



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 7/26/2017
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**

6/28/2017 Meeting
- 4. Agenda Items**
 - I. Case 17-00010: 262 Mar Street – Applicant requests variances to Sections 6.13 & 8.7 of the Land Development Code to increase the maximum allowable size of accessory residential

structures and reduce the minimum required rear yard setback to allow for the construction of a gazebo-type structure.

- II. Case 17-00011: 5050 Gulf Blvd., Suite B – Applicant requests variances to Sections 26.23 & 26.34 of the Land Development Code to reduce the minimum required front yard setback to allow for the construction of a new freestanding monument sign with an electronic message board.

5. Adjournment

APPEAL

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

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

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

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT MEETING

MINUTES

JUNE 28, 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

ABSENT:

Ron Holehouse, Vice Chairman

ALSO PRESENT:

Andrew 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 – 5/31/2017

Member Lyman made a motion to approve the minutes from the May 31, 2017 meeting. The motion was seconded by Member Bomar and unanimously

approved by a roll call vote (4 yeses – 0 nos).

4. Agenda Items

- I. **Case 17-00007:** 5955 Gulf Winds Drive – Applicant requests a variance to Section 23.5 of the Land Development Code to reduce the minimum required number of parking spaces to allow for the renovation of a restaurant.

Mike Larimore, Zoning Tech II, gave Staff's presentation to the board, and the recommendation was for approval.

Chairman Skipper asked the applicant to come forward.

Charles Marco, 5905 Gulf Winds, Grateful Taco, Mr. Marco stated that his architect was present, Mr. Ron Ginn, and he would be speaking on this behalf.

Ron Ginn, 8056 30th Avenue North, St. Petersburg, FL, 33710, architect, spoke in regard to the inadequate number of parking spaces and the defined hardship he believed exists.

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

Ron Ginn, 8056 30th Avenue North, St. Petersburg, FL, 33710, architect, answered questions posed by the board members.

Member Lyman made a motion to accept the request for Case No. 17-00007 for the variance. The motion was seconded by Member Bomar and unanimously approved by an individual roll call vote, (4 yeses – 0 nos).

5. Adjournment

There was board discussion in regard to short-term rentals.

There being no further business before the board, the meeting was adjourned at 2:20 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

7/26/17

**Variance Case
#17-00010**

Applicant/Agent
William Gingles,
Homeowner

Location
262 Mar Street

Commission District
District 4

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Partial Approval

1) Denial – Maximum size
increase

2) Approval – Minimum
rear yard waterfront
setback reduction

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.13: Maximum Size for Gazebo	64 square feet	N/A	270 square feet
Land Development Code 8.7: Rear Yard Waterfront Setback	20 feet	N/A	8.5 feet

Applicant requests variances to:

1) Section 6.13 of the Land Development Code (LDC) to increase the maximum allowable size for a gazebo from 64 square feet to 270 square feet, and;

2) Section 8.7 of the LDC to reduce the minimum required rear yard waterfront setback from 20 feet to 8.5 feet.

Existing Use: Residential (Detached Single-Family)

Adjacent Uses

North: Infrastructure (Mar Street)

South: Water (McPherson Bayou)

East: Residential (Detached Single-Family)

West: Residential (Detached Single-Family)

Applicant requests variances to reduce the rear yard setback and increase the maximum allowable size to construct a gazebo-type accessory structure. The Applicant wishes to construct a 15 foot by 18 foot masonry pavilion in his rear yard. The structure would replace an existing deteriorated pergola in approximately the same area of the property.

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 Residential RU-1 zoning district. The RU-1 zoning district allows for detached single-family residences and subordinate accessory structures. The subject property has a Future Land Use Designation of Residential Urban (RU).

Gazebo-type structures are regulated by the LDC as a residential accessory structure. The maximum allowable size for a gazebo is 64 square feet and a maximum allowable height of 12 feet. Gazebos are permitted to encroach into rear yards up to 15 feet, however are not permitted to encroach into the rear yards of waterfront properties.

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 existing conditions and circumstances of the property and structures are not peculiar. Reasonable use of the existing outdoor area would be diminished if a shade structure were not permitted. The setback requirement would deprive the Applicant a reasonable location to place the shade structure; however an increase in the maximum allowable size for the structure is not necessary. A shade structure of smaller size would more closely conform to existing Code regulations. The existing conditions of the land are not the result of the Applicant.*
- 2) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance. *No other structures or uses are being considered.*

- 3) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district. *The proposed variances will not affect any district boundaries or permit a nonconforming use.*
- 4) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application. *The requested variance is in harmony with the general intent of the Land Development Code.*
- 5) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *The literal enforcement of the land development regulations would not result in a hardship for the Applicant. The Code provides for accessory shade structures of up to 64 square feet in size. The request for an accessory shade structure more than four times the maximum size permitted is not the minimum variance to make possible the reasonable use of the land. Constructing an accessory shade structure of a smaller size than proposed is more reasonable given the current Code regulations.*

STAFF RECOMMENDATION:

The reasonable use of the outdoor area is diminished by the elimination of a shade structure. The existing pergola is in disrepair causing concern for safety. The current layout of existing structures on the property and required rear yard setback prevents reasonable placement of an accessory shade structure as proposed. However, the code provides for shade structures of up to 64 square feet in size. The request for an accessory shade structure more than four times the maximum size permitted is not the minimum variance to make possible the reasonable use of the land. A structure of a smaller size than requested would better suit the available space and scale to the existing home while more closely conforming to Code regulations.

Staff recommends:

- 1) Denial of the variance to overall size of the gazebo from 64 square feet to 270 square feet, and;
- 2) Approval of the variance to reduce the minimum rear yard waterfront setback requirement for a gazebo from 20 feet to 8.5 feet

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

Sec. 6.13. - Residential accessory structures.

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

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

(5) Gazebos may be permitted by the city under the following conditions:

- a. Maximum size: 64 square feet in area.
- b. Maximum height: 12 feet above grade to the highest point of the roof.
- c. Required yards: Shall not encroach into any required front, secondary front or side yard and shall not encroach more than 15 feet into any required rear yard, except no gazebo shall be permitted to encroach into a required waterfront yard

Sec. 8.7. - Minimum yard requirements.

The minimum yard requirements for principal structures in the RU-1 Residential District are as required in this section.

(a) Detached single-family dwellings.

- (1) Front yard: 20 feet.
- (2) Secondary front yard: 20 feet.
- (3) Side yards: The lesser of ten percent of the lot width or seven feet.
- (4) Rear yard: 20 feet.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing 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: PLN17-00010

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Vina-Del-Mar Sec 1, BLK 1, Lot 14 & E 1/4 1/2 of Lot 15
Parcel ID: 18/32/16/94/40/001/0140
Address: 262 Mar St, St. Pete Beach, FL 33706
Current Zoning: RU1 FLUM Designation: RU Lot Area: 13,125 sq'
Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

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

PROPERTY OWNER:

Name: William S. Gingles
Address: 262 Mar St
City: St Pete Beach State: FL
Zip: 33706 Phone: 678-316-9279
Email: wgingles@gmail.com

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

Applicant request the variance to replace an existing structure that is poor, unsafe condition with a more permanent structure that will withstand the elements and provide some shade for the applicants. The existing slab will be used and the structure will be constructed in a manner that is more in keeping with neighborhood architecture and in the same location as existing structure. The new structure will be 8'6" at one corner to the sea wall. Existing structure is 11'6" at same corner. side corner is 8'.

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.

there is an existing structure that is in very bad repair. applicant would like to replace with more permanent structure that would provide more shade. Existing structure is 11'6" at corner nearest the seawall. New structure will be 8'6" from seawall at only one corner.

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.

Applicant would like to be able to use backyard with some shade. Applicant retired to Florida because of cancer and since has had skin cancer.

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

correct

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

NO

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

NO

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

NO

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

Correct

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

yes

William S. Dyer *6/16/17*

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

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.

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

WSE 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.

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

WSE 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.

WSE 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.

WSE 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.

WSE 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

William S. Lutz
Signature of Applicant

6/14/17
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, William S. Gingles, 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): William S. Gingles

Address: 262 Mar St St Pete Beach, FL 33706

William S. Gingles
Signature

6/14/17
Date

William S. Gingles
STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 16th day of June, 2017 by William S. Gingles, 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:

11/22/2019

NOTARY:

Print Name:

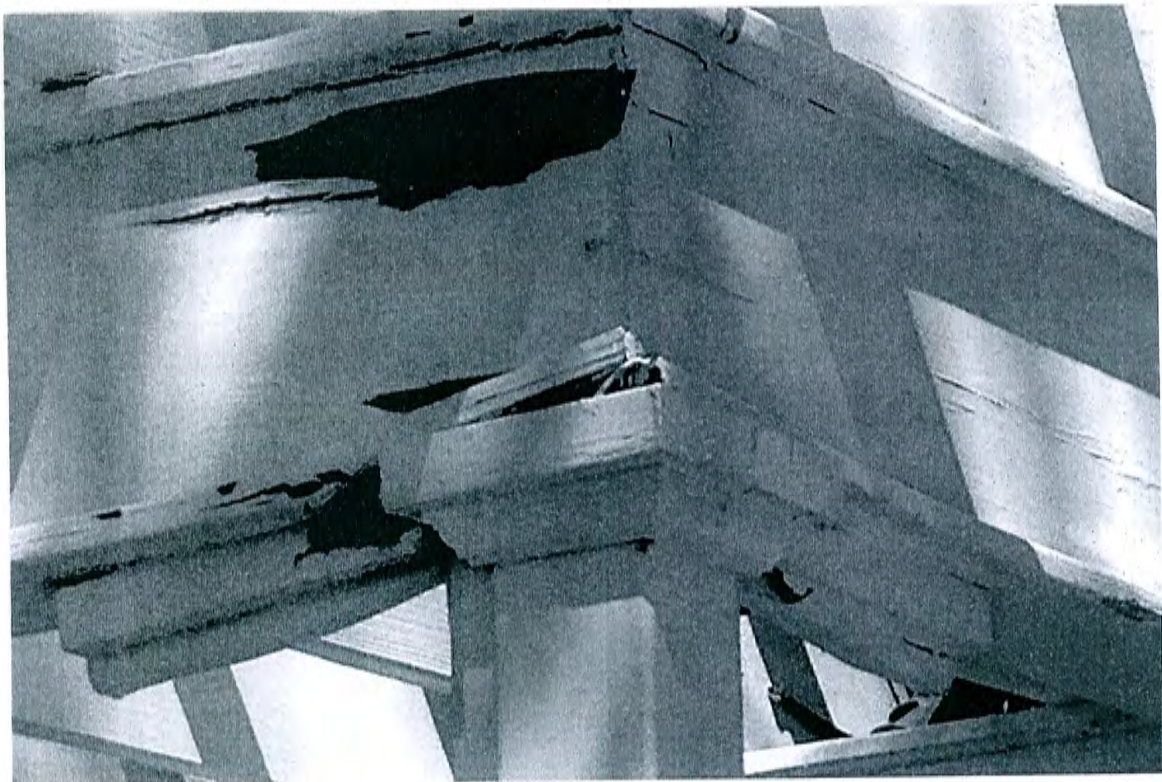
Rebecca C. Haynes

Notary Public, State of Florida

(Notarial Seal)



REBECCA C. HAYNES
MY COMMISSION # FF 819717
EXPIRES: November 22, 2019
Bonded Thru Budget Notary Services

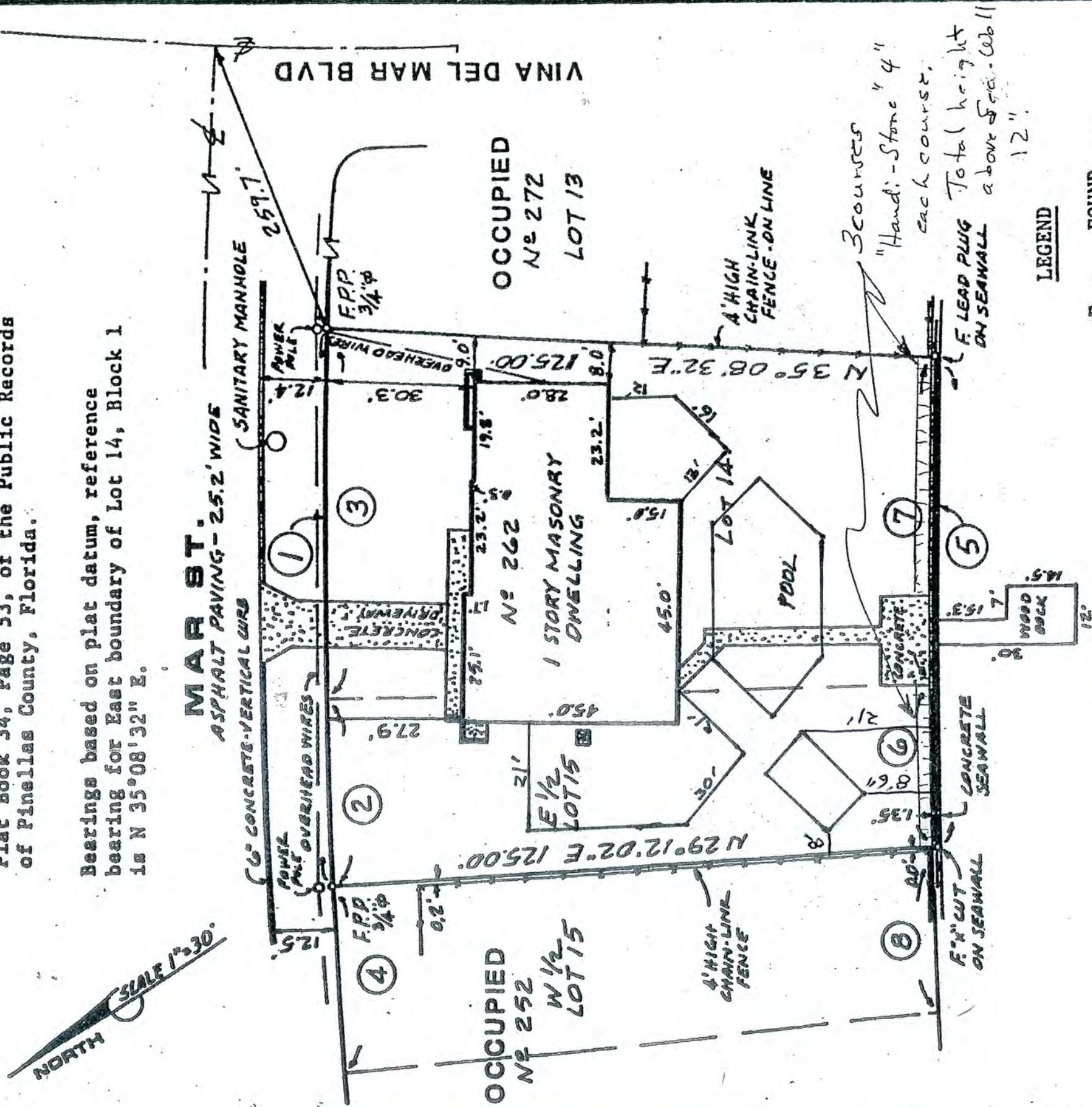


BOUNDARY SURVEY

Legal Description

Lot 14 and the Easterly 1/2 of Lot 15, Block 1, Vina Del Mar, Section One as recorded in Plat Book 34, Page 53, of the Public Records of Pinellas County, Florida.

Bearings based on plat datum, reference bearing for East boundary of Lot 14, Block 1 is N 35°08'32" E.



LEGEND

F = FOUND
PP = PINCH PIPE

CIEGA BAY

DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
Curve 1 5°56'30"	1075.00	111.48	111.43	S 57°49'43" E
Curve 2 1°58'50"	1075.00	37.16	37.16	S 59°48'33" E
Curve 3 3°57'40"	1075.00	74.32	74.30	S 56°50'18" E
Curve 4 1°58'50"	1075.00	37.16	37.16	S 61°47'23" E
Curve 5 5°56'30"	950.00	98.52	98.47	S 57°49'43" E
Curve 6 1°58'50"	950.00	32.84	32.84	S 59°48'33" E
Curve 7 3°57'40"	950.00	65.68	65.66	S 56°50'18" E
Curve 8 1°58'50"	950.00	32.84	32.84	S 61°47'23" E

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ALL EASEMENTS AND OTHER MATTERS OF RECORD NOT VALID UNLESS EMBOSSED WITH SEAL

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE REQUIREMENTS OF CHAPTER 21MM-6, FLORIDA ADMINISTRATIVE CODE



BIPPEL, MASTELLER & KRAVET
ENGINEERING • PLANNING • SURVEYING
1247 FLORIDA AVENUE, PALM HARBOR, FLORIDA 34683
813-784-8543

Richard C. Hartyman L.S. 82827

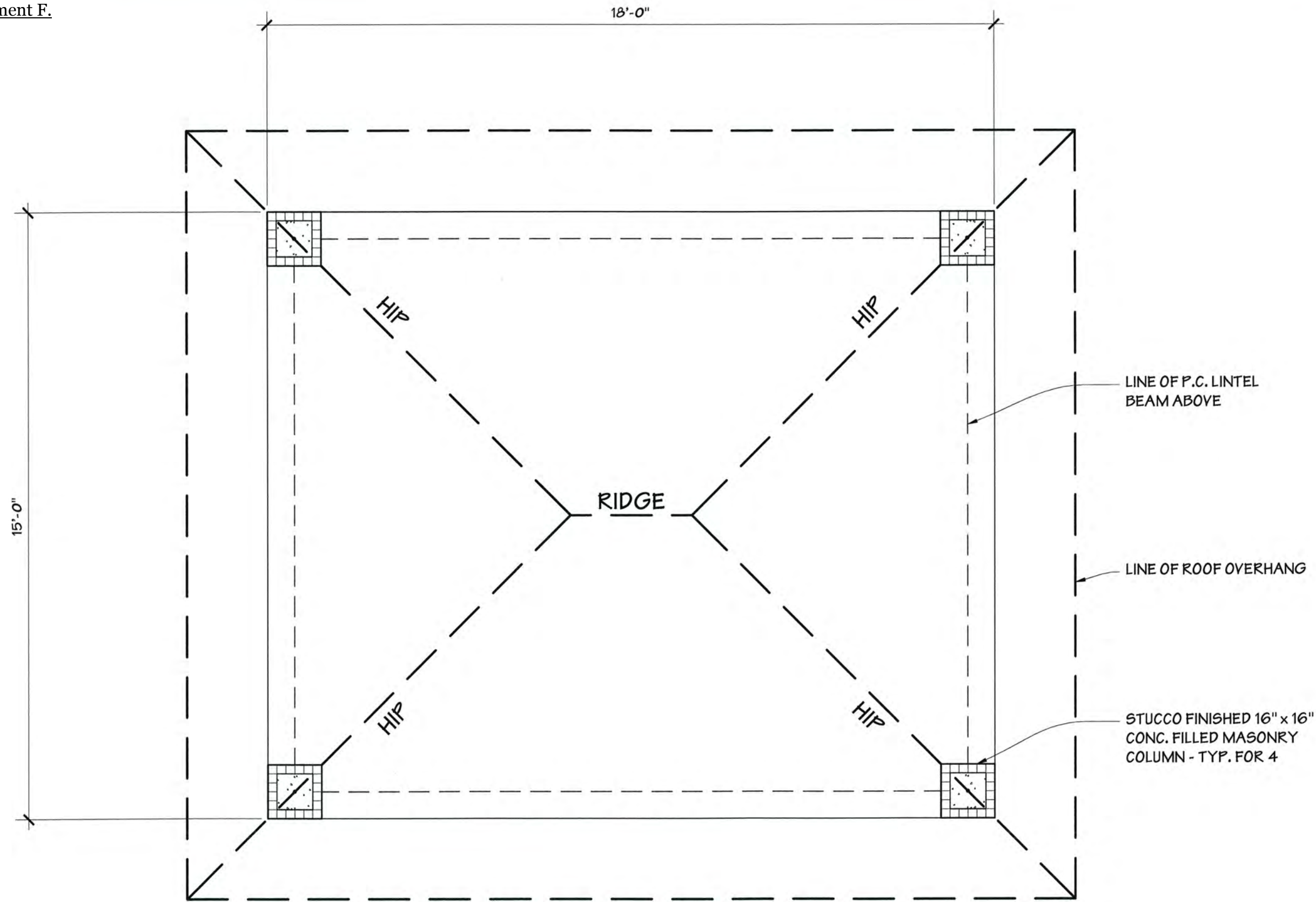
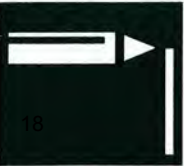
DRAWN A.G.S. CHECKED

DATE 17 APRIL 1990 FILE 6963

JOB NO.	1708
DATE	6/12/17
SHEET NO.	1

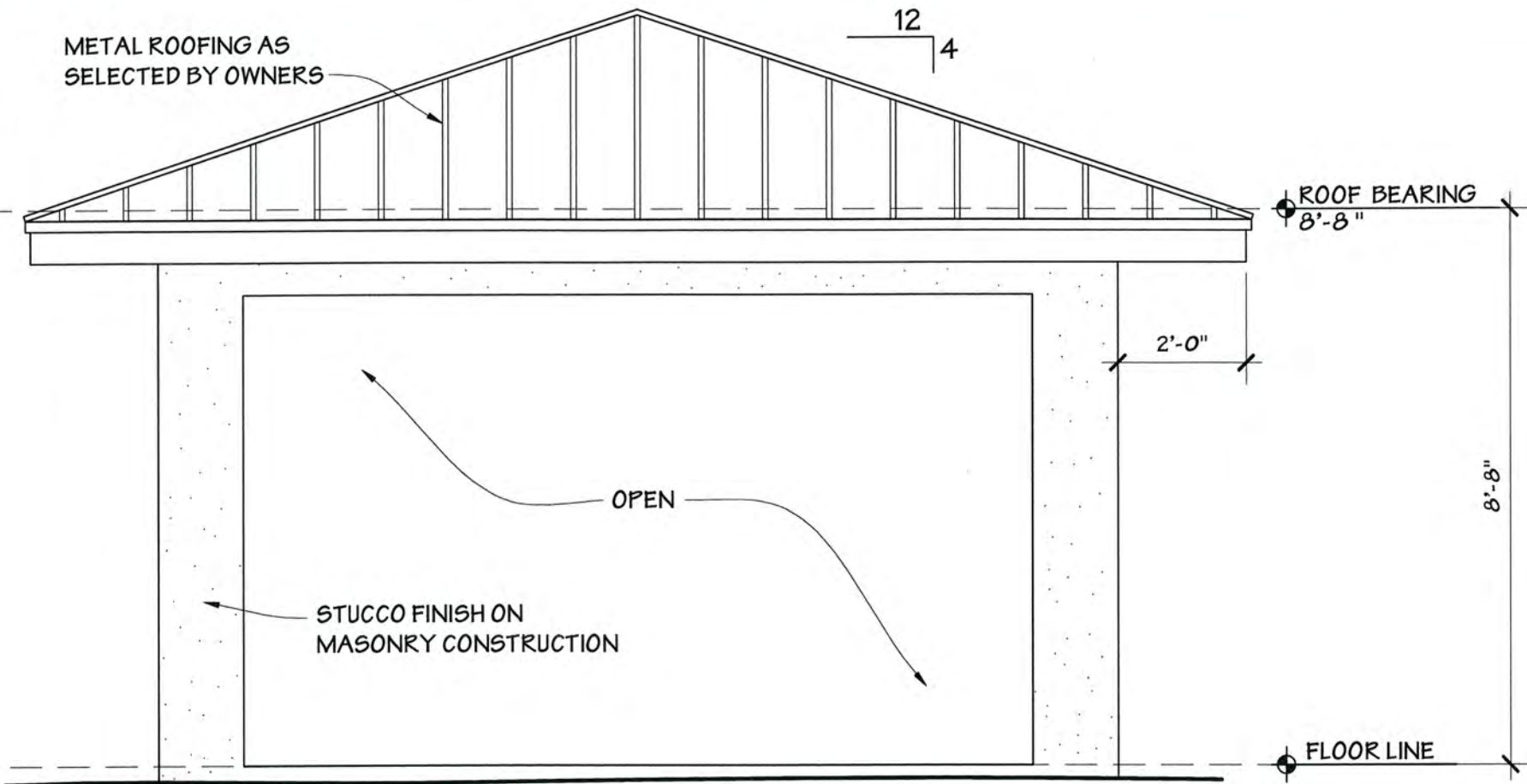
COVERED PAVILLION
AT THE
GINGLES RESIDENCE
262 MAR STREET
ST. PETE BEACH, FLORIDA

INDEPENDENT INSIGHT DESIGN
RESIDENTIAL AND SUSTAINABLE DESIGN CONSULTING
CAD DRAFTING AND INSPECTION SERVICES
P.O. Box #66382
St. Pete Beach, Florida 33736
B.R. Haakins
Ph: (727) 421-7619

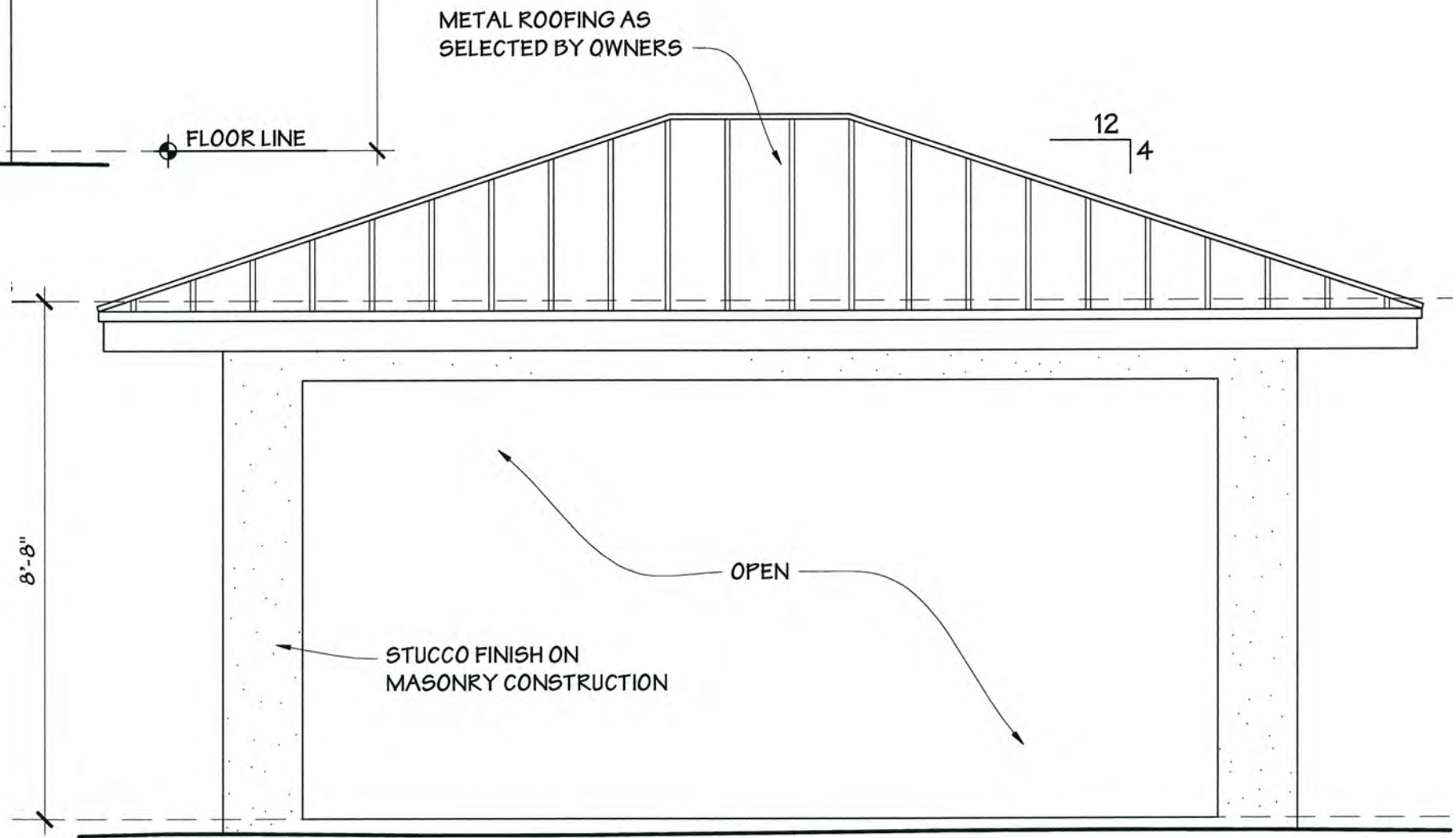


1
1
PROPOSED FLOOR PLAN
3/8" = 1'-0"

JOB NO.	DATE	SHEET NO.
1708	6/12/17	2



1 END ELEVATION
2 3/8" = 1'-0"



2 SIDE ELEVATION
2 3/8" = 1'-0"

COVERED PAVILLION
AT THE
GINGLES RESIDENCE
262 MAR STREET
ST. PETE BEACH, FLORIDA



St. Pete Beach Board of Adjustment

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

7/26/17

**Variance Case
#17-00011**

Applicant/Agent
James Beggins,
Applicant

Location
5050 Gulf Blvd., Suite B

Commission District
District 3

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
N/A

**Staff
Recommendation**
Partial Approval

- 1) Denial – Minimum front yard setback reduction for electronic message board sign
- 2) Approval – Minimum front yard setback reduction for freestanding monument sign

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 26.23: Illuminated and Electronic Message Board Signs	20 foot minimum front yard setback for electronic message board signs	N/A	7 foot front yard setback
Land Development Code 26.34: LR & BHC District Sign Regulations	10 foot minimum front yard setback for freestanding monument signs	N/A	7 foot front yard setback

Applicant requests variances to:

- 1) Section 26.23 of the Land Development Code (LDC) to decrease the minimum required front yard setback for an electronic message board sign from 20 feet to 7 feet, and;
- 2) Section 26.34 of the LDC to reduce the minimum required front yard setback for a freestanding monument sign from 10 feet to 7 feet.

Existing Use: Commercial (Office)
Adjacent Uses

North: Residential (Multi-Family)
South: Commercial (Surface Parking Lot)
East: Infrastructure (Gulf Blvd.)
West: Residential (Condominiums)

Applicant requests variances to reduce the minimum required front yard setback to construct a new freestanding monument sign with an electronic

message board. The proposed sign will replace an existing portion of a multi-tenant freestanding monument sign shared with the other two commercial tenants on the property.

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 Large Resort (LR) zoning district and has a future land use designation of LR. The LR zoning district allows for temporary lodging uses and certain secondary support uses. The subject property use as stand-alone commercial is a legal nonconforming use.

Signage is regulated by the LDC. The purpose and intent of the sign regulations in the LDC is to “promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards” (LDC 26.1). Businesses are permitted to have three signs or four if they have a frontage of greater than 300 feet. The subject business has three existing signs. The Applicant intends to replace one of the existing signs with the proposed sign. Freestanding monument signs have a maximum permitted height of 12 feet and a maximum size of 50 square feet. Electronic message board signs have a maximum size of 32 square feet.

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 existing conditions and circumstances of the property and structures are not peculiar. Existing signage and other types of signs allow for reasonable advertisement of the services available on the property. These existing conditions are not the result of the Applicant.*

- 2) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance. *No other structures or uses are being considered.*
- 3) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district. *The proposed variances will not affect any district boundaries or permit a nonconforming use.*
- 4) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application. *The requested variance is not in harmony with the general intent of the Land Development Code. The subject property is located adjacent to residential uses which tend to be more sensitive to the use of electronic message board signs. The Land Development Code intends to "improve pedestrian and traffic safety" and "lessen visual clutter" (LDC 26.1) among other points which are generally opposed to electronic message board signs in close proximity to public right-of-ways.*
- 5) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *The literal enforcement of the land development regulations would not result in a hardship for the Applicant. The existing signage as well as other possible sign types available allow for reasonable use and advertisement of the existing business.*

STAFF RECOMMENDATION:

The existing conditions and layout of the property prevent a new or substantially improved freestanding monument sign from being constructed, however the adjacent residential uses are sensitive to the increased intensity of an electronic message board sign. Additionally, the purpose and intent of the sign code is to limit visual clutter and improve pedestrian and traffic safety resulting in the established increased minimum front setback for electronic message board signs.

Staff recommends:

- 1) Denial of the variance to reduce the minimum required front yard setback of an electronic message board sign with from 20 feet to 7 feet, and;
- 2) Approval of the variance to reduce the minimum required front yard setback of a freestanding monument sign from 10 feet to 7 feet.

Attachments:

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

Attachment A.

Sec. 26.1. - Purpose, intent and scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this division are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communications in the city;
- (b) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse affect of signs on nearby public and private property;

- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (j) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- (k) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- (q) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (r) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties; and
- (t) Enable the fair and consistent enforcement of these sign regulations.

Sec. 26.23. - Illuminated and electronic message board signs.

The following conditions and restrictions shall apply to illuminated signs.

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Illuminated signs are subject to the following maximum illumination intensity levels:

Maximum Illumination Intensity Level

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	28.65 foot-candles	47.75 foot-candles
Indirect or reflected sign	10 foot-candles	25 foot-candles

Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.

Electronic message board signs or portions of a sign that are electronic message boards shall not be larger than 32 square feet in area. They shall only be located in a front yard or on a building façade, or shall have a minimum setback of 20 feet from the front yard property line, whichever is more restrictive. Electronic message board signs are only permitted on properties adjacent to Gulf Boulevard from 37nd Avenue to 75th Avenue.

Internally illuminated signs shall be prohibited in all districts which do not expressly permit them in the following sections, except menu display boards may be internally illuminated when associated with a permitted drive thru restaurants.

Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in [section 26.5](#).

No animated or flashing illumination shall be permitted.

Sec. 26.34. - LR and BHC Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to [section 26.25](#), each business within the LR or BHC District that has an exclusive entrance to the interior of the building from the exterior of the building may have up to three of the following signs in [subsections] (a)—(e) below, subject to permit approval and compliance with the conditions for each

type of sign (businesses with more than 300 feet of frontage may choose up to four from [subsections] (a)—(e) below):

(d) Up to two freestanding monument signs, provided that the sign face does not exceed 50 square feet in area, is not taller than 12 feet in height, and is not located within the visibility triangle as required by this Code. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed eight feet in height. However, this sign shall be counted as two of the four permitted.

Attachment B.



Above: Subject property highlighted.

Attachment C.



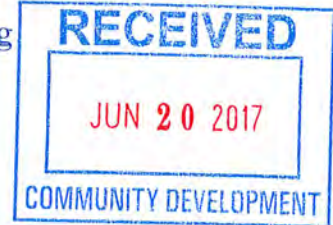
Above: Subject property, facing north



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: PLN 17-00011

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Gulf Gate Professional Condo suite B
Parcel ID: 06-32-16-34180-000-0020
Address: 5050 Gulf Blvd
Current Zoning: LR FLUM Designation: LR Lot Area: 34000 ☒
Existing Use: office Proposed Use: office

APPLICANT/AGENT:

Name: Jim Beggs Inc
Address: 5050 Gulf Blvd
City: St Pete Beach State: FL
Zip: 33706 Phone: 727 254 8144
Email: Jim.Beggs@C21BE.com

PROPERTY OWNER:

Name: James Beggs
Address: 15360 Gulf Blvd
City: Madiera Beach State: FL
Zip: 33708 Phone: 727 254 8144
Email: Jim.Beggs@C21BE.com

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

Move exist sign & replace with LED sign.
As per attached drawing.

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.

*I own 1 of 3 condo offices on property
I wish to reposition my office sign from A pole with 3 signs
to a location in front of my office.*

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.

*Sign company cannot fix present sign without affecting
my neighbor's sign. The only option is to move my sign to
in front of my office.*

com

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

The existing sign is worn out & a new one is needed

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

This is correct

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

This is correct

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

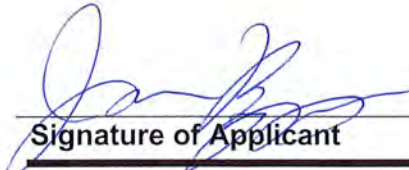
This is correct

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

This is correct

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

This is correct

	<i>6/20/17</i>		<i>6/20/2017</i>
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

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

JB 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.

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

JB 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.

JB 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.

JB 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.

JB 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

JB
Signature of Applicant

6/19/2017
Date

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

I/WE

Jim Beggs Inc
(print name of property owner)

hereby authorize

Jim Beggs
(print name of agent)

to represent me/us in an application for

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

Signature of Owner

Signature of Owner

Print Name of Owner

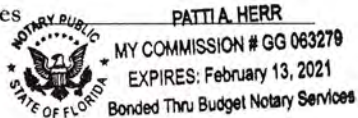
Print Name of Owner

The forgoing instrument was acknowledged before me this 20th day of June
2017, by James Beggs who is personally known _____
or produced Drivers License as identification.

Patti A. Herr
(Notary Signature)

June 20, 2017
(Date)

My Commission Expires





PUBLIC HEARING SIGN POSTING AFFIDAVIT

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

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

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

Name(print): Jim Beggs
Address: 5050 Gulf Blvd St Pete Beach 33708

[Signature] 20 June 2015
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

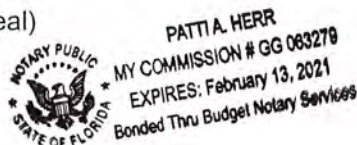
The foregoing instrument was acknowledged before me this 20 day of June, 2017 by James Beggs, who appeared before me, and is personally known to me, or has produced Drivers License as identification, and did take an oath.

My commission Expires:

NOTARY: Patti A. Herr
Print Name: PATTI A. HERR.

Notary Public, State of Florida

(Notarial Seal)



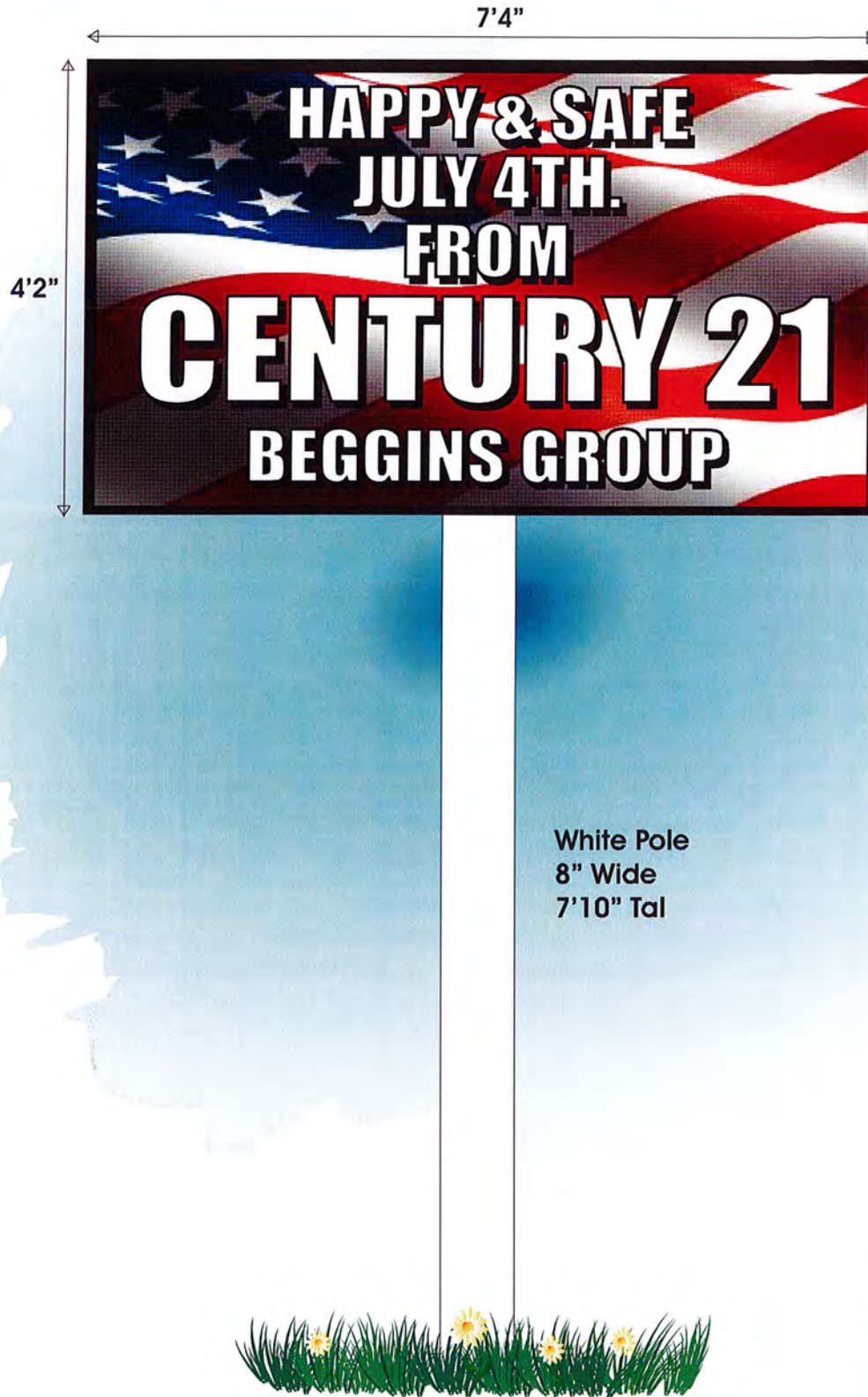
HI DEF LED, Model #16mm-RGB-80x140-M/S
4'2"X7'4" LED Cabinet, 7'10" Pole

Reference #: 131479

Sketch #: 1

Date: June 15, 2017

Attachment F.



SIGN CAPABILITIES

16 mm- 80 x		140
# of Lines	Character Size (in)	# of Characters per Line
10	4.4	23
9	4.4	20
8	5.7	17
7	6.3	15
6	7.6	14
5	9.4	10
4	12.0	8
3	15.7	7
2	24.6	4
1	49.8	2



APPROVAL

DATE
PRINT NAME
SIGNATURE
A FAX SIGNATURE IS BINDING UPON BOTH PARTIES

This colored sketch is provided as an example of color.

There is no exact match between ink and paint.

Signs Plus does not guarantee such.

© COPYRIGHT 2017, ALL RIGHTS RESERVED, REPRODUCTION EXPRESSLY PROHIBITED



800-848-4262

SignsPlusSigns.com

4242 McIntosh Lane, Sarasota, FL 34232

Reference # 131479 Date 6/15/2017
Contract # 1 Valid Thru

Page 1 of 2

SIGNS PLUS

4242 McIntosh Lane • Sarasota, FL 34232
800-848-4262 • Fax 941-378-4062 • email: info@signsplussigns.com

1. LED MODEL OPTEC 16mm-rgb-80x140-M/S
2. CABINET SIZE 4'-2" high x 7'-4" wide
3. LEG HEIGHT 7'-10" high
4. MODIFICATIONS n/a
5. ☐ 1 SIDED ☒ 2 SIDED ☒ M/S ☐ M/M
6. ☐ LIT ☒ 120V ☐ 240V ☐ NON-LIT
7. NUMBER OF LINES 1 to 10 lines of text
CHARACTER SIZE 4.4" high to 49.8" high
LED PIXELS 80 high x 140 wide
COLOR Full Color Display
8. INSTALLATION ☐ Anchor Bolt ☐ Wall Mount ☒ Direct Bury ☐ Brick Brackets
9. SIGN PRICE \$23,815.00
10. SUN LOUVERS included
5 year LED warranty
10 year parts availability guarantee

11. SYMBOL
12. COMMUNICATIONS:
PHONE MODEM
DATA CABLE FEET
HIGH SPEED WIRELESS ETHERNET Single RF wireless
13. PHOTO CELL included
14. OTHER: GRAPHICS PKG. included
ANIMATION SOFTWARE included
TEMPERATURE PROBE included
15. TRAINING ☒ By Phone ☒ On-Line Session ☐ On-Site
16. CREDIT
17. SUBTOTAL \$23,815.00
18. INSTALLATION TBD
19. FREIGHT \$525.00
20. SALES TAX TBD
21. TOTAL \$24,340.00
22. DEPOSIT
23. SIGN BALANCE

24. SPECIAL INSTRUCTIONS:

Install estimate \$4,500.00

The above option is max out on square footage allowed.

We have many sizes and resolutions to meet your need and budget.

☐ GREYSCALE ☐ RED ☐ AMBER



MODEL:
SIZE:

CHAR. HT.	LINES	AVERAGE/CHAR./LINE

☒ RGB FULL COLOR



MODEL:
SIZE:

CHAR. HT.	LINES	AVERAGE/CHAR./LINE

25. BILL TO: (Legal Name of Purchasing Organization)

NAME Century 21 Beggins Enterprises
ADDRESS
CITY / STATE / ZIP
CONTACT TITLE
EMAIL
PHONE ()

26. SHIP SIGN TO:

COUNTY
NAME
ADDRESS
CITY / STATE / ZIP
SHIPPING NOTIFICATION IS PROVIDED BY EMAIL:
EMAIL

CONTACT #1 PHONE ()
CONTACT #2 PHONE ()

27. SHIP COMPONENTS TO: (Anchor Bolts, Software Manual, Etc.)

NAME
ORGANIZATION
ADDRESS
CITY / STATE / ZIP
CONTACT TITLE
EMAIL
PHONE ()

FOLLOW THESE EASY STEPS TO ORDER!

1. Please sign both pages of this contract & your color sketch if applicable
2. Enclose your deposit or purchase order ...
(We also process ACH Payments and accept Visa, MasterCard, Discover and American Express)
3. Enclose your State Sales Tax Exempt Certificate if applicable
4. Provide email address for shipment notification (See #26 & #27)
5. Mail, Fax or Email your order

28. AUTHORIZED SIGNATURE

I have read and agree to The Conditions of Sale on Page 2 of this Contract.

X
A FAX, EMAIL OR ELECTRONIC SIGNATURE IS BINDING UPON BOTH PARTIES
TITLE owner DATE 6

COMMERCIAL LED SIGN CONDITIONS OF SALE

Page 2 of 2

Unless otherwise stipulated, balance is due prior to shipment. Credit Card Purchases: The deposit will be processed the day the order is received. Requests for balance to be charged to a credit card will require an additional Credit Card Authorization Form, and will be processed the day the authorization is received. A 2% fee will be charged on all credit card transactions. Signs Plus makes no expressed or implied warranties whatsoever with respect to the equipment and goods being purchased, including, but not limited to, the implied warranties of merchantability and fitness except those stated in warranties set forth in the written Signs Plus Warranty. We reserve the right to modify our designs and manufacturing process to improve the quality, value and/or safety of our signs. Each sign is individually decorated per customer specifications. Cancellation at any stage will incur charges. These charges may exceed your deposit. Change orders will incur charges. Additional charges will be incurred when (1) rock or utilities are encountered during an installation by a Signs Plus agent; (2) site-specific engineered prints and/or changes to standard sign engineering are required. Except by prior agreement, Signs Plus or its agents will select the freight carrier to deliver the above described property. By law title to the property passes to the buyer upon delivery to the freight carrier. Loss or damage to the goods once in the possession of the freight carrier is the responsibility of the buyer and the freight carrier. Buyer accepts responsibility of unloading the sign at the "ship to address" listed on the Signs Plus contract, unless otherwise arranged through Signs Plus prior to the ship date. In the event legal proceedings become necessary to recover sums due under this contract, the venue of those proceedings will be Sarasota County, Florida. The offending party will pay all costs including attorneys' fees. Failure to meet the terms of this contract will invalidate your warranty.

PERMITS and ZONING:

TBD

COMMUNICATION DETAILS:

wireless

IP ADDRESS: For High Speed Wireless Ethernet, the following information must be provided with your order.

3 Open IP Addresses: 1. _____ 2. _____ 3. _____

Subnet Mask: _____ **Gateway:** _____

For Ethernet Data Cable Connection from sign to network, the following information must be provided with your order.

1 Open IP Addresses: 1. _____

Subnet Mask: _____ **Gateway:** _____

Buyer is responsible for adding sign to network.

If using a stand alone, non-networked computer, information is not required.

IT TECHNICIAN/DIRECTORS NAME, E-MAIL & PHONE NUMBER:

INSTALLATION:

TBD

SOFTWARE TRAINING:

By Signs Plus

NOTES:

APPROXIMATE LEAD TIME TO SHIP UPON RECEIPT OF COMPLETE ORDER: Monochrome - 8 weeks / Shaded Technology - 10 weeks / Full Color - up to 12 weeks

REF.# 131479 CONTRACT # 1

AUTHORIZED SIGNATURE _____

A FAX, EMAIL OR ELECTRONIC SIGNATURE IS BINDING UPON BOTH PARTIES

TITLE _____ **DATE** _____