



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, November 17, 2021
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda -
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. Minutes of 10-27-2021
4. Action Items
 - a. **Variance - 6800 Gulf Blvd (Case No. 21075)** Request to allow a freestanding sign that is proposed to remain in a manner that encroaches into the required front setback area by approximately 7 feet.
 - b. **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)).
 - c. **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).
 - 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).
 - e. **Variance - 3200 E Maritana Dr (Case No. 21025)**

Request to construct a 597 square foot dock that will extend 59 feet from the seawall (48 foot maximum) and be located approximately zero feet from the S De Bazan Ave street end riparian line (24 feet is required).

f. Variance - 1207 Gulf Way (Case No. 21086)

A Practical Difficulty Variance to construct a swimming pool and spa (13'x25') and related pool deck that are proposed to encroach into the required Gulf Way 20 foot setback area by 12 feet (LDC Sec. 6.13(c)(2)(3)).

5. Adjournment : Next Meeting December 15th

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
October 27, 2021 2:00 P.M.

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

EXCUSED: Michael Bomar
Denise Chase

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

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

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

1. Changes to the Agenda – There were no changes.
2. Audience Comments – There were none.
3. Approval of Minutes - a. 9/29/2021

Motion: Member Holehouse moved, and Vice Chair Lyman seconded the approval of the minutes from the September 29, 2021 meeting; the motion carried unanimously.

4. Action Items -

a. 2022 Board of Adjustment Meeting Dates

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the approval of the meeting schedule for 2022. The motion carried 3-0.

- 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).

Brandon Berry, Planner II, reviewed a detailed presentation and staff analysis on the variance request, which included photographs, zoning information, and other exhibits; the presentation will become part of these minutes. One letter in opposition was received.

Staff recommendation was to deny the request, as their findings were that the addition would appear to cause the home to encroach substantially closer to the street than most other homes on similar lots along the block and create a larger development than present on most lots of similar sizes along 59th. It also appears that an addition of the size proposed for use of vehicle storage

space could possibly be accommodated at the front of the site without the need for a variance. Mr. Berry read the two staff-recommended conditions, should the Board approve the variance.

Applicant/Owner Tyler Roshau and Marta Neumann, representative for the Applicant's General Contractor, appeared and provided additional details.

Chair Skipper advised the Applicant that a consensus vote requires a majority of Board members (3). As only three members were present, all would need to vote for approval, or the request would be denied. If denied, there would be a six-month waiting period to reapply. The Applicant could opt to continue his request to the next meeting, when the other two members may be present. Mr. Roshau indicated that he would prefer to continue.

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the continuance of the Variance for Case #21071 to the November 17, 2021 meeting; the motion carried 3-0.

- 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.

Jordan Elmore, Planning and Zoning Tech, reviewed a detailed presentation on the variance request, which included photographs, zoning information, staff analysis, and other exhibits; the presentation will become part of these minutes. One phone call was received in support of the application.

Applicant Lynn Jacobsen Breul appeared to provide additional details. Chair Skipper advised the Applicant of the same option to continue as the previous Case 21071. She opted to proceed with the three members present.

There was no public comment and the Chair opened Board discussion.

Motion: Member Holehouse moved, and Vice Chair Lyman seconded the approval of the Variance for Case #21076 as presented; the motion carried 3-0.

- 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.

Senior Planner Lynn Rosetti's detailed presentation of this variance request included a staff analysis of the request with photographs, zoning, surveys and other exhibits. The presentation will become part of these minutes. One letter of objection was received.

Staff found that the request was not the minimum for reasonable use and that although the variance request to length was not dissimilar to that of the abutting properties, a 25-foot dock structure could support a boat lift, and the variance to the dock width could be eliminated by narrowing the width of the dock walkout to 5 feet in width. Staff recommendation was for denial of the request.

General Contractor Domonic Colutes appeared on behalf of the Applicant. Chair Skipper again advised the Applicant, William Adams, that due to the presence of only three Board members, all three would have to vote affirmatively for approval to be given. He opted to continue.

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the continuance of Case #21072 to the November 17, 2021 meeting. The motion carried 3-0.

- 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.

Motion: Member Holehouse moved, and Vice Chair Lyman seconded to move Case #21075 to the November 17, 2021 meeting. The motion carried 3-0.

5. Adjournment – Next Meeting 11/17/2021

Motion: Vice Chair Lyman moved and Member Holehouse seconded adjournment at 2:38 PM.

These minutes will be considered for approval at the November 17, 2021 Board of Adjustment meeting.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 6800 Gulf Blvd (Case No. 21075)

Date: November 17, 2021

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: The former 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 sign has since been removed and the applicant is proposing a new sign that will be placed in its previous 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 approximately 3 feet from the front property line and reduce the height from 14 feet to 8 feet. The property is currently inactive, and the nonconforming sign has been removed.

Funding: N/A

Requested Motion: Motion to approve Case # 21075 to allow for the freestanding sign to encroach 7 feet into the required 10 foot setback and lower the height to 8 feet to conform with the height standards.

Attachments:

1. 21075 - 6800 Gulf Blvd Staff Report
2. 21075 - 6800 Gulf Blvd Variance App
3. Proposed sign for notice
4. Proposed sign 6800 Gulf w_10 ft measured sign labeled 2
5. Signed Owner Authorization Form
6. Survey 6800 Gulf



**PLANNING DIVISION
STAFF REPORT
BOARD OF ADJUSTMENT**

VARIANCE CASE NO.: 21075 Carson Munsey, Applicant for Richard Meyers, Owner
PUBLIC HEARING DATE: NOVEMBER 17, 2021
PREPARED BY: Jordan Elmore, Planning and Zoning Tech

REQUEST	<u>Unnecessary and Undue Hardship Variance</u> to allow a recently removed freestanding sign that is proposed to remain in a manner that encroaches into the required front setback area by approximately 7 feet.
SUBJECT PROPERTY	6800 Gulf Blvd, ST PETERSBURG BEACH 1 ST ADD BLK 3, LOTS 8, 9, AND 10 & PT OF VAC ALLEY Property ID #36-31-15-78336-003-0080
ACERAGE	0.15 AC (6,600SF, 60FT X 110FT)
LAND USE	CC-2 Commercial Corridor Gulf Boulevard District within the Downtown Redevelopment District
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Commercial (Multi-Tenant) South – Commercial (Rick's Reef) East – Gulf Blvd, Commercial (Wings Beachwear) West – Multi-family (Blue Skies Apartments)

BACKGROUND

The former 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 sign has since been removed and the applicant is proposing a new sign that will be placed in its previous 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 approximately 3 feet from the front property line and reduce the height from 14 feet to 8 feet. The property is currently inactive, and the nonconforming sign has been removed.

ANALYSIS

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

underlying zoning district. The Land Development Code regulates nonconforming and abandon signs as follows:

Sec. 26.14. - Maintenance of signs.

(a) Maintenance of signs.

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

Sec. 26.2. – Definitions.

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

Sec. 26.4. - Prohibited signs.

(h)Abandoned and discontinued signs.

	Allowed	Proposed	Variance Requested (%)
Sign Area	100 SF	50 SF	NA
Sign Height	8 feet	8 feet	NA
Sign Setback	10 feet	3 feet	7 feet / 70%

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

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

Staff finds that special conditions and circumstances do exist which are peculiar to the existing sign structure and its visibility from Gulf Boulevard. Locating the sign further within the property would place the sign too close to the building.

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

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

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

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

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

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

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

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

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

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

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

Staff finds that the requested variance appears to be the minimum variance that makes possible the reasonable use of the building in providing sufficient access.

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

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

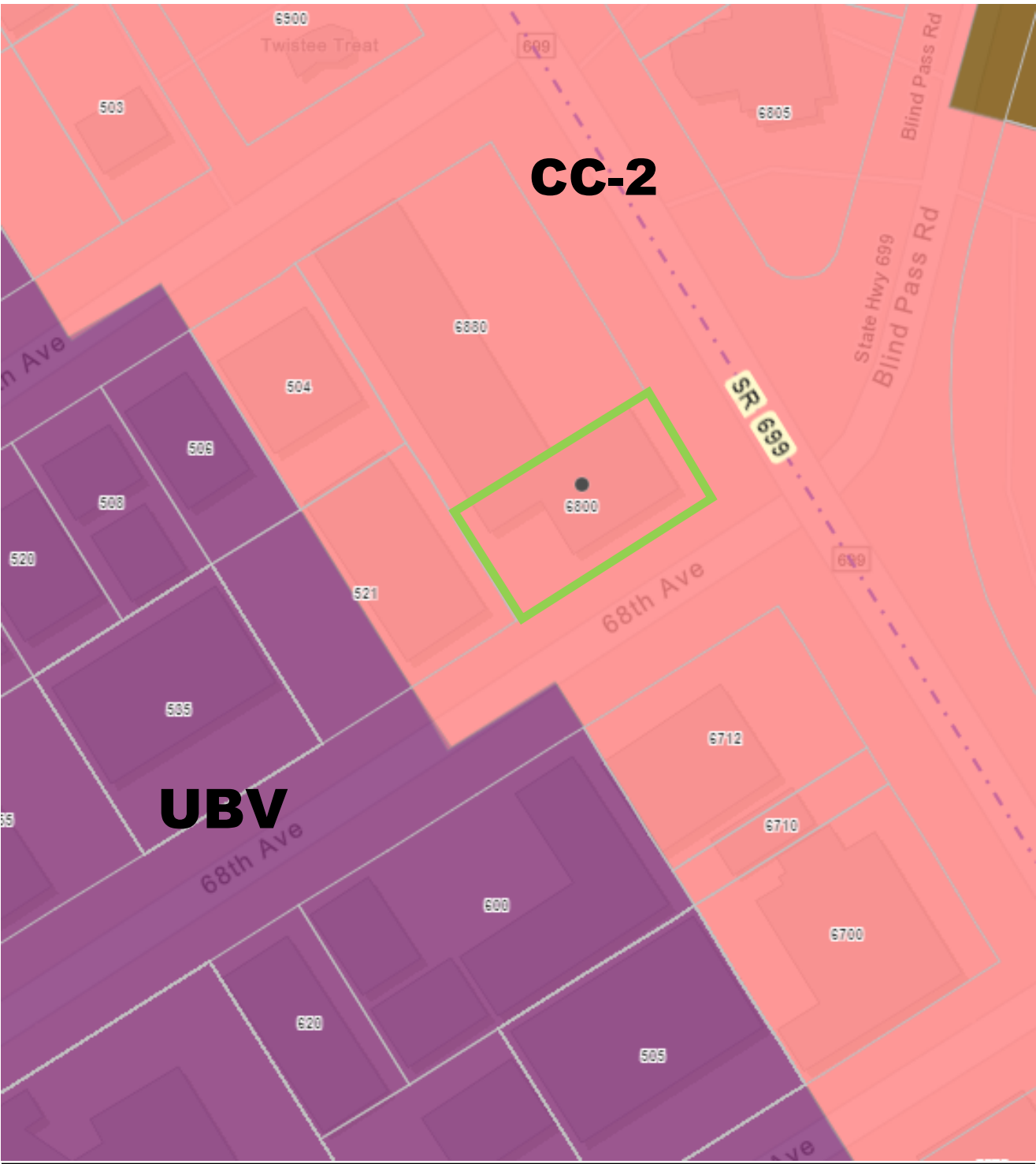
SUMMARY AND RECOMMENDATION:

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

AERIAL MAP



ZONING MAP





CASE #: 21075PARCEL #: 363115783360030080SUBMITTAL DATE: 9/15/2021AMOUNT DUE: 557.40PAYMENT DATE: 9/15/2021**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	RICHARD E. MEYERS	6800 GULF BLVD. ST. PETE BEACH, FL 33706	813 - 708-4389
Applicant/ Agent	ARTHUR CARSON MUNSEY	12601 GULF BLVD. #180 TREASURE ISLAND, FL 33706	727 - 363-3866
Owner Email Address: RICKSREEFZ@AOL.COM		Applicant/Agent Email Address: INFO@FLORIDADSIGNS.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:		
Address: <u>6800 GULF BLVD, ST. PETE BEACH, FL 33706</u>		
Explanation of Request: <u>PROPOSING TO LOWER SIGN HEIGHT TO 8 FT FROM 14 FT. MAINTAINING CURRENT SET BACK OF 6 FT 9 1/2 IN.</u>		

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

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

LIMITED BUILDING SETBACK COMPARED TO ADJOINING PROPERTIES.

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

DUE TO CURRENT CODE CHANGES, WHEN IT WAS PERMITTED IT MET CODES AT THAT TIME.

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;

DUE TO LIMITED FRONTAGE TO MEET CURRENT CODES.

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;

DUE TO PAST CODES NOT AS STRICT AS TODAY'S. AT TIME OF BUILDING CODES WERE MET TO ZERO SETBACK.

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

NO FINANCIAL GAIN.

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;

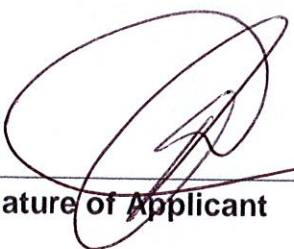
OTHER PROPERTIES HAVE SETBACKS THAT WOULD MEET CURRENT CODES.

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

MINIMUM DUE TO ROOF OVER HANG

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

IN HARMONY WITH CURRENT CODE TO PROVIDE SAFETY AND HELP CLEAN UP VISUAL CLUTTER.

 9-15-21

Signature of Applicant Date Signature of Authorized Agent Date

LETTER OF AUTHORIZATION TO OBTAIN A SIGN PERMIT

DATE: Sep 10-2021

To Whom It May Concern:

I, Brenda Myers, as the owner or agent for the property listed as
6800 Gulf Blvd, St. Pete Beach FL _____, do authorize Coastal Sign
(city) (zip)
Installation, or their authorized agent, to obtain a sign permit for the above referenced property on
my behalf.

[Signature] Sep 10-2021
Owner of Agent Date

813-708-4509 _____
Telephone Number E-Mail Address

STATE OF FLORIDA

COUNTY OF PINELLAS

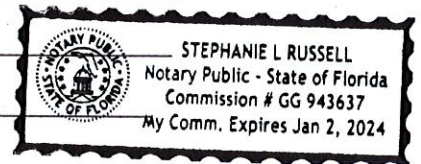
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online
notarization, this 10th day of , SEPT. 2021 , by STEPHANIE RUSSELL

(Signature of Notary Public - State of Florida) Stephanie L. Russell

(Print, Type, or Stamp Commissioned Name of Notary Public) _____

Personally Known OR Produced Identification _____

Type of Identification Produced DRIVER'S LICENSE



LETTER OF AUTHORIZATION TO OBTAIN A SIGN PERMIT

DATE: Sep 10-2021

To Whom It May Concern:

I, Ernest Myers, as the owner or agent for the property listed as
6800 Gulf Blvd, St Pete Beach FL _____, do authorize Coastal Sign
(city) (zip)
Installation, or their authorized agent, to obtain a sign permit for the above referenced property on
my behalf.

[Signature] Sep 10-2021
Owner or Agent Date

813-2084309
Telephone Number E-Mail Address

STATE OF FLORIDA

COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online
notarization, this 10th day of Sept. 2021, by STEPHANIE RUSSELL

(Signature of Notary Public - State of Florida) Stephanie L. Russell

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

Personally Known OR Produced Identification

Type of Identification Produced DRIVER'S LICENSE

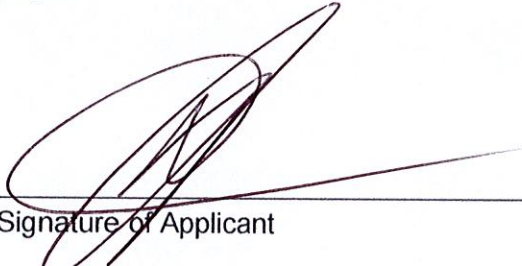


VARIANCE APPLICATION

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

9-15-21

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, A. CARSON MUNSEY, 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): ARTHUR CARSON MUNSEY

Address: 12601 GULF BLVD. #180 TREASURE ISLAND, FL 33706

[Signature] 9-15-21
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

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

My commission Expires:

NOTARY:

Print Name: _____ Notary

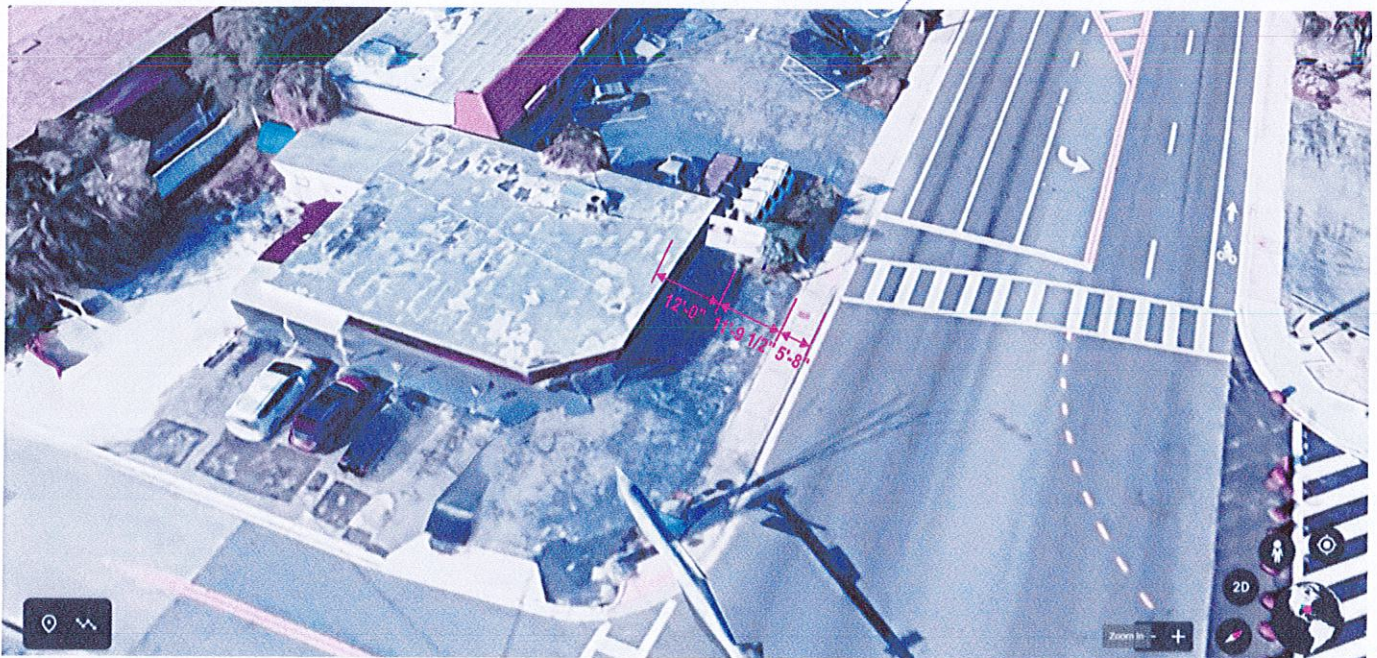
Public, State of Florida

(Notarial Seal)

SOUTHERN SALT

5 FT. TO
PROPERTY LINE

PLAN VIEW : N.T.S.



Southern Salt
Project Address :
6800 Gulf Blvd
St Pete Beach, FL

6' 9" TO P/L / SIDEWALK.

CABINET: ?

POLE: 5 FT. TO
PROPERTY LINE

PROPOSED



EXISTING



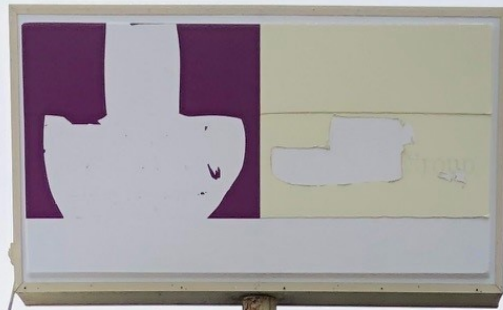
Southern Salt
Project Address :
6800 Gulf Blvd
St Pete Beach, FL



Existing sign 5'x10' 14' high



Proposed sign 5'x10' 8' high



5' x 10'



8'



10' from PL

Owners Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

RICHARD ALLEN LONG

(print name of property owner)

hereby authorize

RICHARD MYERS

(print name of agent)

to represent me/us in an application for

PERMITING @ 6800 GULF BLVD.

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

Richard Allen Long

Signature of Owner

Signature of Owner

RICHARD ALLEN LONG

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 26 day of

October

2021 by

or

who

is

personally

known

produced

U.S. PASSPORT, DRIVERS LICENSE

as identification.

Elizabeth Perez

(Notary Signature)

10/26/2021

(Date)

My Commission Expires

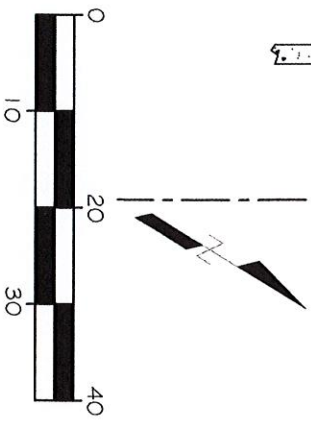
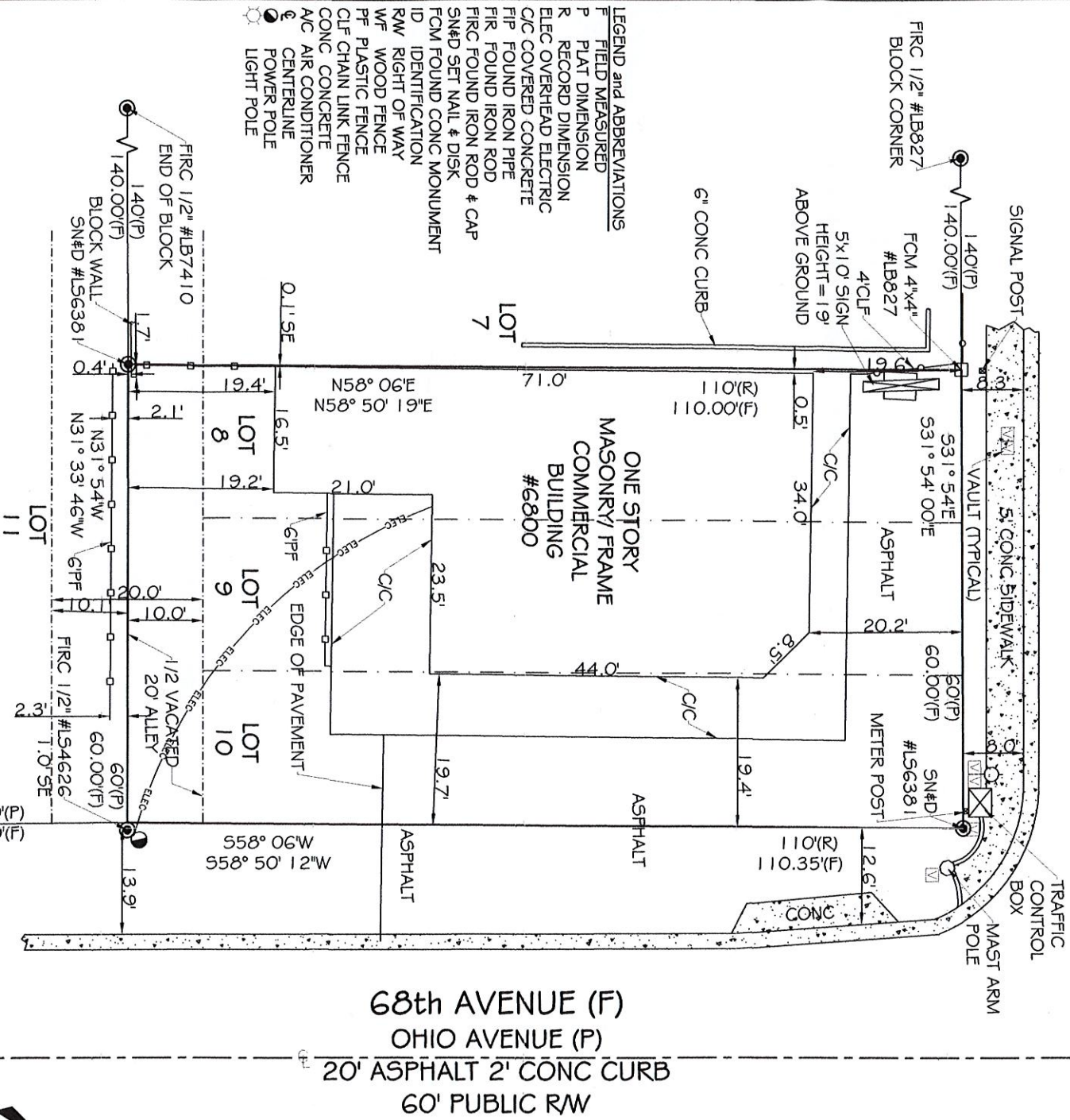
1 of July of 2021



PROPERTY ADDRESS:
6800 GULF BOULEVARD
ST. PETERSBURG BEACH FL 33706

SECTION 36 TOWNSHIP 31 S RANGE 1 SE
A BOUNDARY SURVEY OF:
BLOCK 3, LOTS 8, 9, AND 10 TOGETHER WITH PART OF VACATED ALLEY
ST. PETERSBURG BEACH SUBDIVISION FIRST ADDITION
ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 20 PAGE 11 OF THE
PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA

GULF BOULEVARD (F)
FIFTH STREET (P)
20' ASPHALT 2' MIAMI CURB
60' PUBLIC RW



FLOOD PLAIN
PER THE FEDERAL INSURANCE ADMINISTRATION
FLOOD INSURANCE RATE MAP COMMUNITY NUMBER
125149 SUBJECT PROPERTY APPEARS LOCATED IN
ZONE "AE" BASE FLOOD ELEVATION=9 FEET AS
REFERENCED TO THE FIRM (FLOOD INSURANCE RATE
MAP) 12103C0276H EFFECTIVE DATE 08/24/2021

IN COMPLETE ACCORDANCE WITH FLORIDA STATUTE 472.025 AND PURSUANT TO THE ELECTRONIC
SIGNATURE ACT OF 1996 OR FLORIDA STATUTE TITLE XXIX CHAPTER 668 IF THIS DOCUMENT WAS
RECEIVED ELECTRONICALLY VIA PDF THEN IT HAS BEEN LAWFULLY ELECTRONICALLY SIGNED
THEREFORE THIS SURVEY PDF IF AUTHENTIC IS COMPLETELY OFFICIAL AND INSURABLE
BASIS OF BEARINGS; PER PLAT, THE SOUTH RAW LINE OF GULF BLVD BEING S31° 54'E

DRAWN BY:	CN	SURVEY DATE:	10/16/21
CHECKED BY:	RS	DRAWING NO.:	1
LOG NO.:	21-262	SHEET	1 OF 1

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND
IS SUBJECT TO ALL EASEMENTS RIGHTS-OF-WAY AND OTHER MATTERS OF
RECORD
UNDERGROUND IMPROVEMENTS NOT SHOWN

SURVEY NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED
SEAL OR AN ELECTRONIC EQUIVALENT OF A FLORIDA LICENSED
SURVEYOR AND MAPPER

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON MEETS THE
REQUIREMENTS OF CHAPTER 5.1-17.05 FLORIDA ADMINISTRATIVE CODE
PURSUANT TO SECTION 472.027 FLORIDA STATUTES

CHRISTOPHER J NOYES PSM, FLORIDA SURVEYOR REGISTRATION # 6381

PREPARED BY:
CHRISTOPHER J. NOYES PSM, LLC
LS 6381
7168 65TH STREET NORTH
PINELLAS PARK, FLORIDA 33781
PHONE (727) 545-9777
CHRISPSM6381@GMAIL.COM

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

Agenda Report

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

Date: November 17, 2021

Prepared By: Lynn Rosetti, Senior Planner
Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: Unnecessary and Undue Hardship variance pertaining to the driveway width at the front property line and also to the location of the walkway's placement within the 2 foot setback area along the east side of the property. Removal of minor paver encroachments onto neighboring properties as depicted by a new survey dated October 25, 2021.

Funding: N/A

Requested Motion: I move to APPROVE Case No. 21067 to allow the requested variances pertaining to the driveway width at the front property line and also to the location of the walkway's placement within the 2 foot setback area along the east side of the property subject to the removal of paver encroachments onto neighboring properties as depicted in an updated survey dated October 25, 2021.

Attachments:

1. 21067 - 173 Mar Street Staff Report
2. 21067 Application



**PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 21067 – David P. Hooker, Owner
MEETING DATE: November 17, 2021
PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

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

BACKGROUND

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is likely that this hardship was not deliberately or knowingly created when the lots were platted. Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. As stated in the application, the property owner wants additional parking area for their use, especially because of his increasing disability and related personal needs which forms the basis for this improved parking situation request.

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

The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.

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

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

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

Staff find that while this request is not in harmony with the purpose and intent of the Comprehensive Plan and Land Development Regulations, it is also not anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood because it will improve both the off-street parking and on-street parking situation in the area.

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

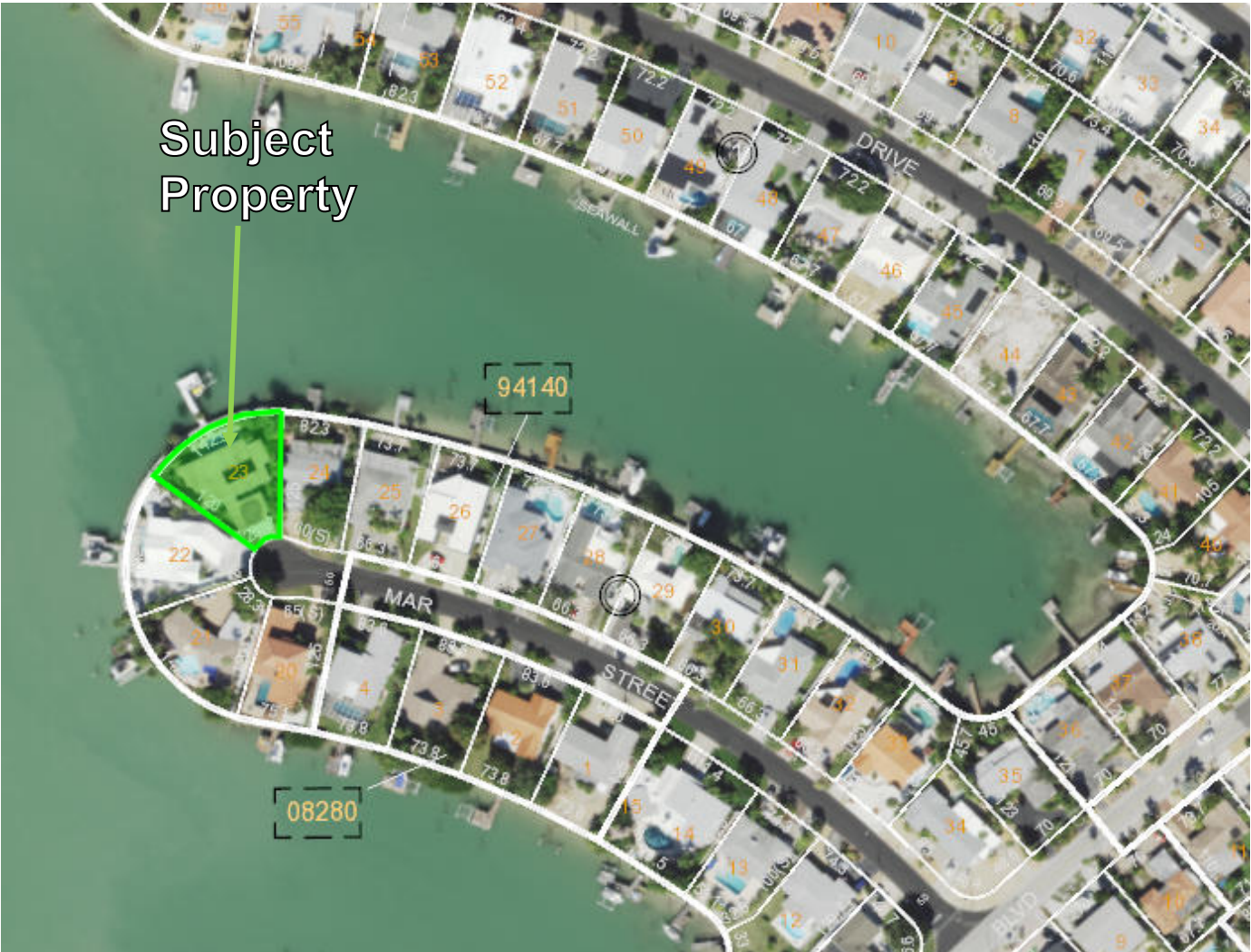
SUMMARY:

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

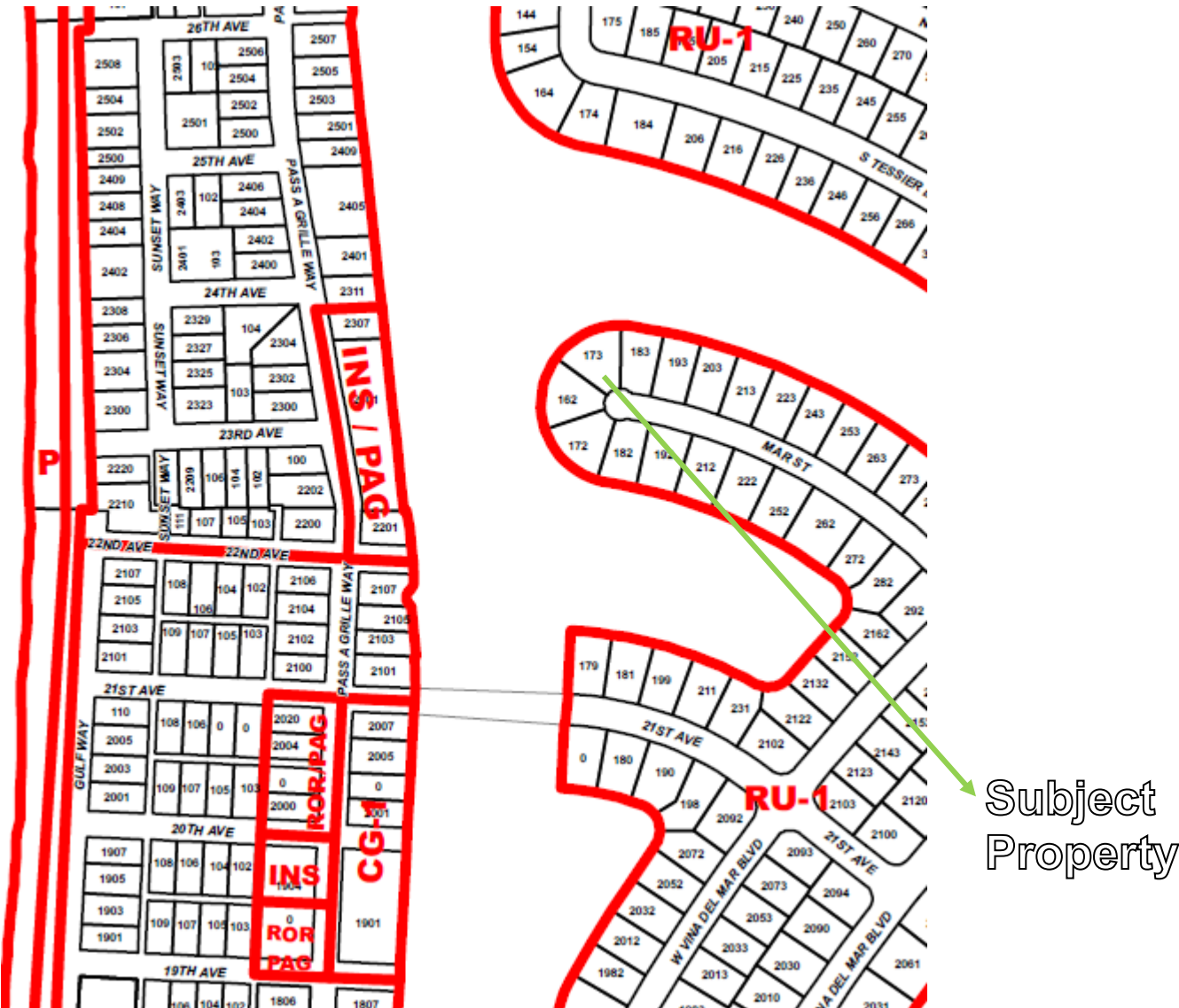
RECOMMENDATION:

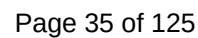
Staff recommend approval.

AERIAL MAP



ZONING MAP





CASE #: 21067PARCEL #: 18/32/16/94/40/00/0230SUBMITTAL DATE: 8-23-21 AMOUNT DUE: 507.70 PAYMENT DATE: 8-23-21**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	DAVID P. HOOKER	173 MAR ST 33706 ST Pete Beach FL	303-915- 8828
Applicant/ Agent			
Owner Email Address: <u>getwellstaywell@hotmail.com</u>		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
<u>Residential - Single Family</u>	<u>Residential - Single Family Home</u>	<u>.24 acres</u>
Legal Description: <u>Vina del mar Sec 1, BLK 1, Lot 23</u>		
Address: <u>173 MAR ST., ST Pete Beach, FL 33706</u>		
Explanation of Request: <u>See letter attached - 7 copies of letters and drawings</u>		

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

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

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

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

correct

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

Yes

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

No

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

Definately not

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

Understood

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

reasonable use, yes.

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

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

X *David D. Hecker*
Signature of Applicant

Date

Signature of Authorized Agent

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

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

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

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

Name(print): David P. Hooker
Address: 173 MAR ST, ST Pete Beach, FL 33706

X David P. Hooker 8-23-21
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

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

My commission Expires:

NOTARY: Alarome
Print Name: Amber Larowe Notary

Public, State of Florida

(Notarial Seal)



VARIANCE APPLICATION

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

- X I understand that the City will not accept or process an incomplete application.
- X I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- X On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- X I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.
- X I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.
- X I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- X I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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

X Darin P. Hawken

Signature of Applicant

8-23-21

Date



Dear City of St. Pete Beach:

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

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

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

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

We apologize for not getting a permit; we had no idea it was required.

To make matters worse, our paving company did not have a Pinellas County License. So we have made arrangements with another paving company to take over the job and complete it, as soon as we can get permission from the city. This is costing us over \$1000 more than the original paving company contract. Now we also have the cost of the permit and everything else associated with just trying to make our property more accessible for a nearly handicapped person, who has faithfully paid his property taxes on time every year without fail.

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

I am requesting permission to do the following:

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

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

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

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

Thank you for your consideration.

With kindest regards,
David and Candice Hooker

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

2

173 Mar Street

HIGHLIGHTED AREA

SHOWS "TILE WALKWAY"

WHICH WAS REMOVED

25 yrs ago and

Replaced by GRASS

LEGEND

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

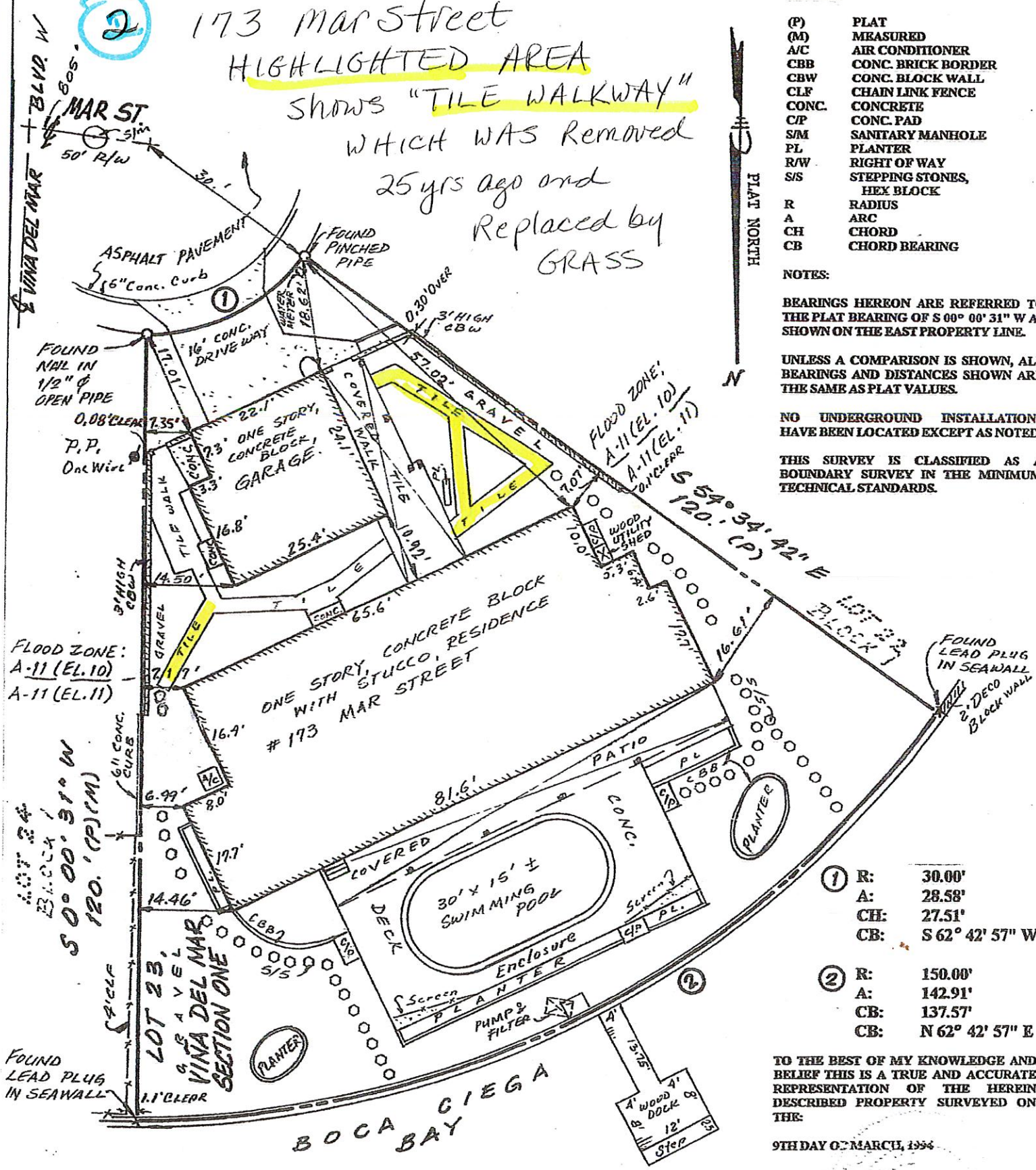
NOTES:

BEARINGS HEREON ARE REFERRED TO THE PLAT BEARING OF S 00° 00' 31" W AS SHOWN ON THE EAST PROPERTY LINE.

UNLESS A COMPARISON IS SHOWN, ALL BEARINGS AND DISTANCES SHOWN ARE THE SAME AS PLAT VALUES.

NO UNDERGROUND INSTALLATIONS HAVE BEEN LOCATED EXCEPT AS NOTED.

THIS SURVEY IS CLASSIFIED AS A BOUNDARY SURVEY IN THE MINIMUM TECHNICAL STANDARDS.



① R:	30.00'
A:	28.58'
CH:	27.51'
CB:	S 62° 42' 57" W
② R:	150.00'
A:	142.91'
CB:	137.57'
CB:	N 62° 42' 57" E

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE HEREIN DESCRIBED PROPERTY SURVEYED ON THE:

9TH DAY OF MARCH, 1994

March 10, 1994

1994 Survey

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

LEGEND

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

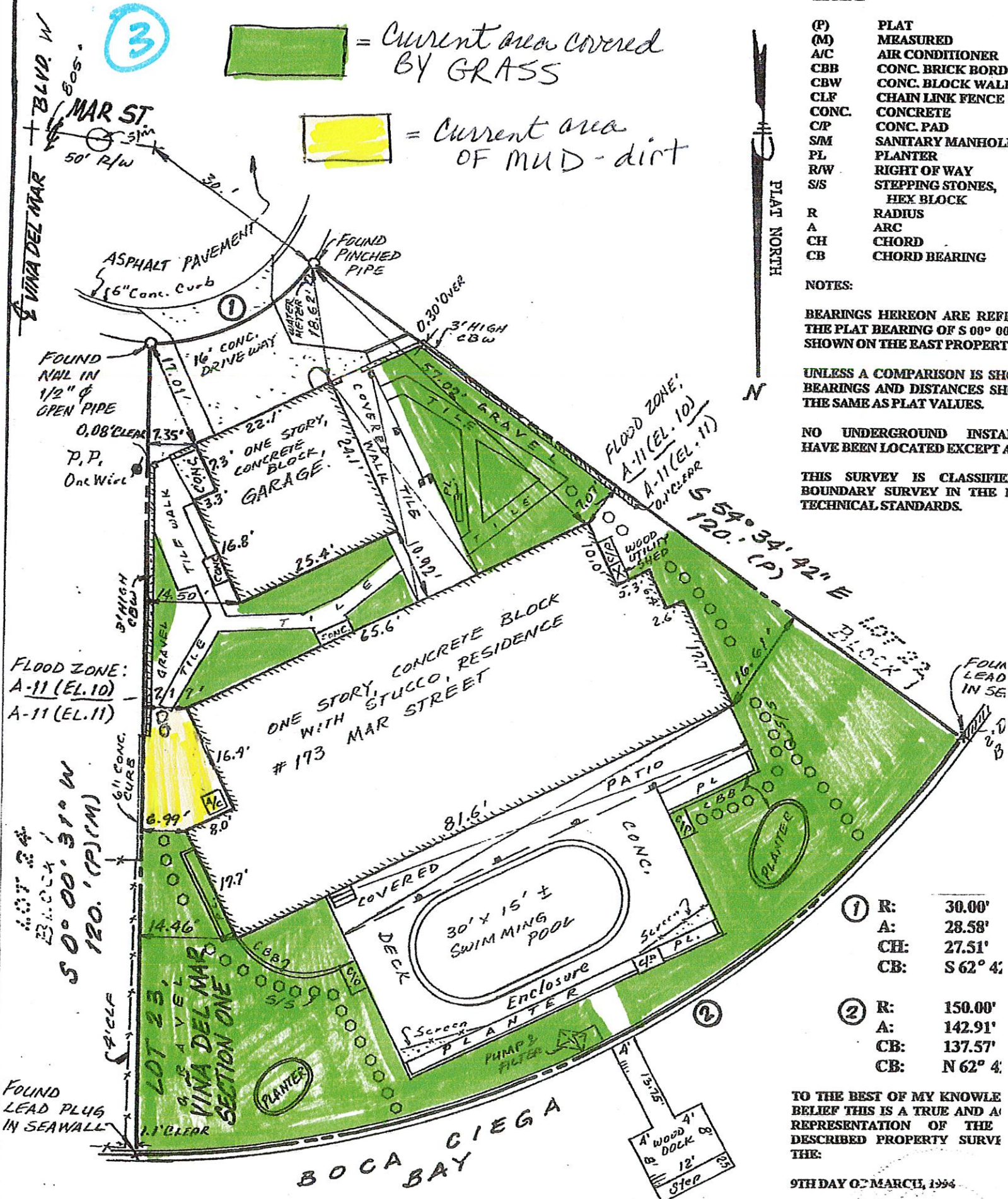
NOTES:

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UNLESS A COMPARISON IS SH BEARINGS AND DISTANCES SH THE SAME AS PLAT VALUES.

NO UNDERGROUND INSTA HAVE BEEN LOCATED EXCEPT A

THIS SURVEY IS CLASSIFIE BOUNDARY SURVEY IN THE 1 TECHNICAL STANDARDS.



①	R:	30.00'
	A:	28.58'
	CH:	27.51'
	CB:	S 62° 4'
②	R:	150.00'
	A:	142.91'
	CB:	137.57'
	CB:	N 62° 4'

TO THE BEST OF MY KNOWLE BELIEF THIS IS A TRUE AND A REPRESENTATION OF THE DESCRIBED PROPERTY SURVEY THE:

9TH DAY OF MARCH, 1994

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

④

Pavers installed 10 years ago in place of concrete and/or tile

LEGEND

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

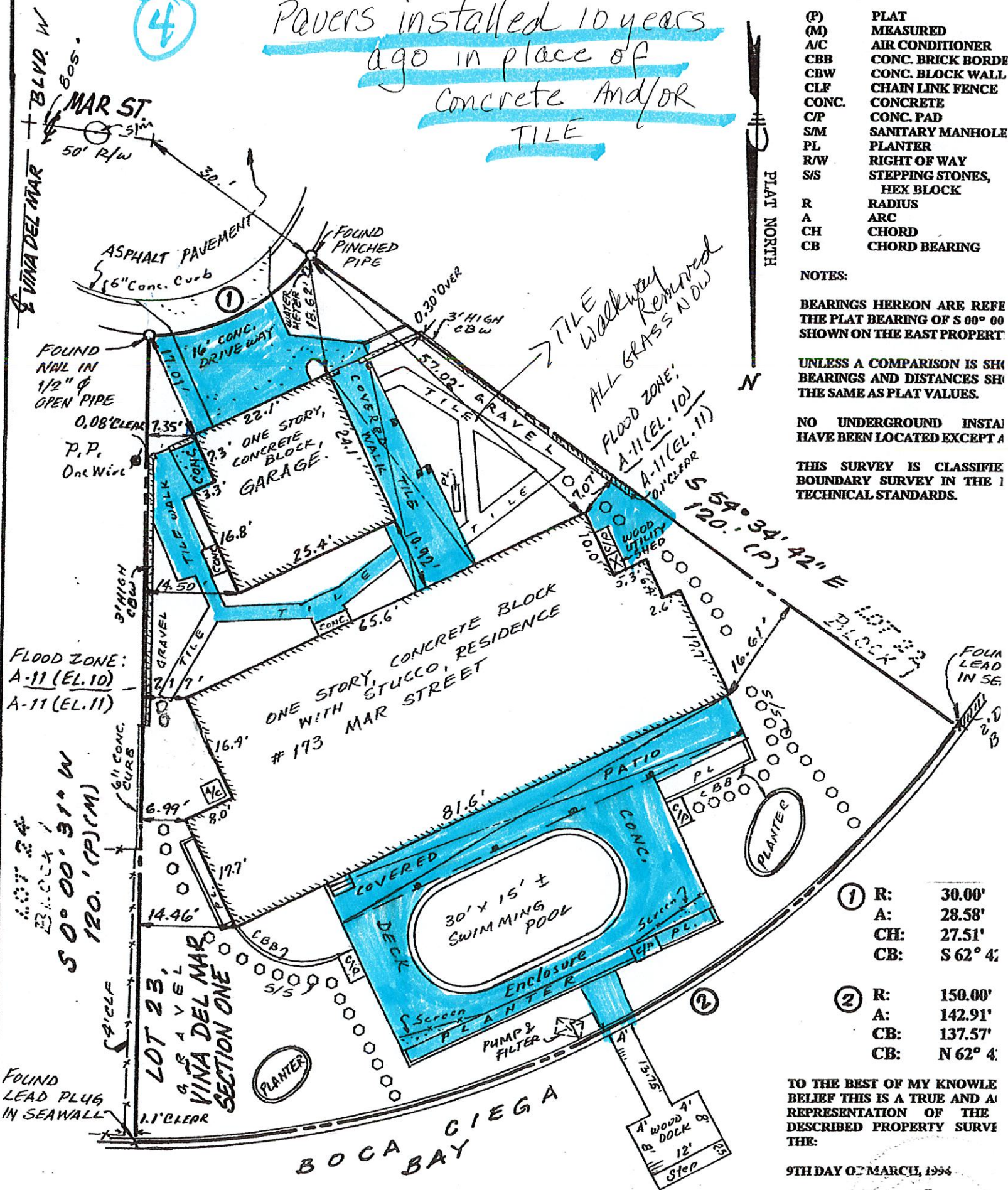
NOTES:

BEARINGS HEREON ARE REF TO THE PLAT BEARING OF S 00° 00' SHOWN ON THE EAST PROPERTY

UNLESS A COMPARISON IS SH BEARINGS AND DISTANCES SH THE SAME AS PLAT VALUES.

NO UNDERGROUND INSTA HAVE BEEN LOCATED EXCEPT A

THIS SURVEY IS CLASSIFIE BOUNDARY SURVEY IN THE 1 TECHNICAL STANDARDS.



① R: 30.00'
A: 28.58'
CH: 27.51'
CB: S 62° 4'

② R: 150.00'
A: 142.91'
CB: 137.57'
CB: N 62° 4'

TO THE BEST OF MY KNOWLEDGE BELIEF THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE DESCRIBED PROPERTY SURVEYED.

9TH DAY OF MARCH, 1994

March 10, 1994

W 5

New power additions OR proposed additions

[REDACTED]

area around pool to
be REPAIRED only

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

BEARINGS HEREON ARE REFERENCE TO THE PLAT BEARING OF S 00° 00' 00" E, 100.00 FEET, SHOWN ON THE EAST PROPERTY.

UNLESS A COMPARISON IS SHOWN
BEARINGS AND DISTANCES SHOWN
THE SAME AS PLAT VALUES.

**NO UNDERGROUND INSTALLATIONS
HAVE BEEN LOCATED EXCEPT AT**

**THIS SURVEY IS CLASSIFIED
BOUNDARY SURVEY IN THE 1
TECHNICAL STANDARDS.**

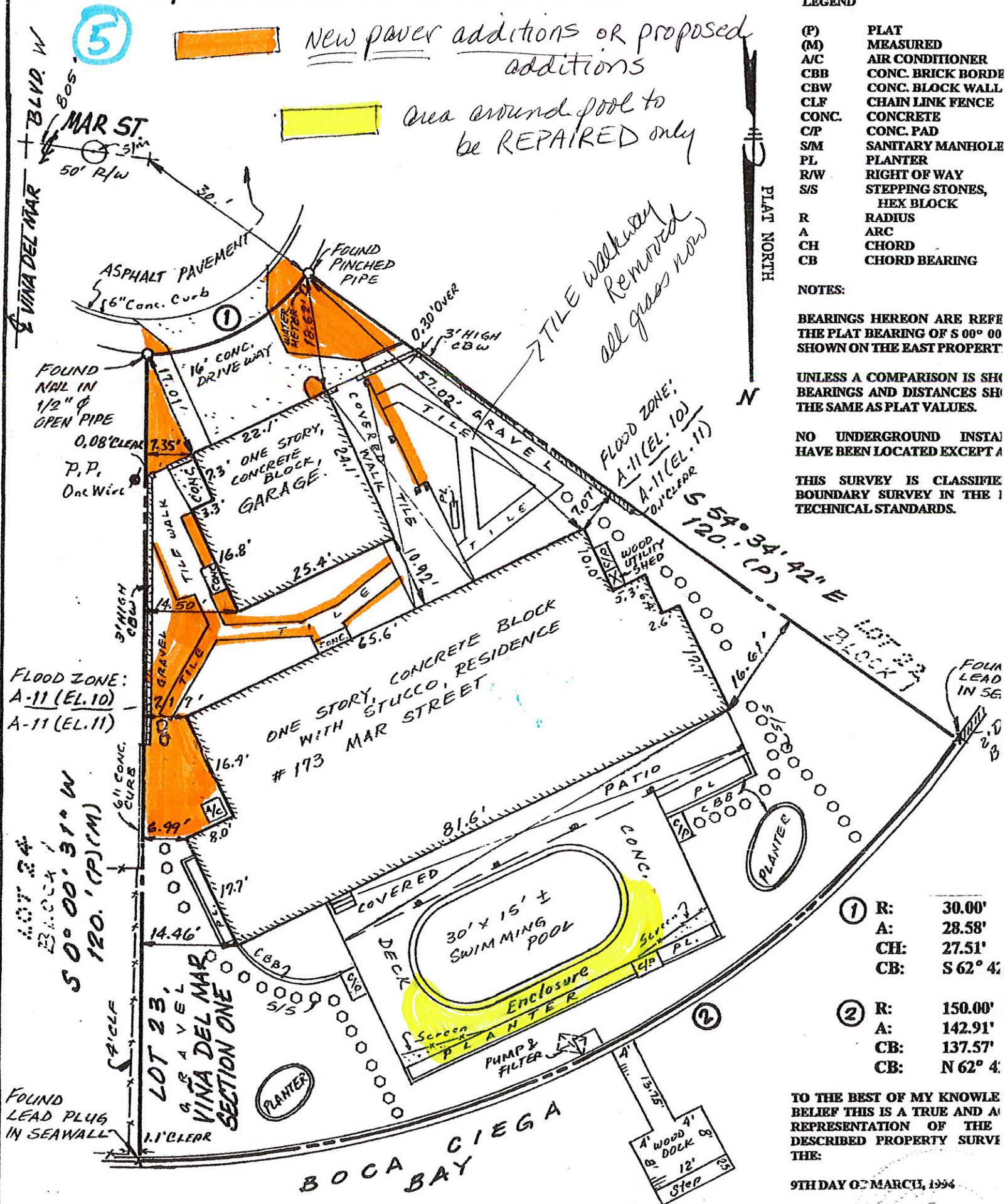
① R: 30.00'
A: 28.58'
CH: 27.51'
CB: S 62° 42'

② R: 150.00'
A: 142.91'
CB: 137.57'
CB: N 62° 42'

TO THE BEST OF MY KNOWLE
BELIEF THIS IS A TRUE AND A
REPRESENTATION OF THE
DESCRIBED PROPERTY SURVE
THE:

9TH DAY OF MARCH, 1994

Page 46 of 125



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

Agenda Report

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

Date: November 17, 2021

Prepared By: Brandon Berry, Planner II
Jordan Elmore, Planner I

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: November 17, 2021

PREPARED BY: Brandon Berry, Planner II; Jordan Elmore, Planning and Zoning Tech

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:

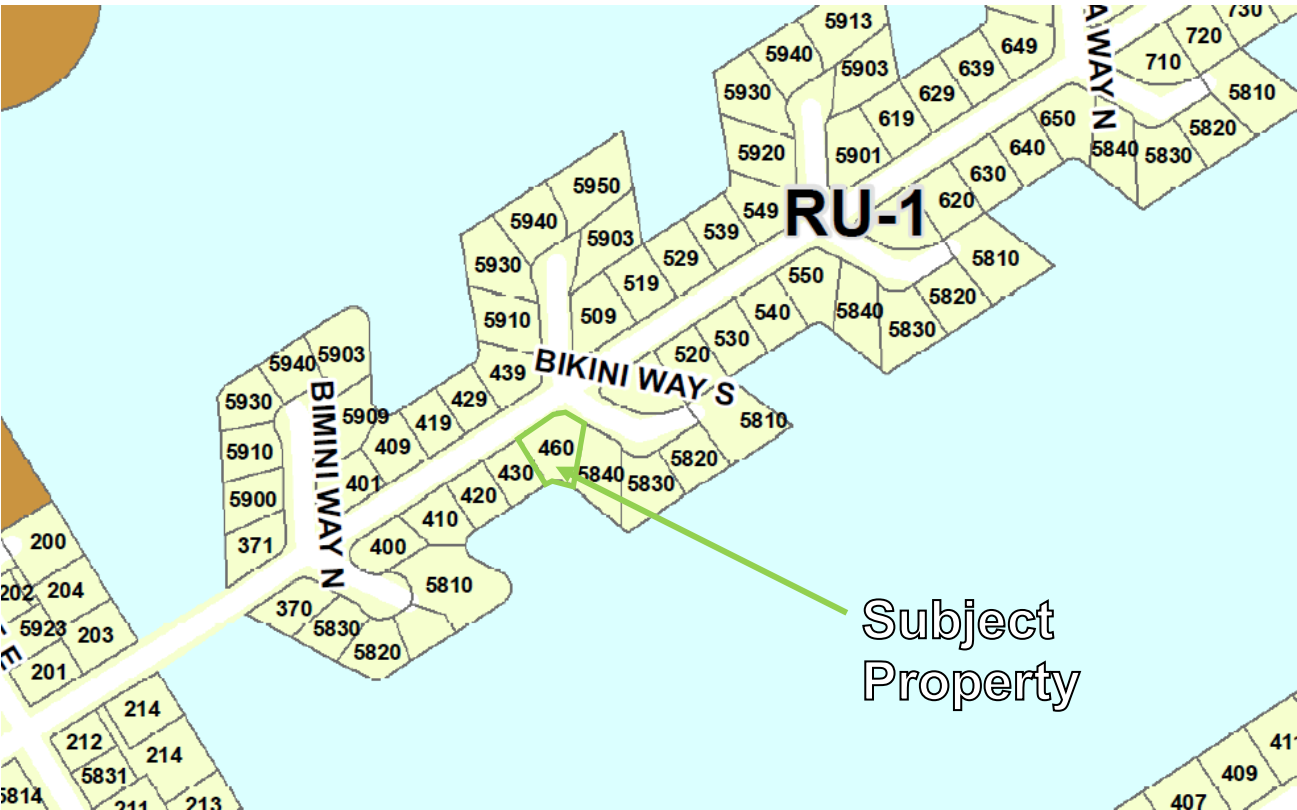
Staff recommends **denial** for the 15'x30' residential addition that is proposed to encroach into the required 59th Avenue front setback area by 10 feet as presented. If the Board of Adjustment should approve the subject variance, Staff recommends the following conditions:

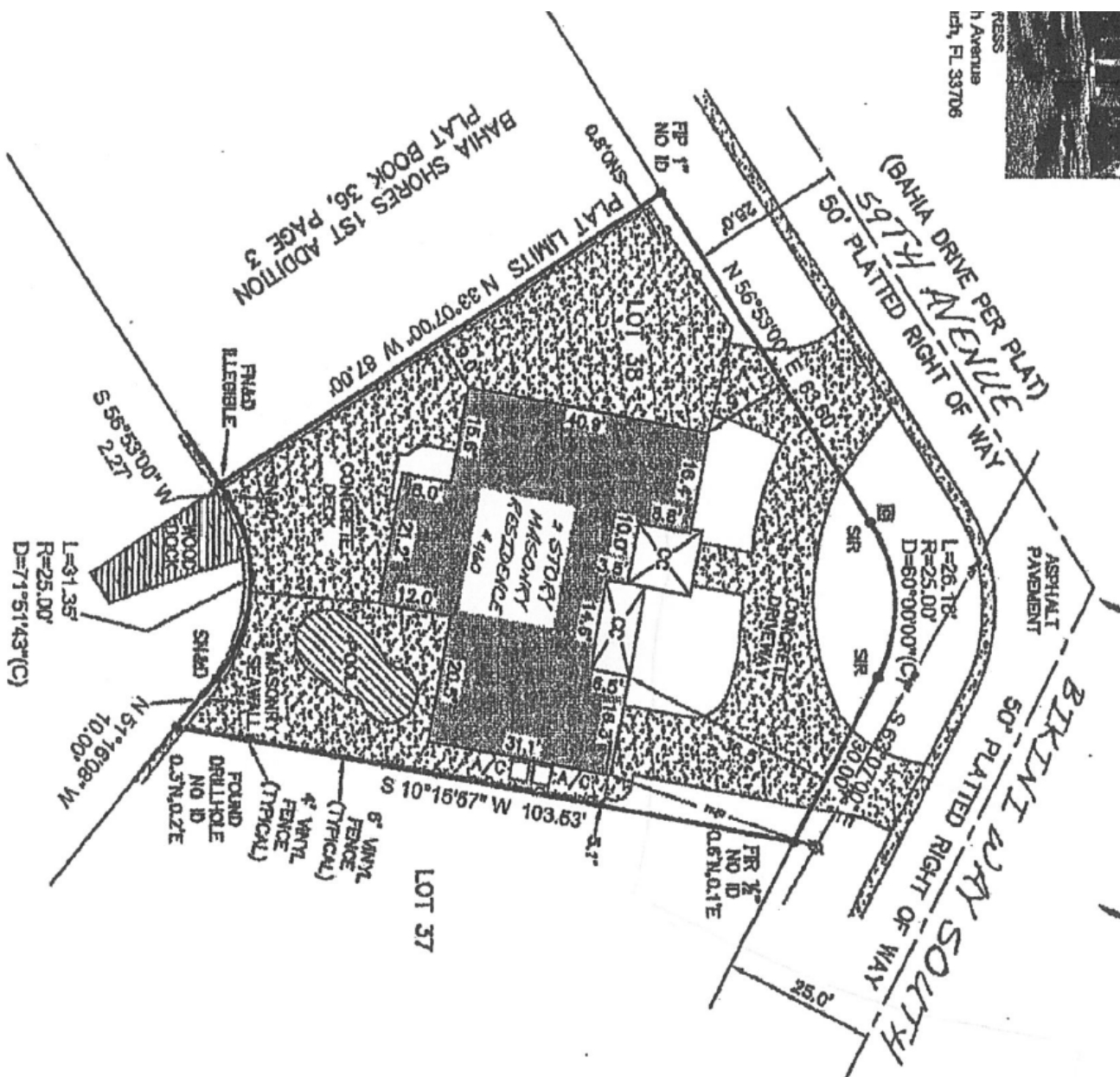
- 1) The property shall come into full compliance with the City's impervious surface ratio and greenspace standards;
- 2) The addition shall be limited to one story in height, generally in line with the existing first-floor roofline of the home to which it is attached, and the floor plan at time of permitting 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

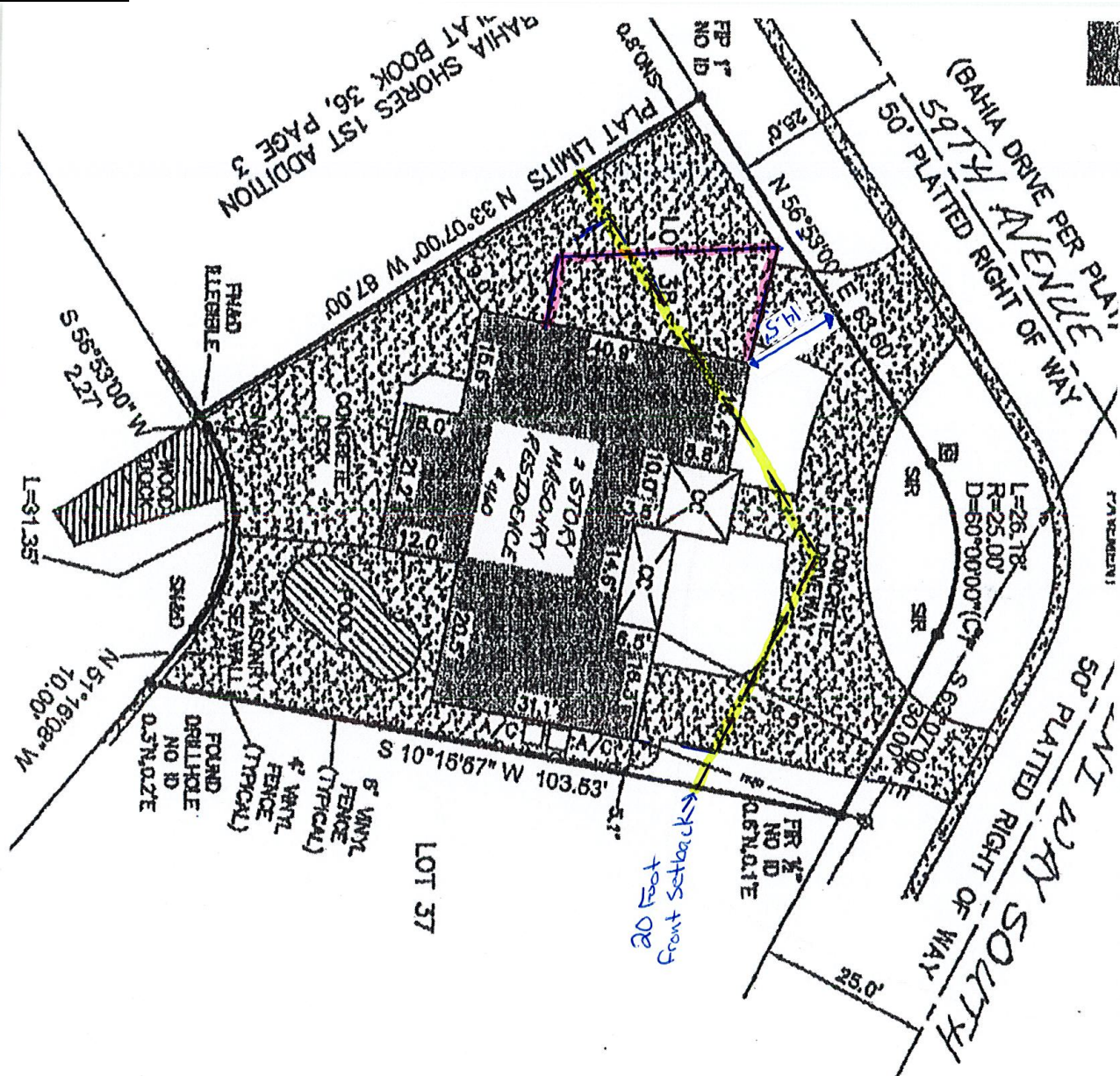


ZONING MAP





SITE PLAN



SURVEY INFORMATION VERIFICATION LIST OF SEAWALL OWNERS WOOD D BASIS OF BEARING WHICH H NOTES 1. Under 2. The pr 3. Adstic 4. The pr 5. Butdr Doc	I H8 R878
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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
Signature

8/29/2021
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:

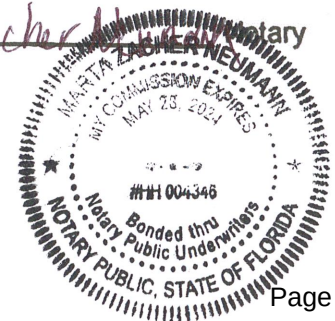
May 28th, 2024

NOTARY:

Print Name: Marta Zocher

Public, State of Florida

(Notarial Seal)



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.



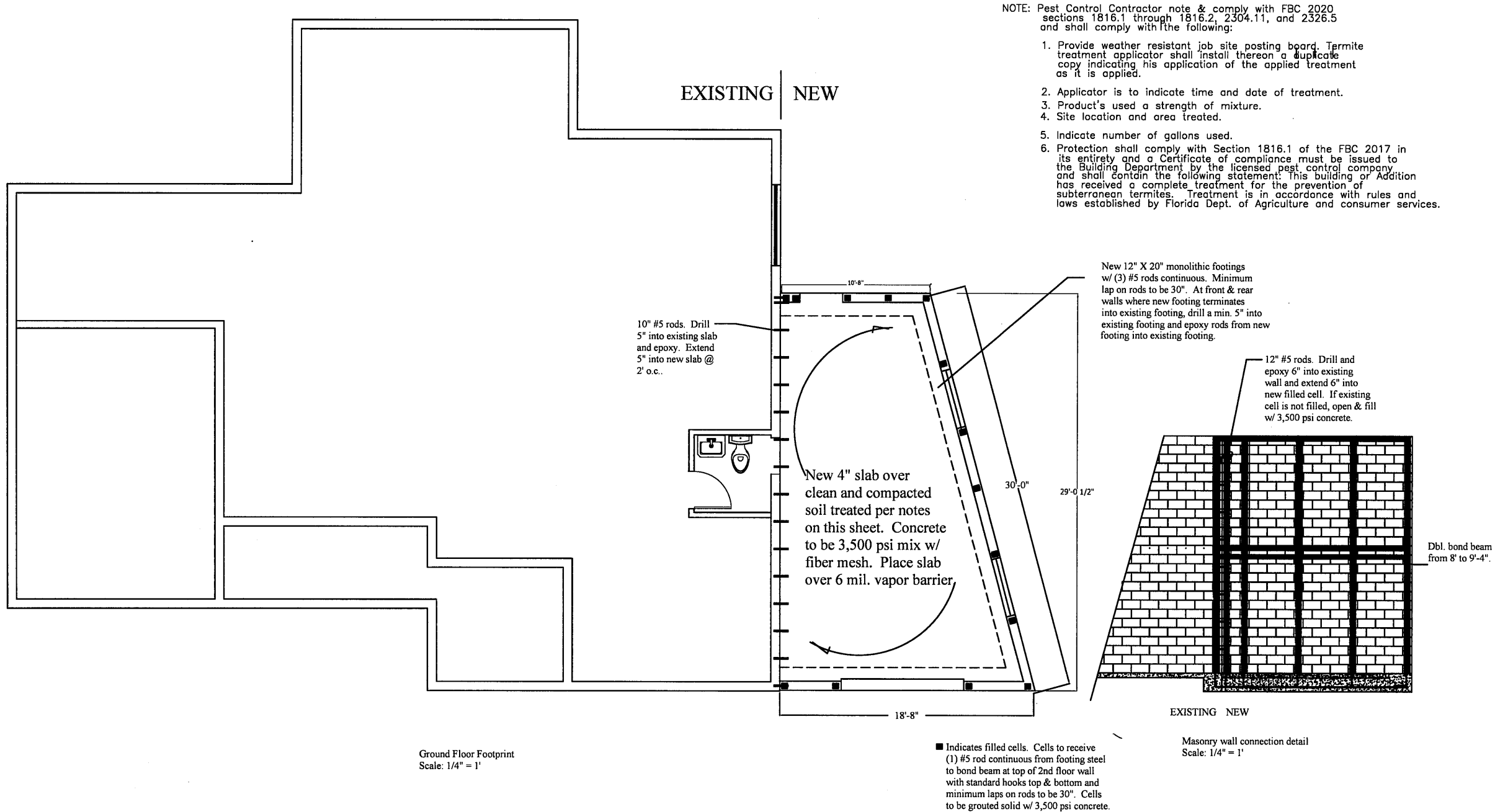
I hope this helps clarify and answer any questions on why we, on behave of our clients, are requesting the 4'4" (4 ft., 4 in.) variance to the property line on the front west side of the property.

Please let us know if you need anything further.

Sincerely,

Marta Neumann/John Fisher

G&M Remodeling and Restoration Services, LLC



General Notes

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

No.	Revision/Issue	Date

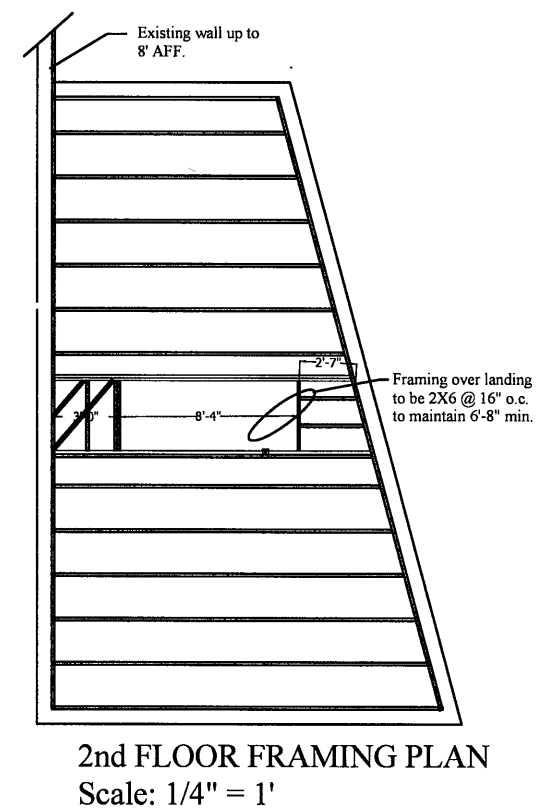
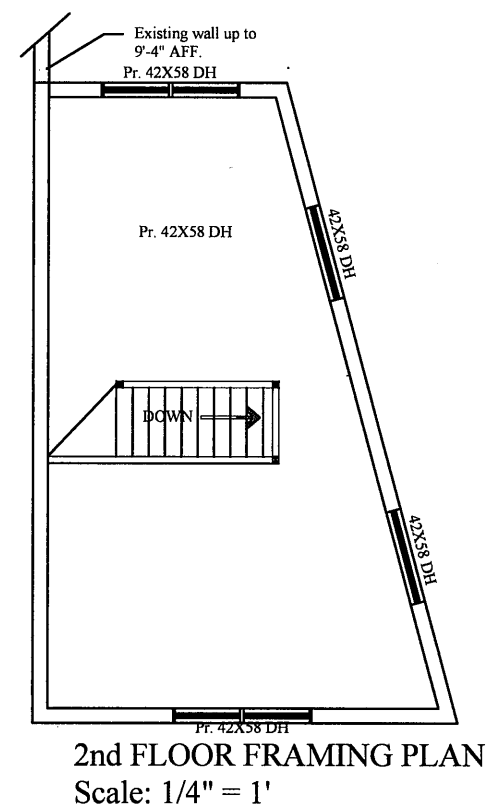
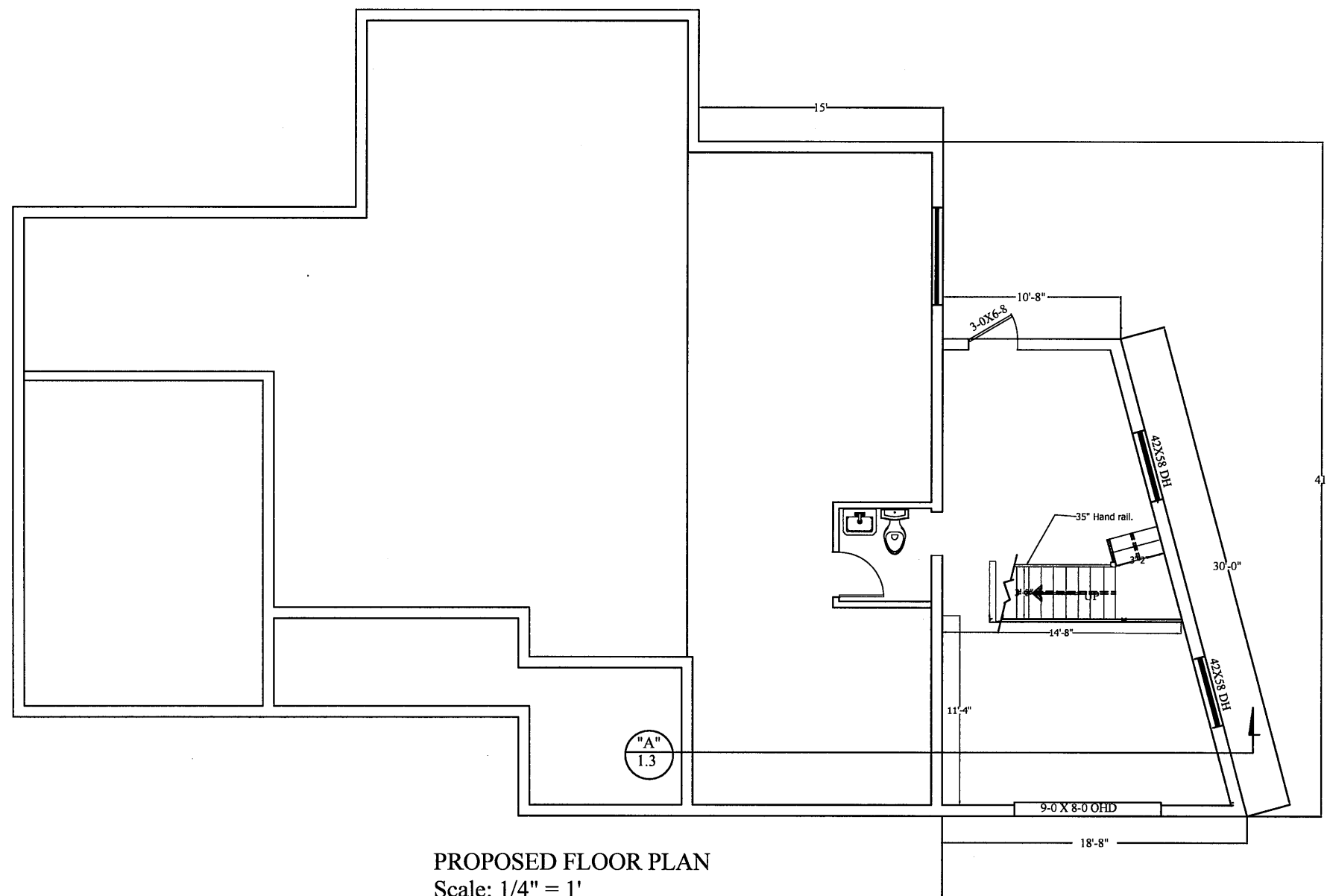
Firm Name and Address

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

Drawn By:

Mike Finch
(727) 424-1380

Project	Sheet
021-21	1.1
Date 6-16-21	
Scale 1/4" = 1'	

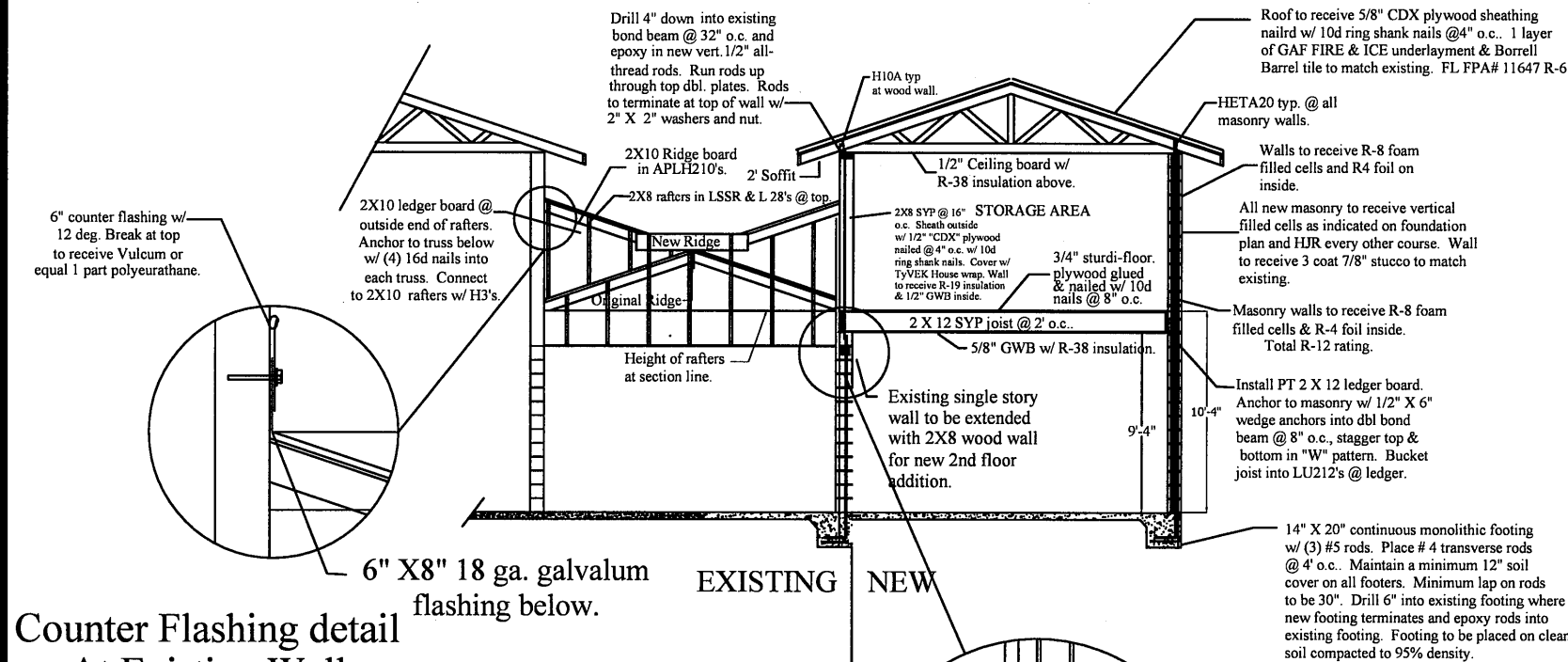


General Notes		
ADDITION FOR: Natali and Tyler Roshau 460 59th Avenue St Petersburg Beach, FL		
No.	Revision/Issue	Date

Firm Name and Address PATRICK KNAPP P.E. Fla. License # 41059 301 Woodward Avenue Ph: (813) 508-8383	
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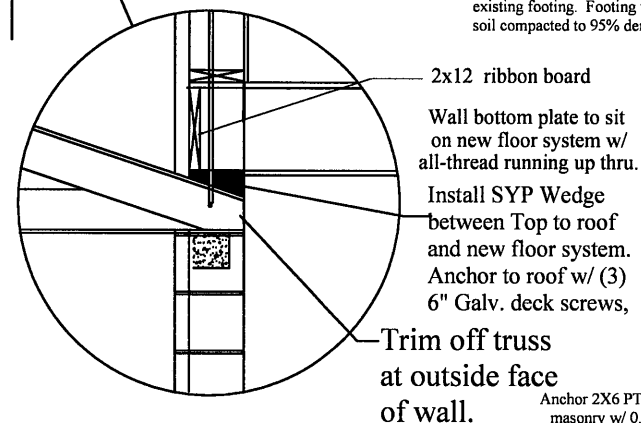
Drawn By: Mike Finch (727) 424-1380	
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Project 021-21	1.2
Date 6-16-21	
Scale 1/4" = 1'	

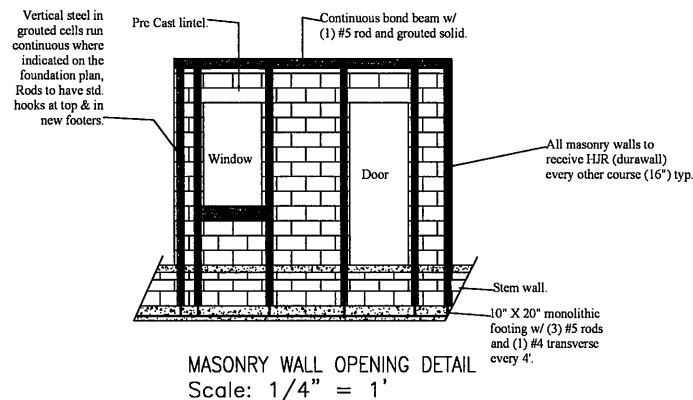


Counter Flashing detail
At Existing Wall
Scale: 1" = 1'

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

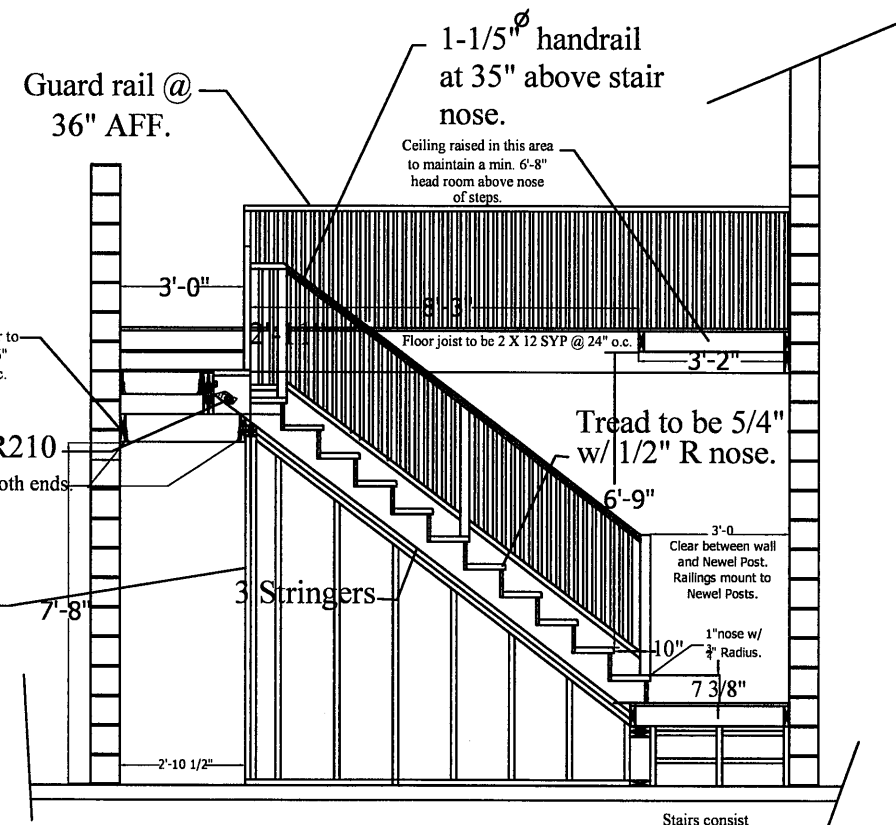


Wall Connection Detail
Scale: 1" = 1'



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'

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

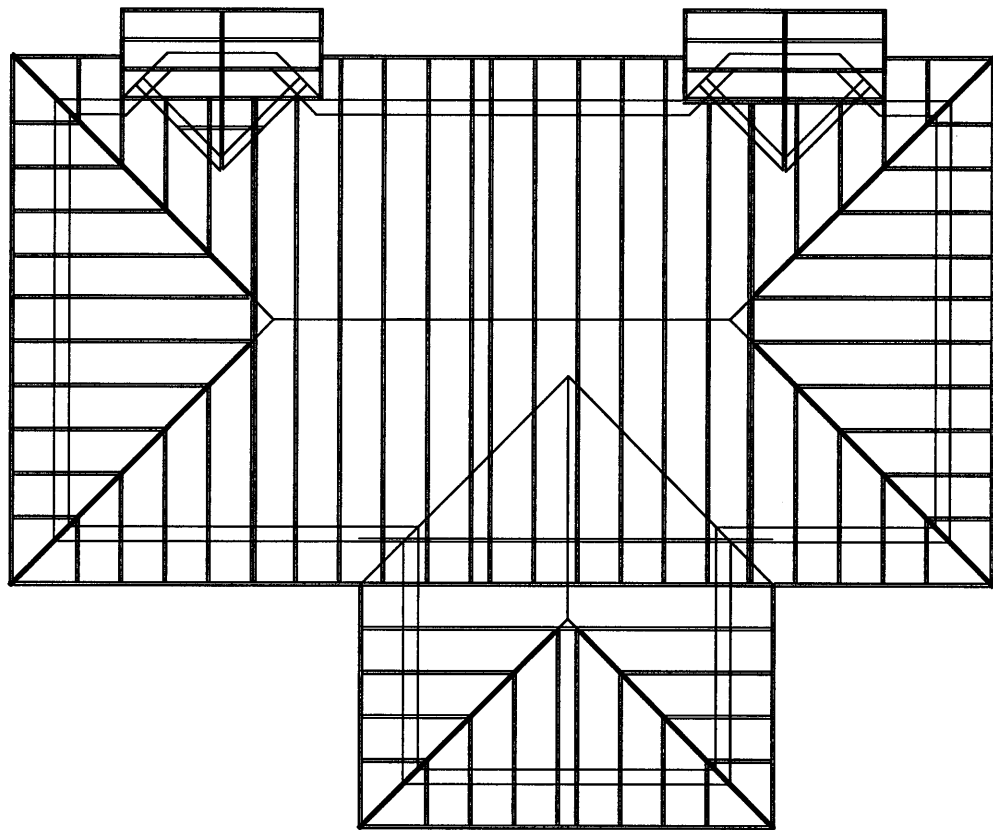
Wind = 150 mph Vult

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.

Original Hip

2X8 cleats to receive
new 2X6 cripple jack
rafters in these (2) areas.

New 2 X 10 Ridge

New 2 X 10 Hip

Extend existing Hip.

Original Ridge

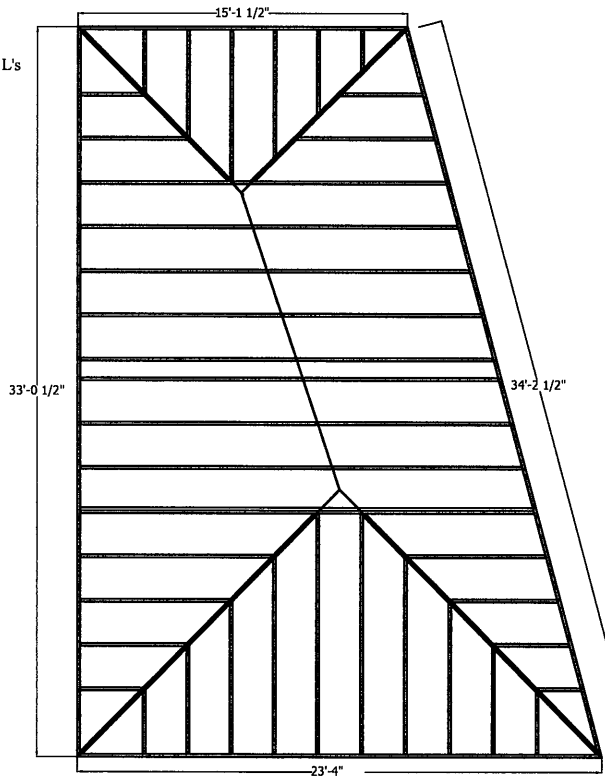
2X8's C. J. rafters in
this area @ max 24" o.c..

Original Hip

2X10 cleat to receive
new cripple jack rafters,
Nail into ea. truss below
w/ (3) 16d nails. Connect
new rafters w/ H3's and
LUUSR28 @ new ridge.

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

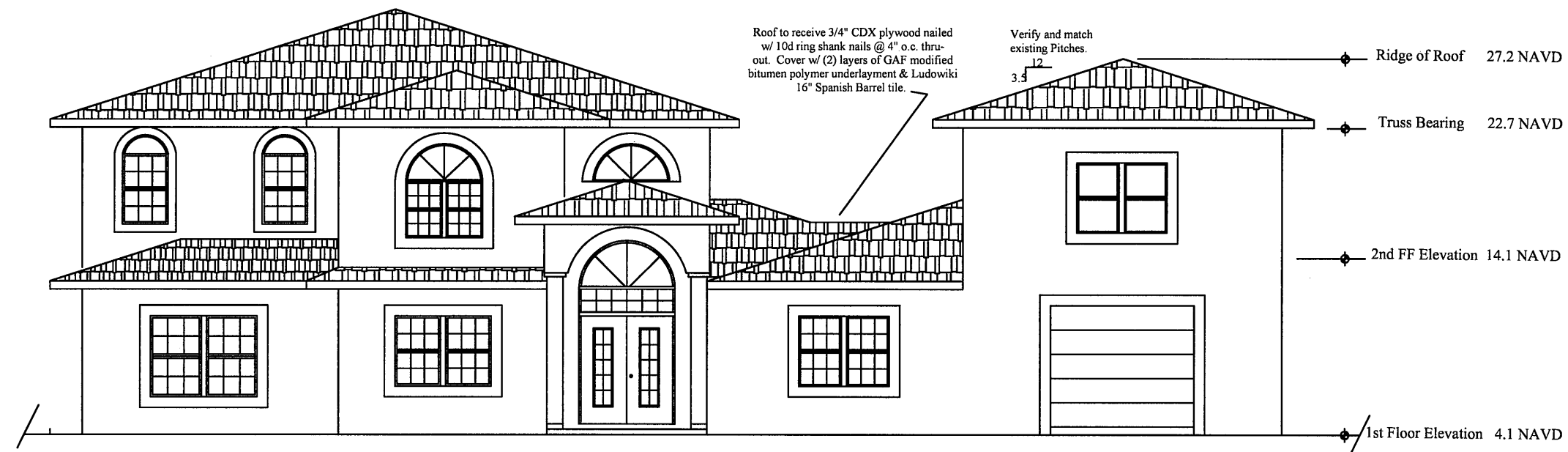
Project 021-21

Date 6-16-21

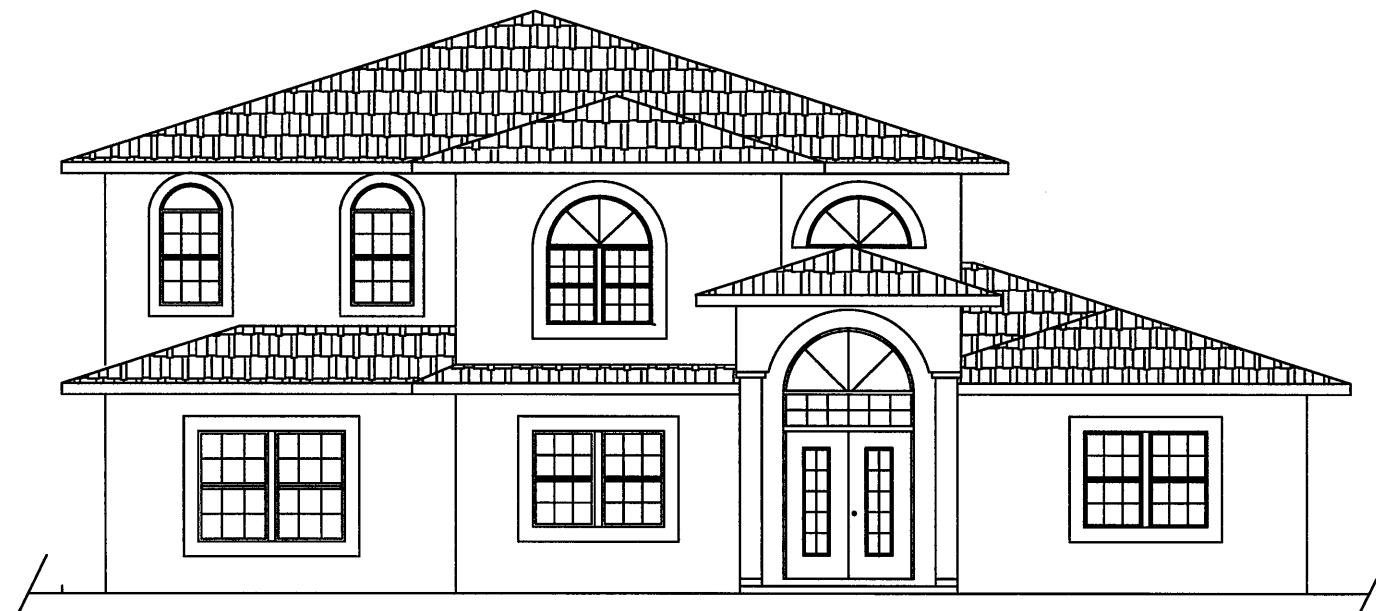
Scale 1/4" = 1'

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

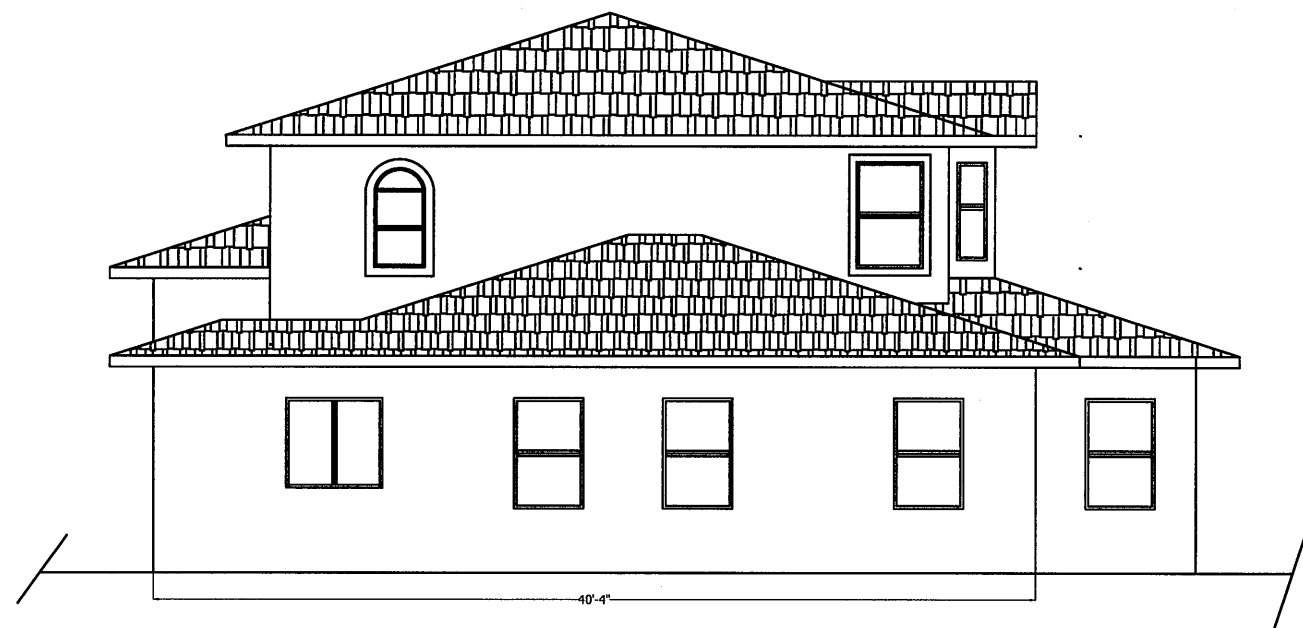
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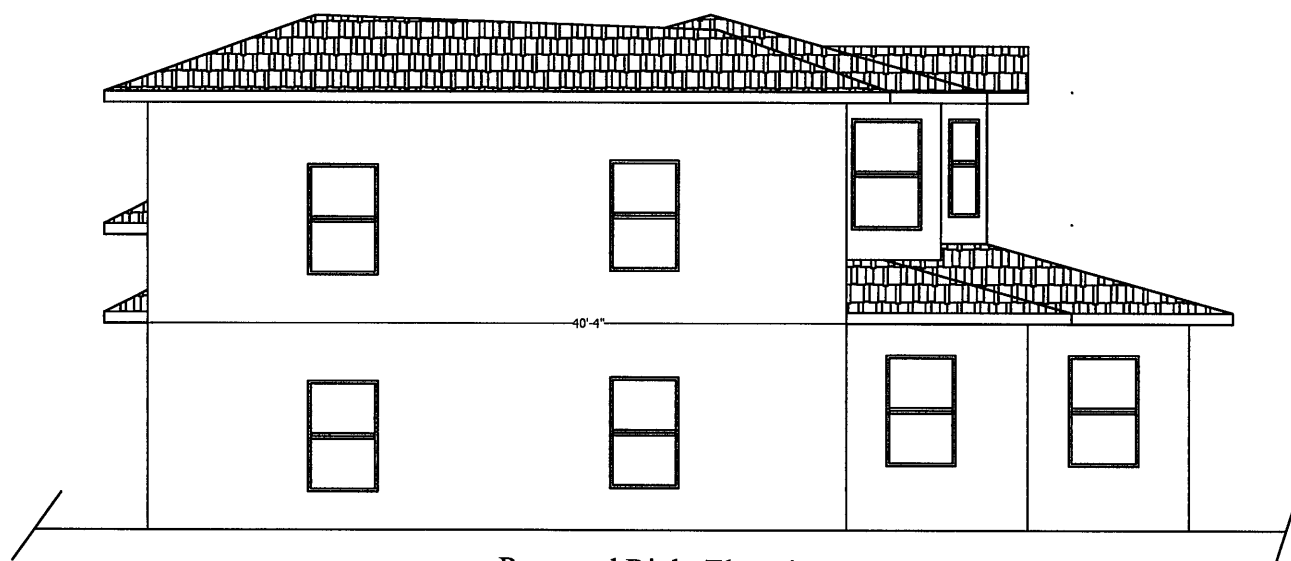
Project 021-21
Date 6-16-21
Scale 1/4" = 1'

Sheet
1.5



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

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 1805 Pass-A-Grille Way (Case No. 21072)

Date: November 17, 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).

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

- A finding that although the variance request to the 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.

Funding: N/A

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

Attachments:

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



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

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

MEETING DATE: November 17, 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.

ZONING MAP

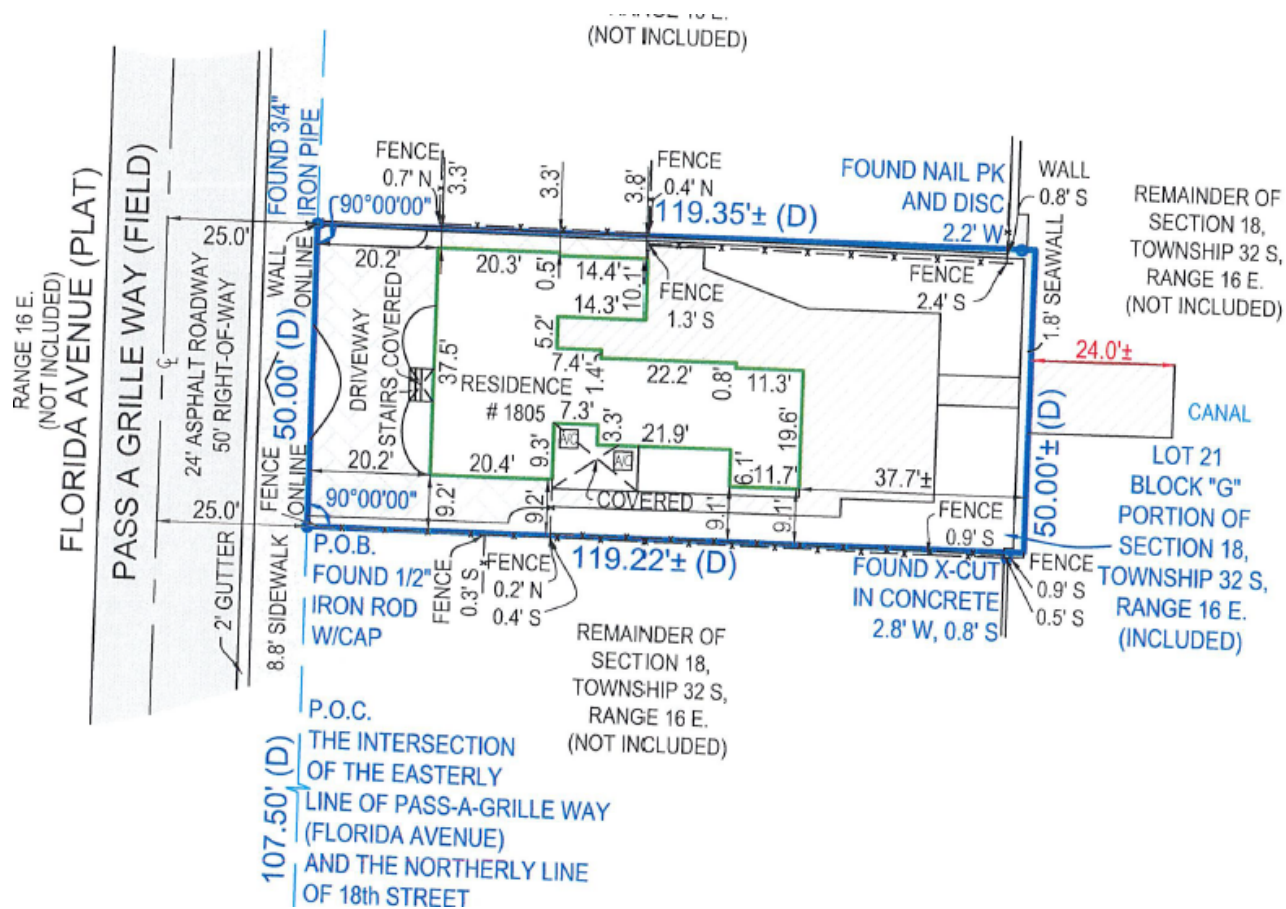


AERIAL MAP

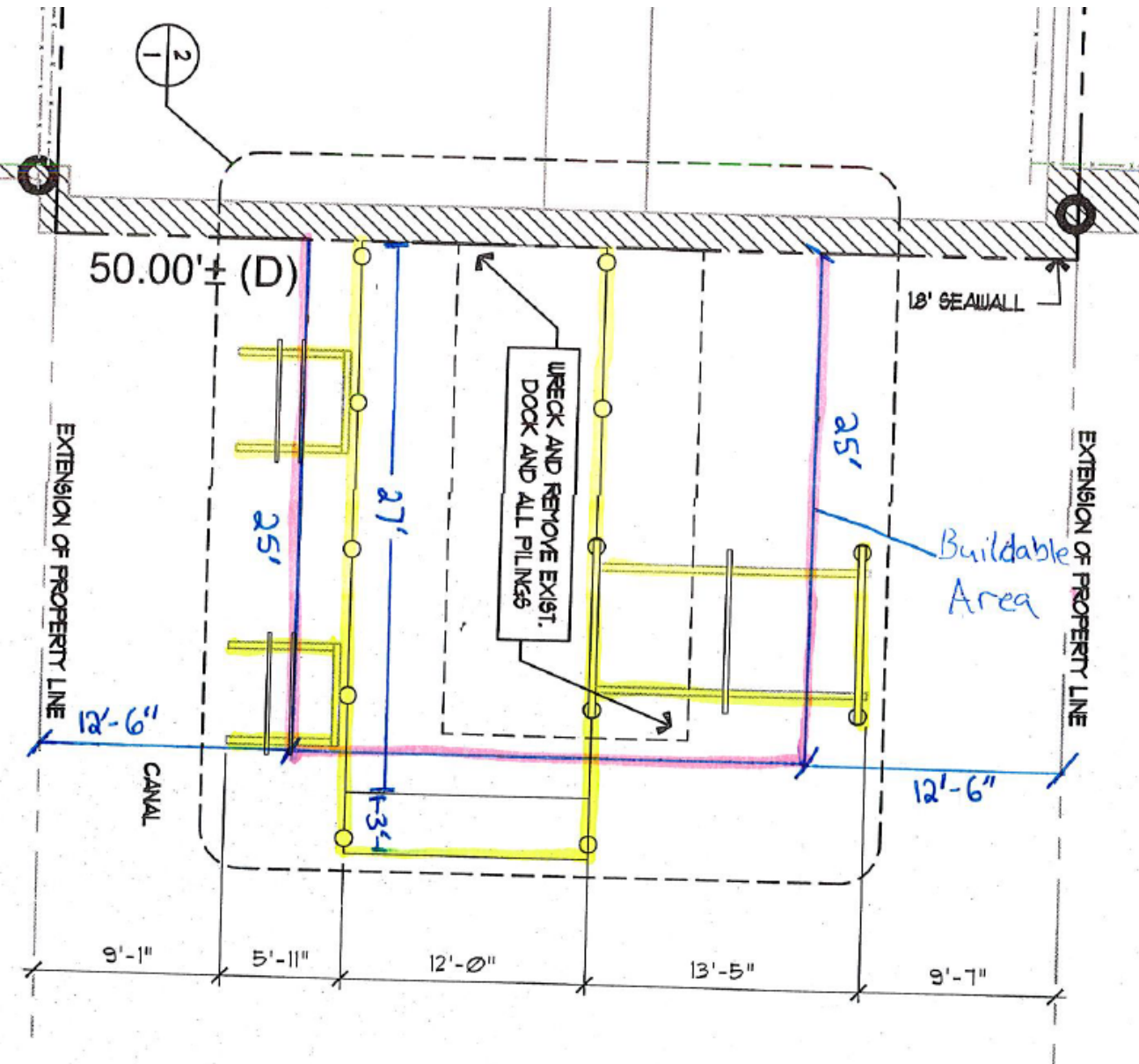
**Subject
Property**



SURVEY



DOCK ENVELOPE DETAILS – SITE PLAN



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 & 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 POB</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>		

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.

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

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



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 Coloutos
(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

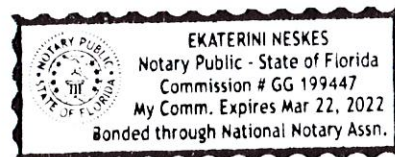
Print Name of Owner

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

EKATERINI NESKES
(Notary Signature)

8.30.21
(Date)

My Commission Expires 3-22-2022





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.

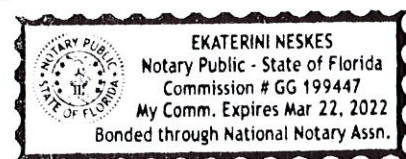
My commission Expires:
3.22.2022

NOTARY:

Print Name: EKATERINI NESKES Notary

Public, State of Florida

(Notarial Seal)



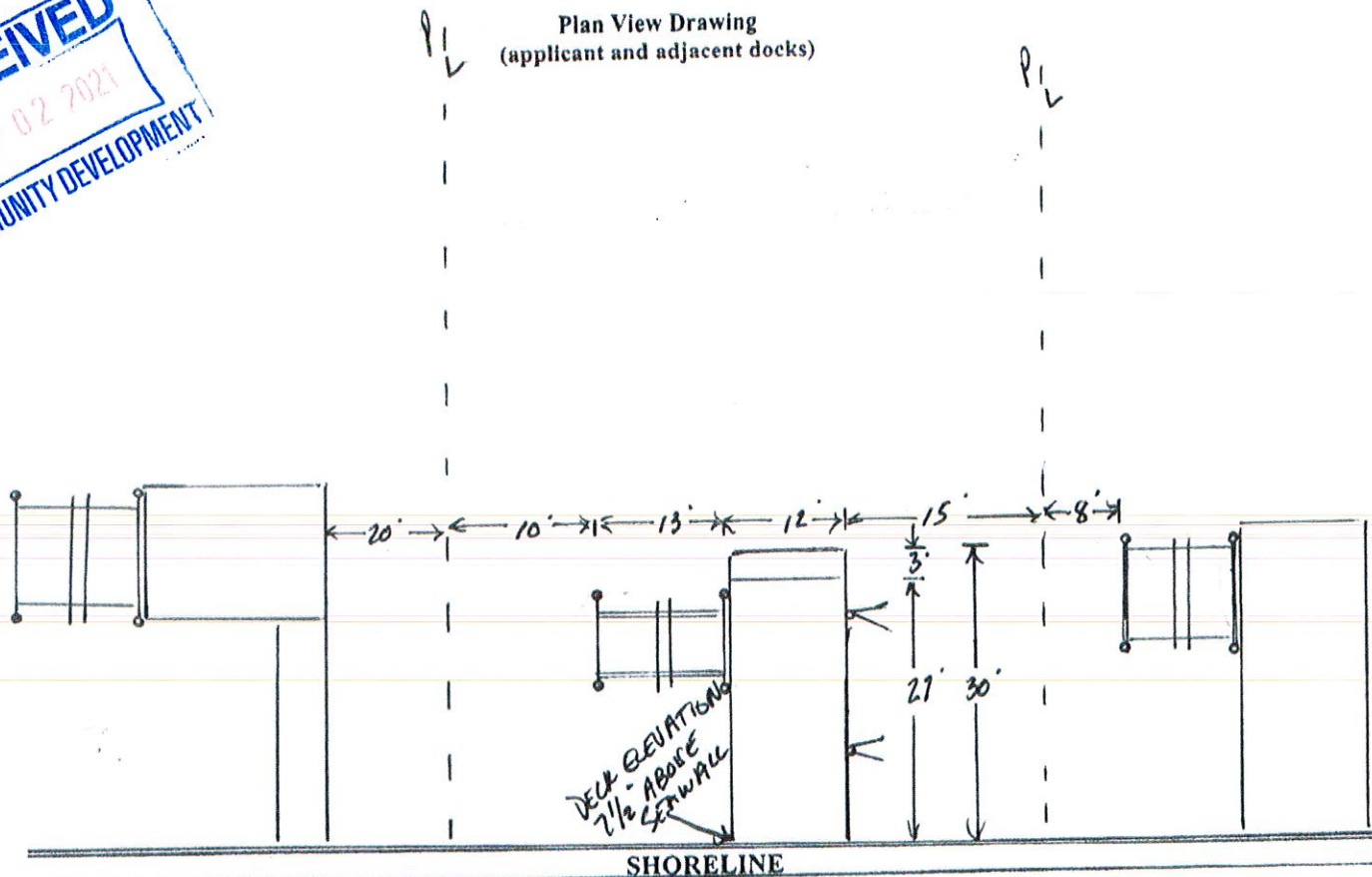
Owner Name: BILL ADAMS Site Address: 1805 PASS-A-GRILLE WAY ST. PETE BEACH FL. 33706

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)



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

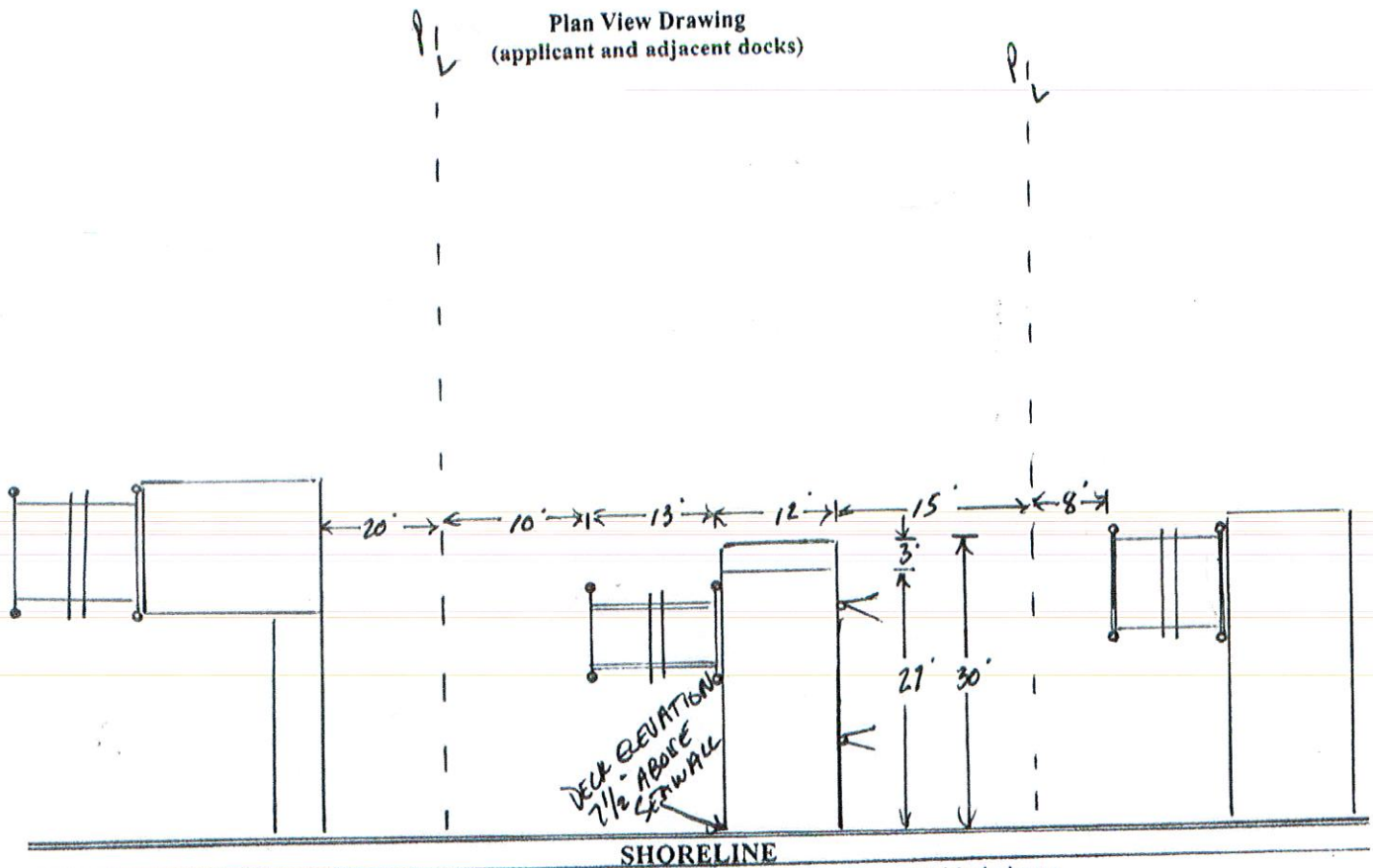
Water and Navigation Approval

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 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)



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

DOCK REPAIR ONLY

PRIVATE DOCK

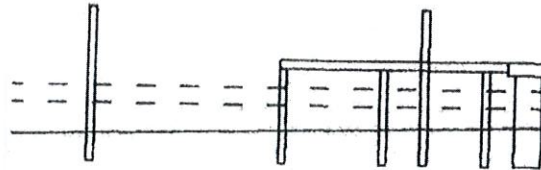
NAME: Norma Talmadge, LLC.

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

Application #

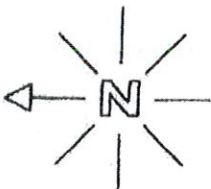
RP46830-17
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

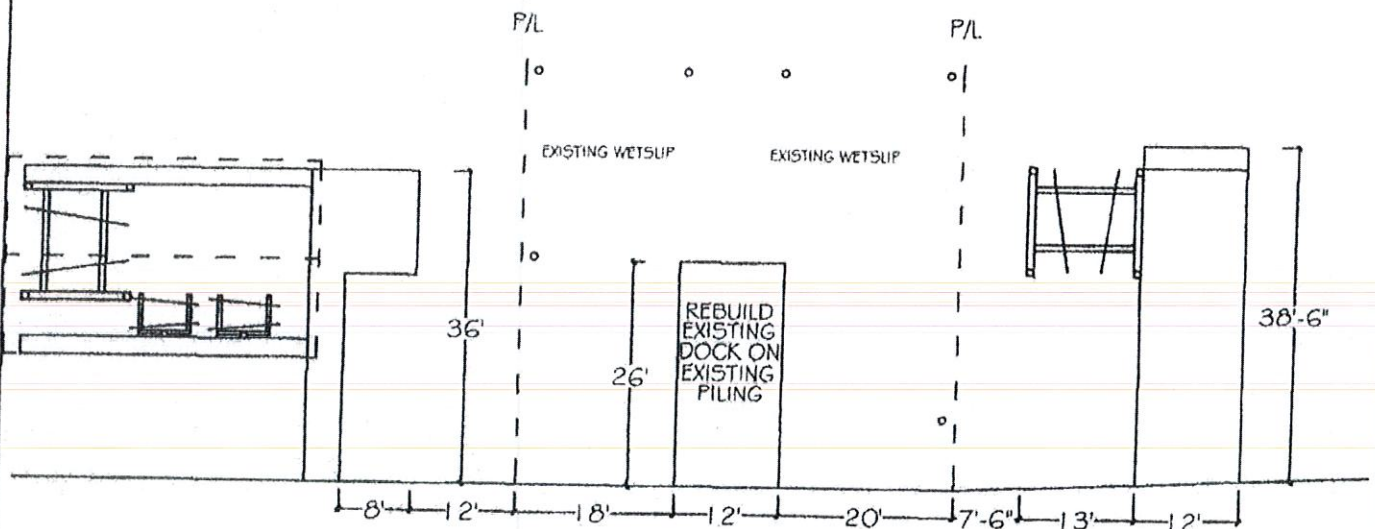
312'

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.

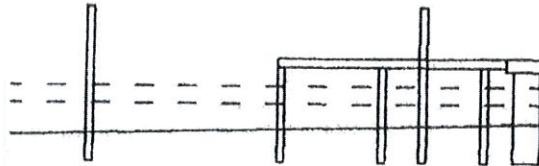
1805 Pass A Grille Way St. Pete Beach, FL. 33706

Application #

RP46830-17

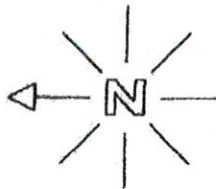
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

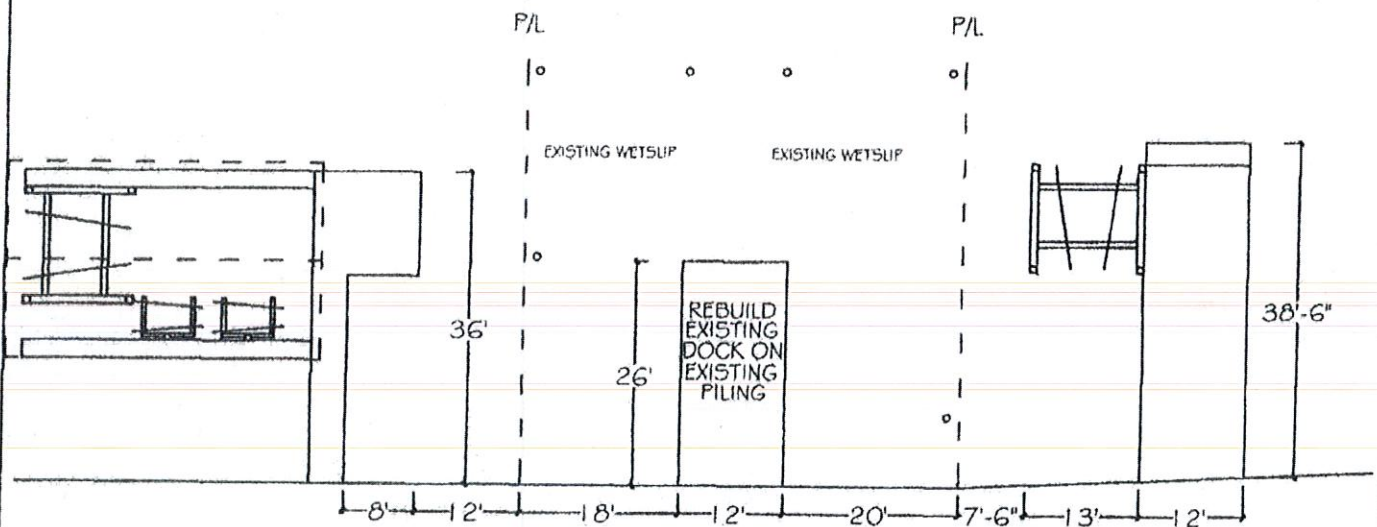
312'

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

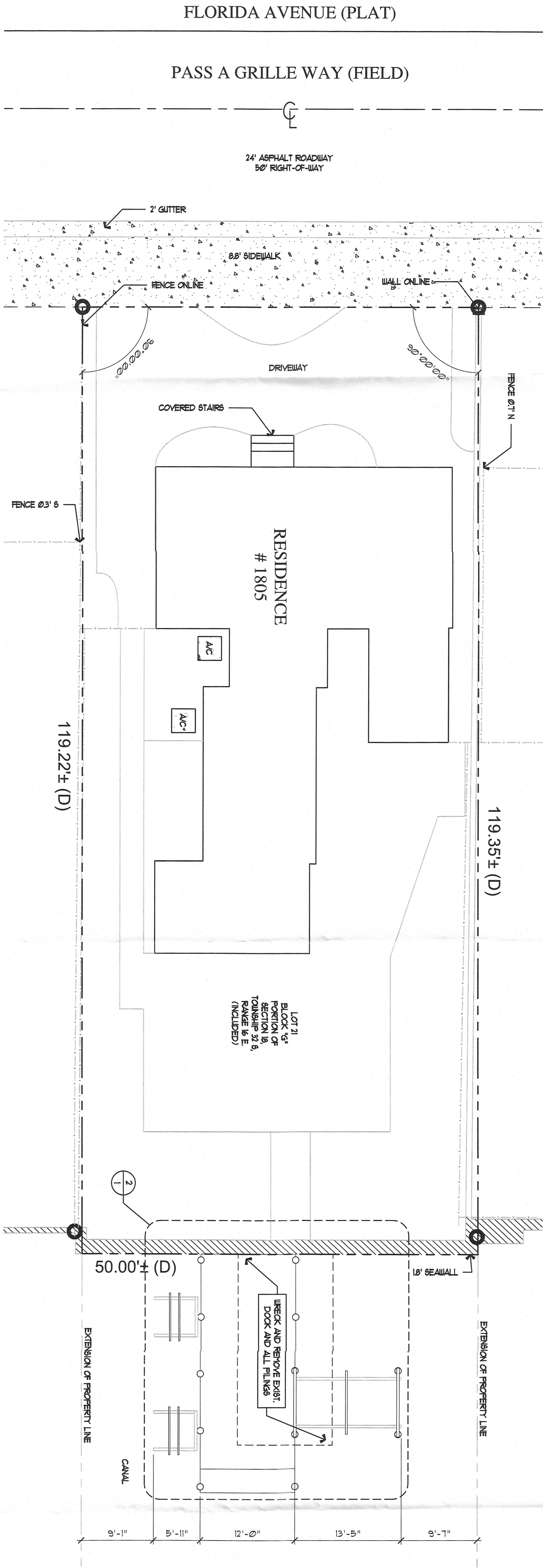
APPROVED ZONING

DATE 4/3/17 M

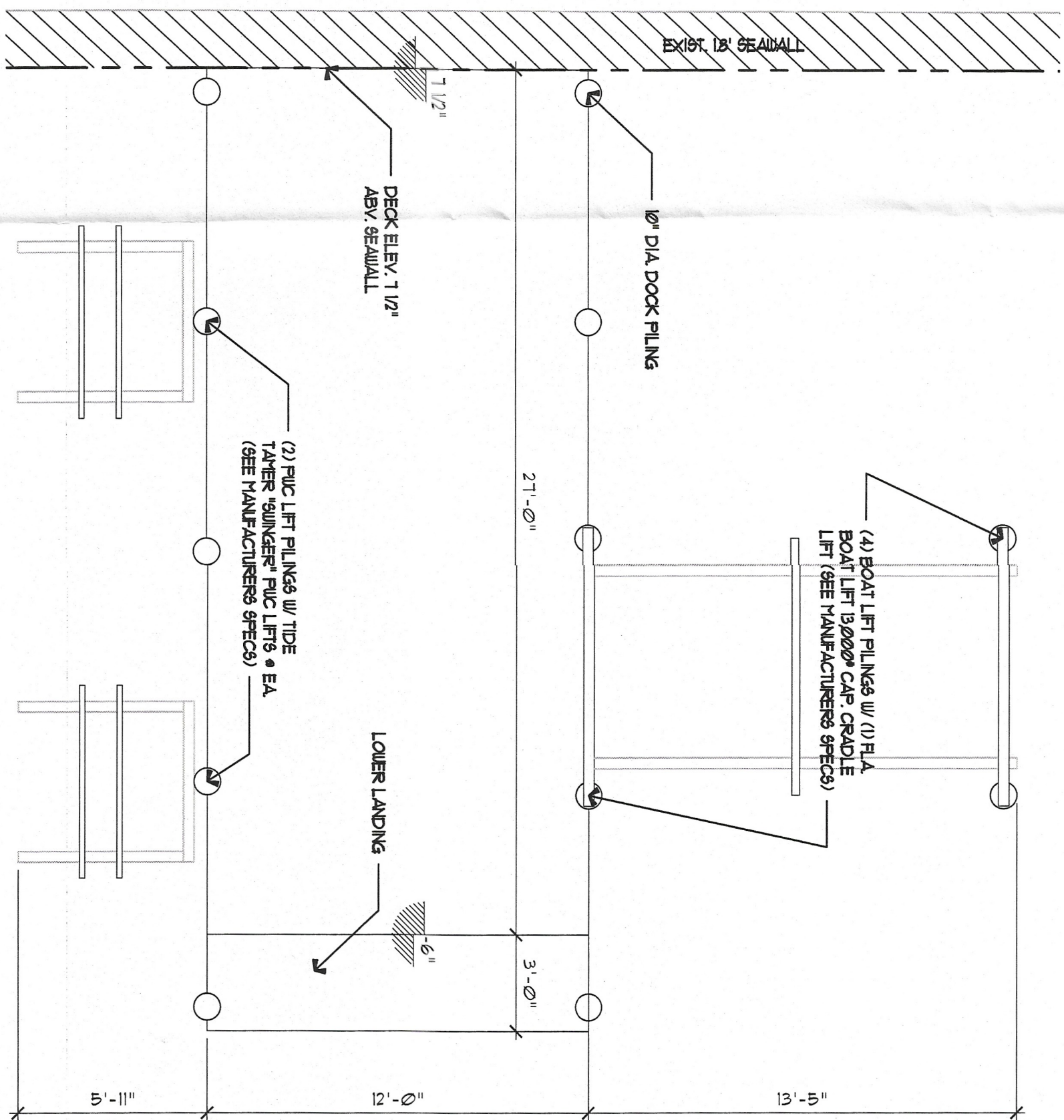
APPROVED

PINELLAS COUNTY
WATER AND NAVIGATION

4-13-17



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



TOTAL PROJECT SQ. FOOTAGE	3600 SQ. FT.
TOTAL NUMBER OF PILING	16
WATERWAY WIDTH	360'
NEW SQ. FOOTAGE	3600 SQ. FT.
DIA. OF PILING	Ø7"
WATERWAY WIDTH	360'

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

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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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FRAZE
design

commercial
residential
architecture

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1750 CENTRAL AVENUE ST. PETERSBURG, FLORIDA 33712
PHONE: 727/328-3608 FAX: 727/328-3609 STUDIO: 727/328-3607

PROFESSIONAL SEAL

STATE OF FLORIDA

FRANK FRAZE, AIA

AS0014705

ORCA 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.		
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REV.		

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 3200 E Maritana Dr (Case No. 21025)

Date: November 17, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a 597 square foot dock that will extend 59 feet from the seawall (48 foot maximum) and be located approximately zero feet from the S De Bazan Ave street end riparian line (24 feet is required).

Funding: N/A

Requested Motion: Motion to approve variances for a) a dock of 59 feet in length from the seawall and b) the dock to encroach approximately zero feet from the S DeBazan Ave extended riparian line as proposed, with the following one (1) condition:

1. The 35-foot long walkout proposed for the dock shall be limited to four feet in width, and the 20-foot long head and four-foot long lower landing shall be limited to ten feet in width.

Attachments:

1. 3200 E Maritana Dr Staff Report
2. 21025 2300 E Maritana Application
3. 3200 E Maritana Dock Design 2
4. 3200 E Maritana Dock Ownership Email



**PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 21025 – Bryan Burge of Edge Marine Construction for Mark Dawson

MEETING DATE: November 17, 2021

PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner & Brandon Berry, Planner II

REQUEST	Unnecessary and Undue Hardship Variances to construct a 597 square foot dock that will extend 59 feet from the seawall (48 foot maximum) and be set approximately zero feet from the S De Bazan Ave street end riparian line (24 feet is required).
SUBJECT PROPERTY	3200 E Maritana Dr; HUTCHINSON'S, W.B. SUB LOT B TOGETHER WITH THAT PART OF 10FT WIDE STRIP LABELED "RESERVED" ON PLAT OF DON CE-SAR PL LYING E OF MARITANA DR, ET. AL.; Property ID #07-32-16-41778-000-0020.
ACERAGE	Approximately 0.24 ac (10,400 SF)
LAND USE	RU-2 Residential District on the Zoning Map; RU on the Future Land Use Map.
FLOOD ZONE	AE-10
SURROUNDING AREA	North – E Maritana Dr/Pinellas Bayway South – Single-family Residence East – E Maritana Dr/Waterway West – Single-family Residence

BACKGROUND

The property contains a single-family residence constructed in 1995 according to the Pinellas County Property Appraiser. The property is also shown as owning a strip of land east of the E Maritana Dr right-of-way to which an existing dock with slip is currently attached. A dock appears to have been constructed along the seawall in 1991 per City records, although the walkout has widened and a catwalk was added from the dock around the boat lift in an unknown year.

ANALYSIS

As with many properties along Maritana Dr, this property also contains ownership of a strip of land located on the opposite side of the right-of-way. Unlike others, this 96-foot strip is largely located in front of an adjacent property to the south; the subject property owner's home is generally oriented toward

the Pinellas Bayway. Lots A through D of W.B. Hutchinson's Subdivision, created out of former Lot 1, Blk 18 of Don Ce-Sar Place Subdivision, had formerly referenced a ten-foot strip adjacent the right-of-way as "reserved". This land is referenced in various former deeds and surveys for the properties that comprised Lot 1, Blk 18.

The subject dock request will replace an existing dock in the same general location. Although the most recent dock additions are not on file, a permit from 1991 shows that the approved dock is 52.5 feet in length, whereas the subject dock will be 59 feet in length. The length increase is due to a walkout that will expand from 26 feet to 35 feet in length, a dock head that will shrink from 24 feet to 20 feet in length, and a lower landing that will grow from 2.5 feet to 4 feet in length. The 1991 permit shows the lift as four feet from the street-end side riparian line, whereas the subject request will construct a catwalk surrounding the lift that will encroach to approximately the street-end side riparian line. In terms of overall deck area, the dock will expand from 369 square feet to 568 square feet.

Variance Request	Requested (Right Side)	Permitted	Variance Request (%)
Right Side Riparian Setback (E. Debazan)	0'	24'	100%
Dock Length	59'	48'	23%

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

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

Regarding the side setback, the conditions adjacent the seawall are unique as the buildable area of the waterfront appear to be significantly constrained by vegetation and silt accretion beginning approximately 30 feet north of the DeBazan Ave street-end according to the dock sketch. This limits the ability of the owner to make use of this northern approximately two-thirds of the seawall for dock construction and mooring purposes.

Regarding length, the applicant states that there are depth issues related to where the boat lift currently sits, and the additional dock length is to get the boat lift to deeper water. The existing beach area beneath the dock, which appears to extend 20 or more feet from the property's seawall, is a unique condition that does not appear to be applicable to other adjacent properties.

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

Vegetative growth and silt accretion along the seawall, oriented specifically to the northern end of the seawall, is not the result of the actions of the applicant. Historic aerials show this condition as existing since at least 1994, the oldest aerial the City has access to for this area. The dock approved in 1991 was constructed in the same general location as the proposed dock, albeit with a lesser length.

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

The dock proposed, inclusive of tie poles and other accessory dock features, appears to be of the same general length as other docks in the same zoning district and vicinity when accounting for the 20-foot or more of beach accretion beneath the dock itself. The applicant's request for an additional 6.5 feet in length appears to provide a dock no longer than those toward the upper average in the vicinity, while providing a dock with an average mooring potential that appears to match most other docks adjacent to it. Staff also finds that the limitations on building within the center half of this lot poses a hardship that does not generally apply to other properties within the vicinity.

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

The residential dock proposed in this application is consistent with the Land Development Code and is a permitted accessory use of the RU-2 Residential District in which the applicant is located. Residential docks are not directly addressed in the Comprehensive Plan.

- 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 this variance request results from the applicant's desire to achieve greater financial return. The dock is proposed to be modestly extended, and the structure will be aligned approximately three feet closer to the street end than it was permitted to be in 1991. The applicant is reinstalling an existing boat lift, and is not proposing any additional slips for the dock.

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

Staff finds the request for length to convey the same general treatment to the applicant as to others within the same zoning district. Increasing dock length to avoid natural features and conditions in order to permit appropriate water depth for launching vessels is a common situation in the same zoning district, particularly along the western side of Maritana Dr. Staff does not find that the dock proposed will be substantially longer than others in the vicinity on average.

The same conditions that limit length also limit the ability of the applicant to construct a dock in the allowed center half of the property. Significant vegetative outgrowth and an existing beach area at the northern end of the applicant's property appears to extend at least 30 feet from the mean high water line, and extend for more than two-thirds of the applicant's property from the northern end.

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 length variance appears to be the minimum to make reasonable continued use of the dock to access the waterfront. The applicant's marine contractor states that there are depth issues where the boat lift currently sits, and the length extension is to get the boat into deeper water. The applicant is reusing an existing boat lift, which was shown on original plans as 8,000 lb support, so this request does not appear to be for the purpose of redeveloping the dock for a substantially larger vessel than it has historically supported.

However, Staff does not find the proposed four-foot walkout width expansion or two-foot dock head width expansion to be the minimum necessary to make reasonable continued use of the property's waterfront. Staff finds the four-foot walkout and ten-foot dock head width the original dock structure was proposed with in 1991 to be the general standard of other docks in the vicinity, and does not find that the additional length or approval for a variance to set the dock at the same general side riparian setback justifies the need for additional width of the structure itself.

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 the requested variances are in harmony with the general intent and purpose of the Comprehensive Plan and Land Development Code, the latter which generally permits residential docks to continue unfettered in their historical footprints to an extent not granted to other accessory uses and structures. The modest length extension and other ancillary additions proposed in these variances are reasonable given conditions faced at this property's waterfront. Staff does not find the requests to be detrimental to the public safety or welfare, as this property's waterfront has no direct private neighbor and the mooring space for the vessel will remain in line with the one that exists currently. Staff finds the requests to be compatible with the neighborhood, but does not find the additional width to be necessary to make reasonable continued use of the waterfront. Staff also does not find that the request will substantially diminish or impair property values in the neighborhood.

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 requests for additional dock length and a closer riparian side setback to be reasonable and justified given the unique conditions of the subject property's waterfront as well as the historic footprint and configuration of the dock. However, Staff does not find that the additional dock width is necessary or the minimum necessary to make reasonable continued use of the waterfront and dock structure generally.

RECOMMENDATION:

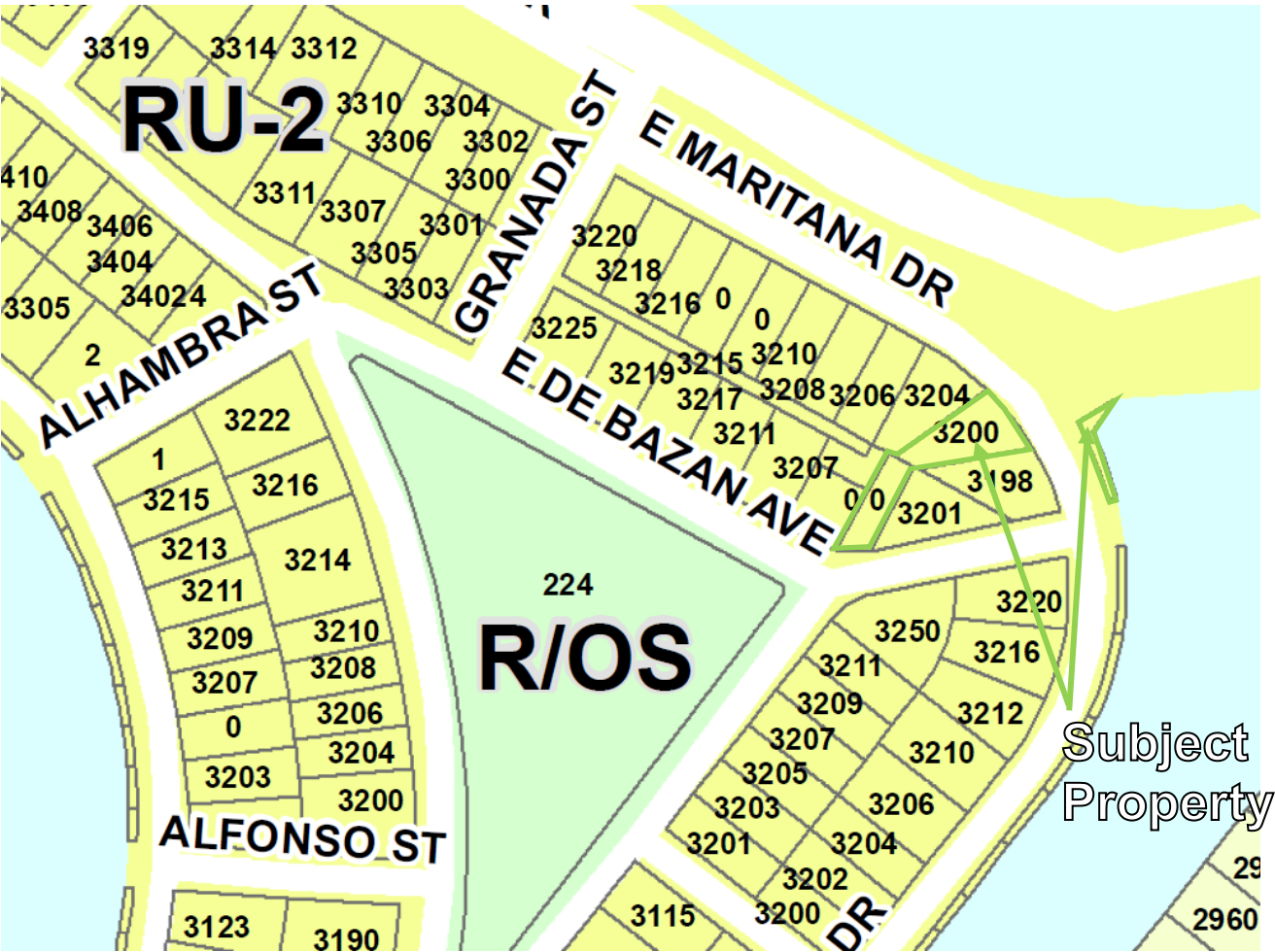
Staff recommend approval of the variances for a) a dock of 59 feet in length from the seawall and b) the dock to encroach to the S DeBazan Ave extended riparian line as proposed, with the following one (1) condition:

- 1) The 35-foot long walkout proposed for the dock shall be limited to four feet in width, and the 20-foot long head and four-foot long lower landing shall be limited to ten feet in width.

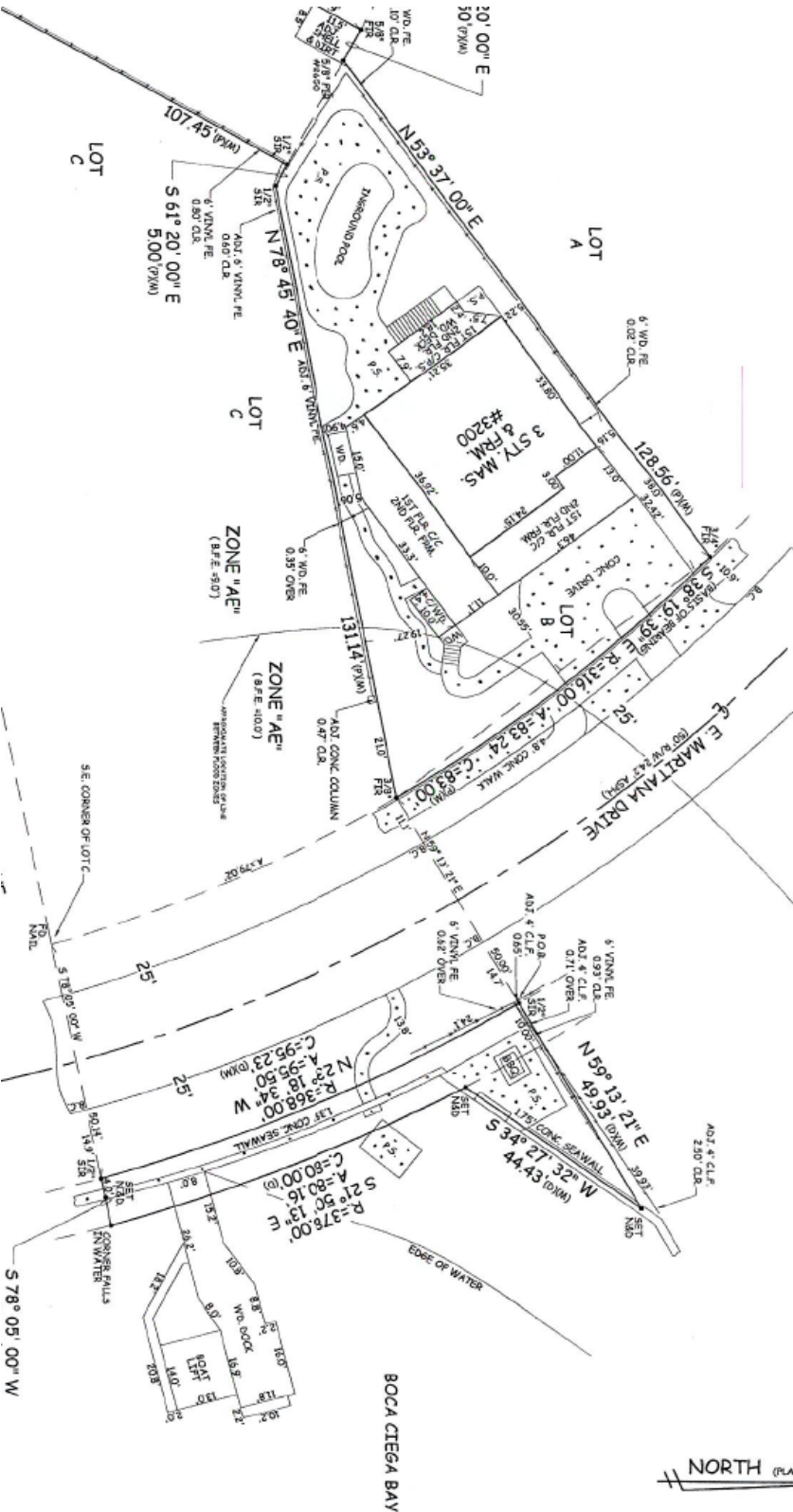
AERIAL MAP



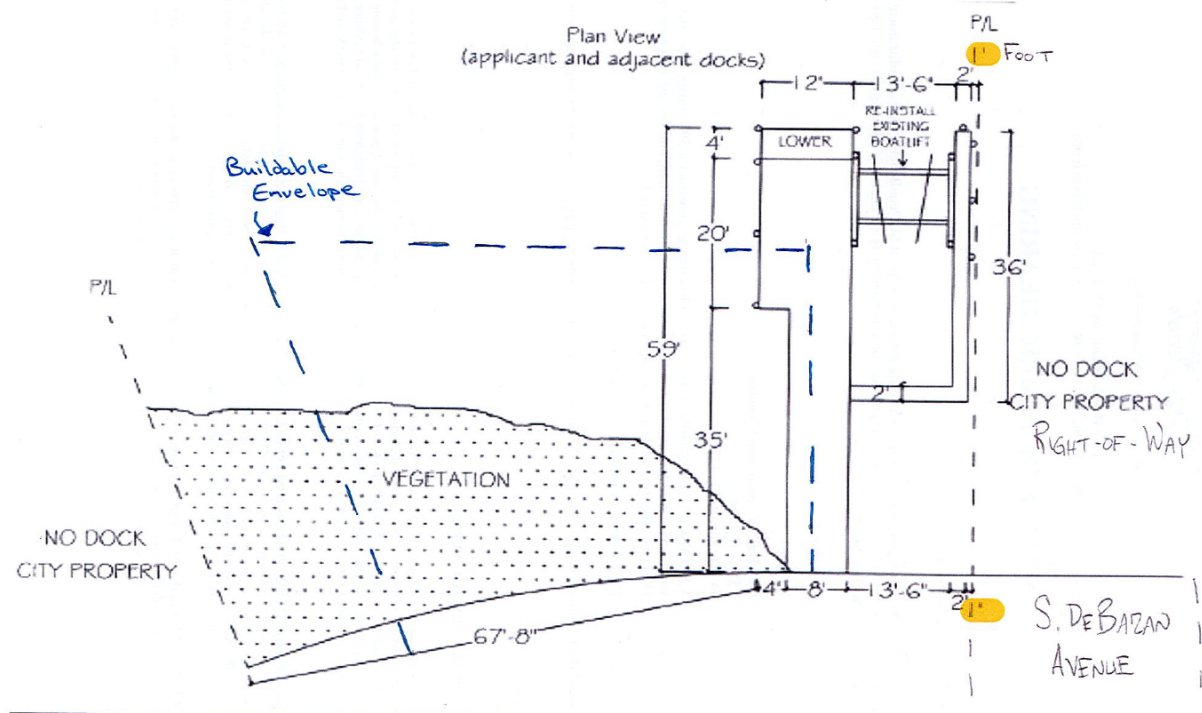
ZONING MAP



SURVEY



PROPOSED DOCK PLAN



CURRENT DOCK PLAN – 1991

PRIVATE DOCK APPLICATION ONLY

12'
10'
24'
24'
24'
30'

8000 "LIFT-MASTER"
CRABBLE LIFT

PLAN 1"=20'

30'
3'

PROFILE 1"=20'

Water depth must be shown
Drawing to be to Scale
Datum M.S.L.

FROM: U.S.G.S. Map No. 1
PROPERTY INFORMATION
LEGAL DESCRIPTION
LOT
SUBDIVISION *Don C. Sax*
BLOCK
PLATBOOK 13 PAGE 15-2
TWP. TWP. SEC.
Waterway Width: 300'
Waterfront Width: 250'

RESIDENCE AT 3198
EAST MARITANA
DRIVE
NO DOCK
AC OCEAN
AVENUE
CITY FREE
AVENUE
NO DOCK

ORIGINAL SIGNATURE WITH NOTARY REQUIRED ON ALL VARIANCE APPLICATIONS

LEFT PROPERTY OWNER
3165
SIGNATURE (Name)
TOM MARTINO
3198 EAST MARITANA DRIVE
ADDRESS
ST. PETE BEACH, FLA. 33706
Sworn to and subscribed before me this
30th day of August 1991
NOTARY PUBLIC: *Debra L. Sak*
My Commission expires: 7-19-93

RIGHT PROPERTY OWNER
CITY EASEMENT
SIGNATURE (Name)
ADDRESS
Sworn to and subscribed before me this
day of
NOTARY PUBLIC:
My Commission expires:

PROVIDE A SKETCH, TO SCALE OF
PROPERTY AND ADJACENT DOCKS

HERITAGE DOCKS, INCORPORATED

CASE #: 21025

PARCEL #: _____

SUBMITTAL DATE: 3/12/2021 AMOUNT DUE: \$517.50 PAYMENT DATE: 3/12/2021**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Mark Dawson	3200 Maritana Dr. St. Pete Beach, FL 33706	(727) 434-0963
Applicant/ Agent	Bryan Burge Edge Marine Construction	4790 95th St. N. St. Petersburg, FL 33708	(727) 482-9573
Owner Email Address: mark.dawson1@wellsfargo.com		Applicant/Agent Email Address: bryan@edgemarineconstruction.com tyson@edgemarineconstruction.com	

PROPERTY FOR PROPOSED VARIANCE: 3200 Maritana Dr. St. Pete Beach, FL 33706

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description: <u>See Attached.</u>		
Address: 3200 Maritana Dr. St. Pete Beach, FL 33706		
Explanation of Request: <u>Slight alterations to the existing dock.</u>		

LEGAL DESCRIPTION FOR
3200 MARITANA DR.
ST. PETE BEACH, FL. 33706
07/32/16/41778/000/0020

HUTCHINSON'S, W.B. SUB LOT B TOGEHTER WITH THAT PART OF 10FT WIDE STRIP LABELED "RESERVED" ON PLAT OF DON CE-SAR PL LYING E OF MARITANA DR, N OF E'LY EXT OF S'LY BNDRY OF LOT C & LYING S'LY OF LINE DESC FROM MOST E'LY COR OF LOT B TH N59D13'21"E 60FT TOGETHER WITH THAT PART OF SE 1/4 OF SE 1/4 OF SEC 7-32-16 DESC FROM MOST E'LY COR OF LOT B TH N59D 13'21"E 60FT FOR POB TH N59D13'21"E 39.93FT TH S34D27'32"W 44.43FT TO E'LY LINE OF SD 10FT WIDE STRIP TH CUR LT RAD 376FT ARC 18.64FT CB N29D21'26"W 18.64FT TO POB

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;

1. The homeowners waterfront property is on the other side of Maritana Drive and extends beyond the frontage of their house to the south. Waterfront access in the front of the property and across the street is typical on Maritana Drive. The adjacent north and south neighbors to the property along the water are owned by the City of St. Pete Beach. Typically when a dock is built outside of the side and or length setbacks, the neighbors with riparian rights adjacent to the waterfront property line are required to sign a letter of no objection to allow the owner to build outside of the setbacks. The property owner without riparian rights does not sign a letter of no objection

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

2. The portion of the property that is across the street has been in this same condition before the current owner took ownership of the property.

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

3. When a homeowner builds a dock that is outside of the City's setbacks it is allowable to have the adjacent neighbors with riparian rights that are being encroached to sign a letter of no objection that allows the owner to build outside of the setbacks. The neighbors with riparian rights to this property are the City of St Pete Beach.

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;

4. The Owner is building back a dock in a similar footprint that was previously permitted. Due to some changes of the footprint, a letter of no objection is required due to being outside of the setbacks. The reason for being outside of these setbacks is maintain enough water depth for safe and reasonable access to and from the boat lift.

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

5. The owner is not gaining a financial return from this hardship.

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;

6. Yes, any other waterfront property owner would be required to have the adjacent neighbor with riparian rights sign a letter of no objection in order to build a dock or boat lift outside of the setbacks.

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

7. Yes, the owner is building the dock in a similar location and footprint as was previously built. This design allows for the same use as before.

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

8. The dock that is intended to be built is in line with the rest of the neighborhood and would not diminish property values. The new dock being built is very similar to what is already existing.

Signature of Applicant

3/11/21

Date

Signature of Authorized Agent

3/11/21

Date

VARIANCE APPLICATION

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

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

MD 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.

MD 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.

MD 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.

MD 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.

MD 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.

MD 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.

MD
Signature of Applicant

3/11/21
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

MARK DAWSON

(print name of property owner)

hereby authorize

Bryan Burge

(print name of agent)

to represent me/us in an application for

Variance

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

[Signature]
Signature of Owner

Signature of Owner

MARK DAWSON

Print Name of Owner

Print Name of Owner

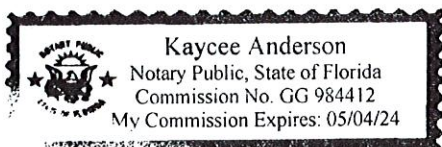
The forgoing instrument was acknowledged before me this 11th day of March 2021 by Mark Dawson or who is personally known _____ produced FL license as identification.

[Signature]
(Notary Signature)

3/11/21
(Date)

My Commission Expires

5/4/24





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Mark Dawson, 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): BRYAN BURGE

Address: 4790 95TH STREET N ST. PETE

[Signature] 3/11/21
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2021 by: Bryan Burge who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

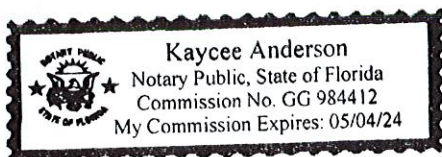
My commission Expires: 5/4/24

NOTARY: [Signature]

Print Name: Kaycee Anderson Notary

Public, State of Florida

(Notarial Seal)



DEAR APPLICANT:

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

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

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

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

OWNER NAME: Dawson, Mark SITE ADDRESS: 3200 Maritana Dr. St. Pete Beach, FL. 33708

NATURE AND SIZE OF PROJECT: Wreck and remove existing dock. Set piling and construct a new 59' dock as follows: a 6' X 35' walkway connected to a 12' X 20' head with a 4' X 12' lower dock on the front and a 2' X 49'-6" wrap-around catwalk to the right. Re-install existing boatlift.

TOTAL PROJECT SQUARE FOOTAGE: 597'

TOTAL NUMBER OF PILING: _____

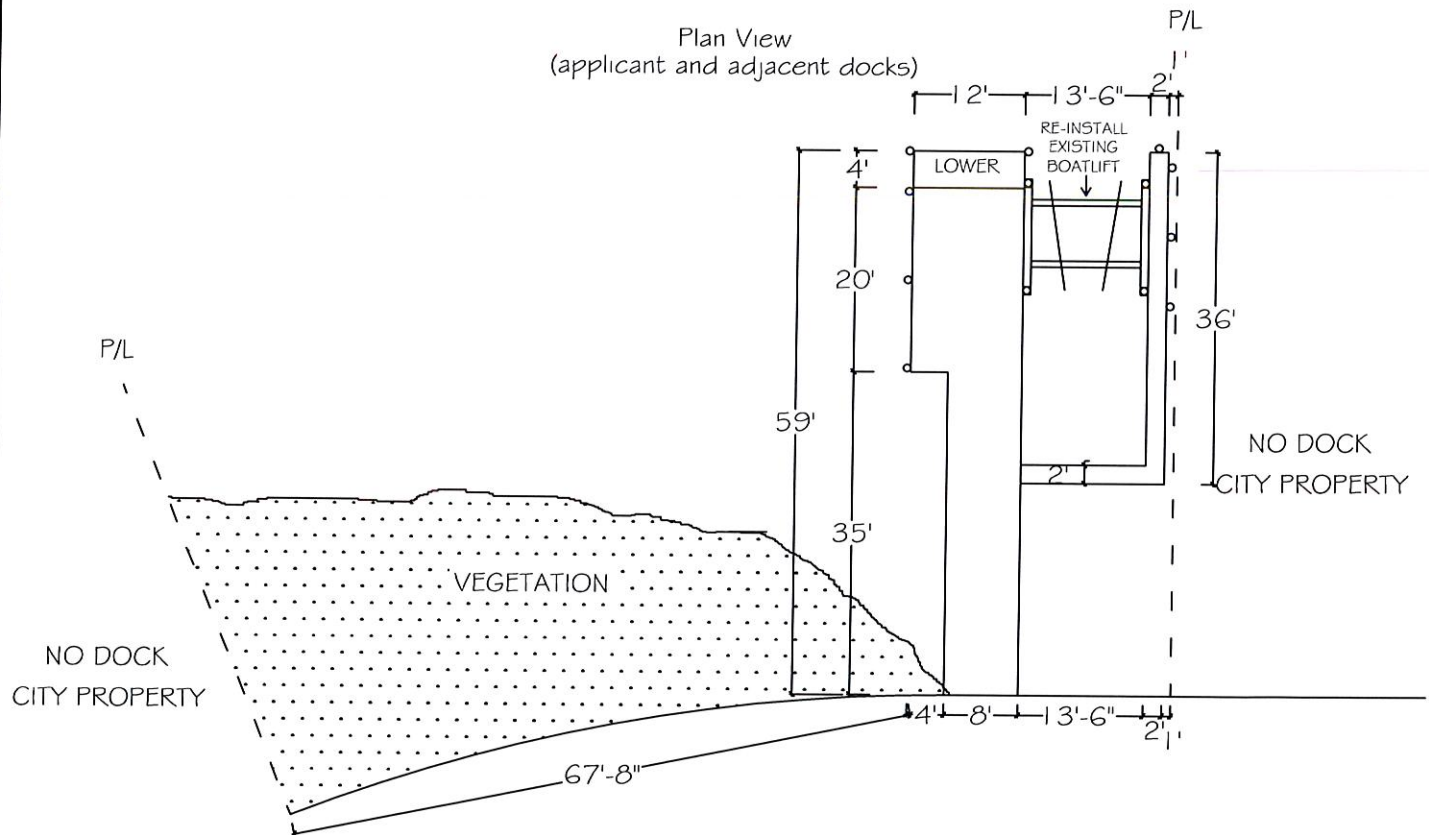
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: 336.75'

DIAMETER OF PILING: 8" Tip

WATERFRONT WIDTH: 96'

Plan View
(applicant and adjacent docks)



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

Left Owner: City of St. Pete Beach

Signature

Date

Right Owner: City of St. Pete Beach

Signature

Date

Municipality Approval

Water and Navigation Approval

Amber LaRowe

From: Wesley Wright
Sent: Tuesday, February 9, 2021 11:59 AM
To: Amber LaRowe
Cc: Ward J Friszolowski
Subject: 3200 E Maritana Dock Variance

Amber,
Please find the email below pertaining to the dock variance request for this evening.

Wesley Wright
Community Development Director
St. Pete Beach FL 33706
(727) 363-9265, #3

From: Alex Rey <arey@stpetebeach.org>
Sent: Tuesday, February 9, 2021 11:48 AM
To: Andrew Dickman <andrew@dickmanlawfirm.org>; Wesley Wright <wwright@stpetebeach.org>
Subject: FW: UGRNT RE MEETING TOMORROW: 3200 E Maritana Dock Variance

Wes, does she have the right address on the variance?

Alex Rey
City Manager
City of St. Pete Beach
Florida

From: Nila Allen <nilaallen.dc@gmail.com>
Sent: Monday, February 8, 2021 8:54 PM
To: Alex Rey <arey@stpetebeach.org>; Nila Allen <nilaallen.dc@gmail.com>; Kelly Essary <kellyessary@aol.com>
Subject: UGRNT RE MEETING TOMORROW: 3200 E Maritana Dock Variance

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UGRNT RE MEETING TOMORROW: 3200 E Maritana Dock Variance

I was never notified by the owner, Mark & Christine Dawson. I am the neighbor directly to the south of his home, the requested dock variance is directly in my front yard. I learned of this variance request **ONLY** through the agenda notes.

There are many concerns regarding this dock that need to be addressed before any variance is considered, including the ownership.

I own 3198 E Maritana Drive, St Pete Beach. I purchased the home in 2010 as a “short sale” foreclosure purchase. The dock in question was always attached to my parcel until just before I closed on the purchase of the home. I was told the plot had been split and the dock portion was sold to Mark Dawson during this short sale period. This alone poses several questions that should be looked into.

1. How can a parcel of land be split when the property has a mortgage in foreclosure?
2. Where is the deed paperwork showing the dock/sea wall transfer from 3198 E Maritana (my house) to 3200 Maritana Drive (Dawson house)?
3. Was the parcel split approved by the city of St Pete Beach?

I can't find any of the transfer of deed or split of parcel online anywhere. We believe this could have been a very sneaky and under the table transfer of deed and an invalid “wild” deed.

At a minimum, can I please be offered the opportunity to contest the illegally purchased dock directly in front of my house??? Mark is being sneaky just as he has been in obtaining the dock, and taking over city property with illegally built and placed fire pits, grills, etc on city property.

I have also emailed a complaint to city codes department and property appraisers office as well.

Please call to discuss.

Sincerely,
Dr. Nila Allen & Dr. Kelly Essary
3198 E Maritana Dr.
St Pete Beach, FL

727-424-9893 or 813-495-4229

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

Agenda Report

Issue Considered: Variance - 1207 Gulf Way (Case No. 21086)

Date: November 17, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: A Practical Difficulty Variance to construct a swimming pool and spa (13'x25') and related pool deck that are proposed to encroach into the required Gulf Way 20 foot setback area by 12 feet (LDC Sec. 6.13(c)(2)(3)).

Funding: N/A

Requested Motion:

Attachments:

1. 21086 1207 Gulf Way Staff Report lr
2. VAR-P 21086 Application
3. 1207 Gulf Way Survey
4. site plan for notice



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

VARIANCE CASE NO. 21086 – Jeff Smith for Michael Gilbertson

MEETING DATE: November 17, 2021

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

REQUEST	A Practical Difficulty Variance to construct a swimming pool and spa (13'x25') and related pool deck that are proposed to encroach into the required Gulf Way 20 foot setback area by 12 feet (LDC Sec. 6.13(c)(2)(3)..
SUBJECT PROPERTY	1207 Gulf Way; WARREN WEBSTER'S MAP, Block A, Lot 137; Property ID #18-32-16-95454-003-1370.
ACERAGE	Approximately 0.164 acres (7,159 sq. ft.)
ZONING	RLM-2 / PAG Residential District / Pass-a-Grille on the Zoning Map; RLM Residential Low Medium on the Future Land Use Map
FLOOD ZONE	AE (EL 10)
SURROUNDING AREA	North – 13 th Avenue /10-unit Motel/Hotel South - Single-family Residence East – Alley / Single-family Residence West – Gulf Way / Beach

BACKGROUND

The zoning lot is vacant land which is currently proposed for single family development. The initial building plans were denied by Planning and those plans are still in the Building Department waiting for resolution of this issue.

ANALYSIS

The zoning lot is typical in size to the other residential lots located within the block face of the subject property on Gulf Way and includes a 20-foot vacated portion of Gulf Way, also typical on this portion of Gulf Way. The property's zoning requires that swimming pools, spas, and pool decks meet a 20-foot setback from the front property line. The applicant is seeking to construct a swimming pool and spa (13'x25') and related pool deck that would encroach into the required Gulf Way 20 foot setback area by a maximum of 12 feet.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Front Yard Setback	Pool and Spa	20 feet	9 feet	55%
Front Yard Setback	Pool Deck	20 feet	8 feet	60%

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 to the pool and spa area that would encroach into the setback area by 55% which would put the pool structure 9 feet from the front property line. The applicant is also requesting a variance to the pool deck that would encroach into the front setback area by 60% which would put the pool deck 8 feet from the front property line. This is a substantial variance request especially because the residential structure has not yet been approved for construction. As such, any hardship would therefore appear to be self-created.

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

Review of a recent aerial photograph (Piinellas County Property Appraiser's website) reveals that numerous properties along Gulf Way appear to meet the 20 foot setback requirement and a number of other properties appear to encroach into the setback. However, it must be noted that Pass-a-Grille has existed for over 120 years – long before setbacks and other zoning requirements were established. Staff noted one pool structure at 801 Gulf Way (Keystone Hotel Company, Inc.) where the pool appears to be in the front yard setback area. This property is a small motel which was built in 1950 and pre-dates modern zoning. The subject property at 1207 Gulf Way is new construction and the design can be altered to accommodate the building setbacks without variance. It appears that the proposed encorachment in the front yard for a pool, spa, and pool deck is a departure from the historic characteristics of Gulf Way and would have the potential to promote an adverse change in the character of the neighborhood.

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

The application states that this is the only way on the property to locate a pool overlooking the Gulf of Mexico. However, the residential plans have not been approved and the property is vacant. As such, the bulding plans can be revised to meet the required setbacks for the new construction.

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

This proiperty is in the process of going through the permitting process. There is nothing irregular about the subject vacant lot. Therefore, there is no difficulty other than redesigning the residential property to meet Land Development Code requirements. As such, the interest of justice would not be served by allowing this variance as there is no defined hardship inthis case.

SUMMARY:

Staff finds that the request for a swimming pool and spa that are proposed to encroach into the front yard setback area by 11 feet (9 feet from the front property line), along with the request to allow the pool deck to encroach 12 feet into the setback area (8 feet from the front property line) is excessive due to the following:

- The residential structure has not yet been approved for construction and the addition of a pool, pool deck and spa should have been considered during the planning stage of this property's development;
- The residential structure appears to be located 30 feet from the front property line. The pool structure could be moved closer to the residential structure and even narrowed in width to either meet the setbacks or minimize the requested encroachment; and,
- If the pool structure was moved closer to the residential structure and reduced in width, the pool deck could also be reduced in size and present less of an encroachment into the front yard setback area.

Staff, therefore, finds that the requested variances are not the minimum variances necessary for reasonable use.

RECOMMENDATION:

Staff recommends **denial** for the swimming pool, spa, and deck as proposed which would encroach into the required Gulf Way front setback area by 11 feet and 12 feet respectively.

AERIAL MAP



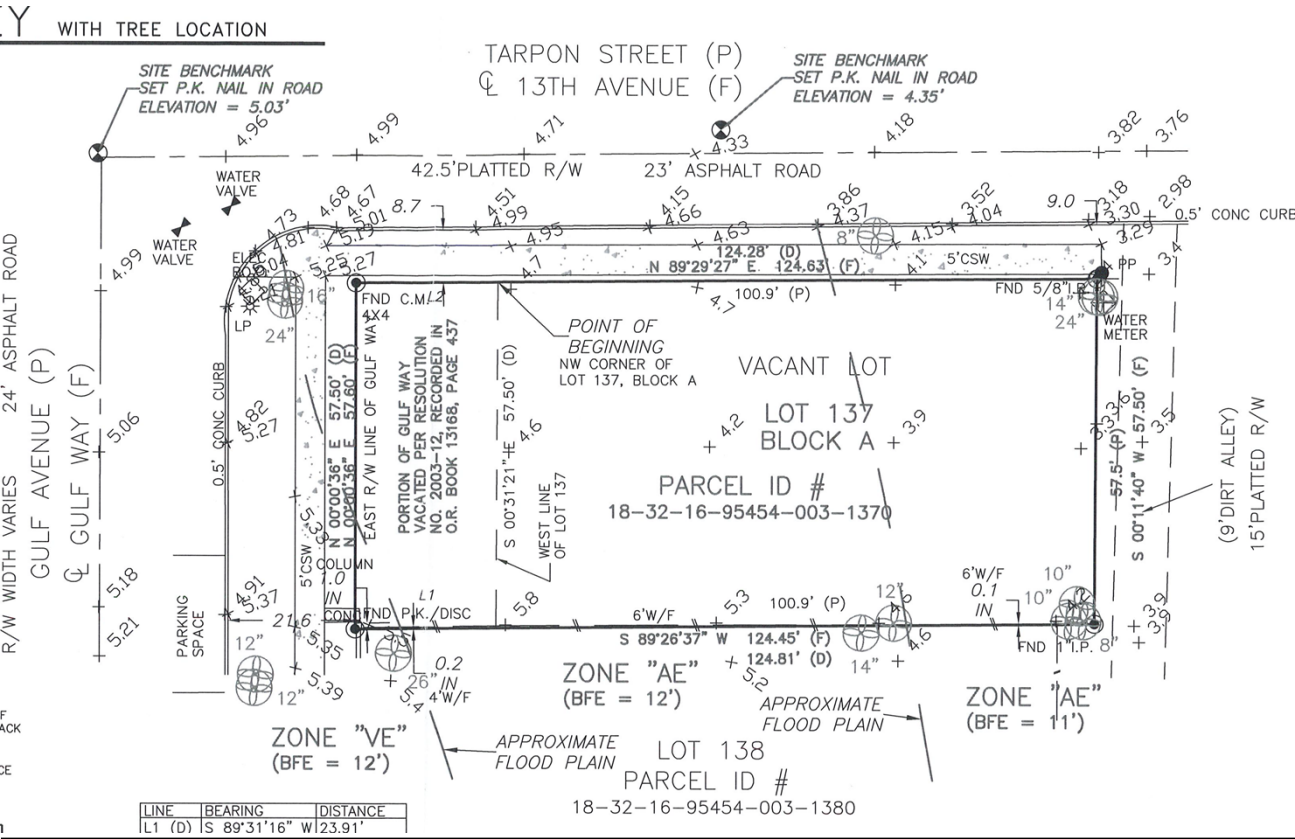
Subject
Property

ZONING MAP

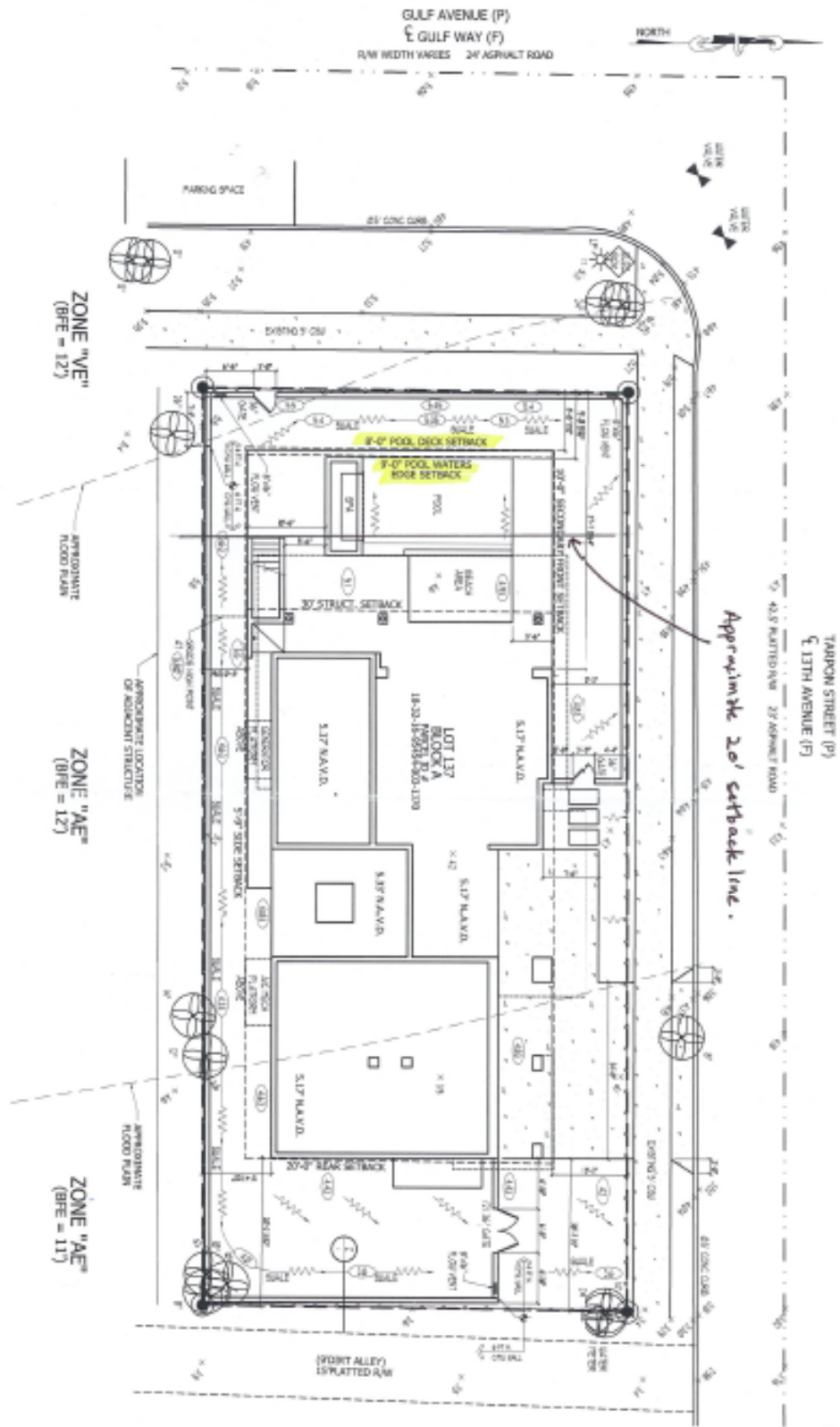
*Subject
Property*



SURVEY



SITE PLAN

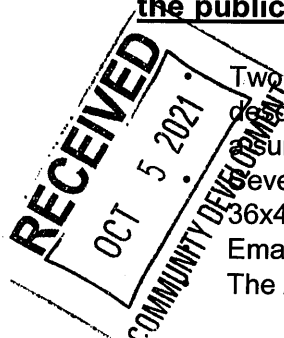


CASE #: 21086

SUBMITTAL DATE: 10/5/21 AMOUNT DUE: \$531.50 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	MICHAEL GILBERTSON	1207 GULF WAY, ST. PETE BEACH	608.751.9665
Applicant/ Agent	JEFF SMITH	150 STATE ST. E. OLDSMAR FL	727.639.3788
Owner Email Address: GILBERTSON.WICK@GMAIL.COM		Applicant/Agent Email Address: JEFFS@DAVISBEWS.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RLM-2/PAG	Future Land Use Designation	Lot Area 5801.75 SF.
Legal Description:	LOT 137, BLOCK A WARREN WEBSTERS MAP PLAT BOOK 5, PAGE 38 OF PINELLAS CO.	
Parcel ID:		
Address:	1207 GULF WAY, ST. PETE BEACH	
Explanation of Request: PROPERTY HAS TWO FRONTS WOULD LIKE TO ADJUST THE SETBACK FROM 20'-0" TO 9'-0" SO HOMEOWNER CAN ADD A SMALL CONCRETE POOL/SPA. 9'-0" TO THE WATERS EDGE AND 8'-0" TO THE POOL DECK.		



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.

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

My 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.

My 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.

My 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.

My 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.

My 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.

My 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.

• Michael J. [Signature]
Signature of Applicant

Sept. 20, 2021
Date

RECEIVED
OCT 5 2021

COMMUNITY DEVELOPMENT

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;

NORMAL FRONT SETBACK IS 20'-0", WE ARE ASKING FOR THE POOL DECK TO BE 8'-0" FROM THE FRONT PROPERTY LINE AND THE WATER'S EDGE OF THE POOL BE 9'-0" FROM THE PROPERTY LINE.

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

THE ADJUSTMENT WILL NOT AFFECT THE CHARACTER OF THE NEIGHBORHOOD.

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

THIS IS THE ONLY ON THE PROPERTY TO LOCATE A POOL OVERLOOKING THE GULF OF MEXICO

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

THE POOL IN THE DESIGNED LOCATION KEEP THE MAIN STRUCTURE OF THE HOME FARTHER AWAY FROM THE FRONT SETBACK ALLOWING A BETTER BEACH FRONT COMMUNITY.

Signature of Applicant

Date

Sept. 26, 2021

Signature of Authorized Agent

Date

9/28/2021

For office use only:

Hearing Date: _____ Fees: _____

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



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

I/WE MICHAEL GILBERTSON
(print name of property owner)
hereby authorize JEFF SMITH
(print name of agent)
to represent me/us in an application for SWIMMING POOL
(type of application: variance, conditional use, zoning, etc.)

• Michael A. Gilbertson
Signature of Owner

Signature of Owner

MICHAEL GILBERTSON
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 28th day of
September 2021 by Michael A Gilbertson or who is
personally known _____ produced
_____ as identification.

Nancy Rykwald
(Notary Signature)

9/28/21
(Date)

My Commission Expires 04/09/2022



Nancy Rykwald
Commission # GG205342
Expires: 4/9/2022
Bonded thru Aaron Notary



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, MICHAEL GILBERTSON, 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): MICHAEL GILBERTSON

Address: 1207 GULF WAY, ST. PETE BEACH FL. 33706

• Michael O. Gilbertson Sept. 28, 2021
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 28th day of September 2021 by: Michael O. Gilbertson who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires:
04/09/2022

NOTARY:

Print Name: Nancy Rykwald Notary

Public, State of Florida

(Notarial Seal)



Nancy Rykwald
Commission # GG205342
Expires: 4 /9 /2022
Bonded thru Aaron Notary

TOPOGRAPHIC SURVEY WITH TREE LOCATION

LEGAL DESCRIPTION:

LOT 137, BLOCK A, WARREN WEBSTER'S MAP, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AND

A PARCEL OF LAND LYING WEST OF AND ADJACENT TO LOT 137, BLOCK A, WARREN WEBSTER'S MAP, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM A POINT OF BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 137, RUN S.00°31'21"E., 57.50 FEET; THENCE S.89°31'16"W., 23.91 FEET; THENCE N.00°00'36"E., 57.50 FEET; THENCE N.89°31'16"E., 23.38 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN RESOLUTION NO. 2003-12 RECORDED IN OFFICIAL RECORDS BOOK 13168, PAGE 437, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

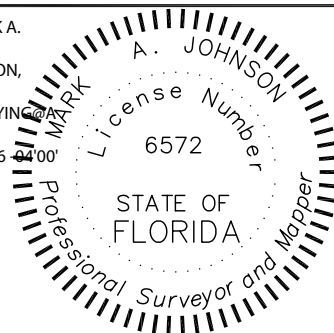
- NOTES:
- 1) BEARINGS ARE BASED UPON THE WESTERLY LINE OF SUBJECT PARCEL, N 00°00'36" E, DEEDED BEARING
 - 2) PROPERTY APPEARS TO BE IN FLOOD ZONE "AE & VE" PANEL #12103C0278 SUFFIX "G" ACCORDING TO NATIONAL FLOOD INSURANCE RATE MAP. REVISED 9-3-2003
 - 3) ELEVATIONS ARE BASED ON NAVD '88 DATUM
 - 4) LEGAL DESCRIPTION FURNISHED BY TITLE COMPANY
 - 5) ALL MEASUREMENTS ARE IN U.S. FEET
 - 6) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE, THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY
 - 7) FENCE LOCATION DOES NOT DETERMINE OWNERSHIP, OFF MEANS THE FENCE IS OFF OF THE PROPERTY, IN MEANS FENCE IS INSIDE THE PROPERTY.

CERTIFIED TO:

MICHAEL GILBERTSON AND
JANE GILBERTSON
FIRST AMERICAN TITLE
INSURANCE COMPANY

MARK A.
JOHNSON

Digitally signed by MARK A. JOHNSON
DN: cn=MARK A. JOHNSON,
o=WAI, ou=WAI,
email=MARK.WAISURVEYING@AOL.COM, c=US
Date: 2021.03.23 09:38:46 -0400



MARK A. JOHNSON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6572
NOT VALID WITHOUT THE ELECTRONIC
SIGNATURE AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS. THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MARK A. JOHNSON PSM 6572 AND IS COMPLIANT WITH F.S.61G17-7.0025(3) (a) (b) (c) (d)

FIELD WORK BY:	BHP	DATE:	3-3-2021	F.B. / PG.	6 / 36
DRAFTED BY:	B.P.	DATE:	3-5-2021	JOB #	21-312

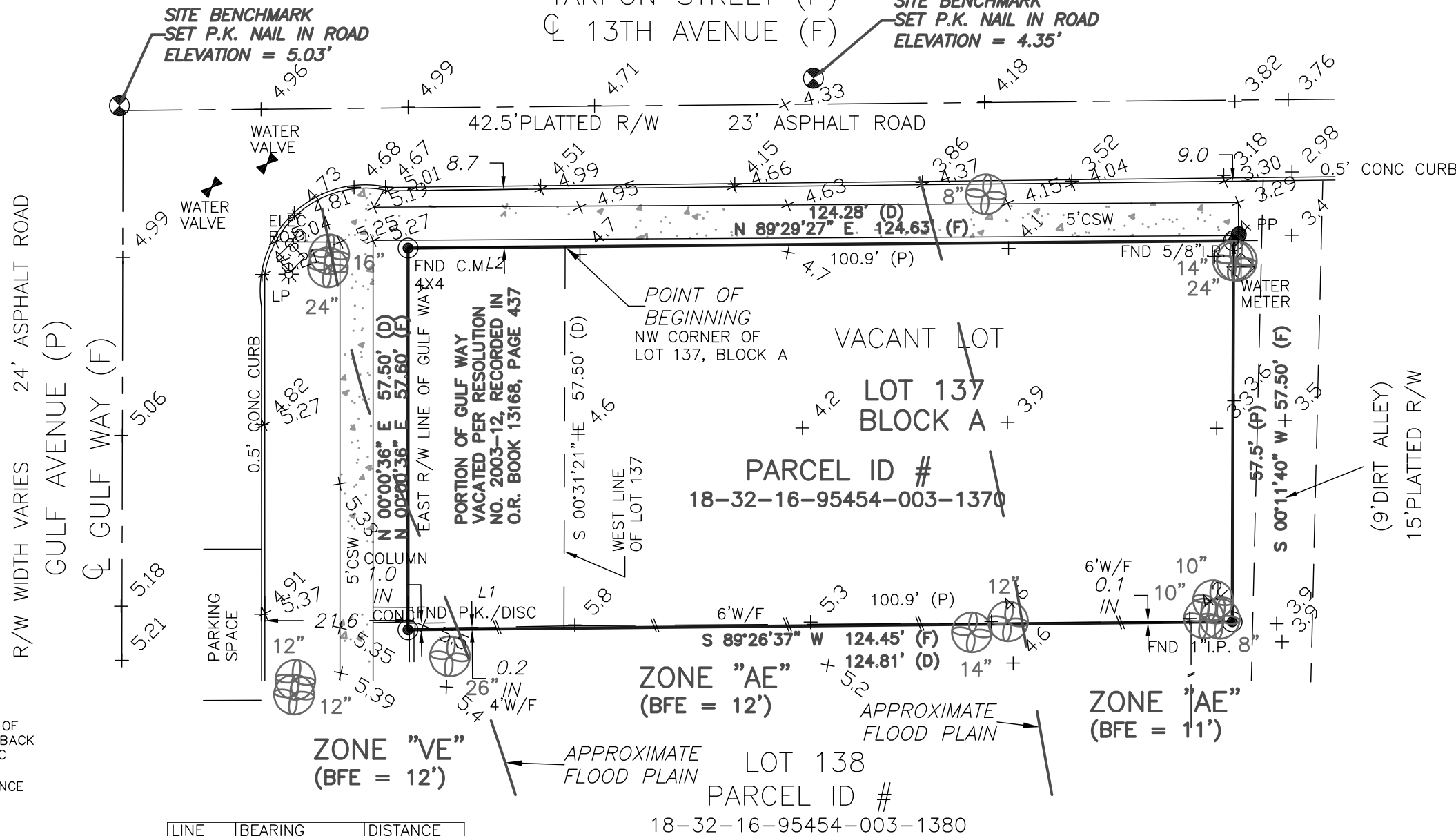
NOT VALID WITHOUT SIGNATURE WITH SURVEYOR SEAL

LEGEND:

ASPH = ASPHALT	PVC= PLASTIC VINYL FENCE	POINT
A/C = AIR CONDITIONER	PCP = PERMANENT CONTROL	(R)= RADIAL
(C)=CALCULATED	I.P. = IRON PIPE	FHD = FIRE HYDRANT
CLF=CHAIN LINK FENCE	I.R. = IRON ROD	FND = FOUND
C.M. = CONCRETE MONUMENT	LB = LICENSED BUSINESS	(N/R) = NON-RADIAL
CONC = CONCRETE	O.U. = OVER HEAD UTILITY	(TYP)= TYPICAL
CSW = CONCRETE SIDEWALK	P.K. = PARKER KRYLON	W/F =WOOD FENCE
(D) = DEED MEASUREMENT	(P) = PLAT	S.P.K.D. = SET P.K. NAIL
(F) = FIELD MEASURED	PP = POWER POLE	& DISK LB#6945
NO. I.D.= NO IDENTIFICATION	R/W = RIGHT-OF-WAY	S.I.R.C. = SET 5/8" I.R.
PRM = PERMANENT REFERENCE MONUMENT		& CAP LB#6945
PSM = PROFESSIONAL SURVEYOR AND MAPPER		
RLS/PLS = REGISTERED/PROFESSIONAL LAND SURVEYOR		

TARPON STREET (P)
13TH AVENUE (F)

SITE BENCHMARK
SET P.K. NAIL IN ROAD
ELEVATION = 4.35'



LINE	BEARING	DISTANCE
L1 (D)	S 89°31'16" W	23.91'
L2 (D)	N 89°31'16" E	23.38'

TREE LEGEND (SIZE AS NOTED)



Certificate of Authorization "LB #6945"

DON WILLIAMSON
&
ASSOCIATES, INC.
PROFESSIONAL SURVEYORS

MAPPERS LB # 6945
5020 GUNN HIGHWAY SUITE 220 A
TAMPA, FL 33624
(813) 265-4795
FAX (813) 264-6062
WILLIAMSONSURVEYING@VERIZON.NET

