



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 12/16/2015
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order.
- 2. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
- 3. Minutes for Acceptance**

11/18/2015

4. Public Hearings

- I. Case 20150066: 7701 Blind Pass Road. Applicant requests variances to Sections 22.6(c), 23.5(a), 32.9, 39.10(b) of the Land Development Code to reduce the parking, setback, and landscaping design requirements to allow for the redevelopment of the property.

5. Adjournment

APPEAL

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

AMERICANS WITH DISABILITIES ACT

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

BOARD OF ADJUSTMENT MEETING

MINUTES

NOVEMBER 18, 2015

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Sandie Lyman, Member
George Scribano, Member
Laurie Vallett, Member
David Littell, Vice Chairman

ABSENT:

Paul Skipper, Chairman

ALSO PRESENT:

Jennifer Bryla, Community Development Director
Mike Larimore, Zoning Tech II
Chelsey Welden, Planner II
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 9/30/2015

Member Vallett made a motion to approve the minutes from the October 28, 2015 meeting. The motion was seconded by Member Scribano and unanimously approved by a roll call vote.

4. Public Hearing

a. Case 20150065: 2901 Pass-A-Grille Way

Applicant requests a variance to Section 6.13(c) and Section 9.7(a) of the Land Development Code to permit the construction of a new pool that will encroach 7.0' into the required 9.0' rear yard setback and 6.0' into the required 10.0' secondary front yard setback.

Mike Larimore gave Staff's presentation to the board and stated Staff's recommendation was to have further exploration for the proposed variance. Mr. Larimore added there were no letters of opposition or approval from the public notice.

Vice Chairman Littell asked for Board comments or questions. There was board discussion that followed.

Vice Chairman Littell asked for the owner's representative to state their name and address.

Barry Flaherty, 4111 12th Street North, spoke in favor of the variance.

Vice Chairman Littell asked for further board discussion.

Vice Chairman Littell asked for public comment. There were no public comments.

Hearing none, Vice Chairman Littell closed the public hearing portion and opened it for discussion among the Board members.

Member Vallett made a motion to approve Variance No. 20150065.

For clarification, Vice Chairman Littell commented that the board was approving both of the variance requests. There was board discussion that followed.

Member Vallett made a motion to approve Variance No. 20150065 as proposed. The motion was seconded by Member Lyman. The motion was unanimously approved by an individual roll call vote, (4 yeses – 0 nos).

Ms. Bryla requested the Board of Adjustment members to participate in the December 16, 2015 workshop meeting to walk and discuss design elements of Pass-A-Grille.

5. Adjournment

There being no further business before the Board, the meeting was adjourned at 2:22 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: _____



St. Pete Beach Board of Adjustment

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

12/16/15

**Variance Case
#2015-0066
(Proposed Bar)**

Applicant/Agent
Greg Walden, Agent

Location
7701 Blind Pass Road

**Commission
District**
District 1

Staff Representative
Mike Larimore,
Zoning Tech II

Findings

1. Denial would deprive applicant of proposed use of property.
2. Does not alter district boundary, create a non-conforming use, increase density or allow a use not permitted in the district.
3. The variance is in general harmony with the Land Development Code.
4. The variance requested is the minimum allowable.

ITEM SUMMARY:

Code Item	Requirement	Existing Condition	Proposed
Parking Requirement Sec. 23.5(a)	41 Spaces	10 Spaces	13 Spaces & 8-space Bike Rack
Rear Yard Setback Sec. 32.9	20 feet	30 feet	15 feet
Landscaping Requirements Sec. 22.6(c)	Bring into compliance with Division 22 (Landscaping) including: a) 8 canopy trees b) 820 ft ² interior landscaping c) 6' buffer width along Blind Pass Road d) Trees every 50' along vehicular use area	Multiple deficiencies	Correction of some deficiencies; still noncompliant with the following: a) 7 understory trees b) New Landscaping (~493 ft ²) c) 5' buffer width along Blind Pass Road d) Missing hedge and trees on north and west perimeter
Design Standards for the Community Redevelopment District Sec. 39.10(b)	8 ft. landscape buffer along 77 th Ave	0 ft. landscape buffer along 77 th Ave	5 ft. landscape buffer along 77 th Ave

Applicant requests a variance to Sections 22.6(c), 23.5(a), 32.9, and 39.10(b) of the Land Development Code (LDC) to reduce the parking, setback, and landscaping requirements to allow for redevelopment of the subject property.

Existing Use: Vacant

Proposed Use: Drinking Establishment/Brewery

Adjacent Uses

North: Infrastructure (Alley)

South: Infrastructure (77th Avenue)

East: Multi-family Residential

West: Infrastructure (Blind Pass Road)

The current state of the subject property is an abandoned gas station. The change of use and redevelopment of the site would require the new owner to meet LDC requirements including parking, landscaping, and design standards for the redevelopment district. The Applicant requests 1) a variance to Section 22.6(c) to exempt the redevelopment from having to bring the entire site into compliance with the landscape division (explained in greater detail in Applicant's narrative) including number of canopy trees (22.4), amount of interior landscaping (22.7), and buffer width (22.8); 2) a variance to Section 23.5(a) number of parking spaces required for the site; and 3) a variance to Section 32.9 in regards to constructing a cooler that will encroach into the required rear yard setback.

The applicant is proposing some upgrades to the site's landscaping, including hedges and trees around a portion of the perimeter of the property. However, the site will still not be compliant with some portions of Divisions 22 and 39.

The original request included a variance to Section 39.10(a), requiring the construction of a 10' sidewalk along Blind Pass Road, but this request has been withdrawn due to the fact that Florida Department of Transportation, District 7 will not permit the expansion of their sidewalks for this size of a building frontage. The original request also included a variance to Section 32.10 regarding impervious surface ratio and was included in the public notices referencing this case. It has since been withdrawn because the proposed change exceeds the requirement. The existing impervious surface ratio is 0.91 and the proposed is 0.85, which is an improvement.

The Applicant's request for a variance to the required rear yard setback is to allow for the construction of a cooler, which the Applicant states is necessary for the proposed use.

Regarding parking, the LDC does not allow for mixed uses within a building to be calculated differently. Therefore, using the current Code requirements, the entire site must be treated as a bar per the table in Section 23.5, calculated at 1 space per 50 square feet of floor area. The Applicant has

**Staff
Recommendation**

Approval with further
exploration of additional
parking options

provided a breakdown of the proposed uses and their square footages, which would require fewer parking spaces if calculated in that manner (for information only).

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearing.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property has a Commercial Corridor Blind Pass Road District (CC-1) Comprehensive Plan future land use classification which encourages commercial uses. Additionally, the Comprehensive Plan speaks to the 2003 widening of Blind Pass Road and the subsequent loss of available area to the parcels abutting the right-of-way. This loss of usable land directly affects the ability for these properties to meet adequate parking and buffer requirements.

The subject property is zoned Commercial Corridor Blind Pass Road (CC-1) which allows a number of commercial uses, including eating and drinking establishments (with or without outdoor seating) and other commercial uses similar in nature in the LDC.

The subject property is located in the Community Redevelopment District which requires additional architectural and landscape design features that encourage pedestrian-scale aesthetic and safety characteristics.

STAFF RECOMMENDATION:

Staff recommends approval with the condition of further exploration of additional parking. The strict application of the Code in this case would render a hardship on the Applicant, as these are existing conditions not created by the Applicant. The Applicant has provided plans to improve the site in accordance with the Code as can reasonably be expected. The lack of available on-site parking is of concern and staff recommends the Applicant continue to explore additional parking options to their fullest extent.

Attachments:

- A) Relevant Code Sections
- B) Aerial Photo
- C) Site Photos

	D) Narrative E) Variance Application F) Survey G) Site Plan H) Landscape Plan
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Attachment A:

Sec. 22.6. – Landscaping for all other developments.

- c) *Changes in use.* Changes in use of existing buildings shall require the landscaping of the property to bring it into full compliance with all the standards provided in this section.

Sec. 23.5 – Number of parking spaces required.

Bar, Nightclub – 1 per 50 SF floor area

- a) In instances of new construction or facility expansion involving the establishment of outdoor seating areas or other accessory or supplemental uses, the number of required parking spaces shall be increased in accordance with the above table such that parking is adequate to accommodate the entire area of use, both internal and external to the structure; provided, however, outdoor dining or outdoor drinking areas shall not be required to provide additional parking when the outdoor dining or outdoor drinking area is less than 500 square feet or is located on a private sand beach affiliated with a temporary lodging establishment. Any portion of the outdoor dining or outdoor drinking area greater than 500 square feet not located on a private sand beach affiliated with a temporary lodging establishment shall be included as gross floor area for the purposes of calculating off-street parking requirements at the rate set forth in the above table or as otherwise provided by this Code.

Sec. 32.9 – Setbacks.

Non-residential only – Rear Yard – 20 feet; additional 10 feet if abutting single family residential and properties are aggregated with those abutting Blind Pass Road.

Sec. 39.10. - Streetscape design required elements.

- b) On all streets not designated a Main street or a street type "A" in section 39.2, a minimum eight-foot wide private landscape zone shall be installed along the property between the sidewalk and the building face; minimum building setbacks may be increased in accordance with the width of the landscape zone. The landscape zone proposal shall be reviewed for compliance during the design review/site plan approval process, and may be reduced to five feet by the city manager when warranted to coordinate and integrate new development into an overall streetscape plan.

Attachment B:



Attachment C:



Property from Southwest corner



Property from Northwest corner



Robert Reid Wedding
Architects & Planners, AIA, Inc.
4112 W Cypress Street, Tampa, Florida 33607 (813) 878-6996
812 S. Ashley Trail, Clearwater Beach, Florida 33442 (754) 428-9161
Cert# AA-C051123

Nov. 09, 2015

Variance Request Narrative – Mastry’s Brewing

SITE: 7701 Blind 7701 BLIND PASS RD, ST PETE BEACH

Variances to reduce parking requirement, pervious surface, and landscaping due to existing site limitations are being requested. The existing site is built out to the property boundary and leaves insufficient space to provide parking per current code. The modifications to the existing structure are primarily cosmetic and are not anticipated to exceed 50% of the value of the structure.

In addition, the parking matrix does not have a parking requirement listed for a “Craft Brewery” use, which entails a combination of retail, office, light industrial, and assembly occupancy. Mastry’s intends to utilize the existing parking lot and structure, while adding an accessory structure to the north in the form of a freestanding walk-in cooler. A variance is also being requested to allow the cooler structure to align with the existing side yard encroachment of the building on site, and to encroach into the rear yard setback.

The brewery proposes removing non-conforming impervious surface and landscaping these areas to improve the existing deficiency. In addition, they are installing raised planters within the site, and screening on the west wall of the cooler, as well as along the existing wood fencing at the east border of the site to further beautify the site. They also intend to remove the paving between the nose of the parking spaces and the parking stops and replace this area with shell mulch to create more pervious surface.

Each of the items listed above have been outlined on the Architectural Site and Site Demolition plan submitted herewith. In addition, a schematic landscape plan has been provided indicating the extent of landscape proposed. An electrical site plan will be submitted with the site plan submittal to indicate compliance with the pedestrian site lighting provision of section 39.

Variances are being sought in the following sections:

Division 22 sections: 22.4, 22.7, & 22.8

Division 23 section 23.5

Division 32 section 32.9, 32.10

Division 39

(see description by division and section beginning on next page)

Division 22:

- **Section 22.4**

- a) No variance requested
- b) No variance requested
- c) **A variance is requested to allow the substitution of Sabal Palms in lieu of shade trees at a 1 to 1 ratio. There is not sufficient space available on site to accommodate the root ball for shade trees due to the existing parking lot dimensions and limited space available to reconfigure the parking lot. The existing site trees are Sabal Palms, and we would like to use the same species for consistency. No variance is being requested for the size requirement of the palms.**
- d) No variance requested. There are 2 Sabal Palms along Blind Pass Road that are being retained.
- e) Shrubs and hedges are being provided per the recommended species per this section, and shall comply with the size requirements per this section.
- f) Ground Cover is being provided per the recommended species per this section, and shall comply with the size requirements per this section.
- g) No lawn grass is anticipated as needed in the public areas.

- **Section 22.7**

- a) **Front Setback Areas: (per plat, Front Yard is listed as 77th avenue.) This frontage is a vehicular use area with an existing parking lot to be retained. See section (b)**
 - (1) The existing parking extends into the required landscape area dictated in this section within the front setback. **We are requesting a variance to allow us to utilize the frontage within the ROW for landscape.**

The required landscape area within the front setback starting at the property line would be 322 sq. ft.

**Note: calculated per code at width of lotx10% - drive aisle
70 foot with x 10% = 490 sf. – 168sf (drive aisle) = 322 sf**

The proposed landscape plan utilizes the ROW along 77th avenue to provide 446 sq. ft. of landscaping.

- (2) **Per this section, 1 tree is required per every 180 sq. ft. of landscaping. At 446 sf of landscape the requirement would be 2.5 trees. Limitations due to site access, existing paving, visibility angles and an existing utility pole limit the amount of space available for planting trees. We are requesting a variance to allow the new Sabal Palms to fulfil the shade tree requirement at a 1 to 1 ratio.**
- (3) **The same limitations regarding the setback apply to this section; however, no variation in regard to plant species or count is requested aside from the tree reduction indicated in in other sections herewith.**

b) Vehicular Use Areas:

- (1) Planting area:** We are seeking a variance to reduce the size requirement for planting areas. The ordinance prescribes 6 feet in depth from the property line to the front of parking space. A variance is requested to reduce this requirement, as the existing parking lot extends to the property line at the South, West, and North boundaries of the site.

The proposed site plan provides for shifting the spaces to allow the following planting areas:

- South parking area along Blind Pass: 2'-9" of landscape between the front of the parking stalls and the property line. (The clear space from the public sidewalk to the wheel stops is 6'-6")
- South parking area along 77th Avenue: Existing parking lot encroaches into the ROW. Proposed landscape screening is shown on landscape plan and is designed per comments shown in Division 22 Variance request.
- North parking area along Blind Pass: 5'-2" of landscape between the side of the parking stall and the property line. (The clear space from the public sidewalk to the stall 5'-4")

- (2) Minimum number of trees:**

We are seeking a variance to allow a ratio of 1 Sable Palm to account for 1 shade tree. If this item is granted, our plan meets the prescribed tree requirement.

Per this section 1 tree per every 30' of vehicular use area is required. (see variance request in section 22)

The existing parking lot extends to the property line at the South, West, and North boundaries of the site. We have reduced the vehicular coverage at the south boundary to a length of 65' feet. The length of the vehicular area along Blind Pass Road is 141 feet.

South: $65' / 1 \text{ tree per } 30' = 2.16 \text{ trees}$. 2 trees have been provided in the proposed landscape plan. These trees are sabal palms to match existing and would require a variance in the shade tree requirement under the request listed in division 22.

West: $141' / 1 \text{ tree per } 30' = 4.7 \text{ trees}$. 2 Sabal Palms exist along Blind Pass road. The proposed landscape plan provides 4 additional Sabal Palms long this frontage, in addition to two Sea Grape understory plantings at the North end of this frontage.

(3) Minimum size of landscape areas:

The proposed site landscape and parking plan allows for landscaping between all of the vehicular areas except at the drive aisles. We request a reduction in the depth of the planting areas per the provisions listed in the above sections.

(4) Hedge Requirement:

No variance requested for the required hedge. A screening hedge has been along the perimeter of all parking areas.

(5) Other Materials:

No variance is requested in regard to the mulch/ground cover at the plant beds. We request a reduction in the depth of the planting areas per the provisions listed in the above sections.

c) Interior landscaping for vehicular use areas:

(1) Area to be landscaped:

- a. We are seeking a variance to low for all landscape areas to be places along the perimeter of the parking area in the limited space available between the parking lot and property line. In addition to the perimeter landscape, interior site landscaping is proposed along the dumpster enclosure, cooler wall, and through the use of raised site furnishing planters.**
- b. No vehicle loading areas or storage lots are proposed per this plan. All deliveries shall utilize the existing drive aisle and alley during off peak hours.**
- c. Site vehicular use is limited to drive aisles and parking. No variance requirement anticipated.**
- d. We request a reduction of the prescribed square footage of landscape area due to the limited amount of space available on the site based on the existing parking lot dimensions.**
- e. Per this section, we meet the requirement to move the interior landscape to the perimeter, as there are fewer than 20 parking spaces available on site.**

(2) Plant Materials:

- a. Trees, shrubs, and ground cover have been provided per section this section.**
- b. Trees, shrubs, and ground cover have been provided per this this section**

- c. The proposed site plan anticipates breaking up the expanse of paving as viewed from the street through the use of perimeter plantings and site furnishing plantings.

(3) Exception: Due to the limits of the existing site, we have made efforts to maximize plantings along the perimeter of the site.

(d) Walkways:

No internal walkways are anticipated aside from the marked crosswalk connecting the accessible space to the covered canopy and entrance. Landscaping has been provided on the proposed site/landscaping plan per the variance requests listed under the above sections. Landscape screening has been provided at the pedestrian features and along the pedestrian access to the public sidewalk adjacent to the accessible parking space. In addition, landscaped will be provided via raised planting beds (site furniture) around the perimeter of the “beer garden”/ covered entry area.

- **Section 22.8 (Buffer)**

- a) A variance requested for the reduction of the buffer along 77th Avenue and Blind Pass Road. Each frontage is listed as a Type A buffer with a required minimum depth of 5 feet. The existing parking lot is paved to a zero lot line. The proposed plan reduces the paved area; however, it does not account for the increased buffer and tree count, as it would not allow the needed parking. We request a reduction in the buffer requirement per the site plan included with this submittal.

Division 23:

- **Section 23.5**

- a) Request a variance for the reduction of required parking spaces. The current code does not have a provision for “Craft Brewery/Tasting Room”. The existing parking lot has 10 parking spaces. Due to the site layout and presence of the existing structure increasing the parking count is limited to 13 spaces, which includes an accessible space with access aisle.

The program for the craft brewery requires a limited staff, and the tasting room (combination bar and retail use) takes up less than 50% of the footprint. In addition, the cooler is an unoccupied storage space that is freestanding and an accessory to the main structure.

At a requirement of 1 parking space per 50 sq. ft. the site would need to be able to accommodate 30 spaces. This is not attainable due to existing site conditions. We are asking for a reduction to 13 spaces. To help ease the deficiency, we have incorporated a bike rack that will hold at least 8 bicycles.

Division 32:

- Section 32.9 (setbacks)
 - a) We request a variance for encroaching into the east side yard setback and rear yard setback for the installation of a walk in cooler for inventory storage. The existing building already encroaches 2' into the east side yard setback. The brewery wants to align their cooler with the east wall of the existing structure. In order to achieve the required inventory storage in the cooler, it would need to be 15'x30' in size. The 15 foot width would require a 5' encroachment into the rear yard setback.
- Section 32.10
 - a) Request a variance for the reduction of the required maximum surface ratio (ISR) of 0.70.

The existing paving on site represents an ISR of 0.91. Our proposed site plan reduces the paved areas through the removal of paving for additional planting beds. The design also replaces the paved surface at the heads for the parking spaces with pervious shell (2'-0" beyond the wheel stop). The modifications in the proposed plan reduce the ISR from 0.91 to 0.85.

Division 39:

- Section 39.10
 - a) Request a variance for the reduction of the required 10'-0" sidewalk along Blind Pass Road. There is an existing 6 foot wide public sidewalk along this frontage in the ROW for Blind Pass. The available space of the existing parking lot would be further reduced if we are required to extend this sidewalk. In efforts to accentuate the existing sidewalk, the landscape has been designed with a shell mulched setback to keep plat material from encroaching into the ROW. To further aid in the pedestrian features of the site, we have provided a bench on the north end of the site set into the landscape area of our property. In addition, we have provided an access path that connects the public sidewalk to the bicycle rack, ADA access aisle, and a marked crosswalk connecting to our covered canopy and entrance.
 - b) We request a reduction in the private landscape zone for the 77th Avenue frontage and Blind Pass Road frontage per the hardship caused by the existing structure, paving, and parking requirements on the site mentioned in the previous sections.
 - (1) Trees:
Per the requests in the previous sections under landscaping and parking screening, we are requesting a reduction in the requirement for trees. Our intent is to provide Sabal palms to match the existing site trees. The reason for the requested reduction is do to the limited amount of permeable, landscape area caused by the existing parking layout and the need to maximize this space. In addition, there are existing light poles along Blind pass road, and a utility pole at 77th avenue.

- (2) **The conflicting poles listed above have been located on the plans submitted herewith.**
- (3) No Variance requested for this item.
- (4) No Variance requested for this item.
- (5) We have provided a bench, and bicycle rack per the standards listed in this category. In addition, site waste receptacles will be available on site adjacent to the covered area, and the covered area is open to the public at all times to provide pedestrian shelter.
- (6) Pedestrian scaled light fixtures will be included with the site plan electrical submittal per the requirements of this section.

(See Photo exhibits herewith for existing site conditions and adjacent landscaping, buffers, setbacks, and sidewalk connections.)

(See Photo exhibits herewith for existing site conditions and adjacent landscaping, buffers, setbacks, and sidewalk connections.)

Please feel free to contact me at the number provided should you have any questions or concerns.

Regards,
ROBERT REID WEDDING ARCHITECTS AND PLANNERS, A.I.A., INC.

Greg Walden, FL Reg. AR0097560, Project Architect



PHOTO EXHIBIT - (Existing Conditions)

7701 Blind Pass Road



PHOTO EXHIBIT - (Existing Conditions)

7701 Blind Pass Road

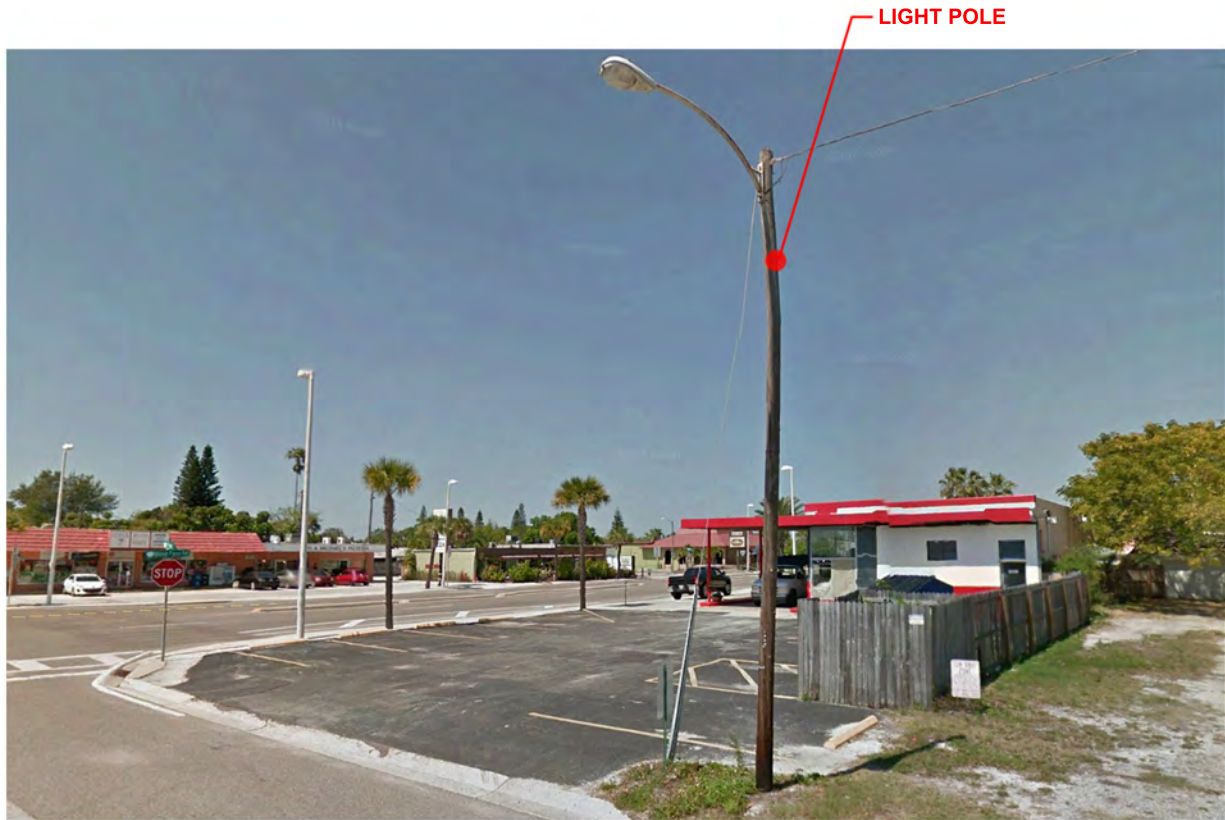


PHOTO EXHIBIT - (Existing Conditions)

7701 Blind Pass Road



PHOTO EXHIBIT - (Neighboring Landscaping and Setbacks)

7701 Blind Pass Road

South West across Blind Pass Road



Landscaping along BlindPass is limited to 2 palm trees

Paving encompasses entire site up to public sidewalk.

Sidewalk is less than 10 feet wide.

Due West across Blind Pass Road



Landscaping along BlindPass is limited to 2 palm trees in planting beds with additional landscape provided in containers.

Paving encompasses entire site up to public sidewalk.

Sidewalk is less than 10 feet wide.

North West across Blind Pass Road



Landscaping along BlindPass is limited to 2 palm trees in planting beds, and sod in setback area. Does not have landscape screening present between Blind Pass Road and the parking area or structure.

Sidewalk is less than 10 feet wide.

PHOTO EXHIBIT - (Neighboring Landscaping and Setbacks)

7701 Blind Pass Road

South of site across 77th Avenue and along Blind Pass Road



Landscaping along BlindPass:
No Shade trees present. Trees consist of palm trees with shrubs below to screen parking.

Landscaping along 77th Avenue:
Consist of Palms with shade trees and shrubs below to screen parking.

Sidewalk is less than 10 feet wide.

East along 77th Avenue



Paving extends along 77th Ave, with no landscape buffer. Landscaping and trees present within site (residential)

No sidewalk present to connect to.

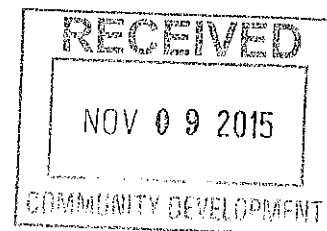
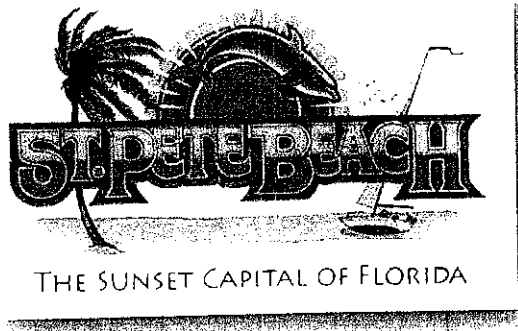
North West along alley and fronting Blind Pass Road



Mix of shade trees and palms with residential landscape buffer along Blind Pass Road. Landscape also includes sod, understory tress and shrubs.

No landscaping is present along the alley.

Sidewalk is less than 10 feet wide.



VARIANCE APPLICATION

Case Number: 20150066

PROPERTY FOR PROPOSED VARIANCE

Legal Description: ST PETERSBURG BEACH REPLAT BLK B 25, LOTS 1 AND 2 LESS RD R/W SW'LY
Parcel ID: 36-31-15-77994-225-0010
Address: 7701 BLIND PASS RD ST PETE BEACH
Current Zoning: CC-1 FLUM Designation: _____ Lot Area: 9985.93
Existing Use: 2743 Proposed Use: CRAFT BREWERY/ TASTING ROOM

APPLICANT/AGENT:

Name: Mastry's Brewing Co. LLC
Address: 2844 67th Way N
City: St. Petersburg State: FL
Zip: 33710 Phone: Matthew Dahm 727-452-0378
Email: MastrysBrewingCo@gmail.com

PROPERTY OWNER:

Name: ALTMAN PROPERTIES I LLC
Address: 7934 11TH AVE S
City: ST PETERSBURG FL State: FL
Zip: 33707 Phone: John Altman 727-420-2932
Email: Jaltman326@gmail.com

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary)

Code sections associated with variance request:*

Division 22 sections: 22.4, 22.7, & 22.8

Division 23 section 23.5

Division 32 section 32.9, 32.10

*see narrative submitted herewith for detailed description of variance requests

Additional Documents:

Check here if document is	Required Document
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attached	
✓	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
✓	Site Plan drawn to scale showing proposed deviations of the code.

In order for an application for a 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 the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. **Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.**

The change in use, coupled with a parking matrix that does not address craft breweries triggers an increase in parking that is not sustainable by the square footage of the site. In addition, the existing development of the site does not accommodate bringing the landscape buffers, plant requirements, and setbacks into compliance without creating further hardship to the available parking.

2. **The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.**

Bringing the impervious surface ratio, landscape buffer, and parking counts into compliance with current regulations are prohibitive to the reasonable use of the existing structure. The current parking matrix does not have a division for Craft Breweries. Using the count of 1 space per 50 is not in line with the limited occupancy associated with the brewing portion of the use. The yard setbacks are prohibitive towards locating the walk in cooler that is needed to house the product prior to shipping, and the fermenter tanks.

3. **The peculiar conditions and circumstances are not the result of the actions of the applicant.**

The requested variance items are the result of the existing development of the site, particularly the placement of the existing structure being utilized for this project, and the existing parking lot.

4. **The proposed variance will not have the effect of changing any district boundary on the zoning map.**

No variance items are being requested that alter the district boundary or allowed uses within the CC-1 District.

5. **The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.**

Mastry's Brewing has met with the City of St. Pete Beach Zoning Department, and the proposed brewing/tasting room use falls within the allowable restaurant/bar/drinking establishment use within the CC-1 District.

6. **The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.**

The proposed use does not negatively alter the density of the site beyond allowed density. No variance for increased density is sought.

7. **The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

The proposed use aims to contribute to the economic development and beautification of the neighborhood, and falls within the allowable uses per the CC-1 District.

8. **The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.**

The proposed variances aim to re-vitalize an existing structure that, while not a historically registered structure, has defining character, and has been part of the landscape of Blind Pass Road since the early 1950's.

Signature of Applicant	Date	Signature of Authorized Agent	Date
------------------------	------	-------------------------------	------

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

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

AD 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.

AD On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

AD I understand that if a variance is approved by the BOA/City Commission, 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 from the Board/City Commission becomes voided.

AD 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.

AD I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the 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.

AD I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

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

AD 11/9/15
Signature of Applicant Date

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

I/WE

Altman Properties I John Altman
(print name of property owner)

hereby authorize

Greg Walden, AR 97560, AIA, (Project Architect, RRW Architects)
(print name of agent)

to represent me/us in an application for

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

John Altman
Signature of Owner

John Altman
Print Name of Owner

Signature of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 9th day of Nov. 2015
2015, by John Altman who is personally known
or produced FL DRIVER as identification.
License

Jamie Watson
(Notary Signature)

11/9/15
(Date)

My Commission Expires 6/11/17



Jamie Watson
Notary Public
State of Florida
My Commission Expires 06/11/2017
Commission No. FF 28367

BENCHMARK SURVEYS, INC.
2149 SUGARBUSH DRIVE HOLIDAY FLORIDA 34690
Voice (727) 847-5544 Fax (727) 940-7485

SEC 36 TWP 31S RNG 15 E
PINELLAS COUNTY, FLORIDA

Certified To:
JAMES JORDAN

BOUNDARY SURVEY

Legal Description:
Lots 1 and 2, Block 25, ST. PETERSBURG REPLAY, according to the map or plat thereof as recorded in Plat Book 5, Page 28, of the Public Records of Pinellas County, Florida. Less Road right of way for Blind Pass Road.

Surveyors Notes:
1. Legal Description provided by client.
2. Bearings are based on the Northwesterly Right-of-Way line for 77th Avenue. Said line bears N.50°54'15"E. Assumed.
3. Benchmark Surveys, Inc. makes no representations or guarantees as to easements, rights-of-ways lines, set back lines, reservations, agreements or other similar matters.
4. For the National Flood Insurance Rate Map, City of St. Petersburg, Pinellas County, Florida, Community Panel Number 125149 0257 G Map Revised September 03, 2003, this property appears to be located in Flood Zone "AE". A base flood of 12.0'. A flood certificate was not issued or requested at this time.
5. No underground utilities or improvements or roof overhangs were located except as shown.

Legend:
PSM - Professional Surveyor and Mapper
RLS - Registered Land Surveyor
FCM - Found Concrete Monument
FCR - Found Capped Iron Rod
SCR - Set Capped Iron Rod
FIP - Found Iron Pipe
FPP - Found Plinched Pipe
FIR - Found Iron Rod
LBS - Licensed Business
V/F - Finished Floor
(P) - Plat Measurement
(M) - Field Measurement
(D) - Deed Measurement
(C) - Calculated Measurement
(SND) - Set nail & Disk

CERTIFICATE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE HEREIN DESCRIBED PROPERTY HAS BEEN MADE UNDER MY DIRECTION, AND TO THE BEST OF KNOWLEDGE AND BELIEF, IT IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY THAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AS DESCRIBED IN CHAPTER 469 OF THE FLORIDA ADMINISTRATIVE CODE.

THOMAS W. GAZELL, PSM NO. 5387
STATE OF FLORIDA License #6869

Drawn By = GT
Checked By = T
Crew: t9,jw

Special Surveyor's Note:
1. This Boundary Survey was prepared without the benefit of a title report. There still could exist other easements, restrictions, encumbrances, etc., that were not presented this surveyor/firm when preparing this report. These particular items may possibly be present at the Pinellas County Courthouse.
2. Right-of-Way along Blind Pass Road was established with existing monumentation and occupation with references to right-of-way maps obtained by the State of Florida. Care should be taken if any construction is performed and any change in ownership of property takes place.
3. C/B - Catch Basin, C/B #1 Top is 3.05'. Threat Elevation = 2.75'. C/B #2 Top Elevation = 3.25'. Threat Elevation = 3.05'.
4. Spot Elevations shown truly based on NAVD 1988 DATUM. Benchmark used Blind 7.

Legend:
F.T. - Fence Tie to property line
C.B.S. - Concrete Block Structure
S/W - Sidewalk Tie
S/TI - Screened in Porch
Res. - Residence
W.M. - Water Meter
W.G. - Witness Corner
W.U. - Wood Utility of Light Pole
M/S - Metal shed
C/S - Covered Concrete Slab
P.O.B. - Point of Beginning
P.O.C. - Point of Commencement

Legend:
PSM - Professional Surveyor and Mapper
RLS - Registered Land Surveyor
FCM - Found Concrete Monument
FCR - Found Capped Iron Rod
SCR - Set Capped Iron Rod
FIP - Found Iron Pipe
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THOMAS W. GAZELL, PSM NO. 5387
STATE OF FLORIDA License #6869

Drawn By = GT
Checked By = T
Crew: t9,jw

Attachment G

PER SECTION SEC. 32.10, THE MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) IS SHOWN TO BE 0.70 FOR ALL USES: IN THE CC-1 DISTRICT.

SITE AREA:	9,892 SQUARE FEET
EXISTING SITE IMPERVIOUS AREA:	9,019 SQUARE FEET
EXISTING ISR:	0.91

PROPOSED IMPERVIOUS REDUCTION: 463 SQUARE FEET
NET PROPOSED IMPERVIOUS AREA: 8,556 SQUARE FEET
PROPOSED ISR: 0.86

G1 SITE "ISR" RATING

SCALE: N.T.S.

PER SECTION SEC. 32.9 THE SETBACKS ARE AS FOLLOWS:

SIDE YARD: 10% OF THE LOT WIDTH 7 FEET (70' X .10)
FRONT YARD: (77TH AVENUE N.) 10 FEET
REAR YARD: 20 FEET (ABUTS ALLE

EXISTING BUILDING TO REMAIN ENCROACHES 1'-11" INTO THE SIDE YARD SETBACK
ALONG THE EASTERN PORTION OF THE SITE.

REQUESTED VARIANCE IS REQUESTED FOR THE PROPOSED ACCESSORY STRUCTURE (WALK IN COOLER) THAT IS SHOWN TO ALIGN WITH THE EXISTING BUILDINGS EAST ELEVATION. THE REQUESTED ENCROACHMENT IS 1'-11" INTO THE SIDE YARD SETBACK AND 4'-10" INTO THE REAR YARD SETBACK.

F1 SET BACK – ENCROACHMENT

SCALE: N.T.S.

THE EXISTING SITE PARKING HAS BEEN DEVELOPED TO THE PROPERTY BOUNDARY AND AVAILABLE PARKING IS ALREADY AT A HANDSHP FOR THE PROPOSED USE. A VARIANCE IS SOUGHT TO REDUCE THE 5' TYPE A BUFFER ALONG 77TH AVENUE NORTH AND BLIND PASS ROAD. THE EXISTING PAVING ON THE SITE EXTENDS PAST THE PROPERTY LINE AND ENCLOSES INTO THE ROW ALONG BLIND PASS ROAD AND 77TH AVENUE. WE PROPOSE REMOVING MOST OF THE EXISTING NON-CONFORMING PAVING AT THE SOUTH SITE, AS WELL AS PAVING ALONG BLIND PASS ROAD TO PROVIDE ADDITIONAL LANDSCAPE BUFFER, AND PEROUS SURFACE.

(SEE SITE PLAN A1 ON THIS SHEET AND PROPOSED LANDSCAPE PLAN SUBMITTED HEREWITH)

A VARIANCE FOR REDUCING THE SHADE TREE REQUIREMENT IS BEING SOUGHT DUE TO THE HARDSHIP CREATED BY THE EXISTING SITE DEVELOPMENT AND PARKING COUNT. SEE THE LANDSCAPE PLAN SUBMITTED HEREWITH FOR THE PROPOSED LANDSCAPE.

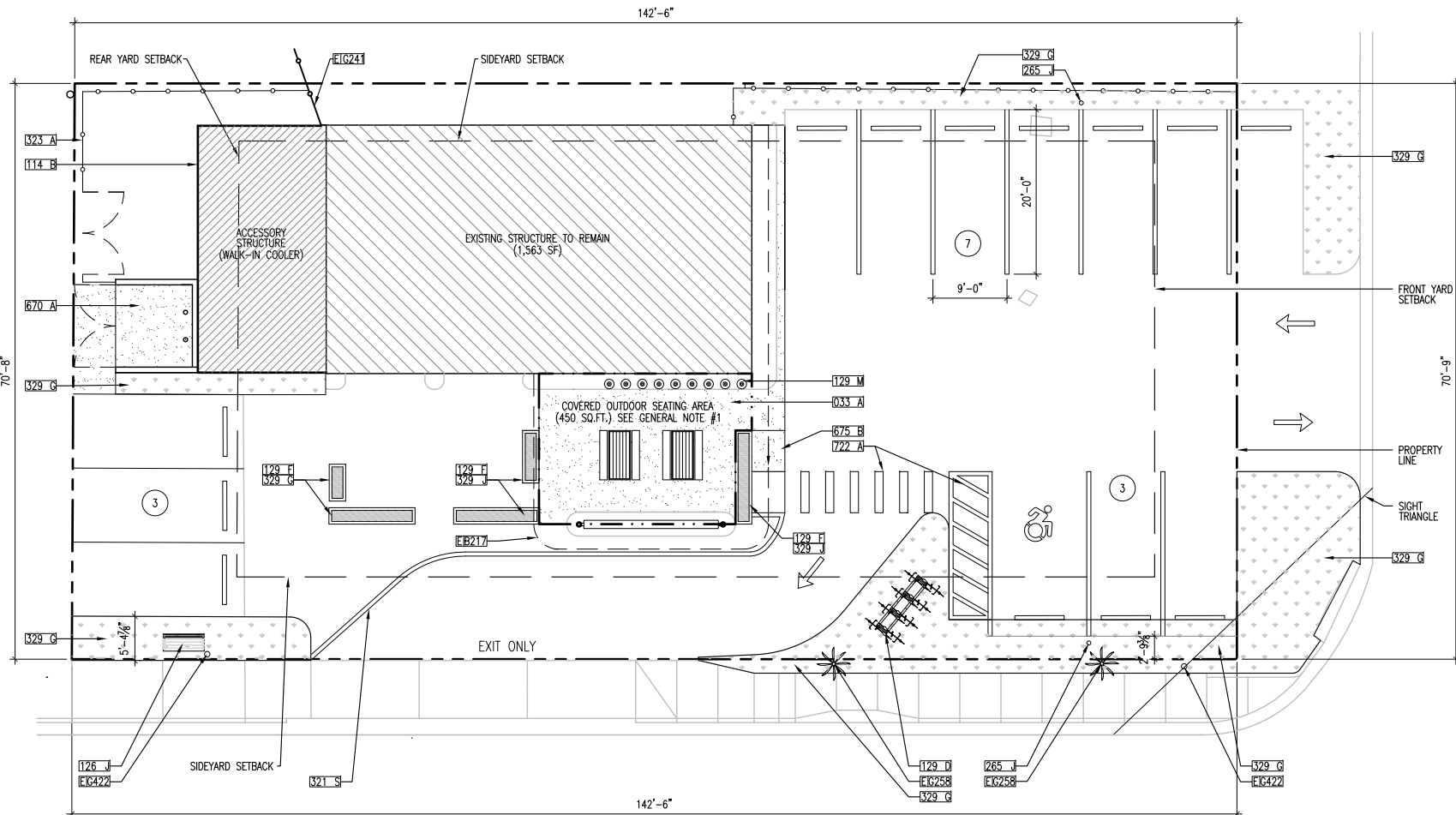
F1 LANDSCAPING BUFFER

SCALE: N.T.S.

F4 PARKING CALCULATION

SCALE: N.T.S.

* NOTE: PER 23.4 (a) OUTDOOR SEATING AREAS UNDER 500 SQ. FT. DO NOT HAVE A PARKING REQUIREMENT



A1 SITE PLAN

SCALE: 1"=20'-0"

KEYNOTES

☐ EXISTING OBJECT OR ASSEMBLY TO REMAIN
☐ OBJECT OR ASSEMBLY TO BE REMOVED

☐ NEW CONSTRUCTION

B217	CANOPY
G215	PAVING STRIPING
G222	ASPHALT SURFACING AND BASE
G223	CAST IN PLACE CONCRETE PAVING AND BASE
G241	WOODEN PRIVACY FENCE
G422	LIGHT POLE
G258	TREE (SABAL PALM)
I14-B	WALK-IN COOLER (ACCESSORY STRUCTURE)
I26-J	SITE BENCH
I29-D	BICYCLE RACK (HOLDS 8 BIKES)
I29-F	MANUFACTURED PLANTER
I29-M	FIXED STOOL
I25-J	SITE LIGHTING
J23-A	6' WOOD PRIVACY FENCE
J29-C	LANDSCAPE AREA (SEE LANDSCAPE PLAN FOR PROPOSED PLANTING)
K75-B	CONCRETE CURB RAMP - MAINTAIN 1:20 MAXIMUM SLOPE
L22-A	ACCESSIBLE PATH - MAINTAIN 1:24 MAXIMUM SLOPE & 1:60 MAXIMUM CROSS-SLOPE, PROVIDE CROSSWALK MARKINGS ACROSS DRIVE AISLE

PARKING NOTES:

1 # PARKING SPACES:

- 1) ALL STANDARD SPACES SHALL BE 9'-0" WIDE BY 20'-0" DEEP (MINIMUM)
- 2) THE ACCESSIBLE SPACE SHALL BE 12'-0" WIDE BY 20'-0" DEEP (MINIMUM) WITH A 5'-0" WIDE ACCESS AISLE.
- 3) PER DISCUSSION WITH THE ZONING DEPARTMENT, THE PARKING SPACES IN THE SOUTH PARKING AREA ABUTTING BLIND PASS ROAD HAVE BEEN MODIFIED TO REMOVE THE ASPHALT/CONCRETE PAVING AND BASE IN THE PORTION OF THE SPACE BETWEEN THE FRONT BOUNDARY OF THE SPACE AND THE WHEEL STOP IN EFFORTS TO DECREASE THE EXISTING TOTAL IMPERVIOUS SURFACE AND PROVIDE ADDITIONAL LANDSCAPE BUFFER.
- 4) THE TOTAL PROVIDED PARKING COUNT IS 13 SPACES. THIS COUNT REFLECTS AN INCREASE OF 3 SPACES FROM THE EXISTING 10 SPACES.

PER SECTION SEC. 23.5 THE PARKING REQUIREMENT FOR BAR USE IS 1 SPACE PER 50 SQ. FT.
THERE IS NO PRECEDENT SHOWN IN THE CODE FOR A CRAFT BREWING USE.
APPLYING A COUNT OF 1 SPACE PER 50SF CREATES
ADDITIONAL HARDSHIP ON A SITE THAT IS ALREADY LIMITED ON PARKING.
A VARIANCE FOR ON SITE PARKING REDUCTION IS REQUESTED BASED ON THE FOLLOWING ITEMS:

- THE COOLER IS AN ACCESSORY "NON-OCCUPIED" STRUCTURE AND WE REQUEST THAT ITS 450 SF NOT BE INCLUDED IN THE PARKING COUNT.
- THE BREWING PORTION OF THE USE HAS A VERY LIMITED STAFF. THIS OCCUPANCY FALLS UNDER THE F2 (LIGHT INDUSTRIAL, NON-HAZARDOUS, PRODUCTION OF ALCOHOLIC BEVERAGES BELOW 16% PER FBC2014. THE ASSOCIATED OCCUPANCY WITH THIS CLASSIFICATION IS 1 PER 100 SF. REQUEST CONSIDERATION OF A PARKING COUNT OF 1 PER 100 SF = 5.88 SPACES
- THE OFFICE PORTION OF THIS OCCUPANCY SERVES TO SUPPORT THE BREWING OPERATION. REQUEST THAT THE COUNT OF 1 SPACE PER 300 SF IS ALLOWED FOR THIS AREA. $260 \text{ SF} \times 1 = 2.6 \text{ SPACES}$
- THE TASTING ROOM/RETAIL OCCUPANCY OF THE BREWERY IS COUNTED AT 1 PER 50 SF

(SEE PARKING CALCULATION DIAGRAM, THIS SHEET: TAG E4)

TOTAL SPACES ALLOCATED PER THE ABOVE BREAKDOWN: SPACES	BREWING 5.88
2.6	BREWING OFFICE
	<u>BAR/TASTING</u>
<u>ROOM (RETAIL PORTION OF BREWERY) 11.96 SPACES</u>	21 SPACES

SPACES AVAILABLE ON SITE: 13

GENERAL NOTES:

- 1) INSTALL 5" CONCRETE DECK OVER EXISTING CONCRETE PAVING UNDER CANOPY IN THE OUTDOOR SEATING AREA AND TO EXTEND THE SIDEWALK ALONG THE SOUTH OF THE BUILDING TO IMPROVE HANDICAP ACCESS TO THE BUILDING.
- 2) PROVIDE LANDSCAPE SCREENING VIA A "LIVING WALL" ON WEST ELEVATION OF ACCESSORY STRUCTURE (COOLER)
- 3) MODIFICATIONS TO THE EXISTING STRUCTURE SHALL STAY BELOW 50% OF THE VALUE OF THE STRUCTURE PER FEMA REQUIREMENTS.



Q:Boards & Committees/Board of Adjustment Agendas 2015 December 2015 BOA Agenda Packet

SITE PLAN (SUPPLEMENT TO AS-1) AS-1.02
SCALE: AS NOTED

SCALE: AS NOTED

