may retain the services of a court reporter to attend the public hearing.

NOTE: In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).



PAM DUBOV, CFA, CAE

Pinellas County Property Appraiser

www.pcpao.org

pam@pcpao.org

Run Date: 15 Nov 2011

Subject Parcel: 06-32-16-09594-003-0170

Radius: 300 feet

Parcel Count: 20

Note: Parcels with protected address status are not included in this report.

Total pages: 3

Public information is furnished by the Property Appraiser's Office and must be accepted by the recipient with the understanding that the information received was developed and collected for the purpose of developing a Property Value Roll per Florida Statute. The Pinellas County Property Appraiser's Office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability or suitability of this information for any other particular use. The Pinellas County Property Appraiser's Office assumes no liability whatsoever associated with the use or misuse of such information.

☒ **MAIN BRANCH- COURTHOUSE**

315 Court St. – 2nd Floor
Clearwater, FL 33756
MAIL: PO Box 1957
Clearwater, FL 33757
TEL: (727) 464-3207
FAX: (727) 464-3448
HEARING IMPAIRED: (727) 464-3370

EXEMPTIONS:

TEL: (727) 464-3294
FAX: (727) 464-3408

COMMERCIAL APPRAISALS:

TEL: (727) 464-3284

RESIDENTIAL APPRAISALS:

TEL: (727) 464-3643 (C/W)

☐ **NORTH COUNTY**

29269 US Highway 19 N
Clearwater, FL 33761
TEL: (727) 464-8780
FAX: (727) 464-8794

☐ **TYRONE (SOUTH)**

1800 66TH St. N
St. Petersburg, FL 33710
TEL: (727) 582-7652
FAX: (727) 582-7610

☐ **MID-COUNTY**

CUSTOMER SERVICE CENTER – WALK-IN
13025 Starkey Rd., Largo (Tax Collector)
TANGIBLE PERSONAL PROPERTY
TPP TEL: (727) 464-8484
TPP FAX: (727) 464-8488

MAIL: PO Box 1957 – Clearwater, FL 33757

SPEISER, ROBERT N
PO BOX 40820
ST PETERSBURG FL 33743-0820

SPEISER, ROBERT N
PO BOX 40820
ST PETERSBURG FL 33743-0820

MILILLO, JULIA C
1309 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2547

PARIOS, JOHN
1303 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2547

CHAPMAN, GARY
CHAPMAN, KERRY
11 KIRTLETON AVE
WEYMOUTH DORSET DT47PS

LANCASTER, LOIS A
PO BOX 66480
ST PETE BEACH FL 33736-6480

SHARPE, WAYNE R
SHARPE, HEATHER J
6 BRIGHTON PL
ST JOHN'S NL A1A 4W2

SATTERFIELD, CHRISTOPHER W
SATTERFIELD, JACK WESLEY
1350 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2548

NICKLAUS, HARRY G
NICKLAUS, LORI A
520 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2532

KLINGEL, JOSEPH W
KLINGEL, MELINDA L
PO BOX 67128
ST PETE BEACH FL 33736-7128

MEDNICK, SCOTT E
335 46TH AVE
ST PETE BEACH FL 33706-2571

SMITH, ERNA M
1330 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2548

HYLAND, MARTIN D
HYLAND, MARLENE
PO BOX 1046
ST PETERSBURG FL 33731-1046

PERRY PROPERTIES LLC
518 PLAZA BLVD
KINSTON NC 28501-1636

CEFERIN & VERICKER LLC
PO BOX 66570
ST PETE BEACH FL 33736-6570

PERRY, ELY J III
PO DRAWER 1475
KINSTON NC 28503-1475

JOHNSON, DALE K REV LIVING TRUST
522 BOCA CIEGA ISLE
ST PETE BEACH FL 33706-2532

BES, PHILLIPPE
510 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2532

ANDERSON, VIRGINIA S
93 1/2 E 7TH ST
2
NEW YORK NY 10009-5731

SATTERFIELD, JACK W JR
SATTERFIELD, CARLA B
1360 BOCA CIEGA ISLE DR
ST PETE BEACH FL 33706-2548