Notice of Public Meeting

Board of Adjustment
Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33605
3/28/2012
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

Regular Meeting

A. Minutes for Acceptance

- January 25, 2012 regular meeting

B. Public Hearings:

Case # 2012-0006
Applicant Deborah Ward. Property address 6902 Gulf Winds Drive. Applicant requests a variance from Section 6.13 of the Land Development Code. Maximum allowable size for an accessory storage building is 80 square feet. Applicant requests a 160 square foot storage building.

Case # 2012-0007
Applicant Ronald Cooper. Property address 3610 E. Maritana Drive. (Lot 6 less S. 10' Block 14 Don Cesar Place) Applicant requests a variance to reduce rear yard setback from 20' to 16' and south side yard setback to 10'.

Case # 2012-0008
Applicants Lisa and Gerlad Kertesz. Property located at 107 30th Ave. Applicants request a variance from Section 9.7 of the Land Development Code to reduce the front yard setback from 20 feet to 12 feet and the side yard setback from 11 feet to 4 feet for the construction of a deck.

Case # 2012-0009
Applicants Bonnie and Gerard Pickhardt. Property address 105 27th Avenue. Applicants request variance from section 9.7 of the Land Development code to reduce side yard setback from 9 feet to 6 feet for the construction of an addition.

Case # 2012-0010
Applicant William Tarvin. Property address 315 40th Ave. Applicant requests variance from Section 9.7 of the Land Development Code to allow for a 5 foot encroachment into the required from yard for stairs.

C. 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

MINUTES

January 25, 2012

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ABSENT:

Doug Lampe, Vice Chairman

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk

1. Acceptance of Minutes

Member Littell made a motion to approve the November 30, 2011 and the December 14, 2011 minutes, as written. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

2. Public Hearings

a. Case No. 2012-0001
Applicant: Steven Ranck
Subject property address: 241 S. Isle Drive
Applicant requests variance from Section 6.13 for an accessory structure to encroach into the rear yard setback.

Senior Planner Catherine Hartley explained that the application is for the construction of a gazebo in the rear yard of the property. Ms. Hartley pointed out that the lot is an odd shape and that staff recommends approval of the variance. Ms. Hartley stated that she did not receive any letters of support or opposition regarding the application.

Applicant Steven Ranck stated that he was requesting a variance to build a 12 ft. x 16 ft. gazebo in the back yard.

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

The board members did not express any concerns regarding the application.

Member Lampson made a motion to approve the variance as requested. The motion was seconded by Member Phalor and approved by a unanimous roll call vote.

b. Case No. 2012-0004
Applicant: Robert Schaefnocker
Subject property address: 3901 Oleander Way
Applicant requests variance from Section 8.7 – Reduction of secondary front yard setback from 20 feet to 4 feet for the construction of an addition.

Senior Planner Hartley explained that the application is to build a master bedroom and garage addition to the house. Ms. Hartley pointed out that the lot is odd shaped and the house sits diagonal on the lot. Ms. Hartley stated that staff recommends approval of the variance. She advised that she did receive a request for a copy of the application but no comments were submitted.

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

The board did not express any concerns regarding the application.

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

3. Other Discussion

Senior Planner Hartley advised the board that the City Manager has narrowed down five finalists to interview for the Community Development Director and he would like a member of the board to sit on an interview panel on February 13, 2012.

Member Littell agreed to sit on the interview panel. Ms. Hartley advised that she will notify Mr. Littell of the time and place of the interviews.

Upon inquiry, Ms. Hartley advised the board that she was not among the five finalists that are being considered for the director position.

4. Next Meeting

The next meeting will be held on February 29, 2012 at 2:00 p.m. Ms. Hartley advised that she will send the 2012 schedule of meetings to the board members.

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 2:14 p.m.

Attest:

_____ _____

Rebecca C. Haynes, City Clerk Paul Skipper, Chairman

Minutes approved on: _____

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2012-0006
March 28, 2012

Property Information

Address: 6902 Gulf Winds Drive
Applicant/Owner: Deborah Ward
Agent: Self
Existing Use: Single Family Residential
Zoning: RU-1
Request: Applicant requests a variance from Section 6.13 of the Land Development Code. Maximum allowable size for an accessory storage building is 80 square feet. Applicant requests a 160 square foot storage building.

Details of Request and Background Information:

The subject property contains a multifamily structure. The use is a non-confirming use within the zoning district (only single family residential is permitted a principal use). The applicant has requested a storage shed 80 square feet larger than what is allowed by the Land Development Code (160 square feet versus the 80 square foot maximum).

Section 6.13 (b) regulates the size and placement of residential storage buildings as follows:

(b) Residential storage buildings. Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:
(1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment shall be operated within or attached to such building.
(2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored.
(3) All storm water runoff shall be directed and maintained on the property upon which the building is located.
(4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.
(5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.
a. Maximum size: 80 square feet in area.
b. Maximum height: Eight feet in height as measured from grade to the highest point on the structure.
c. Location: May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least six feet from any other accessory 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) The applicant has not presented evidence of a hardship. The applicant has more than reasonable use of the land; the lot consists of one additional dwelling unit than is permitted by the Comprehensive Plan and Land Development Code, and the unit is protected in the event of catastrophic loss.
b) The applicant has not argued that a neighboring non-conforming use is grounds for the request.
c) The granting of the variance will not change the boundary of the zoning map.
d) The applicant has argued that the materials of the proposed structure (wood versus metal) will not be detrimental.
e) The applicant has not offered evidence that the denial of the variance for the proposed structure would be the minimum necessary to make reasonable use of the land.

Summary and Conclusion

The burden of proof of substantial competent evidence that a hardship exists lies on the applicant. Such evidence has not yet been submitted.

Submitted by: Catherine Hartley, AICP, Senior Planner

VARIANCE APPLICATION

Case Number: 2012-0002

PROPERTY:

Legal Description: Lot 1 Block 2 Gulf Winds Subdivison

Parcel ID or address is one has been assigned: 6902 Gulf Winds Drive St Pete Beach 33706

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

APPLICANT/AGENT: ANTHONY ROSBOTTOM **PROPERTY OWNER:** ANTHONY ROSBOTTOM

Name: Deborah Ward Name: Deborah Ward

Address: 6902 Gulf Winds Drive Address: 6902 Gulf Winds Drive

City: St Pete Beach State: FL City: St Pete Beach State: FL

Zip: 33706 Phone: Home 727 347 3830 Cell 727 239 1285 Zip: 33706 Phone: 727-347-3830

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

Requesting 10Ft X 16Ft Shed left hand corner of our back YARD

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.

N/A

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.

N/A

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

N/A

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.

The larger shed will be wooden instead of metal and will blend in with the surroundings better and will in no way affect the neighborhood.

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

We need the extra space to accomodate residences of both sides of the duplex.

Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: 192.30

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

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.

DW 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.

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

DW 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.

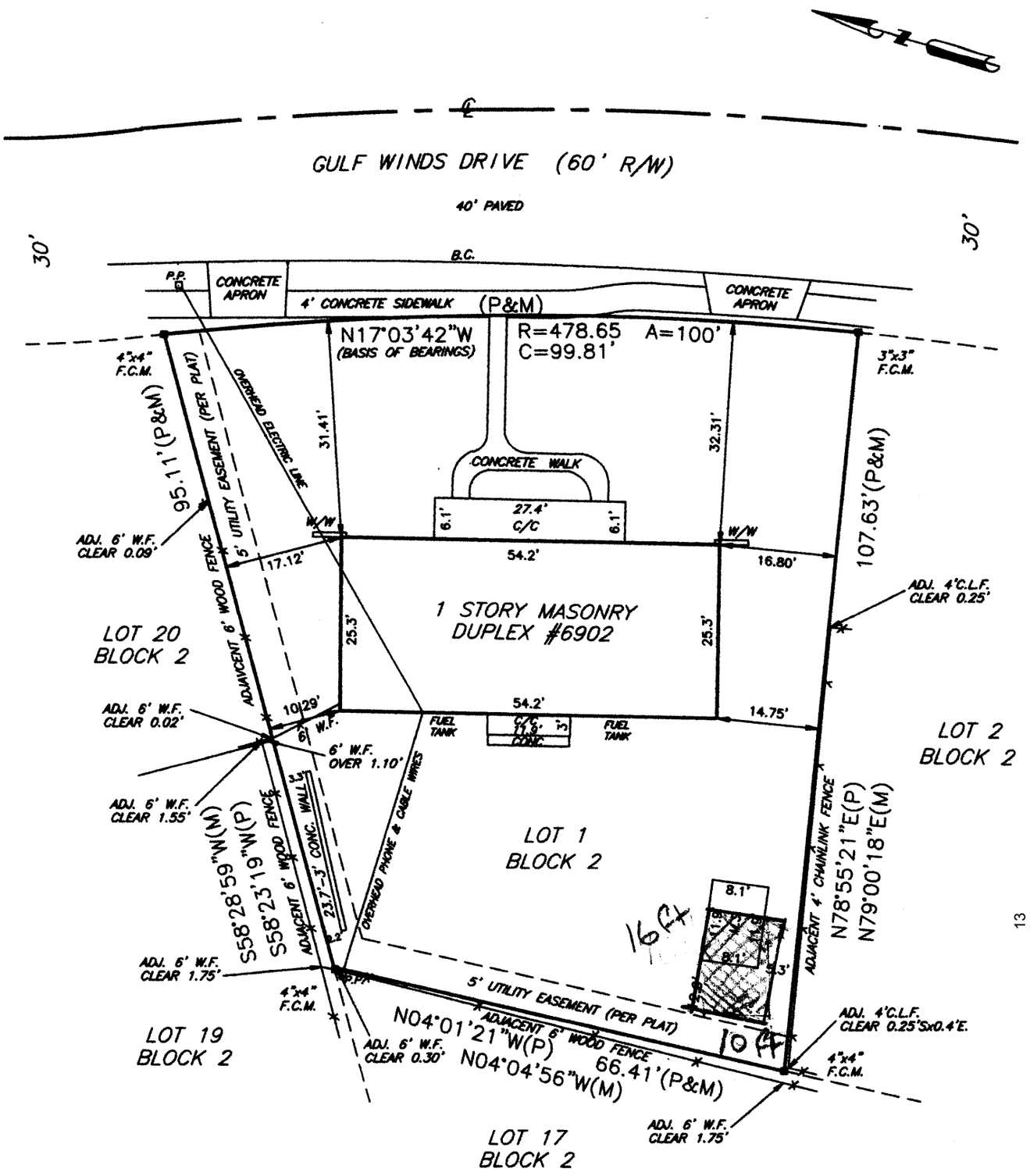
DW I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

DW 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.

Deborah Ward 1/25/12
Signature of Applicant Date

2012-0004



A BOUNDARY SURVEY OF LOT 1, BLOCK 2, GULF WINDS SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGES 29 AND 30, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: 90279	**DAVID C. HARNER**	FLOOD ZONE: "AE" (B.F.E.=11')
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 9/03/03
DATE OF FIELD SURVEY: 10/08/09	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 20 FEET	TREASURE ISLAND, FL. 33706	PANEL NUMBER: 0276 G
DRAWN BY: DCH	SECTION 36 TOWNSHIP 31 SOUTH RANGE 15 EAST	CHECKED BY: DCH

CERTIFIED TO:
ANTHONY ROSBOTTOM

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.

D C H 10/09/09

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

LEGEND:
A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB CH.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE
CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE CH. BRG.=CHORD BEARING
ATION FF=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2650
OUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P.O.L.=POINT ON LINE
) R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE.=EASEMENT
ENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT

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

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

Mailing date: March 8, 2012

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: March 28, 2012
2:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706

Case No.:	**2012-0006**
Address:	**6902 Gulf Winds Drive**
Owner:	**Deborah Ward**
Agent:	**Owner**
Request:	**Applicant requests a variance from Section 6.13 of the Land Development Code. Maximum allowable size for an accessory storage building is 80 square feet. Applicant requests a 160 square foot storage building.**

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. 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: 21 Feb 2012
Subject Parcel: 36-31-15-34776-002-0010
Radius: 300 feet
Parcel Count: 42
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.

THORNBURG, EDWARD G SR
THORNBURG, RACHEL
18611 GERACI RD
LUTZ FL 33548-4986

THORNBURG, EDWARD G SR
THORNBURG, RACHEL
18611 GERACI RD
LUTZ FL 33548-4986

JERNIGAN, MARTIN O
HUNTER, JANICE K
2424 FIFESHIRE DR
WINTER PARK FL 32792-4734

MEADE, RENEE D
MEADE, RANDY
356 71ST AVE
ST PETE BEACH FL 33706-1906

REYNOLDS, DOROTHY W
6872 GULF WINDS DR APT 2
ST PETE BEACH FL 33706-2191

BENNON, RIZA M
ONE DANIEL BURNHAM CT # 1124
SAN FRANCISCO CA 94109-5463

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

TOLBERT, AMY S
1519 MCCLUNG DR
ST PAUL MN 55112-1908

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

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

THORNBURG, EDWARD G SR
THORNBURG, RACHEL
18611 GERACI RD
LUTZ FL 33548-4986

JAMES, A WADE
JAMES, MIRELLE
3917 ATLANTIC AVE
PORT ORANGE FL 32127-6501

LENTINO, JOANNE
7010 BOCA CIEGA DR
ST PETE BEACH FL 33706-1937

ESCALONA, LUIS HERMOGENES
NEWSOM, RAYMOND CHARLES
311 70TH AVE S
ST PETE BEACH FL 33707

NARDONE, LORETTA M
PO BOX 530574
ST PETERSBURG FL 33747-0574

GRANDEL, DEMETRIUS T
6892 GULF WINDS DR
ST PETE BEACH FL 33706-2190

BACCHIOCCHI REALTY
3844 BELLE VISTA DR E
ST PETE BCH FL 33706-2629

SAVINO, DOMENICK N JR TRUST
SAVINO, DOMENICK N JR TRE
7880 BOCA CIEGA DR
ST PETE BEACH FL 33706-1760

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

GATTO, VINCENT T
GATTO, KELLY A
3409 ROSEWAY DR
INDIANAPOLIS IN 46226-5917

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

JORDAN, KIMBERLY ANNE
1465 HOOKSETT RD
HOOKSETT NH 03106-1811

NIEBAUM, DOUGLAS M
NIEBAUM, BERNADETTE M
345 70TH AVE
ST PETE BEACH FL 33706-2010

GIBSON, MARY JO
6933 GULF WINDS DR
ST PETE BEACH FL 33706-2035

WARD, DEBORAH
ROSBOTTOM, ANTHONY J
6902 GULF WINDS DR UNIT 1
ST PETE BEACH FL 33706-2096

SNYDER, DOROTHY B
6901 GULF WINDS DR
ST PETE BEACH FL 33706-2035

GIBSON, MARY JO
6933 GULF WINDS DR
ST PETERSBURG BEACH FL 33706-2035

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

CANNING, RODNEY JAMES
360 70TH AVE
ST PETE BEACH FL 33706-2011

SHIMITS, LOUIS F
SHIMITS, NICOLE S
370 70TH AVE
ST PETE BEACH FL 33706-2011

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

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

KELLEY, THOMAS M
APT 201
2510 SOMERSET BLVD
TROY MI 48084-4214

SPINNEY, WILLIAM E SR TRE
SPINNEY, RUTH M TRE
6820 BAY ST
ST PETE BEACH FL 33706-2021

TURNBULL, CHERYL L
6830 BAY ST
ST PETE BEACH FL 33706-2021

KELLEY, THOMAS M
APT 201
2510 SOMERSET BLVD
TROY MI 48084-4214

SFERIOS REVOCABLE TRUST
SFERIOS, ALLEN TRE
345 71ST AVE
ST PETE BEACH FL 33706-1905

DONAT, HERBERT
DONAT, ISABEL L
7060 BOCA CIEGA DR
ST PETE BEACH FL 33706-1937

GOJKOVIC, SLOBODAN
SAVIC, BLAGOJE
1241 WARNER WAY
MISSISSAUGA ON L4W 3H6

KORTH, KEVIN W
KORTH, SUSAN D
340 70TH AVE
ST PETE BEACH FL 33706-2011

SAMPLE, AMBER S
2305 VEGA CT
LEAGUE CITY TX 77573-2881

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2012-0007
March 28, 2012

Property Information

Address: 3610 E. Maritana Drive. (Lot 6 less S. 10' Block 14 Don Cesar Place)
Applicant/Owner: Ronald Cooper
Agent: Self
Existing Use: Vacant
Zoning: RU-1
Request: Applicant requests a variance to reduce rear yard setback from 20' to 16' and south side yard setback to 10'.

Details of Request and Background Information:

The subject property was formerly part of a larger parcel (lots 5 and 6, block 14, Don Cesar Place) which contained a single family residence. The house was demolished in 2002 and the property has since been vacant.

A portion of the larger parcel was recently sold to the applicant. The new lot consists of a platted lot of record less the southern 10' that was kept with lot 5 to the south. Although lot 5 was a platted lot of record and entitled to a single family residence in spite of not meeting the minimum lot width requirement, keeping the additional 10 feet keeps lot 5 a conforming lot.

Lot 6, less the southerly 10 feet, (the parcel subject to this application) is an odd shaped lot (see survey, attached). The front lot line is roughly 156 feet; the north (side) lot line is roughly 20 feet; the south (side) lot line is roughly 97 feet; the rear lot line is roughly 112 feet.

Lot width is defined as "the average distance between the property lines connecting the front and rear zoning lot lines at each side of the zoning lot, except for zoning lots on the turning circle of a cul-de-sac for which the required yard shall be based upon the stated minimum lot width for the district in which the lot is located."

Based on this definition, the required minimum side yard setbacks would be 13 and a half feet.

The applicant has requested a reduction in the required rear yard from 20 feet to 16 feet and a reduction in the southern side yard setback from 13.5 feet to 10 feet to construct a single family home.

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 odd shape of the lot is not due to the actions of the property owner; the lot was platted in this general shape (less ten feet).
(b) A single family residence is a permitted use in this zoning district. There is no request for a prohibited use, nor has the applicant argued that a non-conforming use is the reason for the application.
(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 and buffering between neighboring properties. The proposed building footprint is no closer to the southern lot line than other structures in the same general area. Keeping the front yard at 20 feet (versus utilizing front yard averaging) allows for a greater view shed to the waterfront for neighboring properties.
(e) The applicant would have reasonable use of the land without the granting of the variance, as a house can still be constructed on the property. However, re-positioning the proposed footprint meets the general purpose and intent of the Land Development Code.

Summary and Conclusion

Staff finds that the request meets the general purpose and intent of the Land Development Code and recommends approval of the variance with the condition that the applicant not utilize front yard averaging to reduce the front yard setback and maintain a 20 foot front yard setback.

Submitted by: Catherine Hartley, AICP, Senior Planner

VARIANCE APPLICATION

Case Number: 2012 0007

PROPERTY: See ← EXHIBIT A

Legal Description: _____

Parcel ID or address is one has been assigned: _____

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

APPLICANT/AGENT:

Name: RONALD J COOPER

Address: 6279 SUN BLVD #210

City: ST. Petersburg State: FL

Zip: 33715 Phone: _____

PROPERTY OWNER:

Name: SAME

Address: _____

City: _____ State: _____

Zip: _____ Phone: _____

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

Reduce Rear Setback From 20' TO 16'

Reduce South Side SetBack TO 10'

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.

ODD SHAPED LOT. D ID NOT Create 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.

REASONABLE BUILDING SPACE NOT AVAILABLE WITH CURRENT SET BACKS

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

NO LOT IS PLATTED IN PIE SHAPE.

See EXHIBIT B

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

SOUTH NEIGHBOR (LOT 5) HAS 6' SIDE SET BACK

REAR (WEST) NEIGBORS ARE 15' BACK FROM LOT LINES OR LESS

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

NO

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

NO

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.

Yes

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

Yes

Ronald J Voge 2/16/12

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
727.363.9266
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.

_____ 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.

_____
Signature of Applicant Date

Exhibit A.

File No.: FT71-12000725
Commitment No.: 12000725

5. The land referred to in the Commitment is described as follows:

PARCEL "B"
Lot 6, Less the Southerly 10 feet thereof, Block 14, Don Ce-Sar Place, according to the plat thereof, recorded in Plat Book 13 at pages 15 through 20, of the Public Records of Pinellas County, Florida, also less and except lands described in Deed recorded in O.R. Book 10333, Page 182 of said Public Records.

PARCEL "B-1"
Being a part of the 10 foot reserved seawall area lying East of East Maritana Drive right-of-way, being across the right-of-way in front of and Easterly of Lot 6, Block 14, Don Ce-Sar Place, according to the plat thereof recorded in Plat Book 13 at Pages 15 through 20, of the Public Records of Pinellas County, Florida, bordered on the South by a line as the extension of the North boundary of the South 10 feet of said Lot 6 and bordered on the North by a line as the extension of the Southerly boundary of less out portion of said Lot 6 described in Deed recorded in O.R. Book 10333, Page 182 of said Public Records.

27

THE TELEPHONE NUMBER TO PRESENT INQUIRIES OR OBTAIN INFORMATION ABOUT COVERAGE AND TO PROVIDE ASSISTANCE IS 1-800-669-7450.

EXHIBIT B

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 19 EAST

CERTIFIED TO:
HEIDI S. CALOMIRIS

A BOUNDARY SURVEY OF (PROVIDED TO SURVEYOR)

PARCEL "B"
LOT 6, LESS THE SOUTHERLY 10 FEET THEREOF, BLOCK 14, BON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13 AT PAGES 15 THROUGH 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, ALSO LESS AND EXCEPT LANDS DESCRIBED IN DEED RECORDED IN O.R. BOOK 10333, PAGE 182 OF SAID PUBLIC RECORDS.

PARCEL "B-1"
BEING A PART OF THE 10 FOOT RESERVED SEAWALL AREA LYING EAST OF EAST MARIANA DRIVE RIGHT-OF-WAY, BEING ACROSS THE RIGHT-OF-WAY IN FRONT OF AND EASTERLY OF LOT 6, BLOCK 14, BON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13 AT PAGES 15 THROUGH 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BORDERED ON THE SOUTH BY A LINE AS THE EXTENSION OF THE NORTH BOUNDARY OF THE SOUTH 10 FEET OF SAID LOT 6 AND BORDERED ON THE NORTH BY A LINE AS THE EXTENSION OF THE SOUTHERLY BOUNDARY OF LESS OUT PORTION OF SAID LOT 6 DESCRIBED IN DEED RECORDED IN O.R. BOOK 10333, PAGE 182 OF SAID PUBLIC RECORDS.

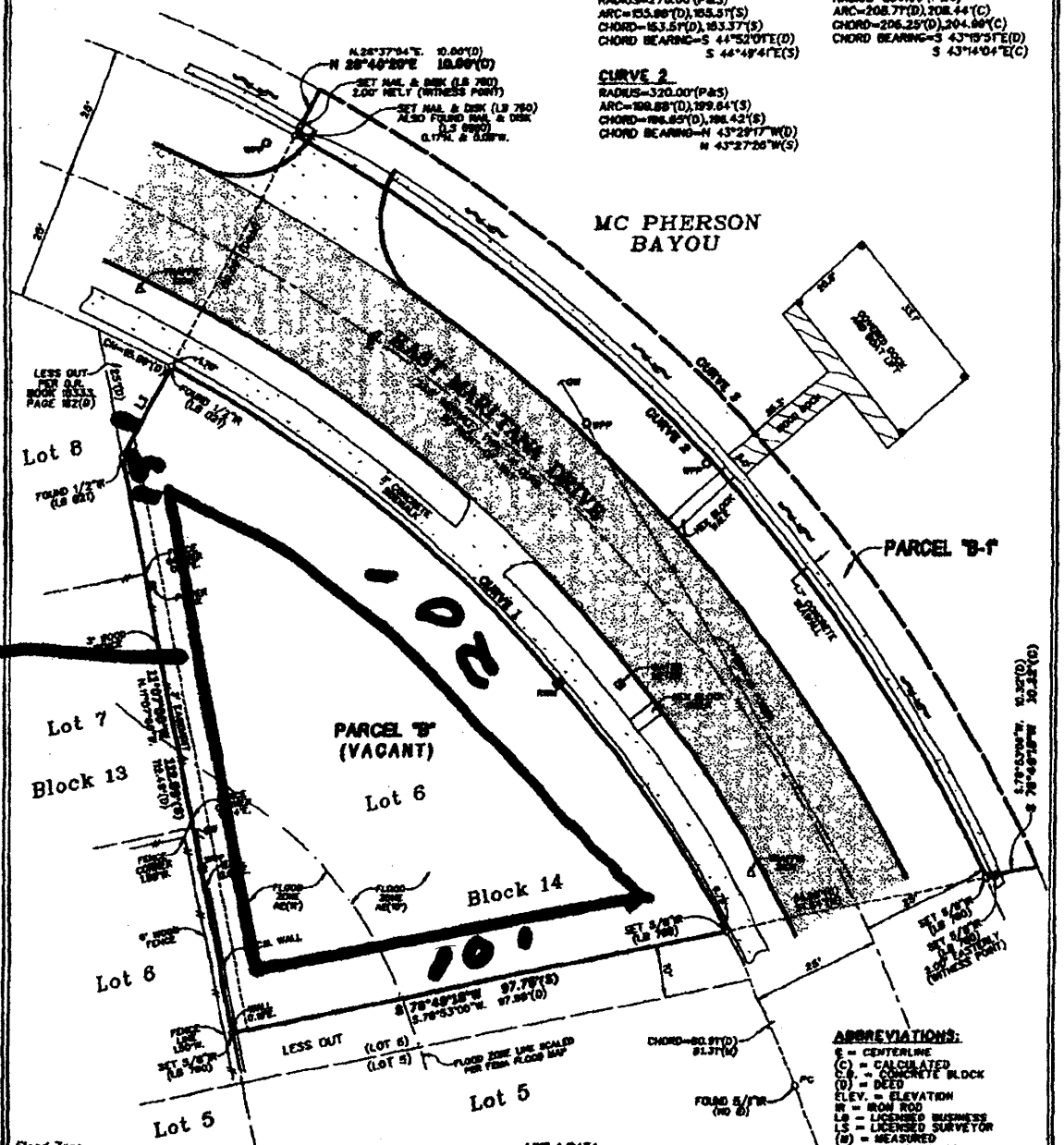
NORTH BASIS ASSUMED
SCALE: 1" = 20'

BOUNDARY SURVEY ONLY - 1/03/12

CURVE 1
RADIUS=270.00'(P&S)
ARC=155.98'(D),155.51'(S)
CHORD=153.51'(D),153.37'(S)
CHORD BEARING=S 44°52'01"E(D)
S 44°49'41"E(S)

CURVE 2
RADIUS=320.00'(P&S)
ARC=199.88'(D),199.64'(S)
CHORD=196.65'(D),196.42'(S)
CHORD BEARING=N 43°29'17"W(D)
N 43°27'26"W(S)

CURVE 3
RADIUS=330.00'(P&C)
ARC=208.77'(D),208.44'(C)
CHORD=206.25'(D),204.99'(C)
CHORD BEARING=S 43°19'51"E(D)
S 43°14'04"E(C)



ABBREVIATIONS:
℄ = CENTERLINE
(C) = CALCULATED
C.B. = CONCRETE BLOCK
(D) = DEED
ELEV. = ELEVATION
IR = IRON ROD
LB = LICENSED BUSINESS
LS = LICENSED SURVEYOR
(M) = MEASURED
NE'LY = NORTHEASTERLY
O.R. = OFFICIAL RECORDS
(P) = PLAT
P.C. = POINT OF CURVATURE
(P&C) = PLAT AND CALCULATED
(P&S) = PLAT AND SET
RWM = RECLAIMED WATER METER
(S) = SET
WPP = WOOD POWER POLE

Flood Zone
FLOOD ZONES AE(10') AND AE(11')
COMMUNITY PANEL #125148 1215C0278 G
REVISED 8/3/09

Basis of Bearings:
WESTERLY LINE OF BLOCK 14 AS BEING N.11°07'00"W., PER PLAT.

Benchmark:
COUNTY MAP #282 (NGVD-29)
EL. = 5.09' N.A.V.D. ADJUSTED TO
EL. = 4.11' N.A.V.D. M.S.L. = 0.00'

LINE 1 DATA
N.28°37'04"E. 10.70'(D)
N.28°48'19"E. 10.89'(M)

This Survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

1201-48.CRD
FIELD BOOK 895 PAGES 43

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17.052, Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 4269
Certificate of Authorization No. 760

Prepared by:
JOHN G. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4095 22nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7595 — fax (727) 577-6082

Dwg. No. 1201-50 Ref. 1201-50

CERTIFIED TO:
HEIDI S. CALOMIRIS

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST

A BOUNDARY SURVEY OF (PROVIDED TO SURVEYOR)

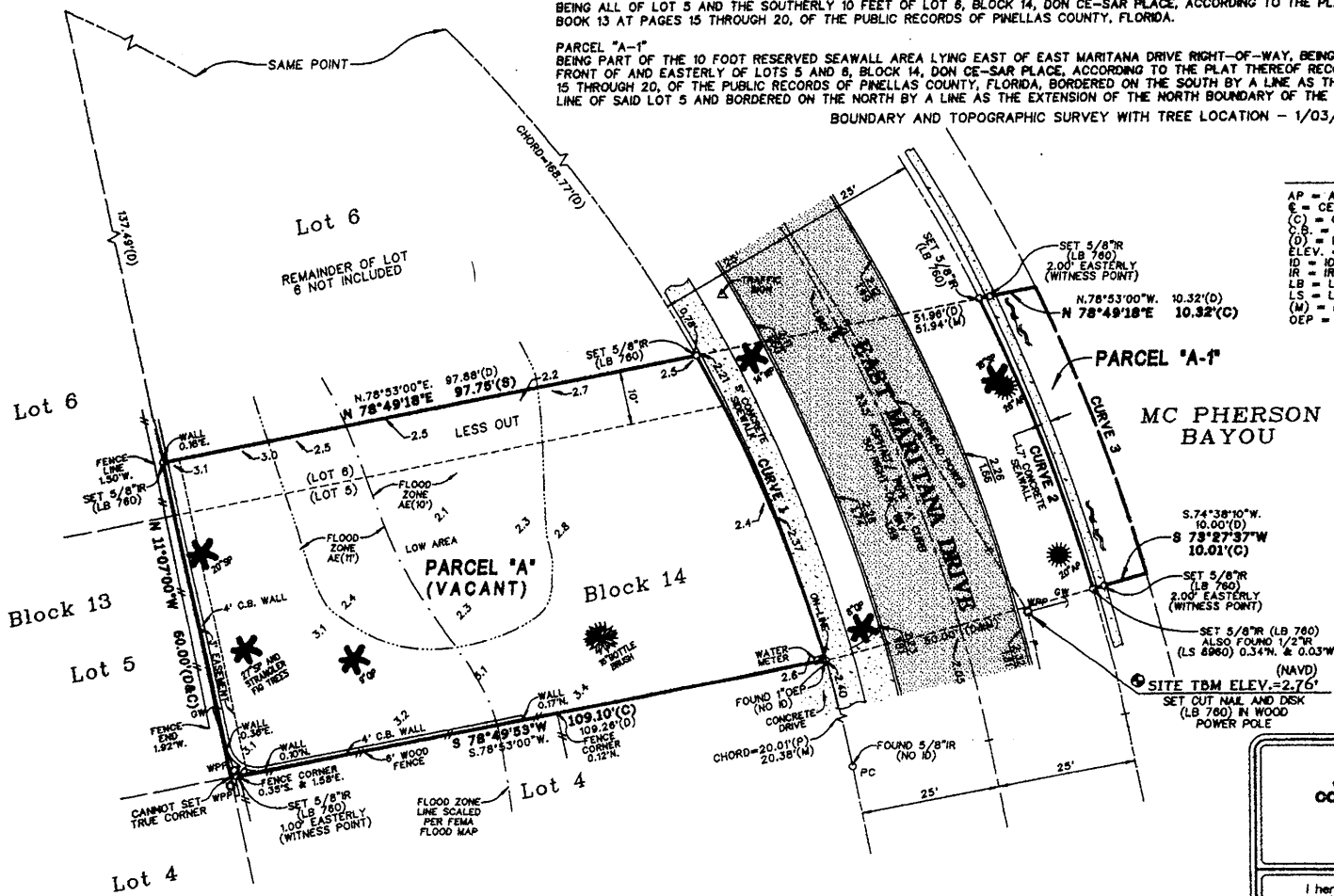
PARCEL "A"
BEING ALL OF LOT 5 AND THE SOUTHERLY 10 FEET OF LOT 6, BLOCK 14, DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13 AT PAGES 15 THROUGH 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL "A-1"
BEING PART OF THE 10 FOOT RESERVED SEAWALL AREA LYING EAST OF EAST MARITANA DRIVE RIGHT-OF-WAY, BEING ACROSS THE RIGHT-OF-WAY IN FRONT OF AND EASTERLY OF LOTS 5 AND 6, BLOCK 14, DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13 AT PAGES 15 THROUGH 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BORDERED ON THE SOUTH BY A LINE AS THE EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 5 AND BORDERED ON THE NORTH BY A LINE AS THE EXTENSION OF THE NORTH BOUNDARY OF THE SOUTH 10 FEET OF SAID LOT 6.

BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATION - 1/03/12

N
NW NE
W E
SW SE
S

NORTH BASIS: ASSUMED
SCALE: 1" = 20'



ABBREVIATIONS:

AP = AUSTRAILIAN PINE	O.R. = OFFICIAL RECORDS
℄ = CENTERLINE	(P) = PLAT
(C) = CALCULATED	PC = POINT OF CURVATURE
C.B. = CONCRETE BLOCK	(P&C) = PLAT AND CALCULATED
(D) = DEED	(P&S) = PLAT AND SET
ELEV. = ELEVATION	QP = QUEEN PALM
ID = IDENTIFICATION	(S) = SET
IR = IRON ROD	SP = SABLE PALM
LB = LICENSED BUSINESS	TBM = TEMPORARY BENCHMARK
LS = LICENSED SURVEYOR	WP = WASHINGTONIAN PALM
(M) = MEASURED	WPP = WOOD POWER POLE
OEP = OPEN END PIPE	

Flood Zone
FLOOD ZONES AE(10') AND AE(11')
COMMUNITY PANEL #125149 12103C0278 G
REVISED 9/3/03

Basis of Bearings:
WESTERLY LINE OF BLOCK 14 AS BEING N.11°07'00"W., PER PLAT.

Benchmark:
COUNTY MAP #262 (NOAA-E)
EL. = 5.195' N.G.V.D., ADJUSTED TO
EL. = 4.44' N.A.V.D. M.S.L. = 0.00'

This Survey was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

1201-49.CRD
FIELD BOOK 895 PAGES 43

CURVE 1
RADIUS=270.00'(P&S)
ARC=61.20'(S)
CHORD=61.07'(S)
CHORD BEARING=S 21°51'27"E(D)
S 21°49'33"E(S)

CURVE 2
RADIUS=320.00'(P&S)
ARC=57.13'(D),57.23'(S)
CHORD=57.06'(D),57.15'(S)
CHORD BEARING=N 20°28'44"W(D)
N 20°27'15"W(S)

CURVE 3
RADIUS=330.00'(P&C)
ARC=58.34'(D),56.24'(C)
CHORD=56.27'(D),56.17'(C)
CHORD BEARING= S 20°15'18"E(D)
S 20°15'25"E(C)

Job Number: 1201-49
Drawn: DS

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 62nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7548 — fax (727) 577-9932

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17.052, Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 1269
Certificate of Authorization No. 760

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

Mailing date: March 8, 2012

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: March 28, 2012
2:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706

Case No.:	**2012-0007**
Address:	**3610 E. Maritana Drive (Lot 6 less S. 10' Block 14 Don Cesar Place)**
Owner:	**Ronald Cooper**
Agent:	**Owner**
Request:	**Applicant requests a variance to reduce rear yard setback from 20' to 16' and south side yard setback to 10'.**

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. 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: 21 Feb 2012
Subject Parcel: 07-32-16-21852-014-0050
Radius: 300 feet
Parcel Count: 54
Note: Parcels with protected address status are not included in this report.
Total pages: 5

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.

ST PETE BEACH PROPERTIES LLC
PO BOX 1839
TAMPA FL 33601-1839

ST PETE BEACH PROPERTIES LLC
PO BOX 1839
TAMPA FL 33601-1839

SASTAMOINEN, JOANNE E
3616 CASABLANCA AVE
ST PETE BEACH FL 33706-3904

VERBA, LINAS E
VERBA, SANDRA D
3607 CASABLANCA AVE
ST PETE BEACH FL 33706-3903

J S A ASSOCIATES
C/O DI CICCO DEVELOPMENT INC
1550 CORAOPOLIS HEIGHTS RD SUITE # 520
MOON TOWNSHIP PA 15108-2973

NIXON, DAVID E
NIXON, MICHELE A
3606 CASABLANCA AVE
ST PETE BEACH FL 33706-3904

GONTRUM, ROBERT L
GONTRUM, GLORIA H
6233 OAK HILL DR
ELDERSBURG MD 21784-6753

PERDOMO, MAURICE C
PERDOMO, CHRISTINA ERICKSON
1091 BUCKHORN RD
SYKESVILLE MD 21784-9000

COLLOM, CHARLES
COLLOM, PATRICIA
PO BOX 46647
ST PETE BEACH FL 33741-6647

CANE, GARY M
CANE, MARIE C
PO BOX 81
49 WEST ST
MOUNT WASHINGTON MA 01258-0081

COLLOM, CHARLES
COLLOM, PATRICIA
PO BOX 46647
ST PETE BEACH FL 33741-6647

DAVIS, JANET H
3611 CASABLANCA AVE
ST PETE BEACH FL 33706-3903

CARTER, EDNA V
3600 CASABLANCA AVE
ST PETE BEACH FL 33706-3904

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

NEWSOM, WILLIAM M
NEWSOM, LYDIA M
9127 BRIARWOOD FARMS CT
FIARFAX VA 22031-1348

MARITANA CAY HOMEOWNERS ASSOC
C/O JEFFERS, VIRGINIA P TRE
6145 SUN BLVD APT 606
ST PETERSBURG FL 33715-1157

MC NALLY, JAMES R
MC NALLY, MARY P
3519 CASABLANCA AVE
ST PETE BEACH FL 33706-3901

TROLLEY BEACH LLC
1632 OAKLEAF LN
PITTSBURGH PA 15237-1549

CASABLANCA PROPERTIES LLC
1044 S KENTUCKY AVE
WINTER PARK FL 32789-4750

CRAM, GREGORY W
3612 CASABLANCA AVE
ST PETE BEACH FL 33706-3904

BEESLEY, CHAD O
3625 GULF BLVD
ST PETE BEACH FL 33706-3913

J S A ASSOCIATES
C/O DI CICCO DEVELOPMENT INC
1550 CORAOPOLIS HEIGHTS RD SUITE # 520
CORAOPOLIS PA 15108-2973

PALMER, ROBERT C
PALMER, MARY B
3700 E MARITANA DR
ST PETE BEACH FL 33706-3920

FENSKE, NEIL A
3615 S BEACH DR
TAMPA FL 33629-8222

MILLER, GLENN R
MILLER, LISA
3312 HEMING WAY
PIKESVILLE MD 21208-4365

LAWRENCE, RICHARD
CROOK, MARVIN
3805 GULF BLVD APT 202
ST PETE BEACH FL 33706-3952

SMITH, DAVID M
151 E LINCOLN ST
BIRMINGHAM MI 48009-1760

KORNBLUT, DANIEL W REV TRUST
KORNBLUT, DANIEL W TRE
3805 GULF BLVD
ST PETE BEACH FL 33706-3951

MOLINO, JAY ROBERT
MOLINO, DEBORAH J
17806 HICKORY MOSS PL
TAMPA FL 33647-2284

POLANT, RONALD M REV LIV TRUST
POLANT, BEVERLY H REV LIV TRUST
3805 GULF BLVD UNIT 201
ST.PETE BEACH FL 33706

ROSSI, JAMES
ROSSI, TRUDI E
3805 GULF BLVD APT 401
ST PETE BEACH FL 33706-3952

FOLEY, FRANK
FOLEY, BERNICE
87 JULIANNE PL
ST JOHNS NL A1A 525

3095 SOUTHWESTERN BLVD INC
400 QUAKER RD
EAST AURORA NY 14052-2158

FLORIDA SUNSETS OF TAMPA LLC
16601 VILLALENDA DA AVILA
TAMPA FL 33613-5200

VILLANI, CARMINE
VILLANI, JOYCE M
3805 GULF BLVD APT 504
ST PETE BEACH FL 33706-3953

LAWRENCE, RICHARD
LAWRENCE, CHRISTINE
14050 CANAL A WAY
PENSACOLA FL 32507-9655

ST PETE BEACH PROPERTIES LLC
PO BOX 1839
TAMPA FL 33601-1839

BELLA MARGUERITE CONDO ASSN INC
3805 GULF BLVD
ST PETE BEACH FL 33706-3951

DEL ZOTTO, MARY ELLEN TRUST
DEL ZOTTO, MARY ELLEN TRE
3805 GULF BLVD APT 305
ST PETE BEACH FL 33706-3952

TUTTLE, MARGARET KINNAIRD
TUTTLE, HOWARD
3520 E MARITANA DR
ST PETE BEACH FL 33706-3918

VANHOOSE, DEREK
614 LENA WAY
FORT MILL SC 29708-8914

BONAMINIO, PHYLLIS
1650 W RASHER ST # E
CHICAGO IL 60640

BOYD, STUART D
9111 HIGHLAND RIDGE WAY
TAMPA FL 33647-2278

MUSCHONG, JOYCE E
MUSCHONG, NICK JR
3606 E MARITANA DR
ST PETE BEACH FL 33706-3919

BOURGET, ROBERT J J
BOURGET, MARILYN D
28 EQUESTRAIN DR
CALGARY AB T3R 1C9

HAMM, JOHN W
HAMM, LINDA H
3613 CASABLANCA AVE
ST PETE BEACH FL 33706-3903

MOREYRA, ROBERT
MOREYRA, DEBORAH
4001 BAYSHORE BLVD
TAMPA FL 33611-1704

KLACE, TIMOTHY J
3805 GULF BLVD APT 301
ST PETE BEACH FL 33706-3952

WHYTE-TRAUGOTT, PRISCILLA JEAN REV LIV TRUST
WHYTE-TRAUGOTT, PRISCILLA JEAN TRE
3604 E MARITANA DR
ST PETE BEACH FL 33706-3919

CALOMIRIS, HEIDI S
322 N COLIMBUS ST
ALEXANDRIA VA 22314-2414

CROOK, MARVIN
6610 SHEPHERD AVE
PORTGAGE IN 46368-6400

WILLIAMS, ROBERT A
4047 CLEVELAND ST NE
COLUMBIA HEIGHTS MN 55421-3347

TOFORYOU LLC
2381 E VINA DEL MAR BLVD
ST PETE BEACH FL 33706-2831

BOERGER, MONIKA TRE
10613 BLOSSOM LAKE DR
SEMINOLE FL 33772-7417

From: Edward Ruttencutter
To: Catherine Hartley
Cc: Mike Bonfield
Subject: Re: BOA agenda Case #2012-0007
Date: Thursday, February 23, 2012 6:45:44 AM

Ms. Hartley,

By rough calculation it appears that the replat of 3610 E. Maritana Dr. resulted in lot 6, less 10 foot to lot 5, being a less than minimum lot size for RU-2 zoning. In accordance with the Land Development Code, Section 24.2:

Sec. 24.2. Replatting to increase density prohibited.
Existing recorded platted lots in the RU-1, RU-2, RLM-1, RLM-2 and RM districts shall not be recombined and/or re-subdivided for the purpose of increasing development density. Zoning lots within these districts consisting of two or more platted lots may be restored to the original number of lots with the approval of the city; **provided such restoration shall not reduce the zoning lot area required to support the existing development on the property and that all of the resulting lots meet the minimum lot area and width required in the district.**
(Ord. No. 03-7, § 3, 5-1-03)

If the resultant reduced area lot 6 is less than the minimum 6000 square feet required for RU-2 zoning, then the replat separating the two lots is not permitted, and even restoring lot 5 to its original platted size would not be permitted under the requirements stated in Section 24.2, as it would not meet the minimum lot width and area. This requirement is, I believe, stated and required by the city Comprehensive Plan. If this is true, this property cannot be redivided as indicated in the variance application.

Ed Ruttencutter

It is not true that the City of St. Pete Beach has too many lawsuits. What is true is that the City of St. Pete Beach has TOO MANY LAWYERS. Based upon the actions of the city government and the city commission, the City of St. Pete Beach probably does not have enough lawsuits, AND IN FACT NOW THERE IS ONE MORE.

From: Catherine Hartley <c.hartley@stpetebeach.org>
To:
Cc: Edward Ruttencutter <spbcd3@yahoo.com>; Mike Bonfield <MikeBonfield@stpetebeach.org>; CommunityDevelopment <CommunityDevelopment@spb.stpetebeach.org>; "bevgarnett@aol.com" <bevgarnett@aol.com>; Bev Garnett <Bev@bevgarnett.com>; Rebecca Haynes <CityClerk@stpetebeach.org>
Sent: Wednesday, February 22, 2012 8:38 PM
Subject: BOA agenda

Board members,

Please find attached your BOA packet for next week. Tabbed hard copies with large scale plans will be delivered to you next week.

Email me if you have questions.

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

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From:	Joyce Muschong
To:	Catherine Hartley
Subject:	Variance Case # 2012-0007
Date:	Wednesday, February 29, 2012 12:50:59 PM

Feb. 29, 2012

Attn: C. Hartley

This email is in regard to variance case # 2012-0007 for 3610 E Maritana Dr request by Ronald Cooper.

We would like to request that variance be denied due to water drainage issues. If you give him permission to come within 10 ft to the south, then when a house is built on lot 5 next to us they will want the same. Water pouring off a 2 or 3 story home will absolutely flood our property. The crawl space entrance to our home is on that side. If water gets into it, it would be very hard to dry out. Please do not set a precedence.

Thanks for your help in this matter.

Joyce & Nick Muschong

3606 Maritana Dr E

St Pete Bch, FL 33706

From: Edward Ruttencutter
To: Catherine Hartley
Cc: Mike Bonfield
Subject: Re: BOA agenda Case #2012-0007
Date: Thursday, February 23, 2012 6:45:44 AM

Ms. Hartley,

By rough calculation it appears that the replat of 3610 E. Maritana Dr. resulted in lot 6, less 10 foot to lot 5, being a less than minimum lot size for RU-2 zoning. In accordance with the Land Development Code, Section 24.2:

Sec. 24.2. Replatting to increase density prohibited.
Existing recorded platted lots in the RU-1, RU-2, RLM-1, RLM-2 and RM districts shall not be recombined and/or re-subdivided for the purpose of increasing development density. Zoning lots within these districts consisting of two or more platted lots may be restored to the original number of lots with the approval of the city; **provided such restoration shall not reduce the zoning lot area required to support the existing development on the property and that all of the resulting lots meet the minimum lot area and width required in the district.**
(Ord. No. 03-7, § 3, 5-1-03)

If the resultant reduced area lot 6 is less than the minimum 6000 square feet required for RU-2 zoning, then the replat separating the two lots is not permitted, and even restoring lot 5 to its original platted size would not be permitted under the requirements stated in Section 24.2, as it would not meet the minimum lot width and area. This requirement is, I believe, stated and required by the city Comprehensive Plan. If this is true, this property cannot be redivided as indicated in the variance application.

Ed Ruttencutter

It is not true that the City of St. Pete Beach has too many lawsuits. What is true is that the City of St. Pete Beach has TOO MANY LAWYERS. Based upon the actions of the city government and the city commission, the City of St. Pete Beach probably does not have enough lawsuits, AND IN FACT NOW THERE IS ONE MORE.

From: Catherine Hartley <c.hartley@stpetebeach.org>
To:
Cc: Edward Ruttencutter <spbcd3@yahoo.com>; Mike Bonfield <MikeBonfield@stpetebeach.org>; CommunityDevelopment <CommunityDevelopment@spb.stpetebeach.org>; "bevgarnett@aol.com" <bevgarnett@aol.com>; Bev Garnett <Bev@bevgarnett.com>; Rebecca Haynes <CityClerk@stpetebeach.org>
Sent: Wednesday, February 22, 2012 8:38 PM
Subject: BOA agenda

Board members,

Please find attached your BOA packet for next week. Tabbed hard copies with large scale plans will be delivered to you next week.

Email me if you have questions.

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

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City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2012-0008
March 28, 2012

Property Information

Address: 107 30th Ave
Applicant/Owner: Lisa and Gerlad Kertesz
Agent: Self
Existing Use:
Zoning: RU-2
Request: Applicants request a variance from Section 9.7 of the Land Development Code to reduce the front yard setback from 20 feet to 12 feet and the side yard setback from 11 feet to 4 feet for the construction of a deck.

Details of Request and Background Information:

The property consists of a single family residence on a lot that faces the Gulf of Mexico. The replat of the tract of land in which this site lies dedicated the beachfront area to the City (formerly the town of Pass-a-Grille). East of the lot is what is commonly referred to as Sunset Way, but on this block is actually only a platted10 foot wide alley, not a street.

Even though the lot is oriented towards Sunset Way, the frontage is actually considered 30th Avenue.

Lot width is defined as "the average distance between the property lines connecting the front and rear zoning lot lines at each side of the zoning lot, except for zoning lots on the turning circle of a cul-de-sac for which the required yard shall be based upon the stated minimum lot width for the district in which the lot is located."

Based on this definition, the required side yard setbacks would be 11 feet (versus 5 feet if the house was considered as fronting Sunset Way).

A deck currently exists on the side of the lot that fronts the Gulf of Mexico, roughly 8 feet from the lot line. The applicant wishes to replace the existing decking and extend the deck an additional 4 feet, leaving no side yard on the west side of the property.

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 lot is oriented differently from other lots in the surrounding area; However, the way the house and lot are situated do not appear to deny the applicant of reasonable use of the land.
b) The applicant has not argued that a non-conforming neighboring property substantiates the request.
c) The granting of the variance will not result in the change of a boundary on the zoning map.
d) The applicant has argued that the proposed deck would be a better aesthetic alternative than non-permanent structures, such as awnings or umbrellas.
e) The burden is on the applicant to provide competent substantial evidence that a hardship exits that would deprive them of reasonable use of the property.

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

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.

X 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.

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

X 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.

X 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.

X 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 — Date 2/6/12

VARIANCE APPLICATION

Case Number: 2012 0008

APPLICANT/AGENT:

Name: _____

Address: _____

City: _____ State: _____

Zip: _____ Phone: _____

PROPERTY OWNER:

Name: Gerald Kertesz; Lisa J. Kertesz

Address: 8400 E. Cresthill Ave.

City: Tucson State: AZ

Zip: 85750 Phone: 520-721-1440

PROPERTY:

Address: 107 30th Ave., St. Pete Beach, FL 33706

Parcel ID: 18-32-16-61002-009-0030

Current Zoning: RM-2 FLUM Designation: _____ Lot Area: 5500 sf

Existing Use: 0110-SFR Proposed Use: 0110-SFR

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

Replace existing deck boards on patio, extend existing upper deck from an 8' depth to 12' providing sunshade below. The existing width (north-south) of the upper deck will remain the same. This will provide protection from the sun without using awnings or other fabrics that quickly weather and look unkempt.

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 2/6/12 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.

   This parcel lacks large vegetation providing much needed sun protection. There is one large tree located in the beach dunes off the SW corner of the lot. The neighbors to the north have large vegetation beyond their western property line and they have a large overhang on their 2nd story decks, providing sun protection.

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 proposed upper deck extension would rest at 2' to the property line. The existing setbacks of 10% (= 11 ft.)for the sides of the lot will not allow the extension of the upper deck. There is a need for sun protection, for longevity of the patio construction and enjoyment of the owners. Umbrellas are easily weathered, quickly deteriorating and fraying. Umbrellas also become a hazard in high winds to people and adjacent structures.

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

   No. This house was purchased with the patio and deck in the current state.

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

   No. All boundaries remain as is.

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

   The use of patio and deck will remain the same.

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

   There will not be an increase of density or intensity.

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 granting of a variance will be in harmony with the intent of the regulations and would no be injurious to the neighborhood, in fact, it would enhance the view from the beach, and be consistent with the neighbors. The new deck would also exclude the need for additional umbrellas.

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

   Yes. This is the minimum variance that can be made to extend the upper deck for reasonable coverage.

Signature of Applicant 7/10/12 Date Signature of Authorized Agent Date

Interactive Map of this parcel | Sales Query | Back to Query Results | New Search | Tax Collector Home Page | Question/Comment about this page | WM

18-32-16-61002-009-0030

Portability Calculator

Data Current as of February 01, 2012

Print | Radius Search | Improvement Value per F.S. 553.844

Ownership/Mailing Address	Site Address
KERTESZ LIVING TRUST KERTESZ, GERALD J TRE KERTESZ, LISA J TRE 8400 E CRESTHILL AVE TUCSON AZ 85750-2411	107 30TH AVE ST PETE BEACH 33706-

Property Use: 0110 (Single Family Home)

Living Units: 1

[click here to hide] **2011 Legal Description**

NORTH PASS-A-GRILLE SEC A BLK I, LOT 3

2011 Exemptions	Mortgage Letter	File for Homestead Exemption	2011 Caps/Classified Agricultural Value
Homestead: No	Government: No		Save-Our-Homes Cap Percentage: 0.00%
Institutional: No	Historic: No		Non-Homestead 10% Cap: Yes / Classified Agricultural: No

2011 Parcel Information 2011 Trim Notice

Most Recent Conveyance	Sales Comparison	Census Tract	Evacuation Zone	Plat Book/Page
17300/1271	**$1,985,400** Sales Query	12103028002	A	005/018

2011 Value Information

Year	Save-Our-Homes cap	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2011	No	$1,538,687	$497,098	$446,598	$471,598	$446,598

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Save-Our-Homes Cap	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2011	Yes	$1,538,687	$497,098	$446,598	$471,598	$446,598
2010	Yes	$1,874,304	$489,752	$439,752	$464,752	$439,752
2009	Yes	$1,795,898	$476,876	$426,876	$451,876	$426,876
2008	Yes	$1,830,400	$476,400	$426,400	$451,400	$426,400
2007	Yes	$1,902,400	$462,524	$437,524	N/A	$437,524
2006	Yes	$2,115,000	$451,243	$426,243	N/A	$426,243
2005	Yes	$1,346,700	$438,100	$413,100	N/A	$413,100
2004	Yes	$1,139,500	$425,400	$400,400	N/A	$400,400
2003	Yes	$913,900	$417,500	$392,500	N/A	$392,500
2002	Yes	$894,500	$407,700	$382,700	N/A	$382,700
2001	Yes	$745,600	$401,300	$376,300	N/A	$376,300
2000	Yes	$526,500	$386,600	$361,600	N/A	$361,600
1999	Yes	$471,200	$376,500	$351,500	N/A	$351,500
1998	Yes	$456,000	$370,600	$345,600	N/A	$345,600
1997	Yes	$389,200	$364,400	$339,400	N/A	$339,400
1996	Yes	$398,600	$353,800	$328,800	N/A	$328,800

2011 Tax Information

Click Here for 2011 Tax Bill	Tax District: SPB
2011 Final Millage Rate	18.2940
2011 Est Taxes w/o Cap or Exemptions	$28,148.74

Ranked Sales See all transactions

Sale Date	Book/Page	Price	Q/U	V/I
06 Jul 2011	17300 / 1271	$975,000	U	I
01 Jul 2011	17300 / 1269	$975,000	U	I
1972	03756 / 0928	$50,000	Q	

A significant change in taxable value may occur when sold due to changes in the market or the removal of exemptions. Click here for more information.	1970	03380 / 0134	$35,000	Q

2011 Land Information

Seawall: No | Frontage: Gulf of Mexico | View:

Land Use	Land Size	Unit Value	Units	Total Adjustments	Adjusted Value	Method
Single Family (01)	50x110	31000.00	50.0000	1.0400	$1,612,000	FF

[click here to hide] 2011 Building 1 Structural Elements Back to Top

Site Address: 107 30TH AVE ST PETE BEACH 33706-

Quality: Above Average

Square Footage: 3334.00

Foundation: Continuous Footing

Floor System: Wood

Exterior Wall: Frame/Custom Wood

Roof Frame: Gable Or Hip

Roof Cover: Composition Shingle

Stories: 2

Living units: 1

Floor Finish: Carpet/Hardtile/Hardwood

Interior Finish: Drywall/Plaster

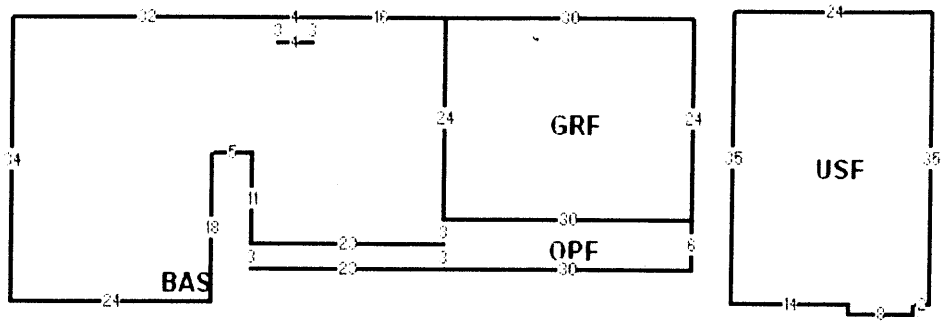
Fixtures: 6

Year Built: 1935

Effective Age: 39

Heating: Central Duct

Cooling: Cooling (Central)



Open plot in New Window

Building 1 Sub Area Information

Description	Living Area Ft²	Gross Area Ft²	Factor	Effective Ft²
Upper Story	848	848	0.90	763
Open Porch Unfinished	0	69	0.14	10
Open Porch	0	192	0.20	38
Garage	0	720	0.35	252
Base	1,505	1,505	1.00	1,505
	Total Living SF: **2,353**	Total Gross SF: **3,334**		Total Effective SF: **2,568**

[click here to hide] 2011 Extra Features

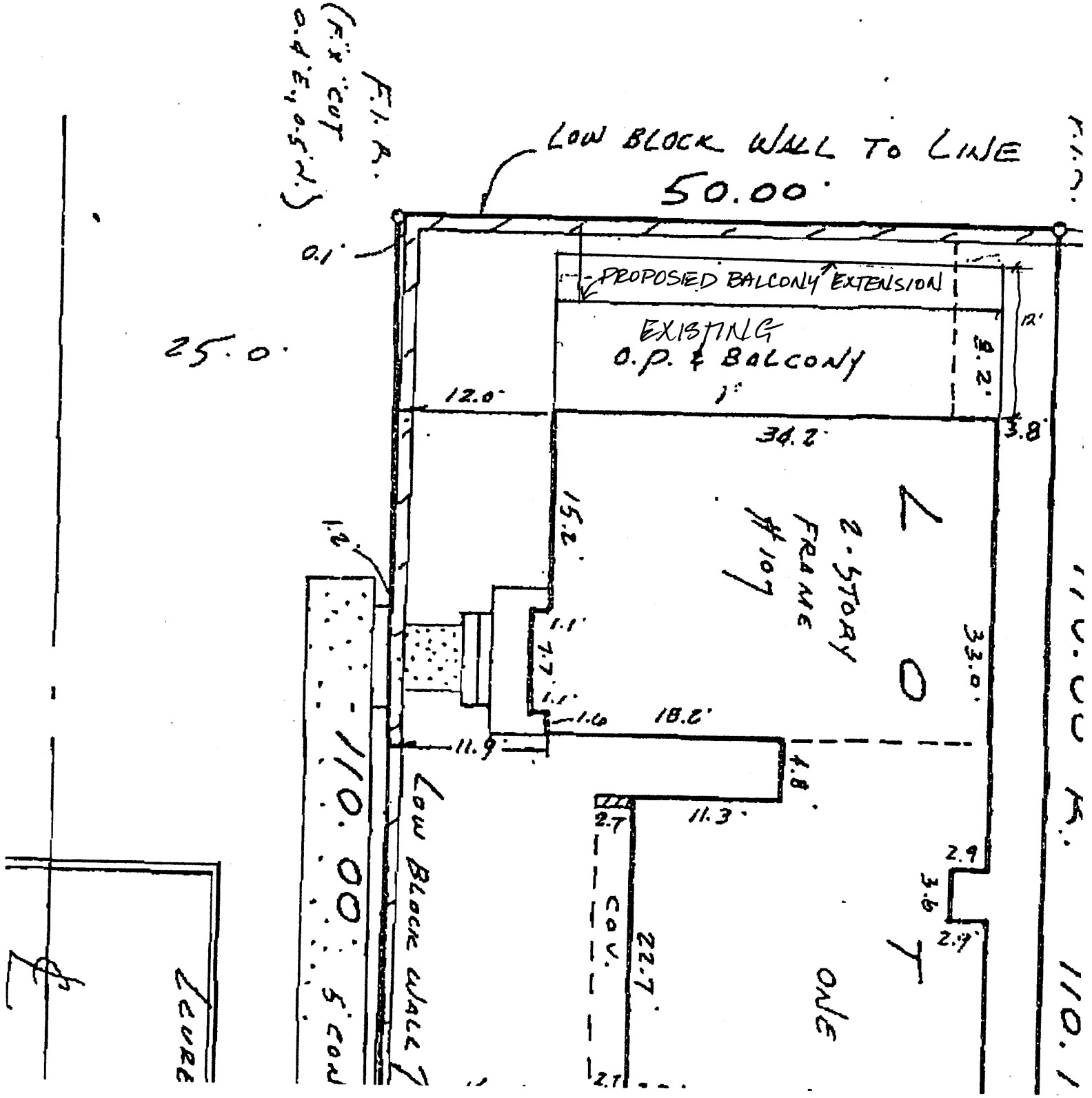
Description	Value/Unit	Units	Total NewValue	Depreciated Value	Year
FIREPLACE	$5,000.00	1.00	$5,000.00	$2,250.00	1935
PATIO/DECK	$6.00	420.00	$2,520.00	$1,714.00	2000
PATIO/DECK	$24.00	272.00	$6,528.00	$4,439.00	2000

[click here to hide] Permit Data

Permit information is received from the County and Cities. This data may be incomplete and may exclude permits that do not result in field reviews (for example for water heater replacement permits). Any questions regarding permits should be directed to the permitting office in which the structure is located.

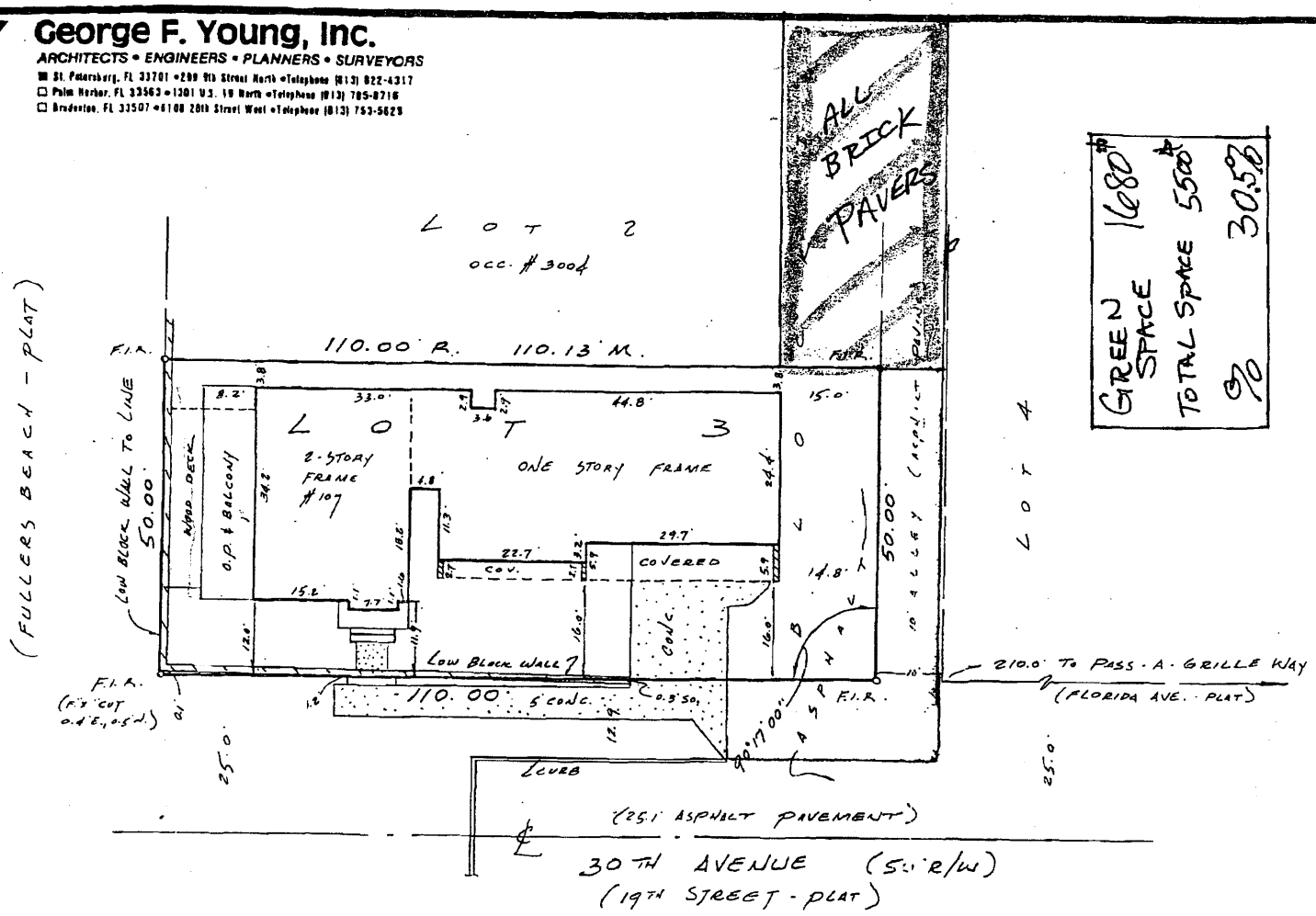
SCALE: 1" = 10'

(FULLERS BEACH – 7



George F. Young, Inc.
ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS
■ St. Petersburg, FL 33701 •200 9th Street North •Telephone (813) 822-4317
□ Palm Harbor, FL 33563 •1301 U.S. 19 North •Telephone (813) 785-8716
□ Bradenton, FL 33507 •6108 26th Street West •Telephone (813) 753-5629

SEC. 18



A BOUNDARY SURVE

LOT 3, BLOCK
SECTION "A" NORTH PAS

as recorded in Plat Book
Public Records of Pinellas

St. Petersburg Beach,

This is to certify that I h
Federal Insurance Administr
Boundary Map, Community No.
0005B, effective date 3/2/8
the above described propert
with a base flood elevation

CERTIFI
hereon m
Chapter
to the be

This survey was made without the benefit of a title report.

CERTIFIED TO:
ANCHOR SAVINGS BANK
STEWART FIDELITY TITLE INSURANCE CO.
RODERIC A. JOHNSON
88-13-0658.00
9/88

APPROVED
ZONING
DATE 10-5-09

Geo

Florida Surv
SURVEY NU
EMBOSSED

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

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

Mailing date: March 8, 2012

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: March 28, 2012
2:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706

Case No.:	**2012-0008**
Address:	**107 30th Ave**
Owner:	**Lisa and Gerlad Kertesz**
Agent:	**Owner**
Request:	**Applicants request a variance from Section 9.7 of the Land Development Code to reduce the front yard setback from 20 feet to 12 feet and the side yard setback from 11 feet to 4 feet for the construction of a deck.**

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. 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: 21 Feb 2012
Subject Parcel: 18-32-16-61002-009-0030
Radius: 300 feet
Parcel Count: 43
Note: Parcels with protected address status are not included in this report.
Total pages: 5

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.

MANNING, RICHARD SEAN
3150 2ND ST W
ST PETE BEACH FL 33706-4004

MANNING, RICHARD SEAN
3150 2ND ST W
ST PETE BEACH FL 33706-4004

CACCAMO, DANIEL J
2908 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4145

BRASS, DONALD L
BRASS, KATHERINE R
2910 SUNSET WAY
ST PETE BEACH FL 33706-4135

GROVE, EILEEN TRE
3110 2ND ST W
ST PETE BEACH FL 33706-4004

TURNEY, MARGARET E REVOCABLE TRUST
TURNEY, MARGARET E TRE
170 31ST AVE
ST PETE BEACH FL 33706-4006

SALVO, RONALD T
SALVO, JEANNE A
168 31ST AVE
ST PETE BEACH FL 33706-4006

PORTER, FRANCES V
92 31ST AVE
ST PETE BEACH FL 33706-4005

ERICKSON, ARTHUR H
ERICKSON, BARBARA S
1901 BROKEN ARROW TRL N
LAKELAND FL 33813-3758

KERTESZ LIVING TRUST
KERTESZ, GERLAND J TRE
8400 E CRESTHILL AVE
TUCSON AZ 85750-2411

CHAPMAN, JACQUELINE M
3000 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4056

BALASCO, GREGORY
BALASCO, MEREDITH H
703 S NEWPORT AVE
TAMPA FL 33606-2932

ACOSTA, ANTHONY
3004 SUNSET WAY
ST PETE BEACH FL 33706-4146

LEE, BEN
LEE, HENDERSON
3002 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4056

ROVELL, ROGER J
108 31ST AVE
ST PETE BEACH FL 33706-4006

ADAMS, ROBERT B
ADAMS, ALLISON C
4908 W NASSAU ST
TAMPA FL 33607-3827

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

LIPINSKI, IRENE E
PO BOX 66187
ST PETE BEACH FL 33736-6187

GRASSMAN, DARLENE P TRE
726 NEGLEY AVE
EVANSVILLE IN 47711-3430

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

RITACCA, VIRGIL P TRE
RITACCA, CAROLYN TRE
2917 SUNSET WAY
ST PETE BEACH FL 33706-4134

P A G PARTNERS
1901 BROKEN ARROW TRL
LAKELAND FL 33813-3758

SHARPE, HOWARD W
570 2ND AVE S
ST PETERSBURG FL 33701-4102

ENDICOTT, JAMES N
ENDICOTT, SONYA G
2915 SUNSET WAY
ST PETE BEACH FL 33706-4134

MC LEAN, STEPHEN G
2915 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4144

HAWKINS, DWAYNE
2911 SUNSET WAY
ST PETE BEACH FL 33706-4134

ROSS, JEREMY P
ROSS, MARY K
139 BOSPHOROUS AVE
TAMPA FL 33606-3532

HERETICK, MICHAEL BRENNAN
HERETICK, JENNIFER ANN
3143 2ND ST W
ST PETE BEACH FL 33706-4003

REILLY, ANGELA M
HERETICK, KENNETH W
3100 2ND ST W
ST PETE BEACH FL 33706-4004

ZELLENRATH FAMILY TRUST
ZELLENRATH, THEODORE H TRE
25 CORNELIUS PKWY
TORONTO ON M6L 2K2

SIMMONS, J SCOTT REVOCABLE TRUST
SIMMONS, J SCOTT TRE
2914 PASS A GRILLE WAY # 3
ST PETE BEACH FL 33706-4145

BOULANGER CONDO ASSN
2914 PASS-A-GRILLE WAY
ST PETERSBURG FL 33706-4145

HOLMES, GARY J
HOLMES, SELENA L
3104 PASS-A-GRILLE WAY
ST PETE BEACH FL 33706-4068

3001 SHARPE LLC
570 2ND AVE S
ST PETERSBURG FL 33701-4102

SEAN MANNING II LLC
3150 2ND ST W
ST PETE BEACH FL 33706-4004

ZELLENRATH FAMILY TRUST
ZELLENRATH, THEODORE H TRE
25 CORNELIUS PKWY
TORONTO ON M6L 2K2

COX, MAUREEN A
2912 PASS A GRILLE WAY APT 4
ST PETE BEACH FL 33706-3959

P A G PARTNERS
1901 BROKEN ARROW TRL
LAKELAND FL 33813-3758

SCHUCK, KEVIN C
SCHUCK, JERRE A
104 31ST AVE
ST PETE BEACH FL 33706-4006

DUNN, ROGER A
DUNN, DANA M
2913 SUNSET WAY
ST PETE BEACH FL 33706-4134

REILLY, STEVEN E
3145 2ND ST W
ST PETE BEACH FL 33706-4003

MANNING, RICHARD SEAN
3150 2ND ST W
ST PETE BEACH FL 33706-4004

NEWCOMB, ALAN P
BENNETT, BECKY M
3130 2ND ST W
ST PETE BEACH FL 33706-4004

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2012-0009
March 28, 2012

Property Information

Address: 105 27th Avenue
Applicant/Owner: Bonnie and Gerard Pickhardt
Agent: Self
Existing Use: Single Family Residential
Zoning: RU-2
Request: Applicants request variance from section 9.7 of the Land Development code to reduce side yard setback from 9 feet to 6 feet for the construction of an addition.

Details of Request and Background Information:

The subject property consists of two platted lots of record (45' x 110'). Based on the Land Development Code, one single family residence could be constructed on each lot.

There currently exists a single family residence on the western lot. The applicant requests a variance from the sideyard setback (9 feet down to 6 feet) in order to construct what would essentially function as an ancillary dwelling unit but accessed only from the interior of the lot.

The proposed structure would be attached to the single family residence via a deck and shielded from the street with a solid wall.

It should be noted that if the property owner decided to construct a single family residence on the eastern lot, the sideyard setback would be only 4.5 feet.

Density is not at issue due to the fact that two total dwelling units could be constructed on the two lots.

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 lot in and of itself does not have anything in particular that makes it different than other lots in Pass-a-Grille. The unique design the applicants have offered are what is unique about the plan. The only reason that a variance is required is because of the way the applicants have proposed the units be attached; otherwise, if considered two separate single family residences not connected by the deck, a variance would not be needed.
b) The applicant has not argued that a neighboring non-conforming property is the reason a variance is needed.
c) If granted, the variance would not change any boundary on the zoning map. Overall density is being maintained and is consistent with the comprehensive plan.
d) The request is in general harmony with the purpose and intent of the Land Development Code.
e) While a technically a “hardship” does not exist that deprives the applicant reasonable use of the land, literal interpretation of the Land Development Code does in this case deprive the applicant and the City of creative design that will maintain the traditional mass and scale of Pass-a-Grille.

Summary and Conclusion

Staff finds that the request meets the general purpose and intent of the Land Development Code.

Submitted by: Catherine Hartley, AICP, Senior Planner

VARIANCE APPLICATION

Case Number: [redacted]

APPLICANT/AGENT:

Name: Gerard Pickhardt

Address: 8407 36th Street Cir. E

City: Sarasota State: FL

Zip: 34243 Phone: 941-504-7462

PROPERTY OWNER:

Name: Bonnie Pickhardt and Gerard Pickhardt

Address: 8407 36th Street Cir E

City: Sarasota State: FL

Zip: 34243 Phone: 941-504-7462

PROPERTY:

Address: 105 27th Avenue St Pete Beach, FL 33706

Parcel ID: 18 32 16 61002004 0050

Current Zoning: ~~R-TH2~~ FLUM Designation: _____ Lot Area: 9,900

Existing Use: Residential Proposed Use: Residential

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

Construct secondary detached structure

Relief from setback requirements

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 Gerard J. Pickhardt Date 1/30/2012 Signature of Authorized Agent Date

For office use only:

Hearing Date: _____ Fees: $529.25

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.

   a.) Detached secondary structure
   b.) Relief from setback requirement

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 applicant holds title to both adjoining lots 5 + 8.

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

   While the detached secondary structure is not connected by an enclosed hallway it will be connected via a common deck structure.

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

   Correct

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

Correct

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

Shall decrease

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.

Correct

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

Correct

11/10/2012

Signature of Applicant Date Signature of Authorized Agent Date

Gerard J. Pilkwardt

Bonnie J. Pickhardt
Gerard J. Pickhardt
105 27th Avenue on Pass-A-Grille
St. Pete Beach, Florida 33706 - 4113

January 20, 2012

Community Development Department
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

REFERENCE: Variance Application (Attached)

SUBJECT: 105 27th Avenue, Pass-A-Grille, St. Pete Beach, FL 33706
Parcel ID 18 32 16 61002004 0050

Dear Board of Adjustment:

We are seeking a variance to address two issues that will permit us the best usage of our property and maintain the harmony of the neighborhood. At the same time, we wish to be true to a variance request that maintains the integrity of the land development code.

We are first seeking permission to construct a detached pool cabana with our existing residence. It is our desire to eliminate a bedroom from our existing residence and construct the detached cabana with one bedroom thereby effectively reducing the total living density of the combined properties. Rather than two lots comprised of two large homes with 3 to 5 bedrooms in each, we will have two lots with just three bedrooms. While the code would prefer the cabana be attached by a common hallway, we are proposing that the cabana will be effectively attached via the elevated concrete pool deck which will be enclosed by ornamental railing. The new cabana/pool deck structure will be covering only 34.3% of the lot; a reduction of over 50% of the allowed imperious surface area of the lot.

In addition, because we have combined the two lots (#5 and #8) we are seeking relief from the land development set back requirements. The existing house on lot 5 is setback on the west elevation at 11' while only being required to be at 4'6". With the combining of the two lots the west setback would be 9'; we are clear by 2'. What we are requesting is to permit the cabana's east elevation to be constructed 6' from the setback rather than

the required 9'. We feel that the encroachment on east elevation along the alley is not detrimental to the alley traffic flow. The cabana design also creates garage parking space under the structure which eliminates passage obstructions from parked vehicles along the alley.

Bonnie and I both want to thank you for your time and consideration in this matter. We look forward to many years of enjoyment in this wonderful community. We remain,

Respectfully,

Gerard J. Pickhardt
For Bonnie J. & Gerard J. Pickhardt

GJP/lv

Enclosure: Variance Application
Drawings

Copy: Mark S. Miller, Westwater Construction, Inc.
William H. Whitmer, Wm. H. Whitmer Architect
File

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.

GP 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.

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

GP 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.

GP 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.

GP 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.

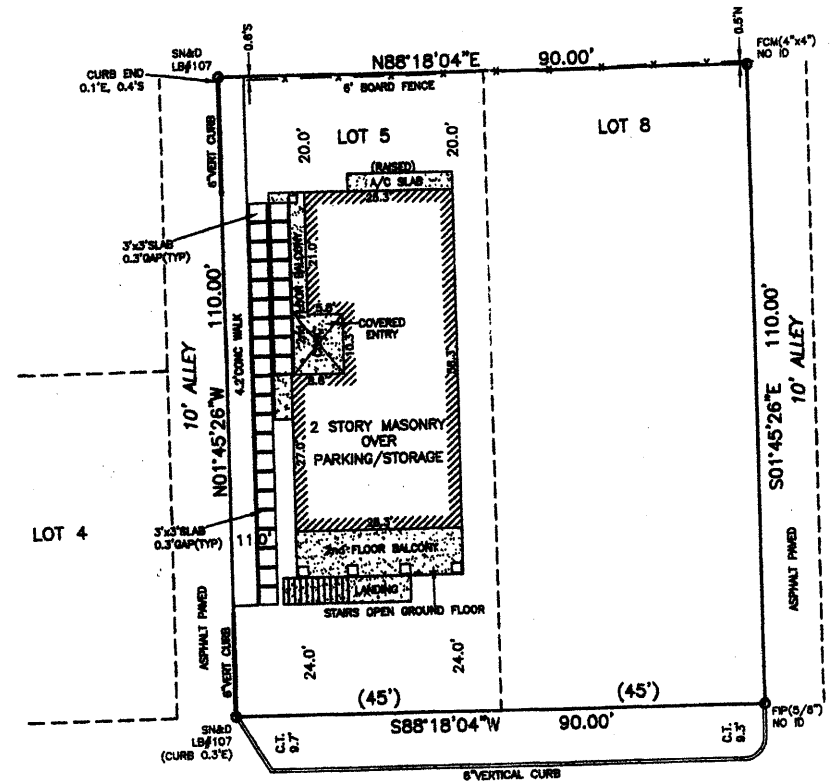
GP 11/20/2012

Signature of Applicant — Date

GERARD J. PICKHARDT

BOUNDARY SURVEY

SECTION 18, TOWNSHIP 32S., RANGE 16E.
PINELLAS COUNTY, FLORIDA



0' 20' 40'
SCALE: 1" = 20'

LEGEND

A	ARC
A/C	AIR CONDITIONER
BFPD	BACK FLOW PREVENTION DEVICE
B.M.	BENCHMARK
BOLL	BOLLARD
C	CHORD
(C)	CALCULATED
CBW	CONCRETE BLOCK WALL
CHB	CHORD BEARING
℄	CENTERLINE
CLF	CHAIN LINK FENCE
C.M.	CONCRETE MONUMENT
CONC.	CONCRETE
C.T.	CURB TIE
CTV	CABLE TELEVISION
(D)	DEED
EP	EDGE OF PAVEMENT
F.	FOUND
FF	FINISHED FLOOR
FHA	FIRE HYDRANT ASSEMBLY
FPC	FLORIDA POWER CORPORATION
GI	GRATE INLET
GAV	GAS VALVE
GM	GAS METER
GV	GATE VALVE
GW	GUY WIRE
I.P.	IRON PIPE
I.R.	IRON ROD
LB	LICENSED BUSINESS
LF	LOWEST FLOOR ELEVATION
LP	LIGHT POLE
(M)	MEASURED
MH	MANHOLE
NAVD88	NORTH AMERICAN VERTICAL DATUM 1988
N&D	NAIL AND DISK
NFL	NOT FIELD LOCATED
NGVD29	NATIONAL GEODETIC VERTICAL DATUM 1929
NO.	NUMBER
O/H	OVERHEAD WIRES
O.R.	OFFICIAL RECORD
ORD	ORDINANCE
PB	PLAT BOOK
PG	PAGE/PAGES
POB	POINT OF BEGINNING
POL	POINT ON LINE
PP	POWER POLE
PRM	PERMANENT REFERENCE MONUMENT
PSM	PROFESSIONAL SURVEYOR & MAPPER
R	RADIUS
(R)	RECORD
RCP	REINFORCED CONCRETE PIPE
RCW	RECLAIMED WATER
RNG	RANGE
R/W	RIGHT-OF-WAY
S.	SET
SAN.	SANITARY
SCO	SANITARY CLEAN-OUT
SEC	SECTION
T.B.	TOP OF BLOCK
T.B.M.	TEMPORARY BENCH MARK
TOB	TOP OF BANK
TOS	TOE OF SLOPE
TRANS	TRANSFORMER
TWP	TOWNSHIP
UP	UTILITY POLE
WF	WOOD FENCE
WV	WATER VALVE
	CONCRETE
	BRICK

BOUNDARY SURVEY OF:
Lots 5 & 8, Block D, **NORTH PASS-A-GRILLE SECTION A**, as recorded in Plat Book 5, Page 18, Public Records of Pinellas County, Florida

FOR:
Gerard Pickhardt

CERTIFIED TO:
Gerard J. & Bonnie J. Pickhardt
Steve & Sonia Raymund
First American Title Insurance Company
Trenam Kemker

BASIS OF BENCHMARK:
Designation: NOAA RM-2
Elevation: 6.402
NAVD 1988

FLOOD INFORMATION:
Flood Zone: AE EL=11'
Community Panel No.: 12103C0278G
Effective Date: September 3, 2003

ORDER NO. 2011-168
October 31, 2011 – Boundary/ FEMA

SURVEYOR AND MAPPER'S REPORT:
1. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.

DEUEL ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS
4625 EAST BAY DRIVE, SUITE 211
CLEARWATER, FL 33764
PH 727.822.4151 FAX 727.821.7255
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

FIELD DATE: 10/31/11
DRAWN BY: JMIS

I, ALBERT CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SURVEY REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.50 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

11/16/11
ALBERT P. CARRIER, PSM, 6488, LB 107

Nov 02, 2011 - 9:41am X:\CAD Projects\Projects\2011\2011-168 PASS A GRILLE\dwg\2011-168.dwg

City of St. Pete Beach

Permit # 20120059

Department of Community Development / Building

Plan Review and Permit Receipt

CO Required

☐ Yes ☐ No

Job Address: 105 27TH AVE

Unit #

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

Details:

inerterior demolition, interior wall construction

Owner Information:

Name: RAYMUND SONIA V RAYMUND STEVEN A Phone: 727-821-5871

Address: 5350 TECH DATA DR CLEARWATER FL 33760-3122

Contractor's Information:

Name: WESTWATER CONSTRUCTION INC Phone:

Address: 5583 MARQUESAS CIRCLE SARASOTA FL 34233

Architect:

Engineer:

Lot Information: Lot: Block: Sub: NORTH PASS-A-GRILLE SEC A

Parcel ID: 18/32/16/61002/004/0050 Zoning RU-2/PAG

FEMA Flood Zone: AE Base Flood Elev: 11

Total Valuation of this Work: $25,000.00

PERMIT FEES

Type of Fee	Account	Amount	Payment Date
BUILDING	(34) (001.322.100)	$385.00	2/15/2012
SURCHARGE FEE	(220) (001.325.200)	$17.32	2/15/2012
PLAN REV	(37) (001.322.200)	$192.50	1/23/2012
	Total:	$594.82	

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

ISSUED BY: _____ **DATE ISSUED: 2/15/2012**

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.

N88°18'04"E ℄ 90.00'

℄

20'-0"

N01°45'26"W ℄ 110.00'

11'-0"

EXISTING MAIN RESIDENCE

PROPOSED ELEVATOR

PROPOSED FIREPLACE

PROPOSED POOL 15'×30'

SPA

PROPOSED SUN DECK 31'×18'

PROPOSED GUEST CABANA

COVERED LANAI

S01°45'26"E ℄ 110.00'

6'-0"

8'-0"

26'-0"

10'-0"

20'-0"

11'-0" 28'-0" 31'-0" 14'-0" 6'-0"

S88°18'04"W ℄ 90.00'

CONC. CURB

27TH AVENUE

ARCHITECTURAL SITE PLAN

SCALE : 1/8" = 1'-0"

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

Mailing date: March 8, 2012

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: March 28, 2012
2:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706

Case No.:	**2012-0009**
Address:	**105 27th Avenue**
Owner:	**Bonnie and Gerard Pickhardt**
Agent:	**Owner**
Request:	**Applicants requests variance from section 9.7 of the Land Development code to reduce side yard setback from 9 feet to 6 feet 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. 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: 21 Feb 2012
Subject Parcel: 18-32-16-61002-004-0050
Radius: 300 feet
Parcel Count: 45
Note: Parcels with protected address status are not included in this report.
Total pages: 5

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.

HUTCHINS, RICHARD C
SMITH, MICHAEL J
330 19TH AVE NE
ST PETERSBURG FL 33704-3511

HUTCHINS, RICHARD C
SMITH, MICHAEL J
330 19TH AVE NE
ST PETERSBURG FL 33704-3511

MOREAN, BETH ANN FAMILY TRUST
MOREAN, BETH ANN TRE
3618 EL CENTRO ST
ST PETE BEACH FL 33706-3908

SCANLAN, CHRISTOPHER A
FAIR, LILLIE K
2800 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4143

MOREAN, BETH ANN FAMILY TRUST
MOREAN, BETH TRE
3618 EL CENTRO ST
ST PETE BEACH FL 33706-3908

DE SILVA, JOHN R
2817 PASS-A-GRILLE WAY
ST PETE BEACH FL 33706-4165

SW-GOM LTD PTNSHP
172 GARY RD
STAMFORD CT 06903-4829

PICKHARDT, GERARD J
PICKHARDT, BONNIE
105 27TH AVE
ST PETE BEACH FL 33706

KELLER, RICHARD L
IACANGELO, SHARON
2702 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4164

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

HOWE, CHARLES D TRE
HOWE, MARY L TRE
2700 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4164

MC CLENATHAN, DANIEL T
2620 SUNSET WAY
SAINT PETERSBURG FL 33706-4129

REILLY, TIMOTHY J
119 91ST AVE
ST PETERSBURG FL 33706-3317

NEWMAN, MARGARET
110 MARTINIQUE AVE
TAMPA FL 33606-4049

CROUCH, LEE A JR REVOCABLE TRUST
CROUCH, LEE A JR TRE
2603 PASS-A-GRILLE WAY
ST PETE BEACH FL 33706-4161

SACINO, RONALD A
SACINO, GREGORY J
2507 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4159

KRAFCIK, TIMOTHY J
107 26TH AVE APT 4
ST PETE BEACH FL 33706-4100

GOULD, RITA A
2605 SUNSET WAY
ST PETE BEACH FL 33706-4128

GOULD, RITA A
2605 SUNSET WAY
ST PETE BEACH FL 33706-4128

LEMM, JOYCE H
LEMM, ROBERT J
103 26TH AVE
ST PETE BEACH FL 33706-4111

ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

PRAETE, BARBARA A
107 26TH AVE APT 6
ST PETE BEACH FL 33706-4100

HOLTZ, JASON
107 26TH AVE APT 8
ST PETE BEACH FL 33706-4100

WALKER, JOAN H
107 26TH AVE APT 1
ST PETE BEACH FL 33706-4166

GARNETT, STANLEY I II
GARNETT, BEVERLY M
2504 SUNSET WAY
ST PETE BEACH FL 33706-4127

BAKHTIARIAN, KOUROSH
2606 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4198

MARTINEZ, CARLOS R
APARICIO-SMITH, MONICA
3915 SNAPPER POINTE DR
TAMPA FL 33611-1030

BOTTONI, CRAIG
2801 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4165

WALKER, JOAN H
107 26TH AVE APT 1
ST PETE BEACH FL 33706-4166

MOORE, CARLA WRIGHT
MOORE, WILLIAM C
107 26TH AVE APT 2
ST PETE BEACH FL 33706-4166

RAYMUND, STEVEN A
RAYMUND, SONIA V
5350 TECH DATA DR
CLEARWATER FL 33760-3122

MONSALVE, JORGE L
MONSALVE, LOUISE
2600 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4162

BUTLERHOUSE ASSN
7005 CENTRAL AVE
ST PETERSBURG FL 33710-7559

CUCCHIARA, ROY F
CUCCHIARA, PATRICIA A
2607 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4161

HOWELL, CARL
C/O WILKINSON, BARRY
696 1ST AVE N STE 201
ST PETERSBURG FL 33701-3610

HOWELL, CARL
C/O LEFTER, CUSHMAN, WILKINSON
696 1ST AVE N STE 201
ST PETERSBURG FL 33701-3610

SAMS, JOSEPH A
SAMS, JULIA A
11 KAY ST
WESTBOROUGH MA 01581-3808

FALKENSTEIN, MARY TRUST
FALKENSTEIN, MARY TRE
1705 PASS A GRILLE WAY
ST PETE BEACH FL 33706-4243

GARCIA-LEYVA, GISELA
670 SUNSET DR S
ST PETERSBURG FL 33707-1137

GAMBLE FAMILY LLP
PO BOX 66445
ST PETE BEACH FL 33736-6445

FRIEDMAN, MARJORIE
107 26TH AVE APT 5
ST PETE BEACH FL 33706-4100

KILGROE, SOLOMON M
KILGROE, CARRIE J
1235 DARLINGTON OAK CIR NE
ST PETERSBURG FL 33703-6315

GOULD, ELEANOR J IRREV TRUST
GOULD, J HOWARD TRE
2609 SUNSET WAY
ST PETE BEACH FL 33706-4128

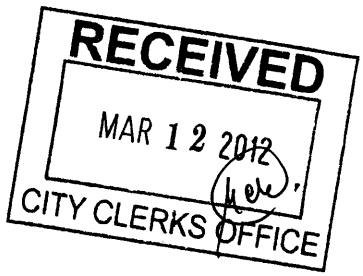
ST PETE BEACH, CITY OF
155 COREY AVE
ST PETE BEACH FL 33706-1839

REILLY, PAUL
2805 SUNSET WAY
ST PETE BEACH FL 33706-4132

Case No. 2012-0009 Address 105 27th Avenue

I object for reduce side yard setback from 9 feet to 6 feet for the construction of an addition.

Thanks



March 9th 2012
Kourosh Bakhtiarian
2606 Pass A Grille Way
St Pete beach FL 33706
(727) 455-8885 CORY_BAKH@YAHOO.com

From:	Cory Bakh
To:	Catherine Hartley
Subject:	Case No. 2012-0009
Date:	Thursday, February 23, 2012 8:28:29 PM

Case No. 2012-0009

I object for reduce side yard setback from 9 feet to 6 feet for the construction of an addition.

Thanks

February 23rd 2012
Kourosh Bakhtiarian
2606 Pass A Grille Way
St Pete beach FL 33706

City of St. Pete Beach
Board of Adjustment
Public Hearing
Case # 2012-0010
March 28, 2012

Property Information

Address: 315 40th Avenue
Applicant/Owner: April and William Tarvin
Agent: Jack Bodziack
Existing Use: Single Family Residential
Zoning: RU-1
Request: Applicant requests variance from Section 9.7 of the Land Development Code to allow for a 5 foot encroachment into the required from yard for stairs.

Details of Request and Background Information:

The applicant purchased the incomplete structure in 2011. The applicant claims that the front stairs were constructed improperly and that to correct the issue a five foot encroachment into the front yard is required to complete the project.

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.

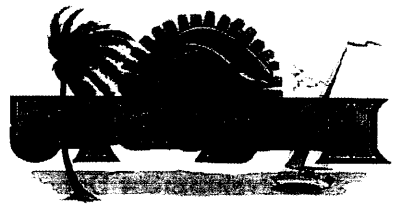
Based on these standards, staff makes the following observations:

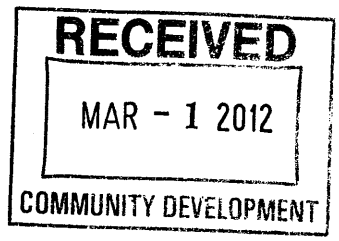
(a) The applicant has argued that the unfinished structure was constructed incorrectly and the current owner was unaware of the construction issue at the time of purchase.
(b) A single family residence is a permitted use in this zoning district. There is no request for a prohibited use, nor has the applicant argued that a non-conforming use is the reason for the application.
(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. The applicant has stated that the variance is needed to construct a safe landing for the stairs.
(e) It could be argued that denying the variance would deny reasonable access to the front of the property; however, the burden is on the applicant to prove that there is no other way to design the staircase that could meet the zoning requirements.

Summary and Conclusion

The burden of proof lies on the applicant to prove that there is no other way the stairs can be constructed that would meet the zoning code and still provide safe, reasonable, and building code compliant access to the structure.

Submitted by: Catherine Hartley, AICP, Senior Planner





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: 2012-0010

PROPERTY:

Legal Description: BELLE VISTA SHORES BLK 1, LOT 2

Parcel ID or address is one has been assigned: 07-32-16-07542-001-0020

Current Zoning: PU-D FLUM Designation: _____ Lot Area: 9204

Existing Use: RESIDENCE Proposed Use: RESIDENCE SINGLE FAMILY

APPLICANT/AGENT:

Name: JACK BODZIAK AIA ARCHITECT
Address: 2529 CENTRAL AVENUE
City: ST. PETERSBURG State: FLA
Zip: 33713 Phone: 727 327 1966
CELL 727 543 3568

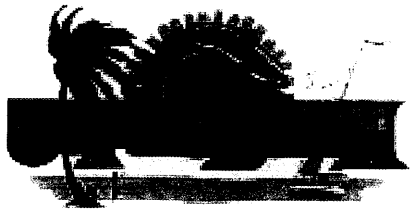
PROPERTY OWNER:

Name: APRIL & WILLIAM TARVIN
Address: 315 40TH AVE
City: ST PETE BEACH State: FLA
Zip: 33706 Phone: 727-452-752[illegible]
APRIL (cell)
Brad 410.096[illegible]

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary) 86.040

PRESENT OWNERS PURCHASED INCOMPLETE AND FORCLOSED RESIDENCE THAT HAD INHERENT PROBLEMS FROM CONTRACTOR (FORMER) NOT FOLLOWING APPROVED PLANS. FRONT STAIRWAY WAS PARTIALLY CONSTRUCTED AND ENCROCHES IF PROPERLY CONSTRUCTED AND DEFFICIENCIES CREATED BY PRIOR OWNER WERE CORRECTED.

A FIVE (5) FOOT FRONT YARD VARIANCE WILL ALLOW REASONABLE AND SAFE CONSTRUCTION OF 81 STAIR AND COMPLIANCE WITH FEMA REGULATIONS.



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.

WBT 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.

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

WBT 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.

WBT 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.

WBT 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.

William B Tammi

Signature of Applicant 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.

CURRENT OWNERS PURCHASED PARTIALLY COMPLETED AND FORCLOSED PROPERTY WITH PARTIALLY CONSTRUCTED FRONT STAIR AND WERE UNAWARE THAT LOCATION OF BUILDING ON SITE BY PRIOR OWNER AND HER CONTRACTOR NO LONGER ENABLED BUILDING STAIRS TO BE CONSTRUCTED WITHIN SETBACK OR IN A SAFE AND REASONABLE MANNER

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 OF CODE WOULD EITHER CAUSE UNSAFE LANDING IN DRIVEWAY OR HIGHLY UNUSUAL AND UNSIGHTLY DOUBLE OR TRIPLE TURNS OF ANY POSSIBLE STAIRWAY SOLUTION.

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

PRIOR OWNER AND FORMER CONTRACTORS ACTIONS CREATED PHYSICAL LOCATION OF BUILDING THAT NEGATES A REASONABLE AND SAFE SOLUTION.

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

MAIN BUILDING CONFORMS TO ALL SETBACKS AND ENCROACHMENT INTO FRONT YARD BY FIVE (5) FEET AS REQUESTED WILL NOT VISUALLY AFFECT ANY ADJACENT OR SURROUNDING RESIDENCES SINCE THE HEIGHT OF STAIR LANDING AT ENCROACHMENT WILL BE LESS THAN 6'-0" ABOVE GRADE.

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

SIMILIAR ENCROACHMENTS INTO FRONT YARD SETBACKS EXIST AND THIS REQUEST IS ONE THAT IS ALLOWABLE AND WILL NOT SET ANY PRECEDENT AND IS ALLOWABLE UNDER CODES.

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

VARIANCE REQUESTED WILL NOT INCREASE DENSITY OR INTENSITY ALLOWABLE BY 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.

GRANTING WILL BE WITHIN THE GENERAL PURPOSE AND INTENT OF LAND DEVELOPMENT REGULATIONS AND WILL NOT BE INJURIOUS TO NEIGHBORHOOD OR DETREMENTAL TO PUBLIC WELFARE.

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

THIS IS THE MINIMAL VARIANCE NECESSARY TO MAKE POSSIBLE REASONABLE USE OF THE LAND, STRUCTURE AND COMPLETION OF THE BUILDING, SINCE THE MAIN STRUCTURE IS WELL WITHIN REQUIRED SETBACKS AND MEETS ALL OTHER FEMA AND CODE REQUIREMENTS.

Signature of Applicant	Date	Signature of Authorized Agent	Date
	2-20-12		2-20-12

For office use only:

Hearing Date: _____ Fees: _____

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

RECEIVED
MAR - 1 2012
COMMUNITY DEVELOPMENT

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

I/WE APRIL TARVIN / WILLIAM B. TARVIN
(print name of property owner)

hereby authorize JOHN A. (JACK) BODZIAK ARCHITECT AIA
(print name of agent)

to represent me/us in an application for
5' FIVE FOOT FRONT YARD VARIANCE FOR ENTRY STAIR CONSTRUCTION
(type of application: variance, land use, zoning, special event, etc)

William B Tarvin
Signature of owner

Signature of owner

William B Tarvin
Print name of owner

Print name of owner

The foregoing instrument was acknowledged before me this 1 **day**

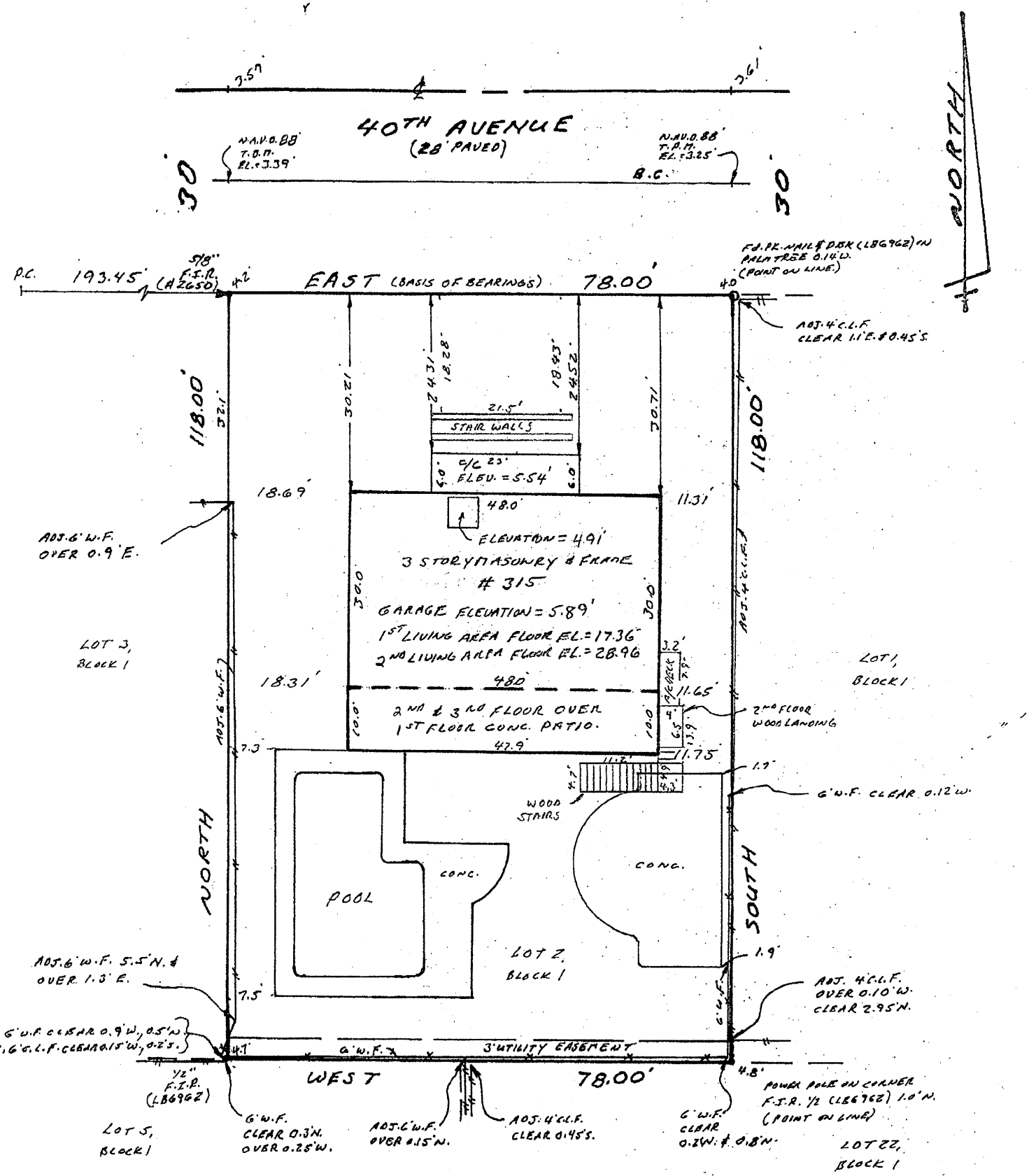
of MARCH **2012, by** WILLIAM B TARVIN **who**

is personally known _____ **or produced** FLDL **as identification.**

Will P Guisto
(Notary Signature)
My commission expires 11-4-2013

3-1-2012
(Date)

WILLIAM P GUISTO
Notary Public - State of Florida
My Comm. Expires Nov 4, 2013
Commission # DD 938261



A BOUNDARY SURVEY OF LOT 2, BLOCK 1, BELLE VISTA SHORES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGES 8–10, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: 80109
TELEPHONE: (727) 360-0636
DATE OF FIELD SURVEY: 3/19/08
SCALE: 1 INCH = 20 FEET
DRAWN BY: DLP

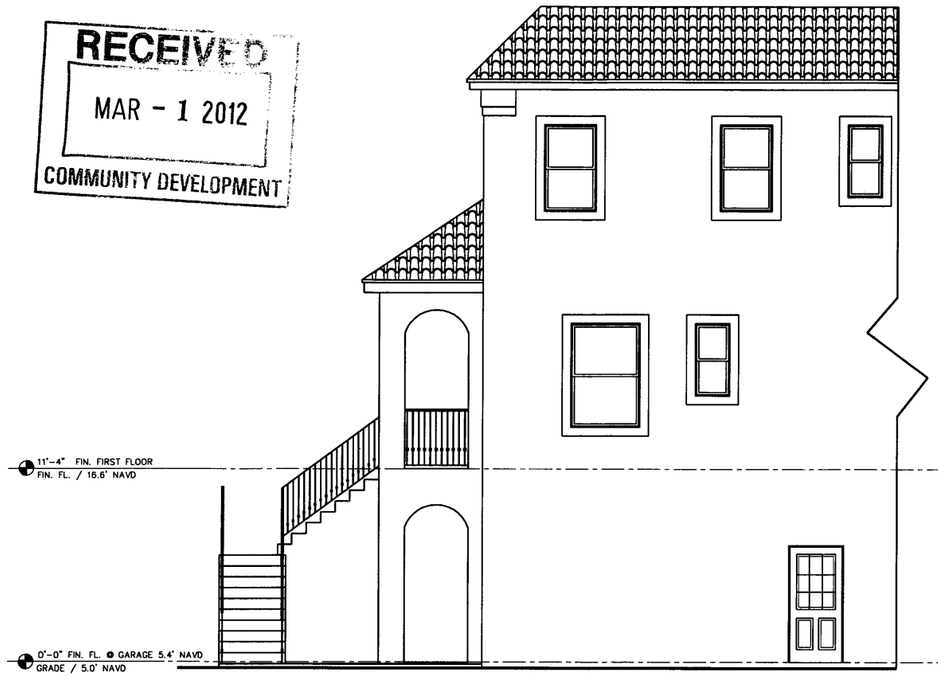
DAVID C. HARNER
PROFESSIONAL LAND SURVEYOR
9925 GULF BOULEVARD
TREASURE ISLAND, FL. 33706

SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST

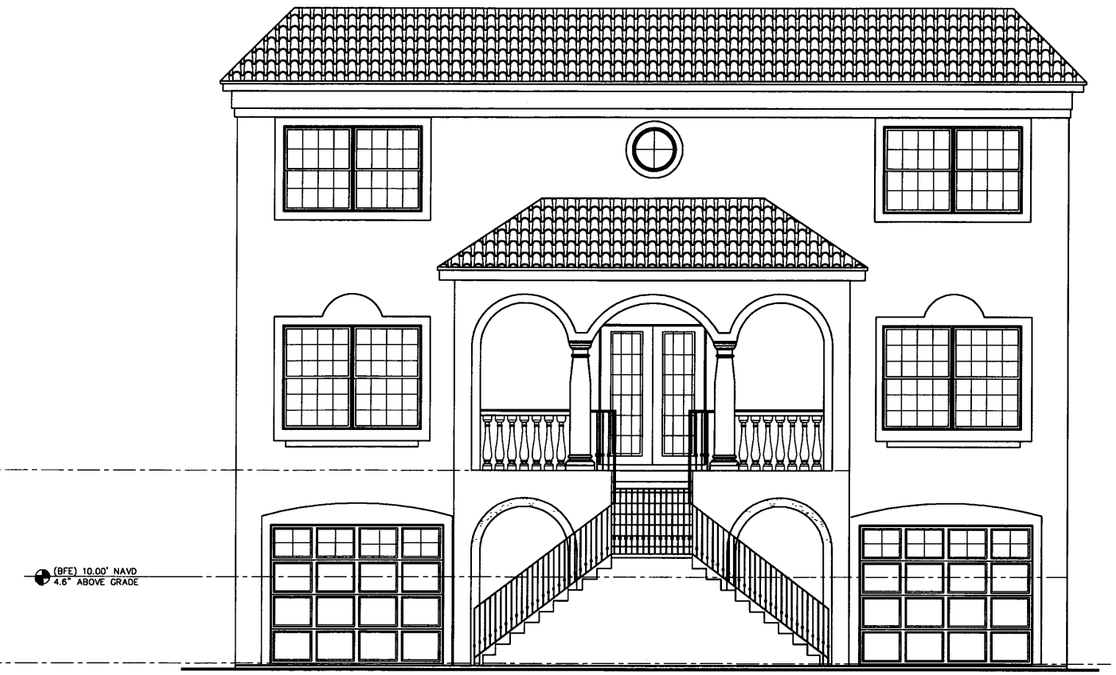
FLOOD ZONE: "AE" (B.F.E.=10')
FLOOD MAP DATE: 9/03/03
COMMUNITY NUMBER: 125149
PANEL NUMBER: 0278 G
CHECKED BY: DCH

CERTIFIED TO: ELIZABETH BARRON

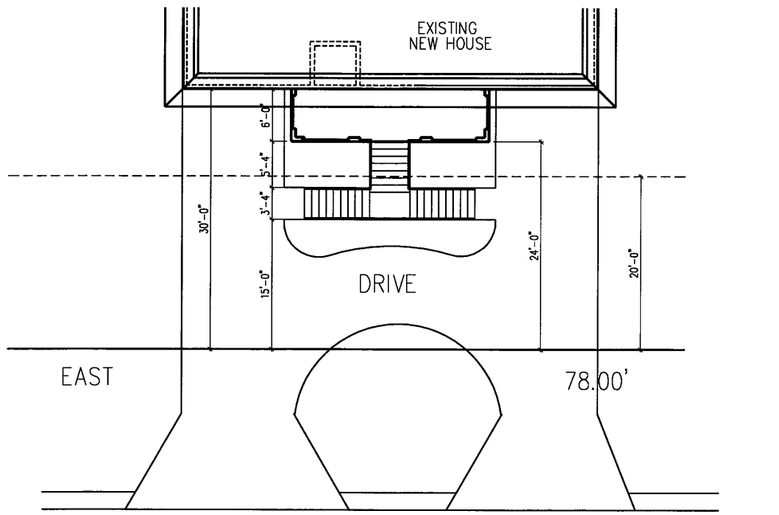
RECEIVED
MAR - 1 2012
COMMUNITY DEVELOPMENT



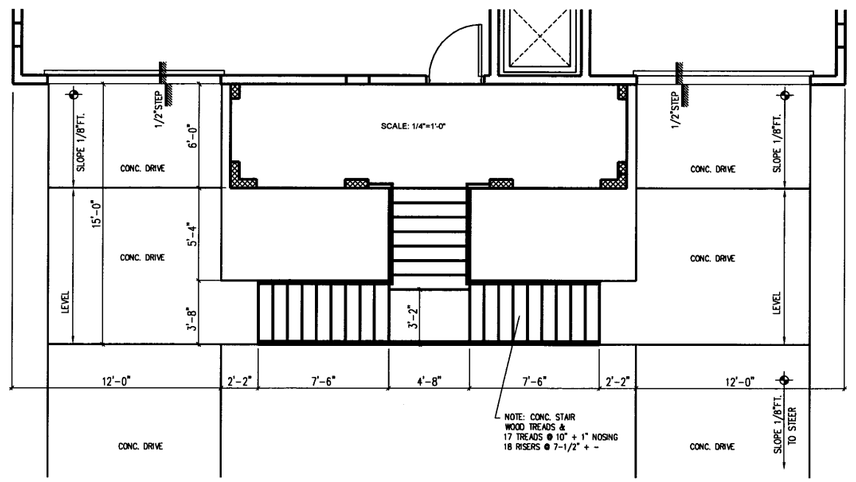
RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"



SITE PLAN
SCALE: 1/8"=1'-0"



GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS. ALL DISCREPANCIES AND/OR OMISSIONS SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING OR CONTINUING WITH CONSTRUCTION. UNREPORTED DISCREPANCIES AND/OR OMISSIONS SHALL REMAIN THE RESPONSIBILITY OF THE CONTRACTOR.
THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT. THEY ARE NOT TO BE USED BY THE OWNER OR OTHERS ON EXTENSIONS OF THIS PROJECT OR ON ANY OTHER PROJECT WITHOUT THE WRITTEN AGREEMENT OF THE ARCHITECT. ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING COPYRIGHT, ARE HEREBY RESERVED BY THE ARCHITECT.
BUILDING CODES AND THE APPLICABLE BARRIER FREE SAFETY STANDARDS AS DETERMINED ACCORDING WITH CHAPTER 553 PART V FLORIDA STATUTES.

NO.	DATE

CLIENT

New Residence for
ELIZABETH BARRON
315 FORTIETH AVENUE
ST. PETE BEACH, FLORIDA.

FLOOR PLAN

2-20-12

SEAL

JOHN A. BODZIAK
AIA, ARCHITECT, PA
ARCHITECTURE, DESIGN, AND CONSTRUCTION MANAGEMENT
FLORIDA REGISTRATION NO. AR0005065
EMAIL: JOHNBODZIAK@TAMPABAY.RR.COM
2527 CENTRAL AVE. ST. PETERSBURG, FLORIDA 33713
TEL: (727)327-1806 FAX: (727)327-1563

DRAWN	MT
DATE	02-03-2012
SCALE	AS SHOWN
SHEET	A-2.1B

I#: 2011240478 BK: 17352 PG: 1354, 09/12/2011 at 03:38 PM, RECORDING 2 PAGES $18.50 D DOC STAMP COLLECTION $1378.30 KEN BURKE, CLERK OF COURT PINELLAS COUNTY, FL BY DEPUTY CLERK: CLKPR12

This document prepared by
and return to:

Laura Casoli
ServiceLink
400 Corporation Drive
Aliquippa, PA 15001

Parcel ID #: 07-32-16-07542-001-0020

SL # 2685112

Loan #: 0256587866

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED, dated **06/13/2011** by **WACHOVIA BANK A DIVISION OF WELLS FARGO BANK NA** whose post-office address is **8480 Stagecoach Circle Frederick, MD 21701,** hereinafter called the GRANTOR, to **William B. Tarvin and April L. Tarvin, Husband and Wife** whose post-office address is 315 40TH AVE ST PETE BEACH FL 33706 hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of **One Hundred Ninety Six Thousand Nine Hundred and 00/100 Dollars ($196,900.00)**, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in **Pinellas** County, FLORIDA, to wit:

All that certain parcel of land situate in the County of Pinellas and State of Florida being known and designated as follows:

Lot 2, Block 1, Belle Vista Shores, according to the plat thereof recorded in Plat Book 31, Pages 8, 9 ad 10, Public Records of Pinellas County, Florida.

Tax ID: **07-32-16-07542-001-0020**

Commonly known as: 315 40TH AVE ST PETE BEACH FL 33706

Being the same property conveyed to WACHOVIA BANK A DIVISION OF WELLS FARGO BANK NA, Recorded 03/24/2011 Book 17204 Page 430 of the Clerk of Court Pinellas County, Florida.

GRANTOR HEREBY AFFIRMS THE PROPERTY DESCRIBED HEREIN IS NON-HOMESTEAD.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year **2011** and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Alma Roman
Print Name: Alma Roman

Signature: Debra Moreno
Print Name: Debra Moreno

WACHOVIA BANK A DIVISION OF WELLS FARGO BANK NA
By: Yvette Blatchford
Its: Yvette Blatchford
VP Loan Documentation

STATE OF California
COUNTY OF San Bernardino
THE FOREGOING INSTRUMENT was acknowledged before me this 13 day of JUNE, 2011 by Yvette Blatchford, VPLD of **WACHOVIA BANK A DIVISION OF WELLS FARGO BANK NA,** appearing on behalf of the corporation with full authority to act for said corporation. He/She is personally known to me or has produced CDL as identification.

(SEAL)

JEREMY JAMES HARDWICK
Commission # 1917492
Notary Public - California
San Bernardino County
My Comm. Expires Dec 17, 2014

Notary Public
Print Name: Jeremy James Hardwick
My Commission Expires: Dec. 17, 2014

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

March 9, 2012

BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Hearing Date: March 28, 2012
2:00 P.M.
City Commission Chambers
155 Corey Avenue
St. Pete Beach, Florida 33706

Case No.:	**2012-0010**
Address:	**315 40th Avenue**
Owner:	**William Tarvin**
Agent:	**John Bodziak**
Request:	**Variance from Section 9.7 of the Land Development Code to allow for a 5 foot encroachment into the required from yard for stairs.**

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. 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: 09 Mar 2012
Subject Parcel: 07-32-16-07542-001-0020
Radius: 300 feet
Parcel Count: 43
Note: Parcels with protected address status are not included in this report.
Total pages: 5

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.

WEBB, TODD
3910 MOODY ST
ST PETE BEACH FL 33706-2633

WEBB, TODD
3910 MOODY ST
ST PETE BEACH FL 33706-2633

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

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

HELMLY, HUGH A
333 41ST AVE
ST PETE BEACH FL 33706-2615

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

HAVARD, MARJORIA
WEBB, TODD L
265 40TH AVE
ST PETE BEACH FL 33706-2609

NICHOLSON, NINA
4031 POINSETTIA DR
ST PETE BEACH FL 33706-2640

JURKUNAS, ULA V
19 SWANTON ST
WINCHESTER MA 01890-2014

BAKER, CHRISTY D
332 40TH AVE
ST PETE BEACH FL 33706-2612

RECUPERO, JOSEPH J
RECUPERO, GLORIA J
308 40TH AVE
ST PETE BEACH FL 33706-2612

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

HOFFMAN, ANDREW D
HOFFMAN, TERESA M
3950 MOODY ST
ST PETE BEACH FL 33706-2633

STEINER, MICHELLE
HARNEDY, JOHN M
12008 MARBLEHEAD DR
TAMPA FL 33626-2502

TARVIN, WILLIAM B
TARVIN, APRIL L
315 40TH AVE
ST PETE BEACH FL 33706-2611

KANAK, MARK T
KANAK, CHERYL D
3953 POINSETTIA DR
ST PETE BEACH FL 33706-2638

SCHEAFNOCKER, ROBERT C
SCHEAFNOCKER, CONNIE S
3901 OLEANDER WAY
ST PETE BEACH FL 33706-2636

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

MEDASKA, JOHN
3945 POINSETTIA DR
ST PETE BEACH FL 33706-2638

HOFFMAN, ANDREW
HOFFMAN, TERESA
3950 MOODY ST
ST PETE BEACH FL 33706-2633

V S F BEACH LLC
15102 LAUREL COVE CIR
ODESSA FL 33556-3120

COOK, BRYAN D
MION, MONICA M
3963 MOODY ST
ST PETE BEACH FL 33706-2632

LITTRELL, JERRY L
LITTRELL, AMY W
4001 POINSETTIA DR
ST PETE BEACH FL 33706-2640

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

DAVISON, WILLIAM J
329 41ST AVE
ST PETE BEACH FL 33706-2615

DUNNAN, PAUL
STANDRING, LINDA
C/O REMAX - GRIFFITH, L
5801 GULF BLVD
ST PETE BEACH FL 33706-2251

TREIMANIS, LAIMONIS
PO BOX 66131
ST PETE BEACH FL 33736-6131

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

TRECASTELLI, JOHN P
SATTLER-TRECASTELLI, CATHERINE
4040 POINSETTIA DR
ST PETERSBURG FL 33706-2641

NICOLOSI, GREGORY R
NICOLOSI, CAROLYN W
4041 POINSETTIA DR
ST PETE BEACH FL 33706-2640

STROM, SUSAN J
15124 PRINCEWOOD LN
LAND O LAKES FL 34638-6867

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

HAGAN, MICHAEL J
HAGAN, NANCY L
4010 POINSETTIA DR
ST PETE BEACH FL 33706-2641

HAYES, JOHN M
HAYES, ELAINE A
7 SUN VALLEY WAY
LONG VALLEY NJ 07853-3038

VECCHIONE, DAVID K
VECCHIONE, CASSANDRA A
355 CHAPEL ST
HOLDEN MA 01520-1814

MC BRAYER, W MICHAEL
MC BRAYER, KAREN S
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