



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 6/29/2016
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**

5/25/2016

4. Public Hearings

- I. Continuation of 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.
- II. Case 2016-0042: 293 Mar St. – Applicant requests a variance to section 8.7 of the Land Development Code to reduce the required rear yard setback from 20' to 9.4' to allow for the construction of an addition.

5. Adjournment

APPEAL

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

AMERICANS WITH DISABILITIES ACT

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

BOARD OF ADJUSTMENT MEETING

MINUTES

MAY 25, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
David Littell, Vice Chairman
Tom DeYampert, Member
Sandie Lyman, Member
Michael Bomar, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Jennifer Bryla, Community Development Director
Mike Larimore, Zoning Tech II
Mary Jo Murphy, Deputy City Clerk

Chairman Skipper welcomed the new board member, Michael Bomar, to the Board of Adjustment meeting.

Chairman Skipper expressed words of sympathy for Member Vallett's recent passing.

1. Changes to the Agenda

City Attorney Dickman requested removing Item No. 5.III. "Re-evaluation of and possible action on Case 2015-0068."

Ms. Bryla, Community Development Director, requested to move the case in regard to Rick's Reef, Mr. Myer, until the next Board of Adjustment meeting on June 29, 2016.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 4/27/2016

Member DeYampert made a motion to approve the minutes from the April 27, 2016 meeting. The motion was seconded by Member Lyman and unanimously approved by a roll call vote (4 yeses – 0 nos; Member Bomar stated he was not present for the meeting and did not vote).

4. Election of Officers – Chairman and Vice Chairman

Chairman Skipper stated he was willing to remain Chairman.

Member Lyman made a motion to re-elect Paul Skipper as Chairman. The motion was seconded by Vice Chairman Littell and unanimously approved by a roll call vote (5 yeses – 0 nos).

David Littell stated he was willing to remain Vice Chairman.

Member DeYampert made a motion to re-elect David Littell as Vice Chairman. The motion was seconded by Member Lyman and unanimously approved by a roll call vote (5 yeses – 0 nos).

5. Public Hearings

- I. **Case 2016-0024:** 636 Corey Ave – Applicant requests a variance to Land Development Code Section 23.11(c) to reduce the required minimum parking space size for conversion of front patio into two parking spaces.

Mike Larimore gave Staff's presentation to the board. Staff's recommendation was for approval with conditions.

Chairman Skipper asked the applicant to come forward.

Lawrence Myer, 636 Corey Avenue, property owner, spoke in regard to requesting a variance for two parking spaces.

Chairman Skipper asked if anyone else would like to speak on behalf of the application.

Patrick Higgins, 630 Corey Avenue, neighbor to the Myers, spoke in favor of the variance.

Chairman Skipper asked if anyone would like to speak on behalf of the application. There were no comments.

Chairman Skipper asked if anyone would like to speak in opposition to the application. There were no comments.

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

Member DeYampert made a motion to approve Variance Case No. 2015-0024. The motion was seconded by Member Bomar. The motion was approved by an individual roll call vote, (4 yeses: Chairman Skipper, Member DeYampert, Member Bomar, and Member Lyman – 1 no: Vice Chairman Littell).

- II. **Case 2016-0027:** 3063 West Vina del Mar – Applicant requests a variance to Land Development Code Section 6.13(c) to reduce the required rear setback from 9' to 5' to allow for the construction of a pool.

Mike Larimore gave Staff's presentation to the board. Staff's recommendation was for further exploration.

Chairman Skipper asked the applicant to come forward and to state his name and address.

Greggory Greene, 3063 W. Vina Del Mar Boulevard, requested a variance to reduce the rear yard setback requirement for the installation of a lap pool.

Chairman Skipper asked if anyone would like to speak on behalf of the applicant. There were no comments.

Chairman Skipper asked if anyone would like to speak against the application. There were no comments.

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

Vice Chairman Littell made a motion to approve Variance Case No. 2016-0027. The motion was seconded by Member Lyman. The motion failed by an individual roll call vote, (2 yeses: Member Bomar and Member Lyman – 3 nos: Chairman Skipper, Vice Chairman Littell and Member DeYampert).

- III. **Re-evaluation of and possible action on 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.

Item No. 5.III. was removed during Item No. 1, "Changes to the Agenda."

6. Adjournment

There being no further business before the board, the meeting was adjourned at 2:36 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: _____



St. Pete Beach Board of Adjustment

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

6/29/16

**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 ft ² of floor area 2,576 ft ² = 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**
Further Exploration

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.

At the April 27th Board of Adjustment Meeting, it was determined that the Applicant would be required to obtain proper parking agreements from adjacent property owners to satisfy the 22 parking space deficit. In compliance, the Applicant submitted agreements to the Community Development Department on May 19th. After review by the City Attorney, the agreements were found to be deficient in certain characteristics (included as attachment). These comments were mailed via certified mail on May 19th to the applicant. The receipt (included below) indicates that the comments were accepted at the property on May 21st. The Community Development Department has not received subsequent submittals of the agreements from the Applicant at the time of this report.

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 further exploration – 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.

Staff recommends the Applicant continue to pursue sufficiency in parking agreements to satisfy the deficient parking requirement.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photos
- D. Survey
- E. Site Plan
- F. Letter & Attorney Comments regarding Parking Agreements
- G. Certified Mail Receipt

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.

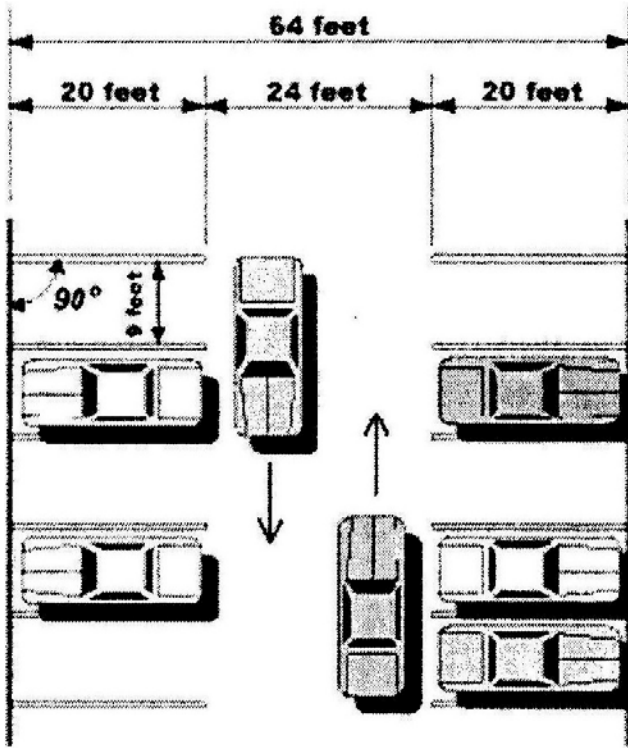
c) All other uses.

(1) In addition 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.

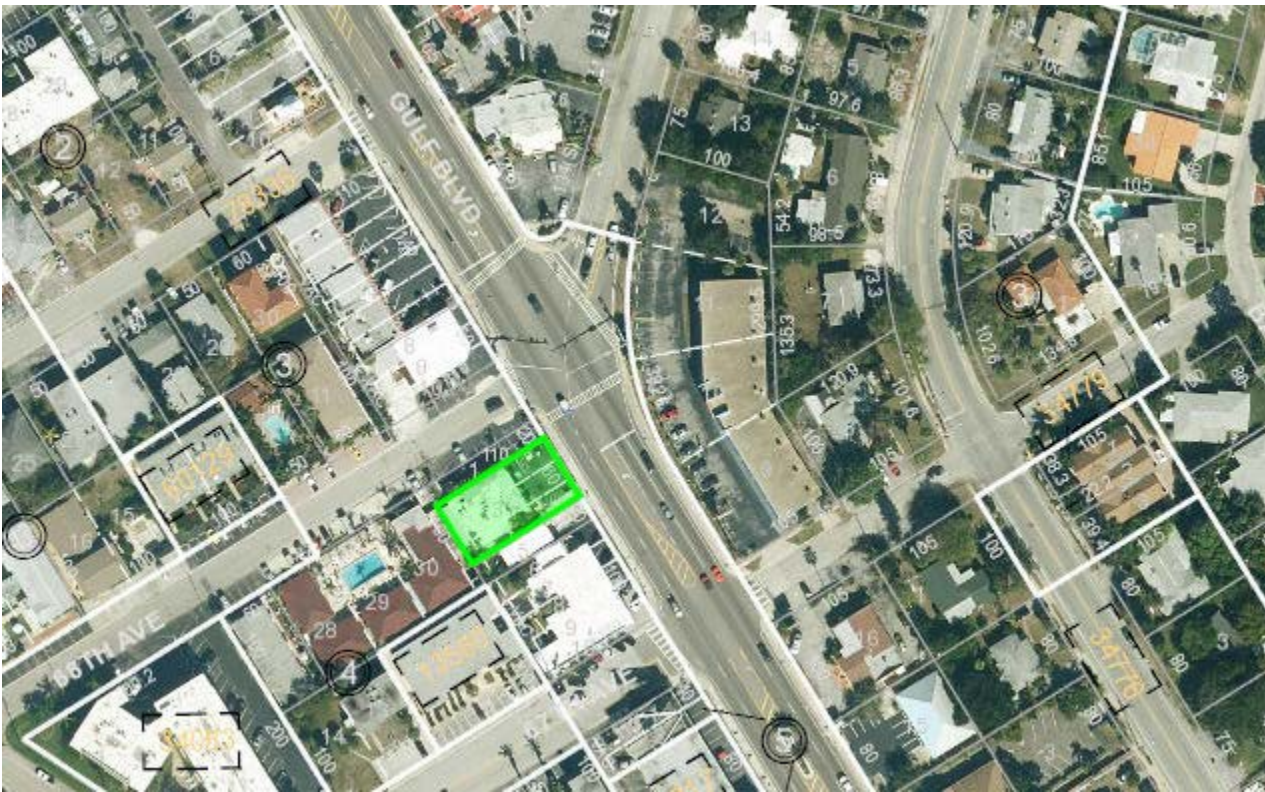
a. Parallel. The dimensional requirements for parallel parking spaces are nine feet in width and 24 feet in length.

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 900769	DAVID C. HARNE	FLOOD MAP NUMBER 125149 0004 B
TELEPHONE (813) 323-5272	REGISTERED LAND SURVEYOR 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. Spoorbill Inc.

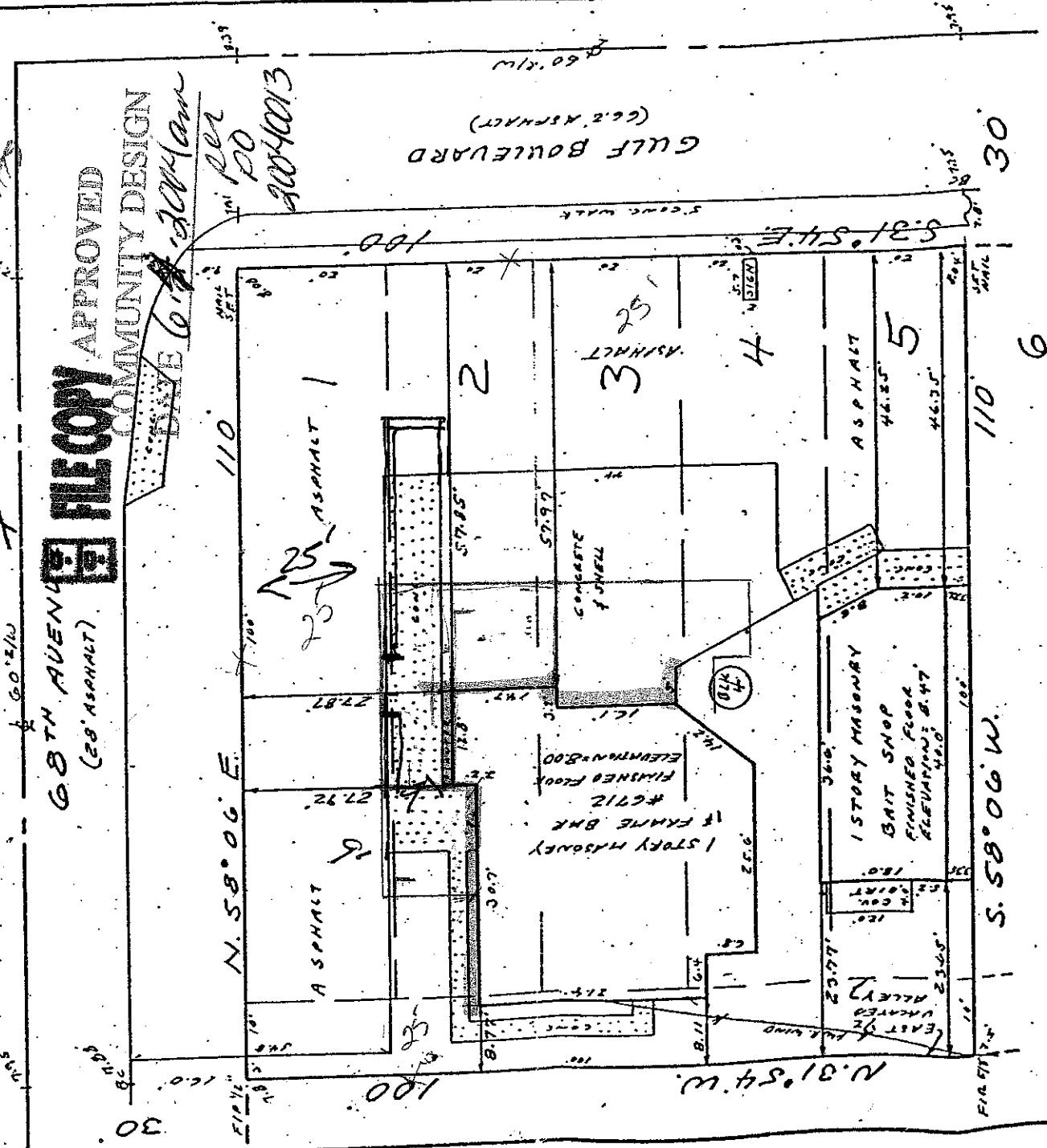
PLAN OF SURVEY

SEC. 36 TWP. 3 / 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 one-half 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 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-8.

LEGEND:

LEGEND:
CLF - CHAIN LINK FENCE
P.C. - POINT OF CURVE
B.M. - BENCH MARK
BLVD. - BOULEVARD
AL SH. - ALUMINUM SHED
ADJ. - ADJACENT

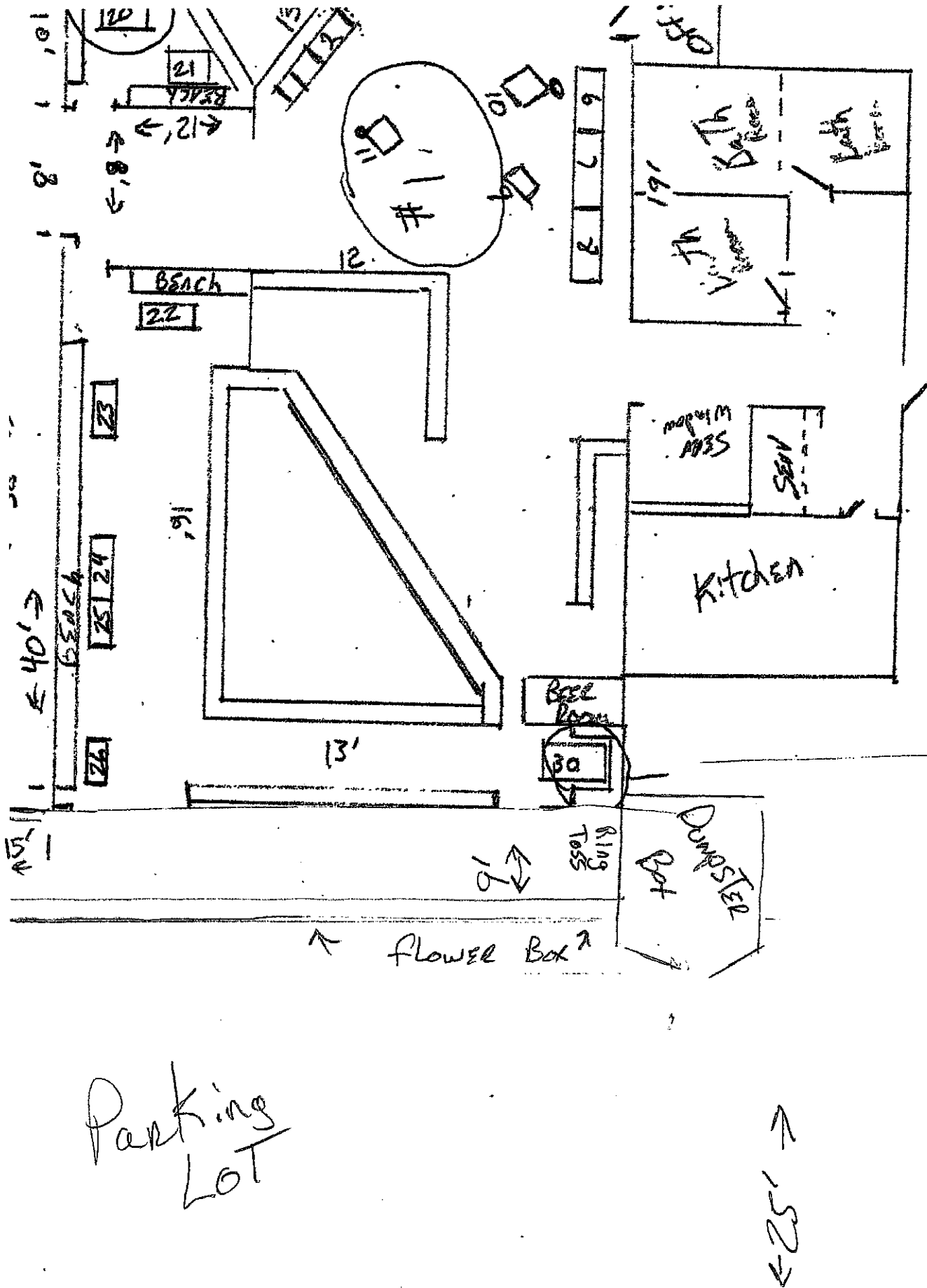
N. • NORTH
S. • SOUTH
E. • EAST
W. • WEST
BLK. • BLOCK
MAS. • MASSACHUSETTS

S.I.R. - SET IRON ROD
F.I.R. - FOUND IRON ROD
F.I.P. - FOUND IRON PIPE
F.C.M. - FOUND CONCRETE
MONUMENT
M.E.A. - MEASURED

E.R. • EDGE OF ROAD
C.L. • CENTER LINE
W/W • WING WALL
R • RADIUS
SEC. • SECTION
TWP. • TOWNSHIP

DAVID G. HARNER P.L.S. NO. 2550
C/G - CAVICUT CONCRETE A - ARC
B/G - BACK OF CURB C - CHORD
S/P - SCREEN POHCH RAH - MANH
E/P - EDGE OF PAVEMENT ELEV. - ELEV.
R/OE - RANGE STY. - 3TOR
R/W - RIGHT OF WAY

DAVID C. HABNER, FBI S NO. 2550



Attachment F.

May 19, 2016

City of St. Pete Beach
155 Corey Ave
St. Pete Beach, FL 33706

Mr. Myer,

Please see enclosed email with comments regarding the parking agreements you submitted in regards to Rick's Reef, 6712 Gulf Blvd, Variance Case #2016-0018. The City Attorney, Andrew Dickman, has six (6) comments regarding the agreements that must be addressed in order to resolve the issue.

The next Board of Adjustments meeting is May 25th, 2016. If you wish to, you may request an extension in order to revise the documentation and resubmit.

Feel free to contact us if you have further questions or concerns.

Respectfully,

Mike Larimore
Zoning Tech II
727-363-9253

From: Andrew Dickman [<mailto:andrew@andrewdickman.us>]
Sent: Thursday, May 19, 2016 12:57 PM
To: Jennifer Bryla
Cc: Heather
Subject: Rick's Reef Parking Agreements

Jenni,

I have reviewed the "Property Usage and Release Agreements" in connection with Ricks Reef specifically its parking deficiency. I'm taking these one-page agreements to be "cross parking agreements" within the distance requirement in our LDC.

The agreements, however, need to be modified.

1. This is not for "temporary overflow parking". The restaurant needs more permanent parking to be legal. Each agreement needs to identify the number (and perhaps location) of the spaces being acquired by RR.
2. RR's address needs to be stated in the agreement.
3. There can be no time limitations; again RR is acquiring the spaces and they have to be permanent.
4. I suggest that there be language that the purpose of the agreement is to allow RR to meet the minimum parking requirement.
5. We need a clause that the city will be notified if the agreement expires or is terminated.
6. I would add a clause that the owner will not be parking deficient by leasing to RR.

Have them redraft the agreement and send to me before have the owners re-execute.

Thanks, Andrew

Andrew W. J. Dickman, AICP, Esq.
City Attorney
St. Pete Beach, FL
T: 727-527-7150
F: 727-527-7180
cityattorney@stpetebeach.org

*Under Florida law, e-mail addresses are public records.
If you do not want your e-mail address released in response
to a public-records request, do not send electronic mail to this entity.
Instead, contact this office by phone or in writing.*

Attachment G.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ <i>Richard Myers</i> ☐ Agent ☐ Addressee	
1. Article Addressed to: <i>Richard Myers</i> <i>6712 Gulf Blvd.</i> <i>St. Pete Beach, FL</i> <i>33706</i>		B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
3. Service Type ☒ Cert ☐ Registered ☐ Insured Mail ☐ C.O.D. ☐ Merchandise		4. Restricted Delivery? (Extra Fee) ☐ Yes	
7010 0780 0002 0585 9279			
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540			

UNITED STATES POSTAL SERVICE FL 335 21 MAY '16 PM 3 L	First-Class Mail Postage & Fees Paid USPS Permit No. G-10
• Sender: Please print your name, address, and ZIP+4 in this box • CITY OF ST. PETE BEACH COMMUNITY DEVELOPMENT 155 COREY AVENUE ST PETE BEACH 33706	



St. Pete Beach Board of Adjustment

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

6/29/16

**Variance Case
#2016-0042**

Applicant/Agent
John Allan, Agent

Location
293 Mar Street

**Commission
District**
District 4

Staff Representative
Mike Larimore,
Zoning Tech II

Findings:

1. The existing circumstance is peculiar to the subject land and building; and does not apply generally to neighboring lands; and denial would deprive applicant of reasonable 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 harmony with the

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code Sec. 8.7:			
Rear Yard Setback	20 feet	28.9 feet	9.4 feet

Applicant requests a variance to Section 8.7 of the Land Development Code (LDC) to reduce the rear yard setback requirement from 20 feet to 9.4 feet.

Existing Use: Residential (Detached Single-Family)

Proposed Use: Residential (Detached Single-Family)

Adjacent Uses

North: Residential (Detached Single-Family)

South: Infrastructure (Mar Street)

East: Infrastructure (West Vina del Mar Blvd)

West: Residential (Detached Single-Family)

The Applicant is requesting a variance to construct an addition within the required 20 foot rear yard setback. The Applicant wishes to construct a 380 square foot addition on the northwest façade of the existing single-family home with an encroachment of 10.6 feet, which would result in a 9.4 foot setback from the northwest property line.

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. At the time of this report, no written comments have been received.

general purpose and intent of the Land Development Code. 4. The proposed variance is the minimum allowable to make reasonable use of the land. Staff Recommendation Approval	COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The request for a proposed addition is consistent with the City's Comprehensive Plan. Policy 2.1.4 of the Future Land Use Element encourages the construction of residences suitable for families with children. The proposed addition is planned as an additional bedroom which would better suit a family with children. The subject property is located on a corner, the yards that abut the streets are considered the front yard and the secondary front yard. Per the methodology in Sec. 6.22 of the Land Development Code, the yard which has the lesser width is defined as the front yard and the other is therefore defined as the secondary front yard. The rear yard is opposite the front yard; and the remaining yard, opposite the secondary front yard, is defined as a side yard. With the literal interpretation of the Code, the side facing W. Vina Del Mar Boulevard is the front yard, and the effected yard is the rear. Located in the RU-1 zoning district, the subject property has a minimum rear yard setback of 20 feet. However, the front of the house faces Mar Street, making that the functional front yard and the effected yard the functional side yard. Using this methodology, the setback for the proposed addition would have a minimum setback of 6.7 feet rather than 20 feet. STAFF RECOMMENDATION: Staff recommends approval – The request to lessen the required setback is in agreement with the general purpose of the Land Development Code, which intends to have smaller side yard setbacks than rear yards. It is also consistent with the Comprehensive Plan. The literal interpretation of the Code to classify the area being encroached upon as a rear yard rather than a side yard is impractical and creates a hardship for any improvements on the property. Further, the front façade of the house being oriented toward the secondary front and the lack of provisions in the Code to accommodate this peculiar circumstance were not a result of any actions of the Applicant. The request for a rear yard setback reduction from 20 feet to 9.4 feet is reasonable, as the otherwise required side yard setback for the property is 6.7 feet which would accommodate the addition. The house is situated to the technical side of the lot, leaving no room for additional square footage on the back of the house. If placed on the other side of the house, the addition would encroach on the technical front yard. In addition, the neighboring houses are set back approximately 6.5 and 9.5 feet from the subject's adjoining property lines, proving the proposed setback to be consistent with the pattern of the neighborhood. Staff agrees that the proposed plan is the minimum allowable encroachment to construct the addition as stated by the Applicant.
--	--

	<u>Attachments:</u> A. Relevant Code Sections B. Aerial Photo C. Site Photo D. Variance Application E. Narrative F. Survey G. Site Plan
--	--

Attachment A.

Land Development Code

Sec. 6.22. - Yards and measurement of required yards.

(f) Determination of front yard on corner lots. On corner lots, the front yard shall be determined as the yard abutting the street on which each lot of record or lots of record involved have their lesser dimension. The other yard abutting the intersecting street shall be determined to be a secondary front yard.

Sec. 8.7. - Minimum yard requirements.

The minimum yard requirements for principal structures in the RU-1 Residential District are as required in this section.

- (a) Detached single-family dwellings.
 - (1) Front yard: 20 feet.
 - (2) Secondary front yard: 20 feet.
 - (3) Side yards: The lesser of ten percent of the lot width or seven feet.
 - (4) Rear yard: 20 feet.

Comprehensive Plan

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

Objective 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation, and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.4

The City will continue to encourage the construction of residential units suitable for families with children.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north.



Above: Area of proposed construction, facing northeast.



VARIANCE APPLICATION

Case Number: 2016-0042

PROPERTY FOR PROPOSED VARIANCE

Legal Description: VINA-DEL-MAR SEC 1, BLK 1, LOT 34Parcel ID: 18/32/16/94140/001/0340Address: 293 MAR ST. ST. PETE BEACH, FL 33706Current Zoning: RU-1 FLUM Designation: RU Lot Area: 82X110 (9020 FT²)
DETACHEDExisting Use: SINGLE-FAMILY Proposed Use: DETACHED SINGLE-FAMILY

APPLICANT/AGENT:

PROPERTY OWNER:

Name: JOHN ALLANName: LARRY AND LINDA HEIMANNAddress: 220 72 AVENUEAddress: 293 MAR ST.City: ST PETE BEACH State: FL City: ST PETE BEACH State: FLZip: 33706 Phone: 727-224-8803 Zip: 33706 Phone: 513-300-8115Email: JOHNALLANBUILDER@AOL.COMEmail: LHEIMANN@CINCL.RR.COM

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

REAR YARD VARIANCE REQUESTED FOR LDC SECTION 8.7. WE REQUEST TO EXTEND OUR HOME 19'6" FROM THE EXISTING HOME. THIS WOULD LEAVE OVER 9' OF VACANT YARD BETWEEN THE PROPERTY LINE AND THE END OF THE ADDITION. WE WILL MAINTAIN HARMONY WITH THE EXISTING HOME AND THE SURROUNDING AREA.

Additional Documents:

Check here if document is	Required Document
---------------------------	-------------------

attached	
	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
	Site Plan drawn to scale showing proposed deviations of the code.

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

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

THE CORNER LOT PRESENTS A HARDSHIP BECAUSE THE SETBACK FOR THE REAR YARD ONLY ALLOWS A MINIMAL EXTENSION TO OUR HOME. THE HOUSE AND GARAGE FACE MAR ST., WHICH WE HAVE CONSIDERED THE FRONT OF THE HOME. WE HAVE ALWAYS TREATED THE 'REAR YARD' AS A SIDE YARD.

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.

THE AREA UNDER CONSIDERATION IS CURRENTLY DESIGNATED AS A REAR YARD, NOT A SIDE YARD, DESPITE BEING TO THE SIDE OF THE HOUSE. THE REAR YARD SETBACK ALLOWS ONLY AN 8' TO 9' ADDITION, WHICH IS NOT SUFFICIENT TO EXPAND THE HOME.

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

THE PROPERTY LINES AND CODE WERE IN EXISTENCE WHEN WE PURCHASED THE HOUSE IN 2003.

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

CORRECT. NO DISTRICT BOUNDARY WILL BE IMPACTED.

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

NOT APPLICABLE.

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

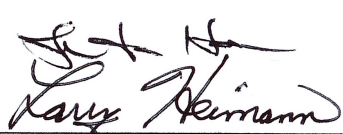
CORRECT.

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.

OUR GOAL IS TO MAKE THE ADDITION A SEAMLESS, INTEGRATED PART OF THE EXISTING HOME. IT WILL BE IN HARMONY WITH THE STYLE OF THE CURRENT HOME AND NEIGHBORHOOD. WITH THE VARIANCE, THE SETBACK WILL BE SIMILAR TO OTHER SIDE YARD SETBACKS IN THE AREA, AND WILL EXCEED THE MINIMUM 7' SIDE YARD SETBACK.

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

YES.

	<i>5/9/2016</i>		<i>12 May 2016</i>
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

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

I/WE

LARRY HEIMANN AND LINDA HEIMANN
(print name of property owner)

hereby authorize

JOHN ALLAN
(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]
Signature of Owner

LARRY HEIMANN
Print Name of Owner

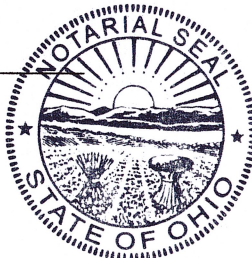
Linda Heumann
Print Name of Owner

The forgoing instrument was acknowledged before me this 25 day of April 2016, by Larry + Linda Heumann who is personally known — or produced Ohio Driver's License as identification.

[Signature]
(Notary Signature)

4/25/16
(Date)

My Commission Expires 12/13/2017



Arthur T. Polder
Notary Public, State of Ohio
My Commission Expires 12-13-2017

Attachment E.

City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706

May 9, 2016

Dear Board of Adjustment Members,

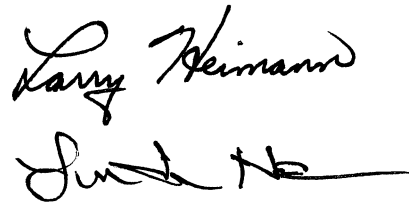
This requests a rear yard variance for 293 Mar St. in order to add rooms for our growing family. The current designation as the rear yard of our corner lot creates a hardship to expand our home. Our request will fully respect the side yard setback, and be consistent with other side yards for homes in the area. We will ensure that if this variance is granted, the extension will blend in with the existing structure, and maintain the harmony of our neighborhood.

We have been homeowners for 13 years, and have enjoyed the wonderful community of Vina del Mar. Our family has expanded over these years, and we want to have them experience the beach and all that St. Pete Beach has to offer. The addition to our home will enable them to visit and stay with us.

If you have any questions during the meeting, please call us at 513-300-8115.

Thank you for your thoughtful consideration of this request.

Respectfully,

The image shows two handwritten signatures in black ink. The first signature is "Larry Heimann" and the second signature is "Linda Heimann".

Larry Heimann

Linda Heimann

LOT 33
BLOCK 1

RADIUS = 1125'
ARC = 85'
CHORD = 84.89'
CH BRG = N46°27'04"W
(P&M)

N41°23'04"E 86.09' (P&M)

LOT 35
BLOCK 1

123.05' (P&M)

S42°05'20"E

F.P.I.P.
3/4"

RADIUS = 30'
ARC = 46.40'
CHORD = 41.91'
CH BRG = S88°37'35"E
(P&M)

MAR STREET 60' R/W

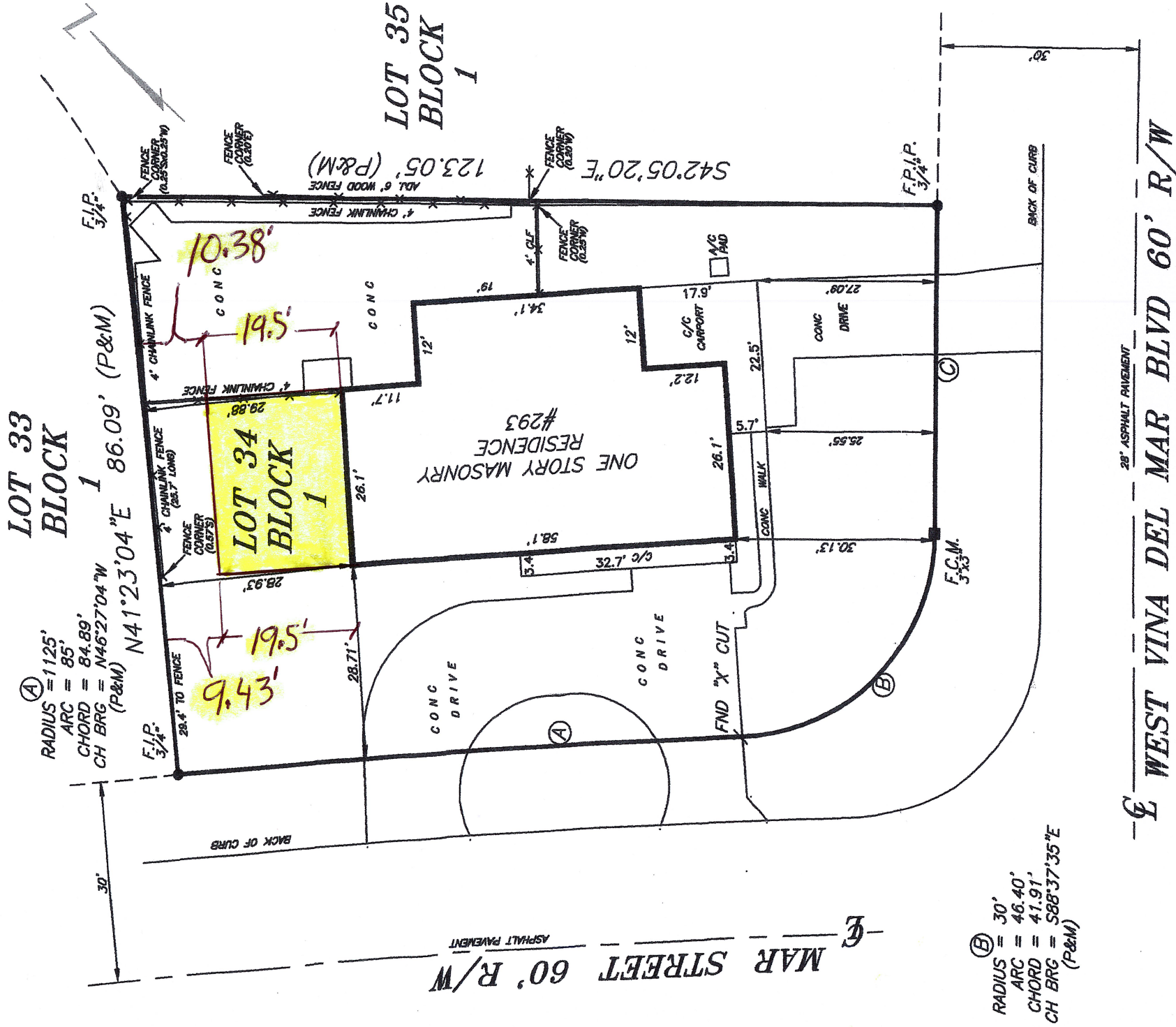
WEST VINA DEL MAR BLVD 60' R/W

A Boundary Survey of Lot 34, Block 1, VINA DEL MAR SECTION ONE, according to the map or plat thereof as recorded in Plat Book 34, Page 53, Public Records of Pinellas County, Florida.

RADIUS = 3460'
ARC = 48.66'
CHORD = 48.65'
CH BRG = N47°36'31"E
(P&M)

JOB NUMBER: MMXVI169 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 5/03/16 SCALE: 1 INCH = 20 FEET DRAWN BY: DLP CERTIFIED TO: Larry and Linda Heimann	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 18 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 8/18/09 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0278 G CHECKED BY: DCH
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE #72.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB CH=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE CH BRG=CHORD BEARING E.P.=EDGE OF PAVEMENT EL=ELEVATION FF=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED D=DEED R=RECORD W/W=HING WALL W.F.=WOOD FENCE DR=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		

DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650



WEST VINA DEL MAR BLVD 60' R/W

A Boundary Survey of Lot 34, Block 1, VINA DEL MAR SECTION ONE, according to the map or plat thereof as recorded in Plat Book 34, Page 53, Public Records of Pinellas County, Florida.

③ RADIUS = 3460'
ARC = 48.66'
CHORD = 48.65'
CH BRG = N47°36'31"E
(P&M)
(BASIS OF BEARINGS)

JOB NUMBER: MMXVI169 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 5/03/16 SCALE: 1 INCH = 20 FEET DRAWN BY: DLP CERTIFIED TO: Larry and Linda Heilmann	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 18 TOWNSHIP 32 SOUTH RANGE 16 EAST CHECKED BY: DCH	FLOOD ZONE: "AE" FLOOD MAP DATE: 8/18/09 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0278 G
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB CH=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE CH BRG=CHORD BEARING E.P.=EDGE OF PAVEMENT EL=ELEVATION FT.=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M.S.=METAL SHED D=DEED R=RECORD W/M=HING WALL W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		