



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, April 26, 2023
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the April 26, 2023 agenda.

2. Audience Comments -

If you wish to address the Board, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes.

3. Approval of Minutes

a. Approval of Minutes - March 29, 2023

4. Action Items -

a. Appointment of Officers 2023-24

Sec. 22-39. - Election of officers; conduct of meetings.

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

Current Chair Paul Skipper; Vice Chair Vacant

Requested Actions:

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

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

b. Case No. 23004 – 8720 Gulf Blvd.

Practical Difficulty Variance; Greg and Michelle Olson request to retain existing fencing

that exceeds the permitted maximum height of 4 feet within the waterfront yard (LDC Sec. 6.15).

c. Case No. 23018 – 2007 Pass-a-Grille Way

Unnecessary and Undue Hardship Variance; Charles Collom for Collom Properties, LLC requests removal of existing 6' high fencing and installation of 8' high fencing that exceeds maximum permitted height of 4' within waterfront and secondary front yards (LDC Sec. 6.15).

d. Case No. 23022 – 550 Corey Ave.

Unnecessary and Undue Hardship Variance; Gulf Coast Heating and AC, LLC for KAO Capital Partners Florida, LLC requests to install elevated mini-split ac systems for 4 units that do not meet the location requirements (LDC Sec. 39.5(g)) and 8 units that do not meet required side and rear yard setbacks of 10' with 3'2" to 4' provided (LDC 30.8(a)).

5. Adjournment - Next meeting to be held on 5/31/2023 -

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

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

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.

CITY OF ST. PETE BEACH
DRAFT BOARD OF ADJUSTMENT MEETING MINUTES
March 29, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member

EXCUSED: Dan Small, Member

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

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

1. **Approval of the Agenda** – Assistant City Attorney Matthew McConnell explained that the Appointment of Officers will be continued to the April meeting after all appointments have been made.

Motion: Member Bomar moved, and Vice Chair Lyman seconded to continue the Appointment of Officers to the April meeting.

Motion: Member Chase moved, and Member Bomar seconded the approval of the agenda with the change; the motion passed unanimously.

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

3. **Approval of Minutes - a. Workshop and Regular Minutes 1/25/2023**

Motion: Vice Chair Lyman moved, and Member Bomar seconded the approval of the January 25, 2023 Workshop and Regular minutes as presented. The motion passed unanimously.

Mr. McConnell explained that the minutes of the January 25th Workshop can serve as an outline of procedure for quasi-judicial hearings; he is working on a legal memo to file for the Clerk to disperse to the members.

4. **Action Items**

a. **Election of Officers 2023-24**

Item continued to the April meeting.

b. **Case No. 23006 - 285 42nd Ave. Practical Difficulty Variance;** Pamela and Paul Stein requests to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5'

Senior Planner Kristin Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. She explained the need for two variances – front and rear setbacks. She reviewed variance conditions and staff comments and asked that the applicant provide their own testimony. Staff found the request reasonable and recommended approval with one condition – that the applicant submit an As-Built Plan prior to issuance of a Certificate of Occupancy. No communication was received for or against the request.

Applicant Paul Stein appeared and provided testimony regarding his request. He provided some additional photographs. He testified that the staff recommendations were acceptable to him. Ms. Coman added that the building materials should be consistent with what is already present. Mr. Stein testified that the storage buildings will be removed and will be adding landscaping. He had received 22 signatures in support of his project.

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

The members testified that they had no ex-parte communications with the applicant or regarding the application.

Motion: Member Chase moved, and Vice Chair Lyman seconded to approve the variance for with staff recommended conditions for Case No. 23006 to construct an 18.5' x 18' x 11' high detached garage that will not meet the required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed; the motion carried 4-0.

c. **Case No. 23013 - 200 1st Ave.** *Unnecessary and Undue Hardship Variance*; James Manfuso for Point Pass-a-Grille Inc. requests to construct aluminum fence on southern seawall that exceeds the permitted maximum height of 4' within waterfront yard where 20' setback is required (LDC Sec. 6.15).

Ms. Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. She reviewed the conditions and added that the case was reviewed by the Technical Review Committee who suggested they contact Turtle Trackers for comment on the work proposed. Staff found the request reasonable and recommended approval with the condition the fence be of an open design similar to the one proposed by the applicant.

One letter in favor and one against the application were received.

Jim Manfuso, owner/representative at the subject property and Treasurer of the Point Pass-a-Grille Inc. Association appeared and provided testimony on the reasons for the request. Mr. McConnell ascertained that Mr. Manfuso had authority to appear.

There was no additional audience comment. The Chair opened Board discussion. The applicant representative testified that there will be a gate in the fence and answered Board questions.

The members testified that they had no ex-parte communications with the applicant or regarding the application.

Motion: Member Chase moved, and Vice Chair Lyman seconded to approve the variance for Case No. 23013 to construct an aluminum fence on southern seawall that exceeds the

permitted maximum height of 4' within a waterfront yard where 20' setback is required, with staff recommendation that the fence be of an open design similar to the one proposed by the applicant; the motion carried 4-0.

d. Case No. 23012 - 135 44th Ave. *Unnecessary and Undue Hardship Variance*; Brian Leach and Karen Didden requests to retain existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).

Ms. Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. She reviewed the staff comments contained in the presentation. Staff found the request reasonable and recommended approval. No communication for or against the request was received.

Applicant Brian Leach of 135 44th Avenue appeared and provided testimony and reasons for the request. The Chair asked questions regarding gutters.

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

The members testified that they had no ex-parte communications with the applicant or regarding the application.

Motion: Member Chase moved, and Member Bomar seconded to approve the variance for Case No. 23012 to retain an existing residential storage building of 128 sq. ft. that exceeds the maximum of 80 sq. ft. permitted as proposed; the motion carried 4-0.

e. Case No. 23015 - 250 Isle Dr. *Practical Difficulty Variance*; Elizabeth and Scott Sinatra requests to construct 22' x 22', <20' high attached garage that will not meet required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed (LDC Sec. 8.7(a)(1-2)).

Ms. Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. She detailed the setback requests and zoning table. She reviewed practical difficulty variance conditions and staff comments contained in the presentation. Staff found the request reasonable and recommended approval with the condition that the Applicant submit a sealed As-Built Plan prior to issuance of a Certificate of Occupancy. Two letters of objection were received.

Applicant Liz Sinatra of 250 Isle Drive appeared and testified with reasons for the request and explained the reason for the two garage doors.

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

The members testified that they had no ex-parte communications with the applicant or regarding the application.

Motion: Member Chase moved, and Vice Chair Lyman seconded to approve the variance for Case No. 23015 to construct a 22' x 22', <20' high attached garage that will not meet the required 20' front yard and 20' secondary front yard setback with 16' and 10' proposed, with the staff recommended condition that the applicant shall submit sealed As-Built Plan

noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection; the motion carried 4-0.

f. Case No. 23016 - 7501 75th Ave. *Unnecessary and Undue Hardship Variance*; Grant McLaughlin, PJ Callaghan Company for BoyleNPoint, LLC requests to reduce the size of a required 75th Ave frontage buffer from eight to five feet (LDC Sec. 22.7(a)(1)) and construct a new building in the Downtown Redevelopment District that lacks a corner entrance (LDC Sec. 39.3(e)(1)).

Senior Planner Brandon Berry presented the exhibits (including proof of posting) and details of this variance request. His presentation is part of the meeting record. An updated request was received on 3/28/23 which addressed the comments of the Technical Review Committee, which he reviewed. Two variances are requested – a corner entrance and a private landscaping buffer. He reviewed variance conditions, criteria and comments. Staff found the request reasonable and recommended three conditions for approval as outlined in the presentation.

No communication for or against the application were received.

Grant McLaughlin of PJ Callaghan Company, 3251 Morris St. N., St. Petersburg, appeared and testified regarding the reasons for the variance request.

There was no additional audience comment. The Chair opened Board discussion. The members asked additional questions of staff. Mr. McConnell commented on demolition.

The members testified that they had no ex-parte communications with the applicant or regarding the application.

Motion: Member Chase moved, and Vice Chair Lyman seconded to approve the variance for Case No. 23016 with the three conditions outlined in the staff report; the motion carried 4-0.

Following the action items, the members briefly discussed going back to paper agenda packets for ease of viewing them during meetings.

5. Adjournment – The next meeting 4/26/23.

Vice Chair Lyman adjourned the meeting at 3:17 PM.

These minutes will be considered for approval at the April 26, 2023 Board of Adjustment meeting.

4b.

Case No. 23004

8720 Gulf Blvd.



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 1/30/23

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

Owner: Greg and Michelle Olson
Applicant/Agent: Same
Parcel Number: 25-31-15-78264-105-0060
Address: 8720 Gulf Blvd., St. Pete Beach, FL 33706
Zone: RU-1
Application Type: Practical Difficulty Variance
Variance Case Number: 23004

Submittal Documents:

1. Completed application and required forms.
2. Boundary Survey prepared by John C. Brendla & Assoc., Inc., dated 8/18/14, last revised 6/1/16 consisting of 1 sheet showing existing site improvements.
3. Boundary Survey prepared by John C. Brendla & Assoc., Inc., dated 8/18/14, last revised 6/1/16 consisting of 1 sheet showing existing site improvements and existing fence height and length.
4. Color photo print serving as application supplement indicating length of fence sections, no date provided.

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

City/Board Professionals:

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

Board Members:

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

Cc: Greg and Michelle Olson, Owner/Applicant *via email* (mgiddings777@hotmail.com)

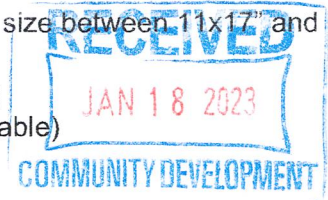
CASE #: 23004

SUBMITTAL DATE: 1/10/23 AMOUNT DUE: 523.10 PAYMENT DATE: 1/10/23
check #101

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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



OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Greg + Michelle Okon	8720 Golf Blvd St. Pete Beach, FL 33706	308-760-1546
Applicant/ Agent			
Owner Email Address: <i>mgsiddins777@hotmail.com</i>		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
<i>RU-1</i>	<i>RU</i>	<i>7771 SQ FT</i>
Legal Description:	<i>St. Petersburg Beach North Unit No. 7 lot 6 BLK 105 4 R/P RTS</i>	
Parcel ID:	<i>25-31-15-78264-105-0060</i>	
Address:	<i>8720 Golf Blvd</i>	
Explanation of Request: <i>Retain existing 5'5"-5'2" high fencing in waterfront yard. Approximately 13'6" in length.</i>		

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;

We would like to keep the existing 6' high fence that is in place now where 4' high fencing is permitted.

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

Neighbor has landscaping in excess of 10' high plus. Fence now is well below this and not negatively affecting their view.

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

Our pool deck doesn't allow room for dense vegetation.

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

No.

Michelle Olson 1/18/23

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



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Greg + Michelle Olson, 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): Greg + Michelle Olson
Address: 8720 Gulf Blvd St. Pete Beach FL 33706

Michelle Olson 1/18/23
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

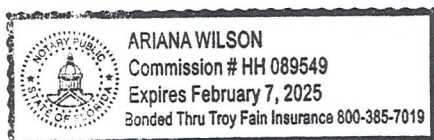
The foregoing instrument was acknowledged before me this 18th day of January, 2023 by:
Michelle Olson who appeared before me, and is personally known to me, or has produced
FL-DL as identification, and did take an oath.

My commission Expires:

NOTARY: Ariana Wilson
Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)



VARIANCE APPLICATION

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

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

mo GO 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.

mo GO 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.

mo GO 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.

mo GO 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.

mo GO 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.

mo GO 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.

Michelle Olson

Signature of Applicant

Date

1/18/23



| - 6' - | - 6' - | - 2' - | - 6' 4" - |
(length only)

CERTIFIED TO:

NAVIN BAJAJ TRUST
FIDELITY NATIONAL TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

LOT 6, BLOCK 105, ACCORDING TO THE PLAT OF
ST. PETERSBURG BEACH NORTH UNIT NO. 7
AS RECORDED IN PLAT BOOK 36, PAGE 42
OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

BOUNDARY AND TOPOGRAPHIC SURVEY
WITH IMPROVEMENTS - 8/18/14

ADDED CERT NAME - 8/20/14

STAKED PROPOSED PILINGS - 1/29/15

STAKED BUILDING ENVELOPE
AND CORNERS - 2/17/15

FOUNDATION SURVEY - 9/22/15

FINAL SURVEY - 5/12/16

ADD AREA DATA - 6/01/16

CURVE 1

RADIUS=1020.00'(P&C)
ARC=79.52'(P),79.54'(C)
CHORD=79.50'(P),79.52'(C)
CHORD BEARING=S 00°15'12"W(P&C)

CURVE 2

RADIUS=395.00'(P&M)
ARC=71.58'(P),71.59'(C)
CHORD=71.48'(P),71.49'(M)
CHORD BEARING=N 01°40'35"E(P)
N 01°28'08"E(M)

FEMA Flood Zone Data:

FLOOD ZONE AE(12')

COMMUNITY PANEL #125149 12103C02194 G
REVISED 9/3/03

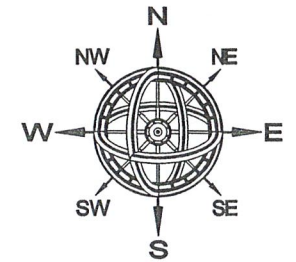
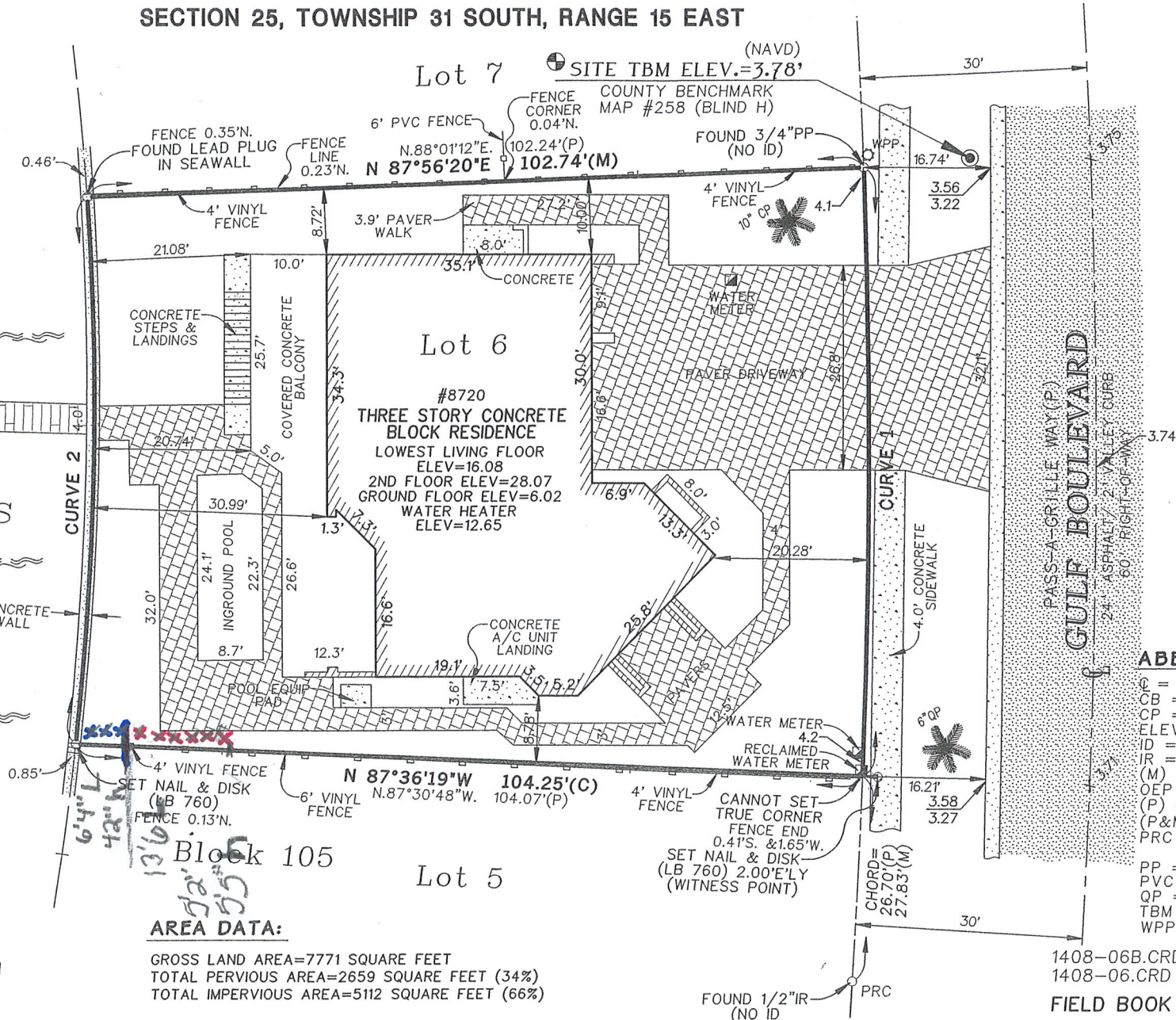
Assumed Basis of Bearings:

WESTERLY RIGHT-OF-WAY LINE OF GULF
BOULEVARD AS BEING S.00°15'12"W., PER PLAT.

Reference Benchmark:

PINELLAS COUNTY MAP #258 (BLIND H), DEPICTED HEREON
ELEV=4.530' NGVD, ADJUSTED TO
ELEV=3.78' NAVD, MSL=0.00'

SECTION 25, TOWNSHIP 31 SOUTH, RANGE 15 EAST



NORTH BASIS:
PLAT
SCALE: 1" = 20'

ABBREVIATIONS:

CL = CENTERLINE
CB = CONCRETE BLOCK
CP = CABBAGE PALM TREE
ELEV = ELEVATION
ID = IDENTIFICATION
IR = IRON ROD
(M) = MEASURED
OEP = OPEN END PIPE
(P) = PLAT
(P&M) = PLAT AND MEASURED
PRC = POINT OF REVERSE CURVATURE
PP = PINCH PIPE
PVC = POLYVINYL CHLORIDE
QP = QUEEN PALM TREE
TBM = TEMPORARY BENCHMARK
WPP = WOOD POWER POLE

AREA DATA:

GROSS LAND AREA=7771 SQUARE FEET
TOTAL PERVIOUS AREA=2659 SQUARE FEET (34%)
TOTAL IMPERVIOUS AREA=5112 SQUARE FEET (66%)

1408-06B.CRD
1408-06.CRD

FIELD BOOK 914 PAGE(S) 78

JOB# 1408-06
Drawn: DS

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

JOHN C. BRENDLA
Florida Surveyor's Registration No. 1269
Certificate of Authorization No. 760

This Survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

CERTIFIED TO:

NAVIN BAJAJ TRUST
FIDELITY NATIONAL TITLE INSURANCE COMPANY

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AND CORNERS - 2/17/15
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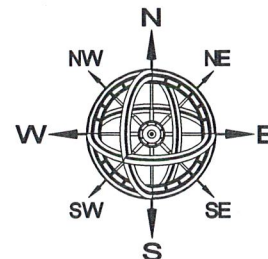
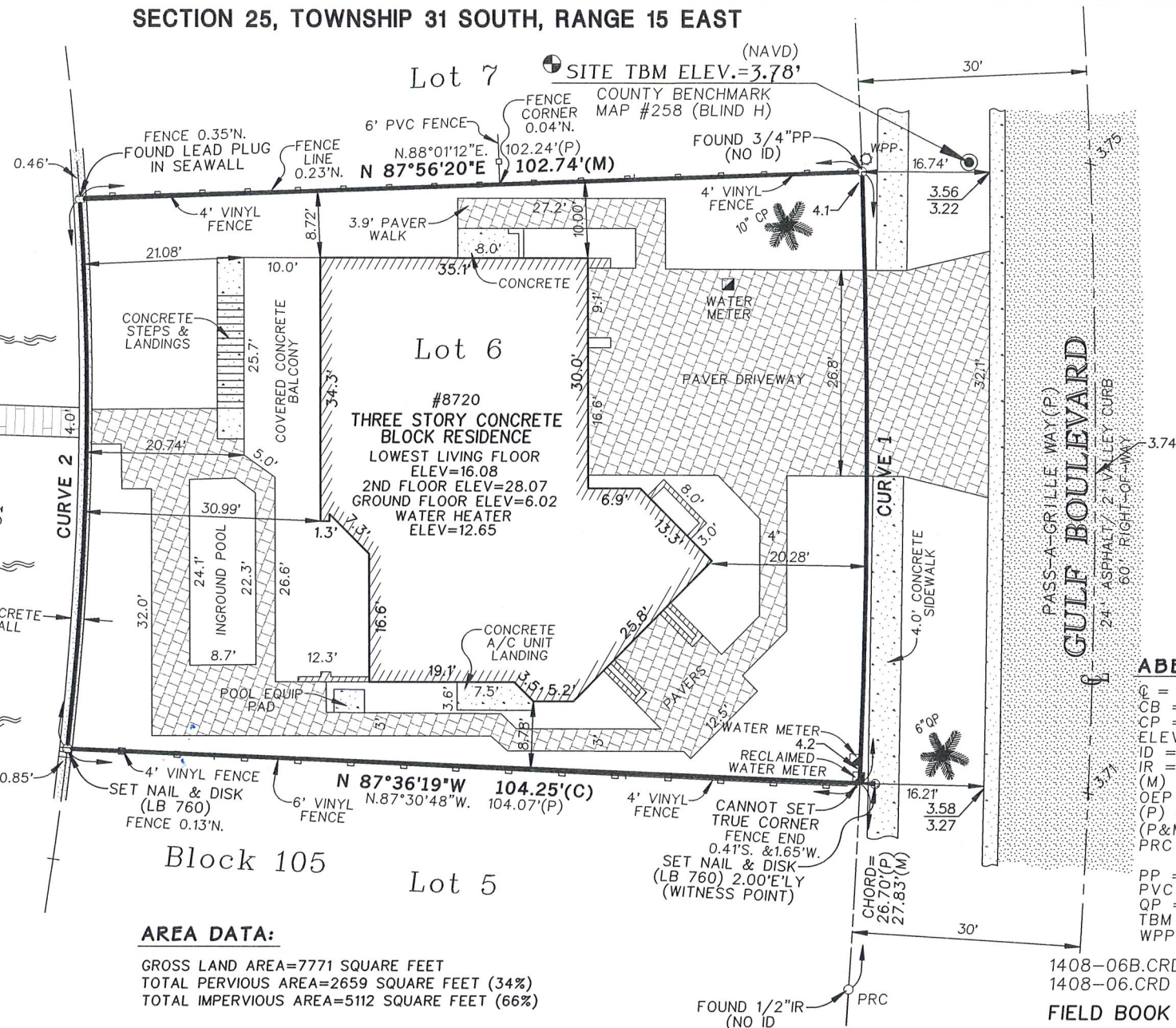
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1408-06B.CRD
1408-06.CRD

FIELD BOOK 914 PAGE(S) 78

JOB# 1408-06
Drawn: DS

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

JOHN C. BRENDLA

Florida Surveyor's Registration No. 1269
Certificate of Authorization No. 760

This Survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932



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

PLANNING DEPARTMENT

Date: April 10, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 8720 Gulf Blvd.
Parcel Number: 25-31-15-78264-105-0060
Greg and Michelle Olson
Variance Case No: 23004

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 4/26/2023

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

1. Completed Practical Difficulty Variance application forms.
2. Boundary Survey prepared by John C. Brendla & Assoc., Inc., dated 8/18/14, last revised 6/1/16 consisting of 1 sheet showing existing site improvements.
3. Boundary Survey prepared by John C. Brendla & Assoc., Inc., dated 8/18/14, last revised 6/1/16 consisting of 1 sheet showing existing site improvements and existing fence height and length.
4. Color photo print serving as application supplement indicating length of fence sections, no date provided.

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

Site Description/Surrounding Land Uses

The subject site is a 7,771 sq. ft. (approx. 0.18 acre) parcel located at 8720 Gulf Blvd. known as parcel number 25-31-15-78264-105-0060 and legal description of ST PETERSBURG BEACH NORTH UNIT NO. 7 BLK 105, LOT 6 & RIP RTS within the AE-Elevation 11 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence constructed in 2016 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, south, east and Blind Pass to the west. The waterfront site is improved with a three-story dwelling with rear paver patio with inground pool and dock with boat lift.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 1 of 15, dated 7/20/2012

Request

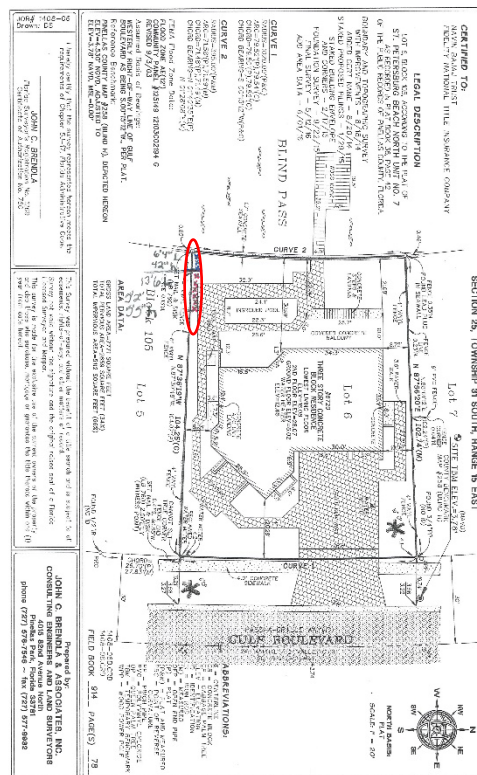
The applicant requests to retain existing fencing that exceeds permitted maximum height of 4 feet within the waterfront yard along southern property line (LDC Sec. 6.15).

Analysis

1. New variance(s) required:
 - a. **Fences and Walls, maximum height permitted:** where constructed height of 5'5" exceeds the 4' maximum height permitted in a waterfront yard.

Figure 3: Zoning Table			
Fences and Walls – (LDC Sec. 6.15)		8720 Gulf Blvd.	
	Required	Existing	Proposed
Height (Max.), Waterfront Yard	4'	5'5"-5'2"* (along southern property line)	5'5"-5'2" (v)
*Denotes existing non-conformity (v) = Variance required			

Figure 4: Site Plan with Existing Fencing (N.T.S.)



Additional Comments

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

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

variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-4 **in addition** to staff comments below:

1. How substantial the variance is in relation to the requirement sought to be varied;
 - *Staff finds the applicant is requesting a fence height in the range of 5'2"-5'5" for approximately 13'6" length of fencing where a maximum of 4' high is permitted, 1.4' higher than permitted.*
 - *Staff finds the applicant is requesting a fence height greater than 4' for 13'6" of the 20' setback requirement, representing a variance of 67.5% from the required standard of the 20' length.*
2. Whether an adverse change will be produced in the character of the neighborhood;
 - *It should be noted that the staff observed that substantial landscaping currently exists extending to the seawall on both adjacent lots to the north and south of the subject property creating a natural "wall" with a height greater than 4'. It does appear that the lots adjacent to the subject property are unique with such heavy vegetation, but the existing portion of the non-conforming fence along the southern property line does not appear to impede waterfront views.*
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *The existing non-conforming fence panels can possibly be removed and replaced with 4' or additional 3'6" high panels to make it conform. The installation method of the panels and posts is unknown; the applicant may be able to share such information and whether they could be easily removed and replaced in close proximity with the dense vegetation.*
4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. There is a 6'4" length of 42" high existing fencing installed from the seawall to the west, meeting the height requirement where a maximum of 48" is permitted. It was noted during the site visit the paver patio containing the lounge chairs is within the non-conforming section of 6' high fencing and is located approximately 22" from the fence providing privacy.*

Other:

- The applicants should provide background to the Board as to the timeframe when the fence was installed without the benefit of a permit and status of ownership at the time.
- The applicants should discuss the need for the greater height and if any alternatives were considered and reasoning as to the height of fencing as installed.

Recommendation

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

- Applicant is limited to a maximum fence height of 5'5" as currently constructed, beginning 6'4" from the rear property line to 20' setback along the southern property line only. Any portions of

fencing located from the rear property line to 6'4" shall be in compliance with the LDC, with maximum height of 4'.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

Respectfully submitted,

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

Kristin Coman
Senior Planner

Cc: Greg and Michelle Olson, Application **via email** (mgiddings777@hotmail.com)
Matthew McConnell, Board of Adjustment Attorney

4c.

Case No. 23018

**2007 Pass-a-Grille
Way**



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 2/27/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **April 26, 2023**.

Variance Case Number: 23018
Application Type: Hardship Variance
Owner: Collom Properties, LLC
Applicant/Agent: Charles Collom
Parcel Number: 18-32-16-68634-000-0020
Address: 2007 Pass-a-Grille Way, St. Pete Beach, FL 33706
Zone: CG-1

Submittal Documents:

1. Completed application form.
2. Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet.
3. Enlarged portion of Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet showing proposed fence location and height.
4. Fence estimate prepared by A-1 Fence dated 8/1/22.
5. Hand drawn diagram of proposed fence measurements including height and length, consisting of 1 sheet, no date provided.

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

City/Board Professionals:

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

Board Members:

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

Cc: Charles Collom, Collom Properties, LLC, Applicant *via email* (jrcmoo@aol.com)

CASE #: 23019PARCEL #: 183216686340000020SUBMITTAL DATE: 2/24/23 AMOUNT DUE: 525.73 PAYMENT DATE: 2/24/23**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Charles Collom	2381 E. VINA DEL MAR BLVD ST. PETE BEACH FL, 33706	727- 418-1314
Applicant/ Agent	Collom Properties, LLC	2361 E. VINA DEL MAR BLVD ST. PETE BEACH, FL 33704	Same
Owner Email Address:		Applicant/Agent Email Address:	
jrcmoo@aol.com		Same	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>CG-1</u>	Future Land Use Designation <u>CG</u>	Lot Area <u>13 283 sq ft</u>
Legal Description: <u>PHILLIPS DIVISION REV MAP N. 115ft of that unnumbered tract lying E of BLK 1 between E R/W of Florida Ave</u>		
Address: <u>(NKA PASS-A-GRIFFIN WAY) & water</u> <u>2007 Pass-a-Griffin Way</u>		
Explanation of Request: <u>Remove & Replace existing 6' high Fence north & south lines with 8' high FENCE</u>		

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district; *THE PROPOSED FENCING CREATES AND/OR MAINTAINS AN AESTHETIC, FUNCTIONAL, AND SAFETY FEATURES BETWEEN TWO RESTAURANTS AND EXISTING STORAGE AND GUEST TRAFFIC AREAS. THE PROXIMITY^{OF} THESE AREAS REQUIRES A STRUCTURE THAT WILL PROVIDE AMPLE HEIGHT TO SECURE PLUMBING, ACT AS A DETERRENT TO GUEST TRAFFIC ALONG THE SEAWALL, AND PROVIDE NECESSARY AESTHETICS TO MAINTAIN A CLEAN, PLEASING APPEARANCE SEPARATING THE TWO WATERFRONT BUSINESSES AND THEIR OPERATIONS.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

THE PROPOSED FENCING MERELY REPLACES EXISTING FENCING WHICH HAS FALLEN INTO DISREPAIR. CURRENT OWNERSHIP ALONG WITH THE NEIGHBORING BUSINESS ONLY WISH TO REPLACE THE STRUCTURE TO MAINTAIN ITS FUNCTIONALITY AND PURPOSE WHILE GREATLY INCREASING THE AESTHETICS FOR THE BETTERMENT OF SAID BUSINESSES AND FOR THE LOCAL COMMUNITY AS WELL.

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

REQUIRING A 4 FT FENCE @ EITHER END WOULD ENCOURAGE PATRONS TO ATTEMPT TO SCALE THE FENCE TO MOVE BETWEEN PROPERTIES, USE THE OTHER'S LOT TO PARK TO GO TO THE OTHER RESTAURANT, AND CREATE A POTENTIAL SAFETY HAZARD. THE^{PROPOSED} FENCING ALLOWS FOR A CLEAR DEMARCATION OF THE BUSINESS PROPERTIES THAT IS FUNCTIONAL, SAFE, AND AESTHETICALLY PLEASING TO THE COMMUNITY.

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

THE CURRENT PLACEMENT OF THE NEIGHBORING BUSINESS STORAGE AREA, PLUMBING, ETC HAS EXISTED FOR AT LEAST 15-20 YEARS. THE PLACEMENT + HEIGHT OF THE FENCE BETWEEN PROPERTIES ALLOWS FOR SAID STRUCTURES TO BE SECURED AND HIDDEN SO AS NOT TO BE UNSIGHTLY. IT ALSO ACTS AS A DETERRENT TO GUESTS CROSSING ALONG THE SEAWALL. THE PROPOSED FENCE WILL NOT INCREASE DEVELOPMENT

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

THE DESIRE OF THE PROPOSED FENCING IS NOT PROPOSED AS A MEANS FOR FINANCIAL GAIN, NOR WOULD IT PROVIDE SUCH GAINS. THE APPLICANT AND NEIGHBORING BUSINESS ONLY WISH TO REPLACE A FUNCTIONAL AND SAFE STRUCTURE THAT INCREASES THE CURB APPEAL IN THE LOCAL COMMUNITY.

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

THE FACT THAT THE TWO ADJACENT PROPERTY OWNERS ARE WORKING IN TANDEM WITH THIS PROPOSAL CONVEYS EQUAL CONSIDERATION AND TREATMENT WITHIN THE ZONING DISTRICT AND COMMUNITY AS A WHOLE.

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

THE PROPOSED VARIANCE SEEKS TO PROVIDE THE BEST OPTION TO ACHIEVE THE AFOREMENTIONED GOALS WHILE MAINTAINING ASPECTS OF THE CURRENT STRUCTURE THAT PROVIDE THE NECESSARY FUNCTION AND SAFETY FEATURES THAT HAVE EXISTED FOR MANY YEARS. IT WILL ALSO BE AN EXPONENTIAL IMPROVEMENT TO THE AESTHETICS OF THE PROPERTY AND SURROUNDING AREAS.

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

THE REQUESTED VARIANCE FALLS IN LINE WITH THE CITY'S INTENT TO PROVIDE GUIDELINES THAT ACT IN THE BEST INTEREST OF THE NEIGHBORHOOD, LOCAL PROPERTY OWNERS, AND THE BUSINESS COMMUNITY. THE PROPOSAL ALSO ACTS AS AN AGREEMENT BETWEEN TWO ADJACENT BUSINESSES TO PROVIDE A FUNCTIONAL, SAFE, AND AESTHETICALLY CONSISTENT STRUCTURE THAT BENEFITS EACH BUSINESS AND THE LOCAL COMMUNITY WHILE NOT IN ANY WAY DIMINISHING OR HARMING ANY PROPERTY VALUES.

 2-24-23

Signature of Applicant

Date

Signature of Authorized Agent

Date

Explanations listed below:

1. The proposed fencing creates and/or maintains an aesthetic, functional and safety features between two restaurants and existing storage and guest traffic areas. The proximity of these areas requires a structure that will provide ample height to secure plumbing, act as a deterrent to guest traffic along the seawall, and provide necessary aesthetics to maintain a clean, pleasing appearance separating the two waterfront businesses and their operations.
2. The proposed fencing merely replaces existing fencing which has fallen into disrepair. Current Ownership along with neighboring business only wish to replace the structure to maintain its functionality and purpose while greatly increasing the aesthetics for the better of said business and for the local community as well.
3. Requiring a 4ft fence at either end would encourage patrons to attempt to scale the fence to move between properties, use the other's lot to park to go to the other restaurant, and create a potential safety hazard. The proposed fencing allows for a clear demarcation of the business properties, that is functional, safe, and aesthetically pleasing to the community.
4. The current placement of the neighboring business' storage area, plumbing, etc has existed for at least 15-20 years. The placement and height of the fence between the properties allows for said structures to be secured and hidden so as not to be unsightly. It also acts as a deterrent to guests crossing along the seawall. The proposed fence will not increase development density, only act as an aesthetic improvement, and retain characteristics that act as a preventative safety measure.

5. The desire of the proposed fencing is not proposed as a means for financial gain, nor would it provide such gains. The applicant and neighboring business only wish to replace a functional and safe structure that increases the curb appeal in the local community.
6. The fact that the two adjacent property owners are working in tandem with this proposal conveys equal consideration and treatment within the zoning district and community as a whole.
7. The proposed variance seeks to provide the best option to achieve the forementioned goals while maintaining aspects of the current structure that provide the necessary function and safety features that have existed for many years. It will also be an exponential improvement to the aesthetics of the property and surrounding areas.
8. The requested variance falls in line with the City's intent to provide guidelines that act in the best interest of the neighborhood, local property owners, and the business community. The proposal also acts as an agreement between two adjacent businesses to provide a functional, safe, and aesthetically consistent structure that benefits each business and the local community while not in any way diminishing or harming any property values.

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.

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

ae 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.

ae 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.

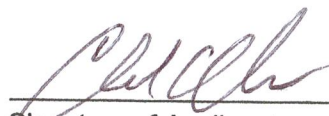
ae I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

ae 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.

ae 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.

ae 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

2-24-23
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Charles Collom, 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): Charles Collom

Address: 2381 E. VINA DEL MAR BLVD

[Signature] _____
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 19th day of Dec, 2021 by:
Charles Collom who appeared before me, and is personally known to me, or has produced
_____ as identification, and did take an oath.

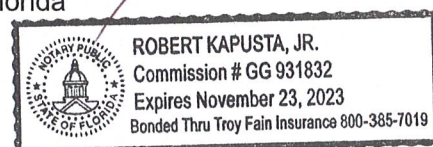
My commission Expires:

NOTARY: [Signature]

Print Name: _____ Notary

Public, State of Florida

(Notarial Seal)

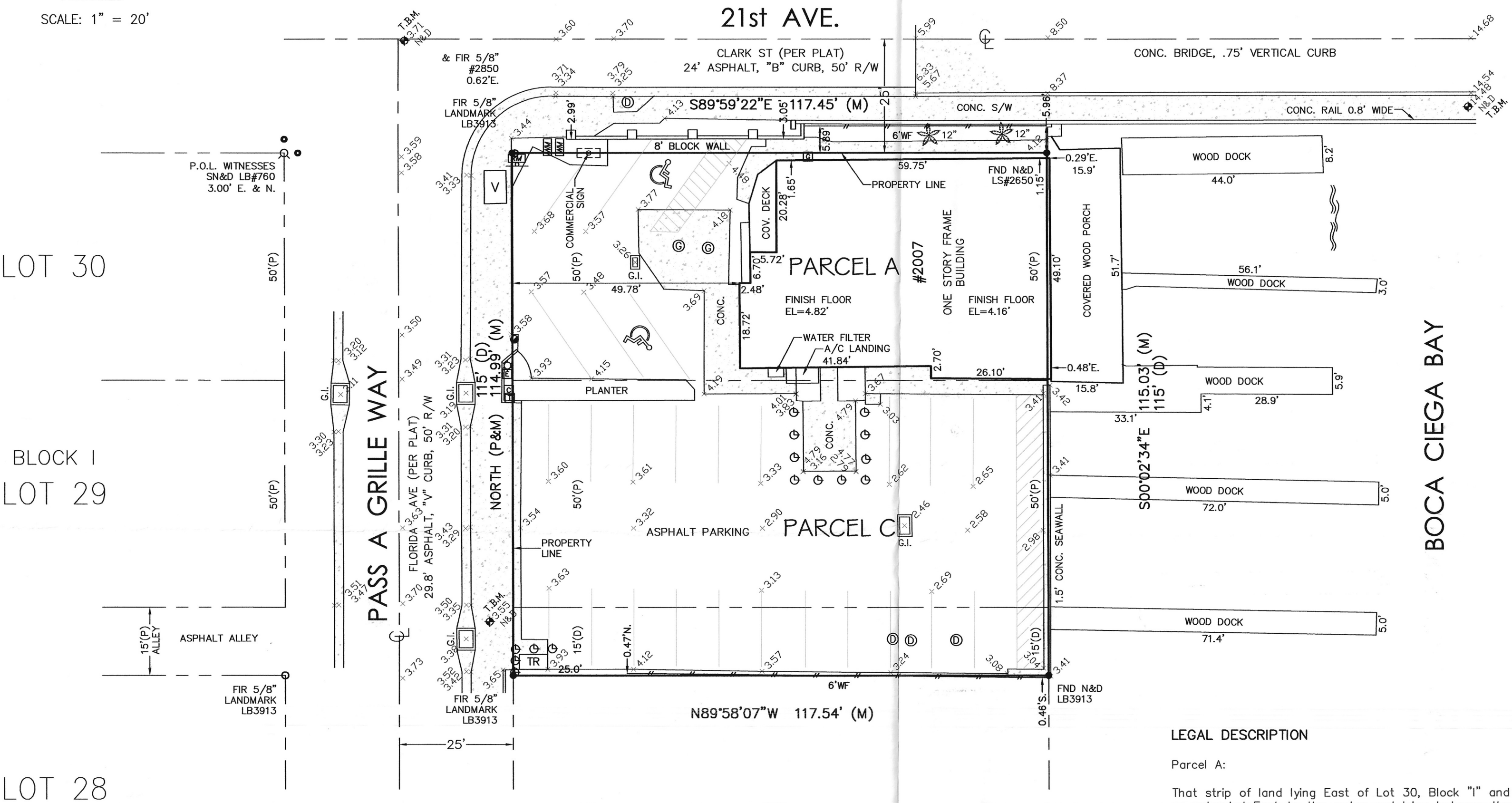


SECTION 18, TOWNSHIP 32S, RANGE 16E

CERTIFIED TO: COLLOM PROPERTIES LLC



NORTH BASIS:
ASSUMED
SCALE: 1" = 20'



- LEGEND:
- FND = FOUND
 - N&D = NAIL & DISK
 - FIR = FOUND IRON ROD
 - SIR = SET IRON ROD
 - OHW = OVERHEAD WIRE
 - (C) = CALCULATED
 - (D) = DEED
 - (M) = FIELD MEASUREMENT
 - (P) = PLAT
 - CONC = CONCRETE
 - R/W = RIGHT OF WAY
 - P.O.L. = POINT ON LINE
 - SN&D = SET NAIL AND DISK
 - S/W = SIDEWALK
 - T.B.M. = TEMPORARY BENCHMARK
 - C/C = COVERED CONCRETE
 - G.I. = GRATE INLET
 - WF = WOOD FENCE
 - WM = WATER METER
 - BP = BACK FLOW PREVENTER AND WATER METER
 - CLEANOUT = CLEANOUT
 - CABLE T.V. = CABLE T.V.
 - POWER METER = POWER METER
 - TELEPHONE BOX = TELEPHONE BOX
 - TRANSFORMER = TRANSFORMER
 - POWER RISER = POWER RISER
 - GAS METER = GAS METER
 - VAULT = VAULT
 - BOLLARD = BOLLARD
 - LAMP = LAMP
 - FIRE HYDRANT = FIRE HYDRANT
 - TRAFFIC SIGN = TRAFFIC SIGN
 - POWER POLE = POWER POLE
 - SM = SANITARY MANHOLE
 - DM = STORM MANHOLE
 - GM = GREASE MANHOLE
 - CP = CABBAGE PALM TREE
 - DIA = SPOT ELEVATION

LEGAL DESCRIPTION

Parcel A:

That strip of land lying East of Lot 30, Block "I" and lying between the North and South lines of said Lot 30, as extended East to the water and lying between the East line of Florida Avenue and the water, all as shown on the **REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRIFFE CITY**, according to the Map or Plat thereof, as recorded in Plat Book 3, Page 38, being the same property shown on the Map of Phillips Division of Pass-a-Grille City, according to the Plat thereof, as recorded in Plat Book 4, Page 26, Public Records of Pinellas County, Florida.

Parcel C:

That certain unnumbered parcel or tract of land, designated Water Lot, lying between Pass-a-Grille Way and the waters of Boca Ciega Bay, and across Pass-a-Grille Way, opposite Lot 29 of Block "I", and opposite all the alley abutting said Lot 29, in Plat Book 4, Page 26, Pinellas County, Florida Public Records: said parcel being 65 feet, more or less, in width and lying between the bayward extensions of the North lines of Lot 28, Block "I" and the North line of Lot 29, Block "I", if said lines were extended Eastward.

Flood Zone
AE (EL. 10')
COMMUNITY PANEL #125149 12103C0278 H,
EFFECTIVE 8/24/21
Basis of Bearings:
WEST BOUNDARY OF WATER LOTS
ASSUMED NORTH
Benchmark:
COUNTY #288 Y 135 P.C.
EL. = 4.053' N.G.V.D., ADJUSTED TO
EL. = 3.32' N.A.V.D. M.S.L. = 0.00'

NOTE: This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from date hereof.

NOTE: This survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way and other matters of record. Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

CERTIFICATION

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

JOHN O. BRENDLA
Florida Surveyor's Registration No. 4601
Certificate of Authorization No. 760

JOHN C. BRENDLA AND ASSOCIATES, INC.
Professional Land Surveyors and Mappers

JCB

4015 82nd Avenue North
Pinellas Park, Florida 33781
Telephone (727) 576-7546
Facsimile (727) 577-9932

LB 760

BOUNDARY SURVEY
WITH TOPOGRAPHY AND
IMPROVEMENTS

2209-21.CRD

REVISIONS

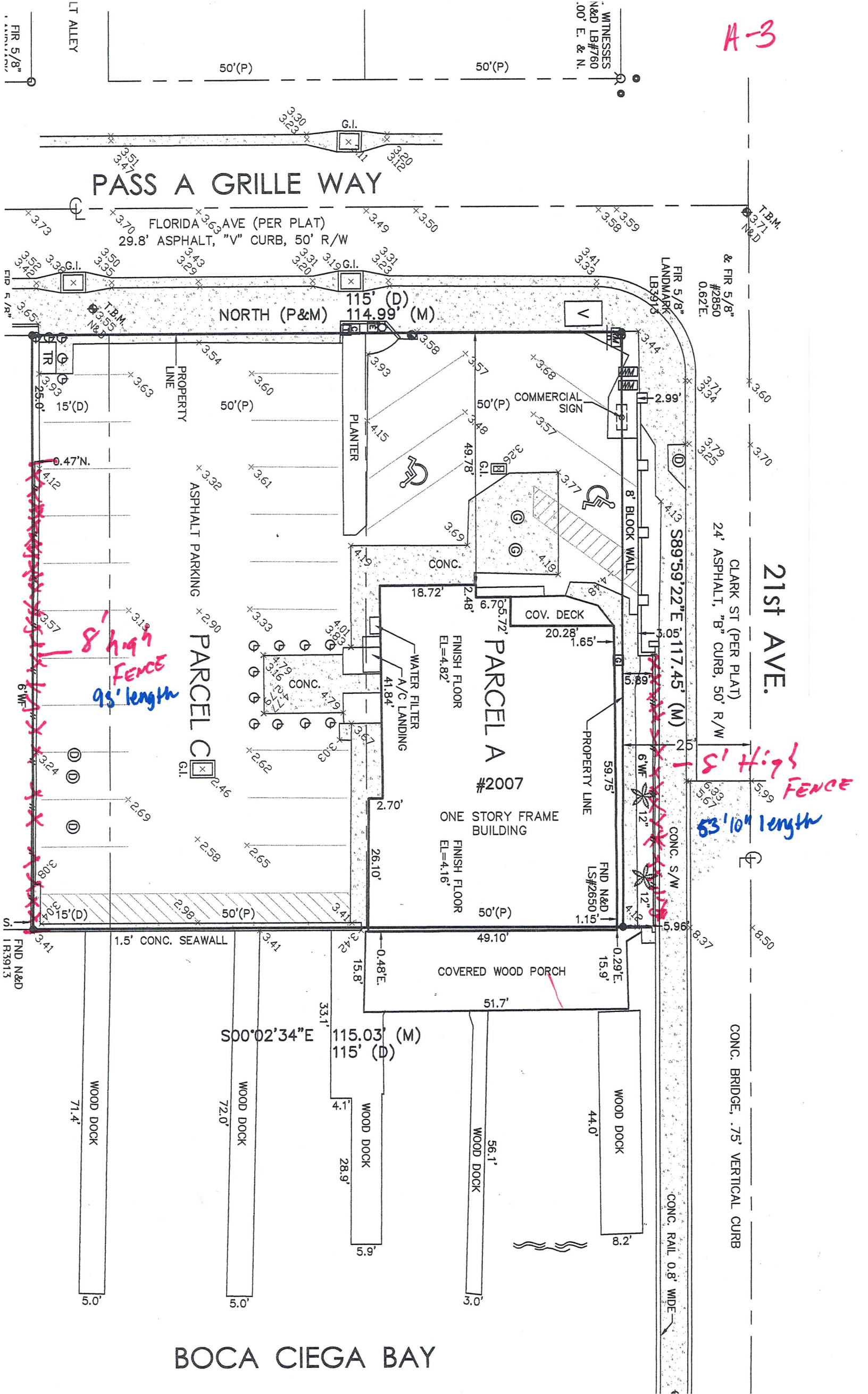
No.	DESCRIPTION	DATE

FB: 976 PG: 64,65,69

Job Number: 2209-21
Survey date: 10/5/22

DWN: JM
CHK: JOB

A-3



8' high
Fence
95' length

8' High
Fence
53' 10" length

A-4

The sadness of poor quality material and workmanship will last much longer than the sweetness of a cheap price.



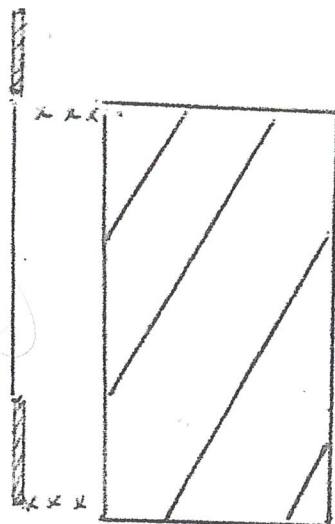
RESIDENTIAL
COMMERCIAL
PCCLB # C-10479

PHONE / FAX:
545-4961

Mailing Address:
4321 63rd Way N.
Kenneth City, FL 33709

DATE 8.1.22		
CUSTOMER Red, white & Booz		
STREET 2007 Pass a Grille Way		
CITY SPB	STATE FL	ZIP
JOB ADDRESS		
HOME	WORK	CELL 459.5513
CONTACT Glenn Miller / Charles Colton		FAX

WALK GATES		DRIVE GATES	
ROLL GATES		LATCH TYPE	
WOOD LENGTH 54' / 4'		PVC HEIGHT 8'	
TYPE PITIPIC		STYLE Shudabex	
PICKET SIZE 3/8 x 6"		STRINGER (4) - 2x6x8 Pite	
TYPE TOP			
☒ DOG EAR		☐ POINTED	
☒ CLIP CORNER		☐ FLAT TOP	
☐ BARB UP		☐ KNUCKLE-UP	
PVC CAPS			
STYLE		QUANTITY	
POSTS			
4 x 4 x 12 PITIPIC			
CHAIN LINK			
LENGTH		HEIGHT	
GAUGE			
11 1/2		9 6	
DIAM TOP RAIL		DIAM GATE FRAME	
TOTAL VINYL SYSTEM ☐		VINYL COLOR	
VINYL WIRE ONLY ☐		TENSION WIRE ☐	
DIAM LINE POST		DIAM TERM POST	
GAUGE FRAMEWORK			
BARBED WIRE			
# STRANDS 0 3 6		BARB ARMS IN OUT VERT	
☐ ALUMINUM LENGTH		☐ STEEL HEIGHT	
STYLE		COLOR	
TAKE DOWN			
LENGTH 148'		HEIGHT 6' 4" wood	
☐ CUSTOMER TO TRIM AND CLEAR			
☐ TO BE SET TOP STRAIGHT			
☐ TOP OF FENCE TO FOLLOW GROUND			



REAR

JRC1000@AOL.COM

(Customer to remove stump)

(13)
118'

(A) $\{ 2593.00 \} \times 40\% = 1,037.20$

(B) $\{ 5667.00 \} \times 40\% = 2,266.80$ (Remove haul Double Sided)

FRONT

☐ CHECK HERE IF CUSTOMER IS ACCEPTING RESPONSIBILITY FOR GETTING PERMITS AND ANY RELATED FEES, FINES, ETC.

☐ CHECK☐ CASH☐ VISA☐ MASTERCARD

TOTAL PRICE INCLUDES

☐ MATERIAL ☐ TEAR-OUT & HAUL ☐ LABOR
☐ PERMIT ☐ NOTICE OF COMMENCEMENT

TOTAL

40% DEPOSIT

BALANCE

PLEASE READ AND BE SURE YOU UNDERSTAND THE TERMS AND CONDITIONS ON THE REVERSE SIDE BEFORE SIGNING THIS CONTRACT. MANY OF THEM WILL BE IMPORTANT TO YOU.

AUTHORIZED SIGNATURE

CUSTOMER SIGNATURE X

PRINT NAME CLEARLY

DATE **8.1.22**DATE **9-8-22**

Charles Colton

BALANCE TO BE PAID TO CREW WHEN JOB IS COMPLETE
A-1 FENCE IS NOT RESPONSIBLE FOR SPRINKLERS OR ANY UNDERGROUND UTILITIES

North Side

63' 4" wall

53' 10" Fence

8' high

A-5

93' Fence

8' High

South Side

26"



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

PLANNING DEPARTMENT

Date: April 10, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 2007 Pass-a-Grille Way
Parcel Number: 18-32-16-68634-000-0020
Charles Collom for Collom Properties, LLC
Variance Case No: 23018

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 4/26/2023

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

1. Completed Unnecessary and Undue Hardship application form.
2. Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet.
3. Enlarged portion of Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet showing proposed fence location and height.
4. Fence estimate prepared by A-1 Fence dated 8/1/22.
5. Hand drawn diagram of proposed fence measurements including height and length, consisting of 1 sheet, no date provided.

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

Site Description/Surrounding Land Uses

The subject site is a 13,283 sq. ft. (approx. 0.30 acre) parcel located at 2007 Pass-a Grille Way known as parcel number 18-32-16-68634-000-0020 and legal description of PHILLIPS DIVISION REV MAP N 115FT OF THAT UNNUMBERED TRACT LYING E OF BLK I BETWEEN E R/W OF FLORIDA AVE (NKA PASS-A-GRILLE WAY) & WATER within portions of the AE-Elevation 9 and AE-Elevation 10 flood zone. The property is located within the CG-1, Commercial District; CG on the future land map and contains a restaurant use, Red, White and Booze, consisting of approximately 3,666 square feet that was constructed in 1979 according to the Pinellas County Property Appraiser. It is a corner, waterfront parcel located on the

Pass-a-Grille Channel with single family residential across the water to the east, 21st Ave. and single family residential to the north, another commercial restaurant, The Wharf, to the south and commercial use to the west. The particular location of the property where the fencing is currently located and to be replaced is detailed in Figure 3 below.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 13 of 15, dated 7/20/2012

Request

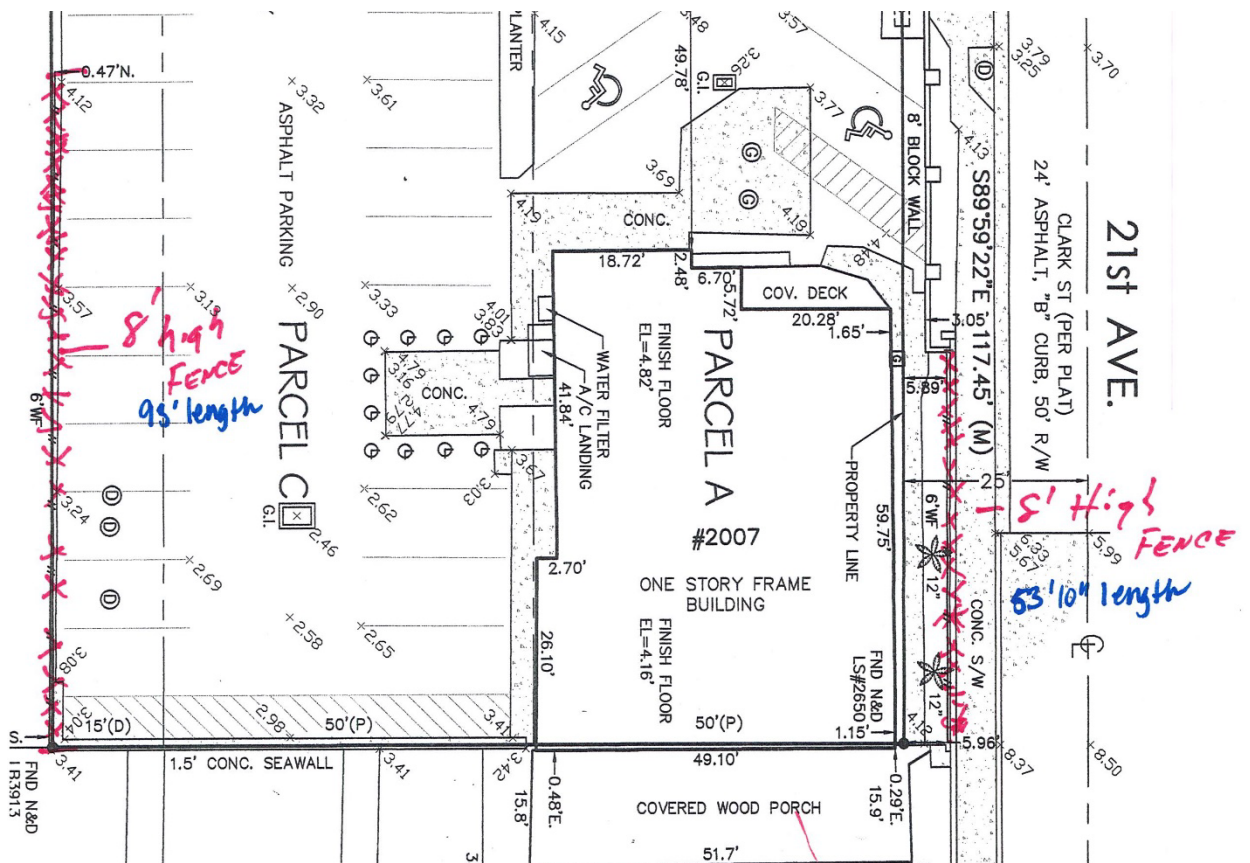
The applicant requests removal and replacement of existing 6' high wood fence and installation of 8' high wooden shadowbox fencing that exceeds maximum permitted height of 4' within waterfront and secondary front yards (LDC Sec. 6.15).

Analysis

1. New variance required:
 - a. **Fences and Walls, maximum height permitted:** where proposed height of 8' exceeds the 4' maximum height permitted in waterfront and secondary front yard.

Fences and Walls- (LDC Sec. 6.15)	1 Pass-a-Grille Way		
	Permitted	Existing	Proposed
Height (Max.), Waterfront Yard, 25'	4'	6'*	8'(v)
Height (Max.), Front Yard, Secondary, 25'	4'	6'*	8'(v)
*Denotes existing non-conformity (v) = Variance required			

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



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The property is a waterfront corner property which contains a decorative wall with Vina Del Mar signage installed within the 21st Ave right of way. The current fence, approximately 5'11" high begins at the termination of the wall which is 5'7" high. In addition, the roadway elevates creating a bridge to access Vina Del Mar neighborhood. Staff acknowledges that this combination creates a topographical condition unique to this specific property.*
 - *Along the southern property line, the adjacent owner and the applicant appear to share the existing fencing providing screening for storage and utility areas for the neighboring property. The fencing also provides a deterrent for access from the seawall from one property to the other and clear delineation of parking areas.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *During the site visit, staff recognized that the existing fence along the southern property line showed signs of damage and decay after many years and has been somewhat maintained, with portions of fencing missing and appearing beyond repair.*
 - *The applicant purchased the property with the current fencing which appears to have been damaged. The area behind the fencing along 21st Ave., it was noted that portions of the fencing have been reinforced to remain upright. Staff finds that the specific conditions and circumstances are not the result of the actions of the applicant or a prior owner of the property.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will not generally deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and will not result in unnecessary and undue hardship on the applicant.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *In reviewing historical imagery, the current fencing appears to be present on site and in the location from as far back as 2007. Staff find that this request will not establish a use not permitted in the district or increase density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

- *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is proposing to replace the existing fencing for safety and aesthetics of the area.*
- 6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. The applicant relayed that the adjacent property with a similar use and within the same zone would be utilized by both properties for safety of its patrons and separation of the parking facilities for each property.*
- 7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds that the replacement of the fencing in the same location is minimal, but the request for the additional height especially along 21st Ave. not as easily justified.*
- 8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that it is not anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood because the fencing establishes an increase in safety and effective screening of areas.*

Other:

- Applicant should provide testimony regarding purpose and need for the installation of the fencing, with focus on the height especially along the frontage of 21st Ave. with the additional 2'1" of height proposed and variation of height from the top of the masonry wall where there currently is a smooth transition from wall to fencing.
- The applicant's estimate described wooden shadowbox panels. Applicant should discuss any changes to the proposed fencing in terms of style, color etc.
- Testimony should be provided detailing the installation of the fencing and if it is intended to be placed on top of the existing seawall or any installation of gates is proposed.
- At the time of the site visit, the applicant indicated interest in constructing a 4' high fence from the front property line 25' to the east then beginning the 8' high fence as shown on the plan. While this portion of 4' high fence will meet code compliance requirements, the applicant should describe this in information presented to the board, providing an overview of intended improvements.

Recommendation

Staff finds the request is reasonable given the topographical condition and features unique to this specific property and the replacement of the existing fencing with the additional height will not have an adverse impact on the neighborhood **except** for the proposed 8' high fencing along 21st Avenue and it is recommended that it may be replaced with fencing no greater than 6'. Staff recommends **approval** with the following conditions:

1. Fencing along 21st Avenue shall not exceed 6' in height where 4' is permitted and 8' is proposed.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

Respectfully submitted,

A handwritten signature in purple ink, appearing to be 'K Coman', with a stylized flourish extending to the right.

Kristin Coman
Senior Planner

Cc: Charles Collom, Collom Properties, LLC, Applicant via email (jrcmoo@aol.com)
Matthew McConnell, Board of Adjustment Attorney

4d.

Case No. 23022

550 Corey Ave.



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 3/29/23

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **April 26, 2023**.

Variance Case Number: 23022
Application Type: Hardship Variance
Owner: KAO Capital Partners Florida, LLC
Applicant/Agent: Gulf Coast Heating & AC, LLC
Parcel Number: 36-31-15-77994-056-0030
Address: 550 Corey Ave., St. Pete Beach, FL 33706
Zone: TC-1

Submittal Documents:

1. Completed Unnecessary and Undue Hardship application form.
2. Boundary Survey prepared by First Choice Surveying, Inc. dated 2/21/2020, consisting of 1 sheet.
3. Enlarged portion of Boundary Survey prepared by First Choice Surveying, Inc. dated 2/21/2020, consisting of 5 sheets, showing proposed 15 mini-split air conditioning system locations and heights.
4. Sheet E-1, Electrical Plan prepared by Vandin Calitu dated 7/29/22, consisting of 1 sheet.
5. Spec Sheet for 12k BTU Wall Mounted Heat Pump System
6. Spec Sheet for 24k BTU Wall Mounted Heat Pump System

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

City/Board Professionals:

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

Board Members:

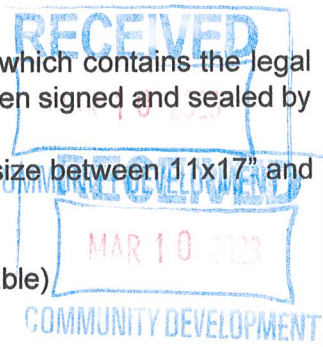
- | | |
|--|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Sandie Lyman, Vice Chair | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: Gulf Coast Heating & AC, LLC, Applicant ***via email*** (info@gulfcoast.ac)
KAO Capital Partners Florida, LLC, Owner ***via email*** (kaocapitalpartnes@gmail.com)

CASE #: 23022PARCEL #: 36-31-15-77994-056-0030SUBMITTAL DATE: 2/13/2023 AMOUNT DUE: \$536.40 PAYMENT DATE: _____**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	KAO Capital Partners Florida LLC	4430 W. Grace Ave, Mequon, WI 53092	414-704-6872
Applicant/ Agent	Gulf Coast Heating & AC LLC	6331 39th St N, #100, Pinellas Park, FL 33781	727-329-6696
Owner Email Address: kaocapitalpartners@gmail.com		Applicant/Agent Email Address: info@gulfcoast.ac	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation TC-1	Future Land Use Designation TC-1	Lot Area 10,957 Sq Ft
Legal Description: ST PETERSBURG BEACH REPLAT BLK 56, LOTS 3 AND 4		
Address: 550 Corey Ave, St Pete Beach, FL		
Explanation of Request: <u>Requesting a variance to impede into property set-back limits behind buildings as well as along Corey Ave & Coquina Way in order for owner to install Mini-split air conditioning systems for each unit on the property.</u>		

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

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

This property has buildings with multiple units that are 5.7' to the south property line and 5.8' to the east property line. In order to install ductless ac systems for each unit, we will be right on top of or infringing by a few inches into the 3' property line set back. One condensing unit would need to be installed along Corey Ave and two units along Coquina Way with suggested barriers.

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

Once the work is complete, this existing structure will be modernized. This will be useful for the future tenants of the property. Additionally, these changes will make the property more energy efficient.

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

Without this variance approved, central or ductless ac systems cannot be properly installed for the individual units of this property.

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

These condensing units once installed will be quiet and units that would be visible from the street can be hidden with barriers. The barriers can be plants or solid structures. For the units on the roof, we will put them on rails so they cannot be seen from the street. See pictures in package.

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

This request is more about proper function of the intended use of the property and would improve upon the quality of the property. Additionally, the quality of life for the tenants would be greatly improved.

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

There are many buildings in St. Pete Beach that were constructed around the same time that have been renovated and are very successful once completed.

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

The owners of this property have looked at many properties in St. Pete Beach and aside from the building across the street they have already purchased, this property is the best asset that meets their needs.

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

If these variance requests are approved, it will help enhance the look and beautification of St. Pete Beach, increase the value of living in the city and reduce the number of vacant units that are unattractive to renters within the city limits.

	02/28/2023		
Signature of Applicant	Date	Signature of Authorized Agent	Date

VARIANCE APPLICATION

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

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

IB 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.

SB 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.

IB 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.

IB 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.

IB 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.

IB 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]
Signature of Applicant

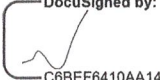
02/28/2023
Date

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

I/WE KAO Capital Partners Florida LLC
(print name of property owner)

hereby authorize Gulf Coast Heating & AC LLC - Todd Bellamy
(print name of agent)

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

DocuSigned by:

C6BEF6410AA14A2...
Signature of Owner

Omer Ben Avraham
Print Name of Owner


Signature of Owner

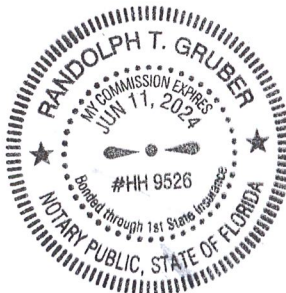
Kfir Dayan
Print Name of Owner

The forgoing instrument was acknowledged before me this 26th day of
January 2023 by Omer Ben Avraham & Kfir Dayan or who is
personally known _____ produced
Drivers License as identification.


(Notary Signature)

1/26/2023
(Date)

My Commission Expires 6/11/2024





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, KAO Capital Partners Florida LLC, 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): Omer Ben Avraham & Kfir Dayan

Address: 4430 W. Grace Ave, Mequon, WI 53092

DocuSigned by: [Signature] 1/26/2023
C6BEF6410AA14A2...
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

2023

The foregoing instrument was acknowledged before me this 26th day of January, 2023, by: Omer Ben Avraham/Kfir Dayan who appeared before me, and is personally known to me, or has produced Drivers License as identification, and did take an oath.

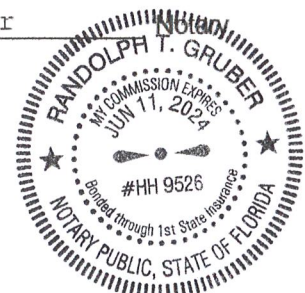
My commission Expires: 6/11/2024

NOTARY: [Signature]

Print Name: Randolph Gruber

Public, State of Florida

(Notarial Seal)





6331 39th St. N
Suite 100
Pinellas Park, FL 33781

Phone: 727-329-6696
Fax: 813-864-0481

2/15/23

To: City of St. Pete Beach
REF: 550 Corey Ave, St. Pete Beach, FL

To Kristin Comen,

In reference to the hardship variance request for KAO Capital Partners, we want to address the main issue which will be the four condensers that will be located along Cory Avenue and Coquina Way (2 on each street). After looking at other buildings within 10 blocks of this location, we have determined the best way to address these condensers is to wall mount them approximately 16" off of the ground and plant something like a Foxtail Palm in front to conceal. There are several buildings that have mini-split condensers wall mounted at 1st and 2nd story locations that have nothing in place to conceal so we feel we will be achieving a higher standard doing the installations in this manner. The remaining condensers will be on the backside south and east which although will impede upon the set-backs (reason for hardship variance), will not be prominently visible from the street.

Sincerely,

Randy Gruber

License: #CAC1816527

Submittal Data: MULTI24HP230V1CO

24,000 BTU/H Wall Mounted Heat- Pump System

Job Name	Location	Date
Purchaser	Engineer	
Submitted To	For	☐ Reference ☐ Approval ☐ Construction
Unit Designation	Schedule No.	

GENERAL FEATURES

- Up to 3 Indoor Units (3-Port)
- EnergyStar Rated
- G10 DC Inverter Technology
- Quiet Operation - Both Indoor & Outdoor
- Acrylic Resin/Anti-Corrosion Coil Protection Inside & Out
- Intelligent Defrost
- Auto Restart on Power Outages
- Mult-point Diagnostics
- Limited 5 yr Parts Warranty

System Ratings

Non-Ducted Indoor

Rated Cooling Capacity	24,000 BTUH
Cooling Capacity (min-max)	7,500-33,000 BTUH
Rated Heating Capacity	26,000 BTUH
Heating Capacity (min-max)	7,500-35,000 BTUH
SEER/EER	21.0/12.5
HSPF/COP	11.0/3.7

Ducted Indoor

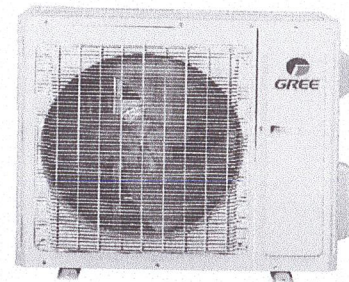
Rated Cooling Capacity	24,000 BUTH
Cooling Capacity (min-max)	7,500-33,000 BTUH
Rated Heating Capacity	26,000 BTUH
Heating Capacity (min-max)	7,500-35,000 BTUH
SEER/EER	16.0/10.5
HSPF/COP	8.5/3.2

Operating Range

Cooling	(min-max)	0 ~ 118°F
		-18 ~ 48°C
Heating	(min-max)	-4 ~ 75°F
		-20 ~ 24°C

Power Supply

Normal Operational Voltage	208/230 V, 1 Phase, 60 Hz
Voltage Range	187 - 253 V
Main Power Wire Size	10-2 AWG
Interconnecting Cable Wire Size	14-4 AWG
MCA	23.0 A
MOCP/Breaker Size	30 A



AHRI Certified Ref No: 9956415 (non-ducted) & 9956592 (ducted)

Outdoor Unit Data

Compressor	Type	DC Inverter Driven Rotary
	RLA	15.8 A
Fan Motor	Output Power	90 W
	FLA	0.6 A
	Air Flow (Max)	2354 CFM

Sound Pressure

Cooling	59 db(A)
Heating	59 db(A)

Dimensions & Weights

Unit Dimensions (LxHxD)	38.6 x 31.1 x 17.3 -in
Weight (Net/Shipping)	152.9/163.9 LBS

Min. Number of Indoor Units	2
Max. Number of Indoor Units	3

Refrigerant Piping Data

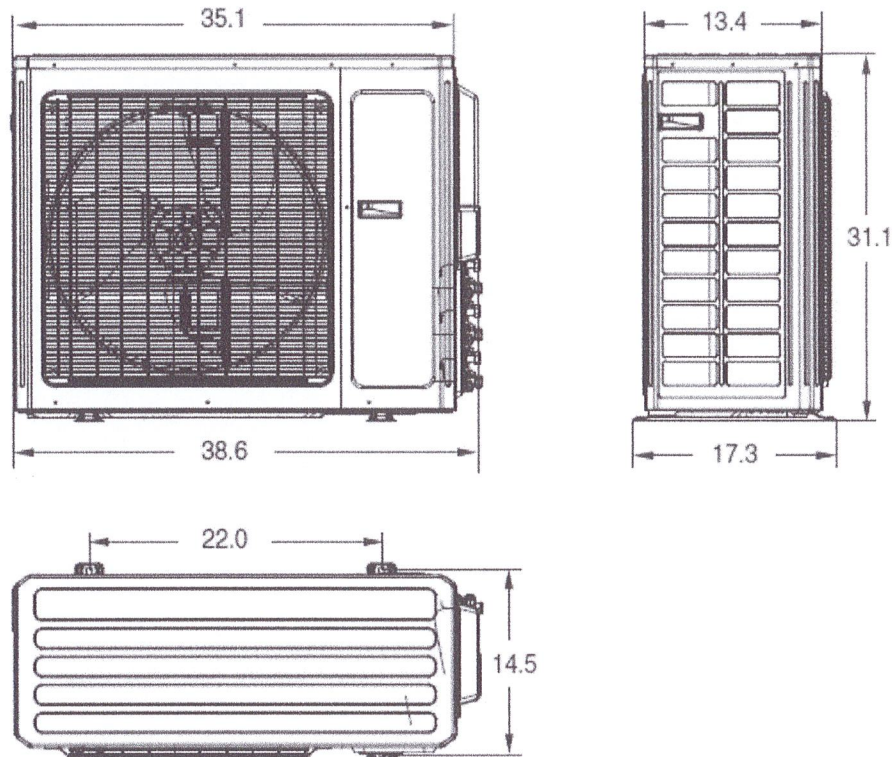
Refrigerant Type	R410A
Refrigerant Charge	77.6 oz
Additional Charge Per Line Length	0.21-oz/ft
Connection Method	Fared
Factory Charge for Total Line Length	98-ft
Total Refrigerant Pipe Length	197-ft
Max Refrigerant Piping Length to any Indoor Unit	65-ft
Min Refrigerant Piping Length to any Indoor Unit	10-ft
Max Elevation between Indoor Units	33-ft
Max Lift from Outdoor to Indoor Unit	33-ft
Max Drop from Outdoor to Indoor Unit	33-ft



Units: inch

24,000 BTUH MODEL

Model # MULTI24HP230V1CO 24,000 BTUH 230V



Suction/Gas Line Port Size

Port A	3/8-in OD Flared
Port B	3/8-in OD Flared
Port C	3/8-in OD Flared

Liquid Line Port Size

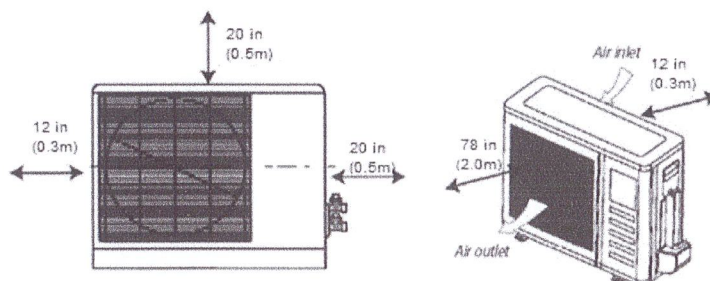
Port A	1/4-in OD Flared
Port B	1/4-in OD Flared
Port C	1/4-in OD Flared

Factory Supplied Piping Adapters

Adapter	P/N	Qty
3/8 (F) to 1/2 (M)	6643008	2

MINIMUM SPACING REQUIREMENTS

Units: inch (mm)



Notes:

1. Recommended Interconnecting Cable Type: Stranded Copper Conductors THHN 600V Unshielded Wire
2. Power wiring cable size must comply with applicable national and local codes.
3. Test conditions are based on AHRI 210/240.

Specifications are subject to change without notice. Manufacturer reserves the right to discontinue or modify specifications or designs without notice or without incurring obligations. All rights reserved.

INDOOR DUCTLESS DIMENSIONAL SPECIFICATIONS

MULTI24HP230V1CO

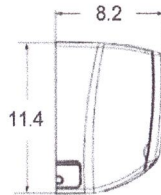
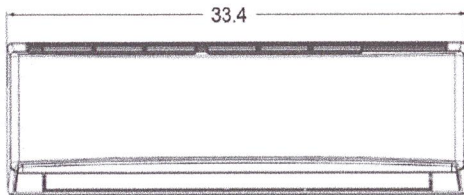
Units: inch



9,000 AND 12,000 BTUH MODELS

Model # VIR09HP230V1xH 9,000 BTUH 230V

Model # VIR12HP230V1xH 12,000 BTUH 230V



9,000 BTU

Liquid Line Valve	1/4-in OD Flared
Suction/Gas Line Valve	3/8-in OD Flared
Drain Connector	5/8-in OD

12,000 BTU

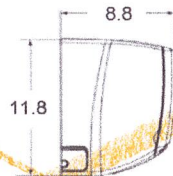
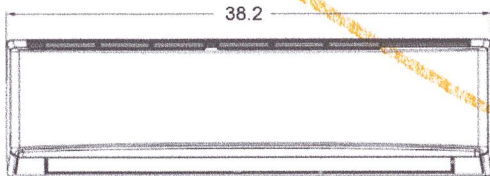
Liquid Line Valve	1/4-in OD Flared
Suction/Gas Line Valve	1/2-in OD Flared
Drain Connector	5/8-in OD

Note: Size Refrigerant lines based on evaporator port sizes.

Indoor Capacity Size	Rated Cooling	Rated Heating	Max. CFM	Dehum (Pt/Hr)	Min/Max Sound Power dB(A)**
9,000 BTUH	9,000	11,000	377	1.7	29/43
12,000 BTUH	12,000	13,000	400	3.0	29/45

18,000 BTUH MODEL

Model # VIR18HP230V1xH 18,000 BTUH 230V



Liquid Line Valve	1/4-in OD Flared
Suction/Gas Line Valve	5/8-in OD Flared
Drain Connector	5/8-in OD

Note: Size Refrigerant lines based on evaporator port sizes.

Rated Cooling (BtuH)	Rated Heating	Max. CFM	Dehumid. (Pt/Hr)	Min/Max Sound Power dB(A)**
18,000	19,800	559	3.8	39/47

**Sound Power ratings are per AHRI 270 and AHRI 350

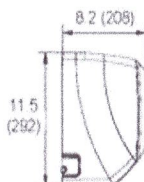
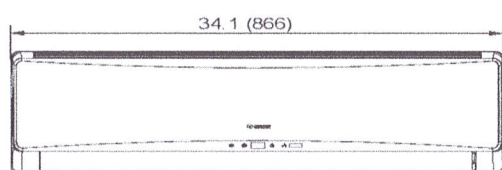
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Units: inch (mm)

9,000 AND 12,000 BTUH MODELS

Model # TERRA09HP230V1AH 9,000 BTUH 230V

Model # TERRA12HP230V1AH 12,000 BTUH 230V

TERRA

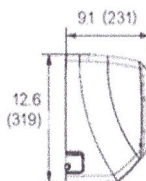
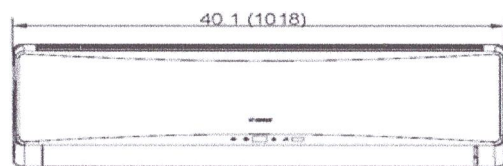
Liquid Line Valve	1/4-in OD Flared
Suction/Gas Line Valve	1/2-in OD Flared
Drain Connector	5/8-in OD

Note: Size Refrigerant lines based on evaporator port sizes.

Rated Cooling (BtuH)	Rated Heating	Max. CFM	Dehumid. (Pt/Hr)	Min/Max Sound Power dB(A)**
9,000	9,800	418	1.9	23/43
12,000	13,000	453	3	24/44

18,000 BTUH MODEL

Model # TERRA18HP230V1BH 18,000 BTUH 230V



Liquid Line Valve	1/4-in OD Flared
Suction/Gas Line Valve	5/8-in OD Flared
Drain Connector	5/8-in OD

Note: Size Refrigerant lines based on evaporator port sizes.

Rated Cooling (BtuH)	Rated Heating	Max. CFM	Dehumid. (Pt/Hr)	Min/Max Sound Power dB(A)**
18,000	19,000	559	3.8	33/51

**Sound Power ratings are per AHRI 270 and AHRI 350

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COOLING CAPACITY (BTUH)

Indoor Units Combinations	Rated System Capacity (BtuH)	Indoor Unit A (BtuH)	Indoor Unit B (BtuH)	Indoor Unit C (BtuH)	Indoor Unit D (BtuH)
9K + 9K	18,000	9,000	9,000	NA	NA
9K + 12K	21,000	9,000	12,000	NA	NA
9K + 18K	25,000	8,400	16,600	NA	NA
12K + 12K	24,000	12,000	12,000	NA	NA
12K + 18K	25,000	10,000	15,000	NA	NA
18K + 18K	25,500	12,750	12,750	NA	NA
9K + 9K + 9K	26,001	8,667	8,667	8,667	NA
9K + 9K + 12K	26,000	8,000	8,000	10,000	NA
9K + 9K + 18K	26,000	7,000	7,000	12,000	NA
9K + 12K + 12K	26,000	6,000	10,000	10,000	NA
12K + 12K + 12K	26,001	8,667	8,667	8,667	NA

HEATING CAPACITY (BTUH)

Indoor Units Combinations	Rated System Capacity (BtuH)	Indoor Unit A (BtuH)	Indoor Unit B (BtuH)	Indoor Unit C (BtuH)	Indoor Unit D (BtuH)
9K + 9K	19,000	9,500	9,500	NA	NA
9K + 12K	22,500	9,500	13,000	NA	NA
9K + 18K	27,000	9,000	18,000	NA	NA
12K + 12K	26,000	13,000	13,000	NA	NA
12K + 18K	28,000	11,200	16,800	NA	NA
18K + 18K	28,500	14,250	14,250	NA	NA
9K + 9K + 9K	29,001	9,667	9,667	9,667	NA
9K + 9K + 12K	29,000	9,000	9,000	11,000	NA
9K + 9K + 18K	29,000	6,000	6,000	17,000	NA
9K + 12K + 12K	29,000	6,000	11,500	11,500	NA
12K + 12K + 12K	29,001	9,667	9,667	9,667	NA

Capacity data is based on the following conditions :

Cooling Nominal Test Conditions

Indoor: 80°F DB/67°F WB
Outdoor: 95°F DB/75°F WB

Heating Nominal Test Conditions

Indoor: 70°F DB/60°F WB
Outdoor: 47°F DB/43°F W

COOLING PERFORMANCE

DB WB		Indoor Ambient Temperature											
		70°F (21°C)			75°F (24°C)			80°F (27°C)			90°F (32°C)		
		59°F (15°C)			63°F (17°C)			67°F (19°C)			73°F (23°C)		
Outdoor Ambient Temperature (DB)		TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)
	-0.4°F (-18°C)	14,670	11,510	1,180	16,550	12,980	1,250	17,500	13,720	1,300	19,720	15,460	1,390
	5°F (-15°C)	15,050	11,800	1,180	16,970	13,320	1,260	18,160	14,240	1,300	20,220	15,860	1,390
	14°F (-10°C)	16,590	13,010	1,200	17,710	14,680	1,270	19,780	15,510	1,320	22,290	17,480	1,410
	23°F (-5°C)	18,170	14,260	1,200	20,700	16,240	1,270	22,270	17,470	1,310	24,500	19,220	1,400
	32°F (0°C)	19,103	14,986	1,196	21,764	14,466	1,265	22,379	17,543	1,309	25,759	20,204	1,404
	41°F (5°C)	20,083	15,754	1,257	22,880	15,208	1,330	23,527	18,442	1,376	27,080	21,240	1,476
	50°F (10°C)	20,919	16,411	1,310	23,833	15,841	1,386	24,507	19,211	1,433	28,209	22,125	1,538
	59°F (15°C)	22,040	17,290	1,380	25,110	16,690	1,460	25,820	20,240	1,510	29,720	23,310	1,620
	68°F (20°C)	24,961	19,577	2,028	26,521	20,797	2,092	28,341	22,228	2,219	32,501	25,494	2,375
	77°F (25°C)	24,666	19,349	2,082	26,235	20,578	2,146	28,081	22,026	2,283	32,241	25,283	2,448
	86°F (30°C)	23,453	18,392	2,329	25,013	19,621	2,402	27,301	21,412	2,548	31,245	24,502	2,731
	95°F (35°C)	22,196	17,409	2,503	23,748	18,620	2,576	26,001	20,394	2,740	29,927	23,475	2,932
	104°F (40°C)	21,122	16,566	2,585	22,664	17,777	2,667	25,325	19,867	2,831	28,853	22,623	3,032
	113°F (45°C)	20,038	15,714	2,640	21,581	16,926	2,722	24,250	19,015	2,895	27,769	21,781	3,096
	118°F (48°C)	19,501	15,293	2,667	20,801	16,311	2,749	23,401	18,357	2,923	26,781	21,008	3,124

HEATING PERFORMANCE

DB WB		Indoor Ambient Temperature											
		70°F (21°C)			75°F (24°C)			80°F (27°C)			90°F (32°C)		
		59°F (15°C)			63°F (17°C)			67°F (19°C)			73°F (23°C)		
Outdoor Ambient Temperature (DB)	DB	TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)	TC (BtuH)	SC (BtuH)	Input Power (watts)
	-4°F (-20°C)	15,660	15,660	1,440	15,220	15,220	1,470	15,070	15,070	1,490	14,550	14,550	1,550
	0°F (-18°C)	16,974	16,974	1,577	16,485	16,485	1,609	16,177	16,177	1,669	15,751	15,751	1,708
	5°F (-15°C)	17,442	17,442	1,613	16,939	16,939	1,645	16,622	16,622	1,706	16,187	16,187	1,746
	7°F (-14°C)	17,909	17,909	1,648	17,393	17,393	1,682	17,067	17,067	1,744	16,622	16,622	1,784
	17°F (-8°C)	19,224	19,224	1,719	18,662	18,662	1,754	18,308	18,308	1,819	17,828	17,828	1,861
	28°F (-2°C)	21,716	21,716	1,832	21,145	21,145	1,869	20,538	20,538	1,938	20,293	20,293	1,983
	38°F (3°C)	27,000	27,000	2,108	26,429	26,429	2,151	25,831	25,831	2,230	25,577	25,577	2,282
	47°F (8°C)	30,517	30,517	2,192	29,592	29,592	2,237	29,003	29,003	2,320	28,206	28,206	2,374
	57°F (14°C)	31,523	31,523	2,235	30,571	30,571	2,281	29,964	29,964	2,365	29,130	29,130	2,420
	68°F (20°C)	32,810	32,810	2,310	31,810	31,810	2,360	31,180	31,180	2,450	30,310	30,310	2,500
	77°F (25°C)	33,570	33,570	2,370	32,550	32,550	2,420	31,900	31,900	2,510	31,020	31,020	2,570

LEGEND

DB --- Dry Bulb

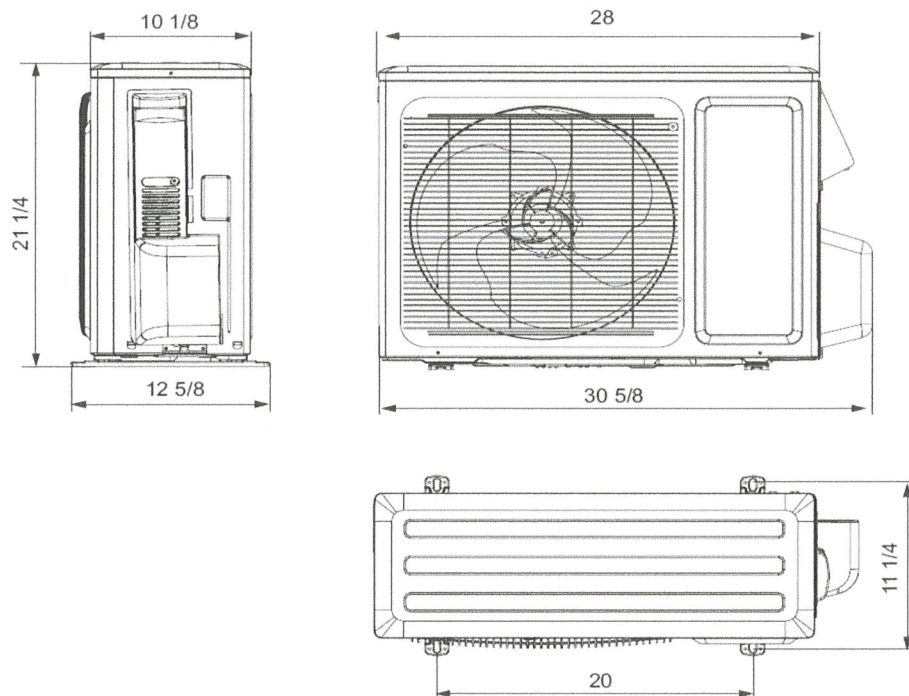
TC --- Total Net Cooling Capacity (BtuH)

WB --- Wet Bulb

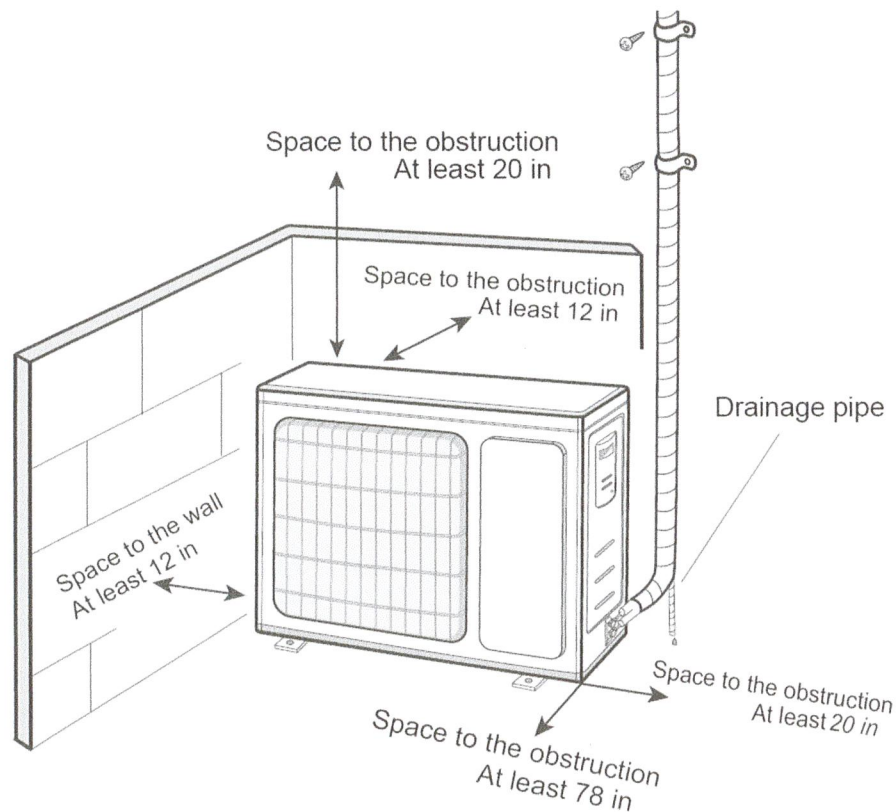
SC --- Sensible Capacity (BtuH)

Input Power---(Watts)

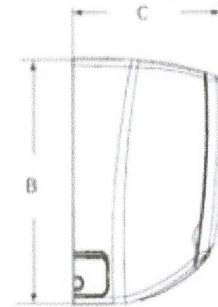
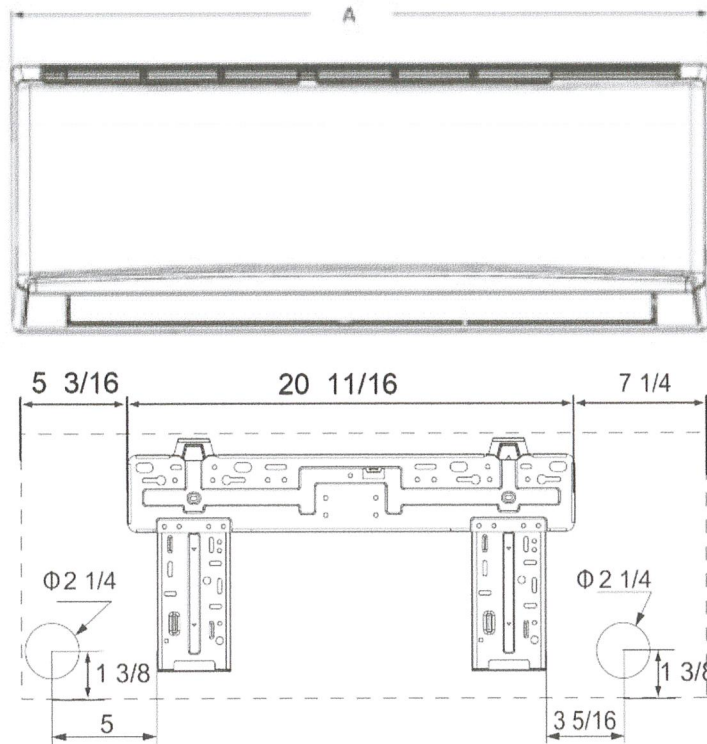
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Unit = Inch

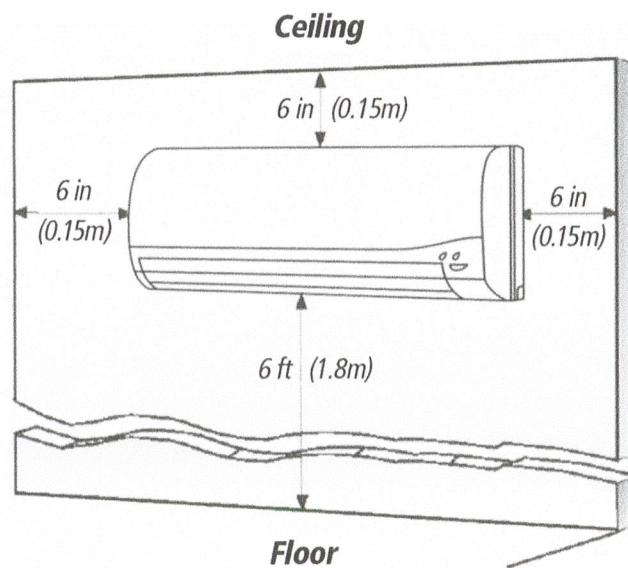


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Dimensions	
A	33 1/4
B	11 1/4
C	8 3/8

Unit = Inch





SUBMITTAL DATA: LIVV12HP115V1A

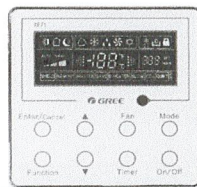
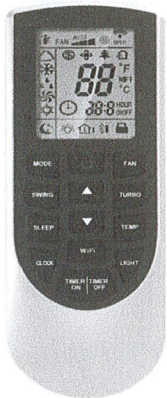
12000 BTU/H Wall Mounted Heat Pump System

Job Name	Location	Date
Purchaser	Engineer	
Submitted To	For	
Unit Designation	Schedule No.	

YAN1F6F

LIVV12HP115V1AH

LIVV12HP115V1AO



XE71 (Optional)



GENERAL FEATURES

AHRI Certificate: 207094535

High Efficiency DC Inverter Technology

Compact and Quiet Design

Wireless Remote with LCD Display

Wired Controller Options

Wi-Fi Included

Low Ambient Cooling down to 0°F (Range 0°F to 115°F)

Low Ambient Heating down to -4°F (Range -4°F to 75°F)

Coil (Indoor and Outdoor) Copper Tube / Aluminum Fin*

*** (Blue Fin) 500 Hrs Salt Spray Tested**

5 Year Limited Compressor & Parts Warranty (Residential Only)

SPECIFICATIONS

LIVV12HP115V1AH / LIVV12HP115V1AO

System Type		HEAT PUMP	
SYSTEM PERFORMANCE			
Cooling	Rated Capacity @ 95°F	Btu/h	12000
	Min-Max Capacity	Btu/h	3753-12500
Heating	Rated Capacity @ 47°F	Btu/h	13000
	Min-Max Capacity	Btu/h	3412-15013
SEER / EER			18 / 10
HSPF / COP			9 / 3.05
Energy Star®			NO
Cooling Temperature Range		°F	0 - 115
Heating Temperature Range		°F	-4 - 75
INDOOR UNIT		LIVV12HP115V1AH	
Fan Motor Output Power		W	20
Fan Motor FLA		amps	0.25
Air Flow (Min - Max)		CFM	194 - 400
Sound Pressure Level (Cooling / Heating)		dB(A)	28 / 43
Dehumidification		pt/hr	2.96
Condensate Drain Size (OD)		in	0.625
Unit Dimension (WxHxD)		in	33 1/4 × 11 3/8 × 8 1/4
Package Dimension (WxHxD)		in	36 1/8 × 14 1/3 × 11
Weight (Net / Gross)		lbs	23.2 / 27.6
OUTDOOR UNIT		LIVV12HP115V1AO	
Compressor Type		GREE G-10 / 1 STAGE INVERTER	
Compressor RLA		amps	15.23
Fan Motor Output Power		W	30
Fan Motor RLA		amps	0.23
Sound Pressure Level (Cooling / Heating)		dB(A)	53
Unit Dimension (WxHxD)		in	33 3/8 × 21 1/4 × 12 5/8
Package Dimension (WxHxD)		in	34 5/8 × 14 3/16 × 22 7/8
Weight (Net / Gross)		lbs	67.3 / 72.8
Refrigerant Charge - R410A		oz	31.8
Coil Type		Aluminum Fin-Copper Tube / Acrylic Resin Protection	
REFRIGERANT PIPING			
Line Set Size (Liquid - Gas)		in	1/4 - 3/8
Pre-Charge Lengh		ft	25
Pipe Length (Min - Max)		ft	10 - 66
Max. Pipe Elevation		ft	49
ELECTRICAL			
Power Supply (Voltage Operating Range)		115V /1PH / 60HZ	
Rated Current (Cooling / Heating)		amps	13.5 / 13.8
MCA / MOCp		amps	20 / 30
Main Power Wire Size		AWG	Size Per Local Code
Interconnecting Wire Size		AWG	14 / 4
LIMITED WARRANTY		5 Years Parts and Compressor - Residential	

Features & Function Summary**LIVV12HP115V1A****SYSTEM FEATURES**

Inverter Type	G10
Ultra Low Frequency Torque Control	Yes
Power Factor Correction	Yes
Compressor Type	High Eff. Rotary
Refrigerant Type	R410A
Basepan With Electric Heater	YES
Compressor With Electric Heater	YES
Outdoor Fin Coating (Color: Blue)	Acrylic-Resin/Anti-Corrosive
Intelligent Defrosting	YES
Force Defrosting	YES
Intelligent Preheating	YES
Low Voltage Startup	YES
Memory/Power Failure Recovery	YES
Self Diagnosis	YES
Wired Controller Interface (XE71)	YES
WiFi Included	YES
Indoor Fan Type	Crossflow
Multi Fan Speeds	4 Speeds
Indoor Unit Display	YES
Auxiliary Electrical Heater	NO
Ventilation (Outdoor Air)	NO

REMOTE CONTROLLER FUNCTIONS

Auto Mode	YES
Auto Fan	YES
Manual Horizontal Swing	YES
Auto Swing (Vertical Auto Swing)	YES
Clock on Remote Controller	YES
Dry Mode	YES
Dry Anti-Mildew (X-Fan) Mode	YES
Energy Saving Mode	YES
Dirty Filter Alert	NO
I Feel Function	YES
Lock on Remote Controller	YES
Quiet Mode	NO
Room Temperature Display	YES
Sleep Mode	YES
Timer Mode	YES
Turbo Mode	YES
Display On/Off Control	YES
Freeze Guard Mode (46 °F)	YES
Display On/Off Control	YES

COOLING PERFORMANCE

Outdoor	Return Air Temperature				
	80°F (DB)				
		TC (Btu/h)	SHR	EER	Power Input (W)
MAX OUTPUT	0°F	6150	4459	2.83	637
	5°F	6396	4669	2.88	650
	10°F	6581	4821	2.88	670
	15°F	6765	4972	2.88	689
	20°F	7073	5217	2.90	715
	25°F	7380	5461	2.92	741
	30°F	7872	5865	2.96	780
	35°F	8241	6161	2.98	813
	40°F	8610	6458	2.99	845
	45°F	8979	6758	2.88	917
	50°F	9348	7058	2.77	988
	55°F	9963	7572	2.81	1040
	60°F	10640	8114	2.82	1105
	65°F	11316	8657	2.83	1170
	70°F	11870	9111	2.89	1203
	75°F	12423	9566	2.95	1235
	80°F	12915	9978	3.02	1255
	85°F	13407	10390	3.08	1274
	90°F	12854	9992	2.93	1287
	95°F	12300	9594	2.77	1300
	100°F	11685	9142	2.54	1352
	105°F	11070	8690	2.31	1404
	110°F	10701	8426	2.17	1450
	115°F	10332	8162	2.03	1495

HEATING PERFORMANCE

Outdoor Ambient Temperature (DB)		Return Air Temperature		
		70°F (DB)		
		TC (Btu/h)	COP	Power Input (W)
MAX OUTPUT	-4°F	6480	1.22	1554
	0°F	8775	1.63	1582
	5°F	9855	1.79	1610
	10°F	10800	2.04	1554
	15°F	11408	2.17	1547
	17°F	12015	2.29	1540
	20°F	12150	2.42	1470
	25°F	12285	2.52	1428
	30°F	12555	2.60	1414
	35°F	12690	2.70	1379
	40°F	12825	2.80	1344
	45°F	13230	2.83	1372
	47°F	13500	2.83	1400
	50°F	14580	2.96	1442
	55°F	15053	3.02	1463
	60°F	15525	3.07	1484
	65°F	14850	2.85	1526
	70°F	14310	2.72	1540
	75°F	13365	2.52	1554

LEGEND: **W** - Watts
DB - Dry Bulb
TC - Total Capacity
SHR - Sensible Heat Ratio
COP - Coefficient of Performance

BOUNDARY SURVEY



PLATTED AS: GEORGIA AVENUE
KNOWN AS: COREY AVENUE
80' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

PLATTED AS: SIXTH STREET
KNOWN AS: COQUINA WAY
60' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

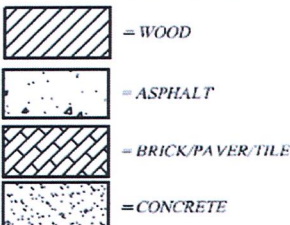
L-1
N 59°46'57" E 100.00'(P)
N 59°44'54" E 100.21'(M)
L-2
S 30°13'03" E 107.50'(P)
S 30°24'14" E 107.41'(M)
L-3
S 59°46'57" W 100.00'(P)

LOT 5
BLOCK 56

LOT 6
BLOCK 56

LOT 2
BLOCK 56

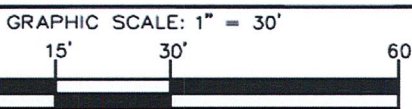
P.I.D. # = PARCEL IDENTIFICATION NUMBER



PROPERTY ADDRESS: 550 COREY AVENUE - ST. PETERSBURG, FLORIDA 33706

LEGEND	
P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
(P)	= PLAT
(M)	= MEASURE
P.I.	= POINT OF INTERSECTION
CL	= CENTER LINE
N&D	= NAIL AND DISK
R/W	= RIGHT OF WAY
C.L.F.	= CHAIN LINK FENCE
W.F.	= WOOD FENCE
P.C.P.	= PERMANENT CONTROL POINT
P.C.	= POINT OF CURVATURE
P.T.	= POINT OF TANGENCY
(D)	= DESCRIPTION
R	= RADIUS
L	= ARC LENGTH
Δ	= CENTRAL ANGLE
C	= CHORD
C.B.	= CHORD BEARING
D.U.E.	= DRAINAGE/UTILITY EASEMENT
CONC.	= CONCRETE
P.R.C.	= POINT OF REVERSE CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
WM	= WATER METER
P.R.M.	= PERMANENT REFERENCE MONUMENT
O.H.U.	= OVERHEAD UTILITY LINE
C.N.A.	= CORNER NOT ACCESSIBLE
FND	= FOUND
B.S.L.	= BUILDING SETBACK LINE
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
PP	= POWER POLE
P/E	= POOL EQUIPMENT

LIST OF ENCROACHMENTS:



SURVEYOR'S NOTES

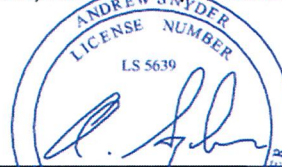
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. LEGAL DESCRIPTION PROVIDED BY OTHERS.
- UNLESS SHOWN, UNDERGROUND UTILITIES, IMPROVEMENTS, FOUNDATIONS AND/OR SUBSURFACE STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
- BEARINGS ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF COREY AVENUE, AS BEING N 59°46'57" E, PER PLAT, ASSUMED.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- FENCE OWNERSHIP NOT DETERMINED.
- THE LAND(S) SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

LEGAL DESCRIPTION: LOT 3 AND 4, BLOCK 56, RE-PLAT ST. PETERSBURG BEACH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 28 AND 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CERTIFIED TO:
ADAM KESTENBAUM; WESTCHASE
TITLE, LLC / GRAY ROBINSON, P.A.,;
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY; FAIRWINDS
CREDIT UNION, A STATE OF FLORIDA
CHARTERED CREDIT UNION

CLIENT NO: 20-29949
JOB NO: 39062
FIELD DATE: 02/18/20
APPROVED BY: AS
CHECKED BY: TSS
DRAWN BY: GS
DRAWN DATE: 02/21/20

I hereby certify that the survey of the hereon described property was prepared under my direct supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 53-17.050 through 53-17.053, Florida Administrative Code, Pursuant to Chapter 472.027, Florida Statutes.



CERTIFIED BY: ANDREW SNYDER PSM #5639 DATED 02/21/2020
FIRST CHOICE SURVEYING, INC.
P.O. BOX 470078, LAKE MONROE, FL 32747
407.951.3425 (Office) 407.520.5453 (Fax); LB #7564

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	
DATE	REVISION

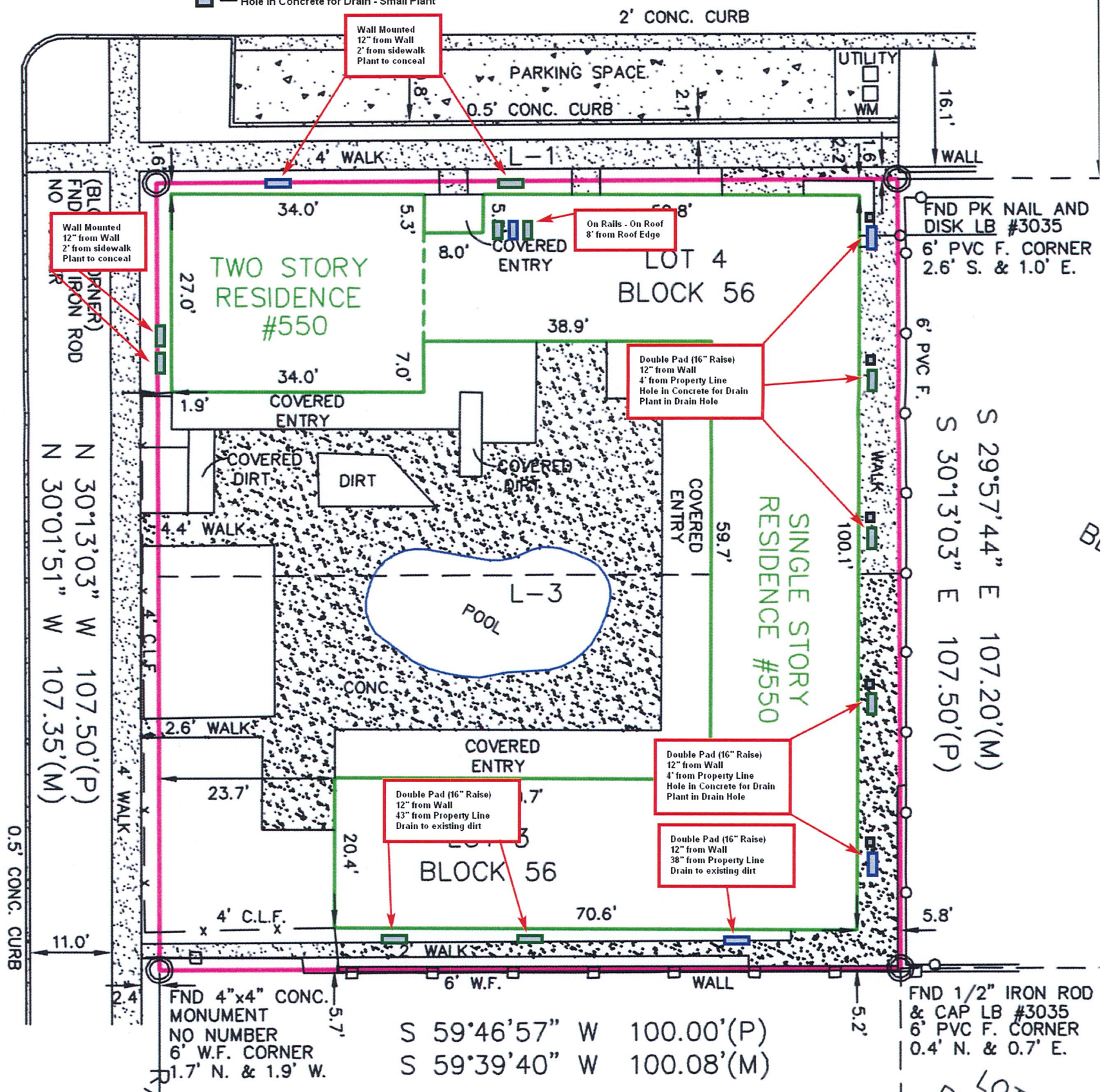
PLATTED AS: GEORGIA AVENUE
 KNOWN AS: COREY AVENUE

80' PLATTED RIGHT-OF-WAY

ASPHALT ROADWAY

Condenser Legend

- 12k BTU - 33 3/8" W x 21 1/4" H x 12 5/8" D
- 24k BTU - 38.6" W x 31.1" H x 14.5" D
- Hole in Concrete for Drain - Small Plant



PLATTED AS: GEORGIA AVENUE
 KNOWN AS: COREY AVENUE

80' PLATTED RIGHT-OF-WAY

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12k BTU - 33 3/8" W x 21 1/4" H x 12 5/8" D

24k BTU - 38.6" W x 31.1" H x 14.5" D

Hole in Concrete for Drain - Small Plant

2' CONC. CURB

PARKING SPACE

UTILITY

WM

WALL

FND PK NAIL AND DISK LB #3035
 6' PVC F. CORNER
 2.6' S. & 1.0' E.

6' PVC F.

S 29°57'44" E 107.20'(M)
 S 30°13'03" E 107.50'(P)

SINGLE STORY
 RESIDENCE #550

Double Pad (16" Raise)
 12" from Wall
 4" from Property Line
 Hole in Concrete for Drain
 Plant in Drain Hole

Double Pad (16" Raise)
 12" from Wall
 38" from Property Line
 Drain to existing dirt

Double Pad (16" Raise)
 12" from Wall
 43" from Property Line
 Drain to existing dirt

BLOCK 56

COVERED ENTRY

POOL

Wall Mounted
 12" from Wall
 2' from sidewalk
 Plant to conceal

Wall Mounted
 12" from Wall
 2' from sidewalk
 Plant to conceal

FND 4"x4" CONC.
 MONUMENT
 NO NUMBER
 6' W.F. CORNER
 1.7' N. & 1.9' W.

S 59°46'57" W 100.00'(P)
 S 59°39'40" W 100.08'(M)

FND 1/2" IRON ROD
 & CAP LB #3035
 6' PVC F. CORNER
 0.4' N. & 0.7' E.

KNOWN AS: COQUINA WAY

PLATTED AS: SIXTH STREET

60' PLATTED RIGHT-OF-WAY

ASPHALT ROADWAY

PLATTED AS: GEORGIA AVENUE
 KNOWN AS: COREY AVENUE

80' PLATTED RIGHT-OF-WAY

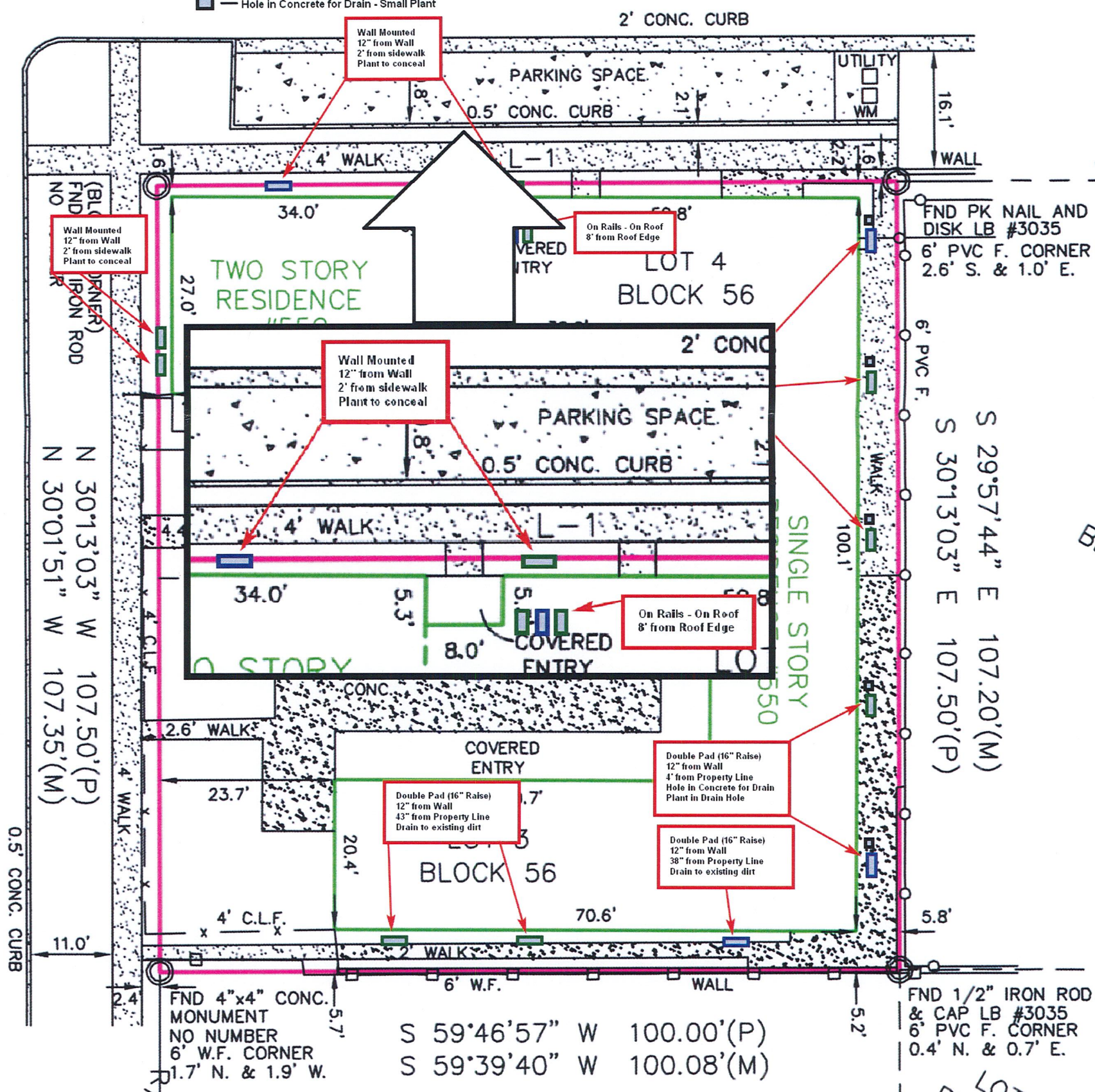
ASPHALT ROADWAY

Condenser Legend

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24k BTU - 38.6" W x 31.1" H x 14.5" D

Hole in Concrete for Drain - Small Plant



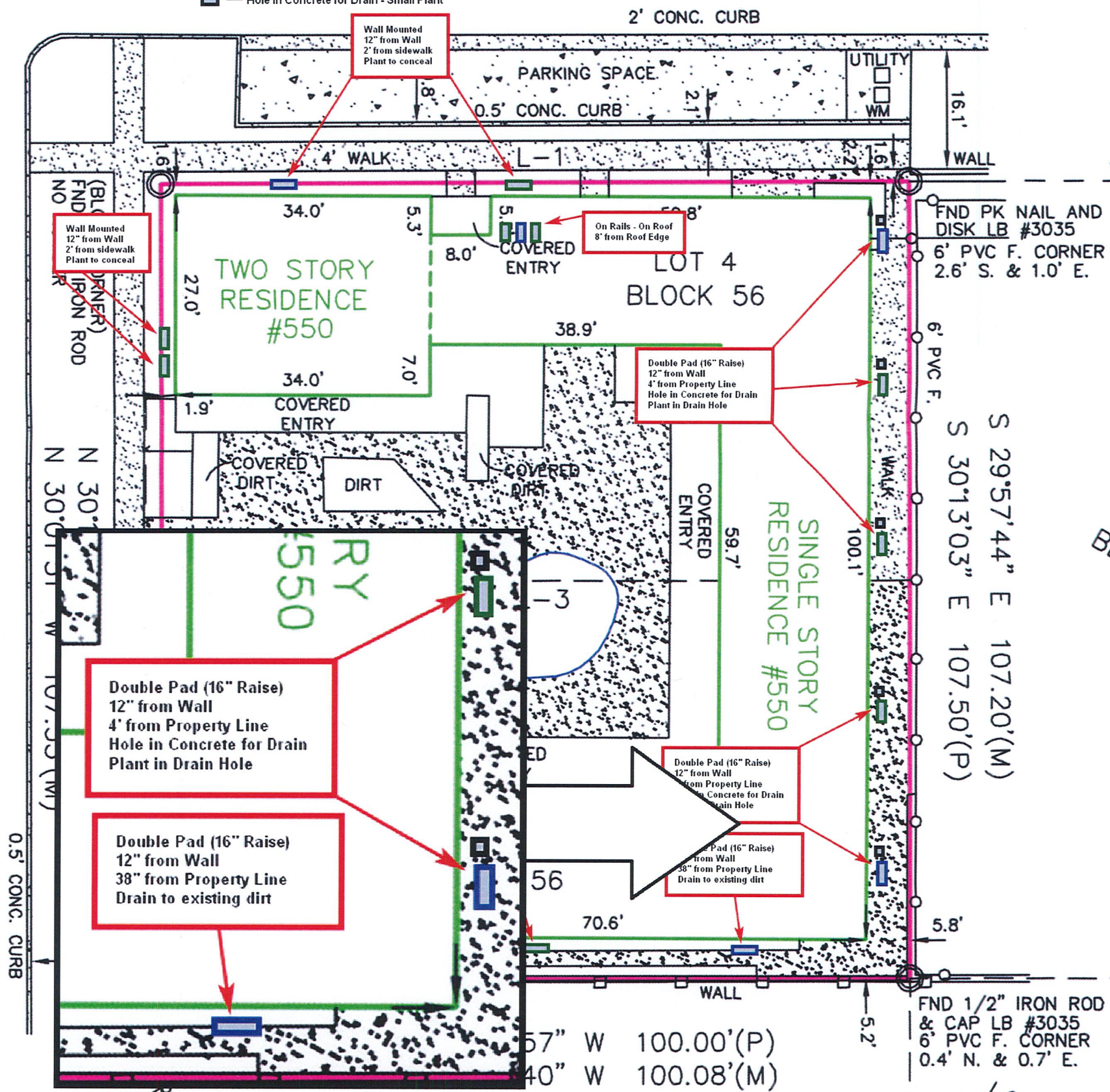
PLATTED AS: GEORGIA AVENUE
KNOWN AS: COREY AVENUE

80' PLATTED RIGHT-OF-WAY

ASPHALT ROADWAY

Condenser Legend

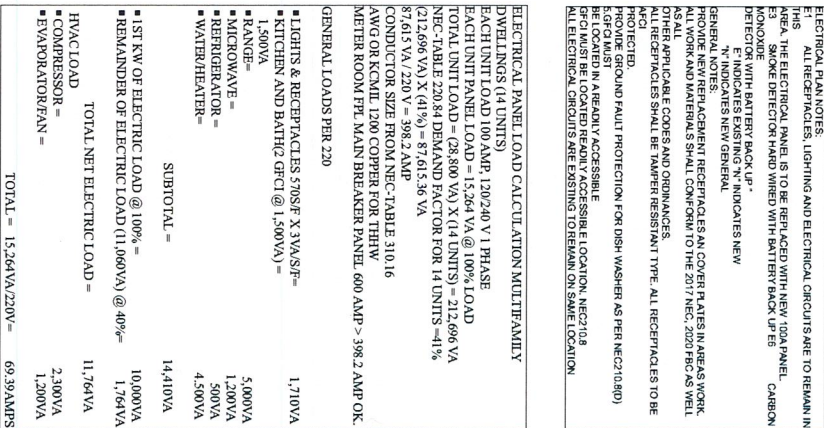
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KAO Capital Partners Florida LLC
550 Corey AVE. ST Pete Beach Fl.33706

7/29/2022

E-1



ELECTRICAL - DATA - AUDIO LEGEND	
SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans, Ceiling Mounted, Wall Mounted
	Ceiling Mounted Light Fixtures, Surface/Pendant, Recessed, Heat Lamp, Low Voltage
	Wall Mounted Light Fixtures, Flush Mounted, Wall Sconce
	Chandelier Light Fixture
	Fluorescent Light Fixture
	240V Receptacle
	110V Receptacles, Duplex, Weather Proof, GFCI
	Switches, Single Pole, Weather Proof, 3-Way, 4-Way
	Switches, Dimmer, Timer
	Audio Video Control Panel, Switch
	Speakers, Ceiling Mounted, Wall Mounted
	Wall Jacks: CAT5, CAT5 + TV, TV/Cable
	Telephone Jack
	Intercom
	Thermostat
	Door Chime, Door Bell Button
	Smoke Detectors, Ceiling Mounted, Wall Mounted
	Electrical Breaker Panel



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

PLANNING DEPARTMENT

Date: April 11, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 550 Corey Ave.
Parcel Number: 36-31-15-77994-056-0030
Gulf Coast Heating & AC, LLC for KAO Capital Partners Florida, LLC
Variance Case No: 23022

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 4/26/2023

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

1. Completed Unnecessary and Undue Hardship application form.
2. Boundary Survey prepared by First Choice Surveying, Inc. dated 2/21/2020, consisting of 1 sheet.
3. Enlarged portion of Boundary Survey prepared by First Choice Surveying, Inc. dated 2/21/2020, consisting of 5 sheets, showing proposed 15 mini-split air conditioning system locations and heights.
4. Sheet E-1, Electrical Plan prepared by Vandin Calitu dated 7/29/22, consisting of 1 sheet.
5. Spec Sheet for 12k BTU Wall Mounted Heat Pump System
6. Spec Sheet for 24k BTU Wall Mounted Heat Pump System

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

Site Description/Surrounding Land Uses

The subject site is a 10,957 sq. ft. (approx. 0.25 acre) parcel located at 550 Corey Ave. known as parcel number 36-31-15-77994-056-0030 and legal description of ST PETERSBURG BEACH REPLAT BLK 56, LOTS 3 AND 4 within portions of the AE-Elevation 10 flood zone. The property is located within the TC-1, Town Center Core District; TC-1 on the future land map and contains an apartment use, consisting of 14 units that were constructed in 1951 according to the Pinellas County Property Appraiser. It is a corner parcel located on the intersection of Corey Ave. and Coquina Way with apartment use to the east and west, triplex to the south and retail center to the north. The location of the property is detailed in Figure 3 below.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 3 of 15, dated 7/20/2012

Request

The applicant requests to install 15 elevated mini-split ac systems for 7 units that do not meet the location requirements (LDC Sec. 39.5(g)) and 8 units that do not meet required side and rear yard setbacks of 10' with 3'2"-4' provided (LDC 30.8(a)).

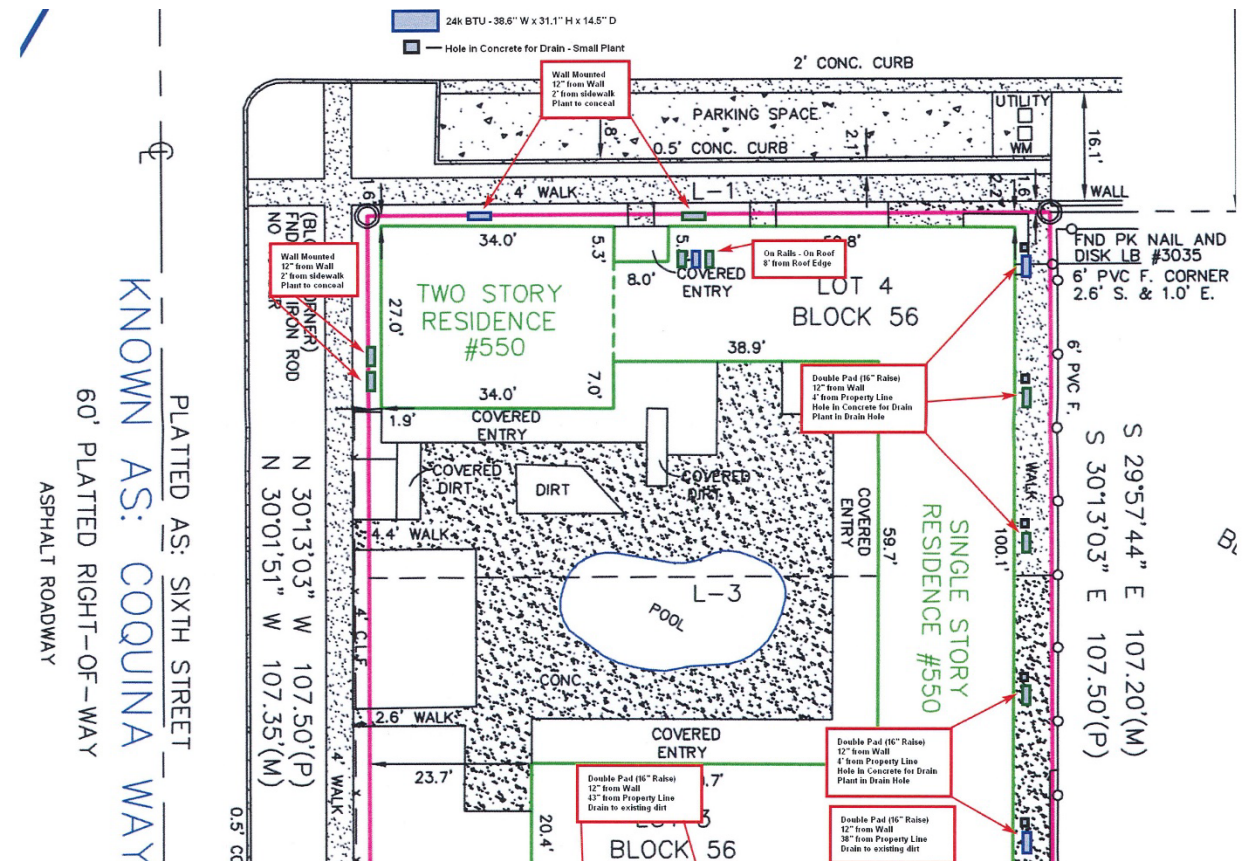
Analysis

1. New variances(s) required:
 - a. **LDC Sec. 39.5(g) - General operational and aesthetic requirements:** All other mechanical equipment must be behind or on top of the building and screened from public view through use of a parapet wall or through landscaping. Of the proposed 15 units, 7 are located within the front, secondary front or rooftop.

- b. **LDC 30.8(a)** – Minimum side and rear yard setback of 8 units where a minimum of 10' is required, 3'2"-4' proposed.

Figure 3: Zoning Table		
Setbacks - (LDC Sec. 30.8)	550 Corey Ave.	
	Required	Proposed
Side Yard Setback (Min.)	10'	4'(v)
Rear Yard Setback (Min.)	10'	3'2"(v)
*Denotes existing non-conformity (v) = Variance required		

Figure 4: Enlarged Portion of Boundary Survey with Mini-Split Location (N.T.S.)



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The property was constructed in 1951 according to the Pinellas County Property Appraiser and currently has non-conforming side and rear setbacks. The “L shaped” layout of the buildings frames the inground pool located in the middle of the property and is unique to the surrounding area.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *During the site visit, Staff was informed that the owner recently purchased the property in 2022 and in the process of renovation planning it was discovered that the proposed improvement with the installation of the units required variance relief.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will generally deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and Staff find that denying a variance to the setback may be a hardship on the applicant due to the location of the existing building, current renovation, and limitation for complete shielding of the proposed equipment.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *Staff find that this request will not establish a use not permitted in the district or increase density, provided clarification is offered on the difference in the number of 15 units proposed and 14 living units on record.*
5. An applicant’s desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is proposing to replace the current wall units with more energy efficient units for tenants.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds that the locations of the installation of the units must meet the requirements of screening and the current non-conforming setbacks do not allow for compliance with the code and provide the ability modernize a structure constructed in 1951.*
8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise

detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

- *Staff finds that it is not anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood while enhancing the aesthetics of the area with the proposed landscape screening and providing viable rental units.*

Other:

- The plans submitted indicate the installation of 15 units, where there is a total of 14 living units. The applicant should provide information if one living unit is being provided 2 units or reason for the discrepancy.
- At the time of the site visit, staff were informed that areas along the southern property line such as the low concrete wall and other hardscape materials may be removed should the variance be granted. Applicant should present/confirm this information to the board.
- LDC Sec.39.5(g) requires that equipment on top of the building be screened from public view. The applicant should provide details on if any screening of the 3 proposed roof-mounted units will be installed and/or the proposed distance the roofline edge along Corey Ave.
- Provided the existing wall mounted units are to be removed; how does the applicant intend to address those areas?

Recommendation

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

1. Landscaping plan shall be submitted and approved by the Planning Department at the time of permitting for the proposed planting installation at the frontages along Corey Ave. and Coquina Way in addition to locations along the eastern property line.

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

Respectfully submitted,



Kristin Coman
Senior Planner

Cc: Gulf Coast Heating & AC, LLC, Applicant **via email** (info@gulfcoast.ac)
KAO Capital Partners Florida, LLC, Owner **via email** (kaocapitalpartnes@gmail.com)
Matthew McConnell, Board of Adjustment Attorney