



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

**Wednesday, July 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. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A 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. 6/27/18
4. **Agenda Items**
 - a. Case 17-00046: 390 N. Tessier Drive. The Applicant requests a variance from 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 covered roof.
 - b. Case 18-00016: 6341 2nd Palm Point. The Applicant requests a variance from Section 8.7 of the Land Development Code to decrease the minimum required rear yard setback to allow for a roof replacement and new roof extension over a patio.
5. **Adjournment** – Next Meeting is scheduled for 8/29/2018

APPEAL

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the

Q:CommunityDevelopment/Board&Committees/BoardofAdjustment//Agendas&Packets/2018/7_July

meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such 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: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

“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

JUNE 27, 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 (entered the meeting at 2:04 p.m.)

ALSO PRESENT:

Andrew Dickman, City Attorney
Wesley Wright, Community Development Director
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 – 4/25/2018

Vice Chairwoman Lyman made a motion to approve the minutes from the April 25, 2018 meeting. The motion was seconded by Member Bomar and unanimously approved by a roll call vote (5 yeses – 0 nos).

4. Agenda Items

I. Case 18-00011: 1922 West Vina del Mar Boulevard

Wesley Wright, Community Development Director, gave Staff's presentation to the board and recommended denial.

Chairman Skipper asked the applicant to come forward.

Sam Angelides, 3990 Belle Vista Drive, spoke about requesting a variance for a decrease in the side yard setback to allow for the construction of an addition to the side of the subject property.

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

Member Bomar made a motion to approve Case No. 18-00011. The motion was seconded by Member Holehouse. The motion failed by an individual roll call vote, (2 yeses – 3 nos).

5. Adjournment

There being no further business before the board, the meeting was adjourned at 2:24 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 25, 2018



GENERAL INFORMATION

Applicant/Owner: Amy Seeks
390 N. Tessier Drive
St. Pete Beach, FL 33706

Case Number: 17-00046

Request:

In accordance with Section 8.7 of the City of St. Pete Beach Land Development Code, the owner is requesting a variance from the Minimum yard requirements to allow for (1) a decrease in the front yard setback a new bedroom addition (16'x20') and (2) a new covered roof (4'x7') over the front door stoop. The property located at 390 N. Tessier Drive and is more specifically described as Property ID #18-32-16-94158-006-0390.

Location: 390 N. Tessier Drive

Zone: RU-1 –Residential District

Existing Use of Property: Residential

Proposed Use of Property: Residential

Surrounding Land Use & Zoning:

North: RU-1 –Residential

South: RU-1 –Residential

East: RU-1 – Residential

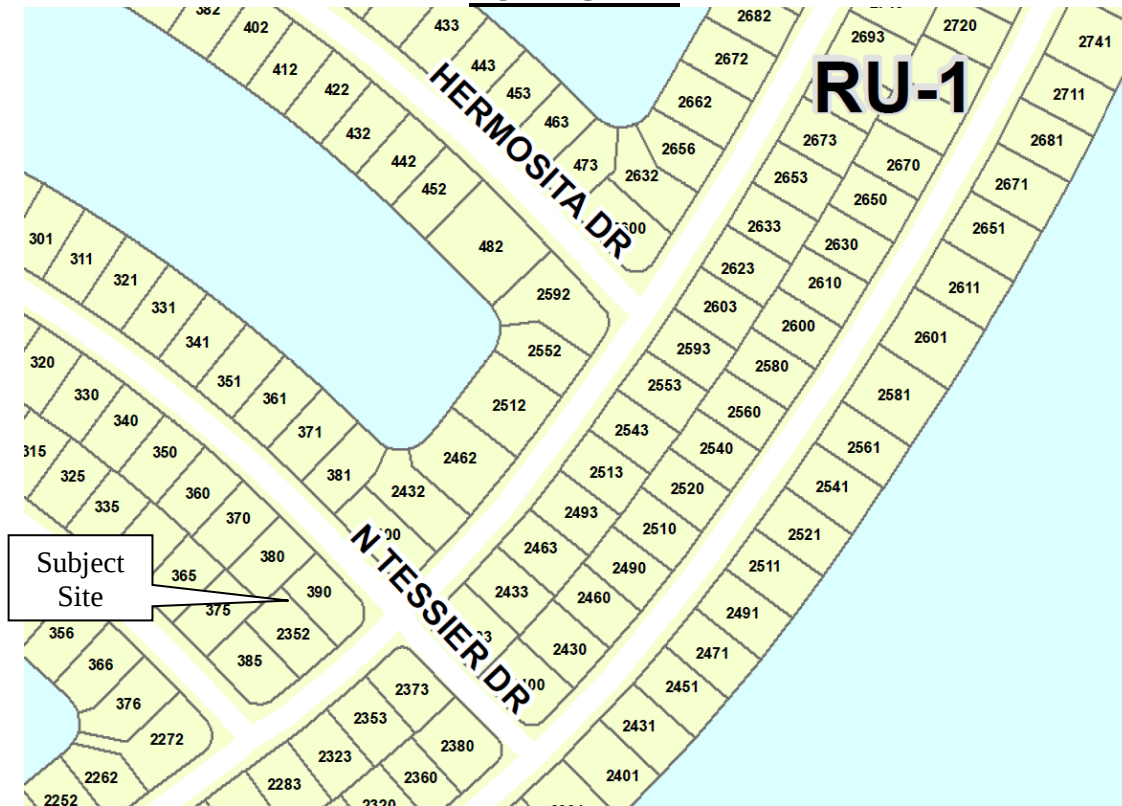
West: RU-1 –Residential

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).



ZONING MAP



ANALYSIS

The owner is proposing (1) to add a master bedroom and bath addition (491 SF) to the front of the dwelling. Additionally, (2) a new covered roof (4'x7') over the front door stoop is proposed along N. Tessier Drive. The owner is proposing to relocate the driveway from N. Tessier Drive to W. Vina Del Mar Blvd. The new bedroom and bath addition would be constructed at the entry of the existing garage. The side of the existing garage would be opened to face W. Vina Del Mar Blvd. The existing front door faces W. Vina Del Mar Blvd. and the entry is proposed to be relocated along N. Tessier Drive. The residence is located 16.18 feet off the front property line, along N. Tessier Drive. The addition is proposed approximately 17.5 and 19-feet from the front property line. The covered roof is proposed approximately 12-feet from the front property line. 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.

1 STY. MAS. #390

INGROUND POOL

BRICK

5' UTILITY EASEMENT

20.00' SET BACK

28.00'

16.03'

16.02'

16.55'

6.84'

54.10'

24.02'

8.66'

16.00'

20.04'

20.15'

6.98'

35.4'

120.21' (P)(M)

N 47° 29' 05" E R=1940.00'

C=39.39' (P)(M) A=39.40'

20.00' SET BACK

NEW 20'0" PAVR DRIVEWAY

20.88'

30.00' SET BACK

LOT 39

R=30.00' N 02° 27' 42" E A=46.54' C=42.01' (P)(M)

PROPERTY LINES

REMOVE PAVR DRIVEWAY, SAVE PAVERS FOR REUSE

NEW ADDITION IN LINE WITH HOUSE IN CURRENT CONFORMING SET BACK

15.7'

15.75'

30.09'

4.00'

7.00'

COVERED ROOF

NEW PAVR SIDEWALK

R=2200.00'

A.&C.=92.81'

6" VINYL FE. 3.04' OVER

16.18'

16.03'

20.00'

SET BACK

BRICK

INGROUND POOL

5' UTILITY EASEMENT

N 45° 36' 11" E 72.00' (P)(M)

S 43° 11' 12" E

16.1'

6" VINYL FE. 1.26' OVER

30'

8'C

1/2" 5/8" 1/2" 5/8"

This detailed floor plan illustrates a residential renovation project. The layout includes the following rooms and features:

- EXISTING BEDROOM #2:** Located on the left side of the plan.
- NEW LAUNDRY:** Features a washer, dryer, and a hook-up, with a width of 5'-4 1/2".
- EXISTING BEDROOM #3:** Located on the right side of the plan.
- NEW MASTER - CLOSET:** Adjacent to the laundry, with a width of 7'-2 1/2".
- NEW MASTER BATH:** Includes a bathtub, toilet, and vanity, with a width of 8'-10 1/2" and a depth of 9'-10 1/2".
- NEW MASTER BEDROOM:** Features a large bed and a dresser, with a width of 14'-4" and a depth of 10'-11".
- EXISTING BATH:** Located at the top of the plan, with a width of 7'-0" and a depth of 4'-0".
- EXISTING KITCHEN:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING LIVING AREA:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING HALLWAY:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING ENTRY:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING PORCH:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING PATIO:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".
- EXISTING DRIVE:** Located at the bottom of the plan, with a width of 16'-0" and a depth of 10'-0".

The plan also shows various dimensions for walls, doors, and windows, as well as the placement of fixtures like the bathtub, toilet, and vanity. The overall dimensions of the project are 24'-8" wide by 20'-0" deep.

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 line, as this is a corner lot, presents a peculiar circumstance that does not apply to neighboring lots. Reasonable use of the land is not being deprived by the applicant and the circumstance 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 variances are not in harmony with the general intent of the LDC. The requested reduction in setback would not match existing neighborhood design patterns.*
- (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. The reduction of setback for both the bedroom addition and the covered roof are not the minimum variances that will make possible the reasonable use of the structure.*

RECOMMENDATION

Staff recommends denial. The Applicant has not demonstrated compliance with the criteria to approve the variances. The Applicant's request is not the minimum variance that would make possible the reasonable use of the land.



Before – Garage off N. Tessier Dr / Front door facing W. Vina Del Mar Blvd.



After – Addition in front Garage off W. Vina Del Mar Blvd. and front entry relocated



STAFF REPORT

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

FROM: Wesley T. Wright, Director

MEETING DATE: June 25, 2018



GENERAL INFORMATION

Applicant/Owner: Robert Beninati
6341 2nd Palm Point
St. Pete Beach, FL 33706

Case Number: 18-00016

Request:

In accordance with Section 8.7 of the City of St. Pete Beach Land Development Code, the owner is requesting a variance to Section 8.7 Minimum yard requirements, to allow the decrease in the rear yard setback from 20-feet for a roof replacement and a new roof extension over the existing patio. The property located at 6341 2nd Palm Point. The property is more specifically described as Property ID #31-31-16-90738-001-0090.

Location: 6341 2nd Palm Point

Zone: RU-1 –Residential District

Existing Use of Property: Residential

Proposed Use of Property: Residential

Surrounding Land Use & Zoning:

North: RU-1 –Residential

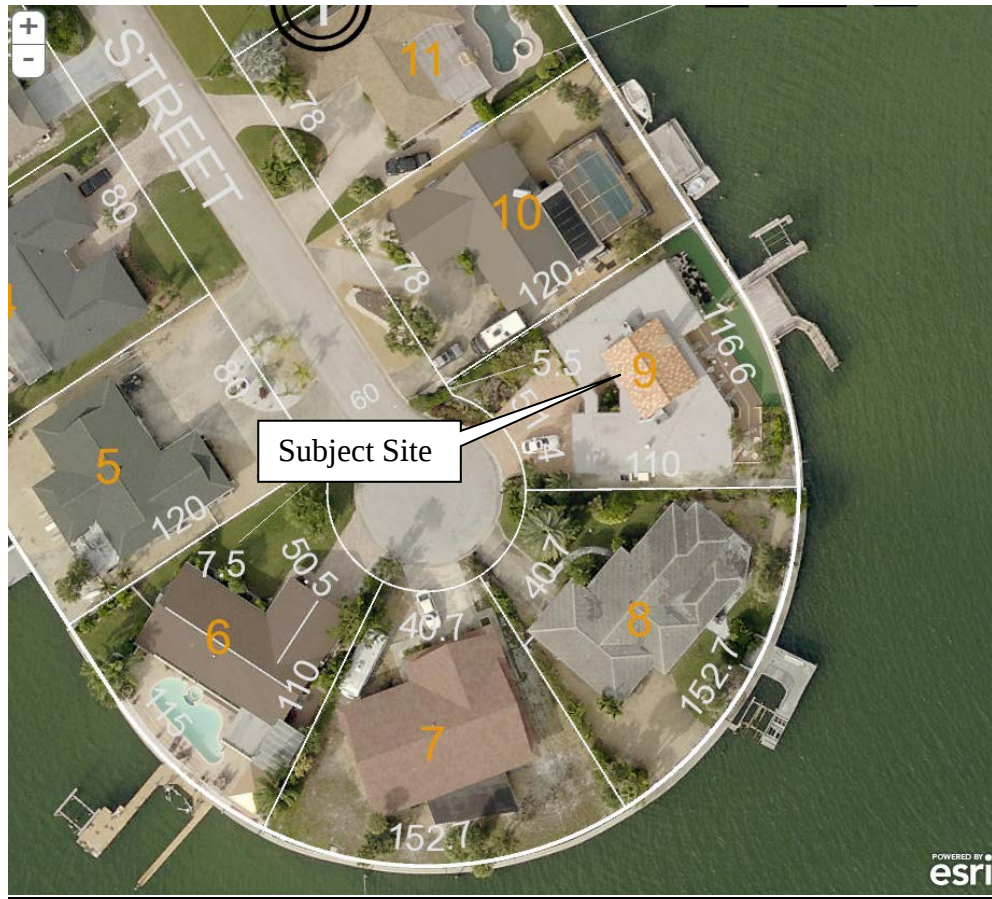
South: RU-1 –Residential

East: RU-1 –Waterfront

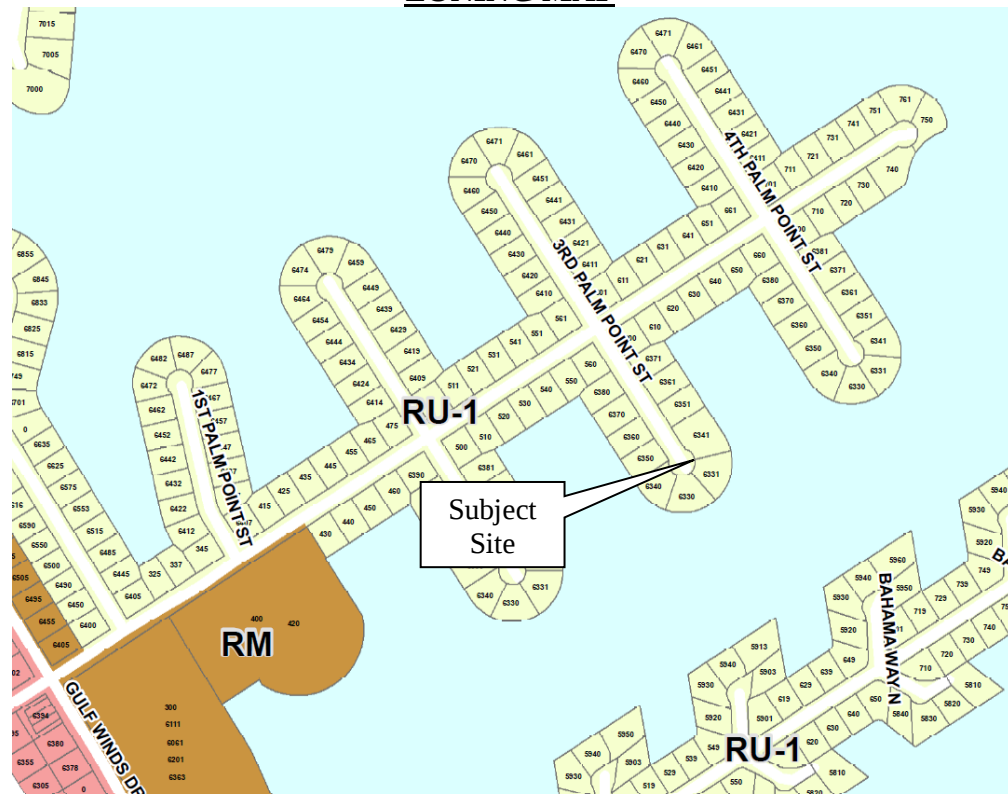
West: RU-1 –Residential

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).



ZONING MAP



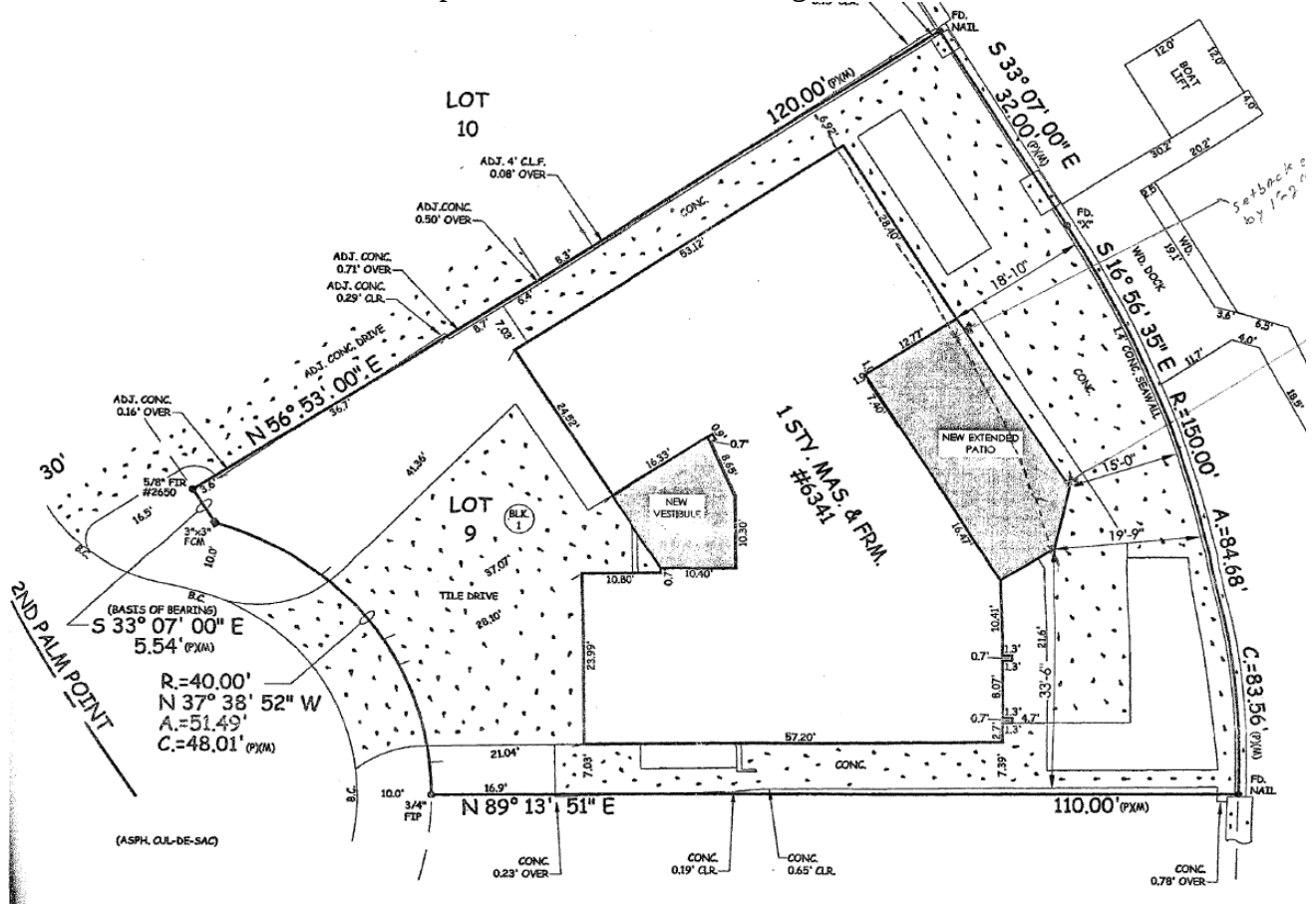
The owner is proposing to replace the flat roof, with a hip roof over the entire residence (Built 1969). The residence is located 18-feet, 10-inches from the rear line at its closest point. The new roof is proposed to cover the existing patio and will encroach 5-feet into the rear setback into the required 20-foot setback. 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:

8.7 Minimum yard requirements

- (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.

[illegible]

Proposed Addition Setback diagram



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. The residence has an irregular shape and was designed for the lot. The roof can be extended to the rear and cover a greater area without a variance. However, compliance with the setback would continue to add the*

irregular shape of the residence. Reasonable use of the land is not being deprived by the applicant and the circumstance 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.*
- (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 may result in a hardship for the Applicant to reroof the structure, where the existing residence is 1-foot 2-inches into the setback. However, the new covered patio would not result in a hardship for the Applicant. This application for variance is the result of the Applicant's desire to cover the existing patio and not a hardship. The reduction of setback for the roof is not the minimum variance possible for reasonable use of the structure.*

RECOMMENDATION

Staff recommends denial of the roof extension (5-foot) over the patio, but could support a reroof for the portion of the residence which extends into the rear setback. The Applicant has not demonstrated compliance with the above criteria (a)-(e) to approve the requested variance over the patio. It would appear that a portion of the patio could be covered without a variance from Section 8.7.

