



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, April 25, 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**

2/28/18
4. **Election of Officers**

Chair and Vice Chair

5. Agenda Items

- I. Case 18-00004: 2101 East Vina del Mar Boulevard – Applicant requests variances to Section 6.13 of the Land Development Code to decrease the minimum required rear yard setback for a pool and increase the maximum allowable elevated pool decking height to allow for the construction of a residential swimming pool.

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

FEBURARY 28, 2018

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
Catherine Porter, Planner II
Mike Larimore, Planner I
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Mike Larimore, Planner I, informed the board that the applicant for Case No. 17-00046 requested the case to be postponed.

Vice Chairwoman Lyman made a motion to postpone Case No. 17-00046 until the March 28, 2018 Board of Adjustment meeting. 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. Minutes for Acceptance – 1/31/2018

Member Bomar made a motion to approve the minutes from the January 31, 2018 meeting. The motion was seconded by Vice Chairwoman Lyman and unanimously approved by a roll call vote (5 yeses – 0 nos).

4. Agenda Items

I. Case 17-00046: 390 North Tessier Drive

Case No. 17-00046 was continued during Item No. 1, “Changes to the Agenda.”

II. Case 18-00002: 104 5th Avenue

Mike Larimore gave Staff’s presentation to the board, and the recommendation was for denial.

Chairman Skipper asked the applicant to come forward.

Cathy Schell, 104 5th Avenue, applicant, spoke about the parking situation involved with the subject property and the desire to construct a carport.

Ted Kinner, St. Pete Beach, general contractor, made a presentation in regard to the construction of a carport and submitted a drawing, via the document camera, to the board.

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

There were no comments.

Chairman Skipper asked if anyone would like to speak in opposition to the application.

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

Cathy Schell, 104 5th Avenue, applicant, answered questions from the board members in regard to the following topics: parking situation, construction of a carport, and carpet in the yard.

Member Bomar made a motion to approve the application with the modifications presented at the public hearing. The motion was seconded by Member Holehouse and unanimously denied by an individual roll call vote, (0 yeses – 5 nos).

5. Adjournment

There being no further business before the board, the meeting was adjourned at 2:23 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

4/25/18

**Variance Case
#18-00004**

Applicant/Agent
Marc Griffey,
Homeowner

Location
2101 East Vina del Mar
Blvd.

Commission District
District 4

Staff Representative
Mike Larimore,
Planner II

Related Cases
N/A

**Staff
Recommendation**
Denial

ITEM SUMMARY:

Item	LDC Requirement	Existing Condition	Proposed Variances
Land Development Code 6.13(c):	Minimum Rear Yard Setback for Swimming Pool: 9 feet	Rear Yard Setback for Swimming Pool: N/A	Rear Yard Setback for Swimming Pool: 8 feet
Special Accessory Structures	Maximum Pool and Accessory Decking Elevation: 2 feet from Grade	Pool and Accessory Decking Elevation: N/A	Pool and Accessory Decking Elevation: 2.5 feet (30 inches) from Grade

Applicant requests variances to Section 6.13(c) of the Land Development Code (LDC) to:

- 1) Decrease the minimum required rear yard setback for a swimming pool from 9 feet to 8 feet, and;
- 2) Increase the maximum allowable pool and pool decking elevation from 2 feet (24 inches) to 2.5 feet (30 inches) to allow for the construction of a swimming pool.

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

North: Residential (Detached Single-Family)
South: Residential (Detached Single-Family)
East: Water (Intracoastal Waterway)
West: Infrastructure (East Vina del Mar Blvd.)

The Applicant wishes to construct a residential swimming pool with accessory decking. The proposed pool will have a rear setback of 8 feet and a maximum elevation of 2.5 feet (30 inches) from natural grade.

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 (April 20th), no comments have been received.

COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE:

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

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. Swimming pools and their accessory decks that exceed 2 feet above grade must meet all minimum yard (setback) requirements for the district in which they are located. Pools and accessory decks with elevations that are 2 feet or less above grade have a reduced rear yard setback. Paver and concrete decks that are 2 feet or less above grade do not have setback requirements, but must comply with the established impervious surface ratio maximum for the zoning district in which they are located.

CRITERIA REVIEW (LDC 3.12.a):

The Board of Adjustment may authorize variances to the LDC 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, permit a nonconforming use, increase density, or permit a use not permitted in the zoning district.*
- 4) The granting of a variance will be in harmony with the general purpose and intent of the land development code 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 not in harmony with the general intent of the LDC. The requested variances would decrease the required setbacks of the proposed pool and deck area creating an overcrowded condition and possibly affect the seawall and public welfare. Staff is not recommending any conditions.*
- 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. This application for variances is the result of the Applicant's desire to construct a pool and not a hardship. The reasonable use of the land and existing structures remains intact without the granting of variances.*

STAFF RECOMMENDATION:

Staff recommends denial. The Applicant has not demonstrated compliance with the criteria to approve a variance. The general purpose and intent of the LDC to promote health, the general welfare, and prevent the overcrowding of land and does not harmonize with the requested variances to allow for the construction of a pool with reduced setbacks.

	<u>Attachments:</u> A. Relevant Code Sections B. Aerial Photo C. Site Photo D. Revised Site Plan E. Variance Application F. Property Survey & Original Site Plans
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Attachment A.

LDC Sec. 1.1. – Title and purpose.

This ordinance shall be known as the "Land Development Code." The provisions of this Land Development Code shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

The purpose of the Land Development Code is to promote the orderly and efficient development of the City of St. Pete Beach, in accordance with the goals, objectives and policies of the Comprehensive Plan; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; promote or enhance aesthetics; to prevent the overcrowding of land; to avoid undue concentration of population; to protect natural and historic resources; and to facilitate adequate and concurrent provision of transportation, water, sewerage, parks and other public improvements, facilities and services.

These regulations have been made with reasonable consideration, among many things, as to the character of the districts hereinafter provided for, and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land, air and water throughout the city, consistent with the goals, objectives and policies of the Comprehensive Plan.

LDC Sec. 6.13. - Residential accessory structures.

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

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

(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.

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) Residential dwellings.

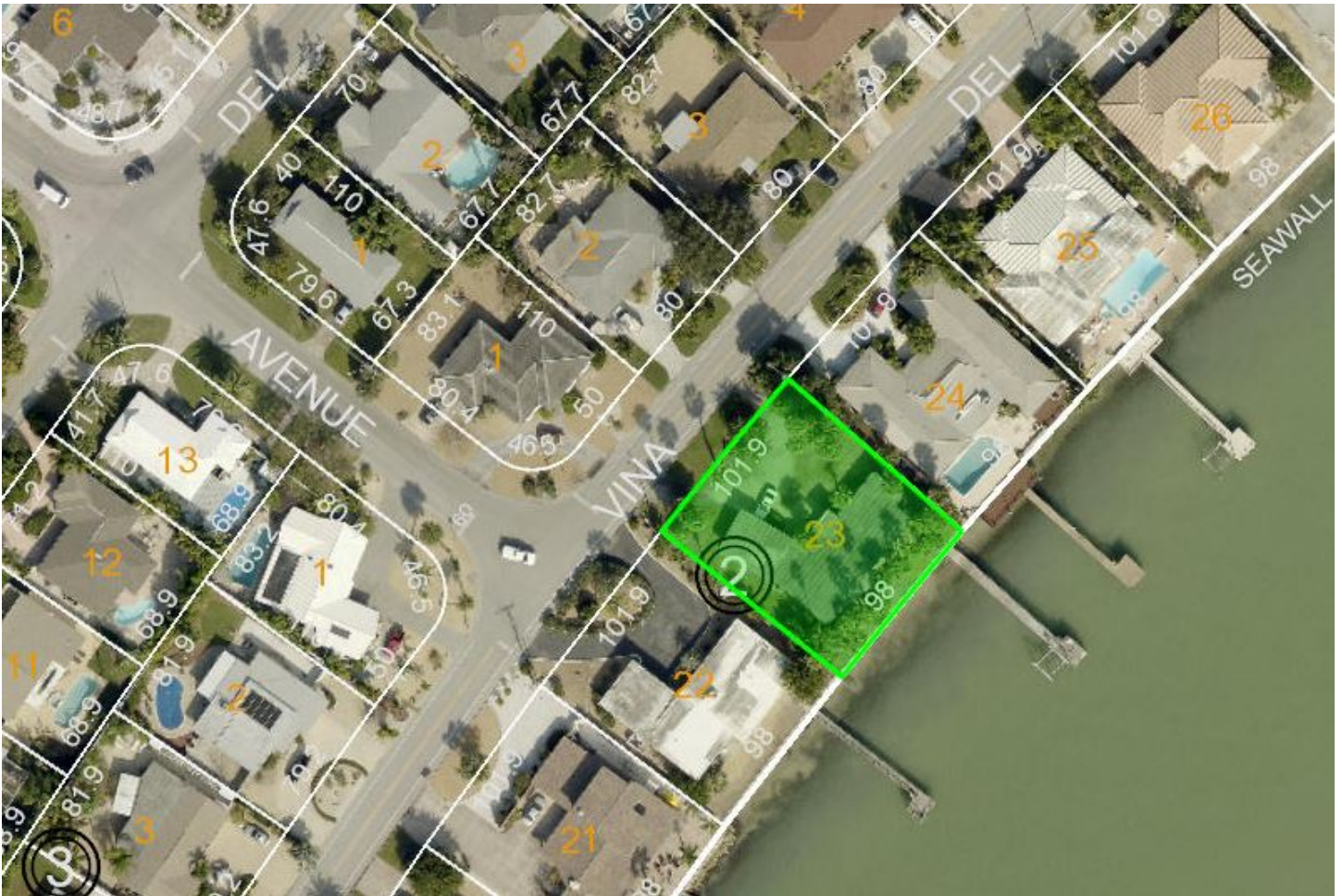
(1) Front yard: 20 feet.

(2) Secondary front yard: Ten 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 east

LANDMARK POOLS
13253 Byrd Dr. Odessa, FL 33556
(813) 792-1331 • Fax (813) 792-5277

NAME Marc and Shannon Griffey
ADDRESS 2101 East Vina Del Mar Blvd.
CITY St. Pete Beach 33706 PHONE (530) 524-6485

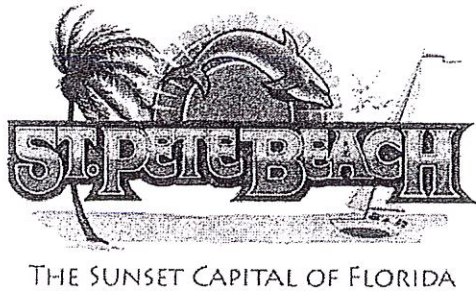
LOT _____ BLOCK _____ SUB _____

CUSTOMER SIGNATURE _____

4/5/2018 Charles Dray 13

* We do not warranty marcite
against Etching or Discoloration

Attachment E.



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 18-00004

PROPERTY FOR PROPOSED VARIANCE

Legal Description: LT 23 BLK 2 VINA DEL MAR SEC ONE
Parcel ID: 18-32-16-94140-002-0230
Address: 2101 E Vina del Mar Blvd
Current Zoning: RU-1 FLUM Designation: RU Lot Area: 99x120 ft
Existing Use: Single Family Home Proposed Use: Single Family Home

APPLICANT/AGENT:

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

PROPERTY OWNER:

Name: Marc S. Griffey
Address: 5230 Elm Lane
City: Redding State: CA
Zip: 96001 Phone: 530-243-4247
Email: marc.griffey@charter.net

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

Land Development Code (LDC) Section 6.13.c.1
Request deck elevation to 30 inches maximum and
a rear setback of pool wall to 8 feet

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 backyard area is not of sufficient size to place an adequate pool with a swimlane without getting within 8 ft of the seawall and a 30 inch decking elevation maximum.

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 pool would not be large enough to use fully.

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

I am dealing with the backyard size as it existed when I purchased the property.

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

It will not change the district boundary

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

Pools are allowed in this zoning district

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

It will not change the density

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.

My neighbors to the south were granted the same variance. Their pool wall is 5ft from the seawall

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

It is the minimum variance that will make the pool most usable.

Muriel Gaff *2/16/18*

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.

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

MB 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.

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

MB 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.

MB 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.

MB 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.

MB 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

Marc A. Griffin 2/16/18
Signature of Applicant Date



THE SUNSET CAPITAL OF FLORIDA

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Marc S. Griffey, 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): Marc S. Griffey

Address: 2101 East Virg del Mar Blvd. St. Pete Beach FL

Marc S. Griffey 2/16/18
Signature Date

California
STATE OF FLORIDA)
Shasta) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 16 day of February, 2018 by Sharon Forseth, who appeared before me, and is personally known to me, or has produced Ca DL# A4723300 as identification, and did take an oath.

My commission Expires: 3/15/18

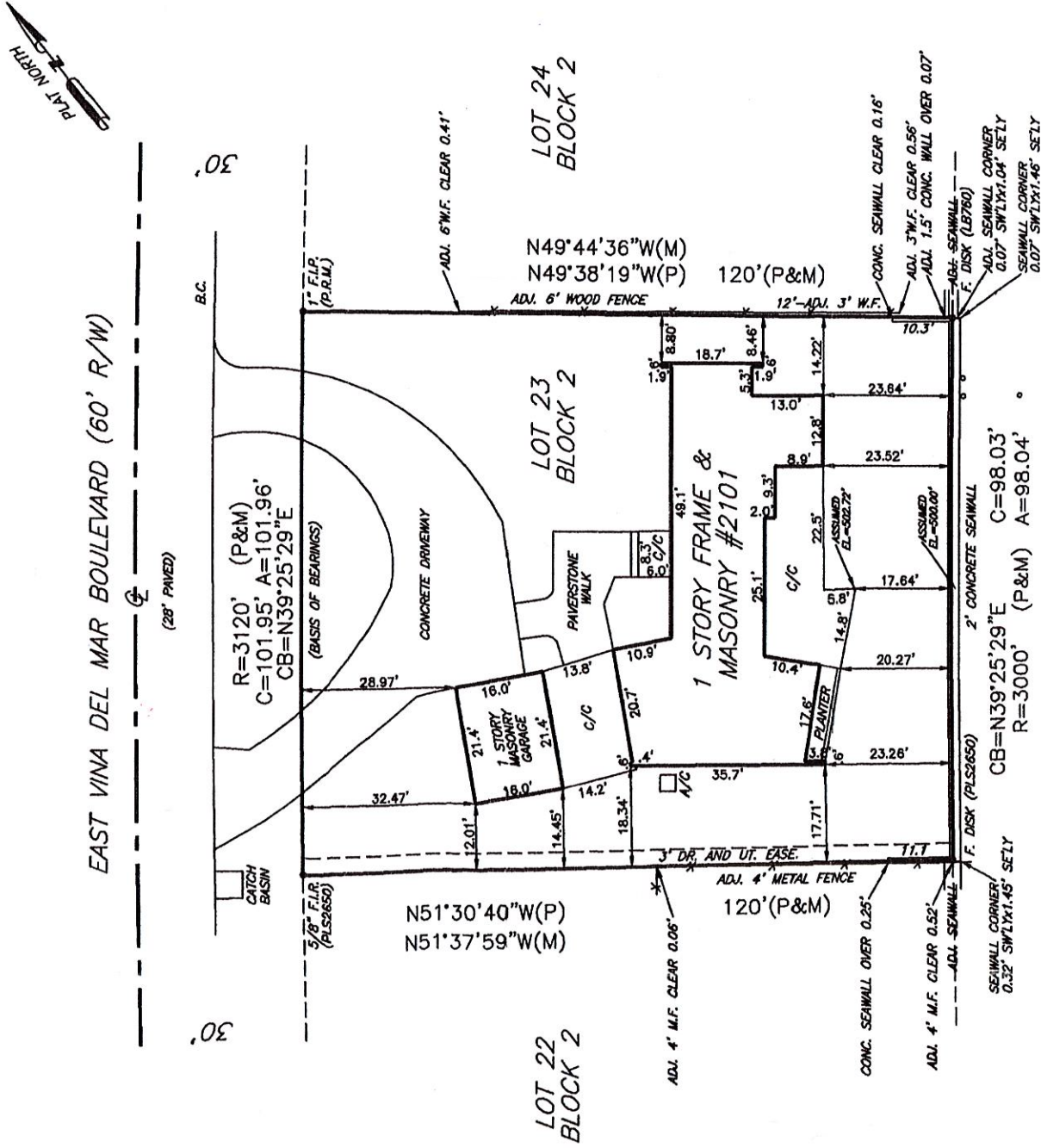
NOTARY:

Print Name: Sharon Forseth

California
Notary Public, State of Florida

(Notarial Seal)





WOOD PILING

BOCA CIEGA BAY

BOAT LIFT

A BOUNDARY SURVEY OF LOT 23, BLOCK 2, VINA DEL MAR SECTION ONE, AS RECORDED IN PLAT BOOK 34, PAGE 53, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

JOB NUMBER: MMXVIII031	DAVID C. HARNER	FLOOD ZONE: "AE"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 1/22/18	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL. 33706	PANEL NUMBER: 0278 G
DRAWN BY: DCH	SECTION 18 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO:	MARC AND SHANNON GRIFFEY	

I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, 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: N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988. B.F.E.=BASE FLOOD ELEVATION. A=ARC LENGTH. ADJ=ADJACENT. B.C.=BACK OF CURB. C=CHORD LENGTH. C.L.F.=CHAINLINK FENCE. R/W=RIGHT OF WAY. CONC=CONCRETE. M.H.=MANHOLE. C/C=COVERED CONC. CL=CENTERLINE. C.B.=CHORD BEARING. V.F.=VINYL FENCE. EL=ELEVATION. F/F=FINISHED FLOOR. F.I.P.=FOUND IRON PIPE. S.I.R.=SET IRON ROD WITH CAP #2650. P.O.L.=POINT OF CURVE. F.I.R.=FOUND IRON ROD. F.C.M.=FOUND CONCRETE MONUMENT. M.=MEASURED. M.S.=METAL SHED. P.O.L.=POINT ON LINE. D=DEED. R=RADIUS. W/W=WING WALL. W.F.=WOOD FENCE. DR=DRAINAGE. UT.=UTILITY. EASE=EASEMENT. P/S=PAVERSTONE. B.M.=BENCHMARK. P.I.=POINT OF INTERSECTION. P.R.M.=PERMANENT REFERENCE MONUMENT. P=PLAT. E.P.=EDGE OF PAVEMENT.

1-26-18
DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650

DAVID C. HARNER
REGISTERED LAND SURVEYOR
NO. 2650
STATE OF FLORIDA
CERTIFICATE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



MARC AND SHANNON GRIFFY

2101 EAST VINA DEL MAR BUROCA CIEGA BAY

ST. PETE BEACH, FL 33706

TEL: (530) 524-6485

CONTRACTOR:

LANDMARK POOLS, INC.

13253 BYRD DRIVE

OBESSA, FL 33550

TEL: (813) 792-1331

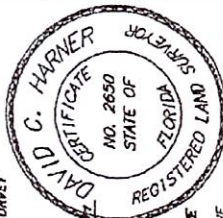
A BOUNDARY SURVEY OF LOT 23, BLOCK 2, VINA DEL MAR SECTION ONE, AS RECORDED IN PLAT BOOK 34, PAGE 53, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

THE NATIONAL ARCHIVES

CHECKED BY: DCH

MARC AND SHANNON GRIFFEY

MARC AND SHANNON GRIFFEY

[illegible]

1-26-18 DJC
DAVID C. HARNER P.L.S.

DAVID C. WARNER P.L.S.