



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, January 31, 2018
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**

12/13/17
- 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 17-00042: 4506 Gulf Boulevard – Applicant requests variances to Section 26.34(d) of the Land Development Code to decrease the minimum required front yard setback and increase the maximum allowable height to allow for the reconstruction of a freestanding monument sign.
- III. Case 17-00044: 5414 Aloha Drive – Applicant requests a variance to Section 8.7 of the Land Development Code to decrease the minimum required side yard setback to allow for the construction of an attached residential garage.
- IV. Case 17-00045: 60 44th Avenue – Applicant requests a variance to Section 6.13(c) of the Land Development Code to decrease the minimum required rear yard setback to allow for the construction of a residential pool.
- V. Case 17-00046: 390 North Tessier Drive – Applicant requests variances to Section 8.7 of the Land Development Code to decrease the minimum required secondary front yard setback to allow for the construction of a residential addition and an awning roof.

5. Discussion

- I. BATCHELOR v. CITY OF ST. PETE BEACH, BOARD OF ADJUSTMENT (Case No. 16-0000-43AP-88A)
- II. CHMIELEWSKI v. CITY OF ST. PETE BEACH, BOARD OF ADJUSTMENT (Case No. 16-0000-41AP-88A)

6. Adjournment

APPEAL: In accordance with Chapter 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 48 hours 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

DECEMBER 13, 2017

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member
Jake Holehouse, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Mike Larimore, Zoning Tech II
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Mike Larimore produced an email, and submitted it to the Deputy City Clerk, requesting to continue Agenda Item No. 4, I., Case 17-00031, until the January 31, 2018 Board of Adjustment meeting.

Member Lyman made a motion to continue the case until a date certain of January 31, 2018. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (5 yeses – 0 nos).

2. Audience Comments

There were no audience comments.

3. Approval of Minutes – 11/15/17

Member Bomar made a motion to approve the minutes from the November 15, 2017 meeting. The motion was seconded by Member Lyman and unanimously approved by a roll call vote (5 yeses – 0 nos).

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.

This case was continued to a date certain of January 31, 2018 during Agenda Item No. 1.

- 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.

Mike Larimore gave Staff's presentation to the Board and a recommendation for approval.

Chairman Skipper asked the applicant to come forward.

Barry Flaherty, 4111 12th Street North, St. Petersburg, applicant/agent, spoke to the Board about constructing a new dock.

Chairman Skipper asked if anyone would like to speak for or against the application.

Scott Schaming, 2817 Pass-A-Grille Way, spoke in favor of the plan.

Chairman Skipper asked for further public comment. Hearing none, Chairman Skipper closed the public hearing portion and opened Board discussion.

Hearing no further Board discussion, Chairman Skipper asked for a motion.

Vice Chair Lyman made a motion to grant the variance on Case No. 17-00037. The motion was seconded by Member Bomar and unanimously approved by an individual roll call vote, (5 yeses – 0 nos).

- 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.

Mike Larimore informed the Board that the applicant was not present for the meeting.

Mike Larimore gave Staff's presentation to the Board and a recommendation for partial approval.

Chairman Skipper asked the applicant to come forward.

Joe Klingel, 255 Corey Avenue, spoke on Nick Skiadiotis's behalf, the owner of the Selene Restaurant, and explained the owner's desire to have the sign in good working order and asked the Board to proceed with the case.

Chairman Skipper asked if anyone would like to speak for or against the application.

Hearing none, Chairman Skipper closed the public hearing and opened Board discussion.

Vice Chair Lyman made a motion to approve the variance on Case No. 17-00038. The motion was seconded by Member Bomar.

Chairman Skipper asked for further Board discussion. Hearing no further discussion, Chairman Skipper asked for a roll call vote.

The motion was unanimously approved by an individual roll call vote, (4 yeses – 1 no, Member Holehouse).

5. Adjournment

There being no further business before the Board, the meeting was adjourned at 2:36 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

1/31/18

**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. The Comprehensive Plan does not address accessory storage uses.

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 LDC 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. The Applicant has not demonstrated compliance with the criteria to approve a variance.

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.

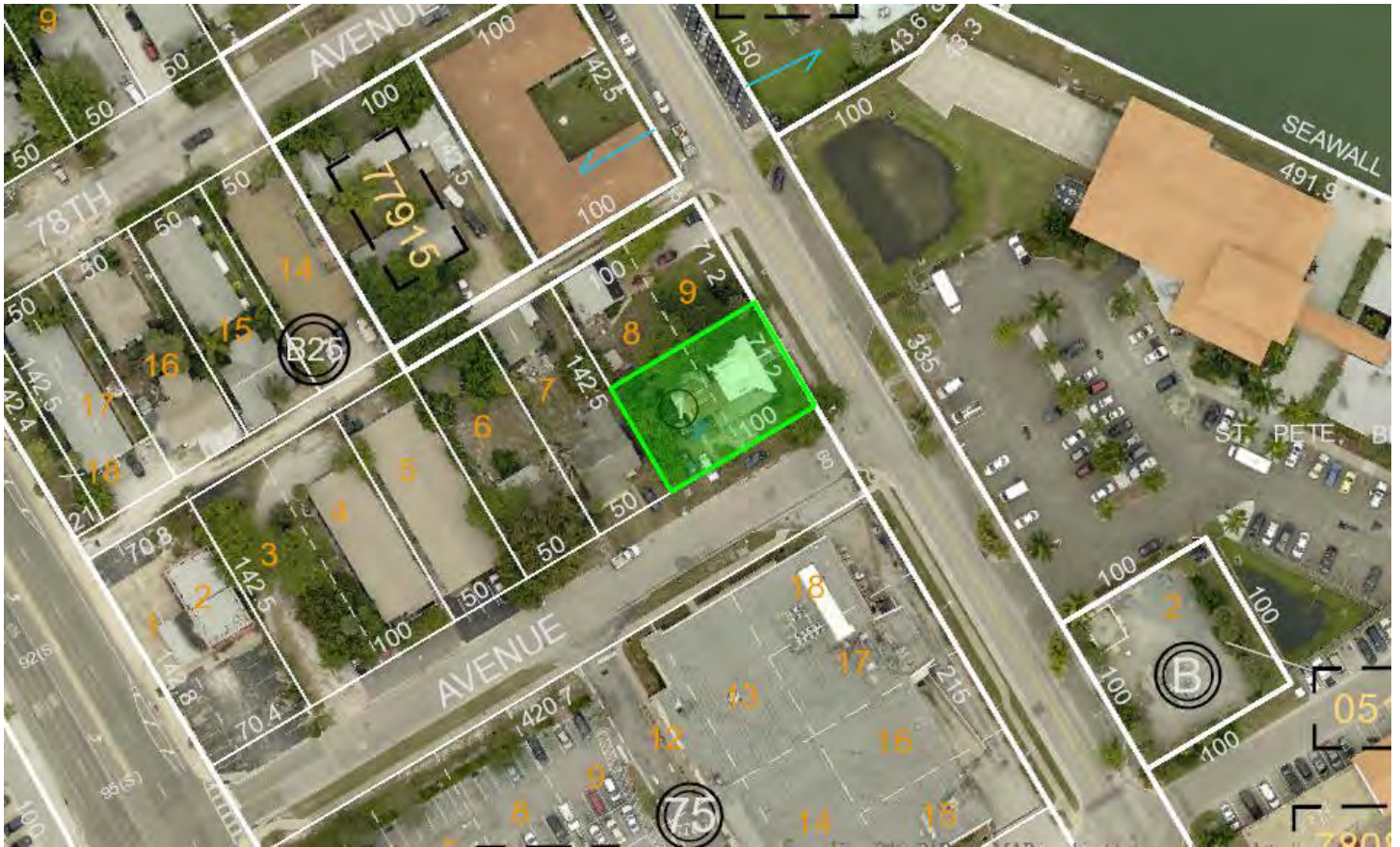
(5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.

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
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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

1/31/18

Variance Case
#17-00042

Applicant/Agent
Robert Czyszczon,
Applicant

Location
4506 Gulf Blvd.

Commission District
District 3

Staff Representative
Mike Larimore,
Planner I

Related Cases
N/A

**Staff
Recommendation**
Partial Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 26.34(d):	Minimum Front Yard Setback: 10 feet	Front Setback: 0 (zero) Feet	Front Setback: 0 (zero) Feet
Freestanding Monument Sign Regulations	Maximum Allowable Height: 8 feet	Height: 19.5 feet	Height: 19.5 Feet

Applicant requests variances to Section 26.34(d) of the Land Development Code (LDC) to decrease the minimum required front yard setback from 10 feet to 0 (zero) feet and increase the maximum allowable height from 8 feet to 19.5 feet to allow for the construction of a new freestanding monument sign.

Existing Use: Commercial (Hotel)

Adjacent Uses

North: Residential (Condominiums)

South: Residential (Condominiums)

East: Infrastructure (Gulf Blvd.)

West: Beach

The prior sign panels and electrical components were substantially damaged by an electrical fire on September 4, 2017. The framing and support of the sign still exist as they did when the sign was built in 1951. The Applicant wishes to restore the substantially damaged non-conforming sign to its prior state while maintaining the prior height and location.

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, last updated in January 2017, encourages the effective use of signs as a means of communications in the city and seeks to lessen visual clutter that may otherwise be caused by improper placement and excessive height of signs which compete for the attention of pedestrian and vehicular traffic.

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 variances are partially in harmony with the general intent of the LDC. The requested reduction in setback provides effective use of signage without altering the parking area. The requested height variance does not reflect the purpose of the LDC.*
- 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 LDC would result in a partial hardship for the Applicant. The parking area would be negatively affected if the setback variance were not granted. Reasonable use of the property and sign would not be affected if the height variance were not granted.*

STAFF RECOMMENDATION:

Staff recommends partial approval. The proposed sign will replace a previous sign that is nonconforming per setback and height regulations. The proposed sign will otherwise conform to Code requirements in regards to allowable sign face square footage. The proposed reduction of the minimum front yard setback would allow for the construction of a new sign in a similar footprint as the previous sign. Without this 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 meets the minimum required number of parking spaces per Code regulations exactly. The granting of the requested setback variance would provide the ability to build a new sign that will prevent the unnecessary reconfiguration of the parking area and create a deficiency of parking spaces on the property.

However, staff believes that the requested height variance is unnecessary to effectively communicate the sign's message and will continue to contribute to the visual clutter found along Gulf Boulevard.

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

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

LDC Sec. 26.1. - Purpose, intent and scope.

(a) Encourage the effective use of signs as a means of communications in the city;

...

(f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

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.

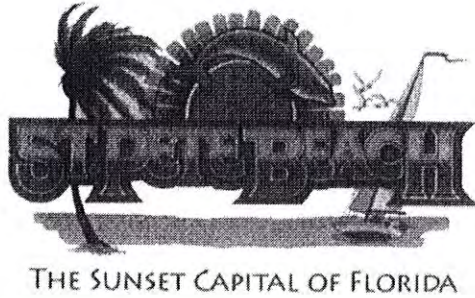


Above: Subject property, facing north



Above: Subject property, facing south

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 17-00042

PROPERTY FOR PROPOSED VARIANCE

Legal Description: That part of the North 130 feet of Government Lot 1...

Parcel ID: 07-32-16-00000-210-0100

Address: 4506 Gulf Blvd.

Current Zoning: BR District FLUM Designation: _____ Lot Area: 0.955 acres

Existing Use: Hotel Proposed Use: Hotel

APPLICANT/AGENT:

Name: Robert Czystczon

Address: 4506 Gulf Blvd.

City: St. Pete Beach State: FL

Zip: 33706 Phone: 727-367-2791

Email: robert@plazabeach.com

PROPERTY OWNER:

Name: Maria Czystczon Rev. Trust
Krzysztof Czystczon Rev. Trust

Address: 4506 Gulf Blvd.

City: St. Pete Beach State: FL

Zip: 33706 Phone: 727-367-2791

Email: N/A

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

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." Requesting a variance to keep existing hotel sign in it's current place at ~~its~~ current height as it has been in this location since 1951. There is nowhere else on property to put a sign.

Sec. *
26.34
height &
setback
See 1/10/18
email
(w)

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.

Property is very narrow at 136 feet wide. Furthermore the building is only 18 inches from property line, which makes a monument sign not achievable. Placing sign in parking lot will result in deprivation of use and would make visibility non existent from Gulf Blvd.

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 sign ordinance would set back the sign so far into the parking lot that no person driving on Gulf Blvd. would see it. Furthermore we would have to relocate our dumpster, because dumpster would be taller than sign. Furthermore we would lose 2 parking spaces.

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

Our current sign in its current location is in good standing. However, an electrical fire on September 4, 2017 burnt parts of the sign. The structure of the sign is sound, we just need to replace the panels and power.

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

The proposed variance will have no effect of changing any district boundary on the zoning map.

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

The variance is for a non-conforming use. However, our sign, just like the majority of signs on SPB are nonconforming. They are non-conforming not because of the integrity of the sign, but because a new ordinance was passed years ago that made just about all signs on SPB non-conforming. The new sign ordinance was passed by a previous city council with no input from business community. The business community feels that this new ordinance is too strict and will result in business failings.

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

The variance will not increase density or intensity.

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

The sign has been in its current position since 1951. Granting a variance to allow the sign to remain in the same location is not injurious or detrimental to the public welfare.

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

The proposed variance is the most minimum. It will keep the sign where it has been since 1951; and very little work will be necessary to restore it to its original beauty.

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.

RC

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

RC

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.

RC

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

RC

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.

RC

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.

RC

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.

RC

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

11/13/17

Date

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

I/WE Krzysztof and Maria Czystczon, as trustees
(print name of property owner)
hereby authorize Robert Czystczon
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

Krzysztof Czystczon
Signature of Owner

Maria Czystczon
Signature of Owner

Krzysztof Czystczon
Print Name of Owner

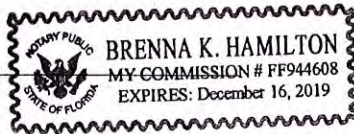
Maria Czystczon
Print Name of Owner

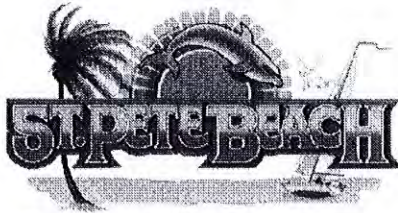
The forgoing instrument was acknowledged before me this 20th day of November
2017, by Krzysztof/Maria Czystczon who is personally known personally known
or produced personally known as identification.

Brenna K. Hamilton
(Notary Signature)

11-20-17
(Date)

My Commission Expires





THE SUNSET CAPITAL OF FLORIDA



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Robert Cyszczen, 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): Robert Cyszczen

Address: 4506 GULF BLVD, SPB FL 33706

[Signature] 12/15/17
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 15th day of December, 2017 by Robert Cyszczen, who appeared before me, and is personally known to me, or has produced personally known as identification, and did take an oath.

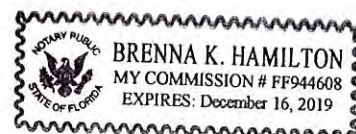
My commission Expires:

NOTARY:

Print Name:

Notary Public, State of Florida

(Notarial Seal)



Prepared by and Return to:
Law Offices of Michael J. Heath, PA
167 108th Avenue
Treasure Island, FL 33706

KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2011340993 12/27/2011 at 12:32 PM
OFF REC BK: 17444 PG: 1380-1381
DocType:DEED RECORDING: \$18.50

Corrective Warranty Deed

That on the 16th day of December, 2011, we:

Krzysztof Czyszczonek, a/k/a Christopher Czyszczonek and Maria Czyszczonek a/k/a Maria Czyszczonek, husband and wife, of 5301 Gulf Boulevard, #F-508, St. Pete Beach, Florida, 33706 (hereinafter referred to as the "Grantors"), owners of the property hereinafter described,

In exchange for valuable consideration, the receipt of which is hereby acknowledged, do hereby grant said ownership interest as follows:

An undivided fifty percent (50%) interest to Krzysztof Czyszczonek and Maria Czyszczonek, as Trustees of the Krzysztof Czyszczonek Revocable Trust of 2007, dated November 27, 2007, FBO Krzysztof Czyszczonek, whose address is: 5301 Gulf Boulevard, #F-508, St. Pete Beach, Florida, 33706

And

An undivided fifty percent (50%) interest to Maria Czyszczonek and Krzysztof Czyszczonek, as Trustees of the Maria Czyszczonek Revocable Trust of 2007, dated November 27, 2007, FBO Maria Czyszczonek, whose address is: 5301 Gulf Boulevard, #F-508, St. Pete Beach, Florida, 33706 (hereinafter referred to as the "Grantees"),

with **warranty covenants**, the following described property:

That part of the North 130 feet of Government Lot 1 in Section 7, Township 32 South, Range 16 East, lying West of the West line of Gulf Boulevard (State Road 699), Pinellas County, Florida.

The above is the same premises originally conveyed by the deed of Victor Czyszczonek and Leonarda Czyszczonek to Christopher Czyszczonek and Maria Czyszczonek, husband and wife, dated October 26, 2000, recorded O.R. Book 11142, Page 1507 of the Official Records of Pinellas County, Florida.

Grantors reserve the right to reside in the real property placed in these Trusts, specifically the premises conveyed in this Warranty Deed, as their permanent residence during their lives. It is the intent of this provision to retain for the Grantors the requisite beneficial interest and possessory right in and to such real property to comply with Florida Statute 196.04 (2); with such interest being hereby declared to be the "equitable title to real estate," as that phrase is employed in Section 6, Article VII of the Constitution of the State of Florida.

We, Krzysztof Czyszczonek and Maria Czyszczonek, husband and wife, hereby release our rights of homestead, dower, curtesy, and any and all other rights we might have in the subject premises.

Krzysztof Czyszczonek is one and the same as Christopher Czyszczonek.
Maria Czyszczonek is one and the same as Maria Czyszczonek.



This is NOT the Grantors Florida Constitutional Homestead property.
Tax Identification No. 06-32-16-09973-006-5080

IN WITNESS WHEREOF, grantors have set their hand and seal the day and
year first above written.

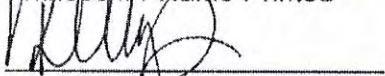
Signed, sealed, and delivered in the presence of these witnesses:



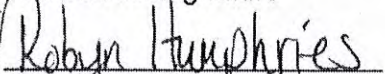
Witness #1 Signature



Witness #1 Name Printed



Witness #2 Signature

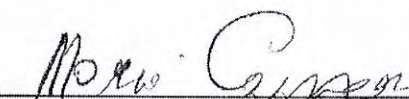


Witness #2 Name Printed



Krzysztof Czyszczonek, Grantor

5301 Gulf Blvd, F508, St. Pete Beach, FL 33706



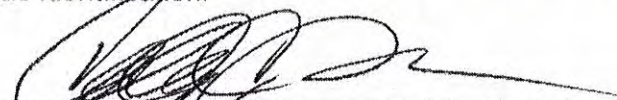
Maria Czyszczonek, Grantor

5301 Gulf Blvd, F508, St. Pete Beach, FL 33706

STATE OF FLORIDA

COUNTY OF PINELLAS

Sworn to, Subscribed and Acknowledged before me on this 16th day of December, 2011, by
Krzysztof Czyszczonek and Maria Czyszczonek who has/have produced Known to me
as identification.

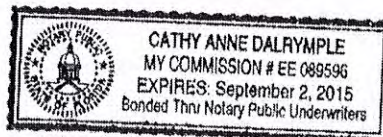


NOTARY PUBLIC

Printed Name of Notary

My Commission Expires: _____

[AFFIX SEAL BELOW]



Mike Larimore

From: Robert Czyszczonek <robert@plazabeach.com>
Sent: Wednesday, January 10, 2018 3:42 PM
To: Mike Larimore
Subject: Re: Sign Variance

Mike,

Thank you for your e-mail. I agree with your suggestion to make the variances request to the setback and height regulation language found in Sec. 26.34 "LR and BHC Districts". Please make the the appropriate changes to the application

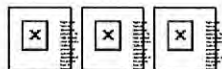
Sincerely,

Robert Czyszczonek
CEO/President and General Manager



Plaza Beach Hotel - Beachfront Resort
Bayview Plaza Waterfront Resort
Bay Palms Waterfront Resort - Hotel and Marina

TripAdvisor Certificate of Excellence, 2011-2017
Superior Small Lodging White Glove Award, 2007-2017
Superior Small Lodging Award of Excellence, 2017
Voted #1 Beach Destination in America by TripAdvisor, 2012
Voted #1 Beach Town by Parents Magazine, 2013
Voted #2 Beach Destination in America by TripAdvisor, 2015



On Mon, Jan 8, 2018 at 8:55 AM, Mike Larimore <mlarimore@stpetebeach.org> wrote:

Mr. Czyszczonek,

In preparing the Board of Adjustment agenda, legal ad, mailing notices, etc. including your sign variance request I noticed something. Your variance application indicates that you wish to be granted a variance to LDC Sec. 26.5 "Nonconforming Signs". I believe it would be most beneficial for you to request variances to the setback and height regulation language found in Sec. 26.34 "LR and BHC Districts". This way, if you were to receive the requested variances, you could rebuild the sign if the reconstructed sign were to be damaged again

using the granted setback and height variances. If you were to receive a variance to allow for the reconstruction of the sign using a variance to Sec. 26.5, you would need to apply again for another, separate variance to the nonconforming sign language to rebuild the sign in the same fashion in the future.

We had a similar situation take place when the Selene Restaurant's nonconforming sign was damaged in Hurricane Irma; they had received a variance to Sec. 26.5 in 2015 to allow for the continued use of a nonconforming sign and were required to apply for and be granted another variance in 2017 (this time to setbacks and height) to rebuild the destroyed sign. Now that they were granted variance to setback and height, if the new sign were to be destroyed, they could rebuild it using the 2017 granted variances.

Let me know if you have questions on this, but if you wish to update your application to request variance to the minimum setback & maximum height regulations, please let me know in writing as soon as possible so I may update the application before the legal ad and other advertisements are due.

Mike Larimore

Planner I

City of St. Pete Beach

727-363-9253



Download SPBConnect at www.stpetebeach.org/spb-connect.html

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



COMMUNITY DEVELOPMENT

DEC 18 2017

RECEIVED





RECEIVED
COMMUNITY DEVELOPMENT
DEC 18 2017





RECEIVED
DEC 18 2017
COMMUNITY DEVELOPMENT





RECEIVED
DEC 18 2017
COMMUNITY DEVELOPMENT





RECEIVED
DEC 18 2017



Attachment E.

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST

FOR: ROBERT CZYSCZON

BASIS NORTH:
COASTAL CONSTRUCTION
CONTROL LINE DATA
SCALE: 1"=20'

GULF STRAND RESORT
A CONDOMINIUM
CONDO PLAT BOOK 105, PAGES 34-36

289.87' (CAL.) TO C.C.S.L.
320.29' (CAL.) TO C.C.C.L.
289.95' (M) TO FIR

S88°10'42"E(M)

DITCH

TWO STORY CONCRETE BLOCK
BUILDING #4506
LOWEST LIVING FLOOR EL=5.19

TWO STORY CONCRETE BLOCK MOTEL BUILDING
PLAZA BEACH RESORT MOTEL
LOWEST LIVING FLOOR EL=6.15

(1) STORY
CONC. BLOCK

NOT PLATTED
TAX PARCEL ID: 07/32/16/00000/210/0100

ASPHALT PARKING

THE LIDO
CONDO PLAT BOOK 81, PAGES 63-71

333.15' (M) TO FND. X
311.83' (CAL.) TO C.C.C.L.
289.45' (CAL.) TO C.C.S.L.



- LEGEND:
- FIR = FOUND IRON ROD
 - FND = FOUND
 - (CAL) = CALCULATED
 - C.B. = CONCRETE BLOCK
 - CPF = CONCRETE POWER POLE
 - R.W.V. = RECLAIMED WATER VALVE
 - GTE = GENERAL TELEPHONE
 - FPC = FLORIDA POWER CORPORATION
 - WM = WATER METER
 - SMH = SANITARY MANHOLE
 - R/W = RIGHT-OF-WAY
 - GM = GAS METER
 - WV = WATER VALVE
 - TBM = TEMPORARY BENCHMARK
 - CONC = CONCRETE
 - TRFSD = TRAFFIC SIGN
 - C.C.S.L. = COASTAL CONSTRUCTION CONTROL LINE
 - C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE (STATE OF FLORIDA)
 - HEX = HEXAGON
 - BLDG = BUILDING
 - (P) = PLAT
 - (M) = MEASURED

TOTAL AREA TO MEAN HIGH WATER LINE
AREA = 78,271.86 SQ. FT. OR 1.797 ACRES
AREA TO C.C.S.L. = 38,181.64 SQ. FT. OR 0.827 ACRES
AREA TO C.C.C.L. = 41,544.55 SQ. FT. OR 0.954 ACRES

A BOUNDARY SURVEY OF
That part of the North 130 feet of Government Lot 1 in
Section 7, Township 32 South, Range 16 East lying West
of the West line of Gulf Boulevard (State Road 699)
Pinellas County, Florida

THIS PROPERTY LIES IN FLOOD ZONES: AE(11'),
AE(12'), VE(12'), VE(13'), VE(14'), VE(15') AND
VE(16') PER FEMA FLOOD MAP COMMUNITY-PANEL
NUMBER 125149 12103C0276 G, REVISED 9/03/03

BASIS OF BEARINGS: ON C.C.C.L. AS BEING N15°58'55"W AND
N18°36'57"W.

BENCHMARK: #279 NOAA D - EL=5.546' N.G.V.D.
ADJUSTED TO 4.79' N.A.V.D.
M.S.L.=0.00'

SURVEYOR'S NOTES:
This survey was prepared without the benefit of
a title search and is subject to all easements,
right-of-way and other matter of record.
Survey not valid without the signature and the
original raised seal of a Florida Licensed
Surveyor and Mapper.

NOTE: This survey is made for the exclusive
use of the current owners of the property
and does not constitute a warranty or
guarantee the title herein shown (it)
nor from date hereof.

CERTIFICATION
I hereby certify that the survey represented hereon meets the
requirements of Chapter 5J-17.052 Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 1269
Certificate of Authorization No. 760

JOHN C. BRENDLA AND ASSOCIATES, INC.
Consulting Engineers and Land Surveyors

JCB 4015 82nd Avenue North
Pinellas Park, Florida 33781
Telephone (727) 576-7546
Facsimile (727) 577-9932
LB 760

BOUNDARY, TREES AND TOPOGRAPHIC
SURVEY WITH IMPROVEMENTS

PLAZA CRD

REVISIONS

No.	DESCRIPTION	DATE
1.	UPDATE BOUNDARY AND IMPROVEMENTS, ADDED CHICKI HUT	8/10/11
2.	UPDATE BOUNDARY, RELOCATE FRONT BUILDING, ADD IMPROVEMENTS AND UPDATE TREES	9/03/13

FB: 819 PG: 30-33

Survey Date: 8/15/03

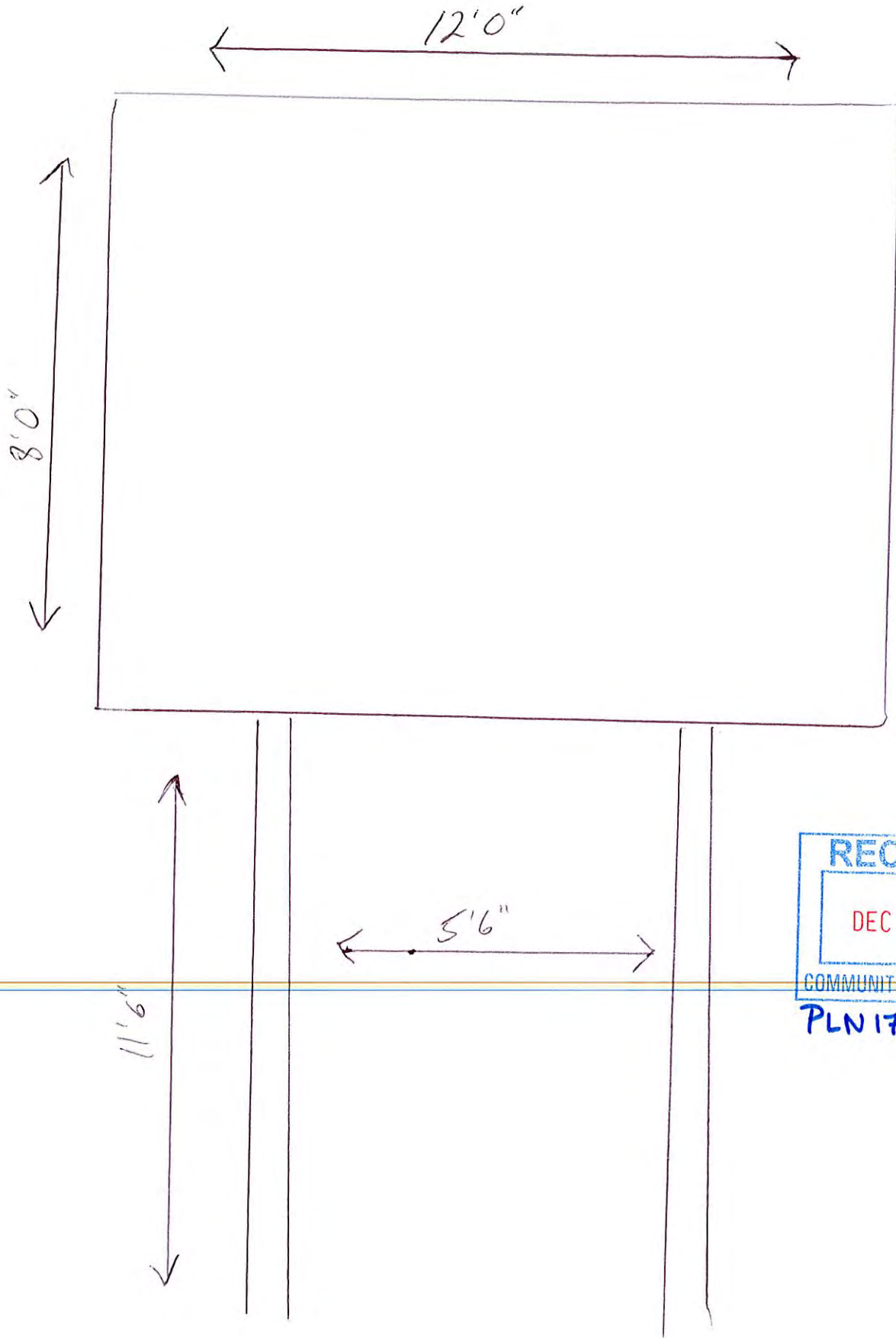
Job Number: 0308-06

Drawn by: HT/005

Checked by: JCB

SHEET 1 of 1

Attachment F.





St. Pete Beach Board of Adjustment

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

1/31/18

**Variance Case
#17-00044**

Applicant/Agent
Dominic Texeira,
Property Owner

Location
5414 Aloha Drive

Commission District
District 2

Staff Representative
Mike Larimore,
Planner I

Related Cases
Board of Adjustment
Case 569

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 8.7:	Minimum Side Yard Setback:	N/A	5.44 feet
Minimum Yard Requirements	7 feet		

Applicant requests a variance to Section 8.7 of the Land Development Code (LDC) to decrease the minimum required side yard setback from 7 feet to 5.44 feet to allow for the construction of an attached residential garage.

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

North: Infrastructure (Aloha Drive)

South: Residential (Detached Single-Family)

East: Residential (Detached Single-Family)

West: Residential (Detached Single-Family)

The homeowner wishes to replace a carport that was damaged by a storm in September 2017. The property received a variance in 1979 to reduce the minimum required side yard setback by four feet to construct the carport. The purpose of the requested variance is to remove the carport and reconstruct the existing single-car garage with a two-car garage. The side setback of the existing carport is approximately 3.5 feet; the setback of the proposed garage extension would be approximately 5.5 feet.

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-1 Residential zoning district. The RU-1 zoning district allows for detached single-family residential uses and subordinate accessory structures. Carports and attached garages must comply with the same yard setbacks as the principal structure.

The subject property has a Future Land Use Designation of Residential Urban (RU). The Comprehensive Plan encourages the improvement of existing residential neighborhoods.

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. *No conditions or circumstances exist that are peculiar to the subject land, structure or building. The strict application of the provisions of the LDC would not deprive the applicant reasonable use of the land, structure, or building.*
- 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 LDC. The requested variance would increase the setback of the structure by 2 feet from the previously granted*

variance.

- 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 LDC would not result in a hardship for the Applicant. The previously granted variance is still valid to rebuild the carport structure as it exists.*

STAFF RECOMMENDATION:

Staff recommends denial. The Applicant has not demonstrated compliance with the criteria to approve a variance. While the proposed garage would decrease the overall footprint of the structure and increase the setback from roughly 3.5 feet to 5.5 feet, the replacement of the carport structure with an enclosed garage is not the minimum variance that will make possible the reasonable use of the structure. The 1979 variance granting the reduced setback for the carport structure is still valid and provides reasonable use of the land.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Proposed Elevations & Floor Plan
- F. Property Survey
- G. Excerpt from October 10, 1979 Board of Adjustment Meeting Minutes, Case 569
- H. Letter(s) of Comment

Attachment A.

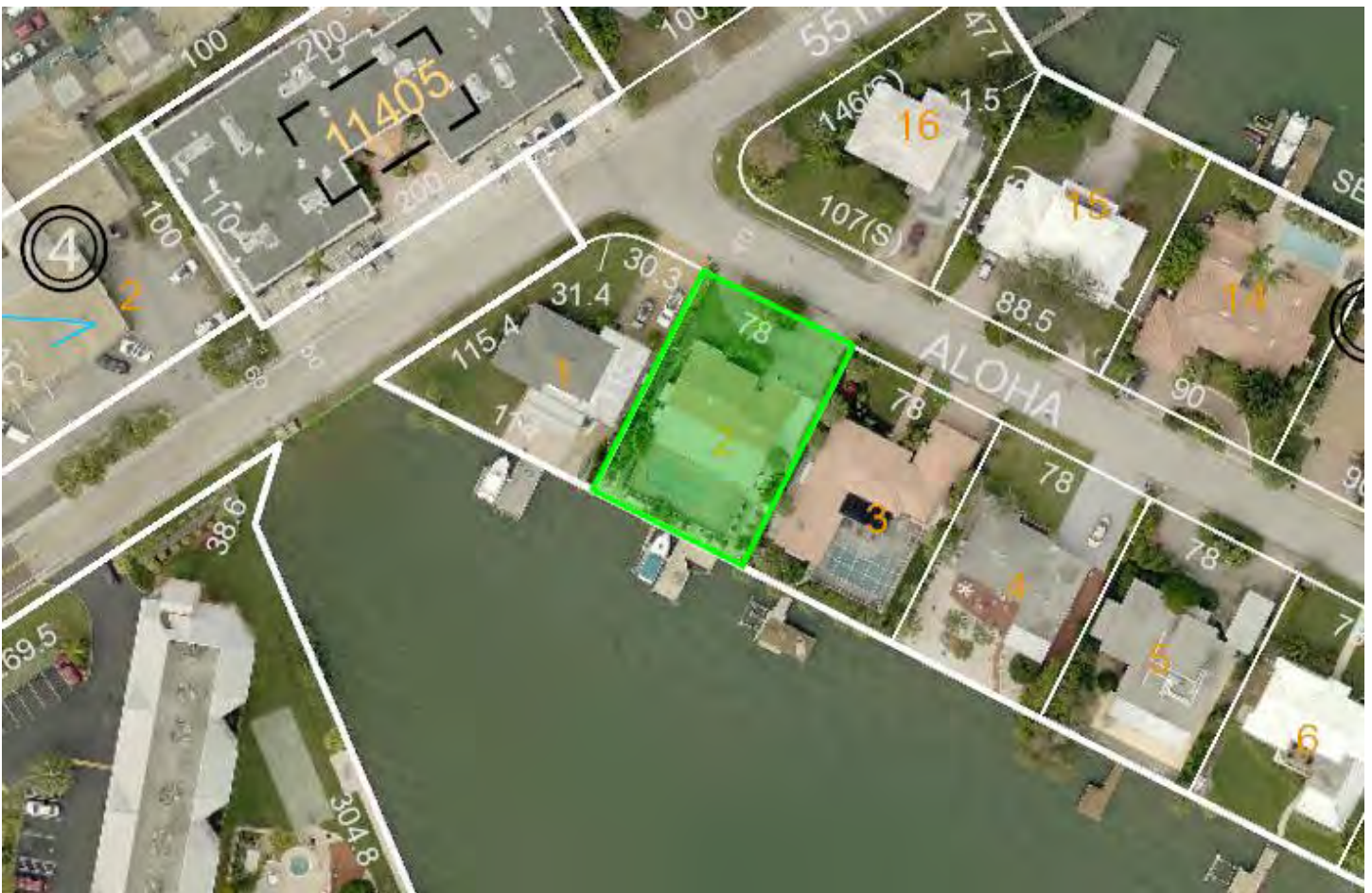
LDC Sec. 8.7. - Minimum yard requirements.

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

(a) Detached single-family dwellings.

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

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing west

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: **PLN17-00044**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 2 Block 1 Brightwater Bch. Estates
Parcel ID: Plat Book 27, Page 36
Address: 5414 Aloha Dr. St. Pete Bch, FL.
Current Zoning: ~~Flood Zone AE~~ RU-1 FLUM Designation: RU Lot Area: 8970 sq. ft.
Existing Use: single family Proposed Use: Same

APPLICANT/AGENT:

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

PROPERTY OWNER:

Name: Dominic R. & Susana M. Teixeira
Address: 5414 Aloha Dr.
City: St. Pete Bch State: FL.
Zip: 33706 Phone: 774-255-0029
Email: SueDoutex@aol.com

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

see Att. Sheet

LDC Sec. 8.7 - reduce side yard setback from 7 feet to 5.5 ft.

DR

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.

STORM DAMAGE TO CAR PORT

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.

NO

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

NO

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

NO

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

NO

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

NO

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

This VARIANCE will decrease the
previous approved side yard variance
from 4' to 2'

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

yes

Dominic R. Defina 12-15-17

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.

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

QRT 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.

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

QRT 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.

QRT 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.

QRT 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.

QRT 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

Dominic R. Tejero 12-15-17
Signature of Applicant Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Dominic R. Teixeira, 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):

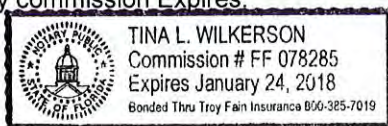
Name(print): Dominic R. Teixeira
Address: 5414 Aloha Dr. St. Pete Bch.

Dominic R. Teixeira 12-15-17
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 15 day of December, 2017 by Dominic Richard Teixeira, who appeared before me, and is personally known to me, or has produced Mass DL # S27971926 as identification, and did take an oath.

My commission Expires:



NOTARY:

Print Name: Tina L Wilkerson

Notary Public, State of Florida

(Notarial Seal)



I would like to rebuild A existing
one car garage and existing attached
car port with A width of 22 ft.

The new garage will be A two car
garage 20 ft. wide.

This will decrease the variance
which was granted 10/10/79 from
4 ft. to 2 ft. the new width of
side yard will be 5.44 ft instead
of 3.44 ft.

The reason for this request is because
when Hurricane Irma came thru
this area on sept. 10 the car port
roof and supports were damaged.
And nearly blew away requiring
the entire car port to need rebuilding



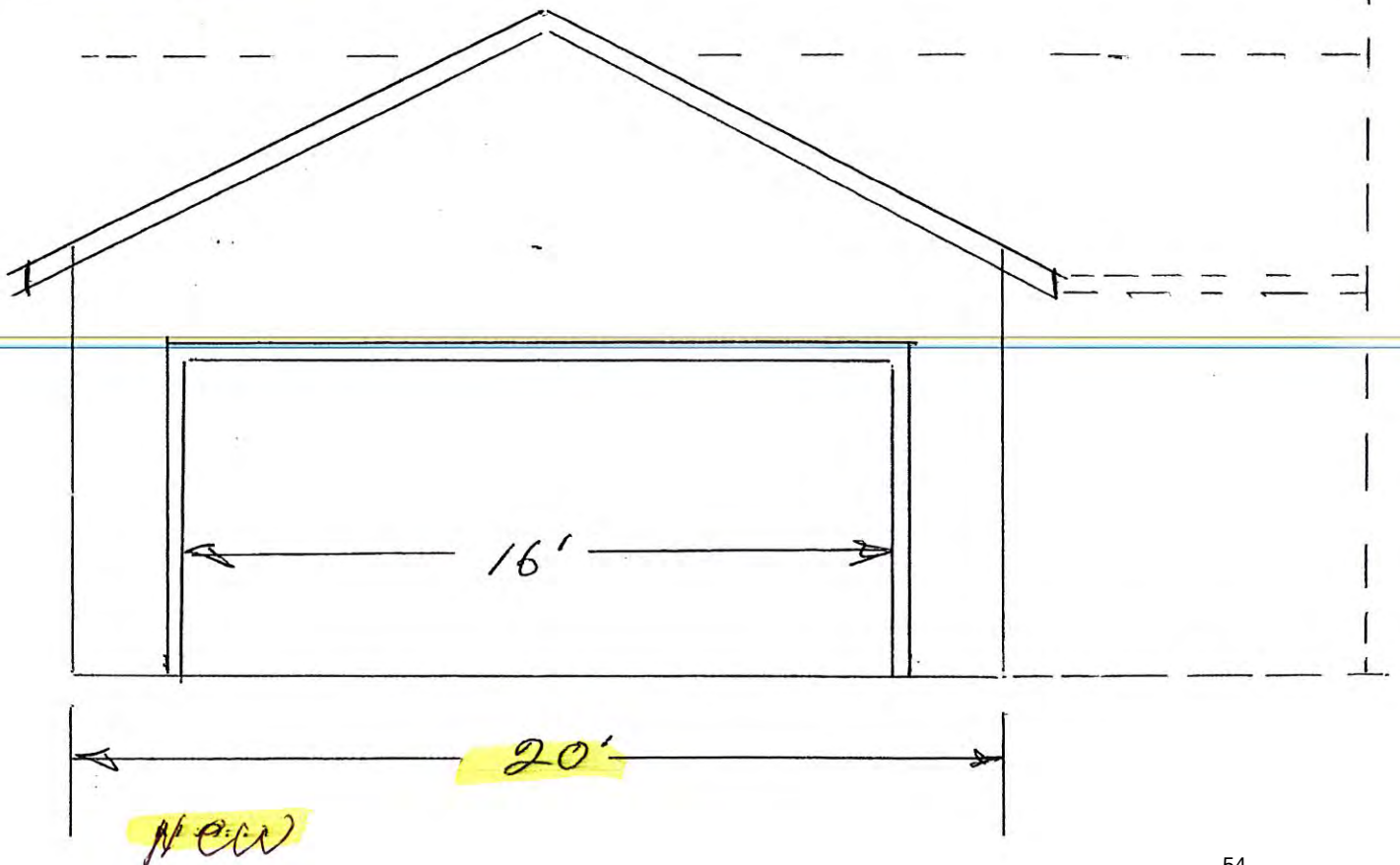
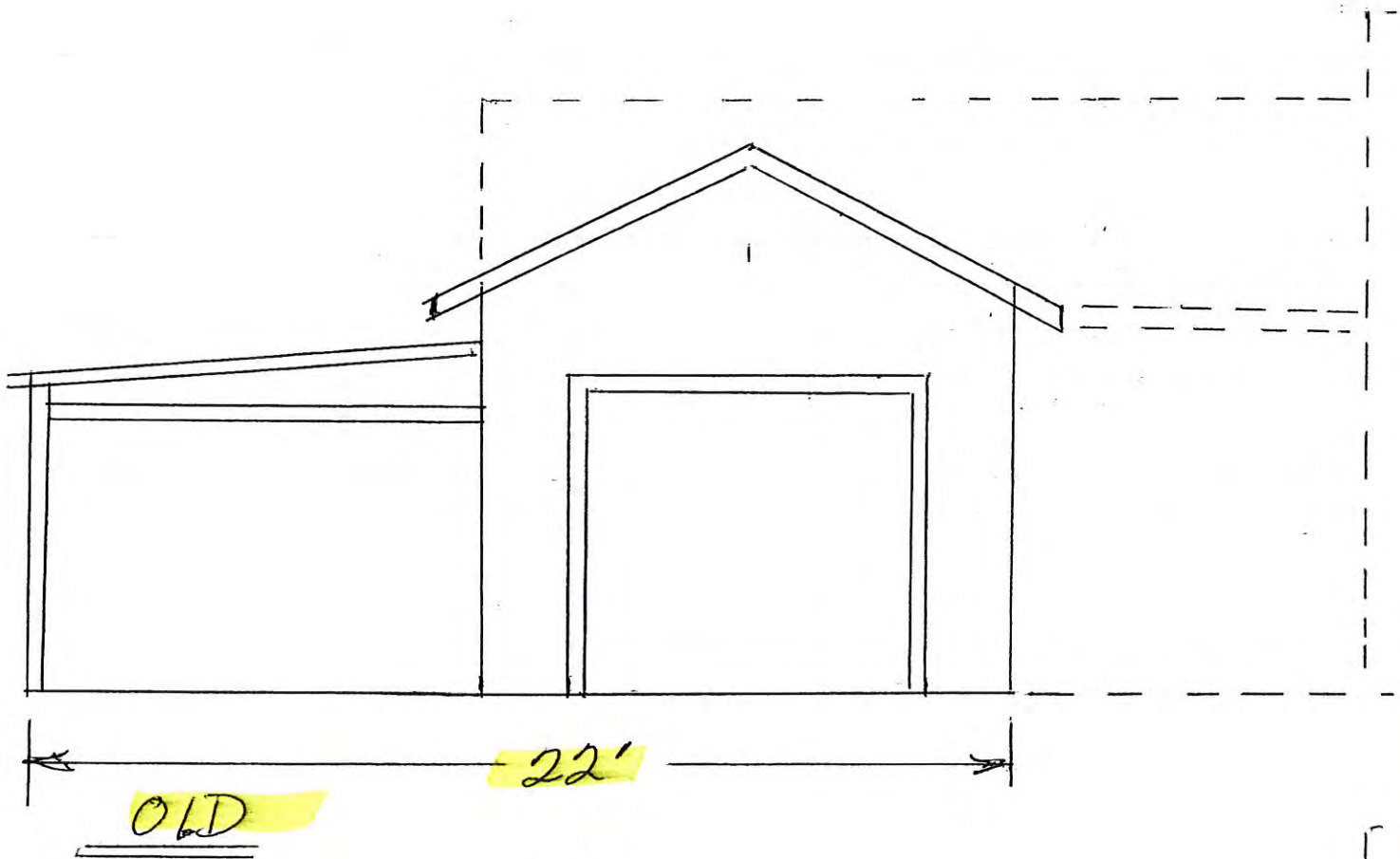
Dominic Teixeira
5414 Aloha Dr.

774-255-0029

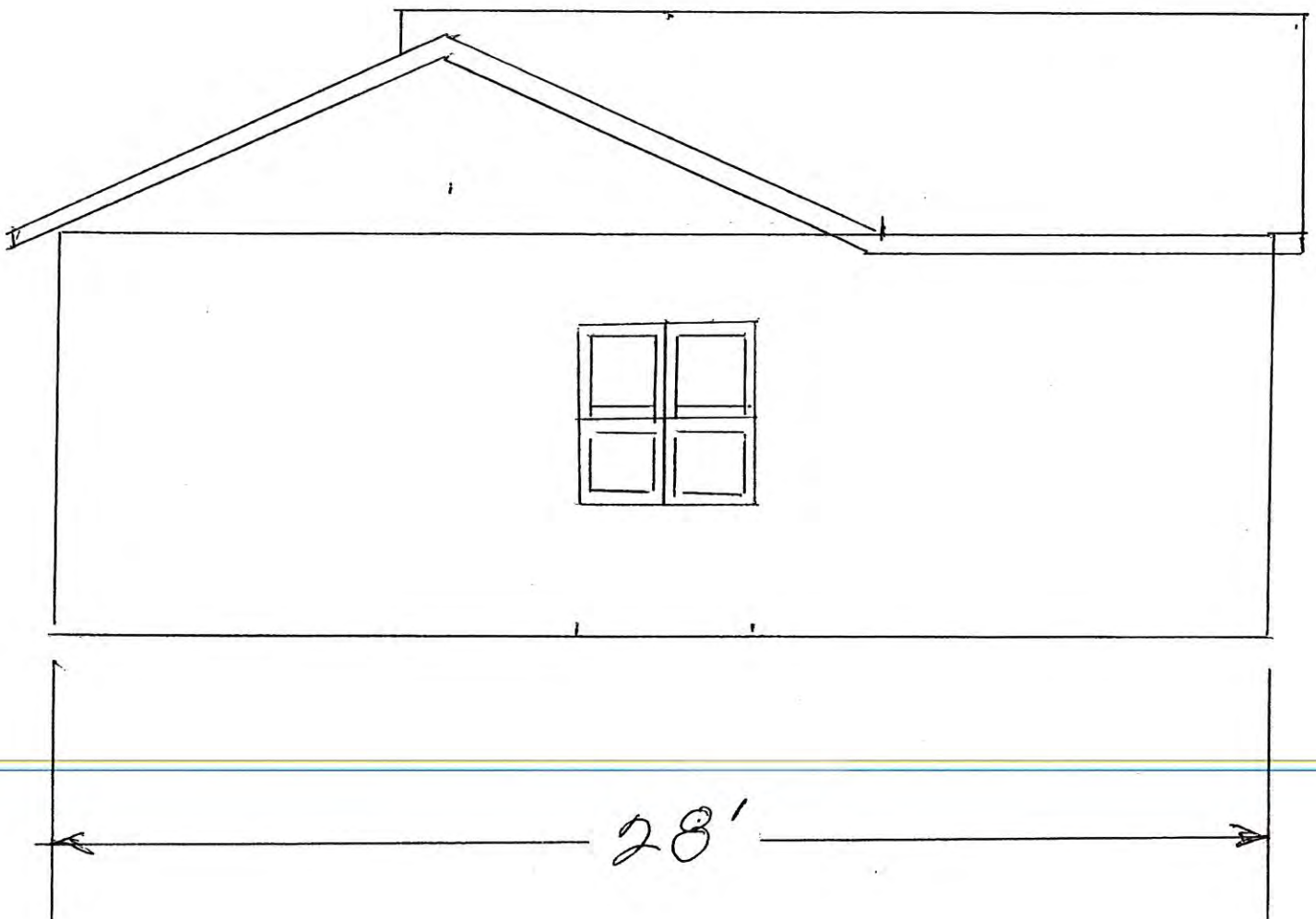
Dominic Texeira
5414 Aloha Dr.

774-255-0029

Attachment E.

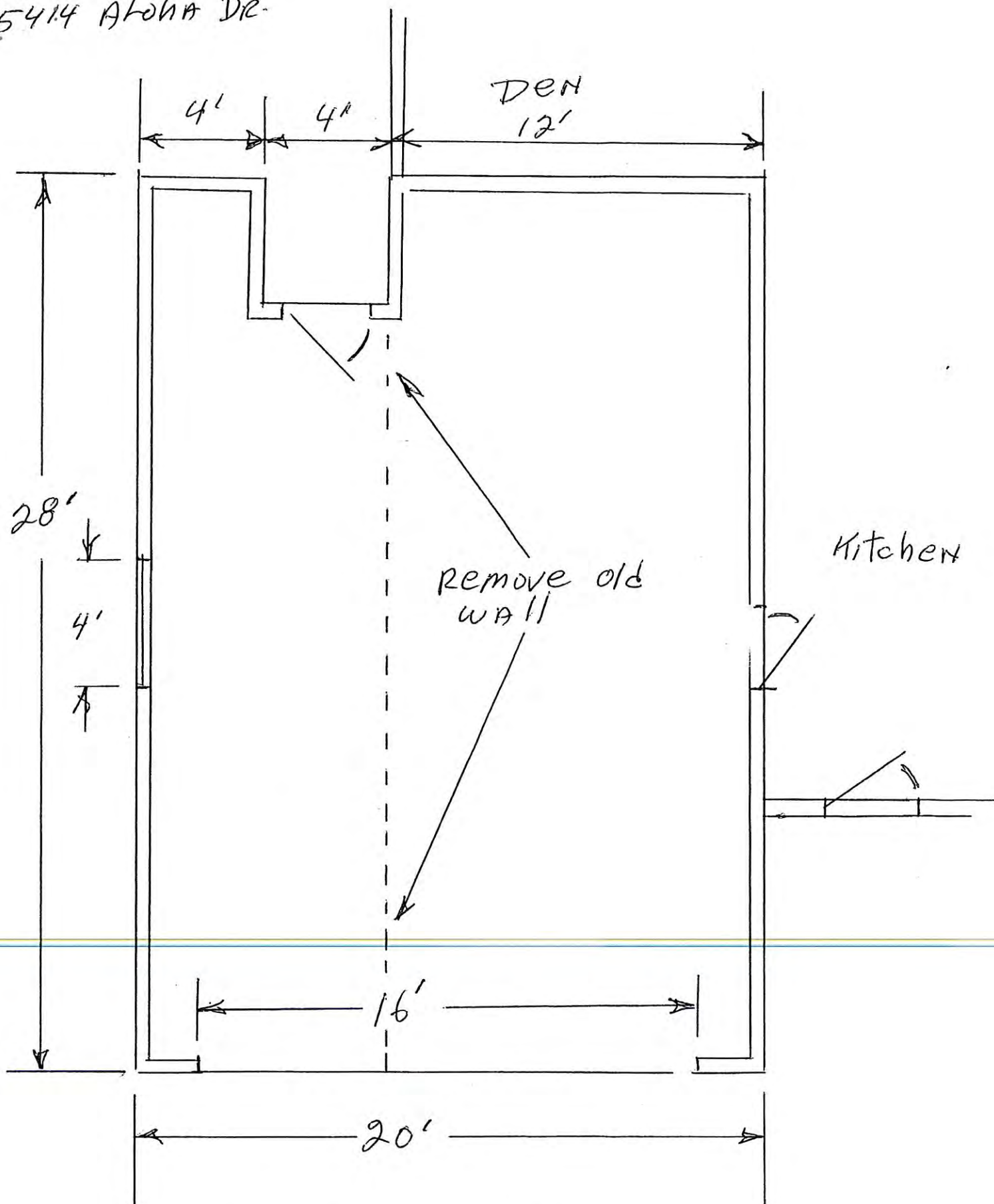


Dominic Teixeira
5414 A Loha Dr.



NEW SIDE VIEW

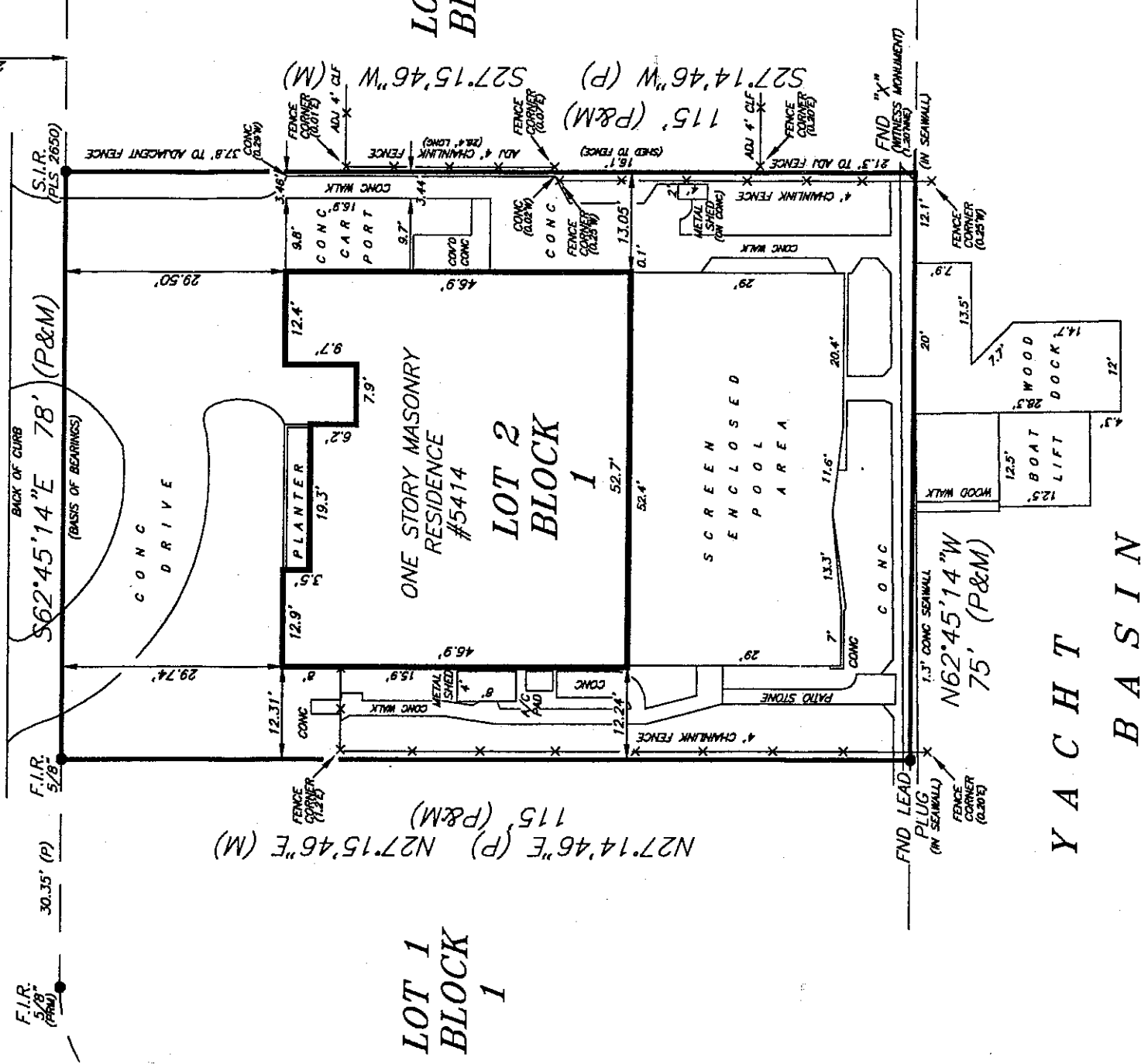
Dominic Teixeira
5414 Aloha Dr.



FRONT FOUNDATION

ALOHA DRIVE 40' R/W

27' ASPHALT PAVEMENT



JOB NUMBER: 31234 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 10/21/03 SCALE: 1 INCH = 20 FEET DRAWN BY: DLP	DAVID C. HARNER PROFESSIONAL LAND SURVEYOR 9925 GULF BOULEVARD TREASURE ISLAND, FL 33706 SECTION 6 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: AE FLOOD MAP DATE: 9/03/03 COMMUNITY NUMBER: 125149 PANEL NUMBER: 0276 G CHECKED BY: DCH
CERTIFIED TO: DOMINIC R. AND SUSAN M. TEXEIRA FIDELITY NATIONAL TITLE INSURANCE COMPANY		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB CH.=CHORD LENGTH C=CALC C.L.F.=CHAINLINK FENCE CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL.=CENTERLINE CH. BRG.=CHORD BEARING E.P.=EDGE OF PAVEMENT EL=ELEVATION FT=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2650 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED D=DEED R=RECORD W/W=WING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER*		

57

Attachment G.

B.O.A. Meeting - 10/10/79

8

Mr. Smith: Then that would stop anybody else in the whole neighborhood from having a two-family house because most all of the lots are - the largest lot is 68 by 100. There's all single families living in that area and for years it's always been zoned that way for a single-family dwelling. Somewhere along the line it must have been changed to permit two families. Is that right? Is that the way it's zoned now?

Mr. Stone: It's been zoned one and two-family, I believe, since 1964 when Ordinance 100 went into effect.

Mr. Smith: All those houses that are single family were all built before 1964 and I recall this same lot at that time had a commercial zoning on it. Somebody was going to build a false tooth factory there but at that time the thing was ruled out by the Board in session. I don't think that it would be a good idea to go ahead and spoil the neighborhood. There are all single-family homes and somebody should not come in there and make a two-family home. It looks to me like the way they're working this thing is to subterfuge and make the two-family situation develop later.

There being no further comments, Mr. Williams moved that the variance be denied. There was no second. Mr. Morachnick moved that the variance be granted. Mrs. Smith seconded the Motion and a roll-call vote was as follows:

Mr. Morachnick -	Yes
Mr. Taylor -	Yes
Mrs. Smith -	Yes
Mr. Williams -	No
Mr. McCrory -	Yes

The variance was granted.

Case 569 - Raymond F. Brosan - Application for a variance of four feet to sideyard to construct carport at 5414 Aloha Drive.

Mr. Brosan: I am requesting four feet for two reasons; No. 1, for shelter, and No. 2, that the property grade on my property is graded towards the house and when there is a driving rain, the rain comes in underneath the garage side door and by having this carport would definitely help the situation.

Mr. Williams: Doesn't this carport exist right now?

Mr. Brosan: Yes it does, and that was a mistake on the builder or the construction company. I had hired different type construction companies to perform different works on my house and evidently they did not put in the right information.

Mr. Williams: Did they not state there was ten feet there when there is really only two?

Mr. Brosan: That is correct. I did not do that; that was a mistake.

Mr. Williams: I realize that.

Mr. Taylor: Is there any comment from the neighbor who you are encroaching on that side?

Mr. Brosan: No, Sir, not at all. Nobody has complained and nobody's against it as far as I know. If there were, they'd be up here, I'm sure.

Mr. Stone: When the contractor made application, he did put down the ten-foot sideyard. That's what the permit was issued on. We didn't discover the error until we made the inspection on the structure.

There being no further discussion, it was moved by Mr. Morachnick, seconded by Mr. Williams that the variance be granted. Roll call vote was as follows:

Mrs. Smith -	Yes
Mr. Williams -	Yes
Mr. McCrory -	Yes
Mr. Morachnick -	Yes
Mr. Taylor -	No

The variance was granted.

Case 570 - Fernando Alvarez - Application for a non-conforming addition to a non-conforming structure at 574 - 70th Avenue.

Mr. Alvarez: We own three lots there in a row. We have a house on one, a duplex on the second one and on the lot in question we have another duplex. These apartments were built a long time ago. The newest one is 20 years old and at that time there was not enough allowance for storage. What we're asking now is to be able to build a storage structure in the back of this small duplex that we have at 574. It doesn't really conform to the zoning as far as the back line is concerned. The reason for this is because if I bring it any closer to the apartments, it would defeat its purpose because that area there is used by tenants as a picnic ground; they have their dinners and stuff like that in the summer, there, and this is why that structure... I decided to put it six feet from the back line rather than 20 feet which is required now.

Mr. Williams: Mr. Alvarez, I am well acquainted with that property and it's very, very near the property line. It's way over-built in that area, especially your place. I see no reason why you cannot build it within the setback line.

Mr. Alvarez: You mean with the 20 feet in the back?

Mr. Williams: Yes.

Attachment H.

Mike Larimore

From: William Kordis <wkordis@icloud.com>
Sent: Thursday, January 18, 2018 8:05 PM
To: Mike Larimore
Subject: Case no. 17-00044

Mr. Larimore,

With respect to the above case, my wife, Linda and I, have no objections to approval of the requested variance, requested by my next door neighbor, Dominic Texeira.

I plan to attend the public hearing on 1/31/2018.

William Kordis

5412 Aloha Drive, 33706
703 863-2851

Sent from my iPhone



PLN 17-00044



St. Pete Beach Board of Adjustment

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

1/31/18

Variance Case
#17-00045

Applicant/Agent
Scott Perkins,
Homeowner

Location
60 44th Avenue

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 6.13(c):			
Residential Accessory Structures –	Minimum Rear Yard Setback: 9 feet	N/A	6.89 feet
Swimming Pools and Spas			

Applicant requests a variance to Section 6.13(c) of the Land Development Code (LDC) to decrease the minimum required rear yard setback from 9 feet to 6.89 feet to allow for the construction of a new residential swimming pool.

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

North: Residential (Detached Single-Family)

South: Infrastructure (44th Avenue)

East: Residential (Detached Single-Family)

West: Residential (Detached Single-Family)

The homeowner requests a variance to decrease the minimum required rear yard setback to allow for the construction of a swimming pool. A building permit was applied for by a pool contractor (Permit #BLD17-00990) and approved by the Community Development Department based on an inaccurate survey depicting the proposed swimming pool with a 10 foot rear setback, complying with the required 9 foot minimum rear setback. Work began on the pool prior to the identification of the inaccuracy. The rearmost three (3) approximate feet of property is not found to belong to either the subject property or the neighboring property to the north (rear). The requested variance intends to satisfy the rear setback requirement and remedy the unaccounted for land.

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-1 Residential zoning district. The RU-1 zoning district allows for detached single-family residential uses and subordinate accessory structures. Residential swimming pools must meet all yard requirements for the district within which they are located, however the required rear yard, measured from pool water's edge, is nine (9) feet.

The subject property has a Future Land Use Designation of Residential Urban (RU). The Comprehensive Plan encourages the improvement of existing residential neighborhoods.

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 unaccounted for three feet of land presents a peculiar circumstance that does not generally apply to neighboring lands. 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 LDC. The requested reduction in setback provides the ability for the pool to be constructed while the unaccounted for land remains undisturbed.*
- 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 LDC would result in a hardship for the Applicant. The inaccuracy in the previously submitted survey and the already partially constructed pool present a hardship for the homeowner.*

STAFF RECOMMENDATION:

Staff recommends approval. The unaccounted for land to the rear of the property is unclaimed by neither the Applicant or the neighboring property owner and essentially serves the same purpose as open area that would be used to satisfy the setback requirement. The inaccuracy of the previously submitted plans is not the result of the Applicant or the City. The requested variance would remedy this discrepancy while keeping all other elements, including public welfare, unaffected. Staff recommends the variance be approved as requested.

Attachments:

- A. Relevant Code Section
- B. Aerial Photo
- C. Site Photo
- D. Variance Application
- E. Subject Property Survey
- F. Neighboring Property Survey
- G. Submitted Building Plans
- H. Letter(s) of Comment

Attachment A.

LDC Sec. 6.13. - Residential accessory structures.

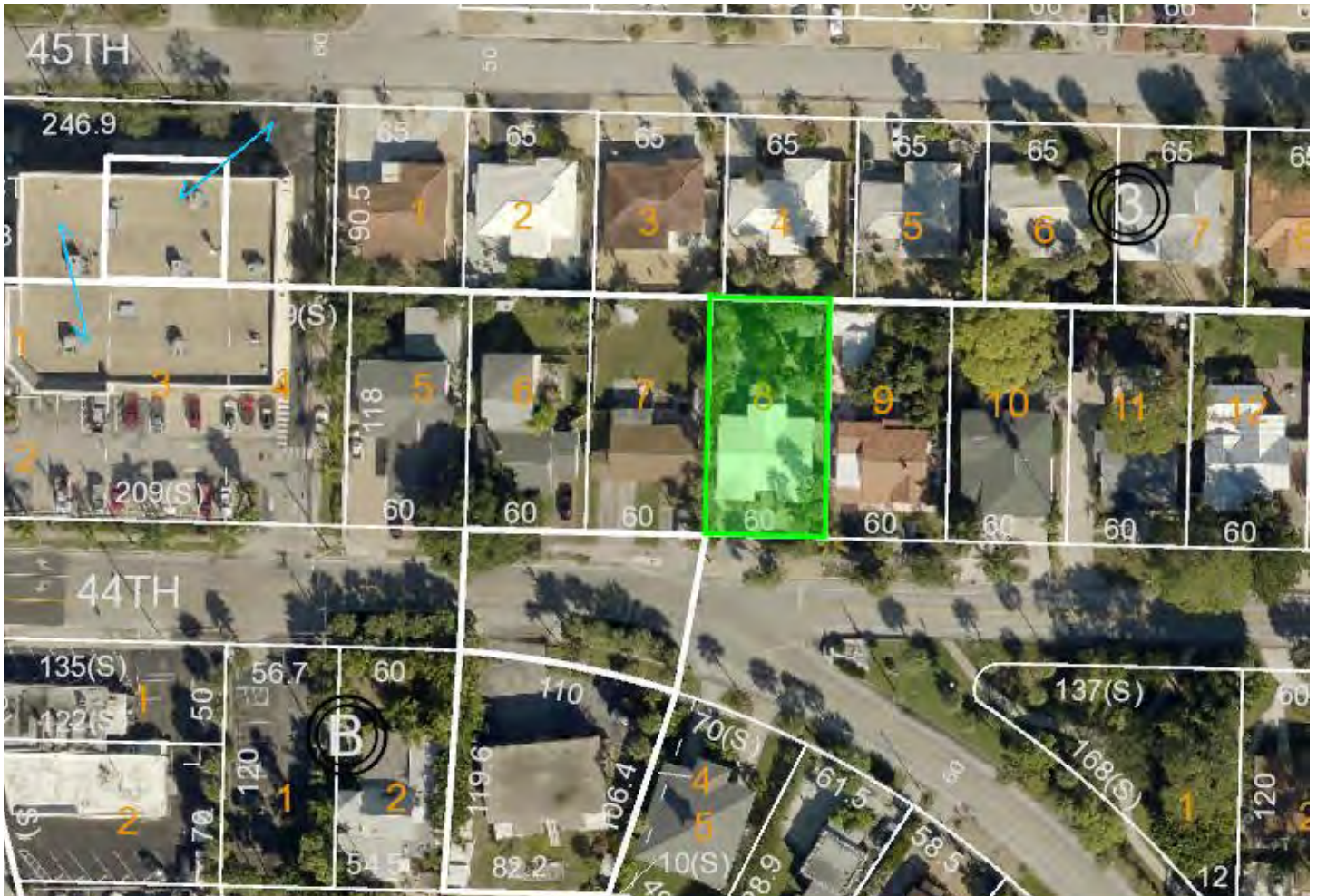
(c) Special accessory structures. Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks, patio covers, gazebos, fountains, garden trellises and children's playground equipment. Tree houses are specifically excluded as special accessory structures.

(1) Swimming pools and spas may be permitted by the city and shall be regulated as follows:

- a. Pool setbacks shall be measured from the edge of the water.
- b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located. Other swimming pools and spas shall be regulated by paragraph c. below.
- c. Required yards: Front, secondary front and side yards shall be as required within the district for a principal structure

The required rear yard shall be nine feet; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

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 17-00045**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Belle Vista Beach 1st Add Blk C, Lot 8
Parcel ID: 07-32-16-07398-003-0080
Address: 60 44th Ave
Current Zoning: Single Family FLUM Designation: _____ Lot Area: 7080 sq. ft.
Existing Use: 0110 Proposed Use: 0110 (No change)

APPLICANT/AGENT:

Name: <u>Scott W. Perkins</u>	Name: _____
Address: <u>60 44th Ave</u>	Address: _____
City: <u>St Pete Beach</u> State: <u>FL</u>	City: _____ State: _____
Zip: <u>33706</u> Phone: <u>3122863407</u>	Zip: _____ Phone: _____
Email: <u>SP1@hotmail.com</u>	Email: _____

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

Reference Sec. 6.13(c)(1)c.: "The required rear yard shall be nine feet;"
Reference Permit # BLD17-00990 issued 5 Sep 2017, plan approval 6 Sep 2017
Request to allow pool required rear yard to be approximately 7 ft., OR include approximately 2 ft. of unaccounted for land between subject property and property behind (neither of which are owners) in the calculation of the "required rear yard." St. Pete Beach approved plans and pool contractor built to this plan that incorrectly includes 5 additional ft. that is not detailed on property surveys.

Additional Documents:

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

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

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

There is approximately 3ft of land between subject property and rear property (Lot 4, Block 3, Lido Beach - 8 45th Ave) that is owned by neither of these properties and not accounted for in St. Pete Beach records.
- The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

Adding to the 6'10" current setback with the 3ft. described in #1 above would satisfy the land regulation codes and would not present any encroachments to any other property.
- The peculiar conditions and circumstances are not the result of the actions of the applicant.

The city approved the incorrect plans as described in the Details of The Request section, the pool contractor built the pool to these approved plans. The applicant had no role in this.

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

The proposed variance in no way changes any boundaries.

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

The pool installation is otherwise completely within conforming use and operation.

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

The pool installation variance has no impacts to density or intensity.

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

The variance will allow for completion of an improvement to subject property and otherwise beautify and promote increased property values.

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

The use of the land requested does not impact any easements, encroach on any other property as defined by codes.

[Signature]
Signature of Applicant

17 Dec 2017
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.

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

sup 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.

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

sup 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.

sup 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.

sup 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.

sup 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

Arthur Repin
Signature of Applicant

17 Dec 2017
Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

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

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

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

Name(print): Scott Perkins

Address: 60 44th Ave, St Pete Beach, FL 33706

[Signature] 18 Dec 2017
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

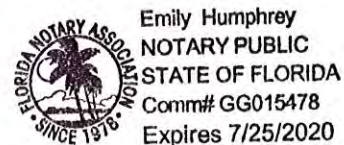
The foregoing instrument was acknowledged before me this 18 day of Dec., 2017 by Scott W. Perkins, who appeared before me, and is personally known to me, or has produced FL Driver License as identification, and did take an oath.

My commission Expires: 7/25/2020

NOTARY: [Signature]
Print Name: Emily E. Humphrey

Notary Public, State of Florida

(Notarial Seal)



[illegible]

TYPE OF SURVEY _____ LAND OR BOUNDARY _____ USE _____ PURCHASE _____ JOB NO. 97-116

CERTIFY TO: GUY F. MURDOCK / STEWART TITLE OF PINELLAS, INC. / STEWART TITLE GUARANTY COMPANY /

NORTH AMERICAN MORTGAGE COMPANY /

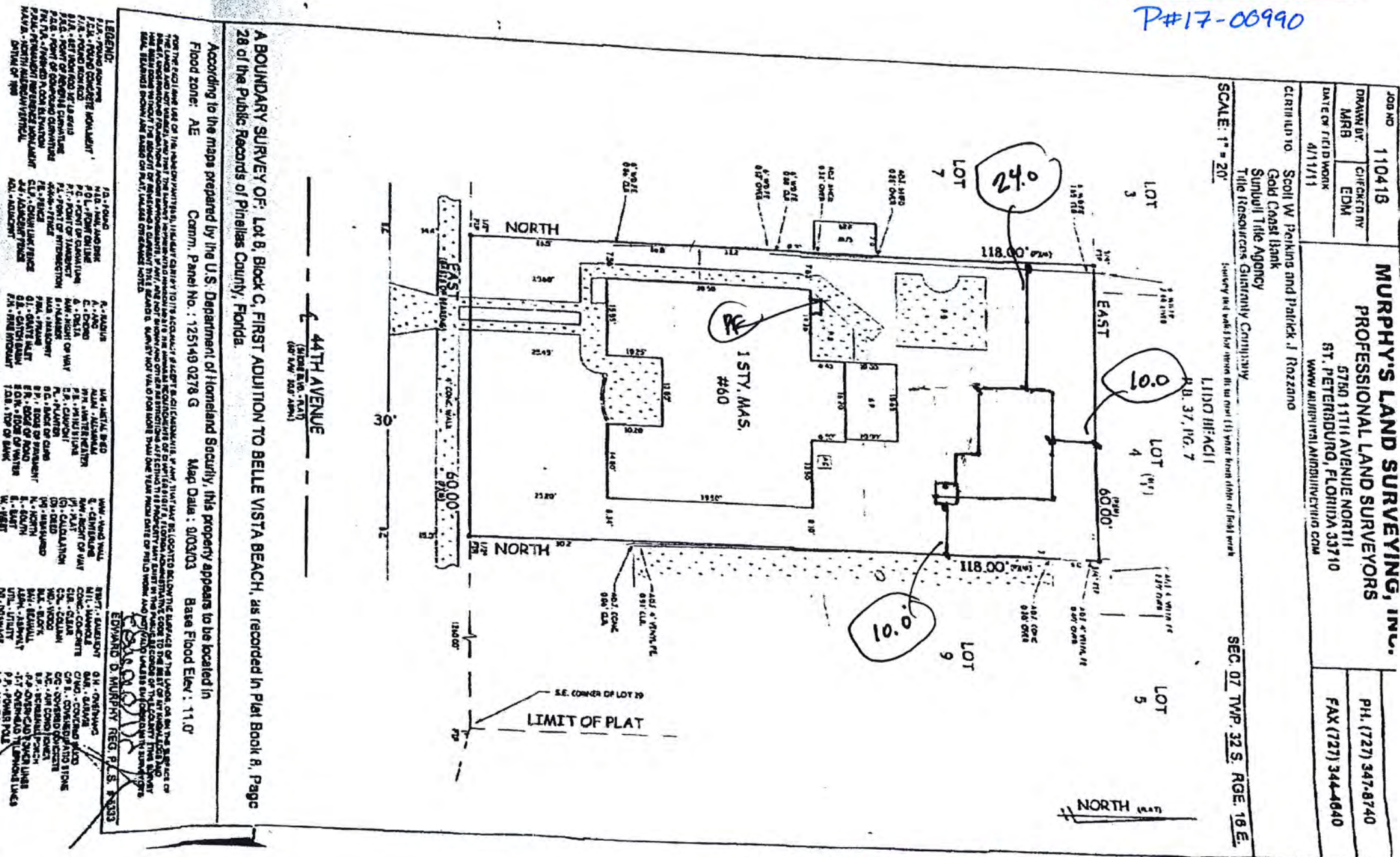
NO UNDERGROUND INSTALLATIONS; OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED,
NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND/OR OWNERSHIP
WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED AND/OR SHOWN.

SIGNATURE: Lauren R. Penny
LAUREN R. PENNY R.L.S. #4931
DATE: 1-14-07
DRAWN BY: J.A.F./O.B.J

APPROVED ZONING

DATE 9/6/17m

P#17-00990



SCOTT PERKINS

Scanned by CamScanner

olympos Perkins

POOL SPECS:	
SIZE:	13' X 25'
DEPTH:	3' TO 4'-6"
PERIMETER:	88 LF
AREA:	385 SF
VOLUME:	9,340 GAL
TURNOVER:	6 HR. MIN. (25 GPM @ LOW SPEED)
COPING:	ARTISTIC
TILE:	6"
SKIMMER:	ONE
RETURNS:	FIVE - 3 WALL, 2 FLOOR
VAC LINE:	YES WITH VACUUM LOCK
LIGHT:	12V L.E.D.
SWIMOUT:	NONE
FINISH:	AQUACOL MINIPEBBLE
RAILINGS:	NONE
PATIO:	BY OTHERS
ENCLOSURE:	N/A
FOOTERS:	N/A
DECK-O-DRAIN:	N/A
SUNSHELF WITH BUBBLER FENCE AND TREES BY HOMEOWNER	

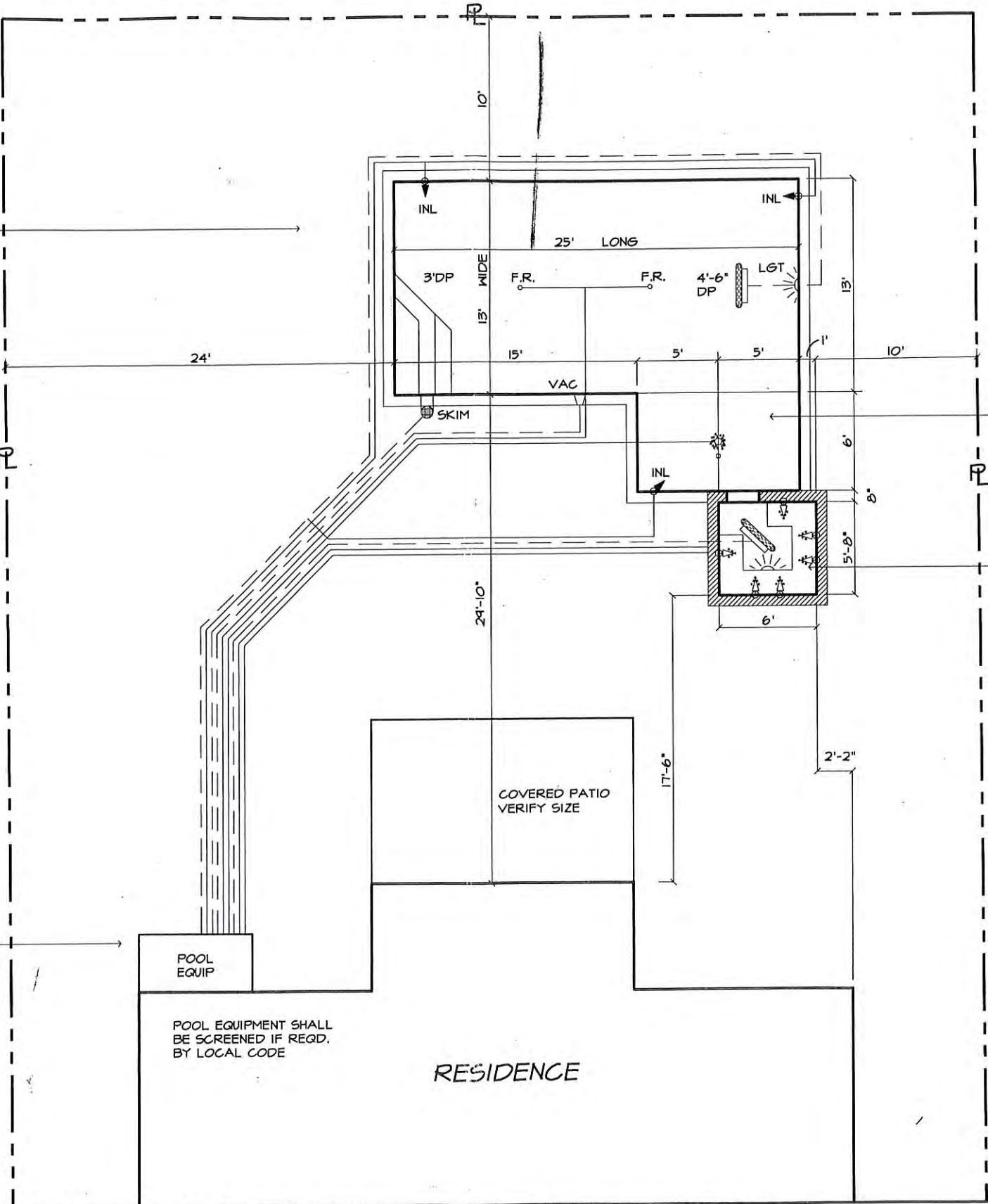
EQUIPMENT SPECS:	
PUMP:	SP32450VSP HAYWARD TRISTAR VAR. SPEED
FILTER:	G200S HAYWARD CARTRIDGE
CHLORINATOR:	AGR9 HAYWARD SALT
HEATER:	HP21004T HAYWARD HEAT PUMP
BLOWER:	2 HP
AUTOMATION:	NONE

SPA SPECS:	
SIZE:	5'-8" X 6'-0"
DEPTH:	3'
PERIMETER:	23 LF
AREA:	34 SF
VOLUME:	622
TURNOVER:	6 MIN.
SPILLWAY:	24"
THERAPY JETS:	SIX
LIGHT:	12V L.E.D.
ENTRY STEP:	NO
RAISED:	18" OEDESTAL

APPROVED ZONING

DATE 9/6/17 M
P#17-00990

6' X 10' SUNSHELF WITH
BUBBLER, UMBRELLA
SLEEVE AND TILED EDGE



RESIDENCE

POOL
EQUIP

POOL EQUIPMENT SHALL
BE SCREENED IF REQD.
BY LOCAL CODE

COVERED PATIO
VERIFY SIZE

17'-6"

2'-2"

24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

INL

5'-8"

6'

2'-2"

17'-6"

24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

INL

5'-8"

6'

2'-2"

17'-6"

24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

INL

5'-8"

6'

2'-2"

17'-6"

24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

INL

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6'

2'-2"

17'-6"

24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

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6'

2'-2"

17'-6"

24'-10"

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25' LONG

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3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

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25' LONG

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3'DP

F.R.

F.R.

4'-6" DP

LGT

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25' LONG

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3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

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24'-10"

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INL

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3'DP

F.R.

F.R.

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LGT

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F.R.

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24'-10"

24'

10'

25' LONG

INL

INL

3'DP

F.R.

F.R.

4'-6" DP

LGT

VAC

SKIM

INL

5'-8"

6'

2'-2"

17'-6"

24'-10"

24'

10'

25' LONG

Attachment H.

Mike Larimore

From: ppakalski@tampabay.rr.com
Sent: Friday, January 19, 2018 3:26 PM
To: Mike Larimore
Subject: Case No 17-00045

I currently live at 104 44th Ave. St Pete Beach. I am writing in support of the Case no 17-00045 at 60 44th Ave, Scott Perkins. I am in full support of the request for a variance of the land development code to decrease the minimum required in the rear yard setback from 9 feet to 7 feet to allow for construction of a new swimming pool.

Sincerely,

Paul A Pakalski



PLN 17-00045



St. Pete Beach Board of Adjustment

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

1/31/18

Variance Case
#17-00046

Applicant/Agent
Amy Seeks, Homeowner

Location
390 North Tessier Dr.

Commission District
District 4

Staff Representative
Mike Larimore,
Planner I

Related Cases
N/A

Staff Recommendation
Partial Approval

ITEM SUMMARY:

Item	Requirement	Existing Condition	Proposed
Land Development Code 8.7(a): Minimum Yard Requirements	Minimum Secondary Front Yard Setback: 20 feet	N/A	18.5 feet (Bedroom Addition)
Land Development Code 8.7(a): Minimum Yard Requirements	Minimum Secondary Front Yard Setback: 20 feet	N/A	13.0 feet (Awning Roof)

Applicant requests variances to Section 8.7(a) of the Land Development Code (LDC) to:

1) Decrease the minimum required secondary front yard setback for a sign from 20 feet to 18.5 feet to allow for the construction of a bedroom addition, and;

2) Decrease minimum required secondary front yard setback from 20 feet to 13 feet to allow for the construction of a new awning roof.

Existing Use: Residential (Detached Single-Family)

Adjacent Uses

North: Residential (Detached Single-Family)

South: Infrastructure (West Vina del Mar Blvd.)

East: Infrastructure (North Tessier Dr.)

West: Residential (Detached Single-Family)

The homeowner requests variances to decrease the minimum required secondary front yard setback to allow for the construction of a bedroom addition and an awning roof over a reconfigured front door. The

homeowner proposes adding a bedroom addition to the southeast corner of the existing home where the driveway is currently located, reconfiguring the ingress/egress of the garage from North Tessier Drive to West Vina del Mar Boulevard, and reconfigure the front door from West Vina del Mar Boulevard to North Tessier Drive. Additionally, the homeowner wishes to place an awning roof over the reconfigured front door that would encroach further into the secondary front yard setback than it currently exists.

PUBLIC NOTICE:

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

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

The subject property is located in the RU-1 Residential zoning district. The RU-1 zoning district allows for detached single-family residential uses and subordinate accessory structures. The LDC allows for encroachment of patio covers into rear yard setbacks only.

The subject property has a Future Land Use Designation of Residential Urban (RU). The Comprehensive Plan encourages the improvement of existing residential neighborhoods and the construction of residences suitable for families with children.

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 curve of the property's front lot lines present a peculiar circumstance that does not generally apply to neighboring lands. 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 LDC. The requested reduction in setback provides the area for the proposed bedroom addition to align with the existing façade of the home on North Tessier Drive.*
- 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 LDC would result in a hardship for the Applicant. The reduction of setback required for the bedroom addition allows for the construction of the addition to align with the existing home's façade. The reduction of setback for the awning covering is not the minimum variance that will make possible the reasonable use of the building.*

STAFF RECOMMENDATION:

Staff recommends partial approval. The curvature of the lot line along North Tessier Drive creates a converging setback line that makes the northeast corner of the home compliant with the 20 foot setback however makes a proposed addition nonconforming. The City's Comprehensive Plan encourages the construction of residential units suitable for families with children.

The requested reduction of setback required for the bedroom addition allows for the construction of an addition to align with the existing home's architectural façade without violating the visibility triangle of the street intersection. This addition includes another bedroom and nursery room for the property that can better suit a family.

However, the requested reduction of setback required for the proposed awning covering is not the minimum variance that will make possible the reasonable use of the building.

	Staff recommends approval of the setback reduction for the addition and denial of the setback reduction for the awning covering. <u>Attachments:</u> A. Relevant Code Section B. Aerial Photo C. Site Photo D. Variance Application E. Survey F. Floor Plan
--	---

Attachment A.

LDC Sec. 8.7. - Minimum yard requirements.

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

(a) Detached single-family dwellings.

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

Comprehensive Plan

GOAL 2:

The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:

- Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
- Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.
- Maintaining the community's recreation, open space and beaches.

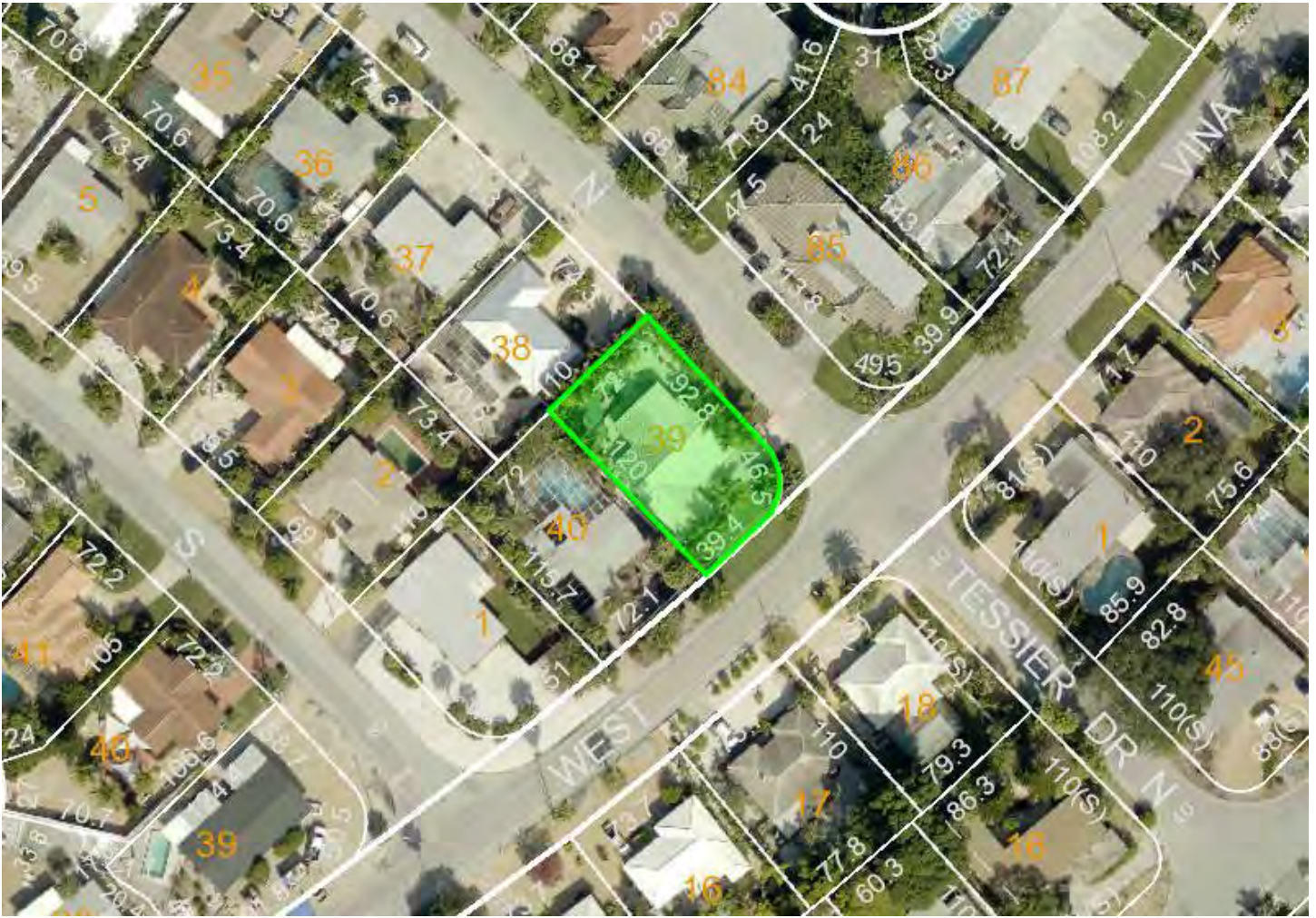
Objective 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation, and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.4

The City will continue to encourage the construction of residential units suitable for families with children.

Attachment B.



Above: Subject property highlighted.

Attachment C.



Above: Subject property, facing southwest



Above: Subject Property, facing northwest



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 17-00046

PROPERTY FOR PROPOSED VARIANCE

Legal Description: VINA DEL MAR SEC 2 PAGE 1 BLK 6 LOT 39
Parcel ID: 18-32-16-94158-006-0390
Address: 390 N. TESSIER DR, ST PETE BEACH, FL 33706
Current Zoning: RV 1 FLUM Designation: RV Lot Area: 72X 122
Existing Use: RES Proposed Use: RES

APPLICANT/AGENT:

Name: AMY SEEKS
Address: 390 N. TESSIER DR
City: ST. PETE BEACH State: FL
Zip: 33706 Phone: 727-692-6122
Email: AMYSEEKS@GMAIL.COM

PROPERTY OWNER:

Name: AMY SEEKS/HEATHER LAUTER
Address: 390 N. TESSIER DR.
City: ST. PETE BEACH State: FL
Zip: 33706 Phone: 727-692-6122
Email: AMYSEEKS@GMAIL.COM

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

RV1 SEC 8.7A ADDITION 18" IN SET BACK

RV1 SEC 8.7A AWNING ROOF 7'0" IN SETBACK

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.

CORNER LOT WITH SKEWED PROPERTY LINES
AND RADIUS FROM SET BACK

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 FRONT SETBACK WITH RADIUS WILL NOT
ALLOW FOR THE PROPOSED ADDITION

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

NO

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

NO

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

NO

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

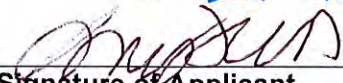
NO

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

THE ADDITION WILL BE IN LINE WITH THE EXISTING
REAR OF THE CURRENT HOUSE THAT CONFORM WITH THE
SETBACK

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

YES, THE ADDITION WILL ONLY ENCROACH 32" WITHIN
THE SET BACK AND KEEP IN LINE WITH THE EXISTING HOUSE

	12/15/17		
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.

AS

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

AS

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.

AS

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

AS

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.

AS

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.

AS

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.

AS

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

12/15/17

Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, AMY SEEKS, 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): AMY SEEKS

Address: 390 N. TESSIER DR, ST PETE BEACH, FL 33706

[Signature]
Signature

12/18/17
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 18 day of Dec, 2018 by AMY SEEKS, who appeared before me, and is personally known to me, or has produced VALID FLA DL as identification, and did take an oath.

My commission Expires:

3/19/2019

NOTARY: [Signature]

Print Name: Helene Higgins

Notary Public, State of Florida

(Notarial Seal)



HELENE MAE HIGGINS
MY COMMISSION # FF 212017
EXPIRES: March 19, 2019
Bonded Thru Budget Notary Services

JOB NO.:172140

DRAWN BY:MRB

CHECKED BY:EDM

DATE OF FIELD WORK:12/08/17

MURPHY'S LAND SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH

ST. PETERSBURG, FLORIDA 33710

WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

FAX (727) 344-4640

CERTIFIED TO: Amy K. Seeks and Heather K. Lauter

SCALE: 1" = 20'

Survey not valid for more than one (1) year from date of field work.

SEC. 18 TWP. 32 S. RGE. 16 E.

A BOUNDARY SURVEY OF: Lot 39, Block 6, VINA DEL MAR SECTION TWO PAGE ONE, as recorded in Plat Book 39, Page 35 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

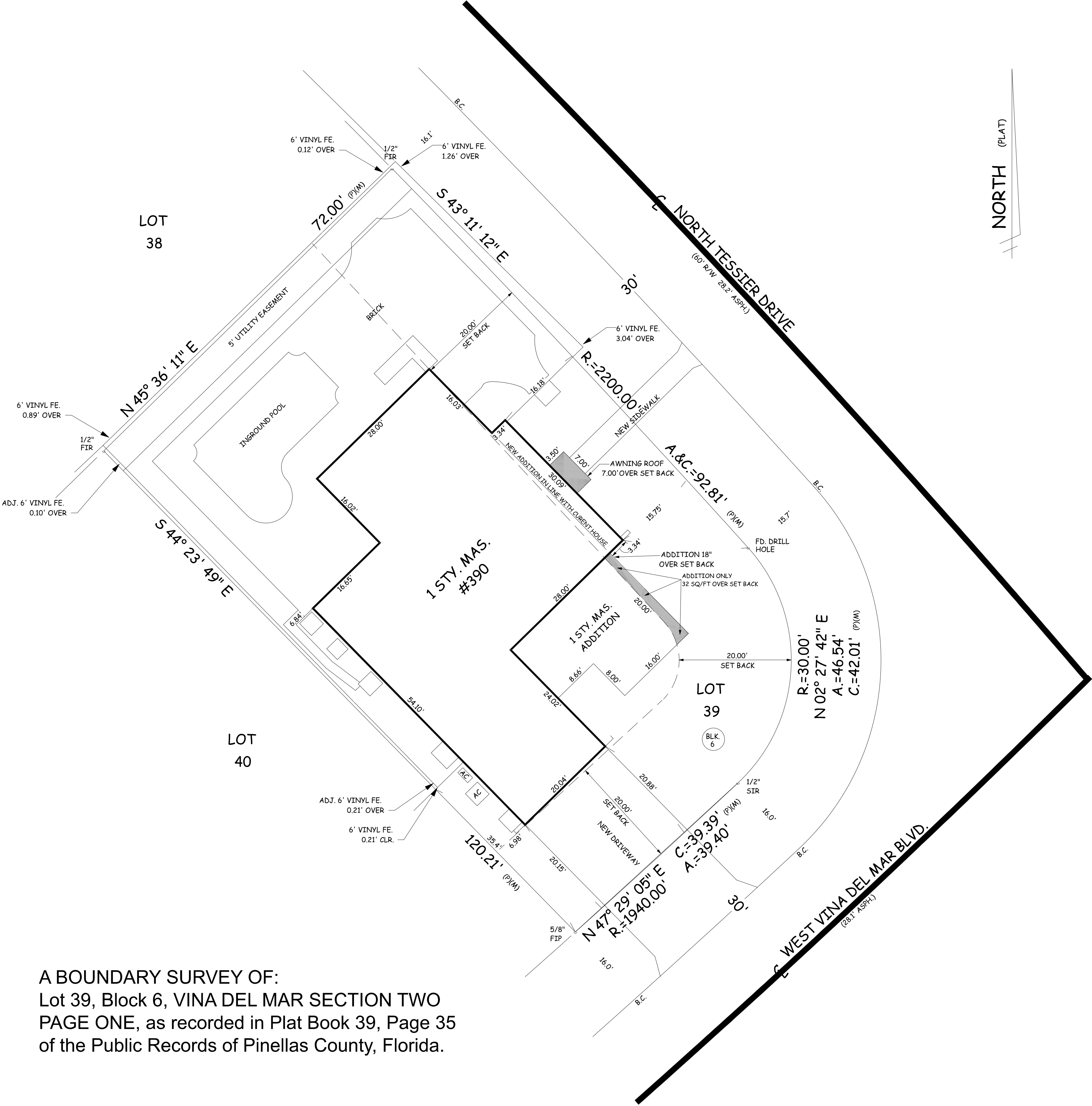
Base Flood Elev : 11.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

Edward D. Murphy
EDWARD D. MURPHY REG. P.L.S. #6333

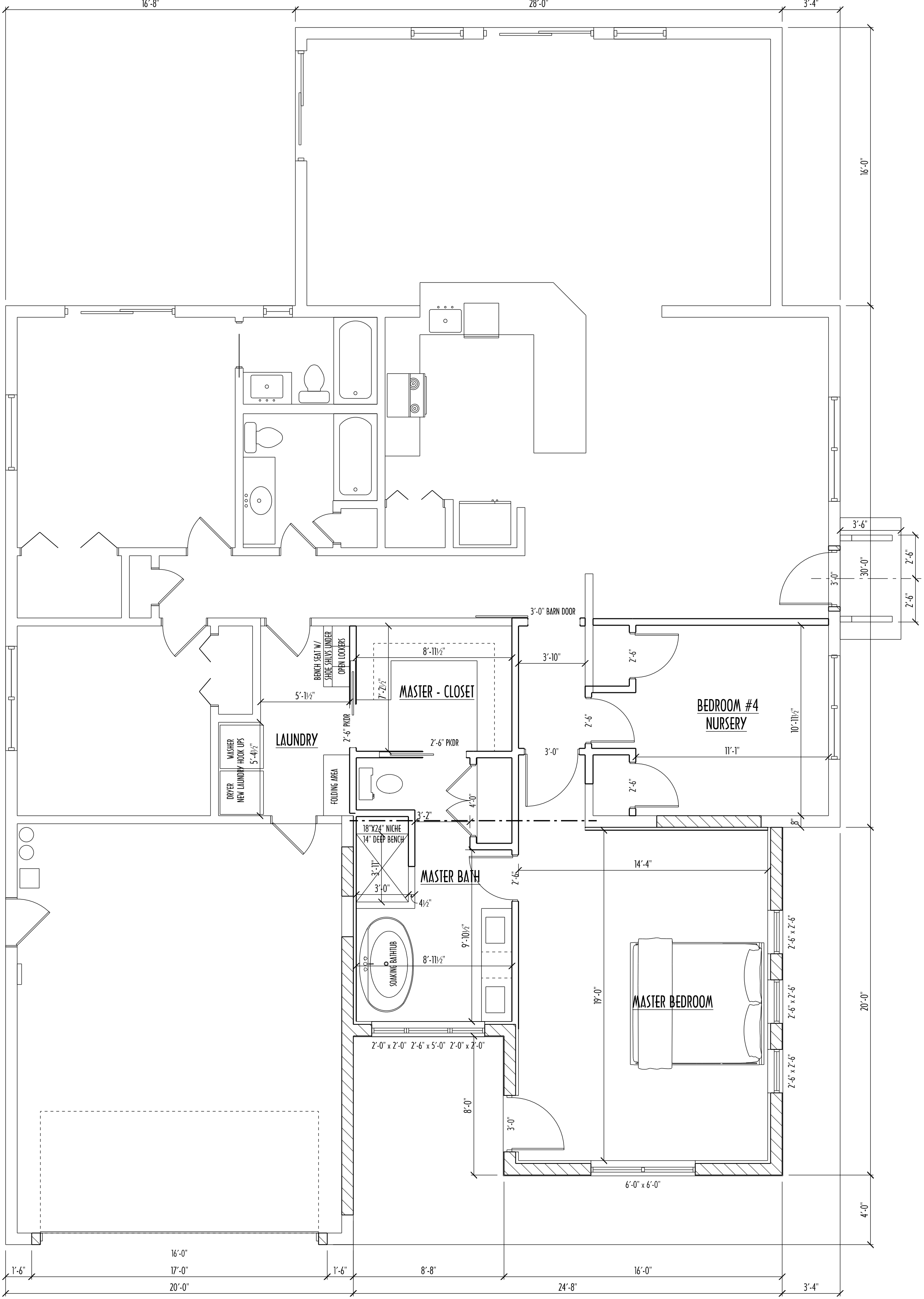
LEGEND:	FD - FOUND	R - RADIUS	M/S - METAL SHED	W/W - WING WALL	ESMT - EASEMENT	O.H. - OVERHANG
F.C.M. - FOUND IRON PIPE	N&D - NAIL AND DISK	A - ARC	ALUM. - ALUMINUM	& - CENTERLINE	M.H. - MANHOLE	GAR. - GARAGE
F.I.R. - FOUND IRON ROD	P.O.L. - POINT ON LINE	C - CHORD	W.H. - WATER HEATER	R/W - RIGHT OF WAY	C/WD - COVERED WOOD	C/WD - COVERED WOOD
S.I.R. - SET IRON ROD 1/2" LB #7410	P.T. - POINT OF TANGENCY	# - NUMBER	P.S. - PATIO STONE	(P) - PLAT	CLR - CLEAR	CIP.S. - COVERED PATIO STONE
P.C.C. - POINT OF REVERSE CURVATURE	P.I. - POINT OF INTERSECTION	R/W - RIGHT OF WAY	P.T. - PLANTER	(C) - CALCULATION	COL - COLUMN	CIC - COVERED CONCRETE
FIN. FLR - FINISHED FLOOR ELEVATION	-X-X- - FENCE	MAS - MASONRY	B.C. - BACK OF CURB	(D) - DEASURED	WD - WOOD	A/C - AIR CONDITIONER
P.R.M. - PERMANENT REFERENCE MONUMENT	CL.F - CHAIN LINK FENCE	FRM - FRAME	EP - EDGE OF PAVEMENT	(W) - MEASURED	WD - WOOD	WD - WOOD
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	-H/- - ADJACENT FENCE	G.I. - GRATE INLET	ER - EDGE OF ROAD	(N) - NORTH	SW - SEAWALL	P.P. - POWER POLE
		C.B. - CATCH BASIN	E.O.W. - EDGE OF WATER	S - SOUTH	ASPH - ASPHALT	P.P. - POWER POLE
		F.H. - FIRE HYDRANT	T.O.B. - TOP OF BANK	E - EAST	UTIL - UTILITY	L.P. - LIGHT POLE
				W - WEST	DR - DRAINAGE	

89



A BOUNDARY SURVEY OF:
Lot 39, Block 6, VINA DEL MAR SECTION TWO
PAGE ONE, as recorded in Plat Book 39, Page 35
of the Public Records of Pinellas County, Florida.

1 PROPOSED SITE PLAN
SCALE 1" = 10' - 32sq/ft IN SET BACK



2 PROPOSED FLOOR PLAN
1/4" = 1'-0" REMODELED sq/ft. ON MAIN FL. 383
ADDITION sq/ft. ON MAIN FL. 442
TOTAL REMODELED & ADDITION sq/ft. ON MAIN FL. 825