



BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

December 18, 2019
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

1. **Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
2. **Audience Comments** – Three minutes per person to issues not on the agenda.
3. **Approval of Minutes**
 - a. **11/20/2019**
4. **Action Items**
 - a. **VARIANCES – RESTAURANT – SETBACKS**
677 75th Ave (Case No. 19054); Matt Vario for Rahim Jaffer is requesting a Variance to allow for the replacement of an elevated deck to encroach into front, rear and side setbacks. Additionally, a Variance is being requested to allow for the installation of stairs to encroach into a required front setback. The property is zoned TC-2 - Coquina West and is located within the Downtown Redevelopment District.
5. **Adjournment – Next Meeting: 01/29/2020**

The public is cordially invited to attend.

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

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

**Electronic media must be submitted a minimum of 24 hours in advance to
cityclerk@stpetebeach.org**

All agenda material is available for review at City Hall.

BOARD OF ADJUSTMENT MEETING

MINUTES

November 20, 2019

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Sandie Lyman, Vice Chair
Michael Bomar, Member
Paul Skipper, Chair

ABSENT:

Denise Chase, Member
Jake Holehouse, Member

ALSO PRESENT:

Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Brandon Berry, Planner I
Lynn Rosetti, Senior Planner
Ally Dzelilovic - Zoning Tech II

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Approval of Minutes

a. 10/30/2019

Member Bomar made a motion to approve the minutes from the October 30, 2019 meeting. The motion was seconded by Vice Chair Lyman and unanimously approved by a roll call vote.

4. Action Items

- a. **VARIANCE – HOME – SIDE SETBACK:** 7100 Bay St. (Case No. 19047); Linda Limbevski is requesting an after-the-fact Variance to allow for the encroachment of an addition into a required side setback. The property is zoned RU-2 Residential.

Planner I, Brandon Berry reported that two letters of support and one in opposition to the variance were received. He reviewed the applicant's request, staff findings, and recommendation.

Linda and Damce Limbevski, applicants at 7100 Bay St., stated that the property is an irregular size and after the second survey they realized the encroachment to the rear setback. The builder is aware and was to attend this meeting.

John Davis, Jr., 7110 Bay Street, stated that the original house burned down in 2013. He spoke in favor of the variance.

Judith Busacca, a neighbor from Bay Street, inquired how many stories the house will be.

Joe Weaver, 7101 Bay Street, spoke in favor of the variance.

Scott Walker, 71st Avenue, spoke in favor of the variance.

There was no comment in opposition and the Chair closed the meeting to public comment.

The board briefly discussed the request. Mr. Berry stated there is currently a stop-work order on the house; the owner stated they would immediately proceed if the variance is granted.

Vice Chair Lyman made a motion to approve the Variance for Case No. 19047. The motion was seconded by Member Bomar and passed unanimously by a roll call vote.

5. Adjournment – Next Meeting 12/18/2019

There being no further business before the board, the meeting was adjourned at 2:20 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chair

Minutes approved on: _____



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

VARIANCE CASE NO. 19054 – Matt Vario for Rahim Jaffer

MEETING DATE: December 18, 2019

PREPARED BY: Brandon Berry, Planner I

REQUEST	A Variance to allow for the replacement of an elevated deck to encroach into front, rear and side setbacks. Additionally, a Variance is being requested to allow for the installation of stairs to encroach into a required front setback (LDC Sec. 37.9). The property is zoned TC-2 - Coquina West and is located within the Downtown Redevelopment District.
SUBJECT PROPERTY	677 75 th Ave; ST PETERSBURG BEACH REPLAT BLK 71, LOT 1 & VAC ST ON W; Parcel ID# 36-31-15-77994-071-0010.
ACERAGE	Approximately 0.2 acres (8,712 sq. ft.); approximately 0.45 acres (19,462 sq. ft.) when combined with the adjacent unimproved parking lot.
LAND USE	TC-2 – Coquina West on the Zoning Map; TC-2 – Coquina West on the Future Land Use Map
FLOOD ZONE	AE-12
SURROUNDING AREA	North - Residential condominiums South - 75 th Ave and restaurant East – Tri-plex residence West – Blind Pass waterway

BACKGROUND

The zoning lot contains a restaurant originally constructed in 1986 according to the Pinellas County Property Appraiser, as well as two adjacent unimproved parcels used for restaurant parking which were approved to remain unimproved by the Board of Adjustment in 2009. The applicant applied for a selective demolition permit in October 2019, and in the process removed the restaurant's outdoor seating deck and supports located on the western side of the lot. Although the deck is proposed to be replaced in a nearly-identical footprint, doing so causes deck encroachment into required front, rear and side yards. Furthermore, the applicant is proposing to install stairs on the front of the building which will encroach into a required front setback.

ANALYSIS

The lot containing the restaurant is somewhat irregular, sloping along the western side by the seawall. It has a wider front yard than any other platted lot in the TC-2 – Coquina West district, and a substantially wider front yard when treated as a zoning lot with the two adjacent unimproved parcels. The required and proposed setbacks for the lot are detailed in the table below.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Front Yard	Deck	10'	8.75'	12.5%
	Stairs	7'	1.5'	78.5%
Side Yard	Deck	26'	6.75'	74%
Rear Yard	Deck	20'	10.2'	49%

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

- (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant;**

Along with the condominium property to the immediate north and a motel on the north side of 74th Ave, 677 75th Ave is one of the few zoning lots in the district to possess a front yard greater than 100' in width while not also possessing a secondary front yard. Furthermore, the buildable area of the lot on which the restaurant sits is approximately 50% narrower in length than any other lot in the TC-2 - Coquina West district, which limits the buildable length of the individual lot to approximately 25 feet in a district where approximately 78 feet in buildable length is typical. Both of these conditions are atypical for the district.

Staff find that the TC-2 district regulations were written to allow buildings to closely abut property lines along which neighbors are not present (front and secondary front), while preserving typical commercial separation along side and rear lot lines, as a means of enhancing downtown character while also preserving the public health, safety and welfare. The purpose and intent of the district also calls for commercial developments oriented toward the waterfront, which granting of this variance will fulfill. Staff finds that the adequate use of the restaurant's outdoor dining area would be compromised without the issuance of these variances, and recognize that neither the lot conditions nor the degradation of the deck which required its removal were the result of the actions of the applicant. Staff also find that the front and rear encroachments proposed will preserve the building's existing nonconforming setbacks and are reasonable in the scope of this request.

- (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance;**

None are being considered.

- (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district;**

This variance will not change any district boundary on the zoning map, grant a nonconforming use, increase development density, or permit a use not specifically permitted in the district.

- (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application;**

Staff find that the variances are in general harmony with the Land Development Code. The standards for the TC-2 district promote medium-intensity commercial uses which are oriented toward the waterfront, and the Code generally promotes increased public safety which an additional staircase will provide. Furthermore, the TC-2 setback standards promote reduced setbacks along lot lines with which the property does not share a neighbor. Because of the restaurant lot's conditions, the district's standards reduce the buildable area to a greater extent than Staff find is intended. Neither the proposed front or rear encroachments will result in additions that are closer to either property line than the building currently sits. The side setback encroachment of the deck is harmonious with the Code.

Staff are recommending, as a condition of approval, that no amplified music be played on the elevated deck.

- (e) The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.**

Hardship would result from a literal enforcement of the land development regulations, as the shape, orientation and existing conditions of the lot provides some constraint in the buildable area of the restaurant lot. Reasonable use of the land would be compromised, as there is no proposed increase in structural nonconformity.

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

SUMMARY:

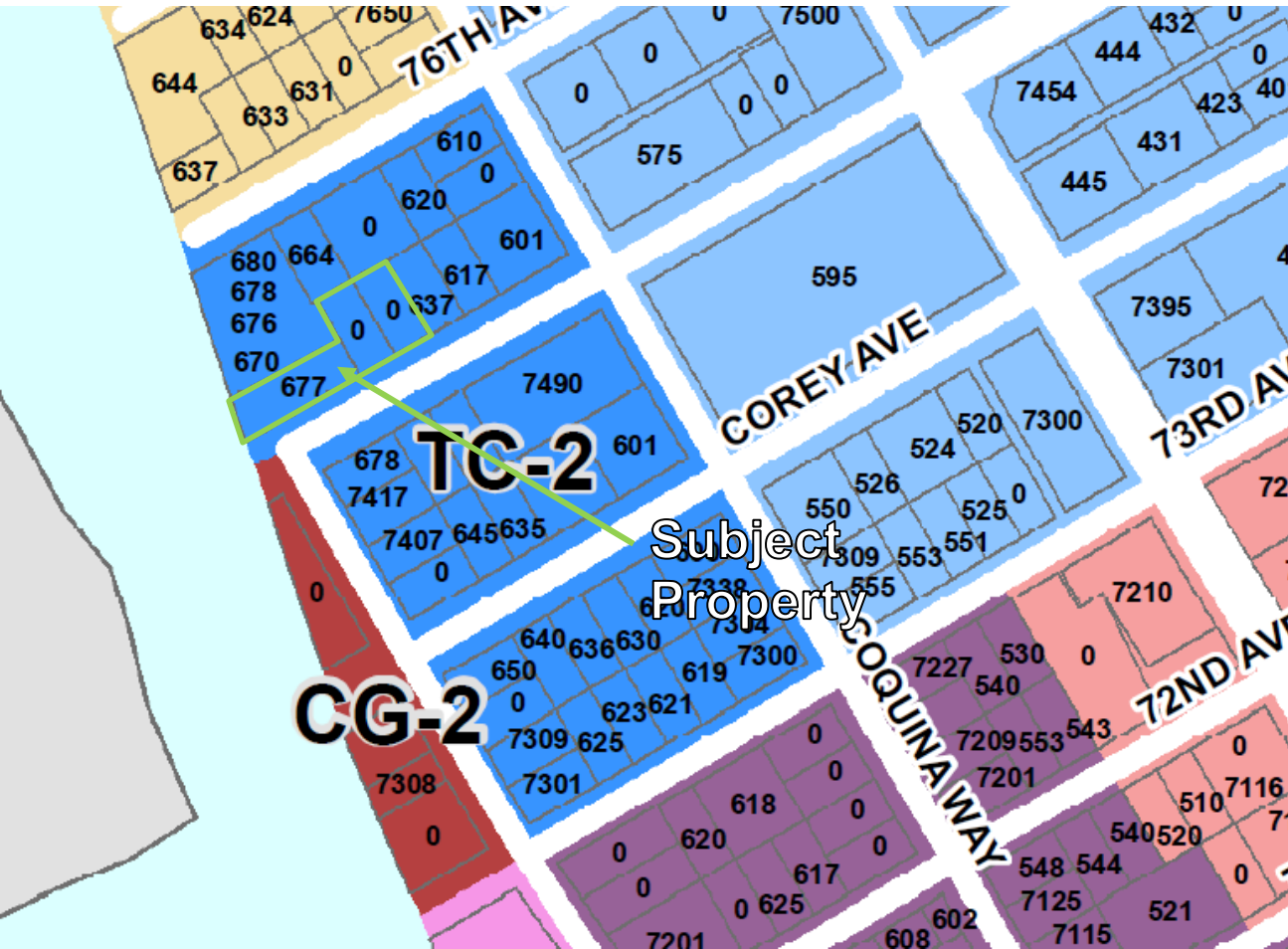
The variance is generally in harmony with the Land Development Code. The north and south encroachments of the deck, along with the stairs, will not increase the existing setback nonconformity of the structure. The side setback encroachment is both reasonable and helps to mitigate the peculiarities of the lot on which the restaurant building is located. Therefore, staff find the variance request to be reasonable and recommend approval with a condition intended to reduce noise received by abutting residential properties.

RECOMMENDATION:

Staff recommend approval with the following condition:

- 1) No amplified music shall be played on the elevated deck.

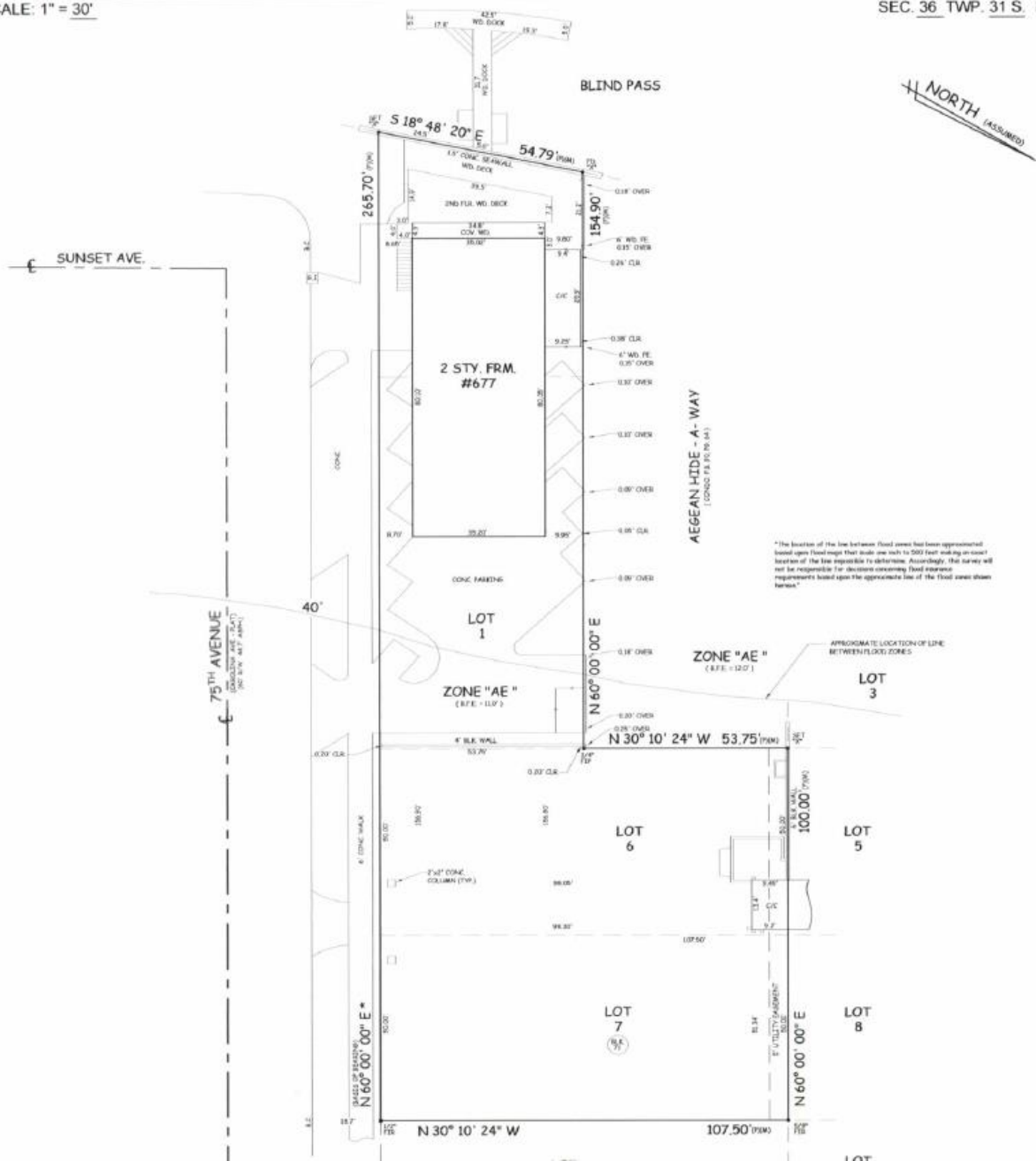
ZONING MAP



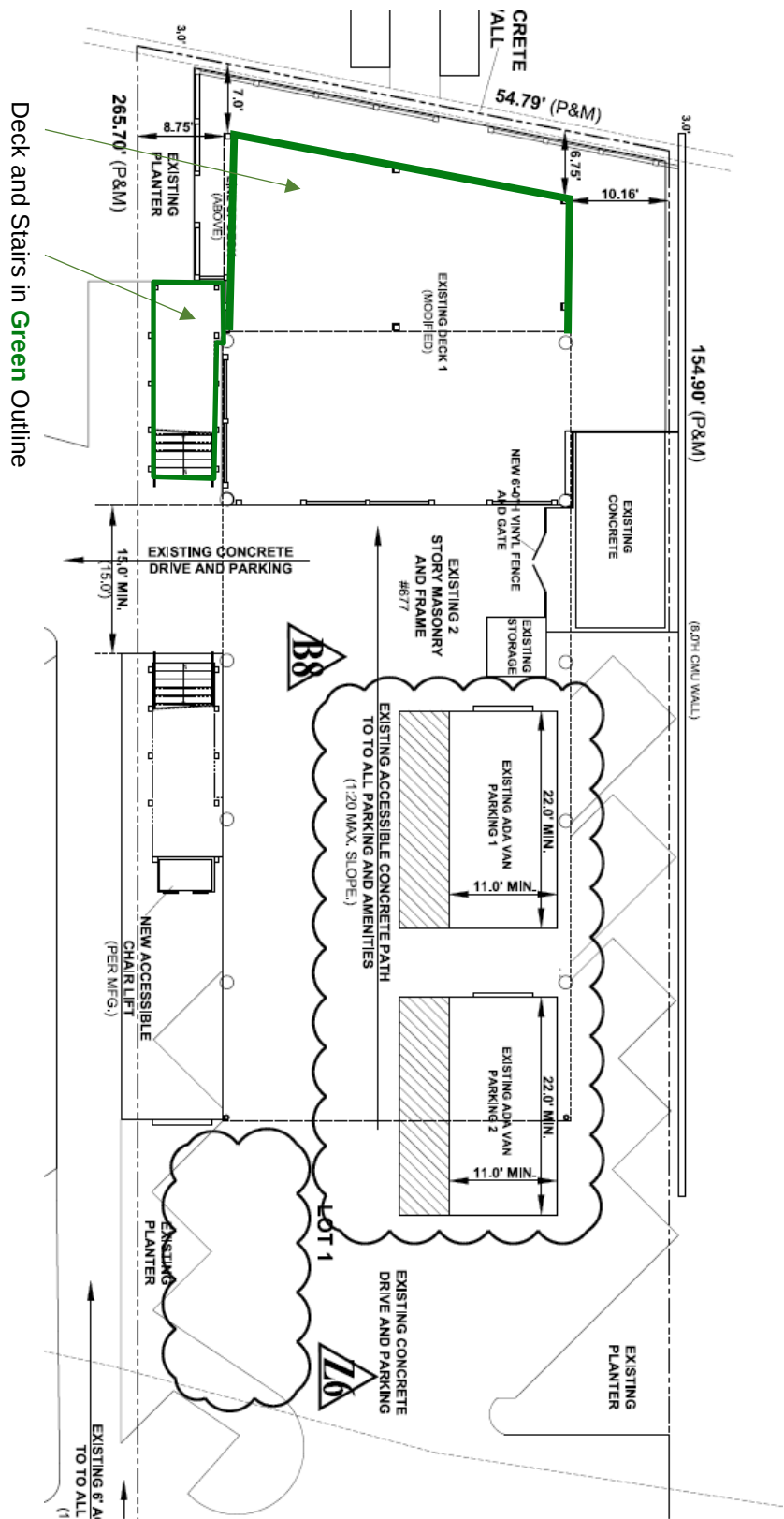
SURVEY

SCALE: 1" = 30'

SEC. 36 TWP. 31 S. RGE. 15 E.



SITE PLAN



JOB NO.:041668

DRAWN BY:MRB

CHECKED BY:EDM

DATE OF FIELD WORK:8/4/04

MURPHY'S LAND SURVEYING, INC.

LAND SURVEYORS

5750 11TH AVENUE NORTH

ST. PETERSBURG, FLORIDA 33710

L.B. #6960

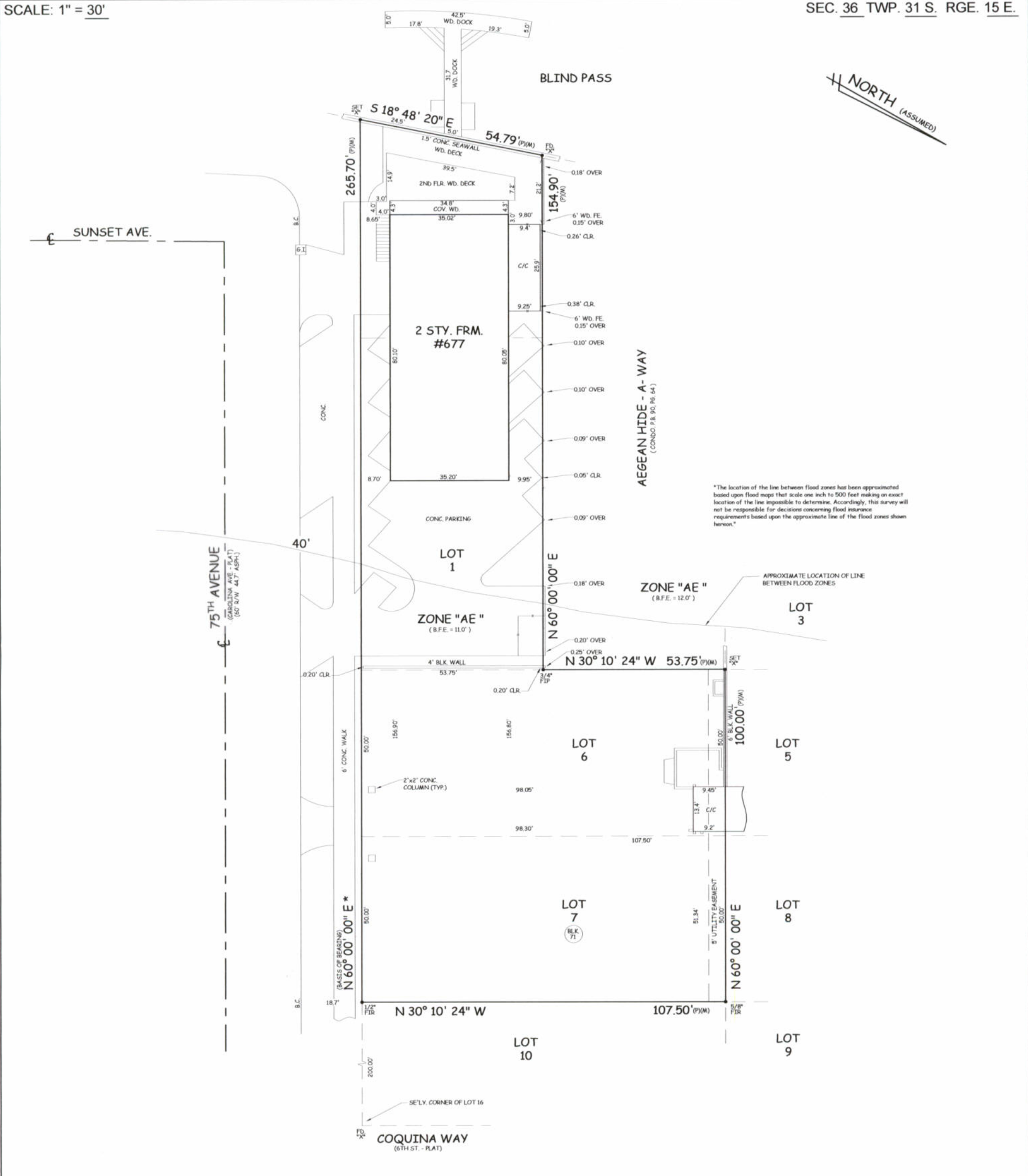
PH. (727) 347-8740

FAX (727) 344-4640

CERTIFIED TO: Ferg's Beach Shack Bar & Grill

SCALE: 1" = 30'

SEC. 36 TWP. 31 S. RGE. 15 E.



A BOUNDARY SURVEY OF: Lot 1 and that particular strip of land lying and abutting the Westerly side of Lot 1 between the extended lot lines of said lot, the same being in size about 54.72 feet by 53.70 feet by 66.15 feet by 54.89 feet; shown as a part of that portion of Sunset Avenue from the north right-of-way line of 75th Avenue; extended Westerly to the West right-of-way line of Sunset Avenue, to the South right-of-way line of 76th Avenue, extended Westerly to the West right-of-way of Sunset Avenue; all in Block 71, RE-PLAT ST. PETERSBURG BEACH SUBDIVISION according to the plat thereof as recorded in Plat Book 5, Pages 28 and 29 of the Public Records of Pinellas County, Florida. AND Lots 6 and 7, Block 71, RE-PLAT ST. PETERSBURG BEACH SUBDIVISION, according to the plat thereof as recorded in Plat Book 5, Pages 28 and 29 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Housing and Urban Development, this property appears to be located in
Flood zone: AE Comm. Panel No. : 125149 0257 G Map Date : 9/03/03 Base Flood Elev : 11.0' & 12.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SURVEY NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL

EDWARD D. MURPHY REG. P.E.S. # 5333

★ BEARINGS SHOWN ARE ASSUMED	LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #6960 P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE FIN. FLR. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM OF 1929	FD. - FOUND N.A.D. - NAIL AND DISK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION -X-X-X- - FENCE FE. - FENCE C.L.F. - CHAIN LINK FENCE -H-H- - ADJACENT FENCE ADJ. - ADJACENT	R. - RADIUS A. - ARC C. - CHORD Δ - DELTA RW - RIGHT OF WAY # - NUMBER MAS. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN W.H. - WATER HEATER	M/S - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	W/W - WING WALL C. - CENTERLINE RW - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	ESMT. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLUMN WD. - WOOD BLK. - BLOCK S/W - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C/WD. - COVERED WOOD C/P.S. - COVERED PATIO STONE C/C. - COVERED CONCRETE A/C. - AIR CONDITIONER S.P. - SCREENED PORCH -P-P- OVERHEAD POWER LINES -T-T- OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
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THE SHARKTALES PROJECT

ST. PETER BEACH, FL 33706

PROJECT ENGINEER:
B.S.R.
BRADLEY S. REED
CONSULTING ENGINEER
P.E. LIC # 60228
PHONE 727.527.853

THE CITY ENGINEER HAS REVIEWED THE ATTACHED PLANS AND FINDS THEM TO BE IN COMPLIANCE WITH THE CITY OF ST. PETER BEACH, FL 33706. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

A.M.D.
ARCHITECTURAL MIND
Professional Design &
Production C.D. Graphics

Architectural Mind
727.451.5177
Architectural Mind
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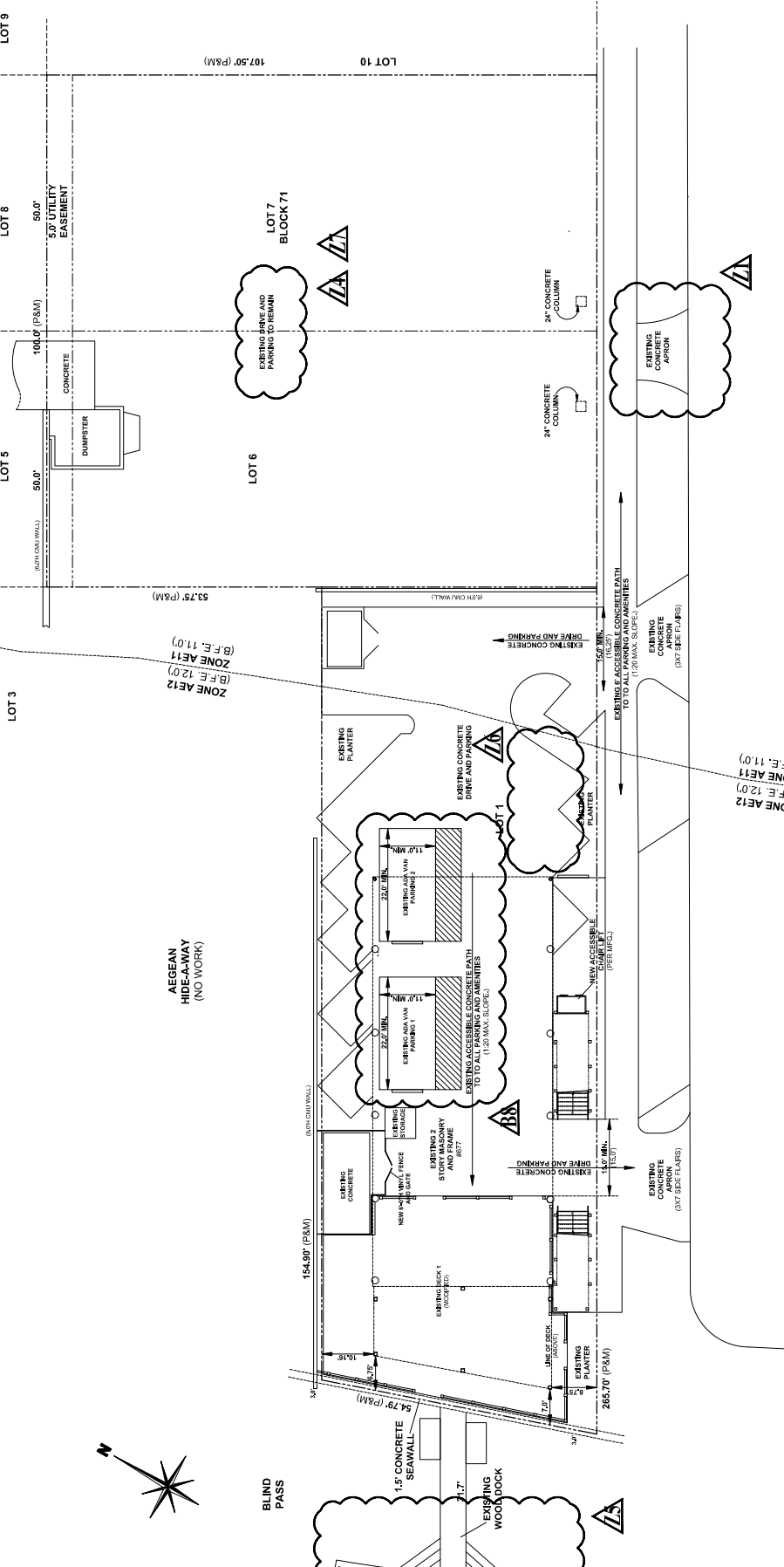
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PROPOSED SITE PLAN
SCALE: 1"=10'

THE PLAN NOTES AND SPECIFICATIONS
SHALL BE USED IN CONJUNCTION WITH
THE CITY ENGINEER'S REVIEW ONLY.
THE CITY ENGINEER'S REVIEW IS LIMITED
TO THE TECHNICAL ASPECTS OF THE
PLANS AND DOES NOT CONSTITUTE A
GUARANTEE OF THE ACCURACY OF THE
INFORMATION PROVIDED HEREON.

THE CITY ENGINEER HAS REVIEWED THE
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MARKED FOR PROPOSED



MARKED FOR PROPOSED



MARKED FOR PROPOSED





City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9241
www.stpetebeach.org

INFORMATION ON THE VARIANCE PROCESS

What Is a Variance? A variance is a grant of relief by the Board of Adjustment or the City Commission from the requirements of the Land Development Code. The Land Development Code (LDC) is a set of ordinances enacted by the City of St. Pete Beach for the regulation of any aspect of subdivision and the development of land.

How do I apply for a Variance? An applicant for Variance must submit the following documents to the Community Development Department:

- A complete and signed application. Incomplete applications will not be processed and will be returned. As such, all applicants are **STRONGLY ENCOURAGED** to meet with Community Development staff prior to submission deadlines to discuss plan submissions and the review process. Appointments can be made by calling 727.363.9241.
- A completed and signed agent authorization form if someone else will be representing the property owner at the public hearing.
- An accurate, legible, and appropriately scaled survey of the property including all existing and proposed improvements. The survey shall have been performed not more than ten (10) years prior to the date of application and not less than two (2) copies of the survey are required for submittal.
- Scaled drawings depicting the request. The drawings can be sized from 8.5"x11" to a maximum of 24"x36" in size. These drawings are necessary to assist staff and the BOA or City Commission in the review of the request. Seven (7) copies of the drawings must be submitted.
- Cash or check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. The application fee is \$500. The mailing fee can be calculated for you when you turn in your application, or you can calculate it yourself by searching for your property on the Pinellas County Property Appraiser's office website (www.pcpao.org), clicking on radius search at the top of the page, typing in 300 feet for the radius, and multiplying the number of properties times .68. For example, if 40 properties are within 300 feet of you, then the mailing fee would be \$27.20. The City is not equipped to accept Debit or Credit card transactions at this time.
- Staff may request additional information, if necessary.

What is the Board of Adjustment and when do they meet? The Board of Adjustment is a Quasi-Judicial public board whose members are appointed by the City Commission. Under the Quasi-Judicial process the Board acts in the role of a judge and is required to follow certain procedures and base their decisions on factual evidence. The Board meetings are normally one time per month on the last Wednesday at 2:00pm, in the City Commission Chambers at 155 Corey Avenue (City Hall).

What do I do after my Variance is granted? You will receive a notice from the City immediately following your hearing. This notice is called a Development Order (DO) and it will summarize the results of the hearing including the decision to deny, approve, or approve with conditions. If approved, the owner/applicant will have one (1) year from the date the development order is signed to obtain a building permit for the proposed work. The permit must remain active during the life of the project. If a permit is not obtained within a year or if a permit does not remain active, the variance will expire.

What happens if my approved Variance is appealed? Although rare, sometimes a neighbor or other affected party will appeal the BOA decision to the Circuit Court. Any such appeal must be taken within 30-days from the date of the decision. Should this occur, the City is normally removed from the appeal process and has no control over the timeframe or decision of the Court. The one-year timeframe for permit issuance noted above would begin from the Court's final decision date provided the applicant has properly advised the City of said appeal.

What can I do if my Variance is not granted? You may correct your plans to meet current code requirements or you may file an appeal to the Pinellas County Circuit Court with 30-days of the final decision. 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.

How are my application fees used? The application fee is primarily used to cover staff review costs. A Variance application will typically involve reviews from multiple City agencies and may include County, State, or even Federal reviews depending on the nature of the request. All Variance applications are required to be properly advertised and require notification to adjacent property owners. The mailing fees are used offset the cost incurred in meeting these requirements including the preparation of a legal ad and mailing costs associated to adjacent property owner notice. The City shall re-advertise a request, at no expense to the applicant, if a scheduled application is not heard due to an error by the City (i.e. lack of a quorum). Otherwise, the applicant will be responsible for any additional costs incurred as a result of his or her own (in)action.

What is the process for commercial variance requests that require site plan review? All commercial variance requests must first be reviewed by the Technical Review Committee prior to the Board of Adjustment, where the preliminary plans will be reviewed by representatives from the Building, Planning & Zoning, Public Services, Public Safety/Code Enforcement, & Recreation Departments. A schedule of the TRC's deadlines and meeting dates can be found on the Planning & Zoning page at www.stpetebeach.org. If the variance(s) is/are approved, the plans will go through TRC for a full site plan review.

When will my variance be heard? Applications are accepted at any time and shall be scheduled pursuant to the deadlines below (or the TRC deadlines) provided the application is determined to be complete. In fairness to all applicants, there will be **NO** exceptions to this schedule so please plan accordingly. Applications are due by **12:00pm** on the date listed. The 2019 schedule is as follows:

Board of Adjustment (Variances) 2019	
<u>Deadline</u>	<u>Meeting Date</u>
12/31/18	01/30/19
01/28/19	02/27/19
02/25/19	03/27/19
03/25/19	04/24/19
04/29/19	05/29/19
05/27/19	06/26/19
07/01/19	07/31/19
07/29/19	08/28/19
08/26/19	09/25/19
09/30/19	10/30/19
10/21/19	11/20/19
11/18/19	12/18/19
Meeting time is 2:00pm in the City Commission Chambers unless otherwise posted	
Incomplete Applications Will Not Be Accepted	

Who decides if the Variance should be granted? The Board of Adjustment is authorized to hear and make final determinations on all variance requests with the exception of variance requests that are part of a conditional use application. In those cases, the City Commission makes the final determination. Variance requests must meet certain criteria as outlined by the Land Development Code.

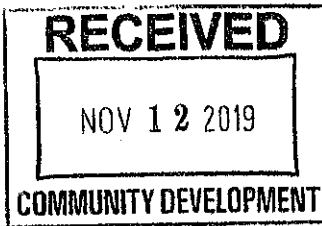
City of St. Pete Beach Land Development Code - Sec. 3.12. - Variances.

(a) Authority and approval criteria.

- (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
 - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
 - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
 - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
 - (d) The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
 - [e] The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.
- (2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.
- (3) Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.
- (b) Limitations on variance authority of appointed boards. Any request for variance to the city's coastal control line shall be made directly to the city commission. No board of authority shall grant a variance from any requirement imposed by the city commission as a condition of rezoning, conditional use approval or any other action of the commission resulting in the granting of specific development rights.

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

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



City of St. Pete Beach

Community Development
Department 155 Corey Avenue
St. Pete Beach, Florida
33706 727-367-2735
www.stpetebeach.org

VARIANCE APPLICATION

Case Number: 19054

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Restaurant
Parcel ID: 36-31-15-77994-0710010
Address: 677 75th Ave ST Pete beach 33706

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

APPLICANT/AGENT:

Name: Matt Vario
Address: 570 Belle Vista pr
City: ST Pete Beach State: FL
Zip: 33706 Phone: 927-359-9286

PROPERTY OWNER:

Name: Rahim Jaffer
Address: 677 75th Ave
City: St. Pete Beach State: FL
Zip: 33706 Phone: 941 704-1603

Email: Matt@CityFish.com Email: Rahim1.Jaffer@Gmail.com

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

re build existing deck back west side
of building

RECEIVED

NOV 12 2019

COMMUNITY DEVELOPMENT**Additional Documents:**

Check here if document is attached	Required Document
☒	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
☒	Site Plan drawn to scale showing proposed deviations of the code.

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.

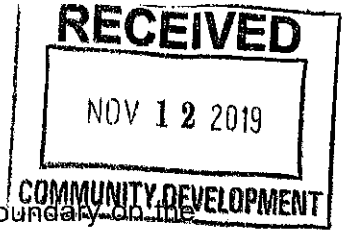
re build elevated deck that was existing
per FBC 2017 code

2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.

NO Deck was existing

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

NO



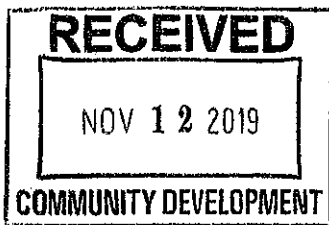
4. The proposed variance will not have the effect of changing any district boundary on the zoning map. *No*
5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district. *NO*
6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan. *No*
7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. *yes*
8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building. *yes*

	<i>11/12/19</i>		
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.

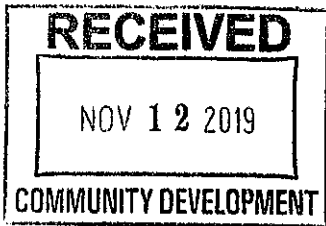
- W I understand that the City will not accept or process an incomplete application.
- W I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- W On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- W I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.
- W 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.
- W I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- W I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

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

Signature of Applicant

11/12/19

Date

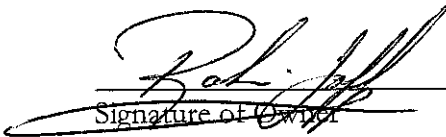


Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE 929485 FLORIDA INC. / RAHIM JAFFER
(print name of property owner)

hereby authorize MATT VARIO
(print name of agent)

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


Signature of Owner

Signature of Owner

RAHIM JAFFER
Print Name of Owner

Print Name of Owner

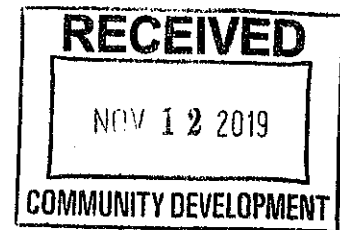
The forgoing instrument was acknowledged before me this 8th day of Nov
2019 by RAHIM JAFFER or who is personally known _____
produced FL ID # J166-734-71-455-0 as identification


(Notary Signature)

DAMON R. DESAUTEL
Notary Public, State of Florida
My Comm. Expires Aug. 9, 2020
No. GG 19776

Nov 8th 2019
(Date)

My Commission Expires Aug 9th 2020



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Matthew Vario, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

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

Name(print): Matthew A. Vario
Address: 570 Belle Point Dr ST. Pete Beach FL 33706

[Signature] 11/8/19
Signature Date

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 8th day of Nov, 2019 by MATTHEW VARIO, who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires: August 9th, 2019

NOTARY: [Signature]
Print Name: Damon Desautel
Notary Public, State of Florida

(Notarial Seal)

DAMON R. DESAUTEL
Notary Public, State of Florida
My Comm. Expires Aug. 9, 2020
No. GG 19776

DEAR APPLICANT:

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

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

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