



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 9/28/2016
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**
 - I) 8/31/2016

4. Public Hearings

- I. Case 2016-0054: 348 39th Avenue - Applicant requests a variance to Section 8.7(a) of the Land Development Code to reduce the required front yard setback from 20 feet to 5 feet to allow for the construction of a carport.
- II. Case 2016-0057: 261 41st Avenue - Applicant requests a variance to Section 8.7(a) of the Land Development Code to (1) reduce the required secondary front yard setback from 20 feet to 9 feet, 2.5 inches; and (2) reduce the required rear yard setback from 20 feet to 8 feet, 5 inches to allow for the construction of a carport, garage, and recreation room.
- III. Case 2016-0058: 2601 Pass-A-Grille Way - Applicant requests variances to (1) Section 6.13(c) of the Land Development Code to reduce the required rear yard setback from 9 feet to 5 feet for the construction of a pool; and (2) Section 9.7(a) to reduce the required side yard setback from 5 feet to 0 (zero) feet to allow for the placement of pool equipment.

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

AUGUST 31, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ALSO PRESENT:

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

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 6/29/2016 and 7/27/2016

Member Bomar made a motion to approve the minutes from the June 29, 2016 and July 27, 2016 meetings. The motion was seconded by Member Lyman and unanimously approved by a voice vote.

4. Public Hearings

- I. **Case 2016-0050:** 100 6th Ave. – Applicant requests a variance to Section 11.7(a) of the Land Development Code to reduce the required side and rear yard setbacks for the expansion of a locally designated historic structure.

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

Chairman Skipper asked the applicant to come forward.

Ralph Lickton, 1706 Pass-A-Grille Way, St. Pete Beach, designer, gave a brief description of the proposed project and spoke in regard to a variance to reduce the required side and rear yard setbacks for an expansion.

City Attorney Dickman asked Chairman Skipper to clarify if Mr. Lickton was appearing as an expert or an applicant. Mr. Lickton responded he was appearing as an applicant.

Chairman Skipper asked if Mr. Metz would like to speak.

Harry Metz, 504 Pass-A-Grille Way, owner, spoke in regard to the subject property.

Chairman Skipper asked if anyone would like to speak in favor 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, but Chairman Skipper did comment that there were a couple of letters received.

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

Ralph Lickton, 1706 Pass-A-Grille Way, St. Pete Beach, designer, responded to board members' questions in regard to the variance request.

Harry Metz, 504 Pass-A-Grille Way, owner, responded to board members' questions in regard to the variance request.

Ralph Lickton, 1706 Pass-A-Grille Way, St. Pete Beach, designer, spoke further in regard to the variance request.

Vice Chairman Littell made a motion to approve Variance Case No. 2016-0050. The motion was seconded by Member Lyman. The motion was approved by an individual roll call vote, (3 yeses – Member Bomar, Member Lyman, Chairman Skipper; 2 nos – Member DeYampert, Vice Chairman Littell).

5. Adjournment

There being no further business before the board, the meeting was adjourned at 2:34 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

9/28/16

**Variance Case
#2016-0054**

Applicant/Agent
Charles Caswell,
Homeowner

Location
348 39th Avenue

**Commission
District**
District 3

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Further exploration

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 8.7(a): Front Yard Setback	20 feet	20 feet	5 feet

Applicant requests a variance to Section 8.7(a) of the Land Development Code (LDC) to reduce the required front yard setback.

Existing Use: Residential (Detached Single Family)

Adjacent Uses

North: Residential (Detached Single Family)

South: Infrastructure (39th Avenue)

East: Residential (Detached Single Family)

West: Residential (Detached Single Family)

The Applicant is requesting a variance to construct a detached carport within the required 20 foot front yard setback. The requested variance is for 15 feet of encroachment, resulting in a 5 foot setback from the front lot line. The Applicant's proposed plan is to place the 18 foot x 18 foot carport away from the principal structure leaving an open area of approximately 7 feet in width between the front of the residence and the back of the carport.

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.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed construction of a carport 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 regulates the location of a carport by requiring the structure be located a minimum of 20 feet from the front lot line.

CRITERIA REVIEW (LDC 3.12.a):

The Board of Adjustment may authorize variances to the land development regulations if the applicant is able to demonstrate compliance with all five (5) of the following conditions. Staff analysis of criteria in *red italics* below:

- 1) 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. *No peculiarities in the land exist and strict application would not deprive applicant reasonable use of the land.*
- 2) 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. *None are being considered.*
- 3) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district. *The proposed variance will not affect any boundaries, uses, or densities.*
- 4) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application. *The variance would not be in harmony with the character of the neighborhood.*
- 5) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in

the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *No hardship exists. Accessory structures are not requisite for reasonable use of land.*

STAFF RECOMMENDATION:

Staff recommends exploration of other configurations – The principal structure is located approximately 30 feet from the front lot line, which results in 10 feet of buildable area adjacent to the front of the residence. The Applicant could utilize this area to build a similar shade structure that would not require a variance.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Survey
- F. Site Plan

Attachment A.

Sec. 6.13. - Accessory residential structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

(a) Garage, private residential, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this Code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.

(1) Attached garage. An attached garage shall be subject to the same required yard and height requirements as the principal structure.

(2) Detached garage. Detached garages shall be regulated as follows:

a. Required yards:

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	Ten feet if accessible from an alley; otherwise 20 feet

b. Maximum height: 12 feet above the crown of any street abutting the property.

c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing

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.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



VARIANCE APPLICATION

Case Number: 2016-0054

PROPERTY FOR PROPOSED VARIANCE

Legal Description: BELLE VISTA POINT, BLOCK C LOT 6.
Parcel ID: 07-32-16-07488-003-0060
Address: 348 39TH AVENUE, ST. PETE BEACH, FL 33706
Current Zoning: RU1 FLUM Designation: RU Lot Area: 70x113
Existing Use: RES Proposed Use: RES.

APPLICANT/AGENT:

Name: _____
Address: _____
City: _____ State: _____
Zip: _____ Phone: _____
Email: _____

PROPERTY OWNER:

Name: CHARLES CASWELL
Address: 348 39TH AVENUE
City: ST PETE BEACH State: FL
Zip: 33706 Phone: 850 371211
Email: CASWELL@YAHOO.COM

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

LDC SEC 8.7
REDUCE FRONT YARD SETBACK FROM 20 FEET
TO 5 FEET FOR CONSTRUCTION OF
CAR PORT.

Additional Documents:

Check here if document is attached	Required Document
✓	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.

CORRECT.

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.

*REQUIRE THE REDUCTION OF THE FRONT YARD
SETBACK FROM 30' TO 5' FOR CONSTRUCTION
OF CARPORT STRUCTURE.*

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

CORRECT.

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

CORRECT.

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.

CORRECT.

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

CORRECT.

	<i>8/08/2016</i>		
Signature of Applicant	Date	Signature of Authorized Agent	Date

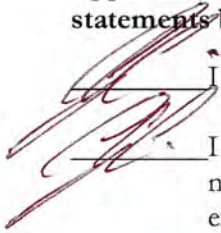
For office use only:

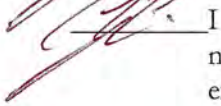
Hearing Date: _____ Fees: _____

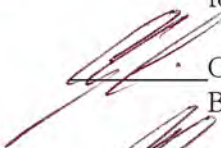
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

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.

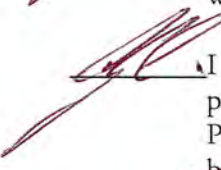
 I understand that the City will not accept or process an incomplete application.

 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.

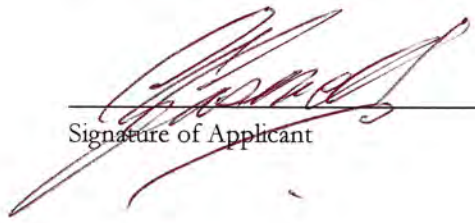
 I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

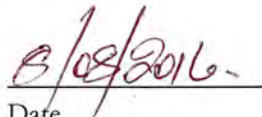
 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 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


Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, CHARLES CASWELL, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): CHARLES CASWELL
Address: 348 39TH AVENUE, ST PETE BEACH, FL 33706.

Signature [Signature] Date 08/08/2016.

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 8 day of Aug., 2016 by Charles John Caswell who appeared before me, and is personally known to me, or has produced FL DL as identification, and did take an oath.

C240-150-56-3300

My commission Expires:

NOTARY:

DORINDA BELTRAMI-HURST
Notary Public, State of Florida
My Comm. Expires May 4, 2020
No. FF 989457

Print Name: Dorinda Beltra-Hurst

Notary Public, State of Florida

(Notarial Seal)

DORINDA BELTRAMI
Notary Public, State of Florida
My Comm. Expires May 4, 2020
No. FF 989457

Prepared by
Tammy Shrum, an employee of
First American Title Insurance Company
2001 9th Avenue, Suite 108
Vero Beach, Florida 32960
(877)753-0344

Return to: Grantee

File No.: 2118-2132554



WARRANTY DEED

This indenture made on **December 22, 2014** A.D., by

AW Excelsior Management, LLC, a Nevada limited liability company and AW Excelsior Group, LLC, a Nevada limited liability company

whose address is: **5 Alexander Road, Bloomfield, CT 06002**
hereinafter called the "grantor", to

Charles J Caswell and Cheryl R Caswell, husband and wife

whose address is: **13030 Gulf Blvd, Madeira Beach, FL 33708**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Pinellas County, Florida**, to-wit:

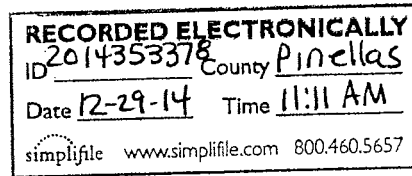
Lot 6, Block C, BELLE VISTA POINT, according to the map or plat thereof as recorded in Plat Book 38, Page 74, Public Records of Pinellas County, Florida.

Parcel Identification Number: **07/32/16/07488/003/0060**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

To Have and to Hold, the same in fee simple forever.

Prepared by
Tammy Shrum, an employee of
First American Title Insurance Company
2001 9th Avenue, Suite 108
Vero Beach, Florida 32960
(877)753-0344



Return to: Grantee

File No.: 2118-2132554

WARRANTY DEED

This indenture made on **December 22, 2014 A.D.**, by

AW Excelsior Management, LLC, a Nevada limited liability company and AW Excelsior Group, LLC, a Nevada limited liability company

whose address is: **5 Alexander Road, Bloomfield, CT 06002**
hereinafter called the "grantor", to

Charles J Caswell and Cheryl R Caswell, husband and wife

whose address is: **13030 Gulf Blvd, Madeira Beach, FL 33708**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Pinellas County, Florida**, to-wit:

Lot 6, Block C, BELLE VISTA POINT, according to the map or plat thereof as recorded in Plat Book 38, Page 74, Public Records of Pinellas County, Florida.

Parcel Identification Number: **07/32/16/07488/003/0060**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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 31st of 2014.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name, the day and year first above written.

AW Excelsior Management, LLC, a Nevada limited liability company

AW Excelsior Group, LLC, a Nevada limited liability company

Albert W. Williams
By: Albert W. Williams, Managing Member

Albert W. Williams
By: Albert W. Williams, Manager

Signed, sealed and delivered in our presence:

Lorna E. Williams
Witness Signature

Sandy T Lam
Witness Signature

Print Name: LORNA E. WILLIAMS

Print Name: SANDY T LAM

State of CT

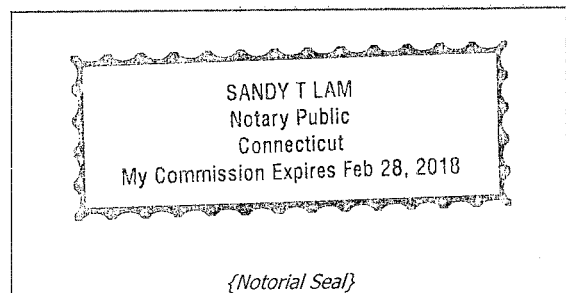
County of HARTFORD

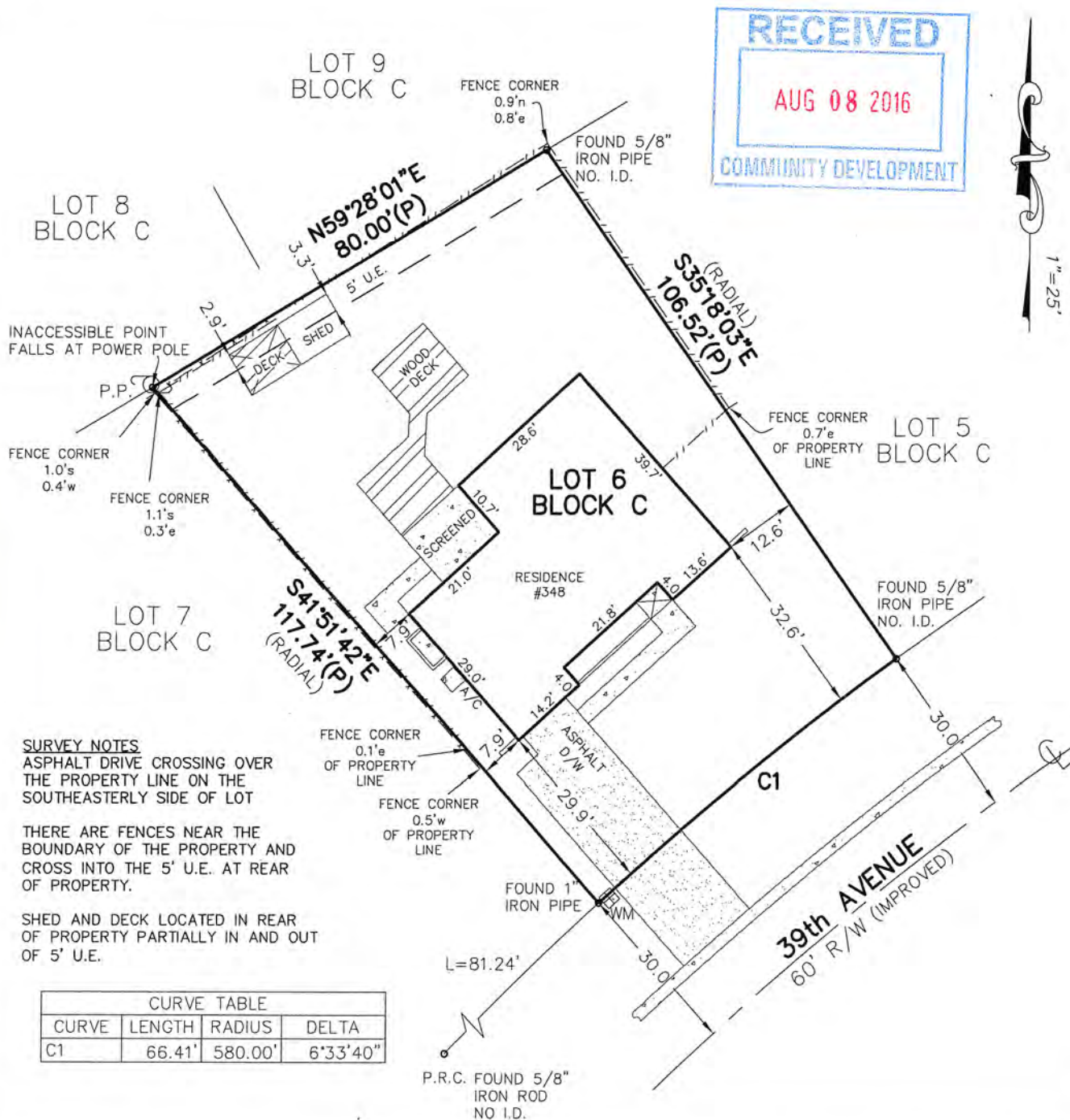
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on December 22 2014, by Albert W. Williams, as Managing Member, on behalf of AW Excelsior Management, LLC, a Nevada limited liability company and Albert W. Williams as Manager of AW Excelsior Group, LLC, a Nevada limited liability company, existing under the laws of the State of Nevada, who is/are personally known to me or who has/have produced a valid driver's license as identification.

Sandy T Lam
Notary Public

SANDY T LAM
(Printed Name)

My Commission expires: 2/28/2018





PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #7893



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Clyde O. McNeal
DN: CN = Clyde O. McNeal, C = US
Date: 2014.12.09
17:21:10 -05'00'



TARGET
SURVEYING, LLC

SERVING ALL FLORIDA COUNTIES

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
FACSIMILE (561) 640-0576
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576

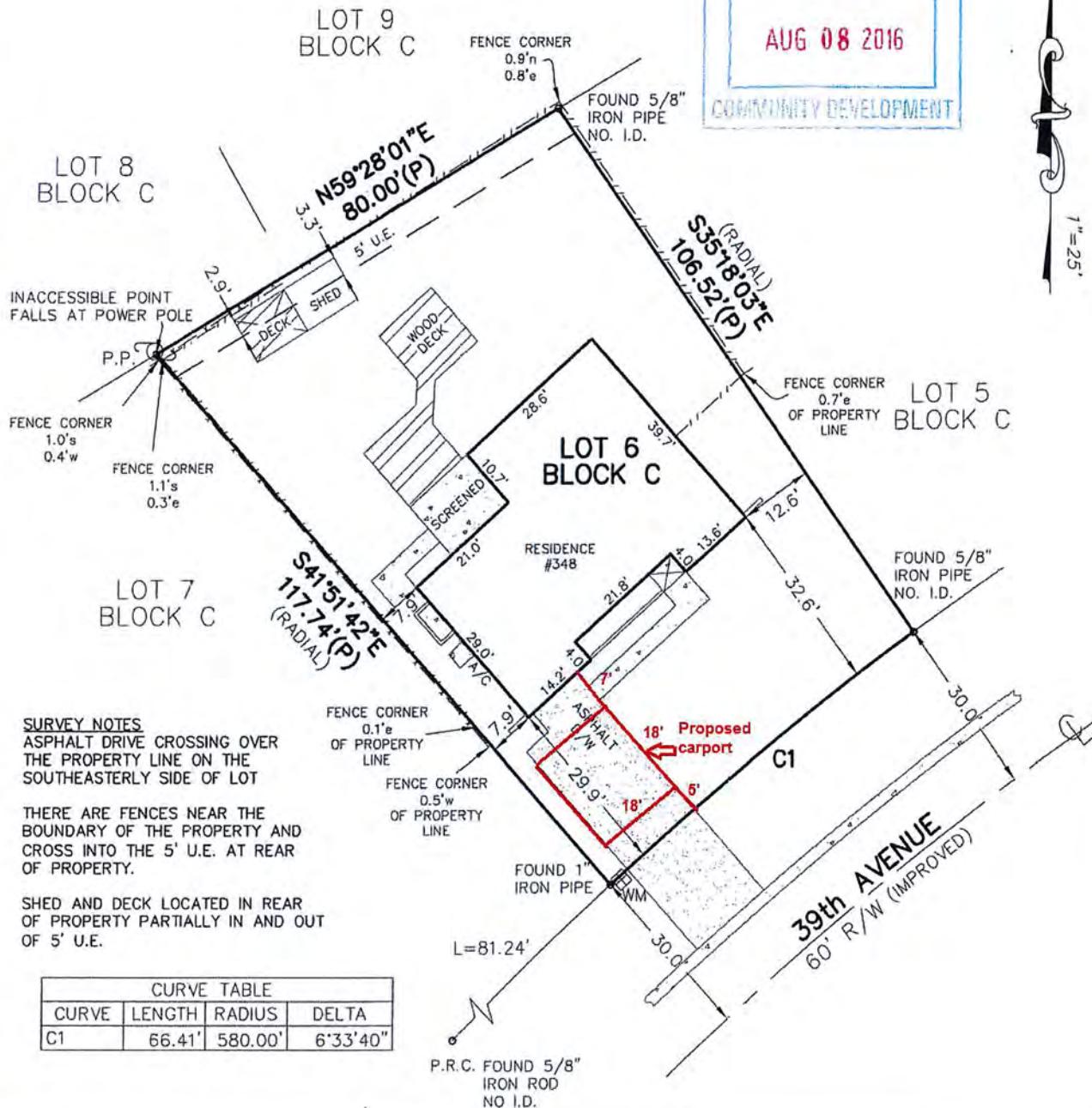
CLYDE O. MCNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883

RECEIVED

AUG 08 2016

COMMUNITY DEVELOPMENT

1"=25'



PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #7893



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Clyde O. McNeal
DN: CN = Clyde O. McNeal, C = US
Date: 2014.12.09 17:21:10 -05'00'

(SIGNED)

CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883

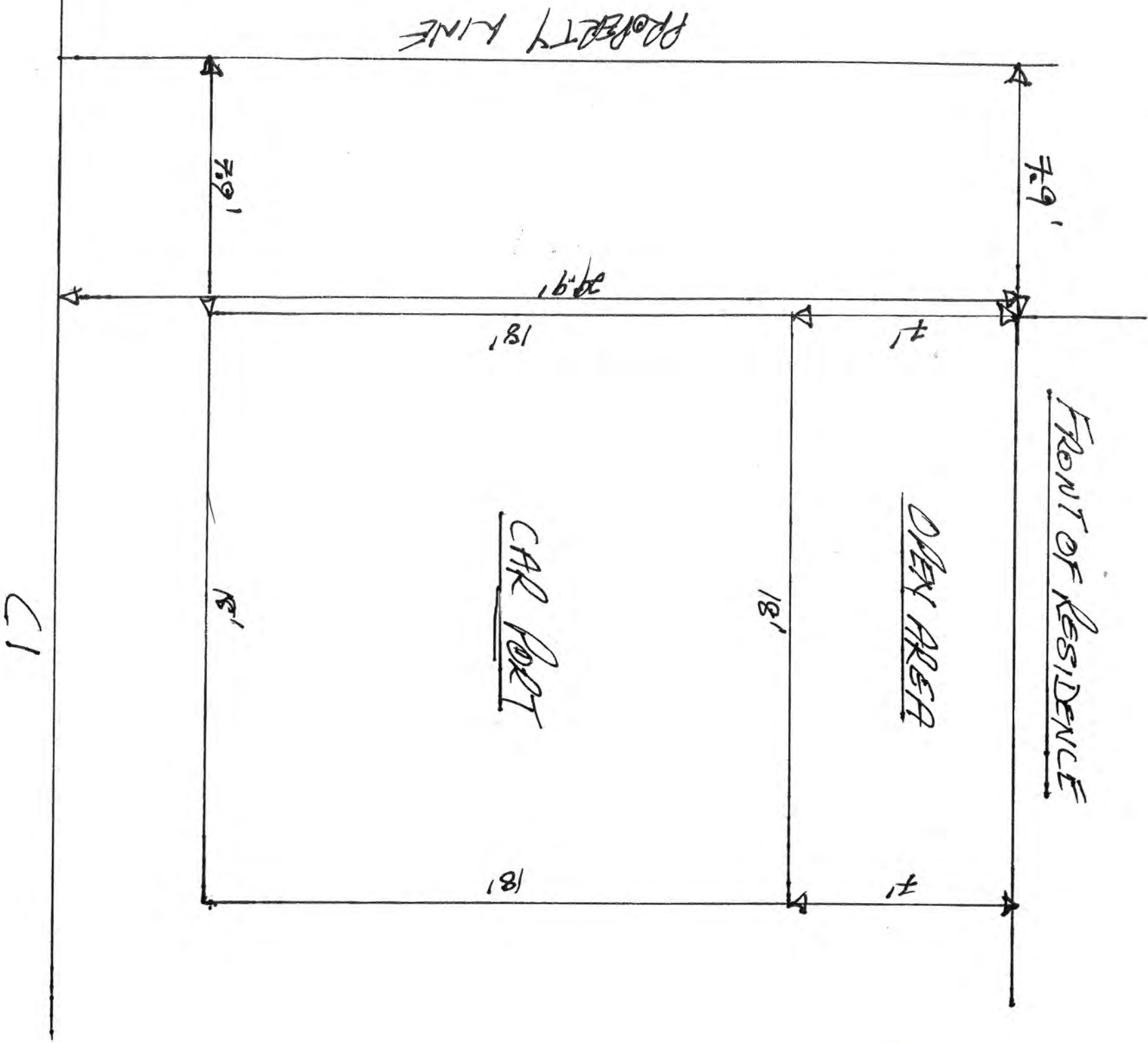

TARGET
SURVEYING, LLC

SERVING ALL FLORIDA COUNTIES

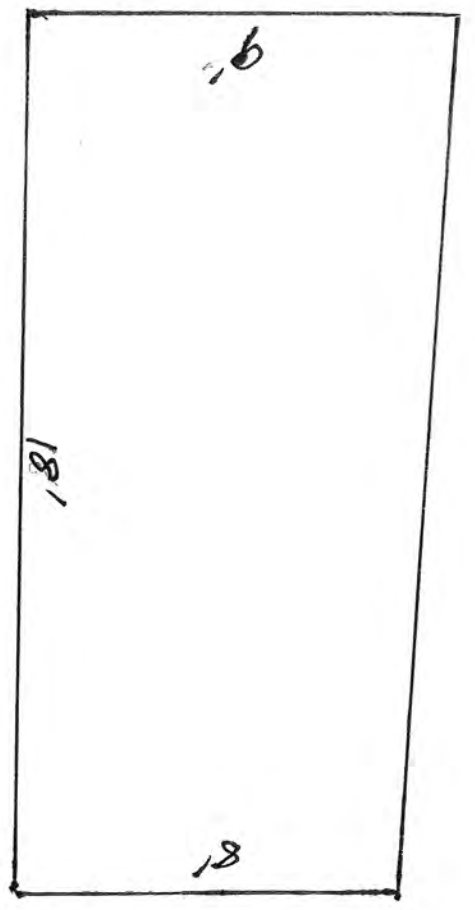
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
FACSIMILE (561) 640-0576
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576

Lot 6 Block C

SCALE 1/4" = 1'



END ELEVATION





St. Pete Beach Board of Adjustment

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

9/28/16

**Variance Case
#2016-0057**

Applicant/Agent
Jim Bedinghaus,
Applicant

Location
261 41st Avenue

**Commission
District**
District 3

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 8.7(a): Secondary Front Yard Setback	20 feet	9 feet, 2.5 inches	9 feet, 2.5 inches
 Rear Yard Setback	20 feet	20 feet	8 feet, 5 inches

Applicant requests a variance to Section 8.7(a) of the Land Development Code to (1) reduce the required secondary front yard setback from 20 feet to 9 feet, 2.5 inches; and (2) reduce the required rear yard setback from 20 feet to 8 feet, 5 inches to allow for the construction of an addition, carport, and garage.

Existing Use: Residential (Detached Single Family)

Proposed Use: Residential (Detached Single Family)

Adjacent Uses

North: Infrastructure (41st Avenue)

South: Residential (Detached Single Family)

East: Infrastructure (Moody Street)

West: Residential (Detached Single Family)

The Applicant is requesting a variance to construct an addition, carport, and garage within the required 20 foot secondary front and rear yard setbacks. The existing structure has a secondary front yard setback of approximately 9 feet, 2.5 inches, and existing encroachment of 10 feet, 9.5 inches. The existing structure is located within the secondary front yard setback and is therefore considered a legal nonconforming structure. The Code prohibits the substantial improvement of a nonconforming structure in a manner that will increase the nonconformity.

The required 20 foot rear yard setback is currently preserved. The Applicant is requesting the proposed additions match the existing secondary front yard setback and create a new encroachment into the rear yard setback.

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.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed construction of a carport, garage and addition 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 regulates the location of a carport by requiring the structure be located a minimum of 20 feet from the front lot line. As stated prior, the existing structure is a legal nonconforming structure in that it is located within the secondary front yard setback. The Code prohibits the improvement or alteration of a legal nonconforming structure in a manner that will increase the nonconformity.

CRITERIA REVIEW (LDC 3.12.a):

The Board of Adjustment may authorize variances to the land development regulations if the applicant is able to demonstrate compliance with all five (5) of the following conditions. Staff analysis of criteria in *red italics* below:

- 1) 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. *No peculiarities in the land exist. Buildable land exists on the lot without need of a variance. The pool shown on the survey was approved via building permit review in August 2016 for the current landowners but has not been constructed.*
- 2) 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. *No other structures are being considered.*
- 3) The proposed variance will not have the effect of changing any district

boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district. *The proposed variance will not affect any boundaries, uses, or densities.*

- 4) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application. *The reduction of the required rear yard setback may be detrimental to the neighbor adjacent to the subject property. The reduction of the required secondary front yard as requested would not be in harmony with the overall design of the neighborhood or the intent of the land development code setback regulations.*
- 5) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *No hardship exists. Accessory structures are not requisite for reasonable use of land.*

STAFF RECOMMENDATION:

Staff recommends denial – The proposed additions are not the minimum to make reasonable use of the land. The subject property contains a large amount of currently buildable area within the interior of the lot available without the granting of a variance for either request. The pool in the rear of the property was approved via building permit review in August 2016 and has not been built at the time of this report. The proposed improvement of the legal nonconforming existing structure, that will increase the footprint of the building in the required secondary front yard setback, is prohibited per Code. The rear yard setback is wholly preserved as it exists. No hardship exists, therefore there is no need for the granting of the proposed variances.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Survey
- F. Site Plan

Attachment A.

Sec. 6.13. - Accessory residential structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

(a) Garage, private residential, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this Code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.

(1) Attached garage. An attached garage shall be subject to the same required yard and height requirements as the principal structure.

(2) Detached garage. Detached garages shall be regulated as follows:

a) Required yards:

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	Ten feet if accessible from an alley; otherwise 20 feet

b. Maximum height: 12 feet above the crown of any street abutting the property.

c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing

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.

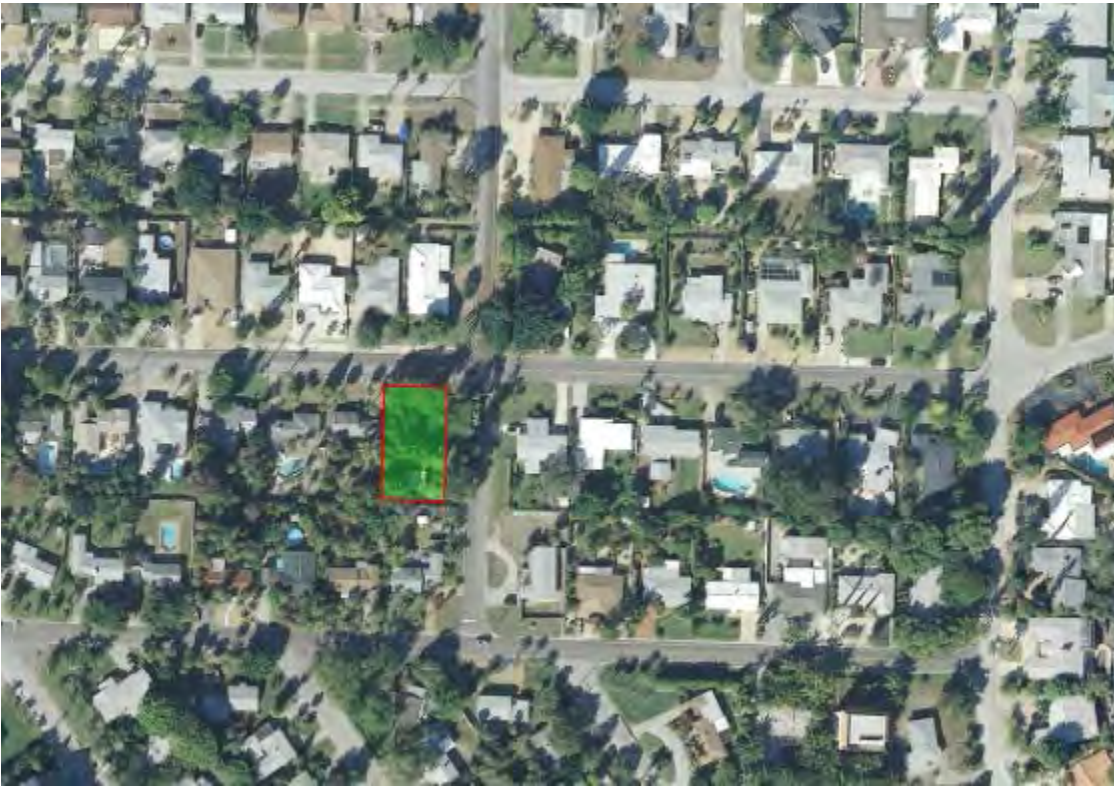
(1) Front yard: 20 feet.

(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.

Attachment B.



Above: Subject property highlighted.

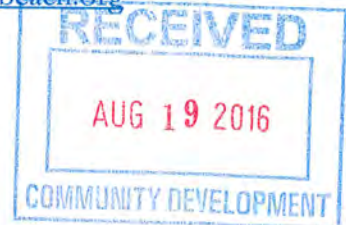
Attachment C.



Above: Subject property, facing west; proposed location of addition, carport, and garage



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



VARIANCE APPLICATION

Case Number: 2016-0057

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 7, Plat of Third Addition to Belle Vista Beach, Plat Bk 26, Pg 23
Parcel ID: 07-32-16-07434-000-0070
Address: 261 41st Ave, St Pete Beach, FL 33706
Current Zoning: RU-1 FLUM Designation: Ru-1 Lot Area: 8750 sqft
Existing Use: single family dwelling Proposed Use: single family dwelling

APPLICANT/AGENT:

Name: Jim Bedinghaus, Architect

Address: 2963 1st Avenue South

City: St Petersburg State: FL

Zip: 33712 Phone: 727-322-5900

Email: jeb@jimbedinghausarchitect.com

PROPERTY OWNER:

Name: Rick Hudson

Address: 261 41st Ave

City: St Pete Beach State: FL

Zip: 33706 Phone: 423-309-0933

Email: rhudson@cssfiltration.com

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

Division 8 - RU-1, Sec. 8.7, (2) Secondary front yard & (4) Rear yard

Secondary front yard required; 20 ft. Requested secondary front yard, 9'-2 1/2" to match existing building.

Rear yard required; 20 ft. Requested rear yard, 8'-5".

Please see attached Site Plan and Elevations for additional information.

Additional Documents:

Check here if document is attached	Required Document
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):

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 height of the floor within the existing residence is below the required flood elevation. The property is a corner lot and the secondary front yard distance to the existing residence is less than the required secondary front yard for the zoning district. The residence was originally sited such that it is over 7ft further back from the minimum front yard setback.

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 non-compliant status of the structure substantially influences the physical attributes of any improvements to the existing structure and property development in general. Relief from strict application of the set backs requested would allow the Owner to improve the property in a reasonable manner consistent with the neighborhood. The original placement of the existing structure limits the amount of available space behind the structure to the rear property line.

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

The original residence was built in compliance with building codes and zoning codes at the time of construction. Since then, building codes and zoning codes have changed, rendering the residence non-compliant.

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

The proposed variances will not affect the district boundary.

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

The proposed variances will not change or affect the permitted use of detached single family.

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

The proposed variances will not affect the density or intensity of the Comprehensive Plan.

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 proposed variances are in harmony with the general purpose and intent of the land development regulations and are consistent with conditions within the surrounding neighborhood.

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

The variances proposed are the minimum necessary for reasonable improvements to the property and existing structure.

Constance Hudson
Rick Hudson 8/19/16

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.

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

CH RA 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.

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

CH RA 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.

CH RA 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.

CH RA 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.

CH RA 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

Constancia Hudson
Rich / Hudson

Signature of Applicant

8/19/16

Date

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

I/WE Rick Hudson & Constance Hudson
(print name of property owner)
hereby authorize Jim Bedinghaus, Architect
(print name of agent)
to represent me/us in an application for set back variances
(type of application: variance, conditional use, zoning, etc.)

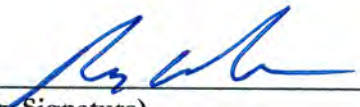

Signature of Owner

Rick Hudson
Print Name of Owner


Signature of Owner

Constance Hudson
Print Name of Owner

The forgoing instrument was acknowledged before me this 19 day of August
2016, by Rick Hudson & Constance Hudson who is personally known _____
or produced Driver's License as identification.


(Notary Signature)

8/19/2016
(Date)

My Commission Expires Nov 18, 2018





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Rick Hudson & Constance Hudson, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Rick Hudson & Constance Hudson

Address: 261 41st Ave, St Pete Beach, FL 33706

Rick Hudson
Signature

Constance Hudson
8/19/16
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19 day of August, 2016 by Rick & Constance Hudson, who appeared before me, and is personally known to me, or has produced Driver's License as identification, and did take an oath.

My commission Expires: Nov 18, 2018

NOTARY: [Signature]

Print Name: Ryan W Moore

Notary Public, State of Florida

(Notarial Seal)



SECTION 7, TOWNSHIP 32S, RANGE 16E

41st AVE.

CERTIFIED TO:

KENDRICK B. HUDSON, JR.
CONSTANCE N. HUDSON

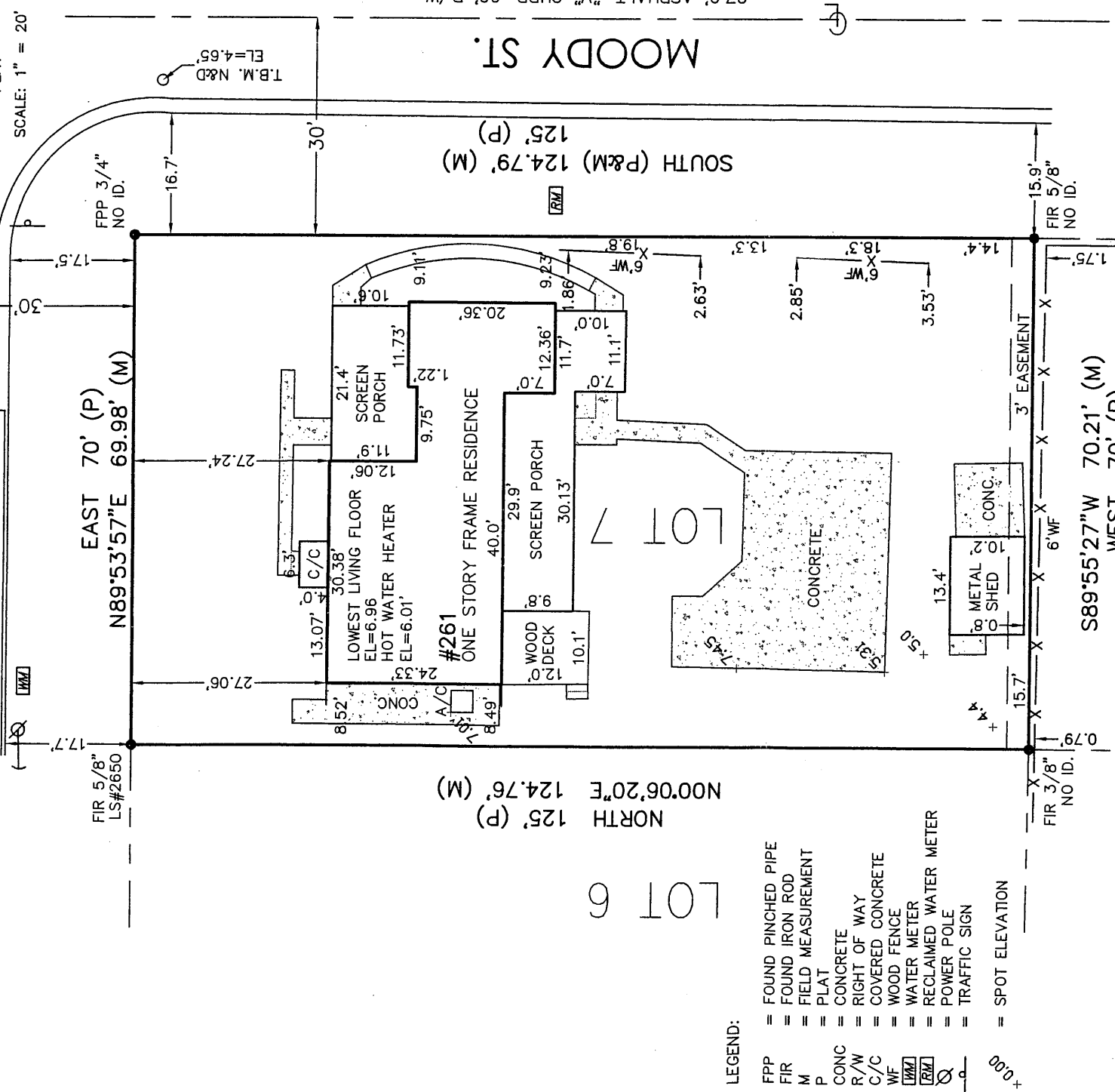
24' ASPHALT, 8" "A" CURB, 60' R/W

Attachment E.



NORTH BASIS:
PLAT

SCALE: 1" = 20'



LEGEND:

- FPP = FOUND PINCHED PIPE
- FIR = FOUND IRON ROD
- M = FIELD MEASUREMENT
- P = PLAT
- CONC = CONCRETE
- R/W = RIGHT OF WAY
- C/C = COVERED CONCRETE
- WF = WOOD FENCE
- WM = WATER METER
- RM = RECLAIMED WATER METER
- Q = POWER POLE
- o = TRAFFIC SIGN
- + = SPOT ELEVATION

Flood Zone
AE (EL. 10')
COMMUNITY PANEL #125149 12103C0278 G,
REVISED 9/3/03

Basis of Bearings:

EAST BOUNDARY
BEING SOUTH (PER PLAT)

Benchmark:

COUNTY #280; 128 SRD
EL. = 4.456' N.G.V.D., ADJUSTED TO
EL. = 3.70' N.A.V.D. M.S.L. = 0.00'

NOTE: 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.

A BOUNDARY SURVEY OF

LOT 7, ACCORDING TO THE PLAT OF
THIRD ADDITION TO BELLE VISTA BEACH
AS RECORDED IN PLAT BOOK 26, PAGE 23
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

BOUNDARY SURVEY WITH IMPROVEMENTS - 6/1/16
ELEVATION CERTIFICATE - 7/18/16

1605--79.CRD FIELD BOOK 925 PAGE 78

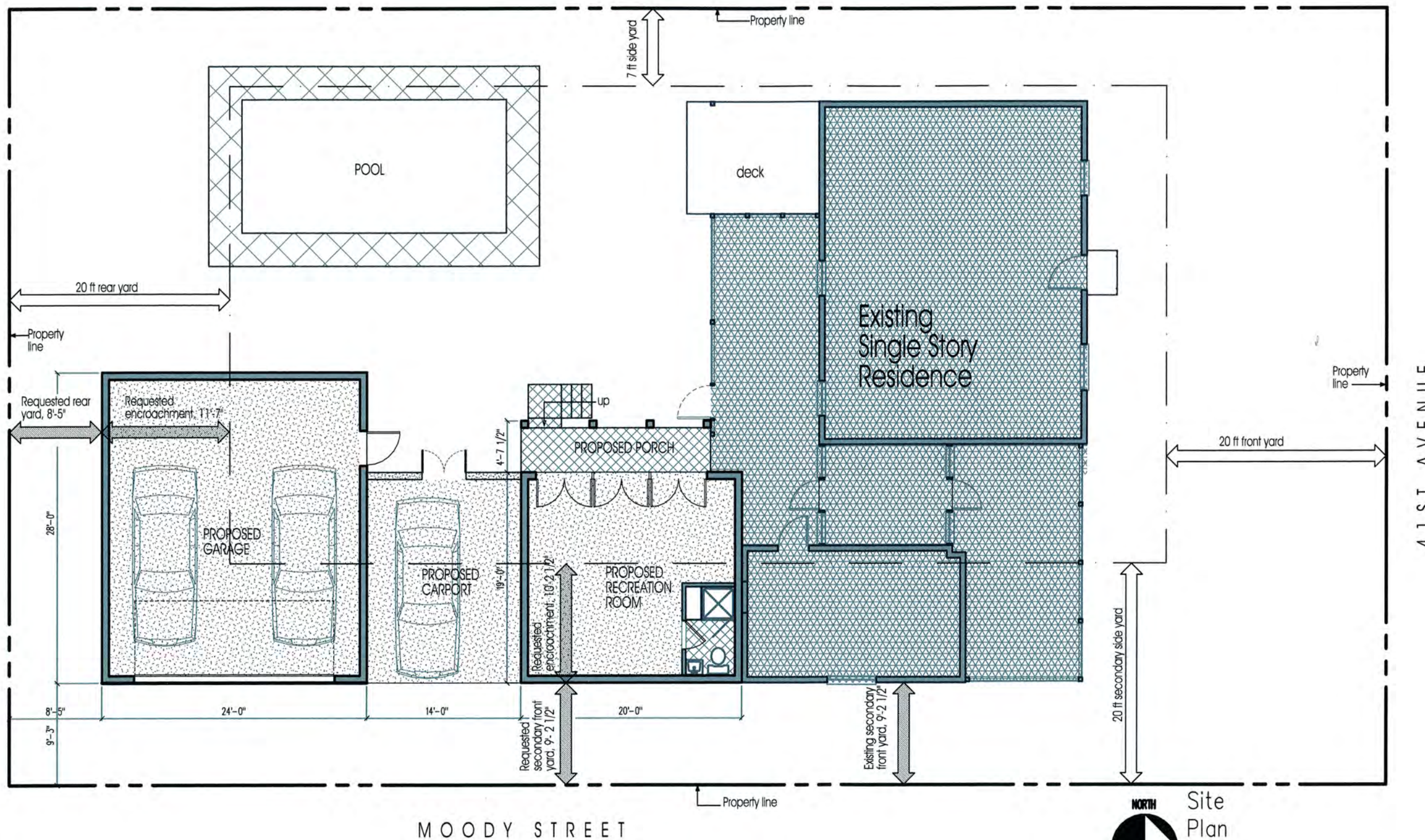
This Survey was prepared without the benefit of a title search and is
subject to all easements, Rights-of-way, and other matters of record.

NOTE: Survey not valid without the signature and the origi-
nally raised seal of a Florida Licensed Surveyor and Mapper.

I hereby certify that the survey represented hereon meets the
requirements of Chapter 50-17.052, Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 1269
Certificate of Authorization No. LB 760

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932



Site Plan
1" = 10'-0"



Constance and Rick Hudson
Residence - 261 41st Ave St Pete Beach, FL
Recreation Room and Garage Addition

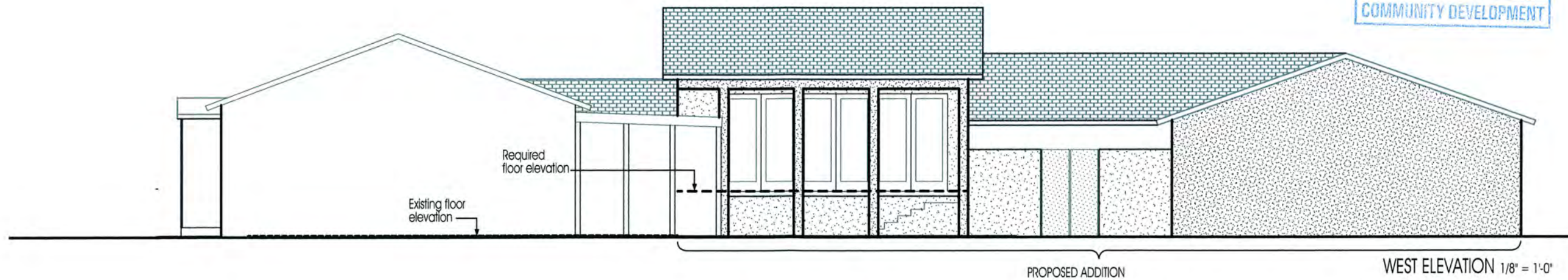
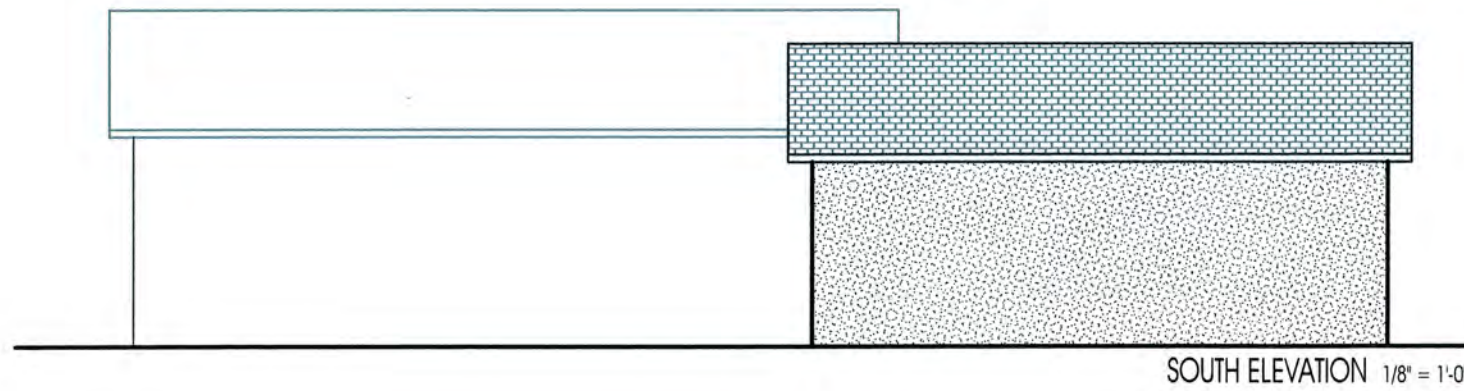
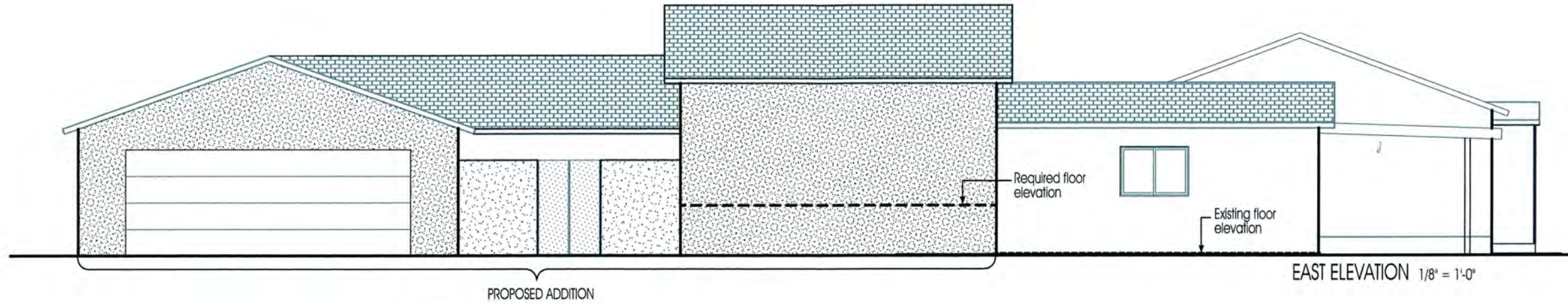
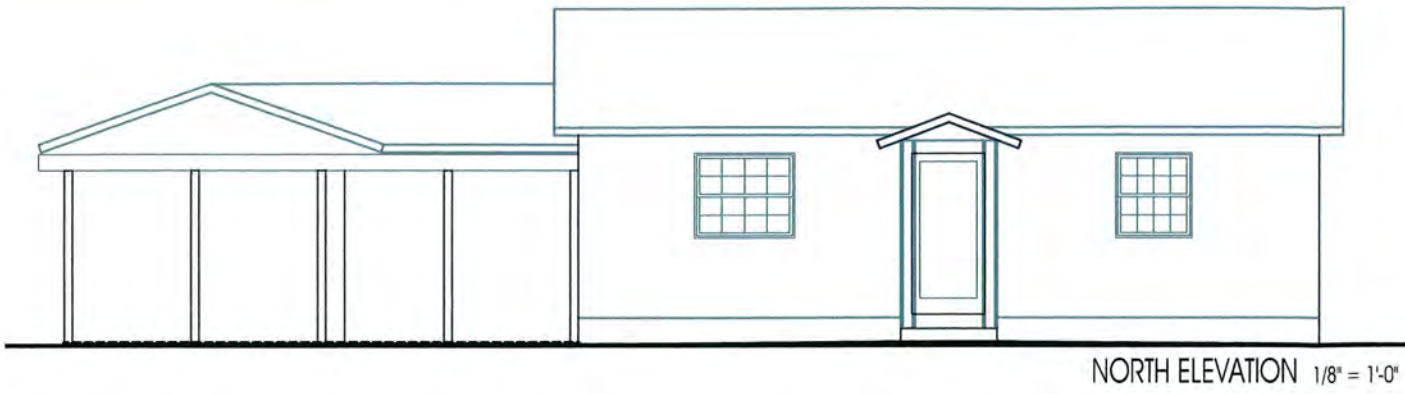
hudsonVariance 08/18/16

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Architect Inc
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2663 1st Avenue South
St. Petersburg, FL 33712 (727) 322-5900
jeb@jimbedinghausarchitect.com | jimbedinghausarchitect.com

JIM BEDINGHAUS ARCHITECT, INC
AA26002136





Constance and Rick Hudson
 Residence - 261 41st Ave St Pete Beach, FL
 Recreation Room and Garage Addition

hudsonVariance 08/18/16

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JIM BEDINGHAUS ARCHITECT, INC
 AA26002136



8/18/2016



St. Pete Beach Board of Adjustment

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

9/28/16

Variance Case
#2016-0058

Applicant/Agent
Bart O'Connell,
Applicant

Location
2601 Pass-A-Grille Way

Commission
District
District 4

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

Staff
Recommendation
Further Exploration

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.13(c): Rear Yard Pool Setback	9 feet	No Structure	5 feet
9.7(a): Side Yard Setback	5 feet	2.5 feet	0 feet

Applicant requests variances to (1) Section 6.13(c) of the Land Development Code to reduce the required rear yard setback from 9 feet to 5 feet for the construction of a pool; and (2) Section 9.7(a) to reduce the required side yard setback from 5 feet to 0 (zero) feet to allow for the placement of pool equipment.

Existing Use: Residential (Detached Single Family)

Adjacent Uses

North: Residential (Detached Single Family)

South: Infrastructure (Unimproved Alley/Right-of-Way)

East: Water

West: Infrastructure (Pass-A-Grille Way)

The Applicant is requesting a variance to construct a swimming pool within the required 9 foot rear yard setback and to place pool equipment within the required 5 foot side yard setback. The requested encroachment is for 4 feet for the pool resulting in a 5 foot rear yard setback and 5 feet for the pool equipment resulting in a 0 (zero) foot setback. Currently, there is air conditioning equipment located in the side yard setback which is considered a legal nonconforming structure. This equipment would only be allowed to be replaced size-for-size, not expanded or altered in any way.

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.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The proposed construction of a swimming 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 regulates the required rear yard setback for swimming pools and the placement of ancillary residential equipment such as pool equipment. The required rear yard setback for pools is 9 feet. There is an allowable encroachment of 4 feet in required front and rear yard setbacks, however no such allowance exists for required side yard setbacks, therefore pool equipment must meet the typical side yard setback for the property. The existence of air conditioning equipment in the side yard setback does not validate the placing of additional equipment in the setback.

CRITERIA REVIEW (LDC 3.12.a):

The Board of Adjustment may authorize variances to the land development regulations if the applicant is able to demonstrate compliance with all five (5) of the following conditions. Staff analysis of criteria in *red italics* below:

- 1) 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. *No peculiarities in land exist and strict application would not deprive Applicant reasonable use of the land.*
- 2) 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. *No other structures are being considered.*
- 3) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district. *The proposed variance will not affect any*

boundaries, uses, or densities.

- 4) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application. *The requested variances are not in harmony with the general intent of the land development code setback regulations.*
- 5) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *No hardship exists. There is buildable space on the northern side of the subject property to place the pool equipment. Accessory structures not requisite for reasonable use of land.*

STAFF RECOMMENDATION:

Staff recommends denial – The north side yard is currently setback approximately 11 feet, providing ample area for the placement of the proposed pool equipment, negating the need for a variance for the southern side yard. The pool could be configured to eliminate any encroachment. The requests are not the minimum to make reasonable use of the land.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Survey
- F. Site Plan

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.

Sec. 9.7. - Minimum yard requirements.

The minimum yard requirements for principal structures in the RU-2 Residential District are as required in this section.

(a) Detached single-family dwellings.

- (1) Front yard: 20 feet.
- (2) Secondary front yard: Ten feet.
- (3) Side yards: Ten percent of the lot width.
- (4) Rear yard: 20 feet.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north; proposed pool location



Above: Subject property, facing east; proposed pool equipment location



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org



VARIANCE APPLICATION

Case Number: 2016-0058

PROPERTY FOR PROPOSED VARIANCE

Legal Description: North Pass-a-Grille Sec A Blk C, S 49ft of Lot 16
Parcel ID: 18-32-16-61002-003-0160
Address: 2601 Pass-a-grille Way
Current Zoning: _____ FLUM Designation: _____ Lot Area: 49x110
Existing Use: SFR Proposed Use: SFR with pool

APPLICANT/AGENT:

Name: Bart O'Connell - Landmark Pools
Address: 13253 Byrd Dr
City: Odessa State: FL
Zip: 33556 Phone: 813-792-1331
Email: barto@landmarkpools.com

PROPERTY OWNER:

Name: Colleen Schumacher
Address: 2601 Pass-a-Grille Way
City: St. Pete Beach State: FL
Zip: 33706 Phone: 813-363-4690
Email: _____

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

Reduce rear yard setback for swimming pool from nine-feet to five feet
and reduce side yard setback for pool equipment from seven feet
to zero feet.

Response to Requirements (Pages 7 and 8 of Application)

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 location of the home on the lot is, at its closest point, approximately 19.5 feet from the center of the seawall. This combined with the nine-foot setback and five-foot Angle of Repose engineering requirement from the house foundation for the pool to have an adequate depth, constitute a hardship makes the construction of an in-ground swimming pool of adequate width in this backyard impossible without granting a variance. Recent pools constructed on the East side of Pass-a-Grille way in this general vicinity also required relief from the nine-foot setback in the form of a variance.

As it pertains to the equipment location, the limited space in the rear of the yard constitutes the need to place the equipment on a side yard. The South Side yard is the current location of the long-existing Air Conditioning Unit, which is within the seven-foot setback and is depicted on the survey. Due to the fact that the south property line abuts a vacant parcel/alley owned by the City and not a single family residence, by placing the pool equipment on the south side, it will mitigate any potential noise issues stemming from operation of the pool equipment. This vacant neighboring parcel is being used by Duke Energy to install utility infrastructure approximately two feet from the common property line. This makes the subject area ideal for all utilities on site. Additionally, the home itself rests within the seven-foot setback on the south side. This peculiar alignment of the house on the property, and of the property itself to a vacant parcel, makes placement of the equipment on the south side of the home, as well as the pool which is closer to the south than the north property line, the most logical and neighbor-friendly location.

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.**

As mentioned in the above answer, the combination of the nine-foot rear yard setback for the pool and the five-foot Angle of Repose construction and engineering requirement to build a five-foot deep pool adjacent to an existing house foundation leaves an area so narrow that it would deprive the homeowner of reasonable use for their property by way of being unable to construct an in-ground swimming pool of adequate and reasonable width and depth. Two of the homeowner's neighbors have built pools since 2014, but both required variances to do so. Therefore, neighbors with pools on the common side of this block have been unable to comply with land development regulations, specifically the nine-foot rear setback, if they want to construct a pool.

If the pool equipment is placed in the rear yard, it will decrease the already small area of deck space available between the house and pool, and be in close proximity to windows and doors in the rear of the property.

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

The homeowner has not caused the hardships that she is attempting to alleviate with the variance request. The footprint of the home has not changed since the homeowner purchased the property.

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

The proposed construction is being done within the existing property lines and would lead to no changing of 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.**

The construction of swimming pools and their associated equipment is allowed for residential property in this area, so the request conforms to allowed development in the applicable zoning district.

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

The request has no impact on the planned density of the property and neighborhood in the zoning district.

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 construction of a pool and associated equipment on this property is in complete harmony with land development regulations in this district. Not granting the variance would make the construction of a pool of reasonable width and depth impossible. The inability to build a pool could potentially have a detrimental impact for property owners who may consider building pools in the future.

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

The design of this pool with a 8" deep sunshelf less than five feet from the house foundation makes this design the least invasive with regards to the rear setback, sacrificing some swimming area to be as far as possible off the rear property line. The pool is still five feet away from the center seawall line and sacrifices have been made to minimize the deck space between the house and pool, which in turn minimizes the variance request.

SEE SEPARATE ATTACHMENT

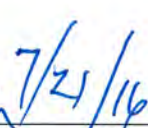
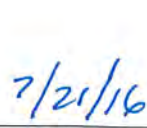
Additional Documents:

Check here if document is attached	Required Document
	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.
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.
3. The peculiar conditions and circumstances are not the result of the actions of the 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.
6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.
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.
8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

			
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

Date

7/21/16

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

I/ WE

Colleen Schumacher
(print name of property owner)

hereby authorize

Bartley S. O'Connell
(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

Colleen A. Schumacher
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 21st day of July
2016, by Colleen Schumacher who is personally known e
or produced _____ as identification.


(Notary Signature)

07/21/16
(Date)

My Commission Expires _____



July 26, 2016

Landmark Pools
13255 Byrd Drive
Odessa, Fl. 33556

Re: Proposed pool at 2601 Pass-A-Grille Blvd, St.Pete Beach, Fl.

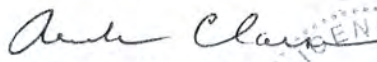
Gentlemen:

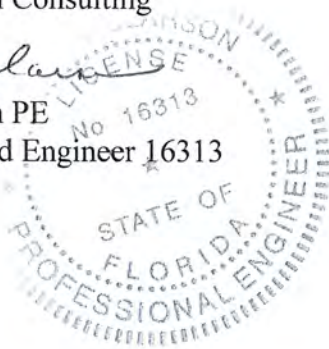
Now that the seawall modifications have been constructed to accommodate the proposed pool the proposed pool may be built with no detrimental effects to the pool or the seawall.

Please give a copy of this letter to whomever requires one for the issuance of the pool permit.

If there are any questions please call. Thank you for the opportunity to be of service.

Sincerely,
Reuben Clarson Consulting


Reuben Clarson PE
Florida Licensed Engineer 16313

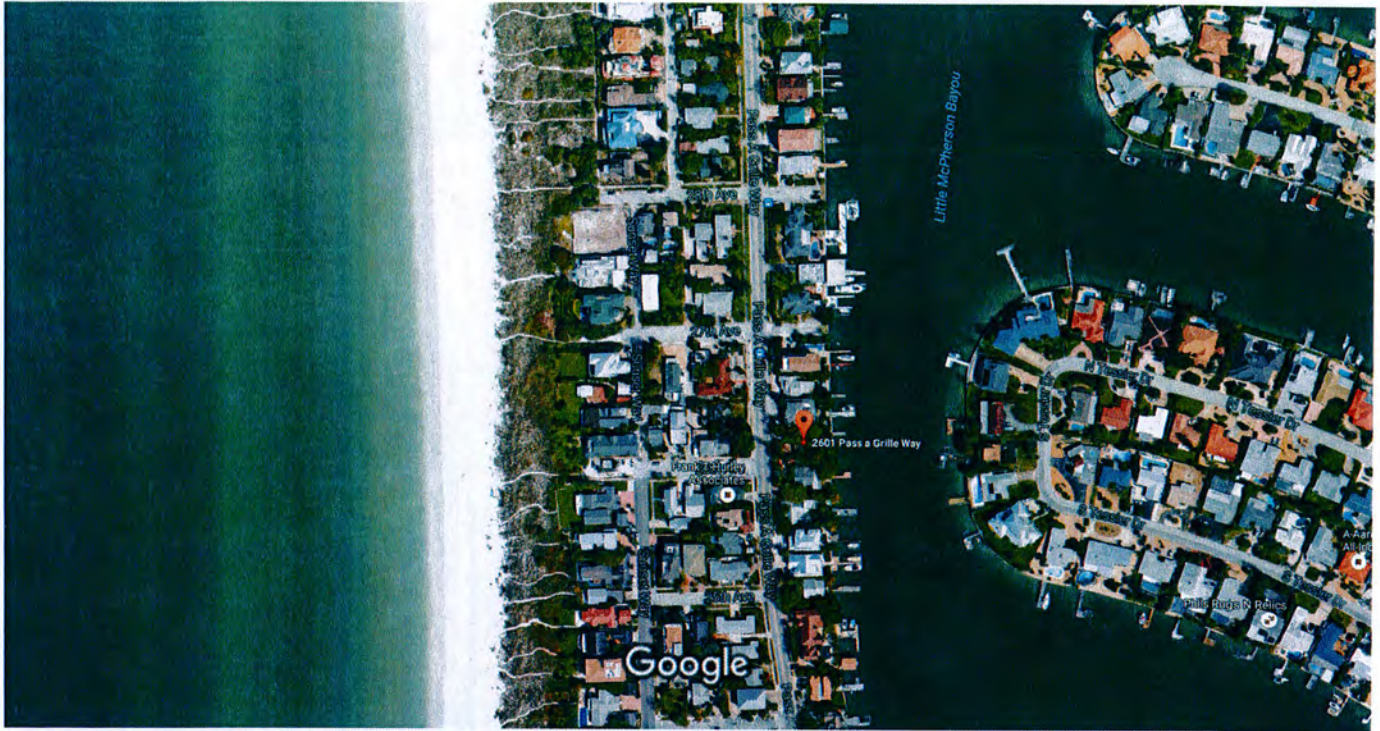


750 94th Avenue North, Suite 213, St. Petersburg, FL 33702
T: 727.895.4717 E: Info@ReubenClarsonConsulting.com W: ReubenClarsonConsulting.com

MARINE ENGINEERING

ASSESS. ADVISE. DESIGN.

Google Maps 2601 Pass a Grille Way



Imagery ©2016 Google, Map data ©2016 Google, INEGI 100 ft



2601 Pass a Grille Way

St Pete Beach, FL 33706





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Colleen Schumacher (agent: Bart O'Connell), agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Bart O'Connell (agent)

Address: 2601 Pass-a-grille Way

[Signature]

8-19-16

Signature

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19th day of August, 2015 by Bartley O'Connell, who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

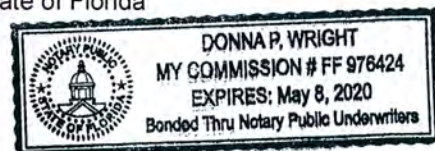
My commission Expires: 5/8/20

NOTARY:

Print Name: Donna P. Wright

Notary Public, State of Florida

(Notarial Seal)



2601 Pass-a-Grille



Vacant Parcel/
Alley to the
South

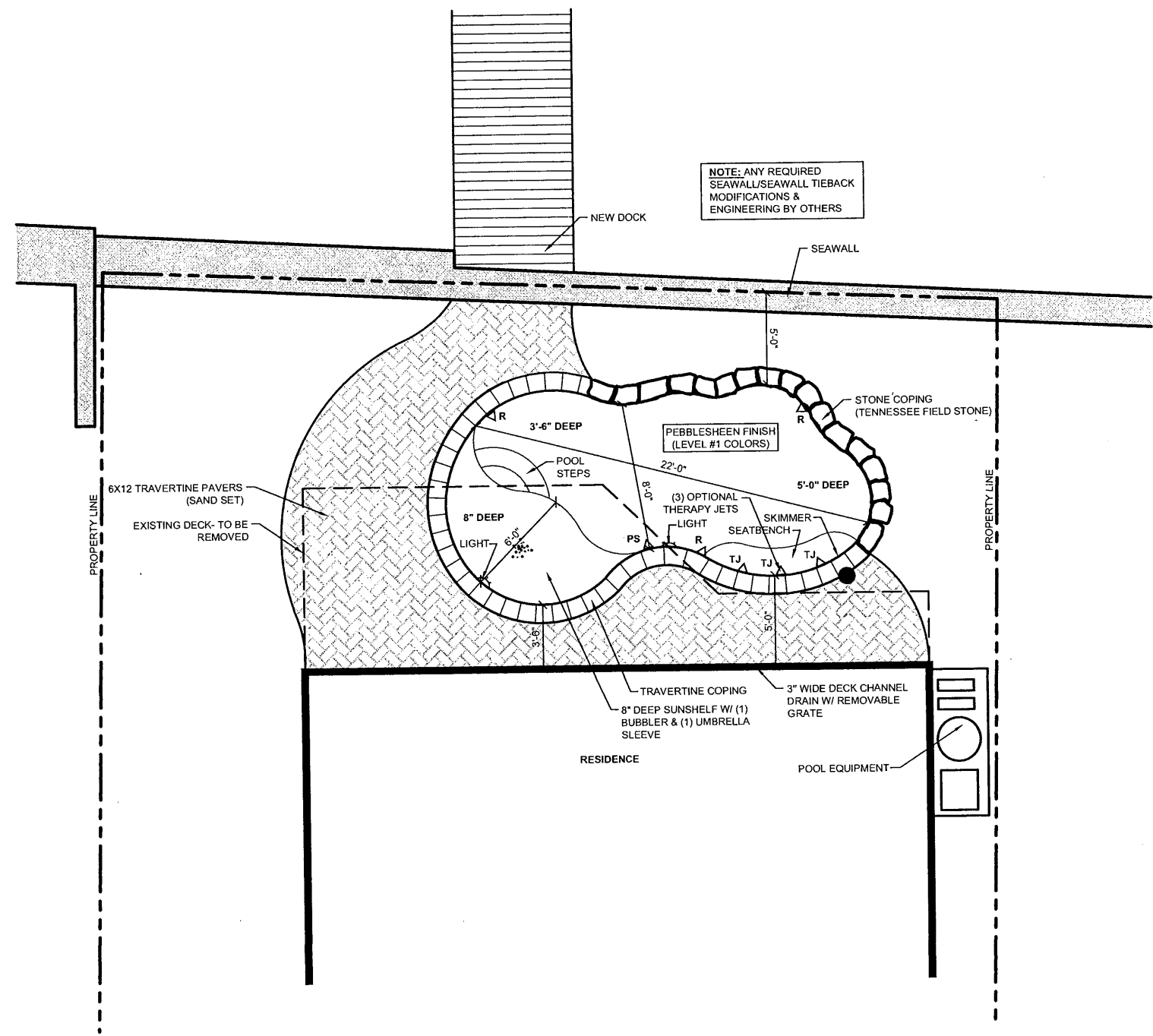


2601 Pass-a-Grille
Rear Yard (Looking South)



2601 Pass-a-
Grille
rear yard
Looking
North





POOL SPECIFICATIONS

POOL SHAPE: _____ DEPTH: _____
DIMENSIONS: _____ COPING: _____
TILE: _____ ACCENT TILE: _____
BENCHES: _____ SUNSHELF: _____
INTERIOR FINISH: _____ BEACH ENTRY: _____
ACCESS: _____

SPA SPECIFICATIONS

SPA SHAPE: _____ JETS: _____
HEIGHT ABOVE POOL: _____ COPING: _____
TILE: _____ ACCENT TILE: _____
SPILL OVER EDGE: _____ INTERIOR FINISH: _____
NOTES: _____

PLUMBING

RETURNS: _____ DEEP HEAT: _____
POOL DRAINS: _____ SKIMMERS: _____
CLEANING SYSTEM: _____ CLEANER LINE: _____
SPA DRAINS: _____
WATER FEATURES: _____

ELECTRICAL

POOL LIGHTS: _____ SPA LIGHTS: _____
REMOTE SWITCHES: _____ TIMER: _____
AUTOMATION: _____
NOTES: _____

DECKING

DECK TYPE: _____ LANAI: _____
ELEVATION: _____
STEPS: _____ SCREEN FOOTER: _____
DECK DRAINS: _____
RAILS/ LADDERS: _____ RETAINING WALL: _____
NOTES: _____

EQUIPMENT

POOL PUMP: _____ FLOW RATE: _____
FILTRATION: _____ FILTER SIZE: _____
HEATER: _____ SANITIZER: _____
AIR BLOWER: _____ GAS WORK: _____
NOTES: _____

SCREEN

WALL HEIGHT: _____ REMOVAL: _____
GUTTERS & DOWNSPOUTS: _____ DOORS: _____
ROOF STYLE: _____ COLOR: _____
SUPER SCREEN: _____
NOTES: _____

MISC.

CHILD SAFETY: _____ CLEANING PACKAGE: _____
INITIAL SURVEY: _____ FINAL SURVEY: _____
EXTRA FILL, IF REQUIRED PROVIDED BY: _____
HOUSE UNDER CONSTRUCTION: _____
NOTES: _____

MEMBER



NATIONAL
SPA & POOL
INSTITUTE



PLOT PLAN

SCALE: 1/8" = 1'-0"



LANDMARK POOLS, INC.
13253 Byrd Dr. Odessa, FL. 33556
(813) 792-1331 - Fax (813) 792-5277

NAME SCHUMACHER RESIDENCE

ADDRESS 2601 PASS-A-GRILLE WAY

CITY ST. PETERSBURG BEACH, FL. 33706 PHONE _____

LOT _____ BLOCK _____ SUB _____

CUSTOMER SIGNATURE _____

01-29-16