BOARD OF ADJUSTMENT MEETING

CITY OF ST. PETE BEACH
155 Corey Avenue
St. Pete Beach, FL 33706

January 29, 2020
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. **12/18/2019**

4. **Action Items**
   a. **PRACTICAL DIFFICULTY VARIANCE – POOL – SETBACK**
   2821 E Vina Del Mar Blvd (Case No. 19069); Jeff Knight of Curtis Pools for Chris and Joanne Bailey is requesting a Variance to allow for the encroachment of a 10x28' pool into a required 9' rear setback (LDC Sec. 6.13(c)(1)). The property is zoned RU-1 – Residential District.

   b. **PRACTICAL DIFFICULTY VARIANCE – POOL – SETBACK**
   562 Belle Point Dr (Case No. 19070); Jeff Knight of Curtis Pools for Greg and Medina Sandler is requesting a Variance to allow for the encroachment of a 21x34' pool into a required 9' rear setback (LDC Sec. 6.13(c)(1)). The property is zoned RU-1 – Residential District.

c. **PRACTICAL DIFFICULTY VARIANCE – POOL – SETBACK**
700 64th Ave (Case No. 19071); Edward and Michelle Lee are requesting a Variance to allow for the encroachment of a 12x28' pool into a required 9' rear setback (LDC Sec. 6.13(c)(1)). The property is zoned RU-1 – Residential District.

d. **PRACTICAL DIFFICULTY VARIANCE – GARAGE – SETBACK**
607 55th Ave (Case No. 19072); Mark Hatfield is requesting a Variance to allow for the encroachment of a 7x21' attached garage extension into a required 20' front setback (LDC Sec. 8.7(a)(1)). The property is zoned RU-1 – Residential District.

6. Adjournment – Next Meeting: 02/26/2020

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

December 18, 2019

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ALSO PRESENT:

Matthew McConnell, Dickman Law Firm (telephonic)
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. 11/20/2019

Vice Chair Lyman made a motion to approve the minutes from the November 20, 2019 meeting. The motion was seconded by Member Bomar and unanimously approved by a roll call vote.

4. Action Items

DRAFT

a. **VARIANCE – 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.

Brandon Berry, Planner I, reviewed the applicant's variance request including site plans and photos. Staff recommended approval of the variance with the conditions that:

- No amplified music shall be played on the elevated deck between 10 PM and 7 AM
- A wall or other visual barrier shall be installed on the northern side of the elevated deck
- The applicant shall submit a site plan and landscaping plan for approval by the City

The meeting was opened for public comment.

Matt Vario, 570 Belle Point Dr., spoke on behalf of the applicant and gave details about the proposed improvements. Mr. Vario showed photos of a sample barrier and menu.

Robin Miller from the Tampa Bay Beaches Chamber of Commerce, 6990 Gulf Blvd., spoke in support of the project.

Greg Anderson, 7500 Bayshore Drive, Treasure Island, representing the homeowners of Land's End, spoke about noise complaints and requested that amplified music on the outdoor deck be limited to the hours between noon and 10:00 pm.

Hearing no further public comment, the board discussed the request. Following discussion, the Chair called for a vote.

Vice Chair Lyman made a motion to approve the Variance for Case No. 19054 according to staff's recommended conditions. The motion was seconded by Member Bomar and passed unanimously by a roll call vote.

5. Adjournment – Next Meeting 1/29/2020

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

Attest:

_____ _____

Rebecca C. Haynes, City Clerk Paul Skipper, Chair

Minutes approved on: _____

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

VARIANCE CASE NO. 19069 – Jeff Knight of Curtis Pools for Chris and Joanne Bailey
MEETING DATE: January 29, 2020
PREPARED BY: Brandon Berry, Planner I

REQUEST	A Practical Difficulty Variance to allow for the encroachment of a pool into a required rear setback (LDC Sec. 6.13(c)). The property is zoned RU-1 – Residential District.
SUBJECT PROPERTY	2821 E Vina Del Mar Blvd; VINA-DEL-MAR SEC 2 ADD BLK 2, LOT 59 & NE 2FT OF LOT 58; Property ID # 18-32-16-94176-002-0590.
ACERAGE	Approximately 0.21 acres (9000 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE-10
SURROUNDING AREA	North – Single-family Residence South - Single-family Residence East – Water West – E Vina Del Mar Blvd/Single-family Residence

BACKGROUND

The zoning lot contains a single-family residence constructed in 1959. The lot is very slightly irregular, with lot lines sloping from 74.5' at the front of the property to 76.2' at the rear of the property.

ANALYSIS

The applicant is requesting to install a pool that encroaches five (5) feet into the required nine (9) foot rear setback for pools of two feet in height or less above grade. The deck and 28'x10' pool are proposed to be elevated approximate 14" above grade. Details on the proposed setback encroachment are detailed in the table below.

	Structure	**Required Setback**	**Proposed Setback**	**Percentage Encroachment**
Rear Yard	Pool	9'	4'	56%

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

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting a variance of approximately 56% from the 9' rear setback standard, resulting in a rear setback of 4' from the water's edge to the property line.

b) Whether an adverse change will be produced in the character of the neighborhood;

Staff find that no adverse change will be produced in the character of the neighborhood. Both the pool and deck will maintain adequate setbacks from neighbors, and at 14" above grade, the structure should not limit views from abutting properties. The applicant will be required to submit plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected should this variance be approved.

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

The existing home's setback significantly limits the placement of a pool of this size in the rear of the property which would meet residential pool setback standards. While a pool could technically be placed in this area, it would be limited to a five-foot width. Other properties in the neighborhood appear to have pools with a water's edge closer than 9' to the midpoint of the seawall, and the requested pool size does not appear to be excessive when compared with the size of other pools in the neighborhood.

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

Staff find that the request is reasonable and equitable. The request should have minimal impact on the neighborhood provided that the seawall is adequately protected. At 28'x10' (280 SF), the pool is reasonably-sized and makes acceptable use of a substantially-limited buildable area in the rear of the property.

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

SUMMARY:

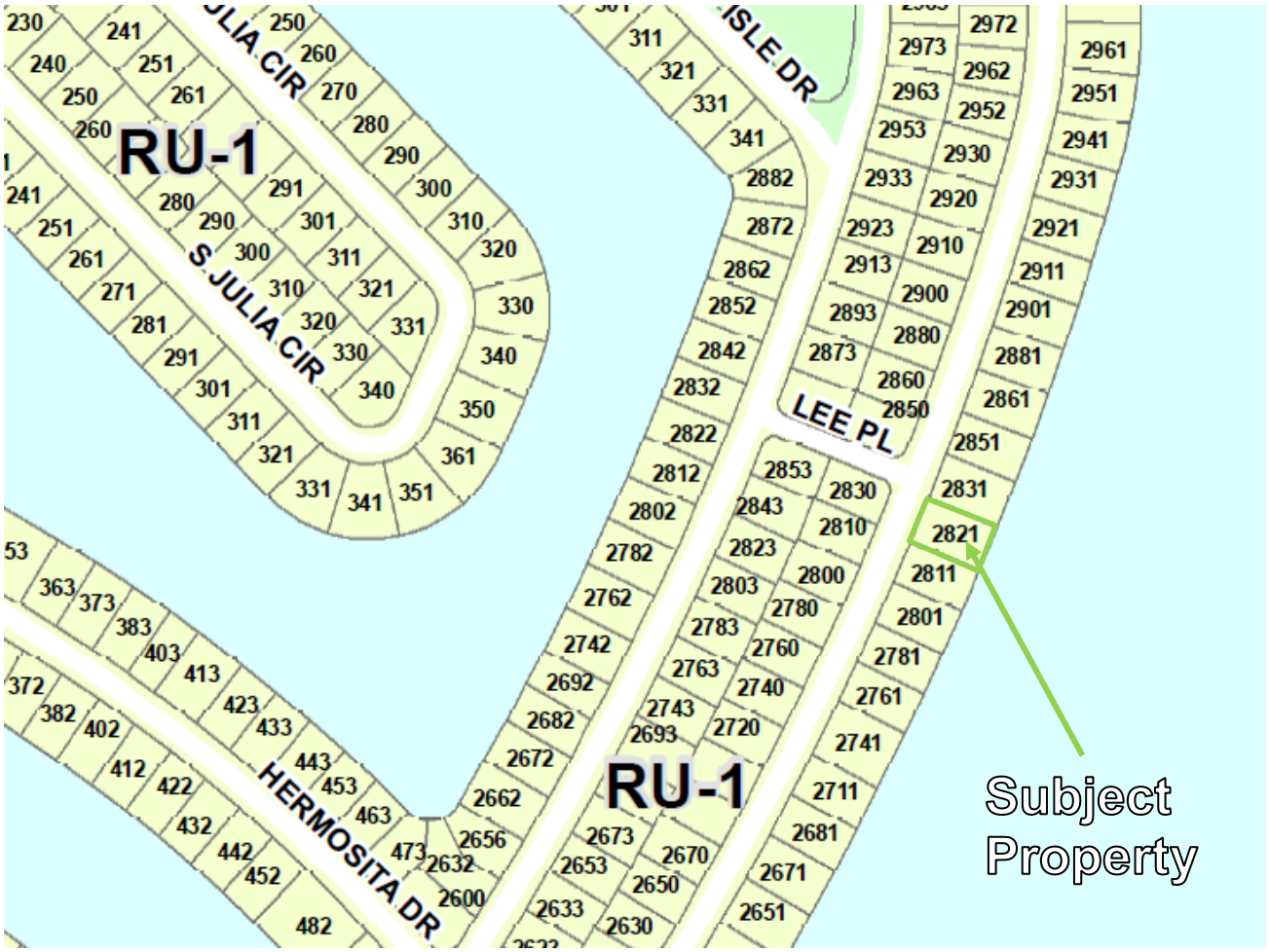
The request is reasonable and should have minimal impact on the neighborhood provided that the seawall is protected.

RECOMMENDATION:

Staff recommend approval.

AERIAL MAP

ZONING MAP



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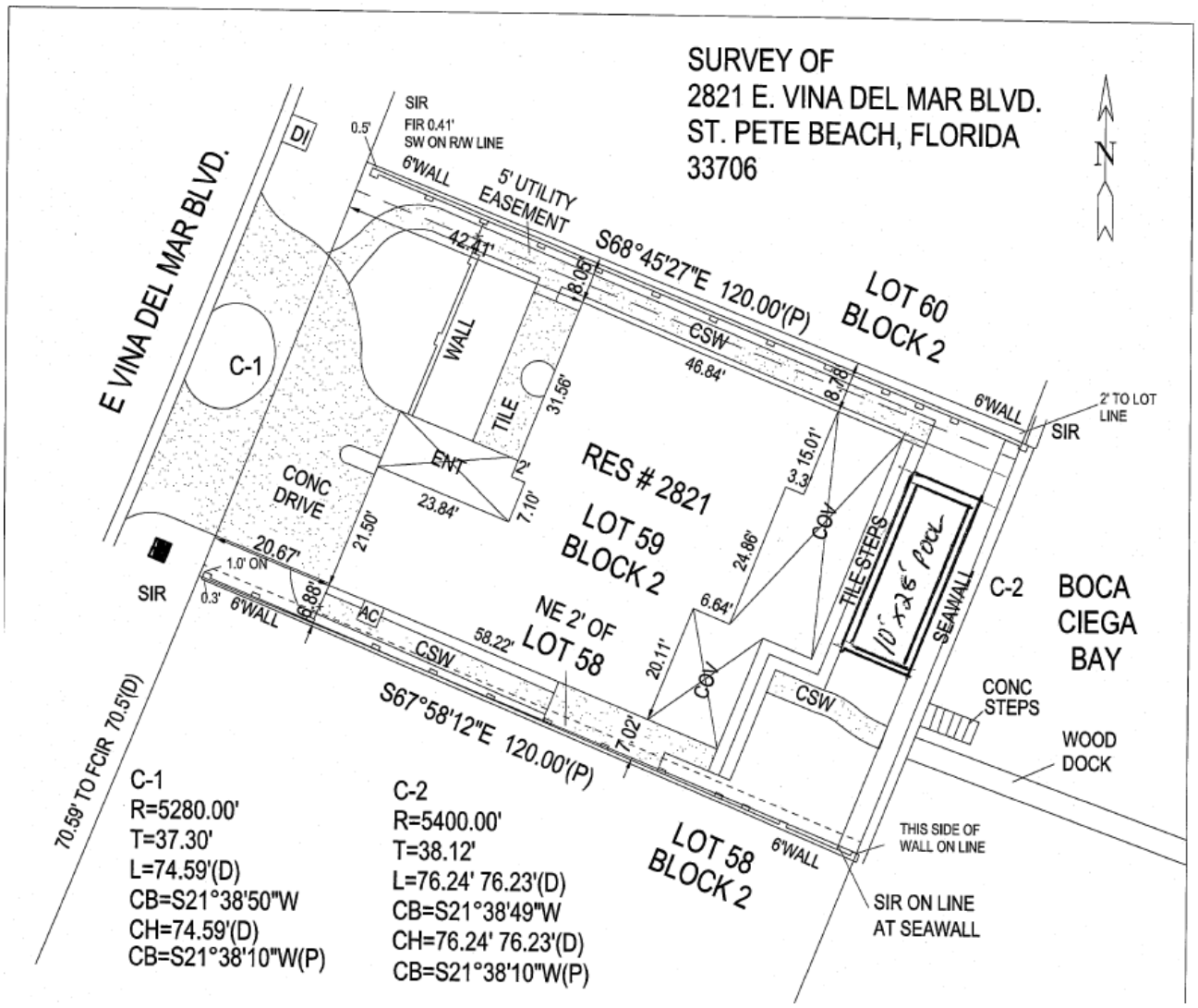
SURVEY OF
2821 E. VINA DEL MAR BLVD.
ST. PETE BEACH, FLORIDA
33706
N
E VINA DEL MAR BLVD.
SIR
FIR 0.41'
SW ON R/W LINE
0.5'
6'WALL
5' UTILITY EASEMENT
S68°45'27"E 120.00'(P)
LOT 60
BLOCK 2
42.41'
8.05'
WALL
TILE
31.56'
CSW
46.84'
8.78'
6'WALL
2' TO LOT LINE
SIR
C-1
CONC DRIVE
ENT
2'
23.84'
7.10'
RES # 2821
LOT 59
BLOCK 2
21.50'
20.67'
1.0' ON
SIR
0.3'
6'WALL
6.88'
AC
NE 2' OF
LOT 58
58.22'
CSW
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7.02'
20.11'
COV
6.64'
24.86'
COV
3.3'
15.01'
TILE STEPS
10' x 35' POOL
SEAWALL
C-2
BOCA CIEGA BAY
CONC STEPS
CSW
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C-1
R=5280.00'
T=37.30'
L=74.59'(D)
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CH=74.59'(D)
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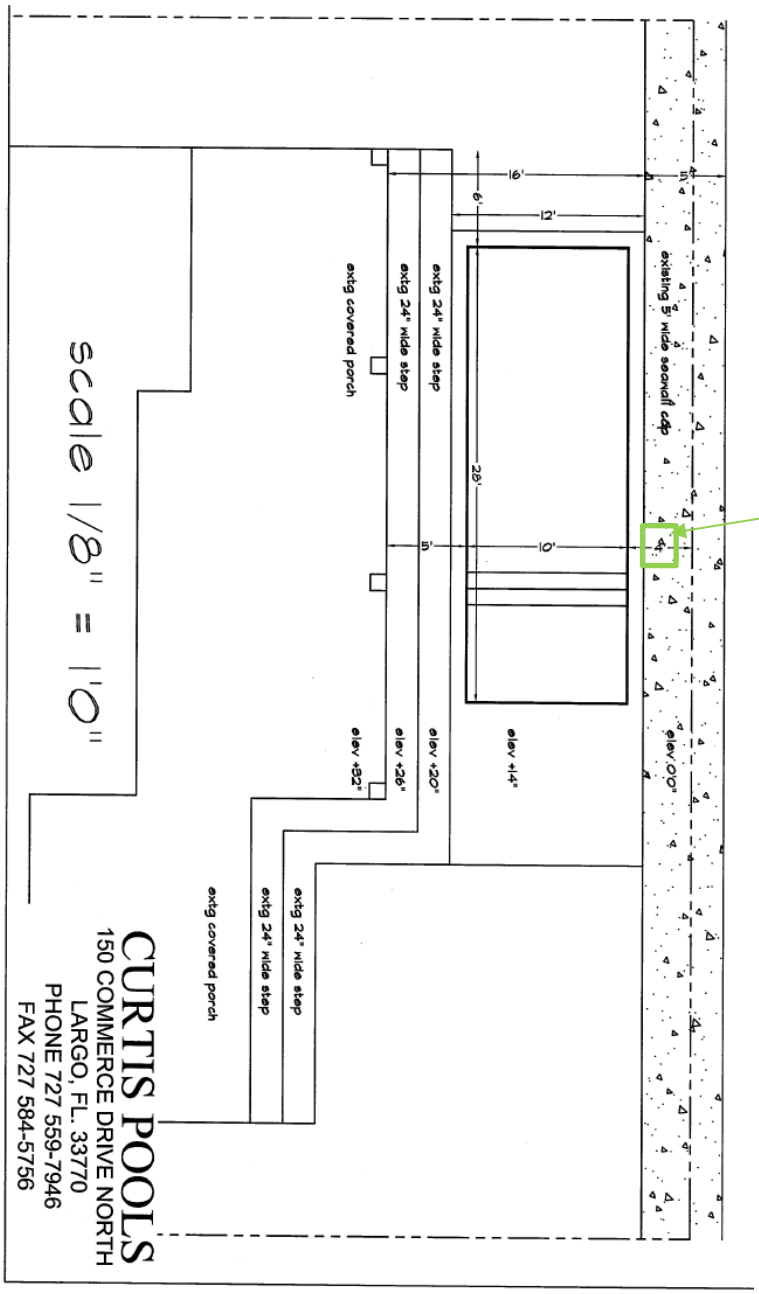
C-2
R=5400.00'
T=38.12'
L=76.24' 76.23'(D)
CB=S21°38'49"W
CH=76.24' 76.23'(D)
CB=S21°38'10"W(P)
LOT 58
BLOCK 2
6'WALL
THIS SIDE OF WALL ON LINE
SIR ON LINE AT SEAWALL

SITE PLAN


scale 1/8" = 1'0"
CURTIS POOLS
150 COMMERCE DRIVE NORTH
LARGO, FL. 33770
PHONE 727 559-7946
FAX 727 584-5756
existing 5' wide seawall cap
exstg covered porch
exstg 24" wide step
exstg 24" wide step
exstg covered porch
exstg 24" wide step
exstg 24" wide step
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elev +20"
elev +14"
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16'
12'
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26'
5'
10'
4' proposed setback from rear property line

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DEC 19 2019
COMMUNITY DEVELOPMENT

CASE #: 19069

SUBMITTAL DATE: 12/17/19 **AMOUNT DUE:** $519.60 **PAYMENT DATE:** 12/17/19

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 bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	CHRIS + JOANNE BAILEY	2821 E VINA DEL MAR BLVD ST PETE BEACH	732 996 3300
Applicant/ Agent	CURTIS POOLS JEFF KNIGHT	150 COMMERCE DR N LARGO, FL 33770	727 559-7946

Owner Email Address:	Applicant/Agent Email Address:
CHRISTOPHERZBAILEY@YAHOO.COM	JK@CURTISPOOLS.COM

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
		9000 SQ FT
Legal Description:	VINA DEL MAR SECTION 2, LOT 59 & NE 2FT OF LOT 58	
Parcel ID:	18-32-16-94176-002-0590	
Address:	2821 E VINA DEL MAR BLVD	

Explanation of Request: REQUEST VARIANCE OF 5FT FROM THE 9FT REAR SETBACK OF SECTION 6.13 (C) FOR CONSTRUCTION OF A POOL AND SURROUNDING POOL DECK

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COMMUNITY PLANNING

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;

REQUEST VARIANCE OF 5 FT FROM THE 9 FT REAR SETBACK

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

THIS VARIANCE WILL BE CONSISTENT WITH OTHER POOLS IN THE NEIGHBORHOOD

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

WITHOUT THIS VARIANCE A POOL OF ACCEPTABLE SIZE WOULD NOT BE POSSIBLE

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

VARIANCE WILL ALLOW THE HOMEOWNER FULL USE AND ENJOYMENT OF THE PROPERTY WHICH IS COMMON AND CONSISTENT WITH THE NEIGHBORHOOD

Signature of Applicant	Date	Signature of Authorized Agent	Date
	12-19-19		

For office use only:

Hearing Date: 1/29/19 Fees: _____

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

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COMMUNITY DEVELOPMENT

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.

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

JDW 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.

JDW 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.

JDW 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.

JDW 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.

JDW 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.

JDW 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.

JD Wright 12-19-19

Signature of Applicant Date

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DEC 19 2019
COMMUNITY DEVELOPMENT

St. Pete Beach
The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, CHRIS BAILEY, 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): JEFF KNIGHT C/O CURTIS POOLS

Address: 150 OHMBREB DR N LARGO, FL 33770

Signature 12-16-19 *Date*

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 18TH day of DECEMBER, 2019 by JEFFREY KNIGHT, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: _____

Notary Public, State of Florida

(Notarial Seal)

ROGER W. BISHOP
Commission # GG 208041
Expires August 16, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

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DEC 19 2019
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Christopher & Joanne Bailey
(print name of property owner)

hereby authorize JEFF KNIGHT OF CURTIS POOLS
(print name of agent)

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

Signature of Owner

Signature of Owner

Christopher Bailey
Print Name of Owner

Joanne Bailey
Print Name of Owner

The forgoing instrument was acknowledged before me this 18TH **day of** DECEMBER
2019 by CHRISTOPHER BAILEY & JOANNE BAILEY **or who is personally known** _____

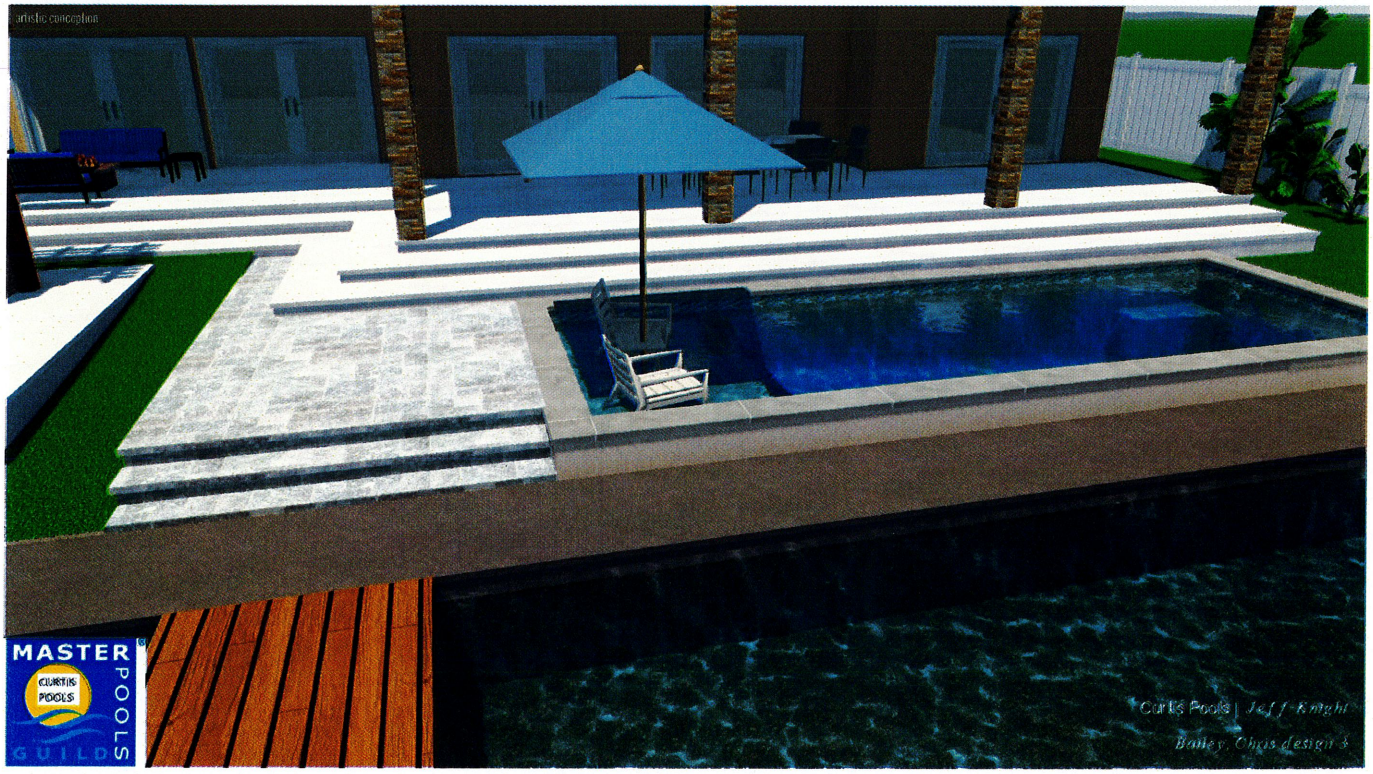
produced N.J DR LIC **as identification**

(Notary Signature) 12/18/19 (Date)

My Commission Expires _____

ROGER W. BISHOP
Commission # GG 208041
Expires August 16, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

artistic conception
MASTER
CURTIS POOLS
POOLS
GUILD
Curtis Pools |
Bailey, Chris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Bailey, Chris design 8

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Bailey, Chris design 3

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Curtis Pools | Jeff Knight
Bailey, Chris design 3

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

VARIANCE CASE NO. 19070 – Jeff Knight of Curtis Pools for Greg & Medina Sandler
MEETING DATE: January 29, 2020
PREPARED BY: Lynn Rosetti, Senior Planner

REQUEST	A Practical Difficulty Variance to allow for the installation of a pool that encroaches into the required rear setback (LDC Sec. 6.13)). The property is zoned RU-1, Residential District.
SUBJECT PROPERTY	562 Belle Point Drive; Belle Vista First Addition, Block D, Lot 6; Property I.D. # 07-32-16-07506-004-0060.
ACERAGE	Approximately 0.21 acres (9,138 sq. ft.)
LAND USE	The property's land use is RU, Residential Urban as shown on the Future Land Use Map.
FLOOD ZONE	AE (10)
SURROUNDING AREA	North - Single-family Residence South - Single-family Residence East - Boca Ciega Bay West - Belle Point Drive/Single-family Residence

BACKGROUND

The subject property contains a single-family residence that is currently under construction. The applicant seeks to construct an open swimming pool in a manner that encroaches into the rear yard setback area. The required setback for an open swimming pool is 9 feet. The applicant is requesting to encroach into the rear setback by 2.2 feet (for a setback of 6.8 feet). The subject property is a single-family lot in the RU-1 district and is similar in size and dimensions to other residential lots in the surrounding neighborhood.

ANALYSIS

The applicant is requesting to be allowed to build a pool in a manner that encroaches into the rear yard setback area. The encroachment proposed is 2.2 feet, leaving a distance of 6.8 feet between the open pool and the centerline of the seawall. Review of an aerial photograph of

the subject property reveals that many of the neighboring properties include swimming pools which appear to substantially meet the required setbacks.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Rear Yard	Pool	9.0 feet	6.8 feet	24%

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

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting a variance of approximately 24% from the required 9.0 foot setback for a pool and pool deck. This will result in a rear setback of 6.8 feet from the water's edge.

b) Whether an adverse change will be produced in the character of the neighborhood;

Staff has reviewed the proposed swimming pool and finds that the requested variance will not adversely change the character of the neighborhood. Review of the aerial photograph reveals that many homes within the surrounding neighborhood have swimming pools. Some of these pools appear to encroach into the pool setback area. Staff finds that a 2.2 foot encroachment into the rear yard is not significant, is similar to pool setbacks for other surrounding properties, and would not adversely change the character of the neighborhood.

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

The applicants are currently building a new single-family residence on the subject property. A historical review of aerial photographs reveals that the site's former residential development included a pool structure that appears to have meet setbacks. The former residential structure was demolished in June 2017. The applicants purchased the subject property in January 2019 and began the building permit process in April of 2019. A Notice of Commencement was issued on May 29, 2019. It is not known if the applicants planned for a swimming pool at the time the residential structure was permitted, but staff acknowledges that even if the applicants had known they wanted a pool, the specifics had not yet been finalized. Regardless, the difficulty could be obviated by narrowing the proposed swimming pool by 2.2 feet. Such action would render the swimming pool compliant with the pool setback requirements.

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

As previously noted, the applicants purchased the subject property in January 2019. It was vacant land at the time of purchase. A new residential structure for the site was permitted this past year and the site is under construction. Foresight on the part of the applicants could have averted this situation,

especially with respect to the placement of the support columns of the covered patio balcony which could have been setback the 2.2 feet to make room for the proposed pool structure in a manner that meets the code.

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

SUMMARY:

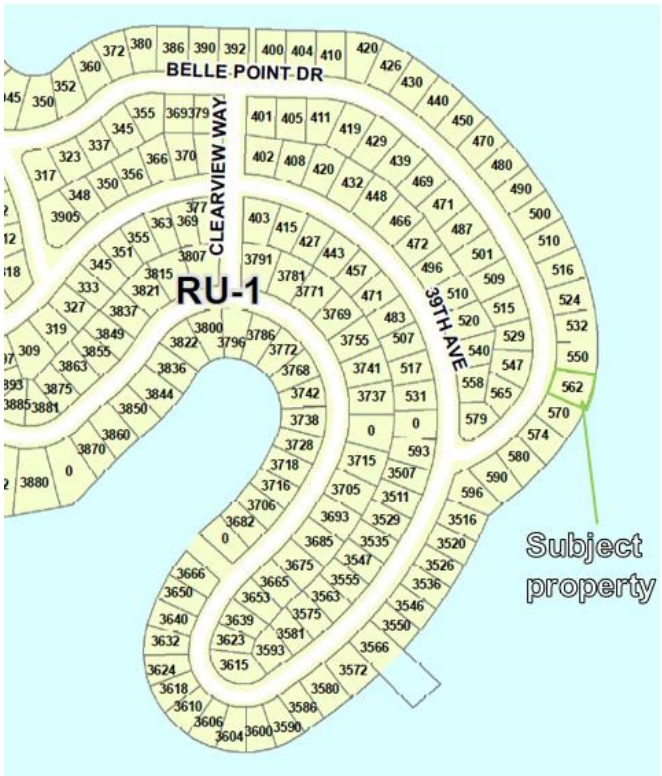
Staff finds that while the request is relatively minimal, the proposed swimming pool can meet the required setbacks by reducing the pool's width by 2.2 feet. In addition, given that the new residence was recently permitted and is currently under construction, it seems likely that the need for a variance was self-created by the applicants. Had the applicants discussed adding a swimming pool with staff during the permitting process, staff could have advised them of various options they might have considered that would have met the required setbacks. For example, it may have been possible for the columns supporting the second story porch decks to have been set back towards the residential structure, allowing the decks to cantilever beyond their support columns. The swimming pool might then have been positioned closer to the residential structure, minimizing or eliminating the need for a variance.

RECOMMENDATION:

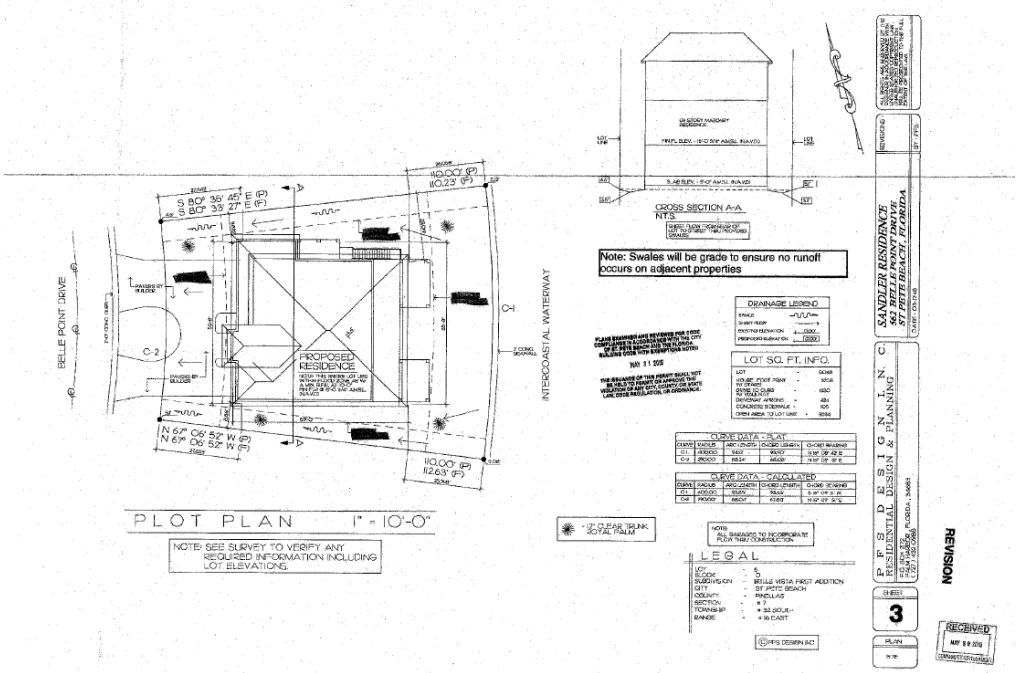
Staff recommends denial of the requested variance primarily because any need for a variance could have been avoided had the applicants consulted with the City during the initial permitting process to construct a new residence.

AERIAL MAP

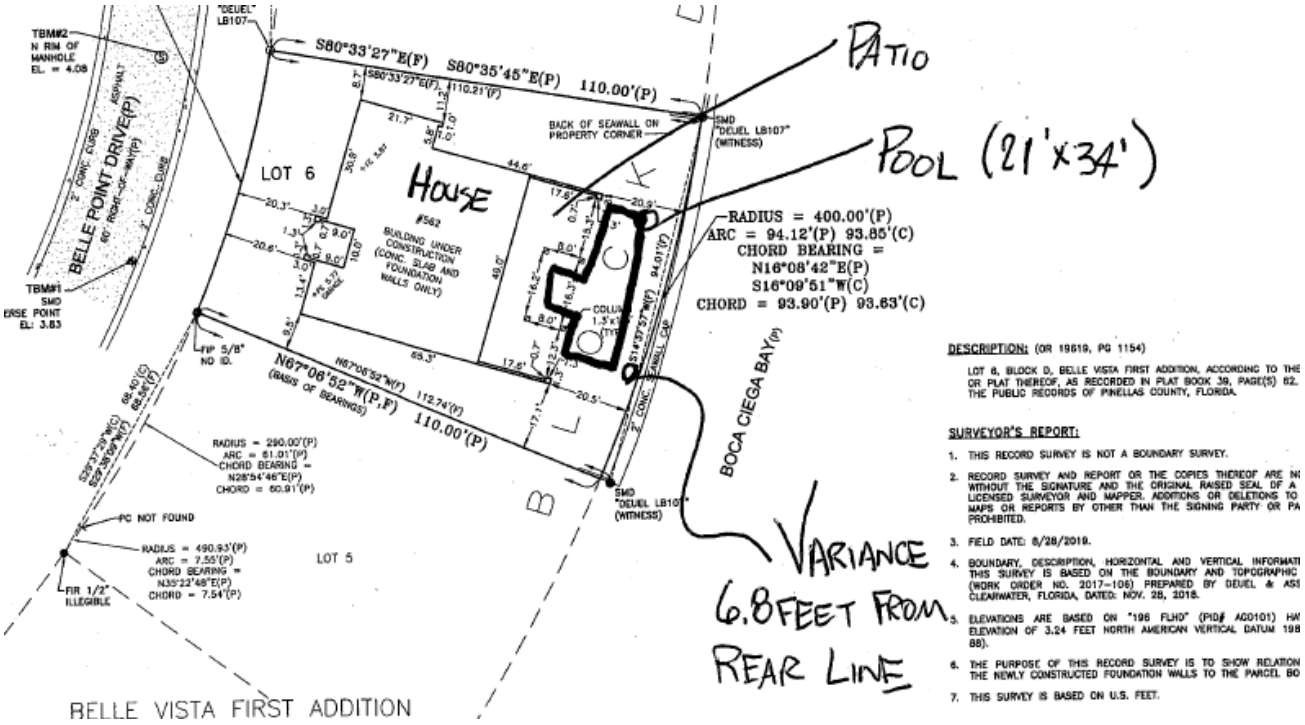
ZONING MAP



SURVEY



PROPOSED SITE PLAN



PHOTOGRAPHS

MASTER
CURTIS POOLS
POOLS
GUILD
Curtis Pools | Jeff Knight
Sandler

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COMMUNITY DEVELOPMENT

CASE #: 19070

SUBMITTAL DATE: 12/17/19 AMOUNT DUE: $515.40 PAYMENT DATE: 12/19/19

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 bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	GREG & MEDINA SANDLER	562 BELLE PT DR ST PETE BEACH	248 444-7034
Applicant/ Agent	CURTIS POOLS JEFF KNIGHT	150 COMMERCE DR N LARGO, FL 33770	727 559-7946

Owner Email Address:	Applicant/Agent Email Address:
GSANDLER@DYNAMICMACHINE.COM	JK@CURTISPOOLS.COM

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RV-1		8048 SQ FT
Legal Description:	BELLE PT VISTA 1ST ADD BLK O, LOT 6	
Parcel ID:	07-32-16-07506-004-0060	
Address:	562 BELLE PT DR	

Explanation of Request: REQUEST VARIANCE OF 4FT FROM THE 9FT REAR SETBACK OF SECTION 6.13(C) FOR CONSTRUCTION OF A GRADE LEVEL POOL AND SURROUNDING POOL DECK

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COMMUNITY DEVELOPMENT

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;

   REQUEST VARIANCE OF 4 FT FROM THE 9 FT REAR SETBACK

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

   THIS VARIANCE WILL BE CONSISTENT WITH OTHER POOLS IN THE NEIGHBORHOOD

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

   WITHOUT THIS VARIANCE A POOL OF ACCEPTABLE SIZE WOULD NOT BE POSSIBLE

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

   VARIANCE WILL ALLOW THE HOMEOWNER FULL USE AND ENJOYMENT OF THE PROPERTY WHICH IS COMMON AND CONSISTENT WITH THE NEIGHBOR HOOD

12-19-19

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

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DEC 19 2019
COMMUNITY DEVELOPMENT

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.

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

JMK 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.

JMK 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.

JMK 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.

JMK 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.

JMK 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.

JMK 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.

JD Hrnyak — 12-19-19

Signature of Applicant — Date

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE GREG + MEDINA SANDLER
(print name of property owner)

hereby authorize JEFF KNIGHT / CURTIS POOLS
(print name of agent)

to represent me/us in an application for VARIANCE TO SEC. 6.13 C
(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

GREG N SANDLER
Print Name of Owner

MEDINA SANDLER
Print Name of Owner

The forgoing instrument was acknowledged before me this 18TH **day of** OCTOBER **2019 by** GREG SANDLER MEDINA SANDLER **or who** ~~is~~ ARE **personally known** _____

produced _____ **as identification**

(Notary Signature)

OCTOBER 18TH, 2019
(Date)

My Commission Expires 08/16/2022

ROGER W. BISHOP
Commission # GG 208041
Expires August 16, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

St. Pete Beach

The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, JEFF KNIGHT, 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): JEFF KNIGHT / CURTIS POOLS

Address: 150 COMMERCE DR N LARGO, FL 33770

Signature 10-25-19 *Date*

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 25TH day of OCTOBER, 2019 by JEFFREY D. KNIGHT, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission Expires: 08/16/2022

NOTARY:

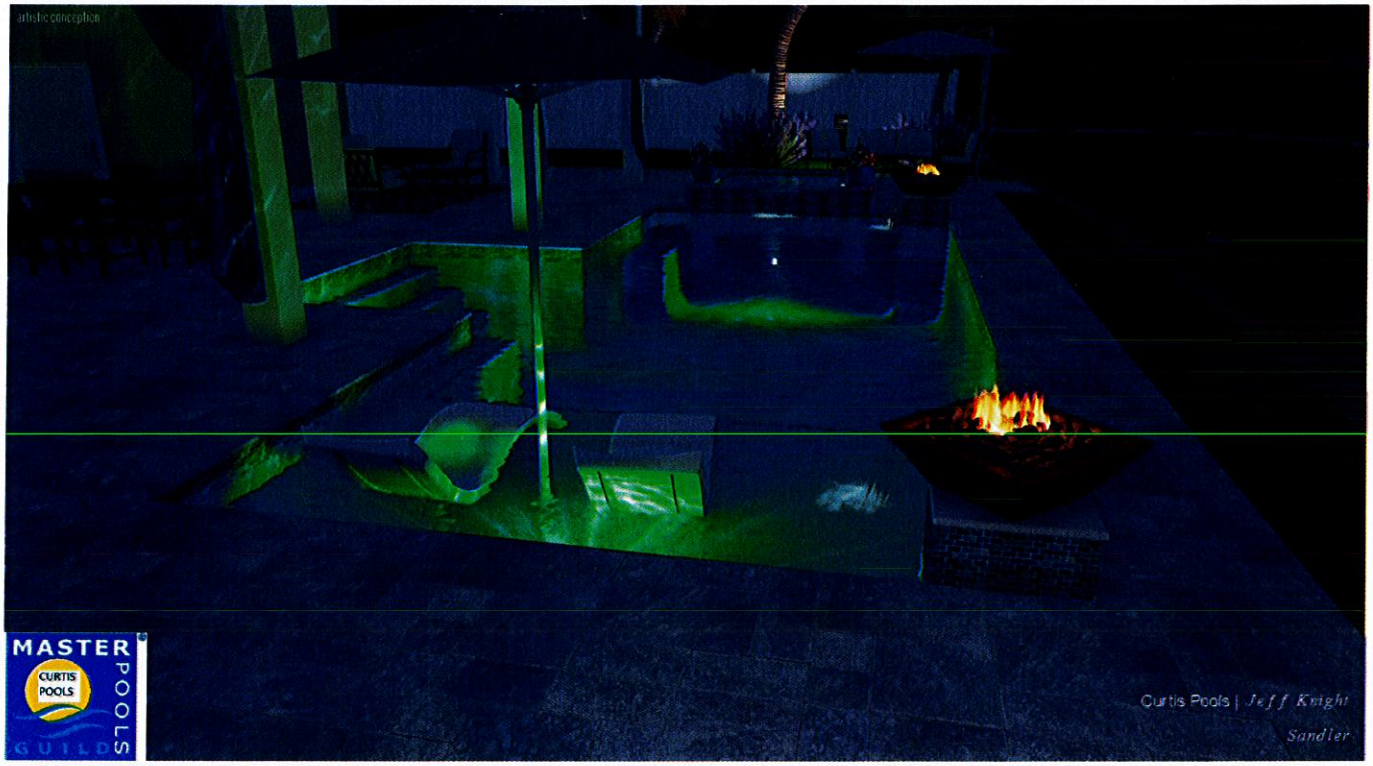
Print Name: _____

Notary Public, State of Florida

(Notarial Seal)

ROGER W. BISHOP
Commission # GG 208041
Expires August 16, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

LUBKE
LubkeConstruction.com
727 902 3007


artistic conception
MASTER
CURTIS POOLS
POOLS
GUILD
Curtis Pools | Jeff Knight
Sandler

artistic conception
MASTER
CURTIS POOLS
POOLS
GUILD
Curtis Pools | Jeff Knight
Sandler

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

VARIANCE CASE NO. 19071 – Edward and Michelle Lee
MEETING DATE: January 29, 2020
PREPARED BY: Brandon Berry, Planner I and Lynn Rosetti, Senior Planner

REQUEST	A Practical Difficulty Variance to allow for the installation of a pool that encroaches into a required rear setback (LDC Sec. 6.13(c)). The property is zoned RU-1 – Residential District.
SUBJECT PROPERTY	700 64th Ave; THREE PALMS POINT UNIT 8 LOT 16; Property ID # 31-31-16-90744-000-0160.
ACERAGE	Approximately 0.19 acres (8,250 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE-11
SURROUNDING AREA	North – 64th Ave/Single-family Residence South - Single-family Residence East – Single-family Residence West – 4th Palm Pt/Single-family Residence

BACKGROUND

The subject property is located on a corner lot and contains a single-family residence that was constructed in 1972. The property fronts along both 64th Ave and 4th Palm Point which require a 20 foot setback each for both primary and accessory structures. The rear setback, which is opposite 64th Ave, is required to be 9.0 feet for open swimming pools and decks that are 2.0 feet or less in height above the established grade. The percentage of encroachment of this request is 56%.

ANALYSIS

The subject property is essentially identical in size, shape and orientation to other lots in this portion of 64th Ave. The orientation of the existing residence and the fact that this is a corner lot somewhat limits the buildable area of this lot to a greater extent than other lots in the immediate vicinity that lack a

secondary frontage. For example, a typical lot along 4th Palm Point has a buildable pool area of approximately 61%, whereas this corner lot has a buildable pool area of approximately 47%. The table below details the variance sought.

	Structure	**Required Setback**	**Proposed Setback**	**Percentage Encroachment**
Rear Yard	Pool	9.0 feet	4.0 feet	56%

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

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting a variance of approximately 56% from the required 9.0 feet setback for a pool and pool deck (that is 2.0 feet or less above the established grade). This will result in a rear setback of 5.0 feet from the water's edge.

b) Whether an adverse change will be produced in the character of the neighborhood;

Review of the proposed swimming pool finds that the requested variance will not adversely change the character of the neighborhood. The subject property is one of the few lots in this neighborhood that does not have access to the waterfront. Its rear yard is relatively small and would appear to require a variance for any standard size pool to be constructed. Review of aerial photographs reveals that many homes with this neighborhood have standard sized pools. One such property located directly across 4th Palm Point is similarly land-locked, has an existing swimming pool, and appears to be similar in size and circumstance to the subject property. A recommended condition of approval is that the subject property be landscaped and sodded in a manner that meets the City's landscaping requirements. Staff discussions with the applicants revealed that they are planning to landscape and sod their property in conjunction with the installation of a pool.

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

The applicant could reduce the width of the proposed swimming pool in a manner that would meet the setback requirements. Such an action would essentially create a lap pool. However, as previously noted, review of aerial photographs reveals that many homes within this neighborhood have swimming pools in the rear or waterfront yards. Some of these swimming pools appear to be relatively close to their property lines.

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

Staff finds that the request is both reasonable and equitable. Many homes in this area have pools of a similar size. In addition, the requested pool is anticipated to have minimal impact on the

neighborhood, it is reasonably-sized, and it makes use of the substantially limited buildable area in the rear of the property.

Any variance granted by the Board or Adjustment 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 this approval.

SUMMARY:

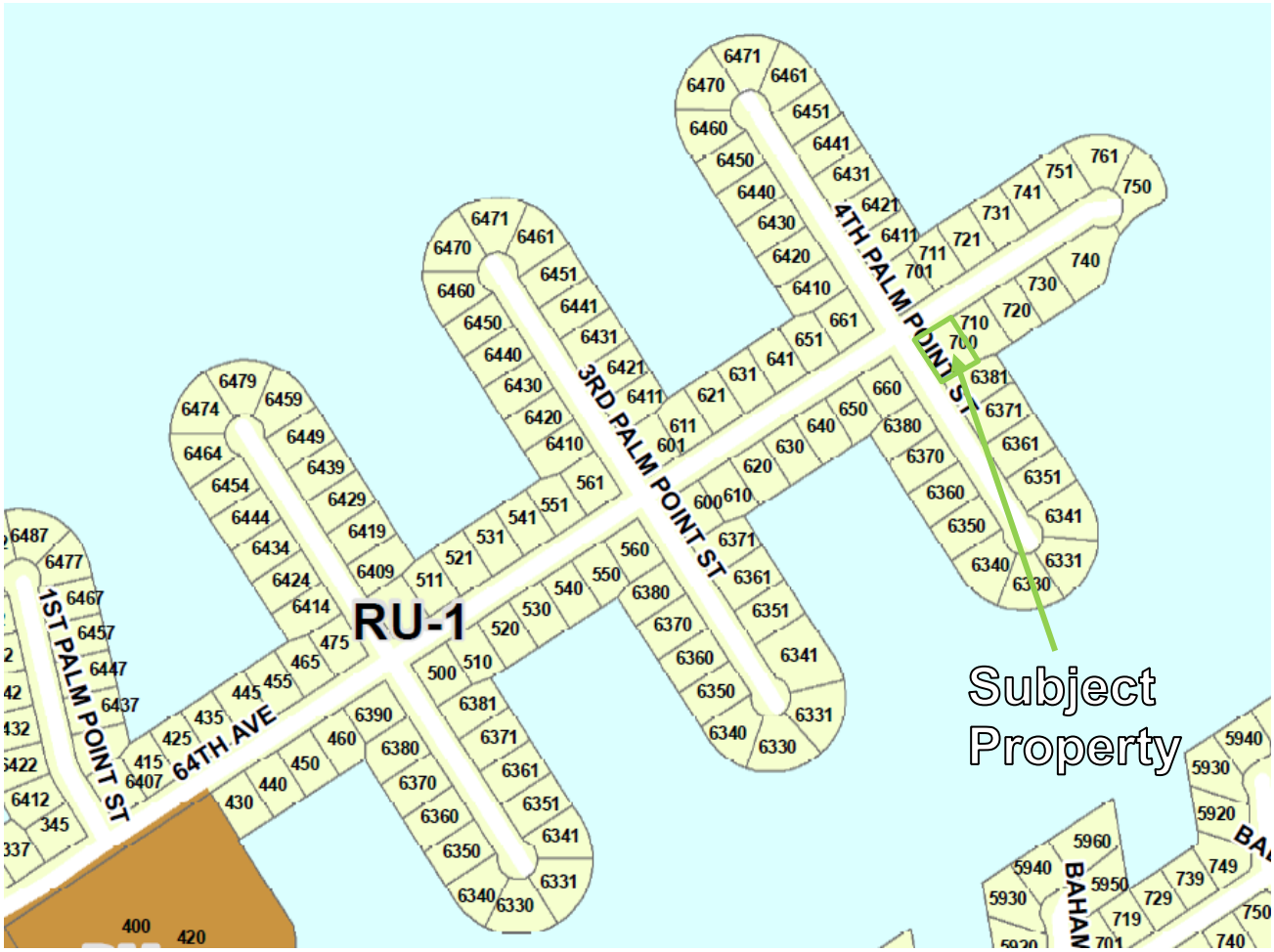
Staff finds that the request is both reasonable and equitable and should have minimal impact on the surrounding properties and neighborhood. Other similar homes in the neighborhood have pools in the rear or waterfront yard area, and some appear to be close to the property line. This request seeks to add a swimming pool in a manner similar to many of the neighboring properties.

RECOMMENDATION:

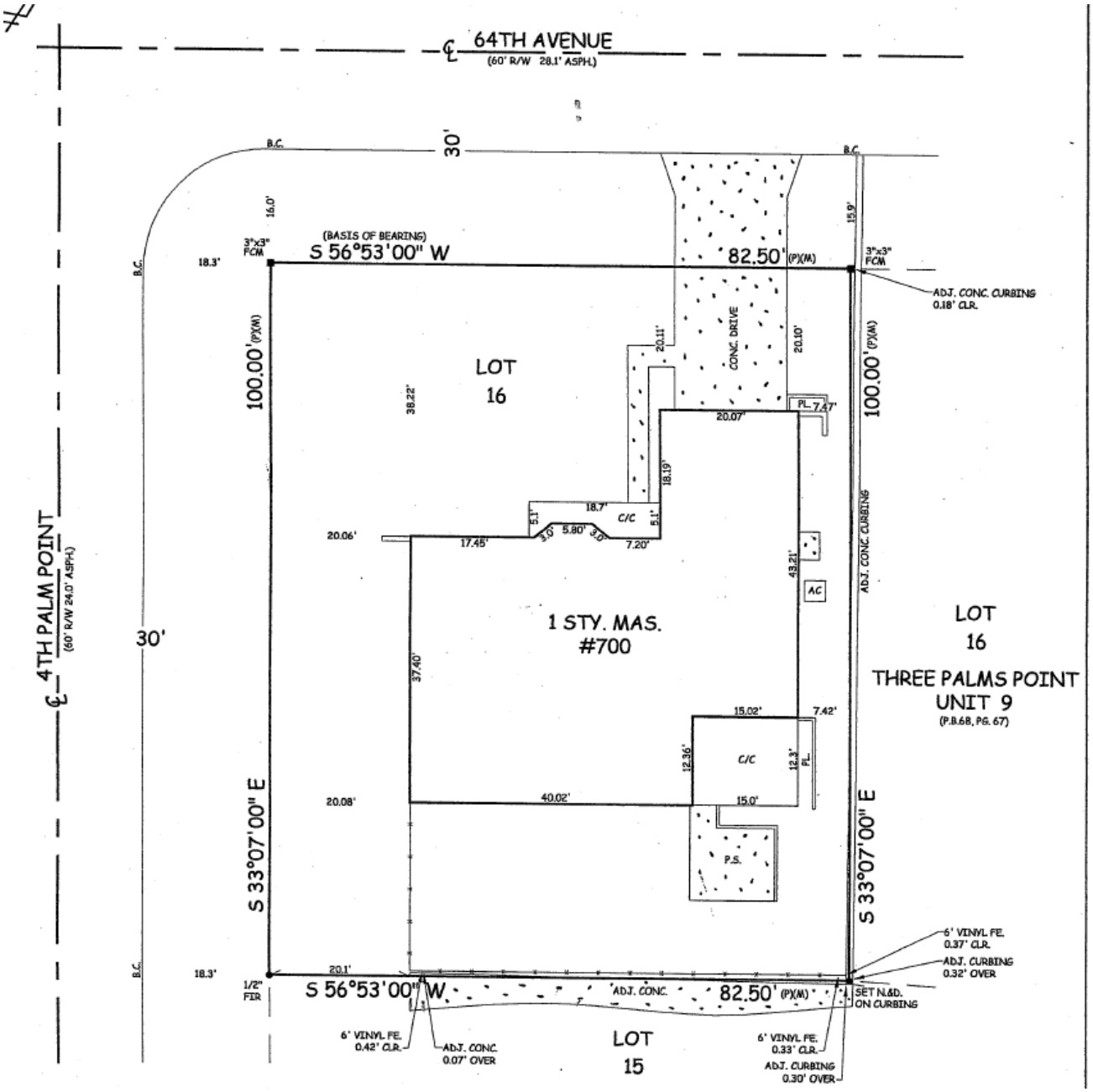
Staff recommends approval conditioned upon the subject property be landscaped and sodded in accordance with the City landscape requirements found in Section 22.4 of the Land Development Code.

AERIAL MAP

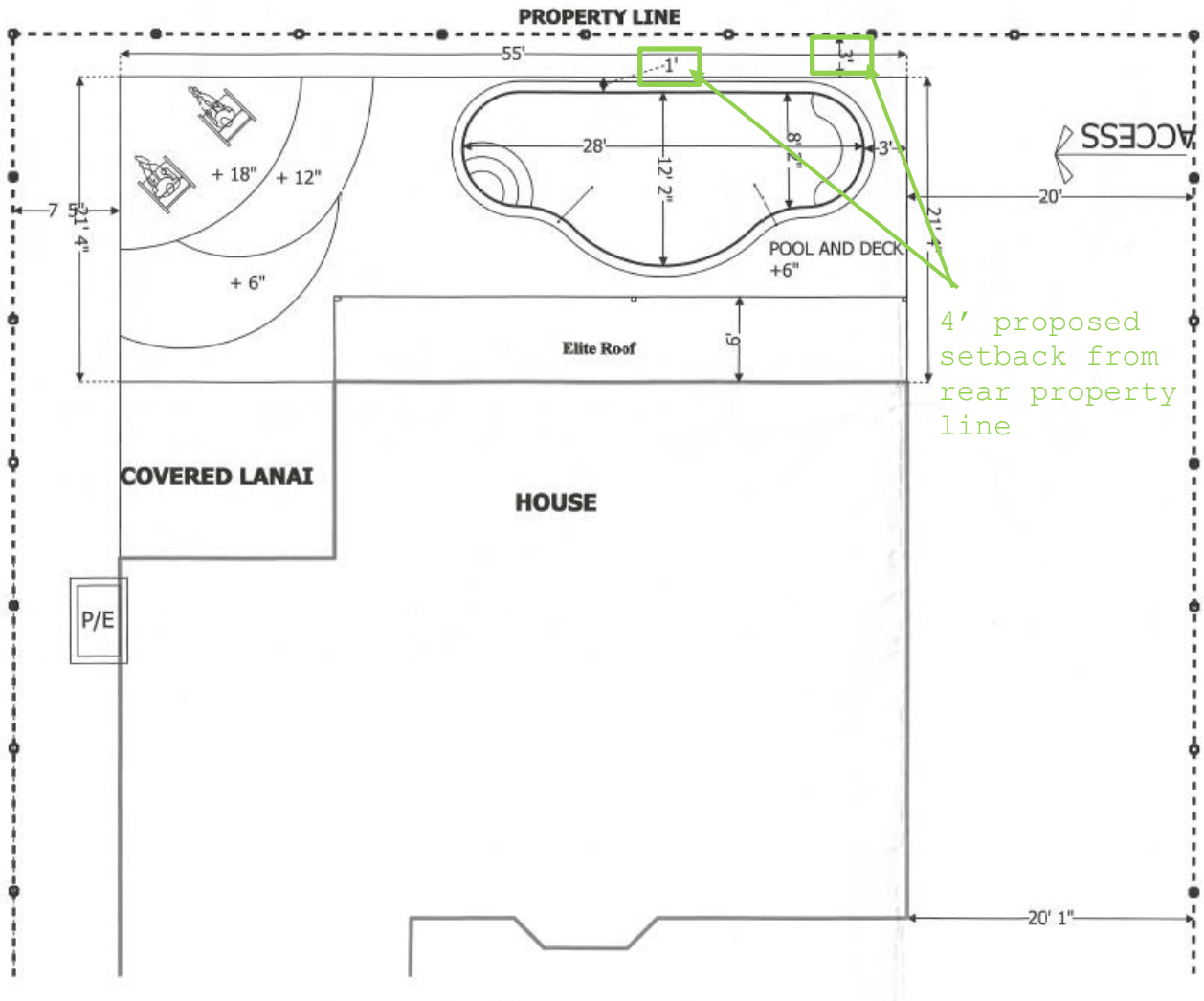
ZONING MAP


RU-1
Subject Property
1ST PALM POINT ST
3RD PALM POINT ST
4TH PALM POINT ST
64TH AVE

SURVEY


64TH AVENUE
(60' R/W 28.1' ASPH.)
4TH PALM POINT
(60' R/W 24.0' ASPH.)
(BASIS OF BEARING)
S 56°53'00" W
82.50' (P)(M)
3"x3" FCM
ADJ. CONC. CURBING
0.18' CLR.
100.00' (P)(M)
LOT
16
CONC. DRIVE
PL
7.47'
20.07'
18.19'
18.7'
C/C
5.80'
7.20'
17.45'
20.06'
43.21'
AC
1 STY. MAS.
#700
37.40'
38.22'
15.02'
7.42'
12.36'
12.3'
40.02'
20.08'
15.0'
P.S.
S 33°07'00" E
LOT
16
THREE PALMS POINT
UNIT 9
(P.B.68, PG. 67)
6' VINYL FE.
0.37' CLR.
ADJ. CURBING
0.32' OVER
1/2" FIR
20.1'
ADJ. CONC.
SET N&D.
ON CURBING
6' VINYL FE.
0.42' CLR.
ADJ. CONC.
0.07' OVER
LOT
15
6' VINYL FE.
0.33' CLR.
ADJ. CURBING
0.30' OVER
30'
B.C.
18.3'
16.0'
15.9'

PROPOSED SITE PLAN



CASE #: 19071

SUBMITTAL DATE: 12-19-19 AMOUNT DUE: $520.30 PAYMENT DATE: 12-19-19

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 bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

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OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	EDWARD & Michelle LEE	700 64th AVE ST PETE BEACH, FL 33706	8455468044
Applicant/ Agent	"	"	

Owner Email Address:	Applicant/Agent Email Address:
edwardjLEE@AOL.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RU1	RU1	82'x100' = 8250FT²
Legal Description:	3 Palms Point unit 8 lot 16	
Parcel ID: 31-31-16-90744-000-0160		
Address: 700 64th AVE		

Explanation of Request: We have a limited area for the pool and need a variance for pool size. We want to remove all gravel and sod the yard.

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;

   looking for 55% variance

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COMMUNITY DEVELOPMENT

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

   No negative impact

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

   there is no other place to put pool

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

   Position of pool would fit property, being a normal size pool.

Elma 12-19-19

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

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DEC 19 2019
COMMUNITY DEVELOPMENT

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.

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

EL 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.

EL 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.

EL 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.

EL 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.

EL 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.

EL 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

12-19-19
Date

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DEC 19 2019
COMMUNITY DEVELOPMENT

St. Pete Beach
The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, EDWARD LEE, 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): EDWARD LEE

Address: 700 64th AVE ST Pete BEACH FL 33706

Signature _____ Date 12-19-19

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19 day of Dec, ~~2020~~ 2019 by: Edward Lee who appeared before me, and is personally known to me, or has produced FL DL # 334-0 as identification, and did take an oath.

My commission Expires:

TINA L. WILKERSON
Commission # GG 307440
Expires March 4, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY:

Print Name: TINA L Wilkerson Notary Public, State of Florida

(Notarial Seal)

TINA L. WILKERSON
Commission # GG 307440
Expires March 4, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

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

VARIANCE CASE NO. 19072 – Mark Hatfield
MEETING DATE: January 29, 2020
PREPARED BY: Brandon Berry, Planner I

REQUEST	A Practical Difficulty Variance to allow for the encroachment of a garage into a required front setback (LDC Sec. 8.7(a)(1)). The property is zoned RU-1 – Residential District.
SUBJECT PROPERTY	607 55th Ave; BRIGHTWATER BEACH ESTATES PARTIAL REPLAT LOT 4; Property ID # 31-31-16-11466-000-0040.
ACERAGE	Approximately 0.28 acres (12,200 sq. ft.)
LAND USE	RU-1 Residential District on the Zoning Map; RU Residential Urban on the Future Land Use Map
FLOOD ZONE	AE-11/AE-12
SURROUNDING AREA	North – Water South - 55th Ave/Single-family Residence East – Single-family Residence/Water West – Single-family Residence

BACKGROUND

The zoning lot contains a single-family residence constructed in 1978. This is a cul-de-sac lot, which provides side setbacks based on the minimum lot standards for the district, resulting in 7' setbacks on both sides. The front and rear setbacks for the property are 20' as is the case with all single-family lots in the RU-1 district.

ANALYSIS

The applicant is requesting to extend their garage 7.4' into the front of the property. Because of the shape of the property and the home's layout, the structure including the garage slopes away from the front property line. The garage is currently 21.5' from the front property line at its closest point, and is proposed to be extended to approximately 14' from the front property line at its closest point. An existing covered entryway also exists at the front of the home and extends out further than the garage is

proposed to be, but because of the home's slope the covered entryway does not encroach into the front setback. The required and proposed setbacks are detailed below.

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Front Yard	Attached Garage	20'	14' (closest point)	30%

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

a) How substantial the variance is in relation to the requirement sought to be varied;

The applicant is requesting a maximum variance of approximately 30%, although the garage and structure in general does slope away from the front property line which results in the proposed encroachment being lesser on the western side of the structure. The required front setback for an attached garage is 20', and the applicant is requesting for the garage to be 14' at its closest point.

b) Whether an adverse change will be produced in the character of the neighborhood;

Staff find that no adverse change will be produced in the character of the neighborhood. While the garage does encroach into the front setback, and an existing covered entryway to the west of the garage does not, the slope of the lot means that the garage will not visually impact the abutting southeastern neighbor to a greater extent than the entryway does currently. The garage extension will maintain the existing side setback of the structure, which meets the requirements of the Land Development Code. The applicant will be required to install gutters onto the southeastern side eaves if the eaves encroach into the side setback.

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

The difficulty cannot be obviated through another feasible method. The location of the garage and the home's general layout would require significant alteration to expand the garage in any other manner.

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

Staff find that the request is reasonable and equitable, while providing minimal impact to the neighborhood. Staff find that the interest of justice will be served by allowing for the variance.

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:

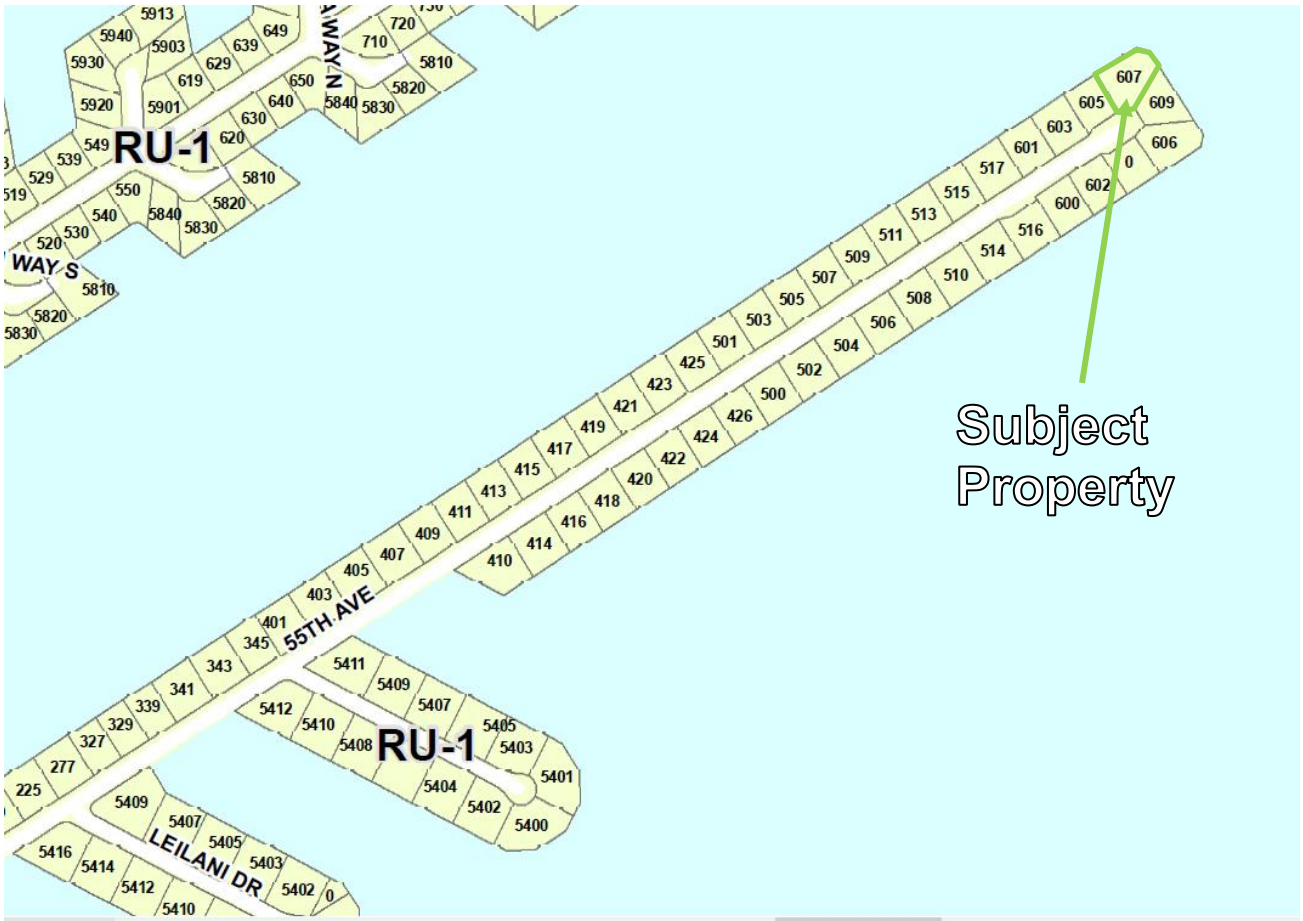
The request is reasonable and should have minimal, if any, impact on the neighborhood. The orientation and layout of the home prohibits the expansion of the garage into any other area of the property. Furthermore, the garage should not visually impact abutting neighbors due to the presence of a covered entryway that extends further from the front of the home than the garage is proposed to be.

RECOMMENDATION:

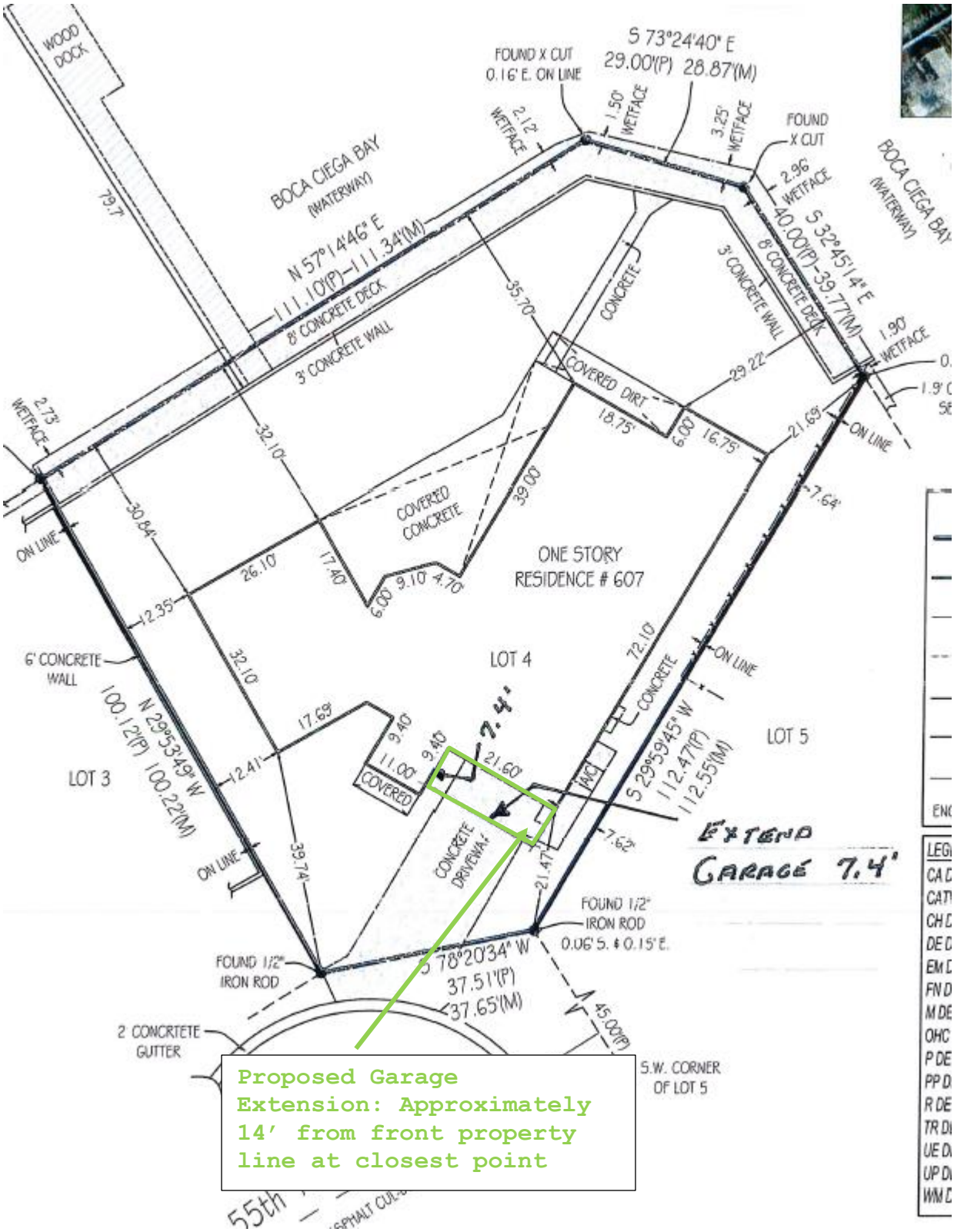
Staff recommend approval.

AERIAL MAP

ZONING MAP



SURVEY & REQUEST



*Paid in full 12/23/14

St. Pete Beach
The Sunset Capital of Florida

VARIANCE APPLICATION

Case Number: 19072

PROPERTY FOR PROPOSED VARIANCE

Legal Description: Brightwaters Beach Estates Partial Replat Lot 4

Parcel ID: 31-31-16-11466-000-0040

Address: 607 55th Ave St. Pete Bch 33706

Current Zoning: RU-1 FLUM Designation: RU Lot Area: _____

APPLICANT/AGENT:

Name: Mark Hatfield

Address: 607 55th Ave

City: St. Pete Bch State: FL

Zip: 33706 Phone: 727-560-8270

Email: MHATFIELD6651@GMAIL.COM

PROPERTY OWNER:

Name: Mark Hatfield

Address: 607 55th Ave

City: St. Pete Bch State: FL

Zip: 33706 Phone: 727-560-8270

Email: MHATFIELD6651@GMAIL.COM

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

I would like to Extend the Existing Garage out 3'4" we can not fit our full size car in Garage

Additional Documents:

(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)

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;

   Approximately 30% or Less

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

   The Entrance is Already further than the Variance I Am Asking for

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

   I can not

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

   I Have An Exsisting building I Just trying to Expand my Garage to be Able to Keep Vehicle inside

12/23/19

Signature of Applicant **Date** **Signature of Authorized Agent** **Date**

CASE #:_____ **PARCEL #:** _____

SUBMITTAL DATE:_____ **AMOUNT DUE:** _____ **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 bberry@stpetebeach.org.
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner			
Applicant/ Agent			
Owner Email Address:		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
Legal Description:		
Address:		
Explanation of Request: _____		

VARIANCE APPLICATION

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

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

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

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

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

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

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

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

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

Signature of Applicant

12/19/19
Date

Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE _____
(print name of property owner)

hereby authorize _____
(print name of agent)

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

_____ _____
Signature of Owner Signature of Owner

_____ _____
Print Name of Owner Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of _____ 2019 by_____ or who is personally known _____ produced _____ as identification.

_____
(Notary Signature) **(Date)**

My Commission Expires _____

St. Pete Beach
The Sunset Capital of Florida

PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Mark Hatfield, 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): Mark Hatfield

Address: 607 55th Ave St. Pete Beach FL 33706

Signature *Date* 12-17-19

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this_____day of_____, 2019 by:_____who appeared before me, and is personally known to me, or has produced _____as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: _____ Notary

Public, State of Florida

(Notarial Seal)

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.