



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, October 27, 2021
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda -
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. Minutes: 09/29/2021
4. Action Items
 - a. **2022 Board of Adjustment Meeting Dates**
Review the 2022 meeting schedule with the Board of Adjustment.
 - b. **Variance - 460 59th Ave (Case No. 21071)**
Request to construct a 15'x30' residential addition that is proposed to encroach into the required 59th Avenue front setback area by 10 feet (20 feet required).
 - c. **Variance - 6850 Bay St (Case No. 21076)**
Request to allow the installation of a 6.0 foot fence in the front yard setback area around the existing pool area of the property where maximum fence height allowed is 4.0 feet.
 - d. **Variance - 1805 Pass-A-Grille Way (Case No. 21072)**
Request to construct a residential dock that is proposed to be 30 feet in length (25 feet allowed) and to be located 9.58 feet from the left side riparian setback and 9.08 feet from the right-side riparian setback (12.5 feet required on each side). Staff recommends Partial Approval of this request to exceed the allowable length.
 - e. Case Continued until 11/17/2021. Variance - **6800 Gulf Blvd (Case No. 21075).**
Request to allow an abandoned nonconforming freestanding sign that is proposed to

remain in a manner that encroaches into the required front setback area by 3.21 feet.

5. **Adjournment - Next Meeting 11/17/2021**

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
September 29, 2021 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Denise Chase
Jake Holehouse

EXCUSED: Michael Bomar

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Wesley Wright, Planning Manager
Lynn Rosetti Senior Planner
Brandon Berry, Planner II
Jordan Elmore, Zoning and Permit Tech

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

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

1. Changes to the Agenda – Assistant City Attorney Matthew McConnell stated that item 4d., Case #21067, would be deferred to date certain October 27, 2021 for advertising purposes.

Motion: Member Chase moved, and Vice Chair Lyman seconded the deferral of Case #21067 to the October 27th, 2021 Board of Adjustment meeting; the motion carried unanimously.

2. Audience Comments – There were no public comments.

3. Approval of Minutes - a. 8/25/2021

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the approval of the minutes from the August 25, 2021 meeting; the motion carried unanimously.

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).

Planning and Zoning Tech Jordan Elmore reviewed a detailed presentation on the variance request. The presentation and Staff Summary of the case in the meeting packet have been made part of these minutes. Photographs and other exhibits were reviewed, as well as conditions of approval. Staff found the request reasonable and the recommendation was for approval.

Generx Generator Contractor David Dumphy of 2311 Oxford Ct., Safety Harbor appeared for the Applicant and provided further details of the generator installation and answered Board questions,

Frank McMillen, owner of 7013 Boca Ciega Dr., appeared to voice an objection to the location of the generator in proximity to his windows. Applicant Jack Rader was sworn in to add comment. Following discussion and review of photographs, Mr. Dunphy agreed to move the generator forward, under the fixed bathroom window, to accommodate the neighbor's request.

There being no further public comment, Board discussion followed.

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of the Variance for Case #21062 to allow for the encroachment of an elevated generator into the required side yard, to include the discussed relocation. The motion carried 4-0.

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

Planner II Brandon Berry reviewed the request and a detailed presentation with photographs and exhibits; the presentation has become part of these minutes. He stated that no communications for or against the request have been received and that all meeting notice requirements were met. Staff found the request reasonable and the recommendation was for approval as submitted.

Applicant Charles Hill, of 4365 Holland Drive, appeared to provide further details and answer any Board questions. There were no comments for or against the variance; the Chair closed public comment and opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded to approve Case No. 21061 to allow for a second shed to be permitted on the property as submitted; the motion carried 4-0.

- 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.).

Senior Planner Lynn Rosetti reviewed a detailed presentation of the variance request, with photographs and exhibits; the presentation has become part of these minutes. No communication was received for or against the request.

Staff found the request reasonable and that it should have minimal if any impact on the surrounding neighborhood; they also found that the request meets the criteria laid out in the Land Development Code and recommended approval.

The Applicant's Agent, Amber Lissy 110 Island Way, Clearwater Beach, was sworn in, provided additional details of the request, and answered Board questions. There was no comment for or against the request and the Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Holehouse seconded 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; the motion carried 4-0.

- 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)).

Per changes to the agenda, this item will be deferred to the October 27, 2021 meeting.

- 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.).

Mr. Berry summarized the of the variance request, verified that that all meeting notice requirements had been met, and that no communications were received for or against the variance. He reviewed a complete presentation with details of the request, photographs and exhibits. The presentation and Staff Report from the meeting packet will become part of these minutes.

Staff found the request to be reasonable. Staff recommendation was for approval with the conditions that the applicant submit a landscaping plan and that the engineering of the pool ensures that the seawall is protected prior to issuance of the pool permit.

Mishou Sanchez 2504 Alvarez Road, Tampa, appeared on behalf of the Applicant to provide additional details and answer Board questions. There was no communication received, or public comment for or against the variance, and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #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. The motion carried 4-0.

- 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)).

Planning Manager Wesley Wright indicated that all meeting notice requirements for the variance had been met. He reviewed a detailed presentation of the request with exhibits and photographs; the presentation will become part of these minutes. Mr. Wright explained that the sign had been installed prior to current setback requirements. The request met all eight hardship variance criteria. Staff found the request to be reasonable; the recommendation was for approval of the variance with the four conditions as described in the Staff Report. The report has been made a part of these minutes.

Applicant Rudy Consoni of 1105 81st St. South, St. Petersburg, was present to provide details and answer Board questions. There was no public comment for or against the application and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21063 to allow for the nonconforming sign to remain with the conditions recommended by staff. The motion carried 4-0.

- 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)).

Mr. Wright reviewed a summary and detailed presentation of this request. All noticing requirements for this variance request were met. The presentation has been made part of these minutes.

Staff found the request to be reasonable; recommendation was for approval of the variance with three conditions, including removal of some asphalt and the addition of landscaping, as described in the Staff Report, which has been made a part of these minutes.

Tenant/Lessee Charles Marco, of 1109 S. Pinellas Bayway, Tierre Verde, appeared to provide additional details. There was no public comment for or in opposition of the variance request, and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21065 to allow for the nonconforming sign to remain with the conditions recommended by staff. The motion carried 4-0 .

5. Discussion Items

a. Sunshine Law and Public Records Training

Assistant City Attorney Matthew McConnell reviewed a presentation on the Sunshine Law from the Special Council for Open Government as a refresher for the Board members. He commented that this information be reviewed annually. The presentation included the background and scope of the Sunshine Law, three basic requirements of all public meetings, and meeting conduct. He reviewed the Public Records Law, definitions, accepting requests, records retention and penalties. The presentation will become part of these minutes. He provided additional resources and encouraged members to reach out to the City Clerk or Attorney with any questions or concerns.

A question and answer period followed.

6. Adjournment – Next Meeting 10/27/2021

Motion: Vice Chair Lyman moved to adjourn. The motion was seconded by Member Holehouse and the meeting was adjourned at 3:20 PM.

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

Notice of Meetings
Board of Adjustment
2022

The Board of Adjustment meets on the last Wednesday of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>	<u>Agenda Packet Deadline</u>
January 26, 2022	2:00 pm	January 14, 2022
February 23, 2022	2:00 pm	February 11, 2022
March 30, 2022	2:00 pm	March 18, 2022
April 27, 2022	2:00 pm	April 15, 2022
May 25, 2022	2:00 pm	May 13, 2022
June 29, 2022	2:00 pm	June 17, 2022
July 27, 2022	2:00 pm	July 15, 2022
August 31, 2022	2:00 pm	August 19, 2022
September 28, 2022	2:00 pm	September 16, 2022
October 26, 2022	2:00 pm	October 14, 2022
November 30, 2022	2:00 pm	November 18, 2022
December 21, 2022*	2:00 pm	December 9, 2022*

Meeting to elect the Chair and Vice Chair will be on April 27, 2022.

The Code of Ordinances pertaining to this board can be found at:
https://www.municode.com/library/fl/st._pete_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH22BOCOCO_ARTIIBOARD

*Rescheduled due to holidays

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Variance - 460 59th Ave (Case No. 21071)

Date: October 27, 2021

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a 15'x30' residential addition that is proposed to encroach into the required 59th Avenue front setback area by 10 feet (20 feet required).

Funding: N/A

Requested Motion: Staff recommends denial of Case No. 21071 as presented.

Attachments:

1. 21071 460 59th Ave Staff Report
2. 460 59th Ave Supplemental Documents



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

VARIANCE CASE NO. 21071 – John M. Fisher for Tyler and Natali Roshau

MEETING DATE: October 27, 2021

PREPARED BY: Brandon Berry, Planner II

REQUEST	A Practical Difficulty Variance to construct a 15'x30' residential addition that is proposed to encroach into the required 59th Avenue front setback area by 10 feet (LDC Sec. 8.7(a)(2)).
SUBJECT PROPERTY	460 59 th Ave; BAHIA SHORES 2ND ADD LOT 38; Property ID #31-31-16-02358-000-0380.
ACERAGE	Approximately 0.15 acres (6,370 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Coastal A-10
SURROUNDING AREA	North – 59 th Ave/Single Family Residence South - Water East – Bikini Way/Single-family Residence West – Single Family Residence

BACKGROUND

The zoning lot contains a residence constructed in 1957 according to the Pinellas County Property Appraiser.

ANALYSIS

The zoning lot has a front property line that is unusually wide compared to a typical property in the RU-1 District, although the lot type is not uncommon among other properties that abut the cul-de-sacs of 59th Ave. The property's zoning requires that all primary structure additions meet a 20-foot front setback from both the front property line, which abuts Bikini Way S for this property, and the secondary front property line, which abuts 59th Ave. The applicant states that the existing home has a 14.5 foot front setback at its closest point, and is requesting the subject two-story addition to be set back approximately 10 feet.

The applicant supplied supplemental responses that state this space is to be used as a garage with storage space above. However, the floor plans appear to show a space of only eleven feet in depth

where a vehicle could be parked, with the remaining depth of the addition buffered by a stairway up to the second floor of the proposed addition.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Secondary front yard	Two-story home addition	20'	10'	50%

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 approximately 10 feet to the 20-foot required secondary front setback, representing a variance request of approximately 50% to the standard. They note in their application that the addition will be approximately 4.4 feet closer to the 59th Ave property line than the home sits currently.

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

Aerial measurements of the subject property compared with other adjacent residences suggests that the home is already set closer to the front lot line than those properties immediate west of it, and this request will increase that encroachment by approximately four feet. Although the subject lot is unusual in size it does share similar dimensions and configuration with other lots along 59th Ave. It appears that this addition will provide a similar setback of the subject home with the home adjacent to it to the north, being an approximate 20 foot setback of the addition of the curb from its closest point, but that encroachment toward the front property line appears to be greater than any other home on a lot of similar configuration along 59th Ave.

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 they explored a recommendation to orient the addition to the front of the home, where it appears from plans that additional living space could be established without need for a variance. The applicant response indicates that the addition would not provide sufficient space for storage of the family's three vehicles. However, looking at the floor plans for the addition, it appears that the vehicle storage space proposed with this 30'-deep addition is only approximately 11'-4" in depth adjacent to the garage door. It appears to Staff that an addition of similar depth could be accommodated at the front of the structure where a variance would not be necessary, or a lesser variance could be accommodated.

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

At approximately 3,000 SF in living area, and 3,200 SF in gross area, Staff finds the home is already toward the upper average size of homes on similarly-configured lots along 59th Ave. The addition will provide approximately 850 square feet of enclosed space between its two levels,

which Staff finds will not provide justice relative to other residences on similar lots in the vicinity nor justified in the extent of the encroachment proposed.

SUMMARY:

Staff finds that the addition, while only moderately expanding an existing nonconformity, would appear to cause the home to encroach substantially closer to the street than most other homes on similar lots along the block and would also create a larger development than present on most lots of similar sizes and configurations along 59th Ave. It also appears that an addition of the size proposed by the applicant for use of vehicle storage space could possibly be accommodated at the front of the site without the need for a variance.

RECOMMENDATION:

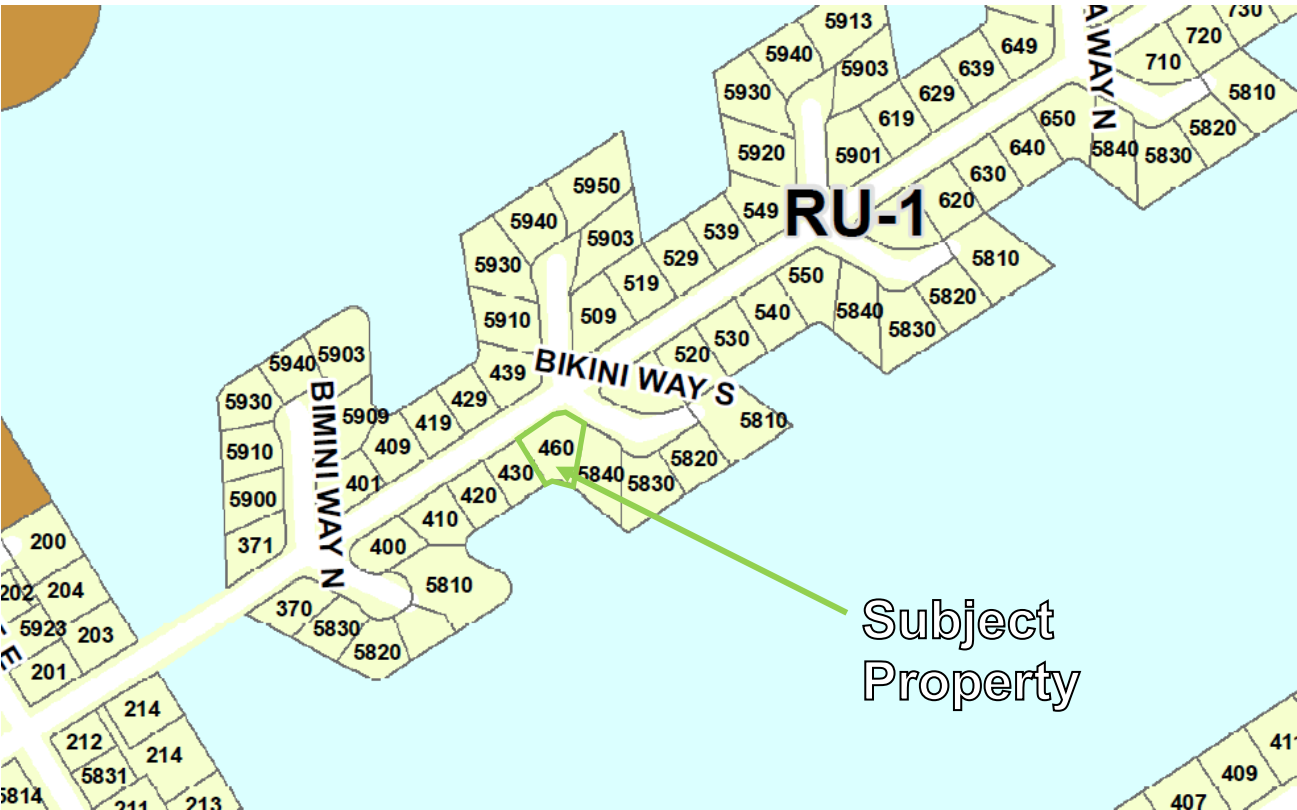
Staff recommends **denial** for the 15'x30' residential addition that is proposed to encroach into the required 59th Avenue front setback area by 10 feet as presented. If the Board of Adjustment should approve the subject variance, Staff recommends the following conditions:

- 1) The property shall come into full compliance with the City's impervious surface ratio and greenspace standards;
- 2) The addition shall be limited to one story in height, generally in line with the existing first-floor roofline of the home to which it is attached, and the floor plan at time of permitting shall indicate that the interior space adjacent to the garage door shall be sufficiently-sized to utilize this space as vehicle storage area.

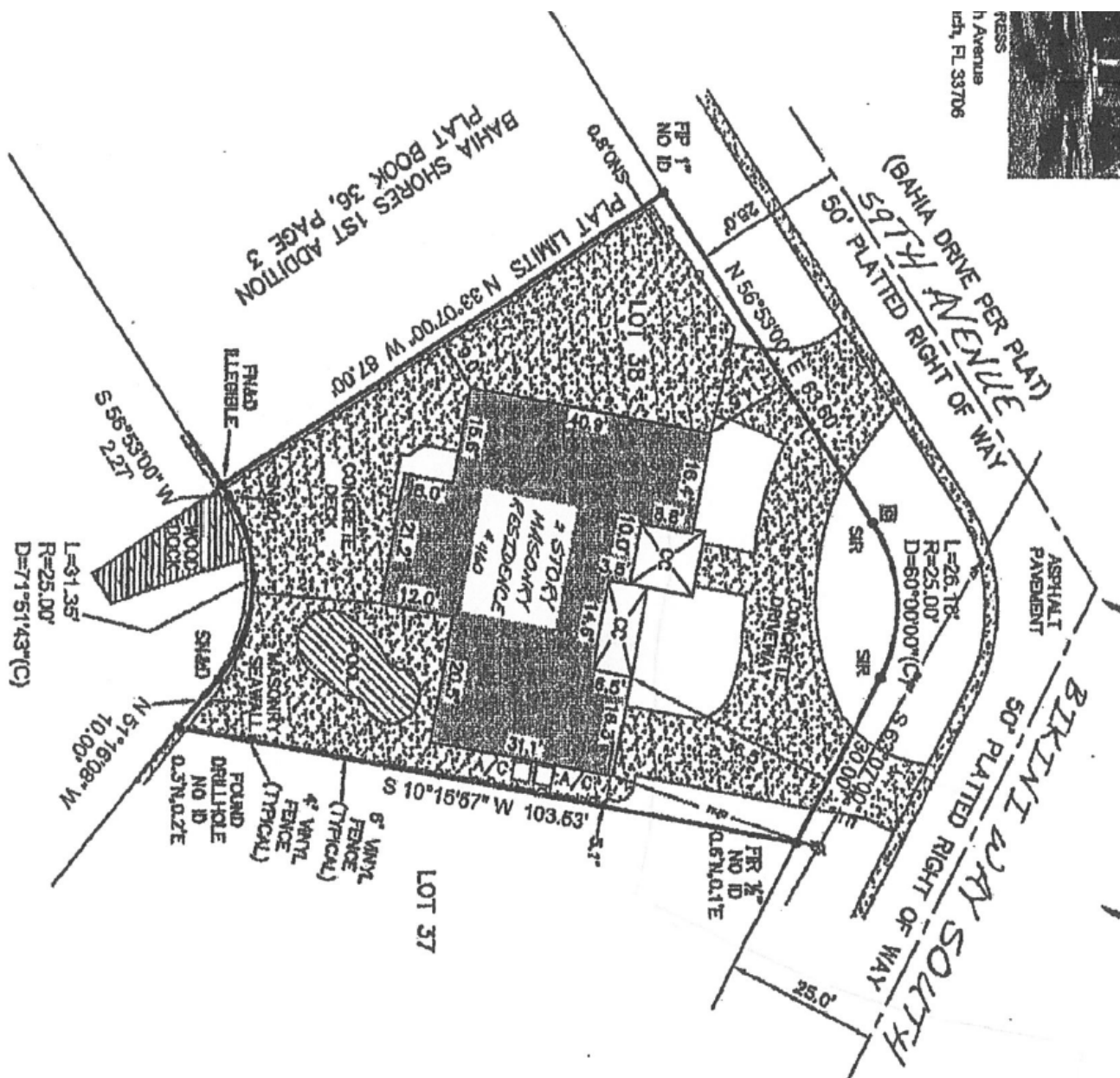
AERIAL MAP



ZONING MAP



SURVEY





CASE #: 21071SUBMITTAL DATE: 9/1/21 AMOUNT DUE: \$520.30 PAYMENT DATE: 9/1/21**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	Tyler and Natali Roshau	460 59th Ave St. Pete Beach, FL 33706	813-470-8704
Applicant/ Agent	John M. Fisher	7723 40th Terrace N. St. Petersburg, FL 33709	727-902-1239
Owner Email Address: natalicg2007@gmail.com		Applicant/Agent Email Address: johnmanuelfisher@hotmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation SPB Single Family Home	Future Land Use Designation Addition to current home	Lot Area 65x98 6,370 sq. ft.
Legal Description:	Bahia Shores 2nd Addition LOT 38	
Parcel ID:	31-31-16-02358-000-0380	
Address:	460 59th Ave. St. Pete Beach, FL 33706	
Explanation of Request: _____ New addition is being placed on concrete parking on right side of existing structure. No additional impervious area will be included. Per survey existing home is 14.5' inside Bahia Drive (59th Ave.) Lot line. Addition of home would finish at 10.1'. We are requesting an additional 4.4' variance.		

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;

Per survey existing home is 14.5' inside Bahia Drive Lot Line (59th Ave.). Addition of home would finish at 10.1'. We are requesting an additional 4.4' variance.

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

No, the request of an additional 4.4' variance will not produce an adverse change that will negatively affect the character of the neighborhood.

****Please refer to submitted building plans of the addition.**

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

Other options of the layout of the addition on the property has been looked at thoroughly, however based on current lot this variance of 4.4' is the only method that the applicant can pursue.

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

The interest of justice will be served by allowing the variance because the difficulty arose due to the original 1957 home being allowed to be built over 10 feet of the "now current" stated set backs.

Signature of Applicant

Date

Signature of Authorized Agent

8-29-21

Date

For office use only:

Hearing Date: _____

Fees: _____

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



VARIANCE APPLICATION

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

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

JF 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.

JF 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.

JF 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.

JF 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.

JF 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.

JF 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.

John Fisher
Signature of Applicant

8/29/2021
Date

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



I/WE Tyler and Natali Roshau
(print name of property owner)
hereby authorize John M. Fisher
(print name of agent)
to represent me/us in an application for variance
(type of application: variance, conditional use, zoning, etc.)

Natali Roshau
Signature of Owner
Natali Roshau
Print Name of Owner

Tyler Roshau
Signature of Owner
Tyler Roshau
Print Name of Owner

The forgoing instrument was acknowledged before me this 31st day of
Aug. 2021 by Natali & Tyler Roshau or who is
personally known _____ as identification.
FL. Dr. License



Marta Zacher Neumann
(Notary Signature) 8/31/21
(Date)
My Commission Expires May 28, 2024



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, John M. Fisher, 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): John M. Fisher

Address: 7723 40th Terrace N St. Petersburg, FL 33709

John Fisher 8/29/2021
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 31st day of Aug., 2021 by:
John Fisher who appeared before me, and is personally known to me, or has produced
FL Driver's License as identification, and did take an oath.

My commission Expires:

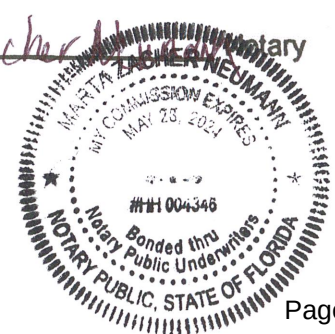
May 28th, 2024

NOTARY:

Print Name: Marta Zocher

Public, State of Florida

(Notarial Seal)



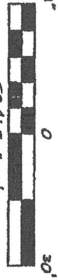
DEAR APPLICANT:

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

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

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

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

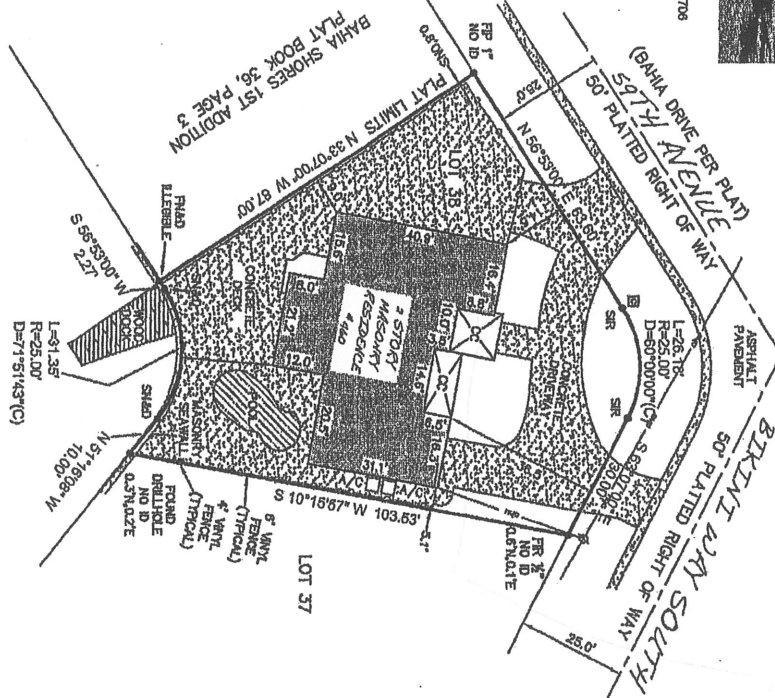


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86th Avenue
87th Avenue
88th Avenue
89th Avenue
90th Avenue
91st Avenue
92nd Avenue
93rd Avenue
94th Avenue
95th Avenue
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PARKING

50th Avenue



Legal Description (as furnished)

Lot 38, Bahia Shores and Addition, according to the plat thereof as recorded in Plat Book 49, Page 4, of the Public Records of Pinellas County, Florida.

JOB #:	VLSR14-33325
CLIENT #:	
FIELD DATE:	4/11/19
DRAWN BY:	CREW: 3640
APPROVED:	JEW
SCALE:	1" = 30'

COPYRIGHT 2011

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COASTLINE TITLE OF PENNSYLVANIA

(CERTIFIED TO: JAS FURNISHED)
 Illustrated Sochi
 Old Republic National Title Insurance Company
 Considered Title of Product, LLC

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE
 ZONE "X". AGENS DETERMINED TO BE INSIDE THE 100-YEAR FLOOD ZONE
 PER F.R.M. PANEL NUMBER 2700000000. LAST REVISION DATE 08/01/2010.
 INFORMATION, THE LOCAL F.E.M.A. AGENCY SHOULD BE CONTACTED FOR
 INFORMATION.

LIST OF POSSIBLE ENCROACHMENTS:
SEMIWALL CROSS ES PROPERTY LINE.
OWNERSHIP OF FENCES HAS NOT BEEN DETERMINED.
WOOD DOCK LIES COMPLETELY OFF SUBJECT PROPERTY.

BASIS OF BEARING
BEARINGS ARE BASED ON THE SOUTHEAST RIGHT-OF-WAY OF 50TH AVENUE
WHICH HAS A BEARING OF N 89°55'00" E PER PLAT.

[illegible]

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

LB-7788

VISIONLAND

9415 Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

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

NO. 6573

STATE OF FLORIDA

JOSEPH WILLIAMSON
CLERK OF THE CIRCUIT COURT

Joseph E. Wamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #8793
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATE REVISION DATE REVISION

DATE REVISION DATE REVISION

Hi Brandon,

Please see my answers in bold letter to your questions regarding the variance request for the property located at 460 59th Ave. S. St. Pete Beach.

1. *What is/are the reason(s) for needing the home expansion? It appears the existing home is approximately 3000 square feet, and the addition would add another approximately 900 square feet. Other homes on similar lots in the area appear to be 2000-3000 square feet in living space area.*

The home expansion or addition is not for additional living space but for a much-needed garage and storage space. The home was built in 1957 and currently there is no garage. The homeowner owns his own custom service garage where he fixes and even rebuilds vehicles. The homeowner bought this home in 2020 with the sole intention of adding a garage to his property for the love of his own family vehicles. The homeowner also owns his own personal selection of automotive tools that need to be properly stored in a garage.

Currently, the property has no garage space. They currently have 3 vehicles with a growing family (Children under the age of 10) and would like to use the little driveway that they do have for family and friends to be able to park instead of parking on the busy cross street of 54th Ave and Bikini Way S. The garage addition would provide at least space for one vehicle including upstairs storage for tools, decorations, and even pool cleaning equipment that they just do not have.

As you can see from the pictures below that there are many blind spots in front of the home where the cross section is located. The homeowners have a continuous concern that this eventually could lead to not only family members, friends and other residents who are walking or parking on the street to become seriously injured.





2. *The addition slants from 10'-8" at the rear to 18'-8" at the front. The rear of the addition could be extended approximately 1.8' closer to the side property line without violating zoning standards. If you were to ask for a lesser front setback request, such as making the addition 12'x30', would that cause any issues relative to the intended floor plan for the addition?*

We considered an option like this roughly 7 months ago. The issue with this is that the vehicle or vehicles that the owner wants to place in the garage and not have block their entire front circle drive will not fit in a garage of this size, even if they parked the vehicles one in front of the other. The three (3) vehicles they own are each equivalent to the size of a large SUV. Therefore, this would not be suitable. I think the confusion is still that this addition is being looked at as "additional living space" when it is not.

In addition to this, as you can see from the right-hand photo below, their backyard is a fairly small space especially when they add a grill, and additional seating around the pool. They are also trying to create a "backyard play area" for their children so that they are not playing in front of the house with the busy intersection.



3. *It appears there is some space at the front of the lot on the eastern side where an addition could be made without encroaching into the setbacks, either to the same degree or at all. Would this cause a hardship if you were to construct the addition in this location? If so, why?*

I have drawn a **yellow** circle around the area in question. This is the only area where the family can park their third vehicle. Also, this space does not give enough area to add on a garage. (Again, I feel like this is where the confusion lies between just adding “living space” to building a specific addition for a garage and garage storage space.

I went ahead and circled in **purple** where the driveway entrance would be used to access the addition of the garage. The family is trying to keep this area clear for garage use only. The area circled in **green** is the proposed space where the family is wanting to park their 3rd vehicle when family and friends are over so not to use any street parking of any kind.



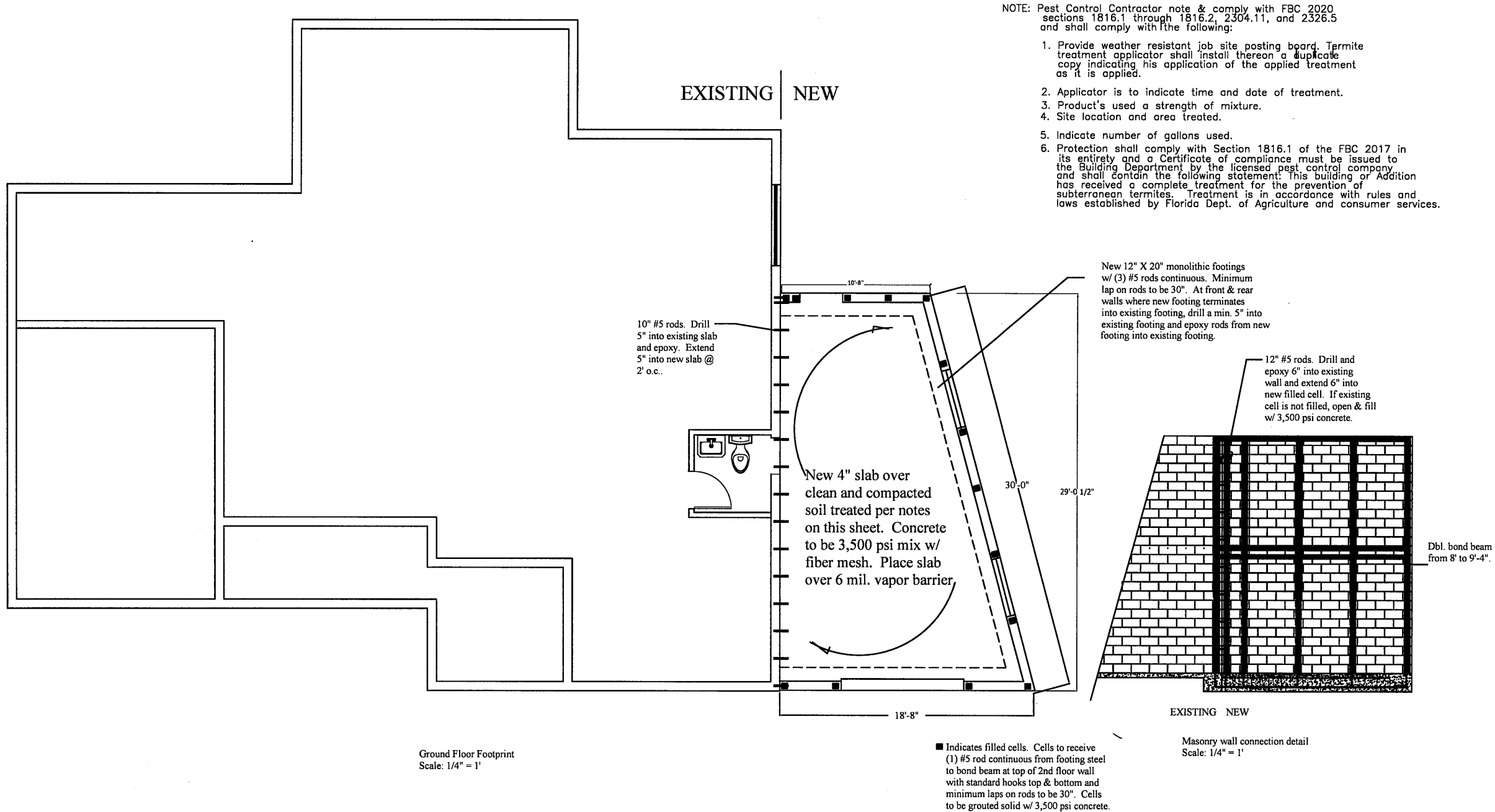
I hope this helps clarify and answer any questions on why we, on behave of our clients, are requesting the 4'4" (4 ft., 4 in.) variance to the property line on the front west side of the property.

Please let us know if you need anything further.

Sincerely,

Marta Neumann/John Fisher

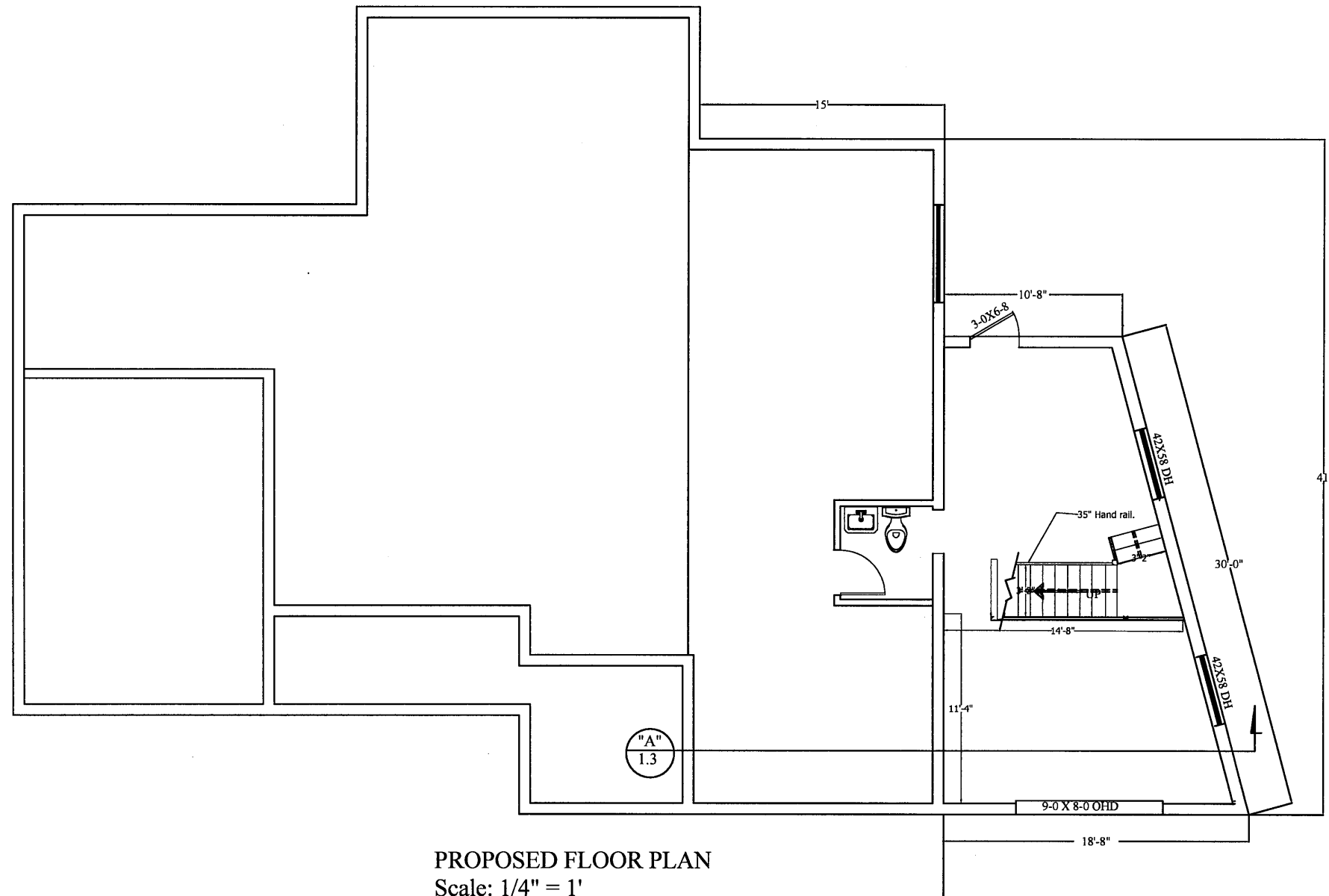
G&M Remodeling and Restoration Services, LLC



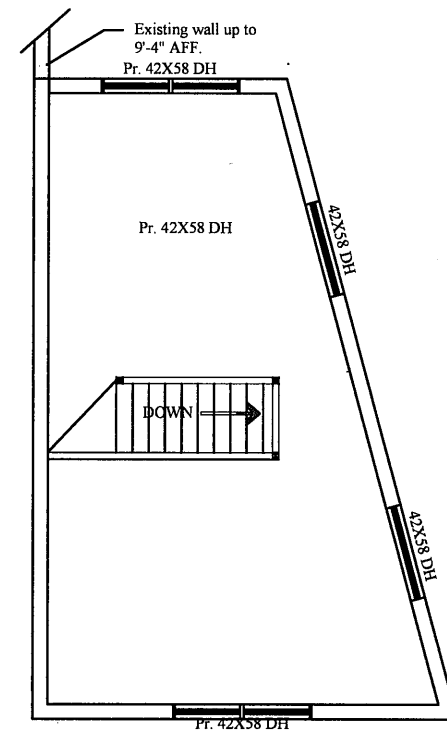
Ground Floor Footprint
Scale: 1/4" = 1'

EXISTING NEW
Masonry wall connection detail
Scale: 1/4" = 1'

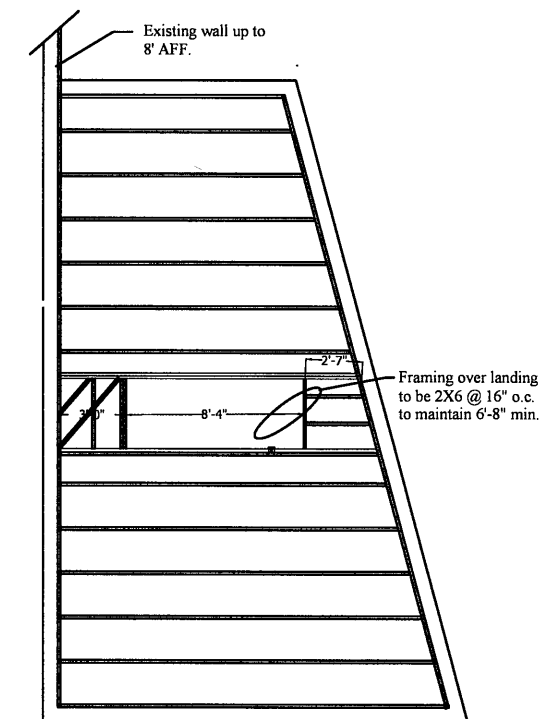
General Notes		
ADDITION FOR: Natali and Tyler Roshau 460 59th Avenue St Petersburg Beach, FL		
No.	Revision/Issue	Date
Firm Name and Address PATRICK KNAPP P.E. Fla. License # 41059 301 Woodward Avenue Ph: (813) 508-8383		
Drawn By: Mike Finch (727) 424-1380		
Project 021-21	Date 6-16-21	Scale 1/4" = 1'
		Sheet 1.1



PROPOSED FLOOR PLAN
Scale: 1/4" = 1'



2nd FLOOR FRAMING PLAN
Scale: 1/4" = 1'



2nd FLOOR FRAMING PLAN
Scale: 1/4" = 1'

General Notes

ADDITION FOR:
Natali and Tyler Roshau
460 59th Avenue
St Petersburg Beach, FL

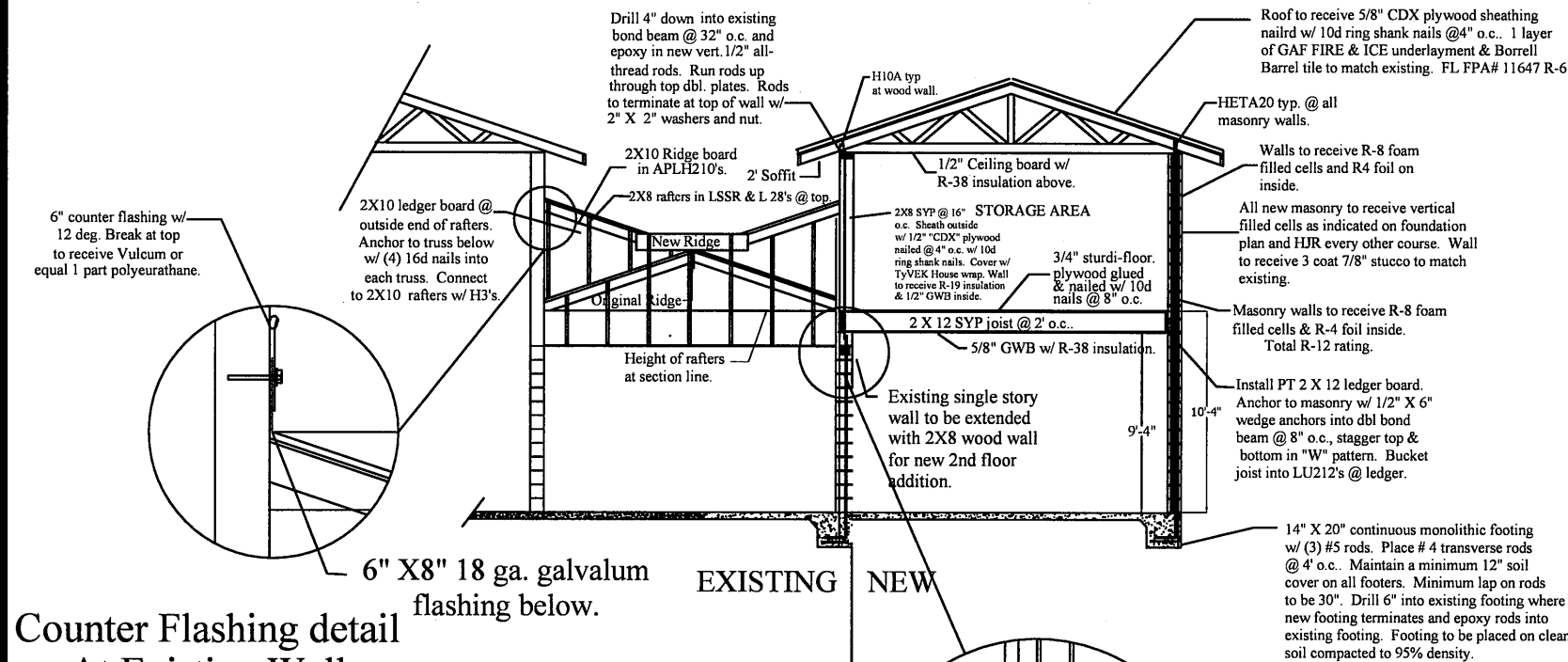
No.	Revision/Issue	Date

Firm Name and Address
PATRICK KNAPP P.E.
Fla. License # 41059
301 Woodward Avenue
Ph: (813) 508-8383

Drawn By:
Mike Finch
(727) 424-1380

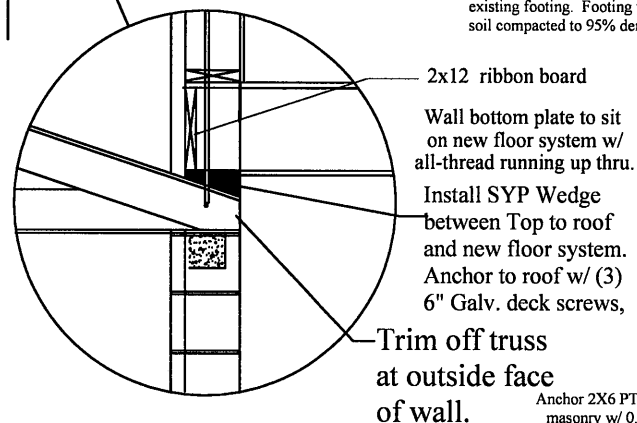
Project 021-21
Date 6-16-21
Scale 1/4" = 1'

1.2

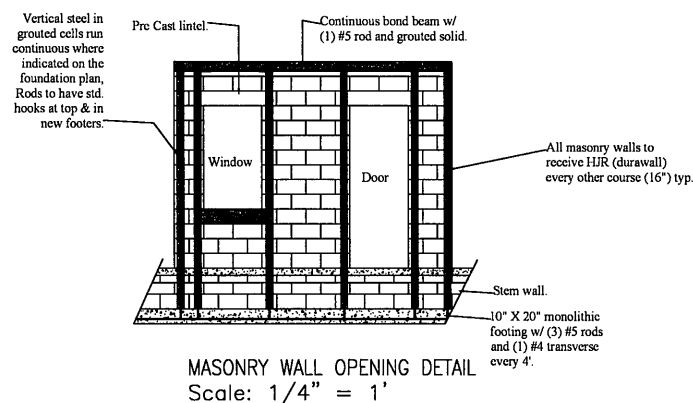


Counter Flashing detail
At Existing Wall
Scale: 1" = 1'

SECTION "A" / 1.3
Scale: 1/4" = 1'

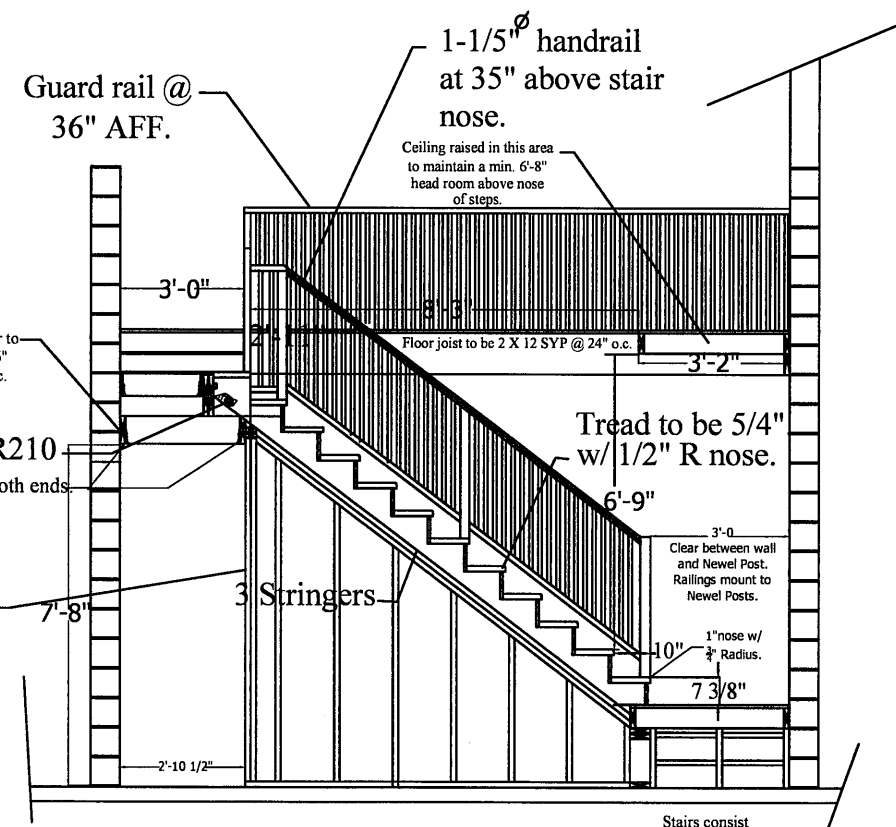


Wall Connection Detail
Scale: 1" = 1'



MASONRY WALL OPENING DETAIL
Scale: 1/4" = 1'

Maintain a minimum 3'
clear space between inside face
of walls from above hand rail to
the 6'-8" line above stair nose.



STAIRS DETAIL
Scale: 1/2" = 1'

Stairs consist
of 17 R @ 7-3/8"
16 T @ 10" + 1" nose
and 2 landings.

General Notes

ADDITION FOR:
Natali and Tyler Roshau
460 59th Avenue
St Petersburg Beach, FL

No.	Revision/Issue	Date

Firm Name and Address
PATRICK KNAPP P.E.
Fla. License # 41059
301 Woodward Avenue
Ph: (813) 508-8383

Drawn By:
Mike Finch
(727) 424-1380

Project	021-21
Date	6-16-21
Scale	1/4" = 1'

1.3

WIND RELATED LOADS PER ASCE (7-16)

Basic wind speed Vult = 150 mph Vasd = 124 mph.

Risk category - II
Wind exposure - D

Building - ENCLOSED

Internal pressure coefficient: +/- 0.18

Component & Cladding for Materials
not specifically designed herein.

Roof Angle Between 7° - 27°

Zone 1 = 100 sq. ft. (+) 27.9 psf (-) 36.0 psf

Zone 2 = 100 sq. ft. (+) 27.9 psf (-) 59.3 psf

Zone 3 = 100 sq. ft. (+) 27.9 psf (-) 105.8 psf

Zone 4 = 100 sq. ft. (+) 58.3 psf (-) 48.2 psf

Zone 5 = 100 sq. ft. (+) 58.3 psf (-) 50.4 psf

Overhang (2')

(+) 58.1 psf (-) 127.9 psf

(+) 58.1 psf (-) 146.3 psf

DESIGN LOAD TABLE

Soil Pressure = 2,500# / sq. ft.

Concrete Fc = 4,000 psi.

Re Bar Fy = 40,000 psi

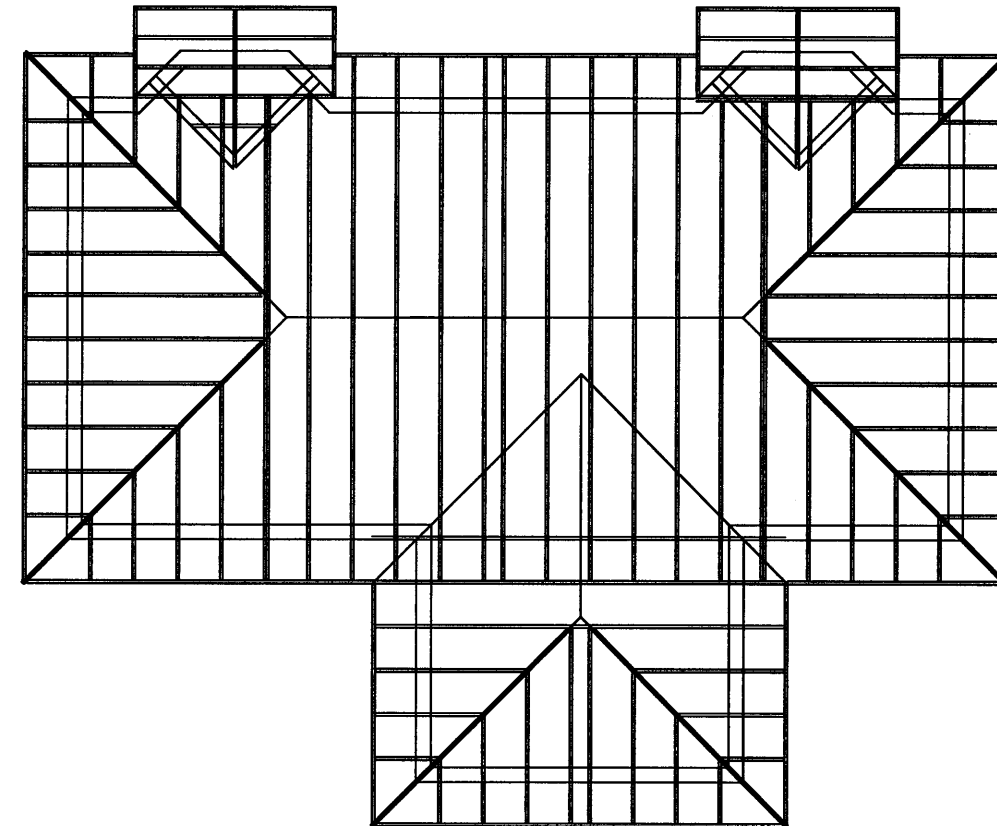
Wind = 150 mph Vult

Roof L.L. = 30 PSF

Roof D.L. = 20 PSF

Floor L.L. = 40 PSF

Floor D.L. = 15 PSF



EXISTING 2nd FLOOR ROOF

Scale: 1/4" = 1'

GENERAL ROOF FRAMING NOTES:

All ridge, hip and valley boards to be 2 X 10's.

All rafters & cripple jack rafters to be 2 X 8.

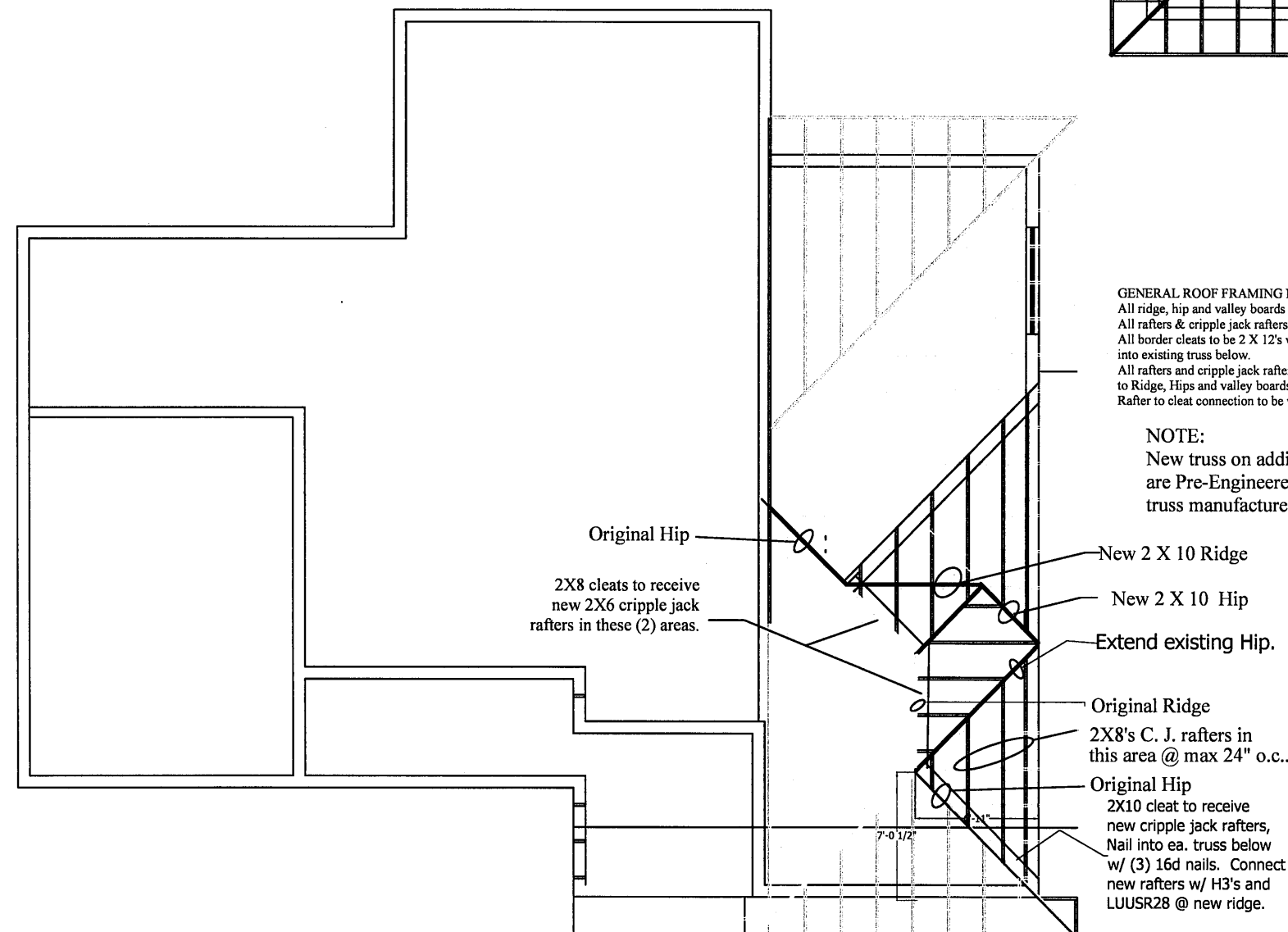
All border cleats to be 2 X 12's w/(3) 16d nails into existing truss below.

All rafters and cripple jack rafters to be connected to Ridge, Hips and valley boards w/ Simpson LSSU R or L's.

Rafter to cleat connection to be with Simpson H3's.

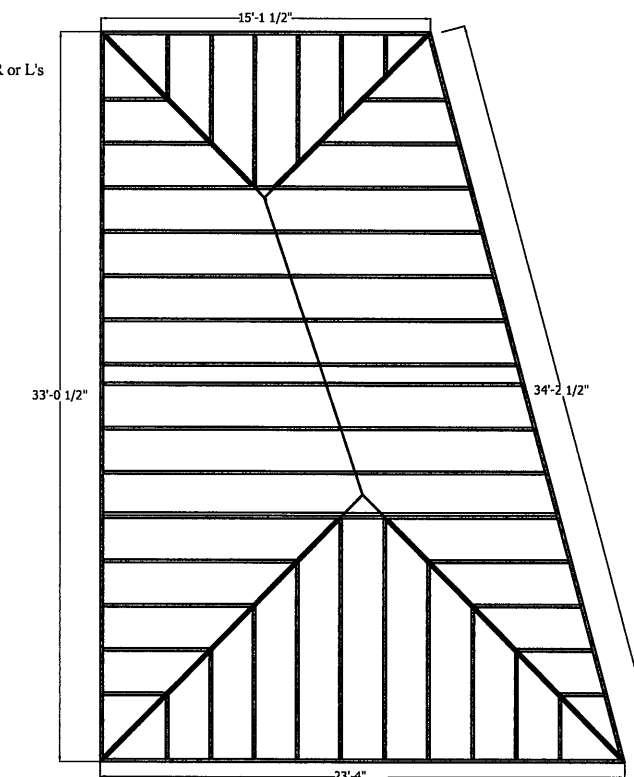
NOTE:

New truss on addition are Pre-Engineered by truss manufacturer.



Over Frame (In Theory)

Scale: 1/4" = 1'



New Roof on 2 Story

Scale: 1/4" = 1'

General Notes

ADDITION FOR:
Natali and Tyler Roshau
460 59th Avenue
St Petersburg Beach, FL

No. Revision/Issue Date

Firm Name and Address

PATRICK KNAPP P.E.

Fla. License # 41059

301 Woodward Avenue

Ph: (813) 508-8383

Drawn By:

Mike Finch

(727) 424-1380

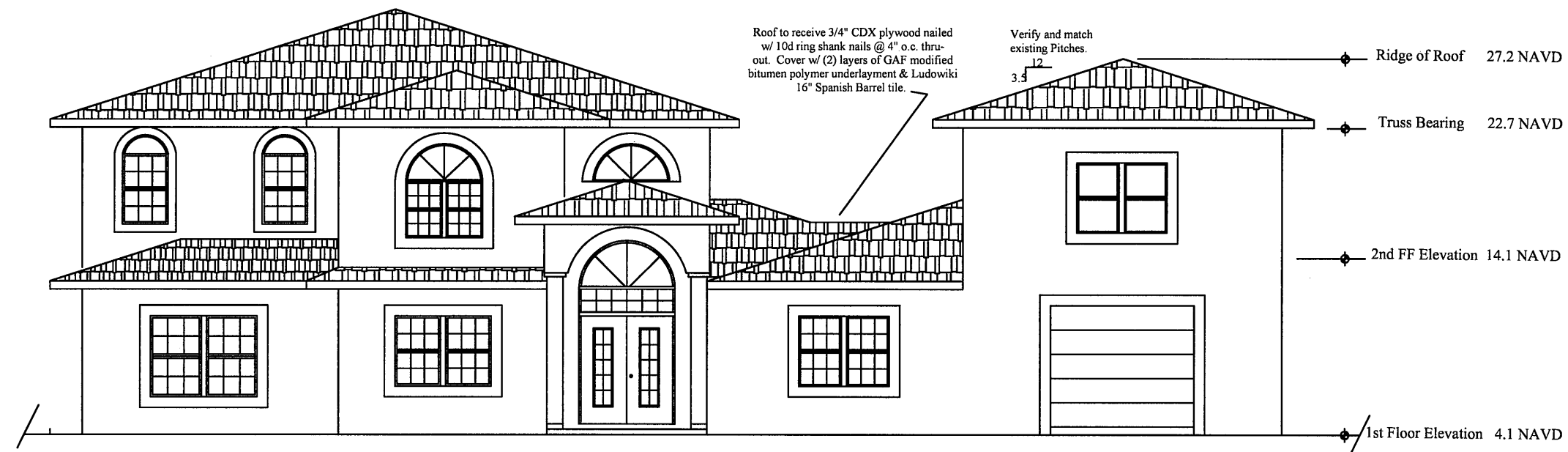
Project 021-21

Date 6-16-21

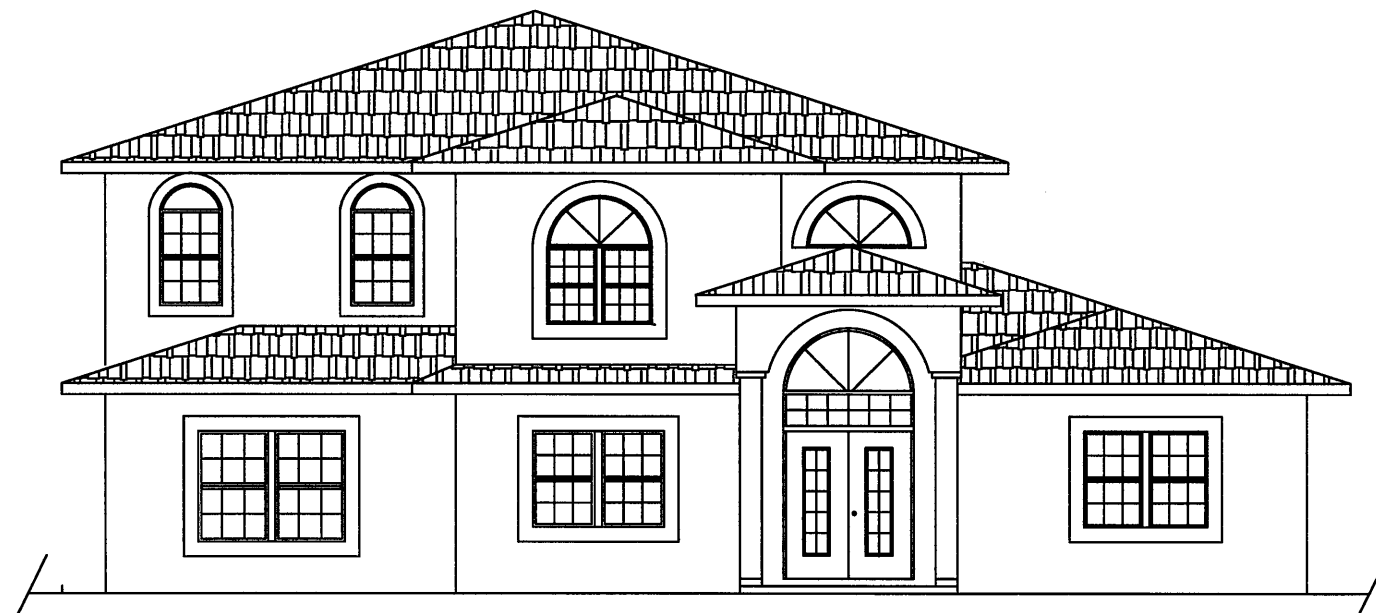
Scale 1/4" = 1'

Sheet

1.4



PROPOSED FRONT ELEVATION
Scale: 1/4" = 1'



EXISTING FRONT ELEVATION
Scale: 1/4" = 1'

These Plans are Drawn In Conformance With The FBCR, 7th Addition (2020) ASCE (7-16)

General Notes

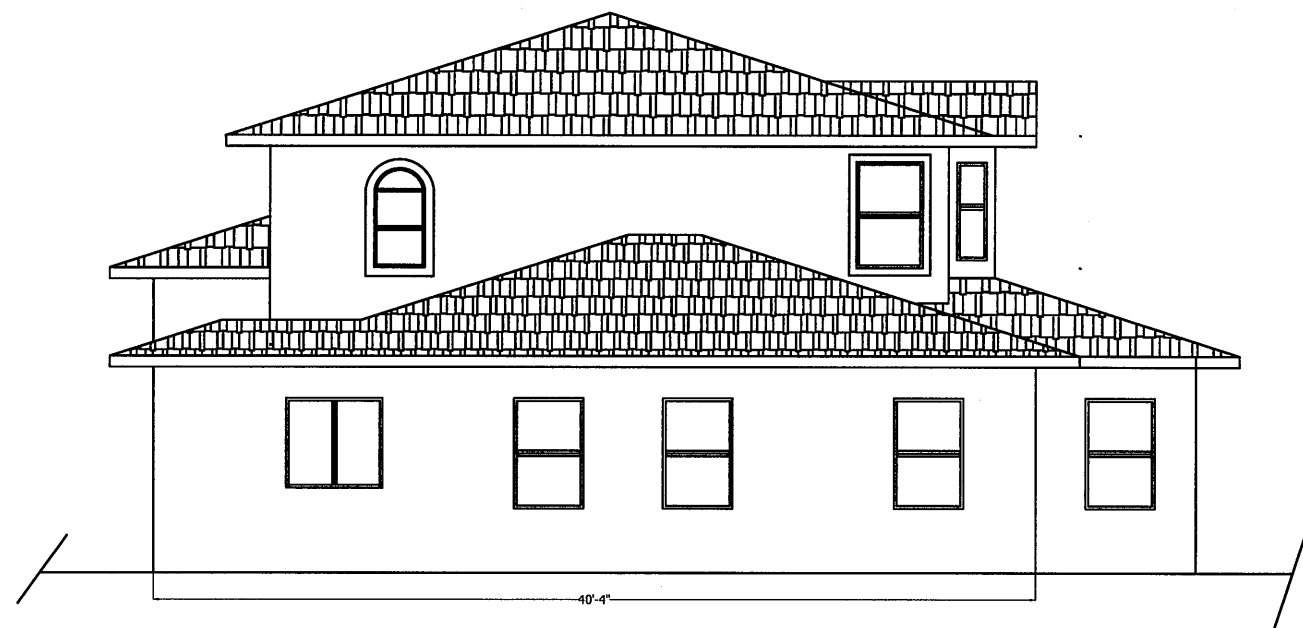
ADDITION FOR:
Natali and Tyler Roshau
460 59th Avenue
St Petersburg Beach, FL

No.	Revision/Issue	Date

Firm Name and Address
PATRICK KNAPP P.E.
Fla. License # 41059
301 Woodward Avenue
Ph: (813) 508-8383

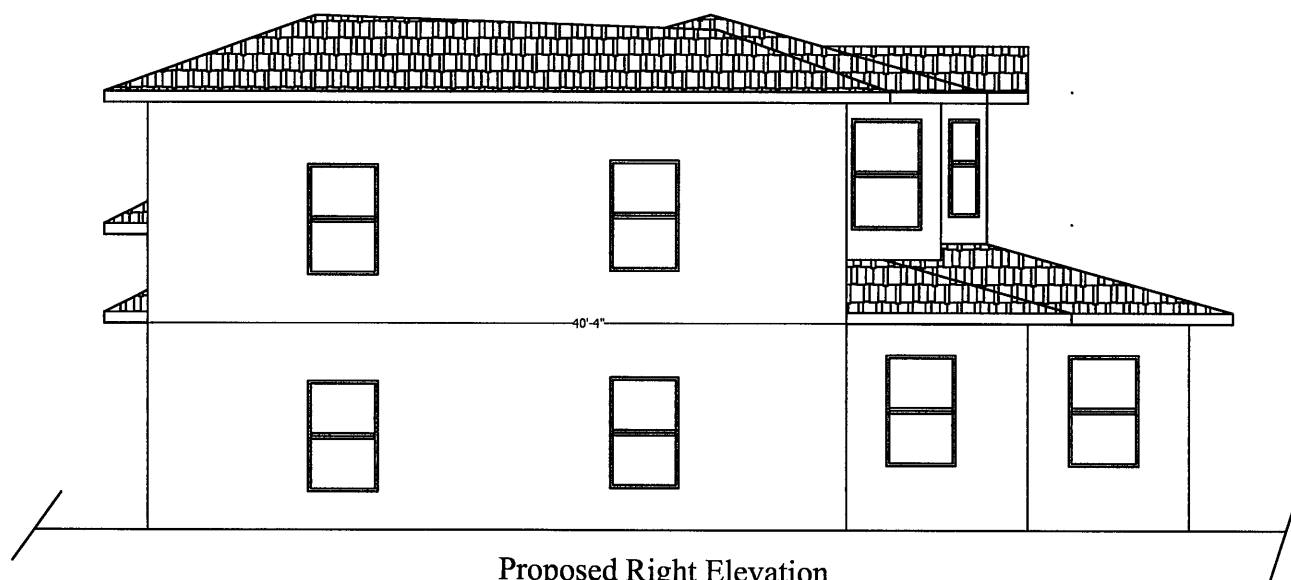
Drawn By:
Mike Finch
(727) 424-1380

Project 021-21	Sheet 1.5
Date 6-16-21	
Scale 1/4" = 1'	



Existing Right Elevation
Scale: 1/4" = 1'

PRODUCT CATEGORY	MANUFACTURER	DESCRIPTION	PRODUCT APPROVAL NUMBER
Connector	Simpson Strong tie	HETA20	FL 10655.14
Connector	Simpson Strong Tie	H10A	FL 10456.3
Connector	Simpson Strong Tie	LUSSR28	FL 10655.31
Personal Door	Therma-Tru	Classic Craft	FL 6993.1
Connector	Simpson Strong Tie	H3	FL 10456.3
Window	PGT	Double Hung	FL 14705.2
Underlayment	GAF Modified Bit.	Peal & stick	FL 167321.1
Roof Tile	Ludiwicki	Barrel Tile	FL 11647 R-6
Soffit	James Hardi	Soffit Panels	FL 13265.1
Garage Door	Overhead Door Corp.	Panel door	FL 14170.8



Proposed Right Elevation
Scale: 1/4" = 1'

General Notes

ADDITION FOR:
Natali and Tyler Roshau
460 59th Avenue
St Petersburg Beach, FL

No.	Revision/Issue	Date

Firm Name and Address

PATRICK KNAPP P.E.
Fla. License # 41059
301 Woodward Avenue
Ph: (813) 508-8383

Drawn By:

Mike Finch
(727) 424-1380

Project 021-21

Date 6-16-21

Scale 1/4" = 1'

Sheet

1.6

Brandon Berry

From: Marta Neumann <martapalmgarden@gmail.com>
Sent: Wednesday, October 13, 2021 5:50 PM
To: Brandon Berry
Cc: John Fisher
Subject: Re: Variance criteria for 460 59th Ave

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Thank you Brandon,

Please note that the addition of the space, specifically the down stairs is to solely function as a garage to store a vehicle and a plethora of tools.

As you can see from all the Ariel photos that I attached to the responses they have little to no room left on this property to shelter a vehicle. We have been working on these plans for roughly 12 plus months. The owners actually contacted us prior to them even moving into the home knowing that a garage was a necessity for this property.

I am hoping that all who analyze the location of this property can appreciate why the homeowners feel uncomfortable with the safety of the residents and their family and friends who are walking around and parking vehicles on a street where there isn't any available. Thus the garage allowing more space for those who are visiting to park in their driveway.

Thank you so much for taking this information forward. We appreciate all that you have done.

Sincerely,

Marta Neumann

Sent from my iPhone

On Oct 13, 2021, at 3:04 PM, Brandon Berry <bberry@stpetebeach.org> wrote:

Marta,

I understand. It is more difficult to support an addition encroachment when the variance is for storage space than for a garage area, as the home is already at the upper average for interior square footage of homes on lots of this size/configuration in the area but does not possess a garage. I'll send a copy of the staff report early next week so you can take a look and have a response prepared for the Board.

Sincerely,
Brandon

From: Marta Neumann <martapalmgarden@gmail.com>
Sent: Wednesday, October 13, 2021 2:09 PM

To: Brandon Berry <bberry@stpetebeach.org>; John Fisher <johnmanuelfisher@hotmail.com>

Subject: Re: Variance criteria for 460 59th Ave

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Sorry to bother again, I am sitting at Reagan International Airport in Washington D.C. waiting to catch my flight back to Tampa and I missed the part where you mentioned the specific depth of 11'4". The owner has actually decided to sell one of the larger vehicles and is going to be purchasing a small vintage vehicle that they will be storing in the garage that fits the 11'4" depth clearance.

Thank you,

Marta Neumann

On Wed, Oct 13, 2021 at 1:38 PM Marta Neumann <martapalmgarden@gmail.com> wrote:

Hi Brandon,

This is Marta Neumann, I work with John and will be at the variance hearing on the 27th. I am sorry that I didn't make it more specific in regards to what the garage will be used for in our responses to you yesterday. The owner of the home just purchased a new Ford Bronco and wants to use the new garage space to park this particular vehicle. The rest of the space is being used for storage. Currently, they do not have a space to keep his private tools, pool cleaning supplies, lawn tools, pool toys, decorations etc. The rear space in the garage that is located on the drawing and the upstairs area will be storage for all of these items. The living space they currently have, even though the square footage of the home is little bit more than standard size for the area, is being used as storage space which is making their actual "living space" minimal for a growing family of four.

I hope this is a little bit more clear.

Please let me know if you have any other questions, I would be happy to explain.

Thank you so much,

Marta Neumann
Executive Business Administrator
G&M Remodeling and Restoration Services, LLC
martapalmgarden@gmail.com
(727) 244-0228

On Wed, Oct 13, 2021 at 12:56 PM Brandon Berry <bberry@stpetebeach.org> wrote:

Thank you for the thorough responses John.

I had not looked at the space as a garage because, unless I'm misreading the plans, it looks like the depth of the addition between where the overhead door is located and the wall adjacent the walk-up is only about 11 feet in depth. I just don't see how that could fit even a compact SUV.

<image001.jpg>

I feel that, at least in the purview of staff review, a one-story garage addition that has an open interior to park a vehicle might be a more reasonable request. You are of course welcome to move forward with the request as you have submitted it, but I just am not sure how we could review this as a garage rather than a living addition since it does not seem to be sized internally to fit a vehicle.

Sincerely,
Brandon

From: John Fisher <johnmanuelfisher@hotmail.com>
Sent: Wednesday, October 13, 2021 9:54 AM
To: Brandon Berry <bberry@stpetebeach.org>
Cc: martapalmgarden@gmail.com
Subject: FW: Variance criteria for 460 59th Ave

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

Good morning Brandon,

See attachment for our responses. Please let us know if you have any questions. Bottom line, this addition is more for a garage and storage than anything else. The second level will also provide for storage which they currently don't have much of. Please advise on any additional questions.

Thank you and God Bless,

G&M Remodeling and Restoration Services LLC

General Contractor Licence # - CGC1527373

727-902-1239 - Office

Like us on Facebook @ GMRemodelingandRestoration

From: Marta Neumann <martapalmgarden@gmail.com>
Sent: Tuesday, October 12, 2021 3:44 PM
To: John Fisher <johnmanuelfisher@hotmail.com>; Marta Neumann <martapalmgarden@gmail.com>
Subject: Re: Variance criteria for 460 59th Ave

John please see the "windows" document that I attached to this email. Once you open it up you will see that I wrote back directly to Brandon by copying and pasting his questions in "italics" and our response in bold font.

I also added photos of the property and different angles of the home to help visually explain the reasons for the variance request of the 4ft. 4inch (4',4") to the west side of the property.

Let me know if you have any questions.

Marta

On Tue, Oct 12, 2021 at 12:17 PM John Fisher <johnmanuelfisher@hotmail.com> wrote:

Let me know your input on these questions. Need to have answers by today's end.

John

Get [Outlook for Android](#)

From: Brandon Berry <bberry@stpetebeach.org>
Sent: Friday, October 8, 2021 9:45:01 AM
To: John Fisher <johnmanuelfisher@hotmail.com>
Subject: Variance criteria for 460 59th Ave

John,

I'm starting on your variance staff report, and based on the responses provided am not sure that I will be able to support the request. Practical difficulty variances are a lower bar than hardship variances, but still demonstrate that some general justice be served in the variance issuance. Looking at other homes on lots of similar sizes and dimensions in the area, it appears the request will result in a larger living square footage than most, and would encroach closer to 59th Ave than most as well.

If you can, I'd appreciate some additional information on the following:

1. What is/are the reason(s) for needing the home expansion? It appears the existing home is approximately 3000 square feet, and the addition would add another approximately 900 square feet. Other homes on similar lots in the area appear to be 2000-3000 square feet in living space area.

The home expansion is actually for a much needed garage and storage space. The homeowner owns his own custom service garage where he fixes and even rebuilds vehicles. The homeowner bought this home in 2020 with the sole intention of adding a garage to his property for the love of his own family vehicles. Currently, the property has no garage space. They currently have 3 vehicles with a growing family (Children under the age of 10) and would like to use the little driveway that they do have for family and friends to be able to park instead of parking on the busy cross street of 54th Ave and Bikini Way S. The garage addition would provide at least space for one vehicle including upstairs storage for tools, decorations, and even pool cleaning equipment that they just do not have.

As you can see from the pictures below that there are many blind spots in front of the home where the cross section is located. This can lead to not only family members, friends and other residents who are walking or parking on the street to become seriously injured.

1. The addition slants from 10'-8" at the rear to 18'-8" at the front. The rear of the addition could be extended approximately 1.8' closer to the side property line without violating zoning standards. If you were to ask for a lesser front setback request, such as making the addition 12'x30', would that cause any issues relative to the intended floor plan for the addition?
2. It appears there is some space at the front of the lot on the eastern side where an addition could be made without encroaching into the setbacks, either to the same degree or at all. Would this cause a hardship if you were to construct the addition in this location? If so, why?

The questions above would be a great assistance in completing your case.

If you have any questions for me please let me know.

Sincerely,

<image002.png>

Brandon Berry

Planner II

Community Development | City of St. Pete Beach

<image003.png> 727-363-9253

<image007.jpg>

<image004.png> bberry@stpetebeach.org

<image005.png> www.stpetebeach.org

<image006.png> 155 Corey Avenue, St.
Pete Beach FL 33706

<image008.png> <image009.png> <image010.png>

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.

St. Pete Beach Florida 33706

bberry@stpetebeach.org

(727) 363-9253 – Office

(727) 363-9222 – Fax

Prepared by and return to:

Joseph C. Cash Jr.
First Title Source LLC
1267 Court Street
Clearwater, FL 33756
(727) 399-6977
File No 1-2020-3893

Parcel Identification No 31-31-16-02358-000-0380

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 11th day of September, 2020 between German Morales and Esmeralda Mancía, husband and wife, whose post office address is 26561 Brooks Circle, Stevenson Ranch, CA 91381, of the County of Los Angeles, State of California, Grantors, to Tyler Roshau and Natali Roshau, husband and wife, whose post office address is 460 59th Avenue, St. Pete Beach, FL 33706, of the County of Pinellas, State of Florida, Grantees:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Pinellas, Florida, to-wit:

Lot 38, BAHIA SHORES SECOND ADDITION, a subdivision according to the plat thereof recorded in Plat Book 41, Page 4, of the Public Records of Pinellas County, Florida.

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

Subject to taxes for 2020 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

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

And Grantors hereby covenant with the Grantees that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 6850 Bay St (Case No. 21076)

Date: October 27, 2021

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to allow the installation of a 6.0-foot fence in the front yard setback area around the existing pool area of the property where maximum fence height allowed is 4.0 feet.

Funding: N/A

Requested Motion: Motion to APPROVE Variance case #21076.

Attachments:

1. 21076 6850 Bay St Variance Staff Report
2. Breul - 6850 Bay St - Variance Application
3. Site Plan Notice 6850 Bay St
4. 6850 Bay St Fence_2
5. 6850 Bay St Fence_3
6. 6850 Bay St Fence_4
7. 6850 Bay St Fence_1
8. 21076 Variance Support Letter



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

VARIANCE CASE NO. 21076 – Lynn and Christopher Breul, Owners

MEETING DATE: October 27, 2021

PREPARED BY: Jordan Elmore, Planning and Zoning Tech

REQUEST	<u>Practical Difficulty Variance.</u> Request to allow the installation of a 6.0-foot fence in the front yard setback area around the existing pool area of the property where maximum fence height allowed is 4.0 feet.
SUBJECT PROPERTY	6850 Bay Street; Property ID # 36-31-15-90666-000-0370; THREE PALMS POINT UNIT 1, LOT 37
ACERAGE	Approximately 0.19 acres (8,400 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 10
SURROUNDING AREA	North – Bay Street, Single-family Residence South - Single-family Residence East – Bay Street, Single-family Residence West – Multi-family Unit

BACKGROUND

The zoning lot contains a residence constructed in 1959 according to the Pinellas County Property Appraiser. This property is a corner lot which contains a front and secondary front yard. The applicant has a 6' tall fence in place that encroaches into the required front yard that needs replacing.

ANALYSIS

The applicant is proposing the replacement of their 6-foot-tall privacy fence and extending the eastern portion to the front property line. The existing fence which was installed prior to the applicants purchasing the home currently encroaches into the required 20-foot front yard by 15.5 feet at the northernmost corner and 6.3 feet at the southernmost corner.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Front Yard	6-foot PVC Fence	20 feet	0 feet	100% (20 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 fence to encroach 0 feet from the front property line where 20 feet is required, resulting in a variance request of 100% to the standard. The existing fence encroaches 15.5 feet (78%) at the northernmost corner and 6.3 feet (31.5%) at the southernmost corner requiring an additional encroachment of 4.5 feet and 13.7 feet respectively.

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

Staff find there to be no adverse change produced in the character of the neighborhood as a result of this variance. Staff have determined that the fence would be setback approximately 18 feet from the inside curb edge. The proposed fence will be oriented toward the side yard of the property therefore not impacting the traffic visibility. The style and height of the proposed fence remain in character with other fences in the vicinity.

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

Applicant could replace fence in its current location while still encroaching into the required 20-foot front yard. The fence cannot be moved back any further from the front property line to meet the required setback due to the existing pool and concrete patio.

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 through issuance of a variance. The request would align with the character of the neighborhood while providing privacy to the property.

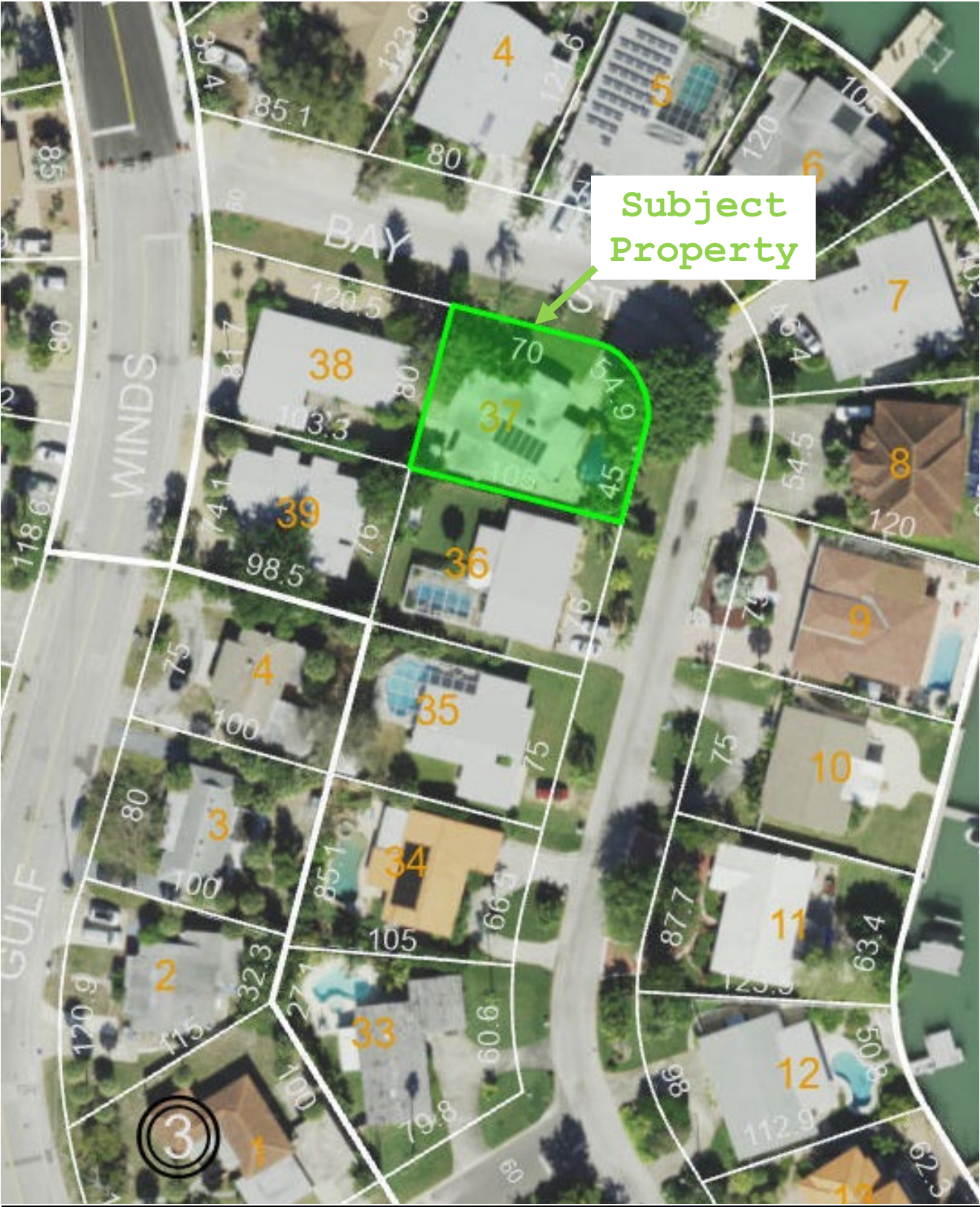
SUMMARY:

Staff find the request to be reasonable. This property contains both a front and secondary front yard with a pool and paver deck situated in the front yard. Staff have determined the proposed fence to be setback approximately 18 feet from the inside curb edge therefore not impacting traffic visibility. The proposed fence height and style is typical of what is found in the vicinity and will provide the privacy and required child safety measures associated with a pool.

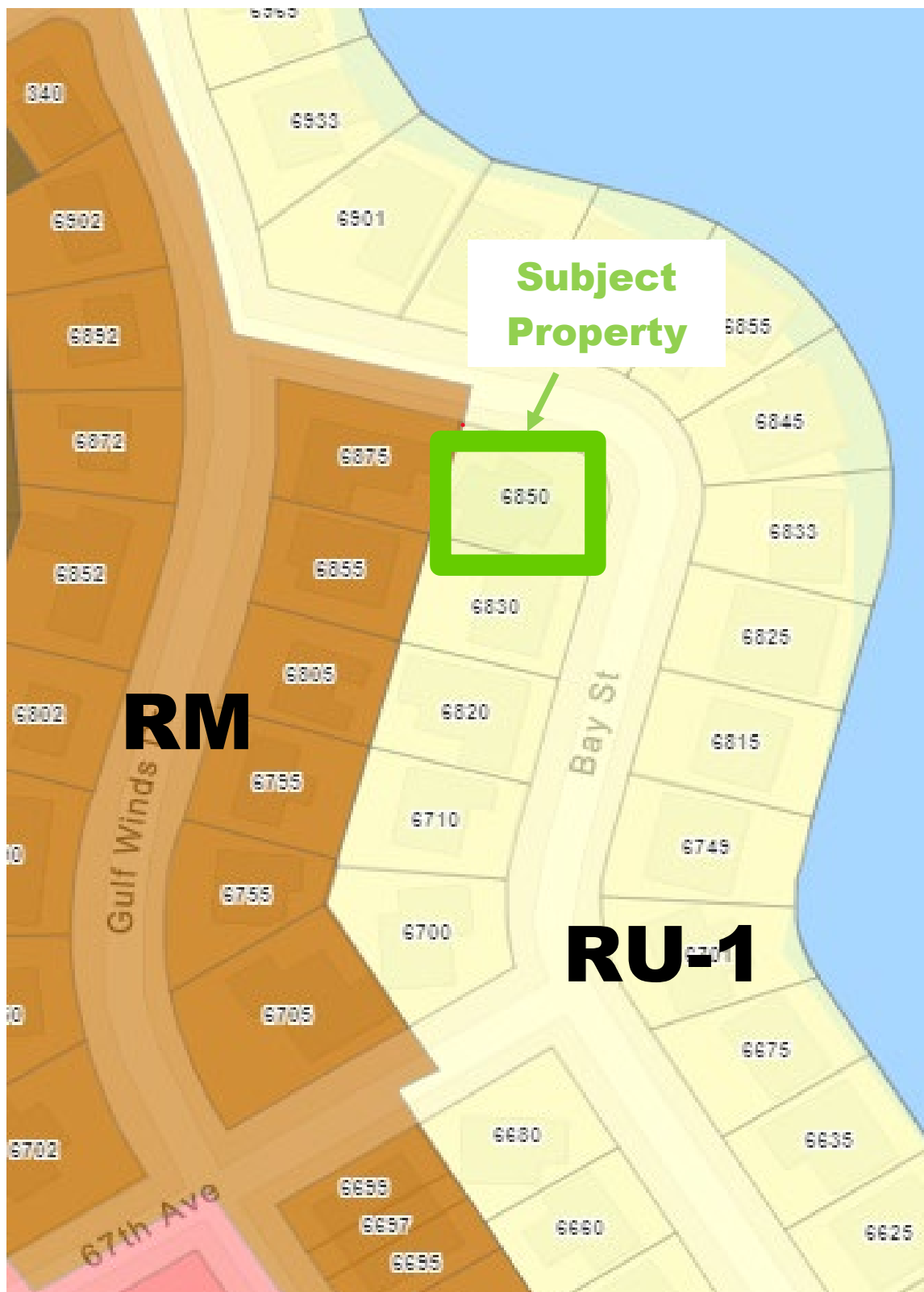
RECOMMENDATION:

Staff recommend approval.

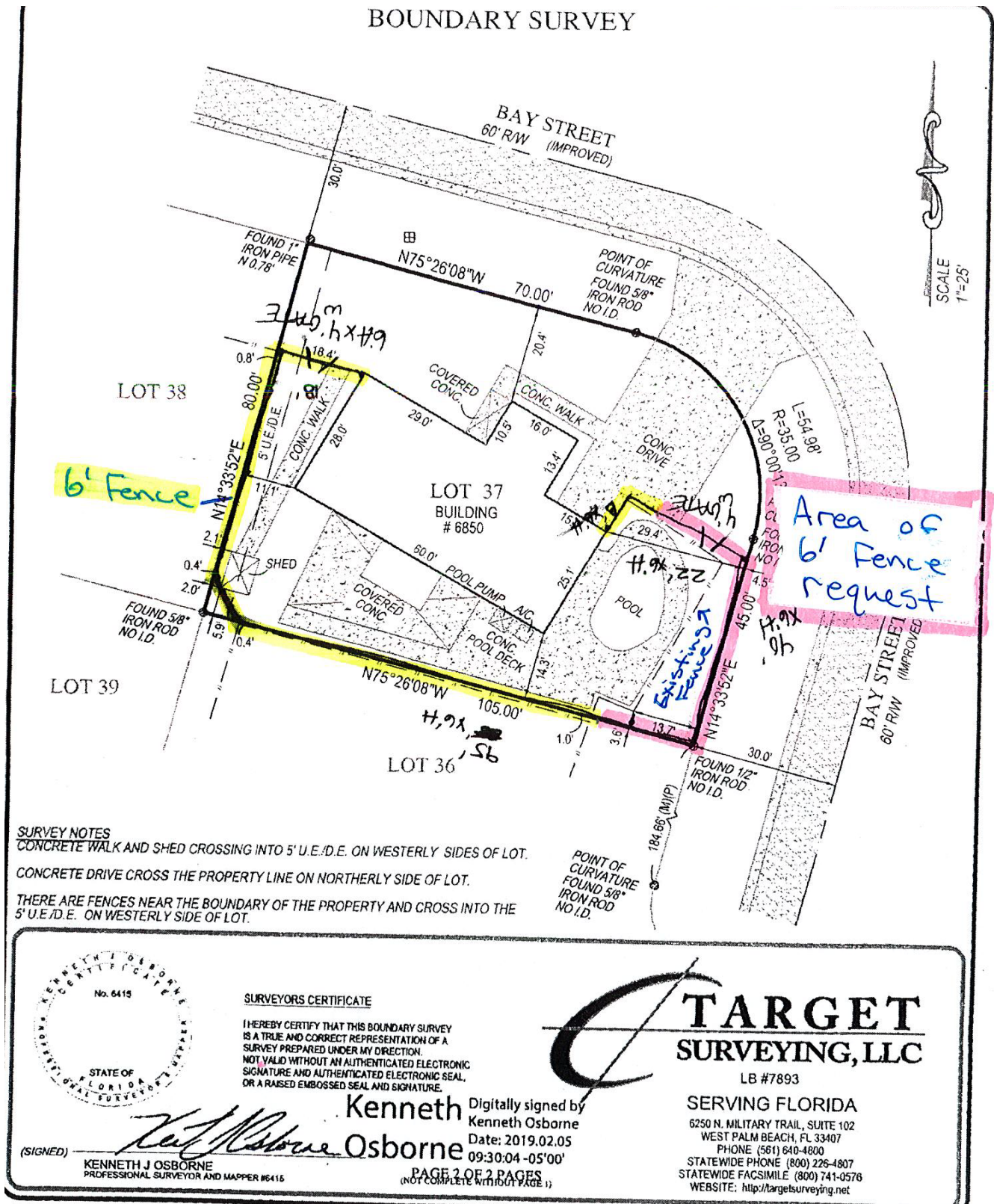
AERIAL MAP



ZONING MAP



SURVEY



CASE #: _____

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

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Lynn & Christopher Breul	6850 Bay Street St. Pete Beach, FL	414-491-1755
Applicant/ Agent	Same As Owner	Same As Owner	414-491-1755
Owner Email Address: jacobson.lynn@att.net		Applicant/Agent Email Address: jacobson.lynn@att.net	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation 0110 (Single	Future Land Use Designation	Lot Area Lot 37
Legal Description:	Three Palms Point Unit 1 Lot 37	
Parcel ID:	36-31-15-90666-000-0370	
Address:	6850 Bay Street, St. Pete Beach, FL	
Explanation of Request: <u>We are seeking a variance to replace a fence on our property. We would like the fence to be pushed out to the current property line (please see the survey). The fence will be white PVC, 6' tall.</u>		

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;

Not substantial. There is a fence on our property we would like to replace. The fence has been here at least over three years (owners have only resided at the property for a little over two and half year and the fence was already on the property). We are looking to replace the fence and push it out to the property line. See photos.

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

There would be no adverse change as a result.

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

No other method would be possible as the fence surrounds our pool, which has been on the property for over twenty years.

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

Allowing the variance would keep the property in the exact state it currently is. There have been no issues with the current fence.

Lynn B. Buehl
CEA Buehl 9/9/2021

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

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.

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

YJB CH 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.

YJB CH 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.

YJB CH 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.

YJB CH 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.

YJB CH 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.

YJB CH 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.

Lynne Beul

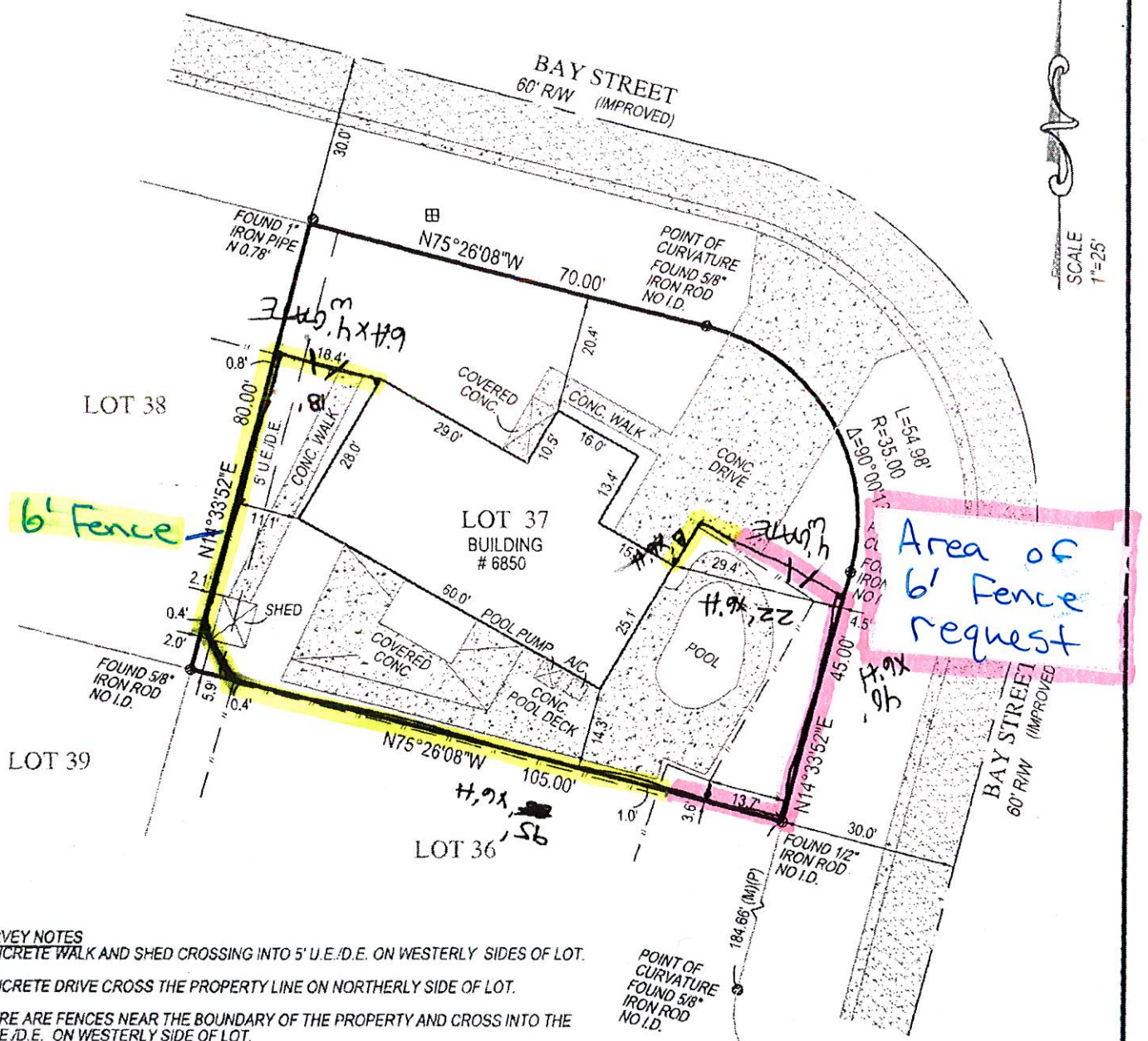
Signature of Applicant

CLD Beul

Date

9/9/2021

BOUNDARY SURVEY



SURVEY NOTES

CONCRETE WALK AND SHED CROSSING INTO 5' U.E./D.E. ON WESTERLY SIDES OF LOT.

CONCRETE DRIVE CROSS THE PROPERTY LINE ON NORTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS INTO THE 5' U.E./D.E. ON WESTERLY SIDE OF LOT.



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.

Kenneth Osborne

Digitally signed by Kenneth Osborne
Date: 2019.02.05
09:30:04 -05'00'

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)



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WEBSITE: <http://targetsurveying.net>









Brandon Berry

From: Wesley Wright
Sent: Monday, October 18, 2021 5:01 PM
To: Lynn Rosetti; Brandon Berry
Cc: Jordan Elmore
Subject: FW: Support for variance #21076- 6850 Bay St.

Please place in BOA packet

Wesley Wright
Planning Manager
City Manager's Office | City of St. Pete Beach

-----Original Message-----

From: saintpetebeach@aol.com <saintpetebeach@aol.com>
Sent: Monday, October 18, 2021 3:34 PM
To: Wesley Wright <wwright@stpetebeach.org>
Subject: Support for variance #21076- 6850 Bay St.

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

In my opinion, the variance to allow a 6 ft. fence should be approved. The 6 ft. fence that has been in place for many years, has not been a problem. A new replacement fence of the same height in the proposed location, would enhance the aesthetics of the property and provide privacy for the homeowners.

Thank you.

Donna Paleveda
6701 Bay St.

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Variance - 1805 Pass-A-Grille Way (Case No. 21072).
Revised 10/21/2021.

Date: October 27, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a residential dock that is proposed to be 30 feet in length (25 feet allowed) and to be located 9.58 feet from the left side riparian setback and 9.08 feet from the right-side riparian setback (12.5 feet required on each side).

Funding: Not Applicable

Requested Motion: Motion to DENY the variance as requested for a dock to exceed the allowable length and width as proposed.

Attachments:

1. Staff Report 1805 Pass-a-Grille Way
2. 1805 PAG site plan
3. 21072 1805 PAG Way Application



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

VARIANCE CASE NO. 21072– William W. Adams, Property Owner

MEETING DATE: October 27, 2021

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

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> request to construct a residential dock that is proposed to be 30 feet in length (25 feet allowed) and to be located 9.58 feet from the left side riparian setback and 9.08 feet from the right-side riparian setback. (12.5 feet is required on each side). (LDC Sec. 6.23(d)(4)).
SUBJECT PROPERTY	1805 Pass-a-Grille Way, Property ID #18-32-16-68634-000-0011 Phillips Division Revised Map Unnumbered Tract E of Lot 21, Block G described Beginning 107.5 ft N of NE corner of 18 th Avenue and 1805 Pass-a-Grille Way St. Pete Beach, et al.
ACERAGE	Approximately 0.130 acres (5,650 sq. ft.)
LAND USE	RLM-2/PAG, Residential District / Pass-a-Grille Overlay on the Zoning Map; RU, Residential Low Medium on the Future Land Use Map.
FLOOD ZONE	AE-Elevation 10
SURROUNDING AREA	North – Single-family Residential South – Single-family Residential East – Little McPherson Bayou West – Pass-a-Grille Way / Single-family Residential

BACKGROUND

The applicant is seeking variances from the Land Development Regulations to allow for a dock that includes a boat lift and two jet ski lifts, that is proposed to exceed both the length and width allowed by Code. Specifically, LDC Section 6.23(d)(3) limits the dock length to *one-half of the zoning lot width at the waterfront*. In this case, that equates to a maximum dock length of 25 feet. In addition, LDC Section 6.23(d)(4) limits dock width by a requirement that the *residential dock, davits, boatlifts, or tie poles shall be located with the center one-half of the width of the appurtenant upland property at the waterfront*. This means that there is a required setback from each of the two extended property lines of 12.5 feet. These requirements may be varied administratively provided that a signed statement of “no objection” from the abutting property owners is provided with the permit application. In this case, neither abutting property owner signed a statement of “no objection” to this proposal.

Summary of applicant's request: The subject zoning lot is 50.00 feet in width at the seawall, giving an allowable dock width of 25 feet at the seawall including the proposed boat lift and jet ski lifts (2). An existing 12-foot x 24-foot dock is currently located on the subject property which meets LDC requirements. The lot is symmetrically rectangular in shape. The applicant is seeking to demolish the existing dock structure entirely and build a new dock that exceeds both the length and width requirements of the LDC.

ANALYSIS

The applicant is requesting to construct a dock in a manner that exceeds the allowable length and width of the LDC to allow a 30-foot x 12-foot dock structure with a boatlift on the left side and two jet ski lifts on the right side. Specific encroachments are shown in the tables below.

	Allowed	Requested	Variance
Length	25.0 feet	30.0 feet	5.0 feet (20 percent greater than length allowed)
Left Side	12.5 feet	9.58 feet from side riparian line	2.92 feet encroachment (23% encroachment)
Right Side	12.5 feet	9.08 feet from side riparian line	3.42 feet encroachment (27% encroachment)

Staff has reviewed this request and finds the following:

- The aerial photograph shows that the subject property rectangular-shaped. The attached boundary survey depicts the extended property lines and the shaded area inside the extended property lines shows where a dock structure is allowed by right. Anything outside the shaded area requires a variance – either by neighbors' signature, or Board of Adjustment approval.
- This issue is further addressed in the attached application for the Board's review and in the following staff review of the variance request.

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

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

Staff find that there appear to be no special conditions or circumstances which are peculiar to the land, structure, or building involved and which are generally not applicable to others in the same zoning district. Staff finds that the subject property is a single-family residential lot in the Pass-a-Grille neighborhood. This rectangular shaped lot is 50 feet wide in both the front and the rear of the lot. A drawing is attached that depicts the extended property lines as well as the dock allowance envelope where a dock structure may be built without variance. An existing 12-foot-wide by 24-foot-long dock exists which is compliant with the dock size and location requirements. The variance application states that the existing dock including the pilings will be removed and a new dock constructed. The application states that the special need relating to the dock length request is to be able to property moor a vessel. However, review by staff of aerial photographs and a site visit does not find any existing special conditions and circumstances property and related envelop in which to constrict a dock which are peculiar to the lands, structures, or buildings, and which are not applicable to other lands, structures, or buildings in the same zoning district. Also, the site visit by staff did not reveal any apparent issues relating to the depth of the water, sea grasses, irregularities relating to the size or shape of the dock envelop.

Based on the application and staff review of the site, staff does not find justification for the requested variances to dock length and width. Staff find that the request for a length variance has not been substantiated by the application, nor is it apparent to staff through review of the request. Finally, staff find that a reduction in the width of the proposed dock to five feet would allow for a boat lift and jet ski lifts and would eliminate the proposed encroachments to length and width.

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 the result of the actions of the applicant wanting a longer and wider dock structure. There do not appear to be any environmental constraints such as sea grass beds or shoaling affecting this property. A longer dock is being requested to accommodate a lift that will support a particular sized boat according to the application. The side encroachments are being requested to allow for a boat lift on one side and two jet ski lifts on the other side. Review of the request by staff finds that there are no special circumstances or conditions relating to the request of these variances. A reduction in the width of the proposed dock could eliminate the side setback encroachments. Additionally, building a dock that is 25 feet in length appears to provide a reasonable area in which to moor a boat.

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 Land Development Code does not deprive the applicant of rights common enjoyed by other properties in the same Zoning District. Every variance case is reviewed on a case-by-case basis. Although there are varying dock lengths and widths in the vicinity of the subject dock, every case must stand on its own merits. As staff has noted, staff find that the proposed dock structure with accessories could be reduced to minimize or even eliminate the requested variances.

- 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 hardship has likely not been deliberately or knowingly created by the applicant, because comments in the application suggest that the applicant wanted new dockage somewhat similar to nearby docks. Approval of this request would 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. The applicant wants to rebuild the dock in a manner that will support a 12-foot wide by 30-foot-long dock structure with a boat lift and two jet ski lifts. The applicant can still have a dock with these features that meet the requirements of the Land Development Code.

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

The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property. In this case, the applicant is seeking to demolish and rebuild his dock in a manner that will support a boat lift on one side and two jet ski lifts on the other. However, the specific request would create a structure with accessories that exceeds both the length and width requirements. Staff find that a smaller dock could also accommodate a boat and jet ski lifts.

- 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 possible the reasonable use of a proposed new dock structure that exceeds both the length and width requirements of the Land Development Code. Staff find that the subject dock could be modified in a manner that reduces the length and width to meet Code and still support a boat and jet ski lifts.

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

Staff finds that this request is not in harmony with the purpose and intent of the Comprehensive Plan and Land Development Regulations because the request is not the minimum variance necessary for reasonable use. Staff findings include the following:

- A finding that the variance request to dock length could be reduced in a manner that eliminates the requested variance.
- A finding that the variance to the dock width can be reduced or even eliminated by narrowing the width of the dock. For example, a dock width of 5 feet would eliminate the need for a variance to width to accommodate the boat and jet ski lifts.

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.

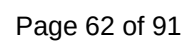
SUMMARY:

Staff finds the request to not be the minimum request for reasonable use and such findings include:

- A finding that although the variance request to length is not dissimilar to that of the abutting properties, a 25-foot dock structure can support a boat lift.
- A finding that the variance to the dock width can be eliminated by narrowing the width of the dock walkout to 5 feet in width.

RECOMMENDATION:

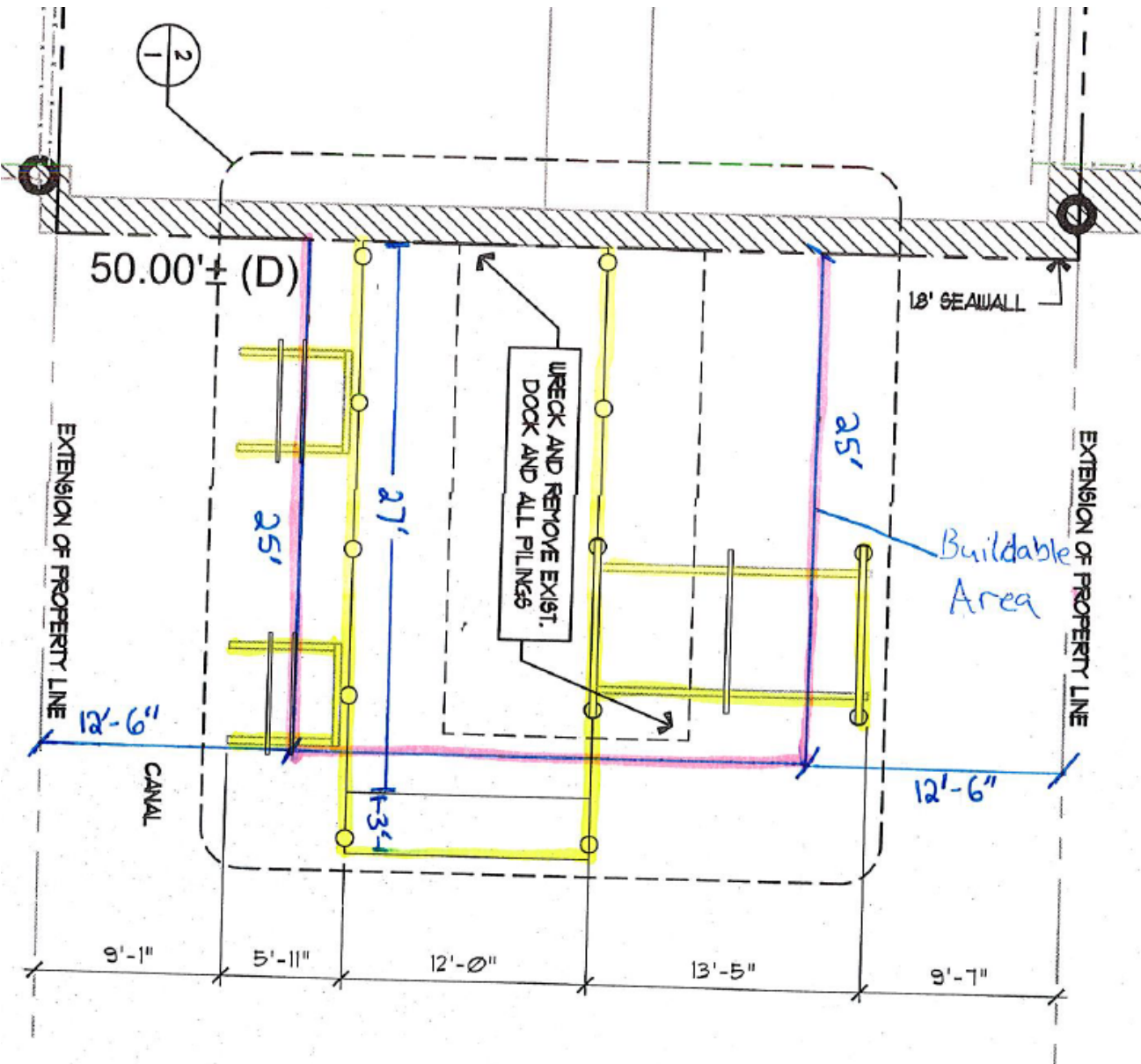
Staff recommend Denial of this request for a boat dock to exceed the allowable length and width as proposed.

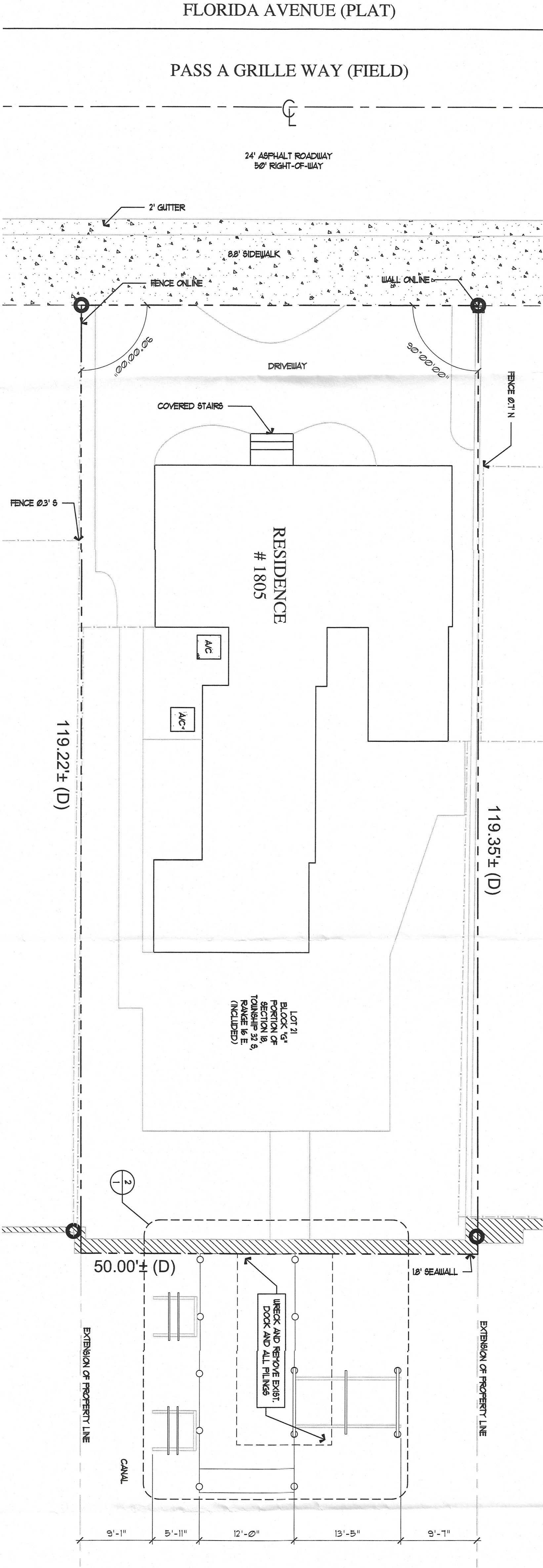


AERIAL MAP

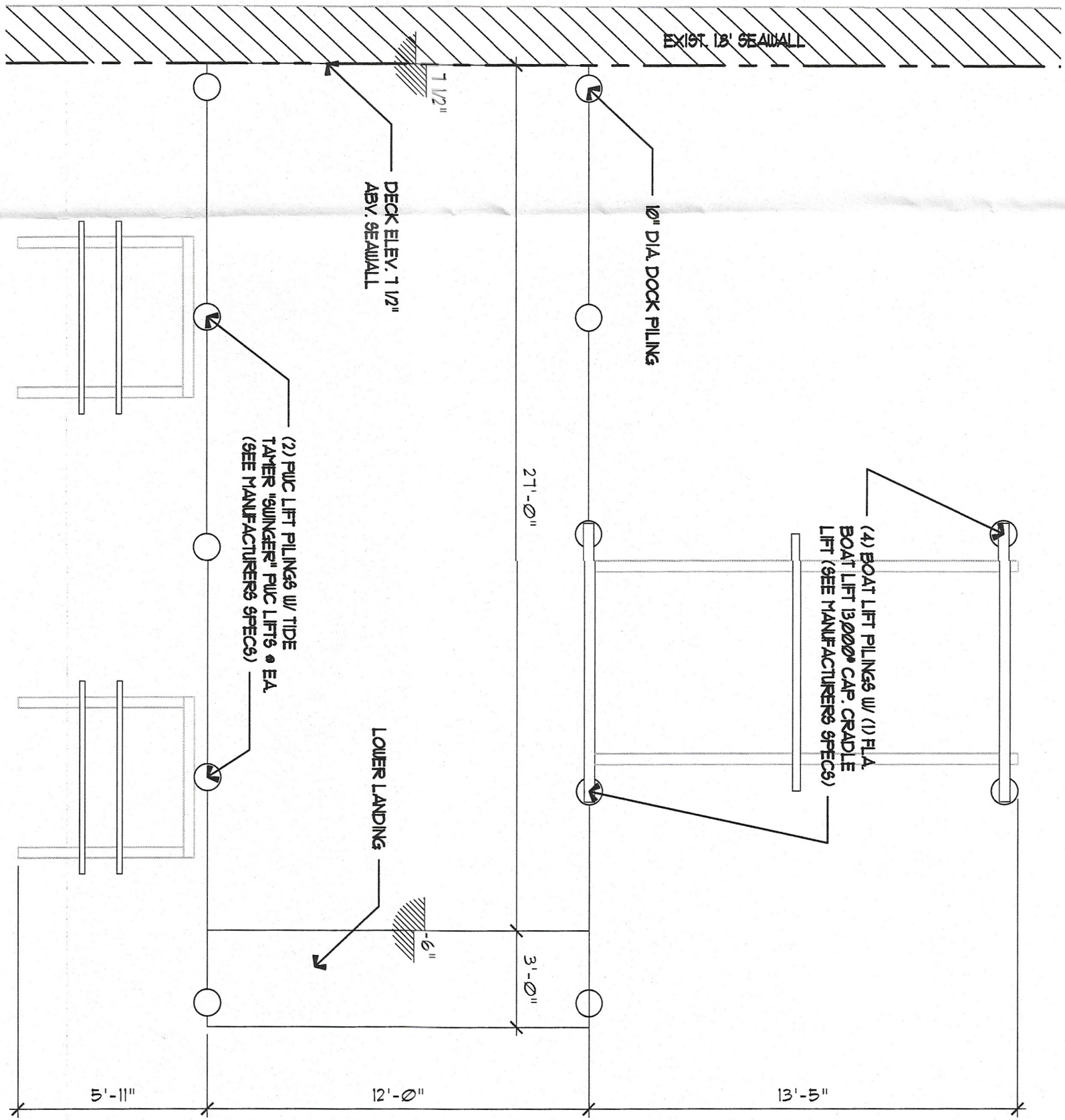


DOCK ENVELOPE DETAILS – SITE PLAN





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



TOTAL PROJECT SQ. FOOTAGE	3600 SQ. FT.
TOTAL NUMBER OF PILING	16
WATERWAY WIDTH	3600'
NEW SQ. FOOTAGE	3600 SQ. FT.
DIA. OF PILING	Ø7"
WATERWAY WIDTH	50'

2 DOCK PLAN
SCALE: 1/4" = 1'-0"

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* THE DRAWINGS & DESIGN ARE VALID FOR 12 MONTHS FROM DATE OF BEING SEALED.

TO THE BEST OF THE ARCHITECT OR ENGINEER'S KNOWLEDGE AND BELIEF, THESE PLANS AND SPECIFICATIONS COMPLY WITH THE 2010 FLORIDA BUILDING CODE IN ADDITION TO ANY OTHER APPLICABLE BUILDING CODES AND MINIMUM FIRE SAFETY STANDARDS.

ALL DIMENSIONS AND JOB CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO COMMENCEMENT OF CONSTRUCTION.

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PHONE: 727/328-3608 FAX: 727/328-3609 STUDIO: 727/328-3607

PROFESSIONAL SEAL

FRANK FRAZE, AIA

ARCHITECT

AS0014705

ORLA FRANKLIN FRAZE, IV

Construction Documents for:

ADAMS RESIDENCE DOCK
1805 PASS A GRILLE WAY
ST. PETE BEACH, FLORIDA

MEMBER OF

AIA
American
Institute of
Architects

ISSUE	DATE	BY
REVIEW	08/24/21	TF
PERMIT		
REV.		
REV.		
REV.		
REV.		
REV.		
REV.		

SHEET TITLE

SITE PLAN
AND DOCK PLAN

SHEET NUMBER

1

CASE #: 21072PARCEL #: 18-32-16-68634-000-001SUBMITTAL DATE: 9/2/21 AMOUNT DUE: 534.36 PAYMENT DATE: 9/2/21**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

SEP 02 2021

COMMUNITY DEVELOPMENT

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	<u>William W. Adams</u>	<u>1805 Pass A Grille Way, St Pete Beach, FL 33706</u>	<u>727.415.7463</u>
Applicant/ Agent	<u>Dominic Colante</u>	<u>2405 McMillen BOSTA RD CLEARWATER FL 33759</u>	<u>813 299 4907</u>
Owner Email Address:		Applicant/Agent Email Address:	
<u>drbillmd@aol.com</u>		<u>Dome.ph@gmail.com</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
		<u>11</u>
Legal Description: <u>Phillips Division Rev map Unnumbered Tract E of Lot 21 B/L & G Desc Beg 107.54' N of NE cor of 18th Ave + Pass A Grille Way TH N 50 FT TH E 110 FT (S) TO SMALL THIS 50 FT TH W 114 FT (S) TO PGB</u>		
Address: <u>1805 Pass A Grille Way, St. Pete Beach, FL 33706</u>		
Explanation of Request: <u>REQUEST A VARIANCE FOR THE LENGTH OF THE DOCK NEEDED TO PROPERLY MOOR THE VESSEL AND THE ENCROACHMENT OF THE DOCK INTO THE SET BACK.</u>		

158-55-10881-1-08-21



158-55-10881-1-08-21

158-55-10881-1-08-21

158-55-10881-1-08-21

158-55-10881-1-08-21

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; *special need is the length.*

The Land Development Code allows for 25 foot & the owner is requesting 31'4" to properly moor the vessel.

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

The enlarge dock encroaches into the 12'6" set back as allowed in the LAND Development Code.



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;

The owner requires a dock that is 31'4" to moor the vessel and subsequently the dock encroaches into the 12'6" set back on both sides.

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.

...the ...
...the ...
...the ...

...the ...
...the ...

RECEIVED
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...the ...
...the ...

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

No

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;

The design of the dock is similar in size and shape to other docks in the neighborhood particularly the neighbor at 1807 Pass A Grille Way.

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

Yes, the size of the dock is the minimum size need to moor the vessel.

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.

Yes. Other comparable docks in the neighborhood.

Signature of Applicant W W Danner Date 8/30/21 Signature of Authorized Agent [Signature] Date 8/30/21

no other...
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COMMUNITY DEVELOPMENT

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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

8/30/21
Date



RECEIVED
[]
DEPARTMENT OF
[]

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



I/WE

William Wright Adams MD
(print name of property owner)

hereby authorize

Dominic Colaytes
(print name of agent)

to represent me/us in an application for

Variance

(type of application: variance, conditional use, zoning, etc.)

WW Adams
Signature of Owner

Signature of Owner

William W. Adams
Print Name of Owner

Print Name of Owner

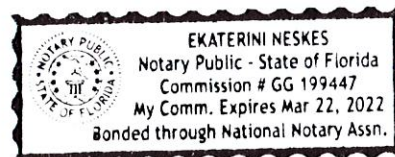
The forgoing instrument was acknowledged before me this 30th day of Aug. 2021 by William Adams M.D. or who is personally known _____ produced _____ as identification.

EKATERINI NESKES
(Notary Signature)

8.30.21
(Date)

My Commission Expires

3.22.2022



RECEIVED
[]
JANUARY 1961

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637

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THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, DOMINIC COLANTES, 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): DOMINIC COLANTES

Address: 2465 MC MULLEN BOOTH RD CLEARWATER FL 33759

[Signature] 8/30/21
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 30th day of Aug., 2021 by: Dominic Colantes who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

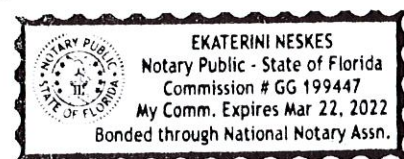
My commission Expires:
3.22.2022

NOTARY:

Print Name: EKATERINI NESKES Notary

Public, State of Florida

(Notarial Seal)





REPORT OF THE BOARD OF DIRECTORS

The Board of Directors of the Community Development Corporation has the honor to acknowledge the successful completion of the fiscal year 1981. The Board is pleased to report that the Corporation has achieved its goals and objectives for the year, and that the financial position is sound. The Board is also pleased to report that the Corporation has received a number of awards and recognitions for its work.

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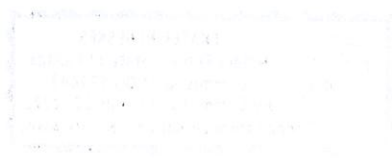
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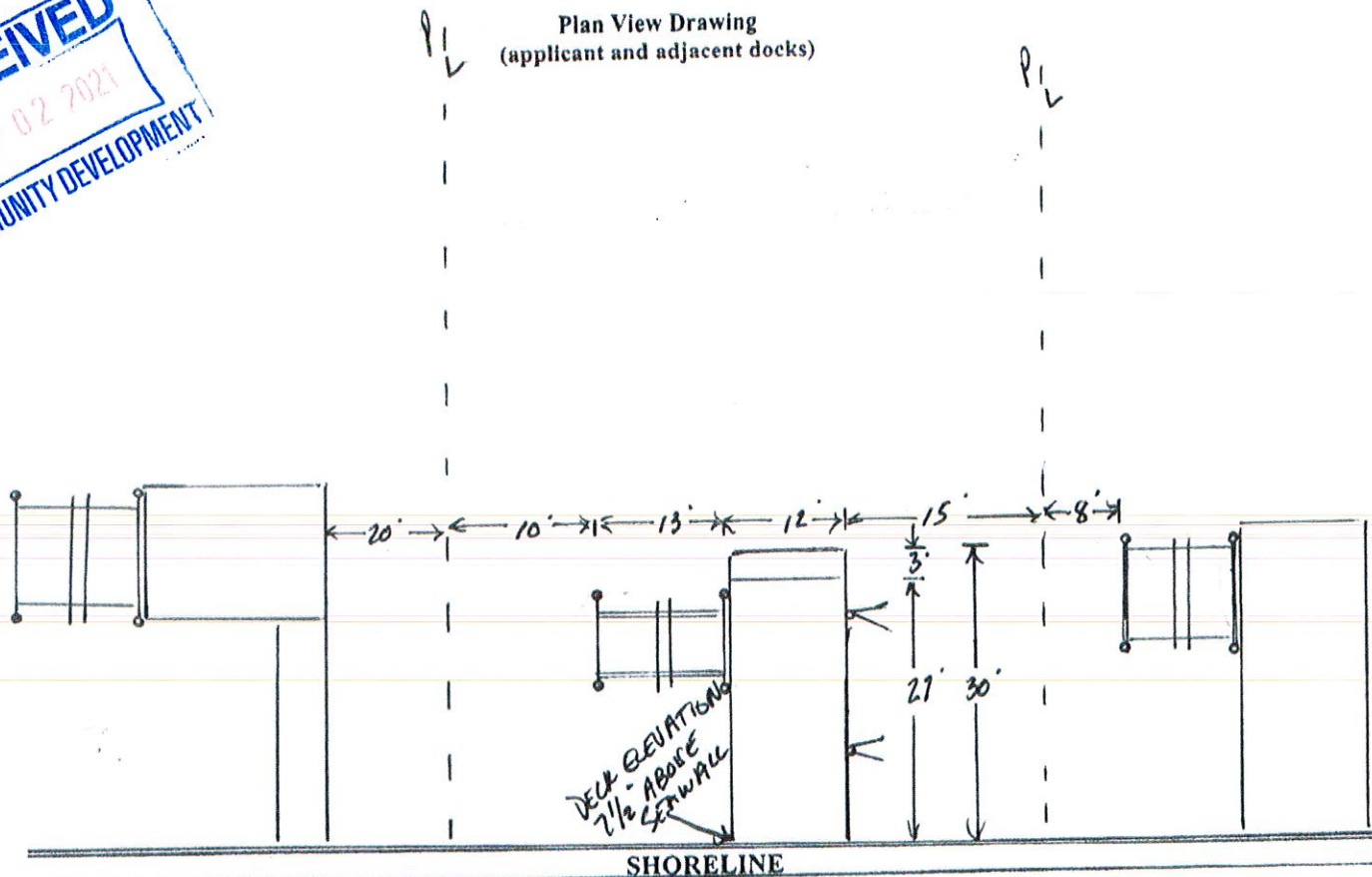
Owner Name: BILL ADAMS Site Address: 1805 PASS-A-GRILLE WAY ST. PETE BEACH FL. 33706

Nature and Size of Project: WRECK & REMOVE EXISTING DOCK & ALL PILING. INSTALL 10 NEW DOCK PILING AND CONSTRUCT 12' x 27' PLATFORM W- 3' x 12' LOWER LANDING. INSTALL 2 PWC LIFT PILINGS AND 2 TIDE TOWER SWINGER PWC LIFTS. INSTALL 4 BOAT LIFT PILING AND 1 FLA. BOAT LIFTS 13,000 # CAP. CRADLE LIFT

Total Project Square Footage:	<u>360</u>	New Square Footage:	<u>360</u>
Total Number of Pilings:	<u>16</u>	Diameter of Pilings:	<u>10'</u>
Waterway Width	<u>300'</u>	Waterfront Width	<u>50'</u>



Plan View Drawing
(applicant and adjacent docks)



SHORELINE

The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner

Right Owner

Signature

Date

Signature

Date

Municipality Approval

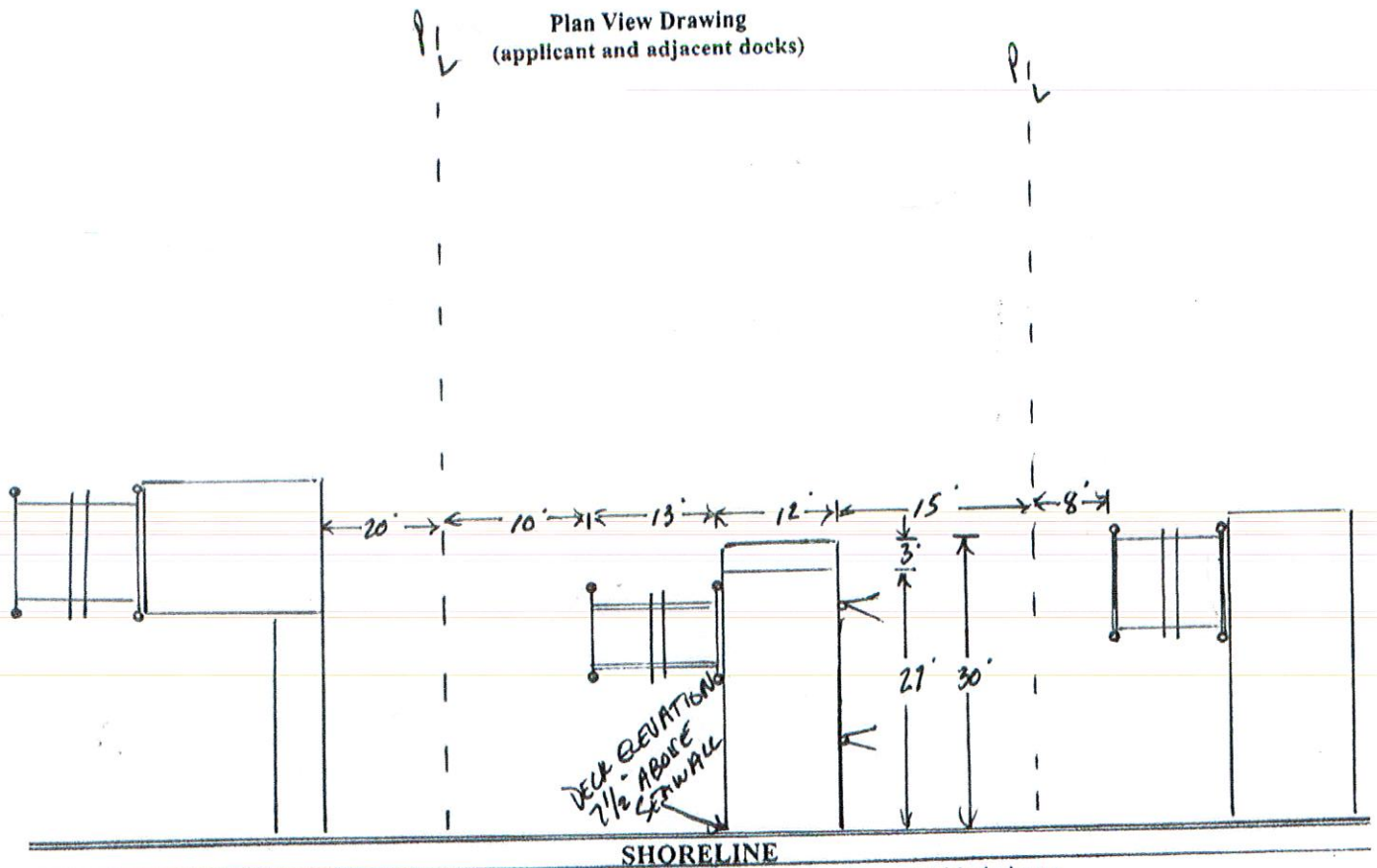
Water and Navigation Approval

RECEIVED
COMMUNITY DEVELOPMENT

Owner Name: BILL ADAMS Site Address: 1805 PASS-A-GRILLE WAY ST. PETE BEACH FL. 33706

Nature and Size of Project: WRECK & REMOVE EXISTING DOCK & ALL PILINGS. INSTALL 10 NEW DOCK PILING AND CONSTRUCT 12' x 27' PLATFORM W- 3' x 12' LOWER LANDING. INSTALL 2 PWC LIFT PILINGS AND 2 TIDE TAKER SWINGER PWC LIFTS. INSTALL 4 BOAT LIFT PILING AND 1 FLA. BOAT LIFTS 13,000 # CAP. CRADLE LIFT

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SHORELINE

The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner	Right Owner
Signature	Signature
Date	Date
Municipality Approval	Water and Navigation Approval

DOCK REPAIR ONLY

PRIVATE DOCK

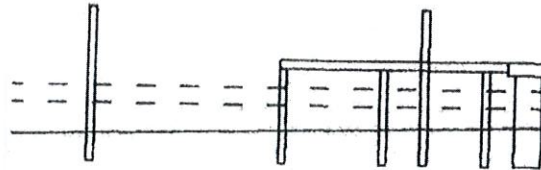
NAME: Norma Talmadge, LLC.

1805 Pass A Grille Way St. Pete Beach, FL. 33706

Application #

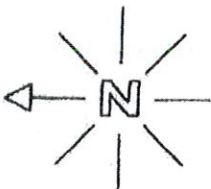
RP46830-17
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



Profile View

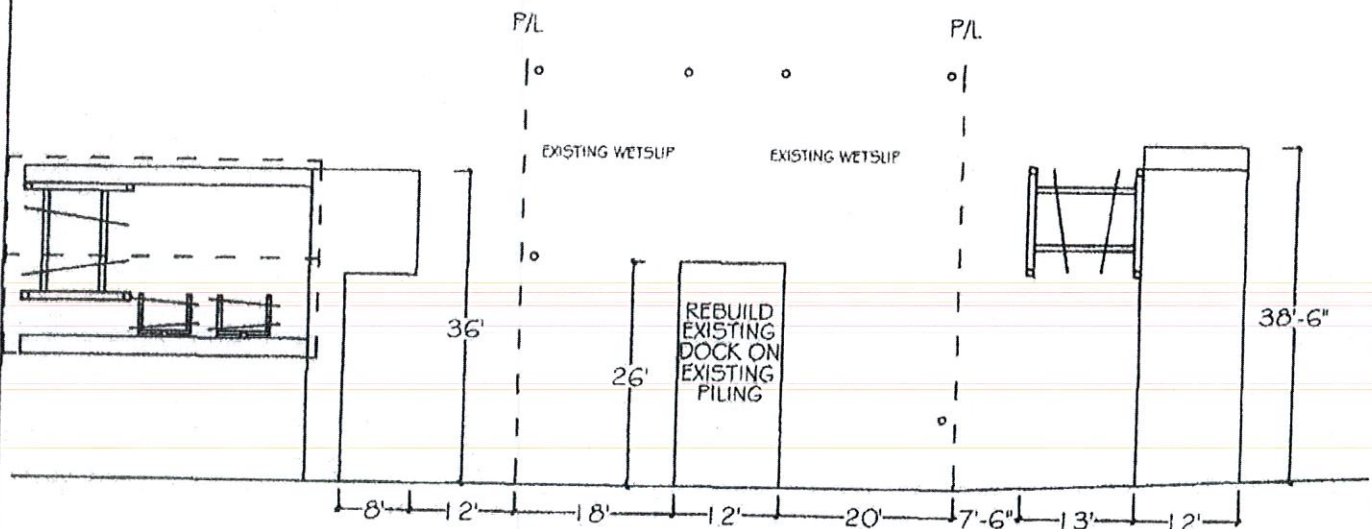
ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

312'
0'
300'
50'

Plan View
(applicant and adjacent docks)



The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner: N/A

Signature

Date

Right Owner: N/A

Signature

Date

Municipality Approval

Water and Navigation Approval

APPROVED ZONING

DATE 4/3/17m

APPROVED
PINELLAS COUNTY
WATER AND NAVIGATION

A handwritten signature, likely of David L. Wells, over a printed name.

4-13-17

DOCK REPAIR ONLY

PRIVATE DOCK

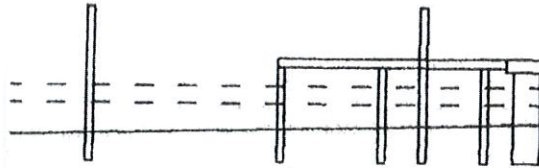
NAME: Norma Talmadge, LLC.

1805 Pass A Grille Way St. Pete Beach, FL. 33706

Application #

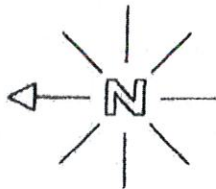
RP46830-17
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



Profile View

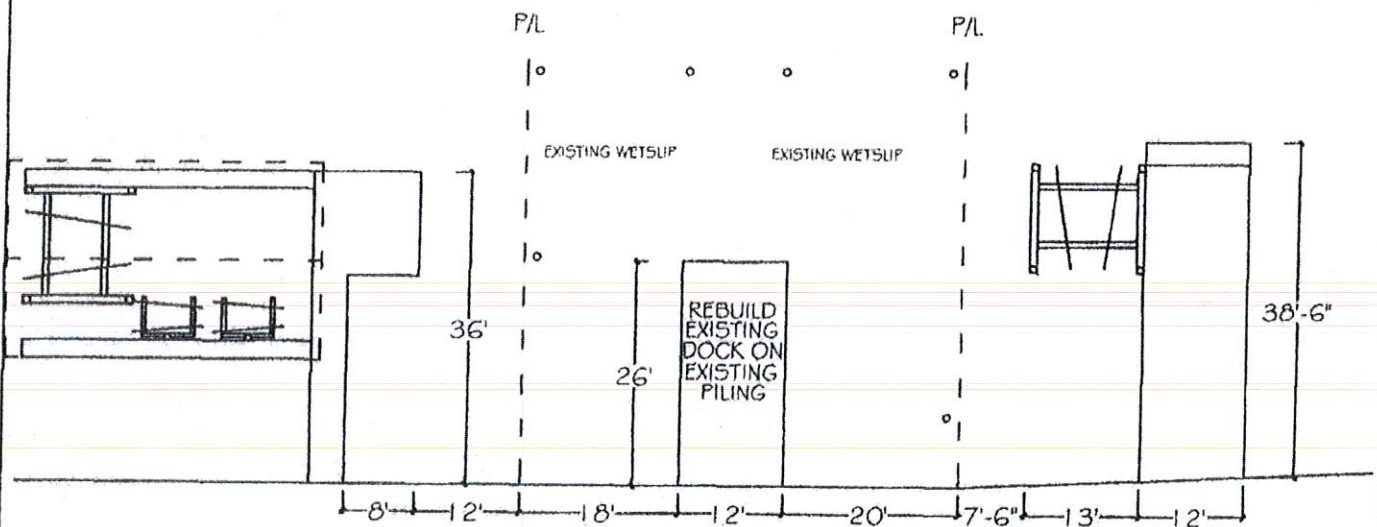
ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

312'
0'
300'
50'

Plan View
(applicant and adjacent docks)



The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner: N/A

Signature

Date

Right Owner: N/A

Signature

Date

Municipality Approval

Water and Navigation Approval

APPROVED ZONING

DATE 4/3/17 M

APPROVED
PINELLAS COUNTY
WATER AND NAVIGATION

4-13-17

1805 PASS A GRILLE WAY, ST. PETE BEACH, FL. 33706



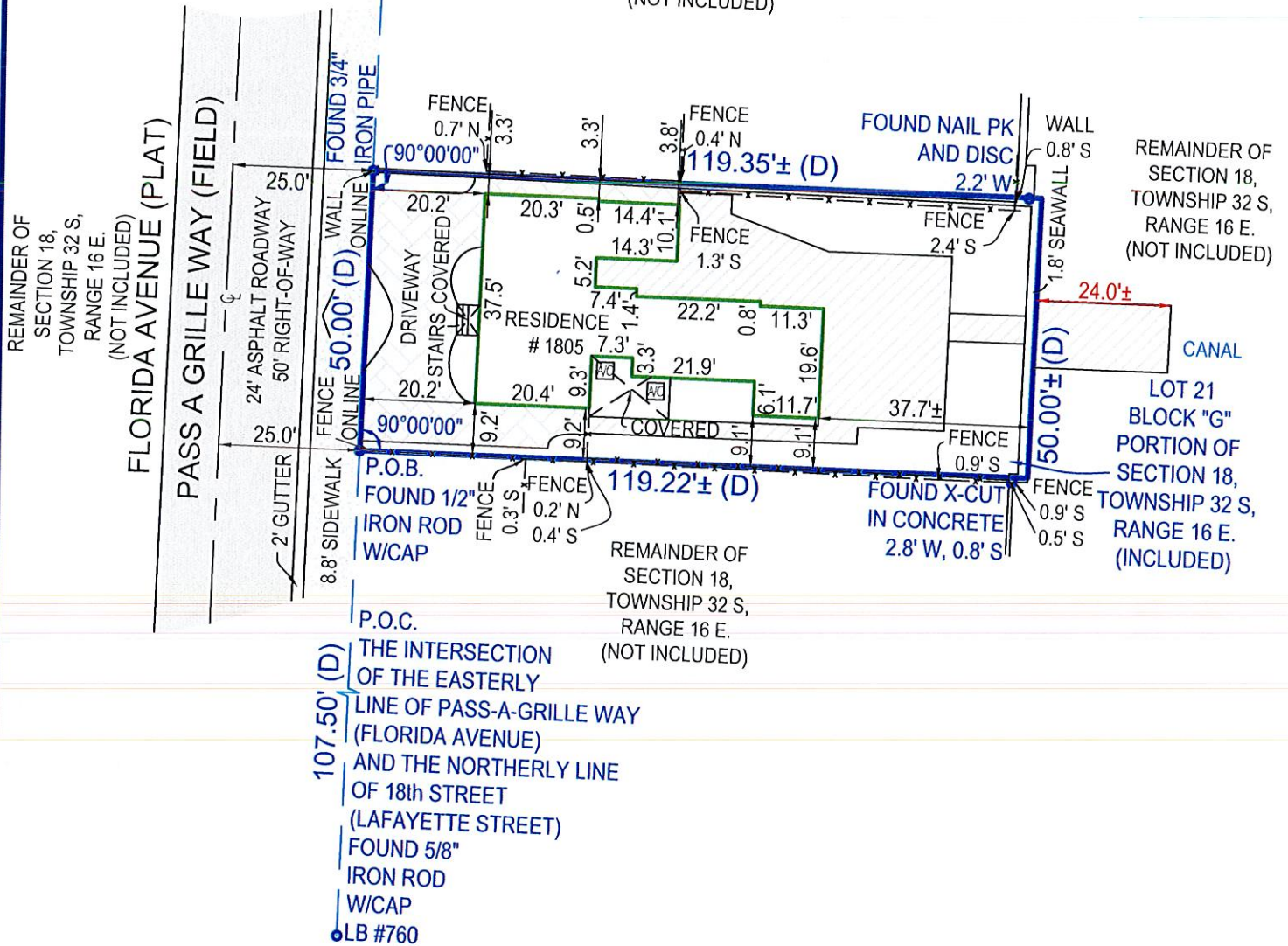
SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)

REMAINDER OF
SECTION 18,
TOWNSHIP 32 S,
RANGE 16 E.
(NOT INCLUDED)

REMAINDER OF
SECTION 18,
TOWNSHIP 32 S,
RANGE 16 E.
(NOT INCLUDED)



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 09-11-2020
Drawn By: Oleg
Order #: 103036
Last Revision Date: 09-11-2020
Boundary Survey prepared by: LB8111
NexGen Surveying, LLC
5601 Corporate Way, Suite #103
West Palm Beach, FL 33407
561-508-6272

NEXGEN
SURVEYING, LLC.





LEGAL DESCRIPTION OF: 1805 PASS A GRILLE WAY, ST PETE BEACH, FL, 33706

BEGINNING AT A POINT 107 1/2 FEET NORTH OF THE INTERSECTION OF THE EASTERLY LINE OF PASS-A-GRILLE WAY (FLORIDA AVENUE) AND THE NORTHERLY LINE OF 18TH STREET (LAFAYETTE STREET) AS SHOWN BY THE REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRILLE CITY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE NORTHERLY, ALONG THE EASTERLY SIDE OF PASS-A-GRILLE WAY, A DISTANCE OF 50 FEET; THENCE EASTERLY, ALONG A LINE PARALLEL TO 18TH STREET, TO THE BULKHEAD; THENCE SOUTHERLY, ALONG THE BULKHEAD, A DISTANCE OF 50 FEET; THENCE WESTERLY, ALONG A LINE PARALLEL TO 18TH STREET, TO THE POINT OF BEGINNING.

CERTIFIED TO:

WILLIAM W. ADAMS
A HERITAGE TITLE PINELLAS
FIFTH THIRD BANK
FIRST AMERICAN TITLE INSURANCE COMPANY

FLOOD ZONE:

12103C0278G
ZONE: AE
ELEV: 10 FT
EFF: 09/03/2003

SURVEY NOTES:

- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES CROSS THE BOUNDARY LINES ON SOUTHERLY AND NORTHERLY SIDES OF LOT AS SHOWN.
- WOOD DOCK CROSSES THE BOUNDARY LINE ON EASTERLY SIDE OF LOT AS SHOWN.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER METER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B.	-POINT OF BEGINNING
P.O.C.	-POINT OF COMMENCEMENT
&	-AND
P.B.	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E.	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac.	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
— x —	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
□	-ASPHALT
□	-CONCRETE
□	-PAVER/BRINCK
□	-WOOD
⊙	-LIGHT POLE
⊗	-WELL
⊗	-WATER VALVE
⊗	-CENTER LINE
⊗	-CATCH BASIN
⊗	-FIRE HYDRANT
⊗	-UTILITY POLE
⊗	-MANHOLE
⊗	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.

GENERAL NOTES:

- 1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS.
- 5) DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- 6) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- 7) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
- 8) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- 9) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)



www.NexGenSurveying.com

561.508.6272

Fax: 561.508.6309

LB 8111

5601 Corporate Way | Suite 103

West Palm Beach, FL 33407

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Case Continued until 11/17/2021. Variance - 6800 Gulf Blvd (Case No. 21075).

Date: October 27, 2021

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: The existing monument sign was permitted at a 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 proposed sign will remain in its current location; however, it will be lowered to 8 feet to comply with current height standards within the district. The applicant applied in September 2021 to allow for the abandoned nonconforming sign to remain at 6-feet 9.5 inches from the front property line and reduce the height from 14 feet to 8 feet.

Funding: N/A

Requested Motion: Motion to Case No. 21075 until November 17, 2021.

Attachments: