



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, 11/14/2018
2:00 PM

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** – Three minutes per person to issues not on the agenda.
3. **Approval of Minutes**
 - a. **07/25/2018**
4. **Action Items**
 - a. Case No. 18-00026 – Carol Markovich for Camelot Condominium Owner Association
Address: 105 18th Ave
Request: The applicant requests a variance from Section 6.15, Fences and walls, of the City of St. Pete Beach Land Development Code to replace a fence which exceeds four feet in height in a required front yard setback.

- b. Case No. 18-00027 – Phillip Mitchell for Amy Reetz
Address: 3518 El Centro St
Request: The applicant requests a variance from Section 9.7, Minimum yard requirements, of the City of St. Pete Beach Land Development Code to allow for the addition of an elevated deck to an existing single-family residence having less than the 20-foot minimum required setback from the rear property line.
- c. Case No. 18-00029 – Christopher Phillips for Vanessa Welbern
Address: 33 44th Ave
Request: The applicant requests variances from Section 6.13(c), Residential accessory structures – Special accessory structures, of the City of St. Pete Beach Land Development Code to allow for the encroachment of a pool into a required rear yard and accessory pool decking into required rear and side yards.

5. Adjournment – Next Meeting: 12/12/2018

The public is cordially invited to attend.

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 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.

CODE OF ORDINANCES, SECTION 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

All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT MEETING

MINUTES

JULY 25, 2018

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ABSENT:

Michael Bomar, Member

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 – 6/27/2018

Vice Chairwoman Lyman made a motion to approve the minutes from the June 27, 2018 meeting. The motion was seconded by Member Holehouse and unanimously approved by a roll call vote (4 yeses – 0 nos).

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.

Wesley Wright gave Staff's presentation to the board, and the recommendation was for denial.

Chairman Skipper asked the applicant to come forward.

Amy Seeks, 390 N. Tessier Drive, owner, spoke about constructing a master bedroom and a roof over the front door stoop.

Scott Curtis, Strobel Design Build, explained to the board how he believed the variance request was reasonable and discussed details of a rendering of the property via the document camera.

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

There were no comments.

Chairman Skipper asked for public comment.

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

Chairman Skipper asked for further board discussion. Hearing none, Chairman Skipper closed the board discussion and asked for a motion.

Vice Chairwoman Lyman made a motion to approve the variance for 17-00046. The motion was seconded by Member Holehouse and unanimously approved by an individual roll call vote, (4 yeases – 0 nos).

- 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.

Wesley Wright gave Staff's presentation to the board, and the recommendation was for denial of the roof extension over the patio but could support a reroof for the portion of the residence which extends into the rear setback.

Chairman Skipper asked the applicant to come forward.

Mr. Robert Beninati, 6341 2nd Palm Point, spoke to the board about plans for a roof replacement and a roof extension over the patio.

Chairman Skipper asked if anyone would like to comment for or against the variance.

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

Chairman Skipper asked for any further comments.

Hearing none, Chairman Skipper asked for a motion.

Vice Chairwoman Lyman made a motion to accept Case No. 18-00016 with the condition that the patio, although being roofed, remain open and not be enclosed. The motion was seconded by Member Holehouse and unanimously approved by an individual roll call vote, (4 yeses – 0 nos).

Mr. Robert Beninati, 6341 2nd Palm Point, approached the board for clarification of the motion in regard to the term “enclosed” and screening in the patio.

Attorney Dickman verified that the limitation of enclosure is not to have habitable space but screening in non-habitable, open air, would be fine.

Chairman Skipper further reiterated that the intent of the motion is the patio is to remain as open space, not to be air conditioned and not to become habitable space. Screening the patio would not create habitable space, would not be air conditioned and would not preclude the owner from screening in the patio.

5. Adjournment

There being no further business before the board, the meeting was adjourned at 2:40 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: _____



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 18-00026 – Carol Markovich for Camelot Condominium Owner Association

MEETING DATE: November 14, 2018

PREPARED BY: Brandon Berry, Planner I; Planning & Zoning

REQUEST	The applicant requests a variance from Section 6.15, <u>Fences and walls</u> , of the City of St. Pete Beach Land Development Code to replace a fence which exceeds four feet in height in a required front yard setback.
SUBJECT PROPERTY	105 18 th Ave, St. Pete Beach; Phillips Division Rev Map Blk G, Lots 77 & 96; Parcel number 18-32-16-68634-007-0770
ACERAGE	Approximately 10,000 square feet (0.3 acres)
LAND USE	RLM-2/PAG - Residential District/Pass-A-Grille Overlay on the Zoning Map; RLM - Residential Low-Medium on the Future Land Use Map
SURROUNDING AREA	North- Single-family residences South - Single-family and duplex residences East - Condominium West - Condominium

BACKGROUND

The property is developed with a clubhouse that was constructed in 1951 as well as a pool and activity deck for use by members of the Camelot-By-The-Sea Resort to the west. The property is 100 feet wide with a depth of 100 feet, which equates to 10,000 square feet.

ANAYLSIS

The applicant is proposing to replace a fence surrounding a pool and activity deck that, combined with the wall it sits upon, currently exceeds the maximum height permitted under Section 6.15, Fences and walls, of the City of St. Pete Beach Land Development Code for the portion of fence within the front 20' setback along 18th Avenue. According to the applicant, the replacement fence would be the same height as the one that currently exists. The Land Development Code requires that fences and walls in the front setback not exceed four feet in height. The replacement fence, combined with the wall, would be approximately six feet in height. This fencing does not appear to fall within the visibility triangle, which does not permit structures within ten feet of the back of curb or pavement edge where no curb exists on the street with which the alleyway intersects. Only the portion of fence running east to west along 18th Ave and the first 20' of fence running north along the adjacent alleyway is being considered in this variance application; outside of that 20' setback, fences are permitted to be 8' in height.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- (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 lot in question is not peculiar with regard to the subject land, structure, or building. However, the pool is approximately ten feet from the front property line, which limits the ability to construct a fence greater than four feet in height on the southern side of the pool along 18th Ave. The Florida Building Code requires that fences surrounding pools be at least 48" in height, while gate latches be at least 54" inches from the bottom of the gate. As the gate is not located in the 20-foot front setback required for properties in the RLM-2 district, the fence may be constructed to Florida Building Code requirements despite front-yard height restrictions.*
- (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. There do not appear to be any fences in the immediate vicinity of this property exceeding 4' in height in the front setback.*
- (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 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 Land Development Code. Staff believe that fence height restrictions in front yards are partially for visibility purposes for vehicular traffic. As the Florida Building Code requires that new pool fences have vertical member spacing of less than 1.75 inches in width, new fencing could possibly cause visibility concerns at the corner of 18th Avenue and the adjoining western alleyway despite it falling outside the visibility triangle.*
- (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 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. A new fence can be installed at a maximum four-foot height in the front setback without violating Florida Building Code standards.

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

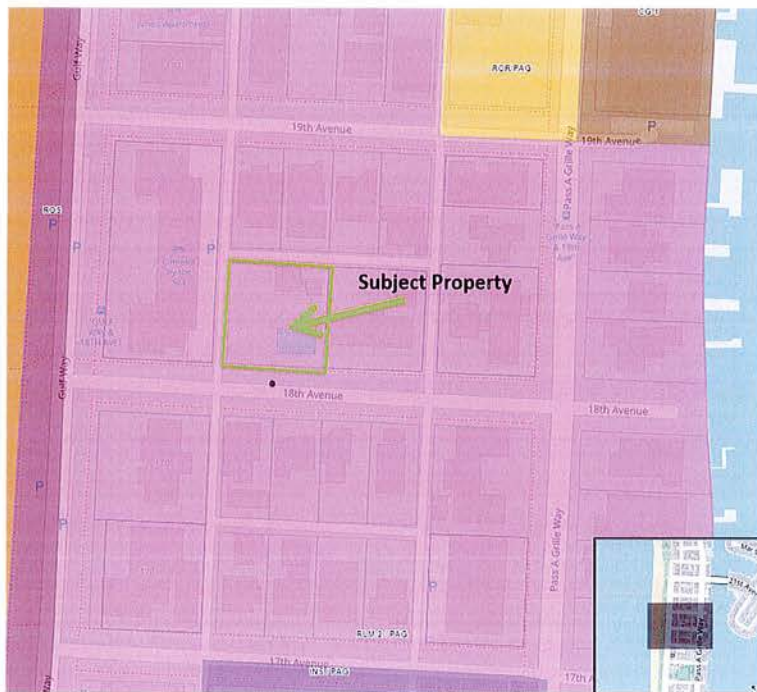
SUMMARY – Staff finds that the replacement of the fence does not meet the conditions for a variance. Staff believe that part of the purpose of the four-foot fence height restriction in front yards is to ensure visibility for vehicular traffic. As this fencing sits on the property line along 18th Avenue and adjoins an alleyway, a new fence of six feet in height that meets applicable Florida Building Code standards could potentially cause line-of-sight issues for individuals entering or leaving the alleyway to the west of this property. Only the fencing located within the front 20' front setback is required to be 4' in height or lower; after this setback, the property is permitted fencing up to 8' in height.

RECOMMENDATION: The proposed variance request is inconsistent with the City of St. Pete Beach Land Development Code. Staff recommends denial of the proposed variance.

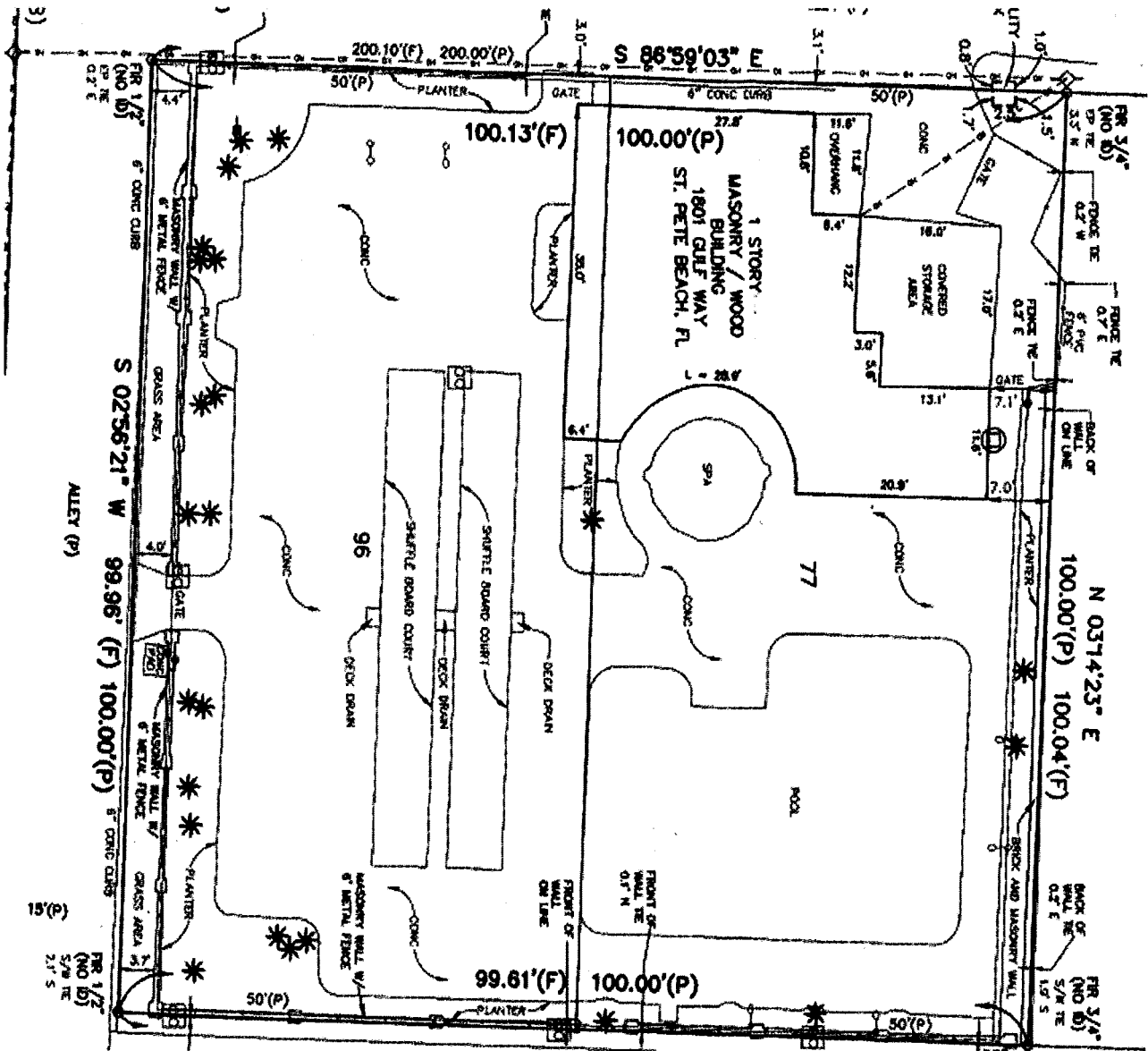
AERIAL MAP



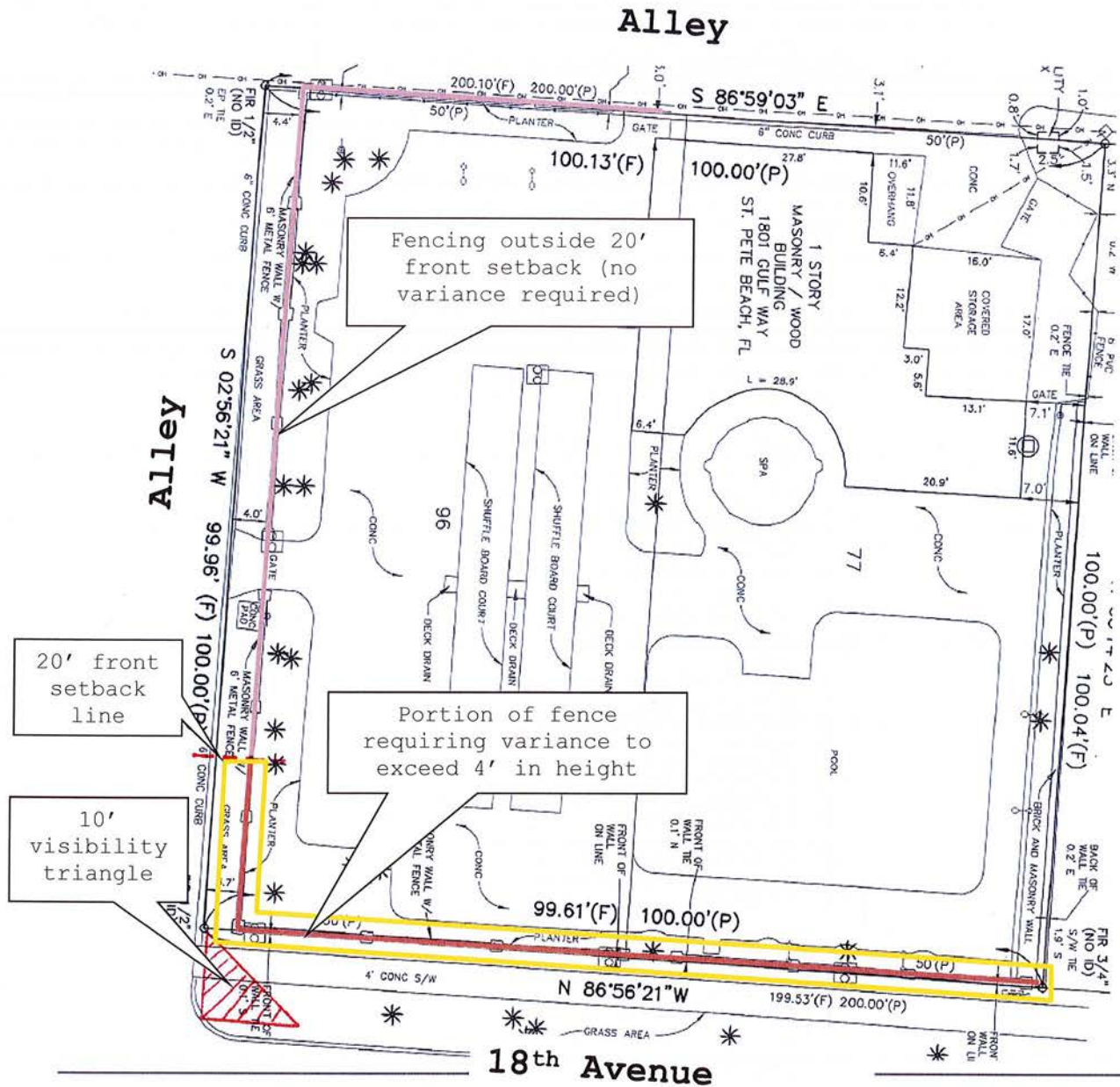
ZONING MAP



SITE SURVEY



PROPOSED FENCE BUILDING PLAN



SITE PICTURES





VARIANCE APPLICATION

Case Number: PLN18-00026

APPLICANT/AGENT:

Name: CAROL MARKOVICH

Address: 1801 Gulf Way

City: St Pete Beach State: FL

Zip: 33706 Phone: 727-360-6988

PROPERTY OWNER:

Name: Camelot by the Sea
Camelot Condominium Owner Assoc

Address: 1801 Gulf Way

City: St Pete Beach State: FL

Zip: 33706 Phone: 727-360-6988

PROPERTY:

Address: 1801 Gulf Way St Pete Beach FL 33706

Parcel ID: _____

Current Zoning: RLM-2/PAS FLUM Designation: RLM Lot Area: 10,000 SF

Existing Use: Condos Proposed Use: Condos

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

Replace existing fence around pool. Gate
would also be replaced.

Attach the following supporting documentation to this application:

- Recent survey of the property
- A site plan, drawn to scale, illustrating the proposed variance.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the Board of Adjustment/City Commission. Failure to do so will delay your application to a later date.

Carol Markovich 10/3/18 Carol Markovich 10/3/18
Signature of Applicant Date Signature of Authorized Agent Date

For office use only:

Hearing Date: November 14, 2018 Fees: \$548.61

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

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

I/WE

Camelot Condominium Owner Association
(print name of property owner)

hereby authorize

CAROL Markovich - manager
(print name of agent)

to represent me/us in an application for

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

Jill D Menadier as
Signature of Owner / President

Signature of Owner

Jill D Menadier
Print Name of Owner / President

Print Name of Owner

The forgoing instrument was acknowledged before me this 25th day of SEPTEMBER
2018, by Jill D. MENADIER or who is personally known
produced _____ as identification.

Bruce G Howie
(Notary Signature)

9/25/18
(Date)

My Commission Expires





Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727.363.9265
email: k.holley@stpetebeach.org

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.

Cam

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.

Cam

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

Cam

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.

Cam

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.

Cam

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.

Carol Markovitch
Signature of Applicant

Date

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment or the City Commission 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 fence around the pool provides protection from people entering the area. It provides safety to prevent children from accessing the pool area.

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.

We already have issue with people climbing the fence after hours.

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

The fence provides safety and liability protection for Camelot and its owners and guests.

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

The new fence would be the same footprint as the existing fence.

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

The fence already exists. It needs to be replaced due to deterioration of the structure

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

It would be the same foot print.

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.

It provides that no one enters without proper identification. It would be a major safety issue to not have the fence.

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

I realize 4 foot is the normal height for a pool fence; however we would be putting it on the existing wall and replacing the current fence already there.

Carel Markcure 10/3/18

Signature of Applicant

Date

Carel Markcure 10/3/18

Signature of Authorized Agent

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Carol Markovich, 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): CAROL MARKOVICH

Address: 1801 Gulf Way St Pete Beach FL 33706

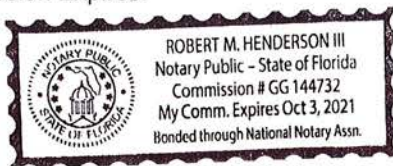
Carol Markovich
Signature

10/3/18
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 30 day of October, 2018 by _____, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission Expires:



NOTARY:

Print Name: Robert M. Henderson III

Notary Public, State of Florida

(Notarial Seal)

[Signature]



Pass-a-grille, FL

1801 GULF WAY
(727) 360-6988

ST. PETE BEACH, FL 33706
(888) 360-6988
Fax (727) 360-6989

November 6, 2018

Brandon Berry
Community Development
City of St. Pete Beach, FL
155 Corey Avenue
St. Pete Beach, FL 33706

Camelot by the Sea has applied for a variance for the pool fence with a date of November 14th. We would like to continued the date to December 12th. Several issues have come up regarding replacing the fence and we need more time. We may have to remove the 2 foot wall to have a new fence installed. If you have questions, please email or call me.

Sincerely,

Carol Markovich

Carol Markovich
Manager
Camelot by the Sea
1801 Gulf Way
St. Pete Beach, FL 33706
727-360-6988
Email: camelotmgr@libertemanagement.com

Brandon Berry

From: Brandon Berry
Sent: Tuesday, November 06, 2018 3:55 PM
To: 'Camelot Manager'
Subject: RE: City of St Pete Beach

Carol,

Thank you, this does suffice. I will announce to the Board next Wednesday your request to continue the variance to the December 12th meeting. If you have any questions for us during the process please let me know.

I also spoke to our Building Official about the fence replacement process. Essentially, whether the fence goes on top of the existing wall or the wall is demolished and the fence is put in the same place, temporary fencing to Building Code would need to be utilized during the process. This would be a chain link-style fence instead of the typical orange silt fencing, measuring 48" in height. If there were to be any gate to allow access to the pool during this time, the gate latch must also be a minimum of 54" from grade. There are other standards that would need to be met as well, I just wanted to give you an idea of the process.

Sincerely,
Brandon

-----Original Message-----

From: Camelot Manager <camelotmgr@libertemanagement.com>
Sent: Tuesday, November 06, 2018 1:35 PM
To: Brandon Berry <bberry@stpetebeach.org>
Subject: FW: City of St Pete Beach

I hope this is sufficient.

Carol Markovich

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Brandon Berry

From: Brandon Berry
Sent: Tuesday, November 06, 2018 12:57 PM
To: 'camelotmgr@libertemanagement.com'
Cc: Wesley Wright
Subject: RE: Pool fence variance PLN18-00026

Carol,

I am still waiting for our Building Official to return to discuss the procedure for replacing a pool fence. I will let you know as soon as I hear from him.

As it stands, the variance going forward to the Board of Adjustment this month is for a 6' high fence in the front setback, rather than the 4' allowed by the Land Development Code per Land Development Code Sec. 6.15. If you are planning to construct a fence no higher than this, we do not need to continue the case to December 12th. I will just need to change the language in the staff report to indicate that the new fence may or may not be located on top of the existing 2' tall wall.

However, if you are not sure about the location or height of the fence, we would be happy to continue it. If you do wish to have it continued, please provide a letter or statement requesting it be done so, along with the reason why. I will provide the statement to the Board at next Wednesday's meeting.

Sincerely,

Brandon Berry, Planner I
Community Development

City of St. Pete Beach
Sunset Capital of Florida
155 Corey Avenue
St. Pete Beach Florida 33706
bberry@stpetebeach.org
(727) 363-9253 – Office
(727) 363-9222 – Fax



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 18-00027- Phillip Mitchell for Amy Reetz

MEETING DATE: November 14, 2018

PREPARED BY: Laura A. Marley, Planner II; Planning & Zoning

REQUEST	The applicant requests a variance from the St. Pete Beach Land Development Code (LDC) to allow for the construction of an elevated deck to an existing single-family residence having less than the required 20-foot minimum setback from the rear yard, pursuant to Division 9, <u>RU-2 Residential District</u>, Section 9.7, <u>Minimum Yard Requirements</u>, of the LDC. Specifically, the applicant proposes an elevated deck to be 17 feet from the rear yard when 20 feet is required.
SUBJECT PROPERTY	3518 El Centro St., St Pete Beach; Lot 10, Block 2, Don Ce-Sar Place, Plat Book 13, Page 15; Parcel number 07-32-16-21852-002-0100
ACERAGE	Approximately 5,500 square feet (0.126 acres)
LAND USE	RU-2- Residential District on the Zoning Map; RU- Residential Urban on the Future Land Use Map
SURROUNDING AREA	North- Single-family residence South - Single-family residence East- El Centro St., and a single-family residence West- Dunes, beach, and the Gulf of Mexico

BACKGROUND

The property is developed with a single-family residence that was constructed in 1951 and has 1,265 total living square feet and a total gross area of 1,577 square feet. The property is 50 feet wide with a depth of 110 which equates to 5,500 square feet.

ANAYLSIS

The applicant is proposing to construct an approximately 14x14 uncovered elevated deck addition to the existing single-family residence 17 feet from the rear yard when 20 feet is required. The applicant showed on the site plan that the deck is proposed to be 20 feet from the rear yard setback. However, the building plans showed the elevated deck to extend approximately three feet into the required rear yard setback. It appears as what was depicted on the site plan was the base of the deck not the three-foot cantilever deck to the rear.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- (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 applicant has not proposed the additions within the available building envelope. The base of the elevated deck meets the required setback of 20 feet but the overhang of the elevated deck intrudes into the setback by approximately three feet. By requesting the elevated deck the applicant is creating their own hardship.*
- (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 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;** *An elevated rear deck are not necessary to make reasonable development of the property. The proposed elevated deck is inconsistent with the general intent and purpose of the LDC. The proposed additions could be redesigned to eliminate the variance request.*
- (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 regulations as set forth in the application, and the variance proposed**

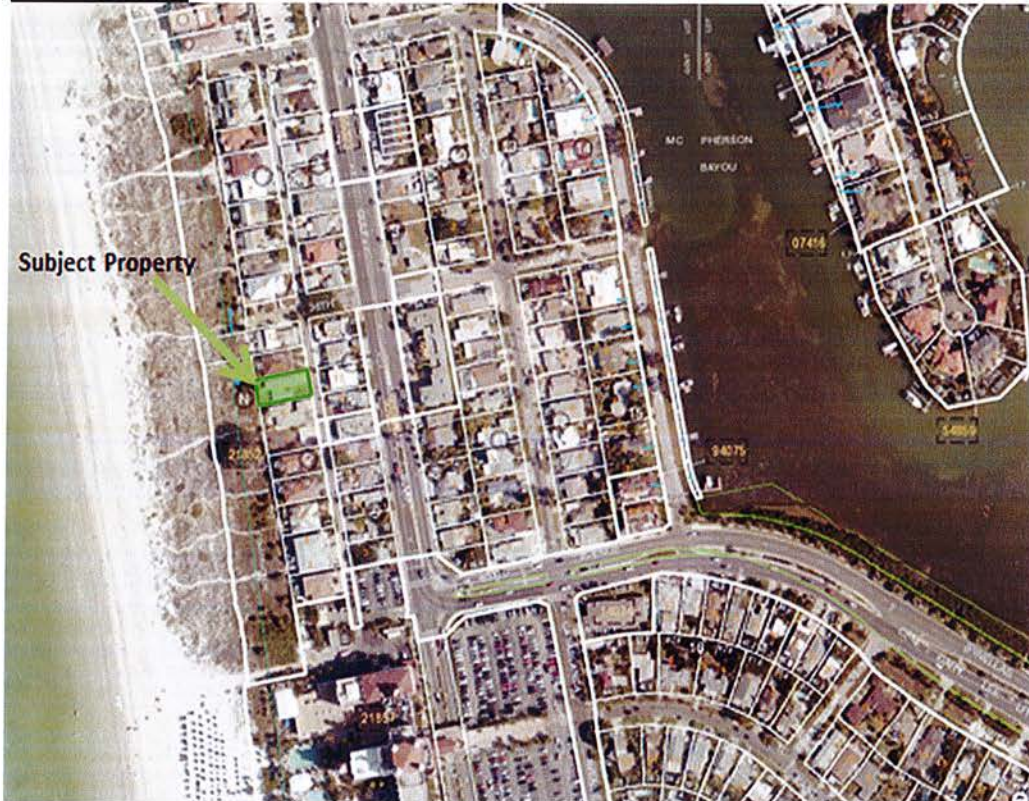
is the minimum variance that will make possible the reasonable use of the land, structure and building. *This request does not appear to be a minimum request. The applicant can redesign the elevated deck to meet setbacks without the need for a variance. An elevated rear deck addition is not necessary to make reasonable development of the property.*

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

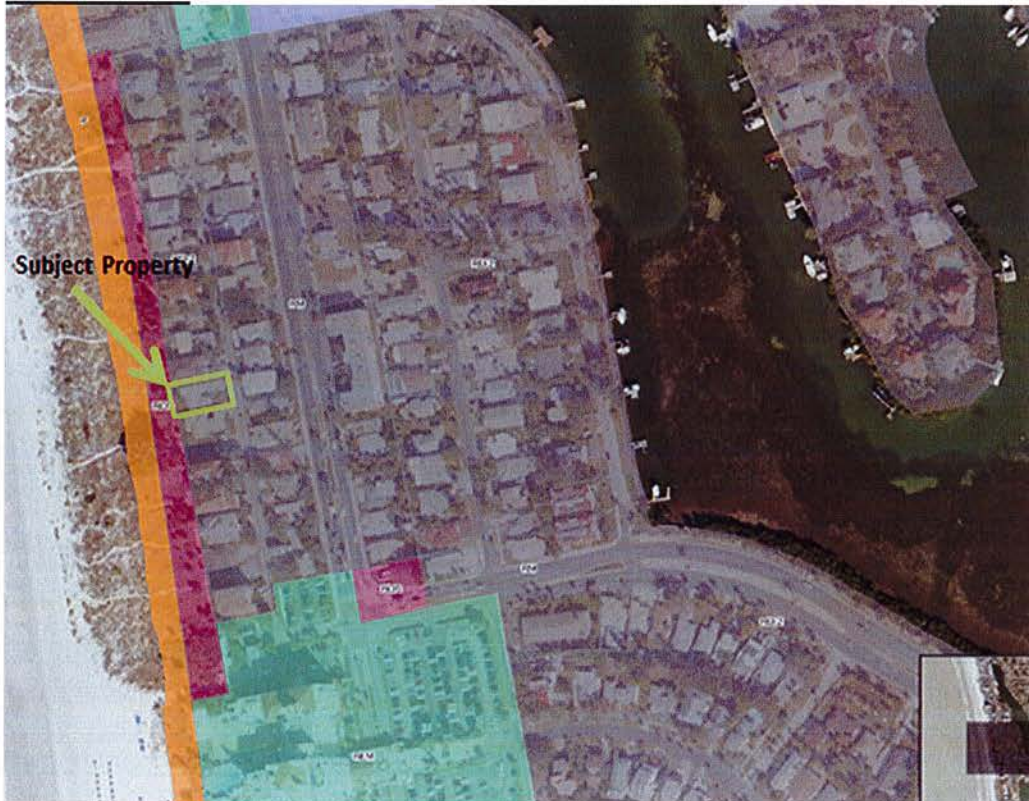
SUMMARY – Staff finds that the elevated deck is not the minimum variance that will make possible the reasonable development of the land. There is an existing single-family residence on the site and the site is being utilized as it currently is developed. The applicant can place an approximately 11-foot by 14-foot elevated deck on the site without the need of a variance. The applicant is requesting a 14-foot by 14-foot elevated deck on the site. Staff has analyzed the request and notes that the applicant can place a deck on the site without a variance.

RECOMMENDATION: The proposed variance request is inconsistent with the City of St. Pete Beach Land Development Code. Staff recommends denial of the proposed variance.

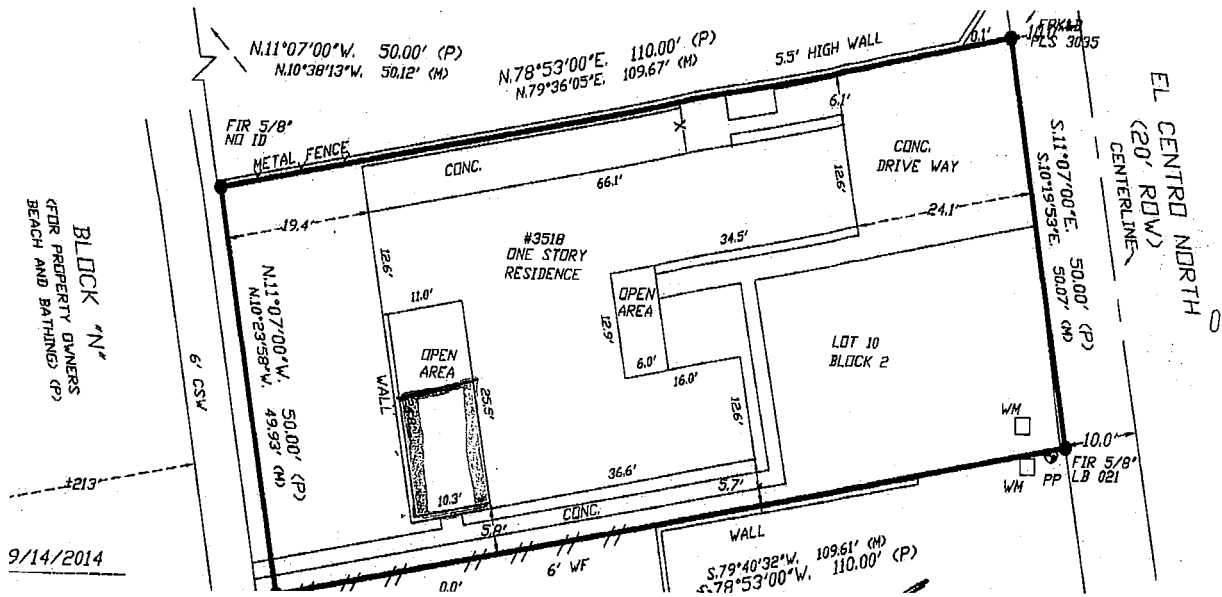
AERIAL MAP



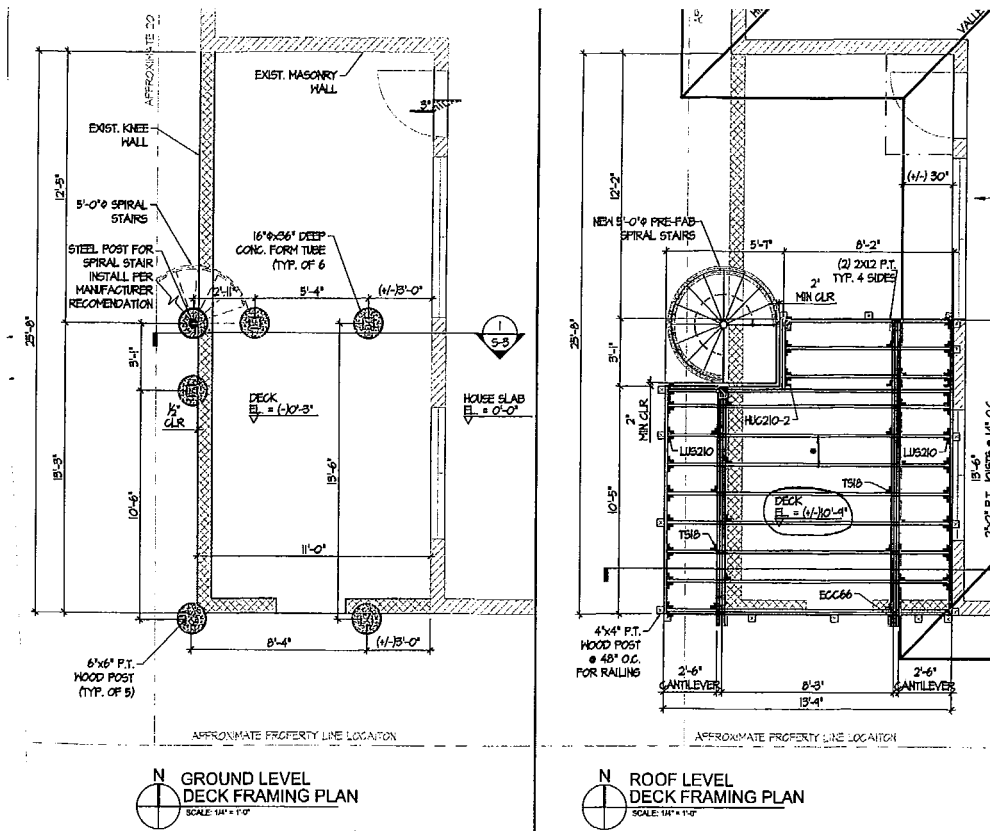
ZONING MAP



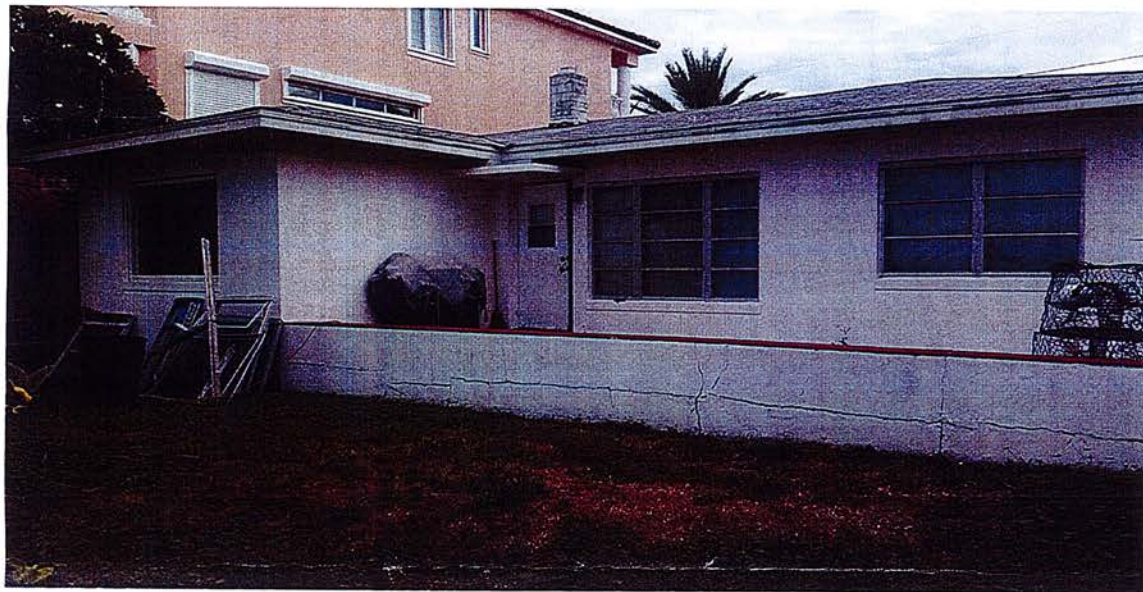
SITE PLAN

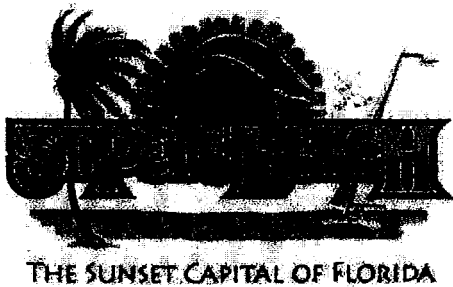


BUILDING PLANS



SITE PICTURES





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: PLN18-00027

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Lot 10, Block Z
Parcel ID: 07-32-16-21852-002-0100
Address: 3518 El Centro St. St. Pete Beach, FL
Current Zoning: Residential FLUM Designation: Residential Urban Lot Area: 5,500 SF
Existing Use: Residential Proposed Use: Residential

APPLICANT/AGENT:

Name: Phillip Mitchell
Address: 8078 4th Ave. N.
City: St. Petersburg State: FL
Zip: 33709 Phone: 727-320-7504
Email: mitchellandsonsqa@gmail.com

PROPERTY OWNER:

Name: Marshall William / Amy Reetz
Address: 1171 North 2000 E Road
City: Milford State: IL
Zip: 60953 Phone: 815-383-4301
Email: amyreetz@gmail.com

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

Encroachment into rear 20 foot setback.

- (c) Application submission requirements. Each application is due no later than 30 days prior to the public hearing and shall contain the following information, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances:
- (1) A completed application, signed by the property owner. The format of the application shall be determined by the City Manager.
 - (2) Proof of ownership.
 - (3) When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
 - (4) A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than ten (10) years prior to the date of application. The survey shall accurately depict all improvements on the site. If all improvements are not depicted on the survey, the applicant shall conduct a new survey of the property and submit it with the application materials.
 - (5) A site plan illustrating the request, drawn to scale. The sheet size shall not be less than eleven inches by seventeen inches (11 × 17) and shall not be more than thirty-six inches by forty-eight inches (36 × 48). An electronic version may be required.
 - (6) Any stipulation, condition, or proffer the applicant wishes to offer along with the application.
 - (7) Applicants are encouraged and may be required to submit additional information, such as elevations, photos, and/or product information, when appropriate.
- (d) Determination of completeness of application. The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.

(Ord. No. 2005-43, § 1, 12-13-05; Ord. No. 2006-39, § 2, 11-28-06; Ord. No. 2011-21, §1(Exh. A), 11-22-11)

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 subject property is beach front, and the sand dunes and vegetation on the west side of the city sidewalk obstruct the beach view, and therefore necessitates the homeowners' need to incur the considerable expense to construct the elevated deck to take full advantage of their beach front 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.

Given the high cost of building the structure, having to forfeit the 26 square feet of valuable, cantilevered deck space that is approximately 10 feet above grade would significantly reduce the useable area of the proposed deck, therefore making it not worth incurring the considerable expense.

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

Obstruction of view of the beach, due to sand dunes and vegetation, West of the city sidewalk.

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

The proposed encroachment on rear setback, is 10 feet above grade

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

The subject property will remain residential, for residential use only, with the purpose of proposed elevated deck, for use by Homeowners and their guests only.

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

The subject property will remain residential, for residential use only, with the purpose of proposed elevated deck, for use by Homeowners and their guests only.

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 proposed elevated deck, will be for residential use only, by Homeowners and their guests. The proposed elevated deck will be confined to the small patio area on the back of property, with the exception of the two ~~and~~ and a half feet of cantilevered overhang protruding into the 20' setback area.

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

Yes

Signature of Applicant	Date	Signature of Authorized Agent	Date
		Phillip Attis	10-7-18

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.

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

PM 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.

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

PM 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.

PM 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.

PM 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.

PM 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

Phillip N. H.
Signature of Applicant

10-7-18
Date

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

I/WE

Amy Reetz
(print name of property owner)

hereby authorize

Phil Mitchell of Mitchell's Sons Quality Const. Inc.
(print name of agent)

to represent me/us in an application for

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

[Signature]
Signature of Owner

Signature of Owner

Amy Reetz
Print Name of Owner

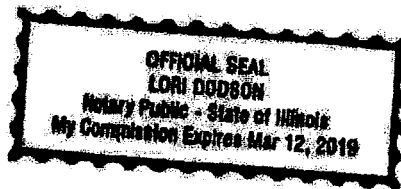
Print Name of Owner

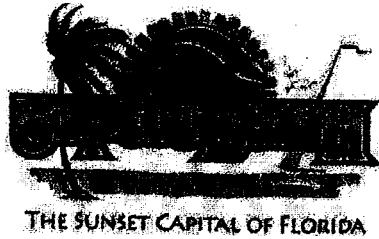
The foregoing instrument was acknowledged before me this 6th day of October
2018, by Amy Reetz or who is personally known Amy Reetz
produced SDI as identification.

[Signature]
(Notary Signature)

Oct 6, 2018
(Date)

My Commission Expires March 12, 2019





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Phillip Mitchell, 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): Phillip Mitchell

Address: 8078 49th Ave North St. Petersburg, FL 34653

Phillip Mitchell
Signature

10-7-18
Date

STATE OF FLORIDA

PINELLAS COUNTY of Pasco) SS:

The foregoing instrument was acknowledged before me this 7 day of September, 2018 by Phillip N. Mitchell, who appeared before me, and is personally known to me, or has produced Florida Driver License as identification, and did take an oath.

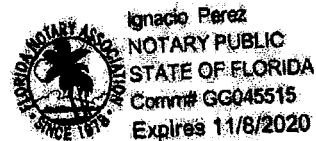
My commission Expires: 11/8/2020

NOTARY:

Print Name: Ignacio Perez

Notary Public, State of Florida

(Notarial Seal)



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.

SURVEY SKETCH OF BOUNDARY SURVEY

PAGE 2 OF 3

NOT FOR FENCE CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR DESIGN

PHOTO PAGE



F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS - LB 6569

3884 PROGRESS AVE., SUITE 104

NAPLES, FLORIDA 34104

239-403-1600 FAX 403-8600

9220 BONITA BEACH ROAD, STE. 200

BONITA SPRINGS, FLORIDA 34135

239-403-1600 FAX 403-8600

REVISIONS

PROJECT NO.

18-88024

DRAWN BY: LFD PARTY CHIEF:

N/A

SURVEY SKETCH OF BOUNDARY SURVEY

NOT FOR FENCE CONSTRUCTION.

NOT FOR CONSTRUCTION.

NOT FOR DESIGN.

IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED.

STREET ADDRESS:
3518 EL CENTRO ST
ST PETERSBURG, FLORIDA

LEGAL DESCRIPTION:

LOT 10, BLOCK 2, BEN CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 15 TO 20 INCL., PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS APPERTAINING THERE TO.

CERTIFIED TO:
PHIL MITCHELL

QUALITY CONTROL

BY: MEF

DATE: 9/14/2014

I CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 54-12.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.

NOTE:

IN COMPLIANCE WITH F.A.C. 54-17.006 (3) (C), TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION, NOTED IF APPLICABLE, FENCES SHOWN NEARER TO THE CENTERLINE OF THE LOT, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES. NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL. OTHER PROPERTY OWNERS SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION, PLANNING AND/OR CONSTRUCTION.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE.

BY: *John F. Dysard* DATE: 09/11/2018

CLYTON W. FINSTAD, P.E. CFS #12453 ISLAND F. DYSARD, PLS #3856
MART E. FINSTAD, CPA, PSN #6801

F.L.A. SURVEYS CORP.

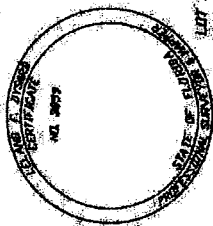
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

DRAWN BY: SVJ PARTY CHIEF: MS

REVISIONS

9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135
239-403-1800 FAX 403-8600
239-484-7129 239-590-2795
239-259-2792 239-825-8504
3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104

PROJECT NO:
18-88024-SPC



SCALE: 1" = 20'



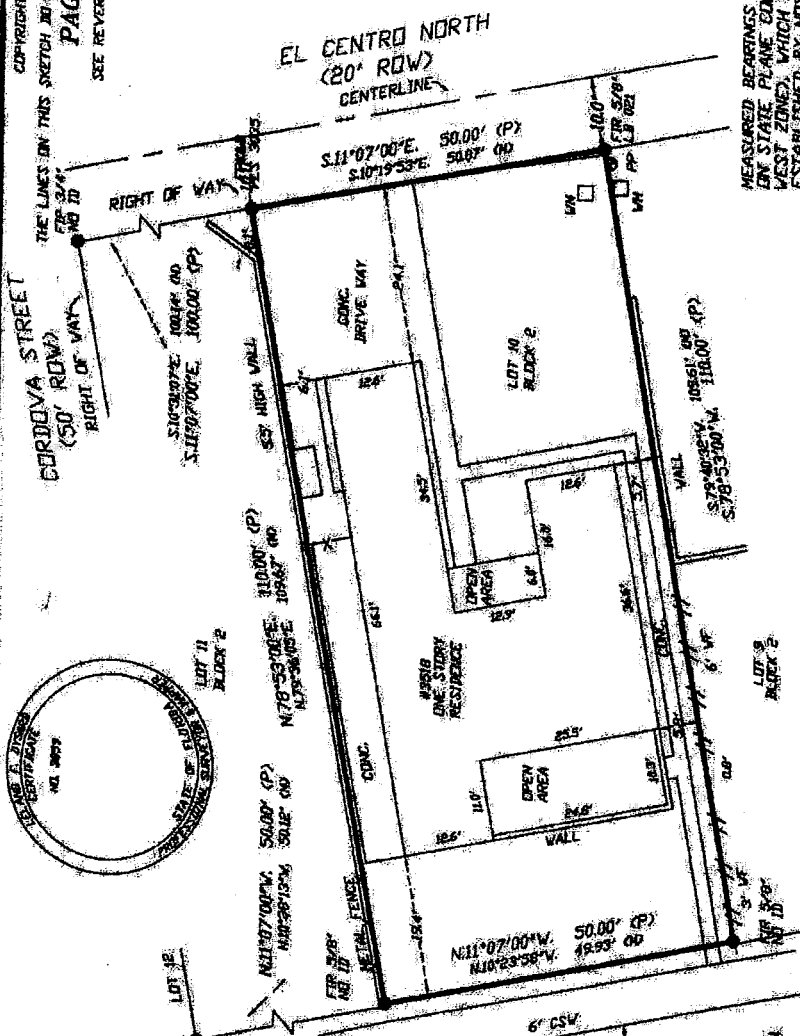
GRAPHIC SCALE

THE LINES IN THIS SKETCH DO NOT CONSTITUTE OWNERSHIP.
PAGE 1 OF 3
SEE REVERSE SIDE FOR PAGE 3 OF 3

CORDOVA STREET
(50' ROW)
RIGHT OF WAY

EL CENTRO NORTH
(80' ROW)
CENTERLINE

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA WEST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NGS. AS ACQUIRED BY EXISTING GPS TECHNOLOGY AND IS THE BASIS OF BEARINGS.



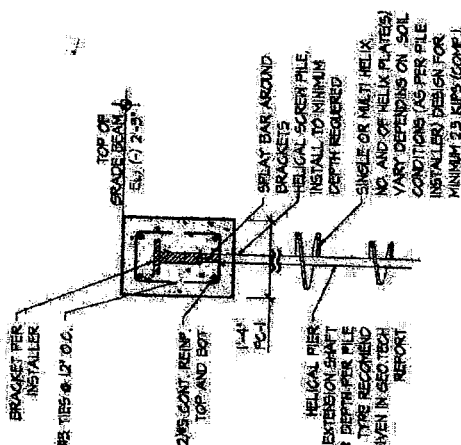
BLOCK "N"
(FOR PROPERTY OWNERS
BEACH AND BATHING) (P)

APPROPRIATE VEGETATION LINE
GULF OF MEXICO

ALL WORK IS DESCRIBED HEREIN IN FULL AND THE PRICES IN ACCORDANCE WITH ALL APPLICABLE
SAFETY CODES ARE LISTED AT THE END OF THE QUOTATION

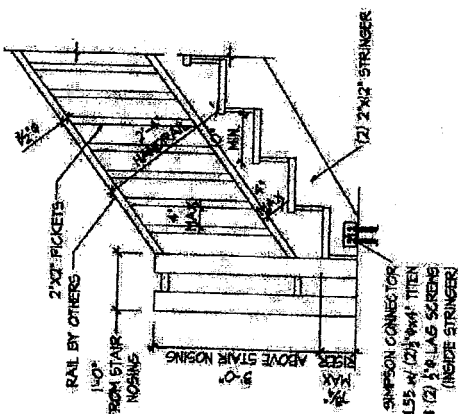
3. THE CRACK, LEAK, AND BURST TESTS AND EXTENSION TESTS SHALL BE RUN IN THE SAME SEQUENCE AS LOAD TESTS. THE CRACK, LEAK, AND BURST TESTS SHALL BE RUN ON ONE OF THE HELICAL BRACING PLATES NEAREST TO THE SHAFT.
4. ALL PILES MUST BE CORROSION PROTECTED BY HOT DIP GALVANIZATION.
5. INSTALLATION MUST BE SUBJECT OF A SEPARATE TEST TORQUE MOTOR WITH FORWARD AND REVERSE CAPACITIES. TEST WITH THE SPECIFIED TORQUE.
6. INSTALLATION MUST HAVE THE CAPACITY OF DEVELOPING THE MINIMUM TORQUE AS REQUIRED FOR ELECTRICAL USE. MINIMUM TORQUE IS 35-40% OF SPECIFIED TORQUE.
7. INSTALLATION MUST BE CAPABLE OF WITHSTANDING THE MAXIMUM AT THE PROPER INSTALLATION ANGLE. THE ANGLE MAY VARY BETWEEN 90 DEGREES AND 180 DEGREES. THE APPLICATION AND TYPE OF LOAD TRANSFER DEVICE SPECIFIED OR REQUIRED.
8. INSTALLATION TORQUE SHALL BE MONITORED THROUGHOUT THE INSTALLATION PROCESS.
9. HELICAL PILES SHALL BE USED TO THE MINIMUM TORQUE VALUE REQUIRED TO PROVIDE THE LOAD CAPACITY DEMAND ON THE PILE.
10. THE APPROPRIATE STEEL, NON CONSTRUCTION LOAD TRANSFER DEVICE SHALL BE USED.
11. APPROPRIATE HELICAL PILES SHALL BE USED TO ALL CORROSION DESIGN LOAD PLUS SAFETY FACTOR. ALL PILES MUST BE CORROSION PROTECTED WITH TORQUE CAPACITY EQUAL TO THE PILE MANUFACTURER'S RECOMMENDATION.
12. DESIGN OF HELICAL PILES AND ANCHORS SHALL BE PERFORMED BY AN ENGINEER LICENSED IN THE STATE OF CALIFORNIA. THE DESIGN SHALL BE ACCORDANCE WITH THE CALIFORNIA CODES AND STANDARDS FOR FOUNDATION DESIGN. THE DESIGN SHALL BE APPROVED BY A LICENSED PROFESSIONAL ENGINEER. THE DESIGN SHALL BE APPROVED BY A LICENSED PROFESSIONAL ENGINEER. THE DESIGN SHALL BE APPROVED BY A LICENSED PROFESSIONAL ENGINEER. THE DESIGN SHALL BE APPROVED BY A LICENSED PROFESSIONAL ENGINEER.

SUNSON STRONG-ITE CONSTRUCTION CORPORATION MODEL NO.	CONNECTOR PER SAMPSON CATALOG 2007-2018 CONNECTOR PER USE CATALOG 5TH E2 OR APPROVED EQUAL			TO CONCRETE	TYPING	FLORIDA PRODUCT APPROVAL CODE BOOK NO.
	USPTO	TO WOOD	TO STEEL			
TS19	400	(14) 1x4				
ABU66Z	2000	(3) 1x4		2" x TITEN		100604
EC066	4040	(2) 1" x 5/8" x (2) 2" x 6" x 12"				100608
US210	1165	(2) 100x14 10d				100628
HC210-2	1949	(2) 100x12 10d				100637



HELICAL PILE CAP
NO SCALE

NOTE: RAILING POST SPACING IS VARIED DEPENDING ON THE TYPE OF THE RAIL TO BE DETERMINED BY THE STAIR SPECIALTY ENGINEER AND CANNOT EXCEED 6'-0" O.C.



MIN. REQ. FOR WOOD
STAIR & RAILING

NO SCALE.

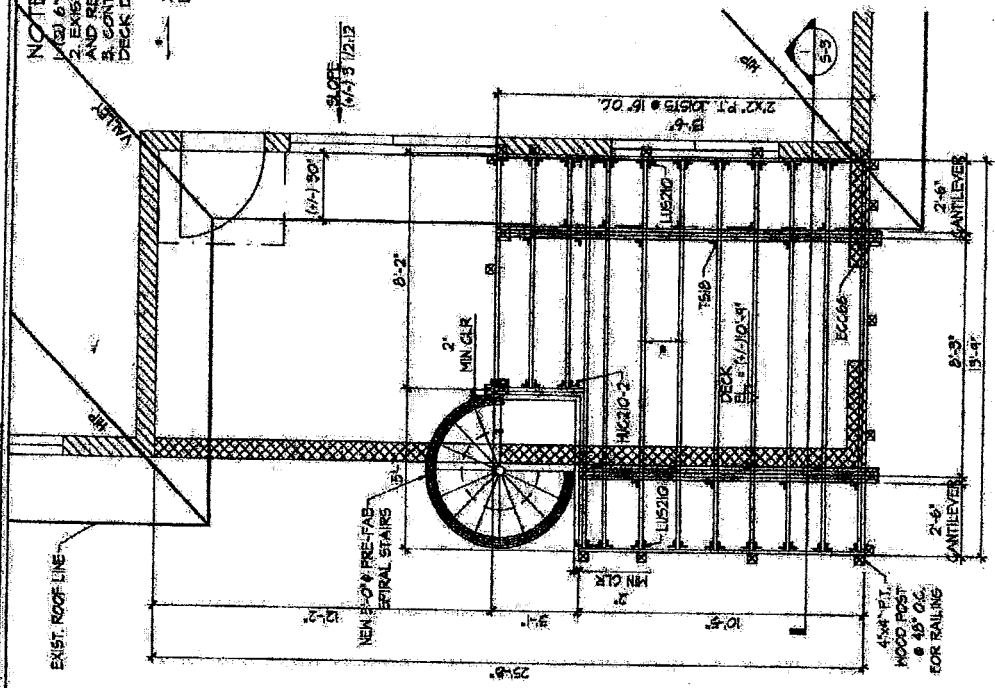
DATE	0-1-18
DRAWN BY	000
CHECKED BY	J
3001 LBS. IN	10001
SCALE	AS NOTED
SHEET NUMBER	5D-1

RDI
STRUCTURAL ENGINEERING, INC.
CA. 94982 Phone: 121-588-1844
www.rdistructural.com
1155 Pasadena Ave. S. Suite 100
Saint Petersburg, FL 33707

FOR SALE
By Appointment
P.E. 56089
www.56089.com

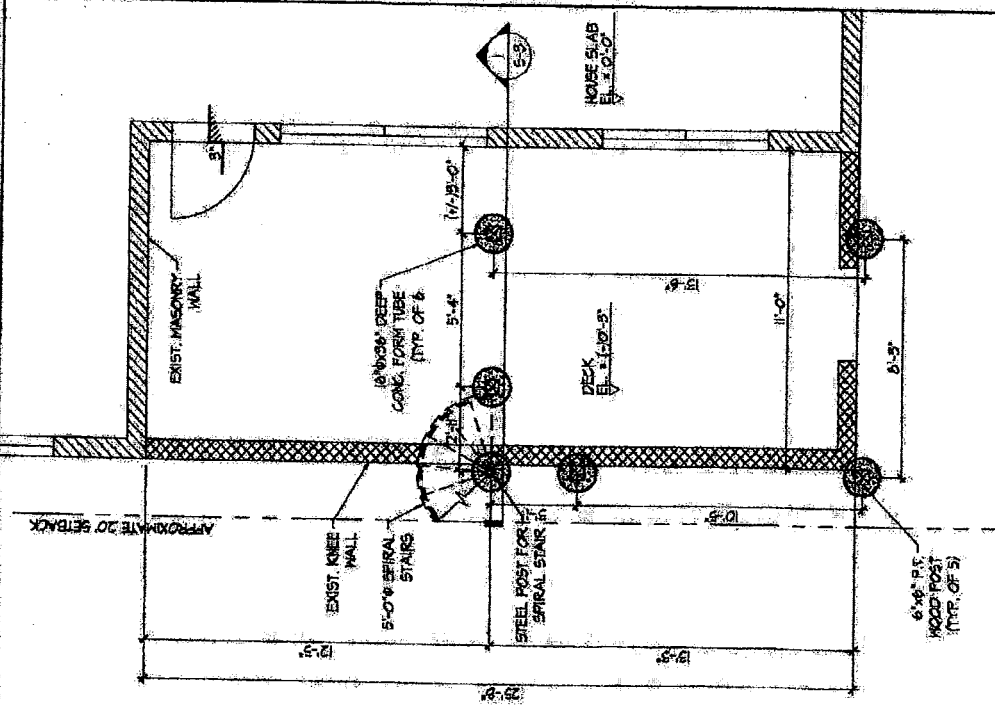
KEN & AMY REITZ RESIDENCE
DECK RENOVATION
5518 EL CENTRO ST
ST. PETE BEACH, FL
33706

NOTES:
 1. 2"x6" POST BASE TO BE REPLACED
 2. EXISTING STONE PAVERS TO BE REMOVED
 AND REPLACED
 3. CONTRACTOR TO VERIFY W/ OWNER WOOD
 DECK DIMENSIONS
 2"x6" P.T. FLAT DECKING
 DIRECTION



APPROXIMATE PROPERTY LINE LOCATION

N ROOF LEVEL
 DECK FRAMING PLAN
 SCALE: 1/8" = 1'-0"



APPROXIMATE PROPERTY LINE LOCATION

N GROUND LEVEL
 DECK FRAMING PLAN
 SCALE: 1/8" = 1'-0"

RDI STRUCTURAL ENGINEERING, INC.
 1155 Pasadena Ave. S. Suite 100,
 Fort Lauderdale, FL 33301
 Phone: 771-388-1344

PROJECT: 1
 100%
 CONSTRUCTION
 DOCUMENTS

DATE: 08/15/10
 DRAWN BY: JF
 CHECKED BY: JF
 RDI JOB NO. 10081
 SCALE: AS NOTED
 SHEET NUMBER: 5-1

E.O.R. Road
 Vergeria Fidequasi
 P.E. 66089

DECK RENOVATION
 KEN & ANN REETZ RESIDENCE
 5519 EL CENTRO ST
 ST. PETE BEACH, FL
 33706

DECK FRAMING PLAN
 AT GROUND AND ROOF
 LEVEL

DATE: 04-18
 DRAWN BY: JF
 CHECKED BY: JF
 RDI JOB NO. 10081
 SCALE: AS NOTED
 SHEET NUMBER: 5-1

CONTRACTOR TO FIELD VERIFY
 ALL DIMENSIONS PRIOR TO CONST.

SURVEY SKETCH OF BOUNDARY SURVEY

NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN
IMPROVEMENTS OTHER
THAN THOSE SHOWN, IF
ANY, WERE NOT LOCATED

STREET ADDRESS :
3518 EL CENTRO ST
ST PETERSBURG, FLORIDA

LEGAL DESCRIPTION :

LOT 10, BLOCK 2, DON CE-SAR PLACE,
ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 13, PAGES 15
TO 20 INCL., PUBLIC RECORDS OF
PINELLAS COUNTY, FLORIDA, TOGETHER
WITH ANY AND ALL RIPARIAN RIGHTS
APPERTAINING THERE TO.

CERTIFIED TO :
PHIL MITCHELL

QUALITY CONTROL

BY : MCF DATE : 9/14/2014

I CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET
FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN
CHAPTER 5J-17.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION
472.027, FLORIDA STATUTES.

NOTE:

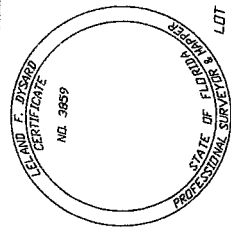
IN COMPLIANCE WITH F.A.C.
5J-17.053(3)(c), IF LOCATION OF
EASEMENTS OR RIGHTS OF WAY IS
OTHER THAN THOSE ON RECORD, IT IS
REQUIRED, THIS INFORMATION MUST BE
FURNISHED TO THE SURVEYOR AND MAPPER.

CERTIFICATION :

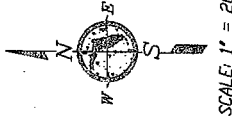
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE.

BY : *Leland F. Dysard* DATE : 09/11/2018
CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DYSARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

CORDOVA STREET
(50' ROW)
RIGHT OF WAY



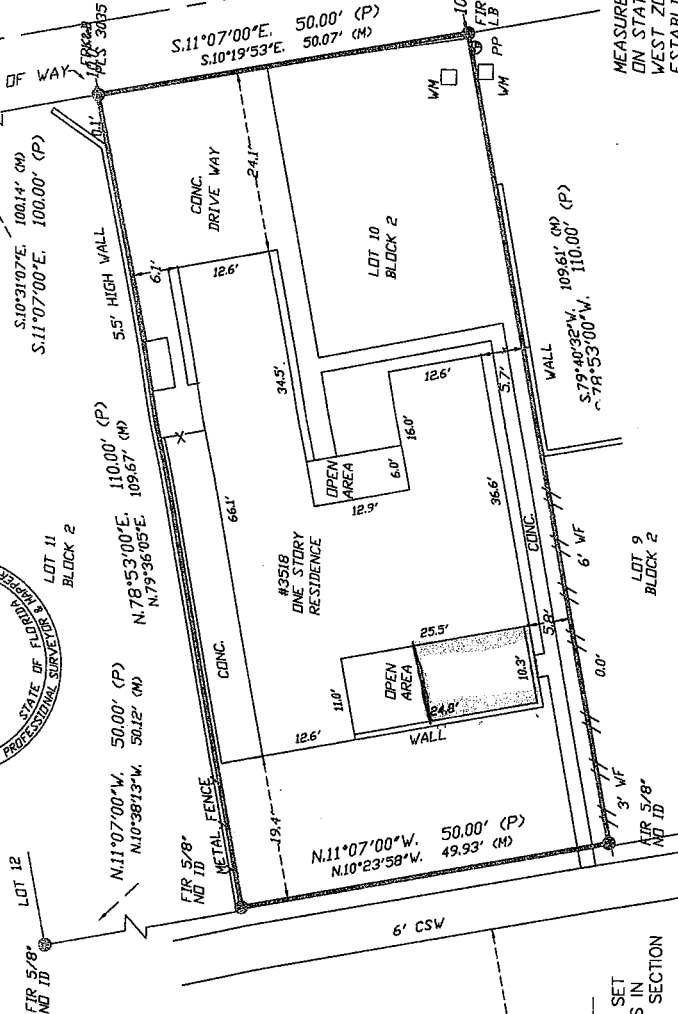
COPYRIGHT 2018, F.L.A. SURVEYS CORP.
THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP.
PAGE 1 OF 3
SEE REVERSE SIDE FOR PAGE 3 OF 3



SCALE: 1" = 20'

OCT 03 2018

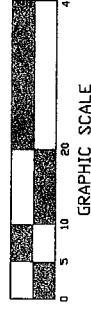
EL CENTRO NORTH
(20' ROW)
CENTERLINE



MEASURED BEARINGS SHOWN ARE BASED
ON STATE PLANE COORDINATES (FLORIDA
WEST ZONE), WHICH IS GRID NORTH AS
ESTABLISHED BY NGS, AS ACQUIRED BY
USING GPS TECHNOLOGY AND IS THE
"BASIS OF BEARINGS".

FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION. NOTE: IF APPLICABLE, FENCES SHOWN MEASURED
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES. ON OR OFF LINES. (APPROX. LOCATION ONLY)

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND
BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.



GRAPHIC SCALE

F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

REVISIONS

9220 BONITA BEACH ROAD, SITE 200
BONITA SPRINGS, FL 34135
239-403-1600 FAX 403-8600
239-404-7129 239-580-2785
239-250-2792 239-825-8604
3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104

DRAWN BY: SVJ PARTY CHIEF: MS

PROJECT NO:
18-88024-SPC

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

I/WE

Amy Reetz
(print name of property owner)

hereby authorize

Phil Mitchell of Mitchell & Sons Quality Const. Inc.
(print name of agent)

to represent me/us in an application for

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

[Signature]
Signature of Owner

Signature of Owner

Amy Reetz
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 6th day of October
2018, by Amy Reetz or who is personally known Amy Reetz
produced DE as identification.

[Signature]
(Notary Signature)

Oct 6, 2018
(Date)

My Commission Expires March 12, 2019





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Phil Mitchell, 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): Phil Mitchell - Mitchell & Sons Quality Cons.

Address: ~~8078~~ 3518 El Centro St.

Phil Mitchell

11-6-18

Signature

Date

STATE OF FLORIDA

)

) SS:

PINELLAS COUNTY

)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: _____

Notary Public, State of Florida

(Notarial Seal)



**DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING & ZONING
STAFF FINDINGS REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE CASE NO. 18-00029 – Christopher Phillips for Vanessa Welbern

MEETING DATE: November 14, 2018

PREPARED BY: Brandon Berry, Planner I; Planning & Zoning

REQUEST	The applicant requests variances from Section 6.13(c), <u>Residential accessory structures – Special accessory structures</u> , of the City of St. Pete Beach Land Development Code to allow for the encroachment of a pool into a required rear yard and accessory pool decking into required rear and side yards.
SUBJECT PROPERTY	33 44 th Ave, St. Pete Beach; Belle Vista Beach 1 st Add Blk B, Lot 2; Parcel number 07-32-16-07398-002-0020
ACERAGE	Approximately 6,875 square feet (0.157 acres)
LAND USE	RU-2 - Residential District on the Zoning Map; RU - Residential Urban on the Future Land Use Map
SURROUNDING AREA	North- Single-family residence South - Water East- Multi-family residence West- Parking lot

BACKGROUND

The property is developed with a single-family residence that was constructed in 1925. The property averages to 53.3 feet wide with a depth of 120, which equates to approximately 6,875 square feet.

ANAYLSIS

Required pool and accessory deck setbacks in the RU-2 district:

Front yard:	20 feet
Side yards:	10% of lot width (5.7 feet)
Rear yard:	9 feet

The applicant is proposing to install a pool, new 12" elevated deck, and replacement at-grade decking. The property is unusual among waterfront residential properties in St. Pete Beach, as the property line does not extend to the seawall but rather ends approximately 3.25 feet before the midpoint of it. In cases where the property line extends to the seawall, the required setback for pools is nine feet as measured from the pool water's edge to the midpoint of the seawall. In all other cases, the required

setback is nine feet from the pool water's edge to the rear property line. As proposed, the pool water's edge would be approximately 9.25 feet from the midpoint of the seawall and six feet from the rear property line.

Accessory pool decks less than two feet above grade are also required to meet this nine-foot rear setback, and the proposed new 12" elevated deck would be located approximately 3.5 feet from the rear property line (6.75 feet from the seawall). The new elevated deck would also encroach approximately half of a foot into a required side yard setback at the south side of the property. Replacement at-grade decking would encroach approximately four feet into the required side yard at the east side of the property, 5.7 feet into the required side yard at the west side of the property, and nine feet into the required rear yard at the south side of the property.

Land Development Code Section 3.12, Variances: The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:

- (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;**

 - (1) For pool setbacks, the rear property line not extending to the seawall is a peculiar circumstance that does not apply generally to neighboring land in the same district. This peculiar circumstance is not the result of the applicant.*
 - (2) For accessory decking setbacks, the rear property line not extending to the seawall is a peculiar circumstance that does not apply generally to neighboring land in the same district. This peculiar circumstance is not the result of the applicant. The shape of the lot is slightly odd with regard to side setbacks.*
- (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; For both variances, no other structures or uses are being considered. It is unknown if other properties in this district and area have complied with these setback requirements.**
- (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; For both variances, 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 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;

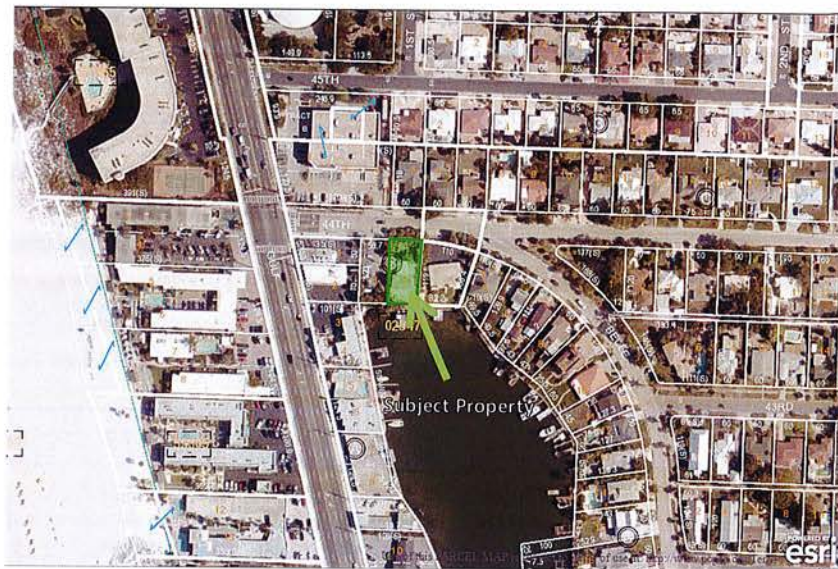
- (1) The requested variance for a reduced pool setback from the rear property line is in harmony with the general intent of the Land Development Code. The requested reduction in setback provides the ability for the pool to be constructed without disturbing the unowned land at the rear of the property and in a manner consistent with how other residential waterfront properties are evaluated for rear setbacks with regard to pools.*
 - (2) The requested variance for reduced accessory decking setbacks from the rear and side property lines is not in harmony with the general intent of the Land Development Code.*
- (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 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.**
- (1) The literal enforcement of the LDC would result in a hardship for the Applicant with regard to the setback of the pool from the rear property line. The atypical location of the rear property line when compared with similar waterfront lots in the RU-2 district is a unique circumstance that does not generally apply to neighboring properties in the same district. Had the rear property line extended to the seawall, as is typical on waterfront residential properties in the RU-2 district, a variance for the pool would not be needed.*
 - (2) The literal enforcement of the LDC would not result in a hardship for the applicant with regard to encroachment of a pool deck into required side or rear yards. Accessory pool decks are not a primary use of residential land.*

Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

SUMMARY – Staff find that the pool does not encroach into the unowned land to the rear of the property, which essentially serves the same purpose as open area that would be used to satisfy rear setback requirements. However, the deck encroaches into the minimum rear and side setbacks required for decks associated with the pool.

RECOMMENDATION: Staff recommends approval of the variance for the pool, and denial of the variance for the replacement at-grade decking and new 12" elevated decking.

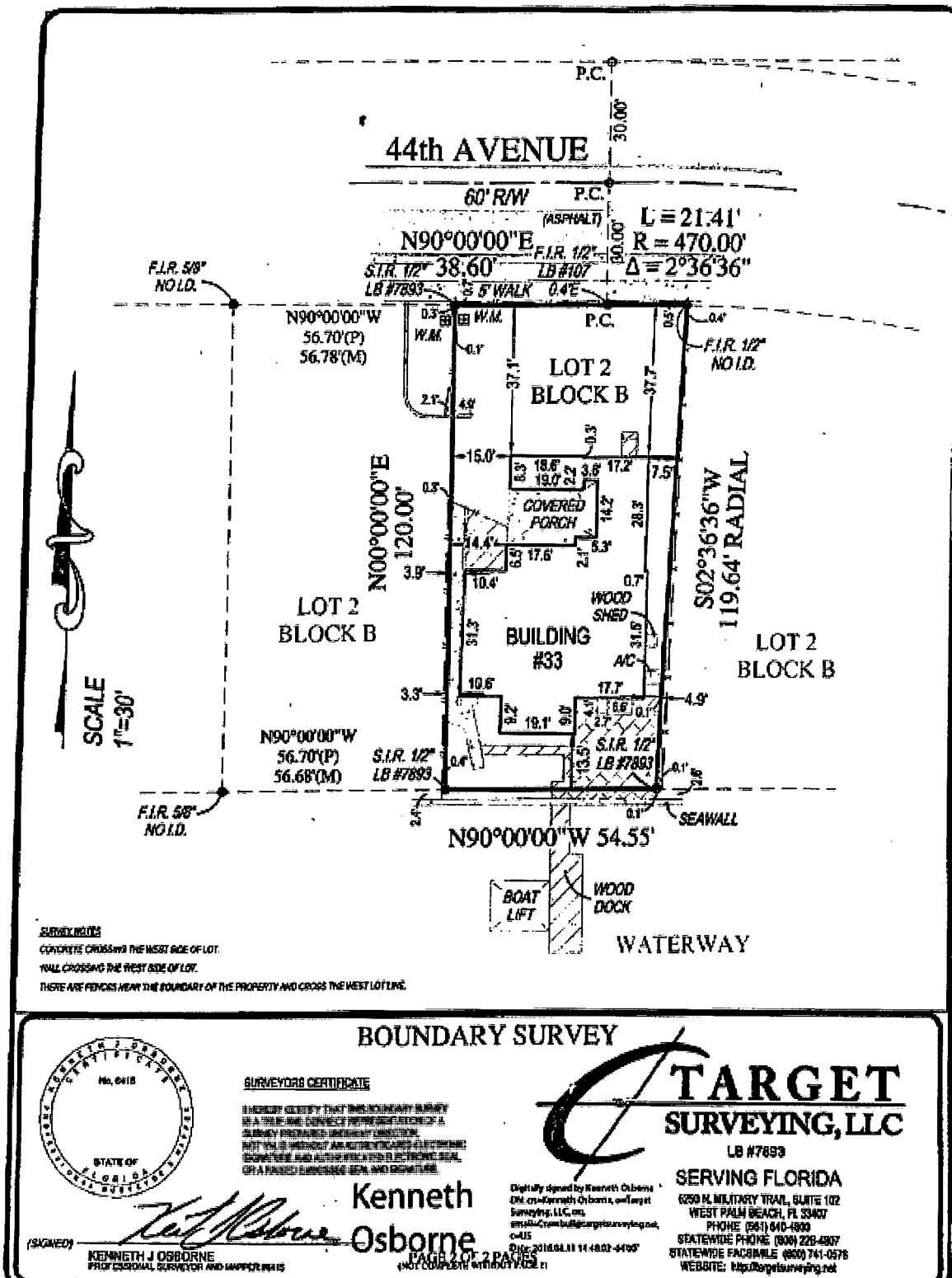
AERIAL MAP



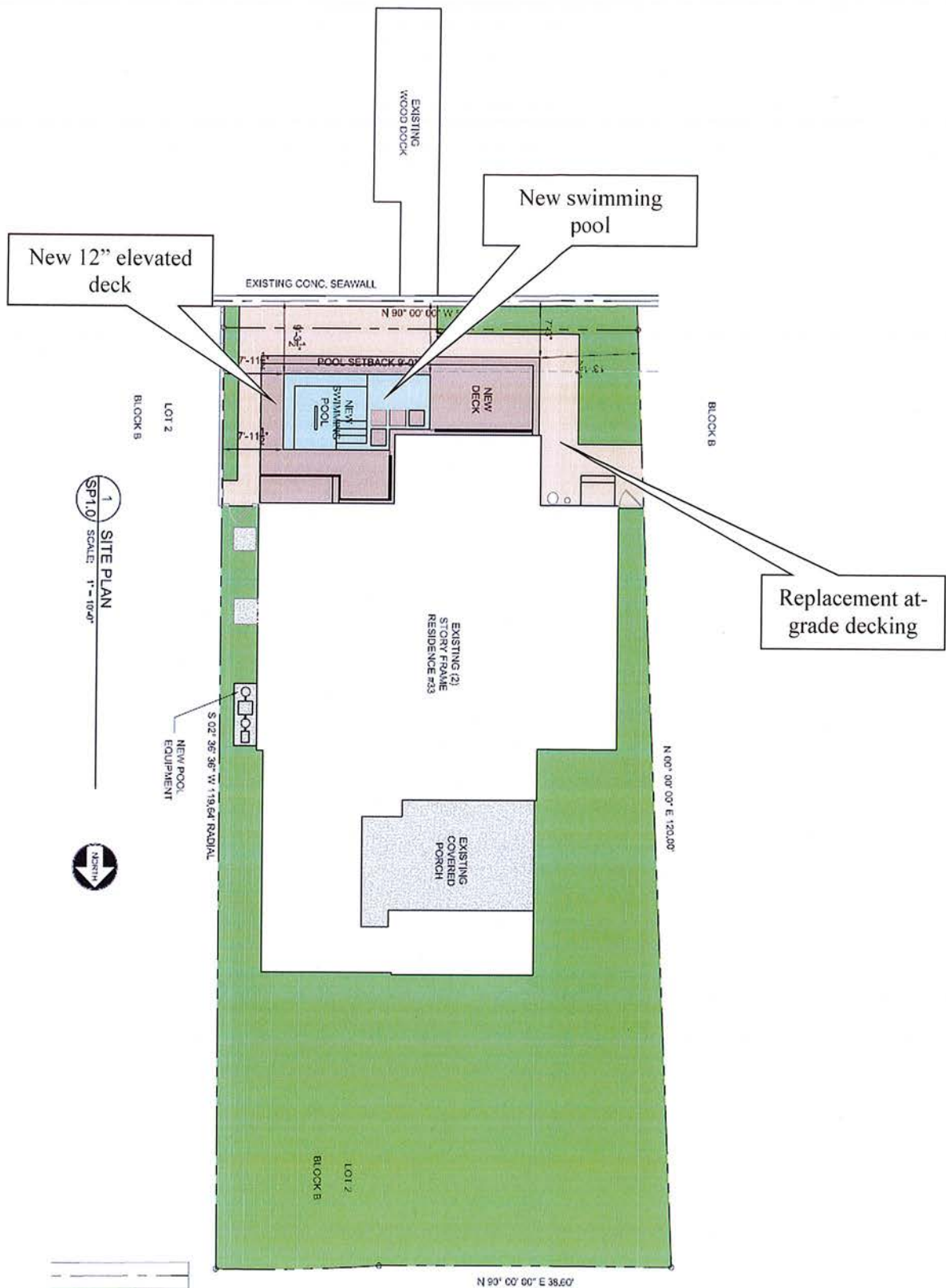
ZONING MAP



SITE SURVEY



PROPOSED SITE PLAN



PROPERTY PHOTOS







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: PLN18-00029

PROPERTY FOR PROPOSED VARIANCE

Legal Description: BELE VISTA BEACH 1ST ADD BLK B, LOT 2
Parcel ID: 07-32-16-07398-002-0020
Address: 33 YFTH AVE

Current Zoning: _____ FLUM Designation: _____ Lot Area: 56 x 125
Existing Use: RES Proposed Use: POOL/DECK

APPLICANT/AGENT:

Name: CHRISTOPHER PHILLIPS
Address: 970 LAKE CARILLON DR. #300
City: ST. PETERSBURG State: FL
Zip: 33716 Phone: 727 466-0700

PROPERTY OWNER:

Name: VANESSA WELBEAN
Address: 33 YFTH AVE
City: ST PETE BEACH State: FL
Zip: 33706 Phone: 573 489-8824

Email: chris.phillips@customconcepts.com Email: vanessa.welbean@gmail.com

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

SEEKING PERMISSION TO CONSTRUCT A NEW SWIMMING POOL
AND ATTACHED ACCESSORY DECK AS FOLLOWS: POOL 9'-3 1/2" FROM
CENTER LINE OF SEAWALL & DECK 7'-3" FROM CENTER LINE
OF SEAWALL, RE: LDC SEC. 6.13(C)

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.

AN UNKNOWN PERSON OR ENTITY OWNS THE REALTY OF SUBJECT PROPERTY. ACCORDINGLY, APPLICANTS SEEK PERMISSION TO BUILD WITHIN SETBACKS DETAILED IN 'DETAILS' SECTION ABOVE.

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 WOULD BE INSUFFICIENT SPACE TO CONSTRUCT THE PROJECT.

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

THE CURRENT APPLICANT/OWNER PURCHASED THE PROPERTY IN AUGUST, 2014 AND HAS DONE NOTHING TO IMPACT THE EXISTING CONDITIONS.

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

NO CHANGE

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

NONE

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

NONE

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.

GRANTING THE VARIANCE WILL ENABLE THE
CURRENT OWNER TO ENJOY THE SAME AMENITIES
AS THE REST OF THE COMMUNITY.

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

AFTER RESEARCHING VARIOUS DESIGN OPTIONS, IT WAS
DETERMINED THAT IT WOULD BE IMPOSSIBLE TO BUILD

Van D. SUMMINS POOL
Signature of Applicant Date 10/8/18

[Signature]
Signature of Authorized Agent Date 10/8/18

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.

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

CP 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.

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

CP 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.

CP 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.

CP 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.

CP 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

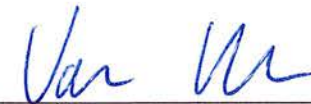
Var AR
Signature of Applicant

10/8/18
Date

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

I/WE VANESSA WELBERN
(print name of property owner)
hereby authorize CHRISTOPHER PHILLIPS
(print name of agent)
to represent me/us in an application for VARIANCE APPLICATION/HEARING
(type of application: variance, conditional use, zoning, etc.)


Signature of Owner AGENT


Signature of Owner

CHRISTOPHER PHILLIPS
Print Name of Owner AGENT

Vanessa Welbern
Print Name of Owner

The forgoing instrument was acknowledged before me this 8th day of October
2018, by Vanessa Welbern or who is personally known
produced _____ as identification.


(Notary Signature)

10/8/18
(Date)

My Commission Expires





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Vanessa Welbern, 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.

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

Name(print): Vanessa Welbern

Address: 33 44th Avenue

Van Welbern 10/8/18
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 8 day of October, 2018 by Vanessa Welbern, who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires:

NOTARY: Christopher Phillips

Print Name: Christopher Phillips

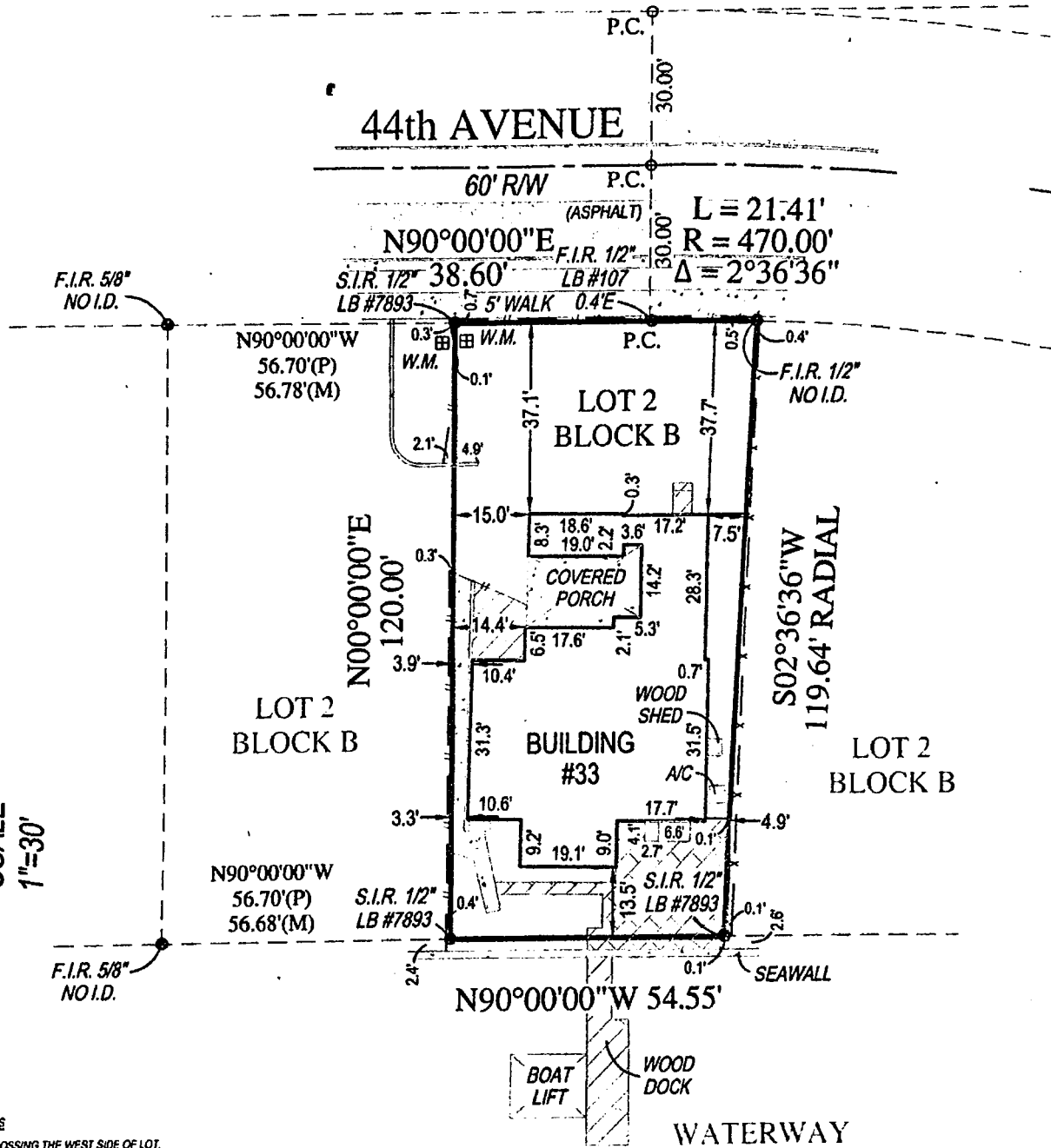
Notary Public, State of Florida

(Notarial Seal)





SCALE
1"=30'



SURVEY NOTES

CONCRETE CROSSING THE WEST SIDE OF LOT.
WALL CROSSING THE WEST SIDE OF LOT.
THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS THE WEST LOT LINE.

BOUNDARY SURVEY

SURVEYORS CERTIFICATE

I HEREDY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

Digitally signed by Kenneth Osborne
DN: cn=Kenneth Osborne, o=Target Surveying, LLC, ou, email=Ctumbull@targetsurveying.net, c=US
Date: 2016.08.11 14:48:02 -0400
(NOT COMPLETE WITHOUT PAGE 1)

TARGET SURVEYING, LLC

LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 228-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

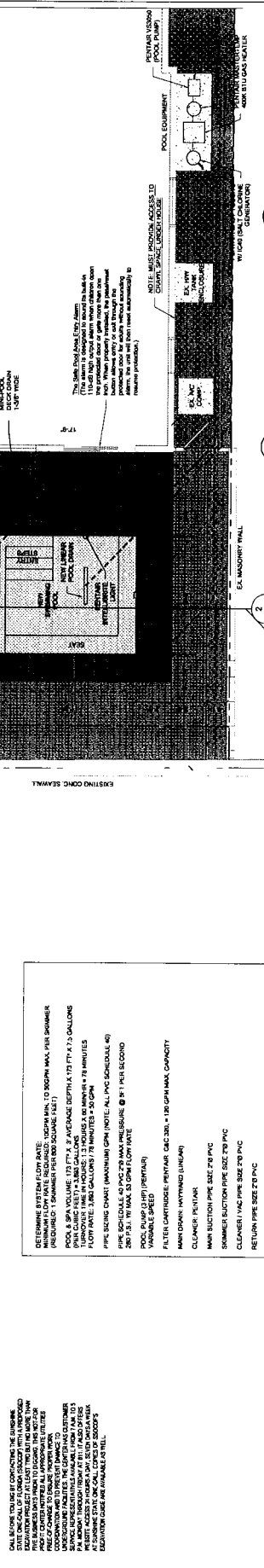
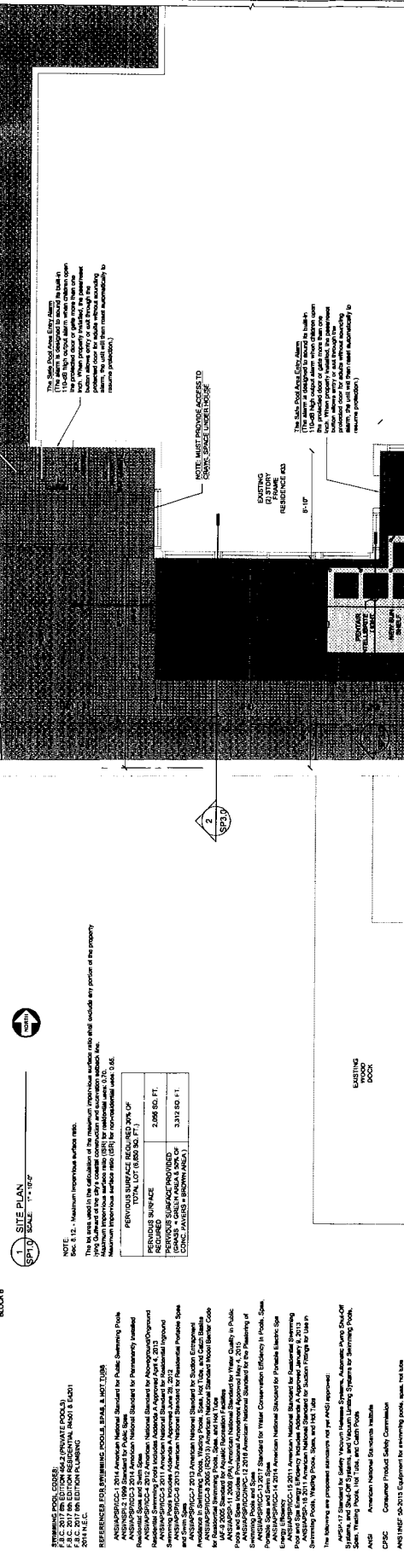
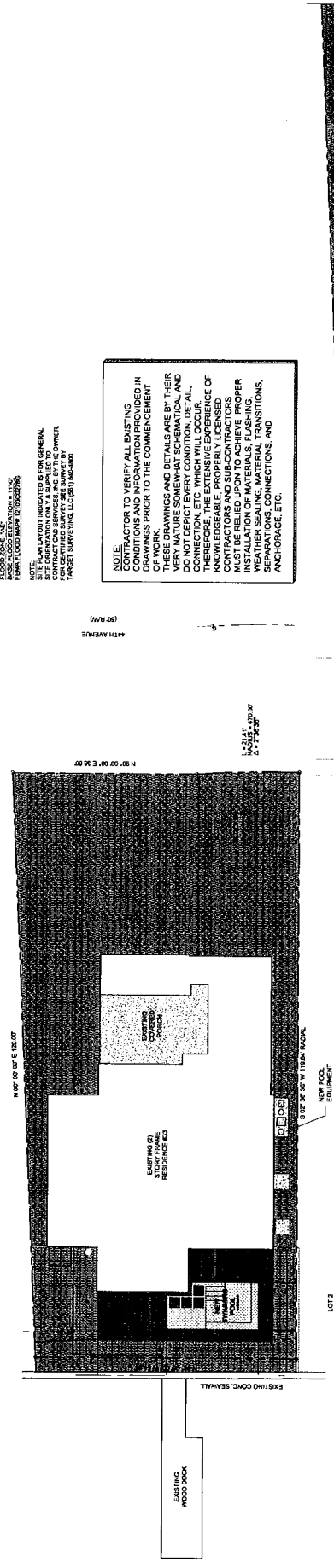
CONTRACTOR
Phillips Custom Concepts, Inc.
970 Lake Carlton Drive
Suite 300
St. Petersburg, FL 33716
Phone: 727.502.9800
CPC1456837 & CGC1508449

STRUCTURAL ENGINEER
Gregory D. Gailner, P.E.
5387 Americas Way South
St. Petersburg, Florida 33712
Phone: (727) 452-6823
FL REG. 10682

PROJECT
NEW SWIMMING POOL
FOR VANESSA WEIBERN
St. Pete Beach, Florida 33706-3815
Parcel # 07-32-16-07398-002-0020
Project Address:
3344th Avenue

REVISION	DATE	DESCRIPTION
1	AS NOTED	
2	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
3	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
4	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
5	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
6	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
7	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
8	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
9	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE
10	7/11/18	ADD 1" PVC SCHED 40 PIPING TO MAIN SUCT. LINE

SP1.0
SHEET 2 OF 2



SP1.0
SHEET 2 OF 2

