



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 11/16/2016
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. 10/26/2016

4. Public Hearings

- I. Case 2016-0063: 7800 Blind Pass Road - Applicant requests a variance to Section 26.35(a) of the Land Development Code to reduce the required front yard setback from 10 feet to 3 feet to allow for the construction of a freestanding monument sign.
- II. Case 2016-0066: 1309 Boca Ciega Isle Drive – Applicant requests variances to: (1) Section 9.6(a) of the Land Development Code to reduce the minimum required lot size, and; (2) Section 9.7(a) of the Land Development Code to reduce the required rear yard setback from 20 feet to 12 feet to allow for the subdivision of the existing lot into two lots and the construction of two single family houses.

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

11/16/16

**Variance Case
#2016-0063**

Applicant/Agent
Vincent Fortunato,
Agent

Location
7800 Blind Pass Road

**Commission
District**
District 1

Staff Representative
Mike Larimore, Zoning
Tech II

Related Cases
N/A

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 26.35(a): Freestanding Monument Sign in Front Yard Setback	10 feet	N/A	3 feet

Applicant requests a variance to Section 26.35(a) of the Land Development Code to decrease the front yard setback from 10 feet to 3 feet to allow for the construction of a freestanding monument sign.

Existing Use: Commercial (Restaurant)
Adjacent Uses

North: Commercial (Auto Shop)
South: Infrastructure (78th Avenue)
East: Infrastructure (Blind Pass Road)
West: Residential (Detached Single Family)

The Applicant is requesting a variance to decrease the required front yard setback for a freestanding monument sign from 10 feet to 3 feet. The proposed sign will meet other regulations in regards to size and height. The proposed sign would replace a sign that was substantially damaged during a recent storm.

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 freestanding monument sign is consistent with the City's Comprehensive Plan and Land Development Code

The Land Development Code regulates the height, setback, and sign area of freestanding monument signs. As proposed, the sign would meet height and sign area requirements. The location of the sign is inconsistent with Sec. 6.21, which prohibits structures within the visibility triangle at intersections.

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. *The conditions and circumstances of the subject land and structure are not peculiar to the subject land and do not apply to neighboring properties.*
- 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 or uses 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 requested 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 variance is not in harmony with the general intent of the land development code sign 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. *The literal enforcement of the land development regulations would not result in a hardship for the Applicant.*

STAFF RECOMMENDATION:

Staff recommends denial – The previously existing sign was nonconforming. The Code allows for nonconforming signs to continue to exist, however the Code is designed to bring nonconforming signs and new signs into compliance with current regulations over time. The commercial business located on the property has other types of signage available to them without requiring a variance. While the required setback for a freestanding monument sign is not feasible on the subject property, the existing conditions of the property are not peculiar and are similar to other neighboring properties in the same zoning district. Additionally, the code allows for alternative signs, including marquee or canopy signs, projecting signs, and wall signs.

Attachments:

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

Attachment A.

Sec. 26.35. - CC-1 and CC-2 Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business may have up to three of the following signs in [subsections] (a)—(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose to four signs from [subsection] (a)—(f):

(a) Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than eight feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area but shall not exceed eight feet in height. However this sign shall be counted as two of the three or four permitted.

(b) A marquee or canopy sign;

(c) A menu display sign not to exceed 12 square feet;

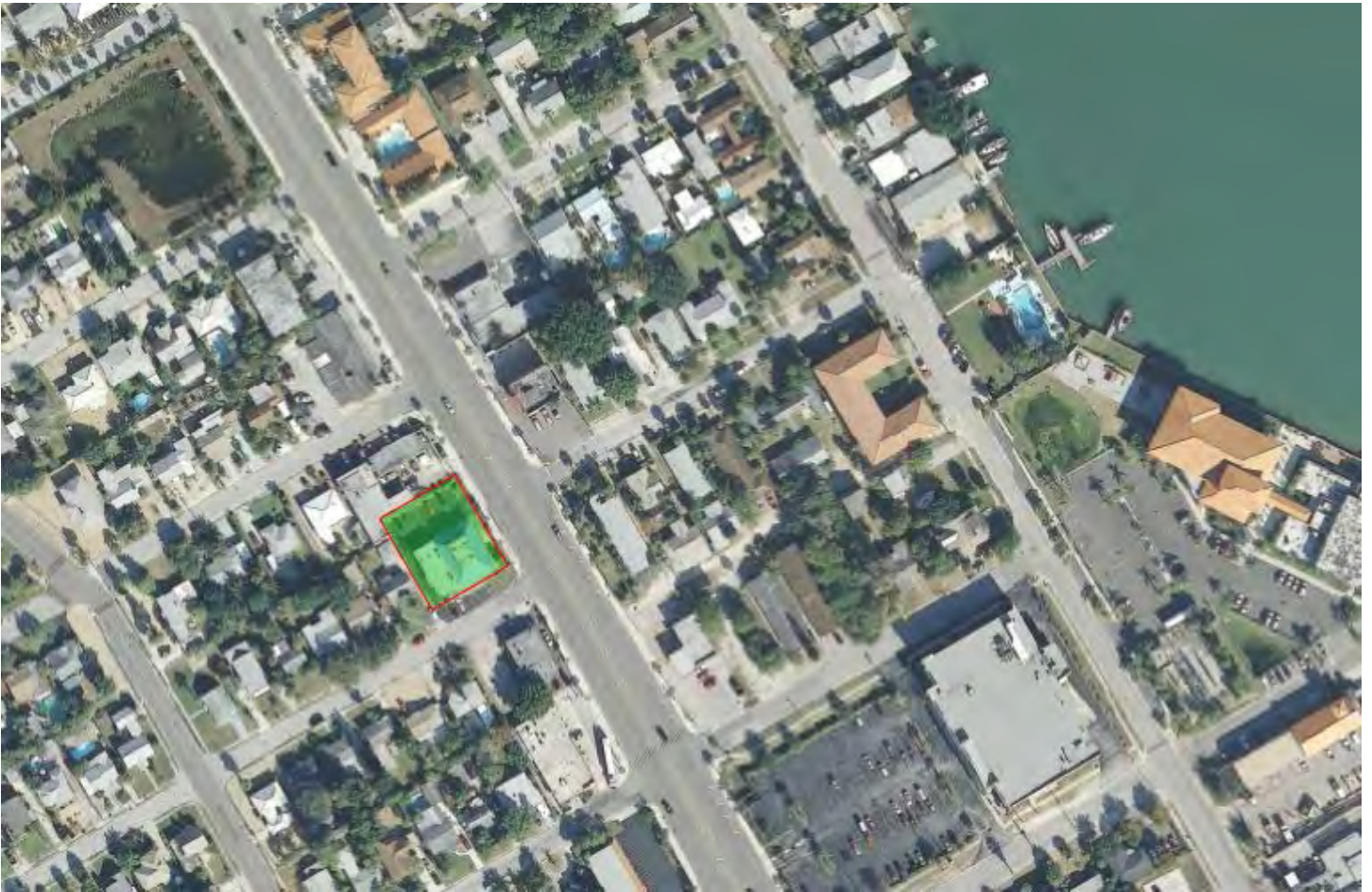
(d) A projecting sign, provided that the sign is no larger than 12 square feet in area does not project within two feet of any curb and has a minimum ground clearance of seven feet;

(e) Wall signs subject to the following:

(1) Maximum size. A wall sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) Internally illuminated signs are discouraged but not prohibited. Externally illuminated signs are preferable with lighting from above or below casting light on the sign but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

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: 2016-0063

PROPERTY FOR PROPOSED VARIANCE

Legal Description: North Mo. 1 B/LK 80 lots 16-17-514 20 AC...
Parcel ID: 36-31-15-61524-080-0160
Address: 7800 Blind Pass RD
Current Zoning: CC1 FLUM Designation: CC1 Lot Area: 12000 sq
Existing Use: RESTAURANT Proposed Use: RESTAURANT

APPLICANT/AGENT:

Name: Vinny Fortunato
Address: 6702 CARDINAL PV
City: SPRINGSBURG State: FL
Zip: 33707 Phone: 727-514 5144
Email: Vinny.Fortunato@2011 E H R M LLC

PROPERTY OWNER:

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

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

Variance to section 26.35 A
Reduce set back from 10' to 3'

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.

Yes Current structure too close
for sign -

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.

Yes -

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

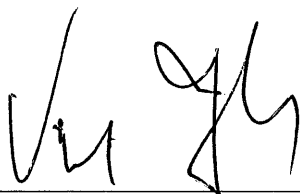
6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

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.

yes

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



10-4-16

yes

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.

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

VP 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.

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

VP 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.

VP 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.

VP 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.

VP 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]
Signature of Applicant

10-4-16
Date

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

I/WE MHRR Investments LLC
(print name of property owner)
hereby authorize Vincent Fortunato
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

[Signature]
Signature of Owner

Signature of Owner

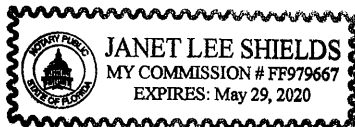
RUDOLF CONSONI
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 4th day of October
2016, by Rudolf Consoni who is personally known personally known
or produced _____ as identification.

[Signature] 10/4/16
(Notary Signature) (Date)

My Commission Expires May 29, 2020





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, _____, 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): Vincent Fortunato

Address: 6702 CARDINAL Dr. Petersburg FL 33701

[Signature]
Signature

10-4-16
Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 4th day of OCT, 2016 by Vincent Fortunato, who appeared before me, and is personally known to me, or has produced FL DL as identification, and did take an oath.

F635-860-57-022-0

My commission Expires:

NOTARY:

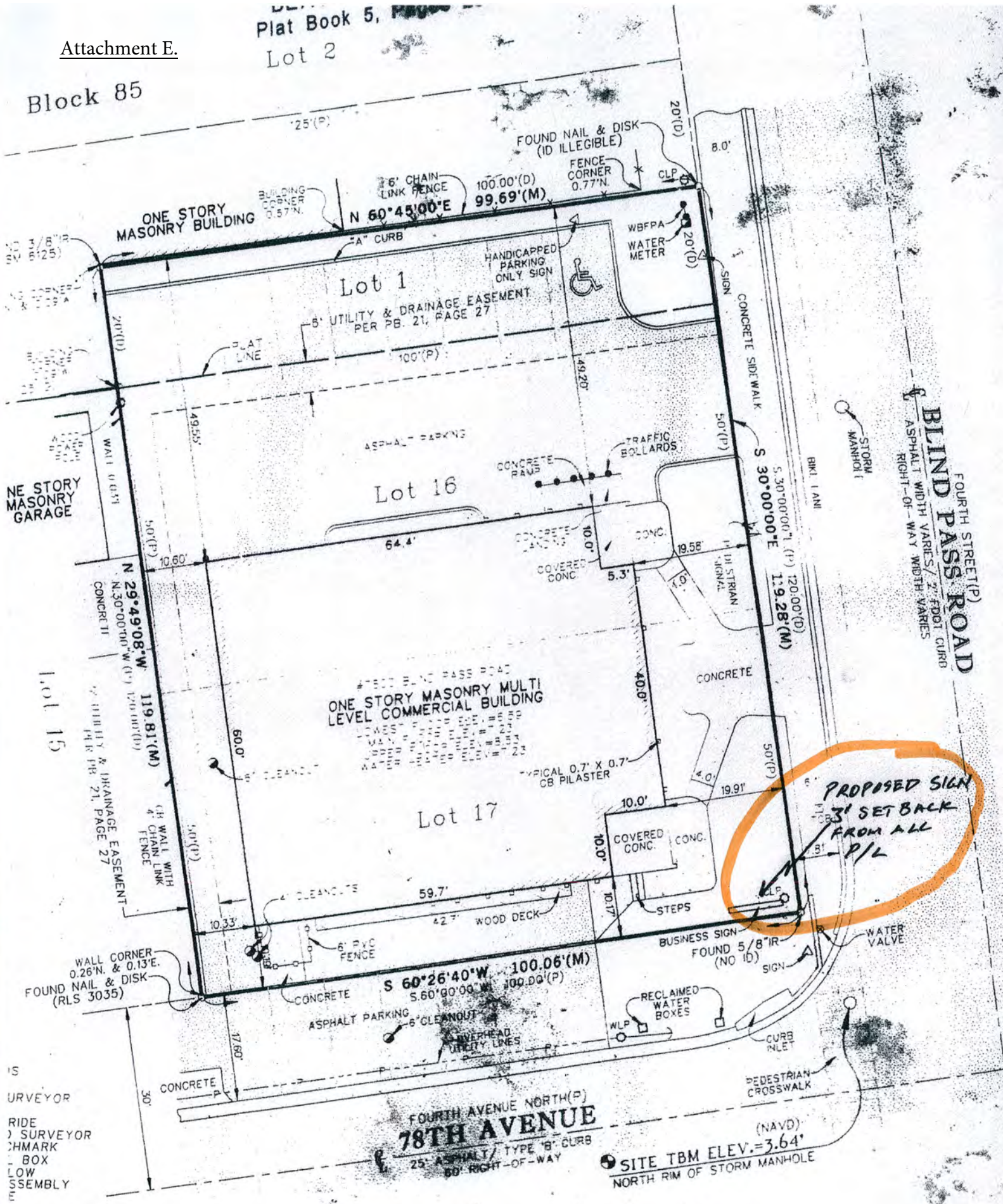
Print Name: Dorinda Beltrami-Hurst

Notary Public, State of Florida Dorinda Beltrami-Hurst

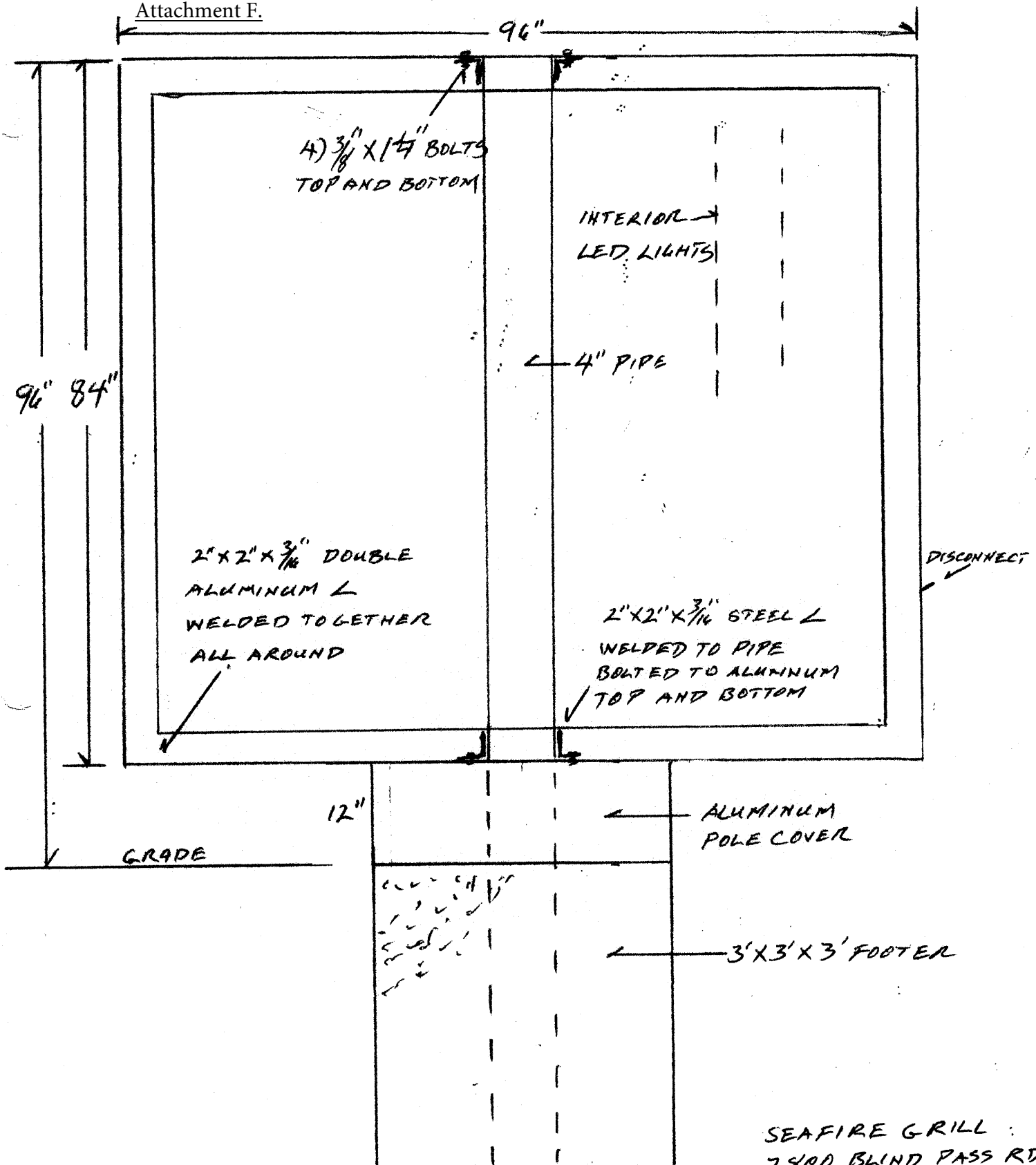
(Notarial Seal)

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

Block 85



ELEVATION 11')
19 12103C0257 G



SEAFIRE GRILL :
7800 BLIND PASS RD
ST. PETE BEACH, FL, 33706

Jack Lynn
Lynn Sign Co.
5136 6th Ave. N.
St. Petersburg, FL 33710
PH/Fax 727-321-4500
Cell 727-403-4803



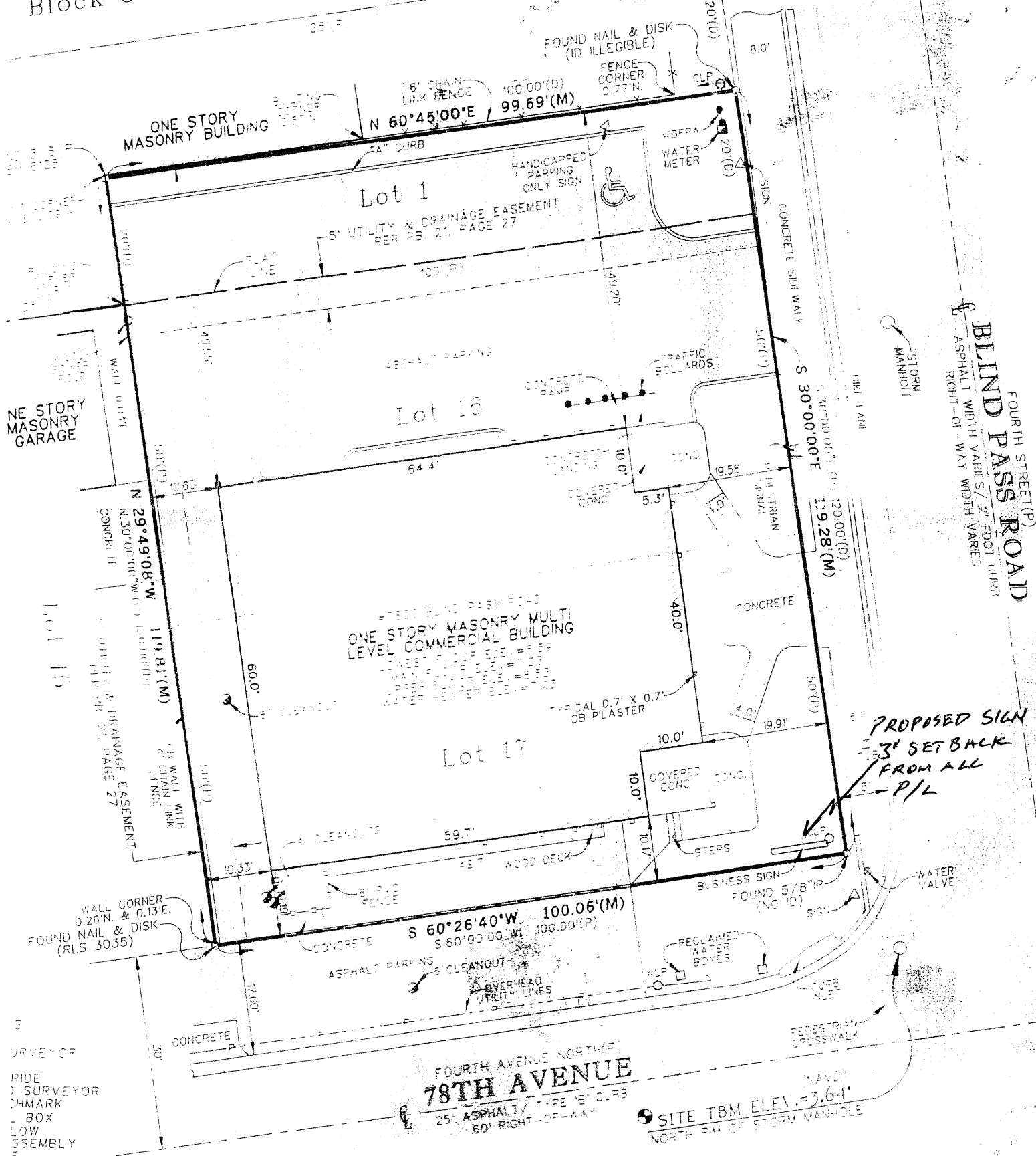
PIZZA • FISH • STEAK

6" CHANGEABLE COPY

6" CHANGEABLE COPY

6" CHANGEABLE COPY

Block 85

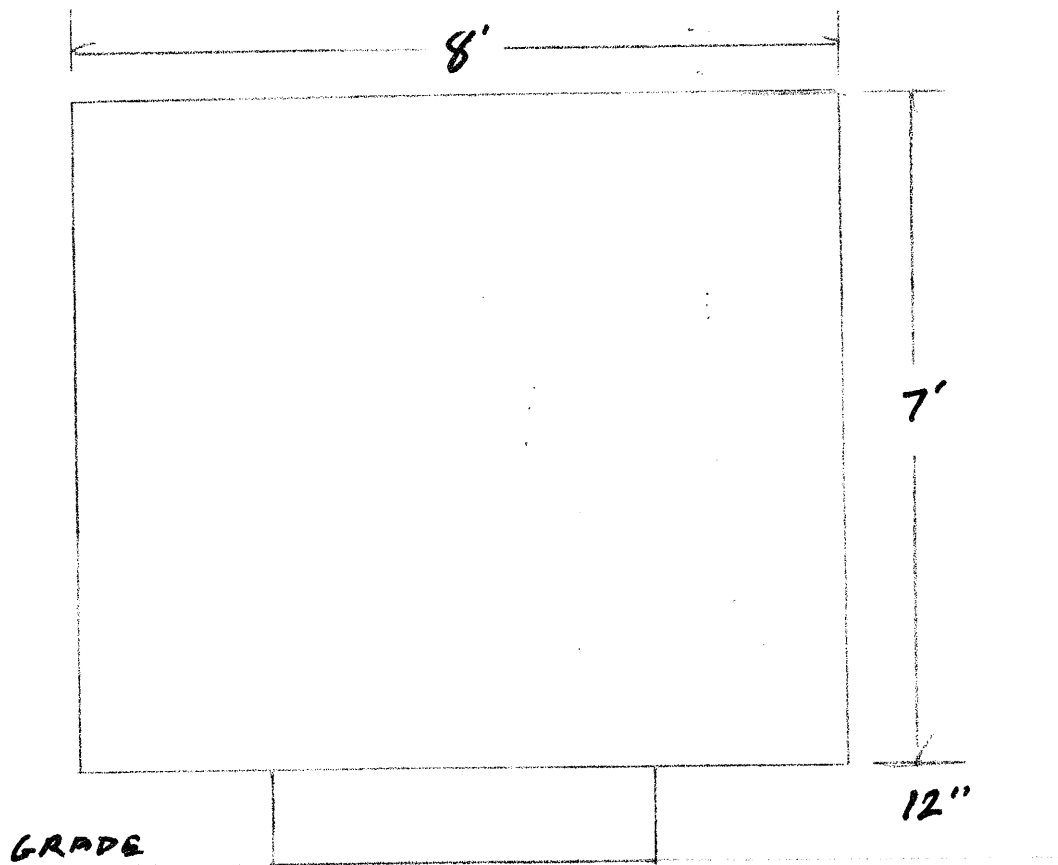


URVEYOR
RIDE
Y SURVEYOR
CHMARK
BOX
LOW
SEMBLY

ELEVATION 11')
#9 12103C0257 G

Block 85





7800 BLIND PASS RD

Jack Lynn
Lynn Sign Co.
5136 6th Ave. N.
St. Petersburg, FL 33710
PH/Fax 727-321-4500
Cell 727-403-4603



St. Pete Beach Board of Adjustment

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

11/16/16

Variance Case
#2016-0066

Applicant/Agent
Scott Mednick, Owner

Location
1309 Boca Ciega Isle
Drive

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 9.6(a): Minimum Lot Size	6,000 square feet	9,375 square feet	4,687 square feet
Land Development Code 9.7(a): Rear Yard Setback	20 feet	N/A	12 feet

Applicant requests variances to: 1) Section 9.6(a) of the Land Development Code to decrease the minimum lot size requirement from 6,000 square feet to 4,687 square feet; and 2) Section 9.7(a) of the Land Development Code to decrease the minimum required rear yard setback from 20 feet to 12 feet to allow for the subdivision of one parcel into two parcels and the construction of two single family residences.

Existing Use: Residential (Detached Single-Family)
Adjacent Uses

North: Infrastructure (Boca Ciega Isle Drive)
South: Infrastructure (Boca Ciega Isle Drive)
East: Residential (Detached Single-Family)
West: Residential (Detached Single Family)

The Applicant is requesting variances to decrease the minimum required lot size and the required rear yard setback to subdivide an existing lot into two lots in order to build two single family residences. The lot is an interior lot with single family residences to the east and west and is bounded on the north and south by the right-of-way of Boca Ciega Isle Drive.

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 use of the property for detached single-family residences is consistent with the City's Comprehensive Plan and Land Development Code. The proposed increase in density is not consistent with the Comprehensive Plan or the Land Development Code, which is limited to 7.5 units per acre in the RU-2 District. The Comprehensive Plan prohibits variances to density.

The Land Development Code regulates the minimum required size and setback requirements of lots. The Land Development Code allows for the ability to construct single-family homes on lots that do not meet the required lot size requirements if the lot was an existing lot of record at the time the code was established, which was in 2005.

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. *The orientation of the subject property is peculiar. However, this peculiarity does not deprive the Applicant reasonable use of the land. The ability to construct a single-family residence is possible in the subject property's current configuration.*
- 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 or uses 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 variances will not affect any boundaries or uses. However, the proposed variances will effectively increase the development density above the allowable density set out in the Land Development Code and Comprehensive Plan.*

- 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 density or 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. *The literal enforcement of the land development regulations would not result in a hardship for the Applicant.*

STAFF RECOMMENDATION:

Staff recommends denial – The proposed reduction in minimum lot size requirements and the subsequent subdivision of the lot would increase the development density potential beyond that set out in the Land Development Code. Increased density would place additional strain on the City's sewer infrastructure. Currently, the City could not permit an additional sewer tap. The ability to construct a single-family residence on a nonconforming lot is only applicable if the lot existed in its nonconforming configuration prior to the adoption of the Code Section in 2005 (Ord. 2005-43). The subdivision of a currently conforming lot into two nonconforming lots would violate this provision.

Attachments:

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

Attachment A.

Sec. 9.6. - Minimum zoning lot requirements.

The maximum residential density permitted in the RU-2 Residential District shall not exceed seven and one-half units per acre. The minimum lot area and width requirements in the RU-2 Residential District are as follows:

- (a) Detached single-family dwellings.
 - (1) Lot area: 6,000 square feet.
 - (2) Lot width: 60 feet.

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.

Sec. 3.10. - Vested rights and nonconformities.

The purpose of this section is to regulate the continued existence of certain uses and structures established prior to the effective date of this Code that do not conform to these regulations. It is the intent of this Code to permit legally nonconforming uses and structures to continue in existence until they are removed or abandoned.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Code, or amendment thereto, and upon which actual building construction has continued unabated since inception of such construction, pursuant to valid building permits issued therefor.

- (a) Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this Code. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north



Above: Subject property, facing south



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:

2016-0066

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 4 and the southwesternly half of lot 5, BLK B Boca Ceiga isle, as recorded in plat book 23, pages 31 and 31, prof P.C

Parcel ID 06-32-16-09594-002-0040

Address 1309 1039 Boca Ceiga Isle Drive

Current Zoning:

RU2

FLUM

Designation:

RU

Lot Area: 9375 sq ft.

Existing Use:

Residential

Proposed Use:

2 Single Family Homes

APPLICANT/AGENT:

Name: Scott E Mednick

Address: 335- 46th Avenue

City: St. Pete Beach

State: FL

Zip: 33706 Phone: 813-244-8064

Email: _____

PROPERTY OWNER:

Name: Scott E Mednick

Address: 335- 46th Avenue

City: St Pete Beach

State: FL

Zip: 33706 Phone: 813-244-8064

Email: _____

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

Sec 9.6A/ Lot size. Each lot will have approx 4687 sq ft and 75' Wide

each. Sec 9.7/set- back. A rear set-back of 12' is being requested on each lot

this will permit a 28' deep house. A required front yard set-back of 20'

and side yard set-backs of 7.5' will be met. Applicant requests

permission to subdivide the subject parcel into two buildable lots.



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 subject property is comprised of one 50' wide lot and one 25' wide 1/2 lot. With only one exception, all other interior lots on Boca Ciega Isle are divided in the middle (East to West) as applicant is requesting.

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.

Without variances to both lot size and rear yard set-back, applicant would not be able to build two homes on subject lots of a reasonable size. A 20' rear set back would only allow a 20' deep house. The requested 12' rear set-back would allow for a 28' deep structure.

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

The property was deeded in the configuration that it currently exists. The applicant has taken title to the subject property in the same configuration which was not a result of the action of the applicant.

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

Proposed variance will have no effect on the 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 proposed use will not be non-conforming and is specifically permitted in the zoning district.

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

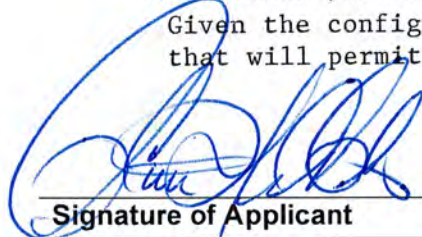
It will not increase density or intensity over that, which is permitted in the comprehensive plan.

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.

The variances are 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.

Given the configuration of the lots, this is the minimum variance that will permit a reasonable use of the land.



Signature of Applicant

Date

10/17/16

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.

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

Sm 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.

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

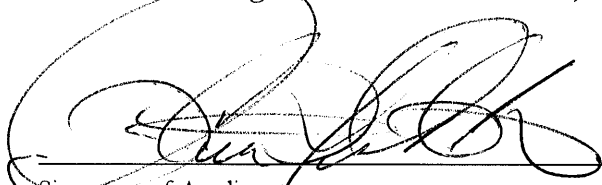
Sm I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

Sm 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.

Sm 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.

Sm 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

10-17-16
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Scott E. Mednick, 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): Scott E. Mednick

Address: 335- 46th Avenue, St. Pete Beach, FL 33706

[Signature] 10-17-16
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17th day of October, 2016 by Scott E. Mednick, who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires:

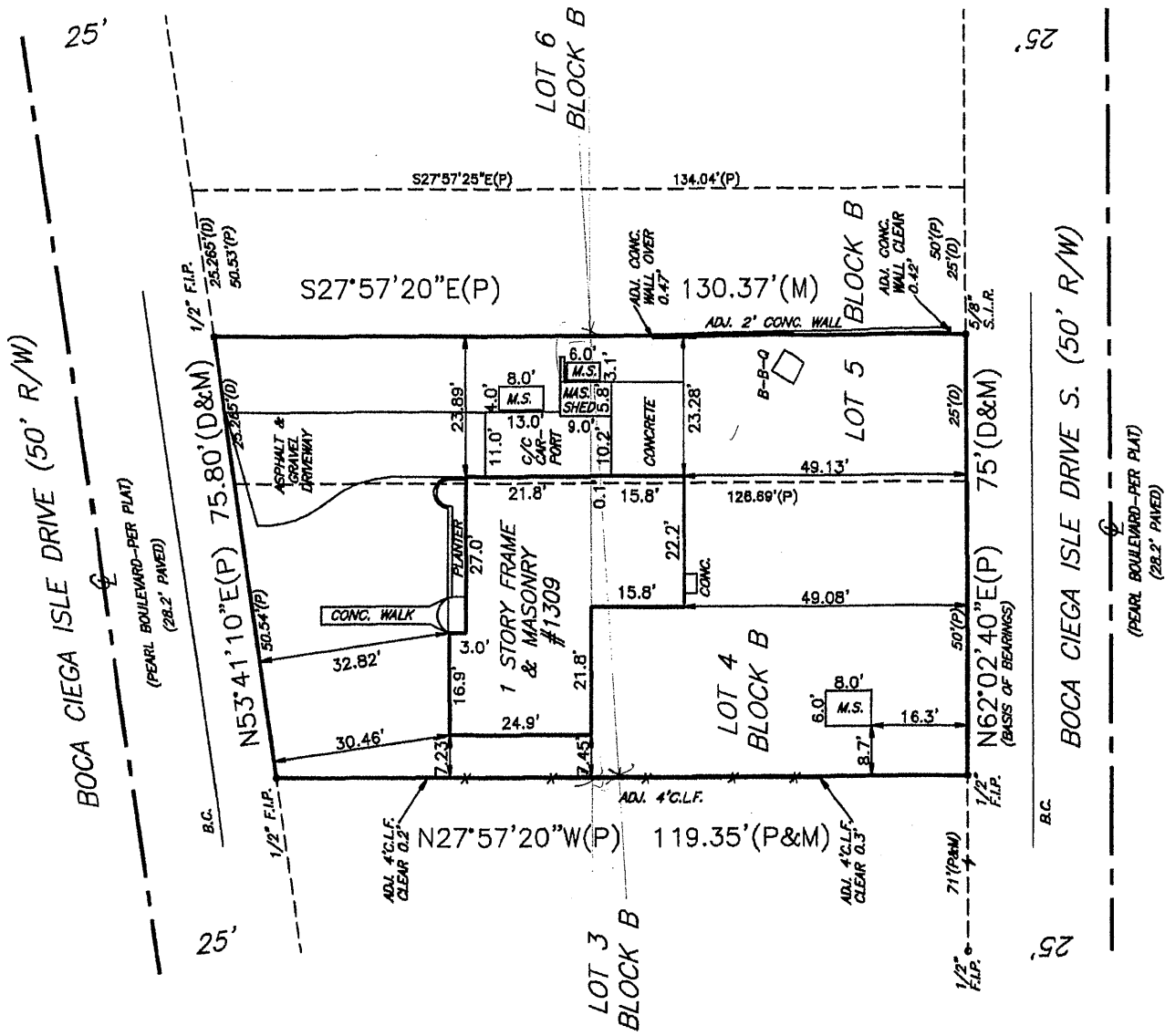


NOTARY:

Print Name: Joyce A Stclair

Notary Public, State of Florida

(Notarial Seal)



A BOUNDARY SURVEY OF LOT 4 AND THE SOUTHWESTERLY ONEHALF OF LOT 5, BLOCK B, BOCA CIEGA ISLE, AS RECORDED IN PLAT BOOK 23, PAGES 31 AND 32, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: MMXVI365 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 9/26/16 SCALE: 1 INCH = 30 FEET DRAWN BY: DCH	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 6 TOWNSHIP 31 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" FLOOD MAP DATE: 8/18/09 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0276 G CHECKED BY: DCH
CERTIFIED TO: SCOTT E. MEDNICK SUNCOAST TITLE COMPANY OF FLORIDA INC. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027. NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON. LEGEND: N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988. B.F.E.=BASE FLOOD ELEVATION. A=ARC LENGTH. ADJ.=ADJACENT. B.C.=BACK OF CURB. C=CHORD LENGTH. C.L.F.=CHAINLINK FENCE. R/W=RIGHT OF WAY. CONC=CONCRETE. M.H.=MANHOLE. C/C=COVERED CONC. CL=CENTERLINE. C.B.=CHORD BEARING. V.F.=VINYL FENCE. R/W=RIGHT OF WAY. EL=ELEVATION. FF=FINISHED FLOOR. F.I.P.=FOUND IRON PIPE. S.I.R.=SET IRON PIPE WITH CAP. #2650 PC=POINT OF CURVE. F.I.R.=FOUND IRON ROD. F.C.M.=FOUND CONCRETE MONUMENT. M.=MEASURED. M.S.=METAL SHED. P.O.L.=POINT ON LINE. D=DEED. R=RADIUS. W/W=HING WALL. W.F.=WOOD FENCE. DR=DRAINAGE. UT=UTILITY. EASE=EASEMENT. P/S=PAVERSTONE. B.M.=BENCHMARK. P.L.=POINT OF INTERSECTION. P.R.M.=PERMANENT REFERENCE MONUMENT. P=PLAT. E.P.=EDGE OF PAVEMENT. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		