



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, May 31, 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 May 31, 2023 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes. Please complete a public comment card and bring it to the Clerk. State your name and address when you come to the podium.

3. Approval of Minutes

a. April 26, 2023

4. Action Items -

a. Case No. 22013-1 – 510 78th Ave.

Tom DeYampert requests modification of conditions contained within the Development Order for Case No. 22013 executed on 3/20/2022 for his approval to retain a patio cover encroachment of approximately 3' into the side setback where 5' is required and 12' into the rear setback where 15' is required (LDC Section 6.13(c)(3)).

b. Case No. 23024 – 271 Isle Dr.

Practical Difficulty Variance; Keliee Stoerman for Daniel Stoerman Trust requests to install elevated equipment that does not meet the 7' required side yard setback where 4.5' is proposed (LDC Sec. 6.14).

c. Case No. 23026 – 131 72nd Ave.

Unnecessary and Undue Hardship Variance; Josias Guzman requests to retain an existing detached 18'x15' covered patio structure that does not meet the required 5' side yard

setback with 3' provided (LDC Sec. 6.13(3)(a)).

d. Case No. 23031– 108 21st Ave.

Practical Difficulty Variance; Nate Meyer, RA for Christine Mellace and Jason Lavallee request to construct a single-family residence that does not meet the 15' rear yard setback requirement with 5' proposed (LDC Sec. 20.15) and construct unground pool with 6' high water feature that does not meet the 5' required side yard setback with 8" proposed (LDC Sec. 6.13(c)(1)).

5. **Adjournment - Next meeting to be held on 6/28/2023 -**

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
April 26, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Michael Bomar, Member
BJ Lawson, Member
Dan Small, Member

EXCUSED: Denise Chase, 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 – Per Assistant City Attorney McConnell Case 23018, 2007 Pass-a-Grille Way, should be moved to the May meeting to provide staff with additional time for research due to a recently cited property line matter.

Motion: Member Bomar moved, and Member Small seconded to move Case 23018 to the May meeting; the motion carried unanimously.

Motion: Member Bomar moved, and Member Lawson seconded the approval of the agenda with the continuation of Case 23018; the motion passed unanimously.

2. Audience Comments – Charles Collom of 2381 E. Vina Del Mar Blvd. asked for confirmation that his Case No. 23018 was continued to May and staff affirmed.

3. Approval of Minutes -

Motion: Member Lawson moved, and Member Bomar seconded the approval of the March 29, 2023 meeting minutes as presented. The motion passed unanimously.

4. Action Items

a. Election of Officers 2023-24

Chair Skipper indicated that he was willing to serve another term.

Motion: Member Bomar moved, and Member Small seconded the appointment of Paul Skipper as Board Chair for 2023-24; the motion passed unanimously.

Mr. McConnell stated that Member Chase (excused) expressed willingness to serve as Vice Chair.

Motion: Chair Skipper moved, and Member Small seconded the appointment of Michael Bomar as Board Vice Chair for 2023-24; the motion passed unanimously.

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).

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. The presentation included staff comments and suggested questions for the applicants.

Staff found the request reasonable given the existing conditions of the lot and recommended approval with the condition that the fence height is limited to 5'5" as constructed, beginning 6'4" from the rear property line to 20' setback along the southern property line and rear property fencing from property line to 6'4" have a maximum height of 4' per the Land Development Code. No letters for or against the application were received.

Michelle and Greg Olson appeared to testify regarding their request. They presented a photo of the dog next door with the current fencing, testified that they did not install the current fencing, and answered Board questions.

Lisa McKnight of 8700 Gulf Blvd. gave public comment on the fencing, permitting, interactions with the applicants and in objection to the 6-foot fence.

Michelle and Greg Olson rebutted to Ms. McKnight's comments.

There was no additional audience comment. The members testified that they had no ex-parte communications with the applicant or regarding the application. The Chair opened Board discussion.

Motion: Vice Chair Bomar moved to deny the variance for Case No. 23004; there was no second and the motion died.

Motion: Member Small moved and Member Lawson seconded to approve the variance for Case No. 23004 as presented with the staff recommended condition. Motion carried 3-1 with Vice Chair Bomar voting no.

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).

This case was moved to the May 31, 2023 meeting.

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)).

Ms. Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. The Technical Review Committee's comments from their April 19th review were included and staff comments and suggested questions for the applicants.

Staff found the request reasonable given the existing conditions of the lot and recommended approval with the condition that a landscaping plan be submitted and approved for the proposed frontages along Corey Ave., Coquina Way, and the eastern property line. No letters were received for or against the application.

Randy Gruber of Gulf Coast Heating & AC appeared on behalf of the applicant and provided testimony regarding some of the details of the project including the number of units, and wall and debris removal for drainage. He testified that he agreed with the staff recommended conditions.

General Contractor Anthony Pavsek of Yehovah International appeared on behalf of the applicant and testified that there is no additional unit and summarized the work he will be doing on the project. KAO Property acquired the property within the last year. Discussion followed on the air conditioners proximity to the sidewalk and landscaping. Mr. Gruber again testified that the air conditioners will be mounted with consideration of pedestrians on the sidewalk; plantings will prevent them from doing so. Roof units can be used for the second-floor units; Mr. Gruber was agreeable to working with the building inspector to keep them invisible from the street using setbacks or the roof parapet.

Mr. McConnell stated for the record that staff was not informed of the 14/15 units today, although that has no bearing on this variance.

There was no additional audience comment. Three members testified that they had no ex-parte communications with the applicant or regarding the application; Mr. Bomar testified that he did drive by the property. The Chair opened Board discussion.

Motion: Member Lawson moved, and Vice Chair Bomar seconded to approve the variance for Case No. 23022 with the inclusion of the staff recommended condition of a landscaping plan and setbacks on the roof; the motion carried 4-0.

5. Adjournment – The next meeting 5/31/23.

Vice Chair Bomar moved and Member Small seconded to adjourn the meeting at 3:04 PM.

These minutes will be considered for approval at the May 31, 2023 Board of Adjustment meeting.

4a.

Case No.

22013-1

510 78th Ave.

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

Agenda Report

Action Request: n/a

Strategic Objective:

Date: May 31, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: Tom DeYampert requests modification of conditions contained within the Development Order for Case No. 22013 executed on 3/20/2022 for his approval to retain a patio cover encroachment of approximately 3' into the side setback where 5' is required and 12' into the rear setback where 15' is required (LDC Section 6.13(c)(3)).

Funding: n/a

Attachments:

1. 22013-1 - Modification request of conditions of Case No. 22013
2. 22013-1 - 510 78th Ave - Staff Summary, Modification of Development Order Request
3. 22013-1 -Letters Rec'd as of 05.22.23

Kristin Coman

From: Tom Deyampert <tomdeyampert@gmail.com>
Sent: Monday, March 27, 2023 10:00 AM
To: Kristin Coman
Cc: Matthew McConnell; Jennifer McMahon
Subject: Re: Board of Adjustment Case No. 22013

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

REQUEST FOR MODIFICATIONS OF THE DEVELOPMENT ORDER Case Number 22013, dated 30 March 2022

Please accept this as my formal request for modification to the above mentioned Development order.

Back Ground; The previous development order, in which my neighbor to the south of my property had complained to the City that my Gazebo was causing him distress caused by noise and light invading his property, was issued without confirmation from the City's Codes Enforcement Department that in fact my property was in violation of any noise or light emissions. To my knowledge there have not been any tests to validate my neighbors complaints. At the previous hearing, I presented letters of support from many of my surrounding neighbors; they had no objection to my gazebo and did not have any negative comments concerning noise or light. In any case, following receipt of the development order I found that attaching a fixed wall to this gazebo may not meet wind loading for the structure as designed.

Current Condition: Since the DO was issued I have installed a solid Sunbrella Canvas over the entire roof of the gazebo, which has been found to be in compliance with the DO by the City's Building Official, and leave the roll down covering on the south side of the gazebo down at all times except during storms when I roll them up and during which time I am not using the gazebo. Additionally, since the date of the DO, my neighbor has constructed a utility shed inches from the existing 6 foot vinyl fence that separates our properties, and planted lush landscaping along to the fence that has matured to a height that now obscures my property from his thus mitigating any perceived nuisance. I have offered to several City Officials that have visited my property to observe the perceived issues to perform noise and light non-compliance issues that may exist and should the Board desire I keep this offer open at your discretion.

Therefore, I am requesting a modification to the DO allowing the elements that now exist to be in compliance with the DO as issued March 30, 2022, copy attached.

Thank you in advance for considering this request.

I will bring a check over this morning. Also, I am out of town from April 24 thru the 28th. I am in town the 4th week of May.

On Mon, Mar 20, 2023 at 2:57 PM Kristin Coman <kcoman@stpetebeach.org> wrote:

Tom,

After speaking with the Board Attorney, Mr. McConnell has notified City staff that you wish to return to the Board of Adjustment for a modification to a condition of your prior Case No. 22013. In order to be considered for the upcoming Board of Adjustment agenda the following will be necessary:

1. Letter/email detailing your request.
2. Appropriate mailing fees for noticing in the amount of \$53.12. Checks to be made payable to the City of St. Pete Beach.

Please advise if you have any questions or concerns.

Best,

Kristin Coman



Kristin Coman

Senior Planner

Planning Department | City of St. Pete Beach

727.363.9265

kcoman@stpetebeach.org

155 Corey Ave. St. Pete Beach, FL 33706

The city of St. Pete Beach uses SeeClickFix for residents to submit issues to the city. To report an issue, please [click here](#).

All government correspondence is subject to the public records laws.

--

Tom de Yampert
Island Breeze Title, Inc.
Office 727-388-9922
Cell 727-420-2669
Fax 727-388-6954



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

PLANNING DEPARTMENT

Date: 4/4/2023
To: Board of Adjustment
Re: Practical Difficulty Variance Case No: 22013
Address: 510 78th Ave.
Parcel Number: 36-31-15-61524-077-0140
Prior BOA Hearing Date: 1/25/2022
Thomas DeYampert

Prepared by: Kristin Coman, Senior Planner

As you may recall, Case No. 22013 was a Practical Difficulty Variance request for an after the fact patio cover to encroach into the required side and rear setback that was heard and approved with conditions by the Board on 3/20/22. The executed development order contained conditions that the structure be enclosed on the south side, adjacent to the rear of the property and roofed in order to mitigate sound and light.

The applicant is requesting modification to the conditions of approval allowing the elements that now exist to be in compliance with the executed Development Order.

Staff offers the following notes for the Board's review:

Prior Approval

This property was formerly the recipient of the variance(s) shown by year and description below.

2022 (Case No. 22013) Practical Difficulty Variance; Request for a patio cover to encroach approximately 3 feet into the side setback where 5 feet is required and 12 feet into the rear setback where 15 feet is required.

Figure 1: Case No. 22013 –Staff Report

	Structure	Required Setback	Proposed Setback	Percentage Encroachment
Side Yard	Patio Cover	5'	2' +/-	60% (3 +/- ft)
Rear Yard	Patio Cover	15'	1 +/-	93% (14 +/- feet)

Figure 2. Case No. 22013-Survey and Site Plan

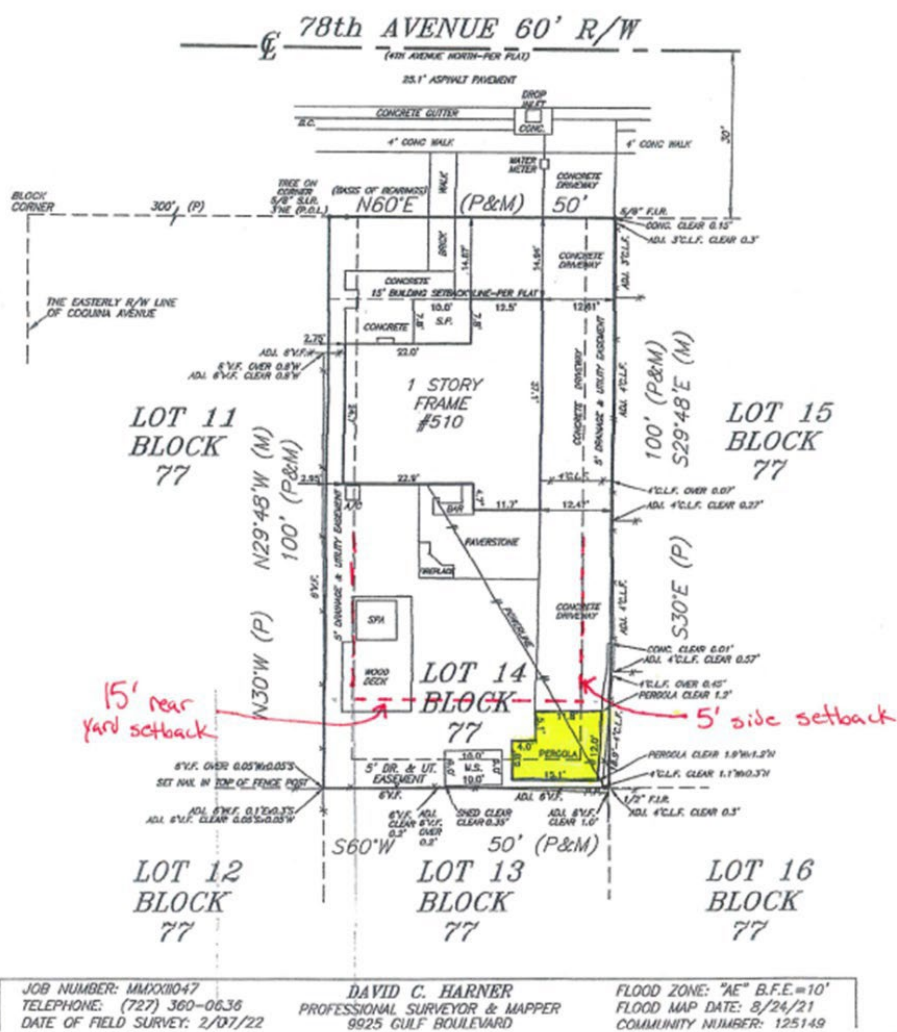


Figure 3: Case No. 22013-Development Order



PLANNING DIVISION

DE YAMPERT, THOMAS K TRUST DE YAMPERT, THOMAS K TRE 510 78TH AVE ST PETE BEACH FL 33706-1714	Thomas DeYampert 510 78th Ave St. Pete Beach, FL 33706
--	--

**DEVELOPMENT ORDER
Case Number: 22013**

The Board of Adjustment reviewed and conducted a public hearing on an application for a(n) Variance in the above-captioned case on 03/30/2022.

Address: 510 78TH AVE, ST PETE BEACH FL 33706
Parcel Number: 363115615240770140

Request: Request to install a patio cover to encroach to 2 feet from the side property line and 1 foot from the rear property Line.

IT IS HEREBY ORDERED:
Case number 22013 is hereby **APPROVED**:

- Condition 1. The structure must be enclosed on the south side, adjacent to the rear of the property. Additionally, the structure must be roofed to mitigate sound and light.
- Condition 2. The structure shall not be enclosed on the front or sides.

<u>Wesley Wright</u>	<u>30 March 2022</u>
Wesley T. Wright, Planning Manager	Date

Section 3.6(f) Subsequent applications. 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, unless such application is denied without prejudice by the board hearing the request. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

CITY OF ST. PETE BEACH • PLANNING DIVISION
155 Corey Avenue • St. Pete Beach • Florida • 33706 • Phone (727) 363-9265 • Fax (727) 363-9222

Figure 4-5: Case No. 22013-Site Photos taken 2/6/23

Site visit completed on 2/6/23 to obtain photos of the existing structure.



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: Thomas DeYampert **via email** (tomdeyampert@gmail.com)
Matthew McConnell, Board of Adjustment Attorney
Rick Dunn, Building Official

Letters Received

Case No. 22013-1

From: [Brandon Berry](#)
To: [Kristin Coman](#)
Subject: FW: Email for Paul Skipper - Chairman
Date: Wednesday, April 26, 2023 1:27:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: Robert Knable <RKnable@homewatchcaregivers.com>
Sent: Wednesday, April 26, 2023 1:00 PM
To: Brandon Berry <bberry@stpetebeach.org>
Subject: Email for Paul Skipper - Chairman

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Re: Case: No. 22013, Thomas DeYampert, 510 78th Ave, St Pete beach, FL 33706.

I am writing because Mr. DeYampert has not closed in the south wall as he agrees in the variance hearing. When I talked with the City they said they were going to get clarification from the board. It was clear at the meeting and on the recorded meeting that he was to enclose the south wall facing my property. This is the reason I did not appeal your decision. I would hope that you will uphold your decision when clarifying the conditions of approval.

Thank you.

Robert Knable
515 77th Ave
St Pete Beach, FL 33706

Robert Knable | Owner/General Manager

Homewatch CareGivers of St. Pete Beach
5999 Central Ave, Suite 403,
St. Petersburg, FL 33710
Phone: 727-914-7472
FAX: 727-499-6121
rknable@hwcg.com

www.hwcg.com/St-Pete-Beach





CONFIDENTIAL AND PROPRIETARY * *The content of this email, including all header and footer information, is the "CONFIDENTIAL AND PROPRIETARY INFORMATION" of Authority Brands, LLC. ("Franchisor") and is protected under the applicable franchise agreement ("applicable Franchise Agreement") between Franchisor and each of its franchisees ("Franchisee(s)"). Accordingly, each Franchisee who receives this email must, both during and after the term of the applicable Franchise Agreement, maintain the absolute confidentiality of the content of this email and may disclose the content of this email only to its employees and agents and only to the extent necessary for the operation of its Franchised Business (as defined in the applicable Franchise Agreement) in accordance with the applicable Franchise Agreement. None of the Franchisees who receive this email may use (or permit any other natural or legal person to use) the content of this email in any other business or in any way not authorized by Franchisor in writing. © 2022 Authority Brands, LLC. All rights reserved.{*}

4b.

Case No. 23024

271 Isle Dr.

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

Agenda Report

Action Request: Motion to **APPROVE** Case No. 23024, request to install elevated equipment that does not meet the 7' required side yard setback with 4.5' proposed as submitted.

Strategic Objective:

Date: May 31, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Keliee Stoerman for Daniel Stoerman Trust requests to install elevated equipment that does not meet the 7' required side yard setback where 4.5' is proposed (LDC Sec. 6.14).

Funding: n/a

Attachments:

1. 23024 - 271 Isle Dr - Certificate of Completeness with Submittal Documents
2. 23024 - 271 Isle Dr. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 4/6/2023

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 **May 31, 2023**.

Variance Case Number: 23024
Application Type: Practical Difficulty Variance
Owner: Daniel Stoerman Trust
Applicant/Agent: Daniel Stoerman
Parcel Number: 07-32-16-61560-003-0100
Address: 271 Isle Dr., St. Pete Beach, FL 33706
Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance application form.
2. Boundary Survey prepared by Don Williamson & Assoc., Inc. dated 12/31/2022, consisting of 2 sheets showing existing improvements and proposed generator.
3. Product specs for proposed 24kW generator.
4. Wall bracket schematic, consisting of 1 page, dated 3/14/23.

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

City/Board Professionals:

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

Board Members:

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

Cc: Daniel Stoerman, Owner/Applicant *via email (usalpacami@aol.com)*

CASE #: 23024

SUBMITTAL DATE: 3/31/23

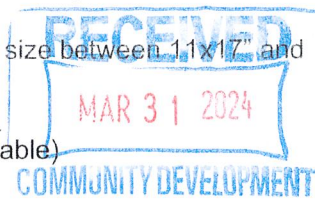
AMOUNT DUE: 517.43

PAYMENT DATE: 3/31/23

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	Daniel Stoerman Trust	271 S. Isle Dr. St. Pete Beach, FL 33706	231-740-9610
Applicant/ Agent	-	340 Watervliet Ln Muskegon MI 49445	Mailing -
Owner Email Address:		Applicant/Agent Email Address:	
USALPRAMI @ AOL. Com			

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>RU-1</u>	Future Land Use Designation <u>RU</u>	Lot Area <u>8,872 sq. ft.</u>
Legal Description:	<u>North Vinz Del Mar 1st Add Block 3 Lot 10</u>	
Parcel ID:	<u>07-32-16-61560-003-0100</u>	
Address:	<u>271 S. Isle Dr. St. Pete Beach FL 33706</u>	
Explanation of Request: <u>variance to install generator on</u> <u>side of house that from home to property line is only</u> <u>4.5 ft. when 7 ft required</u>		

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

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

The Generator will be 4.5 ft. from property line and elevated 5 ft.

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

located on side yard with 6 ft privacy fence. App. 12 inches of generator will be visible above fence.

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

Not feasible in front or back yard due to pool area and front windows etc.

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

Trying to consolidate with other equipment in one area with little or no visibility

 3/31/23

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

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.

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

DL 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.

DL 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.

DL 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.

DL 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.

DL 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.

DL 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.

DL
Signature of Applicant

3/31/23
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Daniel Stoerman Trust
(print name of property owner)

hereby authorize

Relice Stoerman
(print name of agent)

to represent me/us in an application for

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

[Signature]
Signature of Owner

Signature of Owner

Dan Stoerman
Print Name of Owner

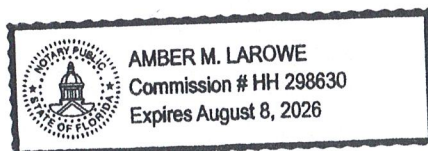
Print Name of Owner

The forgoing instrument was acknowledged before me this 18 day of
April 2024 by Daniel Stoerman or who is
personally known _____ produced
FLDL as identification.

[Signature]
(Notary Signature)

4/18/23
(Date)

My Commission Expires _____





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Daniel Storman, 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): Dan Storman

Address: 271 S. Isk Dr.

[Signature]
Signature

3/29/23
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 29 day of MARCH, 2023 by:
Dan Storman who appeared before me, and is personally known to me, or has produced
HI as identification, and did take an oath.

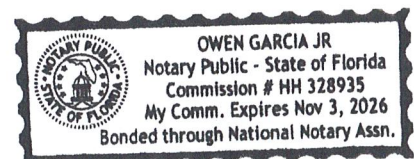
My commission Expires:

NOTARY: [Signature]

Print Name: Owen Garcia Jr Notary

Public, State of Florida

(Notarial Seal)



SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST,
PINELLAS COUNTY, FLORIDA.

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 10, BLOCK 3, NORTH VINA DEL MAR FIRST
ADDITION, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 60, PAGES 42 AND 43,
OF THE PUBLIC RECORDS OF PINELLAS COUNTY,
FLORIDA.

LEGEND:
ASPH = ASPHALT
A/C = AIR CONDITIONER
(C)=CALCULATED
CLF=CHAIN LINK FENCE
C.M. = CONCRETE MONUMENT
CONC = CONCRETE
CSW = CONCRETE SIDEWALK
(D) = DEED MEASUREMENT
(F) = FIELD MEASURED
NO. I.D.= NO IDENTIFICATION
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER & DISK LB#6945
RLS/PLS = REGISTERS/PROFESSIONAL LAND SURVEYOR & CAP LB#6945

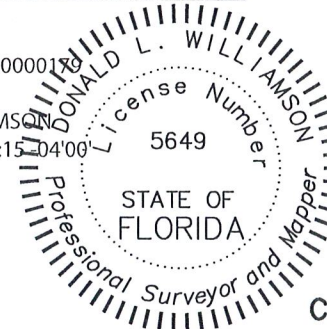
PVC= PLASTIC VINYL FENCE
PCP = PERMANENT CONTROL POINT
I.P. = IRON PIPE
I.R. = IRON ROD
LB = LICENSED BUSINESS
O.U. = OVER HEAD UTILITY
P.K. = PARKER KRYLON
(P) = PLAT
PP = POWER POLE
R/W = RIGHT-OF-WAY
(R)= RADIAL
FHD = FIRE HYDRANT
FND = FOUND
(N/R) = NON-RADIAL
(TYP)= TYPICAL
W/F = WOOD FENCE
S.P.K.D. = SET P.K. NAIL
S.I.R.C. = SET 5/8" I.R.

NOTES:
1) BEARINGS ARE BASED UPON THE SOUTHEASTERLY
LINE LOT 10, S 45°00'00" W, PLATTED BEARING
2) PROPERTY APPEARS TO BE IN FLOOD ZONE "AE"
PANEL #12103C0278 SUFFIX "G"
ACCORDING TO NATIONAL FLOOD
INSURANCE RATE MAP. REVISED 9-3-2003
3) ELEVATIONS ARE BASED ON NAVD '88 DATUM
4) LEGAL DESCRIPTION FURNISHED BY TITLE COMPANY
5) ALL MEASUREMENTS ARE IN U.S. FEET
6) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF
TITLE, THEREFORE, THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK
LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS OF PUBLIC
RECORD, NOT DEPICTED ON THIS SURVEY
7) FENCE LOCATION DOES NOT DETERMINE OWNERSHIP, OFF MEANS THE FENCE
IS OFF OF THE PROPERTY, IN MEANS THE FENCE IS INSIDE THE PROPERTY.

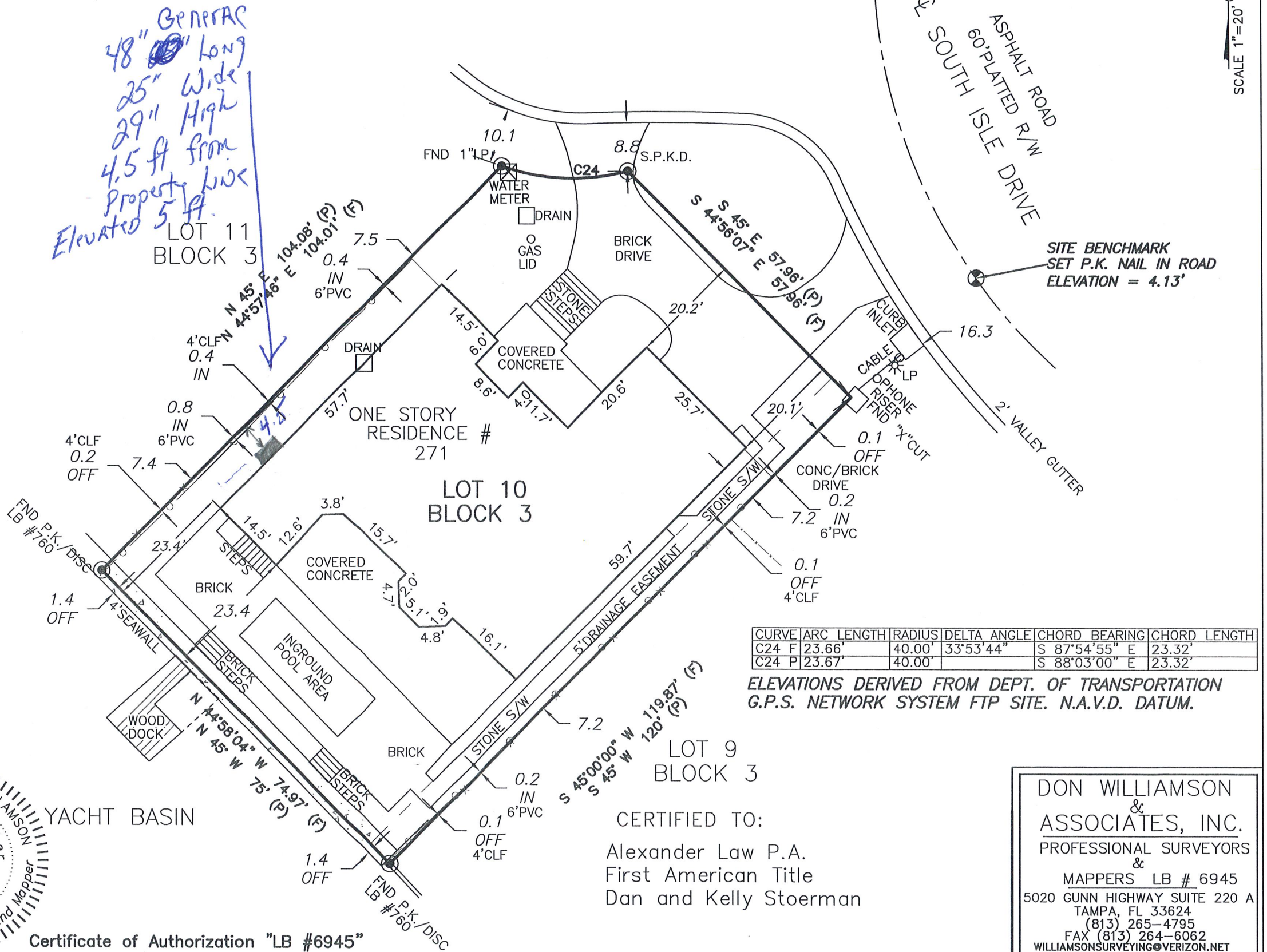
FIELD WORK BY:	S.G.	DATE:	3-22-2022	F.B. / PG.	0 / 0
DRAFTED BY:	B.K.	DATE:	3-23-2022	JOB #	20-103FNL

CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY
RESPONSIBLE CHARGE AND MEETS THE FLORIDA MINIMUM TECHNICAL
STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND
SURVEYORS. THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS
DOCUMENT IS AUTHORIZED BY DONALD L. WILLIAMSON PSM 5649 AND IS
COMPLIANT WITH F.S.61G17-7.0025(3) (a) (b) (c) (d)

DONALD L. WILLIAMSON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 5649
NOT VALID WITHOUT THE ELECTRONIC
SIGNATURE AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER



Certificate of Authorization "LB #6945"



SCALE 1"=20'

23024 - A-3

GENERAC®

GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

20/22/24 kW

1 of 6

20/22/24 kW

INCLUDES:

- True Power™ Electrical Technology
- Two-line multilingual digital LCD Evolution™ controller (English/Spanish/French/Portuguese)
- 200 amp service rated transfer switch available
- Electronic governor
- Standard Wi-Fi® connectivity
- System status & maintenance interval LED indicators
- Sound attenuated enclosure
- Flexible fuel line connector
- Natural gas or LP gas operation
- 5 Year limited warranty
- Listed and labeled by the Southwest Research Institute allowing installation as close as 18 in (457 mm) to a structure.*

*Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.

https://assets.swri.org/library/DirectoryOfListedProducts/ConstructionIndustry/973_DoC_204_13204-01-01_Rev9.pdf

Standby Power Rating

G007038-1, G007039-1, G007038-3, G007039-3 (Aluminum - Bisque) - 20 kW 60 Hz
G007042-2, G007043-2, G007042-3, G007043-3 (Aluminum - Bisque) - 22 kW 60 Hz
G007209-0, G007210-0 (Aluminum - Bisque) - 24 kW 60 Hz



QUIET-TEST™



Note: CETL or CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are ETL or UL certified in the USA only.

FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when it's needed the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
 - ✓ PROTOTYPE TESTED
 - ✓ SYSTEM TORSIONAL TESTED
 - ✓ NEMA MG1-22 EVALUATION
 - ✓ MOTOR STARTING ABILITY
- **MOBILE LINK® CONNECTIVITY:** FREE with select Guardian Series Home standby generators, Mobile Link Wi-Fi allows users to monitor generator status from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account to an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Digital voltage regulation at $\pm 1\%$.
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line is offered with its own transfer systems and controls for total system compatibility.
- **PWRVIEW™ TRANSFER SWITCH:** The Generac PWRview Automatic Transfer Switch integrates the PWRview energy monitor to provide real-time energy consumption data that can help lower a home's electricity bill. Using a convenient mobile app, homeowners can access energy usage and alert information while under utility power or generator power. The PWRview energy monitor is a simple to use and low cost tool which helps save money over the life of the generator. Included with model G007210-0.

THE GENERAC
PROMISE



GENERAC

PWRVIEW

20/22/24 kW**Features and Benefits****Engine**

- Generac G-Force design
- "Spiny-lok" cast iron cylinder walls
- Electronic ignition/spark advance
- Full pressure lubrication system
- Low oil pressure shutdown system
- High temperature shutdown

Maximizes engine "breathing" for increased fuel efficiency. Plateau honed cylinder walls and plasma moly rings help the engine run cooler, reducing oil consumption and resulting in longer engine life.

Rigid construction and added durability provide long engine life.

These features combine to assure smooth, quick starting every time.

Pressurized lubrication to all vital bearings means better performance, less maintenance, and longer engine life. Now featuring up to a 2 year/200 hour oil change interval.

Shutdown protection prevents catastrophic engine damage due to low oil.

Prevents damage due to overheating.

Generator

- Revolving field
- Skewed stator
- Displaced phase excitation
- Automatic voltage regulation
- UL 2200 listed

Allows for a smaller, light weight unit that operates 25% more efficiently than a revolving armature generator.

Produces a smooth output waveform for compatibility with electronic equipment.

Maximizes motor starting capability.

Regulating output voltage to $\pm 1\%$ prevents damaging voltage spikes.

For your safety.

Transfer Switch (if applicable)

- Fully automatic
- NEMA 3R
- Integrated load management technology
- Remote mounting

Transfers vital electrical loads to the energized source of power.

Can be installed inside or outside for maximum flexibility.

Capability to manage additional loads for efficient power management.

Mounts near an existing distribution panel for simple, low-cost installation.

PWRview Transfer Switch (if applicable)

- PWRview energy monitor
- Ability to view real-time energy consumption data
- PWRview mobile app

Energy usage at-a-glance.

Better understand the home's energy profile.

Access daily energy intelligence and insights.

Evolution™ Controls

- AUTO/MANUAL/OFF illuminated buttons
- Two-line multilingual LCD
- Sealed, raised buttons
- Utility voltage sensing
- Generator voltage sensing
- Utility interrupt delay
- Engine warm-up
- Engine cool-down
- Programmable exercise
- Smart battery charger
- Main line circuit breaker
- Electronic governor

Selects the operating mode and provides easy, at-a-glance status indication in any condition.

Provides homeowners easily visible logs of history, maintenance, and events up to 50 occurrences.

Smooth, weather-resistant user interface for programming and operations.

Constantly monitors utility voltage, setpoints 65% dropout, 80% pick-up, of standard voltage.

Constantly monitors generator voltage to verify the cleanest power delivered to the home.

Prevents nuisance start-ups of the engine, adjustable 2-1500 seconds from the factory default setting of 5 seconds by a qualified dealer.

Verifies engine is ready to assume the load, setpoint approximately 5 seconds.

Allows engine to cool prior to shutdown, setpoint approximately 1 minute.

Operates engine to prevent oil seal drying and damage between power outages by running the generator for 5 minutes every other week. Also offers a selectable setting for weekly or monthly operation providing flexibility and potentially lower fuel costs to the owner.

Delivers charge to the battery only when needed at varying rates depending on outdoor air temperature.

Compatible with lead acid and AGM-style batteries.

Protects generator from overload.

Maintains constant 60 Hz frequency.

20/22/24 kW

Features and Benefits

Unit

- SAE weather protective enclosure
- Enclosed critical grade muffler
- Small, compact, attractive

Sound attenuated enclosures ensure quiet operation and protection against mother nature, withstanding winds up to 150 mph (241 km/h). Hinged key locking roof panel for security. Lift-out front for easy access to all routine maintenance items. Electrostatically applied textured epoxy paint for added durability. Quiet, critical grade muffler is mounted inside the unit to prevent injuries. Makes for an easy, eye appealing installation, as close as 18 in (457 mm) away from a structure.

Installation System

- 14 in (35.6 cm) flexible fuel line connector
- Integral sediment trap

Listed ANSI Z21.75/CSA 6.27 outdoor appliance connector for the required connection to the gas supply piping. Meets IFGC and NFPA 54 installation requirements.

Connectivity (Wi-Fi equipped models only)

- Ability to view generator status
- Ability to view generator Exercise/Run and Total Hours
- Ability to view generator maintenance information
- Monthly report with previous month's activity
- Ability to view generator battery information
- Weather information

Monitor generator with a smartphone, tablet, or computer at any time via the Mobile Link application for complete peace of mind. Review the generator's complete protection profile for exercise hours and total hours. Provides maintenance information for the specific model generator when scheduled maintenance is due. Detailed monthly reports provide historical generator information. Built in battery diagnostics displaying current state of the battery. Provides detailed local ambient weather conditions for generator location.

20/22/24 kW

Generator

Model	G007038-1 G007039-1 (20 kW)	G007042-2 G007043-2 (22 kW)	G007038-3 G007039-3 (20 kW)	G007042-3 G007043-3 (22 kW)	G007209-0 G007210-0 (24 kW)
Rated maximum continuous power capacity (LP)	20,000 Watts*	22,000 Watts*	20,000 Watts*	22,000 Watts*	24,000 Watts*
Rated maximum continuous power capacity (NG)	18,000 Watts*	19,500 Watts*	18,000 Watts*	19,500 Watts*	21,000 Watts*
Rated voltage	240				
Rated maximum continuous load current – 240 volts (LP/NG)	83.3 / 75.0	91.7 / 81.3	83.3 / 75.0	91.7 / 81.3	100 / 87.5
Total Harmonic Distortion	Less than 5%				
Main line circuit breaker	90 amp	100 amp	90 amp	100 amp	100 amp
Phase	1				
Number of rotor poles	2				
Rated AC frequency	60 Hz				
Power factor	1.0				
Battery requirement (not included)	12 Volts, Group 26R 540 CCA minimum or Group 35AGM 650 CCA minimum				
Unit weight (lb / kg)	448 / 203	466 / 211	436 / 198	445 / 202	455 / 206
Dimensions (L x W x H) in / cm	48 x 25 x 29 / 121.9 x 63.5 x 73.7				
Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**	67	67	67	67	67
Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode**	55	57	55	57	57
Exercise duration	5 min				

Engine

Engine type	GENERAC G-Force 1000 Series				
Number of cylinders	2				
Displacement	999 cc				
Cylinder block	Aluminum w/ cast iron sleeve				
Valve arrangement	Overhead valve				
Ignition system	Solid-state w/ magneto				
Governor system	Electronic				
Compression ratio	9.5:1				
Starter	12 VDC				
Oil capacity including filler	Approx. 1.9 qt / 1.8 L				
Operating rpm	3,600				
Fuel consumption					
Natural gas	ft ³ /hr (m ³ /hr)				
1/2 Load	204 (5.78)	228 (6.46)	164 (4.64)	203 (5.75)	
Full Load	301 (8.52)	327 (9.26)	287 (8.13)	306 (8.66)	
Liquid propane	ft ³ /hr (gal/hr) [L/hr]				
1/2 Load	87 (2.37) [8.99]	92 (2.53) [9.57]	86 (2.36) [8.95]	92 (2.53) [9.57]	
Full Load	130 (3.56) [13.48]	142 (3.90) [14.77]	136 (3.74) [14.15]	142 (3.90) [14.77]	

Note: Fuel pipe must be sized for full load. Required fuel pressure to generator fuel inlet at all load ranges - 3.5–7 in water column (0.87–1.74 kPa) for NG, 10–12 in water column (2.49–2.99 kPa) for LP gas. For BTU content, multiply ft³/hr x 2500 (LP) or ft³/hr x 1000 (NG). For Megajoule content, multiply m³/hr x 93.15 (LP) or m³/hr x 37.26 (NG).

Controls

Two-line plain text multilingual LCD	Simple user interface for ease of operation.
Mode buttons: AUTO	Automatic start on utility failure. Weekly, Bi-weekly, or Monthly selectable exerciser.
MANUAL	Start with starter control, unit stays on. If utility fails, transfer to load takes place.
OFF	Stops unit. Power is removed. Control and charger still operate.
Ready to Run/Maintenance messages	Standard
Engine run hours indication	Standard
Programmable start delay between 2–1500 seconds	Standard (programmable by dealer only)
Utility Voltage Loss/Return to Utility adjustable (brownout setting)	From 140–171 V / 190–216 V
Future Set Capable Exerciser/Exercise Set Error warning	Standard
Run/Alarm/Maintenance logs	50 events each
Engine start sequence	Cyclic cranking: 16 sec on, 7 rest (90 sec maximum duration).
Starter lock-out	Starter cannot re-engage until 5 sec after engine has stopped.
Smart Battery Charger	Standard
Charger Fault/Missing AC warning	Standard
Low Battery/Battery Problem Protection and Battery Condition indication	Standard
Automatic Voltage Regulation with Over and Under Voltage Protection	Standard
Under-Frequency/Overload/Stepper Overcurrent Protection	Standard
Safety Fused/Fuse Problem Protection	Standard
Automatic Low Oil Pressure/High Oil Temperature Shutdown	Standard
Overcrank/Overspeed (@ 72 Hz)/rpm Sense Loss Shutdown	Standard
High Engine Temperature Shutdown	Standard
Internal Fault/Incorrect Wiring protection	Standard
Common external fault capability	Standard
Field upgradable firmware	Standard

**Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on installation parameters. Rating definitions - Standby: Applicable for supplying emergency power for the duration of the utility power outage. No overload capability is available for this rating. (All ratings in accordance with BS5514, ISO3046 and DIN6271). * Maximum kilovolt amps and current are subject to and limited by such factors as fuel BTU/megajoule content, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases approximately 3.5% for each 1,000 ft (304.8 m) above sea level; and also will decrease approximately 1% for each 10 °F (6 °C) above 60 °F (16 °C).

20/22/24 kW

Service Rated Automatic Transfer Switch Features

- Intelligently manages up to four air conditioner loads with no additional hardware.
- Up to eight additional large (240 VAC) loads can be managed when used in conjunction with Smart Management Modules (SMMs).
- Electrically operated, mechanically-held contacts for fast, clean connections.
- Rated for all classes of load, 100% equipment rated, both inductive and resistive.
- 2-pole, 250 VAC contactors.
- Service equipment rated, dual coil design.
- Rated for both aluminum and copper conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA/UL 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.

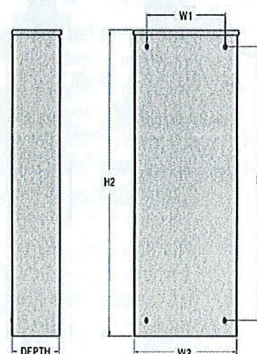
Dimensions

200 Amps 120/240, 1Ø Open Transition Service Rated					
	Height		Width		Depth
	H1	H2	W1	W2	
in	26.8	30.1	10.5	13.5	6.9
cm	67.95	76.43	26.67	34.18	17.5

Wire Ranges		
Conductor Lug	Neutral Lug	Ground Lug
250 MCM - #6	350 MCM - #6	2/0 - #14

Model	G007039-1, G007039-3 (20 kW) G007043-2, G007043-3 (22 kW)
No. of poles	2
Current rating (amps)	200
Voltage rating (VAC)	120/240, 1Ø
Utility voltage monitor (fixed)*	
-Pick-up	80%
-Dropout	65%
Return to Utility*	Approx. 13 sec
Exercises bi-weekly for 5 minutes*	Standard
ETL or UL listed	Standard
Enclosure type	NEMA/UL 3R
Circuit breaker protected	22,000
Lug range	250 MCM - #6

*Function of Evolution controller
Exercise can be set to weekly, bi-weekly, or monthly



PWRview Automatic Transfer Switch Features

- Integrated PWRview monitor provides real-time energy usage data through PWRview app.
- Intelligently manages up to four air conditioner loads with no additional hardware.
- Up to eight additional large (240 VAC) loads can be managed when used in conjunction with Smart Management Modules (SMMs).
- Electrically operated, mechanically-held contacts for fast, clean connections.
- Rated for all classes of load, 100% equipment rated, both inductive and resistive.
- 2-pole, 250 VAC contactors.
- Service equipment rated, dual coil design.
- Rated for both aluminum and copper conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.
- Heavy duty Generac Contactor is an ETL recognized device.

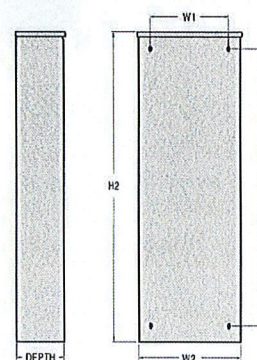
Dimensions

200 Amps 120/240, 1Ø Open Transition Service Rated					
	Height		Width		Depth
	H1	H2	W1	W2	
in	26.8	30.1	10.5	13.5	6.9
cm	67.95	76.43	26.67	34.18	17.5

Wire Ranges		
Conductor Lug	Neutral Lug	Ground Lug
250 MCM - #6	350 MCM - #6	2/0 - #14

Model	G007210-0 (24 kW)
No. of poles	2
Current rating (amps)	200
Voltage rating (VAC)	120/240, 1Ø
Utility voltage monitor (fixed)*	
-Pick-up	80%
-Dropout	65%
Return to Utility*	Approx. 13 sec
Exercises bi-weekly for 5 minutes*	Standard
ETL or UL listed	Standard
Enclosure type	NEMA 3R
Circuit breaker protected	22,000
Lug range	250 MCM - #6

*Function of Evolution controller
Exercise can be set to weekly, bi-weekly, or monthly

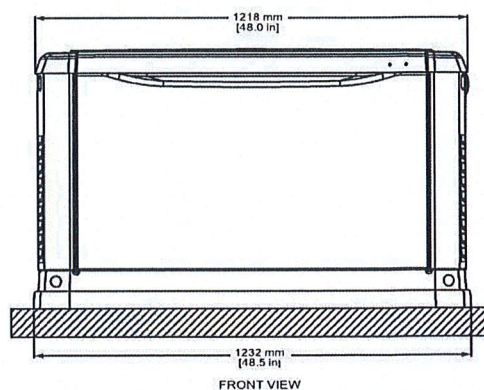
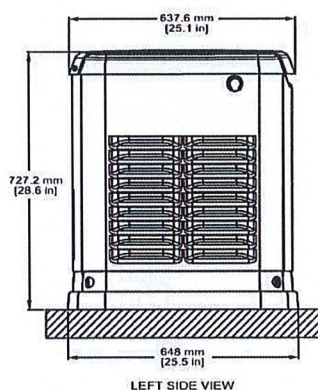


20/22/24 kW**Available Accessories**

Model #	Product	Description
G005819-0	26R Wet Cell Battery	Every standby generator requires a battery to start the system. Generac offers the recommended 26R wet cell battery for use with all air-cooled standby product (excluding PowerPact®).
G007101-0	Battery Pad Warmer	Pad warmer rests under the battery. Recommended for use if temperature regularly falls below 0 °F (-18 °C). (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if temperature regularly falls below 0 °F (-18 °C).
G007103-1	Breather Warmer	Breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load that may not be needed. Not compatible with 50 amp pre-wired switches.
G007027-0 - Bisque	Fascia Base Wrap Kit (Standard on 22 kW)	The fascia base wrap snaps together around the bottom of the new air-cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Touch-Up Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch up the paint to protect from future corrosion. The touch-up paint kit includes the necessary paint to correctly maintain or touch up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kit provides all the items necessary to perform complete routine maintenance on a Generac automatic standby generator (oil not included).
G007005-0	Wi-Fi LP Tank Fuel Level Monitor	The Wi-Fi enabled LP tank fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in verifying the generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify users when the LP tank is in need of a refill.
G007000-0 (50 amp) G007006-0 (100 amp)	Smart Management Module	Smart Management Modules (SMM) are used to optimize the performance of a standby generator. It manages large electrical loads upon startup and sheds them to aid in recovery when overloaded. In many cases, using SMM's can reduce the overall size and cost of the system.
G007169-0 - 4G LTE G007170-0 - Wi-Fi/ Ethernet	Mobile Link® Cellular Accessories	The Mobile Link family of Cellular Accessories allow users to monitor generator status from anywhere in the world, using a smart phone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account with an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
G007220-0 - Bisque	Base Plug Kit	Base plugs snap into the lifting holes on the base of air-cooled home standby generators. This offers a sleek, contoured appearance, as well as offers protection from rodents and insects by covering the lifting holes located in the base. Kit contains four plugs, sufficient for use on a single air-cooled home standby generator.

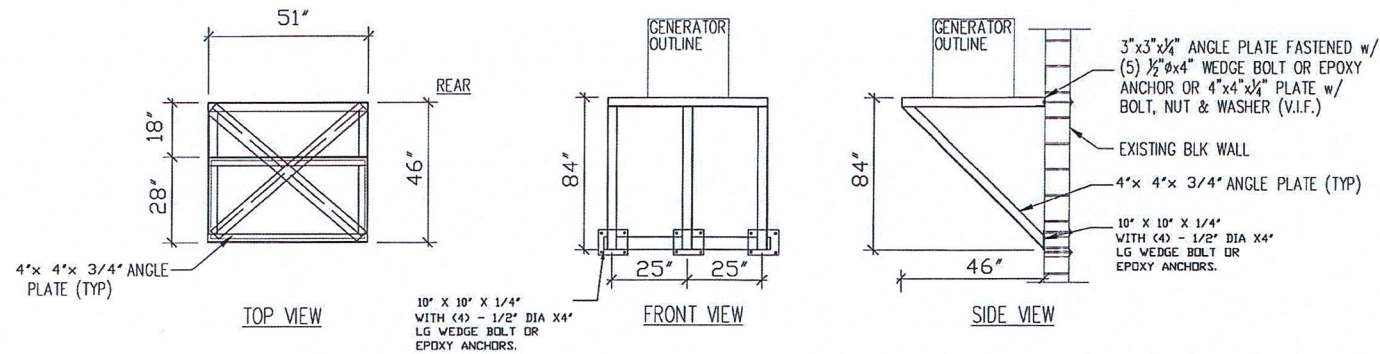
Dimensions & UPCs

Model	UPC
G007038-1	696471074185
G007038-3	696471074185
G007039-1	696471074192
G007039-3	696471074192
G007042-2	696471074208
G007042-3	696471074208
G007043-2	696471074215
G007043-3	696471074215
G007209-0	696471071511
G007210-0	696471078220



Dimensions shown are approximate. See installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.

23024 - A-4



NOTES

1. ALUMINUM PLATFORM IS DESIGNED PER THE ADM 2015 & TO BE SHOP WELDED PRIOR TO INSTALLATION.
2. DRILL $\frac{1}{2}$ " HOLES FOR $\frac{3}{8}$ " x 4" WEDGE BOLTS OR BETTER.
3. GENERATOR TO BE FASTENED WITH MOUNTING BOLTS OR STUDS TO MOUNTING SURFACE SHALL BE 5/8-11 GRADE 5 AS PER MANUFACTURER SPECIFICATIONS OR EQUAL.
4. ALL ELECTRICAL WORK SHALL BE DONE IN COMPLIANCE WITH NEC 2017..
5. GENERATOR INTERNAL ENGINE & ROTOR/STATOR ASSEMBLY ATTACHED TO FRAME WITH LIQUID FILLED VIBRATION DAMPENING MOUNTS.
6. ALL PIPING/TUBING TO BE FASTENED WITH GALVANIZED STEEL CLAMPS OR EQUAL.
7. TOP OF ALUMINUM PLATFORM TO BE 10'-0" ABOVE D.F.E. (12103C0209H)
8. WIND +150 MPH, PER FBC UNLESS OTHERWISE NOTED.
9. BACK OF THE GENERATOR SHALL BE 18" MIN. FROM THE STRUCTURE, 60" FROM ANY WINDOWS, DOORS OR OTHER OPENINGS, 48" MIN. FROM TOP & A 36" CLEARANCE FROM FRON & ENDS.

1

GENERATOR WALL BRACKET

N.T.S.

16,18,20,22,24,26kW

THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED UNDER THE DIRECT SUPERVISION OF HUMBERTO R CASTILLO, PE # 53832, WHO HEREBY CERTIFIES THAT THESE DOCUMENTS COMPLY WITH ALL APPLICABLE SECTIONS OF THE FLORIDA BUILDING CODE 2020, 7TH EDITION.

THESE PLANS SHALL REFERENCE COMPLIANCE WITH THE 2020, 7TH EDITION OF THE FLORIDA BUILDING CODE, SECTION 1602, DESIGN CRITERIA & ASCE 7-16.

THIS DRAWING =DESIGN IS VALID FOR 12 MONTHS AFTER THE DATE IT IS SIGNED AND SEALED.

= DATE: 03/14/2023



[Signature]
03/14/23

General Notes		
GENEREX GENERATORS 111 DUNBAR, SUITE B OLDSMAR, FL 34677 HUMBERTO R CASTILLO ELECTRICAL ENGINEER PE # 53832		
No.	Revision/Issue	Date
Firm Name and Address Daniel Stoerman 271 Isle Dr. St. Peter Beach FL 33706.		
Project Name and Address Daniel Stoerman 271 Isle Dr. St. Peter Beach FL 33706.		
Project Daniel Stoerman Date 03/14/23 Scale NTS	Sheet C1	



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

PLANNING DEPARTMENT

Date: May 15, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 271 Isle Dr.
Parcel Number: 07-32-16-61560-003-0100
Keliee Stoerman for Daniel Stoerman Trust
Variance Case No: 23024

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 5/31/2023

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

1. Completed Practical Difficulty Variance application form.
2. Boundary Survey prepared by Don Williamson & Assoc., Inc. dated 12/31/2022, consisting of 2 sheets showing existing improvements and proposed generator.
3. Product specs for proposed 24kW generator.
4. Wall bracket schematic, consisting of 1 page, dated 3/14/23.

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

Site Description/Surrounding Land Uses

The subject site is an 8,872 sq. ft. (approx. 0.20 acre) parcel located at 271 Isle Dr. known as parcel number 07-32-16-61560-003-0100 and legal description of NORTH VINA DEL MAR 1ST ADD BLK 3, LOT 10 within the AE-Elevation 9 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence recently constructed and received a final Certificate of Occupancy in April 2022 according to Building Department records. It is surrounded by single-family uses to the north and south, Vina Del Mar Park to the east and Little McPherson Bayou to the west. The waterfront site is improved with a one-story dwelling with circular driveway, rear paver patio with inground pool and dock with boat lift.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

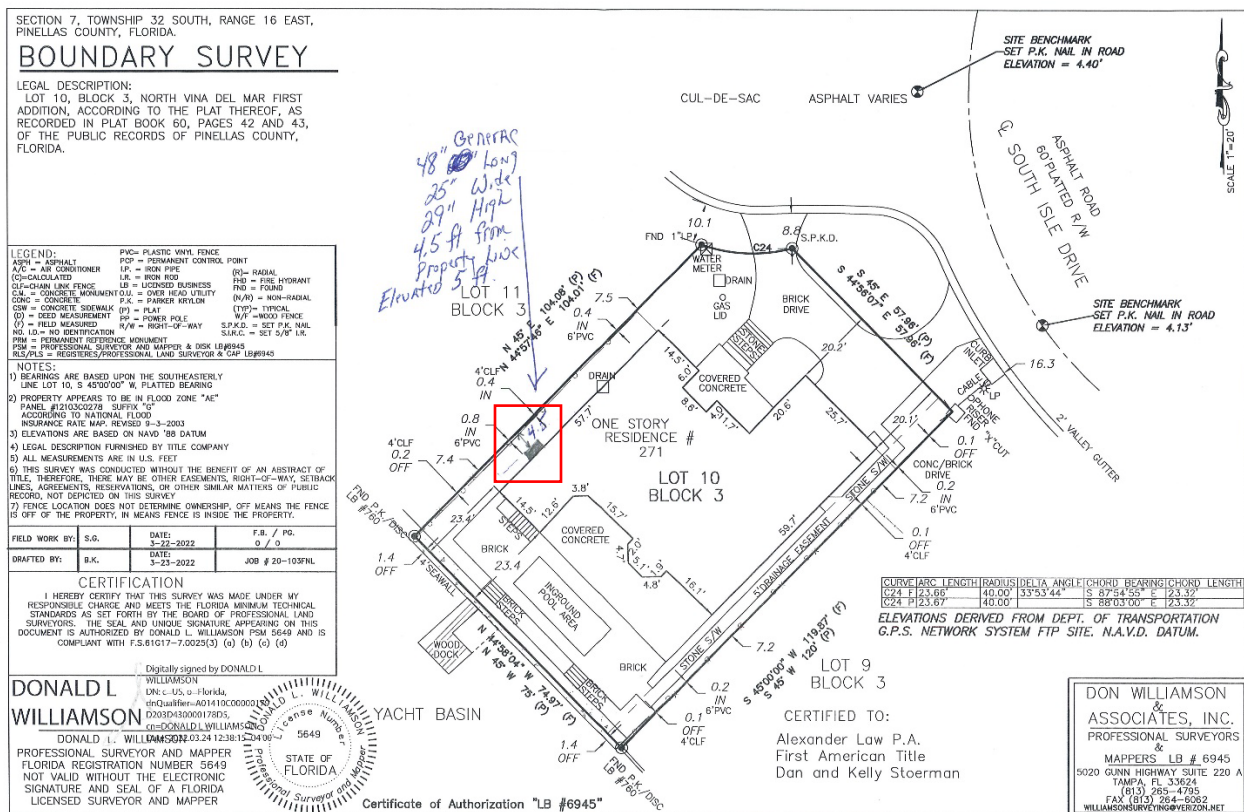
The applicant proposes requests to install elevated equipment (generator) that does not meet the 7' required side yard setback where 4.5' is proposed (LDC Sec. 6.14).

Analysis

1. New variance(s) required as a result of the proposed construction:
 - a. **Required side yard setback:** where 7' is required and 4.5' is proposed (LDC Sec. 8.7(a)(1)). The applicant is proposing to encroach an additional 2.5' into the required side yard setback with the proposed generator.

Figure 3: Zoning Table			
Detached, Single-Family Residential	271 Isle Dr.		
	<u>RU-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Side Yard Setback (Min.)	The lesser of 10% of lot width or 7'	7.4'	4.5'(v)
*Denotes existing non-conformity (v) Variance required			

Figure 4: Survey with Proposed Elevated Generator (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 4.5' side yard setback where 7' is required, representing a variance of 37% from the required standard.*
2. Whether an adverse change will be produced in the character of the neighborhood;
 - *Staff finds that no adverse change will be produced in the character of the neighborhood. The dwelling is located on a small cul-de-sac type bump that contains 4 homes. The existing 6' high fencing located in the side yard and landscaping just inside the gate from the front yard provides screening of the proposed location of the generator from the street view and adjacent property to the north.*
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *During the site visit completed by staff, there appears to be very little area within the rear yard to install the generator due to the design of the dwelling's rear elevation and layout of the existing patio with inground pool. An alternate location in the front of the dwelling would not be desirable.*
4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. The design of the rear of the existing dwelling poses a challenge in finding an alternate location that would meet setback requirements which would be the same setback required for the principal structure due the proposed elevated installation.*

Other:

- Please provide testimony as to the necessity of the proposed generator and if any alternate locations were contemplated.
- Applicant should discuss if at the time of design phase or during construction of the new dwelling was the potential installation of a generator explored or desired.
- Applicant should provide an overview of the proposed location of the generator, including if any other utilities are in close proximity.

Recommendation

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

Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained within

such time and said building permit has not expired prior to the completion of construction in accordance therewith.

Respectfully submitted,

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: Keliee Stoerman, Applicant **via email** (usalprcami@aol.com)
Matthew McConnell, Board of Adjustment Attorney

4c.

Case No. 23026

131 72nd Ave.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to **APPROVE WITH CONDITIONS** Case No. 23026 to retain an existing detached 18'x15' covered patio structure that does not meet the required 5' side yard setback with 3' provided with Staff recommendation that the following condition(s) should apply:

- Applicant to obtain applicable building permits for the structure to ensure that it was properly constructed. Should the structure need to be altered or reconfigured based on Building Department review, the applicant may be required to return to the Board for review if determined by Staff.

Strategic Objective:

Date: May 31, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; Josias Guzman requests to retain an existing detached 18'x15' covered patio structure that does not meet the required 5' side yard setback with 3' provided (LDC Sec. 6.13(3)(a)).

Funding: n/a

Attachments:

1. 23026 - 131 72nd Ave - Certificate of Completeness with Submittal Documents
2. 23026 - 131 72nd Ave - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 4/20/2023

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 **May 31, 2023**.

Variance Case Number: 23026

Application Type: Unnecessary and Undue Hardship Variance

Owner: Josias Guzman

Applicant/Agent: Same

Parcel Number: 36-31-15-05112-003-0130

Address: 131 72nd Ave., St. Pete Beach, FL 33706

Zone: RLM-2

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance application form.
2. Boundary Survey prepared by Nexgen Surveying, Inc. dated 12/8/2020, consisting of 2 sheets showing location of existing roofed patio cover.
3. City of St. Pete Beach Code Enforcement Special Magistrate Order dated 1/9/2023.
4. Color photo printouts of existing covered patio structure, quantity 8, no time or date provided.

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

City/Board Professionals:

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

Board Members:

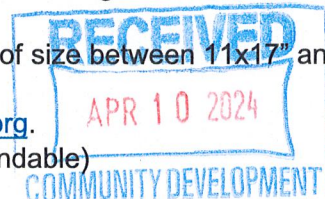
- | | |
|---|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ B.J. Lawson | ☒ Dan Small |
| ☒ Michael Bomar | |

Cc: Josias Guzman, Owner/Applicant *via email* (jayguzman415@gmail.com)

CASE #: 23024PARCEL #: 36-31-15-05112-003-0130SUBMITTAL DATE: 4/3/23 AMOUNT DUE: 537-35 PAYMENT DATE: CC
(45)**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	Josias Guzman	131 72ND AVE ST PETE BEACH	(813) 817 3467
Applicant/ Agent		3222 Clifford Sample Dr Tampa 33619	
Owner Email Address: JayGuzmon415@GMAIL.COM		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-2		5,375
Legal Description: Bayside 2ND ADD TO ST PETE BEACH BLK C LOT 13		
Address: 131 72ND AVE, ST PETE BEACH		
Explanation of Request: Retain the 15x15 PATIO Covered Structure Which does NOT meet the Required Setback Required of 5ft with only 3ft Provided.		

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;

See Attached

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

See Attached

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;

See Attached

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;

See Attached

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

See Attached

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;

See Attached

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

See Attached

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.

See Attached


Signature of Applicant

3/31/23
Date

Signature of Authorized Agent

Date

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;

I am seeking a hardship variance for the structure in the back of my property. The structure was not built by me (current owner) intentionally but was a result of miscommunication and misunderstanding between the previous owner and the contractors. Granting me an hardship variance will not negatively impact the surrounding properties or the overall community. In fact, I am willing to bring the structure into compliance with the zoning regulations, and improve the safety and appearance of the property, in accordance to the committee ruling. I respectfully request that you approve my application for hardship variance.

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

This case does not result from any action taken by me or any prior owner of the property. Rather, the gazebo was already in place when I purchased the property, and I have acted in good faith by maintaining and improving the structure. The existence of the structure was at fault of a contractor who built the structure without the prior owners or myself being aware that it was done outside of st pete regulations. Although I took the necessary precautions as the buyer, the survey did not raise any red flags. It was our understanding (prior owners and myself) that the contractors complied with the city's regulations and standards as contractors. I had no reason to believe that it was not legally built and an addition to the property.

3. Literal interpretation of th 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.

Removing the gazebo, which I believed to be legally built and an addition to the property, would deprive me of rights commonly enjoyed by other properties in the same zoning district. Because of the non-compliance with zoning regulations, I have been unable to use the structure for any purpose, which has limited my ability to use and develop the property in the same way that other property owners in the same zoning district can. I am willing to adjust elements of the structure to abide by regulations and respectfully request the structure remain at the property. I am requesting that I be allowed to keep the gazebo in my backyard that I did not build but instead purchased with the property. I invested thousands of dollars into this structure under the impression that it was legally built and an addition to the property. The gazebo was an incentive for me to invest in the St. Pete Beach property. If I am forced to remove the gazebo, I will suffer a significant financial loss.

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 structure was not deliberately or knowingly created by me (current owner). Removing the gazebo could result in a decrease in property value and potentially limit future development options. It is simply a standalone structure in your backyard that adds to the overall value and aesthetic of the property.

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

in this particular case, the removal of the gazebo would jeopardize the savings that the I invested in creating a more aesthetically pleasing backyard that fits the neighborhood's character. The gazebo was also an appealing element that motivated the purchase of the property, and it has added value to the property. Removing it would not only cause financial hardship but would also diminish the overall appeal of the property. Furthermore, I had no intention of violating any laws or regulations when I purchased the property with the gazebo in place. The structure was bought with the impression that it was legally built and an addition to the property. It creates a financial burden for me to bear the cost of removing the gazebo due to the fault of a property contractor. The financial hardship that would result from removing it and the investment I made in creating a more appealing backyard, which is consistent with the neighborhoods character.

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.

Granting the variance application for the gazebo in the backyard would allow for equal treatment of the myself compared to other property owners in the same zoning district. It is not fair for me to be penalized for a structure I did not build but instead inherited with the property. By allowing the gazebo to remain, I am grateful to be given the same opportunity as other property owners to enjoy their property to its fullest potential. While owning the property I have become quaint with the neighbors and the structure has never posed any issue. I am happy to provide letter of recommendation from neighbors. Therefore, allowing the gazebo to remain in place would not only benefit me but would also contribute to the overall aesthetic appeal of the neighborhood.

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

The variance is necessary in order to avoid an unnecessary and undue hardship on the property owner, while still maintaining the integrity of the zoning district and ensuring compliance with

relevant regulations.

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 with the neighborhood.

The gazebo was installed to enhance the aesthetic appeal of the backyard, which is consistent with St. Pete beach initiative to improve the appearance of neighborhoods. The gazebo is not injurious to the neighborhood or otherwise detrimental to public safety and welfare since it poses no threat to the surrounding properties or residents. In fact, it provides a space for family and friends to gather and enjoy the outdoors. The gazebo is compatible with the neighborhood and has become a feature of the property, adding to its overall charm and character. Removing it would not only substantially diminish the property's value, but also the enjoyment and lifestyle of the residents. Therefore, the requested variance is necessary to allow for the reasonable use of the land and to maintain the overall appeal and value of the property.

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.

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

JG 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.

JG 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.

JG 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.

JG 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.

JG 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.

JG 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

3/31/23
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Josias Guzman, 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): Josias Guzman Alcantara

Address: 3222 Clifford Souble Dr Tampa, 33619

[Signature]
Signature

4/10/23
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 10th day of April, 2023 by:
Josias Guzman Alcantara who appeared before me, and is personally known to me, or has produced
FL-OL as identification, and did take an oath.

My commission Expires: 2/7/25

NOTARY:

Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)



**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF ST. PETE BEACH**

CITY OF ST. PETE BEACH,

Petitioner,

v.

CASE NO.: CE20220648

ADDRESS: 131 72nd Ave.

JOSIAS GUZMAN ALACANTRA,

Respondent(s).

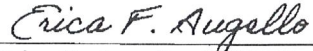
_____ /

ORDER GRANTING CONTINUANCE TO DATE CERTAIN

This case came before the Special Magistrate on January 9, 2023. The Special Magistrate, upon request of the parties, issues the following order:

IT IS ADJUDGED that the matter being heard on January 9, 2023, is continued until the March 13, 2023, Code Enforcement Special Magistrate Hearing, beginning at 10:00am. During the interim period, Respondent shall meet with the City and discuss options to remedy the setback and permitting issues that pertain to the pergola installed by the prior owner of the property.

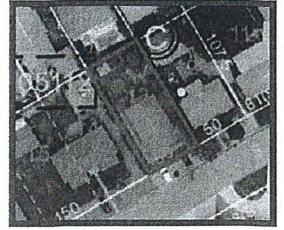
DONE AND ORDERED in St. Pete Beach, Pinellas County, Florida on this 9th day of January 2023.


Erica F. Augello, BCS
Special Magistrate

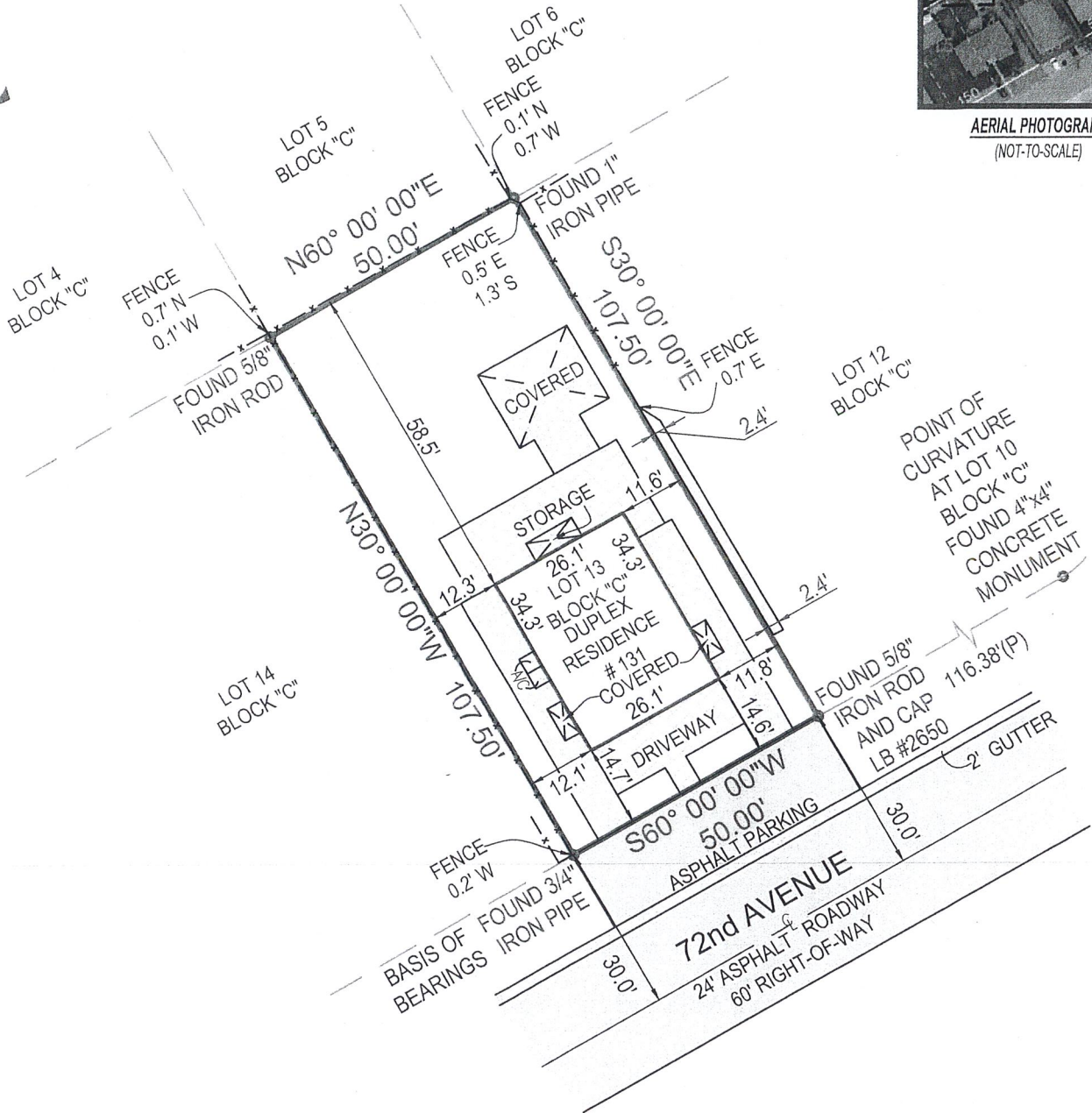
A copy of this Order was sent to Respondent via US Mail at 8501 E. Adamo Drive, Ste. B, Tampa, FL 33619-3544 on January 9, 2023.



SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)



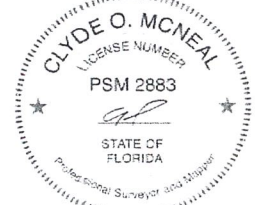
- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 12-08-2020
 Drawn By: Oleg
 Order #: 113840
 Last Revision Date: None
 Boundary Survey prepared by: LB8111
 NexGen Surveying, LLC
 5601 Corporate Way, Suite #103
 West Palm Beach, FL 33407
 561-508-6272

NEXGEN
 SURVEYING, LLC.



LEGAL DESCRIPTION OF: 131 72ND AVE, ST. PETE BEACH, FLORIDA, 33706

LOT 13, BLOCK C, SECOND BAYSIDE ADDITION TO ST. PETERSBURG BEACH, ACCORDING TO THE PLAT THEREOF
RECORDED AT PLAT BOOK 25, PAGE 36, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CERTIFIED TO:

JOSIAS GUZMAN ALCANTARA
ISLAND BREEZE TITLE, INC.
MY MORTGAGE, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

FLOOD ZONE:

12103C0276G
ZONE: AE
EL: 11 FT.
EFF: 09/03/2003

SURVEY NOTES:

- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES CROSS THE BOUNDARY LINES ON EASTERLY, NORTHERLY AND WESTERLY SIDES OF LOT AS SHOWN.
- CONCRETE WALK CROSSES THE BOUNDARY LINE ON EASTERLY.
- CONCRETE WALK CROSSES THE BOUNDARY LINE ON SOUTHERLY.
- PAVER WALK CROSSES THE BOUNDARY LINE ON SOUTHERLY.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER METER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B.	-POINT OF BEGINNING
P.O.C.	-POINT OF COMMENCEMENT
&	-AND
P.B.	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E.	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac.	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
- x -	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
□	-ASPHALT
□	-CONCRETE
□	-PAVER/BRINCK
□	-WOOD
⊙	-LIGHT POLE
⊙	-WELL
⊙	-WATER VALVE
⊙	-CENTER LINE
□	-CATCH BASIN
⊙	-FIRE HYDRANT
⊙	-UTILITY POLE
⊙	-MANHOLE
⊙	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.

GENERAL NOTES:

- 1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS.
- 5) DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- 6) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- 7) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
- 8) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- 9) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)



www.NexGenSurveying.com

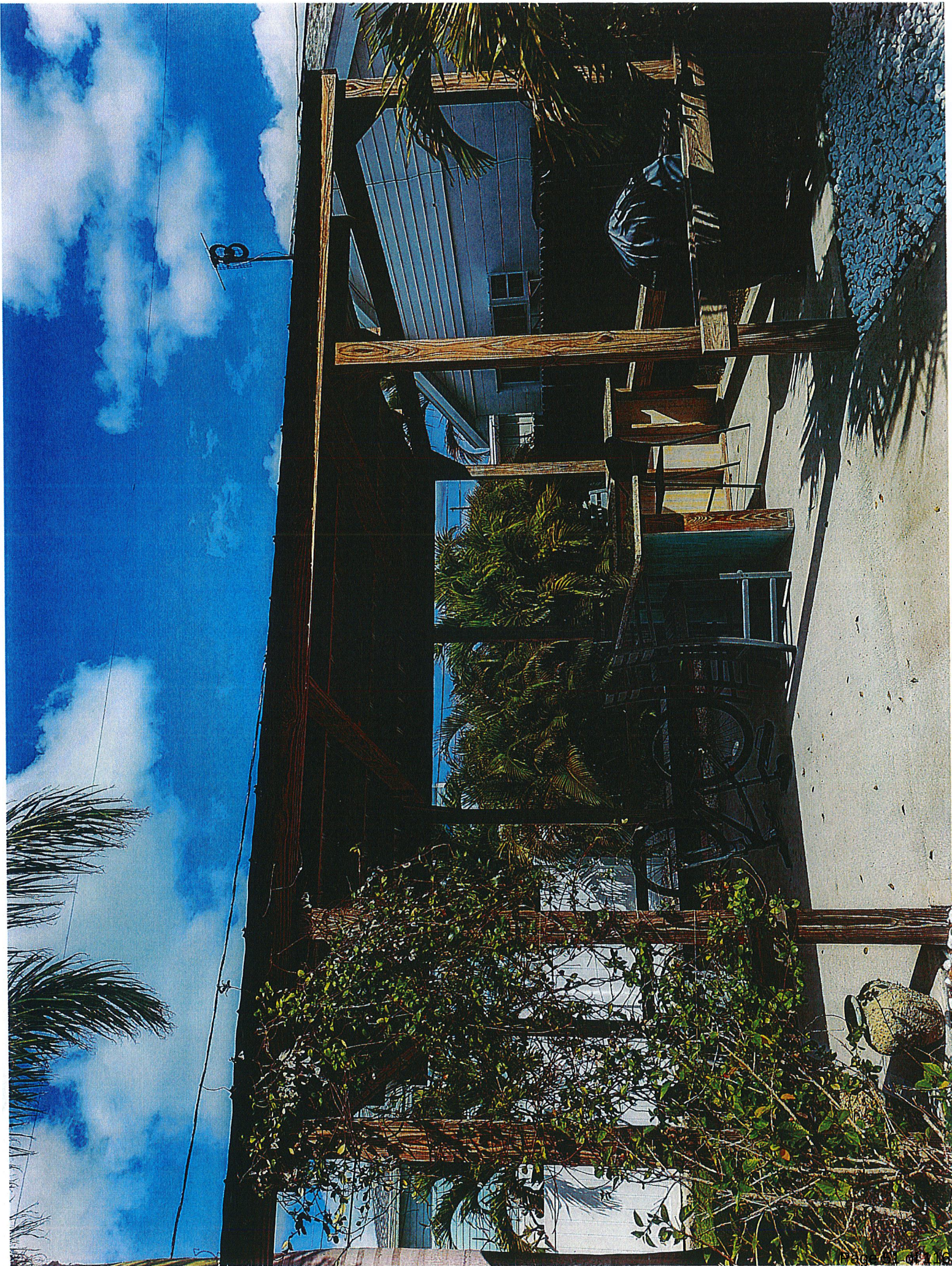
561.508.6272

Fax: 561.508.6309

LB 8111

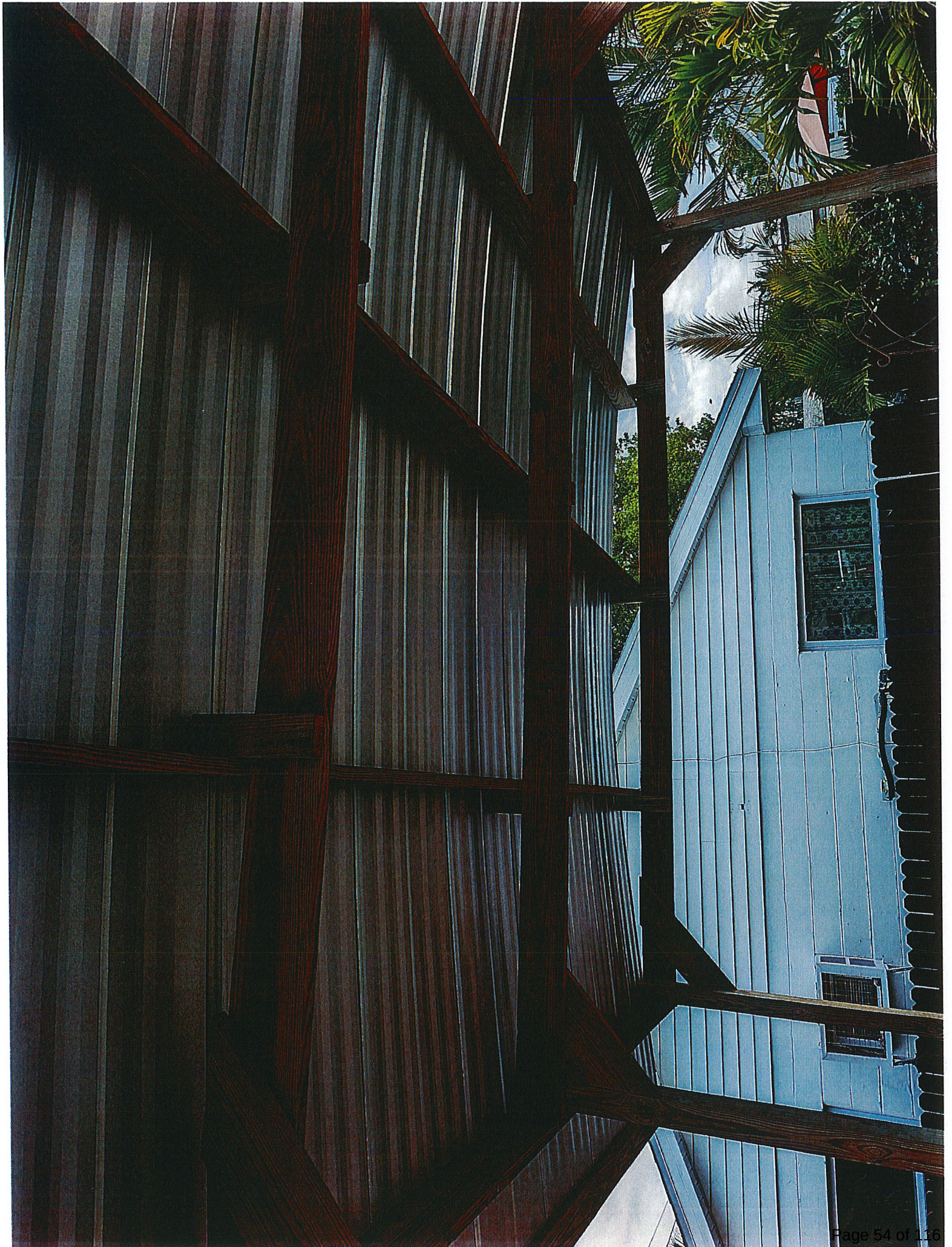
5601 Corporate Way | Suite 103
West Palm Beach, FL 33407



















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

PLANNING DEPARTMENT

Date: May 17, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 131 72nd Ave.
Parcel Number: 36-31-15-05112-003-0130
Josias Guzman
Variance Case No: 23026

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 5/31/2023

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

1. Completed Unnecessary and Undue Hardship Variance application form.
2. Boundary Survey prepared by Nexgen Surveying, Inc. dated 12/8/2020, consisting of 2 sheets showing the location of existing roofed patio cover.
3. City of St. Pete Beach Code Enforcement Special Magistrate Order dated 1/9/2023.
4. Color photo printouts of existing covered patio structure, quantity 8, no time or date provided.

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

Site Description/Surrounding Land Uses

The subject site is a 5,375 sq. ft. (approx. 0.12 acre) parcel located at 131 72nd Ave. known as parcel number 36-31-15-05112-003-0130 and legal description of BAYSIDE 2ND ADD TO ST PETE BEACH BLK C, LOT 13 within the AE-Elevation 10 flood zone. The property is located in the RLM-2; RLM on the future land map and contains a duplex constructed in 1949 according to the Pinellas County Property Appraiser. It is surrounded by multifamily apartments to the west, 2 single-family dwellings to the east, triplex to the north and single-family to the south. The property is improved with a one-story duplex with attached patio, driveway, and detached covered patio structure.

Figure 1: Aerial Photography

Source: Pinellas County Property Appraiser

Figure 2: Zoning Map

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

Request

The applicant requests to retain an existing detached 18'x15' covered patio structure that does not meet the required 5' side yard setback with 3' provided (LDC Sec. 6.13(3)(a)).

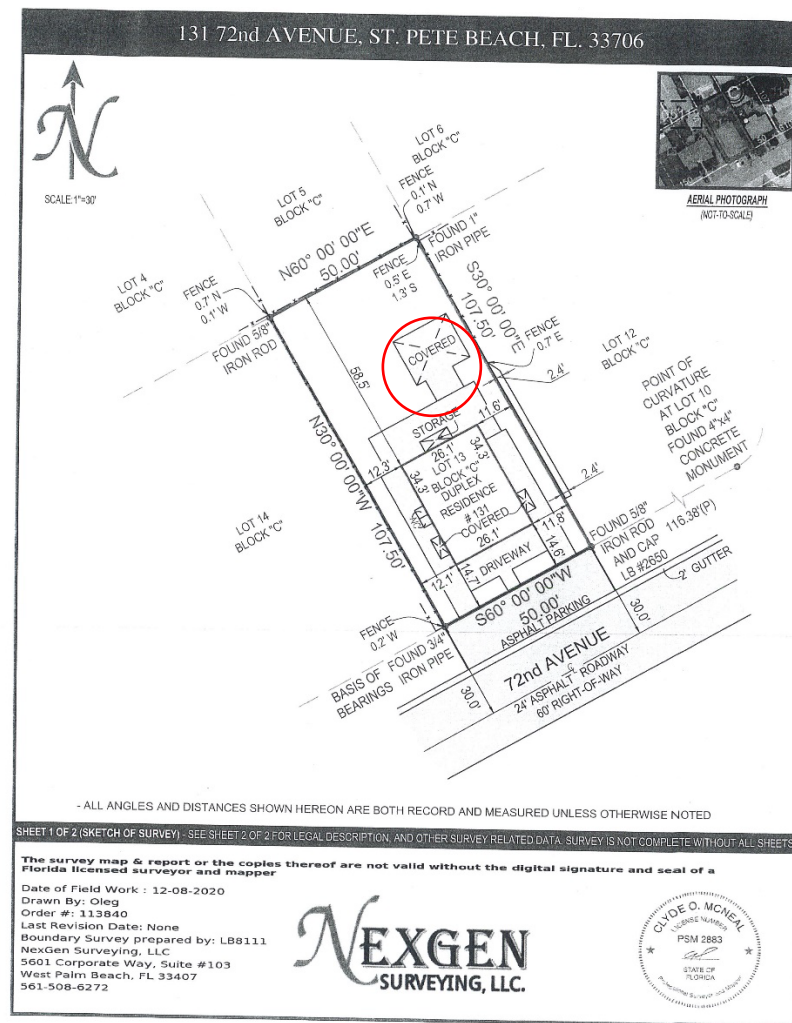
It should be noted that the nonconforming structure currently exists on the property and the applicant submitted a variance submittal in connection with a code enforcement case.

Analysis

1. Variance required:
 - a. **Patio Covers, minimum side yard setback required:** where existing structure does not meet the required 5' side yard setback with 3' provided, an encroachment of 2' into the setback.

Residential Accessory Structure-Covered Patio Structure (LDC Sec. 6.13(5)(a))	131 72 nd Ave.	
	<u>Required</u>	<u>Proposed</u>
Side Yard Setback (Min.)	5 ft.	3 ft. (v)
*Denotes existing non-conformity (v) = Variance required		

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



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The owner of the property purchased the property with the pre-existing non-conforming accessory structure. Review of City files do not indicate that the proper approvals were obtained by the previous homeowner nor proof submitted by the current owner.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *Staff finds that the specific conditions and circumstances are the result of the actions of a prior owner of the property but not of the applicant. The applicant was unaware of the non-conformity until involvement with Code Enforcement.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and may result in unnecessary and undue hardship on the applicant requiring the removal and possible replacement with a new structure.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *Staff find that this request will not establish a use not permitted in the district. There will be no increase in density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. As stated in the application, the structure was in place prior to the purchase of the property and has been enjoyed by the residents and considered by the owner as an aesthetic improvement.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. Even within the same zoning district, each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

- *While the structure does meet the side yard setback requirement, it was not granted any permits and was constructed 3' closer to the property line than permitted. It should be noted that a 6' high fence currently exists, providing shielding of the structure.*
- 8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *The LDC allows for a covered patio structure which is recognized as a permitted accessory structure. The current structure does appear to meet all zoning requirements other than the minimum side yard setback.*

Other:

- If the Board does not grant the variance, the applicant should provide testimony of how the structure would be brought into conformance or if intended to be demolished.
- The applicant should discuss if a contractor has been contacted to assess the construction and if it was built to code.
- The applicant should provide testimony if adequate landscaping exists that screens the structure from the street and if any additional landscaping is planned to be installed in the side yard where the structure is located.

Recommendation

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

- Applicant to obtain applicable building permits for the structure to ensure that it was properly constructed. Should the structure need to be altered or reconfigured based on Building Department review, the applicant may be required to return to the Board for review if determined by Staff.

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: Josias Guzman **via email** (jayguzman415@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

4d.

Case No. 23031

108 21st Ave.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Staff recommends motion to **DENY** Variance Case No. 23031 as presented in the applicant's proposal to construct a single-family residence that does not meet the 15' rear yard setback requirement with a 5' proposed and construct inground pool with a 6' high water feature wall that does not meet the 5' required side yard setback with 8" proposed. Denial does not create difficulty in the use of the parcel of land as each relief sought can be revised to meet code compliance. The variance relief sought as detailed in the 5/17/2023 Staff Findings Report does not advance the purpose of Land Development Sec. 1.1. and impairs the intent and purpose of the zoning code.

Strategic Objective:

Date: May 31, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Nate Meyer, RA for Christine Mellace and Jason Lavallee request to construct a single-family residence that does not meet the 15' rear yard setback requirement with a 5' proposed (LDC Sec. 20.15) and construct inground pool with a 6' high water feature wall that does not meet the 5' required side yard setback with 8" proposed (LDC Sec. 6.13(c)(1)).

Funding: n/a

Attachments:

1. 23031 - 108 21st Ave. - Certificate of Completeness with Submittal Documents
2. 23031 - 108 21st Ave. - Staff Report
3. 23031 - Letters Rec'd as of 05.22.23



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 5/3/23

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 **May 31, 2023**.

Owner: Christine Mellace and Jason Lavallee
Applicant/Agent: Nate Meyer, RA
Parcel Number: 18-32-16-68634-009-1010
Address: 108 21st Ave., St. Pete Beach, FL 33706
Zone: RLM-2/PAG
Application Type: Practical Difficulty Variance
Variance Case Number: 23031

Submittal Documents:

1. Completed application and required forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 5/24/22, consisting of 1 sheet showing existing site improvements.
3. Architectural Site Plan, sheet SK1 prepared by NJM Architect, dated 4/7/2023, consisting of 1 sheet showing proposed single-family dwelling and site improvements.
4. Floor Plan-Level 2, sheet SK2 prepared by NJM Architect, dated 4/17/2023, consisting of 1 sheet showing enlargement of second floor of proposed garage.
5. Section of Garage, sheet SK3 prepared by NJM Architect, dated 4/17/2023, consisting of 1 sheet.
6. West Elevation, sheet SK4 prepared by NJM Architect, dated 4/19/2023, consisting of 1 sheet.
7. Courtyard Section, page 9 prepared by SWS Architecture, dated 2/14/2023, consisting of 1 sheet.
8. Submittal to Historic Preservation Board, prepared by NJM Architect, dated 3/17/2023, consisting of 17 sheets.
9. Staff Findings Report to the Historic Preservation Board, Case No. 23005, prepared by Brandon Berry, dated 4/6/2023, consisting of 7 pages.

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 |
| ☐ Technical Review Committee <i>via email</i> | ☐ City Manager |



Board Members:

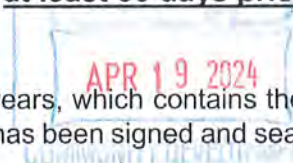
- | | |
|---|---|
| ☒ Paul Skipper, Chair | ☒ B.J. Lawson |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ Denise Chase | |

Cc: Christine Mellace & Jason Lavallee, Owner
via email (cmellace9@gmail.com, jason.lavallee@bbrown.com)
Nate Meyer, RA, Applicant ***via email*** (nate@abode-studio.com)

CASE #: 23031SUBMITTAL DATE: 4/19/23 AMOUNT DUE: 535.69 PAYMENT DATE: 4/19/23**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	CHRISTINE MELLACE JASON LAVALLEE	108 21st Ave St Pete Beach, FL, 33706	727.512.2984 727.560.1510
Applicant/ Agent	NATE MEYER, RA	715 N FRANKLIN ST TAMPA, FL 33602	813.713.6862
Owner Email Address: cmellace9@gmail.com jason.lavallee@bbrown.com		Applicant/Agent Email Address: NATE@ABODE-STUDIO.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RLM-2 / PAG	Future Land Use Designation RLM	Lot Area 50' X 100' = 5,000SF
Legal Description:	LOT 101, BLOCK I, PHILLIPS DIVISION OF PASS-A-GRILLE CITY, AS RECORDED IN PLAT BOOK 4, PAGE 26 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.	
Parcel ID:	SECTION 18 TOWNSHIP 32S RANGE 16E <u>16-32-16-08634-009-1010</u>	
Address:	108 21st AVE - SAINT PETE BEACH, FL 33706	

Explanation of Request:

THIS PROJECT IS A NEW 2-STORY RESIDENCE. THE VOLUME WITHIN THE NEW GARAGE IS DESIRED TO BE USED TO STORE PERSONAL ITEMS SAFELY ABOVE THE FEMA BASE FLOOD ELEVATION. ADDING A FLOOR WITHIN THE GARAGE WOULD MAXIMIZE THE AMOUNT OF STORAGE SPACE AVAILABLE TO THE OWNERS, AND ACCESS FROM THE SECOND FLOOR ELEVATOR LOBBY WOULD BE MORE CONVENIENT AND SAFER THAN ACCESSING THE STORAGE SPACE FROM A LADDER ON THE GROUND LEVEL. THE STORAGE AREA WOULD BE 25'-8" X 23'-0" MATCHING THE GARAGE FOOTPRINT MINUS THE ELEVATOR VESTIBULE. THE USABLE STORAGE AREA WOULD BE 487SF. THE OVERALL HEIGHT OF THE GARAGE AND STORAGE ABOVE IS 25'-10" FROM GRADE AND 18'-4" AS MEASURED FROM NATURAL GRADE PLUS 8FT.

A VARIANCE TO ALLOW A PORTION OF THE NEW POOL WITH INTEGRAL WATER FEATURE TO ENCROACH INTO THE 5' SIDE YARD SETBACK IS BEING REQUESTED. THE PORTION OF THE POOL ENCROACHING INTO THE SETBACK IS 4'-4" X 10'-0".

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):

STORAGE

1. How substantial the variance is in relation to the requirement sought to be varied;
THE VARIANCE REQUESTED IS MINIMAL. THE GARAGE IS IN COMPLIANCE WITH THE SETBACK, BUILDING HEIGHT, AND MAX FLOOR HEIGHT REQUIREMENTS. IT IS COMMON TO STORE ITEMS IN A GARAGE WITHIN THE SPACE ABOVE WHERE A CAR WOULD BE PARKED AND SPECIFICALLY WITHIN OR HANGING FROM THE GARAGE ROOF RAFTERS.

STORAGE

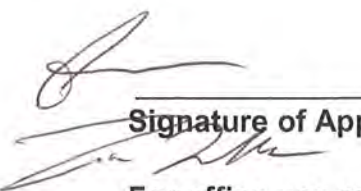
2. Whether an adverse change will be produced in the character of the neighborhood;
APPROVING THIS REQUEST WOULD NOT ADVERSELY AFFECT THE CHARACTER OF THE NEIGHBORHOOD. THE PROPOSED VOLUME OF THE GARAGE PROVIDES A TRANSITION IN SCALE FROM THE 3-STORY PRIMARY HOUSE DOWN TO THE STREET. THE OVERALL FORM OF THE GARAGE AND ITS APPEARANCE FROM THE EXTERIOR WOULD REMAIN THE SAME WHETHER ADDING A FLOOR FOR STORAGE WITHIN THE GARAGE IS APPROVED OR DENIED.

STORAGE

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
THE VOLUME OF SPACE IN THE GARAGE IS THE OPTIMAL LOCATION FOR STORAGE ABOVE THE FEMA BASE FLOOD ELEVATION. TO PROVIDE STORAGE ABOVE FEMA BASE FLOOD WOULD REQUIRE EITHER REPLACING LIVABLE AREA SUCH AS A BEDROOM, LIVING ROOM, ETC. OR INCREASING THE BUILDING FOOTPRINT / DECREASING PERVIOUS SURFACE AREA OF THE LOT.

STORAGE

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
THE HEIGHT AND VOLUME OF THE GARAGE WERE DETERMINED DURING THE DESIGN PROCESS PRIMARILY FOR VISUAL AESTHETICS FROM THE EXTERIOR. APPROVING THE VARIANCE WILL ALLOW THE OWNER TO UTILIZE THE SPACE WITHIN THEIR NEW GARAGE THAT WOULD OTHERWISE GO UNUSED.


Signature of Applicant

4/19/23
Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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

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):

POOL

1. How substantial the variance is in relation to the requirement sought to be varied;
THE CURRENT POOL DESIGN SHOWS THE POOL SWIMMING AREA STOPPING AT THE 5' SETBACK WITH THE POOL SHELL AND INTEGRAL WATER FEATURE ENCROACHING WITHIN THE 5' SETBACK. A 4'-4" ENCROACHMENT INTO THE 5' SIDE YARD IS BEING REQUESTED RESULTING IN AN 8" SIDE SETBACK FOR THE POOL / WATER FEATURE. PLEASE SEE POOL SECTION DRAWING.

POOL

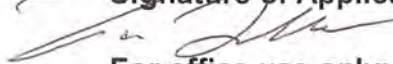
2. Whether an adverse change will be produced in the character of the neighborhood;
AN ADVERSE CHANGE WILL NOT BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD. THE POOL AND WATER FEATURE WILL BE CONCEALED FROM PUBLIC VIEW BY A COURTYARD WALL. THE POOL AND COURTYARD WALL ARE ADJACENT TO AN ALLEY AS OPPOSED TO ANOTHER RESIDENCE.

POOL

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
THE POOL WOULD HAVE TO BE MADE SHORTER IN LENGTH.

POOL

4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
APPROVING THIS VARIANCE WILL ALLOW THE OWNERS TO EXTEND THEIR POOL AND MAXIMIZE THE USE OF THEIR NEW COURTYARD WITHOUT AFFECTING THE NEIGHBORS OR SURROUNDING NEIGHBORHOOD.

	4/19/23		
Signature of Applicant	Date	Signature of Authorized Agent	Date
	4/19/23		
<u>For office use only:</u>			

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

APR 19 2024

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.

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

an 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.

an 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.

an 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.

an 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.

an 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.

an 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

4/19/23
Date

4/19/23



Owner's Authorization for Agent

Community Development Department
City of St. Pete Beach, Florida

I/WE Christine Mellace and Jason Lavallee
(print name of property owner)

hereby authorize Nate Meyer
(print name of agent)

to represent me/us in an application for 108 21st Ave St. Pete Beach, FL 33706
(type of application: variance, conditional use, zoning, etc.)

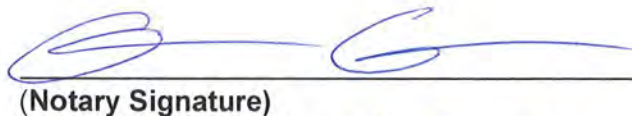

Signature of Owner

Christine Mellace
Print Name of Owner


Signature of Owner

JASON LAVALLEE
Print Name of Owner

The forgoing instrument was acknowledged before me this 17 day of
April 2021 by Christine and Jason Lavallee or who is
personally known _____ produced
FLDL as identification.


(Notary Signature)

17 April 2023
(Date)

My Commission Expires Nov 3, 2026





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, CHRISTINE MELLACE & JASON LAVALLEE, 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): Christine Mellace, Jason Lavallee

Address: 108 21st Ave St. Pete Beach, FL 33706

[Signature]
Signature

4/17/23
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 17 day of April, 2021 by:
Christine and Jason Lavallee who appeared before me, and is personally known to me, or has produced
FLOR as identification, and did take an oath.

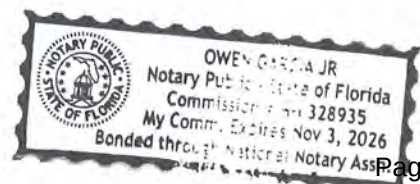
My commission Expires: Nov 3, 2026

NOTARY: [Signature]

Print Name: Owen Garcia Jr Notary

Public, State of Florida

(Notarial Seal)

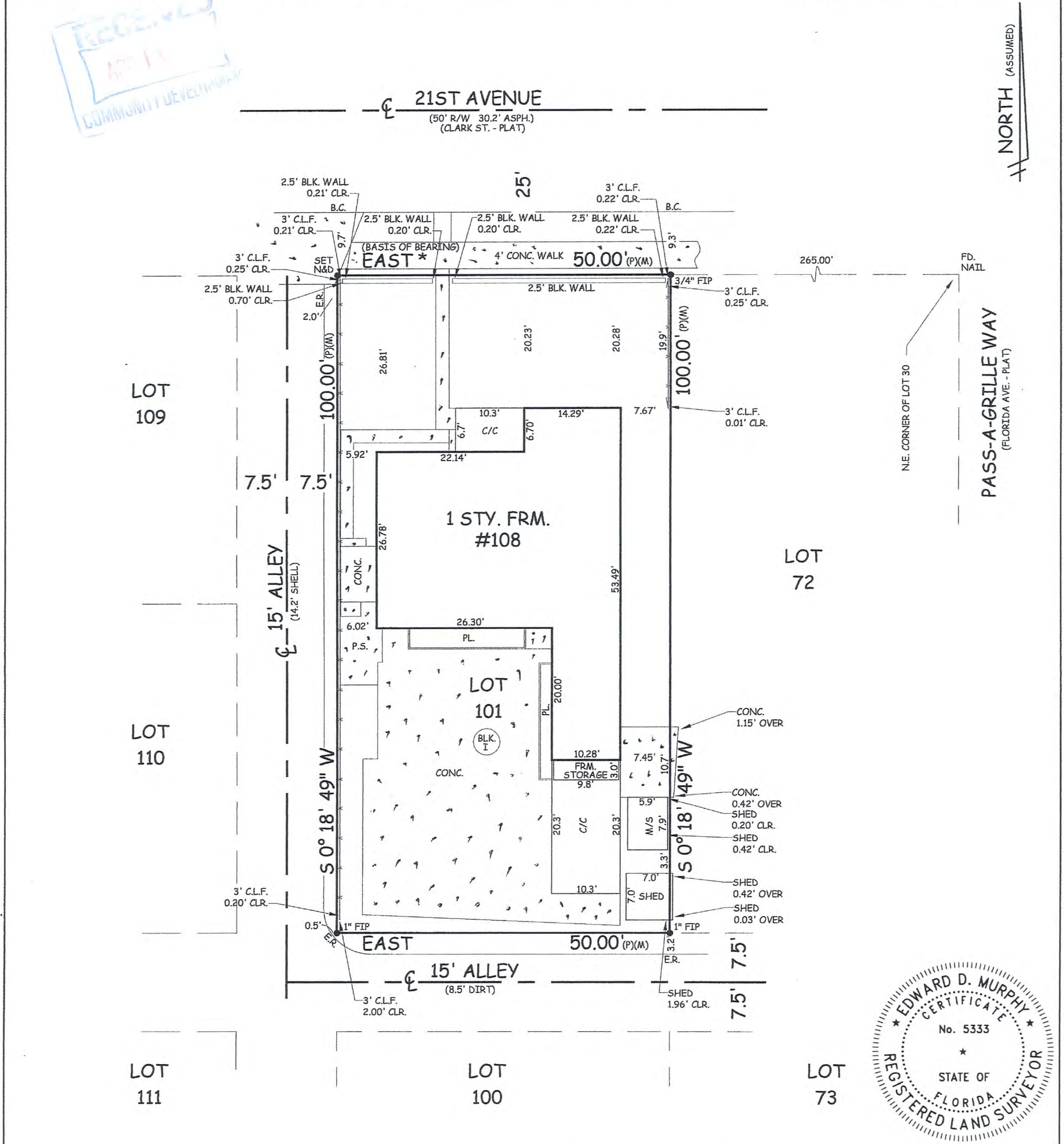


23031 - A-2

JOB NO.: 220680		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY: MRB	CHECKED BY: EDM		PH. (727) 347-8740
DATE OF FIELD WORK: 5/24/2022			FAX (727) 344-4640

CERTIFIED TO: Jason Lavallee

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 18 TWP. 32 S. RGE. 16 E.



A BOUNDARY SURVEY OF: Lot 101, Block I, PHILLIPS DIVISION OF PASS-A-GRILLE CITY, as recorded in Plat Book 4, Page 26 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
Flood zone: AE Comm. Panel No. : 125149 0278 H Map Date : 8/24/2021 Base Flood Elev : 9.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

★ BEARINGS SHOWN ARE ASSUMED EDWARD D. MURPHY REG. P.L.S. # 5333

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE FIN. FLR. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	FD. - FOUND N.&D. - NAIL AND DISK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION -X-X- - FENCE FE. - FENCE C.L.F. - CHAIN LINK FENCE -// - ADJACENT FENCE ADJ. - ADJACENT	R. - RADIUS A. - ARC C. - CHORD Δ - DELTA R/W - RIGHT OF WAY # - NUMBER MAS. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN F.H. - FIRE HYDRANT	M/S - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	W/W - WING WALL C. - CENTERLINE R/W - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	ESMT. - EASEMENT M.H. - MANHOLE GAR. - GARAGE C/W. - COVERED WOOD C/P.S. - COVERED PATIO STONE COL. - COLUMN WD. - WOOD BLK. - BLOCK S/W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C/W. - COVERED WOOD C/P.S. - COVERED PATIO STONE C/C. - COVERED CONCRETE A/C. - AIR CONDITIONER S.P. - SCREENED PORCH -P-P- OVERHEAD POWER LINES -T-T- OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
--	---	---	---	---	---	---



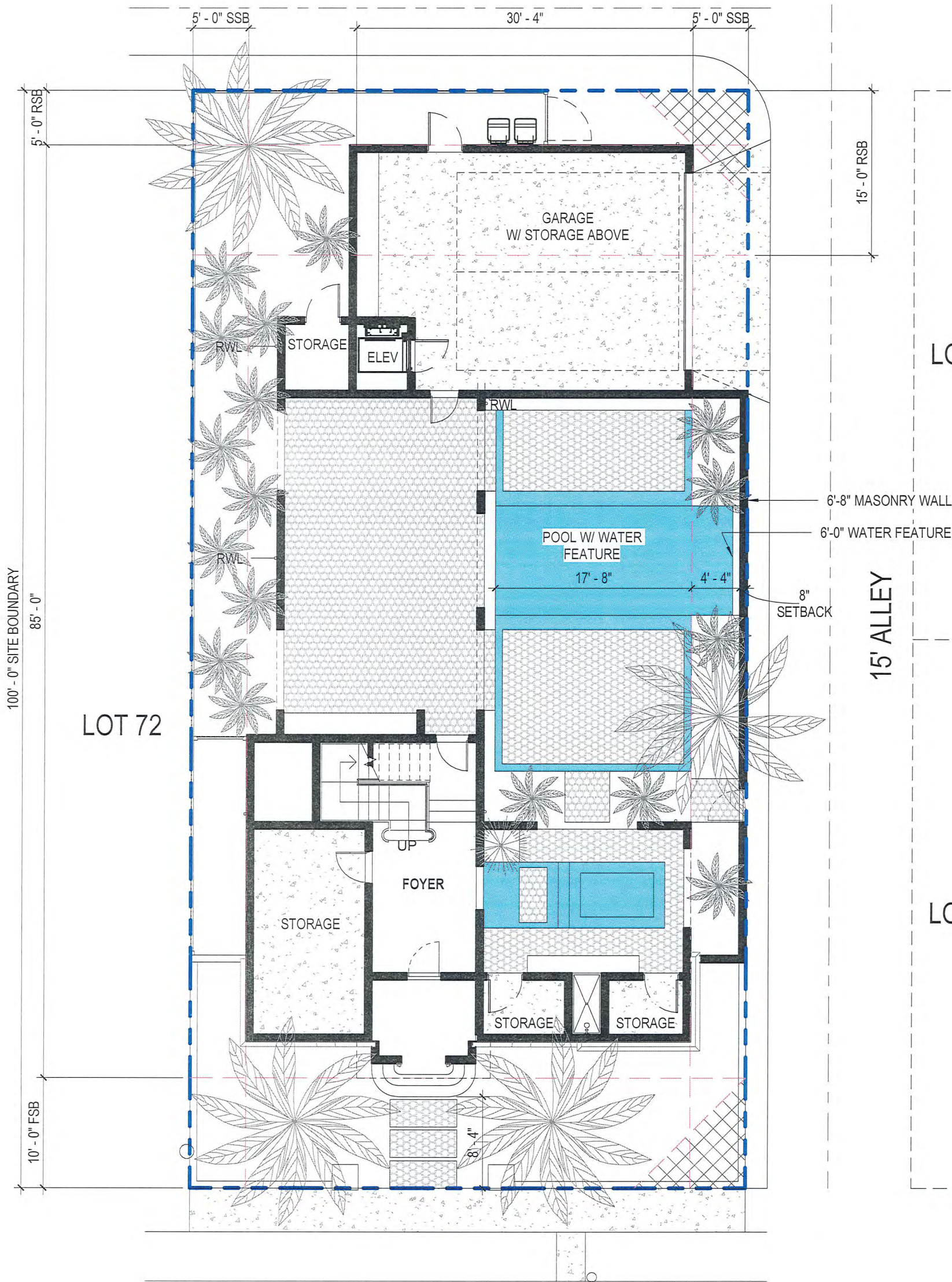
23031 - A-3

LOT 73

LOT 100

LOT 111

15' ALLEY



LAVALLEE RESIDENCE

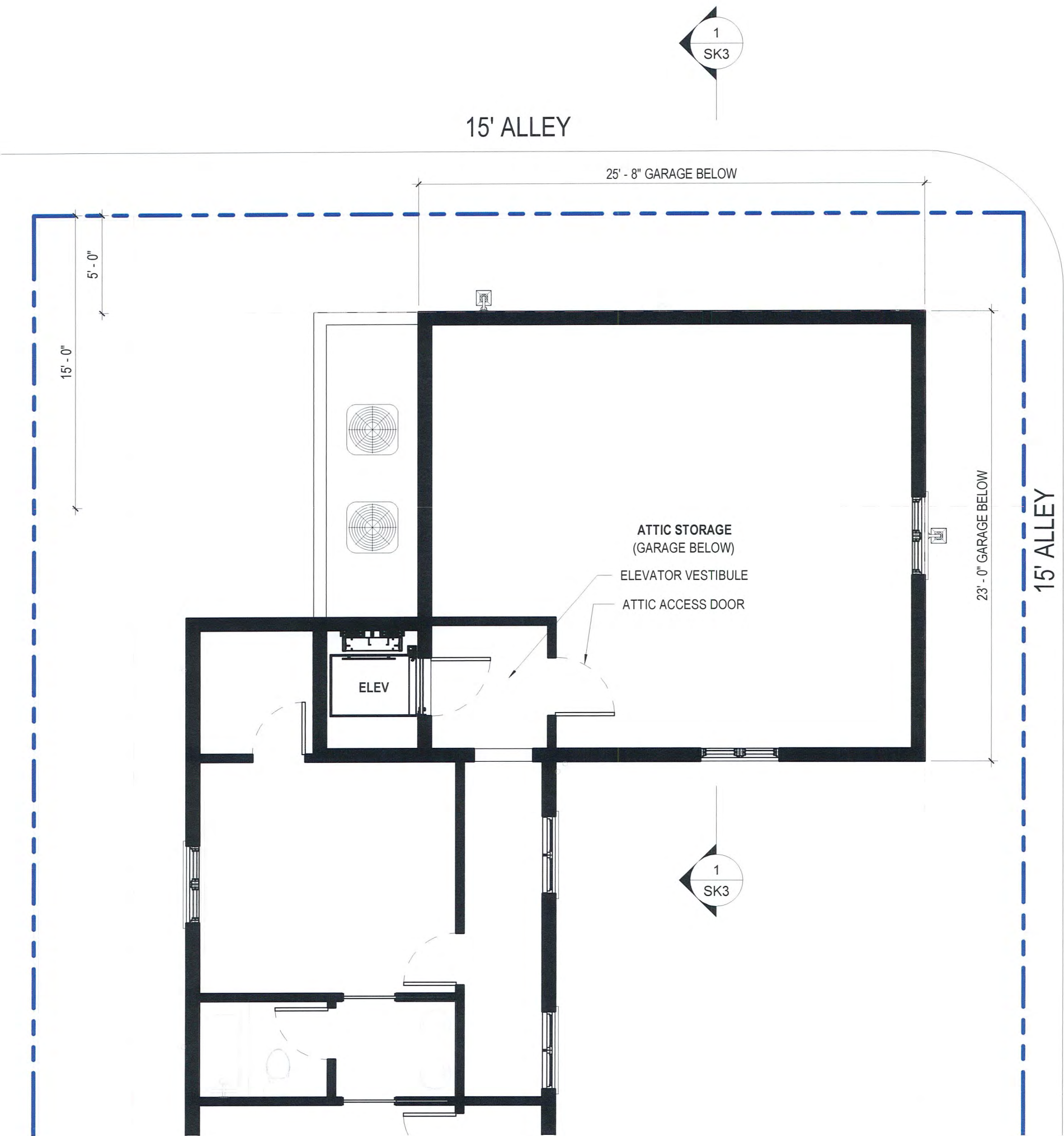
108 21ST AVENUE
SAINT PETE BEACH, FL 33706

04/07/23
VARIANCE REQUEST-SITE PLAN

SK1

NJM
ARCHITECT
NATE MEYER, RA
P: 813.713.6862

23031 - A-4

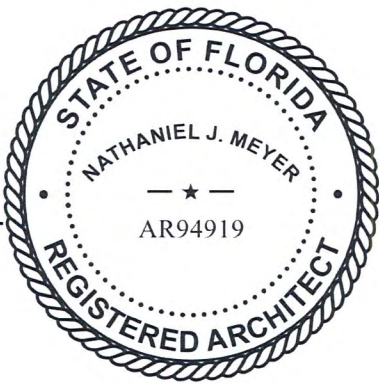


LAVALLEE RESIDENCE

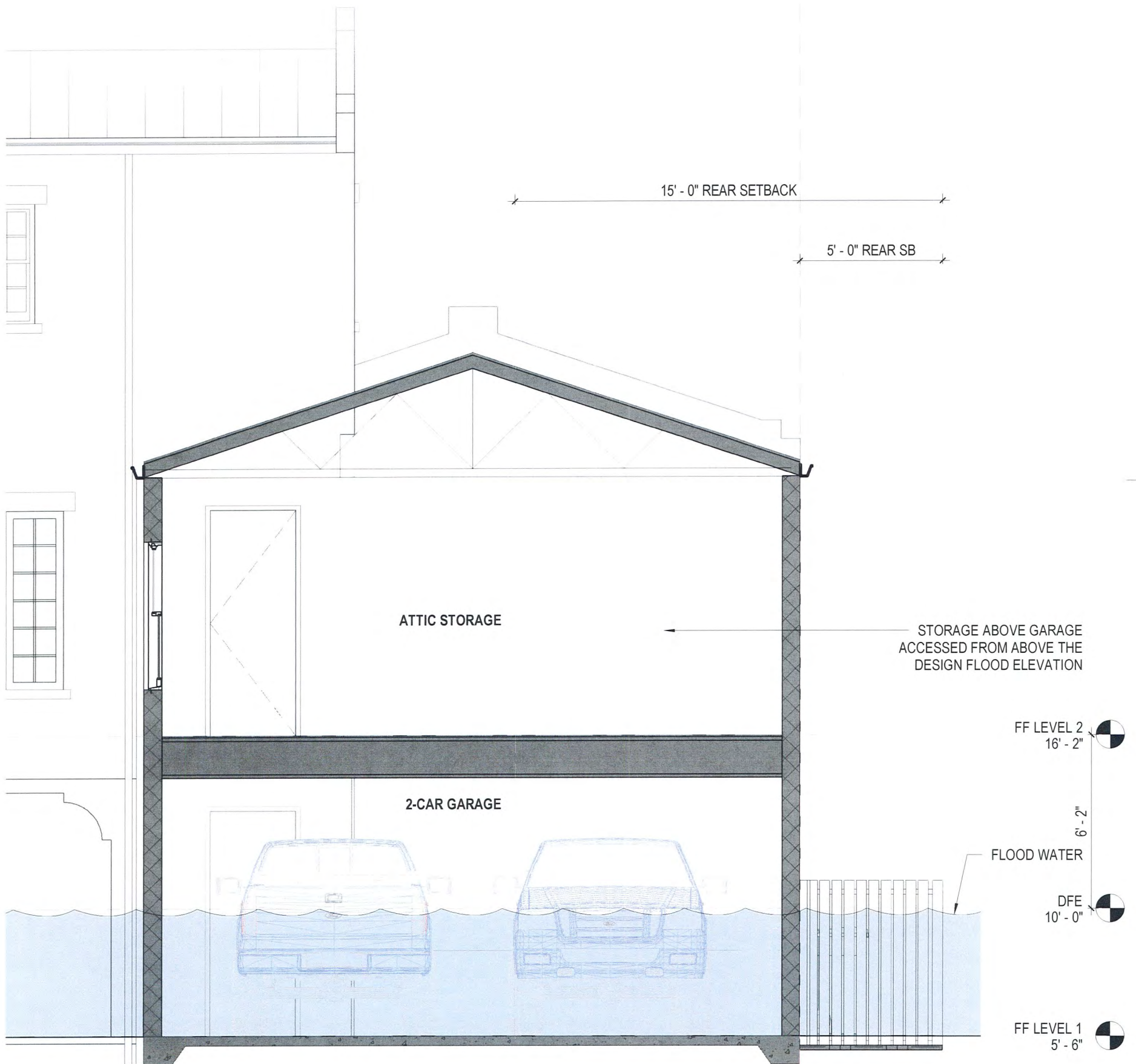
108 21ST AVENUE
SAINT PETE BEACH, FL 33706

04/17/23
VARIANCE REQUEST-FLOOR PLAN LEVEL 2

SK2



NJM
ARCHITECT
NATE MEYER, RA
P: 813.713.6862

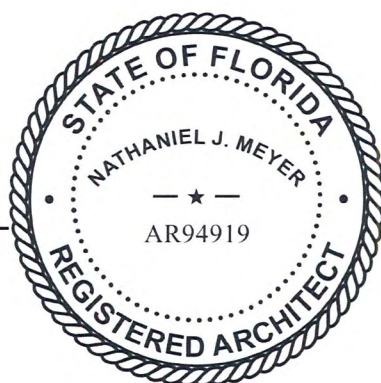


LAVALLEE RESIDENCE

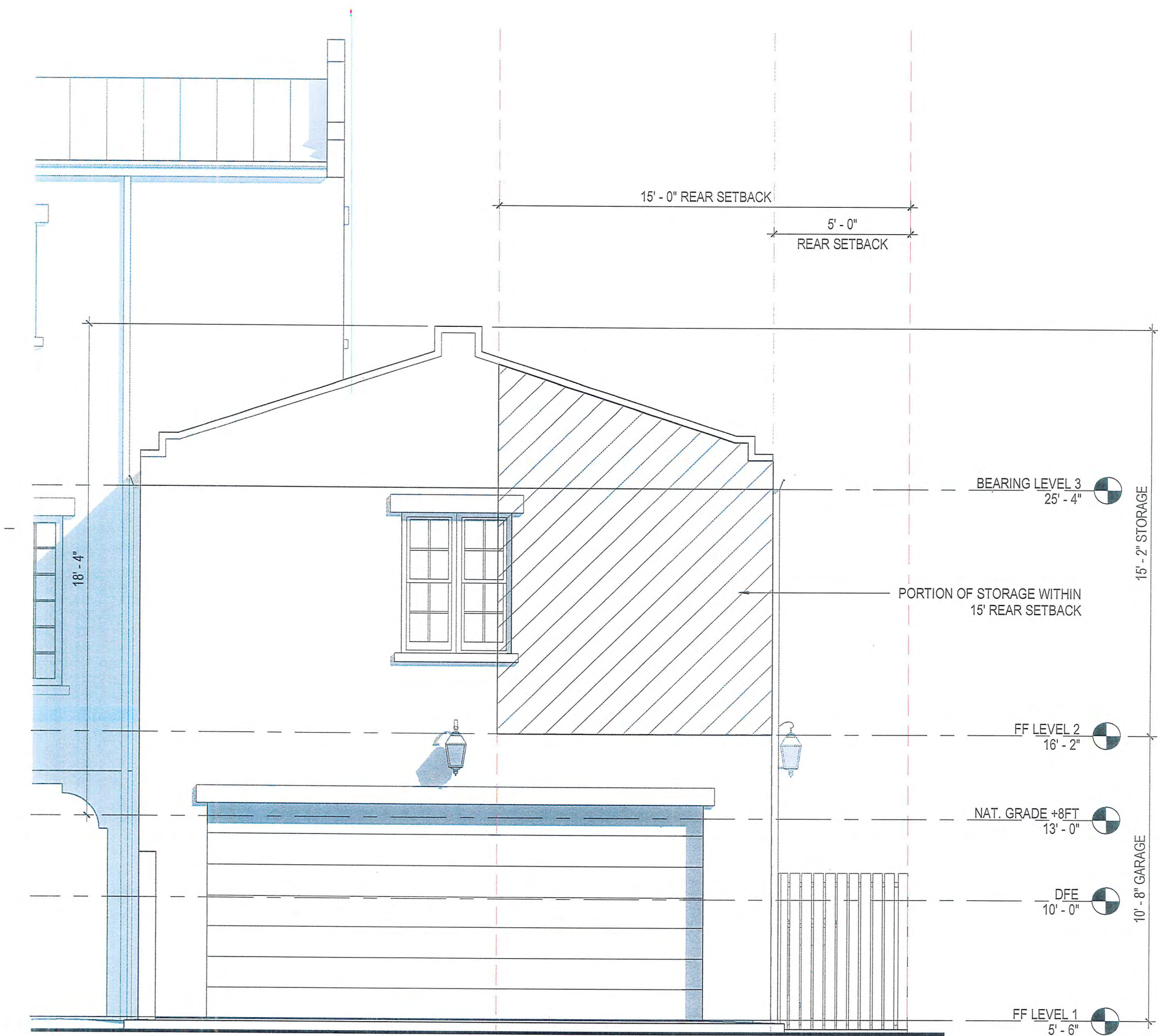
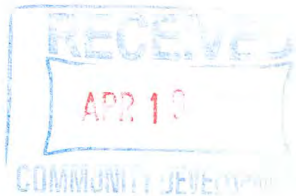
108 21ST AVENUE
SAINT PETE BEACH, FL 33706

04/17/23
VARIANCE REQUEST-SECTION

SK3



NJM
ARCHITECT
NATE MEYER, RA
P: 813.713.6862



LAVALLEE RESIDENCE

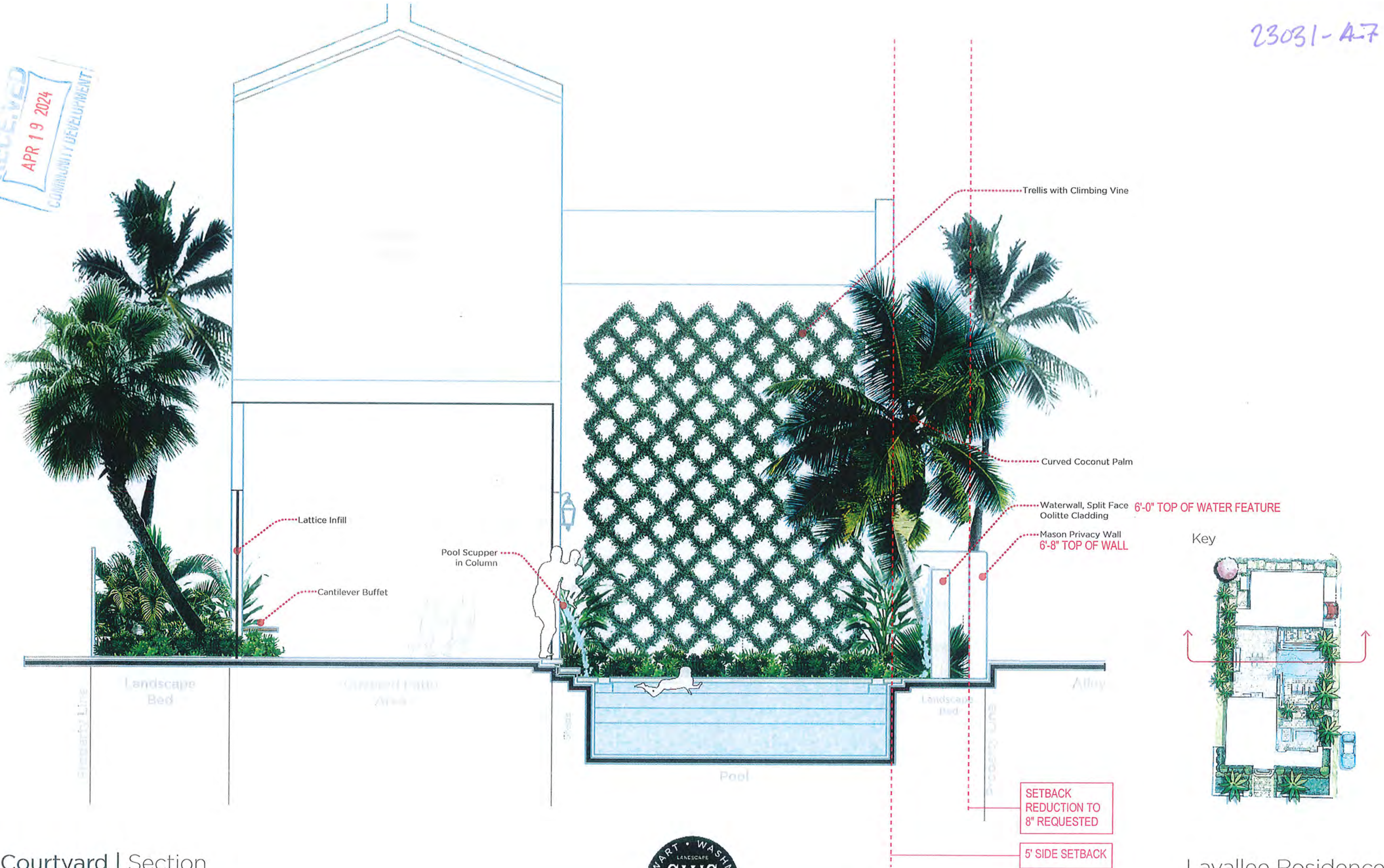
108 21ST AVENUE
SAINT PETE BEACH, FL 33706

04/19/23
VARIANCE REQUEST-WEST ELEVATION

SK4

NJM
ARCHITECT
NATE MEYER, RA
P: 813.713.6862

RECEIVED
APR 19 2024
COMMUNITY DEVELOPMENT



Courtyard | Section

Februaury 14th, 2023

This package is conceptual in nature and subject to change



Lavallee Residence

St. Pete Beach, Florida

23031 - A-8



LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETE BEACH, FL 33706

03.17.2023

NJM
ARCHITECT

PAG REVIEW
LAVALLEE RESIDENCE



NJM
ARCHITECT

NJM ARCHITECT, LLC
715 AL FRANKLIN ST
TAMPA, FL 33602
P: 813 713 8802
NJM.ARCHITECT@GMAIL.COM

CONSULTANT

SEAL



NATHANIEL J. MEYER, RA
FLORIDA ARCHITECT
PROJECT NAME

LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2023 NJM ARCHITECT, LLC

REVISIONS		
MARK	DATE	DESC

SHEET MANAGEMENT	
PROJECT NO.	23-0815
DATE	03/17/2023
PHASE	PWD REVIEW
DRAWN BY	NJM
SHEET TITLE	

3D AERIAL

SHEET NUMBER

G1.01



NJM
ARCHITECT

NJM ARCHITECT, LLC
715 N. FRANKLIN ST.
TAMPA, FL 33602
P: 813.712.0802
NJMARCHITECT@GMAIL.COM

CONSULTANT

SEAL



NATHANIEL J. MEYER, RA
FLORIDA # 408915
PROJECT NAME

LAVALLEE RESIDENCE

108.21ST AVENUE
SAINT PETERS BEACH, FL 33796

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2023 NJM ARCHITECT, LLC

REVISIONS		
NO.	DATE	DESC.

SHEET MANAGEMENT	
PROJECT NO.	20-0810
DATE	03.17.2023
PHASE	PWD REVIEW
DRAWN BY	NJM
SHEET TITLE	

3D NORTH (FRONT ENTRY)

SHEET NUMBER

G1.02



NJM
ARCHITECT

NJM ARCHITECT, LLC
715 N. FRANKLIN ST.
TAMPA, FL 33602
P: 813.712.1882
NJMARCHITECT@GMAIL.COM

CONSULTANT

SEAL



NATHANIEL J. MEYER, RA
FLORIDA # 4584919
PROJECT NAME

LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2023 NJM ARCHITECT, LLC

REVISIONS		
NO.	DATE	DESC.

SHEET MANAGEMENT
PROJECT NO. 23-0810
DATE: 03.17.2023
PHASE: P&G REVIEW
DRAWN BY: NJM
SHEET TITLE

30 WEST (SIDE ALLEY)

SHEET NUMBER

G1.03



NJM
ARCHITECT

NJM ARCHITECT, LLC
7715 N. FRANKLIN ST.
TAMPA, FL 33622
P: 813.713.9802
NJM.ARCHITECT@GMAIL.COM

CONSULTANT

SEAL



NATHANIEL J. MEYER, RA
FLORIDA # 1354019
PROJECT NAME

LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.

© 2023 NJM ARCHITECT, LLC

REVISIONS		
NO.	DATE	DESC.

SHEET MANAGEMENT	
PROJECT NO.	20-0816
DATE	02/17/2023
PHASE	PEND REVIEW
DRAWN BY	NJM
SHEET TITLE	

30 SOUTH (REAR ALLEY)

SHEET NUMBER

G1.04



NJM
ARCHITECT

NJM ARCHITECT, LLC
7715 N. FRANKLIN ST.
TAMPA, FL 33622
813.713.1801
NJMARCHITECT@GMAIL.COM

CONSULTANT



NATHANIEL J. MEYER, RA
FLORIDA #12294919
PROJECT NAME

LAVALLEE RESIDENCE
108 231ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2023 NJM ARCHITECT, LLC

REVISIONS		
MARK	DATE	DESC

SHEET MANAGEMENT	
PROJECT NO.	22-0810
DATE	03.17.2023
PHASE	PAD REVIEW
DRAWN BY	NJM
SHEET TITLE	

3D EAST (INT LOT LINE)

SHEET NUMBER

G1.05



A1
A1.01 FLOOR PLAN LEVEL 1
3/16" = 1'-0"

GENERAL NOTES - FLOOR PLAN

- CONTRACTOR TO FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
- ENLARGED PLANS MAY BE ROTATED OR MIRROR COORDINATE WITH MAIN FLOOR PLAN.
- PROVIDE BLOCKING AS REQUIRED FOR ALL WALL MOUNTED FIXTURES, MILLWORK, EQUIPMENT, AND ACCESSORIES.
- PROVIDE BLOCKING FOR FUTURE INSTALLATION OF GRAB BARS AROUND TOILETS, TUBS, AND SHOWERS AS REQUIRED.
- HANDRAILS AND GUARDS SHALL BE DESIGNED FOR 50 POUNDS/PLF OR A CONCENTRATED LOAD OF 250 POUNDS AT ANY POINT APPLIED IN ANY DIRECTION AT THE TOP AND TO TRANSFER THIS LOAD THROUGH THE SUPPORTS TO THE STRUCTURE.
- INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 50 POUND CONCENTRATED LOAD PLACED IN POSITIONS CAUSING MAXIMUM STRESS.

NJM
ARCHITECT

NJM ARCHITECT, LLC
7514 FRANKLIN ST
TAMPA, FL 33602
P: 813.710.8802
NJM.ARCHITECT@GMAIL.COM

CONSULTANT

SEAL



NATHANIEL J. MEYER, R.A.
FLORIDA # 87895
PROJECT NAME

LAVALLEE RESIDENCE

100 21ST AVENUE
SAINT PETERS BEACH, FL 33706

SCHEDULE-BUILDING AREA

NAME	AREA
PT LEVEL 1	
A/C FOYER	157 SF
COVERED ENTRY STOOP	75 SF
COVERED TERRACE	853 SF
GARAGE	884 SF
STORAGE	250 SF
	2147 SF
PT LEVEL 2	
A/C LEVEL 2	1980 SF
ATTIC STAIRCASE	530 SF
	2510 SF
PT LEVEL 3	
A/C LEVEL 3	1560 SF
BALCONY	57 SF
	1617 SF
BEARING ROOF	32 SF
A/C ROOF LANDING	32 SF
TOTAL GROSS BUILDING AREA	8027 SF

SCHEDULE-BUILDING A/C

NAME	AREA
PT LEVEL 1	
A/C FOYER	157 SF
	157 SF
PT LEVEL 2	
A/C LEVEL 2	1980 SF
	1980 SF
PT LEVEL 3	
A/C LEVEL 3	1560 SF
	1560 SF
BEARING ROOF	32 SF
A/C ROOF LANDING	32 SF
TOTAL CONDITIONED AREA	3481 SF

This drawing is the intellectual property of NJM ARCHITECT, LLC and will not be reproduced without written consent.

© 2020 NJM ARCHITECT, LLC

MARK	DATE	DESC
		REVISIONS

SHEET MANAGEMENT

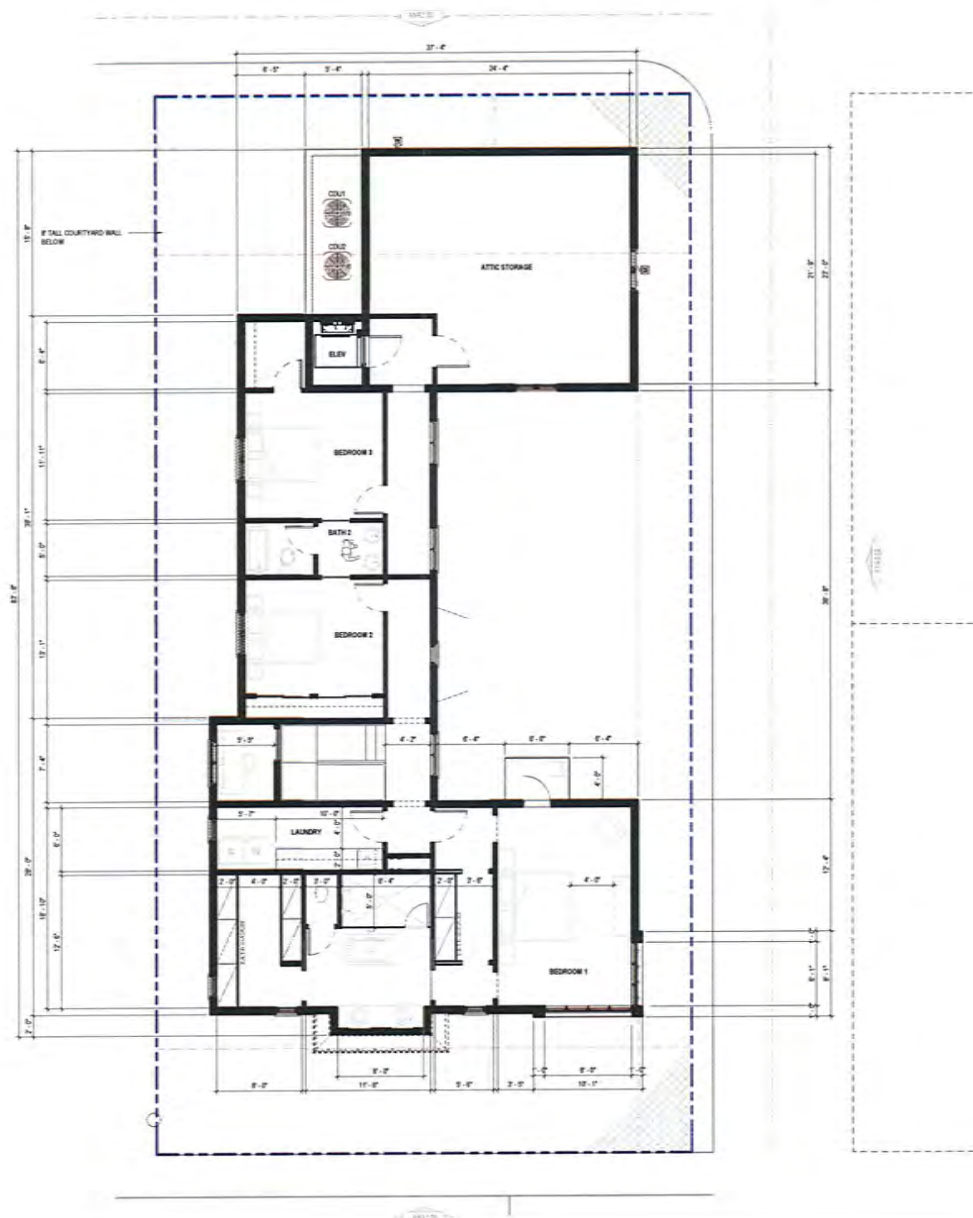
PROJECT NO.	23-0819
DATE	03.17.2023
PHASE	PHD REVIEW
DRAWN BY	NJM
SHEET TITLE	

FLOOR PLAN LEVEL 1

SHEET NUMBER

A1.01





- GENERAL NOTES - FLOOR PLAN**
- CONTRACTOR TO FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES. ENLARGED PLANS MAY BE NOTATED OR IMPROVED COORDINATE WITH THE FLOOR PLAN.
 - PROVIDE BLOCKING AS REQUIRED FOR ALL WALL MOUNTED FIXTURES, MILLWORK, EQUIPMENT AND ACCESSORIES.
 - PROMISE BLOCKING FOR FUTURE INSTALLATION OF GRAB BARS AROUND TOILETS, TUBS AND SHOWERS AS REQUIRED.
 - WALLS AND GUNDS SHALL BE DESIGNED FOR 30 POUNDS PLY OR A CONCENTRATED LOAD OF 200 POUNDS AT ANY POINT APPLIED IN ANY DIRECTION AT THE TOP AND TO TRANSFER THIS LOAD THROUGH THE SUPPORTS TO THE STRUCTURE.
 - INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 300 POUND CONCENTRATED LOAD PLACED IN POSITIONS CAUSING MAXIMUM STRESS.

NJM ARCHITECT

NJM ARCHITECT, LLC
701 N. FRANKLIN ST.
TAMPA, FL 33602
P 813.713.6862
NJA@NARCHITECT.COM

CONSULTANT



NATHANIEL J. MEYER, RA
FLORIDA #A184919
PROJECT NAME

SCHEDULE-BUILDING AREA

NAME	AREA
FF LEVEL 1	
AC Foyer	187 SF
COVERED ENTRY STAIR	70 SF
COVERED TERRACE	863 SF
CARWASH	864 SF
STORAGE	360 SF
	2142 SF
FF LEVEL 2	
AC LEVEL 2	1660 SF
ATIC STORAGE	538 SF
	2198 SF
FF LEVEL 3	
AC LEVEL 3	1560 SF
BALCONY	57 SF
	1617 SF
BEARING ROOF	
AC ROOF LANDING	22 SF
	22 SF
TOTAL GROSS BUILDING AREA	6027 SF

SCHEDULE-BUILDING A/C

NAME	AREA
FF LEVEL 1	
AC Foyer	187 SF
	187 SF
FF LEVEL 2	
AC LEVEL 2	1660 SF
	1660 SF
FF LEVEL 3	
AC LEVEL 3	1560 SF
	1560 SF
BEARING ROOF	
AC ROOF LANDING	22 SF
	22 SF
TOTAL CONDITIONED AREA	3481 SF

LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of NJM ARCHITECT, LLC and is not to be reproduced without written consent.

© 2023 NJM ARCHITECT, LLC

REVISIONS		
MARK	DATE	DESC

SHEET MANAGEMENT

PROJECT NO.	22-0610
DATE	03/17/2023
PHASE	PHD REVIEW
DRAWN BY	NJM
SHEET TITLE	

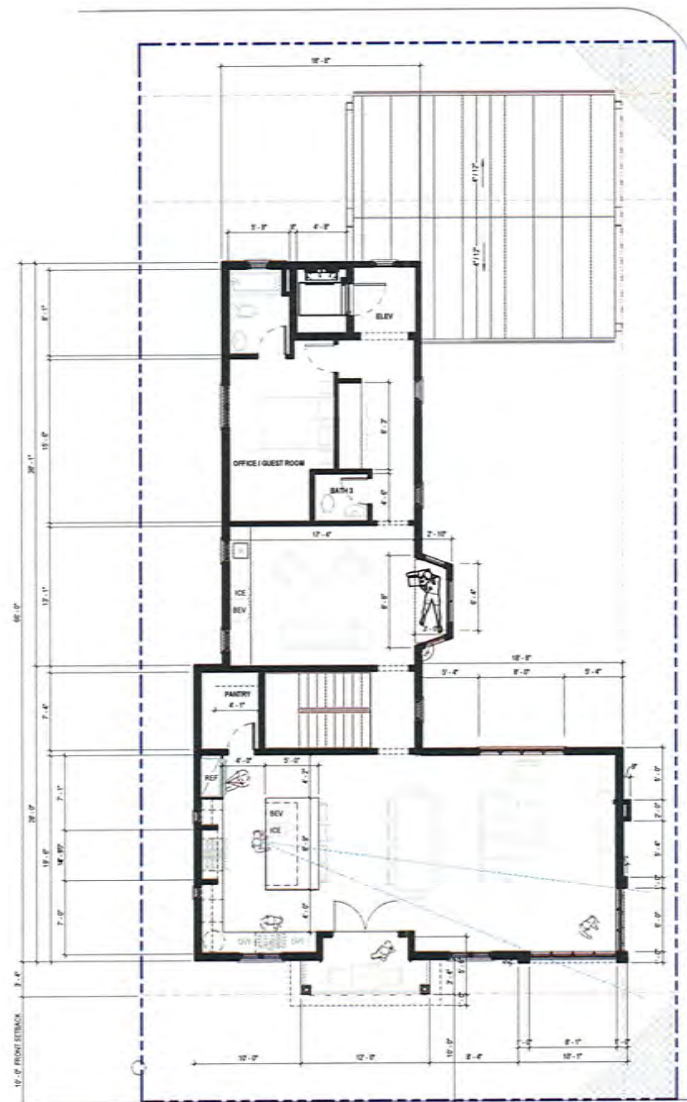
FLOOR PLAN LEVEL 2

SHEET NUMBER

A1.02

A1
A1.02
FLOOR PLAN LEVEL 2
3/16" = 1'-0"





- GENERAL NOTES - FLOOR PLAN
- CONTRACTOR TO FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES. ENLARGED PLANS MAY BE LOCATED OR DIMENSIONS COORDINATE WITH THE FLOOR PLAN.
 - PROVIDE BLOODING AS REQUIRED FOR ALL WALL MOUNTED FIXTURES, MILLWORK, EQUIPMENT, AND ACCESSORIES.
 - PROVIDE BLOODING FOR FUTURE INSTALLATION OF GRAB BARS AROUND TOILETS, TUBS, AND SHOWERS AS REQUIRED.
 - MINERALS AND GUARDS SHALL BE DESIGNED FOR 80 POUNDS PER SQUARE FOOT OR A CONCENTRATED LOAD OF 300 POUNDS AT ANY POINT APPLIED IN ANY DIRECTION AT THE TOP AND TO TRANSFER THIS LOAD THROUGH THE SUPPORTS TO THE STRUCTURE.
 - INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 300 POUND CONCENTRATED LOAD PLACED IN POSITIONS CAUSING MAXIMUM STRESS.



NJM ARCHITECT, LLC
715 N. FRANKLIN ST.
TAMPA, FL 33602
P: 813.713.0902
NJM.ARCHITECT@NJM.COM

CONSULTANT



NATHANIEL J. MEYER, RA
FLORIDA REGISTERED ARCHITECT
PROJECT NAME

SCHEDULE-BUILDING AREA

NAME	AREA
FF LEVEL 1	
ACC POWER	187 SF
COVERED ENTRY STAIR	79 SF
COVERED TERRACE	804 SF
GARAGE	864 SF
STORAGE	885 SF
	2142 SF
FF LEVEL 2	
ACC LEVEL 2	1668 SF
ARTIST STORAGE	558 SF
	2028 SF
FF LEVEL 3	
ACC LEVEL 3	1560 SF
BALCONY	57 SF
	1617 SF
BEARING ROOF	
ACC ROOF LANDING	32 SF
	32 SF
TOTAL GROSS BUILDING AREA	6027 SF

SCHEDULE-BUILDING A/C

NAME	AREA
FF LEVEL 1	
ACC POWER	187 SF
	187 SF
FF LEVEL 2	
ACC LEVEL 2	1668 SF
	1668 SF
FF LEVEL 3	
ACC LEVEL 3	1560 SF
	1560 SF
BEARING ROOF	
ACC ROOF LANDING	32 SF
	32 SF
TOTAL CONDITIONED AREA	3481 SF

LAVALLEE RESIDENCE

This drawing is the intellectual property of NJM ARCHITECT, LLC and is not to be reproduced without written consent.

© 2023 NJM ARCHITECT, LLC

REVISIONS		
MARK	DATE	DESCRIPTION

SHEET MANAGEMENT	
PROJECT NO.	23-0010
DATE	03.17.2023
PHASE	PWD REVIEW
DRAWN BY	NJM
SHEET TITLE	

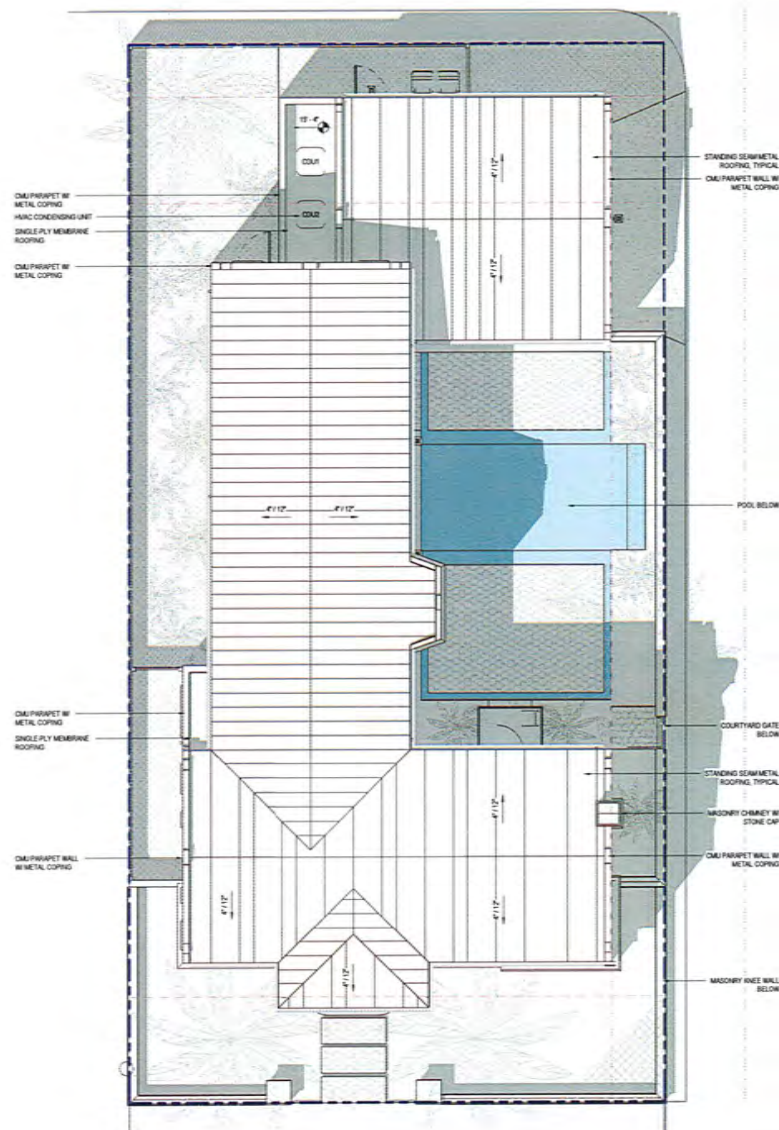
FLOOR PLAN LEVEL 3

SHEET NUMBER

A1.03

A1
A1.03 FLOOR PLAN LEVEL 3
3/16" = 1'-0"





- GENERAL NOTES - FLOOR PLAN
- CONTRACTOR TO FIELD VERIFY ALL MEASUREMENTS AND CONDITIONS. NOTIFY THE ARCHITECT/OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
 - ENLARGED PLANS MAY BE NOTATED OR IMPROVED COORDINATE WITH MAIN FLOOR PLAN.
 - PROVIDE BLOCKING AS REQUIRED FOR ALL WALL MOUNTED FIXTURES, MACHINERY, EQUIPMENT, AND ACCESSORIES.
 - PROVIDE BLOCKING FOR FUTURE INSTALLATION OF GRAB BARS AROUND TOILETS, TUBS, AND SHOWERS AS REQUIRED.
 - HANDRAILS AND GUARDS SHALL BE DESIGNED FOR 80 POUNDS PLF OR A CONCENTRATED LOAD OF 200 POUNDS AT ANY POINT APPLIED IN ANY DIRECTION AT THE TOP AND TO TRANSFER THIS LOAD THROUGH THE SUPPORTS TO THE STRUCTURE.
 - INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 200 POUND CONCENTRATED LOAD PLACED IN POSITIONS CAUSING MAXIMUM STRESS.

NJM ARCHITECT

NJM ARCHITECT, LLC
703 N. FRANKLIN ST.
TAMPA, FL 33602
P: 813.713.0802
N.J.M.A.R.C.H.I.T.E.C.T@G.M.A.I.L.C.O.M

CONSULTANT



NATHANIEL J. MEYER, RA
FLORIDA # 128499
PROJECT NAME

LANDSCAPE / PERVIOUS SURFACE

NAME	AREA
FF LEVEL 1	
PERVIOUS COURTYARD	246 SF
PERVIOUS FRONT YARD	187 SF
PERVIOUS REAR YARD	187 SF
PERVIOUS SIDE YARD	882 SF
	1306 SF
	1306 SF
TOTAL PERVIOUS AREA	

SCHEDULE-BUILDING AREA

NAME	AREA
FF LEVEL 1	
AC ROOFER	187 SF
COVERED ENTRY STOOP	75 SF
COVERED TERRACE	882 SF
GARAGE	882 SF
STORAGE	385 SF
	2147 SF
FF LEVEL 2	
AC LEVEL 2	1883 SF
ATTIC STORAGE	188 SF
	2071 SF
FF LEVEL 3	
AC LEVEL 3	1983 SF
BALCONY	17 SF
	1999 SF
BEARING ROOF	1940 SF
AC ROOF LANDING	12 SF
	12 SF
TOTAL GROSS BUILDING AREA	6021 SF

SCHEDULE-BUILDING A/C

NAME	AREA
FF LEVEL 1	
AC ROOFER	187 SF
	187 SF
FF LEVEL 2	
AC LEVEL 2	1883 SF
	1883 SF
FF LEVEL 3	
AC LEVEL 3	1983 SF
	1983 SF
BEARING ROOF	1940 SF
AC ROOF LANDING	12 SF
	12 SF
TOTAL CONDITIONED AREA	3461 SF

This drawing is the intellectual property of NJM ARCHITECT, LLC and is not to be reproduced without written consent.

© 2023 NJM ARCHITECT, LLC

REVISIONS

MARK	DATE	DESC
------	------	------

SHEET MANAGEMENT

PROJECT NO.	23-0810
DATE	03.17.2023
PHASE	PHD REVIEW
DRAWN BY	NJM
SHEET TITLE	

ROOF PLAN

SHEET NUMBER

A1.04

A1
A1.04
ROOF PLAN
3/16" = 1'-0"





LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of NJM ARCHITECT, LLC and is not to be reproduced without written consent.

© 2023 NJM ARCHITECT, LLC

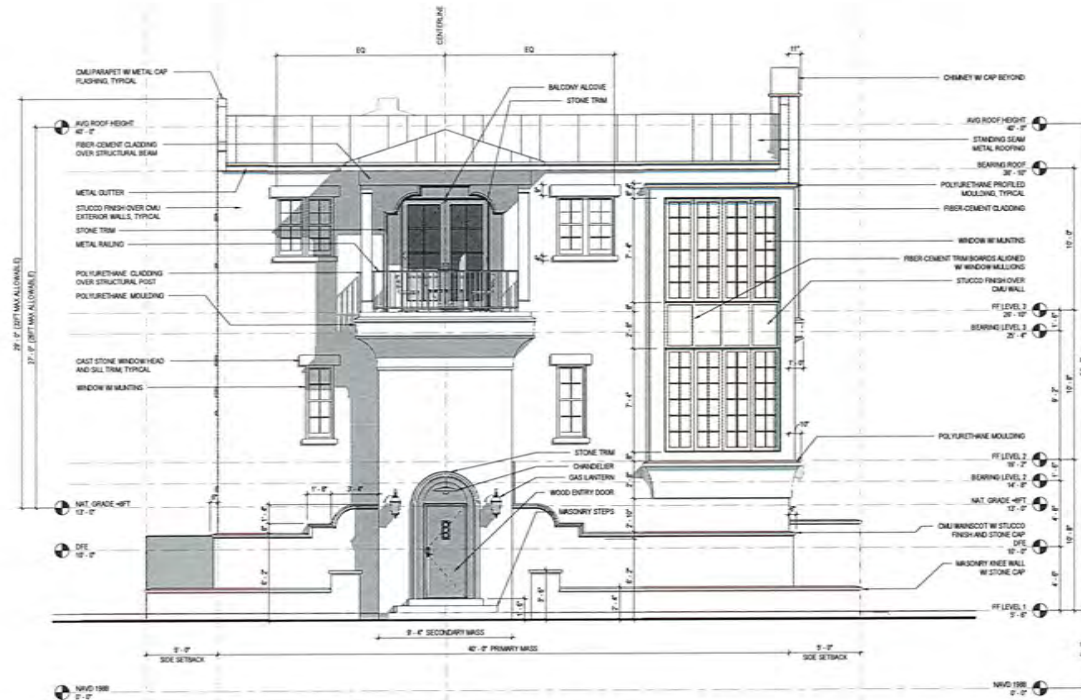
REVISIONS		
MARK	DATE	DESCRIPTION

SHEET MANAGEMENT	
PROJECT NO.	23-0810
DATE	02/17/2023
PHASE	PING REVIEW
DRAWN BY	NJM
SHEET TITLE	

BUILDING ELEVATION NORTH
(FRONT ENTRY)

SHEET NUMBER

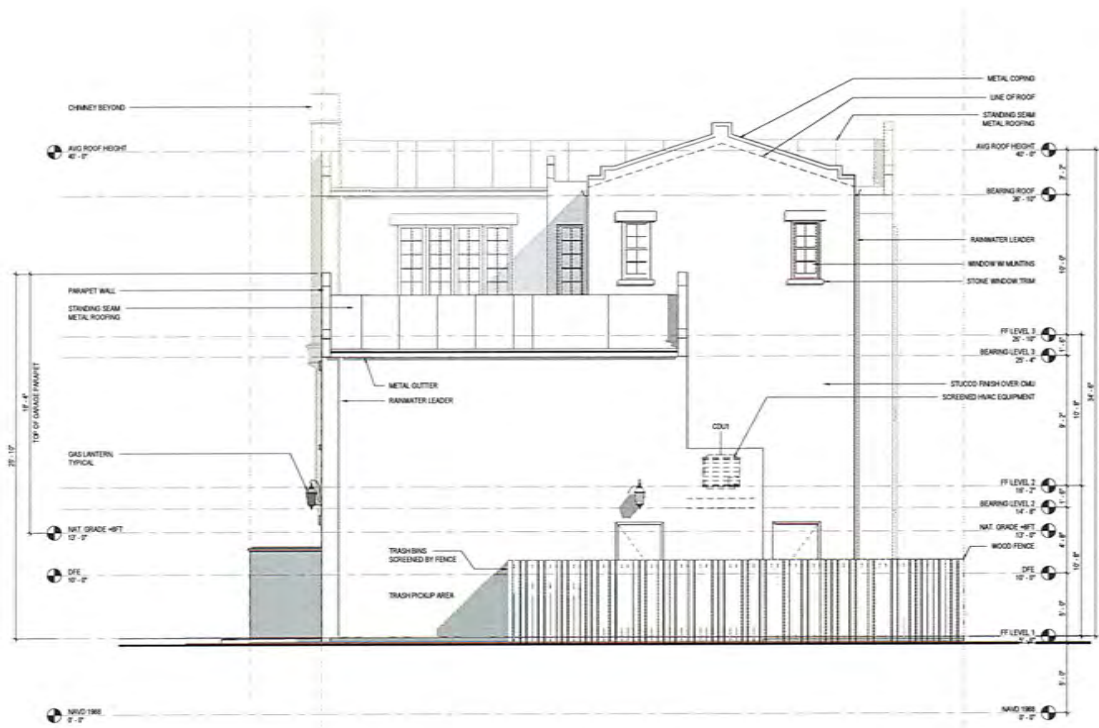
A2.01



A1 BUILDING ELEVATION-NORTH / FRONT
A2.01 1/4" = 1'-0"



A1
A2.02 BUILDING ELEVATION-WEST / SIDE ALLEY
1/4" = 1'-0"

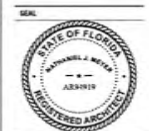


A1 BUILDING ELEVATION-SOUTH / REAR ALLEY
A2.03 1/4" = 1'-0"

NJM
ARCHITECT

NJM ARCHITECT, LLC
7514 FRANKLIN ST
TAMPA, FL 33622
P: 813.712.8822
NJM.ARCHITECT@GMAIL.COM

CONSULTANT



NATHANIEL J. MEYER, RA
FLORIDA #1344919
PROJECT NAME

LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETERS BEACH, FL 33706

This drawing is the intellectual property of
NJM ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2023 NJM ARCHITECT, LLC

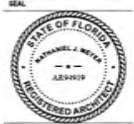
REVISIONS		
MARK	DATE	DESC

SHEET MANAGEMENT	
PROJECT NO.	23-0810
DATE	03.17.2023
PHASE	PAG REVIEW
DRAWN BY	NJM
SHEET TITLE	

BUILDING ELEVATION SOUTH
(REAR ALLEY)

SHEET NUMBER

A2.03



LAVALLÉE RESIDENCE

108 21ST AVENUE
SAINT PETE BEACH, FL 33706

This drawing is the intellectual property of
N.M. ARCHITECT, LLC and is not to be
reproduced without written consent.
© 2020 N.M. ARCHITECT, LLC

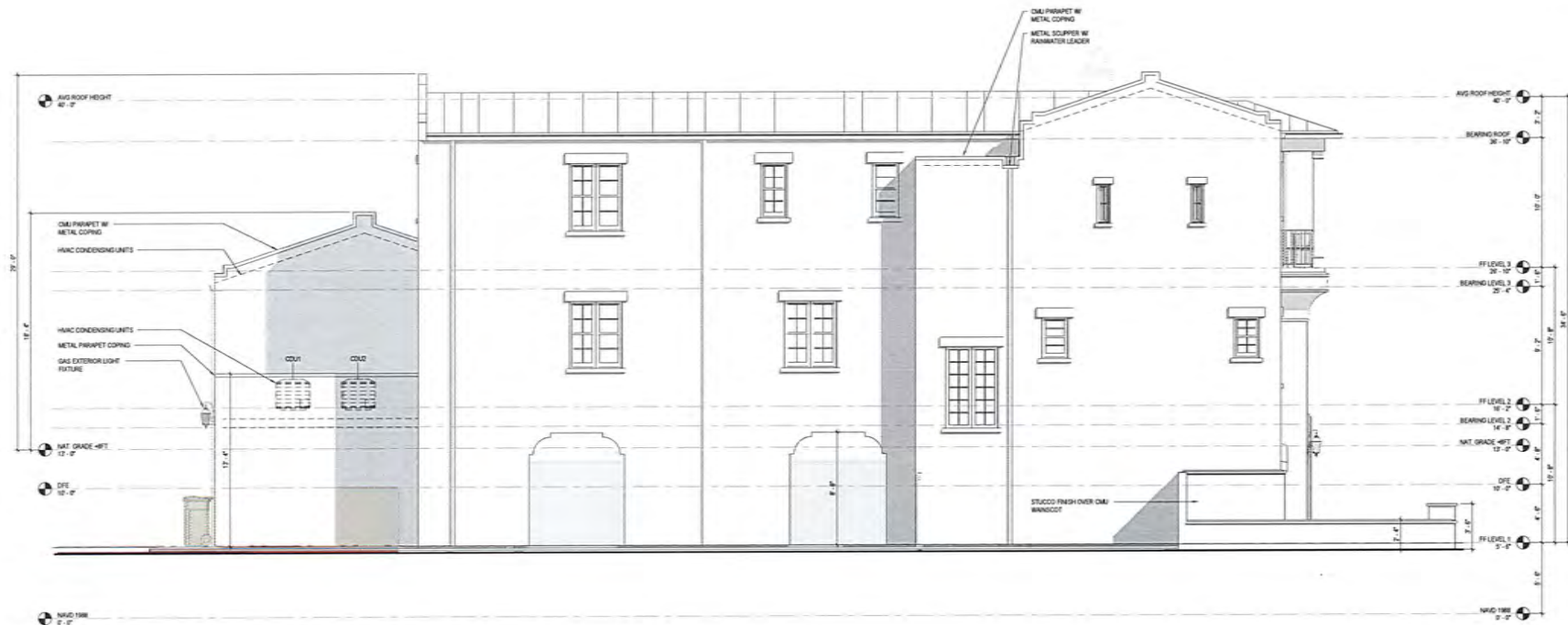
REVISIONS		
MARK	DATE	DESC

SHEET MANAGEMENT	
PROJECT NO:	23-0810
DATE:	03.17.2023
PHASE:	PAG REVIEW
DRAWN BY:	NJM
SHEET TITLE	

BUILDING ELEVATION-EAST
(INTERIOR SIDE)

SHEET NUMBER

A2.04



BUILDING ELEVATION-EAST / INTERIOR SIDE



**PLANNING & ZONING DIVISION
STAFF FINDINGS REPORT
TO THE
HISTORIC PRESERVATION BOARD**

Design Review Case No. 23005

Property Owner: Jason Lavalley & Christine Mellace

Meeting Date: April 6, 2023

Prepared By: Brandon Berry, Planner, Planning and Zoning Division

REQUEST	Staff requests Historic Preservation Board design review of a new single-family residence, constructed to the House – Medium standards of the Pass-a-Grille Overlay District, which is being constructed as a redevelopment of the subject property (LDC Sec. 20.24).
SUBJECT PROPERTY	108 21 st Ave; PHILLIPS DIVISION REV MAP BLK I, LOT 101; Property ID # 18-32-16-68634-009-1010.
LAND USE / ZONING	RLM-2/PAG
FEMA FLOOD ZONE	AE-9
HISTORIC STATUS	The property currently contains a single-family residence proposed for demolition (COA Case No. 23008) that is contributing to the Pass-a-Grille Historic District.
SURROUNDING AREA	North – Single-family Residential South – Alleyway and Two-family Residential East – Single-family Residential West – Alleyway and Single-family Residential

BACKGROUND and ANALYSIS

The applicant is requesting to construct a new single-family residence on the subject lot that is proposed to be built to the 'House – Medium' building type of the Pass-a-Grille Overlay District. The Land Development Code provides the Historic Preservation Board the ability to provide comments on new construction projects that utilize the Overlay building types as a means of ensuring compatibility of new structures within the District.

The property currently contains a residence that was constructed in 1948 and is considered a contributing structure to the Pass-a-Grille National Register Historic District. The applicant is proposing complete demolition of the structure in corresponding Certificate of Appropriateness Case No. 23008.

The applicant submitted revised plans on March 17, 2023, which showed additional trim work on the parapet, as well as added and modified details on the eastern side of the structure and frontage particularly. After review it was determined that staff and city architect comments still applied as originally written, as comments largely serve as recommendations rather than requirements for future building permit approval.

Sec. 20.22. - General building design (residential).

Review of the elements below is provided by James L. Wehner, R.A., who serves as consulting architect to the city. Staff provide clarity where warranted.

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to all residential building types (house and apartment building types) in order to maintain the overall mass and scale, of the PAG community's existing housing stock.

The following standards are included to provide a minimum criteria needed to review the overall design, mass and scale as outlined below while allowing an applicant flexibility in the design of the building. The design criteria are typical design elements used by architects to ensure a higher quality development.

Any single family or attached residential structure that follows the criteria outlined in Section 20.15 must design the building with the following architectural elements:

(a) The mass of a building must include:

(1) Primary mass. The building shall have a distinct primary mass.

The structure was found to have a primary mass and meet the literal language of the Overlay. However, the city's architect also found that additional trim work and depth at the cornice and/or roof parapet cap, first floor line, building base, wall base and cap, alley door, and arched openings would downplay the mass at overall volume.

(2) Secondary mass. A building should also include secondary mass (private frontage requirements) that form the façade of the building.

The structure was found to have secondary massing in the form of a stoop and balcony projection as well as a large projecting window at the 21st Ave frontage. The city's architect opined that the city should define a minimum stepping distance between the primary and secondary mass(es), and there be a minimum of three predominant volume steps in the overall structure.

(3) Voids that allow for natural breaks in the mass.

The structure was found to have the presence of voids. The city's architect found that there was a significant presence of blank surface area on the structure, particularly on the eastern side, and opined that the city should define a maximum blank surface area percentage that should be included at publicly-viewed elevations.

(b) Proportional design elements shall include:

(1) Windows in varying, yet similar arrangements.

The city's architect found this standard to be met.

(2) Appropriate vertical visual consistency at the centerline of the façade.

The city's architect opined that this standard was not fully met. The large window at the northwestern side of the structure, while providing visual interest to the façade, does not provide for equal visual volume at the centerline of the front door and places greater weight on the northwestern frontage of the structure.

(3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top).

The city's architect found this standard to be met.

(4) Overall design shall be symmetrically or asymmetrically balanced.

The city's architect found this standard to be met, with the exception of the vertical visual consistency comment mentioned prior.

(c) Design must include the following rhythms:

(1) Proximity (objects close together complement each other)

The city's architect found this standard to be met.

(2) Similarity- common textures, colors or features.

The city's architect found this standard to be met. However, they found that a terracotta-like roof in lieu of a standing seam would be more true to a Mediterranean style.

LANDSCAPING COMPLIANCE

At 5,000 square feet in site area, with a home constructed to FEMA standards, the lot is required to contain a minimum of four trees, two of which must be understory trees placed in front of the residence.

The applicant supplied a conceptual landscaping plan on February 15, 2023. Staff acknowledge that the plan is not complete and are reviewing the concept plan solely to minimum code standards.

The plan proposes a lot that exceeds the minimum number of trees required by code, containing several coconut and royal palms that the city treats each as equivalent to one canopy tree. It also demonstrates the required layering of plant material at the 21st Ave frontage, with mast trees and awabuki set behind dwarf podocarpus, which are set behind the low-level groundcovers of liriopse and the Florida friendly agapanthus.

The 21st Ave frontage proposal shows two royal palms where the code requires understory trees, of which a recommended list in LDC Sec. 22.4 includes sea grape, jatropha, crape myrtle, and similar low-growing trees. The applicant will need to select two of these listed trees or suitable alternatives at the time of permitting. Furthermore, staff has concerns regarding the use of liriopse, which UF IFAS lists as not recommended due to high invasion risk. While the plant is not currently listed on the Florida Invasive Species Council list and can thus be used as groundcover, staff ask that the applicant consider an alternative, Florida-friendly groundcover in its place.

COMPATIBILITY WITH ADJACENT PROPERTIES

The structure is proposed at three stories, including a non-habitable ground floor and two levels of living space above. It measures 27 feet from allowable starting point to the roof midpoint, and 29 feet to the top of the roof, which is one foot and three feet shorter than the maximum permitted respectively. This provides a structure that is overall 35 to 37 feet in height above grade. A small chimney on the west side of the structure extends to 30.5 feet as the highest element of the structure from the starting point of measurement, or 38.5 feet overall.

The structure will be notably taller and with more frontage volume than its neighbor to the west at 106 21st Ave, which contains a 1930s bungalow of approximately 1100 square feet of living space. The total gross square footage of the proposed structure is 6,035 SF, nearly double that of the structure to the west (3,267 SF) and across the street (3,300 SF). However, when accounting for living space only, the difference is less significant at 3,856 SF compared to 3,177 SF and 2,550 SF respectively.

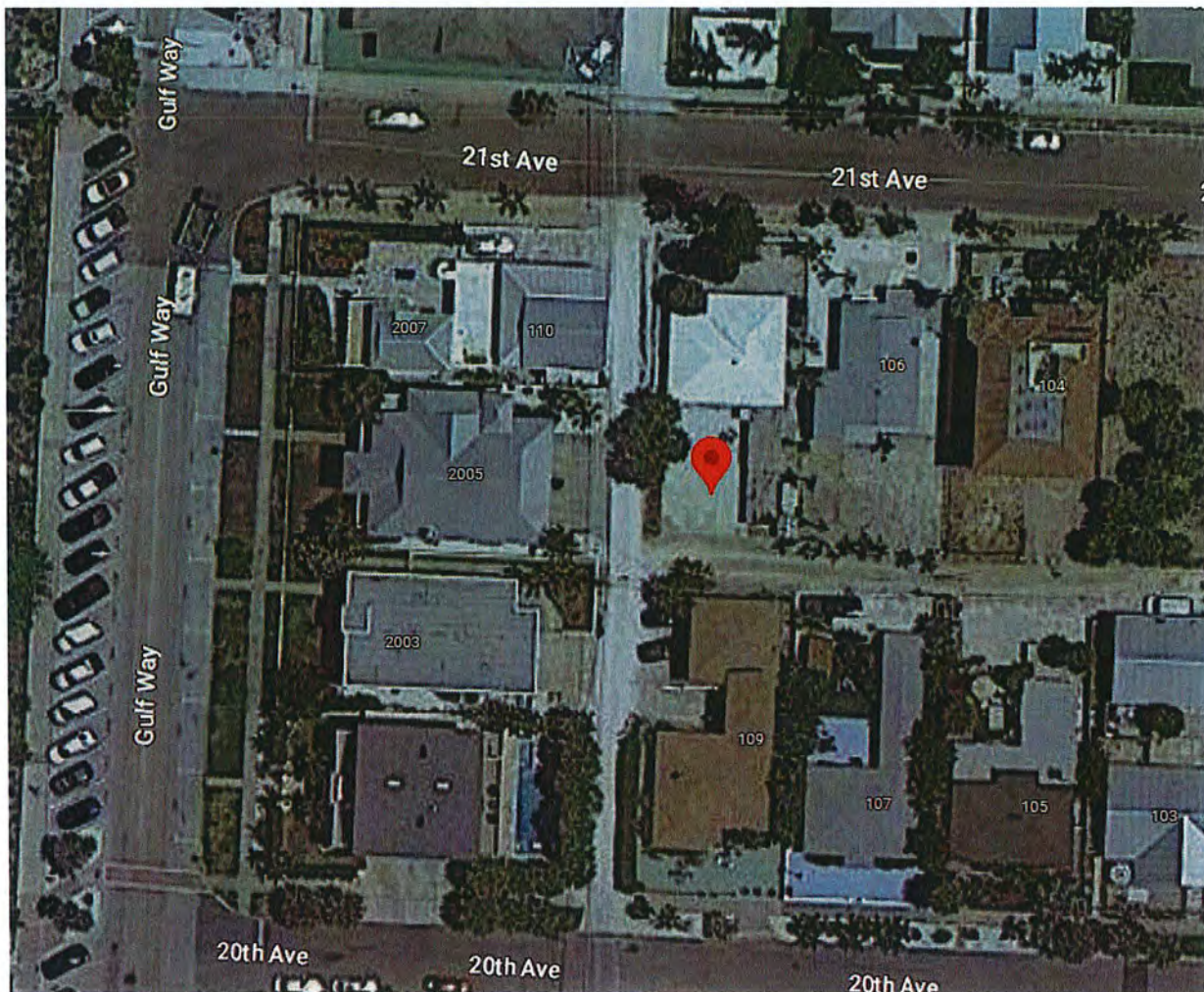


BLOCK-FACE CONSISTENCY

The City does not have surveys on file for either abutting property. The existing home on the subject property is shown with an approximately 20-foot setback from the front property line along 21st Avenue. The replacement home will have a balcony at ten feet from the front property line, a projecting covered stoop at approximately 11.5 feet, and the primary façade at approximately 13.5 feet.

The home at 2007 Gulf Way appears to have a setback of approximately 12 feet from the property line along 21st Ave per aerial measurements. If redeveloped, the home could encroach as close as five feet to the property line along Gulf Way.

The home at 106 21st Ave appears to have a setback of approximately 15 feet from the property line along 21st Ave per aerial measurements. If redeveloped to the Pass-a-Grille Overlay standards, the home could have a setback of 10-15 feet from the property line along 21st Ave, identical to the subject property.



STAFF RECOMMENDATION

Staff has identified the following items that will need to be addressed prior to the issuance of a building permit for new construction:

- 1) The applicant shall be required to obtain a Certificate of Appropriateness for Demolition (Case #23008) of the existing home.
- 2) A variance must be obtained for the additional story above the garage, currently proposed at a five-foot setback from the alleyway where 15 feet is required. Should the variance be denied, the garage may remain in its proposed location, but the additional level above would need to be removed or offset at least 15 feet from the rear property line. In the case of the garage no longer sharing a common wall with the main home, the garage would be limited to 14 feet in height.
- 3) A variance is required for the pool setback on the western alleyway side (not considered a component of this design review).
- 4) The applicant shall demonstrate "appropriate vertical visual consistency at the structure's centerline" and "balance" to the front facade per 20.15, b, 2 & 20.15, b, 4. Suggestions for exploring the remedy of such were provided by the City's Consulting Architect in a recent video conference and subsequent email, but not yet presented by the Applicant's Architect. If an alteration is later found appropriate to Staff, it is recommended that the Board not require this item to return for re-review. If consensus is not reached with Staff, this item shall be brought back before the Board by the Applicant for final approval.

In addition to the above, Staff makes the following recommendations:

- 1) Recognizing that these are preliminary design documents, Staff recommends that should the colors, features, spaces, or other required design elements of the structure be significantly altered, as determined by Staff or the city's consulting architect, the application be returned to the Historic Preservation Board for re-review at time of permitting. This requirement shall also apply should the gross building area of the structure increase by more than 10% (611 SF based on a current proposed gross building area of 6,110 SF).
- 2) Some of the building façades, particularly the eastern side, have significant areas of blank mass. Staff recommends that features such as additional trim work or depth at the cornice or roof parapet cap, first floor line, building base, wall base and cap, alley door, and arched openings.
- 3) The city's architect notes that a terracotta-style roof would be more compatible with the Mediterranean style than a standing seam as proposed.
- 4) The landscaping plan shall retain the layering of groundcovers and shrubs as shown on the current conceptual plan, and shall meet or exceed the total tree count, species and quality for both the lot as a whole and the 21st Ave frontage. However, Staff requests the Board approve the conceptual plan on the basis that the applicant shall adhere to the code standards for landscaping.
- 5) Deleted. *In the March version of this staff report, a now-removed recommendation suggested that the northwestern window element project a greater distance into the frontage to provide greater visual distinction from the primary mass. Upon discussion between the consulting architect and applicant, the recommendation was found to potentially result in a window that was too heavy or prominent or one that could pose a structural issue. As a result, the recommendation has been deleted.*

The Historic Preservation Board may make other recommendations to the applicant should members find that the recommendations will promote the design standards for the district, or assist in establishing the structure's compatibility with the neighborhood. At the discretion of the Board, this item may be brought back for further review once requirements and recommendations have been integrated into the design. Alternatively, the Board may direct Staff to review the design to the recommendations placed on it during the meeting.



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

PLANNING DEPARTMENT

Date: May 17, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Variance Case No: 23031
Address: 108 21st Ave.
Parcel Number: 18-32-16-68634-009-1010
Nate Meyer, RA for Christine Mellace and Jason Lavallee

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 5/31/2023

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

1. Completed Practical Difficulty Variance application and required forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 5/24/22, consisting of 1 sheet showing existing site improvements.
3. Architectural Site Plan, sheet SK1 prepared by NJM Architect, dated 4/7/2023, consisting of 1 sheet showing proposed single-family dwelling and site improvements.
4. Floor Plan-Level 2, sheet SK2 prepared by NJM Architect, dated 4/17/2023, consisting of 1 sheet showing enlargement of second floor of proposed garage.
5. Section of Garage, sheet SK3 prepared by NJM Architect, dated 4/17/2023, consisting of 1 sheet.
6. West Elevation, sheet SK4 prepared by NJM Architect, dated 4/19/2023, consisting of 1 sheet.
7. Courtyard Section, page 9 prepared by SWS Architecture, dated 2/14/2023, consisting of 1 sheet.
8. Submittal to Historic Preservation Board, prepared by NJM Architect, dated 3/17/2023, consisting of 17 sheets.
9. Staff Findings Report to the Historic Preservation Board, Case No. 23005, prepared by Brandon Berry, dated 4/6/2023, consisting of 7 pages.

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

Site Description/Surrounding Land Uses

The subject site is a 5,000 sq. ft. (approx. 0.11 acre) parcel located at 108 21st Ave. known as parcel number 18-32-16-68634-009-1010 and legal description PHILLIPS DIVISION REV MAP BLK I, LOT 101 within the AE-Elevation 9 flood zone. The property is located in the RLM-2/PAG zone; RLM, Residential Low

Medium on the future land map and currently contains a residence that was constructed in 1948 and is considered a contributing structure to the Pass-a-Grille National Register Historic District. The parcel is located within Pass-a-Grille with single-family residential uses to the north and east, alleyway and single-family residential uses to the south and alleyway and two-family residential use to the south. The site is currently improved with a one-story dwelling with covered carport, 2 residential storage structures and large concrete driveway with rear alley access.

Background History:

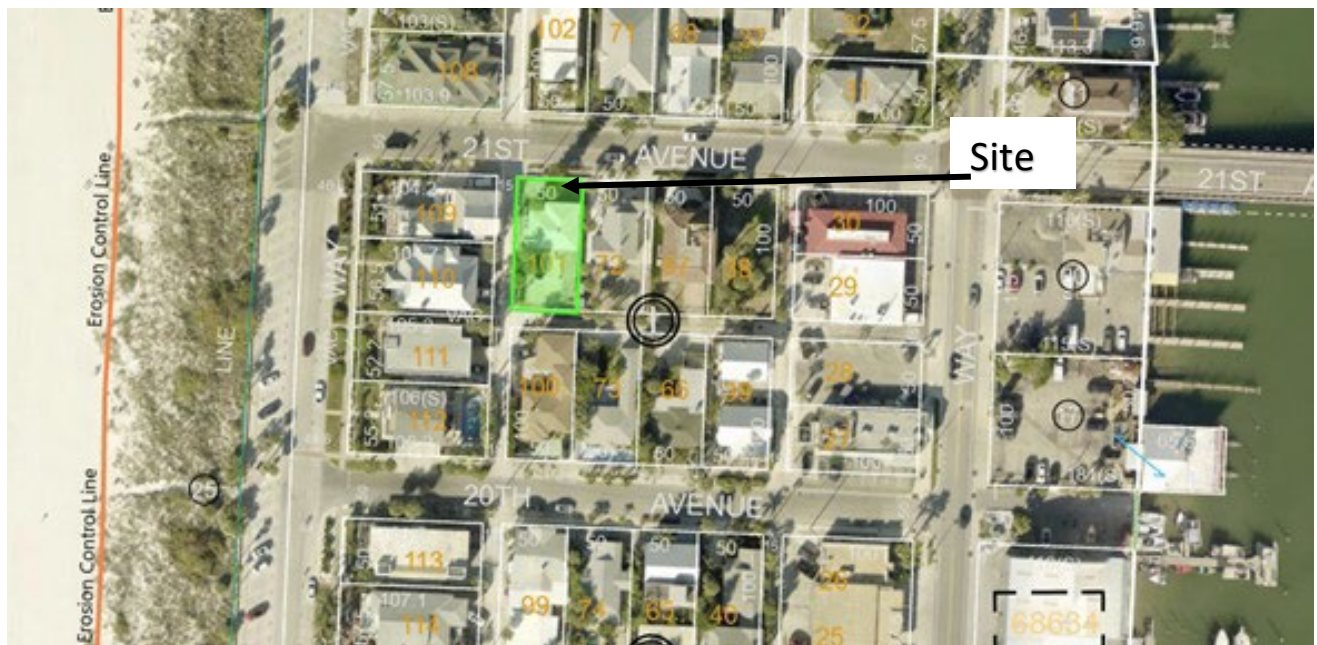
In April 2023 the applicant requested demolition of the structure in connection of Certificate of Appropriateness Case No. 23008 and presented Case No. 23005 a design review of a new single-family residence, to be constructed to the House – Medium standards of the Pass-a-Grille Overlay District, which is being constructed as a redevelopment of the subject property (LDC Sec. 20.24) to the Historic Preservation Board. The Historic Preservation Board approved both cases with the following four **mandatory** items (1-4) and **recommendations** (5-8):

- 1) The applicant shall be required to obtain a Certificate of Appropriateness for Demolition (Case #23008) of the existing home.
- 2) A variance must be obtained for the additional story above the garage, currently proposed at a five-foot setback from the alleyway where 15 feet is required. Should the variance be denied, the garage may remain in its proposed location, but the additional level above would need to be removed or offset at least 15 feet from the rear property line. In the case of the garage no longer sharing a common wall with the main home, the garage would be limited to 14 feet in height.
- 3) A variance is required for the pool setback on the western alleyway side (not considered a component of this design review).
- 4) The applicant shall demonstrate “appropriate vertical visual consistency at the structure’s centerline” and “balance” to the front facade per 20.15, b, 2 & 20.15, b, 4. Suggestions for exploring the remedy of such were provided by the City’s Consulting Architect in a recent video conference and subsequent email, but not yet presented by the Applicant’s Architect. If an alteration is later found appropriate to Staff, it is recommended that the Board not require this item to return for re-review. If consensus is not reached with Staff, this item shall be brought back before the Board by the Applicant for final approval.
- 5) Recognizing that these are preliminary design documents, Staff recommends that should the colors, features, spaces, or other required design elements of the structure be significantly altered, as determined by Staff or the city’s consulting architect, the application be returned to the Historic Preservation Board for re-review at time of permitting. This requirement shall also apply should the gross building area of the structure increase by more than 10% (611 SF based on a current proposed gross building area of 6,110 SF).
- 6) Some of the building façades, particularly the eastern side, have significant areas of blank mass. Staff recommends that features such as additional trim work or depth at the cornice or roof parapet cap, first floor line, building base, wall base and cap, alley door, and arched openings.

7) The city's architect notes that a terracotta-style roof would be more compatible with the Mediterranean style than a standing seam as proposed.

8) The landscaping plan shall retain the layering of groundcovers and shrubs as shown on the current conceptual plan, and shall meet or exceed the total tree count, species and quality for both the lot as a whole and the 21st Ave frontage. However, Staff requests the Board approve the conceptual plan on the basis that the applicant shall adhere to the code standards for landscaping.

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 to construct a single-family residence that does not meet the 15' rear yard setback requirement with 5' proposed (LDC Sec. 20.15) and construct 6' high water feature wall associated with the proposed inground pool that does not meet the 5' required side yard setback with 8" proposed (LDC Sec. 6.13(c)(1)).

Analysis

1. New variances required as a result of the proposed changes:
 - a. **Rear Yard Setback Requirement for Dwelling:** The applicant is requesting an encroachment of **15'** into the required rear yard setback of 20' with 5' proposed (LDC Sec. 20.15)
 - b. **Side Yard Setback Requirement for Pool, 6' high water feature wall:** The applicant is requesting an encroachment of **4'4"** into the required side yard setback of 5' with 8" proposed (LDC Sec. 6.13(c)(1)).

Figure 3: Zoning Table

Detached, Single-Family Residential (House-Medium)	108 21st Ave.			
	Minimum	Maximum	Existing	Proposed
Lot Area	4,000 sq. ft.		5,000 sq.ft.	No Change
Lot Width	40'	55'	50'	No Change
Lot Depth	100'		100'	No Change
Front Yard Setback	10'	15'		10'
Side Yard Setback	5'			5' (both)
Rear Yard Setback - Interior Lot	15'			5' (v)
Rear Yard Setback - Garage Adjacent to Alley	5'			
ISR (Max.)		70%		67%
Height (Max.)		28'-32' as defined in Sec. 20.17		3 stories, 30.5' or 38.5' overall
Accessory Structure				
Swimming Pool with Water Wall Feature - LDC Sec. 6.13				
Side Yard Setback (Min.)	5'			8" (v)
*Denotes existing non-conformity (v) = Variance required				

Figure 4: 3D Aerial of New Dwelling, Sheet G1.01



Figure 5: Existing Survey (N.T.S) *All site improvement to be demolished*

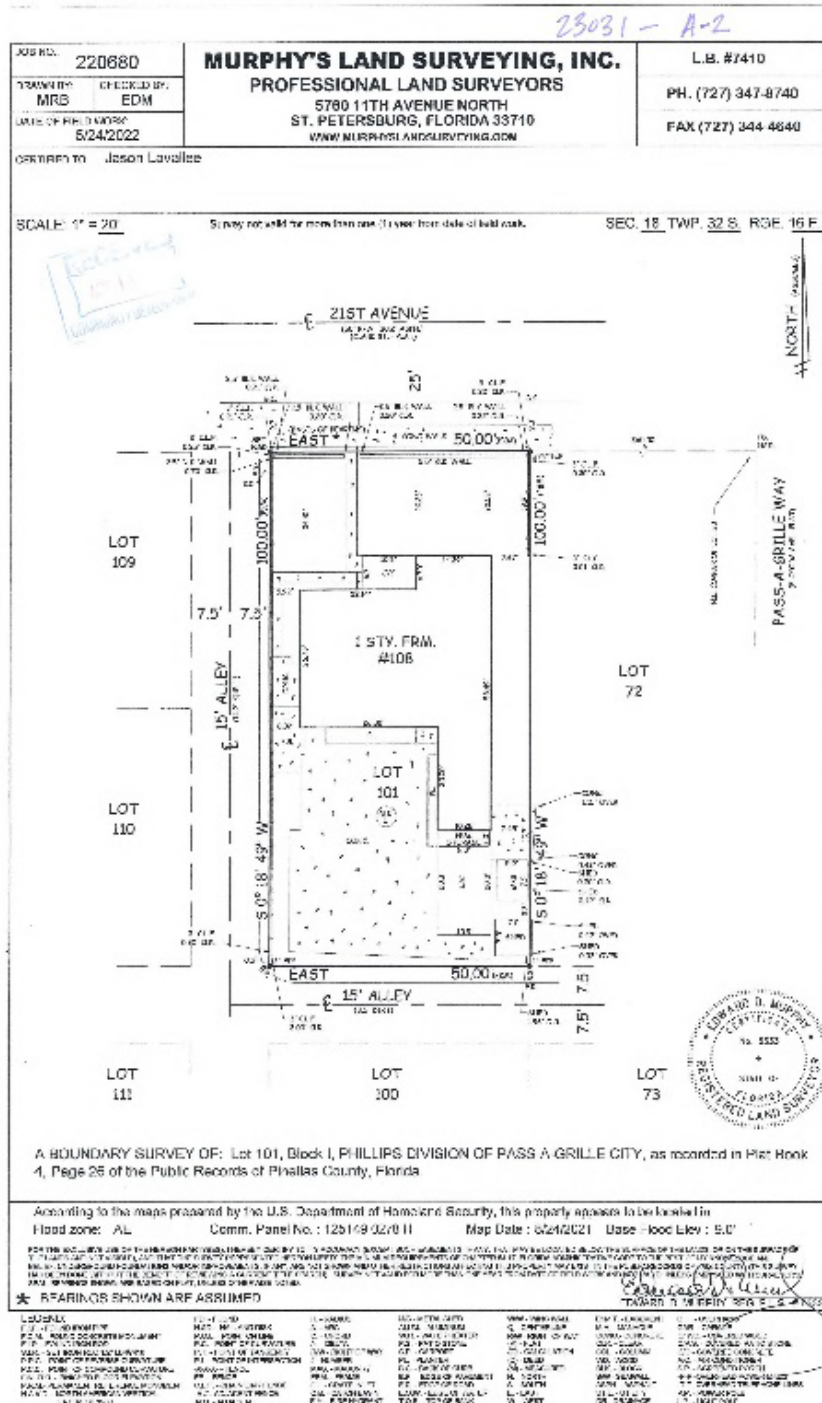
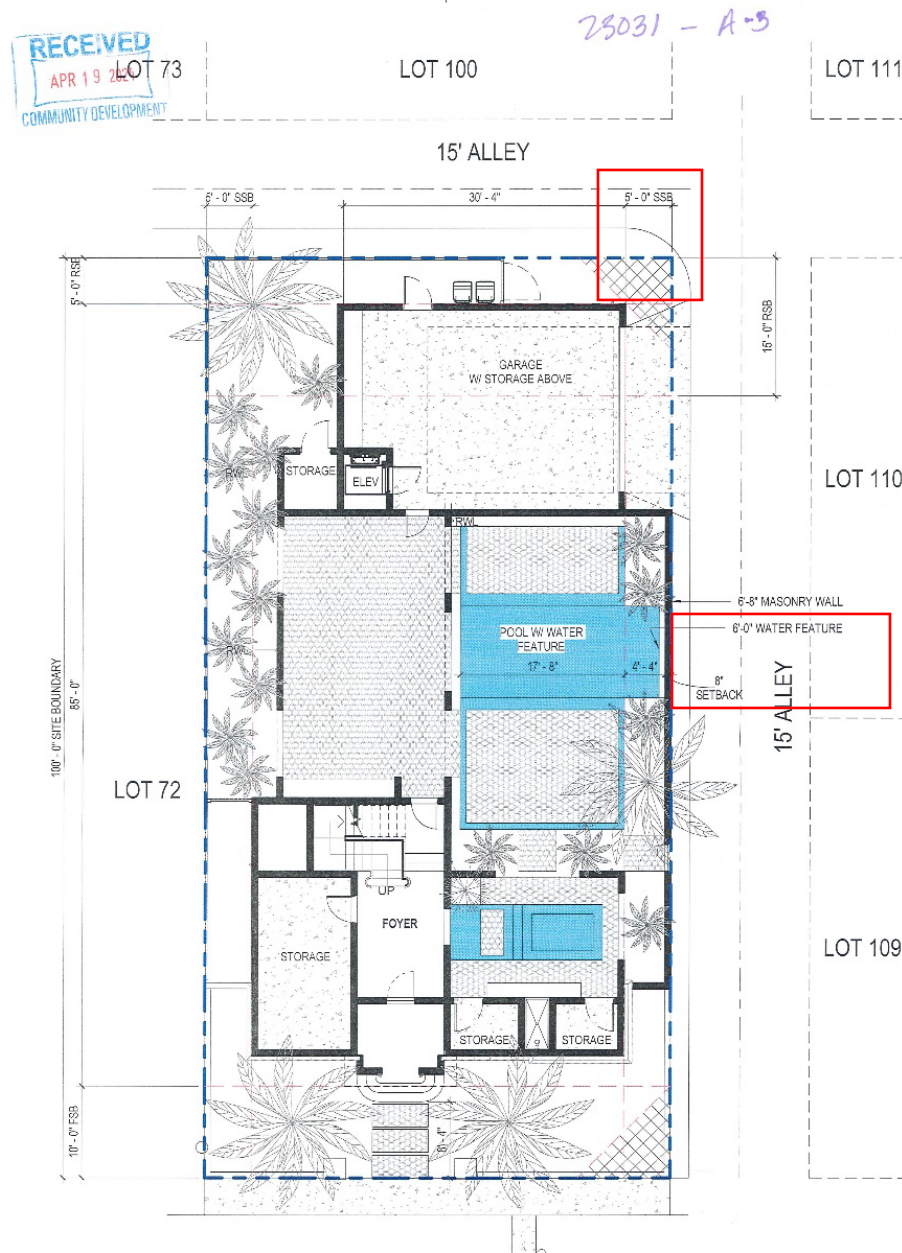


Figure 6: Survey with proposed structure (N.T.S.)



LAVALLEE RESIDENCE

108 21ST AVENUE
SAINT PETE BEACH, FL 33706

04/07/23
VARIANCE REQUEST-SITE PLAN

SK1

NJM
ARCHITECT
NATE MEYER, RA
P. 813.713.6862

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 rear yard setback of 5' where 15' is required representing a difference of 66% and an encroachment of 10'.*
 - *The proposed pool with 6' high water feature wall is proposed 8" from the side property line where 5' is required, representing a difference of 87% and an encroachment of 4'4".*
- 2) Whether an adverse change will be produced in the character of the neighborhood;
 - *While Staff understands that this would be the first new dwelling built to the Pass-a-Grille Overlay in the area of 21st Ave, staff finds substantial unfavorable change will be produced in the character of the neighborhood with the proposal. The dwellings on 21st Ave. and those fronting Gulf Way (adjacent to the subject property) gain vehicular access to their properties exclusively through the alleys. The proposed apron to access the garage fronts the alley on the western side of the property and pushed towards the rear of the lot. Although there is not a sight visibility requirement for alleys, it appears that a portion of the driveway is shown on the site plan to be located within close proximity to the intersection that may impair visibility of the alley should a vehicle or any object be parked or located within the driveway apron. The proposed height of the portion of the dwelling that contains the garage and with floor above is approximately 25'10" from grade to peak which adds visual massing at the intersection that may not be as prominent should the dwelling be constructed an additional 15' from the rear property line to meet the 20' requirement. During the site visit it was noticed by staff that the alley is highly utilized and navigation by larger vehicles may be difficult resulting in traffic driving over property corners to compensate to maneuver turning into and out of the alleyways.*
 - *Staff does not feel that an adverse change will be produced in the character of the neighborhood with the proposed pool placement as it is shown to be within the interior courtyard defined by the proposed 6'8" masonry wall.*
- 3) Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *The property owner opted to build a new dwelling to the Pass-a-Grille Overlay standards and chose to design a dwelling that will not fully conform to House-Medium setback standards. The applicant and owner can amend the plans to fully conform with the*

requirements as neither improvement could be considered an essential element but rather an accessory. Should the variance for the rear yard setback be denied, the garage may remain in its proposed location, but the additional level above would need to be removed or offset at least 15 feet from the rear property line. In the case of the garage no longer sharing a common wall with the main home, the garage would be limited to 14 feet in height.

- *The pool could be redesigned to eliminate or alter the water wall feature to meet the required setback.*

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

- *Staff does not find the interest of justice will be served in granting of either variance. The lot is fully conforming in terms of lot requirements: lot area, lot width, and lot depth. The proposed dwelling and accessory structure are considered new construction and could have been designed to meet code compliance without the necessity of relief being required.*
- *Neither request is a replacement of an existing structure or renovation/addition to an existing non-conformity, but new construction.*

Other:

- Proposed impervious surface ratio (ISR) calculations were provided on Sheet A0.01, showing the proposed ISR at .67 (2,680 sq. ft.) where .70 (2,800 sq. ft) is the maximum permitted. In terms of square feet, the project is close to meeting the maximum ISR permitted, a difference of 120 sq. ft. which allows for little flexibility should the hardscape design wish to be altered over the course of the project. The applicant should describe the proposed coverage calculations.
- Provide information on if the proposed storage over the garage is to be climate controlled and unfinished or finished area and utilized for what type of storage.
- The applicant should discuss if the consideration was given to a rear entry garage rather than from the side of the property which may have provided opportunity for additional on-site parking.
- The applicant should provide testimony as to if any alternate plans have been developed should the variance(s) not be granted.
- The applicant should acknowledge that any visitors would be required to park on Gulf Way as there is limited on-site parking available within the proposed attached garage only and no parking is permitted on either side of 21st Ave. or within the alleyways.

Recommendation

Staff finds the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 and finds the benefit of granting the variances from the applicable LDC sections, Sec. 6.13 and 20.15 will be of substantial detriment and impair the intent and purpose of the zoning code. Denial does not create difficulty in the use of the parcel of land as each relief sought can be revised to meet code compliance. Staff recommends **denial** of both requests.

Should the board look favorably on the application on either or both relief requests, the board may want to consider the following conditions:

- To help mitigate the potential difficulty in navigating the alleys and keeping a clear line of sight, a condition could be placed that the driveway should remain free and clear from any vehicles and all vehicles to be stored within the garage or parked off-site.
- The applicant has attested that the top floor would be utilized for storage only. Thought should be given as how to regulate that restriction if desired by the Board.
- As customary with any new dwelling, the applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation to receive approval by Zoning prior to the issuance of a Final Inspection/Certificate of Occupancy.

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 'Kristin Coman', with a stylized, cursive script.

Kristin Coman
Senior Planner

Cc: Nate Meyer, RA, Applicant/Agent ***via email*** (nate@abode-studio.com)
Christine Mellace and Jason Lavalley, Owners ***via email***
(cmellace9@gmail.com; jason.lavalley@bbrown.com)
Board of Adjustment Attorney

Letters Received

Case No. 23031

Ciccarelli
106 21st ave
St. Pete's Beach, Fl
33706

City of St. Pete Beach
Att: Planning Dept. & Board of Adjustment
155 Corey Ave
St. Pete Beach, Fl. 33706

Re: Case No. 23018 – 108 21st. Ave

Dear Board Members:

My wife and I are writing to object to the property owner's request for the variances of setbacks and encroachments on City property. The property owner's request lacks any merit and therefore should be dismissed accordingly.

My wife and I have been residents of Pass a Grille since 2009. The appeal of Pass a Grille was its old-world charm and historic nature. A lot has changed since 2009. Houses in the area seem to be getting bigger and the property that they are being built on is getting smaller. We do understand that growth is inevitable, but a single house taking up almost the entire lot seems a bit aggressive.

Based on architectural plans for the proposed building on 108 21st. Ave and requested proposal changes in setbacks and encroachments, it appears that if allowed, an emergency vehicle's / fire trucks will not have the ability to serve any

of the homes in the back alley between 21st. Ave and 20th Ave. Due to low hanging electrical lines/a very narrow street/alley width, emergency vehicles/ambulances/firetrucks cannot enter through Pass a Grille Way. Currently it is difficult entering the side alley from 21st Ave, you must impede upon the driveway apron behind 2005 Gulf Way. to make a left turn into the back alley. It's currently dangerous due to low sight vision.

Furthermore, if the applicants park any cars on their driveway pad, anyone going thru the back alley then tries to make a right to 21st Ave will need to proceed with extreme caution as any cars parked will block sight for walking / bicycling/ pedestrians as well as vehicles. It's extremely narrow now!

Currently the only inconvenience to the property owner is to change drawings to accommodate all the residents, not just themselves.! There are several families with young children that play in their backyards that bumps up to the back alley. Several residents go out and return through the alley. In all cases, this is the only way to access their garages, and since parking is limited on the 21st. & 20th. Ave, this is where they park their cars.

I ask the board to reject the property owners request to setback changes and encroachments. Let's not create a safety issue because someone has decided to build a large house on a single lot. Looking at the architectural plans there seems to be more storage areas within the house to accommodate most families. Why not build this huge home on a larger lot. Instead of applying for overlaying variances, variances etc., trying to fit a huge home using almost the total sq footage of this single lot. I request all board members make a left turn from 21st Ave into the side alley, then make another left into the back alley in a normal sized vehicle, before ANY decisions are made. You will realize how challenging it is now, without the proposed home built yet!

It's the board's responsibility to make the right decision for all the families, not just one!

Sincerely,

Mark V. Ciccarelli President DeMar Motor Car Corp.

Denise DiNoia VP DeMar Motor Car Corp.

104 21st Avenue
St. Pete Beach, FL 33706

May 17, 2023

City of St. Pete Beach
Att: Planning Department and
Board of Adjustment
155 Corey Avenue
St. Pete Beach, FL 33706

RE: Case No. 23031 – 108 21st Avenue

Dear Board Members:

We write to object to the Applicant's request in this matter of Practical Difficulty Variances of setbacks and encroachment on City property. Since it appears that the Applicant does not have a proper basis under the four provision test, the request should be rejected and denied any compromise of standards.

As residents of our home since 2016, there has been considerable change in a short amount of time. It is the Planning Department's and Board of Adjustments' responsibility to harness this growth and change. Infringing on right of ways, setbacks and City property exacerbates the fact that setbacks and alley widths are already insufficient (provision #4). His plan regarding setbacks on all sides are not only substantial, the plans practically eradicates them (provision #1). By his own doing, the Applicant is attempting to create difficulty. His current situation is merely lines on a piece of paper and can be easily remedied (provision #3). The Applicant's difficulties are the laws of physics—too much house for too small of a lot.

The Applicant wishes to violate setbacks on all sides of the property and surround it with a tall wall. Every other structure on the block and across the street have similar setbacks with see-through short fences at most. The plan shows the front jutting out significantly further than any other structure. The Applicant's proposed changes not only adversely change the character of the neighborhood, his wall makes it clear that he does not want to be apart of it (provision #2).

The Applicant is further challenged by the plot he has acquired is bordered by two very active alleys and a major street section. Clearance high off the ground require scrutiny as the service trucks that use the alleys have accessories, stabilizers and equipment maneuvering capabilities and requirements that test the alley way widths. The present alley situation is already dire and the City should probably increase the setback requirements and deny any variances regarding the west and south borders of the property.

Large trucks that are also tall (such as Garbage trucks) can only access the north-south alley, it is a very tight fit for such vehicles. Driveway aprons that encroach and intrude into the alley create an obstacle and impediment. Such an apron design can cause service trucks to tilt, sway and list which is dangerous given the close proximity to overhead utility wires (i.e., electric

and communications, etc) and other residents. The likely case that the resident will park vehicles with just both tires on the apron will likely block the alley with the vehicle bumper for even the smallest of cars.

The east-west alley that borders the southside of the property is already constrained. The east-west alley is the only access to some residential driveways or parking. Even full size passenger vehicles must encroach upon other properties to negotiate the turns. Larger passenger vehicles, garbage trucks, Duke Energy service trucks and other delivery or service trucks can not make the right or left turns from the intersecting alleys at either end.

We personally have spoken to Duke Energy line crews (the only large trucks we have seen that are brave enough to attempt accessing the east-west alley) that were restoring power during the last two large power outages due to hurricanes. Both times the crew told us that they "save the worst for last" as we are one of the last to have our power restored. Their trucks, as well as other service trucks, only means of accessing the east-west alley is via Pass A Grille Way between the Red, White and Booze parking lot and the commercial building. The overhead utility wires and minimal alley width make accessing, maneuvering the truck's boom, backing up the sameway, a nightmare. The underground water pipes also line the east-west alley. Elimination or reduction of setbacks reduce future utility relocating options.

Once the owner of the Gennaro's building demolishes it for parking, he will own both sides of the alley entrance. It is anticipated that he will acquire the alley entrance for one large contiguous parking area. If the variance is granted in this instance, it will be checkmate. No service truck or oversized passenger vehicle will ever access the east-alley again.

We urge the Board to find that the Applicant does not have a practical difficulty under the four provision test. The proposed home is in its planning stage. Revisions to the architecture is a minor inconvenience. We urge the Board to reject the request in this matter for the safety and to deny any compromise of standards for the reasons stated above. We think it is a fair characterization that the sum of the Applicant's arguments are that he wants more for less at the expense of others.

Sincerely



Michael E. Kan



Elena V. Kan

Residents and on behalf of Polar Foundation
104 21st Avenue, St. Pete Beach, FL 33706