



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, March 29, 2023
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the March 29th, 2023 agenda.

2. Audience Comments -

General comments shall be limited to 3 minutes. Public comment on agenda items will be allowed when that item is called and limited to 3 minutes. Please provide a comment card to the Clerk.

3. Approval of Minutes

a. Workshop and Regular Meeting January 25, 2023

4. Action Items -

a. Election of Officers 2023-24

[Sec. 22-39.](#) - Election of officers; conduct of meetings.

(a) The board of adjustment shall annually, at the first meeting held following the appointment of members, organize by electing a chairman and vice-chairman and such other officers as may be necessary from among its members.

Current Chair Paul Skipper; Current Vice Chair Sandie Lyman

Requested Action:

Motion to APPOINT _____ as the Committee Chair for 2023-2024.

Motion to APPOINT _____ as the Committee Vice Chair for 2023-2024.

b. Case No. 23006 - 285 42nd Ave.

Practical Difficulty Variance; Pamela and Paul Stein requests to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed (LDC Sec. 6.13(a)(2)).

c. Case No. 23013 - 200 1st Ave.

Unnecessary and Undue Hardship Variance; James Manfuso for Point Pass-a- Grille Inc. requests to construct aluminum fence on southern seawall that exceeds the permitted maximum height of 4' within waterfront yard where 20' setback is required (LDC Sec. 6.15).

d. Case No. 23012 - 135 44th Ave.

Unnecessary and Undue Hardship Variance; Brian Leach and Karen Didden requests to retain existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).

e. Case No. 23015 - 250 Isle Dr.

Practical Difficulty Variance; Elizabeth and Scott Sinatra requests to construct 22' x 22', <20' high attached garage that will not meet required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed (LDC Sec. 8.7(a)(1-2)).

f. Case No. 23016 - 7501 Gulf Blvd.

Unnecessary and Undue Hardship Variance; Grant McLaughlin, PJ Callaghan Company for BoyleNPoint, LLC requests to reduce the size of a required 75th Ave frontage buffer from eight to five feet (LDC Sec. 22.7(a)(1)) and construct a new building in the Downtown Redevelopment District that lacks a corner entrance (LDC Sec. 39.3(e)(1)).

5. Adjournment - Next meeting to be held on 4/26/2023 -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

CITY OF ST. PETE BEACH
DRAFT BOARD OF ADJUSTMENT MEETING MINUTES
January 25, 2023 2:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member
Dan Small, Member

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Kristin Coman, Senior Planner
Brandon Berry, Senior Planner
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk

Vice Chair Lyman called the meeting to order at 2:00 PM and led the Pledge of Allegiance. The Deputy Clerk swore in all individuals who would be speaking on agenda items.

1. Approval of the Agenda -

Motion: Member Chase moved, and Member Bomar seconded the approval of the agenda as presented with no changes; the motion passed unanimously.

2. Audience Comments – There were no general audience comments.

3. Approval of Minutes - a. 11/30/2022

Motion: Member Bomar moved, and Member Small seconded the approval of the November 30, 2022 minutes as presented. The motion passed unanimously.

4. Action Items

- a. Case No. 22065 - 724 Boca Ciega Isle Dr.** Practical Difficulty Variance: Roger Pierce and Sarah Corbin request expansion of the existing one-car-attached garage into a two-car garage and maintain the existing front yard setback of 12.5' where 20' is required. (LDC Sec. 6.13(a)(1))

Senior Planner Kristin Coman reviewed a summary of the request for a variance. Her presentation included photos, maps, survey, plans, request details, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record.

Staff recommendation was for approval with conditions – that areas to be removed should be stabilized with grass and have a site inspection approval by the Planning Dept., gutters should be installed on the new additions, and applicant submit an As-Built Plan prior to issuance of a Certificate of Occupancy.

Applicant Roger Pierce testified that the staff report was a good summary of his request; he added some additional comments on the need for a variance and other improvements being made. Ms. Coman added that fifteen letters of support were received and none against.

There was no additional audience comment. The Chair opened Board discussion.

Motion: Member Small moved, and Member Bomar seconded to approve the variance for Case No. 22065 to include the three staff recommended conditions listed in the agenda report; the motion passed unanimously.

- b. **Case No. 22072 - 544 69th Ave.** Practical Difficulty Variance: Nelson and Alice Hill request expansion of an existing driveway with an additional 13' wide section of concrete installed between the existing double driveways, creating a single standard driveway of 33' in width as it crosses the property line where a maximum of 20' is permitted, and 36' in width at the curb where a maximum of 26' is permitted. (LDC Sec. 23.11(b)(2))

Ms. Coman reviewed a summary of the request for a variance. Her presentation included photos, maps, survey, proposed plans, request detail, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record.

Staff found no adverse changes would be produced by the variance, and recommendation was for approval with the condition that areas adjacent to the driveway should have supplemental plantings installed and a site inspection by the Planning Department prior to final inspection. No letters for or against were received.

Applicant Nelson Hill appeared and provided a handout. He testified about the need for the variance with photographs. He explained that they are part-time residents and acknowledged that he understood the condition suggested regarding landscaping.

There was no additional audience comment. The Chair opened Board discussion. Impervious surfaces ratio (ISR) was discussed; this meets the criteria.

Motion: Member Bomar moved, and Member Small seconded to approve the variance for Case No. 22072 with the staff recommended condition for landscaping as outlined in the agenda report; the motion carried 4-0.

- c. **Case No. 22080 - 1 Pass-a-Grille Way** Unnecessary and Undue Hardship Variance: Melanie Vandegrif for Millard Gamble requests removal and replacement of the existing 6' high wood fence with 6' vinyl fencing within waterfront yard where 20' setback is required. (LDC Sec. 6.15)

Ms. Coman reviewed a summary of the request for a variance. Her presentation included photos, maps, survey, plans, request detail, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record. Ms. Coman reviewed the variance criteria with staff comments. This case was discussed with the Technical Review Committee on 1/18/23 and no comments were received.

Staff findings were that all criteria for the variance were met and they recommended approval. The Applicant submitted five letters received in support.

Property Manager Melanie Vandegrif appeared on behalf of the Applicant. She provided testimony on the need for the improved, safe fencing at this commercial property. She answered Board questions on height and grade.

There was no audience comment on this case and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Small seconded to approve the variance for Case No. 22080 as presented; the motion carried 4-0.

- d. **Case No. 22078 - 402 39th Ave.** Unnecessary and Undue Hardship Variance: Sam Angelides, ASPBS, LLC, requests to construct a 22' x 24' two-car detached garage with a 20' x 20' covered porch, proposed height of 15' which exceeds the 12' maximum height permitted. (LDC Sec. 6.13(2)(b))

Ms. Coman reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included an aerial map, zoning map, property survey, site plan, photographs, details of the request, proof of noticing, variance conditions, and staff findings. The property received a variance in 2022 to construct a 2-car detached garage that encroached into the setbacks; the Applicant is returning because the height as defined by the Land Development Code may not have been considered in the application. Ms. Coman reviewed the variance criteria with staff comments.

Staff found the request reasonable and recommended approval with conditions that all prior conditions from the previous Case 22018 remain, the detached garage/patio may not be attached, and an As-Built Plan noting all setbacks and ISR calculation must receive zoning approval prior to the issuance of a Final Inspection/Certificate of Occupancy.

One letter was submitted in objection.

Applicant Sam Angelides of 3990 Belle Vista Drive, St. Pete Beach testified he was unaware of the height issue during the first case and acknowledged that the garage will be separate. He answered Board questions.

Public comment was closed, and Board discussion was opened by the Chair.

Motion: Member Bomar moved, and Member Small seconded to approve the variance for Case No. 22078 as presented with the three staff recommended conditions as set forth by the City and that the property not be used as a business storage area for equipment or vehicles; the motion passed 4-0.

Member Chase left the meeting at 3:00 PM.

Mr. McConnell explained that with now only three members present, a vote must be unanimous to approve. The Applicant asked to carry on hearing her case.

- e. **Case No. 22079 - 510 Boca Ciega Isle Dr.** Practical Difficulty Variance: Mishou Sanchez for Derek and Jennifer Iavarone requests to construct an attached pergola, 72'8" x 11'6", 15' high (overall) that does not meet the required 15' rear setback with 9' proposed. (LDC Sec. 6.13(3)(a))

Ms. Coman reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included a certificate of completeness, aerial map, zoning map, property

survey, site plan, photographs, details of the request, proof of noticing, variance conditions, and staff findings. She reviewed prior approvals in 2018 (PLN 18-00031) and 2021 (Case 21058) and related conditions.

Staff found the request reasonable and that it will not have an adverse impact. They recommended approval with the conditions that prior conditions from Case 21058 remain, and an As-Built Plan noting setbacks and ISR calculation be approved by zoning prior to issuance of final Certificate of Occupancy. No letters were received for or against.

Mishou Sanchez of 2404 Alvarez Road, Tampa appeared on the Applicant's behalf and testified that nothing has changed since the prior hearing; the pergola will soften the back line of the house and allow bougainvillea to grow there.

Public comment was closed, and Board discussion was opened by the Chair.

Motion: Member Small moved, and Member Bomar seconded to approve the variance for Case No. 22079 as presented with the staff recommended conditions as set forth by the City that all prior conditions are to remain, and an As-Built Plan be submitted noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy; the motion passed 3-0.

5. Adjournment – The next meeting 3/29/23.

Ms. Coman explained that there are no cases that will be ready to hear in February; that meeting will be cancelled.

Vice Chair Lyman adjourned the meeting at 3:12 PM.

These minutes will be considered for approval at the March 29, 2023 Board of Adjustment meeting.

CITY OF ST. PETE BEACH
DRAFT BOARD OF ADJUSTMENT WORKSHOP MINUTES
January 25, 2023 1:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member
Dan Small, Member

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Kristin Coman, Senior Planner
Brandon Berry, Senior Planner
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk

Vice Chair Lyman called the meeting to order at 1:00 PM.

Quasi-Judicial Procedure -

Assistant City Attorney Matthew McConnell explained that he called for this workshop at the last meeting to provide a refresher on quasi-judicial procedure and recent legislation.

Mr. McConnell gave a complete walk-through of the request for variance process and procedures as they come before the Board of Adjustment. The two parties to the application are the City and the Applicant. Unless the City Attorney's Office (or this Board) deems a surrounding or adjacent neighbor an adversely affected person; at that point they would get party status, but that has been rare with this Board.

Several months ago, the City Commission adopted procedures for public meetings; the City Attorney's Office is preparing the same for quasi-judicial hearings (this Board). He walked through the order in which the hearings should proceed; no part should be bypassed:

- The meeting is opened and roll call.
- The Clerk's Office swears in witnesses that are to provide testimony. Testimony must be under oath.
- Approval of Agenda/Minutes/Public comment on non agenda items.
- The sitting attorney will ask if there has been any ex parte communication on the part of the members for the cases to be heard. Ex parte communication is information that a Board member has determined outside of the meeting/Chambers – or outside of what the Applicant knows or what is being presented at the public hearing - i.e. emails from neighbors or experts or a site visit. There is nothing wrong with that, but the way to cure it is by announcing it prior to the item being heard.
- City staff presents the application; the purpose is to lay out an overview of the Applicant's request and what they have reviewed, and what criteria is required for the Board to approve the variance.
- The burden is then on the Applicant to prove to the Board that they have met the requirements for the variance.
- If attorney appears for an Applicant, they are allowed to present, have their own witnesses, have time for rebuttal, and cross-examine. All cross-examinations, questions and

communication are to go through the Board Chair; the Chair is essentially managing the meeting.

- Kristen (or the appointed staff member) is the City's expert, but nothing precludes the Applicant from having their own experts.
- After the Applicant presents, the public hearing portion of the meeting opens; there is no need to distinguish 'for' or 'against' – it is just public comment.
- Comment can limit to three minutes, but generally are given more time as decided by the Board.
- After Public comment is closed, the Applicant is given an opportunity to rebut anything that has been said prior to Board deliberation.
- Staff may have made suggestions of recommendations for conditions; the motions needs to be clear on what the conditions are.
- A motion, a second, and a vote are required.
- The Board is here to consider the evidence, make findings of facts, draw conclusions of law, impose conditions if applicable, then staff issues an order. Make it clear that you are basing the decision on the evidence.

Additional points:

- Due process is important – adequate notice is required, there is an opportunity to be heard, and the Board is fair and impartial, basing their decision on the evidence
- Sufficient time must be given to present – if Applicant needs 10 minutes, that should be appropriate, but– additional time can be allowed.
- Staff may present and suggest some conditions.
- The motion needs to be clear – approve specific with conditions. Spell it out.
- Motion/second/roll call vote.
- This Board has the right and ability to impose its own conditions in addition to or different from staff recommendations.
- On appeal, courts review 1- due process, 2 - was the law correctly applied (criteria has been met), 3 - Board's decision must be based on competent, substantial evidence. The Board must be fair and impartial.
- Call the attorney in advance if you think you need to be recused on an item.

Statute 166.033 -

Mr. McConnell explained that the State Statute changed about a year ago. He provided a handout which is in the meeting record. An approval, approval with conditions or denial of the application must include written findings supporting the municipality's decision.

After a motion to approve that does not pass, there **must** be a second motion to deny (by one of the people who voted no). **The Chair cannot second a motion. If no second, motion dies.** Example - Based on the evidence and staff findings presented, I deny because the Applicants have not met variance criteria.

The Application

- The Variance is for the property and related matters, not for Applicant's personal issues. Ms. Coman explained the types of variances; they are always outlined in the meeting packet.

- Discussed each application standing on its own and compatibility.

Member Bomar asked Mr. McConnell to distribute the recommended order of the meeting/hearing that he reviewed in writing to the members when it is completed.

Vice Chair Lyman asked that the Board be informed of the result of any cases that go to appeal; that would be helpful/educational.

Mr. McConnell encouraged one on one meetings if the members ever have questions; they can call or email.

Vice Chair Lyman adjourned the meeting at 1:51 PM.

These minutes will be considered for approval at the March 29, 2023 Board of Adjustment meeting.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Case No. 23006 - 285 42nd Ave.

Date: March 29, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Pamela and Paul Stein requests to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed (LDC Sec. 6.13(a)(2)).

Funding: n/a

Requested Motion: Motion to **APPROVE WITH CONDITIONS** Case No. 23006 to construct an 18.5' x 18' x 11' high detached garage that will not meet the required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed, with staff recommendation the following condition(s) should apply:

1. Applicant shall submit sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection. This plan should also be updated to reflect the removal of the storage area and shed if they are removed.

Attachments:

1. 23006 - Certificate of Completeness with Submittal Documents
2. 23006 - 285 42nd Ave. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/1/23

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the agenda on the next available hearing of **March 29, 2023**.

Owner: Pamela and Paul Stein
Applicant/Agent: Same
Parcel Number: 07-32-16-07398-006-0270
Address: 285 42nd Ave., St. Pete Beach, FL 33706
Zone: RU-2
Application Type: Practical Difficulty Variance
Variance Case Number: 23006

Submittal Documents:

1. Completed application and required forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 1/19/23, consisting of 1 sheet showing existing site improvements.
3. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 1/19/23, consisting of 1 sheet showing existing site improvements and altered to show proposed detached garage and driveway
4. Completed ISR worksheet.
5. Floor plan, east and west elevation plans prepared by the homeowner, no date provided.

The application and submittal documents will be forwarded to the following agents for review and/or comment:

City/Board Professionals:

- | | |
|---|--|
| ☒ Board of Adjustment Attorney <i>via email</i> | ☐ Building Official |
| ☐ City Engineer | ☐ City Manager |

Board Members:

- | | |
|--|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Sandie Lyman, Vice Chair | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: Pamela and Paul Stein, Owner/Applicant *via email* (pamelagstein@hotmail.com)

CASE #:

23006

SUBMITTAL DATE:

1-20-23

AMOUNT DUE:

\$ 530.80

PAYMENT DATE:



PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following items are to be submitted, along with this application, at least 30 days prior to the public hearing:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Pamela G. Stein	285 42nd Avenue	813-237-1230
Applicant/ Agent	Paul F. Stein	285 42nd Avenue	813-841-1208
Owner Email Address: pamelagstein@hotmail.com		Applicant/Agent Email Address: pablomastodon@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-2	Future Land Use Designation RU	Lot Area 7200 sq. ft.
Legal Description:	BELLE VISTA BEACH 1ST ADD BLK F, LOT 27	
Parcel ID:	07-32-16-07398-006-0270	
Address:	285 42nd Avenue	
Explanation of Request: <u>Owner seeks permission to build a 1-1/2 car garage (18.5' x 18') on secondary front yard. The proposed structure will match the house (stucco'd concrete block, white metal roof) and will complete a "bookend" style with the existing house as viewed from Moody Street. It will be architecturally and aesthetically consistent with the neighborhood, and will not obstruct vistas from any approach. There is no other feasible method available, and the interest of justice will be served by granting the requested variance.</u>		

Findings Necessary for Granting Request: In order for an application for a practical difficulty 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 these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. How substantial the variance is in relation to the requirement sought to be varied;

14ft encroachment into 20ft required rear yard setback (70%).

6.5ft encroachment into 10ft required secondary front yard setback (65%).

The existing 15.9' easement plus the proposed 3.5' setback provides 19.4' to the back of the curb.

No variances with regard to either 1) the pervious area requirement or 2) the height restriction of 12' in relation to the crown of the adjacent roadway, are required with this proposed garage.

2. Whether an adverse change will be produced in the character of the neighborhood;

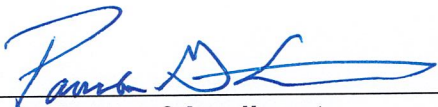
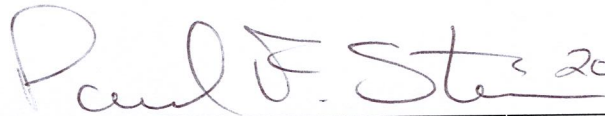
No, the proposed design will be architecturally and aesthetically consistent with the surrounding neighborhood, and will not obstruct vistas from any approach.

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

No, subject property is a corner lot with insufficient space to locate a garage differently.

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Yes, the interest of justice will be served by allowing the variance.

	<u>1/20/23</u>		<u>20 JAN 23</u>
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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



VARIANCE APPLICATION

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

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

PJP 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.

PJP On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

PJP I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.

PJP 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.

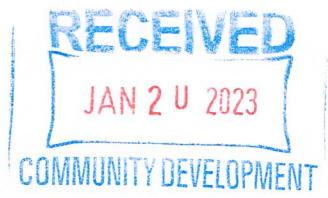
PJP I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative 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.

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

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

Pamela D. SL
Signature of Applicant

1/20/23
Date



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

I/WE Pamela G. Stein
(print name of property owner)

hereby authorize Paul F. Stein
(print name of agent)

to represent me/us in an application for Practical Difficulty Variance
(type of application: variance, conditional use, zoning, etc.)

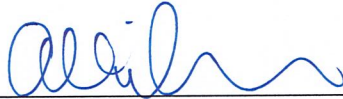

Signature of Owner

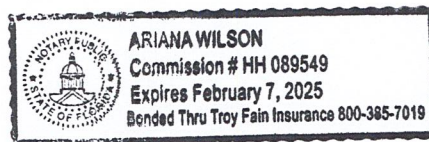
Signature of Owner

Pamela G. Stein
Print Name of Owner

Print Name of Owner

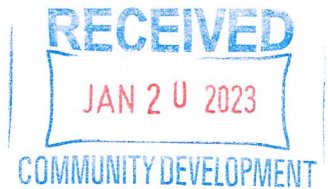
The forgoing instrument was acknowledged before me this 20th day of
January 2023 by Pamela G. Stein or who is
personally known _____ produced
Florida DL #S350-667-59-680-0 _____ as identification.


(Notary Signature)



1/20/23
(Date)

My Commission Expires 2/7/25



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Pamela G. Stein, 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): Paul F. Stein

Address: 285 42nd Avenue, St Pete Beach, Florida 33706

Paul F. Stein 20 JAN 23
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 20TH day of January, 2023 by:
Paul F. Stein who appeared before me, and is personally known to me, or has produced
Florida DL #S350-686-57-170-0 as identification, and did take an oath.

My commission Expires: 2/7/25

NOTARY: Ariana Wilson

Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)





Impervious Surface Ratio (ISR) Worksheet

Impervious surface means any material that prevents absorption of storm water into the ground.

Impervious surface ratio (ISR) means a measurement of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total area covered by impervious surfaces on a site and the gross land area of the zoning lot, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line.

Owner Name & Address

PAMELA G. STEIN
285 42ND AVENUE
ST PETE BEACH, FL 33706

Phone 813-237-1230

Email PAMELA G STEIN@HOTMAIL.COM

Property Address 285 42ND AVENUE

Total Lot Area (sq. ft.) 7200

Contractor/Applicant Name & Address



Phone _____

Email _____

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	1662.4	sq. ft.
Parking and Driveway:	531.5	sq. ft.
Pool and/or Patio areas:	1909.5	sq. ft.
Walkways:	447.0	sq. ft.
Other:	85.5	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	4635.9	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	1662.4	sq. ft.
Parking and Driveway:	689.0	sq. ft.
Pool and/or Patio areas:	1895.5	sq. ft.
Walkways:	447.0	sq. ft.
Other:	85.5	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	4779.4	sq. ft.

4635.9 sq. ft.	÷	7200 sq. ft.	=	0.644
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

4779.4 sq. ft.	÷	7200 sq. ft.	=	0.664
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

Certification:

I, PAMELA G. STEIN certify that the calculations submitted above for the Impervious Surface Ratio are accurate and complete. The square footage of all existing structures and improvements are accounted for and the square footage of all proposed structures and improvements are included in the calculations below.

Applicant Signature: Pamela G Stein Date: 1/20/23

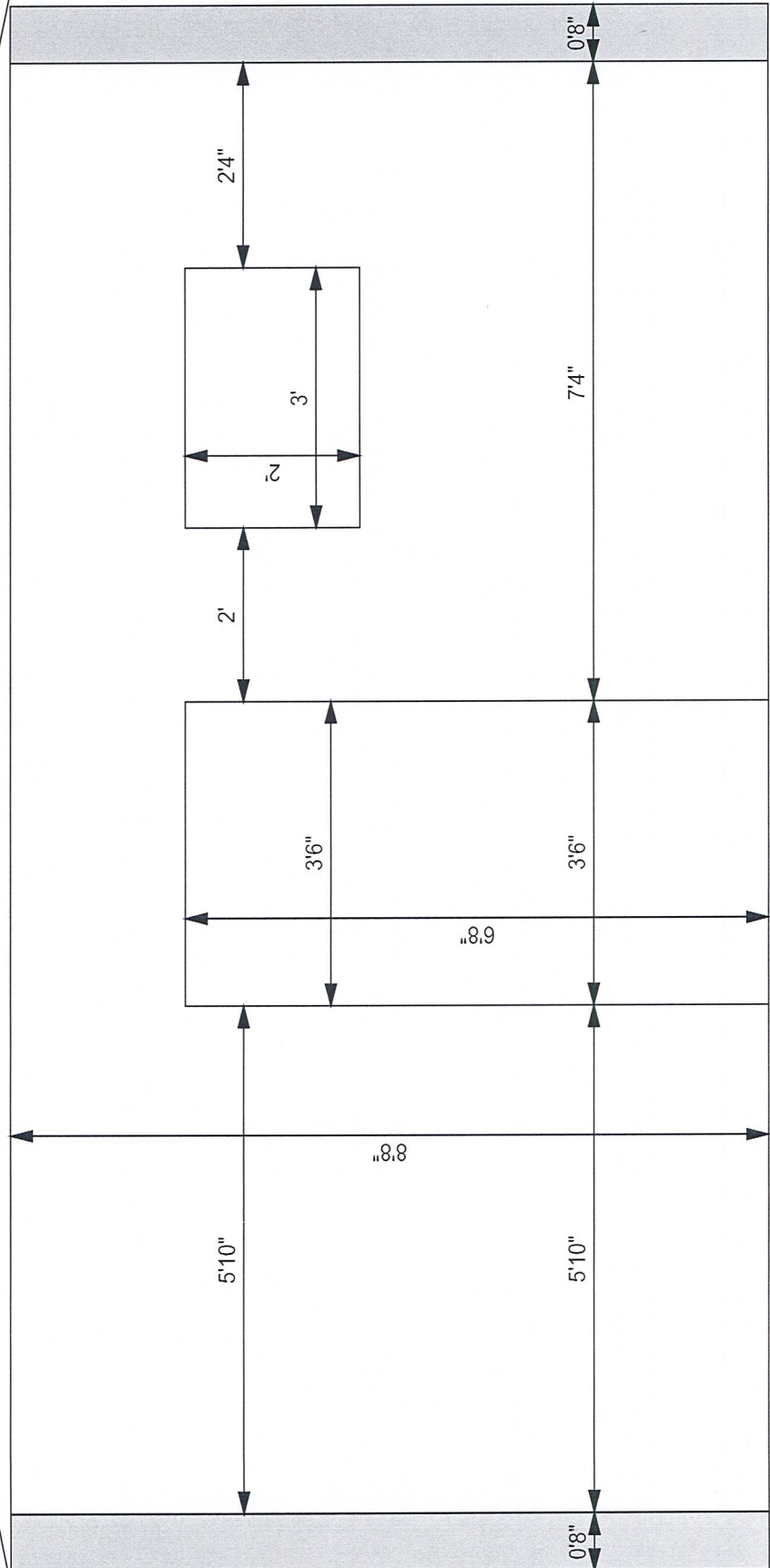
RECEIVED

JAN 20 2023

COMMUNITY DEVELOPMENT

WEST ELEVATION

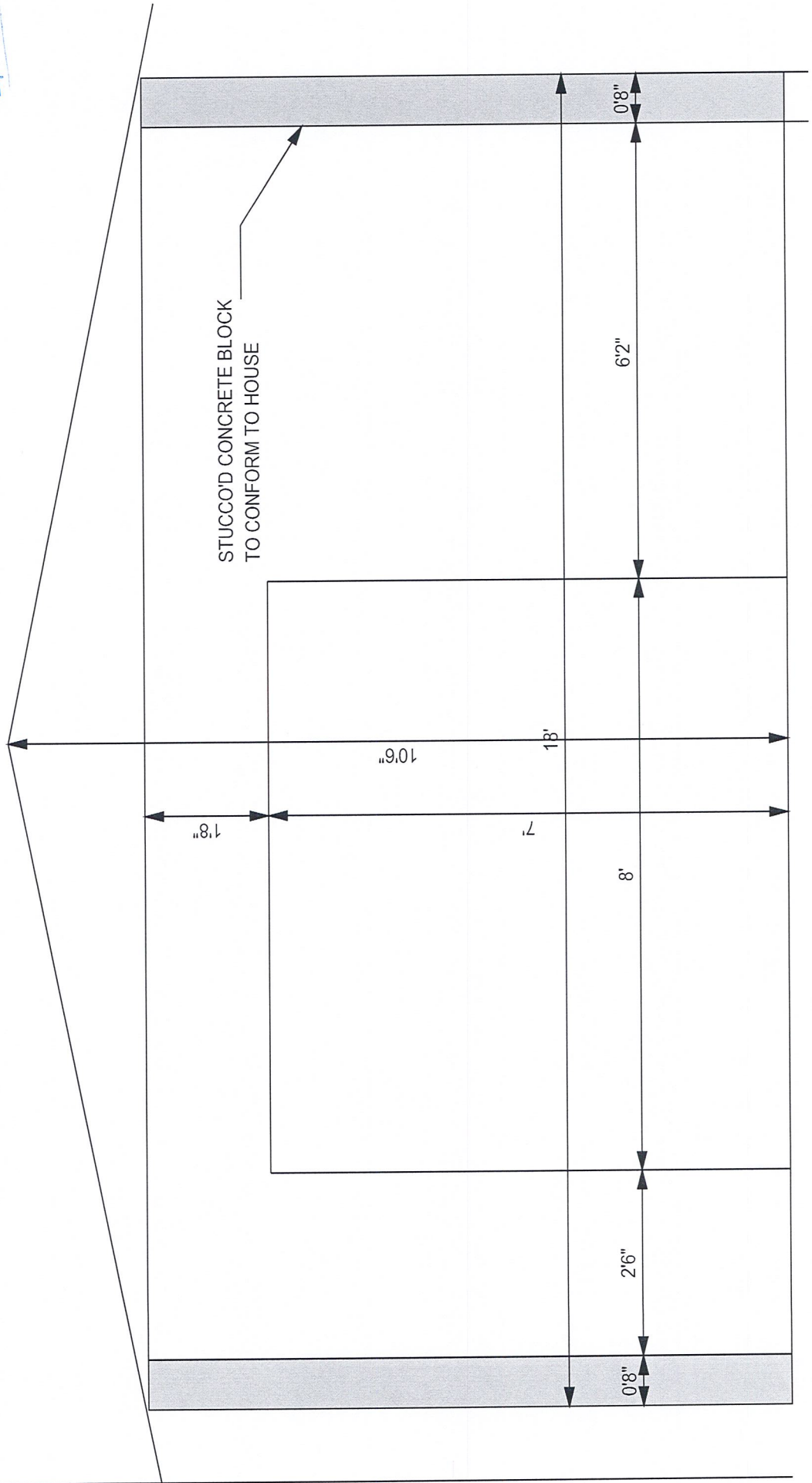
WHITE MASTER RIB METAL ROOFING TO
CONFORM TO HOUSE PITCH 2.5' IN 12'

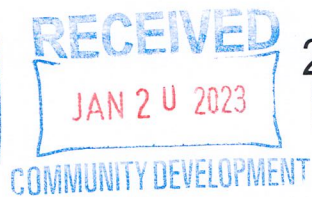




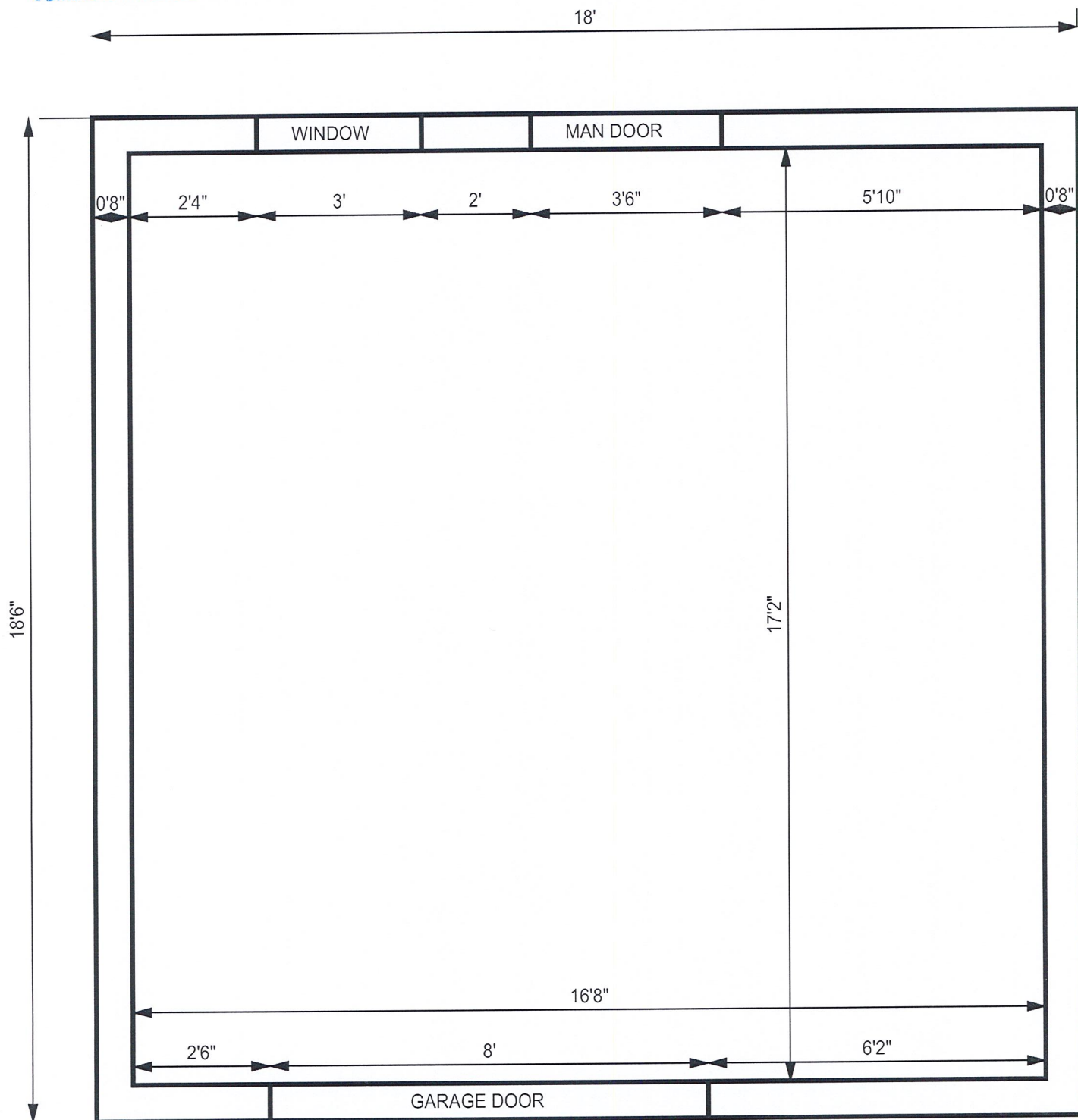
EAST ELEVATION

PROPOSED SETBACK
VARIANCE





285 42nd Avenue Proposed Garage FLOOR PLAN





City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: March 13, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 285 42nd Ave.
Parcel Number: 07-32-16-07398-006-0270
Pamela and Paul Stein
Variance Case No: 23006

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 3/29/2023

Please be advised that staff has received and reviewed the following items submitted in support of the application:

1. Completed Practical Difficulty Variance application forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 1/19/23, consisting of 1 sheet showing existing site improvements.
3. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 1/19/23, consisting of 1 sheet showing existing site improvements and altered to show proposed detached garage and driveway.
4. Completed ISR worksheet.
5. Floor plan, east and west elevation plans prepared by the homeowner, no date provided.

Staff offers the following comments for the Board's consideration:

Site Description/Surrounding Land Uses

The subject site is a 7,200 sq. ft. (approx. 0.17 acre) parcel located at 285 42nd Ave. known as parcel number #07-32-16-07398-006-0270 and legal description of BELLE VISTA BEACH 1ST ADD BLK F, LOT 27 within the AE-Elevation 9 flood zone. The property is located in the RU-2, Residential zone; RU on the future land map and contains a single-family residence constructed in 1955 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, south, east and west. The corner site is improved with a one-story dwelling with rear covered patio.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 10 of 15, dated 7/20/2012

Request

The applicant proposes request to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed (LDC Sec. 6.13(a)(2)).

Analysis

1. New variance(s) required:
 - a. **Residential Accessory Structure, secondary front yard setback:** where 10' is required and 3.5' is proposed. (LDC 6.13(a)(2)). The applicant is proposing to encroach an additional 6.5' into the required rear yard setback with the proposed detached garage.
 - b. **Residential Accessory Structure, rear yard setback:** where 20' is required and 7' is proposed. (LDC 6.13(a)(2)). The applicant is proposing to encroach an additional 13' into the required rear yard setback with the proposed detached garage.

Figure 3: Zoning Table			
Residential Accessory Structure-Detached Garage (LDC Sec. 6.13(a)(2))		285 42nd Ave.	
	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Secondary Front Yard Setback (Min.)	10'	n/a	3.5'(v)
Rear Yard Setback (Min.)	20'	n/a	7'(v)
*Denotes existing non-conformity (v) = Variance required			

Figure 4: Site Plan with Proposed Detached Garage (N.T.S.)

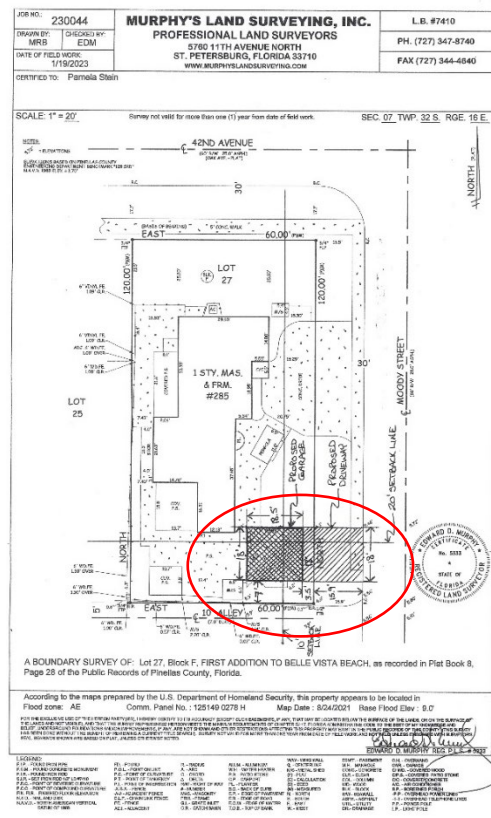
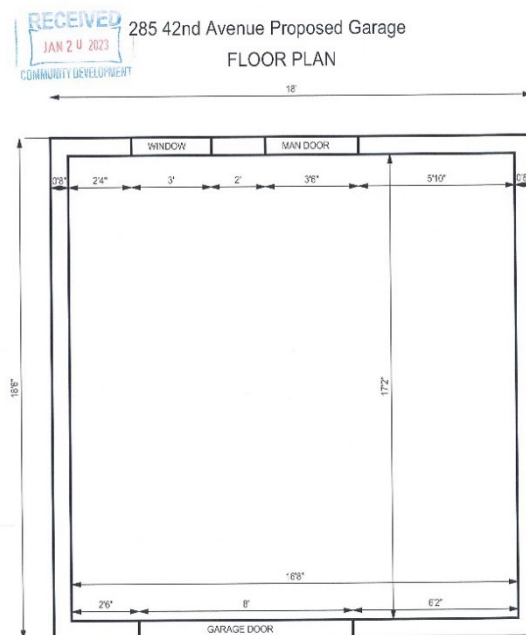


Figure 5: Detached Garage Floor Plan (N.T.S.)



Additional Comments

The Applicant should provide testimony regarding the necessity for the requested variances.

The Board has standards of review for a practical difficulty variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-4 **in addition** to staff comments below:

1. How substantial the variance is in relation to the requirement sought to be varied;
 - *Staff finds the applicant is requesting a 3.5' secondary front yard setback where 10' is required, representing a variance of 65% from the required standard.*
 - *Staff finds the applicant is requesting a 7' rear yard setback where 20' is required, representing a variance of 65% from the required standard.*
2. Whether an adverse change will be produced in the character of the neighborhood;
 - *It should be noted that the property is located on the edge of a zone boundary where the parcel is located within the RU-2 zone and the properties to the east are located within the RU-1 zone which requires a minimum 20' setback for the secondary front yard where the RU-2 requires a minimum 10' secondary front yard setback. There may be some visual differentiation along Moody St.; however, staff finds that no adverse change will be produced in the character of the neighborhood.*

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *Staff finds that there may be an alternative for the garage to be rotated to allow for access from either the alley or by extension of the existing driveway to reduce the addition of another driveway onto the property. Staff also has concern about the proposed secondary front yard setback and driveway access. The garage as proposed provides a distance of approximately 19' from the pavement edge including the existing 4' wide sidewalk that is present along a portion of Moody Street. If a car were to park in the driveway in front of the garage, a portion of the vehicle could potentially overhang into the sidewalk impeding pedestrian access. However, it should be noted that variance relief with regard to setbacks would still be necessary with any configuration.*
4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. The corner property location and dwelling constructed in 1955 does provide limitations to the location of a one car detached garage of approximately 333 square feet.*

Other:

- Applicant should discuss if any alternative locations or orientation of the garage was considered and reasoning as to the location and layout submitted.
- Applicant should provide an overview of the garage, including materials.
- At the time of the site visit, staff was informed that the metal shed and storage area to the rear of the dwelling would be removed should the variance be granted. Applicant should present/confirm this information to the board.
- Information should be presented with regards to the current condition of the ground cover and landscaping on the property and right-of-way. There are large areas that are deficient of the required ground cover and applicant should address how it is intended to be resolved.

Recommendation

Staff find the request is reasonable given the existing conditions of the lot and will not have an adverse impact on the neighborhood. Staff recommends **approval** with the following condition(s):

- Applicant shall submit sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection. This plan should also be updated to reflect the removal of the storage area and shed if they are removed.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing 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.

Respectfully submitted,

A handwritten signature in purple ink, appearing to be 'K Coman', with a long horizontal stroke extending to the right.

Kristin Coman
Senior Planner

Cc: Pamela and Paul Stein, Application **via email** (pamelagstein@hotmail.com)
Matthew McConnell, Board of Adjustment Attorney

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Case No. 23013 - 200 1st Ave.

Date: March 29, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; James Manfuso for Point Pass-a- Grille Inc. requests to construct aluminum fence on southern seawall that exceeds the permitted maximum height of 4' within waterfront yard where 20' setback is required (LDC Sec. 6.15).

Funding: n/a

Requested Motion: Motion to **APPROVE WITH CONDITIONS** Case No. 23013 to construct an aluminum fence on southern seawall that exceeds the permitted maximum height of 4' within a waterfront yard where 20' setback is required, with staff recommendation the following condition(s) should apply:

1. The fence shall be of an open design similar to the one proposed by the applicant.

Attachments:

1. 23013 - Certificate of Completeness with Submittal Documents
2. 23013 - 200 1st Ave - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/15/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **March 29, 2023**

Variance Case Number: 23013

Application Type: Hardship Variance

Owner: Point Pass-a-Grille, Inc.

Applicant/Agent: James Manfuso

Parcel Number: 19-32-16-72394-001

Address: 200 First Ave., St. Pete Beach, FL 33706

Zone: RM/PAG

Submittal Documents:

1. Completed application form.
2. Boundary Survey prepared by John C. Brendla and Associates, Inc. dated 9/8/2015, consisting of 1 sheet showing location of proposed fencing.
3. Condo Plat Survey prepared by John C. Brendla and Associates, Inc. dated 7/11/1978, consisting of 1 sheet.
4. Seawall Engineering Profiles with Corresponding Photos consisting of 11 pages.
5. Color photo prints (quantity 6) showing existing conditions along southern property line/waterfront yard of property, no date provided.

The application and submittal documents will be forwarded to the following agents for review and/or comment:

City/Board Professionals:

- | | |
|---|--|
| ☒ Board of Adjustment Attorney <i>via email</i> | ☒ TRC Committee <i>via email</i> |
| ☐ City Engineer | ☐ City Manager |

Board Members:

- | | |
|--|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Sandie Lyman, Vice Chair | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: James Manfuso, Applicant *via email* (jcmanfuso@gmail.com)

CASE #: 23013PARCEL #: 19-32-16-72394-0001SUBMITTAL DATE: 2/10/23 AMOUNT DUE: 552.29 PAYMENT DATE: 2/10/23 c.c.**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**The following items are to be submitted, along with this application, at least 30 days prior to the public hearing:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	<u>Point Pass A Grille, Inc.</u>	<u>200 First Avenue</u> <u>St. Pete Beach, FL 33706-4364</u>	<u>410-963-0219</u>
Applicant/ Agent	<u>James ManFuso</u> <u>Treasurer</u>	<u>200 First Avenue, Unit 203</u> <u>St. Pete Beach, FL 33706-4364</u>	<u>410-963-0219</u>
Owner Email Address:		Applicant/Agent Email Address:	
<u>jcmnfuso@gmail.com</u>		<u>jcmnfuso@gmail.com</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
<u>RM / PAG</u>	<u>RM</u>	<u>1.14 Acres</u>
Legal Description: <u>Point Pass A Grille Condominium (Common Areas)</u>		
Address: <u>200 First Avenue, St. Pete Beach, FL 33706-4364</u>		
Explanation of Request: <u>See Attached Explanation of Request</u>		

Explanation of Request

Point Pass A Grille, Inc. (the "Association") desires to install a railing system along the outside (top surface) edge of its existing seawall. The railing system is intended to block trespassing on to Association common areas from the public beach and waterway in front of the property.

While the Association has not yet selected a vendor, those that have been interviewed are proposing railing systems constructed of powder coated aluminum. Its color will most likely be white to match railings in other areas of the facility but could also be a dark bronze to reduce its contrast with the background waterway.

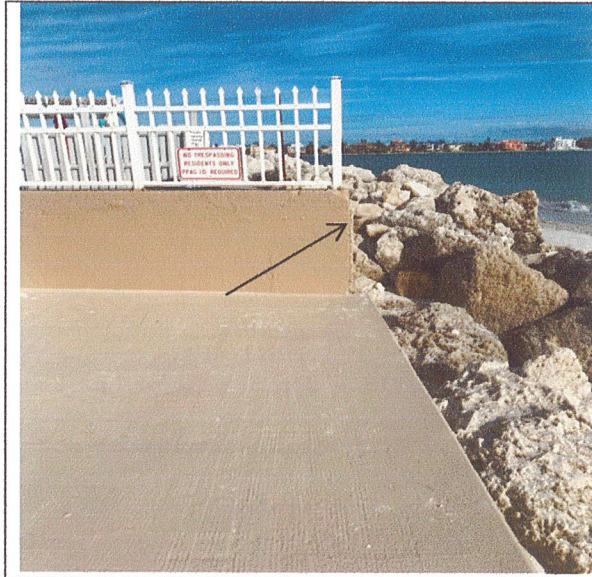
The Association envisions a two-rail system similar with the photo below:



- Vertical pickets spaced to reject a 4" sphere.
- Maximum of 4" spacing between the bottom rail and the seawall's top deck.
- Vertical posts will be spaced at 4' and will be affixed to the seawall deck using wide, extruded aluminum mounting plated and stainless steel masonry anchors.
- One (1) 4' lockable gate consistent with SPB building code (Proposed location marked on provided plat).
- A total of 321 (+/-) linear feet of railing will be required.

- As defined by the sloping grade of the Association property, the overall height of the railing will start at 4' above the base of the western edge of the seawall and then decline to 3' above the seawall as allowed for by the slope of the grade. The proposed changes in height along the length of the installation are indicated on the provided plat.
- The railing will be anchored on each end by bolting to existing concrete structures on the property (see photos below).

South End Attachment Point:



West End Attachment Point:



Other than on those areas closest to the western edge of the property, the height above grade of the proposed railing system will exceed the maximum allowed in the St. Pete Beach code. Consequently the Association is request this **Unnecessary and Undue Hardship Variance.**

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship 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 these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

In 2022 the Association completed a repair of its seawall. Foster Consulting was used to engineer and manage that project. Foster created a series of drawing that outline the sloping nature of the grade of the property relative to the top/cap of the seawall. Those schematics are provided, along with corresponding photos, are provided as Supplemental Attachments to this application. The western edge of the seawall (Profile 1) has a very small drop from the top of the seawall to the grade. On the south side of the seawall (Profile 5) that gap expands to 4' (+/-). While this sloped topography is not unique to the Association's property, it does preclude our ability to install a railing system without exceeding the height above grade limitation. Consequently, this variance is being requested.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The prior seawall reconstruction was a necessary repair. The installation of additional riprap, however, has acted to 'trap' shifting sand between the new and larger stones. That trapped sand makes it now much easier to climb up from the beach, and on to Association property, than it was prior to the seawall repairs. In requesting this variance, the Association is merely seeking permission to address premises security and safety issues via the installation of the proposed railing.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

As a function of the overall slope of the grade relative to the seawall cap, it has been explained to the Association that the literal interpretation of the Land Development Code's section on maximum railing height above grade would preclude our ability to install any railing system along that seawall and remain within the limits established in the code. Consequently, the Association is requesting this **Unnecessary and Undue Hardship Variance**.

4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

The Association does not foresee any impact that the granting of the requested variance would have on any homeowner in the Pass-A-Grille community. Nor do we see any impact of variance approval on development density.

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

The Association does not foresee or anticipate any financial benefit should the requested variance be granted.

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

In granting the variance and subsequently permitting the installation of the proposed railing system the Association understands that it will be moving much closer to overall conformity with STB building code(s) relative to perimeter and pool enclosure fencing.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The Association believes this to be a true statement.

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

In applying for this variance, and subsequently installing the outlined railing system along the perimeter of the seawall, the Association foresees no negative impacts to the neighborhood or the overall Pass-A-Grille community. In addition to addressing Association premises security concerns, the installation of an effective barrier (railing) along the seawall will discourage the general public from the unsafe practice of climbing over and around riprap boulders. The Association perceives this to be an ancillary benefit to all involved.

Point Pass A Grille, Inc

James C. Mantuso
Signature of Applicant
James C. Mantuso, Treasurer

2-10-23
Date

Signature of Authorized Agent

Date

VARIANCE APPLICATION

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

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.
- ☒ I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.
- ☒ I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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

Point Pass A Grille, Inc.

James C. Manfuso
Signature of Applicant

2-10-23

Date

James C. Manfuso, Treasurer



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Point Pass A Grille, Inc., 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): Point Pass A Grille, Inc

Address: 200 First Avenue, St Pete Beach, Florida 33706

James C. Manfuso 2-10-23
Signature Date
James C. Manfuso, Treasurer

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 10th day of Feb., 2023 by:
James C. Manfuso who appeared before me, and is personally known to me, or has produced
FL-DL as identification, and did take an oath.

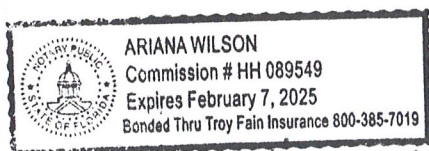
My commission Expires: 2/7/25

NOTARY:

Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)



Unnecessary and Undue Hardship Variance
Application

Point Pass A Grille, Inc.

Supplemental Application Information

Property Photos

Property Photo #1

Point Pass A Grille Condo Building

Taken From Beach at Low Tide



Property Photo #2

Point Pass A Grille Condo Building

Western Seawall Section

Taken From Beach at Low Tide



Property Photo #3

Point Pass A Grille Condo Building

Southern Seawall Section

Taken From Beach at Low Tide



Property Photo #4

Point Pass A Grille Condo Building

Southern Seawall (Top) Section



Property Photo #5

Point Pass A Grille Condo Building

Middle Seawall (Top) Section



Property Photo #6

Point Pass A Grille Condo Building

Western Seawall (Top) Section



Unnecessary and Undue Hardship Variance
Application

Point Pass A Grille, Inc.

Supplemental Application Information

**Seawall Engineering Profiles With
Corresponding Photos**



PROFILES			
	INFLUENCE DISTANCE	TONS/FT	TONS
PROFILE 1	80'	0.65	52.0
PROFILE 2	50'	0.95	47.5
PROFILE 3	50'	1.59	79.5
PROFILE 4	50'	1.89	94.5
PROFILE 5	75'	1.71	128.3
TOTAL TONS = 401.8			

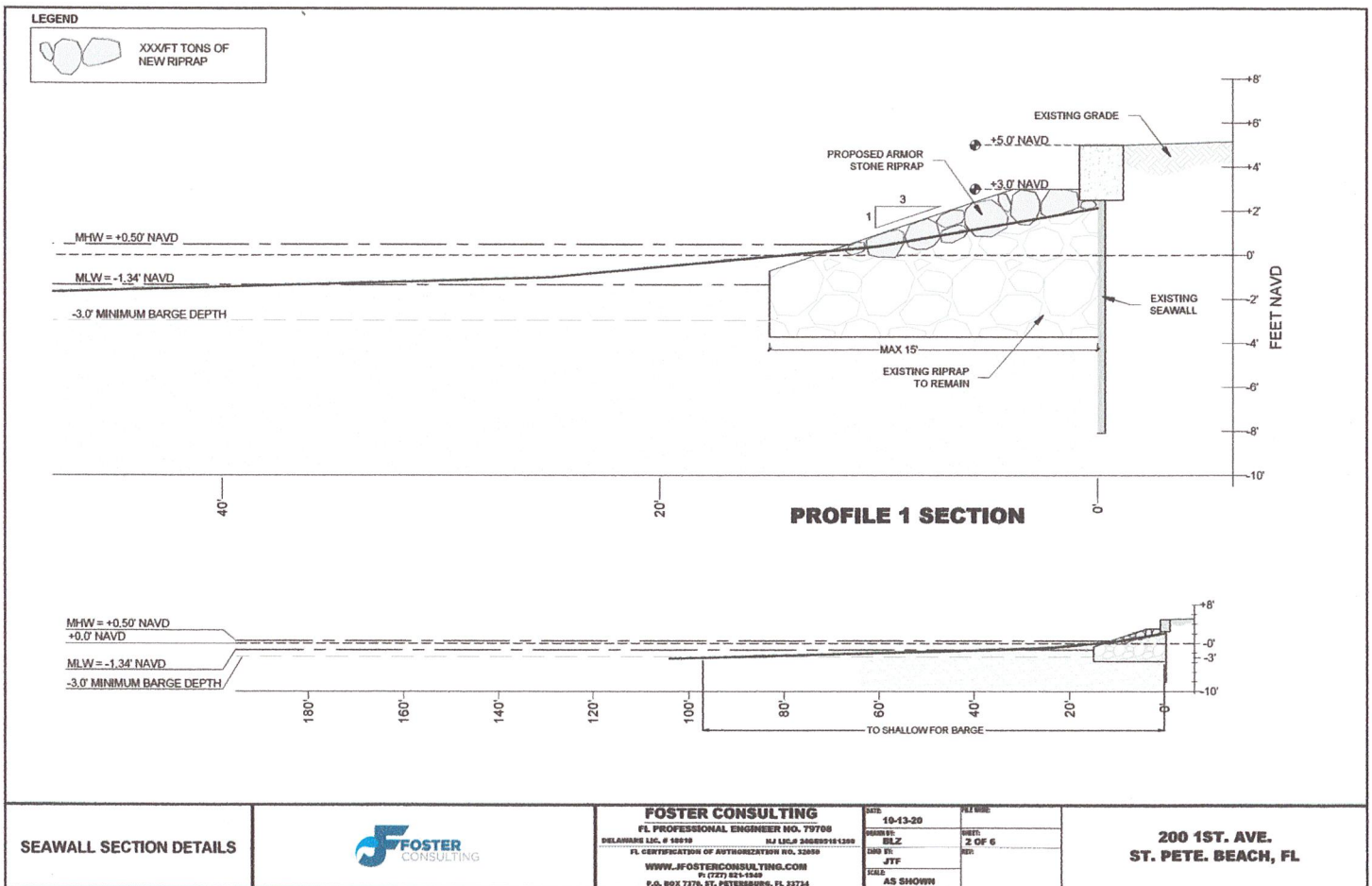
SEAWALL SECTION DETAILS



FOSTER CONSULTING
 FL PROFESSIONAL ENGINEER NO. 79706
 DELAWARE INC. # 100618 NJ LIC.# 266892181300
 FL CERTIFICATION OF AUTHORIZATION NO. 32000
 WWW.FOSTERCONSULTING.COM
 P. (772) 323-1500
 P.O. BOX 7376, ST. PETERSBURG, FL 33736

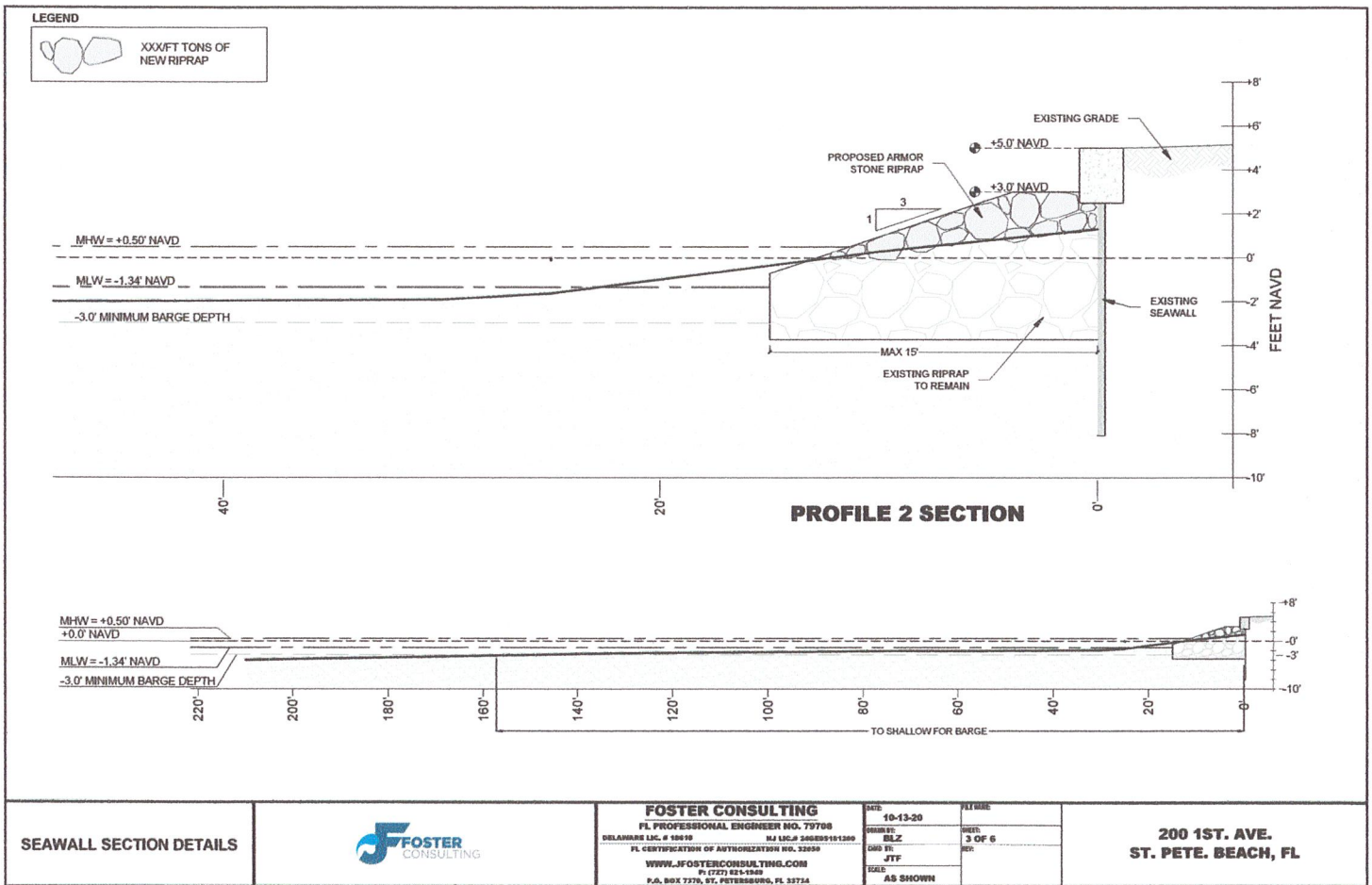
DATE	10-13-20
DESIGNER	BLZ
DRAWN BY	JTY
SCALE	AS SHOWN
REVISIONS	1 OF 6

200 1ST. AVE.
 ST. PETE. BEACH, FL



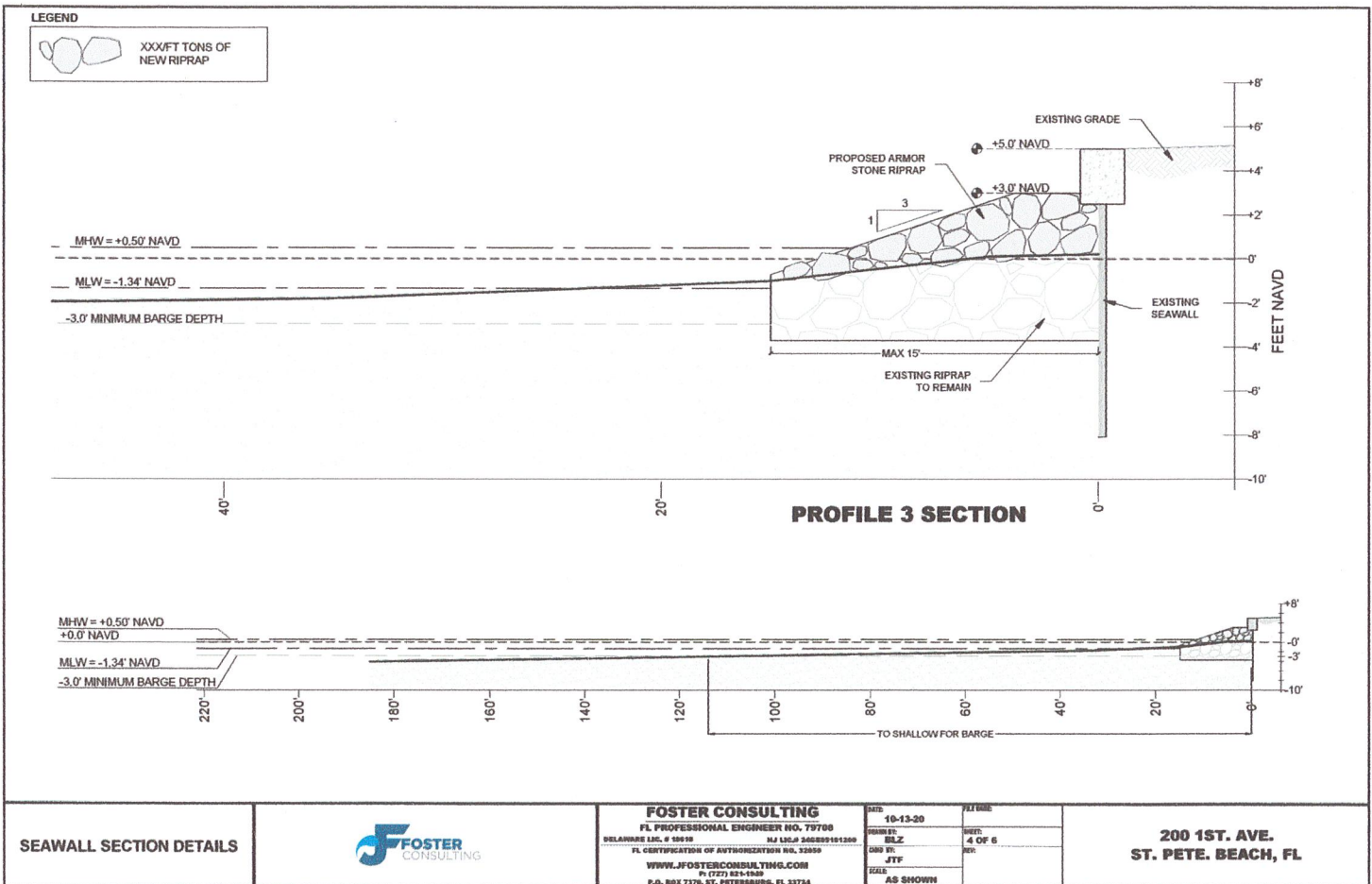
Profile #1 Photo





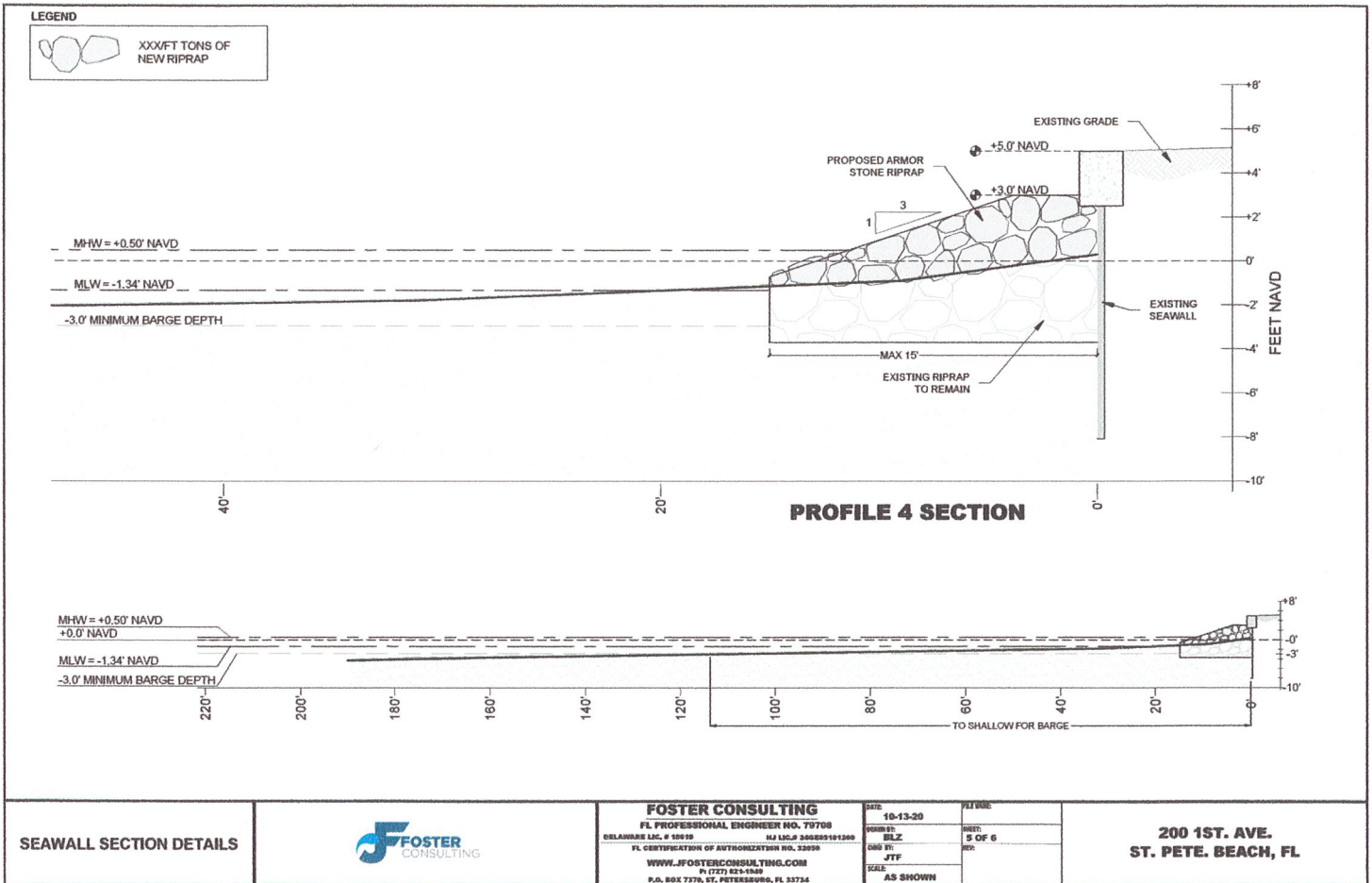
Profile #2 Photo





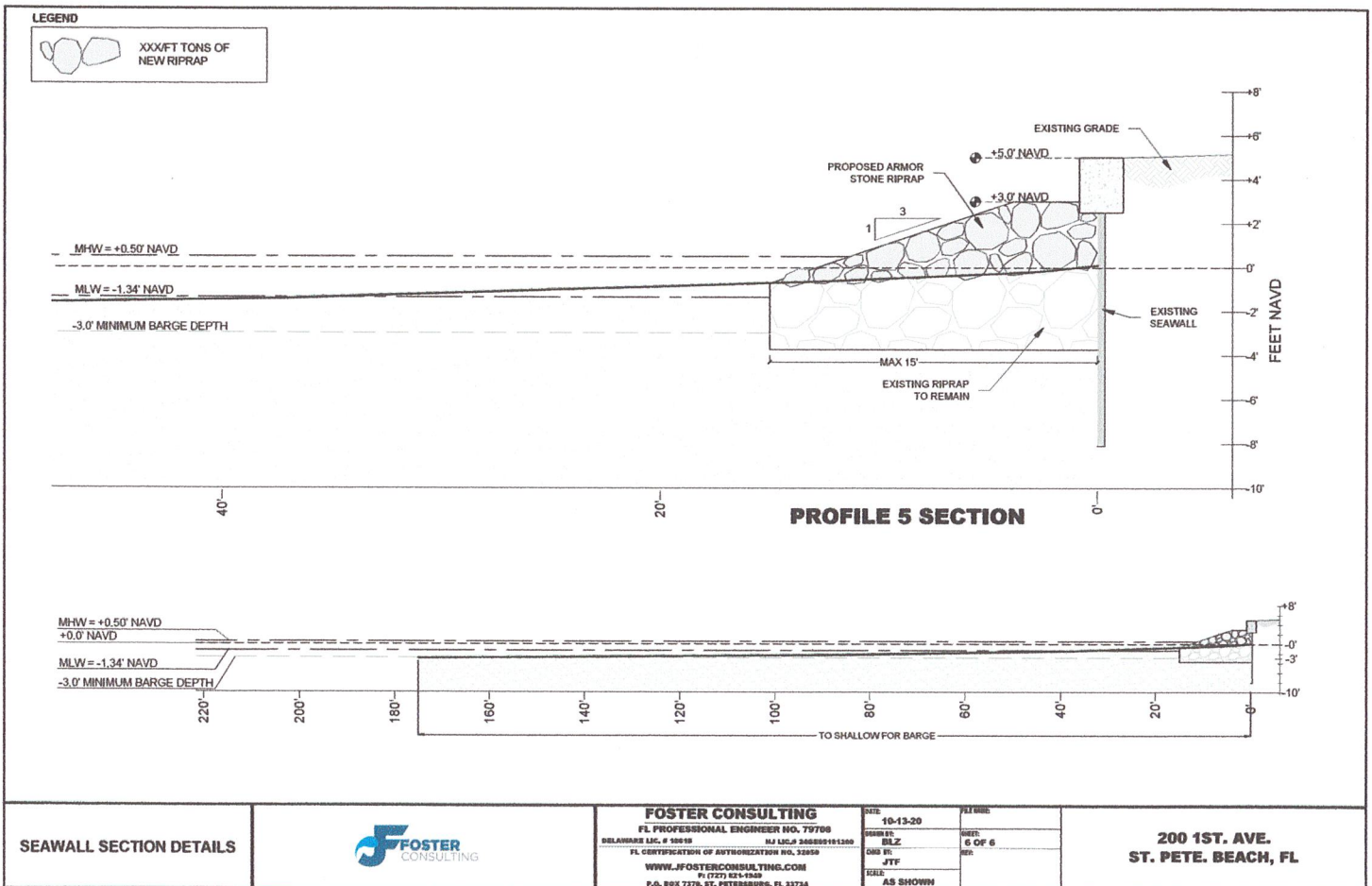
Profile #3 Photo





Profile #4 Photo



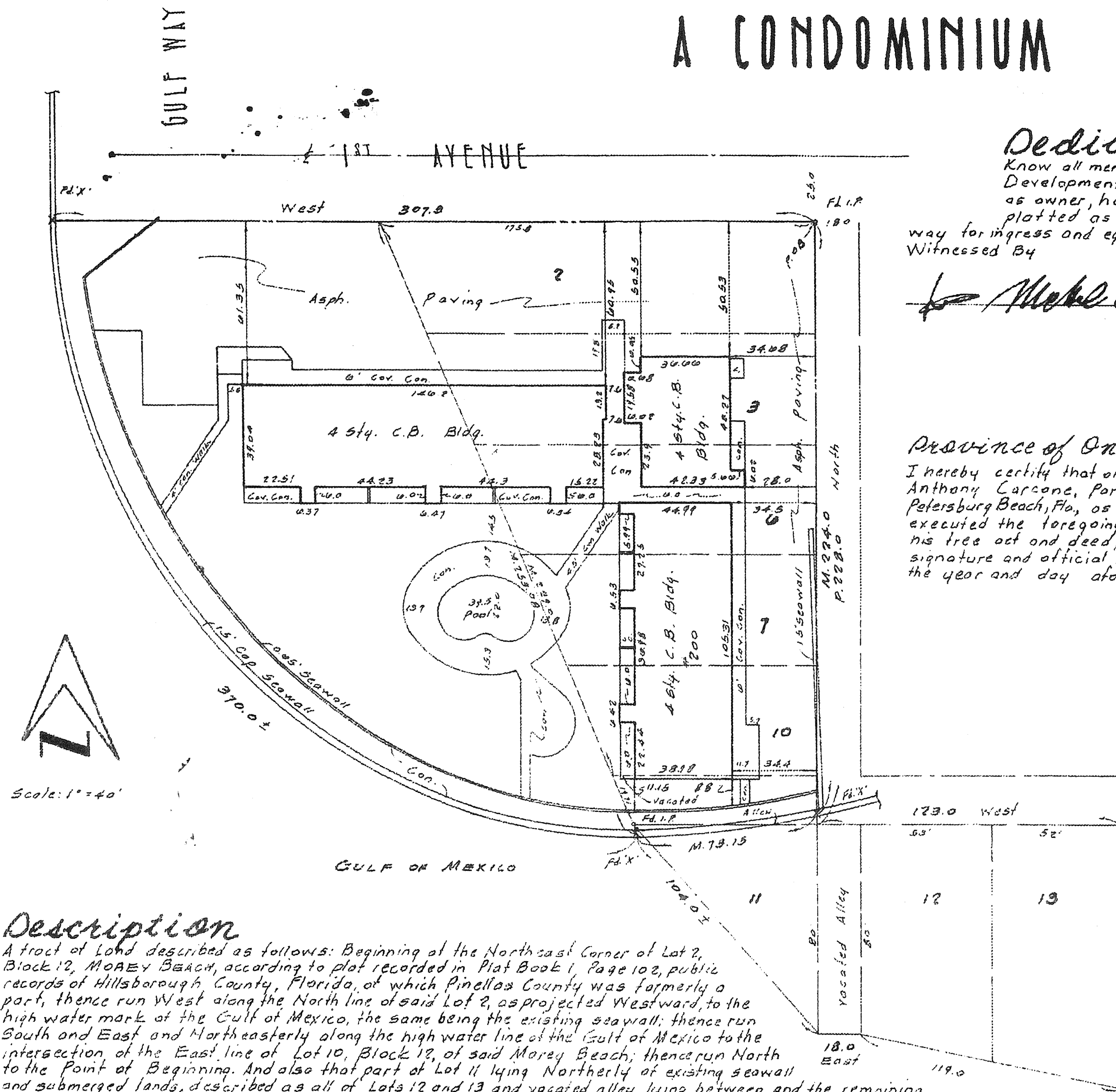


Profile #5 Photo



Point Pass-A-Grille

A CONDOMINIUM



Description

A tract of Land described as follows: Beginning at the Northeast Corner of Lot 2, Block 12, MOREY BEACH, according to plat recorded in Plat Book 1, Page 102, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, thence run West along the North line of said Lot 2, as projected Westward to the high water mark of the Gulf of Mexico, the same being the existing seawall; thence run South and East and Northeasterly along the high water line of the Gulf of Mexico to the intersection of the East line of Lot 10, Block 12, of said Morey Beach; thence run North to the Point of Beginning. And also that part of Lot 11 lying Northerly of existing seawall and submerged lands, described as all of Lots 12 and 13 and vacated alley lying between and the remaining part of Lot 11 lying Southerly of existing seawall. Said tract also including Lots 2, 3, 6, 7, 10, 11, 12, and 13, Block 12, of said MOREY BEACH, together with vacated alley lying between said Lots 10 and 11, also vacated alley between said Lots 11 and 12, and those parts of Lots 11, 12 and 13 lying outside of said seawall. Said tract of land being more particularly described as follows: Beginning at the Northeast corner of Lot 2, Block 12, MOREY BEACH, according to the plat recorded in Plat Book 1, Page 102, public records of Hillsborough County, Florida, of which Pinellas County was formerly a part, run West, 307.30 feet to a point on the existing seawall; thence along said seawall run 370.00 feet to the intersection of said seawall and the Southwesterly line of Lot 11, Morey Beach; thence Southeast along said line 104.00 feet; thence East, 18.00 feet; thence Southeast, 19.00 feet along the South line of Lots 12 and 13, Morey Beach, to the Southeast corner of said Lot 13; thence North along the East line of Lot 13, 100.00 feet; thence West, 123.00 feet to the Northeast corner of Lot 11; thence North, 223.00 feet to the Point of Beginning.

Dedication

Know all men by these presents, that he, Anthony Carcone, Partner, of Diez Development Group, a Co-Partnership, 200 1st Ave., St. Petersburg Beach, Florida, as owner, has caused the land embraced in the plat to be surveyed, laid out, platted as POINT PASS-A-GRIFFE, a condominium and that any rights-of-way for ingress and egress as shown and noted herein shall be the common use.

Witnessed By

Diez Development Group

Anthony Carcone

Province of Ontario, Canada

I hereby certify that on this 5th day of JULY, 1978, before me personally appeared Anthony Carcone, Partner, of Diez Development Group, a Co-Partnership, 200 1st Ave., St. Petersburg Beach, Fla., as owner, to me known to be the person described in and who executed the foregoing Dedication, and acknowledged the execution thereof to be his free act and deed, for the uses and purposes therein mentioned. Witness my signature and official seal at TORONTO, and the Province of ONTARIO, the year and day aforesaid. My Commission expires 15 FOR LIFE.

John Leon Feil
A Notary Public in and for
THE PROVINCE OF ONTARIO
CANADA

Surveyor's Certificate

The certificate made this 11th day of July, 1978, by the undersigned surveyor, is made pursuant to the provisions of Section 718.104(4)(E), Florida Statutes, and is a certificate that the construction of the improvements described is substantially complete so such material, together with the provisions of the Declaration of Condominium, describing the condominium property, is an accurate representation of locations of the improvements and further that the identification, location and dimensions of the common elements of each unit can be determined from these materials.

John C. Brendla
Registered Land Surveyor #2869
Registered Engineer #8192
State of Florida

JOHN C. BRENDLA & ASSOCIATES, P.A.

Consulting Engineers and Land Surveyors
1409 4th Street South - St. Petersburg, Fla.



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: March 14, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 200 1st Ave.
Parcel Number: 19-32-16-72394-000-001
James Manfuso for Point Pass-a-Grille Inc.
Variance Case No: 23013

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 3/29/2023

Please be advised that staff has received and reviewed the following items submitted in support of the application:

1. Completed application form.
2. Boundary Survey prepared by John C. Brendla and Associates, Inc. dated 9/8/2015, consisting of 1 sheet showing location of proposed fencing.
3. Condo Plat Survey prepared by John C. Brendla and Associates, Inc. dated 7/11/1978, consisting of 1 sheet.
4. Seawall Engineering Profiles with Corresponding Photos consisting of 11 pages.
5. Color photo prints (quantity 6) showing existing conditions along southern property line/waterfront yard of property, no date provided.

Staff offers the following comments for the Board's consideration:

Site Description/Surrounding Land Uses

The subject site is 1.14 acre (approx) parcel located at 200 1st Ave. 3known as parcel number 19-32-16-72394-000-0001 and legal description of POINT PASS-A-GRILLE CONDO (COMMON AREA) within portions of the AE-Elevation 10 flood zone. The property is located in the RM/PAG, Residential District-Pass-a-Grille Overlay zone; RM on the future land map and contains a condominium use, Point Pass-a-Grille Condominiums, consisting of 50 units that was constructed in 1978 according to the Pinellas County Property Appraiser. It is a waterfront parcel located on the Pass-a-Grille Channel to the west and south, Island's End Resort, a transient accommodation use to the east and single-family use to the north. The particular location on the property where the fencing is proposed is shown in Figure 3 below.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 15 of 15, dated 7/20/2012

Request

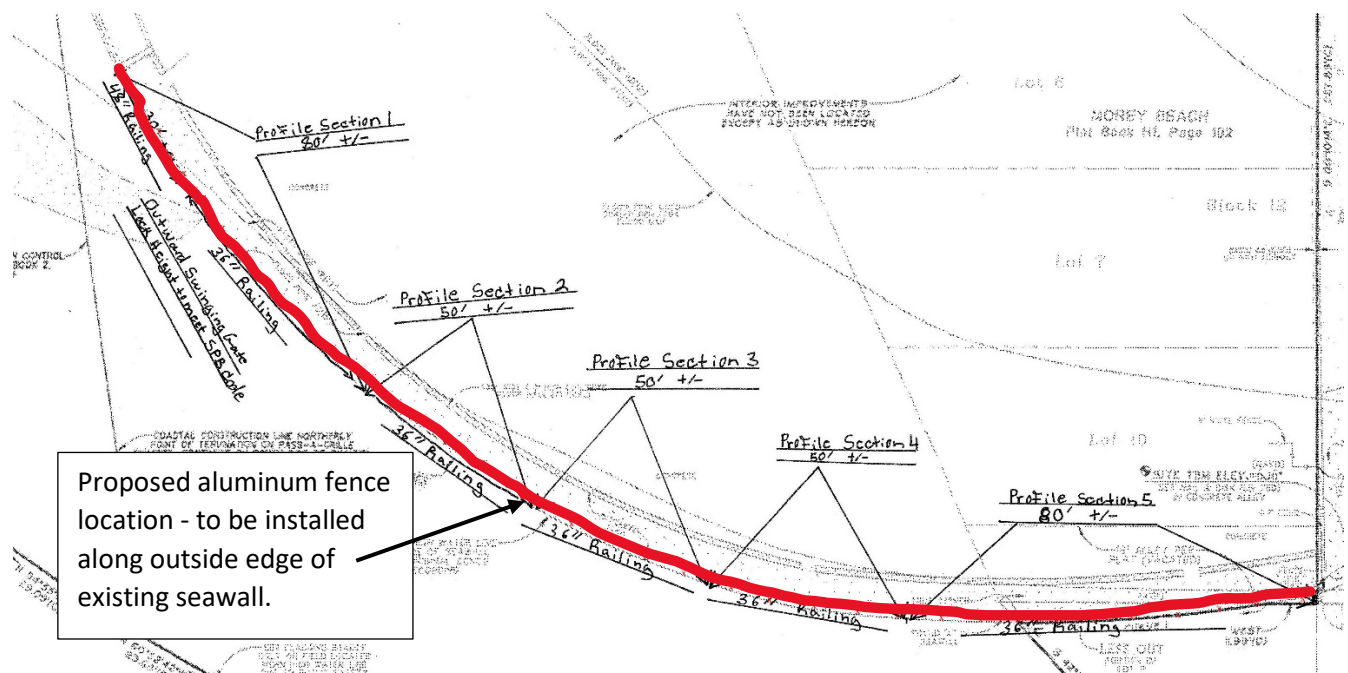
The applicant requests to construct aluminum fence on southern seawall that exceeds the permitted maximum height of 4' within waterfront yard where 20' setback is required (LDC Sec. 6.15).

Analysis

1. New variance required:
 - a. **Fences and Walls, maximum height permitted:** where proposed height of 6' exceeds the 4' maximum height permitted.

Fences and Walls- (LDC Sec. 6.15)	200 1 st Ave.		
	Permitted	Proposed	
Height (Max.), Waterfront Yard	4'	Varies based on grade (v)	
*Denotes existing non-conformity (v) = Variance required			

Figure 3: Enlarged Portion of Boundary Survey with Fence Location (N.T.S.)



Additional Comments

The Applicant should provide testimony regarding the necessity for the requested variances.

The Board has standards of review for a hardship variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s).

The applicant should be prepared to provide their own testimony by answering the following items 1-8 **in addition** to staff comments below:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The property is located at the southern end of Pass-a-Grille which provides direct waterfront access of the Pass-a-Grille Channel. The condominium complex completed repairs of its seawall and installation of additional riprap in 2022.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *During the site visit, staff observed individuals not associated with the property utilizing the seawall for walking on private property. Staff finds that the specific conditions and circumstances are not the result of the actions of the applicant or a prior owner of the property.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code could generally deprive the applicant of the private enjoyment of their property, given the conditions posed by sand accreting between seawall riprap and the relative lack of grade change with the abutting beach that forms temporarily during low tide. During a recent inspection Staff noted individuals walking on and near the seawall.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *The hardship was not deliberately or knowingly created by the applicant. The installation of riprap at the seawall for armoring purposes has provided conditions where stepping from the beach onto the seawall is feasible. A fence on a seawall is permitted per the Code, albeit at a lower height.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is requesting the variance to secure their property.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds the fencing at its proposed height is reasonable and minimal. The variation of the seawall height relative to adjacent grade as the seawall extends east is met by dropping the height from four feet on the western side, where the seawall is most accessible from the beach, to three feet on the eastern side. The fence proposed is of an open design and does not appear to substantially limit views for applicants or users of the abutting public alleyway.*

8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that the request is not anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood. The request is minimal and serves the purpose of securing the property while still allowing a viewshed of the water for residents.*

Other:

- Applicant should provide testimony with regard to the purpose and need for the installation of the fencing and retaining the seawall integrity.

Recommendation

Staff finds the request is reasonable given the riparian conditions and presence of a public beach access point adjacent to the property, the modest height and design of the fence proposed, and the need to secure the property to comply with the Florida pool code. Staff recommends **approval** with one condition:

- 1) The fence shall be of an open design similar to the one proposed by the applicant.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing 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.

Respectfully submitted,



Kristin Coman
Senior Planner

Cc: James Manfuso, Applicant **via email** (jcmanfuso@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Case No. 23012 - 135 44th Ave.

Date: March 29, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; Brian Leach and Karen Didden requests to retain existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).

Funding: n/a

Requested Motion: Motion to **APPROVE** Case No. 23012 to retain an existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted as proposed.

Attachments:

1. 23012 - 135 44th Ave - Certificate of Completeness with Submittal Documents
2. 23012 - 135 44th Ave - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/16/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **March 29, 2023**.

Variance Case Number: 23012
Application Type: Hardship Variance
Owner: Brian Leach and Karen Didden
Applicant/Agent: Same
Parcel Number: 07-32-16-07398-004-0020
Address: 135 44th Ave., St. Pete Beach, FL 33706
Zone: RU-2

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance application form.
2. Completed Impervious Surface Ratio (ISR) worksheet.
3. Boundary Survey prepared by Ireland and Associates Surveying, Inc. dated 3/30/2022, consisting of 1 sheet showing location of existing residential storage building.
4. Color photo printout which includes existing storage building, interior images, views showing existing conditions of property and floor plan, consisting of 3 pages, no date provided.

The application and submittal documents will be forwarded to the following agents for review and/or comment:

City/Board Professionals:

- | | |
|--|---|
| ☒ Board of Adjustment Attorney <i>via email</i> | ☐ TRC Committee <i>via email</i> |
| ☒ City Code Enforcement Manager <i>via email</i> | ☐ City Manager |

Board Members:

- | | |
|--|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Sandie Lyman, Vice Chair | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: Brian Leach and Karen Didden, Owner/Applicant *via email*
(leach.brianj@gmail.com; karendidden@gmail.com)

CASE #: 20220829 23012

PARCEL #: 073216073980040020

SUBMITTAL DATE: 2/9/23 AMOUNT DUE: \$532.20 PAYMENT DATE: 2/9/23**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, at least 30 days prior to the public hearing:

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Brian Leach & Karen Didden	135 44th Ave St. Pete Beach, FL 33706	812-987-2857 703-855-1050
Applicant/ Agent	Brian Leach & Karen Didden	135 44th Ave St. Pete Beach, FL 33706	812-987-2857 703-855-1050
Owner Email Address: leach.brianj@gmail.com karendidden@gmail.com		Applicant/Agent Email Address: leach.brianj@gmail.com karendidden@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-2	Future Land Use Designation RU	Lot Area 7,200 sq ft
Legal Description: Belle Vista Beach 1st Add Blk D, Lot 2		
Address: 135 44th Ave St. Pete Beach, FL 33706		
Explanation of Request: Retain existing storage building measuring 18.3ft (L) x 7ft (W) x 7.6ft (H), totaling 128 sq. ft.		

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship 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 these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

Storage building was constructed over ten (10) years ago by previous owners. It was on-site when the property was purchased. Relocating the shed is not practical. The structure is concrete slab with electrical installed. The other parts of the property would be too close to neighbors or the public park adjacent to our property. A pre-existing patio constructed with pavers also in place, preventing installation there.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

Property was purchased with storage building already constructed on premise.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

Storage building is already in place with no viable alternate locations available. Demolition of the structure would cause undue financial burden.

4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

Storage buildings on a property are consistent within the neighborhood and do not contribute to an increase in development density.

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Storage building was in place prior to purchase of the house. Retaining the storage building does not increase the value of the property.

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

Other storage buliding(s) in the neighborhood constructed with a variance.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Storage building was pre-existing at the time the property was purchased. This request does not add any additional variances that were not pre-existing.

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

An enginner will asses the safety of the structure to confirm it poses no risk to public safety or welfare.

The storage building has been on the property for over ten (10) years. By remaining, there would be no negative impact to other property values in the area.



Karen Badden
Signature of Applicant

2/9/23
Date

Signature of Authorized Agent

Date

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.

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

KD BL 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.

KD BL On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

KD BL I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.

KD BL 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.

KD BL I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative 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.

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

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



Karen Midden

Signature of Applicant

2/9/23

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Brian Leach & Karen Didden, 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): Brian Leach & Karen Didden

Address: 135 44th Ave St. Pete Beach, FL 33706

Brian Leach
Karen Didden
Signature

2/8/23
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

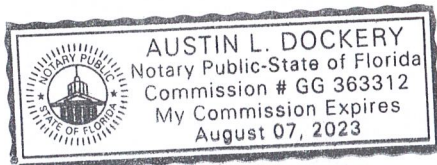
The foregoing instrument was acknowledged before me this 8th day of February, 2021 by: Brian Leach & Karen Didden who appeared before me, and is personally known to me, or has produced DRIVERS LICENSE as identification, and did take an oath.

My commission Expires: 8/07/2023

NOTARY: Austin L. Dockery
Print Name: Austin L. Dockery Notary

Public, State of Florida

(Notarial Seal)





Impervious Surface Ratio (ISR) Worksheet

Impervious surface means any material that prevents absorption of storm water into the ground.

Impervious surface ratio (ISR) means a measurement of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total area covered by impervious surfaces on a site and the gross land area of the zoning lot, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line.

Owner Name & Address

Brian Leach & Karen Didden

135 44th Ave

St. Pete Beach, FL 33706

Phone 812-987-2857 _____

Email leach.brianj@gmail.com _____

Property Address 135 44th Ave St. Pete Beach, FL, 33706 _____

Total Lot Area (sq. ft.) 7,200 _____

Contractor/Applicant Name & Address

Phone _____

Email _____

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	1,756	sq. ft.
Parking and Driveway:	721	sq. ft.
Pool and/or Patio areas:	815	sq. ft.
Walkways:	175	sq. ft.
Other:	146	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	3,613	sq. ft.

3,613 sq. ft.	÷	7,200 sq. ft.	=	.50
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	1,756	sq. ft.
Parking and Driveway:	721	sq. ft.
Pool and/or Patio areas:	815	sq. ft.
Walkways:	175	sq. ft.
Other:	146	sq. ft.
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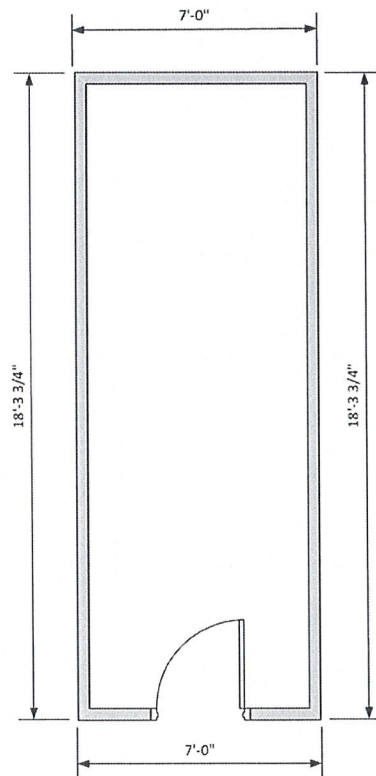
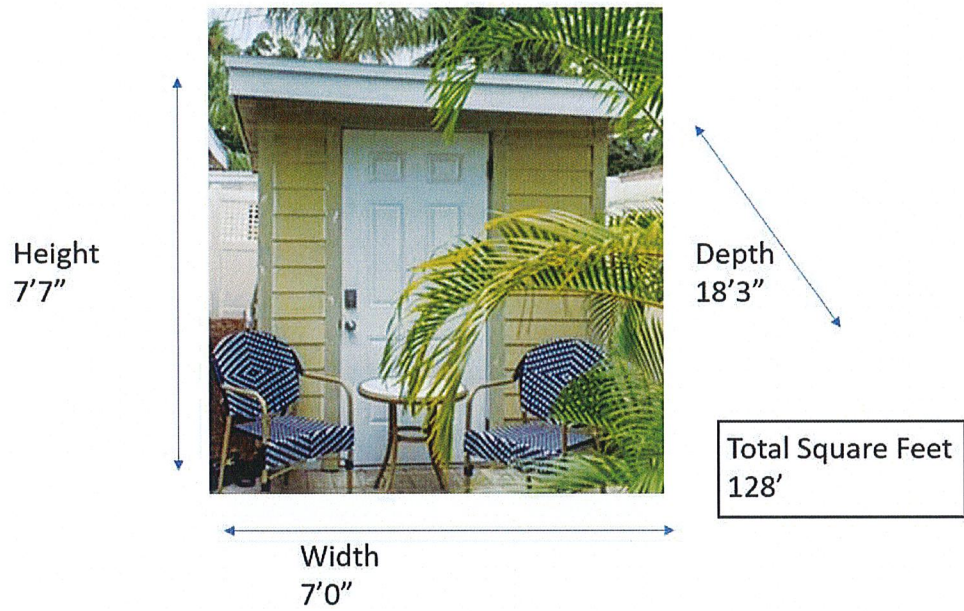
3,613 sq. ft.	÷	7,200 sq. ft.	=	.50
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

Certification:

I, Brian Leach & Karen Didden certify that the calculations submitted above for the Impervious Surface Ratio are accurate and complete. The square footage of all existing structures and improvements are accounted for and the square footage of all proposed structures and improvements are included in the calculations below.

Applicant Signature: *Brian Leach* Date: 2/10/23

Dimensions:



Interior Images:



Side view depth and proximity to perimeter fence (not property line): 22.25 inches



Proximity to existing structure: 36.75 inches



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 2, BLOCK D, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 28, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD INFORMATION:

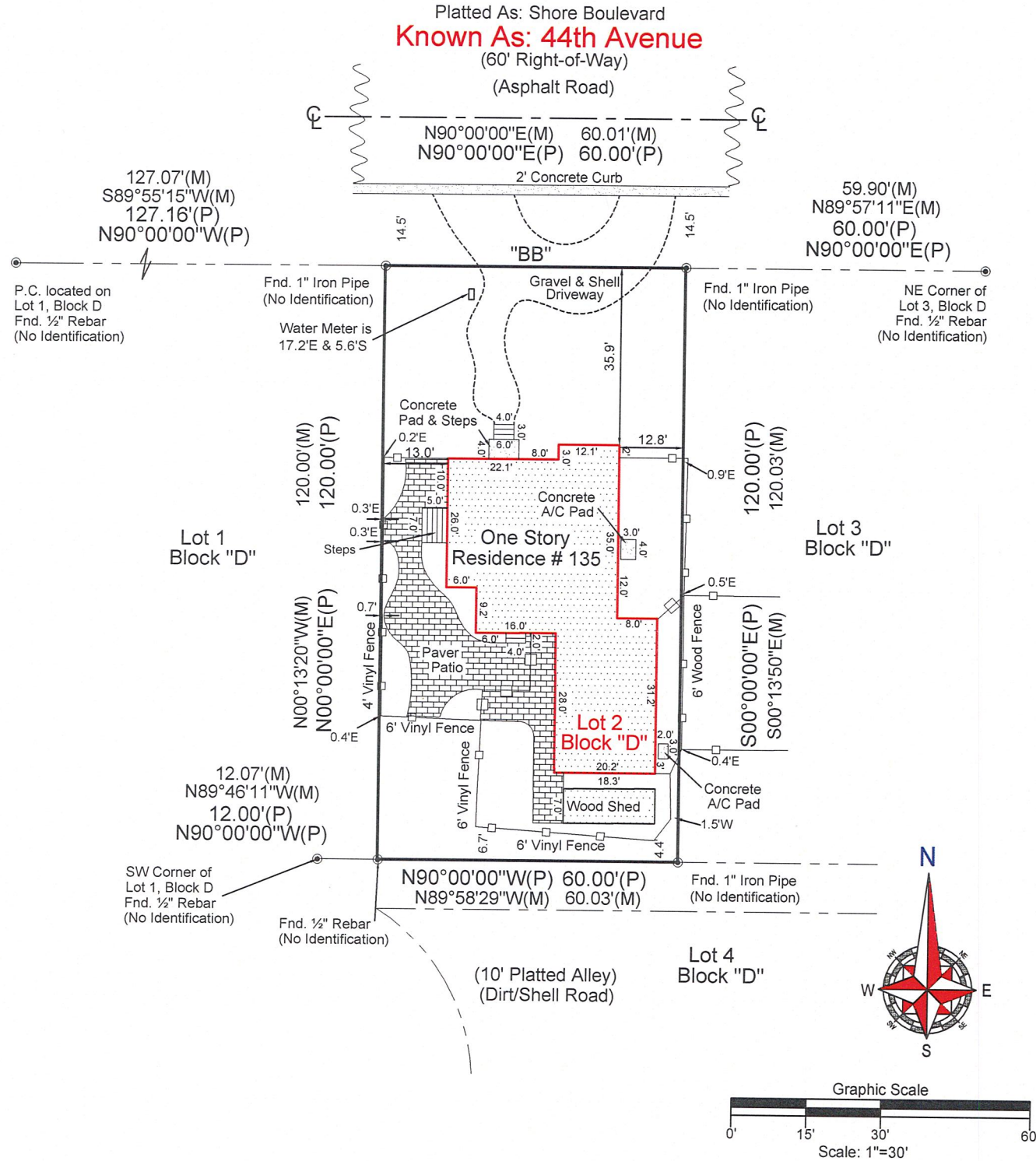
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE. THIS PROPERTY WAS FOUND IN CITY OF ST. PETE BEACH, COMMUNITY NUMBER 125149, DATED 08-24-2021.

CERTIFIED TO:

BRIAN LEACH AND KAREN DIDDEN; PLATINUM NATIONAL TITLE LLC; WESTCOR LAND TITLE INSURANCE COMPANY; CROSSCOUNTRY MORTGAGE LLC



135 44TH AVENUE, ST. PETE BEACH, FLORIDA 33706



Field Date: 3/29/2022	Date Completed: 03/30/22
Drawn By: B.K.	File Number: JS-103333
-Legend-	
C - Calculated	PC - Point of Curvature
CB - Centerline	Pg - Page
CM - Concrete Block	PI - Point of Intersection
CM - Concrete Monument	P.O.B. - Point of Beginning
Conc. - Concrete	P.O.L. - Point on Line
D - Description	PP - Power Pole
DE - Drainage Easement	PRM - Permanent Reference Monument
Esmt. - Easement	PT - Point of Tangency
F.E.M.A. - Federal Emergency Management Agency	R - Radius
FFE - Finished Floor Elevation	Rd - Radial
Fnd. - Found	R&C - Rebar & Cap
IP - Iron Pipe	Rec. - Recovered
L - Length (Arc)	Rfd. - Roofed
M - Measured	Set - Set 1/2" Rebar & Rebar Cap "LB 7623"
N&D - Nail & Disk	Typ. - Typical
N.R. - Non-Radial	UE - Utility Easement
ORB - Official Records Book	WM - Water Meter
P - Plat	Δ - Delta (Central Angle)
P.B. - Plat Book	-O- - Chain Link Fence
W - Wood Fence	

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.

>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.

>Subject to any Easements and/or Restrictions of Record.

>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".

>Building Ties are NOT to be used to reconstruct Property Lines.

>Fence Ownership is NOT determined.

>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.

>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.

>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

NONE VISIBLE

-POINTS OF INTEREST-

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 6J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland, Surveyor, No. 6637, State of Florida

Patrick K. Ireland & Associates Surveying, Inc.

800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: March 14, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 135 44th Ave.
Parcel Number: 07-32-16-07398-004-0020
Brian Leach and Karen Didden
Variance Case No: 23012

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 3/29/2023

Please be advised that staff has received and reviewed the following items submitted in support of the application:

1. Completed Unnecessary and Undue Hardship application form.
2. Completed Impervious Surface Ratio (ISR) worksheet.
3. Boundary Survey prepared by Ireland and Associates Surveying, Inc. dated 3/30/2022, consisting of 1 sheet showing location of existing residential storage building.
4. Color photo printout which includes existing storage building, interior images, views showing existing conditions of property and floor plan, consisting of 3 pages, no date provided.

Staff offers the following comments for the Board's consideration:

Site Description/Surrounding Land Uses

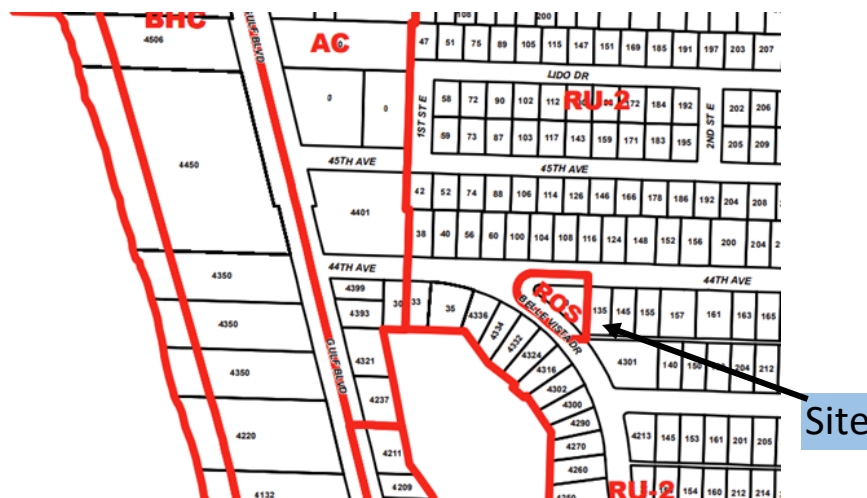
The subject site is a 7,200 sq. ft. (approx. 0.27 acre) parcel located at 135 44th Ave. known as parcel number #07-32-16-07398-004-0020 and legal description of BELLE VISTA BEACH 1ST ADD BLK D, LOT 2 within the AE-Elevation 10 flood zone. The property is located in the RU-2, Residential zone; RU on the future land map and contains a single-family residence constructed in 1940 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north and east, multi-family to the south, and Belle Vista Triangle Park to the west. The corner property is improved with a one-story dwelling with gravel/shell driveway, paver patio and residential storage building.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 9 of 15, dated 7/20/2012

Request

The applicant requests to retain existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).

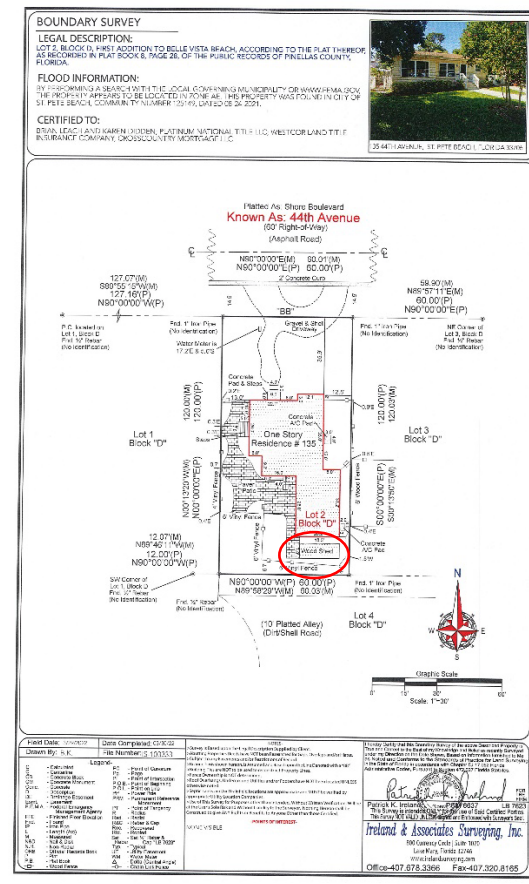
It should be noted the nonconforming structure currently exists on the property and the applicant submitted a variance submittal in connection with a code enforcement case.

Analysis

1. Variance required:
 - a. **Residential Accessory Structure, maximum size permitted:** where existing 128 sq. ft building exceeds the 80 sq. ft. maximum size permitted

Residential Accessory Structure-Residential Storage Building (LDC Sec. 6.13(5)(a))	135 44 th Ave.		
	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Size (Max.)	80 sq. ft.	n/a	128'sq. ft.(v)
*Denotes existing non-conformity (v) = Variance required			

Figure 3: Existing Survey (N.T.S.)



Additional Comments

The Applicant should provide testimony regarding the necessity for the requested variances.

The Board has standards of review for a hardship variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-8 **in addition** to staff comments below:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The owners of the property purchased the property with the pre-existing non-conforming accessory structure. Review of City files does not indicate that the proper approvals were obtained by the previous homeowners nor proof submitted by the current owner.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *Staff finds that the specific conditions and circumstances are the result of the actions of a prior owner of the property but not of the applicant. The applicant was unaware of the non-conformity until involvement with Code Enforcement.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and but may result in unnecessary and undue hardship on the applicant requiring the removal and possible replacement with a new structure.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *Staff find that this request will not establish a use not permitted in the district. This is a single-family residence that is located within a single-family zoning district. There will be no increase to density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. As stated in the application, the storage building was in place at the prior to the purchase of the home and does not increase the value of the property.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *While the structure does meet the setback and height requirements, the existing residential storage building was constructed 48 sq. ft. larger than permitted. It should be noted that a 6' high fence currently exists, effectively providing substantial shielding of the structure.*
8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

- *The LDC allows for only one residential storage building permitted as an accessory structure on a residential property, therefore no additional storage buildings would be permitted. The current residential storage building meets height and setback requirements in addition to compliance with the impervious surface ratio (ISR) of .50 where .70 is permitted.*

Other:

- Applicant should provide testimony as to the materials to be stored on or within building.
- If the Board does not grant the variance, the applicant should provide testimony if an alternate location exists where the goods and materials currently located in the building could be stored.
- Applicant should provide testimony as to how the stormwater runoff is or shall be directed and maintained on the property to ensure compliance with LDC Sec. 6.13(b)(3).

Recommendation

Staff find the request is reasonable and will not have an adverse impact on the neighborhood. Staff recommends **approval** as proposed.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing 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.

Respectfully submitted,



Kristin Coman
Senior Planner

Cc: Brian Leach and Karen Didden **via email** (leach.brianj@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

**BOARD OF ADJUSTMENT MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Case No. 23015 - 250 Isle Dr.

Date: March 29, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Elizabeth and Scott Sinatra request to construct a 22' x 22', <20' high attached garage that will not meet the required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed (LDC Sec. 8.7(a)(1-2)).

Funding: n/a

Requested Motion: Motion to **APPROVE WITH CONDITIONS** Case No. 23015 to construct a 22' x 22', <20' high attached garage that will not meet the required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed, with staff recommendation the following condition(s) should apply:

1. Applicant shall submit sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection.

Attachments:

1. 23015 - 250 Isle Dr. - Certificate of Completness with Submittal Documents
2. 23015 - 250 Isle Dr. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/21/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **March 29, 2023**.

Variance Case Number: 23015

Application Type: Practical Difficulty Variance

Owner: Scott and Elizabeth Sinatra

Applicant/Agent: Same

Parcel Number: 07-32-16-61560-001-0010

Address: 250 Isle Dr., St. Pete Beach, FL 33706

Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance application form.
2. Completed Impervious Surface Ratio (ISR) worksheet.
3. Boundary Survey prepared by David C. Harner dated 12/31/2022, consisting of 2 sheets showing existing improvements.
4. Boundary Survey prepared by David C. Harner dated 12/31/2022, consisting of 2 sheets showing location of proposed attached garage with dimensions and setbacks.
5. Elevations and floor plan of proposed garage, consisting of 2 pages, no date provided.
6. Color photo printout(s) of existing site with proposed garage illustration, consisting of 3 sheets, no date provided.

The application and submittal documents will be forwarded to the following agents for review and/or comment:

City/Board Professionals:

- | | |
|---|---|
| ☒ Board of Adjustment Attorney <i>via email</i> | ☐ TRC Committee <i>via email</i> |
| ☐ Code Enforcement Manager <i>via email</i> | ☐ City Manager |

Board Members:

- | | |
|--|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Sandie Lyman, Vice Chair | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: Scott and Elizabeth Sinatra, Owner/Applicant *via email (easinatra@gmail.com)*

CASE #:

23015

SUBMITTAL DATE:

2/13/2023

AMOUNT DUE:

\$ 518.90

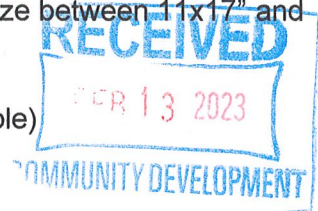
PAYMENT DATE:

2/13/2023

PRACTICAL DIFFICULTY VARIANCE APPLICATION

The following Items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	SCOTT/ELIZABETH SINATRA	250 ISLE DRIVE ST. PETE BEACH, FL 33706	650-522- 0359
Applicant/ Agent			

Owner Email Address: EASINATRA@GMAIL.COM	Applicant/Agent Email Address:
---	--------------------------------

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RU-1	RU	10,398 ±
Legal Description:	NORTH VINA DEL MAR 1 st ADD, BLK 1, LOT 1	
Parcel ID:	421030280024 07-32-16-61560-001-0010	
Address:	250 ISLE DR	

Explanation of Request: HOMEOWNER IS REQUESTING A REDUCTION IN SETBACKS TO ALLOW FOR THE ADDITION OF A 2 CAR GARAGE 22' X 22' TO TIE INTO EXISTING HOME
 PRIMARY REQUEST 20' to 16'
 SECONDARY REQUEST 20' to 10'

Findings Necessary for Granting Request: In order for an application for a practical difficulty 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 these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

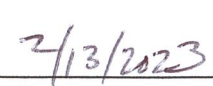
1. How substantial the variance is in relation to the requirement sought to be varied;

- See attached -

2. Whether an adverse change will be produced in the character of the neighborhood;

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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

1. Homeowner is requesting a relaxed variance from the Primary Front setback from 20' to approx 16' and the Secondary Front from 20' to approx 10', due to shape of lot and location of existing home. Homeowners current have 20' of addition yard area from property line to curb on Primary Front, and 15' on Secondary Front to curb. These areas will not be effected.
2. No, the proposed garage will not alter the surrounding lots or neighborhood, create a nuisance or hazard, and is comparable to majority of the existing neighborhood garages, will not be out of character. The garage won't be any wider or taller than the existing home, and style will be consistent.
3. No, the application of the current setbacks prevent the homeowner from tying the garage into the existing home due the shape of the lot, as it narrows considerable in the front. The only feasible location for the garage is the proposed area, as it is adjacent to the existing home, uses the current concrete drive already in place, as little effect on the impervious ratio of the lot and produces a seamless addition to the home. The variance requested is the minimum area needed to construct a 2 car garage per current building codes
4. Yes, justice will be served to homeowners if the variance is granted thus allowing a relaxation of setbacks to accommodate the proposed garage, as the lot shape is unusual and current setbacks are such that even the smallest 2 car garage being proposed cannot fit in the given area without a variance.

2/13/2023

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.

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

ES 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.

ES On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

ES I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.

ES 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.

ES I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative 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.

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

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


Signature of Applicant

Feb 13, 2023
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, ELIZABETH SINATRA, 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): ELIZABETH SINATRA

Address: 250 ISLE DRIVE ST. PETE BEACH FL 33706

[Signature] 2/13/2023
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 13TH day of FEBRUARY, 2021³ by:
ELIZABETH SINATRA who appeared before me, and is personally known to me, or has produced
FL DRIVERS LICENSE as identification, and did take an oath.

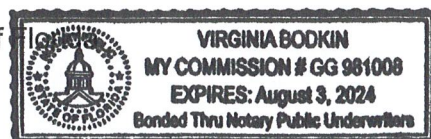
My commission Expires:

NOTARY: [Signature]

Print Name: _____ Notary

Public, State of

(Notarial Seal)





Impervious Surface Ratio (ISR) Worksheet

Impervious surface means any material that prevents absorption of storm water into the ground.

Impervious surface ratio (ISR) means a measurement of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total area covered by impervious surfaces on a site and the gross land area of the zoning lot, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line. The impervious surface ratio is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area, excluding any portion of the property lying Gulfward of the city's coastal construction and excavation setback line.

Owner Name & Address

SCOTT/ELIZABETH SINATRA
250 ISLE DRIVE, SPB FL 33706

Contractor/Applicant Name & Address

Phone 650-522-0359

Phone _____

Email EASINATRA@GMAIL.COM

Email _____

Property Address 250 ISLE DRIVE SPB, FL 33706

Total Lot Area (sq. ft.) 10,398

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	<u>1722</u>	sq. ft.
Parking and Driveway:	<u>2836</u>	sq. ft.
Pool and/or Patio areas:	<u>1200</u>	sq. ft.
Walkways:	<u>75</u>	sq. ft.
Other:		sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	<u>5833</u>	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	<u>2206</u>	sq. ft.
Parking and Driveway:	<u>2352</u>	sq. ft.
Pool and/or Patio areas:	<u>1200</u>	sq. ft.
Walkways:	<u>75</u>	sq. ft.
Other:		sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	<u>5833</u>	sq. ft.

<u>5833</u> sq. ft.	÷	<u>10,398</u> sq. ft.	=	<u>.56</u>
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

<u>5833</u> sq. ft.	÷	<u>10,398</u> sq. ft.	=	<u>.56</u>
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

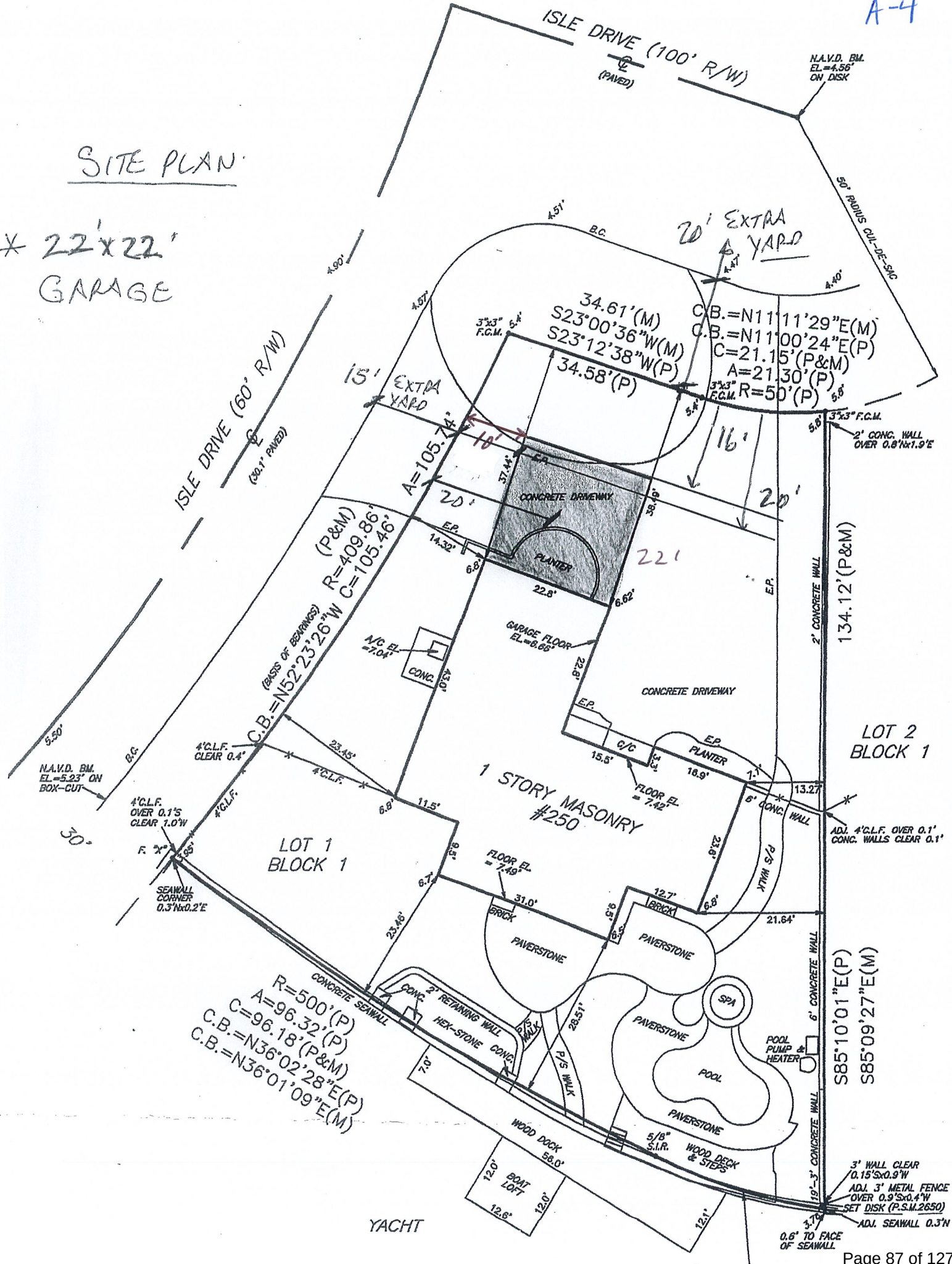
Certification:

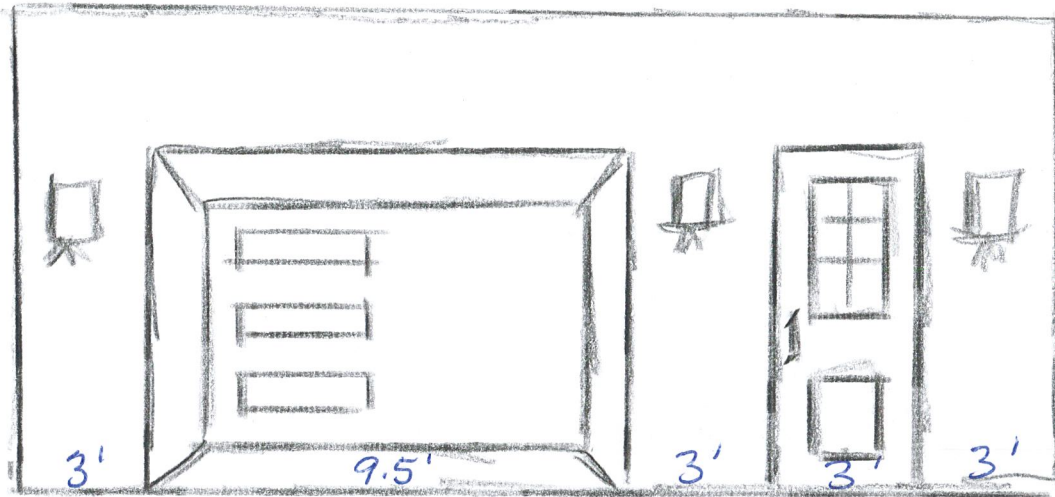
I, ELIZABETH SINATRA certify that the calculations submitted above for the Impervious Surface Ratio are accurate and complete. The square footage of all existing structures and improvements are accounted for and the square footage of all proposed structures and improvements are included in the calculations below.

Applicant Signature: [Signature] Date: 2/13/2023

SITE PLAN

* 22'x22'
GARAGE

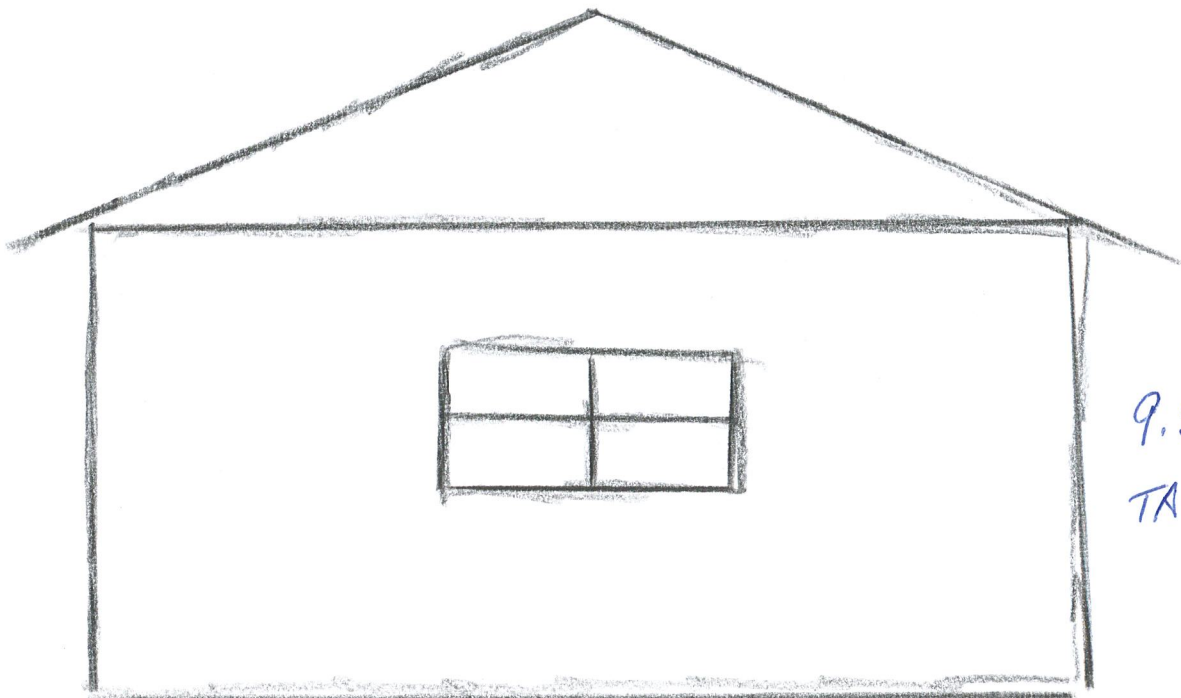




9.5'
TALL

WEST SIDE

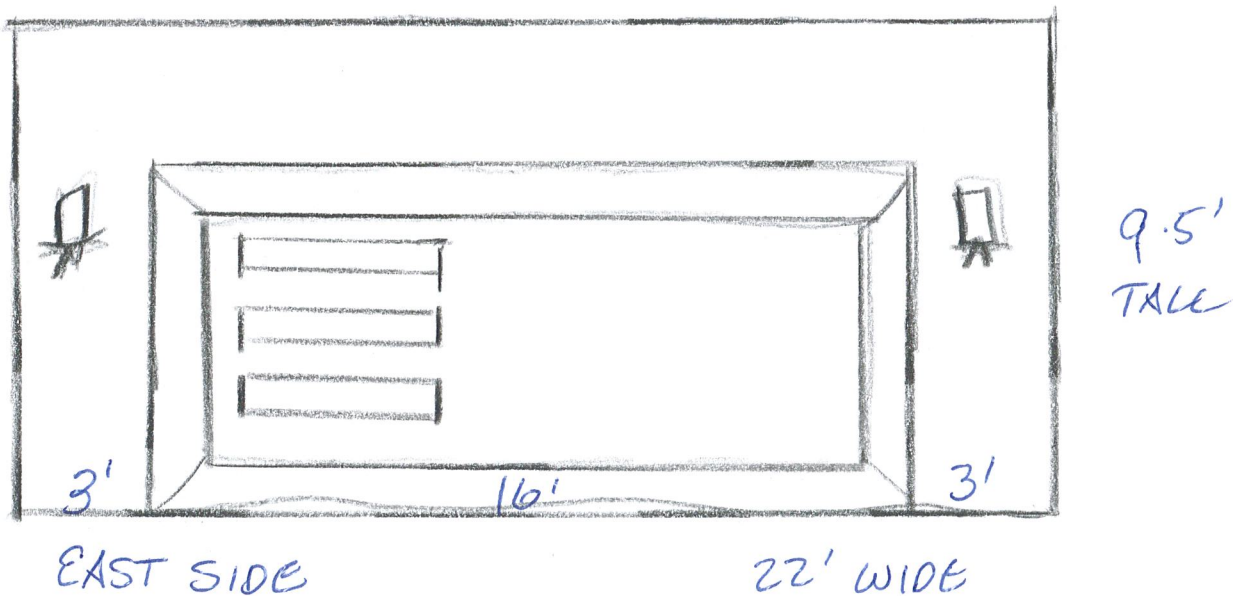
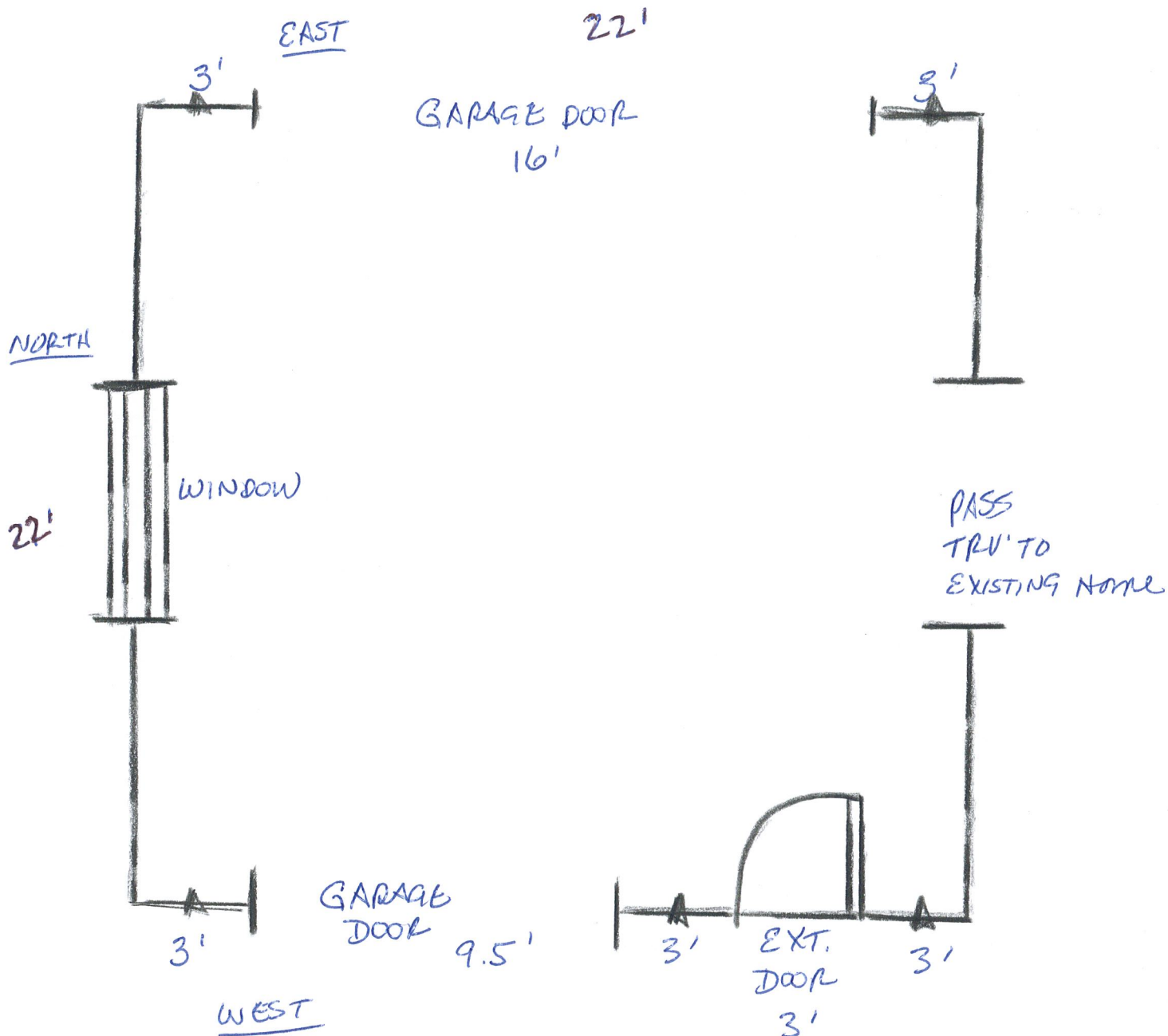
22' WIDE



9.5'
TALL

NORTH SIDE

22' WIDE



A-6







14-3

PAGE 1 OF 2

A BOUNDARY SURVEY OF LOT 1, BLOCK 1, NORTH VINA DEL MAR FIRST ADDITION, AS RECORDED IN PLAT BOOK 60, PAGES 42 AND 43 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WITH SPOT ELEVATIONS.
CONTAINING 10,308 SQUARE FEET, MORE OR LESS.

JOB NUMBER: MAXVII439 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 12/21/22 SCALE: 1 INCH = 20 FEET DRAWN BY: DCH	DAVID C. HARNER PROFESSIONAL SURVEYOR & MAPPER 8925 GULF BOULEVARD TREASURE ISLAND, FL 33706 SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST CHECKED BY: DCH	FLOOD ZONE: "AE" (B.F.E.=9') FLOOD MAP DATE: 8/24/21 COMMUNITY NUMBER: 125149 MAP NUMBER: 12103C0278 H
CERTIFIED TO: SCOTT AND ELIZABETH SINATRA		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-12, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 412.027. NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE LOCATED BY THE SURVEYOR AND/OR MAPPING ENGINEER. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON. LEGEND: N.A.D. = NORTH AMERICAN VERTICAL DATUM OF 1988 B.F.E. = BASE FLOOD ELEVATION A.L.D. = ANTI-CYCLONE LAGOON DRAINAGE B.C. = BACK OF CURB C. = CHORD LENGTH C.L.F. = CHAINLINK FENCE R/M = RIGHT OF WAY CONC = CONCRETE M.M. = MANHOLE C. = COVERED CONC CL = CENTERLINE C.B. = CHORD BEARING V.F. = VINYL FENCE E.L. = ELEVATION F.F. = FINISHED FLOOR E.L.P. = ELEVATION F.L.R. = FOUND IRON ROD E.C.M. = FOUND CONCRETE M.M. = MANHOLE D-DEED R-RADIUS W.M. = WING WALL W.F. = WOOD FENCE OR = OR B.M. = BENCHMARK P.L. = POINT OF INTERSECTION P.R.M. = PERMANENT REFERENCE MONUMENT P-P-PUT E.P. = EDGE OF PAVEMENT		



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



PAGE 1 OF 2

A BOUNDARY SURVEY OF LOT 1, BLOCK 1, NORTH VINA DEL MAR FIRST ADDITION, AS RECORDED IN PLAT BOOK 60, PAGES 42 AND 43 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WITH SPOT ELEVATIONS.

CONTAINING 10,398 SQUARE FEET, MORE OR LESS.

JOB NUMBER: MAXXIIA39 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 12/21/22 SCALE: 1 INCH = 20 FEET DRAWN BY: DCH	DAVID C. HARNER PROFESSIONAL SURVEYOR & MAPPER 9925 GULF BOULEVARD TREASURE ISLAND, FL 33706 SECTION 7 TOWNSHIP 32 SOUTH RANGE 16 EAST CHECKED BY: DCH	FLOOD ZONE: "AE" (B.F.E.=9') FLOOD MAP DATE: 8/24/21 COMMUNITY NUMBER: 125149 MAP NUMBER: 12103C02278 H
CERTIFIED TO: SCOTT AND ELIZABETH SINATRA		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027. NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS, INTERESTS, AND/OR PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON. LEGEND: N.A.D.=NORTH AMERICAN VERTICAN DATUM OF 1988 B.F.E.=BASE FLOOD ELEVATION A.A.P.=LENGTH AND B.M.=MONUMENT C.B.C.=CURB C-CHORD LENGTH C.L.F.=CHUNK FENCE R/W=RIGHT OF WAY C.O.C.=CONCRETE M.H.=MANHOLE S.V.=SEWER COVER C.C.=CENTERLINE C.B.=CHORD BEARING V.F.=WALL FENCE E.L.=ELEVATION F.F.=FINISHED FLOOR F.L.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2650 O.P.=OPEN PORCH F.L.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT D-DEED R=RADIUS W/W=WING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY E.A.S.=EAST L.S.=LAWSON B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P-PLAT E.P.=EDGE OF PAVEMENT		

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



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: March 15, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 250 Isle Dr.
Parcel Number: 07-32-16-61560-001-0010
Elizabeth and Scott Sinatra
Variance Case No: 23015

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 3/29/2023

Please be advised that staff has received and reviewed the following items submitted in support of the application:

1. Completed Practical Difficulty Variance application forms.
2. Completed ISR worksheet.
3. Boundary Survey prepared by David C. Harner dated 12/31/2022, consisting of 2 sheets showing existing improvements.
4. Boundary Survey prepared by David C. Harner dated 12/31/2022, consisting of 2 sheets showing location of proposed attached garage with dimensions and setbacks.
5. Elevations and floor plan of proposed garage, consisting of 2 pages, no date provided.
6. Color photo printout(s) of existing site with proposed garage illustration, consisting of 3 sheets, no date provided.

Staff offers the following comments for the Board's consideration:

Site Description/Surrounding Land Uses

The subject site is a 10,398 sq. ft. (approx. 0.24 acre) parcel located at 250 Isle Dr. known as parcel number 07-32-16-61560-001-0010 and legal description of NORTH VINA DEL MAR 1ST ADD BLK 1, LOT within the AE-Elevation 9 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence constructed in 1965 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, south, west and to the east across the canal. The unique corner waterfront site is located on the dead end of a canal just south

of the Pinellas Bayway and is improved with a one-story dwelling with circular driveway, rear paver patio with inground pool and dock with boat lift.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 12 of 15, dated 7/20/2012

Request

The applicant proposes requests to construct 22' x 22', less than 18' high attached garage addition that will not meet required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed (LDC Sec. 8.7(a)(1-2)).

Analysis

1. New variance(s) required as a result of the proposed construction:
 - a. **Required front yard setback:** where 20' is required and 16' is proposed (LDC Sec. 8.7(a)(1)). The applicant is proposing to encroach an additional 4' into the required front yard setback with the proposed attached garage.

- b. **Required secondary front yard setback:** where 20' is required and 10' is proposed (LDC Sec. 8.7(a)(2)). The applicant is proposing to encroach an additional 10' into the required secondary front yard setback with the proposed attached garage.

Figure 3: Zoning Table			
Detached, Single-Family Residential	250 Isle Dr.		
	<u>RU-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area (Min.)	7,000 sq. ft.	10,398 sq. ft.	10,398 sq. ft.
Front Yard Setback (Min.)	20'	37.44'	16'(v)
Secondary Front Yard Setback (Min.)	20'	14.32'	10'(v)
Side Yard Setback (Min.)	The lesser of 10% of lot width or 7'	13.27' North	no change
Rear Yard Setback (Min.)	20'	23.46'	no change
ISR (Max.)	0.70	0.56	0.56
Height (Max.)	35'	not provided, dwelling is currently one-story	not provided, dwelling is currently one-story
*Denotes existing non-conformity (v) Variance required			

Figure 4: Garage Floor Plan (N.T.S.)

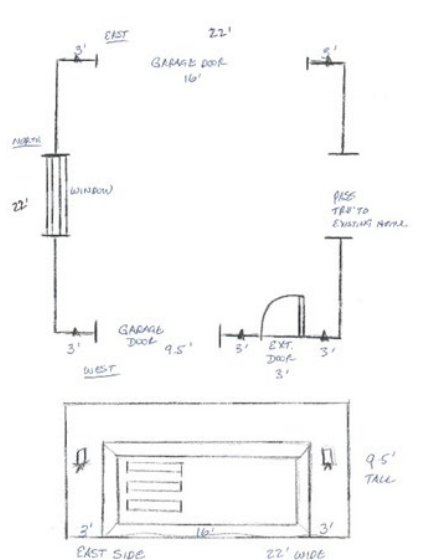
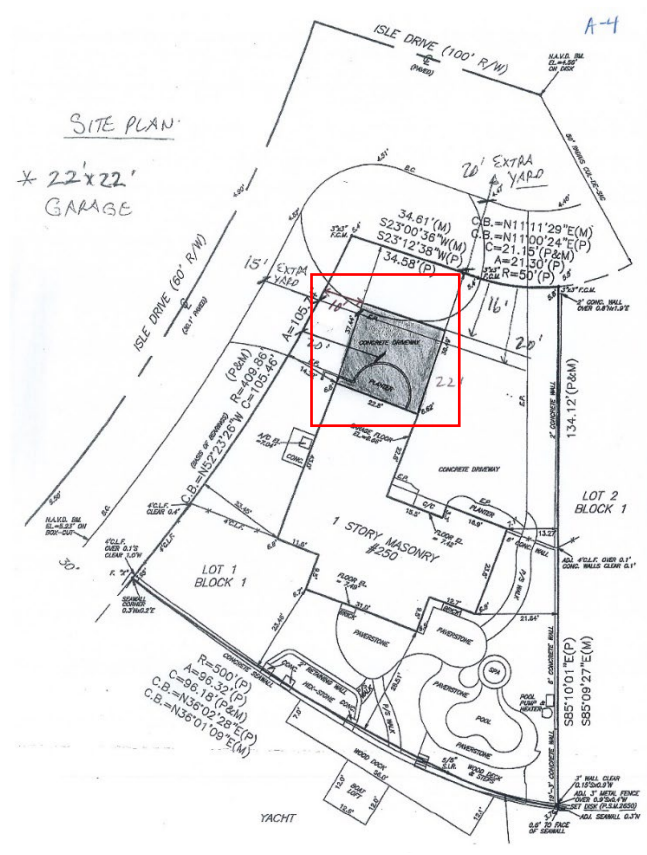


Figure 5: Site Plan with Proposed Attached Garage (N.T.S.)



Additional Comments

The Applicant should provide testimony regarding the necessity for the requested variances.

The Board has standards of review for a practical difficulty variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-4 **in addition** to staff comments below:

1. How substantial the variance is in relation to the requirement sought to be varied;
 - *Staff finds the applicant is requesting a 10' secondary front yard setback where 20' is required, representing a variance of 50% from the required standard.*
 - *Staff finds the applicant is requesting a 16' rear yard setback where 20' is required, representing a variance of 20% from the required standard.*
2. Whether an adverse change will be produced in the character of the neighborhood;
 - *Staff finds that no adverse change will be produced in the character of the neighborhood. The dwelling is located on small cul-de-sac type bump that contains 4 homes. Due to the irregular layout of the lot, the approach to the dwelling from the south along the secondary*

front yard has mature landscaping, softening the visual length of the dwelling. The proposed garage addition is proposed to have overhead garage doors on each side which are to be placed in the location of the existing circular driveway and would not require additional driveway installation or disturbance along Isle Dr.

- *It should also be noted that the right-of-way along Isle Dr. along the secondary front yard is approximately 15' in depth and 20' in depth at the front yard which visually adds additional greenspace from the road to the proposed structure.*
- 3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *The applicant currently has a one-car attached garage and is requesting an expansion which reasonably would be attached onto the existing garage.*
- 4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. Due to the unusual lot shape, the request is reasonable. The unique dimensions of the property and placement of the existing dwelling pose a challenge. The front property line is approximately 60' wide and the rear is approximately 125' wide which essentially funnels the building envelope, constricting the width towards the front of the property.*

Other:

- Applicant should provide an overview of the garage, including materials, connection to the existing one car garage and if any additional improvements will be made to the exterior of the dwelling.
- Please provide testimony as to the necessity of overhead doors on each elevation of the addition.
- Applicant will need to provide the proposed overall height of the garage on the building plans but should provide testimony as to the intended height grade to peak.
- Applicant should discuss if any portion of the existing driveway within should be removed. If any portion of the driveway is to be removed, it should be stabilized as required by code.

Recommendation

Staff find the request is reasonable given the unique layout of the lot and will not have an adverse impact on the neighborhood. Staff recommends **approval** with the following condition(s):

- Applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing 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.

Respectfully submitted,

A handwritten signature in purple ink, appearing to be 'K Coman', with a long horizontal stroke extending to the right.

Kristin Coman
Senior Planner

Cc: Elizabeth and Scott Sinatra, Applicant ***via email*** (easinatra@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Case No. 23016 - 7501 Gulf Blvd.

Date: March 29, 2023

Prepared By: Brandon Berry, Planner II

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance;* Grant McLaughlin, PJ Callaghan Company for BoyleNPoint, LLC requests to reduce the size of a required 75th Ave frontage buffer from eight to five feet (LDC Sec. 22.7(a)(1)) and construct a new building in the Downtown Redevelopment District that lacks a corner entrance (LDC Sec. 39.3(e)(1)).

Funding: n/a

Requested Motion: Motion to APPROVE WITH CONDITIONS Case No. 23016 requested variances:
1) A corner entrance to the building as required for new development in the Downtown Redevelopment District (LDC Sec. 39.3(e)(1)): The applicant is providing an entrance to the building from the parking lot to the rear, with no corner entrance at Gulf Blvd and 75th Ave;
2) A private landscaping buffer along 75th Avenue that is equal to ten percent of the adjacent right-of-way width (LDC Sec. 22.7(a)(1)): The 75th Avenue right-of-way is 80 feet, requiring an eight foot buffer. The applicant is proposing a five foot buffer along 75th Ave., with staff recommendation the following condition(s) should apply:
1) This approval shall only apply to the requested use, building layout, and overall request made under site plan #22068. Should the building on the site be demolished and the site fully redeveloped, or should the requested site plan expire and a new request be made, the site must fully comply with all landscaping and design requirements in place at the time or new variance(s) must be obtained;

2) Landscaping along both frontages shall meet the total volume, quality, and type standards required for a frontage under LDC Sec. 39.10(b), except that both buffers may be five feet in depth. In place of the royal palms proposed along the 75th Ave frontage, the applicant shall instead provide native or naturalized canopy or understory trees with substantial mature “street tree” canopies and root habits that do not negatively impact the sidewalk or foundation. However, under no circumstance shall there be fewer than three trees planted along the 75th Ave frontage. Should FDOT review or other requirements result in the relocation of landscaping, low landscaping shall be provided in its place as viable and relocated larger plantings shall be redistributed throughout the site. Plantings shall be relocated to the right-of-way only as a last resort;

Page 11 of 11

3) The applicant shall demonstrate, through the site plan process, compliance with all other relevant design and site layout requirements of LDC Division 39 as may apply to the subject property during new development. Should any relevant standard not be met, a new variance application shall be required.

Attachments:

1. 23016 - 7501 Gulf Blvd. -Certificate of Completeness with Submittal Documents
2. 23016 -7501 Gulf Blvd Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/23/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **March 29, 2023**.

Variance Case Number: 23016

Application Type: Hardship Variance

Owner: BoyleNPoint, LLC.

Applicant/Agent: Grant McLaughlin - PJ Callaghan Company

Parcel Number: 36-31-15-77994-069-0010

Address: 7501 Gulf Blvd., St. Pete Beach, FL 33706

Zone: TC-1

Submittal Documents:

1. Completed application form.
2. Site Plan prepared by PJ Callaghan Construction dated 2/15/23, consisting of 1 sheet.
3. Landscape Plan Set prepared by Phil Graham Landscape Architecture dated 1/03/23, consisting of 3 sheets.
4. Elevations prepared by PJ Callaghan Construction dated 2/2/22, last revised 3/25/22, consisting of 1 sheet.

The application and submittal documents will be forwarded to the following agents for review and/or comment:

City/Board Professionals:

☒ Board of Adjustment Attorney **via email**

☐ City Engineer

☒ TRC Committee **via email**

☐ City Manager

Board Members:

☒ Paul Skipper, Chair

☒ Sandie Lyman, Vice Chair

☒ Michael Bomar

☒ Denise Chase

☒ Dan Small

Cc: Grant McLaughlin, PJ Callaghan Company, Applicant **via email** (grant@pjcallaghan.com)
BoyleNPoint, LLC, Owner **via email** (boylenpoint@gmail.com)

CASE #: 23016PARCEL #: 36-31-15-77994-069-0010SUBMITTAL DATE: 02/21/23 AMOUNT DUE: 526.56 PAYMENT DATE: _____**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

The following Items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

- Two (2) copies of the property survey, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Seven (7) copies of a site plan showing the request, drawn to scale, of size between 11x17" and 36x48";
- Emailed copy of the survey and site plan to planning@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	BoyleNPoint LLC	3672 Belle Vista Dr E St Pete Beach FL 33706-2625	727-647-0673
Applicant/ Agent	PJ Callaghan Company Grant McLaughlin	3251 Morris St N St Petersburg FL 33713	727-573-2505
Owner Email Address: boylepoint@gmail.com		Applicant/Agent Email Address: grant@pjcallaghan.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Vacant Commercial (10)	Future Land Use Designation Commercial	Lot Area 10,750 SF
Legal Description: LOTS 1 AND 2, BLOCK 69 REPLAT ST PETERSBURG BEACH SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.		
Address: 7501 Gulf Blvd, St Pete Beach 33706		
Explanation of Request: Requesting a 3' variance to the setback and landscaping requirements along the 75th avenue side of the site. Also requesting a variance to the requirement of a corner entrance located at the Gulf Blvd 75th Ave intersection 		

Findings Necessary for Granting Request: In order for an application for a unnecessary and undue hardship 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 these requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

The property is a small parcel located on a busy intersection. The orientation of the building with a North parking lot is the safest orientation for the intended use. The site and building have been designed to allow the movement of a boat and trailer, for display purposes only, into the business without blocking traffic.

Due to the size of the parcel and the need for an 8' landscape buffer zone, a 10' side walk along 75th Ave, parking requirements and the building size needs of the property owner we are requesting a 3' variance for the frontage landscape depth along 75th Ave, to provide a 5' landscape buffer. This will meet clients intentions for the building design. Primarily being able to display different boat sizes inside their design center during customer consultations, up to 40'+ in length on a trailer.

2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The location of the existing fire hydrant at the South West corner(Gulf Blvd/75th Ave intersection) precludes an unobstructed location for a corner entrance.(Refer to historic photos provided)

Request is due to City landscape buffer and sidewalk easement requirements overlapping along 75th Ave due to size parcel size constraints

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;

The proposed site development will far exceed the landscape of the neighboring properties on the block and the prior use of the site of the Pelican Diner. The site has been vacant since the diner structure was moved offsite in 2001

The new proposed building is a custom design center, will be primarily based on appointment only meetings. Owners not looking for off the street traffic into the building. If the building is to be made smaller to meet buffer and sidewalk easement it would prevent owners from being able to display a design boat for their clients and that would take away from their proposed business plan/idea

4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

Does not apply to our project

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Request to reduce landscape buffer requirement to make their business endeavor viable, need the building to meet a certain design/layout and meet 10' sidewalk requirement along 75th Ave. Request is to make the building operational for displaying the clients options for designing their potential dream boat. Need to be able to pull all boat models onto display floor inside building.

6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

We feel that the proposed building and its landscaping will be an enhancement to the district, parcel is currently a vacant grass/asphalt lot

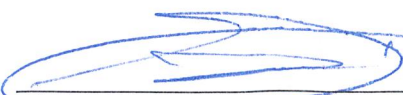
If variance is not granted it would hinder the concept of the building for the business by having to make the building footprint smaller. This would greatly impact their vision for building and business and could make the parcel not viable for them to continue construction.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Requesting 3ft variance to the landscape buffer along 75th Ave in order to meet the building design/layout owners need to make their business work as planned

8. The requested variance is in harmony with the general intent and purpose of the Comprehensive Plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

We feel that the proposed building and its landscaping will be an enhancement to the neighborhood and property values, the parcel is currently vacant and has been vacant for quite some time. Owners are St Pete Beach residents and are looking to make the site as beautiful as possible and help raise the neighborhood and community by having a locally owned business.



Signature of Applicant

2/21/2023
Date



Signature of Authorized Agent

2/21/2023
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Grant McLaughlin, 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 for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, 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): Grant McLaughlin

Address: 3251 Morris St N St Petersburg, FL 33713

Signature [Signature] Date 2/15/2023

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 15th day of Feb, 2023 by: Grant McLaughlin who appeared before me, and is personally known to me, or has produced [Signature] as identification, and did take an oath.

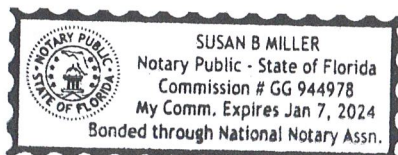
My commission Expires:

NOTARY:

Print Name: Susan B. Miller Notary

Public, State of Florida

(Notarial Seal)



VARIANCE APPLICATION

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

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA, City Commission or City Manager, 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 becomes voided.
- ☒ I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.
- ☒ I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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

Signature of Applicant

Date

2/15/2023

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Boyle N Point LLC
(print name of property owner)

hereby authorize

Grant McLaughlin
(print name of agent)

to represent me/us in an application for

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

[Signature]
Signature of Owner

Michelle Boyle
Signature of Owner

John Stephen Boyle
Print Name of Owner

Michelle Boyle
Print Name of Owner

The forgoing instrument was acknowledged before me this 14th day of

FEB 2023 by John Stephen Boyle or who is

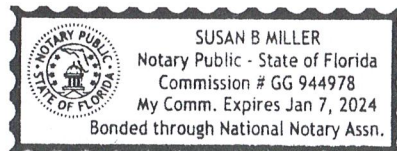
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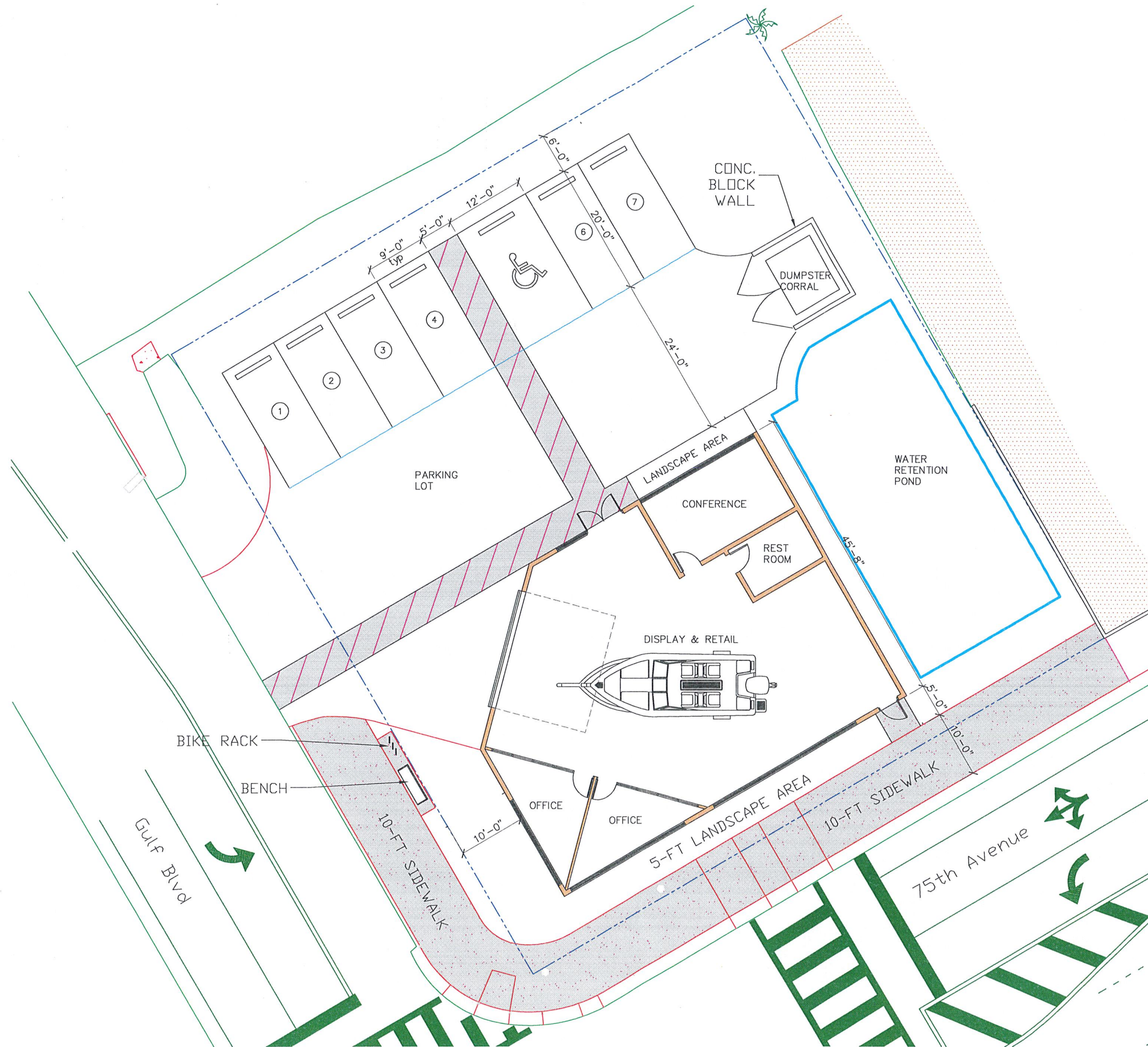
_____ as identification.

[Signature]
(Notary Signature)

2/14/23
(Date)

My Commission Expires _____





 SITE PLAN
SCALE = $\frac{1}{8}" = 1'-0"$

P.J. CALLAGHAN CONSTRUCTION, HEREBY RESERVES ITS COMMON LAW COPYRIGHTS AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS, AND DESIGNS. THESE PLANS, IDEAS, AND DESIGNS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT FROM AND PROVIDING APPROPRIATE COMPENSATION TO P.J. CALLAGHAN CONSTRUCTION.

GENERAL NOTES

ALL MEASUREMENTS +/- FIELD VERIFY.

Digitally signed by
James W. Golden
DN:
E=jm@gpccallaghan.com,
CN=James W. Golden,
O=P.J. CALLAGHAN
CONSTRUCTION, INC., I-1 St
Petersburg, St. Petersburg,
FL 33713
Reason: FL Lic #
AR0011538
Contact Info: James
Golden AIA
Date: 2023.02.21
13:35:37 -0500

JAMES W. GOLDEN, AIA
FL LIC# AR11538

DRAWING BY JWG 02/21/2023
CHECK BY

ISSUED FOR PLANNING PURPOSE

NO.	DATE	REVISION	BY
1	X/XX/22	OWNER CHANGES	XXX


P.J. CALLAGHAN
CONSTRUCTION
BUILDING FLORIDA SINCE 1948

LICENSE NO. CGC008112
3251 MORRIS ST. NO.
ST. PETERSBURG, FL 33713
PH 727-573-2565

Contender
Dealership
7501 GULF BLVD
ST. PETE BEACH, FL 33706

JOB #: 3252 SHEET
DATE: 02/15/2023 A-1
SCALE: AS NOTED

CONTENDER DEALERSHIP LANDSCAPE AMENITY DEVELOPMENT

SITE DEVELOPMENT PLAN - PARCEL # 36-31-15-77994-069-0010

DATE: JANUARY 3, 2023

PROJECT NO: 22017

OWNER:

BOYLENPOINT, LLC
3672 BELLE VISTA DRIVE E
ST. PETE BEACH | FLORIDA 33706

OWNER REPRESENTATIVE:

PJ CALLAGHAN CONSTRUCTION, INC
3251 MORRIS STREET N
ST. PETERSBURG | FL 33713
T/ 727.573.2505

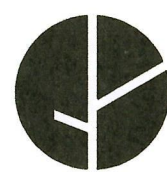
ARCHITECT:

JAMES W GOLDEN, AIA
PJ CALLAGHAN CONSTRUCTION, INC
3251 MORRIS STREET N
ST. PETERSBURG | FL 33713
T/ 727.573.2505

CIVIL ENGINEER:

PATRICIA MONTECKI, PE
5032 CHANCELLOR STREET NE
ST. PETERSBURG | FLORIDA 33703
T/ 727.235.1650

PREPARED BY:


Phil Graham
LANDSCAPE ARCHITECTURE

535 Central Avenue
St. Petersburg, FL 33701
T/ 727.821.5225

PhilGrahamLA.com

NOT FOR CONSTRUCTION

DRAWING INDEX

SHEET NO.	SHEET NAME	DATE	REV. NO.	REV. DATE
L0.00	COVER SHEET	01.03.2023		
L0.01	GENERAL NOTES, SCHEDULES & LEGENDS	01.03.2023		
L1.01	TREE MITIGATION PLAN	01.03.2023		
L3.00	LANDSCAPE DEVELOPMENT PLAN	01.03.2023		

Phil Graham
1/5/23

PROJECT SITE VICINITY MAP



7501 GULF BLVD, ST. PETE BEACH, FL 33706



GENERAL LANDSCAPE NOTES

- ALL QUESTIONS CONCERNING THE PLANS AND SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT, (727) 821-5225.
- IN CASES WHERE CONFLICTS OCCUR BETWEEN THE PLANS AND THE SPECIFICATIONS, THE PLAN SHALL PREVAIL.
- CAREFULLY REVIEW THE LANDSCAPE SPECIFICATIONS. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ALL ITEMS CONTAINED THEREIN.
- ALL QUANTITIES AND AREAS ARE PROVIDED FOR CONTRACTOR CONVENIENCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL QUANTITIES AND AREAS PRIOR TO BIDDING.
- ALL DIMENSIONS SHALL BE FIELD-CHECKED BY THE CONTRACTOR PRIOR TO CONSTRUCTION, WITH ANY DISCREPANCIES REPORTED IMMEDIATELY TO THE LANDSCAPE ARCHITECT AND OWNER.
- ALL MATERIALS SHALL BE AS SPECIFIED ON THE LANDSCAPE PLAN. IF MATERIALS OR LABOR DO NOT ADHERE TO SPECIFICATIONS, THEY SHALL BE REJECTED BY THE LANDSCAPE ARCHITECT WITH PROPER INSTALLATION CARRIED OUT BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- NO SUBSTITUTIONS OR CHANGES OF ANY KIND SHALL BE MADE AT TIME OF BIDDING, SO AS TO PROVIDE FOR EQUAL AND FAIR COMPARISONS.
- ALL PERMITS NECESSARY SHALL BE PROVIDED BY THE CONTRACTOR UNLESS OTHERWISE SPECIFICALLY STATED IN THE SPECIFICATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SOIL ANALYSIS PRIOR TO INSTALLATION OF PLANT MATERIAL. THE CONTRACTOR SHALL NOTIFY THE OWNER OF ANY IMPROPER SOIL CONDITIONS (WETNESS, MUCK, DEBRIS, ETC.) PRIOR TO INSTALLATION. THE CONTRACTOR IS RESPONSIBLE FOR ALL SOIL AMENDMENTS AND/OR FERTILIZER TO PROMOTE HEALTHY, VIGOROUS PLANT GROWTH.
- THE TOPSOIL USED IN THE PLANTING OPERATION SHALL BE A NATURAL, FRIABLE, FINE LOAM SOIL AND SHALL BE CERTIFIED TO BE FREE OF WEED SEEDS, PATHOGENS, LITTER, SOD, CLAY, STONES, ROOTS , STUMPS AND CONSTRUCTION DEBRIS. IT SHALL HAVE A PH OF 6.5- 7.5.
- ALL PLANT MATERIALS SHALL BE FLORIDA #1, INSTALLED TO HIGHEST NURSERY STANDARDS AND FOLLOW ANSI STANDARDS FOR NURSERY STOCK 260.1. BAG GROWN PLANT MATERIAL SHALL BE REJECTED.
- MULCH SHALL BE GRADE 'A' MELALEUCA. MULCH SHALL BE INSTALLED TO A MINIMUM OF 3" THICK IN ALL PLANT MATERIAL AREAS.
- SOD SHALL BE WEED FREE, SOD1: ST. AUGUSTINE 'PRO VISTA'; SOD2: BAHIA. SOD SHALL BE INSTALLED WITH TIGHT JOINTS, ROLLED AND FERTILIZED AT TIME OF INSTALLATION. ALL AREAS OF THE PROJECT SITE DISTURBED DURING CONSTRUCTION SHALL BE SODDED WITH MATCHING TURF, UNLESS SPECIFICALLY LABELED OTHERWISE. ALL AREAS WITHIN THE PROJECT LIMITS SHALL BE PROVIDED WITH SOD OR OTHER SPECIFIED GROUNDCOVER. LAKE SHORE LINE SHALL BE SODDED TO THE MEAN HIGH WATER LINE UNLESS OTHERWISE SPECIFIED.
- ALL VEGETATIVE MATERIAL SHALL BE INSPECTED FOR COMPLIANCE TO GRADES AND STANDARDS WITHIN FIVE (5) DAYS OF BEING DELIVERED TO THE SITE. ANY MATERIAL THAT DOES NOT MEET OR EXCEED THE FLORIDA GRADES AND STANDARDS SHALL BE REJECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING THE REJECTED MATERIAL AT NO COST TO THE OWNER.
- THE LANDSCAPE ARCHITECT AND OWNER RESERVE THE RIGHT TO REJECT ANY MATERIAL THAT THEY DEEM UNACCEPTABLE OR DOES NOT MEET THE SPECIFICATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN ALL PLANT MATERIAL IN GOOD HEALTH UNTIL TIME OF INITIAL DELIVERY INSPECTION AND THEREAFTER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL UNTIL SUBSTANTIAL COMPLETION AND FINAL ACCEPTANCE BY THE OWNER. THE MAINTENANCE SHALL INCLUDE BUT MAY NOT BE LIMITED TO KEEPING BEDS FREE OF DEBRIS AND WEEDS, MANAGING ALL DISEASE OR INFESTATION, AND IRRIGATION OF PLANT MATERIAL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL SOD UNTIL FINAL ACCEPTANCE BY THE OWNER. THE MAINTENANCE SHALL INCLUDE BUT MAY NOT LIMITED TO FERTILIZING, MOWING, EDGING, AND BLOWING DEBRIS FROM THE ROADWAYS.
- THE CONTRACTOR SHALL REMOVE ALL REMAIN TREE SUPPORTS FROM THE EXISTING PLANTED MATERIAL.
- ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE STORM WATER POLLUTION PREVENTION PLANS AND APPROPRIATE CONSTRUCTION SITE RUNOFF CONTROLS TO MEET EPA'S NATURAL POLLUTANT DISCHARGE ELIMINATION SYSTEM RULE ON CONSTRUCTION SITES WHERE MORE THAN ONE ACRE OF LAND IS DISTURBED.
- THE CONTRACTOR SHALL CONTACT 800.482.4770 AT LEAST 48 HOURS BEFORE ANY DIGGING.
- NO CONTRACTOR IDENTIFICATION SIGNS SHALL BE PERMITTED ON THE PROJECT.
- THE CONTRACTOR SHALL PROVIDE ACCURATE AS-BUILT DRAWINGS TO THE OWNER AFTER SUBSTANTIAL COMPLETION AND PRIOR TO FINAL ACCEPTANCE.

GENERAL IRRIGATION NOTES

- ALL QUESTIONS CONCERNING THE PLANS AND SPECIFICATIONS SHALL BE DIRECTED TO THE LANDSCAPE ARCHITECT, (727) 821-5225.
- IN CASES WHERE CONFLICTS OCCUR BETWEEN THE PLANS AND THE SPECIFICATIONS, THE SPECIFICATIONS SHALL PREVAIL.
- ALL IRRIGATION MATERIALS AND INSTALLATION SHALL MEET FEDERAL, STATE AND LOCAL CODES, REGULATIONS AND ORDINANCES CONCERNING IRRIGATION CONSTRUCTION.
- ALL PERMITS NECESSARY SHALL BE PROVIDED BY THE INSTALLING CONTRACTOR.
- EQUIPMENT AND HEADS SHALL BE PROVIDED BY MANUFACTURER STATED ON THE PLAN.
- THE IRRIGATION SYSTEM SHALL BE NEW MATERIALS UNLESS OTHERWISE STATED ON THE PLAN.
- THE IRRIGATION SYSTEM SHALL BE PROVIDED AND MAINTAINED AS A FULLY FUNCTIONING SYSTEM IN ORDER TO PRESERVE THE LANDSCAPE IN A HEALTHY GROWING CONDITION.
- THE IRRIGATION SYSTEM SHALL BE MANAGEABLE LOCALLY AND CONTROLLED IN CONFORMANCE WITH THE OWNER'S CENTRAL CONTROL STANDARDS.
- THE CONTRACTOR SHALL PROVIDE A 100% OVERLAPPING COVERAGE WITH THE SPECIFIED AUTOMATIC CONTROLLER UNLESS OTHERWISE STATED ON THE PLAN.
- THE IRRIGATION SYSTEM SHALL BE INSTALLED WITH A NEW RAIN SENSOR THAT IS SPECIFIED TO OPERATE WITH THE NEW OR EXISTING CONTROLLER UNLESS OTHERWISE STATED ON THE PLAN.
- THE CONTRACTOR SHALL LAY OUT ALL MAINLINE AND LATERAL LINE LOCATIONS ON THE GROUND FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO TRENCHING FOR PIPE INSTALLATION.
- ALL WIRES SHALL BE INSTALLED IN WIRE CONDUIT ADJACENT TO MAINLINE.
- ALL VALVES SHALL BE INSTALLED IN VALVE BOXES LARGE ENOUGH TO ACCOMMODATE MAINTENANCE AND OPERATION OF VALVES. VALVE PIT SHALL BE FREE FROM MUD OR OTHER DEBRIS WHICH MAY COVER VALVE. PROVIDE (1/2) INCH DIA. MAXIMUM RIVER GRAVEL SUMP (3) INCH THICK (1 CF MIN.) AT THE BOTTOM OF VALVE PIT.
- ALL VALVES SHALL BE LOCATED IN PLANT BEDS OR SODDED AREAS AWAY FROM HIGH TRAFFIC AREAS AND NUMBERED TO CORRESPOND TO THE PLAN.
- PIPE, VALVES AND OTHER IRRIGATION EQUIPMENT MAY BE SHOWN IN BUILDINGS, DRIVES AND WALKS FOR DIAGRAMMITIC CLARITY ONLY. LOCATE ALL VALVES AND OTHER EQUIPMENT IN PLANT BEDS FOR BEST CONCEALMENT AND ACCESSIBILITY.
- THE IRRIGATION SYSTEM INCLUDES, AT A MINIMUM, (1) BUBBLER FOR ALL NEW SHADE TREES, SPECIMEN PALMS AND ORNAMENTAL TREES AND PALMS UNLESS THE PLAN STATES TO USE (2) BUBBLERS PER TREE/ PALM. IPS HOSE SWING JOINTS SHALL BE USED FOR ALL BUBBLER HEADS.
- REFER TO THE LANDSCAPE PLAN WHEN LOCATING ALL IRRIGATION EQUIPMENT. ALLOW AMPLE ROOM NEAR PIPE, VALVES AND OTHER EQUIPMENT FOR THE INSTALLATION OF TREES AND HEDGES.
- THE CONTRACTOR SHALL MAINTAIN PROPER IRRIGATION OF ALL VEGETATIVE AREAS FOR A PERIOD OF ONE (1) YEAR UNTIL FINAL ACCEPTANCE BY THE OWNER.
- THE CONTRACTOR SHALL PROVIDE AS-BUILT DRAWINGS TO THE OWNER AFTER SUBSTANTIAL COMPLETION AND PRIOR TO FINAL ACCEPTANCE AND SHALL MAKE AVAILABLE COMPLETED AS-BUILT DRAWINGS FOR SUBMITTAL TO THE AGENCY RESPONSIBLE FOR CERTIFYING THE INSTALLATION WHEN REQUESTED BY THE OWNER. ANY CHANGES MADE BY THE CONTRACTOR SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT AND DOCUMENTED ON THE IRRIGATION AS-BUILT DRAWINGS.
- THE CONTRACTOR SHALL FURNISH OWNER WITH TWO (2) COPIES OF OPERATION MANUALS AND WATER SCHEDULING TIMES AS REQUIRED TO SUSTAIN THE PLANT MATERIAL. THE CONTRACTOR SHALL INSTRUCT OWNER AS TO THE PROPER OPERATION AND MAINTENANCE OF THE ENTIRE IRRIGATION SYSTEM PRIOR TO FINAL ACCEPTANCE.

APPLICABLE LANDSCAPE REQUIREMENTS SCHEDULE

22.4 - TYPE, QUALITY AND SIZE OF PLANT MATERIAL				
TYPE	DESCRIPTION			
PLANT MATERIAL SPECIFICATIONS	CANOPY TREE: MIN. 12' HT. WITH 3.0" CALIPER; AVG. CROWN OF 15' AT MATURITY PER TREE ACCENT TREE: MIN. 8' HT. WITH 2" CALIPER; AVG. CROWN OF 15' AT MATURITY BY GROUPING (1) CANOPY TREE = (3) PALMS WITH MIN. 8' HT. CLEAR TRUNK OR (1) ELIGIBLE SPECIMEN PALM			
	HEDGES AND SHRUBS: MIN. 24" HT. WITH CONTINUOUS HEDGE WITHIN (1) YEAR GROUNDCOVERS: MIN. 80% COVERAGE OF ELIGIBLE LANDSCAPE AREAS LAWN GRASS: MIN. SOLID SOD USED WITHIN AREAS SUBJECT TO EROSION			
22.7 - DEVELOPMENT STANDARDS				
TYPE	DESCRIPTION	AREA	QTY. REQUIRED	QTY. PROVIDED
FRONT SETBACKS (GULF BLVD)	ENTIRE LENGTH OF PROPERTY FRONTAGE WITH DEPTH OF 10% OF ADJACENT R.O.W. WIDTH; MIN. (1) TREE PER 180 S.F.	100 L.F. 1,800 S.F.	1	1
VEHICULAR AREAS UNDER (20) STALLS	MIN. 6' DEPTH B/N PROPERTY LINE AND V.U.A.; MIN. 20 S.F. INTERIOR LANDSCAPE PER (1) STALL; (1) TREE PER 100 S.F.; HEDGE MIN. 24" HT. IN ALL ADJACENT LANDSCAPE AREAS	654 S.F.	4	4
22.8 - BUFFER REQUIREMENTS				
TYPE	DESCRIPTION	AREA	QTY. REQUIRED	QTY. PROVIDED
PERIMETER BUFFERS	NEW AND EXISTING VEGETATION TO SATISFY MIN. SETBACK CODES; 5' TYPE 'A': (2,4) CANOPY TREES AND (20) SHRUBS PER 100 L.F. EXTENDING ENTIRE LENGTH OF P.L. W/ NOTED ACCESS EXCEPTIONS	207 L.F. 1,242 S.F.	7	7
STREET TYPE 'A' (75TH AVENUE)	MIN. 5 TO 15' WIDE BUFFER WITH 100% LANDSCAPE COVERAGE; 5' BUFFER: (2,4) CANOPY TREES AND (20) SHRUBS PER 100 L.F.	100 L.F. 500 S.F.	3	4
22.10 - MAINTENANCE STANDARDS				
TYPE	DESCRIPTION			
IRRIGATION	AUTOMATED COVERAGE TO PRESERVE HEALTHY GROWING CONDITIONS OF ALL REQUIRED LANDSCAPE AREAS; USING RECLAIMED WATER PER VERIFIED AVAILABILITY TO SITE; LOW VOLUME, SEPARATE TURF ZONES, RAIN SENSOR			
22.11 - TREE PROTECTION				
TYPE	DESCRIPTION			
QUALIFYING MITIGATION	TREE HAVING MIN. D.B.H OF 3"; PALM HAVING MIN. 8' HT. OVERALL; NATIVE SPECIE REMOVED = NATIVE SPECIE REPLACED; REMOVED TREE UNDER 4" D.B.H = REPLACED MIN. (1) TREE; OVER 4" D.B.H = MIN. (2) TREES REPLACED			

PLANT MATERIAL SCHEDULE

QTY	CODE	BOTANICAL NAME	COMMON NAME	SPECIFICATION
24	CI	CHRYSOBALANUS ICAGO	COCOPLUM	3 GAL., 24-30" HT., FULL
6	CLN	CLUSIA ROSEA 'NANA'	DWARF PITCH APPLE	3 GAL., 24" FULL
115	CME	CARISSA 'EMERALD BLANKET'	EMERALD BLANKET CARISSA	1 GAL., 10-12" SPD.
5	COE	CONOCARPUS ERECTUS	GREEN BUTTWOOD	12' HT. X 4-5' SPD., 3" CAL.
2	CN	COCOS NUCIFERA	COCONUT PALM	SEE PLAN FOR CLEAR TRUNK HTS.
15	CJ	COCCOLOBA UVIFERA	SEAGRAPE	3 GAL., 24-26" HT. X 20" SPD.
30	DT	DIANELLA TASMANICA	FLAX LILY	3 GAL., 14-18" HT., FULL
25	DV	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY	3 GAL., 14-18" HT., FULL
35	MUH	MUHLENBERGIA CAPILLARIS	MUHLY GRASS	3 GAL., 18-24" SPD.
48	PLC	PLUMBAGO AURICULATA 'BLUE ESCAPE'	PLUMBAGO	3 GAL., 22" HT. X 24" SPD.
2	RE	RHAPIS EXCELSA	LADY PALM	48" HT, 3-5 STEM, FULL
4	ROY	ROYSTONEA REGIA	FLORIDA ROYAL PALM	10' HT. GREY WOOD, MATCHING
9	SP	SABAL PALMETTO	CABBAGE PALM	SEE PLAN FOR CLEAR TRUNK HTS.
2	SSC	SENNA SURATTENSIS	GLAUCOUS CASSIA	12' HT. X 4-5' SPD., 3" CAL.
60	TDD	TRIPSACUM DACTYLOIDES 'DWARF'	DWARF FAKAHATCHEE GRASS	3 GAL., 18-24" SPD.
40	VOA	VIBURNUM ODORATISSIMUM 'AWABUKI'	AWABUKI SWEET VIBURNUM	3 GAL., 42" FULL
2	ZFU	ZAMIA FURFURACEA	CARDBOARD PALM	7 GAL., 22-24" HT. X 26-28" SPD.

NOTES:

- ALL PERVIOUS VEGETATED AREAS SHALL BE IRRIGATED WITH A NEW FULLY AUTOMATED "LOW-FLOW" IRRIGATION SYSTEM WITH A RAIN SENSOR THAT PROVIDES 100% OVERLAPPING COVERAGE WITHIN ALL REQUIRED LANDSCAPE AREAS; AND ADHERES TO ANY AND ALL CODE COMPLIANT AND/ OR SEASONAL WATERING SCHEDULES TO MAINTAIN HEALTHY VEGETATIVE GROWING CONDITIONS.

LANDSCAPE SITE DATA

QTY	DESCRIPTION
10,750 S.F. 0.25 ACRE	SITE AREA
100 L.F.	LOT WIDTH ALONG 75TH AVENUE - TYPE 'A' STREET
654 S.F.	PROVIDED V.U.A. OF SEPARATE LANDSCAPE AREAS (LESS 5F CODE ALLOWANCE WHEN UNDER (20) STALLS)
4,217 S.F. (39%)	PROVIDED PERVIOUS SURFACE AREA RATIO
5 FEET 5 FEET 5 FEET	75TH AVENUE LANDSCAPE BUFFER GULF BLVD LANDSCAPE BUFFER PERIMETER LANDSCAPE BUFFER
IRRIGATION	AVAILABLE RECLAIMED WATER SOURCE
DISTRICT	TC-1 TOWN CENTER COREY



Phil Graham
LANDSCAPE ARCHITECTURE

535 Central Avenue
St. Petersburg, FL 33701
T/ 727.821.5225

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T/ 727.573.2505

ARCHITECT

JAMES W GOLDEN, AIA
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CIVIL ENGINEER:

PATRICIA MONTECKI, PE
5032 CHANCELLOR STREET NE
ST. PETERSBURG | FL 33703
T/ 727.235.1650

OWNER

BOYLENPOINT, LLC
3672 BELLE VISTA DRIVE E
ST. PETE BEACH | FL 33706

CONTENDER DEALERSHIP
LANDSCAPE AMENITY DEVELOPMENT

7501 GULF BOULEVARD
ST. PETE BEACH | FLORIDA

SIGNATURE & SEAL

Phil Graham
1/5/23

FL Registration: LA6667483

SITE DEVELOPMENT

ISSUE DATE

1	SUBMITTAL	1.3.23

REVISIONS

SHEET INFORMATION

DATE 1.3.23
JOB NUMBER 22017
DRAWN BY AF
CHECKED BY PGIV

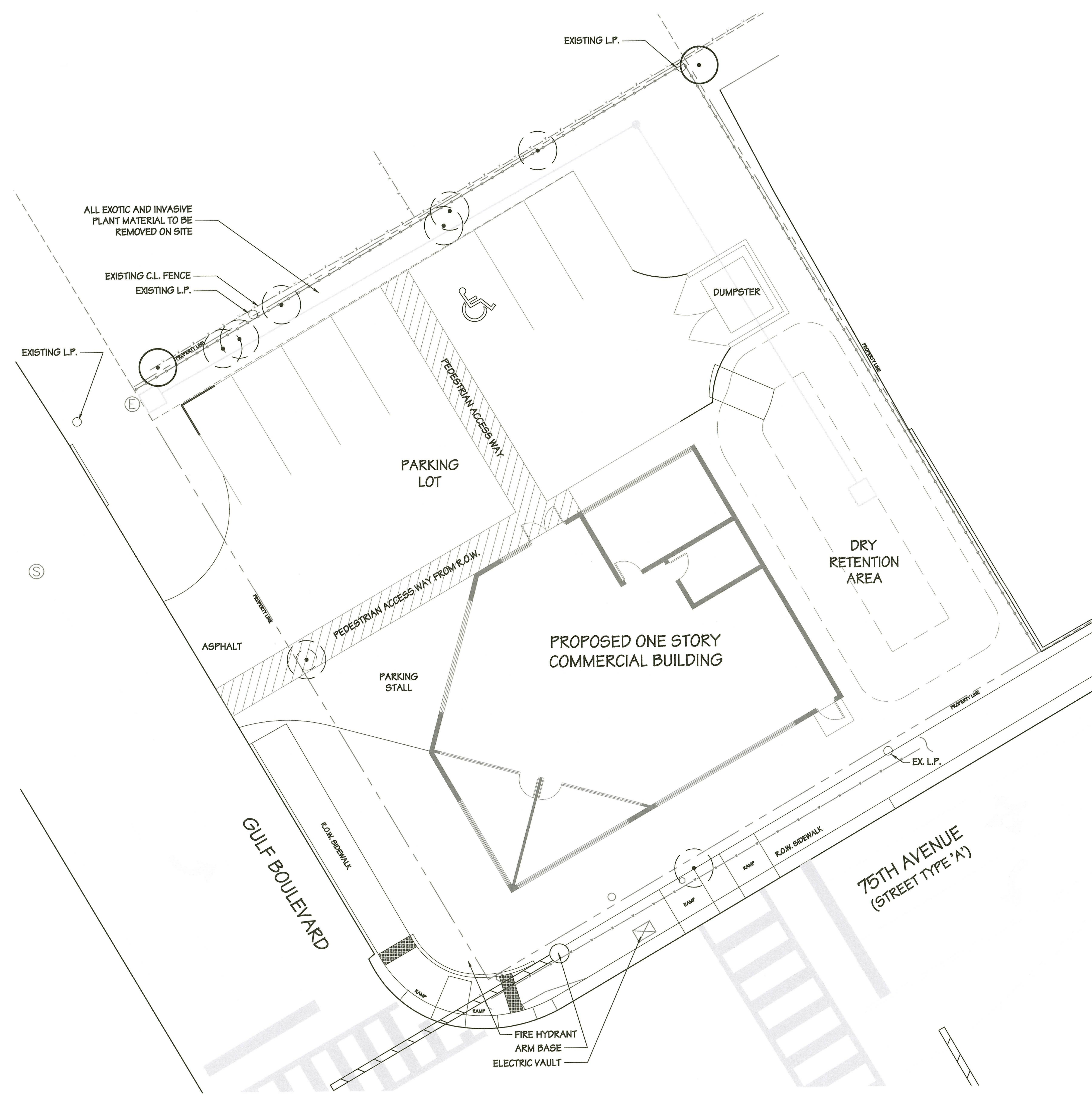
SCALE: 1" = 20'-0"
0 10' 20' 40'
NORTH

GENERAL NOTES
SCHEDULES &
LEGENDS

L0.01

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NOT FOR CONSTRUCTION



TREE MITIGATION SCHEDULE			
KEY	QTY	DESCRIPTION	QTY REPLACED
	1	EXISTING PALM TO BE REMOVED WITHIN PROPERTY BOUNDARIES	2
	7	EXISTING NATIVE PALM TO BE REMOVED WITHIN PROPERTY BOUNDARIES	9
	0	EXISTING TREE TO REMAIN AND BE PROTECTED (LOCATED WITHIN LIMIT OF WORK)	0

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REVISIONS

SHEET INFORMATION

DATE	1.3.23
JOB NUMBER	22017
DRAWN BY	AF
CHECKED BY	PGIV

SCALE: 1" = 10'-0"

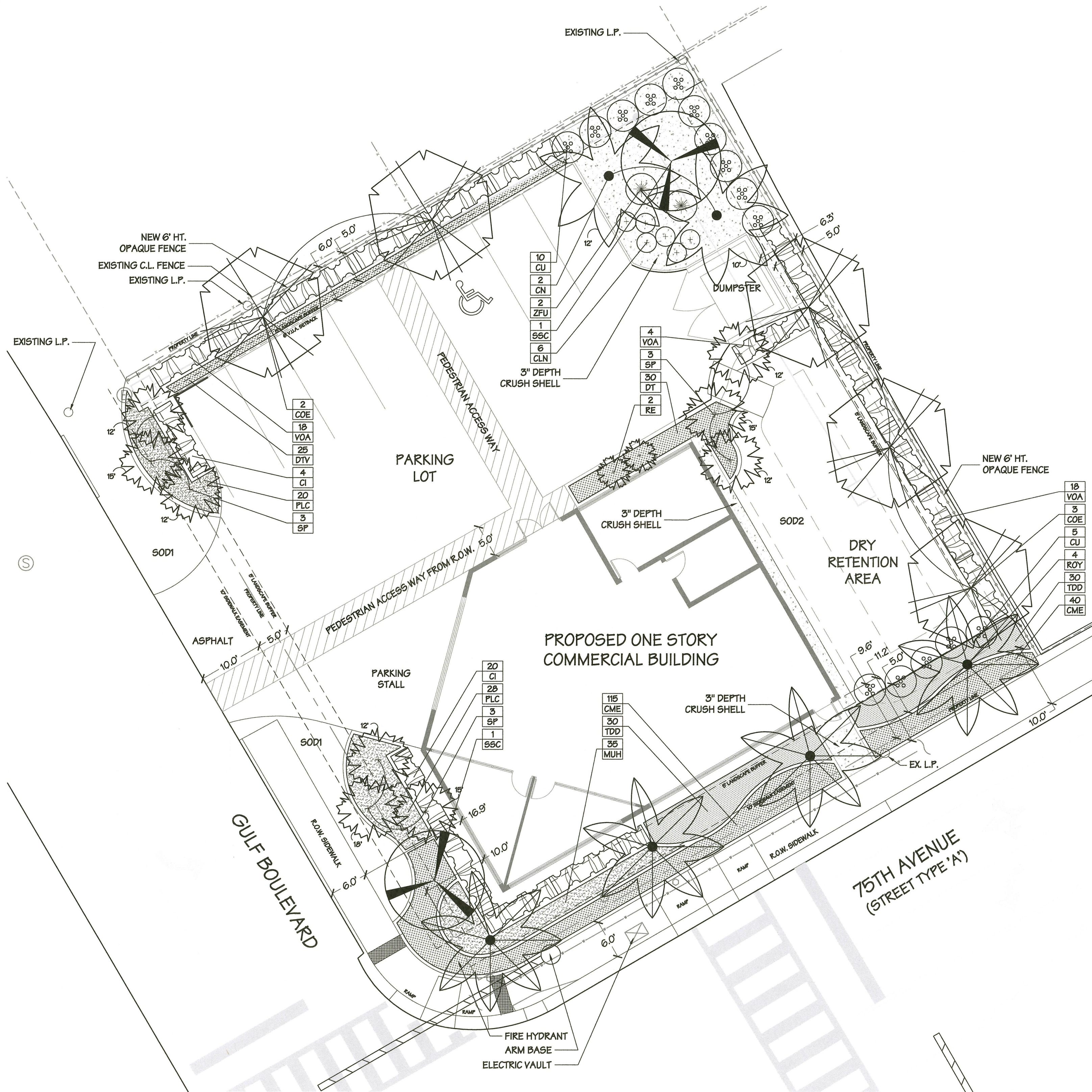
NORTH

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TREE MITIGATION PLAN

L1.01

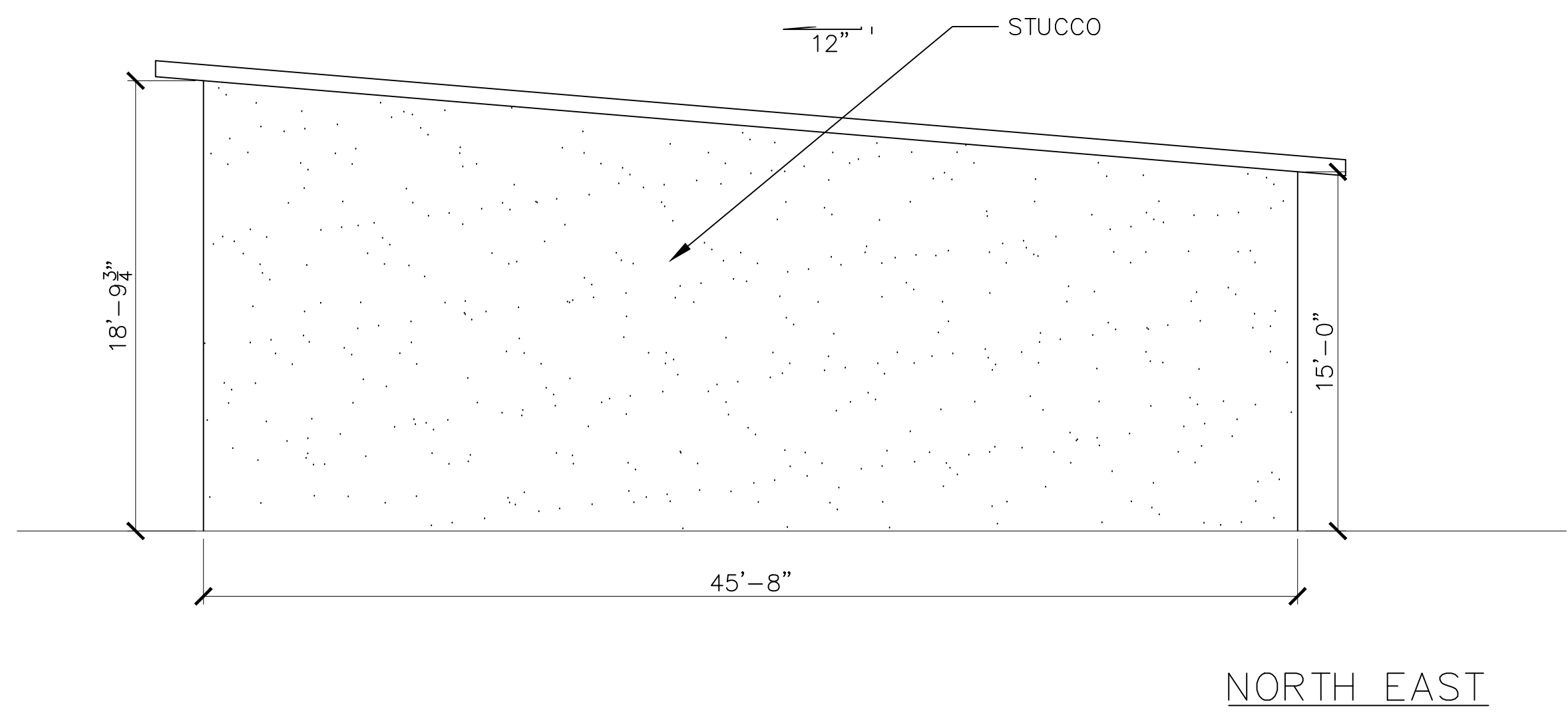
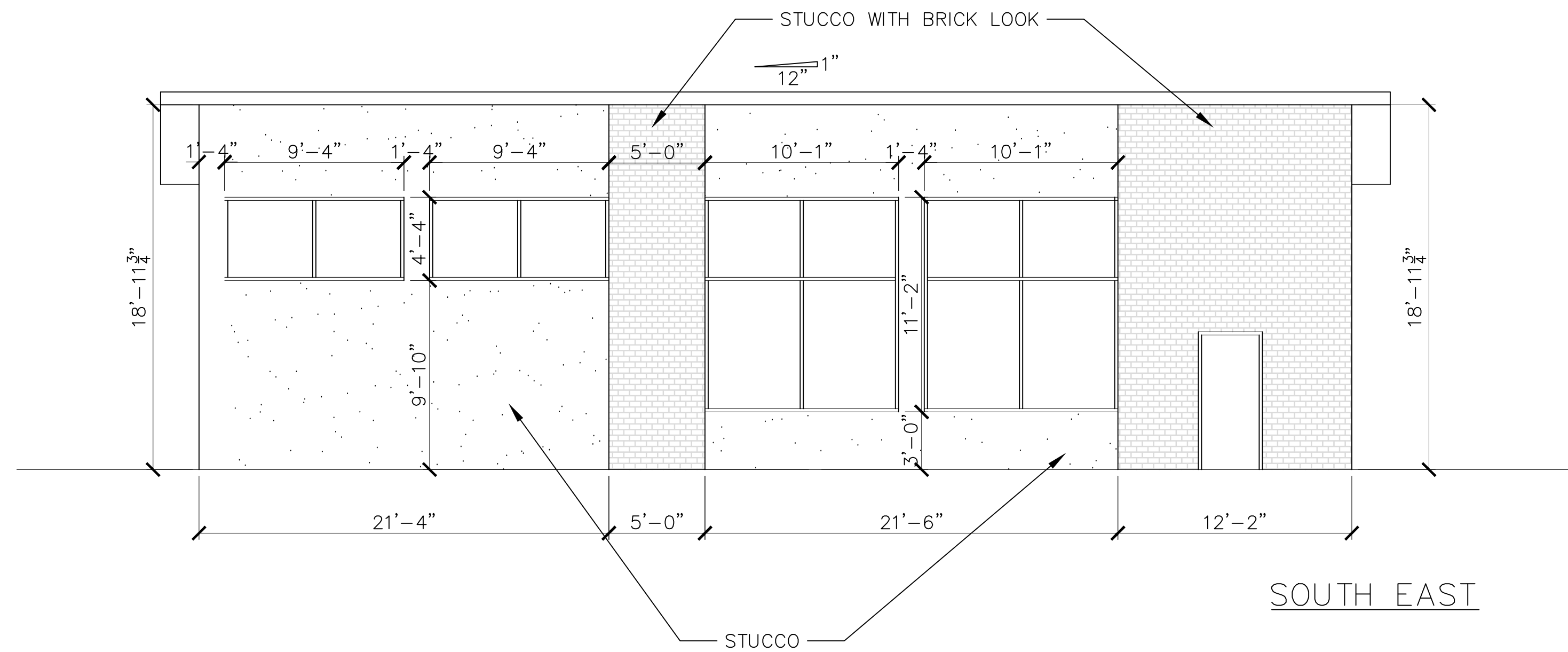
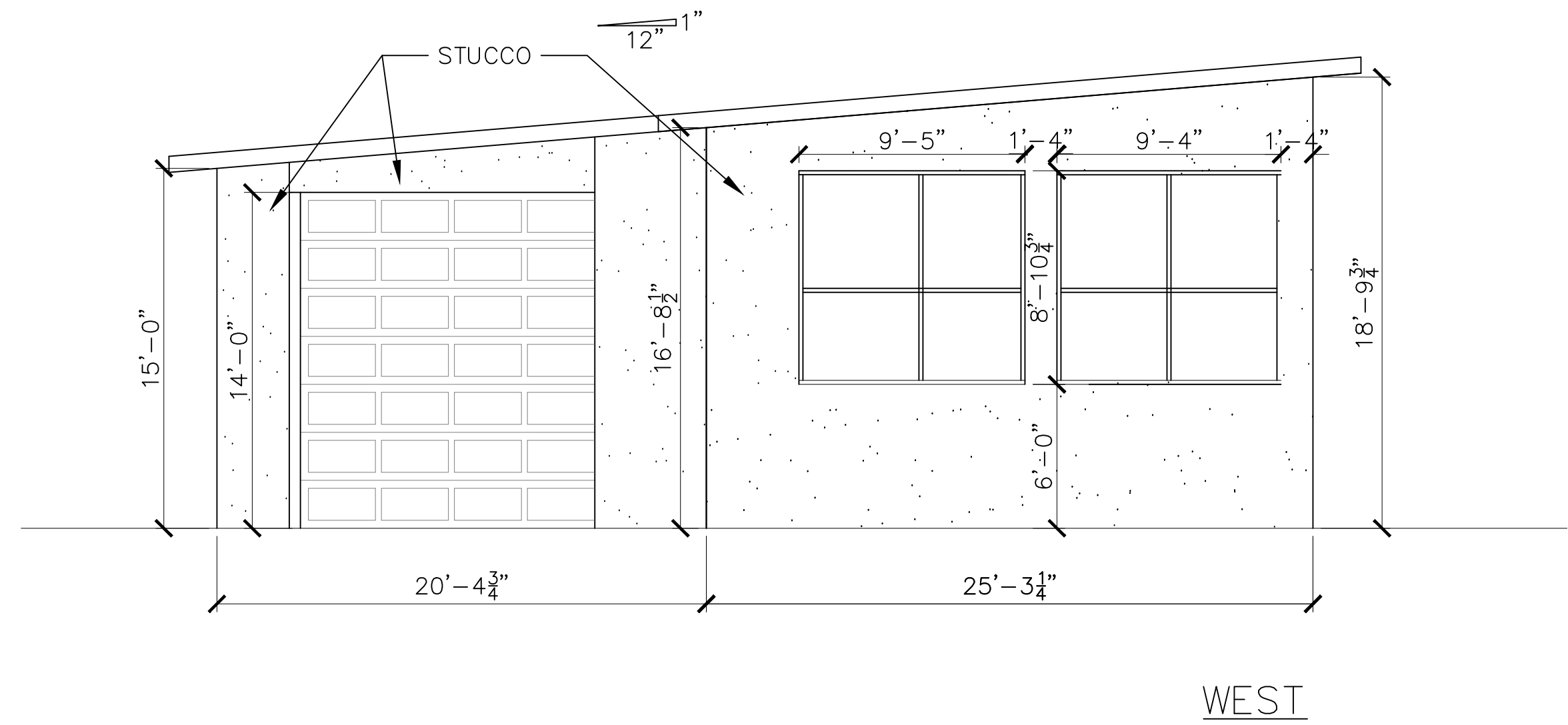
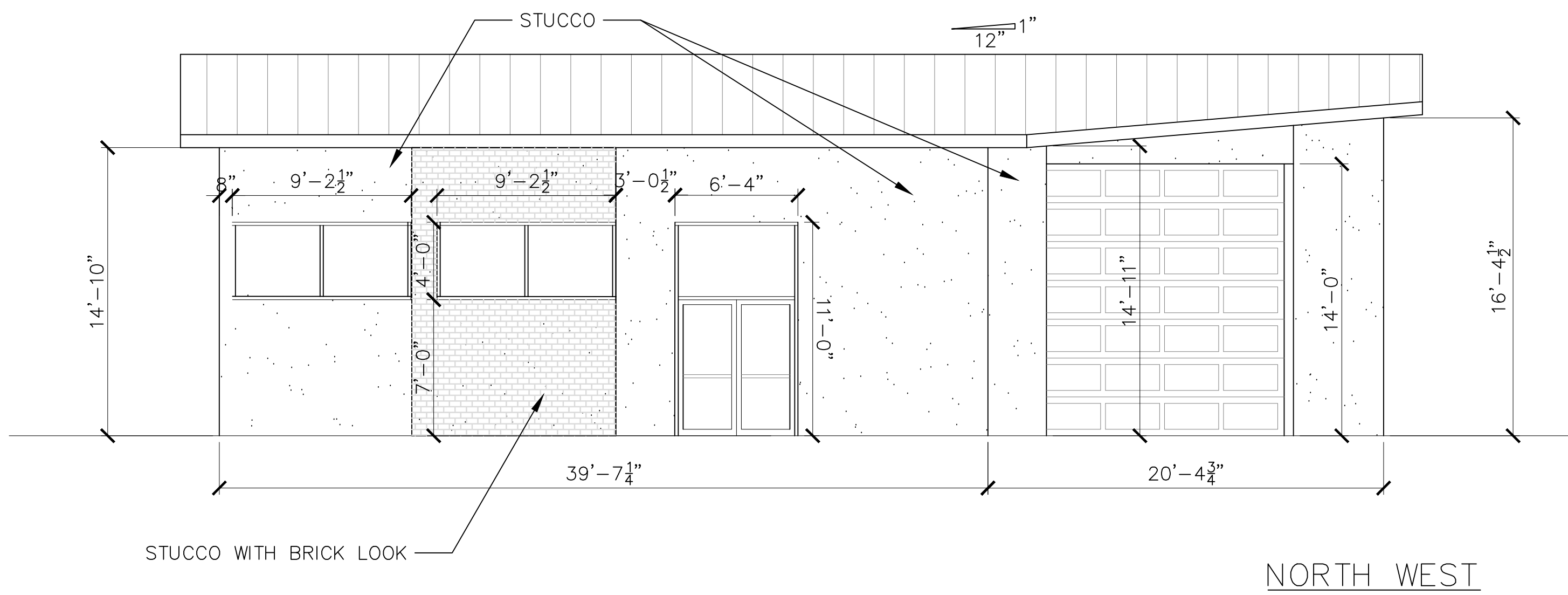
NOT FOR CONSTRUCTION



PLANT MATERIAL KEY

CODE	BOTANICAL NAME	COMMON NAME
CI	CHRYSOBALANUS ICAGO	COCOPLUM
CLN	CLUSIA ROSEA 'NANA'	DWARF PITCH APPLE
GME	CARISGA 'EMERALD BLANKET'	EMERALD BLANKET CARISGA
COE	CONOCARPUS ERECTUS	GREEN BUTTWOOD
CN	COCOS NUCIFERA	COCONUT PALM
CU	COCOLOBA UVIFERA	SEAGRAPE
DT	DIANELLA TASMANICA	FLAX LILY
DTV	DIANELLA TASMANICA 'VARIEGATA'	VARIEGATED FLAX LILY
MUH	MUHLENBERGIA CAPILLARIS	MUHLY GRASS
PLC	PLUMBAGO AURICULATA 'BLUE ESCAPE'	PLUMBAGO
RE	RHAPIS EXCELSA	LADY PALM
ROY	ROYSTONIA REGIA	FLORIDA ROYAL PALM
SP	SABAL PALMETTO	CABBAGE PALM
S&C	SENNA SURATTENSIS	GLAUCOUS CASSIA
TDD	TRIPSAQUM DACTYLOIDES 'DWARF'	DWARF FAKAHATCHEE GRASS
VOA	VIBURNUM ODORATISSIMUM 'AWABUKI'	AWABUKI SWEET VIBURNUM
ZFU	ZAMIA FURFURACEA	CARDBOARD PALM

NOT FOR CONSTRUCTION



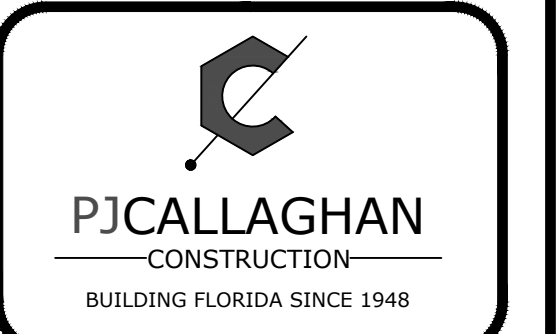
EXTERIOR ELEVATIONS
SCALE: 3/16" = 1'-0"

GENERAL NOTES

1. ALL MEASUREMENTS +/- FIELD VERIFY.

DRAWING BY	JWG	02/02/2022
CHECK BY		

ISSUED FOR PLANNING PURPOSE			
NO.	DATE	REVISION	BY
1	03/25/22	OWNER REQUESTED CHANGES	JWG



LICENSE NO. CGC008112
3251 MORRIS ST. NO.
ST. PETERSBURG, FL 33713
PH 727-573-2505

**Contender
Dealership**
7501 GULF BLVD
ST. PETE BEACH, FL 33706

JOB #: 3252	SHEET
DATE: 02/02/2022	A-2
SCALE: AS NOTED	



City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: March 17, 2023
To: Board of Adjustment
Re: Variance Case No: 23016
Unnecessary and Undue Hardship Variances
Address: 7501 Gulf Blvd
Parcel Number: # 36-31-15-77994-069-0010
Grant McLaughlin of PJ Callaghan Company for BoyleNPoint LLC
Prepared by: Brandon Berry, Planner
Hearing Date: March 29, 2023

Please be advised that staff has received and reviewed the following items submitted in support of the application:

1. Completed application form
2. Survey prepared by Land Precision Corporation, dated August 15, 2022.
3. Civil site and landscaping plans, submitted January 10, 2023, showing the initial proposed site layout prior to identification of required front landscaping and sidewalk requirements;
4. Elevation plans, dated January 10, 2023;
5. Revised conceptual site overview plan, scanned February 23, 2023, clearly identifying the two required variances;
6. Additional clarifying correspondence with the applicant, dated February 17, 2023, addressing the length of the vessels intended for delivery.

Staff offers the following comments for the Board's consideration:

Site Description/Surrounding Land Uses

The subject site is a 107.5x100' (10,750 SF) vacant property consisting of two complete platted lots located at the northeastern corner of Gulf Blvd and 75th Ave. The site is located within the AE-10 flood zone (landward of LiMWA) and has a zoning of TC-1 Town Center Core District, a medium-to-high intensity commercial and mixed-use district that comprises the majority of what the city classifies as its core downtown.

The applicant submitted a site plan for a conceptual boat design store in October 2022. According to correspondence with the applicant, the use will function as a design-focused commercial storefront and office building, with space provided in the building for temporary display of a vessel that is constructed

off-site. The TC-1 District does not permit the outdoor sale of vehicles or vessels, often referred to as “sales lots”, which the applicant does not intend to provide.

During initial Technical Review Committee review of the site plan in February 2023, it was determined that the site lacked the following design and landscaping items required by the Land Development Code:

- 1) A corner entrance to the building as required for new development in the Downtown Redevelopment District (LDC Sec. 39.3(e)(1));
- 2) A private landscaping buffer along 75th Avenue that is equal to ten percent of the adjacent right-of-way width (LDC Sec. 22.7(a)(1));

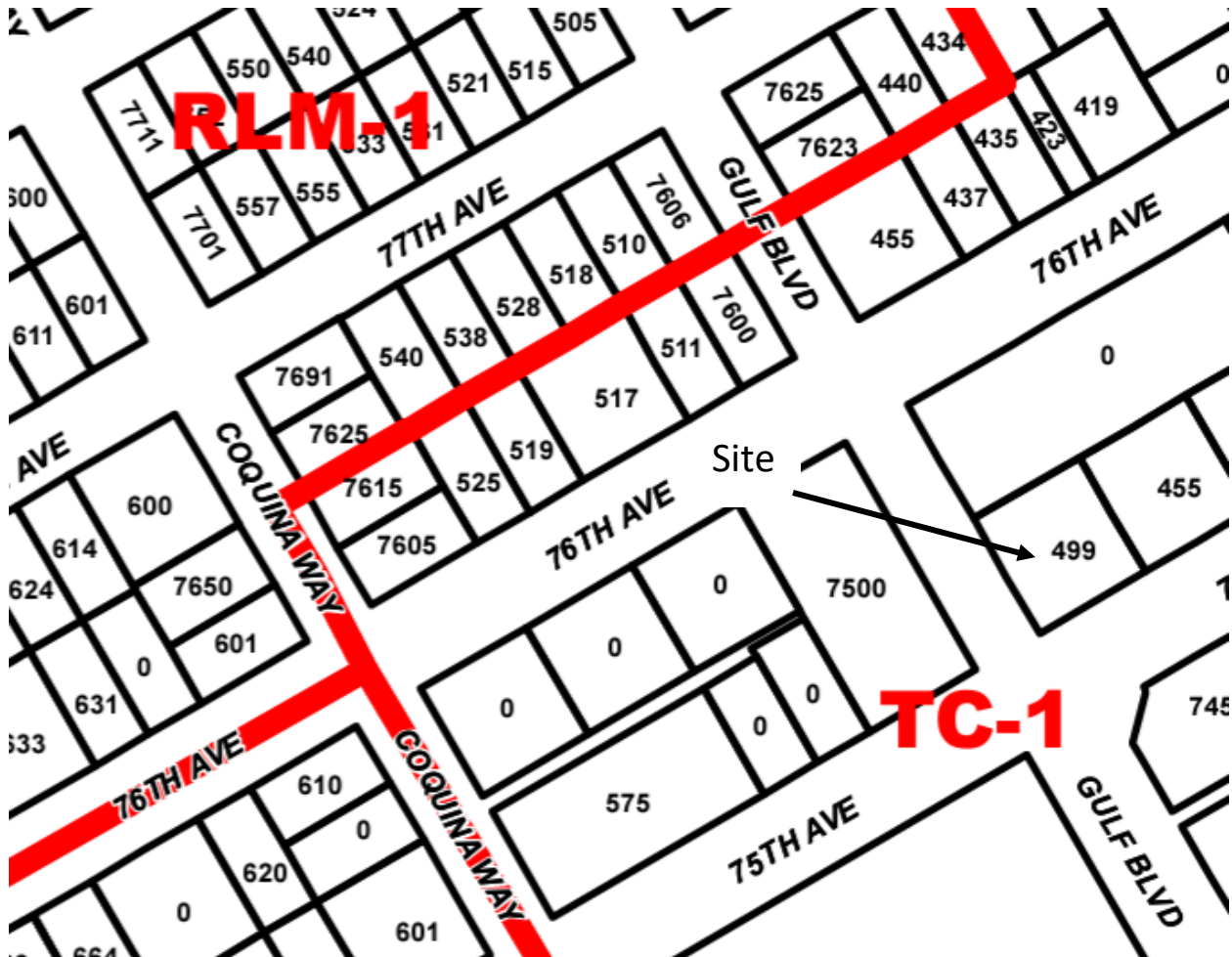
As the subject property is a corner lot, the two frontages occupy the separately-classified streets of 75th Ave, considered an “A street” by the Land Development Code, and Gulf Blvd, upon which the property’s segment is considered a “B street”. The applicant has received approval for Technical Review Committee reduction of the Gulf Blvd landscaping buffer to five feet in depth as provided for by Code; however, buffers required along “A streets” are not provided administrative reduction procedures and instead require a variance through the Board of Adjustment.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 4 of 15, dated 7/20/2012

Request

The following two (2) variances are requested:

- 1) A corner entrance to the building as required for new development in the Downtown Redevelopment District (LDC Sec. 39.3(e)(1)): The applicant is providing an entrance to the building from the parking lot to the rear, with no corner entrance at Gulf Blvd and 75th Ave;
- 2) A private landscaping buffer along 75th Avenue that is equal to ten percent of the adjacent right-of-way width (LDC Sec. 22.7(a)(1)): The 75th Avenue right-of-way is 80 feet, requiring an eight foot buffer. The applicant is proposing a five foot buffer along 75th Ave.

Analysis

Variances required as a result of the proposed changes:

Figure 3: Zoning Table			
Commercial General/Office	7501 Gulf Blvd		
	<u>TC-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Front Yard (75th Ave) Setback	5-15'	N/A	9.76' (west) 9.58' (east)
Secondary Front Yard (Gulf Blvd) Setback	5-15'	N/A	10.2' (north) 10.03' (south)
Side Yard Setback (Min.)	10' (10% of lot width)	N/A	29.66' (north) 29.56' (south)
Rear Yard Setback (Min.)	10'	N/A	52.95' (west) 52.26' (east)
ISR (Max.)	0.90	0.65	0.61
Floor Area Ratio (Max.)	1.0	N/A	0.236 (2532 sq. ft)
Height (Max.)	28'	N/A	18'-10" (from grade)
Corner Entrance	Required	N/A	Not provided (v)
Landscaping Buffer (75th Ave)	8' depth	N/A	5' (v)
(v) = Variance required			

Figure 4: Existing Survey

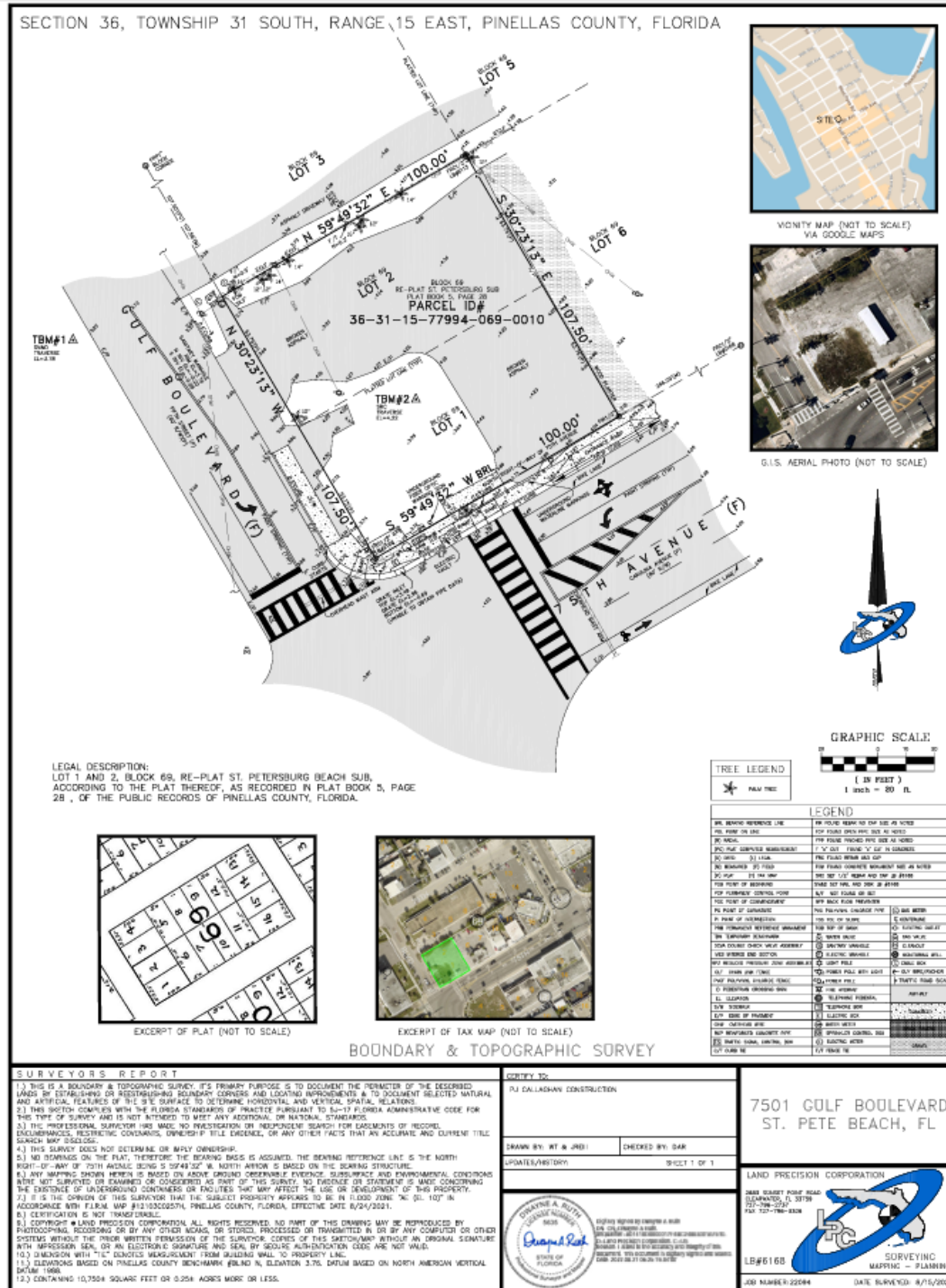


Figure 5: Conceptual site overview plan, detailing both requested variances



Additional Comments

The Applicant should provide testimony regarding the necessity for the requested variances.

The Board has standards of review for an unnecessary and undue hardship variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s).

The applicant should be prepared to provide evidence by answering the following **in addition** to staff comments:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;**

Regarding the landscaping variance, the lot is set at a corner of varying Community Redevelopment District street classifications, which is an unusual circumstance not commonly experienced by other properties in the district. This provides varying requirements for each frontage related to overall landscaping volume, quantity, dimensions, and provision of pedestrian amenities. Furthermore, while the development may be eligible for a substantial reduction in required parking given the presence of public on-street parking within 800 feet of the property, the property is along the state road portion of 75th Ave which does not provide on-street parking at the frontage as is available for the bulk of properties within the TC-1 District. As such, the applicant is providing a parking lot that complies with minimum on-premise parking requirements of the Land Development Code, which reduces by nearly one quarter the depth of the site eligible for non-parking area. This may not be required for other new developments in the vicinity.

Regarding the variance from the building design requirement, a corner entrance would be oriented toward a traffic light pole and other utilities at the corner. This experience is similar to other lands in the same district, particularly those along 75th Ave, but is not a hardship largely faced by properties along the more pedestrian-friendly Corey Avenue within the same zoning district. Staff finds the nature of the use proposed, which is likely to experience limited walk-up traffic, provides justification for the orientation of the main pedestrian entrance toward the rear of the structure.

- 2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**

No special conditions of the site were the result of the applicant or prior owner. The property is formed of two platted lots, and the applicant was not responsible for right-of-way utility placement.

- 3) Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;**

Staff finds that the streetscape design requirements of the Land Development Code are written to be intentionally flexible for most properties in the Downtown to place a greater emphasis on comprehensive streetscape design rather than haphazard placement of landscaping to fulfill planting

minimums, and that requiring varying type, size and quality of plantings along each frontage does not fit into the intended purpose of the Land Development Code. Due to the aforementioned on-premise parking fulfillment, and substantial exceeding of greenspace requirements due to drainage and buffering placement, the portion of the site on which a building can be placed may be significantly smaller than others in the same zoning district. This could also place hardship on the applicant.

Staff finds that the requirement of a corner entrance may substantially affect the proposed floor layout of the structure, which is near its maximum size given the setback, drainage, landscaping, and other site requirements. The nature of the use proposed, and vessel and pedestrian access points required, may be negatively impacted by requiring such an entrance and result in hardship to the applicant.

- 4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density;**

Approving the variances requested would not result in a use or structure not permitted in the district. The use is permitted as proposed. The structure complies with all other dimensional and coverage requirements of the code.

- 5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;**

Staff finds that neither variance requested would result in greater financial return for the applicant if approved. As a condition of approval, staff is recommending that the applicant comply with the full required volume of the streetscape landscaping code along both frontages.

- 6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;**

The total volume of landscaping provided along the property's frontage, compared with a similar newly-developed interior or corner lot within the TC-1 District that is not affected by intersecting streetscaping requirements, will be met or exceeded.

While not a basis for the justification of the issuance of this variance, another recent development at a corner along 75th Ave was provided a variance to the corner entrance requirement on partially-similar grounds to the subject request. The existence of utilities at the subject property's corner does not present an inviting or defined space for pedestrian entrances. Staff finds that the overall requirements for interesting, inviting, and high-quality design are still applicable to the building along both frontages and will be required to be met in the overall development approval.

- 7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and**

Staff finds that both variances are the minimum to make reasonable use of the structure and land. The provision of parking, neighbor screening buffers, drainage, and a wider sidewalk along both frontages limits the size of the building to less than a third of the floor area permitted by Code. The

nature of the use provides for a large atrium set aside office space, which is reasonably fulfilled in the design of the structure. Acceptable building and fire code entrances are still required, and the building will still be required to meet the other objective criteria of “storefront character” for new structures in the Downtown Redevelopment District.

- 8) The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.**

Staff finds both variances are in overall harmony with the Comprehensive Plan and Land Development Code, will not diminish property values or be in conflict with the neighborhood, and will not be injurious to public safety or welfare. The shift of the primary entrance to the rear of the structure is reasonable given the nature of the use and the conditions at the lot corner. The reduction in depth of the buffer will allow for visual consistency and, if the related condition recommended is approved, high-quality Florida Friendly landscaping along both frontages. Staff finds that the provision of visually-consistent and high-quality landscaping and building design is the primary purpose of the Code provisions under review in this case, and there is intent to provide flexibility in situations such as this where overall adherence can still be demonstrated.

Recommendation

Staff find the request is reasonable given the conditions of the lot and intersecting streetscape requirements, the substantial limitations on building size due to the requirements applicable to this lot resulting from its double frontages, the substantial streetscape, lot coverage and landscaping improvements that will accompany the new development, and demonstration that the lot will still adhere with the overall intent of the streetscaping and downtown building design provisions.

Staff recommends approval with the following three (3) conditions:

- 1) This approval shall only apply to the requested use, building layout, and overall request made under site plan #22068. Should the building on the site be demolished and the site fully redeveloped, or should the requested site plan expire and a new request be made, the site must fully comply with all landscaping and design requirements in place at the time or new variance(s) must be obtained;
- 2) Landscaping along both frontages shall meet the total volume, quality, and type standards required for a frontage under LDC Sec. 39.10(b), except that both buffers may be five feet in depth. In place of the royal palms proposed along the 75th Ave frontage, the applicant shall instead provide native or naturalized canopy or understory trees with substantial mature “street tree” canopies and root habits that do not negatively impact the sidewalk or foundation. However, under no circumstance shall there be fewer than three trees planted along the 75th Ave frontage. Should FDOT review or other requirements result in the relocation of landscaping, low landscaping shall be provided in its place as viable and relocated larger plantings shall be redistributed throughout the site. Plantings shall be relocated to the right-of-way only as a last resort;

- 3) The applicant shall demonstrate, through the site plan process, compliance with all other relevant design and site layout requirements of LDC Division 39 as may apply to the subject property during new development. Should any relevant standard not be met, a new variance application shall be required.

In addition to the three conditions above, comments shared at the applicant's Technical Review Committee meeting stated that the sidewalk north of the driveway access along Gulf Blvd must be made the maximum width possible up to ten feet, the western pedestrian walkway must not interfere with the driveway, bike racks should be provided, and shade trees should be incorporated into the site plan where viable. These are staff requirements or suggestions for site plan issuance and are not required to be integrated into conditions of approval for these variances, but may be expanded upon by the Board of Adjustment as found appropriate.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing 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.

Respectfully submitted,

Brandon Berry Digitally signed by Brandon Berry
Date: 2023.03.20 11:40:49 -04'00'

Brandon Berry
Planner

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Board of Adjustment Attorney