



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, January 26, 2022
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: **12-15-2021**
4. Action Items
 - a. **Variance - 3535 Belle Vista Drive (Case No. 22001)** Request to construct a Single Family Residence (27'x74') that is proposed to encroach into the 20-foot required rear setback along the Boca Ciega Bay (LDC Sec. 8.7(a)(4)).
 - b. **Variance - 265 40th Ave (Case No. 21103)**
Request to construct a 24'x32' (768 sqft) detached garage addition and reduce the 20-foot front setback to 6 feet.
 - c. **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 (10,395SF, of which 7,866SF is ballroom space) 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.
5. Adjournment - Next Meeting 02/23/2022

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
December 15, 2021 2:00 P.M.

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

STAFF PRESENT: Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Wesley Wright, Planning Manager
Lynn Rosetti Senior Planner
Jordan Elmore, Zoning and Permit Tech

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

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

1. Changes to the Agenda – Planning Manager Wesley Wright stated that the application for Item 4a. (Case No. 21086) was withdrawn by the applicant and Item 4b. (Case No. 21071) is continued to a future date. Advertising and noticing regulations will be followed when a new date is determined.

2. Audience Comments – There were none.

3. Approval of Minutes - a. 11/17/2021

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the approval of the minutes from the November 17, 2021 meeting; the motion carried unanimously.

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).

This application was withdrawn by the Applicant.

- 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).

This case has been continued.

- 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.

Planner Jordan Elmore reviewed the presentation and exhibits for this Practical Difficulty Variance; the presentation will become part of these minutes. Staff found that the request to be reasonable and recommended approval. The Applicant was present but did not speak. There being no further public comment, the Chair opened Board discussion and deliberation.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the variance for Case 21089 to allow for the construction of a 6-foot tall fence where 4 feet is allowed. The motion carried 5-0.

- 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 Page 1 of 124 2 previously permitted footprint.

Senior Planner Lynn Rosetti reviewed the presentation and exhibits for this Unnecessary and Undue Hardship Variance; the presentation will become part of these minutes. Staff found the request to be in harmony with the purpose and intent of the Land Development Regulations and recommended approval of the variance. Applicant Peter Eagleson and Tyson Rawson of Marine Edge Construction, 4790 95th St. N., St. Pete, appeared to provide additional information. There being no further public comment, the Chair opened Board discussion.

Motion: Member Chase moved, and Vice Chair Lyman seconded the approval of 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. The motion carried 5-0.

City Attorney Andrew Dickman asked for a short recess at 2:18 PM for a discussion with staff prior to the following item. The meeting reconvened at 2:28 PM.

- e. Variances - 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.

City Attorney Dickman stated that an outdated plan was submitted in the meeting packet and recommended that in an abundance of caution, this case be continued to the January 26, 2022 meeting. Attorney Katie Cole of Hill, Ward, Henderson, 600 Cleveland St. Clearwater appeared on behalf of the Applicant and agreed to the continuance to January as newer plans have been submitted.

Motion: Vice Chair Lyman moved, and Member Bomar seconded to continue Case 21073 to the January 26, 2022 meeting. The motion carried unanimously.

5. Adjournment – Next Meeting 1/26/2022

Motion: Member Holehouse moved and Member Bomar seconded adjournment at 2:30 PM.

These minutes will be considered for approval at the January 26, 2022 Board of Adjustment meeting.

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

Agenda Report

Issue Considered: Variance - 3535 Belle Vista Drive (Case No. 22001)

Date: January 26, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a Single Family Residence (27'x74) that is proposed to encroach into the 20-foot required rear setback along the Boca Ciega Bay.

Funding: N/A

Requested Motion: Motion to APPROVE Case # 22001 to allow for the construction of a new residence to encroach approximately 5.34 feet into the 20-foot rear setback line.

Attachments:

1. 22001 3535 Belle Vista Dr Staff Report
2. Application



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

VARIANCE CASE NO. 22001	Steven and Kay Carn, Owner's c/o Chad Lubke, Lubke Construction
MEETING DATE: January 26, 2022	PREPARED BY: Wesley Wright. Planning Manager
REQUEST	A <u>Practical Difficulty Variance</u> to construct a Single Family Residence (27'x74') that is proposed to encroach into the 20-foot required rear setback along the Boca Ciega Bay (LDC Sec. 8.7(a)(4)).
SUBJECT PROPERTY	3535 Belle Vista Drive; Belle Vista Beach, 2 nd Add, Lot 38 and 39 Property ID #07-32-16-07416-000-0380
ACERAGE	Approximately 0.26 acres (11,682 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map and Future Land Use Map
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Single Family Residence South - Single Family Residence East – Boca Ciega Bay West – Single Family Residence

BACKGROUND

The zoning lot contains a residence constructed in 1949 according to the Pinellas County Property Appraiser.

ANALYSIS

The zoning lot is an unusually wide lot compared to a typical property in the RU-1 District. The property's zoning requires that a primary structure meets a 20-foot front and rear setback from the property lines. The applicant desires to demolish the existing resident and construct a FEMA compliant home on the irregular shape lot that has a shallow depth in width.

Structure	Required Rear Setback	Proposed Rear Setback	Percentage Encroachment
New Residence	20 feet	14.66 feet	26.7% or 5.34 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 variance of approximately 5 feet at the closest point to the seawall where 20 feet is required, representing a variance request of approximately 26% to the standard. It is noted on the application that the encroachment is to the rear only and no other variances are being sought.

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

No adverse change will be produced in the character of the neighborhood. The new dwelling is proposed to be construct further to the north and away from the dwelling to its south. The adjacent lot to the north is also a double lot, with that dwelling favoring the north side of the lot.

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

The difficulty cannot be obviated by some other feasible method. The proposed depth of the new dwelling is only 25 feet in width where other homes in the area have depths exceed 30 feet in width.

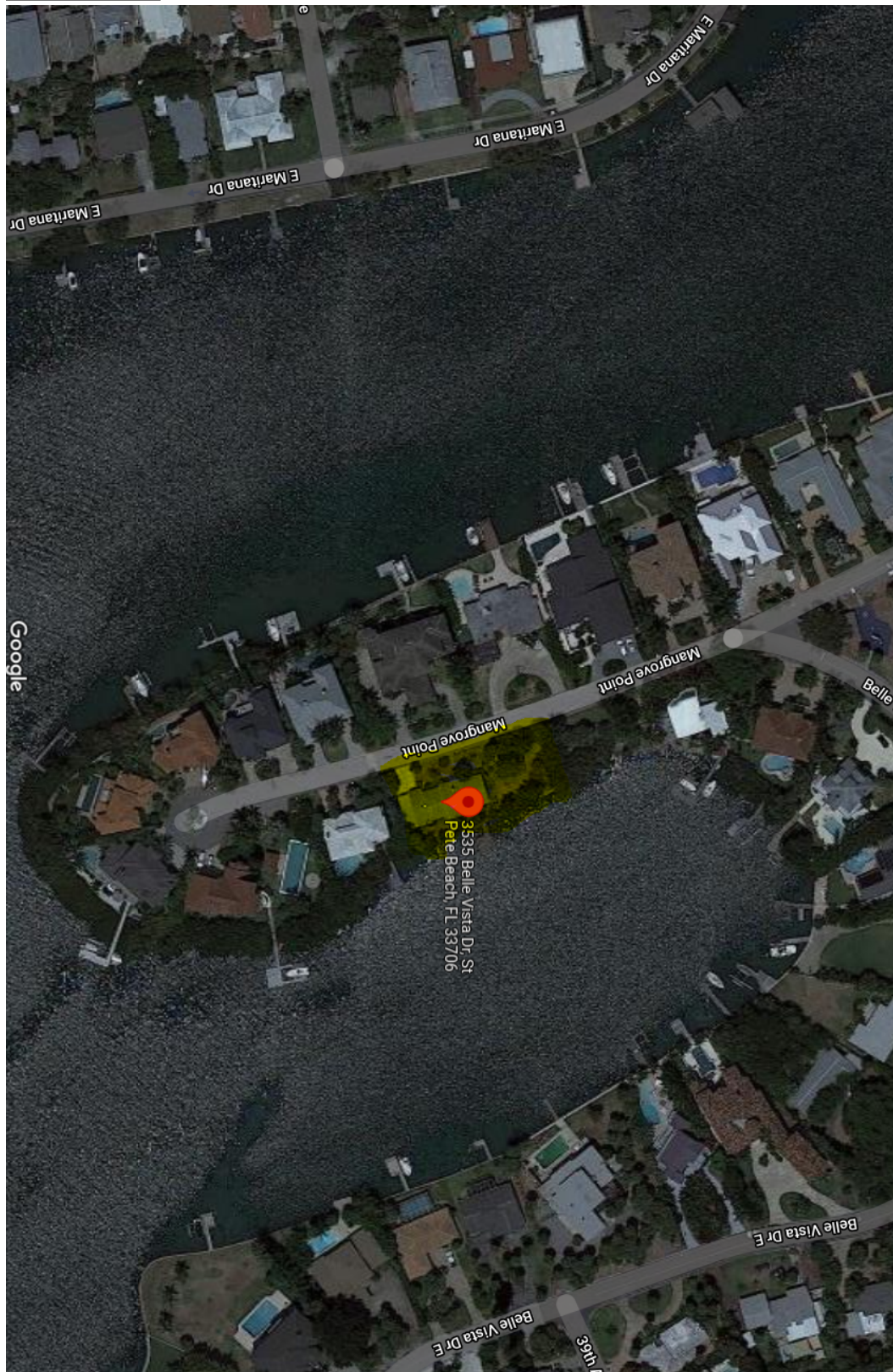
d) Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

The difficulty arose due to the location of the roadway and the fact that the road favors the east side of the land mass. It is noted there will be no negative impacts to the adjacent homes or character of the neighborhood.

SUMMARY AND RECOMMENDATION:

Staff finds that the new residence will fit better on the subject property than the existing dwelling and recommends **approval** for the approximate 27'x74' residence that is proposed to encroach into the required rear setback area by 5.34 feet as presented.

AERIAL MAP





SITE PLAN



CASE #: 22001

SUBMITTAL DATE: 12/13/21 AMOUNT DUE: \$516.80 PAYMENT DATE: 12/13/21

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Steven R. Carn & Kay A.Carn	3535 Belle Vista Drive. St. Pete Beach, FL 33706	904-613-9323
Applicant/ Agent	Chad Lubke Lubke Construction	17985 Gulf Blvd Redington Shores, FL 33708	727-902-3007
Owner Email Address: s.carn@att.net k.carn@att.net		Applicant/Agent Email Address: chad@lubkeconstruction.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-1	Future Land Use Designation RU: Residential Urban	Lot Area 11,682 sf
Legal Description:	BELLE VISTA BEACH 2ND ADD LOT 38 LESS S 1.7 FT & LOT 39 & RIP RTS	
Parcel ID:	07-32-16-07416-000-0380	
Address:	3535 Belle Vista Drive, St. Pete Beach, FL 33706	
Explanation of Request: Request for a variance to the rear setback of lots 38 & 39 due to the irregular shape and shallow buildable area in order to accommodate a home consistent with the new homes being constructed in the area and in accordance with FEMA regulations.		

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 largest encroachment on the rear setback would be approximately 5'-7 1/2" keeping the structure approximately 14'-8" from the center of the seawall. The total area of the encroachment would total approximately 535.2 sf distributed over 3 levels (178.4 sf per floor). Encroachments into the setbacks have been isolated to the rear in order to avoid obstructions to neighboring homes.

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

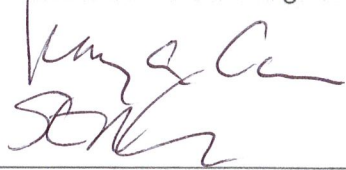
The proposed new home conforms with the city building code regarding setbacks more than the existing home. Whereas the new proposed structure has encroachments totaling 535.2 sf isolated to the rear setback, the existing home has encroachments totaling approximately 811.49 sf spread between the front, right side and rear setbacks which currently has adverse (crowding) affects on the neighboring home.

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

Unfortunately, the difficulty can not be obviated by some other method other than a variance to conform with the city guidelines and the current style and size of homes being built in the area due to the lots maximum buildable depth of just over 30' at it's deepest and tapering down to just over 10' at its shallowest.

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

Yes, justice will be served by allowing the variance. The variance (rear setback encroachment) requested is more in accordance than the existing structure and has no negative impact (view, crowding or otherwise) to the adjacent homes or character of the neighborhood.



12/17/21

12/13/21

Signature of Applicant

Date



12/18/21

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

VA 02 CC I understand that the City will not accept or process an incomplete application.

VA 02 CC 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.

VA 02 CC 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.

VA 02 CC 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.

VA 02 CC 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.

VA 02 CC 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.

W 02 CC 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

Date

12/5/21

12/13/21

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Steven R. Carn and Kay A. Carn
(print name of property owner)

hereby authorize

Chad Lubke of Lubke Construction, LLC
(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

Steven R. Carn
Print Name of Owner

[Signature]
Signature of Owner

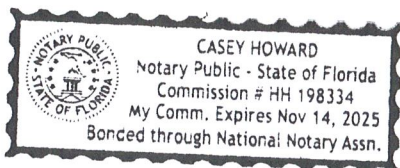
Kay A. Carn
Print Name of Owner

The forgoing instrument was acknowledged before me this 13 day of
December 2021 by Steven and Kay Carn or who is
personally known _____ produced
FL Drivers license as identification.

Casey Howard
(Notary Signature)

13 Dec 21
(Date)

My Commission Expires Nov 14 2025





PUBLIC HEARING SIGN POSTING AFFIDAVIT

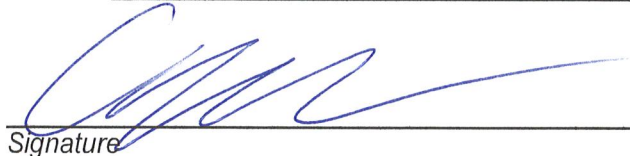
Applicant, Chad Lubke, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary 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): Chad Lubke - Lubke Construction, LLC

Address: 17985 Gulf Blvd., Redington Shores, FL 33708



12/8/21
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 8th day of December 2021 by:
Chad Lubke who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

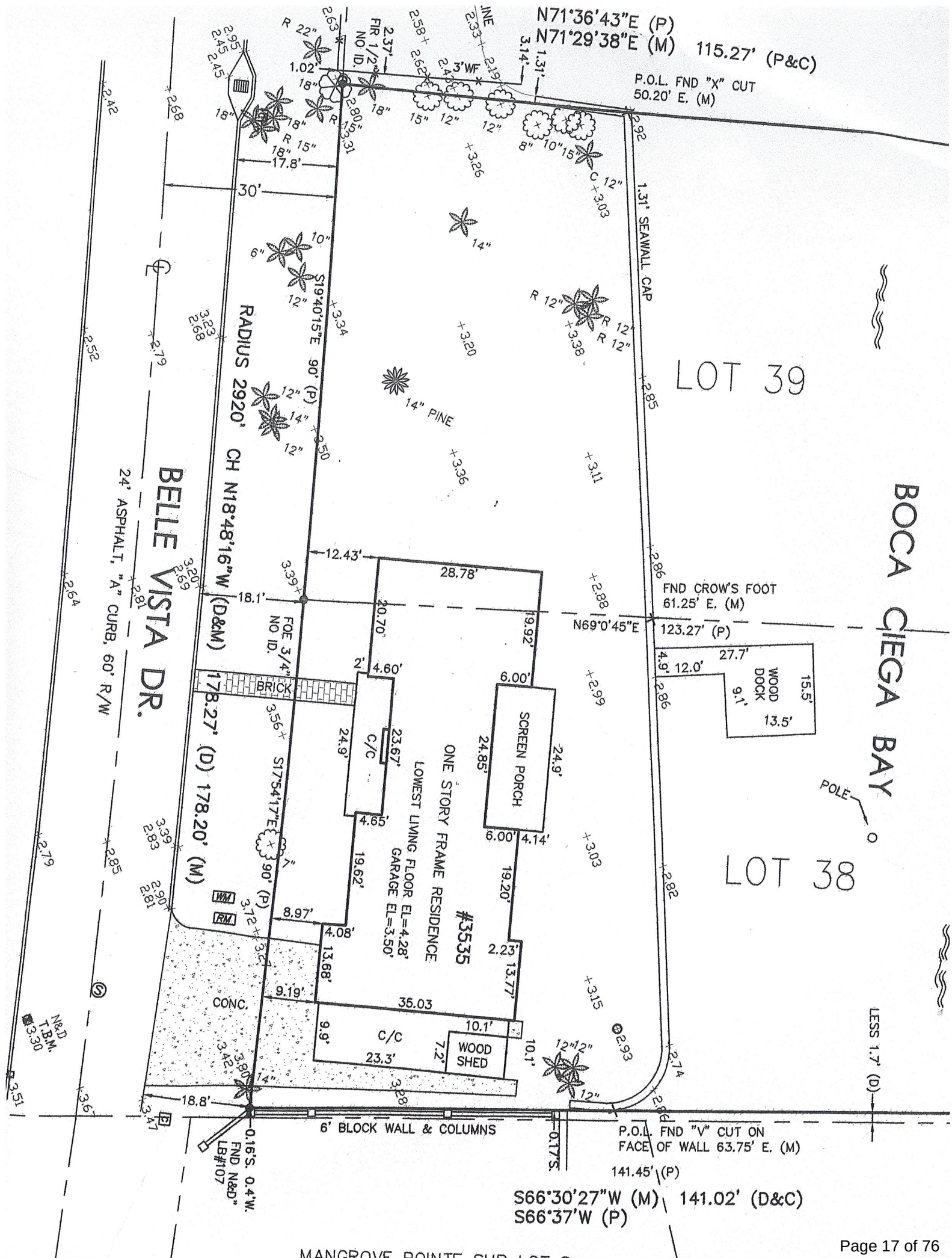
My commission Expires:
2/28/2024

NOTARY: Lauren K. Cox
Print Name: Lauren K. Cox Notary

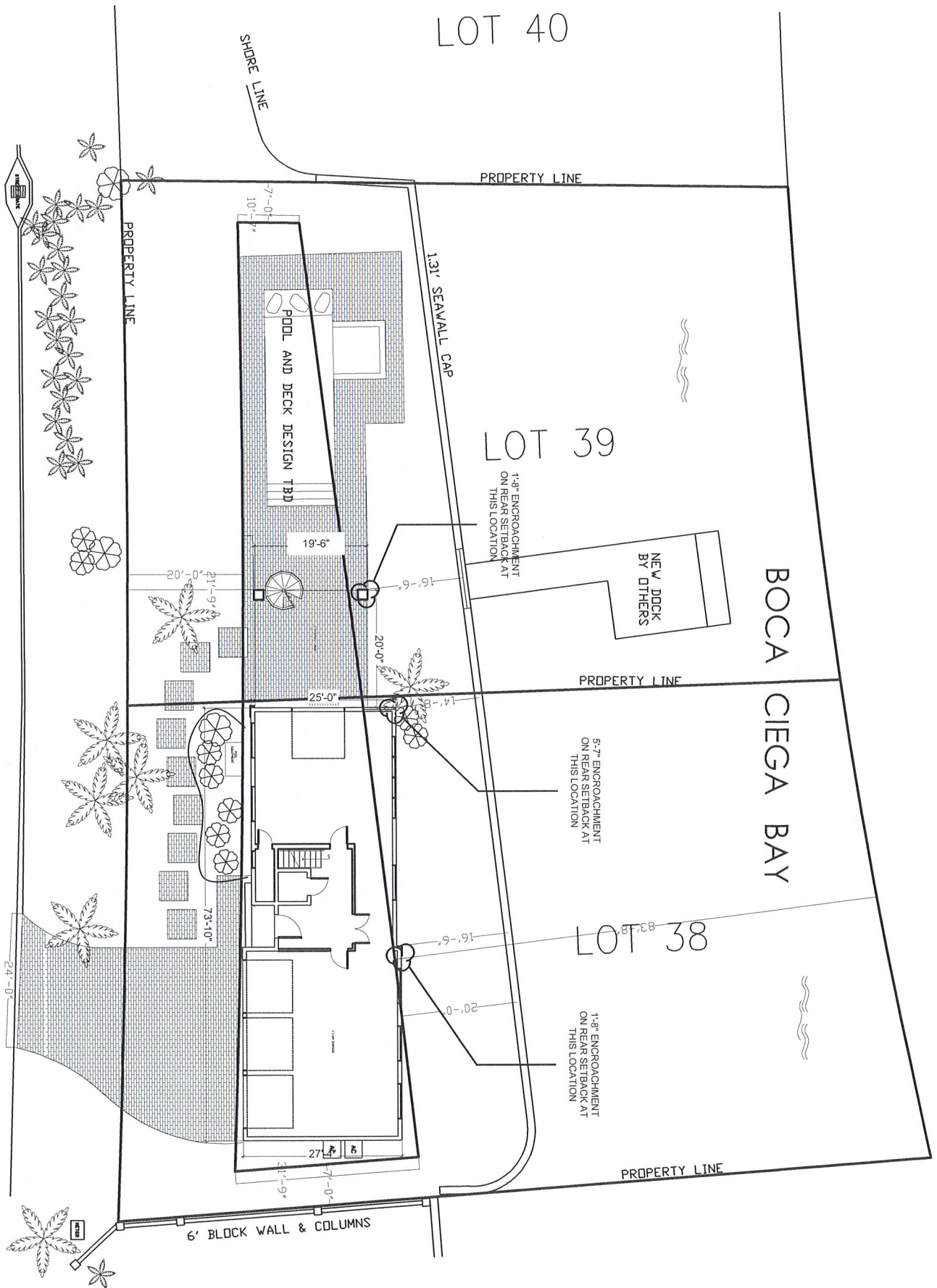
Public, State of Florida

(Notarial Seal)





BELLE VISTA DR.



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

Agenda Report

Issue Considered: Variance - 265 40th Ave (Case No. 21103)

Date: January 26, 2022

Prepared By: Jordan Elmore, Planner I

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a 24'x32' (768 sqft) detached garage addition and reduce the 20-foot front setback to 6 feet.

Funding: N/A

Requested Motion: Motion to DENY Variance Case #21103 as presented.

Attachments:

1. 21103 - 265 40th Ave Staff Report
2. 21103 - 265 40th Ave Application
3. 21103 - 265 40th Ave Survey
4. 21103 - 265 40th Ave Site Plan



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

VARIANCE CASE NO. 21103 – Todd Webb Applicant/Owner

MEETING DATE: January 26, 2022

PREPARED BY: Jordan Elmore, Planner I

REQUEST	A <u>Practical Difficulty Variance</u> to construct a 24'x32' (768 sqft) detached garage addition and reduce the 20-foot front setback to 6 feet. LDC Sec. 6.13(a)(2).
SUBJECT PROPERTY	265 40 th Ave.; BELLE VISTA BEACH 5 th ADD BLK B, LOT 12 & N 3FT OF LOT 11; Property ID #07-32-16-07470-002-0120.
ACERAGE	Approximately 0.12 acres (5,400 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE-9
SURROUNDING AREA	North –Single Family Residence South - Single Family Residence East – Single Family Residence West – Single Family Residence

BACKGROUND

The zoning lot contains a residence constructed in 1952 according to the Pinellas County Property Appraiser.

ANALYSIS

The zoning lot contains both a front and secondary front yard with an irregular shape which is common to other corner lots in the vicinity. The RU-1 zoning district requires any addition to the primary structure to meet the 20-foot setback along 40th Avenue and Moody Street. There is also a side setback of 6.9 feet. In addition to the required setbacks, a detached garage has a maximum height of 12 feet above the crown of any street abutting the property. Applicant is proposing the addition of a detached garage with the dimensions of 24' x 32' (approximately 768 square feet) with an additional 3-foot awning on the front of the structure and an estimated height of 11-12 feet. The existing home has a living space of approximately 756 square feet, an enclosed porch with 132 square feet, and a 12' x 23' one car

garage with 276 square feet. Applicant plans to tie in the existing 1 car garage to the proposed addition to increase their storage space.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Secondary front yard	Garage Addition	20'	6'	70%

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

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

The applicant is requesting to encroach into the required 20 foot setback by 14 feet, which represents a 70% encroachment. This will place the addition approximately 6 feet from the secondary front property line along 40th Avenue.

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

While a few properties appear to have some encroachment into the front setback area, including the residence to the immediate west, most properties within the vicinity of the subject property appear to conform with required setbacks. However, this proposed addition of a garage exceeds the existing square footage of livable area and does not align with the character of the neighborhood.

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

Staff finds that if oriented differently on the northeast portion of the lot and the dimensions be adjusted, an addition could achieve the required 20 foot front and 6.9 foot side setback providing additional storage. Proposed addition may also be adjusted to 20-foot by 24-foot and remain in proposed location increasing the setback to 10 feet (50% variance).

Applicant stated that they did not desire to change the orientation or size of proposed addition.

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

Staff finds the size of the addition and the extent of the encroachment will not provide justice relative to other residences on similar lots in the vicinity. Subject property has a buildable area that can be utilized in a way to construct an addition while providing additional storage space.

SUMMARY:

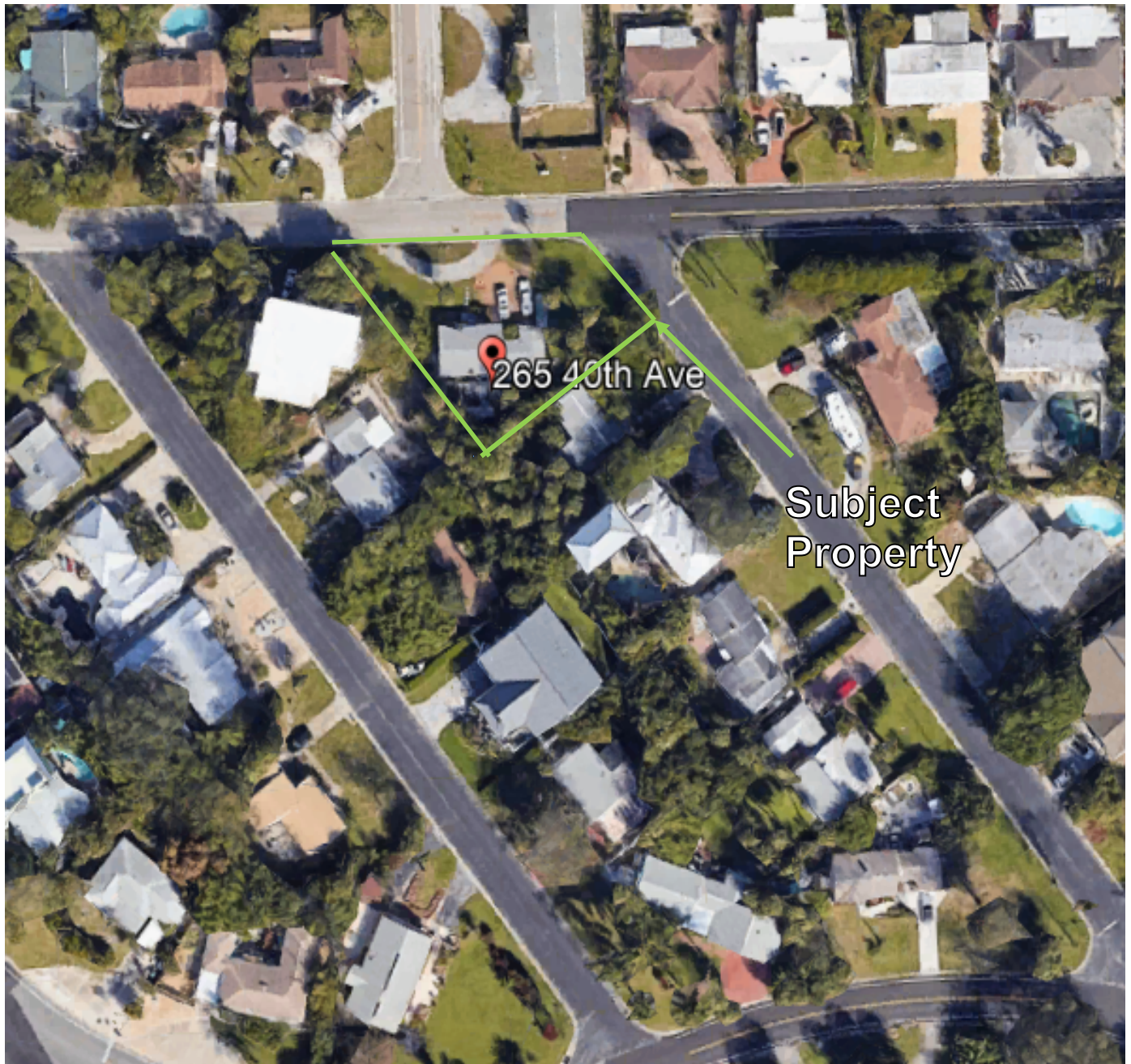
Staff finds that the addition of a garage of this size, which is an accessory structure and therefore not requisite for reasonable use of the property, to be out of character with the neighborhood. There are other feasible alternatives that can be addressed which would either reduce or eliminate the need to seek a variance.

RECOMMENDATION:

Staff recommends **denial** of the proposed 24'x32' residential garage addition that would encroach into the required 40th Avenue secondary front setback area by 14 feet as presented. If the Board of Adjustment should approve the subject variance, Staff recommends the following conditions:

- 1) The property shall be in compliance with Land Development Code Sec. 23.11(b), stipulating that there shall be no more than two driveways providing access to one street;
- 2) The property shall comply with the FEMA 50% rule;

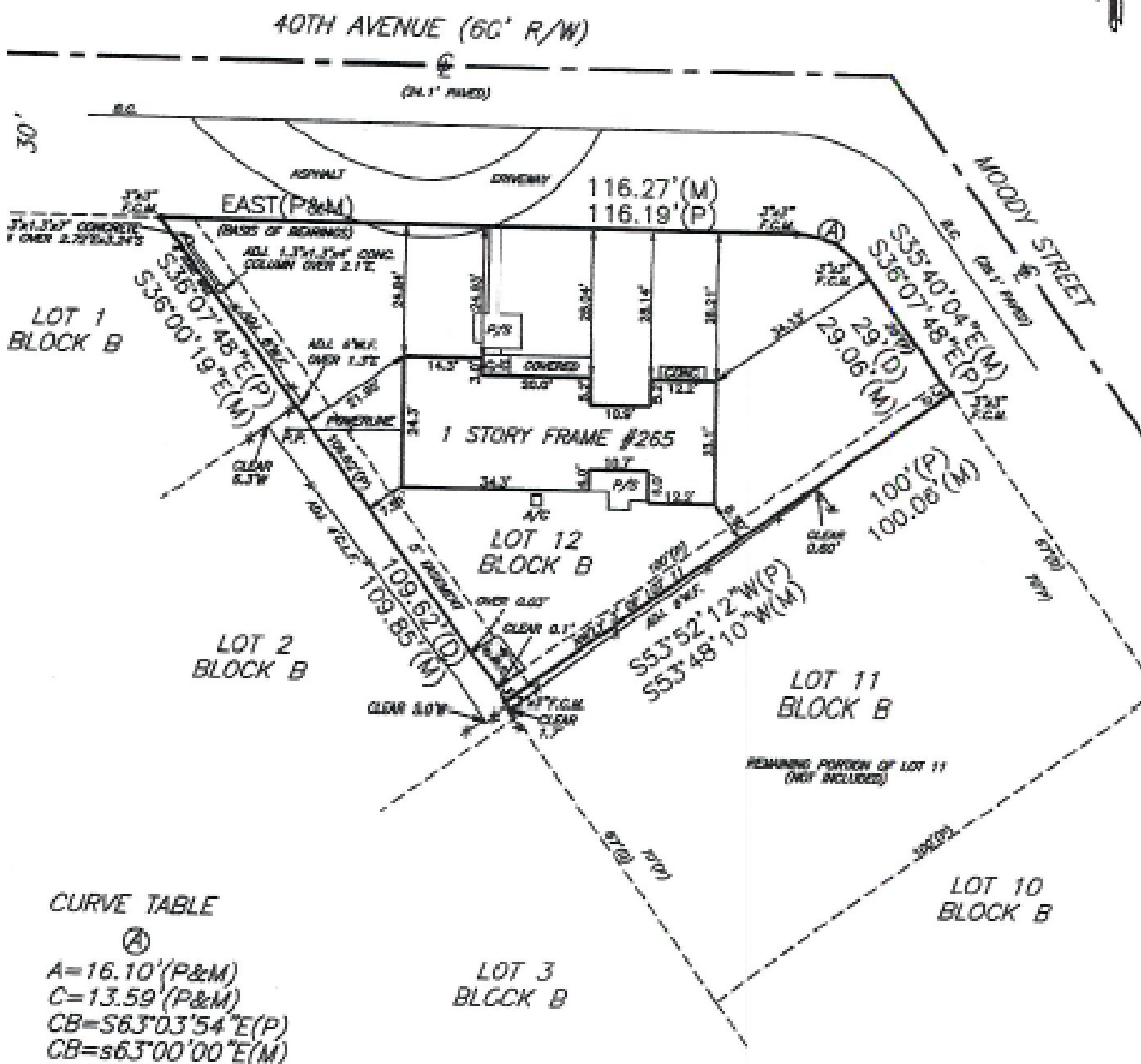
AERIAL MAP



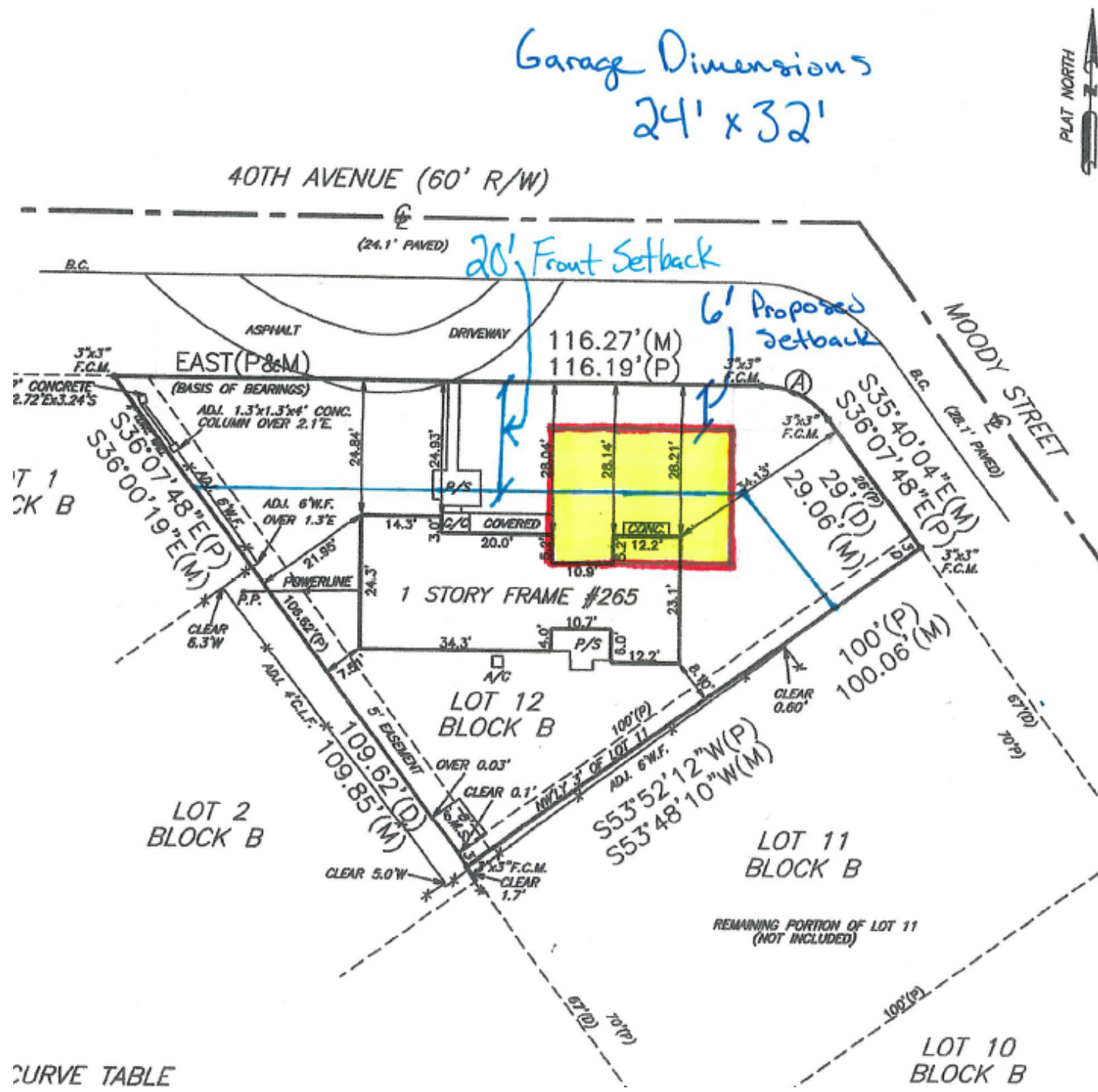
ZONING MAP



SURVEY



SITE PLAN



CASE #: 21103SUBMITTAL DATE: 12/10/21 AMOUNT DUE: 532.90 PAYMENT DATE: 12/10/21**PRACTICAL DIFFICULTY VARIANCE APPLICATION**

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner		265 40 th Avenue	727 8085285
	Todd Webb	Saint Pete Beach, FL 33706	
Applicant/ Agent		265 40 th Avenue	727 8085285
	Todd Webb	Saint Pete Beach, FL 33706	
Owner Email Address:		Applicant/Agent Email Address:	
1webbt@gmail.com		1webbt@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RU	residential	0.124 ac 5400 sq. feet
Legal Description:	Belle Vista Beach 5 th Add BIK B, Lot 12 & N 3ft of Lot 11	
Parcel ID:	07-32-16-07470-002-0120	
Address:	265 40 th Ave Saint Pete Beach, FL 33706	
Explanation of Request: Since the lot is odd shaped, and dealing with two front yard setbacks that are each 20 feet, this variance is necessary. I'm requesting a 14 foot relief into these corner setbacks for a 24' x 32' garage with a 3 foot decorative overhang in the front. As shown on the Plan and photos, this will not obscure any views, or be negative to neighbors.		

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

NA

(print name of property owner)

hereby authorize

(print name of agent)

to represent me/us in an application for

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

Signature of Owner

Signature of Owner

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ or who is personally known _____ produced _____ as identification.

(Notary Signature)

(Date)

My Commission Expires _____

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; 14 feet relief into the Set backs on both fronts (40th Avenue and Moody Street) The Corner set back is 20 feet. This is in addition to the 16 ft. easement that is in place from the roads.

2. Whether an adverse change will be produced in the character of the neighborhood;
NO

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
NO

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

Since this is an odd shaped lot, and corner is 45° and not 90°, Justice will be served by allowing this variance.

Todd L Webb
Signature of Applicant

12-10-2021
Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

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

TW 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.

TW 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.

TW 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.

TW 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.

TW 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.

TW 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.

Todd J. Will
Signature of Applicant

12-10-2021
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Todd L. Webb, 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): Todd L. Webb

Address: 265 40th Ave Saint Pete Beach, FL 33706

T. Webb 12-10-2021
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 10th day of December, 2021 by:
Todd L. Webb who appeared before me, and is personally known to me, or has produced
FL Driver License as identification, and did take an oath.

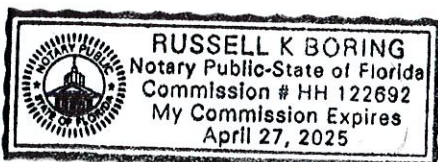
My commission Expires:

NOTARY:

Print Name: [Signature] Notary

Public, State of Florida

(Notarial Seal)



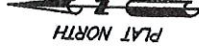
DEAR APPLICANT:

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.

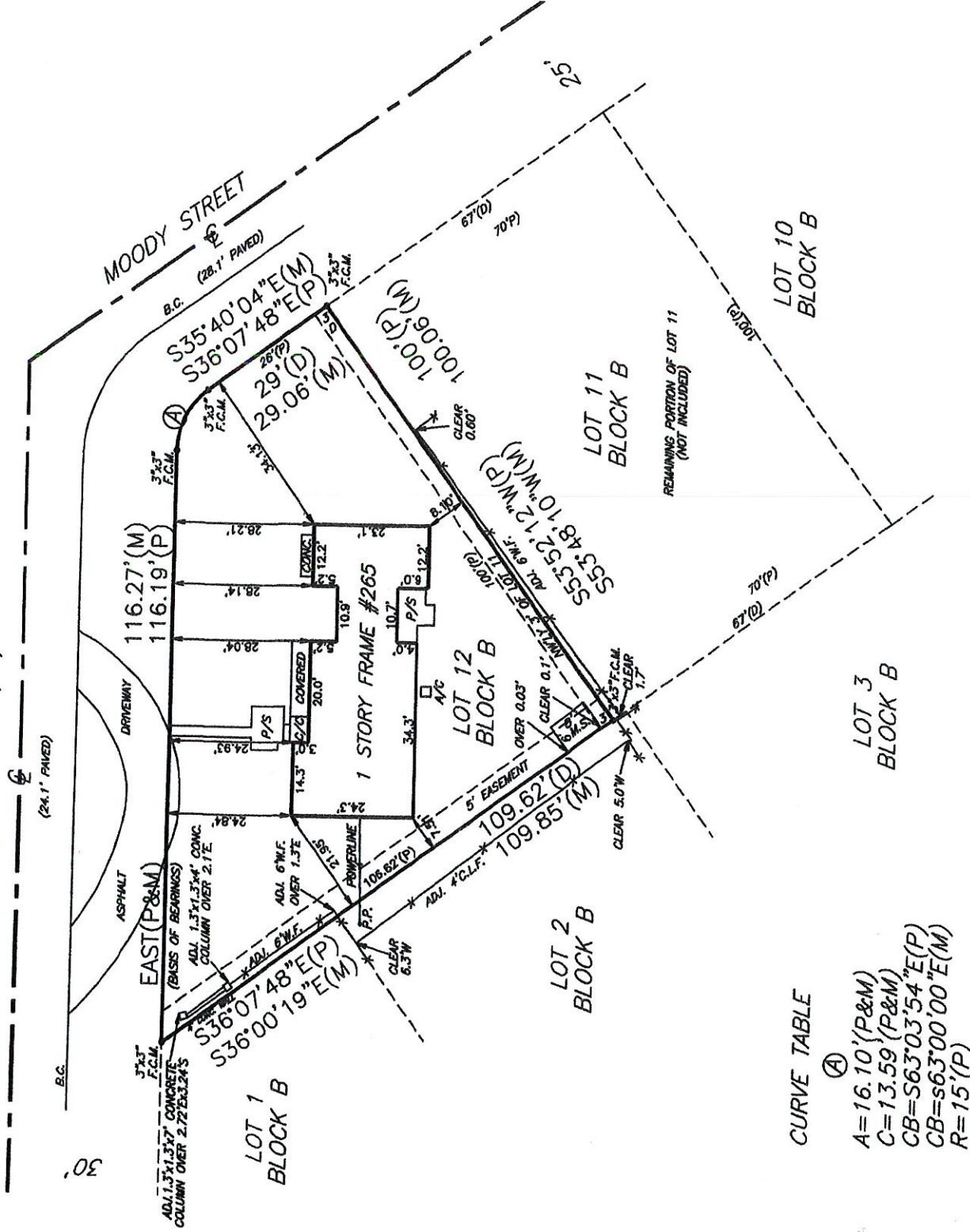
It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing for unnecessary and 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.

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



40TH AVENUE (60' R/W)



CURVE TABLE

- ①
A=16.10'(P&M)
C=13.59'(P&M)
CB=S63°03'54"E(P)
CB=S63°00'00"E(M)
R=15'(P)

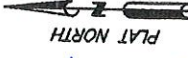
A BOUNDARY SURVEY OF LOT 12 AND THE NORTHWESTERLY 3 FEET OF LOT 11, BLOCK "B", FIFTH ADDITION TO BELLE VISTA BEACH, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGE 18, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: MMXXI221	DAVID C. HARNER	FLOOD ZONE: "AE" (10' & 11')
TELEPHONE: (727) 360-0636	PROFESSIONAL SURVEYOR AND MAPPER	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 5/24/21	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL. 33706	MAP NUMBER: 12103C0278 G
DRAWN BY: DCH	SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO: TODD WEBB		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988. B.F.E.=BASE FLOOD ELEVATION. A=ARC LENGTH. ADJ.=ADJACENT. B.C.=BACK OF CURB. C=CHORD LENGTH. C.L.F.=CHAINLINK FENCE. R/W=RIGHT OF WAY. CONC.=CONCRETE. M.H.=MANHOLE. C/O=COVERED CONC. CL=CENTERLINE. C.B.=CHORD BEARING. V.F.=VERTICAL FENCE. EL=ELEVATION. F.F.=FINISHED FLOOR. F.I.P.=FOUND IRON PIPE. S.I.R.=SET IRON ROD WITH CAP #2650 PC=POINT OF CURVE. F.I.R.=FOUND IRON ROD. F.C.M.=FOUND CONCRETE MONUMENT. M=MEASURED. M.S.=METAL SHED. P.O.L.=POINT ON LINE. D=DEED. R=RADIUS. W/W=WING WALL. W.F.=WOOD FENCE. OR=ORIGIN. UT.=UTILITY EASE. EASE=EASEMENT. P/S=PAVERSTONE. B.M.=BENCHMARK. P.L.=POINT OF INTERSECTION. P.R.M.=PERMANENT REFERENCE MONUMENT. P=PLAT. E.P.=EDGE OF PAVEMENT.		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		



5/28/21
DAVID C. HARNER P.S.&M.
REGISTRATION NUMBER 2650

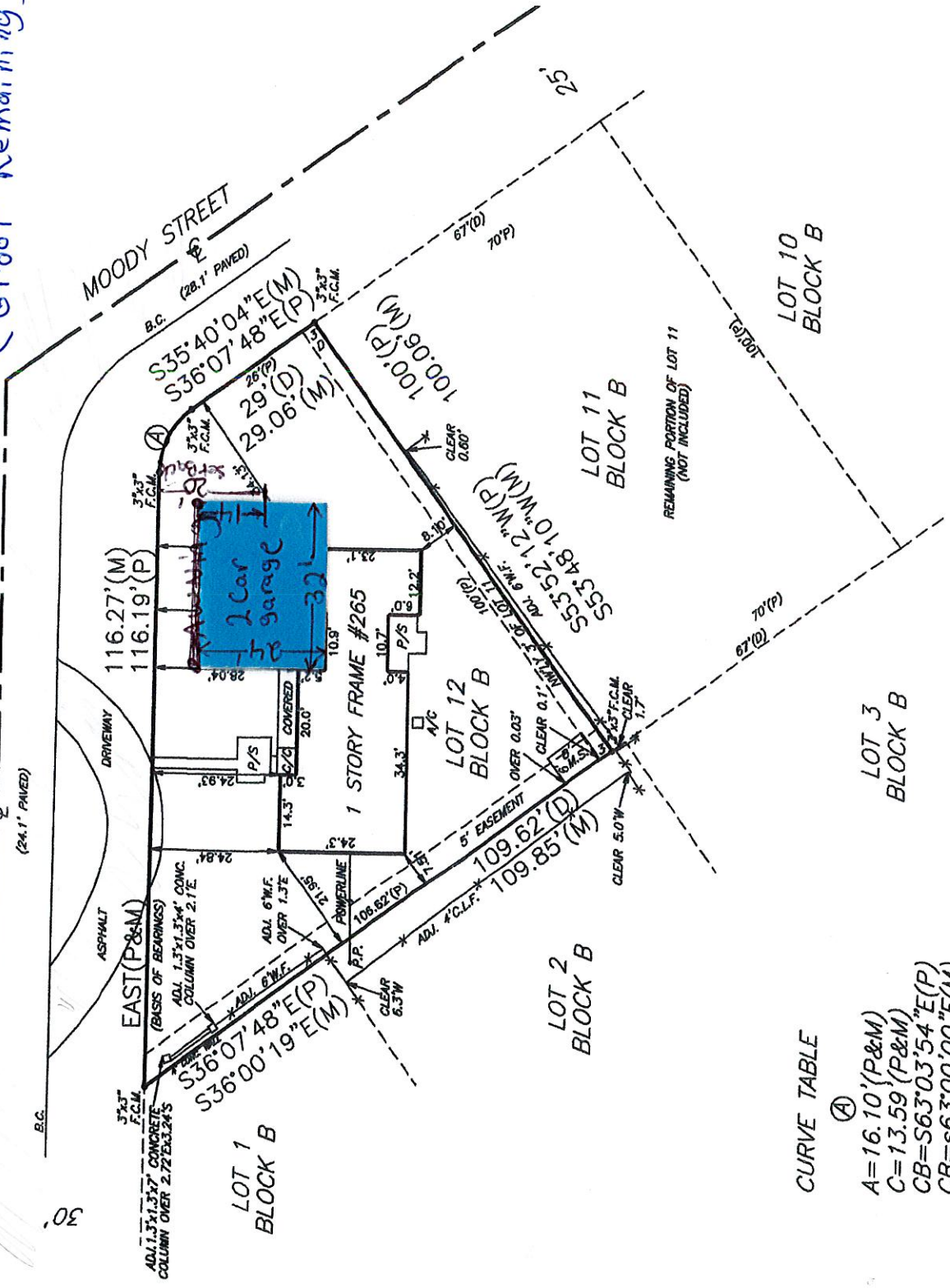
14 ft. Variance
in to 20 Setback
with The 3 foot
decorative overhang
(6 foot Remaining)



40TH AVENUE (60' R/W)

(24.1' PAVED)

MOODY STREET
(28.1' PAVED)

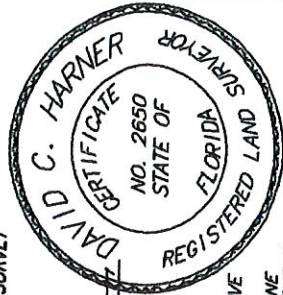


CURVE TABLE

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- C=13.59'(P&M)
- CB=S63°03'54"E(P)
- CB=S63°00'00"E(M)
- R=15'(P)

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JOB NUMBER: MMXX1221 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 5/24/21 SCALE: 1 INCH = 30 FEET DRAWN BY: DCH		DAVID C. HARNER PROFESSIONAL SURVEYOR AND MAPPER 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST		FLOOD ZONE: "AE" (10' & 11') FLOOD MAP DATE: 8/18/09 COMMUNITY NUMBER: 125149 MAP NUMBER: 12103C0278 G CHECKED BY: DCH	
CERTIFIED TO: TODD WEBB		I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.			
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.					
LEGEND: N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988. B.F.E.=BASE FLOOD ELEVATION. A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C=CHORD LENGTH C.L.F.=CHAINLINK FENCE R/W=RIGHT OF WAY CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC. CL=CENTERLINE C.B.=CHORD BEARING V.F.=VERT. FENCE EL=ELEVATION F/F=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2850 PC=POINT OF CURVE F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P.O.L.=POINT ON LINE D=DEED R=RADIUS W/W=HING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT P/S=PAVERSTONE B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT					



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

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

Date: January 26, 2022

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, of which 7,866SF is ballroom space) 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
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: January 26, 2022

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 unnecessary and undue hardship variances to the land development regulations if the applicant is able to demonstrate the following conditions:

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

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 (33 feet from BFE) is 66% 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:

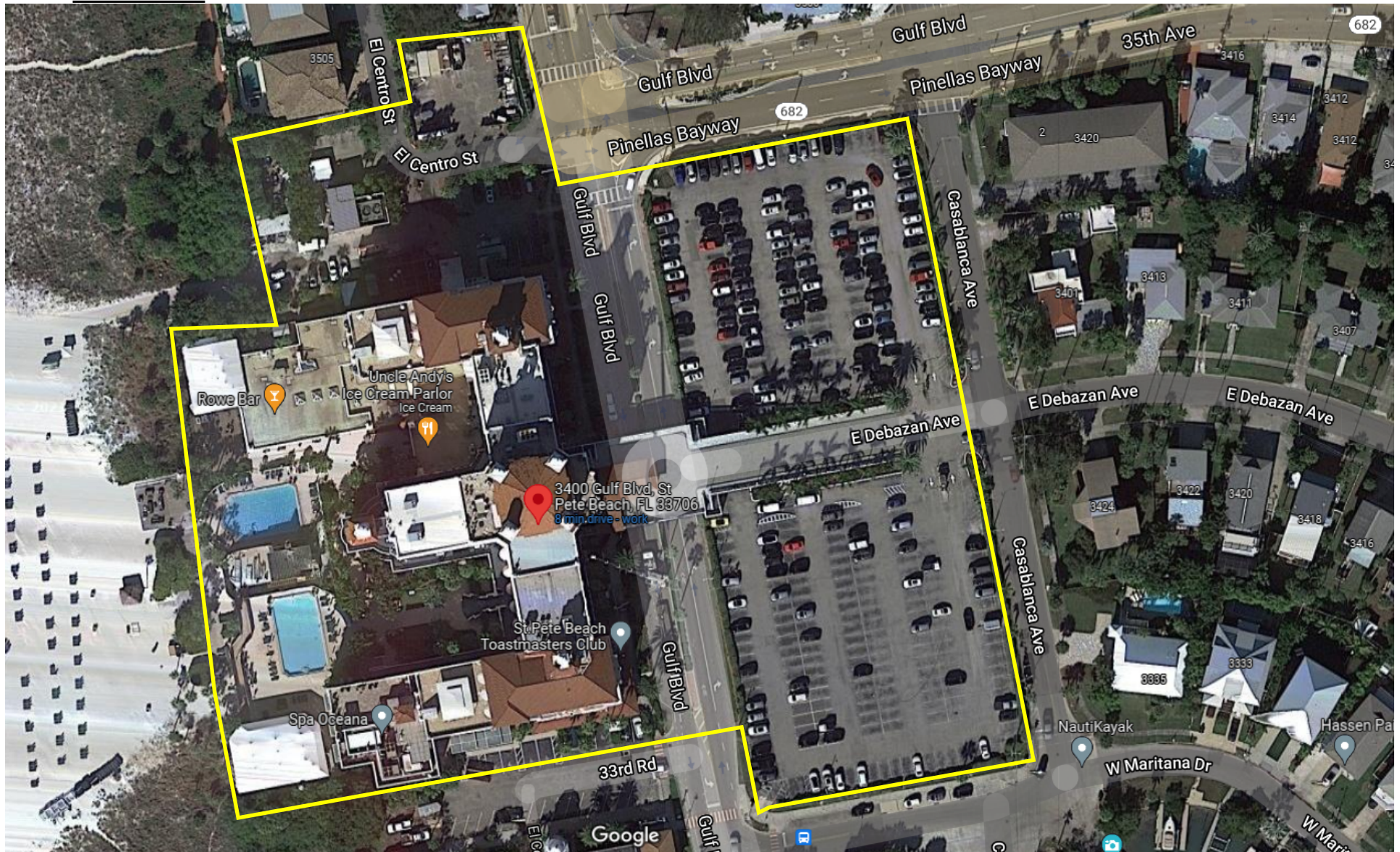
Staff finds that the secondary front and rear setback variance requests for the addition and stair tower are generally reasonable and an adequate resolution for the buildability issues faced on the northern end of the site. Staff also find that certain conditions are necessary to ensure that the construction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

RECOMMENDATION:

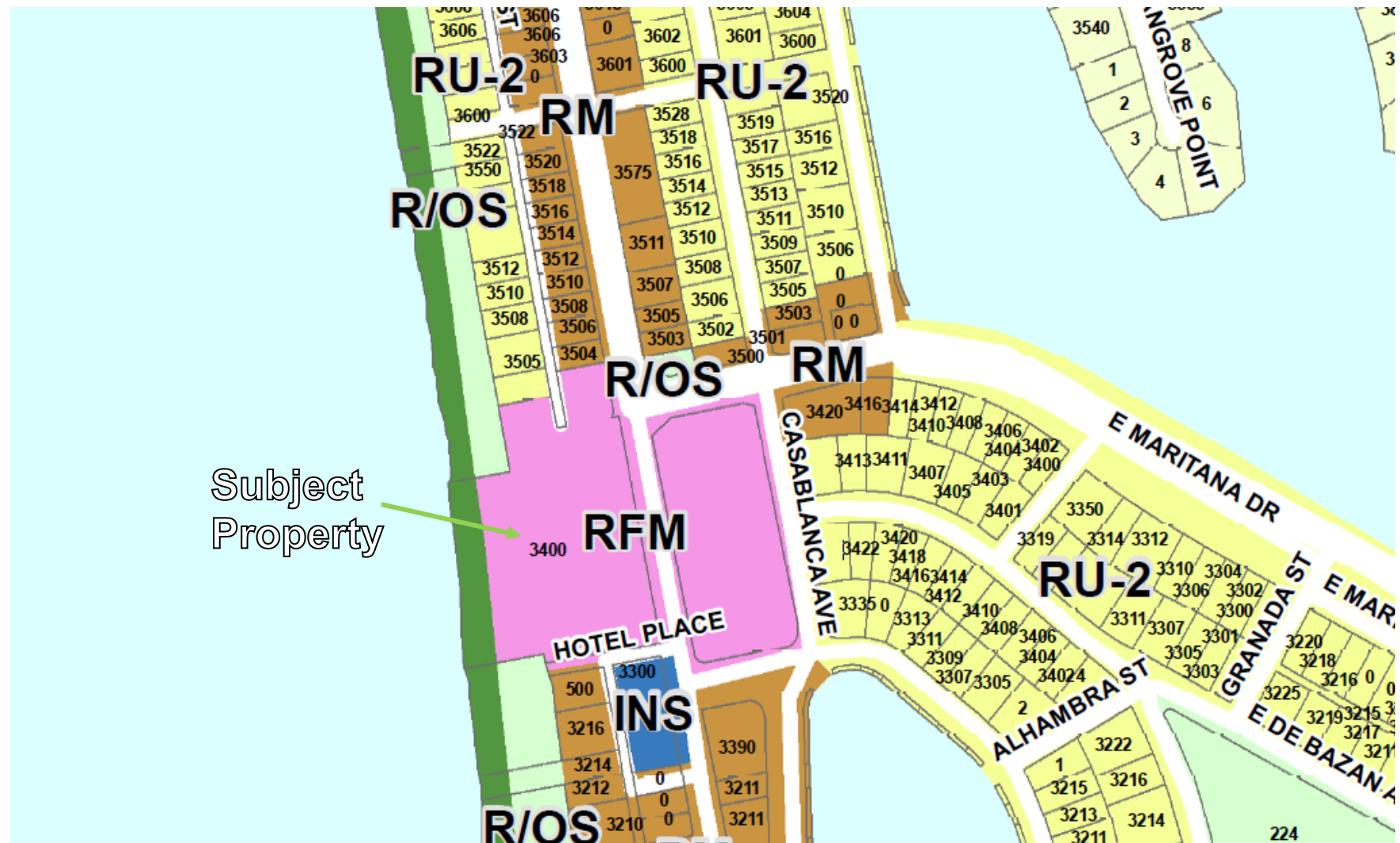
Staff recommends **approval** of the variances to LDC Sec. 14.7(b)(2) for the requested secondary front encroachment along El Centro and LDC Sec. 14.7(b)(4) for the requested rear yard encroachment of the staircase with the following conditions:

- (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. Mechanical equipment located on the roof shall be screened from adjacent properties so that it is hidden from view. HHR shall not utilize the rooftop for storage, nor shall it allow employees access to the rooftop other than as required for maintenance and operation.
- (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. All landscaping shall be irrigated and maintained in its original, installed condition.
- (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 HHR, to also include that the street is "One Way." HHR shall also coordinate with the City to install a "No Commercial Traffic" sign at the northern entrance of El Centro St.
- (12) The proposed ballroom expansion shall not include rooftop amenities, and access shall be limited to operation and maintenance activities.

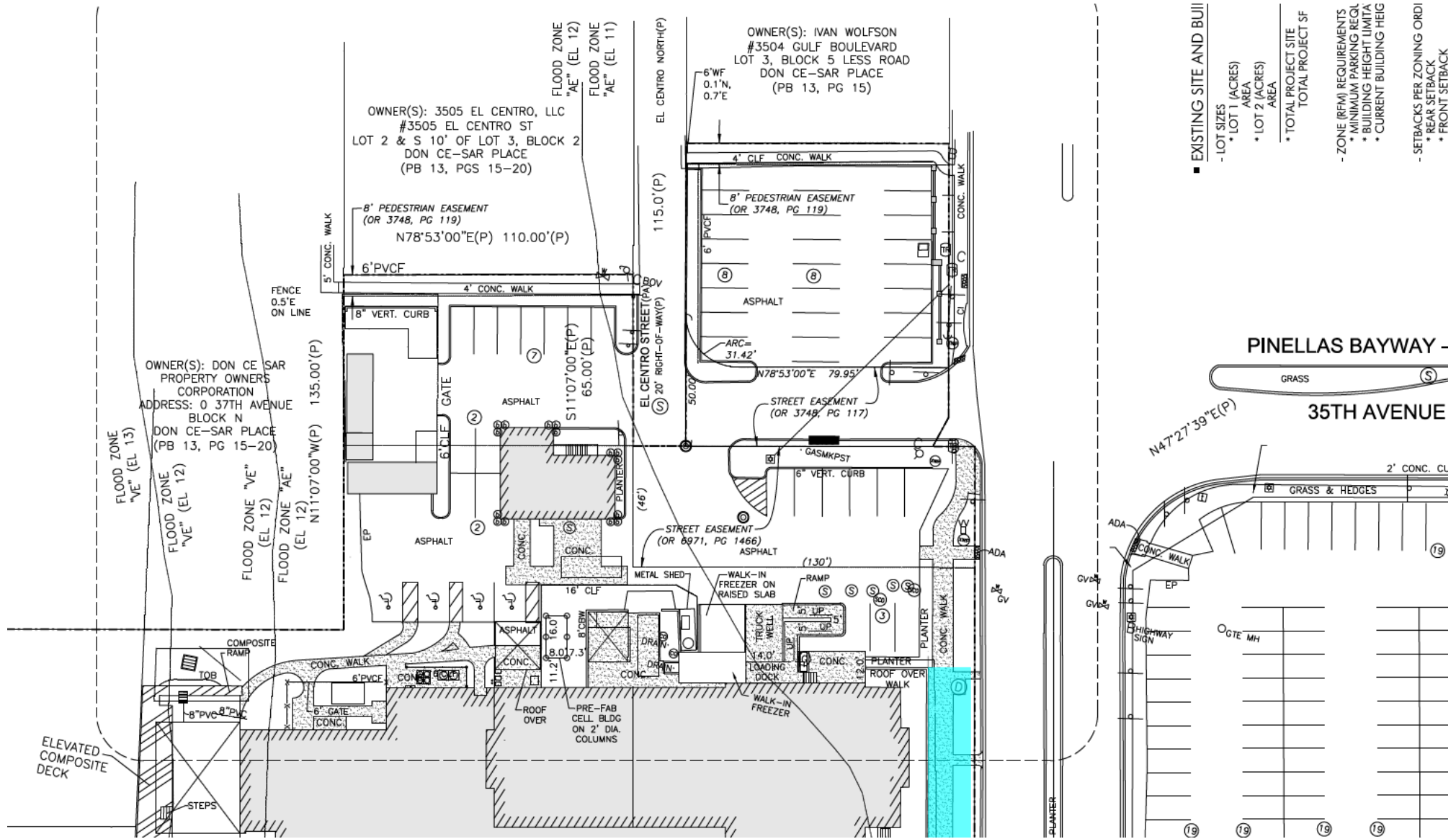
AERIAL MAP



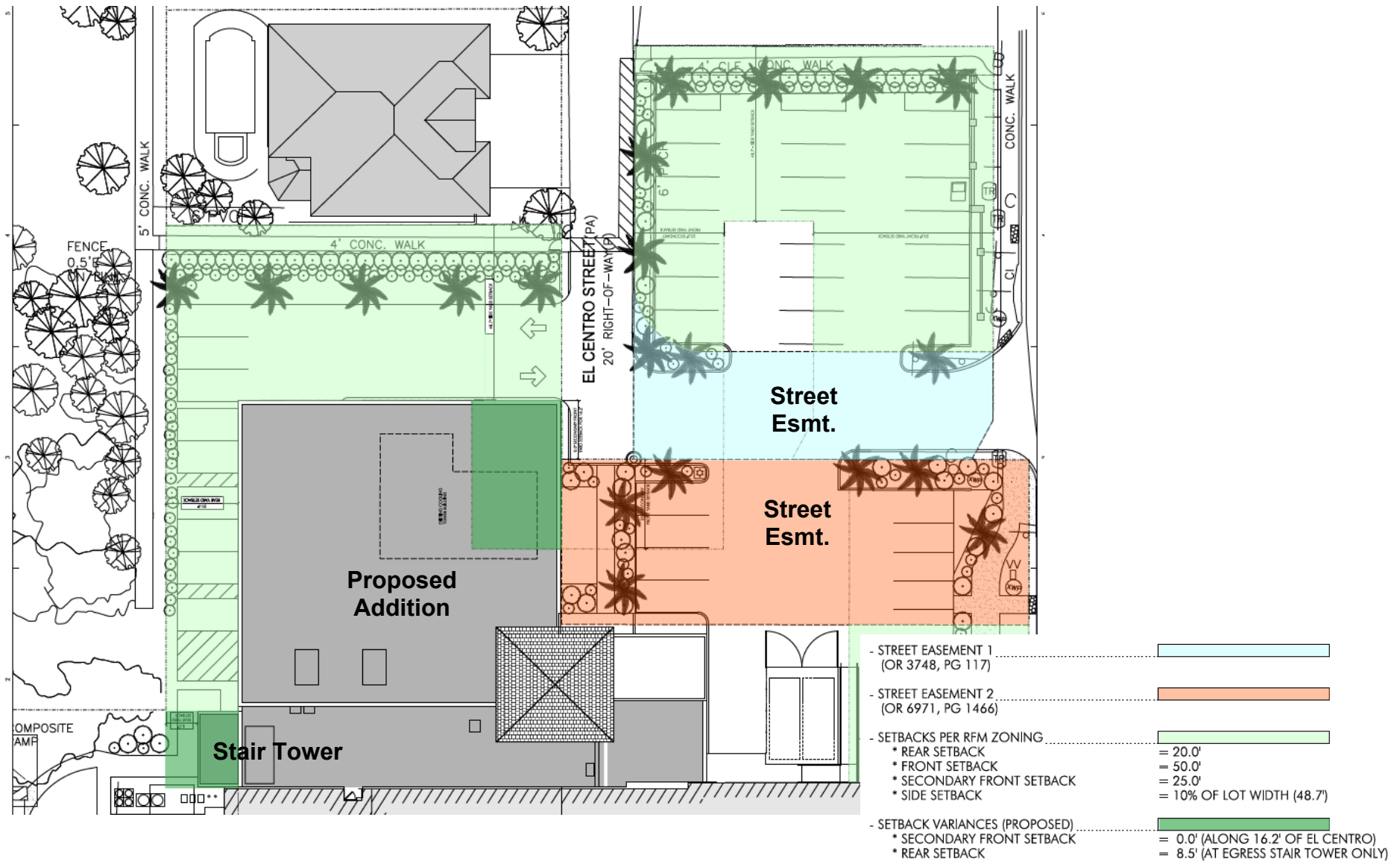
ZONING MAP



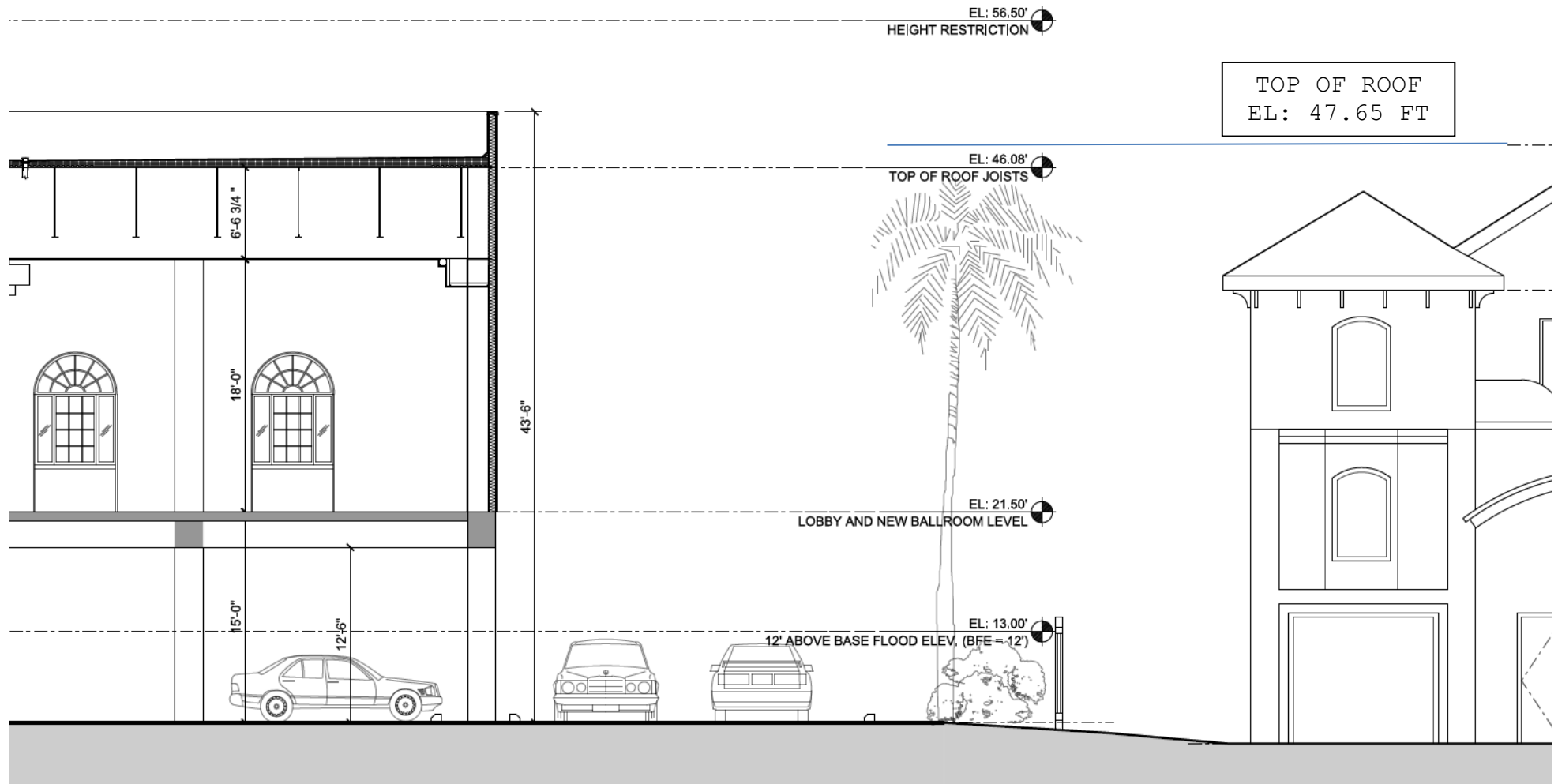
EXISTING SITE (North End of Property at El Centro Street)



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

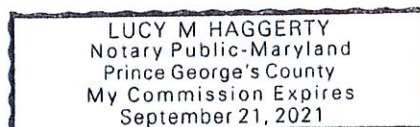
Print Name of Owner

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.

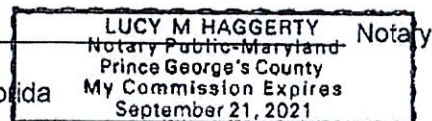
My commission Expires:

NOTARY: Lucy M. Haggerty

Print Name: _____

Public, State of Florida

(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;

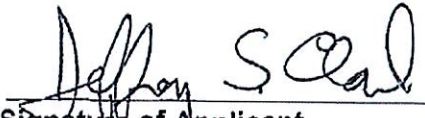
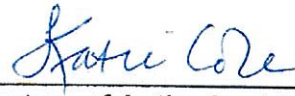
See attached narrative

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

The Don CeSar North Lot Expansion



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.

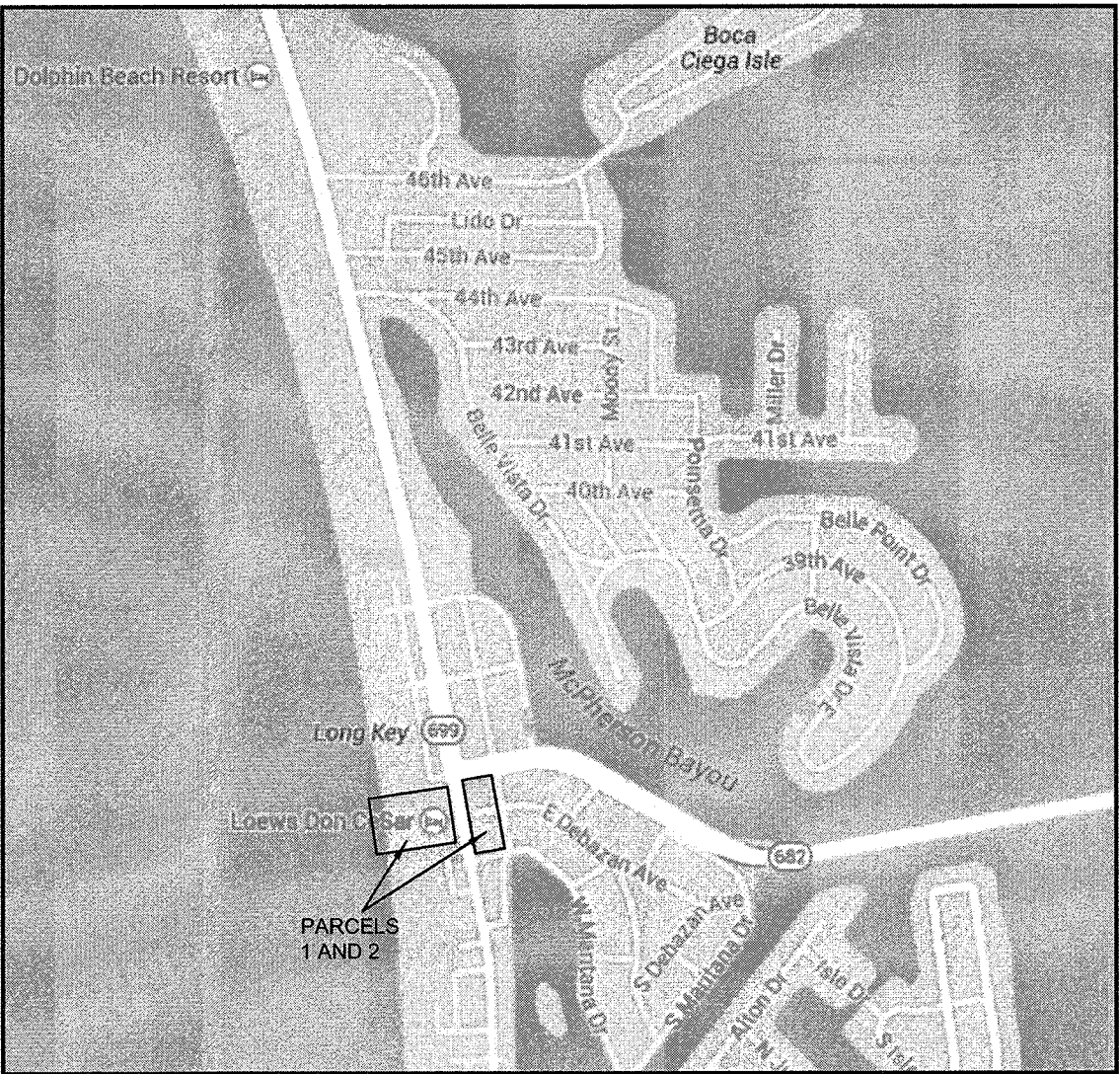
7. The height of the building remains the same as proposed in the original submission, we are not asking for a height variance.
8. The landscape buffers along the pedestrian easements on the north side of the site remain the same as proposed in the original submission.

END OF DESCRIPTION



A

Page 60 of 60



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)*

- ITEM 14. 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)*
- ITEM 15. 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)*
- ITEM 16. 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)*
- ITEM 17. DEED OF CONVEYANCE OF PIPELINES, APPURTENANCES TO PINELLAS COUNTY, RECORDED IN BOOK 16387, PAGE 2467. *(NOT A MATTER OF SURVEY)*
- ITEM 18. 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)*
- ITEM 19. RIPARIAN AND/OR LITTORAL RIGHTS ARE NOT INSURED. (AS TO ALL PARCELS) *(NOT A MATTER OF SURVEY)*
- ITEM 20. 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)*
- ITEM 21. 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)*
- ITEM 22. 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)*
- ITEM 23. 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)*
- ITEM 24. RIGHTS OF PARTIES IN POSSESSION, AS TRANSIENT HOTEL GUESTS. *(NOT A MATTER OF SURVEY)*
- ITEM 25. 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)*
- ITEM 26. INTENTIONALLY DELETED
- ITEM 27. INTENTIONALLY DELETED
13. ELEVATIONS ARE BASED ON NOS BENCHMARK "NOAA" (PID #AG0740) HAVING AN ELEVATION OF 6.82 FEET NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88).
14. INFORMATION FOR ADJOINING PROPERTIES WAS OBTAINED FROM PINELLAS COUNTY PROPERTY APPRAISERS WEBSITE AT WWW.PCPAO.ORG. ON 1/19/2017.
15. THIS SURVEY IS BASED ON U.S. FEET.
16. 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.
17. ON THE DATE OF THIS SURVEY THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
18. 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.
19. THERE WERE NO PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES PROVIDED.
20. ON THE DATE OF THIS SURVEY THERE WAS NO OBSERVED EVIDENCE OF WETLAND AREAS AS DELINEATED BY APPROPRIATE AUTHORITIES.
21. 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

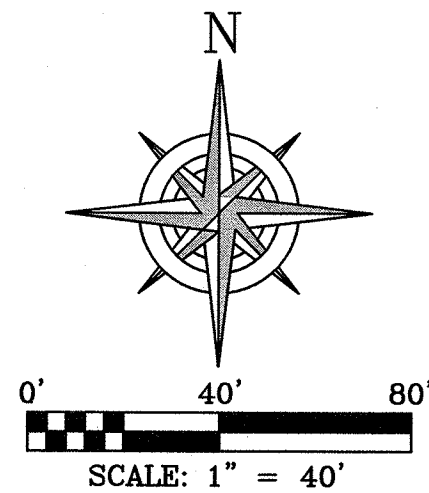
FLORIDA

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

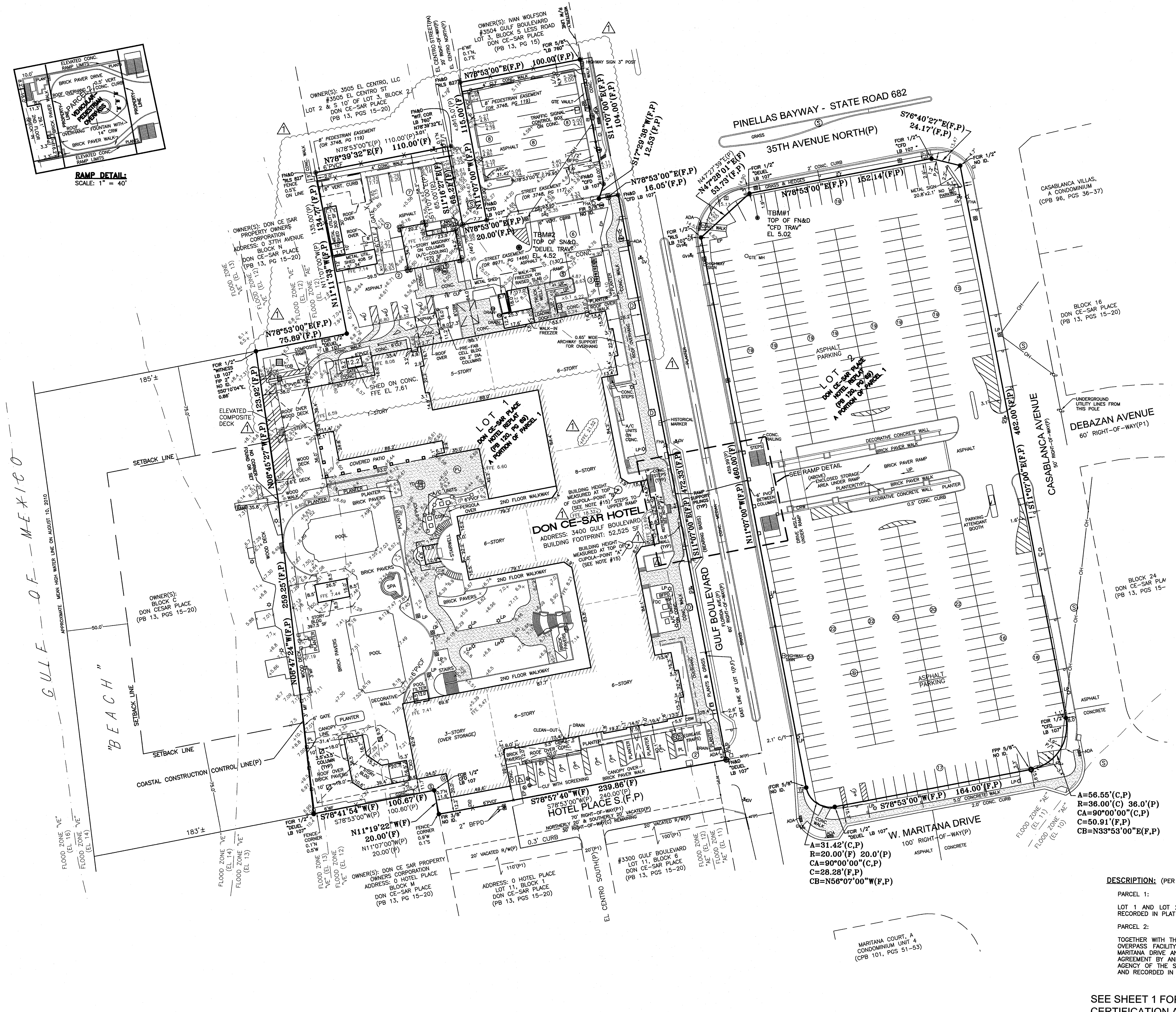
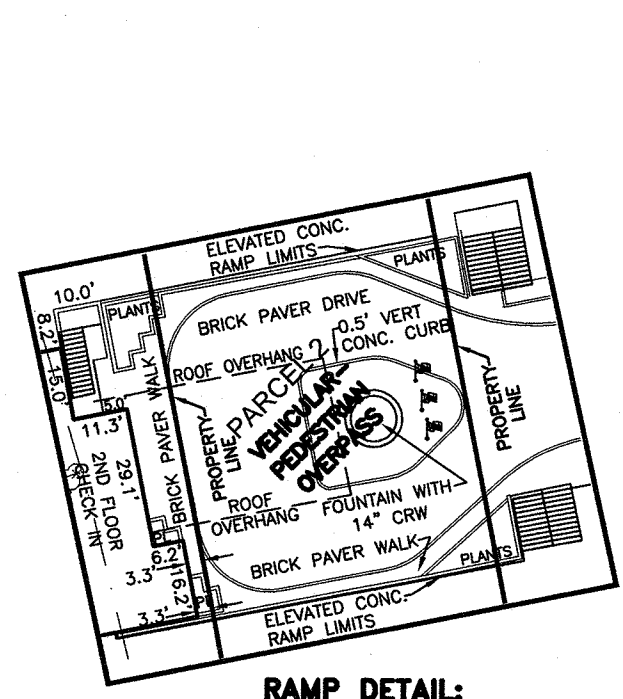
WORK ORDER NO. 2006-199-9
DRAWN BY: EKM/MJB
FIELD DATE: 1/7/2019
SCALE: NO SCALE
SHEET NO. 1 OF 2



- LEGEND**
- A ARC LENGTH
 - A/C AIR CONDITIONER
 - ADA AMERICANS WITH DISABILITIES ACT
 - BFPD BACK FLOW PREVENTION DEVICE
 - BLDG BUILDING
 - BOV BLOW-OFF VALVE
 - C CHORD
 - (C) CALCULATED
 - CA CENTRAL ANGLE
 - CB CHORD BEARING
 - CBW CONCRETE BLOCK WALL
 - CI CURB INLET
 - CLF CENTERLINE
 - CLF CHAIN LINK FENCE
 - CO CLEAN OUT
 - CONC. CONCRETE
 - (CPB) CONDOMINIUM PLAT BOOK
 - C/T CURB TIE
 - D/B/A DOING BUSINESS AS
 - EL ELEVATION
 - EP EDGE OF PAVEMENT
 - F FIELD
 - FOR FOUND CAPPED IRON ROD
 - FCM FOUND CONCRETE MONUMENT
 - FDC FIRE DEPARTMENT CONNECTION
 - FIP FOUND IRON PIPE
 - FIR FOUND IRON ROD
 - FN&D FOUND NAIL AND DISK
 - FPC 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 RECLAIMED WATER
 - RLS REGISTERED LAND SURVEYOR
 - RNG RANGE
 - R/W RIGHT-OF-WAY
 - SEC SECTION
 - SAN SANITARY
 - SCIR SET CAPPED IRON ROD
 - SCO SANITARY CLEAN-OUT
 - SF SQUARE FEET
 - SN&D SET PK NAIL AND DISK
 - SR STATE ROAD
 - SW/T SIDEWALK TIE
 - TOS 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

- 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
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 - IRON ROD (FOUND)
 - IRON ROD (SET)
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 - LIFT STATION
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 - TRAFFIC SIGNAL JUNCTION BOX
 - WATER METER
 - WATER VALVE
 - X-CUT (FOUND)
 - CROSS WALK POLE
 - YARD DRAIN



A=56.55'(C,P)
R=36.00'(C) 36.0'(P)
CA=90°00'00"(C,P)
C=50.91'(F,P)
CB=N33°53'00"E(F,P)

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.

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

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

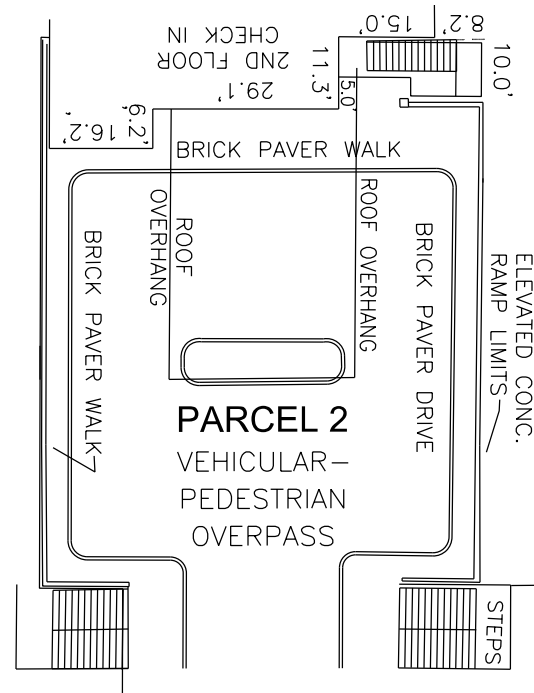
I, ALBERT P. CARRIER, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREON, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 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

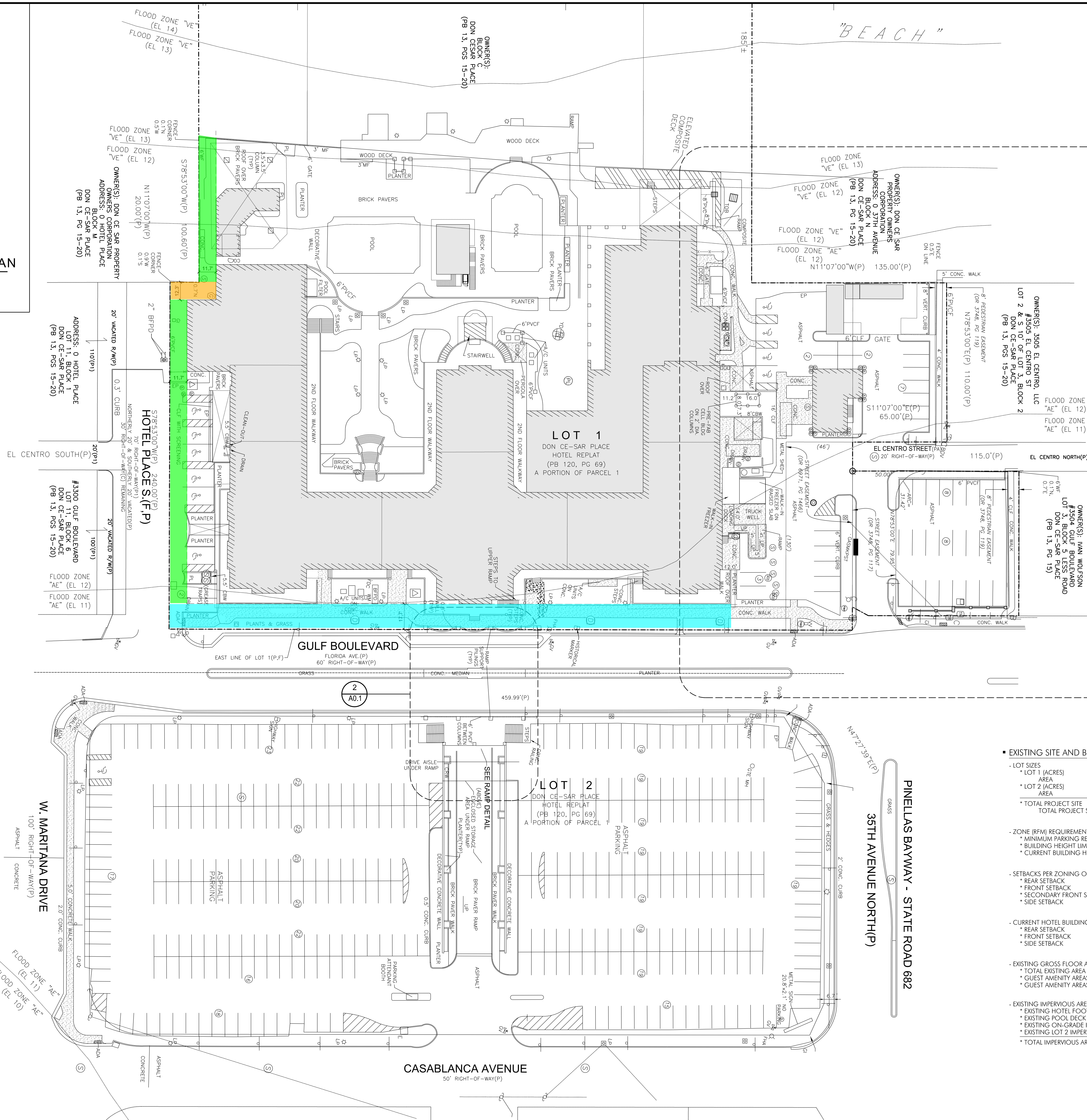
EXISTING SITE AND BUILDING INFORMATION			
LOT SIZES			
* LOT 1 (ACRES)	= 3.791 ACRES	(5.41 ACRES MHWL)	
* LOT 1 (ACRES)	= 165,123 SF	(235,816 SF MHWL)	
* LOT 2 (ACRES)	= 2.54 ACRES		
* LOT 2 (ACRES)	= 110,641 SF		
* TOTAL PROJECT SITE	= 6.31 ACRES	(7.95 ACRES MHWL)	
* TOTAL PROJECT SF	= 275,764 SF	(346,457 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)		
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')		
CURRENT HOTEL BUILDING SETBACKS			
* REAR SETBACK	= 12.3' (AT SOUTHWEST CORNER) - SHOWN IN ORANGE		
* FRONT SETBACK	= 17.7' (ALONG GULF BLVD) - SHOWN IN BLUE		
* SIDE SETBACK	= 11.7' (ALONG HOTEL PLACE S.) - SHOWN IN GREEN		
EXISTING GROSS FLOOR AREA AMENITY CALCULATIONS			
* TOTAL EXISTING AREA OF BUILDING	= 254,789 GSF		
* GUEST AMENITY AREAS ALLOWED	= 50,958 NSF (20% OF GROSS AREA)		
* GUEST AMENITY AREAS PROVIDED	= 41,970 NSF		
EXISTING IMPERVIOUS AREAS			
* EXISTING HOTEL FOOTPRINT	= 55,290 SF		
* EXISTING POOL DECK	= 24,158 SF		
* EXISTING ON-GRADE IMPERVIOUS	= 58,535 SF		
* EXISTING LOT 2 IMPERVIOUS	= 103,520 SF		
* TOTAL IMPERVIOUS AREAS	= 241,503 SF		



1 THE DON CESAR SITE PLAN
A0.1 1" = 30'-0"



2 PORTE COCHERE PLAN
A0.1 1" = 30'-0"





■ SITE AND BUILDING INFORMATION

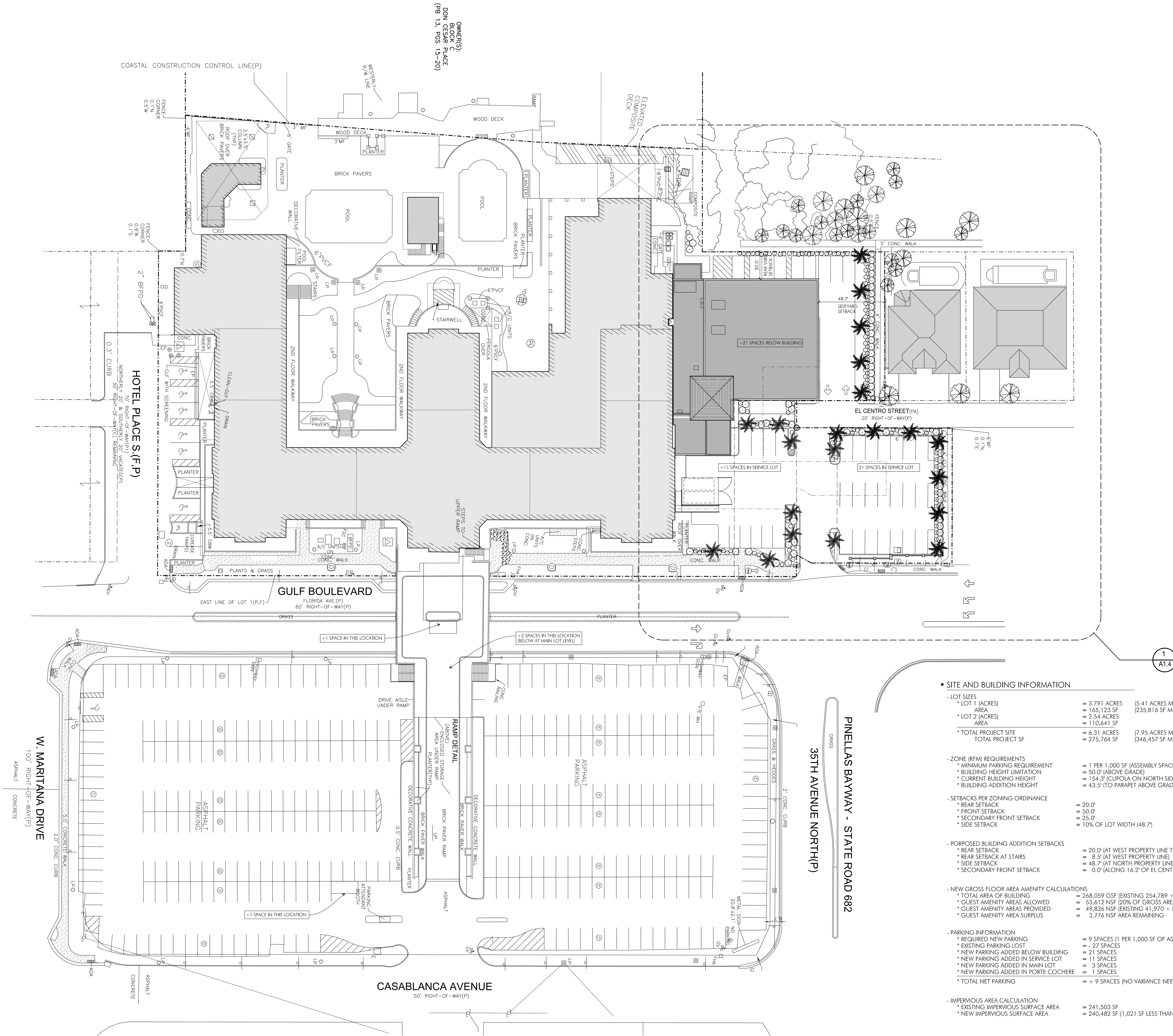
LOT SIZES		
* LOT 1 (ACRES)	= 3.791 ACRES	(5.41 ACRES MHWL)
AREA	= 165,123 SF	(235,816 SF MHWL)
* LOT 2 (ACRES)	= 2.54 ACRES	
AREA	= 110,641 SF	
* TOTAL PROJECT SITE	= 6.31 ACRES	(7.95 ACRES MHWL)
TOTAL PROJECT SF	= 275,764 SF	(346,457 SF MHWL)
ZONE (RFM) REQUIREMENTS		
* MINIMUM PARKING REQUIREMENT	= 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

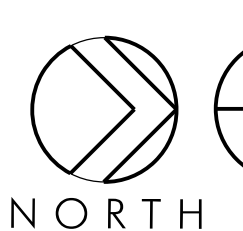
1" = 30'-0"





- EXISTING DON CESAR PROPERTY OWNERS CORPORATION BEACH SIDEWALK
- 8' WIDE PEDESTRIAN EASEMENT (OR 3748, PG 119)
- NEWLY PROPOSED PEDESTRIAN PATH TO CONNECT EASEMENT SIDEWALKS
- NEW LANDSCAPE BUFFERS

1
A1.2
ENLARGED NEW SITE PLAN
1" = 10'-0"



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

THE
DON CESAR



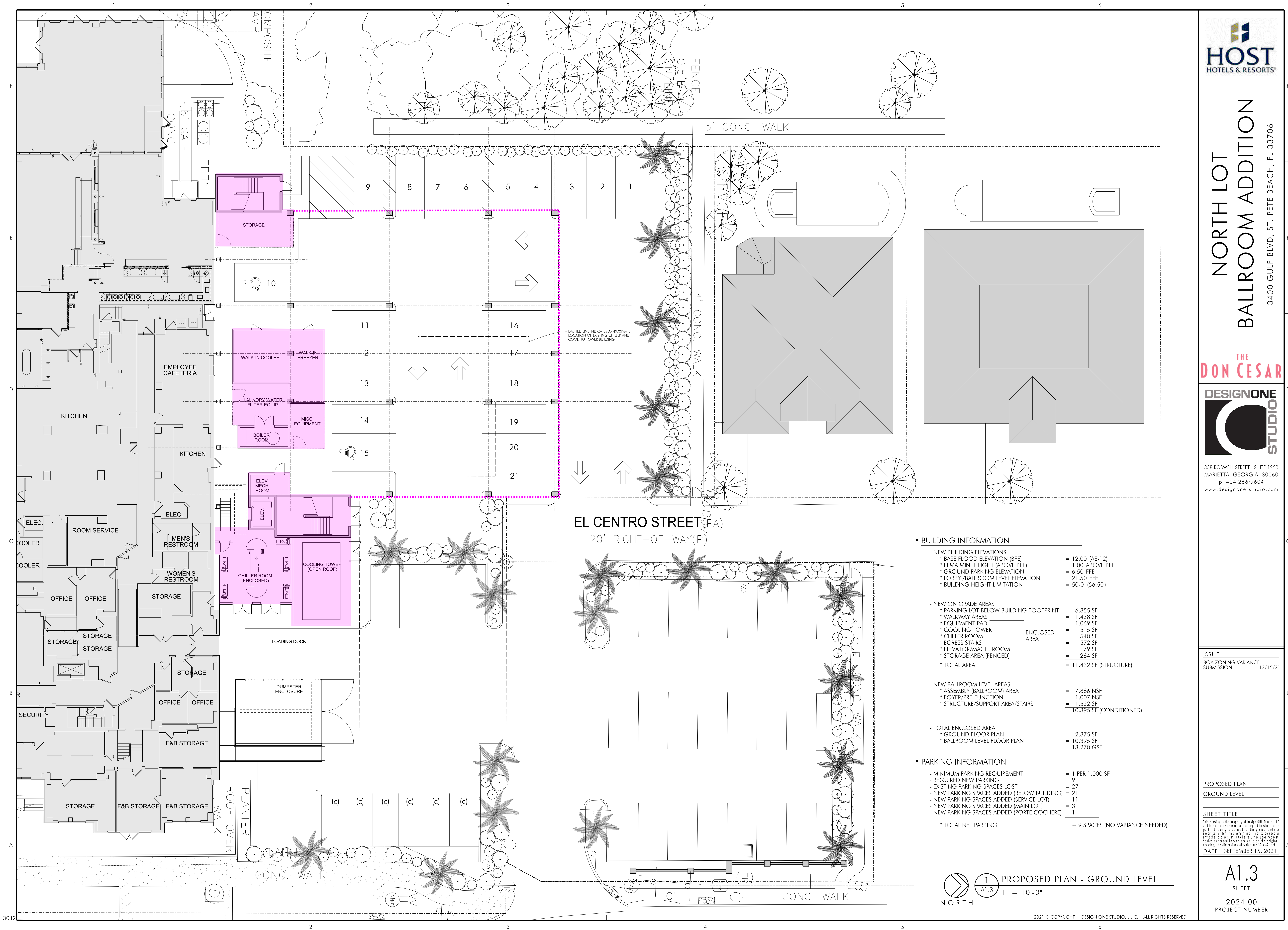
358 ROSWELL STREET • SUITE 1250
MARIETTA, GEORGIA 30060
p: 404-266-9604
www.designone-studio.com

ISSUE
BOA ZONING VARIANCE
SUBMISSION 12/15/21

ENLARGED NEW SITE PLAN

SHEET TITLE
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DATE SEPTEMBER 15, 2021

A1.2
SHEET
2024.00
PROJECT NUMBER



■ 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)

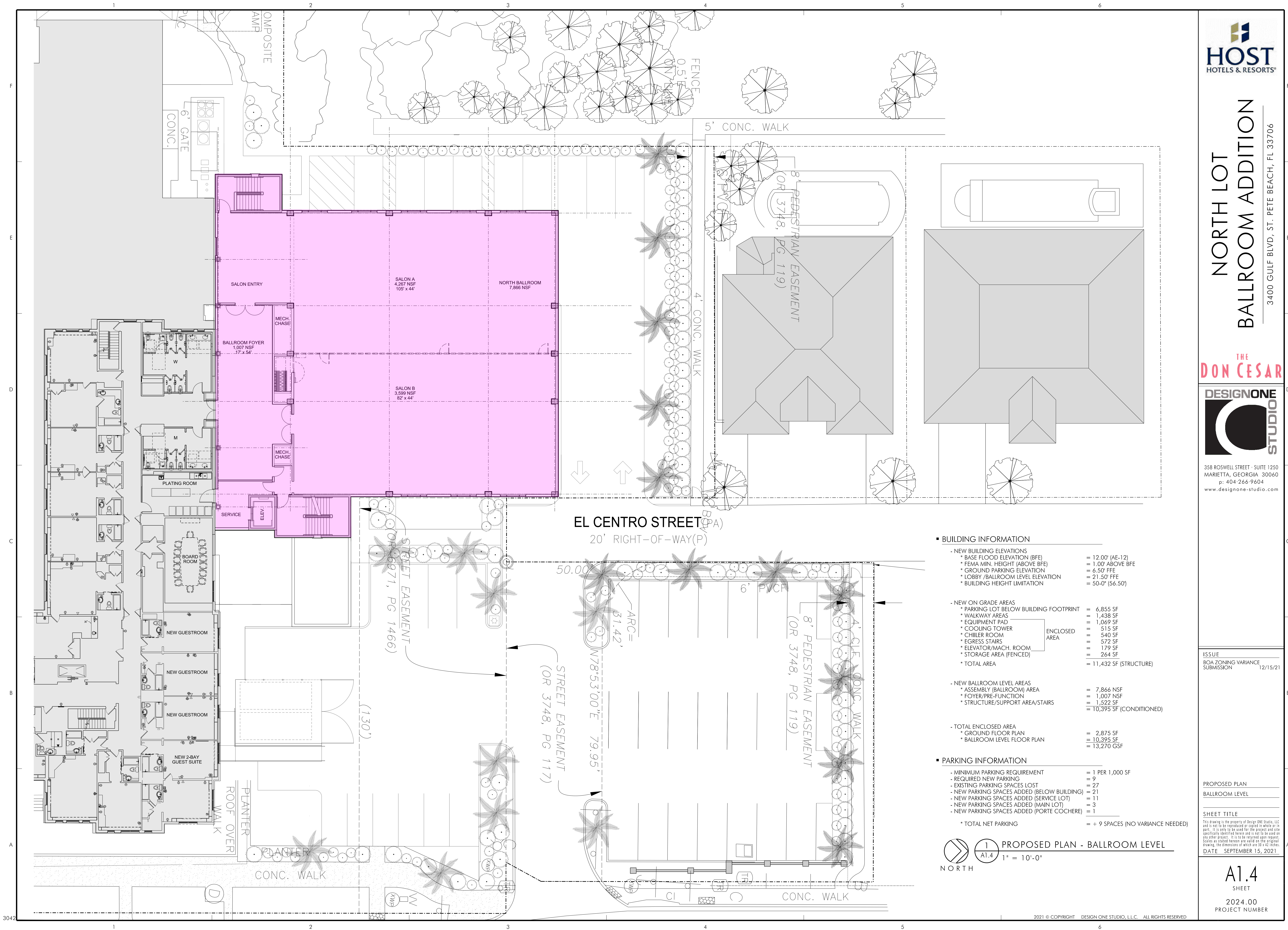
- TOTAL ENCLOSED AREA	
* GROUND FLOOR PLAN	= 2,875 SF
* BALLROOM LEVEL FLOOR PLAN	= 10,395 SF
	= 13,270 GSF

■ PARKING INFORMATION

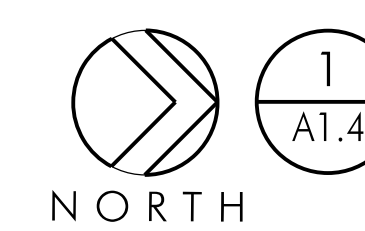
- MINIMUM PARKING REQUIREMENT	= 1 PER 1,000 SF
- REQUIRED NEW PARKING	= 9
- EXISTING PARKING SPACES LOST	= 27
- NEW PARKING SPACES ADDED (BELOW BUILDING)	= 21
- NEW PARKING SPACES ADDED (SERVICE LOT)	= 11
- NEW PARKING SPACES ADDED (MAIN LOT)	= 3
- NEW PARKING SPACES ADDED (PORTE COCHERE)	= 1
* TOTAL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



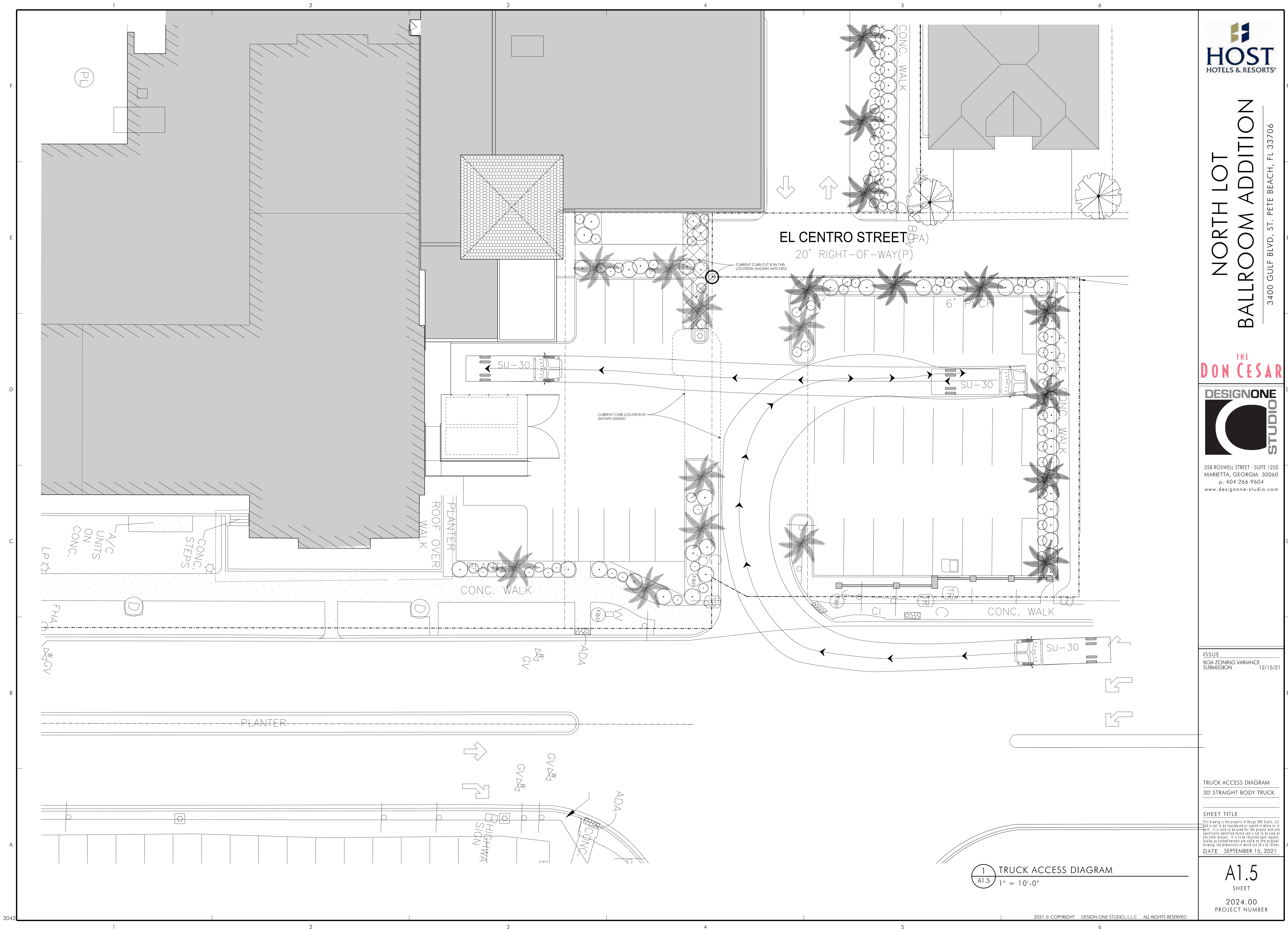
1
A1.3
PROPOSED PLAN - GROUND LEVEL
1" = 10'-0"



■ 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
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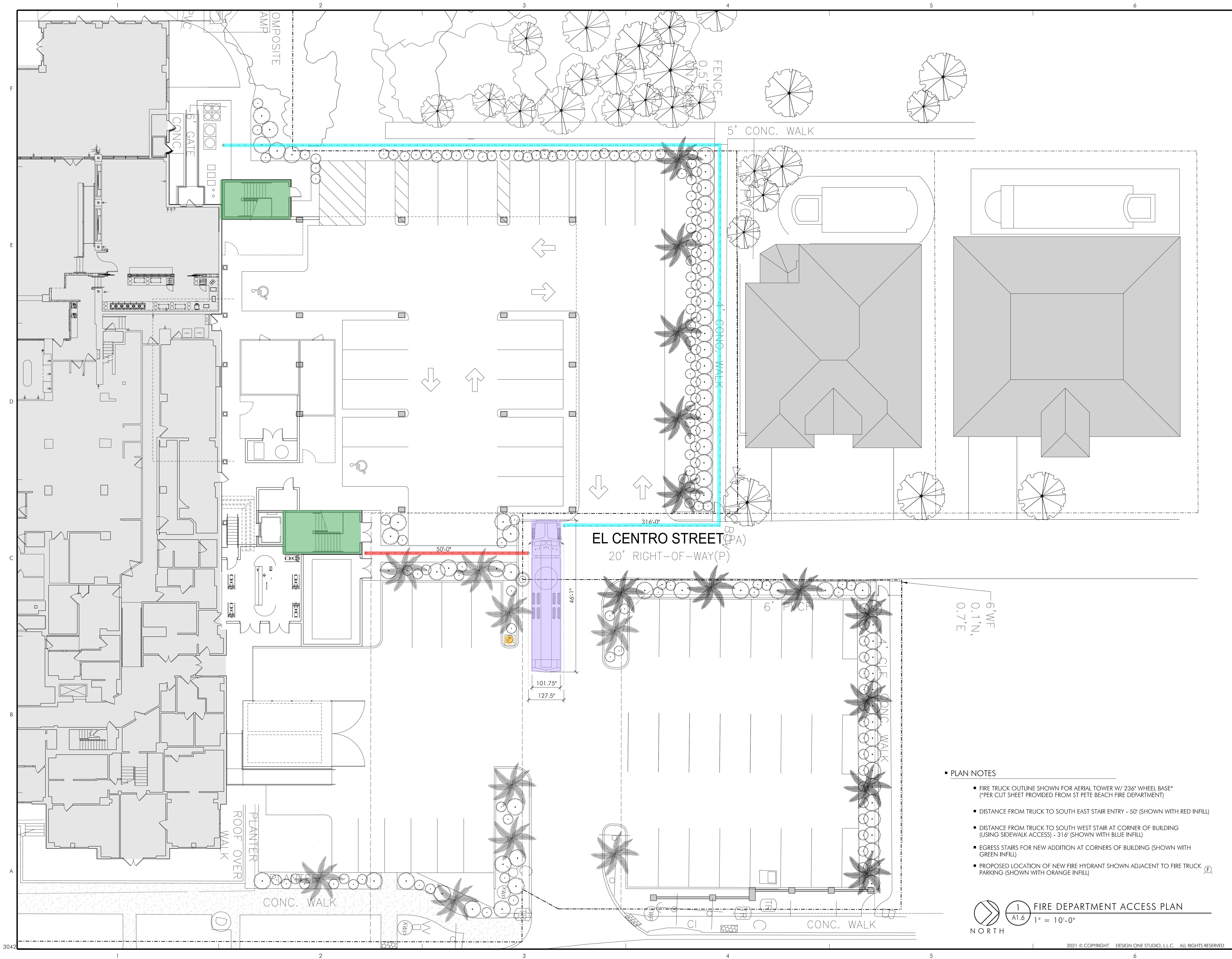
ISSUE
BOA ZONING VARIANCE
SUBMISSION 12/15/21

TRUCK ACCESS DIAGRAM
30' STRAIGHT BODY TRUCK

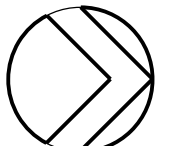
SHEET TITLE
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DATE SEPTEMBER 15, 2021

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)



NORTH

1

A1.6

FIRE DEPARTMENT ACCESS PLAN

1" = 10'-0"



NORTH LOT

BALLROOM ADDITION

3400 GULF BLVD, ST. PETE BEACH, FL 33706



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ISSUE
BOA ZONING VARIANCE
SUBMISSION 12/15/21

FIRE DEPARTMENT
ACCESS PLAN

SHEET TITLE
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DATE SEPTEMBER 15, 2021

A1.6

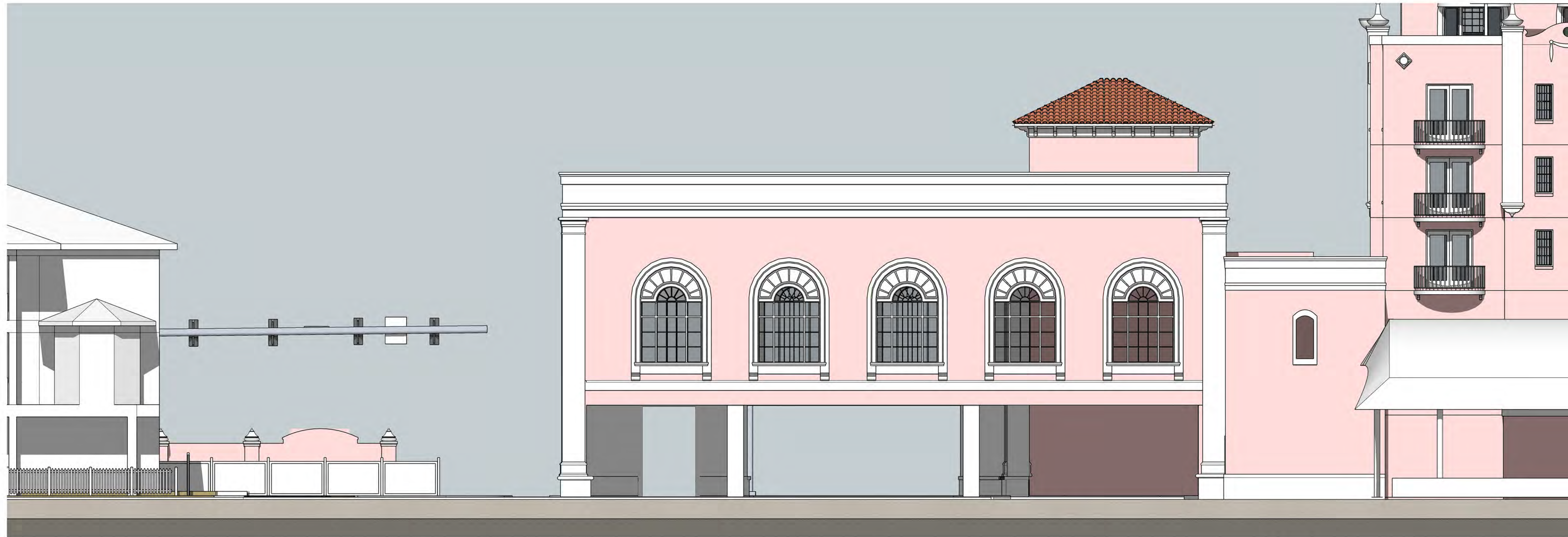
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2024.00

PROJECT NUMBER

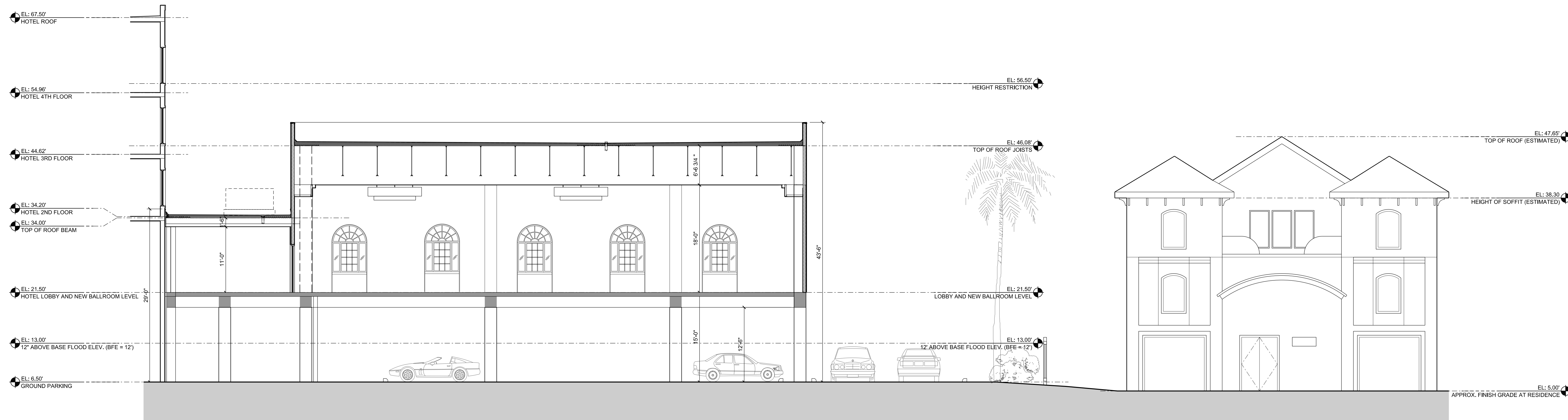


A EAST (GULF BOULEVARD) ELEVATION
A2.1 NOT TO SCALE



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

1 2 3 4 5 6



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