



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, June 28, 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 June 28, 2023 agenda (with or without changes).

2. Audience Comments -

Comments shall be limited to 3 minutes. Please complete a public comment card and give to the Clerk. Please state your name and address at the podium.

3. Approval of Minutes

a. May 31, 2023 Regular Meeting Minutes

4. Action Items -

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

Unnecessary and Undue Hardship Variance; Charles Collom for Collom Properties, LLC requests installation of 8' high fencing that exceeds the maximum permitted height of 4' within a waterfront yard (LDC Sec. 6.15).

b. 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)). ***Continued from 5/31/2023 meeting**

c. Case No. 23032 – 601 71st Ave.

Unnecessary and Undue Hardship Variance; Dave Wonsick, St. Pete Beach Investments, LLC requests to install 12 elevated mini-split HVAC systems that do not meet the required

side and rear yard setbacks-7 HVAC units where a 7' setback is required on the side property line with 2'9" proposed and installation of 5 HVAC units where a 20' setback is required from the rear property line with 3'3" proposed, construction of a staircase that encroaches into the required 7' front yard setback with 6'6" proposed, and provide three additional lodging units at the property without providing additional required on-premise parking (LDC Sec. 36.8 & 23.5).

d. Case No. 23039 – 6502 Gulf Winds Dr.

Unnecessary and Undue Hardship Variance; Kelly Strom for KAJE Properties, LLC requests to install a paver driveway 25' in width at property line where a maximum of 20' is permitted (LDC 23.11(b)(2)).

5. **Adjournment - Next meeting to be held on 7/26/2023 -**

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

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

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

CITY OF ST. PETE BEACH
DRAFT BOARD OF ADJUSTMENT MEETING MINUTES
May 31, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Michael Bomar, Vice Chair
Dan Small, Member

EXCUSED: Denise Chase, Member
BJ Lawson, Member

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

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

1. **Approval of the Agenda** –Assistant City Attorney McConnell explained that Josias Guzman, the Respondent for 4c., Case No. 23026, requested to continue his case until the June 28th hearing.

Motion: Vice Chair Bomar moved, and Member Small seconded to move Case No. 23026 to the June agenda; the motion carried unanimously.

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the agenda with the continuation of Case 23026; the motion passed unanimously.

2. **Audience Comments** – None.

3. **Approval of Minutes** -

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the April 26, 2023 meeting minutes as presented. The motion passed unanimously.

4. **Action Items** – Chair Skipper explained that staff had reached out to all Applicants to give them the option to continue their case from today as only three Board members were present and an approval would require all three affirmative votes. He put forward the offer to continue.

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)).

Senior Planner Kristen 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 Applicant.

Applicant Tom DeYampert appeared on his own behalf and testified to some of the improvements he had made – and that the City Building Official had made a site visit and approved. He entered photos showing roll up sun shades to shade any perceived nuisance lights and sea grape plants,

landscaping and a utility shed that mitigate on visual contact with the neighbors. The structure did receive Building Department finalization. He stated that a letter from his neighbor to the East had no issues with any noise or light.

Senior Planner Kristen Coman gave a brief background of previous hearing for this property and presented the current exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. Ms. Coman gave the Board the background of previous hearings on this property. Noticing for this meeting was proper. Two objection letters and one support letter were received.

Robert Knabel of 515 70th Avenue spoke in objection to this request due to sound and provided a photo prior to the installation of the structure that showed it was not a driveway at that time. He spoke about his own mitigation of lights with trees and a shed, but there is still light. He provided photos. He requested that the wall that was originally approved for sound be placed on the South side. Mr. McConnell explained that there was a 30 day window to appeal after the last approval of the development order, which has passed. There is no law against television sets outdoors and Code Enforcement handles noise complaints.

The Chair closed public comment and opened Board discussion.

The Board asked further question of Mr. DeYampert regarding sound mitigation.

Motion: Member Small moved, and Vice Chair Bomar seconded to approve the Variance for Case No. 22013-1; the motion passed unanimously.

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).

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 with suggested testimony and questions for the Applicants. Staff found the request reasonable and recommended approval.

Applicant Keliee Stoerman testified on her own behalf to the Board.

There was no comment for or against the request; the Chair closed public comment and Board discussion opened.

Motion: Vice Chair Bomar moved, and Member Small seconded to approve the request for Variance No. 23024 ; the motion passed unanimously.

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)).

This case was continued to the June 28, 2023 hearing.

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)).

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. This property came before the Historic Preservation Board in April 2023 to demolish the old structure, approve a Certificate of Appropriateness and a general building design review (LDC 20.24); there were four recommendations in that review. Ms. Coman provided a detailed review of what is there presently vs. what is proposed within the property envelope.

Staff found the proposed variance relief sought does not advance the purposes of LDC Section 1.1 and finds the benefit of granting the variances as detailed in the 5/17/23 Staff Finding Report will be of substantial detriment and impair the intent and purpose of the zoning code and have an adverse impact on the neighborhood. Staff recommendation was for denial of both variances, but they can be revised to meet code compliance.

Architect Nate Meyer testified on behalf of the Applicants. He spoke about City Codes regarding setbacks and reviewed the setbacks and where the plans are or are not in compliance. He indicated that the height requirement has been met and spoke about Sec. 6.13, Residential Accessory Structures. He provided renderings of the interior of the garage, the pool, and walls.

Ms. Coman commented regarding garage requirements in the Pass-a-Grille Overlay and storage area setbacks. All was documented as part of Historic Preservation Board review. If the garage came down to one level, and the pool brought into compliance, it would not need a variance.

Michael Kan of 104 21st Avenue spoke in objection to the request; he had also submitted a letter.

Greg Siebert of Hermosita Drive gave comment on the request.

Mr. Meyer was given the opportunity to rebut the public comment.

After public comment was closed, the Chair opened Board discussion.

Motion: Chair Skipper moved, and Member Small seconded to deny both variance requests for Variance No. 23031; the motion passed unanimously.

Mr. McConnell reminded the members to register for the mandatory Sunshine and Ethics training tomorrow from 10:00 – 12:00 or June 9th from 1:00 to 3:00.

5. Adjournment – The next meeting 6/28/23.

Vice Chair Bomar moved and Member Small seconded adjournment at 3:41 PM.

These minutes will be considered for approval at the June 28, 2023 Board of Adjustment meeting.

4a.

Case No. 23018

2007 Pass-a-

Grille Way

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to APPROVE Case No. 23018 for the installation of 25 feet of 8' high fencing that exceeds the maximum permitted height of 4' within a waterfront yard as proposed.

Strategic Objective:

Date: June 28, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; Charles Collom for Collom Properties, LLC requests installation of 8' high fencing that exceeds the maximum permitted height of 4' within a waterfront yard (LDC Sec. 6.15).

Funding: n/a

Attachments:

1. 23018 - 2007 Pass-a-Grille Way - AMENDED Certificate of Completeness and REVISED Submittal Documents
2. 23018 - 2007 Pass-a-Grille Way - Staff Report #2



Memo To: Board of Adjustment

From: Kristin Coman, Senior Planner

Re: **AMENDED CERTIFICATE OF COMPLETENESS**

Date: 6/2/2023

Please be advised that on this date, the following **AMENDED** application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **June 28, 2023**.

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

Submittal Documents:

1. **AMENDED** Unnecessary and Undue Hardship Variance application form.
2. **AMENDED** Enlarged portion of Boundary Survey with Topography and Improvements prepared by John C. Brenda and Assoc., Inc. dated 10/5/22, consisting of 1 sheet showing proposed fence location and height.

**All prior applicable submittal documents are retained within the case file.*

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

City/Board Professionals:

- | | |
|---|--|
| ☒ Board of Adjustment Attorney via email | ☒ TRC Committee via email |
| ☐ City Engineer | ☐ City Manager |

Board Members:

- | | |
|---|---|
| ☒ Paul Skipper, Chair | ☒ BJ Lawson |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ Denise Chase | |

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

CASE #: 23018PARCEL #: 183216686340000021SUBMITTAL DATE: 5/16/23 AMOUNT DUE: 25.73 PAYMENT DATE: 5/16/23**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**The following items are to be submitted, along with this application, at least 30 days prior to the public hearing:

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	CHARLES COLLOM	2381 E. VINA DEL MAR BLVD ST. PETE BEACH FL 33706	727 - 418-1314
Applicant/ Agent	Collom Properties, LLC	2381 E. VINA DEL MAR BLVD ST. PETE BEACH FL 33706	1)
Owner Email Address:		Applicant/Agent Email Address:	
jrcmoo@aol.com		SAME	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>CG-1</u>	Future Land Use Designation <u>CG</u>	Lot Area <u>13 283 sq ft</u>
Legal Description: <u>Phillips Division MAP N. 115 ft of that unnumbered tract lying E of Blk 1 between E R/W of Florida Ave (NKA Pass A Grille Way) & water</u>		
Address: <u>2007 PASS A GRILLE WAY</u>		
Explanation of Request: <u>INSTALLING NEW 8ft high Fence in side our property line. 4ft fence from property line on west side near road with 25ft setback. Fence to be wood plank type fence</u>		

- Amended -

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

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

The proposed fence provides ample height for Aesthetics and act as deterrent for guests to scale seawall.

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

The proposed fence for the betterment of said business and for local community as well.

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

We think having 4ft fence by seawall will have people trying to scale fence.
We will have 4ft on west side next to road.

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;

Fence to provide nice appearance for neighbors and said business

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

The desired fence proposed is not proposed as means of financial gain. The applicant proposes a safe and functional, which increases curb appeal.

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

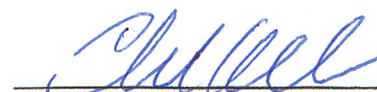
we would help community and said business to add my appeal for neighbors

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

Help us provide good appeal from road.

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 required variance falls in line with the City's intent to provide guidelines that act in the best interest of the neighborhood, local property owners and business community.

 5-16-23

Signature of Applicant

Date

Signature of Authorized Agent

Date

23018, A-8

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



RESIDENTIAL
COMMERCIAL
PCCLB # C-10479

PHONE / FAX:
545-4961

A-1 FENCE INC.

Mailing Address:
4321 63rd Way N.
Kenneth City, FL 33709
bestdefence01@yahoo.com

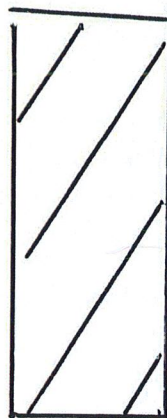


DATE 6.5.23	
CUSTOMER Red, white & Boozie	
STREET 2007 Pass a Grille Way	
CITY SPB	STATE FL ZIP
JOB ADDRESS	
HOME	WORK
CELL 459.5513	
CONTACT Glen Miller / Charles Collopy	
FAX	

REAR

JRCMOO@aol.com

WALK GATES	DRIVE GATES
ROLL GATES	LATCH TYPE
☐ WOOD LENGTH	☐ PVC HEIGHT
92'/25'	8'/4'
TYPE	STYLE
Pit. Pine	Bound / Shallow box
PICKET SIZE	STRINGER
5/8x6"	(4) 2x4x8 ft
TYPE TOP	
☐ DOG EAR	☐ POINTED
☐ CLIP CORNER	☐ FLAT TOP
☐ BARB UP	☐ KNUCKLE-UP
PVC CAPS	
STYLE	QUANTITY
POSTS	
4x4x12 Pit. Pine	
CHAIN LINK	
LENGTH	HEIGHT
GAUGE	
11 1/2	9 6
DIAM TOP RAIL	DIAM GATE FRAME
TOTAL VINYL SYSTEM ☐ VINYL COLOR	
VINYL WIRE ONLY ☐	TENSION WIRE ☐
DIAM LINE POST	DIAM TERM POST
GAUGE FRAMEWORK	
BARBED WIRE	
# STRANDS 0 3 6	BARB ARMS IN OUT VERT.
☐ ALUMINUM LENGTH	☐ STEEL HEIGHT
STYLE	COLOR
TAKE DOWN	
LENGTH	HEIGHT
☐ CUSTOMER TO TRIM AND CLEAR	
☐ A TO BE SET TOP STRAIGHT	
☐ B TOP OF FENCE TO FOLLOW GROUND	



Use base plate flange and install steel post for end

Keep fence 6" away from existing fence

92'
8' tall

25'
4' tall

Note: All Holes are through Asphalt

FRONT

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

☐ CHECK ☐ CASH ☐ VISA ☐ MASTERCARD

TOTAL PRICE INCLUDES
☒ MATERIAL ☐ TEAR-OUT & HAUL ☒ LABOR
☒ PERMIT ☒ NOTICE OF COMMENCEMENT

TOTAL **\$ 5889.00**
 40% DEPOSIT **3304.00**
 BALANCE **2585.00**

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

AUTHORIZED SIGNATURE

DATE **6.5.23**

CUSTOMER SIGNATURE X

DATE

PRINT NAME CLEARLY

BALANCE TO BE PAID TO CREW WHEN JOB IS COMPLETE

A-1 FENCE IS NOT RESPONSIBLE FOR SPRINKLERS OR ANY UNDERGROUND UTILITIES

1" BASIS:

UMED

1" = 20'

21st AVE.

CLARK ST (PER PLAT)
24' ASPHALT, "B" CURB, 50' R/W

CONC. BRIDGE, .75' VERTICAL CURB

CONC. RAIL 0.8' WIDE

WOOD DOCK

44.0'

WOOD DOCK

56.1'

WOOD DOCK

28.9'

WOOD DOCK

72.0'

WOOD DOCK

71.4'

LEGEND:

FND = FC
N&D = N/
FIR = FC
SIR = SE
OHW = O/
(C) = C/
(D) = DE
(M) = FI
(P) = PI
CONC = CO
R/W = RI
P.O.L. = PO
SN&D = SE
S/W = SI
T.B.M. = TE
C/C = CO
G.I. = GI
WF = W/
BF = B/
C = C/
P = P/
V = V/
B = B/
L = L/
T = T/
P = P/
S = S/
S = S/
G = G/
C = C/
DIA = C
= S

BOCA CIEGA BAY

PASS A GRILLE WAY

FLORIDA 63 AVE (PER PLAT)
29.8' ASPHALT, "V" CURB, 50' R/W

NORTH (P&M)

PARCEL C

PARCEL A #2007

ONE STORY FRAME BUILDING

FINISH FLOOR EL=4.82'

FINISH FLOOR EL=4.16'

WATER FILTER A/C LANDING 41.84'

PLANTER

ASPHALT PARKING

N89°58'07"W 117.54' (M)

LEGAL DESCRIPTION

Parcel A:

That strip of land lying East of Lot 30, Block "I" and lying between the East line of Florida 63 Avenue extended East to the water and lying between the East line of Florida 63 Avenue on the REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRIFFE CITY, as recorded in Plat Book 3, Page 38, being the same property shown on the Pass-a-Grille City, according to the Plat thereof, as recorded in Plat Book 4, Page 26, Pinellas County, Florida.

Parcel C:

That certain unnumbered parcel or tract of land, designated Water Lot, located in the waters of Boca Ciega Bay, and across Pass-a-Grille Way, opposite Lot 30, as extended East to the water and lying between the East line of Florida 63 Avenue on the REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRIFFE CITY, as recorded in Plat Book 3, Page 38, being the same property shown on the Pass-a-Grille City, according to the Plat thereof, as recorded in Plat Book 4, Page 26, Pinellas County, Florida.

RECEIVED
5/16/23 -vc
COMMUNITY DEVELOPMENT



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

PLANNING DEPARTMENT

Date: June 14, 2023
To: Board of Adjustment
Re: Staff Findings Report #2
Unnecessary and Undue Hardship Variance
Address: 2007 Pass-a-Grille Way
Parcel Number: 18-32-16-68634-000-0020
Charles Collom for Collom Properties, LLC
Variance Case No: 23018

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 6/28/2023

Please be advised that staff has received **AMENDED** items in addition to the previously accepted items and reviewed the following items submitted in support of the application:

1. Certificate of Completeness dated 2/27/2023.
2. Completed Unnecessary and Undue Hardship application form.
3. Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet.
4. Enlarged portion of Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet showing proposed fence location and height.
5. Fence estimate prepared by A-1 Fence dated 8/1/22.
6. Hand drawn diagram of proposed fence measurements including height and length, consisting of 1 sheet, no date provided.
7. **AMENDED** Certificate of Completeness dated 6/2/2023.
8. **AMENDED** Hardship Variance application signed 5/16/2023.
9. **AMENDED** Enlarged portion of Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc., Inc. dated 10/5/22, consisting of 1 sheet showing proposed fence location and height.
10. **AMENDED** Fence estimate prepared by A-1 Fence dated 6/5/2023.

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

Site Description/Surrounding Land Uses

The subject site is a 13,283 sq. ft. (approx. 0.30 acre) parcel located at 2007 Pass-a Grille Way known as parcel number 18-32-16-68634-000-0020 and legal description of PHILLIPS DIVISION REV MAP N 115FT

OF THAT UNNUMBERED TRACT LYING E OF BLK I BETWEEN E R/W OF FLORIDA AVE (NKA PASS-A-GRILLE WAY) & WATER within portions of the AE-Elevation 9 and AE-Elevation 10 flood zone. The property is located within the CG-1, Commercial District; CG on the future land map and contains a restaurant use, Red, White and Booze, consisting of approximately 3,666 square feet that was constructed in 1979 according to the Pinellas County Property Appraiser. It is a corner, waterfront parcel located on the Pass-a-Grille Channel with single family residential across the water to the east, 21st Ave. and single family residential to the north, another commercial restaurant, The Wharf, to the south and commercial use to the west. The particular location of the property where the fencing is currently located and to be replaced is detailed in Figure 3 below.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

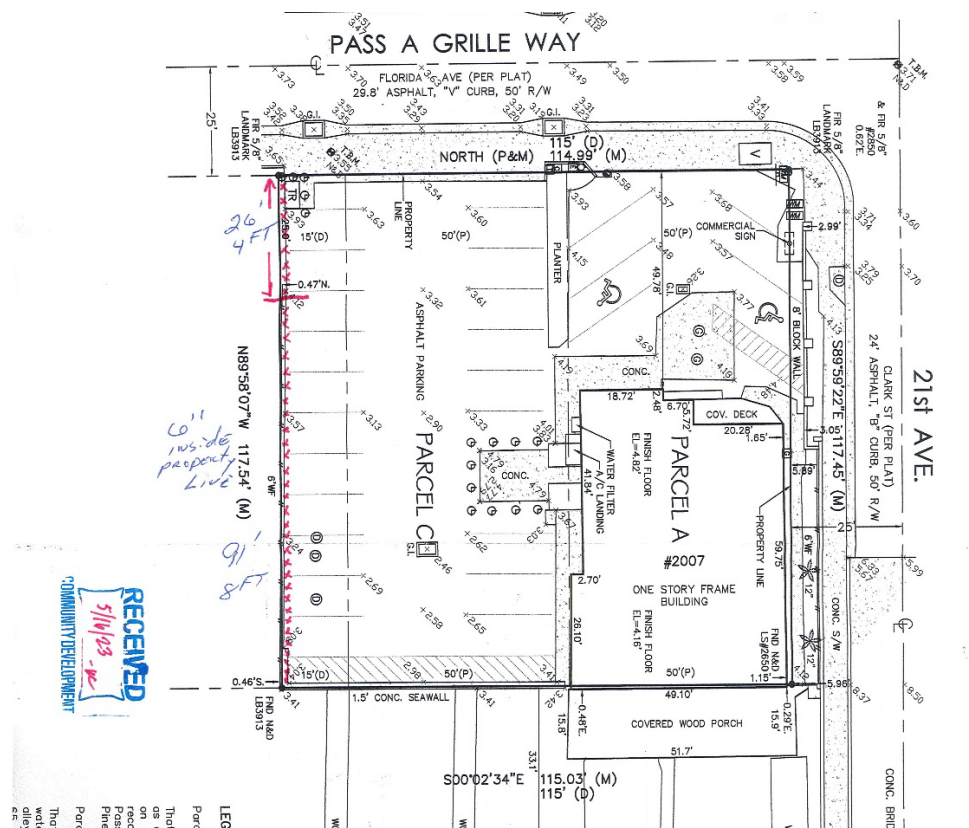
The applicant amended the previous request and is currently requesting the installation of 8' high fencing that exceeds maximum permitted height of 4' within a waterfront yard (LDC Sec. 6.15).

Analysis

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

Fences and Walls- (LDC Sec. 6.15)	2007 Pass-a-Grille Way		
	Permitted	Existing	Proposed
Height (Max.), Waterfront Yard, 25'	4'	6'*	8'(v)
*Denotes existing non-conformity (v) = Variance required			

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



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *Along the southern property line, the adjacent owner and the applicant appear to share the existing fencing providing screening for storage and utility areas for the neighboring property. The applicant is proposing to construct a new 8' high wooden fence 6" inside the property line. The fencing also provides a deterrent for access from the seawall from one property to the other and clear delineation of parking areas.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *During the site visit, staff recognized that the existing fence along the southern property line showed signs of damage and decay after many years and has been somewhat maintained, with portions of fencing missing and appearing beyond repair.*
 - *Staff finds that the specific conditions and circumstances are not the result of the actions of the applicant or a prior owner of the property.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will not generally deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and will not result in unnecessary and undue hardship on the applicant.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *In reviewing historical imagery, the current fencing appears to be present on site and in the location from as far back as 2007. Staff find that this request will not establish a use not permitted in the district or increase density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is proposing to install the new fencing for safety and aesthetics of the area.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. The adjacent property operates a similar use and within the same zone. The applicant indicated that the fencing would allow for safety of its patrons and separation of the parking facilities for each property.*

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds that installation of fencing within the waterfront yard greater than the 4' permitted may be considered minimal, as the maximum height permitted within the side yard is 8' and would provide a continuous screening and perhaps be more visually desirable than fencing with varying heights. Especially when the proposed fence height drops to 4' in the front yard towards Pass-a-Grille Way.*
8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that it is not anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood because the fencing establishes an increase in safety and effective screening of areas.*

Other:

- Due to the proposed 6" inset of the fence on the property and width of the shadowbox fencing, the applicant should discuss if the car stops are to remain and if the parking spaces will meet the still meet the minimum depth requirements of 20' and drive aisle width of 24' as per LDC Sec. 23.11.
- The applicant's estimate described wooden shadowbox panels. Applicant should discuss any changes to the proposed fencing in terms of style, color etc.
- Testimony should be provided detailing the installation of the fencing and if it is intended to be placed on top of the existing seawall and if the installation of gate(s) is proposed.
- The application and site plan submitted also shows construction of a 4' high fence from the front property line 25' to the east then beginning the 8' high fence as shown on the plan. While this portion of 4' high fence will meet code compliance requirements, the applicant should describe this in information presented to the board, providing an overview of the proposed improvements.

Recommendation

Staff finds the request reasonable and the installation of fencing with the additional height will not have an adverse impact on the neighborhood. Staff recommends **approval** as proposed.

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

Respectfully submitted,



Kristin Coman
Senior Planner

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

4b.

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: June 28, 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)). *Continued from 5/31/2023 meeting

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:

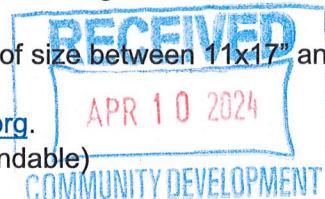
- | | |
|---|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ B.J. Lawson | ☒ Dan Small |
| ☒ Michael Bomar | |

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 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 neighborhood's 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 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 quiant 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.

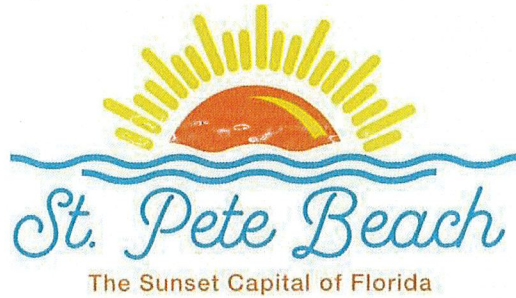
JG I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are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

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.

An aerial photograph showing a building complex with a prominent circular feature, possibly a dome or a large tank. A road or path runs diagonally across the image, with a '50' speed limit sign visible. The image is in black and white and has a grainy, high-contrast appearance.

LOT 13, BLOCK "C"

Boundaries and Distances:

- North: $N60^{\circ} 00' 00'' E$ 50.00'
- East: $S30^{\circ} 00' 00'' E$ 107.50'
- South: $S60^{\circ} 00' 00'' W$ 50.00'
- West: $N30^{\circ} 00' 00'' W$ 107.50'

Internal Features and Dimensions:

- COVERED** (North of main structure)
- STORAGE** (West of main structure)
- LOT 13 BLOCK "C" DUPLEX RESIDENCE #131**
 - Overall dimensions: 26.1' (width) x 34.3' (depth)
 - Internal dimensions: 12.3', 12.1', 14.7', 14.9', 11.8', 11.6'
- DRIVEWAY** (South of residence)
- ASPHALT PARKING** (South of driveway)

Monuments and Fences:

- FOUND 5/8" IRON ROD** (Northwest corner)
- FOUND 1" IRON PIPE** (Northeast corner)
- FOUND 5/8" IRON ROD AND CAP LB #2650** (Southeast corner)
- FOUND 3/4" IRON PIPE** (Southwest corner)
- POINT OF CURVATURE AT LOT 10 FOUND 4"x4" CONCRETE MONUMENT** (East of southeast corner)

Surrounding Lots:

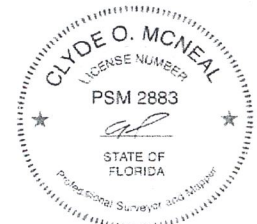
- LOT 4 BLOCK "C" (West)
- LOT 5 BLOCK "C" (Northwest)
- LOT 6 BLOCK "C" (Northeast)
- LOT 12 BLOCK "C" (East)
- LOT 14 BLOCK "C" (Southwest)

Other Features:

- FENCE** (0.1' N, 0.1' W, 0.5' E, 1.3' S, 0.7' E, 0.2' W)
- 24' ASPHALT ROADWAY** and **60' RIGHT-OF-WAY** (South of parking area)
- 72nd AVENUE** (South of roadway)
- 2 GUTTER** (Along 72nd Avenue)

Aerial Photograph (Top Right): Aerial PHOTOGRAPH (NOT-TO-SCALE)

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

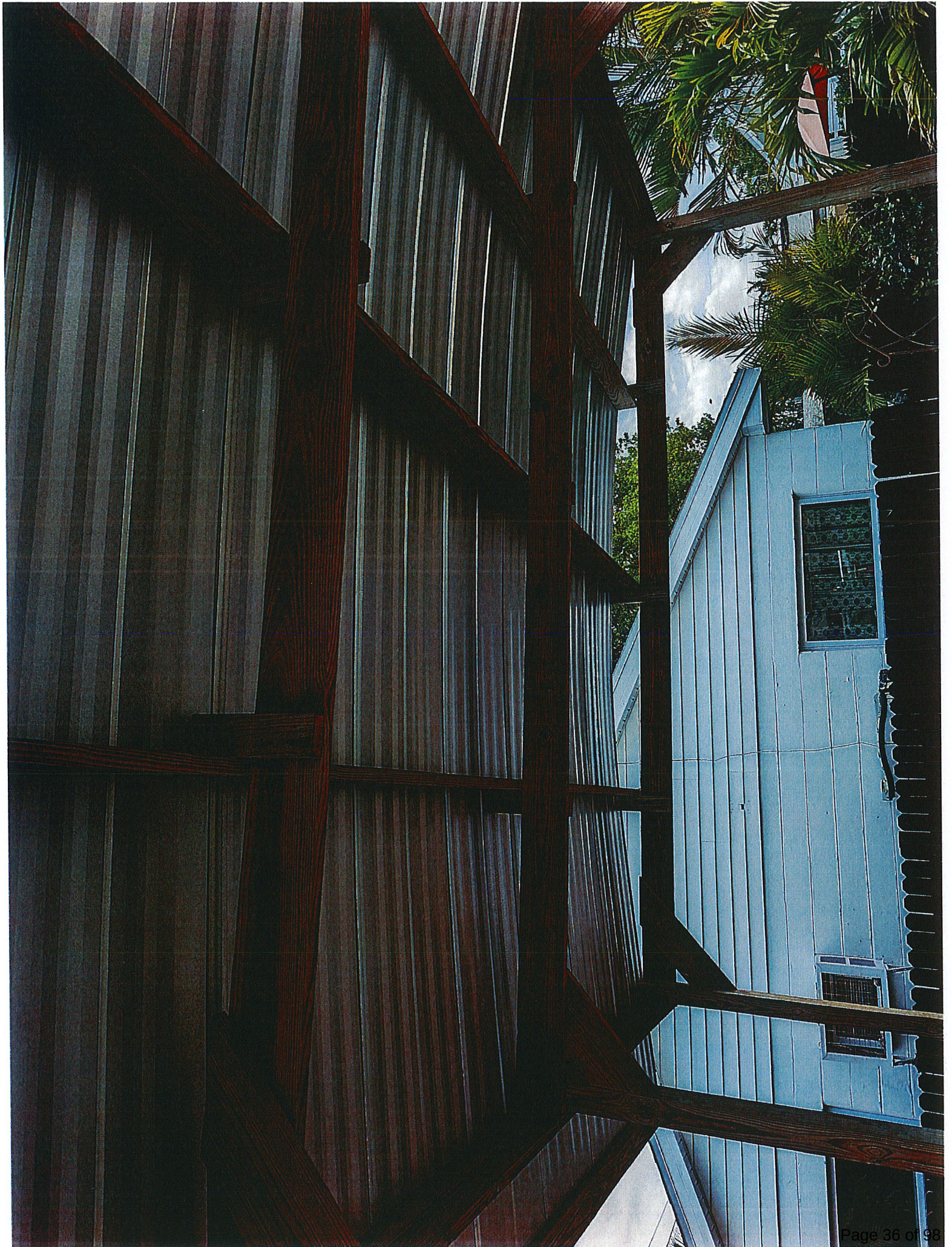
5601 Corporate Way | Suite 103
West Palm Beach, FL 33407



















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)).

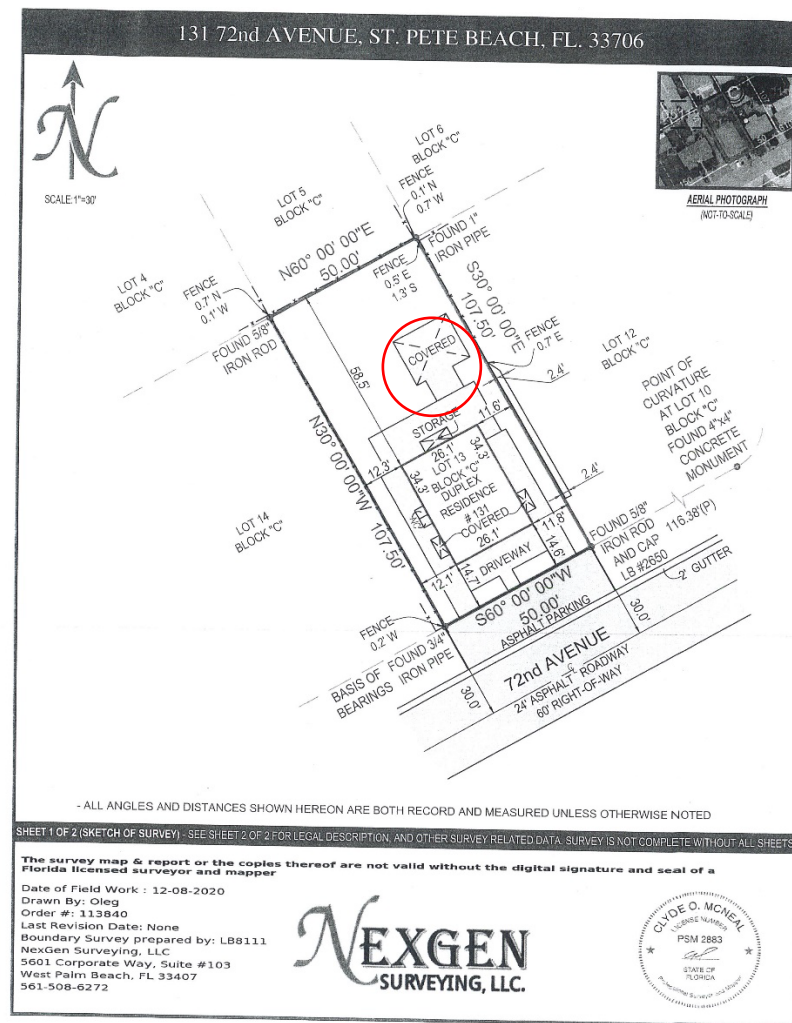
It should be noted that the nonconforming structure currently exists on the property and the applicant submitted a variance submittal in connection with a code enforcement case.

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

4c.

Case No. 23032

601 71st Ave.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion #1: Motion to approve the variance requests for HVAC setback encroachment and parking as presented, with conditions found in the staff report dated June 16, 2023, for Case No. 23032.
Motion #2: Motion to deny the variance request for staircase setback encroachment as presented, due to the request not being in general alignment with Land Development Code 3.12, and demonstration that the staircase could be accommodated in a different location without the necessity of variance relief, for Case No. 23032.

Strategic Objective:

Date: June 28, 2023

Prepared By: Brandon Berry, Planner II

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; Dave Wonsick, St. Pete Beach Investments, LLC requests to install 12 elevated mini-split HVAC systems that do not meet the required side and rear yard setbacks-7 HVAC units where a 7' setback is required on the side property line with 2'9" proposed and installation of 5 HVAC units where a 20' setback is required from the rear property line with 3'3" proposed, construction of a staircase that encroaches into the required 7' front yard setback with 6'6" proposed, and provide three additional lodging units at the property without providing additional required on-premise parking (LDC Sec. 36.8 & 23.5).

Funding: n/a

Attachments:

1. 23032 - 601 71st Ave. - Certificate of Completeness with Submittal Documents
2. 23032 - 601 71st Ave. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 5/16/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **June 28, 2023**.

Variance Case Number: 23032

Application Type: Hardship Variance

Owner: St. Pete Beach Investments, LLC

Applicant/Agent: Dave Wonsick

Parcel Number: 36-31-15-77994-044-0110

Address: 601 71st Ave., St. Pete Beach, FL 33706

Zone: UBV

Submittal Documents:

1. Completed Unnecessary and Undue Hardship application form.
2. Boundary Survey prepared by Visionland dated 10/6/2022, consisting of 1 sheet.
3. Sheet A-2, Architectural Site Plan prepared by Frazee Design dated 2/10/2023, last revised 5/1/2023 consisting of 1 sheet.
4. Partial Building Plan set, Sheets A-0 through A-7, A-10 and M-2 prepared by Frazee Design dated 2/10/23, total of 10 pages.
5. Color photos, showing rear and side of building, no time or date supplied.
6. Spec Sheets for 9k BTU Wall Mounted Heat Pump System, 2 pages
7. Spec Sheet for Universal Wall Bracket

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 | ☒ BJ Lawson |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ Denise Chase | |

Cc: Dave Wonsick, St. Pete Beach Investments, LLC - Applicant/Owner *via email* (dwonsick@yahoo.com)

CASE #: 23032PARCEL #: 363115779940440110SUBMITTAL DATE: 5/10/23AMOUNT DUE: 1005.41PAYMENT DATE: 5/10/23**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	ST Pete Beach Investments Dave Wonsick	1500 County Club Rd ST Pete FL 33710	727-686-6229
Applicant/ Agent			

Owner Email Address: <u>DWonsick@yahoo.com</u>	Applicant/Agent Email Address:
---	--------------------------------

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>UBV</u>	Future Land Use Designation <u>UBV</u>	Lot Area <u>10,751 SF</u>
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Legal Description: <u>ST PETERSBURG BEACH REPLAT BLK 44 LOT 6 AND SW 1/4 20 FT LOT 4</u>
Address: <u>601 71st Ave ST Pete Beach</u>
Explanation of Request: <u>See attachment</u>

Installation of 7 HVAC units where 7' setback is required on the side property line with 2' 9" provided and installation of 5 HVAC units where 20' setback is required from the rear property line with 3' 3" provided.

New 15"7" by 3 "8" staircase on the front of the property that will encroach the seven foot front set back by "6" inches

Turn existing 6 parking spaces in the city right of way on 71st Ave N into 3 parking spaces one being ADA. Remove existing asphalt on each corner per site plan and add new landscaping.



RECEIVED
MAY 10 2011
COMMUNITY DEVELOPMENT

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;

This building was constructed in 1959 and all of the current AC Wall units and hot water heaters are located in the set back areas. To update the systems it will be required to put the new equipment back in this area. The three new parking spaces are already being used as parking spaces under it's current use.

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

Building was constructed in 1959 with no changes in set back areas from the current and prior owner. Parking area has remained the same.

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;

Neighbor directly to the West of the property 633 71st Ave has AC units in the set back area. The stairs will have landscape area to make them less visible. Neighbor at 633 71st Ave also uses City Right of Way for their parking.

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;

There is no change in the use of the structure only looking to update the AC systems and add new stairs. It would reduce the current park spaces.

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

Requesting only to modernize the property with new AC Systems and Stairs. Current parking spaces of 6 would be reduced to 3

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;

Property at 633 71st Currently has AC Wall units in their set back area. Property at 633 71st uses the same City Right of Way for parking

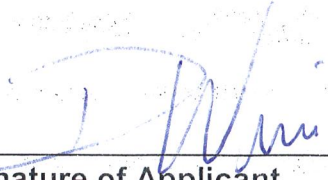
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Attempted with my architect to locate the stairs in front of the units within the set back area. Made the Stairs as small as possible to reduce the encroachment to 6 inches. AC units will be hung on a bracket right against the wall to minimize the encroachment

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.

Stairs and AC mini splits are both compatible with the neighborhood. Parking and asphalt area would be reduced with more landscaping




Signature of Applicant

5/1/23
Date

Signature of Authorized Agent

Date

VARIANCE APPLICATION

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

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

DW 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.

DW 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.

DW 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.

DW 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.

DW 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.

DW 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.

DW
Signature of Applicant

5/1/23
Date





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

I/WE

David Wonsick
(print name of property owner)

hereby authorize

(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

David Wonsick
Print Name of Owner

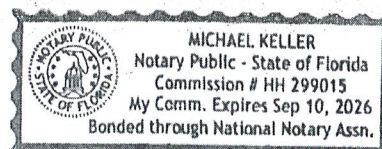
Print Name of Owner

The forgoing instrument was acknowledged before me this 19 day of
APRIL 2023 by DAVE WONSICK or who is
personally known _____ produced
_____ as identification.

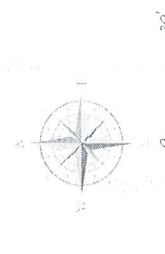
[Signature]
(Notary Signature)

4/19/23
(Date)

My Commission Expires 9/10/26



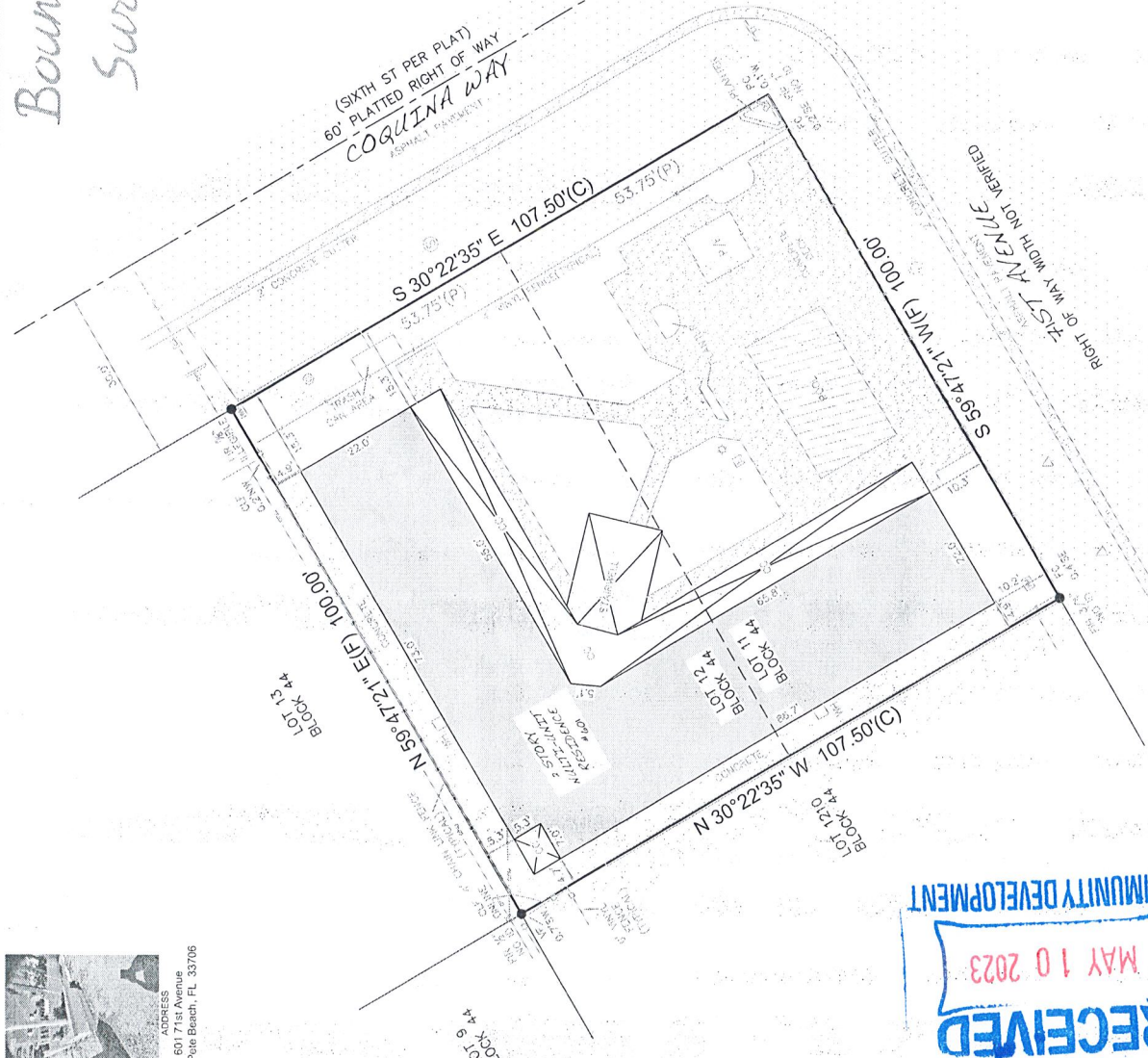
Boundary Survey



601 71st Avenue
St. Pete Beach, FL 33706

SCALE: 1"=20'
EASEMENT NOTE:
SUBJECT TO EASEMENT AS
NOTED ON RECORD PLAT.

- LEGEND**
- CC = Covered Concrete
 - LI = Identification
 - LB = Location
 - RP = Found Iron Pipe
 - FR = Found Iron Rod
 - C/S = Concrete Slab
 - LA = Loc. of Angle
 - L = Arc Length
 - R = Radius
 - (P) = Plot Dimension
 - (C) = Calculated Dimension
 - (F) = Field Dimension
 - OR Book = Official Record Book
 - SR = Set 1/2" Iron Rod & Cap LB#7788
 - GR = Covered Brick Pavers
 - CD = Covered Concrete
 - FD = Found Nail & Disk
 - SECC = Screen Enclosed Covered Concrete
 - FM = Found Nail & Disk
 - SNM = Set Nail & Disk LB#7788
 - BR = Brick Pavers
 - CH = Chain Link Fence
 - NO = No Corner Set or Found
 - VF = Vinyl Fence
 - FC = Fence Corner
 - PC = Planter Corner
 - CF = Chain Link Fence
 - MT = Metal T-post
 - MA = Mail Box
 - PT = Propane Tank
 - SI = Sign
 - PO = Pole
 - EO = Electric Outlet
 - LP = Light Pole
 - TR = Telephone Riser
 - PS = Transformer
 - PE = Pool Equipment
 - PT = Pool TV Riser
 - ONS = Onsite
 - OFS = Offsite
 - OP = Power Pole
 - OU = Overhead Utilities
 - WM = Well
 - SM = Solitary Memhole



RECEIVED
MAY 10 2023
COMMUNITY DEVELOPMENT

COASTLINE TITLE
OF PINELLAS

JOB #: VLSR22-6014

CLIENT #: SPS-2022-2044

FIELD DATE: 10/4/22

CREW: 3620

DRAFTER: DF

APPROVED: EWD

SCALE: 1" = 20'

CERTIFIED TO: (AS FURNISHED)

ST. PETE BEACH INVESTMENTS, LLC
COASTLINE TITLE OF PINELLAS, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY

FLOOD ZONE
SUBJECT PROPERTY IS NOT IN A FLOOD ZONE. THE LOCAL FLOOD ZONE MAP, AS SHOWN ON THE LOCAL FLOOD ZONE MAP, IS NOT TO BE USED FOR VERIFICATION. THE LOCAL FLOOD ZONE MAP IS NOT TO BE USED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
ASPHALT, CONCRETE & FENCES CROSS PROPERTY LINE.
OWNERSHIP OF ASPHALT, CONCRETE & FENCES HAS NOT BEEN DETERMINED.

LEGAL DESCRIPTION
(per OF Book 17465, Page 401)
Lots 11 and 12, Block 44, RE-PLAT ST. PETERSBURG BEACH SUB-DIVISION, according to the plat thereof, recorded in Plat Book 5, Page 28, Public Records of Pinellas County, Florida.

NOTES
1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The survey was conducted for use in obtaining title insurance and financing and is not to be used for any other purpose.
3. Additions or deletions to the survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
4. The survey was conducted for use in obtaining title insurance and financing and is not to be used for any other purpose.
5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

THE SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. THE SURVEY IS NOT TO BE TRANSFERRED OR ASSIGNED.

LB 7788

VISION LAND

941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 395-5474

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

Ernest W. Duncan, PSM
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION # LS 5152
ORIGINAL AND WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL SIGNATURE OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER

DATED: 10/6/22

DATE	REVISION

SHEET TITLE SITE PLAN	SHEET NUMBER A-2
--------------------------	---------------------

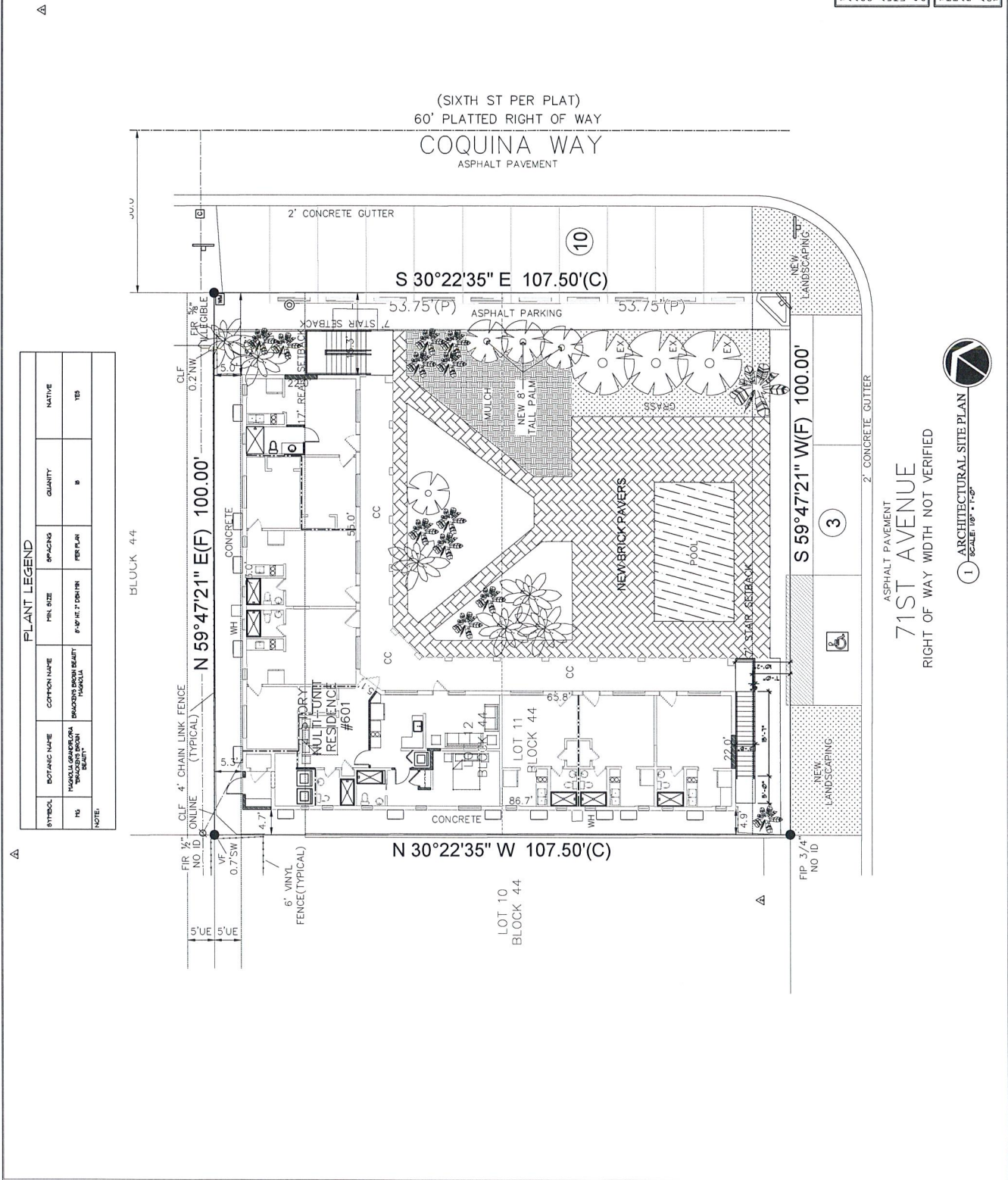
THESE CONDITIONS, TERMS AND SPECIAL PROVISIONS AND CONCERNS ARE THE SOLE PROPERTY OF PAINTE DESIGN INC. AND SHALL NOT BE REPRODUCED OR USED OR CARRIED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF PAINTE DESIGN ARCHITECT, A/E.

ALL RIGHTS ARE RESERVED BY THE ARCHITECT IN ACCORDANCE WITH THE ARCHITECT'S STANDARD CONDITIONS OF CONTRACT WITH A CLIENT, PARTNER AND PATENT LAW. UNAUTHORIZED REPRODUCTION WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

THE FOLLOWING DESIGN ARE VALID FOR 20 YEARS FROM DATE OF BEING SEALED

TO THE BEST OF THE ARCHITECT OR ENGINEER'S KNOWLEDGE AND BELIEF, THE DESIGN OR INVENTION DOES NOT INFRINGE UPON ANY PATENT, COPYRIGHT OR OTHER INTELLECTUAL PROPERTY RIGHTS OF ANY PARTY. THE ARCHITECT OR ENGINEER HAS CONDUCTED A REASONABLE SEARCH OF THE AVAILABLE BUILDING CODES AND OTHER APPLICABLE BUILDING CODES AND FINDS THE SAME SATISFACTORY.

ALL DIMENSIONS AND JOINT CONDITIONS SHALL BE GOVERNED BY THE ARCHITECT'S DRAWINGS. THE ARCHITECT SHALL BE RESPONSIBLE TO THE ARCHITECT FOR PROTECTING THE CONFIDENTIALITY OF THE DESIGN.



THE LOFTS @ ST. PETE BEACH

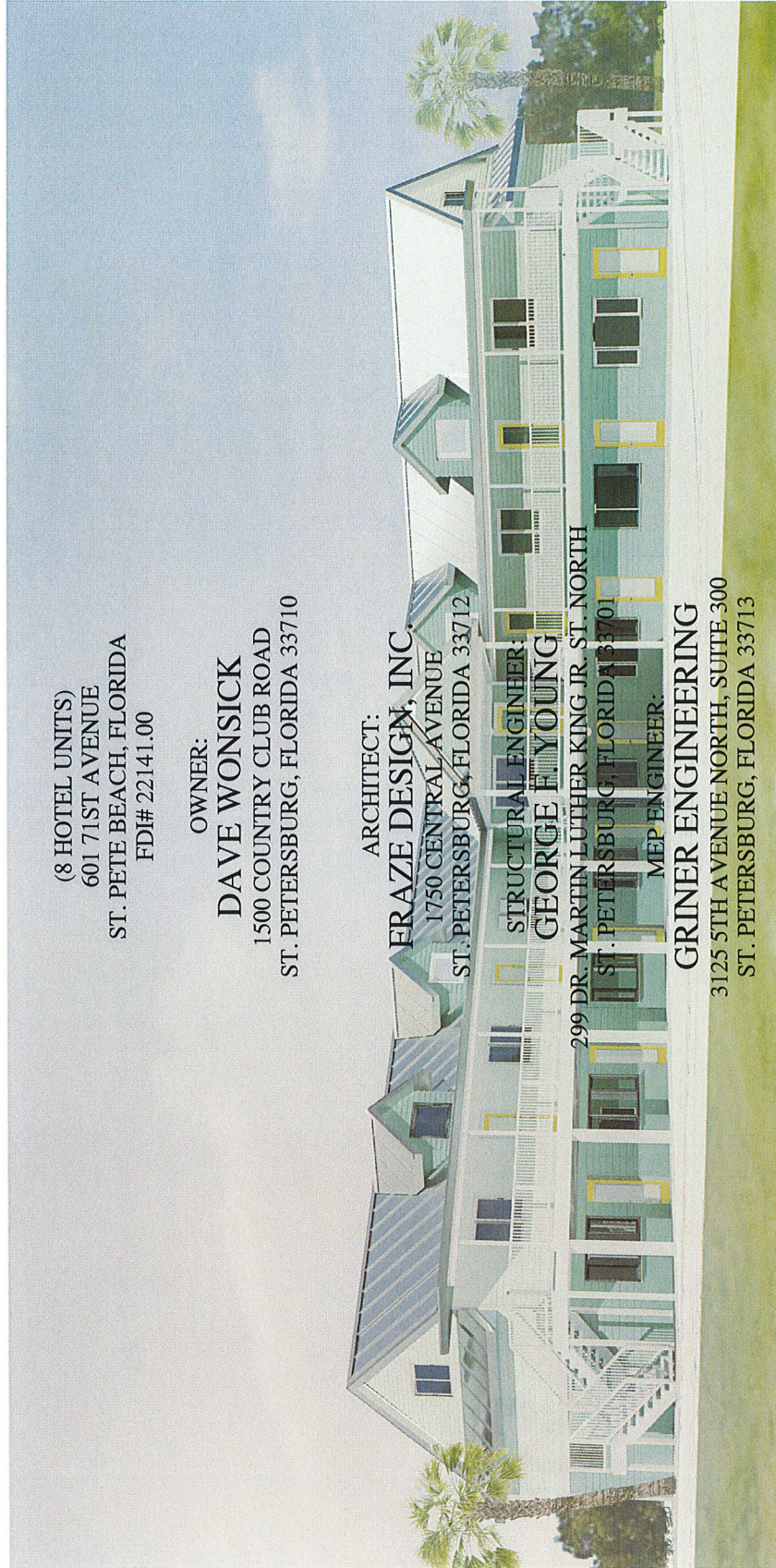
(8 HOTEL UNITS)
601 71ST AVENUE
ST. PETE BEACH, FLORIDA
FDI# 22141.00

OWNER:
DAVE WONSICK
1500 COUNTRY CLUB ROAD
ST. PETERSBURG, FLORIDA 33710

ARCHITECT:
FRAZE DESIGN, INC.
1750 CENTRAL AVENUE
ST. PETERSBURG, FLORIDA 33712

STRUCTURAL ENGINEER:
GEORGE F. YOUNG
299 DR. MARTIN LUTHER KING JR. ST. NORTH
ST. PETERSBURG, FLORIDA 33701

MEP ENGINEER:
GRINER ENGINEERING
3125 5TH AVENUE NORTH, SUITE 300
ST. PETERSBURG, FLORIDA 33713



Perspective | Scale NTS

THESE DOCUMENTS, DRAWINGS, NOTES, DETAILS AND SPECIFICATIONS ARE THE PROPERTY OF FRAZE DESIGN, INC. AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF FRAZE DESIGN, INC. ALL RIGHTS ARE RESERVED BY THE ARCHITECT IN ACCORDANCE WITH THE PROFESSIONAL ETHICS AND STANDARDS OF THE ARCHITECTURAL PROFESSION. NO PART OF THESE DOCUMENTS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FRAZE DESIGN, INC. THE DRAWINGS AND DESIGN ARE VALID FOR 3 YEARS FROM DATE OF FIRST ISSUE.

TO THE BEST OF THE ARCHITECT OR ENGINEER'S KNOWLEDGE AND BELIEF, THE DESIGN AND CONSTRUCTION OF THE PROJECT SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES AND TRAFFIC SAFETY LAWS. ALL DIMENSIONS AND JOINT CONDITIONS SHALL BE VERIFIED BY THE CONSTRUCTION AND ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO COMMENCEMENT OF CONSTRUCTION.

NAME	DATE	BY
REVIEW	02/06/23	PK/TP
PERMIT	02/06/23	PK/TP
REV.		
REV.		
REV.		
REV.		
REV.		
REV.		



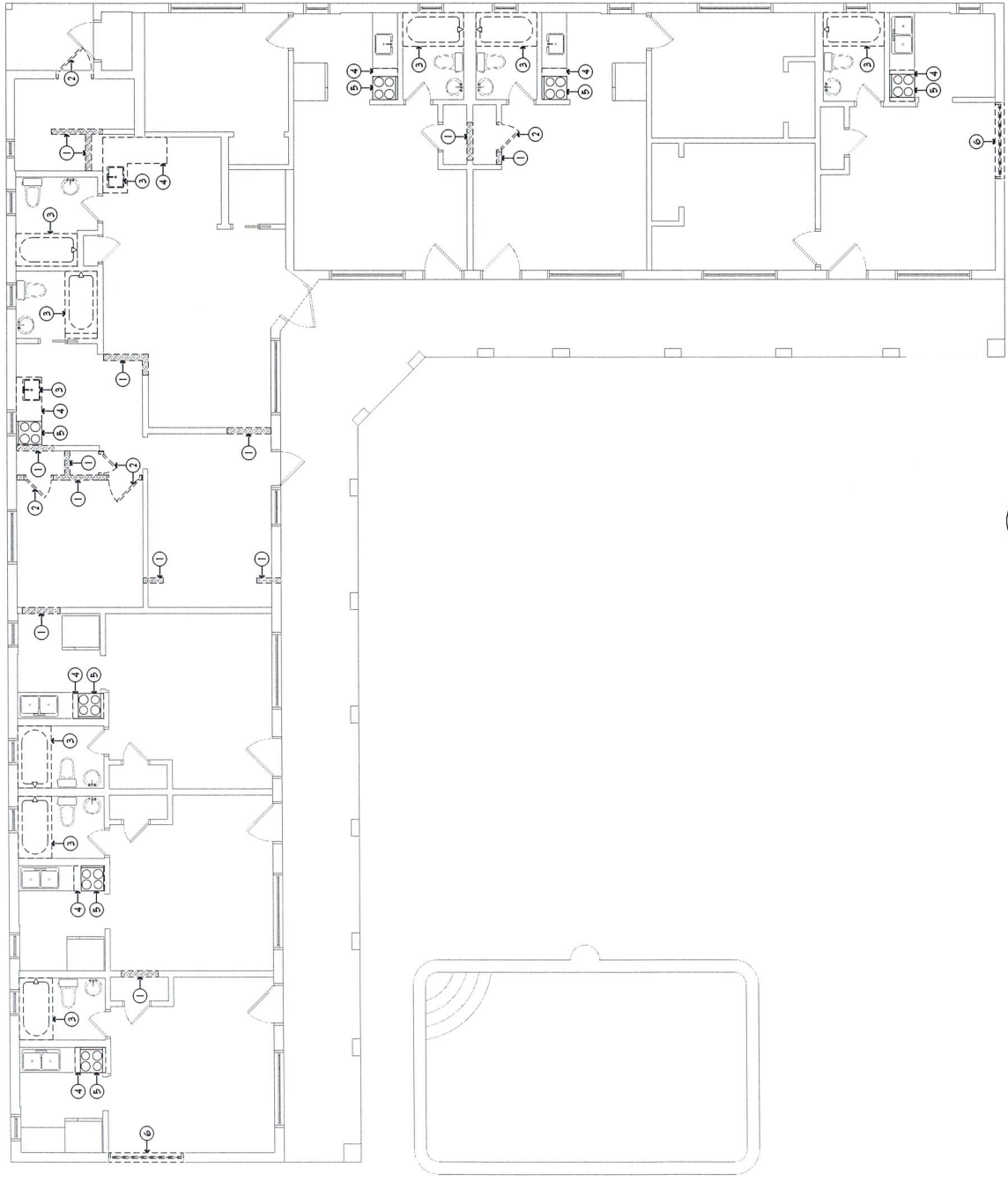
Construction Documents for:
THE LOFTS @ ST. PETE BEACH
601 71ST AVENUE
ST. PETE BEACH, FLORIDA
FDI# 22141.00



FRAZE
design
commercial
residential
architecture
F.L.L.C. NO. A4300008
ST. PETERSBURG, FLORIDA 33712
PHONE: 727/728-3608
FAX: 727/728-3609
ST. PETERSBURG, FLORIDA 33712

SHEET TITLE
COVER PAGE
SHEET NUMBER
A-0

1 DEMOLITION PLAN
SCALE: 1/4" = 1'-0"



- DEMOLITION NOTES:**
1. IN COMPANY WITH THE OWNER, VISIT THE SITE AND IDENTIFY THE EXISTING AND LOCATION OF SELECTIVE DEMOLITION REQUIRED.
 2. CAREFULLY IDENTIFY LIMITS OF SELECTIVE DEMOLITION.
 3. MARK INTERFERE EMPLOYERS AS REQUIRED TO BE REMOVED AND THEN TO THE PROJECT. THE PUBLIC UTILITY LINES IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC UTILITY OR UTILITY COMPANY AND THE PROJECT. THE PUBLIC UTILITY LINES SHALL BE IDENTIFIED AND REMOVED. LEAVING EMPLOYERS TO BE REMOVED AND REMOVED TO BE REMOVED.
 4. IN ALL UTILITIES COVER A WITH REMOVAL REGULATIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION.
 5. DEMOLISHED MATERIAL SHALL BE CONSIDERED TO BE HAZARDOUS MATERIALS AND SHALL BE COMPLETELY REMOVED FROM THE JOB SITE.
 6. ASBESTOS AND HAZARDOUS MATERIALS DEMOLITION OR REMOVAL WORK IS NOT PART OF THIS CONTRACT.
 7. THE CONTRACTOR IS NOT LIMITED TO THE DEMOLITION OF THE EXISTING STRUCTURE BUT DEMOLITION SHALL BE LIMITED TO THE EXISTING FINISHED AND COMPLETE PROJECT.
 8. GENERAL CONTRACTOR SHALL INCLUDE ALL INTERIOR AND EXTERIOR PATCHING PREPARING INTERIOR AND EXTERIOR FINISHES TO BE COMPLETELY FINISHED PROJECT.
- DEMOLITION LEGEND:**
- 1 REMOVE EXISTING WALL
 - 2 REMOVE EXISTING DOOR
 - 3 REMOVE EXISTING PLUMBING FIXTURES
 - 4 REMOVE EXISTING FLOORING
 - 5 REMOVE EXISTING STOVE
 - 6 REMOVE EXISTING CABINETS

NAME	DATE	BY
REVIEW	05/05/23	TK/77
DESIGN	05/05/23	TK/77
REV.		
REV.		
REV.		



THE LOFTS @ ST. PETE BEACH
601 71ST AVENUE
ST. PETE BEACH, FLORIDA



FRAZE
commercial architectural
1750 CENTRAL AVENUE
ST. PETERSBURG, FLORIDA 33712
PHONE: 727/328-3609
FAX: 727/328-3609
STUDIO: 727/328-3607

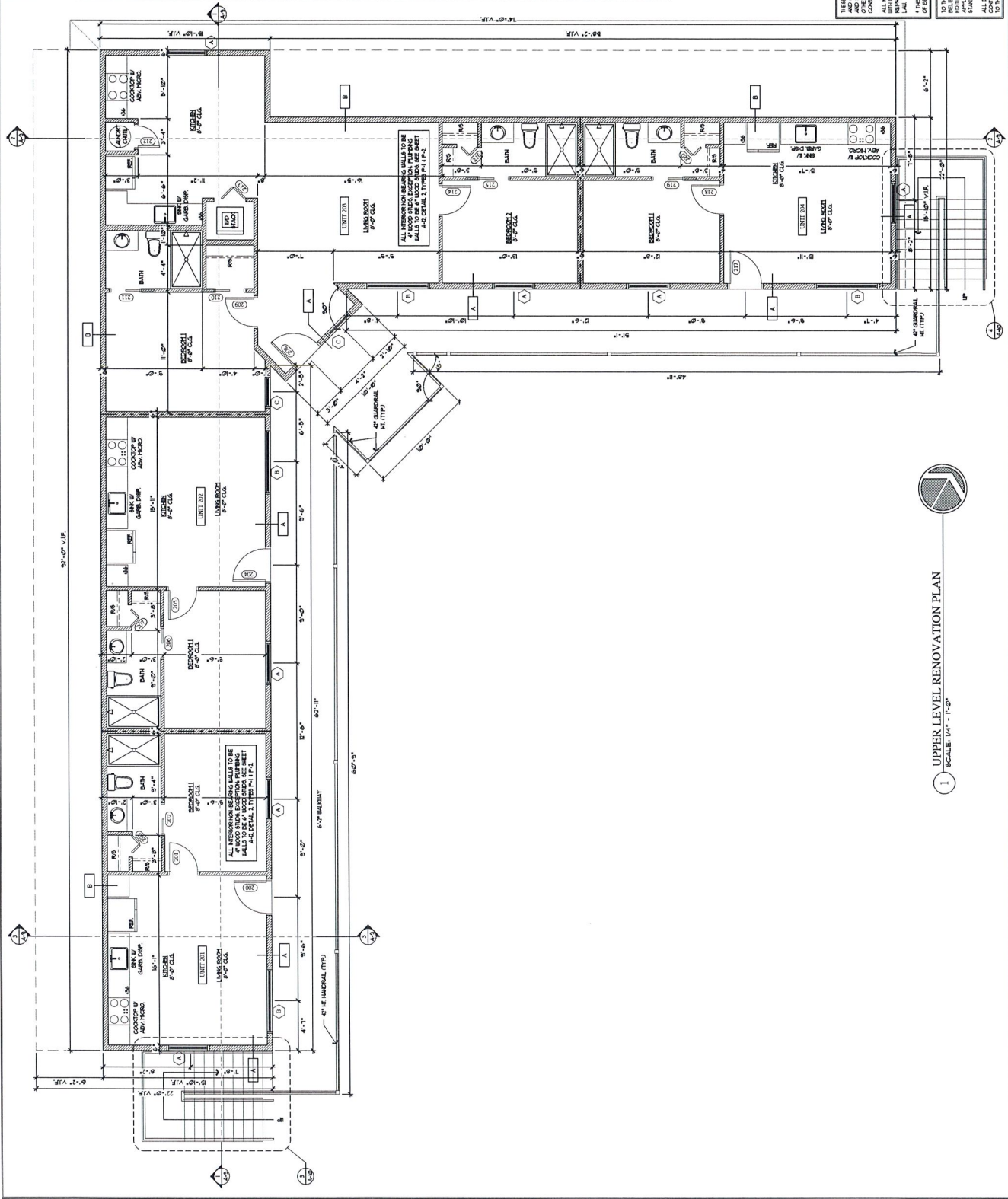
**GROUND LEVEL
DEMOLITION PLAN**

A-3

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1 UPPER LEVEL RENOVATION PLAN
SCALE: 1/4" = 1'-0"



RENOVATION NOTES:

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING CODES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PETE BEACH, FLORIDA.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PETE BEACH, FLORIDA.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PETE BEACH, FLORIDA.
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9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PETE BEACH, FLORIDA.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ST. PETE BEACH, FLORIDA.

RENOVATION LEGEND:

- 1. INDICATES NEW WOOD FRAME WALL
- 2. INDICATES NEW EXTERIOR CMU WALL
- 3. INDICATES EXISTING WALL

REVISIONS:

NO.	DATE	DESCRIPTION
1	05/03/23	REV. 1
2	05/03/23	REV. 2
3	05/03/23	REV. 3
4	05/03/23	REV. 4
5	05/03/23	REV. 5
6	05/03/23	REV. 6
7	05/03/23	REV. 7
8	05/03/23	REV. 8
9	05/03/23	REV. 9
10	05/03/23	REV. 10

THE LOFTS @ ST. PETE BEACH
601 71ST AVENUE
ST. PETE BEACH, FLORIDA

FRAZE architectural
1750 CENTRAL AVENUE
ST. PETERSBURG, FLORIDA 33712
PHONE: 727/728-3609
FAX: 727/728-3608
EMAIL: info@frazearchitectural.com
LIC. NO. AA00000303
STUDIO: 727/728-3609

CONSTRUCTION DOCUMENTS FOR:
ST. PETE BEACH, FLORIDA

REVISIONS:

NO.	DATE	DESCRIPTION
1	05/03/23	REV. 1
2	05/03/23	REV. 2
3	05/03/23	REV. 3
4	05/03/23	REV. 4
5	05/03/23	REV. 5
6	05/03/23	REV. 6
7	05/03/23	REV. 7
8	05/03/23	REV. 8
9	05/03/23	REV. 9
10	05/03/23	REV. 10

PROJECT TITLE:
UPPER LEVEL RENOVATION PLAN

SHEET NUMBER:
A-5

NAME	DATE	BY
REVIEW	03/02/23	PMC/PT
PERMIT	03/02/23	PMC/PT
REV.		
REV.		
REV.		
REV.		
REV.		



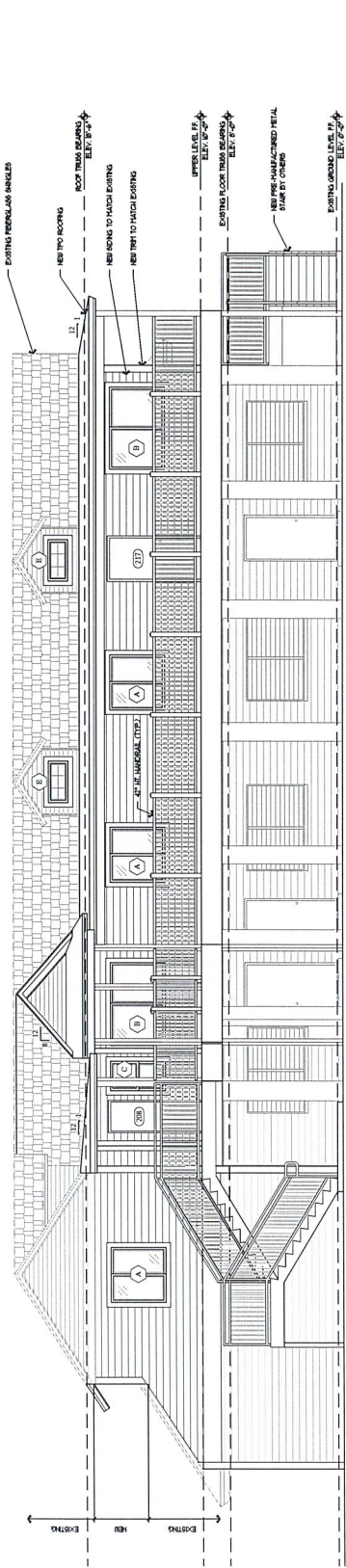
Construction Documents for:
THE LOFTS @ ST. PETE BEACH
 601 71ST AVENUE
 ST. PETE BEACH, FLORIDA



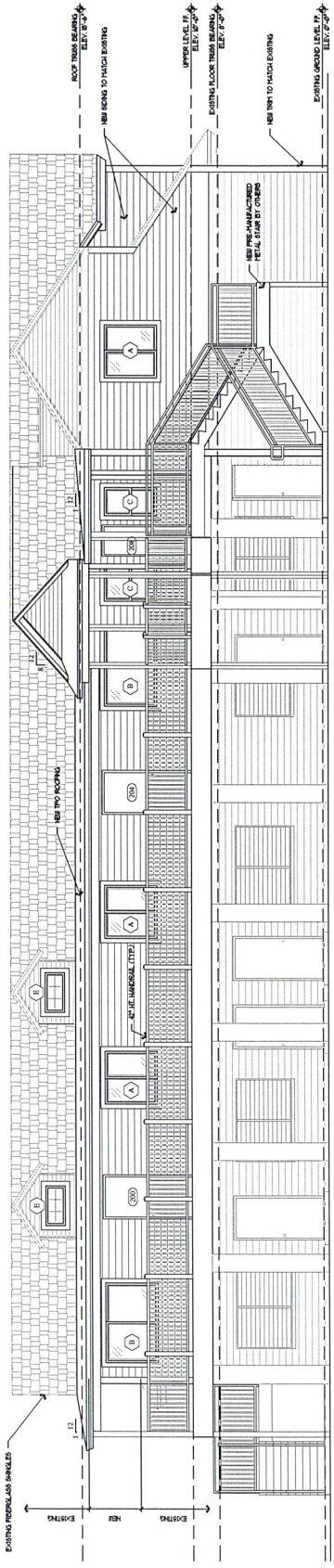
FRAZE
 architectural
 commercial
 residential
 design
 ST. PETERSBURG, FLORIDA 33713
 PHONE: 727/328-3609
 FAX: 727/328-3609
 EMAIL: info@frazedesign.com
 1750 CENTRAL AVENUE
 ST. PETE BEACH, FLORIDA 33738-1608

SHEET TITLE
 FRONT AND SIDE
 ELEVATIONS

SHEET NUMBER
 A-6



1 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



2 SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

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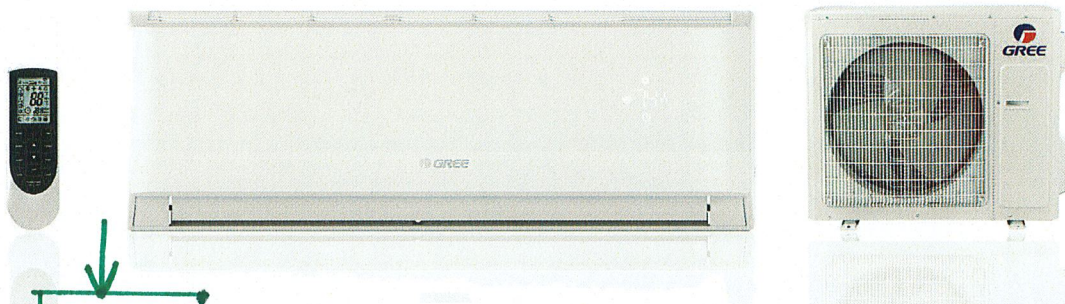




23032



23032



MODEL		LIVV09HP115V1A	LIVV12HP115V1A	LIVV09HP230V1A	LIVV12HP230V1A	LIVV18HP230V1A	LIVV24HP230V1A	LIVV30HP230V1A	LIVV36HP230V1A
System Type			HEAT PUMP						
SYSTEM PERFORMANCE									
Cooling Capacity (Min-Max)	Btu/h	9000 (2764 - 9724)	12000 (3753 - 12500)	9100 (2457 - 9600)	12000 (1024 - 12624)	17400 (4094 - 20000)	22000 (5900 - 25200)	30000 (4100 - 33100)	33600 (5951 - 36000)
Heating Capacity (Min-Max)	Btu/h	9500 (2081 - 12283)	13000 (3412 - 15013)	9500 (2457 - 11500)	13000 (2388 - 13648)	18000 (4100 - 21000)	24000 (4500 - 25900)	30000 (7848 - 36000)	34600 (8530 - 37020)
SEER / EER		18 / 10	18 / 10	17 / 10.25	17 / 9.25	16 / 8.5	19 / 10.95	18 / 10.55	18 / 9.21
HSPF / COP		9 / 3.2	9 / 3.05	9 / 3.6	9 / 3.25	9 / 3	10 / 3.4	9 / 3.3	9 / 2.8
Energy Star®			NO						
Cooling Temperature Range	°F	0 - 115	0 - 115	0 - 115	0 - 115	0 - 115	0 - 115	-4 - 115	-4 - 115
Heating Temperature Range	°F	-4 - 75	-4 - 75	-4 - 75	-4 - 75	-4 - 75	-4 - 75	-13 - 75	-13 - 75
INDOOR UNIT		LIVV09HP115V1AH	LIVV12HP115V1AH	LIVV09HP230V1AH	LIVV12HP230V1AH	LIVV18HP230V1AH	LIVV24HP230V1AH	LIVV30HP230V1AH	LIVV36HP230V1AH
Air flow (Min-Max)	CFM	171 - 318	194 - 400	182 - 294	182 - 294	335 - 471	412 - 677	441 - 824	441 - 824
Sound Pressure Level (Cooling / Heating)	dB(A)	28 / 43	28 / 43	26 - 39 / 29 - 41	28 - 42 / 30 - 43	35 - 47 / 35 - 46	37 - 49 / 36 - 47	37 - 55 / 41 - 55	37 - 55 / 41 - 55
Dehumidification	pt/hr	1.69	2.96	1.69	2.96	3.8	4.23	6.34	7.4
Condensate Drain Size (OD)	in	5/8	5/8	5/8	5/8	5/8	5/8	5/8	5/8
Unit Dimension (WxHxD)	in	32 1/8x10 5/16x7 7/8	33 1/4x11 3/8x8 1/4	31 1/8x 10 3/4x7 7/8	33 1/4x11 1/4x8 3/8	38 1/8x 11 3/4x8 3/4	42 1/4x12 3/4x9 5/8	53 1/8x12 3/4x10	53 1/8x12 3/4x10
Package Dimension (WxHxD)	in	33 1/2 × 13 1/3 × 10 1/3	36 1/8 × 14 1/3 × 11	34 x 14 × 11	36 × 14 x 11	41 × 15 x 12	45 x 16 x 13	57 x 17 x 14	57 x 17 x 14
Weight (Net / Gross)	lbs	19.8 / 24.3	23.2 / 27.6	19.8 / 24.3	22 / 26.5	28.6 / 36.4	36.4 / 45.2	43 / 52.9	44.1 / 54
OUTDOOR UNIT		LIVV09HP115V1AO	LIVV12HP115V1AO	LIVV09HP230V1AO	LIVV12HP230V1AO	LIVV18HP230V1AO	LIVV24HP230V1AO	LIVV30HP230V1AO	LIVV36HP230V1AO
Compressor Type		GREE G-10 / 2 - STAGE INVERTER							
Sound Pressure Level (Cooling / Heating)	dB(A)	52	53	50	50	56	59	60	61
Unit Dimension (WxHxD)	in	33 3/8x21 1/4x12 5/8	33 3/8x21 1/4x12 5/8	30 5/8x21 1/4x10 1/8	30 5/8x21 1/4x10 1/8	35 3/4x25 5/8x12 1/4	35 3/4x 25 5/8x12 1/4	39 3/8x31 1/8x14 9/16	39 3/8x31 1/8x14 9/16
Package Dimension (WxHxD)	in	34 5/8 × 14 3/16 × 22 7/8	34 5/8 × 14 3/16 × 22 7/8	33 x 23 x 14	33 x 23 x 14	38 x 27 x 16	38 x 27 x 16	43 x 33 x 19	43 x 33 x 19
Weight (Net / Gross)	lbs	62.8 / 68.4	67.3 / 72.8	58.4 / 63.9	62.8 / 68.4	95 / 105	97 / 103.6	138.9 / 149.9	140 / 151
Refrigerant Charge - R410A	oz	24.7	31.8	24	28.2	42.3	52.9	77.6	88.2
Coil Type		Aluminum Fin-Copper Tube / Acrylic Resin Protection							
REFRIGERANT PIPING									
Line Set Size (Liquid - Gas)	in	1/4 - 3/8	1/4 - 3/8	1/4 - 3/8	1/4 - 3/8	1/4 - 1/2	1/4 - 5/8	1/4 - 5/8	1/4 - 5/8
Pre-Charge Length	ft				25				
Max. Line Run	ft	10 / 49	10 / 66	49	66	82	82	82	82
Max. Elevation	ft	33	49	33	33	33	33	33	33
ELECTRICAL									
Power Supply		115V / 1Ph / 60 HZ				208-230V / 1Ph / 60Hz			
Rated Current Cooling	amps	12.7	13.5	6.3	6.5	10	11	15	18
Rated Current Heating	amps	10.7	13.8	6.2	6.3	10.5	10	16.5	19
MCA	amps	17	20	10	9	15	19	24	24
MOCP	amps	25	30	15	15	20	30	35	35
Main Power Wire Size	AWG	Per Local Code							
Interconnecting Wire Size	AWG	14 / 4							
LIMITED WARRANTY		5 Years Parts and Compressor - Residential							



HEATING AND COOLING YOU CAN COUNT ON

115V & 230V MODELS



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Slim, stylish and elegant, the latest Livo GEN3 units are designed to be energy efficient at an affordable price. These 16-19 SEER heat pump systems are built around GREE's variable speed compressor technology, using eco-friendly R410A refrigerant.

- HIGH EFFICIENCY, UP TO 19 SEER / 10 HSPF
- SLEEK LOOK TO BLEND WITH YOUR DECOR
- PRECISE AIRFLOW CONTROL
- WIFI INCLUDED

- G10 inverter technology
- I-Feel function
- Multiple fan speeds
- Sleep function
- Acrylic resin coil coating
- Dehumidification
- Intelligent preheating
- Automatic voltage adaption
- Low voltage start-up
- Self-diagnosis
- Swing louver control
- LED display settings
- Privacy lock mode
- Cooling range: -4°F - 115°F
- Heating range: -13°F - 75°F
- Advanced filter options

SUBMITTAL DATA SHEET

23032

RECTORSEAL

A CSW Industrials Company

Universal Bracket

WBB300 Wall Bracket

Product Code **87733**

Project Information:

Job Name:

Location:

Engineer:

Submitted to:

For: ☐ Reference ☐ Approval ☐ Construction

Submitted by:

Reference:

Submittal Information:

Approval:

Date:

Construction:

Unit #:

Drawing #:

(Sec. I) Ordering Information:

Product Code 87733
Model WBB300
Carton Qty 1
Carton Weight 13 lbs

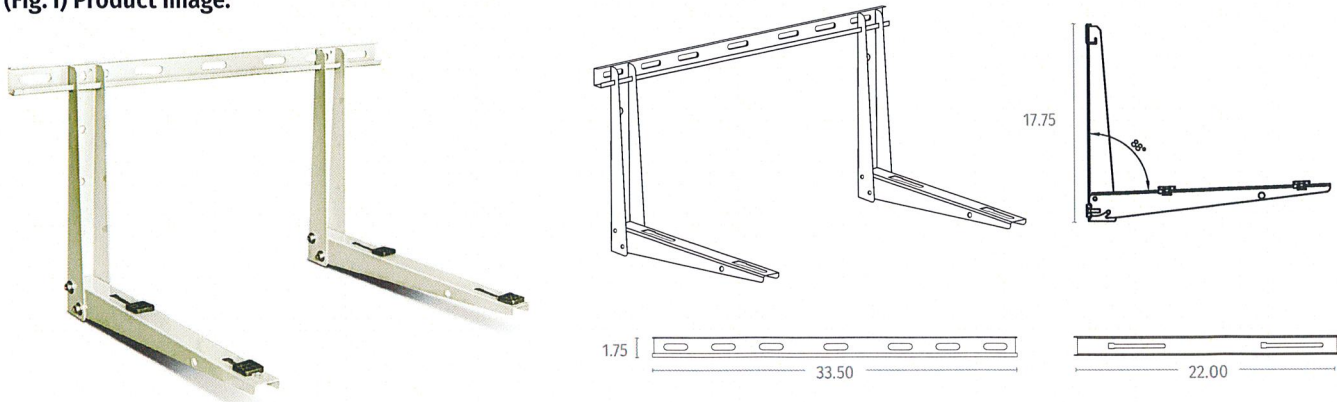
(Sec. II) Product Specifications:

Sheet Gauge:	14 gauge
Class of Galvanized Sheet:	GALVALUME
Type of Stainless Steel:	N/A
Load Rated Safety Factor:	3
Testing Load Rating to a Specific Testing Method:	Yes
Seismic Approval:	No
Hurricane Approval:	No
Type of Rubber Used for Isolator:	TPE rubber
UV Resistant:	Yes
Powder Coating:	Yes
Color of Powder Coating:	Beige
Overall Length:	33.50"
Overall Height:	17.75"
Overall Depth:	22.25"
Min/Max Mounting Depth:	10.5" to 16"
Min/Max Mounting Width:	4.5" to 31"
Max Load Capacity:	300 lbs

(Sec. III) Carton Contents:

2 x Bracket Arm
1 x Crossbar
6 x Hex Lag Screw
6 x 8 mm Concrete Anchor
4 x 1" Bolt and Clip Nut
1 x Liquid Level
2 x M6*16 Philip Head Screw
1 x Installation Instruction

(Fig. I) Product Image:



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

PLANNING DEPARTMENT

Date: June 16, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Variance Case No: 23032
Address: 601 71st Ave.
Parcel Number: 36-31-15-77994-044-0110
Dave Wonsick of St Pete Beach Investments LLC

Prepared by: Brandon Berry, Senior Planner

Hearing Date: June 28, 2023

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

1. Completed Unnecessary and Undue Hardship application form.
2. Boundary Survey prepared by Visionland dated 10/6/2022, consisting of 1 sheet.
3. Sheet A-2, Architectural Site Plan prepared by Frazee Design dated 2/10/2023, last revised 5/1/2023 consisting of 1 sheet.
4. Partial Building Plan set, Sheets A-0 through A-7, A-10 and M-2 prepared by Frazee Design dated 2/10/23, total of 10 pages.
5. Color photos, showing rear and side of building, no time or date supplied.
6. Spec Sheets for 9k BTU Wall Mounted Heat Pump System, 2 pages
7. Spec Sheet for Universal Wall Bracket

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

Site Description/Surrounding Land Uses

The subject site is a 10,750 sq. ft. (approx. 0.25 acre) parcel located at 601 71st Ave. known as parcel number 36-31-15-77994-044-0110 and legal description ST PETERSBURG BEACH REPLAT BLK 44, LOTS 11 AND 12 within the AE-Elevation 10 flood zone. The property is located in the UBV zone; UBV, Upham Beach Village on the future land map and currently contains an eight-unit motel that was constructed in 1956. The parcel abuts multifamily residential uses to the north and west, Coquina Way and condominiums to the east and 71st Ave and condominiums to the south. The site is currently improved

with a temporary rental building that contains ground-floor units, a generally-unfinished upstairs save for a small area in the center of the courtyard, and a pool with landscaping throughout the site.

Background History:

The property underwent the city's grandfathering process in fall 2022 and was recognized as containing an eight-unit temporary lodging use by the city in November of that year. The current owner, and applicant for these subject requests, purchased the property that month with the intent of renovating and reopening it as a temporary lodging facility. The property had been formerly branded as the Crystal Sands Motel until at least 2000 and had been maintained by the previous owner as a type of short-term housing.

The property was approved for a building permit for significant renovations in May 2023, which included finishing the upstairs of the building, combining ground-floor lodging units to create four units from the eight original units, and significantly renovating the pool deck and property landscaping. The permit was approved by zoning in an alternative configuration to the request made under this scope, under agreement with the applicant that the request would need to be followed as approved should any of the subject requests be denied.

Also under review for this property is the applicant's request for the award of three additional temporary lodging units from the Upham Beach Village Temporary Lodging Unit Density Pool, which is available to the subject property due to its recognition as a short-term rental facility. The request itself is not under consideration in this application, as the additional units must be requested and approved by City Commission, but the parking variance requested is a necessary precondition to the approval of the units. Should the request for the parking variance be denied, the request for the additional units will not move forward. It should also be noted that the later approval of the additional units will not result in a larger building than the one approved under the aforementioned renovation permit scope. The applicant is seeking the subject units to allow for existing units to be subdivided through permanent doors between units, often called "lockout units", which would allow the applicant to advertise up to eleven units at the property.

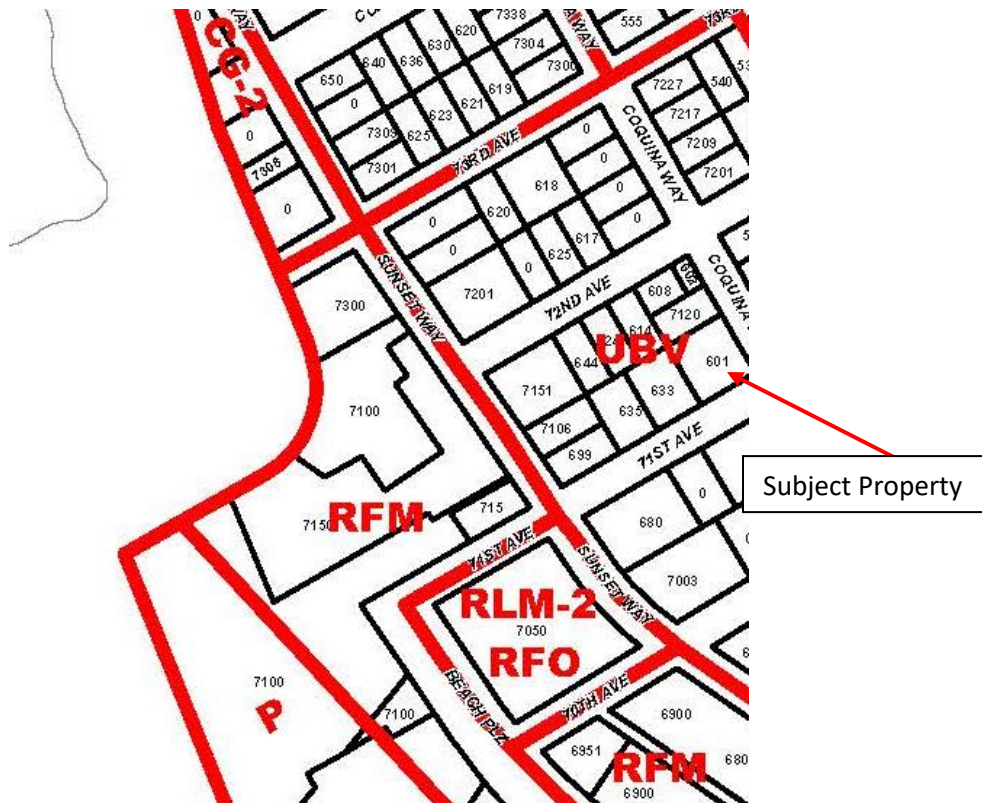
Request

The applicant requests to install, under a larger renovation scope, a staircase that does not meet the required front setback of 7' where 6'-6" is proposed, seven HVAC units that do not meet the required side setback of 7 feet where 2'-9" is proposed, five HVAC units that do not meet the required rear setback of 20 feet where 3'-3" is proposed, and provide three additional lodging units at the property without providing additional required on-premise parking (LDC Sec. 36.8 & 23.5). Regarding the parking request, the applicant has agreed to both landscape and install three new to-code parallel public parking spaces in the right-of-way to the south of the parcel. However, these spaces are to remain public parking spaces, and are not eligible to meet the private parking requirements for the subject use outside of the slight reduction (less than one space) available for on-street parking reductions throughout the district.

Figure 1: Aerial Photography



Figure 2: Zoning Map



Analysis

Figure 3: Zoning Table				
Temporary Lodging Establishment	601 71 st Ave			
	Minimum	Maximum	Existing	Proposed
Lot Area	N/A		10,750 sq.ft.	No Change
Lot Width	N/A		100'	No Change
Lot Depth	N/A		107.5'	No Change
Front Yard Setback	7' (open stairs)	20'	10'-2"	6'-6" (stairs) (v)
Side Yard Setback (opposite Coquina Way)	10'			2'-9" (HVAC) (v)
Rear Yard Setback	20'			3'-3" (v)
Required Parking	0.9 spaces/unit		0 (on site) 10 (public in ROW)	0 (on site) (v) 13 (public in ROW)
(v) = Variance required				

Figure 4: Existing Survey (N.T.S)

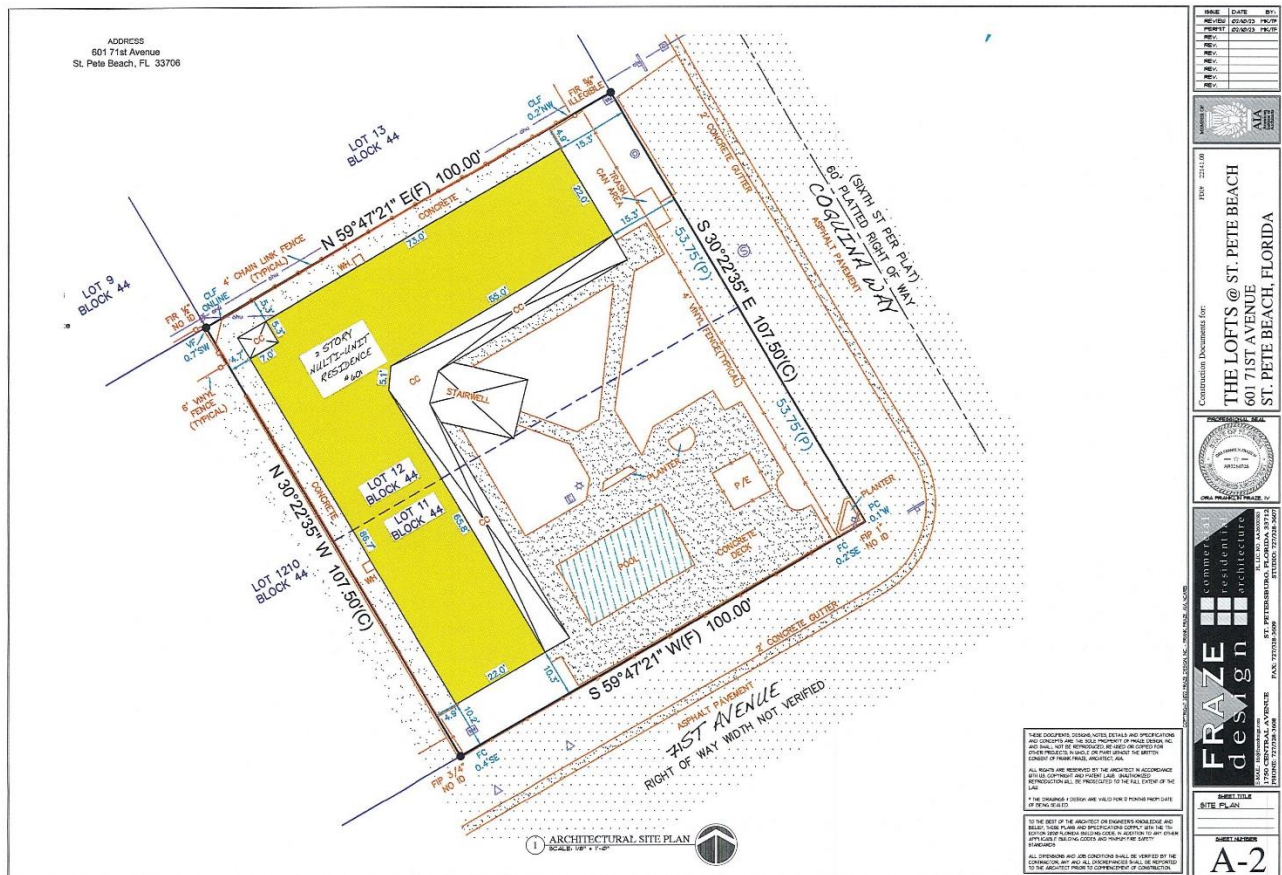
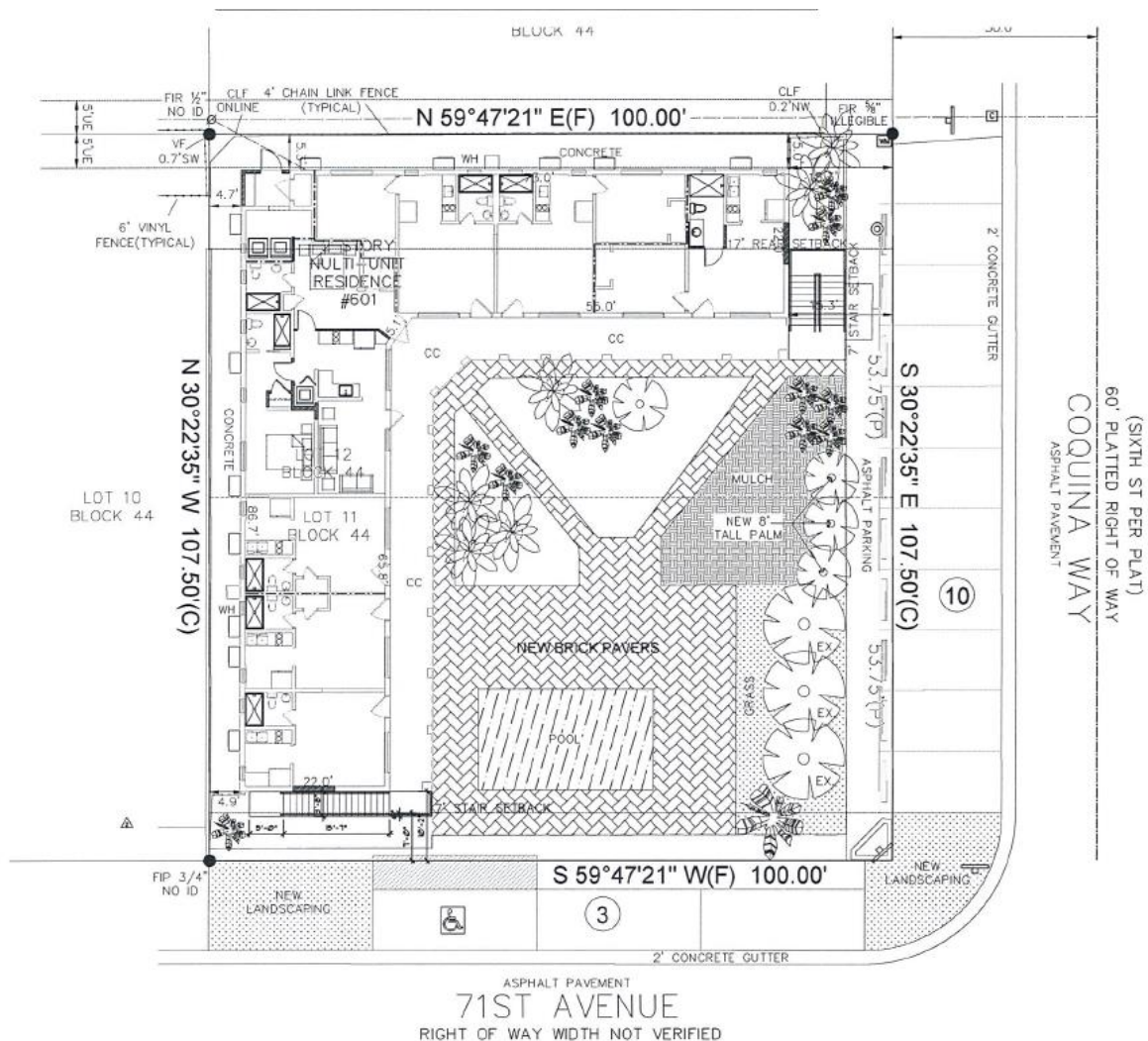


Figure 5: Site plan with proposed improvements (N.T.S.)



Additional Comments

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

The Board has standards of review for unnecessary and undue hardship variances 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 buildings in the same zoning district;**

The presence of an existing building which was constructed prior to the city's implementation of zoning is a special circumstance that, while not generally peculiar to the structure in a neighborhood of buildings that were largely constructed in the 1950s and 1960s, does pose specific challenges with renovations related to existing setbacks and uses of space at the property. Any kind of ancillary or other more substantive addition to the building on its west and northern sides requires a variance due to the existing setbacks far encroaching into those set for the property under modern zoning. The property does have an area of approximately 65x70 feet in its center courtyard that may be able to accommodate individual parking spaces or a parking pad if the lot were to be developed today, but the existing lot layout is not accommodating to a parking lot and would not allow for the existing amenity space to be retained or the parcel to be visually consistent with other parcels in the neighborhood. As with many properties in the area, the parcel uses street parking for all of its customer parking, and does not possess any private parking spaces itself.

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

The special conditions of the site were not the result of the applicant or prior owner. The property was developed prior to the implementation of city zoning regulations.

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

Staff finds that the denial of the variances for the staircase and condensers would not deny the applicant rights enjoyed by other properties under the Land Development Code or cause unnecessary or undue hardship, as a condition of approval for the corresponding renovation permit was that the project's engineer would certify that the condenser units and stairs could still be accommodated on the site without a variance. This certification was provided prior to renovation permit issuance. If denied, the condensers would be placed on a rooftop pad, and the stairs would be relocated toward the center courtyard on the southern frontage of the building.

Staff finds that the denial of the parking variance could present hardship to the applicant due to the historical development patterns of the neighborhood and the significant lack of any dedicated, permanent on-premise parking in the vicinity that could permit development of the parcel. The applicant has agreed to maintain three new public parking spaces along the southern right-of-way perimeter of the lot and is not seeking to physically construct additional hotel rooms under this request for additional units, but rather add lockout doors between units to allow for existing duplex units to be rented as two single units. The property has 13 parking spaces along its perimeter that provides for reasonably-accessible access to the site, provided that the spaces are open for customer use.

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

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

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

The variance requests for the staircases and HVAC unit encroachments are an attempt to make use of existing space and do not constitute a desire to maximize financial return. While the parking variances would indirectly allow for the applicant to create a greater return on their investment should the requested units be approved by City Commission, this is not the sole basis for the hardship and does not maximize the request as the property is eligible for up to 16 units.

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;

Each request for a variance stands on its own and a past or future denial or approval for a variance to another property does not form the basis for a denial or approval of the subject requests. Given the historic development patterns of the neighborhood, however, staff finds that the requests are generally in keeping with character and provide a modest basis for renovating and maintaining properties. The zoning district is intended to contend with the unique sensibilities of the neighborhood, and the land use promotes preservation and continued use of existing structures.

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

Staff finds the parking variance request is minimal given the potential number of units that could be requested and the fact that the request will not result in a larger building. While staff finds that neither the staircase nor HVAC requests are the minimum possible request, the HVAC request if approved would generally shield the condensers and locate them in an area of the property where other equipment is currently located. The screening of equipment is significantly promoted in the property's district.

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

Staff finds the parking and HVAC requests are generally in line with the intent of the comprehensive plan and Land Development Code, would not cause injury to the neighborhood or reduce property values to a significant extent, and finds the requests overall compatible. While the zoning code promotes and generally requires on-premise parking for new uses, the neighborhood in which this property is located has generally subsisted on on-street parking arrangements, and the applicant has agreed to install three new spaces that would have otherwise been required on their property and to significantly landscape the right-of-way in tandem. The HVAC units would be located in an area of the property where other equipment is currently located and generally screened from public view, which is both promoted for the

zoning district and generally creates a more visually-appealing development. Furthermore, both the subject building and neighboring building to the west have existing in-wall units installed facing one another in the narrow space between.

Staff does not find the staircase encroachment request to be generally in line with the Land Development Code. While only presenting an encroachment of six inches, the request can be accommodated by placing the stairs in the courtyard, which would preserve a significant patch of mature vegetation along the southern side of the building. Although this is likely to also impact proposed landscaping in the courtyard, the applicant could place groundcover and other low-growing plants underneath the stairs to preserve the greenspace layout.

Other:

- The applicant should respond to the staff's request for denial of the staircase variance if they find it would deny them rights available to other property owners or would present a hardship.
- The applicant should discuss alternative shared parking arrangements, if any, that they may have available should the variance request for parking be denied.
- The applicant should acknowledge that the issuance of the parking variance will not entitle the creation of three additional lockout units unless the corresponding request (case number 23040) is approved by City Commission at a forthcoming meeting.

Comments from May 17, 2023 Technical Review Committee Meeting

There were no comments from committee members regarding the variance request.

Recommendation

Staff recommends **approval** for the variances of the HVAC and parking requests, finding them to be in general alignment with the Land Development Code, providing for mitigation of potential hardship, and resulting from special conditions of the subject site. Staff proposes approval with the following four (4) conditions:

- The variance for the waiver of three required on-premise parking spaces shall expire should the complementary temporary lodging unit density pool case number 23040 be denied by the City Commission, or should the case not be heard within one (1) year of the date of the development order for this request, whichever occurs first.
- The variance for the parking spaces shall apply to the building in its current configuration only, except that doors may be installed internally to create eleven (11) lockout units should the request be approved by City Commission. Further expansion of the building beyond the existing renovation scope, whether or not rooms are configured to maintain the eleven lockout units, shall require the applicant to reobtain the variance, meet on-site parking requirements, or pursue an alternative approved arrangement such as a shared parking agreement.
- All existing, mature and healthy landscaping at the southern side of the building shall be retained.
- The applicant shall not install any signage that implies the right-of-way public parking spaces to the south or east of the parcel are private spaces for their guests, including but not limited to tow away signs, numbered parking signs, and so on.

Staff recommends **denial** of the request for the staircase encroachment, finding it to not be in general alignment with the Land Development Code and on the basis that the engineer for the corresponding renovation permit has demonstrated the stairs could be accommodated in the courtyard without significant hardship. Should the Board of Adjustment recommend approval, Staff recommends the following:

- Prior to removal of landscaping, the applicant shall provide the caliper at 4.5 feet above the ground, along with species, for all trees to be removed from the landscaping area at the southern side of the building. The applicant shall be required to plant additional landscaping, above that already approved under the renovation permit, elsewhere on the site that is equal in caliper to the removed landscaping. This condition may be waived by staff if it can be demonstrated that the remainder of the site cannot accommodate additional landscaping.

Respectfully submitted,

Brandon Berry
Senior Planner

Cc: Dave Wonsick of St. Pete Beach Investments LLC, Applicant/Agent
via email (dwonsick@yahoo.com)
Board of Adjustment Attorney

4d.

Case No. 23039

6502 Gulf

Winds Dr.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to APPROVE Case No. 23039 to permit the installation of a 25' wide paver driveway at the property line where a maximum of 20' is permitted, with the staff recommendation the following condition(s) should apply:

- Applicant to provide a minimum of 2' setback from side yard property lines and installation of ground cover or landscaping to be approved by zoning at time of final inspection.

Strategic Objective:

Date: June 28, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance*; Kelly Strom for KAJE Properties, LLC requests to install a paver driveway 25' in width at property line where a maximum of 20' is permitted (LDC 23.11(b)(2)).

Funding: n/a

Attachments:

1. 23039 - 6502 Gulf Winds Dr - Certificate of Completeness with Submittal Documents
2. 23039 - 6502 Gulf Winds Dr - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Re: **CERTIFICATE OF COMPLETENESS**
Date: 5/15/2023

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **June 28, 2023**.

Variance Case Number: 23039
Application Type: Hardship Variance
Owner: KAJE Properties, LLC
Applicant/Agent: Kelly Strom
Parcel Number: 36-31-15-34776-005-0050
Address: 6502 Gulf Winds Dr., St. Pete Beach, FL 33706
Zone: CC-2

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance application form.
2. Completed Impervious Surface Ratio (ISR) worksheet.
3. Boundary Survey prepared by Target Surveying, LLC dated 5/11/2022, consisting of 2 sheets.
4. Boundary Survey prepared by Target Surveying, LLC dated 5/11/2022, consisting of 2 sheets showing existing improvements including location and dimensions of proposed driveways, walkways, and patio with dimensions.

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 |

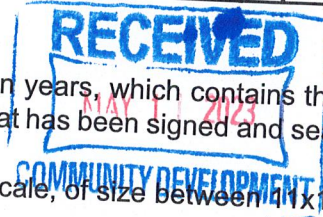
Board Members:

- | | |
|---|--|
| ☒ Paul Skipper, Chair | ☒ Denise Chase |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ BJ Lawson | |

Cc: Kelly Strom, KAJE Properties, LLC, Owner/Applicant ***via email*** (kjstrom@hotmail.com)

CASE #: 23039PARCEL #: 36-31-15-34776
005-0050SUBMITTAL DATE: 5/11/23AMOUNT DUE: \$534.86PAYMENT DATE: 5/11/23**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**The following items are to be submitted, along with this application, **at least 30 days prior to the public hearing:**

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	KASE	500 Treasure Island	407-212-
	Properties, LLC	Causeway # 105	5358
Applicant/ Agent	Kelly Strom,	Treasure Island, FL	407-212-
	Manager	33706	5358
Owner Email Address:		Applicant/Agent Email Address:	
Kjstrom@hotmail.com		Kjstrom@hotmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
CC-2	CC-2	8,925
Legal Description: Gulfwinds Sub Blk 5, Lot 5		
Address: 6502 Gulf Winds Dr. St. Pete Beh		
Explanation of Request: Enlarge driveway 33706 to allow for more parking. Request an expansion of the southern driveway by a width of 5 feet where 20 feet is permitted.		

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

Kelly Strom 5/4/23

Signature of Applicant

Date

Signature of Authorized Agent

Date

Request for Undue and Unnecessary Hardship Variance

6502 Gulf Winds Dr.

1. This property has a total of 3 bedrooms; however, they are each separate dwelling units instead of one single family residence. The norm is two people staying in each unit, usually two working adults, and in the vast majority of situations, both persons have a vehicle. While 3 parking spaces is likely plenty for a 3 bedroom, single family residence, 3 separate dwellings oftentimes need up to 6 parking places for the reason stated above. Additionally, there is a need for guest parking, parking for repair and maintenance vehicles, parking for owner visits, etc. Providing only 3 spaces has become increasingly difficult, as there is no street parking on Gulf Winds Dr, and vehicles are often ticketed if protruding onto the sidewalk. On several occasions, prospective renters have decided NOT to stay strictly based on availability of parking. In looking at the other multi-family properties along Gulf Winds and elsewhere, most offer extra parking for these reasons.
2. These special conditions are unique to multi-family dwellings and are an inherent need based on the type of property (single family vs. multi-family). No change or action of current or prior owner necessitated this request.
3. Other properties allow enough parking such that full occupancy can be achieved. This property has difficulty being used to it's full capacity because of parking constraints.
4. The use of the structure will remain the same. More parking simply allows 2 guests to stay in each unit comfortably. While some guests may come with only one car, many working couples do require two vehicles or space for visitor parking. The expansion is not an effort to fit more people into each unit but to allow occupants to live comfortable.
5. The hardship limits use of property to it's full potential.
6. Most other multi-family structures on Gulf Winds and elsewhere have expanded parking. The bedroom count rule is not sufficient in these cases either.
7. The requested variance still leaves the property with limited parking. It simply adds 1 extra space. Much more is needed in actuality, but this owner is committed to maintaining curb appeal and preserving the mature trees and green spaces also. We

feel this request is a reasonable compromise for all involved. In looking up and down the street, many properties of this type have a full front yard of pavers which is not what we are requesting or desire.

8. The plan is truly a beautification project, as the old asphalt was crumbling and unsightly, not to mention a trip-and-fall hazard. Further, the existing St Augustine grass had developed a disease making it brown and sparse for most of the Fall and winter months. As part of this project, we have replaced the sod with a more hearty variety and added trees, flowers, etc. In totality, this project will serve to elevate the aesthetics on Gulf Winds and increase property values of adjacent dwellings.



Impervious Surface Ratio (ISR) Worksheet

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

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

Owner Name & Address

Contractor/Applicant Name & Address

Kelly Strom
500 Treasure Island Way #105
Treasure Island FL 33706

Phone 407-818-5358

Phone _____

Email kstrom@hotmail.com

Email _____

Property Address 6502 Gulf Wind Dr St Pete Beach FL 33706

Total Lot Area (sq. ft.) 8925

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	1458	sq. ft.
Parking and Driveway:	874	sq. ft.
Pool and/or Patio areas:	675	sq. ft.
Walkways:	120	sq. ft.
Other: shed	120	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	3349	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	1458	sq. ft.
Parking and Driveway:	1,085	sq. ft.
Pool and/or Patio areas:	819	sq. ft.
Walkways:	434	sq. ft.
Other:	120	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	3916	sq. ft.

3349 sq. ft.	÷	8925 sq. ft.	=	37.52%
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

3916 sq. ft.	÷	8925 sq. ft.	=	43.78%
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

Certification:

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

Applicant Signature: Kelly Strom Date: 5/10/23

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.

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

KS 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.

KS 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.

KS 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.

KS 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.

KS 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.

KS 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.

Kelly Struom, Mgr. 5/4/23
Signature of Applicant Date
RASE Properties, LLC

LEGAL DESCRIPTION AND CERTIFICATION

LOT 5, BLOCK 5, GULF WINDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGES 29 AND 30, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

Community Number: 125149 Panel: 12103C0276 Suffix: H F.I.R.M. Date: 8/24/2021 Flood Zone: AE Field Work: 5/5/2022

Certified To:

KAJE PROPERTIES, LLC; VERITAS TITLE, INC.; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; KIAVI FUNDING, INC.

Property Address:

6502 GULF WINDS DRIVE
ST PETE BEACH, FL 33706

Survey Number: 540589

Client File Number: 22-594136

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	(P)	PLAT
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD	P.B.	PLAT BOOK
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL	P.C.	POINT OF CURVATURE
(C)	CALCULATED	(L)	LENGTH	P.C.C.	POINT OF COMPOUND CURVE
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT	P.O.B.	POINT OF BEGINNING
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT	P.O.C.	POINT OF COMMENCEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED	P.R.C.	POINT OF REVERSE CURVE
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE	P.T.	POINT OF TANGENCY
D.H.	DRILL HOLE	N&D	NAIL & DISK	R/W	RIGHT-OF-WAY
D/W	DRIVEWAY	N.R.	NOT RADIAL	(R)	RADIAL / RADIUS
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	S.I.R.	SET IRON ROD
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES	T.O.B.	TOP OF BANK
				U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
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PAGE 1 OF 2 PAGES
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LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102

WEST PALM BEACH, FL 33407

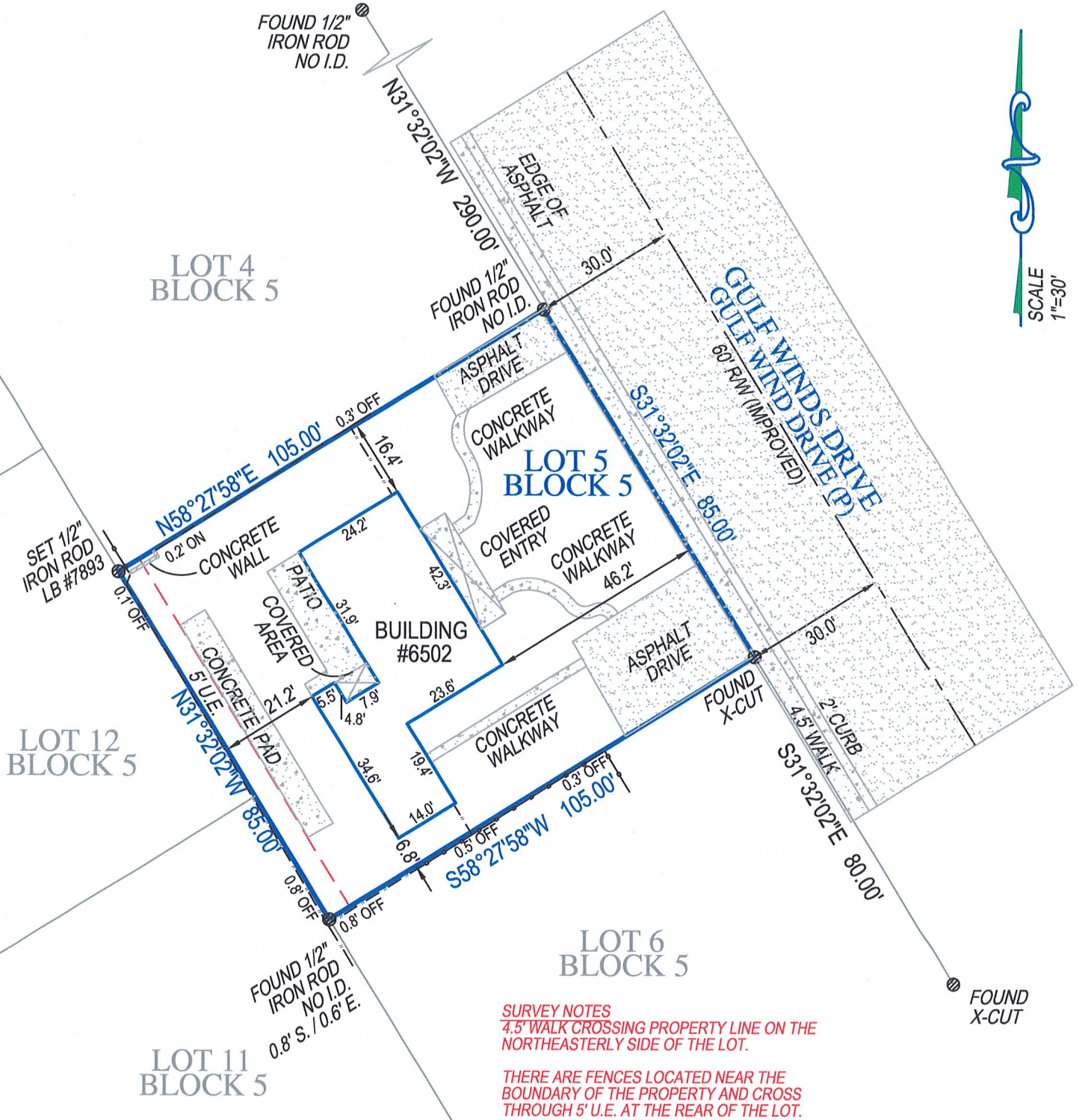
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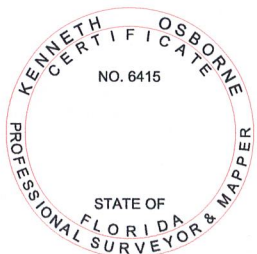
BOUNDARY SURVEY



SCALE
1"=30'

SURVEY NOTES
4.5' WALK CROSSING PROPERTY LINE ON THE
NORTHEASTERLY SIDE OF THE LOT.

THERE ARE FENCES LOCATED NEAR THE
BOUNDARY OF THE PROPERTY AND CROSS
THROUGH 5' U.E. AT THE REAR OF THE LOT.



(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

KENNETH OSBORNE

Digitally signed by
KENNETH OSBORNE
Date: 2022.05.11
16:08:37 -04'00'

PAGE 2 OF 2 PAGES
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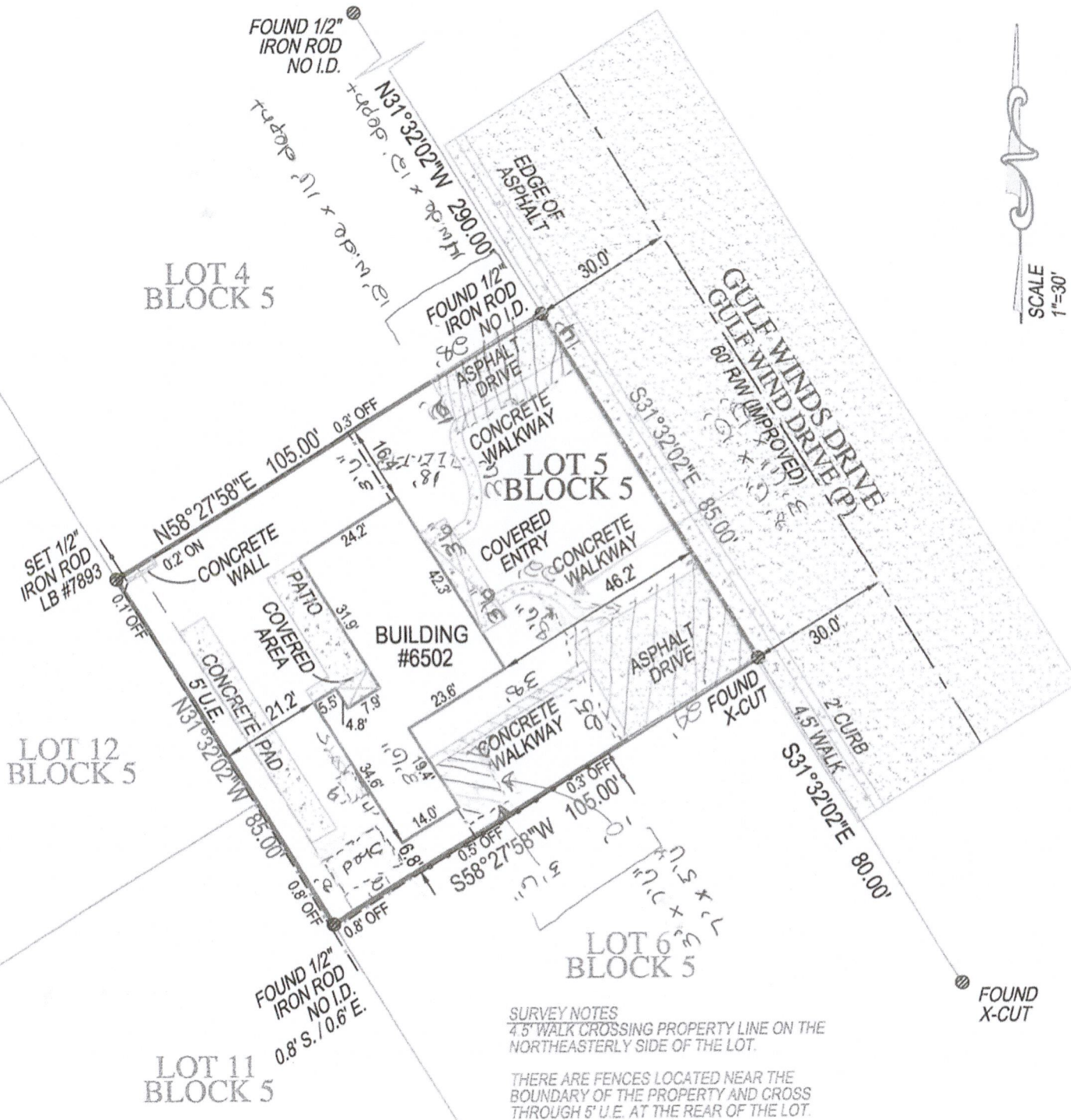


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1"=30'

SURVEY NOTES

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I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

KENNETH OSBORNE

Digitally signed by
KENNETH OSBORNE
Date: 2022.05.11
16:08:37 -04'00'

PAGE 2 OF 2 PAGES
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**TARGET
SURVEYING, LLC**

LB #7893

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

PLANNING DEPARTMENT

Date: June 14, 2023
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 6502 Gulf Winds Dr
Parcel Number: 36-31-15-34776-005-0050
Kelly Strom for KAJE Properties, LLC
Variance Case No: 23029

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 6/28/2023

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

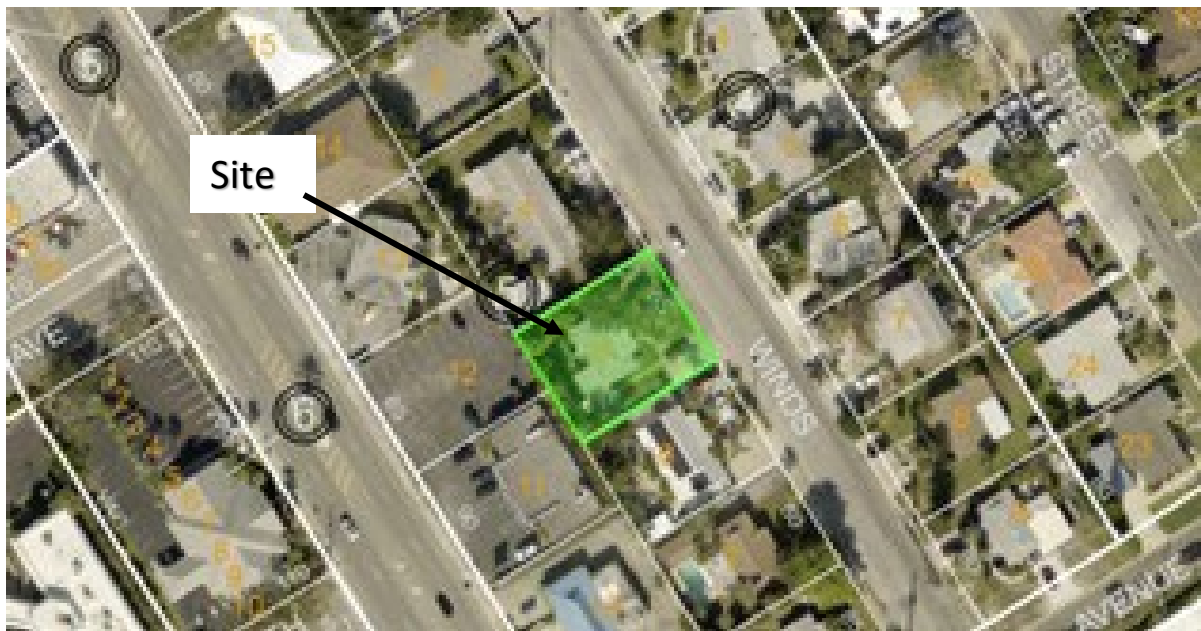
1. Completed Unnecessary and Undue Hardship Variance application form.
2. Completed Impervious Surface Ratio (ISR) worksheet.
3. Boundary Survey prepared by Target Surveying, LLC dated 5/11/2022, consisting of 2 sheets.
4. Boundary Survey prepared by Target Surveying, LLC dated 5/11/2022, consisting of 2 sheets showing existing improvements including location and dimensions of proposed driveways, walkways, and patio with dimensions.

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

Site Description/Surrounding Land Uses

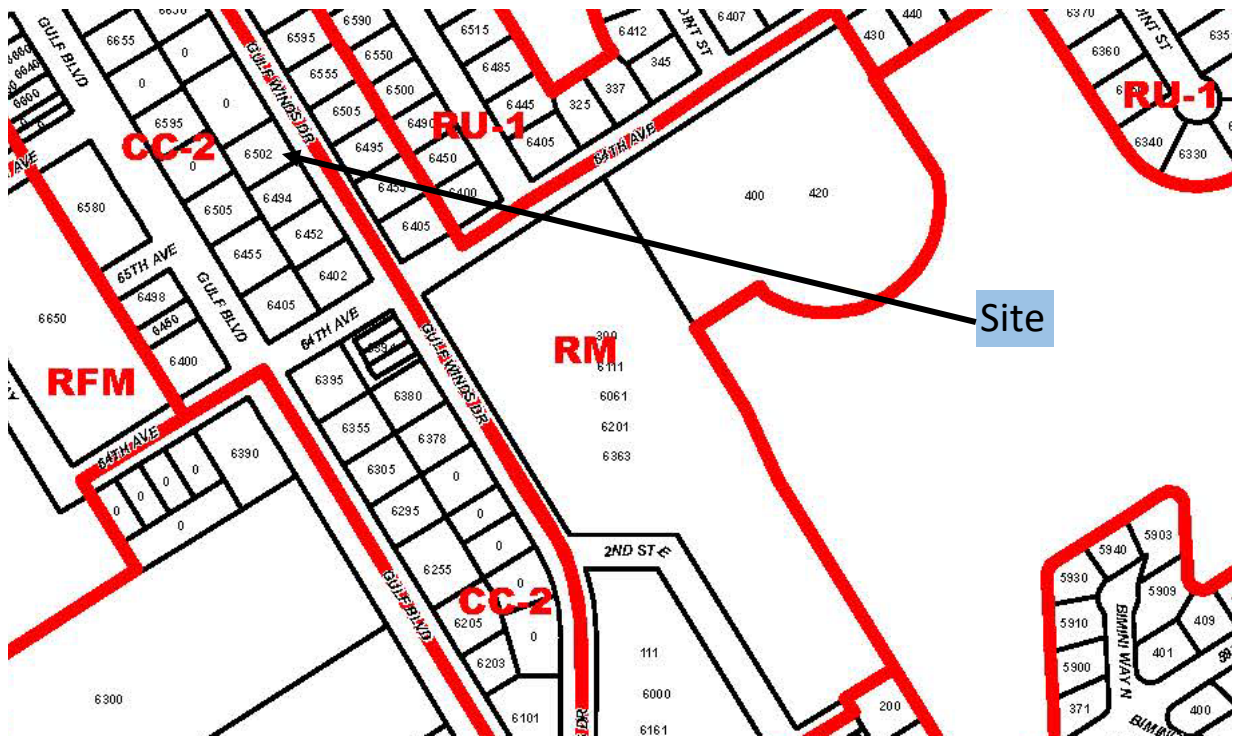
The subject site is a 8,925 sq. ft. (approx. 0.20 acre) parcel located at 6502 Gulf Winds Dr. known as parcel number 36-31-15-34776-005-0050 and legal description of GULFWINDS SUB BLK 5, LOT 5 within the AE-Elevation 9 flood zone. The property is located in the CC-2 zoning district; CC-2 on the future land map and contains a triplex constructed in 1947 according to the Pinellas County Property Appraiser. It is surrounded by multifamily apartments with a single-family dwelling to the north, duplex to the south, triplex to the east, and commercial office building to the west. The property is improved with a one-story triplex with covered front porch, 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 8 of 15, dated 7/20/2012

Request

The applicant requests to install a paver driveway 25' in width at property line where a maximum of 20' is permitted (LDC 23.11(b)(2)).

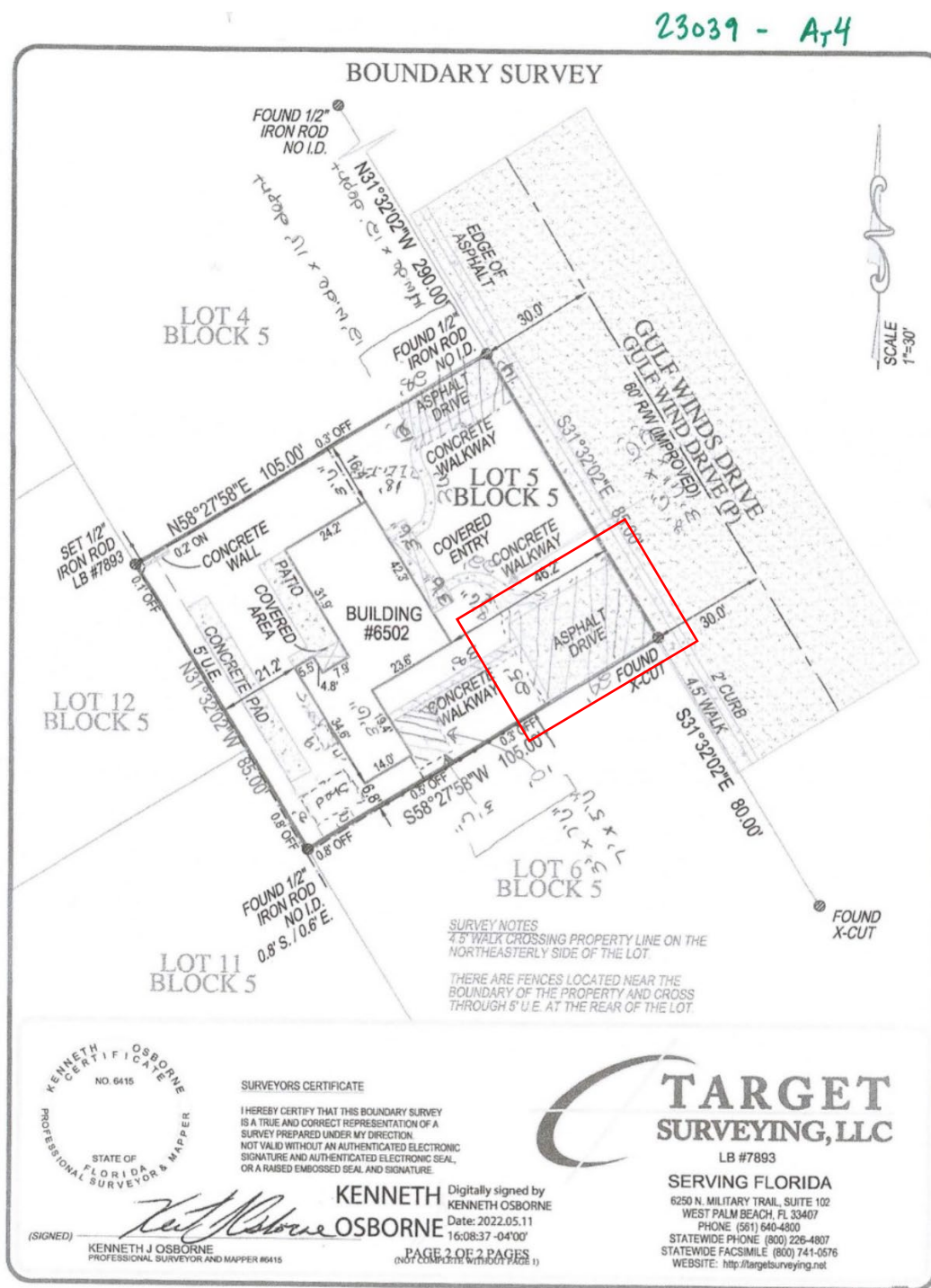
It should be noted that a code enforcement case is currently open on the property due to construction without a permit and upon applicant's submittal for zoning review, it was denied due to the proposed width requiring variance relief.

Analysis

1. Variance required:
 - a. **Standard Driveway, Maximum Driveway Width at the Property Line:** Driveways shall measure no less than 10 feet in width and no more than 20 feet as the driveway crosses the property line. The driveway approach shall measure no more than 26 feet at the curb, which includes two three-foot by seven-foot triangular flares. The proposed driveway at the property's southern end is 25' in width and a maximum of 20' is permitted.

Standard Driveway, Maximum Driveway Width at the Property Line (LDC Sec. 23.11(b)(2))	6250 Gulf Winds Dr.		
	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Driveway Width at Property Line (Max.)	20 ft.	22 ft.* (south) 10 ft. (north)	25 ft. (v) (south) 14 ft. (north)
*Denotes existing non-conformity (v) = Variance required			

Figure 3: Existing Survey with Proposed New Driveways (N.T.S.)



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The property currently contains 3 one-bedroom units with two separate driveways. The LDC requires 1 parking space per bedroom for multifamily residential. The existing driveways can reasonably accommodate 3 vehicles and the existing driveway along the southern property is currently 22' wide and a width of 25' is requested to create one additional parking space.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *Staff feels based on historic imagery, the conditions of the prior asphalt driveway prior to removal needed significant repair or replacement. The applicant was unaware of the non-conformity until application was submitted for the driveway installation.*
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 not to be able provide necessary off-street parking for its occupants.*
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 a desire to achieve greater financial return forms the basis of this request's hardship. As stated in the application, the applicant is requesting an additional parking space to provide for off-street parking for visitors, maintenance or repair vehicles.*
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;
 - *With the variety of building types along Gulf Winds Dr., there currently exists several properties that have wide, some expansive, driveways to accommodate off street parking and visually will not seem out character.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

- *Staff finds that the applicant has examined utilizing the maximum potential of the existing southern driveway width to have the ability to park 3 vehicles side by side by requesting an expansion of 3' in width of the existing driveway with an overall increase of 87 sq. ft. where approximately 1 space would be 180 sq. ft.*
- 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 current landscaping with mature trees and improvements in addition to the proposed driveway allow for the upkeep and appearance of the property. Staff does not find that the expansion of the driveway will impair or diminish property values within the neighborhood.*

Other:

- Should the Board not grant the variance, the applicant should provide testimony of how the driveway would be brought into conformance.
- The applicant should provide details on the other hardscape installations, pathways, patio, etc. to describe the scope of improvements planned.
- Applicant should comment if the recommendation from the TRC (below) can be accomplished.

TRC Comments from June 7, 2023 Technical Review Committee Meeting

- Staff recommended shifting the proposed driveways a minimum of 2 feet further to the north, away from the property line, to allow sod or ground cover to be installed to provide a break from the existing driveways and adjacent properties. This will allow for dissimilar materials next to one another and a visual break between the driveways.

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 provide at least 2' setback from side yard property lines and installation of ground cover or landscaping to be approved by zoning at time of final inspection.

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: Kelly Strom, KAJE Properties, LLC ***via email*** (kjstrom@hotmail.com)
Matthew McConnell, Board of Adjustment Attorney