BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 4/27/2016
2:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

1. **Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order.

2. **Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.

3. **Minutes for Acceptance**

   3/30/2016

4. **Election of Officers** – Chairman and Vice Chairman

5. Public Hearings

I. Case 2015-0068: 3216 El Centro, #A – Applicants request a variance to Section 12.7(a) of the Land Development Code to allow for construction of an elevator and interior walkway within the required side yard setback.

II. Case 2016-0018: 6712 Gulf Blvd. – Applicant requests a variance to Section 23.5 of the Land Development Code to reduce the number of required parking spaces for a restaurant use.

6. Adjournment

APPEAL

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

AMERICANS WITH DISABILITIES ACT

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

St. Pete Beach
Board of Adjustment

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

4/27/16

Variance Case #2015-0068

Applicant/Agent
Susanne & Michael A. Ward, Homeowners

Location
3216 El Centro St, #A

Commission District
District 4

Staff Representative
Mike Larimore, Zoning Tech II

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

ITEM SUMMARY:

Code Item	Requirement	Existing Condition	Proposed
Side Yard Setback Requirement (12.7.a)	10% of lot width (10 feet)	10 feet	5 feet

Applicant requests a variance to Section 12.7 (a) of the Land Development Code (LDC) to allow for construction of an elevator and interior walkway within the required side yard setback.
Existing Use: Multi-Family Residential
Proposed Use: Multi-Family Residential
Adjacent Uses
North: Multi-Family Residential (Unit #B)
South: Single-Family Residential (3214 El Centro St.)
East: Infrastructure (El Centro St.)
West: Preservation (Beach & Dune)

The Applicants request this variance in order to allow for construction of an elevator with an interior connection. The Applicants state that health issues are their primary reason for their desire to build an elevator. The subject unit is Unit #A which is the southernmost unit of the triplex. The Applicant states that an identical variance was granted for the northernmost unit, Unit #C, in 2004 (BoA Case #2004-0027). The Applicants state that the same architect/designer employed for the design of the elevator for Unit #C will be employed to create an identical elevator for Unit #A if the variance is granted. The plans for the past elevator were submitted by the Applicants and are included as an attachment for this variance request.

As an important note, while a similar past variance was granted, the Applicants must prove hardship in this case and the Board must use only the information presented in this case to reach a decision.

Staff Recommendation Exploration of other options	The Applicants submitted plans depicting the proposed construction on March 15, 2016. These plans are included as an attachment to this variance request. Applicants submitted a letter of authorization from the condominium association on April 8, 2016 allowing the Applicants to apply for and request this variance on behalf of the association. Additionally, the Applicants submitted a letter from the architect and designer of the proposed addition. These letters have been added to the variance application and are included as attachments to this variance request. **PUBLIC NOTICE:** Notice of public hearing has been advertised as required by State Statutes, including: a legal advertisement in a local newspaper, written notices of hearing to owners of property within 300 feet of the subject property, and the posting of a public hearing sign for 7 days on the subject property prior to the public hearing. Two (2) written letters of opposition and one (1) written letter of support have been received. Oral and written comments may be presented at the public hearing. This case was continued from the January 2016 Board of Adjustment Meeting to a date certain and therefore has not been re-advertised, however the Applicant has posted notice at the property in accordance with Florida Statutes. **COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:** The subject property is zoned Residential Medium (RM) which allows for attached multi-family residential. There is no language in either the Comprehensive Plan or Land Development Code that precludes the construction or use of a residential elevator. **STAFF RECOMMENDATION:** Staff recommends the Applicants explore other options – The lack of allowable buildable area due to the original construction of the building is not peculiar nor a basis for the granting of a variance for an addition. Also, the scale of the proposed construction may have ill effects on the neighboring residential property. Staff recommends the Applicants explore other mobility options. <u>Attachments:</u> A) Relevant Code Sections B) Aerial Photo C) Site Photos D) Narrative E) Variance Application F) Survey G) Site Plan

	H) Letter of Opposition #1 I) Letter of Support J) Design Plans (submitted 3/15/16) K) Letter of Opposition #2 L) Letter from Architect

Attachment A:

Sec. 12.7. – Minimum yard requirements.

The minimum yard requirements for principal structures in the RM Residential District are as required in this section. No structures shall be permitted seaward of the city's coastal construction and excavation setback line.

a) Residential dwellings.
   a. Front yard: 20 feet.
   b. Secondary front yard: ten feet.
   c. Side yard: Ten percent of the lot width.
   d. Rear yard: 20 feet.

Attachment B:

Above: Subject property highlighted.

Attachment C:

Above: Subject property facing west

Attachment D.

We are Susanne & Michael A. Ward, and we live at 3216 El Centro St S # A, St Pete Beach.

The variance - we are requesting - would allow us to install an elevator and a hallway for the elevator on the south side of the existing structure. The elevator will be three stories to accommodate all the floors of the existing residence. The Hallway to access the elevator will be on the first floor only. The proposed elevator shaft and hallway will be a mirror image of the 3216 El Centro # C addition, for which a variance was granted in 2004.

The proposed elevator is a medical necessity. Husband- a former marathon runner - who has growing knee problems climbing stairs - and elderly parent (92 years old) & family members no longer able to climb stairs.

Attachment E.

RECEIVED
DEC 14 2015
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

Case Number: 20150068

PROPERTY FOR PROPOSED VARIANCE

Legal Description: PASS-A-GRILLE TOWNHOUSES CONDO UNIT A

Parcel ID 07 32 16 67779 000 0010

Address 3216 EL CENTRO ST S # A St Pete Beach FL 33706

Current Zoning: RM RES. CONDO FLUM Designation: RM Lot Area: 0010

Existing Use: RESIDENTIAL Proposed Use: NO CHANGE

APPLICANT/AGENT:

Name: SUSANNE & MICHAEL A. WARD
Address: 3216 EL Centro ST S # A
City: St Pete Beach State: FL
Zip: 33706 Phone: 727-5048848
Email: FLORIDASUS@AOL.com

PROPERTY OWNER:

Name: SUSANNE & MICHAEL A. WARD
Address: 3216 EL Centro ST S # A
City: ST PETE BEACH State: FL
Zip: 33706 Phone: 727-5048848
Email: FLORIDASUS@AOL.com

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

Variance Request do Section 12.7 requirements of 10% of lot width (10 feet) do permit a reduction do 5 feet for an elevator and elevator hallway addition - an addition already granted (variance) and in place for 3216 EL CENTRO ST S # C.

see additional sheet Attached (1).

Attach the following supporting documentation to this application:

- **Recent survey of the property**
- **A site plan, drawn to scale, illustrating the proposed variance**

This completed application, together with all required supporting documents and fees, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment. Failure to do so will delay your application to a later date. If any materials are missing or

any part of this application is left blank, staff may refuse the application until such time as it is completed by the applicant. SW (applicant's initials)

Application Checklist:

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

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

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

After extensive communications with building contractors it has been established that the option of an inground elevator would cause significant damage disruption & structural problems which significantly inhibiting the living space which would greatly lessened the quality of life. Same conclusion made by unit C (2004).

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

FOR MEDICAL REASONS. See attached additional sheet.

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

NO

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

NO

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

NO

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

NO

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

The Variance - we are requesting - is a medical necessity. The use is for residential purpose only.

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

Yes - The Variance - we are requesting - would put the side of the proposed elevator shaft and Hallway 5 feet 2 inches from the existing wall on South property line. A Variance already granted in 2004 to 3240 El Centro ST S #C - 1ST Pete Beach

Signature of Applicant _____ Date 12/14/15 Signature of Authorized Agent _____ Date 12-14-15

For office use only:

Hearing Date: _____ Fees: _____

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

THE SUNSET CAPITAL OF FLORIDA

Community Development
Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9241
www.stpetebeach.org

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.

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

DW 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.

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

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

DW 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.

DW I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

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

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

D. Ward 12-14-15

Signature of Applicant Date

RECEIVED
APR 08 2016
COMMUNITY DEVELOPMENT

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 MICHAEL AND SUSANNE WARD
(print name of agent)

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

Signature of Owner

Signature of Owner

MICHAEL I. RAUCHWAY
Print Name of Owner

AUDREY RAUCHWAY
Print Name of Owner

Signature of Owner

Signature of Owner

MICHAEL A. WARD
Print name of Owner

SUSANNE WARD
Print Name of Owner

Signature of Owner

Signature of Owner

STEVEN HAMBLIN
Print Name of Owner

LINDA HAMBLIN
Print Name of Owner

The forgoing instrument was acknowledged before me this 5th day of April 2016, by _____ who is personally known _____ or produced _____ as identification.

D Michelle Lowery 4-5-16

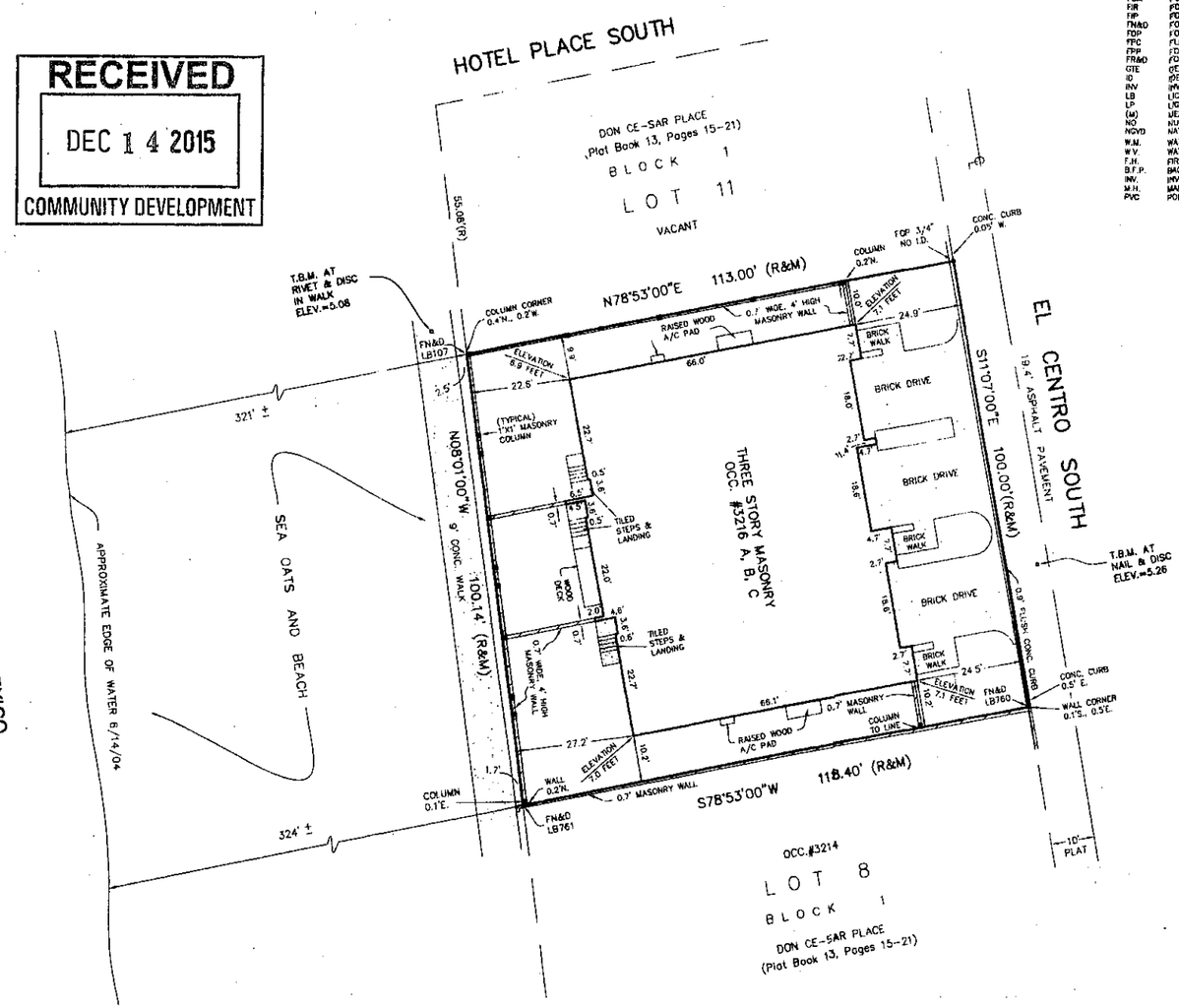
(Notary Signature) (Date)

My Commission Expires _____

D. MICHELLE LOWERY
MY COMMISSION # FF 935157
EXPIRES: November 12, 2019
Bonded Thru Notary Public Underwriters

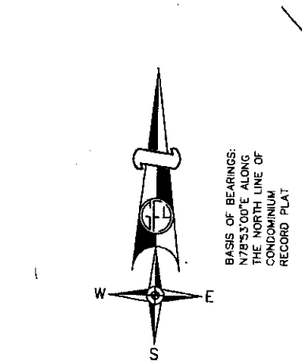
Attachment F.

RECEIVED
DEC 14 2015
COMMUNITY DEVELOPMENT



LEGEND

A	ARC	OCC	OCCUPIED
A\C	AIR CONDITIONER	OHL	OVER HEAD LINES
BLDG.	BUILDING	(P)	PLAT
C	CHORD	PC	POINT OF CURVE
CALC	CALCULATED	PCC	POINT OF COMPOUND CURVE
CB	CHORD BEARING	PCP	PERMANENT CONTROL POINT
℄	CENTER LINE	PI	POINT OF INTERSECTION
CLF	CHAIN LINK FENCE	PLS	PROFESSIONAL LAND SURVEYOR
CONC	CONCRETE	P.O.B.	POINT OF BEGINNING
COV	COVERED	PP	POWER POLE
(D)	DESCRIPTION	PRC	POINT OF REVERSE CURVE
DIP	DUCTILE IRON PIPE	PRM	PERMANENT REFERENCE MONUMENT
ELEV	ELEVATION	PSM	PROFESSIONAL SURVEYOR AND MAPPER
ESMT	EASEMENT	PVC	POLYVINYL CHLORIDE
FCM	FOUND CONCRETE MONUMENT	RAD	RADIUS
FIR	FOUND IRON ROD	(R)	RECORD
FIP	FOUND IRON PIPE	RCP	REINFORCED CONCRETE PIPE
FN&D	FOUND NAIL AND DISK	RNG	RANGE
FOP	FOUND OPEN IRON PIPE	R/W	RIGHT OF WAY
FPC	FLORIDA POWER CORPORATION	SCM	SET CONCRETE MONUMENT
FPP	FOUND PINCHED IRON PIPE	SEC	SECTION
FR&D	FOUND RIVET AND DISK	SIR	SET 1/2" IRON ROD LB 021
GTE	GENERAL TELEPHONE EXCHANGE	SN&D	SET NAIL AND DISK
ID	IDENTIFICATION	SR&D	SET RIVET AND DISK
INV	INVERT ELEVATION	TBM	TEMPORARY BENCH MARK
LB	LICENSED BUSINESS	TV	TELEVISION
LP	LIGHT POLE	TWP	TOWNSHIP
(M)	MEASURED	WF	WOOD FENCE
NO	NUMBER	#	NUMBER
NGVD	NATIONAL GEODETIC VERTICAL DATUM		
W.M.	WATER METER		
W.V.	WATER VALVE		
F.H.	FIRE HYDRANT		
B.F.P.	BACK FLOW PREVENTOR		
INV.	INVERT		
M.H.	MANHOLE		
PVC	POLYVINYL CHLORIDE PIPE		



A BOUNDARY SURVEY OF

PASS-A-GRILLE TOWNHOUSES, A CONDOMINIUM
As recorded in Condominium Plat Book 108, Pages 96 and 97
Public Records of Pinellas County, Florida

St. Petersburg Beach, Florida

NOTES:

1. AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12103C0278G, PANEL 278, EFFECTIVE DATE 09/03/03, THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE AE WITH A BASE FLOOD ELEVATION OF 12 FEET.
2. THIS SURVEY IS A GRAPHIC DEPICTION OF THE CURRENT BOUNDARY AND CURRENT IMPROVEMENTS IN ACCORDANCE WITH THE LEGAL DESCRIPTION SHOWN HEREON AND MAY NOT REFLECT OWNERSHIP.
3. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CURRENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
6. THE LOCATION OF FOUNDATIONS OR STRUCTURES BENEATH THE SURFACE HAS NOT BEEN DETERMINED
7. ELEVATIONS SHOWN HEREON REFER TO NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 88. BENCHMARK USED WAS "NOAA 1973", LOCATED NEAR THE INTERSECTION OF EL CENTRO AND 33RD AVENUE, HAVING A PUBLISHED ELEVATION OF 6.82 FEET.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:

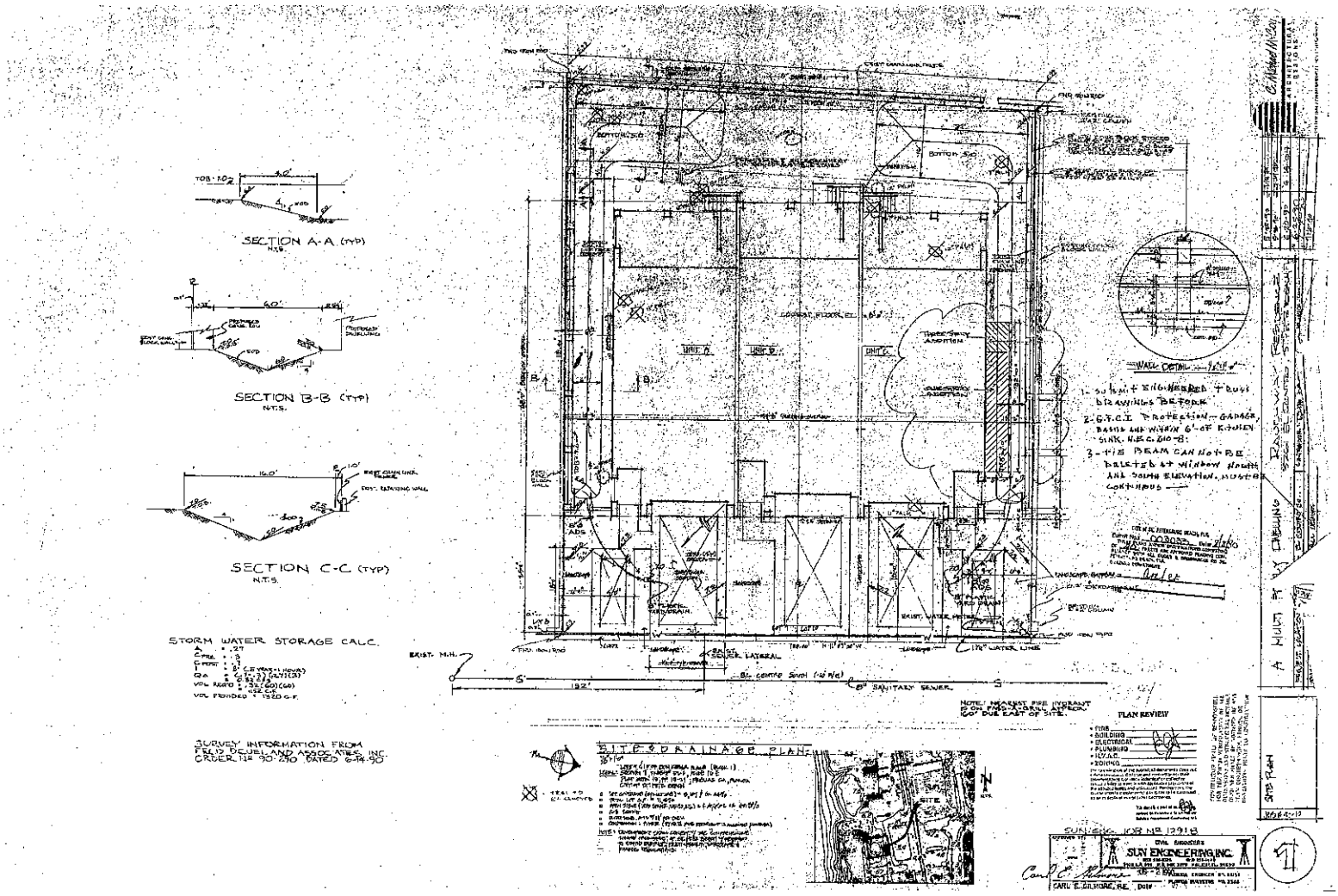
Pass-A-Grille Townhouses Condominium Assoc.

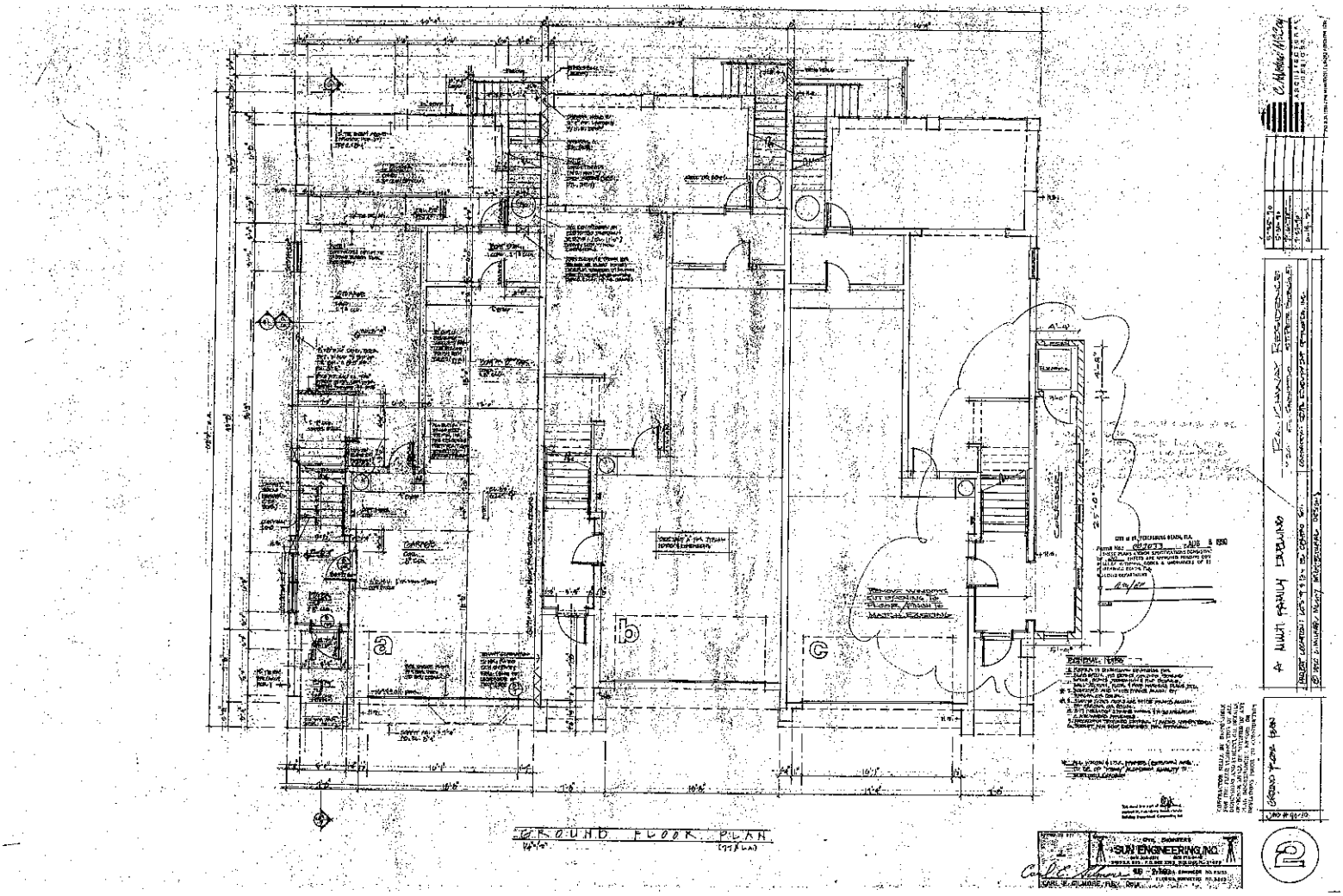
REVISIONS

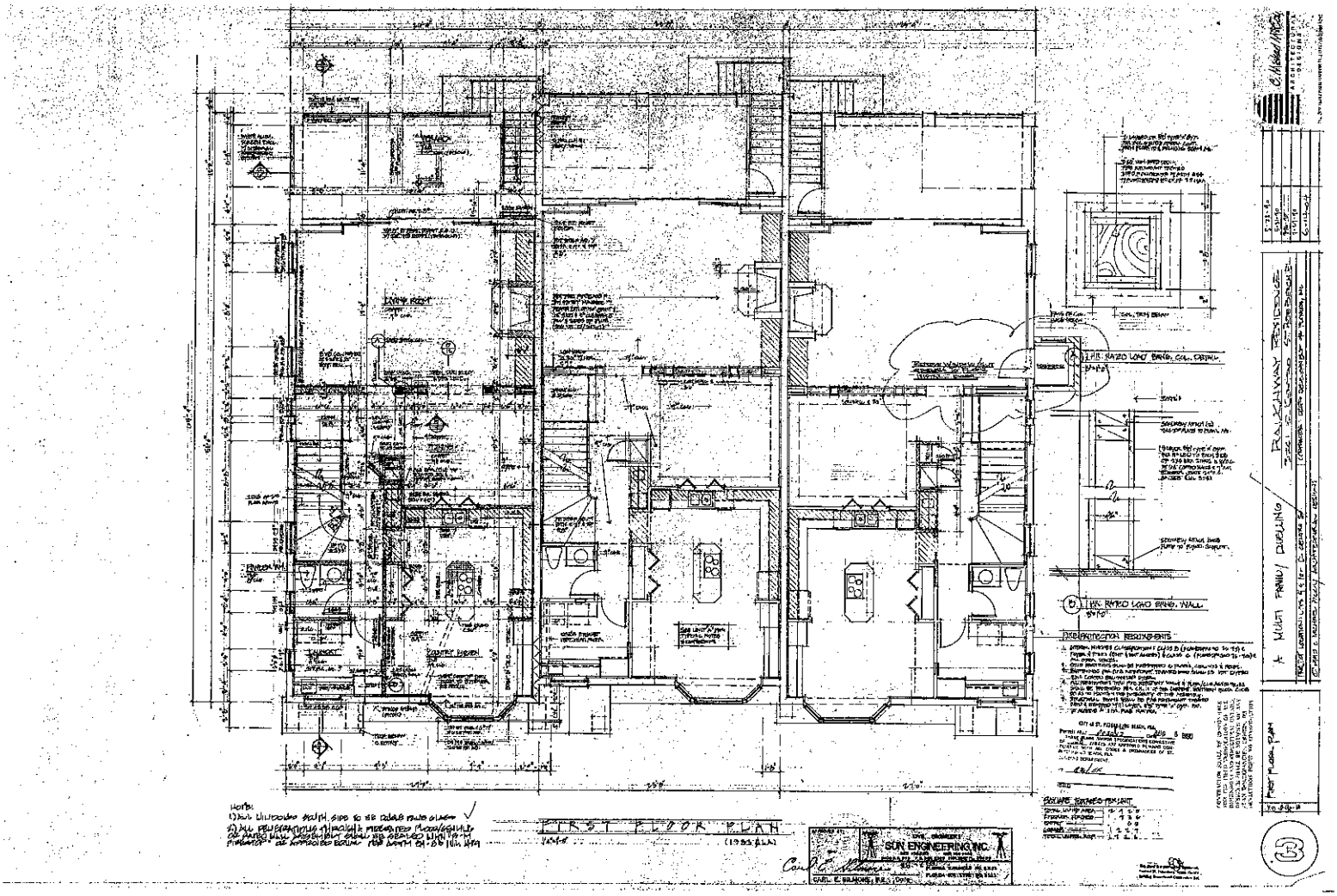
George F. Young, Inc.
LICENSED BUSINESS 021
ARCHITECTURE ▪ ENGINEERING ▪ ENVIRONMENTAL
LANDSCAPE ARCHITECTURE ▪ PLANNING ▪ SURVEYING
ST. PETERSBURG ▪ TAMPA ▪ BRADENTON ▪ GAINESVILLE
RESPONSIBLE OFFICE: 299 Dr. Martin Luther King, Jr. Place North

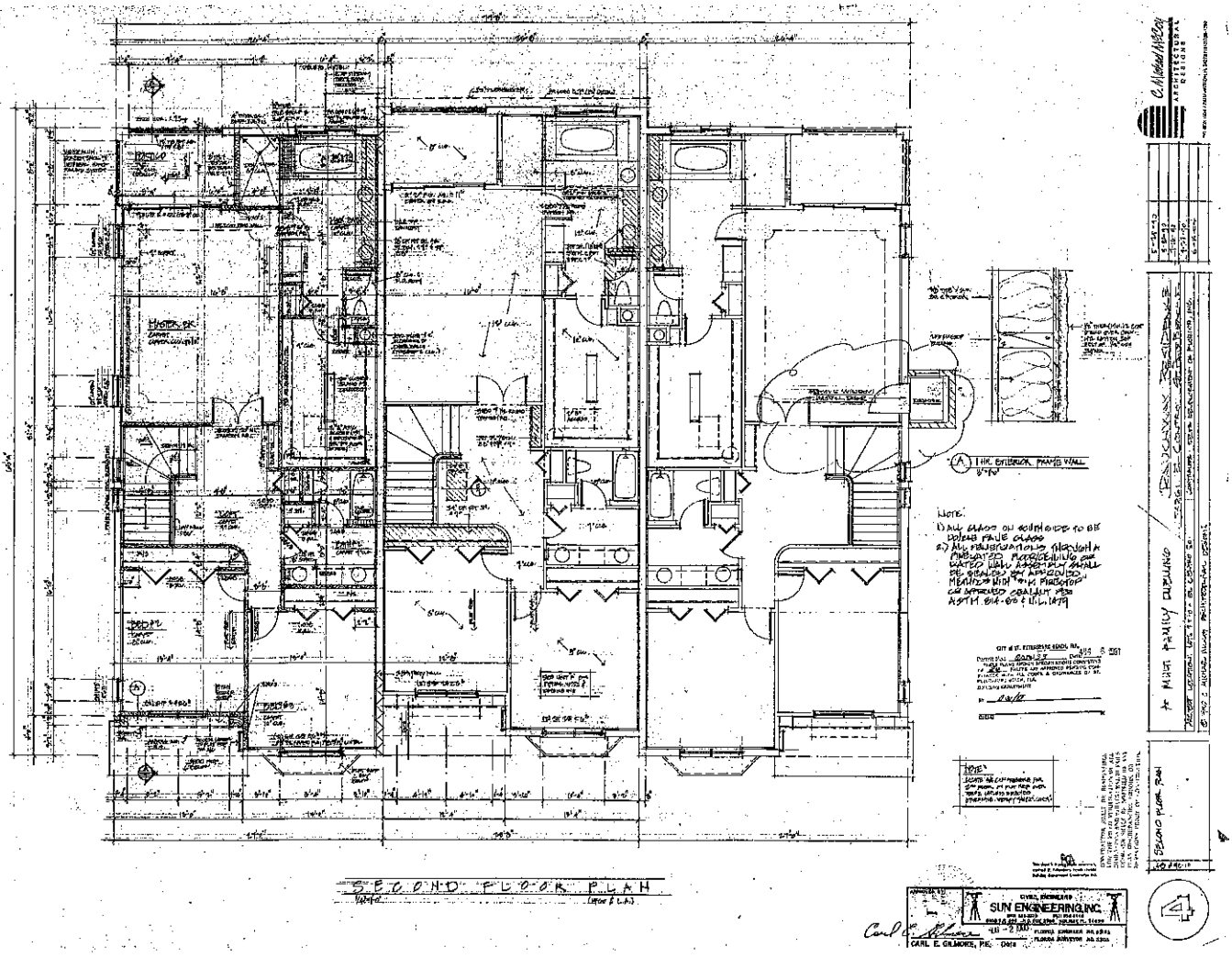
SHEET 1

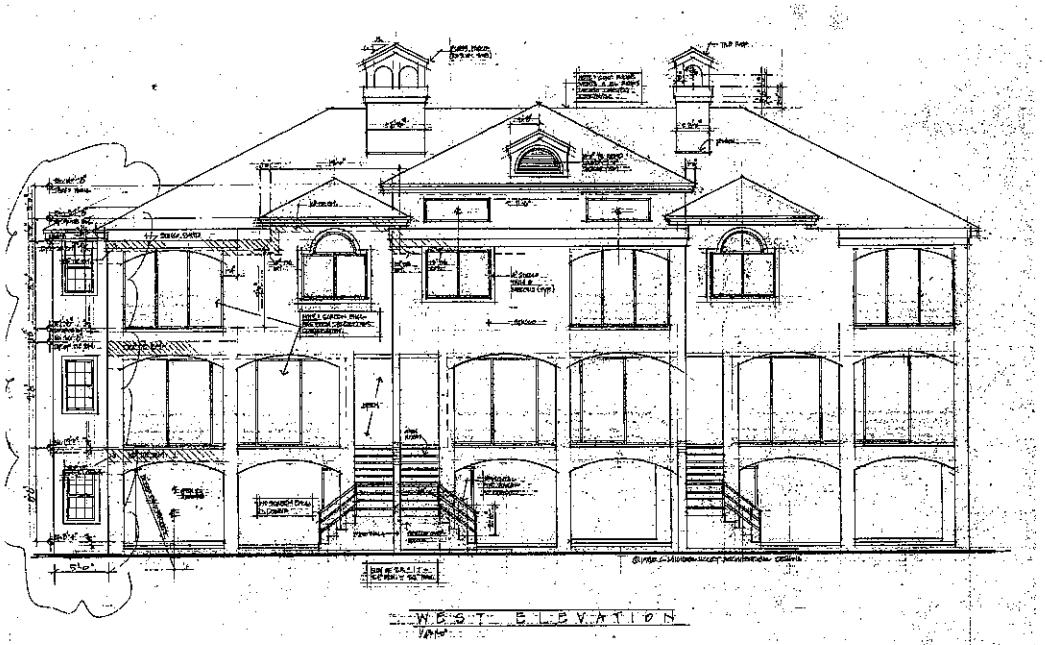
Attachment G.



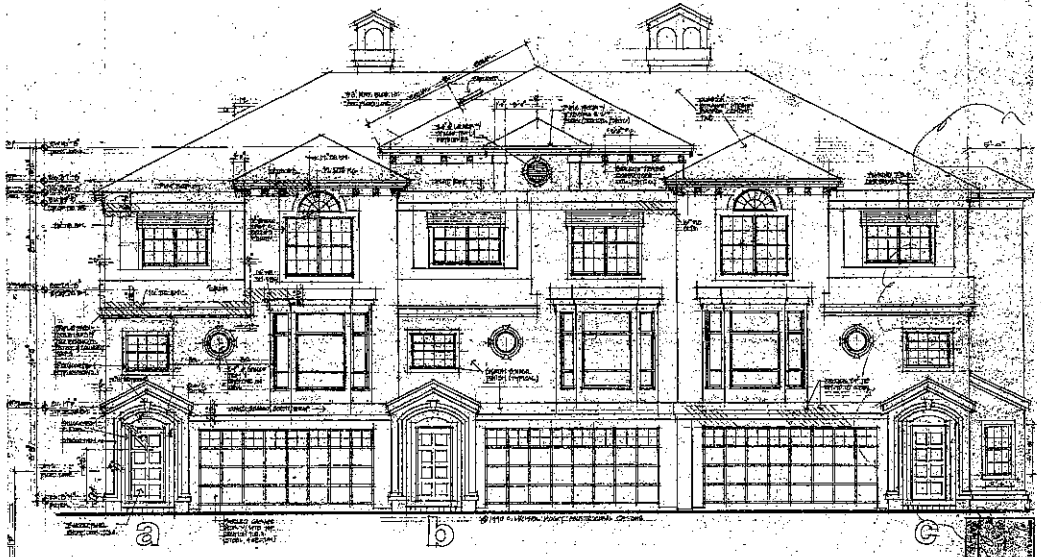

GROUND FLOOR PLAN
SUN ENGINEERING INC.


FIRST FLOOR PLAN
SUN ENGINEERING INC.
CARL E. SOLMONS, P.E. - DATE
RAILWAY RESIDENCE
FIRST FLOOR PLAN


SECOND FLOOR PLAN
SUN ENGINEERING INC.
CARL E. GILMORE, PE
SECOND FLOOR PLAN



WEST ELEVATION



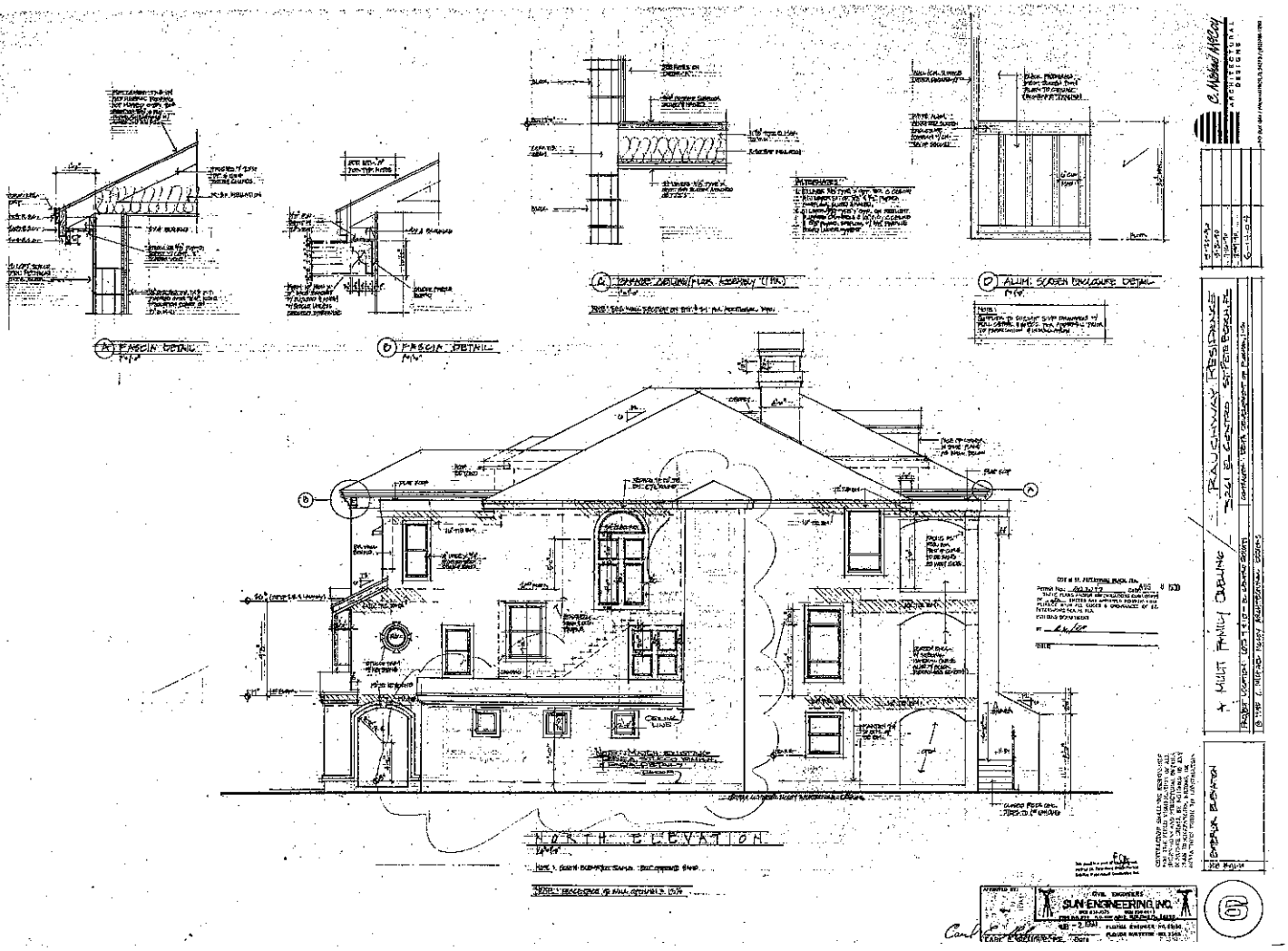
EAST ELEVATION

EXTERIOR ELEVATIONS

A MULTI FAMILY DWELLING

RANCHWAY RESIDENCE

C. Michael McCoy ARCHITECTURAL DESIGNS


A FASCIA DETAIL
D FASCIA DETAIL
A GARAGE CEILING/FLOOR ASSEMBLY (1 HR.)
D ALUM. SIDING EAVE/GABLE DETAIL
NORTH ELEVATION
A. MICHAEL MACKAY
ARCHITECTURAL DESIGNS
SUN ENGINEERING, INC.

Attachment H.

January 22, 2016

Mike Larimore
City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Case No. 2015-0068
3216 El Centro Street South #A ("Elevator Property")
Susanne & Michael Ward

Dear Mr. Larimore:

This communication is being submitted on behalf of my mother, Katherine Chmielewski, who is the owner of the real property and improvements located at 3214 El Centro Street, St. Pete Beach, FL. My mother wanted to attend the hearing on January 27, 2016 but is unable to due to a prior commitment. The purpose of this communication is to formally object to the above-referenced variance request for the Elevator Property.

The grounds for the objection are as follows:

1. The proposed elevator structure would be located directly outside the north facing windows of my mother's house and would eliminate any views from that location. The proposed elevator structure would be at the Elevator Property's southern lot line and would constitute a three story wall directly outside my mother's north-facing windows. One of the benefits in having a single family residence is not to be walled in by a neighboring property owner. The construction of the proposed elevator would eliminate this benefit and reduce the value of my mother's property.
2. My mother currently utilizes a bedroom on the northern side of her house on a regular basis. She is concerned about possible noise due to the presence, use and operation of an elevator directly outside of the window in the bedroom she uses.
3. The Elevator Property is located in a development that contains three townhouses. The applicant is correct in stating that the person who owns the townhouse on the northern most side of the Elevator Property ("Northside Owner") installed an elevator. There is a critical difference; however, since the Northside Owner's townhouse adjoins a public park. Given this fact, their elevator does not affect any neighboring homeowners.

Please note that this is not a blanket objection to the installation of an elevator anywhere on the Elevator Property. My mother is open to the installation of an elevator on the Elevator Property provided it does not interfere with her peace and enjoyment of her property and does not detrimentally affect the value of her property. The current proposal for the Elevator Property does not meet that criterion.

Thank you for your consideration in this matter. Feel free to contact me if you have any questions.

Regards,

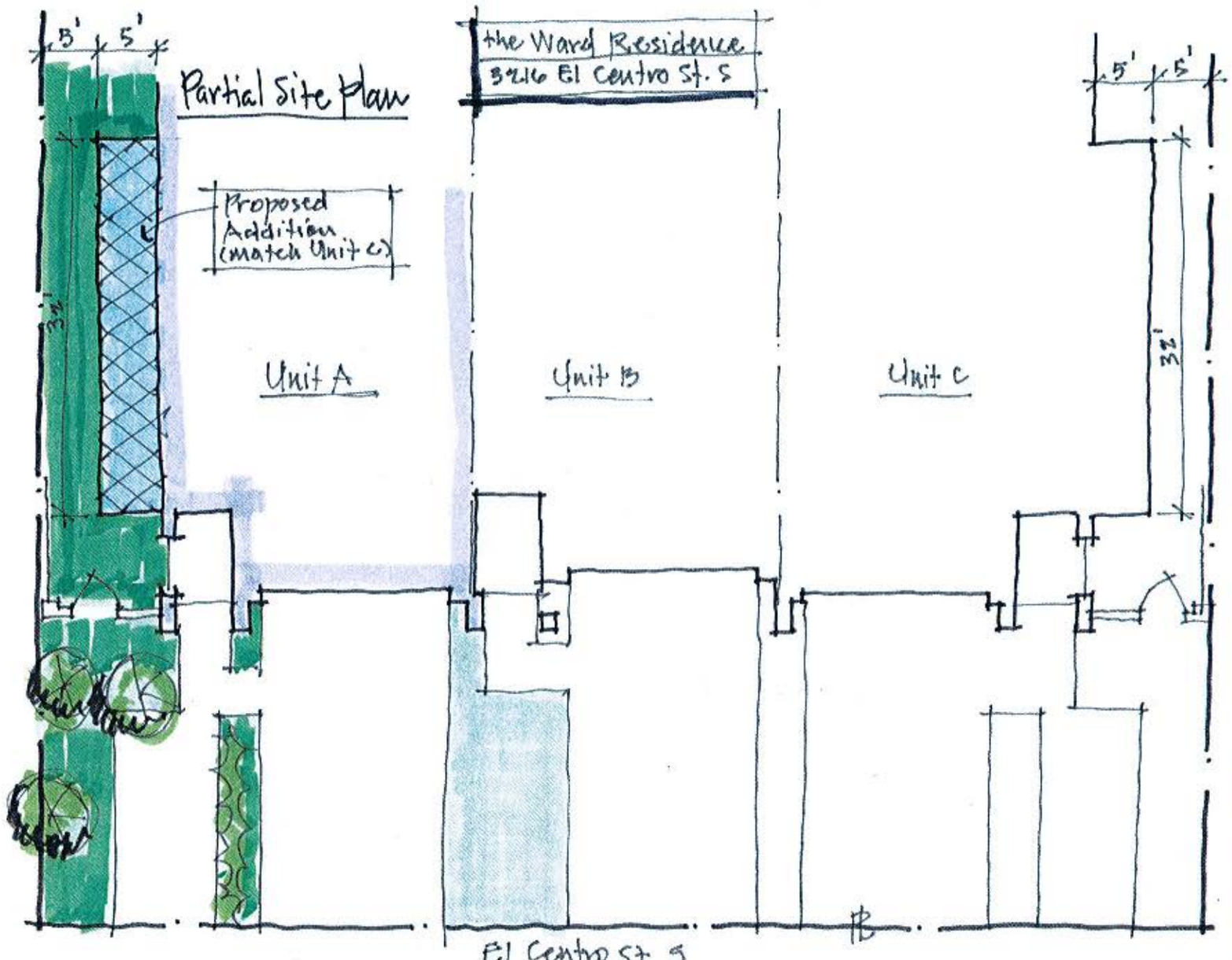
Paul Chmielewski
paulchm@gmail.com
303-263-3488

Attachment I.

From: Audrey Rauchway
To: Mike Larimore
Subject: Variance Case #2015-0068
Date: Wednesday, February 24, 2016 10:33:50 AM

I live at 3216C El Centro. I wish to provide the Board with the following facts prior to its making a decision about the above referenced request for a variance: 1) The property owners requesting this variance, the Wards, are requesting the identical variance my husband and I received about 12 years ago for our unit, 3216C El Centro. Recently, the son of the adjacent property owner to the south of 3216A El Centro, Mark Chmielewski, stood outside my unit next to our elevator while I rode up and down in it. He was unable to detect **any** noise and Mark so stated. Noise from the elevator is simply not a factor. 2) It is my understanding that if the property at 3216 El Centro were a single family home or, for that matter, a double (two homes with a common wall), no variance would be required since the new construction would be within the set back requirements. It is only because the existing condominium structure is three residences that it is designated "commercial" and thus requires a larger set back. In fact, Mrs. Chmielewski's property, a single family home, is much closer to the common property line than our existing three family structure. Although I have not surveyed the properties, it appears the Wards' proposed addition would be about the same distance from the common property line as the Chmielewski property is now. Thank you for your attention to this matter. Audrey Rauchway

Attachment J.

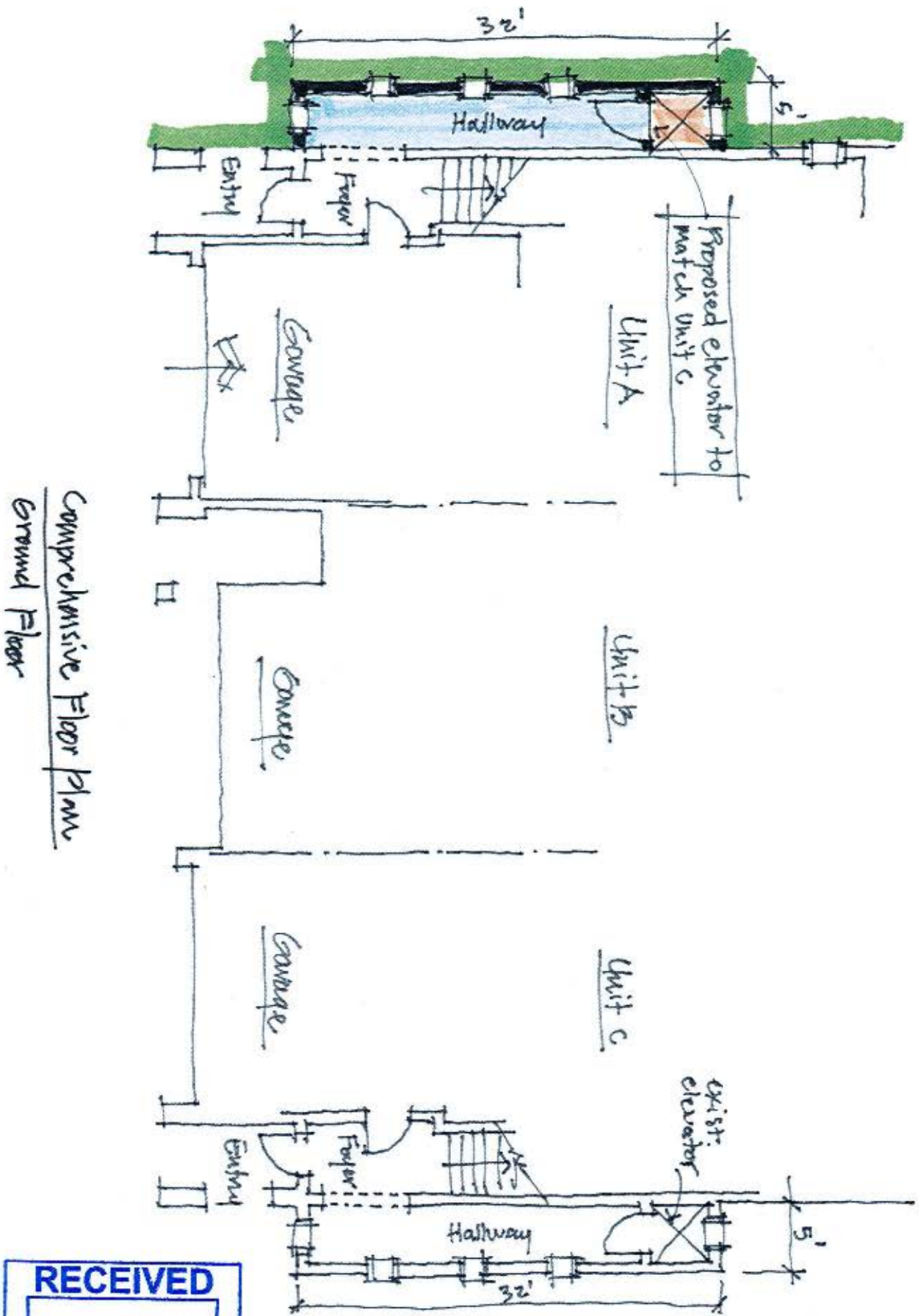


RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL 34681
(TEL.) 727.786.1292

THE WARD RESIDENCE
ELEVATOR ADDITION TO AN EXISTING DWELLING
3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL
FEBRUARY 3, 2016
NOT TO SCALE

1



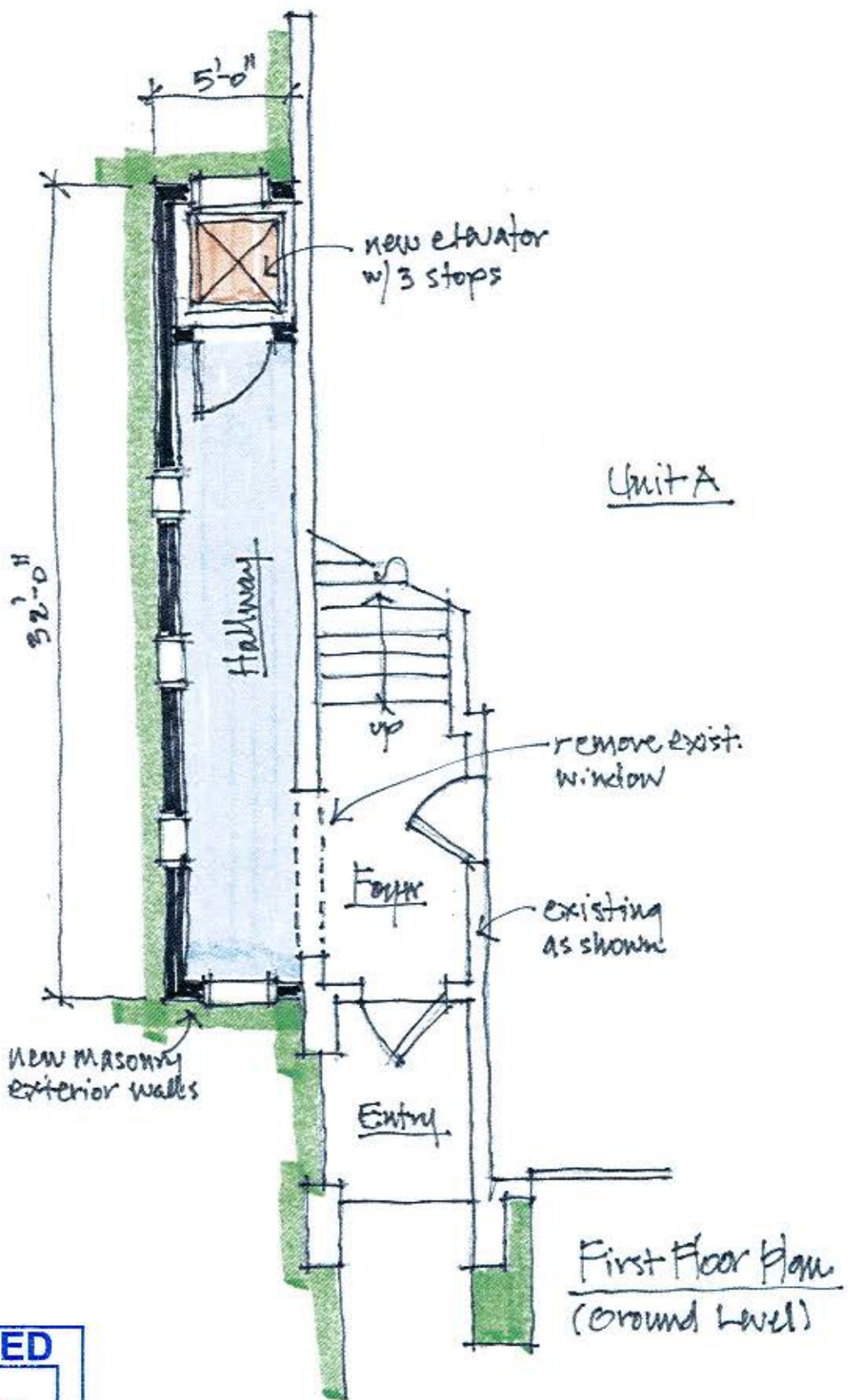
Comprehensive Floor Plan
Ground Floor

RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

2

THE WARD RESIDENCE
ELEVATOR ADDITION TO AN EXISTING DWELLING
3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL
FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL. 34681
(TEL.) 727.786.1292



RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

3

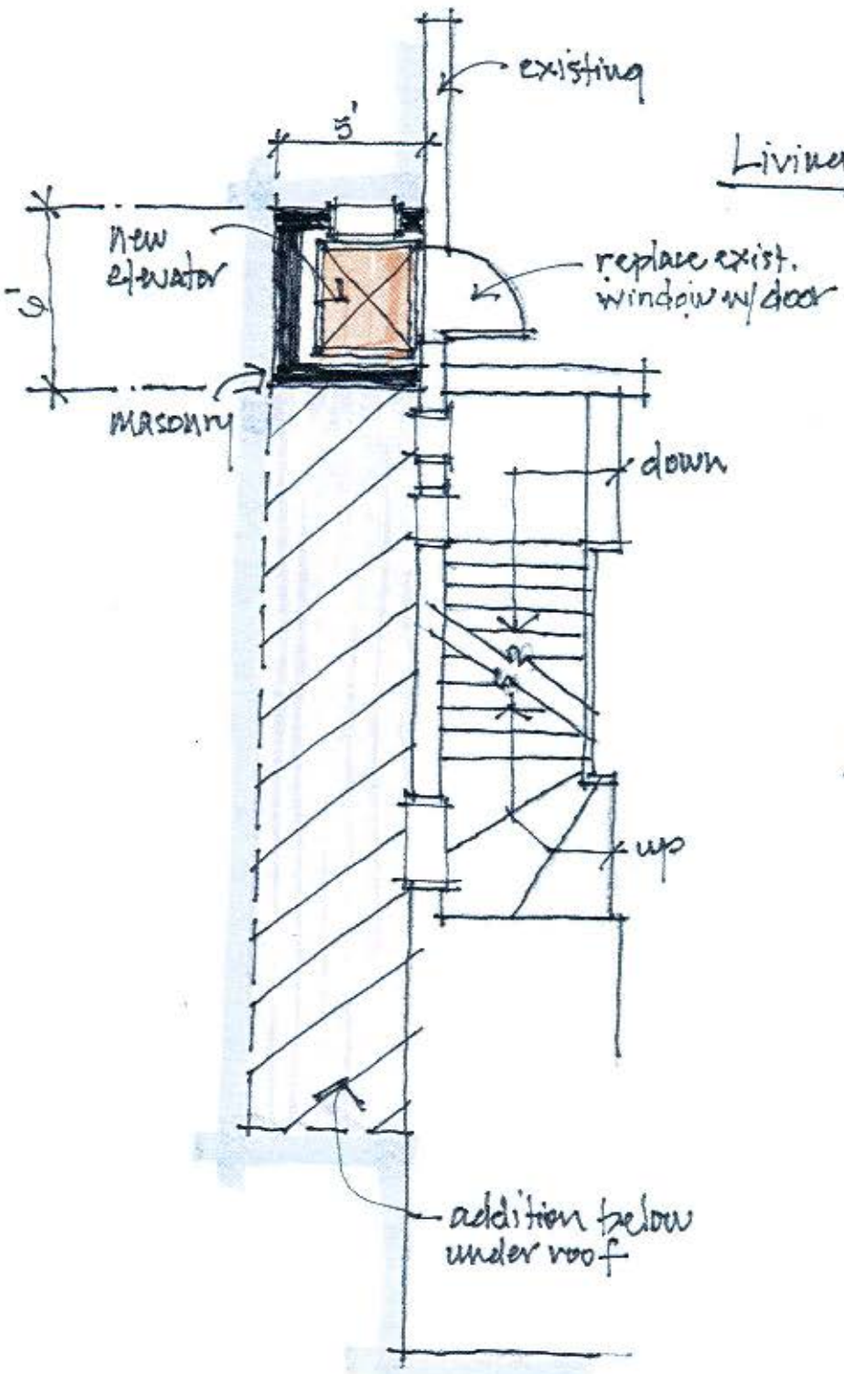
THE WARD RESIDENCE

ELEVATOR ADDITION TO AN EXISTING DWELLING

3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL

FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL 34681
(TEL.) 727.786.1292



Second Floor Plan

RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

4

THE WARD RESIDENCE
ELEVATOR ADDITION TO AN EXISTING DWELLING
3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL
FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
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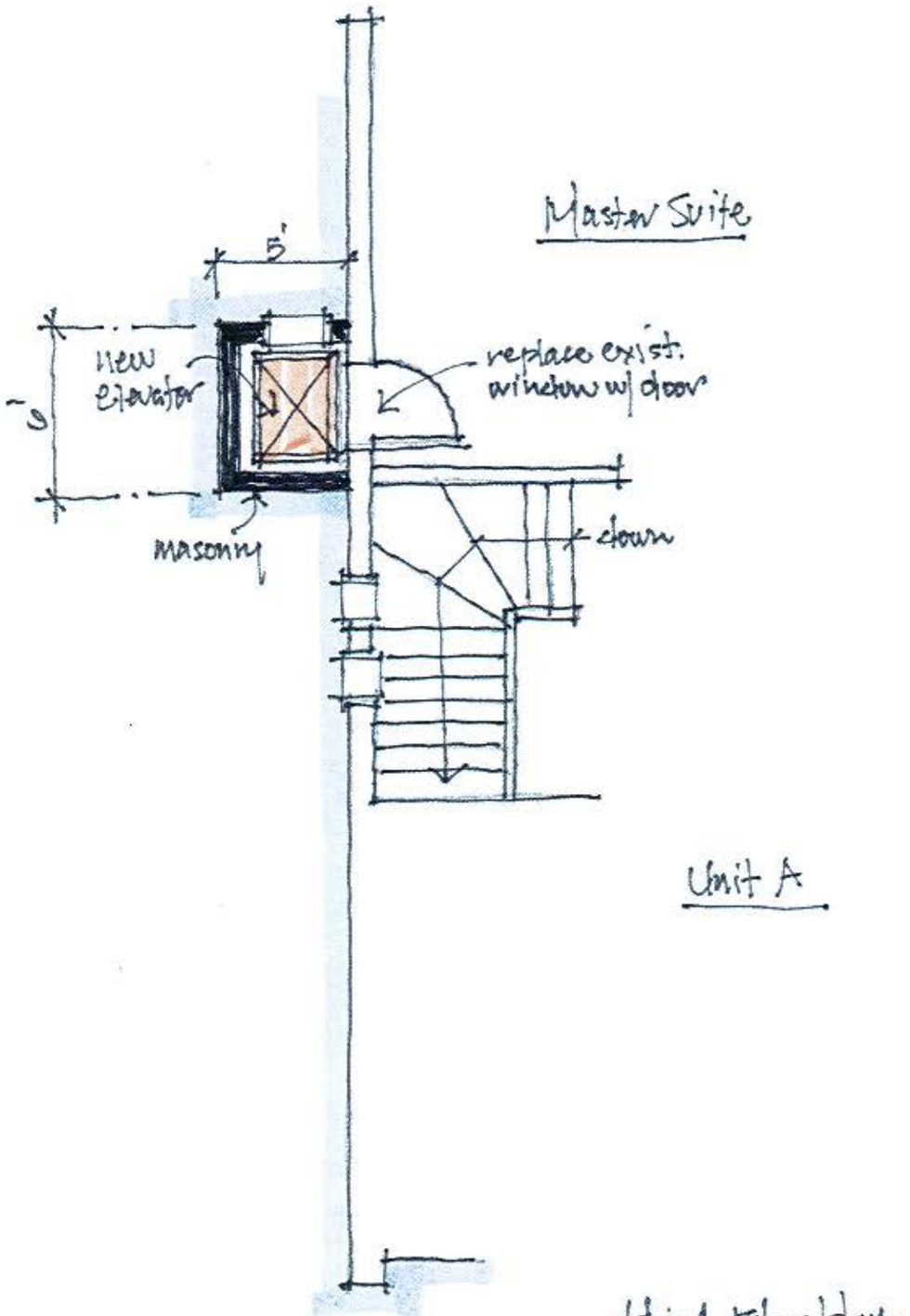

Third Floor Plan

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COMMUNITY DEVELOPMENT

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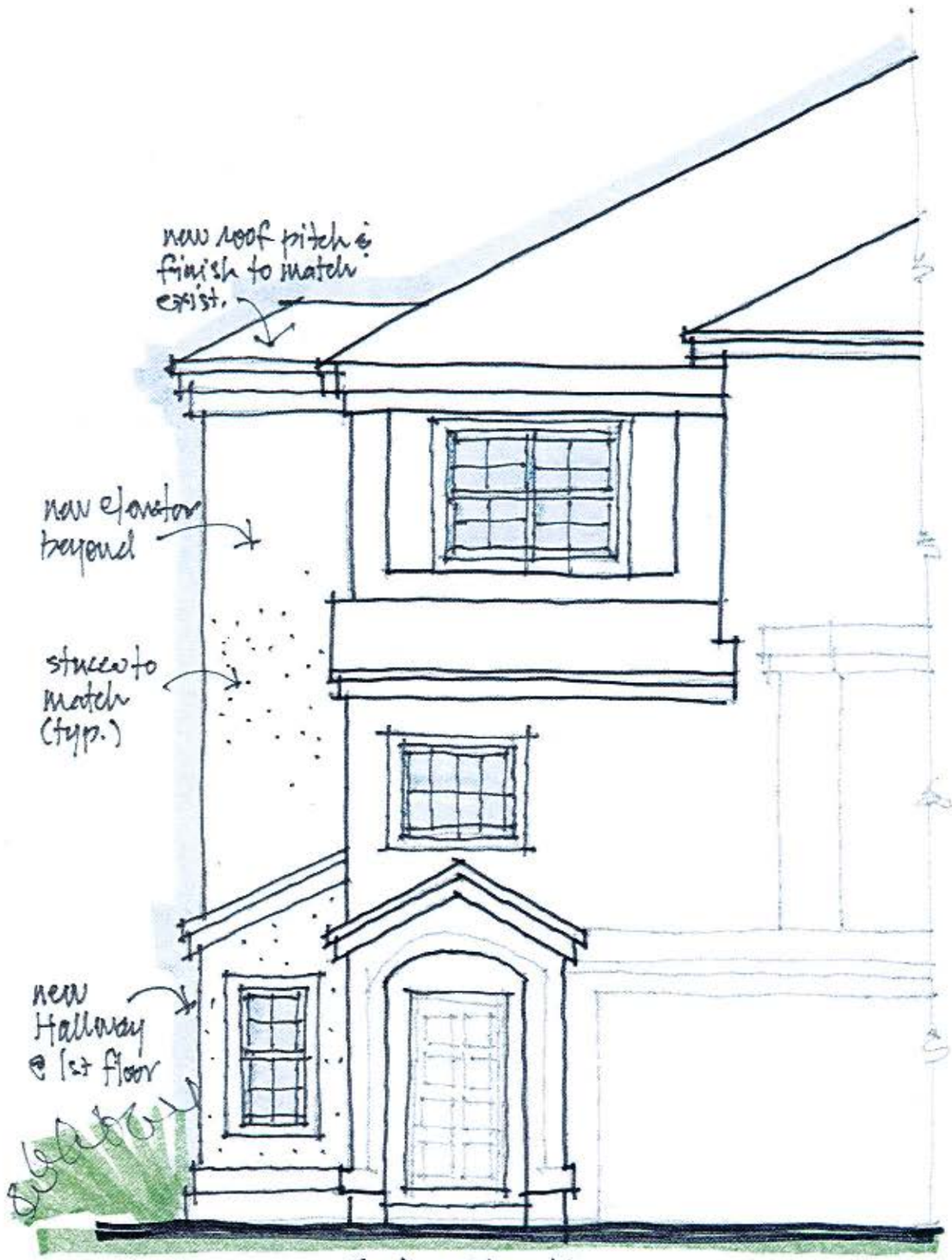
THE WARD RESIDENCE
ELEVATOR ADDITION TO AN EXISTING DWELLING
3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL
FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL 34681
(TEL.) 727.786.1292



Entry Elevation

RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

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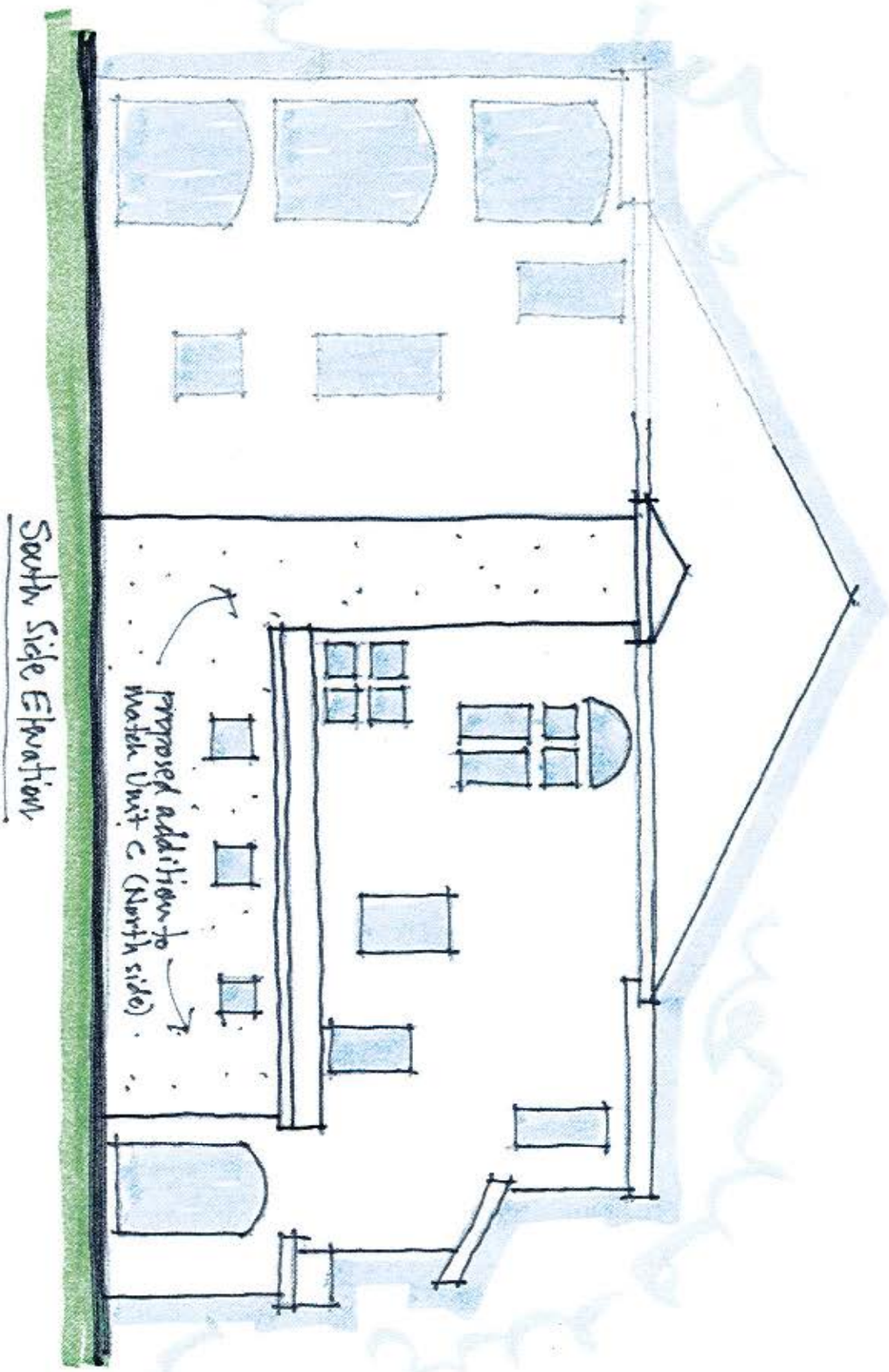
THE WARD RESIDENCE

ELEVATOR ADDITION TO AN EXISTING DWELLING

3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL

FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL 34681
(TEL.) 727.786.1292



RECEIVED
MAR 15 2016
COMMUNITY DEVELOPMENT

7

THE WARD RESIDENCE

ELEVATOR ADDITION TO AN EXISTING DWELLING

3216 EL CENTRO ST. S (UNIT A) - ST. PETE BEACH, FL

FEBRUARY 3, 2016 NOT TO SCALE

C. MICHAEL MCCOY
RESIDENTIAL DESIGNS, INC.
POST OFFICE BOX 1305
CRYSTAL BEACH, FL 34681
(TEL.) 727.786.1292

Attachment K.

March 16, 2016

Mike Larimore
City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, FL 33706

RECEIVED
MAR 23 2016
COMMUNITY DEVELOPMENT

Re: Variance Request ("Request")
Case No. 2015-0068
3216 El Centro Street South #A
Susanne & Michael Ward ("Applicants")

Dear Mr. Larimore:

This correspondence supplements my original Objection Letter dated January 22, 2016, that was previously submitted regarding the above-referenced Request. It is my understanding that the Applicants are assembling additional information and/or documents and their Request will be reconsidered at the Board of Adjustment meeting on March 30, 2016. The following information highlights the legal basis requiring the Board to DENY the Request.

A. There is no evidence on record to support the claim that the installation of the proposed elevator will result in structural problems for the applicant's residence

Section 3.12(1)(a) of the St. Pete Beach City Code states:

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

(a) The existence of conditions and circumstances ***that are peculiar to the subject land, structure or building*** and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; . . . (emphasis added)

Pursuant to Section 3.12(1)(a), a variance can only be granted if an applicant demonstrates a condition peculiar to the property or improvements thereon justifying a variance. Although Applicant's stated medical condition is unfortunate and may be very problematic for them personally, their medical

condition is not relevant when determining whether their residence has a peculiar condition that will allow the Board to consider their Request.

Applicants have also stated that 5 different contractors concluded that adding the proposed elevator to their existing residential unit would cause structural problems. None of those contractors have provided either oral or written testimony to support this allegation. As a result, there is no credible evidence on record to support a finding that the addition of an elevator to the existing residential unit would result in structural problems. Without such evidence, the City Code prohibits the analysis from going any further and the applicant's Request must be DENIED.

B. Variances granted for other properties cannot be considered when analyzing the applicant's variance request

Section 3.12(1)(b) of the City Code provides:

> (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance;

The applicants have cited the presence of an elevator at the townhome located at the northern unit in their development in support of their Request. As has been previously stated, the elevator on the neighbor's property is adjacent to a public park. Due to the different uses of a park and a private residence, an analysis of an elevator in the setback area next to a private residence is much different than an elevator located next to a public park. Regardless, pursuant to Section 3.12(1)(b) of the City Code, the presence of the elevator on the neighbor's property is irrelevant when considering Applicant's Request and should not be considered.

Given the foregoing, the Applicant has not satisfied the minimum statutory threshold that would permit the Board to begin consideration of their Request. The applicable City Code requires that Applicant's Request be DENIED.

Regards,

Paul Chmielewski

Attachment L.

C. Michael McCoy Residential Designs, Inc.
Residential Building Designer
Post Office Box 1305 ~ Crystal Beach, Florida 34681
(727) 786-1292 cmm@mccoyresidentialdesigns.com

RECEIVED
APR 08 2016
COMMUNITY DEVELOPMENT

Date: April 7, 2016

To: City of St. Pete Beach
Community Development Department
Board of Adjustment

Case No.: 2015-0068

Applicant & Address: Susanne & Michael Ward ~ 3216 El Centro St. S (Unit #A)

Dear Board Members:

I am writing on behalf of my client, the Applicant in the case before you. The original Variance Application was submitted in December of last year. As I understand it, a decision has once again been postponed until next month's scheduled hearing.

I am the original Designer of the building. I prepared schematic illustration sketches of the proposed elevator (dated 2/3/16) for your consideration. From what I gather, the neighbor directly to the South initially expressed opposition based on a concern for assumed noise levels. I believe that argument was successfully dispelled.

The Wards asked me if an elevator could be installed within the existing structure. I'd like to share my response with you, for the record.

While virtually anything is possible, it is not plausible in this scenario. I have studied the floor plans for a solution. Frankly, due to the narrow width of the unit, installing an interior elevator would destroy the floor plan. Additionally, even if we pursued that path, the cost of construction would be prohibitive. It would be a very invasive project adversely affecting the current plan flow, room sizes, finishes, and more significantly, the structure itself (e.g. foundation, columns, load bearing walls, beams, cutting through floors, etc.).

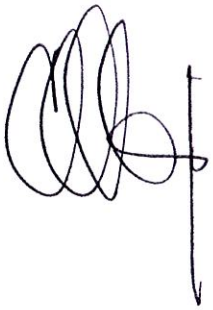
Retrofitting for an elevator always presents a design challenge. However, in the Applicant's case, they have the perfect scenario. They simply want to match exactly what was previously approved by variance in 2004 on the North end of the same building (Unit #C). The proposed exterior installation is the least intrusive and cost effective option available to us. As the original Designer, I'd also like to state that the aesthetic impact is not an issue (in case that point is made by others).

1

These units were built in 1990. At that time, elevators were considered an option. Currently, they are considered a standard feature in multi-level dwellings, and not a luxury indulgence. The driving force behind this request is Mr. Ward's medical issue. Stair lifts were previously installed at all interior stairs on all floor levels. However, the stairs are not in a continuous run, so it is very difficult for Mr. Ward to move from floor-to-floor. Furthermore, I am concerned because those lifts reduce the minimum stair width required by the applicable Building, Accessibility, and Life Safety Codes. In this situation, an elevator is truly a necessity. Denying a variance for the purpose of constructing an elevator for building accessibility would preclude all reasonable use of the property by disabled persons, especially those who are mobility challenged.

Quite honestly, the decision you ultimately reach has a direct impact on the Applicant's quality of life. In conclusion, I respectfully ask the Board to consider voting in favor of the requested variance application before you.

Sincerely yours,



C. Michael McCoy

St. Pete Beach
Board of Adjustment

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

4/27/16

Variance Case #2016-0018

Applicant/Agent
Richard Myers, Agent

Location
6712 Gulf Blvd.

Commission District
District 2

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
Code Enforcement Cases
#2015-0011 &
#2015-0119

Findings:
1. Does not alter district boundary, create a non-conforming use, increase density or allow a use not permitted in the district.
2. The variance is in general harmony with the Land Development Code
3. The variance is the minimum allowable to make reasonable use of the land.

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 23.5: Required number of parking spaces	Restaurant Use: 1 parking space / 100 ft² of floor area 2,576 ft² = 26 spaces	4 spaces	4 spaces

Applicant requests a variance to Section 23.5 of the Land Development Code (LDC) to reduce the required number of parking spaces.

Existing Use: Commercial (Restaurant)
Proposed Use: Commercial (Restaurant)
Adjacent Uses
North: Infrastructure (68th Avenue)
South: Commercial (Personal Service)
East: Infrastructure (Gulf Blvd.)
West: Residential (Transient Lodging)

The Applicant is requesting a variance to reduce the number of required parking spaces for a restaurant use. The applicant expanded the patron area of the business and therefore removed any grandfathering that the business had regarding the lack of required parking.

This variance request is part of a corrective action to remedy open Code Enforcement violations against the property. The violations involve expanding the restaurant service area without proper site plan review and failure to provide the appropriate number of additional parking spaces to accommodate the expansion; whether on-site or within 800 feet of the establishment.

The current on-site parking is comprised of 4 parking spaces and 4

Staff Recommendation
Denial

motorcycle parking stalls. There are 9 parking spaces located along 68th Avenue that are partially located in the public right-of-way. Prior to the expansion of the restaurant use, approximately 2 feet of parking spaces were in the public right-of-way; however, the expansion pushes the spaces further into the right-of-way. Spaces located in the public right-of-way are considered public parking and may not be considered as a part of required on-site parking. Nor may the spaces be signed for the exclusive use by the patrons of the restaurant.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes, including: a legal advertisement in a local newspaper, written notices of hearing to owners of property within 300 feet of the subject property, and the posting of a public hearing sign for 7 days on the subject property prior to the public hearing. As of the time of this report, no written comments have been received.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the CC-2 zoning district which allows for a variety of commercial uses including restaurants with or without outdoor seating. The Land Development Code requires that for every 100 square feet of restaurant area, one (1) off-street parking space be made available.

The Code states that required off-street parking shall be located either on the same property or on a non-contiguous property with the same zoning classification or a zoning classification which permits the same use as the use it is intended to serve located within 800 feet measured along the most direct pedestrian route.

The Code does not allow for motorcycle parking to be counted toward required parking regulations, nor does it include design requirements for such stalls.

The Code states that available on-street parking spaces shall not substitute required parking for adjacent properties. Since the spaces along 68th Avenue are located in the public right-of-way, these spaces would be considered on-street and not exclusive to the subject property.

STAFF RECOMMENDATION:

Staff recommends denial – The expansion of the business exacerbates the already existing deficiency of on-site parking. Staff recommends the Board deny the reduction of required parking spaces to accommodate the unapproved expansion of square footage. Staff further recommends that the applicant look for additional off-premise parking to satisfy the required parking requirements. Although there are several establishments with similar parking deficiencies; the Code clearly states that a non-conformity shall not be improved to create a greater non-conformity.

	Attachements: A. Relevant Code Section B. Aerial Photo C. Site Photos D. Survey E. Site Plan

Attachment A.

Sec. 23.3. - Applicability and scope.

(c) Where on-street parking is available, such on-street parking shall not be used as a substitute for any parking required by this Code.

Sec. 23.4. - General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

(k) Required off-street parking shall be located as follows:

(1) On the same or contiguous property of the use the parking is intended to serve;

(2) On non-contiguous property which has the same zoning classification or a zoning classification which allows the use as permitted or conditional, as the use the parking is intended to serve, provided:

a. The off premise parking is within eight hundred (800) feet of the principal use to be served, to be measured along the most direct pedestrian route; except for a restaurant, hotel, or theater use that operates and maintains a valet parking service for customers, for which the off premise parking may be located within one thousand (1,000) feet from the principal use it is intended to serve, to be measured along the most direct pedestrian route.
b. An identifiable pedestrian connection is provided between the off-premise parking area and the principal use it is intended to serve. The pedestrian connection shall require no crossing of a collector or arterial street, except at a signalized intersection.
c. A parking agreement in a form approved by the city attorney is recorded with the Clerk of the Circuit Court of Pinellas County, Florida, at the owner's expense providing that the off-premise parking area will not be disposed of except in conjunction with the sale or use of the building the parking area serves so long as the parking is required.

Sec. 23.5. - Number of parking spaces required.

Regardless of any other requirement of these regulations, each and every separate or individual store, office, or other business shall be provided with at least one off-street parking space, excluding required handicap parking, unless specific provision to the contrary is made herein.

The following minimum off-street parking requirements are applicable to all districts except as otherwise provided herein:

Restaurant	1 per 100 SF floor area

Sec. 23.11. - Parking construction and design requirements.

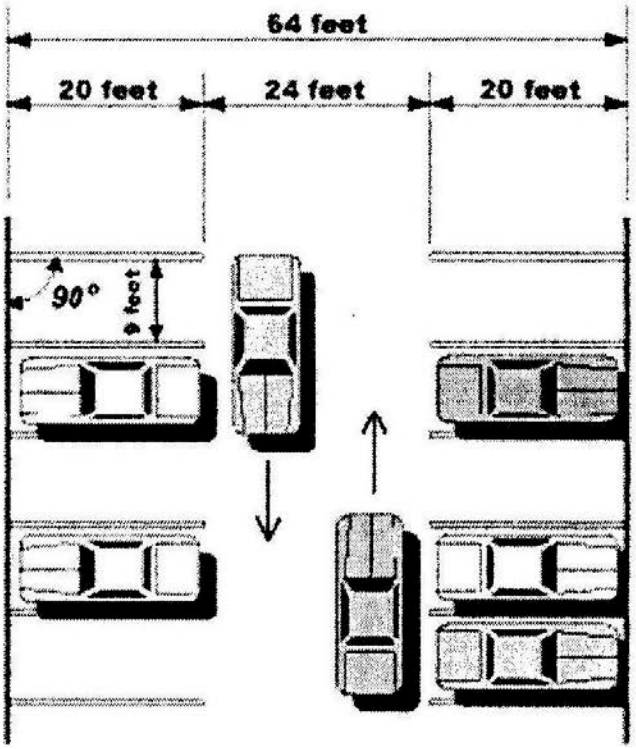
c) All other uses.

(1) In additional to meeting the general construction requirements of paragraph (a) above, all off-street parking areas shall be designed and constructed in accordance with the dimensional requirements illustrated below, except that in developments requiring more than 50 total parking spaces, a maximum of

25 percent of such spaces may be designed for compact car parking and may be as small as 8 feet by 16 feet in dimension. Any such space provided must be identified by legible signage as a compact car parking space.

a. Parallel. The dimensional requirements for parallel parking spaces are nine feet in width and 24 feet in length.

b. Perpendicular - 90 Degree. The dimensional requirements for this configuration are:



Description	Dimension
Parking space width	9 feet
Parking space length	20 feet
Driving aisle width (2-way)	24 feet
Two rows plus aisle width	64 feet

Attachment B.

Above: Subject property highlighted.

Attachment C.

Above: Subject property, 68th Avenue, facing west

Above: Subject property facing south

JOB NUMBER	DAVID C. HARNER	FLOOD MAP NUMBER
900769	REGISTERED LAND SURVEYOR	125149 0004 B
TELEPHONE (813) 323-5272	4923 18TH AVENUE SOUTH	FLOOD MAP DATE 3-2-83
DATE 9-21-90	GULFPORT, FLORIDA 33707	FLOOD ZONE "A12" (EL. 11')

CERTIFIED TO: K.P.S. Spoonbill Inc.

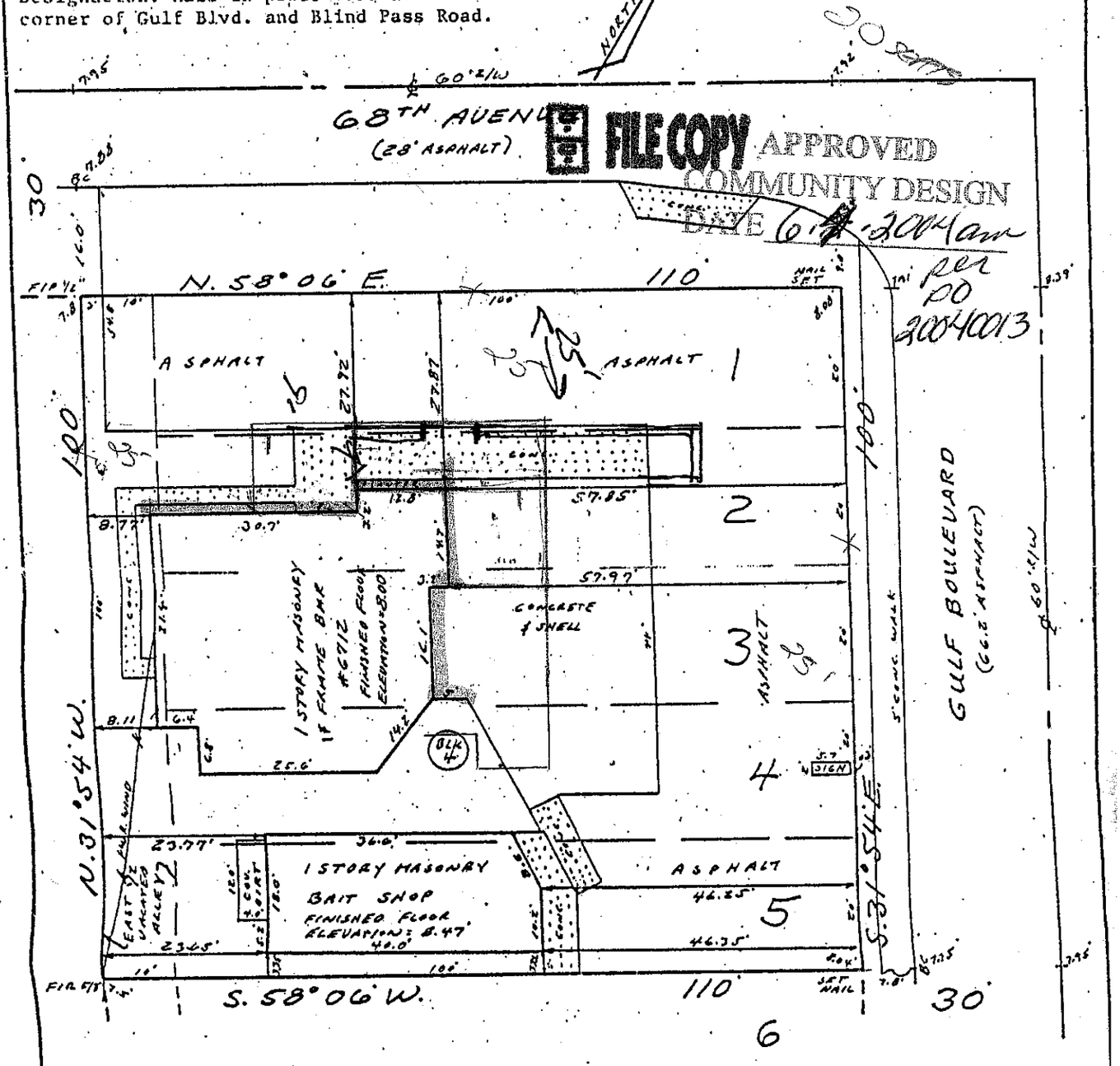
RECEIVED JUN 3 2004

SCALE: 1" = 20'

PLAN OF SURVEY

SEC. 36 TWP. 31 S.RGE. 15 E.

Benchmark Elevation=6.64'
Basis: Mean Sea Level=0.00'
Designation: Nail in power pole at the Southeast corner of Gulf Blvd. and Blind Pass Road.



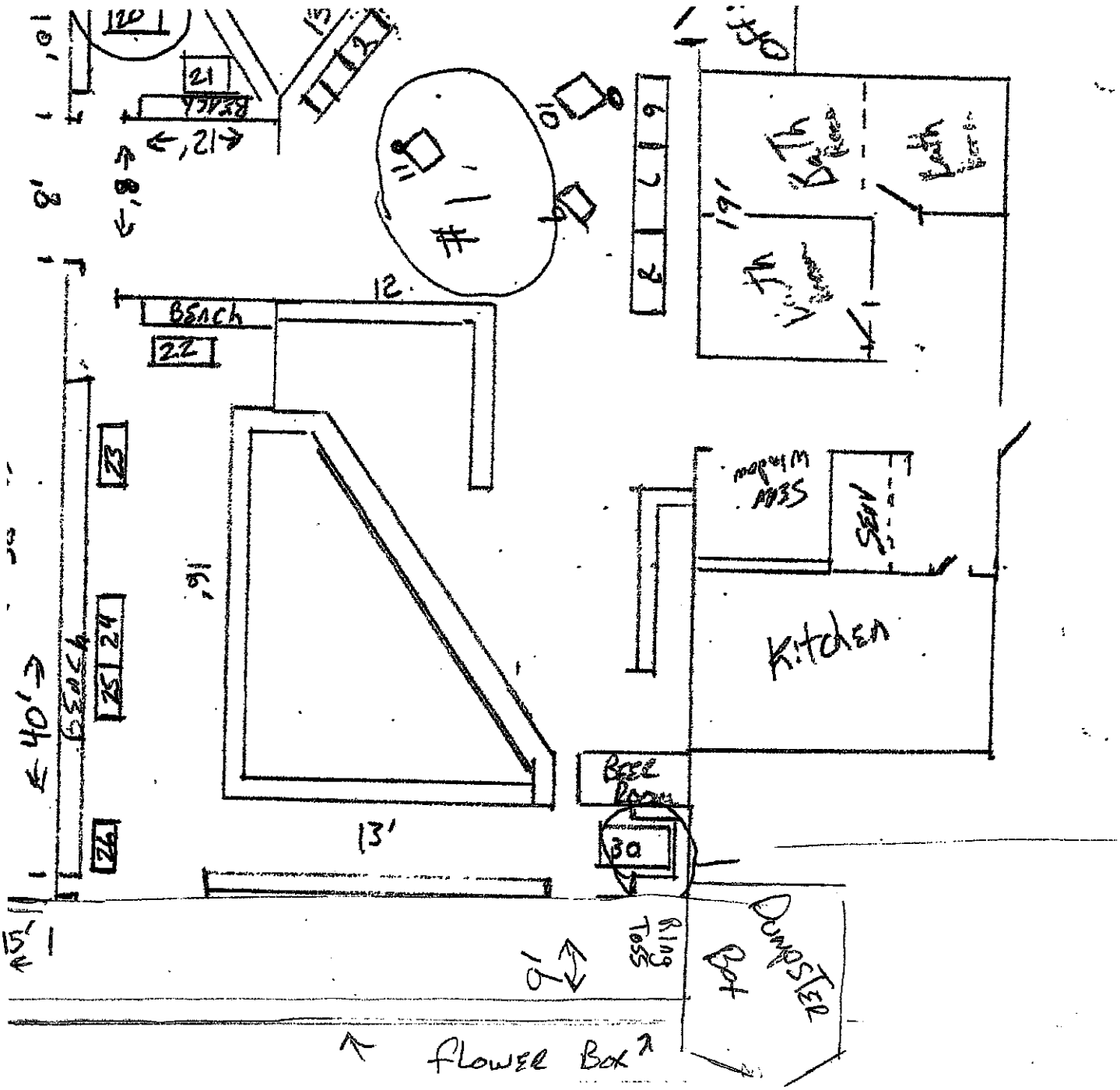
A land survey of Lots 1, 2, 3, 4 and 5, together with the East onehalf of Vacated Alley lying West of and Adjacent to said Lots, Block 4, ST. PETERSBURG BEACH SUBDIVISION FIRST ADDITION, as recorded in Plat Book 20, Page 11 of the Public Records of Pinellas County, Florida.

TO THE HEREON PARTY(IES), IN CONSIDERATION OF THE FEE PAID FOR MAKING THIS SURVEY, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OF ON THE SURFACE OF THE LANDS NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE REQUIREMENTS OF FLORIDA STATUTE 472.027; RULE 21 HH-6.

DAVID C. HARNER R.L.S. NO. 2550

LEGEND:

C.L.F. - CHAIN LINK FENCE
P.C. - POINT OF CURVE
B.M. - BENCH MARK
BLVD. - BOULEVARD
AL. SH. - ALUMINUM SHED
ADJ. - ADJACENT
P.O.B. - POINT OF BEGINNING
N. - NORTH
S. - SOUTH
E. - EAST
W. - WEST
BLK. - BLOCK
MAS. - MASONRY
P.P. - POWER POLE
S.I.R. - SET IRON ROD
F.I.R. - FOUND IRON ROD
F.I.P. - FOUND IRON PIPE
F.C.M. - FOUND CONCRETE MONUMENT
MEA. - MEASURED
CONC. - CONCRETE
E.R. - EDGE OF ROAD
C.L. - CENTER LINE
W/W - WING WALL
R. - RADIUS
SEC. - SECTION
TWP. - TOWNSHIP
ST. - STREET
C/C - CONCRETE
B.C. - BACK OF CURB
S.P. - SCREEN PORCH
E.P. - EDGE OF PAVEMENT
RGE. - RANGE
R/W - RIGHT OF WAY
AVE. - AVENUE
A - ARC
C. - CHORD
M.H. - MANHOLE
ELEV. - ELEVATION
STY. - STORY

Attachment D.

Attachment E.