



Notice of Public Meeting

Board of Adjustment
Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33605
12/14/2011
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

Regular Meeting

A. Public Hearings:

1. Case # 2011-0040
Subject property address: 605 55th Avenue. Applicant Mark Hatfield requests a variance from Section 8.7 of the Land Development Code to reduce the front yard setback from 20 feet to 11 feet for the construction of an addition.
2. Case # 2011-0041
Subject property address: 645 78th Avenue. Applicants Dennis and Marilyn King request a variance from section 6.15 of the Land Development Code for an 8 foot tall fence in the front yard where 4 feet is the maximum.
3. Case # 2011-0042
Subject property address: 343 55th Avenue. Applicant Richard Spiegel requests a variance from Section 6.13 of

the Land Development Code to reduce the required rear yard setback for a pool from 9 feet to 5 feet.

B. Next Meeting: January 25, 2012

D. 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.

St. Petersburg Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared A. Robison who on oath says that he/she is Legal Clerk of the *St. Petersburg Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: ST PETE BEACH PUBLIC HEARING CASES: 2011-0040, -0041, -0042 was published in said newspaper in the issues of *Neighborhood Times Beaches*, 12/4/2011.

Affiant further says the said *St. Petersburg Times* is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Amy Robison

Signature of Affiant

Sworn to and subscribed before me
this 6th day of December A.D.2011

Diana J. Camp
Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



DIANA J. CAMP
MY COMMISSION # DD 882941
EXPIRES: August 10, 2013
Bonded Thru Budget Notary Services

LEGAL NOTICE

CITY OF ST. PETE BEACH NOTICE OF PUBLIC HEARING

The City of St. Pete Beach Board of Adjustment will conduct public hearings on **Wednesday, December 14, 2011 at 2:00 P.M.** at City Hall, 155 Corey Avenue, to receive comments on the following variance applications:

1. Case # 2011-0040
Subject property address: 605 55th Avenue. Applicant Mark Hatfield requests a variance from Section 8.7 of the Land Development Code to reduce the front yard setback from 20 feet to 11 feet for the construction of an addition.
2. Case # 2011-0041
Subject property address: 645 78th Avenue. Applicants Dennis and Marilyn King request a variance from section 6.15 of the Land Development Code for an 8 foot tall fence in the front yard where 4 feet is the maximum.
3. Case # 2011-0042
Subject property address: 343 55th Avenue. Applicant Richard Spiegel requests a variance from Section 6.13 of the Land Development Code to reduce the required rear yard setback for a pool from 9 feet to 5 feet.

Copies of the applications and any associated plans are available at City Hall in the Community Development Department. Written comments on the proposed applications may be submitted to the above City department. For further information regarding any advertised variance, please contact Catherine Hartley, Senior Planner, at (727) 363-9266 or by email at c.hartley@stpetebeach.org.

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

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 four days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

Catherine Hartley, AICP, Senior Planner

12/4/2011

648831-01

Case # 2011-0040

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0040
December 14, 2011

Property Information

Address: 605 55th Avenue

Owner: Mark Hatfield

Agent: same

Existing Use: Single Family Residential

Zoning: RU-1

Parcel Size: 90' x 105'

Request: Variance from Section 8.7 of the Land Development Code to reduce the front yard setback from 20 feet to 11 feet for the construction of an addition.

Background Information:

The applicant owns a single family residence at the property listed above. The residence has a two car garage with the doors on the front façade of the building. According to the plans submitted by the applicant, the garage is unusually shallow; It is roughly 10'7" deep. (A typical parking space is 18' to 20' deep.) The applicant wishes to add on to the depth of the garage in order to store his vehicles, including a truck used for work, in the garage as opposed to parking in the driveway.

The lot is an odd shape due to the oblong shape of the cul-de-sac; Roughly 20 feet from the side lot line, the front property line shifts back approximately 10 feet. (Please see attached plans.)

The applicant has requested to encroach on this part of the front yard in order to add additional enclosed garage space.

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) Most of the lots in this subdivision (Brightwater Estates Replat) have uniform front and rear property lines. Three other lots on this street also have jogs in the front property line, but none are as severe as the subject property. The lot was platted in this shape – it is not the result of anything the applicant has done.
- (b) The use is conforming for this zoning district. The application is not based on non-conforming structures within the district.
- (c) The application does not propose a change to the zoning map.
- (d) The application as requested will not be injurious to the public welfare; the proposed garage will not impede any views of the waterfront nor any sight line for ingress and egress of any driveway.
- (e) Based on the shape of the lot, the proposed variance is the minimum variance needed in order to construct an average sized garage.

Summary and Conclusion

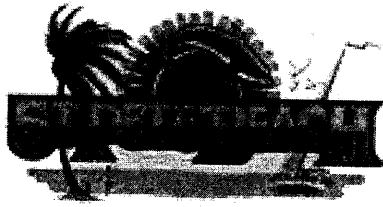
Staff finds the request is consistent with the criteria for granting a variance.

Submitted by: Catherine Hartley, AICP, Senior Planner

Case # 2011-0040
605 55th Avenue



0 20 40 80 120 160 Feet
7



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.

mmh 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.

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

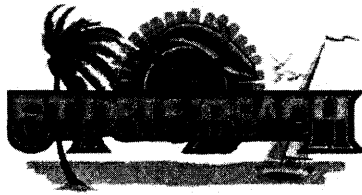
ant I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

ant 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.

ant 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.

Melissa 11-15-11
Signature of Applicant Date



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: 20110040

PROPERTY:

Legal Description: lot 3 Brightwater Beach Replat

Parcel ID or address is one has been assigned: 31/31/16/11466/000/0030

Current Zoning: BU-1 FLUM Designation: BU Lot Area: 90' x 105'

Existing Use: single family Proposed Use: _____

APPLICANT/AGENT:

Name: Mark Hatfield

Address: 605 55th Ave

City: St. BCH State: FL

Zip: 33706 Phone: 727-560-8270

PROPERTY OWNER:

Name: Mark Hatfield

Address: Same

City: 33706 State: FL

Zip: 11 Phone: 11

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

Extend GARAGE 8'5 in to
Setback only applies to yellow
shaded Area

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.

Due to the Shape of Lot
in Platted Design I am not
Able to Extend my GARAGE

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.

I want to be ~~Able~~ to park
my vehicles in garage

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

NO, I did not plat the lot

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

N/A

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

N/A

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.

I will not be different other
garage on the street

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

I Am meeting 20' set back, It
is ~~on~~ because of the way my lot
line has been Platted



11-15-11

Signature of Applicant

Date

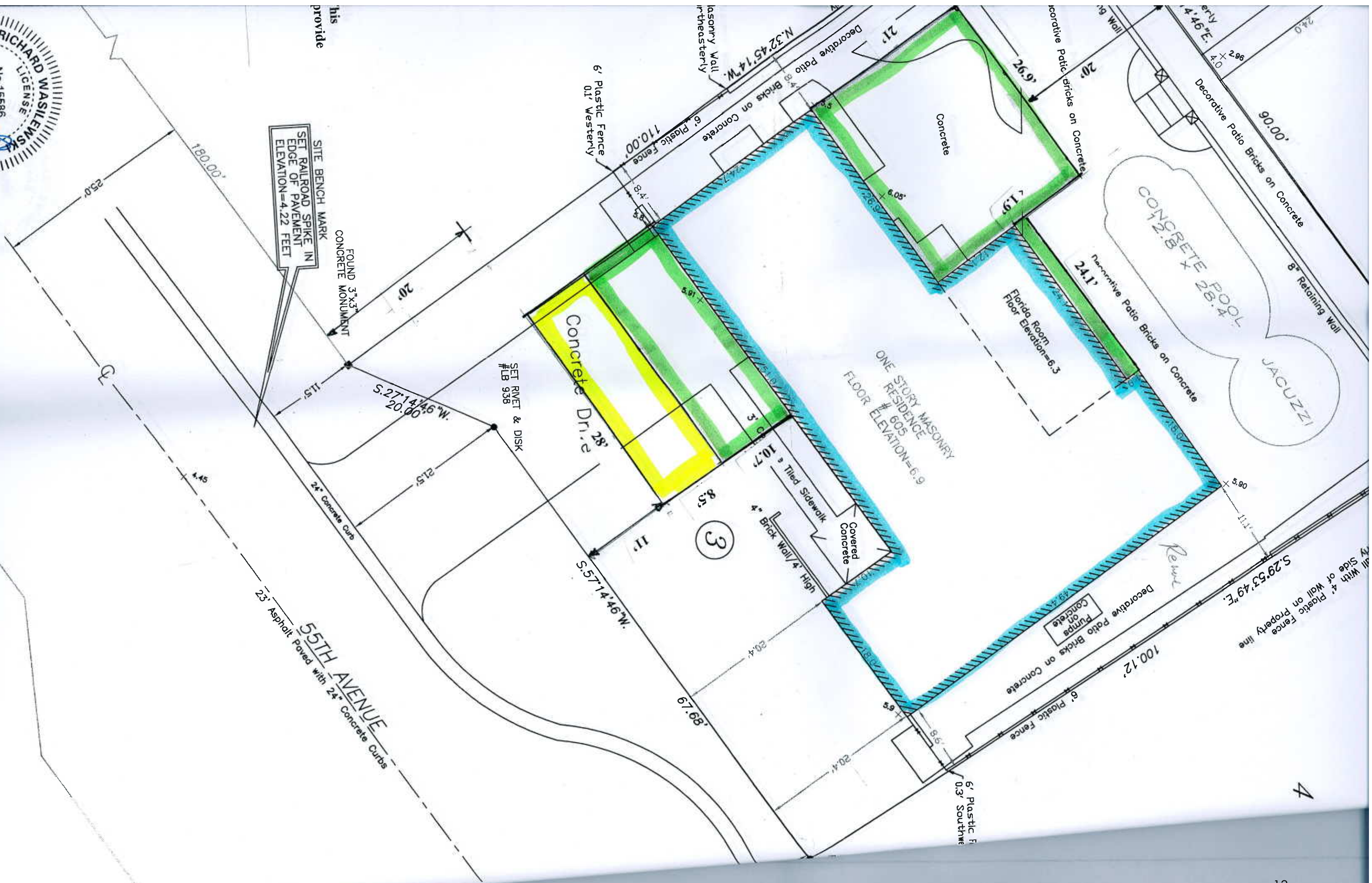
Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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





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

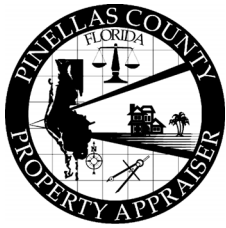
Mailing date: November 29, 2011

**BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: December 14, 2011**

Case No.: 2011-0040
Address: 605 55th Ave.
Owner: Mark Hatfield
Agent: Owner
Zoning: RU-1
Request: Variance from section 8.7 of the LDC to reduce front yard setback from 20' to 11' for the construction of an addition.

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 on Wednesday, December 14th 2011 at 2:00 p.m. or as soon as the agenda permits.** 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 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. 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. The City does not provide verbatim transcripts.

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: 29 Nov 2011

Subject Parcel: 31-31-16-11466-000-0030

Radius: 300 feet

Parcel Count: 14

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

Total pages: 2

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

SMITH, NORMAN R TRE
SMITH, MIRELLA C TRE
600 55TH AVE
ST PETE BEACH FL 33706-2315

SMITH, NORMAN R TRE
SMITH, MIRELLA C TRE
600 55TH AVE
ST PETE BEACH FL 33706-2315

BARTLETT, SANDRA
514 55TH AVE
ST PETE BEACH FL 33706-2313

BROWN, JOHNNY G TRUST
BROWN, JOHN G TRE
619 MOURNING DOVE DR
SARASOTA FL 34236-1903

GORUP, ANTHONY G REVOCABLE TRUST
GORUP, ANTHONY G TRE
601 55TH AVE
ST PETE BEACH FL 33706-2315

HATFIELD, MARK
605 55TH AVE
ST PETE BEACH FL 33706-2315

C G L PROPERTIES LLC
430 GLENDALE AVE
CINCINNATI OH 45246-3815

STRATOS-KARATSIS REV LIV TRUST
STRATOS-KARATSIS, DORA TRE
607 55TH AVE
ST PETE BEACH FL 33706-2315

ENZINGER, CHARLES K
ENZINGER, DENISE L
PO BOX 66835
ST PETERSBURG FL 33736-6835

MICCICHE, CRAIG
MICCICHE, DIANA
515 55TH AVE
ST PETE BEACH FL 33706-2312

TOURTELOT, MONTA FAM TRUST
C/O KING, DOROTHY M POA
327 SUNSET DR N
ST PETE BEACH FL 33710

BATCHELOR, CRAIG L
PO BOX 66189
ST PETE BEACH FL 33736-6189

BENNATI, ALVIN A JR
604 55TH AVE
ST PETE BEACH FL 33706-2315

JACKSON, ROBERT R
JACKSON, BARBARA WILLIAMS
603 55TH AVE N
ST PETE BEACH FL 33706-2315

Case # 2011-0041

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0041
December 14, 2011

Property Information

Address: 645 78th Avenue

Owner: Dennis and Marilyn King

Agent: Same

Existing Use: Single Family Residential

Zoning: RU-1

Parcel Size: 100' x 145'

Request: Variance from section 6.15 of the Land Development Code for an 8 foot tall fence in the front yard where 4 feet is the maximum.

Background Information:

The applicant owns a single family residence at the property listed above. The lot consists of two platted lots of record (lots 1 and 2, Block 79, North Unit Number 1). The applicant's easterly neighbor has been a subject of police and code complaints over the years (12 police reports in 2011). In order to ensure the peaceful enjoyment of their property, the applicant has requested to build an 8 foot fence along the eastern property line in order to buffer the adjacent property from theirs. The proposed fence would be within what is considered the front yard according to the land development code.

Section 6.15 established the regulations for fences and walls:

Sec. 6.15. Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also section 6.21 for visibility requirements at street intersections.

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) The applicant has stated that the enjoyment of their property has been greatly reduced due to the neighboring property. While the City has responded to code and police calls, the neighboring property continues to be a problem.
- (b) A fence is a permitted accessory use in this zoning district. The applicant has not stated that a non-conforming use or buildings are grounds for their application.
- (c) The proposed variance will not change any boundary on the zoning map.
- (d) The purpose and intent of the Land Development Code is to ensure the health, safety, and welfare of the community, and should ensure that the public has reasonable and peaceful enjoyment of their property. The application is consistent with this intent.
- (e) The variance request is the minimum variance that will make possible the reasonable use of the applicant's land; The height of the fence requested is no more than what would normally be permitted in a side or rear yard.

Summary and Conclusion

Staff finds the request is consistent with the criteria for granting a variance.

Submitted by: Catherine Hartley, AICP, Senior Planner

Case # 2011-0041
645 78th Avenue



0 20 40 80 120 160 Feet
20

VARIANCE APPLICATION

Case Number: 2011-0041

APPLICANT/AGENT:

Name: DENNIS JACK KING & MARLYN KING

Address: 645 78TH AVE

City: ST PETE BEH State: FL

Zip: 33706 Phone: _____

PROPERTY OWNER:

Name: DENNIS J. & MARLYN K. KING

Address: 645 78TH AVE

City: ST PETE BEH State: FL

Zip: 33706 Phone: 727-367-4226

PROPERTY:

Address: 645 78TH AVE 78-0010

Parcel ID: 36-31-15-61-524-0078-0050

Current Zoning: RU-1 FLUM Designation: RU

Lot Area: 160x145

Existing Use: home Proposed Use: SAME

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

VARIANCE FROM THE HEIGHT LIMIT OF 4 FT IN THE 20 FT SETBACK ON EAST SIDE OF PROPERTY TO UP TO 8' HEIGHT FENCE ADDING 6' ON TOP OF EXISTING 18' CONCRETE WALL (SURVEY READS 2' CONC WALL)

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.

Dennis J. King
Signature of Applicant

11/15/11
Date

Dennis J. King
Signature of Authorized Agent

11/15/11
Date

For office use only:

Hearing Date: 12/14/11

Fees: _____

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



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.

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

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

Dennis J King _____
Signature of Applicant Date

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.

See attached

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.

THE CONDITIONS & CIRCUMSTANCES THAT EXIST DOES NOT ALLOW US TO ENJOY OUR PROPERTY OR SELL IT.

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

NO — ISSUES BY NEIGHBOR

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

NA

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

NA

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

NA

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.

IT IS GOING TO IMPROVE OUR PROPERTY & NOT BEING
ABLE TO SEE THE NEIGHBOR

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

YES, ASKING FOR LESS THEN MAX WHICH IS
8FT AND WILL BE 7'6" IN HEIGHT.

Dennis J King 11/15/11
Signature of Applicant Date

Dennis J King 11/15/11
Signature of Authorized Agent Date

Answer to #1

We are requesting this variance for an 8ft. fence instead of 4ft. in the setback.

Our neighbor at 627 78th Ave. is James Birmingham (also known as Jungle Jim) his property is next to our property, on our east side. There is other people living there with him, at least three more. If you pull up the properties enforcement code violations, you will clearly see that this property has a long history of violations. This is a continuous problem.

The additional high fencing will provide a nicer backdrop to our property. The property owner at 625 78th Ave. which is on the East side of James Birmingham property, received a variance a year or two ago, to erect the higher fence and has already done so.

The property behind James Birmingham property installed a fence a few years ago due to seeing some of Jim's visitors peeing in the back yard. And also when they were overly intoxicated they would pass through their yard to 79th Ave. Just this month of November we had one of Jim's visitors half passed out in our front yard. So we had to call the police.

The other reason we are requesting a variance is because when the drinking gets going which is everyday and they have other visitors, which also is almost everyday they start getting loud, argumentative and the profanity starts and it can and does go on and on and get out of control. Our neighbor across the street has called the police on this. The police department unfortunately can only do so much. We are requesting the extension of the fence so we can cut down on the noise especially the loud profanity.

We recently put our house for sale and had excepted an offer, only to lose the sale the day of the inspection, because they was having a party and the loud profanity was out of control. The people purchasing our house was astonished and decided to cancel the sale since they have small grandchildren. It has become a unfortunate situation.

We believe that the variance is greatly needed in order for us to enjoy our property and the person or persons after us without being annoyed by neighbors who have a long history of code enforcement and police activity over the years.



JOB NO.: 020369

MURPHY'S LAND SURVEYING, INC.

L.B. #6960

DRAWN BY: CKL
CHECKED BY: EDM

PH. (727) 347-8740

DATE OF FIELD WORK: 02/26/02

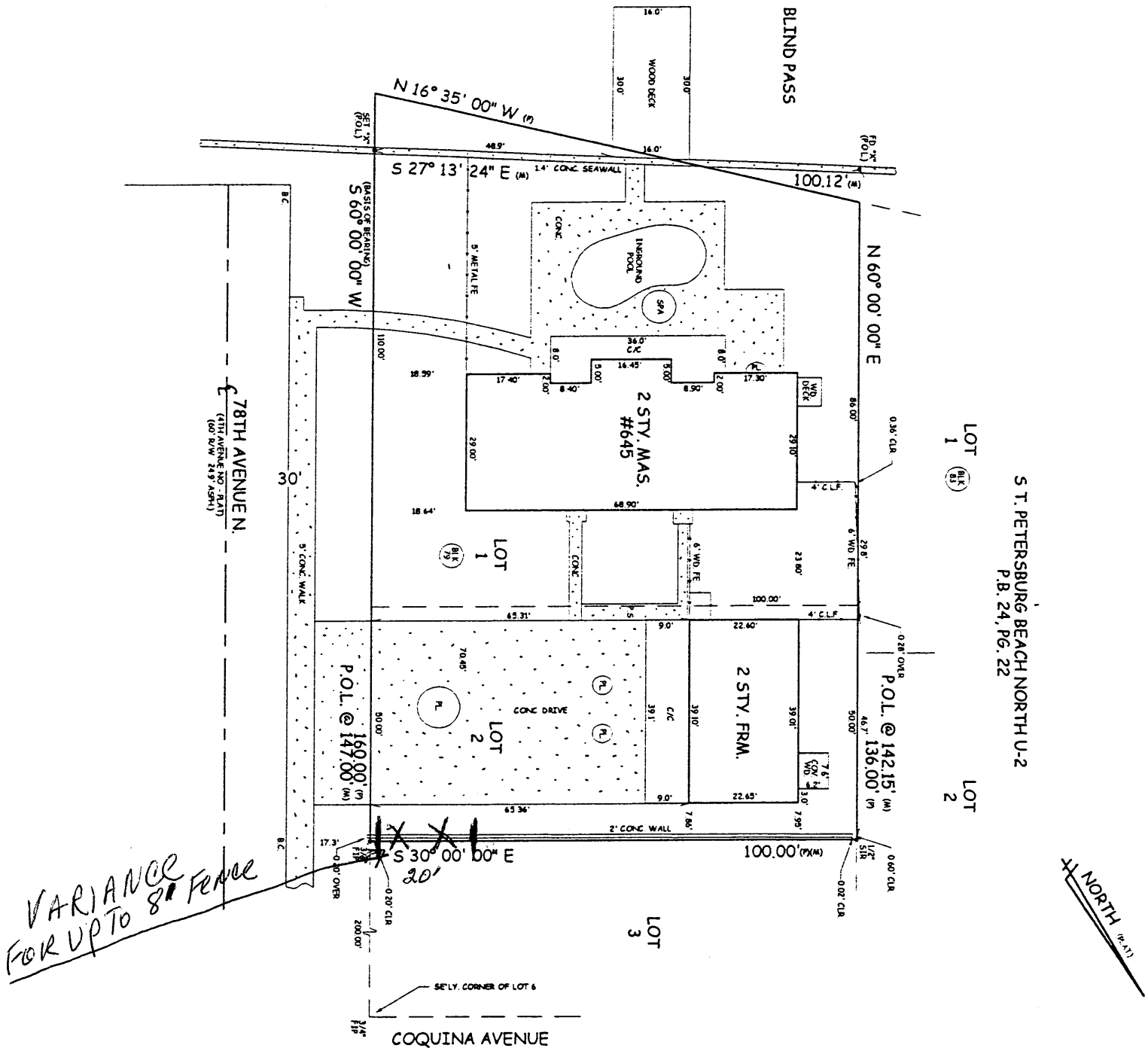
LAND SURVEYORS
5760 11TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33710

FAX (727) 344-4640

CERTIFIED TO: Dennis J. King and Marilyn K. King and Victoria R. Pierce
AmSouth Bank
Alday Donaldson Title Agencies of America, Inc.
Stewart Title Guaranty Company

SCALE: 1" = 30'

SEC. 36 TWP. 31 S. RGE. 15 E.



A BOUNDARY SURVEY OF: Lots 1 and 2, Block 79, NORTH UNIT NO. 1, as recorded in Plat Book 21, Page 27 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Housing and Urban Development, this property appears to be located in
Flood zone: A-12 Comm. Panel No.: 125149 0003 B Map Date: 3/2/83 Base Flood Elev: 11.0' & 12.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTIES, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS, AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTS THE MINIMUM REQUIREMENTS OF CHAPTER 61G17.6, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNLESS SHOWN AND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SURVEY NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL.

Edward D. Murphy
EDWARD D. MURPHY REG. P.L.S. # 5333

LEGEND:	
F.P. - FOUND IRON PIPE	F.D. - FOUND
F.C.M. - FOUND CONCRETE MONUMENT	N.A.D. - NAIL AND DISK
P.L.R. - FOUND IRON ROD	P.O.L. - POINT ON LINE
S.I.R. - SET IRON ROD 1/2" LB #8980	P.C. - POINT OF CURVATURE
P.C. - POINT OF REVERSE CURVATURE	P.T. - POINT OF TANGENCY
P.C. - POINT OF COMPOUND CURVATURE	P.I. - POINT OF INTERSECTION
F.M. - FINISHED FLOOR ELEVATION	X-X-X - FENCE
P.M. - PERMANENT REFERENCE MONUMENT	FE - FENCE
N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM OF 1929	C.L.F. - CHAIN LINK FENCE
	A.DJ. - ADJACENT
	R. - RADIUS
	A. - ARC
	C. - CHORD
	W.H. - WATER HEATER
	A. - DELTA
	R.W. - RIGHT OF WAY
	# - NUMBER
	M.S. - MASONRY
	FRM. - FRAME
	G.I. - GRATE INLET
	C.B. - CATCH BASIN
	W.H. - WATER HEATER
	T.O.B. - TOP OF BANK
	M.S. - METAL SHED
	ALUM. - ALUMINUM
	W.H. - WATER HEATER
	P.S. - PATIO STONE
	C.P. - CARPORT
	P.L. - PLANTER
	B.C. - BACK OF CURB
	E.P. - EDGE OF PAVEMENT
	E.R. - EDGE OF ROAD
	E.O.W. - EDGE OF WATER
	W. - WEST
	E. - EAST
	DR. - DRAINAGE
	L.P. - LIGHT POLE
	O.H. - OVERHUNG
	GAR. - GARAGE
	C.V.D. - COVERED WOOD
	C.P.S. - COVERED PATIO STONE
	C.C. - COVERED CONCRETE
	W.D. - WOOD
	BLK. - BLOCK
	S.P. - SCREENED PORCH
	P.P. - OVERHEAD POWER LINES
	T.T. - OVERHEAD TELEPHONE LINES
	P.P. - POWER POLE
	L.P. - LIGHT POLE

Catherine Hartley

From: gswilson.politicus@gmail.com on behalf of Gregory Wilson [gregory.wilson@parwil.com]
Sent: Friday, December 02, 2011 1:20 PM
To: Catherine Hartley
Subject: Case No. 2011-0041 (645 78th Ave.)
Attachments: spb police on 78th P1040171.JPG

December 2, 2011

Gregory S. Wilson
P. O. Box 66148
St. Pete Beach, FL 33736

Community Development Department
City of St. Pete Beach
via email to c.hartley@stpetebeach.org

Re: Board of Adjustment Public Hearing, 12/14/11
Ref: case No. 2011-0041 (645 78th Ave.)

To whom it concerns,

My wife and I reside at 610 78th Ave and are in receipt of your notice of public hearing.

We object to the King family's need to construct an eight-foot fence in their yard.

Instead, we believe it more appropriate to build a twelve-foot fence to completely surround the adjacent property at 627 78th Ave.

Please allow me to share with you what it means for us to live on St. Pete Beach: People who live in their front yard, sleeping in vehicles, talking loudly and profanely, yelling at the dog that barks daily without cause, loud music and all too many visits by the police department.

Don't get me wrong, it's always a pleasure to see our police, who sometimes arrive four-vehicles deep (see attached photograph). It makes a great impression on visitors about how safe it must be to live on St. Pete Beach!

More important is how these continuing conditions impact our quality of life and, ultimately, our ability to sell our properties and flee this community. Let me be blunt: No matter how well we maintain our homes, the chances of selling them are slim as long as the City of St. Pete Beach condones these conditions.

I only wish there was a place that we, too, could erect an eight-foot fence!

No, we do not really oppose this variance request. We fully understand it. We regret its absolute necessity. We encourage members of the Board of Adjustment to come witness the frustration it means for some of us to live on St. Pete Beach.

And then we encourage you to grant this variance.

Respectfully,
Gregory S. Wilson



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

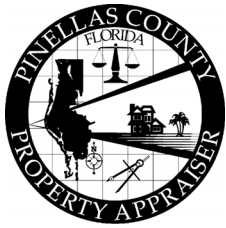
Mailing date: November 29, 2011

**BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: December 14, 2011**

Case No.: 2011-0041
Address: 645 78th Ave.
Owner: Dennis and Marilyn King
Agent: Owner
Zoning: RU-1
Request: Variance from section 6.15 of the LDC. Applicant requests an 8 foot tall fence in the front yard where 4 feet is the maximum.

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 on Wednesday, December 14th 2011 at 2:00 p.m. or as soon as the agenda permits.** 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 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. 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. The City does not provide verbatim transcripts.

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: 29 Nov 2011

Subject Parcel: 36-31-15-61524-079-0010

Radius: 300 feet

Parcel Count: 31

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

BYERS, LINDSAY WARREN REV TRUST
BYERS, LINDSAY WARREN TRE
4311 W IDA ST
TAMPA FL 33614-7622

BYERS, LINDSAY WARREN REV TRUST
BYERS, LINDSAY WARREN TRE
4311 W IDA ST
TAMPA FL 33614-7622

IVANOUSKAS, VYTAS
SULLIVAN, KAREN E
512 79TH AVE
ST PETE BEACH FL 33706-1722

WILSON, GREGORY S
PARSONS, ELENA A
PO BOX 66148
ST PETERSBURG FL 33736-6148

KING, DENNIS J
KING, MARLYN K
645 78TH AVE
ST PETE BEACH FL 33706-1715

HALE, HAROLD W JR
HALE, KAREN
7711 COQUINA WAY
ST PETE BEACH FL 33706-1737

BIRMINGHAM, JAMES A
627 78TH AVE
ST PETE BEACH FL 33706-1715

PELLEGRINO, AMELIA M
REPICI, FRANK A JR
625 78TH AVE
ST PETE BEACH FL 33706-1715

CECCHI, TODD A
CECCHI, TAMMY LEE
621 77TH AVE
ST PETE BEACH FL 33706-1707

O'HANLON, JEANNE
640 78TH AVE
ST PETE BEACH FL 33706-1716

WUNDERLIN, FLORENCE W
564 80TH AVE
ST PETE BEACH FL 33706-1606

MILLER, JORDAN
515 79TH AVE
SAINT PETERSBURG FL 33706-1721

WITEK, MARK J
WITEK, M ELEANOR
7925 COQUINA WAY
ST PETE BEACH FL 33706-1621

ROSE, KEVIN M
ROSE, CHERYL A
650 79TH AVE
ST PETE BEACH FL 33706-1724

STAMBAUGH, ALTHEA F
655 77TH AVE
ST PETE BEACH FL 33706-1707

ROSE, KEVIN M
ROSE, CHERYL S
650 79TH AVE
ST PETE BEACH FL 33706-1724

CERIMELE, ROMEO G
CERIMELE, CAROL J
631 77TH AVE
ST PETE BEACH FL 33706-1707

LYND, KATHLEEN L
650 78TH AVE
ST PETE BEACH FL 33706-1716

ROSSEN, MICHAEL T
ROSSEN, BEVERLY J
8101 BOCA CIEGA DR
ST PETE BEACH FL 33706-1518

WEIDINGER, ALOIS K
ELSTON, JULIE A
2303 NW LEMHI PASS RD
BEND OR 97701-6782

MURPHY, MAUREEN A
521 79TH AVE
ST PETE BEACH FL 33706-1721

BARCOMB, JEFFREY D
618 78TH AVE
ST PETE BEACH FL 33706-1716

PATNER, JOSEPH P
600 79TH AVE
ST PETE BEACH FL 33706-1724

WALTON, KEVIN M
WILLIAMS, TANYA J
601 78TH AVE
ST PETE BEACH FL 33706-1715

KRAUS, KAREN C
314 WESTBRIAR DR
MEDIA PA 19063-5130

ROBINSON, JOHN T
ROBINSON, KIMBERLY J
603 79TH AVE
ST PETE BEACH FL 33706-1723

MARSAN, JESSICA
PO BOX 1987
IDAHO SPRINGS CO 80452-1987

FERGUSON, JOHN S
405 CAPRI BLVD
TREASURE ISLAND FL 33706-2941

STRYNAR, ROBERT W
STRYNAR, CHRISTINE E
2328 TIMBERGROVE DR
VALRICO FL 33596-7215

MACEK, JANET
PARWIS, NYOMAN
610 79TH AVE
ST PETE BEACH FL 33706-1724

GENYS, ANTANAS
GENYS, AGATHE
22 GREENFIELD DR
TORONTO ON M9B 1G9

Case # 2011-0042

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2011-0042
December 14, 2011

Property Information

Address: 343 55th Ave

Applicant/Owner: Richard Spiegel

Agent: Joe Klingel

Existing Use: Single Family Residential

Zoning: RU-1

Parcel Size: 11,026 square feet.

Request: Variance from section 6.13 of the Land Development Code to reduce the 9 foot rear yard setback for a pool to 5'.

Background Information:

The applicant owns a lot in which a single family residence is currently under construction. According to the applicant, the foundation for the new home was already poured when the applicant purchased the property. The applicant now wishes to add a swimming pool in the rear yard. As currently configured, a standard size swimming pool would not fit in the rear yard.

Pools are regulated under section 6.13 of the Land Development Code as follows:

Swimming pools and spas may be permitted by the city and shall be regulated as follows:

- a. Pool setbacks shall be measured from the edge of the water.*
- b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located. Other swimming pools and spas shall be regulated by paragraph c. below.*
- c. Required yards: Front, secondary front and side yards shall be as required within the district for a principal structure.*

The required rear yard shall be nine feet; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

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:

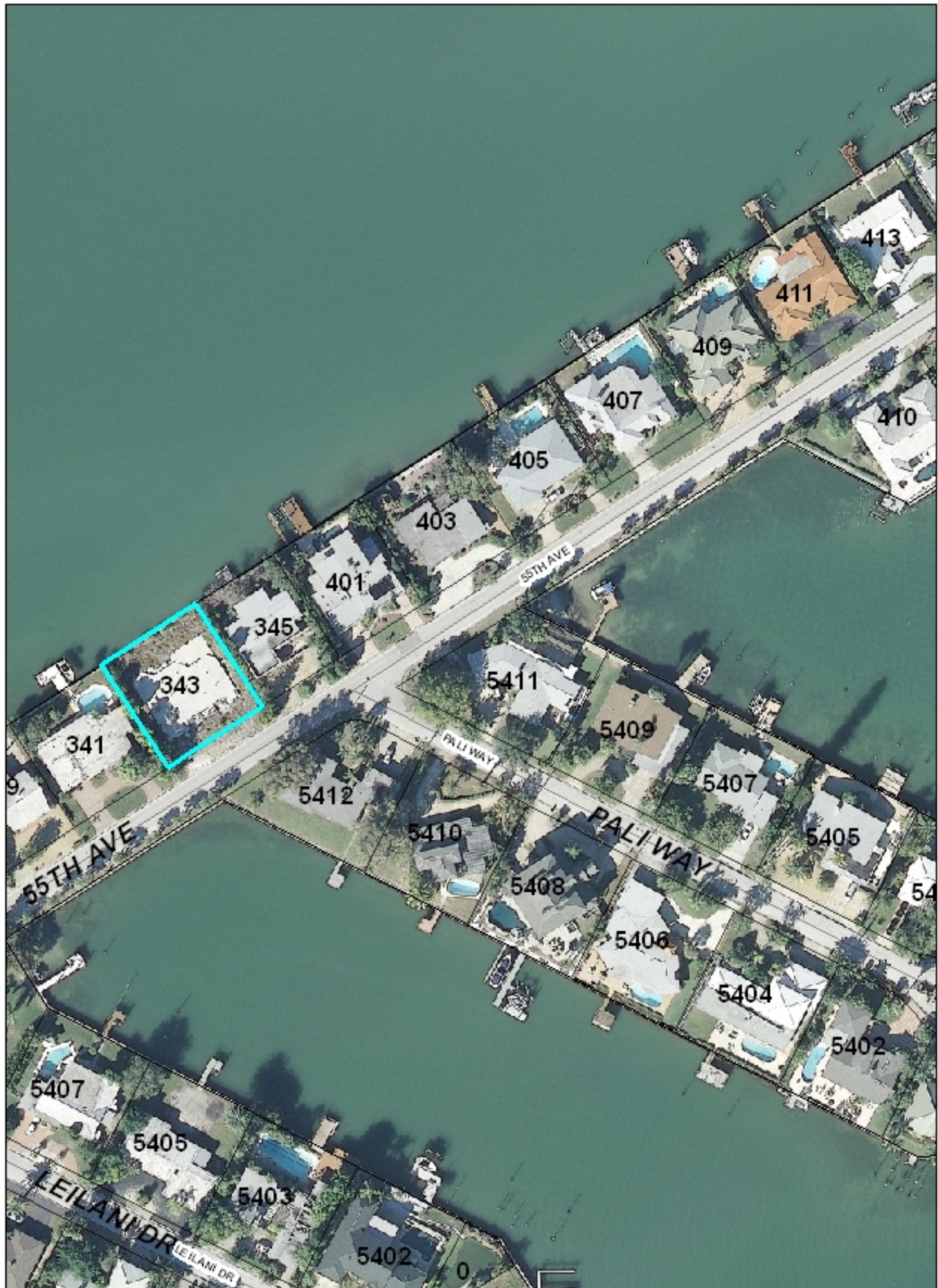
- (a) No special conditions that exist that are peculiar or unique to the subject property. The placement of the foundation, however, was not the result of the actions of the applicant.
- (b) The applicant has not argued that a nonconforming use or structure supports the application. Both the single family residence and the swimming pool are permitted uses in this zoning district.
- (c) The proposed variance does not change any zoning district boundary.
- (d) The general purpose and intent of the Land Development Code is to ensure the health and safety of the public. Required yards are established in order to ensure a minimum open space for percolation of water. The proposed plans indicate that even with the pool, the lot still provides for the minimum open space required. As the proposed pool is in-ground, the required yard remains “open to the sky” from grade.
- (e) Although the owner already has “reasonable” use in the land with the construction of a single family residence, literal enforcement of the Land Development Regulations would deprive the owner of a standard size swimming pool that is a permitted use within the zoning district.

Summary and Conclusion

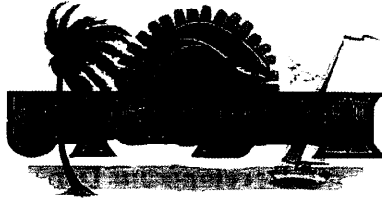
Although the burden lies on the applicant to prove that a hardship exists, staff finds that the request meets the general purpose and intent of the Land Development Code.

Submitted by: Catherine Hartley, AICP, Senior Planner

Case # 2011-0042
343 55th Avenue



0 45 90 180 270 360 Feet
37



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: 2011-42

PROPERTY:

Legal Description: Brightwater Beach Estates, BLK 4, Lot 15

Parcel ID or
address is one has
been assigned: 343 - 55 Avenue

Current Zoning: RU-1 FLUM Designation: RU Lot Area: 100 x 110

Existing Use: Res. Proposed Use: Res.

APPLICANT/AGENT:

Name: Joseph W. Klingel

Address: 255 Corey Avenue

City: St. Pete Beach State: FL

Zip: 33706 Phone: 727 367-7602

PROPERTY OWNER:

Name: Richard Spiegel

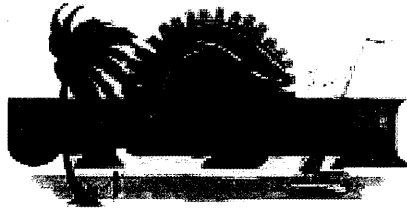
Address: 423 - 55 Avenue

City: St. Pete Beach State: FL

Zip: 33706 Phone: 727 560-5440

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

The applicant requests a variance to construct a pool that will have
a 5' set-back from the seawall. Present code requires a 9' set-back
from the seawall.



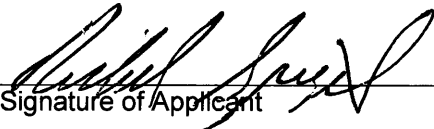
**Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9266
email: c.hartley@stpetebeach.org**

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.

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

11-15-2011
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.
The lot was purchased with the existing foundation and plans;
which leave only 9' usable in the rear yard for a pool.

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.

Current regulations require a 9' setback from the seawall
which would not permit the subject pool.

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

The concrete foundation was existing, leaving the 23' rear yard
(house to seawall)

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

n/a

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

n/a

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

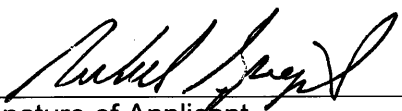
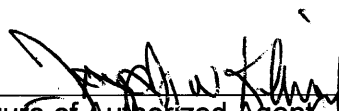
n/a

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.

No effect on neighborhood or adjoining properties.

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

Variance is the minimum variance for the reasonable use of the property due to the foundation being in place prior to the purchase of the property.

	11-15-2011		11-15-2011
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

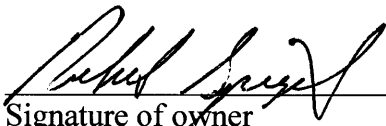
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied
☐ Continued

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

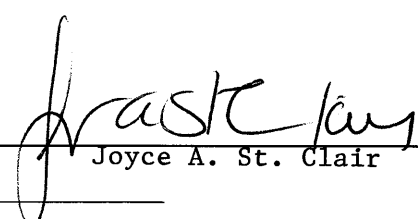
I/WE Richard Spiegel
(print name of property owner)

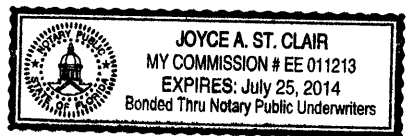
hereby authorize Joseph W. Klingel
(print name of agent)

to represent me/us in an application for
variance
(type of application: variance, land use, zoning, special event, etc)

 _____ Signature of owner	_____ Signature of owner
<u>Richard Spiegel</u> _____ Print name of owner	_____ Print name of owner

The foregoing instrument was acknowledged before me this 15th day
of November 2011, by Richard Spiegel who
is personally known ✓ or produced _____ as
identification.

 _____ (Notary Signature) My commission expires _____	<u>11/15/11</u> _____ (Date)
---	------------------------------------



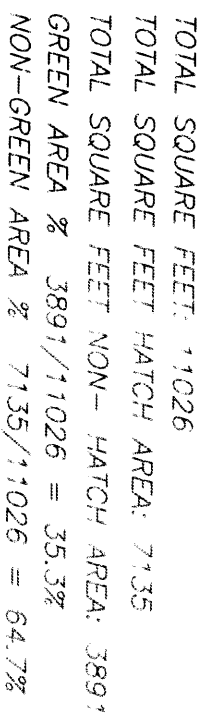


GENERAL NOTES:

1. No instruments of record reflecting easements, rights-of-way, and/or ownership were furnished, except as shown.
2. If easements or underground improvements located except as shown.
3. If easements are shown, such easements are based on R.G.V.D. 1829 (MS. = 0.00').
4. Detailed platting County survey divisions are based on N.A.V.A. 1988 (MS. = 0.00').
5. Detailed platting is original platting of the survey; it is not transcribed to this plat.
6. Surveyor has made no investigation or investigation except for easements of record, encroachments, visible easements, easements like pipelines, or any other facts that an accurate and current title should show.
7. No water courses located except as shown.
8. This Survey is prepared for the exclusive use of those parties certified herein and is valid for one (1) year from Date of Certification.

LEGAL DESCRIPTION:

BOCA CIEGA BAY



OFFICE LOCATION: 516 LAKEVIEW PLACE
LARGO, FLORIDA 33771
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
PREPARED FOR AND CERTIFIED TO:
RICHARD SPIEGEL

BOUNDARY LINE
BUILDING LINE
PLAY LOT LINE
EASEMENT LINE
POWER LINE
WOOD FENCE
CHAIN LINK FENCE
WIRE FENCE
FLOOD ZONE LINE
BUILDING THE (DIMENSION)

P.O. BOX 663
DUNEDIN, FL 34697-0663 PH:(727) 784-0573

2005 TARGET LAND SURVEYING INC.



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

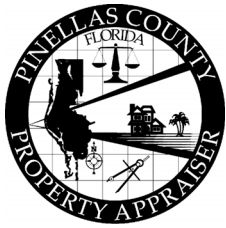
Mailing date: November 29, 2011

**BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: December 14, 2011**

Case No.: 2011-0042
Address: 343 55th Ave.
Owner: Richard Spiegel
Agent: Joseph Klingel
Zoning: RU-1
Request: Variance from section 6.13 of the Land Development Code
to reduce the 9 foot rear yard setback for a pool to 5'.

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 on Wednesday, December 14th 2011 at 2:00 p.m. or as soon as the agenda permits.** 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 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. 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. The City does not provide verbatim transcripts.

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: 29 Nov 2011

Subject Parcel: 06-32-16-11412-004-0150

Radius: 300 feet

Parcel Count: 18

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

MEROLA, JOSEPH J
MEROLA, TINA M
5411 PALI WAY
ST PETE BEACH FL 33706-2326

MEROLA, JOSEPH J
MEROLA, TINA M
5411 PALI WAY
ST PETE BEACH FL 33706-2326

MARK RICH PROPERTIES LLC
423 55TH AVE
ST PETE BEACH FL 33706-2310

DUBRULE, JOHN E
WIENER, PAMELA J
5410 PALI WAY
ST PETE BEACH FL 33706-2327

CATIZONE, DOMINIC V
CATIZONE, CATHERINE M
339 55TH AVE
ST PETE BEACH FL 33706-2308

SMYTH, CHARLOTTE F
5412 PALI WAY
ST PETE BEACH FL 33706-2327

WINSLOW, DOUGLAS K
WINSLOW, TRACY L
12318 STONELAKE RANCH BLVD
THONOTOSASSA FL 33592-3915

EORGAN, JAMES E
EORGAN, FRANCES E
405 55TH AVE
ST PETE BEACH FL 33706-2310

WEBER, JAMES C
5409 PALI WAY
ST PETE BEACH FL 33706

M & D H JOINT REVOCABLE INTER VIVOS TRUST
HORAN, DOROTHY M TRE
5407 LEILANI DR
ST PETE BEACH FL 33706-2324

STROSS, JASON
STROSS, CHRISTY
7825 3RD AVE S
ST PETERSBURG FL 33707-1025

KRUNTORAD, ELEANORE J TRE
403 55TH AVE
ST PETE BEACH FL 33706-2310

WEBER, HOWARD J
PO BOX 66204
ST PETE BEACH FL 33736-6204

GERRISH, JEFFREY C
GERRISH, CAROLYN
4450 GULF BLVD APT 505
SAINT PETERSBURG FL 33706-3853

RITCHIE, WILLIAM J JR
RITCHIE, THERESA L
329 55TH AVE
ST PETE BEACH FL 33706-2308

SORENSEN, OLE M
BARTLETT, BIRGIT
2817 BRIARCREEK PL
FAYETTEVILLE NC 28304-3879

HAKL, SHAWN P
10237 EASTUARY DR
TAMPA FL 33647-2832

BENTINCK-SMITH, LAURA
5409 LEILANI DR
ST PETE BEACH FL 33706-2324