



BOARD OF ADJUSTEMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
Commission Chambers
155 Corey Avenue, St. Pete Beach, Florida 33706
6/25/2014
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda** – Any agenda items to be added, moved or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the board or by a majority vote of the board upon the request of an audience member.
- 2. Minutes for Acceptance**

5/30/2014
- 3. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.

4. Public Hearings:

Case 20140025: Address 2817 Pass A Grille Way. Applicant request the following variances:

Section 6.13 of the Land Development Code to permit the construction of a swimming pool/spa/waterfall and decking that will encroach 20.0' into the required 20.0' rear yard setback.

Section 6.14 of the Land Development Code to permit the installation of ancillary residential equipment that will encroach 6 inches into the required 5.0' side yard setback (pool equipment, generator, a/c units, elevator machinery).

Section 9.7 of the Land Development Code to permit the construction of an attached garage that will encroach 10.0' into the required 10.0' secondary front yard setback (29th Avenue).

Case 20140026: Address 3941 Oleander Way. Applicant requests a variance from Section 8.7(a)(1) of the Land Development Code to permit the construction of a new single family residence that the front entry stair will encroach 9.0' into the required 20.0' front yard setback

5. Adjournment

APPEAL

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

AMERICAN DISABILITIES ACT

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

City of St. Pete Beach, Florida
Variance Application No. 20140025
Board of Adjustment Public Hearing
June 25, 2014

I. Property Information

Address: 2817 Pass A Grille Way
Owner: Scott Schaming
Agent: Scott Schaming
Existing Use: Residential
Zoning: RU2 (Single Family Residential)

II. Request/Code Requirements

- A. Section 6.13(c)(1)b of the Land Development Code to permit the construction of a swimming pool/spa, waterfall and decking within the required 20.0' rear yard setback.
- B. Section 6.14 of the Land Development Code to permit the installation of ancillary residential equipment within the required 5.0' side yard setback.
- C. Section 9.7 of the Land Development Code to permit the construction of an attached garage within the required 10.0'secondary front yard setback.

Item	Required rear yard setback	Proposed rear yard setback	Encroachment
Swimming Pool, Spa & Decking	20.0'	0.0'	20.0'
Item	Required Side Yard Setback	Proposed Side Yard Setback	Encroachment
Ancillary residential equipment	5.0'	4.5'	6"
Item	Required secondary front yard setback	Proposed secondary front yard setback	Encroachment
Garage	10.0'	0.0'	10.0'

III. Background Information

The property is a corner lot and the determination of the primary front is based on the yard abutting the street on which the lot of record has the lesser dimension. Pass A Grille Way is the primary front and 29th Avenue is the secondary front yard.

The applicant is proposing to construct an attached garage addition, swimming pool with a spa and waterfall, decking, pool equipment, generator, a/c units and elevator machinery.

The swimming pool, spa and decking is proposed to be constructed to the rear of the property (waterfront).

Section 6.13(c)(1)b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located.

Section 2: Grade. See "Grade, natural."

Grade, natural means the elevation of the ground level in its natural state, before construction, filing or excavation, measured in feet above mean sea level.

The applicant is proposing to install approximately 9" of fill and with the proposed elevation of the swimming pool with waterfall and water/fire bowl shall be over the maximum 2.0' height from grade. The setback would be increased to the 20.0' district setback requirement. The plans indicate that the decking goes to the rear property line which makes the variance request a 0.0' rear yard setback for all these components.

Ancillary residential equipment shall not encroach into the required side yard setback. This equipment comprises the pool equipment, generator, a/c units and elevator machinery. The side yard setback is 5.0' (10% of lot width) and the equipment shall encroach approximately 6" into the setback.

The attached garage is proposed to be constructed on the 29th Avenue side of the property. The proposed garage requires a 10.0' secondary front yard setback and the applicant is proposing to construct the garage to the property line with no setback.

IV. Zoning and Comprehensive Plan

The property is zoned RU2 (Single Family Residential) allows single family use only.

V. Analysis/Summary

Section 3.12 of the Land Development Code sets forth the warrants that an applicant must meet in order for the Variance to be granted.

2817 Pass A Grille Way
Board of Adjustment Variance Case #20140025



May 15, 2014









Relevant Code Provisions

Section 6.13(c)(1)b

Section 6.14

Section 9.7

Division 3 – Administration of the Land Development Code

Sec. 3.12. - Variances.

(a) *Authority and approval criteria.*

- (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
 - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
 - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
 - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
 - (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
 - (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

JPS

John Peter Slosburg, MD

106 29th Avenue
St Pete Beach, Florida 33706-4118
727-367-0072

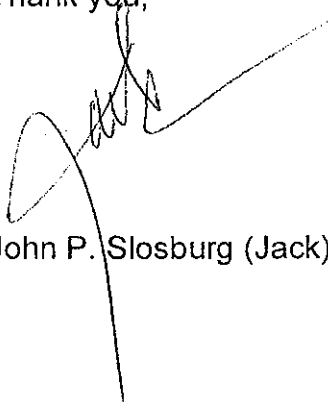
June 13, 2014

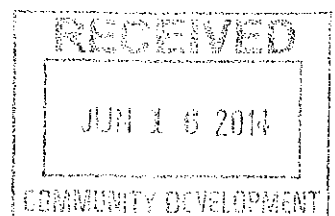
To: The Board of Adjustment
Re: Case #20140025
2817 Pass-a-Grille Way

As neighbors with direct sight along 29th Avenue, we feel a variance of section 9.7 to allow an unsightly garage encroachment would be a bad precedent in our area.

We are also strongly opposed to destroying any more Washingtonia Palms on Pass-a-Grille. They should be protected as essential to the character of our neighborhood/street.

Thank you,


John P. Slosburg (Jack)



City of St. Pete Beach, Florida
Variance Application No. 20140026
Board of Adjustment Public Hearing
June 25, 2014

I. Property Information

Address: 3941 Oleander Way
Owner: Michael & Janet Lazuk
Agent: Thomas Rodgers
Existing Use: Residential
Zoning: RU1 (Single Family Residential)

II. Request/Code Requirements

- A. Section 8.7(a)(1) of the Land Development Code to permit the construction of an addition that will encroach 9.0' into the required 20.0' rear yard setback.

Item	Maximum front yard setback	Proposed front yard setback	Proposed encroachment
Front Yard Setback	20.0'	11.0'	9.0'

III. Background Information

The applicant is proposing to construct a new single family residence. As part of this new residence the applicant is proposing to construct a front stairway that will encroach 9.0' into the required 20.0' front yard setback. The Land Development Code does allow for a 3.0' encroachment of an open stairway into the required front yard setback, however, the applicant has determined that this exception does not meet the needs for the style of residence proposed.

IV. Zoning and Comprehensive Plan

The property is zoned RU1 (Single Family Residential) allows single family use only.

V. Analysis/Summary

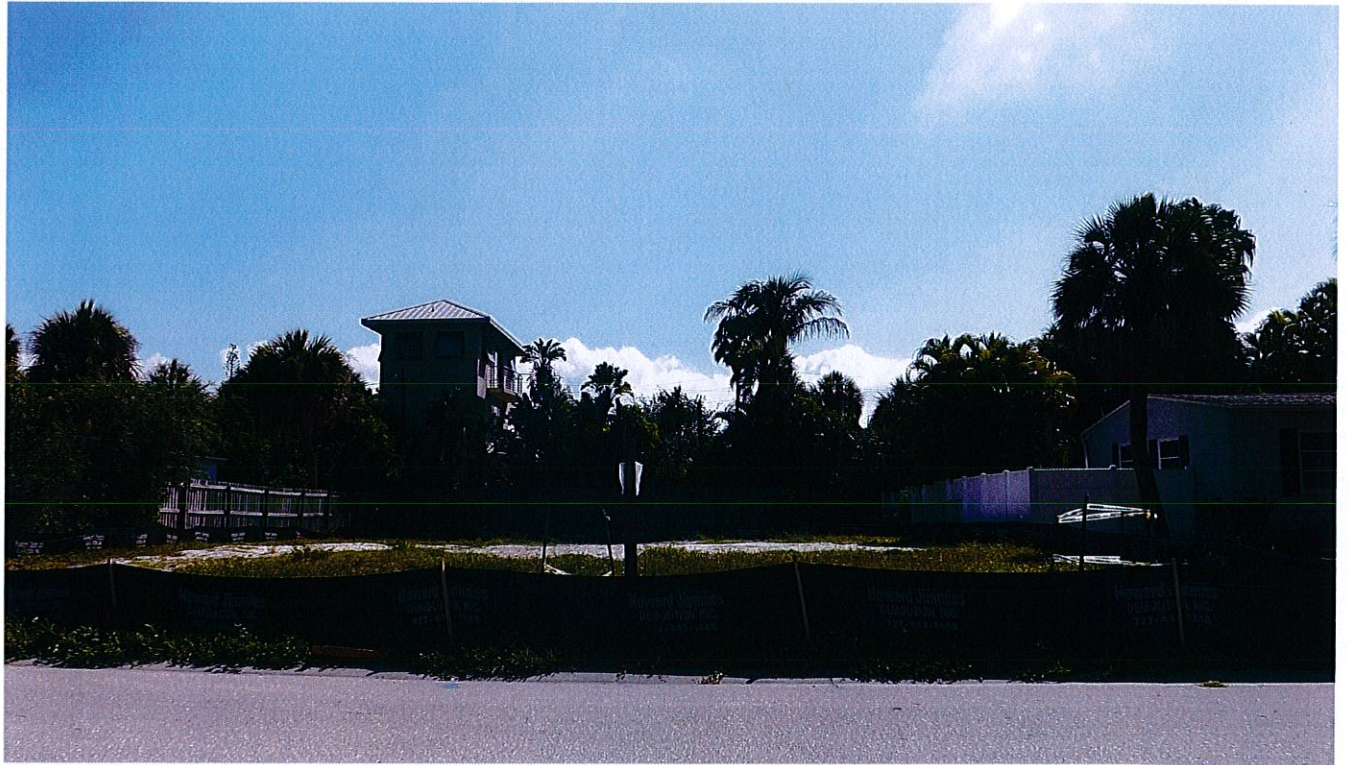
Section 3.12 of the Land Development Code sets forth the warrants that an applicant must meet in order for the Variance to be granted.

3941 – Oleander Way
Board of Adjustment Variance Case #20140026



May 22, 2014





Relevant Code Provisions

Section 8.7(a)(1) Minimum yard requirements

Division 3 – Administration of the Land Development Code

Sec. 3.12. - Variances.

(a) Authority and approval criteria.

- (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
 - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
 - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
 - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
 - (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
 - (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.