



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, December 15, 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: 17 November 2021**
4. Action Items
 - a. **Variance - 1207 Gulf Way (Case No. 21086) Withdrawn by Applicant.**

This Case was continued from 17 November 2021. Request 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)).
 - b. **Variance - 1805 Pass-A-Grille Way (Case No. 21072)**

This Case was continued from 17 November 2021. 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).
 - c. **Variance - 242 71st Ave (Case No. 21089)**

Request to install a 6 foot tall fence on the east side of the property, along Bay Street, where 4 feet is allowed.
 - d. **Variance - 2191 E Vina Del Mar Blvd (Case No. 21088)**

Request to construct a residential boatlift to the left of the dock head that is proposed to be 84 feet from the seawall (49 feet allowed). The existing dock is to be rebuilt in the

previously permitted footprint.

e. Variance - 3400 Gulf Blvd (Case No. 21073)

Request by The Don CeSar Hotel to construction a one-story ballroom addition (90 feet x 108 feet approx.) on the north side of the hotel. The addition (10,395 SF) will be elevated above ground-floor parking and is proposed 0 feet from the right-of-way of El Centro St. (25 feet required). Additionally, an egress stair tower is proposed 8.5 feet from the western rear property line adjacent to the dunes (20 feet required). The addition will comply with the northern side setback (48.7 feet required) and the rear 20 foot setback (LDC Sec. 14.7(b)(2) and (4)).

5. Adjournment - Next Meeting 26 January 2022

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
November 17, 2021 2:00 P.M.

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

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Lynn Rosetti Senior Planner
Jordan Elmore, Zoning and Permit Tech

Vice Chair Lyman 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 – Senior Planner Rosetti stated that Item 4c. Case No. 21071 - 460 59th Ave. and Item 4f. Case 21086 - 1207 Gulf Way, would be continued.

Motion: Member Holehouse moved and Vice Chair Lyman seconded to continue Item 4c., Case 21071, to a future date and Item 4f., Case 21086, to the December 15, 2021 meeting. The motion carried unanimously.

2. Audience Comments – There were none.

3. Approval of Minutes - a. 10/27/2021

Motion: Member Holehouse moved, and Member Chase seconded the approval of the minutes from the October 27, 2021 meeting; the motion carried unanimously.

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.

Planning and Zoning Tech Jordan Elmore reviewed a thorough presentation of the variance request including exhibits, conditions of approval and staff findings. The presentation will become part of these minutes. Staff recommendation was for approval. One call and one letter of objection were received.

Arthur Carson Munsey appeared for the Applicant and answered Board questions. Neighboring business owner Margaret Peters appeared in opposition to the variance and indicated that she had also sent an email. The Chair closed public comment and opened Board discussion.

Motion: Member Chase moved, and Member Bomar seconded the approval of the variance for 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. The motion carried 4-0.

- 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)).

Mr. Elmore reviewed a thorough presentation of the variance request including exhibits, conditions of approval and staff findings. The presentation will become part of these minutes. One letter in favor and one against were received. Staff recommendation was for approval subject to the removal of any pavers that encroach onto the abutting properties, and that the Applicant should secure a right-of-way permit and related driveway agreement from the City, along with a building permit from the City for the remaining paver work.

Applicant Candace Adams Hooker appeared to provide additional information to the Board. She indicated that there should have been two letters in favor from the neighbors on the west side of the property. There were no comments in favor of or against the variance request. Public comment was closed and Board discussion opened.

Motion: Member Bomar moved, and Member Chase seconded the approval of both Variances for Case #21067 with the conditions outlined by Staff; the motion carried 4-0.

- 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).

This case was continued.

- 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).

Senior Planner Lynn Rosetti indicated this was continued from last month. She reviewed a thorough presentation of the variance request including exhibits, conditions of approval and staff findings. The presentation will become part of these minutes. A letter of objection was received from the neighbor to the south. Staff recommendation was for Denial of this request for a boat dock to exceed the allowable length and width as proposed.

Applicant William Adams appeared with Mark Speeler, the owner of Heritage Docks to provide further information to the Board and expanded on the need for the request. The Board asked questions. Following Board discussion on dock length and setbacks, Assistant City Attorney McConnell explained that there are two variances; the Board has the option to approve, deny or continue either or both.

Victor Tonas, 1807 Pass-a-Grille Way, and neighbor to the north, appeared in opposition to the variances. He indicated that he sent a letter to recant the 'no objection' form he had signed. Mark

Colburn, 1803 Pass-a-Grille Way appeared in opposition to the length variance. Finding no further comment, the Chair closed public comment and opened Board discussion. At the Board's request, Mr. Speeler answered additional questions, and their deliberation continued.

Motion: Member Holehouse moved, and Member Bomar seconded the continuance of Case #21072 to the December 15, 2021 meeting. The motion carried 3-1; Member Chase voted no.

- 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).

Ms. Rosetti reviewed a thorough presentation of the variance request including exhibits, conditions of approval and staff findings. The presentation will become part of these minutes. Staff recommendation was for approval of the variances for a dock of 59 feet in length from the seawall and the dock to encroach to the S DeBazan Ave. extended riparian line as proposed, with the condition that the 35-foot long walkout proposed for the dock be limited to four feet in width, and the 20-foot long head and four-foot long lower landing be limited to ten feet in width.

Bryan Burge of Edge Marine Construction, 4790 95th St N, St. Pete, appeared to provide additional details to the Board and answer questions. Applicant Mark Dawson also appeared and expanded on the need. There were no comments in favor. Kelly Essary, 3198 E. Maritana Dr. appeared in opposition to the request and distributed documents and photos regarding ownership of the dock and asked for further review of the title on the property and parcel-splitting. Mr. McConnell stated that ownership is a prerequisite for Variance applications; his legal opinion was to continue the case if there were any questions of law. Mr. Dawson stated that this matter was before the City Commission in February and he provided a survey and title insurance to prove ownership. Public comment was closed, and the Vice Chair opened Board discussion. The Board members asked questions of the Assistant City Attorney.

Motion: Member Bomar moved, and Member Holehouse seconded approval of the variance as requested to length and setback from the S. DeBazan Ave extended riparian line with conditions limiting the proposed walkout to four feet in width, and the dock head and lower landing limited to ten feet in width Case #21025. The motion carried 3-1 with Vice Chair Lyman voting no.

- 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).

This case was continued to the December 15, 2021 meeting.

5. Adjournment – Next Meeting 12/15/2021

Motion: Member Holehouse moved, and the meeting was adjourned at 3:40 PM.

These minutes will be considered for approval at the December 15, 2021 Board of Adjustment meeting.

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

Agenda Report

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

Date: December 15, 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: Applicant has withdrawn.

Attachments:

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

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

Date: December 15, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: This Case was continued from 17 November 2021. 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

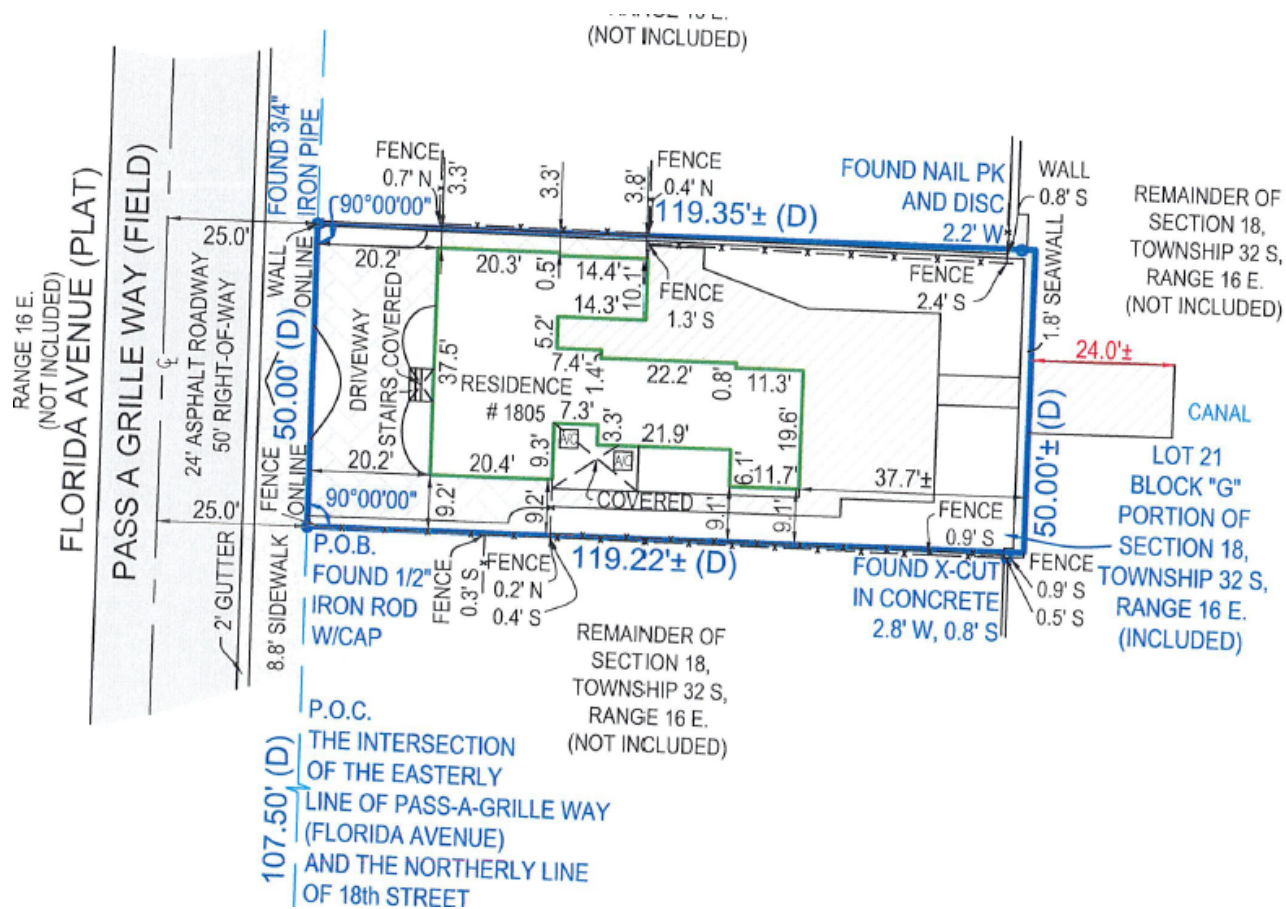


AERIAL MAP

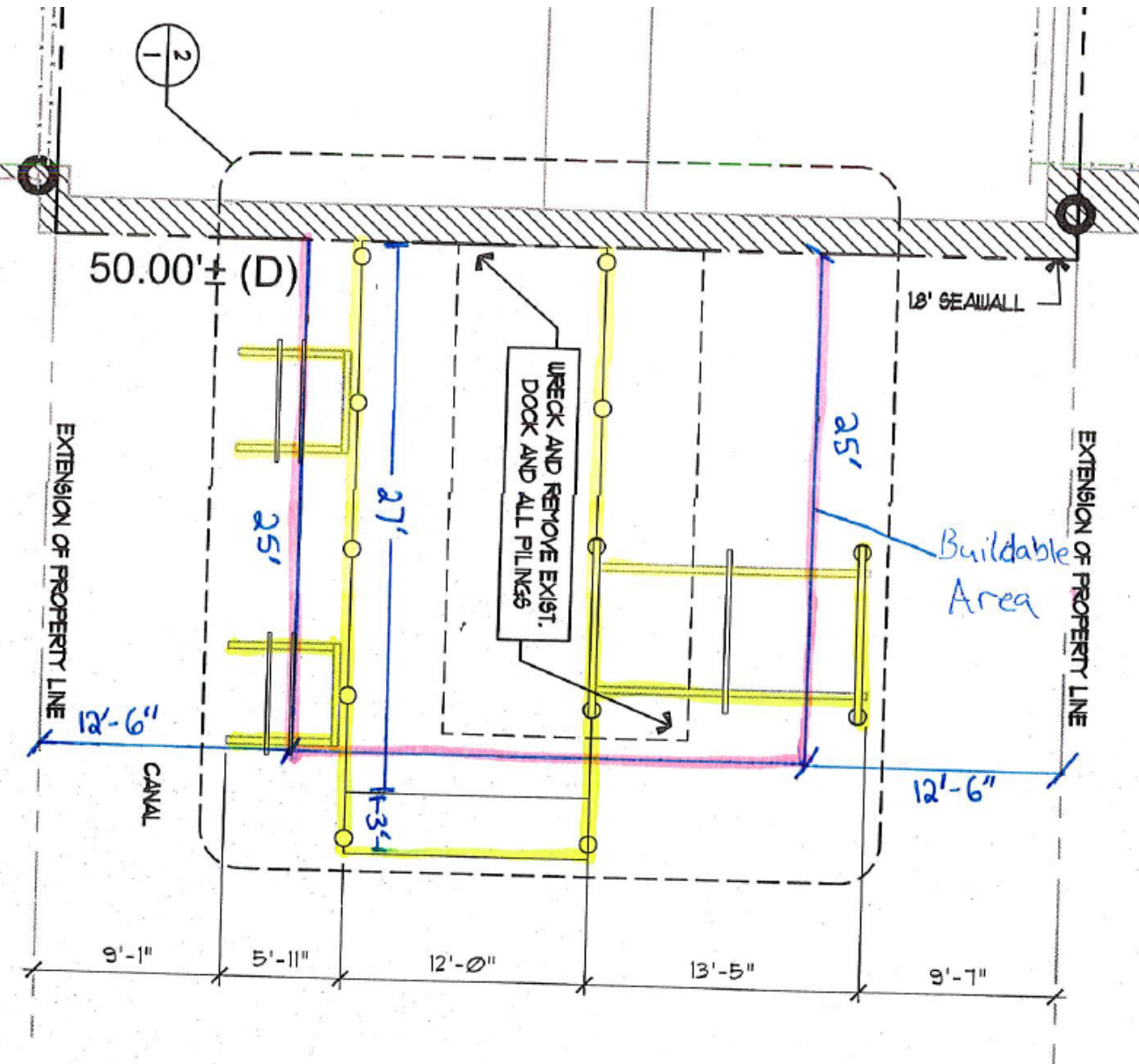
**Subject
Property**



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 PGB</u>		
Address: <u>1805 Pass A Grille Way, St. Pete Beach, FL 33706</u>		
Explanation of Request: <u>REQUEST A VARIANCE FOR THE LENGTH OF THE DOCK NEEDED TO PROPERLY MOOR THE VESSEL AND THE ENCROACHMENT OF THE DOCK INTO THE SET BACK.</u>		

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

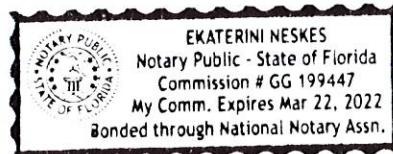
The forgoing instrument was acknowledged before me this 30th day of Aug. 2021 by William Adams M.D. or who is personally known _____ produced _____ as identification.

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)
) SS:
PINELLAS COUNTY)

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.

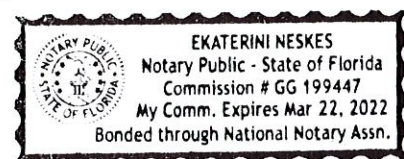
My commission Expires:
3.22.2022

NOTARY:

Print Name: EKATERINI NESKES Notary

Public, State of Florida

(Notarial Seal)



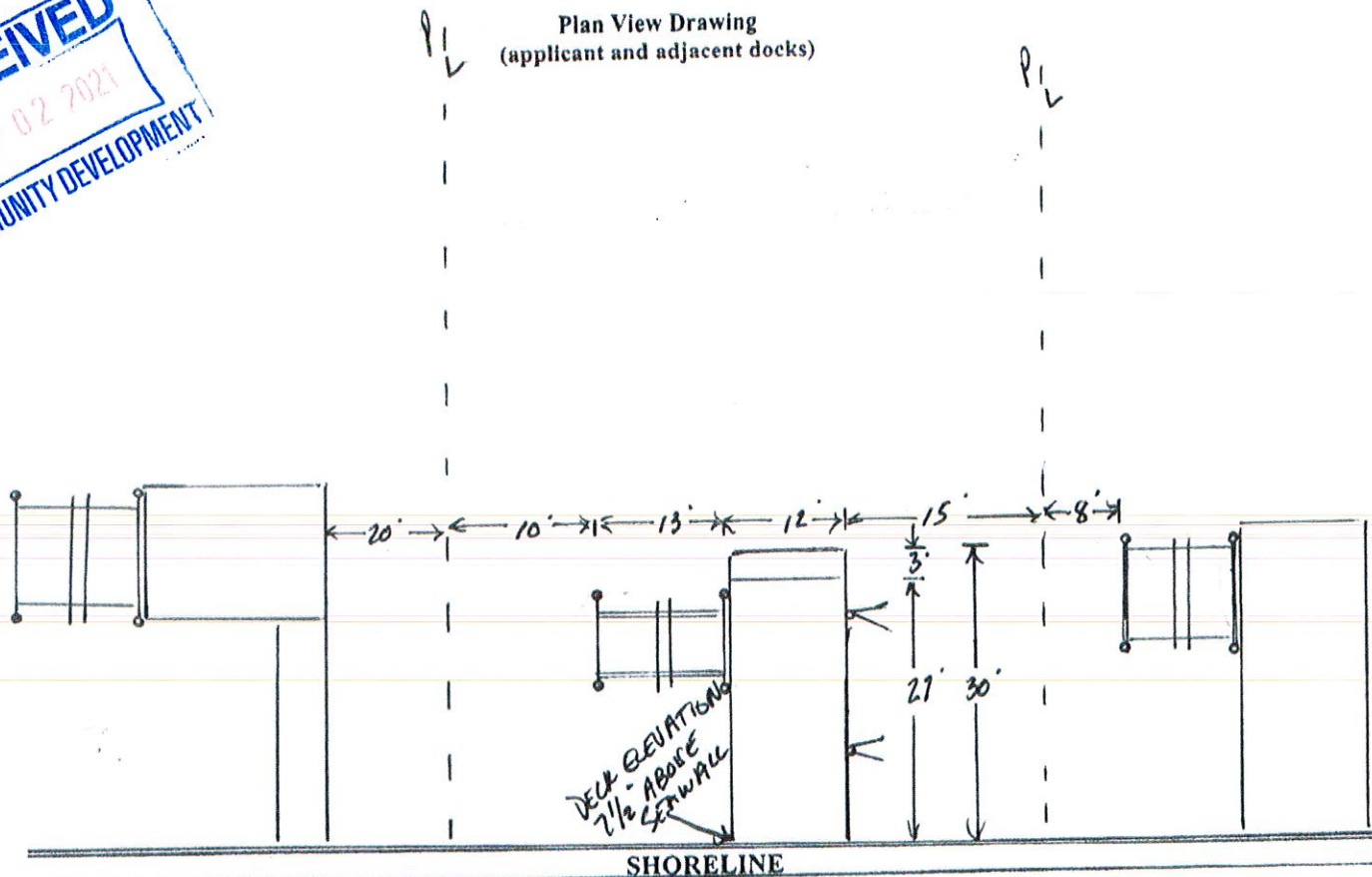
Owner Name: BILL ADAMS Site Address: 1805 PASS-A-GRILLE WAY ST. PETE BEACH FL. 33706

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

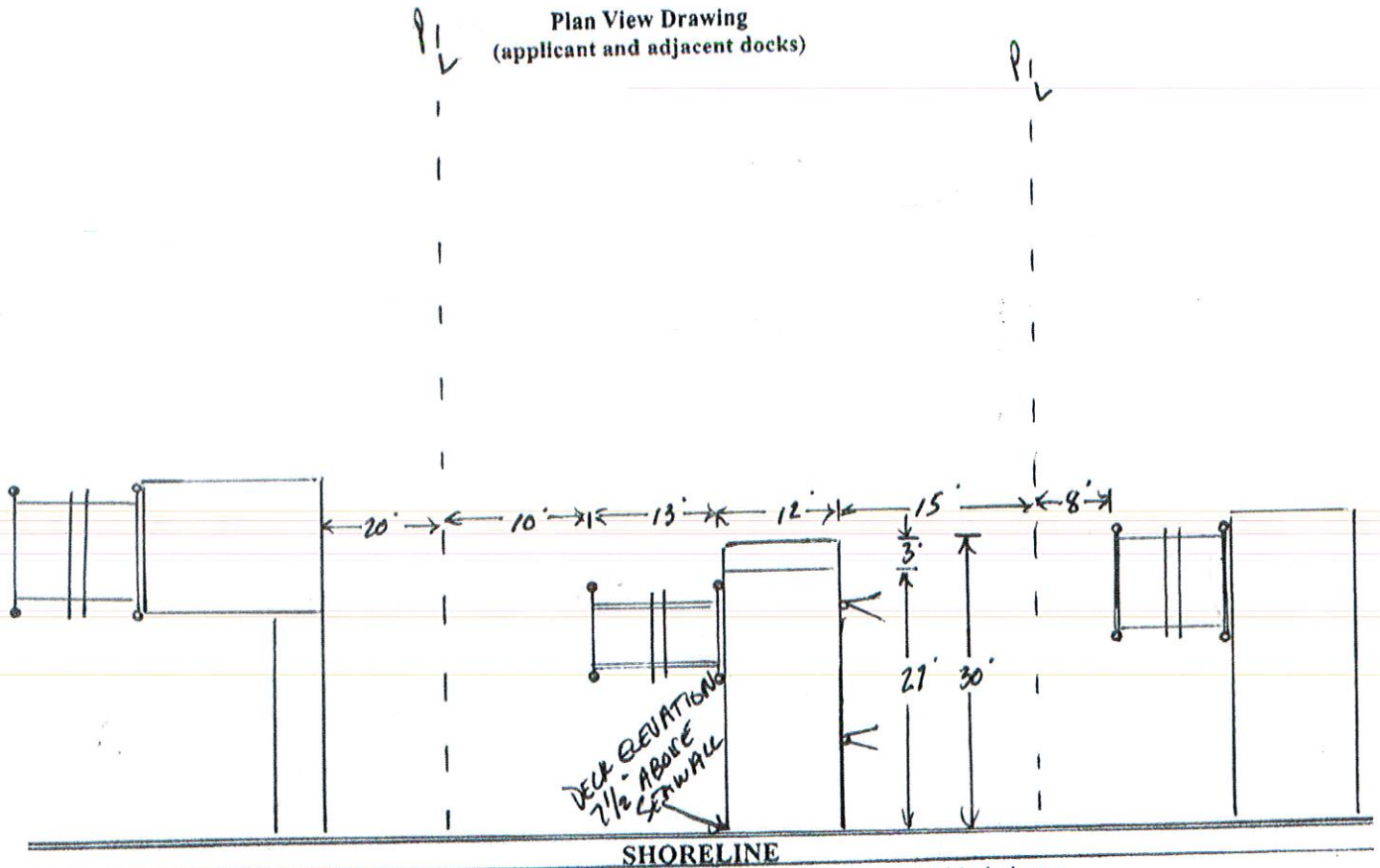
Water and Navigation Approval

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

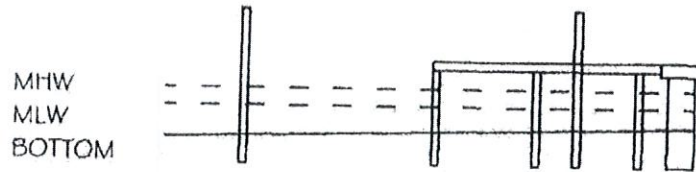
PRIVATE DOCK

NAME: Norma Talmadge, LLC.

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

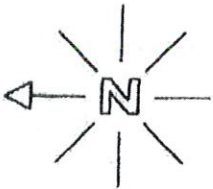
Application #

RP46830-17
(OFFICIAL USE ONLY)



Profile View

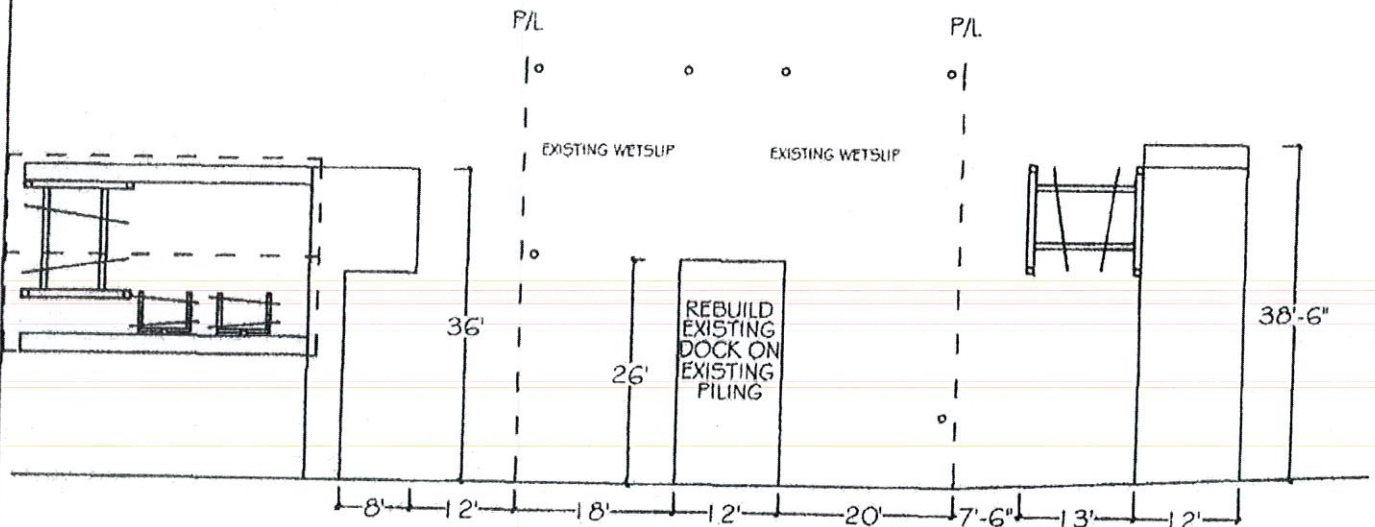
ENG. SCALE: 1" = 20'



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

Right Owner: N/A

Signature

Date

Signature

Date

Municipality Approval

Water and Navigation Approval

APPROVED ZONING

DATE 4/3/17m

APPROVED
PINELLAS COUNTY
WATER AND NAVIGATION

David L. Wells

4-13-17

DOCK REPAIR ONLY

PRIVATE DOCK

NAME: Norma Talmadge, LLC.

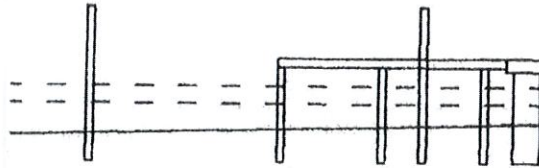
1805 Pass A Grille Way St. Pete Beach, FL. 33706

Application #

RP46830-17

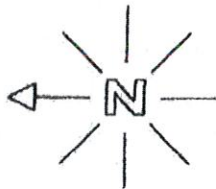
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET
NEW SQUARE FEET
WATERWAY WIDTH
WATERFRONT WIDTH

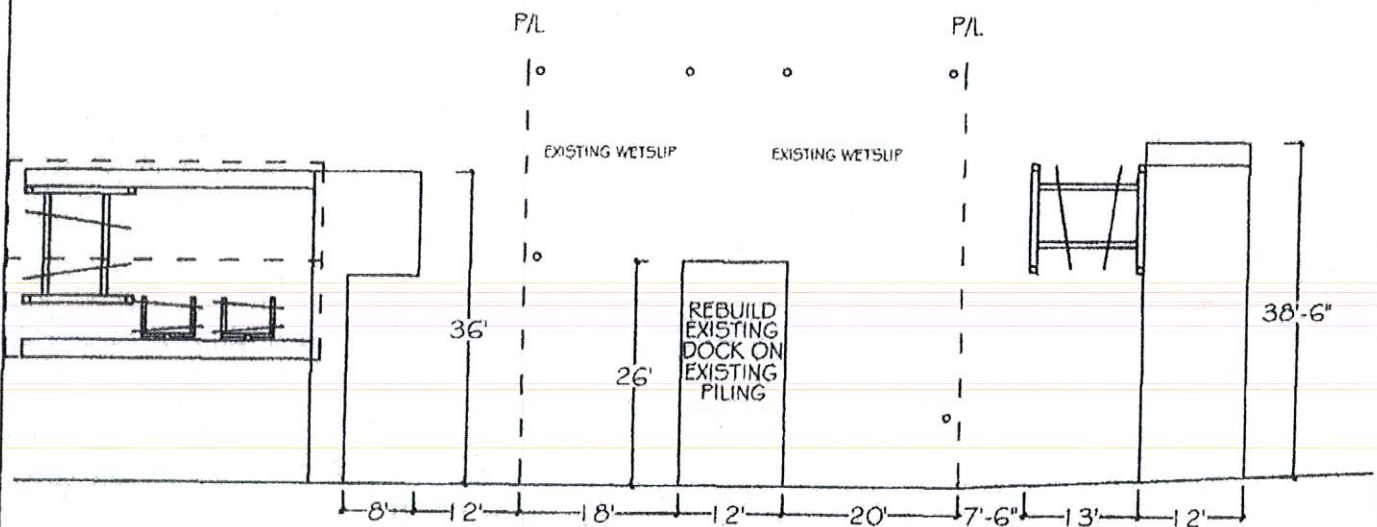
312'

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

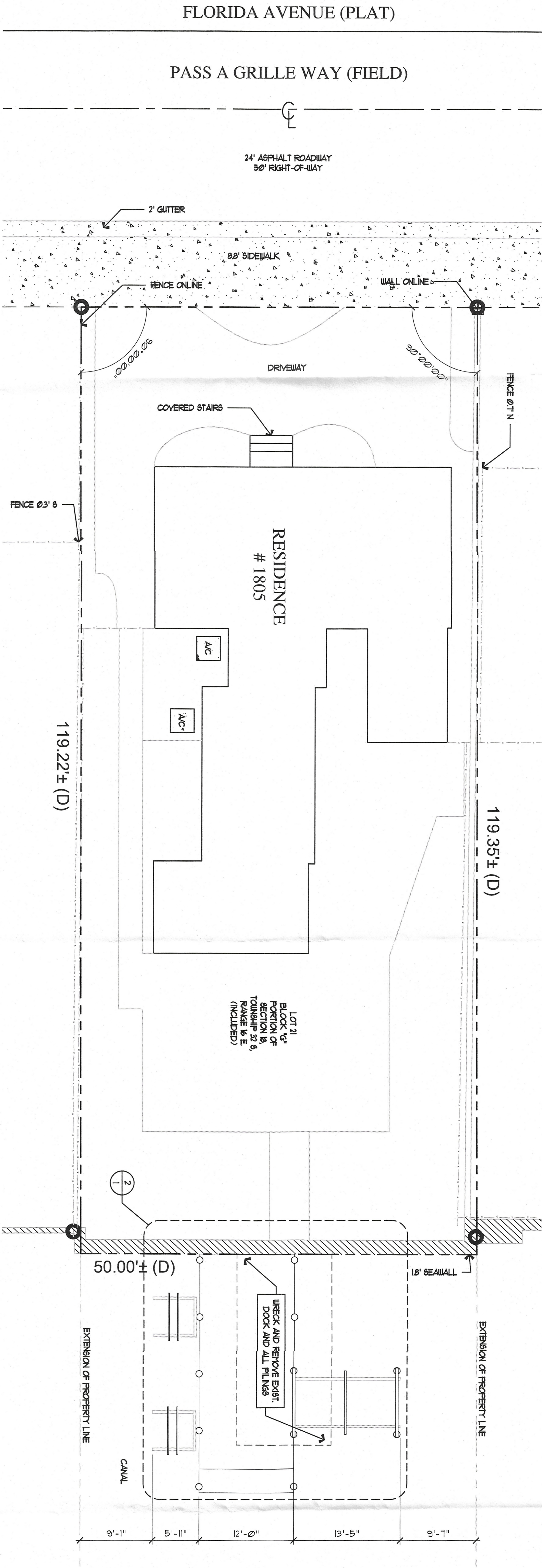
Water and Navigation Approval

APPROVED ZONING

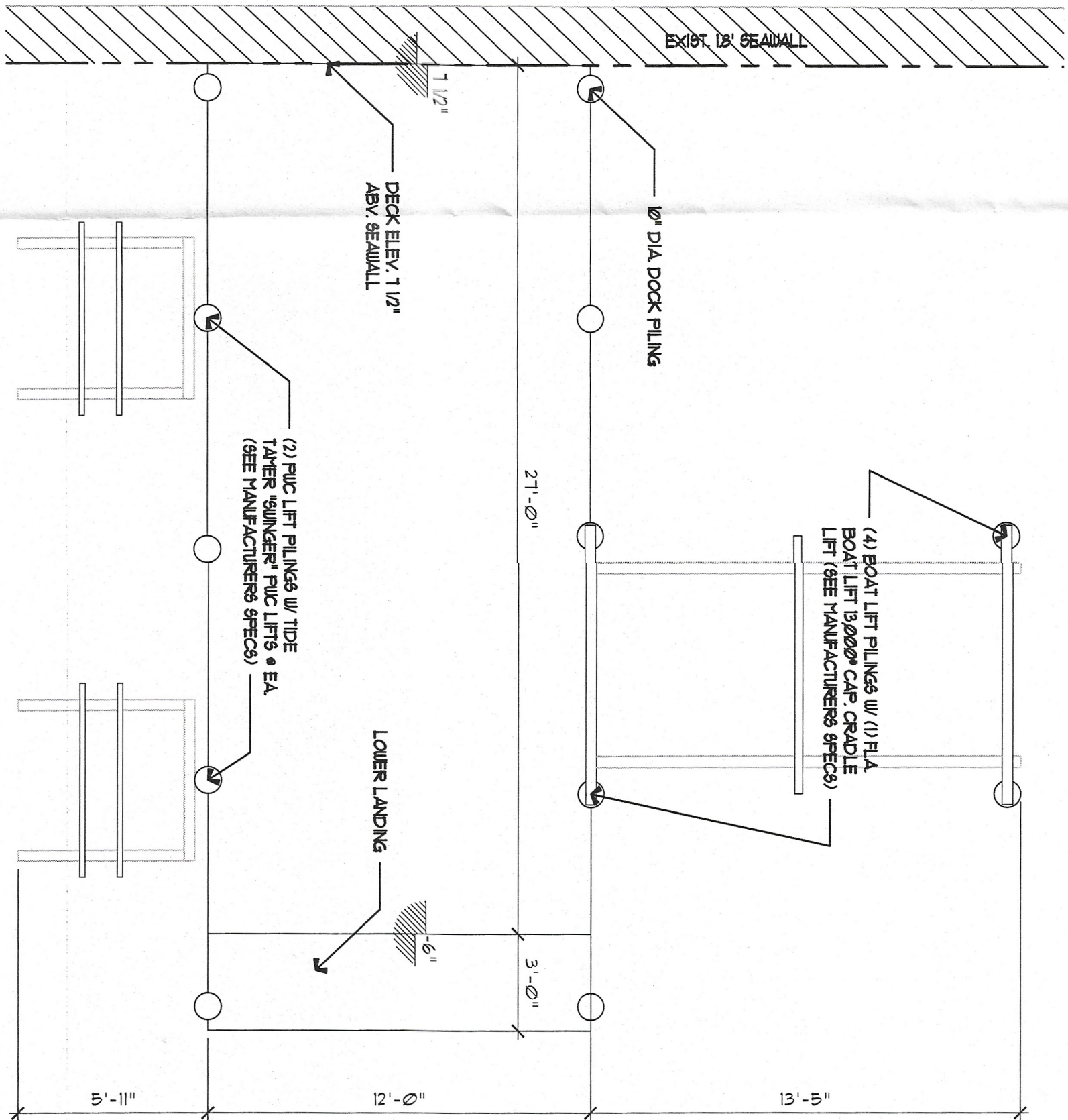
DATE 4/3/17 M

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	3600'
NEW SQ. FOOTAGE	3600 SQ. FT.
DIA. OF PILING	Ø7"
WATERWAY WIDTH	60'

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

THESE DOCUMENTS, DRAWINGS, NOTES, DETAILS AND SPECIFICATIONS AND CONCEPTS ARE THE SOLE PROPERTY OF FRAZE DESIGN, INC. AND ARE NOT TO BE REPRODUCED OR COPIED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF FRANK FRAZE, ARCHITECT, AIA.

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

TO THE BEST OF THE ARCHITECT OR ENGINEER'S KNOWLEDGE AND BELIEF, THESE PLANS AND SPECIFICATIONS COMPLY WITH THE 2008 FLORIDA BUILDING CODE IN ADDITION TO ANY OTHER APPLICABLE BUILDING CODES AND MINIMUM FIRE SAFETY STANDARDS.

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

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FRAZE
design

commercial
residential
architecture

E-MAIL: fdi@frazedesign.com FL LIC. NO. AA26000585
1750 CENTRAL AVENUE ST. PETERSBURG, FLORIDA 33712
PHONE: 727/328-3608 FAX: 727/328-3609 STUDIO: 727/328-3607

PROFESSIONAL SEAL

FRANK FRAZE, AIA

ARCHITECT

AS0014705

ORLA FRANKLIN FRAZE, IV

Construction Documents for:

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

MEMBER OF

AIA
American
Institute of
Architects

ISSUE	DATE	BY
REVIEW	08/24/21	TF
PERMIT		
REV.		
REV.		
REV.		
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**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Variance - 242 71st Ave (Case No. 21089)

Date: December 15, 2021

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to install a 6 foot tall fence on the east side of the property, along Bay Street, where 4 feet is allowed.

Funding: N/A

Requested Motion: Motion to APPROVE Case # 21089 to allow for the construction of a 6 foot tall fence where 4 feet is allowed.

Attachments:

1. 21089 242 71st St Variance Staff Report
2. 21089 - 242 71st Ave Application
3. 21089 - 242 71st Ave Site Plan



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

VARIANCE CASE NO. 21089 – Keith and Daina Gaputis, Owners/Applicant

MEETING DATE: December 15, 2021

PREPARED BY: Jordan Elmore, Planner I

REQUEST	Practical Difficulty Variance. Request to install a 6-foot-tall fence on the east side of the property, along Bay Street, where 4 feet is allowed (LDC Sec. 6.15).
SUBJECT PROPERTY	242 71 st Ave; Property ID # 36-31-15-05112-001-0010; BAYSIDE 2 nd ADD TO ST PETE BEACH BLK A ; LOT 1
ACERAGE	Approximately 0.28 acres (12,316 sq. ft.)
LAND USE	RU-1, Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Zone AE 11
SURROUNDING AREA	North – Single-family Residence South - Boca Ciega Bay East – Single-family Residence West – Single-family Residence

BACKGROUND

The zoning lot contains a residence constructed in 2000 according to the Pinellas County Property Appraiser. This property is a corner lot which contains a front and secondary front yard. The applicant has an existing 4' tall fence in the secondary front yard located on the Northeast side of the property.

ANALYSIS

The applicant is proposing the replacement of the existing 4-foot-tall fence in the secondary front yard with a 6-foot-tall fence to increase their privacy. This zoning district allows for a fence not to exceed 4 feet in height in any front or secondary front yard and not to exceed 8 feet in height elsewhere. The existing fence complies with Land Development Code Sec. 6.15 however, the proposed fence will result in a 50% encroachment (2 feet) in height within the required secondary front yard.

	Structure	Allowed Height	Proposed Height	Percentage Increase
Front Yard	6-foot PVC Fence	4 feet	6 feet	50% (2 feet)

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

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

The applicant is requesting a six-foot fence to encroach into the secondary front property line where a four-foot fence is allowed, resulting in a variance request of 50% to the standard. The existing fence meets the height and yard requirements for the zoning district.

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

Staff find there to be no adverse change produced in the character of the neighborhood as a result of this variance. Staff have determined that the fence would be setback approximately 20 feet from the inside curb edge. The proposed fence will be oriented toward the Southeast portion of the property therefore not impacting the traffic visibility. The style and height of the proposed fence remain in character with other fences in the vicinity.

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

Applicant states that landscaping could provide additional privacy on the property, however the location of two large canopy trees along the property line would make it difficult due to significant roots and lack of adequate sun.

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

Staff find the interest of justice will be served through issuance of a variance. The request would align with the character of the neighborhood while providing privacy to the property.

SUMMARY:

Staff find the request to be reasonable. This property contains both a front and secondary front yard with a pool situated in the rear yard. Staff have determined the proposed fence to be setback approximately 20 feet from the inside curb edge therefore not impacting traffic visibility. The proposed fence height and style is typical of what is found in the vicinity and will provide the privacy and required child safety measures associated with a pool.

RECOMMENDATION:

Staff recommend approval.

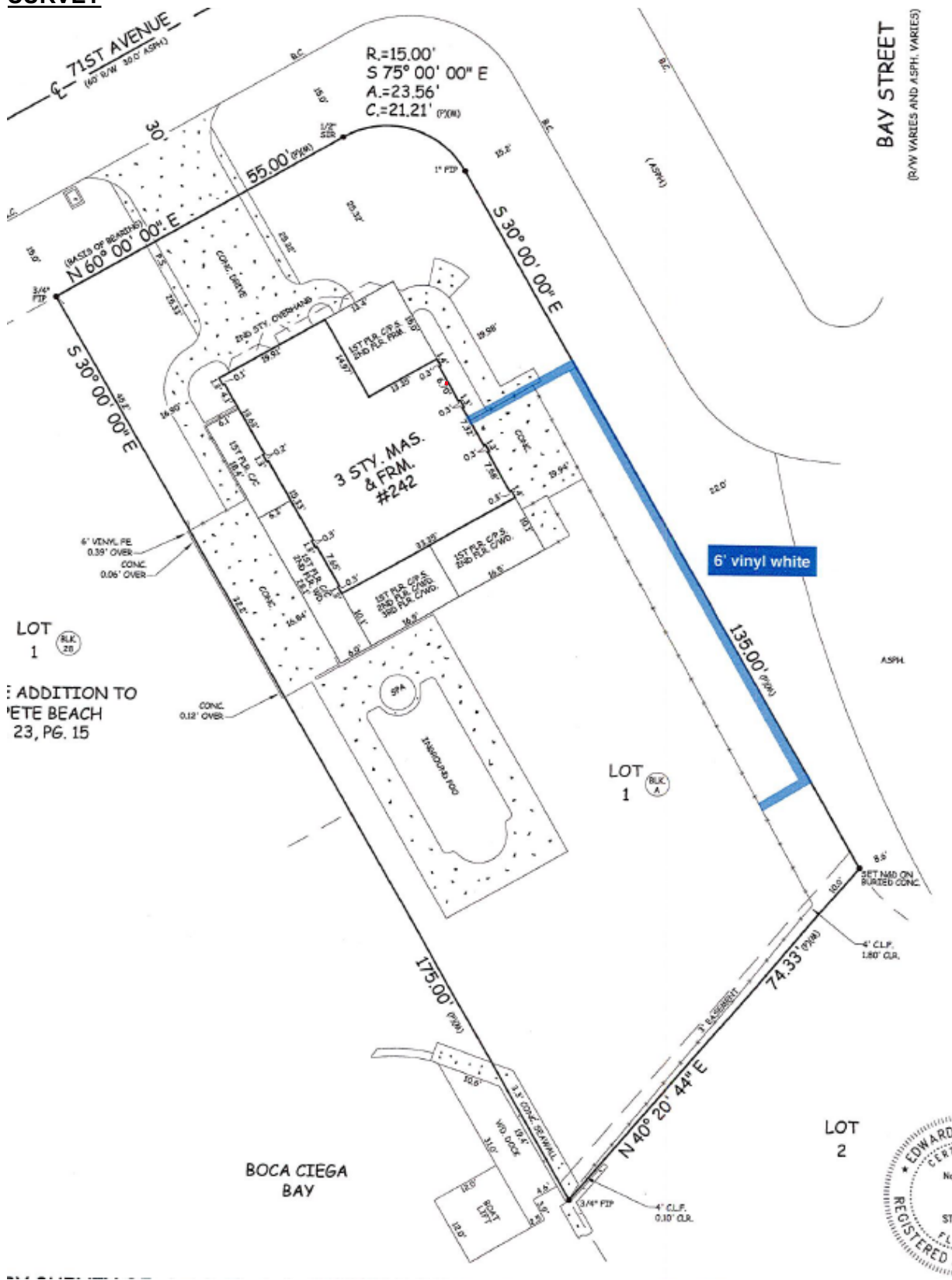
AERIAL MAP



ZONING MAP



SURVEY



CASE #: 21089SUBMITTAL DATE: 11/3/2021 AMOUNT DUE: 521.00 PAYMENT DATE: 11/3/2021**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	Keith Gaputis Daina Kelly	242 71st Ave St Pete Beach, FL 33706	727-254-0303
Applicant/ Agent	Keith Gaputis	242 71st Ave St Pete Beach, FL 33706	727-254-0303
Owner Email Address: dk@gaputis.com		Applicant/Agent Email Address: dk@gaputis.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-1	Future Land Use Designation Residential Urban	Lot Area 13,550 sqft
Legal Description:	BAYSIDE 2ND ADD TO ST PETE BEACH BLK A, LOT 1	
Parcel ID:	36-31-15-05112-001-0010	
Address:	242 71st Ave, St Pete Beach, FL 33706	
Explanation of Request: We need to replace our current 4 ft white vinyl fence, which runs along the NE side of our property. The current height of the fence allows for pedestrians or those within vehicles (who at times have been parked alongside it) to see our children as they play in our pool and back yard. We are requesting permission to replace it with a 6 ft fence, to provide privacy for our young children (currently 2 years and 2 months of age) as they grow.		

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

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

The proposed fence would be installed along a secondary front yard, so the current building code allows for a 4 ft fence. We would like to install a 6 ft fence to provide additional privacy.

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

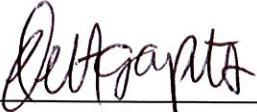
There are other existing fences of this height on the same street (7200 and 7201 Bay Street - see Exhibit 1) so the proposed fence should alter the character of our neighborhood in any way.

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

The only other method to provide additional privacy would be through landscaping. We have already explored this option, and we do have plans to install landscape where possible, however we have 2 large trees that will prohibit growth under their canopies or where there are significant roots in the soil.

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

Yes; a 6 foot fence would provide much greater privacy to our children while using the pool and back yard.

	11/3/2021		
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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

Exhibit 1: Examples of existing white 6 ft fences on Bay Street.

7201 Bay Street



7200 Bay Street



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.

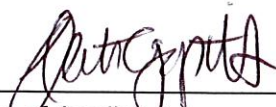
 I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

 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

11/3/2021
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Keith Gaputis and Daina Kelly

(print name of property owner)

hereby authorize

Keith Gaputis

(print name of agent)

to represent me/us in an application for

Practical difficulty variance

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

[Signature]
Signature of Owner

[Signature]
Signature of Owner

Keith Gaputis

Print Name of Owner

Daina Kelly

Print Name of Owner

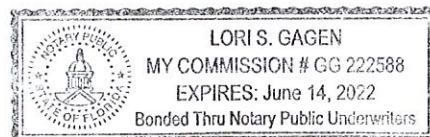
The forgoing instrument was acknowledged before me this 3rd day of Nov 2021 by Keith Gaputis : Daina Kelly or who is personally known _____ produced

FL Dr Lic as identification.

[Signature]
(Notary Signature)

11/3/2021
(Date)

My Commission Expires 6/14/2022





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Keith Gaputis, 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): Keith Gaputis

Address: 242 71st Ave, St Pete Beach, FL 33706

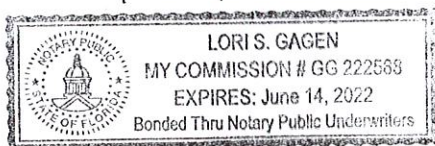
Signature [Signature] Date 11/3/2021

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 3rd day of Nov, 2021 by: Keith Gaputis who appeared before me, and is personally known to me, or has produced FL ID as identification, and did take an oath.

My commission Expires:

6/14/2022



NOTARY:

Print Name: [Signature] Notary

Public, State of Florida Lori S. Gagen

(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.

JOB NO.: 201588

DRAWN BY: MRB

DATE OF FIELD WORK: 9/29/2020

CHECKED BY: EDM

MURPHY'S LAND SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH

ST. PETERSBURG, FLORIDA 33710

WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

FAX (727) 344-4640

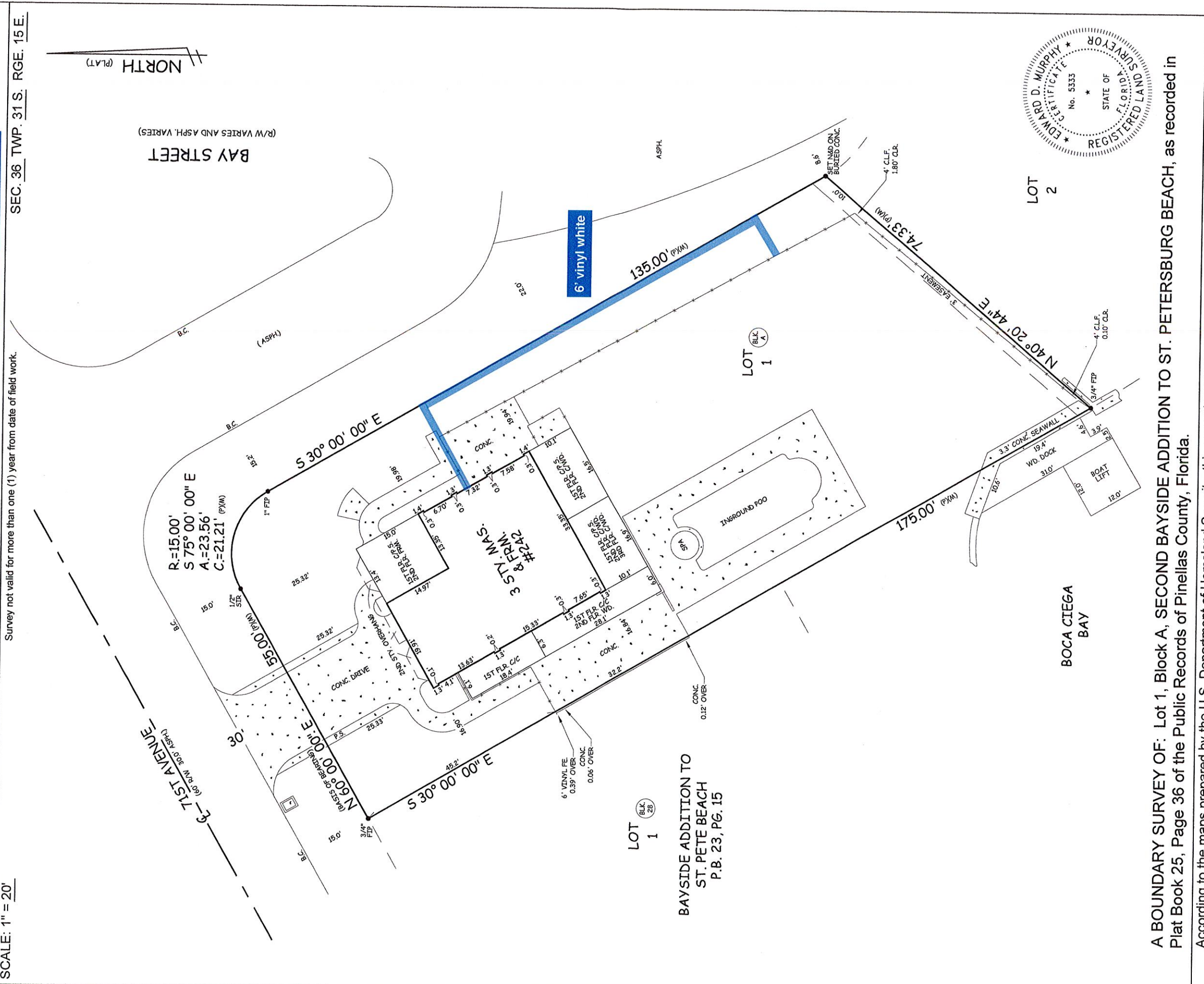
CERTIFIED TO: Keith Gaputis and Daina Kelly

Truist Bank

Anderson & Brodersen, P.A.

Old Republic National Title Insurance Company

SITE PLAN



A BOUNDARY SURVEY OF: Lot 1, Block A, SECOND BAYSIDE ADDITION TO ST. PETERSBURG BEACH, as recorded in Plat Book 25, Page 36 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in

Flood zone: AE Base Flood Elev : 11.0'

Comm. Panel No. : 125149 0276 G Map Date : 9/03/03

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTS THE MINIMUM REQUIREMENTS OF CHAPTER 31.17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS, EASEMENTS, AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY WILL BE THE RESPONSIBILITY OF THE PURCHASER. THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

EDWARD D. MURPHY REG. P.L.S. # 5333

LEGEND:

F.I.P. - FOUND IRON PIPE	FD. - FOUND	R. - RADIUS	M.S. - METAL SHED	W.W. - WING WALL	ESMT. - EASEMENT	O.H. - OVERHANG
F.C.M. - FOUND CONCRETE MONUMENT	N.D. - NAIL AND DISK	A. - ARC	ALUM. - ALUMINUM	C. - CENTERLINE	M.H. - MANHOLE	GAR. - GARAGE
F.I.R. - FOUND IRON ROD	P.O.L. - POINT ON LINE	C. - CHORD	W.H. - WATER HEATER	R.W. - RIGHT OF WAY	CONC. - CONCRETE	C/WD. - COVERED WOOD
S.I.R. - SET IRON ROD 1/2" LB #7410	P.C. - POINT OF CURVATURE	Δ - DELTA	P.S. - PATIO STONE	(C) - CALCULATION	CLR. - CLEAR	C/P.S. - COVERED PATIO STONE
P.C.C. - POINT OF REVERSE CURVATURE	P.T. - POINT OF TANGENCY	R.W. - RIGHT OF WAY	C.P. - CARPORT	(D) - DEED	COL. - COLUMN	C/C. - COVERED CONCRETE
P.R.C. - POINT OF REVERSE CURVATURE	P.I. - POINT OF INTERSECTION	# - NUMBER	PL. - PLANTER	(M) - MEASURED	W.C. - WALL	A/C. - AIR CONDITIONER
FIN. FLR. - FINISHED FLOOR	E. - FENCE	MAS. - MASONRY	B.C. - BACK OF CURB	N. - NORTH	BLK. - BLOCK	P.P. - OVERHEAD POWER LINES
P.F.M. - PERMANENT REFERENCE MONUMENT	C.I. - FRAME	FRM. - FRAME	E.P. - EDGE OF PAVEMENT	S. - SOUTH	SW. - SEAWALL	T-T. - OVERHEAD TELEPHONE LINES
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	C.I. - CRACK BASIN	G.I. - GRATE INLET	E.O.W. - EDGE OF ROAD	E. - EAST	ASPH. - ASPHALT	P.P. - POWER POLE
	ADJ. - ADJACENT	F.H. - FIRE HYDRANT	T.O.B. - TOP OF BANK	W. - WEST	UTIL. - UTILITY	LP. - LIGHT POLE

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 2191 E Vina Del Mar Blvd (Case No. 21088)

Date: December 15, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a residential boatlift to the left of the dock head that is proposed to be 84 feet from the seawall (49 feet allowed). The existing dock is to be rebuilt in the previously permitted footprint.

Funding: N/A

Requested Motion: Motion to APPROVE Variance Case 21088 to allow the residential boatlift to the left of the dock head that is proposed to be 84 feet from the seawall.

Attachments:

1. 21088 2191 Vina Del Mar Boulevard Staff Report
2. 21088 - Application 2191 E Vina Del Mar Blvd
3. 21088 - Dock Design
4. 21088 - Survey 2191 E Vina Del Mar



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

VARIANCE CASE NO. 21088 – Peter Eagleson Jr., Property Owner; Bryan Burge and Tyson Rawson, Applicant/Agent
MEETING DATE: December 15, 2021
PREPARED BY: Lynn Rosetti, AICP, CFM, Senior Planner

REQUEST	An <u>Unnecessary and Undue Hardship Variance</u> request to construct a residential boatlift to the left of the dock head that is proposed to be 84 feet from the seawall (49 feet allowed). The existing dock is to be rebuilt in the previously permitted footprint. (LDC Sec. 6.23(d)(3)).
SUBJECT PROPERTY	2191 E. Vina del Mar, Property ID #18-32-16-94140-002-0270 Vina Del Mar Section 1, Block 2, Lot 27
ACERAGE	Approximately 0.273 acres (11,880 sq. ft.)
LAND USE	RU-1, Residential District; RU, Residential Urban on the Future Land Use Map.
FLOOD ZONE	AE-Elevation 10
SURROUNDING AREA	North – Single-family Residential / E. Vina del Mar South – Single-family Residential / Pass-A-Grille Channel East – Single-family Residential / Pass-a-Grille Channel West – Single-family Residential / E. Vina del Mar

BACKGROUND

The applicant plans to wreck and rebuild a previously approved dock in the same footprint as originally approved and constructed. The original dock had a designated wet slip to the left of the approved dock. The applicant is seeking a variance from the Land Development Regulations to allow for a boatlift to be installed in place of the wet slip on the left side of the dock head. Although the proposed boatlift exceeds the allowed dock length, it will be attached to the previously approved dock head which will be reconstructed. According to LDC Section 6.23(d)(3) the dock length is limited to *one-half of the zoning lot width at the waterfront*. In this case, that equates to a maximum dock length of 45 feet. As noted in this staff report, the property owner wants to add a boat lift on the left side of the dock in the previously approved wet slip area. The boat lift is proposed to be a maximum distance of 84 feet from the seawall. The existing dock will be reconstructed as formerly approved at 86.5 feet. As such, the proposed boatlift's location will be 2.5 feet less than the dock structure to be reconstructed. 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, the abutting property owner on the left side signed a statement of “no objection” to this proposal. The abutting property owner to the right did not sign a statement of “no objection.”

ANALYSIS

The applicant is requesting to add a boatlift in a manner that exceeds the allowable length of Section 6.23 (3)(d) of the LDC within the space already permitted for wet slip. The specific encroachments are shown in the table below.

	Allowed	Requested	Variance
Length	49.0 feet	84.0 feet	35.0 feet (71.4) percent greater than the length allowed)

Staff has reviewed this request and finds the following:

- Review of the aerial photograph reveals that most of the neighboring docks along E. Vina del Mar are similar in style and length. Furthermore, there also appears to be some shoaling and seagrass bed areas in the vicinity of the subject property. The situation does not appear to be unique to the subject property.

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 finds that there appear to be special conditions or circumstances (shoaling and the presence of seagrass beds) that common to most of the waterfront properties located along E. Vina del Mar. Review of aerial photographs reveals that the shoaling and sea grass beds are the likely reasons most if not all the existing docks along this portion of E. Vina del Mar extend farther out into Pass-a-Grille Channel than allowed by Code.

As such, based on the application and staff review of the site, there appears to be justification for the requested variance to dock length.

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

Staff finds that the specific conditions and circumstances exist (shoaling and seagrass beds) and explain why the applicant as well as most others along E. Vina del Mar have been allowed to

construct their docks in a manner that would enable them to reach deeper water free from seagrass beds for their boats.

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

Staff finds that a literal interpretation of the provisions of Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same area along E. Vina del Mar. Every variance case is reviewed on a case-by-case basis, and it appears that most if not all of the docks along E. Vina del Mar would have required a variance to their length. A reduced length would likely affect the existing protected seagrass bed. In addition, while each case must stand on its own merits, it appears that there are common existing conditions (shoaling and seagrass beds) that affect most if not all properties along E. Vina del Mar. Staff notes that the dock head to be reconstructed and the proposed boat lift are located just beyond the limits of the existing seagrasses (see aerial).

- 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 finds that this hardship has not been deliberately or knowingly created by the applicant in that most if not all properties along E. Vina del Mar have the same issue: shoaling and seagrass beds. Furthermore, the Comprehensive Plan supports environmental protection measures. 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 is rebuilding his dock in the same location as what was originally approved. He is also seeking to add a boat lift in the area that was originally approved for a wet slip. The addition of a boat lift is not dissimilar that of other dock structures within the E. Vina del Mar area.

- 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 wrecking and rebuilding his dock which exceeds the allowable dock length. The applicant is asking to add a boat lift where the previously approved wet slip was located. Most other docks along E. Vina del Mar appear to be of a similar length and many also appear to have boat lifts at or near the dock head to avoid impacting the seagrass beds and be located beyond any shoaling.

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 is the minimum variance that makes possible the reasonable use of the proposed boat lift due to the length this and other neighboring docks need to utilize to avoid shoaling and seagrasses. Staff finds that the subject lift is located at the end of the dock so as to avoid impacting the existing seagrasses.

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 in harmony with the general purpose and intent of the Comprehensive Plan and Land Development Code because the request is the minimum variance necessary for reasonable use due to existing shoaling and seagrass beds. In addition, similar issues affect most properties along E. Vina del Mar and that the docks associated with these properties are also located beyond the shoaling and seagrass beds. Staff further finds that any reduction in length of the proposed boat lift would likely adversely impact the seagrass bed.

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

SUMMARY:

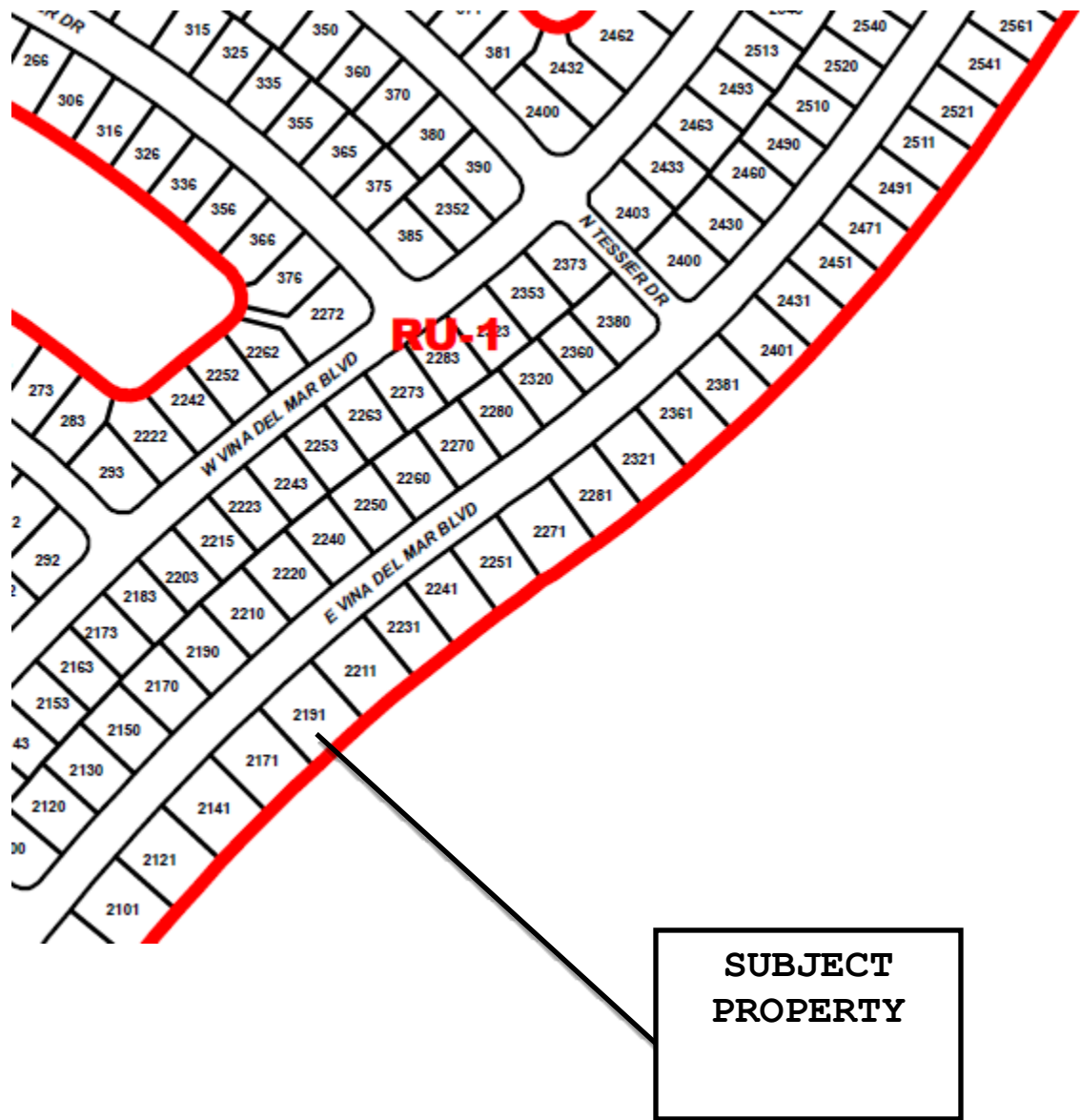
Staff finds the request to be the minimum request for reasonable use and such findings include:

- A finding that the request is in harmony with the purpose and intent of the Land Development Regulations because the request is the minimum variance necessary for reasonable use due to shoaling and seagrass issues.
- A finding that similar issues affect most properties along E. Vina del Mar. This has resulted in their related docks to exceed the length allowed by Code.

RECOMMENDATION:

Staff recommends Approval of this request for a boat lift to exceed the allowable length as proposed.

ZONING MAP



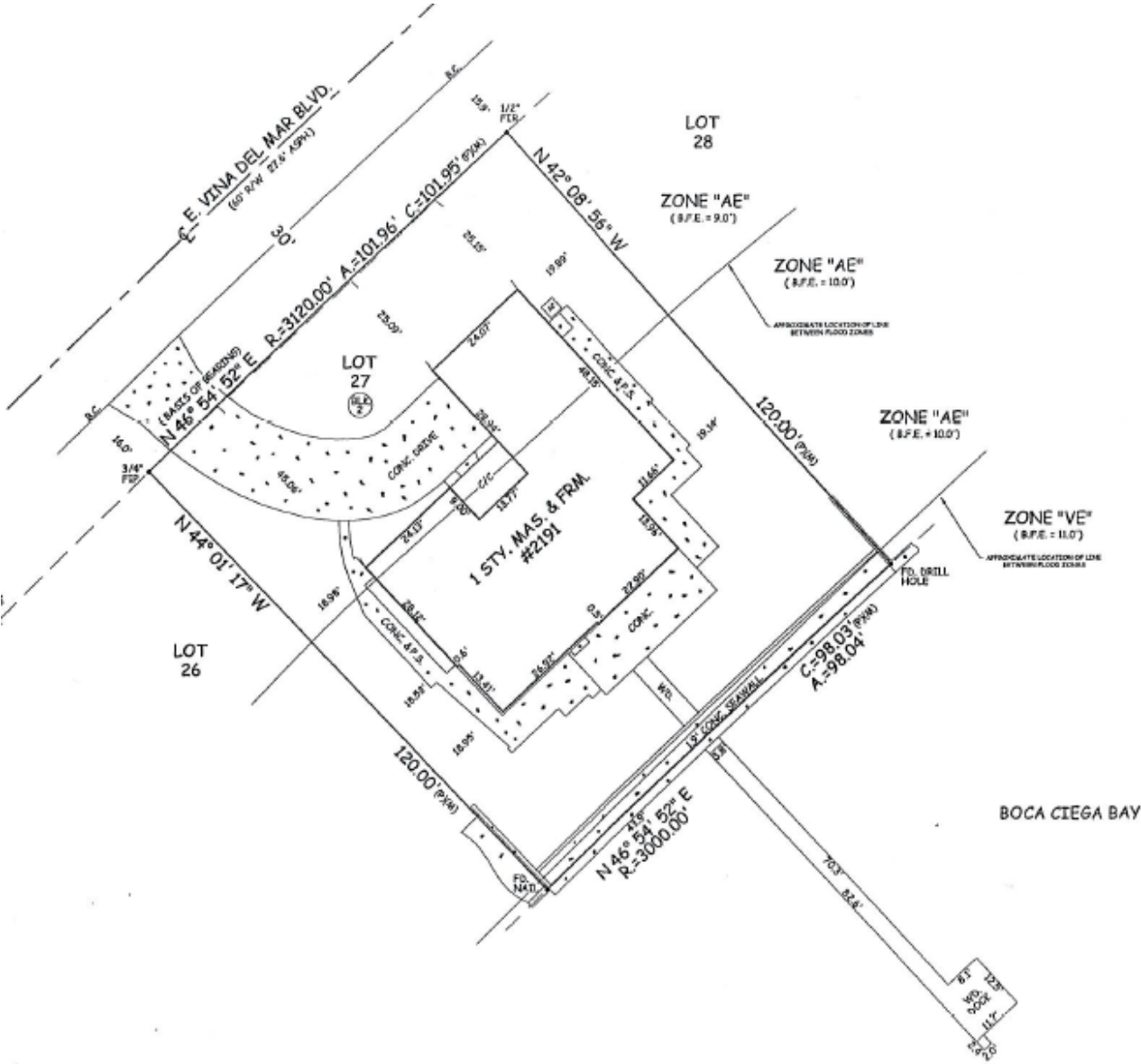
AERIAL MAP



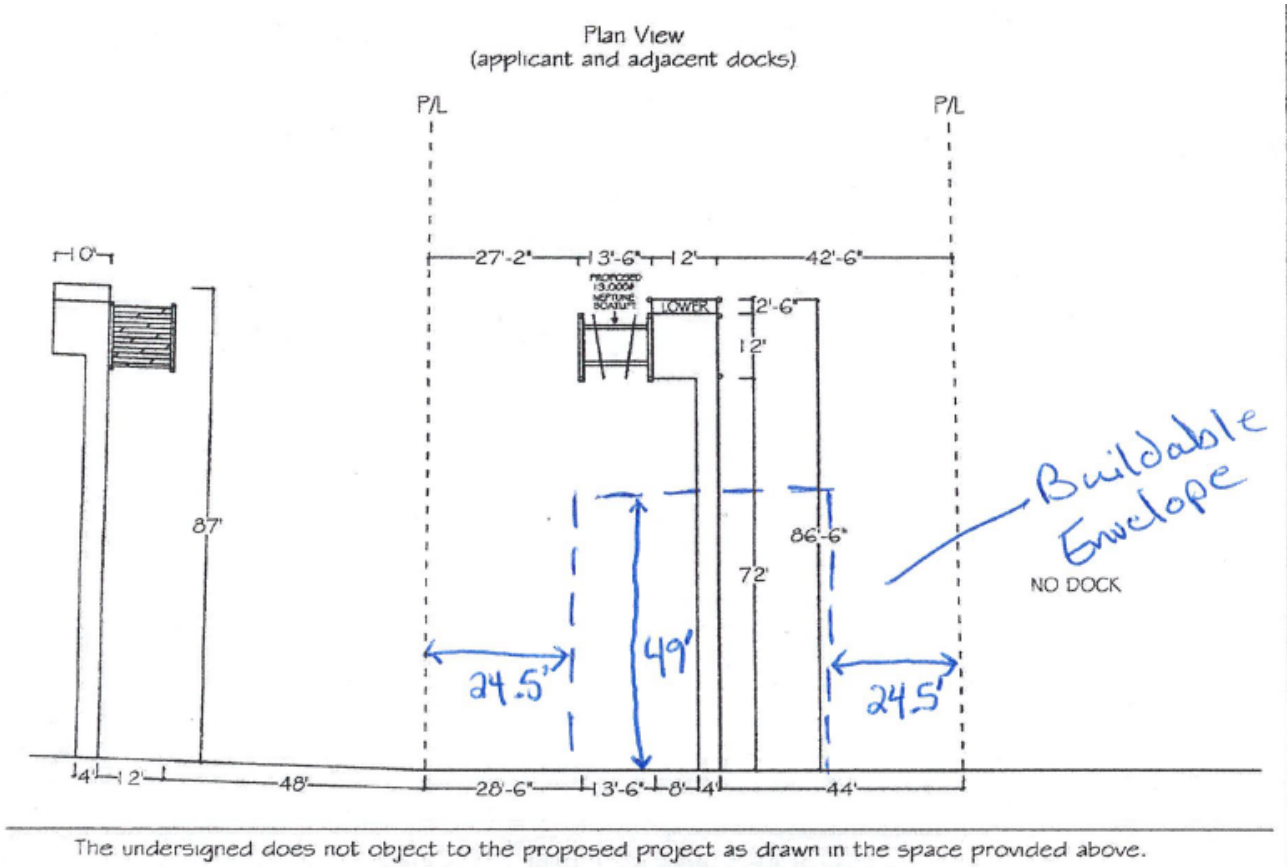
Aerial Close-Up



SURVEY



DOCK ENVELOPE DETAILS – SITE PLAN



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

CASE #: 21088PARCEL #: 183216941400020270SUBMITTAL DATE: 10/27/21 AMOUNT DUE: \$518.90 PAYMENT DATE: \$500 paid on 10/27**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	Pete Eagleson Jr.	2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706	(727) 515-1085
Applicant/ Agent	Bryan Burge Tyson Rawson	4790 95th St. N. St. Petersburg, FL 33708	(727) 482-9573
Owner Email Address: peagleson@tampabay.rr.com		Applicant/Agent Email Address: tyson@edgemarineconstruction.com bryan@edgemarineconstruction.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Single Family Home	Future Land Use Designation	Lot Area 11,994 SQ FT
Legal Description: Vina Del Mar SEC 1 BLK 2 LOT 27		
Address: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706		
Explanation of Request: <u>To change the space permitted from a wet slip into a boat lift.</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;

The owner is wanting to install a boat lift at the end of his dock, which will be installed where an existing wet slip is currently located. They are not requesting anything different than what other neighbors currently have.

*The neighbor to the south will not sign a length variance, even though the dock footprint is not changing.

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

No, the city requires that both neighbors sign a length variance when a dock structure is 1/2 the distance of the shoreline. The only change is that the wet slip is being replaced with a boatlift.

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 is requesting that a boat lift to be installed at the end of his dock. They are also placing the lift on the left side of the dock, to lessen the perceived impacts on the southern neighbor who will not sign the length variance. There is not a side setback issue with this variance.

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, they are requesting a boat lift at the end of the dock in place of the permitted wet slip.

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

The owner wants to install a boat lift to enhance their own personal pleasure of the property.

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 neighbor to the north has a similar dock and boat lift that the applicant is pursuing, as does the majority of properties on the same street.

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

The applicant is building the new dock back in the same footprint and is requesting the lift being installed in place of the existing permitted wet slip.

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, the applicant wants to have a boat lift just like all waterfront homes in St. Pete Beach.

Signature of Applicant

Date

Signature of Authorized Agent

Date



10/27/2021

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.

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

PSE 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.

PSE 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.

PSE 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.

PSE 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.

PSE 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.

PSE 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.

P.S. Ely
Signature of Applicant

10-26-21
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE Peter S. Eagleson Jr.
(print name of property owner)

hereby authorize Tyson Rawson
(print name of agent)

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

P.S. Eagleson Jr.
Signature of Owner

Signature of Owner

Peter S. Eagleson Jr.
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 26 day of
October 2021 by Peter S. Eagleson Jr. or who is
personally known _____ produced
_____ as identification.

Michelle C. Smith 10/26/21
(Notary Signature) (Date)

My Commission Expires _____





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Tyson Rawson, Edge Marine, 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): Tyson Rawson, Edge Marine Construction

Address: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706

Signature

10/27/2021

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 27th day of October, 2021 by: Tyson Rawson who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

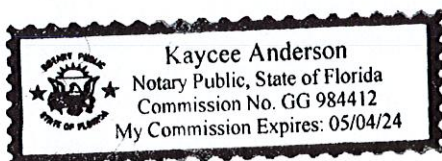
My commission Expires: 5/4/24

NOTARY: Kaycee Anderson

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.

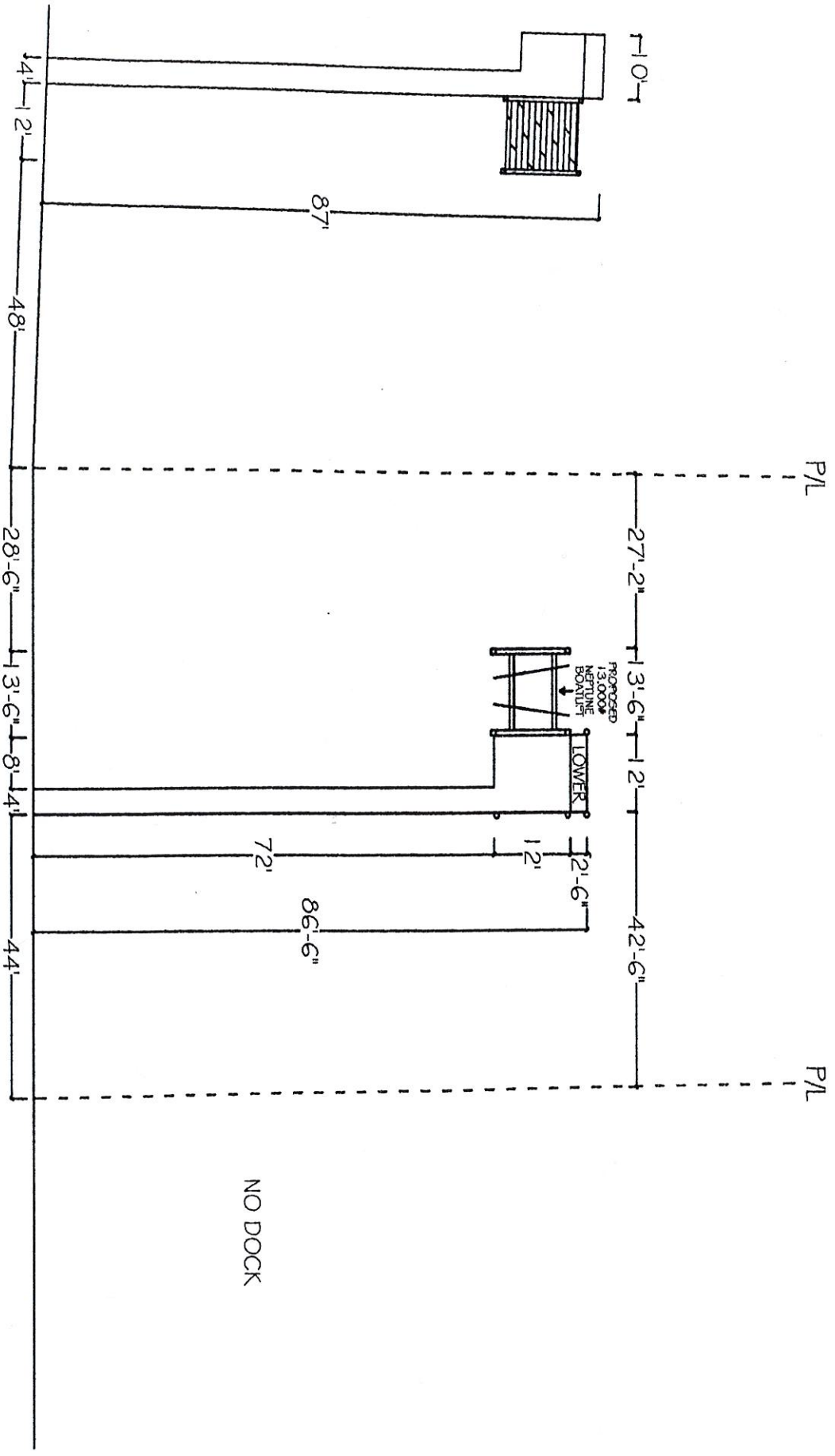
A Notary Public is available in City Hall; 155 Corey Avenue.

OWNER NAME: Eagleson, Pete SITE ADDRESS: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706
NATURE AND SIZE OF PROJECT: Wreck and remove existing dock and tie poles. Set piling and rebuild existing
86'-6" dock in same footprint as follows: a 4' X 72' walkway connected to a 12' X 12' head with a 2'-6" X 12'
lower dock on the front. Install a new 13,000# capacity boatlift to the left of the dock.

TOTAL PROJECT SQUARE FOOTAGE: 462'
TOTAL NUMBER OF PILING: Twenty-Three(23)
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: 0'
DIAMETER OF PILING: 8" Tip
WATERFRONT WIDTH: 98'

Plan View
(applicant and adjacent docks)



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

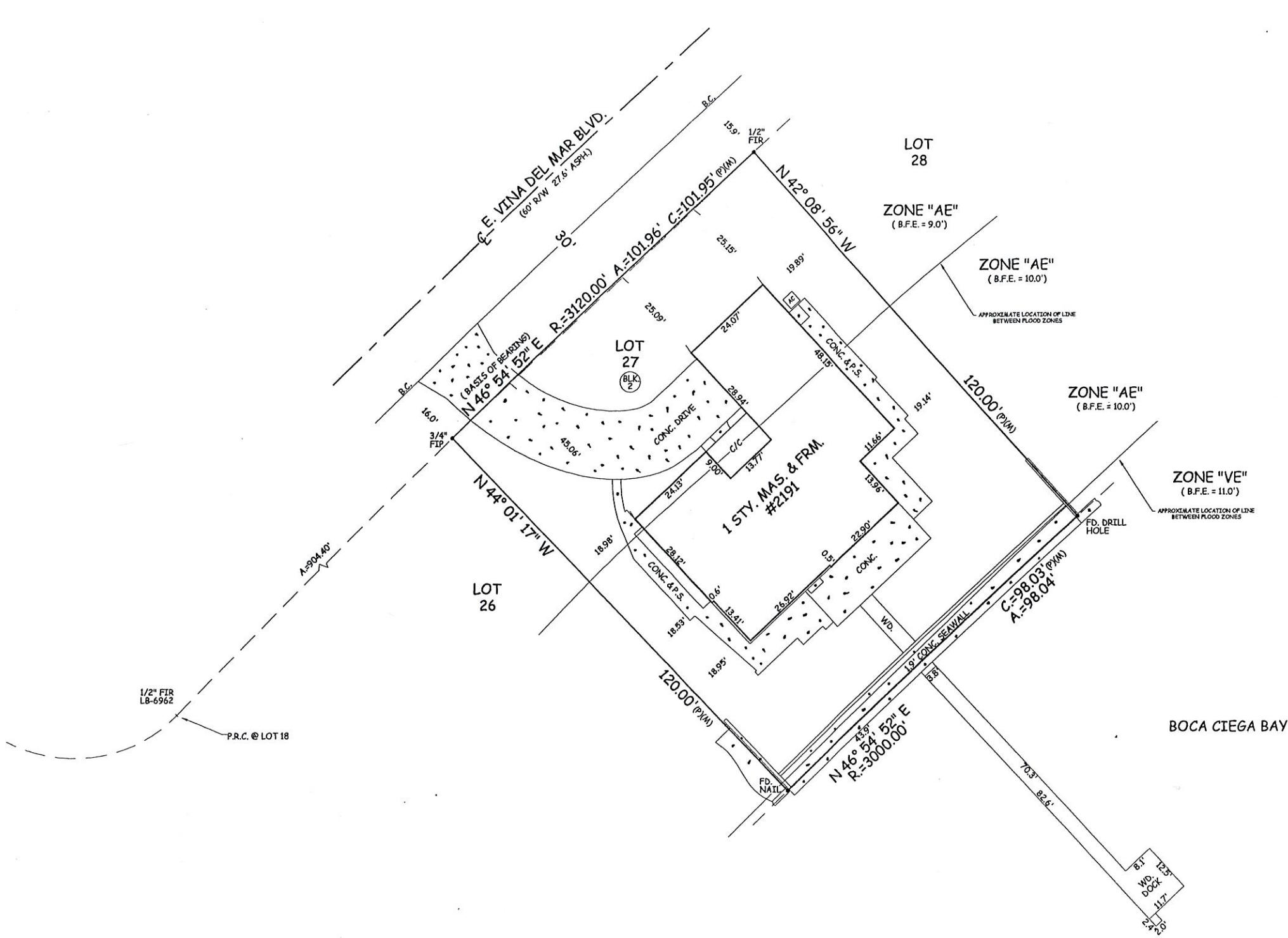
Left Owner: <u>Shawn T. &/or Dagmar Moore</u>	Right Owner: <u>Betty T. Z. Martin c/o John Zimmerlee POA</u>
Signature <u>[Signature]</u> Date <u>7/8/21</u>	Signature <u>[Signature]</u> Date <u> </u>
Municipality Approval <u> </u>	Water and Navigation Approval <u> </u>

SCALE: 1" = 30'

Survey not valid for more than one (1) year from date of field work.

SEC. 18 TWP. 32 S. RGE. 16 E.

NORTH



CERTIFIED TO: Peter S. Eagleson Jr.

A BOUNDARY SURVEY OF: Lot 27, Block 2, VINA DEL MAR SECTION ONE, as recorded in Plat Book 34, Page 53 of the Public Records of Pinellas County, Florida.

JOB NO.: 211568		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410		According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: AE - VE Comm. Panel No.: 125149 0278 H Map Date: 8/24/2021 Base Flood Elev.: 9.0' - 10.0' - 11.0'	
DRAWN BY: MRB	CHECKED BY: EDM		PH. (727) 347-8740		FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.  EDWARD D. MURPHY REG. P.L.S. #5333	
DATE OF FIELD WORK: 9/24/2021			FAX (727) 344-4640			

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.R.C. - POINT OF REVERSE CURVATURE		FD. - FOUND N.&D. - NAIL AND DISK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION	R. - RADIUS A. - ARC C. - CHORD Δ - DELTA R/W - RIGHT OF WAY # - NUMBER	M/S - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER	W/W - WING WALL C. - CENTERLINE R/W - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED	ESMT. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLUMN WD. - WOOD	O.H. - OVERHANG GAR. - GARAGE C/WD. - COVERED WOOD C/P.S. - COVERED PATIO STONE C/C. - COVERED CONCRETE A/C. - AIR CONDITIONER	P.C.C. - POINT OF COMPOUND CURVATURE FIN. FLR. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	-X-X-X- - FENCE FE. - FENCE C.L.F. - CHAIN LINK FENCE - - - ADJACENT FENCE ADJ. - ADJACENT	MAS. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN W.H. - WATER HEATER	B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	(M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	BLK. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE	S.P. - SCREENED PORCH -P-P- OVERHEAD POWER LINES -T-T- OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
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BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Variance - 3400 Gulf Blvd (Case No. 21073)

Date: December 15, 2021

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request by The Don CeSar Hotel to construction a one-story ballroom addition (90 feet x 108 feet approx.) on the north side of the hotel. The addition (10,395 SF) will be elevated above ground-floor parking and is proposed 0 feet from the right-of-way of El Centro St. (25 feet required). Additionally, an egress stair tower is proposed 8.5 feet from the western rear property line adjacent to the dunes (20 feet required). The addition will comply with the northern side setback (48.7 feet required) and the rear 20 foot setback (LDC Sec. 14.7(b)(2) and (4)).

Funding: N/A

Requested Motion: Motion to APPROVE Case # 21073 to allow for the construction of a one-story ballroom addition to encroach to zero feet from El Centro Street and to allow an egress stair tower to be 8.5 feet from the western rear property line, with the conditions that have been stated.

Attachments:

1. 3400 Gulf Blvd Staff Report Case No. 21073
2. Application TDC Ballroom
3. Don CeSar BOA Submittal (Narrative Only) 11.16
4. TDC North Lot_Description of Changes_20211116
5. TDC Ballroom_TRC-BOA drawings_20211116 (1)



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

VARIANCE CASE NO. 21073 – Katie Cole for HHR St. Pete Beach LLC

MEETING DATE: December 15, 2021

PREPARED BY: Wesley Wright, Planning Manager

REQUEST	<u>Unnecessary and Undue Hardship Variances</u> to construct a one-story ballroom addition (90 feet x 108 feet approx.) on the north side of the hotel. The addition (10,395 SF) will be elevated above ground-floor parking and is proposed 0 feet from the right-of-way of El Centro St. (25 feet required). Additionally, an egress stair tower is proposed 8.5 feet from the western rear property line adjacent to the dunes (20 feet required). The addition will comply with the northern side setback (48.7 feet required) and the rear 20 foot setback (LDC Sec. 14.7(b)(2) and (4)).
SUBJECT PROPERTY	3400 Gulf Blvd; DON CE-SAR PLACE HOTEL REP LOT 1 and LOT 2
ACERAGE	Two Lots. 7.95 ac, of which 6.31 ac is landward of the CCCL.
LAND USE	RFM Resort Facilities Medium on the Zoning Map and Future Land Use Map.
FLOOD ZONE	Coastal A-10 (Proposed Location) / VE-11 (Site)
SURROUNDING AREA	North – El Centro Street & Single-family Residences South – Hotel Place / Suntan Art Center East – Gulf Blvd / Don CeSar parking lot / Don CeSar Place West – Beach / Gulf of Mexico

BACKGROUND

The Don CeSar was originally constructed by Thomas Rowe and opened to the public in 1928. It is the only structure in St. Pete Beach that is individually listed on the National Register of Historic Places, but does not have local historic designation and is therefore not required to undergo local historic preservation review prior to variance hearings for structural alterations or additions.

The applicant applied in September 2021 to add a one-story conference space, which will be elevated over ground-level parking, to the northern side of the property in an area currently used for a chiller, storage, and other hotel support facilities. This north side of the property is bisected by the public right-of-way for El Centro Street (20 feet) and two street easements (46 feet and 50 feet wide). The El Centro Street is one-way southbound right-of-way through the property to Gulf Blvd and the Pinellas Bayway. A 25-foot secondary front setback exists on both sides of El Centro Street.

The Don CeSar formerly received a variance in February 2005 (DRB Case No. 20050006) in part to increase the impervious surface ratio of the site to 0.90. The subject variance request will preserve the impervious surface ratio of the site at approximately 0.87. No variance ISR is required.

The Don CeSar property is zoned RFM – Resort Facilities Medium, and is one of the few large hotel projects remaining in the City which is not zoned within the Community Redevelopment District overlay.

ANALYSIS

The northerner portion of the site was largely not part of the site when The Don CeSar was originally constructed. The land area proposed for the addition was created in majority part from the vacation of Hotel Place North (35th St) in 1972, a street-end which formerly ran west to east along the northern side of The Don CeSar's property, along with the acquisition and replat of three lots on the Don Ce-Sar Place subdivision in 1998. A former plat showing these conditions is included as a supplement to this report. A street easement was granted by the then-owners of The Don CeSar to the City of St. Pete Beach upon the vacation of Hotel Place North (Pinellas County Public Records O.R. 3748, PG 117) in 1972, providing a perpetual easement to the City to allow for access to Gulf Blvd from El Centro St through the northern end of the property. Furthermore, unlike the original Don CeSar lot which is shown on its survey as owning land to the Mean High Water Line (MHWL), the newly-acquired portions are bounded by Recreation/Open Space-zoned land owned by the Don CeSar Property Owners Corporation to the rear.

The conditions detailed above create a situation in which large portions of the northern end of the site are unbuildable due to the building setback requirements for the district. A sketch showing these conditions are included as an attachment to this report.

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 request for a variance to the secondary front setback along El Centro Street, the city right-of-way effectively bisects a portion of the property at the northern end is a unique condition which is not generally applicable to other lands in the same zoning district and creates an irregular situation to which Staff finds typical application of the setback regulations should not directly apply. The placement of the addition at its proposed location should not negatively impact the use of the street easements or El Centro Street for its purpose of providing access to Gulf Blvd and the Bayway for residents of the neighborhood. The proximity of the building to the street will comply with the 10x10 foot visibility standard for traffic exiting the ground-floor parking area.

Staff finds the request for the rear setback variance to be a result of a peculiar situation relative to other properties in the RFM District as well. As a later addendum to the property, the portion of the property on which the stair tower is proposed does not extend to the MHWL and therefore is located much closer to the rear property line than the existing hotel building. The hotel extends approximately 38 feet closer to the MHWL than the subject stair tower is proposed. The land which abuts the property to the rear is known to be part of "Block N", which is owned by the Don CeSar Property Owners Corporation per the Pinellas County Property Appraiser. According to the 1925 plat of the neighborhood, construction of structures on Block N is prohibited.

With respect to the north side setback, the proposed addition will comply with the 48.7 feet requirement.

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

The situation is not the result of actions of the applicant or prior owner of the property. Staff finds that the secondary front setback requirements were defined differently, at the time of the northern lot was acquired. Staff also finds that the rear setback is inconsistent across the site do to the irregularity of lot, which is not a result of the applicant.

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

Staff finds that the secondary front and rear setback constraints do deprive the applicant of some buildable rights and that said constraints are peculiar to the subject lot compared with other similar properties within the same zoning district and zoned for similar development potential.

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 does not find that the request will increase development density or establish a use or structure otherwise inconsistent with the Comprehensive Plan or Land Development Code. Conference space is named in the Land Development Code as a common amenity of temporary lodging facilities. The proposal will not increase density to the site as no additional lodging units are being created. Regarding intensity, the RFM District permits up to 20 percent of the entire gross floor area of a lodging facility to be comprised of specified amenity space before being considered a mixed-use, which subjects the use to stricter FAR standards. The applicant has demonstrated that the addition, combined with the existing guest amenity areas in the hotel, will not exceed this 20 percent gross floor area.

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

The applicant states that the proposed addition will increase the long-term preservation of the historically significant property.

Staff find that The Don CeSar is unique in that it was built decades before even the earliest large lodging properties elsewhere on the City's beaches, and may as a result face viability constraints not experienced by other properties that were built with more modern interior configurations. The height of the proposed addition (30 feet from BFE) is 60% of the maximum height (50 feet) for a structure on the subject property, and will retain essential site space for facilities such as parking and amenities such as new landscaping buffers. While Staff recognizes that the conference center may result in greater economic return to the owner, Staff does not find that the proposal maximizes financial return at the expense of an abutting property owner or the City generally, nor does the desire for greater financial return form the sole basis for the hardship.

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

Staff finds that there is no equivalent use or land within the RFM District to which the Don CeSar can be compared, either in total site area, lot width, or other standards which have a direct impact on this request. However, in comparing the structure with similar permitted developments in the Boutique Hotel-Condo (BHC) and Large Resort (LR) Districts which are limited to the same height (50 feet) as the subject property, Staff finds that the variance will generally afford the subject property owner the same amenity space as other similar properties. The additional 7,866 SF of interior guest amenity space proposed brings the total amenity space to 18.5% of the maximum 20% of the total buildable area.

- 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 northern side of the site is largely unbuildable in the requested location without a combination of the setbacks requested by the applicant. As iterated in other responses, Staff finds the encroachments will provide uniformity in indoor amenity space to the property when compared with lodging facilities of similar development potential without having a direct negative impact on adjacent properties. Additionally, the secondary front and rear setback requests are found to be justifiable given unique conditions faced at the subject site compared to elsewhere in the zoning district or neighborhood vicinity.

- 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 secondary front and rear setback requests are overall in harmony in the Land Development Code and Comprehensive Plan, which promote the preservation and redevelopment of temporary lodging uses while protecting residential areas from encroachment. Staff finds the request, in tandem with recommended conditions, provides an opportunity for the hotel to develop a facility that will continue its economic viability while mitigating and resolving issues on the northern end of the site related to visual blight, inadequate landscape buffering, and lack of a directly-accessible truck loading 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:

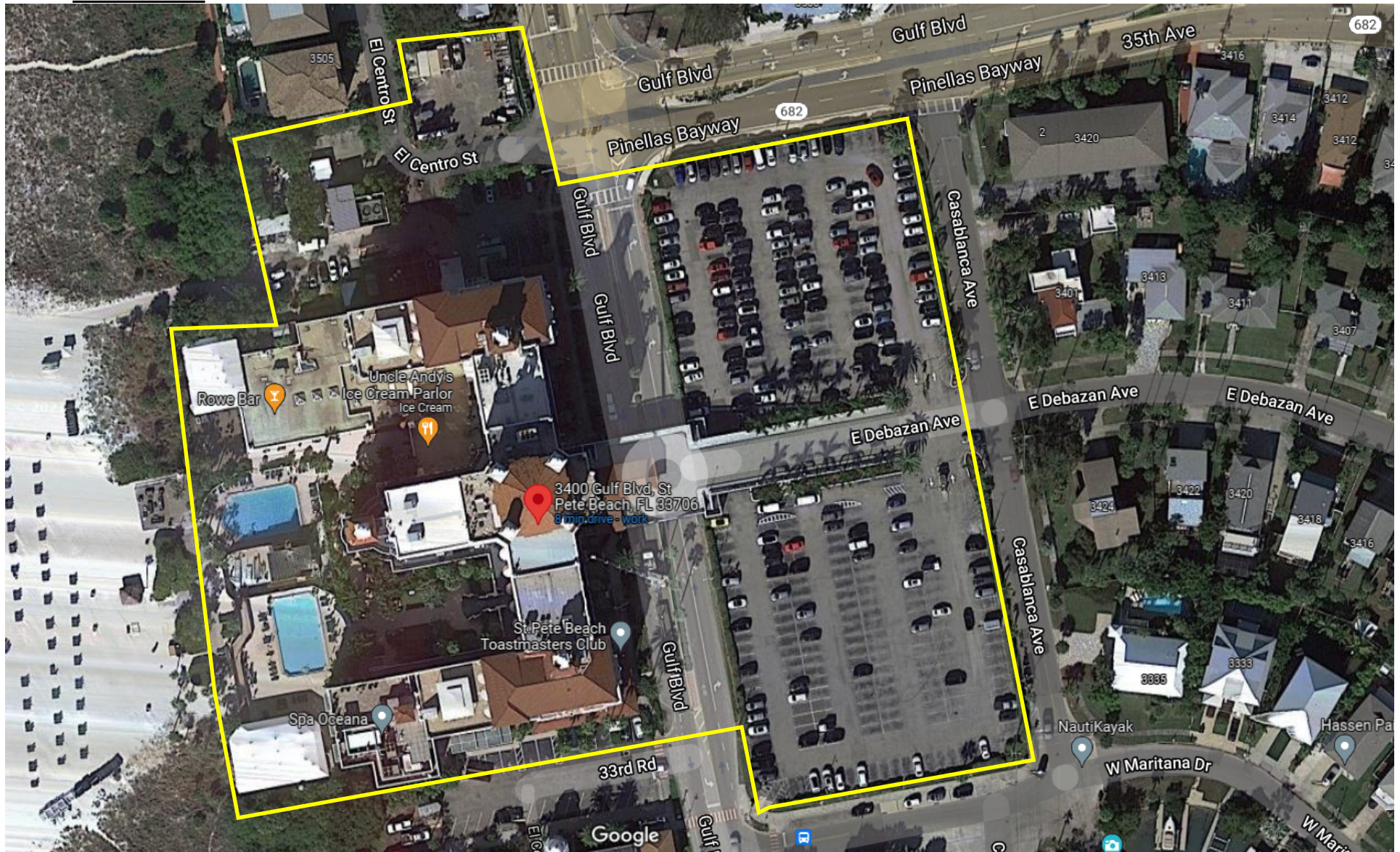
Staff finds that the secondary front and rear setback variance requests for the addition and stair tower are generally reasonable and an adequate resolution for the buildability issues faced on the northern end of the site. Staff also find that certain conditions are necessary to ensure that the construction respects the single-family residential neighborhood that abuts the site to the north.

RECOMMENDATION:

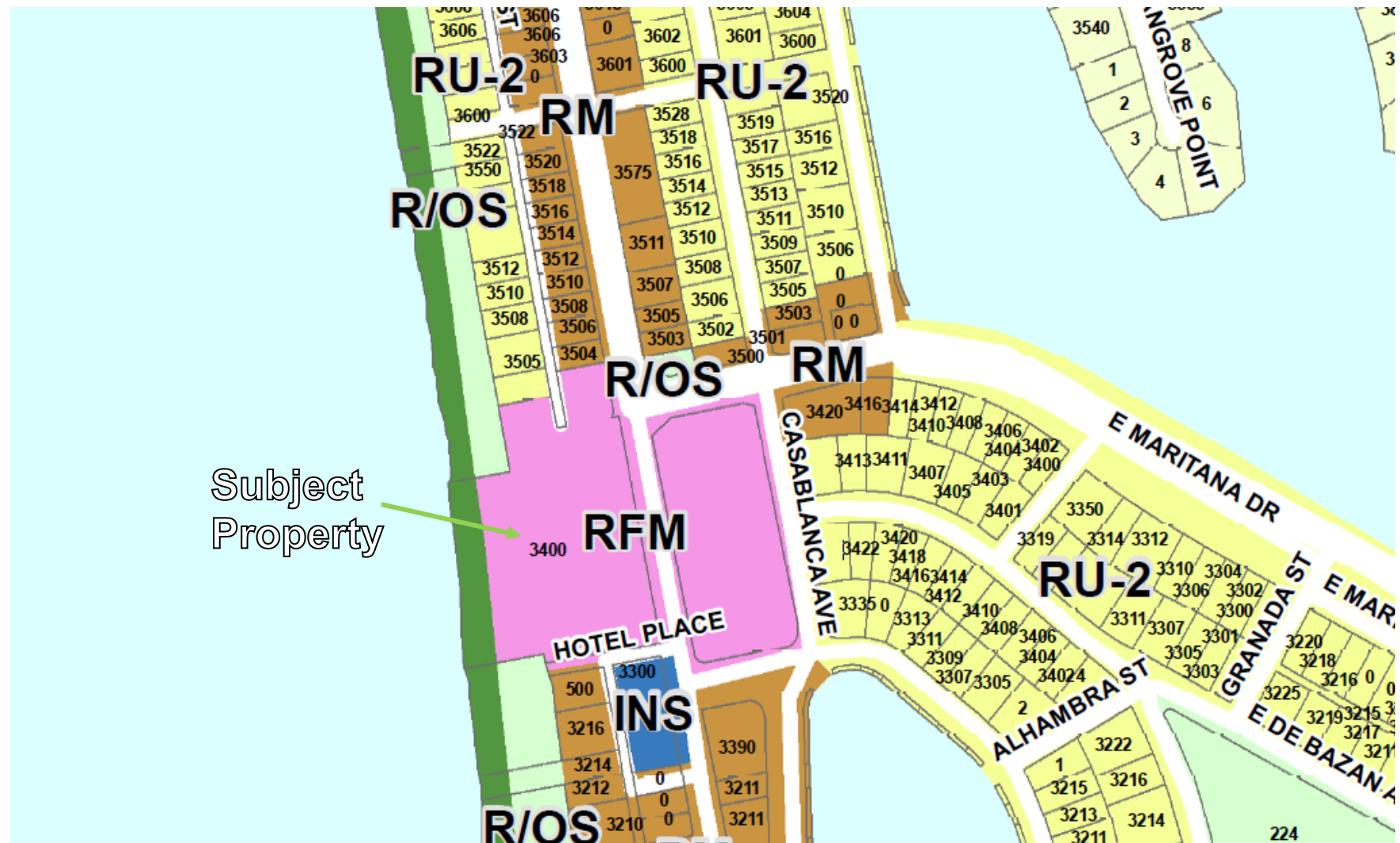
Staff recommends **approval** of the variances to LDC Sec. 14.7(b)(2) for the requested secondary front encroachment along El Centro and LDC Sec. 14.7(b)(4) for the requested rear yard encroachment of the staircase with the following conditions:

- (1) A site plan, prepared to the requirements of Division 5 of the Land Development Code, shall be approved prior to any building permit issuance for the subject proposal.
- (2) This variance shall provide authorization to construct a one-story conference center addition at 0-feet from El Centro Street right-of-way. The addition will comply with the 48.7-foot side setback to the North and the 20-foot rear setback to the West. Additionally, the variance allows for an enclosed staircase to encroach within 8.5-feet of the rear property line on the West side.
- (3) The top of roof of the proposed addition shall not exceed the height of the top of roof of the adjacent dwelling located at 3505 El Centro Street, as shown on sheet A2.2 of the plans provided.
- (4) No windows shall face to the northern side of the addition.
- (5) A fifteen-foot wide "Type C" buffer, as depicted in LDC Sec. 22.8, shall be installed along the north side of the addition.
- (6) A four-foot-tall wall or fence shall be constructed within the buffer and run along the entire north side of the addition. This buffer shall not be used for passive recreation or installation of above-ground utilities.
- (7) A six-foot wide landscaping buffer shall be established and maintained on the north and west side of the service lot.
- (8) A four-foot-tall wall or fence shall be constructed within the buffer and run along the entire north side of the service lot. This buffer shall not be used for passive recreation or installation of above-ground utilities.
- (9) Parking underneath the addition and the spaces located in the service lot shall be limited to employees and deliveries only. No customer parking shall be permitted. Signage shall be posted restricting the parking area.
- (10) All landscaping required under these conditions shall be Florida Friendly and selected for Zone 9B hardiness as classified by UF-IFAS.
- (11) The existing "Do Not Enter" sign at the southern terminus of El Centro St. shall be replaced and maintained by the applicant.

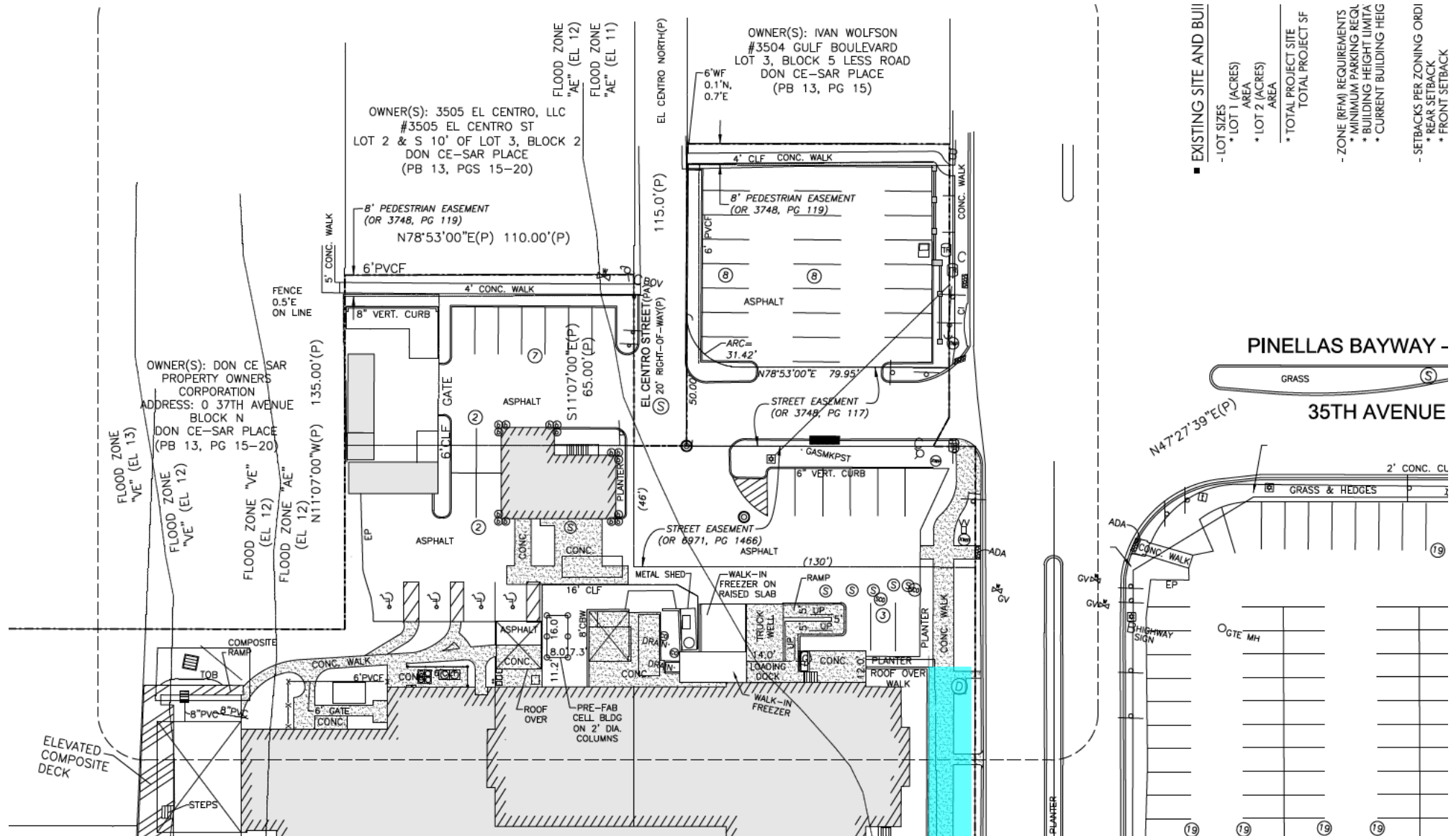
AERIAL MAP



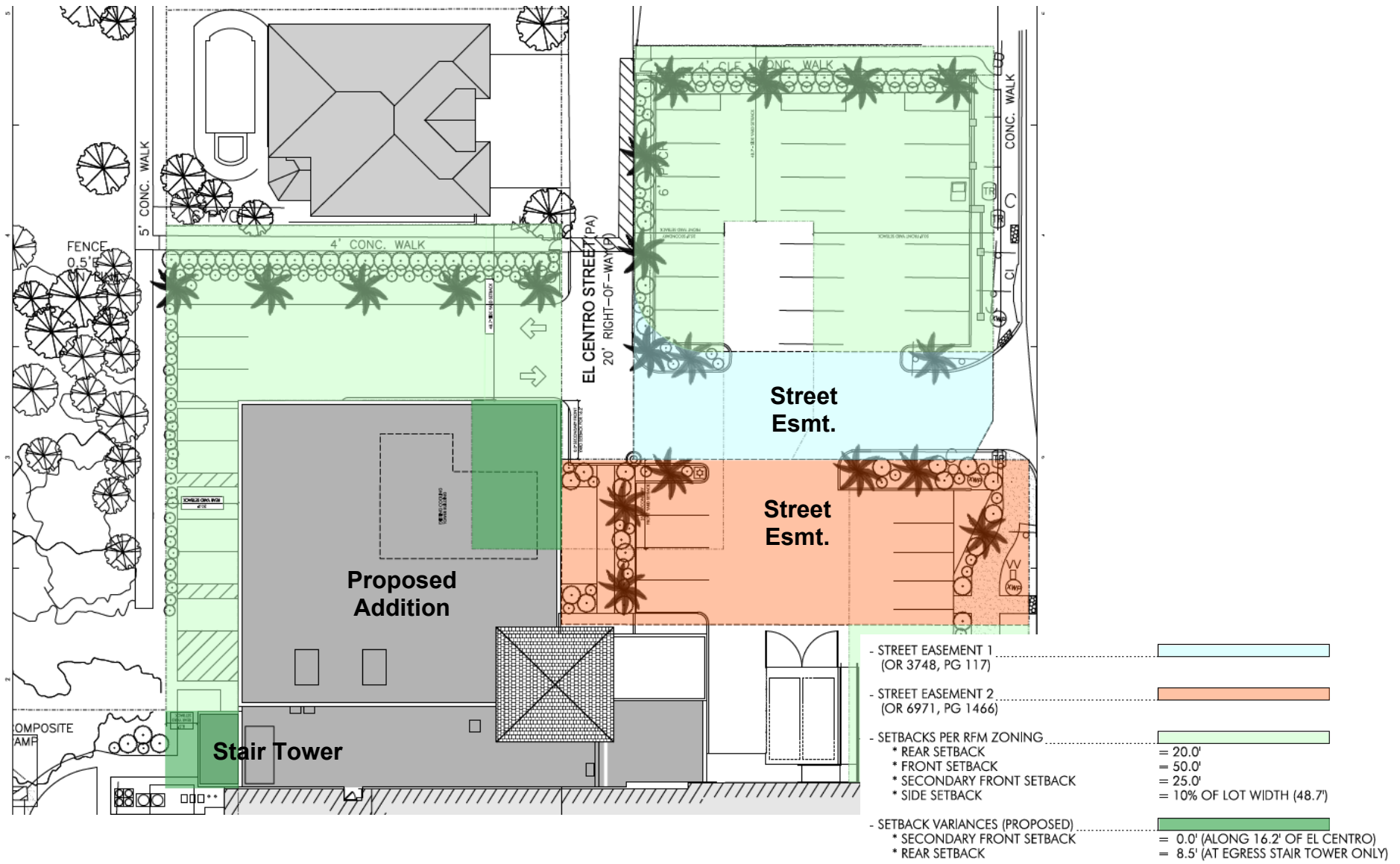
ZONING MAP



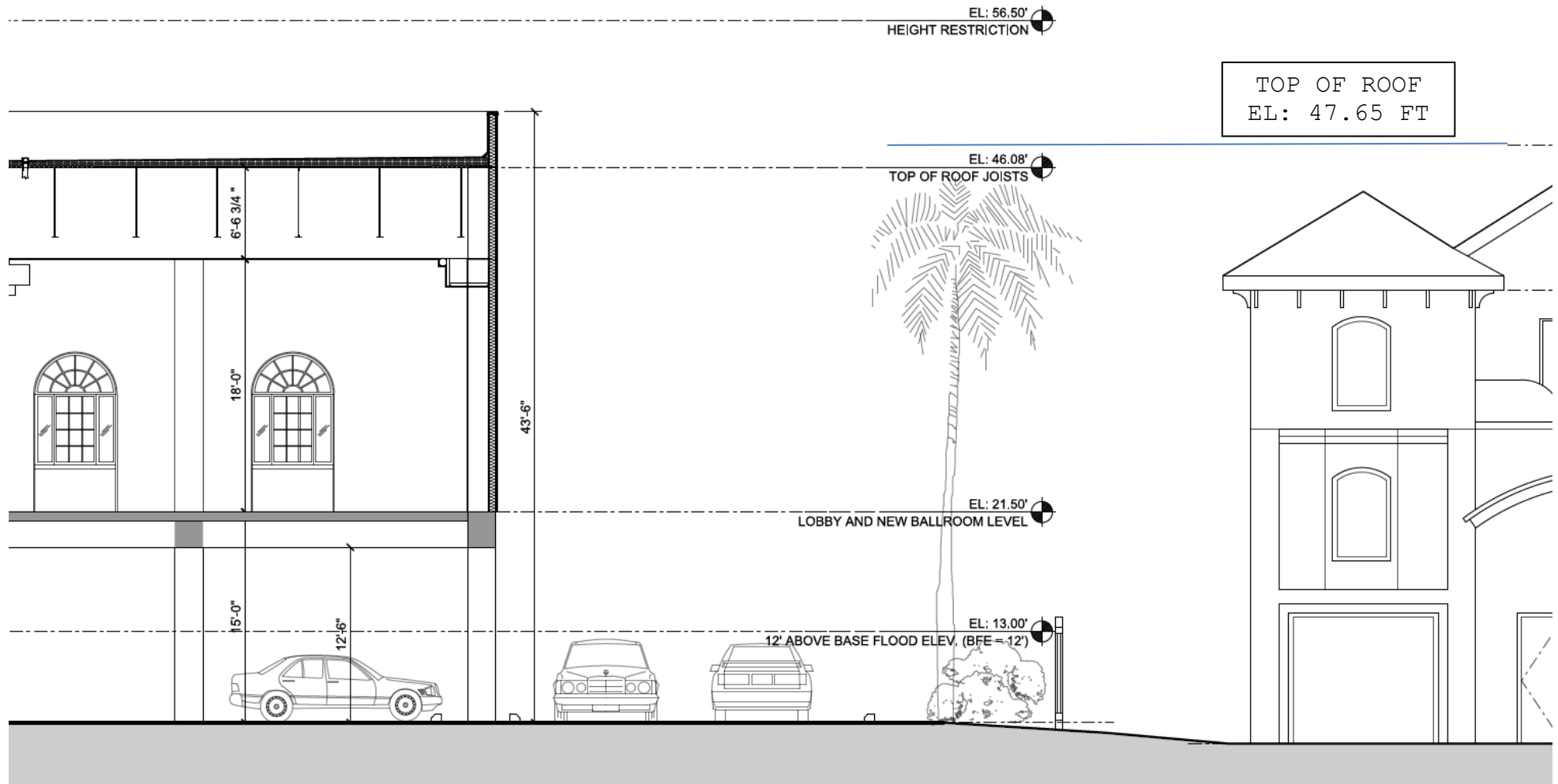
EXISTING SITE (North End of Property at El Centro Street)



SITE PLAN



ELEVATION (Addition and Single-Family Dwelling to North)



CASE #: 21073PARCEL #: 07-32-16-21857-000-0010SUBMITTAL DATE: 9/14/21 AMOUNT DUE: 552.50 PAYMENT DATE: 9/10/21**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	HHR St. Pete Beach LLC	3400 Gulf Blvd. St. Pete Beach, FL 33706	(240) 744-1000
Applicant/ Agent	Katie Cole	600 Cleveland Street, Suite 800 Clearwater, FL 33755	(727) 724-3900
Owner Email Address: jeff.clark@hosthotels.com		Applicant/Agent Email Address: Katie.Cole@hwhlaw.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RFM	Future Land Use Designation RFM	Lot Area 3.791 acres
Legal Description: DON CE-SAR PLACE HOTEL REP LOT 1		
Address: 3400 Gulf Blvd., St. Pete Beach, FL		
Explanation of Request: <u>See attached</u>		

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.

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

 JS 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.

 JS 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.

 JS 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.

 JS 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.

 JS 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.

 JS 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.

 Daffey S. Carl
Signature of Applicant

 9/10/21
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE HHR St. Pete Beach LLC
(print name of property owner)
hereby authorize Katherine Cole (Katie)
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

Jeffrey S. Clark
Signature of Owner

Signature of Owner

Jeffrey S. Clark
Print Name of Owner

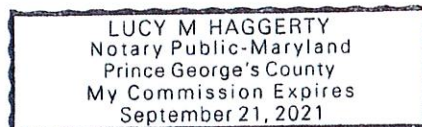
Print Name of Owner

The forgoing instrument was acknowledged before me this 10th day of
September 2021 by Jeffrey S. Clark or who is
personally known _____ produced
_____ as identification.

Lucy M. Haggerty
(Notary Signature)

9/10/21
(Date)

My Commission Expires _____



Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

HHR St. Pete Beach LLC

(print name of property owner)

hereby authorize

Jeff Connell

(print name of agent)

to represent me/us in an application for

Variance

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

Jeffrey S. Clark
Signature of Owner

Signature of Owner

Jeffrey S. Clark
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 10th day of
September 2021 by Jeffrey S. Clark or who is
personally known _____ produced

_____ as identification.

Lucy M. Haggerty
(Notary Signature)

9/10/21
(Date)

My Commission Expires _____

LUCY M HAGGERTY
Notary Public-Maryland
Prince George's County
My Commission Expires
September 21, 2021



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, HHR St. Pete Beach LLC, 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): Katherine Cole (Katie)

Address: Katherine Cole

Jeffrey S. Clark 9/10/21
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 10th day of September, 2021 by:
Jeffrey S. Clark who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

My commission Expires:

NOTARY: Lucy M. Haggerty

Print Name: _____
Public, State of Florida

LUCY M HAGGERTY Notary Public-Maryland Prince George's County My Commission Expires September 21, 2021	Notary
--	--------

(Notarial Seal)

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

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

See attached narrative

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

See attached narrative

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;

See attached narrative

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;

See attached narrative

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

See attached narrative

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;

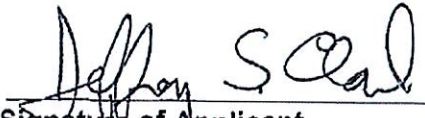
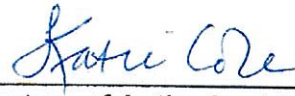
See attached narrative

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

See attached narrative

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.

See attached narrative

	
Signature of Applicant	Signature of Authorized Agent
9/10/21	9/13/21
Date	Date



DATE: September 15, 2021, Revised **November 16, 2021**
TO: City of St. Pete Beach – Planning Department
FROM: HHR St. Pete Beach LLC (“Applicant”)
RE: The Don CeSar North Lot Ballroom Expansion & Parking Lot modifications
Unnecessary and Undue Hardship Variance Application
3400 Gulf Blvd., St. Pete Beach, FL 33706
Parcel ID #07-32-16-21857-000-0010 (Parcel A)
Parcel ID #07-32-16-21857-000-0020 (Parcel B)



Explanation of Request

The Don CeSar is the most historically significant property along the St. Pete Beach coastline, and perhaps on all of Florida’s West Coast. The Hotel was developed and constructed by Thomas Rowe and opened to the public in 1928. Over the years, the hotel has seen various Owners and uses and in 1974 was added to the National Register of Historic Places. In 1989 the hotel joined the National Trust’s Historic Hotels of America and was designated the only historic resort on Florida’s Gulf Coast. Nevertheless, the hotel is not a locally designated historic hotel and therefore, no Certificate of Appropriateness is necessary. Host Hotels & Resorts acquired the property in 2016 and has since invested in the property with the renovation of all guestrooms and public areas, including the famous Maritana Restaurant.

The Applicant proposes to expand its operations to include a ballroom which provides opportunities for continued success of this historic gem. The Don CeSar is positioned as a destination resort and is visited by travelers from all over the United States as well as Internationally. Its position in the community as one of the largest taxpayers in the City will be jeopardized if the hotel is not allowed to expand and react to the needs of the 21st century.

The proposed addition, operationally, provides much needed ballroom and amenity space to allow for the continued success of this historic property. As a historic property which is part of the National Historic Hotels, there is limited space in which to renovate, modify, or add usable floor area that maintains the historic nature of the property and would, if necessary, meet the requirements of a Certificate of Appropriateness which would be required for a designated property. The facilities help to keep this historic property relevant as one of the premier destination resorts in Florida, enabling it to compete with the more modern facilities that have the luxury of large meeting and event spaces. The proposed location of the expansion is the only available open land to expand the use and not have significant impact to the surrounding neighborhoods or the historic value and attributes of the hotel. While the property owns a lot on the east of Gulf Blvd that is currently utilized for parking, this property is surrounded on three sides by single family homes, is not proximate to the other usable spaces in the hotel and would not provide the resources necessary for the expansion of a historic property; most importantly, any construction on the eastern property would significantly impact the front façade of the property – which is expressly discouraged by the Department of Interior historic standards.

The Property has a zoning of Resort Facilities Medium District (RFM) and a future land use map designation of RFM and is identified by two parcels. Parcel A is located on the west side of Gulf Boulevard and comprises 3.791 acres, not including property west of the coastal construction control line; while Parcel B is on the east side of Gulf Boulevard and comprises 2.54 acres and is utilized solely for parking. No modifications to Parcel B are proposed as part of this application. The only proposed modification is on the northern portion of Parcel A which consists of primarily two formerly single-family lots which were added to the Don Cesar platted property in 1971. Even though this subject portion of Parcel A were formerly single-family lots, they are now part of the greater Parcel A and have a zoning of RFM resulting in a requirement for extraordinary setbacks on relatively small portions of the greater parcel and, significantly, those parcels are bifurcated by a right of way (El Centro) creating more challenges to setbacks.

The Applicant requests relief (i) in a small area of the northern portion of the Property for the construction of a new cooling tower for its facilities plant and (ii) a ballroom to serve guests and the community as shown on the plans. Specifically, the applicant proposes a 8.5 ft west (rear) setback where 20 feet would otherwise be required; and a setback of zero (0') east (secondary front) setback variance along a portion of the west side of El Centro where 25 feet is required. The variances requested are directly related to the right of way easement running east/west through the eastern portion of the subject property, the location of El Centro, and the connection between the two which dead ends into the Property.

FINDINGS NECESSARY FOR GRANTING REQUEST

The proposed application meets the criteria for approval as follows:

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.*
 - The northernmost portion of Parcel A of the Don CeSar Hotel lot includes two formerly single-family lots which have frontages along El Centro Street creating a “U” shaped northern boundary of the Property. Based on the buildable area requirements, the buildable area would be limited due to the setbacks required in the RFM zoning district. The existing El Centro right of way The parcel proposed for development is a former single family home parcel and as such would normally have limited setbacks; however, there is also a right of way easement and the El Centro right of way which bifurcate the ownership together with the required RFM setbacks which thereby minimize the buildable area –making it unusable for a luxury hotel or generally any other use that ties to the property lines. The original Don CeSar pre-dates all development restrictions currently utilized in the city of St. Pete Beach and Pinellas County, specifically, the 1986 Growth Management Act of Florida, The City of St. Pete Beach Comprehensive Plan, and the Land Development Code. Because of the historic nature and size of the hotel resort, this presents a unique situation within the Zoning District of the City of St. Pete Beach.
2. *The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property.*

This is a historic hotel which the applicant intends to invest in and allow to flourish. The need for this investment is not the fault of the applicant. Further, the location of the expansion is dictated by the historic preservation edicts and direction from the Secretary of the Interior as to the placement of the expansion. The applicant did not create the lot size and setback restrictions which result in the inability to create viable, tourist accommodation services on a former single-family parcel. The historic value of the Property necessitates creative options for making the continued use of the Property economically viable and a service to the tourism community. The Property was originally constructed in 1928 and the layout has remained generally consistent since that time. The location of the stairtower to the west is specifically designed to preserve the access the City emergency vehicles currently enjoys through the

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 north portion of the site is bisected by the public right-of-way for El Centro Street, resulting in additional front, rear and side yard setbacks that would not typically be required for a more uniform site layout. Additionally, the overall length of the parcel is much larger than other parcels in the surrounding district, resulting in an

extreme side yard setback requirement (approximately 48.7') adjacent to the original, historic portion of the hotel. The existing setback on the south side of the hotel property, also adjacent to single family homes, is 11.7 feet, as shown on the survey.

The combination of setback restrictions creates virtually an unbuildable site on the north lot.

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.*

- The proposed addition will not increase density in transient lodging units or otherwise violate the Land Development Code or Comprehensive Plan. The hardship exists due to the nature of the hotel's age and the location of a right of way and right of way easement which encompass a significant portion of otherwise developable property. The proposed addition will enhance the viability of the historic hotel by providing additional function space for our existing guests, which is consistent with the specified use per the current zoning code (RFM – Resort Facilities Medium District) which allows Transient accommodations/hotels. The location of the El Centro right of way is one of the primary drivers of this hardship. While the applicant explored the vacation of a portion of the right of way which would make the variance unnecessary, the elimination of the circulation and loss of improved hotel functionality (access, deliveries, and back of house) made the variance a lesser impact option.

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

- The proposed addition will undoubtedly increase the long-term preservation of this historically significant property, drawing to both local and visiting/traveling guests. The continued success of The Don CeSar is a benefit to both the neighboring properties and the City of St. Pete Beach.

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.*

- Because of the specific limiting factors of the parcel (i.e., setback restrictions mentioned in question 3), expansion on the available open space of the parcel is significantly diminished. Granting this variance will give the Owner the same opportunity to enhance and expand their property as other smaller, more uniform properties in similar zoning districts as well as those in LR – Large Resort and B/HC – Boutique Hotel/Condo districts.

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

As previously mentioned, The Owner's goal is to keep The Don CeSar relevant and viable in the competitive destination resort market while maintain its position on the

Historic Hotels of America ranking. To maintain this course, the hotel has a need for additional ballroom space that is uninterrupted by columns or structure and meets the market demand. The proposed ballroom is approximately 7,866 square feet and is laid out to maximize the site while staying within reasonable constraints.

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.*

- This expansion is in harmony with the Comprehensive Plan and Land Development Code for the RFM District, which permits Hotel Developments (transient lodging). The proposed building addition would represent a substantial improvement to the north parcel of the hotel. Currently, this parcel is the location for various utilities, storage, and parking. The proposed building addition would conceal these functions and increase the aesthetics of the site, especially from the Pinellas Bayway (route 682) and adjacent single-family residences. The proposed development and requested variances allow for the modification of the parking areas and other improvements, resulting in a renewed and code compliant parking layout, delivery, and back of house area. This addition to the building will mimic the historic architectural language of The Don Cesar and will be complimentary to the neighborhood. Currently, there is an unimproved beach access from Gulf Boulevard that will be improved and provide a fresh, landscaped path to the beach for the neighborhood.

15794410v3

16168533v1



DATE: November 16, 2021

TO: City of St. Pete Beach – Planning Department

RE: The Don CeSar North Lot Expansion – Unnecessary and Undue Hardship Variance Application
Narrative Description of Changes in Revised Submittal
3400 Gulf Blvd., St. Pete Beach, FL 33706
Parcel ID #36-31-15-05094-028-0050; Tax ID #81-4607147

The items listed below describe the revisions to the previously submitted drawing set for the Technical Review Committee and Board of Adjustment Hearing. The original submission was titled "ZONING VARIANCE SUBMISSION" and was dated 09/15/2021. This revised submission is titled "BOA ZONING VARIANCE SUBMISSION" and is dated 12/15/2021 (the date of the BOA hearing).

1. The current submission requests a variance of the secondary front yard setback along El Centro from 25.0' to zero (0) feet – a variance of 25.0'.
2. The original submission requested a variance of the side yard setback to the North from 48.7' to 30.0' – a variance of 18.7'. The revised submission is not requesting a variance of the side yard setback to the North and maintains the 48.7' setback along the property line.
3. The original submission requested a variance of the rear yard setback along Block N to the West from 20.0' to zero (0) feet – a variance of 20.0'. The revised submission is not requesting a variance along the rear yard and maintains the 20.0' setback along the property line.
4. The west egress stair protrudes from the main building and falls within the existing rear yard setback from Block N to the existing hotel building. The revised submission requests a variance of the rear yard setback from 20.0' to 8.5' – a variance of 11.5' for this egress stair.
5. The original submission had a building addition of approximately 14,275 GSF of enclosed space with an approximate ballroom size of 10,832 SF. The revised submission has a building addition of approximately 10,395 GSF of enclosed space with an approximate ballroom size of 7,866 SF. This represents a reduction of total enclosed building addition of 3,880 GSF of enclosed space.
6. The number of parking spaces required has been reduced to coordinate with the reduced size of the building. As with the original submission, we are not asking for a parking variance.

7. The height of the building remains the same as proposed in the original submission, we are not asking for a height variance.
8. The landscape buffers along the pedestrian easements on the north side of the site remain the same as proposed in the original submission.

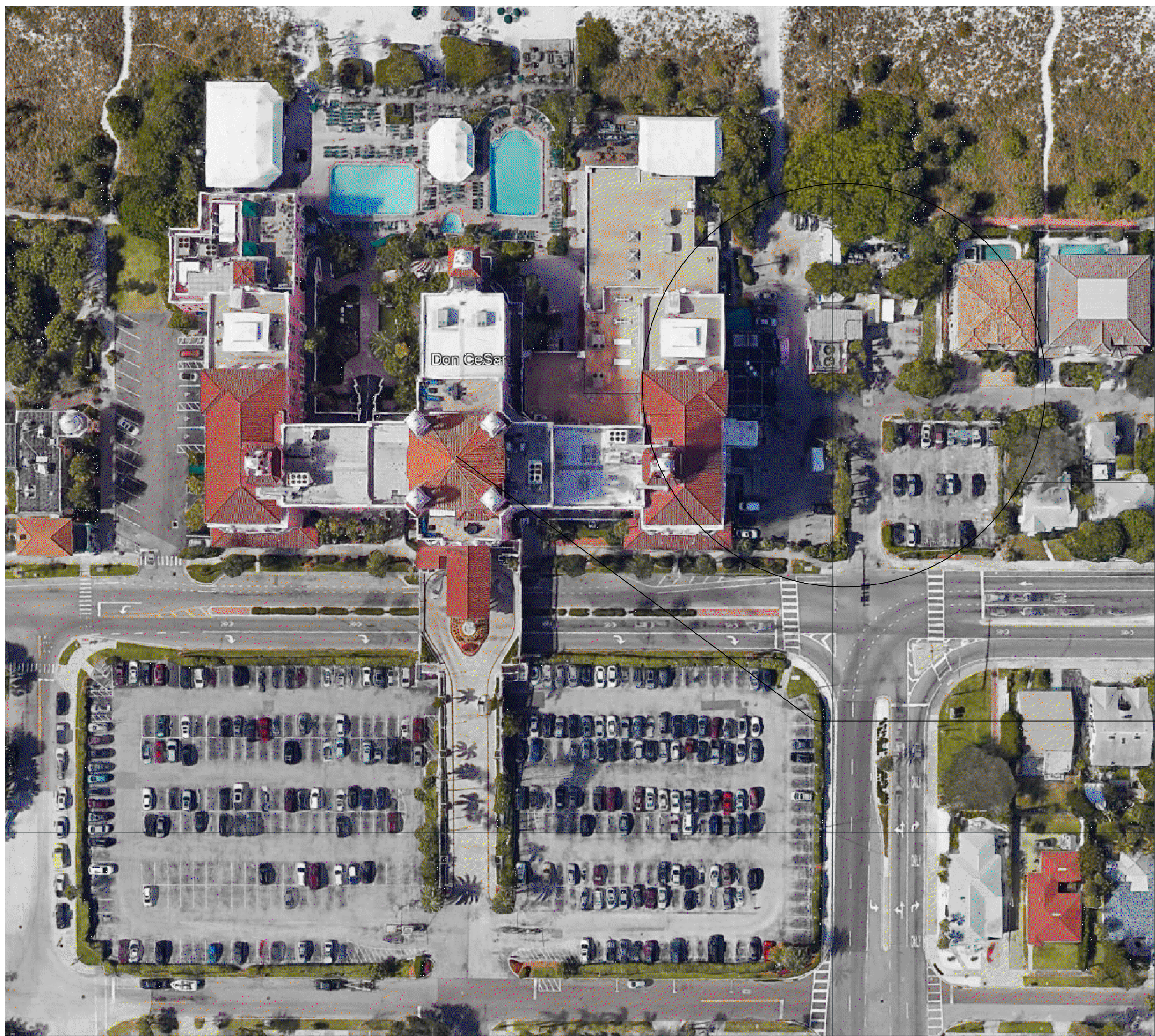
END OF DESCRIPTION



The DON CESAR HOTEL

NORTH LOT BALLROOM ADDITION

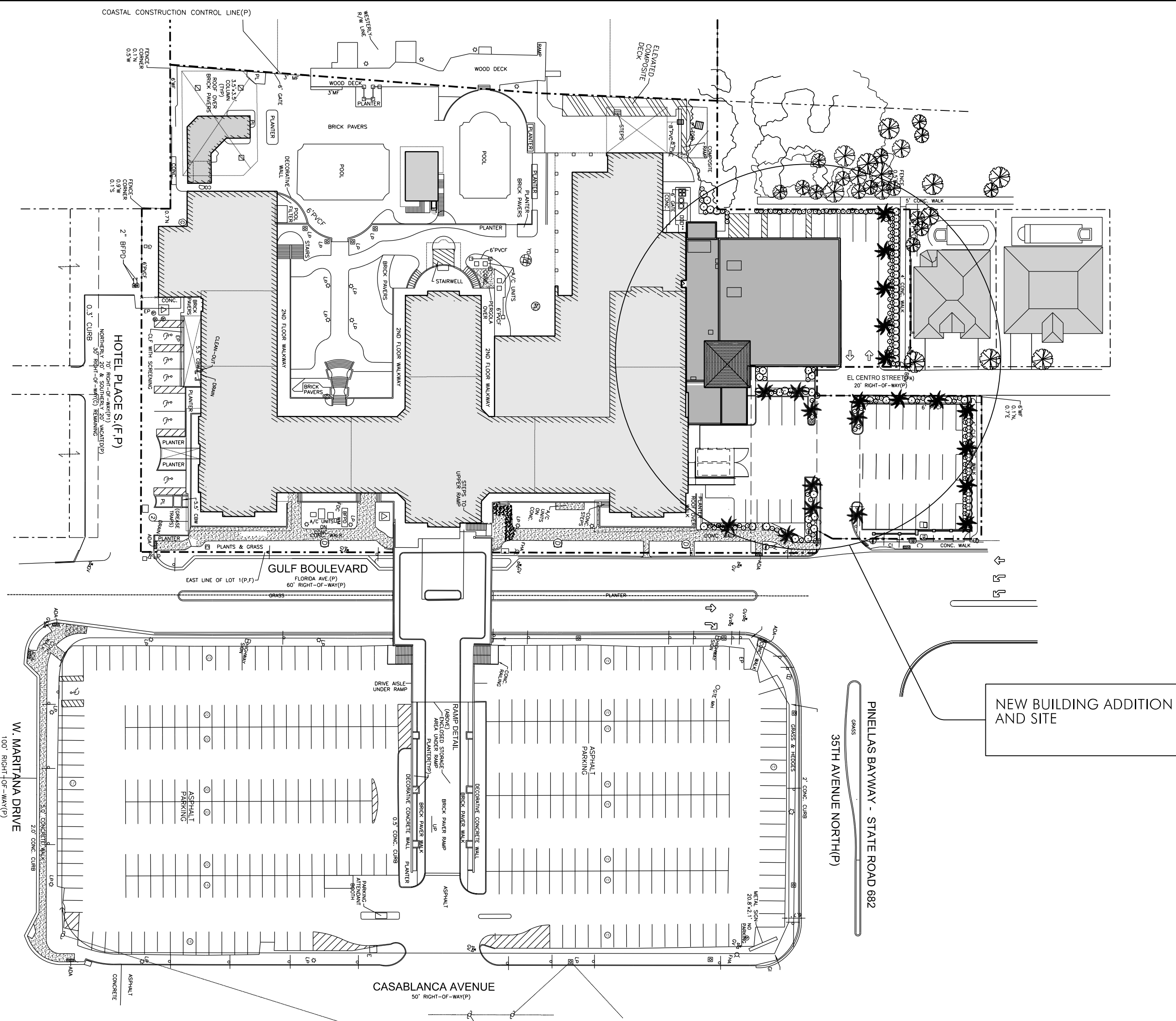
PROJECT LOCATION MAP



NEW BUILDING ADDITION
LOCATION ON EXISTING
SITE

THE DON CESAR HOTEL
3400 GULF BOULEVARD
ST. PETE BEACH, FL 33706

REFERENCE PLAN



NEW BUILDING ADDITION
AND SITE

BUILDING AND ZONING INFORMATION

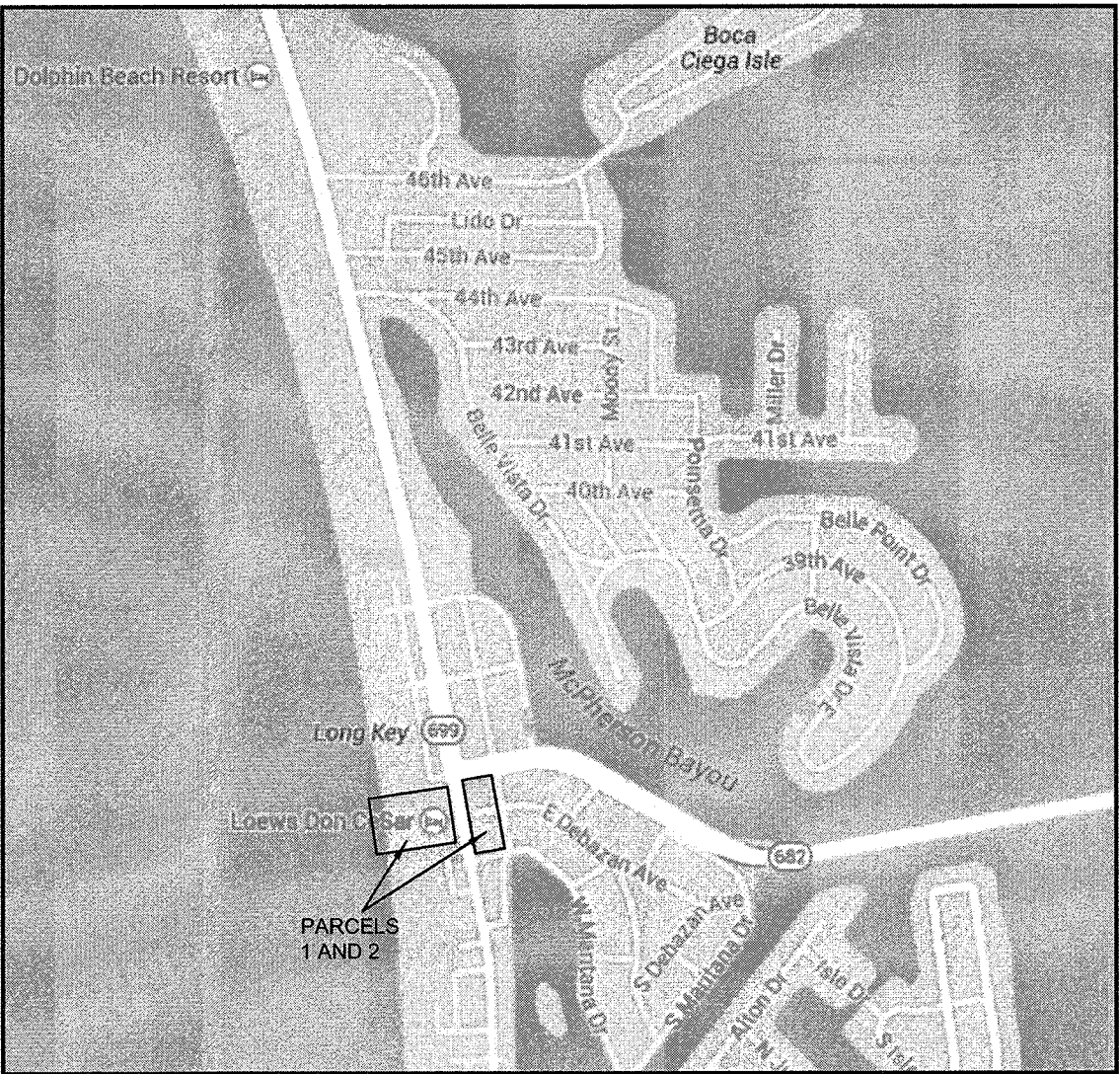
GENERAL INFORMATION	
* BUILDING ADDRESS	3400 GULF BOULEVARD
* ZONING DISTRICT	RESORT FACILITIES MEDIUM DISTRICT
* PARCEL INFORMATION	PARCEL A ID# 07-32-16-21857-000-0010 PARCEL B ID# 07-32-16-21857-000-0020 PAGE 11 OF 15 FROM ZONING MAP
LOT SIZES	
* LOT 1 (PARCEL A)	= 3.791 ACRES (5.41 ACRES MHVL)
* LOT 2 (PARCEL B)	= 2.54 ACRES (3.75 ACRES MHVL)
* TOTAL PROJECT SITE	= 6.33 ACRES (9.16 ACRES MHVL)
* TOTAL PROJECT SF	= 272,764 SF (346,457 SF MHVL)
ZONE (RFM) REQUIREMENTS	
* MINIMUM PARKING REQUIREMENT	= 1 PER 1,000 SF (ASSEMBLY SPACE)
* BUILDING HEIGHT LIMITATION	= 50.0' (ABOVE GRADE)
* CURRENT BUILDING HEIGHT	= 154.3' (CUPOLA ON NORTH SIDE)
* BUILDING ADDITION HEIGHT	= 43.5' (TO PARAPET ABOVE GRADE)
SETBACKS PER ZONING ORDINANCE	
* REAR SETBACK	= 20.0'
* FRONT SETBACK	= 50.0'
* SECONDARY FRONT SETBACK	= 25.0'
* SIDE SETBACK	= 10% OF LOT WIDTH (48.7')
PROPOSED BUILDING ADDITION SETBACKS	
* REAR SETBACK	= 20.0' (AT WEST PROPERTY LINE TO BLOCK N)
* REAR SETBACK AT STAIRS	= 8.5' (AT WEST PROPERTY LINE) - VARIANCE REQUESTED
* SIDE SETBACK	= 48.7' (AT NORTH PROPERTY LINE TO 3505 EL CENTRO)
* SECONDARY FRONT SETBACK	= 0.0' (ALONG 16.2' OF EL CENTRO) - VARIANCE REQUESTED
NEW GROSS FLOOR AREA AMENITY CALCULATIONS	
* TOTAL AREA OF BUILDING	= 268,009 GSF (EXISTING 254,789 + NEW 13,220)
* GUEST AMENITY AREAS ALLOWED	= 53,612 NSF (20% OF GROSS AREA)
* GUEST AMENITY AREAS PROVIDED	= 49,836 NSF (EXISTING 41,970 + NEW 7,866)
* GUEST AMENITY AREA SURPLUS	= 3,776 NSF AREA REMAINING
PARKING INFORMATION	
* REQUIRED NEW PARKING	= 9 SPACES (1 PER 1,000 SF OF ASSEMBLY)
* EXISTING PARKING LOST	= 27 SPACES
* NEW PARKING ADDED BELOW BUILDING	= 21 SPACES
* NEW PARKING ADDED IN SERVICE LOT	= 11 SPACES
* NEW PARKING ADDED IN MAIN LOT	= 3 SPACES
* NEW PARKING ADDED IN PORTE COCHERE	= 1 SPACES
* TOTAL NET PARKING	= 9 SPACES (NO VARIANCE NEEDED)
IMPERVIOUS AREA CALCULATION	
* EXISTING IMPERVIOUS SURFACE AREA	= 241,503 SF
* NEW IMPERVIOUS SURFACE AREA	= 240,482 SF (1,021 SF LESS THAN EXISTING)

PROJECT TEAM INFORMATION

OWNER/DEVELOPER HOST HOTELS & RESORTS, L.P. 6903 ROCKLEDGE DRIVE SUITE 1500 BETHESDA, MD 20817 240.744.1000	PROJECT MANAGER AOA 906 RAILROAD AVENUE ORLANDO, FL 32789 407.730.5965	ZONING ATTORNEY HILL WARD HENDERSON 600 CLEVELAND STREET SUITE 800 CLEARWATER, FL 33755 727.724.3900	ARCHITECT designONE studio, LLC 358 ROSWELL STREET SUITE 1250 MARIETTA, GA 30060 404.266.9604	CIVIL ENGINEER GEORGE F. YOUNG, INC 299 DR. MARTIN LUTHER KING JR. ST. NORTH ST. PETERSBURG, FL 33701 727.822.4317	CIVIL SURVEYOR DEUEL & ASSOCIATES 565 S. HERCULES AVE CLEARWATER, FL 33764 727-822-4151
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DRAWING INDEX

SHEET	TITLE	BOA ZONING SUBMISSION
COVER	PROJECT LOCATION MAP, ZONING DATA, PROJECT TEAM AND DRAWING INDEX	●
C-1	CIVIL AND TOPOGRAPHIC SURVEY - THE DON CESAR HOTEL SURVEYORS REPORT	●
C-2	CIVIL AND TOPOGRAPHIC SURVEY - THE DON CESAR HOTEL PARCELS 1 AND 2	●
A0.1	THE DON CESAR SITE PLAN WITH EXISTING SETBACKS	●
A0.2	ENLARGED NEW SITE SETBACK PLAN	●
A1.1	THE DON CESAR NEW SITE PLAN	●
A1.2	ENLARGED NEW SITE PLAN WITH PEDESTRIAN ACCESS INFORMATION	●
A1.3	PROPOSED NEW PLAN - GROUND LEVEL	●
A1.4	PROPOSED NEW PLAN - BALLROOM LEVEL	●
A1.5	TRUCK ACCESS DIAGRAM - 40' STRAIGHT BODY TRUCK	●
A1.6	FIRE DEPARTMENT ACCESS PLAN	●
A2.1	EAST (GULF BOULEVARD) AND WEST (BEACH) BUILDING ELEVATIONS	●
A2.2	BUILDING SECTION	●
A3.1	EXISTING VIEWS OF BUILDING SITE	●
A3.2	NEW BALLROOM ADDITION VIEWS	●
A3.3	BALLROOM RENDERING - VIEW FROM GULF BOULEVARD	●
A3.4	BALLROOM RENDERING - VIEW FROM BEACH	●



VICINITY MAP
NOT TO SCALE

SURVEYOR'S REPORT:

- BEARINGS FOR PARCELS 1 AND 2 ARE BASED ON THE EAST LINE OF LOT 1 BEING S11°07'00"E AS PER PLAT OF DON CE-SAR PLACE HOTEL REPLAT, RECORDED IN PLAT BOOK 120, PAGE 69, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
- INTENTIONALLY DELETED.
- THE ACCURACY STANDARD USED FOR THIS SURVEY, AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (5J-17 FAC), IS "COMMERCIAL/HIGH RISK". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF SURVEY IS 1 FOOT IN 10,000 FEET. THIS SURVEY EXCEEDS THIS STANDARD.
- SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
- NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND UTILITIES, ENCROACHMENTS, IMPROVEMENTS, STRUCTURES OR FOUNDATIONS. UNDERGROUND UTILITY LINE LOCATIONS (IF SHOWN HEREON) ARE BASED UPON UTILITY PROVIDER ATLASES AND VISIBLE SURFACE EVIDENCE.
- RE-USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE TO WHOM CERTIFIED.
- THIS SURVEY IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.
- PARCELS 1 AND 2 SITE APPEARS TO BE IN FLOOD ZONE AE (EL 12) AND ZONE VE (EL 12 & 13), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP 1210300278G, COMMUNITY NUMBER 125149, EFFECTIVE DATE SEPTEMBER 3, 2003. FLOOD ZONE LIMITS SHOWN HEREON, IF ANY, WERE SCALED FROM SAID MAP AND ARE APPROXIMATE ONLY. DEUEL & ASSOCIATES AND THE SIGNING SURVEYOR HEREON ASSUMES NO LIABILITY FOR THE ACCURACY OF THIS DETERMINATION. THE AUTHOR OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENTAL AGENCY HAVING JURISDICTION OVER SUCH MATTERS SHOULD BE CONTACTED PRIOR TO ANY JUDGMENTS BEING MADE FROM THIS INFORMATION. THE ABOVE REFERENCED MAP STATES IN THE NOTES TO THE USER THAT "THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM" AND "THAT BASE FLOOD ELEVATIONS (BFES) SHOWN REPRESENT ROUNDED WHOLE-FOOT ELEVATIONS AND THEREFORE MAY NOT EXACTLY REFLECT THE FLOOD ELEVATION DATA PRESENTED IN THE FLOOD INSURANCE STUDY (FIS) REPORT". THE FIS REPORT WAS NOT CONSULTED FOR THIS SURVEY.
- ANY ZONING INFORMATION SHOWN OR NOTED HEREON IS BASED THE PZR REPORT NUMBER 96347-1 AND 96347-2, DATED 8/19/2016. THIS INFORMATION SHOULD BE VERIFIED WITH THE GOVERNING AUTHORITY PRIOR TO ANY DETERMINATIONS OR DESIGN.
- SHOWN ANYWHERE ON THIS SURVEY, THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF A PROFESSIONAL OPINION BASED UPON THE SURVEYOR'S BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT THUS CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY.
- UNLESS OTHERWISE INDICATED, THE PROPERTY DESCRIPTION AND EASEMENTS SHOWN WERE FURNISHED TO DEUEL & ASSOCIATES AND ARE PRESUMED TO BE CORRECT. NO SEARCH OF ANY PUBLIC RECORDS, FOR EASEMENTS, DEEDS, ETC., WAS PERFORMED BY THIS FIRM FOR THE COMPLETION OF THIS SURVEY AND THERE MAY BE ADDITIONAL RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- DESCRIPTIONS AND EASEMENTS SHOWN HEREON WERE TAKEN FROM A COMMITMENT FOR TITLE INSURANCE, COMMITMENT FILE NO. 21500778, 3020-806071 / CUSTOMER REF: 3400 GULF BOULEVARD, EFFECTIVE DATE: NOVEMBER 30, 2016 © 8:00 A.M., LAST AMENDED 12/15/2016, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY. *(DEUEL RESPONSES)*
THE FOLLOWING ARE SCHEDULE B II EXCEPTIONS:
ITEMS 1-2 *(NOT MATTERS OF SURVEY)*
ITEM 3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. *(SEE MAP OF SURVEY)*
ITEMS 4-6 *(NOT MATTERS OF SURVEY)*
ITEM 7. INTENTIONALLY DELETED
ITEM 8. *(NOT A MATTER OF SURVEY)*
ITEM 9. PROVISIONS OF THE PLAT OF DON CE-SAR PLACE HOTEL REPLAT, RECORDED IN PLAT BOOK 120, PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. (AS TO PARCEL 1) *(SHOWN ON MAP OF SURVEY)*
ITEM 10. EASEMENT GRANTED TO FLORIDA POWER & LIGHT COMPANY RECORDED IN BOOK 86, PAGE 581. (AS TO PARCEL 1) *(DOCUMENT IS ILLEGIBLE, UNABLE TO GRAPHICALLY SHOW EASEMENT)*
ITEM 11. RESTRICTIONS AS DISCLOSED IN QUIT CLAIM DEED, DATED MARCH 20, 1972 RECORDED IN BOOK 3748, PAGE 89. (AS TO PARCEL 1) *(AFFECTS PARCEL 1, NOT A MATTER OF SURVEY)*
ITEM 12. EASEMENT GRANTED TO CITY OF ST. PETERSBURG BEACH, FLORIDA, RECORDED IN BOOK 3748, PAGE 117. (AS TO PARCEL 1) *(SHOWN ON MAP OF SURVEY)*
ITEM 13. EASEMENT GRANTED TO BEACH RESORTS INTERNATIONAL, INC., A FLORIDA CORPORATION, ACCORDING TO PEDESTRIAN EASEMENT, RECORDED IN BOOK 3748, PAGE 119. (AS TO PARCEL 1) *(SHOWN ON MAP OF SURVEY)*

- TERMS AND CONDITIONS OF THE MEMORANDUM OF AGREEMENT BETWEEN STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, A COMPONENT AGENCY OF THE STATE OF FLORIDA AND BEACH RESORTS INTERNATIONAL, INC. RECORDED IN BOOK 4109, PAGE 21. (AS TO PARCEL 2) *(RAMP OVER GULF BOULEVARD IS SHOWN ON MAP OF SURVEY, PLANS AND SPECIFICATIONS OF OVERPASS REFERENCED IN DOCUMENT AS EXHIBIT "A" WAS NOT PROVIDED)*
- TERMS AND CONDITIONS OF THE CABLE TELEVISION SERVICE AGREEMENT, BETWEEN TELEPROMPTER SOUTHEAST, INC. AND DON CESAR RESORT HOTEL, LTD., A FLORIDA LIMITED PARTNERSHIP, DOING BUSINESS AS DON CESAR BEACH RESORT HOTEL RECORDED IN BOOK 5082, PAGE 1647. (AS TO ALL PARCELS) *(APPEARS TO AFFECT PARCEL 1 ONLY, DOCUMENT DOES NOT CONTAIN A PARCEL DESCRIPTION-ONLY THE ADDRESS OF 3400 GULF BOULEVARD AND 4/6/4 OF DON CESAR BEACH RESORT HOTEL, EASEMENT IS BLANKET IN NATURE AND THEREFORE CANNOT BE PLOTTED GRAPHICALLY)*
- EASEMENT GRANTED TO THE CITY OF ST. PETERSBURG BEACH, A FLORIDA MUNICIPAL CORPORATION, RECORDED IN BOOK 6971, PAGE 1466. (AS TO PARCEL 1) *(SHOWN ON MAP OF SURVEY)*
- DEED OF CONVEYANCE OF PIPELINES, APPURTENANCES TO PINELLAS COUNTY, RECORDED IN BOOK 16387, PAGE 2467. *(NOT A MATTER OF SURVEY)*
- RIPARIAN RIGHTS ARE NOT GUARANTEED OR INSURED. TITLE TO NO PORTION OF THE HEREIN DESCRIBED LAND LYING BELOW ORDINARY HIGH WATER MARK IS HEREBY INSURED. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- THE COMPANY DOES NOT INSURE TITLE TO ANY LAND LYING BETWEEN THE MEAN HIGH WATER LINE ON THE DATE OF RECORDATION OF THE EROSION CONTROL LINE PLAT AND THE EROSION CONTROL LINE AS SHOWN THEREIN, WHICH MAY HAVE VESTED IN THE INSURED OR ITS PREDECESSORS IN TITLE PURSUANT TO CHAPTER 161, FLORIDA STATUTES. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- THE RIGHT, TITLE OR INTEREST, IF ANY, OF THE PUBLIC TO USE A PUBLIC BEACH OR RECREATION AREA OR ANY PART OF THE LAND DESCRIBED IN SCHEDULE A HEREOF, LYING BETWEEN THE WATER ABUTTING SAID LAND AND THE MOST INLAND OF ANY OF THE FOLLOWING: (A) THE NATURAL LINE OF VEGETATION; (B) THE MOST EXTREME HIGH WATER MARK; (C) THE BULKHEAD LINE; OR (D) ANY OTHER LINE WHICH HAS BEEN OR WHICH HEREAFTER MAY BE LEGALLY ESTABLISHED AS RELATING TO SUCH PUBLIC USE. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- DUE TO ALL OR A PART OF THE LAND DESCRIBED HEREIN BEING ARTIFICIALLY FILLED IN LAND IN WHAT WAS FORMERLY NAVIGABLE WATERS, THIS POLICY IS SUBJECT TO THE RIGHT OF THE UNITED STATES GOVERNMENT, ARISING BY REASON OF THE UNITED STATES GOVERNMENT'S CONTROL OVER NAVIGABLE WATERS IN THE INTEREST OF NAVIGATION AND COMMERCE. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- THIS POLICY DOES NOT INSURE TITLE TO ANY PART OF THE LAND LYING BELOW THE MEAN HIGH WATER LINE OF ANY ABUTTING BODY OF WATER. *(NOT A MATTER OF SURVEY)*
- RIGHTS OF PARTIES IN POSSESSION, AS TRANSIENT HOTEL GUESTS. *(NOT A MATTER OF SURVEY)*
- TERMS AND CONDITIONS OF ANY EXISTING UNRECORDED LEASE(S), AND ALL RIGHTS OF LESSEE(S) AND ANY PARTIES CLAIMING THROUGH THE LESSEE(S) UNDER THE LEASE(S). *(NOT A MATTER OF SURVEY)*
- INTENTIONALLY DELETED
- INTENTIONALLY DELETED
- ELEVATIONS ARE BASED ON NOS BENCHMARK "NOAA" (PID #AG0740) HAVING AN ELEVATION OF 6.82 FEET NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88).
- INFORMATION FOR ADJOINING PROPERTIES WAS OBTAINED FROM PINELLAS COUNTY PROPERTY APPRAISERS WEBSITE AT WWW.PCPAO.ORG. ON 1/19/2017.
- THIS SURVEY IS BASED ON U.S. FEET.
- BUILDING HEIGHT FOR 3400 GULF BOULEVARD AT TOP OF SOUTHERLY CUPOLA IS 149' ABOVE GROUND FLOOR, AS MEASURED AT REFERENCE POINT "A", SHOWN AT CENTER OF EAST SIDE OF BUILDING. BUILDING HEIGHT AT TOP OF NORTHERLY CUPOLA IS 154.4' ABOVE GROUND FLOOR, AS MEASURED AT REFERENCE POINT "B". BUILDING HEIGHT FOR 3860 GULF BOULEVARD WAS MEASURED AT LOCATION SHOWN NEAR SOUTHEAST CORNER OF BUILDING.
- ON THE DATE OF THIS SURVEY THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- ON THE DATE OF THIS SURVEY THERE ARE NO KNOWN PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE WERE NO PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES PROVIDED.
- ON THE DATE OF THIS SURVEY THERE WAS NO OBSERVED EVIDENCE OF WETLAND AREAS AS DELINEATED BY APPROPRIATE AUTHORITIES.
- PARCEL 1 ARE SUBJECT TO COASTAL CONSTRUCTION SET BACK LINE AS ESTABLISHED BY SECTION 161.052 AND SECTION 161.053, FLORIDA STATUTES. IS SHOWN ON MAP OF SURVEY. PARCEL 2 IS NOT AFFECTED.

DESCRIPTION: (PER TITLE COMMITMENT REFERENCED IN NOTE #12)

- PARCEL 1:
- LOT 1 AND LOT 2 OF DON CE SAR PLACE HOTEL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
- PARCEL 2:
- TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND REPLACE A VEHICULAR-PEDESTRIAN OVERPASS FACILITY ON THAT PORTION OF STATE ROAD 699 AT THE FOLLOWING LOCATION: BETWEEN MARITANA DRIVE AND 35TH AVENUE, MILE POSTS 1.740 & 1.877 AS SET FORTH IN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, A COMPONENT AGENCY OF THE STATE OF FLORIDA, AND BEACH RESORTS INTERNATIONAL, INC. DATED JUNE 28, 1973 AND RECORDED IN O.R. BOOK 4109, PAGE 21, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL 1 CONTAINS THE FOLLOWING AREAS:

THE SUBJECT PARCEL CONTAINS THE FOLLOWING AREAS:
LOT 1: 165,123.0 SQUARE FEET, (3.791 ACRES) MORE OR LESS
LOT 2: 110,841.8 SQUARE FEET, (2.540 ACRES) MORE OR LESS
PARCEL 1 TOTAL AREA: 275,964.8 SQUARE FEET, (6.331 ACRES) MORE OR LESS

PARCELS 2 CONTAINS: EASEMENT ONLY, UNABLE TO DETERMINE AREA

SURVEYOR'S CERTIFICATE:

PARCELS 1 AND 2:

TO: HHR ST. PETE BEACH LLC, A DELAWARE LIMITED LIABILITY COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY
HOST HOTELS & RESORTS, L.P.
DON CE SAR RESORT HOTEL, LTD.

PARCELS 1 AND 2:

THIS IS TO CERTIFY THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 10(a), 13, 14, 16, 17, 18, 19, 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON THE SITES AS FOLLOWS:

DON CE-SAR RESORT HOTEL: 1/7/2019
DATE OF MAP: 1/26/2017

SEE SHEET 2 FOR PARCELS 1 AND 2

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PH 727.922.4151 FAX 727.921.7255
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

TOPOGRAPHIC SURVEY
DON CE-SAR PROPERTIES
3400 GULF BOULEVARD

CITY OF ST. PETE BEACH

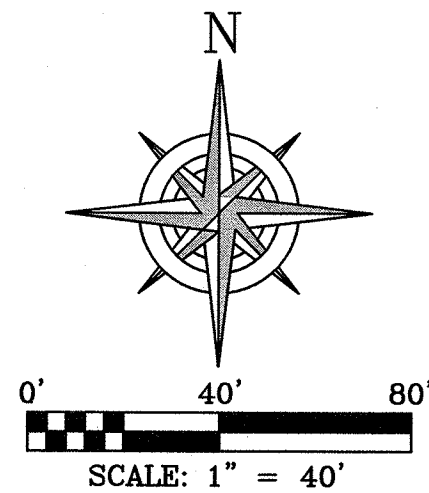
FLORIDA

PREPARED FOR:

LOEWS HOTELS
667 MADISON AVE., 6TH FLOOR
NEW YORK, NY 10065

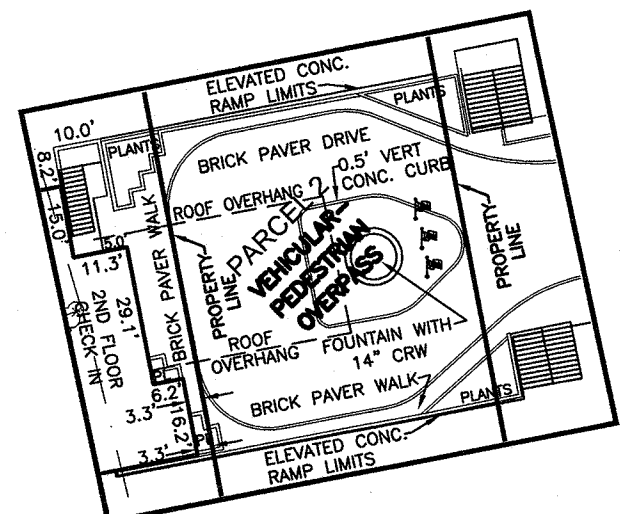
ALBERT P. CARRIER
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, PSM 6488

WORK ORDER NO. 2006-199-9
DRAWN BY: EKM/MJB
FIELD DATE: 1/7/2019
SCALE: NO SCALE
SHEET NO. 1 OF 2



LEGEND	
A	ARC LENGTH
A/C	AIR CONDITIONER
ADA	AMERICANS WITH DISABILITIES ACT
BFPD	DETECTABLE SURFACE
BLDG	BACK FLOW PREVENTION DEVICE
BOV	BUILDING
C	BLOW-OFF VALVE
(C)	CHORD
CA	CALCULATED
CB	CENTRAL ANGLE
CBW	CHORD BEARING
CI	CONCRETE BLOCK WALL
CL	CURB INLET
CLF	CENTERLINE
CO	CHAIN LINK FENCE
CONC.	CLEAN OUT
(CPB)	CONCRETE
C/T	CONDOMINIUM PLAT BOOK
D/B/A	CURB TIE
EL	DOING BUSINESS AS
EP	ELEVATION
FOR	EDGE OF PAVEMENT
FCM	FIELD
FDC	FOUND CAPPED IRON ROD
FIP	FOUND CONCRETE MONUMENT
FIR	FIRE DEPARTMENT CONNECTION
FN&D	FOUND IRON PIPE
FPC	FOUND IRON ROD
	FOUND NAIL AND DISK
	FLORIDA POWER CORPORATION (NOW KNOWN AS DUKE ENERGY)
F/T	FENCE TIE
GI	GRATE INLET
GV	GATE VALVE
ID	IDENTIFICATION
(L)	LEGAL
LB	LICENSED BUSINESS
LP	LIGHT POLE
MF	METAL FENCE
MH	MANHOLE
NGS	NATIONAL GEODETIC SURVEY
No	NUMBER
OH	OVERHEAD WIRES
OR	OFFICIAL RECORD BOOK
ORD	ORDINANCE
(P)	PLAT BOOK 20, PAGE 69
(P1)	PLAT BOOK 13, PAGES 15-20
(PA)	PINELLAS COUNTY PROPERTY APPRAISER'S DATA BASE
PB	PLAT BOOK
PG	PAGE/PAGES
PL	PLANTER
PRM	PERMANENT REFERENCE MONUMENT
PSM	PROFESSIONAL SURVEYOR & MAPPER
PVC	POLY VINYL CHLORIDE
PVCF	POLY VINYL CHLORIDE FENCE
P/T	PAVEMENT TIE
RCP	REINFORCED CONCRETE PIPE
ROW	REGISTERED LAND SURVEYOR
RLS	RANGE
RNG.	RIGHT-OF-WAY
R/W	SECTION
SEC.	SANITARY
SAN.	SET CAPPED IRON ROD
SCIR	SANITARY CLEAN-OUT
SCD	SQUARE FEET
SF	SET PK NAIL AND DISK
SN&D	STATE ROAD
SR	SIDEWALK TIE
SW/T	TOP OF BANK
TOS	TOE OF SLOPE
TYP	TYPICAL
TWP.	TOWNSHIP
UTL.	UTILITY
VERT.	VERTICAL
VV	VERIZON VAULT
WF	WOOD FENCE
WT COR	WITNESS CORNER
WV	WATER VALVE

SYMBOL LEGEND	
---	BACK FLOW PREVENTION DEVICE
⊙	BOLLARD
□	CABLE TV BOX
⊕	CLEANOUT
⊙	CONCRETE LIGHT POLE
■	CONCRETE MONUMENT (FOUND)
□	CONCRETE MONUMENT (SET)
⊕	CROSS WALK POLE
⊕	ELECTRIC BOX
⊕	ELECTRIC HAND HOLE
⊕	ELECTRIC METER
⊕	ELECTRIC TRANSFORMER
⊕	FIRE DEPARTMENT CONNECTION
⊕	FIRE HYDRANT
⊕	GAS MARKER POST (GAS/POST)
⊕	GAS METER
⊕	GAS VALVE
⊕	GRATE INLET
⊕	GLY WIRE ANCHOR
⊕	HANDICAP PARKING SPACE
⊕	IRON PIPE (FOUND)
⊕	IRON ROD (FOUND)
⊕	IRON ROD (SET)
⊕	IRRIGATION CONTROL VALVE
⊕	IRRIGATION WATER VALVE
⊕	LIFT STATION
⊕	LIGHT POLE
⊕	NAIL AND DISK (SET)
⊕	NAIL & DISK (FOUND)
⊕	PARKING SPACES
⊕	PLANTER
⊕	PK NAIL & DISK (SET)
⊕	PK NAIL & DISK (FOUND)
⊕	POWER & LIGHT POLE
⊕	POWER/UTILITY WOOD POLE
⊕	RECLAIMED WATER METER
⊕	RECLAIMED WATER VALVE
⊕	SANITARY MANHOLE
⊕	SANITARY SEWER CLEANOUT
⊕	SIGN
⊕	STORM SEWER MANHOLE
⊕	TELEPHONE PEDESTAL
⊕	TRAFFIC SIGNAL JUNCTION BOX
⊕	WATER METER
⊕	WATER VALVE
⊕	X-CUT (FOUND)
⊕	CROSS WALK POLE
⊕	YARD DRAIN



RAMP DETAIL
SCALE: 1" = 40'

APPROXIMATE MEAN HIGH WATER LINE ON AUGUST 10, 2010

GULF OF MEXICO

BEACH

SETBACK LINE

COASTAL CONSTRUCTION CONTROL LINE(P)

OWNER(S): DON CE SAR PLACE (PB 13, PGS 15-20)

LOT 11, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 12, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 13, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 14, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 15, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 16, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 17, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 18, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 19, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 20, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 21, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 22, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 23, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 24, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 25, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 26, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 27, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 28, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 29, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 30, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 31, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 32, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 33, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 34, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 35, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 36, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 37, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 38, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 39, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 40, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 41, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 42, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 43, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 44, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 45, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 46, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 47, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 48, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 49, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 50, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

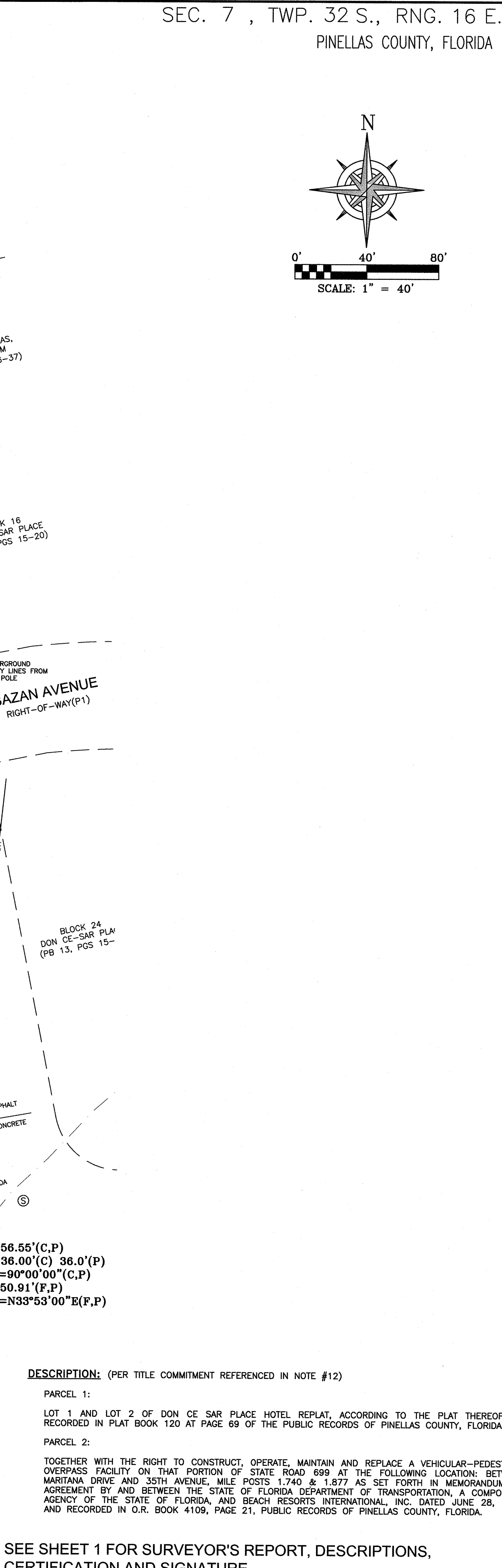
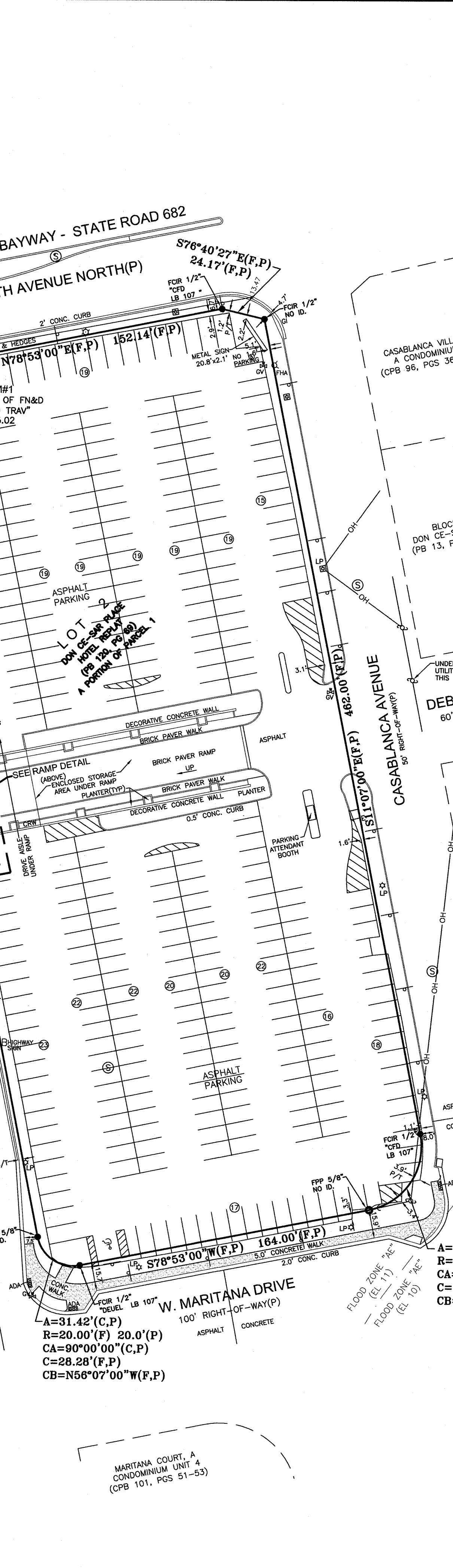
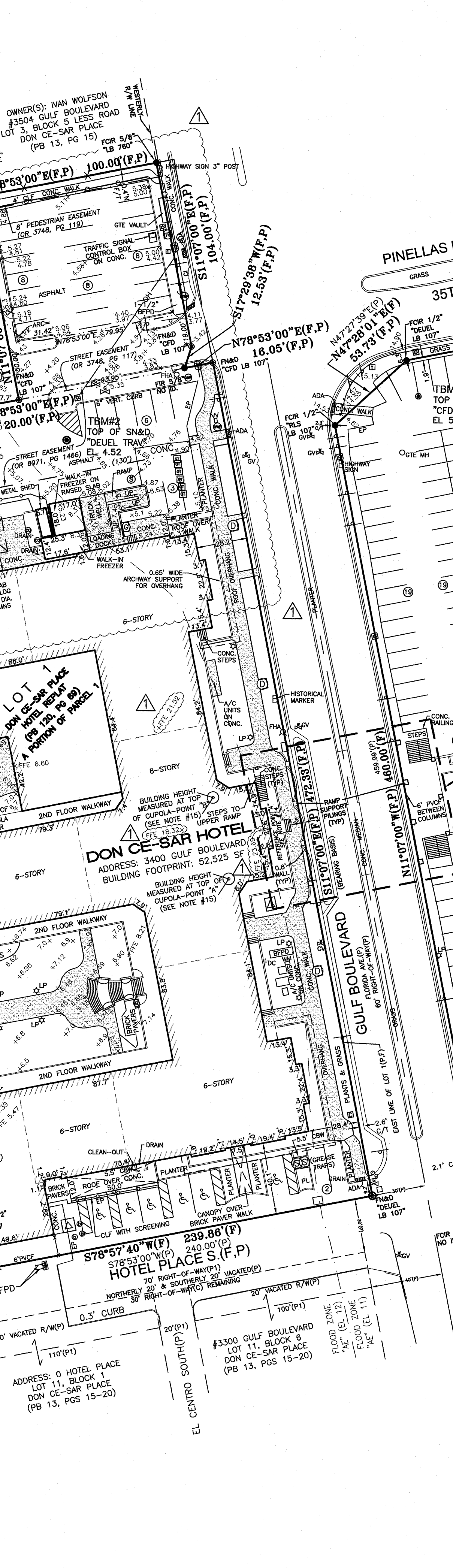
LOT 51, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 52, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 53, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 54, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)

LOT 55, BLOCK 8 DON CE-SAR PLACE (PB 13, PGS 15-20)



DESCRIPTION: (PER TITLE COMMITMENT REFERENCED IN NOTE #12)

PARCEL 1:
LOT 1 AND LOT 2 OF DON CE SAR PLACE HOTEL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL 2:
TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND REPLACE A VEHICULAR-PEDESTRIAN OVERPASS FACILITY ON THAT PORTION OF STATE ROAD 699 AT THE FOLLOWING LOCATION: BETWEEN MARIANA DRIVE AND 35TH AVENUE, MILE POSTS 1.740 & 1.877 AS SET FORTH IN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, A COMPONENT AGENCY OF THE STATE OF FLORIDA, AND BEACH RESORTS INTERNATIONAL, INC. DATED JUNE 28, 1973 AND RECORDED IN O.R. BOOK 4109, PAGE 21, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SEE SHEET 1 FOR SURVEYOR'S REPORT, DESCRIPTIONS, CERTIFICATION AND SIGNATURE.

Δ	ADDITIONAL LOCATIONS & TOPOGRAPHY	6/08/2021	TBM
REV.#	DESCRIPTION	DATE	BY

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

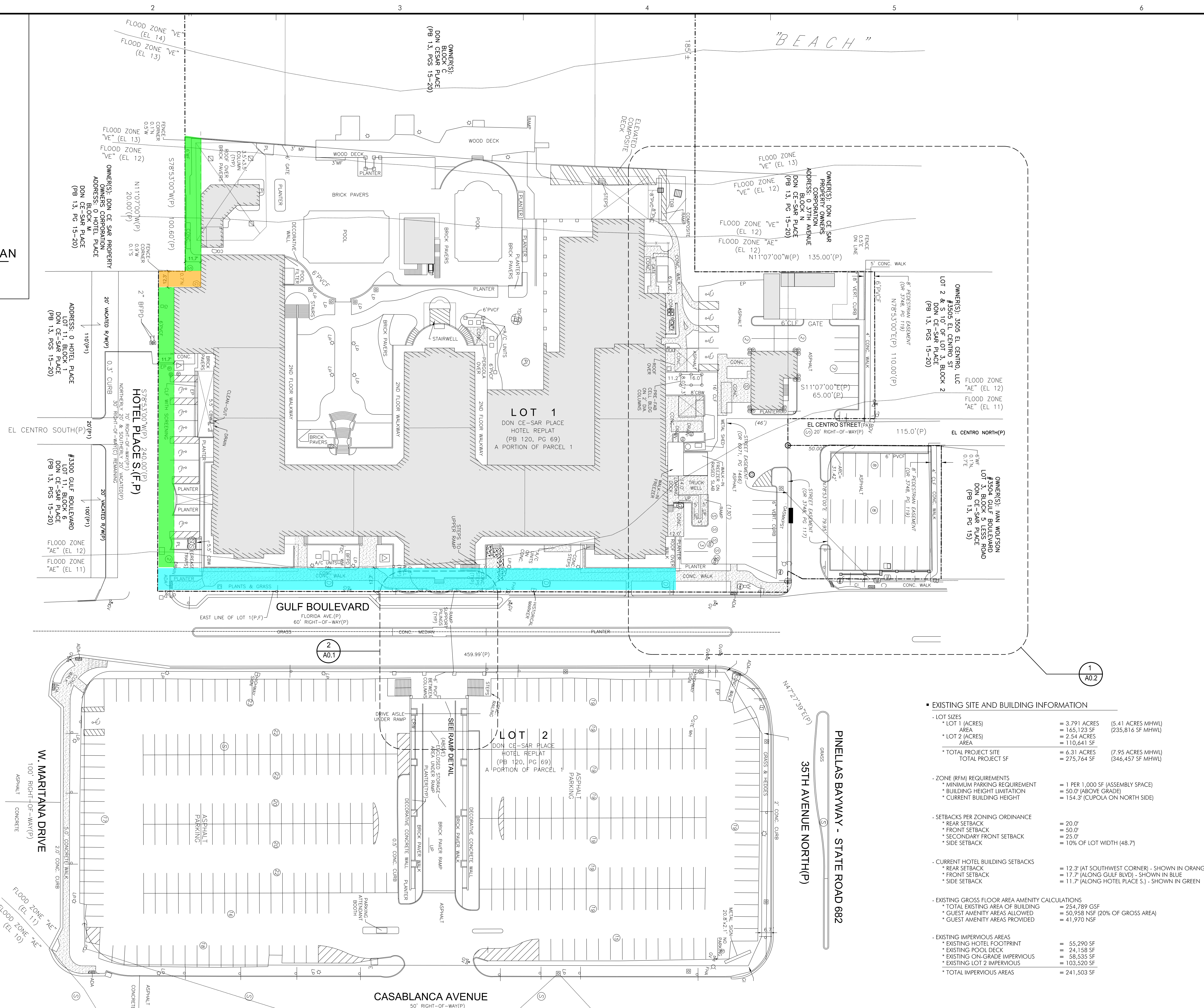
565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PH 727.822.4151 FAX 727.821.7255
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

TOPOGRAPHIC SURVEY
DON CE-SAR PROPERTIES
3400 GULF BOULEVARD

CITY OF ST. PETE BEACH FLORIDA

PREPARED FOR:
LOEWS HOTELS
667 MADISON AVE., 6TH FLOOR
NEW YORK, NY 10065

I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 51-17.025(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.	WORK ORDER NO. 2006-199-9 DRAWN BY: EKM/MJB FIELD DATE: 1/7/2019 SCALE: 1" = 40' SHEET NO. 2 OF 2
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1 THE DON CESAR SITE PLAN
A0.1 1" = 30'-0"



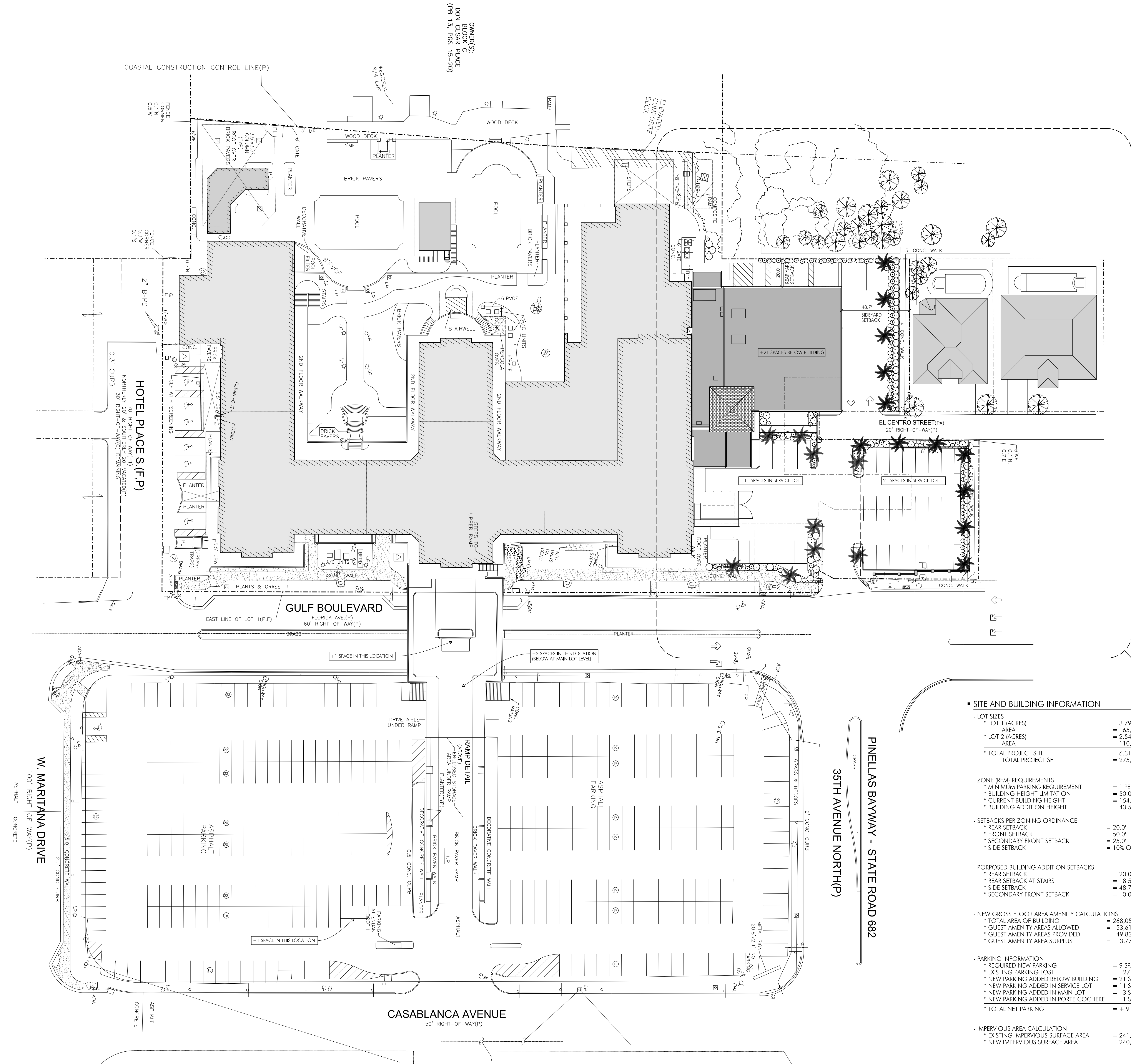
SITE AND BUILDING INFORMATION			
LOT SIZES			
* LOT 1 (ACRES)	= 3.791 ACRES	(5.41 ACRES MHWL)	
AREA	= 165,123 SF	(235,816 SF MHWL)	
* LOT 2 (ACRES)	= 2.54 ACRES		
AREA	= 110,641 SF		
TOTAL PROJECT SITE			
TOTAL PROJECT SF	= 6.31 ACRES	(7.95 ACRES MHWL)	
	= 275,764 SF	(346,457 SF MHWL)	
ZONE (RFM) REQUIREMENTS			
* MINIMUM PARKING REQUIREMENT	= 1 PER 1,000 SF (ASSEMBLY SPACE)		
* BUILDING HEIGHT LIMITATION	= 50.0' ABOVE GRADE		
* CURRENT BUILDING HEIGHT	= 154.3' (CUPOLA ON NORTH SIDE)		
* BUILDING ADDITION HEIGHT	= 43.5' (TO PARAPET ABOVE GRADE)		
SETBACKS PER ZONING ORDINANCE			
* REAR SETBACK	= 20.0'		
* FRONT SETBACK	= 50.0'		
* SECONDARY FRONT SETBACK	= 25.0'		
* SIDE SETBACK	= 10% OF LOT WIDTH (48.7')		
PROPOSED BUILDING ADDITION SETBACKS			
* REAR SETBACK	= 20.0' (AT WEST PROPERTY LINE TO BLOCK N)		
* REAR SETBACK AT STAIRS	= 8.5' (AT WEST PROPERTY LINE) - VARIANCE REQUESTED.		
* SIDE SETBACK	= 48.7' (AT NORTH PROPERTY LINE TO 3505 EL CENTRO)		
* SECONDARY FRONT SETBACK	= 0.0' (ALONG 16.2' OF EL CENTRO) - VARIANCE REQUESTED.		
NEW GROSS FLOOR AREA AMENITY CALCULATIONS			
* TOTAL AREA OF BUILDING	= 268,059 GSF (EXISTING 254,789 + NEW 13,270)		
* GUEST AMENITY AREAS ALLOWED	= 53,612 NSF (20% OF GROSS AREA)		
* GUEST AMENITY AREAS PROVIDED	= 49,836 NSF (EXISTING 41,970 + NEW 7,866)		
* GUEST AMENITY AREA SURPLUS	= 3,776 NSF AREA REMAINING		
PARKING INFORMATION			
* REQUIRED NEW PARKING	= 9 SPACES (1 PER 1,000 SF OF ASSEMBLY)		
* EXISTING PARKING LOST	= 27 SPACES		
* NEW PARKING ADDED BELOW BUILDING	= 21 SPACES		
* NEW PARKING ADDED IN SERVICE LOT	= 11 SPACES		
* NEW PARKING ADDED IN MAIN LOT	= 3 SPACES		
* NEW PARKING ADDED IN PORTE COCHERE	= 1 SPACES		
* TOTAL NET PARKING	= + 9 SPACES (NO VARIANCE NEEDED)		
IMPERVIOUS AREA CALCULATION			
* EXISTING IMPERVIOUS SURFACE AREA	= 241,503 SF		
* NEW IMPERVIOUS SURFACE AREA	= 240,482 SF (1,021 SF LESS THAN EXISTING)		



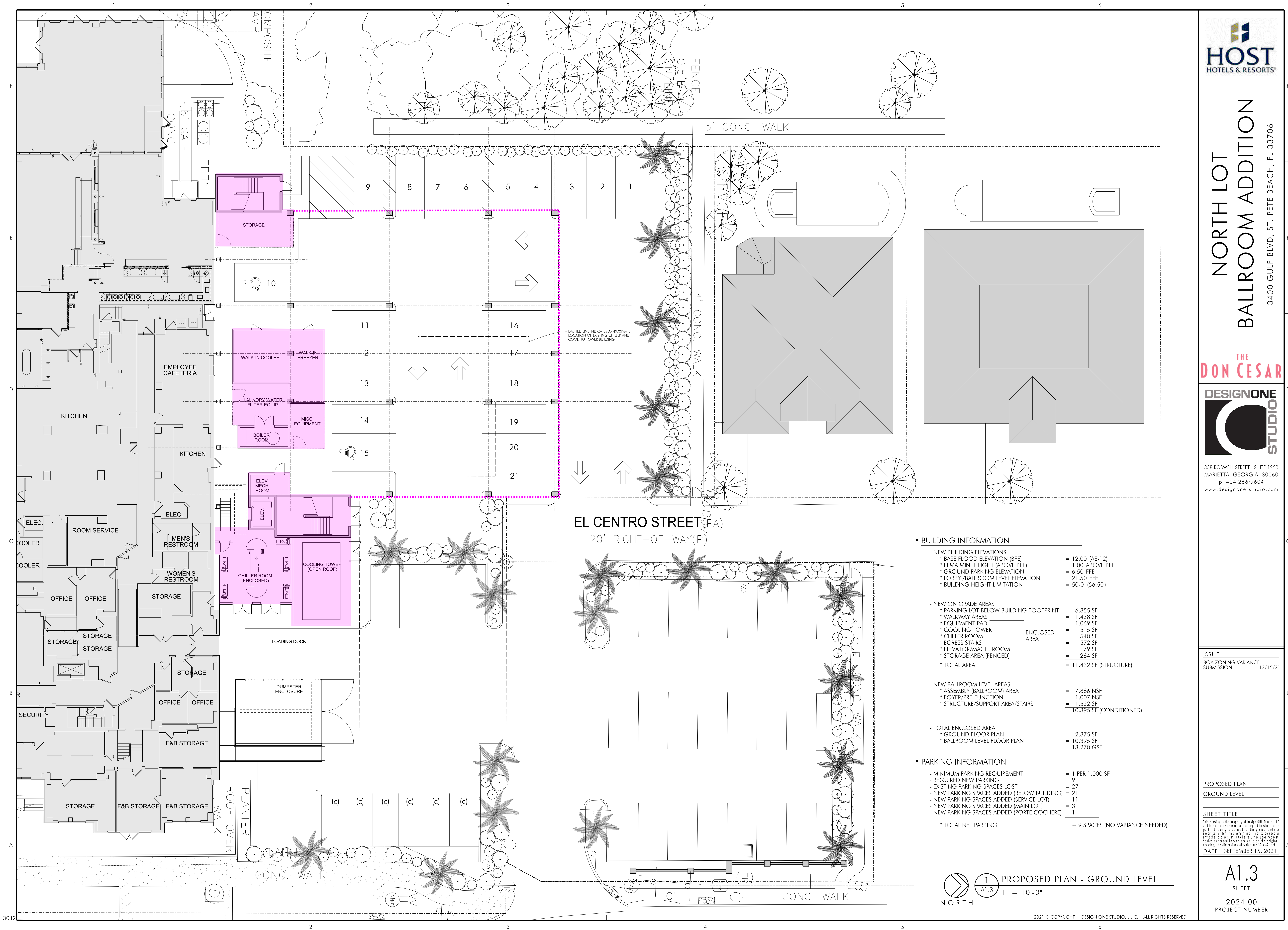
1
A1.1

THE DON CESAR NEW SITE PLAN

1" = 30'-0"







■ BUILDING INFORMATION

- NEW BUILDING ELEVATIONS	
* BASE FLOOD ELEVATION (BFE)	= 12.00' (AE-12)
* FEMA MIN. HEIGHT (ABOVE BFE)	= 1.00' ABOVE BFE
* GROUND PARKING ELEVATION	= 6.50' FFE
* LOBBY /BALLROOM LEVEL ELEVATION	= 21.50' FFE
* BUILDING HEIGHT LIMITATION	= 50'-0" (56.50')

- NEW ON GRADE AREAS	
* PARKING LOT BELOW BUILDING FOOTPRINT	= 6,855 SF
* WALKWAY AREAS	= 1,438 SF
* EQUIPMENT PAD	= 1,069 SF
* COOLING TOWER	= 515 SF
* CHILLER ROOM	= 540 SF
* EGRESS STAIRS	= 572 SF
* ELEVATOR/MACH. ROOM	= 179 SF
* STORAGE AREA (FENCED)	= 264 SF
* TOTAL AREA	= 11,432 SF (STRUCTURE)

- NEW BALLROOM LEVEL AREAS	
* ASSEMBLY (BALLROOM) AREA	= 7,866 NSF
* FOYER/PRE-FUNCTION	= 1,007 NSF
* STRUCTURE/SUPPORT AREA/STAIRS	= 1,522 SF
	= 10,395 SF (CONDITIONED)

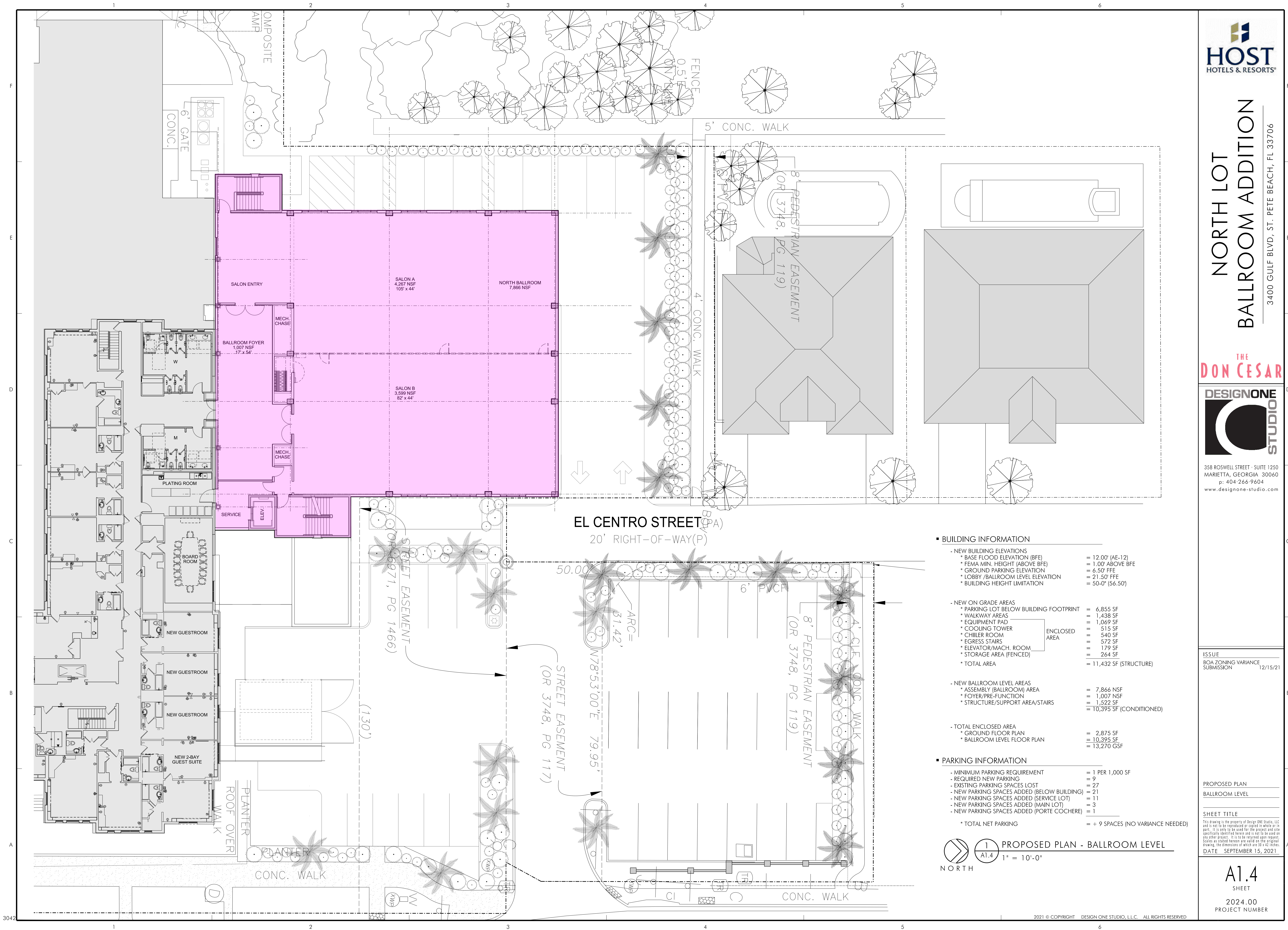
- TOTAL ENCLOSED AREA	
* GROUND FLOOR PLAN	= 2,875 SF
* BALLROOM LEVEL FLOOR PLAN	= 10,395 SF
	= 13,270 GSF

■ PARKING INFORMATION

- MINIMUM PARKING REQUIREMENT	= 1 PER 1,000 SF
- REQUIRED NEW PARKING	= 9
- EXISTING PARKING SPACES LOST	= 27
- NEW PARKING SPACES ADDED (BELOW BUILDING)	= 21
- NEW PARKING SPACES ADDED (SERVICE LOT)	= 11
- NEW PARKING SPACES ADDED (MAIN LOT)	= 3
- NEW PARKING SPACES ADDED (PORTE COCHERE)	= 1
* TOTAL NET PARKING	= + 9 SPACES (NO VARIANCE NEEDED)



1
A1.3
PROPOSED PLAN - GROUND LEVEL
1" = 10'-0"



■ BUILDING INFORMATION

- NEW BUILDING ELEVATIONS	
* BASE FLOOD ELEVATION (BFE)	= 12.00' (AE-12)
* FEMA MIN. HEIGHT (ABOVE BFE)	= 1.00' ABOVE BFE
* GROUND PARKING ELEVATION	= 6.50' FFE
* LOBBY /BALLROOM LEVEL ELEVATION	= 21.50' FFE
* BUILDING HEIGHT LIMITATION	= 50'-0" (56.50')

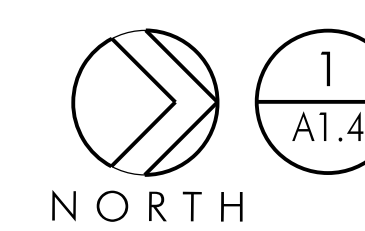
- NEW ON GRADE AREAS	
* PARKING LOT BELOW BUILDING FOOTPRINT	= 6,855 SF
* WALKWAY AREAS	= 1,438 SF
* EQUIPMENT PAD	= 1,069 SF
* COOLING TOWER	= 515 SF
* CHILLER ROOM	= 540 SF
* EGRESS STAIRS	= 572 SF
* ELEVATOR/MACH. ROOM	= 179 SF
* STORAGE AREA (FENCED)	= 264 SF
* TOTAL AREA	= 11,432 SF (STRUCTURE)

- NEW BALLROOM LEVEL AREAS	
* ASSEMBLY (BALLROOM) AREA	= 7,866 NSF
* FOYER/PRE-FUNCTION	= 1,007 NSF
* STRUCTURE/SUPPORT AREA/STAIRS	= 1,522 SF
	= 10,395 SF (CONDITIONED)

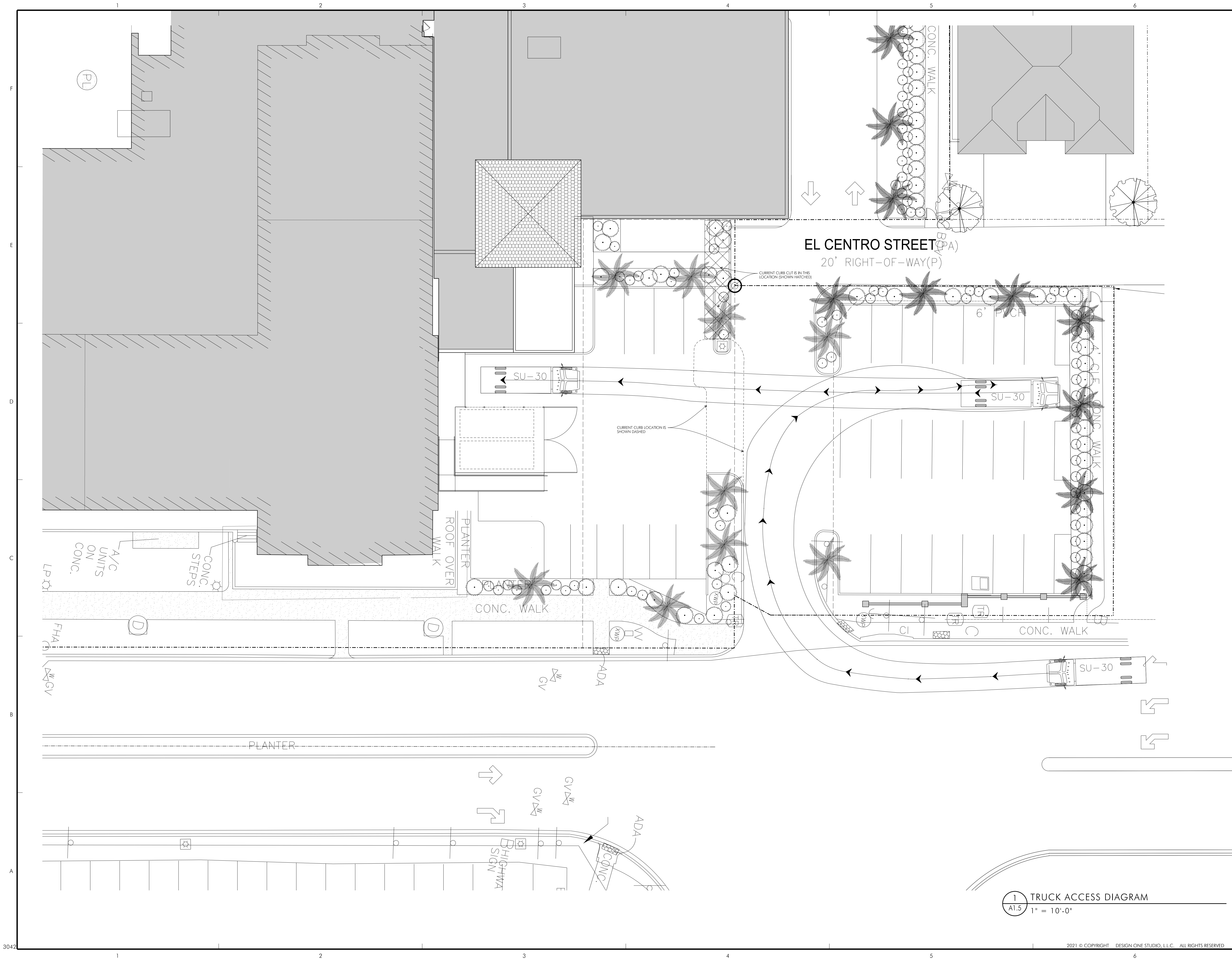
- TOTAL ENCLOSED AREA	
* GROUND FLOOR PLAN	= 2,875 SF
* BALLROOM LEVEL FLOOR PLAN	= 10,395 SF
	= 13,270 GSF

■ PARKING INFORMATION

- MINIMUM PARKING REQUIREMENT	= 1 PER 1,000 SF
- REQUIRED NEW PARKING	= 9
- EXISTING PARKING SPACES LOST	= 27
- NEW PARKING SPACES ADDED (BELOW BUILDING)	= 21
- NEW PARKING SPACES ADDED (SERVICE LOT)	= 11
- NEW PARKING SPACES ADDED (MAIN LOT)	= 3
- NEW PARKING SPACES ADDED (PORTE COCHERE)	= 1
* TOTAL NET PARKING	= + 9 SPACES (NO VARIANCE NEEDED)



1
A1.4
PROPOSED PLAN - BALLROOM LEVEL
1" = 10'-0"



1 TRUCK ACCESS DIAGRAM
A1.5 1" = 10'-0"

**NORTH LOT
BALLROOM ADDITION**
3400 GULF BLVD, ST. PETE BEACH, FL 33706

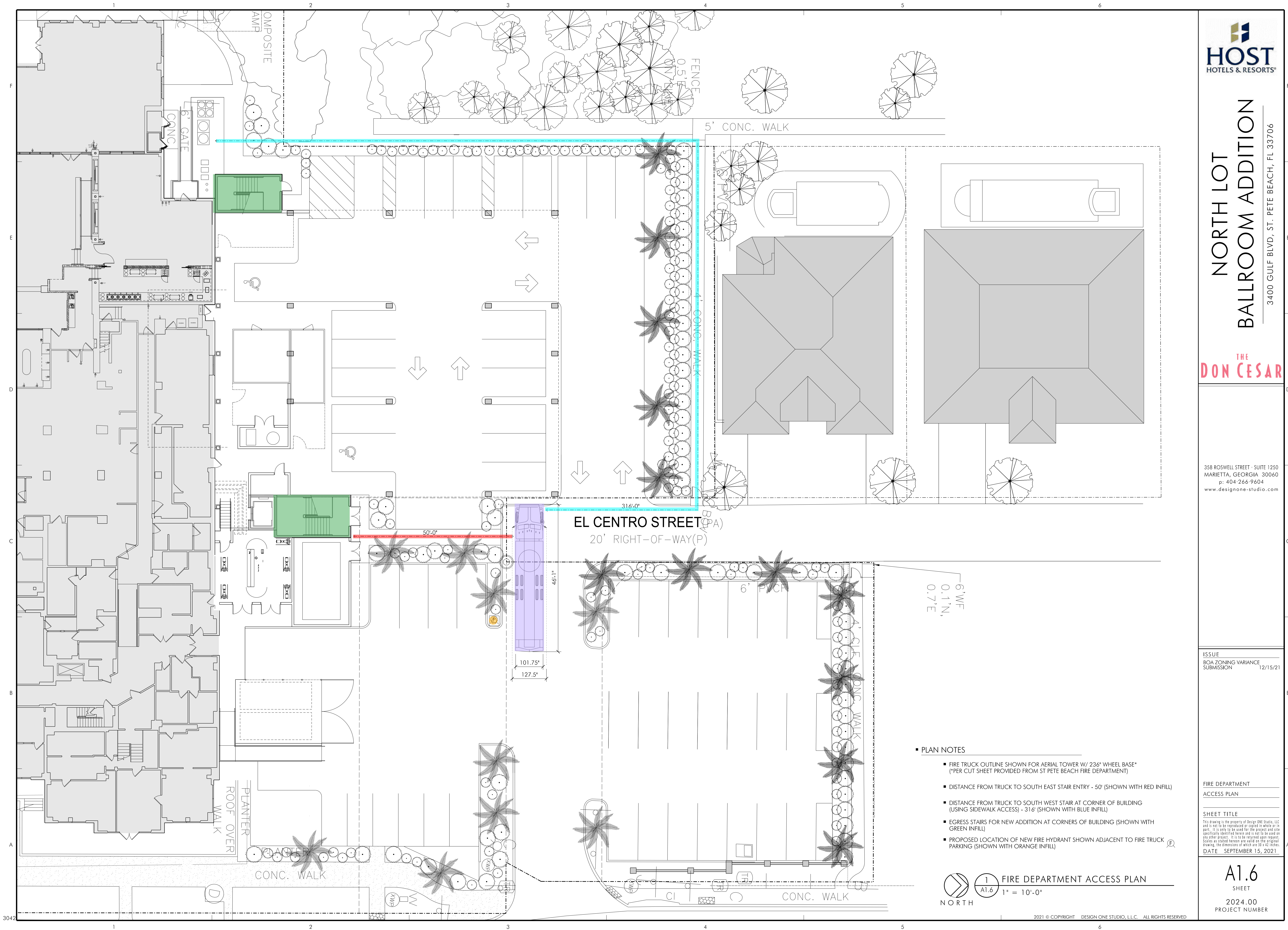
358 ROSWELL STREET · SUITE 1250
MARIETTA, GEORGIA 30060
p: 404-266-9604
www.designone-studio.com

ISSUE
BOA ZONING VARIANCE
SUBMISSION
12/15/21

TRUCK ACCESS DIAGRAM
30' STRAIGHT BODY TRUCK

SHEET TITLE
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DATE SEPTEMBER 15, 2021

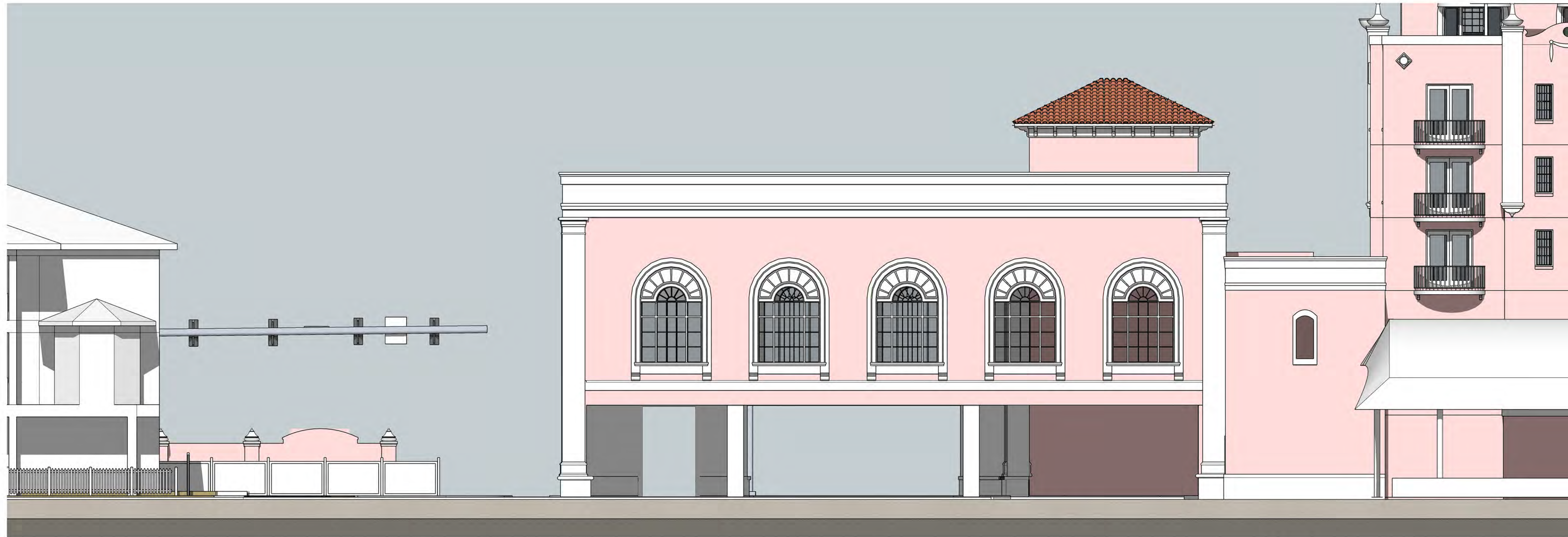
A1.5
SHEET
2024.00
PROJECT NUMBER



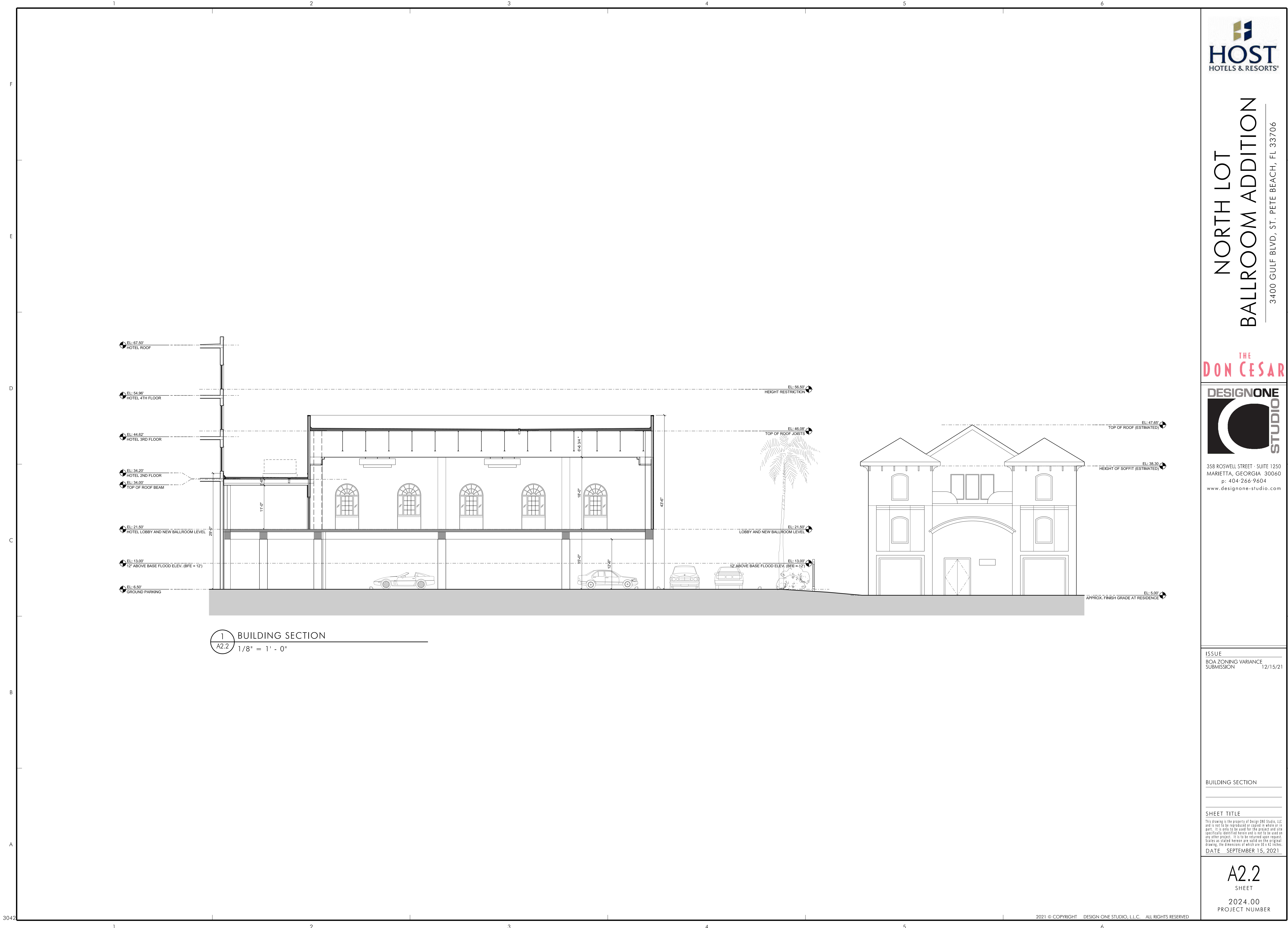
- PLAN NOTES
- FIRE TRUCK OUTLINE SHOWN FOR AERIAL TOWER W/ 236" WHEEL BASE* (*PER CUT SHEET PROVIDED FROM ST PETE BEACH FIRE DEPARTMENT)
 - DISTANCE FROM TRUCK TO SOUTH EAST STAIR ENTRY - 50' (SHOWN WITH RED INFILL)
 - DISTANCE FROM TRUCK TO SOUTH WEST STAIR AT CORNER OF BUILDING (USING SIDEWALK ACCESS) - 316' (SHOWN WITH BLUE INFILL)
 - EGRESS STAIRS FOR NEW ADDITION AT CORNERS OF BUILDING (SHOWN WITH GREEN INFILL)
 - PROPOSED LOCATION OF NEW FIRE HYDRANT SHOWN ADJACENT TO FIRE TRUCK PARKING (SHOWN WITH ORANGE INFILL)



A EAST (GULF BOULEVARD) ELEVATION
A2.1 NOT TO SCALE



B WEST (BEACH) ELEVATION
A2.1 NOT TO SCALE



1 BUILDING SECTION
A2.2 1/8" = 1' - 0"



1 EXISTING AERIAL VIEW OVER GULF BOULEVARD
A3.1 NTS



2 EXISTING VIEW FROM EL CENTRO STREET
A3.1 NTS



3 EXISTING VIEW FROM GULF BOULEVARD
A3.1 NTS



4 EXISTING AERIAL VIEW OVER BEACH
A3.1 NTS



1 NEW BALLROOM AERIAL VIEW OVER GULF BOULEVARD
A3.2 NTS



2 NEW BALLROOM VIEW FROM EL CENTRO STREET
A3.2 NTS



3 NEW BALLROOM VIEW FROM GULF BOULEVARD
A3.2 NTS



4 NEW BALLROOM AERIAL VIEW OVER BEACH
A3.2 NTS



1 BALLROOM RENDERING FROM PARKING LOT
A3.3 NOT TO SCALE



1 BALLROOM RENDERING FROM BEACH
A3.4 NOT TO SCALE