



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, April 24, 2024
2:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the April 24, 2024 agenda.

2. Audience Comments -

Comments shall be limited to three minutes for general or agenda items. Please complete a comment card and submit it to the Clerk. Once you are called, please come to the podium and state your name and address for the record.

3. Approval of Minutes

a. March 27, 2024

4. Action Items -

a. Election of Officers 2024-25

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

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

2023-24: Chair Paul Skipper; Vice Chair Mike Bomar

Requested Action:

Motion to APPOINT _____ as the Committee Chair for 2024-2025.

Motion to APPOINT _____ as the Committee Vice Chair for 2024-2025.

b. Case No. 24017 – 7100 Blind Pass Rd.

Practical Difficulty Variance: Sean Neal for Jennifer Gross requests to permit existing non-conforming 6' high fence with existing 3' front yard setback to remain within front yard where a 4' high maximum height is permitted and 10' front yard setback is required (LDC Sec. 6.15).

c. Case No. 23086 – 2191 E. Vina Del Mar Blvd.

Unnecessary and Undue Hardship Variance: Tyson Rawson, Edge Marine Construction for Peter Eagleson requests to construct a 6' x 12' lower landing on non-conforming existing dock, creating a length of 92'6" where 49' is permitted and 86'6" currently exists (LDC Sec. 6.23(d)(3)).

d. Case No. 23072 – 2007 Pass-a-Grille Way

Unnecessary and Undue Hardship Variance: Kyle Bass, Weber Crabb & Wein, P.A. for Collom Properties, LLC requests the construction of roofed, open porch extension, 12' x 28.67' (overall dimensions), 11'2" high, to create an approximately 300 sq. ft. covered ride wait area that will encroach entirely into the required 25' secondary front setback while maintaining the existing 1.67' setback where 25' is required (LDC Sec. 15.7.(b)(2)).

5. **Adjournment - Next meeting to be held May 15, 2024 -**

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.

DRAFT BOARD OF ADJUSTMENT MINUTES
March 27, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Michael Bomar, Vice Chair
Joe Moholland, Member
Dan Small, Member

MEMBERS ABSENT: Paul Skipper, Chair
Denise Chase, Member

STAFF PRESENT: Kristin Coman, Community Development Director; Matthew McConnell, Assistant City Attorney; Ginny Bodkin, Deputy City Clerk

Vice Chair Bomar called the meeting to order at 2:12 P.M.

1. Approval of the Agenda -

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the March 27, 2024 agenda as presented; the motion carried unanimously by a voice vote.

2. Audience Comments – There were no comments.

3. Approval of Minutes – February 28, 2024 Meeting

Motion: Member Moholland moved, and Member Small seconded the approval of the February 28, 2024 meeting minutes as presented; the motion carried unanimously.

The Deputy Clerk duly swore in all those present who would be testifying.

Vice Chair Bomar explained to the applicants that as only three Board members were present, all three (the required Board majority) would need to vote affirmatively for approval of their applications. He offered that they could continue their cases until the April hearing. Neither of the applicants chose to continue.

4. Action Items

- a. Case No. 24012 – 510 78th Ave.
Unnecessary and Undue Hardship Variance: Thomas DeYampert requests to replace existing residential storage building with proposed 160 sq. ft., 9’1” high residential storage building where maximum of 80 sq. ft. and maximum height of 8’ is permitted (LDC Sec. 6.13(b)(5)(a-b)).

Community Development Director Kristin Coman presented a thorough review of the application for this Variance application. Her presentation is part of the meeting record and included site photographs, zoning, zoning table, survey, property description, existing and proposed site plans, hearing notices, variance criteria, variance request detail, staff analysis and staff comments. A

pergola was previously approved by the Board in 2022 (Case 20040). The current request exceeds maximum size and height. No letters of objection or support were received. Staff findings were reviewed and their recommendation was for approval.

Assistant City Attorney Matthew McConnell asked the Board to disclose any ex-parte communications; Member Moholland had visited the site and walked the perimeter.

Applicant Tom DeYampert appeared and testified with additional details of his request including the materials to be stored, stabilization of the structure, and compliance with stormwater runoff requirements. He provided an aerial view of his property, which is part of the meeting record. He answered Board questions.

There was no comment in favor of or against the application and the Vice Chair closed public comment.

The Board deliberated.

Motion: **Member Small moved and Member Moholland seconded to approve the variance for Case No. 24012 with the recommended conditions; the motion passed 3-0.**

b. Case No. 24002 – 2909 Sunset Way

Unnecessary and Undue Hardship Variance: Ron Wilson, Peregrine Construction
Practical Difficulty Variance: Brian Aungst, Jr. for Olin and Elise Lippincott requests construction of an elevated rear deck and inground pool that exceeds 2' in height with proposed north and south side yard setbacks of 2' where a minimum 5' setback is required and rear yard setback of 0' where 20' is required (LDC Sec. 6.13(c)(1)(b) and (c)(2)(b)) and construction of 3rd floor open, unroofed terrace that does not meet the required 17' rear yard setback with 9'7" proposed (LDC Sec. 6.22(b)).

Member Moholland disclosed that he had walked the front and back of property several times, but had no communications with the applicants.

Ms. Coman presented a thorough review of the application for this Variance application. Her presentation is part of the meeting record and included photographs, zoning, zoning table, site plan, survey, proposed elevation renderings, property description, plans, hearing notices, and variance criteria. The property received a prior variance in 2020 for encroachment elevated deck encroached in setback. Ms. Coman explained that this is a large project.

Staff found that the request would not have an adverse impact on the neighborhood. Staff recommended approval with the following conditions:

- The condition of prior Variance Case No. 20040 contained within the executed Development Order that any elevated deck railing used for the rooftop seating area shall be open in design to the extent possible under the Florida Building Code shall also be applied to this approval.

- The proposed 3rd floor terrace and lower patio levels shall not be enclosed or roofed by any means, permanent or temporary, and shall remain open and may not be enclosed in such a manner as to be construed as living space.
- Fencing to secure the pool may not exceed an overall height of 4' as shown on the application for building permit 2101068.
- Applicant shall submit sealed As-Built Survey noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of the Certificate of Occupancy/Final Inspection.

Attorney Clay Gilman of McFarlane Ferguson appeared on behalf of the applicants. Owner Elise Lippincott testified in answering Board questions. The previously approved variance was discussed. Builder and expert Carmine Pici testified as to the grading on the property and his belief that the deck is within city requirements. There is the expectation of a change to the steps from deck to rear beach walkway area.

Member Moholland voiced concerns with how far the third level extends and having had multiple variances. Architect and expert Michael McCoy testified that they are staying within the same existing footprint. Attorney Gilman also testified that there is no further encroachment into the setback. Mr. Pici testified regarding the fencing.

Attorney Gilman consented to the conditions as proposed.

The Vice Chair closed public comment and the Board deliberated.

Motion: Member Small moved, and Vice Chair Bomar seconded to approve the variance for Case No. 24002 with the four staff recommended conditions; the motion passed 3-0.

Assistant City Attorney McConnell mentioned that a new member is being appointed by Chair Rzewnicki; he thanked Chair Skipper for his many years of service to the City and that he will be missed.

6. Adjournment – The next meeting is scheduled for April 24, 2024.

Vice Chair Bomar moved, and Member Moholland seconded to adjourn the meeting at 3:07 PM.

These minutes will be considered for approval at the April 24, 2024 Board of Adjustment meeting.

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

Agenda Report

Action Request: Motion to APPROVE Case No. 24017 with the staff recommendation that the following condition shall apply:

- Installation of landscaping in front of the fencing, comprising of shrubs and hedges to visually soften the height, mass and scale of the fence in conformance at a minimum with LDC Sec. 22.4(2) with landscape inspection completed and approved by Zoning prior to the issuance of the Final Inspection.

Strategic Objective:

Date: April 24, 2024

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance:* Sean Neal for Jennifer Gross requests to permit existing non-conforming 6' high fence with existing 3' front yard setback to remain within front yard where a 4' high maximum height is permitted and 10' front yard setback is required (LDC Sec. 6.15).

Funding: n/a

Attachments:

1. 24017 - 7100 Blind Pass Rd. - Certificate of Completeness with Supplemental Documents
2. 24017- 7100 Blind Pass Rd. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 3/11/2024
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 **April 24, 2024**.

Variance Case Number: 24017
Application Type: Practical Difficulty Variance
Owner: Jennifer Goss
Applicant/Agent: Sean Neal
Parcel Number: 36-31-15-77994-042-0121
Address: 7100 Blind Pass Rd., St. Pete Beach, FL 33706
Zone: DCR

Submittal Documents:

- 1. Completed Practical Difficulty Variance application form and documents.
- 2. Boundary Survey prepared by VisionLand Service dated 2/11/2020, consisting of 1 sheet.
- 3. Boundary Survey prepared by VisionLand Service, dated 1/29/2024 consisting of 1 sheet.
- 4. Photo taken 4/28/2020 showing fence line.
- 5. Photo taken 2/12/2024 showing fence line.

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 | ☒ Joe Moholland |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ Denise Chase | |

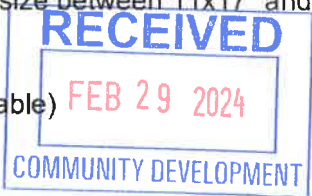
Cc: Jennifer Goss, Owner ***via email*** (jennifergoss412@yahoo.com)
Sean Neal, Applicant ***via email*** (tennsean62@gmail.com)

CASE #: 24017
SUBMITTAL DATE: 2-28-24 AMOUNT DUE: 548.16 PAYMENT DATE: 2-28-24

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	JENNIFER GOSS	7100 BLIND PASS RD. ST. PETE BEACH FL. 33706	727-412-1904
Applicant/ Agent	SEAN NEAL	7100 BLIND PASS RD ST. PETE BEACH FL. 33706	727-512-5258
Owner Email Address: jennifergoss412@yahoo.com		Applicant/Agent Email Address: tennsean62@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation DCR	Future Land Use Designation DCR	Lot Area 8,599 sf
Legal Description:	ST. PETERSBURG BEACH REPLAT BLK 42, NE'LY 80 FT OF LOTS 11 AND 12	
Parcel ID:	36-31-15-77994-042-0121	
Address:	7100 BLIND PASS RD. ST. PETE BEACH, FL 33706	
Explanation of Request: <u>TO ALLOW EXISTING 6ft. HIGH VINYL FENCE</u> <u>IN FRONT YARD AREA (71STAVE SIDE) TO REMAIN WHERE</u> <u>3ft. SET BACK EXISTS AND 10ft. SETBACK IS REQUIRED</u>		

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

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

SEE ATTACHED
ANSWERS

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

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

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



Signature of Applicant

2-27-2024

Date



Signature of Authorized Agent

2-27-2024

Date

For office use only:

Hearing Date: _____ Fees: _____

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

1. **How substantial the variance is in relation to the requirement sought to be varied;** The existing 6 ft high vinyl fence is 3 ft. set back from my property line. It should be a 10 ft. set back per the City of St. Pete Beach. This is a difference of 7 ft. The fence is an existing fence.
2. **Whether an adverse change will be produced in the character of the neighborhood;** The current neighborhood is a mix of older homes with variances to current code. The neighborhood borders businesses and private homes. There is increased foot traffic and visitors that use 71st Avenue and Blind Pass Road to get to Corey Avenue and Gulf Blvd. It is also heavily traveled by automobile traffic.

Per St. Pete Beach Code Enforcement, the home has two front yards. The fence has blended well in the neighborhood and has brought no apparent issues until it was identified recently by Code Enforcement. It is unclear when the fence was initially installed, but it is proportionate to the size of the lot when viewed from any angle. The home was built in 1940 with Blind Pass being the front of the home (where mail is delivered) and 71st being the side of the home. It is unclear when the change occurred that forced the home to have two front yards and why the home receives mail on Blind Pass Road versus 71st Avenue.

If the fence is moved 7 feet, it will leave a larger area of barren ground that is disproportionate to the home and brings attention to the permitted outdoor structure. It will also bring the fence within 3 feet, up to the back corner, of the permitted structure which is angled on the property. In addition to the above concern, moving the fence will also make the appearance of the circular driveway appear disproportionate to the side gate and walkway to the pool.

It will be at great cost to the Homeowner to revamp the 1940's home in order to have two esthetically pleasing front yards. As it stands now, the home fits in with the neighborhood and receives many compliments. The home appears uniform to the lot currently. It will not be uniform or aesthetically pleasing if the variant is not permitted.

3. **Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and The Variance is the only option to maintain a proportionate and aesthetically pleasing yard space.** Without the variance, the Homeowner will be forced to relocate the fence, 7 feet back to the corner of a permitted outdoor building. It will expose the permitted outdoor building, which is disproportionate, angled on the lot, and not a structure that you would normally find in a front yard space.
It will involve moving established yard irrigation, to include a water spigot, and moving a large established palm tree and shrubs, to comply. This will remove aesthetically pleasing vegetation leaving barren and muddy ground. It will also limit the Homeowners use of the space as this is the only yard space.

4. **Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance;** The home was purchased in April 2020 with the existing 6 ft vinyl fence. To move this fence 7 feet would be at a great expense and loss of use to the property owner in that yard irrigation, a water spigot, a large (approx. 40 ft) healthy established palm, four raised garden beds, and green space, would need to be relocated in exchange for barren land which would be of no use to the property owner, the community, or the people living in the home.

Security/Liability Risk: Bringing the fence to a 4 ft height would place the owner at increased liability in that it gives direct access to the pool by anyone who could climb over a 4 ft fence.

The home was built in 1940 with multiple doors and windows which concern the Homeowner with the safety of having a 4 ft fence. Within the last three months, the Homeowner called the Pinellas County Non-Emergency Line due to a homeless person urinating on the existing fence, and also setting on the front porch (Blind Pass) of the home, leaving a lit cigarette on the wooden porch. The Owner is a single female who cares for her mother and disabled brother with physical and mental handicaps, both utilize the yard for recreation. Both are dependent on the walkway and circular driveway to access transportation. The Homeowners mother and brother are home alone at times when the Homeowner is working and would like to feel secure at the home. More information can be provided, if needed, in relation to the health and safety of the disabled people who reside at the residence and how the removal of the current fence would exacerbate their mental and physical conditions.

There are also instances caught on security cameras that show people accessing the circular driveway as a walkway to get from Blind Pass to 71st Avenue and Gulf Blvd and also to access Corey Avenue and Sunday Market. This presents further concerns that people are already using the property as a pass through and that by having a 4 ft. fence on a corner lot would allow them greater access to entering the home and yard space. The pool would be visible from the 4 ft fence resulting in a lack of privacy for the Homeowner and giving easy access to anyone who wishes to walk over the fence day or night.

It is unclear why St. Pete Beach desires to further impede on the Homeowner when the 7 feet would be unusable space and would directly affect the health and safety of the occupants of the home.

VARIANCE APPLICATION

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

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

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

JG On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

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

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

JG I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

JG I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

After acknowledgement of these conditions, complete the application form on the following pages.



Signature of Applicant

2-27-24

Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, JENNIFER GOSS, 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): JENNIFER GOSS

Address: 7100 BLIND PASS RD ST. PETE. BEACH FL 33706

Jennifer Goss
Signature

2/29/2024
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 29TH day of FEBRUARY, 2024 by:
JENNIFER GOSS who appeared before me, and is personally known to me, or has produced
FL DRIVERS LICENSE as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: Virginia Bodkin Notary

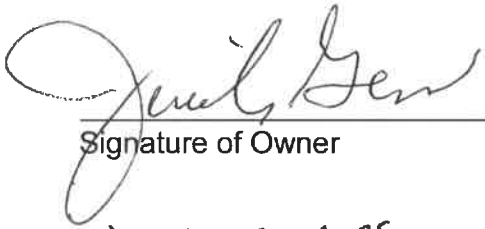


Public, State of Florida

(Notarial Seal)

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

I/WE JENNIFER GOSS
(print name of property owner)
hereby authorize SEAN NEAL
(print name of agent)
to represent me/us in an application for VARIANCE
(type of application: variance, conditional use, zoning, etc.)


Signature of Owner
JENNIFER GOSS
Print Name of Owner

Signature of Owner

Print Name of Owner

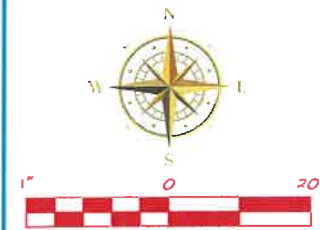
The forgoing instrument was acknowledged before me this 29TH day of
FEBRUARY 2024 by JENNIFER GOSS or who is
personally known _____ produced
FLORIDA DRIVER'S LICENSE as identification.


(Notary Signature)

2/29/24
(Date)

My Commission Expires _____





ADDRESS
7100 Blind Pass Road
St Pete Beach, FL 33706

LEGEND

ORB = Official Record Book
DOC = Official Document/Instrument
O = Iron Rod & Cap (IR)
⊙ = Nail & Disk (N&D)
⊖ = Iron Pipe & Cap (IP)
ID = Identification
LB = Licensed Business
LS = Licensed Surveyor
ON/OFF = On Site/Off Site
(P) = Plot Measurement
(F) = Field Measurement
(D) = Deed Dimension
PB = Plot Book
PG = Page
CONC = Concrete
FND = Found
R/W = Right of Way
S/W = Sidewalk
⊕ = Power Pole
OHU = Overhead Utilities

PVC Fence (PF)
Chainlink Fence (CLF)
Wood Fence (WF)
Metal Fence (MF)

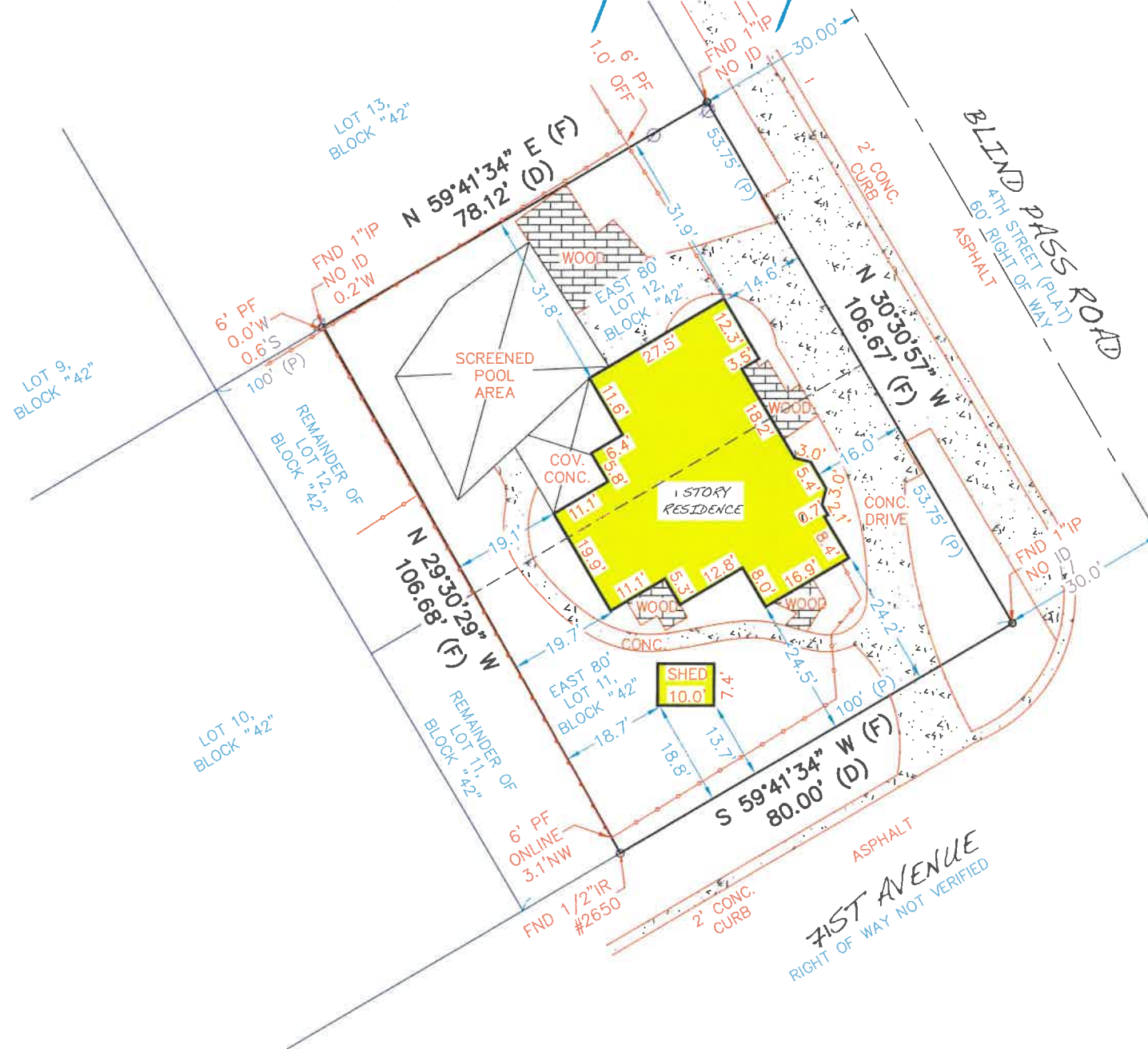
JOB #:	VLSR24-70639
CLIENT #:	
FIELD DATE:	01-24-24
CREW:	JR
DRAFTER:	AB
APPROVED:	EWD
SCALE:	1" = 20'

COPYRIGHT 2011

X
Borrower's Acknowledgment and Acceptance

X
Borrower's Acknowledgment and Acceptance

Boundary Survey



CERTIFIED TO: (AS FURNISHED)

Jennifer Goss

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE 'AE', AREAS DETERMINED INSIDE THE 100-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12103C0276H, LAST REVISION DATE 08/24/2021, PER MAPWISE WEBSITE. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:

FENCES CROSS PROPERTY LINES.
OWNERSHIP OF FENCES NOT DETERMINED.
SOME UTILITIES LIE WITHIN SUBJECT PROPERTY.

BASIS OF BEARING

BEARINGS ARE BASED ON THE NORTHWEST RIGHT-OF-WAY OF 71ST AVENUE WHICH HAS AN ASSUMED BEARING OF S 59°29'03" W.

Legal Description

(per ORB 20898, Page 1869)

The East 80 feet of Lots 11 and 12, Block 42, RE-PLAT ST. PETERSBURG BEACH SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 5, Page 28, Public Records of Pinellas County, Florida.

NOTES

1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
3. Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

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

LB 7788



VISION LAND
SURVEYING

9415 Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE

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



Ernest W. Duncan, PSM

PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION # LS 5182

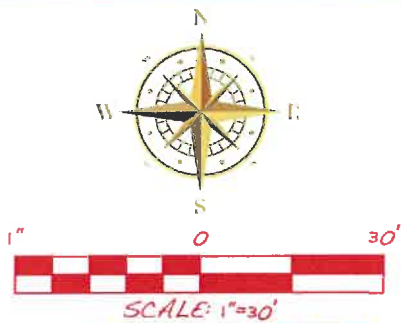
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER

DATED: 01-29-24

DATE	REVISION	DATE	REVISION

24017, A-3

Boundary Survey



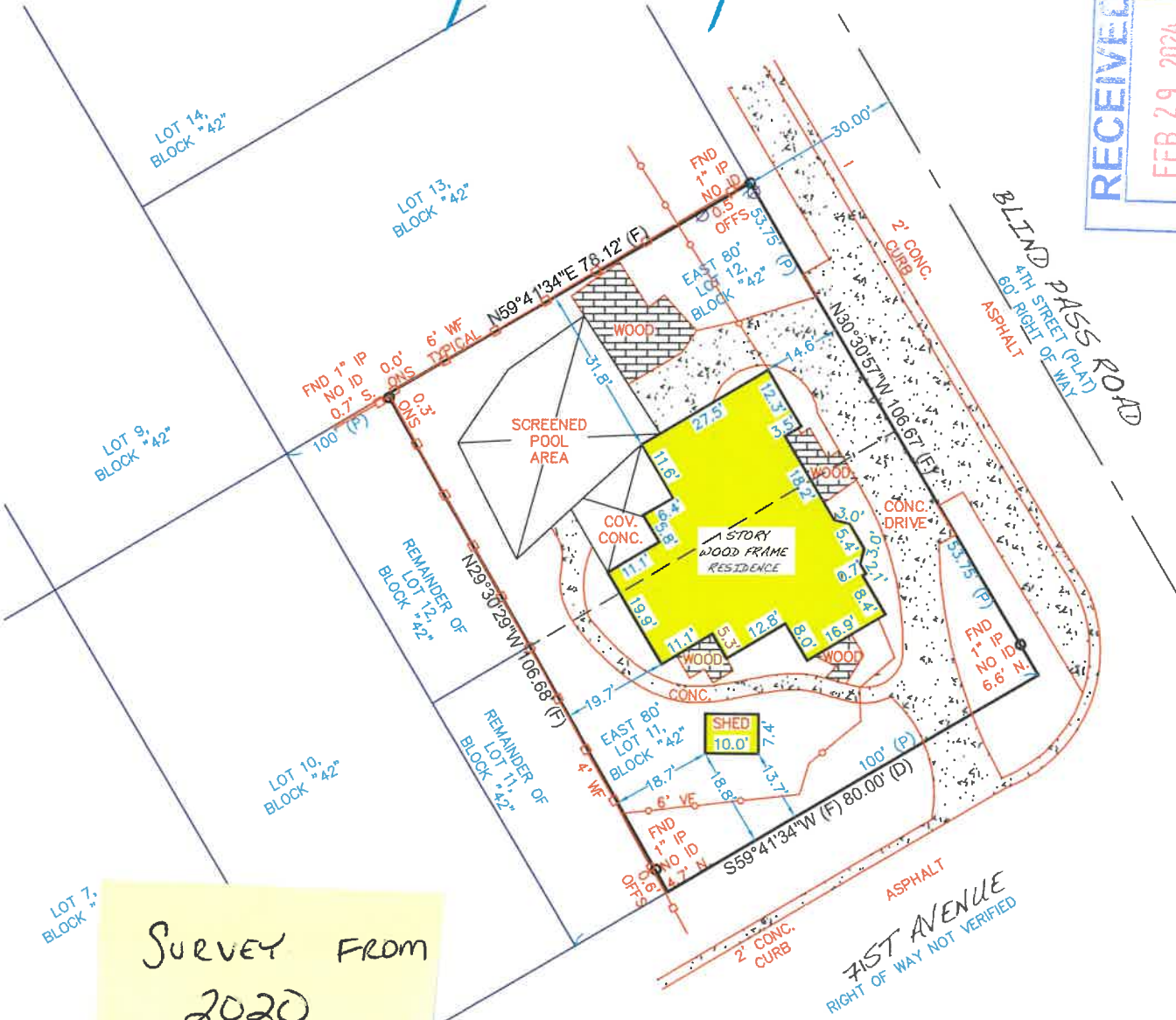
ADDRESS
7100 BLIND PASS ROAD
ST. PETE BEACH, FL., 33706

LEGEND:
CONC. = CONCRETE
COV. = COVERED
FND = FOUND
I.D. = IDENTIFICATION
N., E., S., W. = CARDINAL DIRECTION
ONS/OFFS = ON SITE/ OFFSITE
P.I. = POINT OF INTERSECTION
VF = VINYL FENCE
WF = WOOD FENCE
IP = IRON PIPE & CAP (IP)
P = POWER POLE
(P) = PLAT
(F) = FIELD

JOB #:	VLSR20-39626		
CLIENT #:	2020-17		
FIELD DATE:	2-10-20	CREW:	3640
DRAFTER:	HS		
APPROVED:	JEW		
SCALE:	1" = 30'		

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X Borrower's Acknowledgment and Acceptance
X Borrower's Acknowledgment and Acceptance



SURVEY FROM
2020

Legal Description (per OR Book 20738, Page 2691)

The East 80 feet of Lots 11 and 12, Block 42, RE-PLAT ST PETERSBURG BEACH SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 5, Pages 28-29, Public Records of PINELLAS County, Florida.

CERTIFIED TO: (AS FURNISHED)
JENNIFER GROSS
MATTHEW G. PALENTCHAR, PLLC
THE FUND/OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "AE", AREAS DETERMINED TO BE INSIDE THE 500-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12103C0276G, LAST REVISION DATE 09-03-03, (PER MAPWISE WEBSITE). THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
FENCES CROSS PROPERTY LINES.
OWNERSHIP OF FENCES NOT DETERMINED.
SOME UTILITIES LIE ON SUBJECT PROPERTY.

BASIS OF BEARING
BEARINGS ARE BASED ON THE NORTHWEST RIGHT-OF-WAY OF 71ST AVENUE WHICH HAS A BEARING OF S 59°29'03" W ASSUMED.

- NOTES**
- Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
 - The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
 - Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
 - The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
 - Building ties and dimensions for improvements should not be used to reconstruct boundary lines.
 - Fences, if any, depicted hereon may be exaggerated for clarity.

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

LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

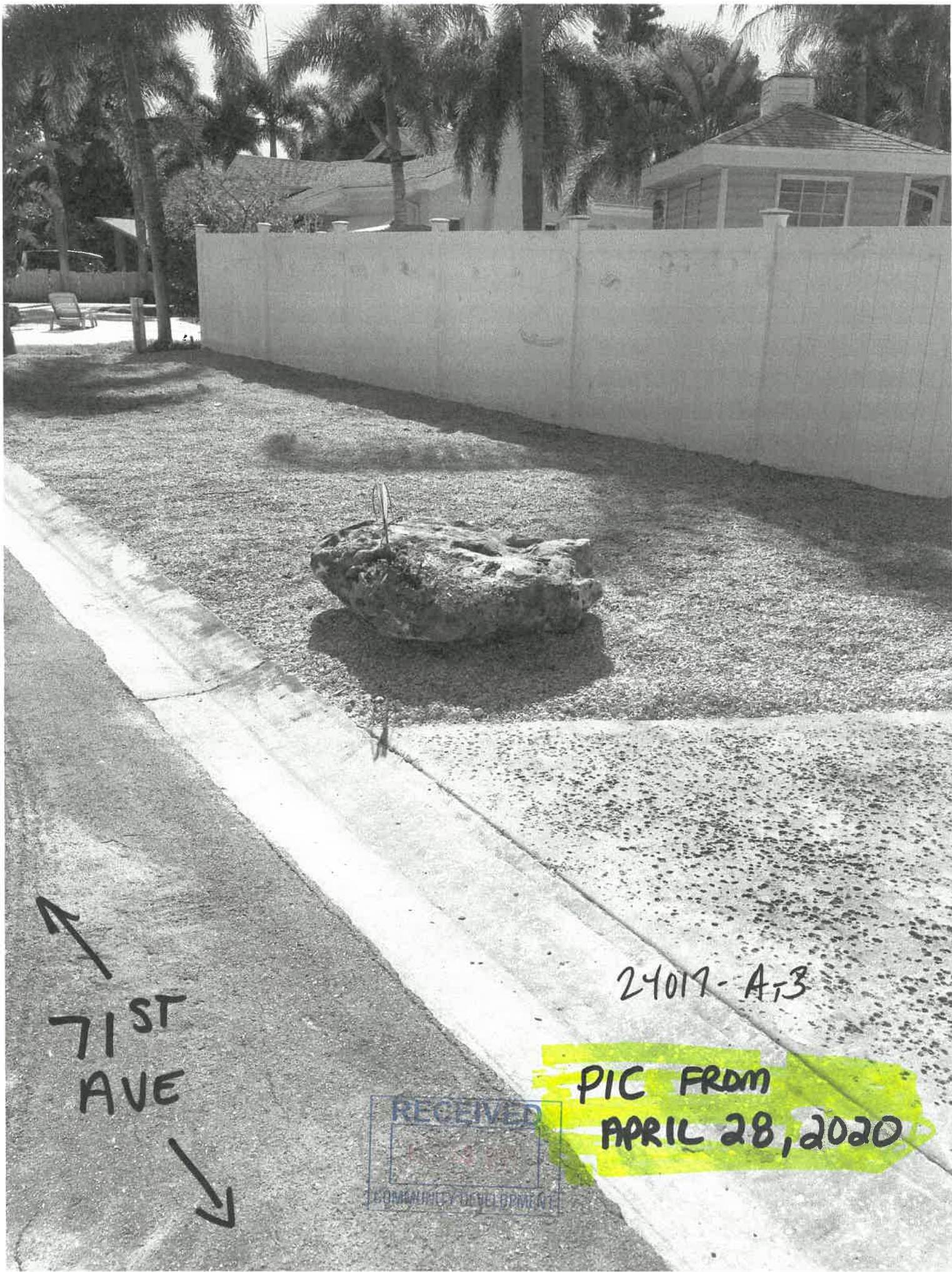
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #8573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER

DATED: 02-11-20

DATE	REVISION	DATE	REVISION



CURRENT PIC
FEB 12, 2024





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

PLANNING DEPARTMENT

Date: April 12, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 7100 Blind Pass Rd.
Parcel Number: 36-31-15-77994-042-0121
Sean Neal for Jennifer Goss
Variance Case No: 24017

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 4/24/2024

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 and documents.
2. Boundary Survey prepared by VisionLand Service dated 2/11/2020, consisting of 1 sheet.
3. Boundary Survey prepared by VisionLand Service, dated 1/29/2024 consisting of 1 sheet.
4. Photo taken 4/28/2020 showing fence line.
5. Photo taken 2/12/2024 showing fence line.

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

Site Description/Surrounding Land Uses

The subject site is an 8,599 sq. ft. (approx. 0.19 acre) parcel located at 7100 Blind Pass Rd. known as parcel number 36-31-15-77994-042-0121 and legal description of ST PETERSBURG BEACH REPLAT BLK 42, NE'LY 80FT OF LOTS 11 AND 12 within the AE-Elevation 10 flood zone. The property is located in the DCR, Downtown Core Residential zone; DCR on the future land map and contains a single-family residence constructed in 1940 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, south, east, and west. The corner property is located at the intersection of Blind Pass Rd. and 71st Ave. and is improved with a one-story dwelling with concrete driveway, paver patio with inground pool with screen enclosure and an accessory residential storage structure.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Background/Code Enforcement

The variance submission of the request is due to an after-the-fact permit that could not be issued and part of Code Enforcement Case No. 20230619 opened on 10/31/2023 for construction of shell in city right-of-way, parking on surface within right-of-way, unpermitted fence, and erecting an illegal sign in right-of-way. All other issues have been addressed except for the fence at this time.

Request

The applicant proposes requests to permit existing non-conforming 6' high fence with existing 3' front yard setback to remain within front yard where a 4' high maximum height is permitted and 10' front yard setback is required (LDC Sec. 6.15).

Analysis

1. New variance(s) required as a result of the proposed construction:
 - a. **Fence, Maximum Height:** Fence located within front yards may not exceed 4' in height and 6' high fencing is proposed to remain.

Figure 3: Zoning Table			
Detached, Single-Family Residential	7100 Blind Pass Rd.		
	DCR Required	Existing	Proposed
Fence Height, Front Yard (Max.)	4'	6'*	6'(v)
Setback, Fence >4' high	10'	3'*	3'(v)
*Denotes existing non-conformity (v) Variance required			

Figure 4: Current survey of property showing amended fence location (N.T.S.)

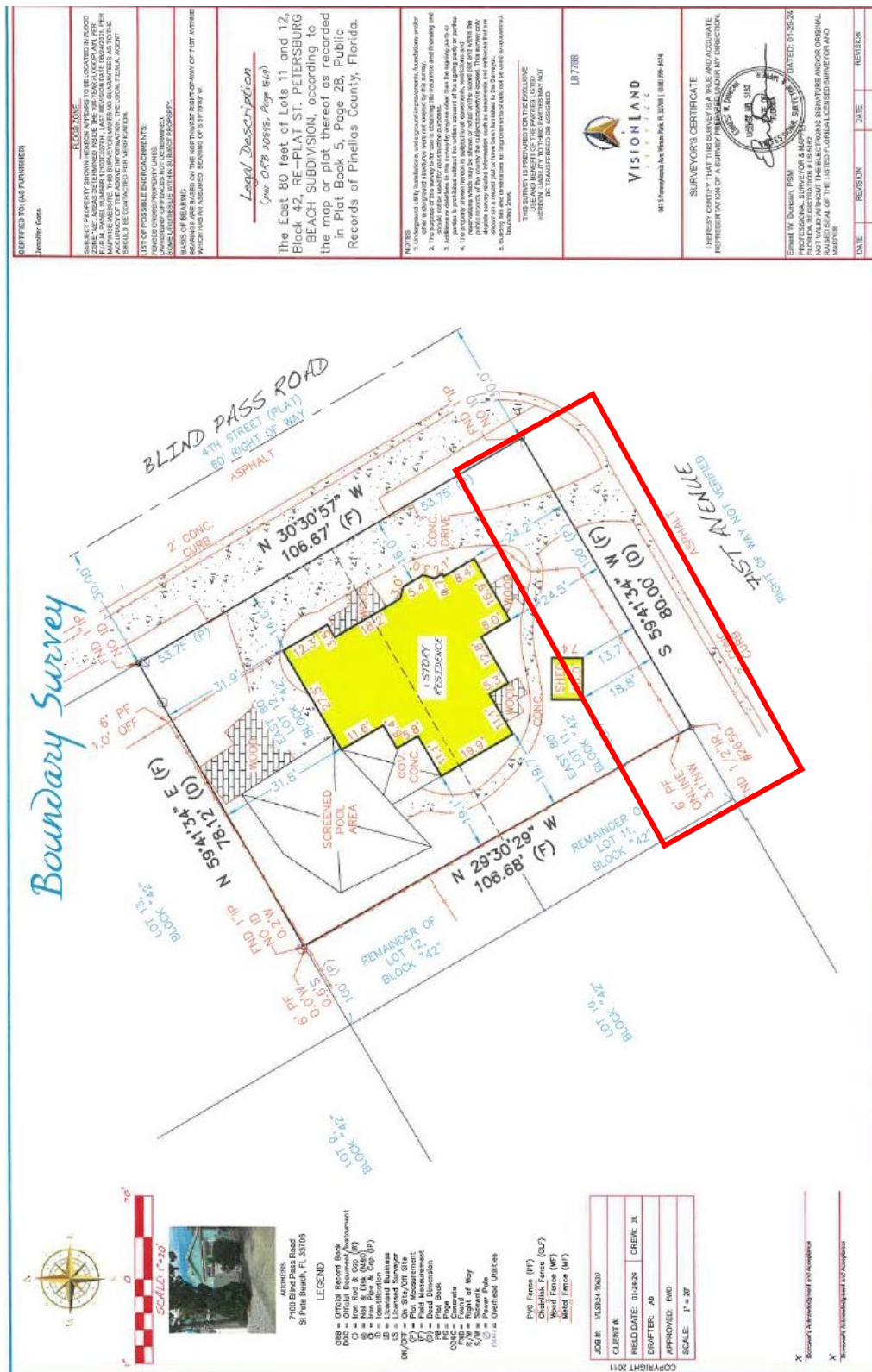


Figure 5: 2020 Survey of property showing prior fence location (N.T.S.)

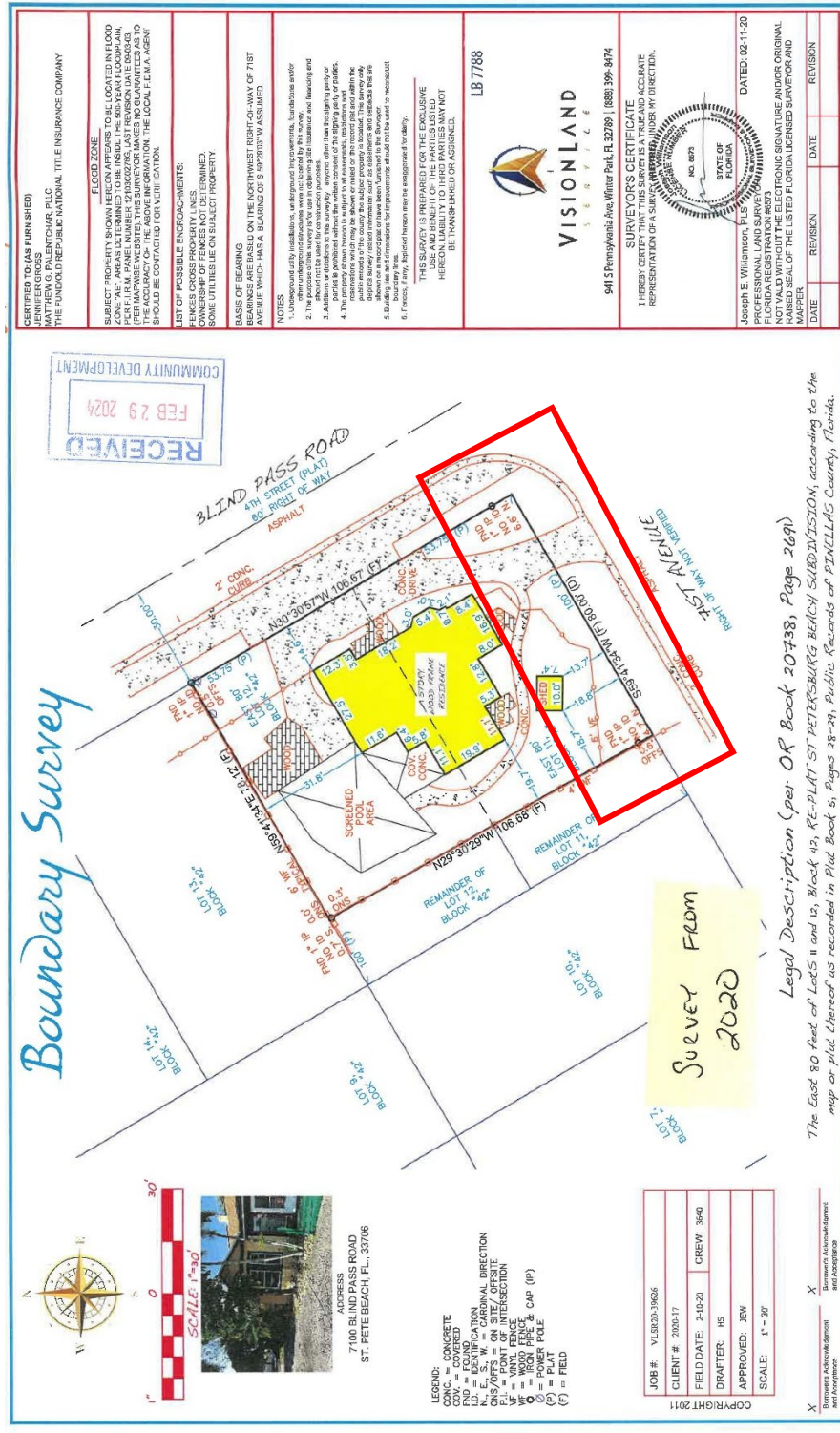


Figure 6: Current Fencing looking west on 71st Ave.



Source: Staff Photo taken 4/9/2024

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 existing 6' high vinyl fence currently has a 3' front yard setback requirement where 10' is required resulting in an encroachment of 7'.*
2. Whether an adverse change will be produced in the character of the neighborhood;
 - *Staff finds that no adverse change will be produced in the character of the neighborhood. The property is a corner lot which is subject to LDC Sec. 6.22(f):*
LDC Sec. 6.22(f) Determination of front yard on corner lots. *On corner lots, the front yard shall be determined as the yard abutting the street on which each lot of record or*

lots of record involved have their lesser dimension. The other yard abutting the intersecting street shall be determined to be a secondary front yard.

Due to the property line dimensions, 71st Ave. by definition is the front yard with Blind Pass Rd. as the secondary front yard. The entrance to the dwelling and driveway is parallel to Blind Pass Rd. essentially the usage fronting Blind Pass Rd. and more visually consistent will adjacent properties along the same roadway.

3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *The fence could be replaced with a conforming 4' high fence. However, there is a residential storage structure that meets the required front yard setback with the existing fence essentially screening the structure and other elements within the yard. The owner and applicant indicated there currently exists other established incidental improvements such as gardens, landscaping and irrigation that would need to be eliminated or relocated should the fence be relocated and installed in compliance.*
4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. The non-traditional layout of the fence in 2020 has the 3' setback at its closest point to the property line and reconfiguration does not provide further encroachment. In reviewing city files, a permit could not be located, and historical aerial data supports a possibility that a pre-existing 4' high wooden fence which would be conforming in height was replaced with a 6' high fence without the benefit of a permit that was completed by the prior homeowner.*

Other:

- The applicant should provide testimony as to the history of the fencing as previously there was a fence installed not parallel to the property line or street and was reconfigured and additional fencing installed to be parallel as shown in the current condition.

Recommendation

Staff find the request will not have an adverse impact on the neighborhood and find the interest of justice will be served in granting the variance. Staff recommends **approval** with the following condition(s):

- Installation of landscaping in front of the fencing, comprising of shrubs and hedges to visually soften the height, mass, and scale of the fence in conformance at a minimum with Land Development Code Sec. 22.4(2) with landscape inspection completed and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.

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

Respectfully submitted,

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

Kristin Coman
Community Development Director

Cc: Sean Neal, Applicant **via email** (jennifergoss412@yahoo.com)
Jennifer Goss, Owner **via email** (tennsean62@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

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

Agenda Report

Action Request: Staff recommends motion to **DENY** Variance Case No. 23086 as presented in the applicant's proposal and the variance relief sought as detailed in the 4/12/2024 Staff Findings Report has not demonstrated substantial competent evidence that all the criteria for hardship have been met and satisfied as per Land Development Code Sec.3.12.

Strategic Objective:

Date: April 24, 2024

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance:* Tyson Rawson, Edge Marine Construction for Peter Eagleson requests to construct a 6' x 12' lower landing on non-conforming existing dock, creating a length of 92'6" where 49' is permitted and 86'6" currently exists (LDC Sec. 6.23(d)(3)).

Funding: n/a

Attachments:

1. 23086 - 2191 E. Vina Del Mar Blvd., Certificate of Completeness with Submittal Docs
2. 23086 -2191 E. Vina Del Mar Blvd., Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 3/12/2024
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 **April 24, 2024**.

Variance Case Number: 23086

Application Type: Unnecessary and Undue Hardship Variance

Owner: Peter Eagleson

Applicant/Agent: Tyson Rawson, Edge Marine Construction

Parcel Number: 18-32-16-94140-002-0270

Address: 2191 E. Vina Del Mar Blvd., St. Pete Beach, FL 33706

Zone: RU-1

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance application form and documents.
2. Project Plan showing dimensions and layout of existing dock and proposed platform.
3. Profile View of dock.
4. Contract between Peter Eagleson, Owner and Edge Marine Construction, LLC dated 1/18/2023.
5. City approved plan dated 2/9/2023 for prior dock permit 2200215 and prior BOA Variance Case No. 21088.
6. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 12/20/2023, 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 | ☒ Joe Moholland |
| ☒ Michael Bomar, Vice Chair | ☒ Dan Small |
| ☒ Denise Chase | |

Cc: Peter Eagleson, Owner *via email* (peagleson@tampabay.rr.com)
Sean Neal, Applicant *via email* (tyson@edgemarineconstruction.com)

CASE #:

23086

PARCEL #:

16-32-16-94140-002-0270

SUBMITTAL DATE:

2/15/24

AMOUNT DUE:

26.66

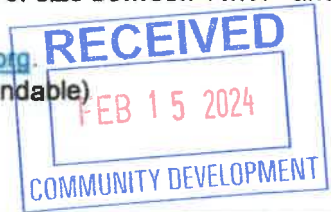
PAYMENT DATE:

2/15/24

UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Pete Eagleson	2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706	(727) 515-1085
Applicant/ Agent	Edge Marine Construction c/o Tyson Rawson	4790 95th St. N. St. Petersburg, FL 33708	(727) 482-9573
Owner Email Address: peagleson@tampabay.rr.com		Applicant/Agent Email Address: tyson@edgemarineconstruction.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	RU-1	Future Land Use Designation	RU	Lot Area	11,994 SQ FT
Legal Description: Vina Del Mar SEC 1 BLK 2 LOT 27					
Address: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706					
Explanation of Request: Relief requested to construct a 6' x 12', 72 sq. ft. lower landing to existing 865' long dock that exceeds the permitted length of 865' where 925' is proposed. The lower landing will allow for safer entry and exit from a boat in the water. It also allows a ladder to be installed closer to the water and allow someone to get out of the water safely if they fell off the dock or boat.					

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

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

The existing dock is built beyond the city's length setback. The existing dock has been approved, permitted, and passed final inspections. The previous last dock permit was required to go through the variance process and the home owner attended the hearing and had support from his other neighbor, under permit number 2200215 in 2021

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

The existing dock has been in the same footprint since 1984, per permits P12606-84, RP24075-96. The only change that has been made is replacing a wet slip with a boatlift, which is what required the previous variance hearing which was attended by the home owner.

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

Due to the city's setback for dock length, the applicant is required to have a neighbor sign a letter of no objection. The left hand neighbor has signed, but the right hand neighbor has not. This does not affect the right neighbors side setback.

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

In order to get to deep enough water to safely use a boat, the dock needs to be built beyond the city's length setback. Building the lower landing at the end of the dock is being done to make the dock as safe as possible. This addition allows to get out of the water more safely if someone fell in, whether off the dock or a boat.

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

The addition of a lower landing would only allow for safer use of the dock and boat. It also allows for someone to get out of the water safer if they were to fall off the dock or boat.

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

The majority of home owners with docks, have docks that are beyond the city's length setback.

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

Yes, the home owner is requesting the lower landing to be built on the existing dock, which requires a variance for the length setback.

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

The 6' x 12' lower landing is typical of all docks in the neighborhood and would not adversely affect the neighborhood.

Signature of Applicant

Date

Signature of Authorized Agent

Date

1.1

2/15/2024

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.

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

TK 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.

TK 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.

TK 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.

TK 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.

TK 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.

TK 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

10/20/2023

Date

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

I/WE

Peter S. Eagleson Jr.
(print name of property owner)

hereby authorize

Edge Marine Construction / Tyson Rawson
(print name of agent)

to represent me/us in an application for

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

P. S. Eagleson Jr.
Signature of Owner

Signature of Owner

Peter S. Eagleson Jr.
Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 5th day of

October 2023 by Peter Eagleson or who is

personally known

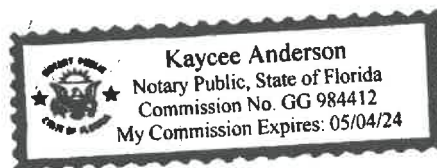
produced

as identification.

Kaycee Anderson
(Notary Signature)

10/5/23
(Date)

My Commission Expires 5/4/24





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Edge Marine c/o Tyson Rawson, 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): Tyson Rawson

Address: 4790 95th St N. St Pete FL

Signature

10/20/23

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 20th day of October, 202³ by:
Tyson Rawson who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

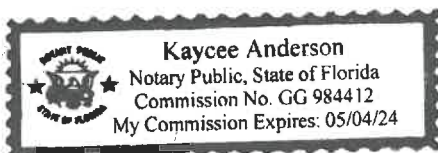
My commission Expires: 5/4/24

NOTARY: Kaycee Anderson 10/20/23

Print Name: Kaycee Anderson Notary

Public, State of Florida

(Notarial Seal)



OWNER NAME: Eagleson, Pete

SITE ADDRESS: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL. 33706

NATURE AND SIZE OF PROJECT: Set piling and construct a 6' X 12' lower dock extension. Install one bumper piling

TOTAL PROJECT SQUARE FOOTAGE: 532'

NEW SQUARE FOOTAGE: 72'

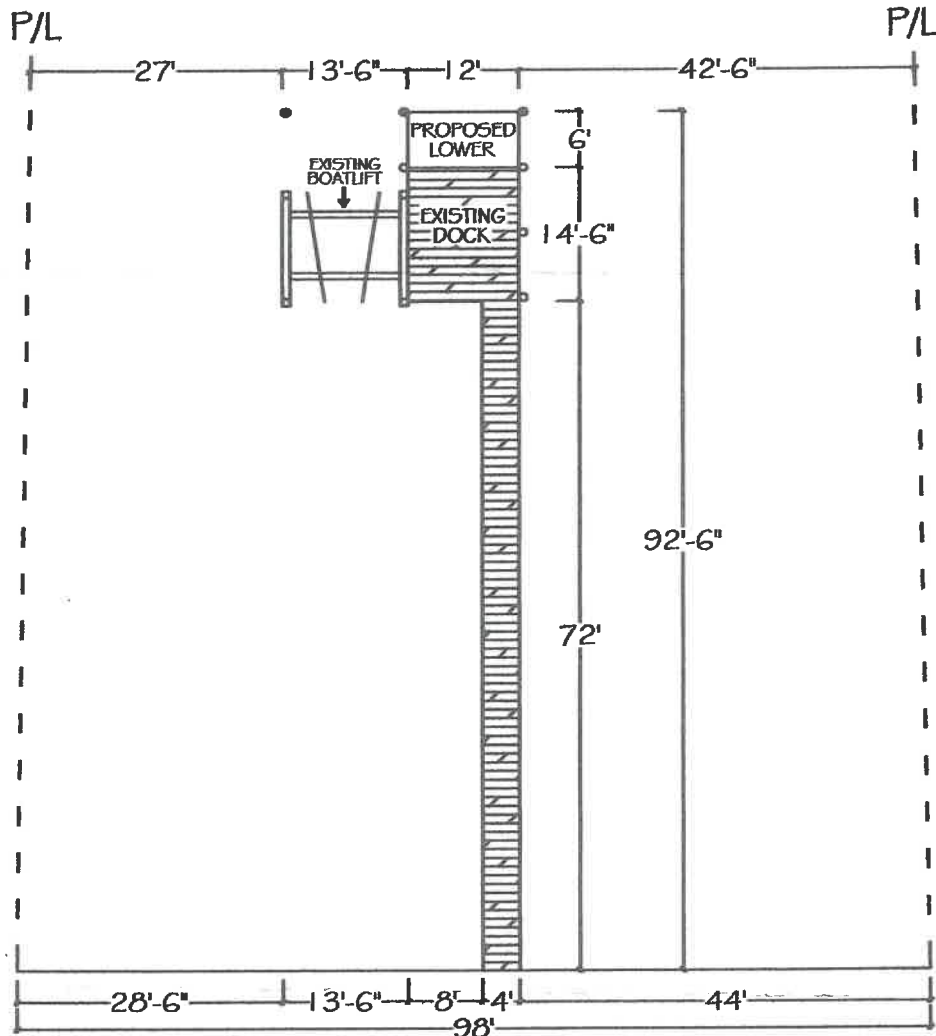
TOTAL NUMBER OF PILING: Three(3)

DIAMETER OF PILING: 8" Tip

WATERWAY WIDTH: Over 400'

WATERFRONT WIDTH: 98'

Plan View



The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner: Dagmar #/or Shawn T. Moore

Signature

[Signature]

Date

3/24/23

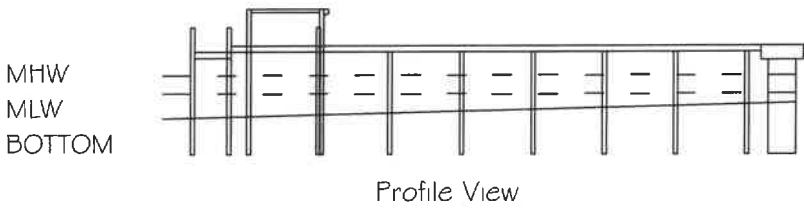
Municipality Approval

Right Owner: Betty T. Z. Martin c/o John Zimmerlee POA

Signature

Date

Water and Navigation Approval





Edge Marine Construction LLC
 Phone: (727) 482-9573
 Marine Specialty State License # SCC131151818
 EdgeMarineConstruction.com
 4790 95th St. N.
 St. Petersburg, FL 33708

CONTRACT

Peter Eagleson
 2191 E. Vina Del Mar Blvd.
 St. Pete Beach, FL

Date: 1/18/2023
 Site Address: Same
 Phone: (727) 515-1085
 Email: peagleson@tampabay.rr.com

DESCRIPTION OF WORK

Price includes the wrapping of all piling installed by Edge Marine Construction

Price includes City and County Permit Fees

- Build a 6' x 12' lower dock extension off the front of the existing main dock
- Piling to be 7.5" to 8" tip minimum 2.5 CCA treated and hammer driven (when possible) Butt down.
- Framing lumber to be 2"x8" pressure treated and caps to be 2"x10" pressure treated.
- Caps and double outside stringers to be through bolted with 5/8" stainless steel bolts.
- Deck to be AZEK from the Harvest Collection OR WEAR Deck and screwed down with 304 stainless steel screws.

All piling needed to complete listed work above are to be wrapped with black vinyl by Coastal Dock Concepts.

Price Includes All Permit and Administrative Fees

NOTE: It has become evident that there is a serious marine worm problem in Pinellas County. We strongly recommend that all piling be wrapped to help prevent damage to the piling.

PRICE AND LEAD TIME IS ONLY VALID FOR 45 DAYS AFTER RECEIPT

NOTE: Any permitting revisions will be \$350.00 per revision

The above work will be completed in accordance with the terms, conditions, and specifications herein, for the sum of \$7,650.00

Payment to be made as follows: A nonrefundable deposit of 25% (\$1,910.00) is due upon acceptance of contract for permitting and administrative fees. REMAINDER (\$5,740.00) DUE UPON COMPLETION OF WORK PERFORMED BY EDGE MARINE CONSTRUCTION LLC. PLEASE NOTE THAT PAYMENT IS TO BE MADE BY CHECK. CREDIT CARDS ARE NOT ACCEPTED. FINAL PAYMENT MUST BE PAID AFTER JOB COMPLETION REGARDLESS OF UTILITY WORK (ELECTRIC/WATER) COMPLETION AND/OR IF PERMITS ARE NOT SIGNED OFF.

THIS CONTRACT AMOUNT IS BASED ON JETTING AND DRIVING PILING. ANY ADDITIONAL METHOD USED TO OBTAIN MINIMUM PENETRATION WILL REQUIRE ADDITIONAL CHARGES. IF GEOLOGICAL CONDITIONS PREVENT EDGE MARINE CONSTRUCTION LLC FROM COMPLETING SPECIFIED WORK, THE COST OF SUCH WORK WILL BE DEDUCTED FROM THE CONTRACT AMOUNT AS APPROPRIATE. EDGE MARINE CONSTRUCTION LLC WILL NOT BE OBLIGATED TO COMPLETE FURTHER WORK BEYOND THEIR CAPABILITIES. THIS CONTRACT MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN 45 DAYS. A LABOR AND MATERIAL PRICE INCREASE MAY APPLY IF THE WORK IS NOT COMPLETED WITHIN NINETY DAYS OF THE CONTRACT DATE. ALL DIMENSIONS ARE APPROXIMATIONS. FINAL DIMENSIONS MAY BE DIFFERENT THAN DRAWN DIMENSIONS DUE TO MATERIAL VARIATIONS AND TRIMMING. THIS CONTRACT DOES NOT INCLUDE ANY UTILITY WORK UNLESS SPECIFICALLY STATED ABOVE.

Print: Peter S. Eagleson Jr.

Signature: [Signature]

Date: 2-23-23



Edge Marine Construction LLC
Phone: (727) 482-9573
Marine Specialty State License # SCC131151818
EdgeMarineConstruction.com
4790 95th St. N.
St. Petersburg, FL 33708

DISCLAIMER: Due to water level change, boat lifts may not be useable at all times.

DISCLAIMER: If release of lien needs to be recorded within 365 days after commencement, there will be a \$50.00 administrative fee.

DISCLAIMER: All boat lifts need dedicated power source and breaker is to be completely turned off when lift is not in use.

NOTICE OF INSURANCE: We maintain federal workers' compensation and general liability insurance coverage, USL & H.

BOAT LIFT DISCLAIMER: At the time of installation, the cables for a boatlift are cut and installed in accordance with the water depth and the contour of the soil below the lift. If any dredging or "blowing out" of the slip is going to take place, please inform us before we install your boatlift so that the cables are cut at the correct length. Any change to the cable length after the boatlift is installed, for any reason, will be at the expense of the customer.

By signing below, you acknowledge that you understand this agreement.

CHAPTER 558 NOTICE OF CLAIM: CHAPTER 558, FLORIDA STATUTES CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY BRING ANY LEGAL ACTION FOR AN ALLEGED CONSTRUCTION DEFECT IN YOUR HOME SIXTY DAYS BEFORE YOU BRING ANY LEGAL ACTION. YOU MUST DELIVER TO THE OTHER PARTY TO THIS CONTRACT A WRITTEN NOTICE REFERRING TO CHAPTER 558 OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE AND PROVIDE SUCH PERSON THE OPPORTUNITY TO INSPECT THE ALLEGED CONSTRUCTION DEFECTS AND TO CONSIDER MAKING AN OFFER TO REPAIR OR PAY FOR THE ALLEGED CONSTRUCTION DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER WHICH MAY BE MADE. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER THIS FLORIDA LAW WHICH MUST BE MET AND FOLLOWED TO PROTECT YOUR INTEREST.

EDGE MARINE CONSTRUCTION LLC

Peter S. Eagleson Jr.
Purchaser Print Date 2-23-23

Bryan Burge
By: Bryan Burge

P. S. Eagleson Jr.
Purchaser Signature Date 2-23-23

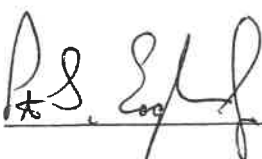


Edge Marine Construction LLC
Phone: (727) 482-9573
Marine Specialty State License # SCC131151818
EdgeMarineConstruction.com
4790 95th St. N.
St. Petersburg, FL 33708

FLORIDA LIEN LAW

ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTION 713.001-713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR PROVIDE MATERIALS AND ARE NOT PAID IN FULL HAVE A RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-SUBCONTRACTORS, OR MATERIAL SUPPLIERS OR NEGLECTS TO MAKE OTHER LEGALLY REQUIRED PAYMENTS, THE PEOPLE WHO ARE OWED MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN PLACED ON YOUR PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER SERVICES THAT YOUR CONTRACTOR MAY HAVE FAILED TO PAY. FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS RECOMMENDED THAT WHENEVER A SPECIFIC PROBLEM ARISES, YOU CONSULT AN ATTORNEY.

Print: Peter S. Eagleson Jr.

Signature: 

Date: 2-23-23

OWNER NAME: Eagleson, Pete SITE ADDRESS: 2191 E. Vina Del Mar Blvd. St. Pete Beach, FL 33706

NATURE AND SIZE OF PROJECT: Wreck and remove existing dock and tie poles. Set piling and rebuild existing 86'-6" dock in same footprint as follows: a 4' X 72' walkway connected to a 12' X 12' head with a 2'-6" X 12' lower dock on the front. Install a new 13,000# capacity boatlift to the left of the dock.

TOTAL PROJECT SQUARE FOOTAGE: 462'

TOTAL NUMBER OF PILING: Twenty-Three(23)

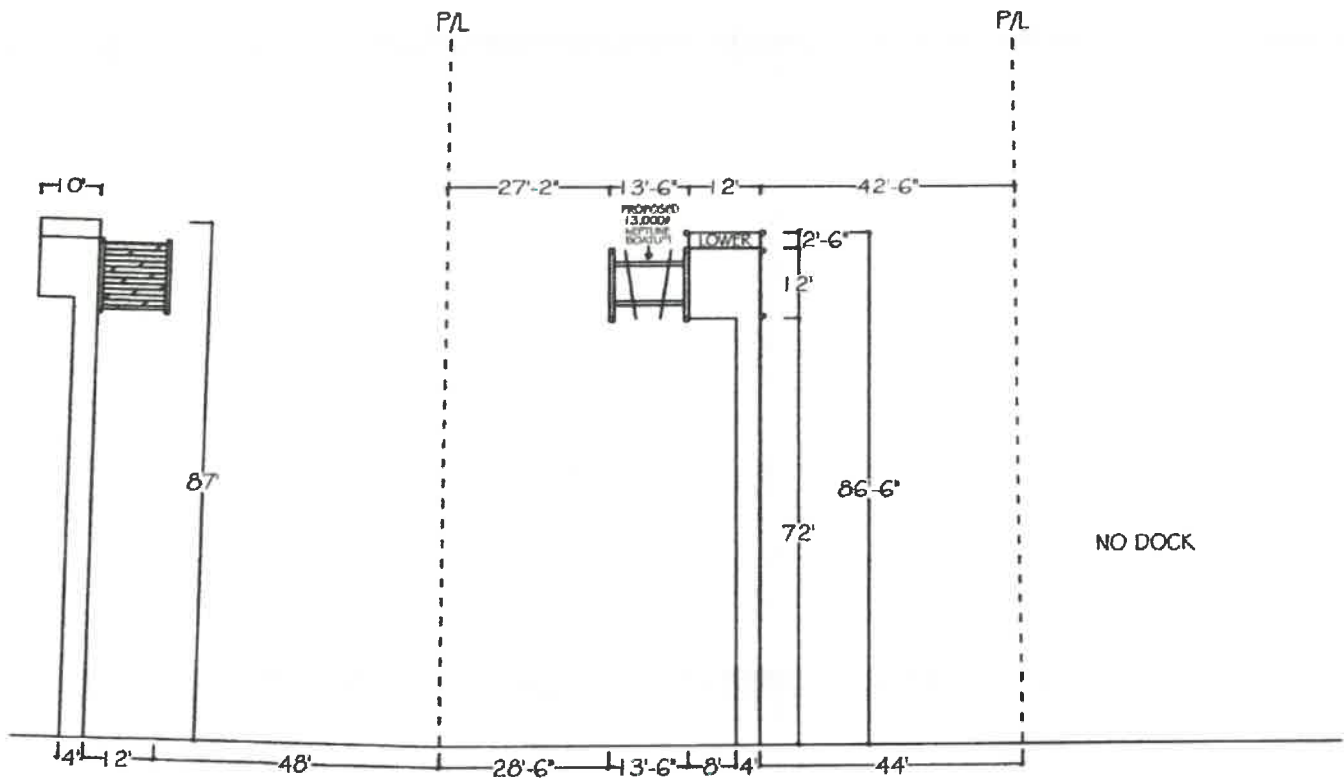
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: 0'

DIAMETER OF PILING: 8" Tip

WATERFRONT WIDTH: 98'

Plan View
(applicant and adjacent docks)



The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner: Shawn T. &/or Dagmar Moore

Signature

Date

7/8/21

Right Owner: Betty T. Z. Martin c/o John Zimmerman POA

Signature

Date

Municipality Approval

Water and Navigation Approval

APPROVED

By **WAYNE VATER** at 12:26 pm, Feb 09, 2022

Permit No.: WND-22-00151

Date Approved: 03/22/2022

Approved By: C. Grynewicz

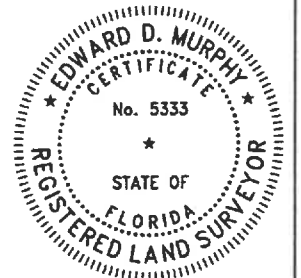
Pinellas County Water and Navigation

SCALE: 1" = 30'

Survey not valid for more than one (1) year from date of field work.

SEC. 18 TWP. 32 S. RGE. 16 E.

NORTH



NOTES:

9.50' = ELEVATIONS

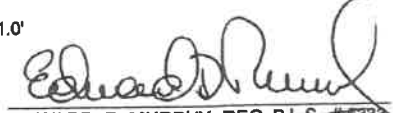
ELEVATIONS BASED ON PINELLAS COUNTY
ENGINEERING DEPARTMENT BENCHMARK *872 6442 TIDAL 2"
N.A.V.D. 1988 ELEV. = 5.22'

"The location of the line between flood zones has been approximated based upon flood maps that scale one inch to 500 feet making an exact location of the line impossible to determine. Accordingly, this survey will not be responsible for decisions concerning flood insurance requirements based upon the approximate line of the flood zones shown hereon."

Edward D. Murphy
Digitally signed by Edward D. Murphy
Date: 2023.12.20
13:38:33 -05'00'

A BOUNDARY SURVEY OF: Lot 27, Block 2, VINA DEL MAR SECTION ONE, as recorded in
Plat Book 34, Page 53 of the Public Records of Pinellas County, Florida.

CERTIFIED TO: Peter S. Eagleson Jr.

JOB NO.: 231540		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410	According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: AE - VE Comm. Panel No. : 125149 0278 H Map Date : 8/24/2021 Base Flood Elev : 9.0' - 10.0' - 11.0'	 EDWARD D. MURPHY REG. P.L.S. #5333
DRAWN BY: MRB	CHECKED BY: EDM		PH. (727) 347-8740		
DATE OF FIELD WORK: 12/08/2023			FAX (727) 344-4640		

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



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

PLANNING DEPARTMENT

Date: April 12, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Variance Case No: 23086
Address: 2191 E. Vina del Mar Blvd.
Parcel Number: 18-32-16-94140-002-0270
Tyson Rawson, Edge Marine Construction for Peter Eagleson

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 4/24/2024

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

1. Completed Unnecessary and Undue Hardship Variance application form and documents.
2. Project Plan showing dimensions and layout of existing dock and proposed platform.
3. Profile View of dock.
4. Contract between Peter Eagleson, Owner and Edge Marine Construction, LLC dated 1/18/2023.
5. City approved plan dated 2/9/2023 for prior dock permit 2200215 and prior BOA Variance Case No. 21088.
6. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 12/20/2023, consisting of 1 sheet.

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

Site Description/Surrounding Land Uses

The subject site is a 12,079 sq. ft. (approx. 0.27 acre) parcel located at 2191 E. Vina Del Mar Blvd. known as parcel number 18-32-16-94140-002-0270 and legal description VINA-DEL-MAR SEC 1 BLK 2, LOT 27 within the AE-Elevation 10 flood zone. The property is located in the RU-1 zone; RU, Residential Urban on the future land map and currently contains a residence that was constructed in 1957 according to the Pinellas County Property Appraiser. The waterfront parcel is located with single-family residential uses to the north and south, Vina Del Mar Blvd. and single-family residential use to the west and Pass-a-Grille Channel to the east. The site is currently improved with a one-story dwelling with concrete driveway and dock with lift.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 14 of 15, dated 7/20/2012

The applicant requests to construct a 6' x 12' lower landing on non-conforming existing dock, creating a length of 92'6" where 49' is permitted and 86'6" currently exists (LDC Sec. 6.23(d)(3)).

It should be noted that the requirements of LDC Sec. 6.23(d)(3) may be varied administratively provided that a signed statement of no objection from the abutting property owners is provided with the building permit application. In this case, the abutting property owner to the right (south) did not sign a statement of no objecting requiring variance approval to be sought.

Figure 3: Zoning Table			
Residential Accessory Structures, Dock	2191 E. Vina Del Mar Blvd.		
	Maximum	Existing	Proposed
Length Permitted	49'	86'6"*	92'6"(v)
*Denotes existing non-conformity (v) = Variance required			

Figure 4: Dock Details, Site Plan

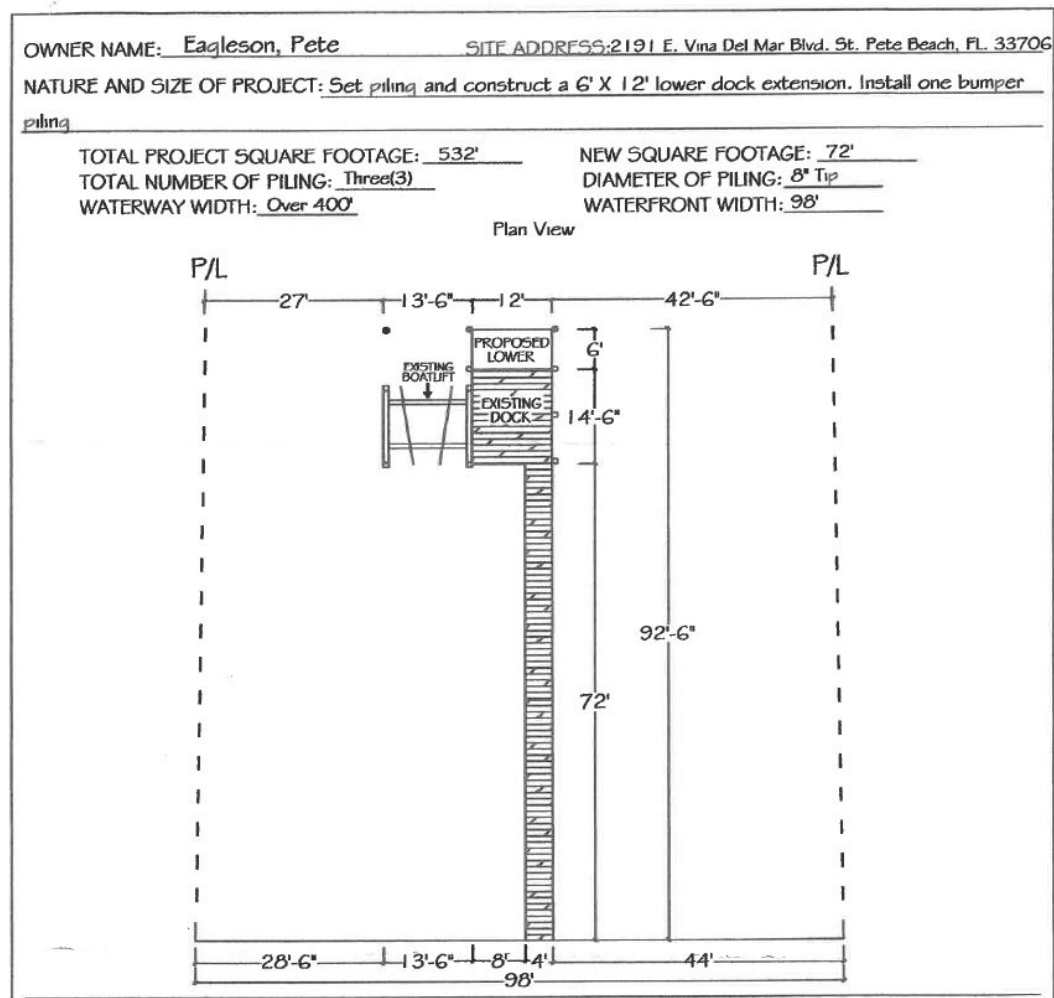


Figure 5: Existing Survey (N.T.S) and does not reflect proposed pool and patio areas that were applied for after variance submittal.

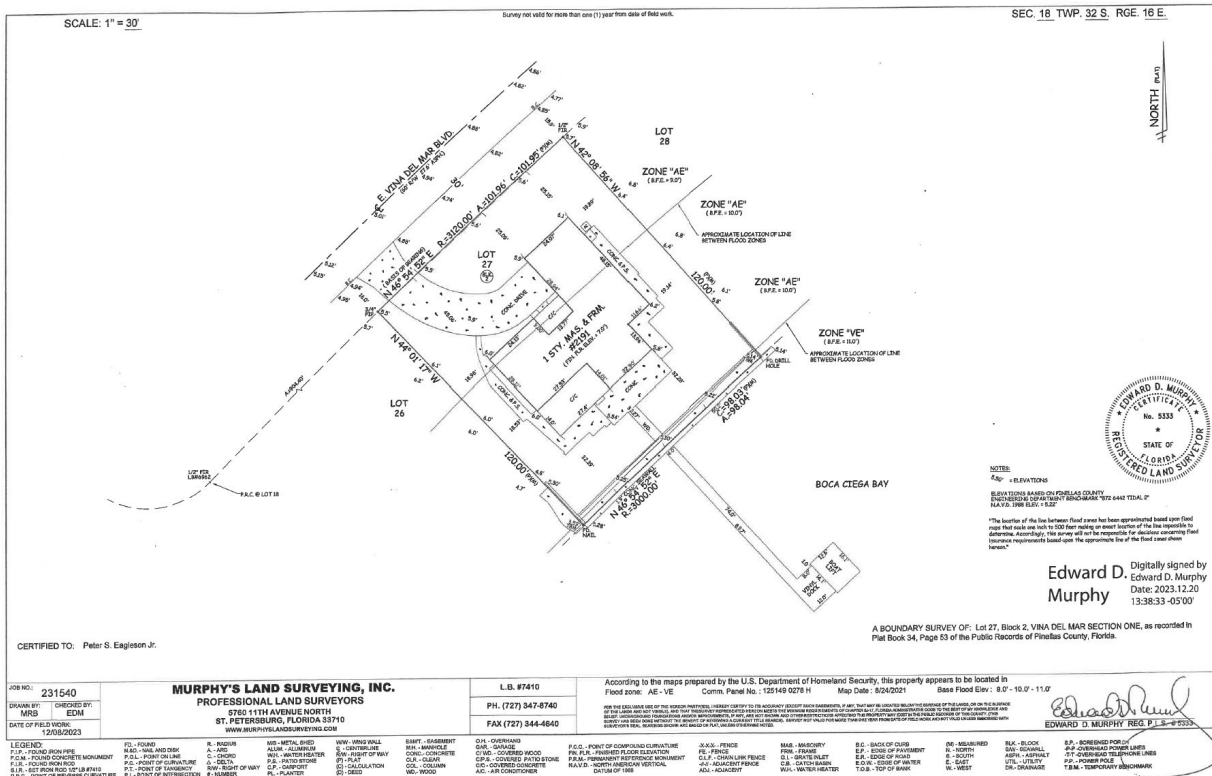
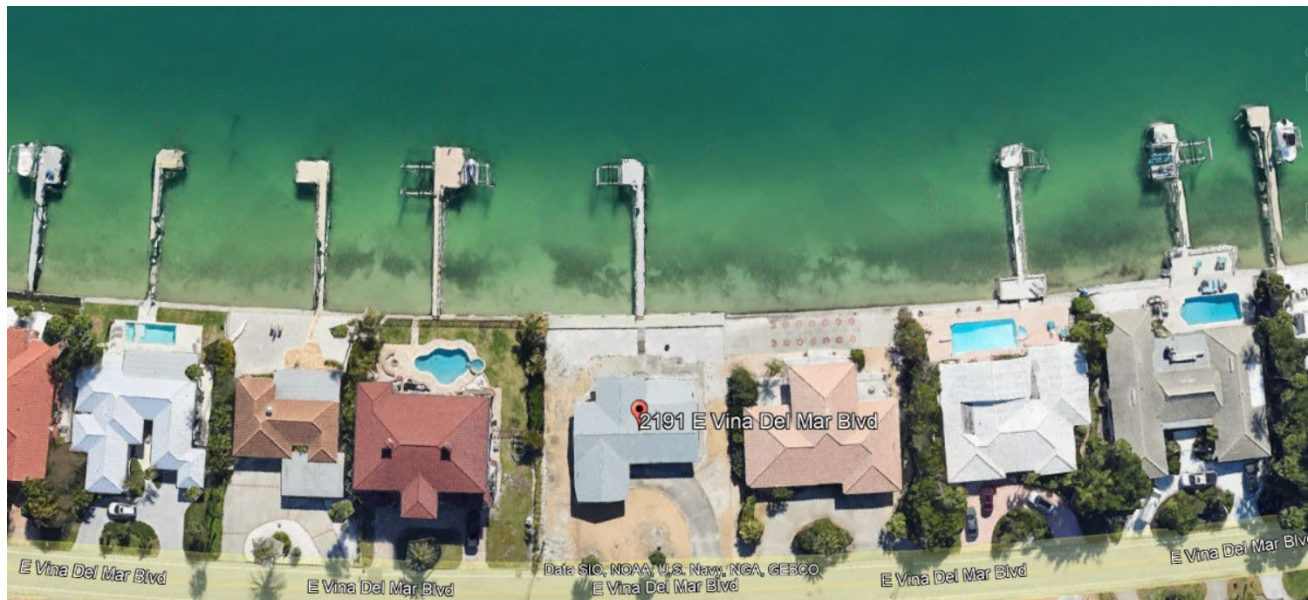


Figure 6: Google Earth Image of other docks in proximity to subject property (N.T.S.)



Additional Comments

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The applicant did not provide justification within the application to provide for any special circumstances that exist for the proposed extension for additional length and bumper piling that is being requested within 3 years of the prior BOA approval.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *During the site visit, staff recognized that the existing dock and lift are in good condition as they had been constructed within the past 2 years. It appears that the current layout and length is similar to those within sight distance.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff find that a literal interpretation of the provisions of the Land Development Code will not generally deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and will not result in unnecessary and undue hardship on the applicant as there are docks of similar length as the existing.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *Should the applicant have received a signature of no objection from the property owner to the south, variance approval would not be necessary. This request if approved will not establish a use not permitted in the district or increase density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *It does not appear that a desire to achieve greater financial return forms the basis of the hardship for this request.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. The applicant relayed that properties in proximity have docks beyond the city's setback length. However, in reviewing prior approvals and visual layout shown in Figure 6, should the Board approve the variance, this would create a dock longer than that of the dock of the adjacent property to the north which was built at a length of 92' where the applicant is requesting 92'6".*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

- *The applicant has stated that the increased length is being requested for safety reasons and it is unknown as to why this may not have been included within the prior case and testimony should be provided if alternate layouts or modifications were considered.*
- 8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that the applicant hasn't provided substantial evidence within the justification contained within the application submittal. However, should applicant testimony be provided to understand the hardship as to why the current layout and length is sufficient, it does not appear that the proposal is anticipated to cause injury to the neighborhood, public safety, or welfare, and is generally compatible with the neighborhood.*

Other:

- The applicant should provide an overview of the proposed project including but not limited to why the homeowner is requesting the additional lower dock and what challenge currently exists requiring the proposed additional bumper piling. Particularly, the applicant should address how the lower landing and bumper piling would result in increased safety as stated in the application, and why the safety would not be equally provided by orienting the lower landing to the southwest side of the dock head.
- Any information on the reasoning as to why the adjacent property owner did not provide a statement of no objection should be provided.
- The supplied profile view does not provide any information of the mean high water, mean low water, and bottom and testimony should be provided to be added to the record.
- The applicant should provide testimony as to what options were explored to be constructed that would not require the length to be increased within compliance and if any alternate plans have been developed should the variance(s) not be granted.

Recommendation

Staff finds that the applicant has addressed some of the hardship criteria but has not specifically addressed conditions that are peculiar to the property nor demonstrated all criteria for hardship have been met.

Due to the lack of support within the submittal documents, staff recommends requesting more information from the applicant. Staff requests the applicant verbally address the hardship faced in requesting the installation of the landing and piling in addition to the circumstances to return to the Board requesting additional relief. If the applicant cannot provide substantial evidence through testimony, staff finds the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 or granting the variance from the applicable LDC Sec. 6.23(d)(3). Staff recommends **denial** of the request.

However, should the applicant provide sufficient verbal testimony to resolve staff's concerns and the Board should support and subsequently approve the variance, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained

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

Respectfully submitted,

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

Kristin Coman
Community Development Director

Cc: Tyson Rawson, Edge Marine Construction - Applicant/Agent **via email**
(tyson@edgemarineconstruction.com)
Peter Eagleson, Owner **via email** (peagleson@tampabay.rr.com)
Board of Adjustment Attorney

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

Agenda Report

Action Request: Staff recommends motion to **DENY** Variance Case No. 23072 as presented in the applicant's proposal and the variance relief sought as detailed in the 4/11/2024 Staff Findings Report where the applicant has not demonstrated substantial competent evidence that all the criteria for hardship have been met and satisfied as per Land Development Code Sec.3.12 for granting the variance from the applicable LDC Sec. 15.7(b)(2)).

Should the applicant and/or owner provide additional information to satisfy the Board that substantial and competent evidence has been provided and look favorably on the relief request:

"Motion to approve Variance Case No. 23072 with recommended conditions:

1. The roofed, open porches to be constructed as per plan submitted and may not be later enclosed or utilized as a service area without obtaining a subsequent variance and shall be utilized as a waiting area only.
2. Applicant to work with staff on submission and approval of landscaping plan and shall be installed with site inspection completed prior to issuance of Certificate of Occupancy/Final Inspection. The plan should identify any additional areas of landscaping and plantings should be installed as per LDC Sec. 22.6.
3. Plans shall be amended to reflect any changes requested by the Board or Staff and site improvements to be installed as per approved plans."

Strategic Objective:

Date: April 24, 2024

Prepared By: Kristin Coman, Senior Planner

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Unnecessary and Undue Hardship Variance:* Kyle Bass, Weber Crabb & Wein, P.A. for Collom Properties,

LLC requests the construction of roofed, open porch extension, 12' x 28.67' (overall dimensions), 11'2" high, to create an approximately 300 sq. ft. covered ride wait area that will encroach entirely into the required 25' secondary front setback while maintaining the existing 1.67' setback where 25' is required (LDC Sec. 15.7.(b)(2)).

Funding:

n/a

Attachments:

1. 23072- 2007 PAG Way - Certificate of Completeness and Submittal Documents
2. 23072 - 2007 Pass-a-Grille Way - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Senior Planner
Date: 3/13/2024
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 **April 24, 2024**.

Please note a Technical Review Committee meeting is also required and will be scheduled prior to the Board of Adjustment hearing.

Variance Case Number: 23072

Application Type: Unnecessary and Undue Hardship Variance

Owner: Collom Properties, LLC

Applicant/Agent: Kyle Bass – Weber, Crabb & Wein, P.A.

Parcel Number: 18-32-16-68634-000-0020

Address: 2007 Pass-a-Grille Way, St. Pete Beach, FL 33706

Zone: CG-1

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance application form and documents.
2. Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc. Inc. dated 10/5/2022, last revised 5/16/2023 consisting of 1 page.
3. Plan set prepared by Keene Engineering Consultants, LLC, Coastal Contracting Services, Inc. and Andrews Design Services dated 10.24.2023, last revised 11.14.23 consisting of 4 sheets.

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

City/Board Professionals:

- ☒ Board of Adjustment Attorney ***via email***
☐ Code Enforcement Manager ***via email***

- ☒ TRC Committee ***via email***
☐ City Manager

Board Members:

- ☒ Paul Skipper, Chair
☒ Michael Bomar, Vice Chair
☒ Denise Chase

- ☒ Joe Moholland
☒ Dan Small

Cc: Charles Collom, Collom Properties, LLC, Owner ***via email*** (jrcmoo@aol.com)
Kyle Bass, Applicant ***via email*** (kyle.bass@webercrabb.com)

CASE #: 23072 ^{3rd} (SECOND AMENDED)

PARCEL #: 18-32-16-68634-000-0020

SUBMITTAL DATE: ~~1/12/24~~ ^{03.07.24}

AMOUNT DUE: \$526.66

PAYMENT DATE: ^{2.13.14}**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Charles Collom Collom Properties, LLC	2381 E Vina Del Mar Blvd St. Pete Beach, FL 33706	727-418-1314
Applicant/ Agent	Kyle Bass Weber, Crabb & Wein, P.A.	5453 Central Ave. St. Petersburg, FL 33710	727-828-9919
Owner Email Address: jrcmoo@aol.com		Applicant/Agent Email Address: kyle.bass@webercrabb.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation CG-1	Future Land Use Designation CG	Lot Area 13,283 sq ft
Legal Description: Phillips Division Rev Map N 115ft of that unnumbered tract lying E of BLK 1 between E R/W of Florida Ave (NKA Pass a Grille Way & Water).		
Address: 2007 Pass A Grill Way, St. Pete Beach, FL 33706		
Explanation of Request: Proposed repair/extension of roof and porch structure at the front of the building over the entrance of the building. The current structure sits back from the property line approximately one foot and the requested variance will allow for the porch to be extended along the same line as the northern wall of the building. The requested setback is approximately 1.65 feet. The requested structure will extend in line with the north wall of the building 12 feet and will run the length of the front of the building which is 39 feet. The whole structure, including the portion that is not subject to the setback is approximately 280 sq. ft. The Applicant is not requesting to encroach any further towards the northern property line. The proposed structure, in addition to being a repair to the existing porch, will provide continuity to the existing building and surrounding area.		

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

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

The property in question sits in the CG-1 zoning district. The building on the property was built in 1979. The northern wall of the building on the property was built one foot off the northern property line and at the time it was built it was in accordance with the then current City Code.

The Applicants are requesting to build on the front of the building (facing Pass A Grille Way), a front porch covered to provide their patrons protection from elements and weather as they stand. Additionally, the covered porch will bring the look of the build in line aesthetically with this area of St. Pete Beach. Importantly, the proposed porch will not be encroaching any closer to the northern property line, and instead it will be merely extending westerly approximately 12 feet.

The special conditions and circumstances that are peculiar to the land/structure/building is that the Code now requires a 25 foot secondary front set back. This set back makes it impossible, or nearly impossible, for the applicants to build the porch over their front door area. This conditions is not applicable to the other lands/buildings in the area as other properties don't have this secondary front set back restricting their builds.

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

The requested variance is not a result from actions taken by the applicants or the prior owners. The building was built in 1979 (per the Pinellas County Property Appraiser). The current owners, as well as the owners before them inherited the land and building on the land. The special condition existed prior to the owners owning the property, and it was not created by them.

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

Literal interpretation of the provisions of the Land Development Code deprives the Applicants from revamping and improving/updating the porch area of their building. Most of the other businesses, and particularly, restaurants in St. Pete Beach have a front covered area for the benefit of the customers and patrons. The proposed structure is common in the area and community.

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

The hardship is not deliberate or knowingly created, and the proposed structure is consistent with the Comprehensive Plan/Land Development Code. The reason of the proposed structure is due to natural aging of the current structure and bringing it up-to-date. Further, the proposed structure will not increase the density.

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

The applicant has no desire to achieve greater financial return from his property with this requested variance. The applicant desires to build out a front porch area with a covering to provide patrons with a place to escape the weather, rain or shine. The proposed structure, the "Porch," will not bring any financial benefit to the property nor is that the intent of the applicants. It will aid the appearance of the building that is already on the property and thus add to the appearance of the area as a whole.

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

Granting the variance would not allow the Applicants any special treatment and instead would be conveying the same treatment to the Applicant as to the other owners of the other lands/buildings in the same area.

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

The Applicant is requesting the minimum variance that makes possible the reasonable use of the building. The proposed structure is no more intrusive than on the set back line than the current building. The size of the requested structure is the least necessary to achieved the desired protection from the elements.

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

The requested variance for the proposed structure is within the general guidelines of the comprehensive plan and is consistent with other structures in the community, including the adjacent business. In no way will this proposal adversely affect the property values In the area, and actually will work to improve the aesthetics of the area and properties.

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

VARIANCE APPLICATION

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

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

CYC 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.

CYC 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.

CYC 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.

CYC 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.

CYC 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.

CYC I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

After acknowledgement of these conditions, complete the application form on the following pages.


Signature of Applicant

2-9-24
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE Charles Collom / Collom Properties, LLC
(print name of property owner)

hereby authorize Kyle D. Bass, Esq., and Weber, Crabb & Wein, P.A.
(print name of agent)

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

[Signature]
Signature of Owner

Signature of Owner

Charles Collom
Print Name of Owner

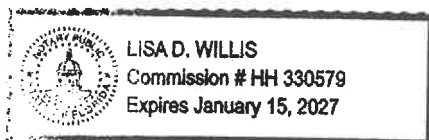
Print Name of Owner

The forgoing instrument was acknowledged before me this 9 day of
February 2021 by Charles Lee Collom or who is
personally known _____ produced
FL DL as identification.

[Signature]
(Notary Signature)

2-9-24
(Date)

My Commission Expires 1-15-27





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Charles Collom/Collom Properties, LLC, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing for unnecessary or undue hardship variances and practical difficulty variances, or seven (7) days in advance of the final administrative decision for administrative (de-minimis) variances, and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Charles Collom / Collom Properties, LLC

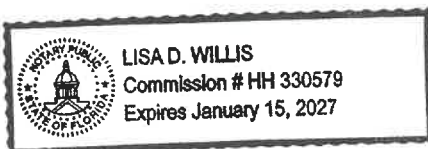
Address: 2381 E Vina Del Mar Blvd St. Pete Beach, FL 33706

 2-9-24
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 9 day of Feb., 2024 by:
Charles Lee Collom who appeared before me, and is personally known to me, or has produced
FL DL as identification, and did take an oath.

My commission Expires:

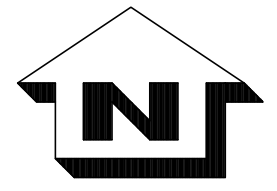


NOTARY: 
Print Name: Lisa D. Willis Notary

Public, State of Florida

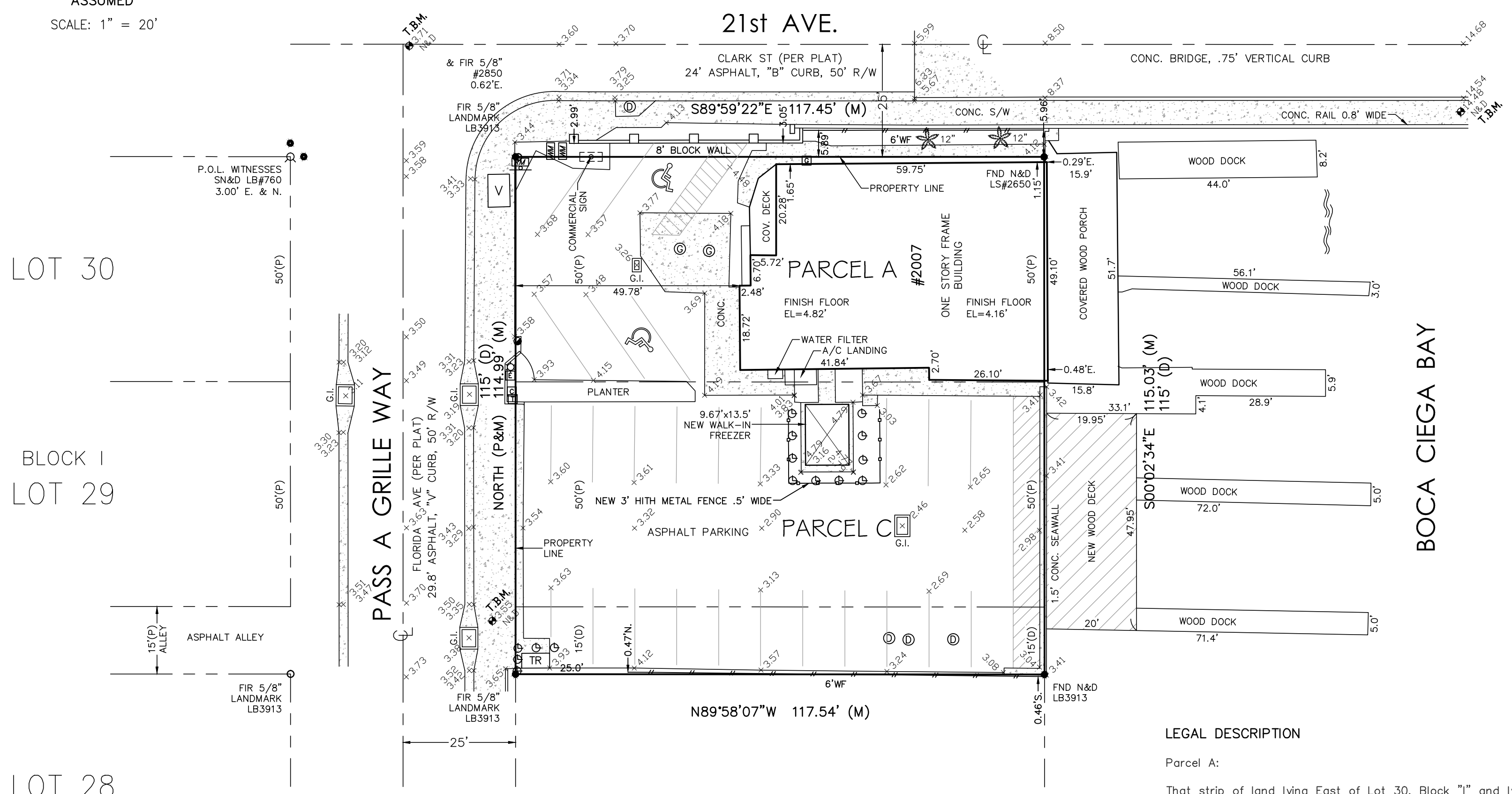
(Notarial Seal)

SECTION 18, TOWNSHIP 32S, RANGE 16E



NORTH BASIS:
ASSUMED
SCALE: 1" = 20'

CERTIFIED TO: COLLOM PROPERTIES LLC



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

LEGAL DESCRIPTION

Parcel A:

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

Parcel C:

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

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

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

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

CERTIFICATION

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

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

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

JCB
4015 82nd Avenue North
Pinellas Park, Florida 33781
Telephone (727) 576-7546
Facsimile (727) 577-9932
LB 760

BOUNDARY SURVEY
WITH TOPOGRAPHY AND
IMPROVEMENTS

2209-21.CRD

REVISIONS

No.	DESCRIPTION	DATE
1.	UPDATE DECK AREA	5/16/2023

FB: 976 PG: 64,65,69
Job Number: 2209-21
Survey date: 10/5/22
DWN: JM
CHK: JOB

GENERAL NOTES:

- THE STRUCTURAL SPECIFICATIONS AND DRAWINGS FOR THIS WORK HAVE BEEN PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICE TO MEET THE MINIMUM REQUIREMENTS OF THE 7th EDITION 2020 FLORIDA BUILDING CODE (FBC) STANDARDS FOR BUILDING CONSTRUCTION.
- DEFINITIONS: HEREAFTER REFERED TO WITHIN THE PROJECT DOCUMENTS:
DESIGNERS - ARCHITECTS, ENGINEERS, DESIGNERS, DRAFTPERSONS OR THERE AGENTS WHO HAVE CONTRIBUTED TO THE ASSEMBLY OF THE PROJECT DOCUMENTS.
OWNER - THAT PERSON, PERSONS OR ENTITY THAT RETAINS LEGAL POSSESSION OF OF THE PROJECT WHEN COMPLETED.
CONTRACTOR - THE PERSON, PERSONS OR ENTITY RESPONSIBLE FOR THE ACTUAL CONSTRUCTION AND CONTROL OF THE PROJECT DOCUMENTS, BE IT OWNER OR HIRED.
- THESE SPECIFICATIONS AND DRAWINGS REPRESENT THE FINISHED STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION METHODS, PROCEDURES AND SAFETY UNLESS OTHERWISE SPECIFIED IN CONTRACT DOCUMENTS.
- CONSTRUCTION LOADS SHALL NOT OVERLOAD THE STRUCTURE, NOR SHALL THEY BE IN EXCESS OF DESIGN LOADS FOR ALL APPLICATIONS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, MATERIALS AND CONDITIONS SHOWN ON THE STRUCTURAL DRAWINGS AND/OR NOTED IN STRUCTURAL SPECIFICATIONS. ANY DIFFERENCES WITH THE STRUCTURAL DRAWINGS AND/OR SPECIFICATIONS, OR WITH CONDITIONS ENCOUNTERED AT THE JOB SITE, SHALL BE REPORTED TO THE OWNER IN WRITING BEFORE COMMENCEMENT OF ANY WORK EFFECTED BY SUCH DIFFERENCES.
- THE CONTRACTOR SHALL RIGIDLY ADHERE TO ALL LAWS, CODES AND ORDINANCES WHICH APPLY TO THIS PROJECT. HE/SHE SHALL NOTIFY AND RECEIVE CLARIFICATION FROM THE OWNER IN WRITING OF ANY VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND GOVERNING REGULATIONS.
- THE CONTRACTOR SHALL INVESTIGATE THE PROJECT SITE DURING PREPARATION. ALL REMNANTS OF PREVIOUS STRUCTURAL ACTIVITY, ABOVE OR BELOW GRADE, AND ANY DISCOVERED NATURAL DETRIMENTS SHALL BE REPORTED TO THE OWNER IN WRITING PRIOR TO THE START OF CONSTRUCTION.
- ALL MANUFACTURED MATERIALS, COMPONENTS, FASTENERS, ASSEMBLIES AND ETC., SHALL BE HANDLED AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS AND THE MINIMUM REQUIREMENTS FOR EMBEDMENT, SPACING AND ETC., AS SET FORTH IN THE (FBC) STANDARDS FOR BUILDING CONSTRUCTION.
- NO VARIANCE FROM THE SUBMITTED PROJECT DOCUMENTS BY A BUILDING OFFICIAL, CONTRACTOR, AND/OR OWNER SHALL BE BINDING ON THE DESIGNERS UNLESS AGREED TO BY ALL PARTIES IN WRITING.
- AREAS DESIGNATED AS SHEARWALLS SHALL NOT HAVE OPENINGS GREATER THAN 12" IN ANY DIMENSION AND SHALL NOT EXCEED 144 SQ. INCHES COMBINED TOTAL AREA.
SHEARWALL DESIGN FOR FRAME STRUCTURES IS BASED ON SECTIONS 305.4 THRU 305.5 AND TABLES CONTAINED THEREIN IBHS.
SHEARWALL DESIGN FOR MASONRY STRUCTURES IS BASED ON SECTIONS 205.5 THRU 205.7 AND TABLES CONTAINED THEREIN IBHS.
- MASONRY ELEMENTS OF THE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CHAPTERS 14, 19 & 21 OF THE (FBC) ACI 318 AND ASTM STANDARDS SET THEREIN AS CONCRETE MASONRY TYPE M-1 GRADE G-1 ASTM C-90-44, MORTAR ASTM C270, TYPE "M" OR "S" AS APPLICABLE. FIBER REINFORCEMENT SHALL COMPLY WITH ASTM C 1116.
- FOUNDATION DESIGN AND TESTING REQUIREMENTS:
SLAB AND FOOTER DESIGN BASED ON A MINIMUM UNIFORM SOIL BEARING PRESSURE OF 2000 LB/SF AT A MINIMUM OF 12" BELOW CONSTRUCTION GRADES.
IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT AN ADEQUATE COMPACTION AND TESTING VALUE OF 2000 PSF IS OBTAINED.
- STUCCO APPLICATIONS SHALL MEET THE REQUIREMENTS OF ASTM C926-STUCCO AND ASTM C1063 FOR WIRE LATH.

SETBACKS:
LOT (PARCELS A&B)FRONT (WEST) = 25'
COMPLIESRIGHT SIDE (SOUTH) = 10'
COMPLIESREAR (EAST) = 25'
GRAND-FATHEREDFRONT #2 (NORTH) = 15'
VARIANCE APPROVEDST.PETE BEACH LAND DEVELOPEMENT /
DIVISION 15 - CG-1 COMMERCIAL / SEC. 15.7
VERSION: JUL 15, 2022 (CURRENT)MAXIMUM IMPERVIOUS = 90%
ST.PETE BEACH LAND DEVELOPEMENT /
DIVISION 15 - CG-1 COMMERCIAL / SEC. 15.12
VERSION: JUL 15, 2022 (CURRENT)

DESIGN CRITERIA

- BASIC WIND SPEED 150 M.P.H. (W/3 SECOND GUSTS)
(F.B.C. SEC. 1609) DESIGN WIND SPEED
ULTIMATE (AS PER TABLE 1609.3(1)) = 150 M.P.H.
NOMINAL (AS PER TABLE 1609.3.1) = 116 M.P.H.
- WIND IMPORTANCE FACTOR 1.0
- WIND EXPOSURE CATEGORY D (WORST CASE)
- STRUCTURE DESIGNED AS OPEN
- BUILDING RISK CATEGORY II , GROUP A-2
- APPLIED INTERNAL PRESSURE COEFFICIENT 0.00
- DESIGN WIND PRESSURE FOR COMPONENTS AND
CLADDING ROOF: 30.5 PSF & -21.1 PSF
- DESIGN LATERAL SOIL LOAD 100 PSF
- DESIGN IN ACCORDANCE WITH ASCE 7-16 FORCE
CALCULATION, ASCE 24-14 FLOOD RESISTANCE,
AND THE 7th EDITION (2020 F.B.C., SEC. 1609).
0 - 30' ABOVE GROUND

CALCULATIONS REPRESENT WORST CASE FOR OVERALL PROJECT.

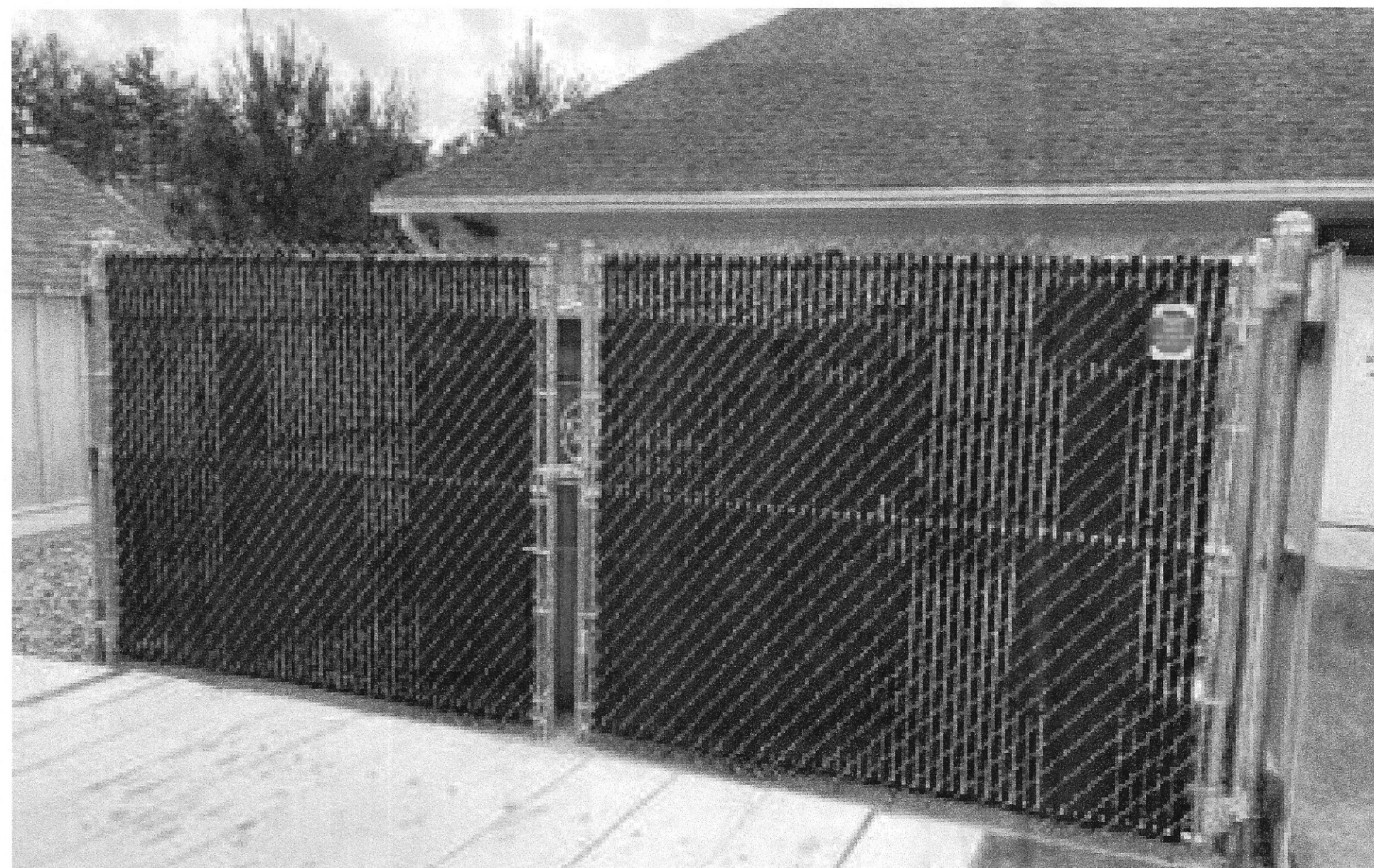
NOTE:

ALL LUMBER SHALL BE #2 GRADE OR BETTER S.Y.P.

CODE REQD FORCE LB/SQ FT: 38.62 PSF

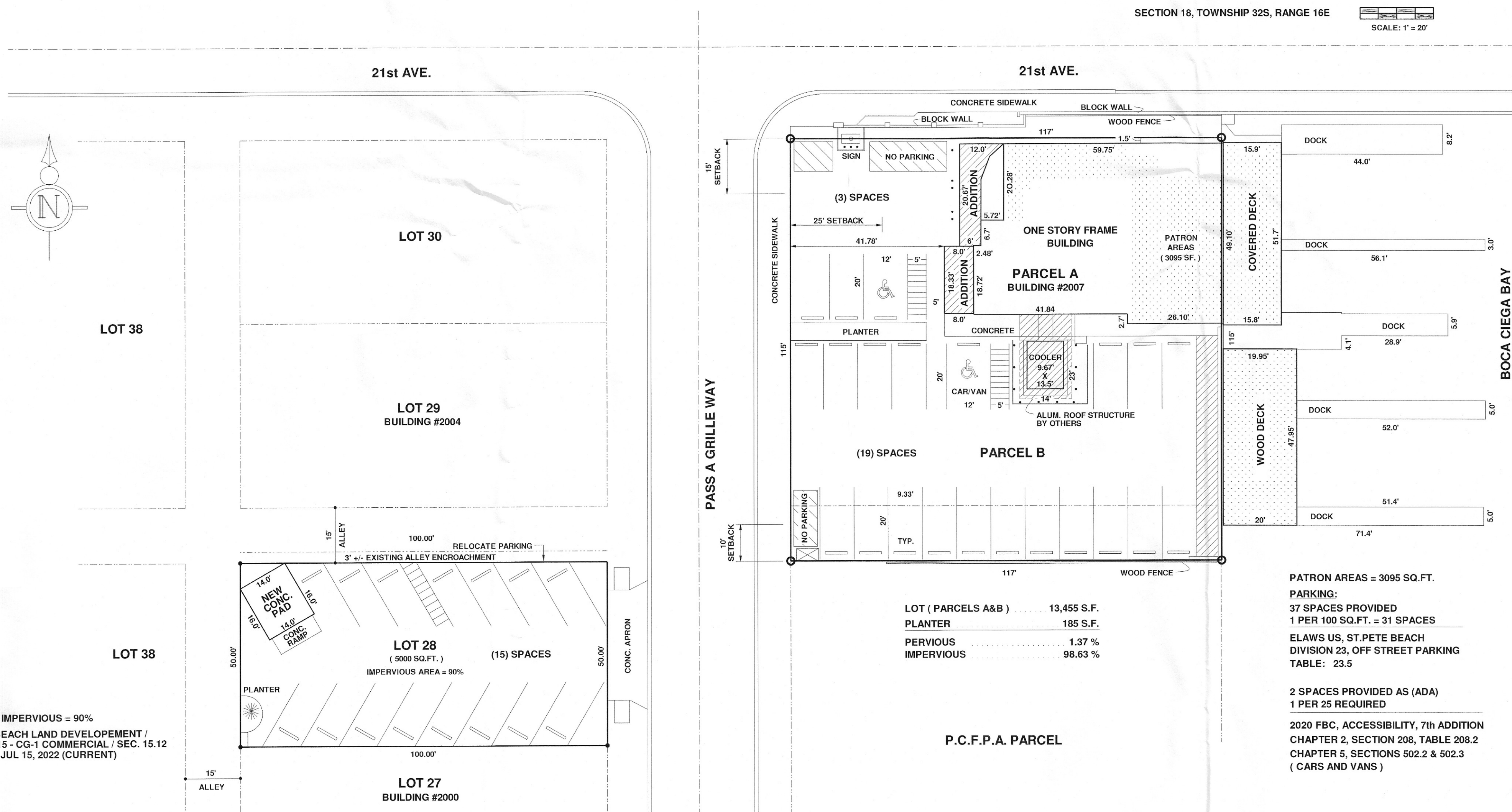
DESIGN BASE FORCE LB/SQ FT: 39 PSF

FLOOD ZONE AE (BFE @ 10')

ROOF WIND RESISTANCE AS PER ASCE 7-16, FIGURE 28.6-1
WORST CASE (END ZONE) = 45.5ROOFING WIND RESISTANCE RATING TO BE PROVIDED
BY ROOFING MANUFACTURER.

SAMPLE GATE IMAGE

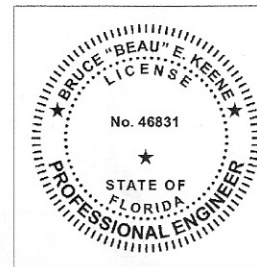
(LOT 28 DUMPSTER PAD)



PROPOSED SITE PLAN

"RED, WHITE & BOOZE"
2007 PASS A GRILLE WAY
ST.PETE BEACH, FL 33706

Bruce E Keene

NOTE: ENGINEER'S CERTIFICATION APPLIES TO
STRUCTURAL ASPECTS/COMPONENTS ONLY.
This item has been digitally signed and sealed
by Bruce "Beau" E. Keene, P.E., Florida Professional
Engineer Registration No. 46831, on the date
indicated. If this item is a component of a PDF
binder (e.g. is a sheet within a plan set), the
indicated date will be noted on the cover page.
Printed copies of this document are not
considered signed and sealed and the signature
must be verified on any electronic copies.

FRONT ROOF-OVER ADDITIONS

AD640A

PROJECT FOR:

"RED, WHITE & BOOZE"

2007 PASS A GRILLE WAY
ST.PETE BEACH, FL 33706

SCALE:

1" = 20'

DRAWN BY:

LVA

DESIGN:

COMMERCIAL

CHECKED:

B.K.

REVISED:

11-14-2023

SHEET

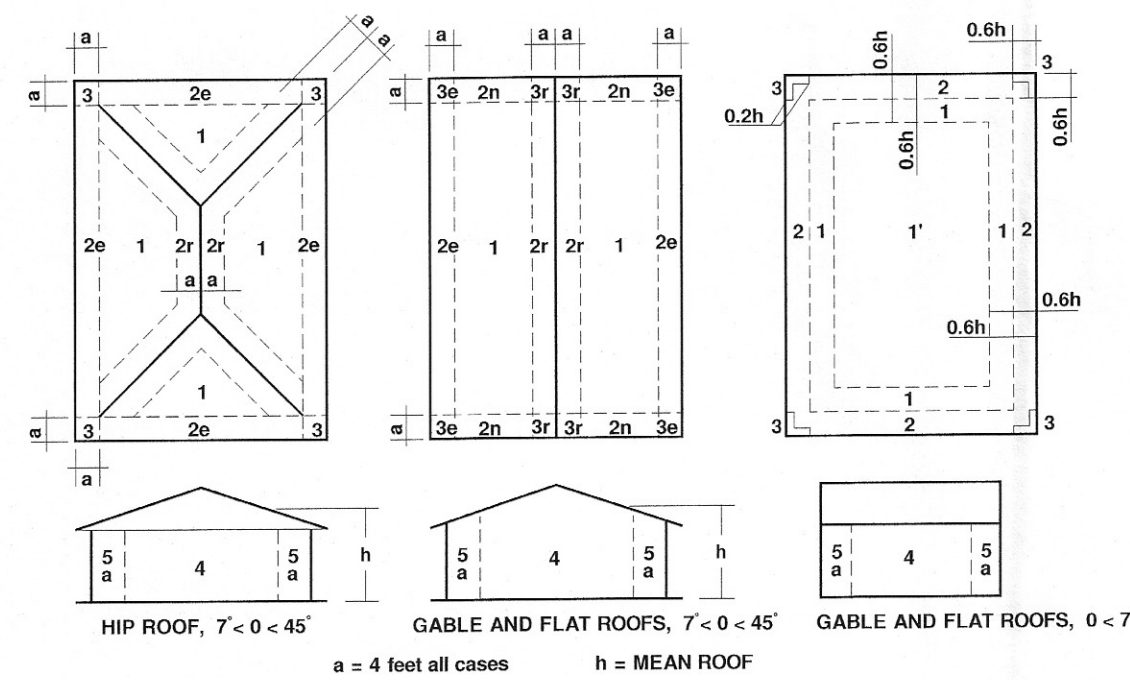
1

OF 4

ANDREWS
DESIGN SERVICE, LLC."ARCHITECTURAL DRAFTING"
LARRY ANDREWS
1751 22nd AVE. N.
ST.PETERSBURG, FL 33713
lwa64@yahoo.comCCSI
COASTAL CONTRACTING SERVICES, INC.SAINT PETERSBURG, FLORIDA 33708
PH: 727-398-4948
FAX: 727-319-0360
INFO@CCSIFL.COM
WWW.CCSIFL.COM

CB-C059522

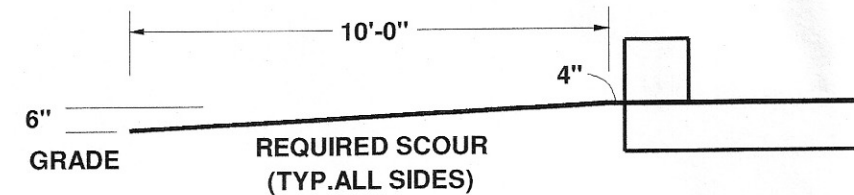
SAINT PETERSBURG, FLORIDA 33708
PH: 727-398-4948
FAX: 727-319-0360
INFO@CCSIFL.COM
WWW.CCSIFL.COMKeene Engineering
Consultants, LLCFPE Firm Registry No. 7612
2670 N. FLORIDA AVE. - HERNANDO, FL 34442
352-341-1230 beaune@keene.com



COMPONENT AND CLADDING PRESSURE ZONES

WIND-BORNE DEBRIS PROTECTION

- APPROVED HURRICANE SHUTTERS.
OR
- WINDOWS AND DOORS SHALL BE IMPACT RESISTANT AND MEET ALL HURRICANE RESISTANCE STANDARDS AND CODES.
IT SHALL BE THE RESPONSIBILITY OF CONTRACTOR / INSTALLER TO PROVIDE CORRECT INSTALLATION.



NOTE:
TYPICAL SCOUR NOT APPLICABLE FOR PROPOSED PROJECT.
EXISTING EXTERIOR GRADE IS PAVED WALKS AND PARKING.
PLANS ARE FOR FRONT ROOF FACADE ONLY.

ROOF DEAD LOAD = 10 PSF
ROOF LIVE LOAD = 25 PSF
TOTAL ROOF LOAD = 35 PSF

HEADER LOAD = TL(SPAN/2)
35 (12/2) = 210 PLF

HEADER SCHEDULE		
I.D.	QTY	DESCRIPTION/SAFE LOAD *
1	3	(2) 2x8 x8' #2 S.Y.P. PT. = 488 PLF
2	1	(2) 2x10 x10' #2 S.Y.P. PT. = 566 PLF

* UPLIFT RESISTANCE = SAFE LOAD

INTERNAL PRESSURE COEFFICIENTS:
OPEN STRUCTURE = 0.00
PARTIALLY ENCLOSED STRUCTURE = +/- 0.55
FULLY ENCLOSED STRUCTURE = +/- 0.18

WINDOW AND DOOR PRESSURES

OPENING SIZE	ZONE 4	ZONE 5
(A) 20 SF. OR LESS	+61.4 PSF / -66.6 PSF	+61.4 PSF / -82.3 PSF
(B) 20.1 - 50 SF.	+58.5 PSF / -63.7 PSF	+58.5 PSF / -76.3 PSF
(C) 50.1 - 100 SF.	+54.9 PSF / -60.1 PSF	+54.9 PSF / -69.3 PSF
(D) OVER 100 SF.	+52.2 PSF / -57.4 PSF	+52.2 PSF / -63.8 PSF

IT SHALL BE THE RESPONSIBILITY OF THE GLASS SUPPLIER TO PROVIDE CERTIFICATION THAT PROJECT GLASS IS IN ACCORDANCE WITH FBC CHAP. 24, IBHS, CHAP. 6 AND ASTM E 1300 = TO OR > MIN DESIGN PRESSURES.

(NO NEW DOORS OR WINDOWS PROPOSED)

ELECTRICAL NOTES:

- ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROVISIONS OF THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE.
- THE OWNER AND/OR CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CODE COMPLIANCE CHANGES AS REQUIRED.
- ARC-FAULT PROTECTION IS REQD. FOR ALL OUTLETS & SWITCHES, INCLUDING THOSE AREAS REQUIRING GFCI PROTECTION IN ACCORDANCE WITH N.E.C. 2017.

(NO NEW ELECTRIC PROPOSED)

SECTION "A"

WIND CALCULATIONS

RATED WIND SPEED	150 M.P.H. W/3 SEC. GUSTS
DESIGN EAVE HEIGHT	7.83'
TRUSS ASSEMBLY TOTAL LOAD	35 PSF
BUILDING HEIGHT:	11.17
ROOF PITCH:	8 deg.
MEAN ROOF HEIGHT	9.5'
CODE REQD FORCE LB/SQ FT:	38.62 PSF
DESIGN BASE FORCE LB/SQ FT:	39 PSF

AOR: AREA OF RESISTANCE

L1: DIRECTION OF FORCE PARALLEL TO WALL

L2: DIRECTION OF FORCE PERPENDICULAR TO WALL

BASIS FOR UPLIFT:

MEAN ROOF x DESIGN FORCE = PLF	=	9.5 x 39 = 371 PLF
UPLIFT PER TRUSS / RAFTER = PLF x SPACING	=	371 x 2 = 742# UPLIFT
UPLIFT PER POST OR PIER = PLF x SPAN / 2	=	371 (8/2) = 1484# UPLIFT

SECTION "B"

WIND CALCULATIONS

RATED WIND SPEED	150 M.P.H. W/3 SEC. GUSTS
DESIGN EAVE HEIGHT	7.83'
TRUSS ASSEMBLY TOTAL LOAD	35 PSF
BUILDING HEIGHT:	12.0'
ROOF PITCH:	21 deg.
MEAN ROOF HEIGHT	9.92'
CODE REQD FORCE LB/SQ FT:	38.62 PSF
DESIGN BASE FORCE LB/SQ FT:	39 PSF

AOR: AREA OF RESISTANCE

L1: DIRECTION OF FORCE PARALLEL TO WALL

L2: DIRECTION OF FORCE PERPENDICULAR TO WALL

BASIS FOR UPLIFT:

MEAN ROOF x DESIGN FORCE = PLF	=	9.92 x 39 = 387 PLF
UPLIFT PER TRUSS / RAFTER = PLF x SPACING	=	387 x 1.33 = 515# UPLIFT
UPLIFT PER POST OR PIER = PLF x SPAN / 2	=	387 (10/2) = 1935# UPLIFT

NOTES:

ALL LUMBER SHALL BE #2 GRADE OR BETTER

RIDGE BOARD SHALL BE ONE NOMINAL SIZE LARGER THAN THE RAFTER OR AT LEAST EQUAL TO THE DEPTH OF THE RAFTER PLUMB CUT.

RAFTERS THAT RISE TO A HEIGHT OF 4' OR GREATER ABOVE THE ROOF BELOW SHALL REQD. COLLAR TIES IN THE UPPER 1/3 OF THE HEIGHT, FOR EACH 3rd SET OF RAFTERS (MIN. 1x6 #2 FOR COLLAR TIES)

MAXIMUM RAFTER SPAN		
SIZE	SPACING	
	16" O.C.	24" O.C.
2x6	14'-7"	12'-10"
2x8	19'-3"	16'-10"
2x10	24'-7"	21'-6"

SEALED ROOF DECK:

(PEEL 'N' STICK MEMBRANE)
SELF-ADHERING POLYMER-MODIFIED BITUMEN
UNDERLAYMENT COMPLYING WITH ASTM D1970
APPLIED OVER THE ENTIRE ROOF.

ROOF NAILING SCHEDULE:

F 1667 RSRS-03 (2-1/2" x 0.131")
4" O.C. @ EDGES
4" O.C. IN FIELD
(RSRS) = RING SHANK ROOF SHEATHING NAIL.

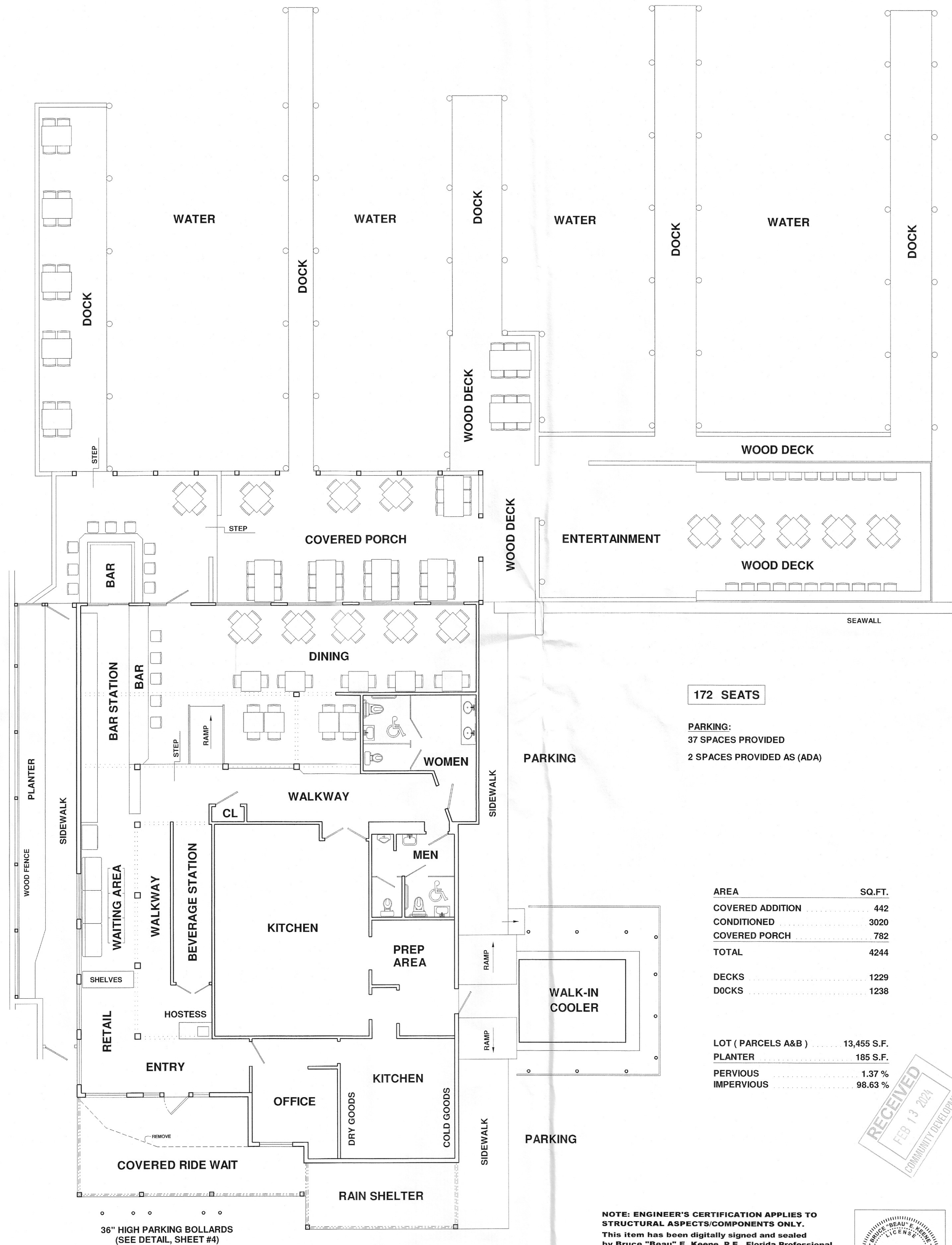
(2020 FBCR, TABLE R803.2.3.1)						
ROOF SHEATHING ATTACHMENT						
RAFTER / TRUSS SPACING 24 in. O.C.	WIND SPEED					
	140 MPH	150 MPH	160 MPH	140 MPH	150 MPH	160 MPH
	E	F	E	F	E	F
EXPOSURE "B"						
RAFTER / TRUSS SG = 0.42	6	6	6	6	4	4
RAFTER / TRUSS SG = 0.49	6	6	6	6	6	6
EXPOSURE "C"						
RAFTER / TRUSS SG = 0.42	4	4	4	4	4	4
RAFTER / TRUSS SG = 0.49	6	6	6	6	6	6
EXPOSURE "D"						
RAFTER / TRUSS SG = 0.42	4	4	4	4	3	3
RAFTER / TRUSS SG = 0.49	6	6	4	4	4	4
E = INCHES O.C. @ EDGES F = INCHES O.C. IN FIELD						

NOTE:

FOUNDATION DESIGN AND TESTING REQUIREMENTS.

SLAB AND FOOTER DESIGN BASED ON A MINIMUM SOIL BEARING PRESSURE OF 2000 LB/SF AT A MINIMUM OF 12" BELOW CONSTRUCTION GRADES.

IT SHALL BE THE OWNERS RESPONSIBILITY TO INSURE THAT THROUGH ADEQUATE COMPACTION AND TESTING THAT A VALUE OF 2000 PSF IS OBTAINED.



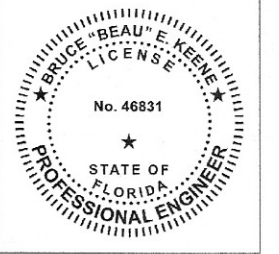
172 SEATS

PARKING:
37 SPACES PROVIDED
2 SPACES PROVIDED AS (ADA)

AREA	SQ.FT.
COVERED ADDITION	442
CONDITIONED	3020
COVERED PORCH	782
TOTAL	4244
DECKS	1229
DOCKS	1238

LOT (PARCELS A&B)	13,455 S.F.
PLANTER	185 S.F.
PERVIOUS	1.37 %
IMPERVIOUS	98.63 %

NOTE: ENGINEER'S CERTIFICATION APPLIES TO STRUCTURAL ASPECTS/COMPONENTS ONLY.
This item has been digitally signed and sealed by Bruce "Beau" E. Keene, P.E., Florida Professional Engineer Registration No. 46831, on the date indicated. If this item is a component of a PDF binder (e.g. is a sheet within a plan set), the indicated date will be noted on the cover page. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



FLOOR PLAN

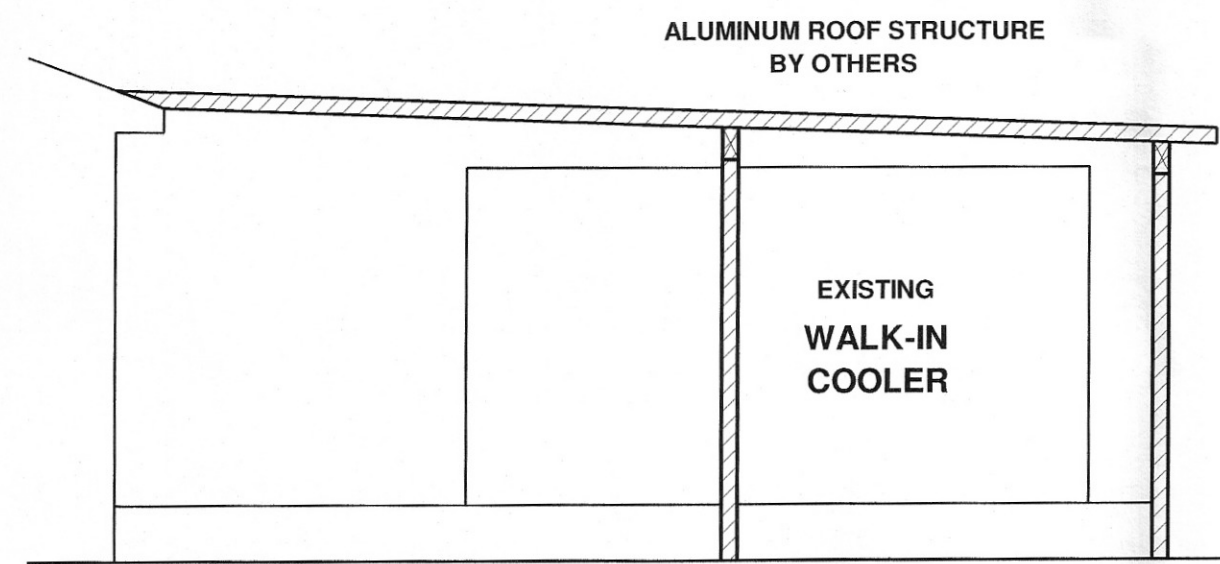
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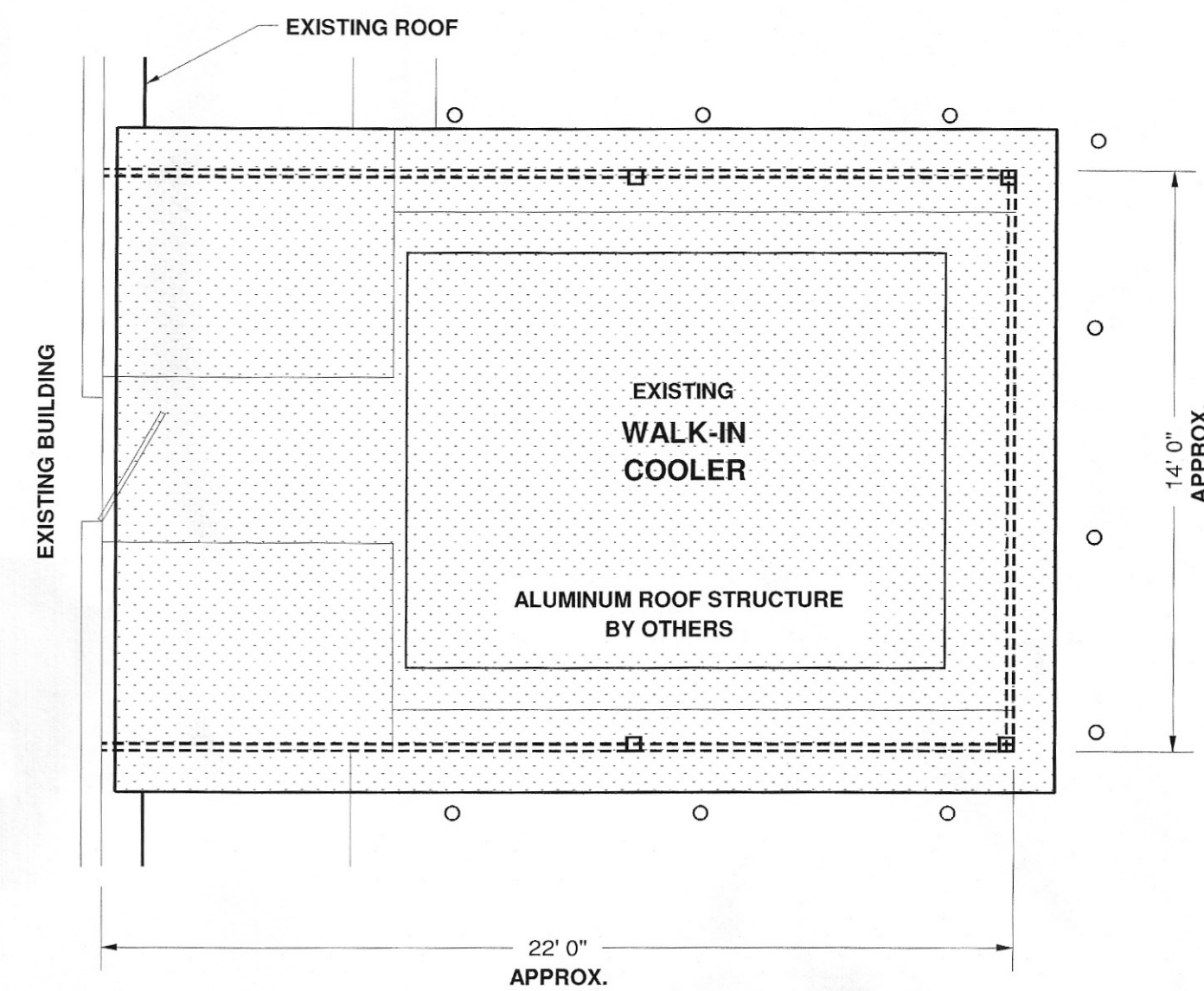
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JOB NO.:	AD640

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DESIGN:	COMMERCIAL
CHECKED:	B.K.

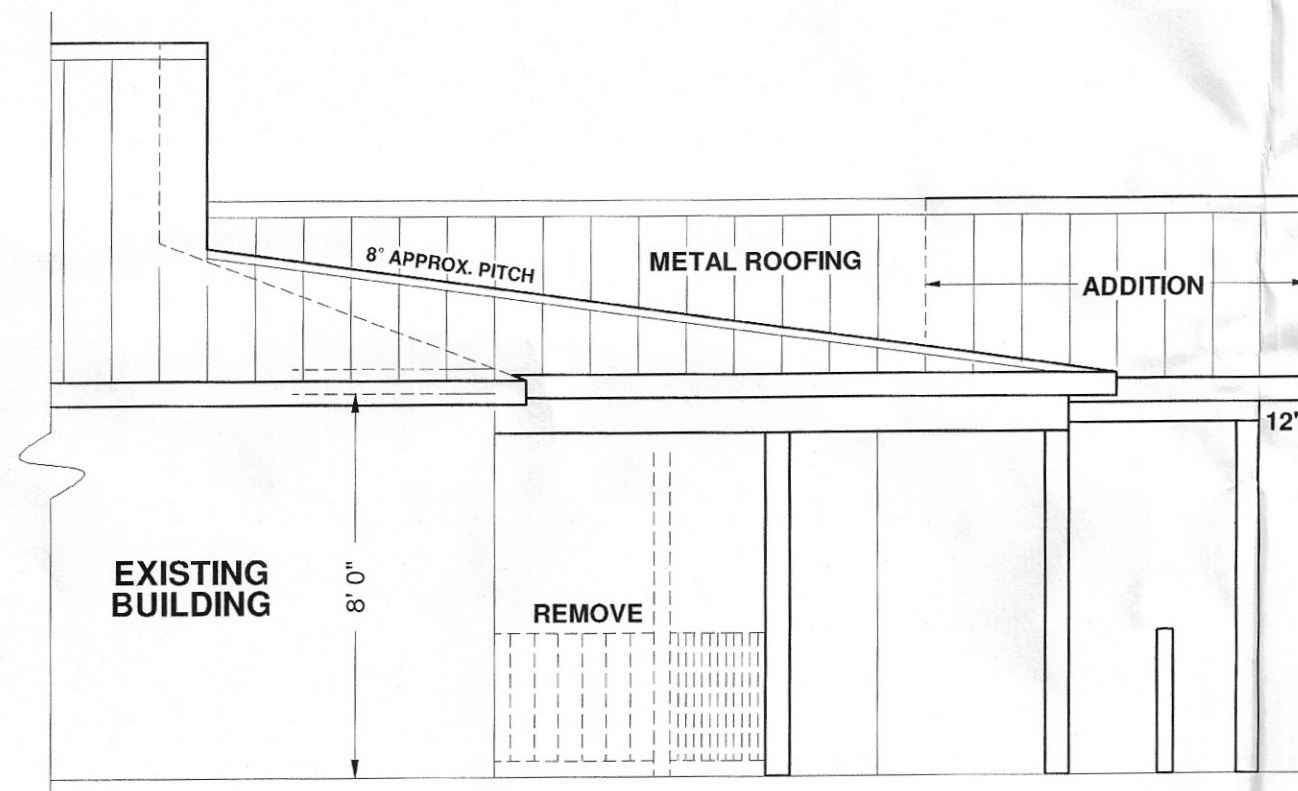
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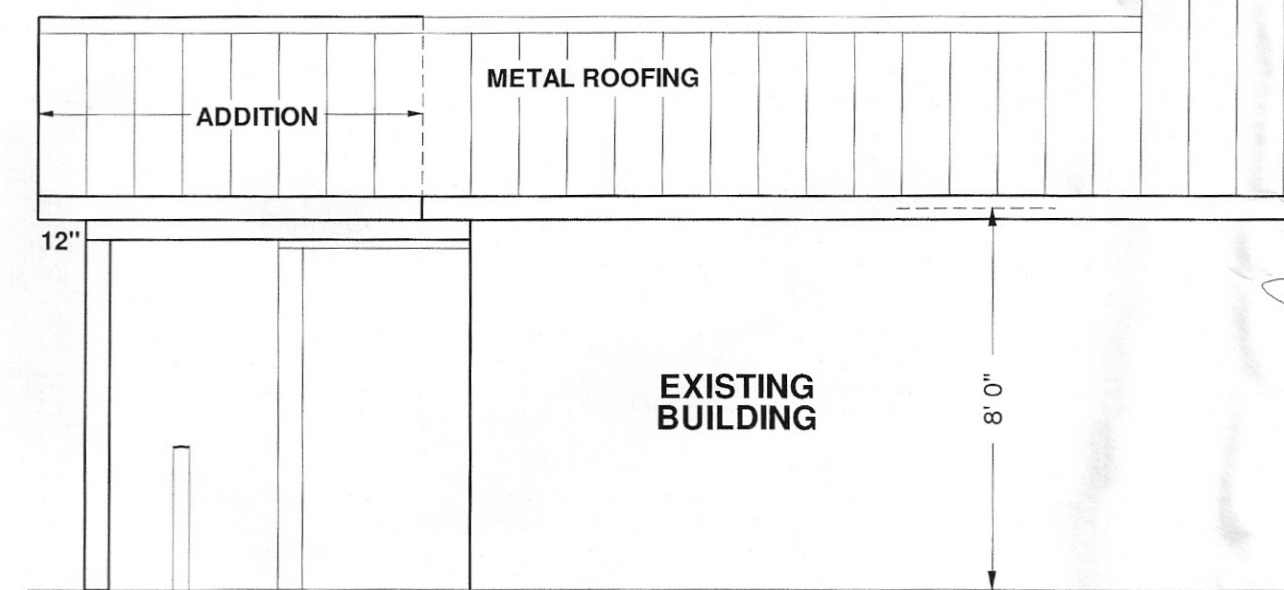
COOLER ROOF OVER
ELEVATION
(SEE INSTALLER'S PLAN)



COOLER ROOF OVER
BY OTHERS



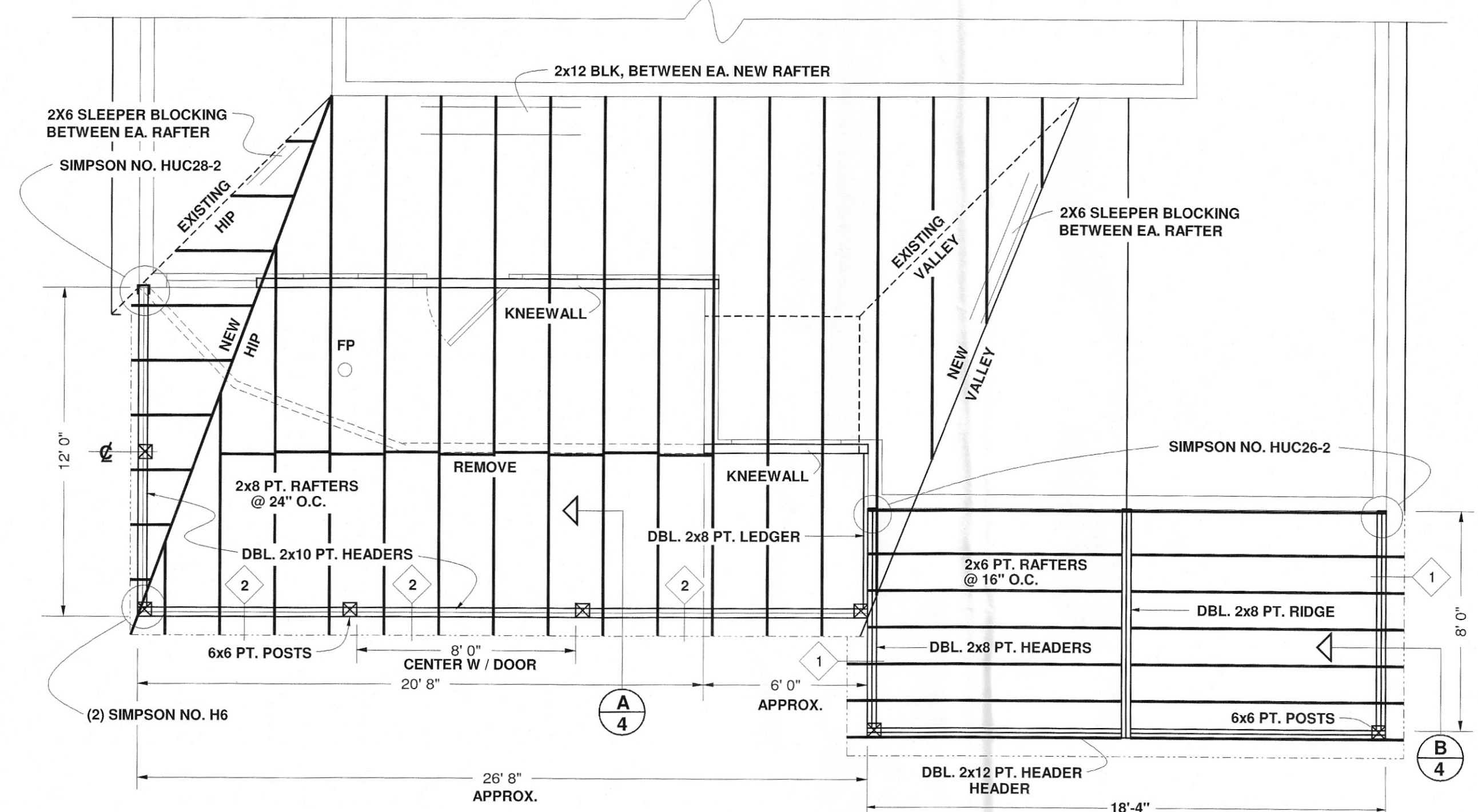
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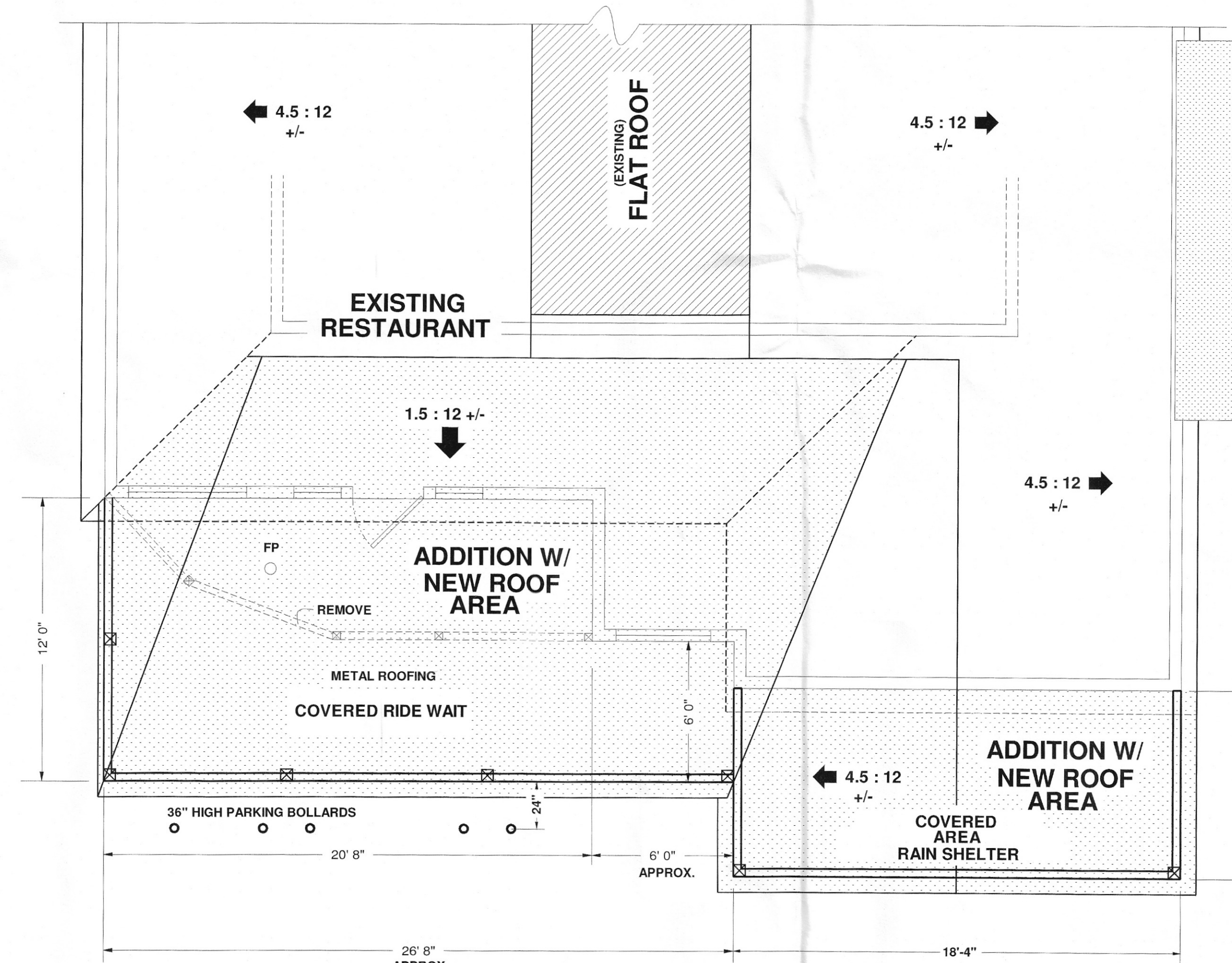
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FRONT ELEVATION

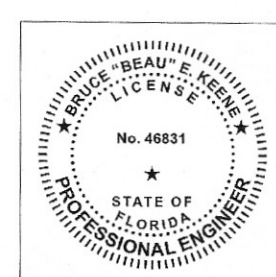
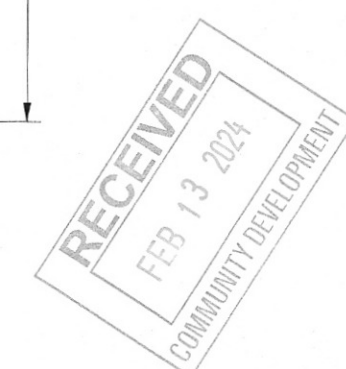


ROOF PLAN



ROOF LAYOUT

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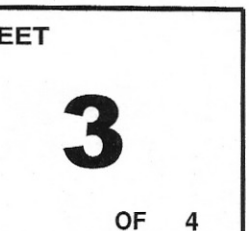


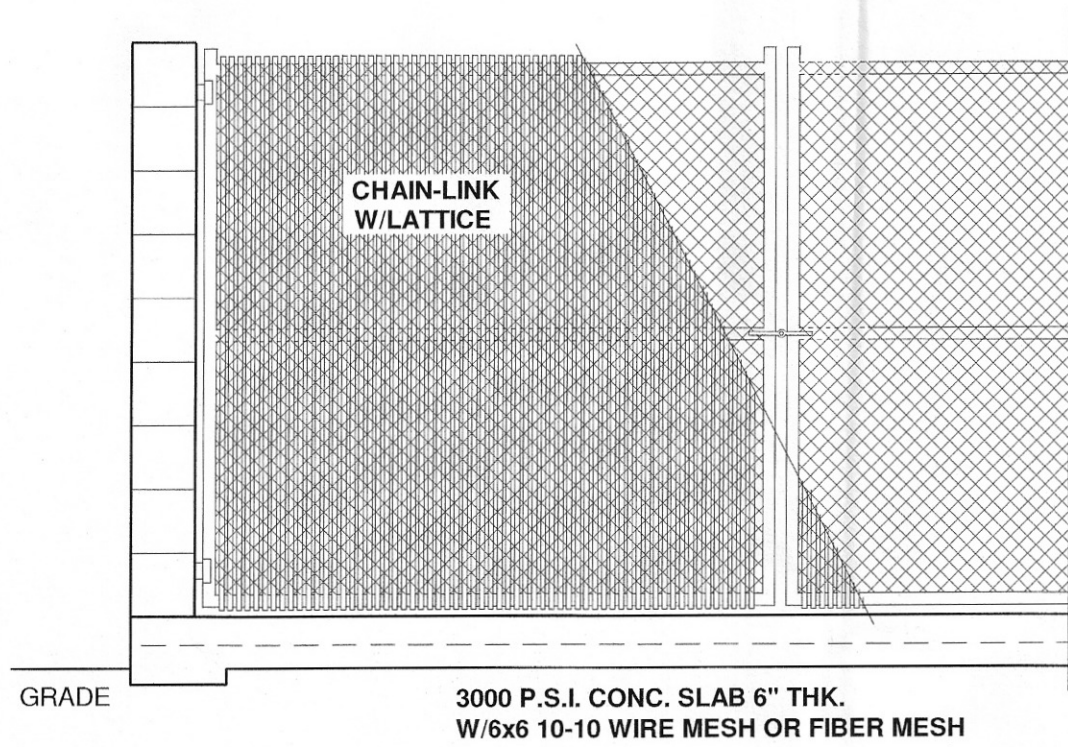
ROOF PLAN

AD640C

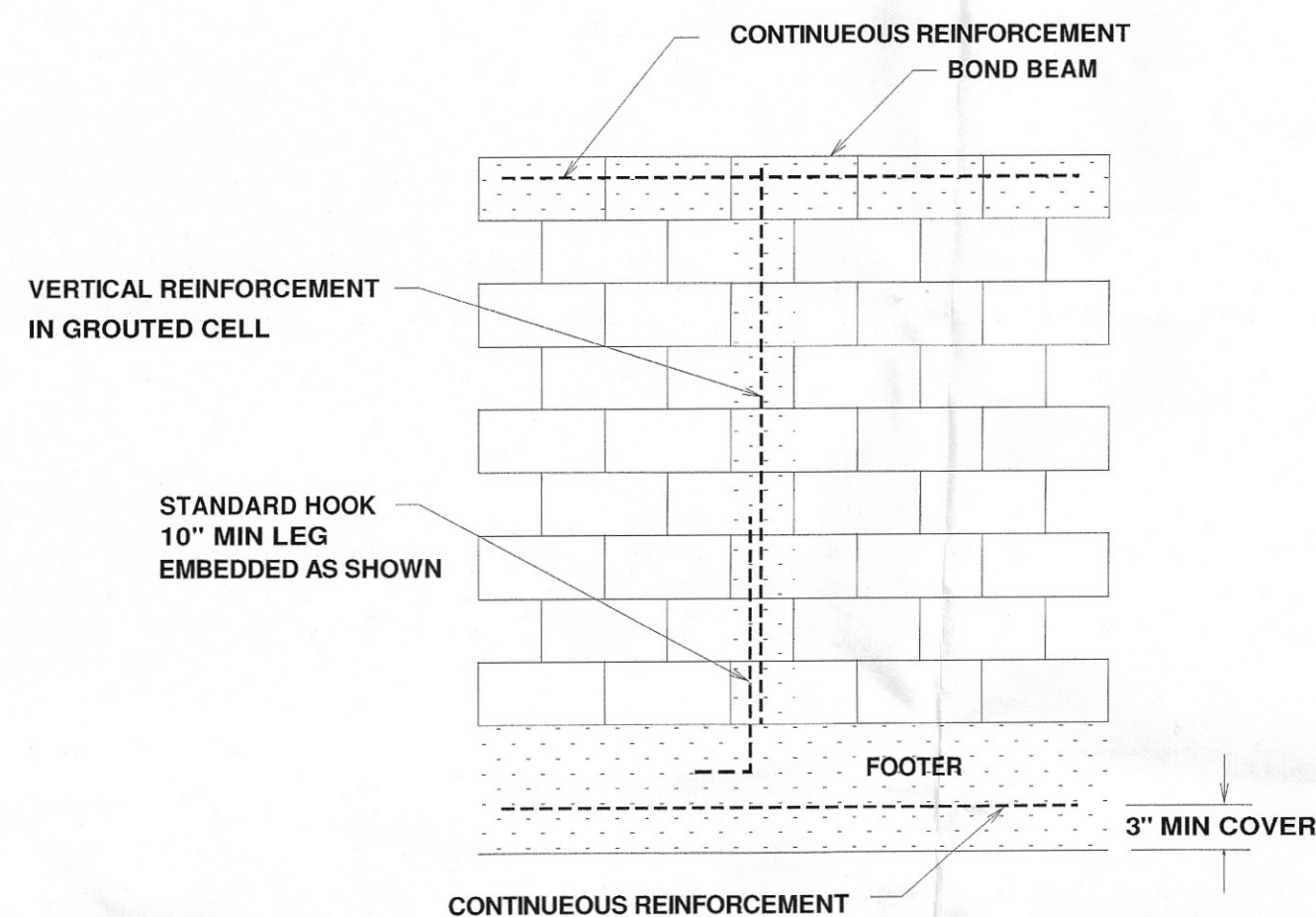


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11-14-2023			

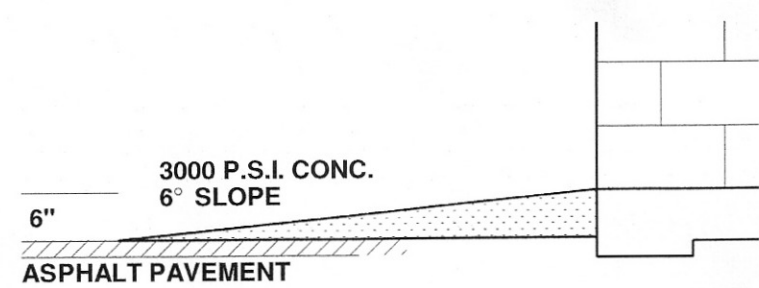




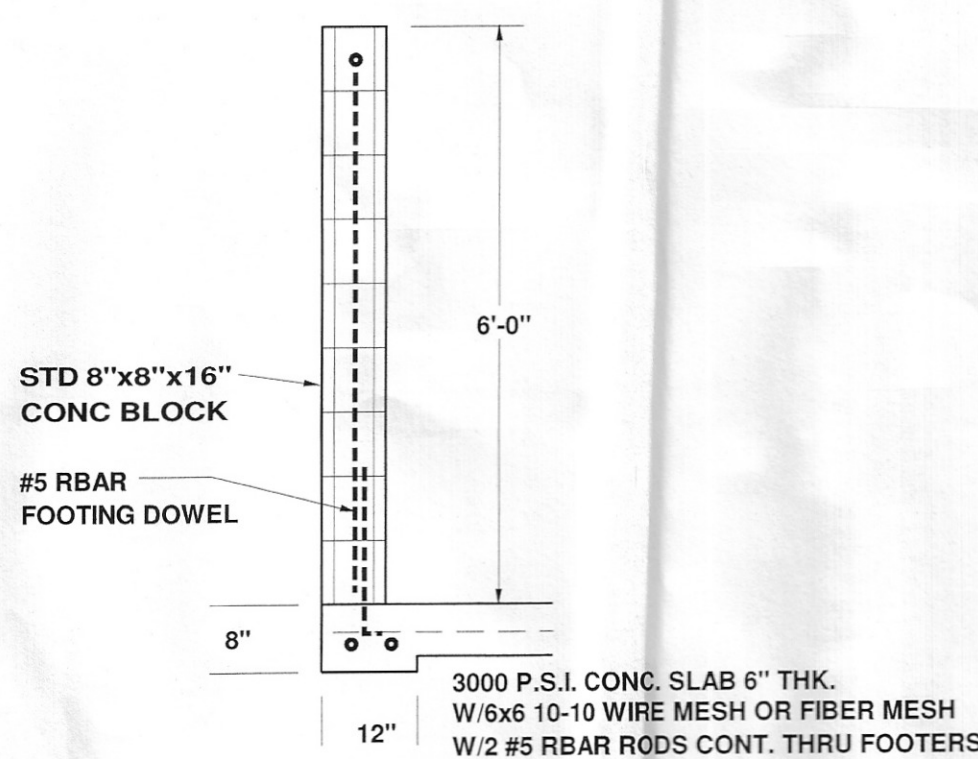
GATE DETAIL



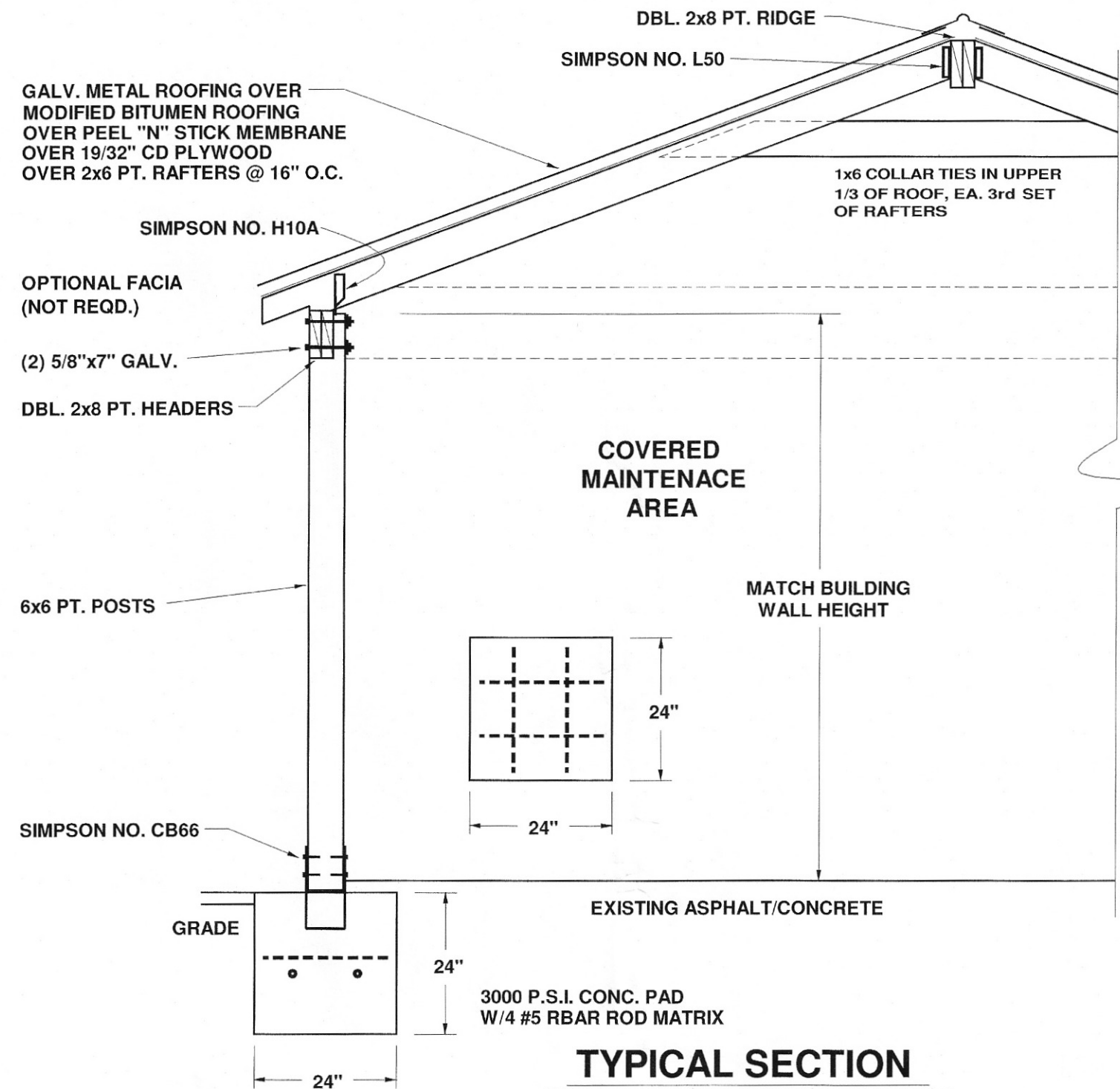
DETAIL " B "



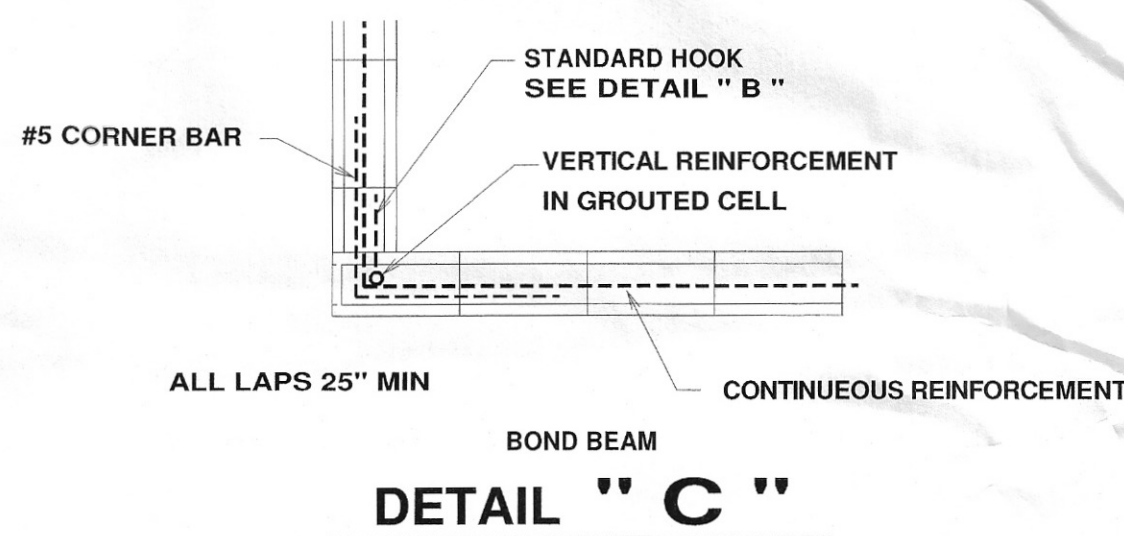
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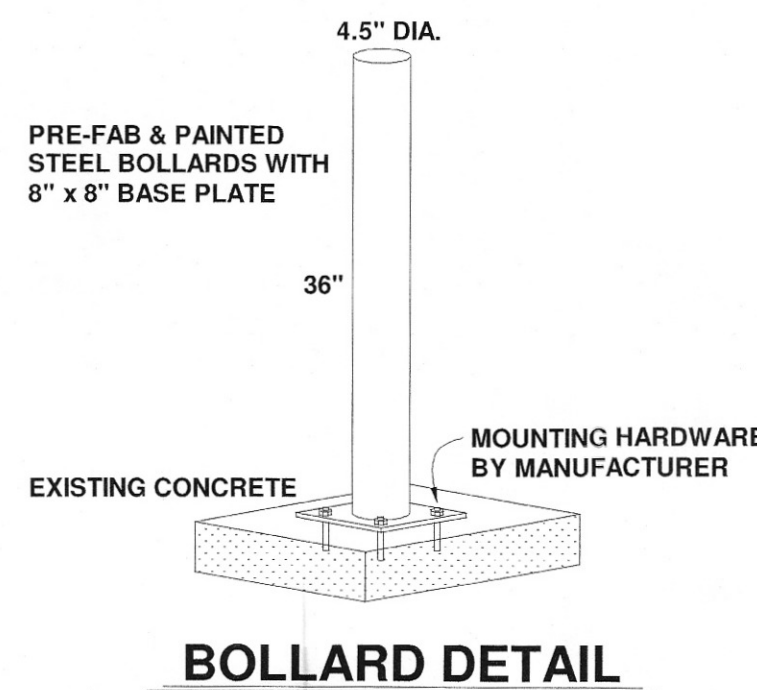
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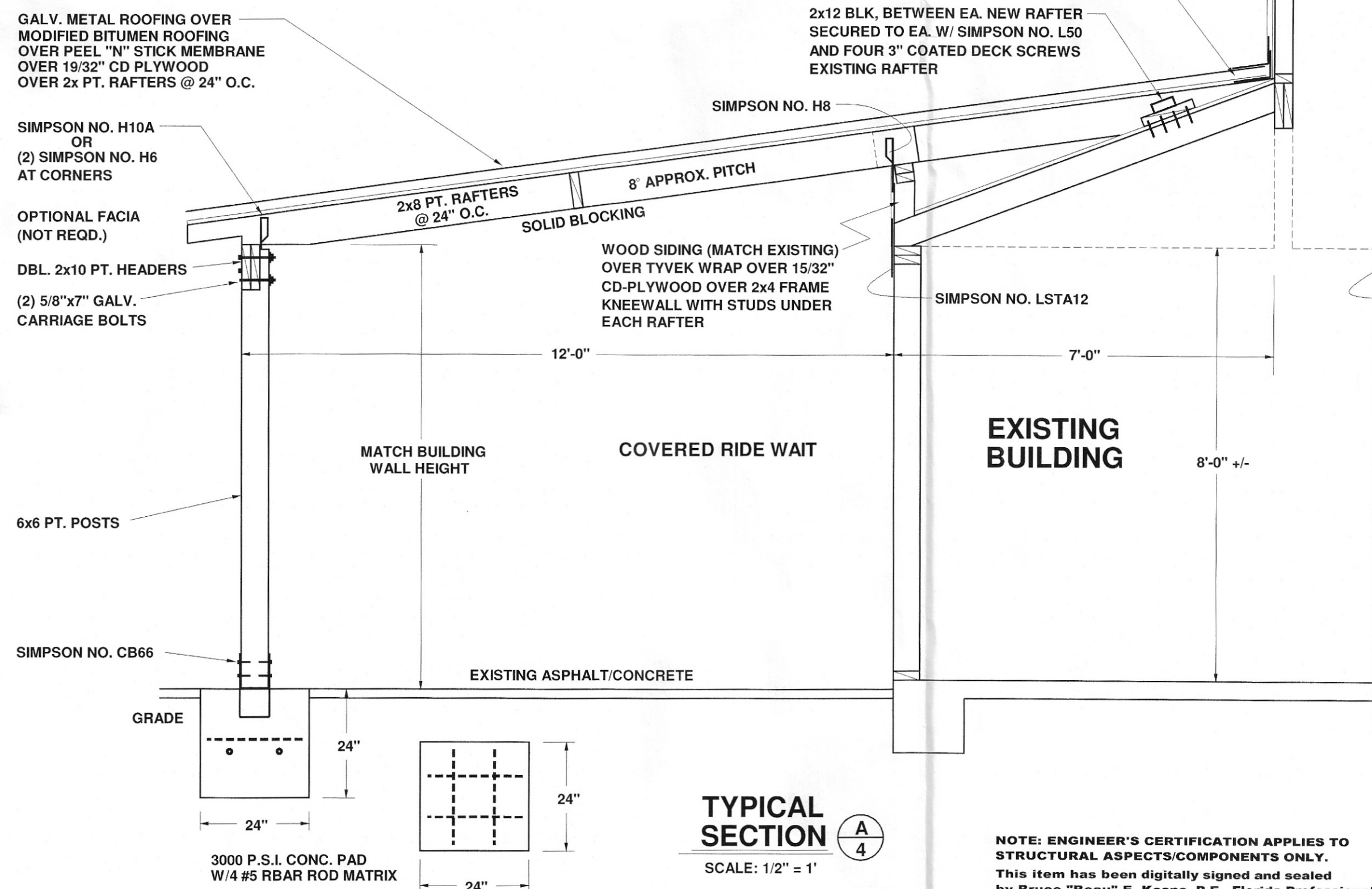
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SCALE: 1/2" = 1'



DETAIL " C "

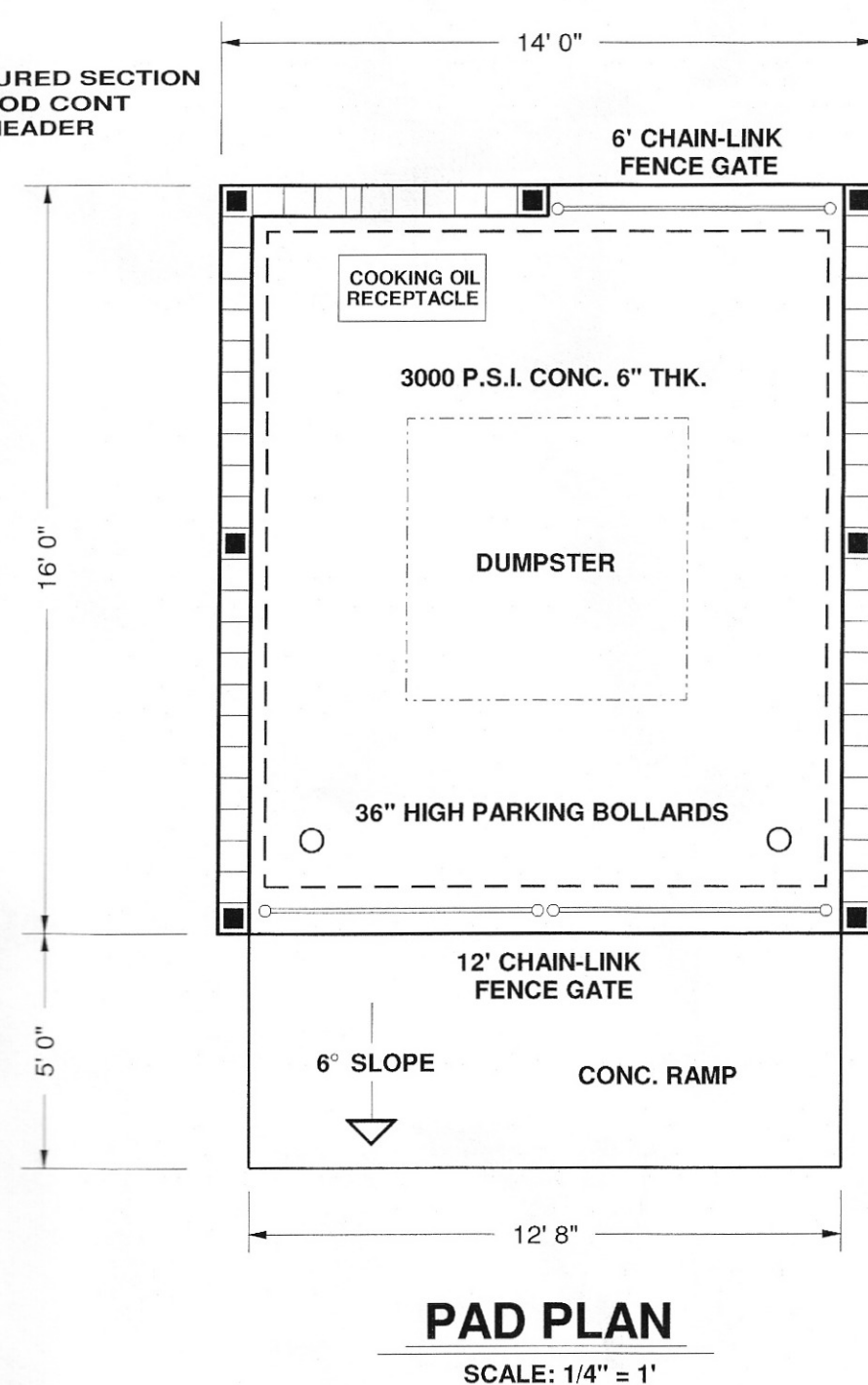
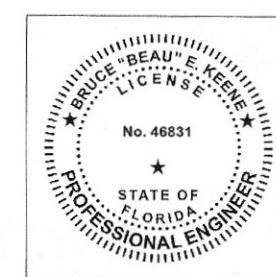


BOLLARD DETAIL



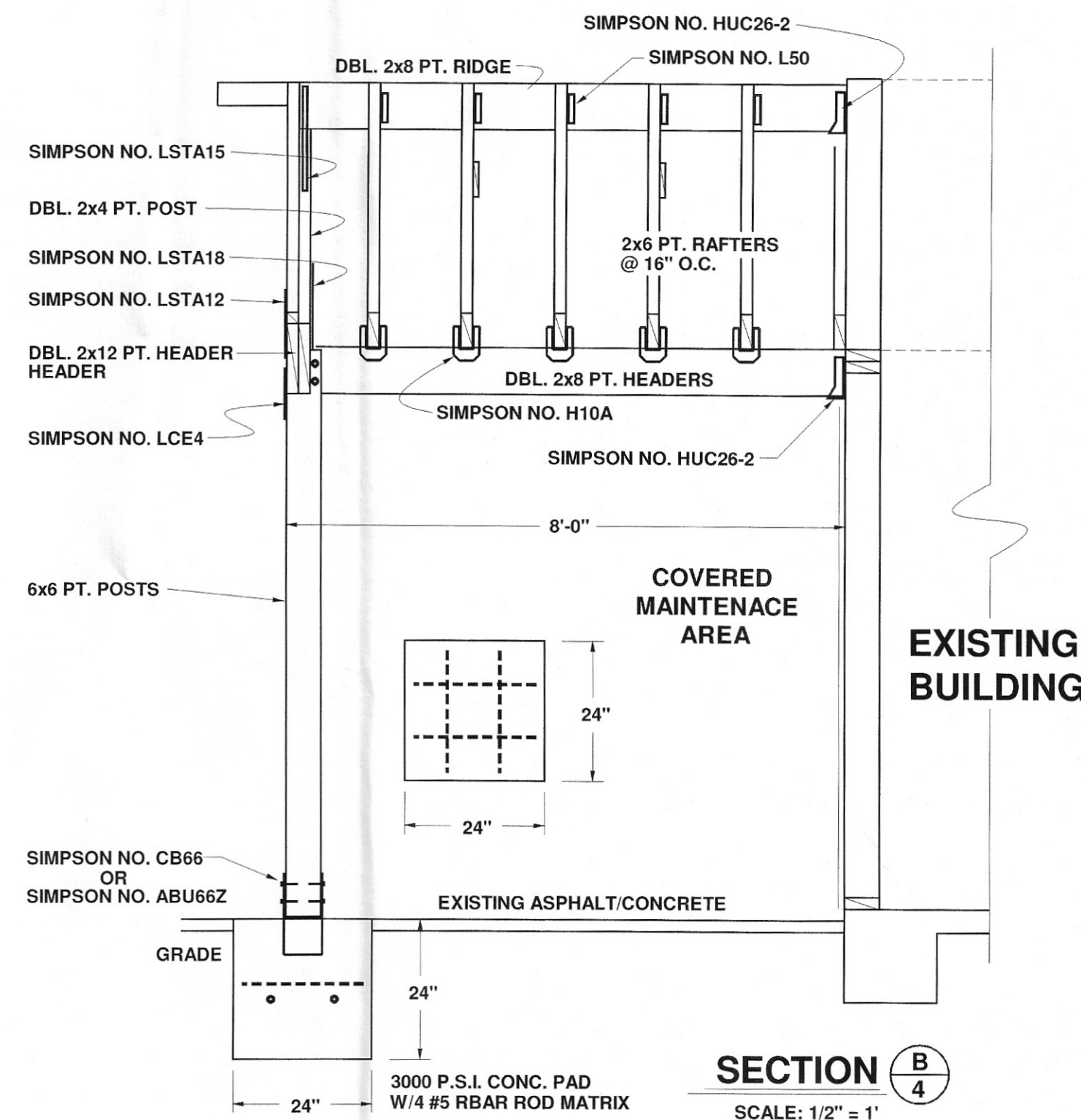
TYPICAL SECTION
SCALE: 1/2" = 1'

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PAD PLAN
SCALE: 1/4" = 1'

LOT 28 DUMPSTER PAD



SECTION B
SCALE: 1/2" = 1'

CONSTRUCTION PLANS

Keene Engineering Consultants, LLC
P.E. Bruce E. Keene, No. 46831
2670 N. FLORIDA AVE., HERNANDO, FL 34442
352-341-1220 bea@keene.com

CCSI
CB-C059522
SAINT PETERSBURG, FL 33708
COASTAL CONTRACTING SERVICES, INC.
PH: 727-398-4948
WWW.CCSIFL.COM
INFO@CCSIFL.COM

ANDREWS DESIGN SERVICE, LLC
"ARCHITECTURAL DRAFTING"
LARRY ANDREWS
1751 22nd AVE. N.
ST. PETERSBURG, FL 33713
lwa64@yahoo.com

PROJECT FOR:
"RED, WHITE & BOOZE"
2007 PASS A GRILLE WAY
ST. PETE BEACH, FL 33706

DRAWN BY:	LWA	SCALE:	AS SHOWN
DESIGN:	COMMERCIAL	DATE:	10-24-2023
CHECKED:	B.K.	JOB NO.:	AD640
REVISED:	11-14-2023		

SHEET
4
OF 4

AD640D



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

PLANNING DEPARTMENT

Date: April 11, 2024
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 2007 Pass-a-Grille Way
Parcel Number: 18-32-16-68634-000-0020
Charles Collom for Collom Properties, LLC
Variance Case No: 23072

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 4/24/2024

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

1. Completed Unnecessary and Undue Hardship Variance application form and documents.
2. Boundary Survey with Topography and Improvements prepared by John C. Brendla and Assoc. Inc. dated 10/5/2022, last revised 5/16/2023 consisting of 1 page.
3. Plan set prepared by Keene Engineering Consultants, LLC, Coastal Contracting Services, Inc. and Andrews Design Services dated 10.24.2023, last revised 11.14.23 consisting of 4 sheets.

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

Site Description/Surrounding Land Uses

The subject site is a 13,283 sq. ft. (approx. 0.30 acre) parcel located at 2007 Pass-a Grille Way known as parcel number 18-32-16-68634-000-0020 and legal description of PHILLIPS DIVISION REV MAP N 115FT OF THAT UNNUMBERED TRACT LYING E OF BLK I BETWEEN E R/W OF FLORIDA AVE (NKA PASS-A-GRILLE WAY) & WATER within portions of the AE-Elevation 9 and AE-Elevation 10 flood zone. The property is located within the CG-1, Commercial District; CG on the future land map and contains a restaurant use, Red, White and Booze, consisting of approximately 3,666 square feet that was constructed in 1979 according to the Pinellas County Property Appraiser. It is a corner, waterfront parcel located on the Pass-a-Grille Channel with single family residential across the water to the east, 21st Ave. and single

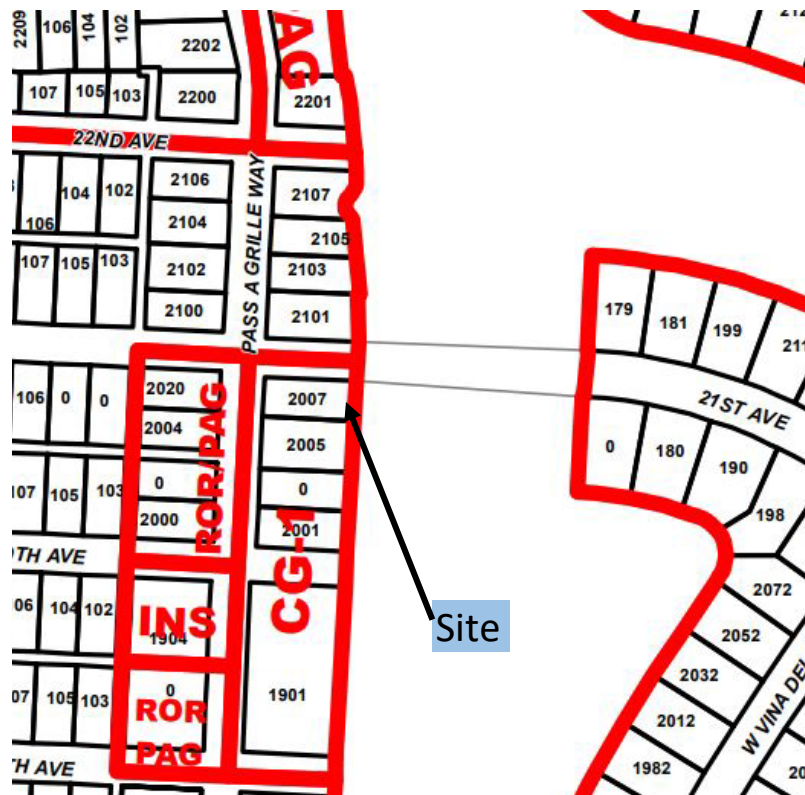
family residential to the north, another commercial restaurant, The Wharf, to the south and commercial uses to the west.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Prior Approvals/Background**Variance Case No. 23018**

In 2023, the property received variance approval with conditions from the Board of Adjustment for removal of the existing non-conforming 6' high wood fence and installation of 8' high wooden shadowbox fencing that exceeds maximum permitted height of 4' within waterfront yard (LDC Sec. 6.15).

Conditions:

1. Applicant to retain and/or install curb stops for each parking space along the southern property line.
2. Applicant to ensure that parking spaces will meet the minimum depth requirements and drive aisle width as required by LCD Sec, 23.11 and inspected by Zoning prior to Final Inspection.

In connection with building permit 2202218, a site inspection requested by the applicant and completed by staff revealed that wheel stops along Pass-a-Grill Way right-of-way will need to be removed as the parking spots are not fully contained within the property or meet dimension requirements and may alter the parking layout and parking calculations to be reevaluated.

Conditional Use Permit No. 23034

On 9/11/2023 City Commission approved a conditional use permit with conditions for the following:

- 1) Request to allow the continued use of an approximately 20x48' (960 SF) "Class A" dock addition used for dining and drinking that was erroneously approved without a Conditional Use Permit (LDC Sec. 15.4.(m));
- (2) Request to establish an area to play live music on the outdoor dining and drinking deck (LDC Sec. 15.4.(n)).

Technical Review Committee

During the Technical Review Committee review of the variance submittal held 4/3/24, there were several Planning & Zoning/Transportation comments that were discussed with the applicant, property owner and contractor and it was determined that the site lacked the following design and landscaping items required by the Land Development Code and some of which may be included below for testimony to be provided from either the applicant or owner for the record.

Request

The applicant requests the construction of roofed, open porch extension, 12' x 28.67' (overall dimensions), 11'2" high, to create an approximately 300 sq. ft. covered ride wait area that will encroach entirely into the required 25' secondary front setback while maintaining the existing 1.67' setback where 25' is required (LDC Sec. 15.7(b)(2)).

Analysis

1. New variance required:
 - a. **Minimum yard requirements, secondary front yard (LDC Sec. 15.7(b)(2)):** where a minimum secondary front yard of 25' is required and 1.67' is proposed.

Figure 3: Zoning Table			
Other Uses	2007 Pass-a-Grille Way		
	<u>CG-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area (Min.)	5,000 sq. ft.	13,283 sq. ft	No Change
Lot Width (Min.)	50'	115'	No Change
Front Yard Setback (Min.)	25'	49.78'	41.78'
Secondary Front Yard Setback (Min.)	25'	1.15*	1.67(v)
Side Yard Setback (Min.)	10% of lot width (11.5')	65'	44'
Rear Yard Setback (Min.)	25'	0'*	No Change
ISR (Max.)	0.90	98.63*	No Change
Height (Max.)	50'	11'2"	12'
*Denotes existing non-conformity (v) = Variance required			

Figure 4: Portion of site plan showing proposed front additions and required 25' secondary front yard setback (N.T.S.)

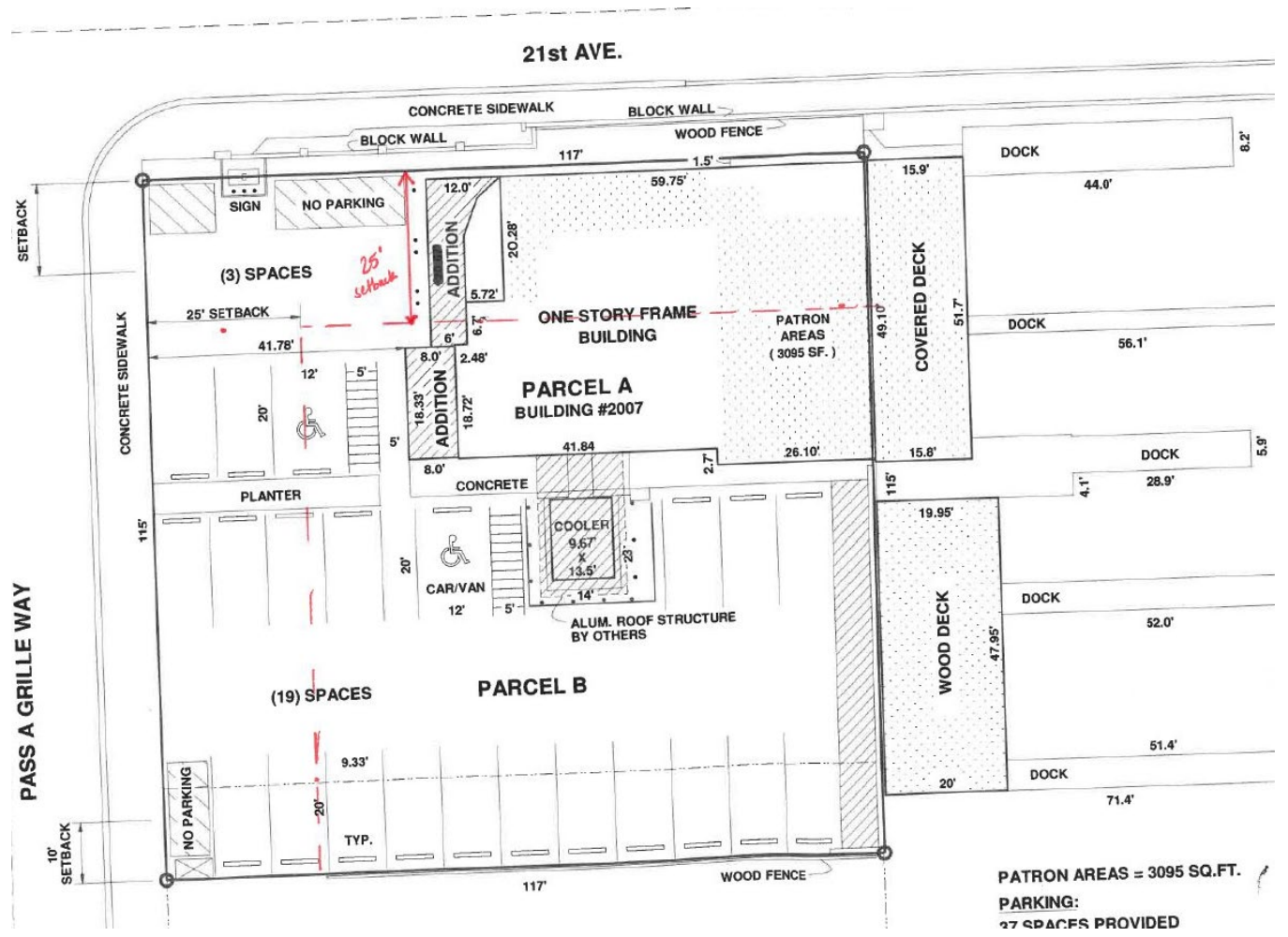


Figure 5: Proposed Front Elevation (N.T.S.)**Additional Comments**

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

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The property was developed prior to the city's effective zoning ordinance and contains a secondary front yard setback that would be preserved through the approval of this variance, which is an irregular situation not applicable to other lands in the vicinity. While located south of 32nd Ave, the property is also one of the few located west of the Vina Del Mar subdivision that is not within the Pass-a-Grille Overlay District, which was adopted in part to recognize the historic development patterns of the area. If the property were to be zoned within the Overlay, as referenced in the District's purpose, the secondary street setback would be only 5 feet, with a side yard of 0 feet. Although this zoning does not apply to the subject property, this is also a unique circumstance not applicable to other commercial properties in the vicinity due to the zoning of the properties on the eastern side of Pass-a-Grille Way between 19th and 21st Avenues. It is noted that a sole similar use in the area is the subject property's southern neighbor, also a restaurant.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *The existing secondary front condition is not the result of the applicant, nor is the existing secondary front setback known to Staff to have been constructed without the benefit of zoning approval when the structure was initially developed. The applicant's request to extend the front of the structure is, by nature, a result of the action of the applicant, but they are not responsible*

for existing conditions and are preserving the existing nonconforming side setback with their request.

3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *Staff finds the open frontage waiting area element to be a common feature of other restaurants in the area but does not find that the applicant has thoroughly demonstrated that denial would result in deprivation of an integral and necessary aspect of their business in a manner that creates a hardship. Staff finds the request reasonable given the presence of other open waiting areas on the front of restaurants in Pass-a-Grille, and the challenge faced given the existing site layout and building location. However, the applicant should address why the conversion of existing space at the front of the building, which would not require a variance, could pose a hardship to the use of the building.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *The request is for the extension of a restaurant, which is a permitted use in the property's zoning district.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff finds the request to be for a reasonably-sized extension, and one which is not proposed to contain any additional direct income-generating activity underneath such as additional tables or bar area. Staff finds that should the provided conditions are followed, these criteria will be met.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The property's southern neighbor is the only property in the same zoning district, within the area, that is of similar character. Although the encroachment of the neighbor is into the secondary front yard of a street end rather than a thoroughfare as is the case for the subject property, the southern neighbor's building does encroach to an effective zero-foot setback on the southern secondary front of the property at 20th Ave when riparian extensions are considered. This subject request, which would place the front addition at 1.67 feet from the secondary front lot line of 21st Ave, is in general keeping with the neighbor's current secondary front yard building encroachment, and the subject building would maintain a similar overall gross square footage to the neighboring building.*
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds the request is of reasonable depth given the addition is proposed to maintain a significantly greater setback from Pass-a-Grille Way than required by the Land Development Code. The addition will maintain the existing roof pitch at the northern side of the structure and*

be lower than the existing roofline near the entrance and center of the building at a maximum height of twelve feet from grade, which should not significantly increase overall visual impacts to the neighboring properties. The covered ride wait areas will be approximately 280 square feet in size, which is in keeping with the character of the 240 square foot frontage porch of the neighboring property.

8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that the request will not result in a more imposing structure due to the maintenance of the existing structure's roofline combined with the substantial grade change adjacent to the property at the Vina-Del-Mar Bridge. Staff is recommending conditions to limit outdoor seating underneath the extension, which should result in a limited-if-any intensity increases to the property that could cause additional disturbances to neighboring residents or businesses. Additionally, the applicant will be required to make parking lot and landscaping improvements under this scope, which will contribute to furthering drainage and beautification goals.*
 - *The applicant should provide testimony addressing any future changes that may be proposed for the restaurant or site that may include use of space that are not covered under this scope. This property has undergone significant improvements over the past few years pertaining to installation of a walk-in cooler, new dock seating areas, and fencing, among others. Addressing future project proposals holistically with this subject development will enable a more thorough understanding of how the space will interface with those potential improvements.*

Other Comments:

1. The applicant should provide further testimony as to the hardship faced in terms of the necessity for this proposed covered roof waiting area relative to their use. The applicant has the right to maintain their nonconforming structure as is the case for others in the same situation, but this information is requested to pertain to the necessity of the covered area relative to the use of the restaurant.
2. The applicant should provide testimony sharing details on open permits or current construction, addressing any future changes that may be proposed for the restaurant or site that may include use of space that are not covered under this scope. This property has undergone significant improvements over the past few years pertaining to installation of a walk-in cooler, new dock seating areas, and fencing, among others. Addressing future project proposals holistically with this subject development will enable a more thorough understanding of how the space will interface with those potential improvements.
3. The proposed site plan alterations of current site improvements, outlined and comments below:
 - a) The parking lot striping on the site does not match what is currently on-site. The applicant should confirm the new site layout with restriping is intended to be installed under this scope.
 - b) Proposed relocation of bike rack to be shown on the site plan.
 - c) Colors and materials should be described. If a color elevation is not available, please provide a color board with references.

- d) Recently a photo opportunity or prop which appears to be metal section of a ship for has been installed near the front entrance of the building. Applicant should provide details on relocation or removal of the element under this scope.
 - e) Applicant should indicate if any railings are to be installed along the front of the additions or if intended to be open.
 - f) The planter and landscaping beds currently contain minimal landscaping and should be supplemented. A landscaping plan should be submitted and if additional areas of landscaping can be identified, additional plantings should be installed. LDC Sec. 22.6 requires a specified percentage of the addition cost to be supplied in on-site landscaping if the site is deficient to landscaping. Staff typically requests one square foot of landscaping be provided for each square foot of building floor area added for properties that are deficient to landscaping, when viable.
 - g) Applicant should provide details on the proposed use of each addition and if any amenities such as seating or tables etc. are to be provided.
4. Plans should be revised to address the following comments:
- a) Plan Set, Sheet 1 incorrectly identifies the proposed length of the covered ride wait area as 20.67' where the dimension should be amended to 26.67'.
 - b) Plan Set, Sheet 2 identifies the additions as a covered ride wait area and rain shelter whereas the Construction Plan, Sheet 4 identifies them as covered ride wait area and covered maintenance area.
 - c) Plan Set, Sheet 3 Roof Plan also provides the elevations of the building. The front elevation does not include the door that is currently to the right of the front entrance and the floor plan sheet 2 does not include information if that door is to be removed as it indicates a solid wall which is not correct.



Recommendation

Staff finds that the applicant has addressed some of the hardship criteria but does not find that the applicant has thoroughly demonstrated that denial would result in deprivation of an integral and necessary aspect of their business in a manner that creates a hardship.

Due to the lack of support within the submittal documents, staff recommends requesting more information from the applicant pertaining to the demonstration of an unnecessary and undue hardship. If the applicant cannot provide substantial evidence through testimony, staff finds the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 15.1 or granting the variance from the applicable LDC Sec. 15.7(b)(2)), staff recommends **denial** of the request.

Should the applicant and owner provide additional information to satisfy the Board that substantial and competent evidence has been provided and look favorably on the application on the relief request, the Board may want to consider the following conditions:

1. The roofed, open porches to be constructed as per plan submitted and may not be later enclosed or utilized as a service area without obtaining a subsequent variance and shall be utilized as a waiting area only.
2. Applicant to work with staff on submission and approval of landscaping plan and shall be installed with site inspection completed prior to issuance of Certificate of Occupancy/Final Inspection. The plan should identify any additional areas of landscaping and plantings should be installed as per LDC Sec. 22.6.
3. Plans shall be amended to reflect any changes requested by the Board or Staff and site improvements to be installed as per approved plans.

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
Community Development Director

Cc: Kyle Bass, Weber, Crabb & Wein, P.A., Applicant **via email** (kyle.bass@webercrabb.com)
Charles Collom, Collom Properties, LLC, Owner **via email** (jrcmoo@aol.com)
Matthew McConnell, Board of Adjustment Attorney