



BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, October 25, 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 October 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. September 27, 2023 meeting.

4. Action Items -

a. Consideration and Approval of Meeting Dates for 2024

b. Case No. 23060 - 2005 Gulf Way

Practical Difficulty Variance; Sam Angelides, Angelides Builders for Andrea Crowe requests to construct a 10' x 36' elevated rear addition that will not meet the required 20' rear yard setback with 9.9' proposed (LDC 11.7(a)(4)).

c. Case No. 23078 - 2905 Sunset Way

Practical Difficulty Variance; Don Saunders, Saunders Construction for Eliot and Bridgette Heller requests to permit the constructed 20' x 7' (140 sf) trellis to remain that does not meet the required minimum side yard setback of 5' with 1'-10" proposed (LDC Sec. 6.13.(c)(3)a).

5. Adjournment - Next meeting to be held on November 29, 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
September 27, 2023 2:00 P.M.

MEMBERS PRESENT: Michael Bomar, Vice Chair
Denise Chase, Member
BJ Lawson, Member
Dan Small, Member

MEMBERS ABSENT: Paul Skipper, Chair

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

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

1. Approval of the Agenda: Assistant City Attorney Matthew McConnell reported that the Applicant for Case No. 23014, Item 4a. (1 Alhambra St.), requested a continuance for an indefinite period to make amendments. He asked to add a discussion item 5b. regarding meeting dates.

Motion: Member Lawson moved, and Member Small seconded the approval of the agenda for September 27, 2023 as amended; the motion passed unanimously.

2. Audience Comments:

Betty Rzewnicki, Resident and President of the DonCesar Property Owners Corp. (DCPOC), spoke on behalf of multiple residents who asked that when application reports are made ‘on behalf of the neighborhood’, that DCPOC be contacted to verify. There are concerns about residential projects fitting ‘the character’ of the neighborhood. The neighborhood is currently undergoing a survey as part of a historic designation process.

Michael Welch of 3410 E. Debazan Ave. commented in agreement; the DCPOC is a cohesive group and would like better and wider notifications on projects and their designs prior to them being underway.

3. Approval of Minutes:

Motion: Member Lawson moved, and Member Small seconded the approval of the July 26, 2023 meeting minutes as presented. The motion passed unanimously.

4. Action Items:

a. Case No. 23014 - 1 Alhambra St.: *Practical Difficulty Variance*; Gary Trupp, Riva Construction for Douglas Blackmer request 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)).

This case was continued indefinitely.

b. **Case No. 23062 – 6490 Bay St.** - *Practical Difficulty Variance*; George Francis and Loretta McGrath request to construct a 16'8" x 16'8" (approx. 279 sq. ft.), 12' 11.5" high patio cover that does not meet the required minimum side yard setback of 7' with 6'2" proposed and the required minimum rear yard setback of 15' with 14'2" proposed (LDC Sec. 6.13(c)(3)(a)).

Senior Planner Kristin Coman presented the exhibits (including proof of posting) and required components of this variance request. Her presentation is part of the meeting record. The presentation included variance conditions, plans, a request detail, analysis, staff comments and suggested questions to discuss with the Applicant. A mailing of approximately 443 notices were sent to nearby residents and no letters in favor of or against the application were received.

Staff found that the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 and that the benefit of granting the variance from the applicable sections of Sec. 6.13 of the LDC would impair the intent and purpose of the zoning code; other feasible methods exist that would not require a variance. Staff recommended denial of the proposed application.

Applicant George Francis appeared to testify and provided additional documents including a timeline of the permit and variance request, notes from the original administrative variance in 2014, plans he had prepared of the layout of the property and proposed structure, and email communications. The documents are part of the meeting record. He explained to the Board how the 16 x 16 cover was best suited from an engineering standpoint.

Vice Chair Bomar reported that he spoke to one of the applicant's next-door neighbors, the Donovans, who were in favor of the application. Board members reported no other ex-parte communications.

The Board directed questions to the Applicant and Planning Staff regarding setbacks near the slab, structure, and overhang, and the various options that the Applicant had explored.

Resident Daniel Rosenthal of 3115 Maritana Drive commented on the RU-1 Zone and setbacks.

After closing public comment, the Vice Chair opened Board member discussion.

Motion: Member Chase moved, and Member Lawson seconded to approve the Variance for Case No. 23062 based on the testimony received today establishing that the criteria had been met; the motion passed unanimously.

5. Items for Discussion:

a. **Variance Process and Decisions**

Mr. McConnell explained that at the July 26th meeting, Member Lawson requested a discussion on the variance process and the Board's decisions regarding variance requests so far for the year 2023.

Included in the packet was a one-page presentation detailing the distinct types of variances that the City has and a count of types that have been granted to date in 2023. Mr. McConnell explained

that the Code was amended 3 years ago to include Administrative Variances for de minimus matters (a sum of less than 12 inches) that could be approved by Staff.

Member Lawson expressed that matters such as replacing older air conditioning units with newer, more efficient mini split air conditioning units or similar scenarios might warrant consideration to come under an expanded scope of Administrative Variances to save property owners time and the expense of a full hearing. Ms. Coman detailed the requirements of an Administrative Variance; it is no quicker and the cost is \$250 plus the mailing fee, however they would not need to attend the hearing. Mr. McConnell explained that he drafted the Code with the intention of having residents anticipate what they need during the design and building process, eliminating the need for a variance later. Ms. Coman agreed; the Planning Department urges residents to consider the placement of generators and other equipment while in the planning process.

Notice requirements for variances were discussed, including mailings to residents within 300 feet as provided by the Pinellas County Property Appraiser.

Following the discussion item, the Board permitted Resident Daniel Rosenthal further time to ask some general questions regarding Administrative Variances.

b. Meeting Dates (added)

The Board meeting dates for the remainder of 2023 and the tentative 2024 dates were distributed. Mr. McConnell suggested that the members review them closely to check their availability; to date in 2023 there has only been one meeting with the full Board in attendance. This Board meets on the fourth Wednesday of every month, except holidays. This Board is quasi-judicial in nature and three votes are required to approve or deny requests, so attendance is important.

Vice Chair Bomar inquired whether having an alternate Board member would be an option. Mr. McConnell explained that no other Boards have that - he has only seen that once, per Statute for a Code Enforcement Board; the idea would need to go before the City Commission and require a Code change by Ordinance. The hope is that looking at the dates in advance will allow time to plan ahead. After looking at the dates for 2023, the members present indicated that they would be available. Member Chase suggested communicating anticipated absences early; dates might be changed to accommodate. The 2024 dates will be voted on in October.

Adjournment – Next meeting 10/25/23.

Member Chase moved and Member Lawson seconded adjournment at 2:53 PM.

These minutes will be considered for approval at the October 25, 2023 Board of Adjustment meeting.

Notice of Meetings
Board of Adjustment
2024

The Board of Adjustment meets on the last Wednesday of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>
January 31, 2024	2:00 pm
February 28, 2024	2:00 pm
March 27, 2024	2:00 pm
April 24, 2024	2:00 pm
May 29, 2024	2:00 pm
June 26, 2024	2:00 pm
July 31, 2024	2:00 pm
August 28, 2024	2:00 pm
September 25, 2024	2:00 pm
October 30, 2024	2:00 pm
November 20, 2024*	2:00 pm *(moved for holiday)
December 18, 2024*	2:00 pm *(moved for holiday)

Meeting to elect the Chair and Vice Chair will be on April 24, 2024, or the next meeting as soon as possible thereafter.

The Code of Ordinances pertaining to this board can be found at:
https://www.municode.com/library/fl/st._pete_beach/codes/code_of_ordinances?nodeId=PTIICOOR_CH22BOCOCO_ARTIIBOAD

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Staff recommends motion to **DENY** Variance Case No. 23060 as presented in the applicant's proposal to construct a 10' x 36' elevated rear addition that will not meet the required 20' rear yard setback with 9.9' proposed. The variance relief as detailed in the 10/10/2023 Staff Findings Report does not advance the purpose of the Land Development Code Sec. 1.1, and will be of substantial detriment and impair the intent and purpose of the zoning code resulting in an adverse impact on the neighborhood.

Strategic Objective:

Date: October 25, 2023

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Sam Angelides, Angelides Builders for Andrea Crowe requests to construct a 10' x 36' elevated rear addition that will not meet the required 20' rear yard setback with 9.9' proposed (LDC 11.7(a)(4)).

Funding: n/a

Attachments:

1. 23060 - 2005 Gulf Way - Certificate of Completeness with Submittal Documents
2. 23060 - 2005 Gulf Way - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 9/18/2023
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 **October 25, 2023**.

Variance Case Number: 23060
Application Type: Practical Difficulty Variance
Owner: Andrea Crowe
Applicant/Agent: Sam Angelides, Angelides Builders
Parcel Number: 18-32-16-68634-009-1100
Address: 2005 Gulf Way, St. Pete Beach, FL 33706
Zone: RLM-2/PAG

Submittal Documents:

1. Completeness Review Letter dated 7/18/2023.
2. Completeness Review Letter #2 dated 8/18/2023.
3. Completed Practical Difficulty Variance application form.
4. Boundary Survey prepared by Target Surveying, Inc. dated 9/9/2020, consisting of 1 sheet.
5. Plan Set prepared by Madril CAD Services, LLC. dated 6/30/2023, consisting of 5 sheets containing site plan, ISR information, demolition plan, floor plan and elevations.

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: Sam Angelides, Angelides Builders, Applicant ***via email*** (angelidesbuilders@gmail.com)
Andrea Crowe, Owner ***via email*** (crowe_andrea@yahoo.com)



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

PLANNING DEPARTMENT

July 18, 2023

Angelides Builders
3990 Belle Vista Dr,
St Pete Beach, FL 33706

VIA EMAIL: angelidesbuilders@gmail.com

**RE: Board of Adjustment Case No. 23060
Administrative Variance Application
Address: 2005 Gulf Way
Parcel Number: 18-32-16-68634-009-1100**

The City is in receipt of an Administrative Variance submittal in connection with the location above to allow for construction of a rear addition that does not meet required rear yard setback (LDC 11.7(a)(4)).

Staff has reviewed the application pursuant to Section 4.2 of the City's Land Development Code (LDC) for the purpose of determining the completeness of the submittal. Staff has identified items that must be submitted and/or addressed prior to further review. ***Your application cannot be deemed complete, or hearing date provided until the following items are addressed.***

Review of the completed application, boundary survey, site plan, floor plans and elevations submitted resulted in the following comments:

The incorrect application was submitted. A Practical Difficulty Variance Application would be the appropriate application to be completed.

However, it was noted that the following information was incorrect/incomplete and may be beneficial in completing the correct application:

Administrative Variance -Page 1

- The owner's name, full mailing address including zip code was not completed.
- The owner's email address was not completed.
- Legal Description is incorrect, and should reflect PHILLIPS DIVISION REV MAP BLK I, LOT 110 LESS N 1FT & N 1/2 OF VAC ALLEY ADJ ON S TOGETHER WITH THAT VAC PT OF

GULF WAY DESC FROM NW COR LOT 110 TH S01DE 1FT FOR POB TH CONT S01DE 56.5FT TH W 4.33FT TH N 56.5FT TH E 3.81FT TO POB (PER O.R. 13168/437)

- Explanation of Request-
 The explanation should include:
 Provide overall dimensions of the proposed addition.
 The request should also include the specifics on what variance relief is being sought. Such as, rear setback of ____' is proposed where ___' is required.
- Application was not signed or dated.

Other:

- The Boundary survey dated 6/4/1993 is not acceptable due to not to scale and having not been completed within the last 10 years. A recent survey will be required.
- Required fees: \$500.00 variance fee + \$36.52 mailing fee, **\$536.52** to be submitted.
- If any other improvements are to be made in connection with the project, they should be reflected in the submittal to provide an overview of the improvement.

The Practical Difficulty application can be found on the city website at <https://www.stpetebeach.org/585/Variance>. In addition to the required items, we also encourage you to submit photos, additional elevations, or detail sheets that you may have. Upon receipt of the items listed above, the application submittal will go through a completeness review. Should you have any questions, please contact me at kcoman@stpetebeach.org or 727-363-9265. We look forward to working with you on this project.

Best,



Kristin Coman
Senior Planner

Cc: Board of Adjustment Attorney *via email*



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

PLANNING DEPARTMENT

August 18, 2023

Angelides Builders
3990 Belle Vista Dr,
St Pete Beach, FL 33706

VIA EMAIL: angelidesbuilders@gmail.com

**RE: Board of Adjustment Case No. 23060
Practical Difficulty Variance Application
Address: 2005 Gulf Way
Parcel Number: 18-32-16-68634-009-1100
Completeness Review Letter #2**

The City is in receipt of an Practical Difficulty Variance resubmittal in connection with the location above to allow for construction of a rear addition that does not meet required rear yard setback (LDC 11.7(a)(4)).

Staff has reviewed the application pursuant to Section 4.2 of the City's Land Development Code (LDC) for the purpose of determining the completeness of the resubmittal. Staff has identified items that must be submitted and/or addressed prior to further review. ***Your application cannot be deemed complete, or hearing date provided until the following items are addressed.***

Review of the completed application, boundary survey, site plan, floor plans and elevations submitted resulted in the following comments:

Practical Difficulty Variance -Page 1

- Explanation of Request-

The explanation should include:

Provide overall dimensions of the proposed addition.

The request should also include the specifics on what variance relief is being sought. *Such as, rear setback of ____' is proposed where ____' is required.*

Other:

- Boundary survey prepared by Target Surveying, LLC dated 6/12/2023 consisting of 3 pages contains a scale of 1"=25', which is not a standard scale and should be submitted in common scale utilized with an engineer's scale.
- Required fees: \$500.00 variance fee + \$36.52 mailing fee, **\$536.52** to be submitted.
- If any other improvements are to be made in connection with the project, they should be reflected in the submittal to provide an overview of the improvement.

The Practical Difficulty application can be found on the city website at <https://www.stpetebeach.org/585/Variance>. In addition to the required items, we also encourage you to submit photos, additional elevations, or detail sheets that you may have. Upon receipt of the items listed above, the application submittal will go through a completeness review. Should you have any questions, please contact me at kcoman@stpetebeach.org or 727-363-9265. We look forward to working with you on this project.

Best,

A handwritten signature in dark ink, appearing to be 'K Coman', with a stylized loop and a horizontal line extending to the right.

Kristin Coman
Senior Planner

Cc: Board of Adjustment Attorney *via email*

CASE #: 23060Re: SUBMITTAL DATE: 8/10/2023 AMOUNT DUE: 536.52 PAYMENT DATE: 9/12/23**PRACTICAL DIFFICULTY VARIANCE APPLICATION**The following items are to be submitted, along with this application, at least 30 days prior to the public hearing:

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

RECEIVED

SEP 12 2023

COMMUNITY DEVELOPMENT

RECEIVED

AUG 10 2023

COMMUNITY DEVELOPMENT

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Andrea Crowe	2005 Gulf Way, St. Pete Beach, FL, 33706	708-310-1440
Applicant/Agent	Sam Angelides	3490 Belle Vista Or, St. Pete Beach, FL 33706	727-394-8406
Owner Email Address:		Applicant/Agent Email Address:	
<u>crowe_andrea@yahoo.com</u>		<u>angelidesbuilders@gmail.com</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-2/PAG	RLM	588,161
Legal Description:	Phillips Division Rev Map BLK1, LOT 110..	
Parcel ID:	18-32-16-68634-009-1100	
Address:	2005 Gulf Way, St. Pete Beach, FL 33706	
Explanation of Request: Extend house 10' towards alley on 2nd floor over existing driveway, leaving a 9.9' setback. Current setback is 19.9', 20' setback is required. Extension will be same width as house which is 35.1' Underneath will be covered driveway. Added 4/12		

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

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

We would like to go 50% into the setback of 20'. Rear set back of 9.9' is proposed, where 20' is required. Present setback is 18.9' 9/12

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

No, other homes on this alley have variability in their setbacks

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

Yes, however that other method would be much more costly and could produce an adverse change in the character of the neighborhood

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

Yes, this variance would allow the owners to enjoy more living space on their property in a manner that others in the area do.

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

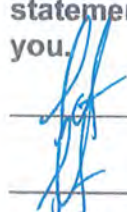
RECEIVED

AUG 10 2023

COMMUNITY DEVELOPMENT

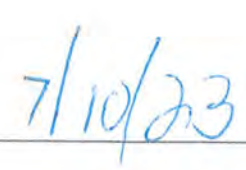
VARIANCE APPLICATION

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

-  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, SAM ANGELIDES, 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): SAM ANGELIDES
Address: 3990 BELLE VISTA DR SPB 33706
[Signature] 7/12/23
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 12 day of July, 2023 by: SAM ANGELIDES who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires:

NOTARY: [Signature]
Print Name: DEBRA A. SCHOOF Notary

DEBRA A. SCHOOF
Notary Public, State of Florida
My Comm. Expires Mar. 10, 2027
No. HH 358608

Public, State of Florida
(Notarial Seal)

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

Andrea Crowe
(print name of property owner)

hereby authorize

SAM ANGELODES
(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

Andrea Crowe
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 9th day of July 2023 by Andrea Crowe or who is personally known to me and produced ILLINOIS DRIVERS LICENSE as identification. C 600-0037-1307

Donald R. Crowe
(Notary Signature)7-9-2023
(Date)My Commission Expires 4-28-2024

BOUNDARY SURVEY

GULF WAY

50' RW (IMPROVED)

2' CURB

5' WALK

BLOCK CORNER

FOUND 1/2" IRON ROD LB # 780 (P.O.B. FOR PARCEL 1)

(BASIS OF BEARING) N89°33'27"E 108.50'

NORTH 1' OF LOT 110 BLOCK I (NOT INCLUDED)

FOUND 1/2" IRON ROD LB # 760

PORTION OF LOT 110 BLOCK I (INCLUDED)

BUILDING #2005

CONCRETE DRIVE

DIRT ALLEY

DIRT

N 1/2 OF VACATED ALLEY (INCLUDED)

REMAINDER OF VACATED ALLEY (NOT INCLUDED)

RECEIVED

SEP 12 2023

COMMUNITY DEVELOPMENT

SURVEY NOTES

CONCRETE DRIVE CROSSING INTO RW ON EASTERLY SIDE OF LOT.

THERE ARE FENCES AND A CBS WALL NEAR THE BOUNDARY OF THE PROPERTY.

CONCRETE WALK CROSSES OVER PROPERTY LINE ON WESTERLY SIDE OF LOT.

"A" = SET 1/2" IRON ROD LB #7893

SCALE 1"=20'

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)
SURVEY NUMBER:
591756

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988
- THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGET SURVEYING PRIOR TO SUCH USE. TARGET SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

LEGAL DESCRIPTION AND CERTIFICATION

LOT 110, LESS THE NORTH ONE FOOT, BLOCK I, AND THE NORTH 1/2 OF VACATED ALLEY LYING SOUTH OF AND CONTIGUOUS TO SAID LOT 110, THE REVISED MAP OF PHILLIPS DIVISION OF PASS-A-GRILLE-CITY, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE(S) 38, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA DESCRIBED AS FOLLOWS: FROM A POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 49.00 FEET OF SAID LOT 110 RUN S 00DEG 31'21" EAST, 56.00 FEET; THENCE S 89DEG 33'27" WEST, 4.33 FEET; THENCE NORTH 00DEG 00'36" EAST, 56.50 FEET: THENCE NORTH 89DEG 33'27" EAST, 3.79 FEET TO THE POINT OF BEGINNING.

Community Number: 125149 PINELLAS Panel: 12103C0278 Suffix: H F.I.R.M. Date: 8/24/2021 Flood Zone: AE Field Work: 6/12/2023

Certified To:

DANIEL E. CROWE AND ANDREA C. CROWE; LANDSTAR SETTLEMENT SERVICES; ALLIANT NATIONAL TITLE INSURANCE COMPANY

Property Address:

2005 GULF WAY
ST PETE BEACH, FL 33706

Survey Number: 591756

Client File Number: 2023-1609

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL
(C)	CALCULATED	(L)	LENGTH
?	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE
D.H.	DRILL HOLE	N&D	NAIL & DISK
D.W.	DRIVEWAY	N.R.	NOT RADIAL
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES

O.R.B.	OFFICIAL RECORDS BOOK
(P)	PLAT
P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVE
P.T.	POINT OF TANGENCY
R/W	RIGHT-OF-WAY
(R)	RADIAL / RADIUS
S.I.R.	SET IRON ROD
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
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE



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 J
OSBORNE

Digitally signed by
KENNETH J
OSBORNE
Date: 2023.09.05
14:34:16 -04'00'

PRINTING INSTRUCTIONS:

WHEN PRINTING BE SURE TO SELECT "ACTUAL SIZE"
TO ENSURE PROPER SCALING. DO NOT USE "FIT"

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)



LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: www.targetsurveying.net

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

INFORMATION OF DRAWINGS (2020 FBC 7th ED. 1603.1.4)

- BASIC WIND SPEED, MPH: 145 MPH, 3 SECOND GUST
- WIND IMPORTANCE FACTOR: 1
- WIND EXPOSURE: D
- APPLICABLE INTERNAL PRESSURE COEFFICIENT: ±18

COMPONENT AND CLADDING LOADS:
 ZONE 1 = +36.0, -38.4
 ZONE 2 = +36.0, -45.3
 ZONE 3 = +36.0, -45.3
 ZONE 4 = +38.7, -42.1
 ZONE 5 = +38.7, -50.5

BUILDING SPECIFICATIONS

- BUILDING CATEGORY: II
- CONSTRUCTION TYPE: V-B
- OCCUPANCY CLASSIFICATION: R-3
- EXISTING 1st FLR COND. AREA: 252 SQ FT.
- EXISTING 2nd FLR COND. AREA: 1,724 SQ FT.
- NEW 2nd FLR COND. AREA ADDED: 360 SQ FT.
- NEW TOTAL FLR COND. AREA: 2,336 SQ FT.
- EXISTING 1st FLR COV. PORCH AREA: 938 SQ FT.
- EXISTING 2nd FLR COV. PORCH AREA: 606 SQ FT.
- EXISTING GARAGE AREA: 1,044 SQ FT.
- NEW CARPORT AREA: 360 SQ FT.
- EXISTING UTILITY AREA: 112 SQ FT.
- NEW TOTAL NON-COND. AREA: 3,060 SQ FT.

THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS OF THE JOB AND BE RESPONSIBLE FOR SAME. REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCING WORK.

NOTE: BRANCH CIRCUITS THAT SUPPLY 125V, 15 & 20 AMP OUTLETS IN DWELLING UNIT BEDROOMS TO HAVE AFCI PROTECTION

THESE PLANS APPLY TO SECTION 1603 OF THE 2020 FLORIDA BUILDING CODE 7th ED.

FRAMING NOTES:

ALL INTERIOR DIMENSIONS ARE GIVEN TO THE INDICATED FACE OF THE STUD UNLESS NOTED OTHERWISE.

GENERAL REQUIREMENTS

1. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE SAFETY OF THE BUILDING AND ITS COMPONENT PARTS DURING CONSTRUCTION. THIS INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING: THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE-DOWNS WHICH MAY BE NECESSARY.

2. COORDINATE ALL DIMENSIONS AND ELEVATIONS WITH THE ARCHITECTURAL DRAWINGS.

3. CONTACT THE ARCHITECT WITH ANY QUESTIONS OR DISCREPANCIES FOUND ON THE DRAWINGS.

4. SUBMIT SHOP DRAWINGS AS REQUIRED HEREIN. ALLOW FOR ONE WEEK REVIEW TIME AFTER RECEIPT BY THIS FIRM. NO FABRICATION IS TO PROCEED PRIOR TO REVIEW BY THE DESIGNER.

DESIGN CRITERIA

1. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2020 7th EDITION.

2. DESIGN LIVE LOADS:
 ROOF 30 PSF
 BEDROOMS 30 PSF
 LIVING AREA AND BATHROOMS 40 PSF

3. DESIGN WIND VELOCITY = 145 MPH

4. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE FLORIDA BUILDING CODE, 2020 7th EDITION

SITE INFORMATION

LEGAL LOT DESCRIPTION:

PHILLIPS DIVISION REV MAP BLK I, LOT 110 LESS N 1FT & N 1/2 OF VAC ALLEY ADJ ON S TOGETHER WITH THAT VAC PT OF GULF WAY DESC FROM NW COR LOT 110 TH S01DE 1FT FOR POB TH CONT S01DE 56.5FT TH W 4.33FT TH N 56.5FT TH E 3.81FT TO POB (PER O.R. 13168/437)
 ST. PETE BEACH, FLORIDA
 ZONING: RLM-2

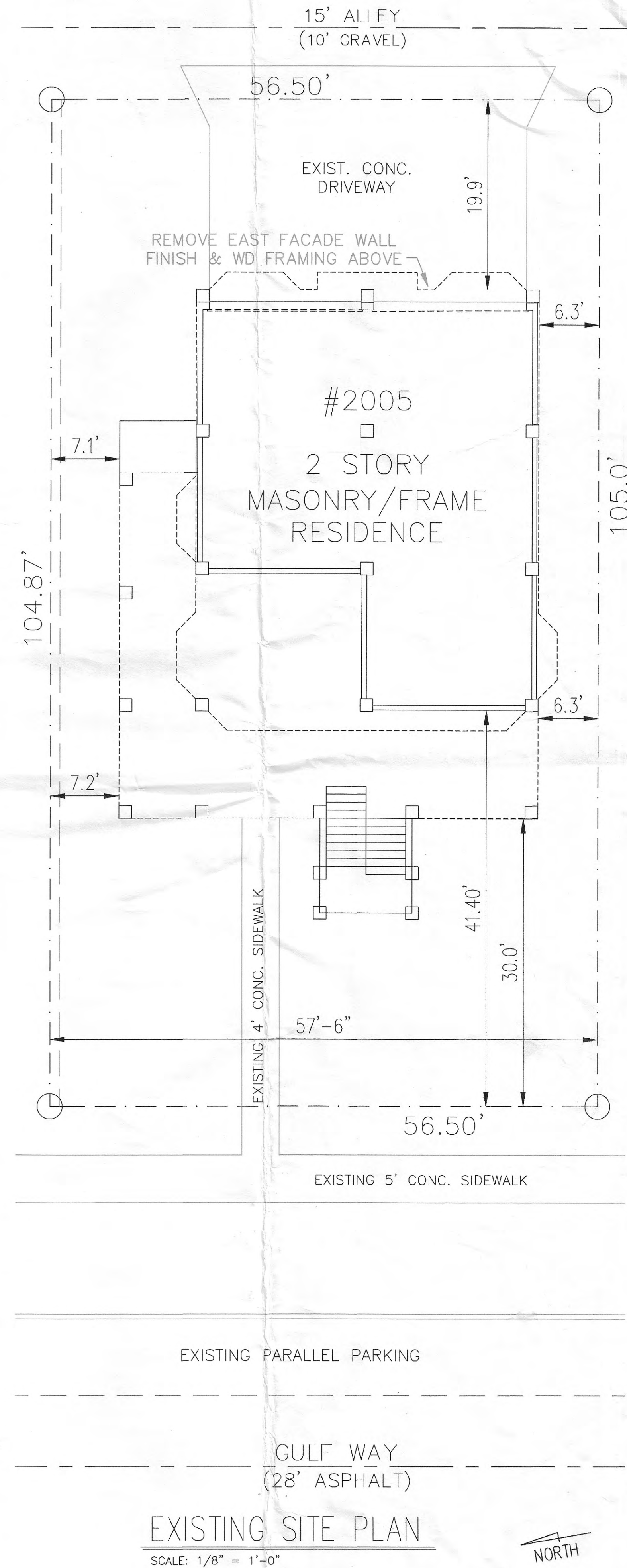
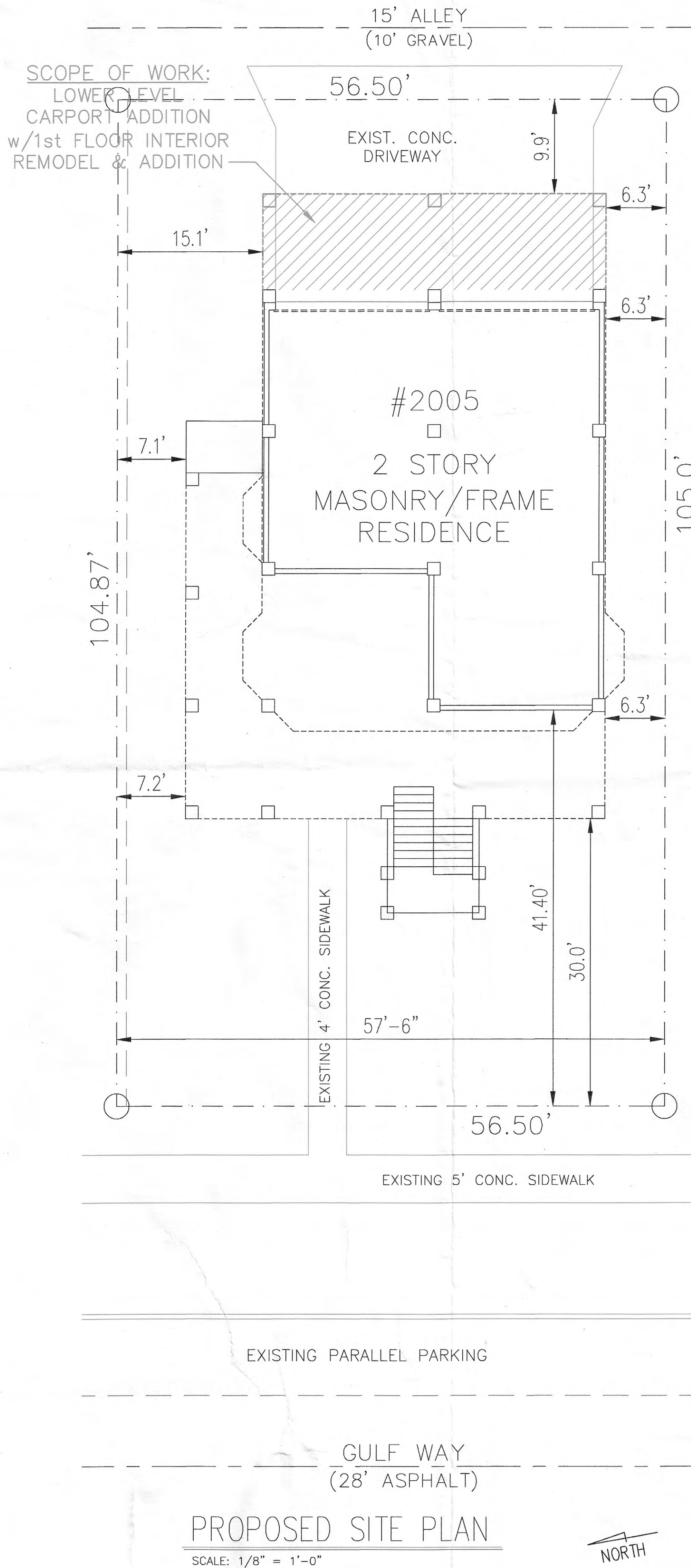
TOTAL SITE DATA FOR PROPERTY

PROJECT SITE AREA	5,933	Sq. ft.
BUILDING FOOTPRINT AREA (IMPERVIOUS AREA)	2,795	Sq. ft. (47.11%)
VEHICULAR USE AREA (IMPERVIOUS AREA)	332	Sq. ft. (05.60%)
WALKWAY USE AREA (IMPERVIOUS AREA)	92	Sq. ft. (01.55%)
LANDSCAPED AREA (PERVIOUS AREA)	2,714	Sq. ft. (45.74%)

TOTAL IMPERVIOUS AREA	3,219	Sq. ft. (54.26%)
TOTAL PERVIOUS AREA	2,714	Sq. ft. (45.74%)
		TOTAL (100%)

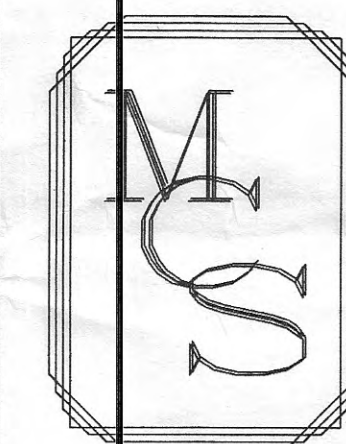
* IMPERVIOUS SURFACE RATIO:

- IMPERVIOUS AREA - 3,219sf / SITE AREA 5,933 sf = 0.54
 MAXIMUM ALLOWED: 0.70
 ACTUAL: 0.54



RESERVED

MADRILL CAD SERVICES LLC
 Residential Design &
 Precision CAD Graphics

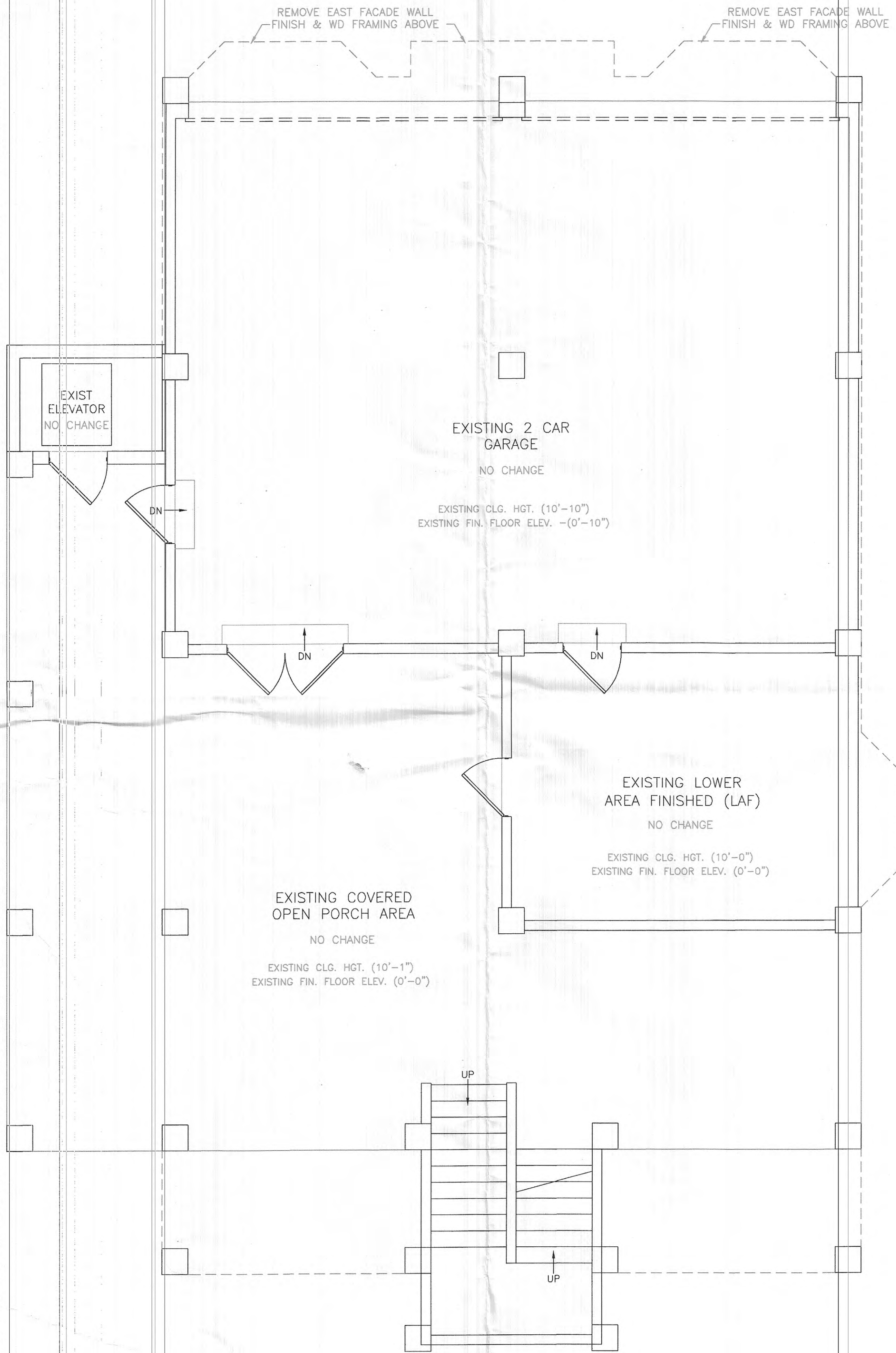


Mat Madril
 727.278.0692
 mcs9302@hotmail.com

2005 GULF WAY
 ST PETE BEACH, FL

COMMISSION NO.: 23-01018
 DATE: 6-30-23
 DRAWN BY: MDM
 CHECKED BY: MDM
 REVISIONS:

AS1.1



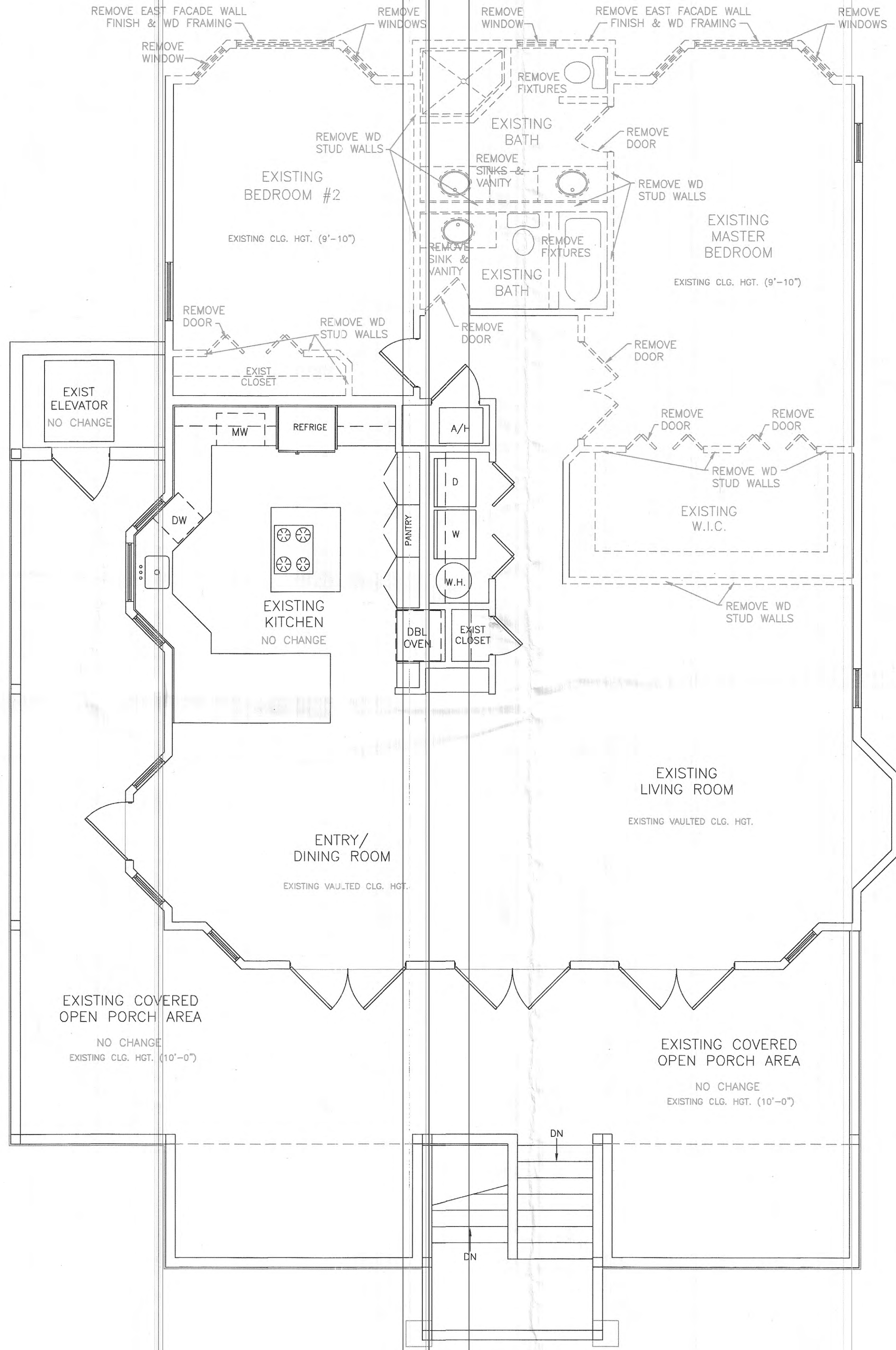
EXISTING GARAGE LEVEL & DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

DEMOLITION NOTES:

1. ALL DEBRIS MUST BE CONTAINED IN A DUMPSTER WITH COVER OR REMOVED BY THE END OF EACH DAY AT THE CONTRACTORS EXPENSE.
2. THE INTERIOR OF THE STRUCTURE MUST BE SECURED BY THE END OF EACH DAY.
3. THE STRUCTURE MUST BE WATER TIGHT BY THE END OF THE DAY AND DURING RAIN THROUGH OUT THE DAY & NIGHT.
4. THE PORTIONS OF THE STRUCTURE NOT BEING WORKED ON MUST BE PROTECTED FROM DAMAGE TO THE FLOORING AND FROM DUST AND DEBRIS.
5. ALL MATERIAL AND EQUIPMENT MUST BE CONTAINED AND/OR ENCLOSED WHEN NOT BEING USED.
6. A TEMPORARY TOILET SHALL BE ON SITE FOR USE BY EMPLOYEES.
7. A PLAN BOX SHALL BE INSTALLED FOR ACCESS OF PLANS & PERMIT CARDS AND ACCESSIBLE TO INSPECTORS.
8. ANY AREAS OF THE STRUCTURE OR SITE DAMAGED AS THE RESULT OF THE PROJECT MUST BE REPAIRED AT THE CONTRACTORS EXPENSE.
9. CONCRETE AND/OR MATERIALS MUST BE CLEANED UP AND REMOVED BY THE CONTRACTOR AT THE END OF EACH DAY.

WALL LEGEND

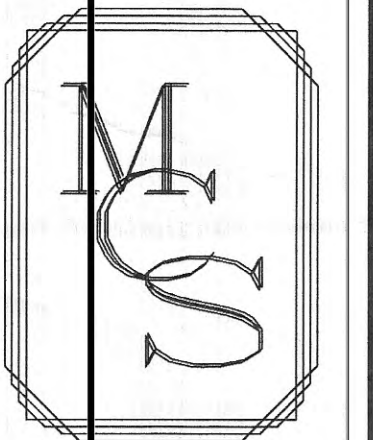
- EXISTING WALL TO REMAIN
--- EXISTING WALLS TO BE REMOVED



EXISTING 1st FLOOR & DEMOLITION PLAN
SCALE: 1/4" = 1'-0"

RESERVED

MADRIL CAD SERVICES LLC
Residential Design &
Precision CAD Graphics



Mat Madril
27.278.0692
mcs0002@hotmail.com

2005 GULF WAY
ST PETE BEACH, FL

COMMISSION NO.: 23-01018
DATE: 6-30-23
DRAWN BY: MDM
CHECKED BY: MDM
REVISIONS:

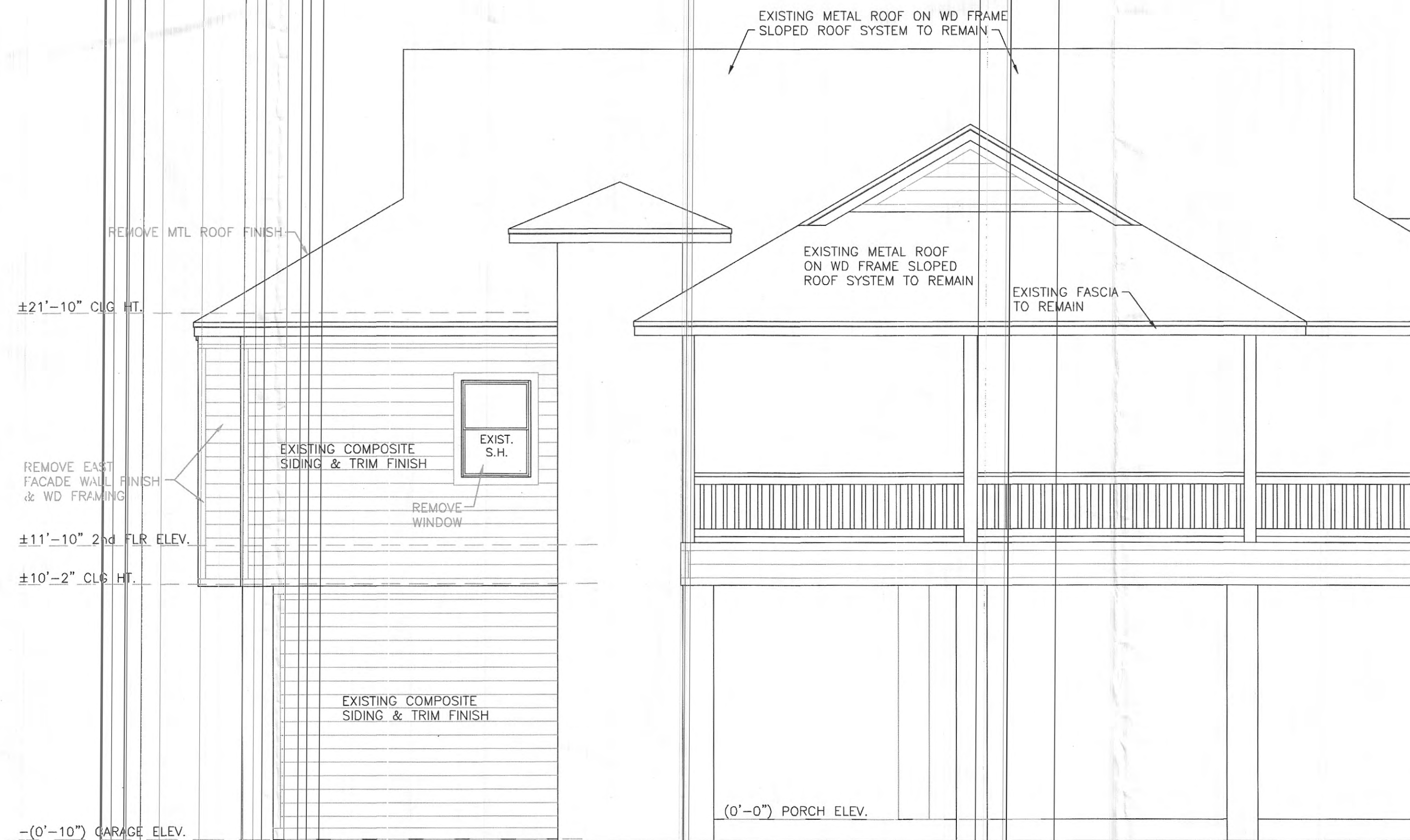
A0.1



EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



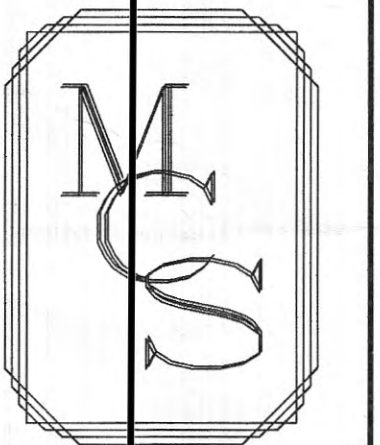
EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"

RESERVED

MADRIL CAP SERVICES LLC
Residential Design &
Precision CAD Graphics

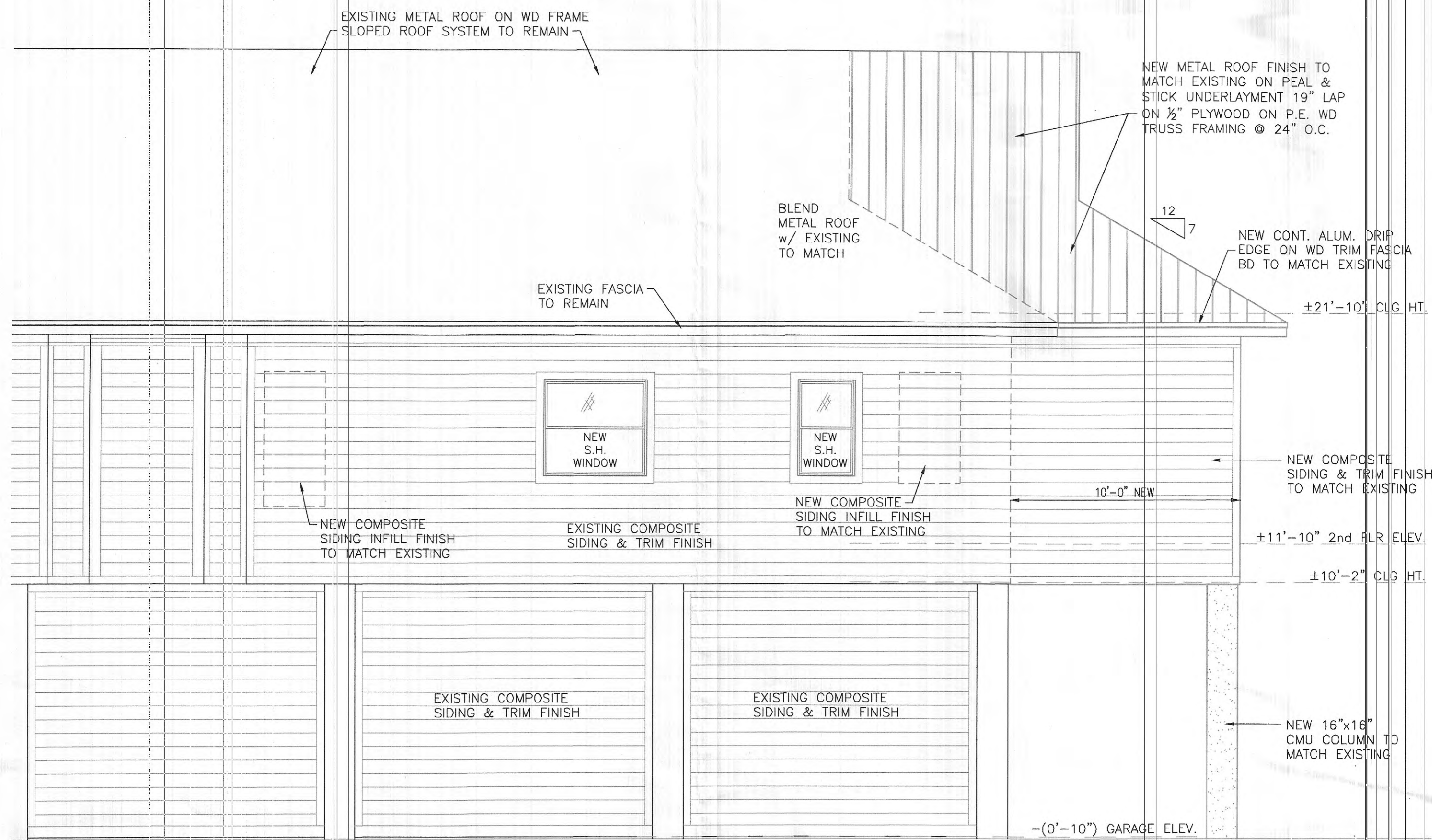


Mad. Madril
727.278.0692
mcs0302@hotmail.com

2005 GULF WAY
ST PETE BEACH, FL

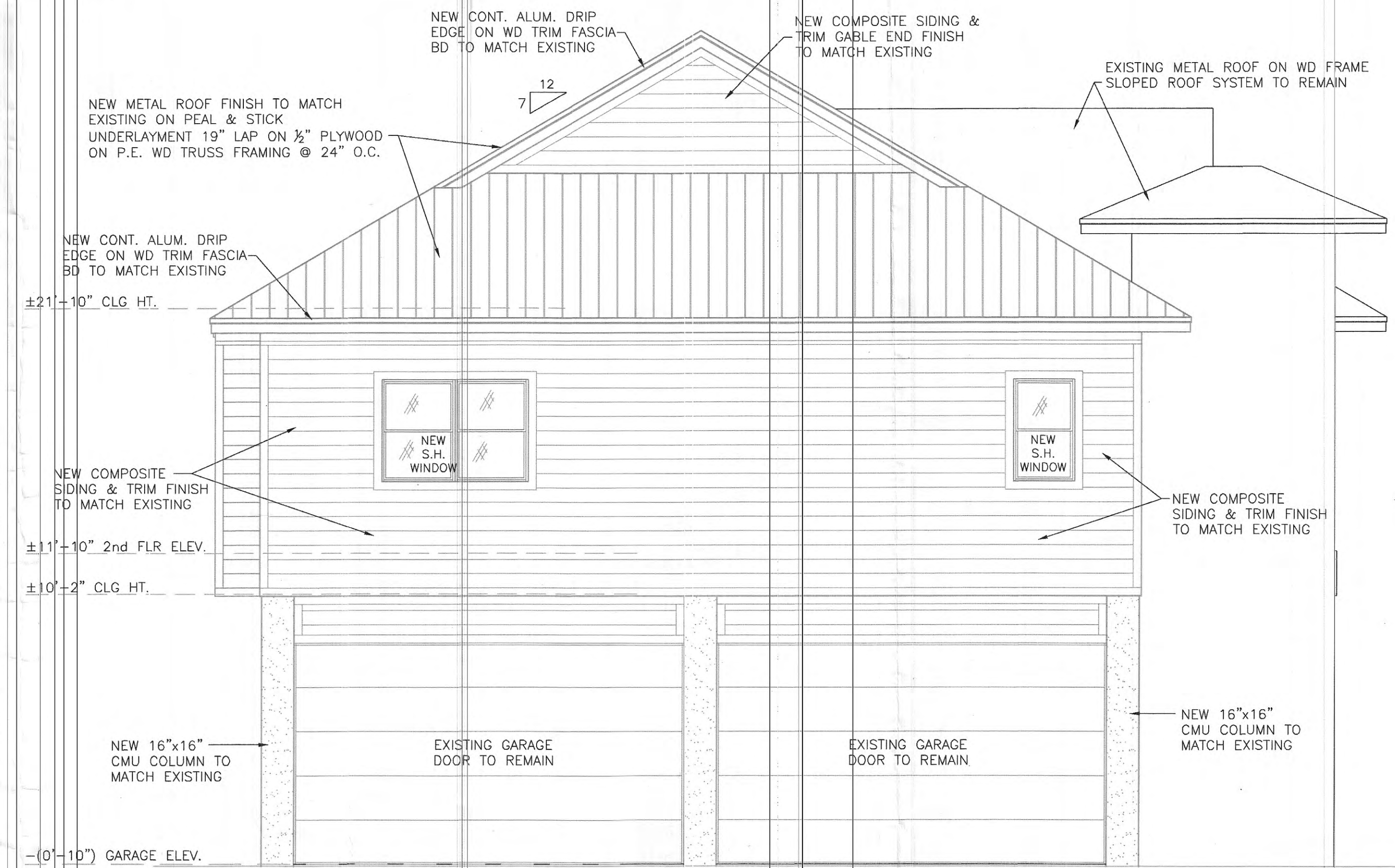
COMMISSION NO.: 23-01018
DATE: 6-30-23
DRAWN BY: MDM
CHECKED BY: MDM
REVISIONS:

A0.2



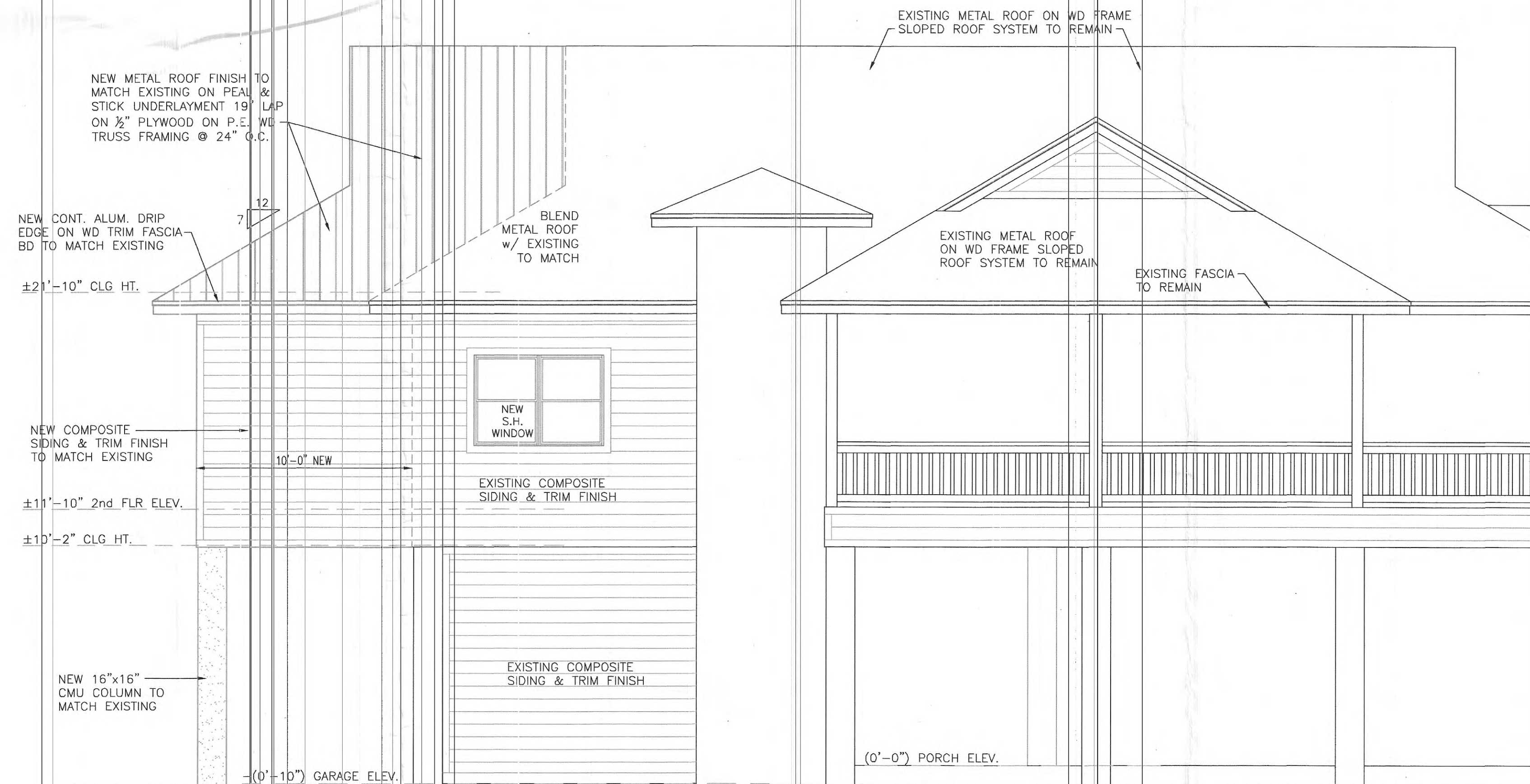
PROPOSED SOUTH ELEVATION

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



PROPOSED EAST ELEVATION

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

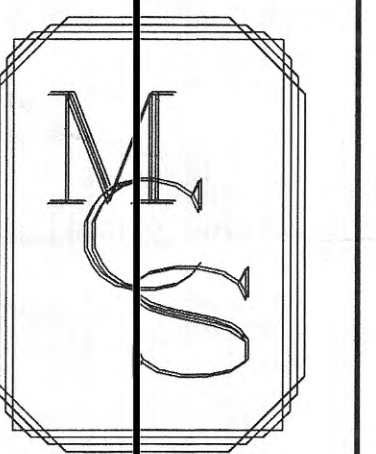


PROPOSED NORTH ELEVATION

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

RESERVED

MADRIL CAD SERVICES LLC
Residential Design &
Precision CAD Graphics



Madril
727.278.0692
mcs0302@hotmail.com

2005 GULF WAY
ST PETE BEACH, FL

COMMISSION NO.: 23-01018
DATE: 6-30-23
DRAWN BY: MDM
CHECKED BY: MDM
REVISIONS:

A1.2



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

PLANNING DEPARTMENT

Date: October 10, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Variance Case No: 23060
Address: 2005 Gulf Way
Parcel Number: 18-32-16-68634-009-1100
Sam Angelides, Angelides Builders for Andrea Crowe

Prepared by: Kristin Coman, Senior Planner

Hearing Date: 10/25/2023

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

1. Completeness Review Letter dated 7/18/2023.
2. Completeness Review Letter #2 dated 8/18/2023.
3. Completed Practical Difficulty Variance application form.
4. Boundary Survey prepared by Target Surveying, Inc. dated 9/9/2020, consisting of 1 sheet.
5. Plan Set prepared by Madril CAD Services, LLC. dated 6/30/2023, consisting of 5 sheets containing site plan, ISR information, demolition plan, floor plan and elevations.

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

Site Description/Surrounding Land Uses

The subject site is a 5,933 sq. ft. (approx. 0.14 acre) parcel located at 2005 Gulf Way known as parcel number 18-32-16-68634-009-1100 and legal description PHILLIPS DIVISION REV MAP BLK I, LOT 110 LESS N 1FT TOGETHER WITH N 1/2 OF VAC ALLEY ADJ ON S & THAT VAC PART OF GULF WAY DESC FROM NW COR OF SD LOT 110 TH S00D31'21"E 1FT FOR POB TH CONT S00D31'21"E 56.5FT TH S89D33'27"W 4.33FT TH N00D00'36"E 56.5FT TH N89D33'27"E 3.79FT TO POB (PER O.R. 13168/437) within the AE-Elevation 9 flood zone. The property is located in the RLM-2/PAG zone; RLM, Residential Low Medium on the future land map and currently contains a residence that was constructed in 1993 according the Pinellas County Property Appraiser. The interior parcel is located within Pass-a-Grille Overlay with single-family residential uses to the north and south, alleyway and vacant lot with a permit submittal currently under review to construct single-family residential dwelling to the east and Gulf Way and beach access

to the west. The site is currently improved with an elevated one-story dwelling with concrete driveway with rear alley access to the garage underneath the dwelling.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

The applicant requests to construct an 10' x 36' elevated rear addition that will not meet the required 20' rear yard setback with 9.9' proposed (LDC 11.7(a)(4)).

Analysis

1. New variances required as a result of the proposed changes:
 - a. **Rear Yard Setback Requirement for Dwelling:** The applicant is requesting an encroachment of 10.1' into the required rear yard setback of 20' with 9.9' proposed, 50.5% (LDC Sec. 11.7(a)(4))

Figure 3: Zoning Table				
Detached, Single-Family Residential, RLM-2 Zone	2005 Gulf Way			
	Minimum	Maximum	Existing	Proposed
Lot Area	4,000 sq. ft.		5,933 sq.ft.	No Change
Lot Width	40'		56.50'	No Change
Front Yard Setback	20'		27'	No Change
Side Yard Setback	5.6'		5.6', north 6.5', south	No Change
Rear Yard Setback - Interior Lot	20'		19.9'*	9.9' (v)
ISR (Max.)		70%		54%
*Denotes existing non-conformity (v) = Variance required				

Figure 4: South Elevation of Dwelling with Proposed Addition, Sheet A1.2

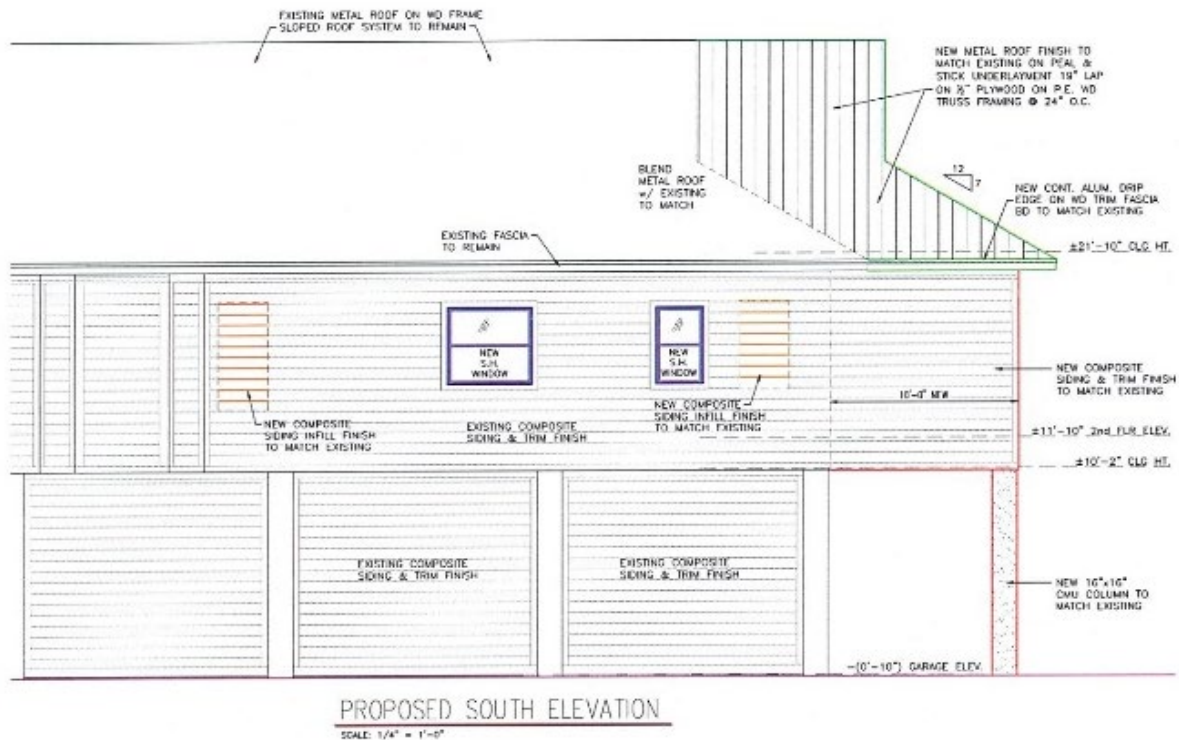


Figure 5: Existing Survey (N.T.S)

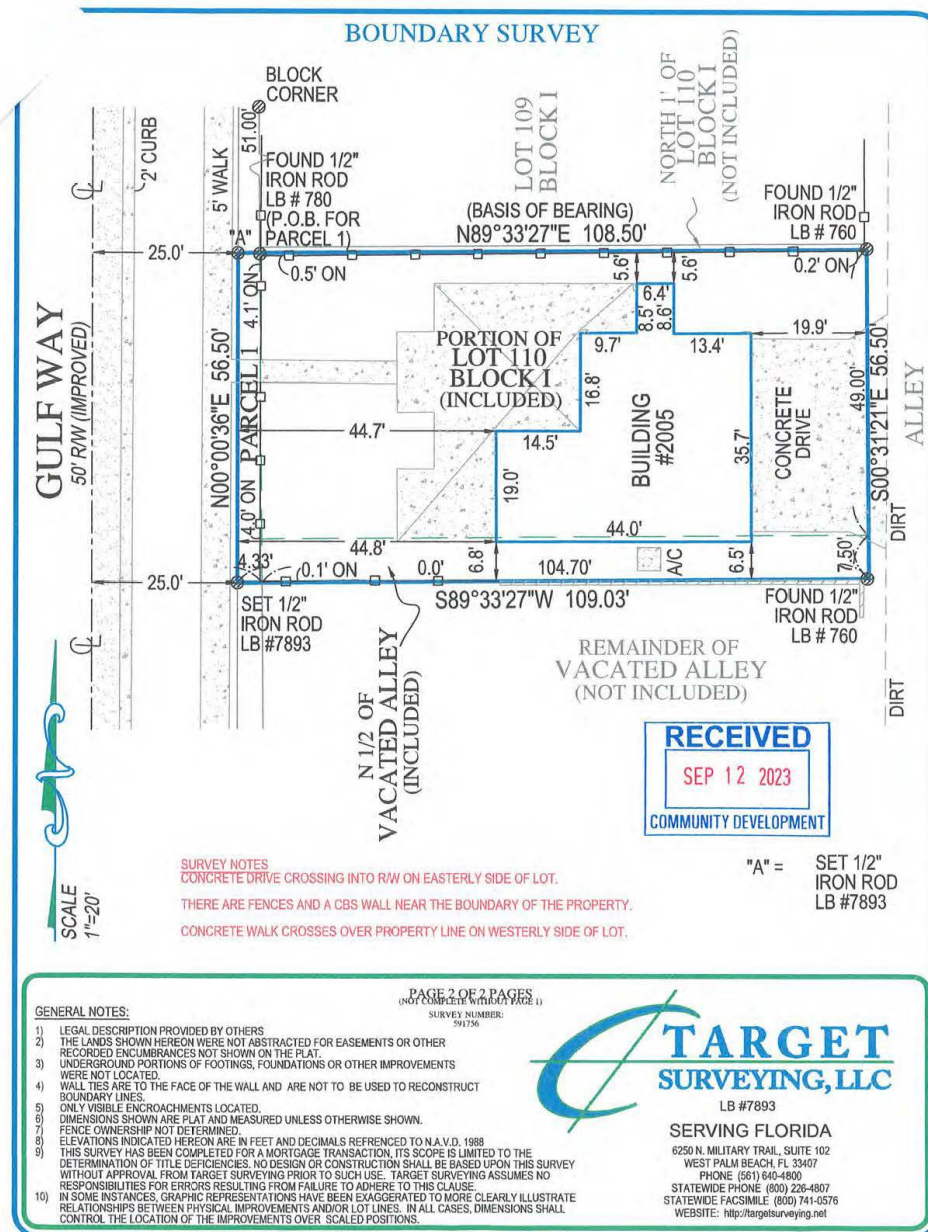
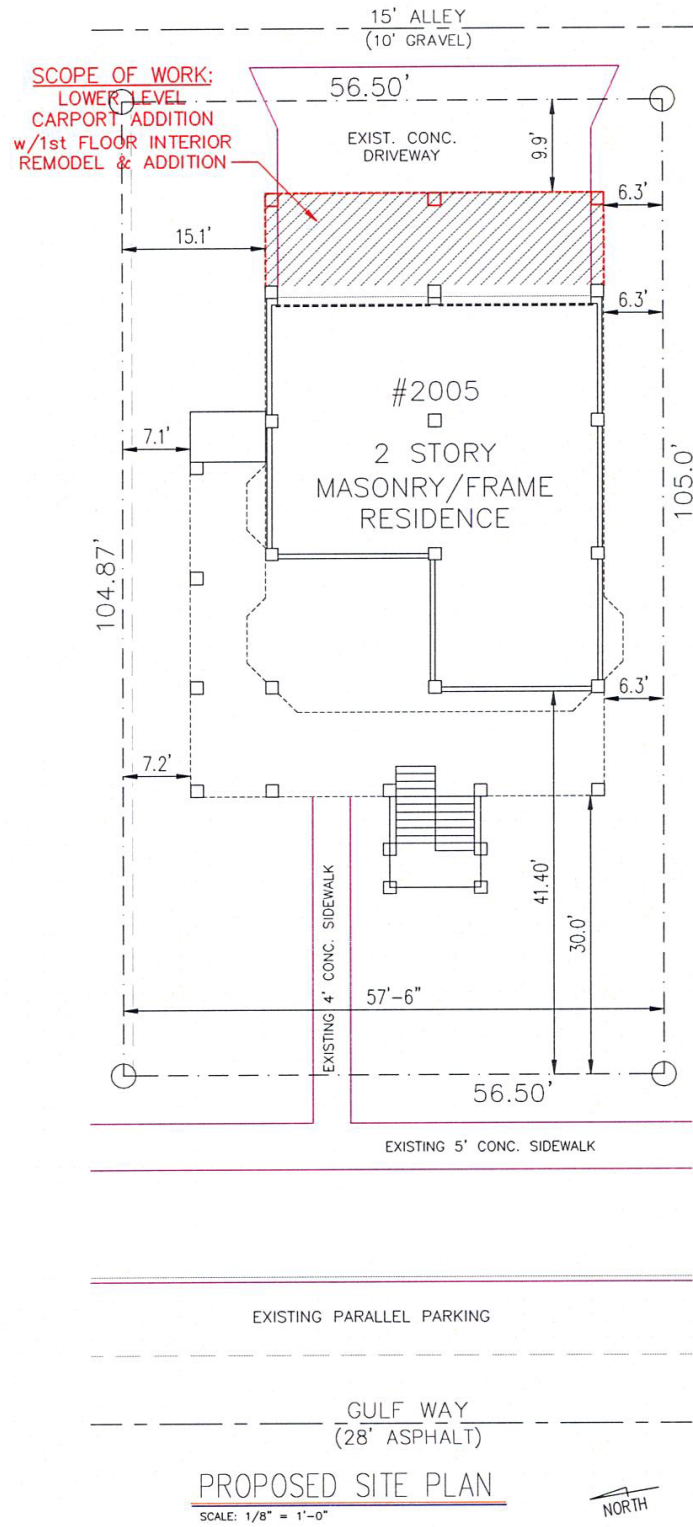


Figure 6: Survey with proposed addition (N.T.S.)



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;

- *The applicant is requesting a rear yard setback of 9.9' where 20' is required representing a difference of 50.5% and an encroachment of 10.1'.*

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

- *Unfavorable change will be produced in the character of the neighborhood with the proposal, especially the alleyways. Other single family residential uses within the immediate area within the blocks between 22nd Ave. and 19th Ave. were examined as the lot layout is similar and contains alleyways running north to south and east to west. Focus was placed on the year constructed which ranged from the oldest of 1922 (2101 Gulf Way) to newest 2010 (104 21st Ave.) as per the Pinellas County Property Appraiser. For those single-family dwellings, most of the rear of the dwellings appear to provide a rear dwelling setback from the property line along the alley that would exceed the 9.9' setback the applicant is proposing which was constructed in 1993.*
- *Within the specific block between 21st Ave and 20th Ave., 9 of the 11 dwellings gain vehicular access to their properties exclusively through the alleys. The proposed rear addition will be in close proximity to the T intersection of the north-south and east-west alley that may impair maneuverability and visibility of the alley. The proposed elevated addition will also add visual massing at the intersection and further restrict the viewshed of the alley. During the site visit it was observed by staff that the alley is highly utilized and navigation by larger vehicles may be difficult resulting in traffic driving over property corners to compensate to maneuver turning into and out of the alleyways and driveways.*
- *The recent change to trash collection requires all properties to place containers at the street for pickup can have implications for pedestrian safety and visibility, especially for residents of interior lots who would utilize the alley walking to and from the street with their trash containers 2-3 times per week.*
- *It should be noted that in May 2023, the Board denied Case No. 23031 in which the applicant did not meet the required rear yard setback for the property which is located just to the north of the rear alley intersection.*

- 3) Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *Within the submittal, the applicant indicated that other methods could be pursued to accommodate the additional square footage but cited cost as a factor in addition to producing an adverse change in the character of the neighborhood. Staff are not aware of any alternatives that may have been considered. According to the Pinellas County Property Appraiser, the property sold in June 2023 and the new owner is requesting the proposed expansion of the dwelling.*
- 4) Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *The interest of justice would not be served in granting the variance. The lot is fully conforming in terms of lot requirements for the RLM-2 zoning district in which the property is located. The existing dwelling is already non-conforming with the rear yard setback and the requesting to increase the non-conformity an additional 50%.*

Other:

- The applicant should provide an overview of the proposed project including but not limited to the changes with regards to the interior layout and exterior materials to be utilized.
- The applicant should provide testimony as to what options were explored to be constructed within compliance and if any alternate plans have been developed should the variance(s) not be granted.

Recommendation

Staff finds the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 and finds the benefit of granting the variance from the applicable LDC Sec. 11.7(a)(4) will be of substantial detriment and impair the intent and purpose of the zoning code. Denial does not create difficulty in the use of the parcel of land and does not appear that the benefit of the deviation would substantially outweigh any detriment. Staff recommends **denial** of the request.

Should the board look favorably on the application on request, the board may want to consider the following conditions:

- The addition to be constructed as per plan submitted and may not be later enclosed or lower-level infill permitted without obtaining a subsequent variance.
- Installation and maintenance of an outdoor grade convex reflective safety mirror for the alleyway to allow for enhanced visibility and increased safety.

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

Respectfully submitted,

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

Kristin Coman
Senior Planner

Cc: Sam Angelides, Angelides Builders - Applicant/Agent **via email** (angelidesbuilders@gmail.com)
Andrea Crowe, Owner **via email** (crowe_andrea@yahoo.com)
Board of Adjustment Attorney

BOARD OF ADJUSTMENT MEETING CITY OF ST. PETE BEACH

Agenda Report

Action Request: Motion to **APPROVE** Case No. 23078 to permit the constructed 20' x 7' trellis to remain that does not meet the minimum side yard setback of 5' with 1'10" proposed, with staff recommendation that the following conditions shall apply:

- Approval is granted for a trellis of 7x20' in size, with slats that encroach approximately 8" beyond the trellis, and an overall height of 9'-2", as depicted on the associated variance site plan dated 09/18/2023. Any expansion, height increase, or relocation of the trellis shall require it to be made compliant with the Land Development Code or for a subsequent variance to be obtained.
- The trellis shall not be enclosed or roofed by any means, permanent or temporary, except for the installation and future replacement of the slats as depicted on the associated variance site plan dated 09/18/2023, and the ornamental growth of vines and other landscaping as referenced in the application.

Strategic Objective:

Date: October 25, 2023

Prepared By: Brandon Berry, Planner II

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance*; Don Saunders, Saunders Construction for Eliot and Bridgette Heller requests to permit the constructed 20' x 7' (140 sf) trellis to remain that does not meet the required minimum side yard setback of 5' with 1'-10" proposed (LDC Sec. 6.13.(c)(3)a).

Funding: n/a

Attachments:

1. 23078 - 2905 Sunset Way - Certificate of Completeness with Submittal Documents
2. 23078 Staff Report_Signed
3. Lippincott Variance Support Letter 10-12-23



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 9/26/2023
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 **October 25, 2023**.

Variance Case Number: 23078
Application Type: Practical Difficulty Variance
Owner: Eliot and Bridgette Heller
Applicant/Agent: Don Saunders
Parcel Number: 18-32-16-17316-002-0020
Address: 2950 Sunset Way, St. Pete Beach, FL 33706
Zone: RU-2

Submittal Documents:

1. Completed Practical Difficulty Variance application package.
2. Boundary Survey prepared by David C. Harner dated 8/30/23, consisting of 1 sheet.
3. Sheet A-1, Trellis Plans and Elevations prepared by Behar Peteranecz Architecture/Interiors dated 9/18/23, consisting of 1 sheet.

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: Donald Saunders, Applicant *via email* (trip@saundersconstruction.com)
Eliot and Bridgette Heller, Owner *via email* (loxandbiscuits@gmail.com)

CASE #: 23078

23078, A-1

SUBMITTAL DATE: 9/19/23 AMOUNT DUE: 532.37 PAYMENT DATE: 9/26/23**PRACTICAL DIFFICULTY VARIANCE APPLICATION**The following Items are to be submitted, along with this application, at least 30 days prior to the public hearing:

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Eliot & Bridgette Heller	2905 Sunset Way St. Pete Beach FL 33706	
Applicant/ Agent	Don Saunders	4780 Brittany Dr S St. Petersburg FL 33715	727-463-8430
Owner Email Address: Eliot@loxandbiscuits.com		Applicant/Agent Email Address: tripeSaundersconstruction.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>RV-2</u>	Future Land Use Designation	Lot Area <u>6,499 s.f.</u>
Legal Description:	<u>Colony Colonial Corp Replat Blk 2, Lot 2</u>	
Parcel ID:	<u>18-32-16-17316-002-0020</u>	
Address:	<u>2905 Sunset Way, St. Pete Beach 33706</u>	
Explanation of Request: <u>Encroachment to sideyard setback to allow for construction of open trellis feature.</u>		
(8) 12" square structural concrete piers are arranged on the site within a 7'-0" x 20'-0" area to support an open framework wood trellis that extends 6" beyond the piers on each side and 18" beyond the piers at the ends. The trellis has no roof and is open to the sky as a framework designed to support flowering vines.		

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:

A side-yard setback of 1'-9" is requested for a landscape trellis where a previous variance of 3'-3" was approved to a 5'-0" setback requirement.

See attached detailed information from the general contractor.

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

The change is requested to incorporate a design that evolved from the previous variance application to be more architecturally compatible to the existing historic home by changing from small wood posts to more substantial concrete columns to coordinate with the finish and style of the home. This change also uses building materials that are more durable than the previously proposed and approved small wood posts.

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

The concrete post trellis structure is existing on the site to support flowering vines as a landscape buffer between the property and the neighbor. It would not be feasible to move the existing trellis and posts without the cost of demolition and reconstruction. In addition, moving the trellis would sacrifice the architecturally compatible design proportions and alignment with the walking path between existing doorways.

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

The previous variance application including the trellis was approved to be approximately 3'-3" from the property line. The practical site conditions, architectural compatibility, material integrity and need for alignment with the walking path between the home and garage entries pushed the design 18" closer to the property line than previously approved. The beneficial impact to the adjacent property of a view to flowering vines held by the trellis remains the same.

9/18/23

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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

Attachment to St. Pete Beach Practical Difficulty Variance

Heller Residence – Trellis Variance



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

The existing trellis columns & timber framing are substantial structures, demolishing & rebuilding them would be extremely expensive. Especially since it would require subcontractors to re-mobilize for a smaller part of the original project.

The timber framing could be disassembled & reinstalled, and the cross members could be notched & the end profiles routed/ cut again. This work would be about 5% of the total cost of the relocation.

The columns can't be moved, they have to be demolished & rebuilt. They are 12" x 12" column blocks with full rebar cages, and poured solid with concrete. Each one weighs approximately 2,500 lbs and would take an estimated 32 man hours to demolish, the trucking & dump fees for so much waste would be considerable. Rebuilding the columns will also be very costly, and time consuming.

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



I/WE Eliot Heller
(print name of property owner)
hereby authorize Donald B. Saunders II
(print name of agent)
to represent me/us in an application for Variance
(type of application: variance, conditional use, zoning, etc.)

Eliot Heller
Signature of Owner

Signature of Owner

Eliot Heller
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 22nd day of
September 2023 by Eliot Heller or who is
personally known _____ produced
X as identification.

[Signature]
(Notary Signature)
My Commission Expires July 16, 2025

9/22/23
(Date)

NOELLE KELLEY
NOTARY PUBLIC
STATE OF FLORIDA
NO. HH149525
MY COMMISSION EXPIRES JUL. 06, 2025

RECEIVED

SEP 22 2023

COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

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

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

D.S. 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.

D.S. 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.

D.S. 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.

D.S. 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.

D.S. 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.

D.S. 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

9/18/23

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Don Saunders, 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): Donald B Saunders
Address: 3418 Overlook Dr NE. (off) DL# 4780 B. Hwy 18 S. St. Pete 33715

[Signature] 9/18/23
Signature Date

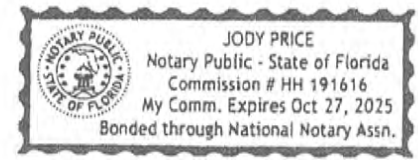
STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

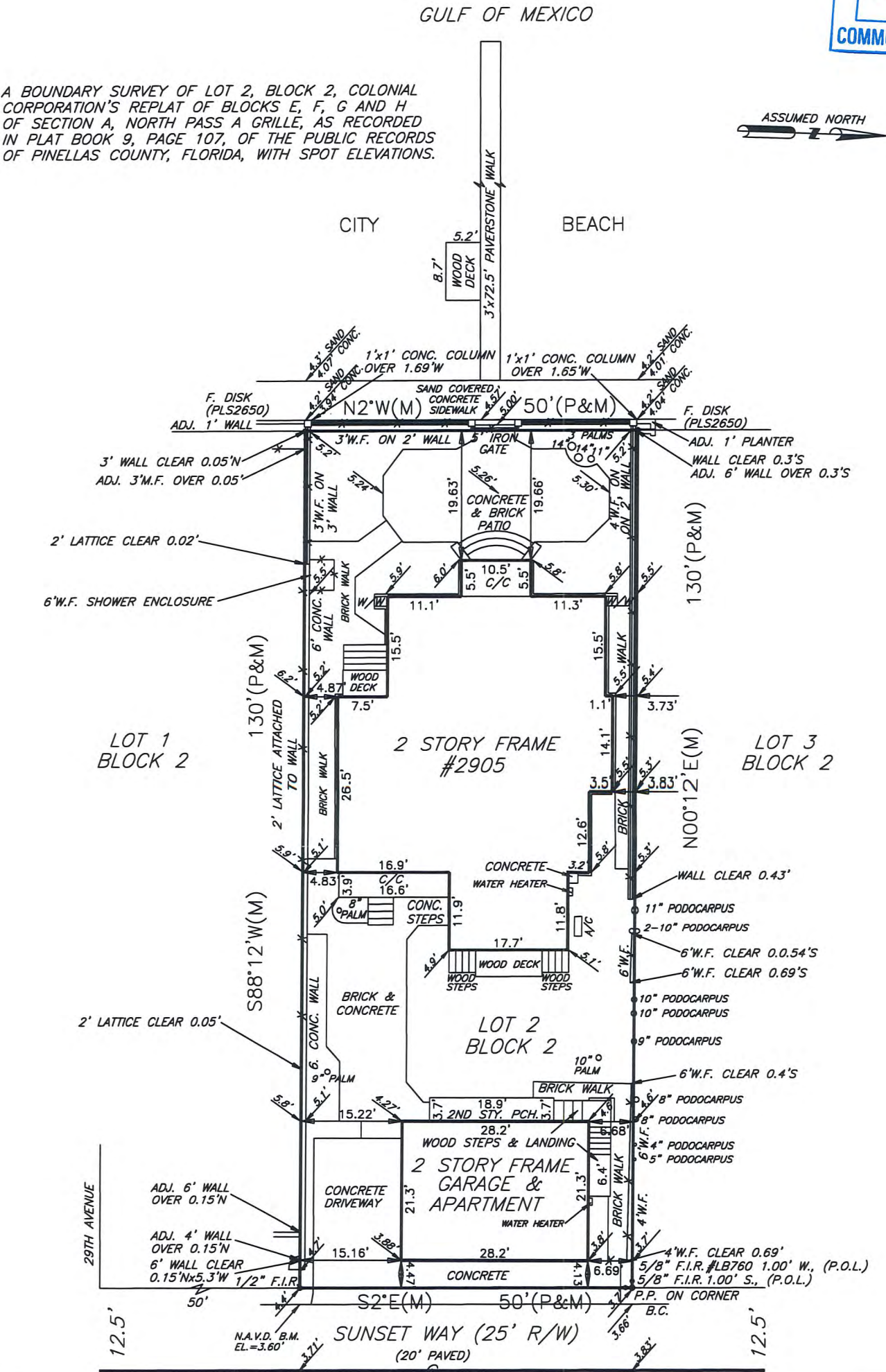
The foregoing instrument was acknowledged before me this 18th day of September, 2023 by:
Don Saunders who appeared before me, and is personally known to me, or has produced
Driver's license as identification, and did take an oath.

My commission Expires: 10/27/2025

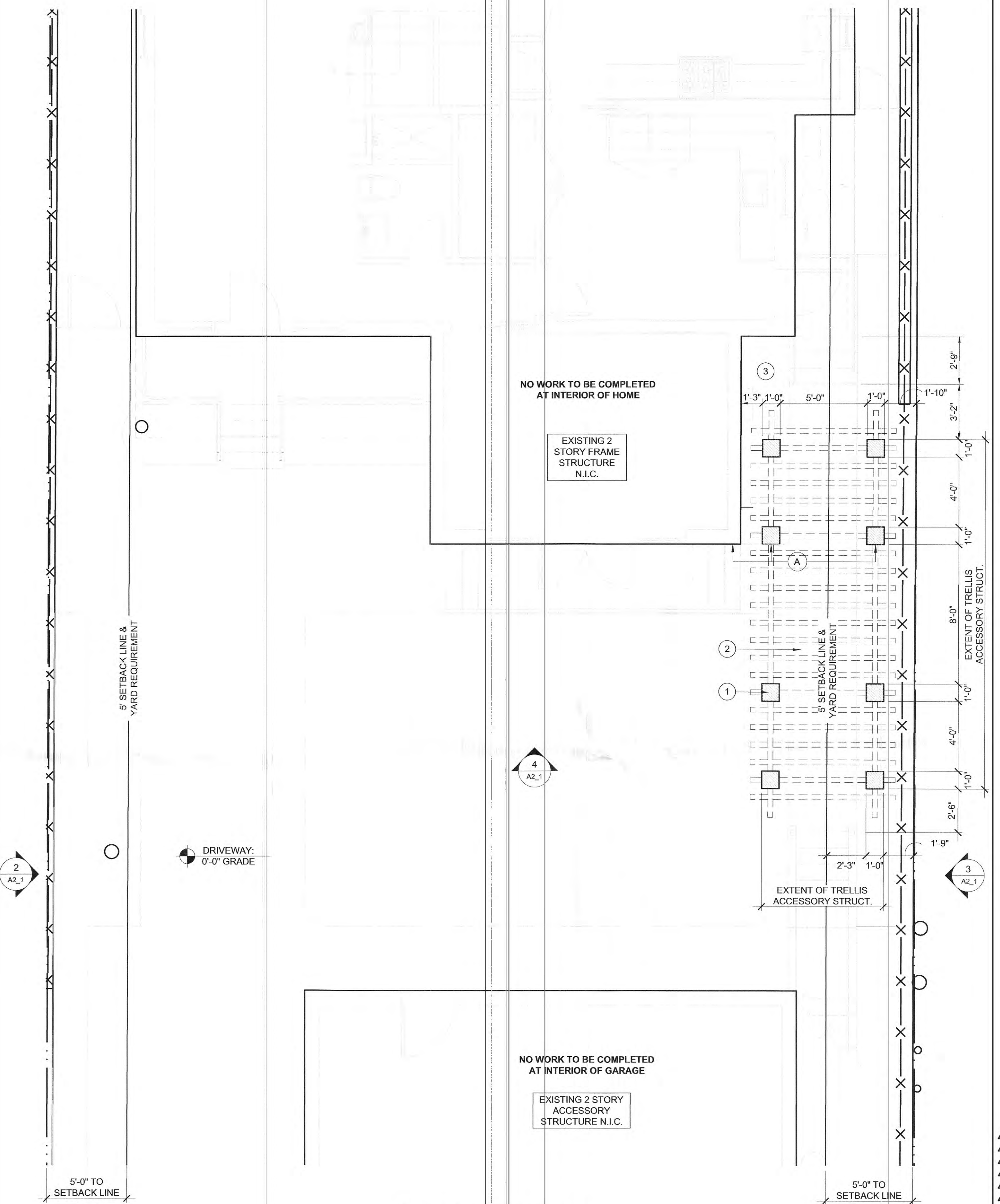
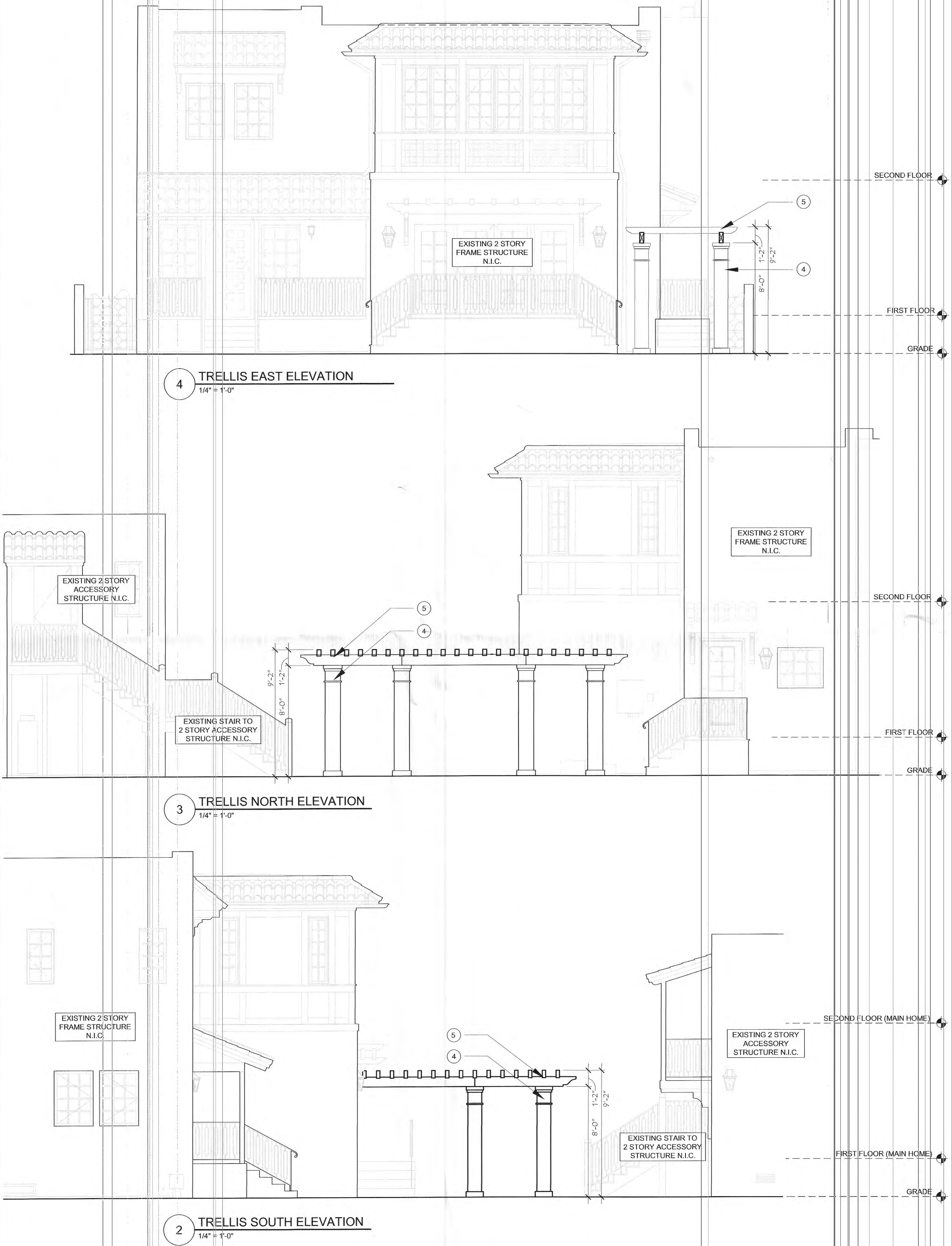
NOTARY:
Print Name: Jody Price Notary

Public, State of Florida
(Notarial Seal)





JOB NUMBER: MMXXII310 TELEPHONE: (727) 360-0636 DATE OF FIELD SURVEY: 8/30/22 SCALE: 1 INCH = 20 FEET DRAWN BY: DCH	DAVID C. HARNER PROFESSIONAL SURVEYOR & MAPPER 9925 GULF BOULEVARD TREASURE ISLAND, FL. 33706 SECTION 18 TOWNSHIP 32 SOUTH RANGE 16 EAST	FLOOD ZONE: "AE" (B.F.E.=9') FLOOD MAP DATE: 8/24/21 COMMUNITY NUMBER: 125149 MAP NUMBER: 12103C0278 H CHECKED BY: DCH
CERTIFIED TO: ELIOT AND BRIDGETTE HELLER		
NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON. LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C=CHORD LENGTH C.L.F.=CHAINLINK FENCE R/W=RIGHT OF WAY CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE C.B.=CHORD BEARING P.O.B.=POINT OF BEGINNING EL=ELEVATION FF=FINISHED FLOOR F.I.P.=FOUND IRON PIPE S.I.P.=SET IRON ROD WITH CAP #2650 E.R.=EDGE OF ROAD F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED M.S.=METAL SHED P.O.L.=POINT ON LINE D=DEED R=RADIUS W/W=WING WALL W.F.=WOOD FENCE DR=DRAINAGE UT.=UTILITY EASE=EASEMENT B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT 8/30/2022 D.C.H. DAVID C. HARNER P.S. & M. REGISTRATION NUMBER 2650 DAVID C. HARNER CERTIFICATE NO. 2650 STATE OF FLORIDA REGISTERED LAND SURVEYOR "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"		



GENERAL NOTES	GRAPHIC LEGEND	KEY NOTES
1. THIS DOCUMENT IS A REQUEST FOR A SIDE YARD SETBACK VARIANCE FOR A LANDSCAPE TRELLIS ACCESSORY STRUCTURE. NO OTHER ITEMS SHOWN ARE TO BE INCLUDED WITHIN THE SCOPE OF THIS CONTRACT. 2. ALL DIMENSIONS ARE SHOWN TO STRUCTURAL ELEMENTS, UNLESS NOTED OTHERWISE. 3. WHERE EVER POSSIBLE, EXISTING UTILITY LINES, CONDUIT LOAD CENTERS, APPLIANCES, MATERIALS, STUD WORK, ETC. SHALL BE INCORPORATED/ RE-USED INTO THE DESIGN. 4. ALL NEW EXTERIOR ELECTRICAL EQUIPMENT TO BE INSTALLED IN COMPLIANCE WITH FBCR 7TH EDITION PART VIII - ELECTRICAL REQUIREMENTS. 5. ALL WORK PREVIOUSLY APPROVED TO BE COMPLETED AT THIS ADDRESS CAN BE FOUND UNDER DEVELOPMENT ORDER #22020 AS WELL AS BUILDING PERMITS #2202541 & #2300069.	—X—X— EXISTING FENCE — · · — PROPERTY LINE A ALIGN FINISH FACE OF WALLS □ NEW MASONRY PIERS ---- OVERHEAD LANDSCAPE TRELLIS FRAMING OPEN TO SKY	1 PROPOSED MASONRY PIERS WITH PROFILED WOODEN TRELLIS OVERHEAD TO SUPPORT LANDSCAPE PLANTING. 2 NEW PERVIOUS PAVING, COORDINATE WITH LANDSCAPE DESIGNER FOR FINISH SELECTION 3 COORDINATE THIS AREA SO THAT NEW TRELLIS STRUCTURE DOES NOT IMPEDE ACCESS TO EXISTING EQUIPMENT. COORDINATE WITH AIR CONDENSER OF MINI-SPLIT SYSTEM ABOVE 4 STUCCO CLAD CMU COLUMNS 5 MASS TIMBER TRELLIS COVERED PATH TO BE COORDINATED WITH LANDSCAPE DESIGNER FOR INTEGRATED PLANTING OVERHEAD

2376, A-3

Behar Peteranecz

ARCHITECTURE INTERIORS

2430 TERMINAL DRIVE SOUTH | ST. PETERSBURG, FLORIDA 33712

(727) 800-5300 | ARCHITECTUREBP.COM | AA26001704 B26001074

THE INFORMATION HEREON IS THE PROPERTY OF BEHAR PETERANECZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

Behar Peteranecz

SEP 18 2023

COMMUNITY DEVELOPMENT

PROJECT NO:

19.18

ISSUE DATE:

09.18.2023

DRAWING TITLE:

TRELLIS PLAN & ELEVATIONS

SHEET NUMBER:

A1_1

EDITION

VARIANCE & PERMIT DRAWINGS

Page 44 of 51



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

PLANNING DEPARTMENT

Date: October 9, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 2905 Sunset Way
Parcel Number: 18-32-16-17316-002-0020
Don Saunders for Eliot & Bridgette Heller
Case No: 23078

Prepared by: Brandon Berry, Planner

Hearing Date: 10/25/2023

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 C. Harner, PSM, dated 08/30/2022, consisting of 1 sheet showing existing completed site improvements.
3. Completed Impervious Surface Ratio (ISR) worksheet.
4. Site Plan, dated 09/18/2023, showing the elevations and layout of the subject trellis.

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

Site Description/Surrounding Land Uses

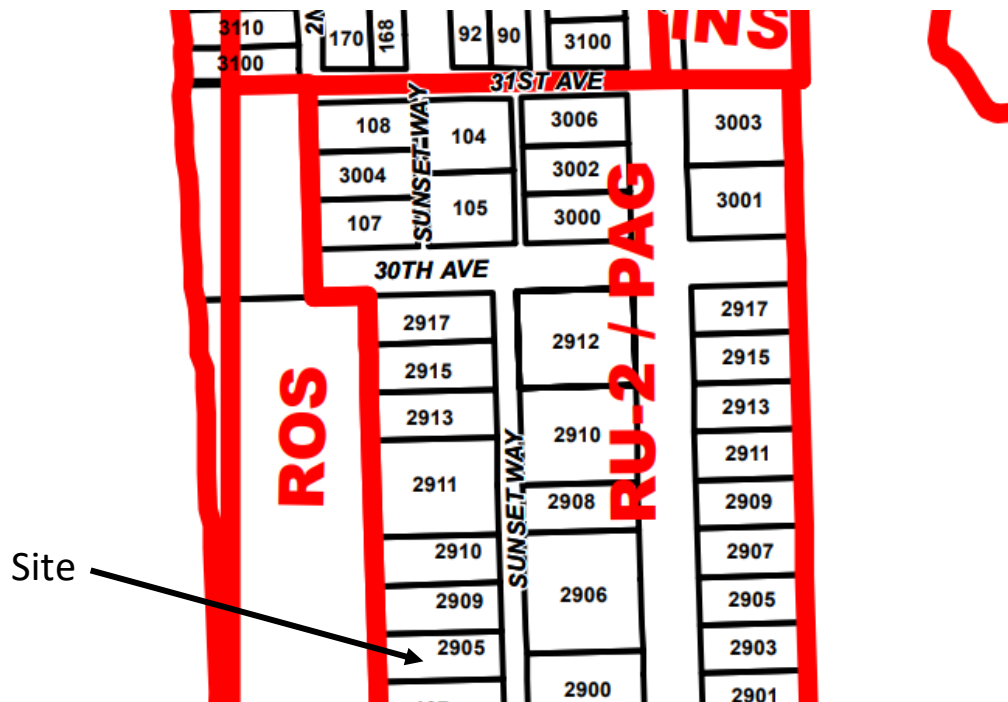
The subject site is a 50x130' (6500 SF) lot containing a primary two-story residence and front two-story detached garage with apartment. The property was developed in 1925 and both buildings are considered contributing to the Pass-a-Grille Overlay District, but are not individually listed as landmarks on the local historic registry and are thus exempt from Historic Preservation Board review for the subject request. The residence abuts a two-family residence to the north, single-family residence to the south, one- and two-family residences to the east, and the beach to the west.

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 requests a variance to LDC Sec. 6.13(c)(3) to allow for the encroachment of a trellis/patio cover into the required five-foot side setback.

The subject request is a follow-up to a prior variance (#22020) that was granted with conditions by the Board of Adjustment in April 2022. At the time the owners were approved for, and are currently undertaking, significant improvements to the property that included a new balcony addition with a 15'-4" rear setback where 17' is required, a pool constructed with a zero-foot rear setback where three feet is required, and patios and walkways at the side lot line where two feet is required. The scope included other interior site improvements, including stair replacement, that did not require a variance.

The owner's contractor obtained a permit (#2300069) in January 2023 for the pool improvement, which aligned with the approved variance request. The same month the contractor for the subject variance request was also issued a building permit (#2202541) for the majority of the remaining subject improvements, including the deck/walkways and balcony. However, the permit was issued without the benefit of zoning review. When the permit was resubmitted in June 2023 and routed to zoning, staff found numerous disparities between the variance site plan and site plan associated with the building permit. These included additional pavers in locations not shown on the variance plan, a change in the overall lot vegetation percentage, and the subject request, which is that the trellis was moved closer to the side lot line than depicted in the variance site plan. The trellis was depicted on the variance site plan for which a development order was issued in April 2022, and necessitated a variance at the setback then shown which has since increased, but it is unclear why it was not considered part of the subject scope.

Staff have worked with the applicant over the past months since the permit resubmittal to address all outstanding comments that would have necessitated additional variances, except for the subject request. However, the applicant has already begun work on the trellis, and stated that it cannot be moved from its subject location. Where the trellis was previously shown at an approximate 3'-3" side setback (note: no particular measurement is provided because it was not part of the subject scope), the side setback is now shown as 1'-10". Except for trellises of eight feet or less in height with a width no greater than five feet, and depth no greater than 35 inches, trellises must meet the required side setback as is the case for patio covers, which is five feet for this property.

Analysis

1. New variance(s) required as a result of the proposed construction:
 - a. **Garden trellis accessory structure standards:** trellises do not require a permit or do not need to meet yard requirements when they are eight feet or less in height, five feet or less in width, and have a maximum depth of 35 inches. In cases where they do not, they are treated as patio covers, requiring a side setback in this case of five feet.

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;

The applicant is requesting a 1'-10" setback from the side lot line to the trellis supports where 5' is required, representing a variance of 63% of the standard.

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

- *Staff does not find there will be an adverse change produced in the character of the neighborhood from the footprint of the trellis itself. The trellis is ornamental in nature and is open at the roof except for slats as depicted, and the lot already contains a covered staircase just east of the trellis, which is taller and more opaque than the subject accessory structure. Staff has minor concerns regarding the trellis height, which is 14 inches taller than other permitted accessory structures that are allowed to encroach up to the side lot line. The zoning code is written to allow select accessory structures at the side lot line in exchange for their height not exceeding the allowable screening height of an adjacent fence or wall, at eight feet. At the constructed height, the neighbor would not be able to fully screen the trellis via a fence or wall.*

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

- *The applicant proceeded with construction of the trellis, along with other lot improvements, under an issued building permit that did not have the benefit of zoning review. As stated by the applicant, the trellis has already been constructed and could not be moved without demolition and reconstruction. Additionally, the structure is also covering a walkway, which may need to be relocated or reconstructed should the subject variance be denied.*

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

- *Staff finds the variance serves the interest of justice. The applicant proceeded with the subject construction under an issued building permit, following the issuance of a variance development order which did not address the subject trellis despite its encroachment into the side yard. Staff does not find the applicant responsible for this oversight. Denial of the variance would require the removal of the structure, which staff does not find would serve the interest of justice.*

Other:

- The applicant should discuss if any alternative plans were considered, and provide an overview of the construction timeline of the trellis.
- The applicant should state if there are any plans to construct a fence or install vegetation along the adjacent property line that will soften or buffer the view of the trellis.

- The applicant should address whether the height of the trellis could be reduced to eight feet to allow for screening from the neighbor's side, without causing substantive difficulty to the owner or applicant.
- The applicant should explain why the location of the trellis was adjusted from the plan submitted under previous variance #22020 to the permit #2202541.

Recommendation

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

- Approval is granted for a trellis of 7x20' in size, with slats that encroach approximately 8" beyond the trellis, and an overall height of 9'-2", as depicted on the associated variance site plan dated 09/18/2023. Any expansion, height increase, or relocation of the trellis shall require it to be made compliant with the Land Development Code or for a subsequent variance to be obtained.
- The trellis shall not be enclosed or roofed by any means, permanent or temporary, except for the installation and future replacement of the slats as depicted on the associated variance site plan dated 09/18/2023, and the ornamental growth of vines and other landscaping as referenced in the application.

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,

Brandon Berry
Planner

Cc: **Don Saunders - Applicant** (trip@saundersconstruction.com); **Eliot & Bridgette Heller - Owners** (eliot@loxandbiscuits.com); **Tara Wood Dozark – Plans Preparer** (tara@architecturebp.com).

October 12, 2023

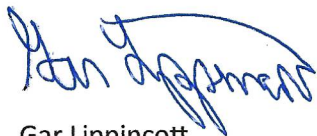
To Whom it May Concern:

We are writing to express our support for the north side setback variance application submitted by Dr. and Mrs. Heller for their trellis at 2905 Sunset Way.

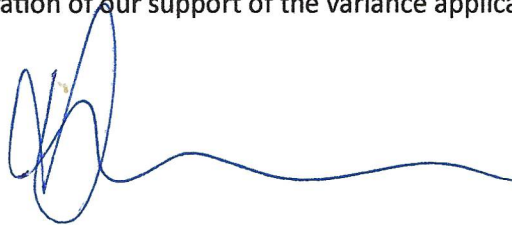
Our property (2909 Sunset Way) shares the property line in question with the subject property. We have been collaborating as neighbors and enjoy a good relationship with the Hellers. We have no objection or concerns related to the location of the trellis. The Heller's variance application to decrease the north side setback to our property line to accommodate the existing trellis has our full support.

Thank you for your consideration of our support of the variance application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gar Lippincott", with a stylized, cursive script.

Gar Lippincott

A handwritten signature in blue ink, appearing to read "Elise Lippincott", with a stylized, cursive script.

Elise Lippincott