



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, April 27, 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
4. Action Items

a. Minutes: March 30, 2022

a. Election of Officers 2022-23

Sec. 22-39. - Election of officers; conduct of meetings. Current Chair Paul Skipper and Current Vice Chair Sandie Lyman

(a) The board of adjustment shall annually, at the first meeting held following the appointment of members, organize by electing a chairman and vice-chairman and such other officers as may be necessary from among its members.

Requested Action: Motion to APPOINT _____ as the Committee Chair for 2022-2023 Fiscal Year.

Motion to APPOINT _____ as the Committee Vice Chair for 2022-2023 Fiscal Year.

b. 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 APPROVE Variance Case #22011.

c. Variance - 402 39th Avenue (Case No. 22018)

Request to construct a 2 car detached garage (22-feet x 24-feet) that will encroach 7 feet and 10 feet into the required 20 foot yard along Clearview Way. Additionally, the garage will encroach 5 feet into the required 20-foot rear yard.

Requested Action: Motion to APPROVE Variance Case #22018.

d. Variance - 3123 W. Maritana Drive (Case No. 22019)

Request to install 6 foot tall fence in the front yard along Alfonso Street, where 4 feet is allowed. The fence will enclose a pool that is being installed.

Requested Action: Motion to APPROVE Variance Case #22019.

e. Variance - 2905 Sunset Way (Case No. 22020)

Request to (1) construct a 2nd floor balcony that will encroach 4 feet 8 inches in the rear yard, where 20 feet is required. (2) Request to construct a pool at the seawall, where 3 feet is required. (3) Request to construct a patio and walkways at the side property line, where 2 feet is required.

Requested Action: Motion to APPROVE Variance Case #22020.

5. Adjournment - Next Meeting 05/25/2022

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
March 30, 2022 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Denise Chase

EXCUSED: Michael Bomar
Jake Holehouse

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Planning Manager

Chair Skipper called the meeting to order at 2:00 PM and led the Pledge of Allegiance. He announced to those present that as only three Board members were present, it would require three Yes votes for approval, therefore Applicants could ask for continuation.

The Deputy City Clerk swore in all those expected to speak or make a presentation.

1. Changes to the Agenda – There were no changes.
2. Audience Comments – There were no general audience comments.
3. Approval of Minutes - a. 2/23/2022

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of the minutes from the February 23, 2022 meeting; the motion carried unanimously.

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.

Planning Manager Wesley Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. The Applicant was not present. Staff found the request reasonable and recommended approval. No communication was received for or against the request.

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

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of Case No. 22012 as presented. The motion carried 3-0.

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.

Mr. Wright reviewed a presentation with exhibits 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 indicated that no objections were received against the request. Staff found the request to be in order with the conditions of the variance and recommended approval.

General Contractor Jay Halden of 7206 Spring Valley Drive, Tampa appeared on behalf of the Applicants. There was no public comment and the Chair opened Board discussion.

Motion: Member Chase moved, and Vice Chair Lyman seconded the approval of Case No. 22014 as presented. The motion carried 3-0.

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.

Mr. Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. One letter of support and no objections were received. This is a three-unit property, and the condominium association is in favor of the request. A variance was approved in 2014 for the other side of the property; this is identical. Staff recommended approval of the variance.

Applicant Susan Ward of 3216 El Centro appeared on her own behalf to provide comments. There was no further comment and the Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of Case No. 22009. The motion carried 3-0.

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.

Mr. Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. No permit has been issued yet. Staff found the request meets criteria and recommended approval for an open-air structure with the condition that structure will not be enclosed in the future. A letter of objection and photos were received from an adjacent neighbor.

Applicant Tom DeYampert appeared to provide additional comments on his request and had letters in support from some of his neighbors (indicated on an aerial photo), and photos of his own and similar properties in the neighborhood. If approved he intends to immediately put metal roof on the structure.

Robert Knable of 515 77th Avenue appeared and asked to read comments in opposition into the record: the referenced site plan and survey shows the unpermitted, nonconforming use on the back property that doesn't meet current zoning setbacks. The concrete pad placed after the tree was removed, and the unpermitted structure built without review by the City has been in violation since December of last year. There is no hardship that would necessitate the granting of a variance – the property is not impacted by any natural features and the Applicant can meet the setback requirements. United States property rights grant owners the quiet enjoyment of their land and municipal zoning laws protect those rights. The unpermitted structure is on Mr. Knable's back property line and impairs the quiet enjoyment of his property, and the illegal structure is a nuisance with lights and television. He addressed the four criteria and standards for the variance in the presentation and explained the substantial impact to his property. Allowing the variance would encourage others to build without permits and seek forgiveness through the variance process,

undermining zoning. He recommended denial of the variance; it is inconsistent with the zoning code and Comprehensive Plan. He went on to read four points that would mitigate impact if approved: a higher wall (more than a 6-foot fence), moving the structure back 7 ½ feet, closing in the portion of the structure on his side, and/or provide plantings.

Dr. Denise Dupree of 515 77th Avenue also appeared in opposition regarding light flow into her yard, suggesting a full 15-foot setback.

The Chair closed public comment and opened board discussion. The opposing parties were recalled to explain what conditions would make the approval more acceptable to them. They indicated moving the structure back to mitigate sound, closing in the back, or raising the wall. The Applicant was given time to respond. Public comment was closed, and Board discussion continued.

Motion: Member Chase moved, and Vice Chair Lyman seconded the approval of the variance for Case No. 22013 for the side and rear setbacks and with the condition that the south side of the structure is enclosed with a wall. The motion carried 3-0.

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.

Matt Schoeppe of Florencia Design/Build requested this request be continued due to only three Board members in attendance. Mr. Wright stated that the case would be continued to the next meeting, April 27th at 2:00PM in this same location and the motion will serve as notice; a sign will be posted, but no mailings or advertisement are required.

Motion: Vice Chair Lyman moved, and Member Chase seconded the continuance of Case 22011 to date certain April 27th. The motion carried 3-0.

5. Adjournment – Next Meeting 4/27/2022

Motion: Member Bomar moved, and the meeting was adjourned at 3:17 PM.

These minutes will be considered for approval at the April 27, 2022 Board of Adjustment meeting.

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

Agenda Report

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

Date: April 27, 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 APPROVE Variance Case #22011.**

Attachments:

1. Staff Report
2. Application



PLANNING DIVISION
REVISED 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, continued to April 27, 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. The plans were design from a Sept 2020 survey (Harner Survey) that illustrated the front property line at the existing sidewalk, with the length of the lot being 118-feet on the north and 108-feet on the south side. However, after the foundation was constructed, a new survey (Brendla Survey) was preformed which illustrated the front property line further away from the existing sidewalk—shortening the length of the lot by 6-feet and 8-feet respectively (111-feet on the north and 100-feet on the south. This new dimension effects the location of the front setback line, thus creating more of a variance than anticipated.

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. The applicant has submitted new information from the last meeting held on March 30, 2022. A front yard averaging survey was conducted that illustrates all of the five (5) dwellings along the 200 Block of Gulf Way. The majority of the structures are closer than the 20-foot front building setback, with the closest dwelling being approximately 8-feet from the front property line. The average front yard that is established by the existing structures is 13.8-feet. The average pool setback is proposed at 13.5-feet, with the closest portion point being 10-feet from the front property line. This new information does not present a substantial variance to the existing character of the neighborhood.

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 (under Harner Survey) could have been altered to accommodate the building setbacks without a variance. ~~It appears that the~~ The proposed encroachment in the front yard for a pool is not a departure from the historic characteristics of the 200 Block of Gulf Way, as presented

on the front yard averaging survey, and will not have ~~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.~~ The lot was shortened by 5.5 percent on the north and nearly 8 percent on the south side. This difficulty arose after the residence was permitted and after a new survey was conducted.

SUMMARY:

Staff finds that the request for a swimming pool that is proposed to encroach into the front yard setback an average of 13.5 ~~area by 3-10 feet~~ from the front property line, is not 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 was anticipated on a lot that was 6-feet and 8-feet respectively longer ~~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.~~
- The average front yard survey establishes the existing structures along the 200 Block of Gulf Way at 13.8-feet from the front property line. The average pool setback is proposed at 13.5-feet, with the closest portion point being 10-feet from the front property line.

Staff, therefore, finds that the requested variance is the minimum variance necessary for reasonable use. Staff recommends **approval** for the swimming pool as proposed.

AERIAL MAP



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

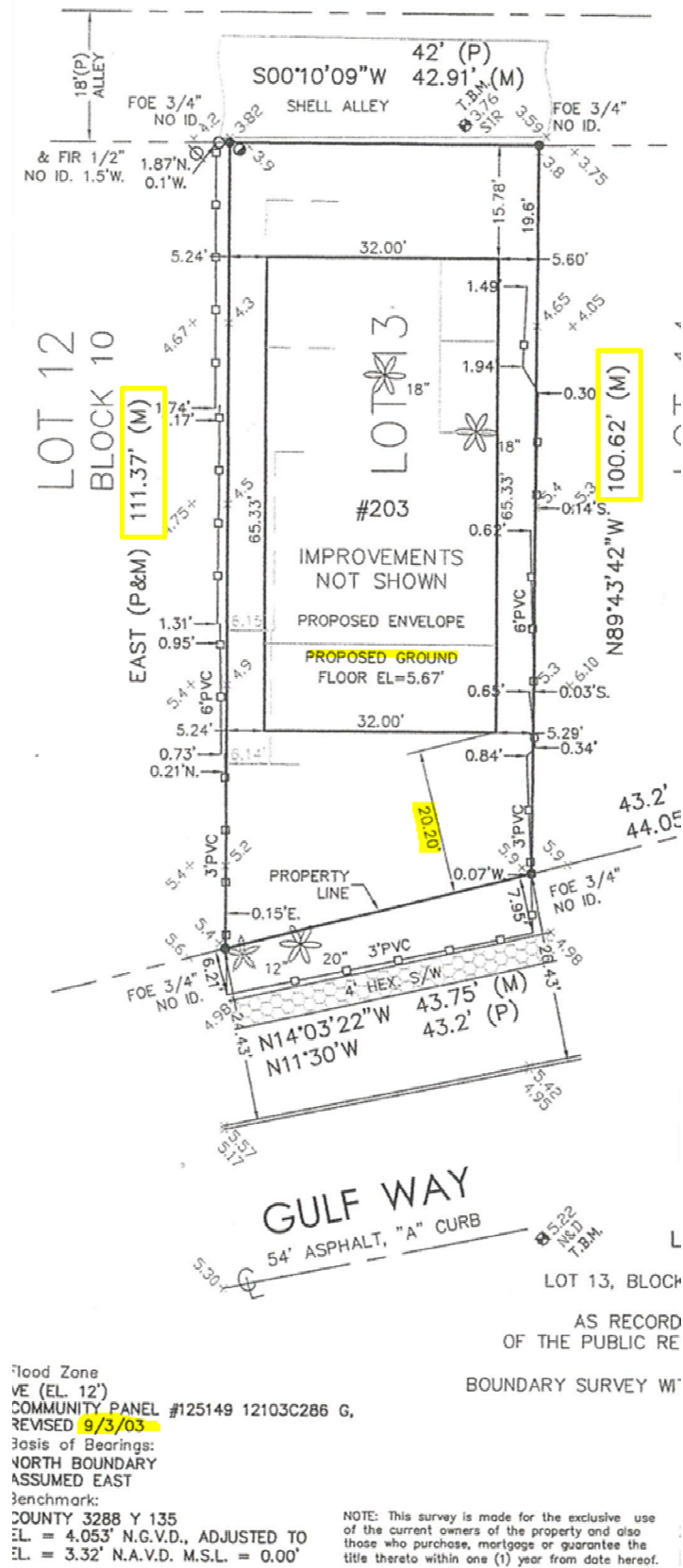
ZONING MAP



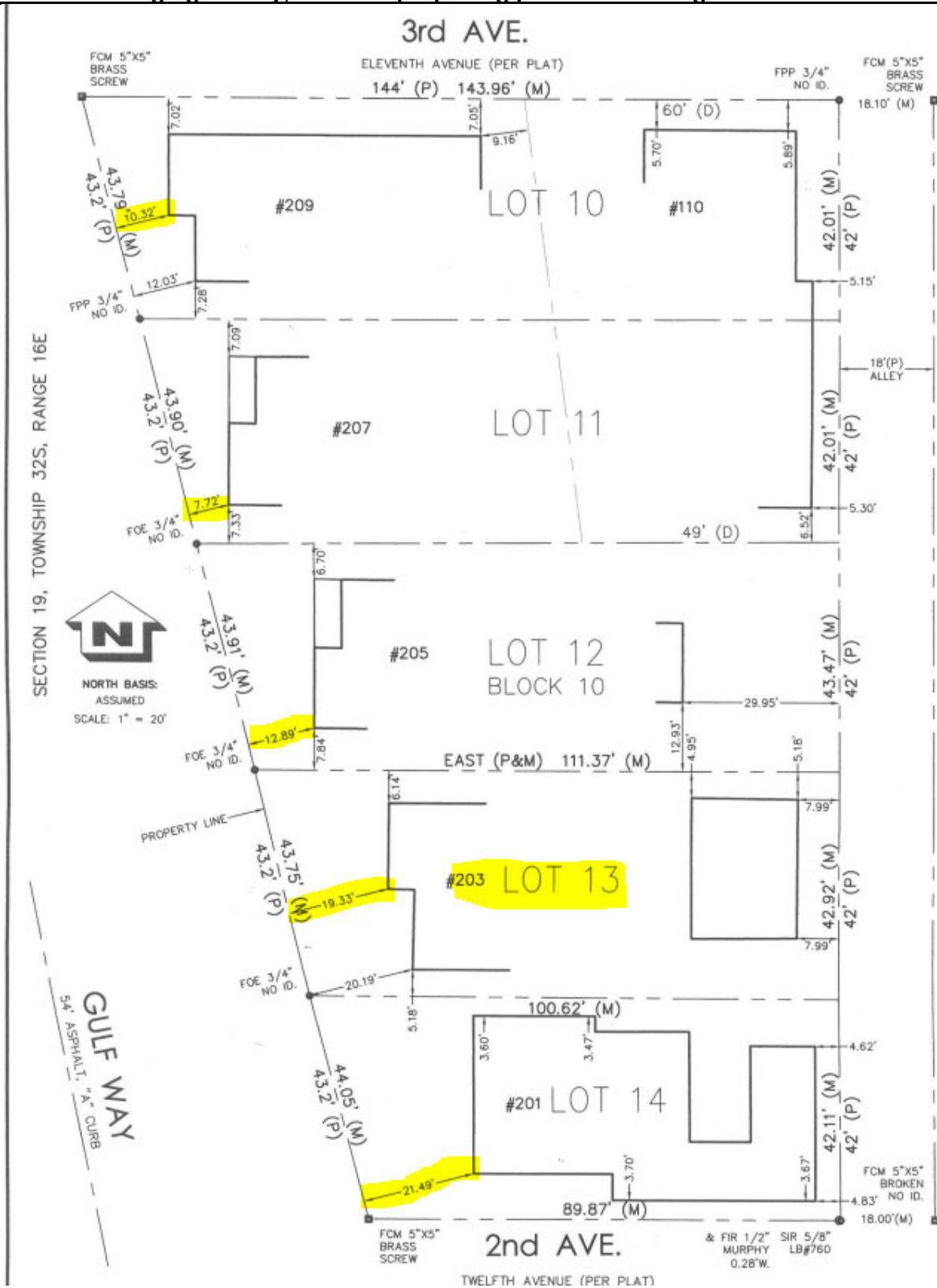


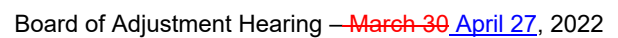
JOB NUMBER: MMXX223	DAVID C. HARNER	FLOOD ZONE: "VE" (B.F.E.=12')
TELEPHONE: (727) 360-0636	PROFESSIONAL SURVEYOR & MAPPER	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 9/24/20	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 20 FEET	TREASURE ISLAND, FL 33706	MAP NUMBER: 12103C0286 G
DRAWN BY: DCH	SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO:	CATHERINE CANN	

June 202 Survey showing 111-foot and 100-foot Lot Length



Front Yard Averaging Survey, Lot 13 is proposing pool at an average of 13.5-feet from line.





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.

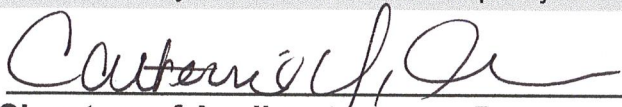
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

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.

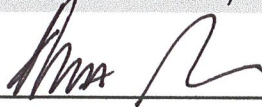
As construction began and the piling locations were being staked out a survey error was discovered resulting in the loss of 6-9' along the full width of the western property line. This discrepancy in an fully designed and permitted structure required a 1.0' administrative variance and an additional 3-4' 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

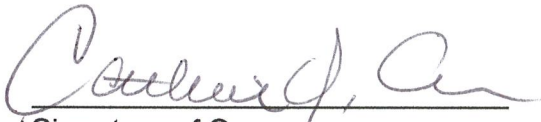
Florencia Design/Build

(print name of agent)

to represent me/us in an application for

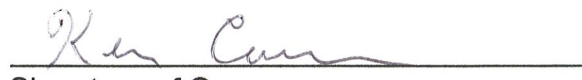
Practical Difficulty Variance

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


Signature of Owner

Catherine Cann

Print Name of Owner


Signature of Owner

Kevin Cann

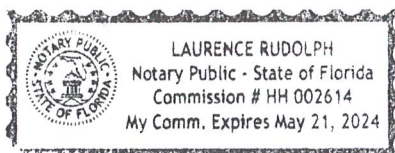
Print Name of Owner

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.

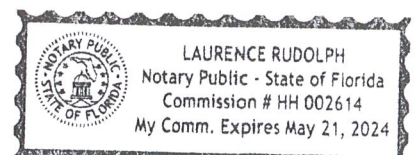
My commission Expires: May 21, 2024

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

Bloomingtondale Therapy
1586 Bloomingtondale 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

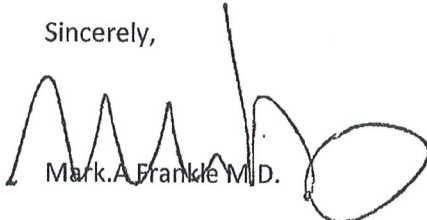
To Whom It May Concern:

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



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

VARIANCE CASE NO. 22018- Sam Angelides, Owner and Applicant

MEETING DATE: April 27, 2022

PREPARED BY: Tara Salmieri, AICP (consultant)

REQUEST	A <u>Practical Difficulty Variance</u> to construct a garage (22-feet x 24-feet) which will encroach 7-feet and 10-feet respectively into the required 20-foot front (secondary) setback and an encroachment of 5-feet into the required 20-foot rear yard setback replaces a carport (LDC Sec. 8.7(a)(2) and (4)).
SUBJECT PROPERTY	402 39 th Avenue; BELLE VISTA POINT 1ST ADD BLK E, LOT 1; Property ID #07-32-16-07506-005-0010.
ACERAGE	Approximately 0.22 acres (9,680 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE-Coastal Floodplain
SURROUNDING AREA	North –Single-family Residence South -39 th Avenue/Single-family Residence East –Single-family Residence West – Clearview Way/Single-family Residence

BACKGROUND The zoning lot contains a single-family residence constructed in 1958 according to the Pinellas County Property Appraiser. The garage proposed replaces a carport that appears to predate existing home improvement records.

ANALYSIS The applicant is requesting to construct a two car garage. The garage is proposed to be set back 10-feet and 13-feet from the right-of-way Clearview Way and 15-feet from the rear property line.

Structure	Yard	Permitted Setback	Proposed Setback	Variance Percentage
Garage	Front (secondary)	20'	13'- 10'	35- 50%
Garage	Rear	20'	15'	25%

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 five-foot encroachment into the required rear yard setback, resulting in a variance request of five feet, or 25% and a 7-foot and 10-foot encroachment in the required secondary front yard setback along Clearview Way, resulting in a variance request of 35-50% as shown in the site plan.

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

Staff finds that no adverse change will be produced in the character of the neighborhood. The proposed garage is not located near an intersection or waterfront and should not impact traffic safety or vistas. As proposed the addition is shown as maintaining a height of 12-foot and will encroach into the setback of one abutting neighbor, and thus Staff does not find this to be significantly out of character with the neighborhood. The applicant stated the garage would complement the other homes and not interfere with sight lines.

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

Staff finds that the garage could not be supported elsewhere on the site without greater encroachment into the required front setback. Proposed at approximately 22-feet x 24-feet in size, the garage is of a minimal size to support two standard-size vehicle. While the variance request may possibly be made more minimal by one car garage, Staff finds that garages are common features within the neighborhood vicinity and find the request reasonable in that regard.

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

Staff find the interest of justice will be served in the issuance of this variance. The request is minimal and in reasonable keeping with both the character of the neighborhood and the configuration and design of the home as it exists today.

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

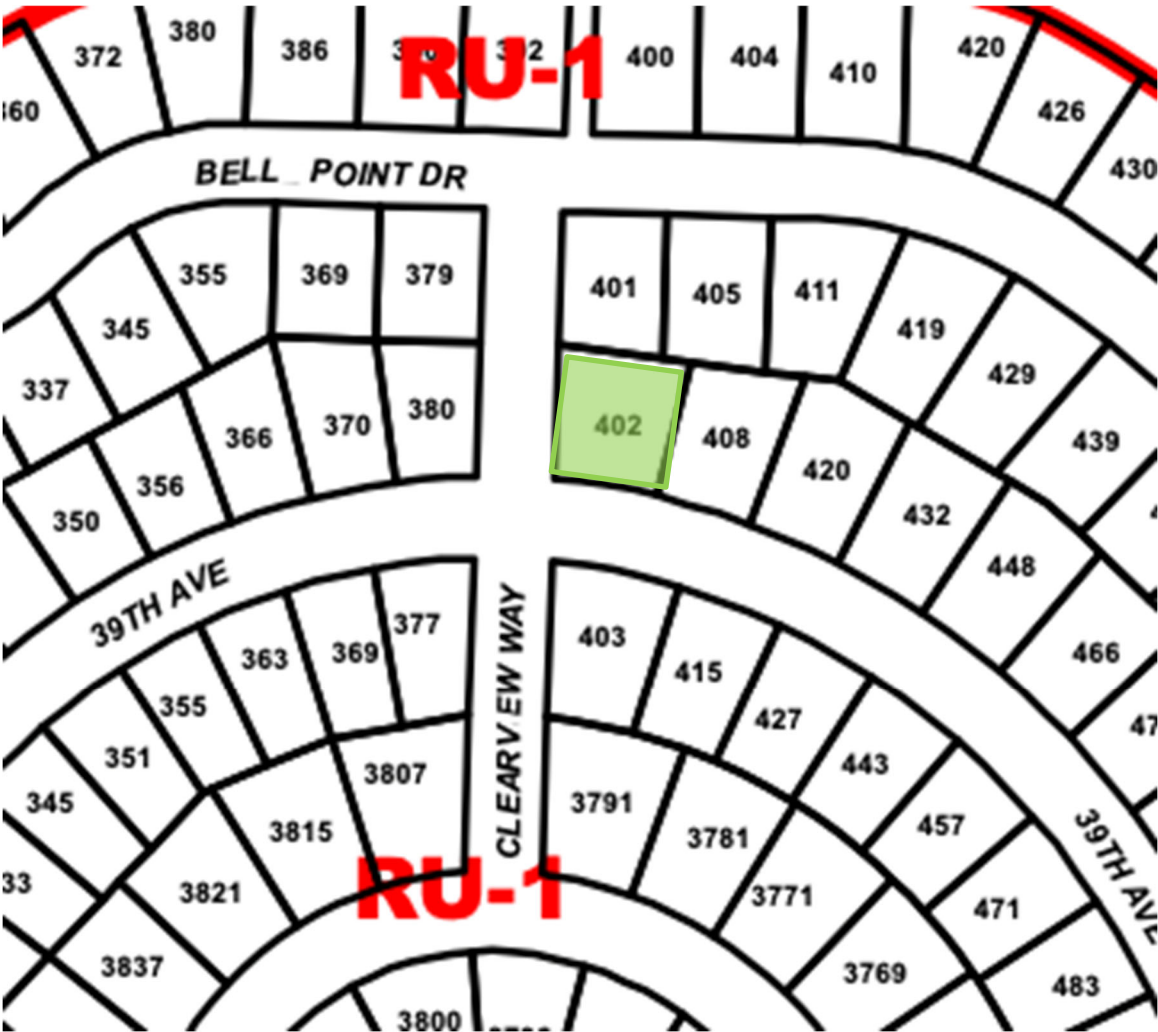
SUMMARY:

Staff find the request to be both minimal and reasonable given existing lot conditions. The request should increase livability of the home without having a significant negative impact on the neighborhood or surrounding area.

RECOMMENDATION:

Staff recommend approval.

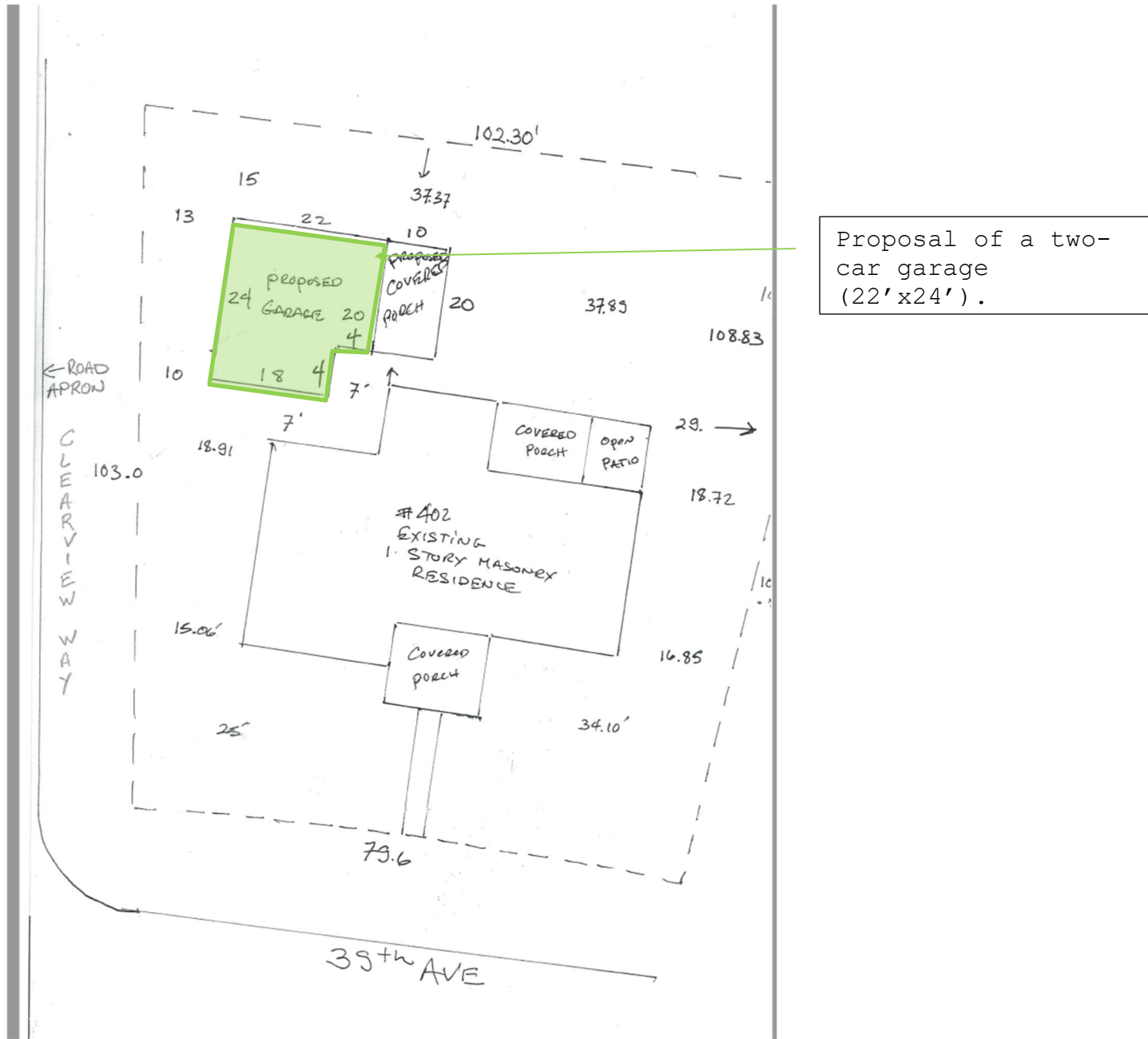
ZONING MAP

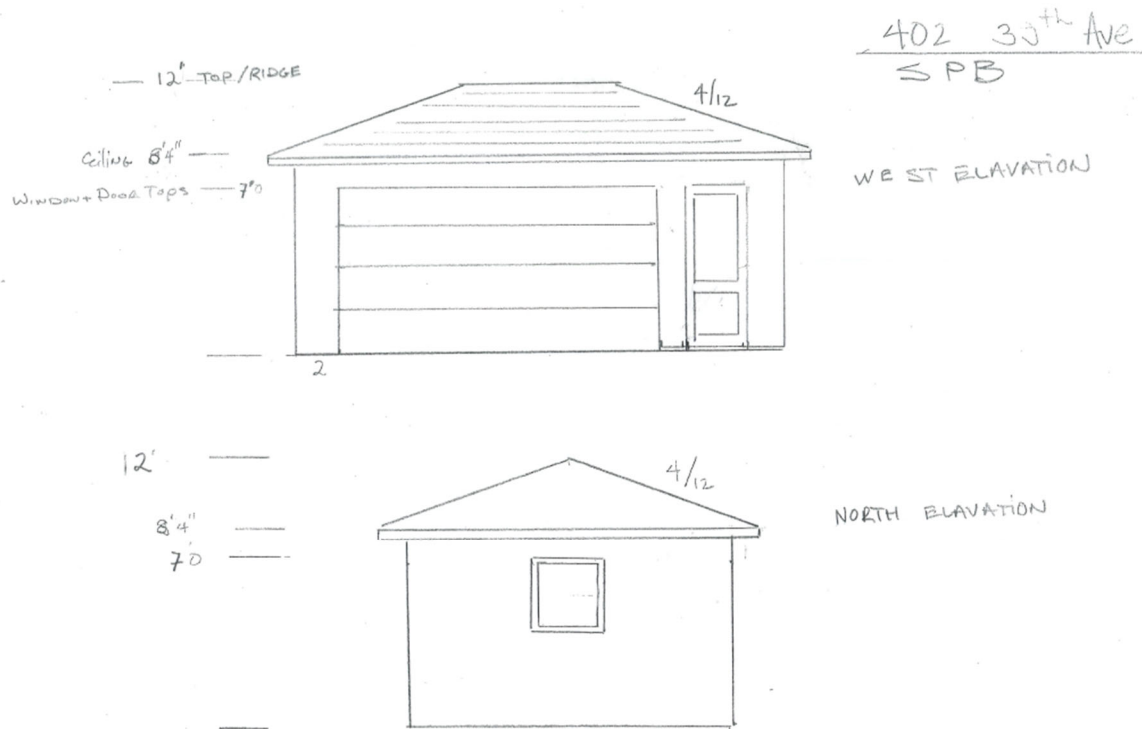




FLOOD ZONE: "AE" (B.F.E.=9')
FLOOD MAP DATE: 8/24/21

SITE PLAN





Garage site plan

CASE #: 22018
SUBMITTAL DATE: 3/8/22 AMOUNT DUE: \$529.40 PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	SAMY ANGELIDES	3990 Belle Vista DR SPB	727 334 8406
Applicant/ Agent	SAME		
Owner Email Address:		Applicant/Agent Email Address:	
ANGELIDESBUILDER@		GMAIL.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
	SAME	9646
Legal Description:	402 39 th Ave	
Parcel ID:	07-32-16-07506-005-0010	
Address:	LOT 1 BLOCK E BELLE VISTA POINT	
Explanation of Request: TO RECIEVE PERMISSION TO BUILD 2 CAR GARAGE ON NORTH SIDE OF EASTERN LOT ON CLEARVIEW DR. WHICH ALIGNS WITH INTER CONFORMS WITH OTHER HOUSES ON CLEARVIEW WAY		

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;

7'-10' ENCROACHMENT INTO REQUIRED
20' 2ND FRONT SET BACK
5' ENCROACHMENT INTO 20' REAR SET BACK.

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

IT IS TYPICAL FOR HOUSE ON
CLEARVIEW TO BE FOUND IN THE
SECONDARY FRONT YARD SET BACK

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

ANY OTHER LOCATION, EXCEPT CENTER
OF BACK YARD WOULD REQUIRE
A VARIANCE.

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

IF APPROVED THE GARAGE WOULD
BLEND INTO CLEARVIEW-WAY HOUSES
AND SITE LINES,


Signature of Applicant

Date

3-7-22

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, SAN ANGELES, 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): SAN ANGELES

Address: 3990 Belle Vista Dr SPB

[Signature] 3/7/22
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 7 day of March, 2022 by:
SAN ANGELES who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

My commission Expires: 3/10/2023

NOTARY: [Signature]
Print Name: DEBRA A. SCHOOF Notary

Public, State of Florida

(Notarial Seal)

DEBRA A. SCHOOF
Notary Public, State of Florida
My Comm. Expires Mar. 10, 2023
No. GG 309827

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

SAM ANGELIDES
(print name of property owner)

hereby authorize

My SELF
(print name of agent)

to represent me/us in an application for

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

[Signature]
Signature of Owner

Signature of Owner

SAM ANGELIDES
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 7 day of

March 2021 by SAM ANGELIDES or who is

personally

known

produced

as identification.

[Signature]
(Notary Signature)

3/7/22
(Date)

My Commission Expires 3/10/23

DEBRA A. SCHOOF
Notary Public, State of Florida
My Comm. Expires Mar. 10, 2023
No. GG 309827

VARIANCE APPLICATION

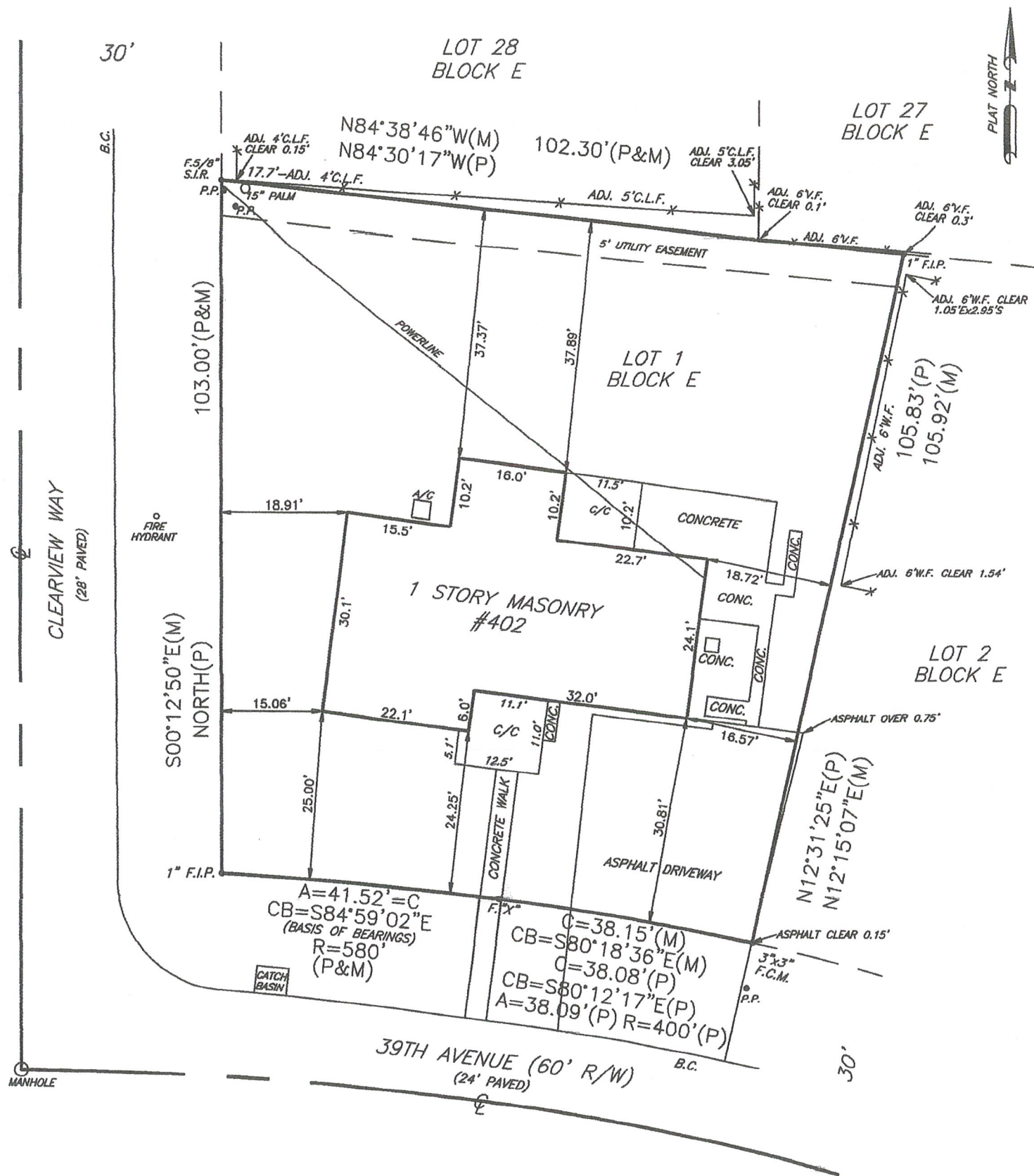
Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

-  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.

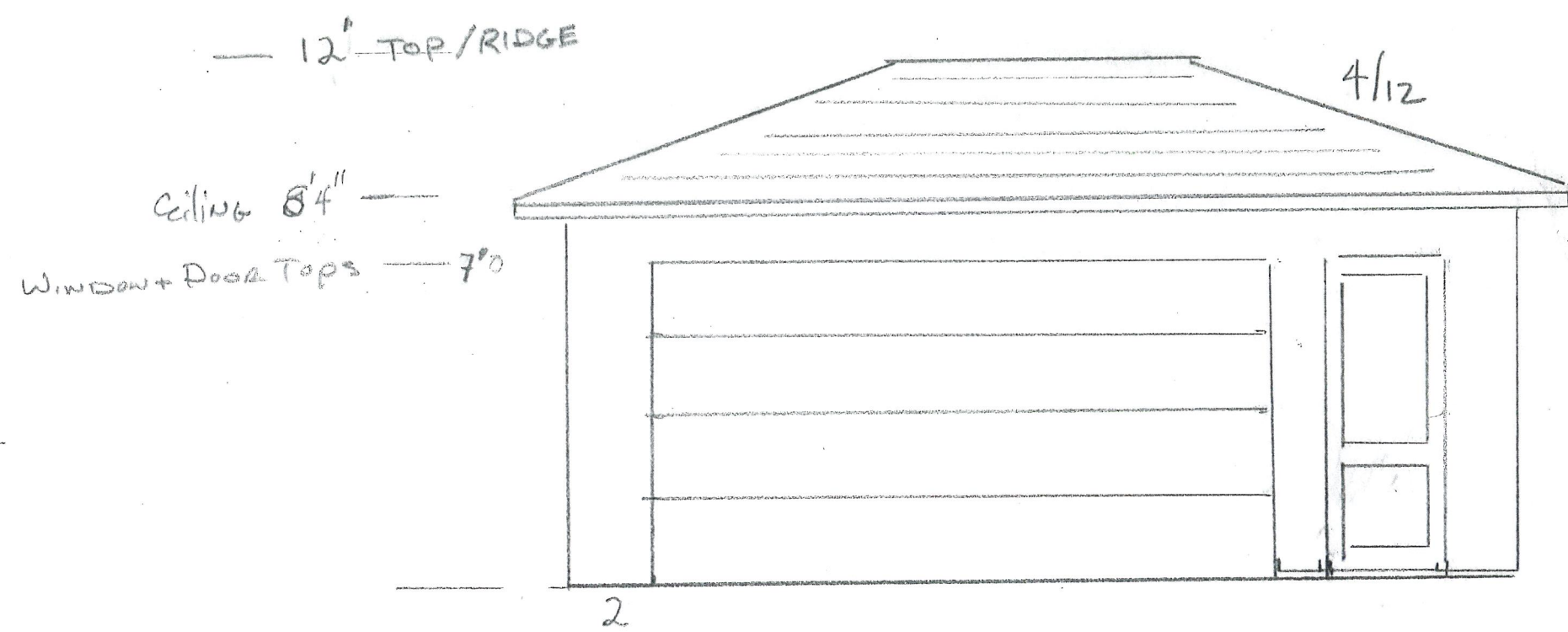

Signature of Applicant

3-7-22
Date

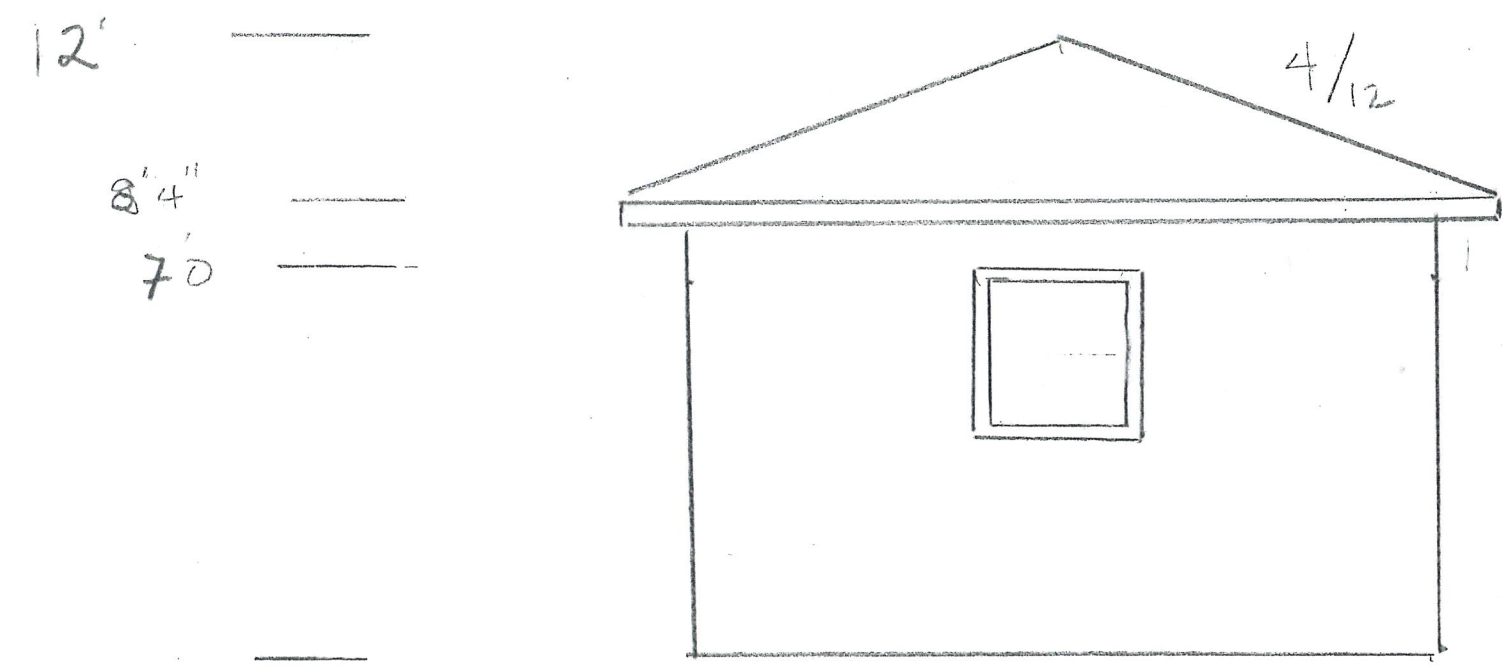


A BOUNDARY SURVEY OF LOT 1, BLOCK E, BELLE VISTA POINT FIRST ADDITION, AS RECORDED IN PLAT BOOK 39, PAGE 62, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

402 33th Ave
SPB



WEST ELAVATION



NORTH ELAVATION

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

Agenda Report

Issue Considered: Variance - 3123 W. Maritana Drive (Case No. 22019)

Date: April 27, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to install 6 foot tall fence in the front yard along Alfonso Street, where 4 feet is allowed. The fence will enclose a pool that is being installed.

Funding: N/A

Requested Motion: **Motion to APPROVE Variance Case #22019.**

Attachments:

1. Staff Report
2. Application 3123 W Maritana Dr



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

VARIANCE CASE NO. 22019 – Thomas W. Hamilton and Anne F. Borghetti, Owners
MEETING DATE: April 27, 2022
PREPARED BY: Tara Salmieri, AICP (consultant)

REQUEST	A <u>Practical Difficulty Variance</u> to allow for a fence to be 6' rather than the permitted 4' in a secondary front yard along Alfonso Street (LDC Sec. 6.15).
SUBJECT PROPERTY	3123 W Maritana Drive; DON CE-SAR PLACE BLK 21, LOT 12 & 10FT WIDE STRIP W'LY OF MARITANA DR PER DEED 987/117; Property ID # 07-32-16-21852-021-0120
ACERAGE	Approximately 0.1821 acres (7,936 sq. ft.)
LAND USE	RU-2, Residential on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE Coastal Floodplain
SURROUNDING AREA	North – Alfonso Street/Single-family Residence South - Single-family Residence East – Single-family Residence West – Maritana Drive/Little Mc Pherson Bayou

BACKGROUND

The zoning lot contains a single-family residence constructed in 1950 according to the Pinellas County Property Appraiser.

ANALYSIS

The applicant is requesting to install a six-foot vinyl fence along a portion of the secondary front property line which faces Alfonso Street. Lots in the RLM-2 District have a ten-foot secondary front yard requirement, and fences in this yard are not permitted to be taller than four feet in height.

The subject property, permit # 2100896, is under construction for a pool/spa with a brick paver deck as depicted in photo's on page 8 of the report.

Structure	Yard	Permitted Height	Proposed Height	Variance Percentage
Fence	Secondary Front	4'	6'	50%

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

- a) 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 6-foot tall fence where 4-feet is permitted, representing a variance of 50%.

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

Staff finds that no adverse change will be produced in the character of the neighborhood. Staff finds that preservation of neighborhood aesthetics, preservation of waterfront vistas, and visibility are the basis for fence height standards. This property does not abut the waterfront nor would the fence block a waterfront vista from any property which faces the waterfront, and the fence will be set approximately 70 feet from the property line's primary (W. Maritana Drive) front yard and approximately 14 feet from the secondary (Alfonso Street). In addition, the primary front yard intersection along W Maritana Drive and Alfonso Street is clear from any fence area within the 20 foot requirement so no traffic visibility issues are anticipated.

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 fence height proposed is intended to meet protect neighborhood children; however, the Florida pool code requires a 4-foot-tall fence, which is permitted along the secondary front property line without a variance. However, the applicant has constructed a pool deck that is 17-inches above grade and a four foot tall would only allow for 31-inches from pool deck to top of fence. Staff finds a six foot fence along the frontage is reasonable for purposes of security and adequate use of the property's backyard.

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

Staff find the interest of justice will be served in the issuance of this variance. The applicant has stated the fence will be white vinyl to keep in character with the vicinity.

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

SUMMARY:

Staff find the request should provide the property reasonable security and use of space without having a negative impact on visibility, neighborhood aesthetics, or waterfront vistas.

RECOMMENDATION:

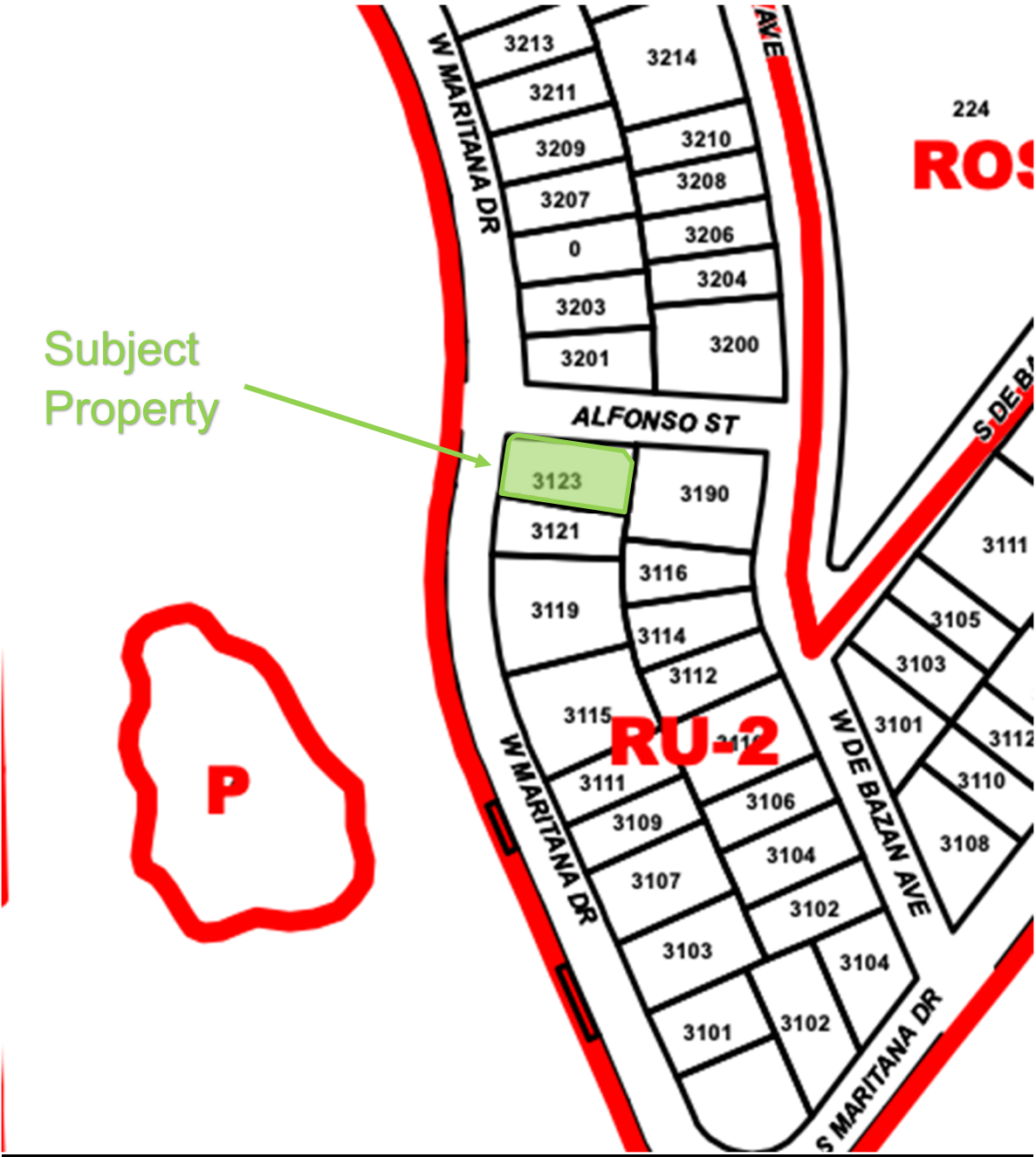
Staff recommend approval with one (1) condition:

- 1) The fence shall be white vinyl, as applicant stated in the application, in keeping with the general character of the surrounding area, and fence product information shall be submitted with the permit application.

AERIAL MAP



ZONING MAP





Pool area under construction (top left and right). Pool Deck 17-inch above grade.



Four-foot-tall fence at grade would allow for 31-inches of height clearance, where 36-inches is required, as shown. The proposed six foot fence would provide 55-inches at pool deck.

CASE #: 22019SUBMITTAL DATE: 3/15/22AMOUNT DUE: \$518.90PAYMENT DATE: 3/15/22**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 W. Hamilton Anne F. Borghetti	3123 W. Maritana Dr. St. Pete Beach 3123 W. Maritana Dr	617-592-2687 727-455-8084
Applicant/ Agent	Thomas W. Hamilton Anne F. Borghetti	3123 W. Maritana Dr St. Pete Beach, FL 33706	617-592-2687 727-455-8084
Owner Email Address:		Applicant/Agent Email Address:	
Thomas W. Hamilton Thomaswhamilton@AOL.com Aborghetti@AOL.com		Thomaswhamilton@AOL.com Aborghetti@AOL.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Residential Don Cesar Place	Future Land Use Designation Residential Don Cesar Place	Lot Area 8250 sq. ft.
Legal Description:	Official records book 17171 Page 1410	
Parcel ID:	Lot 12 Block 21	
Address:	3123 W. Maritana Dr. St. Pete Beach, FL 33706	
Explanation of Request: <u>Installing a 6ft fence around pool deck for neighborhood children safety.</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;

I think going from a 4th fence to a 6th equals a 50% variance. Requesting a 50% variance to a 6th fence for Pool Safety.

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

NO adverse change. We will be installing a nice high end vinyl fence which will comply with the neighborhood. There are several other fences in neighborhood pools that are over 4th on a side lot.

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

NO. A 4th fence around this pool will not protect the neighborhood children.

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

Yes. The interest of justice will be served by this variance as well as the safety for all the neighborhood children.

Therese Brumby
Anne F. Brumby

3/15/2022

3/15/2022

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

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.

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

TH AFB 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.

TH AFB 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.

TH AFB 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.

TH AFB 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.

TH AFB 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.

TH AFB 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

3/15/2022
Date

Anne F. Brughetta 3/15/2022

From: tennantcraig@aol.com
Subject: Fwd: HAMILTON
Date: Dec 21, 2021 at 7:27:05 PM
To: aborghetti@aol.com

Attached see the changes that we spoke of today.

Craig

—Original Message—

From: tennantcraig@aol.com
To: steve@sunsationpools.com <steve@sunsationpools.com>
Sent: Tue, Dec 21, 2021 7:03 pm
Subject: HAMILTON

Owner: HAMILTON, TOM & BORGHETTI, ANN		SUNSATIION POOLS 10945 ULMERTON RD., LARGO, FLORIDA, 33778 727-510-7070 OFFICE, 727-559-7183 FAX		Lot: 12	Block:
Address: 3123 W. MARITANA DR.		CONSTRUCTION PLAN		Phone: 727-455-8084	
ST. PETERSBURG, FLORIDA				E-MAIL: aborghetti@aol.com	

Owner: HAMILTON, TOM & BORGHETTI, ANN
Address: 3123 W. MARITANA DR.
ST. PETERSBURG, FLORIDA

SUNSATIION POOLS
10945 ULMERTON RD., LARGO, FLORIDA, 33778
727-510-7070 OFFICE, 727-559-7183 FAX
CONSTRUCTION PLAN

Lot: 12 **Block:**
Phone: 727-455-8084
E-MAIL: aborghetti@aol.com

DEPT. TO BE DETERMINED
EXISTING BRICK PAVERS DRIVEWAY

RAISED WALL
@ 18" HEIGHT
W/ TWO 36" SHEER
WATERFALLS W/
TILE FACED WALL

PROBABLE LOCATION OF EX. SEWER LINE (0'-2' DEPTH)

INSTALL 2' WIDE TRENCH FOR PLUMBING LINES REMOVE EX. PAVERS & REINSTALL

PROBABLE LOCATION OF EX. H2O LINE

EXISTING MULTI-STORY SINGLE FAMILY RESIDENCE

EXISTING COVERED LANAI DECK

DECK

PROPOSED RETAINING WALL BUILDING DEPT MUST APPROVE

EAST PROPERTY LINE
SOUTH PROPERTY LINE
NORTH PROPERTY LINE

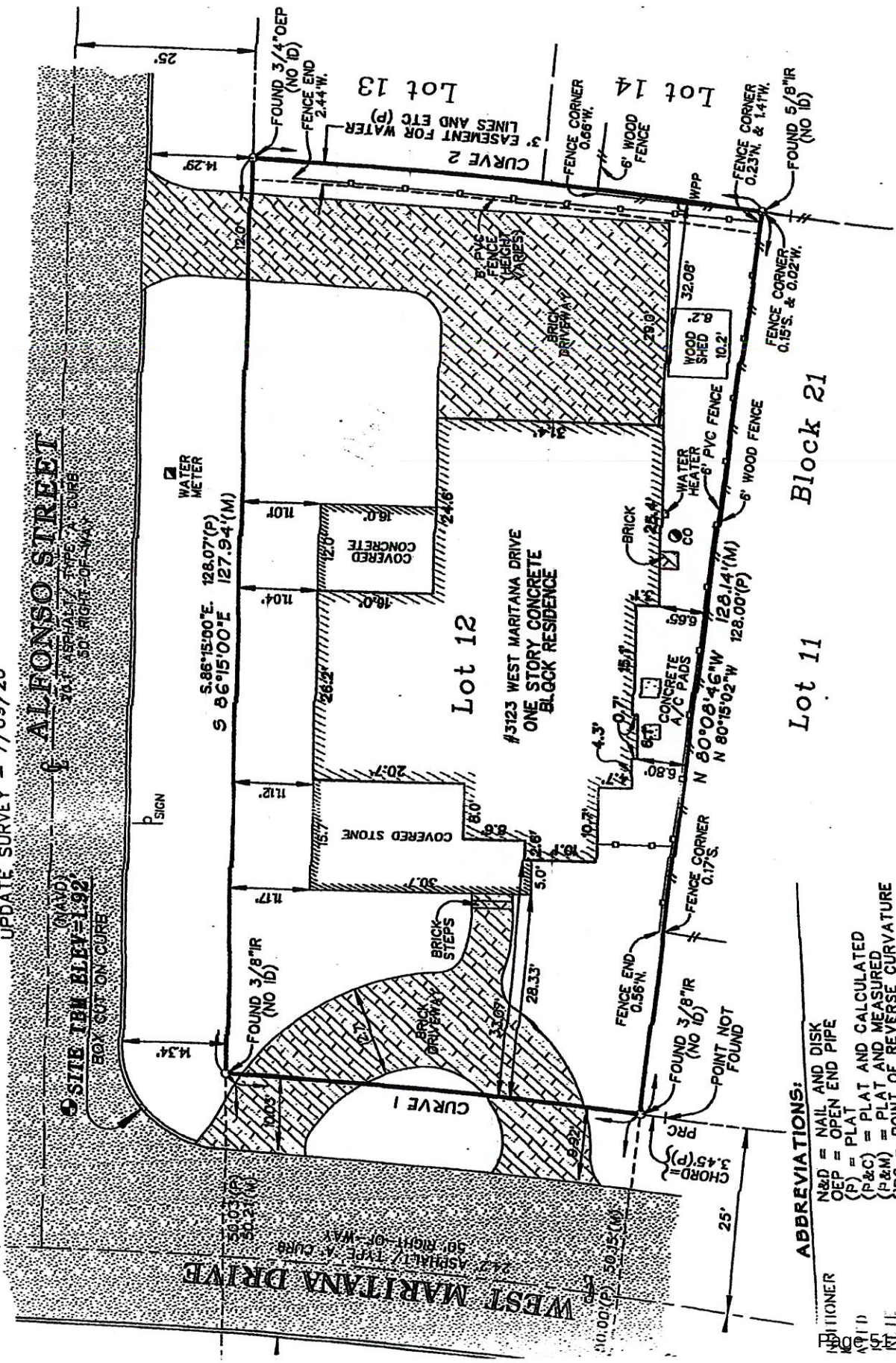
SCALE 1/8" = 1'-0"

Designer: CRAIG TENNANT 727-418-1670 DESIGNER	12-21-2021	Quality Construction, Exceptional Service	OWNER X X	Date:
---	-------------------	--	------------------------	--------------

DESCRIPTION: (OFFICIAL RECORDING) PLAT BOOK 13, PAGE 15, OF THE PUBLIC BLOCK 21, DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGE 15, OF THE PUBLIC BLOCK 21, DON CE-SAR PLACE, TOGETHER WITH THAT PORTION OF STRIP OF LAND 10 FEET IN WIDTH LYING AND BEING OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH THE STREET IN FRONT OF SAID LOT 12 AND DON CE-SAR BAY, AND BEING THAT AND INCLUDING THE SEAWALL BETWEEN THE SIDE LINES OF SAID LOT 12 AS PROJECTED INTO THE WATERS OF SAID BAY SO AS TO INTERSECT SAID SEAWALL AT RIGHT ANGLES THERETO AS SHOWN BY PLAT OF DON CE-SAR PLACE.

BOUNDARY SURVEY WITH IMPROVEMENTS - 1/29/14
 REVISED CERT NAMES - 5/19/14
 STAKED PROPOSED DRIVEWAY PER PLAN - 1/31/19
 PREPARE SITE PLAN - 2/09/19
 UPDATE SURVEY - 7/09/20

IMPERVIOUS SURFACE AREA RATIO:
 TOTAL SITE AREA=8250 SQUARE FEET (100%)
 TOTAL PERVIOUS AREA=4292 SQUARE FEET (52%)
 TOTAL IMPERVIOUS AREA=3958 SQUARE FEET (48%)



ABBREVIATIONS:
 N&D = NAIL AND DISK
 OEP = OPEN END PIPE
 (P) = PLAT
 (P&C) = PLAT AND CALCULATED
 (P&M) = PLAT AND MEASURED
 PRC = POINT OF REVERSE CURVATURE
 PVC = POLYVINYL CHLORIDE
 (S) = SET
 SW'LY = SOUTHWESTERLY
 TBM = TEMPORARY BENCHMARK
 WPP = WOOD POWER POLE

CURVE 1
 RADIUS=789.76'
 CENTRAL ANGLE
 ARC=57.80'(P), 5
 CHORD=57.79'(P)
 CHORD BEARING

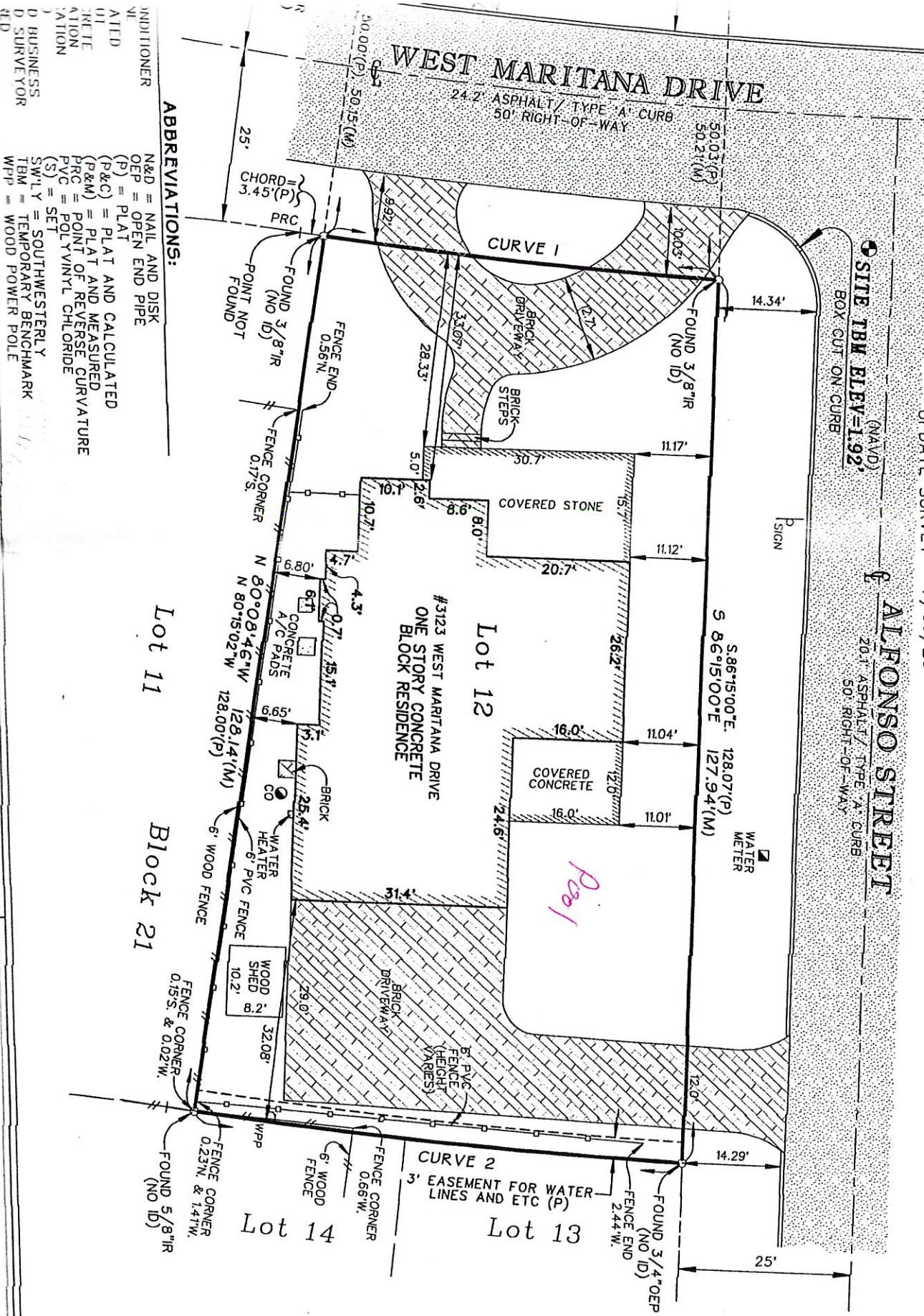
CURVE 2
 RADIUS=917.76'
 CENTRAL ANGLE
 ARC=71.21'(P), 71
 CHORD=71.19'(P)
 CHORD BEARING

CURVE 3
 RADIUS=729.76'
 CENTRAL ANGLE
 ARC=51.52'(P), 5
 CHORD=51.51'(P)
 CHORD BEARING

CURVE 4
 RADIUS=739.76'
 CENTRAL ANGLE
 ARC=52.57'(P),
 CHORD=52.56'(P)
 CHORD BEARING

DESCRIPTION: (OFFICIAL RECORDS BOOK 11/11, PAGE 1414)
 BLOCK 21, DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGE 15, OF THE PUBLIC
 RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF STRIP OF LAND 10 FEET IN WIDTH LYING AND BEING
 SAID TO FOOT STRIP LYING BETWEEN THE SIDE LINES OF SAID LOT 12 AS PROJECTED INTO THE WATERS OF SAID BAY SO
 AS TO INTERSECT SAID SEAWALL AT RIGHT ANGLES THERETO AS SHOWN BY PLAT OF DON CE-SAR PLACE.
 BOUNDARY SURVEY WITH IMPROVEMENTS - 1/29/14
 REVISED CERT NAMES - 5/19/14
 STAKED PROPOSED DRIVEWAY PER PLAN - 1/31/19
 PREPARE SITE PLAN - 2/09/19
 UPDATE SURVEY - 7/09/20

IMPERVIOUS SURFACE AREA RATIO:
 TOTAL SITE AREA=8250 SQUARE FEET (100%)
 TOTAL IMPERVIOUS AREA=4292 SQUARE FEET (52%)
 TOTAL IMPERVIOUS AREA=3958 SQUARE FEET (48%)



ABBREVIATIONS:
 N&D = NAIL AND DISK
 OEP = OPEN END PIPE
 (P) = PLAT
 (P&C) = PLAT AND CALCULATED
 (P&M) = PLAT AND MEASURED
 PRC = POINT OF REVERSE CURVATURE
 PVC = POLYVINYL CHLORIDE
 (S) = SET
 SWLY = SOUTHWESTERLY
 TBM = TEMPORARY BENCHMARK
 WPP = WOOD POWER POLE

1401-60.CRD
 FIELD BOOK 912

CURVE 1
 RADIUS=789.76'
 CENTRAL ANGLE
 ARC=57.80'(P), 5
 CHORD=57.79'(P)
 CHORD BEARING=

CURVE 2
 RADIUS=917.76'
 CENTRAL ANGLE
 ARC=71.21'(P), 71
 CHORD=71.19'(P)
 CHORD BEARING=

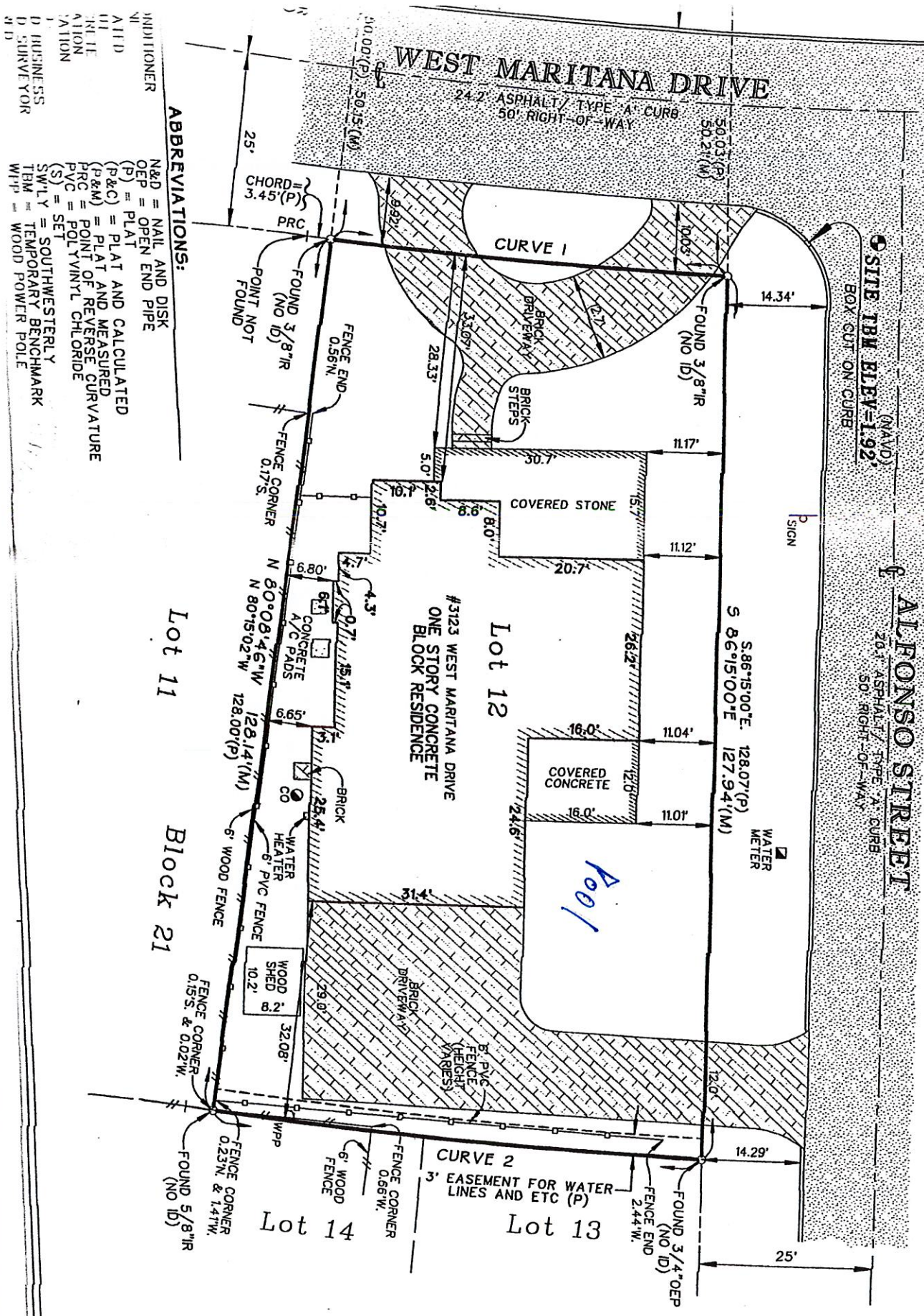
CURVE 3
 RADIUS=729.76'
 CENTRAL ANGLE
 ARC=51.52'(P), 5
 CHORD=51.51'(P)
 CHORD BEARING=

CURVE 4
 RADIUS=739.76'
 CENTRAL ANGLE
 ARC=52.57'(P),
 CHORD=52.56'(P)
 CHORD BEARING=

DESCRIPTION: (OFFICIAL RECORDS BOOK 11, PAGE 13, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF STRIP OF LAND 10 FEET IN WIDTH LYING AND BEING INTEREST SAID SEAWALL AT RIGHT ANGLES THERETO AS SHOWN BY PLAT OF DON CE-SAR PLACE.

BOUNDARY SURVEY WITH IMPROVEMENTS - 1/29/14
 REVISED CERT NAMES - 5/19/14
 PROPOSED DRIVEWAY PER PLAN - 1/31/19
 PREPARE SITE PLAN - 2/09/19
 UPDATE SURVEY - 7/09/20

IMPERVIOUS SURFACE AREA RATIO:
 TOTAL SITE AREA=8250 SQUARE FEET (100%)
 TOTAL PERVIOUS AREA=4292 SQUARE FEET (52%)
 TOTAL IMPERVIOUS AREA=3958 SQUARE FEET (48%)



From: tennantcraig@aol.com
Subject: Fwd: HAMILTON
Date: Dec 21, 2021 at 7:27:05 PM
To: aborghetti@aol.com

Attached see the changes that we spoke of today.

Craig

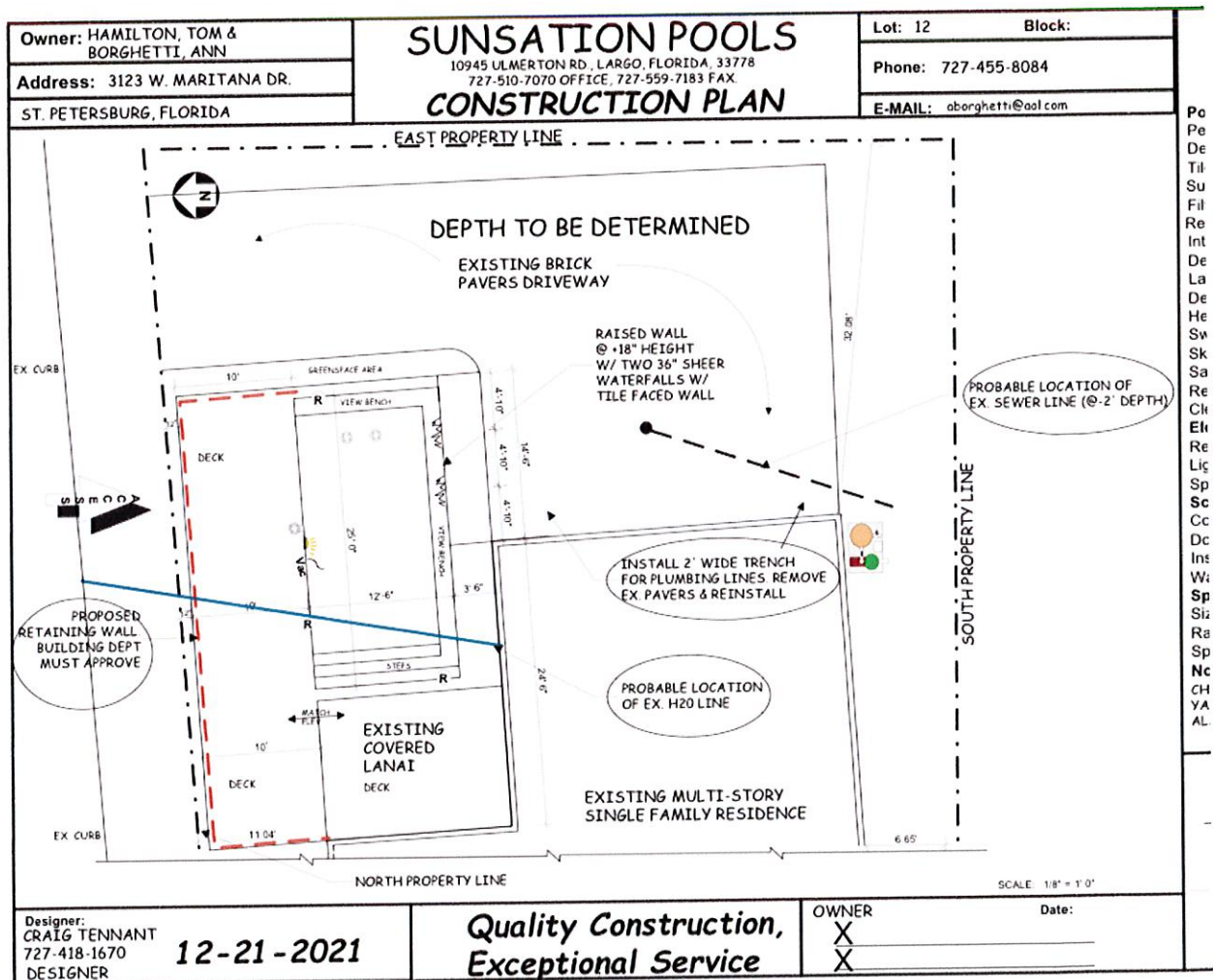
-----Original Message-----

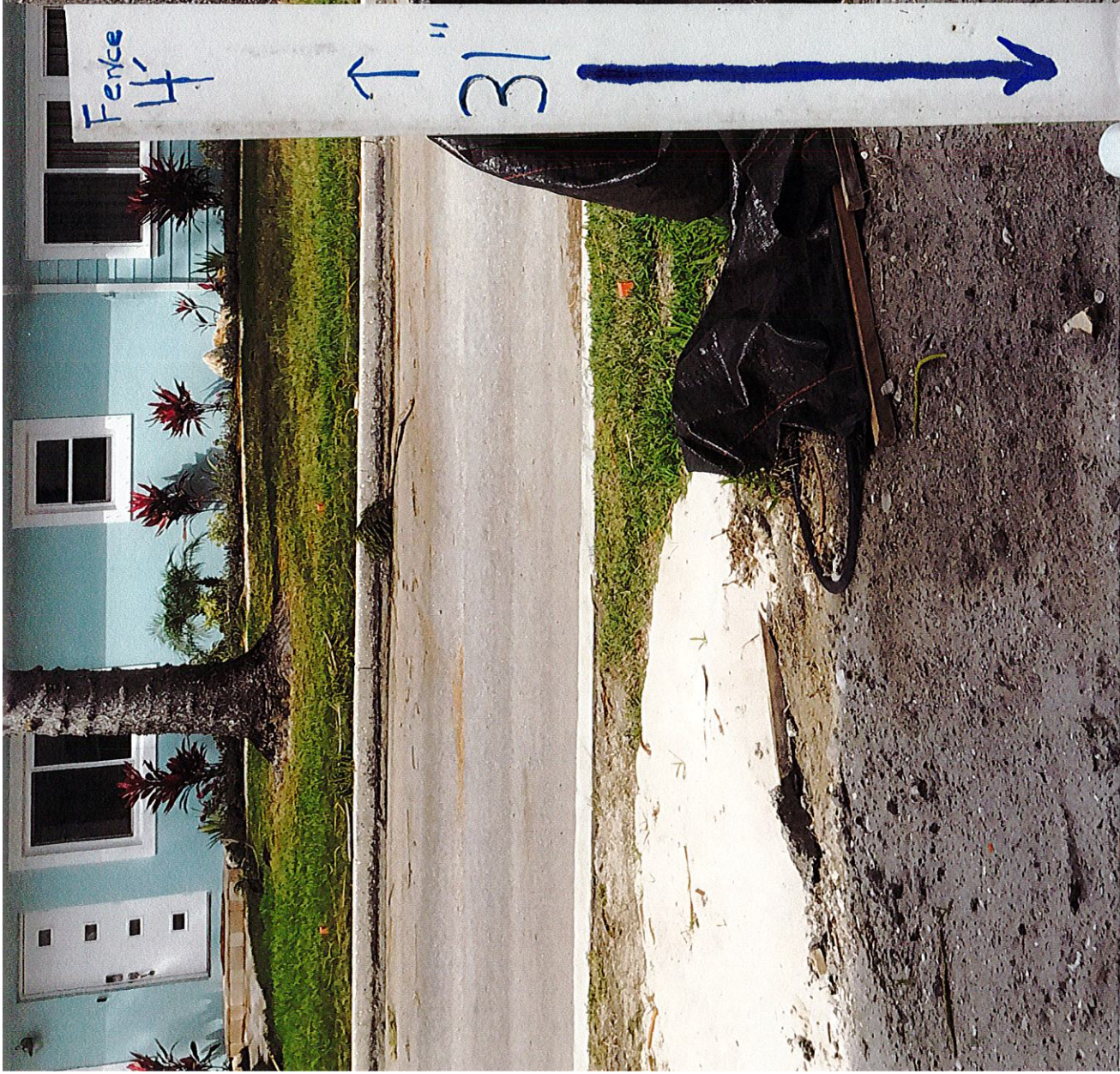
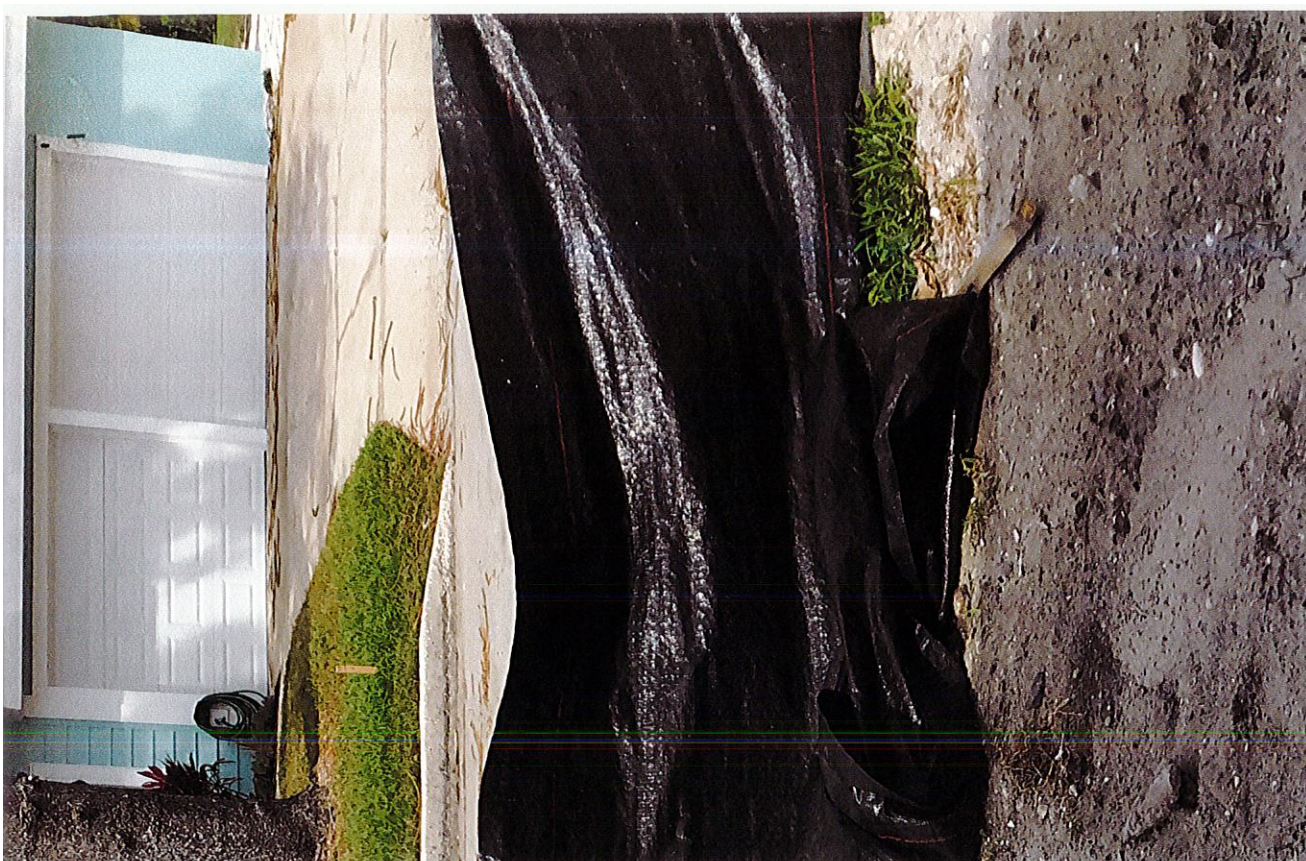
From: tennantcraig@aol.com

To: steve@sunsationpools.com <steve@sunsationpools.com>

Sent: Tue, Dec 21, 2021 7:03 pm

Subject: HAMILTON









W DeBazan DR

NO PARKING ANYTIME
EXCEPT 2 HRS
DAILY 8A-5P
SEE SIGNAGE FOR DETAILS









PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Thomas W. Hamilton / Anne F. Borghetti, 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 W. Hamilton / Anne F. Borghetti

Address: 3123 W. Maritana Dr. St. Pete Beach, FL 33706

Anne F. Borghetti 3/15/2022
Signature Date

Thomas Hamilton 3/15/2022
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 15 day of March, 2021 by: Thomas Hamilton / Anne Borghetti appeared before me, and is personally known to me, or has produced FLDL as identification, and did take an oath.

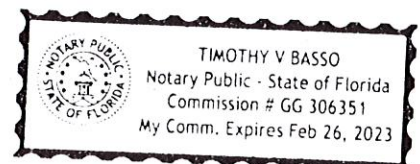
My commission Expires: 2-26-27

NOTARY:

Print Name: Timothy V Basso Notary

Public, State of Florida

(Notarial Seal)



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

Agenda Report

Issue Considered: Variance - 2905 Sunset Way (Case No. 22020)

Date: April 27, 2022

Prepared By: Wesley Wright, Planning Manager

Through: Wesley Wright, Planning Manager

Summary of Issue: Request to (1) construct a 2nd floor balcony that will encroach 4 feet 8 inches in the rear yard, where 20 feet is required. (2) Request to construct a pool at the seawall, where 3 feet is required. (3) Request to construct a patio and walkways at the side property line, where 2 feet is required.

Funding: N/A

Requested Motion: **Motion to APPROVE Variance Case #22020.**

Attachments:

1. Staff Report
2. 2905 Sunset Application



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

**VARIANCE CASE NO. 22020- Dan Saunders III, Applicant;
Eliot & Bridgette Heller, Owners**

MEETING DATE: April 27, 2022

PREPARED BY: Tara Salmieri, AICP (consultant)

REQUEST	A <u>Practical Difficulty Variance</u> Request to (1) construct a 2nd floor balcony that will encroach 4 feet 8 inches in the rear yard, where 20-feet is required (LDC 9.6(a)(4)); (2) Request to construct a pool at the seawall, where 3 feet is required (LDC 6.13 (c)(1)(c)(3)); (3) Request to construct a patio and walkways at the side property line, where 2-feet is required (LDC 6.13 (c)(2)(d)).
SUBJECT PROPERTY	2905 Sunset Way; COLONIAL CORP REPLAT BLK 2, LOT 2; Property ID # 18-32-16-17316-002-0020
ACERAGE	Approximately 0.14922 acres (6,500 sq. ft.)
LAND USE	RU-2/PAG Residential District/ Pass-a-grille Overlay on the Zoning Map
FLOOD ZONE	AE-Coastal Floodplain
SURROUNDING AREA	North –Single-family Residence (2 unit) South -Single-family Residence East – Sunset Way/Single-family Residence West – Recreation Open Space/Beach

BACKGROUND The zoning lot contains a single-family residence with two units constructed in 1925 according to the Pinellas County Property Appraiser.

ANALYSIS The applicant is requesting to construct a pool, second story balcony and patio. The following variances are being requested: (1) construct a 2nd floor balcony that will encroach 4 feet 8 inches in the rear yard, where 20 feet is required. (2) Request to construct a pool at the seawall, where 3 feet is required and (3) Request to construct a patio and walkways at the side property line, where 2 feet is required.

Structure	Yard	Permitted Setback	Proposed Setback	Variance Percentage
Balcony (2 nd story)	Rear	20'	15'4"	24% (4-feet 8-inches)
Pool	Rear	3-feet	0-feet to seawall	100%
Patio	Side	2-feet	0-feet to side P/L	100%

One of the LDC's intent to regulate the side yard setback requirement for the patio and the pool rear yard setback are to provide sufficient areas for capturing drainage/run-off within a parcels lot. Both of these setback requirements, in the LDC, have been recently modified from a 9-foot setback requirement for pools and a 0-foot side yard setback for patio's. The intent of each requirement was to ensure proper on-site drainage.

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 (1) to construct a 2nd floor balcony that will encroach 4 feet 8 inches in the rear yard, where 20-feet is required, representing a variance of 24%. (2) Requesting to construct a pool at the seawall, where 3-feet is required, representing a variance of 100% and (3) Request to construct a patio and walkways at the side property line, where 2-feet is required, representing a variance of 100%.

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

Staff finds that no adverse change will be produced in the character of the neighborhood. Many of the surrounding homes have similar setbacks as most of the area predates the Land Development Code and the lot sizes are smaller in nature given the historic pattern of development. The proposed balcony would not impact other neighbors, pool setback or patio setbacks. As proposed the intent of this side yard and pool rear yard setback is to provide drainage onsite and to not affect areas outside of an individual's parcel. The sideyard setback requirement for the patio might impact the adjacent neighbors from run-off from the patio. The north and south areas of the parcel have a 3-foot fence atop a 3-foot wall (6-feet total) that will be maintained and will add additional protection/screening to the adjacent residential homes.

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

Staff finds that the second story balcony encroachment into the rear yard would not be feasible in any other area of the property. The required 3-foot setback for the pool could be modified to meet some or all the required setback if the pool was smaller, the area around the pool (approximately 5 feet) could not be reduced and provide a safe walk area around the pool area. The reduction of the patio area might be difficult as the stairs to the boardwalk would not have a patio area to safely descend to the stairs.

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

Staff find the interest of justice will be served in the issuance of this variance. The request is minimal and in reasonable keeping with both the character of the neighborhood and the configuration and design of the home as it exists today.

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

SUMMARY:

Staff find the request to be both minimal and reasonable given existing lot conditions if the applicant can contain the run-off for the property within the parcel limits.

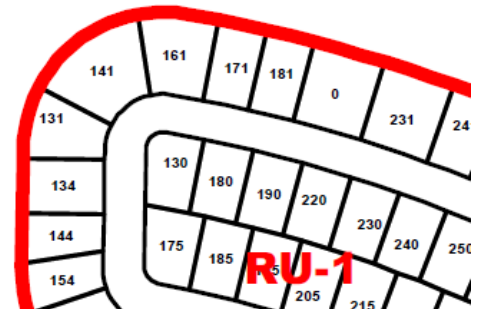
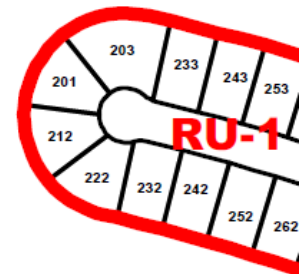
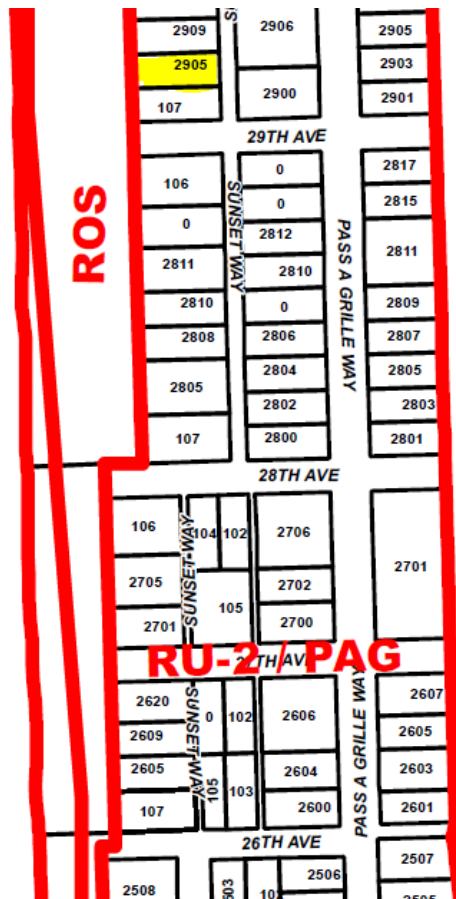
RECOMMENDATION:

Staff recommend approval, provided the applicant:

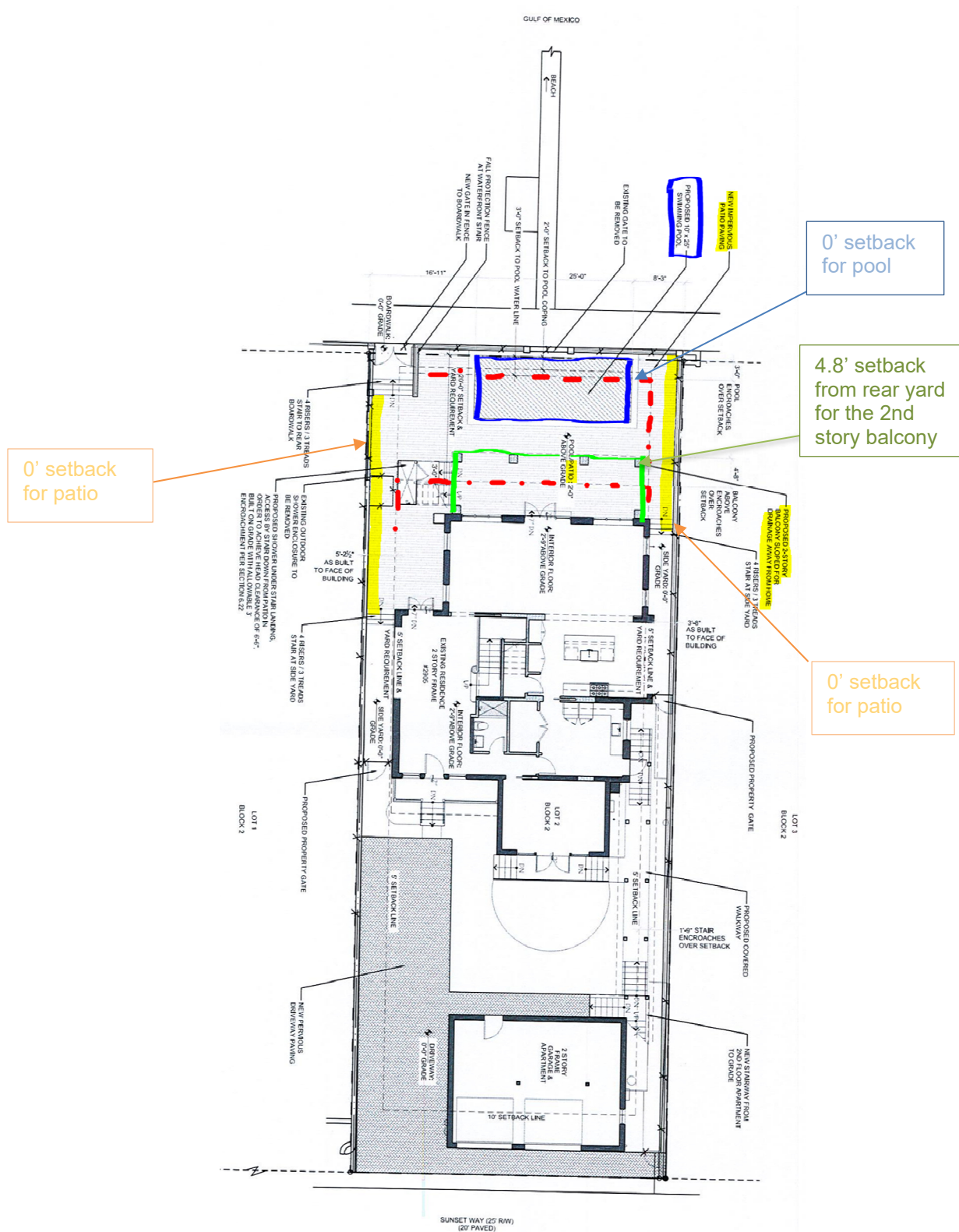
- 1- Maintains the 3-foot fence atop the 3-foot wall (6-foot total) along the north and south areas of the parcel.
- 2- Provide an overall strategy for capturing the runoff for the pool and patio areas that are in the setback areas.

AERIAL MAP









E #:

22020

SUBMITTAL DATE:

3/16/22

AMOUNT DUE:

524.50

PAYMENT DATE:

3/22/22

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	Eliot & Bridgette Heller	2905 Sunset Way, St. Pete Beach FL 33706	(914) 715-6771
Applicant/ Agent	Don Saunders	220 Driftwood Rd SE St. Petersburg FL 33705	(727) 463-8430
Owner Email Address: eliot@loxandbiscuits.com		Applicant/Agent Email Address: tripe.saundersconstruction.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RV-2/PAG	Future Land Use Designation Unchanged	Lot Area 6500 s.f.
Legal Description:	Colonial Corp Replat Blk 2 Lot 2	
Parcel ID:	18-32-16-17316-002-0020	
Address:	2905 Sunset way, St. Pete Beach FL 33706	
Explanation of Request: Our request is to allow the encroachment of a 2nd floor balcony that will also serve as a deck area for the first floor seating area, total encroachment of 4'8". We also request an encroachment of 3' for the pool, and a 1'9" encroachment for the stairs & covered walkway into the side yard. These encroachments are necessary to create a practical outdoor gathering area for the home.		

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 rear yard setback for pools on waterfront properties is 3' to the waterline, we are requesting to be allowed to encroach ³ into this setback. The rear yard setback for the 2nd story covered balcony is 20' and we are requesting to be allowed to encroach 4'8" into this setback.

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

No adverse change will be produced in the character of the neighborhood, many adjacent homes have pools and rear balconies that similarly encroach into the rear (waterfront) yard. These features are quite common among homes in the surrounding area.

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

There is no feasible alternative method to provide a usable outdoor recreational area and gathering space, the existing improvements on site as well as adjacent structures limit the available area open to sky and breezes.

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

The proposed request does not appear to have any adverse effect on the visual or functional use of surrounding properties, nor would it compromise the character of use of the home itself.



Signature of Applicant

4/14/22

Date



Signature of Authorized Agent

4/14/22

Date

For office use only:

Hearing Date: 27 APRIL 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.

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

D.S. 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.

P.S. 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.

P.S. 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.

D.S. 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.

D.S. 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.

D.S. 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

3/15/22
Date

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Eliot and Bridgette Heller
(print name of property owner)

hereby authorize Don Saunders III
(print name of agent)

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

Eliot Heller
Signature of Owner

Bridgette P. Heller
Signature of Owner

Eliot Heller
Print Name of Owner

Bridgette P Heller
Print Name of Owner

The forgoing instrument was acknowledged before me this 15th day of March 2022 by Eliot + Bridgette Heller or who is personally known produced _____ as identification.

[Signature]
(Notary Signature) 3/15/22
(Date)

My Commission Expires 7/6/2025

NOELLE KELLEY
NOTARY PUBLIC
STATE OF FLORIDA
NO. HH149525
MY COMMISSION EXPIRES JUL. 06, 2025



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Eliot and Bridgette Heller, 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): Don Saunders III

Address: 2905 Sunset Way, St Pete Beach FL

Signature

3/15/22

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 15 day of MARCH, 2022 by: DON SAUNDERS III who appeared before me, and is personally known to me, or has produced PERSONALLY KNOWN as identification, and did take an oath.

My commission Expires: 7/6/25

NOTARY:

Print Name: Noelle Kelley Notary

Public, State of Florida

(Notarial Seal)

