



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 4/26/2017
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**

3/29/2017
4. **Election of Officers**

Chair and Vice Chair

5. Agenda Items

- I. 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 minimum 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.
- II. Case 2017-0011: 1350 Boca Ciega Isle Drive – Applicant requests variances to: (1) Section 9.7(a) of the Land Development Code to reduce the minimum required front yard setback, and; (2) Section 6.15 of the Land Development Code to allow for taller fencing than is typically allowed in required front yard setbacks.
- III. Case 2017-0012: 8801 Gulf Blvd. – Applicants request a variance to Section 6.15 of the Land Development Code to allow for taller fencing than is typically allowed in required front yard setbacks.
- IV. Case 2017-0013: 421 79th Avenue – Applicant requests a variance to Section 32.9(a) of the Land Development Code to reduce the minimum required side yard setback from 10 % of the lot width (6 feet in this instance) to 4.79 feet to allow for the construction of an attached garage.
- V. Case 2017-0014: 236 41st Avenue – Applicant requests a variance to Section 6.13(a) of the Land Development Code to allow for laundry facilities (washer, dryer, sink) in a detached garage.

6. 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

MARCH 29, 2017

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Michael Bomar, Member
Tom DeYampert, Member
Sandie Lyman, Member
Ron Holehouse, Member

ALSO PRESENT:

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

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 1/25/2017

Member Holehouse made a motion to approve the minutes from the January 25, 2017 meeting. The motion was seconded by Member DeYampert and unanimously approved by a roll call vote (5 yeses – 0 nos).

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.

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

Chairman Skipper asked the applicant to come forward.

Scott Hanson, 2831 East Vina del Mar Blvd., homeowner, requested the support of the board to allow the privilege of adding a boatlift.

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

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

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

Member Holehouse disclosed having a relationship as a neighbor with the applicant and spoke on behalf of the applicant.

City Attorney Dickman recommended to Member Holehouse that he abstain from voting. Member Holehouse agreed to abstain due to being a next door neighbor and signing a letter in favor of the request being sought.

Member Bomar made a motion to approve the request. The motion was seconded by Member Lyman.

There was further discussion between the board members, City Attorney Dickman and Ms. Bryla at this time.

Member Bomar amended his motion to remove the pilings that are not necessary on the subject property for Case No. 2017-0003.

Chairman Skipper asked Member Lyman if she was willing to amend her motion for approval, and Member Lyman agreed.

The motion was approved by an individual roll call vote, (4 yeses; 0 nos; 1 abstain – Member Holehouse).

- 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.

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

Chairman Skipper asked the applicant to come forward.

Barry Flaherty, representing Don and P.J. Francese, spoke in regard to the following items: deteriorating balconies, setbacks, covered deck addition, and enclosure of side entryway.

Don Francese, homeowner, spoke in regard to the following items: replacing deteriorating balconies, front door covering, and neighbors in favor of the refurbishment.

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.

Chairman Skipper asked for audience comments.

Chuck Luedemann, 145 35th Avenue N.E., St. Petersburg, spoke about the following items: front yard averaging, side setback, nonconforming structure, roof, and balconies.

Member Holehouse made a motion to approve Case No. 2017-0006 and request the applicant provide a front yard survey of the block to show compliance with front yard averaging. The motion was seconded by Member Lyman.

Member Holehouse amended his motion to approve as applied for, for Case No. 2017-0003. Member Lyman withdrew her second and Member Bomar seconded the motion.

Chairman Skipper asked for any further discussion. Hearing none, Chairman Skipper called for a roll call vote.

The motion was approved by an individual roll call vote, (3 yeses – Member Bomar, Chairman Skipper, Member Holehouse; 2 nos – Member DeYampert, Member Lyman).

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.

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

Chairman Skipper asked the applicant to come forward.

Doug Speeler, 6111 142nd Avenue North, Clearwater, Florida 33760, Speeler Foundations, Inc., spoke in regard to the following items: dock, riparian rights, davits, and a boatlift.

John Samorajczyk, 5414 Leilani Drive, neighbor, spoke in regard to the following items: improvements made to the property, boatlift and neighbors' views.

Doug Speeler, 6111 142nd Avenue North, Clearwater, Florida 33760, Speeler Foundations, Inc., spoke about dredging and maintenance dredging permits.

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

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

City Attorney Dickman commented to the applicant that the City is not granting any easement or rights to the neighboring properties' riparian rights.

Chairman Skipper asked Mr. Speeler to speak to the board.

Doug Speeler, 6111 142nd Avenue North, Clearwater, Florida 33760, Speeler Foundations, Inc., spoke in regard to the following items: riparian rights, egress, ingress, submerged land, and existing dock and davits.

Chairman Skipper disclosed a business relationship with Mr. Speeler's company, Speeler Foundations, Inc. City Attorney Dickman asked Chairman Skipper if he had any gain, benefit or loss; Chairman Skipper replied no. City Attorney Dickman stated Chairman Skipper did not have to abstain from voting.

As a future reference, City Attorney Dickman instructed the board members to call him if they think they may have a possible conflict so Attorney Dickman can prepare before a meeting takes place.

Member Lyman made a motion to grant a variance for 2017-0007. The motion was seconded by Member Holehouse. The motion was approved by an individual roll call vote, (5 yeses – 0 nos).

5. Adjournment

There being no further business before the board, the meeting was adjourned at 3:28 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

4/26/17

**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.

Request for continuance to the April 26th, 2017 Board of Adjustment Meeting by the Applicant was received by Staff via email on December 13th, 2016.

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 public 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, eleven (11) letters of comment have been received.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The existing use of the property as a detached single-family residence is consistent with the City's Comprehensive Plan and Land Development Code. The eventual 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 (2005, Ord. 2005-43) which this proposed lot is not.

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 established 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. Additionally, Staff have received eleven letters of comment (10 in opposition to the request, 1 in support) from property owners on Boca Ciega Isle.*
- 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 and effectively circumvent the City's Comprehensive Plan. Increased density would place additional strain on the City's infrastructure. The ability to construct a single-family residence on a nonconforming lot is 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 Photos
- D. Variance Application

	E. Survey F. Letters of Comment
--	---

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.

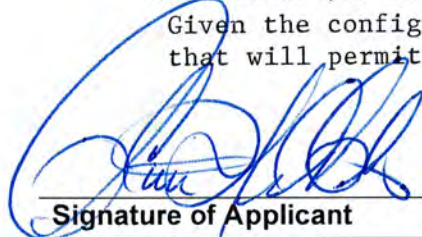
It will not increase density or intensity over that, which is permitted in the comprehensive plan.

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.

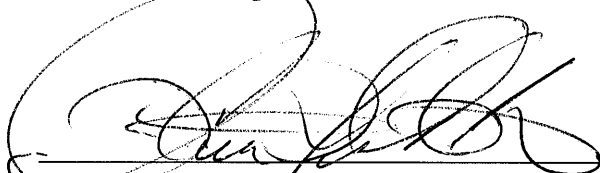
Sm I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

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

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE

(print name of property owner)

hereby authorize

(print name of agent)

to represent me/us in an application for

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

Signature of Owner

Signature of Owner

Print Name of Owner

Print Name of Owner

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

(Notary Signature)

(Date)

My Commission Expires _____



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)

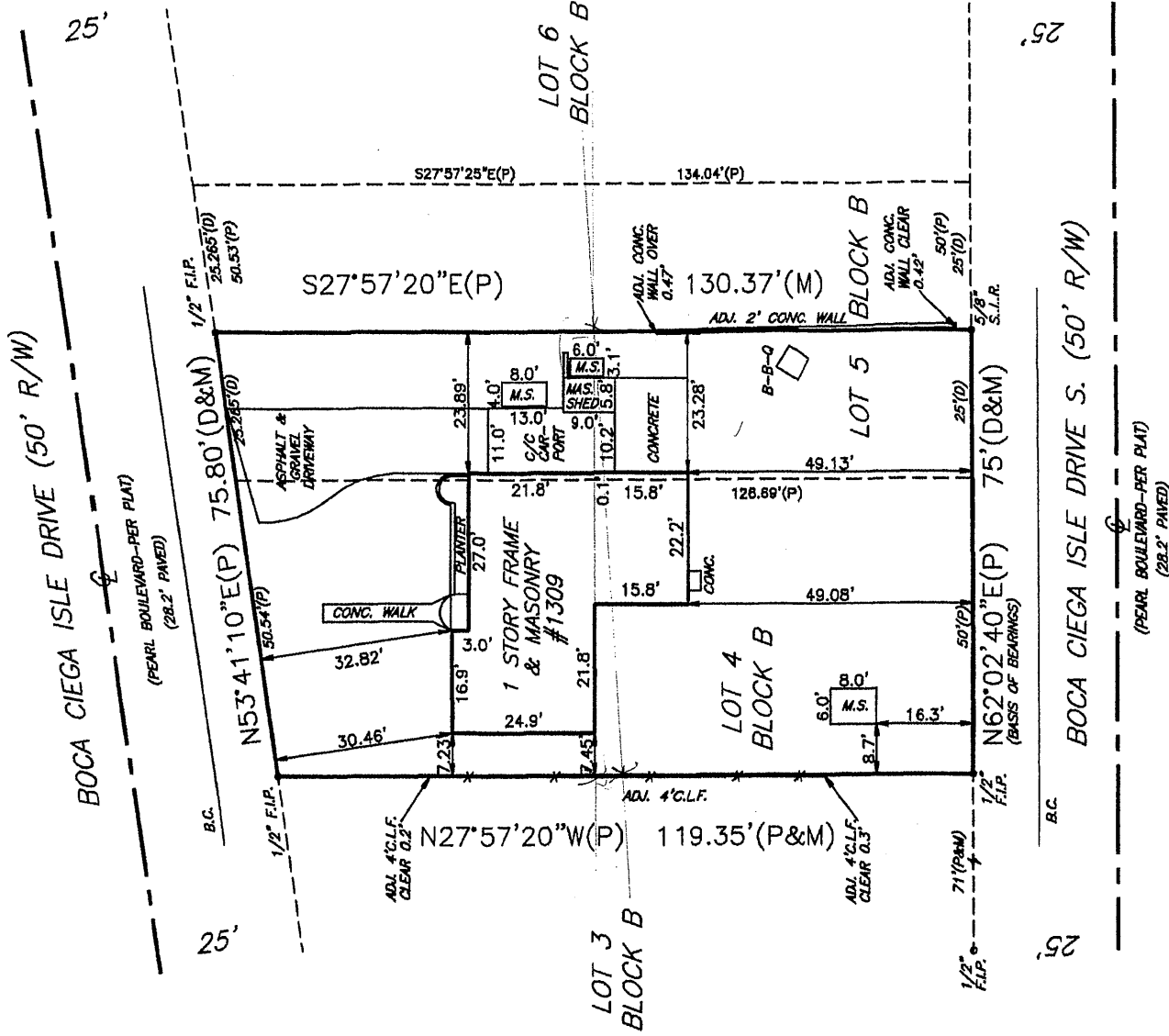
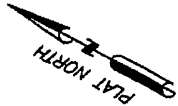
DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility 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. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot 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.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your 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 representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.



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 P.C.=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"		

Mike Larimore

From: Christiana Pezze <WACHELO@msn.com>
Sent: Friday, November 11, 2016 1:03 PM
To: Mike Larimore; Christiana Pezze
Subject: Objection to lot division on Boca Ciega Isle

Categories: Zoning / BOA

Dear Mr. Larimore,

I own the home on 739 Boca Ciega Isle Dr. I am writting to object to Scott Mednick dividing the lot he bought on Boca Ciega Isle.

My objection is based on several points. This was my second year on the island and during storm season I experienced flooding and overflowing sewage. Having more homes will put more pressure on the already existing problem of the overload on our taxed sewer system. Changing the distance between homes will decrease our privacy which was of great appeal when I purchased our home. It is also of concern because it would decreasing property value of our homes. While it may not inically have a great impact on property value what it does do is open up the doors for others to do the same. It set a precidence for this to keep happening which means it will effect property value, reduce privacy, tax our sewer system and these issues won't go away and will effect the whole beach. One small action like this effects the homeostasis of the whole of our St. Pete Beach Community.

I hope you will have long term vision when approaching this issue and that you will consider it's current residents. I think it would be irresponsible to allow plots to be devided into smaller lots.

Sincerely,
Christiana Pezze

Christiana S. Pezze



Mike Larimore

From: Lori Green <lori.green@gcus.com>
Sent: Sunday, November 13, 2016 5:26 PM
To: Mike Larimore
Subject: Case 2016-0066

Categories: Zoning / BOA

I am writing in reference to case # 2016-0066 , property on Boca Ciega Isle Drive.

I have concerns regarding the variance being requested. Building two homes on one lot will only increase the density in our neighborhood, including setting a precedence for future similar variance requests. This may negatively impact property values, available parking and result with potential sewage issues.

Lori Green
1212 Boca Ciega Isle Drive
St. Pete Beach, Florida 33706



November 14, 2016

Variance Request # 2016-0066



Dear Mr. Larimore,

We have seen the variance signage on the property at 1309 Boca Ciega Isle Dr. and are very concerned about the ramifications to our neighborhood, should this variance be approved. Specifically, this variance requests to reduce the minimum required lot size to create 2 lots, and force the reduction of the rear set back so that two new homes would "fit". This change does not fit the neighborhood characteristics and is inconsistent with what has been happening in our neighborhood, as the older homes have been getting replaced.

We ask that the Board of Adjustment **deny** this variance request for several reasons including:

- Inconsistent with the single family residential home **characteristics** on Boca Ciega Isle which RU2 zoning requirements are intended to preserve
- Misleading application. The application states "... with only one exception, all other interior lots on Boca Ciega Isle are divided in the middle (East to West) as applicant is requesting..." This statement fails to take into account the shape of Boca Ciega Isle which is much narrower at the applicants end.
- Dividing this property would create the 2 smallest lots on Boca Ciega Isle at only **77.5% of the required minimum**. Currently, the 4 smallest lots at 1295, 1245, 515, and 0 (adjacent to 515) Boca Ciega Isle are at **92.5%, 97.5%, 99.4%, and 98.3%** of the minimum required lot size respectively.
- Inconsistent with the **denial of a previous request** sent to the Board of Adjustment to divide 1110 Boca Ciega Isle which would have resulted in 2 lots at **92%** of the minimum required lot size.
- Putting 2 smaller homes at the entry of Boca Ciega Isle would decrease the **value** of existing homes on Boca Ciega Isle
- Increasing the demands on the already stressed St Pete Beach **sewerage infrastructure** by adding an additional home
- Increasing storm water run off due to increased impervious surfaces.
- Increasing **automobile presence** on Boca Ciega Isle
- Potential to require future easements or variances for power connection, AC units, etc.

This investor does not have the intention to preserve the character and value of our neighborhood. This is strictly a money making proposition. Families on Boca Ciega Isle received an e mail on 11/11 from Joseph Ward stating "...talked to Scott this morning regarding his plans. Eventually he would like to sell one house to his son and the other either sell or rent...".

We ask that the Board of Adjustment maintain the existing minimum zoning requirements and not make an exception to enable 2 small homes to be built on 2 newly created significantly undersized lots. Please reject this second request to divide a lot below the minimum requirements on Boca Ciega Isle and preserve the home values in our neighborhood. Thank you.

Respectfully,

Cindy and Tom Perry
1126 Boca Ciega Isle Dr.

Mike Larimore

From: Debs <dmoss001@tampabay.rr.com>
Sent: Tuesday, November 15, 2016 7:09 AM
To: Mike Larimore
Subject: Case2016-0066

Categories: Zoning / BOA

Mr. Larimore,

I am the owner of two homes on Boca Ciega Isle Dr. My homes are located at 609 and 619 Boca Ciega Isle. My family has owned property on this beach in Pass-a-Grille for almost seventy years.

I am writing this email to **whole heartedly support the variance request in 2016-0066**. The property has become an unbelievable eyesore. It's a place for rats and other critters to reside. It is an area of the Island that has some problem properties. It is FANTASTIC that a neighbor bought the property and wants to build two new beautiful residences. It is a large lot and the plan to build two homes makes sense. Maybe a compromise could be to require landscaping to soften the look of two homes. Please allow this variance as it will help the Island look immensely!!!! It will enhance the value and enjoyment all of our properties.

Thank you,

Debora Moss



BOA #2016-0066

Mike Larimore

From: Patricia Ocean <pocean73@yahoo.com>
Sent: Tuesday, November 15, 2016 7:25 AM
To: Mike Larimore
Subject: BCI split lot

Categories: Zoning / BOA

Hellllloo there!!! I hope you are well today. My name is Rayanne Muntean of 703 BCI Drive. I can't make it to the meeting tonight. Thank you for the invite. My only input is this, Our isle is small. Especially right there at the entrance. Parking and roadway space is always a problem. Safety of walkers and my young children is always a concern. Also sewer on this beach is terrible as I know you are aware of ☹️. One nice home would be a perfect addition to this Isle. Thank you for reading my input. And best of luck tonite. Have a great day.

Sent from my iPhone



Community Development Dept
St. Pete Beach FL

11-12-16

CASE 2016-0066

ATT Michael LAMORE

The LOT AT 1309 HAS always been Lot 4 and Lot 5. It didn't meet the land development originally and still does not. The land development code existed before Scott Mednick purchased this property.

Increasing land density does not increase property values rather it pushes them down or retards value increase. More homes, more sewage into a very heavily loaded system. 60% OF THE LAND AREA will be covered by concrete or house so runoff will increase. Parking has been and will probably continue to be a problem more homes will not help.

I oppose this VARIANCE



Scott B Anton
540 Boca Ciega
Isle Dr St. Pete Bch

REV. NO.	DESCRIPTION	DESIGN:	SCALE:
DATE		DRAWN:	DATE:
FARFIELD		CHKD:	DWG: 28
		APRVD:	

Mike Larimore

From: dorothyharff@gmail.com
Sent: Tuesday, November 15, 2016 12:15 PM
To: Mike Larimore
Subject: 1309 Boca Ciega Isle Dr.

Mr. Larimore:

I am opposed to building two homes on the 1309 property and splitting the lot.

Sincerely,
Dorothy Harff
722 BCI



This email has been checked for viruses by Avast antivirus software.
www.avast.com



BOA#2016-0066

Mike Larimore

From: lennycoe11 <lennycoe11@gmail.com>
Sent: Tuesday, November 15, 2016 2:43 PM
To: Mike Larimore
Cc: Fran Trivison
Subject: Splitting Lots on Boca Ciega

Some concerns

1. Adding more houses will

affect sewage..water..parking and flooding problems as we all know. I'm sure the present Plan was designed with the thought there would be limited issues but as we know that didn't work. So now we're going to add more homes....which means more people..

more waste..more cars..more traffic..more issues...All of this so

the new owner I feel is going to be building Rental properties..His friend already stated in another email he would like to sell one to a family member and possibly rent the other..So that means the owner of property will not be living there.What if the family member doesn't buy does he rent that one also..

2. If this happens it will open up the possibility of every time someone sells an older home in here someone can swoop in buy it split it and Boom more rentals...

3. For the residents thinking your home value is going up IT WONT..When a Realtor tries to list your home he uses

LIKE houses for values..The new homes will have no bearing on your value..

I have no problem with building a new home to replace the old one..Adding more homes to an already overcrowded neighborhood is irresponsible.

Lenny Coe

Sent from my T-Mobile 4G LTE Device



Mike Larimore

From: Laura Travison <lauratravison@gmail.com>
Sent: Wednesday, November 16, 2016 12:17 PM
To: Mike Larimore
Cc: Mom; Chris Iaconetti
Subject: Disapproval of variance change BCI

Categories: Zoning / BOA

Hi Mike. I am strongly opposed to the variance change. This would allow our neighbors to build very close to the back of our property and when building up it would ruin the privacy we currently have in our back yards. This issue does not impact those who live on the water as they have privacy in their back yards. We are already very close to our neighbors and we rely on our back yard privacy to enjoy island life. For one person who wants to build two houses I think it is very unfair to jeopardize every other homes privacy on the island. In fact it is purely selfish to do that to the rest of us for their financial gain. We purchased our property under the current codes and EXPECT that those codes will be upheld and remain in place. If I wasn't at work today in Tampa I would be there to very seriously voice my opinion in person. Please do not allow this to happen - it simply is just not right.

Thank you,

Laura & Chris Iaconetti
1215 Boca Ciega Isle Dr

Sent from my iPhone



Mike Larimore

From: DAVID BURTON <burtondavr@gmail.com>
Sent: Tuesday, December 13, 2016 5:27 PM
To: Mike Larimore
Subject: Case No. 2016-0066

Dear Mr. Lattimore:

We live directly across from the lot requesting this variance and would need to see additional information relative to building designs, zoning implications, traffic and sewer impacts to understand how this variance makes a strong case for increasing neighborhood value before approving this request.

Thank you.

Dave Burton

--
David R. Burton
522 Boca Ciega Isle Dr
St. Pete Beach, FL 33706
cell 402-779-6309



April 18, 2017

Variance Request # 2016-0066

Dear Ms. Bryla,

We have seen the variance request #2016-0066 on the April 26 Board of Adjustment agenda. We again ask that the Board of Adjustment **deny** this variance request. As we stated in our letter of November 14, 2016, this change does not fit our neighborhood characteristics and is inconsistent with RU2 zoning requirements. In addition to the concerns we expressed previously, we have reviewed the Land Development Code, City of St Pete Beach, Division 3- Administration of the Land Development Code, section 3.12 Variances, and would like to communicate why we believe this request does not meet the criteria for variance approvals.

In section (1) the Land Development Code states that the applicant has to demonstrate the following conditions:

“(a)

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...”

We believe the conditions of this subject land is consistent with all neighboring lands which have generally complied with the regulations without hardship. A single family home is a reasonable use of such land.

“(c)

“...Under no circumstances shall a variance permit an increase in development density...”

Clearly dividing this lot from a single home to two single homes would increase development density which is one of our main concerns. It would also add to the already stressed St Pete Beach sewerage infrastructure.

“(d)

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...”

We believe dividing this lot will be injurious to the neighborhood. Dividing this property would create the 2 smallest lots on Boca Ciega Isle at only 77.5% of the RU2 zoning required minimum. Currently, the 4 smallest lots at 1295, 1245, 515, and 0 (adjacent to 515) Boca Ciega Isle are at 92.5%, 97.5%, 99.4%, and 98.3% of the minimum required lot size respectively. We believe putting two small houses at the entry of Boca Ciega Isle Dr. would devalue the property for the rest of the island. The Board of Adjustment has already denied a previous variance request to divide 1110 Boca Ciega Isle Dr. for not meeting the variance acceptance criteria. This earlier request would have resulted in 2 lots at **92%** of the minimum required lot size.

The neighborhood would also suffer from increased automobile traffic and parked cars, which is already a problem. Cars near that location often park on the street corner making automobile passage tight and forcing pedestrians into oncoming traffic.

“(e)

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

A variance is not needed to replace the single family home currently at 1309 Boca Ciega Isle Dr. which is a reasonable use of the land.

Families on Boca Ciega Isle received an e mail on 11/11/16 from Joseph Ward stating “...talked to Scott this morning regarding his plans. Eventually he would like to sell one house to his son and the other either sell or rent...”. This investor does not have the intention to preserve the character of our neighborhood. Since Mr. Mednick has acquired this property, it has been left in terrible condition. All trees have been cut down with their stumps left standing for months. There is still trash/furniture left on the property.

We respectfully ask that the Board of Adjustment maintain the existing minimum zoning requirements and maintain compliance with the Land Development Code.

Thank you,

Cindy and Tom Perry
1126 Boca Ciega Isle Dr.
St Pete Beach, FL 33706



St. Pete Beach Board of Adjustment

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

4/26/17

**Variance Case
#2017-0011**

Applicant/Agent
E. Richard Waugh,
Agent

Location
1350 Boca Ciega Isle
Drive

Commission District
District 3

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
Variance #2015-0020

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 9.7(a): Minimum required front yard setback	20 foot minimum required front yard setback	42.98 feet	16 feet
Land Development Code 6.15: Maximum height for fences, walls, etc. within required front yard setback	4 foot maximum height within front yard setback	N/A	7 feet, 8 inches

Applicant requests variances to: 1) Section 9.7(a) of the Land Development Code to reduce the minimum required front yard setback to allow for the construction of a porte cochère, and; 2) Section 6.15 of the Land Development Code to increase the maximum allowable height of walls within the front yard setback to allow for the construction of a wall.

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

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

The Homeowner was granted these variances in May 2015 (Case #2015-0020), however the development order has since expired not having been acted upon with one year of being signed.

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-2 zoning district which allows for single-family residential and associated accessory structures. The proposed porte cochère would be considered an “attached garage” in the Land Development Code. Attached garages are subject to the same setback and height requirements as the principal structure. Maximum height of fences and walls are regulated by the Land Development Code. Within required front yard setbacks, fences and walls may be up to 4 feet in height.

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 subject property is not peculiar in its orientation or condition. The strict application of the land development regulations would not deprive the applicant reasonable use of the land.*
- 2) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance. *No other structures 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.*

STAFF RECOMMENDATION:

Staff recommends denial – The requests are not the minimum required to make reasonable use of the land. The proposed wall and port cochère are considered accessory structures per the Land Development Code and are not necessary for the reasonable use of the land or structure. The existing front setback of nearly 43 feet allows for ample area for accessory additions onto the front of the principal structure.

Attachments:

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

Attachment A.

Sec. 6.13. - Accessory residential structures.

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

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

Sec. 6.15. - Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also Section 6.21 for visibility requirements at street intersections.

Attachment B.



Above: Subject property highlighted.

Attachment C.



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: 2017-0011

PROPERTY FOR PROPOSED VARIANCE

Legal Description: BOCA CIEGA ISLE BLOCK C LOTS 17+18
Parcel ID: 06-32-09594-003-0170
Address: 1350 BOCA CIEGA ISLE DR. ST. PETE BEACH 33706
Current Zoning: _____ FLUM Designation: _____ Lot Area: _____
Existing Use: _____ Proposed Use: _____

APPLICANT/AGENT:

Name: E. RICHARD WALSH
Address: 4792 RIDGEMONT CIR.
City: PORT HARBOR State: FL.
Zip: 34685 Phone: 727-463-4925
Email: PINNACLE CONSTRUCTION SER@GMAIL.COM

PROPERTY OWNER:

Name: CHRIS + JACIE SATTERFIELD
Address: 1350 BOCA CIEGA ISLE 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)

- 1) REQUEST RELAXATION OF FRONT YARD SETBACK FOR PROPOSED NEW PORT-A-CO ON FRONT OF HOUSE
- 2) REQUEST RELAXATION OF HEIGHT OF FRONT YARD FENCE/POSTS/ AND GATES W/LIGHT FIXTURE ON TOP OF POSTS

NOTE:

RESUBMITTAL OF APPROVED CASE # 20150020 (PLEASE SEE ATTACHED)

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.
 - A.) WE ARE TRYING TO CREATE ENOUGH ROOM ON THE CIRCULAR DRIVEWAY FOR TWO CARS TO BE ABLE TO PULL UNDER THE PORCH-A-CO AND STILL HAVE ROOM BETWEEN CARS + HOUSE, CAR TO CAR, + CAR TO OUTER COLUMNS.
 - B.) THE NEW FENCE + GATES WILL OFFER BETTER SECURITY TO OUR HOME (CHILDREN) + PETS.
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.
 - A.) WITHOUT THE SMALL FRONT YARD RELAXATION, THE POTENTIAL FOR CONTINUOUS DAMAGE TO THE HOUSE, STRUCTURE, + CARS, WOULD BE AN ONGOING PROBLEM
 - B.) LOWER FENCE REQUIREMENTS DON'T OFFER ANY SECURITY TO OUR PROPERTY
3. The peculiar conditions and circumstances are not the result of the actions of the applicant.
 - A.) BEING ON A CURVED SECTION OF THE ROAD, ADVERSELY AFFECTS THE FRONT YARD SET BACK
 - B.) THE PROPOSED NEW FENCE WOULD NOT ADVERSELY AFFECT ANY VIEWS.

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

NONE

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

NONE

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

NONE

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.

A+B) BOTH WILL ENHANCE THE PROPERTY & NEIGHBORHOOD
VERY SIMILAR PROPERTIES EXISTING ON ST. PETER BEACH
SAME VARIANCE REQUEST THAT WAS APPROVED + NEVER PERMITTED - ON 5/27/15-

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

YES



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.

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

ERW 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.

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

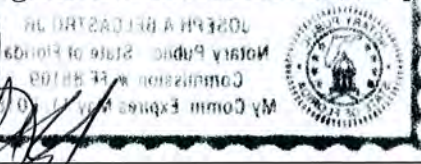
ERW I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

ERW 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.

ERW 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.

ERW 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

2/20/17
Date

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

I/WE

CHRIS SATTERFIELD / JACK SATTERFIELD
(print name of property owner)

hereby authorize

E. RICHARD WAUGH
(print name of agent)

to represent me/us in an application for

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

Signature of Owner

Print Name of Owner

Signature of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 15th day of March
2017, by Jack W Satterfield who is personally known
or produced FL Driver's License as identification.

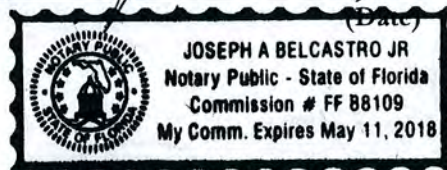
(Notary Signature)

My Commission Expires

5/11/18

(Date)

3-1-17





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, E. RICHARD WAUGH, 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): E. RICHARD WAUGH

Address: 4792 RIDGEMORE CIR. PALM HARBOR, FL 34685

[Signature]
Signature

3/1/17
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 1st day of March, 2017 by E. Richard Waugh, who appeared before me, and is personally known to me, or has produced FL Driver's License as identification, and did take an oath.

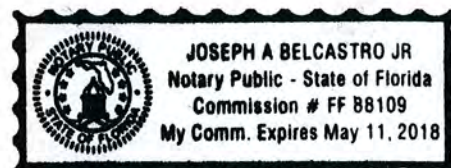
My commission Expires: 5/11/18

NOTARY:

Print Name: Joseph A Belcastro Jr

Notary Public, State of Florida

(Notarial Seal)



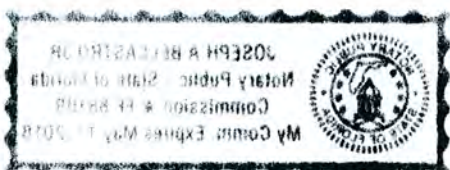
DEAR APPLICANT:

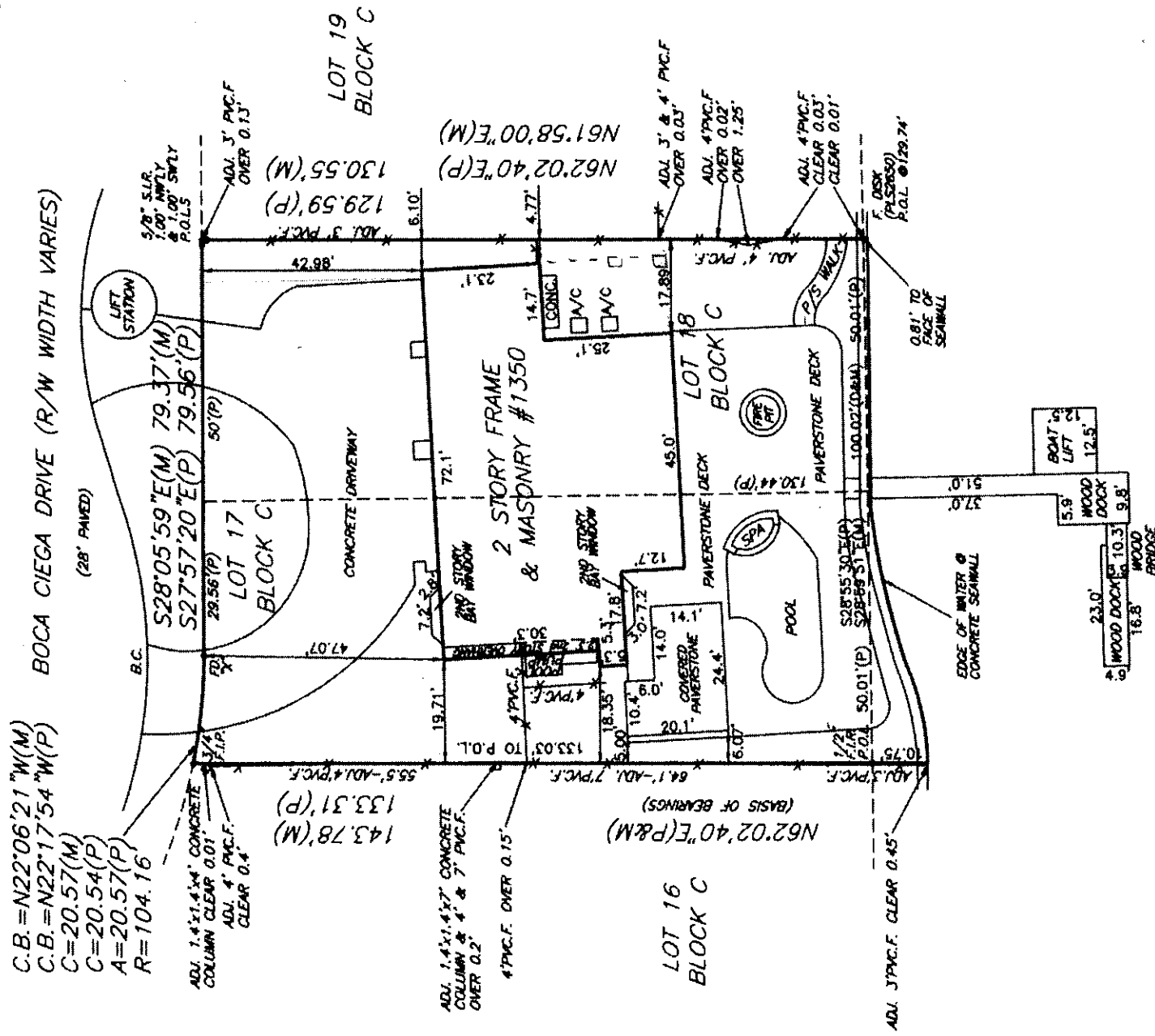
PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility 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. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot 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.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your 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 representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

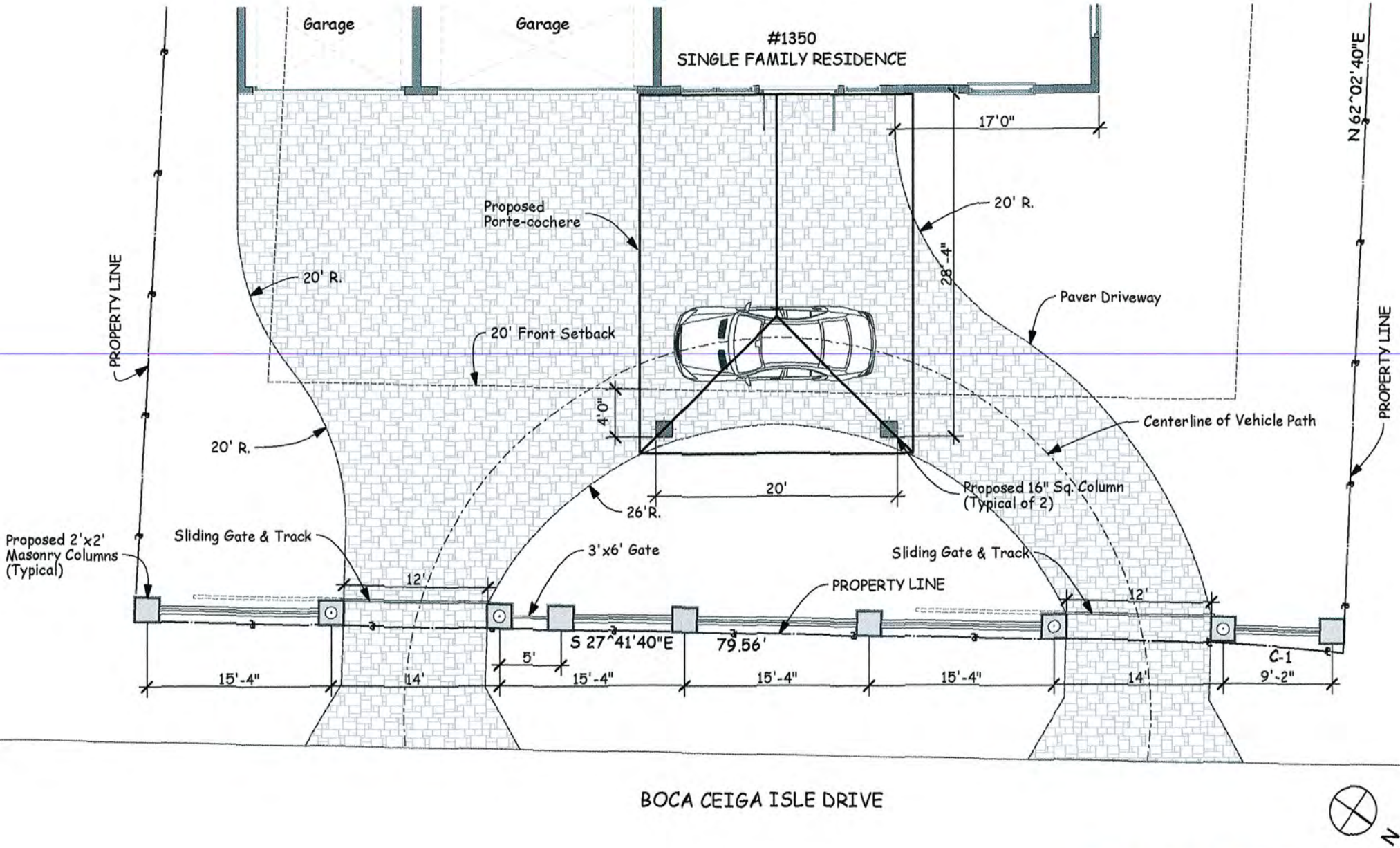
A Notary Public is available in City Hall; 155 Corey Avenue.





A BOUNDARY SURVEY OF LOTS 17 AND 18, BLOCK C, BOCA CIEGA ISLE, AS RECORDED IN PLAT BOOK 23, PAGES 31 AND 32 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: MMXIII141	DAVID C. HARNER	FLOOD ZONE: "AE"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 5/15/13	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL 33706	PANEL NUMBER: 0276 G
DRAWN BY: DCH	SECTION 6 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO:	CHRIS SATTERFIELD	
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, 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. THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C=CHORD LENGTH C.L.F.=CHAINLINK FENCE CONC.=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE C.B.=CHORD BEARING EL=ELEVATION FT=FINISHED FLOOR F.L.P.=FOUND IRON PIPE S.L.R.=SET IRON ROD WITH CAP #2550 F.L.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/M=HINGE WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.L.=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"		



1 SITE PLAN
SCALE: 1" = 10'



State Certified General Contractor
Lic. No. CGC021882

Address:
4792 Ridgemoor Circle
Palm Harbor, Florida 34685

Phone: 727-771-0455
www.Pinnacle-PCS.com

SEALED FOR STRUCTURAL ONLY

DATE:
RICHARD WASILEWSKI, P.E. 1520 CHATEAWOOD DR. CLEARWATER, FL 33764 727-531-8104 FL P.E. 15586
STRUCTURAL ENGINEER OF RECORD:
I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED DESIGN AND FOUND IT TO BE IN COMPLIANCE WITH THE 2014 FLORIDA BUILDING CODE.
THE ENGINEER HAS NOT REVIEWED THE PRE-ENGINEERED TRUSS MANUFACTURER'S LAYOUT TO DETERMINE ANY LOAD BEARING CONDITIONS AND RESERVES THE RIGHT TO MAKE ANY CHANGES AFTER TRUSS LOAD INFORMATION IS SUPPLIED TO THE ENGINEER.

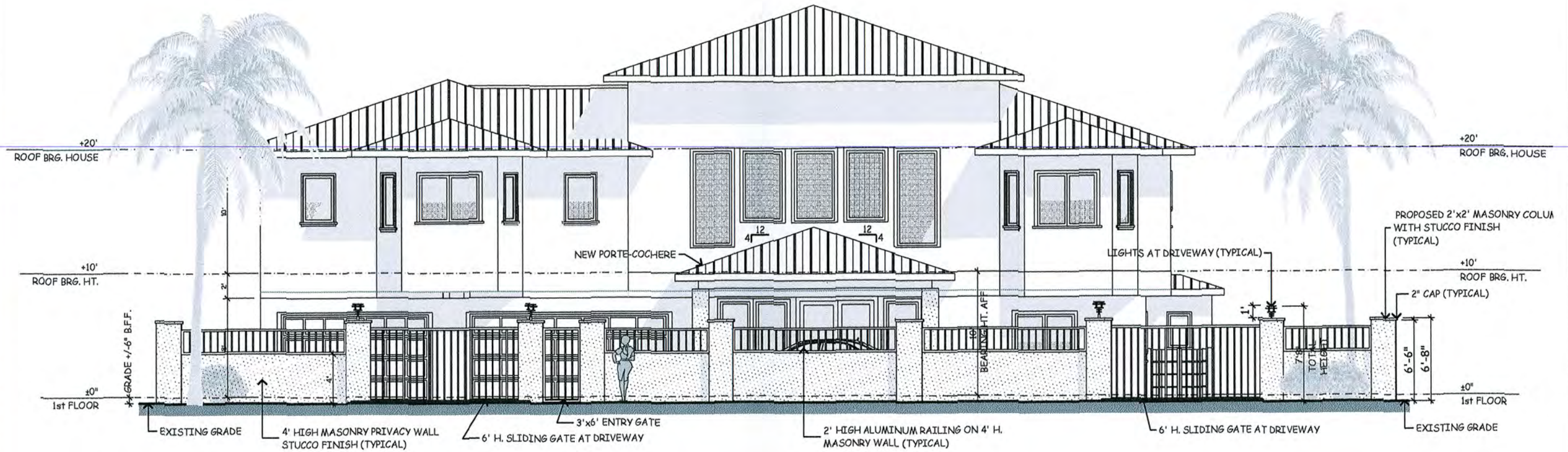
Porte-Cochere & Privacy
Wall for:
The Satterfield Residence
1350 Boca Ceiga Isle Drive St.
Pete Beach, Florida 33706

REVISIONS		
MARK	DATE	DESCRIPTION

PROJECT NO: 2015.01
DRAWING DATE: 2/13/2017
DRAWN BY: Paul Beuckens, AIBD
CHK'D BY: Rick Waugh

SHEET TITLE
SITE PLAN / COVER
SHEET
SHEET 1 OF 8 1

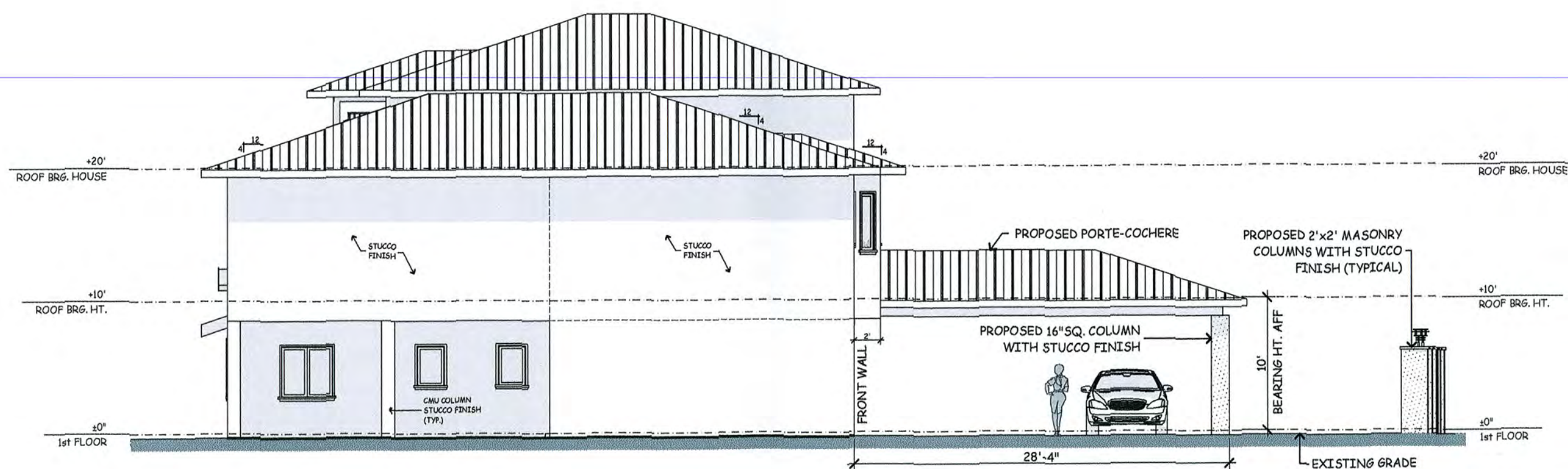
C:\Users\Paul\Documents\My Architectural\Pinnacle Construction Services\2015 Projects\Satterfield\Satterfield Project 6.pln



① FRONT (EAST) ELEVATION
SCALE: 1/8" = 1'-0"

 State Certified General Contractor Lic. No. CGC021882 Address: 4792 Ridgemoor Circle Palm Harbor, Florida 34685 Phone: 727-771-0455 www.Pinnacle-PCS.com	SEALED FOR STRUCTURAL ONLY	Porte-Cochere & Privacy Wall for: <u>The Satterfield Residence</u> 1350 Boca Ciega Isle Drive St. Pete Beach, Florida 33706	REVISIONS	PROJECT NO: 2015.01 DRAWING DATE: 2/13/2017 DRAWN BY: Paul Beuckens, AIBD CHK'D BY: Rick Waugh	SHEET TITLE FRONT (EAST) ELEVATION SHEET 5 OF 8 5											
	DATE: _____ RICHARD WASILEWSKI, P.E. 1520 CHATEAWOOD DR. CLEARWATER, FL 33764 727-531-8104 FL. P.E. 15586 STRUCTURAL ENGINEER OF RECORD: I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED DESIGN AND FOUND IT TO BE IN COMPLIANCE WITH THE 2014 FLORIDA BUILDING CODE. THE ENGINEER HAS NOT REVIEWED THE PRE-ENGINEERED TRUSS MANUFACTURER'S LAYOUT TO DETERMINE ANY LOAD BEARING CONDITIONS AND RESERVES THE RIGHT TO MAKE ANY CHANGES AFTER TRUSS LOAD INFORMATION IS SUPPLIED TO THE ENGINEER.		<table border="1"><thead><tr><th>MARK</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>			MARK	DATE	DESCRIPTION								
MARK	DATE	DESCRIPTION														

C:\Users\Paul\Documents\My Architecture\Pinnacle Construction Services\2015 Projects\Satterfield\Satterfield Project 6.pln



① LEFT (SOUTH) ELEVATION
SCALE: 1/8" = 1'-0"

 Pinnacle Construction Services, LLC	State Certified General Contractor Lic. No. CGC021882 Address: 4792 Ridgemoor Circle Palm Harbor, Florida 34685 Phone: 727-771-0455 www.Pinnacle-PCS.com	SEALED FOR STRUCTURAL ONLY		Porte-Cochere & Privacy Wall for: <u>The Satterfield Residence</u> 1350 Boca Ciega Isle Drive St. Pete Beach, Florida 33706	REVISIONS	PROJECT NO: 2015.01 DRAWING DATE: 2/13/2017 DRAWN BY: Paul Beuckens, AIBD CHK'D BY: Rick Waugh	SHEET TITLE LEFT (SOUTH) ELEVATION SHEET 6 OF 8 6												
		DATE: RICHARD WASILEWSKI, P.E. 1520 CHATEAWOOD DR. CLEARWATER, FL 33764 727-531-8104 FL. P.E. 15596 STRUCTURAL ENGINEER OF RECORD: I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED DESIGN AND FOUND IT TO BE IN COMPLIANCE WITH THE 2014 FLORIDA BUILDING CODE. THE ENGINEER HAS NOT REVIEWED THE PRE-ENGINEERED TRUSS MANUFACTURER'S LAYOUT TO DETERMINE ANY LOAD BEARING CONDITIONS AND RESERVES THE RIGHT TO MAKE ANY CHANGES AFTER TRUSS LOAD INFORMATION IS SUPPLIED TO THE ENGINEER.	<table border="1"><thead><tr><th>MARK</th><th>DATE</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		MARK			DATE	DESCRIPTION										
MARK	DATE	DESCRIPTION																	



St. Pete Beach Board of Adjustment

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

4/26/17

**Variance Case
#2017-0012**

Applicant/Agent
Herman & Paula
Hernandez,
Homeowners

Location
8801 Gulf Blvd.

Commission District
District 1

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.15: Maximum height for fences, walls, etc. within required front yard setback	4 foot maximum height within front yard setback	N/A	6 feet, 5 feet

Applicants request a variance to Section 6.15 of the Land Development Code to increase the maximum allowable height of fences within the front yard setback to allow for the construction of a fence.

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

North: Residential (Detached Single-Family)
South: Infrastructure (88th Avenue)
East: Residential (Detached Single-Family)
West: Infrastructure (Gulf Blvd.)

Applicants request a variance to allow a fence that is higher than typically allowed to provide privacy for a pool currently under construction. The Applicants propose placing fencing from the northwest corner to the southwest corner in order: an 18 foot fence section 6 feet in height, an 8 foot fence section sloping from 6 feet to 5 feet in height, a 16 foot fence section 5 feet in height, and an 8 foot fence section sloping from 5 feet in height to 3 feet in height. An additional 23 foot section of 3 foot high fencing is proposed however this portion would not need a variance.

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 structures. Fences and walls may be up to 4 foot in height within the front yard setback.

CRITERIA REVIEW (LDC 3.12.a):

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

- 1) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant. *The subject property is peculiar in its orientation as a corner lot with an acute angle. Corner lots have two frontages and are subject to fence height restrictions on both front property frontages.*
- 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. However, a reasonable amount of privacy would be lacking if the variance request were not granted.*

STAFF RECOMMENDATION:

Staff recommends approval – The subject property is unique in its shape as a corner lot with an acute angled frontage. The purpose of the request is to provide privacy for the residence's backyard and to deter pedestrians from crossing over private property. Additionally, the proposed fencing would provide screening for existing air conditioning and pool equipment from public view which is the intent of the Land Development Code.

Attachments:

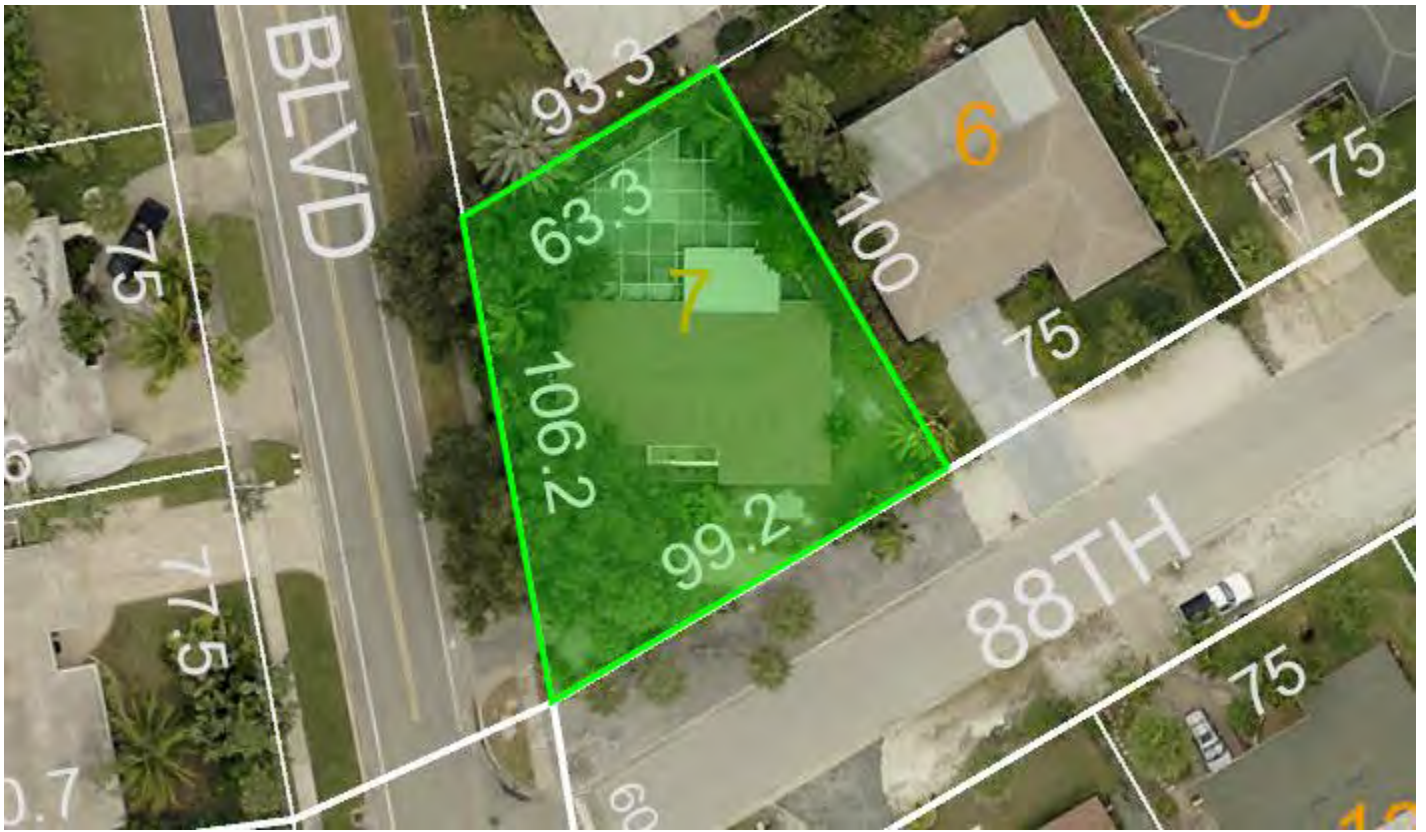
- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Site Plan & Elevations

Attachment A.

Sec. 6.15. - Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also Section 6.21 for visibility requirements at street intersections.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing northeast

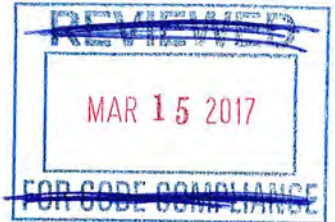


Above: Subject property, facing east



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

Received



VARIANCE APPLICATION

Case Number: 2017-0012

PROPERTY FOR PROPOSED VARIANCE

Legal Description: St Petersburg Beach North Unit, No. 8 BLK 107, LOT 7
Parcel ID: 25-31-15-78282-107-0070
Address: 8801 GULF BLVD, St. Pete Beach, FL 33706
Current Zoning: RU-1 FLUM Designation: RU Lot Area: 8300ft²
Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

Name: Herman and Paula Hernandez
Address: 8801 GULF BLVD
City: St Pete Beach State: FL
Zip: 33706 Phone: 469-878-1082
Email: hernandez3111@live.com

PROPERTY OWNER:

Name: Herman and Paula Hernandez
Address: 8801 GULF BLVD
City: St Pete Beach State: FL
Zip: 33706 Phone: 469-878-1082
Email: hernandez3111@live.com

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

See Attachment

Additional Documents:

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

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

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

See attachment

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.

See attachment

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

See attachment

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

See attachment

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

See attachment

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

See attachment

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.

See attachment

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

See Attachment
Paula Hernandez 3.12.17
Hernandez 3.12.17

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

Herman and Paula Hernandez
8801 Gulf Blvd
St Pete Beach, FL 33706

City of St Pete Beach Variance Attachment

Details of the Request: We are requesting a Variance to the St Pete Beach Land Development Code - Sec.3.12. - Variances to install a vinyl fence following our property line for my single family home located at 8801 Gulf Blvd, St Pete Beach, FL 33706. This fence will downscale from 6 foot to 5 foot to 3 foot.

1. Our home is situated on a irregular shaped corner lot allowing our pool/backyard area full view and access by pedestrians who walk along Gulf Blvd which invades our privacy. They trespass and allow their dogs to defalcate on our property.
2. The current regulation prevents us from fully enjoying our pre-existing pool because the sidewalk along Gulf Blvd is only 10 feet away from my pool/ backyard area where many pedestrians walk daily. We can't swim, sunbathe, nor barbecue in the privacy of our home.
3. When purchasing our home we were unaware of the 20 foot set back rule for a corner lot. The pool was pre-existing and came with the home.
4. The proposed Variance effects only our property.
5. The proposed construction of the fence is necessary for reasonable use of the property and is permitted in the zoning district.
6. Our requested fence Variance would not alter the essential character of the neighborhood.
7. The petitioners equally important need for this fence is to insure harmony and peaceful coexistence with the neighbors. By not allowing pedestrians and their dogs access to our property, our fence will encourage them to continue walking their beloved pets to the dog park located at the end of Gulf Blvd for the betterment of the public welfare. The proposed fence will also hide the unsightly pool equipment, air conditioner and trash and recycling cans from public view as pedestrians walk our beautiful neighborhood. Furthermore, the fence will allow for new landscaping i.e.. palm trees. I hope you agree that my request would produce an aesthetically proper addition if not an enhancement to my neighborhood.
8. The proposed construction represents the least intrusive solution possible.

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.

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

PA HHH 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.

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

PA HHH 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.

PA HHH 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.

PA HHH 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.

PA HHH 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

Paula Hernandez

3.12.17

Hern Hernandez

3.12.17

Signature of Applicant

Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Herman Hernandez Jr., 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): Herman Hernandez Jr.

Address: 8801 GULF BLVD, St. Pete Beach, FL 33706

[Signature]

3.13.17

Signature

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 13 day of March, 2017 by Herman Hernandez Jr. who appeared before me, and is personally known to me, or has produced H655320524550 as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name:

[Signature]
Jeanne Rush

Notary Public, State of Florida

(Notarial Seal)



Slope



Smith Fence

31



pdf

Marked Up 1.pdf
1.1 MB

pdf

Marke...p 2.pdf
568 KB

Privacy 6'
Privacy 5'



EASEMENT NOTE:
THERE IS A 5' UTILITY EASEMENT (UE)
ALONG THE REAR OF SUBJECT PROPERTY

(CERTIFIED TO: (AS FURNISHED)
Herman Hernandez, Jr. & Paula S. Hernandez
Movement Mortgage, LLC, ISAOA/ATIMA
Crescent Title of Pinellas, LLC

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "A". AREAS DETERMINED TO BE INSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 121030C194G, LAST REVISION DATE 9/20/3. 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 POSSIBLE ENCROACHMENTS:

- E LIES PARTIALLY WITHIN EASEMENT AREA.
- OWNERSHIP OF FENCES HAS NOT BEEN DETERMINED
- SOME UTILITIES LIE OUTSIDE OF EASEMENT AREA.

BASIS OF BEARING
BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY OF GULF BOULEVARD WHICH HAS A BEARING OF N 10°13'27" W PER PLAT.

NOTES

1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
3. Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

LB 7788



VISIONLAND

941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY ~~PREPARED~~ UNDER MY DIRECTION.



DATED: 12/18/15

Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573

NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATE _____

REVISION

DATE

REVISION

Legal Description (per OR Book 11375, Page 801-802)
 Lot 7, Block 107, Sit. Petersburg Beach North Unit No. 8, according to the plat thereof
 recorded in Plat Book 39, Page 59, of the Public Records of Pinellas County, Florida.





St. Pete Beach Board of Adjustment

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

4/26/17

**Variance Case
#2017-0013**

Applicant/Agent
Karen Marriott,
Applicant

Location
421 79th Avenue

Commission District
District 1

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 32.9: Minimum side yard setback	10% of the lot width (6.0 feet)	4.79 feet	4.79 feet

Applicant requests a variance to Section 32.9 of the Land Development Code to reduce the minimum required side yard setback from 10% of the lot width (6.0 feet) to 4.79 feet to allow for the construction of an attached garage.

Existing Use: Residential (Detached Single-Family)
Adjacent Uses
North: Residential (Detached Single-Family)
South: Infrastructure (79th Avenue)
East: Commercial (Vacant)
West: Residential (Detached Single-Family)

Applicant requests a variance to reduce the require side yard setback to construct an attached garage. An attached carport was built in 2002 and currently exists with a 4.79 foot side setback and a 20 foot front setback.

PUBLIC NOTICE:

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

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the CC-1 zoning district which allows for single-family residential and associated accessory structures on parcels which do not directly abut Blind Pass Road.

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 subject property is peculiar as the principal structure currently exists in the required side yard setback.*
- 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. The requested variance would not be injurious to the neighborhood as the adjacent property use is commercial.*
- 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 principal structure would require alteration if variance is not granted for proposed garage.*

STAFF RECOMMENDATION:

Staff recommends approval – The principal structure of the subject property and the carport accessory structure, which the proposed garage is designed to replace, currently exists with the proposed 4.79 foot side setback. The proposed garage will not increase the existing nonconformity as new additional square footage is on the interior of the lot. If not granted, the resulting garage would not align with the principal structure or existing driveway possibly negatively affecting aesthetics and creating undue hardship for the homeowner.

Attachments:

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

Attachment A.

Sec. 6.13. - Accessory residential structures.

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

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

Sec. 32.9. - Setbacks.

Use	Front Yard	Secondary Front Yard	Side Yard	Rear Yard
Single family that do not directly access Blind Pass Road	20 feet	10 feet	10% of lot width	20 feet

Attachment B.

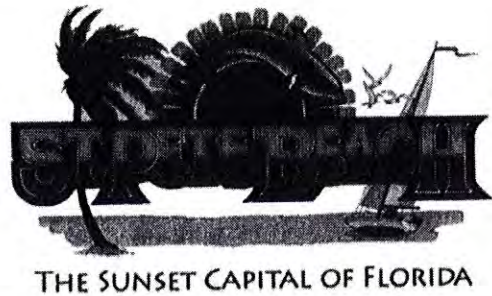


Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north



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

MAR 17 2017

VARIANCE APPLICATION

Case Number: 2017-0013

PROPERTY FOR PROPOSED VARIANCE

Legal Description: ST PETERSBURG BEACH NORTH UNIT NO. 2 BLK 84, LOT 5
Parcel ID: 36-31-15-78174-084-0050
Address: 421 79th AVE ST PETE BEACH 33706
Current Zoning: CC-1 FLUM Designation: CC-1 Lot Area: 60 X 100
Existing Use: SINGLE FAM RESIDENTIAL Proposed Use: SINGLE FAMILY RESIDENTIAL

APPLICANT/AGENT:

Name: KAREN MARRIOTT
Address: 421 79th AVE
City: ST PETE BEACH State: FL
Zip: 33706 Phone: 720-219-9791
Email: KAREN@NBWINDSURFING.COM

PROPERTY OWNER:

Name: BRITT VIEHMAN
Address: 421 79th AVE
City: ST PETE BEACH State: FL
Zip: 33706 Phone: 727.656.6569
Email: BRITT@NBWINDSURFING.COM

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

REQUESTING VARIANCE FOR SIDE SETBACK (SEC. 32.9 OF LAND
DEVELOPMENT CODE) FOR GARAGE ADDITION THAT WILL REPLACE
EXISTING CAR PORT. CODE REQUIRES SIDE SETBACK OF 10% OF
LOT WIDTH (6' IN THIS CASE), PROPOSED GARAGE WOULD BE
4.79' FROM SIDE PROPERTY LINE AND WOULD LINE UP WITH
EXISTING WALL OF HOUSE.

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.

SIDE SETBACK REQUIREMENTS HAVE CHANGED SINCE ORIGINAL STRUCTURE WAS BUILT. I AM NOT AWARE OF ANY STRUCTURES IN THIS ZONING DISTRICT THAT ARE IN COMPLIANCE, THE SAME HARDSHIP EXISTS FOR ALL.

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 WOULD REQUIRE THE GARAGE TO NOT LINE UP WITH EXISTING HOUSE OR DRIVEWAY.

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

STRUCTURE ORIGINALLY BUILT WITH SMALLER SIDE SETBACK THAN CURRENTLY REQUIRED

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.

USE IS NOT CHANGING AND IS CURRENTLY PERMITTED.

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

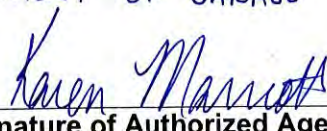
NO CHANGE

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.

GRANTING THE VARIANCE WILL ALLOW THE GARAGE WALL TO BE IN THE PLACE THAT MAKES THE MOST SENSE AND WILL ALLOW IMPROVEMENT TO STRUCTURE AND NEIGHBORHOOD.

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

PROPOSED VARIANCE ~~ALLOWS~~ OF APPROX 14" ALLOWS FOR THE ONLY REASONABLE PLACEMENT OF GARAGE

	3/14/17		3/16/17
Signature of Applicant	Date	Signature of Authorized Agent	Date

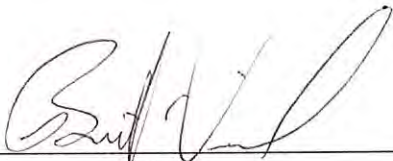
For office use only:

Hearing Date: _____ Fees: _____

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

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

I/WE BRITT VIEHMAN
(print name of property owner)
hereby authorize KAREN MARRIOTT
(print name of agent)
to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)


Signature of Owner

Britt Viehman
Print Name of Owner

Signature of Owner

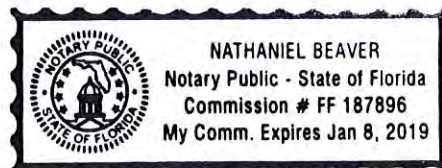
Print Name of Owner

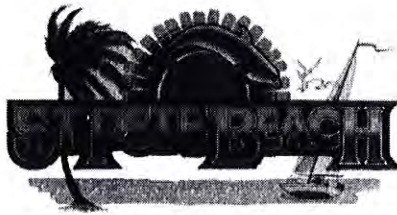
The forgoing instrument was acknowledged before me this 17 day of March
2017, by Britt Viehman who is personally known _____
or produced FL DL as identification.


(Notary Signature)

3/17/17
(Date)

My Commission Expires _____





THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, BRITT VIEHMAN, 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): BRITT VIEHMAN

Address: 421 79th AVE . ST PETE BEACH, FL 33706

[Signature] 3/17/17
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17 day of March, 2017 by Britt Viehman, 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:

NOTARY:

Print Name: Nathaniel Beaver

Notary Public, State of Florida

(Notarial Seal)



JOB NO.: 170263	MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY: MCM	CHECKED BY: EDM	PH. (727) 347-8740
DATE OF FIELD WORK: 2/21/17		FAX (727) 344-4640

CERTIFIED TO: Jeremy Britt Viehman

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 36 TWP. 31 S. RGE. 15 E.

A BOUNDARY SURVEY OF: Lot 5, Block 84, ST. PETERSBURG BEACH NORTH UNIT NO. 2, as recorded in Plat Book 24, Page 55 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
Flood zone: AE Comm. Panel No.: 125149 0257 G Map Date: 9/03/03 Base Flood Elev.: 11.0'

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 53-17, 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 EMERGED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

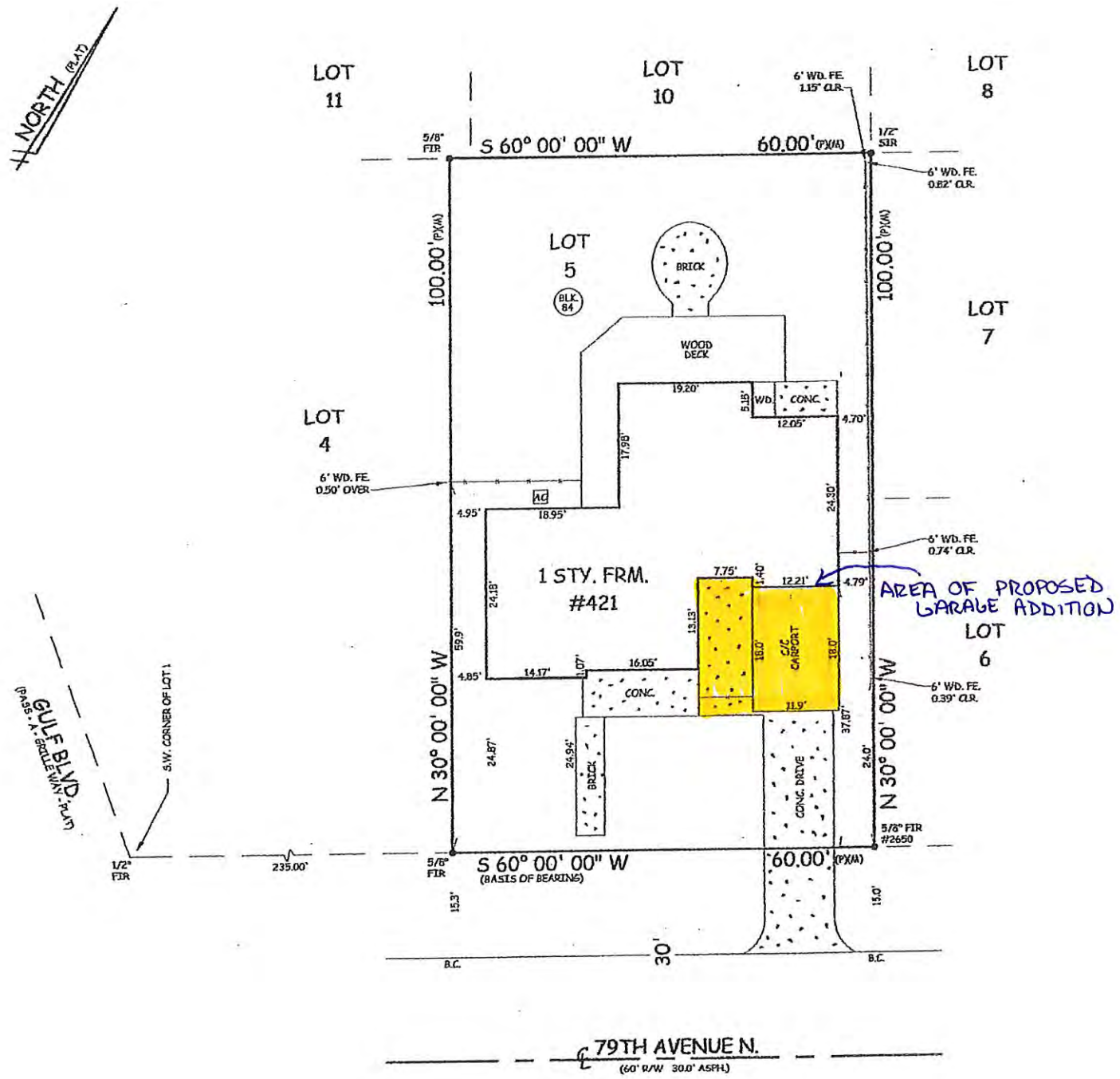
EDWARD D. MURPHY REG. P.L.S. #5333

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #410 P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE F.F.E. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988 F.D. - FOUND N.A.D. - NAIL AND DISK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION X-X-X - FENCE FE - FENCE C.L.F. - CHAIN LINK FENCE A.F. - ADJACENT FENCE A.D. - ADJACENT R. - RADIUS A. - ARC C. - CHORD Δ - DELTA R/W - RIGHT OF WAY # - NUMBER M.S. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN F.H. - FIRE HYDRANT M/S - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER B.D. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK W.W. - WING WALL C. - CENTERLINE R/W - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST E.S.M.T. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE C.L.R. - CLEAR COL. - COLUMN WD. - WOOD B.U.K. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE O.H. - OVERHANG GAR. - GARAGE C.W. - COVERED WOOD C.P.S. - COVERED PATIO STONE C.C. - COVERED CONCRETE A.C. - AIR CONDITIONER S.P. - SCREENED PORCH P.P. - OVERHEAD POWER LINES T-T - OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE

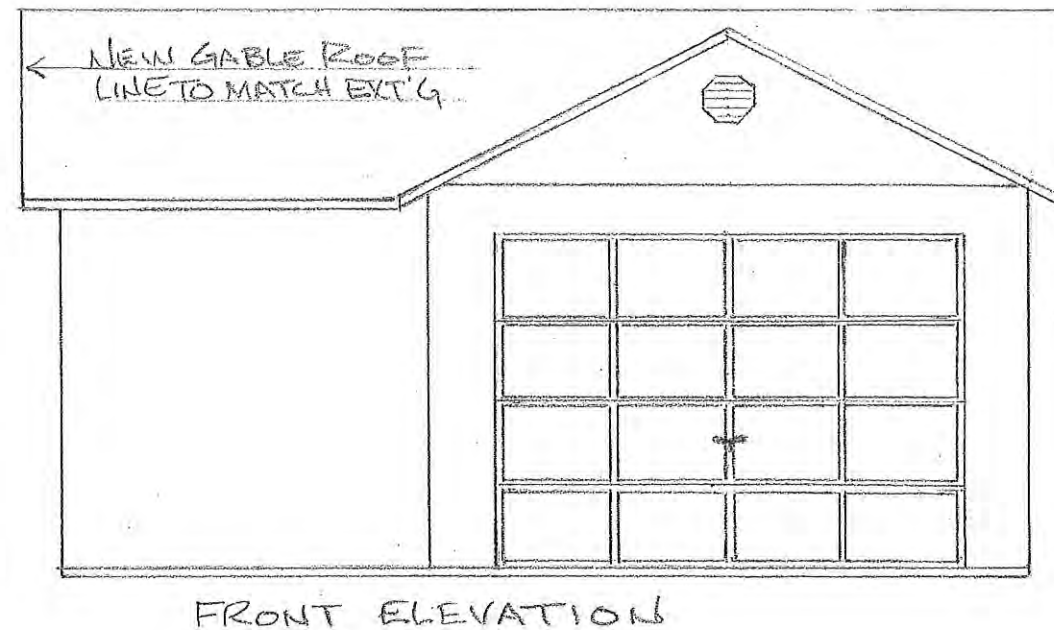
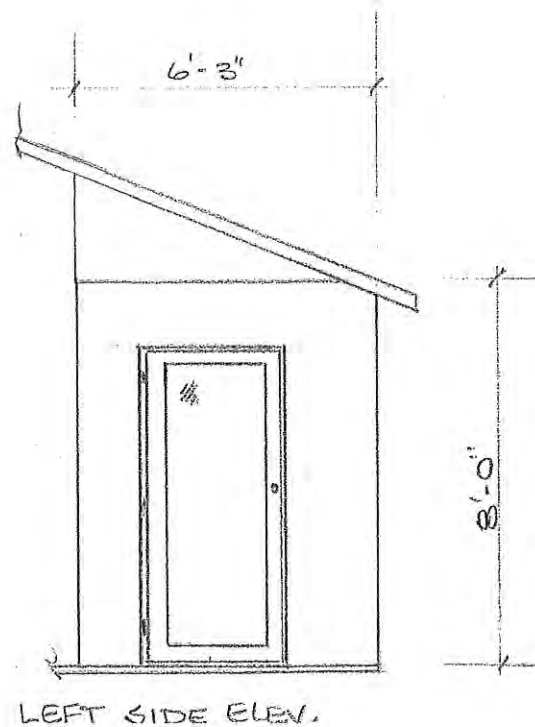
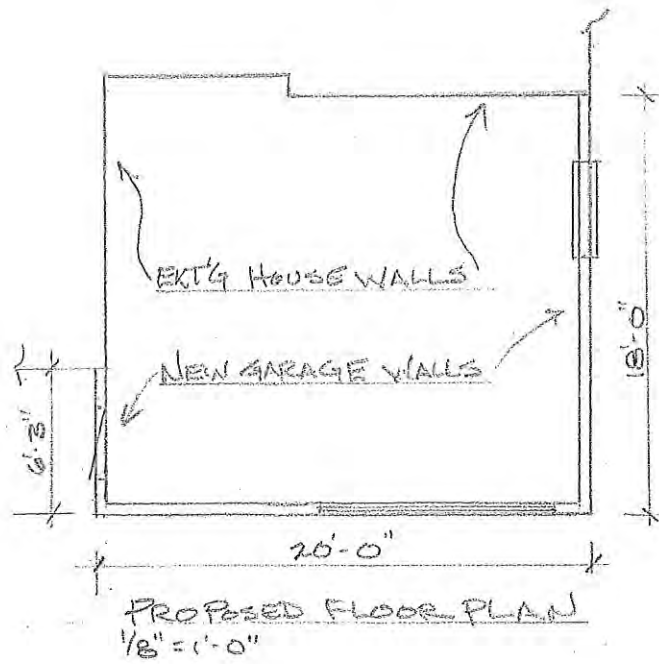
JOB NO.: 170263		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY: MCM	CHECKED BY: EDM		PH. (727) 347-8740
DATE OF FIELD WORK: 2/21/17			FAX (727) 344-4640

CERTIFIED TO: Jeremy Britt Viehman

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 36 TWP. 31 S. RGE. 15 E.



A BOUNDARY SURVEY OF: Lot 5, Block 84, ST. PETERSBURG BEACH NORTH UNIT NO. 2, as recorded in Plat Book 24, Page 55 of the Public Records of Pinellas County, Florida.



VIERMAN/MARRIOTT

PROPOSED GARAGE ADDITION
421 79TH AV. ST. PEE BEACH
SHH ENTERPRISES LLC



St. Pete Beach Board of Adjustment

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

4/26/17

**Variance Case
#2017-0014**

Applicant/Agent
Elizabeth Barron,
Homeowner

Location
236 41st Avenue

Commission District
District 3

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.13.a: Plumbing in detached garage structures	"In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing"	Washer, dryer, utility sink	Washer, dryer, utility sink

Applicant requests a variance to Section 6.13(a) of the Land Development Code to allow for laundry facilities (washer, dryer, utility sink) in a detached garage structure.

Existing Use: Residential (Detached Single-Family)
Adjacent Uses
North: Infrastructure (Alleyway)
South: Infrastructure (41st Avenue)
East: Residential (Detached Single-Family)
West: Residential (Detached Single-Family)

Applicant requests a variance to allow for laundry facilities (washer, dryer, utility sink) in a detached garage structure. This variance request is in response to a Code Enforcement investigation regarding a possible undocumented dwelling unit in the detached garage structure. The Homeowner has cooperated with requests to disable the kitchen and bathroom facilities in the detached garage, but wishes to keep the laundry plumbing facilities intact and operational.

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-2 zoning district which allows for single-family residential. Detached garage structures are not permitted to contain sleeping room, kitchen facilities, or plumbing. The intent of these restrictions are to limit the illegal conversion of detached garages into separate dwelling units, thus violating development density established in the Comprehensive Plan.

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 strict application of the land development regulations would deprive the applicant reasonable use of the structure. The principal structure was not designed to incorporate laundry facilities.*
- 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. The circumstance of the laundry facilities in the garage is typical of a home of similar age.*

- 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. However, reasonable use of the structure would be affected as the principal structure was not designed to incorporate laundry facilities.*

STAFF RECOMMENDATION:

Staff recommends approval – The Applicant has complied with the removal of kitchen and bathroom facilities from the detached garage structure thus eliminating the semblance of a second, independent dwelling unit. The allowance for continued use of laundry facilities (a washer, a dryer, and a utility sink) is reasonable as the principal structure was not designed in a way to allow for internal laundry facilities.

Attachments:

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

Attachment A.

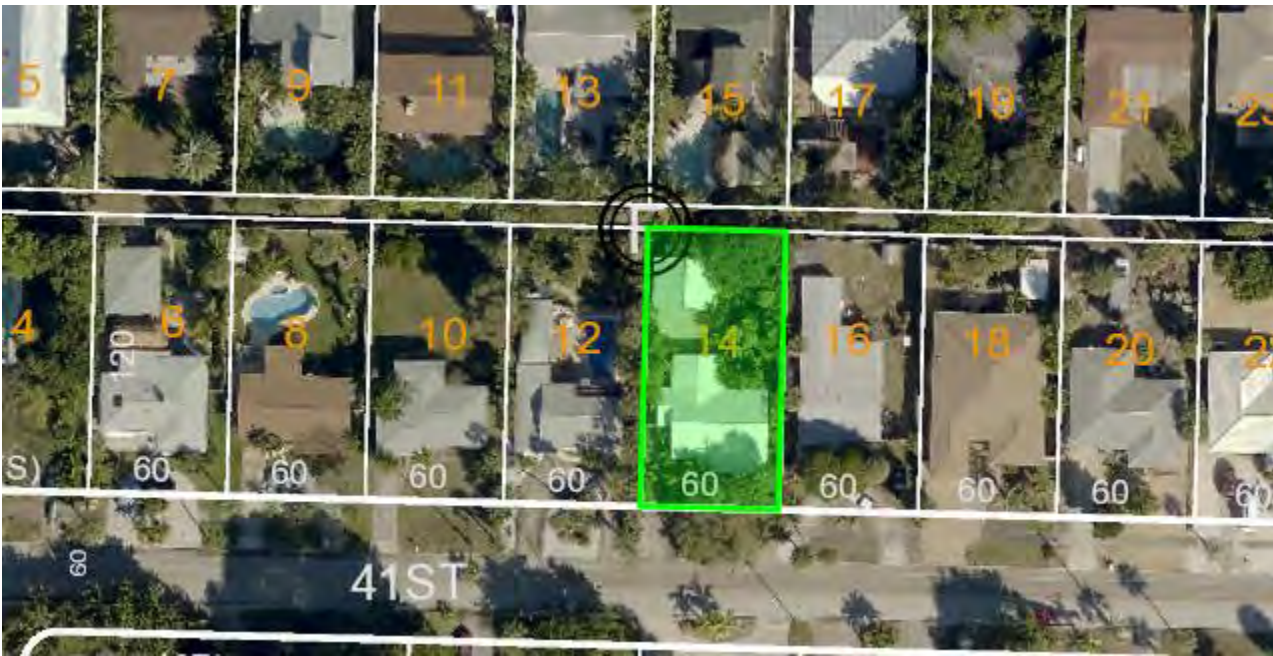
Sec. 6.13. - Accessory residential structures.

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

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

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

Attachment B.

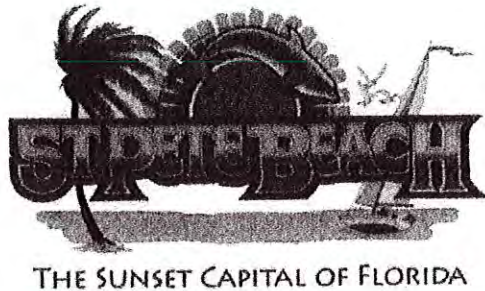


Above: Subject property highlighted.

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: 2017-0014

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Belle Vista Beach, 1st ADD, BLK F, LOT 14
Parcel ID: 07-32-16-07398-006-0140
Address: 236 41st Ave, St Pete Beach, FL 33706
Current Zoning: RU2 FLUM Designation: RU Lot Area: 60x120
Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

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

PROPERTY OWNER:

Name: Elizabeth BARRON
Address: 236 41st Ave
City: St Pete Beach State: FL
Zip: 33706 Phone: 813-390-5586
Email: EBARRON15@verizon.net

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

I am requesting a VARIANCE to keep the existing laundry facility (washer, dryer, utility sink) in the existing garage. The garage structure is detached from the principle structure.
Cite Code section: 613 A 2C - Accessory residential structure

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):

- 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.

No provisions were made in the primary structure for Laundry Facility. AS FAR AS I KNOW THE LAUNDRY FACILITY HAS ALWAYS BEEN IN THE GARAGE, AS IT WAS THERE WHEN I PURCHASED THE PROPERTY
- 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, IF NOT APPROVED THEN I WOULDN'T HAVE A LAUNDRY FACILITY ON MY PROPERTY.
- The peculiar conditions and circumstances are not the result of the actions of the applicant.

THE LAUNDRY FACILITY WAS IN THE GARAGE WHEN I PURCHASED THE PROPERTY

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

no this variance will not effect any district boundary on the zoning map

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

the garage structure will continue to be used as a garage and storage space

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan. *NO*

This variance will not increase density or intensity

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.

Since many other older properties in this area have similar non-conformities a literal interpretation would deny commonly enjoyed rights

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

yes because the laundry facility will not affect the use of this structure as a garage.

Elizabeth Brown

3/20/2017

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.

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

GB 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.

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

GB 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.

GB 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.

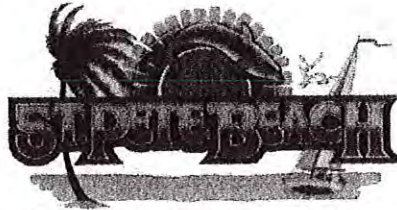
GB I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

GB 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

English Bauer
Signature of Applicant

3/20/2017
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Elizabeth BARRON, 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): Elizabeth BARRON

Address: 236 41st Ave, St Pete Beach, FL 33706

Elizabeth Barron 3/20/2017
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 20 day of March, 2017 by Elizabeth Barron who appeared before me, and is personally known to me, or has produced FL DC as identification, and did take an oath.

13650-220-51-591-0

My commission Expires:

NOTARY:

Print Name:

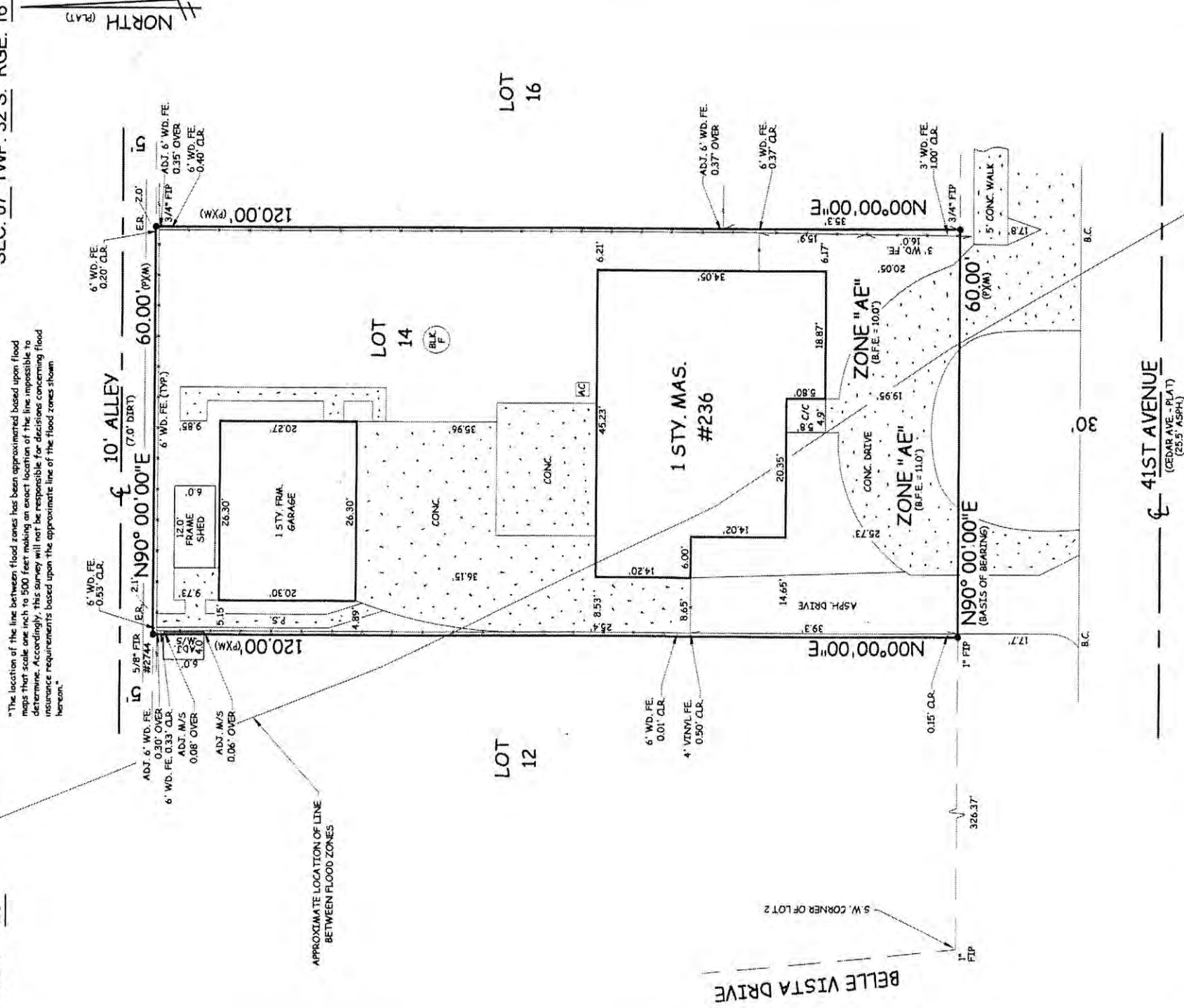
Notary Public, State of Florida

(Notarial Seal)

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

CERTIFIED TO:

SCALE: 1" = 20'



A BOUNDARY SURVEY OF: Lot 14, Block F, FIRST ADDITION TO BELLE VISTA BEACH, as recorded in Plat Book 8, Page 28 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in

Map Date : 9/03/03 Base Flood Elev : 10.0' & 11.0'

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 61G17-4, 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 UNLESS EMBOSSED WITH SURVEYOR'S SEAL.

EDWARD D. MURPHY REG. #LS-5333

[illegible]