



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
Commission Chambers
155 Corey Avenue, St. Pete Beach, Florida 33706
8/27/2014
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

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

7/30/2014
3. **Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
3. **Public Hearings:**

Case 20140030: Address 3786 Belle Vista Drive East. Applicant requests a variance from Section 6.23(d)(4) of the Land Development Code to permit the installation of 2 boat lifts that shall exceed the center one half requirement based on the width of the property at the waterfront. An 11.5' setback from the extended

side property lines would comply with the regulations. Boat lift on east side shall encroach 10.75' and boat lift on west side shall encroach 11.0'. (Continued from July 30, 2014 meeting)

Case 20140034: Property address is 555 Gulf Way. Applicant requests a variance from Section 11.7 of the Land Development Code to permit the installation of covered parking (carports) to encroach 5.0' into the required 10.0' secondary front yard setbacks (5th & 6th Avenues) and encroach 2.5' into the required 20.0' rear yard setback.

3. Adjournment

APPEAL

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

AMERICAN DISABILITIES ACT

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

City of St. Pete Beach, Florida
Variance Application No. 20140034
Board of Adjustment Public Hearing
August 27, 2014

I. Property Information

Address: 555 Gulf Way
Owner: Pointe Tower Condominium
Agent: Theresa Schefstad
Existing Use: Residential
Zoning: RLM2 (Residential)

II. Request/Code Requirements

- A. Section 11.7(b)(2)&(4) of the Land Development Code to permit the construction of covered parking structures (carports) that will encroach into the required 10.0' secondary front yards setback and 20.0' rear yard setback

Item	Required Secondary Front – 5th Avenue	Proposed Secondary Front – 5th Avenue	Encroachment
Carport	10.0'	5.0'	5.0'
Item	Required Secondary Front – 6th Avenue	Proposed Secondary Front – 6th Avenue	Encroachment
Carport	10.0'	5.0"	5.0'
Item	Required Rear	Proposed Rear	Encroachment
Carport	20.0'	16.0'	4.0'

III. Background Information

The subject property had existing carports, however, they were damaged in the previous storm. The applicant is proposing to install new carports along three sides of the property. All of the proposed carports shall encroach into the required setbacks.

This property was granted this request in June of 2013, however, the variance has expired.

IV. Zoning and Comprehensive Plan

The property is zoned RLM2 (Residential) allows single, two and multi family use only.

V. Analysis/Summary

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

555 Gulf Way

Board of Adjustment Variance Case #20140034



June 11, 2013









Relevant Code Provisions

Division 11.7 Setbacks

Section 11.7(b)(2)&(4) of the Land Development Code to permit the construction of covered parking structures (carports) that will encroach into the required 10.0' secondary front yard setback and 20.0' rear yard setback

Division 3 – Administration of the Land Development Code

Sec. 3.12. - Variances.

(a) Authority and approval criteria.

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

- (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

City of St. Pete Beach, Florida
Variance Application No. 20140030
Board of Adjustment Public Hearing
August 27, 2014 (continued from July 30, 2014)

I. Property Information

Address: 3786 Belle Vista Drive E
Owner: Susan Hubbell-Finch
Agent: Speeler Foundations Inc
Existing Use: Residential
Zoning: RU1 (Single Family Residential)

II. Request/Code Requirements

- A. Section 6.23(d)(4) of the Land Development Code to permit the installation of two new boat lifts that shall exceed the maximum center one half requirement based on width of the property at the waterfront.

Item	Minimum setback	Proposed dock setback	Proposed setback encroachment
West boat lift	11.5'	.5'	11.0'
East boat lift	11.5'	.75'	10.75'

III. Background Information

The dock regulations require that the dock shall be located within the center one half based on the width of the property at the waterfront. Boat lifts are included within the definition of docks and shall comply with the regulations. The upland side property lines are extended into the water to provide the boundaries or side property lines for the dock location. It has been determined that the boat lifts shall be 11.5' from the extended side property lines.

The Land Development Regulations for docks does provide for the affected adjacent neighbor to sign a waiver of "no objection" of the request, but the applicant has not been able to obtain the signatures.

The applicant is proposing to install 2 boats lifts. The boat lifts shall exceed the side setback requirements.

IV. Zoning and Comprehensive Plan

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

V. Analysis/Summary

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

3786 Belle Vista Drive E

Board of Adjustment Variance Case #20140030



June 27, 2014







Relevant Code Provisions

Section 6.23(d)(4) Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.

Division 3 – Administration of the Land Development Code

Sec. 3.12. - Variances.

(a) *Authority and approval criteria.*

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

- (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.