



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 7/27/2016
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**

6/29/2016

4. Public Hearings

- I. Case 2016-0047: 625 80th Ave. – Applicant requests a variance to Section 6.23(d) of the Land Development Code to extend the length and widen an existing dock.
- II. Case 2016-0051: 3063 W Vina del Mar Blvd. – Applicant requests variances to: (1) Section 6.13(c) of the Land Development Code to allow for the construction of a pool within the required rear yard setback and (2) Section 6.14 pf the Land Development Code to allow for the placement of pool equipment within the required side yard setback.

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.



St. Pete Beach Board of Adjustment

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

7/27/16

**Variance Case
#2016-0047**

Applicant/Agent
Dolphin Marine
Equipment, Inc., Agent

Location
625 80th Avenue

Commission District
District 1

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

Findings:

1. Denial would not deprive applicant of 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 not in harmony with the general purpose and intent of the Land Development Code.
4. The proposed variance is not the

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.23(d): Residential Dock Requirements	Residential dock, davits, boatlifts or tie poles shall:		
	1) Not extend from mean high water line or seawall a greater length than one-half the width of the zoning lot at the waterfront	1) Length of dock from seawall	1) Length of dock from seawall
	Maximum length = 21'	= 22'	= 26'
	2) Be located within the center one-half of the width of the appurtenant upland property at the waterfront	2) Width of dock	2) Width of dock
	Maximum width = 21' at waterfront;	= 8'	= 24.5' at waterfront;
	14.25' at proposed narrowest point		16.25' at proposed narrowest point

minimum allowable to make reasonable use of the land. Staff Recommendation Denial	Applicant requests a variance to Land Development Code (LDC) Section 6.23(d) to allow for the construction of a new residential dock that will encroach 5.55 feet into the waterway and 0.5 (min) to 8.5 (max) feet into the side yard setbacks. Existing Use: Residential (Single-Family) Proposed Use: Residential (Single-Family) Adjacent Uses North: Water (Blind Pass) South: Infrastructure (80th Avenue & Coquina Way) East: Residential (Single-Family) West: Residential (Single-Family) The Applicant is requesting a variance to residential dock regulations regarding width and length. The Applicant wishes to remove the existing dock and replace it with a wider and longer dock with a boatlift. 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, one (1) letter of opposition has been received. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The subject property is located in the RU-1 zoning district which allows for single-family residential and associated accessory uses, including residential docks. Residential docks and all associated components are permitted to be constructed and placed within the center one-half of the lot width along the seawall or mean high water line. Additionally, they are permitted to extend a maximum distance of one-half of the lot width along the seawall or mean high water line. If an applicant wishes to construct a dock closer to either side setback and/or extend further from the seawall, this requirement may be administratively solved via a variance request form for docks signed by adjacent property owners. STAFF RECOMMENDATION: Staff recommends denial – The subject property was purchased within the last four months, during which time the City’s dock regulations have not changed. The subject property has an existing dock which may be rebuilt in its existing footprint. The administrative variance request for docks form allows for applicants to receive permission from adjacent property owners to build a non-conforming dock. This request was refused by the necessary parties, removing the dock’s eligibility for administrative approval, and
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	proving that the proposed dock is injurious to the neighborhood, a criterion in the consideration of variance requests. <u>Attachments:</u> A. Relevant Code Section B. Aerial Photo C. Site Photos D. Variance Application E. Survey with Existing Dock F. Site Plan with Proposed Dock G. Letter(s) of Comment
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Attachment A.

Sec. 6.23. - Docks.

It is the intent of the city, together with the Pinellas County Water and Navigation Control Authority, to regulate the construction of residential and commercial dock facilities in order to minimize the adverse impacts of such activities upon the natural resources of the City of St. Pete Beach, Pinellas County and the State of Florida.

d) Additional requirements for residential docks. In addition to the preceding general requirements, residential docks shall adhere to the following:

- (3) No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property to a length greater than one-half the width of the zoning lot at the waterfront. This requirement may be varied administratively provided that signed statements of "no objection" from both adjacent waterfront property owners have been submitted.
- (4) Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.

Attachment B.



Above: Subject property highlighted.

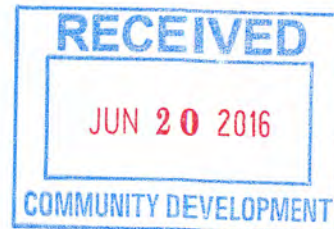
Attachment C.



Above: Subject property, facing east



Above: Inlet on which the dock currently exists, facing southeast



VARIANCE APPLICATION

Case Number: 2016-0047

PROPERTY FOR PROPOSED VARIANCE

Legal Description: St. Petersburg Beach North Unit No.3 Blk 91 Lot 5

Parcel ID 36-31-15-78192-091-0050

Address 625 80th Avenue St. Pete Beach, Florida 33706

Current Zoning: Residential FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: Residential

APPLICANT/AGENT:

PROPERTY OWNER:

Name: Dolphin Marine Equipment, Inc. Name: Amanda or Terry Smith

Address: 13056 Faxton Street Address: 625 80th Ave

City: Clearwater State: Fl. City: St. Pete Beach State: Fl.

Zip: 33760 Phone: 727-539-48113 Zip: 33706 Phone: 407-234-8147

Email: Dolphinm@Tampabay.rr.com

Email: Amanda.smith_va@yahoo.com

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

Ordinance no. 2007.41 Section 2 no.3 states lenght of dock
from seawall extend no more then one-half width of the
lot at the water front.

The Lot is 40.9' and we are asking 5 1/2' fruther out
Additional Documents:

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

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

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.
Shallow water for boat lift.
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.
Shallow water for boat lift.
3. The peculiar conditions and circumstances are not the result of the actions of the applicant.
Shallow water for boat lift.
4. The proposed variance will not have the effect of changing any district boundary on the zoning map.
It would not have changed any district boundary.

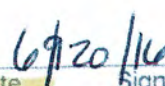
5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district. NO

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. NO

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

The Variance is asking for 5 1/2' further out then the 20;10" allowable distance out

	
Signature of Applicant	Signature of Authorized Agent
Date	Date

For office use only:

Hearing Date: _____ Fees: _____

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

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, 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, 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.
- ☒ 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 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.
- ☒ 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


Signature of Applicant

6/20/16
Date

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

I/WE

Amanda or Terry Smith

(print name of property owner)

hereby authorize

Dolphin Marine Equipment, Inc.

(print name of agent)

to represent me/us in an application for

Variance

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

AS

Signature of Owner

Signature of Owner

Amanda Smith

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 20 day of June
2016, by AMANDA Smith who is personally known
or produced _____ as identification.

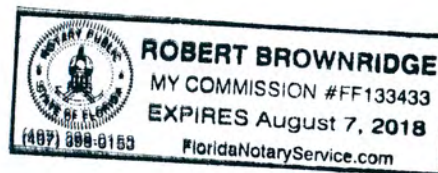
Robert Brownridge

(Notary Signature)

6/20/16

(Date)

My Commission Expires _____



Boundary
Survey

Ireland & Associates Surveying, Inc.
1301 S. International Parkway Suite 2001
Lake Mary, Florida 32746
Office-407.678.3366 Fax-407.320.8165

Page 2 of 2

Flood Zone: AE

Panel: 0257 G

Community Number : 12103C

Date: 9/03/2003

Yacht Basin

C1
R=30.00'(P)
L=41.89'(P)
 $\Delta=80^{\circ}00'25''(P)$
Chord Bearing=
S $80^{\circ}00'00''$ E 38.57'(P)
S $79^{\circ}58'22''$ E 38.58'(M)

Lot 4
Block 91

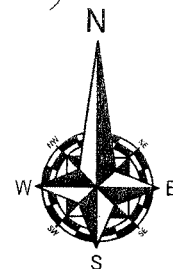
Lot 6
Block 91

Lot 5
Block 91

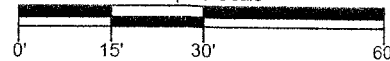
Fnd. 5/8" Rebar
(No Identification)

Coquina Way
(50' Platted Public Right-of-Way)
2' Curb & Gutter

80th Avenue
(60' Platted Public Right-of-Way)
(Asphalt Road)



Graphic Scale



Scale: 1"=30'

LEGAL DESCRIPTION: Lot 5, Block 91, ST. PETERSBURG BEACH NORTH UNIT NO. 3 according to the map or plat thereof as recorded in Plat Book 25, Pages 72, of the Public Records of Pinellas County, Florida.

Field Date: 04/05/16

-Legend-

C	- Calculated	PC	- Point of Curvature
CL	- Centerline	Pg	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rld.	- Roofed
M	- Measured	Set	- Set 1/2" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	-X-	- Chain Link Fence
W	- Wood Fence		

-Survey Notes-

>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps, and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing Basis shown hereon, is Assumed and Based upon the Line denoted with "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing hereon shall be construed to Give ANY Rights or Benefits to Anyone Other than those Certified.
>This Survey is NOT Full and Complete without the attached Survey Report - Page 1 of 2

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland
NO. 6637
STATE OF FLORIDA
LAND SURVEYOR
FOR THE FIRM
Patrick K. Ireland P.S. 6637 LB 7623
Date Signed: 04-07-16
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.
File No. IS-27452
CADD File: \Scott\sc Ireland Associates\STPETERSBURG BEACH-1527452

PRIVATE DOCK

Attachment F.

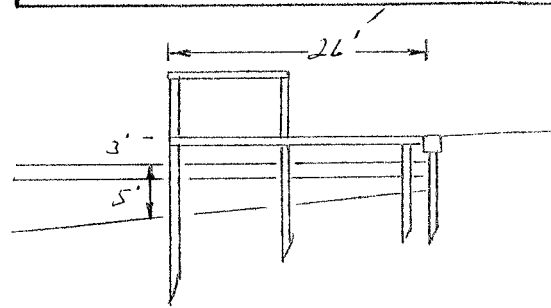
Application #. _____

(OFFICIAL USE ONLY)

MHW

MLW

BOTTOM

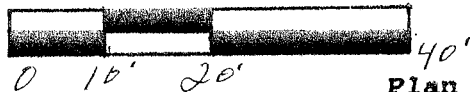


Profile View

Permit not to include electric or plumbing.

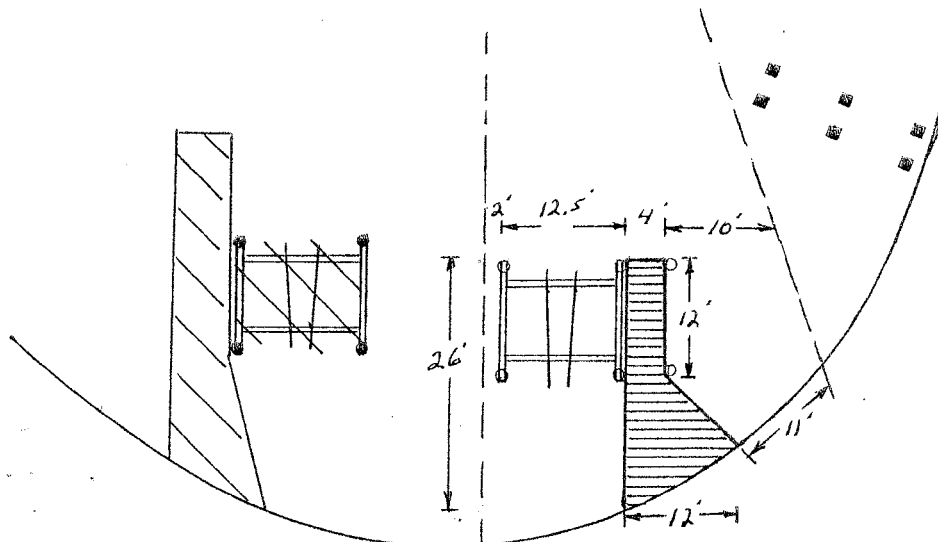
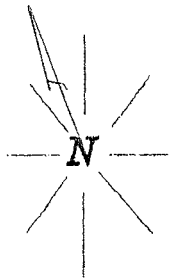
Framing 2"x8", Decking 2"x6"

ENG. SCALE: 1" = 20'



Plan View

TOTAL SQUARE FEET	160
NEW SQUARE FEET	160
WATERWAY WIDTH	200'
WATERFRONT WIDTH	41.8'



SHORELINE

SHORELINE

The undersigned does not object to the proposed dock and requested variances as drawn in the space provided above.

Left Owner

Right Owner

Signature

Date

Signature

Date

MUNICIPALITY APPROVAL

WATER AND NAVIGATION APPROVAL

Attachment G.



Craig L. Batchelor

PO Box 66189

St. Pete Beach, FL 33736

July 5, 2016

Mr. Mike Larimore MLarimore@StPeteBeach.org

City of St. Pete Beach

Re: DOCK VARIANCE REQUEST of Amanda & Terry Smith @ 625 – 80th Avenue, SPB 33706 to be heard
July 27th

To whom it may concern:

Please let me state my emphatic disapproval of the “variance request” of any dock extension at the address of 625 – 80th Avenue which is my direct neighbor sharing my home’s West Lot Line of 537 – 80th Avenue. This existing dock extends approximately 21 feet (twenty-one feet) from the seawall at this time. Any further extension would further encroach on our view corridor of the master bedroom and the living room, dining room and kitchen!

625 – 80th Avenue is a corner lot which creates their dock to extend directly into our view corridor!

I respectfully request you NOT APPROVE this variance request as the homeowner of record of 537 – 80th Avenue! I have owned this residence for over 17 (seventeen) years, and have been a city resident for over 30 (thirty) years!

Thank you very much.

Sincerely,

Craig L. Batchelor

Ph# 727.367.5227 extension 11



Deyton Batchelor
POB 66886
St. Pete Beach, FL 33736-6886

July 17, 2016

Mr. Mike Larimore and City of St. Pete Beach,

This is regarding the dock variance request by Amanda and Terry Smith of 625 80th Avenue, St. Pete Beach. I, Deyton Batchelor, an owner of 537 80th Avenue share my West lot line, making us direct neighbors. I am writing to OBJECT to this variance request. Their current dock extends 21 feet from the seawall already. The dock as it stands already allows view into our backyard. Further extension to their dock will provide complete view into the back of the house, including bedrooms, living room and kitchen, leaving no privacy or view of the water.

I am, respectfully, requesting you NOT approve the variance request. As someone who has spent my entire life on St. Pete Beach, I trust in your decision, as I believe you perceive my objection. Thank you very much for contribution to our beautiful city, St. Pete Beach.

Thank you for your consideration,

Deyton Batchelor



St. Pete Beach Board of Adjustment

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

7/27/16

**Variance Case
#2016-0051**

Applicant/Agent
Greggory Greene,
Homeowner

Location
3063 West Vina del
Mar Blvd.

**Commission
District**
District 4

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
2016-0027

Findings:

1. Denial would not deprive applicant of 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 proposed variance is not in harmony with the general purpose and intent of the Land

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.13(c): Pool Rear Yard Setback	9 feet	No Structure	8 foot, 1 inch
Land Development Code 6.14: Ancillary Equipment	7 feet	No Structure	3 feet

Applicant requests variances to: 1) Section 6.13(c) of the Land Development Code (LDC) to reduce the required rear yard setback for a swimming pool, and 2) Section 6.14 of the LDC for the placement of pool equipment and the relocation of an air conditioning unit within the required side yard setback.

Existing Use: Residential (Detached Single Family)

Proposed Use: Residential (Detached Single Family)

Adjacent Uses

North: Residential (Detached Single Family)

South: Residential (Detached Single Family)

East: Residential (Detached Single Family)

West: Infrastructure (West Vina del Mar Blvd)

The Applicant/Homeowner is requesting a variance to construct a pool within the required 9 foot rear yard setback. The requested variance is for 11 inches of encroachment, resulting in an 8 foot, 1 inch setback from the rear lot line.

Additionally, the Applicant/Homeowner is requesting a variance to allow for the placement of pool equipment and the relocation of an air conditioning unit in the required 7 foot side yard setback. The requested variance is for 4

Development Code. 4. The proposed variance is not the minimum allowable to make reasonable use of the land. Staff Recommendation • Denial on pool setback • Approval on ancillary equipment relocation	feet of encroachment, resulting in a 3 foot setback from the side lot line. <u>Related Case:</u> 2016-0027; The Applicant/Homeowner was denied a variance at the May 2016 Board of Adjustment meeting for a pool with a proposed rear yard setback of 5 feet. 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 letters of comment have been received; however, the Applicant has included three (3) letters of understanding and support from adjacent property owners in their submittal package. COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE: The proposed use of a pool is consistent with the City's Comprehensive Plan and Land Development Code as an accessory residential use subordinate to the existing residential single family dwelling. The Land Development Code allows for a maximum encroachment of 4 feet for ancillary equipment such as pool and air conditioning equipment in the required front and rear yard setbacks only. There is no such allowable encroachment of equipment in the required side yard setback. STAFF RECOMMENDATION: Staff recognizes that the applicant has worked diligently to move the request closer to the code requirement; even so, Staff still recommends denial as the applicant does not meet the criteria in the code. Nor has Staff been directed that the code will change with regard to rear setbacks. The Applicant has modified their request to minimize the impact of the proposed construction and has obtained statements of understanding and support of their request from adjacent property owners whom would be the most affected by the proposed construction. However, the requests fail to pass the requirements for approval when the explicit criteria for review are applied in accordance with the Land Development Code. Specifically, there are no peculiar characteristics or circumstances pertaining to the subject land to constitute need for a variance. With regard to the request for the allowance of the ancillary equipment for the home. It is the understanding of Staff that the City Commission desires to amend the Land Development Code to allow the ancillary equipment the ability to encroach into the side yard similarly to the allowance for rear and front yard encroachment. Therefore Staff recommends approval for the encroachment into the side yard, recognizing the applicant will be within the 4 foot allowance.
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	<u>Attachments:</u> A. Relevant Code Section B. Aerial Photo C. Site Photo D. Variance Application & Attachments E. Survey F. Site Plan
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Attachment A.

Sec. 6.13. - Accessory residential structures.

(c) Special accessory structures. Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks, patio covers, gazebos, fountains, garden trellises and children's playground equipment. Tree houses are specifically excluded as special accessory structures.

(1) Swimming pools and spas may be permitted by the city and shall be regulated as follows:

- a. Pool setbacks shall be measured from the edge of the water.
- b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located. Other swimming pools and spas shall be regulated by paragraph c. below.
- c. Required yards: Front, secondary front and side yards shall be as required within the district for a principal structure

The required rear yard shall be nine feet; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

Sec. 6.14. - Encroachment of certain specified ancillary residential equipment into required yards.

Ancillary residential equipment, such as air conditioning compressors, swimming pool and spa filters and pumps, and lawn irrigation pumps shall be allowed to encroach only into the rear or front yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time. Change-outs of existing equipment shall be exempt.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing east



THE SUNSET CAPITAL OF FLORIDA

VARIANCE APPLICATION

2016-0051

Case Number: [REDACTED]

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 17, Block 3, N Vinal Del Mar. Blvd. 2nd
Addition, Plat Book 61, Page 13, Pinellas, FL
Parcel ID: 08-32-16-61578-003-0170

Address: 3063 W. Vina Del Mar. Blvd, St. Pete Beach

Current Zoning: FLUM
RU-1 Designation: RU Lot Area: 7590

Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

PROPERTY OWNER:

Name: Greggory Greene Name: Greggory Greene

Address: 3063 W Vinal Del Mar. Blvd Address: 3063 W. Vina Del Mar Blvd

City: St. Pete Beach State: FL City: St. Pete Beach State: FL

Zip: 33706 Phone: 727 2042439 Zip: 33706 Phone: 7272042439

Email: providerdirect@hotmail.com Email: providerdirect@hotmail.com

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

Applicant requests an 11 inch rear yard setback variance from the 9 foot rear yard setback requirement of Ord. 6.13 to install a therapeutic lap swimming pool in the rear yard. Per Ordinance 6.13(c) pools are a permitted "special accessory structure". Per Ord. 6.13(c) (1)a- pool setbacks are measured from the edge of the water. The Applicant has changed its plans since the original application to minimize the variance request. The pool design has been narrowed from 11 feet wide to 10 feet wide and the distance from the pool to the house has been reduced from 4 feet to 3 feet.

Applicant also requests a 4 foot encroachment into the side yard setback to accommodate the A/C unit and pool equipment.

Additional Documents:

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

attached	
x	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
x	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):

See attached list of additional documents

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 lot is small and the configuration of the house on the lot restricts the area to build a therapeutic lap swimming pool. The sitting room at the rear of the house provides living space and enjoyment of the outdoors and is the original footprint of the house. Applicant bought the property in 2015. The North Vina Del Mar Second Additional Plat was platted in 1965 and provides for a 5 foot setback in the rear of the applicants' house for utilities. Ord. 6.13(c) was adopted many years later and provides for a 9 foot rear yard setback for swimming pools. There are at least 3 properties in the immediate vicinity of Applicants' property in which pools are built 5 feet or closer to their rear property lines.

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.

If no variance to the rear setback is granted, the Applicant will be deprived of the reasonable use of a therapeutic lap swimming pool, and a swimming pool which is a "special accessory structure" permitted on residentially zoned properties, Ord. 6.13 introduction and (c). Rear yard setback variances for pools are contemplated by Ord. 6.13 even for waterfront rear yards with seawalls. Applicant needs the pool, configured as a lap pool to exercise his knee, which has been surgically repaired. See the attached physicians' letter. If the pool width is less than 10 feet it will impede the functionality of the pool.

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

The lot is small and the configuration of the house on the lot restricts the area to build a therapeutic lap swimming pool. The North Vina Del Mar Second Additional Plat was platted in 1965 and provides for a 5 foot setback in the rear of the applicants' house for utilities (Lot 17, Block 3). Per the Property Appraiser the house was built in its original configuration in 1970. The sitting room at the rear of the house provides living space and enjoyment of the outdoors. Applicant bought the property in 2015. Ord. 6.13(c) was adopted many years after the original plat and provides for a 9 foot rear yard setback for swimming pools. There are at least 3 properties in the immediate vicinity of Applicants' property in which pools are built 5 feet or closer to their rear property lines. Applicants' property has a different rear yard setback from other properties in the same vicinity through no fault of Applicant.

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

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

Correct

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

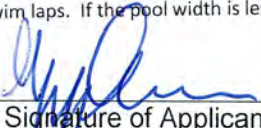
Correct

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.

The granting of a rear yard setback variance for a therapeutic swimming pool is consistent with the intent of the zoning regulations. Ord. 6.13 intends that residentially zoned lots be permitted to have swimming pools as a special accessory structure to the home. Ord. 6.13 (c) intends that setback variances be granted for swimming pools, providing that rear yards with seawalls can obtain setback variances if they show that the pool will not damage the seawall. The granting of the setback variance in the present case will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The Applicants' lot is an interior lot, with no overhead utility lines over the proposed pool area, and the location of the pool is consistent with the pattern of installation of pools in the neighborhood, where the plat provides for a 5 foot setback.

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

The proposed variance of 11 inches from the rear setback requirement is the minimum that will make possible the reasonable use of a therapeutic swimming pool, which is a "special accessory structure", per Ord. 6.13. There is no other space on the lot to build a pool in which to swim laps. If the pool width is less than 10 feet, it will impair the functionality of the therapeutic lap pool.

	06-22-16		
Signature of Applicant	Date	Signature of Authorized Agent	Date
For office use only:			

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances, 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, 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.
- ☒ 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 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.
- ☒ 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



Signature of Applicant

06-22-16

Date

Additional Documents attached

1. Plat of North Vina Del Mar Second Addition, See Lot 17, Block 3, 5 foot rear yard easement
2. Sheet from the Property Appraiser showing year built
3. 2015 Deed to Applicant
4. Letters from neighbors that they have no objections
5. June 15, 2016 Letter from Dr. Giovanni M. Baula MD
6. Aerial photo of area and front of house before improvements
7. Aerial photo of subject property and homes to the North, South, East with pools
8. Aerial photo of homes on the same block, of which 3 have encroaching pools
9. Photo of Knee surgery
10. Interior view of existing screened lanai
11. Interior View of existing screened lanai with furniture

BEING A SUBDIVISION OF LANDS LYING IN PORTIONS OF SECTIONS 7-8-17 & 18, TOWNSHIP
32 S., RANGE 16 E., ST. PETERSBURG BEACH, PINELLAS COUNTY, FLORIDA

[illegible]

DEDICATION (THE UNDERSIGNING HEREOF CERTIFIES THAT IT IS THE OWNER OF THE ABOVE DESCRIBED
TRACT OF LAND HEREIN DESCRIBED AS "NORTH TINE DEL NOR" (SECOND ADDITION) AND THAT IT DEDICATES SA LAND

<u>Chas. W. Anderson</u> 15000 1st Ave. N.W. 75123	<u>APOLLO DIGERS, INC.</u> 3110 15000 1st Ave. N.W. 75123
---	---

MORTGAGE: THE UNDERSIGNED HEREBY ASSURES THE BANK OF THE PAYMENT OF THE MORTGAGE AT THE MATURED DATE FOR THE PURPOSE OF CONTINUING IN THE POSSESSION OF THE PROPERTY AND ALL PROFITS, INTEREST AND RENTALS THEREON.

[illegible]

STATE OF FLORIDA
County of Alachua

I HEREBY CERTIFY THAT IN THIS County of Alachua, Fla. 1946
WHERE HE INDULGENTLY BARBERED DOES MEXICANO AND
IN COUNTY OF Alachua AND SECRETARY OF
HAROLD BUILDERS INC. IS EMPLOYMENT
THE STATE OF FLORIDA, IS NO KNOWN TO BE THE PERSONS
PERSONS IN AND HAVE RECEIVED THE PURCHASE CERTIFICATE
AND WAS GENERALLY RECOGNIZED THE
REGISTRATION THEREIN. NO HAVE THESE ACT HAVE HAD
EVEN APPROVAL, THE HAD AND BARBERED THROUGH HAD
AND THAT THE BARBERED THROUGH THE NATIONAL BLD. OF U.S.
EMPLOYMENT, THE NEW EMPLOYMENT IN THE BLD. HAVE IN 1946
AND THAT NO HAVE THESE ACT HAVE HAD
IN. RECORDED, COUNTY OF Alachua, STATE OF FLORIDA,
DAY AND YEAR ABOVE.

THE COMMISSIONER
NOTARY PUBLIC
WITNESSE MY HAND AND SEAL
THIS 10 DAY OF APRIL 1946

STATE OF ALABAMA
COUNTY OF BOWLING GREEN
I HEREBY CERTIFY THAT ON THIS 11th DAY OF JANUARY A.D. 1925 BEFORE ME PERSONALLY APPEARED
J. W. CORDELL, DEPUTY ATTORNEY
GENERAL OF THE STATE OF ALABAMA, AND THAT HE REQUESTED ME, AS A
NOTARY PUBLIC IN AND FOR THE STATE OF ALABAMA, TO SIGN AND
SEAL THESE PRESENTS, IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND SEAL AT THE CITY OF MOBILE, IN THE STATE OF ALABAMA, THIS
11th DAY OF JANUARY, A.D. 1925.

Notary Public in and for the State of Alabama
F. H. M. 1108
J. W. Cordell

SUBVENER'S CERTIFICATE: I, WILLIAM M. THOMPSON of GEORGE F. YOUNG, INC. MEMPHIS
OFFICE at 401 SOUTH MAIN ST. MEMPHIS, TENNESSEE, THE SURETY MAKING THIS FILED, DO
HEREBY CERTIFY THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE SURETY PLATED TO THE BEST OF
MY KNOWLEDGE AND BELIEF, AND THAT NO MATERIAL DIFFERENCE HAS BEEN MADE IN
AGREEMENT WITH SECTION 7, CHAPTER 197E (ART. 10 OF THE STATE OF TENNESSEE) PASSED ON THIS 23RD DAY
OF AUGUST 1968.

STATE OF ALABAMA,
COUNTY OF BARBOURS, ss.
I, J. H. [illegible], being duly qualified as a Justice of the Peace for and in and for the County of Barbour, do hereby certify that this deed has been officially recorded among the Bonds of County of Barbour, this 12th day of January, 1928.
APPROVED
[Signature] Justice of the Peace
ATTEST
HAROLD McLENDRE, CLERK
By [Signature]

1949 12 18/1949 12 18
 DEPUTY CLERK
 1. HAROLD MULLENBROOK, given as the County Clerk of Hardee County, Florida, hereby certifies that
 the following is a true and correct copy of the records in the office of the County Clerk of Hardee
 County, Florida, pertaining to maps and plats, and that the same are on file in the office of the County Clerk
 of Hardee County, Florida, and that the same are on file in the office of the County Clerk of Hardee County, Florida.
 HAROLD MULLENBROOK, Clerk
 Hardee County, Florida
 1949 12 18/1949 12 18
 Deputy Clerk

APPROVED by the Planning Board of the City of St. Petersburg Beach, Pinellas County, Florida,
this 22nd day of May, 1969. Carleigh T. Manly Chairman

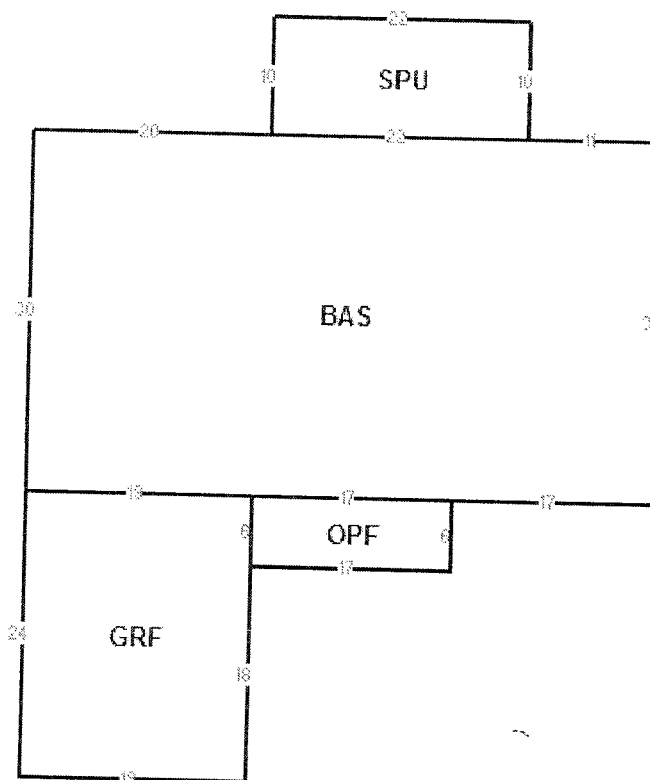
APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ST. LOUIS, MISSOURI, THIS 14th DAY OF JANUARY, 1911.

Approved by the City of St Petersburg Beach, Manatee County, Florida, this 22 day of June, 1964.

[Signature] City Manager

The writer says no plus tendency to the rightists
of Cc 14255 Acc. at 1925, and Cc 20181 Bpl
A 4000 of Friends to be for the
of the 14255
at 14255
by public records at Fuchang County, China in 1941
61 Page 13
HAROLD MURDOCK, Chief Clerk
for the Court

Quality:
 Average
 Square
 Footage:
 2368.00
 Foundation:
 Continuous
 Footing
 Floor System:
 Slab On Grade
 Exterior Wall:
 Concrete Block
 Roof Frame:
 Gable Or Hip
 Roof Cover:
 Concrete Tile
 Avg Meta
 Stories: 1
 Living units: 1
 Floor Finish:
 Carpet/
 Vinyl/Asphalt
 Interior Finish:
 Drywall/Plaster
 Fixtures: 6
 Year Built:
 1970
 Effective Age: [Open plot in New Window](#)
 29
 Heating:
 Central Duct
 Cooling:
 Cooling
 (Central)



Comp
 Proper
 Record
 Card

Building 1 Sub Area Information

Description	Living Area Ft ²	Gross Area Ft ²	Factor	Effective
Screen Porch Unfinished	0	220	0.20	
Base	1,590	1,590	1.00	1,5
Garage	0	456	0.35	1
Open Porch	0	102	0.20	
Total Living SF: 1,590		Total Gross SF: 2,368	Total Effective SF: 1,8	

[\[click here to hide\]](#) 2015 Extra Features

Description	Value/Unit	Units	Total Value as New	Depreciated Value	Ye
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Prepared by and Return To:

Corinne Janis
Fidelity National Title of Florida, Inc.
2814 W. Bay Drive
Belleair Bluffs, FL 33770

Order No.: FTPA15-06801

Pinellas
18517 1082
32315 9:50am

APN/Parcel ID(s): 08/32/16/61578/003/0170

WARRANTY DEED

THIS WARRANTY DEED dated March 16, 2015, by Yvonne S. Wood unremarried widow, hereinafter called the grantor, to Eric Evan Greene and Pamela Fader Greene, husband and wife, and Gregory Ian Greene, an unmarried man, whose post office address is 3063 W. Vina Del Mar Blvd. , St. Petersburg Beach, FL 33706, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in City of ST. Petersburg Beach, County of Pinellas, State of Florida, to wit:

Lot 17, Block 3, North Vina Del Mar Second Addition, according to the map or plat thereof, as recorded in Plat Book 61, Page(s) 13, of the Public Records of Pinellas County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2014.

WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Barbara Liberatore
Witness Signature

Barbara Liberatore
Print Name

Corinne J
Witness Signature

Corinne Janis
Print Name

Yvonne S. Wood
Yvonne S. Wood

Address:

3063 W. Vince Del Mar
St Pete Bch, FL 33706

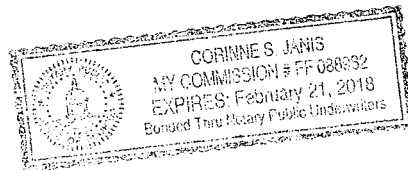
State of FLORIDA

County of PINELLAS

The foregoing instrument was acknowledged before me this 16 day of March, 2015, by Yvonne S. Wood, to me known to be the person(s) described in or who has/have produced DL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Witness my hand and official seal in the County and State last aforesaid this 16 day of March, 2015.

Corinne J
NOTARY PUBLIC
My Commission Expires:



My property immediate adjoins 3063 West Vina Del Mar Blvd on the East side. I looked at the proposed plan associated with the Variance Request (City of St Pete Beach Case 2016-27), I understand the applicant's request, and I support the proposed variance to install a Therapeutic Lap Pool.

Property Address: 3062 E Vina Del Mar Blvd
St Pete Beach, FL 33706

Owner's Name (Printed): REBECCA A. WALERSKI

Owner's Signature: 

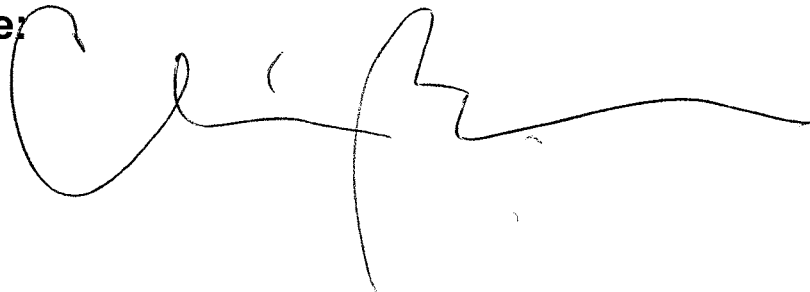
My property immediate adjoins 3063 West Vina Del Mar Blvd on the South side. I looked at the proposed plan associated with the Variance Request (City of St Pete Beach Case 2016-27), I understand the applicant's request, and I support the proposed variance to install a Therapeutic Lap Pool.

Property Address: 3063 W Vina del Mar Blvd

Owner's Name (Printed): KRB 33700

CHRIS BRIDGES

Owner's Signature:

A handwritten signature in black ink, appearing to read "Chris Bridges", written over a horizontal line.

My property immediate adjoins 3063 West Vina Del Mar Blvd on the North side. I looked at the proposed plan associated with the Variance Request (City of St Pete Beach Case 2016-27), I understand the applicant's request, and I support the proposed variance to install a Therapeutic Lap Pool.

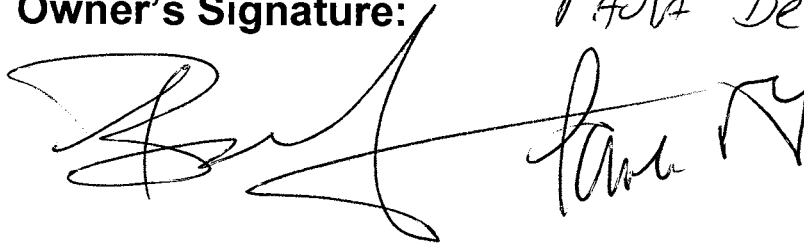
Property Address: 3073 W Vina Del Mar
ST Pete Bch FL 33706

Owner's Name (Printed):

Charles Beersdorf

Owner's Signature:

Paula Beersdorf

The block contains two handwritten signatures. The first signature, on the left, is a stylized cursive signature of Charles Beersdorf. The second signature, on the right, is a cursive signature of Paula Beersdorf, which includes a small mark resembling a heart or a stylized 'M' at the end.

Giovanni M. Baula MD

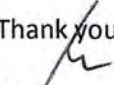
June 15, 2016

To Whom It May Concern

RE: Gregory Greene
DOB: 03/31/1960

Gregory Greene had ACL Allograft and Meniscus surgery on his Right Knee at Bayfront Hospital. Due to the nature of the surgery and the arthritis present, I recommend Mr. Greene maintain a low impact exercise regimen. Swimming laps is the Perfect Therapy and preferred exercise to accomplish this goal. If you have any others questions or concerns, please call my office.

Thank you,


Giovanni Baula, M.D.

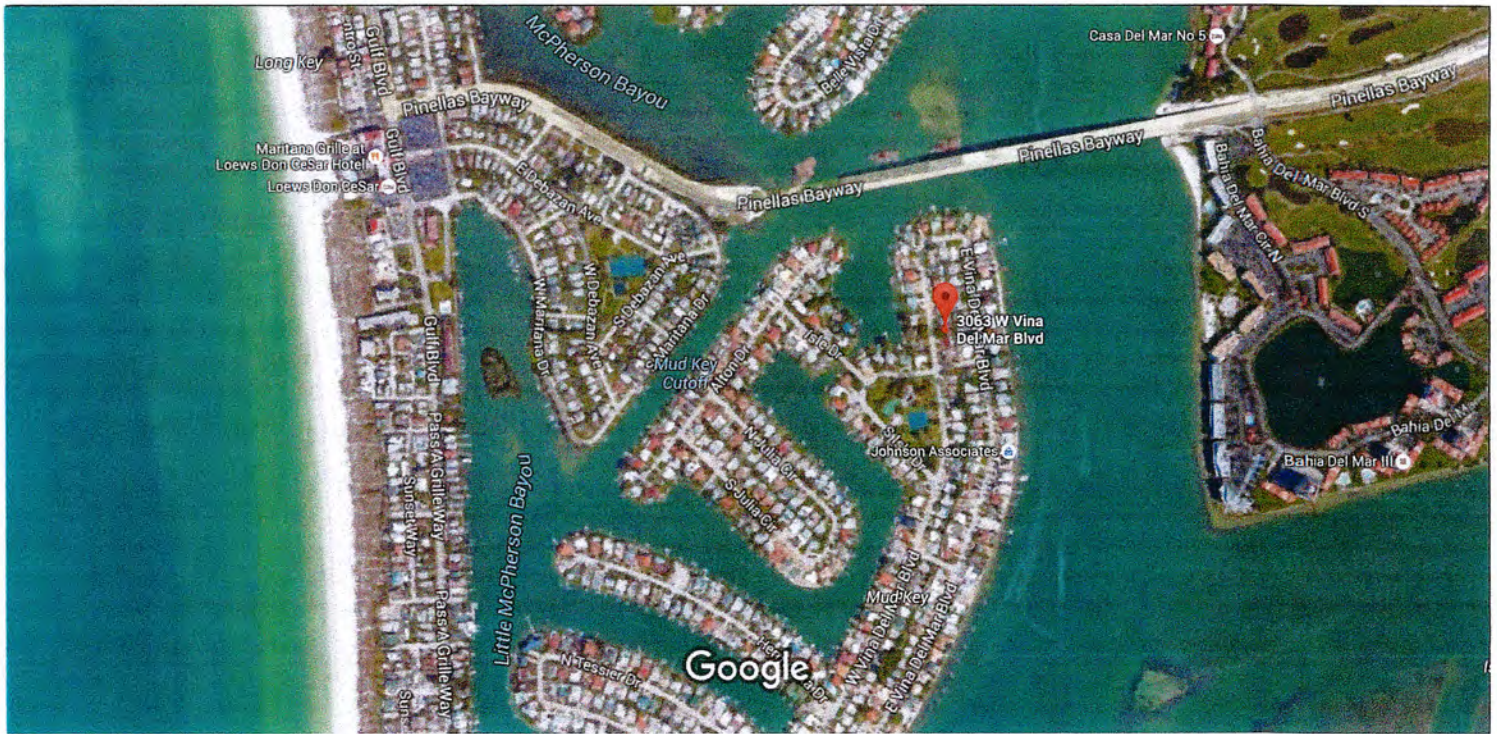
GB/II

xc: file



ACL Replacement Surgery

Cadaver Donor, Allograft Insertion and Positioning



Imagery ©2016 Google, Map data ©2016 Google, INEGI 500 ft

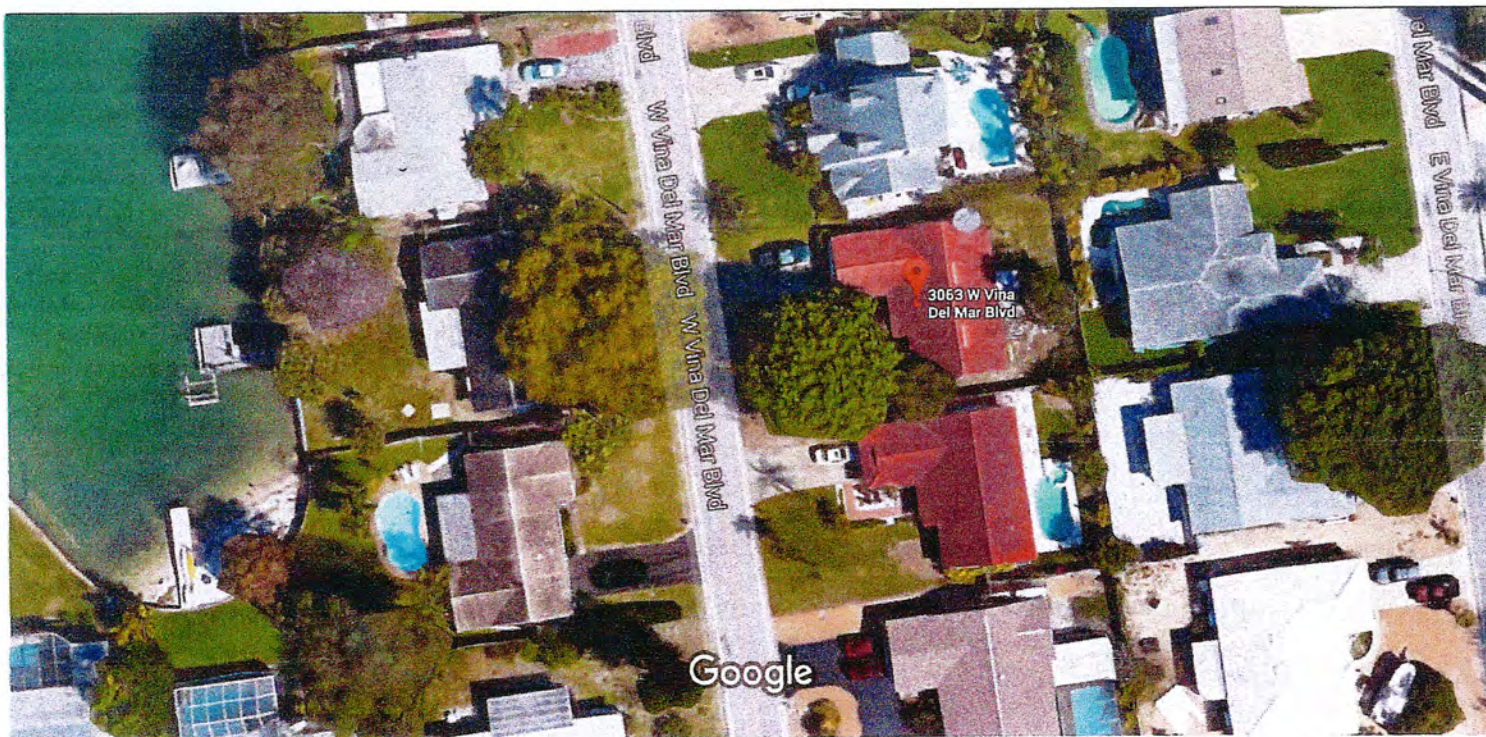


3063 W Vina Del Mar Blvd

St Pete Beach, FL 33706

Subject Property Location

St Pete Beach, Vina Del Mar Neighborhood

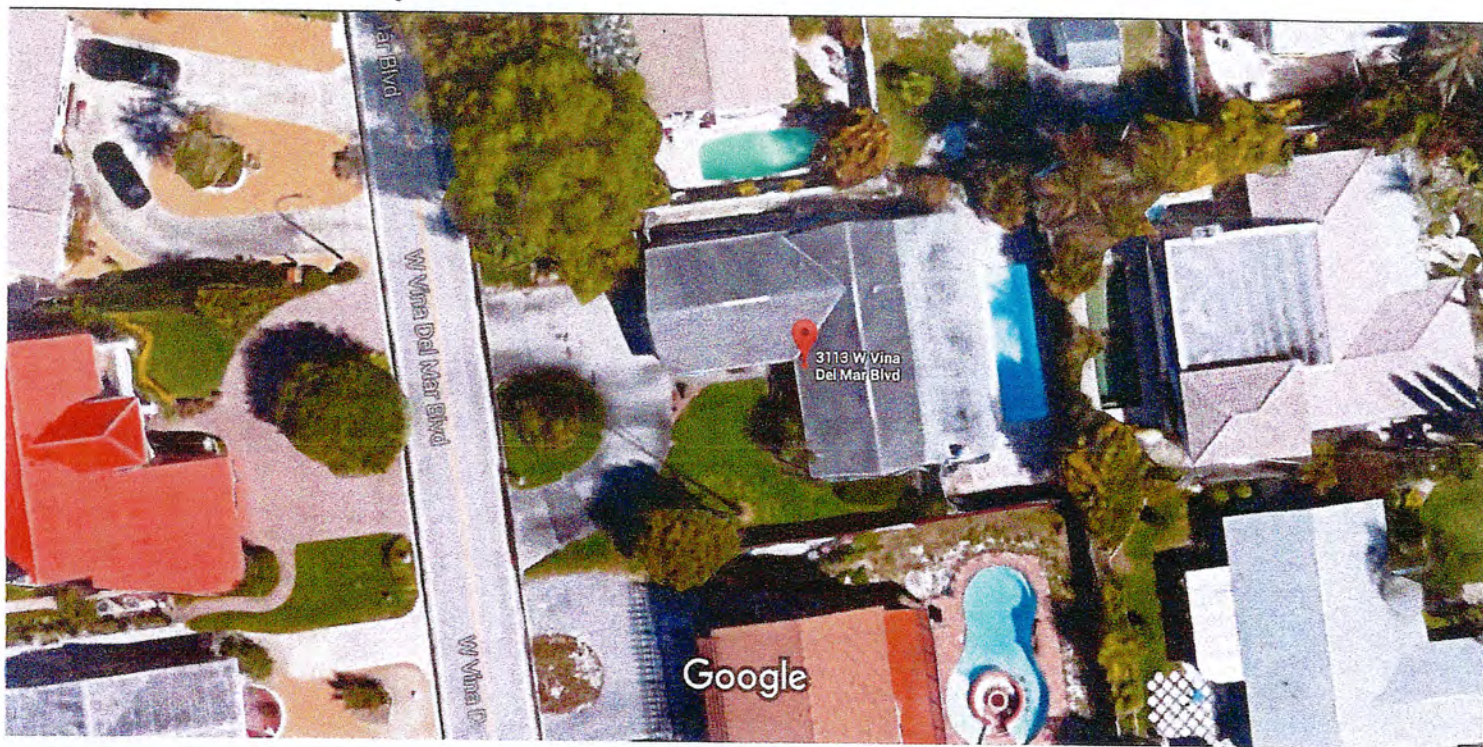


Imagery ©2016 Google, Map data ©2016 Google, INEGI 20 ft



Subject Property

Adjacent Homes - North, South & East Sides with Pools



Imagery ©2016 Google, Map data ©2016 Google, INEGI 20 ft



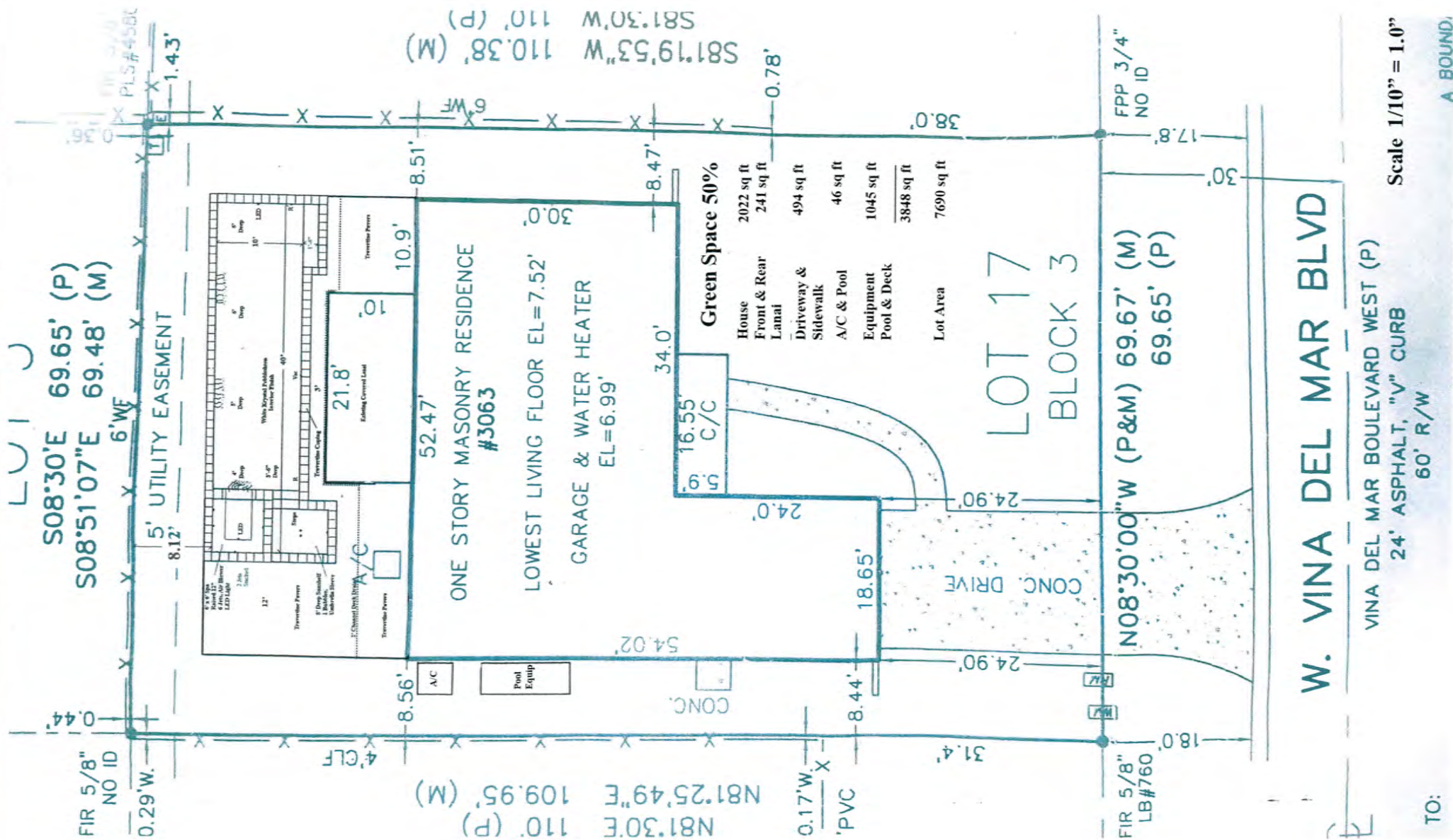
Same Block as Subject Property – 5 Homes North
3 Homes with Encroaching Lap Pools



Interior View of Existing Screened Lanai



Interior View of Existing Screened Lanai
A Snug Fit for Small Patio Furniture



Attachment F.

