



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, August 25, 2021
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda -
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. Minutes of 7-28-21 Meeting
4. Action Items
 - a. **Variance - 549 59th Ave (Case #21049)** Request for a dock to extend to 30 feet in length where 20.7 feet is permitted, and encroach to 4 feet from the extended left side riparian line where 10.4 feet is required (LDC Sec. 6.23(d)(3)&(4)).
 - b. **Variance - 7885 Boca Ciega Dr (Case #21056)**
Request to extend an existing attached garage 3.65 feet into the required front setback (LDC Sec. 12.7(a)(1))
5. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.

CITY OF ST. PETE BEACH
DRAFT BOARD OF ADJUSTMENT MEETING MINUTES
July 28, 2021 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Michael Bomar
Jake Holehouse

EXCUSED: Denise Chase

STAFF PRESENT: Andrew Dickman, City Attorney
Ginny Bodkin, Deputy City Clerk
Lynn Rosetti Senior Planner
Brandon Berry, Planner II
Jordan Elmore, Zoning and Permit Tech

Chair Skipper called the meeting to order at 2:00 PM and led the Pledge of Allegiance.

The Deputy City Clerk swore in all individuals who would be speaking on agenda items.

1. Changes to the Agenda – City Attorney Dickman stated his opinion that the application for Item 4c. (Case #21049) needs to be supplemented with more detailed plans on the location of the dock and boatlift - and be presented by a marine contractor at the next meeting.

Motion: Member Bomar moved, and Vice Chair Lyman seconded to continue Item 4c. to the August 25th meeting. The motion carried 4-0.

2. Audience Comments – Attorney Kyle Bass of Weber, Crabb & Wein appeared briefly to confirm the continuation date for Case #21049.

3. Approval of Minutes - a. 5/26/2021

Motion: Vice Chair Lyman moved, and Member Bomar seconded the approval of the minutes from the May 26, 2021 meeting; the motion carried unanimously.

4. Action Items -

a. **Variance - 340 81st Ave (Case #21045)** Request to construct a garage which will encroach five feet into the required 20-foot front setback and replaces a carport (LDC Sec. 9.7(a)(1)).

Brandon Berry, Planner II, provided a staff analysis of the practical difficulty variance request, which included zoning, survey and plan information as well as photographs and conditions of approval. The presentation will become part of these minutes. No letters or correspondence were received for or against the request.

Staff found the request to be both minimal and reasonable and should increase livability of the home without having a significant negative impact on the neighborhood or surrounding area; they recommended approval.

Robert Kusch of 350 81st Avenue appeared for the Applicant Karen Duncan to answer any questions. There was no further comment for or against the variance. The Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the approval of the Variance for Case #21045 to construct a garage which will encroach five feet into the required setback at 340 81st Avenue. The motion carried 4-0.

- b. Variance - 379 Belle Point Dr (Case #21048)** Request for a 6'-tall fence to encroach 13.7' into the required 20' secondary front setback (LDC Sec. 6.15).

Mr. Berry provided background and staff analysis of the request for a practical difficulty variance, including zoning, survey and plan information as well as photographs and conditions of approval. No communication for or against the request was received. Staff found the request reasonable and recommended approval.

Applicant Melody Paquette appeared to give additional details on her request and answer Board questions. The Chair asked for comments for or against the application. Sarah Hoagland of 369 Belle Point Drive appeared and commented that the Applicant's fencing on her side of the property fell and has been in disrepair since Hurricane Irma in 2017; she would like it replaced or removed since new fencing will be going in elsewhere. Mr. Berry confirmed that only a permit would be required for that repair. Applicant's son Charles Paquette said they would be willing to remove that fencing or work with Ms. Hoagland.

There were no further comments for or against the variance; the Chair closed public comment and opened Board discussion.

Motion: Member Bomar moved, and Member Holehouse seconded the approval of the Variance for Case #21048 with the stipulation that the other part of the fence be replaced or taken down by the Applicant; the motion carried 4-0.

- c. Variance - 549 59th Ave (Case #21049)** Request for a dock to extend to 30 feet in length where 20.7 feet is permitted and encroach to 4 feet from the extended left side riparian line where 10.4 feet is required (LDC Sec. 6.23(d)(3)&(4)).

This Item was continued to August 25, 2021 during Changes to the Agenda.

- d. Variance - 8601 Gulf Blvd (Case #21050)** Request to enclose an existing carport that encroaches five feet into the required 20- foot front setback (LDC Sec. 9.7(a)(1)).

Mr. Berry's presentation included background and staff analysis of the request with photographs, zoning, surveys and conditions of approval. No letters were received for or against the request.

Staff found the request to be reasonable; the garage would make use of an existing space without increasing any structural nonconformities on the site and be of near minimal size that could support a standard vehicle. The recommendation was for approval.

Michael Keller of Frazee Design, 1750 Central Avenue in St. Petersburg appeared on behalf of the Applicant to give additional information and answer Board questions. No comment for or against. Chair closed public comment and opened Board discussion.

Motion: Member Holehouse moved, and Vice Chair Lyman seconded the approval of the Variance for Case #21050 as presented by staff, to enclose an existing carport the encroaches into the front setback at 8601 Gulf. Blvd. The motion carried 4-0.

5. Adjournment – Next Meeting 8/25/2021

Motion: Member Bomar moved to adjourn. The motion was seconded by Member Holehouse and passed unanimously at 2:29 PM.

These minutes will be considered for approval at the August 25, 2021 Board of Adjustment meeting.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 549 59th Ave (Case #21049)

Date: August 25, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: The applicant is seeking a variance from the Land Development Regulations to allow for a dock and boat lift that would encroach into the left setback area and exceed the allowable dock length (see tables on page 2). Specifically, Section 6.23(d)(3) of the Land Development Code limits dock length to one-half of the zoning lot width at the waterfront, and Section 6.23(d)(4) of the Land Development Code states that the residential dock, davits, boatlifts, or tie poles shall be located with the center one-half of the width of the appurtenant upland property at the waterfront. This means that there is a required setback from the extended property lines of 10.35 feet. This requirement may be varied administratively provided that a signed statement of “no objection” from the property owner encroached upon has been submitted with the permit application.

Funding: N/A

Requested Motion: I move to to APPROVE Variance #210049 for a dock and boat lift encroachment at 549 59th Avenue as presented.

Attachments:

1. 21049 Staff Report
2. Supporting Docs
3. Survey



**PLANNING DIVISION
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 21049 – Mark and Leslie Backes, Property Owners

MEETING DATE: August 25, 2021 (continued from July 28, 2021)

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

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> to allow a 30-foot dock with boat lift that encroaches into the left-side yard setback area required by the City's Land Development Regulations (LDC Sec. 6.23(d)(4)).
SUBJECT PROPERTY	549 59 th Avenue, Property ID #31-31-16-02358-000-0110 Bahia Shores Second Addition, Lot 11
ACERAGE	Approximately 0.156 acres (6,825 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE-11 (current) AE-10 (preliminary)
SURROUNDING AREA	North – Boca Ciega Bay South - 59 th Avenue / Single-family Residential East – Single-family Residential Lot 12 (No objection signed) West – Single-Family Residential Lot 10

BACKGROUND

The applicant is seeking a variance from the Land Development Regulations to allow for a dock and boat lift that would encroach into the left setback area and exceed the allowable dock length (see tables on page 2). Specifically, Section 6.23(d)(3) of the Land Development Code limits dock length to *one-half of the zoning lot width at the waterfront*, and Section 6.23(d)(4) of the Land Development Code states that the *residential dock, davits, boatlifts, or tie poles shall be located with the center one-half of the width of the appurtenant upland property at the waterfront*. This means that there is a required setback from the extended property lines of 10.4 feet. This requirement may be varied administratively provided that a signed statement of “no objection” from the property owner encroached upon has been submitted with the permit application.

Applicants' Request: The subject zoning lot is 41.42 feet in width at the seawall, giving an allowable dock width of 20.7 feet at the seawall including the boat lift. However, since this dock envelope is pie-

shaped, the dock does encroach into each side setback (see tables below). The proposed length is 30 feet which is greater than the 20.7 feet allowed.

ANALYSIS

The applicant is requesting to construct a dock in a manner that exceeds the allowable length and width to allow a 30-foot x 4-foot dock structure with a boatlift on the north side as shown in the table below.

	Allowed	Requested	Variance
Length	20.7 feet	30.0 feet	9.3 feet 45 percent
Right Side	10.4 feet	0.0 feet *No objection signature from abutting property owner.	0.0 feet 100 percent *No objection signature from abutting property owner obviates need for BOA variance to right side.
Left Side	10.4 feet	4.1 feet	6.3 feet 61 percent

Staff has reviewed this request and finds the following:

- The aerial photograph shows that the subject property pie-shaped and located on a curve that greatly restricts the dock allowance footprint. In addition, the pie-shape of the dock envelope narrows moving outward from the seawall. (See the boundary survey where the extended property lines are shown.) The small pie shape inside the shaded area is where a dock structure is allowed by right. Anything outside the shaded area requires a variance – either by neighbors' signature, or Board of Adjustment approval.
- This issue is further addressed in the attached application for the Board's review and in the following staff review of the variance request.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize hardship variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;**

Staff finds that there are special conditions or circumstances that exist which are peculiar to the land, structure, or building involved and which are generally not applicable to others in the same zoning district. Staff finds that the subject property is a single-family residential lot in the Bahia Shores neighborhood. This pie-shape lot is 119.78 feet in the front and 29.15 feet along the

seawall in the rear. A drawing is attached that depicts the extended property lines and the small envelope there is for a dock structure without variance. Previously there was a 10' x 10' dock approved off the seawall which fit into the dock envelope of the subject property. While that dock no longer exists, the pilings can be seen on the aerial photograph.

The special conditions and circumstances relate to a squared neighborhood cul-de-sac. The subject property appears to have the most limited dock envelope among the nearby surrounding properties. According to the variance application, the applicant indicates that they want to be able to safely dock their boat without disrupting their neighbors. They state that the design will allow them straight access between the lift and open water. They further state that the straight in approach is safer and does not intrude on their neighbors. They recognize that the pie-shaped lot makes for the safe mooring of their boat challenging and they said that they such mooring without a boat lift would be difficult and not safe.

b) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

Staff finds that the specific conditions and circumstances are not the result of the actions of the applicant. The lot and subdivision configuration as established predates both the applicants and their neighbors.

c) Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

Staff finds that the applicants were aware of the subject property's limitations to support a dock and boat lift. In the application, the applicant discusses that prior to purchasing the property, they had two different boat /lift contractors look at the property who reportedly said that the subject property "could have a dock and a lift." The applicant further stated that they asked the "former, prospective, and current neighbors if they objected." The applicant added that "No one thought it would be a problem, so they moved forward with the purchase" this past spring.

d) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

Staff finds that it is likely that this hardship does not appear to have been deliberately or knowingly created by the applicants who purchased this property this past spring. Again, review of their application finds that they were aware of the potential limitations of the property and sought both professional dock contractors' advice and neighbor support prior to the purchase of the subject property. The neighbor on the right signed off on the proposed dock and lift. The neighbor on the left did not sign off.

e) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. As stated in the application, the property owner bought this property “solely for the purpose of getting access to our boat, and the open water to enjoy, just like our neighbors and the community.” They also state that this would not result in a greater financial return for them.

f) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property. In this case, the applicants are attempting to remedy their hardship by requesting a dock that has a 4-foot walkout to a boatlift that extends out a total of 30 feet and is flush with the extended right side dock envelope line. Their boat is a 24’ fishing boat that they have owned for several years.

g) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Staff finds that the requested variance appears to be the minimum variance that makes possible the mooring of the applicants’ boat. The applicants have stated that this is the minimum dockage necessary for the safe mooring of their boat. It also appears that the applicants’ made good faith efforts to assure that this property could have their desired dockage prior to their purchase of the subject property this past spring.

h) The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Staff finds that while this request is not in harmony with the purpose and intent of the Comprehensive Plan and Land Development Regulations, it is also not anticipated to cause injury to the neighborhood, public safety or welfare, and is generally appears compatible with the neighborhood wherein all properties within this cul-de-sac have docks. In this case, the applicant attempted to ensure their neighbors approval of the proposed dock prior to the purchase of this property this past spring.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

SUMMARY:

Staff finds the request to be reasonable in that the dock and lift abut the extended property line that separates the subject property from the neighbor to the right who did sign the “No Objection” on the

dock application. Also, staff finds that keeping the lift on the right side appears to give an easier and unobstructed pathway from the lift to open water. The dock walkout is a minimal 4 feet in width.

RECOMMENDATION:

Staff recommends Approval of the requested dock and boat lift.

ZONING MAP



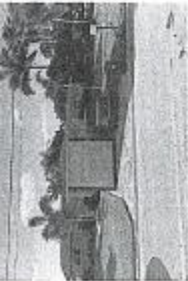
AERIAL MAP



Subject
Property

SURVEY

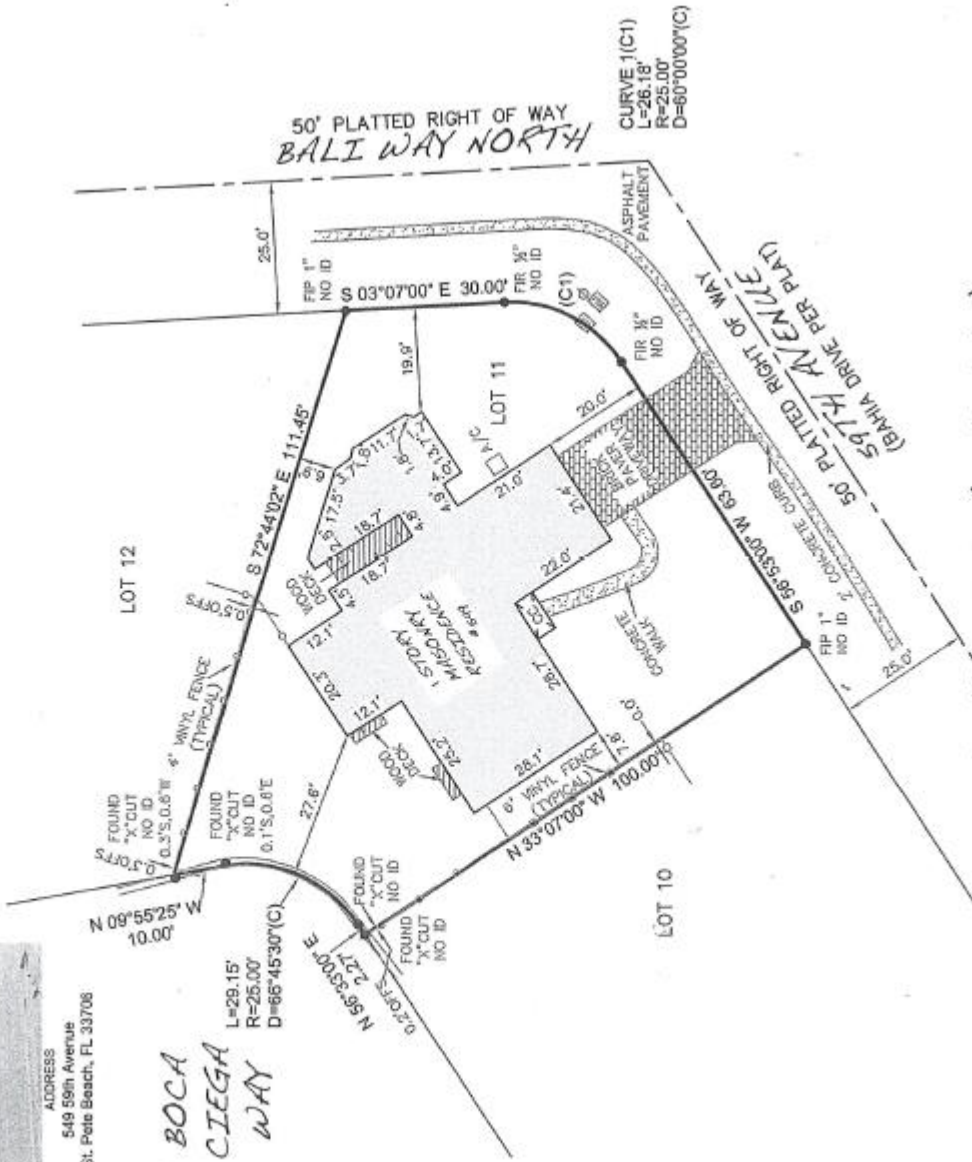
Boundary Survey



ADDRESS
549 59th Avenue
St. Pete Beach, FL 33708

BOCA
CIEGA
WAY

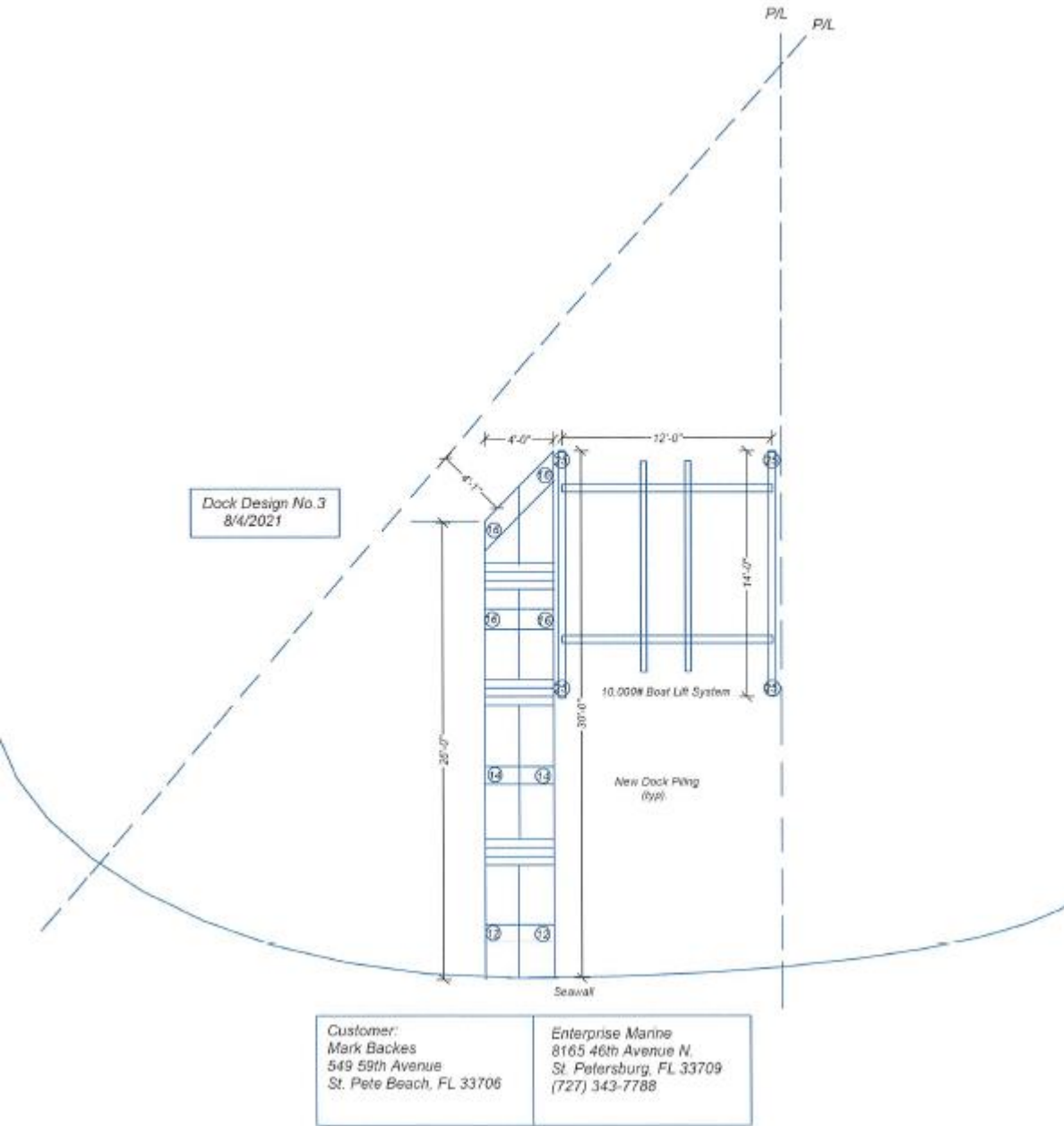
- Iron
- ter
- Riser
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- erment
- Riser
- Utilities
- F778B
- concrete



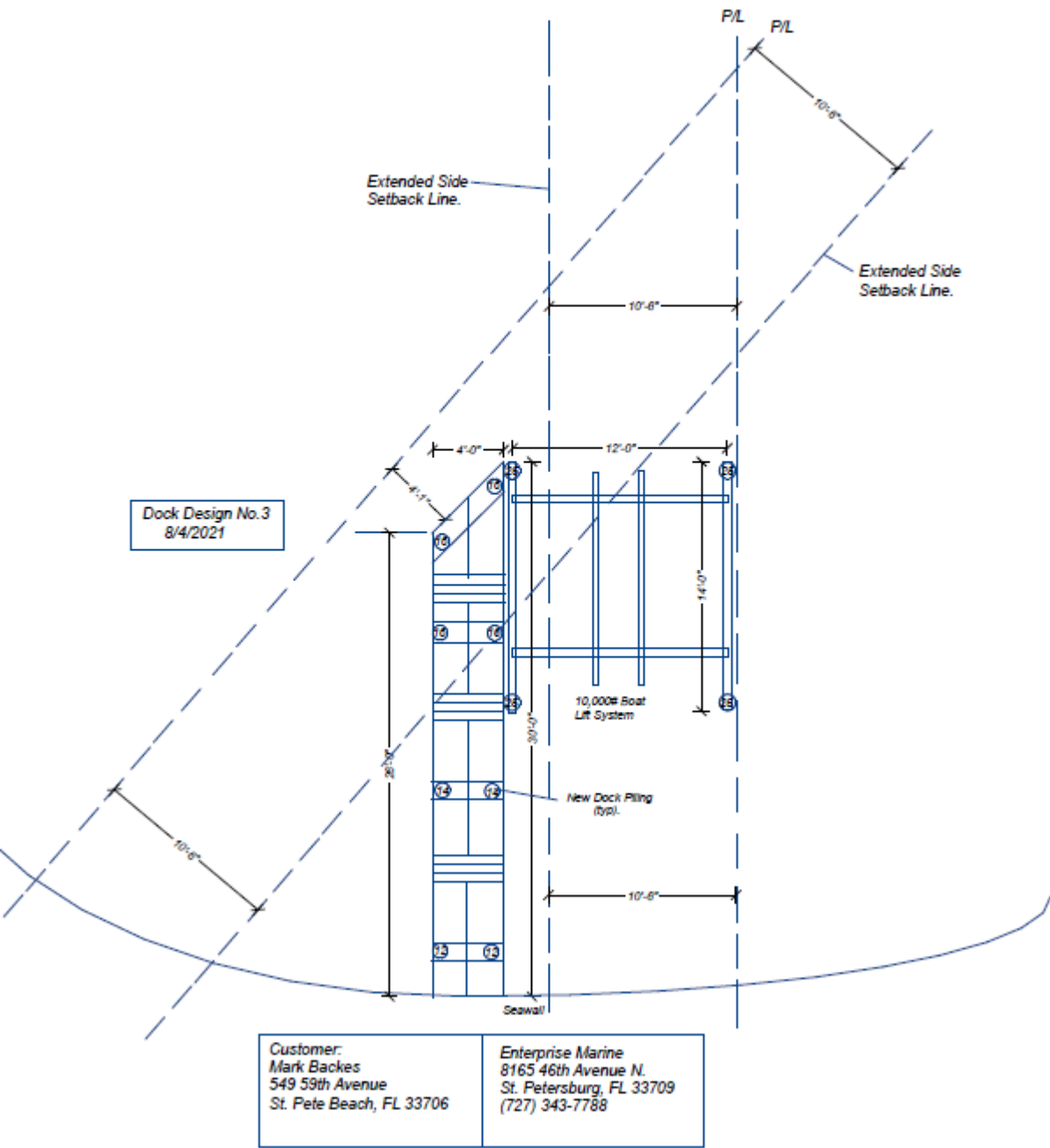
Legal Description (as furnished)

Lot 11, BAHIA SHORES, SECOND ADDITION, according to the map or plat thereof, as recorded in Plat Book 44, Page(s) 41, of the Public Records of Pinellas County, Florida.

SITE PLAN



DOCK ENVELOPE DETAILS – SITE PLAN



PROPERTY SURVEY WITH DOCK SKETCH

8/4/21
Dock Design No. 3

Approximate required left
riparian setback without
left neighbor's signature.

Approximate unbuildable
length without both
neighbor signatures.



Approximate required
right riparian setback
without right neighbor's
signature (received).

**STATEMENT FROM MARINE CONTRACTOR – WILL BE INCLUDED IN THE OVERALL
PACKET**



ENTERPRISE MARINE CONTRACTORS, INC.

8165 46th Ave. North St. Petersburg FL 33709 Ph. (727) 343-7788
Docks, Seawalls, Boat Lifts and Marinas



For Pictures go to: www.enterprisemarine.com



PROUDLY SERVING PINELLAS COUNTY SINCE 2000

Lynn Rosetti, AICP, CFM
Senior Planner
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL: 33706

8/9/2021

Re: Mark Backes Boat Dock, at 549 59th Avenue.

The proposed new 4' x 30' boat dock, has been designed to cause the least amount of impact to the environment and the adjacent property owners. The length of the dock is the minimum required, to reach adequate water depth and access to the proposed boat lift system.

The existing pie shape lot, greatly restricts possible dock designs, that would allow the property owner to access and enjoy his waterfront property, similar to all other property owners in the vicinity.

We believe the requested dock and boat lift design is the most practical and workable structure for this property.

Sincerely,

Joe Place
Enterprise Marine Contractors, Inc.
8165 46th Avenue N.
St. Petersburg, FL 33709
(727) 343-7788

CASE #: 21049

PARCEL #: _____

REVISED
July 8, 2021SUBMITTAL DATE: 6/8/21 AMOUNT DUE: \$520.30 PAYMENT DATE: 6/8/21**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, at least 30 days prior to the public hearing:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Mark Backes Leslie Backes	549 59 th Ave St. Pete Beach, FL 33706	205-807-9397 205-807-3539
Applicant/ Agent	N/A		
Owner Email Address:		Applicant/Agent Email Address:	
mbakes12@gmail.com		N/A	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>Residential</u>	Future Land Use Designation	Lot Area <u>11 Bahia Shores Second Addition</u>
Legal Description:		
Address: <u>549 59th Ave St. Pete Beach</u>		
Explanation of Request: <u>A variance to accommodate a dock and boat lift within our site line in order to safely have our boat docked without disrupting our neighbors. We realize this is a pie-shaped lot and we believe we are designing the best size and location to approach safely.</u>		

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

We are requesting to have a dock/lift within the allowable space of our site line with a straight in approach from the open water. As shown in the aerial views we have a pie-shaped lot with 42' of waterfront. We believe a straight in approach is safer and does not intrude on our neighbors site line. We realize we cannot do this within the envelope.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The pie-shaped lot makes it challenging. Mooring off of a dock without a boat lift would be difficult and not safe. Parking the boat would be very difficult especially because of the neighbors docks and boats. The conditions are not the result of previous owners or the applicant. That is the way the land was developed.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

Prior to purchasing the property we had two boat/lift companies come look at the property, both said the property could have a dock and lift. We also asked the former, prospective and current neighbors if they objected. ~~One~~ No one thought it would be an issue so we moved forward with the purchase. * We have previously had three homes with boat lifts/docks. The boat is a 24' fishing boat we have had for a few years. * We spoke with the wife, she said she had to check with her husband, but didn't see a prob

4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

This dock will not increase the development density. We are asking for the minimum variance in order to get the boat to our property in a straight forward safe manner. Having the boat secured on a lift rather than in the water is safest. Docks and boat lifts are a part of our community, all our neighbors have them.

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

The variance for the dock and boat lift is solely for the purpose of getting access to our boat and the open water to enjoy just like our neighbors and the community. This will not result in greater financial return for the property owner.

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

Granting this variance gives us the same treatment as given to our neighbors, see aerial photo.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

We are requesting the minimum variance needed to construct a dock and boat lift to safely operate our vessel. The overall length is 30 feet, a bit out of variance but the width of 18 feet is within. We have approval from one neighbor with no setback on their adjoining property.

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

In granting this variance it is in direct compliance and harmony with the intent of allowing us safe and clear access to the waterway. This is what St. Pete Beach is all about, beautiful waterways to enjoy. It will not be a navigational hazard nor will it egress into the neighbors. A new structure will improve the value of the property, which in turn will increase the surrounding properties.

Signature of Applicant

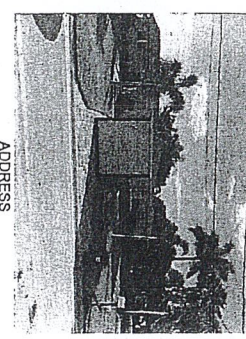
Date

Signature of Authorized Agent

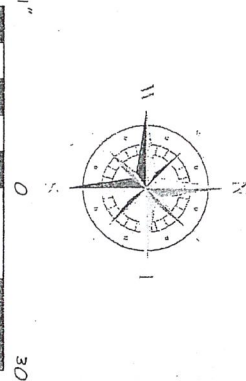
Date



Boundary Survey



ADDRESS
549 59th Avenue
St. Pete Beach, FL 33706



SCALE: 1"=30'

- LEGEND**
- CC = Covered Concrete
 - ID = Identification
 - LB = Licensed Business
 - FIP = Found Iron Pipe
 - FIR = Found Iron Rod
 - C/S = Concrete Slab
 - D = Central Angle
 - L = Arc Length
 - R = Radius
 - (P) = Plot Dimension
 - (C) = Calculated Dimension
 - (D) = Deed Dimension
 - (F) = Field Dimension
 - OR Book = Official Record Book
 - SIR = Set 1/2" Iron Rod & Cap LB#7788
 - CBP = Covered Brick Pavers
 - FCM = Found Concrete Monument
 - SECC = Screen Enclosed Covered Concrete
 - FN&D = Found Nail & Disk
 - SN&D = Set Nail & Disk LB#7788
 - BP = Brick Pavers
 - CMD = Covered Wood Deck
 - M = Mitered End Section
 - NCF = No Corner Set or Found
 - W = Water Valve
 - S = Septic Area
 - Pg = Page
 - E = Electric Box
 - WM = Water Meter
 - ☆ = Light Pole
 - T = Telephone Riser
 - P/E = Pool Equipment
 - G = Cable TV Riser
 - ONS = Onsite
 - OFFS = Offsite
 - Ø = Power Pole
 - ohu = Overhead Utilities
 - W = Well

TITLE INSURORS OF FLORIDA

JOB #: VLSR21-51328

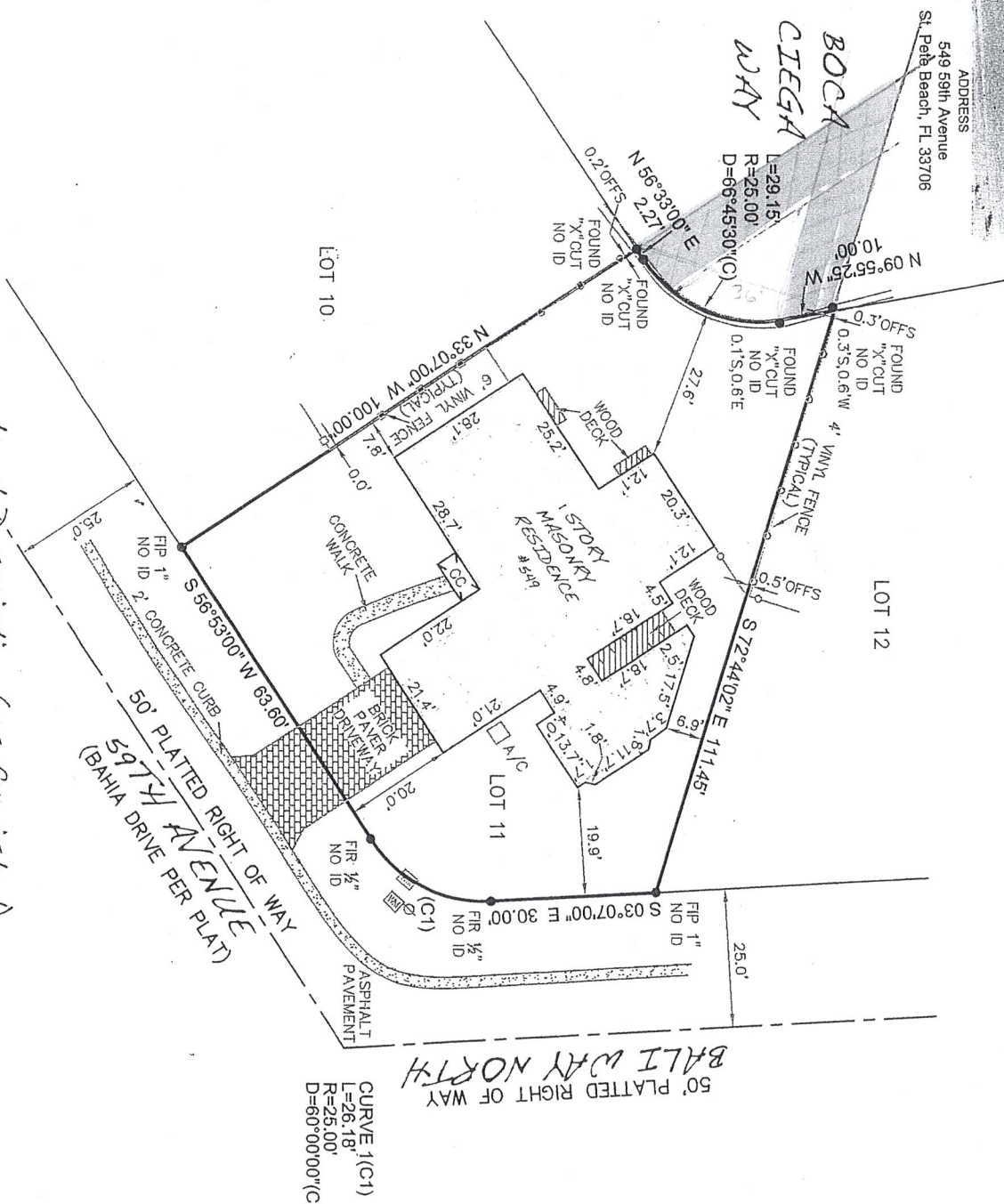
CLIENT #: 9359607

FIELD DATE: 4/27/21

DRAFTER: DF

APPROVED: JEW

SCALE: 1" = 30'



Legal Description (as furnished)

Lot 11, BAYVIEW SHORES, SECOND ADDITION, according to the map or plat thereof, as recorded in Plat Book 41, Page(s) 4, of the Public Records of Pinellas County, Florida.

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.

MB JB I understand that the City will not accept or process an incomplete application.

MB JB 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.

MB JB On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

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

MB JB I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

MB JB I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

MB JB I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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

Lewie Backus
Signature of Applicant

6/8/2021
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Mark & Leslie Backes, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Mark Backes Leslie Backes

Address: 549 59th Ave St. Pete Beach, FL 33706

Mark & Leslie Backes 6/8/2021
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 8 day of June, 2021 by:
Mark and Leslie Backes who appeared before me, and is personally known to me, or has produced
Driver Licenses as identification, and did take an oath.

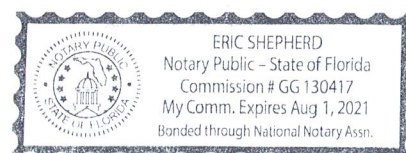
My commission Expires: August 1, 2021

NOTARY: E. Shepherd

Print Name: Eric Shepherd Notary

Public, State of Florida

(Notarial Seal)



DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN FINAL DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing for unnecessary and undue hardship variances or final administrative decision for administrative variances. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, City Manager, or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, or City Manager.

A Notary Public is available in City Hall; 155 Corey Avenue.



SCALE

ADDRESS
549 59th Avenue
St. Pete Beach, FL 33708

BOCA
CIEGA
WAY

- | | | |
|--------------------------------|--------------------------|-------------------------|
| CG | Covered Concrete | Pg = Page |
| ID | Identification | EM = Electric Box |
| LB | Licensed Business | MT = Motor Truck |
| FR | Found Iron Pipe | UP = Upright Pole |
| FR | Found Iron Rod | TR = Telephone Riser |
| FR | Concrete Sub | TR = Transformer |
| P/E | Center Angle | PE = Pool Equipment |
| L | Arm Length | CT = Cable TV Riser |
| R | Radius | ONS = On-site |
| P | Pit Dimension | OFFS = Offsets |
| OD | Outside Dimension | OP = Power Pole |
| DD | Dead Dimension | OH = Overhead Utilities |
| FD | Field Dimension | W = Well |
| OR Book = Official Record Book | | |
| SIR | Set 1/4" Iron Rod & Cap | LB#7788 |
| CSP | Covered Brick Pavers | |
| FOU | Found Concrete Monument | |
| SDC | Soreen Enclosed Concrete | |
| FNAB | Found Nail & Disk | |
| SNAB | Set Nail & Disk | LB#7788 |
| BP | Brick Pavers | |
| CMD | Covered Wood Deck | |
| M | Mitered End Section | |
| NC | No Corner Set or Found | |
| WV | Water Valve | |
| SS | Septic Area | |

TITLE INSURORS OF FLORIDA

JOB #:	VLR021-51328
CLIENT #:	9559607
FIELD DATE:	4/27/71
CREW:	3650
DRAFTER:	DF
APPROVED:	JBW
SCALE:	1" = 30'

☒	Borrower's Acknowledgment and Acceptance
☒	Borrower's Acknowledgment and Acceptance

Legal Description (as furnished)
 Lot 11, BAYVIEW SHORES, SECOND ADDITION, according to the map or plat thereof, as recorded in Plat Book 41, Page 5, of the Public Records of Pinellas County, Florida.

CERTIFIED TO: (AS FURNISHED)
Mark Backus and Leslie Backus
Norton, Hammersley, Lopez & Skokos, P.A.
Chicago Title Insurance Company
Title Insurers of Florida

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "AE". AREAS DETERMINED TO BE INSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. NUMBER 12109C02789, LAST REVISION DATE 8/20/03. THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
SOME UTILITIES LIE WITHIN SUBJECT PROPERTY.
SEAWALL & FENCES CROSS PROPERTY LINE.
OWNERSHIP OF SEAWALL & FENCES HAS NOT BEEN

BASIS OF BEARING
BEARINGS ARE BASED ON THE NORTH LINE OF LOT 11 WHICH HAS A BEARING OF S 72°44'02" E PER PLAT.

NOTES

- Underground utility installations, underground improvements, foundations and other underground structures were not located by this survey.
- The purpose of this survey is for use in obtaining life insurance and flood insurance. It is not intended to be used for any other purpose.
- Additional questions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- The property shown hereon is subject to all assessments, restrictions and easements of record. The surveyor is not responsible for the accuracy of the public records of the county the subject property is located. This survey only depicts survey related information such as easements and subdivisions that are shown on a record plat or have been furnished to the Surveyor.
- Building setbacks and dimensions for improvements should not be used to reconstruct

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

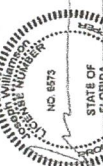


VISIONI AND

LB 7788

041 S Pennsylvania Ave. Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE



Joseph E Williamson PLS
FLORIDA
DATED: 4/28/21

DATE: 4/26/2012
 PROFESSIONAL LAND SURVEYOR
 Joseph E. Williamson, PLS
 FLORIDA REGISTRATION #6573
 NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
 RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
 MAPPER

MAPPER		DATE	REVISION	DATE	REVISION

VI. CONTRACTOR INFORMATION:

I, Matt Smith, a CGC contractor,
whose contractor license # 1522134 expires on 05/04/2021,

swear that the above described project (the "Project") has not been constructed as of the date affixed by my signature below. If a permit for this Project (the "Permit") is granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the drawings or plans attached hereto. I swear that the information provided in this application represents the full scope of the Project and that no material information regarding the Project has been omitted. In the event that either the Project is not constructed in full accordance with the Permit or the information provided in this application is not correct, I agree to either remove the Project or correct the deficiency.

Signed: _____ Date: _____

- You must have USL&H insurance in order to construct a dock in Pinellas County; as well as be licensed with the PCCLB.

VII. PROPERTY OWNER'S SIGNATURE:

I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto; I likewise agree to maintain the Project in a safe condition throughout the Project's existence.

I hereby authorize the above stated contractor – and agent if listed – to act as my representative in all matters pertaining to the application. I understand that I, not the County am responsible for the accuracy of the information provided as part of this application. I further understand that it is my responsibility to obtain any necessary permits and approvals required for the Project at the Federal, State, and local levels; should the Project lie within a municipality, I recognize that approval from that municipality – in addition to the County – is required.

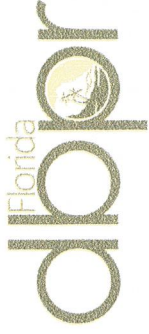
I swear that I own the upland property described in this application (the "Property"). While this application is pending, I expressly authorize the County and its agents to access the Property at any time as may be necessary to review and act on this application. Should a permit for the Project be granted by the County, I expressly authorize the County and its agents to access the Property at any time as may be necessary to monitor the Project and ensure compliance with the terms of the permit; this permission is valid until the Project has passed final inspection.

Signed: Leslie Bachler Date: _____
Mark Pook



Ron DeSantis, Governor

Halsey Beshears, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE GENERAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

SMITH, MATTHEW LEWIS

CREDENCE CONSTRUCTION LLC
2805 DR. MARTIN LUTHER KING JR
ST. PETERSBURG FL 33704

LICENSE NUMBER: CGC1522134

EXPIRATION DATE: AUGUST 31, 2022

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

PERMIT NUMBER: _____

NOTICE OF COMMENCEMENT

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. DESCRIPTION OF PROPERTY (Legal description of the property & street address, if available) TAX FOLIO NO.: 31-31-16-02358-000-0110

SUBDIVISION BAHIA SHORES 2ND ADD LOT 11 BLOCK _____ TRACT _____ LOT _____ BLDG _____ UNIT _____
BAHIA SHORES 2ND ADD LOT 11

2. GENERAL DESCRIPTION OF IMPROVEMENT:

Install New Dock & Boat Lift

3. OWNER INFORMATION OR LESSEE INFORMATION IF THE LESSEE CONTRACTED FOR THE IMPROVEMENT:

a. Name and address: Mark Backes 549 59TH AVE ST PETE BEACH FL 33706

b. Interest in property: _____

c. Name and address of fee simple titleholder (if different from Owner listed above): _____

4. a. CONTRACTOR'S NAME: Credence Construction LLC

Contractor's address: 2805 Dr. MLK Jr. St. N. St. Petersburg, FL 33704 b. Phone number: 727.350.5906

5. SURETY (if applicable, a copy of the payment bond is attached):

a. Name and address: _____

b. Phone number: _____ c. Amount of bond: \$ _____

6. a. LENDER'S NAME: _____

Lender's address: _____ b. Phone number: _____

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7., Florida Statutes:

a. Name and address: _____

b. Phone numbers of designated persons: _____

8. a. In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes.

b. Phone number of person or entity designated by Owner: _____

9. Expiration date of notice of commencement (the expiration date will be 1 year from the date of recording unless a different date is specified): _____, 20____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

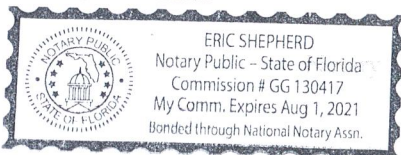
Mark Backes
(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager)

Mark Backes
(Print Name and Provide Signatory's Title/Office)
Leslie Backes

State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me this 3 day of June, 2021
by Mark and Leslie Backes, as Owners
(name of person) (type of authority,....e.g. officer, trustee, attorney in fact)
for Themselves
(name of party on behalf of whom instrument was executed)

Personally Known _____ or Produced Identification ☒ Type of Identification Produced Driver Licenses



[Signature]
(Signature of Notary Public)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Owner Name: Mark Backes Site Address: 549 59th Ave St. Pete Beach, FL 33706

Nature and Size of Project: Install New 6' x 30' Dock & New Boat Lift

Total Project Square Footage:	<u>180</u>	New Square Footage:	<u>180</u>
Total Number of Pilings:	<u>12</u>	Diameter of Pilings:	<u>10"</u>
Waterway Width	<u>170+</u>	Waterfront Width	<u>42</u>

Plan View Drawing
(applicant and adjacent docks)

SEE ATTACHED

SHORELINE			
The undersigned does not object to the proposed project as drawn in the space provided above.			
Left Owner		Right Owner	
Signature	Date	Signature	Date
Municipality Approval		Water and Navigation Approval	

* WE DO NOT AGREE.

THIS HAS THE POTENTIAL
TO DEVALUE OUR PROPERTY

LETTER OF NO OBJECTION

Left Lot Owner's Name

Clarke

LOT 10

Mailing Address

539 59th Ave. St. Pete Beach, FL

Zip 33706

I certify that I am the owner of 539 59th Ave. St. Pete Beach, FL 33706

by the applicant who proposes to construct a structure at the following address:

549 59th Ave St. Pete Beach, FL 33706

I have seen the County permit application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE:

Date

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of



physical presence or



online notarization this

day of

20

by



personally known

OR



produced identification

Type of Identification Produced

Witness my hand and official seal this

day of

20

Notary Public

My commission expires:

Right Lot Owner's Name

Kutac / Ward

LOT 12

Mailing Address

5920 Bali Way N. St. Pete Beach, FL

Zip 33706

I certify that I am the owner of 5920 Bali Way N. St. Pete Beach, FL 33706

which adjoins the property owned

by the applicant who proposes to construct a structure at the following address:

549 59th Ave St. Pete Beach, FL 33706

I have seen the application – including plans or drawings – for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE:

Kristin Kutac Ward

Date

5/19/21

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of



physical presence or



online notarization this

19th day of May

2021 by

Kristin E Kutac



Personally Known

OR



Produced Identification

Type of Identification Produced

Owners Lisheey

Witness my hand and official seal this

19th

day of

May

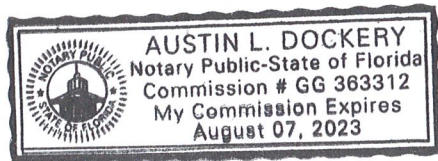
2021

Austin L. Dockery

Notary Public

My commission expires:

8/07/2023



20' 7"

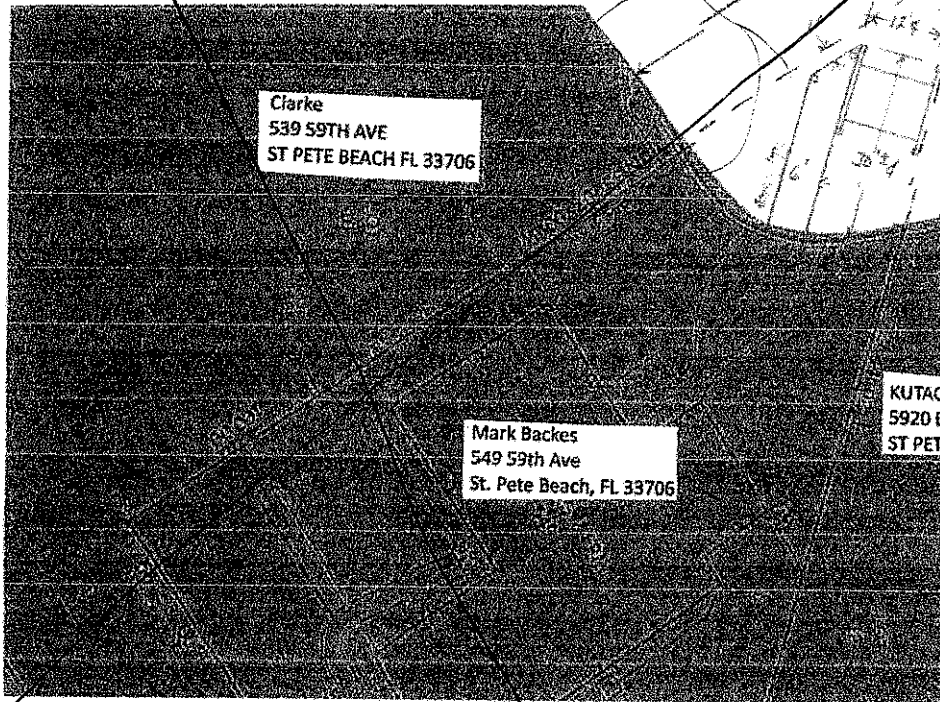
1035

2/28

4/1

12x12'

A?



10,000# LIFT

1" 20'

~~WE DO NOT AGREE. THIS HAS
THE POTENTIAL TO
DEVALUE OUR PROPERTY/~~
~~Kutac & Ward~~
~~Clarke~~
MIKE
ROLFES

PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY
APPENDIX B
PINELLAS COUNTY
Water & Navigation Control Authority
PERMIT NO. 177-14-90
60-2

DOCK APPLICATION

(See Instruction Sheet Attached)

(Please Type or Hand Print in Black Ink Only)

I. Property Owner Information:
A. Applicant's Name: Thomas Freudenthal
B. Mail Address: 549-59 Ave (Street)
City: St Pete Beach State: FLA Zip Code: 33706
C. Telephone No.: Day: _____ Evening: _____
D. Construction Site Address: 549-59 Ave
City: _____ Zip Code: _____

II. Authorized agent or contractor if different from Property owner.
(Attach letter of authorization)
A. Name: Moore Dock Ren Ser
B. Address: 2247 Prichard Dr N (Street or Route)
City: St Petersburg State: FLA Zip Code: 33702
C. Telephone Number: Day: 584-0877 Evening: _____

III. Attach legal description of land involved and vicinity map with directions for finding the area for an on-site inspection.
A. County Pinellas, Section 31, Township 31 South, Range 16 East
B. If in City Limits, Name of City: St Petersburg Beach
C. Name of Affected Body(ies) of Water: Boca Rega Bay

IV. Description and size of project. (Local approval must be affixed to appropriate drawing)
A. Private Dock: Nature and Size of the Project: 10x10' Dock

1. Variance Sheet Attached: Yes ☒ No ☐ (If application is a variance, site inspection must be made before permit is approved.)

B. Commercial Dock: Nature and size of the Project: _____

FEDERAL/STATE PERMITS
MAY BE REQUIRED FOR
THIS PROJECT.

C. Multi-Use Private Dock: Nature and Size of the Project: _____

V. PINELLAS COUNTY WATER AND NAVIGATION APPLICATION: The undersigned hereby applies for a permit to do the above work and states that the same is to be done according to the map or plan attached hereto and made a part hereof, and agrees to abide by reasonable regulations established for such structures and, if said construction is within the corporate limits of a municipality, to first secure a building permit/approval from said municipality and abide by the terms thereof. The undersigned further states that said structure will be maintained in a safe condition at all times should this application be approved, and that he is the owner of the upland from which he herein proposes to construct this structure.

DATE: 2-27-90

Thomas Freudenthal
Applicant's Signature

VI. Certification: (Dock Contractors Only)

I Jerry Moore, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in "The Rules and Regulations" of the Pinellas County Water and Navigation Control Authority, and in accordance with the attached drawing which accurately represents all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either correct the deficiency or correct the deficiency.

Signed: Jerry Moore (Contractor)

Certification No. 14295

RECEIVED

MAR - 5 1990

by the Clerk of
Pinellas County Water and
Navigation Control Authority

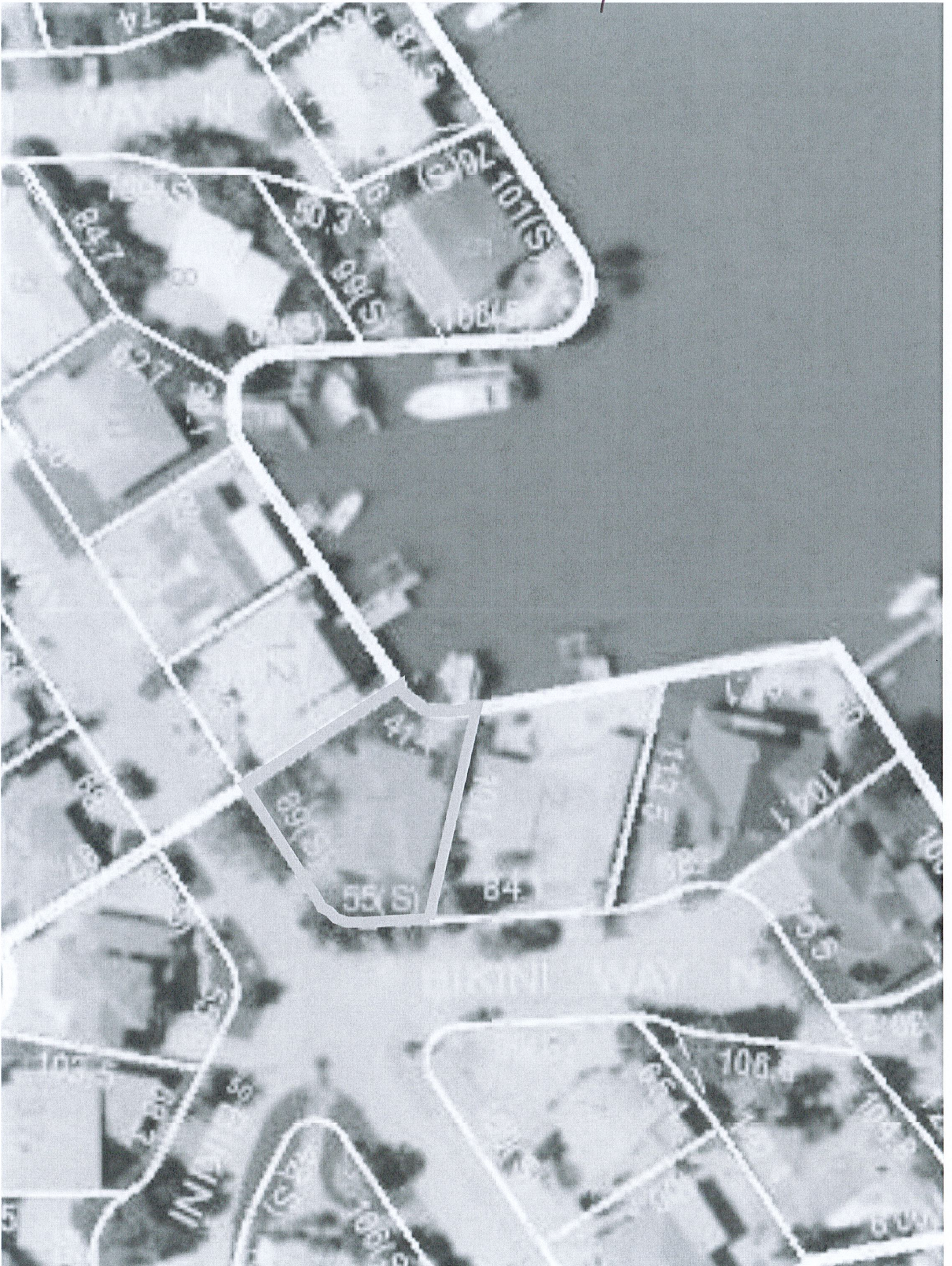
Page 34 of 54

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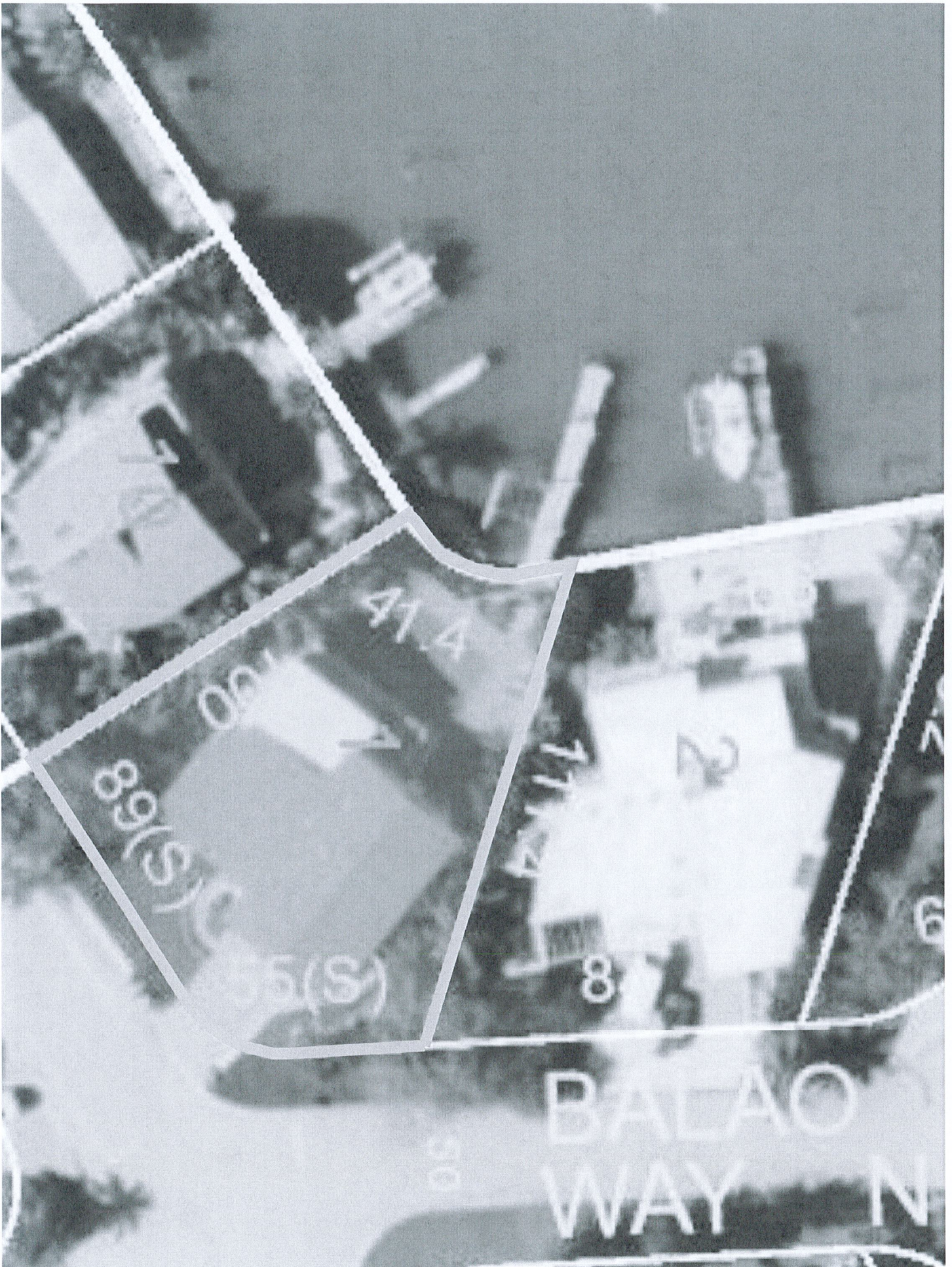
549 59th Ave



5910 Bikini Way



749 59th Ave

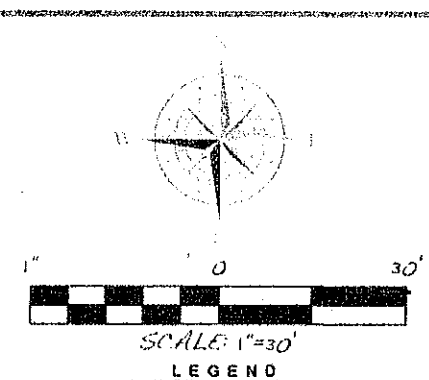


[illegible]

Proposed Dock & Boat Lift
Mark Backes
549 59th Ave St.
St. Pete Beach, FL 33706

Notes:

Dock to be 30' x 4' with a slant at the end
Boat Lift to be 12' x 12' Total Area
The Dock at its closest point will be 4' from the
extended property line of the Clarke Resident at
539 59th Ave St.
St. Pete Beach, FL 33706
The Boat Lift will run along with the extended property line
of the 5920 Bali Way N.
St. Pete Beach, FL 33706

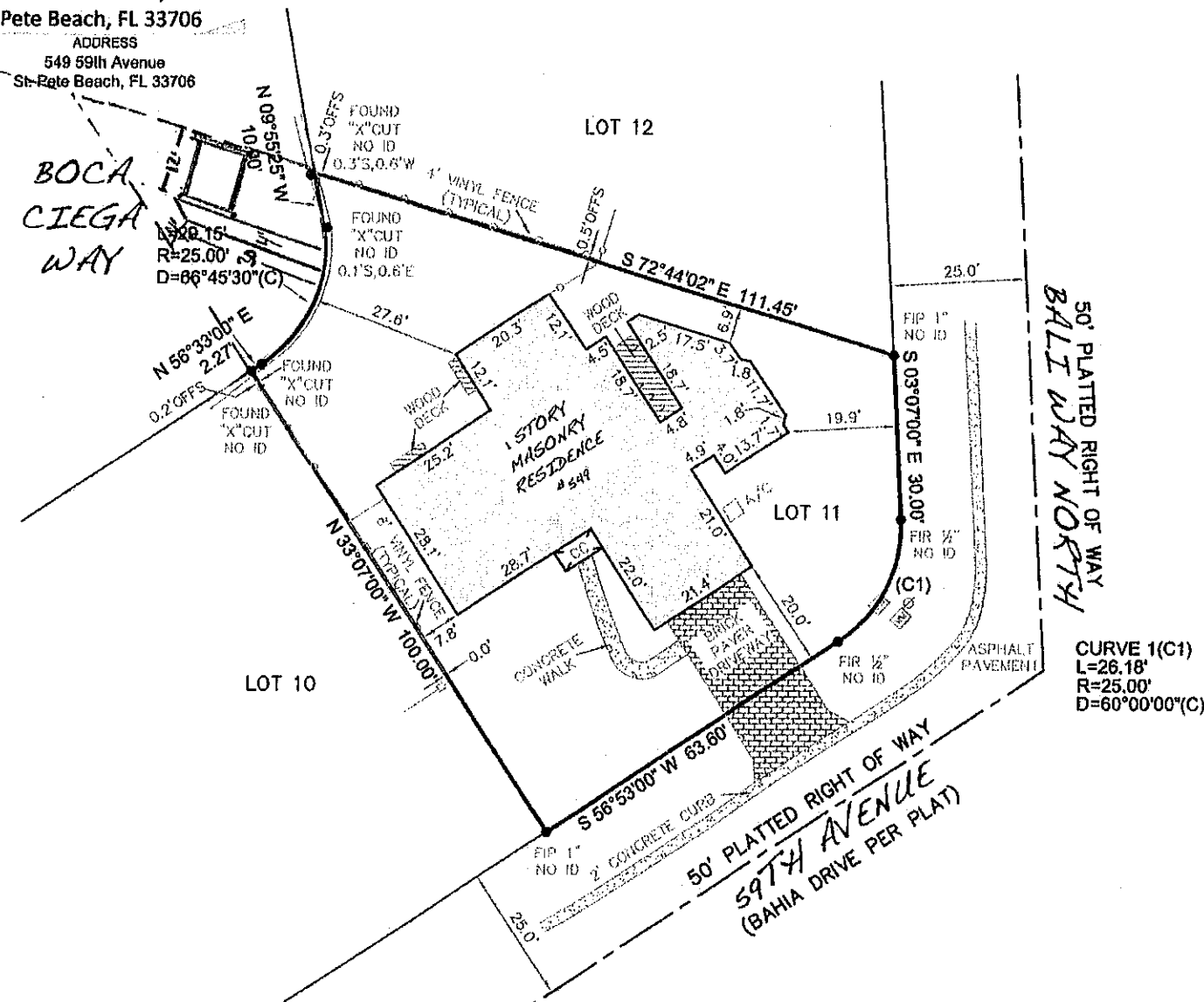


- LEGEND**
- CC = Covered Concrete
ID = Identification
LB = Licensed Business
FIP = Found Iron Pipe
FIR = Found Iron Rod
C/S = Concrete Slab
D = Central Angle
L = Arc Length
R = Radius
(P) = Plat Dimension
(C) = Calculated Dimension
(D) = Dead Dimension
(F) = Field Dimension
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LP = Light Pole
TR = Telephone Riser
T = Transformer
P/E = Pool Equipment
CVR = Cable TV Riser
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SIR = Set 1/2" Iron Rod & Cap LB#7788
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BP = Brick Pavers
CWD = Covered Wood Deck
M = Mitered End Section
NCF = No Corner Set or Found
WV = Water Valve
S = Septic Area



JOB #:	VLSR21-51328
CLIENT #:	9359607
FIELD DATE:	4/27/21
CREW:	3660
DRAFTER:	DF
APPROVED:	JEW
SCALE:	1" = 30'

X Borrower's Acknowledgment and Acceptance
X Borrower's Acknowledgment and Acceptance



Legal Description (as furnished)
Lot 11, BAHIA SHORES, SECOND ADDITION, according to the map or plat thereof, as
recorded in Plat Book 41, Page(s) 4, of the Public Records of Pinellas County, Florida.

CERTIFIED TO: (AS FURNISHED)
Mark Backes and Leslie Backes
Norton, Hammersley, Lopez & Skokos, P.A.
Chicago Title Insurance Company
Title Insurers of Florida

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD
ZONE "AE", AREAS DETERMINED TO BE INSIDE THE 100-YEAR FLOODPLAIN,
PER F.I.R.M. PANEL NUMBER 12103C0276G, LAST REVISION DATE 9/3/03. THIS
SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE
INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR
VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
SOME UTILITIES LIE WITHIN SUBJECT PROPERTY.
SEAWALL & FENCES CROSS PROPERTY LINE.
OWNERSHIP OF SEAWALL & FENCES HAS NOT BEEN DETERMINED.

BASIS OF BEARING
BEARINGS ARE BASED ON THE NORTH LINE OF LOT 11 WHICH HAS A
BEARING OF S 72°44'02" E PER PLAT.

NOTES
1. Underground utility installations, underground improvements, foundations and/or
other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining title insurance and financing and
should not be used for construction purposes.
3. Additions or deletions to this survey by anyone other than the signing party or
parties is prohibited without the written consent of the signing party or parties.
4. The property shown hereon is subject to all easements, restrictions and
reservations which may be shown or noted on the record plat and within the
public records of the county the subject property is located. This survey only
depicts survey related information such as easements and setbacks that are
shown on a record plat or have been furnished to the Surveyor.
5. Building lines and dimensions for improvements should not be used to reconstruct
boundary lines.

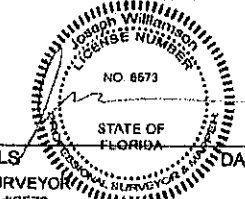
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE
USE AND BENEFIT OF THE PARTIES LISTED
HEREON. LIABILITY TO THIRD PARTIES MAY NOT
BE TRANSFERRED OR ASSIGNED.

LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE
REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATE	REVISION	DATE	REVISION

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 7885 Boca Ciega Dr (Case #21056)

Date: August 25, 2021

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Planning Manager

Summary of Issue: The applicant is proposing to extend an existing single-story portion of the structure containing the garage toward the street by six feet, which will result in the garage being set 16.35 feet from the front property line where 20 feet is required. The existing garage does not appear to have an actual access point for vehicles, but there is a small concrete parking pad on the northern side of the property where vehicles appear to be stored. The garage enlargement will include two overhead garage doors oriented toward the front property line, along with a new hip roof system above.

Funding: N/A

Requested Motion: I move to approve Variance Case No. 21056 as submitted.

Attachments:

1. 7885 Boca Ciega Dr Staff Report
2. 21056 Application
3. 21056 Site Plan and Elevations



**PLANNING DIVISION
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 21056 – Ken DeShazo for Vivek Bhargava

MEETING DATE: August 25, 2021

PREPARED BY: Brandon Berry, Planner II

REQUEST	A <u>Practical Difficulty Variance</u> to extend an existing garage 3.65 feet into the required 20-foot front setback (LDC Sec. 12.7(a)(1)).
SUBJECT PROPERTY	7885 Boca Ciega Dr; BAYSIDE 4TH ADD TO ST PETE BEACH BLK 1, LOT 5; Property ID # 36-31-15-05148-001-0050.
ACERAGE	Approximately 0.14 acres (6,200 sq. ft.)
LAND USE	RM Residential District on the Zoning Map; RM Residential Medium on the Future Land Use Map
FLOOD ZONE	AE-11
SURROUNDING AREA	North – 79 th Ave street end South - Duplex Residence East – Boca Ciega Bay West – Boca Ciega Dr/Apartments

BACKGROUND

The zoning lot contains a tri-plex residence constructed in 1964 according to the Pinellas County Property Appraiser. The property is located in a multi-family zone and surrounded by duplex and multi-family structures.

ANALYSIS

The applicant is proposing to extend an existing single-story portion of the structure containing the garage toward the street by six feet, which will result in the garage being set 16.35 feet from the front property line where 20 feet is required. The existing garage does not appear to have an actual access point for vehicles, but there is a small concrete parking pad on the northern side of the property where vehicles appear to be stored. The garage enlargement will include two overhead garage doors oriented toward the front property line, along with a new hip roof system above.

Structure	Yard	Permitted Setback	Proposed Setback	Variance Percentage
Garage	Front	20'	16.35'	18.25%

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting a 3.65-foot encroachment into the required front setback, resulting in a variance request of 18.25% of the standard.

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

Staff finds that no adverse change will be produced in the character of the neighborhood. Front-facing garages are common in the vicinity, and aerial estimates of the surrounding properties suggests that the garage, when extended, will be located at approximately the same front setback as other structures nearby. Furthermore, while the adjacent street-end is designated for parking, allowing for the extension of the garage to create two 9'x19-9' vestibules each suitable for a vehicle will increase the amount of provided on-premise parking and bring the lot into greater conformity with the Land Development Code parking requirements. While on-street parking is available in the vicinity of this structure, none is located immediately adjacent the property and this variance may reduce strain on public parking areas near the property.

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

Staff find that the difficulty could not be obviated through another feasible method. The garage area has existing dimensions of approximately 14' in depth and 26.6' in width as viewed from the street. While the garage could be extended toward the side property line by approximately five feet without violating Land Development Code standards, it would not provide sufficient depth to store a standard two vehicles as shown on the plans.

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

Staff find the interest of justice will be served in the issuance of this variance. The request is reasonable and appears to maintain the relative alignment of the structure with others in the vicinity. Opening up the existing garage area and extending it as proposed will bring the property more in line with its parking requirements, and may also alleviate storage of vehicles along the street as well as projecting into the 79th Ave street-end.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

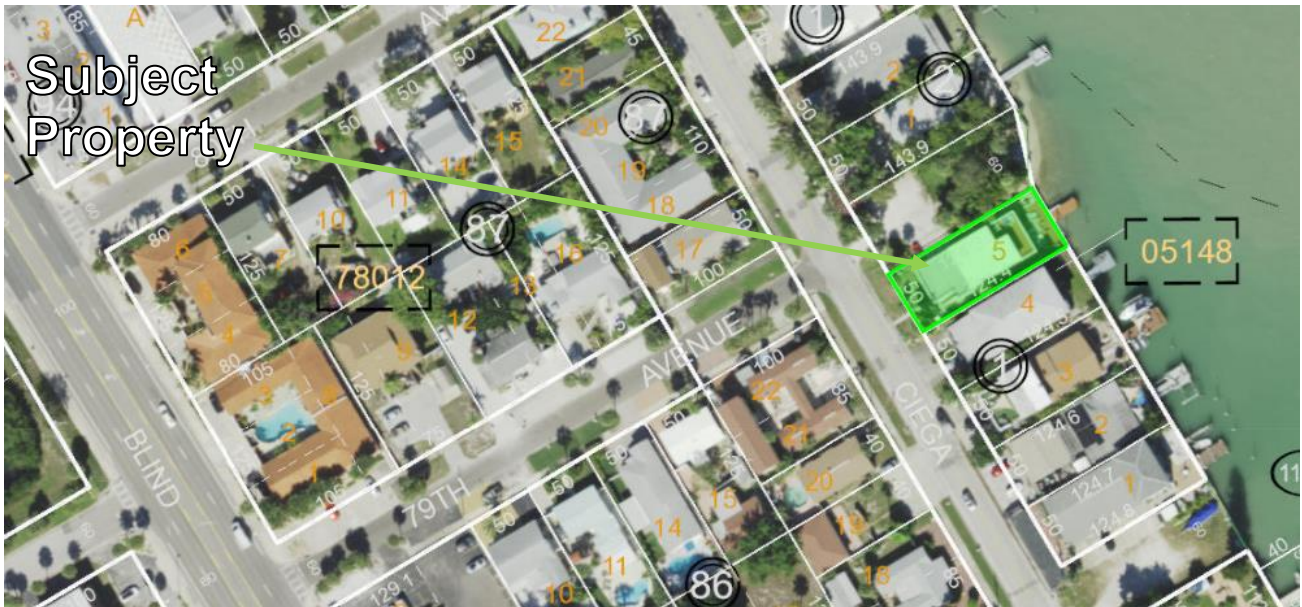
SUMMARY:

Staff find the request to be reasonable. The garage will bring the property into greater conformity with the Land Development Code as it relates to on-premise parking requirements and may alleviate parking along the street or street-end. Furthermore, the request appears to be the minimum to utilize the garage for two vehicles as shown on plans, and maintains relative alignment with other structures in the property's vicinity.

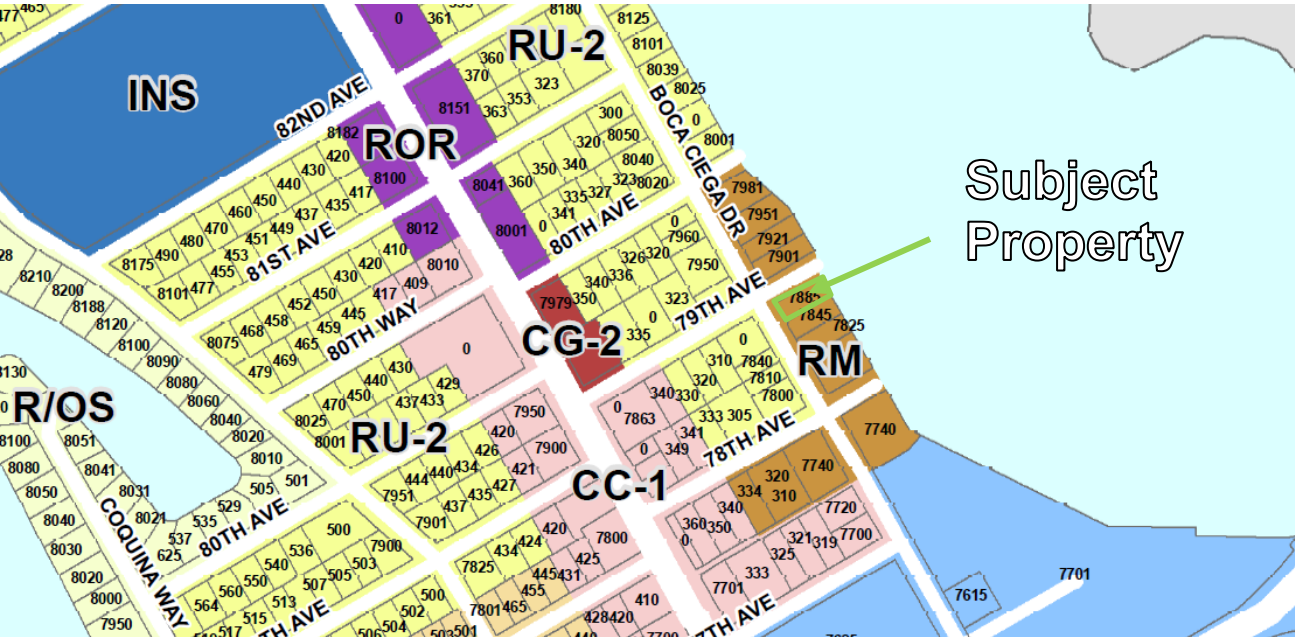
RECOMMENDATION:

Staff recommend approval.

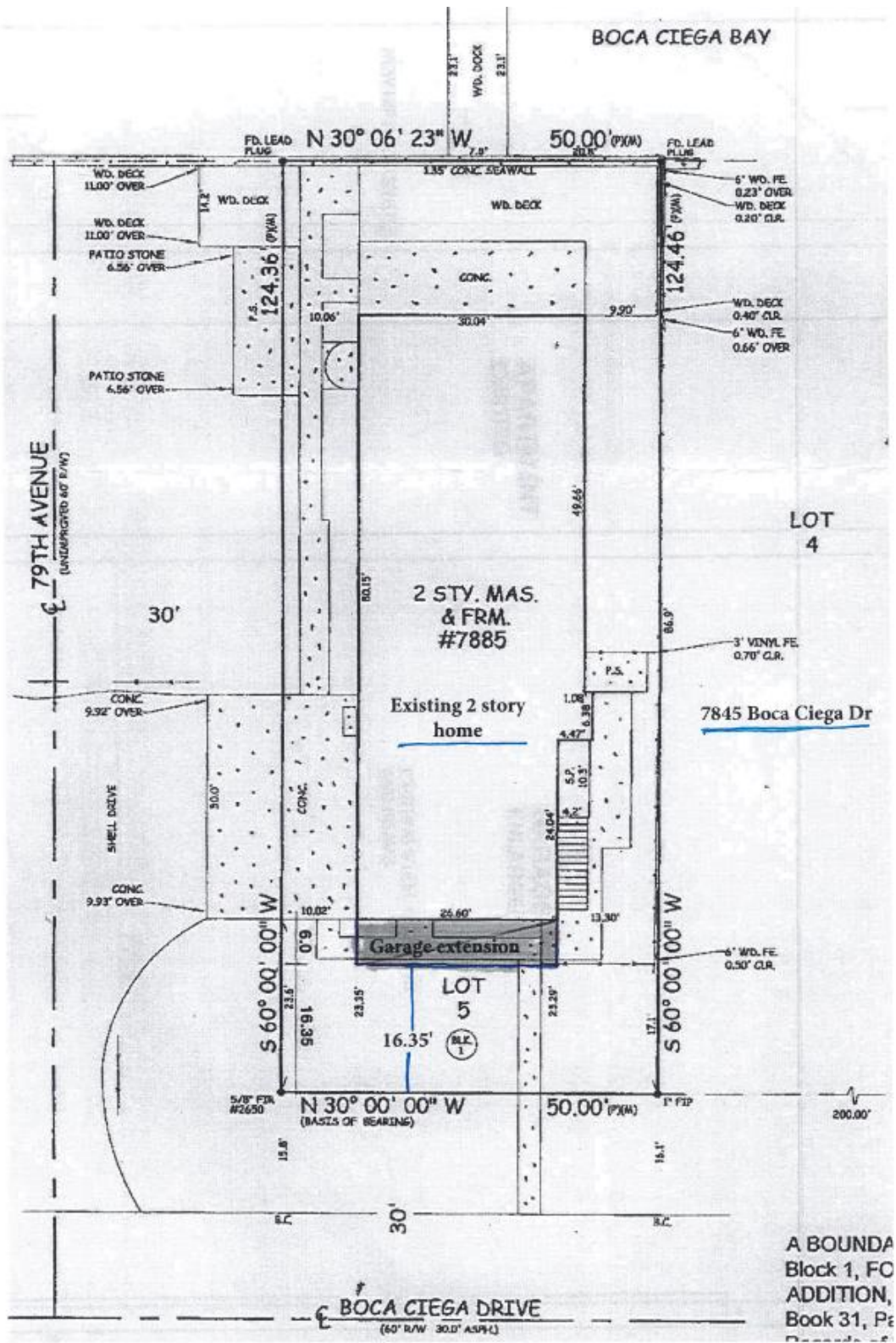
AERIAL MAP



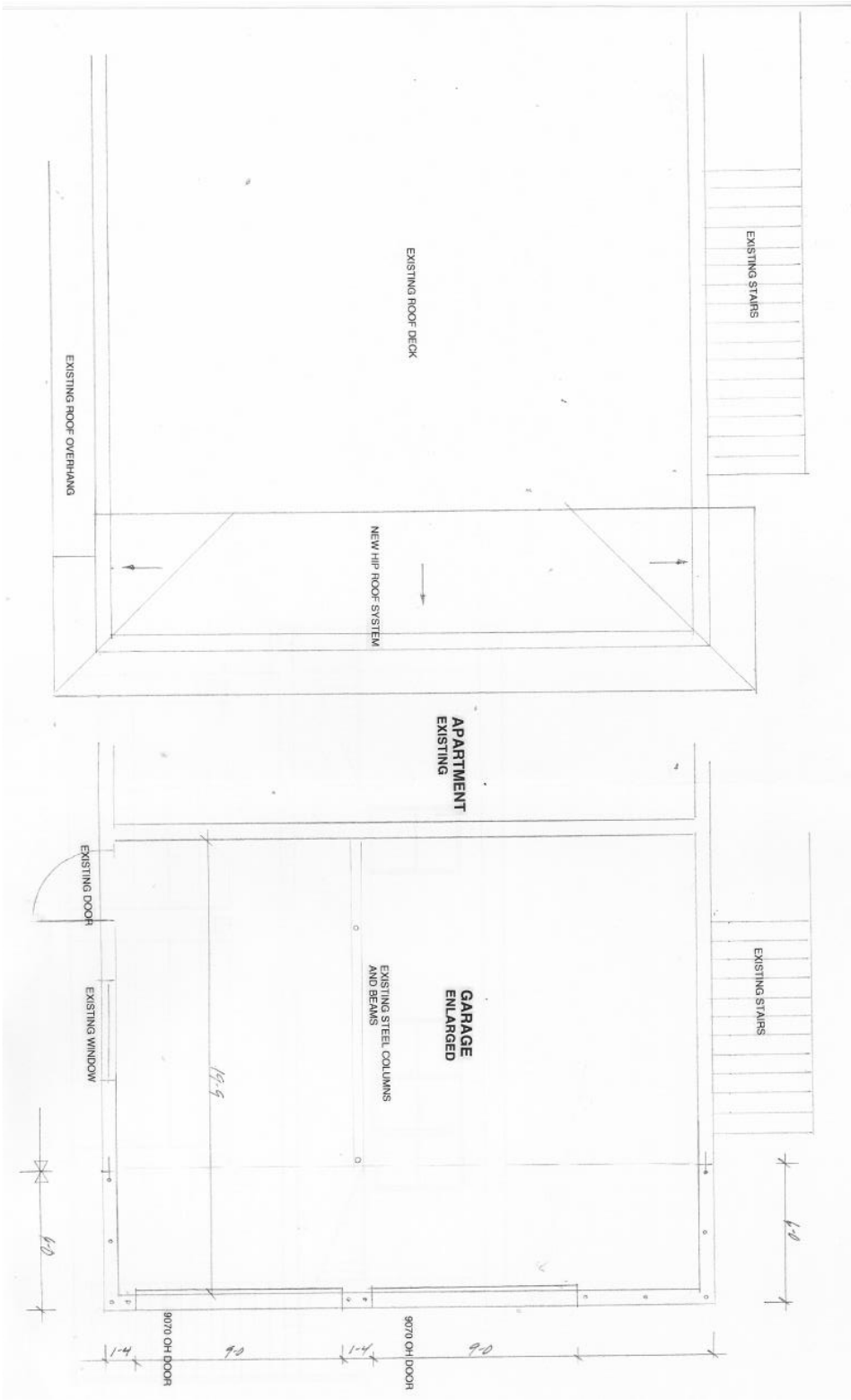
ZONING MAP



SURVEY & SITE SKETCH



PROPOSED FLOOR PLAN



CASE #: 21056

PARCEL #: _____

SUBMITTAL DATE: 07/15/21 AMOUNT DUE: \$536.40 PAYMENT DATE: 07/19/21*Practical Difficulty***ADMINISTRATIVE (DE-MINIMIS) VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, at least 14 days prior to the preliminary administrative determination:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Two (2) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Vivek Bhargava	7885 Boca Ciega Dr St Pete Beach FL 33706	847 833-7047
Applicant/ Agent	Ken DeShazo	Castle Home Builders + Roofing 509 Poinsettia Ave Inverness FL	727 417-8373
Owner Email Address:		Applicant/Agent Email Address:	
vivek.bhargava1@gmail		arkplusllc@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RM	RM	
Legal Description: Residential Rentals		
Address: 7885 Boca Ciega Dr St Pete Beach FL 33706		
Explanation of Request: Extend Garage out 6 Feet		

Findings Necessary for Granting Request: In order for an application for a practical difficulty variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

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

3.65 Feet From the Set back

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

Proposed Extension adjacent even less
Than some of the other houses in neighborhood

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

Depth for vehicles

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

City Park on the Right of Property

Tenant Entrance on Left of Property

Signature of Applicant

Date

Signature of Authorized Agent

Date

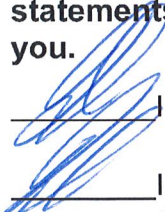
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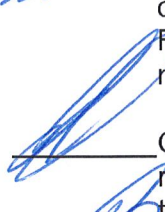
Hearing Date: _____ Fees: _____

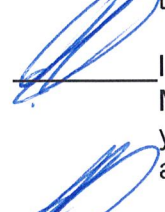
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

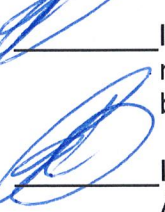
VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

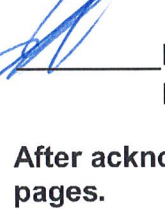
 I understand that the City will not accept or process an incomplete application.

 I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

 On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

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

 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

 I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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



Signature of Applicant

7/15/21

Date

CASE #: _____

SUBMITTAL DATE: _____ AMOUNT DUE: _____ PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner			
Applicant/ Agent			
Owner Email Address:		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:		
Parcel ID:		
Address:		
Explanation of Request: _____		

CASTLE HOME BUILDERS
CBC 1262000 727-209-7870
4311 1ST AVENUE SOUTH
ST PETERSBURG, FL 33711

ENGINEER:

BRIAN REED, PE
769 42ND AVENUE NORTH
ST PETERSBURG, FL 33703
LICENSE #60228 727-510-2688

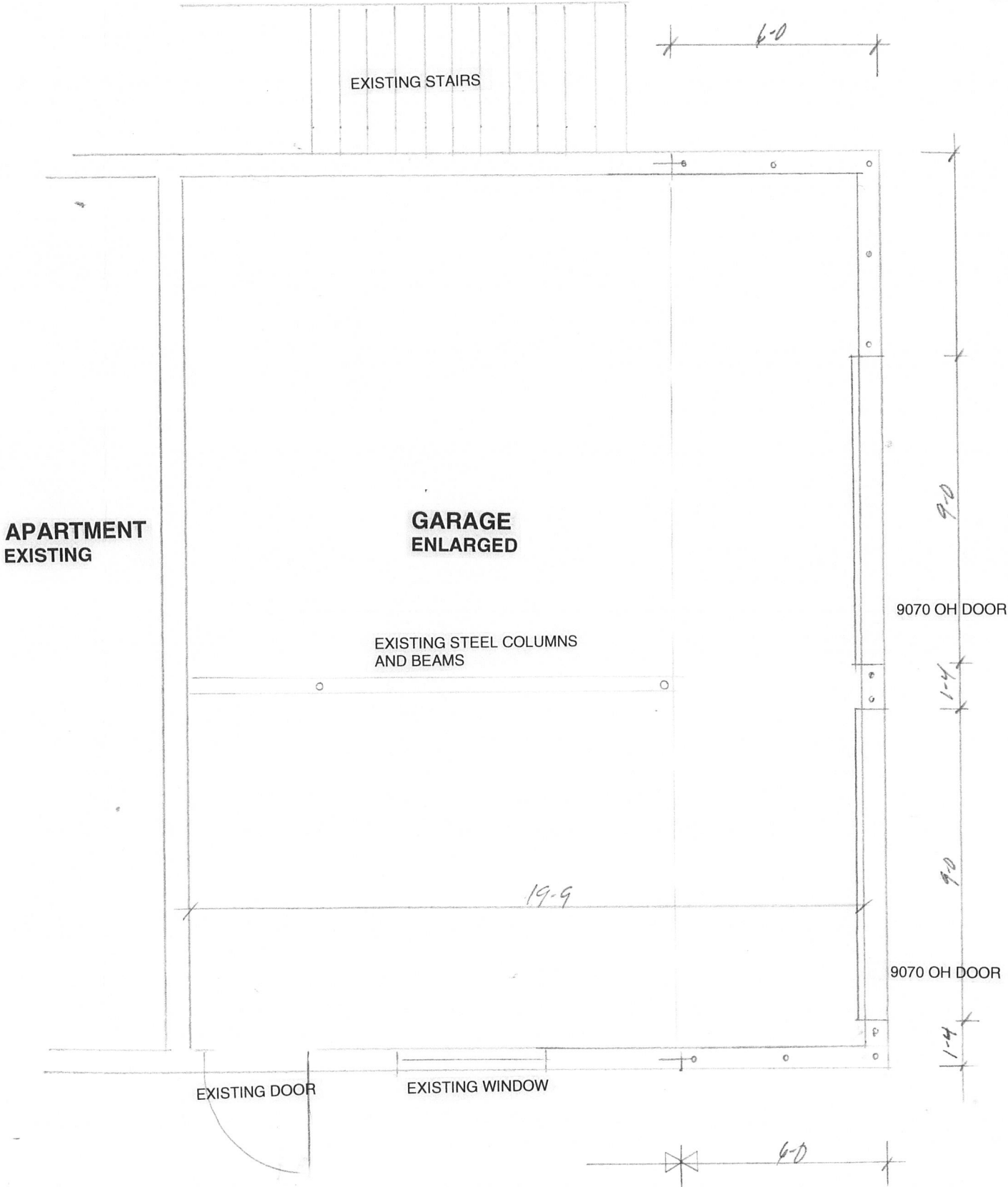
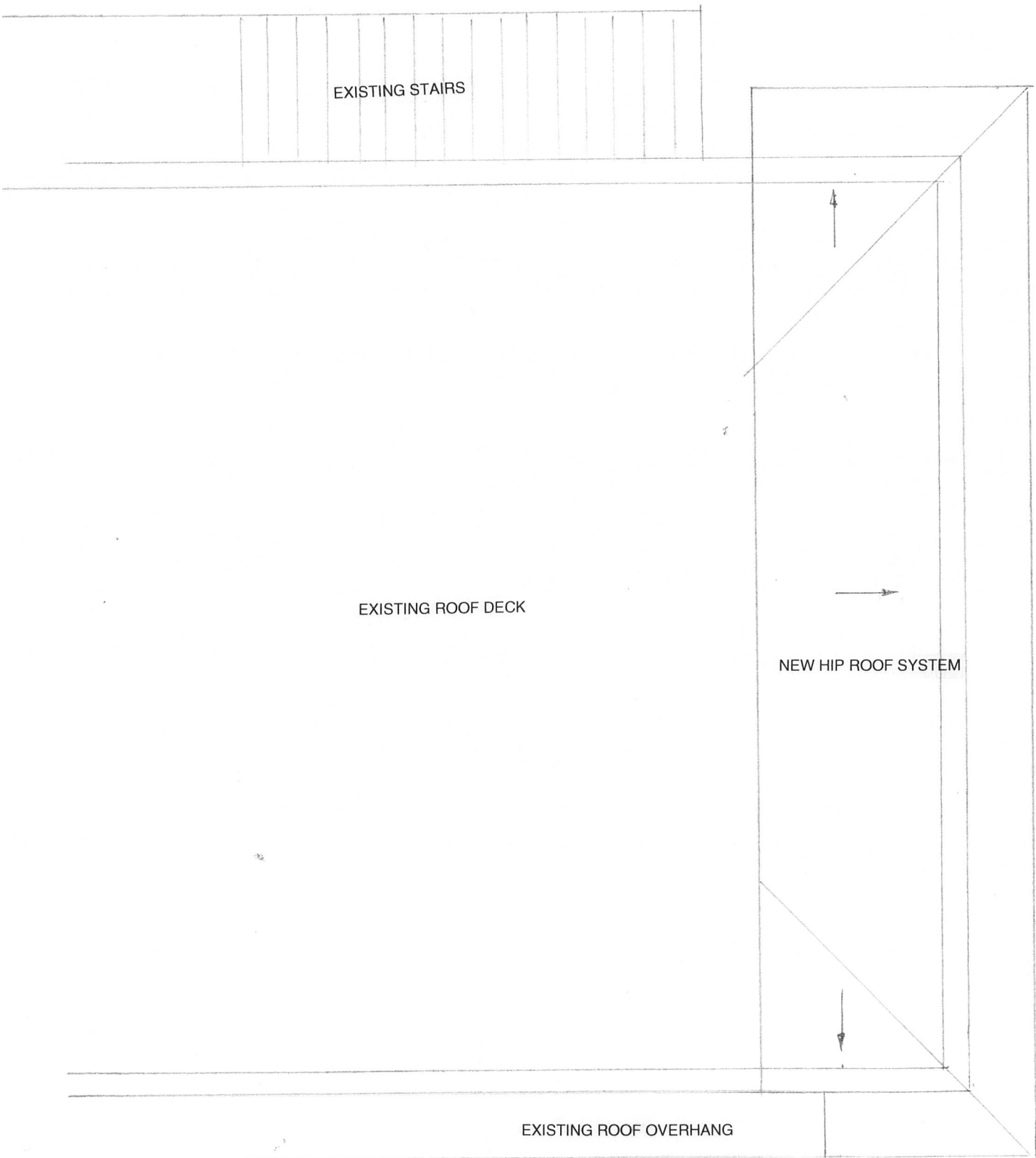
DESIGNED BY:

LEGACY DESIGN GROUP
5550 BATES STREET
SEMINOLE, FL 33772
CGC024971 727-439-3337

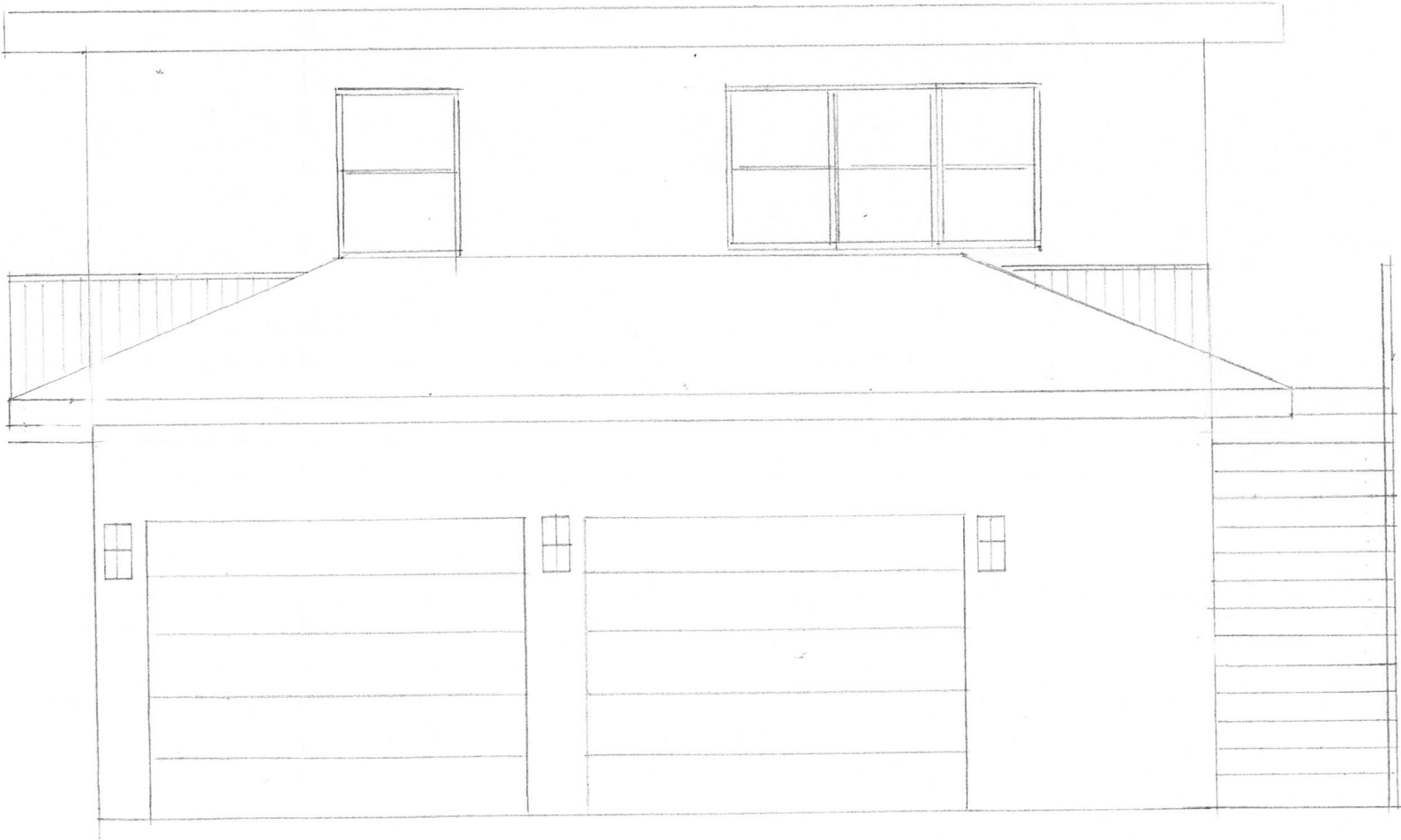
NEW WAVE RETREAT
7885 BOCA CIEGA DRIVE
ST PETE BEACH, FL 33706

FLOOR PLAN
PROPOSED

7/14/21
1/4" = 1'-0"



CASTLE HOME BUILDERS
CBC 1262000 727-209-7870
4311 1ST AVENUE SOUTH
ST PETERSBURG, FL 33711



7/14/21
1/4" = 1-0

ELEVATION
FRONT

NEW WAVE RETREAT
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NEW WAVE RETREAT
7885 BOCA CIEGA DRIVE
ST PETE BEACH, FL 33706

FLOOR PLAN
EXISTING

7/14/21
1/4" = 1-0

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EXISTING STAIRS

EXISTING STAIRS

APARTMENT
EXISTING

CLOSET

GARAGE
EXISTING

SLAB EXTENSION PROPOSED

6'-0"