BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 11/15/2017
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**

   10/25/17

4. **Election of Officers**

   Vice Chair

5. Agenda Items

I. Case 17-00030: 4220 Gulf Blvd. – Applicant requests a variance to Section 26.34(d) of the Land Development Code to decrease the minimum required front yard setback for a freestanding monument sign from 10 feet to 3 feet to allow for the construction of a sign.

II. Case 17-00031: 7700 Boca Ciega Drive – Applicant requests variances to Section 6.13(b) of the Land Development Code to increase the maximum allowable height and size of a residential shed to allow for its placement.

6. Adjournment

APPEAL

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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 (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

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

OCTOBER 25, 2017

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Jake Holehouse, Member
Sandie Lyman, Member

ABSENT:

Michael Bomar, Member

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. Approval of Minutes – 8/30/2017 and 9/27/2017

Member Lyman made a motion to approve the minutes from the 8/30/2017 and 9/27/2017 meeting. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (3 yeses – 0 nos).

4. Election of Officer: Vice Chair

It was the consensus of the board to move Item No. 4, Election of Officer, to the next agenda for the November 15, 2017 meeting.

5. Agenda Item

I. **Case 17-00022**: **Applicant requests a variance to Section 8.7 of the Land Development Code to decrease the minimum required rear yard setback from 20 feet to 11 feet, 3 inches to allow for the construction of a two-story covered balcony on the rear of an existing single-family home.**

Chairman Skipper asked the applicant to come forward.

Tim Roney, 535 Central Avenue, St. Petersburg, applicant/agent, spoke in regard to the variance.

Howard Fred Coble, Jr., 5920 Bahia Honda Way North, owner, spoke in regard to going forward with the request, or continuing the request until the next meeting, due to three members being present on the board.

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

Chairman Skipper asked the applicant to come forward.

Tim Roney, 535 Central Avenue, St. Petersburg, applicant/agent, spoke in regard to the construction of a balcony.

Chairman Skipper asked if anyone would like to speak on behalf of the application, and 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.

Member Lyman proposed to approve variance Case No. 17-00022 exactly as it is written and as the City has recommended. The motion was seconded by Member Holehouse and unanimously approved by an individual roll call vote, (3 yeses – 0 nos).

6. Adjournment

There being no further business before the board, the meeting was adjourned at 2:18 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

11/15/17

Variance Case #17-00030

Applicant/Agent
Gregory Davis, Applicant

Location
4220 Gulf Blvd.

Commission District
District 3

Staff Representative
Mike Larimore, Planner I

Related Cases
N/A

Staff Recommendation
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 26.34(d): Freestanding Monument Sign Setback	10 feet	N/A	3 feet

Applicant requests a variance to Section 26.34(d) of the Land Development Code to decrease the minimum required front yard setback from 10 feet to 3 feet to allow for the construction of a new freestanding monument sign.

Existing Use: Commercial (Condominium / Hotel)
Adjacent Uses
North: Commercial (Hotel)
South: Commercial (Hotel)
East: Infrastructure (Gulf Blvd.)
West: Beach

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 Boutique Hotel/Condo (BHC) zoning district. The BHC zoning district allows for residential multi-family uses as well as transient accommodations and accessory/subordinate uses. The Sign Ordinance encourages the effective use of signs as a means of communications in the city.

The subject property has a Future Land Use Designation of Boutique Hotel/Condo (BHC). The Comprehensive Plan supports the effective use of signs.

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 layout of the parking lot in which the sign is proposed to be built is similar to other properties in the BHC District. However, the minimum required setback is unachievable without altering the parking area. The existing layout and orientation of the property is 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. The requested reduction in setback provides effective use of signage without altering the parking area.*

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 parking area would be negatively affected.*

STAFF RECOMMENDATION:

Staff recommends approval – The proposed sign is will replace a previous sign. The previous sign was taller and larger than what is permitted to current Code. The proposed sign will otherwise conform to Code requirements in regards to allowable height and sign face square footage. The proposed reduction in minimum front yard setback would allow for the construction of a new sign in a similar footprint as the previous sign. Without the proposed variance, a sign would need to be setback a minimum of 10 feet from the front property line and would likely require the alteration of the parking area.

The parking area would be sensitive to alterations and is already nonconforming to Code regulations by number of parking spaces required. The granting of the requested variance would provide the ability to build a new sign that is more appropriate than the previous sign and prevent the unnecessary reconfiguration of the parking area and furthering the deficiency of parking on the property.

Attachments:

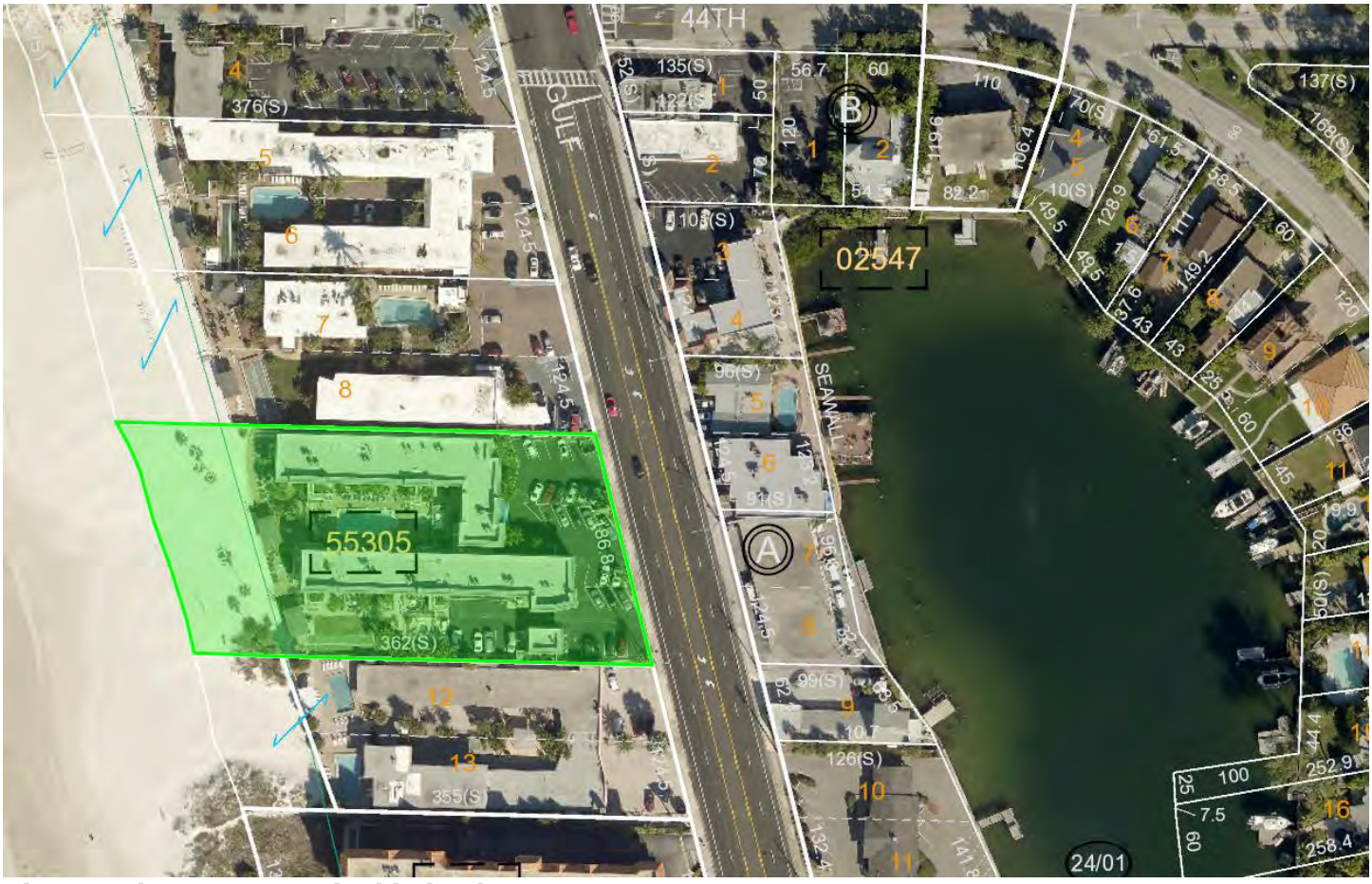
A. Relevant Code Section
B. Aerial Photo
C. Site Photo
D. Variance Application
E. Survey
F. Building Plans

Attachment A.

LDC Sec. 26.34. – LR and BHC Districts.

(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

Attachment D.

City of St. Pete Beach

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

RECEIVED
OCT 16 2017
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

Case Number: PLN17-00030

PROPERTY FOR PROPOSED VARIANCE

Legal Description: see attached

Parcel ID: 07-32-16-55305-000-0000 and 0001

Address: 4220 Gulf Blvd

Current Zoning: B/HC FLUM Designation: _____ Lot Area: _____

Existing Use: 0443 & 0974 Proposed Use: same

APPLICANT/AGENT:

Name: Gregory Davis
Address: 4590 118th Ave N
City: Clearwater State: FL
Zip: 33762 Phone: 727-573-7757 x241
Email: greg.davis@thomassign.com

PROPERTY OWNER:

Name: Mariner Beach Club Condo Association, Inc.
Address: 4220 Gulf Blvd
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)

City code section 26.34(d) "shall be located at least ten feet from the front lot line"

We are requesting a ~~five~~ three* foot setback where ten feet is required.

*see 10/31/17 email

Mike Larimore

From: Angela McNutt <Angela.McNutt@Thomassign.com>
Sent: Tuesday, October 31, 2017 8:59 AM
To: Mike Larimore
Subject: PLN17-00030 - revision

Categories: BOA

Good morning,

Regarding the monument sign setback variance we are requesting, we would like to revise the sign setback from 5ft to 3ft where 10 feet is required.
Therefore, we are now asking for a 7 foot variance from code.

The additional fee of $59.84 for the mailings will be paid today or tomorrow by check.

Thank you for your assistance in this matter.

Angela McNutt
Permit Coordinator
Celebrating 48 Years of Quality Manufacturing and Service
48 YEARS THOMAS SIGN & AWNING COMPANY, INC.

4590 118th Avenue N | Clearwater, FL 33762
800-526-3325, Ext. 285 | Local: 727-573-7757
website | facebook | linkedin | youtube | pinterest | instagram

Application Checklist:

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

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

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.
   The subject property is very limited as to the location of a sign fronting on Gulf Blvd. The location of the proposed sign is critical. Required parking spaces, traffic flow and speed at 10 feet would place the sign at a distance where visibility would be difficult. Most of the surrounding properties have freestanding signs that exceed the 6'-4" height of the monument sign we are proposing.

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.
   The strict application of the land development regulations would create a hardship in this case by requiring a 10' setback in an area that would place the sign at a distance where our concern of visibility would not be corrected. The new location of the proposed sign would better suit the property in general and address our concerns. The relationship between vehicle speed, legibility distance and setback are among our concerns.

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

   The hardship that exists was not self-created. This is our effort to upgrade the existing sign to create greater visibility and enhance the overall appearance of this location from its current look.

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

   There are no district boundary changes requested in our variance.

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

   Our request in this variance will not create a non-conforming use or a use not specifically permitted.

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

   No increase in 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 general intent of the land development code is to allow signage for each business that is architecturally pleasing to the eye, proportional to its location as well as beneficial for the general public to identify the location for safe access to the property. Our request will not be injurious to the neighborhood or detrimental to the public welfare, but will benefit the general public by providing greater visibility.

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

   In our proposal we are complying with the intent of the land development regulations with a minimum request in a location that is most suitable for greater visibility and safety concerns along with the overall appearance of the location as it relates to the neighbors and surrounding businesses.

Signature of Applicant	Date	Signature of Authorized Agent	Date
			10/16/17

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

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

_____I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

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

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

_____I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

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

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

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

Signature of Applicant _____ Date 10/12/17

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Lynda Rucker
(print name of property owner)

hereby authorize Thomas Sign and Awning
(print name of agent)

to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

Lynda Rucker
Signature of Owner

Signature of Owner

Lynda Rucker
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 12th **day of** October **2017, by** Lynda Rucker **who is personally known** _____ **or produced** R260-520-70-676-0 **as identification.**

Stephanie E. Stone
(Notary Signature)

10/12/17
(Date)

My Commission Expires

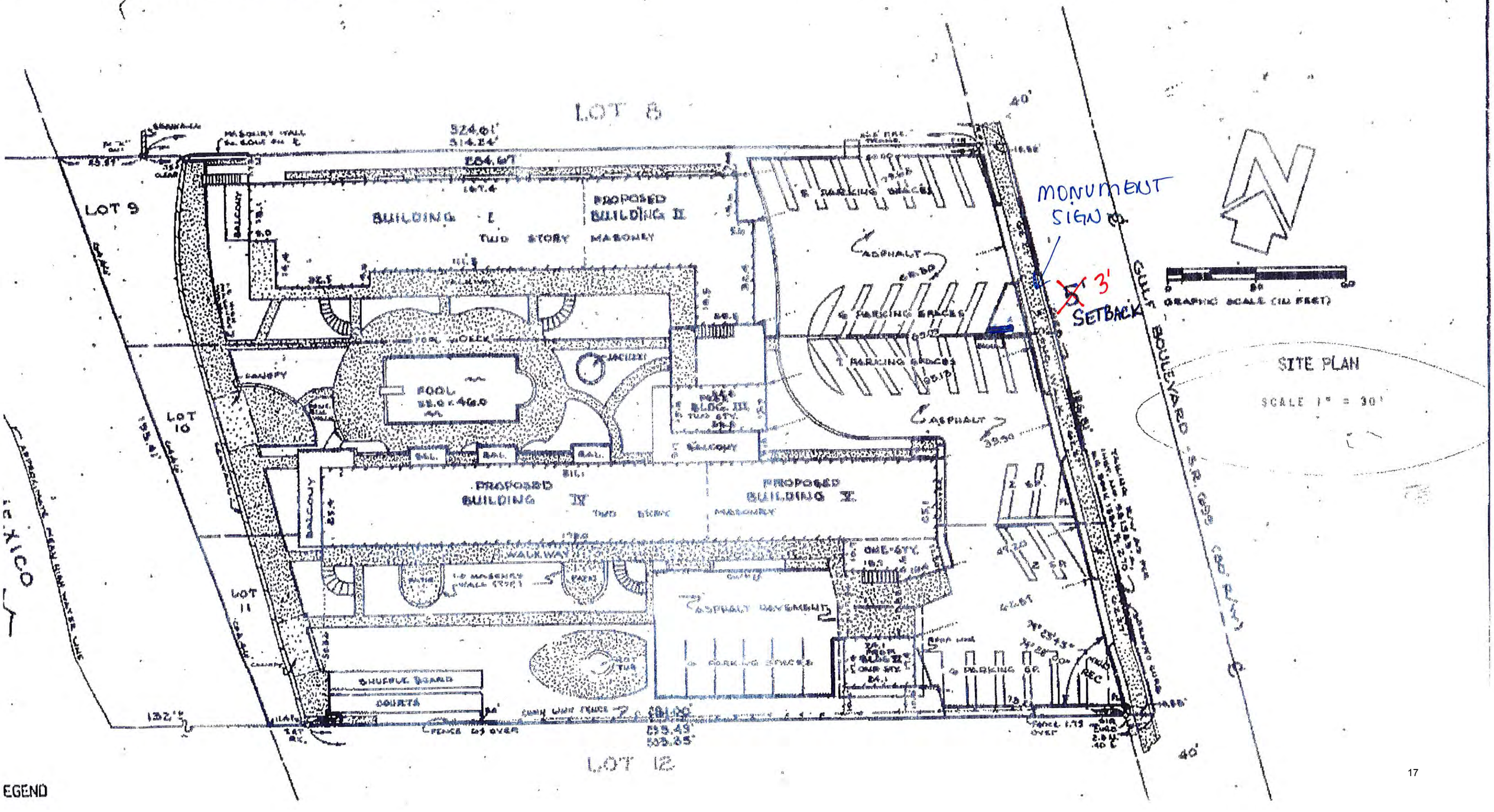
STEPHANIE E STONE
MY COMMISSION #FF171344
EXPIRES May 21, 2018
(407) 398-0153 FloridaNotaryService.com

Attachment E.

O.R. BOOK 5259 PAGE 2156 Book# 24 Page# 82

MARINER BEACH CLUB, A CONDOMINIUM

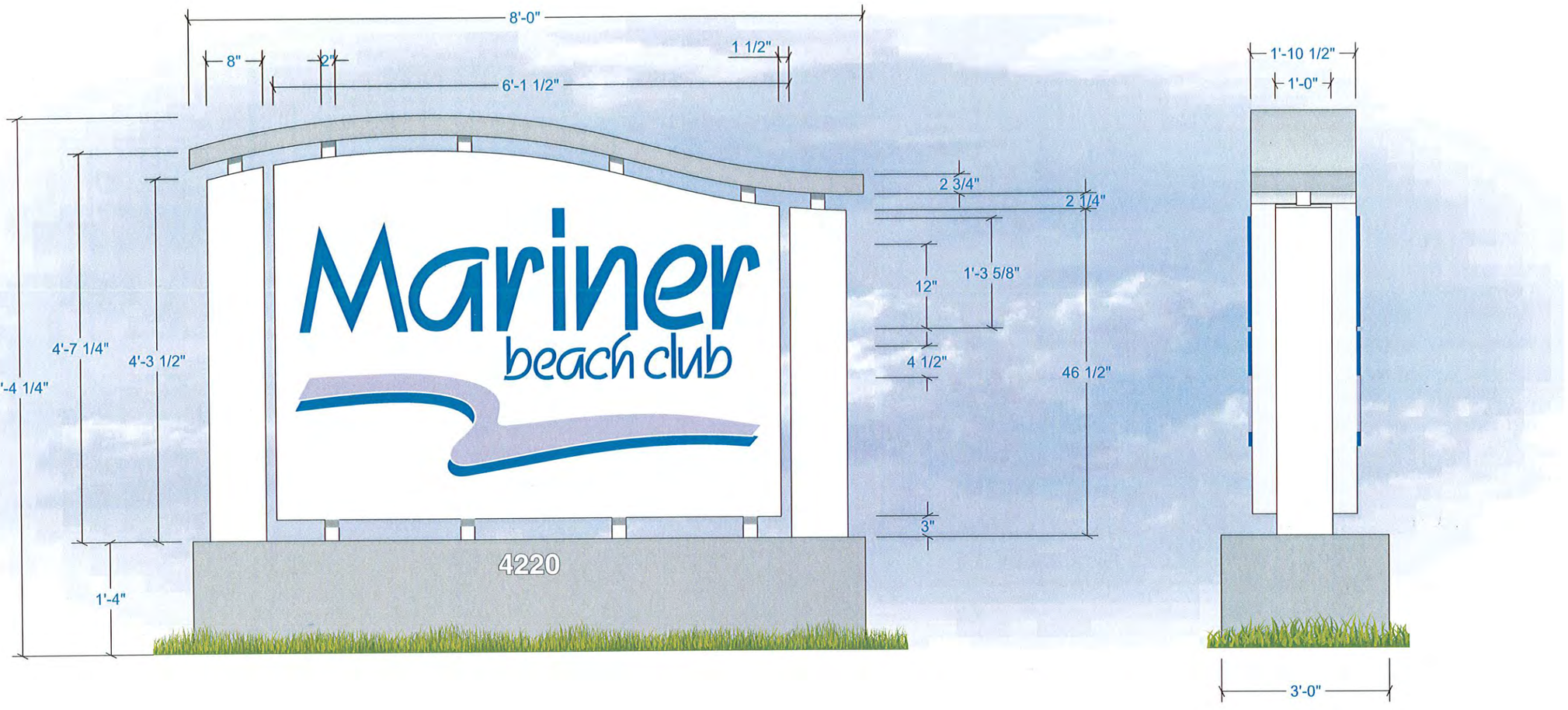
A CONDOMINIUM SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST ST. PETERSBURG BEACH PINELLAS COUNTY FLORIDA



Attachment F.

Mariner Beach Club
St. Pete Beach, FL

Celebrating 47 Years of Quality Manufacturing and Service 47



D/F LED Illuminated Monument Sign

SQ FT - 24.85'

Scale: 3/4"=1'

Monument sign with aluminum routed push thru LED Illuminated face.

THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
Mariner Beach Club

Design Number:
60686

Installation Address:
4220 Gulf Blvd.
St Pete Beach, FL

Project Identity Number:
76435

Sales Associate:	Project Team:
KT	KT
Designer:	Date:
AF / JJD	6-01-17

Filename:
60686 76435 MONUMENT 06.01.17
Project Updates:
—

3M™ MCS™ Warranty

Underwriters Laboratories Inc.
LISTING E89514
ELECTRIC SIGN
COMPLIES TO UL 48
THIS ARTICLE IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

Approval:

☐ Approved
DATE: _____

☐ Approved as noted
DATE: _____

☐ Revise & Re-Submit
DATE: _____

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Page	Sheet
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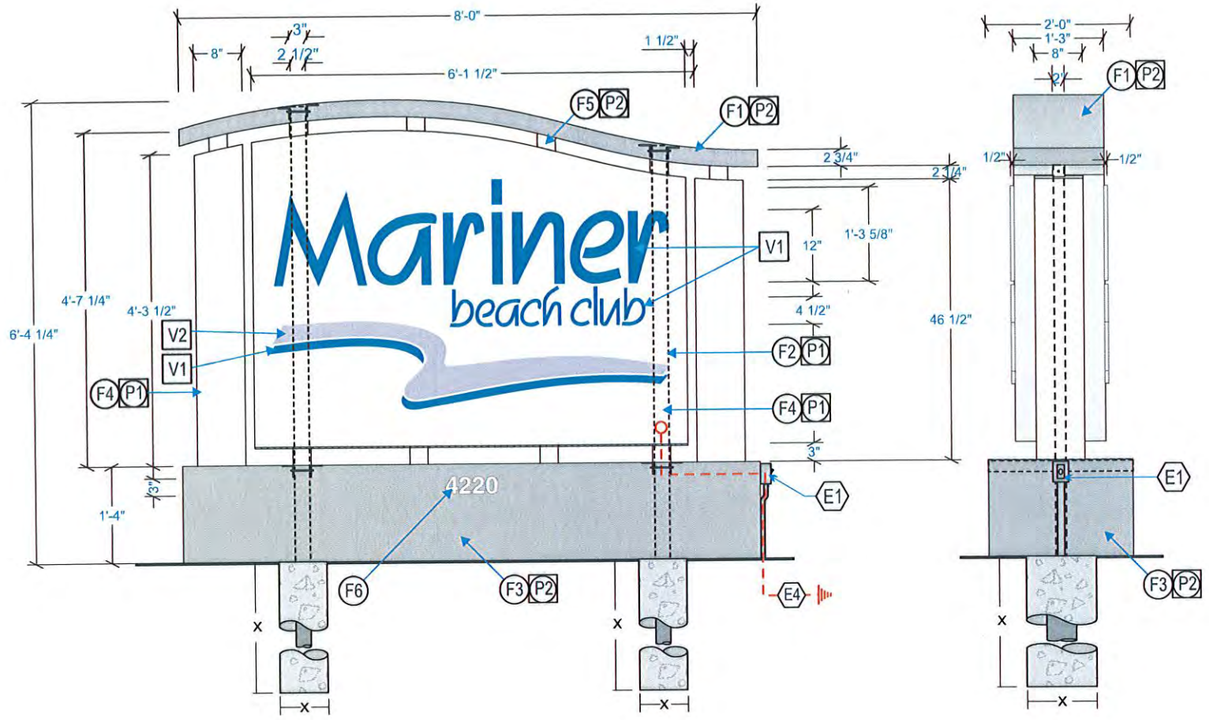
Local: 727-573-7757
Fax: 727-573-0328

Mariner Beach Club
St. Peter Beach, FL

Celebrating 47 Years of Quality Manufacturing and Service 47

P1 PAINT COLORS E1 ELECTRICAL NOTES V1 VINYL COLORS F1 FABRICATION NOTES



D/F LED Illuminated Monument Sign

SQ FT - 24.85'

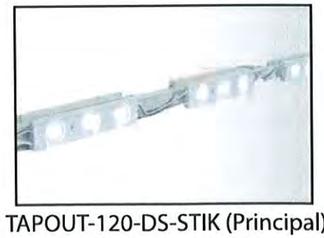
Scale: 1/2"=1'

COLOR REFERENCE

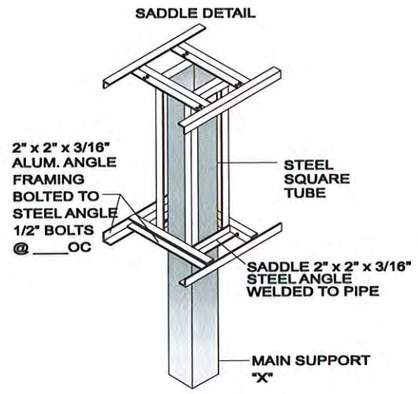
PMS 422 C Gray | White | 3M 3630-287 Marine Blue Vinyl | PMS 2706 C Vinyl

5 48" PL-OP2-TO3-P/ST-48-SS-TW
2 48" PL-OP2-TO3-P/ST-42-SS-TW

LED Layout E3



TAPOUT-120-DS-STIK (Principal)



TOTAL SQFT = 24.85'

PART # MBCMS6X8DFL

ESTIMATE # 148705

MATERIAL FOR FREE STANDING SIGN

EXT. FILLER: .063" Aluminum
FRAMING: 2"x2"x3/16" Aluminum Angle
FACES: .125" Aluminum EMB ☐
CAP: .063" Aluminum
BASE: .080" Aluminum
FCOs: 1/2" Acrylic (Address)
LIGHTING: Principal Tapout Stiks
POLE COVERS: .080" Aluminum
SUPPORTS: 2 1/2" Steel Tube per Engineer STUB:X
GRAPHICS: 3/4" Push Thru Copy / 1/2" FCO Address GPS ☐

COLORS FOR FREE STANDING SIGN

FILLER: Akzo Nobel White / Satin Finish
FCOs: White
POLE COVER: Akzo Nobel White / Satin Finish
FACE BKGND: Akzo Nobel White / Satin Finish
BASE & CAP: PMS 422 C Gray / Satin Finish

FABRICATION NOTES

1) Cap
2) Main Cabinet w/ 3/4" Push Thru Copy
3) Base
4) Main Support Post per Engineer
5) 3" Aluminum Tube Accent Stringers / Supports
6) 1/2" Acrylic FCO (2 Sets)

FONTS USED

1) Squire
2) Helvetica (Address)

PAINT COLORS

1) Akzo Nobel White / Satin Finish
2) PMS 422 C Gray / Satin Finish

VINYL COLOR

1) 3M 3630-287 Marine Blue Translucent (Push Thrus)
2) PMS 2706 C Digital Translucent (Push Thrus)

ELECTRICAL NOTES

1) Weatherproof Disconnect Switch
2) Principal Tapout Stiks
   5 48" PL-OP2-TO3-P/ST-48-SS-TW
   2 48" PL-OP2-TO3-P/ST-42-SS-TW
3) Sign is wired as is on Schematic for power supply
4) Primary Elec. / 6' Whip

ELECTRICAL SPECIFICATIONS

LED MODULES = 5 - 48" / 2 - 42" 110 VOLT INPUT

	TRANSFORMERS	SECONDARY VOLTS	SECONDARY WATTS	AMP. INPUT
2	120 WATT POWER SUPPLY	12	120	6.71
	TOTAL			6.71

(1) 20 AMP-120 VOLT CIRCUIT REQUIRED

GROUNDED ELECTRICAL CONNECTIONS

ENGINEER'S SEAL / BOX

THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT
Mariner Beach Club

Design Number:
60686

Installation Address:
4220 Gulf Blvd.
St Pete Beach, FL

Project Identity Number:
76435

Sales Associate:	Project Team:
KT	KT
Designer:	Date:
AF / JJD	6-01-17

Filename:
60686 76435 MONUMENT 06.01.17
Project Updates:
—

3M™ MCS™ Warranty

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COMPLIES TO UL 48
THIS ARTICLE IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

Approval:
☐ Approved
DATE: _____
☐ Approved as noted
DATE: _____
☐ Revise & Re-Submit
DATE: _____

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Page	Sheet
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Local: 727-573-7757
Fax: 727-573-0328

St. Pete Beach
Board of Adjustment

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

11/15/17

Variance Case #17-00031

Applicant/Agent
Shirley Lockwood, Property Owner

Location
7700 Boca Ciega Drive

Commission District
District 1

Staff Representative
Mike Larimore, Planner I

Related Cases
N/A

Staff Recommendation
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.13(b): Residential Storage Buildings	Maximum Size: 80 square feet Maximum Height: 8 feet	Size: 120 square feet (12' x 10') Height: 12 feet	Size: 120 square feet (12' x 10') Height: 12 feet

Applicant requests a variance to Section 6.13(b) of the Land Development Code (LDC) to increase the maximum allowable size and maximum allowable height of a residential storage building from 80 square feet to 120 square feet and 8 feet to 12 feet, respectively. One residential storage building is permitted per residential property.

Existing Use: Residential (Multi-Family, Triplex)
Adjacent Uses
North: Residential (Multi-Family, Triplex)
South: Infrastructure (77th Avenue)
East: Infrastructure (Boca Ciega Drive)
West: Residential (Multi-Family, Duplex)

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 Commercial Corridor (CC-1) zoning district. The CC-1 zoning district allows for a variety of commercial uses and multi-family residential uses only as a component of a mixed use

development making the existing use a legal nonconforming use. The LDC regulates residential storage buildings including maximum size (80 square feet), maximum height (8 feet), maximum number (1 per property), and placement (minimum front & secondary front setbacks).

The subject property has a Future Land Use Designation of Commercial Corridor Blind Pass Road District (CC-1). The Comprehensive Plan supports a variety of housing styles throughout the City.

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 layout of the property is not unique compared to other properties in the CC-1 District. A residential storage building may be placed on the property without variance from the LDC. The principal structure was built prior to the current owner's purchase of the property.*

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 LDC. The requested increase in size and height of an accessory residential storage building is not supported by the LDC nor the Comprehensive Plan.*

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 placement of a residential storage building is possible without variances to the LDC.*

STAFF RECOMMENDATION:

Staff recommends denial – The proposed shed was constructed and placed on the property without a necessary building permit or proper review. The placement of a residential storage building, which would conform to the size, height, and setback regulations set out in the LDC, is possible on the property.

Attachments:

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

Attachment A.

LDC Sec. 6.13. – Residential accessory structures.

(b) Residential storage buildings. Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:

(1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment shall be operated within or attached to such building.

(2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored.

(3) All storm water runoff shall be directed and maintained on the property upon which the building is located.

(4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.

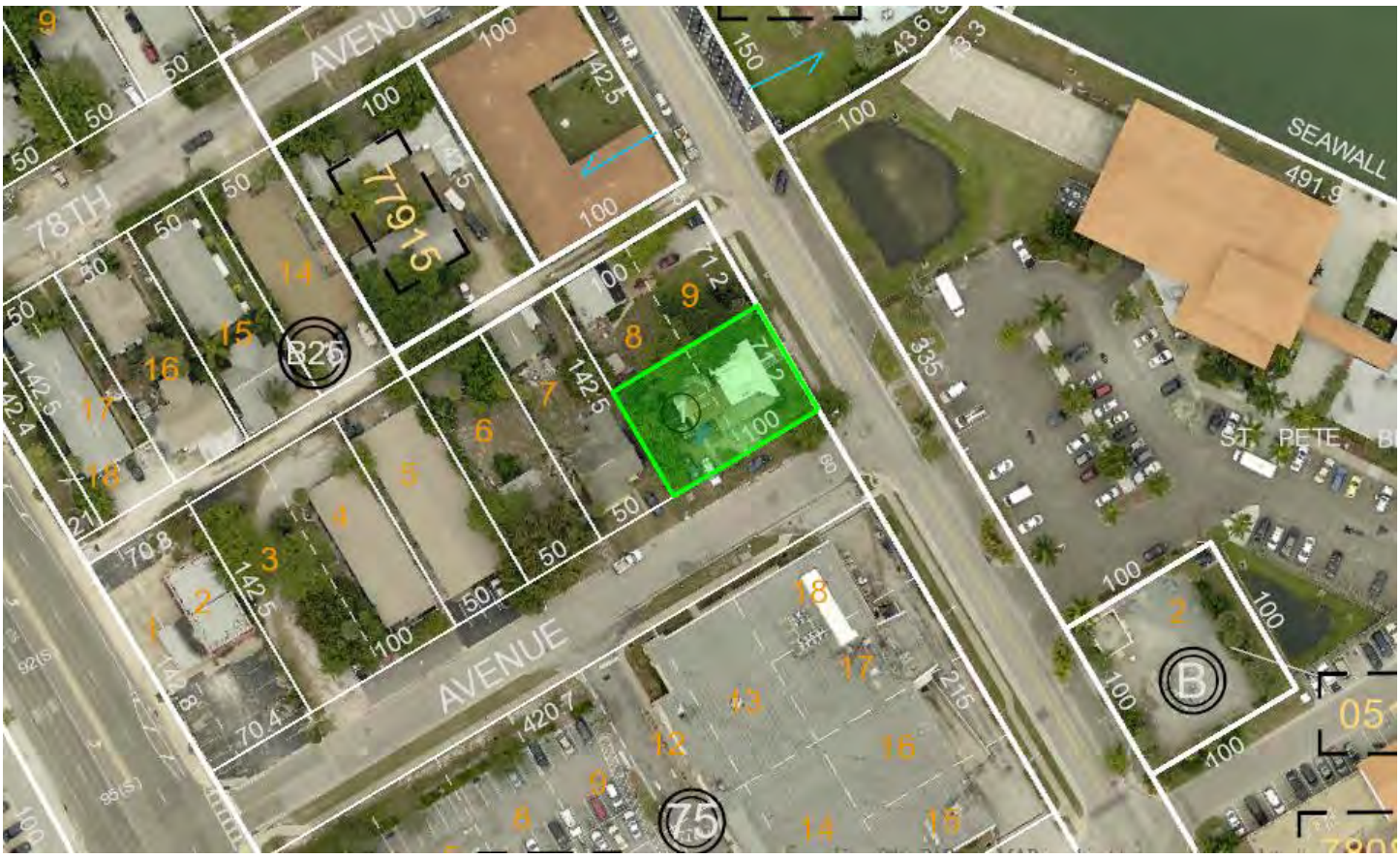
(5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.

a. Maximum size: 80 square feet in area.

b. Maximum height: Eight feet in height as measured from grade to the highest point on the structure.

c. Location: May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least six feet from any other accessory structure.

Attachment B.



Above: Subject property highlighted.

Attachment C.

Above: Subject property, facing west

Above: Subject property, facing north; residential storage building shown left of vehicle

Attachment D.

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

RECEIVED
OCT 16 2017
COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

Case Number: PLN17-00031

PROPERTY FOR PROPOSED VARIANCE

Legal Description: _____

Parcel ID: 36-31-15-77994-225-0081

Address: 7700 BOCA CIEGA DR.

Current Zoning: CC1 FLUM Designation: CC1 Lot Area: 71x100

Existing Use: Res. Proposed Use: Res.

APPLICANT/AGENT:

Name: Shirley Lockwood
Address: 7700 BOCA CIEGA DR
City: St Pete Beach State: FL
Zip: 33706 Phone: 727-501-3027
Email: lockwood.sam@icloud.com

PROPERTY OWNER:

Name: Shirley Lockwood
Address: 7700 BOCA CIEGA DR
City: St Pete Beach State: FL
Zip: 33706 Phone: 727-501-3027
Email: lockwood.sam@icloud.com

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

I AM requesting A VERIANCE for The Location of A Shed That WAS Built on The BACK of the Property. I WANT to ADD This is A very Necessary Structure AND Like to ADD That it is very tastely Built. I matches The house AND very nice

Additional Documents:

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

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

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

The Building does not obstruct any views or apply to any neighboring properties. It is solely the purpose of the homeowner to store all supplies that are needed for this property

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.

There is absolutely NO storage for any items needed to maintain the property. There was a garage in this spot at one time. But it is NO longer here.

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

I don't know exactly how to answer this other than I was unaware that it was unacceptable to build this ~~[illegible]~~ on this particular spot. I did wrongly assume that I could put a structure where an existing one was before I purchased the property.

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

This will not change anything that I am aware of.

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.

Not that I am aware of. I am on a corner lot and have lawn and green space on four sides of the property

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.

None at all

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

Yes it is much smaller than building a garage

10-16-17

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.

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

SV 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.

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

SC 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.

SC 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.

SL 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.

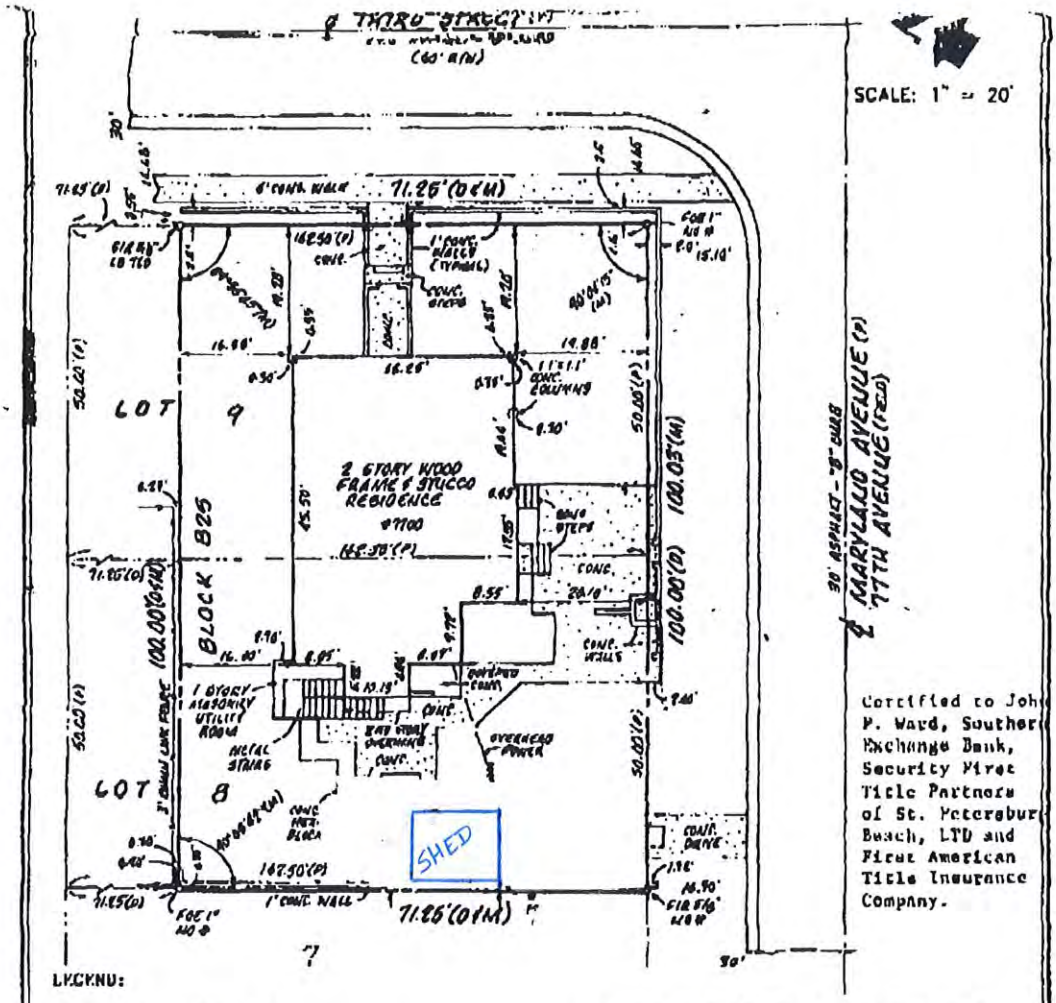
SL I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

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

Signature of Applicant

10-16-17
Date

Attachment E.



10'x12' shed

LEGEND:

CONC.	=	CONCRETE
F.I.R.	=	FOUND IRON ROD
F.O.E.	=	FOUND OPEN END PIPE
R/W	=	RIGHT-OF-WAY
P.	=	PLAT
M.	=	MEASURED
S.I.R.	=	SET IRON ROD

Flood Zone A-12, Minimum Elevation 11 feet, Community Panel #125149 0003 B., Revised 3/2/83.

A BOUNDARY SURVEY OF

The South Half (1/2) of Lots 8 and 9, Block B-25, according to the Plat of RE-PLAT OF ST. PETERSBURG BEACH as recorded in Plat Book 5, Pages 28 and 29 of the Public Records of Pinellas County, Florida

BASIS OF BEARINGS: MOVE PER PLAT, ANGLES M. FIELD BOOK 723/376 PAGE 41/44

This Survey was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record.

NOTE: Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

I hereby certify that the survey represented hereon meets the requirements of Chapter 61G17-6, Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 1268
Certificate of Authorization No LB 760

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (813) 576-7848 ~ fax (813) 577-9932

Survey - September 19, 1997