



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, August 30, 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 August 30, 2023 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes. Please complete and submit a public comment card to the Clerk.

3. Approval of Minutes

a. July 26, 2023

4. Action Items -

a. Case No. 23014 - 1 Alhambra St.

Practical Difficulty Variance; Gary Trupp, Riva Construction for Douglas Blackmer requests to renovate the existing single-family dwelling including construction of a two-story addition that does not meet the required 20' rear yard setback with 7'10" proposed (LDC Sec. 9.7(a)(4)).

5. Items for Discussion -

a. Variance Process and Decisions

6. Adjournment - Next meeting to be held on September 27, 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
July 26, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Denise Chase, Member
BJ Lawson, Member

EXCUSED: Michael Bomar, Vice Chair
Dan Small, 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** – No changes to the agenda.

Motion: Member Lawson moved, and Member Chase seconded the approval of the agenda for July 26, 2023; the motion passed unanimously.

2. **Audience Comments** – None.

3. **Approval of Minutes** -

Motion: Member Chase moved, and Member Lawson seconded the approval of the June 28, 2023 meeting minutes as presented. The motion passed unanimously.

4. **Action Items** –

a. **Case No. 23025 – 5575 Gulf Blvd.: *Unnecessary and Undue Hardship Variance***; Affordable Aluminum for Regency West Apartments 2 Assoc. requests replacement of an existing carport, approximately 410' x 21' (8,596 sf) within a required side yard setback where 27.3 feet is required with a 3.8-foot setback to columns and 1-foot setback to the roof leading edge is provided (LDC Sec. 38.9).

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 variance conditions, staff comments and suggested questions for the Applicant. The Technical Review Committee (TRC) comments from their June 5, 2023 meeting were in the meeting packet.

Staff found the request to be reasonable and the recommendation was for approval with the conditions that wheel stops be installed if necessary, gutters and downspouts be installed to direct runoff away from the property line, and the carport be utilized by vehicles only and not outdoor storage. No communication for or against the request was received.

Applicant Scott Walker of Affordable Aluminum Construction, 1990 Starkey Rd., Largo, appeared and provided testimony and additional details of the project.

There was no ex-parte communication by any of the Board members.

There was no public comment and the Chair opened Board member discussion.

Motion: Member Chase moved, and Member Lawson seconded to approve the Variance for Case No. 23035 with the staff recommended conditions outlined in the meeting packet; the motion passed unanimously.

Following the case hearing, Member Lawson suggested adding a discussion item to an upcoming meeting regarding the possibility of expanding the scope of administratively granted variances for more rote requests, such as replacing window air conditioners with smaller more efficient split units. Ms. Coman explained the current scope of administrative variances (up to a 12 inch variance for setbacks and accessory structure height); adding to that scope would require a modification to the Land Development Code. Assistant City Attorney McConnell suggested staff compile a list of administrative variances granted in the past 5-6 months to include in that discussion item.

Mr. McConnell directed the members present to the list of Board meetings for the remainder of 2023 and asked that members review them and try to notify staff well in advance if they will be unable to attend. One meeting was cancelled in February; the full Board has not been present for any meetings during 2023, and three votes are required for any approvals. He added that staff could alter the meeting time or day if that would work better for everyone's availability.

5. Adjournment – Next meeting 8/30/23.

Member Chase moved and Member Lawson seconded adjournment at 2:21 PM.

These minutes will be considered for approval at the August 30, 2023 Board of Adjustment meeting.

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to APPROVE WITH CONDITIONS Case No. 23014 to permit renovation of the existing single-family dwelling including construction of a two-story addition that does not meet the required 20' rear yard setback with 7'10" proposed with the staff recommendation that the following condition(s) should apply:

- Applicant shall comply with the required landscaping as per LDC Sec. 22.5 and the landscaping plan submitted at the time of permit review.
- Applicant shall submit a sealed As-Built Survey noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection.

Strategic Objective:

Date: August 30, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Gary Trupp, Riva Construction for Douglas Blackmer requests to renovate the existing single-family dwelling including construction of a two-story addition that does not meet the required 20' rear yard setback with 7'10" proposed (LDC Sec. 9.7(a)(4)).

Funding: n/a

Attachments:

1. 23014 - 1 Alhambra St - Certificate of Completeness with Submittal Documents.
2. 23014 -1 Alhambra St. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 7/20/2023
Re: **CERTIFICATE OF COMPLETENESS**

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 **August 30, 2023**.

Variance Case Number: 23014
Application Type: Practical Difficulty Variance
Owner: Douglas Blackmer
Applicant/Agent: Gary Trupp, Riva Construction, Inc.
Parcel Number: 07-32-16-21852-023-0090
Address: 1 Alhambra St., St. Pete Beach, FL 33706
Zone: RU-2

Submittal Documents:

1. Completed Practical Difficulty Variance application form.
2. Boundary Survey prepared by David L. Smith Survey and Mapping, Inc. dated 10/25/2022, consisting of 1 sheet showing existing site improvements.
3. Completed Impervious Surface Ratio (ISR) worksheet.
4. Plot Plan, Sheet 1b prepared by Richter Engineering, Inc. no date provided, consisting of 1 sheet showing proposed improvements.
5. Elevations, prepared by Richter Engineering, Inc. no date provided, consisting of 4 sheets showing elevations including front, rear, right and left.
6. Floor Plans, prepared by Richter Engineering, Inc. no date provided, consisting of 3 sheets showing proposed floor layout, Floors 1-3.

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: Doug Blackmer, Owner ***via email (doug@conquestmarketing.com)***
Gary Trupp, Riva Construction, Inc., Applicant ***via email (garytrupp@outlook.com)***

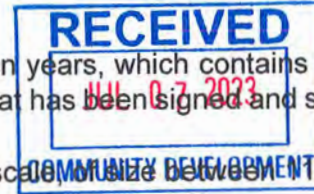
CASE #: **23014**SUBMITTAL DATE: **7/17/23**AMOUNT DUE: **523.10**
pd 7/10/23

PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Doug Blackmer	1 Alhambra St St Pete Beach, FL 33706	813-340-1030
Applicant/ Agent	Gary Trupp <i>Riva Construction Inc.</i>	1315 W. Cass St Tampa, FL 33606	813-493-6375
Owner Email Address: doug@conquestonemarketing.com		Applicant/Agent Email Address: garytrupp@outlook.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-2	Future Land Use Designation RU-2	Lot Area 6918
Legal Description:	Don Cesar PL Blk 23, lot 9 together with 10 ft strip and seawall between lots per deed 987/117	
Parcel ID:	07-32-16-21852-023-0090	
Address:	1 Alhmabra St St Pete Beach, FL 33706	
Explanation of Request: <u>We are requesting to reduce the 20' rear setback to 7'10"</u> <u>This is necessary to construct a 22'x28' 2 story addition, height to not exceed 35'. This structure</u> <u>will accommodate a 2 car garage, 2nd floor living area and 3rd floor observation deck.</u> 		

Narrative of Request

- 1) Bump out the front of the existing home to add a foyer and enlarge the existing rooms.
Dimensions: 8'x27' and 4'x14' total 272 square feet and ceiling heights of 8' to match existing structure.
- 2) Remove front patio and add dining room.
Dimensions: 10'x12' total 120 square feet with 8' ceiling.
- 3) Build 2 car garage.
Dimensions: 22'x28' total 616 square feet with 8' ceiling.
- ~~4) Adding two 3' overhangs over garage door and front entrance.~~
- 5) Remove existing driveway of 735 square feet
- 6) Install new driveway in front of the garage for a total of 198 square feet of pavers
- 7) Remove existing walks of 323.7 square feet and add new walks of 300.5 square feet
- 8) Build second floor to create 2 bedrooms and 2 baths plus balconies.
Dimensions: 2nd floor addition is 2,220.84 square feet with 9' ceilings. Total of balconies is 370.6 square feet.
- 9) Observation area and deck.
Dimensions: Observation deck is 22.5'x24' total 540 square feet with 8' ceilings. Attached balconies are a total of 389 square feet.

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

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

We are seeking a deviation of the required 20' rear setback to 7.83'.

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

**We do not believe it will change the character or aesthetic of the neighborhood.
Majority of the homes are 2 and 3 story homes.**

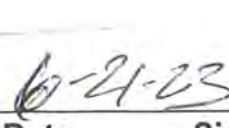
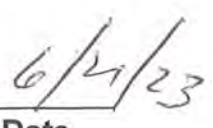
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and

Due to the fact the property is a corner lot and the dwelling layout, we cannot construct a garage with additional living space without granting this variance.

It may appear that my home has a garage, but this space was converted in prior owner permitted renovation to a utility room.

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

Yes, the interest of justice will be served. This will allow us to construct a 2 car garage, thus allowing vehicles to be removed from the driveway and/or street.

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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

VARIANCE APPLICATION

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

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

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

 On all variances 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.

 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.

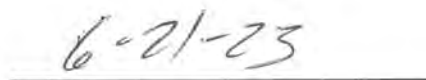
 I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

 I understand that any person aggrieved by the final decision 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.

 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


Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Douglas M Blackmer, 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): Douglas M Blackmer
Address: 1 Alhambra St St Pete Beach FL 33706

[Signature]
Signature

10-18-22
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

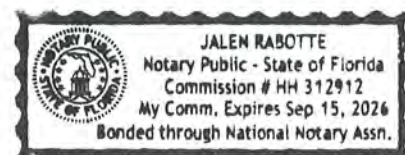
The foregoing instrument was acknowledged before me this 18 day of October, 2021 by: Douglas blackmer who appeared before me, and is personally known to me, or has produced Florida drivers license as identification, and did take an oath.

My commission Expires:

NOTARY: Jalen Rabotte
Print Name: Jalen Rabotte Notary

Public, State of Florida

(Notarial Seal)



Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Douglas Blackmer
(print name of property owner)

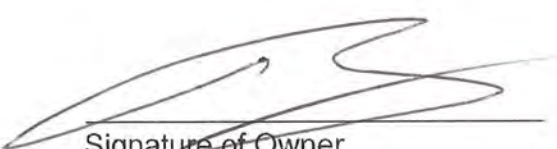
hereby authorize

(print name of agent)

to represent me/us in an application for

Variance

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


Signature of Owner

Signature of Owner

Douglas M Blackmer
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 18 day of

October 2021 by Douglas Blackmer or who is

personally known _____ produced

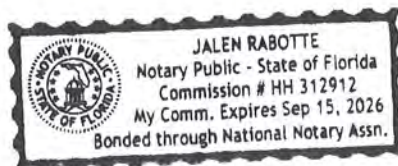
Florida drivers license as identification.


(Notary Signature)

10/18/22
(Date)

My Commission Expires

Sep 15 2026





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

Douglas M Blackmer 1 Alhambra St. St Pete Beach Fl. 33706

Contractor/Applicant Name & Address

Riva Construction Inc. C/O Gary

Phone 813.340.1030

Email doug@conquestonemarketing.com

Property Address 1 Alhambra St. St Pete Beach Fl 33706

Total Lot Area (sq. ft.) 6918

Phone 813.493.6375

Email garytrupp@outlook.com



Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	1588	sq. ft.
Parking and Driveway:	735	sq. ft.
Pool and/or Patio areas:	205	sq. ft.
Walkways:	323.7	sq. ft.
Other:	108	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	2959.7	sq. ft.

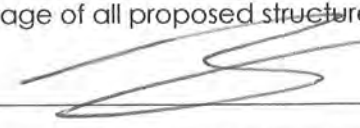
2959.7	sq. ft.	÷	6918	sq. ft.	=	43
Total Existing Impervious Surfaces			Lot Area			Existing Impervious Surface Ratio

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	2518	sq. ft.
Parking and Driveway:	198	sq. ft.
Pool and/or Patio areas:	207.4	sq. ft.
Walkways:	300.5	sq. ft.
Other:		sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	3223.9	sq. ft.

3223.9	sq. ft.	÷	6918	sq. ft.	=	46.6
Total Proposed Impervious Surfaces			Lot Area			Proposed Impervious Surface Ratio

Certification:

I, Douglas Blackmer 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: 

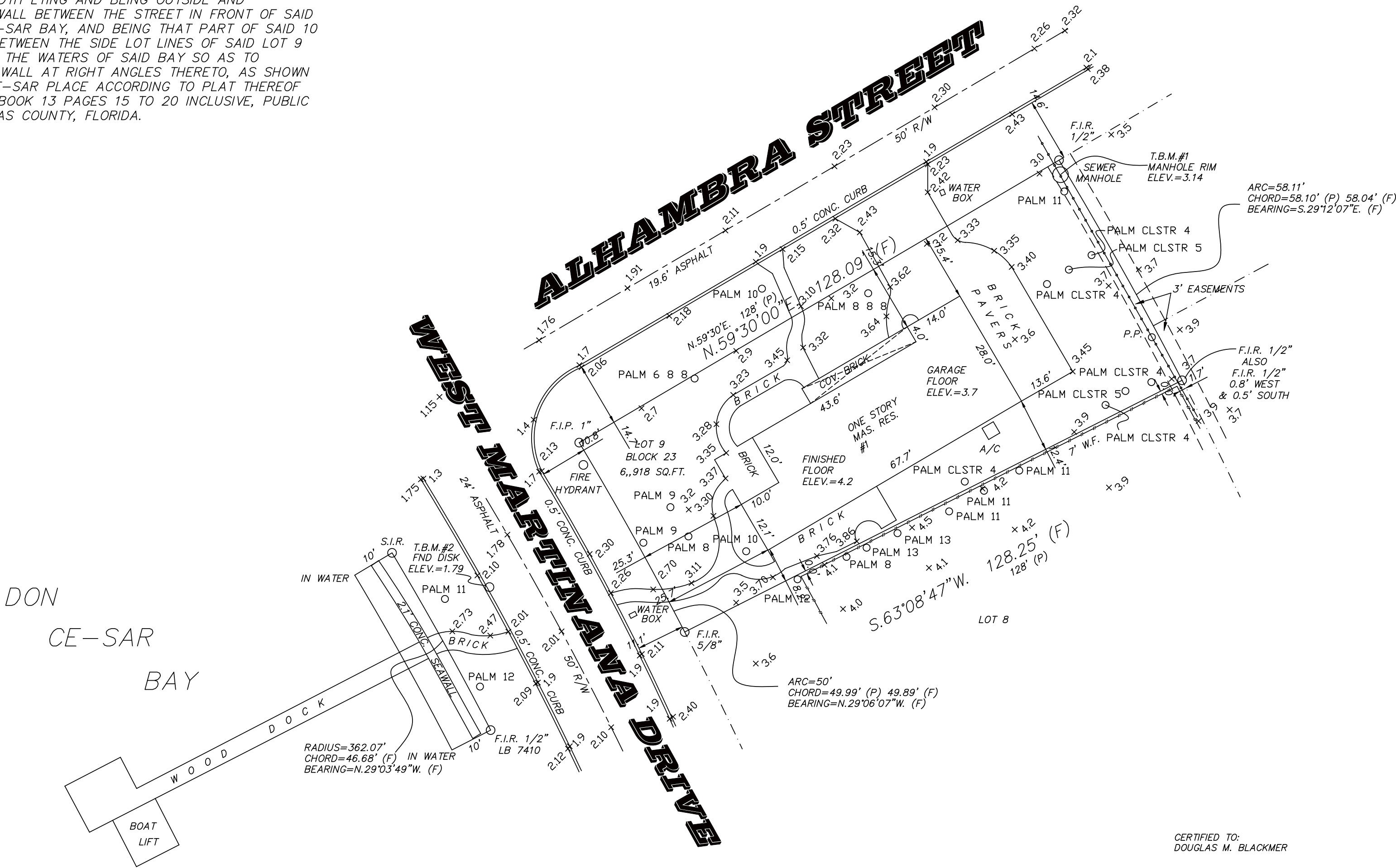
Date: 6/21/23

BOUNDARY, TOPOGRAPHIC & TREE SURVEY

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

LEGAL DESCRIPTION:
LOT 9, BLOCK 23, TOGETHER WITH THAT PORTION OF STRIP OF LAND 10 FEET IN WIDTH LYING AND BEING OUTSIDE AND INCLUDING THE SEAWALL BETWEEN THE STREET IN FRONT OF SAID LOT 9 AND DON CE-SAR BAY, AND BEING THAT PART OF SAID 10 FOOT STRIP LYING BETWEEN THE SIDE LOT LINES OF SAID LOT 9 AS PROJECTED INTO THE WATERS OF SAID BAY SO AS TO INTERSECT SAID SEAWALL AT RIGHT ANGLES THERETO, AS SHOWN BY PLAT OF DON CE-SAR PLACE ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 13 PAGES 15 TO 20 INCLUSIVE, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SCALE 1" = 20'
0' 10' 20' 30'



CERTIFIED TO:
DOUGLAS M. BLACKMER

NOTE: ALL TREES ARE MEASURED IN INCHES.
ELEVATIONS ARE BASED ON NGS BENCHMARK "196 FLHD", ELEVATION 3.24 (NAVD88).
BEARINGS ARE BASED ON THE SOUTHEASTERLY R/W LINE OF ALHAMBRA STREET AS, "N.59°30'E.", PER PLAT.

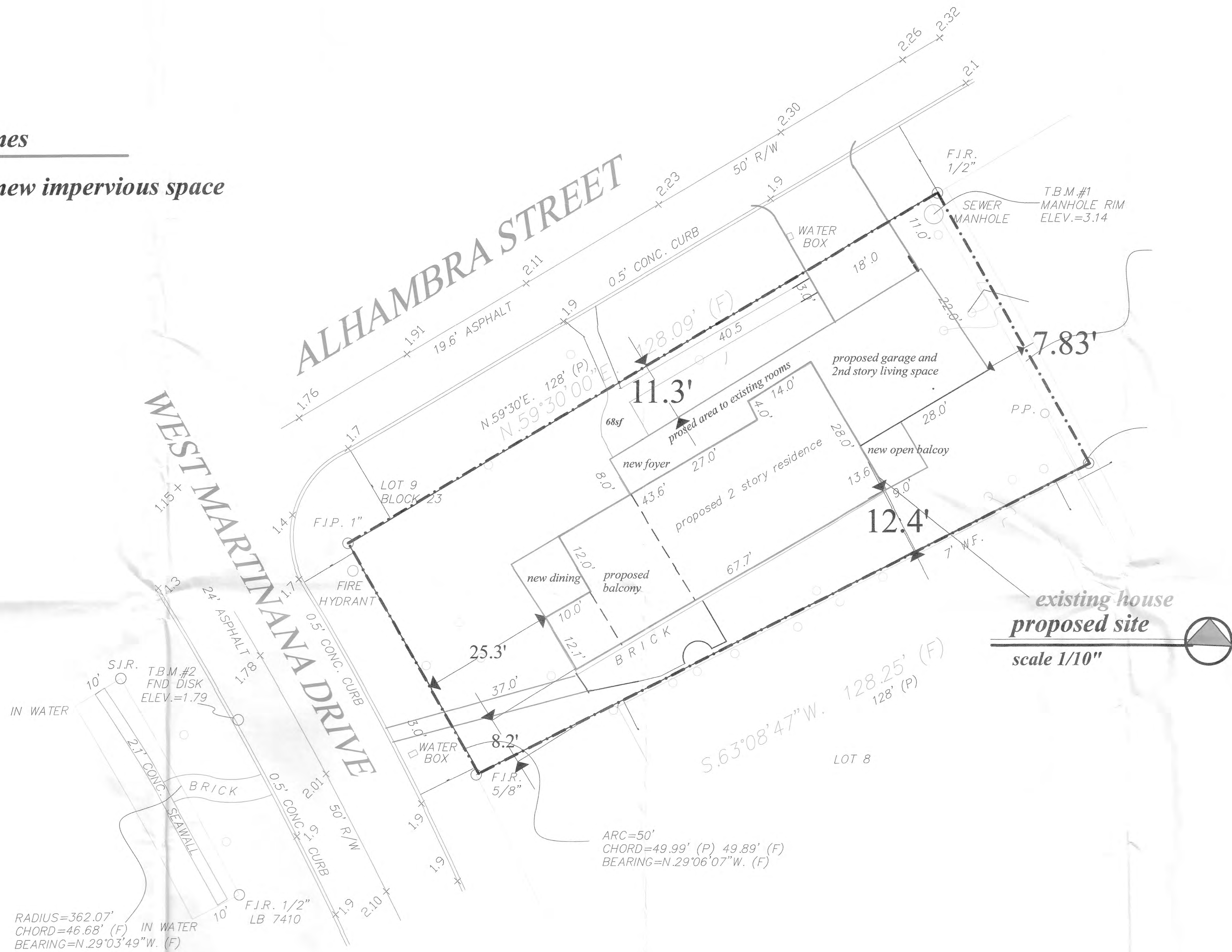
Surveyor's Notes:	
1) Property shown hereon appears to be located in Flood Zone "AE" per F.I.R.M. No. 12103C 0278H Dated 8-24-21. This surveyor makes no guarantees as to the accuracy of the above information. Local F.E.M.A. agent should be contacted for verification. Base Flood Elevation=9 & 10. 2) No underground utilities, underground encroachments or building foundations were measured or located as part of this survey. Trees and shrubs were not located unless otherwise shown. 3) This survey was conducted without the benefit of an abstract of title, therefore there may be other easements, rights of way, setback lines, agreements, reservations, restrictions or other similar matters of public record, not shown hereon. 4) Unless otherwise noted, distances shown hereon refer to plat and field measurements and are measured in U.S. feet. 5) Re-use of this survey for purposes other than it was intended, without written verification, will be the re-users sole risk and without liability to the surveyor. Nothing herein shall be construed to convey any rights or benefits to anyone other than those to whom this survey was originally certified.	
PARTY CHIEF:	S.L.
DRAWN BY:	C.B.

SMITH SURVEYORS	
DAVID L. SMITH SURVEYING AND MAPPING, INC. 1406 W. LINEBAUGH AVE. Tampa, FL 33612 Phone (813) 935-1960 Fax (813) 933-9446	
Certificate of Authorization "L.B. #6962" SURVEYOR'S CERTIFICATE I hereby certify that the survey represented hereon meets the requirements of Florida Administrative code pursuant to Chapter 5J-17.050,051,052, of the Florida Statutes. Unless it bears the signature and the original raised seal of this Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.	
J. MICHAEL FUQUA P.S.M. 4192	Signature _____ Date _____
Field Date: 10/25/22	Job Number: 2210-047

Legend			
PC :Point of Curvature PT :Point of Tangency PRC :Point of Reverse Curvature PCC :Point of Compound Curvature PI :Point of Intersection SIR :Set Capped Iron Rod 1/2" #6962 FIR :Found Iron Rod FIP :Found Iron Pipe FCM :Found Concrete Monument SCM :Set Concrete Monument SET DISK :Set P-K Nail & Disk FND DISK :Found P-K Nail & Disk FND RRS :Found Railroad Spike NCF :No Corner Found or Set PRM :Permanent Reference Monument O/H :Overhead Wires CLF :Chain Link Fence P.O.B. :Point of Beginning P.O.C. :Point of Commencement P-K :Parker-Kalon O.R.B. :Official Records Book V.G. :Concrete Valley Gutter	TBM :Temporary Benchmark BM :Benchmark PP :Power/Utility Pole PSM :Professional Surveyor & Mapper LB :Licensed Business RLS. :Registered Land Surveyor ATIMA :As Their Interests May Appear ISAQA :It's Successors And/Or Assigns R.C.P. :Reinforced Concrete Pipe (P) :Plat (D) :Deed (Desc) :Description (C) :Calculation (F) :Field Measured SEC. :Section TWP. :Township RGE :Range C/L :Centerline A/C :Air Conditioner O/A :Overall	CONC. :Concrete A.P.O. :A Part Of COV. :Covered MAS. :Masonry RES. :Residence P.B. :Plat Book PG. :Page TYP. :Typical W.F. :Wood Fence EL. :Elevation ASPH. :Asphalt (Desc) :Description W.C. :Witness Corner R/W :Right Of Way ESMT. :Easement S/W. :Sidewalk C.B. :Chord Bearing COL. :Column SQ. :Square DIA. :Diameter U.S. :United States	

blue lines

represents new impervious space



existing living space 1,327sf
proposed living space 2,459sf
observation area 506sf
garage 591sf

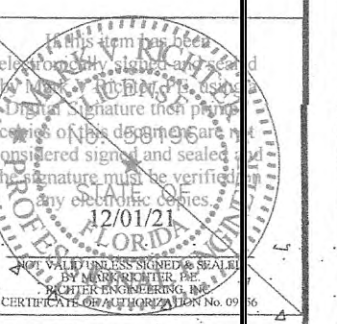
RECEIVED
JUL 19 2023
COMMUNITY DEVELOPMENT

these documents are in strict accordance with
the 7th edition (2020) florida building code
residential, nec 2017, wind exposure b, 150mph
3 second gust, risk category II

the alhambra st. project
1 alhambra st. st. pete beach
perry sullivan iii a.d.a. consulting
perry.sullivan@verizon.net
813.775.8487

1502 W Beach Blvd - Suite C
Tampa, FL 33612
richter@engineer.com
Richter Engineering, Inc.
USER OF THE PLANS ACKNOWLEDGES AND ACCEPTS THE LIMIT OF
LIABILITY NOT TO EXCEED DESIGN AND ENGINEERING FEE PAID.
THESE PLANS MAY NOT BE COPIED OR MODIFIED WITHOUT
WRITTEN PERMISSION FROM RICHTER ENGINEERING, INC. ©
COPYRIGHT 2023

sheet 1b





railing

stucco over framing

metal seamlock roofing

stucco over c.m.u.

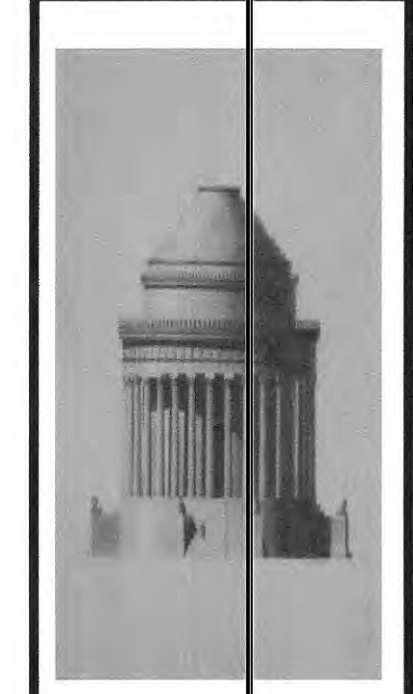
grade

dbl garage door

proposed front elevation

scale 1/4"

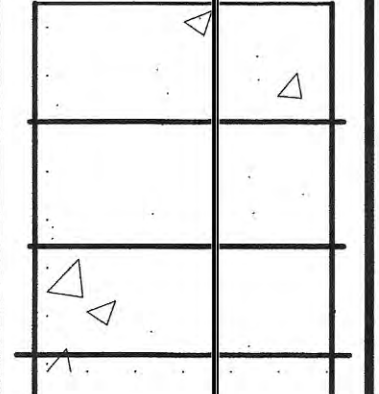
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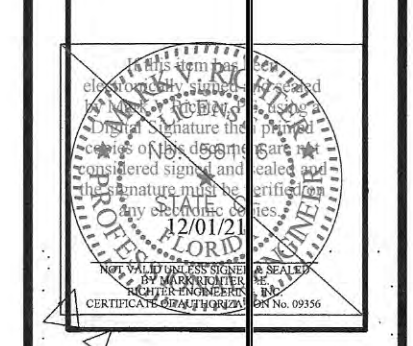
the alhambra st. project
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elevation



sheet 5





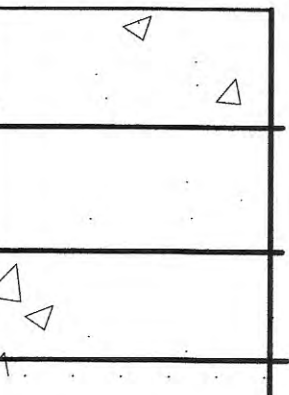
proposed right elevation
scale 1/4"



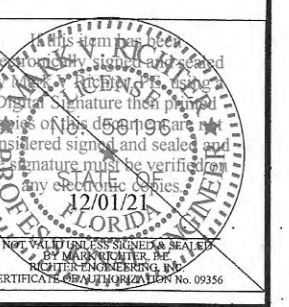
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elevation



sheet 1



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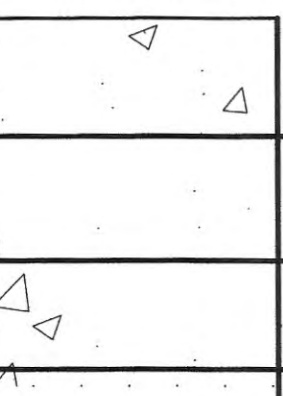
proposed left side elevation
scale 1/4"



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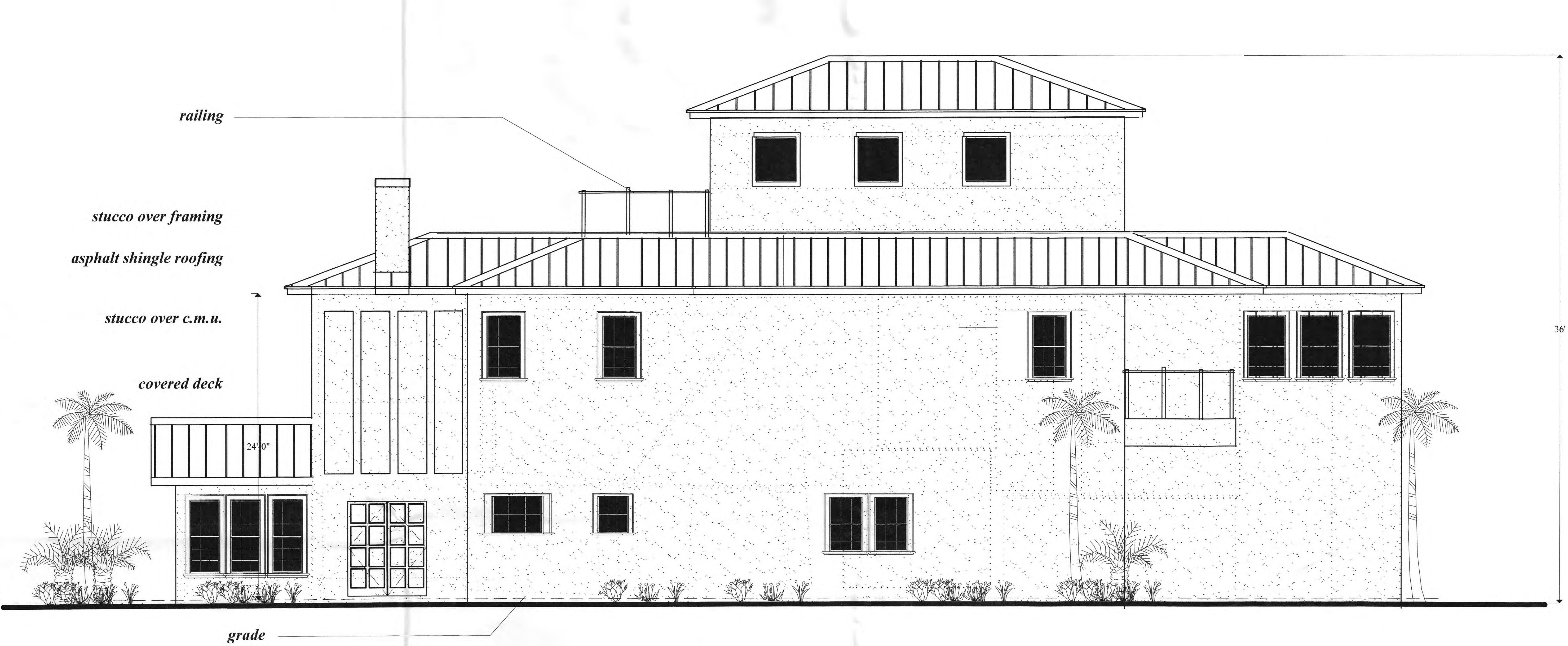
elevation



sheet 7

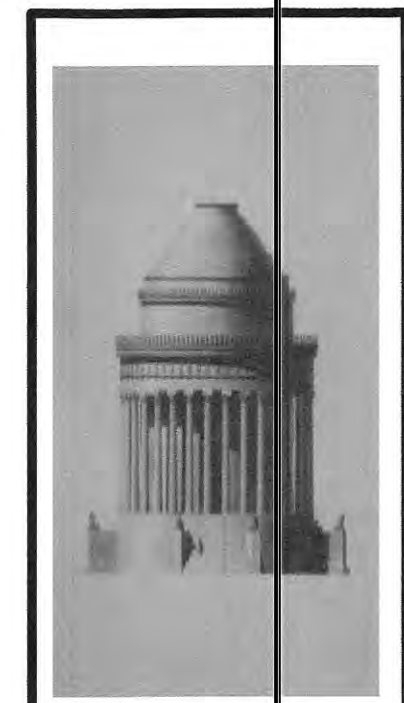
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proposed rear elevation
scale 1/4"

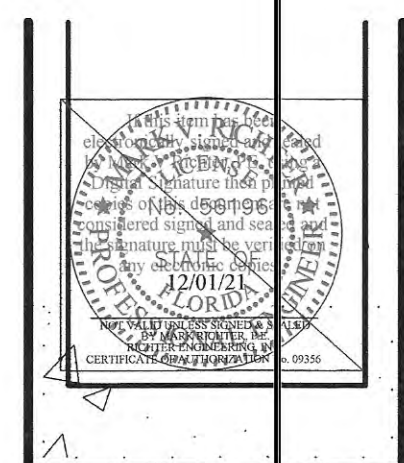
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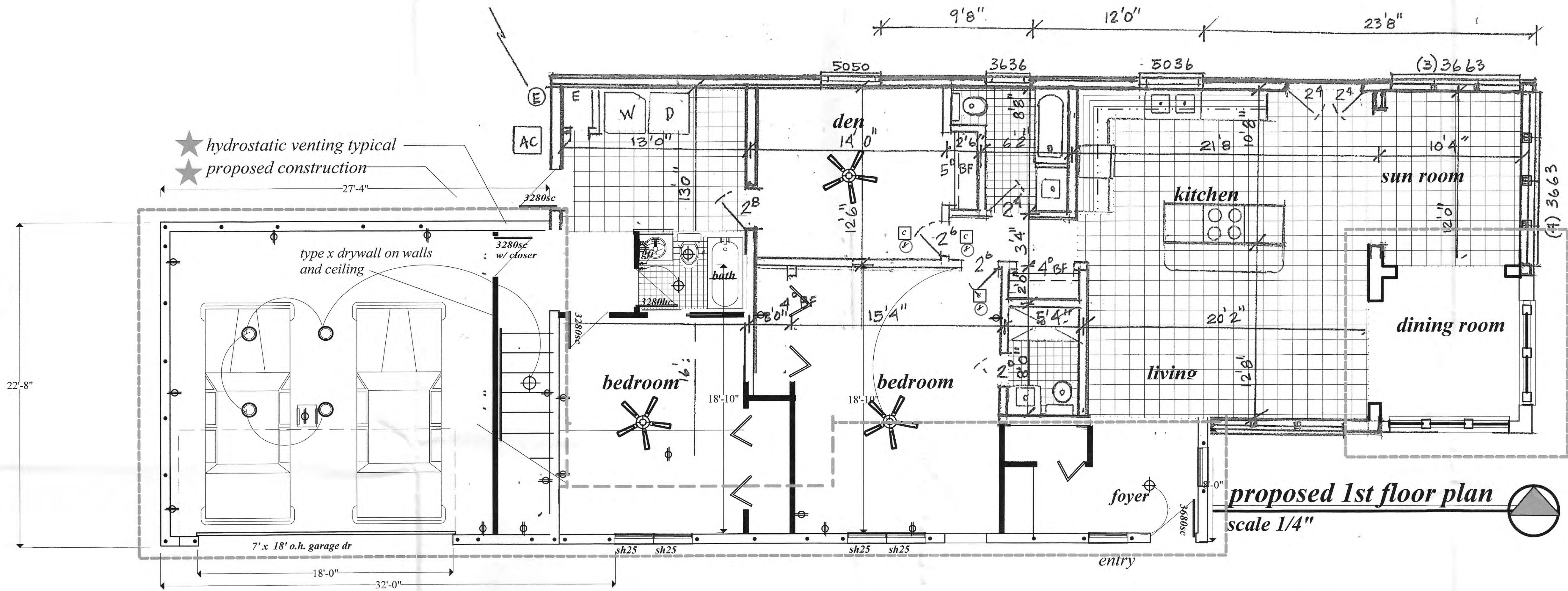


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elevation





WINDOW SCHEDULE			
SINGLE HUNG WINDOW			
CODE	WINDOW SIZE WITH X HEIGHT	MASONRY	FRAME
12 SH	19 1/8 X 26	20" X 26"	19 3/8" X 26 1/2"
13 SH	19 1/8 X 38 3/8	20" X 38 1/8"	19 3/8" X 39"
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35 1/2 SH	26 1/2 X 63	27 1/2" X 63"	26 3/4" X 63 1/2"
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- c** safety glazing required in all hazardous locations per section r308
- s** this structure shall fully comply w/ section n.f.p.a. 72
- carbon monoxide alarm
- smoke detector
- all outlets in wet locations must be gfi
- all outlets must be afd
- all smoke detectors shall be a 'hard wired' system

(b) Dwelling Unit Bedrooms. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere receptacle outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter(s). This requirement shall become effective January 1, 2002.

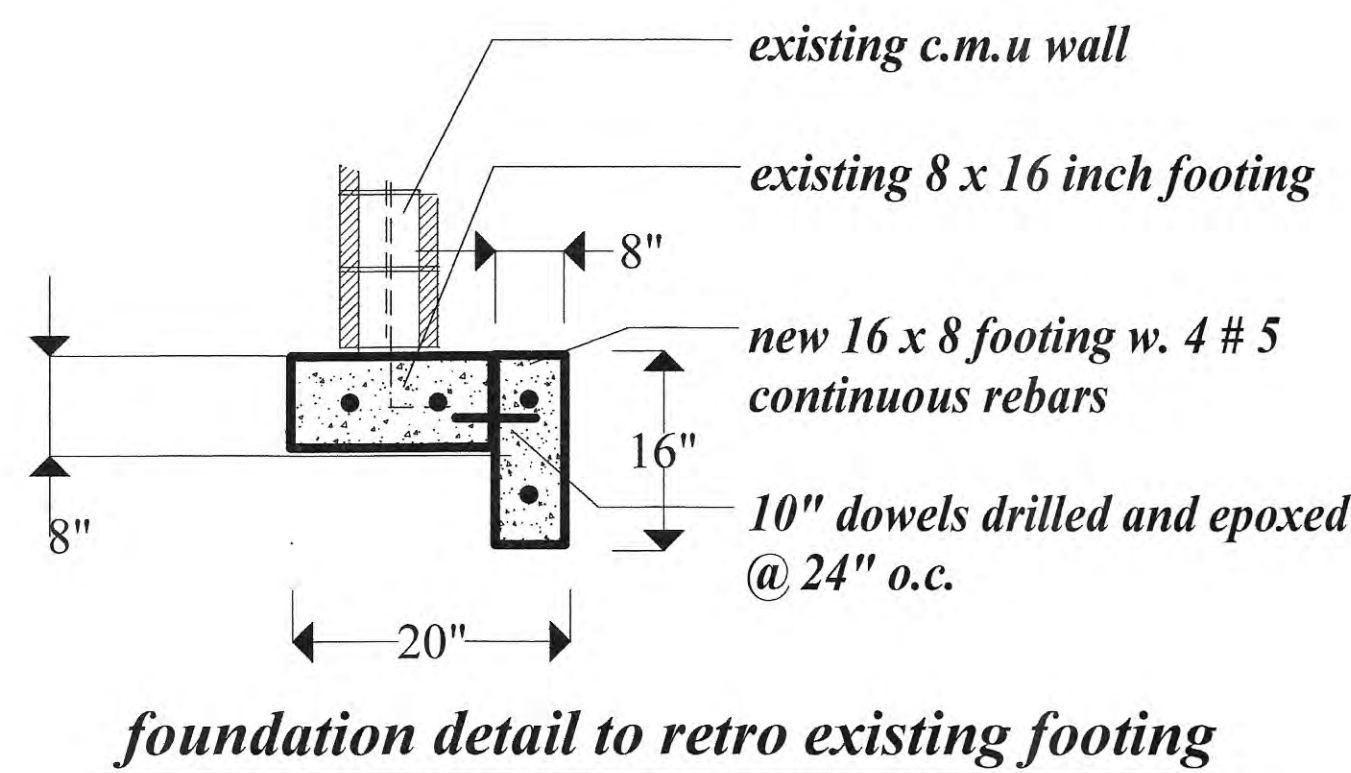
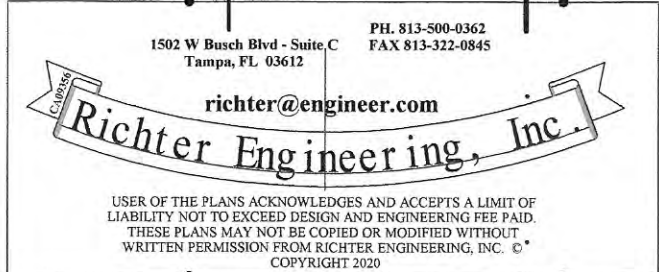


TABLE R302.6 DWELLING-GARAGE SEPARATION	
SEPARATION	MATERIAL
From the residence and attics	Not less than 1/2-inch gypsum board or equivalent applied to the garage side
From habitable rooms above the garage	Not less than 1/2-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 1/2-inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 1/2-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

these documents are in strict accordance with the 7th edition (2020) florida building code residential, nec 2017



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revisions

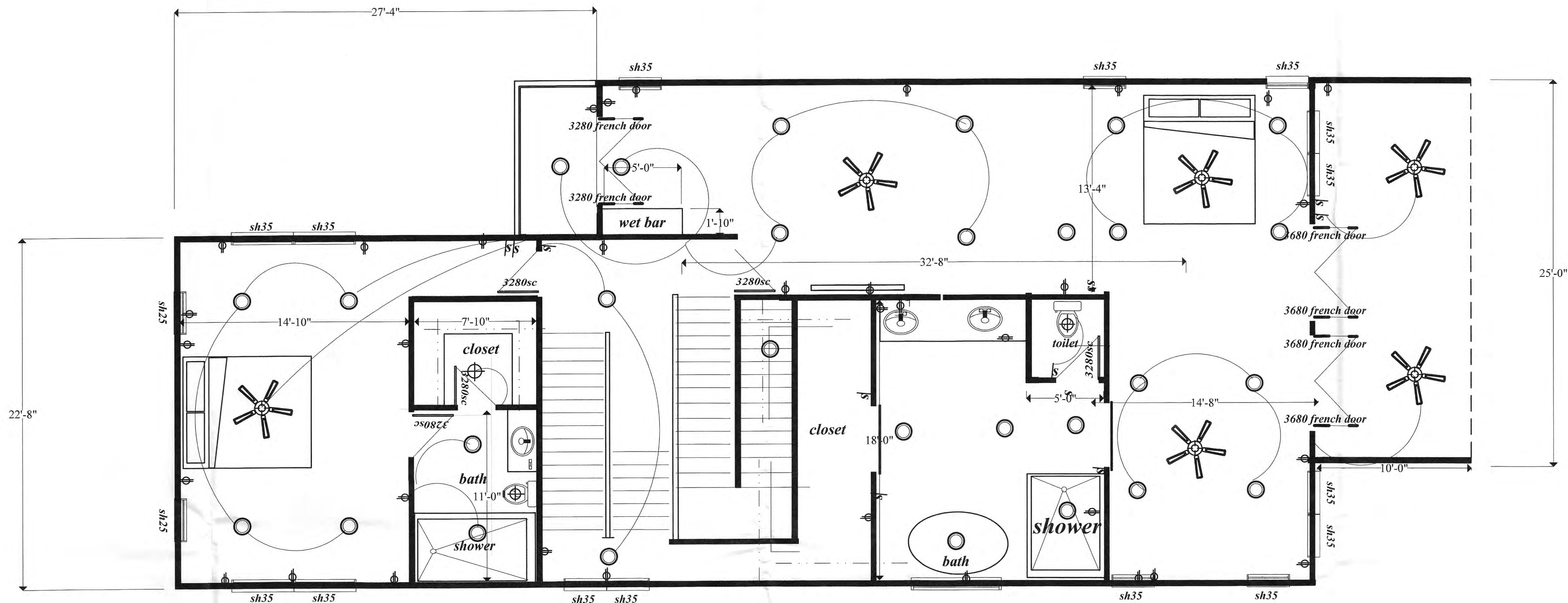
floor plan

6 10 23

sheet 2

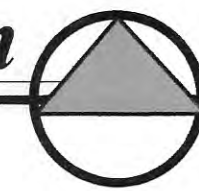


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proposed 2nd floor plan

scale 1/4"



WINDOW SCHEDULE

SINGLE HUNG WINDOW			
CODE	WINDOW SIZE WITH X HEIGHT	MASONRY	FRAME
12 SH	19 1/8 X 26	20" X 26"	19 3/8" X 26 1/2"
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egress window

c

safety glazing required in all hazardous locations per section r308

f

this structure shall fully comply w/ section n.f.p.a. 72

carbon monoxide alarm

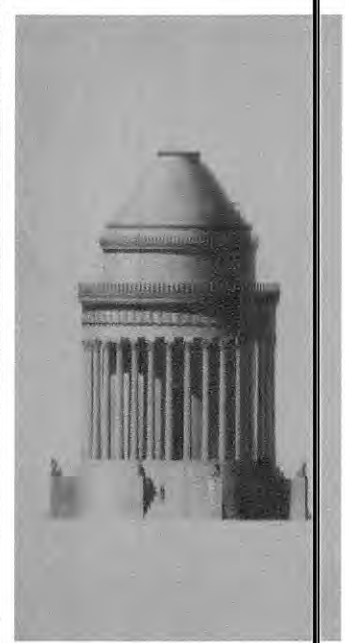
smoke detector

all outlets in wet locations must be gfi

all outlets must be afi

all smoke detectors shall be a 'hard wired' system

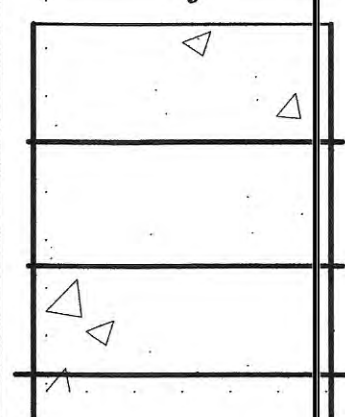
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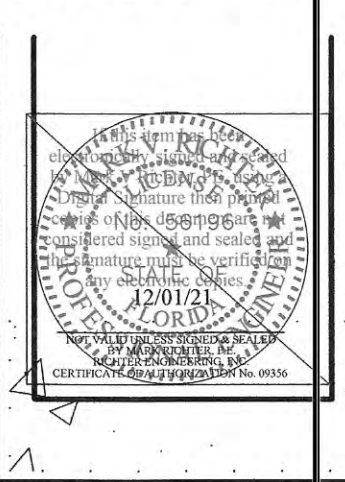
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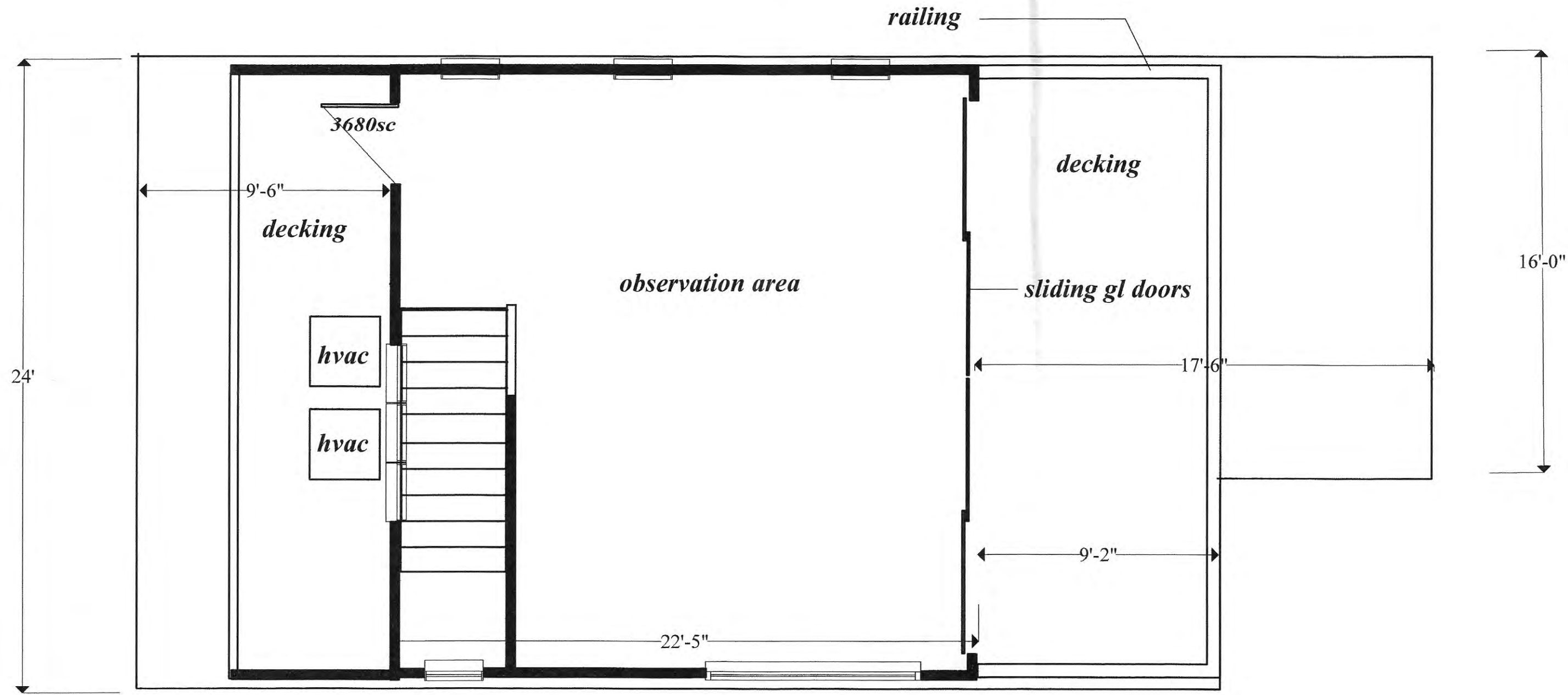


2nd floor



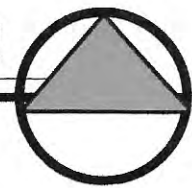
sheet 3





proposed 3rd floor plan

scale 1/4"



WINDOW SCHEDULE

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c

safety glazing required in all hazardous locations per section r308

f

this structure shall fully comply w/ section n.f.p.a. 72

carbon monoxide alarm

smoke detector

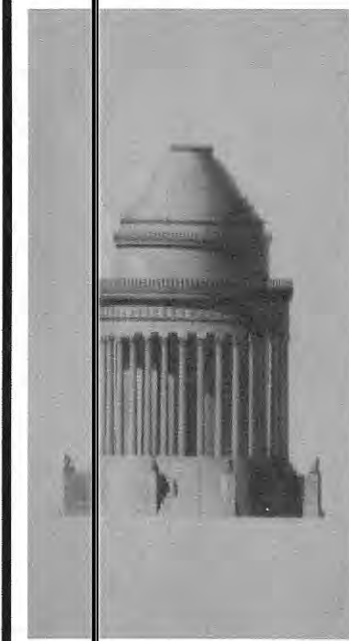
all outlets in wet locations must be gfi

all outlets must be afi

all smoke detectors shall be a 'hard wired' system

(b) Dwelling Unit Bedrooms. All branch circuits that supply 125-volt, single-phase, 15- and 20-ampere receptacle outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit interrupter(s). This requirement shall become effective January 1, 2002.

egress window



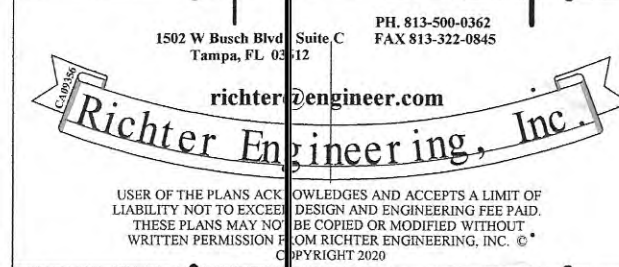
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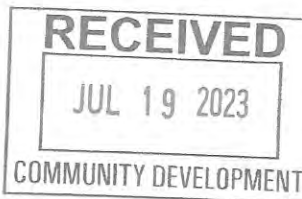
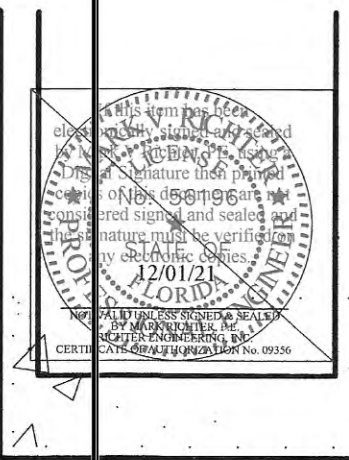
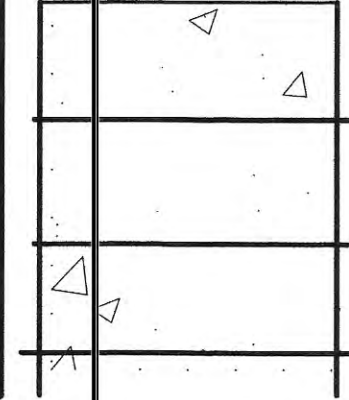
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2nd floor





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

PLANNING DEPARTMENT

Date: August 16, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 1 Alhambra St.
Parcel Number: 07-32-16-21852-023-0090
Gary Trupp, Riva Construction, Inc. for Douglas Blackmer
Case No: 23066

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 8/30/2023

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

1. Completed Practical Difficulty Variance application form.
2. Boundary Survey prepared by David L. Smith Survey and Mapping, Inc. dated 10/25/2022, consisting of 1 sheet showing existing site improvements.
3. Completed Impervious Surface Ratio (ISR) worksheet.
4. Plot Plan, Sheet 1b prepared by Richter Engineering, Inc. no date provided, consisting of 1 sheet showing proposed improvements.
5. Elevations, prepared by Richter Engineering, Inc. no date provided, consisting of 4 sheets showing elevations including front, rear, right and left.
6. Floor Plans, prepared by Richter Engineering, Inc. no date provided, consisting of 3 sheets showing proposed floor layout, Floors 1-3.

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

Site Description/Surrounding Land Uses

The subject site is a 6,918 sq. ft. (approx. 0.16 acre) parcel located at 1 Alhambra St. known as parcel number 07-32-16-21852-023-0090 and legal description DON CE-SAR PLACE BLK 23, LOT 9 TOGETHER WITH 10FT STRIP ADJ TO & INCL SEAWALL BETWEEN SIDE LOT LINES EXT SW'LY TO WATER PER DEED 987/117 within the AE-Elevation 10 flood zone. The property is located in the RU-2, Residential zone; RU on the future land map and contains a single-family residence constructed in 1969 according to the Pinellas County Property Appraiser. Recent improvements within the past 10 years include construction

of a dock and boat lift. The parcel is surrounded by single-family uses to the north, east and south and Little McPherson Bayou to the west. The corner lot is improved with a one-story dwelling with brick driveway, patios and walkways. The portion of the lot directly across W. Maritana Dr. with access to Little McPherson Bayon contains a dock with boat lift.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

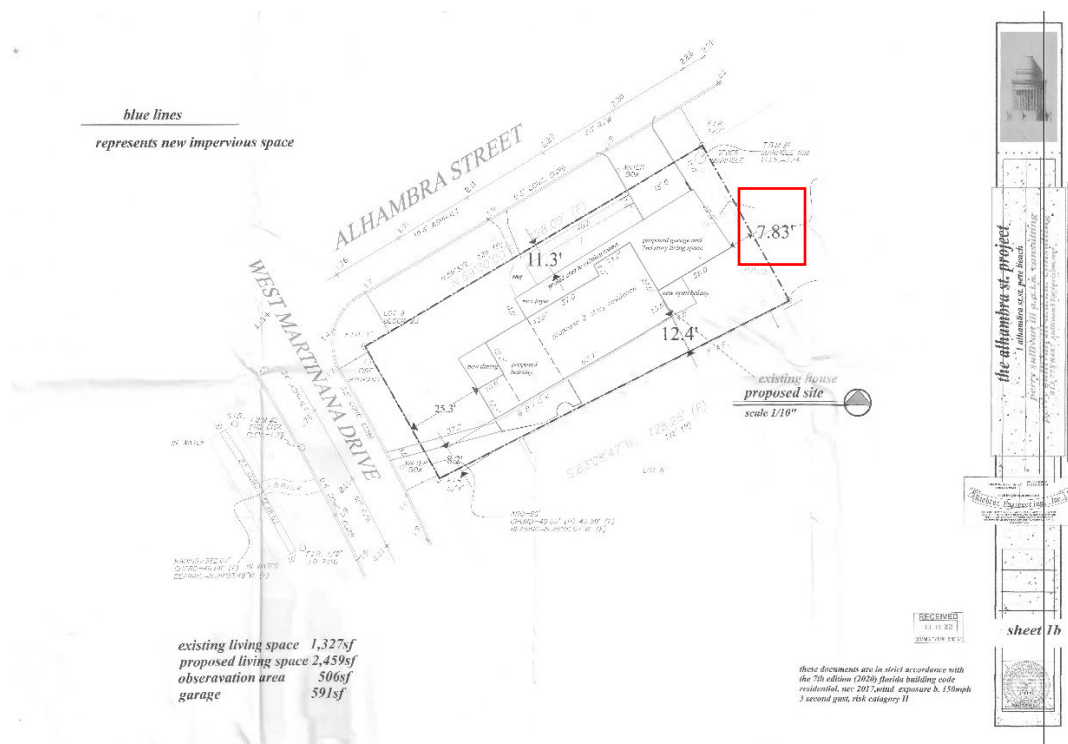
The applicant proposes to renovate the existing single-family dwelling including construction of a two-story addition that does not meet the required rear yard setback of 20' with 7'10" proposed, requiring relief from LDC Sec. 9.7(a)(4). The applicant also proposes the installation of new driveway and walkways in addition to the renovation.

Analysis

1. New variance(s) required as a result of the proposed construction:
 - a. **Required rear yard setback:** where 20' is required and 7'10" is proposed (LDC Sec. 9.7(a)(4)).
The applicant is proposing to encroach an additional 12'2" into the required side yard setback with the proposed addition.

Figure 3: Zoning Table			
Detached, Single-Family Residential	1 Alhambra St.		
	RU-2 Required	Existing	Proposed
Rear Yard Setback (Min.)	20'	35'	7'10" (v)
*Denotes existing non-conformity (v) Variance required			

Figure 4: Survey with Proposed Renovation (N.T.S.)



Additional Comments

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

The Board has standards of review for a practical difficulty variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-4 **in addition** to staff comments below:

- 1. How substantial the variance is in relation to the requirement sought to be varied;**
 - *Staff finds the applicant is requesting a 7'10" rear yard setback where 20' is required, representing a variance of 61% from the required standard.*
- 2. Whether an adverse change will be produced in the character of the neighborhood;**
 - *Alhambra St. is unique as it includes a total of four parcels, all of which are corner lots featuring secondary front yards along Alhambra St. and primary front yards along E or W De Bazan Ave. or W. Maritana Dr. Evaluating the parcel square footage of these four corner properties, 1 Alhambra St. is the smallest of the four lots with .18 ac, while 3222 W De Bazan Ave. boasts the largest square footage with .28 ac and is located adjacent to the subject property.*
 - *Staff finds that most of the homes in the area are one-story, but as renovations have occurred height and number of stories have increased within the neighborhood with a new dwelling approximately 50 feet to the south that is currently under construction. The proposed renovation is considerable and would increase the footprint and mass to the dwelling as there is an addition to the rear, secondary front adding a two-car garage, first floor expansion and an additional second floor as per the floor plans and elevations submitted.*
- 3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and**
 - *As the parcel is a corner lot, the secondary front yard of the property is along Alhambra St., and front is along W. Maritana Dr. according to the Land Development Code, even though the front of the dwelling and access is from Alhambra St. Due to the current layout of the dwelling and the proposed addition of the garage, the rear and secondary front of the property would be the ideal location for such an addition when visually looking at the dwelling. Neither current floor plans nor a demolition plan were submitted as part of the application, so it cannot be commented on from an internal circulation viewpoint.*
- 4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.**
 - *The applicant and owner have communicated their intention to construct a garage for vehicle storage and to create more off-street parking space. The current elevation of the residence features an overhead garage door; however, Staff was informed that past interior renovations have resulted in a portion of the garage being rendered non-functional for standard garage use. The layout of the current dwelling presents difficulties in identifying an alternative spot that adheres to setback regulations. Staff finds the interest of justice will be served in the granting of this variance.*

Other:

- The applicant should discuss if any alternative plans were considered and reasoning for the setback variance.
- The applicant should provide an overview of the project including any information on construction timelines, materials, discussions with the Building Department with regards to be considered a substantial improvement.
- The applicant should discuss if the installation of a generator or elevated mechanicals was explored or desired and if so, the required setbacks must be met.
- The applicant should confirm they understand that this request is not inclusive of a height variance and should the work either exceed the substantial improvement value during construction or should the owners wish to elevate the structure in the future, the additional height required may make the structure noncompliant with the zoning district height maximum. In either of these cases the owner may need to either remove the third-level observation deck if it has not yet been constructed, convert the first level to comply with the floodplain construction regulations, or obtain a subsequent variance for building height.

Recommendation

Staff find the request will not have an adverse impact on the neighborhood. Staff recommends **approval** with the following conditions:

- Applicant will need to comply with the required landscaping as per LDC Sec. 22.5 and plan submitted at time of the permit review.
- Applicant shall submit sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection.

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: Gary Trupp, Applicant **via email** (garytrupp@outlook.com)
Douglas Blackmer, Owner **via email** (doug@cornerstonemarketing.com)
Matthew McConnell, Board of Adjustment Attorney

2023 BOARD OF ADJUSTMENT DECISIONS as of 07.27.23											
Case #	Address	Applicant/Agent	Owner	Attorney	Email	Zone	Description/Request	Deemed Complete	Application Type	Previous Hearing Dates/Case, Other Info	Approved or Denied
1/25/2023											
22065	724 Boca Ciega Isle Dr.		Roger Pierce and Sarah Corbin		rlpierce2012@gmail.com	RU-2	Expansion of existing one car-attached garage into a two-car garage and maintain existing front yard setback of 12.5' where 20' is required (LDC Sec. 6.13(a)(1))	11/21/2022	Practical Difficulty		Approved with Conditions
22072	544 69th Ave.		Nelson and Alice Hill		alicehill@msn.com	UBV	Expansion of an existing driveway with an additional 13' wide section of concrete installed between the existing double driveways, creating a single standard driveway of 33' in width as it crosses the property line where a maximum of 20' is permitted, and 36' in width at the curb where a maximum of 26' is permitted. (LDC Sec. 23.11(b)(2))	11/29/2022	Practical Difficulty		Approved with Conditions
22080	1 Pass a Grille Way	Melanie Vandergrif	Millard Gamble		info@islandend.com	RLM-2/PAG	Removal and replacement of existing 6' high wood fence with 6' vinyl fencing within waterfront yard where 20' setback is required (LDC Sec. 6.15)	12/20/2022	Hardship	TRC 1/18/23	Approved as Proposed
22078	402 39th Ave.	Sam Angelides	ASPBS, LLC		angelidesbuilders@gmail.com	RU-1	Construct a 22' x 24' two- car detached garage with a 20' x 20' covered porch, proposed height of 15' which exceeds the 12' maximum height permitted. (LDC Sec. 6.13(2)(b))	12/22/2022	Hardship	Case No. 22018	Approved with Conditions
22079	510 Boca Ciega Isle Dr.	Mishou Sanchez	Derek and Jen Iavarone		mishousanchez@gmail.com	RU-2	Construct an attached pergola, 72'8" x 11'6", 15' high (overall) that does not meet the required 15' rear setback with 9' proposed (LDC Sec. 6.13(3)(a))	12/23/2022	Practical Difficulty	Case No. 21058	Approved with Conditions
2/22/2023-CANCELLED											
3/29/2023											
23006	285 42nd Ave.		Pamela and Paul Stein		pamelagstein@hotmail.com	RU-2	Construct a 18.5' x 18' detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed. (LDC Sec. 6.13 (a)(2))	2/1/2023	Practical Difficulty		Approved with Conditions

Case #	Address	Applicant/Agent	Owner	Attorney	Email	Zone	Description/Request	Deemed Complete	Application Type	Previous Hearing Dates/Case, Other Info	Approved or Denied
23013	200 First Ave.	James Manfuso	Point Pass A Grille, Inc.		jcmanfuso@gmail.com	RM/PAG	Construct fence along southern seawall in waterfront yard that exceeds the maximum permitted height of 4' (LDC Sec. 6.15).	2/15/2022	Hardship	TRC 3/15/23	Approved with Conditions
23012	135 44th Ave.		Brian Leach and Karen Didden		leach.brianj@gmail.com , karendidden@gmail.com	RU-2	Retain existing residential storage building of 128 sq. ft. that exceeds maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).	2/16/2022	Hardship		Approved as Proposed
23015	250 Isle Dr.		Elizabeth and Scott Sinatra		easinatra@gmail.com	RU-1	Construct 22' x 22' attached garage that does not meet required 20' front and secondary front yard setback with 16' and 10' proposed (LDC Sec. 8.7(a)(1-2)).	2/21/2023	Practical Difficulty		Approved with Conditions
23016	7501 Gulf Blvd.	Grant McLaughlin - PJ Callaghan Company	BoyleNPoint, LLC		grant@pjcallaghan.com boylenpoint@gmail.com	TC-1	Reduce the size of a required 75th Ave frontage buffer from eight to five feet (LDC Sec. 22.7(a)(1) and construct a new building in the Downtown Redevelopment District that lacks a corner entrance (LDC Sec. 39.3(e)(1)).	2/23/2023	Hardship	TRC 3/15/23	Approved with Conditions
5/31/2023											
22013-1	510 78th Ave.		Tom DeYampert		tomdeyampert@gmail.com	RLM-1	Conditions of Approval Modification	n/a	Modification of Condition	Case No. 22013	Existing modications acceptable
23024	271 Isle Dr.	Keliee Stoerman	Daniel Stoerman Trust		usalprcami@aol.com	RU-1	Installation of elevated equipment that does not meet the 7' required side yard setback where 4.5' is proposed (LDC Sec. 6.14)	4/6/2023	Practical Difficulty		Approved as Proposed
23031	108 21st Ave.	Nate Myer	Christine Mellace and Jason Lavellee		Nate@abode-studio.com	RLM-2/PAG	Construct a single-family residence that does not meet the 15' rear yard setback requirement with 5' proposed (LDC Sec. 20.15) and construct 6' high water feature wall associated with the proposed inground pool that does not meet the 5' required side yard setback with 8" proposed (LDC Sec. 6.13(c)(1)(c)(2)).	5/3/2023	Practical Difficulty		Denied
6/28/2023											

Case #	Address	Applicant/Agent	Owner	Attorney	Email	Zone	Description/Request	Deemed Complete	Application Type	Previous Hearing Dates/Case, Other Info	Approved or Denied
23026	131 72nd Ave.		Josias Guzman		jayguzman415@gmail.com	RLM-2	Retain existing 18'x15' covered patio structure that does not meet required 5' side yard setback with 3' provided. (LDC6.13(3)(a))	4/20/2023	Hardship	Carried from 5/31/23	Approved with Conditions
23018	2007 Pass-a-Grille Way	Charles Collom	Collom Properties, LLC		jrcmoo@aol.com	CG-1	Install 8' high fencing that exceeds maximum permitted height of 4' within waterfront yard (LDC Sec. 6.15).	2/27/2023, Amended 5/16/2023	Hardship	TRC 3/15/23	Approved with Conditions
23039	6502 Gulf Winds Dr.	Kelly Strom	KAJE Properties, LLC		kistrom@hotmail.com	CC-2	Installation of paver driveway 25' in width at property line where a maximum of 20' is permitted (LDC 23.11(b)(2)).	5/15/2023	Hardship	TRC 6/7/23	Approved with Conditions
23032	601 71st Ave.	Dave Wonsick	St. Pete Beach Investments		dwonsick@yahoo.com	UBV	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).	5/16/2023	Hardship	TRC 6/7/23	Approved with Conditions
7/26/2023											
23025	5575 Gulf Blvd.	Heather Packert, Affordable Aluminum	REGENCY WEST APTS 2 ASSN		heather@affordablealuminum.com	AC	Replacement of existing carport, approximately 410' x 21' (8,596 sf) within a required side yard setback with 3.8 foot setback to columns and one foot setback to the roof leading edge provided where 27.3 feet is required (LDC Sec. 38.9).	6/13/2023	Hardship	TRC 7/5/23	Approved with Conditions
8/30/2023											
9/27/2023											
10/25/2023											
11/29/2023											
12/20/2023											

Case #	Address	Applicant/Agent	Owner	Attorney	Email	Zone	Description/Request	Deemed Complete	Application Type	Previous Hearing Dates/Case, Other Info	Approved or Denied
ADMINISTRATIVE VARIANCE											
23044	8430 Gulf Blvd.	Pete Krajacic	Lance & Cheryl Messinger		pete@kandb.builders	RU-1	Removal of existing carport, renovation of existing garage and construct new garage addition of 752 sq.ft. maintaining the existing non- conforming side yard setback of 6.17' where 7' is required (LDC Sec. 8.7(a)(3)).	5/24/2023	Administrative	Prelim. Date: 5/30- Supported by City Manager, Final Date: 6/28	Approved with Conditions



155 Corey Avenue St. Pete Beach, FL 33706 www.stpetebeach.org

INFORMATION ON THE VARIANCE PROCESS

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

There are three types of variances available:

Undue and unnecessary hardship variance: An unnecessary and undue hardship variance is a relaxation of the terms or provisions of the Land Development Code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Land Development Code would result in unnecessary and undue hardship on the property. This type of variance is appropriate for all properties and uses. It requires a full hearing before the Board of Adjustment or City Commission.

Practical difficulty variance: A practical difficulty variance is a relaxation of the terms or provisions of the Land Development Code which is less rigorous than the unnecessary and undue hardship standard. Practical difficulty variances shall only be applicable to impervious surface ratio, setback lines, or landscaping for single family homes located on single lots in the established residential districts (RU-1, RU- 2, RLM-1, RLM-2, and RM). If a practical difficulty variance is granted, the maximum reduction in the required pervious area of a property shall be 50 percent. A practical difficulty variance for a reduction in the required pervious area of a property shall only be granted by the city one time per property. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned. Practical difficulty variances require a full hearing before the Board of Adjustment or City Commission.

Administrative (de-minimis) variance: When the literal or strict enforcement of the provisions of the Land Development Code causes unusual, exceptional, unnecessary difficulties or injustice because of the size of the tract, parcel or lot, the topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions. The sum of all variances approved by the City Manager under these administrative procedures shall not exceed 12 inches for setbacks and accessory structure height for each property or lot. Administrative variances shall be granted a preliminary determination by the City Manager after review, and any objections shall be heard during a subsequent 30-day period. At the conclusion of the 30-day period, the City Manager shall approve, approve with modifications and/or conditions, or deny the administrative variance request by written development order.

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

- A complete and signed application. Incomplete applications will not be processed and will be returned. As such, all applicants are **STRONGLY ENCOURAGED** to meet with Community Development staff prior to submission deadlines to discuss plan submissions and the review process. Appointments can be made by calling 727.363.9265.
- A completed and signed agent authorization form if someone else will be representing the property owner at the public hearing.
- An accurate, legible, and appropriately scaled survey of the property including all existing and proposed improvements. The survey shall have been performed not more than ten (10) years prior to the date of application and not less than two (2) copies of the survey are required for submittal.
- Scaled drawings depicting the request. The drawings can be sized from 8.5"x11" to a maximum of 24"x36" in size. These drawings are necessary to assist staff and the BOA or City Commission in the review of the request. Seven (7) copies of the drawings must be submitted with application for an unnecessary and undue hardship variance or practical difficulty variance. Two (2) copies of the site plan must be submitted with application for an administrative (de-minimis) variance.
- Cash or check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. The application fee for an unnecessary and undue hardship variance or practical difficulty variance is \$500. The application fee for an administrative (de-minimis) variance is \$250.
- The mailing fee for an unnecessary and undue hardship variance or practical difficulty variance can be calculated for you when you turn in your application, or you can calculate it yourself by searching for your property on the Pinellas County Property Appraiser's office website (www.pcpao.org), clicking on radius search at the top of the page, typing in 300 feet for the radius, and multiplying the number of properties times .83. For example, if 40 properties are within 300 feet of you, then the mailing fee would be \$33.20. The mailing fee for an administrative (de-minimis) variance can be calculated by staff at the time of turn-in.
- Staff may request additional information, if necessary.

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

What do I do after my Variance is granted? You will receive a notice from the City immediately following your hearing or 30 days following determination by the City Manager for an administrative (de-minimis) variance. This notice is called a Development Order (DO) and it will summarize the results of the hearing or determination including the decision to deny, approve, or approve with conditions. If approved, the owner/applicant will have one (1) year from the date the development order is signed to obtain a building permit for the proposed work. The permit must remain active

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during the life of the project. If a permit is not obtained within a year or if a permit does not remain active, the variance will expire.

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

What can I do if my Variance is not granted? You may correct your plans to meet current code requirements, or you may file an appeal of an unnecessary and undue hardship variance or practical difficulty variance to the Pinellas County Circuit Court with 30-days of the final decision. Appeals of administrative (de-minimis) variances are to a hearing officer designated by the City Commission and must be filed in writing on or before 30 days from the day of the final administrative decision. If any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

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

What is the process for commercial variance requests that require site plan review?

All commercial variance requests must first be reviewed by the Technical Review Committee (TRC) prior to the Board of Adjustment, where the preliminary plans will be reviewed by representatives from the Building, Planning & Zoning, Public Services, Public Safety/Code Enforcement, & Recreation Departments. A TRC meeting will be held prior to the Board of Adjustment hearing, which may adjust the hearing date. A schedule of the TRC's deadlines and meeting dates can be found on the Planning & Zoning page at www.stpetebeach.org.

Who decides if the Variance should be granted? The Board of Adjustment is authorized to hear and make final determinations on all variance requests with the exception of variance requests that are part of a conditional use application and administrative (de-minimis) variances. In the case of variances associated with conditional use requests, the City Commission makes the final determination. In the case of administrative variances, approval or denial is issued by the City Manager. Variance requests must meet certain criteria as outlined by the Land Development Code.

When will my unnecessary or undue hardship variance or practical difficulty variance be heard? Applications are accepted at any time, and unnecessary and undue hardship variances and practical difficulty variances shall be scheduled pursuant to the deadlines below (or the TRC deadlines) provided the application is determined to be complete.

In fairness to all applicants, there will be **NO** exceptions to this schedule so please plan accordingly.

Applications are due by **12:00 pm** on the date listed. The 2023 schedule is as follows:

Board of Adjustment - 2023

<u>Application Deadline</u>	<u>Meeting Date</u>
12/14/2022	1/25/2023
1/11/2023	2/22/2023
2/15/2023	3/29/2023
3/15/2023	4/26/2023
4/19/2023	5/31/2023
5/17/2023	6/28/2023
6/14/2023	7/26/2023
7/19/2023	8/30/2023
8/16/2023	9/27/2023
9/13/2023	10/25/2023
10/18/2023	11/29/2023
11/8/2023	12/20/2023

***Meeting time is 2:00 pm in the City Commission Chambers unless otherwise posted.**

***Incomplete Applications Will Not Be Accepted and/or Assigned Hearing Date Until Deemed Complete.**

When will my administrative (de-minimis) variance be decided? Preliminary decisions on administrative variances are rendered by the City Manager within 14 days of the application deadline. Following the date of the preliminary decision, a 30-day period commences during which legal notice is made, a mailing is sent to adjacent property owners, and a sign is posted on the subject property. At the end of the 30-day period, the City Manager shall approve, approve with modifications and/or conditions, or deny the administrative variance by written development order. The 2022 schedule for administrative variances is as follows:

ADMINISTRATIVE VARIANCE SCHEDULE - 2023		
<u>Application Deadline</u>	<u>Preliminary Decision Date</u>	<u>Final Decision Date</u>
12/12/2022	12/26/2022	1/25/2023
1/9/2023	1/23/2023	2/22/2023
2/13/2023	2/27/2023	3/29/2023
3/13/2023	3/27/2023	4/26/2023
4/10/2023	4/24/2023	5/31/2023
5/15/2023	5/29/2023	6/28/2023
6/12/2023	6/26/2023	7/26/2023
7/1/2023	7/31/2023	8/30/2023
8/14/2023	8/28/2023	9/27/2023
9/11/2023	9/25/2023	10/25/2023
10/16/2023	10/30/2023	11/29/2023
11/16/2023	11/20/2023	12/20/2023
Incomplete Applications Will Not Be Accepted		