



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 9/27/2017
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**

8/30/2017
4. **Agenda Items**
 - I. Case 17-00021: Applicant requests variances to Sections 23.5 & 23.11 of the Land Development Code to decrease the minimum

required number of parking spaces and modify the parking construction and design regulations for a commercial property.

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.



St. Pete Beach Board of Adjustment

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

9/27/17

Variance Case
#17-00021

Applicant/Agent
John Leonard, Property
Owner

Location
6600 Gulf Blvd.

Commission District
District 2

Staff Representative
Mike Larimore,
Zoning Tech II

Related Cases
Code Enforcement Case
#2017-0037

Staff
Recommendation
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 23.5: Minimum required number of parking spaces	Retail Sales & Service = 1 space per 200 ft ² of floor area 2,800 ft ² of floor area = 14 spaces	6 spaces	9 spaces
Land Development Code 23.11: Parking construction & design guidelines	45° angle parking space dimensions = 9' x 21' Parallel parking space dimensions = 9' x 24' Drive aisle width = 15'	45° angle parking space dimensions = 9' x 19' Parallel parking space dimensions = N/A Drive aisle width = 12'	45° angle parking space dimensions = 9' x 19' Parallel parking space dimensions = 9' x 23' Drive aisle width = 12'

Applicant requests variances to Sections 23.5 & 23.11 of the Land Development Code (LDC) to decrease the minimum required number of parking spaces and modify the parking construction and design regulations for a commercial property.

Existing Use: Commercial (Retail)

Adjacent Uses

North: Commercial (Retail)

South: Infrastructure (66th Avenue)

East: Infrastructure (Gulf Blvd.)

West: Residential (Multi-Family)

The Applicant requests variances to restripe the parking lot on the southern portion of the property. The previous parking lot layout was tailored to the previous use of the property as retail oriented toward motorcycle owners and hobbyists. This layout existed prior to the current business and property owner's involvement with the property. The markings on the lot have worn away over time necessitating the Code Enforcement Case and proposed restriping of the parking area. The adjacent land that lies between the subject property and the street is public right-of-way and may not be striped or parked upon by the subject property owner or patrons of the business. Should these variance requests be granted, the Code Enforcement Case (CE Case #2017-0037) regarding the violation of lack of striping the property's parking area would be resolved after the proposed work is completed. There is another Code Enforcement case relating to the use of the property as a commercial parking lot (CE Case #2017-0085) that is separate and will not be affected by these variance requests.

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, one (1) letter of no objection has been received.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the CC-2 zoning district which allows for commercial retail. Parking areas are regulated in the LDC including minimum number of parking spaces (based on square footage of uses), parking space and drive aisle dimensions, and the maintenance of parking areas (Sec. 23). Based on the square footage of the retail use on the property, a minimum 14 parking spaces would be required per Code.

The City's Comprehensive Plan's Transportation Element states that the City will provide for the safe, convenient and efficient motorized and non-motorized vehicle parking and bicycle and pedestrian ways (Objective 1.3) and shall enforce parking standards which provide for safe and convenient on-site traffic flow (Policy 1.3.1).

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. *On the subject property, structures built prior to current land development code regulations prevent the parking regulations to be appropriately applied to the property without hardship on the property owner. The structures were built prior to the Applicant's involvement with the property. The previous use consisted of retail aimed to suit motorcycle owners and required less area to appropriately serve the target customers.*
- 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 nor 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. Nearby commercial properties have similar established layouts and parking deficiencies. Staff agrees that the proposed parking plan provides a higher level of safety for vehicular and pedestrian movement on and across the property.*

- 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 restriping of the parking area is necessary to preserve safety and clarity in movement of vehicles across the property. The reasonable use of the existing business would be affected if the variance requests were not granted.*

STAFF RECOMMENDATION:

Staff recommends Approval – The size and locations of the existing structures on the property were built prior to the Applicant's purchase of the property and are not the result of the Applicant. These structures prevent a large enough area to design a parking lot to conform to the minimum parking space count and parking area design dimension regulations. By granting the variances, staff agrees that a safer parking area and situation may be attained and further the goals of the Comprehensive Plan.

Attachments:

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

Attachment A.

III. Transportation Element (Comprehensive Plan of the City of St. Pete Beach Florida)

Objective 1.3

Through land development regulations the City will provide for safe, convenient and efficient motorized and non-motorized vehicle parking and bicycle and pedestrian ways.

Policy 1.3.1

The City shall enforce parking standards which provide for safe and convenient on-site traffic flow.

LDC Sec. 23.5. - Number of parking spaces required.

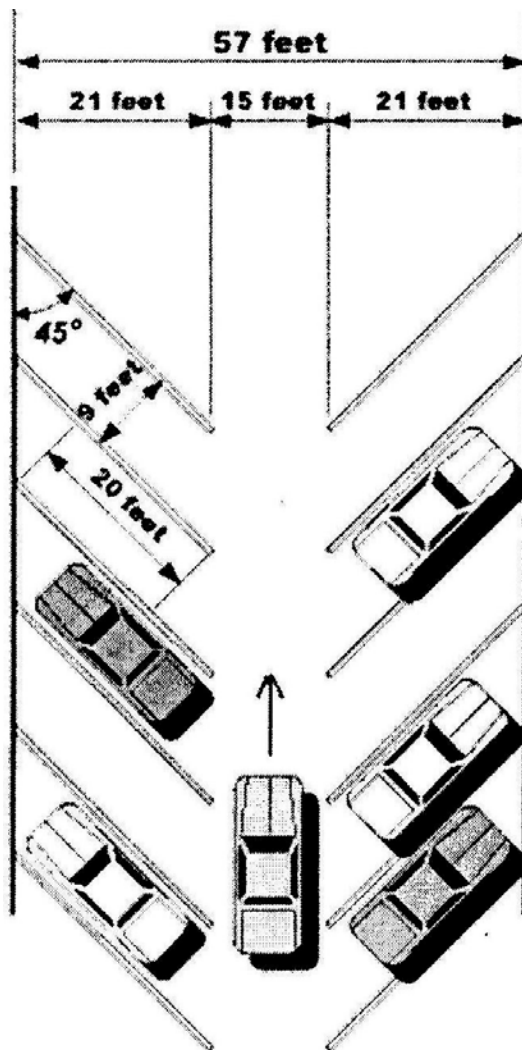
Retail Sales and Service	1 per 200 SF floor area
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LDC Sec. 23.11. - Parking construction and design requirements.

(c) All other uses.

a. Parallel. The dimensional requirements for parallel parking spaces are nine feet in width and 24 feet in length.

d. Angled - 45 Degree. The standard dimensions for this configuration are:



Description	Dimension
Parking space width	9 feet
Parking space length	20 feet
Driving aisle width (1-way)	15 feet
Two rows plus aisle width	57 feet

Sec. 23.13. - Maintenance of off-street parking and loading areas and driveways.

All off-street parking and loading areas and driveways shall be properly maintained as to surface condition, striping and drainage to ensure that such facilities can continue to serve in a similar fashion as for they were originally approved. The failure to adequately maintain off-street parking and loading areas and driveways, resulting in a nuisance or unsafe condition for pedestrians or motor vehicles, shall be considered a violation of this Code.

Attachment B.

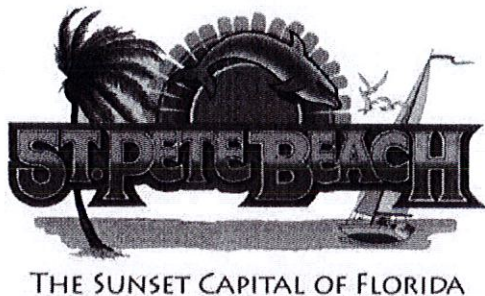


Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing northeast



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: **PLN17-00021**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: _____

Parcel ID _____

Address _____

Current Zoning: _____

FLUM

Designation: _____

Lot Area: _____

Existing Use: _____

Proposed Use: _____

APPLICANT/AGENT:

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Email: _____

PROPERTY OWNER:

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Email: _____

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

Variances Section 23.5 # of parking spaces
23.11 Space size & Drive Isle Dimensions

Additional Documents:

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

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

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

Yes! existing conditions create the need for Variances

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

Yes!

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

Yes!



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

	8-11-17		
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.

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

JVL 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.

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

JVL 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.

JVL 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.

JVL 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.

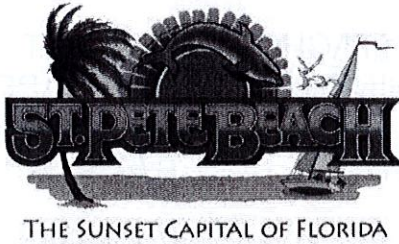
JVL I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages

[Signature]
Signature of Applicant

8-16-17
Date





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, John Leonard, 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): John Leonard

Address: 12600 Gulf Blvd SPB 33706

John V. Leonard 9-18-17
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017 by _____, 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: _____

Notary Public, State of Florida

(Notarial Seal)

← Witnessed, in-person

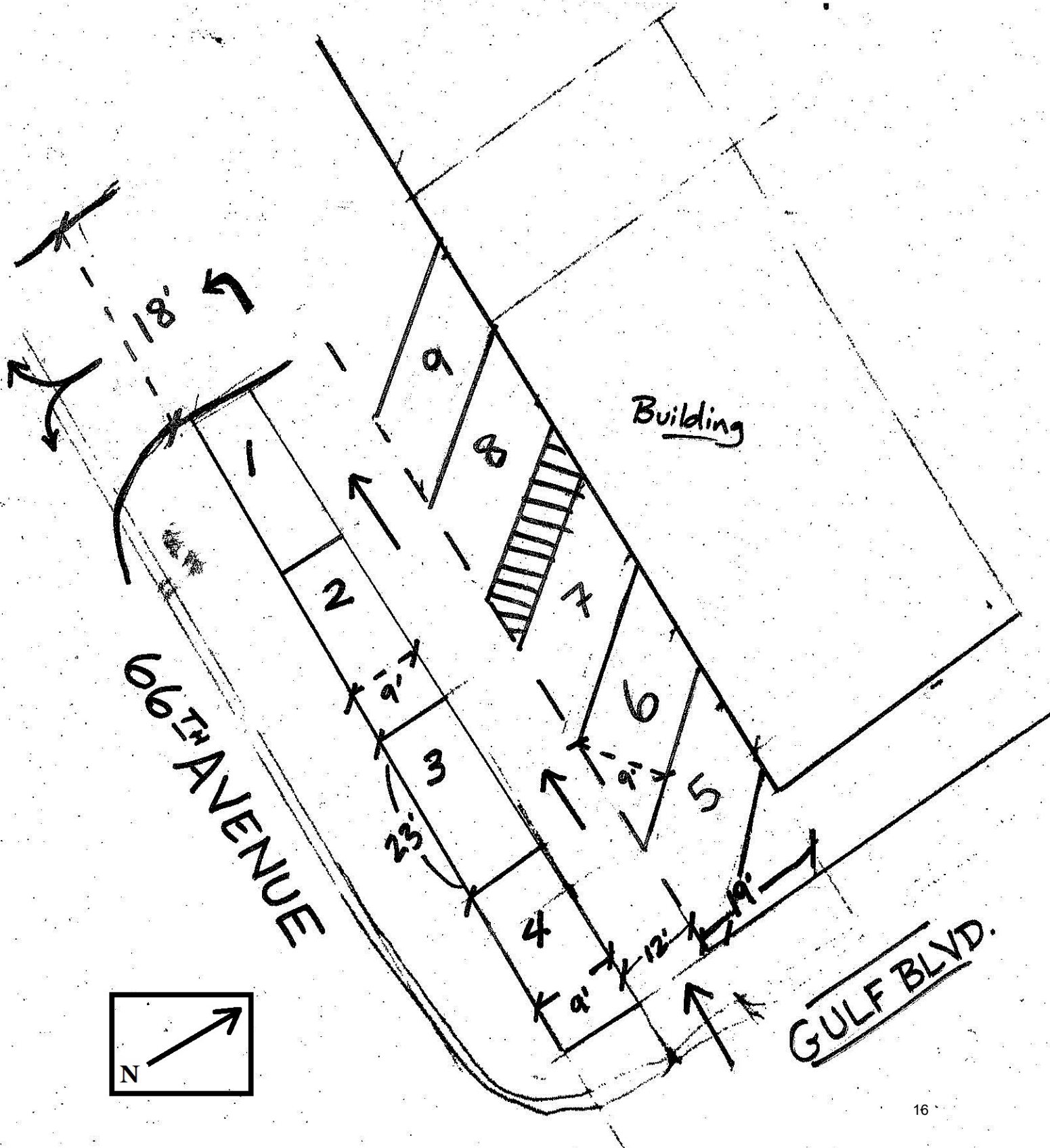
Michael Larimore

Zoning Tech II

City of St. Pete Beach

Wild 9/18/17

6600 Gulf Blvd.
Variance Request
#PLN17-00021



Attachment F.

Mike Larimore

From: Nancy Talsma <ntalsma@gmail.com>
Sent: Tuesday, September 19, 2017 4:21 PM
To: Mike Larimore
Subject: parking variance 6600 Gulf Blvd

Mike,

Thank you for sending us the sketch of the new parking plan for 6600 Gulf Blvd. We have no issue with it as It looks as if we will have clear visibility for getting in and out of our parking space with the 18 foot driveway being adjacent to it.

Thank you again for your help,

Nancy and Sid Talsma



PLN17-00021