



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, March 30, 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. **February 23, 2022 Minutes**
4. Action Items
 - a. **Variance - 1615 Gulf Way (Case No. 22012)**

Request to locate an elevated generator in the side yard that will encroach 4 feet into the side setback, where 5 feet is required.

Requested Action: Motion to APPROVE Variance Case #22012.

b. Variance - 3505 El Centro Street (Case No. 22014)

Request to locate an elevated generator in the side yard that will encroach 4.2 feet into the side setback, where 6 feet is required.

Requested Action: Motion to APPROVE Variance Case #22014.

c. Variance - 3216 El Centro Street (Case No. 22009)

Request to construct an addition (5'x32') approximately 5 feet from the side property

line, where 10 feet is required.

Requested Action: Motion to APPROVE Variance Case #22009.

d. Variance - 510 78th Avenue (Case No. 22013)

Request to construct a patio cover (12'x15') that will encroach 3 feet into the side setback, where 5 feet is required and 14 feet into the rear setback, where 15 feet is required.

Requested Action: Motion to APPROVE Variance Case #22013.

e. Variance - 203 Gulf Way (Case No. 22011)

Request to construct a pool (12'x19') in the front yard that will encroach 3 feet and 10 feet respectively into the front setback, where 20 feet is required.

Requested Action: Motion to DENY Variance Case #22011.

5. Adjournment - Next Meeting 04/27/2022

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
February 23, 2022 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Michael Bomar

EXCUSED: Denise Chase
Jake Holehouse

STAFF PRESENT: Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Wesley Wright, Planning Manager
Jordan Elmore, Planner

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

1. Changes to the Agenda – There were no changes.
2. Audience Comments – There were no general audience comments.
3. Approval of Minutes - a. 1/26/2022

Motion: Member Bomar moved, and Vice Chair Lyman seconded the approval of the minutes from the January 26, 2022 meeting; the motion carried unanimously.

4. Action Items - a. **Variance – 6400 Bay Street (Case No. 22008)** Request to construct a carport (16'x35') approximately 12 feet from the rear property line, where 20 feet is required.

Planner Jordan Elmore reviewed a presentation detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. He reviewed the conditions of approval of a practical difficulty variance. Staff found the request minimal and reasonable and recommended approval.

Chair Skipper confirmed that the Applicant was aware that all three Board members would have to vote for approval per city ordinance. Applicant Stacy Bondar appeared to answer any questions and provide additional details. Public hearing was closed, and Board discussion opened.

Motion: Vice Chair Lyman moved, and Member Bomar seconded the approval of Case No. 22008 to allow for the construction of a carport to encroach approximately 5.34 feet into the 20-foot rear setback line. The motion carried 3-0.

City Attorney Dickman reminded the Board members of the Parliamentary training on March 2nd; Mr. Wright reported that there will be five variances on the March 30th agenda.

5. Adjournment – Next Meeting 3/30/2022

Motion: Member Bomar moved, and the meeting was adjourned at 2:08 PM.

These minutes will be considered for approval at the March 30, 2022 Board of Adjustment meeting.

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

Agenda Report

Issue Considered: Variance - 1615 Gulf Way (Case No. 22012)

Date: March 30, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to locate an elevated generator in the side yard that will encroach 4 feet into the side setback, where 5 feet is required.

Funding: N/A

Requested Motion: Motion to approve Variance Case #22012.

Attachments:

1. Staff Report
2. 22012 - 1615 Gulf Way Application



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

VARIANCE CASE NO. 22012 – James Tedesco, for James and Louise Tedesco, Owners

MEETING DATE: March 30, 2022

PREPARED BY: Tara Salmieri, Contract Planner, AICP,
through Wesley Wright, Planning Manager

REQUEST	A <u>Practical Difficulty Variance</u> to allow for a 4-foot encroachment of an elevated generator into the required 5-foot side setback (LDC Sec. 6.14).
SUBJECT PROPERTY	1615 Gulf Way; Property ID # 18-32-16-68634-005-1250; PHILLIPS DIVISION REV MAP BLK E, LOT 125 TOGETHER WITH THAT VAC PT OF GULF WAY DESCR BEG NW COR OF SAID LOT TH S01DE 50FT TH W 13.64FT TH N 50FT TH E 13.18FT TO POB.
ACERAGE	Approximately 0.19 +/- acres (8,183 sq. ft.)
LAND USE	RLM-2/PAG , Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	Zone AE Coastal Floodplain
SURROUNDING AREA	North – 17 th Street, Condominium South – Condominium East – Church West – Gulf Way, Beach

BACKGROUND

The zoning lot contains a residence constructed in 2002 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to install an elevated generator located along the West side of the home that will encroach 4 feet into the required side yard setback. Land Development Code Section 6.14 requires ancillary residential equipment that is not at grade to meet the required setbacks for the zoning district. The required side yard setback for this property is 5 feet. The proposed location of the elevated generator is 1.1 +/- feet from the side property line, 90 +/- feet from the front (West) property line, and 25 +/- feet from the rear (East) property line and will be mounted to a wall bracket.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Elevated Generator	5'	1.11'	77.8% (3.89 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 the encroachment of an elevated generator 3.89' into the 5' required setback placing the generator 1.11' from the side property line. This represents a variance of 77.8% from the required 5' standard.

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

Staff finds there to be no adverse change produced in the character of the neighborhood. Applicant states the generator will be located well towards the back of the home. Applicant states that generator will be located behind the existing elevated air conditioner unit and the location for the proposed generator, as provided on the survey, would be adjacent to the condominium parking area on the western side of the  parcel.

The specification sheet for the 22 kW generator indicates sound output of 67 decibels operating at normal load and 57 decibels operating at exercise mode at 23 feet (7 meters) away from the equipment. Comparable sound output would be a 2.5 ton air conditioning condenser unit at 72 decibels. In comparison, 65 decibels are a normal conversation and 55 decibels would be a quiet office.

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

The applicant states that the generator cannot be located elsewhere on the property and would be in line with the existing air condition unit.

Staff have not identified any feasible location on the property where the generator can be installed and meet the required setbacks.

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

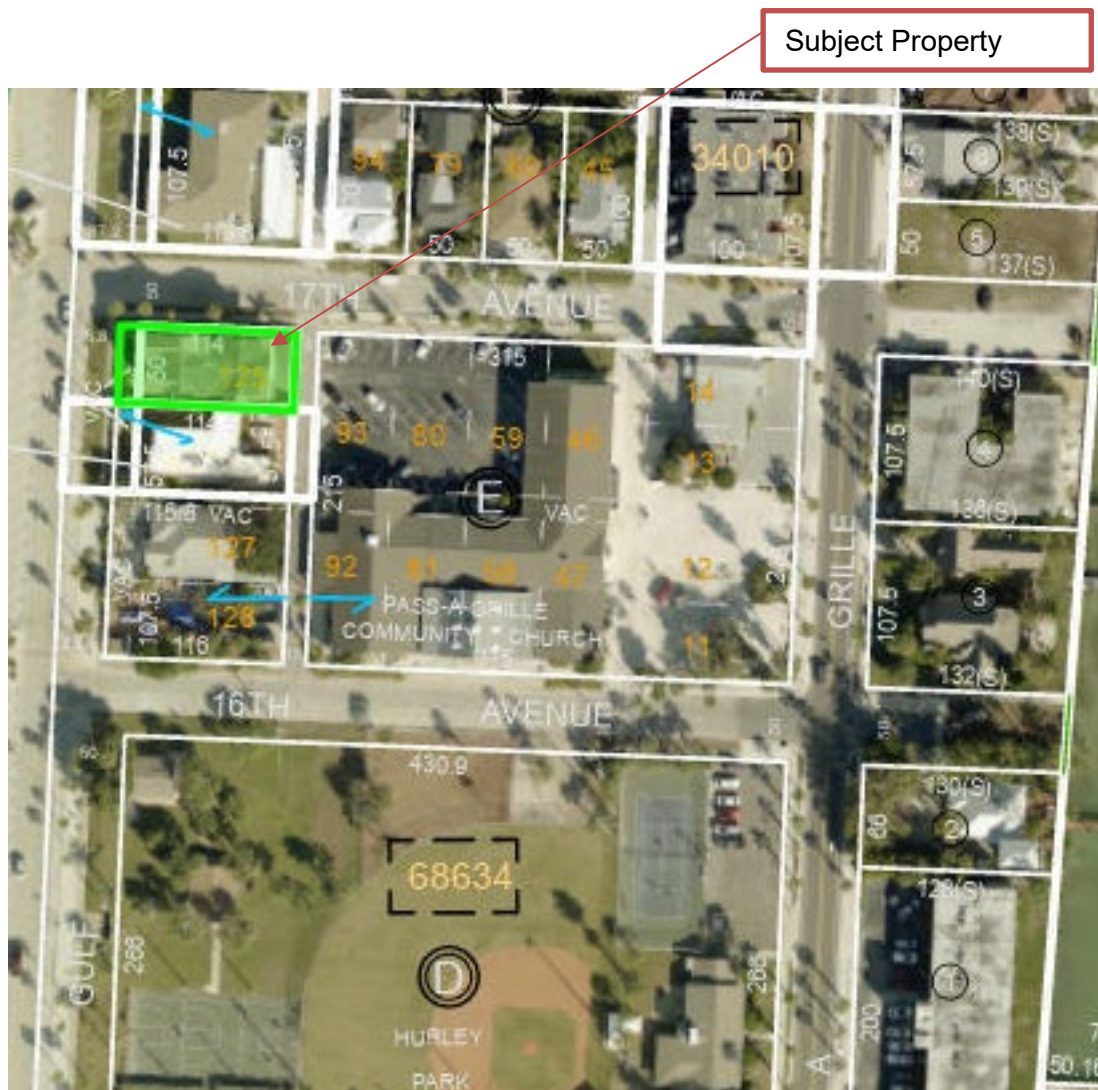
Staff finds the interest of justice to be served through the issuance of this variance.

SUMMARY:

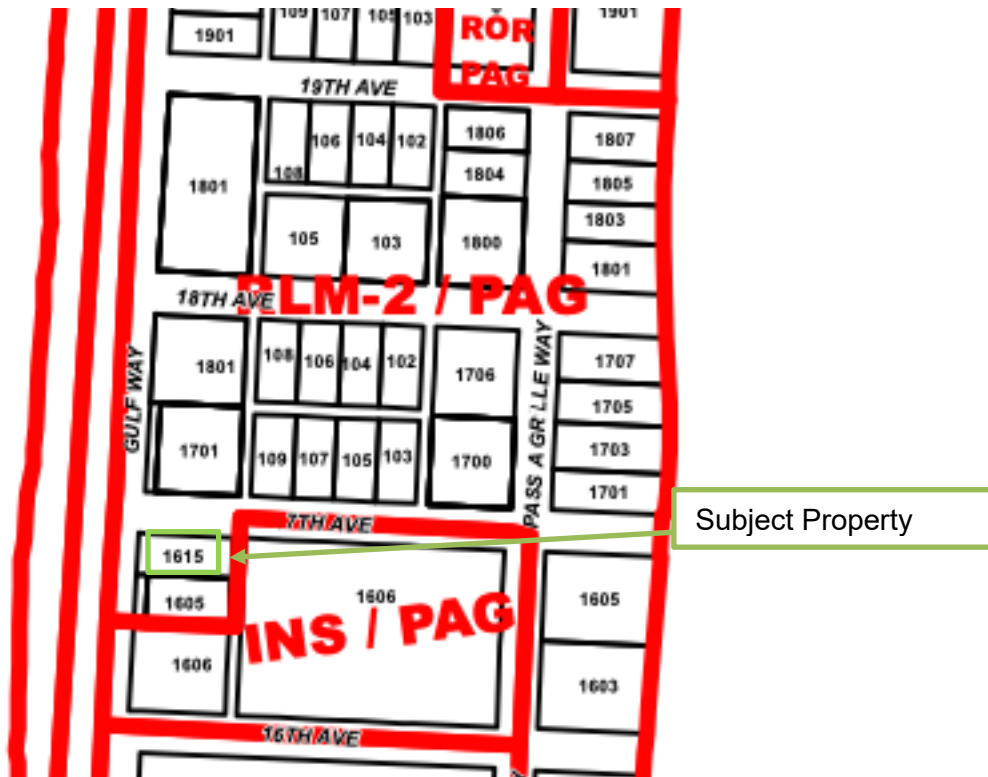
Staff finds the request to install an elevated generator that will encroach 1.11 feet into the side yard to be reasonable. Staff recognize the need to locate the generator in this location due to manufacturing installation requirements and that locating the equipment on the roof would require substantial modifications to the primary structure.

RECOMMENDATION: Staff recommends approval.

AERIAL MAP



ZONING MAP



CASE #: 22012SUBMITTAL DATE: 2/11/22AMOUNT DUE: \$526.60PAYMENT DATE: 2/11/22

RUM2/AG

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 #
	James Tedesco	1615 Gulf Way St. Pete Bch, FL 33706	813-334-7149
Owner	James Tedesco	1615 Gulf Way St. Pete Bch, FL 33706	813-334-7149
Applicant/ Agent			
Owner Email Address: james.tedesco@hotmail.com		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:	Phillips Division Rev Map Blk E, Lot 125 together with that VAC pt of Gulf Way desc beg NW cor of said lot th S01DE 50ft th	
Parcel ID:	W 13.64ft th N 50ft th E 13.18ft to POB (Per O.R. 13168/437) 18-32-16-68634-005-1250	
Address:	1615 Gulf Way St. Pete Beach, FL 33706	
Explanation of Request: Contracted to install a Standby Generator for Life Safety purposes Family member wheelchair bound - cannot have power to elevator interrupted. Building dept says location of new generator would encroach on setback (Only about 2 ft) Request is to allow generator to be installed on same side and height as existing ac equipment.		

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;

At most encroachment is 2 feet from existing set back requirement

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

If request is granted to allow generator to be installed on same side of home as existing ac equipment, and at same height then NO adverse effect in character of neighborhood. The generator would be installed towards the back of the home also, further away from view from the front of the home.

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

No, I honestly do not believe there is one.

Prior to this request, building dept stated that due to the layout of existing home and property (close proximity to other homes, etc and setbacks) there was no other location they would approve.

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

I believe as a home/land owner, I should have the right, within reason to provide a measure of safety for my family. I do not believe, with the option proposed there would be any negative effect to the neighborhood.

	2/11/22		
Signature of Applicant	Date	Signature of Authorized Agent	Date

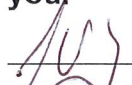
For office use only:

Hearing Date: _____ Fees: _____

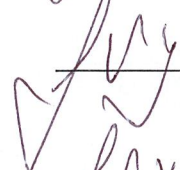
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

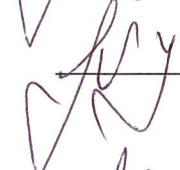
VARIANCE APPLICATION

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.

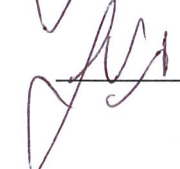
 I understand that the City will not accept or process an incomplete application.

 I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

 On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

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

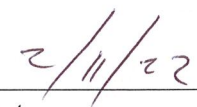
 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

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

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


Signature of Applicant


Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

(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 _____



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, _____, 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): JAMES V. TEDESCO

Address: 1615 GOLF WAY, ST. PETE BEACH, FL

Signature: [Signature] Date: 2/11/22

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 11th day of February, 2021 by:
James V. Tedesco who appeared before me, and is personally known to me, or has produced
Driver's License as identification, and did take an oath.

T3202-458-65-267-0
My commission Expires: 2/9/25

NOTARY:

Print Name: Jeffrey Cherry Notary

Public, State of Florida

(Notarial Seal)

JEFFREY CHERRY
Notary Public, State of Florida
My Comm. Expires Feb. 09, 2025
No. HH 90834

DEAR APPLICANT:

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

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

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

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

LESTER CHERRY
Notary Public for the State of
Mississippi
My Commission Expires 08/2025

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

Agenda Report

Issue Considered: Variance - 3505 El Centro Street (Case No. 22014)

Date: March 30, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to locate an elevated generator in the side yard that will encroach 4.2 feet into the side setback, where 6 feet is required.

Funding: N/A

Requested Motion: Motion to approve Variance Case #22014.

Attachments:

1. Staff Report
2. Application



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

**VARIANCE CASE NO. 22014 – Jay Halden, JCO Building Services, Applicant
Melanie and Roy Sanders, Owner**

MEETING DATE: March 30, 2022

PREPARED BY: Tara Salmieri, Contract Planner, AICP,
through Wesley Wright, Planning Manager

REQUEST	A <u>Practical Difficulty Variance</u> to allow for a 4.20 foot encroachment of an elevated generator into the required 6 foot side setback (LDC Sec. 6.14).
SUBJECT PROPERTY	3535 El Centro Street; Property ID # 07-32-16-21852-002-0020; Lot 2 and the South 10 Feet of Lot 3, Block 2, according to the Plat of Don-Ce-Sar Place
ACERAGE	Approximately 0.14 +/- acres (6,000 sq. ft.)
LAND USE	RU-2 Residential District on the Zoning Map; RM Residential Medium on the Future Land Use Map
FLOOD ZONE	Zone AE Coastal Floodplain
SURROUNDING AREA	North – Single Family Residence South – Hotel/ Don CeSar property East – El Centro Street, Hotel/Don CeSar Parking Lot West – Gulf of Mexico

BACKGROUND

The zoning lot contains a residence constructed in 2015 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to install an elevated generator located along the East side of the home that will encroach 4.20 feet into the required side yard setback. Land Development Code Section 6.14 requires ancillary residential equipment that is not at grade to meet the required setbacks for the zoning district. The required side yard setback for this property is 6 feet. The proposed location of the elevated generator is 1.80 +/- feet from the side property line, 67 +/- feet from the rear (West) property line, and 36.5 +/- feet from the front (East) property line and will be mounted to a wall bracket.

Board of Adjustment Hearing – March 30, 2022

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Elevated Generator	6 feet	21.6-inches (1.80 feet)	70% (4.20 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 the encroachment of an elevated generator 4.20 feet into the 6 foot required setback placing the generator 1.80 feet from the side property line. This represents a variance of 70% from the required 6' standard.

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

Staff finds there to be no adverse change produced in the character of the neighborhood. Applicant states the generator will be located well towards the back of the home, and the adjacent single family residence has no windows on side the generator is being proposed.

The specification sheet for the 32 kW generator indicates sound output of 64 decibels operating at normal load and 61 decibels operating at exercise mode at 23 feet (7 meters) away from the equipment. As a reference, a 2.5 ton air conditioning condenser unit's sound output is 72 decibels, which is a higher output than the generator.

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

The applicant states that the generator cannot be located elsewhere on the property because of space that is being used for additional equipment for the home with 3 air conditioning units, tankless water heater and other constraints.

Staff has not identified any feasible location on the property where the generator can be installed and meet the required setbacks.

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 interest of justice to be served through the issuance of this variance.

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

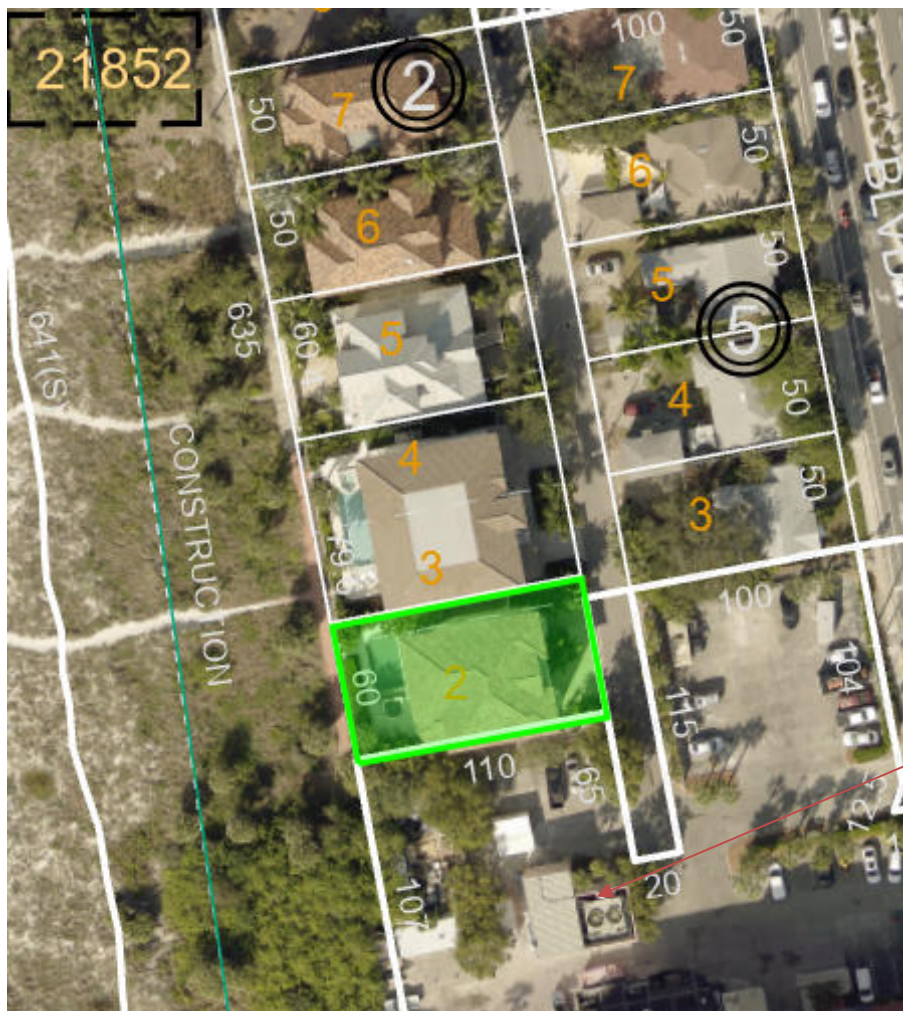
SUMMARY:

Staff finds the request to install an elevated generator that will encroach 4.20 feet into the side yard to be reasonable. Staff recognize the need to locate the generator in this location due to manufacturing installation requirements and that locating the equipment on the roof would require substantial modifications to the primary structure.

RECOMMENDATION:

Staff recommend approval.

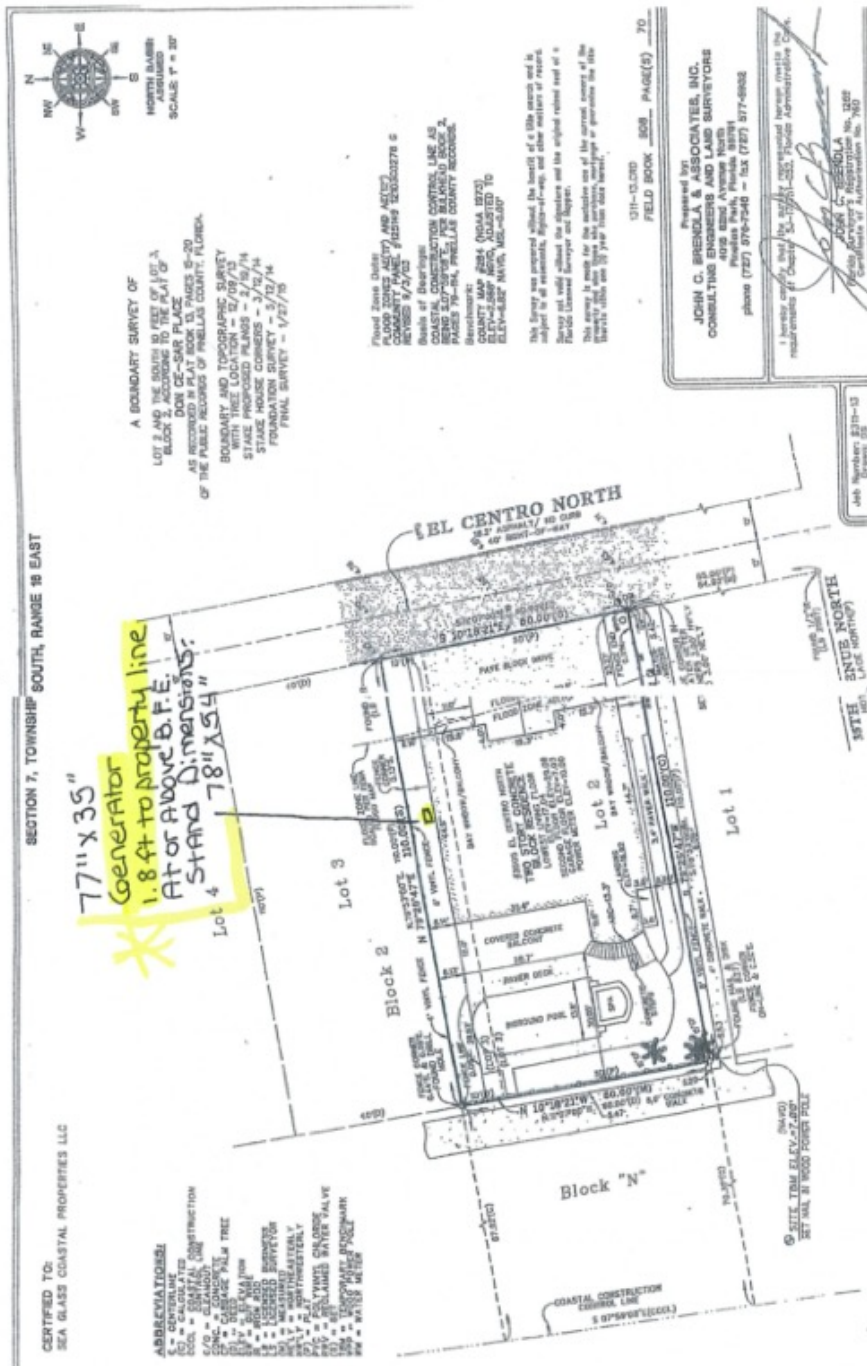
AERIAL MAP



Subject Property



SURVEY



CASE #: 22014SUBMITTAL DATE: 2/16/22AMOUNT DUE: \$518.20PAYMENT DATE: 2/16/22**PRACTICAL DIFFICULTY VARIANCE APPLICATION**

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Roy and Melanie Sanders	3505 El Centro Street St. Pete Beach, FL 33706	813-951-8787
Applicant/ Agent	JCO Building Services	7206 Spring Valley Drive Tampa, FL 33615	813-390-1192
Owner Email Address: melsanders1002@gmail.com		Applicant/Agent Email Address: jacobuilding@verizon.net	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Residential	Future Land Use Designation Residential	Lot Area Residential
Legal Description:	Lot 2 and the South 10 Feet of Lot 3, Block 2, according to the Plat of Don-Ce-Sar Place	
Parcel ID:	07-32-16-21852-002-0020	
Address:	3505 El Centro Street, St. Pete Beach, FL 33706	
Explanation of Request: <u>Variance for Generator</u>		

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;

Property setback is 7'. Generator and elevated stand will protrude from home approximately 53". Home is located 7' from property line.

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

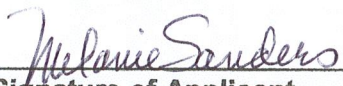
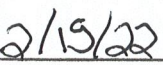
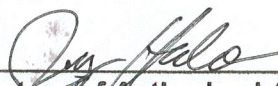
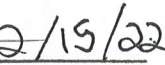
No, due to the large amount of landscaping in front and rear of home, generator will not be visible from the beach or the road.

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

No, due to the generator installation specifications. Generator is necessary due to homeowner's and elderly parent's health conditions.

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

Yes, no additional changes are necessary to install the generator.

			
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.

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

 I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

 On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

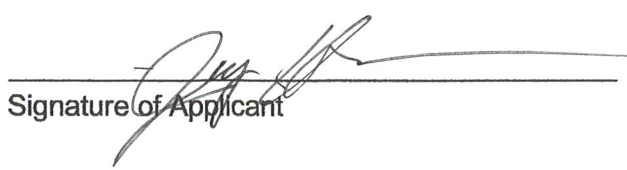
 I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

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

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


Signature of Applicant

2/15/22
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Melanie Sanders

(print name of property owner)

hereby authorize

JCO Building Services (Jay Halden)

(print name of agent)

to represent me/us in an application for

Variance

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

Melanie Sanders

Signature of Owner

Signature of Owner

Melanie Sanders

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 14th day of

JANUARY 2021 by Melanie Sanders or who is

personally

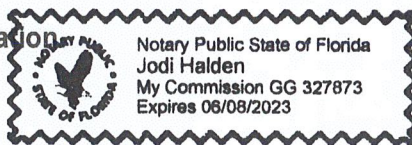
known



produced

N/A

as identification



Jodi Halden
(Notary Signature)

1/14/22
(Date)

My Commission Expires

6/18/23



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, JCO Building Services, 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): Jay Halden

Address: 7206 Spring Valley Drive, Tampa, FL 33615

Signature Jay Halden Date 2/19/22

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 15TH day of FEBRUARY, 2022 by:
JAY D. HALDEN who appeared before me, and is personally known to me, or has produced
FLDL# H435424677580 as identification, and did take an oath.

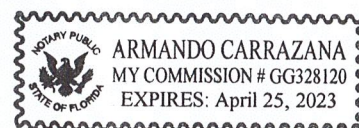
My commission Expires: 04/25/2023

NOTARY:

Print Name: Armando Carrazana Notary

Public, State of Florida

(Notarial Seal)



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

Agenda Report

Issue Considered: Variance - 3216 El Centro Street (Case No. 22009)

Date: March 30, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct an addition (5'x32') approximately 5 feet from the side property line, where 10 feet is required.

Funding: N/A

Requested Motion: Motion to approve Variance Case # 22009.

Attachments:

1. Staff Report
2. Application with Survey and Site Plan



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

VARIANCE CASE NO. 22009 – Susan and Michael Ward, Owners

MEETING DATE: March 30, 2022

PREPARED BY: Tara Salmieri, Contract Planner, AICP,
with Wesley Wright, Planning Manager

REQUEST	A <u>Practical Difficulty Variance</u> Request to construct an addition (5'x32') with elevator approximately 5 feet from the side property line where the required setback is 10 feet (LDC Sec.12.7).
SUBJECT PROPERTY	3216 El Centro Street, Apartment A; Parcel ID #073216677790000010; PASS-A-GRILLE TOWNHOUSES CONDO UNIT A
ACERAGE	Approximately 0.27 acres for entire condominium structure (2725 sq. ft. for unit A)
LAND USE	RM on the Zoning Map; RM Residential Medium on the Future Land Use Map
FLOOD ZONE	Zone AE
SURROUNDING AREA	North – Vacant Commercial South – Vacant Single-family Residence) East – City of St Pete Beach (Government, Recreation/clubhouse West – Beach

BACKGROUND

The zoning lot contains a condominium with three units (A-C), that was constructed in 1991 according to the Pinellas County Property Appraiser. In 2004, an identical variance (2004-00027) was granted on the north side of the structure to allow for an elevator addition to be construct 5-feet from the north property line. Additionally, in 2015, the applicant submitted and obtained approval (20150068) of for a variance for the same addition that is proposed (5'x32'). The 2015 petitioner to the south appealed the Board of Adjustment action to the circuit court. This petitioner has since moved and no longer owns the adjacent property. The current adjacent owner, Edward Ascione of 3214 El Centro Street, has provided the city with a statement of no objection to the variance request.

ANALYSIS

The applicant is requesting to construct an addition (5'x32') approximately 5 feet from the side (South) property line where the required setback is 10 feet (LDC Sec.12.7).

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Addition	10'	5'	50% (5 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 50% of the side setback standard to add an addition that will enable the construction of an enclosed elevator located on the south side of the building.

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

Staff find that no adverse change will be produced in the character of the neighborhood. The applicant provided color renderings of the elevation, of each floor and state the design is consistent with the northern side of the building. In 2004, Apartment C was granted a variance for the addition and design of an elevator. No adverse change to the character of the neighborhood is anticipated should the Board grant this particular request for variance to the south side yard setback area to allow the expansion of an addition as depicted on the Site Layout provided by the applicant.

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

The applicant's only area to provide the addition is on the southern side of the parcel. The applicant states the original designer of the building, Michael McRoy, and additional contractors maintain there is no other area that can be used to construct the addition for the enclosed elevator.

Staff has not identified any feasible location on the property where the addition can be constructed and meet the required setbacks.

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

Staff find that the request is reasonable and not out of character with the immediate vicinity. Staff recognizes the need to locate the addition in this location due to site constraints and the overall design of the condominium.

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

SUMMARY:

Staff find that the request is reasonable and should have minimal if any impact on the surrounding neighborhood.

Staff also find that the request for the issuance of a practical difficulty variance meets the criteria laid out in the Land Development Code.

RECOMMENDATION:

Staff recommend approval as presented.

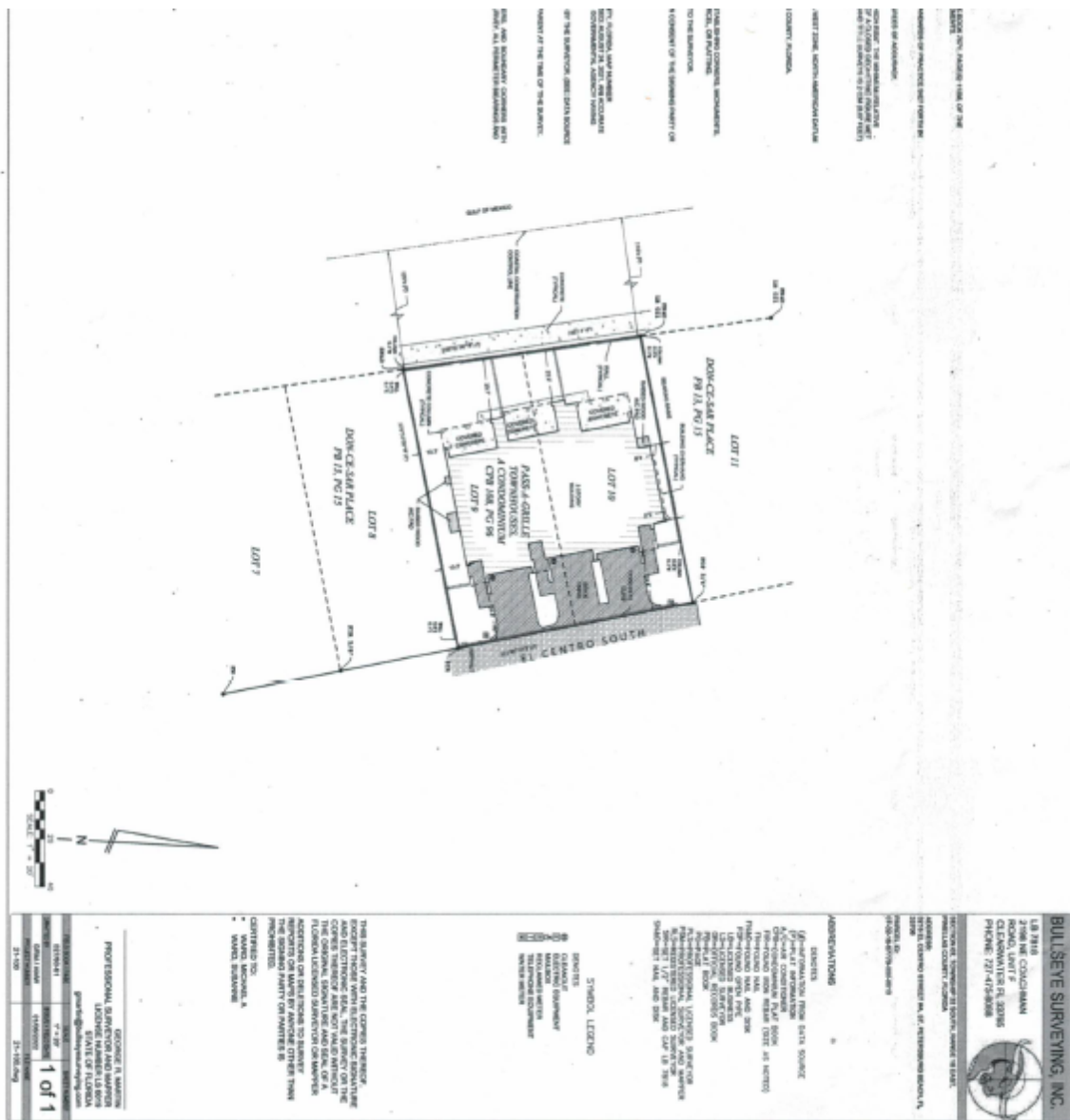
AERIAL MAP



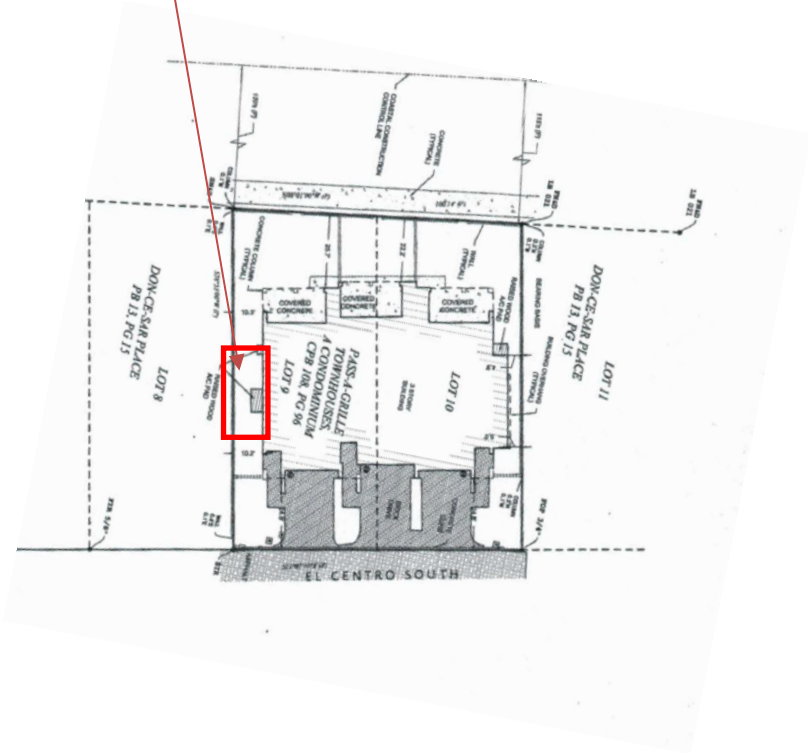
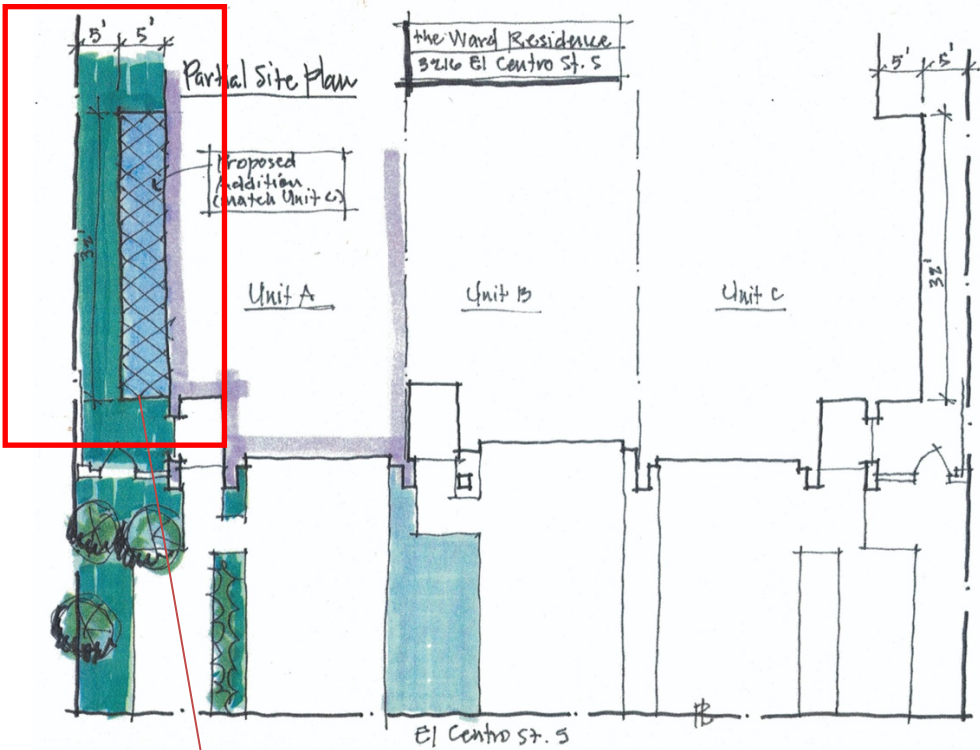
ZONING MAP

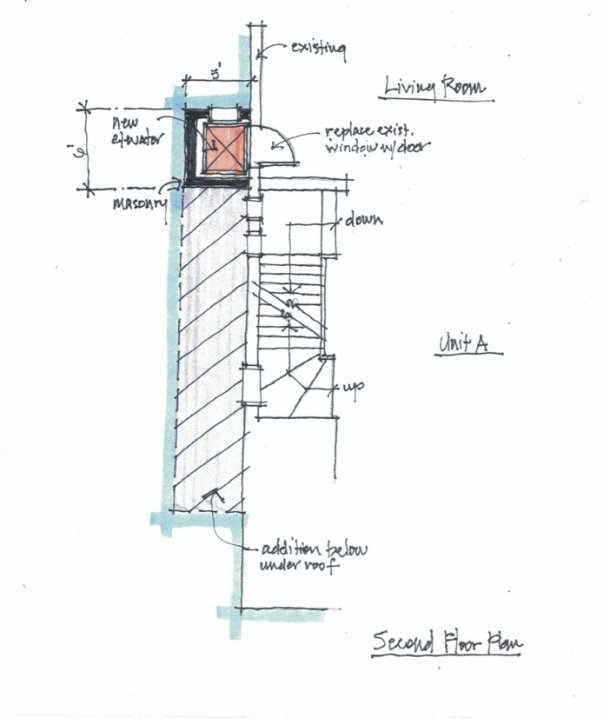
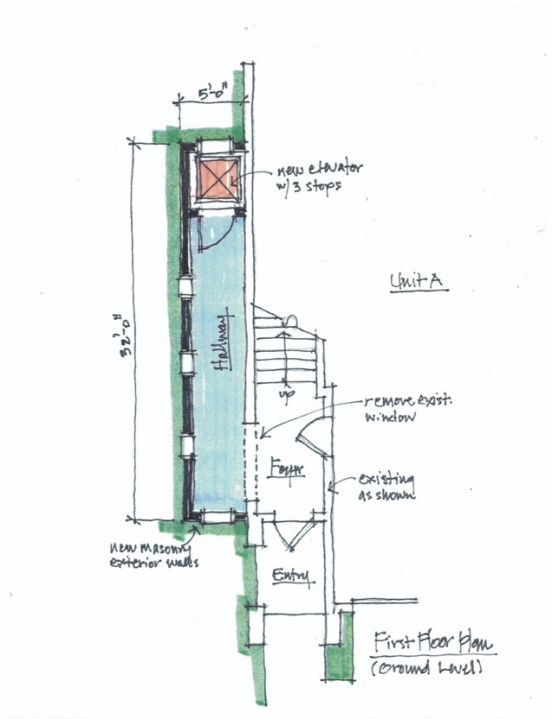
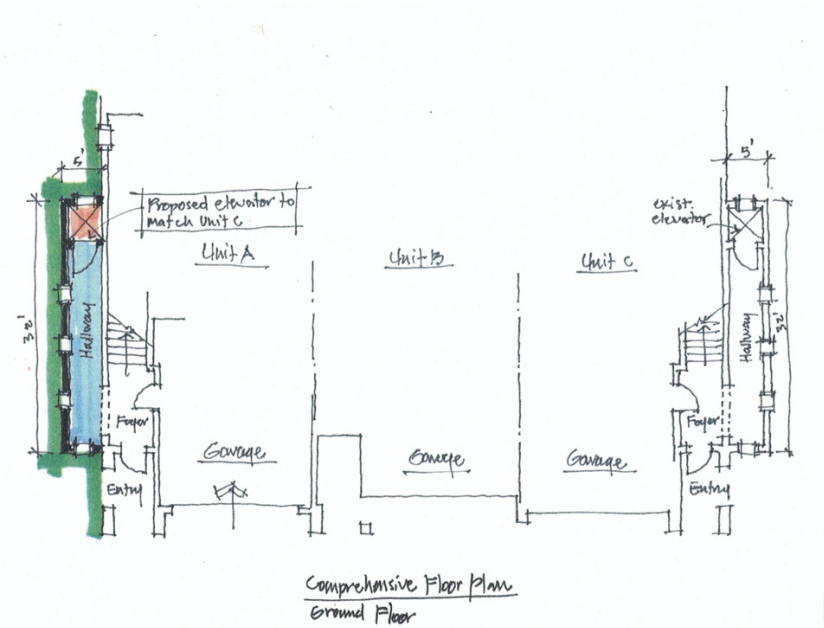


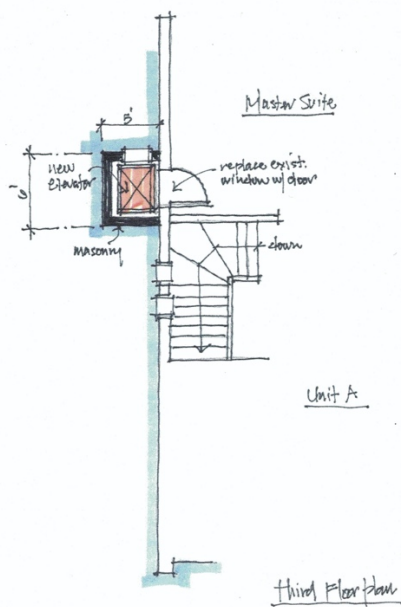
SURVEY



-Site Plan and Additional Graphics









CASE #: _____

SUBMITTAL DATE: _____ AMOUNT DUE: _____ PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following Items are to be submitted, along with this application, at least 45 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 LAND	PASS-A-GRILLE TOWNHOUSES CONDOMINIUM ASSOCIATION	3216 EL Centro ST S ST Pete Beach, FL 33706	PRESIDENT of ASSO RAUCH WAY 727-3609233
Applicant/ Agent	SUSANNE MICHAEL A. WARD	3216 EL Centro ST S # A ST PETE BEACH, FL 33706	727-5048848
Owner Email Address: PRESIDENT of Assoc. MRAUCH@TAMPABAY.FL.COM		Applicant/Agent Email Address: FLORIDASUS@AOL.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RES (CONDO)	Future Land Use Designation RM	Lot Area 0010
Legal Description:	PASS-A-GRILLE TOWNHOUSES CONDO UNIT A	
Parcel ID:	07-32-16-67779-000-0010	
Address:	3216 EL CENTRO ST S # A SPRB, FL 33706	
Explanation of Request: _____		
see attachment (1)		

Susanne & Michael A. Ward - 3216 El Centro St S #A, St Pete Beach

Practical Difficulty Variance request to grant a reduction of the required side set back from the existing 10 ft to about 5 ft for the purpose of installing an elevator for medical purposes to enable Michael Ward to remain in his home and have all reasonable use of the property even if mobility challenged or disabled by age. The existing condominium construction is three residences that is designated "commercial" and thus requires a larger set back. Even after the proposed new elevation addition, the side yard of the building would be close to five feet to the property line.

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 REQUEST IS FOR A REDUCTION OF THE SIDE SET BACK FROM THE EXISTING 10 FT TO ABOUT 5 FT.

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

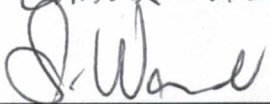
NO.
THE PROPOSED ELEVATOR ADDITION WILL BE A MIRROR IMAGE OF THE 3216 EL CENTRO STS #C, FOR WHICH A VARIANCE WAS GRANTED IN 2004.

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

AS PER THE ORIGINAL DESIGNER OF THE BUILDING IN QUESTION - MICHAEL McROY - AS WELL AS NUMEROUS CONTRACTORS THERE IS NOTHING ELSE PLAUSIBLE IN THIS SCENARIO.

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

OLDER BUILDINGS MUST BE MODIFIED TO ADJUST TO AN AGING POPULATION TO ENABLE RESIDENTS TO STAY IN THEIR HOMES AND ENJOY ALL REASONABLE USE OF THEIR PROPERTY EVEN IF MOBILITY CHALLENGED OR DISABLED BY AGE.

	
1/26 ²²	1/26 ²²
Signature of Applicant	Signature of Authorized Agent
Date	Date

For office use only:

Hearing Date: _____ Fees: _____

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

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

PASS-A-GRILLE TOWNHOUSES CONDOMINIUM ASSOCIATION
(print name of property owner)

hereby authorize

SUSANNE & MICHAEL A. WARD
(print name of agent)

to represent me/us in an application for

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

#B

Steven Hamblin

SIGNATURE OF OWNER

Steven Hamblin

PRINT NAME OF OWNER

#A

S. Ward & M. Ward
Signature of Owner

#C

Audrey Rauchway, Michael J. Rauchway
Signature of Owner

SUSANNE WARD MICHAEL A. WARD
Print Name of Owner

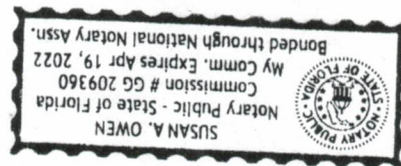
AUDREY B. RAUCHWAY MICHAEL J. RAUCHWAY
Print Name of Owner

The forgoing instrument was acknowledged before me this 22nd day of January 2022 by all of above 4 owners or who is personally known & FLDL produced as identification.

Susan A. Owen
(Notary Signature)

Jan 22, 2022
(Date)

My Commission Expires 4/19/2022





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, SUSANNE & MICHAEL WARD, 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): SUSANNE & MICHAEL A. WARD
Address: 3216 EZ Centro ST S #A -SPB, FL 33706
S. Ward M Ward
Michael I Ward 1/22/22 PRESIDENT of ASSOCIATION
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 22nd day of Jan, 2022 by:
FLDL who appeared before me, and is personally known to me, or has produced
FLDL as identification, and did take an oath.

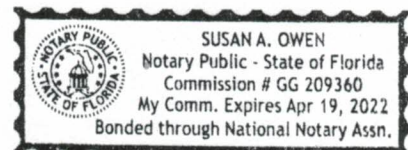
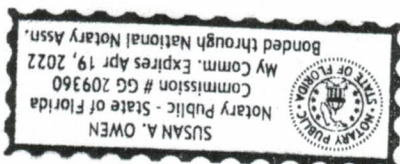
My commission Expires: 4/19/2022

NOTARY: Susan A. Owen

Print Name: Susan A. Owen Notary

Public, State of Florida

(Notarial Seal)



VARIANCE APPLICATION

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

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

J. Ward 1/26²²
Signature of Applicant

N. Ward 1/26²²
Date

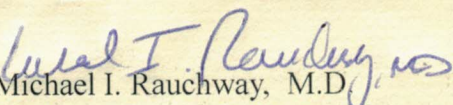
Michael I. Rauchway, M.D.
3216C El Centro
St Pete Beach, Florida 33706
mrauchway@yahoo.com

September 16, 2021

Andrew W.J. Dickman
City Attorney St Pete Beach
155 Corey Avenue
St Pete Beach, FL 33706

Dear Sir:

Pass-a-Grille Townhouses Condominium Association seeks to obtain necessary permits and variances from the City of St Pete Beach for purposes of construction of an elevator. The elevator is required to enable a resident of the Condominium to remain in his home in that he meets the disability requirement of having a physical impairment limiting daily life activity. The Condominium Association will comply with provisions of the American with Disabilities Act of 1990 and the Fair Housing Act.


Michael I. Rauchway, M.D.
President, Pass-a-Grille Townhouses Condominium Association
3216 El Centro St
St Pete Beach, FL 33706



Baywalk Family Practice
116 First St. N
St. Petersburg, FL. 33701
Phone: 727-895-5210 Fax: 727-821-4297

WARD, MICHAEL A
DOB 04/29/1947

August 24, 2021

To Whom it May Concern: It is medically necessary for my patient to be accommodated with access to an elevator due to his current medical conditions. He is unable to walk up and down any amount of stairs without the possibility of injuring himself further. Please accommodate this request and feel free to contact my office if you have any questions. Thank you.

Regards,

Joshua Eberhard MD.

A handwritten signature in black ink, appearing to be "JE", written over a light blue horizontal line.

BOUNDARY SURVEY

THE MAP AND REPORT ARE NOT FULL AND COMPLETE WITHOUT THE OTHER.

SURVEYOR'S REPORT

DESCRIPTION: PASS-A-GRIFFLE TOWNHOUSE, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 1571, PAGE 1714, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND ANY AMENDMENTS THEREOF, TOGETHER WITH ITS ADJACENT SHARE IN THE COMMON ELEMENTS.

1. ALL MEASUREMENTS, DISTANCES, ELEVATIONS IF SHOWN AND FEATURES WERE PERFORMED IN STRICT ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE SET FORTH IN CHAPTER 9A-17, FLORIDA ADMINISTRATIVE CODE (F.A.C.).

2. METHODS FOR ALL CONTROL MEASUREMENTS WERE MADE WITH A TRIMBLE AND STEEL TAPE, OR GENSIS WITH EQUIVALENT OR HIGHER DEGREE OF ACCURACY.

3. THE ACCURACY STANDARD USED FOR THIS SURVEY, AS AUTHORIZED IN THE MINIMUM STANDARDS OF PRACTICE (S.A.P.T. 9A-17), IS COMMERCIAL/NOI (NOT THE MINIMUM RELATIVE TO THE ACCURACY OF THE SURVEY). THIS SURVEY IS CONSIDERED TO BE A COMMERCIAL/NOI SURVEY. THE REQUIREMENT FOR MEASUREMENTS CONTROLLING LAND BOUNDARIES ON A TYPICAL LOT (1/2" PER FOOT) PLUS 50 PARTS PER MILLION WITH THIS SURVEY METS.

DATA SOURCES:

1. THE BASIS OF BEARING IS NORTH LINE OF THE SURVEYED PARCEL, BEING N 75° 50' 00" E, FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM 1983.

2. PLAT OF PASS-A-GRIFFLE TOWNHOUSE, A CONDOMINIUM, RECORDED IN CONDOMINIUM PLAT BOOK 108, PAGE 86, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.

3. VARIATION USED, RECORDED IN OFFICIAL RECORDS BOOK 1774, PAGE 186, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.

LIMITATIONS:

1. PURPOSE OF SURVEY: TO DOCUMENT THE PERMANENT, OR ANY ONE OF THEM, OF A PARCEL, OR TRACT OF LAND BY ESTABLISHING OR RE-ESTABLISHING CORNERS, MONUMENTS, AND BOUNDARY LINES FOR THE PURPOSES OF DESCRIBING THE PARCEL, LOCATING FIXED IMPROVEMENTS ON THE PARCEL, DIVIDING THE PARCEL, OR PLATTING.

2. USE OF THIS SURVEY BY ANYONE OTHER THAN THOSE PROVIDED FOR / CERTIFIED TO, WILL BE THE SURVEYOR'S SOLE RESPONSIBILITY TO THE SURVEYOR.

3. ACTIONS OR RELATIONS TO SURVEY WMS OR REPORTS BY OTHER THAN THE SURVEYING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYING PARTY OR PARTIES.

4. UNDERGROUND FOUNDATIONS AND THEIR LOCATIONS HAVE NOT BEEN DETERMINED.

5. IMPOUNDMENT EQUIPMENT AND/OR THEIR APPOINTMENTS HAVE NOT BEEN DETERMINED.

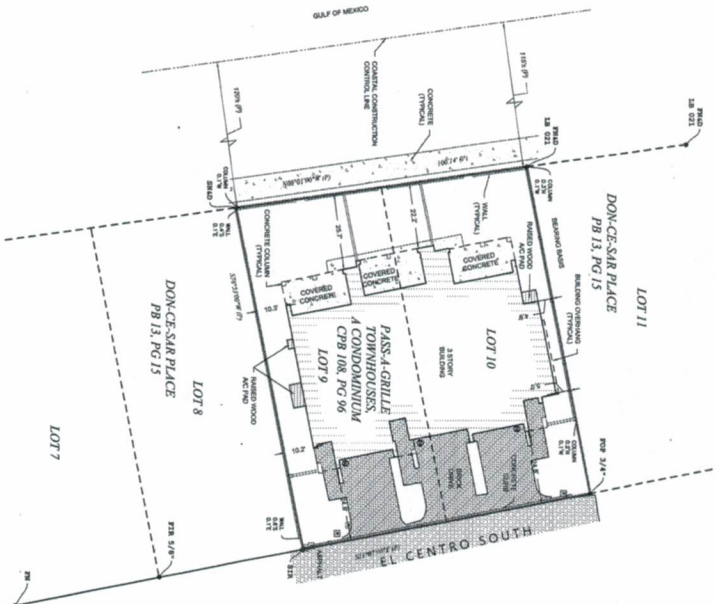
6. SUBJECT PROPERTY APPEARS TO BE WITHIN FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 22002001A, COMMUNITY ST. PETERS BEACH, CITY OF 12514, EFFECTIVE DATE: AUGUST 24, 2021. MAP NUMBER 22002001A, MAP REVISED AUGUST 24, 2021. AN ACCURATE DETERMINATION OF FLOOD ZONE STATUS SHOULD BE OBTAINED FROM THE LOCAL GOVERNMENT AGENCY, OR THE LOCAL GOVERNMENT AGENCY HAVING JURISDICTION OVER SUCH MATTERS PRIOR TO ANY ADJUSTMENTS BEING MADE FROM THE ZONE AS NOTED.

7. NO RESEARCH CONCERNING DESCRIPTIONS OF RECORD (TITLE DEEDS) OR ENCUMBRANCES (EASEMENTS / RESTRICTIONS) WAS PERFORMED BY THE SURVEYOR. (SEE DATA SOURCE 3).

8. THERE MAY BE ADDITIONAL UTILITIES (STRUCTURES, DRAINAGE, SANITARY, ELECTRIC, COMMUNICATIONS, ETC.) THAT WERE NOT RECALLY APPARENT AT THE TIME OF THE SURVEY.

BOUNDARY INCONGRUENCIES:

1. ANY ADJACENT BOUNDARY INCONGRUENCIES BETWEEN THE DESCRIPTION AND THE FIELD LOCATED OCCUPATION BOUNDARY CORNERS, AND BOUNDARY CORNERS WITH ADJACENT BOUNDARIES, WERE NOTED AND SHOWN ON THE MAP OF SURVEY. ALL PERMANENT FEATURES AND DISTANCES WERE ALSO FIELD MEASURED UNLESS SO NOTED.



BULLSEYE SURVEYING, INC.
18 7818 COACHMAN
ROAD UNIT F
CLEARWATER FL 33765
PHONE: 727-475-8088

SECTION OF TOWNHIP 32 SOUTH, RANGE 18 EAST,
PINELLAS COUNTY, FLORIDA

ADJACENT:
32780 CENTRAL STREET N.E., ST. PETERSBURG BEACH, FL,
07-23-18-6779-500-0010

PANEL ID:
07-23-18-6779-500-0010

ABBREVIATIONS

- (A) INFORMATION FROM DATA SOURCE
- (P) PLAT INFORMATION
- A/C-AS CONDO UNIT
- AS-AS CONDO UNIT
- FB-FOUND ROOM REAR (SEE AS NOTED)
- FN-FOUND NAIL AND DISK
- FR-FOUND NAIL AND DISK
- LB-LOANED BUSINESS
- OR-ORIGINALLY OWNED
- PB-PLAT BOOK
- PS-PROFESSIONAL SURVEYOR
- PS-PROFESSIONAL SURVEYOR AND MAPPER
- SR-SET 1/2" REAR AND CAP LB 7818
- SHD-SET NAIL AND DISK

SYMBOL LEGEND

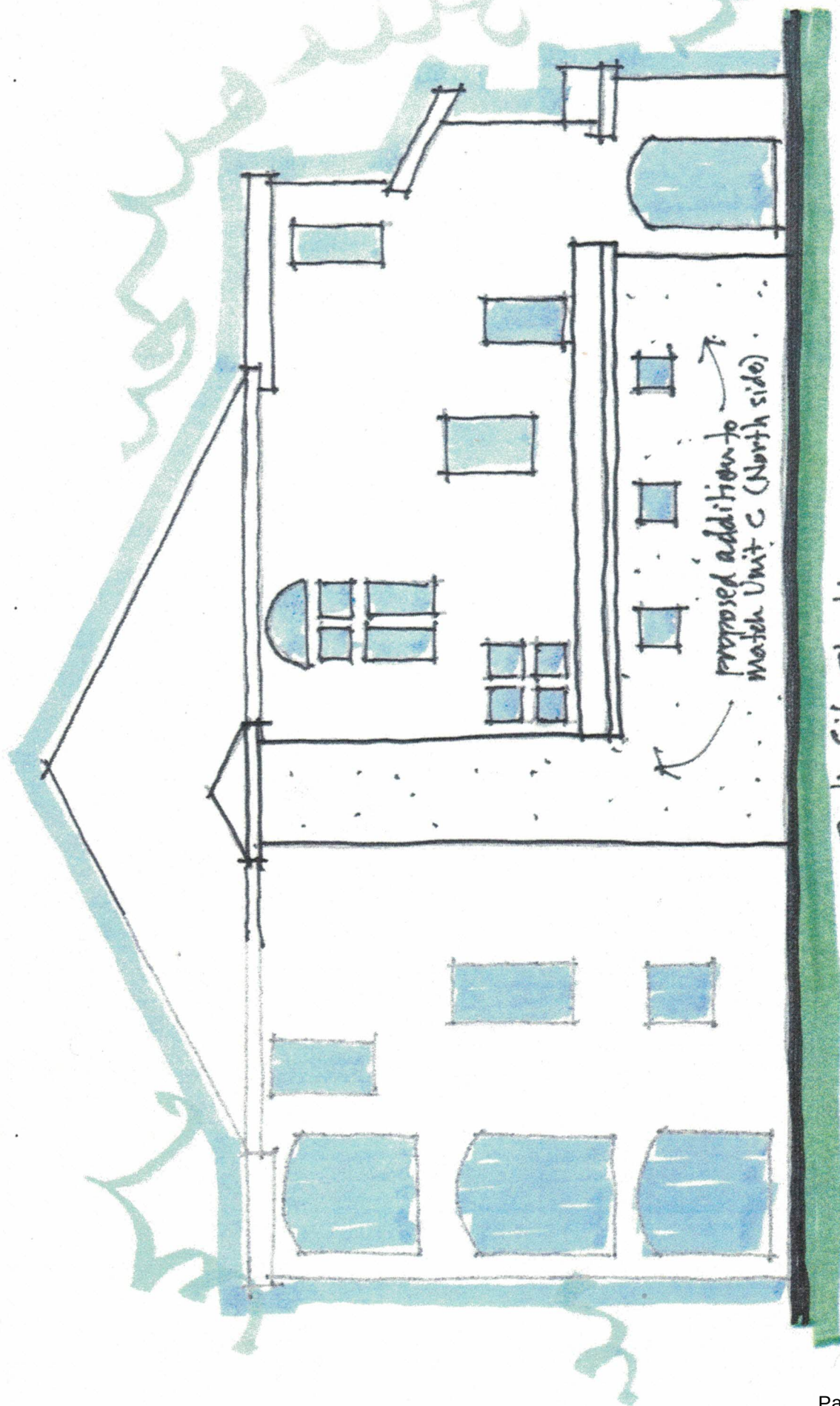
- ⊙ CEMENT
- ⊙ CEMENT EQUIPMENT
- ⊙ MASONRY
- ⊙ RECLAIMED WETTER
- ⊙ WATER METER

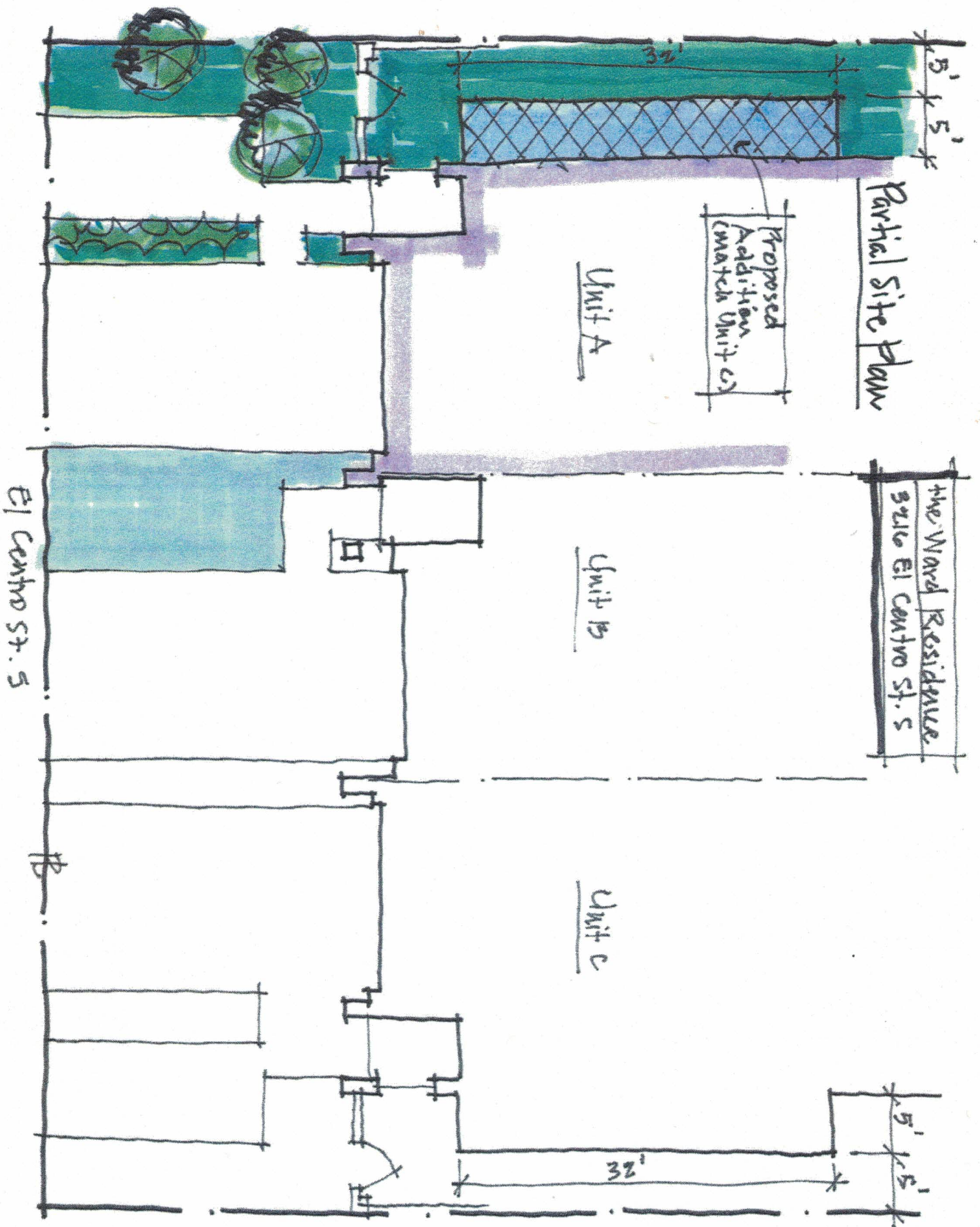
THIS SURVEY AND THE COPIES THEREOF EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL, THE SURVEY OR THE COPIES THEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND SEAL OF THE SURVEYOR. THE SURVEYOR'S SIGNATURE AND SEAL ARE REQUIRED FOR THE SURVEY TO BE VALID. ADDITIONS OR DELETIONS TO SURVEY REPORTS OR MAPS BY ANYONE OTHER THAN THE SURVEYING PARTY OR PARTIES IS PROHIBITED.

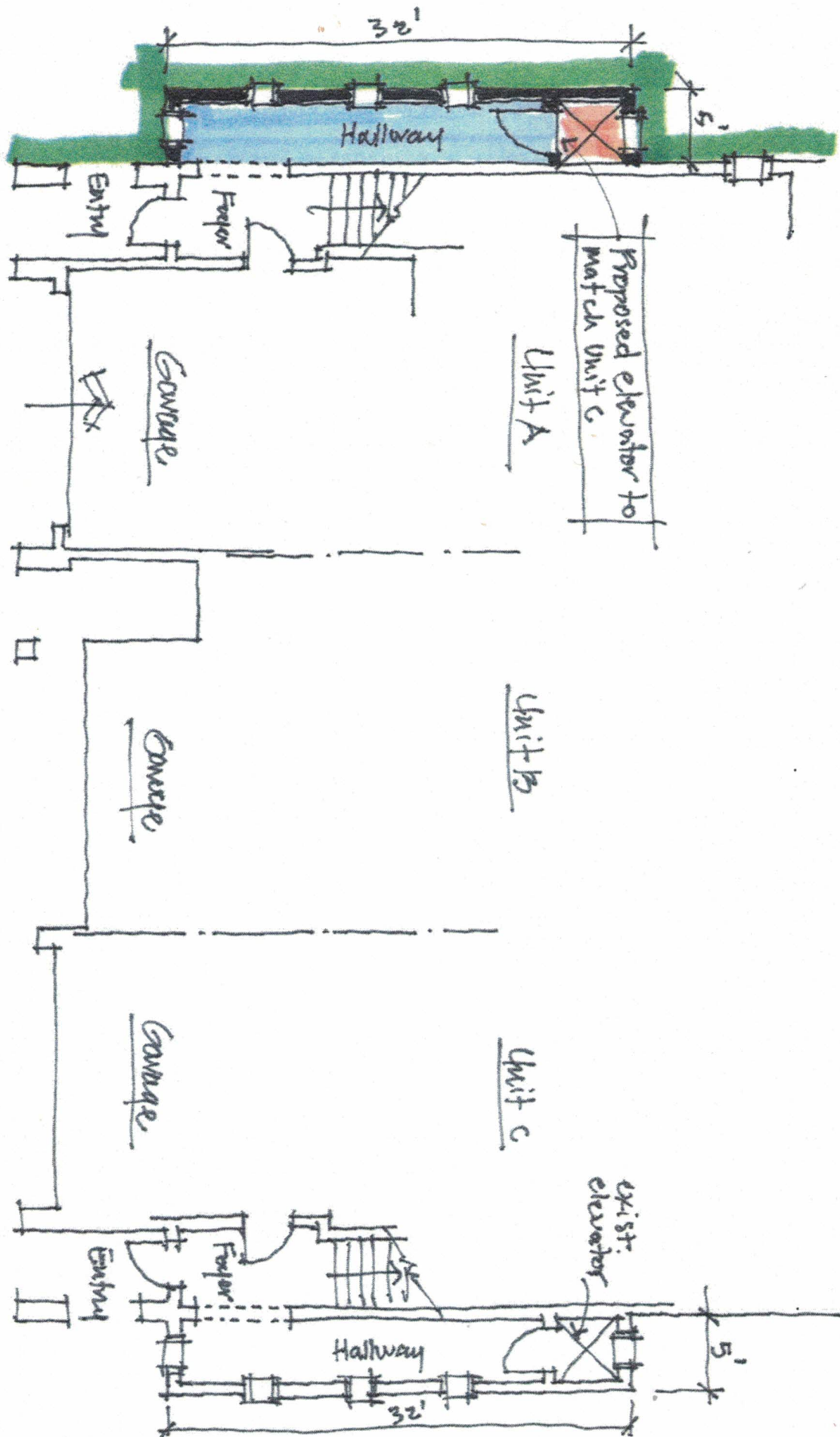
CERTIFIED TO:
WIND SURVIVANCE

GEORGE R. MARTIN
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER IS 6019
grmartin@bullseye-surveying.com
STATE OF FLORIDA

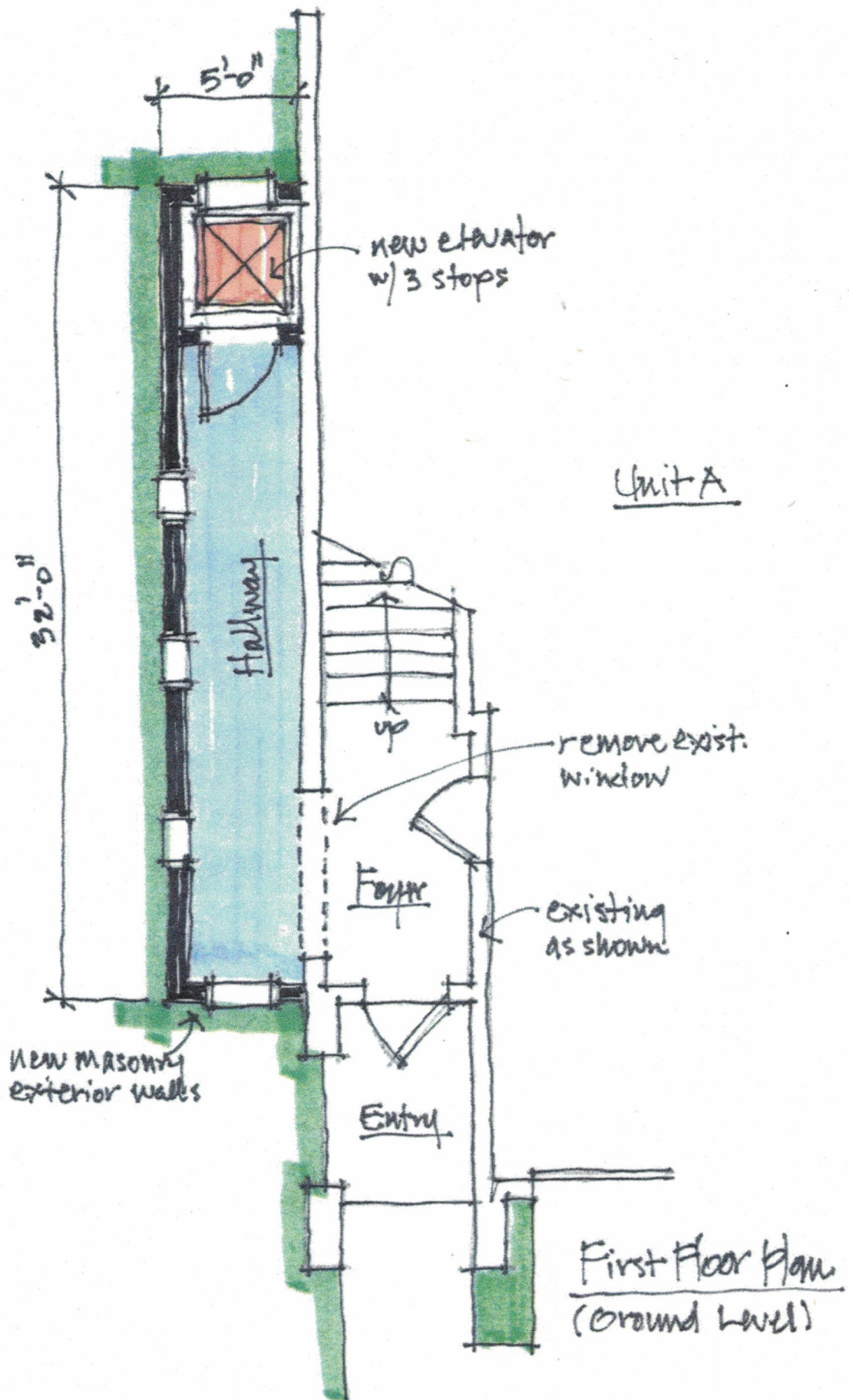
FILE BOOK / DATE
02710-61 / 07/20/21
DATE / NAME
07/20/21 / GRM
SCALE
1" = 20'
SHEET NUMBER
1 of 1
21-100.dwg

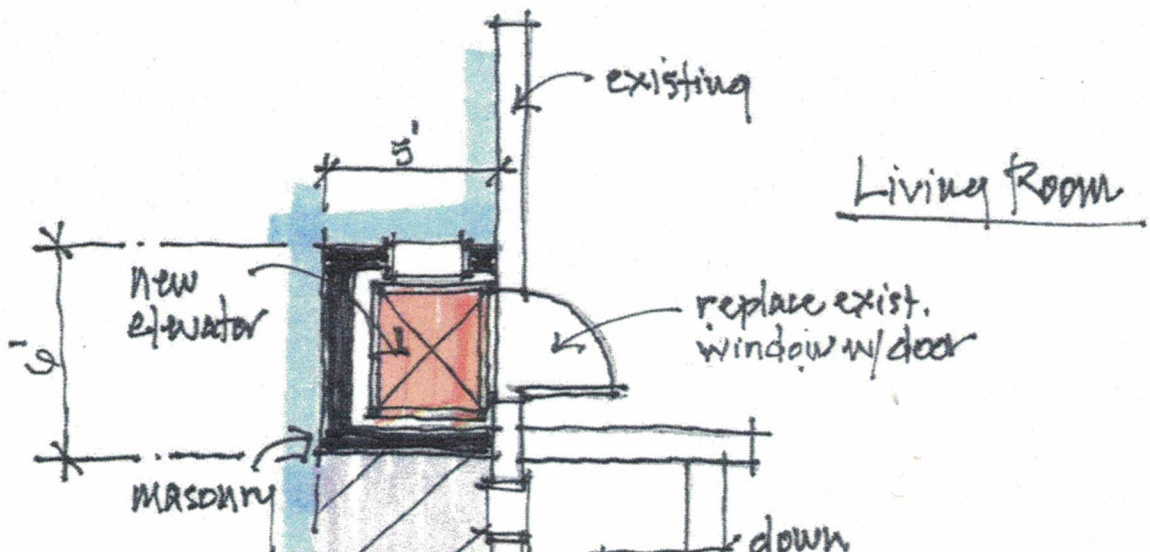






Comprehensive Floor Plan
Ground Floor

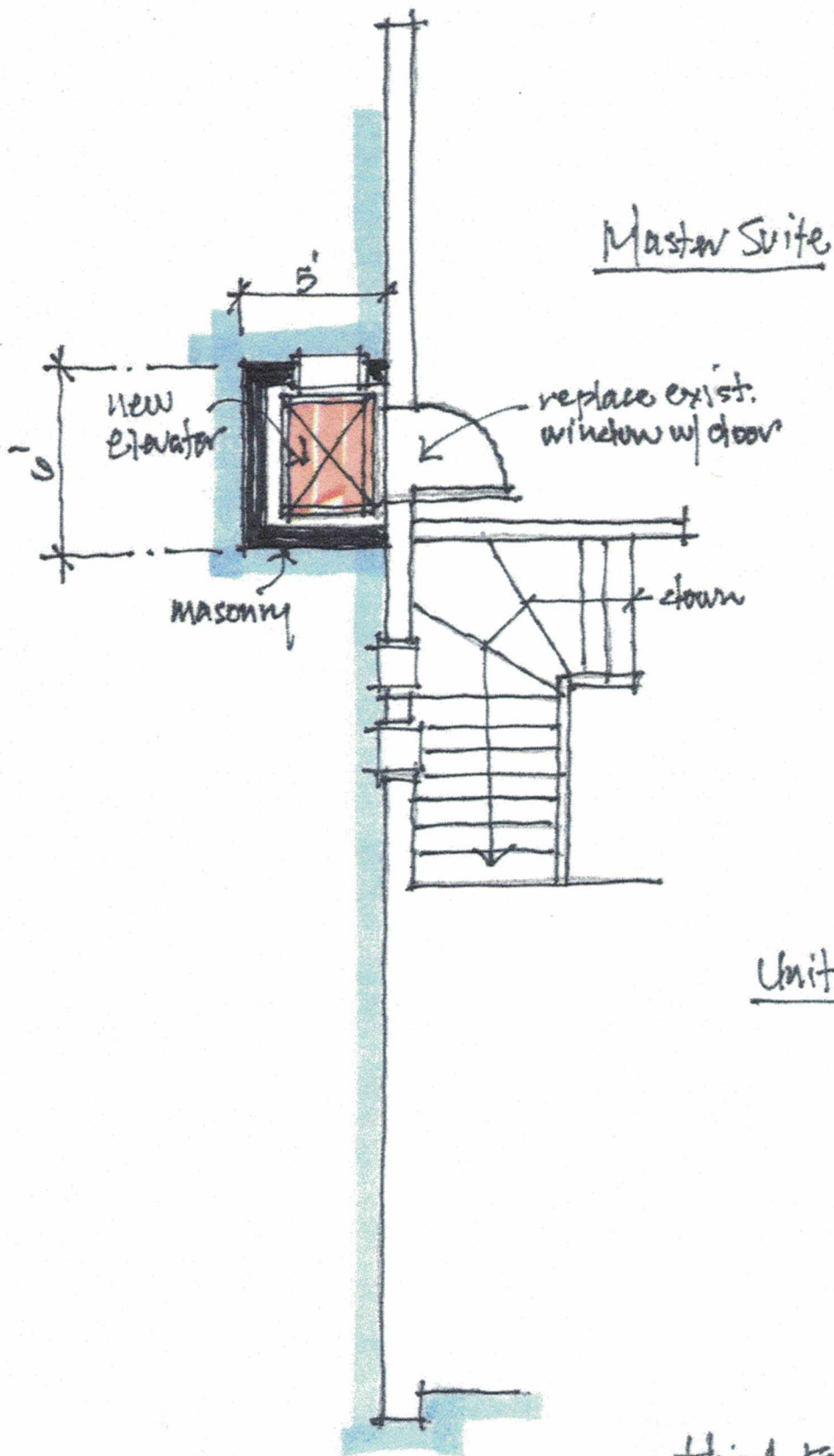


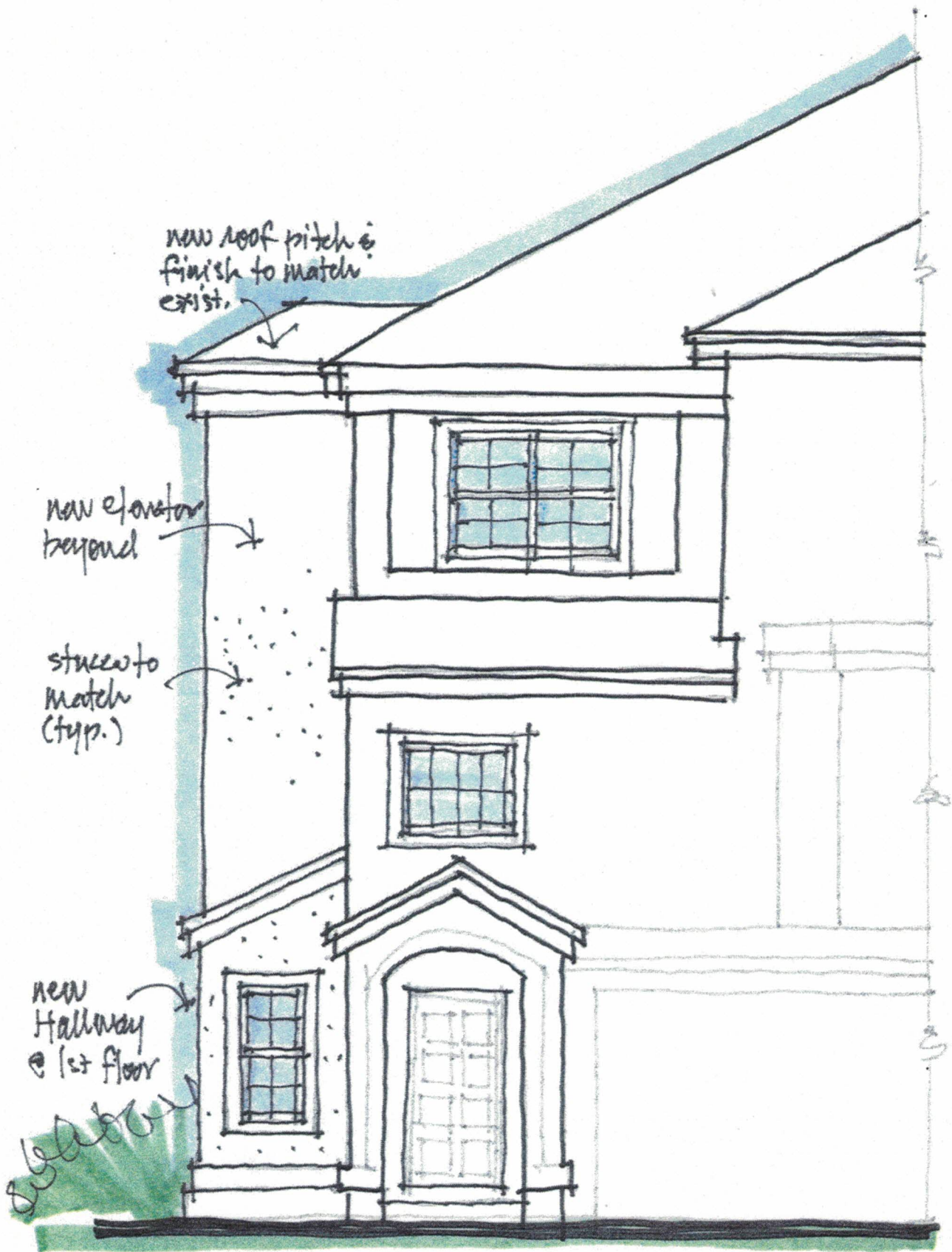


Unit A

addition below
under roof

Second Floor Plan





Entry Elevation

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

Agenda Report

Issue Considered: Variance - 510 78th Avenue (Case No. 22013)

Date: March 30, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a patio cover (12'x15') that will encroach 3 feet into the side setback, where 5 feet is required and 14 feet into the rear setback, where 15 feet is required.

Funding: N/A

Requested Motion: Motion to approve Variance Case #22013.

Attachments:

1. Staff Report
2. Application



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

VARIANCE CASE NO. 22013 – Thomas K DeYampert, owner

MEETING DATE: March 30, 2022

PREPARED BY: Tara Salmieri, AICP through Wesley Wright, Planning Manager

REQUEST	A <u>Practical Difficulty Variance</u> to allow for a pergola to encroach into the east side yard setback area by three (3) feet and fourteen (14) for the rear yard setback area. (LDC Section 6.13(c)(3)).
SUBJECT PROPERTY	510 78 th Avenue; Parcel ID #36-31-15-61524-077-0140; NORTH UNIT NO. 1 BLK 77, LOT 14
ACERAGE	Approximately 0.115 acres (5000 sq. ft.)
LAND USE	RLM-1 on the Zoning Map; RLM Residential Low Medium on the Future Land Use Map
FLOOD ZONE	Zone AE
SURROUNDING AREA	North – Single-family Residence South – Single-family Residence East – Single-family Residence West – Single-family Residence

BACKGROUND

The zoning lot contains a single-family residence that was constructed in 1946 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to install a patio cover located along the East side of the home that will encroach approximately 3 feet into the side setback where 5 feet is required and along the South side of the home that will encroach approximately 14 feet into the rear setback where 15 feet is required. Land Development Code Section 6.13 (c)(3) special accessory structures, deck and/or patio

covers a. shall not encroach into any required front, secondary front or side yard and shall not encroach more than five feet into any required rear yard.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Patio Cover	5'	2' +/-	60% (3 +/- ft)
Rear Yard	Patio Cover	15'	1 +/-	93% (14 +/- 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 60% of the side setback and 93% of the rear yard setback standard to add a patio cover on an existing driveway, no increase of impervious surface will occur as a result of this request.

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

Within the context of the neighborhood, development on properties is not uniform and these properties exhibit a multitude of setbacks due to the character of the area being originally build in the 1940's. No adverse change to the character of the neighborhood is anticipated should the Board grant this particular request for variance to the east side yard (east) setback and rear yard (south) area to allow the addition of a patio cover as depicted on the Site Layout provided by the applicant. The applicant also provided letters of approval from several of the adjoining and in proximity to the residence.

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

Staff find that the open air nature of the patio cover, as described by the applicant would be a lessor design than a typical patio fully enclosed cover. The applicant also states that to the east of the proposed pergola is a shed and existing garage apartment. The proposed patio will be within an existing driveway and no additional impervious surface will increase as a result of the patio cover.

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

Staff find that the request is reasonable and that the interest of justice will be served by allowing the variance. The applicant has stated that the pergola/patio cover will consist of open-air poles on all four sides and not be enclosed.

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

SUMMARY:

Staff find that the request is reasonable and should have minimal if any impact on the surrounding neighborhood.

Staff also find that the request for the issuance of a practical difficulty variance meets the criteria laid out in the Land Development Code.

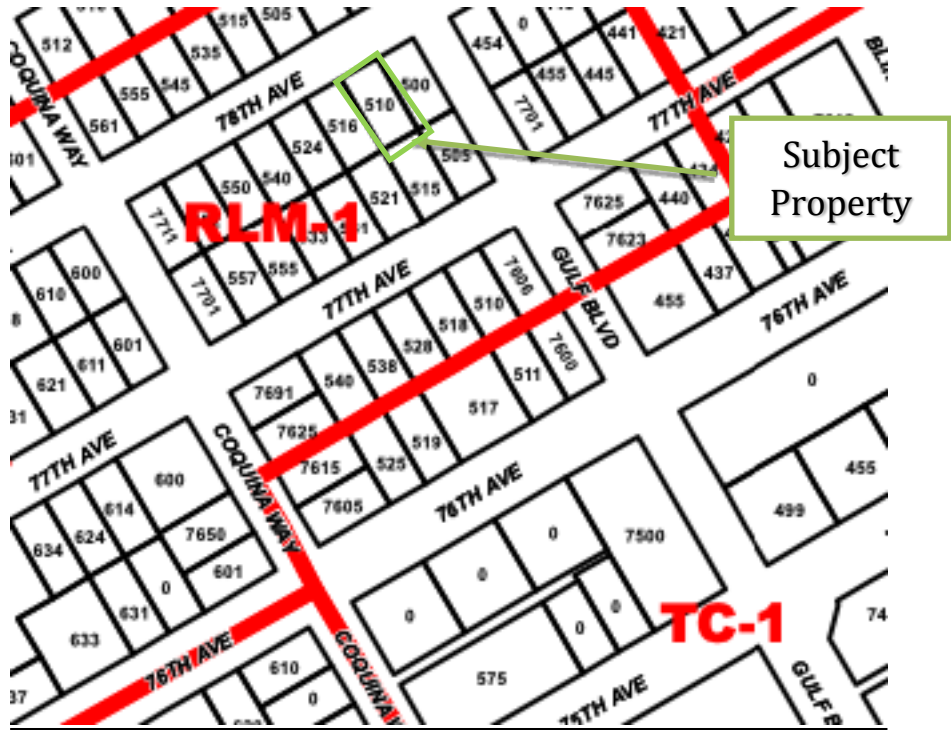
RECOMMENDATION:

Staff recommend approval as presented with the requirement that the patio cover maintains open air poles on all four sides and will not be enclosed.

AERIAL MAP



ZONING MAP





CASE #: 22013

SUBMITTAL DATE: 2/15/22 AMOUNT DUE: \$542.70 PAYMENT DATE: 2/15/22

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	Thomas K. de Yampert	510 78 th Ave. St Pete Beach FL 33706	727-420-2669
Applicant/ Agent	SAME		
Owner Email Address:		Applicant/Agent Email Address:	
tomdeyampert@gmail.com		SAME	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-1	RLM-1	5,000 SF
Legal Description:	Lot 14, Block 77, North Unit No 1; ^{Plat} Book 21, Pg 27, ^{Pinellas} County, FL	
Parcel ID:	36/31/15/61524/077/0140	
Address:	510 78 th Ave. St Pete Beach, FL 33706	
Explanation of Request: <u>Setback VARIANCE For the side & REAR setbacks.</u> <u>Approx. 3' +/- side AND 3' +/- REAR yard at the south/EAST</u> <u>CORNER of property.</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.

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

K 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.

K 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.

K 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.

K 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.

K 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.

K 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

2/14/2022
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Thomas K. deYampert, 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): Thomas K. deYampert

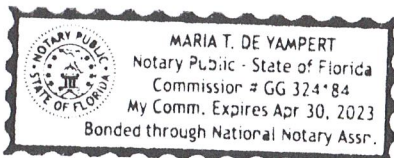
Address: 510 78th Ave, St. Pete Beach, FL 33706

Thomas K. deYampert 2/14/2022
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 14th day of Feb., 202² by:
Thomas K. deYampert who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

My commission Expires:



NOTARY: Maria T. de Yampert
Print Name: _____ Notary

Public, State of Florida

(Notarial Seal)

PRACTICAL DIFFICULTY VARIANCE APPLICATION

PAGE 2 ATTACHMENT

1. Side and rear yard setback is 5 feet from property line. The existing drive and pergola encroach approx. 3.1 ft into the setback to the south and the drive and pergola encroach approx. 3.1 to 3.8 feet into the setback to the east. The pergola is on the existing concrete drive.
2. The pergola is consistent with the existing character of the neighborhood. Because of the age of the neighborhood, approximately 80 years in age, there are many structures, including my home on this property that was built in the early 1940s, that exist in the setbacks. These structures include homes, patio covers, garages, apartments, utility sheds and excreta. The pergola does not impose any adverse change to the neighborhood as demonstrated by the letters of approval from several of my adjoining and in proximity neighbors. Of additional note, there is an existing 6-foot vinyl fence to the rear, and I have a permit to construct a 6 foot fence to the east thus shielding the pergola.
3. The yards in my neighborhood are only 50 feet wide and the existing setback takes 20% of my yard. Additionally, because the existing drive is only 12 feet wide taking 5 feet from each side does not leave sufficient room to place the pergola.
4. The pergola was installed on an existing concrete drive. The pergola consists of open-air poles on all four sides, and I confirm that I will never enclose the pergola. Additionally, directly to the east of the pergola is an existing garage apartment and a utility shed both within the setbacks. To the rear of my property, on the other side of the vinyl fence there is a utility shed close to the fence.

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;

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

Thomas K. Geyer 2/14/2022

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

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

Agenda Report

Issue Considered: Variance - 203 Gulf Way (Case No. 22011)

Date: March 30, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to construct a pool (12'x19') in the front yard that will encroach 3 feet and 10 feet respectively into the front setback, where 20 feet is required.

Funding: N/A

Requested Motion: **Motion to DENY Variance Case #22011.**

Attachments:

1. Staff Report
2. Application



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

**VARIANCE CASE NO. 22011 – Florencia Design/Build, Applicant;
Catherine and Kevin Cann, Owners**

MEETING DATE: March 30, 2022

PREPARED BY: Tara Salmieri, AICP, through Wesley Wright, Planning Manager

REQUEST	A Practical Difficulty Variance to construct a swimming pool (12'x18.4') and that is proposed to encroach to an average of +/- 13' into the required Gulf Way 20 foot setback area (LDC Sec. 6.13(c)(2)(3).
SUBJECT PROPERTY	203 Gulf Way; Property ID #19-32-16-58932-010-0130; MOREY BEACH BLK 10, LOT 13
ACERAGE	Approximately 0.108 acres (4,730sq. ft.)
ZONING	RLM-2 / PAG Residential District / Pass-a-Grille on the Zoning Map; RLM Residential Low Medium on the Future Land Use Map
FLOOD ZONE	AE
SURROUNDING AREA	North – 2 unit Single Family Residence South - Fourplex Residence East – Alley/ Fourplex Residence (south) West – Gulf Way / Beach

BACKGROUND

The zoning lot is for a single family house that is currently under construction by the current owners of the parcel. Building plans submitted to the City, dated 1-18-2021, sheet A-2 stated “future pool” under separate permit subject to variance application and approval provides information as to how this variance is self-created.

ANALYSIS

Request to construct a pool (12'x19') in the front yard that will encroach a range from 3 feet to 10 feet respectively into the front setback where 20 feet is required as denoted in the Site Plan.

The zoning lot is typical in size to the other residential lots located within the block face of the subject property on Gulf Way as reflected on the Aerial. The property's zoning requires that swimming pools, spas, and pool decks meet a 20-foot setback from the front property line. The applicant is seeking to

construct a swimming pool (12'x18.4') that would encroach into the required Gulf Way 20 foot setback area by a maximum of 10 feet with varying ranges of setback encroachment as provided on the Site Plan.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Front Yard Setback	Pool	20 feet	10-17 ft feet	15-50% (3'-10')

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) The appropriate board of authority may authorize practical difficulty variances to the land development regulations if the applicant is able to demonstrate the following conditions:

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

The applicant is requesting a variance to the pool and spa area that would encroach into the setback area by a range of 15-50% which would put the pool 3-17 feet from the front property line. This is a substantial variance request especially because the residential structure is a new build and the plans denoted the desire to have a pool and seek a variance. As such, any hardship would therefore appear to be self-created.

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

Review of a recent aerial photograph (Pinellas County Property Appraiser's website) reveals that numerous properties along Gulf Way appear to meet the 20 foot setback requirement and a number of other properties appear to encroach into the setback. However, it must be noted that Pass-a-Grille has existed for over 120 years – long before setbacks and other zoning requirements were established. Staff noted one pool structure at 801 Gulf Way (Keystone Hotel Company, Inc.) where the pool appears to be in the front yard setback area. This property is a small motel which was built in 1950 and pre-dates modern zoning. The subject property at 203 Gulf Way is new construction and the design could have been altered to accommodate the building setbacks without a variance. It appears that the proposed encroachment in the front yard for a pool is a departure from the historic characteristics of Gulf Way and would have the potential to promote an adverse change in the character of the neighborhood.

The applicant suggested the variance will not adversely affect the character of the neighborhood the following, however, staff was not able to confirm most of the statements as provided below:

- 1- Pool will not block any views of the adjoining neighbors
- 2- The pool will be shielded from the sidewalk and surrounding properties by dense low level landscaping, and
- 3- The applicant believes there are existing pools in the PAG area that encroach in the setback. Staff could not confirm this to be accurate and would need the locations as suggested by the applicant.

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

The application states that the area of the pool does not allow space for alternate pool locations and the only way on the property to locate a pool overlooking the Gulf of Mexico. However, the residential plans were recently approved and stated a desire for a pool prior to issuance of the residential structure. The residential building has been constructed, and no modifications can occur, with the exception of reducing the size of the pool.

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

This property started with a vacant lot and designed the residence without the overall design desire of the pool. There is nothing irregular about the subject vacant lot. Therefore, there was no difficulty other than redesigning the residential property to meet Land Development Code requirements prior to construction of this residence. As such, the interest of justice would not be served by allowing this variance as there is no defined hardship in this case that wasn't self-created.

SUMMARY:

Staff finds that the request for a swimming pool that is proposed to encroach into the front yard setback area by 3- 10 feet from the front property line, is excessive due to the following:

- The residential structure is under construction and was noted on the building plan set, A-2 stated "future pool" under separate permit subject to variance application and approval dated 1-18-2021 that been approved for construction and the addition of a pool should have been considered during the planning stage of this property's development; and,
- The primary residential structure appears to be located 43 +/- feet from the front property line. The pool structure could be moved closer to the residential structure with a modification to the lanai in width to either meet the setbacks or minimize the requested encroachment.

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

RECOMMENDATION:

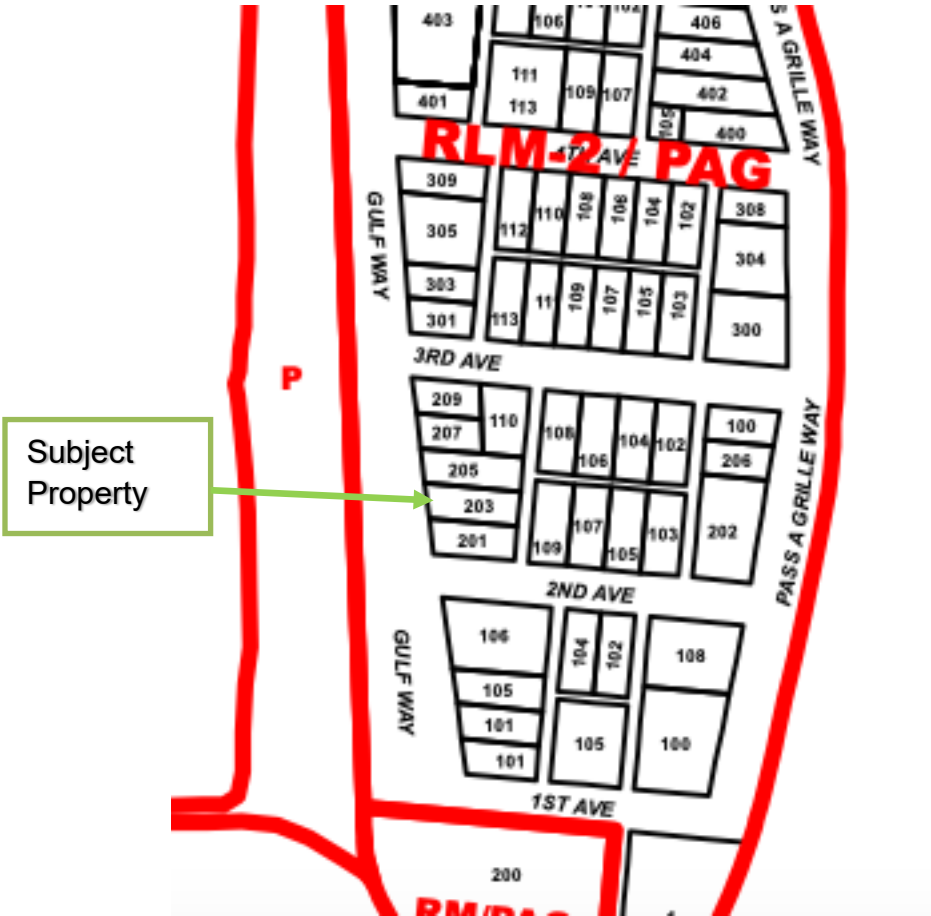
Staff recommends **denial** for the swimming pool as proposed which would encroach into the required Gulf Way front yard setback area.

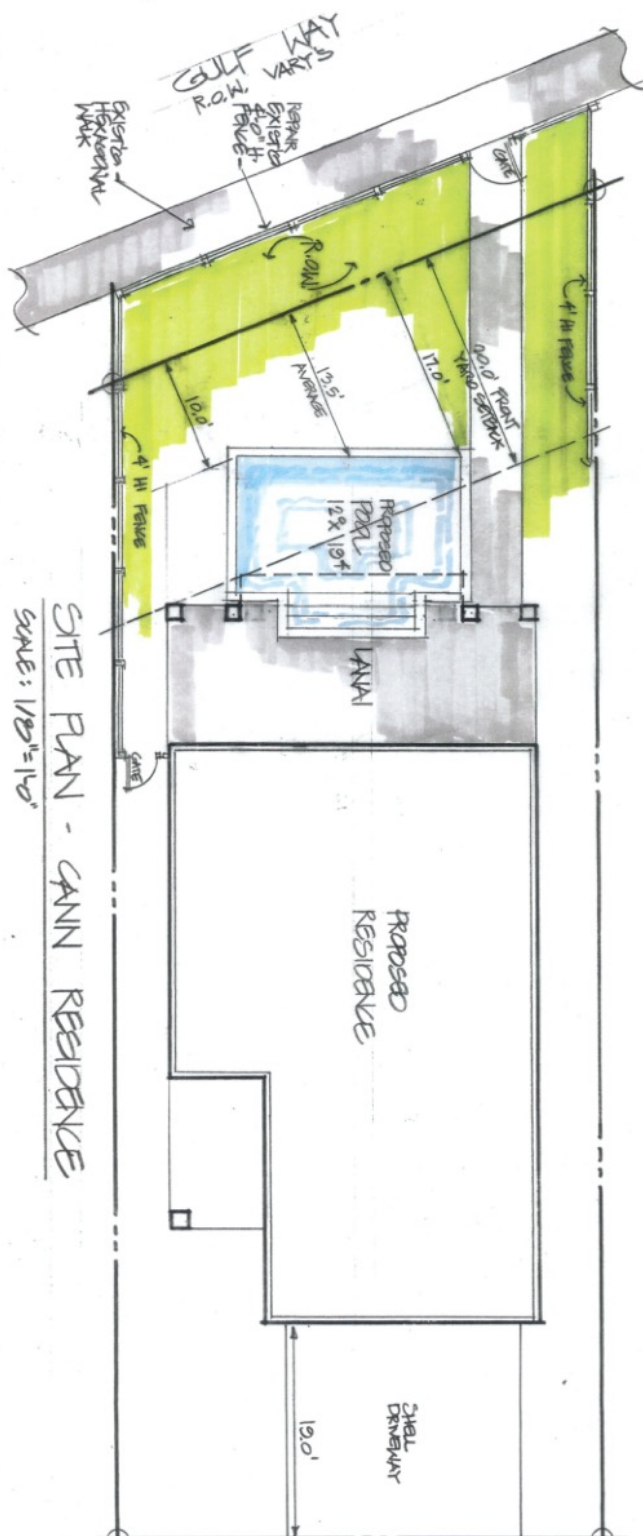
AERIAL MAP



Subject Property (note: the home shown has been demolished in 2021 and a new home constructed)

ZONING MAP





CASE #: 22011SUBMITTAL DATE: 2/10/22 AMOUNT DUE: \$528.00 PAYMENT DATE: 2/10/22**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	CATHERINE CANN	1375 PINELLAS BAYWAY S, #41 TIERRA VERDE, FL 33715	609-306-8998
Applicant/ Agent	FLORENCIA DESIGN/BUILD	20 SOUTH ORION, CLEARWATER, FL	727-277-0545
Owner Email Address: cannhome@gmail.com		Applicant/Agent Email Address: cannhome@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation VE (EL 12')	Future Land Use Designation	Lot Area LOT 13, BLOCK 10
Legal Description:	Morey Beach, Plat Book 1, Page 102.	
Parcel ID:	19-32-16-58932-010-0130	
Address:	203 GULF WAY, ST PETE BEACH, FL 33706	
Explanation of Request: _____ Reduction in front yard setback from 20' to an average of +/- 13.5' for an in-ground pool structure. (+/- 17.0' from existing fence/sidewalk.) _____ _____ _____ _____		

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;

This request is to be considered substantial as it will allow for the installation of a permanent pool structure. Proposed waters edge will be (+/-) 17.0' from existing fence/sidewalk.

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

This variance request will not adversely affect the character of the neighborhood for the following reasons:

1. Pool will not block any views of the adjoining neighbors.
2. The pool will be shielded from the sidewalk and surrounding properties by dense low level landscaping
3. It appears that existing pools in comparable PAG properties encroach their current setback.

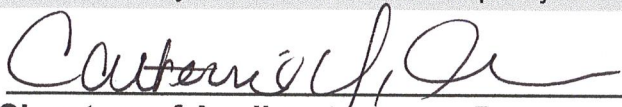
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

The property does not allow space for alternate pool locations. Additionally alternate pool designs (i.e. above ground) do not provide the same therapeutic and recreational experience and would create greater visibility issues for the surrounding community,

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

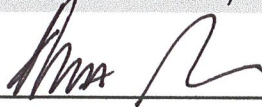
As construction began and the piling locations were being staked out a survey error was discovered resulting in the loss of 6-9' along the full width of the western property line. This discrepancy in an fully designed and permitted structure required a 1.0' administrative variance and an additional 3-4' reduction in the footprint. Please note that the original survey closely matches the city tax parcel maps. (Please see attached).

This scenario has created a hardship for the applicant. Owner has had multiple joint replacement surgeries and continues to face significant joint pain. A recent letter from her orthopedic surgeon states that swimming will be a life long benefit to her joint health and overall quality of life. (Please see attached.)


Signature of Applicant

Date

2/10/2022


Signature of Authorized Agent

Date

2/10/2022

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.

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

CYC Yes 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.

CYC Yes 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.

CYC 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.

CYC 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.

CYC 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.

CYC 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.

Catherine J. Liu
Signature of Applicant

2/10/2022
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Catherine and Kevin Cann

(print name of property owner)

hereby authorize

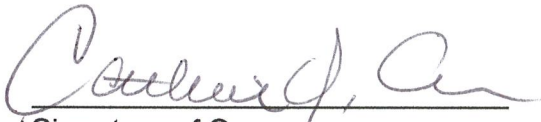
Florencia Design/Build

(print name of agent)

to represent me/us in an application for

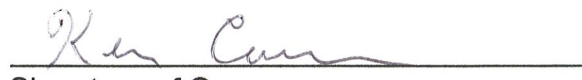
Practical Difficulty Variance

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


Signature of Owner

Catherine Cann

Print Name of Owner


Signature of Owner

Kevin Cann

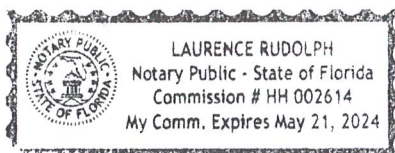
Print Name of Owner

The forgoing instrument was acknowledged before me this 10th day of February 2022 by Catherine Cann Kevin Cann or who is personally known X produced Florida Drivers License as identification.


(Notary Signature)

2-10-2022
(Date)

My Commission Expires May 21, 2024



DEAR APPLICANT:

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

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

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

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



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Catherine Cann, 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): Catherine Cann

Address: 1375 Pinellas Bayway S, Unit 41, Tierra Verde, FL 33715

Catherine Cann
Signature

2/10/2022
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 10th day of February, 2022 by:
Catherine Cann who appeared before me, and is personally known to me, or has produced
Florida Drivers License as identification, and did take an oath.

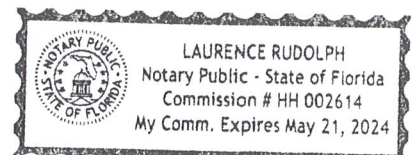
My commission Expires: May 21, 2024

NOTARY: Laurence Rudolph

Print Name: Laurence Rudolph Notary

Public, State of Florida

(Notarial Seal)



**FELLOWSHIP
TRAINED SURGICAL
SUBSPECIALISTS**

Foot & Ankle
Hand & Wrist
Interventional Spine
Joint Replacement
Oncology
Shoulder & Elbow
Spine Surgery
Sports Medicine
Trauma & Fracture

**NON-SURGICAL
SERVICES**

Pain Management
Regenerative Medicine
Chiropractic Care
Physical Therapy
Occupational Therapy
Urgent Care
Advanced Imaging
Workers' Compensation

LOCATIONS

Bloomington Therapy
1586 Bloomington Ave.
Valrico, FL 33596

Brandon
560 S. Lakewood Dr.
Suite 101
Brandon, FL 33511

Brooksville
11373 Cortez Blvd.
Suite 303
Brooksville, FL 34613

Citrus Park
6117 Gunn Hwy.
Tampa, FL 33625

North Tampa
13020 N. Telecom Pkwy.
Temple Terrace, FL 33637

Northdale Therapy
3618 Madaca Ln.
Tampa, FL 33618

Palm Harbor
36413 U.S. Hwy. 19 N.
Palm Harbor, FL 34684

South Tampa
909 N. Dale Mabry Hwy.
Tampa, FL 33609

Sun City Center
959 E. Del Webb Blvd.
Sun City Center, FL 33573

Wesley Chapel
2653 Bruce B. Downs
Suite 201
Wesley Chapel, FL 33544

Orthopedic Urgent Care
South Tampa
Brandon

FLORIDA
ORTHOPAEDIC
INSTITUTE

Keeping you active.

December 21, 2021

RE: Catherine Cann

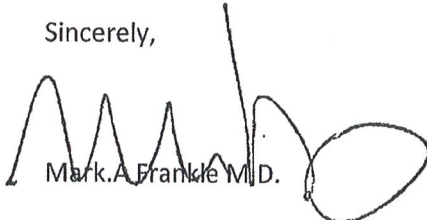
To Whom It May Concern:

This is a letter of medical necessity for Catherine Cann. Catherine is currently under my care for her shoulders. She previously had shoulder replacement surgery for her RIGHT shoulder on 7/9/18. She came to see me on 12/4/21 with complaints of LEFT shoulder pain.

Catherine mentioned she is having issues with the St. Pete Beach Zoning Officer related to a pool she is trying to build. Water therapy would definitely be beneficial for her shoulder rehabilitation, and a pool would help her achieve this type of therapy. I fully support Catherine with this request.

Please don't hesitate to contact me if you need additional information. I can be reached at 813-978-9700 ext 6821.

Sincerely,



Mark A. Frankle M.D.

President American Shoulder and Elbow Surgeons

Chief, Shoulder & Elbow Service, Florida Orthopaedic Institute

Clinical Professor of Orthopedics, University of South Florida Morsani College of Medicine

Director, Florida Orthopaedic Institute/Foundation for Orthopaedic Research and Education
(FORE) Shoulder & Elbow Fellowship Assistant Editor, JSES

Associate Editor, Journal of Shoulder & Elbow

Appointments: 813-978-9797 • General Information: 813-978-9700

Urgent Care: 813-FL-ORTHO (813-356-7846)

www.floridaortho.com

USF
HEALTH
A USF Health
Academic Affiliate