



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, Florida

Wednesday, June 27, 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**
 - a. 4/25/18
- 4. Agenda Items**
 - I. Case 18-00011: 1922 West Vina del Mar Boulevard – 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 a residential addition to an existing single-family home.
- 5. 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.

“Sec. 1-15. - Award of attorney's fees and other costs. In all instances where a lawsuit is instituted or defended on behalf of the city to enforce any provision of the Code of Ordinances, to collect fees, liens, assessments or fines, or otherwise secure compliance with any provision of the Code of Ordinances, the city shall be entitled to recover all costs incurred, including reasonable attorney's fees and court costs through the trial and appellate levels. This section shall apply to all instances where the city is required to defend an appeal from any order, notice or determination by the city or its officials.”

**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

APRIL 25, 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
Wesley Wright, Community Development Director
Mike Larimore, Planner II
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 2/28/18

Vice Chairwoman Lyman made a motion to approve the minutes from the February 28, 2018 meeting. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (5 yeses – 0 nos).

4. Election of Officers

Chairman Skipper stated he was willing to continue to serve.

Vice Chairwoman Lyman made a motion to nominate Paul Skipper for Chairman. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (5 yeses – 0 nos).

Chairman Skipper asked for a motion for Vice Chair.

Member Holehouse made a motion to nominate Sandie Lyman as Vice Chair. The motion was seconded by Member Chase and unanimously approved by a roll call vote (5 yeses – 0 nos).

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.

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

Chairman Skipper asked the applicant to come forward.

Marc Griffey, 2101 East Vina del Mar Boulevard, homeowner, thanked the board for hearing the case for the variance and explained the reasons for the request of the variance in regard to the subject property.

Shannon Griffey, 2101 East Vina del Mar Boulevard, homeowner, asked the board to approve the variance.

Chairman Skipper asked if anyone would like to speak on behalf of the applicant. There were no comments.

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

Stanley Becchetti, 2121 East Vina del Mar Boulevard, neighbor, stated he was not objecting to the variance but asked the about the effect of runoff in regard to the subject property and his property.

Chairman Skipper replied that the drainage would be considered under the building department's purview during the permitting process.

Marc Griffey, 2101 East Vina del Mar Boulevard, homeowner, spoke in regard to the drainage issue.

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

Vice Chairwoman Lyman made a motion to approve the variance for Case No. 18-00004. The motion was seconded by Member Bomar and unanimously approved by an individual roll call vote (5 yeses – 0 nos).

6. Adjournment

Mr. Larimore introduced the new Community Development Director, Wesley Wright, to the board members.

There being no further business before the board, the meeting was adjourned at 2:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: _____

STAFF REPORT

TO: City of St. Pete Beach Board of Zoning Adjustment

FROM: Wesley T. Wright, Director

MEETING DATE: June 27, 2018



GENERAL INFORMATION

Applicant/Owner: Jeff and Brenda DeLiberty
1922 W. Vina Del Mar Blvd.
St. Pete Beach, FL 33706

Request:

In accordance with Section 8.7 of the City of St. Pete Beach Land Development Code, Sam Angelides on behalf owners, is requesting a variance to Section 8.7 Minimum yard requirements, to allow for a decrease in the side yard setback from 7-feet to 6.1-feet for the construction of a bedroom and bathroom addition to the side of the the existing residence. The property is located at 1922 W. Vina Del Mar Blvd. and more specifically described as Property ID #18-32-16-94140-002-0130.

Location: 1922 W. Vina Del Mar Blvd.

Zone: RU-1 –Residential District

Existing Use of Property: Residential

Proposed Use of Property: Residential

Size of Property: 9,640 SF / 0.221-acres

Surrounding Land Use & Zoning:

North: RU-1 –Residential

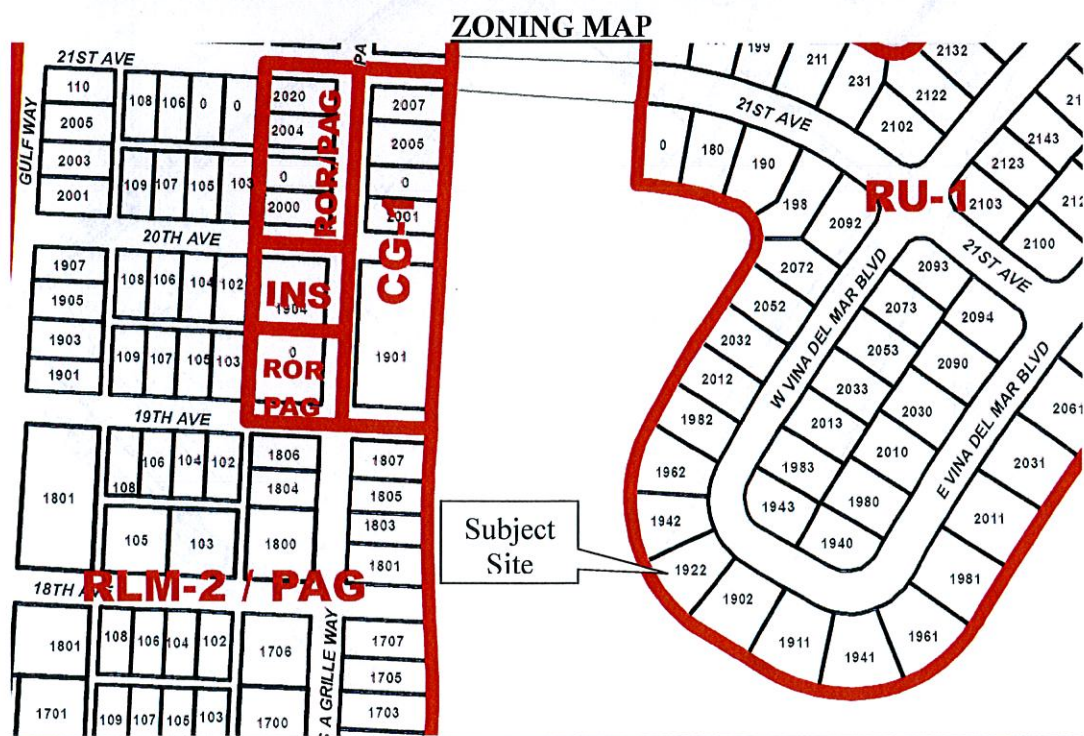
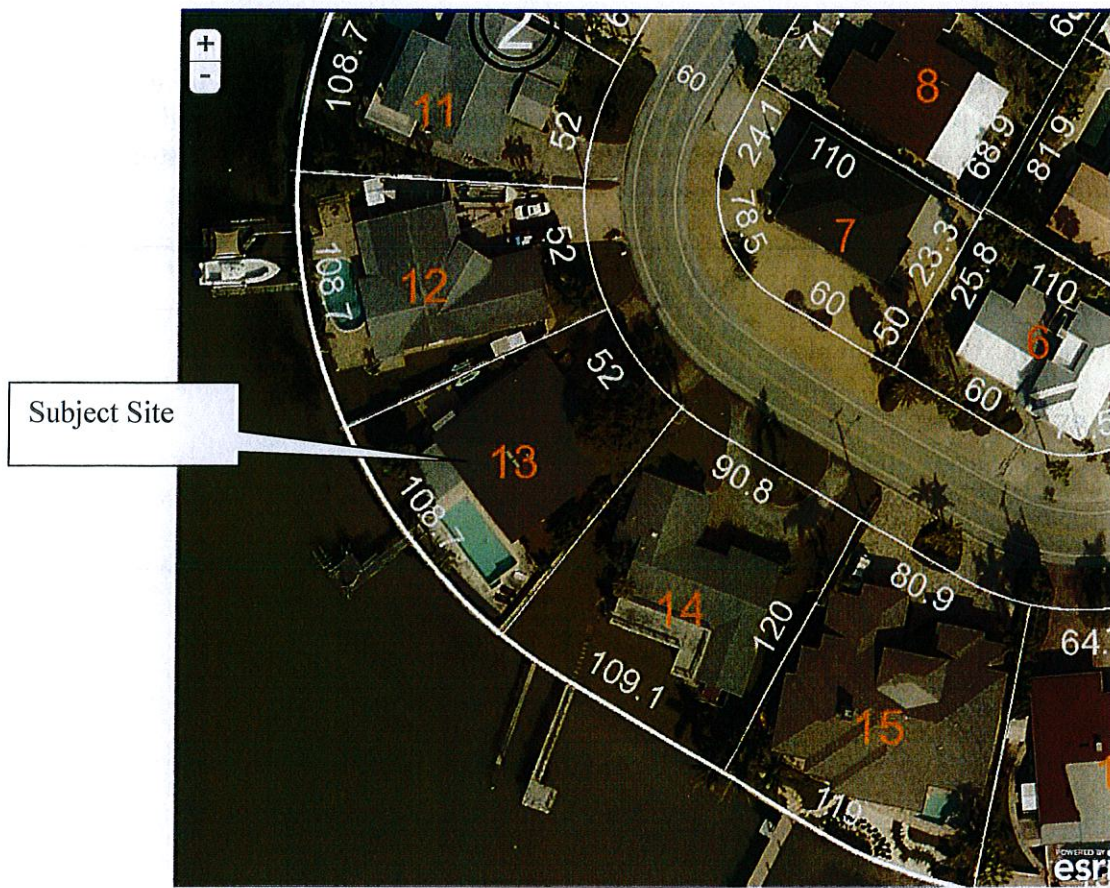
South: Waterfront

East: RU-1 –Residential

West: RU-1 –Residential

Comprehensive Plan:

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 (Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories - Policy 2.1.4).



ANALYSIS

The applicant is proposing to construction a bedroom and bathroom addition on the east side of the house. The proposed addition would encroach within the required 7-foot setback by 10.8-inches (0.9-foot). The Minimum yard requirements for properties in the RU-1 District are established in Section 8.7 of the Land Development Code, which reads as follows:

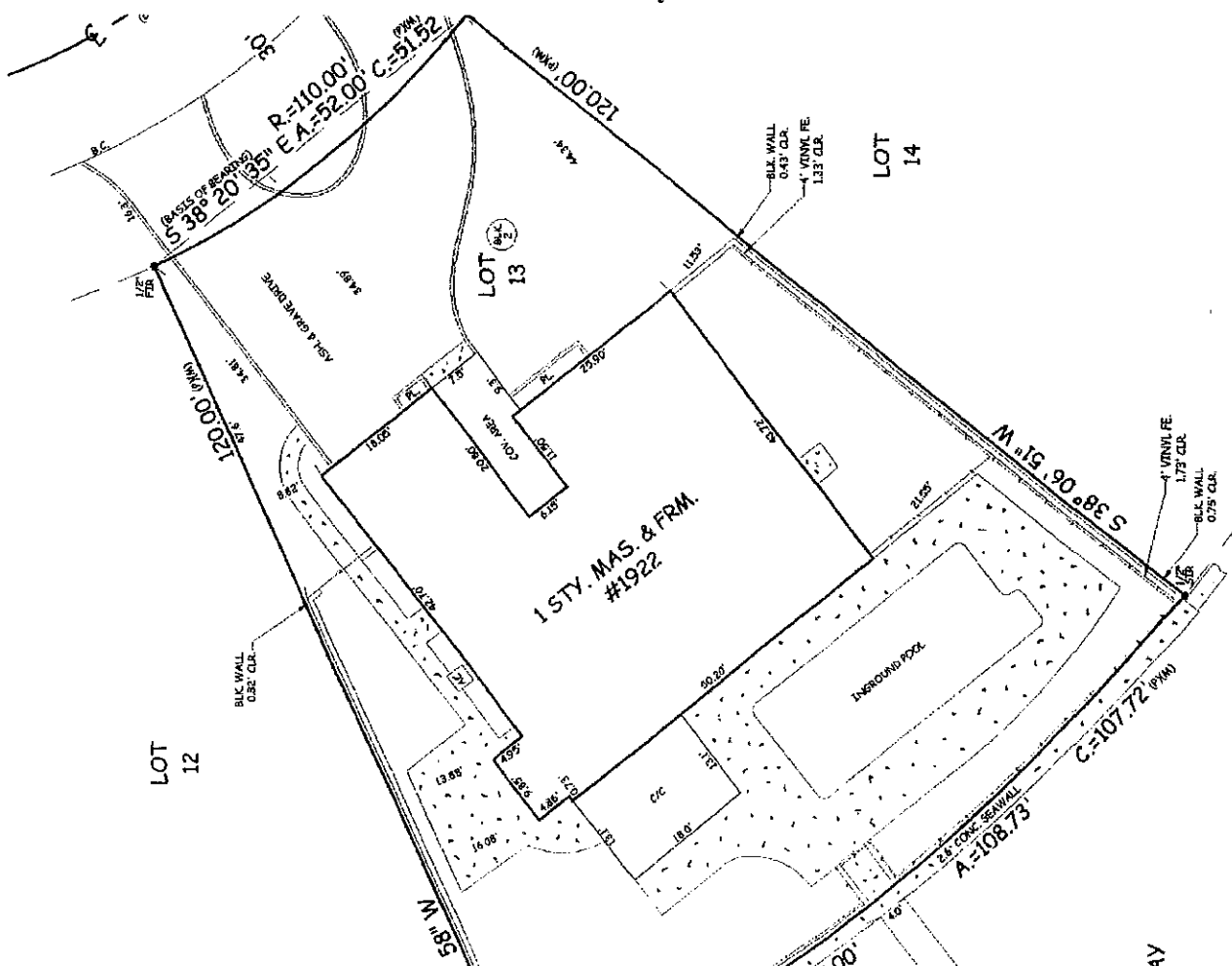
Division 8 RU-1 RESIDENTIAL DISTRICT

8.7 Minimum yard requirements

(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.

Site Layout



EXIST. CANAL

R=230.0' A=108.13' C=107.72'

21.4'

EXIST. POOL

EXIST. SAND

13.4'

120.0'

13.8'

8.4'

43.3'

LOT 13

32.0'

EXIST. ASPHALT & GRAVEL DRIVEWAY

R=110.0' A=52.0' C=51.52'

W VINCE DEL MAR BLVD
(40' RIGHT-OF-WAY)

1 STORY MASONRY RESIDENCE

#1922

THE
EASTERN
PROPERTY OF THE
CITY OF LOS ANGELES
PLANNING DEPARTMENT

RECEIVED FROM
THE CITY OF LOS ANGELES
PLANNING DEPARTMENT
ON 01/11/2011

DATE OF EDITION

LEGAL
W/15-20
ST. 1000
ST. 1000

SITE

TOTAL SI

PROJECT SI

BUILDING SI

LANDSCAPE

[illegible]

3.12 Variances.

(a) Authority and approval criteria.

- (1) The Board of Adjustment may authorize variances to the land development code if the applicant is able to demonstrate compliance with all of the following conditions:

Staff analysis of criteria in *red italics*.

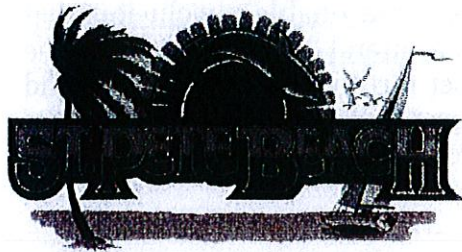
- (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the 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. However, the reasonable use of the land and structure is not affected by this peculiar condition or by the strict application of the LDC. The existing layout and orientation of the property is not the result of the Applicant.*
- (b) 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.*
- (c) 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 variance will not affect any district boundaries, permit a nonconforming use, increase density, or permit a use not permitted in the zoning district.*
- (d) 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 variance is not in harmony with the general intent of the LDC. The requested reduction in setback would not match existing neighborhood design patterns. Staff is not recommending any conditions.*

- (e) 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 code 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 bedroom and bathroom addition and not a hardship. The reduction of setback for the addition is not the minimum variance that will make possible the reasonable use of the building.*

RECOMMENDATION

Staff recommends denial. The Applicant has not demonstrated compliance with the above criteria (a)-(e) to approve the requested variance. It would appear that a bedroom and bath addition could be constructed and comply with the 7-foot setback line, without a variance for Section 8.7.





THE SUNSET CAPITAL OF FLORIDA

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: **PLN18-00011**

PROPERTY FOR PROPOSED VARIANCE

Legal Description: VINA-DEL-MAR SEC 1 BLK 2 LOT 13

Parcel ID: 18-32-16-94140-002-0130

Address: 1922 W. VINA DEL MAR BLVD.

Current Zoning: SINGLE FAMILY FLUM Designation: _____ Lot Area: _____

Existing Use: " Proposed Use: SINGLE FAMILY

APPLICANT/AGENT:

Name: SAM ANGELIDES

Address: 3990 Belle Vista Dr

City: SPB State: FL

Zip: 33706 Phone: 394 8406

Email: ANGELIDESBUILDERS
@GMAIL.COM

PROPERTY OWNER:

Name: DELIBERTY, JEFF + BRENDA

Address: 1922 W VINA DEL MAR BL.

City: SPB State: FL

Zip: 33706 Phone: _____

Email: _____

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

LDC 8.7 - SIDE SET BACK 7 FT
REQUESTING 6 SET BACK

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.

~~ANGLED~~ ANGLED LOT

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.

EXISTING CONDITION

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

TRUE

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

TRUE

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

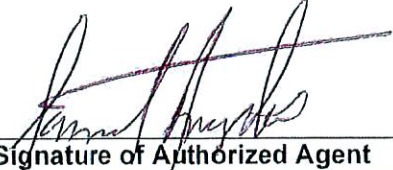
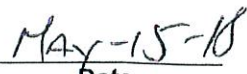
TRUE

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

TRUE

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

FALSE

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

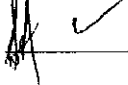
Hearing Date: _____ Fees: _____

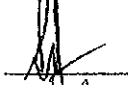
Board Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied ☐ Continued

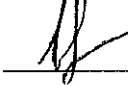
VARIANCE APPLICATION

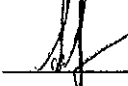
Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

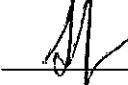
 I understand that the City will not accept or process an incomplete application.

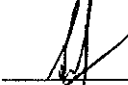
 I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

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

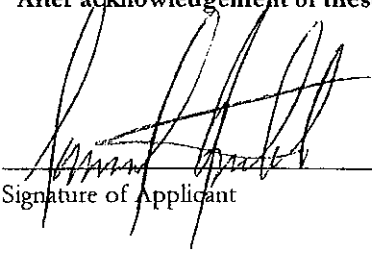
 I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

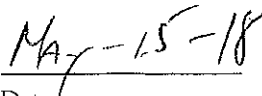
 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

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

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

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


Signature of Applicant


Date

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

I/WE Jeffrey Deliberty + Brenda Deliberty
(print name of property owner)
hereby authorize Sam Angelides
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

Jeffrey Deliberty
Signature of Owner

Brenda Deliberty
Signature of Owner

Jeffrey Deliberty
Print Name of Owner

Brenda Deliberty
Print Name of Owner

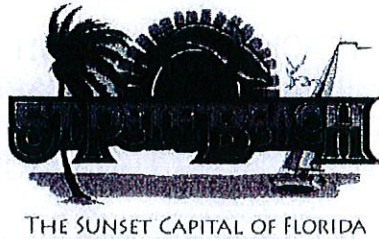
The forgoing instrument was acknowledged before me this 15 day of May
2018, by Jeffrey + Brenda Deliberty or who is personally known personally known
produced personally known as identification.

Debra A. Schoofs
(Notary Signature)

5/15/18
(Date)

My Commission Expires 3/10/19

DEBRA A. SCHOOFs
Notary Public, State of Florida
My Comm. Expires March 10, 2019
No. FF 208194



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, SAM ANGELODES, 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): SAM ANGELODES

Address: 3990 Belle Vista Dr SPB 33706

[Signature] May-15-18
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 15 day of May, 2018 by SAM ANGELODES who appeared before me, and is personally known to me, or has produced [Signature] as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name:

Notary Public, State of Florida

(Notarial Seal)

DEBRA A. SCHOOF
Notary Public, State of Florida
My Comm. Expires March 10, 2019
No. FF 208194

DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility 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. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot 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.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your 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 representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.

[illegible]

