BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, September 29, 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
4. Action Items

a. Variance - 7017 Boca Ciega Dr (Case No. 21062)
A Practical Difficulty Variance for an elevated generator to encroach into the required side setback (LDC Sec. 6.14).

b. Variance - 4365 Holland Dr (Case No. 21061)
A Practical Difficulty Variance to increase the number of allowed residential storage buildings in order for a second shed of 48 SF to remain on the property (LDC Sec. 6.13(b)).

c. Variance - 4110 Belle Vista Dr (Case No. 21064)
A Practical Difficulty Variance to allow for the construction of a pool to encroach approximately 10 inches into the side setback where 7.8 feet is required and to allow for a walkway at the property line where 2 feet is required. (LDC Sec. 6.13(c)(1)c.1. & 6.13(c)(2)d.2.).

d. Variance - 173 Mar St (Case No. 21067)
Request for an Unnecessary and Undue Hardship Variance to allow for a paver driveway to exceed 24' in width at the front property line, and for paver walkways to encroach closer than two feet to the side property line. (LDC Sec. 6.13(c)(2)d.&23.11(b)(2)).

e. Variance - 510 Boca Ciega Isle Dr (Case No. 21058)

A Practical Difficulty Variance to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback (LDC Sec. 9.7(a)(1), 6.13(c)(3)a., & 6.13(c)(2)c.1.).

f. Variance - 7736 Blind Pass Rd (Case No. 21063)
An Unnecessary and Undue Hardship to permit an abandoned freestanding monument sign to remain in the required front setback (LDC Sec. 26.35(a)).

g. Variance - 5955 Gulf Winds Dr (Case No. 21065)
Unnecessary and Undue Hardship Variance to allow for the existing abandoned nonconforming freestanding monument sign to remain on the property. The approximate 22-foot tall sign violates the maximum height (8 feet) and ten-foot setback standard (3.3-feet) from the right-of-way (LDC Sec. 26.35(a)).

5. Discussion Items -

a. Sunshine Public Records Committee Training Presentation by the City Attorney's office regarding public records regulations and the Sunshine Law requirements.

6. Adjournment - Next Meeting 10/27/2021

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

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

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

CITY OF ST. PETE BEACH

DRAFT BOARD OF ADJUSTMENT MEETING MINUTES

August 25, 2021 2:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Denise Chase, Member
Michael Bomar, Member
Jake Holehouse, Member

EXCUSED: Paul Skipper, Chair

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

ALSO PRESENT: Carmen DeBerg, Court Reporter

Vice Chair Lyman 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 – Planning Manager Wesley Wright stated that since the Applicant for Item 4b. was appearing by telephone, that case would be heard prior to 4a.

2. Audience Comments – None.

3. Approval of Minutes - a. 7/28/2021

Motion: Member Chase moved, and Member Holehouse seconded the approval of the minutes from the July 28, 2021 meeting; the motion carried unanimously.

4. Action Items -

a. (Heard second) **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)).

There was a court reporter present for this case.

Senior Planner Lynn Rosetti reviewed the details of this variance request to allow a 30-foot dock with a boat lift that encroaches into the left-side yard setback area and exceeds allowable length. She provided ground and aerial photos, maps, property survey, site plans and conditions of approval. A letter of no objection was received from the neighbor on the right side, but not the left. Staff found the request reasonable, and keeping lift on right side gives unobstructed view. Staff recommended approval of the dock and boat lift.

Applicant Mark Backes of 549 59th Avenue appeared and explained to the Board his previous experience with owning boats and docks, and the due diligence he had done prior to the purchase of the property. The Applicant's contractor, Joe Place of Enterprise Marine (8165 46th Avenue, St. Petersburg) explained to the Board that there are similar projects nearby. He spoke about his experience with 'views' as defined by Pinellas County.

City Attorney Dickman questioned Mr. Place on his experience in marine construction. Mr. Place explained the considerations that he made in his design. Mr. Dickman explained to the Board that if both neighbors had submitted letters of no objection, this variance could have been handled administratively vs. coming before them.

At Mr. Wright's request, Mr. Place explained to the Board the difficulty and infeasibility of compliance within the buildable area, given the pie-shaped lot and setbacks for the dock area. Board members asked questions of the contractor. The depth of the water would be inadequate in the present buildable area and the lift would not fit.

Attorney Kyle Bass of Weber, Bass and Wein (5453 Central Avenue), representing neighbors Mr. and Mrs. Rolfes, was given the opportunity to ask questions of the Applicant, his contractor, and staff.

The Chair asked if anyone was present to speak in favor or against the variance. No one spoke in favor of the variance. Attorney Kyle Bass appeared against the variance on behalf of the Rolfes; he read some of the legal arguments from a draft Response to the Request for Variance that he brought with him. The Response is made a part of these minutes. He requested that the application be denied.

Michael Rolfes, of 539 59th Avenue, appeared as a witness to add comments; his realtor had advised him that the proposed changes could negatively affect his property value.

City Attorney Dickman briefly questioned Mr. Rolfes, and the Board had the opportunity to ask questions. Mr. Dickman questioned Senior Planner, Lynn Rosetti on her experience and her basis for recommending approval of the variance. Mr. Dickman asked Planning Manager Wesley Wright to read from the Land Development Code (LDC) regarding the City's determination of completeness of an application. The City determined this application to be complete.

Attorney Bass was granted a second round of rebuttal time and questioned Ms. Rosetti about minimum variances and City Codes.

The Vice Chair closed the public part of the hearing and opened for Board discussion; they commented that this was an average request, staff and experts found it justifiable, reasonable, minimal, and not out of line with similar properties in that area.

Mr. Dickman and Planning Manger Wesley Wright asked Ms. Rosetti further questions, in her expert opinion, on minimum variance, purpose and intent in the Comprehensive Plan and LDC, and the uniqueness of each property. Mr. Dickman provided his legal opinion that the language contained in the approval criteria in the LDC implies that general intent is to be taken as the overall purpose and intent of the Code and Comprehensive Plan.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21049 for a dock and boat lift encroachment at 549 59th Avenue as presented. The motion carried unanimously.

b. (Heard first) **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))

Mr. Berry provided a detailed presentation of this variance request which included photographs, maps, site plans, floor plan, and conditions of approval. The permitted setback for the structure is 20 feet; the garage extension would make that 16.35 feet, a variance of 3.65 feet. Staff found the request to be reasonable. The garage will bring the property into greater conformity with the Land Development Code relating to on premise parking and may alleviate some street parking. Staff recommendation was for approval as submitted with two conditions: the owner shall obtain a zoning permit for the shell driveway prior to issuance of a building permit and shall plant two crepe myrtles of at least eight feet in height in the front of the property, unless a hardship exists, then they may be planted in the right-of-way with a permit. Mr. Berry stated one call was received about the variance, but no letters were received for or against.

Contractor Ken DeShazo of Castle Home Builders appeared by telephone to add comments and answer Board questions; he indicated that he had been sworn in. There were no questions.

Hearing no public comment, the Vice Chair closed that portion of the meeting and opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21056 as submitted with two conditions; the motion carried 4-0.

5. (Added) Discussion Items -

a. Sunshine Law Presentation

The City Attorney indicated that he would like to have the full Board present for the presentation, and it was tentatively rescheduled for the October meeting.

6. Adjournment – Next Meeting 10/27/2021 – there will be seven applications in October.

Motion: Member Chase moved to adjourn. The motion was seconded by Member Bomar and passed unanimously at 3:11 PM.

These minutes will be considered for approval at the October 27, 2021 Board of Adjustment meeting.

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 7017 Boca Ciega Dr (Case No. 21062)

Date: September 29, 2021

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: The applicant is requesting to install an elevated generator located along the south side of the home that will encroach 3 feet into the required side yard setback.

Funding: Not applicable.

Requested Motion: I move to APPROVE Variance Case # 21062 to allow for the encroachment of an elevated generator into the required side yard setback.

Attachments:

1. 21062 7017 Boca Ciega Dr. Variance Staff Report
2. 21062 Application
3. 7017 Boca Ciega large site plan
4. 7017 Boca Ciega questions

PLANNING DIVISION
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT

VARIANCE CASE NO. 21062 – David Dumphy, Contractor for Jack and Mary Rader, Owners

MEETING DATE: September 29, 2021
PREPARED BY: Jordan Elmore, Planning and Zoning Tech

REQUEST	A Practical Difficulty Variance to allow for a 3-foot encroachment of an elevated generator into the required 5.5 foot side setback (LDC Sec. 6.14).
SUBJECT PROPERTY	7017 Boca Ciega Dr; Property ID # 36-31-15-05094-028-0050; BAYSIDE ADD TO ST PETE BEACH BLK 28, LOT 5 LESS S 10FT
ACERAGE	Approximately 0.12 acres (5,500 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Zone AE 11
SURROUNDING AREA	North – Single Family Residence South - Single Family Residence East – Boca Ciega Bay West – Boca Ciega Dr, Single Family Residence

BACKGROUND

The zoning lot contains a residence constructed in 2021 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to install an elevated generator located along the South side of the home that will encroach 3 feet into the required side yard setback. Land Development Code Section 6.14 requires ancillary residential equipment that is not at grade to meet the required setbacks for the zoning district. The required side yard setback for this property is 5.5 feet. The proposed location of the elevated generator is 2.5 feet from the side property line, 47 feet from the front (West) property line, and 49 feet from the rear (East) property line and will be mounted to a wall bracket.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Elevated Generator	5.5'	2.5'	54.5% (3 feet)

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 the encroachment of an elevated generator 3' into the 5.5' required setback placing the generator 2.5' from the side property line. This represents a variance of 54.5% from the required 5.5' standard.

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

Staff finds there to be no adverse change produced in the character of the neighborhood. Applicant states the generator will be located well towards the back of the home and will be shielded from the neighboring property by landscaping. Applicant states that generator will be located approximately 23 feet from neighbor's window and at or above 8 feet from grade.

The specification sheet for the 22 kW generator indicates sound output of 67 decibels operating at normal load and 57 decibels operating at exercise mode at 23 feet (7 meters) away from the equipment. Comparable sound output would be a 2.5 ton air conditioning condenser unit at 72 decibels.

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

The applicant states that the generator cannot be located elsewhere on the property due to the manufacturing installation requirements. The generator shall be located 5' from any opening to the home including windows and doors and 10' from any source of water (proposed pool). Installation of the generator on the roof would likely require substantial roof modification.

Staff have not identified any feasible location on the property where the generator can be installed and meet the required setbacks.

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 to be served through the issuance of this variance.

SUMMARY:

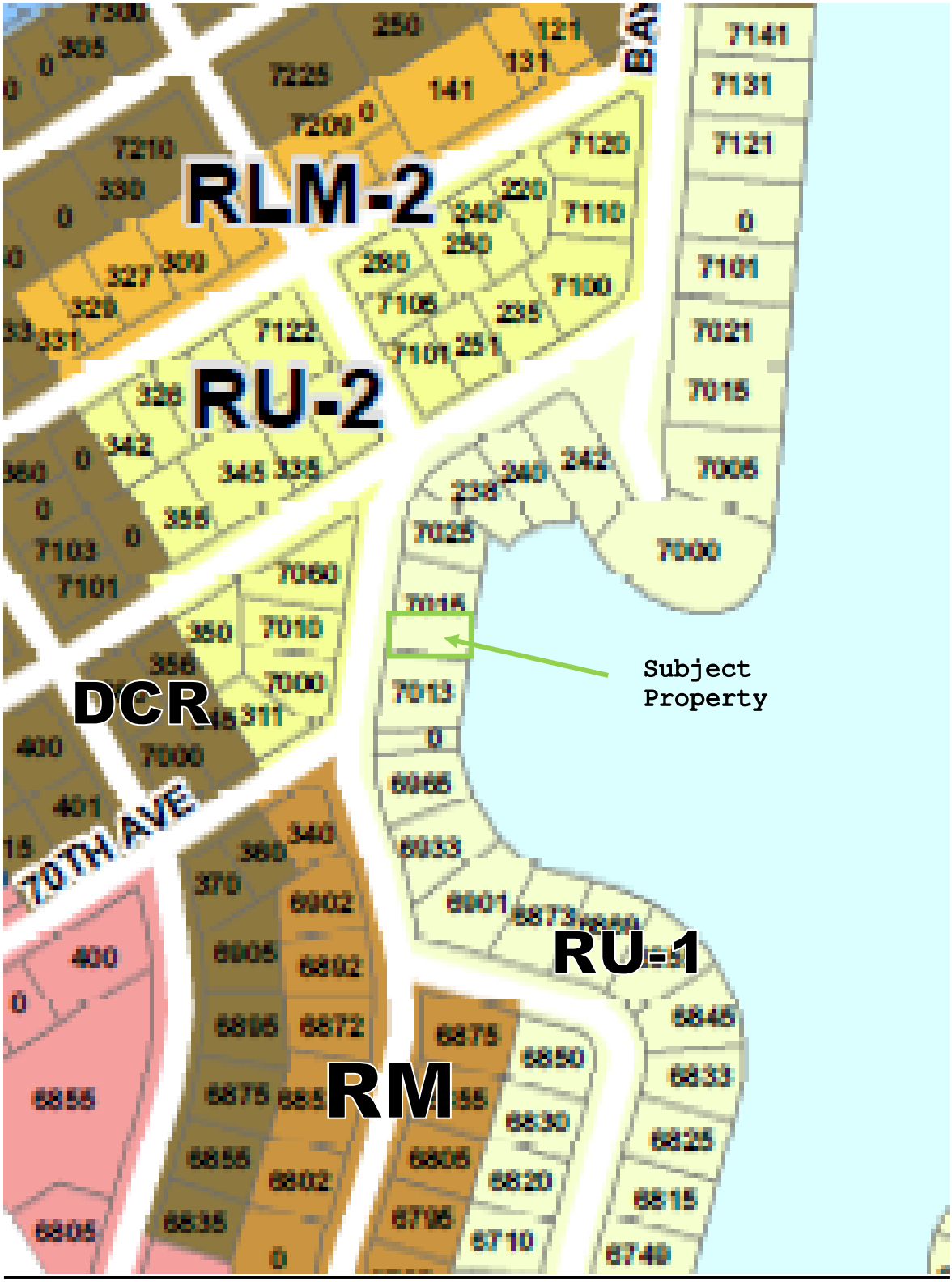
Staff find the request to install an elevated generator that will encroach 3 feet into the side yard to be reasonable. Staff recognize the need to locate the generator in this location due to manufacturing installation requirements and that locating the equipment on the roof would require substantial modifications to the primary structure.

RECOMMENDATION:

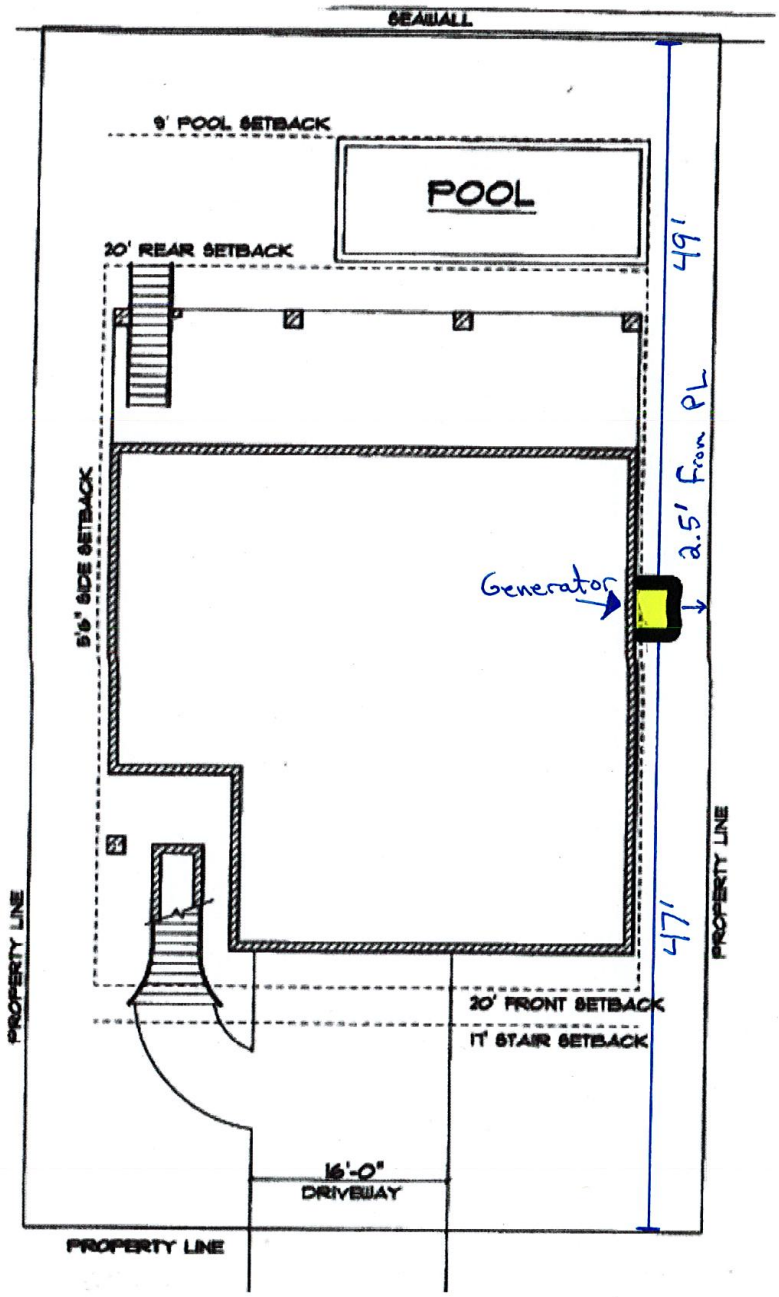
Staff recommend approval.

AERIAL MAP

ZONING MAP



SURVEY


SEAWALL
9' POOL SETBACK
POOL
20' REAR SETBACK
49'
2.5' from PL
5'6" SIDE SETBACK
Generator
47'
PROPERTY LINE
PROPERTY LINE
20' FRONT SETBACK
11' STAIR SETBACK
16'-0"
DRIVEWAY
PROPERTY LINE

CASE #: 21062

SUBMITTAL DATE: 8/17/21 AMOUNT DUE: 523.10 PAYMENT DATE: 8/17/21

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	Jack and Mary Rader	7017 Boca Ciega DR. St. Pete Beach, FL 33706	813-205-7509 813-220-8615
Applicant/ Agent	Dave Dumphy	111 B Dunbar Ave. Oldsmar, FL 34677	727-580-3054

Owner Email Address:	Applicant/Agent Email Address:
jackrader2015@gmail.com	dave@fixmygem.com

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area

Legal Description:	Lot 5 less south 10 ft of Lot 5, Block 28, Bayside Addition of St. Petersburg Beach, recorded in Plat Book 23 page 15 of the Public Records of Pinellas County
Parcel ID:	
Address:	7017 Boca Ciega Drive, St. Pete Beach, FL 33706

Explanation of Request: ENCROACHMENT OF ELEVATED GENERATOR INTO SIDE SETBACK / MEDICAL NECESSITY.

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;

7FT SET BACK
ENCROACH 3.5FT

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

NO GENERATOR WILL BE PLACED WELL TOWARDS THE BACK OF THE HOME AND WILL BE SHEILDED BY LANDSCAPING

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

IT CANNOT DUE to MANUFACTURER INSTALL REQUIREMENTS. NEEDS to BE 5FT FROM ANY OPENING to THE HOME INCLUDING WINDOWS AND DOORS. THERE ARE VERY LIMITED INSTALL LOCATIONS. ALSO ELEC CODE REQUIRES GEN to BE PLACED 10FT FROM ANY SOURCE OF WATER. pg. 2

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

Signature of Applicant	Date	Signature of Authorized Agent	Date
	8/13/21		8/13/21

For office use only:

Hearing Date: _____ Fees: _____

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

#3. Continued
So with the pool the back yard is not an option.

Jordan Elmore

From: Brandon Berry
Sent: Tuesday, August 24, 2021 3:04 PM
To: Jordan Elmore
Subject: FW: Receipt - Variance No. 21062 - 7017 Boca Ciega Dr

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From: Dave Dumphy | GenerX Generators <dave@fixmygen.com>
Sent: Tuesday, August 24, 2021 3:00 PM
To: Brandon Berry <bberry@stpetebeach.org>
Subject: RE: Receipt - Variance No. 21062 - 7017 Boca Ciega Dr

CAUTION: This message has originated from Outside of the Organization. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

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

Yes if the variance is granted it will provide the needed changes and would not result in additional changes needed.

David Dumphy
Vice President of Sales
111 B Dunbar Ave.
Oldsmar FL 34677
Cell: 727-580-3054
Office: 813-814-5900
Fax: 727-213-9073

From: Brandon Berry <bberry@stpetebeach.org>
Sent: Tuesday, August 17, 2021 3:13 PM
To: Dave Dumphy | GenerX Generators <dave@fixmygen.com>
Subject: RE: Receipt - Variance No. 21062 - 7017 Boca Ciega Dr

David,

Additionally, I did not see a response to #4 of the questions. Could you please provide that? Typed as a response to this email is fine. If you have any questions please let me know.

Jordan Elmore

From: Dave Dumphy | GenerX Generators <dave@fixmygen.com>
Sent: Thursday, September 9, 2021 8:05 AM
To: Jordan Elmore
Subject: RE: Generator Variance

CAUTION: This message has originated from **Outside of the Organization. Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Sorry for the delay on this Jordan,

1. Could you give me an estimate of how far the generator will be from the neighbors' windows? Approximately 23ft
2. What will the final height of the generator be (from grade) once installed? At or above 8ft from grade.

David Dumphy
Vice President of Sales
111 B Dunbar Ave.
Oldsmar FL 34677
Cell: 727-580-3054
Office: 813-814-5900
Fax: 727-213-9073

GENERX GENERATORS

From: Jordan Elmore <jelmore@stpetebeach.org>
Sent: Friday, September 3, 2021 10:36 AM
To: Dave Dumphy | GenerX Generators <dave@fixmygen.com>
Subject: Generator Variance

Dave,

I have a few questions as I'm working on the generator case.

1. Could you give me an estimate of how far the generator will be from the neighbors' windows?
2. What will the final height of the generator be (from grade) once installed?

Thanks

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.

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

JR MLR 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.

JR MLR 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.

JR MLR 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.

JR MLR 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.

JR MLR 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.

JR MLR 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.

Mary Rader
Jack S Rader

Signature of Applicant

8/13/21

Date

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Jack + Mary Rader, 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): Jack + Mary Rader

Address: 7017 Boca Ciega Drive, St. Pete Beach, Fl 33706

Mary Rader

Jack Rader

Signature *Date* 8/13/21

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 13 day of August, 2021 by: Mary Rader who appeared before me, and is personally known to me, or has produced FL Drivers License as identification, and did take an oath.

My commission Expires: 3/25/2025

NOTARY: MJC

Print Name: Meagan Julia Cajar, Notary Public, State of Florida

(Notarial Seal)

MEAGAN JULIA CAJAR
MY COMMISSION EXPIRES MARCH 25, 2025
Notary Public, State of Florida
Bonded thru
HH 109144

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.

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Jack & Mary Rader 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): David Dumpty

Address: 7017 Bella Cilegia Dr. St. Pete Beach FL 33706

Signature 8/17/2021 Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17 day of August, 2021 by: Jack, Mary Rader who appeared before me, and is personally known to me, or has produced FL Drivers License as identification, and did take an oath.

My commission Expires: 3/25/2025 NOTARY: MJC

Print Name: Meagan Julia Cajar Notary Public, State of Florida

(Notarial Seal)

MEAGAN JULIA CAJAR
MY COMMISSION EXPIRES MARCH 28, 2025
#HH 109144
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

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.

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Jack + Mary Rader
(print name of property owner)

hereby authorize Dave Dumphy
(print name of agent)

to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)

Mary Rader
Signature of Owner

Signature of Owner

MARY RADER
Print Name of Owner

JACK RADER
Print Name of Owner

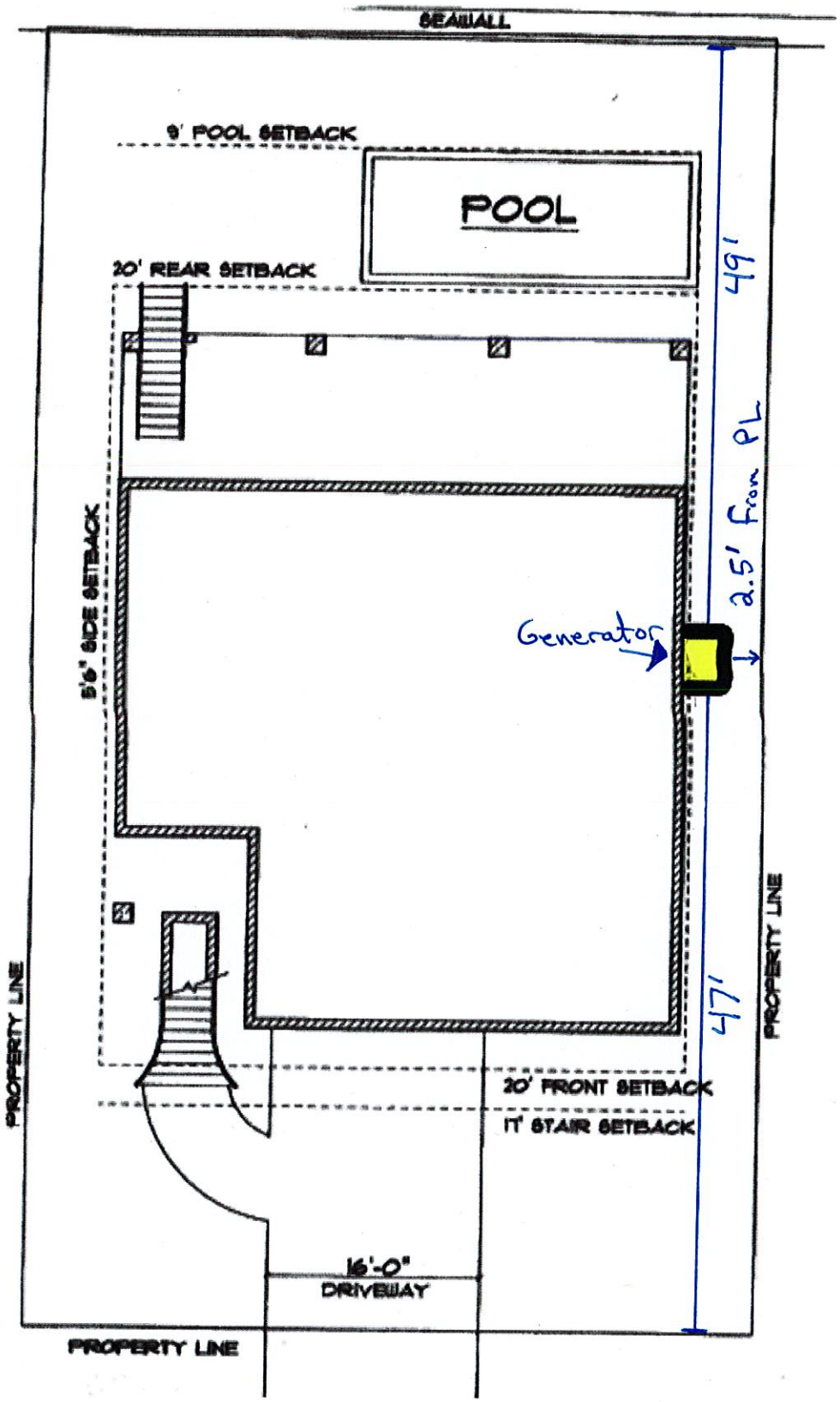
The forgoing instrument was acknowledged before me this 13 **day of** August **2021 by** Jack, Mary Rader **or who is personally known** _____ **produced** FLDL R360-592-51-519-0 **as identification.**

(Notary Signature)

August 13 2021
(Date)

My Commission Expires 3/25/2025

MEAGAN JULIA CAJAR
MY COMMISSION EXPIRES
MARCH 25, 2025
HH 109144
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA


SEAWALL
9' POOL SETBACK
POOL
20' REAR SETBACK
49'
2.5' from PL
5'6" SIDE SETBACK
Generator
PROPERTY LINE
PROPERTY LINE
47'
20' FRONT SETBACK
11' STAIR SETBACK
16'-0"
DRIVEWAY
PROPERTY LINE

SEC. 36 , TWP. 31 S., RNG. 15 E.

PINELLAS COUNTY, FLORIDA

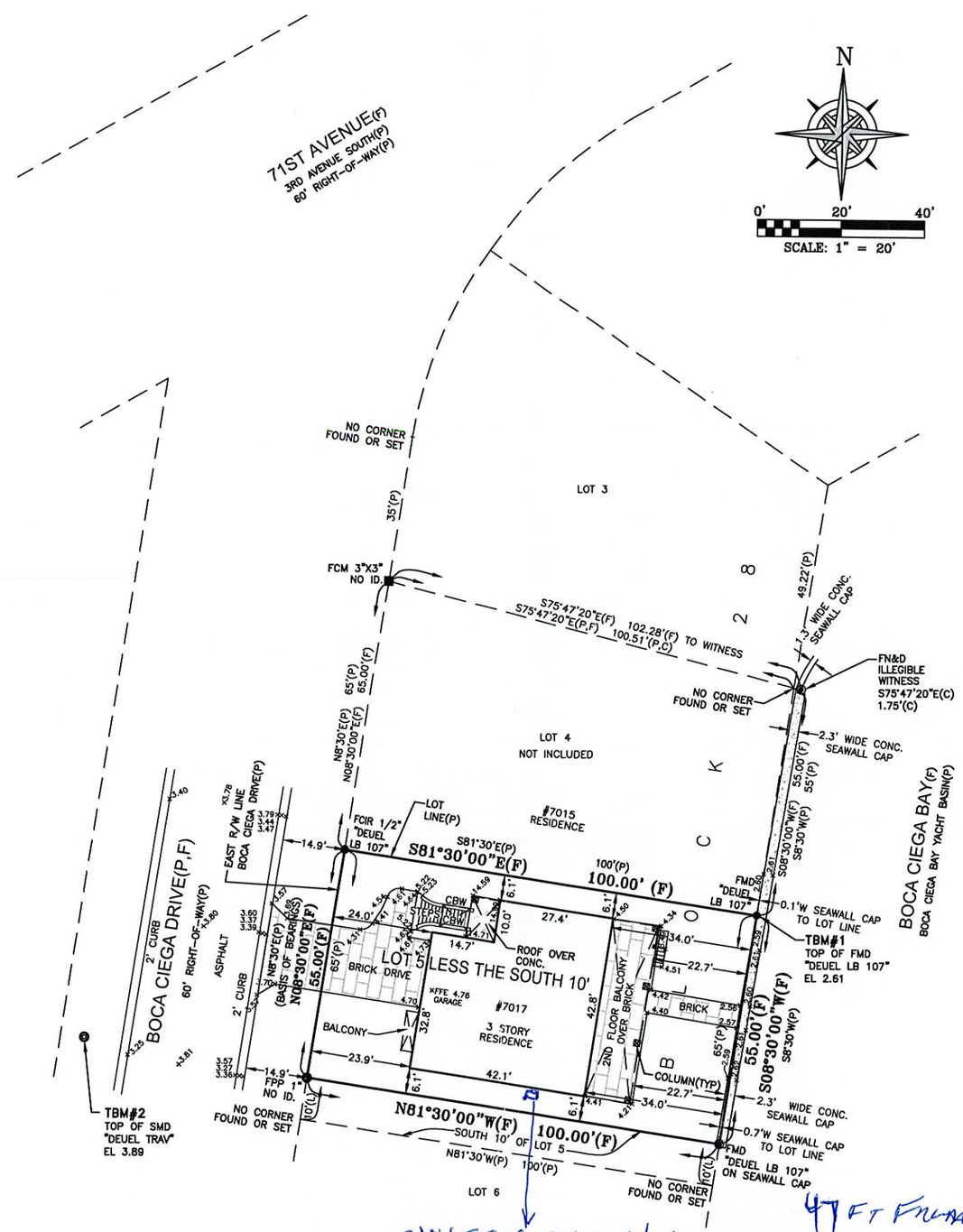
BAYSIDE Add to ST. PETE BEACH
BLK 28 Lot 5 LESS S 10FT

LEGEND

A/C	AIR CONDITIONER
B/T	BUILDING TIE
(C)	CALCULATED
CBW	CONCRETE BLOCK WALL
CCR	CERTIFIED CORNER RECORD
℄	CENTERLINE
CLF	CHAIN LINK FENCE
CONC.	CONCRETE
C/T	CURB TIE
CRW	CONCRETE RETAINING WALL
DB	DEED BOOK
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
EP	EDGE OF PAVEMENT
EL	ELEVATION
(F)	FIELD
FB	FIELD BOOK
FCIR	FOUND CAPPED IRON ROD
FCM	FOUND CONCRETE MONUMENT
FFE	FINISHED FLOOR ELEVATION
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
FMD	FOUND "MAG" NAIL AND DISK
FN&D	FOUND NAIL AND DISK
F/T	FENCE TIE
ID.	IDENTIFICATION
INV	INVERT
(L)	LEGAL DESCRIPTION
LB	LICENSED BUSINESS
NGS	NATIONAL GEODETIC SURVEY
NO.	NUMBER
OH	OVERHEAD WIRES
OR	OFFICIAL RECORD BOOK
(P)	PLAT BOOK 23, PAGE 15
PB	PLAT BOOK
(PCPAO)	PINELLAS COUNTY PROPERTY APPRAISER'S WEB SITE DATA
PG	PAGE/PAGES
PID#	PERMANENT IDENTIFIER NUMBER
PLS	PROFESSIONAL LAND SURVEYOR
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRM	PERMANENT REFERENCE MONUMENT
PSM	PROFESSIONAL SURVEYOR & MAPPER
PVC	POLY VINYL CHLORIDE PIPE
PVCF	POLY VINYL CHLORIDE FENCE
P/T	PAVEMENT TIE
RCP	REINFORCED CONCRETE PIPE
RNG.	RANGE
R/W	RIGHT-OF-WAY
SEC.	SECTION
SAN.	SANITARY
SCIR	SET CAPPED IRON ROD
SCO	SANITARY CLEAN-OUT
SMD	SET "MAG" NAIL AND DISK
SN&D	SET NAIL AND DISK
SW/T	SIDEWALK TIE
TBM	TEMPORARY BENCHMARK
TOB	TOP OF BANK
TOS	TOE OF SLOPE
TYP	TYPICAL
TWP.	TOWNSHIP
VCP	VITRIFIED CLAY PIPE
WF	WOOD FENCE
W/T	WALL TIE
	BRICK
	CONCRETE
	HEX-BLOCK

SYMBOL LEGEND

	BACK FLOW PREVENTION DEVICE		IRRIGATION CONTROL VALVE
	BOLLARD		LIGHT POLE
	CABLE TV BOX		MISCELLANEOUS TREE
	CLEANOUT	MW	MONITORING WELL
	CONCRETE LIGHT POLE		NAIL AND DISK (SET)
	CONCRETE MONUMENT (FOUND)		NAIL & DISK (FOUND)
CWP	CROSS WALK POLE		OAK TREE
	CYPRESS		PALM TREE
	ELECTRIC BOX		PARKING SPACES
E	ELECTRIC METER		PINE TREE
	ELECTRIC TRANSFORMER		POWER/UTILITY WOOD POLE
x0.00	ELEVATION		RECLAIMED WATER METER
20.00 / 19.00	ELEVATION BACK OF CURB / EDGE OF PAVEMENT		RECLAIMED WATER VALVE
20.00 / 19.00 / 18.00	ELEVATION BACK OF CURB / FLOW LINE / EDGE OF PAVEMENT		RED MAPLE
	ELM	S	SANITARY MANHOLE
	FIRE HYDRANT	SCO	SANITARY SEWER CLEANOUT
	GAS MARKER POST		SIGN
	GAS VALVE	D	STORM SEWER MANHOLE
	GRATE INLET	T	TELEPHONE PEDESTAL
	GUY WIRE ANCHOR		TEMPORARY BENCHMARK
	HANDICAP PARKING SPACE	TS	TRAFFIC SIGNAL JUNCTION BOX
	IRON PIPE (FOUND)	W	WATER METER
	IRON ROD (FOUND)		WATER VALVE
	IRON ROD (SET)	X	X-CUT (FOUND)
		YD	YARD DRAIN



2X4FT GENERATOR
2.5FT to S PROPERTY

47 FT FROM WEST PROPERTY LINE
49 FT FROM EAST PROPERTY LINE

SURVEYOR'S REPORT:

1. THIS RECORD SURVEY IS NOT A BOUNDARY SURVEY.
2. THIS SURVEY MEETS THE STANDARDS OF PRACTICE 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-17.052(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
3. RECORD SURVEY AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
4. FIELD DATE: 6/02/2021.
5. BOUNDARY AND HORIZONTAL INFORMATION FOR THIS SURVEY ARE BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY (WORK ORDER NO. 2020-27) PREPARED BY DEUEL AND ASSOCIATES, CLEARWATER, FLORIDA, DATED: 2/23/2020.
6. ELEVATIONS ARE BASED ON NGS BENCHMARK "124 FLHD" (PID# AG0009) HAVING AN ELEVATION OF 3.47 FEET NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88).
7. THE PURPOSE OF THIS RECORD SURVEY IS TO SHOW THE RELATIONSHIP OF THE FINISHED BUILDING AND ASSOCIATED IMPROVEMENTS TO THE PARCEL BOUNDARY LINES.
8. THE SITE APPEARS TO BE IN FLOOD ZONE "AE (EL 11 FEET), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) 12103C0276G, COMMUNITY NUMBER 125149, EFFECTIVE DATE 9/03/2003. DEUEL & ASSOCIATES AND THE SIGNING SURVEYOR HEREON ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS DETERMINATION. ELEVATIONS ON FIRM ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88). THE AUTHOR OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENTAL AGENCY HAVING JURISDICTION OVER SUCH MATTERS SHOULD BE CONTACTED PRIOR TO ANY JUDGMENTS BEING MADE FROM THIS INFORMATION. THE ABOVE REFERENCED MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM" AND "THAT BASE FLOOD ELEVATIONS (BFEs) SHOWN REPRESENT ROUNDED WHOLE-FOOT ELEVATIONS AND THEREFORE MAY NOT EXACTLY REFLECT THE FLOOD ELEVATION DATA PRESENTED IN THE FLOOD INSURANCE STUDY (FIS) REPORT". THE FIS REPORT WAS NOT CONSULTED FOR THIS SURVEY. FLOOD ZONE LIMITS SHOWN HEREON, IF ANY, WERE SCALED FROM SAID MAP AND ARE APPROXIMATE ONLY.
9. THIS SURVEY IS BASED ON U.S. FEET.
10. SEAWALL AND ROADWAY HORIZONTAL AND VERTICAL INFORMATION TAKEN FROM THE SURVEY REFERENCED IN NOTE #5.

CERTIFIED TO:

Rader Revocable Trust dated 10 December 2019
Total Title Solutions, LLC
Fidelity Nation Title Insurance Company

NOT A BOUNDARY SURVEY

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS
565 SOUTH HERCULES AVENUE, CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION # 26320 LICENSED BUSINESS # 107

RECORD SURVEY
7017 BOCA CIEGA DRIVE
ST. PETE BEACH

CITY OF ST. PETE BEACH FLORIDA

PREPARED FOR:
RAO CONTRACTING, LLC
1560 GULF BOULEVARD #603
CLEARWATER, FL 33767

Digitally signed by Dana A Wyllie
Date: 2021.06.15 11:21:36 -04'00'

DANA A. WYLLIE
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, LS 5874

WORK ORDER NO.	2020-27
FIELD DATE:	6/02/2021
DRAWN:	TBM FB: 240 PG: 61
SCALE:	1" = 20'
SHEET NO.	1 OF 1

Jun 15, 2021 - 11:20am X:\CAD Projects\Projects\2020\2020-27 7017 Boca Ciega Dr\Survey\Acad\2020-27-R2.dwg

From: Dave Dumphy | GenerX Generators
To: Jordan Elmore
Subject: RE: Generator Variance
Date: Thursday, September 9, 2021 8:05:20 AM
Attachments: image010.png
image011.png
image012.png
image013.png
image014.png
image015.png
image017.png
image018.png
image019.png

CAUTION: This message has originated from **Outside of the Organization. Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Sorry for the delay on this Jordan,

1. Could you give me an estimate of how far the generator will be from the neighbors' windows? Approximately 23ft
2. What will the final height of the generator be (from grade) once installed? At or above 8ft from grade.

David Dumphy
Vice President of Sales
111 B Dunbar Ave.
Oldsmar FL 34677
Cell: 727-580-3054
Office: 813-814-5900
Fax: 727-213-9073

From: Jordan Elmore <jelmore@stpetebeach.org>
Sent: Friday, September 3, 2021 10:36 AM
To: Dave Dumphy | GenerX Generators <dave@fixmygen.com>
Subject: Generator Variance

Dave,

I have a few questions as I'm working on the generator case.

1. Could you give me an estimate of how far the generator will be from the neighbors' windows?
2. What will the final height of the generator be (from grade) once installed?

Thanks

Jordan Elmore, AICP Candidate
Planning & Zoning Tech
Community Development | City of St. Pete Beach

727-363-9229
jelmore@stpetebeach.org
www.stpetebeach.org
155 Corey Avenue, St. Pete Beach FL 33706

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.

The city of St. Pete Beach uses SeeClickFix for residents to submit issues to the city. To report an issue, please click here.

All government correspondence is subject to the public records laws.

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 4365 Holland Dr (Case No. 21061)

Date: September 29, 2021

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Planning Manager

Summary of Issue: A Practical Difficulty Variance to increase the number of allowed residential storage buildings in order for a second shed of 48 SF to remain on the property (LDC Sec. 6.13(b)).

Funding: Not applicable.

Requested Motion: I move to approve Case No. 21061 to allow for a second shed to be permitted on the property as submitted.

Attachments:

1. 21061 Staff Report
2. 21061 Application
3. Case 21061 Site Plan

PLANNING DIVISION
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT

VARIANCE CASE NO. 21049 – Charles and Tammy Hill, Applicant/Property Owners
MEETING DATE: September 29, 2021
PREPARED BY: Brandon Berry, Planner II

REQUEST	An Unnecessary and Undue Hardship Variance to increase the number of allowed residential storage buildings in order for a second shed of 48 SF to remain on the property (LDC Sec. 6.13(b)).
SUBJECT PROPERTY	4365 Holland Dr; BELLE VISTA POINT 2ND ADD BLK I, LOT 28; Parcel ID #07-32-16-07524-009-0280.
ACERAGE	Approximately 0.31 acres (13,600 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	Coastal AE-11
SURROUNDING AREA	North – Boca Ciega Bay South - Holland Dr East – Single-family Residence West – Single-Family Residence

BACKGROUND

The applicant applied and was approved for a building permit in May 2021 to place a 6x8' (48 SF) shed at the subject property on the western side of the home. On inspection, it was realized that the new shed constituted a second shed at the property, which has an identically-sized 6x8' shed to the eastern side. While the survey submitted with the permit displayed the original shed, it was not directly labeled as such and was overlooked in review.

ANALYSIS

All residential properties in St. Pete Beach are limited to one shed of 80 SF and eight feet in height. The applicant is requesting a second shed on the property, with both sheds totaling 96 SF in area.

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;**

The initial approval for a second shed at the subject property is a special condition that is peculiar to this land and not generally applicable to other land in the City.

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 applicant's contractor followed proper procedures to secure a building permit for the new shed at the property.

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 literal interpretation of the applicable provisions do not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, as this variance will provide for an additional sixteen square feet of overall outdoor storage building area than afforded other residential properties in the City. However, Staff find that the provisions do provide a hardship on the applicant in this specific instance, as the shed has already been constructed and the option does not appear to exist to expand one of the existing shed to the maximum size regulations without removing both existing structures. Without the requested variance, the applicant would be required to remove both an existing conforming storage structure and a newly-permitted storage structure to obtain the maximum outdoor storage space they are requesting.

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;**

The request does not establish a structure that is not otherwise consistent with the Land Development Code or Comprehensive Plan. The requested second storage building complies in all regard with the Land Development Code regulations except in total number of buildings. Furthermore, this request does not permit an increase in development density.

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. This request is to allow for adequate outdoor storage on the subject property.

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;

Staff finds that this variance conveys the same general treatment as provided to the owners of other similar lands in the same zoning district. The Land Development Code permits outdoor storage buildings and freestanding garages as detached facilities on single-family residential properties such as the subject property. The applicant would have the option to build a detached garage as a freestanding storage facility on the site, which is not limited to the same square footage maximums as the subject storage building. The specific benefit of a storage building instead of a detached garage relative to this lot is that the storage building is permitted along the side property line. As the applicant has placed the sheds on opposite sides of their property, Staff find that the request is generally in line with the expected treatment of other properties within the same zoning district.

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

The requested variance is the minimum that makes possible the use of the existing permitted structures. It is unclear that one or the other shed could be structurally expanded to the maximum size permitted by the Land Development Code. In order to take advantage of the maximum outdoor storage structure provisions, the applicant may need to demolish both existing structures.

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 find the request is in general harmony with the Comprehensive Plan, which does not refer specifically to residential accessory structures but does promote the construction of residential units suitable for families with children. Staff also find that the request is not injurious to the neighborhood or public safety and welfare, as the sheds are of a reasonable size and oriented toward the property line on the east and west sides rather than forming a structure of significant mass oriented toward one side or the other. Staff do not find that the structures individually are incompatible with the neighborhood, and generally preserve overall neighborhood harmony in their total size and placement.

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.

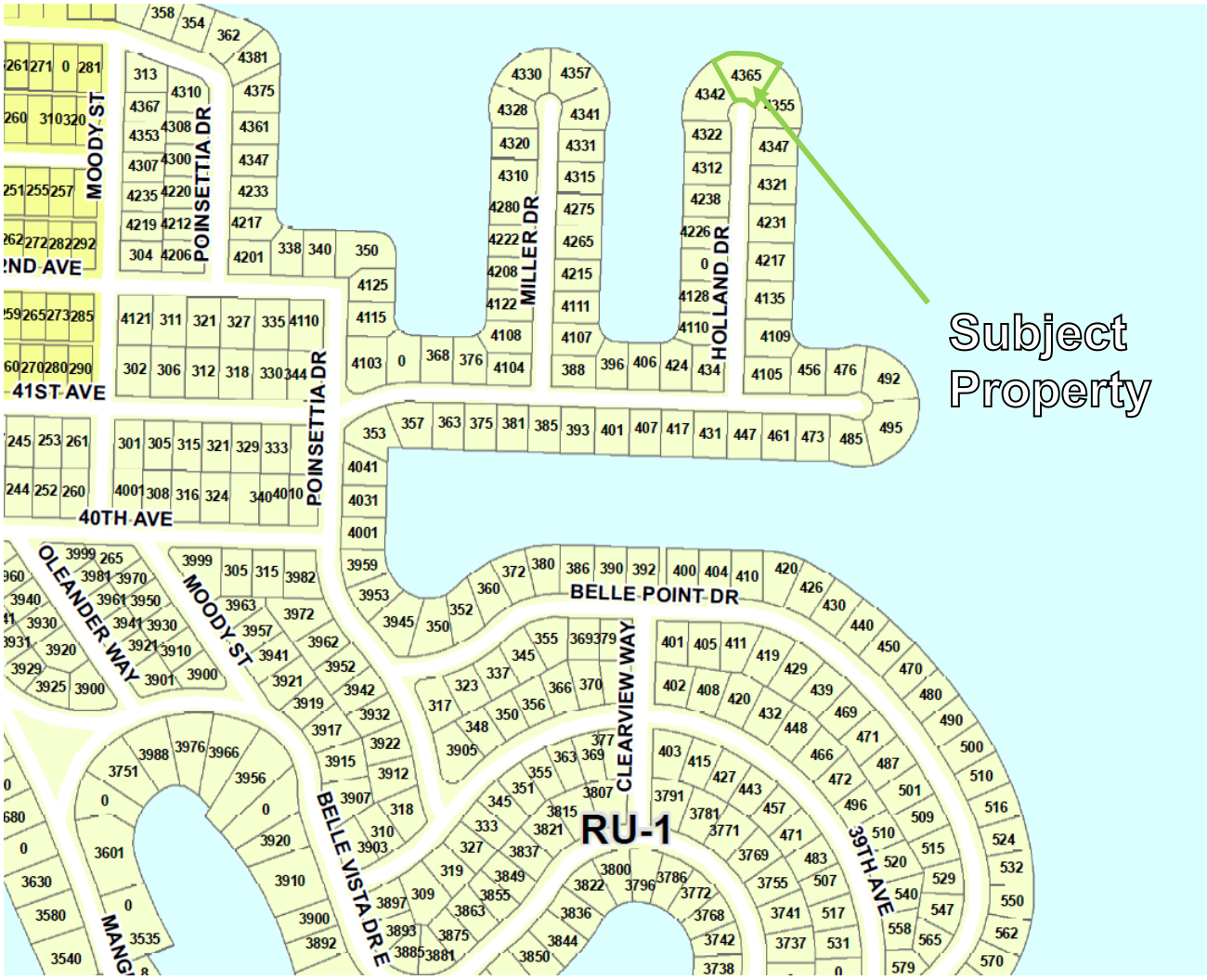
SUMMARY:

Staff finds the request to be reasonable. The combined storage buildings have a total square footage within the general range permitted of singular storage buildings on residential lots, are oriented on the lot so as to not be a significant visual burden on either abutting property owner, and are overall preserving of the character of detached facilities permitted on single-family residential lots within the City.

RECOMMENDATION:

Staff recommends Approval for a second shed to be permitted on the property as submitted.

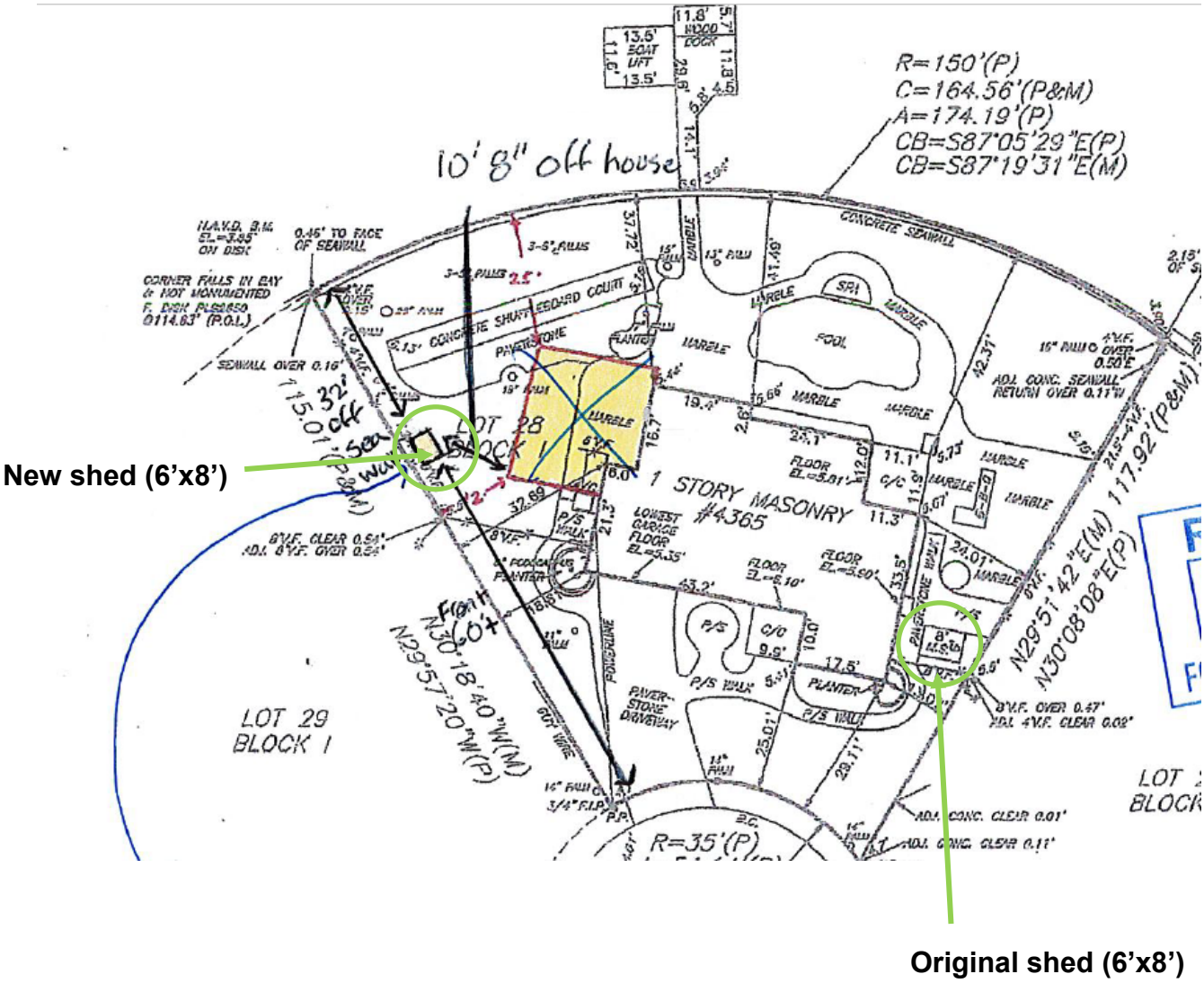
ZONING MAP



AERIAL MAP

Subject Property
DRIVE
DRIVE
50
49
48
47
46
29
30
31
32
27
26
25
28
117.9
118.8
115
80.5

SURVEY/SITE PLAN



CASE #: 21061 PARCEL #: _____

SUBMITTAL DATE: 8/16/21 AMOUNT DUE: 515.40 PAYMENT DATE: 8/16/21

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)

RECEIVED
AUG 1 5 2021
COMMUNITY DEVELOPMENT

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	See Attached		
Applicant/ Agent			

Owner Email Address:	Applicant/Agent Email Address:

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area

Legal Description:

Address:

Explanation of Request: See Attached

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;

   See Attached

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

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;

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;

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.

_____ 8/13/21

Signature of Applicant Date

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

RECEIVED
AUG 15 2021
COMMUNITY DEVELOPMENT

See Attached

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;

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

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.

8/13/21

Signature of Applicant **Date** **Signature of Authorized Agent** **Date**

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.

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

Owner/Agent Information

Owner: Charles and Tammy Hill

Address: 4365 Holland Dr. SPB FL 33706

Phone: 727-642-4149

Email Address: beachhill@tampabay.rr.com

Property for Proposed Variance

Zoning Designation/Future Land Use Designation/Lot Area:

Legal Description: Lot 28, Block I, Belle Vista Point Second Addition

Address: 4365 Holland Dr. SPB FL

Explanation of Request: Request variance to utility shed requirements on residential property. Specifically request allowance of two (2) sheds measuring 6 ft x 8 ft each with a combined storage area of 96ft2. Code limits a single shed per property measuring less than 80ft2.

Finding Necessary for Granting Request:

1. Special Conditions Peculiar to Land, Structure, Building Involved, not applicable to other lands, structures, or buildings;

   Property is on end of cul de sac and shed location is in rear of yard behind 8' privacy fence. Rear yard is large and 'pie shaped' with 175' of seawall and the house is more or less centered in yard. Sheds are placed on both sides of the house along privacy fence.

2. Special Conditions and circumstances do not result from actions of applicant

   While there are special conditions and circumstances (the two sheds currently exist and were both permitted and approved), there were oversights in the construction and approval of the sheds by the shed contractor, the City of SPB, and the owner/applicant but, this was not due to direct actions of the applicant.

3. Literal interpretation of provisions result in unnecessary and undue hardship on applicant

   Additional shed space is needed to house owner/applicant bicycles among other property. Bicycles were previously 'hung' in garage but one owner/applicant is physically disabled and the other owner/applicant is over 60 years and can no longer physically lift bicycles to 'hang'. Other shed space primary houses hurricane protection and landscape maintenance equipment. Literal interpretation will result in the removal of a functional shed and the need to store bicycles elsewhere.

4. Hardship has not been deliberately, or knowingly created, nor will it permit an increase in development density

   Hardship has not been deliberately, or knowingly created, nor will it permit an increase in development density.

5. An applicant's desire for financial return does not constitute hardship

   The two sheds and additional storage area do not provide any significant financial return.

6. Granting the variance conveys same treatment as to the other owners in same zoning district

   Requested variance seems reasonable and would expect that owners of other lots of equivalent size would be treated similarly.

7. Requested variance is the minimum variance that makes possible the reasonable use of land, building or structure

   Requested variance is the minimum variance that makes possible the reasonable use of the land, building and structure.

8. The requested variance is in harmony with the general intent and purpose of the code and is not injurious to the neighborhood

   Requested variance is in harmony with general intent and is not injurious to the neighborhood.

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Charles Hill, 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): CHARLES HILL

Address: 4365 HOLLOWAY AVE. SPB 33706

Signature _____ Date 8/19/21

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19 day of August, 2021 by: Charles Hill who appeared before me, and is personally known to me, or has produced FLDL as identification, and did take an oath.

My commission Expires: feb 24, 2024

NOTARY: Lynda Dwyer

Print Name: Lynda Dwyer Notary Public, State of Florida

(Notarial Seal)

LYNDA D DWYER
Notary Public - State of Florida
Commission # GG 961562
My Comm. Expires Feb 24, 2024
Bonded through National Notary Assn.

RECEIVED
AUG 16 2021
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE _____
(print name of property owner)

hereby authorize _____
(print name of agent)

to represent me/us in an application for _____
(type of application: variance, conditional use, zoning, etc.)

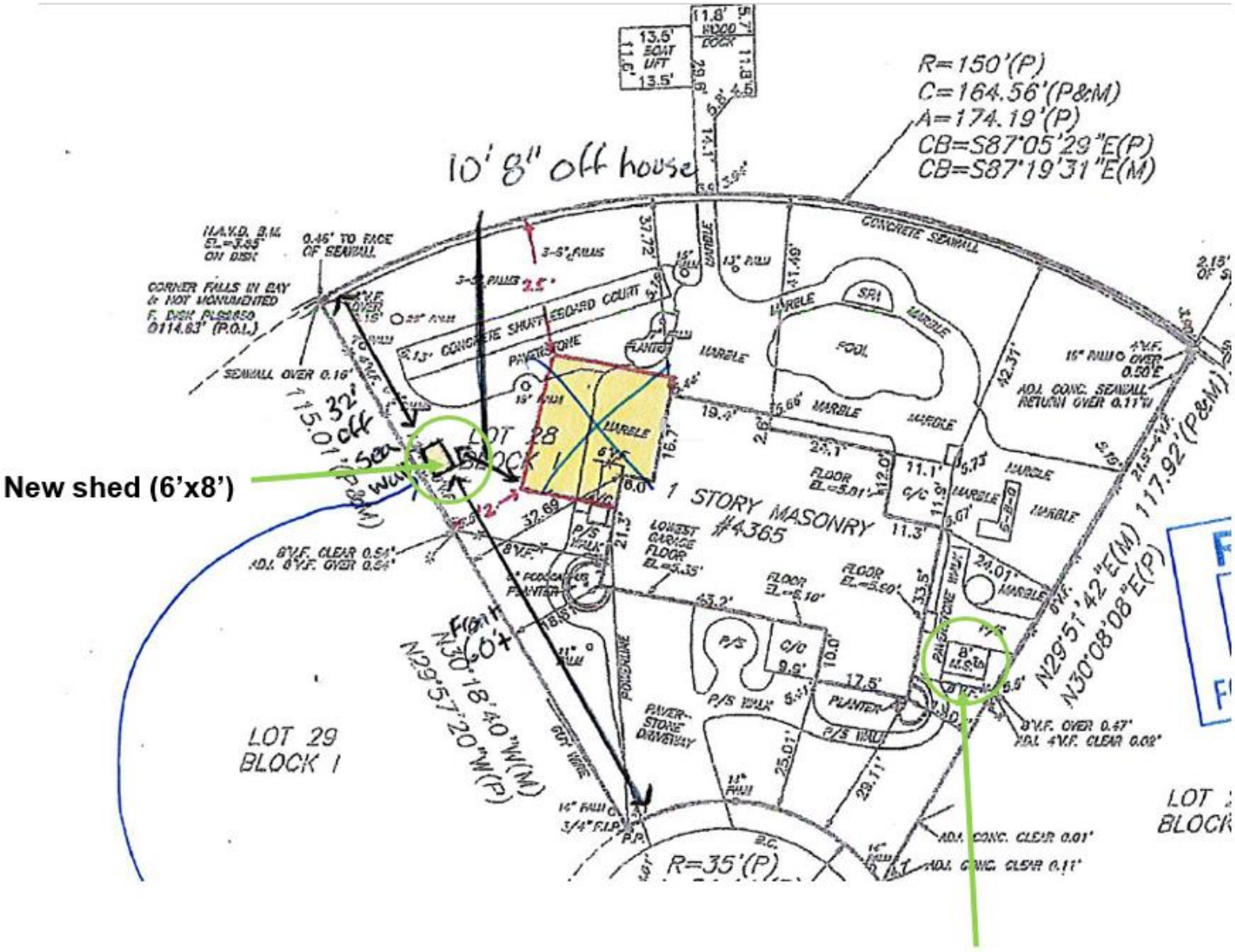
_____ _____
Signature of Owner Signature of Owner

_____ _____
Print Name of Owner Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of _____ 2021 by_____ or who is personally known _____ produced _____ as identification.

_____
(Notary Signature) **(Date)**

My Commission Expires _____


New shed (6'x8')
Original shed (6'x8')
10' 8" off house
R=150'(P)
C=164.56'(P&M)
A=174.19'(P)
CB=S87°05'29"E(P)
CB=S87°19'31"E(M)
CONCRETE SEAWALL
CONCRETE SHUFFLEBOARD COURT
POOL
SPA
MARBLE
PAVERSTONE
1 STORY MASONRY #4365
LOT 28 BLOCK I
LOT 29 BLOCK I
LOWEST GARAGE FLOOR EL=3.35'
PAVER-STONE DRIVEWAY
PLANTER
P/S WALK
R=35'(P)
N29°57'42"E(M) 117.92'(P&M)
N30°08'08"E(P)
N30°18'40"W(M)
N29°57'20"W(P)

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 4110 Belle Vista Dr (Case No. 21064)

Date: September 29, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: A Practical Difficulty Variance to allow for the construction of a pool to encroach approximately 10 inches into the side setback where 7.8 feet is required and to allow for a walkway at the property line where 2 feet is required. (LDC Sec. 6.13(c)(1)c.1. & 6.13(c)(2)d.2.).

Funding: Not applicable.

Requested Motion: I move to APPROVE Case No. 21064 to allow for the requested variances for a 10-inch pool encroachment into the side yard and to allow for a walkway at the property line as presented.

Attachments:

1. 21064 Staff Report, 4110 Belle Vista Dr
2. 21064 - 4110 Belle Vista Application
3. 21064 site plan

PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT

VARIANCE CASE NO. 21064 – Amber Lissy, Agent, for Matthew Tierney, Owner
MEETING DATE: September 29, 2021
PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

REQUEST	A Practical Difficulty Variance to allow for the construction of a pool to encroach approximately 10 inches into the side setback where 7.8 feet is required and to allow for a walkway at the property line where 2 feet is required. (LDC Sec. 6.13(c)(1) c.1. & 6.13(c)(2) d.2.).
SUBJECT PROPERTY	4110 Belle Vista Drive; Parcel ID #07-32-16-07398-002-0210; BELLE VISTA BEACH FIRST ADDITION, BLK B, PART OF LOTS 20, 21, AND 22.
ACERAGE	Approximately 0.239 acres (10,412 sq. ft.)
LAND USE	RU-2, Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Zone AE – (EL 10)
SURROUNDING AREA	North– Vacant Land South – Single-family Residence East – Belle Vista Drive / Single-family Residence West – McPherson Bayou

BACKGROUND

The zoning lot contains a single-family residence that was constructed in 1936 according to the Pinellas County Property Appraiser records. This two-story residential property is in the Belle Vista neighborhood

The requested variance involves: (1) allowing a proposed pool structure to encroach approximately 10 inches into the side yard setback area where 7 feet 8 inches is required. In addition, the applicant is requesting to allow a walkway at the property line where 2 feet is required.

ANALYSIS

The applicant is requesting to (1) install pool that will encroach into the required 7'8" setback on the north side by approximately 10 inches and (2) to allow for a walkway at the property line where 2 feet is required.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Swimming Pool	7.8 feet	7 feet	10.6% (0.8 feet)
	Walkway	2 feet	0 feet	100%

Land Development Code Section 3.12, Variances:

- The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

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

The applicant is requesting a variance of 10.6% of the side setback standard to add a pool in the rear of the property. The application states that the reason for this request is to protect a 100-year-old oak tree that is in their back yard and that they wish to preserve the tree. In addition, the walkway being proposed travels around the pool equipment before continuing towards the front of the property line. Because the property width narrows towards the front of the property, there are portions of the walkway that encroach into the setback area.

Staff find that the requested variances are not substantial, would provide protection to the oak tree, and would not adversely affect the abutting property.

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

Staff find that no adverse change will be produced in the character of the neighborhood. Many other waterfront homes in the area have pools in their backyards. Additionally, the location of this pool will allow the preservation of a 100-year-old oak tree according to the applicant. The walkway will give clear passage to the pool equipment and will not adversely impact the surrounding properties.

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

While the applicant could adhere to the required setbacks, staff find that it is desirable to preserve the large oak tree on the subject property rather than having to remove it to build a pool. The walkway

is positioned to travel around the pool equipment. Staff find that this request for variance is logical and to be the best location for the pool and walkway.

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

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

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

SUMMARY:

Staff find that the request is reasonable and should have minimal if any impact on the surrounding neighborhood. In addition, staff find that the applicant wants to preserve a 100-year-old oak tree rather than cut it down to construct a pool.

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

RECOMMENDATION:

Staff recommend approval as presented.

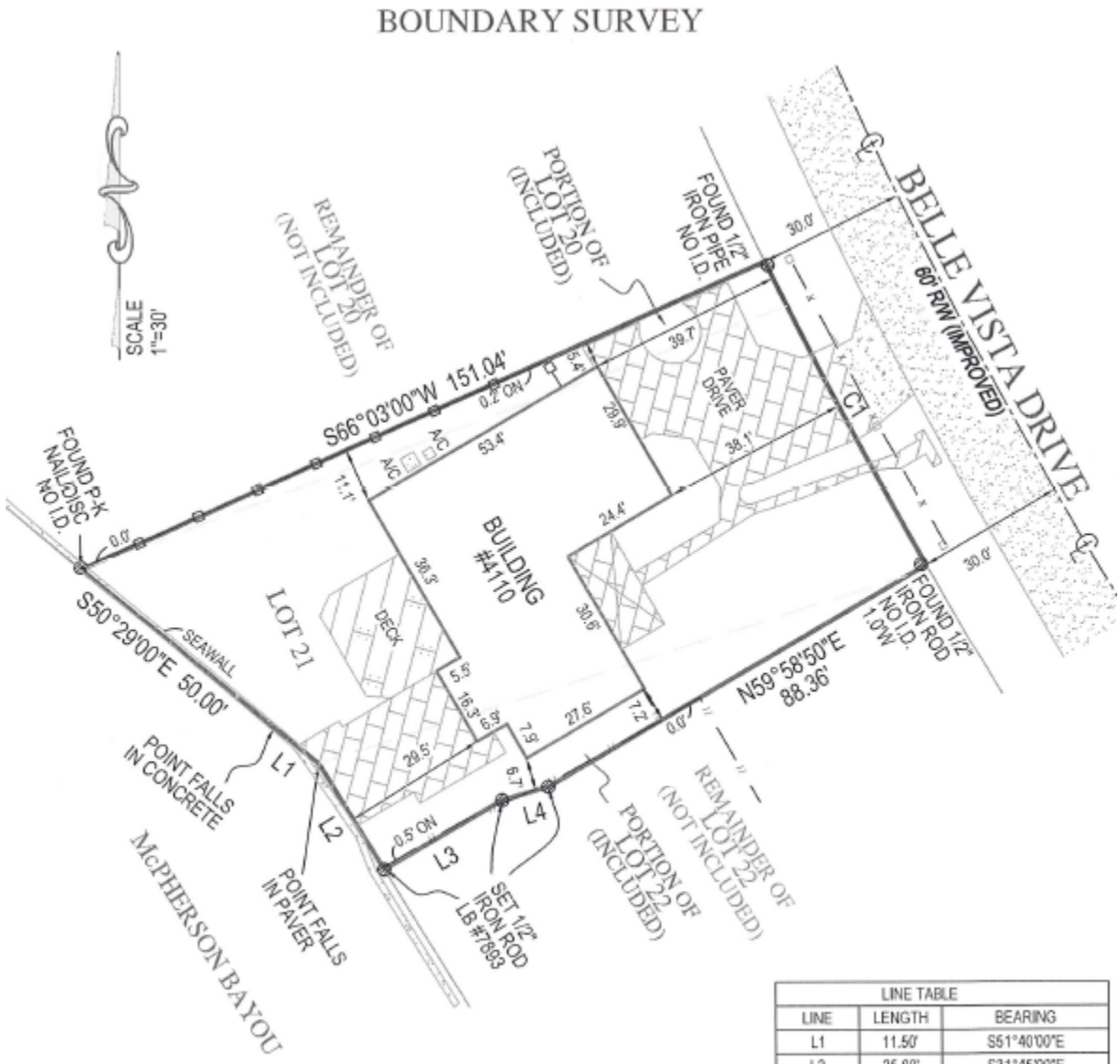
AERIAL MAP

Subject Property
42nd Ave
42nd Ave
Belle Vista Dr
4110 Belle Vista Dr
41st Ave
Belle Vista Dr

ZONING MAP

Subject Property

SURVEY



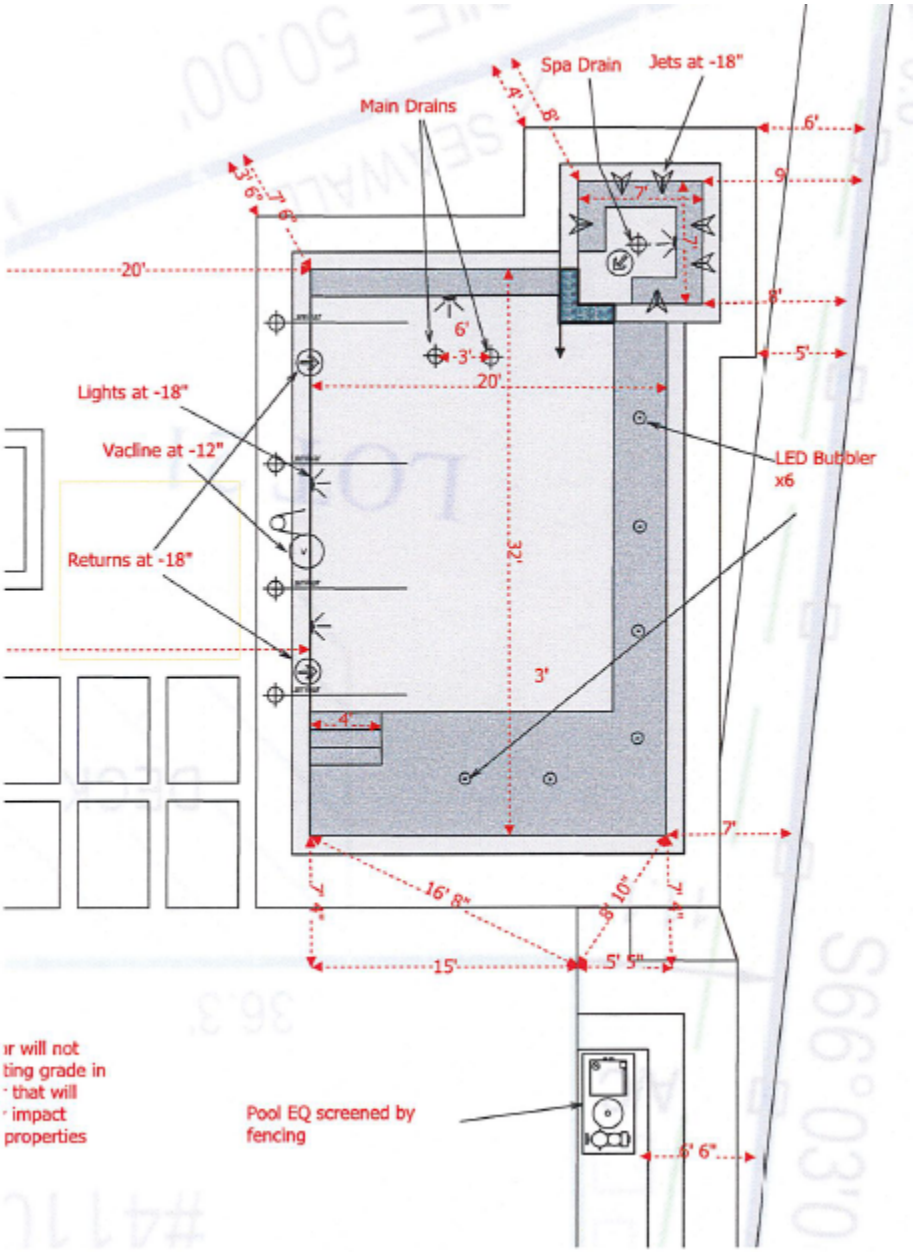
RVEY NOTES
NCRETE/PAVER DRIVE CROSSING R/W
NORTH EASTERLY SIDE OF LOT.

ERE ARE FENCES NEAR THE BOUNDARY
THE PROPERTY.

LINE TABLE		
LINE	LENGTH	BEARING
L1	11.50'	S51°40'00"E
L2	25.00'	S31°45'00"E
L3	27.50'	N59°58'50"E
L4	9.72'	N74°04'56"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	69.00'	1080.00'	3°39'38"

SITE PLAN


Spa Drain
Jets at -18"
Main Drains
6'
9'
7'
7'
20'
8'
5'
6'
3'
20'
Lights at -18"
Vacline at -12"
Returns at -18"
LED Bubbler
x6
32'
3'
4'
7'
16' 8"
15'
5' 5"
6' 6"
Pool EQ screened by
fencing

CASE #: 21064 PARCEL #: _____

SUBMITTAL DATE: 8/17/21 AMOUNT DUE: $535.00 PAYMENT DATE: _____

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	Matthew Tierney	4110 Belle Vista Dr St. Pete Beach, FL 33706	612-418-1720
Applicant/ Agent	Amber Lissy Island Way Pools	110 Island Way Clearwater Beach, FL 33782	727-488-2047

Owner Email Address:	Applicant/Agent Email Address:
tierney.properties@gmail.com	permits@islandwaypools.net

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
AE11	install inground pool and paver deck	10,412 sq ft

Legal Description: BELLE VISTA BEACH 1ST ADD BLK B, PART OF LOTS 20, 21 & 22 ALL DESC AS BEG AT SW COR OF SD LOT 20 FOR POB TH S50D29'E 50FT TH S51D 40'E 11.5FT TH S31D45'E 25FT TH N59D58'50"E 27.50 FT TH N74D04'56"E 9.72FT TH N59D58'50"E 88.36FT TH CUR RT RAD 1080FT ARC 69FT CB N28D00'31"W 68.99 FT TH S66D03'W 151.04FT TO POB

Address: 4110 BELLE VISTA DR ST PETE BEACH FL 33706

Explanation of Request:

We are requesting the side setback be reduced to 5ft instead of 7.5ft (which by calculation should be 6.5ft instead) So customer can have a pool with a deck and walkway. This is the ideal location and size for the pool they would like to have buildt. Neighbors have 2' setback for their walkway.

Findings Necessary for Granting Request: In order for an application for an administrative variance to be approved or approved with conditions, the City Manager or designee 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 that exist which are particular to the land involved and are not applicable to other surrounding lands;

   Customer would like a pool in this exact location.
   No other location in rear of property met the needs or wants of the customer.

2. The basis for seeking a variance;

   After much consideration of layout and design, this is the most aesthetically pleasing design and the customer was satisfied. Neighbors have smaller side setback space. Rear setback has been met.

3. How a literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties located in the City;

   It would not deprive anyone of anything. It is a private residence.

4. That the granting of the variance requested will not confer on the applicant any special privilege that is otherwise denied other similarly situated lands, buildings, or structures in the same zoning district.

   We are requesting this for this property only. We are not aware of any properties ever being denied this type of variance request.

	8/13/21	Amber Lissy	8/12/21
Signature of Applicant	**Date**	**Signature of Authorized Agent**	**Date**

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.

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

AL, MCT 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.

AL, MCT 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.

AL, MCT 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.

AL, MCT 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.

AL, MCT 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.

AL, MCT 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.

Amber Lissy — 8/12/21

Signature of Applicant — Date

8/13/21

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Matthew Tierney
(print name of property owner)

hereby authorize Amber Lissy / IslandWay Pools
(print name of agent)

to represent me/us in an application for Variance for Side Setback
(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

Matthew Tierney
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 13 **day of** August **2021 by** Matthew Tierney **or who is personally known** _____ **produced** Florida DR. Lic **as identification.** signed by means of physical presence

(Notary Signature) 8/13/21 (Date)

My Commission Expires 10/26/21

LOUISE M. LAVALLA
MY COMMISSION # GG 155158
EXPIRES: October 26, 2021

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;

   The variance requested is minimal to the overall picture. We are requesting a 2.5' variance. The deck would be 5' from side fence/property line instead of the 7.5ft requirement.

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

   The change would not adversely effect the neighborhood. This is located in the rear of the property. We are requesting this to keep the 100 year old oak that is also located on the property.We believe this is the best way to minimally impact the land and to preserve the tree and also provide the customer with a pool that they desire.

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

   There are no other alternatives as that would require the removal of a 100 year old oak tree on the property and they would like to perserve this if at all possible.

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

   Yes because we are preserving a protected tree.

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

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Matthew Tierney, 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): Matthew Tierney

Address: 4110 Belle Vista Dr St. Pete Beach, FL 33706

Signature *Date* 8/13/21

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 13 day of August, 2021 by: Matthew Tierney who appeared before me, and is personally known to me, or has produced FL DR LIC as identification, and did take an oath. signed by means of physical presence

My commission Expires: 10/26/21

NOTARY:

Print Name: Louise M LaValla Notary

Public, State of Florida

(Notarial Seal)

LOUISE M. LAVALLA
MY COMMISSION # GG 155158
EXPIRES: October 26, 2021

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.

BELLE VISTA BEACH 1ST ADD
BLK B, PART OF LOTS 20, 21
& 22 ALL DESC AS BEG AT SW
COR OF SD LOT 20 FOR POB
4110 BELLE VISTA DR, ST PETE BEACH

TIERNEY, MATTHEW
4110 BELLE VISTA DR
ST PETE BEACH, FL 33706-3821

2021 07-32-16-07398-002-0210

PRINTED 08/18/2021
BY jarmstrong

Map Id: 102.00 1.00 1.00 1.00 Area 1 Neb 02

BUILDING CHARACTERISTICS

QUALITY	Above		
CATEGORY	TYPE	%	PTS
FOUNDATIO	2CONTINUOUS	100	3.00
FLOOR	3WOOD	100	12.0
EXTERIOR	9FRAME/RECLA	100	23.0
ROOF	1GABLE OR	100	6.00
ROOF	3SHINGLE	100	5.00
FLOOR	3CARPET/HARD	100	10.0
INTERIOR	2DRYWALL/PLA	100	33.0
HEATING	6CENTRAL	100	5.00
COOLING	COOLING	100	3.00

CATEGORY	UNITS
STORIES	2.00
FIXTURES	14.00
LIVING UNITS	1.00
TOTAL LIVING UNITS	1

DEPRECIATION ADJ	ADJ
EXTERNAL OBSOLESCENCE	0.0000
NEIGHBORHOOD	0.0000
EXTERNAL OBSOLESCENCE	0.0000

TYPE	QU	HX/NHX
01	03	100.0

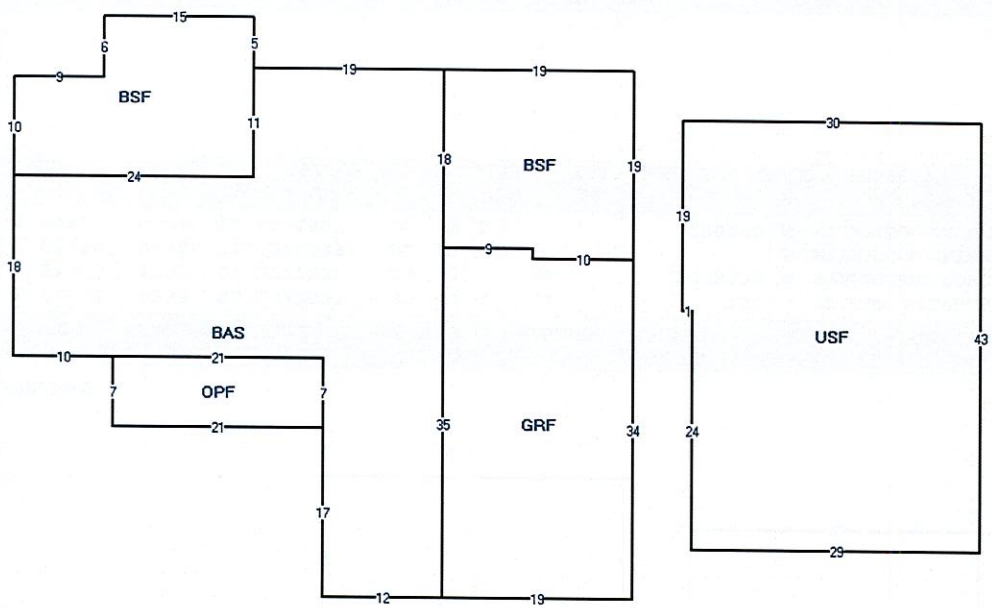
RCND	YB	EA
238524	1936	35

SAR	AREA	% B	EFF. AREA
USF	1,266	90	1,139
GRF	655	35	229
OPF	147	20	29
BSF	330	80	264
BAS	1,271	100	1,271
	4,021		3,214

TAXING DISTRICT SPB JUST VALUE/SF 280.57

0110 Single Family Home

** VALUE SUBJECT TO CHANGE **



BUILDING: 1

Pinellas County Property Appraiser Office SPB

VALUE SUMMARY

PRIOR JUST MARKET VALUE	810,947
CURRENT JUST MARKET VALUE	903,149
ASSESSED VALUE	380,094
HX/NHX CAP BASE YEAR	1999
TAXABLE VALUE	330,094
HX	Yes
% HX	100.00
TOT EXEMPTIONS VALUE	50,000

PERMIT	TP	ST.	EST VAL	ISSUE DATE
2101298		I	8,120	06/15/21
2101143		I	18,000	05/25/21
2100924	02	M	148,000	04/30/21
2100856	38	C	40,000	04/22/21
2000058	51	C	15000	01/10/20
1901200	93	V	28000	07/16/19
1901116	95	C	4690	07/01/19
BLD18-00303	10	C	6500	03/08/18
20130076	96	C	5000	01/16/13

BUILDING NOTES

2013P ROOF 18P/ PU NEW FRONT OPF 19P/ ECO AC 20P/ADDITION 21S/ NO RECENT UPDTS, DEMO DAVITS 21S/ AFTER ECO WINDS/DRS 21S/ AFTER SALE NEW POOL/DECK, BO

LN	OFFICIAL BOOK	OFFICIAL PAGE	DATE OF SALE	INSTR	QU	VI	REASON	SALES PRICE	M	SELLER	BUYER	SALES NOTE
1	21536	0359	05/13/2021	DD	U	I	11	100	N	PFLAUM STEPHEN	TIERNEY, MATTHEW	LEGAL OK TO
2	21463	1735	03/22/2021	DD	Q	I	01	1008500	N	STAMBAUGH ROBERT W	TIERNEY MATTHEW	
3	09959	0746	01/09/1998	DD	U	I	R		N	MIYAMURA MAYUMI	STAMBAUGH, ROBERT W	
4	09919	0024	12/01/1997	DD	U	I		280000	N	MIYAMURA MAYUMI	STAMBAUGH, ROBERT W	

LN	EXTRA FEATURE	DESCRIPTION	BD	HX/NHX	LEN	WID	UNITS	UNIT VALUE	ADJ UNIT VALUE	BLT YEAR	EFF AGE	BLT	% GOOD	XF VALUE	NOTES
1	0603	DOCK		100	0	0	564.00	55.00	55.00	1999	22	1999	46	14,269	
2	0503	FIREPLACE	1	100	0	0	1.00	6,000.00	6,000.00	1936	43	1936	40	2,400	
3	0105	PATIO/DECK		100	0	0	662.00	15.00	15.00	1999	22	1999	46	4,568	
4	2704	BT LFT/DAV		100	0	0	1.00	8,000.00	8,000.00	1980	33	1980	40	3,200	

LT	LN	USE CODE	LAND USE DSCR	HX/NHX	RD	FRONT	DEPTH	FFT	FRNT FT FACTOR	UNITS	UTTP	DT	DEPTH FACT	SIZE FACT	INFLUENCE DESCRIPTION	UNIT VALUE	ADJ UNIT VALUE	LAND VALUE	OTHER ADJ AND NOTES
P	1	01	SINGLE	100		76.00	137.0	70	99.00	75.77	FF	100	1.12	1.00		9,350.00	10,367.2	785,529	20 UT LV

NOTES

APPRAISAL DATES	
REVIEW DATE	05/25/2021
FIELD NUMBER	236
REVIEW TYPE	Sale

BELLE VISTA BEACH 1ST ADD
BLK B, PART OF LOTS 20, 21
& 22 ALL DESC AS BEG AT SW
COR OF SD LOT 20 FOR POB
4110 BELLE VISTA DR, ST PETE BEACH

TIERNEY, MATTHEW
4110 BELLE VISTA DR
ST PETE BEACH, FL 33706-3821

2021 07-32-16-07398-002-0210

PRINTED 08/18/2021
BY jarmstrong

Map Id: 102.00 1.00 1.00 1.00 Area 1 Neb 02

0110 Single Family Home

** VALUE SUBJECT TO CHANGE **

Pinellas County Property Appraiser Office SPB

BUILDING CHARACTERISTICS

QUALITY	Above		
CATEGORY	TYPE	%	PTS

CATEGORY	UNITS

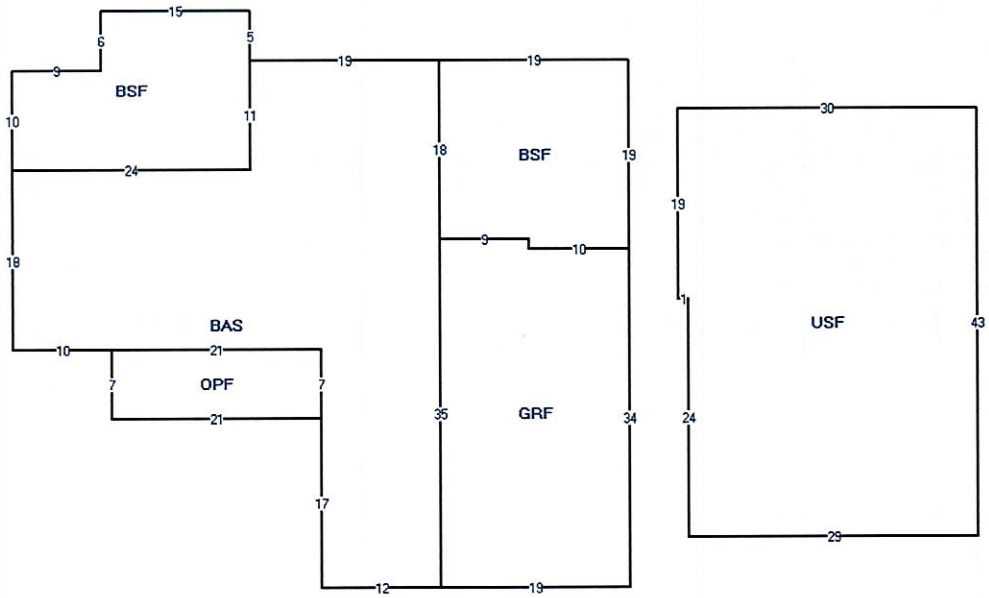
TOTAL LIVING UNITS	1

DEPRECIATION ADJ	ADJ
EXTERNAL OBSOLESCENCE	0.0000
NEIGHBORHOOD	0.0000
EXTERNAL OBSOLESCENCE	0.0000

TYPE	QU	HX/NHX
01	03	100.0
RCND	**YB**	**EA**
238524	1936	35

SAR	AREA	% B	EFF. AREA
BSF	352	80	282
	4,021		3,214

TAXING DISTRICT SPB JUST VALUE/SF 280.57



BUILDING: 1

VALUE SUMMARY

PRIOR JUST MARKET VALUE	810,947
CURRENT JUST MARKET VALUE	903,149
ASSESSED VALUE	380,094
HX/NHX CAP BASE YEAR	1999
TAXABLE VALUE	330,094
HX	Yes
% HX	100.00
TOT EXEMPTIONS VALUE	50,000

PERMIT	TP	ST.	EST VAL	ISSUE DATE
2101298		I	8,120	06/15/21
2101143		I	18,000	05/25/21
2100924	02	M	148,000	04/30/21
2100856	38	C	40,000	04/22/21
2000058	51	C	15000	01/10/20
1901200	93	V	28000	07/16/19
1901116	95	C	4690	07/01/19
BLD18-00303	10	C	6500	03/08/18
20130076	96	C	5000	01/16/13

BUILDING NOTES

2013P ROOF 18P/ PU NEW FRONT OPF 19P/ ECO AC 20P/ADDITION 21S/ NO RECENT UPDTS, DEMO DAVITS 21S/ AFTER ECO WINDS/DRS 21S/ AFTER SALE NEW POOL/DECK, BO

L N	OFFICIAL BOOK	OFFICIAL PAGE	DATE OF SALE	INSTR	Q U	V I	REASON	SALES PRICE	M	SELLER	BUYER	SALES NOTE
1	21536	0359	05/13/2021	DD	U	I	11	100	N	PFLAUM STEPHEN	TIERNEY, MATTHEW	LEGAL OK TO
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L N	EXTRA FEATURE	DESCRIPTION	BD	HX/ NHX	LEN	WID	UNITS	UNIT VALUE	ADJ UNIT VALUE	BLT YEAR	EFF AGE	BLT	% GOOD	XF VALUE	NOTES

L N	L N	USE CODE	LAND USE DSCR	HX/ NHX	R D	FRONT	DEPTH	FF T	FRNT FT FACTOR	UNITS	UT TP	D T	DEPTH FACT	SIZE FACT	INFLUENCE DESCRIPTION	UNIT VALUE	ADJ UNIT VALUE	LAND VALUE	OTHER ADJ AND NOTES

NOTES

APPRAISAL DATES	
REVIEW DATE	05/25/2021
FIELD NUMBER	236
REVIEW TYPE	Sale

IMPERVIOUS SURFACE RATIO WORKSHEET
(Method of Calculation)

IMPERVIOUS SURFACE "Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities."

IMPERVIOUS SURFACE RATIO (ISR) "The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot."

LOT AREA "The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area."

Site Identification 4110 Belle Vista Dr

Lot Area 10412 square feet

Impervious Surfaces:

1. Building footprint 1271 sq.ft.
2. Parking & Drive areas 655 sq.ft.
3. Access easements _____ sq.ft.
4. Walkways 1100 sq.ft.
5. Other 1471 sq.ft.

Total Impervious Surfaces _____ sq.ft.

4497 (Total Impervious Surface) divided by 10412 (Lot Area) = 43% (Impervious Surface Ratio %)

I, Amber Lissy Digitally signed by Amber Lissy Date: 2021.08.10 10:35:54 -04'00' (Signature) certify that the calculations submitted above for the Impervious Surface Ratio are accurate and complete to the best of my knowledge.

Date 8/10/21

Please attach your business card or submit your complete name, address and telephone number, fax and e-mail in the space below.

In the event that there is a conflict of information contained herein, the adopted Zoning Resolution shall apply.

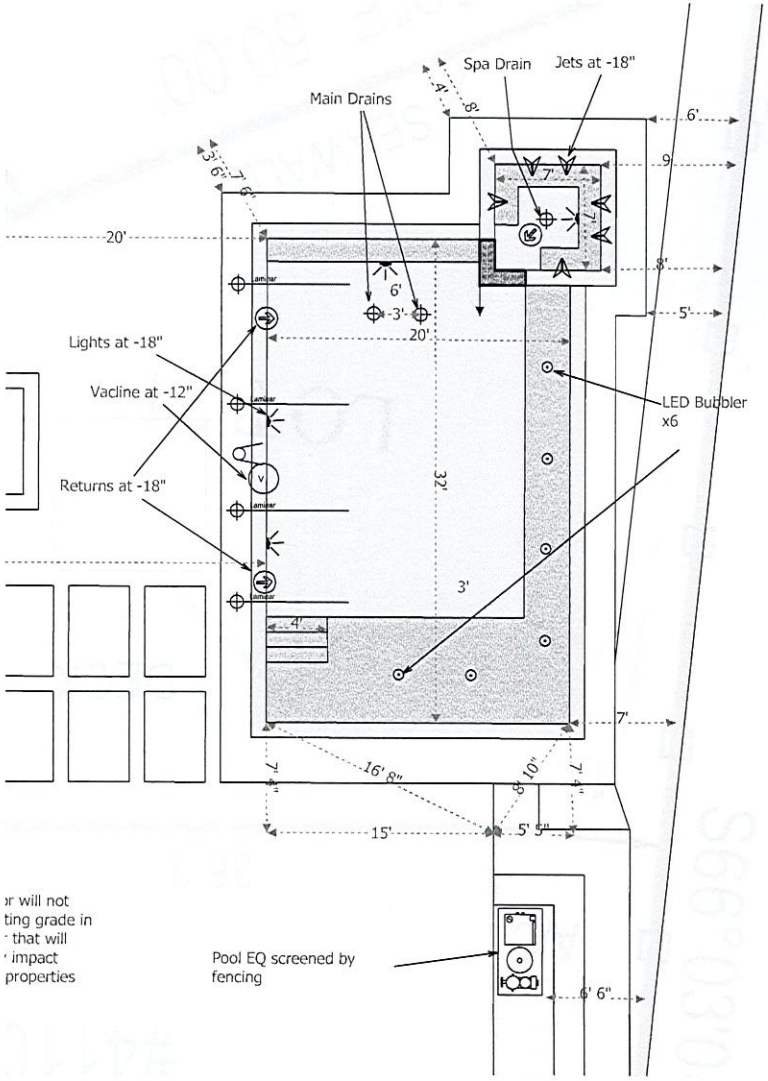
Island Way POOLS
DREAM · DESIGN · BUILD

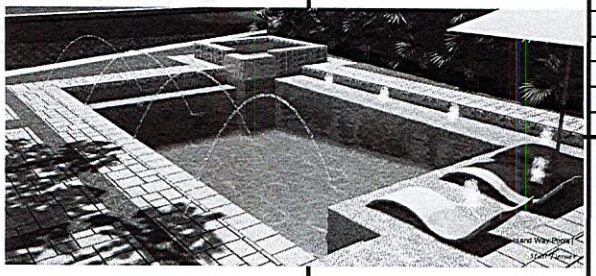
Customer: Matt Tierney
Address: 4110 Belle Vista Dr
City / Zip : St Pete Beach 33706
Phone: 612 418 1720

Designer: Zach Case
Date: 4/10/2021
Scale: 1/8" - 1'
Phone: (727) 488-2047

I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to

x





JOB SITE

Parcel ID: 07-32-16-07398-002-0210
Subdivision: Bella Vista Beach
Block: B Lot: 20,21,22
County: Pinellas Municipality: St Pete Beach

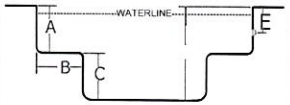
	DIG CREW	SHOTCRET
SHALLOW END	3' 9"	3'3"
DEEP END	6' 9"	6' 3"
POOL BENCH	27"	21"
SUNSHELF/TOP	-15"	-9"
2ND STEP		-19"
3RD STEP		-29"
4TH STEP		
SPA / TO	3' 6"	-45"

STRUCTURE

POO		SPA	
BEAM:	10"	BEAM:	12"
WALLS:	6"	WALLS:	12"
FLOOR:	6"	FLOOR:	6"

SPA - SHOTCRETE

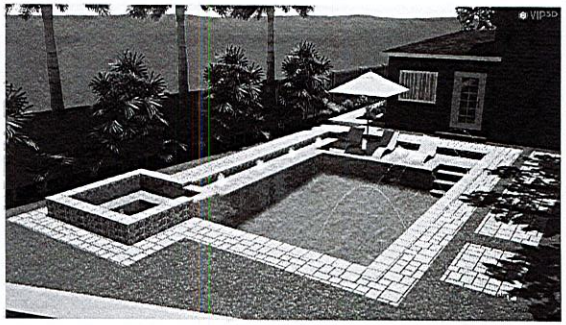
CROSS SECTION



WATER DEPTH: 3'6"
TOP OF FORM TO TOP OF BENCH: 21"A
BENCH WIDTH: 18" B
TOP OF BENCH TO SPA FLOOR: 18" C
TOP OF FORM TO SPA FLOOR: 39" D
JET - TOP OF FORM TO CENTER: 12"E

NOTES

1. 4x LED Laminars
2. 6x LED Bubblers



POOL SPECS

Pool Size: 20'x32'
Sq ft: 622 Per: 104' Depth: 3'-6'
Internal Area: 1055 Gallons: 14066
Steps: 12LF Hand Rail: N/A
Sun Shelf: 194 sqft Beach Entry: N/A
Swimout: ~~YES~~ ~~Bench: 14LF~~ Ladder: N/A
Standard Bubbler: N/A LED Bubblers: 6
Waterline Tile: TBD
Jewelry: N/A Tile Chips: N/A
Coping: Grey Shellock
Interior: Quartz Base Mix
Skimmer: 1 Drains: 2
Returns: 2 Vac Line: 1 Auto-Fill: N/A

SPA SPECS

Spa Size: 7'x7'
Sf: 49 Per In/Out: 28' Depth: 3'6"
Raised: 18 Jets: 6 Spillway: 6 LF - 3" BELOW BEAM
Steps: ~~N/A~~ Hand Rail: N/A
Waterline Tile: TBD
Jewelry: N/A Tile Chips: N/A
Coping Material: Grey Shellock
Interior: Quartz Base Mix
Skimmer: N/A Drains: N/A

DECK SPECS

Deck 1 Sf: 800
Deck 1 Type: Grey Shellock
Deck 2 Sf: 1750 (driveway)
Deck 2 Type: Grey Shellock
Footer: N/A Wall: N/A
Raised Beam: N/A
Deck Drain: 2" LF: AS Color: MATCH

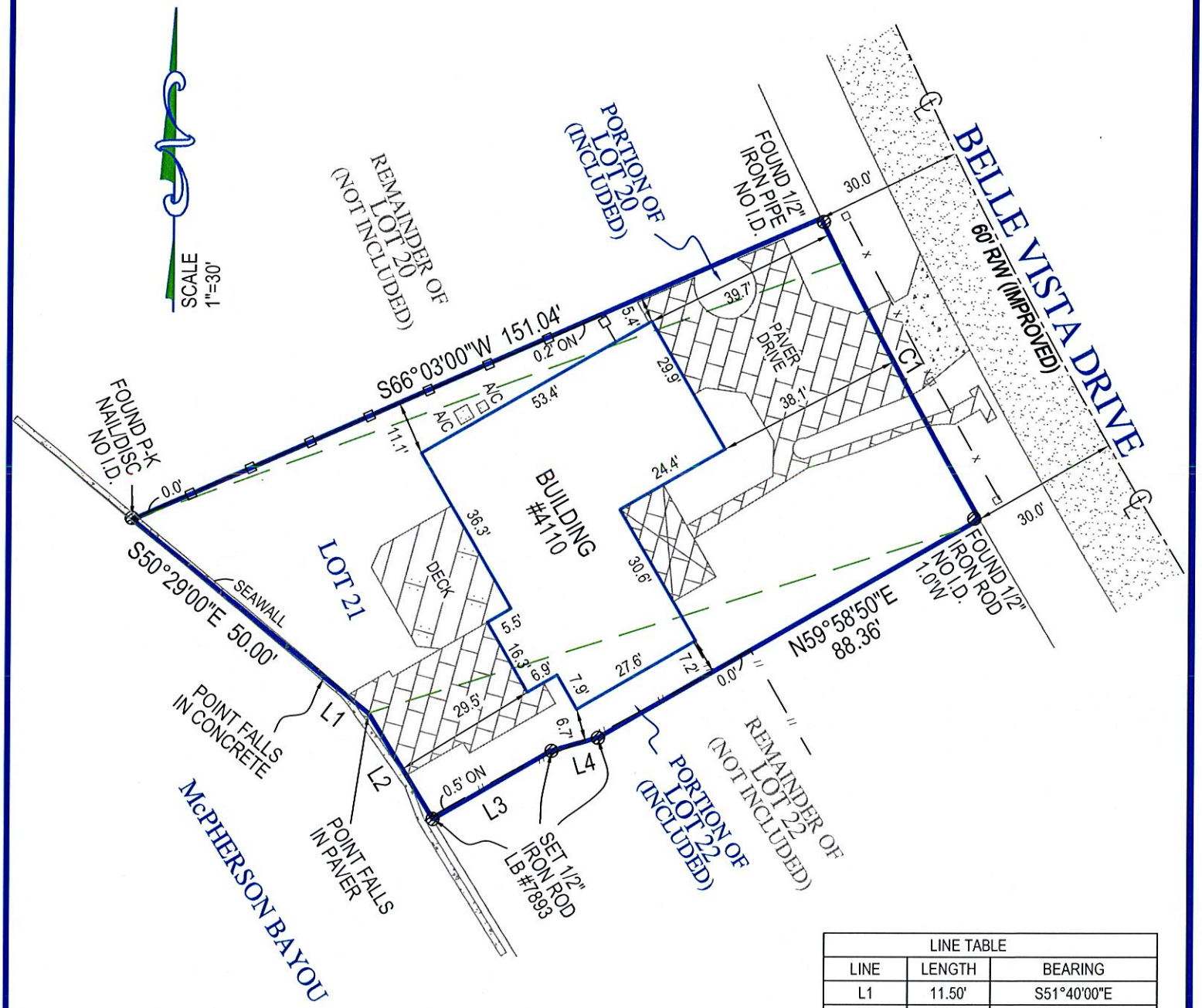
EQUIPMENT

Pool Pump: PENTAIR Intelliflo VS Hp: 3.0
Pool Filter: PENTAIR CCRP Size: 200
Heater 1: PENTAIR MASTERTEMP BTU: 400K
NG / LP / Electric: NG
Aux Pump: TBD Hp: N/A
Aux Filter: N/A Size: N/A
Heater 2: N/A BTU: N/A
Sanitation: PENTAIR SALT
Pool Lights: PENTAIR LED QTY: 3
Spa Lights: PENTAIR LED SPA QTY: 1
Standard Home Run: YES Pre-Wired: N/A
Control: Automation
Switch: PENTAIR EZTouch 4

PIPE SIZES

POOL DRAIN: 2" SPA DRAINS: 2.5"
SKIMMER: 2" JET WATER: 2"
VAC LINE: 2" JET AIR: 1.5"
POOL RETURN: 2" SPA RETURN: 2"
BUBBLERS: 2" FEATURES: 2"

BOUNDARY SURVEY



LINE TABLE		
LINE	LENGTH	BEARING
L1	11.50'	S51°40'00"E
L2	25.00'	S31°45'00"E
L3	27.50'	N59°58'50"E
L4	9.72'	N74°04'56"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	69.00'	1080.00'	3°39'38"

SURVEY NOTES
CONCRETE/PAVER DRIVE CROSSING R/W ON NORTH EASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

KENNETH J OSBORNE CERTIFICATE No. 6415 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

SURVEYORS CERTIFICATE

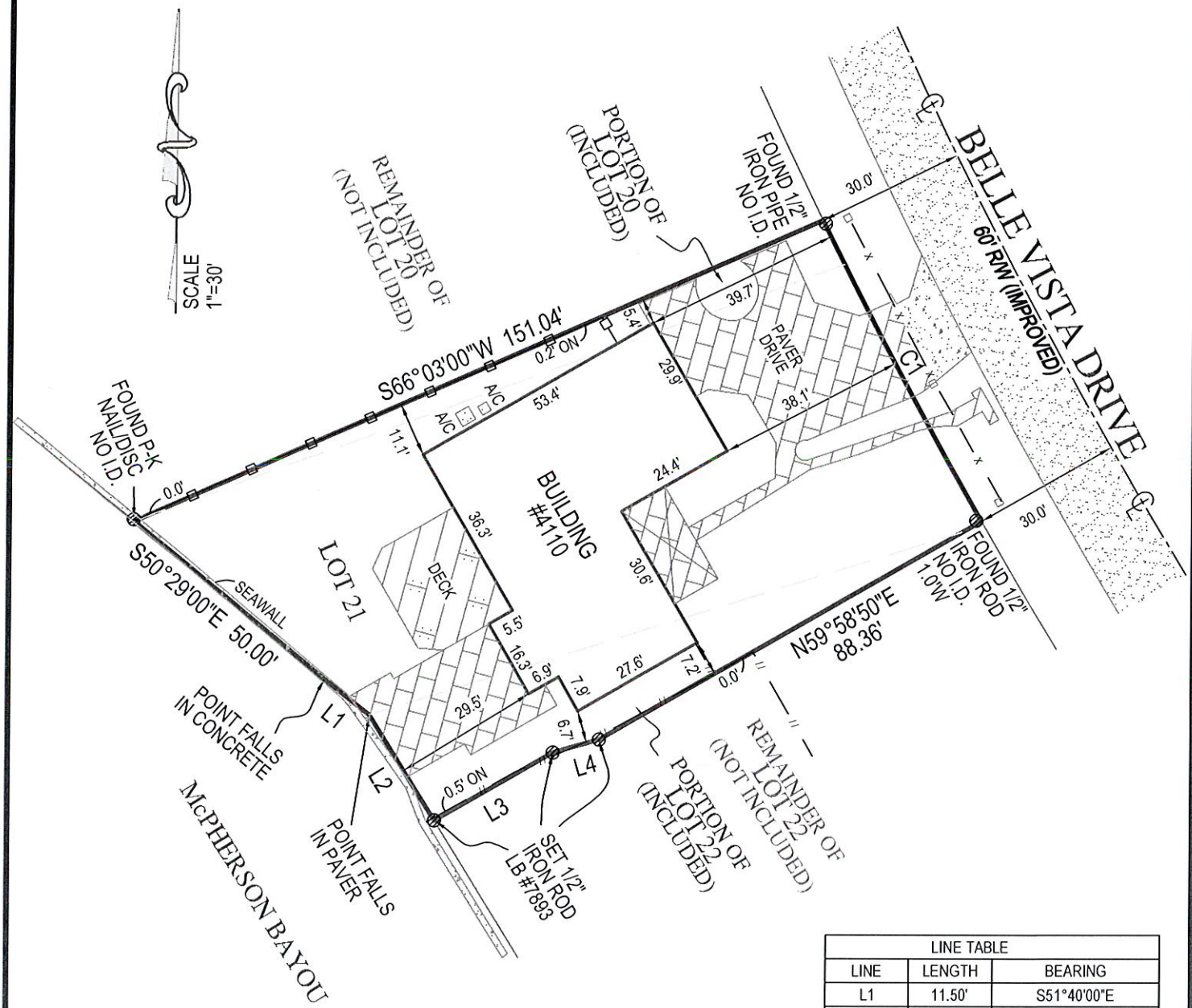
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)
KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

Kenneth Osborne
Digitally signed by Kenneth Osborne
Date: 2021.03.16 11:12:46 -04'00'

TARGET SURVEYING, LLC
LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: http://targetsurveying.net

BOUNDARY SURVEY



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Kenneth Osborne
Digitally signed by Kenneth Osborne
Date: 2021.03.16 11:12:46 -04'00'

(SIGNED)
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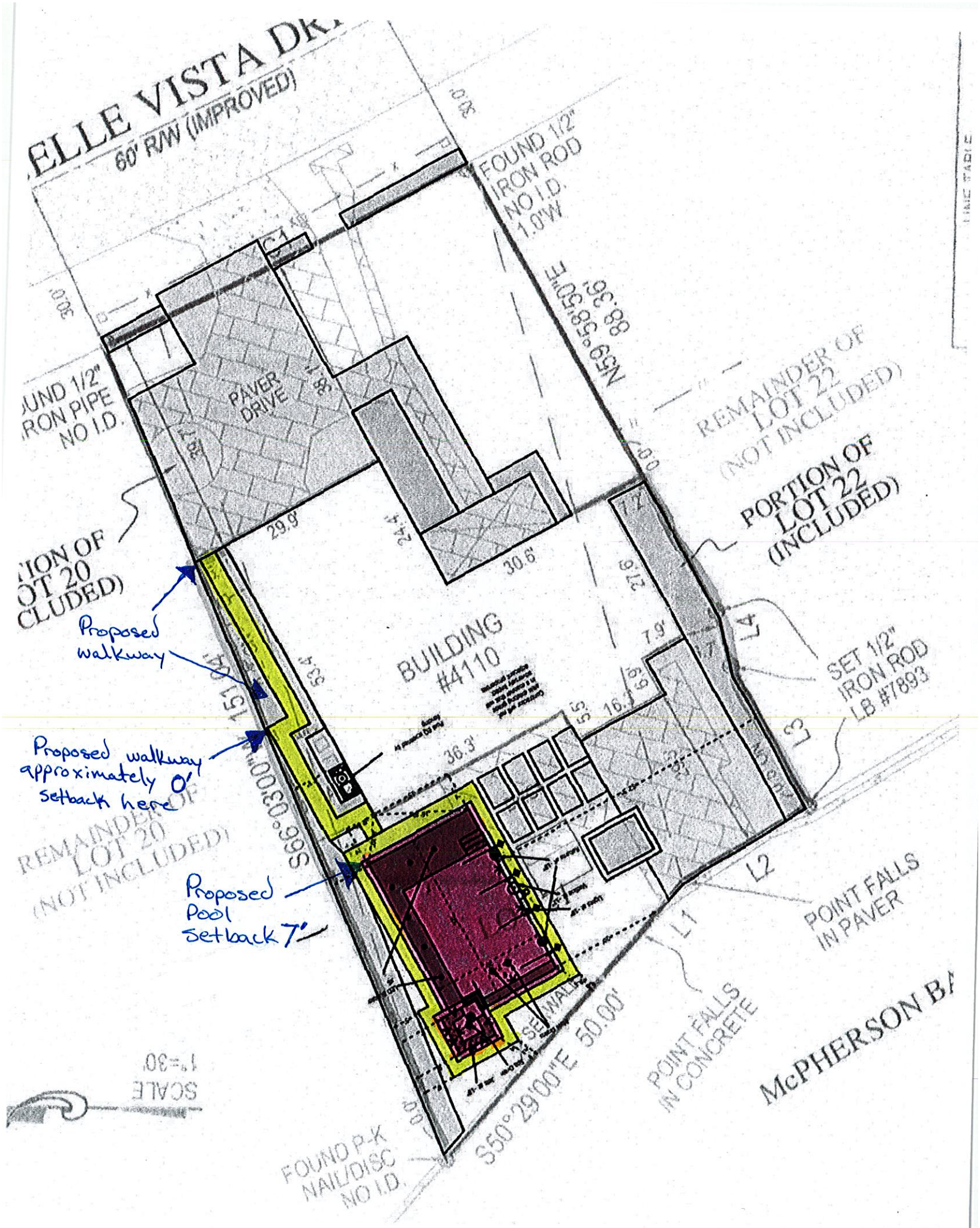

ELLE VISTA DR
60' R/W (IMPROVED)
FOUND 1/2" IRON ROD NO I.D. 1.0'W
N59°58'50"E 88.36'
UND 1/2" RON PIPE NO I.D.
PAVER DRIVE
REMAINDER OF LOT 22 (NOT INCLUDED)
PORTION OF LOT 22 (INCLUDED)
ION OF OT 20 CLUDED)
Proposed walkway
BUILDING #4110
SET 1/2" IRON ROD LB #7893
Proposed walkway approximately 0' setback here
REMAINDER OF LOT 20 (NOT INCLUDED)
S66°03'00"W 151.00'
Proposed Pool Setback 7'
POINT FALLS IN PAVER
POINT FALLS IN CONCRETE
S50°29'00"E 50.00'
McPHERSON BA
SCALE 1"=30'
FOUND P.K NAIL/DISC NO I.D.

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 173 Mar St (Case No. 21067)

Date: September 29, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: Unnecessary and Undue Hardship variance pertaining to the driveway width at the front property line and also to the location of the walkway's placement within the 2 foot setback area along the east side of the property.

Funding: Not Applicable.

Requested Motion: I move to APPROVE Case No. 21067 to allow the requested variances pertaining to the driveway width at the front property line and also to the location of the walkway's placement within the 2 foot setback area along the east side of the property.

Attachments:

1. 21067 - 173 Mar Street
2. 21067 Application

PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT

VARIANCE CASE NO. 21067 – David P. Hooker, Owner
MEETING DATE: September 29, 2021
PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

REQUEST	An Unnecessary and Undue Hardship Variance to allow for a paver driveway to exceed 24 feet in width at the front property line, and for paver walkways to encroach closer than two feet to the side property line. (LDC Sec, 6.13(c)(2)d, & 23.11(b)(2)).
SUBJECT PROPERTY	173 Mar Street, Property ID #18-32-16-94140-001-0230, Vina Del Mar Sec. 1, Blk 1, Lot 23.
ACERAGE	Approximately 0.2365 acres (10,300 sq. ft.)
LAND USE	RU-1, Residential District, on the Zoning Map; RU, Residential Urban, on the Future Land Use Map.
FLOOD ZONE	AE-EL 9
SURROUNDING AREA	North – Little McPherson Bayou South - Mar Street cul-de-sac Single-family Residential Properties East – Single-family Residential Property West – Single-family Residential Property

BACKGROUND

The applicant is seeking a variance from the Land Development Regulations to retain an after-the-fact paver driveway that exceeds the allowable driveway width of 24 feet at the front property line. The subject paver driveway was installed without a permit and covers the front yard area (see site plan) to the garage. Originally, there was a 16-foot driveway in the front yard area. The subject property is a pie-shaped lot that is located on a cul-de-sac. The front arch width is 28.58 feet which exceeds the allowed 24 feet by 4.58 feet.

In addition, the applicant is proposing to add additional walkway pavers along each side of the garage. adding additional walkway pavers lead to the house and pool area which are located to rear of the garage at the front of the property. The portion of the walkway that is proposed to encroach into the required 2-foot setback area from the property line abuts the property's existing solid 6-foot concrete wall.

ANALYSIS

The applicant is requesting to allow a driveway that exceeds the allowable width at the property line by 3.51 feet, and also to allow a sidewalk area to encroach into the 2-foot setback area. Details on the proposed setback encroachments are noted in the table below.

	Structure	Required Setback RU-1 Zoning District	Proposed Setback RU-1 Zoning District	Percentage Encroachment
Side Yard	Walkway*	2.00'	0.00'	100%

*A site visit by staff indicates that the proposed pavers will be flush with the applicant's masonry wall that is located at the property line. The subject wall appears to have a thickness of approximately one foot or more. As such, the pavers will abut said wall, lessening the actual encroachment of the pavers.

	Structure	Allowed Width at Property Line	Proposed Width at Property Line	Width Greater than Allowed
Front Yard	Driveway	24.00'	28.58' (arch shown on survey)	4.58' greater than allowed (16.03%)

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize unnecessary and undue 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 find that there are special conditions or circumstances that exist which are peculiar to the land involved and which are not applicable to other lands. Staff finds that the subject property is located on a small cul-de-sac and is pie-shaped in that the property narrows significantly from rear to front. Most other lots within the RU-1 zoning district generally appear rectangular in shape with uniform lot dimensions in the front and rear. The properties within this subject property's cul-de-sac all have narrow dimensions in the front and are considerably wider along the rear waterfront property line. In his application, the property owner indicates that this can be an issue in this location because that there is limited if any on street parking due to the nature of this small cul-de-sac. Although of a personal nature and not variable, the applicant has indicated that this is becoming increasingly difficult due to the need for additional assistance for property upkeep and personal health matters which have necessitated the need for increased parking options.

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

Staff find that the specific conditions and circumstances are not the result of the actions of the applicant or a prior owner of the property. In this case, as developed, the cul-de-sac is small and

the individual lots appear to be clustered tightly along the front property lines, making any on-street parking on the cul-de-sac difficult or impossible without blocking the driveway accesses to other properties.

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 find that a literal interpretation of the provisions of the Land Development Code will not generally deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and will not result in unnecessary and undue hardship on the applicant. While most lots on Vina del Mar are generally rectangular in shape, there are several other cul-de-sacs that appear small and tightly clustered as well. That said, the subject property was built circa 1959 following the dredge and fill of Vina del Mar. As subdivided, the lots in this and several other cul-de-sacs appear to have similar parking issues which limit their on-street parking availability.

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 find that this request will not establish a use not permitted in the district. This is a single-family residence that is located within a single-family zoning district. There will be no increase to density. The land in question is 27.51 feet wide at the front property line and widens further in the front going towards the garage. This is 3.51 feet greater in width at the property line than allowed by code.

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

It is likely that this hardship was not deliberately or knowingly created when the lots were platted. 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 wants additional parking area for their use, especially because of his increasing disability and related personal needs which forms the basis for this improved parking situation request.

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.

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

Staff find that the requested variance is not the minimum variance that makes reasonable use of the property. Staff also find that the requested variance is not unreasonable. Other properties in the area, including next door, have wider driveways to better accommodate parking. There are on-street parking issues within this cul-de-sac. Any overflow parking created by these properties would need to be accommodated along Mar Street away from the cul-de-sac and could potentially disrupt the parking needs of their neighbors outside the cul-de-sac.

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 find 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 compatible with the neighborhood because it will improve both the off-street parking and on-street parking situation in the area.

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:

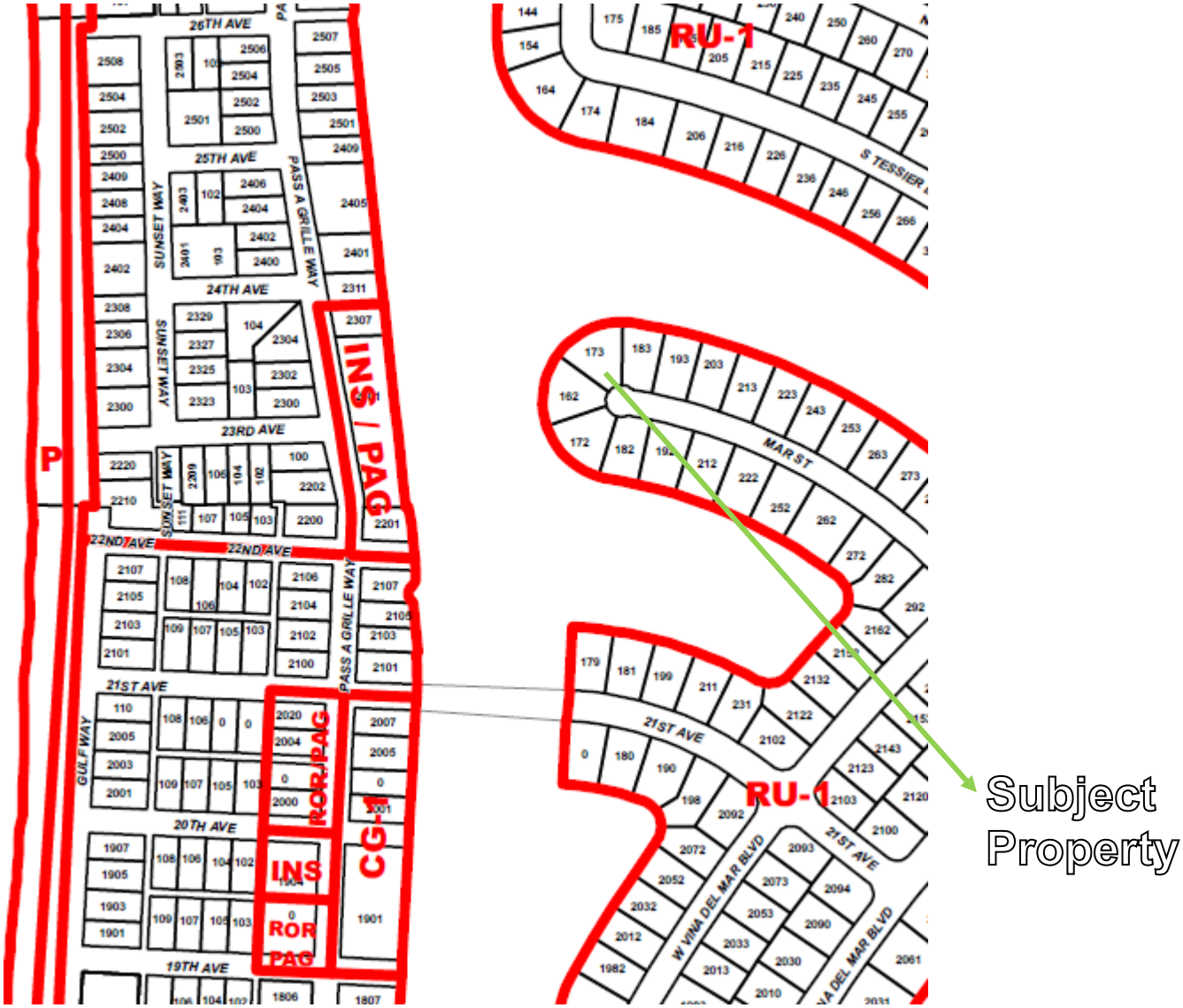
Staff find the request to be reasonable due to the lack of on-street parking availability within the subject cul-de-sac. The walkway is proposed to be less than two feet from the property line and will abut the subject property's 6-foot wall. Therefore, this proposed walkway is not anticipated to affect the neighboring property.

RECOMMENDATION:

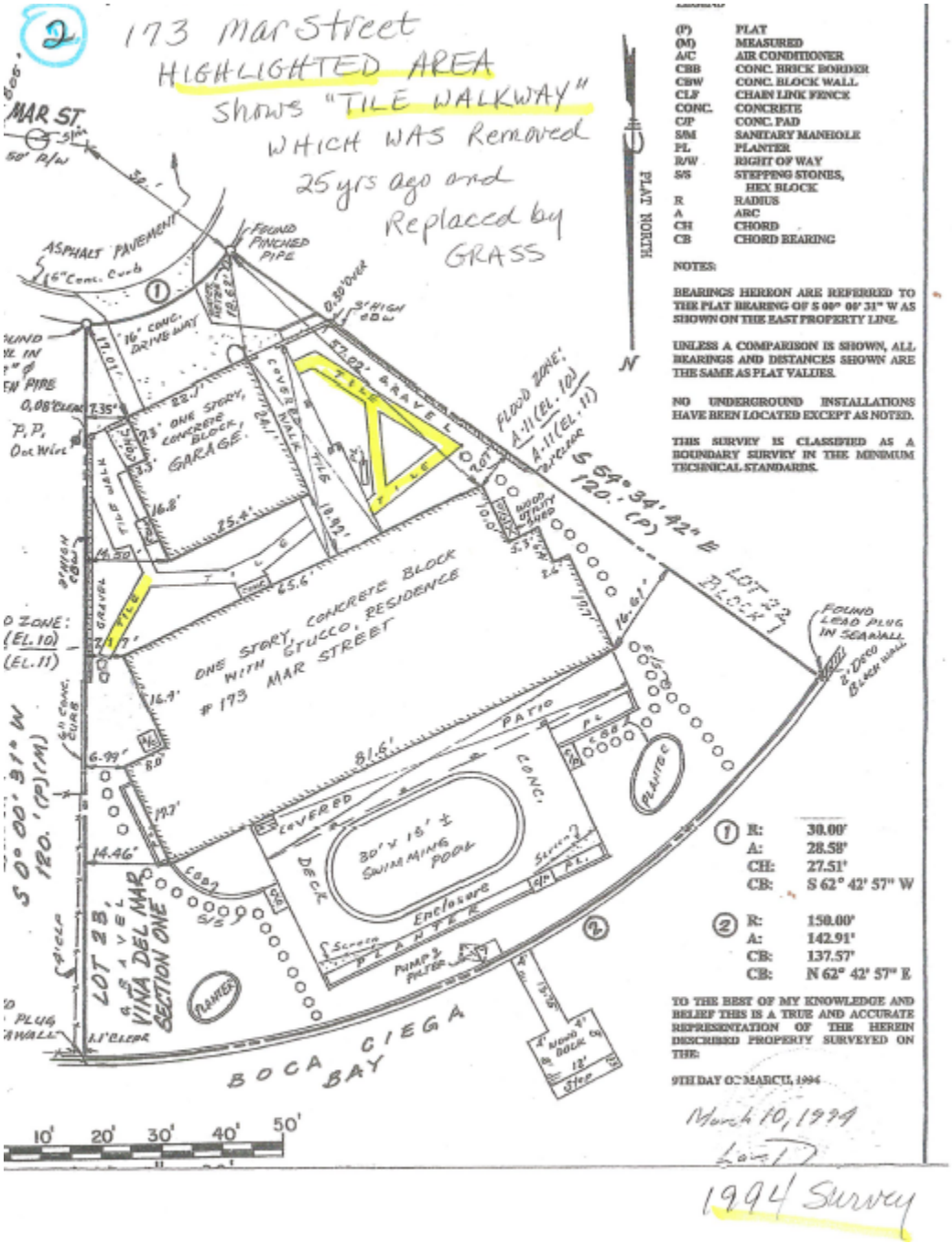
Staff recommend approval.

AERIAL MAP

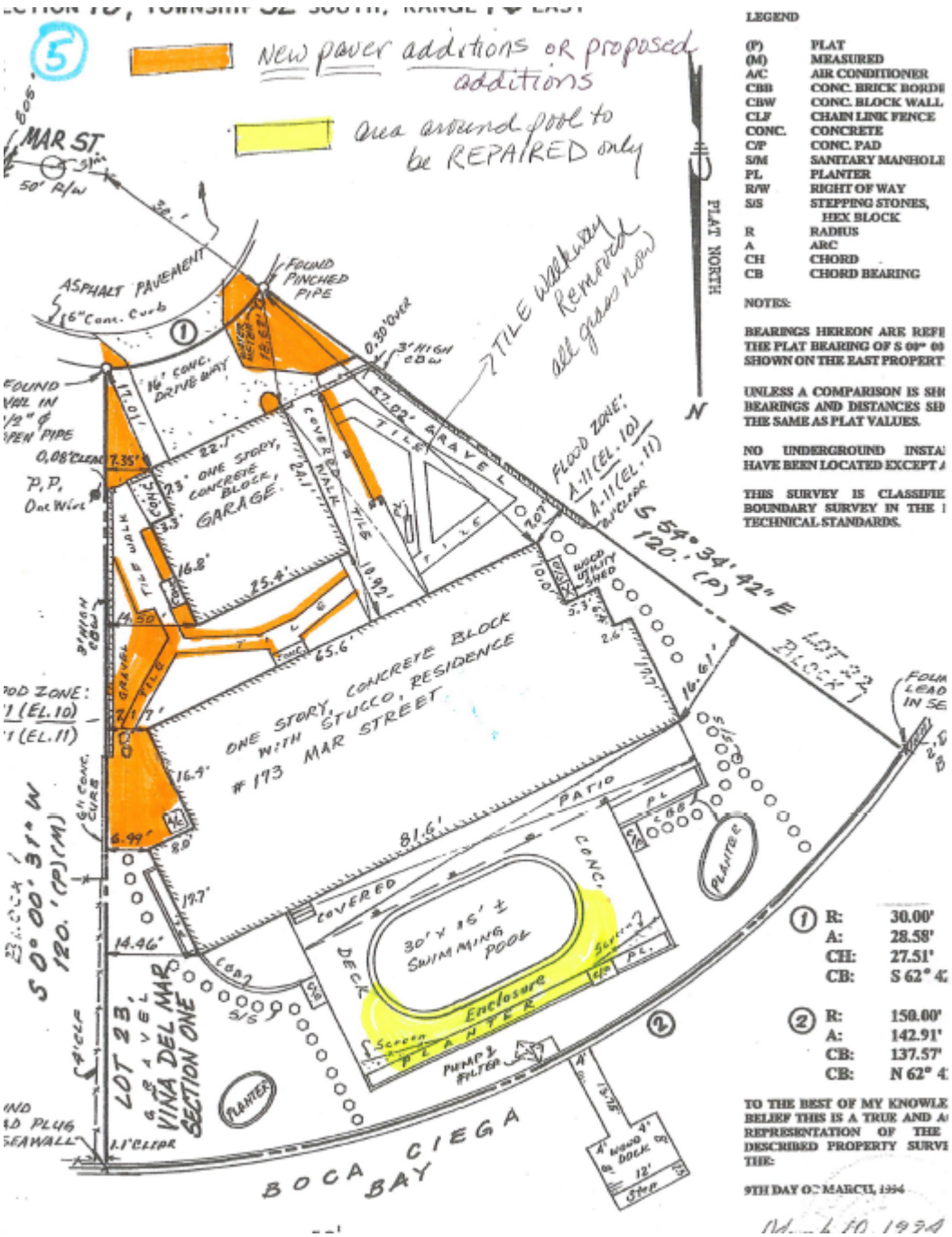
ZONING MAP


RU-1
INS / PAG
P
ROR/PAG
CG-1
INS
ROR
PAG
RU-1
Subject Property
26TH AVE
25TH AVE
24TH AVE
23RD AVE
22ND AVE
21ST AVE
20TH AVE
19TH AVE
SUNSET WAY
PASS A GRILLE WAY
GULF WAY
S TESSIER
MAR ST
W VINA DEL MAR BLVD

SURVEY


2
173 Mar Street
HIGHLIGHTED AREA
Shows "TILE WALKWAY"
WHICH WAS Removed
25 yrs ago and
Replaced by
GRASS
MAR ST
50' R/W
ASPHALT PAVEMENT
6" Conc. Curb
FOUND PINCHED PIPE
16' CONC. DRIVEWAY
23' ONE STORY, CONCRETE BLOCK, GARAGE
COVERED WALK TILE
TILE
GRAVEL
FLOOD ZONE: A-11 (EL. 10) A-11 (EL. 11)
S 64° 34' 42" E
120.' (P)
LOT 22 BLOCK 1
FOUND LEAD PLUG IN SEAWALL
ONE STORY CONCRETE BLOCK WITH STUCCO RESIDENCE
173 MAR STREET
PATIO
CONC.
PLANTER
COVERED DECK
30' x 15' ± SWIMMING POOL
Enclosure
PLANTER
PUMP & FILTER
S 0° 00' 31" W
120.' (P)(M)
LOT 23
VIÑA DEL MAR SECTION ONE
BOCA CIEGA BAY
10' 20' 30' 40' 50'
N
FLAT NORTH
(P) PLAT
(M) MEASURED
A/C AIR CONDITIONER
CBB CONC. BRICK BORDER
CBW CONC. BLOCK WALL
CLF CHAIN LINK FENCE
CONC. CONCRETE
C/P CONC. PAD
S/M SANITARY MANHOLE
PL PLANTER
R/W RIGHT OF WAY
S/S STEPPING STONES, HEX BLOCK
R RADIUS
A ARC
CH CHORD
CB CHORD BEARING
NOTES:
BEARINGS HEREON ARE REFERRED TO THE PLAT BEARENG OF S 00° 00' 31" W AS SHOWN ON THE EAST PROPERTY LINE.
UNLESS A COMPARISON IS SHOWN, ALL BEARINGS AND DISTANCES SHOWN ARE THE SAME AS PLAT VALUES.
NO UNDERGROUND INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS NOTED.
THIS SURVEY IS CLASSIFIED AS A BOUNDARY SURVEY IN THE MINIMUM TECHNICAL STANDARDS.
1 R: 30.00' A: 28.58' CH: 27.51' CB: S 62° 42' 57" W
2 R: 150.00' A: 142.91' CB: 137.57' CB: N 62° 42' 57" E
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE HEREIN DESCRIBED PROPERTY SURVEYED ON THE:
9TH DAY OF MARCH, 1994
March 10, 1994
1994 Survey

SITE PLAN


New paver additions or proposed additions
Area around pool to be REPAIRED only
MAR ST
50' R/W
ASPHALT PAVEMENT
6" Conc. Curb
FOUND PINCHED PIPE
TILE walkway Removed all grass now
16' CONC. DRIVEWAY
23' ONE STORY, CONCRETE BLOCK, GARAGE
COVERED WALK
TILE
GRAVEL
FLOOD ZONE: A-11 (EL. 10) / A-11 (EL. 11)
S 54° 34' 42" E
120.' (P)
LOT 23 BLOCK 1
ONE STORY, CONCRETE BLOCK WITH STUCCO, RESIDENCE
#173 MAR STREET
PATIO
CONC.
PLANTER
COVERED DECK
30' x 15' ± SWIMMING POOL
Enclosure
Screen
PLANTER
PUMP & FILTER
S 0° 00' 31" W
120.' (P)(M)
LOT 23, BLOCK 1, VINA DEL MAR SECTION ONE
BOCA CIEGA BAY
N
FLAT NORTH
LEGEND
(P) PLAT
(M) MEASURED
A/C AIR CONDITIONER
CBB CONC. BRICK BORDE
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TO THE BEST OF MY KNOWLE BELIEF THIS IS A TRUE AND A REPRESENTATION OF THE DESCRIBED PROPERTY SURVE THE:
9TH DAY OF MARCH, 1994

CASE #: 21067 PARCEL #: 18/32/16/94140/001/0230

SUBMITTAL DATE: 8-23-21 AMOUNT DUE: 507.70 PAYMENT DATE: 8-23-21

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	DAVID P. HOOKER	173 MAR ST 33706 ST Pete Beach FL	303-915-8828
Applicant/ Agent			

Owner Email Address:	Applicant/Agent Email Address:
getwellstaywell@hotmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Residential - Single Family	Residential - Single Family Home	.24 acres

Legal Description: Vina del mar Sec. 1, BLK 1, Lot 23

Address: 173 MAR ST., ST Pete Beach, FL 33706

Explanation of Request: See letter attached - 7 copies of letters and drawings

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;

   Owner has Parkinson's Disease, and is progressing rapidly. No additional parking is available on this narrow cul-de-sac.

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

   Correct

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;

   Yes

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;

   NO

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

Definately not

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;

Understood

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

reasonable use, yes.

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.

Surely not injurious to the neighborhood in any way, shape or form.

X Paul D. Hocker

Signature of Applicant **Date** **Signature of Authorized Agent** **Date**

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, David P. Hooker, 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): David P. Hooker

Address: 173 MAR ST, ST Pete Beach, FL 33706

X David P. Hooker 8-23-21

Signature *Date*

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 23 day of August, 2021 by: David Hooker who appeared before me, and is personally known to me, or has produced SC DL as identification, and did take an oath.

My commission Expires:

NOTARY: alarowe

Print Name: Amber LaRowe Notary Public, State of Florida

(Notarial Seal)

AMBER M. LAROWE
Commission # GG 217132
Expires July 6, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

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 the City will not accept or process an incomplete application.

__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 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.

__X__ 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.

__X__ 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.

__X__ 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.

__X__ 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.

X David P. Hooker — 8-23-21

Signature of Applicant — Date

1

Dear City of St. Pete Beach:

I am a property owner in Vina del Mar and have faithfully paid my taxes there for over 20 years. Last year's taxes were almost 16 thousand dollars. **I have Parkinson's Disease, and it is progressing. Most of the time it is very difficult for me to walk.** I am preparing to have to use a wheelchair. Because of these reasons, my wife thought it best to extend our driveway, so that we would have extra space to get in and out of the vehicles, as our garage is barely a 2 car garage, and it has no extra space at all. In addition, we have people coming over to repair the house and maintain the yard and pool, and to assist me with my health problems, and there is no additional parking on our small cul-de-sac at all. It has gotten even worse this last year as there is a new large home being constructed, four doors down from us, and workers are parked all over the block, wherever they can find a spot, including the small parking space on our cul-de-sac where our workers or guests were ONCE able to park.

Our two neighbors to the southwest both have driveways that meet and are paved up right next to each other. It looks clean and neat. Our neighbor directly next door, has a driveway twice the size as ours and it is all pavers. What we chose to do with our driveway looks very congruent with the neighbor's driveways on this VERY NARROW cul-de-sac. The REASON they have pavers is because there is NO PARKING ON THE STREET BETWEEN OUR FOUR HOUSES. NO parking whatsoever BETWEEN 4 HOUSES ON THE CUL-DE-SAC.

In the past we have not been in FL all year long, so it has been difficult to maintain a nice-looking yard and entrance on the grass and bushes alongside the driveway. Even though we pay for an irrigation service and weed control and grass and bush maintenance, it was beginning to be an eye sore to the neighbors, who, for the most part, keep up their homes and yards. Therefore, our two neighbors were delighted when they saw what we were doing in extending the driveway and making the place look much more neat and tidy.

In addition to the driveway extension, we had hoped to extend part of the walkway along the side the house. I can only walk a short distance, so I actually walk in a circle around the property, for exercise. It is embarrassing for me to walk in the street, or at the beach, because of my constant tremors. Right now walking around my home is impossible because our job was stopped and we have pavers lined up everywhere. In addition, our pool is caving in as the pavers have not been properly maintained, and it was our plan to have the coping removed along one side of the pool and all the pavers re-sanded and leveled. It is prohibitive for me to walk along that uneven area right now as well.

We apologize for not getting a permit; we had no idea it was required.
To make matters worse, our paving company did not have a Pinellas County License. So we have made arrangements with another paving company to take over the job and complete it, as soon as we can get permission from the city. This is costing us over $1000 more than the original paving company contract. Now we also have the cost of the permit and everything else associated with just trying to make our property more accessible for a nearly handicapped person, who has faithfully paid his property taxes on time every year without fail.

The addition of these pavers to these particular areas will allow us, as seniors, not to be constantly replacing MULCH which has been washing away and ending up in the street as the heavy rains wash it out of the bush beds and onto the pavers and into the road.

I am requesting permission to do the following:

1. Extend my driveway with pavers, on both sides of the existing driveway (this has already been done before the work was stopped, so we'd like to keep it the way it is)
2. Put a paver border on the walkway between the garage and the house to make the walkway a bit wider
3. Add some additional pavers to the east side of the home, to put the garbage cans there, in addition to a small extension of the walkway TO the east side of the home. This will allow my wife to have a walkway to wheel the garbage out to the front of the house, and we will not have the two big black garbage cans VISIBLE through the front gate as we have had them in the past. It will also alleviate the mud that is very difficult to walk through as nothing will grow in that area, and I have a difficult time walking on gravel.
4. Repair the pavers alongside the edge of the pool that is caving in
5. Put one row of pavers alongside the FRONT walkway, to make it even with the remainder of that walkway and keep the soil from the grass from washing away in the rains

My wife has made notations on the surveys to show the following:

1. **Survey, dated 1994, showing main footprint, grass area, 'TILE walkways' and concrete driveway.** (We did not have time to get a new survey as we just found out 2 days before that you required one that was less than 10 yrs. old)
2. **Current areas covered by GRASS, and one area that is 'muddy'**
3. **Pavers installed about ten years ago in place of concrete and/or tile**
4. **New paver additions or proposed additions (the driveway has already been completed, and is awaiting sand and sealing). This drawing also shows the area around the pool to be repaired.**

We hope that this explanation is sufficient to sustain an "Unneccessary and Undue Hardship Variance Application" which you have requested. Thank you for accepting the old survey, and I hope the drawings will suffice to show that we have PLENTY of green space left on the property. We are just two old folks trying to make life a little easier as far as cleaning up our yard and walkways, and making our driveway more useable with a little extra space, and make it look much more tidy and neat. We look forward to finishing up this job as soon as possible.

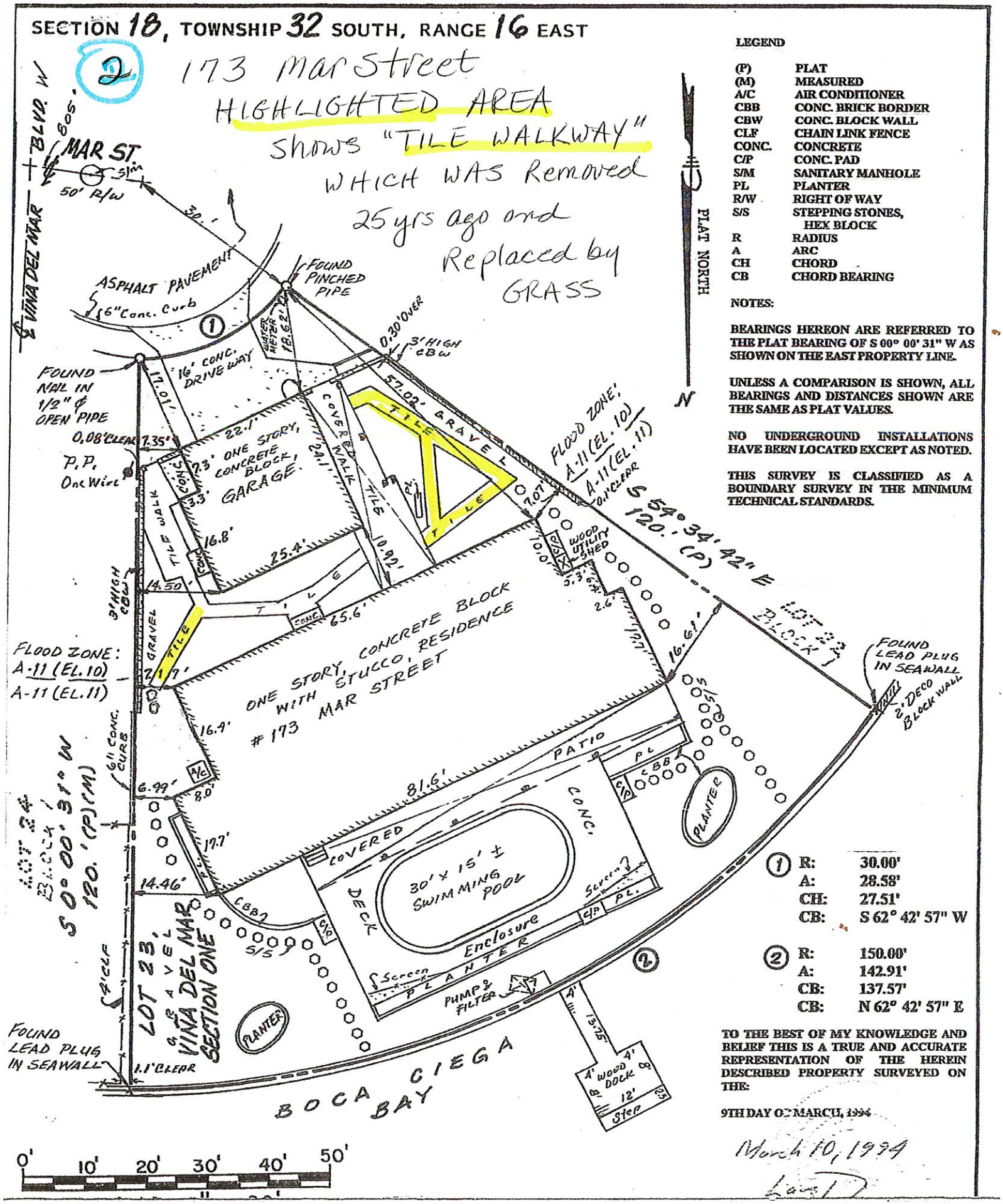
Thank you for your consideration.

With kindest regards,
David and Candice Hooker

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

2

173 Mar Street
HIGHLIGHTED AREA
shows "TILE WALKWAY"
WHICH WAS Removed
25 yrs ago and
Replaced by
GRASS



LEGEND

(P)	PLAT
(M)	MEASURED
A/C	AIR CONDITIONER
CBB	CONC. BRICK BORDER
CBW	CONC. BLOCK WALL
CLF	CHAIN LINK FENCE
CONC.	CONCRETE
C/P	CONC. PAD
S/M	SANITARY MANHOLE
PL	PLANTER
R/W	RIGHT OF WAY
S/S	STEPPING STONES, HEX BLOCK
R	RADIUS
A	ARC
CH	CHORD
CB	CHORD BEARING

NOTES:

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	CB:	S 62° 42' 57" W
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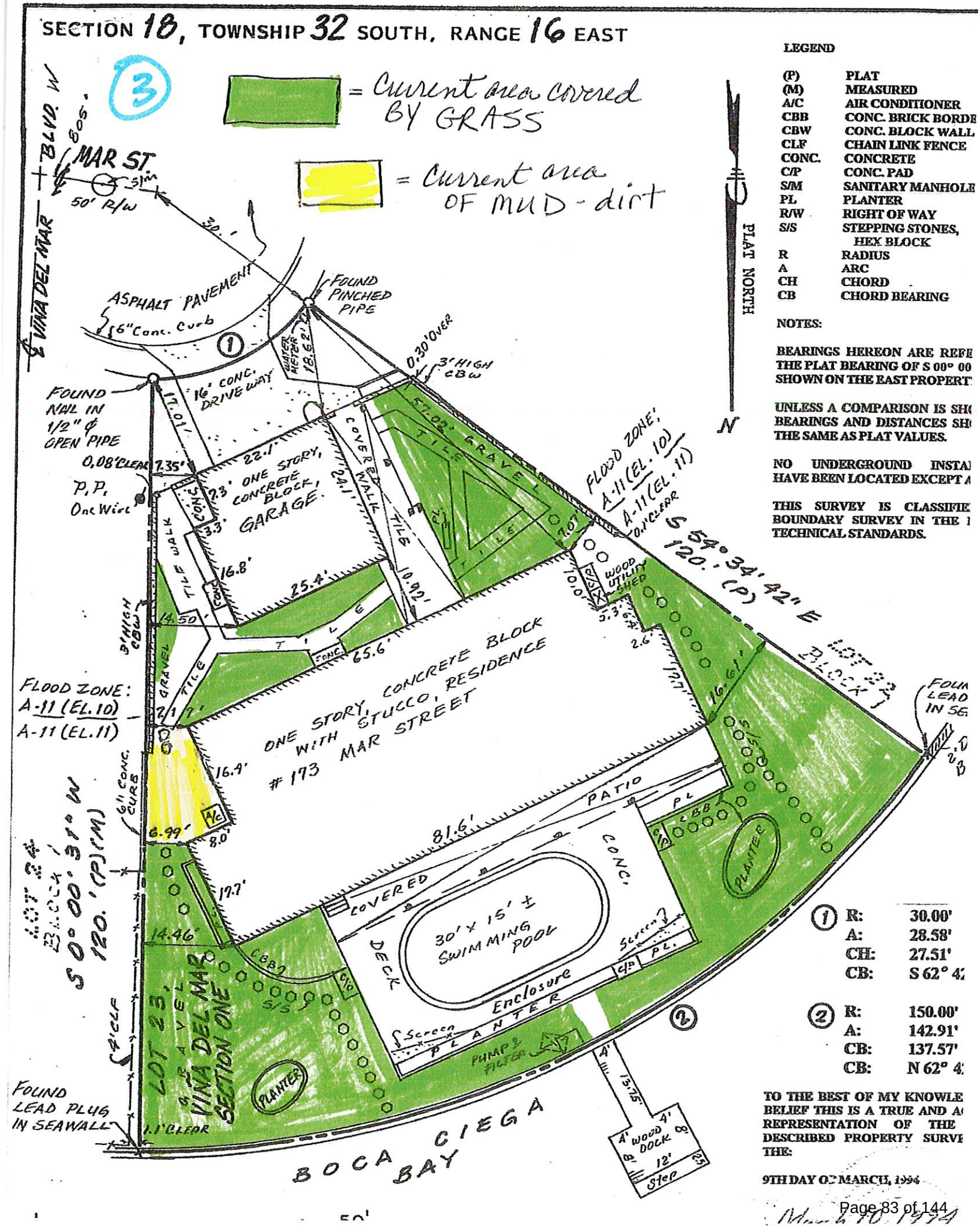
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE HEREIN DESCRIBED PROPERTY SURVEYED ON THE:

9TH DAY OF MARCH, 1994

March 10, 1994

1994 Survey

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST



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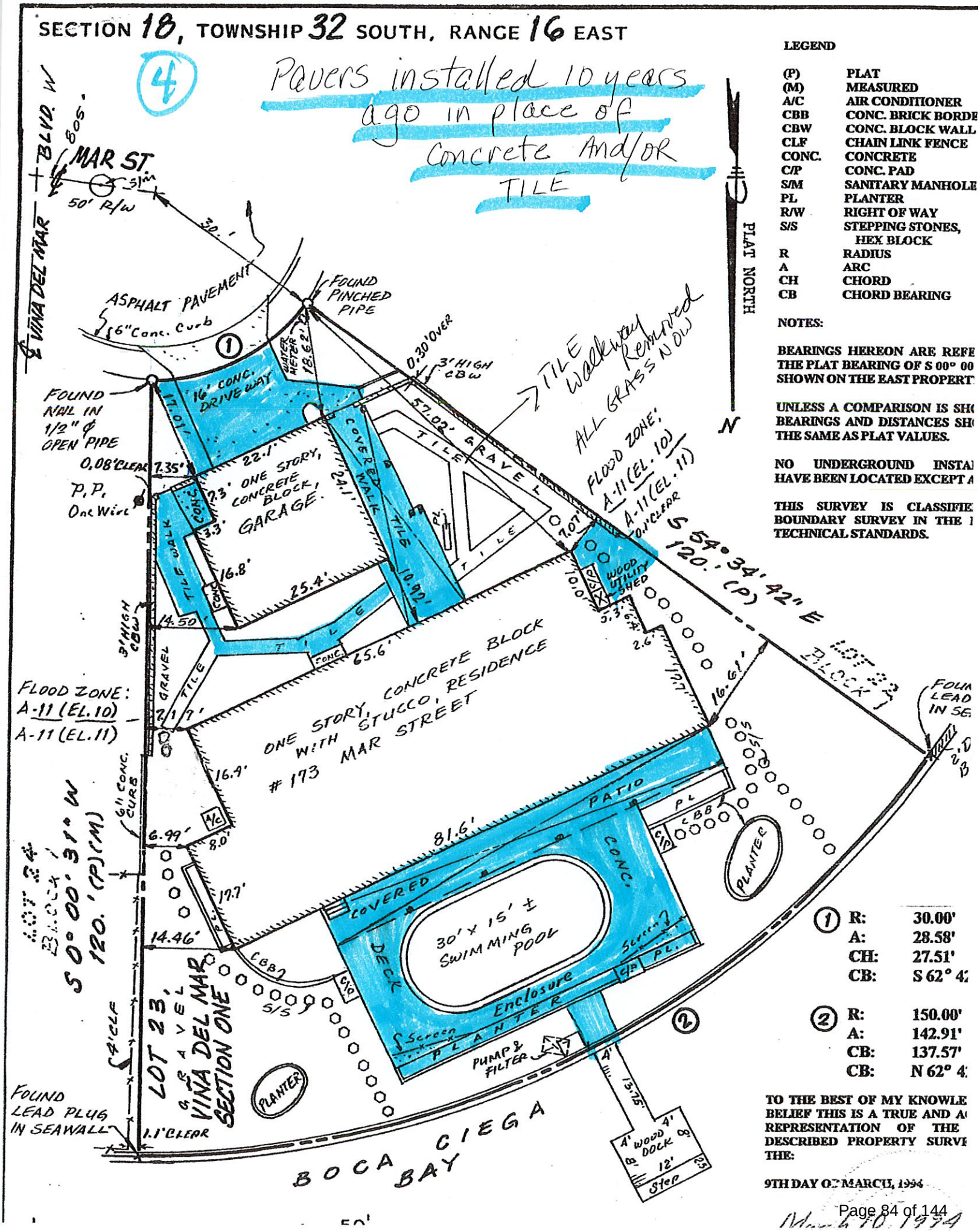
9TH DAY OF MARCH, 1994

March 10, 1994

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

4

Pavers installed 10 years ago in place of Concrete And/OR TILE



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9TH DAY OF MARCH, 1994

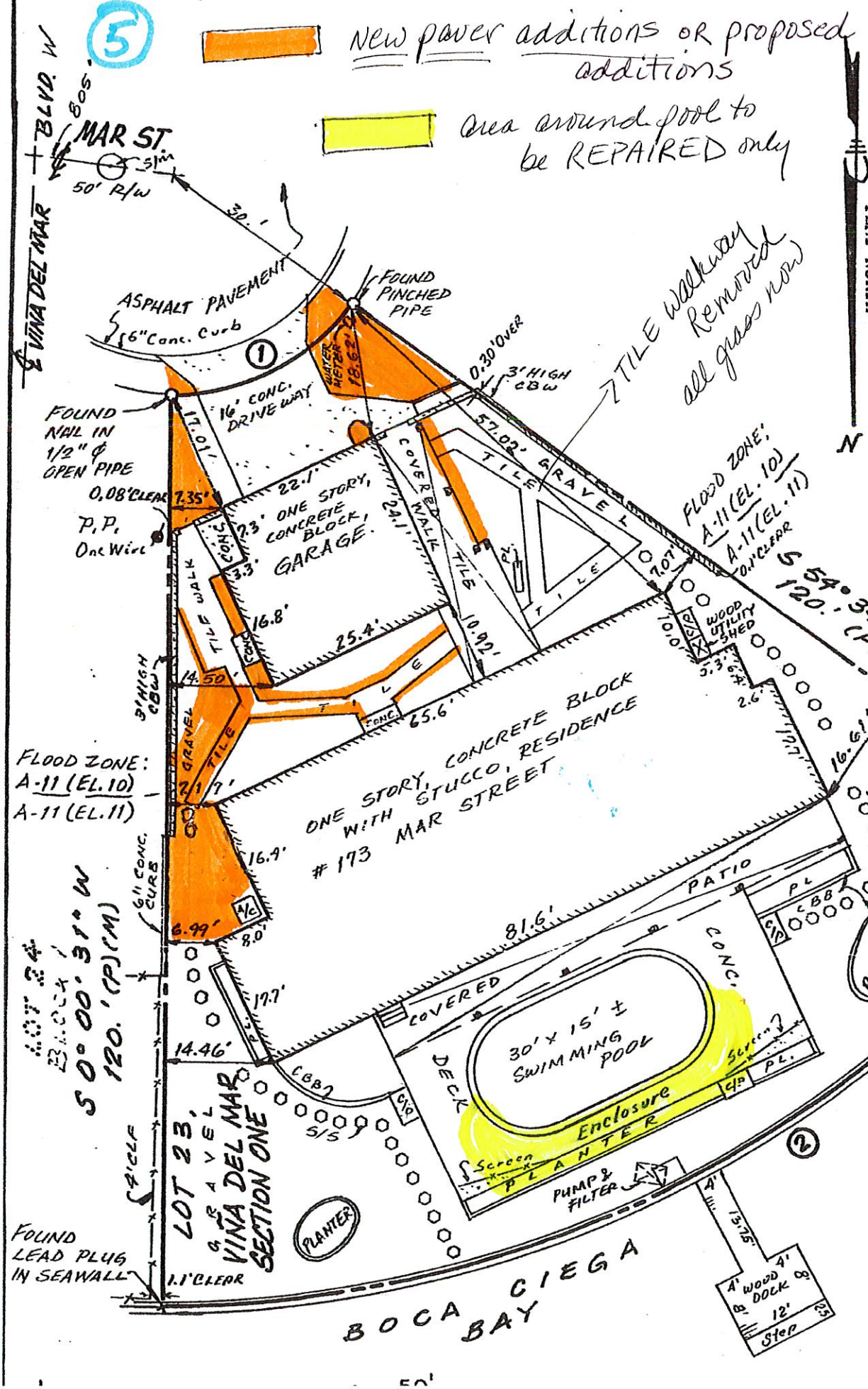
March 10, 1994

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

5

New paver additions or proposed additions

area around pool to be REPAIRED only



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9TH DAY OF MARCH, 1994

March 10, 1994

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 510 Boca Ciega Isle Dr (Case No. 21058)

Date: September 29, 2021

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Planning Manager

Summary of Issue: A Practical Difficulty Variance to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback (LDC Sec. 9.7(a)(1), 6.13(c)(3)a., & 6.13(c)(2)c.1.).

Funding: Not applicable.

Requested Motion: I move to approve Case No. 21058 to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback, with the conditions recommended by Staff.

Attachments:

1. 510 Boca Ciega Isle Dr Staff Report
2. 21058 Application
3. Case 21058 Site Plans
4. IAVARONE RENDERINGS
5. IAVARONE_SITE PLAN_ 8.4.2021

PLANNING DIVISION
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT

VARIANCE CASE NO. 21058 – Mishou Sanchez for Derek and Jen Iavarone
MEETING DATE: September 29, 2021
PREPARED BY: Brandon Berry, Planner II

REQUEST	A Practical Difficulty Variance to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback (LDC Sec. 9.7(a)(1), 6.13(c)(3)a., & 6.13(c)(2)c.1.).
SUBJECT PROPERTY	510 Boca Ciega Isle Dr; BOCA CIEGA ISLE BLK A, LOTS 1 AND 2; Parcel ID#06-32-16-09594-001-0010.
ACERAGE	Approximately 0.36 acres (15,640 sq. ft.)
LAND USE	RU-2 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Coastal AE-11 (Preliminary)
SURROUNDING AREA	North – Boca Ciega Isle Dr/Single-family Residence South - Water (Boca Ciega Bay) East – Single-family Residence West – 46th Ave/Single-family Residence

BACKGROUND

The zoning lot contains a single-family residence constructed in 1955 according to the Pinellas County Property Appraiser. This property was formerly the recipient of a variance in 2018 (PLN18-00031) to allow for an eight-foot fence in the front yard where four feet is permitted.

ANALYSIS

The applicant is proposing to construct several improvements to the property, including two two-story additions to the primary structure and accessory facilities. Particularly, variances are requested for the following features:

1) Two two-story additions, one along the northern front of the home and one along the western side, totaling 435 square feet and 413 square feet in footprint respectively. The applicant further plans to infill the second story above the existing ground floor structure between these two additions, but this infill meets the required setbacks for the lot and will not require a variance;
2) A two story-height portico of 130 square feet, and an open courtyard of 195 square feet, in front of the proposed front-facing addition; and,
3) A two-story pool bar and kitchen, which partially serves as a rooftop deck for the upstairs master suite, an at- or near-grade pool, and a pool bed to the western side of the lot.
4) A wood or composite deck under two feet in height.

The lot is highly irregular, curving from a depth of 136 feet on the eastern side where the home is currently located to 17 feet on the western side, resulting in a lot where approximately the western third is unbuildable due to required front and rear setback requirements of the RU-2 District as well as a portion of the lot being submerged land. The applicant is requesting setback variances to the front property line for several features, the rear setback to install a "pool bed" deck cover on the far western side of the lot, and the side setback to install a deck under two feet in height that will align with the existing eastern side of the home.

Structure	**Yard**	**Required Setback**	**Proposed Setback**	**Variance Percentage**
First Floor Addition (Western Side)	Front	20'	16'	20%
First Floor Addition (Northern Side)	Front	20'	15'	25%
Portico	Front	20'	16'	20%
Courtyard	Front	20'	9'	55%
Pool	Front	20'	5'	75%
Pool Bar & Kitchen	Front	20'	8'	60%
Pool Bed (Deck Cover)	Rear	15'	9'	40%
Deck (under two feet in height)	Side	23'	15'-4"	33%

Land Development Code Section 3.12, <u>Variances</u>: The appropriate board of authority may authorize <u>practical difficulty variances</u> 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;

Variances to the front setback standard depending on the facility and its location on the lot, as detailed in the table above. Accessory features to the western end of the lot encroach into the front yard to a greater degree than the home additions toward the deeper eastern side of the lot. The applicant is also requesting a rear setback variance of one-third for a pool bed, which functions as a deck cover, that will encroach to ten feet from the rear property line where fifteen feet is required. Further, the applicant is requesting to install a deck adjacent to an addition and porch at the rear of the structure which will encroach into the required side setback and align with the side of the home.

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. The property has no direct western neighbor and this proposal maintains or exceeds the required rear setback for all features except for the pool bed, while preserving the home's existing eastern side setback with the neighbor. The pool bed will be set to the far western end of the lot, over 100 feet from the nearest abutting neighbor, and is shielded from the western side by substantial vegetation.

The eastern approach into Boca Ciega Isle is heavily vegetated by what appears to be a mix of right-of-way City landscaping and the applicant's own landscaping. This assists to lessen the visual impact of the accessory features proposed for the western side of the lot, while still maintaining a setback of at least twenty feet to all features from the street. Furthermore the deck installed at the rear of the lot, the only feature in this request that directly abuts a neighboring property line, will be no more than two feet in height and align with the existing side of the home.

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

The difficulty could not be obviated through another feasible method. A standard minimum-sized RU-2 zoning lot of 60'x100' provides an eligible primary building envelope sized at 2,880 SF, or 48%. Without variances, this lot appears to only be able to support a primary structure of less than 30% of the lot area. The applicant is proposing total living area facilities of 5,988 SF, comprising a primary structure lot footprint of 4,207 SF or approximately 27% of the lot area.

Regarding setbacks, Staffs find that arranging proposed facilities elsewhere on the lot would potentially require encroachment into the rear or side yard, which may possibly impact water views or a direct neighbor.

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 will bring the lot into relative parity with the buildability of other similarly-sized lots in the neighborhood, while maintaining the home's side setback with the existing eastern neighbor. Dense vegetation in front of the site provides screening for accessory features to the western end of the lot, and additions proposed to the primary structure appear to maintain its overall height.

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:

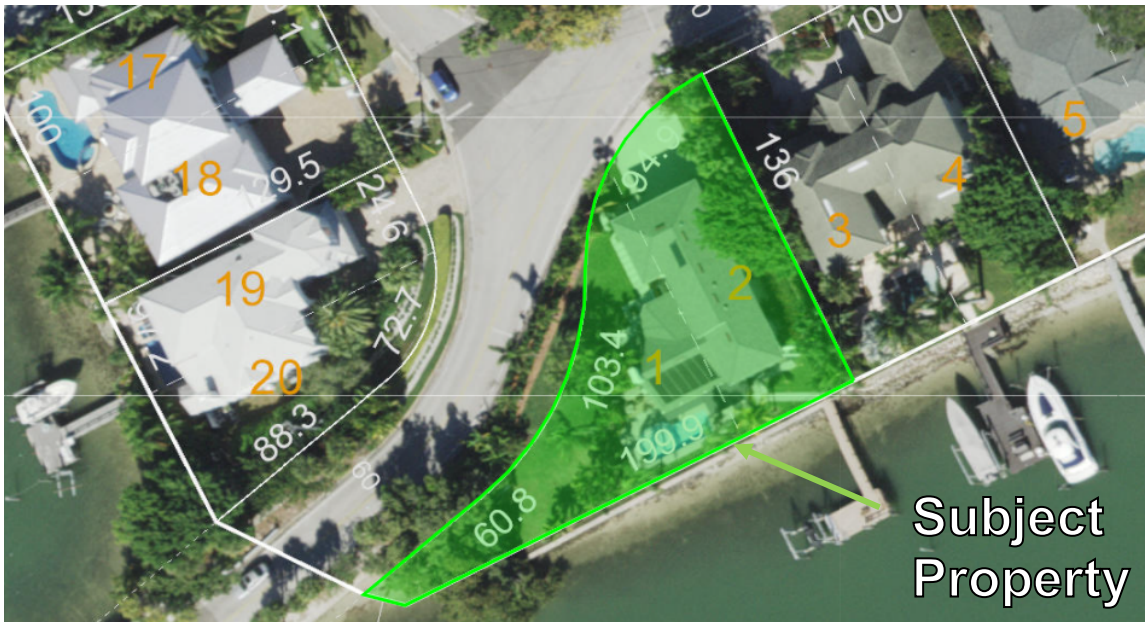
Staff find the request to be reasonable. The request will provide the owners a total buildable envelope lesser than, but relatively in line with, other lots of similar area in the same district, without creating a situation in which the lot is visually crowded or directly negatively impactful to a neighbor.

RECOMMENDATION:

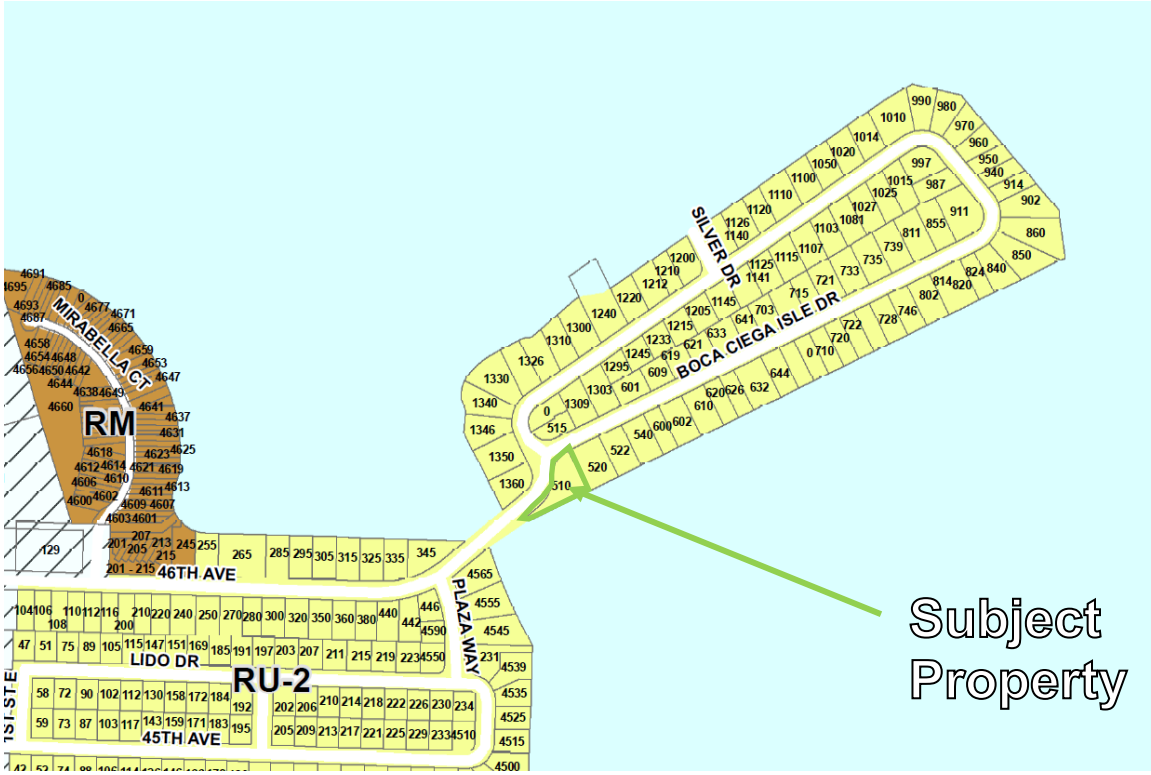
Staff recommend approval with two (2) conditions:

1) The applicant shall submit a landscaping plan showing existing vegetation to be removed during additions to ensure the lot retains its vegetation minimums;
2) Engineering for the pool to ensure the seawall is protected shall be required prior to issuance of the pool permit.

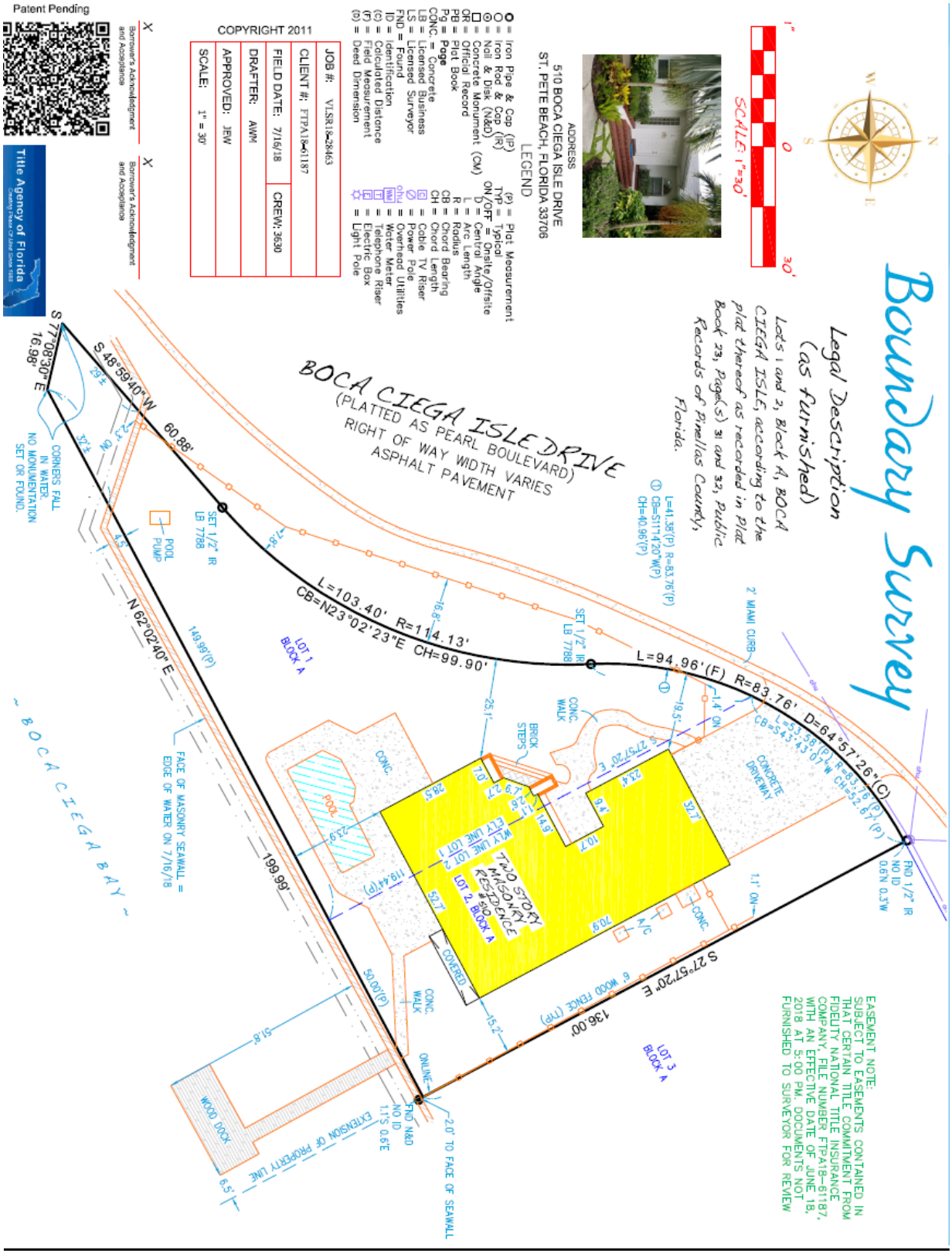
AERIAL MAP



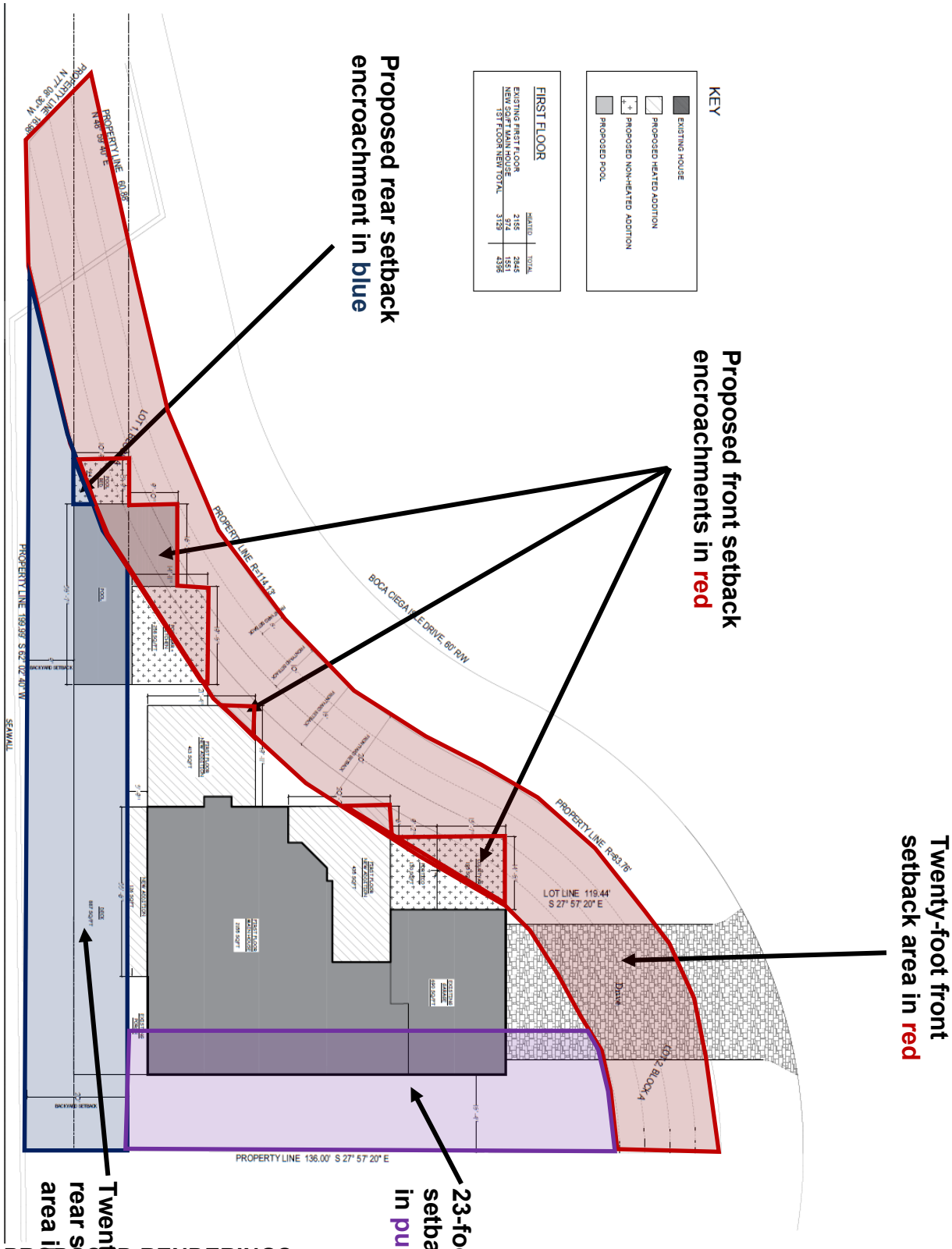
ZONING MAP



SURVEY


Boundary Survey
Legal Description
(as furnished)
Lots 1 and 2, Block A, BOCA CIEGA ISLE, according to the plat thereof as recorded in Plat Book 23, Page(s) 31 and 32, Public Records of Pinellas County, Florida.
SCALE: 1"=30'
ADDRESS
510 BOCA CIEGA ISLE DRIVE
ST. PETE BEACH, FLORIDA 33706
LEGEND
Iron Pipe & Cap (IP)
Iron Rod & Cap (IR)
Nail & Disk (N&D)
Concrete Monument (CM)
Official Record
Plat Book
Page
Concrete
Licensed Business
Licensed Surveyor
Found
Identification
Calculated Distance
Field Measurement
Deed Dimension
Plat Measurement
Typical
Onsite/Offsite
Central Angle
Arc Length
Radius
Chord Bearing
Chord Length
Cable TV Riser
Power Pole
Overhead Utilities
Water Meter
Telephone Riser
Electric Box
Light Pole
COPYRIGHT 2011
JOB #: V1.SR18-28463
CLIENT #: FTPA18-61187
FIELD DATE: 7/16/18
CREW: 3630
DRAFTER: AWM
APPROVED: JEW
SCALE: 1" = 30'
Patent Pending
Title Agency of Florida
BOCA CIEGA ISLE DRIVE
(PLATTED AS PEARL BOULEVARD)
RIGHT OF WAY WIDTH VARIES
ASPHALT PAVEMENT
S 77°08'30" E 16.96'
S 48°59'40" W 60.88'
N 62°02'40" E 199.99'
L=103.40' R=114.13'
CB=N23°02'23"E CH=99.90'
L=94.96'(F) R=83.76' D=64°57'26"(C)
S 27°57'20" E 136.00'
TWO STORY MASONRY RESIDENCE #510
LOT 2 BLOCK A
LOT 1 BLOCK A
LOT 3 BLOCK A
POOL
POOL PUMP
CONC. WALK
BRICK STEPS
CONCRETE DRIVEWAY
2' MIAMI CURB
COVERED
A/C
6' WOOD FENCE (TYP)
WOOD DOCK
EXTENSION OF PROPERTY LINE
FACE OF MASONRY SEAWALL = EDGE OF WATER ON 7/16/18
2.0' TO FACE OF SEAWALL
CORNERS FALL IN WATER. NO MONUMENTATION SET OR FOUND.
~ BOCA CIEGA BAY ~
EASEMENT NOTE:
SUBJECT TO EASEMENTS CONTAINED IN THAT CERTAIN TITLE COMMITMENT FROM FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER FTPA18-61187, WITH AN EFFECTIVE DATE OF JUNE 18, 2018 AT 5:00 PM. DOCUMENTS NOT FURNISHED TO SURVEYOR FOR REVIEW

PROPOSED SITE PLAN



PROPOSED RENDERINGS

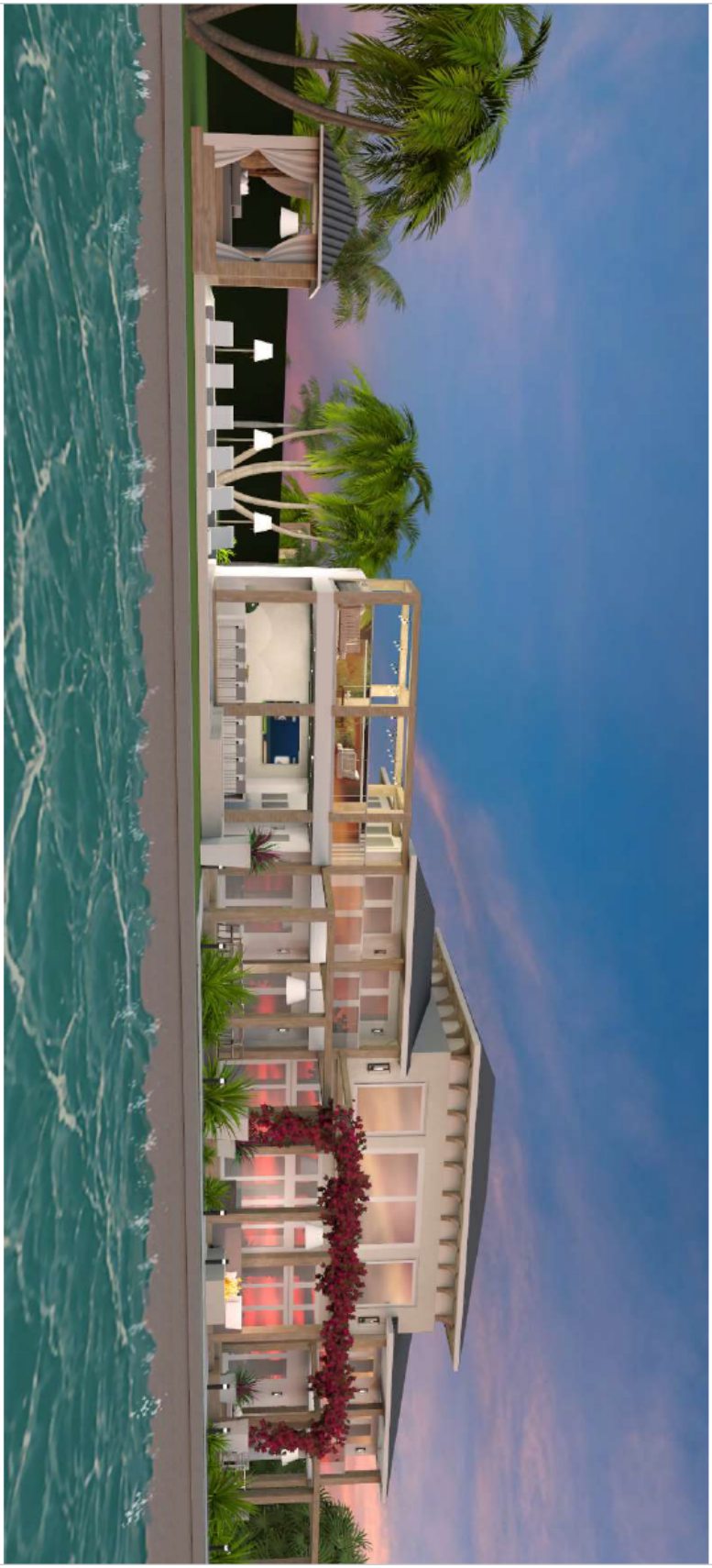
STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
FRONT RENDERING

[date]
8.9.2021



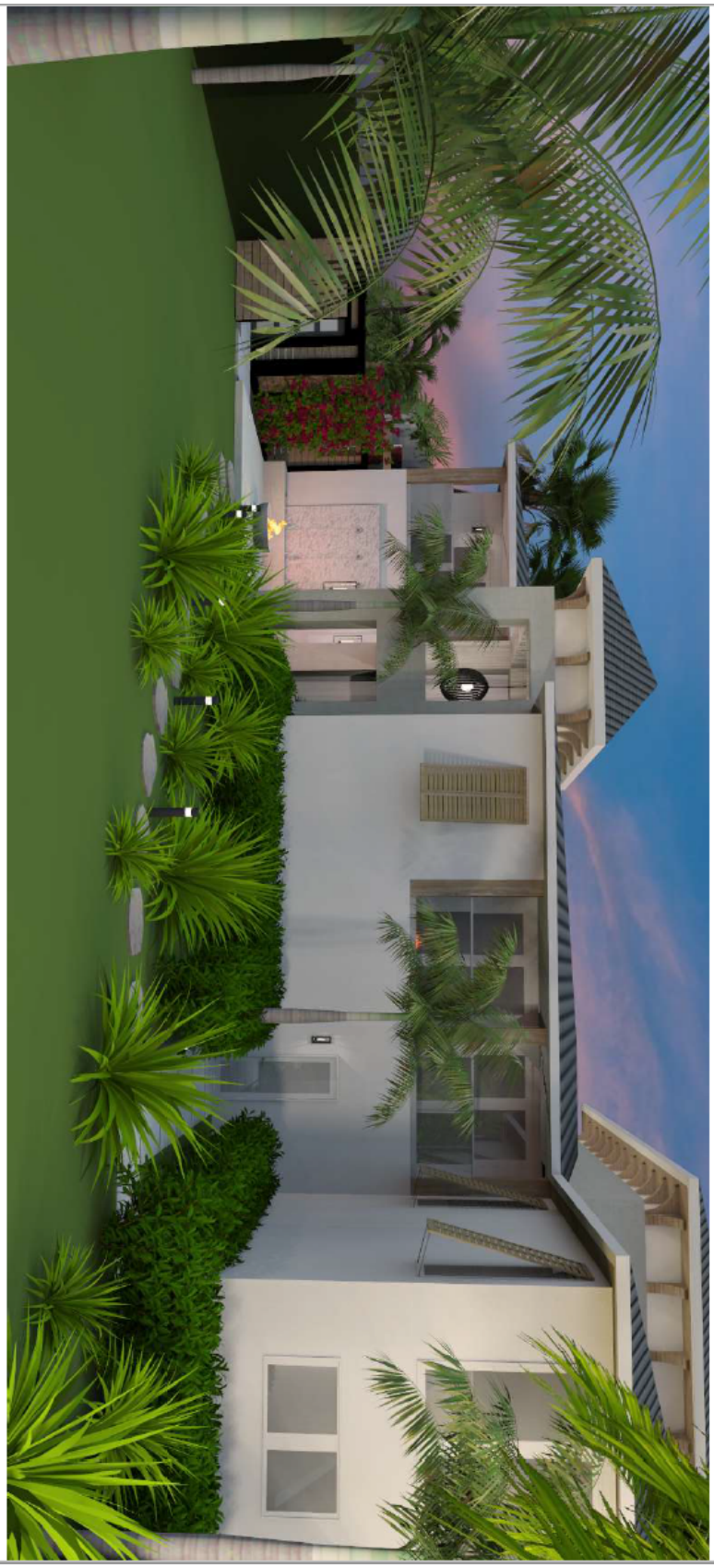
STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
BACK RENDERING

[date]
8.9.2021



STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
SIDE RENDERING

[date]
8.9.2021

STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
TOP RENDERING

[date]
8.9.2021

CASE #: 21058

SUBMITTAL DATE: 8/1/2021 AMOUNT DUE: $517.50 PAYMENT DATE: 8/6/21

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)

RECEIVED
AUG 05 2021
COMMUNITY DEVELOPMENT

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	DEREK + JEN IAVARONE	510 BOCA CIEGA ISLE DR ST PETE BEACH, FL	813-503-4458
Applicant/ Agent	MISHOU SANCHEZ	2504 ALVAREZ RD TAMPA, FL	813-455-8079

Owner Email Address:	Applicant/Agent Email Address:
JEN@MALIOSPRIME.COM	MISHOUSANCHEZ@GMAIL.COM

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
0110 SINGLE FAMILY	SINGLE FAMILY	ST PETE BEACH

Legal Description:	BOCA CIEGA ISLE BLK A, LOTS 1 AND 2
Parcel ID:	06-32-16-09594-001-0010
Address:	510 BOCA CIEGA ISLE DR

Explanation of Request: IAVARONE FAMILY WISHES TO UPDATE HOME FOR GROWING FAMILY AS WELL AS HAVING HOUSING AVAILABLE FOR AGING PARENTS.

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).

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AUG 06 2021
COMMUNITY DEVELOPMENT

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

It is minimal; we are only requesting for 40 sq/ft of attached programming to exceed the typical variance setbacks and this is only due to the difficulty in the shape of the parcel.

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

There would be no adverse change and it would not be noticeable from the street as the house is behind existing 8'h shrubs.

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

There is no way to properly and seamlessly make additions to the house without specific alignments to the existing house. Since it is a corner lot, with setbacks that meet in a non-traditional corner, a slight variance is needed in order to have a more aesthetically appropriate facade. Without a variance, the front elevation of the house facing the street would have a jagged edge.

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

We feel that there is no other way to achieve the desired look that is appropriate for the neighborhood and that our variance request is as minimally (40 sq/ft) encroaching on the existing variance.

7/21/21

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

RECEIVED
AUG 06 2021
COMMUNITY DEVELOPMENT

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.

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

DI JM 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.

DI JM 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.

DI JM 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.

DI JM 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.

DI JM 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.

DI JM 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

Date 7/21/21

RECEIVED
JUL 2021
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE JEN IAVARONE
(print name of property owner)

hereby authorize MISHOU SANCHEZ
(print name of agent)

to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

JENNIFER IAVARONE
Print Name of Owner

DEREK IAVARONE
Print Name of Owner

The forgoing instrument was acknowledged before me this 21st **day of** July **2021 by** JenniferIAvarone **or who is personally known** _____ **produced** FL-DL **as identification.**

ARIANA WILSON
Commission # HH 089549
Expires February 7, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

(Notary Signature) 7/21/2021 **(Date)**

My Commission Expires _____

RECEIVED
0 5 2021
COMMUNITY DEVELOPMENT

St. Pete Beach
The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, JENNIFER IAVARONE, 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): JENNIFER IAVARONE

Address: 510 BOCA CIEGA ISLE DR ST PETE BCH, FL 33706

Signature *Date* 7/21/21

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 21 day of July, 2021 by: Jennifer Iavarone who appeared before me, and is personally known to me, or has produced FL-DL as identification, and did take an oath.

My commission Expires:

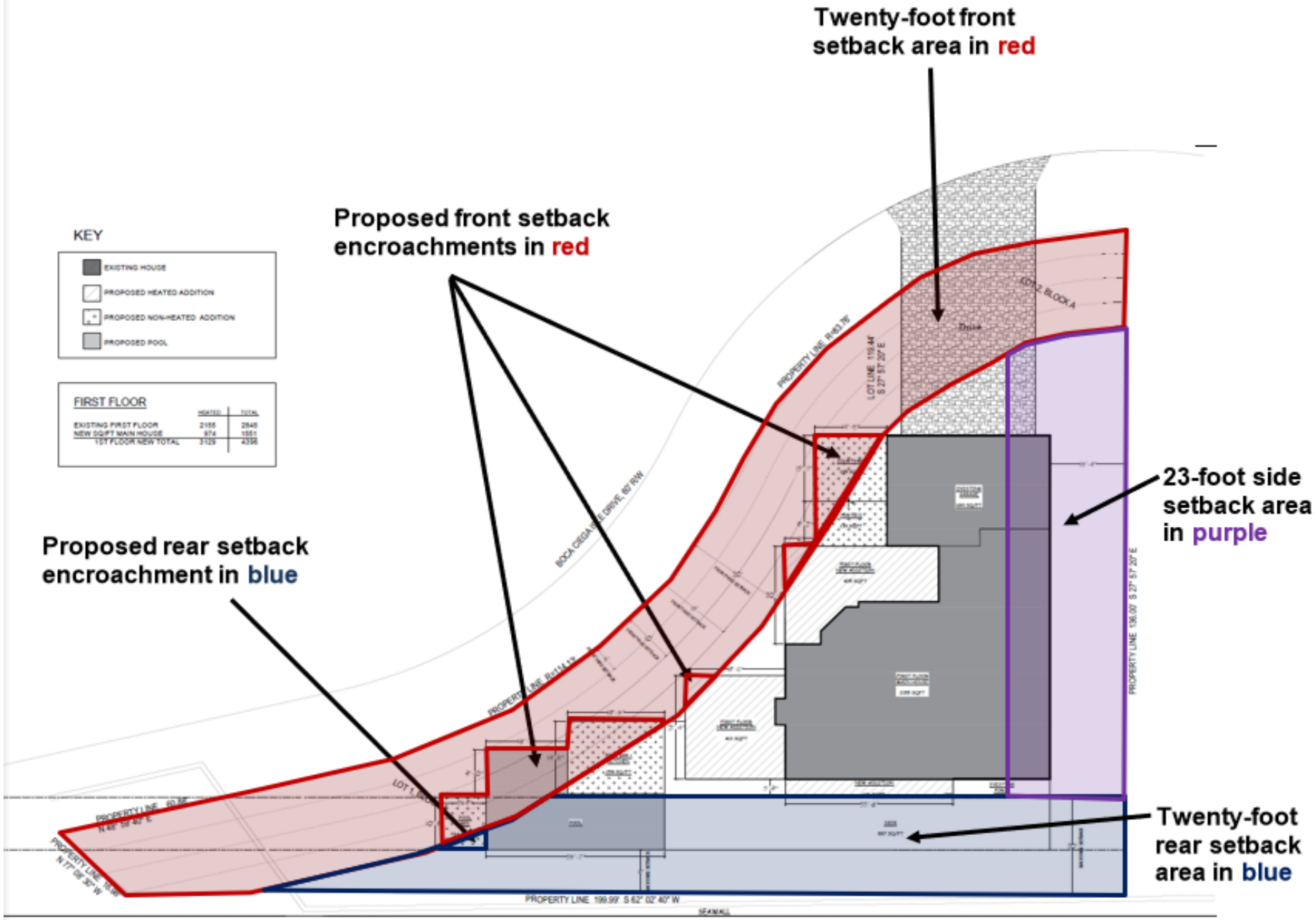
NOTARY:

Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)

ARIANA WILSON
Commission # HH 089549
Expires February 7, 2025
Bonded Thru Troy Fain Insurance 800-385-7019


Twenty-foot front setback area in red
Proposed front setback encroachments in red
KEY
EXISTING HOUSE
PROPOSED HEATED ADDITION
PROPOSED NON-HEATED ADDITION
PROPOSED POOL
FIRST FLOOR
HEATED
TOTAL
EXISTING FIRST FLOOR 2155 2846
NEW SQ/FT MAIN HOUSE 974 1551
1ST FLOOR NEW TOTAL 3129 4398
Proposed rear setback encroachment in blue
23-foot side setback area in purple
Twenty-foot rear setback area in blue
BOCA CIEGA DRIVE, 60' R/W
PROPERTY LINE R=63.78'
LOT LINE 119.44' S 27° 57' 20" E
PROPERTY LINE R=114.18'
PROPERTY LINE 136.00' S 27° 57' 20" E
PROPERTY LINE 199.99' S 62° 02' 40" W
SEAWALL

STUDIO MISHOU

[client]	[project]	[image title]	[date]
IAVARONE FAMILY	HOME EXPANSION	FRONT RENDERING	8.9.2021

STUDIO MISHOU

[client]	[project]	[image title]	[date]
IAVARONE FAMILY	HOME EXPANSION	BACK RENDERING	8.9.2021

STUDIO MISHOU

[client]	[project]	[image title]	[date]
IAVARONE FAMILY	HOME EXPANSION	FRONT RENDERING	8.9.2021

STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
BACK RENDERING

[date]
8.9.2021

STUDIO MISHOU

[client]
IAVARONE FAMILY

[project]
HOME EXPANSION

[image title]
SIDE RENDERING

[date]
8.9.2021

STUDIO MISHOU

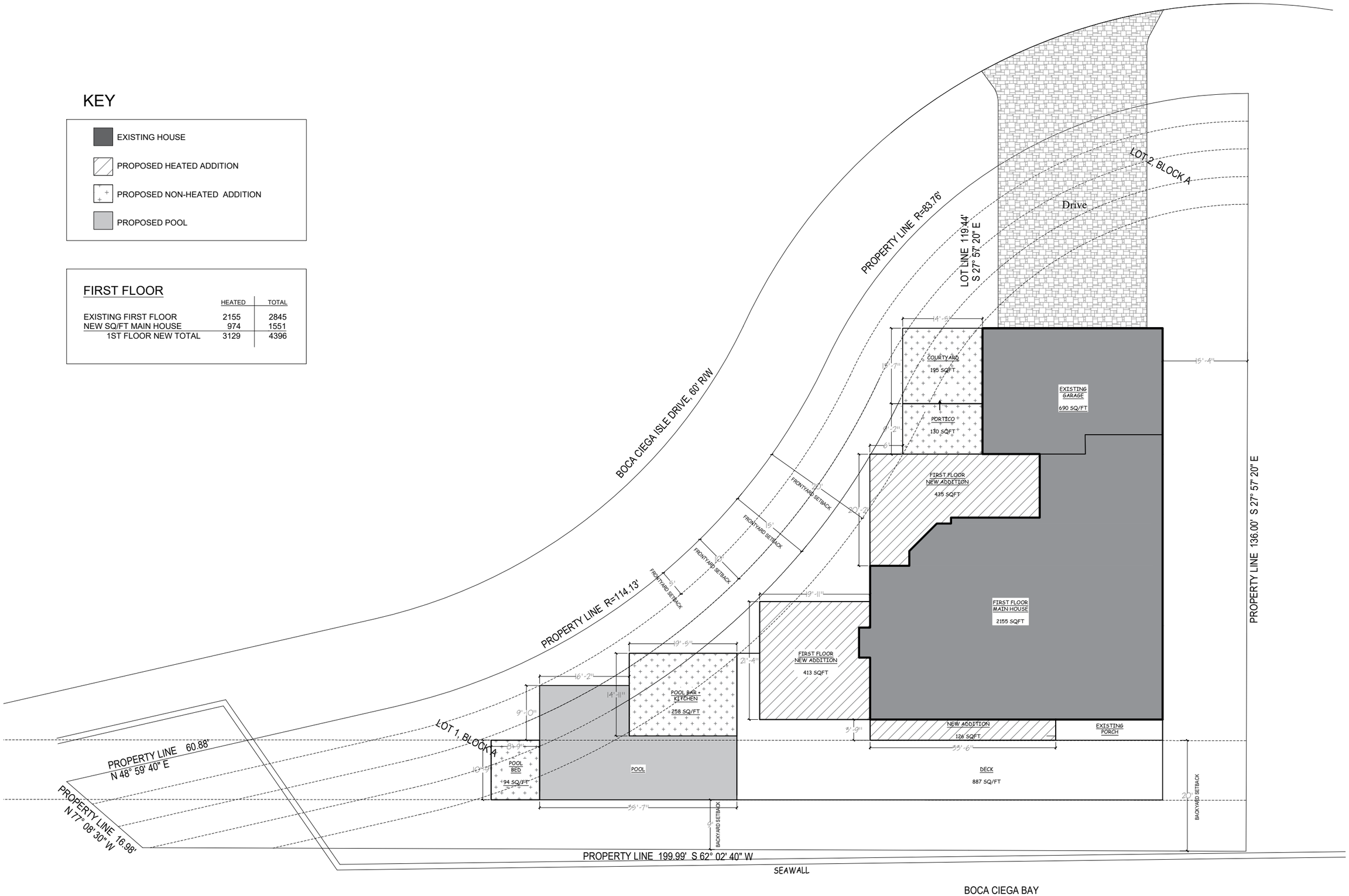
[client]	[project]	[image title]	[date]
IAVARONE FAMILY	HOME EXPANSION	TOP RENDERING	8.9.2021

KEY

- EXISTING HOUSE
- PROPOSED HEATED ADDITION
- PROPOSED NON-HEATED ADDITION
- PROPOSED POOL

FIRST FLOOR

	HEATED	TOTAL
EXISTING FIRST FLOOR	2155	2845
NEW SQ/FT MAIN HOUSE	974	1551
1ST FLOOR NEW TOTAL	3129	4396



SITE PLAN

1/16" = 1'-0"

AUGUST 4, 2021

IAVARONE RESIDENCE

510 BOCA CIEGA ISLE ST PETE, FL

STUDIO MISHOU

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 7736 Blind Pass Rd (Case No. 21063)

Date: September 29, 2021

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Unnecessary and Undue Hardship Variance to allow for the existing abandoned nonconforming freestanding monument sign to remain on the property. The 6'x6'x8' sign complies with area and height standards. However, it is located within the 10-foot setback from the right-of-way (LDC Sec. 26.35(a)).

Funding: N/A

Requested Motion: I move to APPROVE Variance Case No. 21063 to allow for the nonconforming sign to remain with the conditions recommended by staff.

Attachments:

1. 7736 Blind Pass Road Staff Report
2. 21063 Application
3. 21063 site plan

PLANNING DIVISION
STAFF REPORT
BOARD OF ADJUSTMENT

VARIANCE CASE NO. : 21063 PUBLIC HEARING DATE: SEPTEMBER 29, 2021
OWNER/ APPLICANT: MHRR INVESTMENT LLC c/o RUDY CONSONI
PREPARED BY: Wesley Wright, Planning Manager

REQUEST	Unnecessary and Undue Hardship Variance to allow for the existing abandoned nonconforming freestanding monument sign to remain on the property. The 6'x6'x8' sign complies with area and height standards, however; it is located within the 10-foot setback from the right-of-way (LDC Sec. 26.35(a)).
SUBJECT PROPERTY	**7736 Blind Pass Road** ST PETERSBURG REPLAT OF NORTH UNIT NO.1, BLK 77. LTS 31&32; Property ID #36-31-15-61524-077-0310
ACERAGE	0.22 AC (9,750 SF, 100FT X 97.56FT)
LAND USE	CC-1 Commercial Corridor within the Downtown Redevelopment District
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Commercial (Verducci's) South – Commercial (Vito & Michael's Pizzeria) East – Commercial (Mastry's Brewing and Multifamily) West – Commercial (Single Family Residence)

BACKGROUND

The existing monument sign was permitted in December 2010. At that time, monument signs were not required to be set back from the property line. In 2011 amendments were made to the Land Development Code that required a setback of ten feet from the front lot line. In June of 2021, various properties throughout the city were notified that signs that have been abandoned are required to be removed. The applicant applied in August 2021 to allow for the abandoned nonconforming sign to remaining within 2 feet of the front lot line. The property is currently inactive.

ANALYSIS

The Land Development Code requires abandoned nonconforming signage to be removed if a business has been inactive or is out of business for a period of 90 consecutive days. Signs are considered nonconforming if they do not comply with the height, setback, or area standards for the underlying zoning district. The Land Development Code regulates nonconforming and abandon signs as follows:

Sec. 26.14. - Maintenance of signs.
(a) Maintenance of signs.
(2) .... Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.

Sec. 26.2. – Definitions.
Abandoned … sign … means (a) A sign pertaining to or associated with an event, business, … which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer;

Sec. 26.4. - Prohibited signs.
(h)Abandoned and discontinued signs.

	Allowed	Proposed	Variance Requested (%)
Sign Area	100 SF	36 SF	NA
Sign Height	8 feet	8 feet	NA
Sign Setback	10 feet	2 feet	80%

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) **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 special conditions and circumstances do exist which are peculiar to the existing building and current location of the monument sign. Locating the sign further within the property would place the sign too close the building and the main entrance of the establishment.

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 special conditions and circumstances are not the result of the actions of the applicant or prior owner of the property.

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;**

The Land Development Code does not entitle the property to any specific type of signage, but rather a selection of signage that may provide the “minimum reasonably necessary” to identify the business and its nature. Staff find that denying a variance to the setback may be a hardship on the applicant compared to adjacent properties due to the location of the existing building and adjacent sidewalks along the building and Blind Pass Road.

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;

No use disallowed in the district would be created by the issuance of thi s variance. The use of the property as a restaurant will remain.

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

Staff do not find that a desire to achieve greater financial return forms the basis of the hardship for this request.

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;

Other commercial properties within the zoning district are subject to the same sign standards as the subject property; however, Staff recognizes the close proximity of the existing building in relationship to the sign.

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 reasonable use of the building in providing sufficient access.

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 find that the request for a variance from the front setback line is in harmony with the general intent and purpose of the Comprehensive Plan and Land Development Code. The sign code encourages the lessening of visual clutter that may otherwise be caused by the excessive height or size (area) of signage. The existing sign complies with both the existing height and area standards. The placement of the sign is outside the visibly triangle and does not hinder pedestrian or traffic safety. Additionally, the sign does not conflict with the principal permitted use of the site.

Staff are recommending conditions to ensure that the site complies with the other relevant provisions of the LDC as it relates to abandonment in the future.

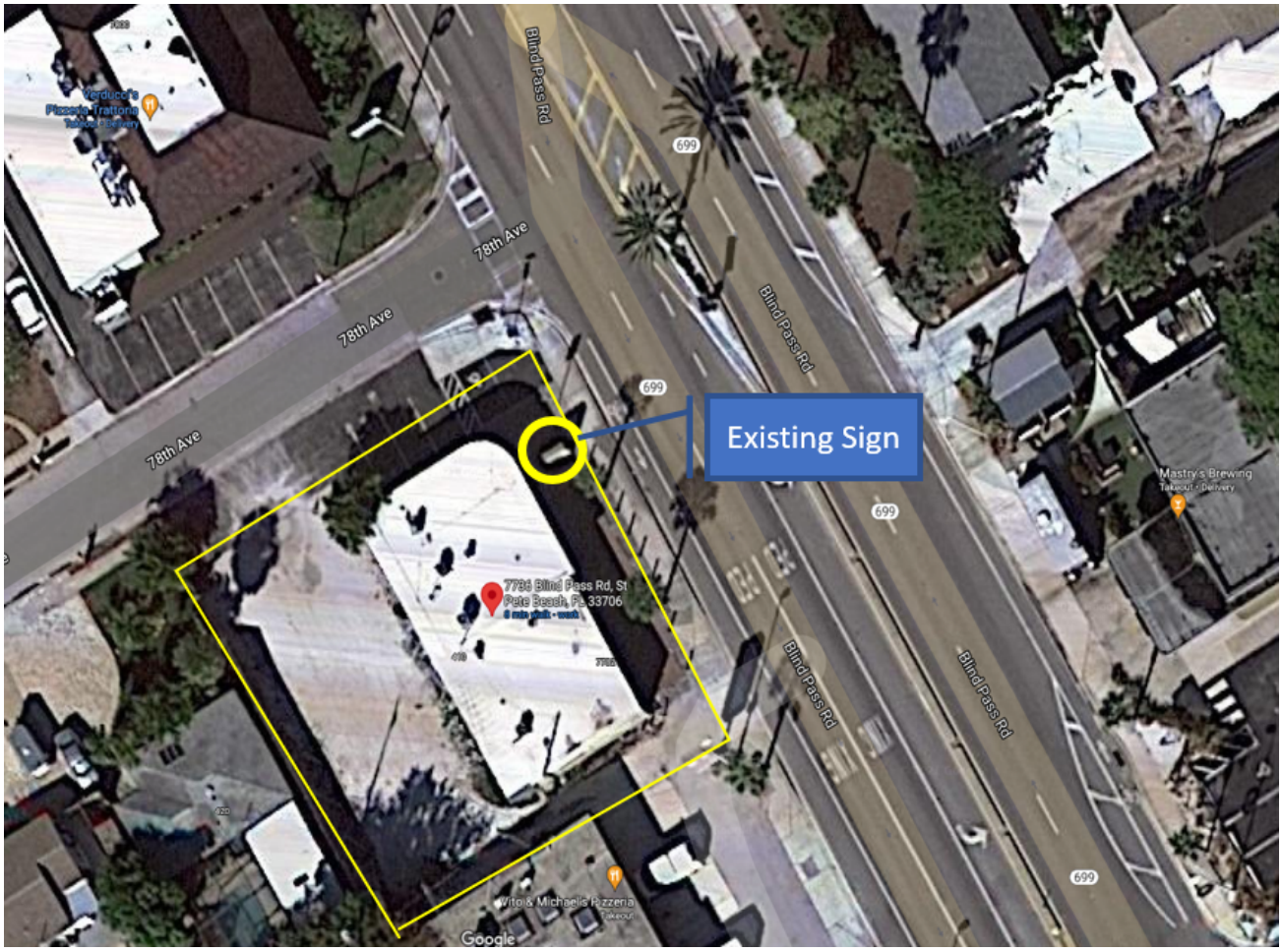
SUMMARY AND RECOMMENDATION:

Staff find that the request is reasonable and will not be detrimental to the public safety and welfare. The site is somewhat constrained due to the location of the building. Staff recommend approval of the variance for the freestanding sign to be within ten feet of the front property line with three conditions:

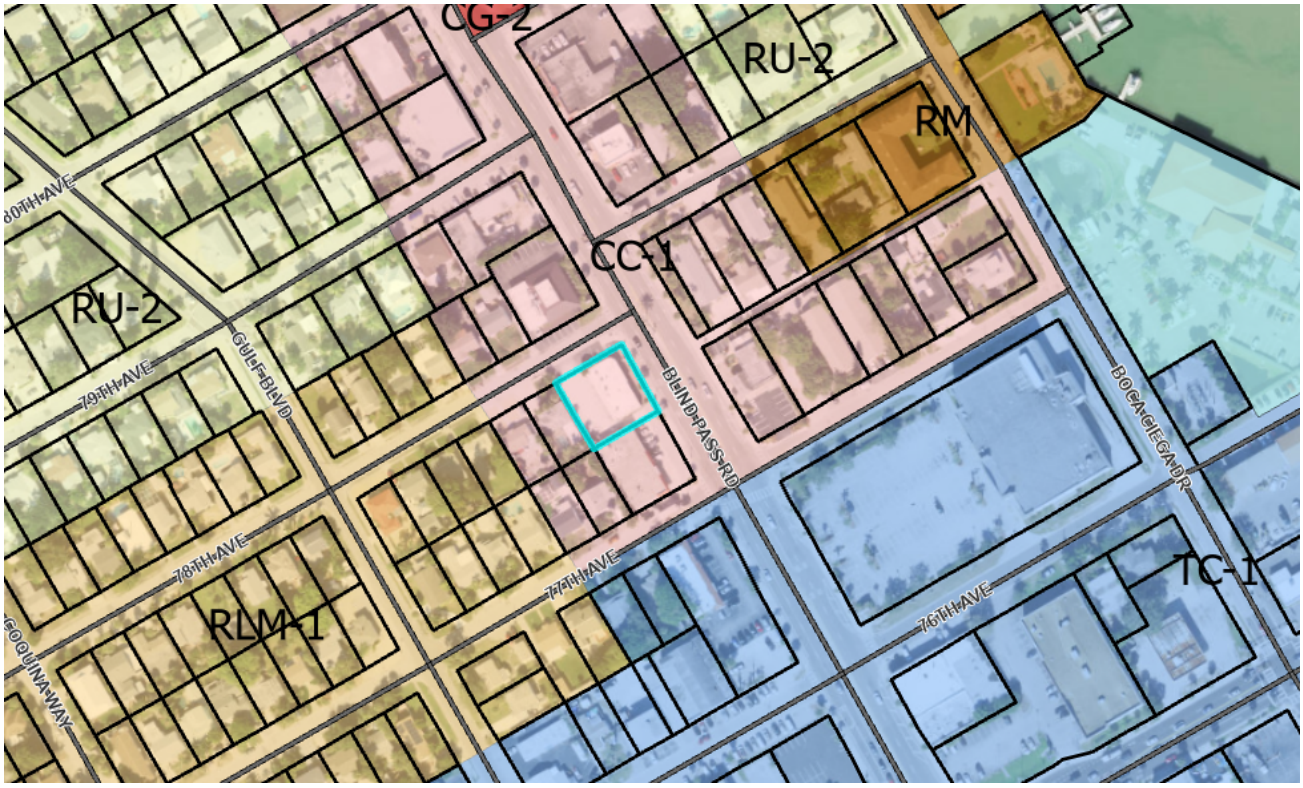
1) The freestanding monument sign shall be considered a legal nonconforming sign;

2) The nonconforming sign may continue to be maintained until (1) the nonconforming sign is substantially damaged or destroyed, or (2) until the real property on which the sign is located is redeveloped whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with Land Development Code Division 26 and with any other applicable law or regulation.
3) A new business shall occupy the existing building with the issuance of a Business Tax Receipt within 12 months of the Development Order or the nonconforming sign shall be deemed abandoned and shall be removed.
4) A landscaped area shall be established along the frontage of the property adjacent to Blind Pass Road; consisting of planter boxes, artificial turf, and landscape rope between the existing bollards.

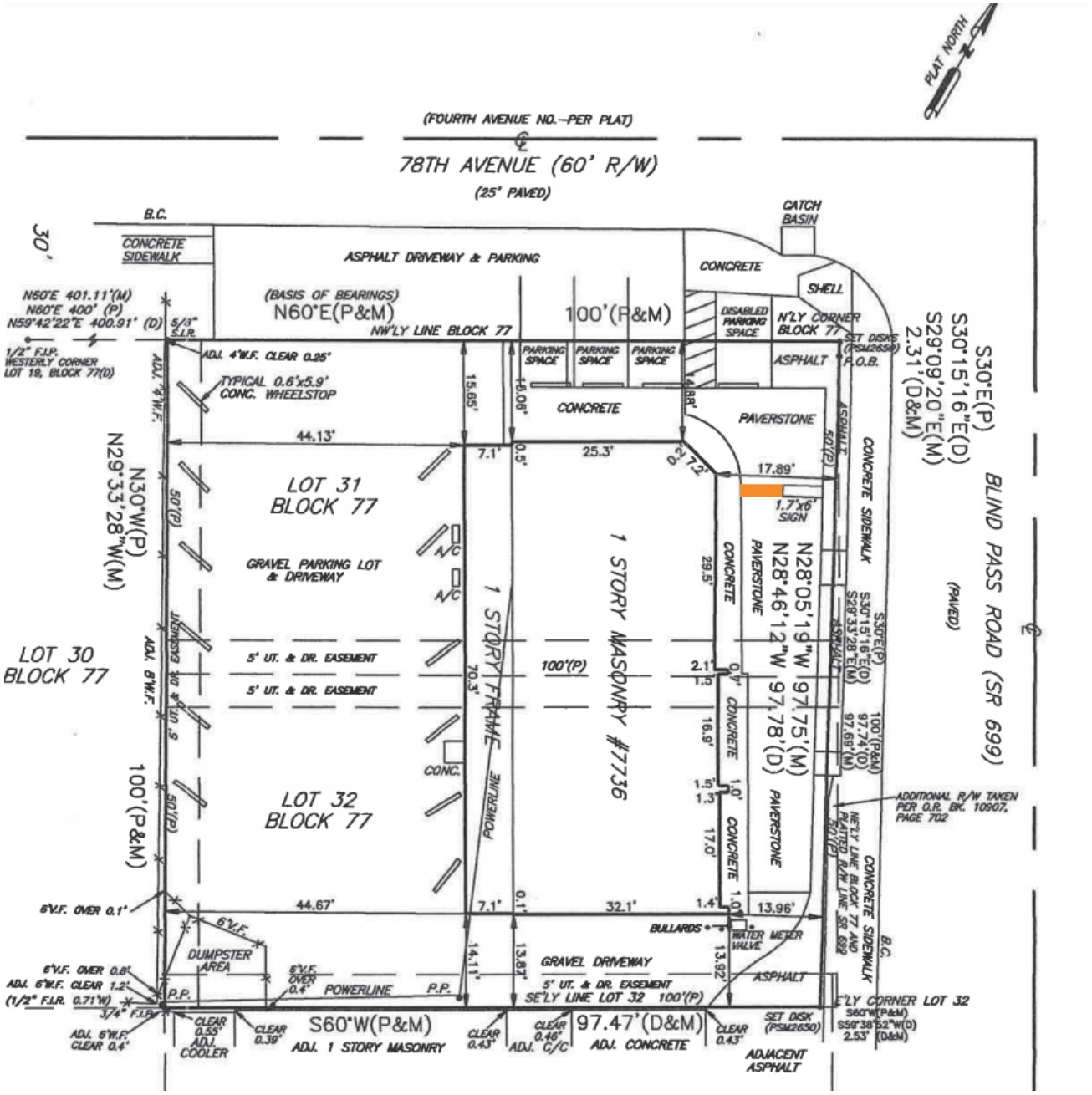
AERIAL MAP


Existing Sign
Blind Pass Rd
78th Ave
78th Ave
78th Ave
Blind Pass Rd
Blind Pass Rd
Blind Pass Rd
699
699
699
699
7786 Blind Pass Rd, St Pete Beach, FL 33706
Mastry's Brewing
Vito & Michael's Pizzeria
Google

ZONING MAP


CG-2
RU-2
RM
CC-1
RU-2
80TH AVE
79TH AVE
GULF BLVD
BLIND PASS RD
BOCA CIEGA DR
78TH AVE
77TH AVE
76TH AVE
TC-1
RLM-1
GOQUINA WAY

SURVEY


PLAT NORTH
(FOURTH AVENUE NO.–PER PLAT)
78TH AVENUE (60' R/W)
(25' PAVED)
B.C.
CONCRETE SIDEWALK
ASPHALT DRIVEWAY & PARKING
CATCH BASIN
CONCRETE
SHELL
(BASIS OF BEARINGS)
N60°E(P&M)
NW'LY LINE BLOCK 77
100'(P&M)
DISABLED PARKING SPACE
N'LY CORNER BLOCK 77
SET DISK (PSM2650)
P.O.B.
ASPHALT
PARKING SPACE
TYPICAL 0.6'x5.9' CONC. WHEELSTOP
ADJ. 4'W.F. CLEAR 0.25'
CONCRETE
PAVERSTONE
44.13'
25.3'
17.89'
1.7'x6' SIGN
LOT 31 BLOCK 77
GRAVEL PARKING LOT & DRIVEWAY
1 STORY MASONRY #7736
1 STORY FRAME
POWERLINE
N28°05'19"W 97.75'(M)
N28°46'12"W 97.78'(D)
PAVERSTONE
CONCRETE SIDEWALK
BLIND PASS ROAD (SR 699)
(PAVED)
S30°E(P)
S30°15'16"E(D)
S29°09'20"E(M)
2.31'(D&M)
N30°W(P)
N29°33'28"W(M)
LOT 30 BLOCK 77
5' UT. & DR. EASEMENT
100'(P)
LOT 32 BLOCK 77
100'(P&M)
ADDITIONAL R/W TAKEN PER O.R. BK. 10907, PAGE 702
44.67'
32.1'
13.96'
BULLARDS
WATER METER VALVE
DUMPSTER AREA
GRAVEL DRIVEWAY
5' UT. & DR. EASEMENT
SE'LY LINE LOT 32 100'(P)
POWERLINE
ASPHALT
E'LY CORNER LOT 32
S60°W(P&M)
S60°W(P&M)
97.47'(D&M)
ADJ. 1 STORY MASONRY
ADJ. CONCRETE
ADJACENT ASPHALT
SET DISK (PSM2650)

SIGN PHOTO

- Subject Property, 7736 Blind Pass

CASE #: 21063 PARCEL #: 36311561524077031O

SUBMITTAL DATE: 8/16/21 AMOUNT DUE: $532.90 PAYMENT DATE: _____

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	MHHR INVESTMENTS LLC.	1105 81st Street South St. Petersburg, FL 33707	727 542 1782
Applicant/ Agent	RUDY CONSONI	1105 81st Street South St. Petersburg, FL 33707	727 542 1782

Owner Email Address:	Applicant/Agent Email Address:
RUDY@RESORTRENTALS.US	RUDY@RESORTRENTALS.US

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
CC1		Lot 31 + 32 Block 77

Legal Description: NORTH UNIT NO1 BLK 77 LOTS 31 AND 32 LESS RD ONE

Address: 7736 BLIND PASS RD. ST. PETE BEACH, FL 33706

Explanation of Request: KEEP EXISTING SIGN AT SAME LOCATION. MONUMENT SIGN WAS PERMITTED IN 2010 BY THE CITY. SIGN HAS LEGAL HEIGHT AND ALLOWABLE S.F. PER CODE!

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;

   Existing sign was permitted by City 10 years ago.
   10 ft set back from sidewalk would put sign too close to Building and main entrance!
   Attached site plan shows location approx.

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

   Sign was put up by previous Owner in 2010 with proper permits.

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;

   City has lots of other Businesses with non conforming sign set backs (examples attached)
   Removing sign and install new sign would cost several thousand Dollars!

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;

   I would not consider this an abandoned sign nor an abandonded property. Property has been actively for rent with a commercial Real Estate Broker for all this time.
   It's not easy to find tenant during a PANDEMIC!

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

Not applicable since no changes of existing sign!

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;

Many commercial properties in St. Pete Beach have their signs closer than 10 ft. to side walks. ~~Examples are attached~~.

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

Relocation of sign would interfere with access to main entrance to building

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.

The existing sign has never been determined to be detrimental to public safety and welfare and is compatible with other signs in neighborhood and City.

8/12/21

Signature of Applicant **Date** **Signature of Authorized Agent** **Date**

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

Date 8/12/21

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, RUDY CONJONI, 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): MHRR INVESTMENT LLC RUDY CONJONI

Address: 1105 81st STREET S, ST. PETERSBURG FL 33707

Signature 8/12/21 Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 12th day of August, 2021 by: Rudy Consoni who appeared before me, and is personally known to me, or has produced Personally Knownn as identification, and did take an oath.

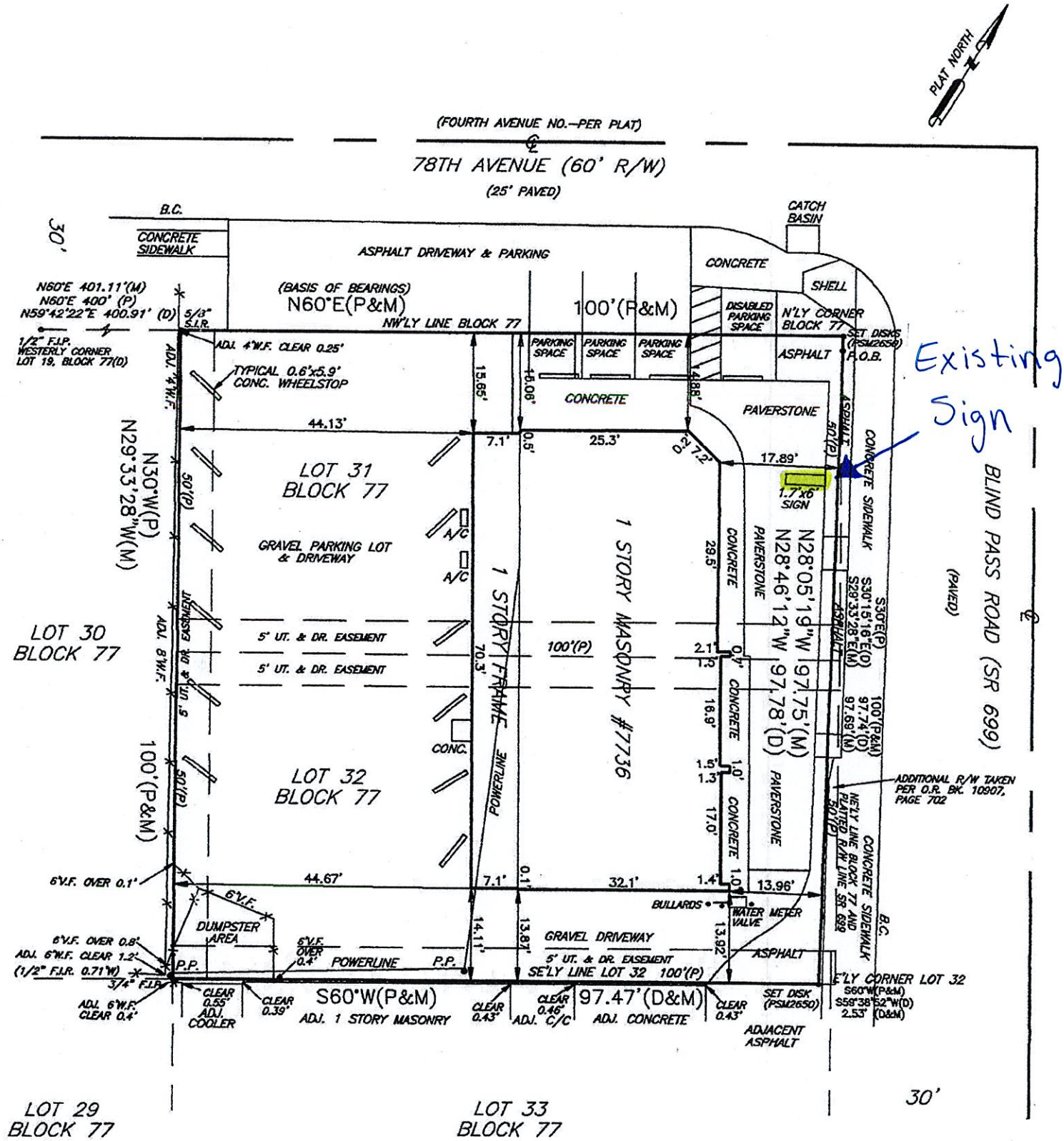
My commission Expires: 6/7/24

NOTARY: Janet Lee Shields

Print Name: JANET Lee Shields Notary Public, State of Florida

(Notarial Seal)

NOTARY PUBLIC STATE OF FLORIDA
JANET LEE SHIELDS
MY COMMISSION # HH7348
EXPIRES: June 07, 2024



A BOUNDARY SURVEY OF LOTS 31 AND 32, BLOCK 77, NORTH UNIT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 27, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; LESS AND EXCEPT THAT PART THEREOF TAKEN FOR ROAD RIGHT-OF-WAY PURPOSES.

JOB NUMBER: MMXVII575 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 1/09/18 SCALE: 1 INCH = 20 FEET DRAWN BY: DCH	**DAVID C. HARNER** PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 36 TOWNSHIP 31 SOUTH RANGE 15 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 8/18/09 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0257 G SURVEYED BY: DCH

BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 5955 Gulf Winds Dr (Case No. 21065)

Date: September 29, 2021

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: An Unnecessary and Undue Hardship Variance keep an existing abandoned freestanding sign that exceeds the permitted height and front setback for a sign at the subject location (LDC Sec. 26.35 (a)).

Funding: N/A

Requested Motion: I move to APPROVE Variance Case No. 21065 to allow for the nonconforming sign to remain with the conditions recommended by staff.

Attachments:

1. 5955 Gulf Winds Dr Staff Report
2. 21065 Application
3. 5955 Gulf Winds Site Plan
4. Estitmate from All Seasons Landscaping

PLANNING DIVISION
STAFF REPORT
BOARD OF ADJUSTMENT

VARIANCE CASE NO.: 21065 PUBLIC HEARING DATE: SEPTEMBER 29, 2021
OWNER/ APPLICANT: 59th Ave Properties, LLC c/o Charles Marco
PREPARED BY: Wesley Wright, Planning Manager

REQUEST	Unnecessary and Undue Hardship Variances to allow for the existing abandoned nonconforming freestanding monument sign to remain on the property. The approximate 22-foot tall sign violates the maximum height (8 feet) and ten-foot setback standard (3.3-feet) from the right-of-way (LDC Sec. 26.35(a)).
SUBJECT PROPERTY	**5955 Gulf Winds Drive,** GULFWINDS SUB BLK 7, LOT 2 Property ID #36-31-15-61524-077-0310
ACERAGE	0.18 AC (8,000SF, 80FT X 100FT)
LAND USE	CC-2 Commercial Corridor Gulf Boulevard District within the Downtown Redevelopment District
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Commercial (Emmy's Hair and Nail Salon) South – Commercial (Boulevard Burgers) East – Commercial/Multifamily (Eastview Apts and The Sylvette Condos) West – Commercial (Single Family Residence)

BACKGROUND

The existing monument sign was permitted at time when monument signs were not required to be set back from the property line. In 2011 amendments were made to the Land Development Code that required a setback of ten feet from the front lot line. In June of 2021, various properties throughout the city were notified that signs that have been abandoned are required to be removed. The applicant applied in August 2021 to allow for the abandoned nonconforming sign to remaining at a height of 22-feet and at 3.3-feet of the front lot line. The property is currently inactive.

ANALYSIS

The Land Development Code requires abandoned nonconforming signage to be removed if a business has been inactive or is out of business for a period of 90 consecutive days. Signs are considered nonconforming if they do not comply with the height, setback, or area standards for the underlying zoning district. The Land Development Code regulates nonconforming and abandon signs as follows:

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.
(2) .... Nonconforming signs that are considered abandoned pursuant to this division shall be demolished or removed.

Sec. 26.2. – Definitions.
Abandoned … sign … means (a) A sign pertaining to or associated with an event, business, … which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer;

Sec. 26.4. - Prohibited signs.
(h)Abandoned and discontinued signs.

	Allowed	Proposed	Variance Requested (%)
Sign Area	100 SF	28 SF	NA
Sign Height	8 feet	22 feet	7-feet / 1.87%
Sign Setback	10 feet	3.3 feet	6.7-feet / 67%

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) **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 special conditions and circumstances do exist which are peculiar to the existing sign structure and its visibility from Gulf Boulevard. Locating the sign further within the property or reducing the height may reduce the visibility from Gulf Boulevard.

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 special conditions and circumstances are not the result of the actions of the applicant or prior owner of the property.

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;**

The Land Development Code does not entitle the property to any specific type of signage, but rather a selection of signage that may provide the “minimum reasonably necessary” to identify the business and its nature. Staff find that denying a variance to the height and setback may be a hardship on the applicant compared to adjacent properties along Gulf Boulevard. The subject property fronts along Gulf Winds and the exist height and setback provide the visibility needed to attract restaurant patrons.

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;

No use disallowed in the district would be created by the issuance of this variance. The use of the property as a restaurant will remain.

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

Staff do not find that a desire to achieve greater financial return forms the basis of the hardship for this request.

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;

Other commercial properties within the zoning district are subject to the same sign standards as the subject property; however, Staff recognizes that a greater height and reduced setback may be in order due to the subject property being located along Gulf Winds Drive and attempting draw from Gulf Boulevard traffic.

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 reasonable use of the building in providing sufficient access.

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 find that the request for a variance is in harmony with the general intent and purpose of the Comprehensive Plan and Land Development Code. The sign code encourages the lessening of visual clutter that may otherwise be caused by the excessive height or size (area) of signage. The existing sign is set along Gulf Winds Drive, which lessens the visual clutter of Gulf Boulevard. The placement of the sign is outside the visibly triangle and does not hinder pedestrian or traffic safety. Additionally, the sign does not conflict with the principal permitted use of the site.

Staff are recommending conditions to ensure that the site complies with the other relevant provisions of the LDC as it relates to abandonment in the future.

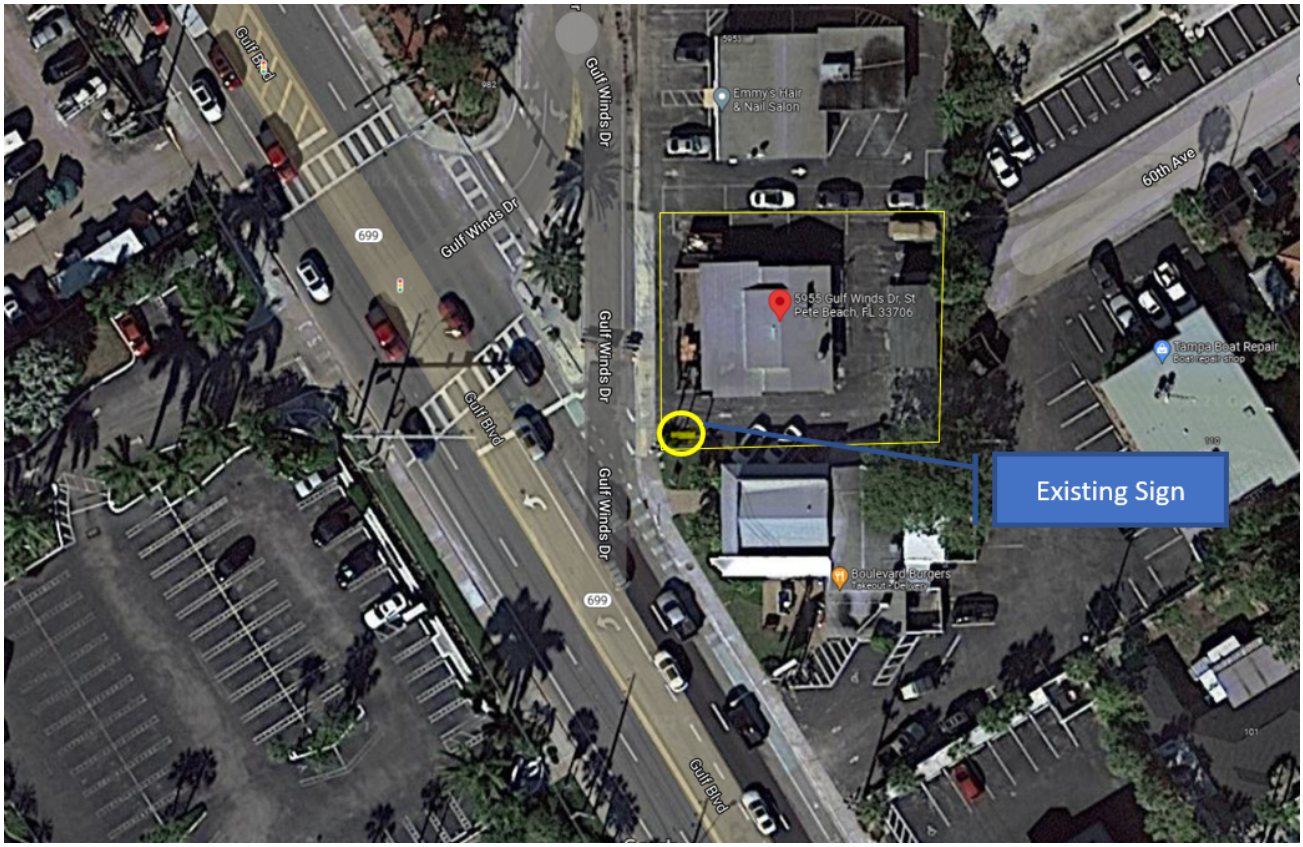
SUMMARY AND RECOMMENDATION:

Staff find that the request is reasonable and will not be detrimental to the public safety and welfare. The site is somewhat constrained due to the location of the building. Staff recommend approval of the variance for the freestanding sign to be within ten feet of the front property line with three conditions:

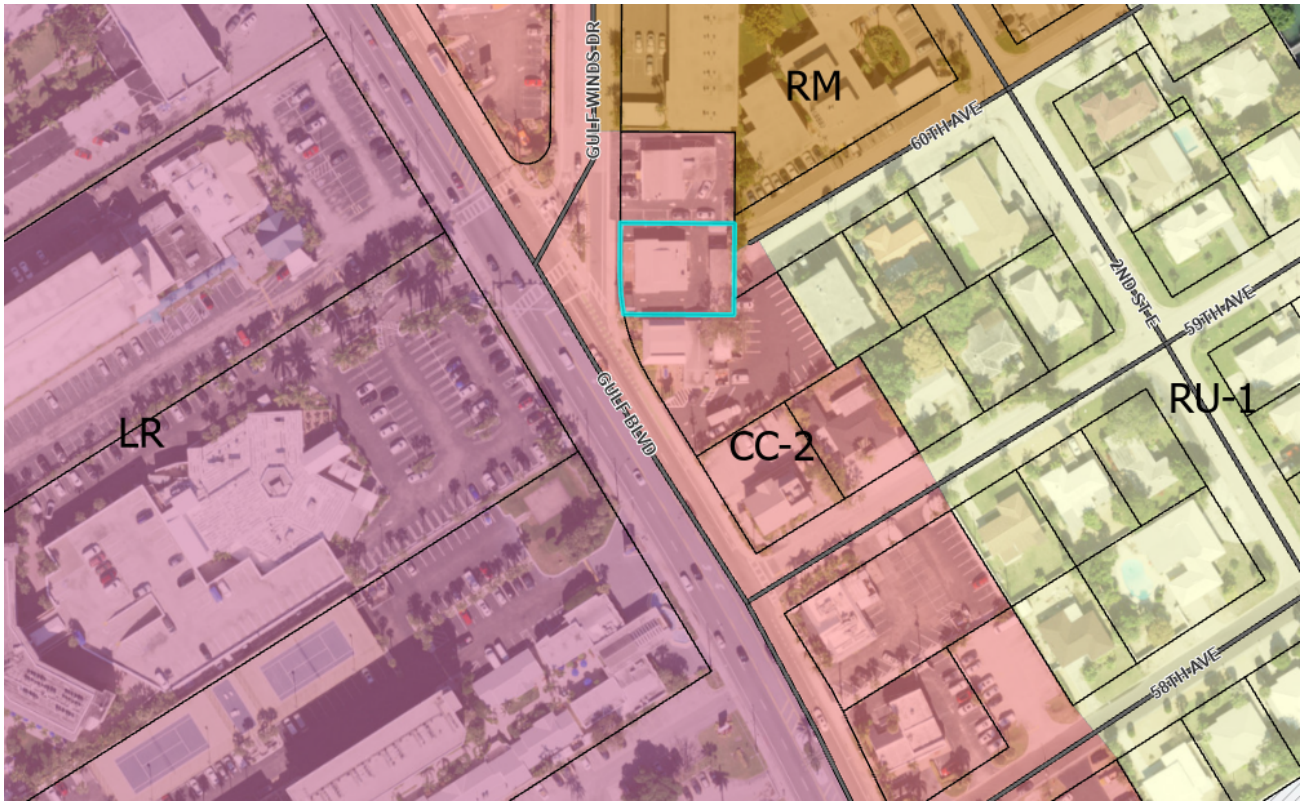
1) The freestanding monument sign shall be considered a legal nonconforming sign;

2) The nonconforming sign may continue to be maintained until (1) the nonconforming sign is substantially damaged or destroyed, or (2) until the real property on which the sign is located is redeveloped whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with Land Development Code Division 26 and with any other applicable law or regulation.
3) A new business shall occupy the existing building with the issuance of a Business Tax Receipt within 12 months of the Development Order or the nonconforming sign shall be deemed abandoned and shall be removed.
4) The lower cabinet shall be removed from the freestanding monument sign and the remaining structure shall be repainted with ordinary and customary repairs performed.
5) The existing asphalt between the front deck and the Gulf Winds Drive sidewalk shall be removed. A landscaped area shall be established on each side of the deck entrance and run the length of the deck, with sidewalk / paver walkway constructed from the deck to the Gulf Winds Drive sidewalk.

AERIAL MAP


Gulf Blvd
Gulf Winds Dr
Gulf Winds Dr
Gulf Winds Dr
Gulf Winds Dr
Gulf Blvd
Gulf Blvd
699
699
Emmy's Hair & Nail Salon
5955 Gulf Winds Dr St Pete Beach, FL 33706
60th Ave
Tampa Boat Repair
Boulevard Burgers
Existing Sign

ZONING MAP


RM
GULF WINDS DR
60TH AVE
2ND ST E
59TH AVE
RU-1
LR
GULF BLVD
CC-2
58TH AVE

Site Plan

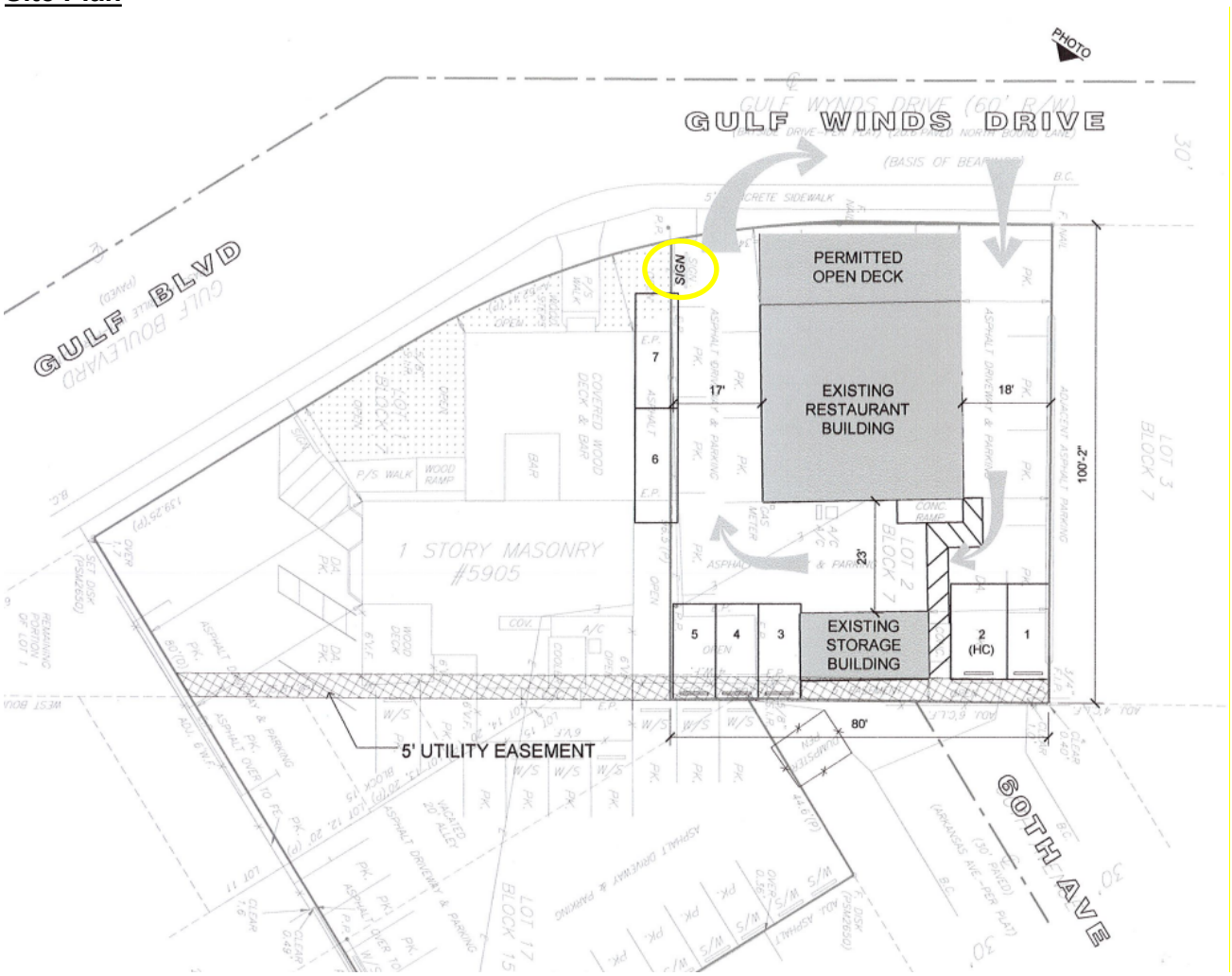


PHOTO
GULF WINDS DRIVE
GULF BLVD
SIGN
PERMITTED OPEN DECK
EXISTING RESTAURANT BUILDING
17'
18'
100'-2"
23'
EXISTING STORAGE BUILDING
7
6
5
4
3
2 (HC)
1
80'
1 STORY MASONRY #5905
COVERED WOOD DECK & BAR
5' UTILITY EASEMENT
60TH AVE

SIGN PHOTO

- Subject Property, 5955 Gulf Winds

Looking North

Looking South

CASE #: 21065 PARCEL #:

SUBMITTAL DATE: 8/17/21 AMOUNT DUE: 712.10 PAYMENT DATE: 8/17/21

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)

RECEIVED
AUG 17 2021
COMMUNITY DEVELOPMENT

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	59th Ave Properties LLC	PO Box 8335 Seminole, Fl 33775	727 418-2077
Applicant/ Agent	Charles Marco	5905 Gulf Blvd St Pete Beach, Fl 33706	727 741-5255

Owner Email Address:	Applicant/Agent Email Address:
jackbuns@verizon.net	charlesmarco2@gmail.com

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
CC-2		#17

Legal Description:

Address: 5955 Gulf Winds Dr

Explanation of Request: Please See attached Pages on back

RECEIVED
AUG 17 2021
COMMUNITY DEVELOPMENT

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

Correct. I just want my sign to have same visibility as my Neighbors

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;

Correct, Others with high signs have had repairs Made to signs

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

Correct, I am also willing to eliminate The lower sign that is Now in place

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.

Correct. this sign has existed for many years with no impact to property values or public safety.

8/11/21 8/11/21

Signature of Applicant **Date** **Signature of Authorized Agent** **Date**

RECEIVED
AUG 17 2021
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE 59th Ave. Properties, LLC
(print name of property owner)

hereby authorize CHARLES MARCO
(print name of agent)

to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

JACK BUNS
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 12th **day of** August **2021 by** Jack Buns **or who is personally known** _____ **produced** _____ **as identification.**

JENNA JORDAN
MY COMMISSION # GG 288583
EXPIRES: January 3, 2023
Bonded Thru Notary Public Underwriters

Jenna Jordan 8/12/2021
(Notary Signature) **(Date)**

My Commission Expires _____

RECEIVED
AUG 17 2021
COMMUNITY DEVELOPMENT

Dear Board,

I am requesting this variance to repair an existing sign for three main reasons:

1) A lighted sign at the eight-foot maximum height will create a great annoyance to the diners at the restaurant next door to my south (see photo #1)
2) Zero visibility to traffic heading north (see photo #2) Extremely limited visibility to traffic heading south (see photo #3)
3) No other location on property to relocate sign that would meet current code

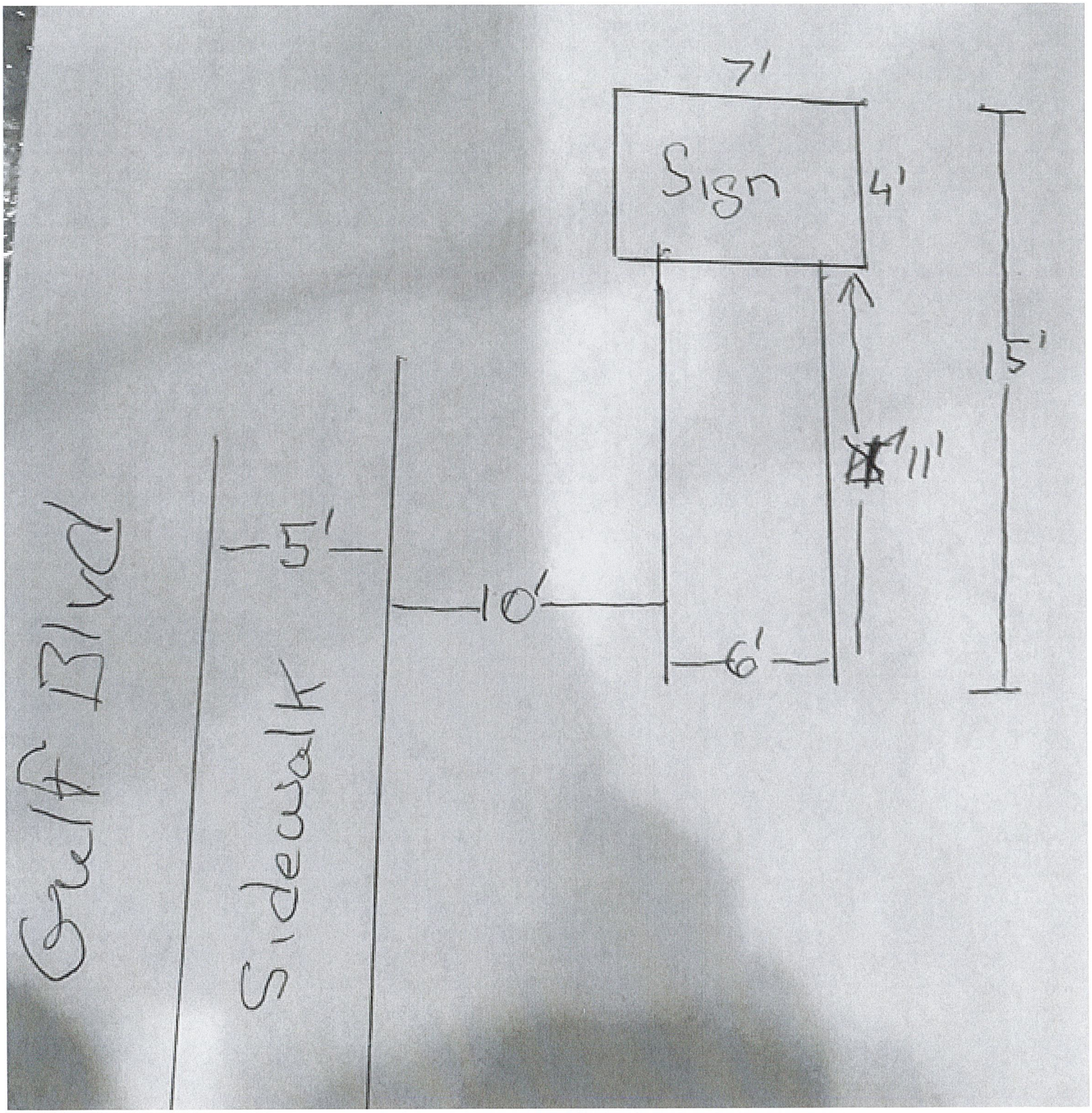
Thank you for your consideration,

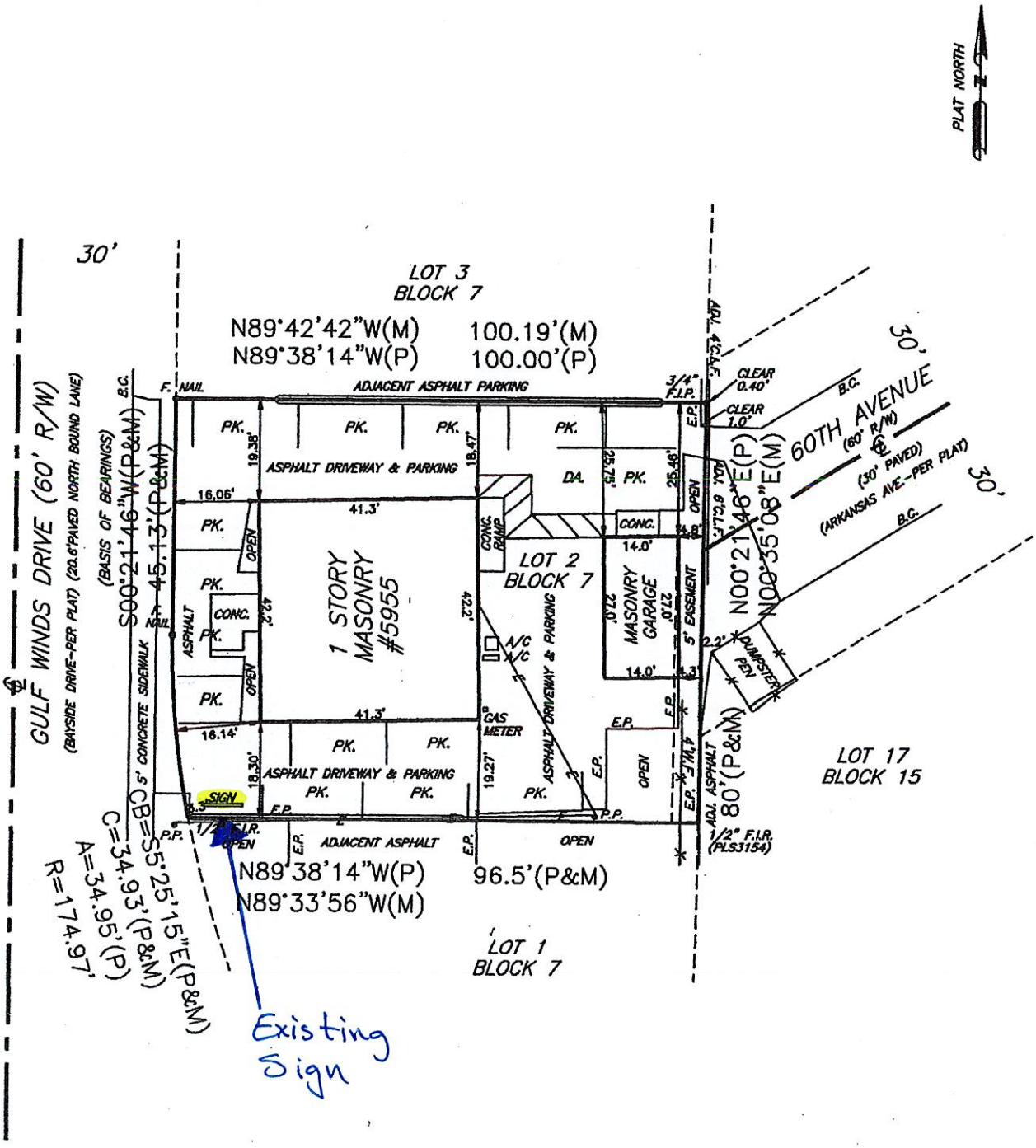
Charles Marco

#7
SUITES

#2

#3


Gulf Blvd
Sidewalk
5'
10'
Sign
7'
4'
6'
11'
15'



A BOUNDARY SURVEY OF LOT 2, BLOCK 7, GULF WINDS SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGES 29 AND 30, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

All Seasons Landscaping, Inc.

101 Pasadena Ave. S.
St. Petersburg, Fl. 33707
727 360-7522 Fax::727 363-7277

Landscaping Estimate

Date	Customer Phone
9/14/2021	727-741-5255

Name / Address
Boulevard Burgers / Nueva Cantina Attention: Charles 5905 Gulf Blvd St. Pete Beach, FL 33706

Property Location
Boulevard Burgers / Nueva Cantina Attention: Charles 5905 Gulf Blvd St. Pete Beach, FL 33706

Item	Qty	Description	Cost	Total
Landscaping		Cut Up / Dig Out Parking Lot Out Front	900.00	900.00
		Install of Professional Potting Soil Mix		
		Dump		
Irrigation		Run Irrigation Line from Existing Other Buildings Irrigation (Approximately 40') Parts + or - $200	250.00	250.00
Soil	10	Professional Potting Soil Mix	16.00	160.00
Palms	2	Adonidia Palm Double 15 gal	129.00	258.00
Plants	8	Copper Plant 3 gal Red	16.00	128.00
Plants	14	Silverbuttonwood Bush 3 gal	16.00	224.00
Plants	20	Croton - Mammy Red 3 gal	16.00	320.00
Shell	3	Shell - 3 Yards Crushed / Washed	95.00	285.00
Labor		Labor	375.00	375.00

Total $2,900.00

WARRANTY: ALL SEASON'S guarantees its trees/plants against defects for 90 days from the date of sale. You are responsible for watering, fertilizing, and maintaining your trees/plants, including spraying/treating for insects, disease, and fungus.
ALL SEASON'S DISCLAIMS ALL LIABILITY FOR DAMAGE TO TREES/PLANTS CAUSED BY COLD, FROST, WIND, STORMS & PURCHASER NEGLECT.
THERE ARE NO WARRANTIES, ORAL OR WRITTEN, EXCEPT FOR THOSE SET FORTH HEREIN, AND ALL SEASON'S DISCLAIMS IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
WE MAKE NO WARRANTIES TO, AND WE DO NOT ACCEPT RETURNS, EXCHANGES, OR REFUNDS.
I have received, read, and understood the foregoing warranty statements. By signing this document, I understand that I have entered into a contract with ALL SEASON'S for the purchase of materials and/or services, and that I agree to the warranty statements included herein.

X_____