



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, 12/13/2017
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**

11/15/17
- 4. Agenda Items**
 - I. 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.

- II. Case 17-00037: 2901 Pass-A-Grille Way – Applicant requests a variance to Section 6.23 of the Land Development Code to allow for the construction of a residential dock.
- III. Case 17-00038: 4945 Gulf Blvd. – Applicant requests variances to Section 26.38(a) of the Land Development Code to allow for the construction of a freestanding monument sign.

5. 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

NOVEMBER 15, 2017

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ABSENT:

Denise Chase, Member

ALSO PRESENT:

Jennifer Bryla, Community Development Director
Mike Larimore, Planner I
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Mike Larimore, Planner I, informed the board that the applicant requested a continuance to the January 2018 meeting for Item No. 5, II, Case 17-00031. Mr. Larimore presented the applicant's request, via the document camera, and recommended moving the case to the December 2017 meeting.

Member Lyman made a motion to move Case No. 17-00031 to the December 13, 2017 Board of Adjustment meeting. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (4 yeses – 0 nos).

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 10/25/17

Member Lyman made a motion to approve the minutes from the October 25, 2017 meeting. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (4 yeses – 0 nos).

4. Election of Officers

Vice Chair

Chairman Skipper made a motion that Sandie Lyman be appointed as the Vice Chair. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (4 yeses – 0 nos).

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.**

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

Chairman Skipper asked the applicant to come forward.

Gregory Davis, Thomas Sign & Awning Company, 4590 118th North, Clearwater, FL, contracted by the property owners, spoke about manufacturing and installing a new sign, visibility issues, setback issues and submitted photographs via the document camera.

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

Chris Moran, 4000 Gulf Boulevard, spoke in opposition to the 3-foot setback for the sign.

Chairman Skipper verified that Mr. Moran was speaking in opposition of the sign.

Chairman Skipper asked for further public comment, for or against. Hearing none, Chairman Skipper closed the public hearing portion and opened it for discussion among the Board members.

Member Bomar made a motion to approve the variance for Case No. 2017-00030. The motion was seconded by Member Holehouse and unanimously approved by an individual roll call vote, (4 yeses – 0 nos).

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.

This case was continued to the December 13, 2017 meeting during Item No. 1, "Changes to the Agenda."

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

12/13/17

**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):	Maximum Size: 80 square feet	Size: 120 square feet (12' x 10')	Size: 120 square feet (12' x 10')
Residential Storage Buildings	Maximum Height: 8 feet	Height: 12 feet	Height: 12 feet

Applicant requests variances 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. These variances are considered after-the-fact requests and are needed to resolve a code compliance issue originating from the illegal placement of a residential storage building without a necessary building permit or proper City review.

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, one (1) letter of comment has 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 current existing residential 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. Therefore, this criterion is not met.*
- 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. Therefore, this criterion is not met.*

- 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. Therefore, this criterion is not met.*

STAFF RECOMMENDATION:

Staff recommends denial. The proposed residential storage building was placed on the property without a necessary building permit or proper City 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
- F. Letter of Comment

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.

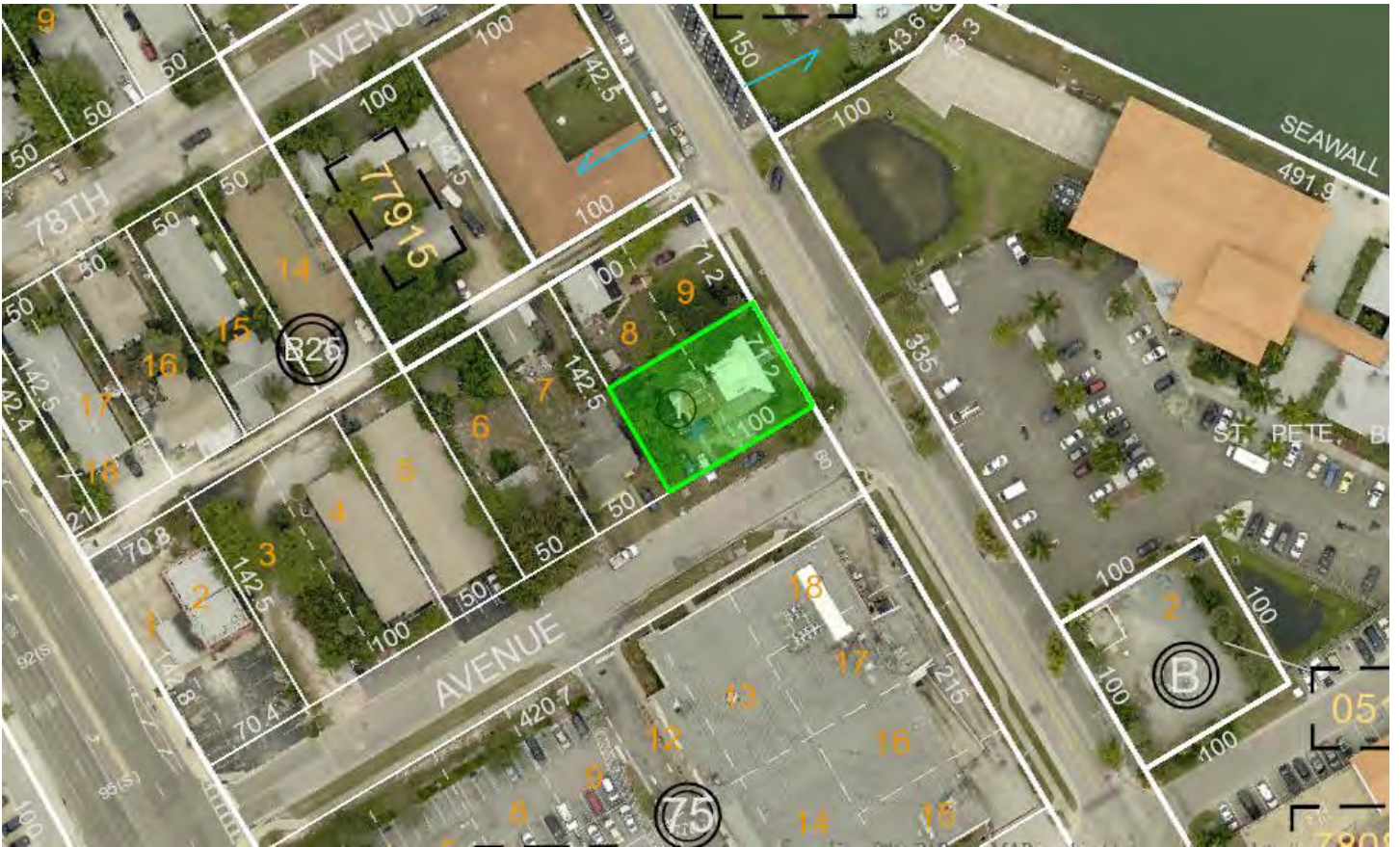
(5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.

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



VARIANCE APPLICATION

Case Number: **PLN 17-00031**

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:

PROPERTY OWNER:

Name: Shirley Lockwood Name: Shirley Lockwood
Address: 7700 Boca Ciega Dr. Address: 7700 Boca Ciega Dr.
City: St Pete Beach State: FL City: St Pete Beach State: FL
Zip: 33706 Phone: 727-581-3027 Zip: 33706 Phone: 727-581-3027
Email: lockwood.sam@icloud.com 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 variance 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 tastefully built. It 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 UNEXCEPTABLE to BUILD This ~~on~~ 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

SH

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.

SL 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.

SL 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]
Signature of Applicant

10-16-17
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Shirley Lockwood 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): Shirley Lockwood

Address: 7700 Boca Ciega Dr St Pete Beach 33706

SL

Signature

10-16-17

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:

Witnessed 10/16/17

California DL#

K0647859

NOTARY:

Print Name: _____

Notary Public, State of Florida

(Notarial Seal)

Mike Larimore
Mike Larimore (M)

Attachment F.

November 14, 2017

SUBJECT: Response to Notice of Public Hearing, Board of Adjustment

CASE NO.: 17-00031

ADDRESS: 7700 Boca Ciega Drive

REQUEST: Increase allowable residential shed size from 80 square feet to 120 square feet and allowable shed height from 8 feet to 12 feet.

The subject Property has been recently renovated, both the house structure and the landscaping. The Property Owner is to be commended for the distinct improvement of the Property, and subsequently the neighborhood. For such an effort, the Owner has earned the support of the neighborhood. However, this particular request is subject to scrutiny.

Having been a member of an Architectural Review Board for a given residential subdivision, i.e. neighborhood, for over 10 years, involved in residential property management for over 35 years, and a licensed professional engineer also for over 35 years, there are learned issues that need to be cited.

The current St Pete Beach City permissible area of 80 square feet is very common according to my experience. I have approved area increases of 20% to 100 square feet, but a 50% increase to the requested 120 square feet increases beyond a reasonable size "residential" shed.

The same applies to the height increase request. A 50% increase from the permissible 8 feet to the requested 12 feet once again increases beyond a reasonable size "residential" shed.

Perhaps in good faith to compromise based on the support that the Owner has earned, a variance from 80 square feet to 100 square feet and from 8 feet height to 9 feet height could be considered. I can accept these two variances. Any additional increase I object.

Increasing further will result in the shed becoming viewed as a commercial structure, rather than a residential structure. This is pertinent since existing nearby conditions are challenging the neighborhood to retain a "residential" appearance.

Thank you for the opportunity to provide input for your consideration. I hope that the Board and the Owner understand that my input is meant to be strictly objective, nothing personal.





St. Pete Beach Board of Adjustment

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

12/13/17

Variance Case
#17-00037

Applicant/Agent
Barry Flaherty,
Applicant

Location
2901 Pass-A-Grille Way

Commission District
District 4

Staff Representative
Mike Larimore,
Planner I

Related Cases
N/A

Staff
Recommendation
Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 6.23:	$\frac{1}{2}$ the width of the zoning lot at the waterfront		
Maximum allowable length for residential docks	$\frac{1}{2}$ of 50 feet = 25 feet	41.2 feet	43 feet

Applicant requests a variance to Section 6.23 of the Land Development Code (LDC) to increase the maximum allowable length of a residential dock to allow for the construction of a new dock. There are remnants of a prior dock that was 41.2 feet in length per City records.

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

North: Residential (Detached Single-Family)
South: Infrastructure (29th Avenue Street-End)
East: Water (McPherson Bayou)
West: Infrastructure (Pass-A-Grille Way)

Applicant requests a variance to allow for the construction of a new residential dock and boatlift. The proposed dock would meet all other LDC requirements for a residential dock except for the maximum allowable length. The subject property and residence was recently renovated in 2015.

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 comment has been received.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the RU-2 Zoning District and the Pass-A-Grille (PAG) Overlay District which allows for single-family residential and associated accessory structures including residential docks. The LDC regulates the maximum length and minimum side setbacks of residential docks. The maximum allowable length of a residential dock is one-half of the width of the zoning lot at the waterfront. The proposed dock would not violate the minimum required side setbacks, but would extend past the maximum allowable length.

The Comprehensive Plan encourages the conservation, maintenance and rehabilitation of existing residential areas through the Land Development Code and other City codes.

CRITERIA REVIEW (LDC 3.12.a):

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

- 1) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant. *The subject property is peculiar in conditions and a hardship presented by a shallow waterway immediately adjacent to the property. This condition requires a dock be built longer to allow for the reasonable use of the waterfront. These conditions and circumstances are not the result of actions by 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 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 to minimize the adverse impacts of docks upon the natural resources of the City and County. The proposed placement of the boatlift would not negatively affect the neighboring property owners' ability to access the water along their waterfront.*

- 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 due to the shallow waterway immediately adjacent to the property. Should the variance not be granted, the reasonable use and functionality of the waterfront would be lost.*

STAFF RECOMMENDATION:

Staff recommends approval. The existence of a shallow waterway creates a need for longer docks in the immediate area to make them reasonably usable. The proposed boatlift will be placed on the south side of the new dock, minimizing any effect the boatlift and dock may have on the neighboring property owner. The land to the south of the subject property is a street-end that would be unaffected from the dock and boatlift.

Attachments:

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

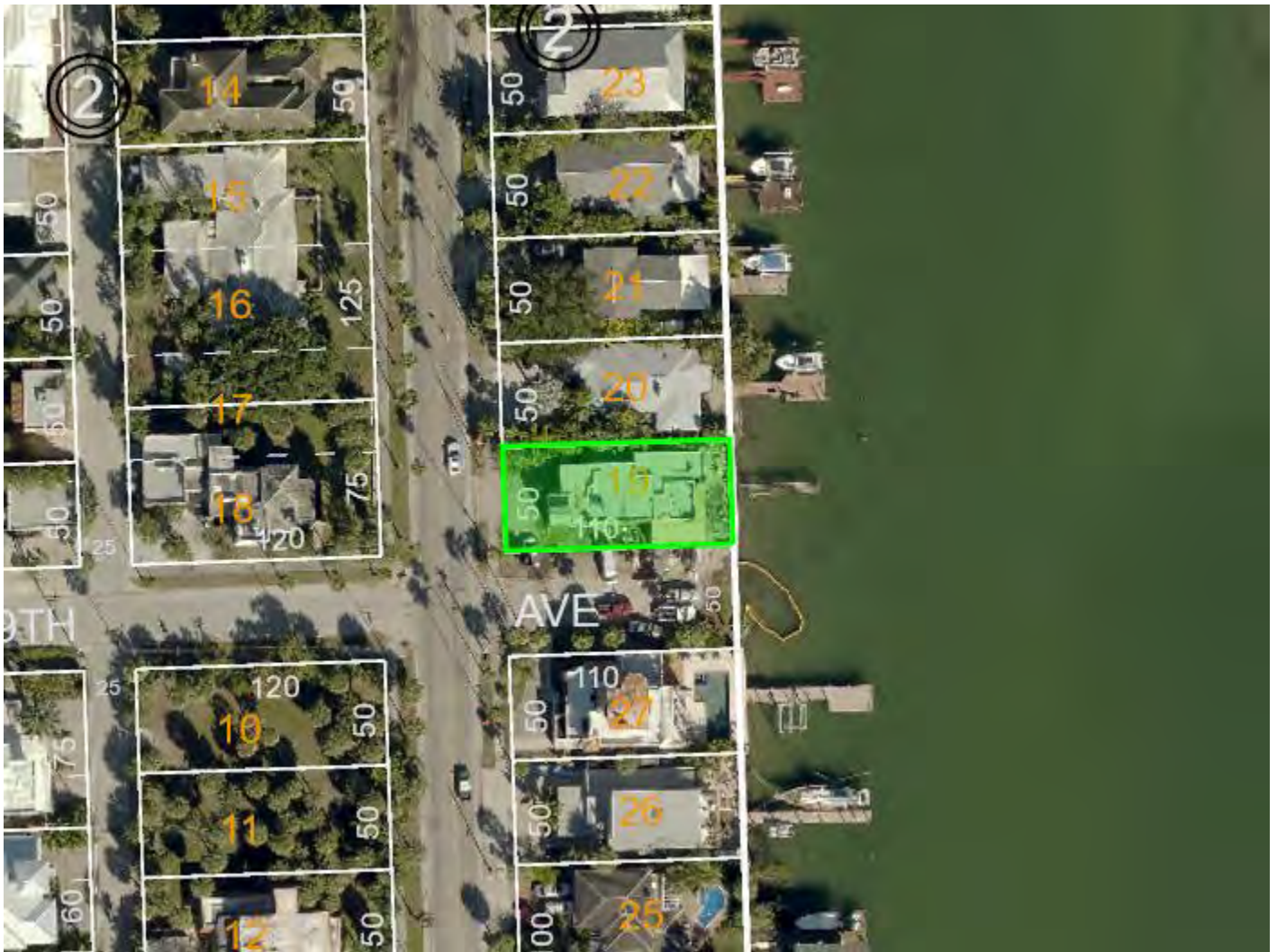
Attachment A.

Sec. 6.23. - Docks.

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

- (1) No residential dock shall be designed or constructed to accommodate more than two boats for permanent mooring. No residential zoning lot shall have more than one dock. For the purpose of this section, personal watercraft (wave runners or jet skis) lifts shall not be considered a boat slip.
- (2) Notwithstanding the preceding, a residential dock for the joint use by two or more adjacent waterfront property owners may be permitted where the physical characteristics of the waterfront make it impractical to build individual docks.
- (3) No residential dock, davits, boatlifts or tie poles shall extend from the mean high water line or seawall of the appurtenant upland property to a length greater than one-half the width of the zoning lot at the waterfront. This requirement may be varied administratively provided that signed statements of "no objection" from both adjacent waterfront property owners have been submitted.
- (4) Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.

Attachment B.



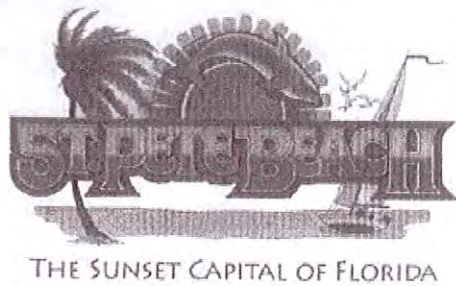
Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing 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



VARIANCE APPLICATION

Case Number: **PLN 17-00037**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 19, Block 2, Colonial Corporation replat of blocks E, F, G and H
Parcel ID: 18-32-16-17316-002-0190
Address: 2901 PASSAGRILLE WAY

Current Zoning: _____ FLUM Designation: _____ Lot Area: 5500

Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

Name: Barry J. Flaherty
Address: 4111 12th Street North
City: St. Petersburg State: FL
Zip: 33703 Phone: 727 709-3797
Email: barryflaherty@tampabay.rr.com

PROPERTY OWNER:

Name: Weatherly Family Trust
Address: 2901 Passagrille Way
City: St. Pete Beach State: FL
Zip: 33707 Phone: 414 218-6006
Email: kathyweatherlyflorida@gmail.com

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

we are asking permission to extend the dock from the 25' permitted distance from the property
line out to 43'.

We need this distance because the water is very shallow. Both docks on either side of the
Weatherly Residence extend further than the 43' we are asking for.

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.

N/A

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.

SHALLOW WATER WOULD PREVENT STANDARD DOCK LENGTH TO BE UNUSABLE

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

TRUE

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

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

TRUE

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

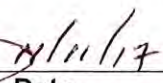
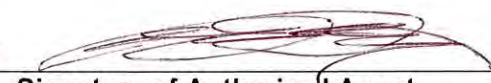
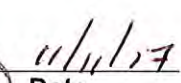
TRUE

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.

TRUE

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

TRUE

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

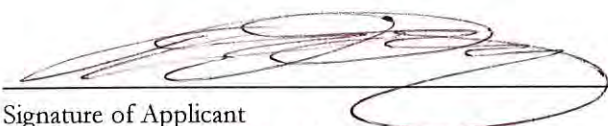
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

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.

- X I understand that the City will not accept or process an incomplete application.
- X 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.
- X On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- X 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.
- X 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.
- X 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.
- X 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

11/11/17
Date

Barry J. FLAHERTY

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Kathy Weatherly
(print name of property owner)

hereby authorize

BARRY J. FLAHERTY
(print name of agent)

to represent me/us in an application for

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

Kathy Weatherly
Signature of Owner

Signature of Owner

Kathy Weatherly
Print Name of Owner

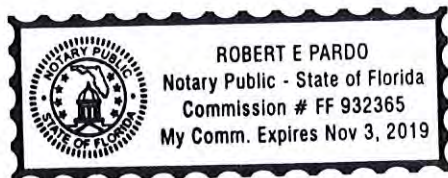
Print Name of Owner

The forgoing instrument was acknowledged before me this 13 day of November 2017, by Kathy Jo Weatherly who is personally known _____ or produced Florida D.L. as identification.

RT
(Notary Signature)

11/13/17
(Date)

My Commission Expires Nov. 3, 2019





THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

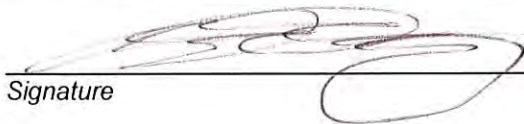
Applicant, BARRY J. FLAHERTY, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain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

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

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

Name(print): BARRY J. FLAHERTY

Address: 4111 12th STREET NORTH, ST. PETERSBURG FL 33703


Signature

11/13/17
Date

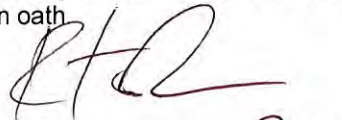
STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 13 day of November, 2017 by Barry John Flaherty, who appeared before me, and is personally known to me, or has produced Florida Dr. License as identification, and did take an oath

My commission Expires:

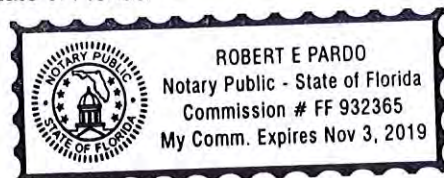
NOTARY:

Print Name:


Robert E. Pardo

Notary Public, State of Florida

(Notarial Seal)

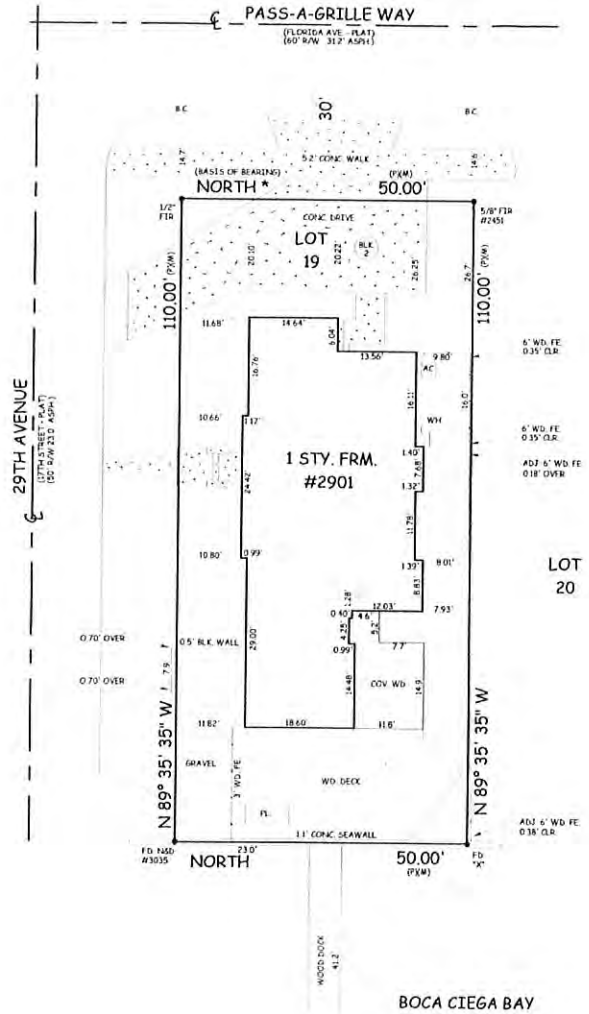


JOB NO. 091195		MURPHY'S LAND SURVEYING, INC. LAND SURVEYORS 5750 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710	L.B. #7410
DRAWN BY MRB	CHECKED BY EDM		PH. (727) 347-8740
DATE OF FIELD WORK 10/15/09			FAX (727) 344-4640

CERTIFIED TO Frank A. Strohm and Mary Banks Strohm
 Affiliated Title of Tampa Bay, LLLP
 Stewart Title Guaranty Company

SCALE: 1" = 20' SEC. 18 TWP. 32 S. RGE. 16 E.

NORTH (ASSUMED)



A BOUNDARY SURVEY OF: Lot 19, Block 2, COLONIAL CORPORATION'S REPLAT OF BLOCKS 'E', 'F', 'G' AND 'H' OF SECTION 'A' - NORTH PASS-A-GRILLE, as recorded in Plat Book 9, Page 107 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
 Flood zone: AE Comm. Panel No.: 125149 0278 G Map Date: 9/03/03 Base Flood Elev.: 10.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTIES, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE) AND THAT THE SURVEY REPRESENTS TO THE BEST OF MY KNOWLEDGE AND BELIEF UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH) SURVEY NOT VALID UNLESS PROMOSSED WITHIN FIVE YEARS OF DATE OF SURVEY. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

Edward D. Murphy
 EDWARD D. MURPHY REG. P.L.S. #5339

LEGEND F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE F.N.F. - FINISHED FLOOR ELEVATION P.P.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	F.D. - FOUND N.B.D. - NAIL AND DICK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION X.X.X. - FENCE F.E. - FENCE C.L.F. - CHAIN LINK FENCE A.D.U. - ADJACENT FENCE A.D.U. - ADJACENT	R - RADIUS A - ARC C - CHORD DELTA R.W. - RIGHT OF WAY # - NUMBER MAS - MASONRY FRM - FRAME G.I.T. - GRATE TILE C.B. - CATCH BASIN F.H. - FIRE HYDRANT	M.S. - METAL SHED ALUM - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT P.L. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	W.W. - WING WALL C. - CENTERLINE R.W. - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (B) - DEED (M) - MEASURED N - NORTH S - SOUTH E - EAST W - WEST	EASE - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLUMN W.D. - WOOD BUK - BLOCK SW. - SEAWALL ASPH. - ASPHALT UTR. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C.W. - COVERED WALK C.P.S. - COVERED PATIO STONE C.C. - COVERED CONCRETE A.C. - AIR CONDITIONER S.P. - SCREENED PORCH P.P. - OVERHEAD POWER LINES T.T. - OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
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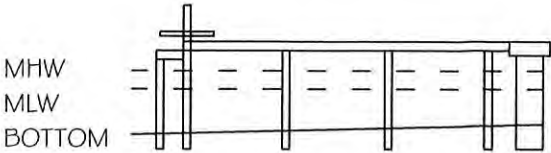
Attachment E.

PRIVATE DOCK

NAME: Weatherley Residence

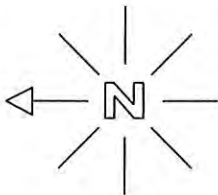
2901 Pass A Grille Way St. Pete Beach, FL. 33706

Application # _____
(OFFICIAL USE ONLY)



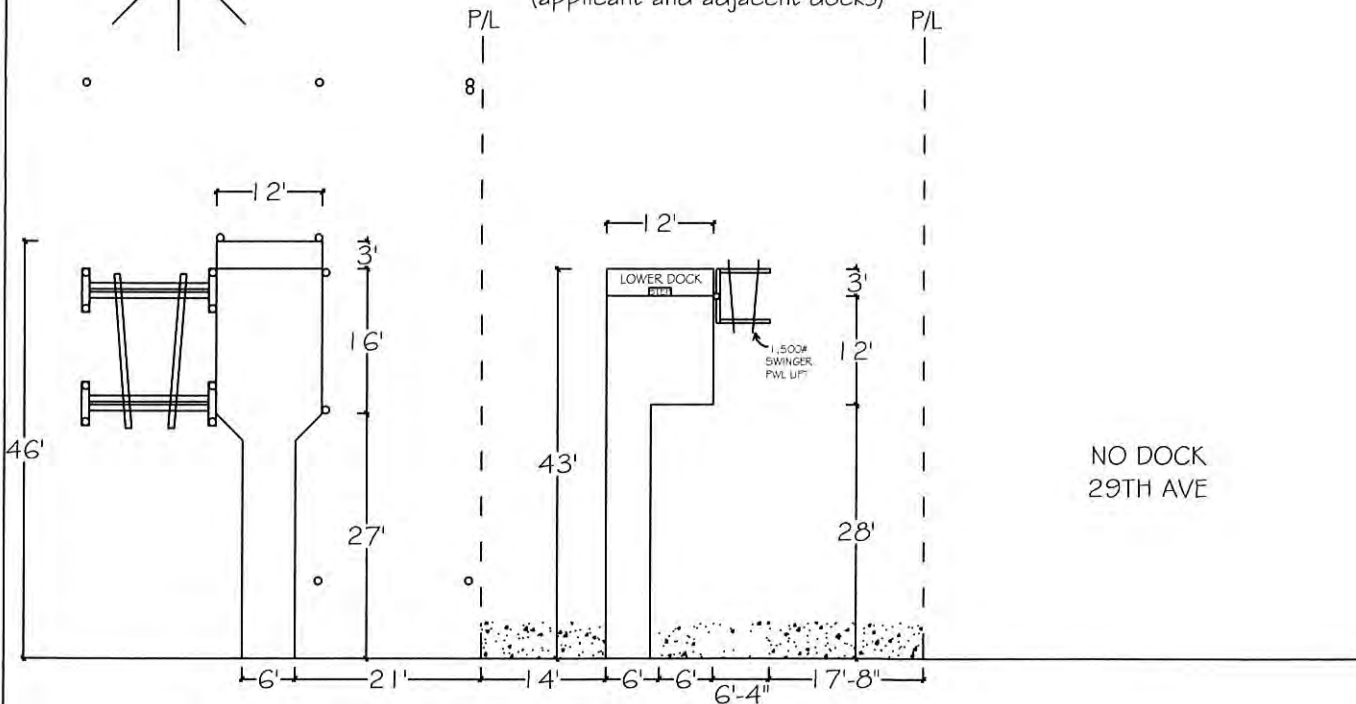
Profile View

ENG. SCALE: 1" = 20'



TOTAL SQUARE FEET	330'
NEW SQUARE FEET	330'
WATERWAY WIDTH	Over 400'
WATERFRONT WIDTH	50'

Plan View
(applicant and adjacent docks)



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

Left Owner: Jeffrey L. Shelton & Raymond A. Rubin	Right Owner: City of St. Pete Beach
Signature _____	Signature _____
Date _____	Date _____
Municipality Approval _____	Water and Navigation Approval _____

Attachment F.

Mike Larimore

From: Jeff Shelton <jeffshelton01@gmail.com>
Sent: Thursday, December 07, 2017 10:55 AM
To: Mike Larimore
Cc: Kathy Weatherly
Subject: VARIANCE 17-00037

Categories: BOA

Hi Mike,

As the adjacent property owners, we agree to the proposed variance application. We stopped by City Hall today to sign off, however, we were told an email would suffice. Let us know if you need anything else.

Raymond Rubin
Jeff Shelton
2903 Pass-a-Grille Way





St. Pete Beach Board of Adjustment

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

12/13/17

Variance Case
#17-00038

Applicant/Agent
Todd Ritchie, Applicant

Location
4945 Gulf Blvd.

Commission District
District 3

Staff Representative
Mike Larimore,
Planner I

Related Cases
Variance #2015-0051

Staff Recommendation
Partial Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 26.38(a): Freestanding Monument Sign Minimum Front Setback	10 feet	N/A	7 feet
Land Development Code 26.38(a): Freestanding Monument Sign Maximum Allowable Height	8 feet	N/A	21.8 feet

Applicant requests variances to Section 26.38(a) of the Land Development Code (LDC) to:

1) Decrease the minimum required front yard setback for a freestanding monument sign from 10 feet to 7 feet,

and;

2) Increase the maximum allowable height for a freestanding monument sign from 8 feet to 21.8 feet to allow for the reconstruction of a freestanding monument sign.

Existing Use: Commercial (Restaurant)

Adjacent Uses

North: Infrastructure (49th Avenue East)

South: Residential (Multi-Family)

East: Residential (Multi-Family)

West: Infrastructure (Gulf Blvd.)

The subject property applied for and was granted a variance in 2015 (#2015-0051) to allow for the continued use of the nonconforming sign following the substantial improvement of the property. This variance allowed for a sign face change within the sign as it existed; however it did not change the status of the sign as nonconforming and is therefore still treated as a legal nonconforming sign per LDC regulations. The prior sign was damaged in a hurricane in September 2017; once a nonconforming sign is substantially damaged (repair costs exceed 50% of market value of sign), it is required to be either removed or brought into conformity with LDC regulations.

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 Activity Center (AC) zoning district. The AC zoning district allows for various commercial uses including restaurants. The Sign Ordinance encourages the effective use of signs as a means of communications in the city. Properties located in the AC zoning district are permitted to have one freestanding monument sign of up to 100 square feet in area; however these signs may not exceed 8 feet in height and require a minimum 10 foot front yard setback.

The subject property has a Future Land Use Designation of Activity Center (AC). 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 property has a relatively steep natural grade from the sidewalk along Gulf Boulevard to the front of the existing structure compared to other properties on Gulf Boulevard. The front façade of the existing structure is setback roughly 25 feet from the property line along Gulf Boulevard. The overhang of the roof structure further reduces the area to construct a freestanding monument-type sign. The existing layout and orientation of the property is not the result of the Applicant. Therefore, the setback reduction request meets this criterion.*

- 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 nonconforming sign language in the LDC is intended to phase out nonconforming signs and bring them to conformity as signs age and deteriorate. Therefore this criterion is not met.*
- 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 requested minimum front yard setback reduction allows for a reasonable use of the land given the existing structure. The requested maximum allowable height increase is not the minimum variance that will make possible the reasonable use of the structure. Therefore, the setback reduction request meets this criterion.*

STAFF RECOMMENDATION:

Staff recommends partial approval. The proposed sign is intended to replace a freestanding monument sign that was substantially damaged (repair costs exceed 50% of the market value of the sign) during a storm in September of this year. The sign was a legal nonconforming sign that had received a variance to allow for its continued use in September 2015. This variance had allowed the existing nonconforming sign to be refaced when the property was renovated and a new business opened. The LDC's nonconforming structure & nonconforming sign language is intended to phase out nonconformities as they need to be replaced over time and/or as the signs become substantially damaged.

The sign is proposed to be located within the minimum required front yard setback and exceed the maximum allowable height. Staff agrees that the land, existing structures, and landscaping necessitate a reduction in front yard setback for the sign, however a variance for an increase in the maximum allowable height is not necessary to provide effective communication between the business and the public.

Staff recommends approval of the front setback variance and denial of the requested height variance.

Attachments:

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

Attachment A.

LDC Sec. 2.1 – Words, terms and phrases defined.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value before the damage occurred.

Market value means, for the purposes of determining substantial improvement or substantial damage, an acceptable estimate of the value of the structure as determined by a professional property appraiser or using the value of the structure as determined by the most recent available tax roll for the county property appraiser's office and adding 25 percent.

LDC 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;

Sec. 26.5. - Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this Division by January 1, 2027.

Sec. 26.38. - AC District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the AC District may have up to three of the following signs in [subsections] (a)—(f) 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 signs from [subsections] (a)—(f):

(a) Freestanding monument signs. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than eight 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 three or four permitted.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing north



Above: Subject property, facing northeast. Damaged sign structure in center.



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 17-00038**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lengthy: see attached survey and legal description
Parcel ID: 06-32-16-00000-330-0200
Address: 4945 Gulf Blvd.
Current Zoning: AC FLUM Designation: AC Lot Area: 1.23 AC
Existing Use: Restaurant Proposed Use: Restaurant

APPLICANT/AGENT:

Name: Todd Ritchie
Address: 1179 Ridgecrest Ct.
City: Palm Harbor State: FL
Zip: 34683 Phone: C- 727-458-8884
Email: todd@accentneon.com

PROPERTY OWNER:

Name: E.E. Boulevard Properties, LLC
Address: 4949 Keller Springs Rd.
City: Addison State: TX
Zip: 75001 Phone: 469-600-9779
Email: chadpisces@yahoo.com

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

Sec. 26.38(a) Freestanding signs - The variance requested is for height and setback,
to permit the repair of hurricane damage to the existing sign.

Additional Documents:

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

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

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

Hurricane damage to existing sign can be repaired

A replacement would be cost prohibitive and would also require a variance because of property limitations

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 is compliant, restaurant is operating and needs sign repaired

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

Sign was damaged by the hurricane

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

Not applicable

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

Not applicable

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

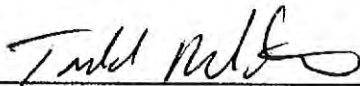
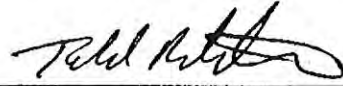
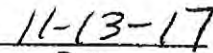
Not applicable

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.

Variance requested is only for repair of hurricane damage to existing sign

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

Sign repair will restore sign to pre hurricane state

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: 601.32

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.

- X I understand that the City will not accept or process an incomplete application.
- X 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.
- X On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- X 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.
- X 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.
- X 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.
- X 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

 Todd Miller 11-13-17
Signature of Applicant Date

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

I/WE J CHAD ELLARD
(print name of property owner)
hereby authorize Tobb Ritchie
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

J. CHAD ELLARD
Signature of Owner
[Signature]
Print Name of Owner

Signature of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 8th day of November
2017, by J CHAD ELLARD who is personally known _____
or produced TX _____ as identification.
11048440

[Signature] _____
(Notary Signature) (Date) 11-8-17

My Commission Expires _____





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Todd Ritchie, 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): Todd Ritchie

Address: 1179 Ridgecrest at Palm Harbor Fl

Todd Ritchie 12-6-17
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 6 day of Dec, 2017 by Todd Ritchie, who appeared before me, and is personally known to me, or has produced personally known as identification, and did take an oath.

My commission Expires: Nov 5, 2019

NOTARY: Bryan Hagan
Print Name: Bryan Hagan

Notary Public, State of Florida



Attachment F.

4945 Gulf Blvd.
St Pete beach, Fl

Repair of hurricane damaged stub pipe

