



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 3/29/2017
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. Approval of Minutes**

1/25/2017

4. Agenda Items

- I. Case 2017-0003: 2831 East Vina del Mar Blvd. – Applicants request a variance to Section 6.23(d) of the Land Development Code to increase the maximum allowable length of residential docks to allow for the placement of a boatlift on an existing residential dock.
- II. Case 2017-0006: 601 Gulf Way – Applicant requests variances to Section 11.7(a) of the Land Development Code to reduce the required front yard setback from 20 feet to 18 feet and secondary front yard setback from 10 feet to 5 feet to allow for a covered deck addition and enclosure of a side entryway.
- III. Case 2017-0007: 5409 Leilani Drive – Applicant requests variances to Section 6.23(d) of the Land Development Code to increase the maximum allowable length of and reduce the required side yard setbacks for residential docks to allow for the placement of a boatlift on an existing residential dock.

5. Adjournment

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

**Electronic media must be submitted a minimum of 24 hours in advance to
cityclerk@stpetebeach.org**

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT MEETING

MINUTES

JANUARY 25, 2017

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Michael Bomar, Member
Tom DeYampert, Member
Harry Metz, Member
Ron Holehouse, Member

ALSO PRESENT:

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

1. Changes to the Agenda

Mike Larimore, Zoning Tech II, informed the board that, due to Vice Chairman Littell resigning, they needed to elect a new Vice Chair.

Chairman Skipper made a motion for Member Holehouse to be the Vice Chair of the Board of Adjustment. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (5 yeses – 0 nos).

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 12/14/2016

Member DeYampert made a motion to approve the minutes from the December 14, 2016 meeting. The motion was seconded by Member Metz and unanimously approved by a roll call vote (5 yeses – 0 nos).

4. Public Hearings

I. Case 2016-0075: 3940 Oleander Way

Mike Larimore gave Staff's presentation to the board and recommended denial.

Chairman Skipper asked the applicant to come forward.

Monte Pierce, 3940 Oleander Way, St. Pete Beach, asked for approval of a variance for the construction of a carport.

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

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

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

Monte Pierce, 3940 Oleander Way, St. Pete Beach, answered questions from the board members.

Ken Fritz, 5908 27th Avenue North, St. Petersburg, contractor, explained and submitted a schematic to the board.

Monte Pierce, 3940 Oleander Way, St. Pete Beach, explained the current use and intended future use of the garage to the board members.

Member DeYampert made a motion to approve Variance Case No. 2016-0075 as requested. The motion was seconded by Member Bomar. The motion was approved by an individual roll call vote, (3 yeses – Member Bomar, Member Metz and Vice Chair Holehouse; 2 nos – Member DeYampert and Chairman Skipper).

II. Case 2016-0076: 2601 Pass-A-Grille Way

Mike Larimore gave Staff's presentation to the board and recommended approval.

Chairman Skipper asked the applicant to come forward.

Colleen Schumacher, 2601 Pass-A-Grille Way, owner, spoke in regard to a request for a variance to increase the fence height within her yard.

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

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

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

Member Metz made a motion to approve Case 2016-0076. The motion was seconded by Vice Chair Holehouse. The motion was unanimously approved by an individual roll call vote, (5 yeses; 0 nos).

II. Case 2016-0077: 224 45th Avenue

Mike Larimore gave Staff's presentation to the board and recommended denial.

Chairman Skipper asked the applicant to come forward.

James Reeder, 224 45th Avenue, owner, spoke in regard to a deteriorating pergola and the request for a variance to construct a screened porch addition. Mr. Reeder added there had not been any negative feedback from neighbors.

Kimberly Reeder, 224 45th Avenue, owner, spoke in regard to a deteriorating pergola and the variance to construct a screened porch addition with the intent to enjoy the backyard.

James Reeder, 224 45th Avenue, owner, gave further information in regard to the pergola and proposed dimensions for the screened porch addition.

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

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

Member DeYampert made a motion to approve Case No. 2016-0077. The motion was seconded by Member Bomar. The motion was approved by an individual roll call vote, (5 yeses; 0 nos).

IV. Case 2016-0078: 495 41st Avenue

Mike Larimore gave Staff's presentation to the board and recommended approval with one condition.

Chairman Skipper asked the applicant or their representative to come forward.

Neale de Planque, address, position, gave history of the property and spoke of selling, subdividing, and landscaping/privacy issues.

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

Wendy Lockhart, 103 6th Avenue, St. Pete Beach, spoke in favor of the application.

Chairman Skipper asked if anyone would like to speak in opposition of the application.

The following people spoke in opposition of the application:

Alan Nelson, stated he lives on the west side of the subject property

Mark Nelson, 2052 Tanglewood N.E., St. Petersburg

Larry Levine, 4217 Holland Drive

Teresa Vieira, 492 41st Avenue

Rebecca Lyons, 417 41st Avenue

Liz Hahn, 431 41st Avenue

Bob Berdat, 473 41st Avenue

Timothy Vieira, 1330 Robin Road South, St. Pete

Liz Hahn, 431 41st Avenue

Chairman Skipper asked if anyone else would like to speak to the application. Hearing none, Chairman Skipper closed the public hearing portion and opened it for discussion among the board members.

Member Bomar made a motion to approve Case No. 2016-0078 with the setback requirements of 14 feet on each of the outsides.

Ms. Bryla asked if the motion was accepting staff's recommendation for splitting the lots in two. Member Bomar replied yes and continued with his motion as stated below:

...with staff recommendation of splitting the lots in two with each lot having an outside -- side setback of 14 feet.

There was brief board discussion at this time by Vice Chair Holehouse, Ms. Bryla, and Mr. Larimore.

The motion was seconded by Member DeYampert.

There was further board discussion at this time. Chairman Skipper asked for any further board discussion. Hearing none, Chairman Skipper called for the vote.

The motion was unanimously approved by an individual roll call vote, (5 yeses; 0 nos).

Mary Jo Murphy, Deputy City Clerk, informed the board members that the 2016 Statement of Financial Interests forms were to be completed and returned to the City Clerk's Office by June 1, 2017.

Rebecca Lyons, 417 41st Avenue, asked a general procedural question in regard to density.

5. Adjournment

There being no further business before the board, the meeting was adjourned at 3:40 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

3/29/17

**Variance Case
#2017-0003**

Applicant/Agent
Scott & Jamie Hanson,
Homeowners

Location
2831 East Vina del Mar
Blvd.

Commission District
District 4

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.23(d):	Residential dock, davits, boatlifts or tie poles shall:		
	1) Not extend from mean high water line or seawall a greater length than one-half the width of the zoning lot at the waterfront	1) Length of dock from seawall = 83'	1) Length of dock from seawall = 83'
Residential Dock Requirements	Maximum length = 39.4'		
	2) Be located within the center one-half of the width of the appurtenant upland property at the waterfront	2) Width of dock = 20'	2) Width of dock = 33'
	Maximum width = 39.4'		

Applicants request a variance to Section 6.23(d) of the Land Development Code to increase the maximum allowable length of residential docks to allow for the placement of a boatlift on an existing residential dock.

Existing Use: Residential (Detached Single-Family)

Adjacent Uses

North: Residential (Detached Single-Family)

South: Residential (Detached Single-Family)

East: Water (Boca Ciega Bay)

West: Infrastructure (East Vina del Mar Blvd.)

The Applicant is requesting a variance to residential dock regulations regarding length. The Applicant wishes to place a boatlift on an existing nonconforming dock.

PUBLIC NOTICE:

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

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the RU-1 zoning district which allows for single-family residential and associated accessory uses, including residential docks. Residential docks and all associated components are permitted to be constructed and placed within the center one-half of the lot width along the seawall or mean high water line. Additionally, they are permitted to extend a maximum distance of one-half of the lot width along the seawall or mean high water line.

If an applicant wishes to construct a dock closer to either side setback and/or extend further from the seawall, this requirement may be administratively solved via a variance request form for docks signed by adjacent property owners. The Applicants have received one of the necessary signatures, however the other adjacent property owner(s) have either not been contacted, refused signature, or are unable to be reached for signature.

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 circumstances of the subject property are peculiar in that it abuts submerged land with an unusually shallow bottom and slope.*

- 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 variance will not affect any district boundaries or permit a nonconforming use.*
- 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 in harmony with the general intent of the Land Development Code. The requested variance would not be injurious to the neighborhood as it does not greatly affect neighboring properties.*
- 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 result in a hardship for the Applicant. The characteristics of the submerged land immediately adjacent to the subject property would prevent the reasonable use of the submerged land.*

STAFF RECOMMENDATION:

Staff recommends approval – The subject property is unique as it is located on a waterfront with a relatively shallow bottom and slope. The submerged land beneath the existing dock warrants a longer dock than typically permitted. The proposed boatlift will not extend the dock length any further than it currently exists and would leave ample room for water access for both adjacent property owners.

	<u>Attachments:</u> A. Relevant Code Section B. Aerial Photo C. Site Photo D. Variance Application E. Survey F. Site Plan of Existing Dock G. Site Plan of Proposed Dock
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Attachment A.

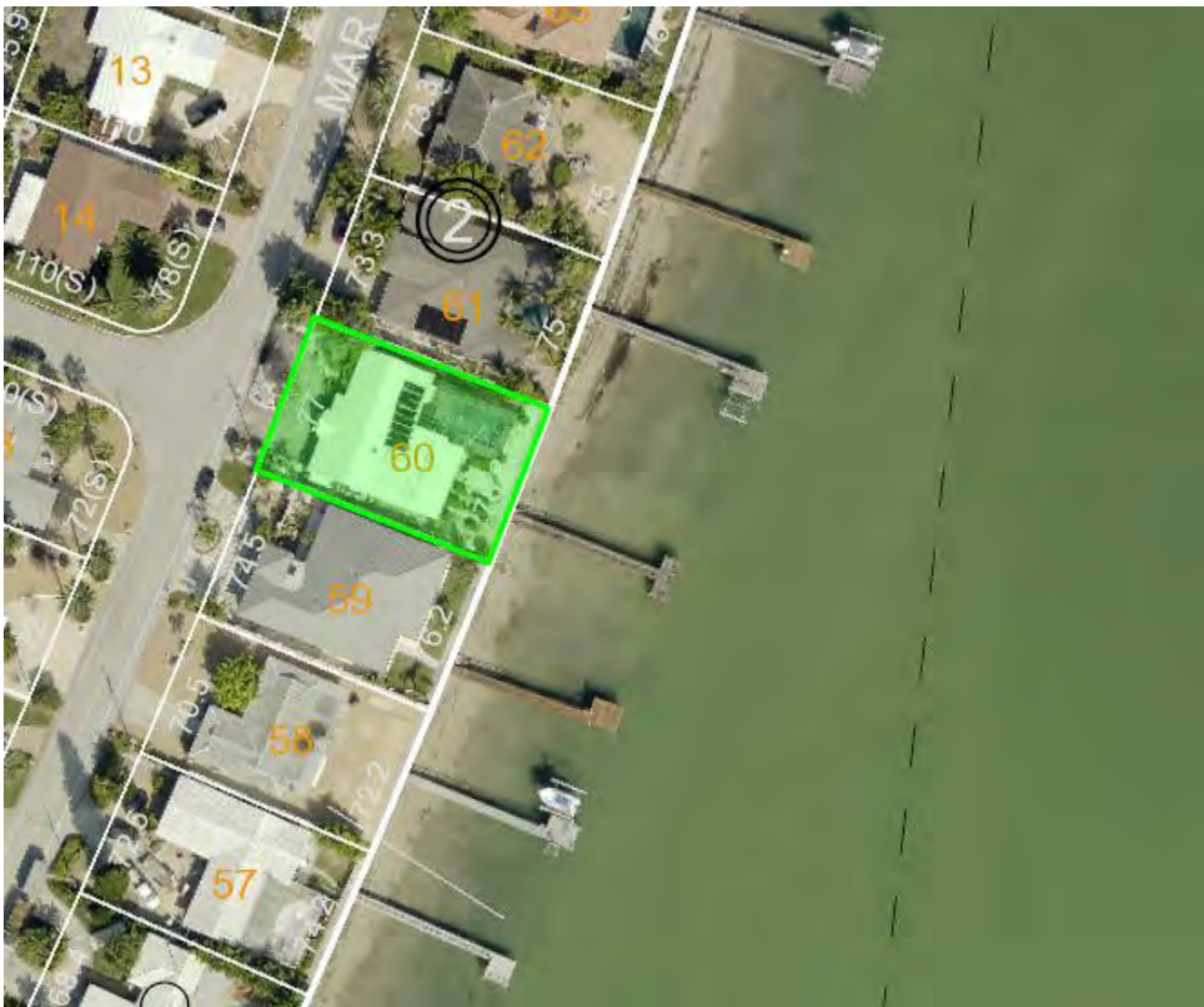
Sec. 6.23. - Docks.

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

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

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

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing east



THE SUNSET CAPITAL OF FLORIDA

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: 2017-0003

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Vina Del Mar Sec Add Blk 2, Lot 60

Parcel ID 18/32/16/94176/002/0600

Address 2831 E. Vina Del Mar Blvd.

Current Zoning: RU-1 FLUM Designation: _____ Lot Area: 9,360 sq. ft.

Existing Use: Single-Family Proposed Use: Single-Family

APPLICANT/AGENT:

Name: Scott M. & Jamie B. Hanson

Address: 2831 E. Vina Del Mar Blvd.

City: St. Pete Beach State: FL.

Zip: 33706 Phone: 630-888-1142

Email: shanson350z@att.net

PROPERTY OWNER:

Name: Scott M. & Jamie B. Hanson

Address: 2831 E. Vina Del Mar Blvd.

City: St. Pete Beach State: FL.

Zip: 33706 Phone: 630-888-1142

Email: shanson350z@att.net
jamienmax@sbcglobal.net

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

We are requesting a variance to section 6-23(d)(3) which states that "No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property to a length greater than one-half the width of the zoning lot at the waterfront." We are requesting a variance to this section in order to install a boatlift next to our existing dock that is already longer than one-half the width of the lot.

We are requesting this variance due to the fact that one of our neighbors will not sign a letter of no objection.

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.

Conditions and circumstances exist that are peculiar to the subject land, structure, or building.

There are shallow water conditions and submerged resources that have required our dock, and all of the docks in the surrounding area, to be constructed longer than one-half the width of the lot. The requested variance is to allow the installation of a boatlift at our existing dock. Due to the above circumstances, the boatlift cannot be installed in a location that will meet the required length regulations.

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.

Strict application of the provisions of the land development regulations would prevent us the reasonable use of our land. If the requested variance is not granted, we will not be able to install a boatlift at our existing dock which would allow us to safely moor and board our boat. This is a right commonly enjoyed by other residents.

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

The peculiar conditions and circumstances are not the result of the actions of the applicant. The dock was constructed years before we purchased the lot. Due to the shallow water and submerged resources in the area, the existing dock was constructed longer than one-half the width of the lot.

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

No changes will be made to 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.

Granting the variance will not permit a non-conforming use or permit a use not specifically allowed in the zoning district. A dock and boatlift are conforming uses that are typically permitted.

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

The variance, if granted, will not increase the density or intensity over that which is permitted in the Comprehensive Plan. The requested variance is to install a boatlift at an existing dock.

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

The granting of the variance will be in harmony with the general purpose and intent of the land regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The requested variance is only to allow a boatlift at an existing dock, which is a very common occurrence in and around the neighborhood. Please see the included aeriels demonstrating this.

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

The requested variance is the minimum variance that will make possible the reasonable use of the land, structure, and building. The the variance is not granted, we will not be able to moor our boat at our existing dock.

x *James B. Hanson* 2-13-17

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.

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

BH 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.

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

BH 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.

BH 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.

BH 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.

BH 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

X Ami L. Hanson
Signature of Applicant

2-13-17
Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Scott M. & Jamie B. Hanson, 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 M. &/or Jamie B. Hanson

Address: 2831 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706

X

Signature

Jamie B. Hanson

Date

2-9-17

STATE OF FLORIDA

)

) SS:

PINELLAS COUNTY

)

The foregoing instrument was acknowledged before me this 9 day of February, 2017 by Jamie B. Hanson, who appeared before me, and is personally known to me, or has produced Florida D.L. as identification, and did take an oath.

My commission Expires: July 14, 2019

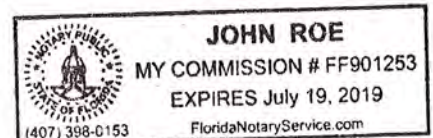
NOTARY: x

John Roe

Print Name: John Roe

Notary Public, State of Florida

(Notarial Seal)



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

I/WE

N/A

(print name of property owner)

hereby authorize

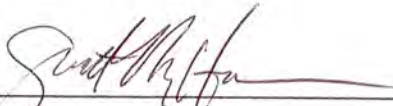
N/A

(print name of agent)

to represent me/us in an application for

Variance

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

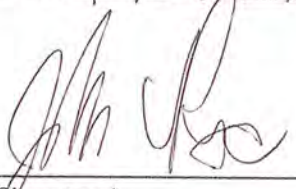

Signature of Owner


Signature of Owner

Scott M. Hanson
Print Name of Owner

Jamie B. Hanson
Print Name of Owner

The forgoing instrument was acknowledged before me this 9 day of February
2017, by Scott M. Hanson who is personally known
or produced Florida D.L. as identification.


(Notary Signature)

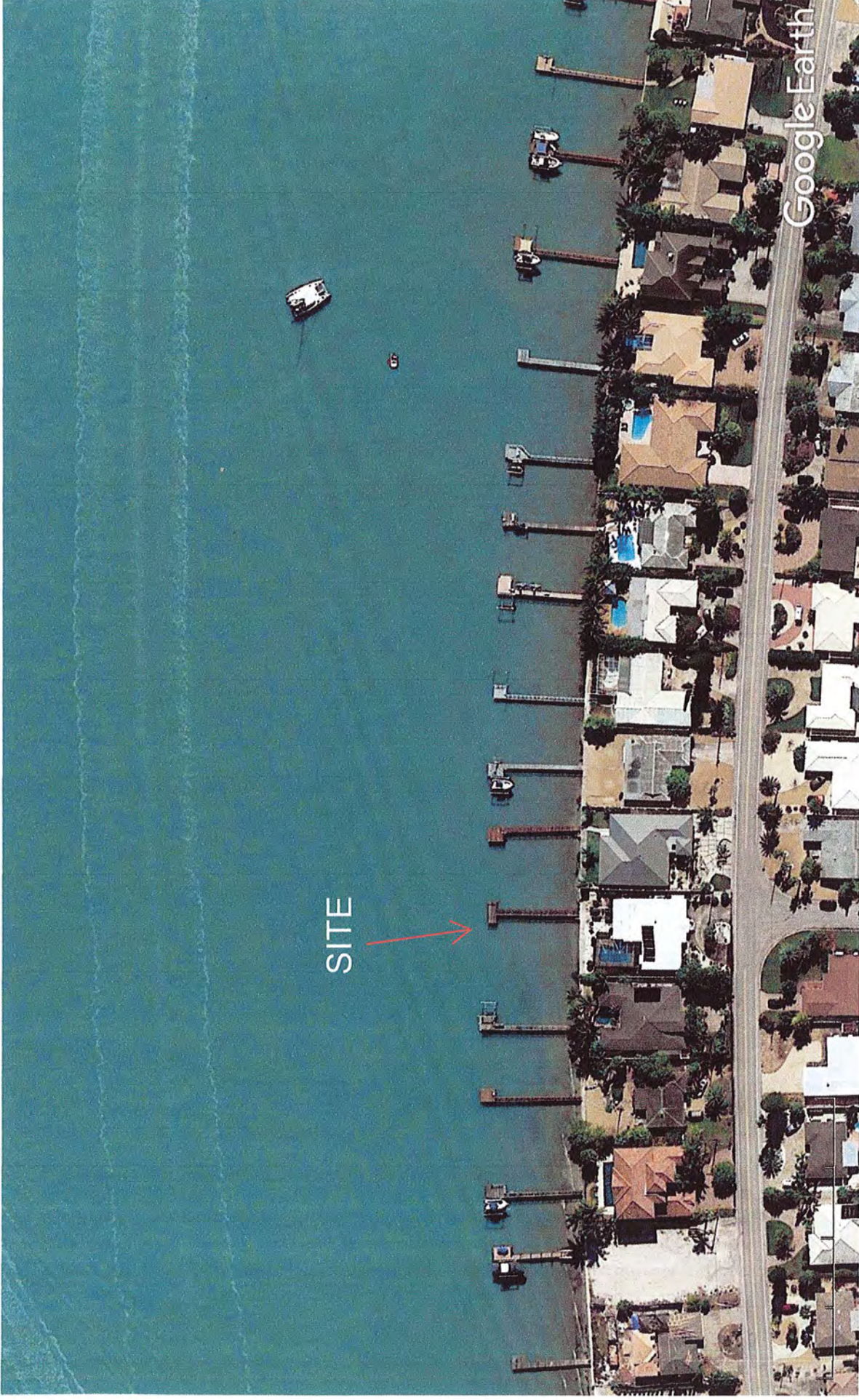
2/9/17

(Date)

My Commission Expires July 19 2019



Scott & Jamie Hanson - 2831 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706



Google Earth

feet
meters

800
200



BOUNDARY SURVEY



C-1
R=5280.00'(P)
Δ=00°50'10"(P)
L=77.05'(P) 76.93'(M)
C=77.05'(C) 76.93'(M)
CB=N 20°49'28" E(P)
N 20°49'26" E(M)

C-2
R=5400.00'(P)
Δ=00°50'10"(P)
L=78.80'(P) 78.84'(M)
C=78.80'(C) 78.84'(M)
CB=S 20°49'28" W(P)
S 20°05'22" W(M)

C-3
R=5280.00'(P)
Δ=00°47'16"(P)
L=72.59'(P) 74.56'(M)
C=72.59'(C) 74.56'(M)
CB=N 21°38'10" E(P)
N 20°01'33" E(M)

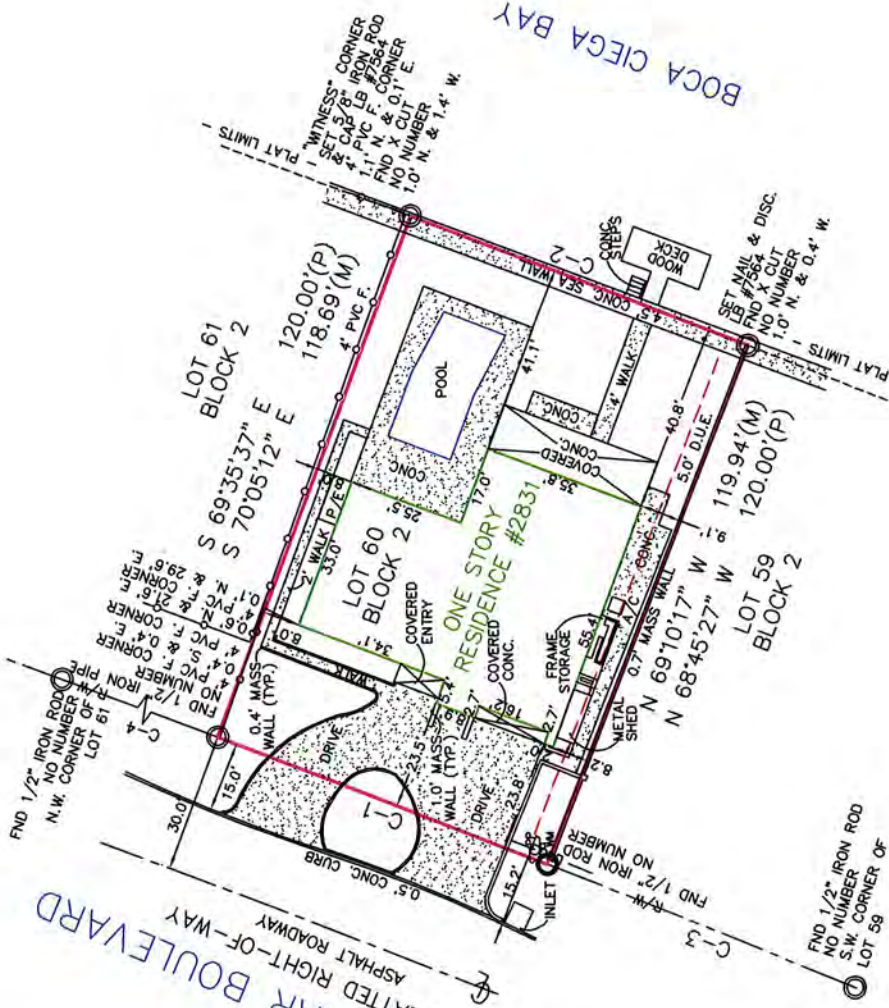
C-4
R=5280.00.00'(P)
Δ=00°47'45"(P)
L=73.34'(P) 73.50'(M)
C=73.34'(C) 73.50'(M)
CB=N 20°00'31" E(P)
N 19°25'18" E(M)

C-5
R=5280.00'(P)
Δ=02°23'15"(P)
L=220.02'(P) 219.94'(M)
C=220.00'(C) 219.92'(M)
CB=N 18°25'00" E(P)
N 17°34'51" E(M)

C-6
R=5280.00'(P)
Δ=01°36'48"(P)
L=146.68'(P) 146.53'(M)
C=146.68'(C) 146.52'(M)
CB=N 16°25'37" E(P)
N 15°17'43" E(M)

C-7
R=5280.00'(P)
Δ=00°47'45"(P)
L=73.34'(P) 71.79'(M)
C=73.34'(C) 71.79'(M)
CB=N 15°14'02" E(P)
N 15°18'28" E(M)

EAST VINA DEL MAR BOULEVARD
60' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY



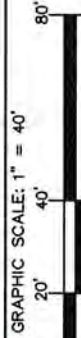
PROPERTY ADDRESS: 2831 EAST VINA DEL MAR BOULEVARD - ST. PETE BEACH, FLORIDA 33706

LEGEND	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
M.S.	MEASURE
P.I.	POINT OF INTERSECTION
C	CENTER LINE
N&D	NAIL AND DISK
R/W	RIGHT OF WAY
C.L.F.	CHAIN LINK FENCE
W.F.	WOOD FENCE
P.C.P.	PERMANENT CONTROL POINT
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
(D)	DESCRIPTION
R	RADIUS
L	ARC LENGTH
Δ	CENTRAL ANGLE
C	CHORD BEARING
C.B.	CHORD BEARING
D.U.E.	DRAINAGE UTILITY EASEMENT
CONC.	CONCRETE
P.R.C.	POINT OF REVERSE CURVATURE
W.C.C.	WATER CURVATURE
P.R.M.	PERMANENT REFERENCE MONUMENT
G.U.	OVERHEAD UTILITY LINE
C.N.A.	CORNER NOT ACCESSIBLE
FND	FOUND
C.R.F.T.	CONCRETE SLAB
C.S.	UTILITY EASEMENT
U.E.	UTILITY EASEMENT
P.U.P.	PUBLIC UTILITY EASEMENT
PP	POWER POLE
P.E.	POOL EQUIPMENT

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE AE. AREA WITHIN THE 100 YEAR FLOOD PLAIN, PER F.I.R.M. (BFE - 10') MAP NUMBER 12105C0278G, DATED 09/05/2003
THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.



LIST OF ENCROACHMENTS:
CONCRETE WALK ENCROACHES INTO THE SIDE EASEMENT.



SURVEYOR'S NOTES
1. THIS SURVEY WAS PREPARED FOR THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. LEGAL DESCRIPTION PROVIDED BY OTHERS.
2. UNLESS SHOWN, UNDERGROUND UTILITIES, IMPROVEMENTS, FOUNDATIONS, ETC., WERE NOT LOCATED OR SHOWN.
3. BEARINGS ARE BASED ON A CHORD BEARING OF THE EASTERLY R/W LINE OF EAST VINA DEL MAR BOULEVARD, AS BEING N 20°49'28" E, PER PLAT.
4. ASSUMED
5. AND FINANCING OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE.
6. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR RECORDS OF THE COUNTY.

CERTIFIED TO:
SCOTT M. HANSON AND
JAMIE B. HANSON
VANDYKE MORTGAGE CORPORATION
NATIONAL NEW GENERATION
TITLE SERVICES
FIRST AMERICAN TITLE INSURANCE
COMPANY

CLIENT NO: 16-077
JOB NO: 20878
FIELD DATE: 07/25/16
APPROVED BY: AER
CHECKED BY: AER
DRAWN BY: GS
DRAWN DATE: 07/26/16

I hereby certify that the survey of the hereon described property was prepared under my direct supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mapmakers, Chapter 51-0.050 thru 510.052, Florida Administrative Code, Pursuant to Chapter 470.02, Florida Statutes.

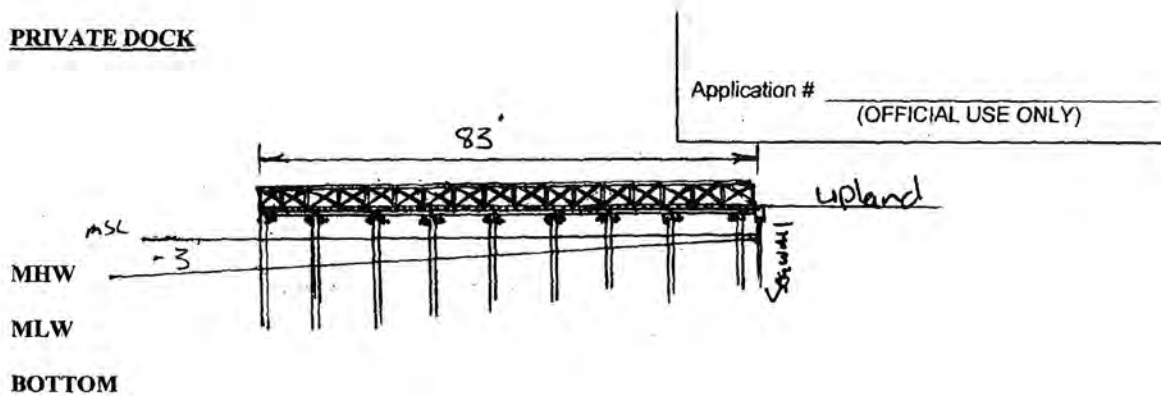


CERTIFIED BY: ANASTAS REKONIK
FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); L.B.#7564
NOT VALID WITHOUT THE AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE	REVISION	REVISION

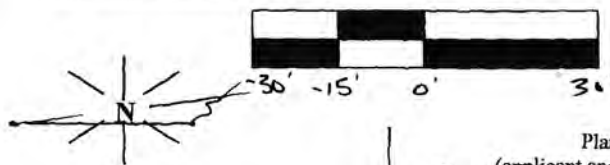
Attachment F.

PRIVATE DOCK

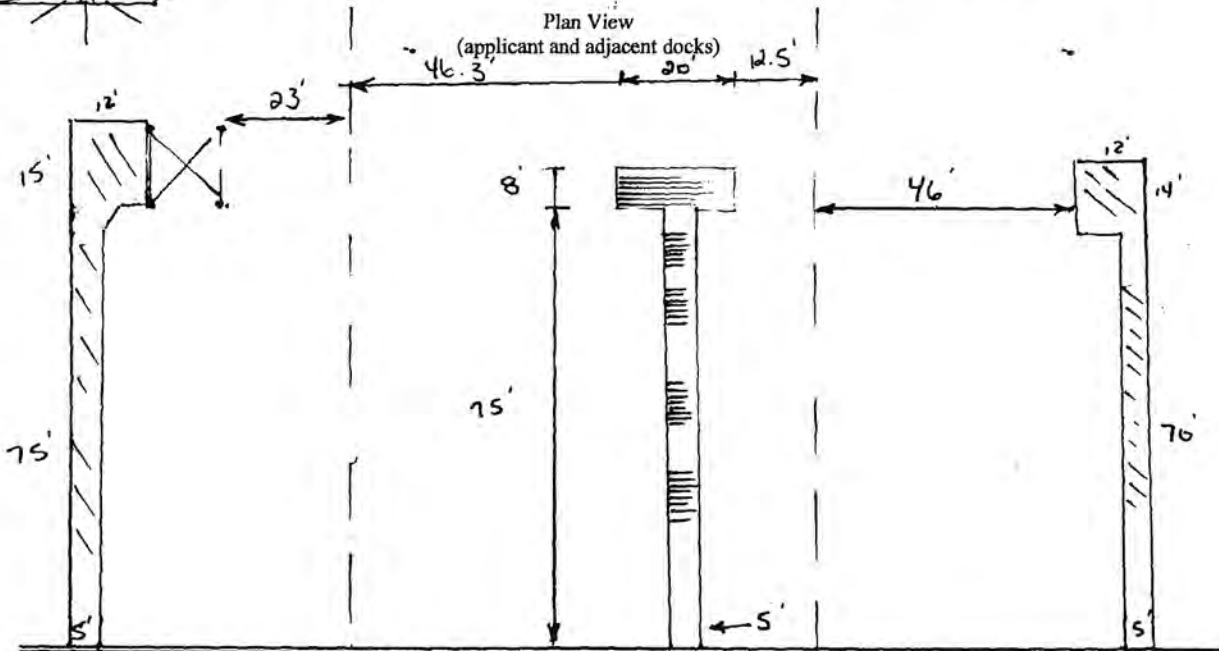


Profile View

ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET	535
NEW SQUARE FEET	0
WATERWAY WIDTH	open
WATERFRONT WIDTH	78.8



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

Left Owner		Right Owner	
Signature	Date	Signature	Date
Municipality Approval		Water and Navigation Approval	

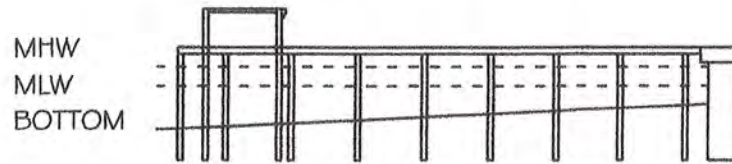
11.29.2012 am

Attachment G.
PRIVATE DOCK

Application # _____
(OFFICIAL USE ONLY)

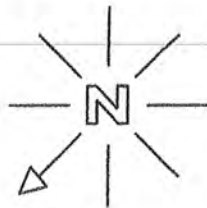
NAME: Hanson, Scott

2831 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706



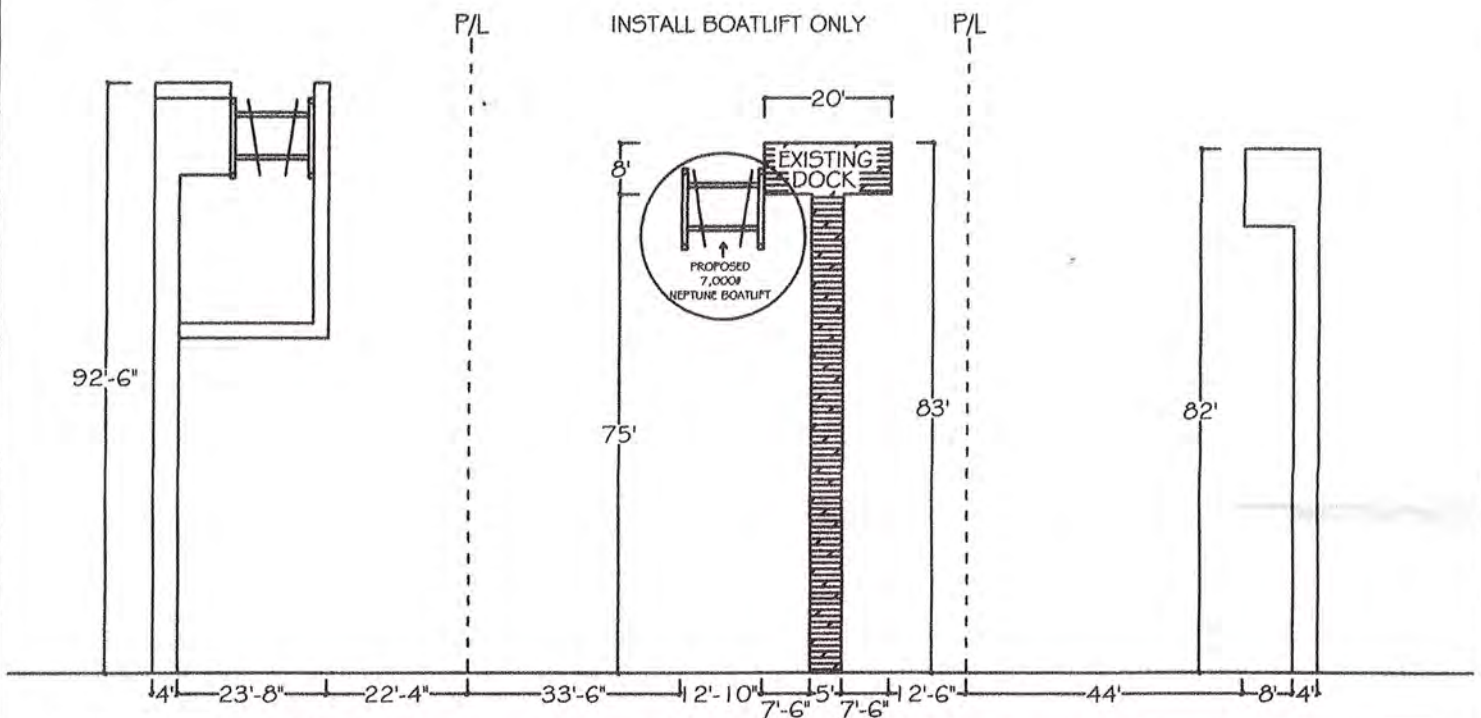
Profile View

ENG. SCALE: 1" = 30'



TOTAL SQUARE FEET	535'
NEW SQUARE FEET	0'
WATERWAY WIDTH	Over 400'
WATERFRONT WIDTH	78.8'

Plan View
(applicant and adjacent docks)



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

Left Owner: Denise Heintz, TRE/POA

Signature [Signature]

Date _____

Municipality Approval

Right Owner: Ronald F. Holehouse

Signature [Signature]

Date 2/10/17

Water and Navigation Approval



St. Pete Beach Board of Adjustment

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

3/29/17

**Variance Case
#2017-0006**

Applicant/Agent
Barry Flaherty, Agent

Location
601 Gulf Way

**Commission
District**
District 4

Staff Representative
Mike Larimore, Zoning
Tech II

Related Cases
N/A

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 11.7(a):	Front yard: 20 feet	Front Yard: 29.14 feet	Front Yard: 18 feet
Minimum yard requirements	Secondary Front Yard: 10 feet	Secondary Front Yard: 4.91 feet	Secondary Front Yard: 5 feet

Applicant requests variances to Section 11.7(a) of the Land Development Code to reduce the required front yard setback from 20 feet to 18 feet and secondary front yard setback from 10 feet to 5 feet to allow for a covered deck addition and enclosure of a side entryway.

Existing Use: Residential (Detached Single-Family)
Adjacent Uses
North: Residential (Detached Single-Family)
South: Infrastructure (6th Avenue)
East: Infrastructure (Alleyway)
West: Infrastructure (Gulf Way)

The Applicant is requesting variances to replace an existing deck with a new, three story covered deck and to enclose a side entryway.

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 primary use of the property for a detached single-family residence is consistent with the City's Comprehensive Plan and Land Development Code.

Open decks and balconies are permitted to encroach into required front and rear yard setbacks up to 3 feet. "Open" decks are intended to imply those without roof or overhang systems.

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 location and orientation of the subject property is peculiar. The subject property is a corner lot with an angled front lot line along Gulf Way. The strict application of the provisions of the Land Development Code would not deprive the applicant reasonable use of the land. The conditions are not the result of the actions of the applicant.*
- 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 district boundaries or permit a nonconforming use.*
- 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 in harmony with the general intent of the Land Development Code.*

- 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. Accessory decks are not requisite for the reasonable use of the land nor does the enclosure of the side entryway affect the reasonable use of the structure.*

STAFF RECOMMENDATION:

Staff recommends denial – The subject property is unique in that the parcel is drawn with an angled front property line along Gulf Way. However, the proposed exterior deck and the enclosure of the side entryway are not necessary for the reasonable use of the land. While the conditions are not the result of the actions of the Applicant or Property Owners, the strict application of the Land Development Code regulations would not result in a hardship for the Applicant.

Attachments:

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

Attachment A.

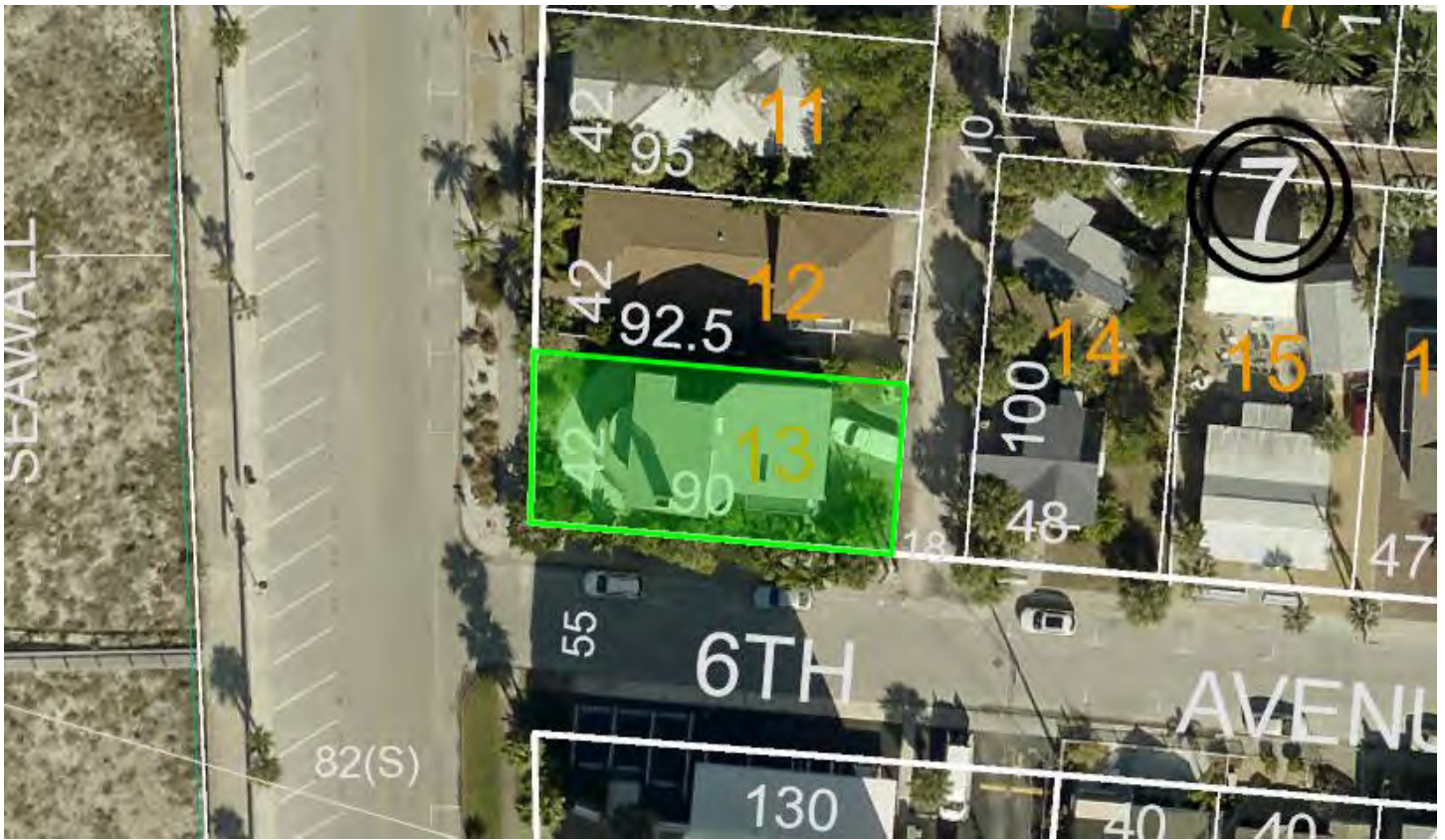
Sec. 11.7. - Minimum yard requirements.

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

(a) Residential 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.



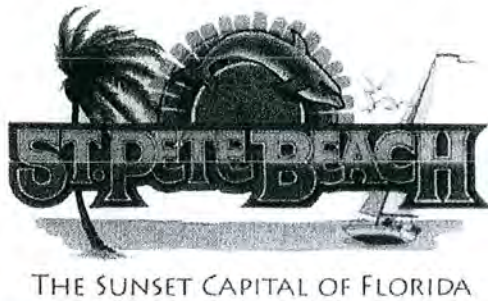
Above: Subject property, facing east



Above: Subject property, facing north



Above: Subject property, facing west



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: 2017-0006

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 13, Block 7, Morey Beach
Parcel ID: 19-32-16-58932-007-0130
Address: 601 Gulf Way
Current Zoning: RLM-2 FLUM Designation: RLM Lot Area: 3780
Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

Name: Barry J. Flaherty
Address: 4111 12th St. N.
City: St. Petersburg State: FL
Zip: 33793 Phone: 727 709-3797
Email: barryflaherty@tampabay.rr.com

PROPERTY OWNER:

Name: Don Francese
Address: 403 Gulf Way, unit 301
City: St. Pete Beach State: FL
Zip: 33706 Phone: 201 661-1691
Email: donfrancese@yahoo.com

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

City of St. Pete Beach Land Development Code -Sec3.12

- Sec. 11.7(a) Front and secondary front yard setbacks reductions

This home was built when different LDR regulations
existed. The side yard requirement with the new LDR
would not allow the existing location of the house.

See additional sheet, Details of request & Requirements.

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.

The change of the sideyard setback, would not allow the existing home to be located where it was built.

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 building could not exist as built with strict application of present LDRs.

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

Very true. The peculiar condition was a result of LDR change.

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

Signature of Applicant	Date		2/21/17
		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.

7 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.

2 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

2/22/2017
Date

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE

DONALD FRANCISE

(print name of property owner)

hereby authorize

BARRY J. FLAHERTY

(print name of agent)

to represent me/us in an application for

SET BACK VARIANCES

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

[Signature]

Signature of Owner

Signature of Owner

DONALD FRANCISE

Print Name of Owner

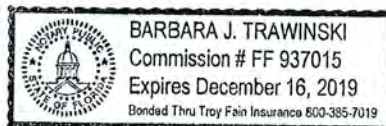
Print Name of Owner

The forgoing instrument was acknowledged before me this 17 day of February 2017, by DONALD FRANCISE who is personally known _____ or produced NO DRIC as identification.

[Signature]
(Notary Signature)

2/17/17
(Date)

My Commission Expires _____





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, BARRY J. FLAHERTY, 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): BARRY J. FLAHERTY

Address: 4122 12TH ST. N., ST PETE, FL

Signature [Signature] Date 2/17/17

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17 day of Feb, 2017 by Barry J. Flaherty, who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

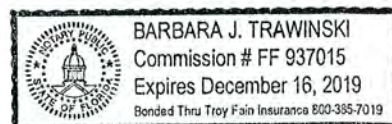
My commission Expires:

NOTARY:

Print Name: [Signature]

Notary Public, State of Florida

(Notarial Seal)



DETAILS OF REQUEST:

The existing house located at 601 Gulf Way has sections of the original structure that encroach approximately 5 feet into the current 10 foot secondary front yard setback along 6th Ave. One portion closest to the southeast corner consists of exterior structure (1st floor entry to the house and 2nd and 3rd floor balconies). We propose to remove the decaying 2nd and 3rd floor balconies along with all stair structure, replace the 2nd and 3rd floor balcony doors with windows, and install a standing metal seam roof in their place to maintain the exterior covered walkway to the entry door. These improvements will make an existing structurally unsound condition safe and enhance the appearance of the house to public view. We request that this area be allowed to remain in the 5 foot encroachment into the current 10 foot secondary front yard setback along 6th Ave so that the entry door continues to have a cover walking path from the driveway and to maintain the existing south wall line of the original structure.

At the west face of the house we propose to remove the existing decayed balconies and replace them with a structurally sound balcony system with recessed storm shutter pockets to maximize aesthetic appearances. We request that the balcony extend the entire length of the west face of the house from north corner to south corner. This will maintain symmetry of the existing structure. We request that the new balcony be allowed to extend to the southern corner of the house to maintain the existing south wall line of the original structure.

The front property line is running at an approximate 100 degree angle from the southwest property corner mark causing the front yard setback to be wider at the north side of the property and more narrow at the south side of the property. At the west face of the house we are removing a balcony system that currently extends 12 feet from the face of the house which encroaches into the 20 foot front yard setback by 4 feet at its more restrictive point. We would like to request that the new balcony system being installed be allowed to extend 10 feet from the face of the existing structure which would encroach almost 2 feet into the 20 foot front yard setback at its most restrictive point.

We have attached all exhibits and renderings providing visual representations of the aforementioned setbacks and encroachments, existing conditions, and proposed improvement elevations for your review. Thank you for your consideration of this matter and we would be happy to provide any additional information.

REQUIREMENTS:

1. The original existing structure encroaches into the current 10 foot secondary front yard setback by approximately 5 feet. We are requesting to be allowed to make alterations and improvements to portions of these areas without abandoning the 5 foot encroachment area.
2. The strict application of the provision of the 10 foot secondary front yard setback would eliminate the ability to provide covered exterior access to the front entry door in the portion of the house that is currently grandfathered from this setback. It would also restrict the replacement balcony at the west face of the house from being symmetrical and visually pleasing with the rest of the original existing structure.
3. The peculiar conditions are a result of the original construction in 1990 and are not the result of any actions by the applicant who purchased the house in 2016.
4. The proposed variance will not effect any change in the district boundary on the zoning map.
5. The variance will not allow for any non-conforming use or permit a use prohibited by the zoning district.
6. The variance will not increase density or intensity over that permitted by the Comprehensive Plan.
7. The granting of this variance will be in harmony with 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 that will make possible the reasonable use of the land and structure based on the original existing conditions.





JOB NO.: 161092

DRAWN BY: MRB

CHECKED BY: EDM

DATE OF FIELD WORK: 6/30/16

MURPHY'S LAND SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH

ST. PETERSBURG, FLORIDA 33710

WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

FAX (727) 344-4640

CERTIFIED TO: Don Francese
Anderson & Brodersen, P.A.
Old Republic National Title Insurance Company

SCALE: 1" = 20'
Survey not valid for more than one (1) year from date of field work.
SEC. 19 TWP. 32 S. RGE. 16 E.
NORTH

A BOUNDARY SURVEY OF: Lot 13, Block 7, MOREY BEACH, as recorded in Plat Book 1, Page 102 of the Public Records of Hillsborough County, Florida (of which Pinellas County was formerly a part).

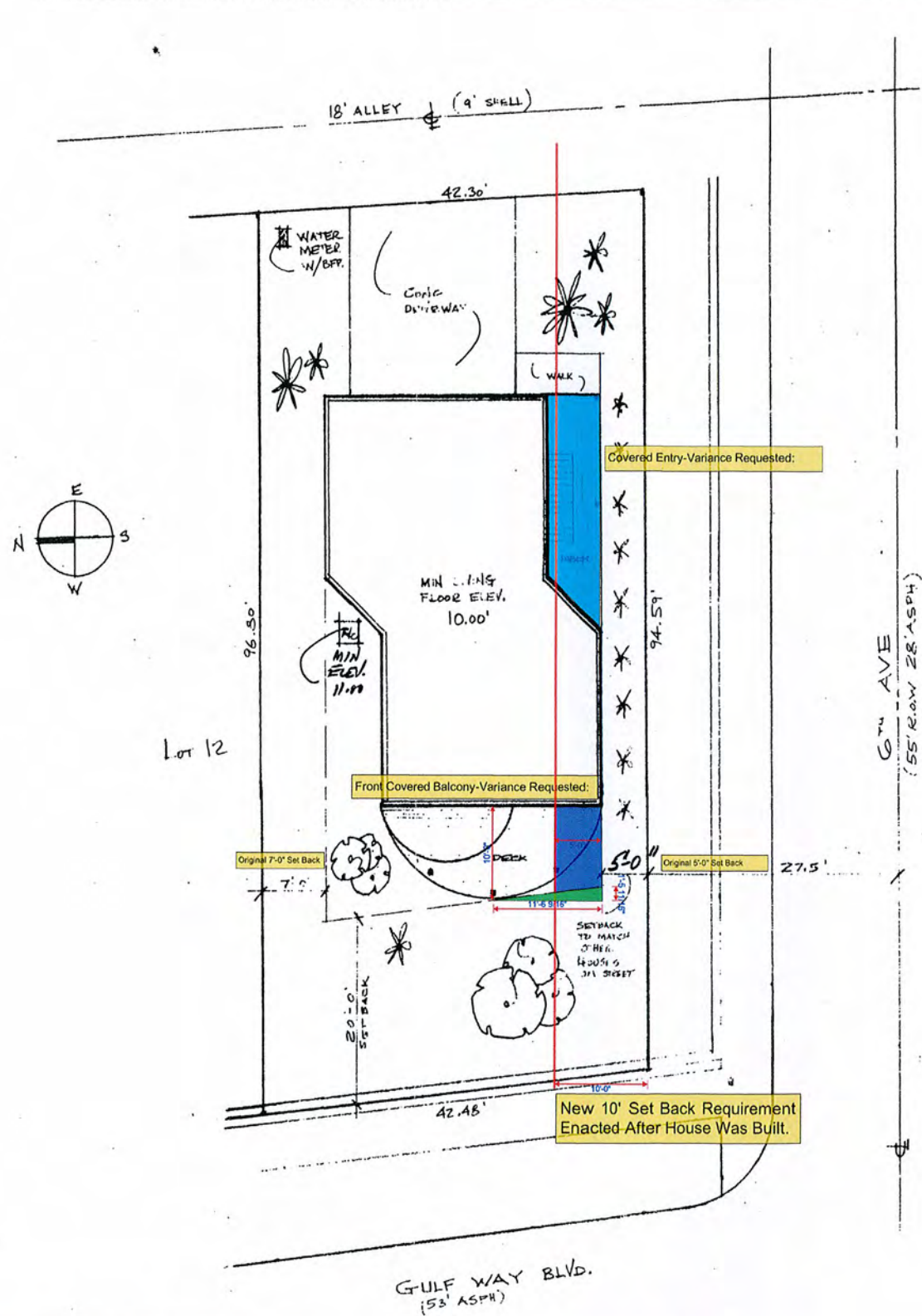
According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
Flood zone: VE Comm. Panel No.: 125149 0286 G Map Date: 9/03/03 Base Flood Elev: 12.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

★ BEARINGS SHOWN ARE ASSUMED			
LEGEND:			
F.I.P. - FOUND IRON PIPE	FD - FOUND	R - RADIUS	ALUM - ALUMINUM
F.I.A. - FOUND IRON ANCHOR	P.O.L. - POINT ON LINE	A - ARC	WH - WATER HEATER
F.I.R. - FOUND IRON ROD	P.C. - POINT OF CURVATURE	C - CHORD	P.S. - PATIO STONE
S.I.R. - SET IRON ROD 1/2" LB #7410	P.T. - POINT OF TANGENCY	A - DELTA	C.P. - CARPORT
P.C. - POINT OF COMPOUND CURVATURE	P.I. - POINT OF INTERSECTION	R.W. - RIGHT OF WAY	PL - PLANTER
P.C.C. - POINT OF COMPOUND CURVATURE	X-X-X - FENCE	# - NUMBER	B.C. - BACK OF CURB
FIN. FLR - FINISHED FLOOR ELEVATION	ADJ. - ADJACENT FENCE	MAS - MASONRY	E.P. - EDGE OF PAVEMENT
N.A.D. - NAIL AND DISK	C.L.F. - CHAIN LINK FENCE	FRM - FRAME	E.R. - EDGE OF ROAD
N.A.V.D. - NORTH AMERICAN VERTICAL	FE - FENCE	G.I. - GRATE INLET	E.O.W. - EDGE OF WATER
	ADI - ADJACENT	C.B. - CATCH BASIN	T.O.B. - TOP OF BANK
			W. - WEST

ESMT - EASEMENT	O.H. - OVERHANG
M.H. - MANHOLE	GAR - GARAGE
CONC - CONCRETE	C.W.D. - COVERED WOOD
CLR - CLEAR	C.P.S. - COVERED PAVING STONE
COL - COLUMN	CIC - COVERED CONCRETE
WD - WOOD	AIC - AIR CONDITIONER
BLK - BLOCK	S.P. - SCREENED PORCH
SW - SEAWALL	P-P - OVERHEAD POWER LINES
ASPH - ASPHALT	T-T - OVERHEAD TELEPHONE LINES
UTIL - UTILITY	P.P. - POWER POLE
DR - DRAINAGE	L.P. - LIGHT POLE

EDWARD D. MURPHY REG. P.L.S. #5538



Line Of 10' Set Back	101.1 FT
Covered Entry Variance Area 1	119.5 SQ FT
Front Balcony Variance Area 2	44.6 SQ FT
Front Balcony Variance Area 3	8.8 SQ FT

SEC 19 TWP. 32S RGE 16E
INSPECTOR

1-Submit Engineered Truss Layout

ST. PETERSBURG BEACH, FLA.
200980
DATE: 5/4/89
SHEETS ARE APPROVED PENDING
REVIEW WITH ALL CODES & ORDINANCES
PETERSBURG BEACH, FLA.
BUILDING DEPARTMENT
J. New

LEGAL DESCRIPTION
LOT 13, BLOCK 7, MOREY BEACH
PLAT BOOK 1 PAGE 102 OF
HILLSBOROUGH CO. WHICH PINELLAS CO.
WAS FORMERLY A PART, FLORIDA

FLOOD ZONE All
MIN FLOOR LEVEL 11'-0" WGM.

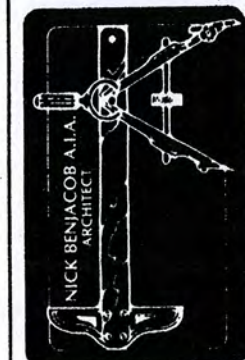
This sheet is a part of an original
submitted St. Petersburg Beach, Florida
Building Department Construction Set.

SQUARE FOOTAGE		
LIVING		
GARAGE		
TOTAL		

A RESIDENCE FOR MR. & MRS. MARK & LEE SHENOFKY
601 GULFWAY BLVD. ST. PETERSBURG BEACH, FLORIDA 33741

DRAWN BY: HBT
DATE DRAWN: 3/14/89

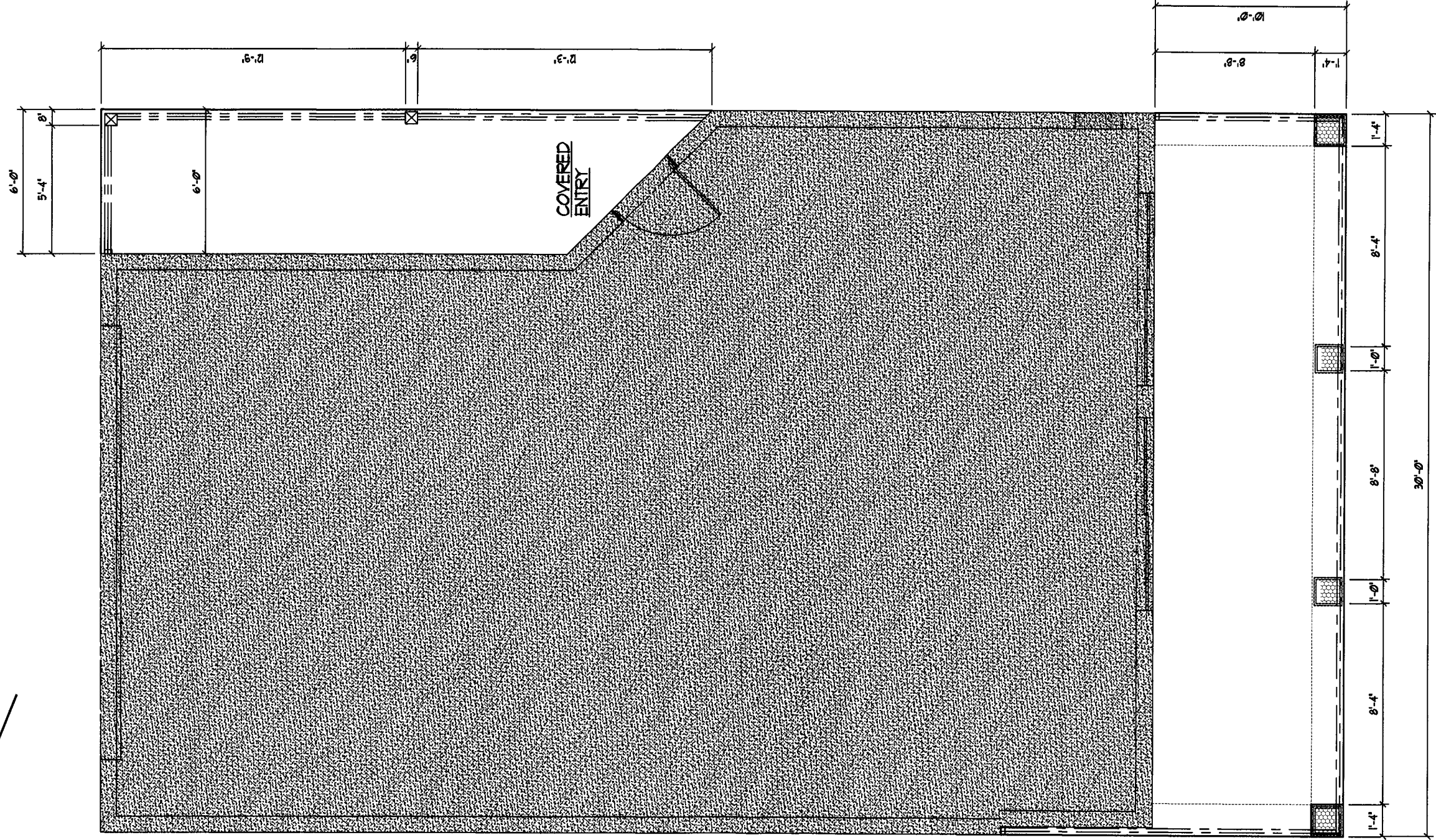
All dimensions and conditions of the job shall be checked by the contractor who shall be responsible for same. Any discrepancies shall be reported to the designer prior to start of construction.



SHEET NO. 1 OF

Nick Benjacob

NORTH



MODEL: CUSTOM
LOT: B
SUBD: MOREY BEACH
NAME: DON & PJ FRANCISE
STREET: 601 GULF WAY
CITY: ST. PETERSBURG
COUNTY: PINELLAS
STATE: FLORIDA

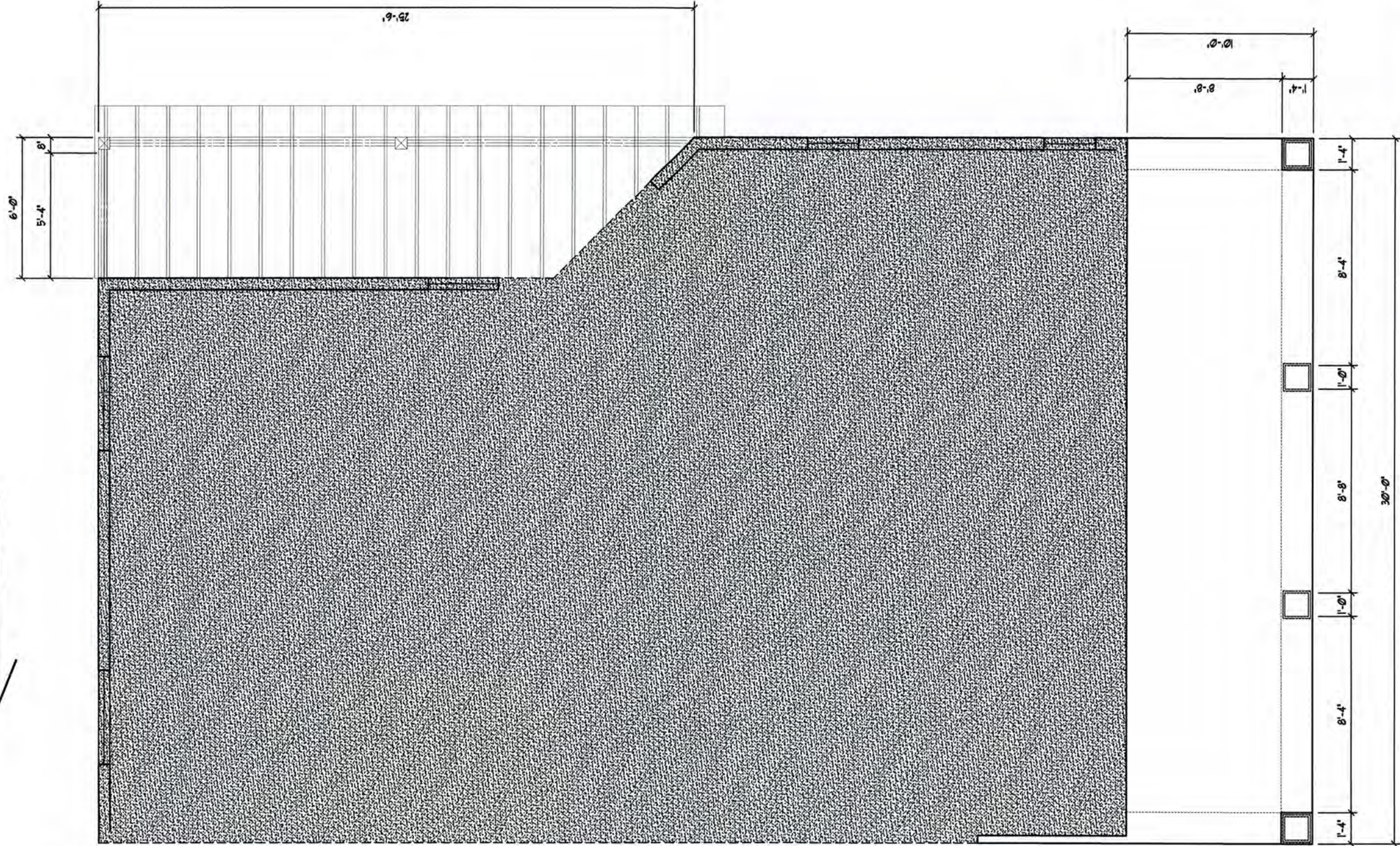
DRAWN
PG 1-1-B
REV: 02/20/20
SCALE
AS NOTED
CLIENT APPROVAL
SHEET

GROUND FLOOR



APEX
CONSULTING ENGINEERS PL
DEREK W. NEWCOMER, PE #65010
4315 33RD AVE. E. ARADEN TON FL 34203
TEL: 941.366.1111
WWW.APEXENGINEERING.COM
JEFF@APEXENGINEER.COM
Structural Components Only
Drill. of April, 2024

NORTH



APEx

Consulting Engineers PL

4115 138TH AVE. TAMPA, FL 33613
TEL: 813.886.1111 FAX: 813.886.1112
WWW.APEXENGINEER.COM

Structural Components Only

Cart. of Auth. #28488

ARCADIA

CONSTRUCTION

MODEL: CUSTOM

LOT: 13

SUBD: MOREY BEACH

NAME: DON & P.J. FRANZESSE

STREET: 601 GULF WAY

CITY: ST. PETERSBURG

COUNTY: PINELLAS

STATE: FLORIDA

DRAWN

PG 1-1-6

REVISIONS

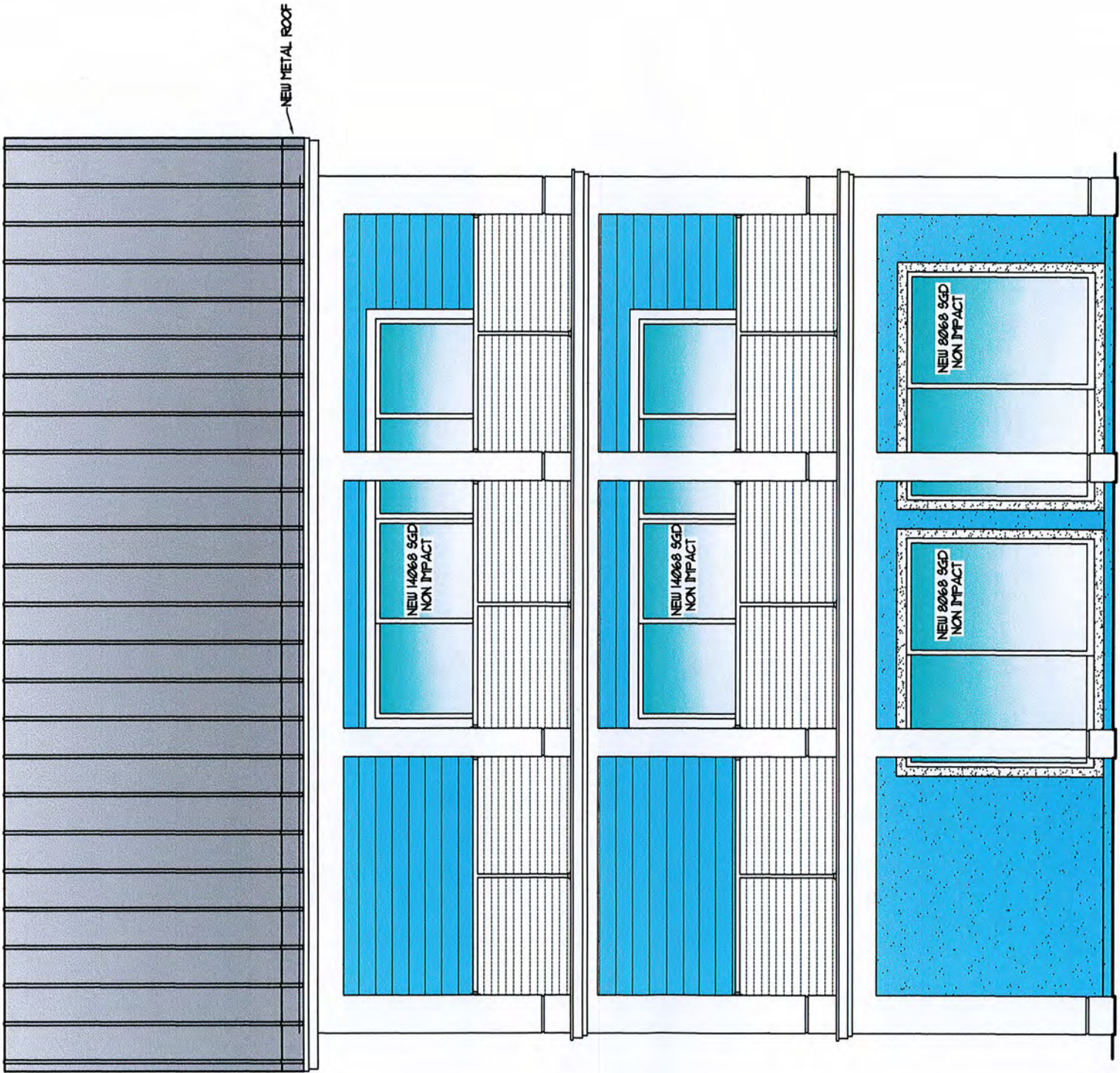
SCALE

AS NOTED

CLIENT APPROVAL

SHEET

FIRST FLOOR



PROPOSED FRONT
SCALE: 1/4" = 1'-0"

FRONT ELEVATION

SHEET

CLIENT APPROVAL

AS NOTED

SCALE

REVISIONS

DRAWN

PS 11-16

MODEL: CUSTOM
LOT: 13
SUBD: MOREY BEACH
NAME: DON & F.J. FRANCISE
STREET: 6601 GULF WAY
CITY: ST. PETERSBURG
COUNTY: PINELLAS
STATE: FLORIDA



Structural Components Only



Chart of Auth. #28488



St. Pete Beach Board of Adjustment

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

3/29/17

Variance Case
#2017-0007

Applicant/Agent
Speeler Foundations,
Inc., Agent

Location
5409 Leilani Drive

Commission District
District 2

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
	Residential dock, davits, boatlifts or tie poles shall:		
	1) Not extend from mean high water line or seawall a greater length than one-half the width of the zoning lot at the waterfront	1) Length of dock from seawall = 50.5'	1) Length of dock from seawall = 63.84'
Land Development Code 6.23(d):			
Residential Dock Requirements	Maximum length = 36.25'		
	2) Be located within the center one-half of the width of the appurtenant upland property at the waterfront	2) Width of dock = 12'	2) Width of dock = 18.5'
	Maximum width = 36.25'		

Applicant requests a variance to Section 6.23(d) of the Land Development Code to increase the maximum allowable length of and reduce the required side yard setbacks for residential docks to allow for the placement of a boatlift on an existing residential dock.

Existing Use: Residential (Detached Single-Family)
Adjacent Uses
North: Infrastructure (55th Avenue)
South: Residential (Detached Single-Family)
East: Water (Boca Ciega Bay)
West: Infrastructure (Leilani Drive)

The Applicant is requesting a variance to residential dock regulations regarding length and width. The Applicant wishes to place a boatlift on an existing nonconforming dock.

PUBLIC NOTICE:

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

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the RU-1 zoning district which allows for single-family residential and associated accessory uses, including residential docks. Residential docks and all associated components are permitted to be constructed and placed within the center one-half of the lot width along the seawall or mean high water line. Additionally, they are permitted to extend a maximum distance of one-half of the lot width along the seawall or mean high water line.

If an applicant wishes to construct a dock closer to either side setback and/or extend further from the seawall, this requirement may be administratively solved via a variance request form for docks signed by adjacent property owners.

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 in that it is*

irregularly shaped.

- 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 district boundaries or permit a nonconforming use.*
- 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. The proposed location of the boatlift places the lift partially into the neighboring property's waterfront thus violating that owner's riparian rights.*
- 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. The existing dock provides access to the adjacent submerged land. The existing layout of the parcel has not changed since the purchase of the property.*

STAFF RECOMMENDATION:

Staff recommends denial – The subject property is irregularly shaped, however the proposed placement of the boatlift would violate the riparian rights of the neighboring property owner(s). Violation of riparian rights is not compatible with nor is the intent of the Land Development Code.

	<u>Attachments:</u> A. Relevant Code Section B. Aerial Photo C. Site Photo D. Variance Application E. Site Plan of Proposed Dock
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Attachment A.

Sec. 6.23. - Docks.

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

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

(3) No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property to a length greater than one-half the width of the zoning lot at the waterfront. This requirement may be varied administratively provided that signed statements of "no objection" from both adjacent waterfront property owners have been submitted.

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

5

Attachment C.



Above: Subject property, facing east



Above: Subject property, facing southwest



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: 2017-0007

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Brightwater Beach Estates Blk 2, Lot 13
Parcel ID: 06/32/16/11412/002/0130
Address: 5409 Leilani Dr.
Current Zoning: RU-1 FLUM Designation: RU Lot Area: _____
Existing Use: Single-Family Proposed Use: Single-Family

APPLICANT/AGENT:

Name: Speeler Foundations, Inc.
Address: 6111 142nd Ave. N.
City: Clearwater State: FL.
Zip: 33706 Phone: 727-535-5735
Email: heather@speeler.com

PROPERTY OWNER:

Name: Laura Bentinck-Smith
Address: 5409 Leilani Dr.
City: St. Pete Beach State: FL.
Zip: 33706 Phone: _____
Email: _____

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

We are requesting a variance to Section 6-23(d)(3) that states that "no residential dock, davits, boatlifts, or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property at the waterfront" as well as Section 6-23(d)(4) which states that "residential docks, davits, boatlifts, or tie poles shall be located within the center one-half of the width of the appurtenant upland property." The variance is being requested in order to place a boatlift at the end of an existing dock.

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.

Conditions and circumstances exist that are peculiar to the subject land. The right property line converges at a sharp angle towards the left property line, creating a small window of buildable area. The left side of the property abuts 55th Ave. and there is shoaling in the area that creates very shallow water conditions. Due to these two factors, the dock must be pushed out farther than 1/2 of the width of the lot and cannot be contained within the center 1/2 of the lot. A boatlift cannot be installed at the dock that will meet the regulations.

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.

Strict application of the provisions of the land development regulations would prevent the homeowner from installing a boatlift at the existing dock. The boatlift needs to be located in front of the existing dock in order to have sufficient water depth for the mooring of a boat in a safe manor. Due to the location of the existing dock and the angled property line, the boatlift cannot be placed in a location to that will meet the required setback requirements.

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

The peculiar conditions and circumstances were not the result of the homeowner. The property lines were set in place and the shallow water conditions are naturally occurring. The homeowner purchased the property in 2008. The dock was originally built in 1975 and rebuilt in the same location in 1986. The dock was again rebuilt in 2009 by the homeowner. Due to the shallow water and the property lines, the dock has stayed in the same location.

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

There will be no changes made to 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.

If approved, the variance will not permit a non-conforming use or permit a use not specifically allowed in the zoning district. A boatlift is a conforming use that is typically permitted.

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

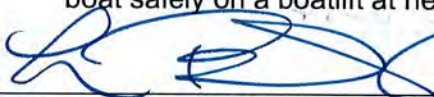
The requested variance will not increase density or intensity over that which is permitted in the Comprehensive Plan. The requested variance is simply to install a boatlift at an existing dock.

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

The granting of the variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The variance being requested is to allow for the placement of a boatlift at an existing dock.

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

The proposed variance is the minimum variance that will make possible the reasonable use of the land. If the variance is not granted, the applicant will not be able to moor her boat safely on a boatlift at her existing dock.

X  2-3-17  2/20/17
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.

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

UBS 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.

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

UBS 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.

UBS 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.

UBS 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.

UBS 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

X


Signature of Applicant

2-3-17
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Laura Bentinck-Smith

(print name of property owner)

hereby authorize

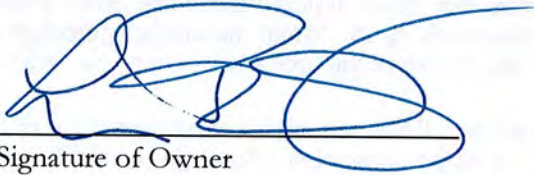
Speeler Foundations(Jeff Patterson, Doug Speeler, Heather Borsh)

(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

Laura Bentinck-Smith

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 3rd day of Feb 2017, by Laura Bentinck Smith who is personally known or produced FL DL as identification.

X

(Notary Signature)

2/3/17
(Date)

My Commission Expires

10/9/18



Maurice Brockman
Notary Public
State of Florida

My Commission Expires 10/09/2018
Commission No. FF 167546

Maurice Brockman
Notary Public
State of Florida
My Commission Expires 10/09/2018
Commission No. FF 167546



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Laura Bentinck-Smith, 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): Laura Bentinck-Smith

Address: 5409 Leilani Dr. St. Pete Beach, FL. 33706

X [Signature] 2-3-17
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 3rd day of Feb, 2017 by Laura Bentinck Smith, who appeared before me, and is personally known to me, or has produced FL DL as identification, and did take an oath.

My commission Expires: 10/9/18

NOTARY: [Signature]
Print Name: Maurice Brockman

Notary Public, State of Florida

(Notarial Seal)  Maurice Brockman
Notary Public
State of Florida
My Commission Expires 10/09/2018
Commission No. FF 167546

PRIVATE DOCK

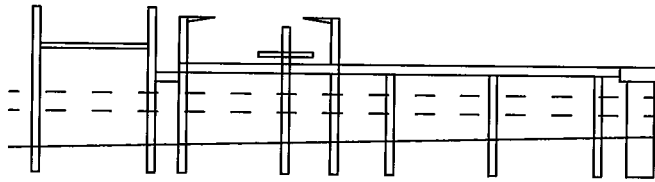
NAME: Bentinck-Smith, Laura

5409 Leilani Dr. St. Pete Beach, FL. 33706

Application # _____

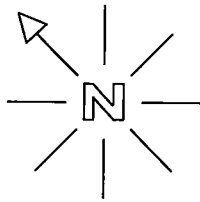
(OFFICIAL USE ONLY)

MHW
MLW
BOTTOM



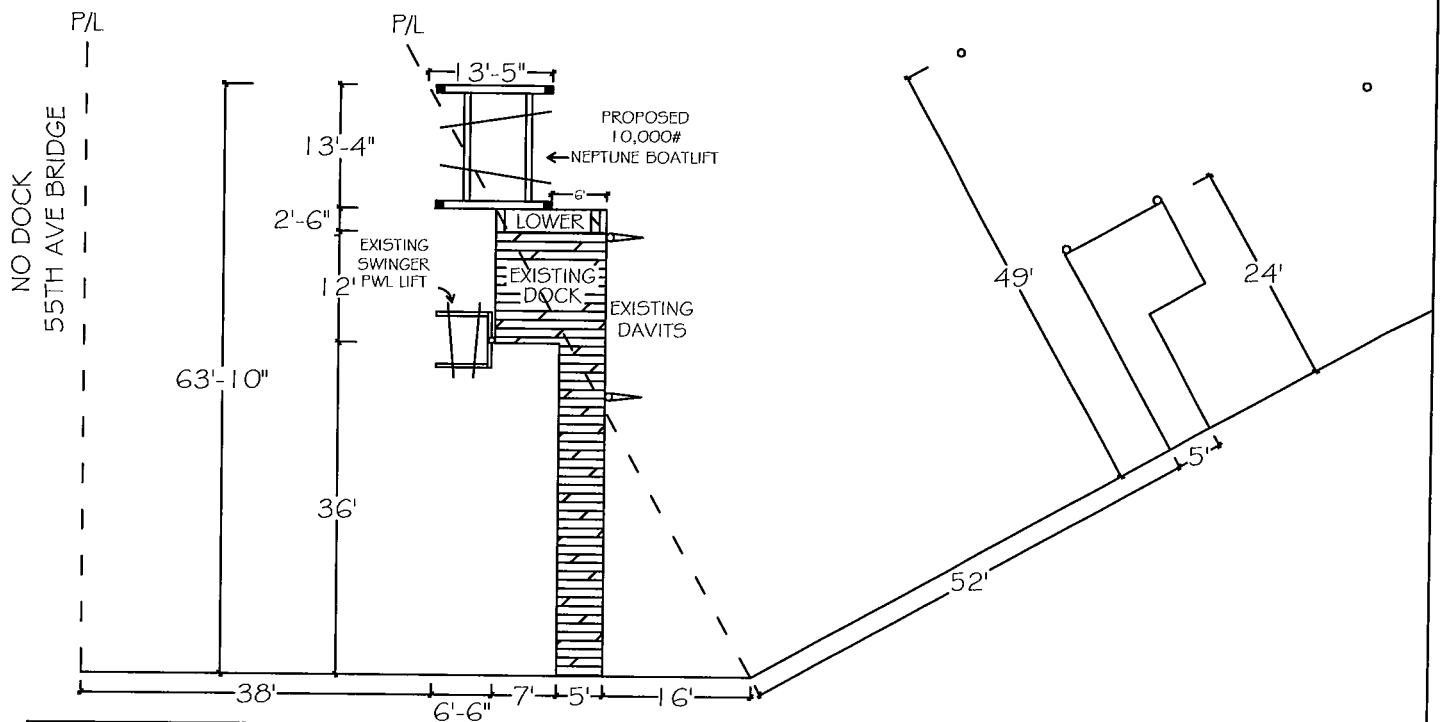
Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET	354'
NEW SQUARE FEET	0'
WATERWAY WIDTH	257'
WATERFRONT WIDTH	72.5'

Plan View
(applicant and adjacent docks)



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

Left Owner: City of St. Pete Beach	Right Owner: Dorothy M. Horan, TRE.
Signature _____	Signature _____
Date _____	Date _____
Municipality Approval _____	Water and Navigation Approval _____

Reference:

Fidelity National Title Insurance Company
5690 West Cypress St., Suite A
Tampa, FL 33607

File No. FT16-08017304

Property Appraiser's Parcel I.D. (folio) Number(s)
06/32/16/11412/002/0130

Prepared By:

Patrice Wall
Fidelity National Title

WARRANTY DEED

THIS WARRANTY DEED dated July 28, 2008, by Theresa E. Crane, an unmarried woman hereinafter called the grantor, to Laura Bentinck-Smith, a single woman whose post office address is 5409 Leilani Drive, St. Pete Beach, FL 33706, hereinafter called the grantee:

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

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Pinellas County, Florida, to wit:

Lot 13, Block 2, BRIGHTWATERS BEACH ESTATES, according to the plat thereof, as recorded in Plat Book 27, Page(s) 36, of the Public Records of Pinellas County, Florida.

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

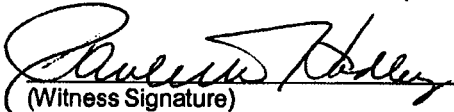
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

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

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


(Witness Signature)

PAULETTE HADLEY
(Print Name of Witness)


(Witness Signature)

PATRICE WALL

(Print Name of Witness)

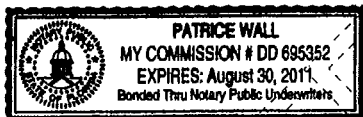

Theresa E. Crane

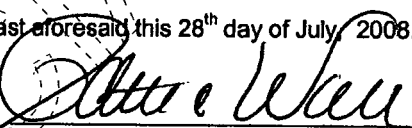
Address:
5409 Leilani Drive
St Pete Beach, FL 33706

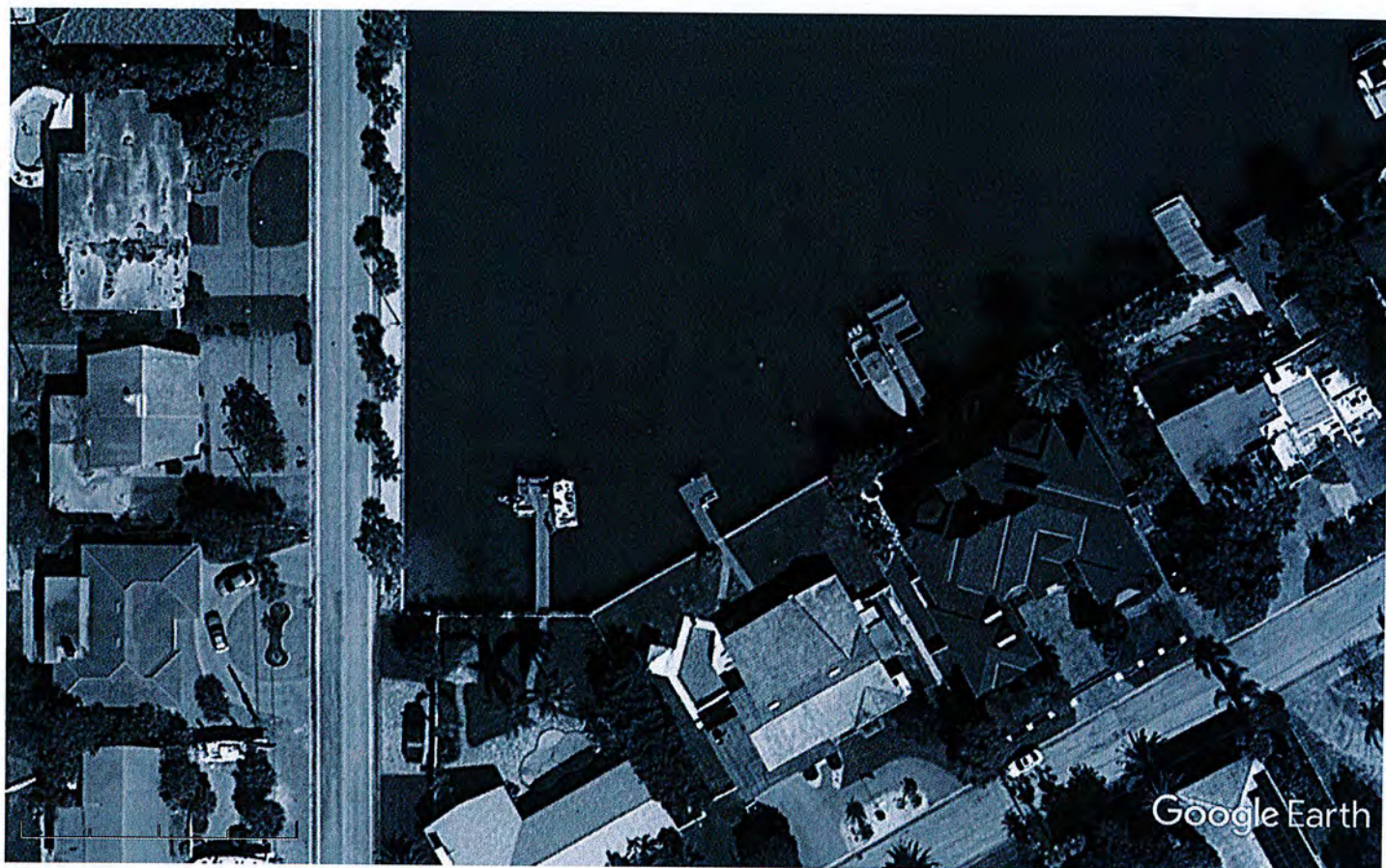
State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me this 28th day of July, 2008, by Theresa E. Crane, to me known to be the person(s) described in or who has/have produced Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Witness my hand and official seal in the County and State last aforesaid this 28th day of July, 2008.




NOTARY PUBLIC
My Commission Expires:



Google Earth

Google Earth

feet
meters

300

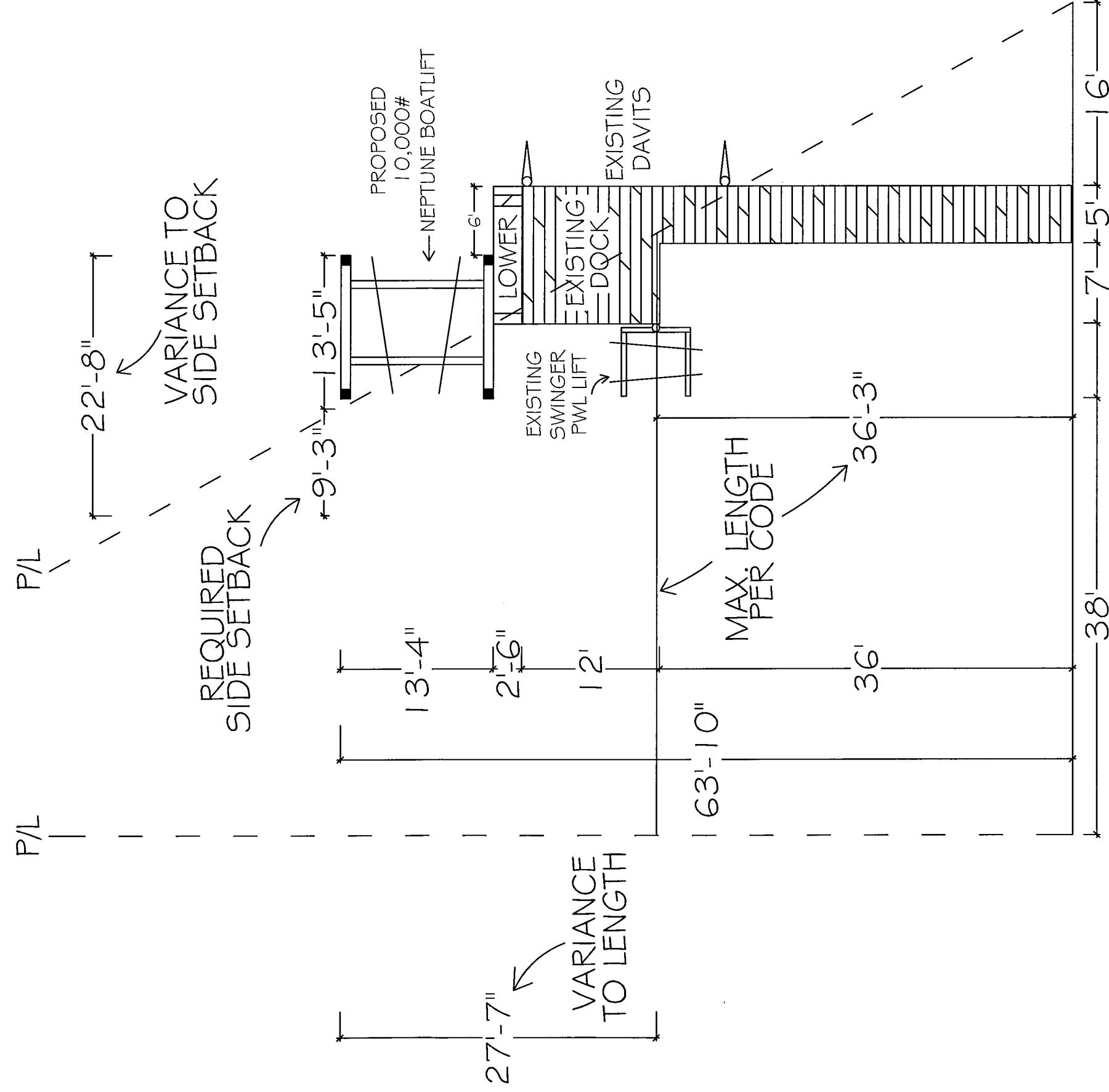
100



PRIVATE DOCK

NAME: Bentinck-Smith, Laura

5409 Leilani Dr. St. Pete Beach, FL. 33706



SCALE: 1" = 10'
SITE PLAN