



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, May 15, 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 May 15, 2024 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes and shall be limited to three minutes for non-agenda or agenda items. Please complete and submit a comment card to the Clerk.

3. Approval of Minutes

a. Board of Adjustment Meeting 4/24/2024

4. Action Items -

a. Case No. 23084 - 2841 Alton Dr.

Practical Difficulty Variance: William and Terri Grocott requests to construct an 8' x 22' addition for expansion of existing attached garage with proposed front yard setback of 16.96' where 20' is required (LDC Sec. 8.7(a)(1)).

b. Case No. 24004 – 130 N. Tessier Dr.

Practical Difficulty Variance: Charles and Karen O'Neill requests installation of fencing within front yard and secondary front yard that exceeds permitted height of 4' with 6' and 8' high proposed (LDC Sec. 6.15).

c. Case No. 24018 – 285 42nd Ave.

Practical Difficulty Variance: Paul and Pamela Stein request additional relief for the secondary front yard setback of the recently constructed 18.5' x 18' detached garage, which

does not meet the previously approved 3.5' setback (BOA Case No. 23006), now measuring at 3.09' existing after construction (LDC Sec. 6.13(a)(2)).

5. Item(s) for Discussion -

a. Board Procedures

At the April 24, 2024 Board of Adjustment meeting, the Board Attorney requested discussion of board procedures.

6. Adjournment - Next Meeting to be held June 20, 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
April 24, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Michael Bomar, Vice Chair
Joe Moholland, Member
Dan Small, Member
Denise Chase, Member
Kathy Garchow, 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 2:00 P.M.

1. Approval of the Agenda -

Motion: Member Moholland moved, and Member Chase seconded the approval of the April 24, 2024 agenda as presented; the motion carried unanimously by a voice vote.

2. Audience Comments – There were no comments.

3. Approval of Minutes – March 27, 2024

Motion: Member Chase moved, and Member Small seconded the approval of the March 27, 2024 meeting minutes as presented; the motion carried unanimously.

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

4. Action Items

a. Election of Officers 2024-25

Motion: Member Chase moved, and Member Small seconded the appointment of Michael Bomar as Board Chair for 2024-25; the motion carried unanimously by voice vote

Motion: Member Small moved, and Chair Bomar seconded the appointment of Denise Chase as Board Vice Chair for 2024-25; the motion carried unanimously by voice vote.

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).

The Board members individually declared their ex-parte communications and research, including reading staff emails, a letter forwarded by staff, and walking or driving by the property.

Community Development Director Kristin Coman reviewed a presentation of the request for a practical difficulty variance. Her presentation included photos, zoning, request details, code enforcement background, existing conditions, surveys, proof of noticing, and staff comments. Her presentation is part of the meeting record.

Staff recommended approval with the condition of the 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. One letter in support was received and is part of the meeting record.

Applicant Sean Neal testified as to the need for the fence and variance and the process of getting permits, etc. during the pandemic. He testified to being willing to the installation of landscaping. Applicant's mother Janice Goss provided additional testimony on the landscaping.

No one was present for or against the variance and the Chair opened board discussion.

Motion: Member Garchow moved, and Vice Chair Chase seconded to approve the variance for Case No. 24017 with the staff recommended condition; the motion carried 5-0.

- 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)).

The Board members individually declared their ex-parte communications and research, including speaking with staff, boating and driving by the property.

Ms. Coman reviewed a presentation of the request, which is part of the meeting record. She reviewed photos, zoning, request details, and prior Board approval in 2021. One neighbor did not sign a Code required letter of no objection, which triggered the request coming for approval. Ms. Coman explained two current permits for additional work on the property, including new pool installation. She reviewed photos of posting of notices and the property and dock area.

Staff found 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 recommended requesting more information from the applicant and that 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 could not provide substantial evidence through testimony, staff found that the proposed variance would 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 recommended denial of the request. No letters for or against the request were received.

Tyson Rawson of Edge Marine, on behalf of applicant Peter Eagleson, testified that the dock was permitted and rebuilt two times previously. The new dock was built in 2022 a foot higher for storm surge protection but now feel a lower landing would provide more safety getting on and off the dock. The members asked questions regarding the request.

Owner Peter Eagleson testified as to there being no code violations on the property. There were no audience comments for or against the variance and the Chair opened Board discussion.

Motion: Member Moholland moved, and Vice Chair Chase seconded to approve the variance for Case No. 23086; the motion carried 5-0.

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)).

The Board members individually declared their ex-parte communications and research, including site visits, speaking with neighbors, and reading emails submitted by staff.

Ms. Coman reviewed the staff presentation for this request, which is part of the meeting record. The presentation included zoning, a survey, proposed site plan, request detail, a prior variance approval in 2023 and Conditional Use Permit. Proof of noticing, photographs of the property, variance criteria, Technical Review Committee comments, and staff comments including proposed site plan alterations and other clarifications that should be made regarding the plans.

Staff found that the applicant had addressed some of the hardship criteria but had not 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 recommended requesting more information from the applicant. If the applicant cannot provide substantial evidence through testimony, staff found that the proposed variance would not advance the purposes of LDC Sec. 1.1 or granting the variance from the applicable LDC Sec. 15.7(b)(2)), Staff recommended denial of the request.

Should the applicant provide additional information to satisfy the Board, staff advised that the following conditions could be considered: 1) the roofed, open porches to be constructed as per the plan submitted may not be later enclosed or utilized as service area without a subsequent variance and shall be used only as a waiting area, 2) a landscaping plan should be submitted and if additional areas can identified, additional plantings should be installed as required per LDC Sec. 22.6. 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, and 3) plans should be amended to reflect any changes requested by the Board or Staff and site improvements should be installed as per approved plans. Three letters of objections were received by staff into the record.

Assistant City Attorney Matthew McConnell provided details to the Board regarding the CUP that was that was approved in September of 2023; there is a federal court case challenging one of the

conditions along with the sign ordinance that is currently in court and not resolved. Ms. Coman and Mr. McConnell answered member's questions regarding permits and lot assembly.

Attorney Kyle Bass of Weber Crabb & Wein, P.A., appearing for applicant Collom Properties, LLC, testified as to the hardship involved, the area of the request, handicap parking, not selling individual lots (and being agreeable to make that a condition), curb stops and striping, unity of title (with overflow parking lot across the street), and agreeing to remove a non-conforming parking space. Members asked further questions and Mr. Bass acknowledged that a separate permit would be required for the roof over the cooler.

Contractor Paul Carr testified on behalf of the applicant regarding striping in the parking lot, landscape plan, making colors more appealing, current open permits, not changing approved plans, and the timing of the project - the parking and covered roof could be completed during the process. Mr. Carr and Bass testified that the proposed site plan is the master plan for the property. There is no mortgage company involved for unity of title.

Applicant Charles Collom testified as to the after the fact permit for the roof over the cooler.

Board discussion followed regarding what conditions could be added to the variance if approved. Mr. McConnell advised that a condition could be crafted to add a check-in date at intervals during the project.

Mr. McConnell reviewed the potential conditions that the Board had considered: 1) the project shall be ADA compliant, 2) a landscaping plan shall be submitted with additional plantings installed as required per LDC Sec. 22.6. 3) the roofed, open porches to be constructed as per the plan submitted may not be later enclosed or utilized as service area without a subsequent variance and shall be used only as a waiting area, 4) plans should be amended to reflect any changes requested by the Board or Staff and site improvements should be installed as per approved plans, 5) a Declaration of Unified Site Plan to be recorded within 45 days, 6) within 120 days (the August Board meeting) from the issuance of the Development Order, the applicant provide an update on the status of all open permits, including conditions in the variance, and the Board may modify the variance at that time. Mr. Bass had no objections to the conditions are read by Mr. McConnell.

Motion: Vice Chair Chase moved, and Member Garchow seconded to approve the variance for Case No. 23072 including the six proposed conditions; the motion carried 4-1 with Member Moholland voting no.

Mr. McConnell spoke regarding a workshop to discuss quasi-judicial procedures; the Board agreed to add 30 minutes to the next agenda for a workshop following the meeting.

6. Adjournment – The next meeting is scheduled for May 15, 2024.

Vice Chair Chase moved, and Chair Bomar seconded to adjourn the meeting at 4:39 p.m.

These minutes will be considered for approval at the May 15, 2024 Board of Adjustment meeting.

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

Agenda Report

Action Request: Motion to APROVE Case No. 23084 with the staff recommendation that the following conditions shall apply:

- The applicant will complete installation of landscaping in conformance with the Land Development Code Sec. 22.4 and 22.10 with landscape inspection completed and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.
- Applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.

Strategic Objective:

Date: May 15, 2024

Prepared By: Kristin Coman, Community Development Director

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance:* William and Terri Grocott requests to construct an 8' x 22' addition for expansion of existing attached garage with proposed front yard setback of 16.96' where 20' is required (LDC Sec. 8.7(a)(1)).

Funding: n/a

Attachments:

1. 23084 - 2841 Alton Dr., Certificate of Completeness with Submittal Documents
2. 23084 - 2841 Alton Dr. - Staff Report
3. 23084 - Letters Received as of 05.06.24



Memo To: Board of Adjustment
From: Kristin Coman, Community Development Director
Date: 3/27/2024
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 **May 15, 2024**.

Variance Case Number: 23084
Application Type: Practical Difficulty Variance
Owner: William and Terri Grocott
Applicant/Agent: Same
Parcel Number: 07-32-16-61560-001-0410
Address: 2841 Alton Dr., St. Pete Beach, FL 33706
Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance application form last amended 3/14/2024 and submittal documents.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 8/14/2023, consisting of 1 sheet.
3. Plan Set prepared by Roney Design Group dated 2/12/2024 consisting of 3 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 <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: William and Terri Grocott, Owner/Applicant ***via email*** (marriedterri@gmail.com)

Amended

CASE #: 23084

SUBMITTAL DATE: 3.14.24 AMOUNT DUE: _____ PAYMENT DATE: _____

PRACTICAL DIFFICULTY VARIANCE APPLICATION

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

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



OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	William & Terri Grocott	2841 ALTON DR ST PETE BEACH FL 33706,	(813)679-6707
Applicant/ Agent			
Owner Email Address: marriedterri@gmail.com		Applicant/Agent Email Address:	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-1	Future Land Use Designation RU	Lot Area 9178 sq Ft
Legal Description:	North Vina Del Mat 1ST ADD BLK 1. LQT 41	
Parcel ID:	073216615600010410	
Address:	2841 ALTON DR, ST PETE BEACH FL 33706,	
Explanation of Request: _____ Request a 3'-4" variance to front setback for a setback of 16'-8" where a setback of 20'-0" is required to construct a side load garage addition. The dimensions of the addition are 8'-0" x 22'-0" = 176 sq. ft. 63 sq. ft. of that will be encroaching into the setback. The dimension from the new addition to the new property line are 16'-11-1/2" & 17'-1-1/4". The side yard dimension from property line to proposed addition is 7'-5" where 7'-0" is required. Building height & design style to match existing.		

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;

17% of the front setback of 20 feet.
A front setback of 16'6" where a setback of 20 is required.

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

No, the home will remain a single family and maintain the same characteristics of homes in the neighborhood. The Set back serves to preserve the characteristics of the surrounding homes by maintaining a two-car garage.

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

Other options researched included relocating the primary bedroom and extending the garage to the north (side). Both options quoted by contractors were cost prohibitive with estimates at 2-3 times extending the garage toward the Road (front)

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

Yes, currently the primary bedroom has no external access. The only window (in the bathroom) does not meet egress codes as it is only 15" wide thus causing safety issue. Relocating the bedroom to an external wall allows for placement of a window meeting egress codes. Likewise relocating the bathroom to occupy a portion of the current garage allows for the home to be ADA compliant - allowing us to age in place

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____

Fees: _____

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

VARIANCE APPLICATION

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

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

tb 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.

tb 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.

tb 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.

tb 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.

tb 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.

tb 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

12 Oct 23
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Terri Grocott, 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): Terri Grocott

Address: 2841 Alton Dr St Pete Beach FL 33706

[Signature] 11 Oct 2023
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 11 day of October, ^{2023 us} 2021 by:
Terri Grocott who appeared before me, and is personally known to me, or has produced
Military ID as identification, and did take an oath.

My commission Expires: N/A

NOTARY: [Signature]
Print Name: CASEY L. SHAMANA/SAF, SGT Notary

Public, State of Florida

(Notarial Seal)



ADDITIONS & REMODELING
TO THE
GROCOTT RESIDENCE
2841 ALTON DRIVE
ST. PETE BEACH, FLORIDA 33706

FOR MAXIMUM CLARITY
OF DESIGN INFORMATION,
PRINT THIS DOCUMENT IN
COLOR

RONEY DESIGN GROUP

CERTIFIED PROFESSIONAL BUILDING DESIGNERS

MEMBER

535 CENTRAL AVENUE, STE. M-1
ST. PETERSBURG, FL 33701
RGRF@RONEYDESIGN.COM
(727) 822-8600

Est. 1990

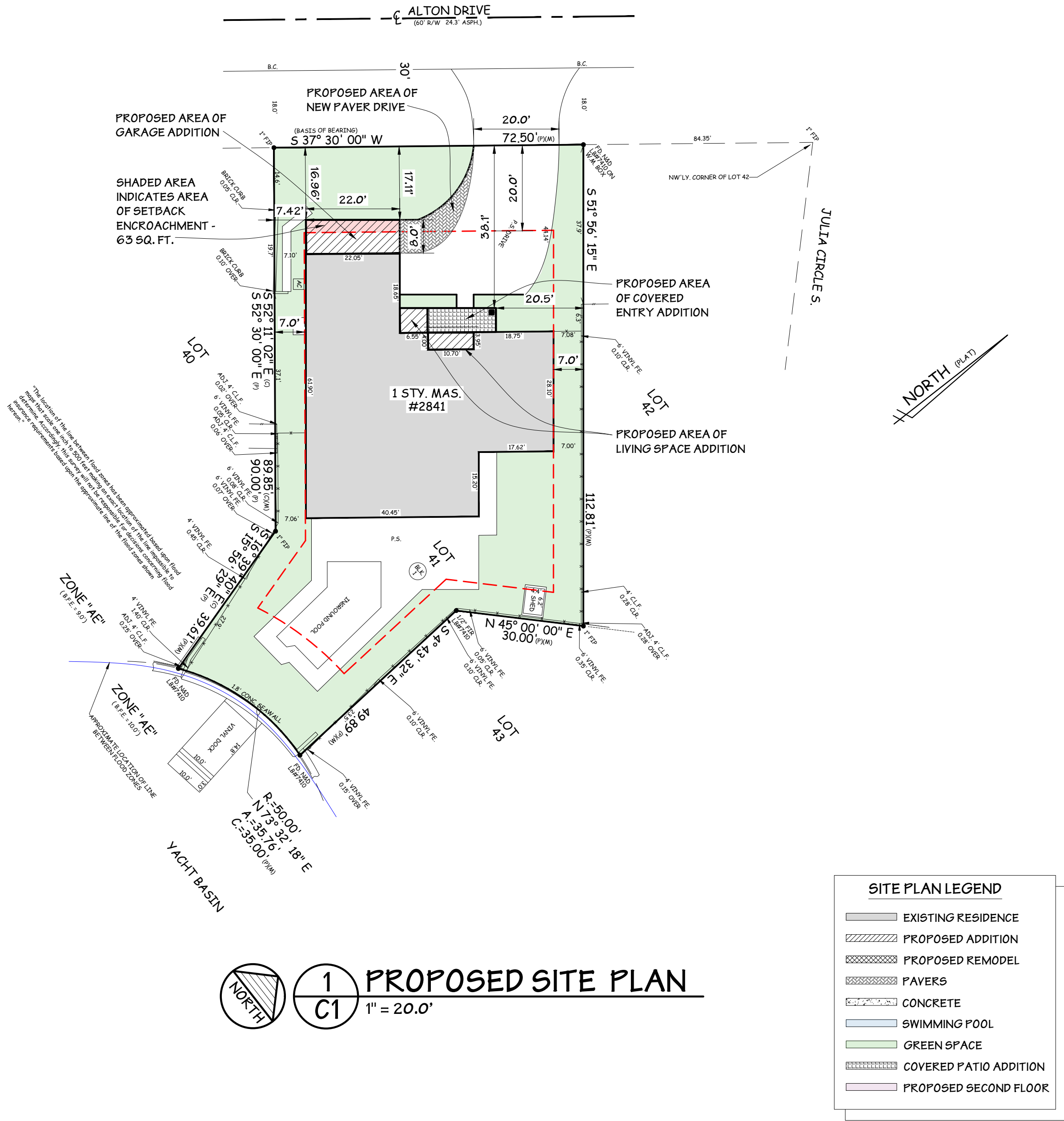
CONTACT INFORMATION

DESIGNER: RONEY DESIGN GROUP, LLC
535 CENTRAL AVENUE, SUITE M-1
ST. PETERSBURG, FLORIDA 33701
727-822-8600, 727-822-8655 FAX
rgrp@roneydesign.com

OWNER: MR. & MRS. WILLIAM GROCOTT
2841 ALTON DRIVE
ST. PETE BEACH, FLORIDA 33706
813-679-6521 TERRI

CONTRACTOR: TO BE DETERMINED

© 2023 Roney Design Group, LLC
The information shown on this site plan was obtained from a survey dated: 08-08-2023 from a
REGISTERED LAND SURVEYOR: EDWARD D. MURPHY (MURPHY'S LAND SURVEYING, INC.) - JOB #: 231033. THE
LAYOUT OF THE BUILDING / ADDITION HAS BEEN BASED ON THIS INFORMATION. IT IS THE RESPONSIBILITY OF THE
GENERAL CONTRACTOR TO HAVE THE BUILDING / ADDITION LAID OUT ONTO THE SITE ACCORDING TO THE
DRAWINGS AS SHOWN BY A REGISTERED LAND SURVEYOR. ANY DISCREPANCIES TO THE BUILDING LAYOUT OR
REQUIRED SETBACKS SHALL BE BROUGHT TO THE DESIGNER'S ATTENTION PRIOR TO THE COMMENCEMENT OF
ANY CONSTRUCTION. FAILURE TO DO SO WILL RESULT IN THE SOLE RESPONSIBILITY OF THE LAYOUT WITH THE
GENERAL CONTRACTOR AND NO RESPONSIBILITY TO THE DESIGNER.



SITE DATA

JURISDICTION: CITY OF ST. PETE BEACH

FLOOD ZONE: AE - 9.0'

FLOOD MAP EFFECTIVE DATE: 08-24-2021

PARCEL IDENTIFICATION #: 07-32-16-61560-001-0410

LEGAL DESCRIPTION: NORTH VINA DEL MAR 1ST ADD BLK 1, LOT 41

ZONING: RU-1

SETBACKS: FRONT: 20.0'

SIDES: 7.0'

REAR: 20.0'

RESIDENTIAL INTENSITY RATIOS

LOT AREA: 9,199 SQ. FT. = 100%

BUILDING COVERAGE: 2,950 SQ. FT. = 32.07%

IMPERVIOUS SURFACE: 2,161 SQ. FT. = 23.49% (POOLS, DRIVEWAYS, ETC.)

TOTAL SITE AREA RATIO: 5,111 SQ. FT. = 55.56% (70% MAX.)

SQUARE FOOTAGE

EXISTING:	NEW:	TOTAL:
LIVING - 2,111 SQ. FT.	LIVING - 343 SQ. FT.	LIVING - 2,454 SQ. FT.
GARAGE - 485 SQ. FT.	GARAGE - (-261) +176 SQ. FT.	GARAGE - 400 SQ. FT.
COVERED ENTRY - 60 SQ. FT.	COVERED ENTRY - (-60) +96 SQ. FT.	COVERED ENTRY - 96 SQ. FT.
COVERED PORCH - 0 SQ. FT.	COVERED PORCH - 0 SQ. FT.	COVERED PORCH - 0 SQ. FT.
TOTAL - 2,656 SQ. FT.	TOTAL - (-321) +615 SQ. FT.	TOTAL - 2,950 SQ. FT.

NOTE: ALL SQUARE FOOTAGE CALCULATIONS ARE
BASED ON EXTERIOR BUILDING DIMENSIONS

EXISTING LIVING SQ. FT. TO BE REMODELED - 598 SQ. FT.

ADDITIONS & REMODELING
TO THE
GROCOTT RESIDENCE
2841 ALTON DRIVE
ST. PETE BEACH, FLORIDA 33706

REVISIONS

DRAWN BY STR
CHECKED BY RW
DATE FEB. 12, 2024

JOB NUMBER
23027
SHEET NUMBER
C1
PRELIM-2

PRELIMINARY DESIGN
DOCUMENTS
NOT TO USE FOR CONSTRUCTION

FOR MAXIMUM CLARITY
OF DESIGN INFORMATION,
PRINT THIS DOCUMENT IN
COLOR

RONNEY DESIGN GROUP
CERTIFIED PROFESSIONAL BUILDING DESIGNERS

MEMBER
A I B D
AMERICAN INSTITUTE OF
BUILDING DESIGN

535 CENTRAL AVENUE, 5TH FL., M-1
ST. PETERSBURG, FL 33701
RGRF@KONEYDESIGN.COM
(727) 922-5600

Est. 1990

ADDITIONS & REMODELING
TO THE
GROCCOTT RESIDENCE
2841 ALTON DRIVE
ST. PETE BEACH, FLORIDA 33706

DRAWN BY STR
CHECKED BY RW
DATE FEB. 12, 2024

JOB NUMBER
23027
SHEET NUMBER
D3
PRELIM-2

SQUARE FOOTAGE

EXISTING:	NEW:	TOTAL:
LIVING - 2,111 SQ. FT.	LIVING - 343 SQ. FT.	LIVING - 2,454 SQ. FT.
GARAGE - 485 SQ. FT.	GARAGE - (-261) +176 SQ. FT.	GARAGE - 400 SQ. FT.
COVERED ENTRY - 60 SQ. FT.	COVERED ENTRY - (-60) +96 SQ. FT.	COVERED ENTRY - 96 SQ. FT.
COVERED PORCH - 0 SQ. FT.	COVERED PORCH - 0 SQ. FT.	COVERED PORCH - 0 SQ. FT.
TOTAL - 2,656 SQ. FT.	TOTAL - (-321) +615 SQ. FT.	TOTAL - 2,950 SQ. FT.

NOTE: ALL SQUARE FOOTAGE CALCULATIONS ARE
BASED ON EXTERIOR BUILDING DIMENSIONS

EXISTING LIVING SQ. FT. TO BE REMODELED - 598 SQ. FT.

LEGEND

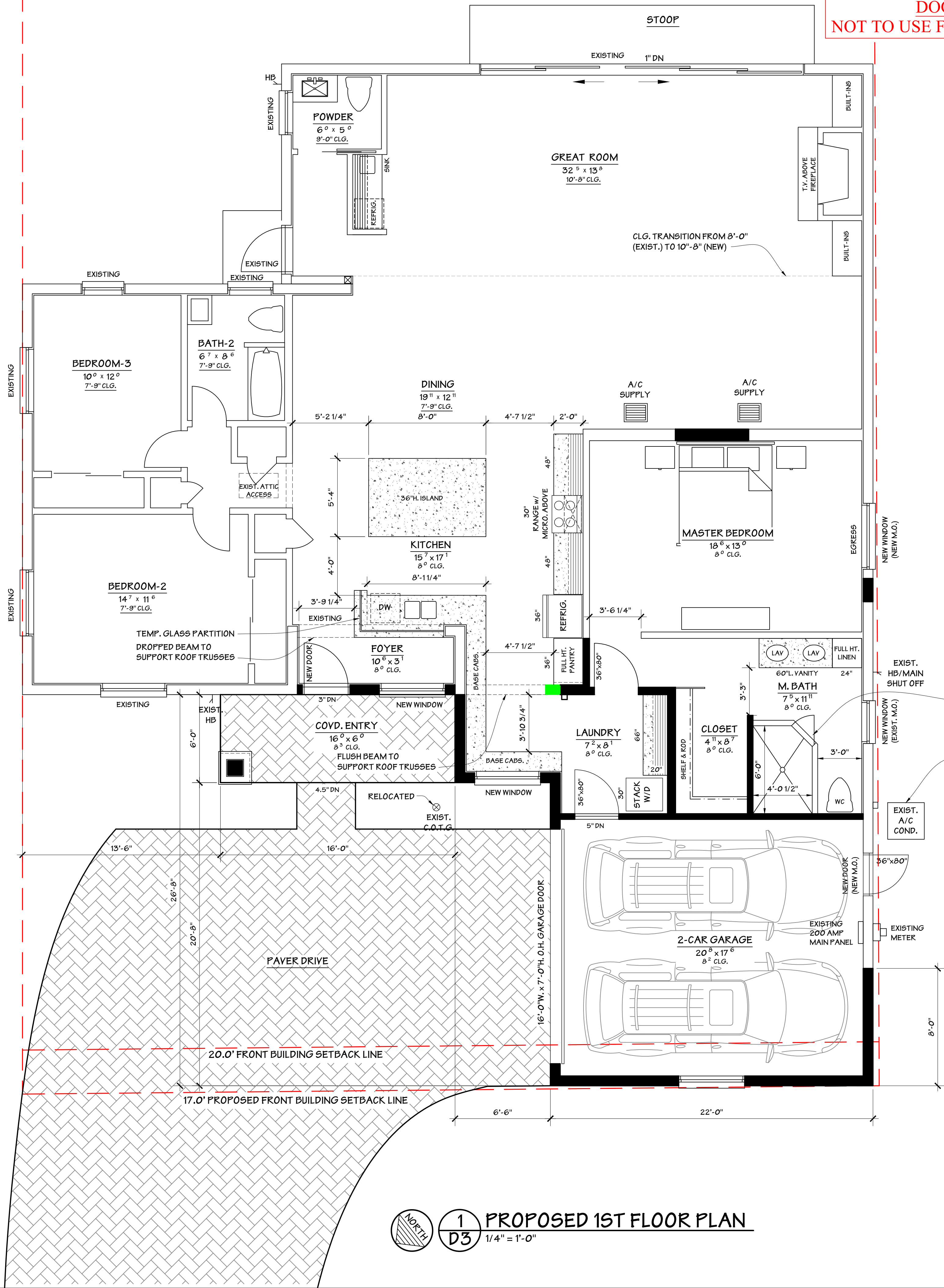
EXISTING CONSTRUCTION
TO REMAIN

PROPOSED NEW
CONSTRUCTION

EXISTING INTERIOR
BEARING WALL

GENERAL NOTES TO CONTRACTOR

- ALL DIMENSIONS AND CONDITIONS OF THE PROJECT SHALL BE VERIFIED BY THE CONTRACTOR WHO SHALL BE RESPONSIBLE FOR SAME ONCE THE CONSTRUCTION HAS BEGUN. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND FIELD CONDITIONS SHALL BE REPORTED TO THE DESIGNER FOR CORRECTION PRIOR TO THE BEGINNING OF CONSTRUCTION.
- THE STRUCTURAL INTEGRITY OF THE BUILDING / CONSTRUCTION SHOWN ON THESE DRAWINGS IS DEPENDENT UPON THE COMPLETION ACCORDING TO THE DRAWINGS AND SPECIFICATIONS. STRUCTURAL MEMBERS ARE NOT SELF-SUPPORTING DURING CONSTRUCTION AND REQUIRE TEMPORARY BRACING OR SHORING UNTIL PERMANENTLY AFFIXED TO THE STRUCTURE AS DIRECTED. THE STRUCTURAL ENGINEER AND DESIGNER ASSUMES NO LIABILITY FOR THE STRUCTURE DURING CONSTRUCTION, UNLESS THE CONSTRUCTION METHOD AND BRACING ARE INCLUDED IN THE DRAWINGS AND SPECIFICATIONS, OR ARE SUPERVISED BY THE STRUCTURAL ENGINEER DURING CONSTRUCTION.

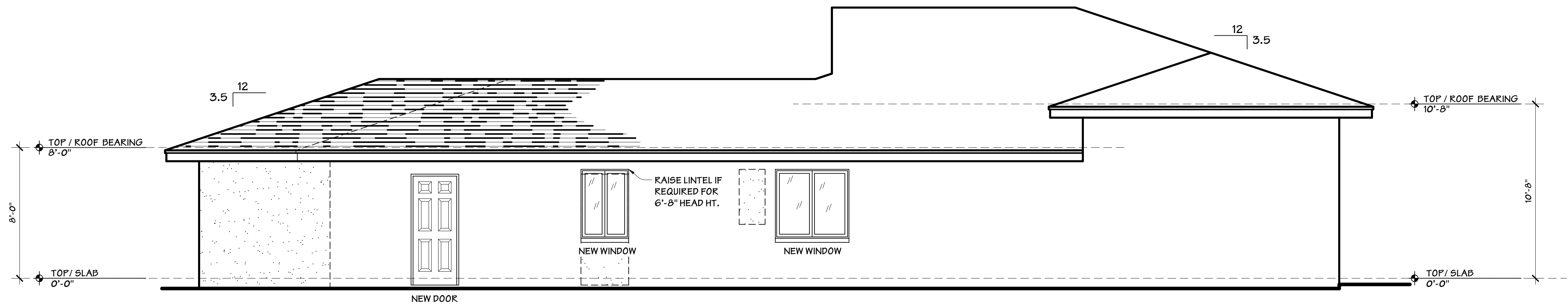


FRAMELESS TEMP. GLASS
SHOWER ENCLOSURE &
DOOR (8'4"H.)

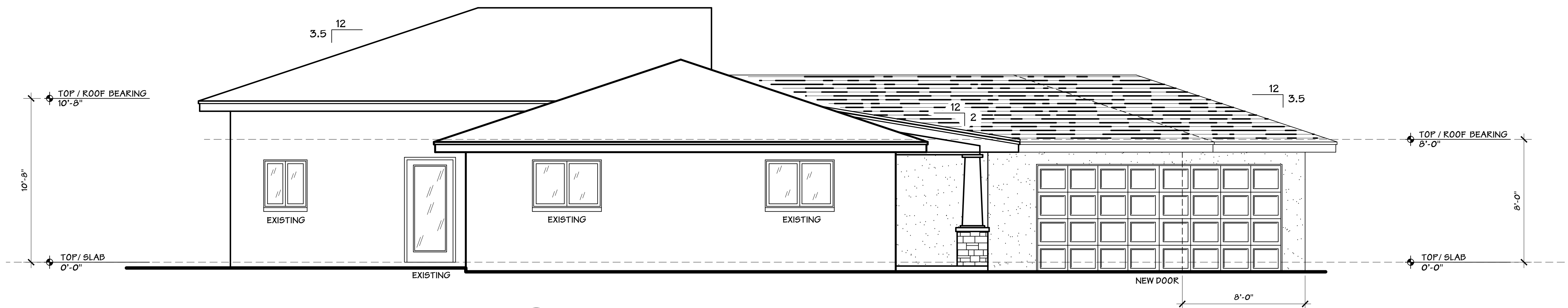
HVAC NOTE:
HVAC SUBCONTRACTOR TO
EVALUATE THE SIZE AND
CAPACITY OF EXISTING UNIT
AND DETERMINE IF UNIT HAS
SUFFICIENT CAPACITY TO
SERVICE NEW LIVING SPACE
ADDITION. IF NOT, HVAC
SUBCONTRACTOR TO SIZE NEW
UNIT FOR INCREASED
HEATING/COOLING LOAD

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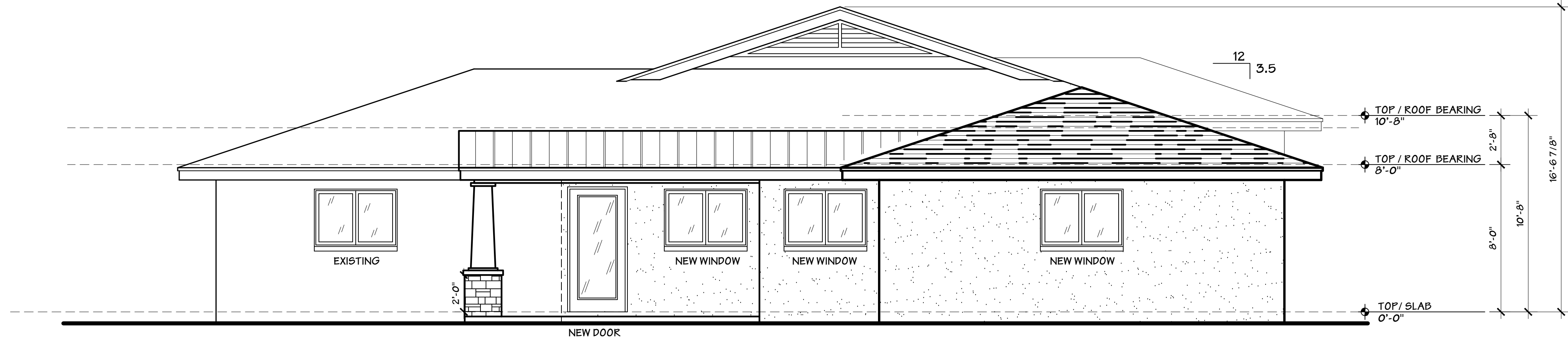
NOTE:
FIELD VERIFY VERTICAL HEIGHT
DIMENSIONS AND NOTIFY DESIGNER OF
ANY CONFLICTS WITH FIELD CONDITIONS
PRIOR TO COMMENCEMENT OF WORK.



4 PROPOSED RIGHT SIDE ELEVATION
D6 1/4" = 1'-0"



2 PROPOSED LEFT SIDE ELEVATION
D6 1/4" = 1'-0"



1 PROPOSED FRONT ELEVATION
D5 1/4" = 1'-0"

GENERAL NOTES TO CONTRACTOR

1. ALL DIMENSIONS AND CONDITIONS OF THE PROJECT SHALL BE VERIFIED BY THE CONTRACTOR WHO SHALL BE RESPONSIBLE FOR SAME ONCE THE CONSTRUCTION HAS BEGUN. ANY DISCREPANCIES BETWEEN THE DRAWINGS AND FIELD CONDITIONS SHALL BE REPORTED TO THE DESIGNER FOR CORRECTION PRIOR TO THE BEGINNING OF CONSTRUCTION.
2. THE STRUCTURAL INTEGRITY OF THE BUILDING / CONSTRUCTION SHOWN ON THESE DRAWINGS IS DEPENDENT UPON THE COMPLETION ACCORDING TO THE DRAWINGS AND SPECIFICATIONS. STRUCTURAL MEMBERS ARE NOT SELF-SUPPORTING DURING CONSTRUCTION AND REQUIRE TEMPORARY BRACING OR SHORING UNTIL PERMANENTLY AFFIXED TO THE STRUCTURE AS DIRECTED. THE STRUCTURAL ENGINEER AND DESIGNER ASSUMES NO LIABILITY FOR THE STRUCTURE DURING CONSTRUCTION, UNLESS THE CONSTRUCTION METHOD AND BRACING ARE INCLUDED IN THE DRAWINGS AND SPECIFICATIONS, OR ARE SUPERVISED BY THE STRUCTURAL ENGINEER DURING CONSTRUCTION.

PRELIMINARY DESIGN
DOCUMENTS
NOT TO USE FOR CONSTRUCTION

RONNEY DESIGN GROUP
CERTIFIED PROFESSIONAL BUILDING DESIGNERS
MEMBER
A I B D
AMERICAN INSTITUTE OF BUILDING DESIGN
535 CENTRAL AVENUE, 5TH FL., M-1
ST. PETERSBURG, FL 33701
RGRF@RONNEYDESIGN.COM
(727) 922-8600
Est. 1990

ADDITIONS & REMODELING
TO THE
GROCCOTT RESIDENCE
2841 ALTON DRIVE
ST. PETE BEACH, FLORIDA 33706

DRAWN BY STR
CHECKED BY RW
DATE FEB. 12, 2024

JOB NUMBER
23027
SHEET NUMBER
D5
PRELIM-2

REVISIONS



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

PLANNING DEPARTMENT

Date: May 3, 2023
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 2841 Alton Dr.
Parcel Number: 07-32-16-61560-001-0410
William and Terri Grocott
Variance Case No: 23084

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 5/15/2024

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 last amended 3/14/2024 and submittal documents.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 8/14/2023, consisting of 1 sheet.
3. Plan Set prepared by Roney Design Group dated 2/12/2024 consisting of 3 sheets.

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

Site Description/Surrounding Land Uses

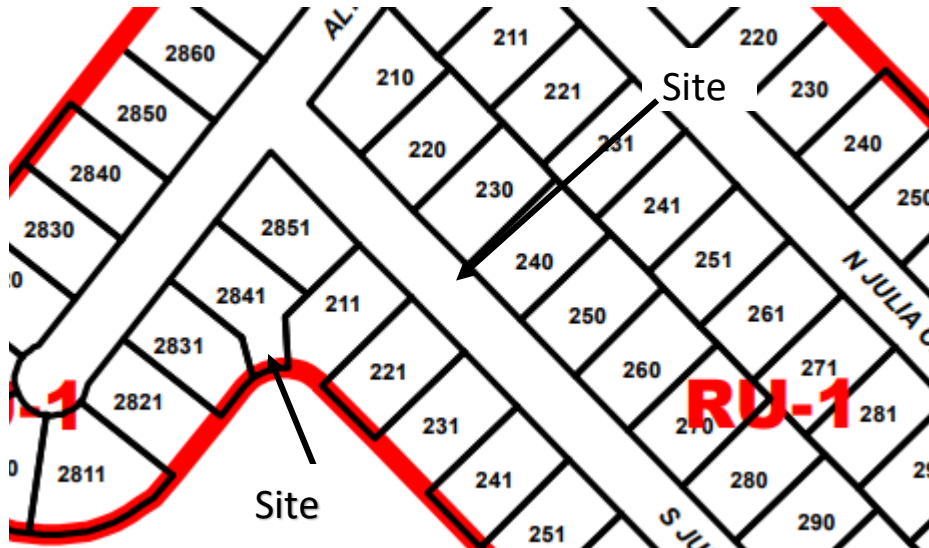
The subject site is a 9,169 sq. ft. (approx. 0.21 acre) parcel located at 2841 Alton Dr. known as parcel number 07-32-16-61560-001-0410 and legal description of NORTH VINA DEL MAR 1ST ADD BLK 1, LOT 41 within the AE-Elevation 9 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence constructed in 1965 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, east, west and Little McPherson Bayou. The unique corner waterfront site is located on the dead end of a canal and is improved with a one-story dwelling with circular driveway, rear paver patio with inground pool and dock.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

The requests to construct an 8' x 22' addition for expansion of existing attached garage with proposed front yard setback of 16.96' where 20' is required (LDC Sec. 8.7(a)(1)).

Analysis

1. New variance(s) required as a result of the proposed construction and also to be constructed in connection with additional renovations:
 - a. **Required front yard setback:** where 20' is required and 16.96' is proposed (LDC Sec. 8.7(a)(1)). The applicant is proposing to encroach an additional 3.04' into the required front yard setback with the proposed attached garage.

Figure 3: Zoning Table			
Detached, Single-Family Residential	2841 Alton Dr.		
	<u>RU-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area (Min.)	7,000 sq. ft.	9,169 sq. ft.	No change
Front Yard Setback (Min.)	20'	24.96'	16.96'(v)
Side Yard Setback (Min.)	The lesser of 10% of lot width or 7'	7.06' South 7.0' North	no change
Rear Yard Setback (Min.)	20'	21'	no change
ISR (Max.)	0.70	0.50	0.55
Height (Max.)	35'	not provided, dwelling is currently one-story	not provided, dwelling is currently one-story
*Denotes existing non-conformity (v) Variance required			

Figure 4: Current Boundary Survey (N.T.S.)

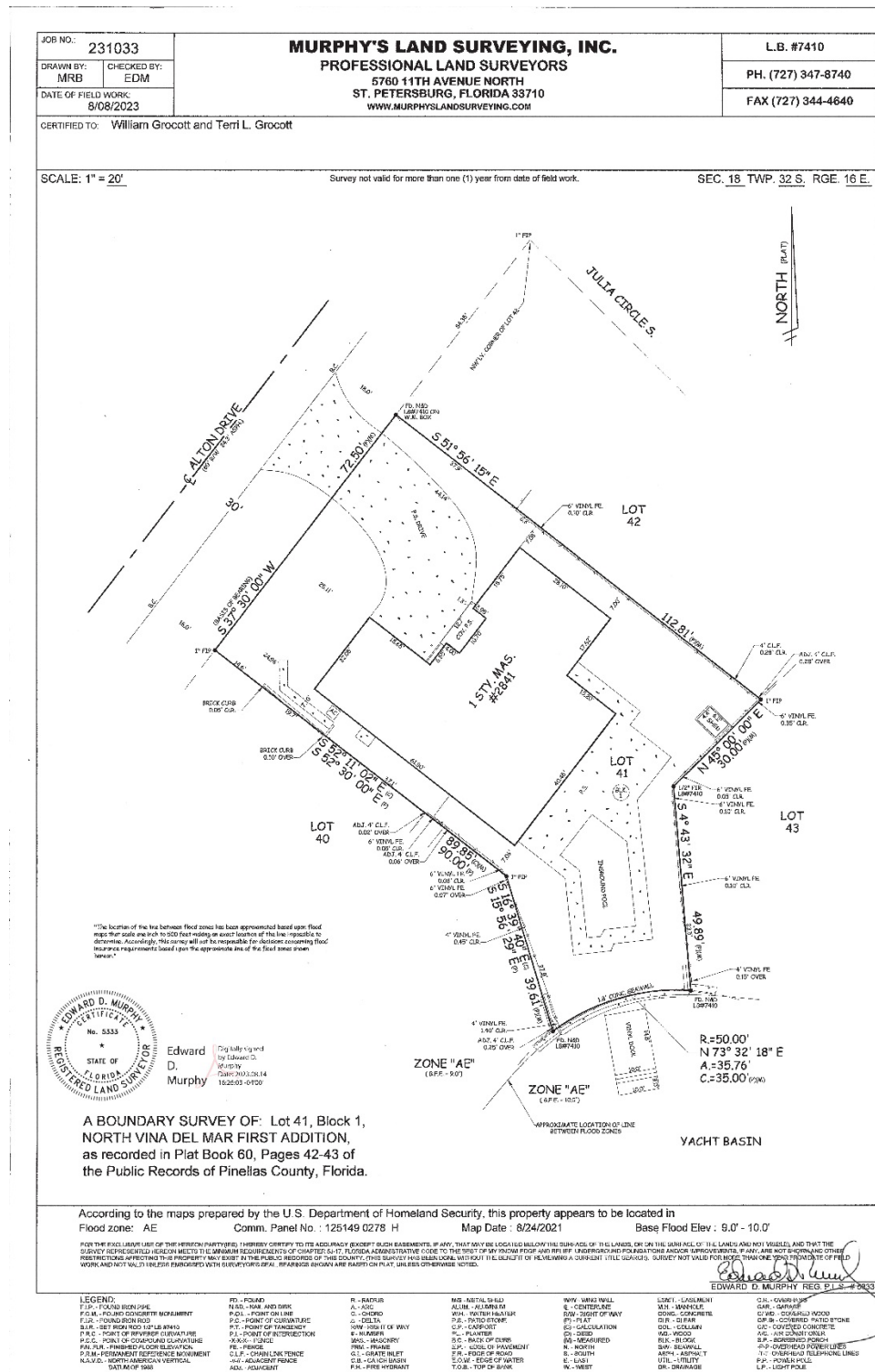


Figure 5: Partial 1st Fl., Garage Floor Plan (N.T.S.)

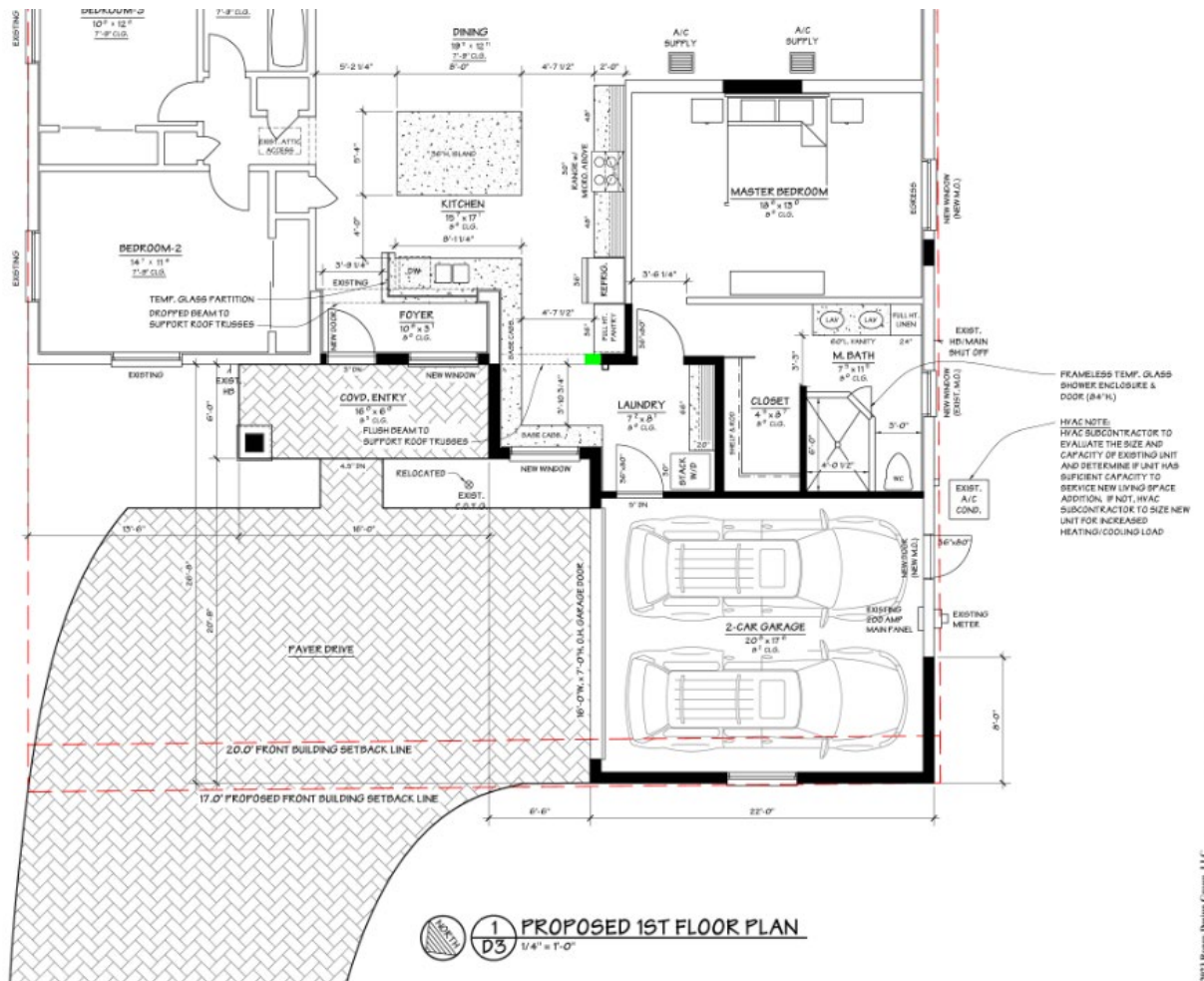
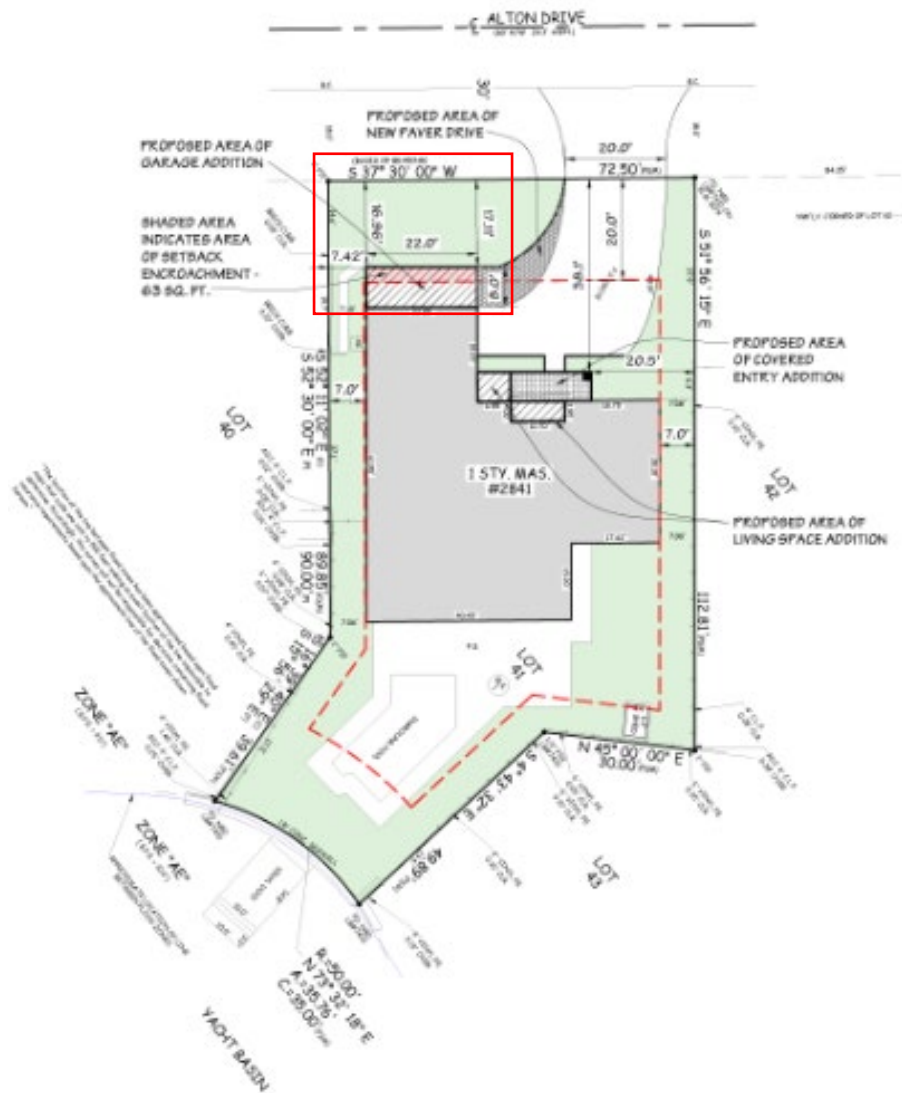


Figure 6: Site Plan with Proposed Attached Garage (N.T.S.)



Additional Comments

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

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

1. How substantial the variance is in relation to the requirement sought to be varied;
 - *Staff finds the applicant is requesting a 16.96' front yard setback where 20' is required, representing relief for an additional 3.04'.*

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 dwellings in the immediate area contain two car attached garages. Staff observed that most have front entry access where the applicant has a side entry. This side entry is to be maintained with the proposal and will not cause any conflicts with the driveway layout or and requires a minor increase in driveway area.*
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - *The applicant currently has an attached garage and is requesting an 8'x22' expansion which reasonably would be attached onto the existing garage. Any changes in orientation may require additional interior renovations beyond the already proposed plans.*
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 and find the request is reasonable with the amount of encroachment proposed.*

Other:

- The applicant should provide an overview of proposed renovations as a whole and if any additional improvements are proposed to be made to the exterior of the dwelling.
- During the site visit completed by Staff it appeared that the greenspace as shown on the sheet 1 is not currently existing as the front yard and portions of side yards are covered by rock and if greenspace is proposed, no information or planting plan was provided at time of submission. As per the LDC Sec. 22.4, in no instance shall nonvegetative pervious material (for the purposes of this section, stone, shell, gravel, and artificial turf only) be utilized for more than 20 percent of the minimum required pervious area, nor shall such material adversely affect abutting properties, waterways, or the right-of-way. Applicant will need to complete installation of landscaping in conformance with the Land Development Code Sec. 22.4 and 22.10 with landscape inspection completed and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.

Recommendation

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

- The applicant will complete installation of landscaping in conformance with the Land Development Code Sec. 22.4 and 22.10 with landscape inspection completed and approved by Zoning prior to the issuance of a Final Inspection or Certificate of Occupancy.
- Applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation 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: William and Terri Grocott, Applicant **via email** (merriedterri@gmail.com)
Matthew McConnell, Board of Adjustment Attorney

Letters Received

Case No. 23084, 2841 Alton Dr.

23084, L-1

City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706



Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Davis". The signature is written over the word "Sincerely," and the word "Address:".

Address:

2840 ALTON DR.
SPB FL. 33706

23084, L-2



City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706

Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

CHUCK & KATHY KASPER

Address:

2850 Alton DR.
St. Pete Beach FL
33706

23084, L-3

City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706



Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

A handwritten signature in black ink that appears to read "Donna Wilk" followed by a horizontal line.

Address:

2851 Alton Drive
St. Pete Beach, FL
33706

23084, L-4

City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706



Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Keating".

Address:

Richard P. Keating
2830 Alton Drive
St. Pete Beach, FL 33706-2702

23084, L-5

City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706



Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

Sharon and Mark Caranough

Address:

210 S. Julia Circle
St. Pete Beach 33706

23084, L-6



City of St. Pete Beach
Planning Department
ATTN: Kristin Coman
155 Corey Avenue
St. Pete Beach, FL 33706

Ms. Coman,

This letter is to inform the planning board of my/our support of the practical variance request 23084 for the front set-back for the Grocott property located at 2841 Alton Drive. I/we are neighbors of the Grocott's and feel their request is in keeping with character of our community and will when completed enhance the aesthetics of the neighborhood and thus serve to protect the valuation of our homes.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Bigham".

Address:

Cathy Bigham
2860 Alton Drive
St. Pete Beach 33706

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

Agenda Report

Action Request: Motion to APPROVE Case No. 24004 with the staff recommendation that the following condition shall apply:

- Fencing located within the required 20' front yard setbacks shall not exceed 6' in height and 4' high fencing to be installed as per plan submitted.

Strategic Objective:

Date: May 15, 2024

Prepared By: Kristin Coman, Community Development Director

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance:* Charles and Karen O'Neill requests installation of fencing within front yard and secondary front yard that exceeds permitted height of 4' with 6' and 8' high proposed (LDC Sec. 6.15).

Funding: n/a

Attachments:

1. 24004 - 130 N. Tessier Dr. - Certificate of Completeness and Submittal Documents
2. 24004 - 130 N. Tessier Dr. - 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 and placed on the agenda for **April 24, 2024**.

Variance Case Number: 24004
Application Type: Practical Difficulty Variance
Owner: Charles and Karen O'Neill
Applicant/Agent: Same
Parcel Number: 18-32-16-94158-006-0200
Address: 130 N. Tessier Dr., St. Pete Beach, FL 33706
Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance package with application form last amended 3/6/2024.
2. Boundary Survey prepared by Guy Hale, Land Surveying dated 9/26/2023, consisting of 1 sheet.
3. Boundary Survey prepared by Guy Hale, Land Surveying dated 9/26/2023, consisting of 1 sheet showing proposed fence location and proposed heights received 3/6/2024.
4. Estimate from Florida State Fence dated 9/14/2023.

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: Charles and Karen O'Neill, Applicant/Owner ***via email*** (cto47@live.com)

CASE #: 24004

fe SUBMITTAL DATE: 03.06.24 AMOUNT DUE: \$523.22 PAYMENT DATE: 03.06.24

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:

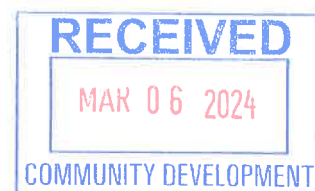
Identification	Name	Address	Phone #
Owner	Charles/Karen O'Neill	130 N. Tessier Dr St. Pete Beach, FL 33706	813-789-8184
Applicant/ Agent			

Owner Email Address: <u>cto47@Live.com</u>	Applicant/Agent Email Address:
---	--------------------------------

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>BU-1</u>	Future Land Use Designation <u>BU</u>	Lot Area <u>8,176 Sq. Ft.</u>
Legal Description:	<u>Vina Del Mar, Sec 2, Page 1, Block 6, Lot 20</u>	
Parcel ID:	<u>18-32-16-94158-006-0200</u>	
Address:	<u>130 N. Tessier Dr. St. Pete Beach, FL 33706</u>	
Explanation of Request: <u>Installation of 6' and 15' section of 8' high</u> <u>Fencing within front yard areas where a setback of 20'</u> <u>is required and minimum setback of 5' 4" is proposed.</u> <u>see attached</u>		

Explanation of Requests: Allow 6' fence: Northside over
air conditioning (1) 15' 10" length of fence - 17' 4" set back
from setback total - 33' 4" from road. ~~(2) Setback~~



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;
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.

Charles T. Neill *3/6/24*

Signature of Applicant

Date

Signature of Authorized Agent

Date

For office use only:

Hearing Date: _____ Fees: _____

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

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

Relatively minor. A dilapidated wooden fence exists where we propose to replace the new fence. We understand that replacing an existing fence is not generally considered a good reason or “in compliance” with current standards, we are only including the information here as a point of reference during your consideration, as that fence has stood in this place for about 25 years. Replace existing fence footprint exactly as is – except along the back of the house and side where the pool sits, requesting to increase to 8 ft. up to the front of the fence line which would continue in-line with the next-door neighbor’s fence already installed at 8 ft. (We can live with six feet but prefer 8 ft). we understand that the house with a corner lot has two fronts but because of the easements and setbacks, the fences would meet the requirement 24’ 9” from the road.

Six ft replacements are significantly far from the road. The replacing four ft. fence on the north side of the property will be replaced with four ft. fence – the 6 ft fence covering the air conditioning unit would be replaced with another six ft fence.

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

The replacement fences will improve the look of the neighborhood with new vinyl fencing that appears to be the standard neighborhood fencing. This home improvement will replace 25 year old dilapidated wooden fencing. We understand that this original fencing was installed without approval from the City (maybe before there was an ordinance). Regardless, it is ugly and wearing out. We don’t wish for the neighbors or those driving past the house to see the unsightly air conditioning unit and the six ft pool fence is for a) aesthetics in the neighborhood and b) privacy.

Neighbors have given us their verbal blessing from both sides of the house and across the street.

We also want the fence to have a similar flow and look. It would be odd to have an eight ft. fence run along the side of the pool three quarters of the way then change to a four ft fence for the last six-eight feet. Then a four ft front fence in front would also look odd and detract from the general neighborhood feel and look (happy with six ft in the front, if required).

- a) Covered pool area – looking at just 30 ft of front side of house and 6-8 ft on side of house for the variance – all other contiguous fence is in current compliance and planned for with the fence company.
 - b) Replacing fence at air conditioner of north side of house to block air conditioner.
3. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance:

Continuity is key. Some fence, some shrubbery would look odd and out of place.

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

We believe, yes, justice and fairness. We notice many corner homes in the neighborhood with vinyl fences less than 20' from the easement;

Examples:

- 390 South Tessier
- 2973 W. Vina Del Mar
- 2400 E. Vina Del Mar
- 2094 E. Vina Del Mar
- 292 Mar

VARIANCE APPLICATION

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

- ☒ I understand that the City will not accept or process an incomplete application.
- ☒ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- ☒ On all variances except for administrative (de-minimis) variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.
- ☒ I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.
- ☒ I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.
- ☒ I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are to a hearing officer designated by the City Commission and must be made within 30 days from the date of the final administrative decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.
- ☒ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application if applicable.

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

Charles D. Neill
Signature of Applicant

12/18/23
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Charles O'Neill, 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 O'Neill

Address: 130 N. Tessier Dr

Charles O'Neill 12/20/23
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 20th day of December, 2023 by:
Charles O'Neill who appeared before me, and is personally known to me, or has produced
FL Driver's license as identification, and did take an oath.

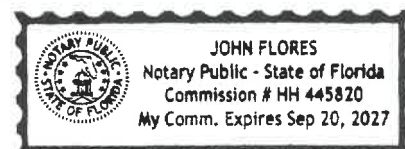
My commission Expires: 9/20/2027

NOTARY:

Print Name: John Flores Notary

Public, State of Florida

(Notarial Seal)



4330 S. 66th St.
Tampa, FL 33619
"Fences Make Better Neighbors!"
www.FloridaStateFence.com

Estimate

Date 9/14/2023 Estimate # 36778

Name / Address

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Ship To

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Office	Terms	Rep	Project	
813-413-7844	50% down and 50% Complete	PL		
Description	Qty	U/M	Rate	Total
Removal and disposal of existing fence to a certified recycling center. GO GREEN!	300	l/ft.	4.50	1,350.00
6'H x 6'W White Vinyl Privacy Fence Color: White 60lb Concrete Per Post	37	l/ft.	29.95	1,108.15
4'W x 6'H Privacy Walk Gate Color: White Complete with Black Self Closing Hinges & Black SS Latch, Aluminum Insert in hinge post *Gate size may vary based on allowable measurements.	2	ea	425.00	850.00
13" SS Vinyl Gate Spring Blk	2	ea	32.08	64.16
8'h x 6'w Privacy Vinyl Fence COLOR: WHITE 1.75"x5.5" .080 Pocket Rail Add mid-rail	111	l/ft.	52.95	5,877.45
4'H Vinyl Dog Ear Picket Open Top Color: WHITE 3" picket	103	l/ft.	33.95	3,496.85

Price is good for Cash, Check, or ACH only.

Convenience Electronic fee will apply.

Florida State Fence has the right to recover attorneys' fees incurred in connection with collection of amounts owed.

Total

Florida State Fence is not liable for unmarked utilities, or applicable laws (marked or unmarked). If a boundary survey is not provided

4330 S. 66th St.
Tampa, FL 33619
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130 N Tessier Dr
St. Pete Beach, FL 33706

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130 N Tessier Dr
St. Pete Beach, FL 33706

Office	Terms	Rep	Project		
813-413-7844	50% down and 50% Complete	PL			
Description		Qty	U/M	Rate	Total
4'w x 4'h Walk Gate DOG EAR STRAIGHT Color: WHITE Includes SS Gate Hardware		1	ea	375.00	375.00
5'w x 4'h Walk Gate DOG EAR STRAIGHT Color: WHT Includes SS Gate Hardware		1	ea	395.00	395.00
6'H x 6'W Cypress Woodgrain Vinyl Privacy Fence Color: Cypress Woodgrain (Non-Textured) 60lb Concrete Per Post		42	l/ft.	39.95	1,677.90
4'W x 6'H Privacy Walk Gate Color: Cypress Woodgrain Complete with Black Self Closing Hinges & Black SS Latch, Aluminum Insert in hinge post		1	ea	495.00	495.00
Building Permits and Permit Running Fees		1	ea	250.00	250.00
1. Additional 3.5% fee if paying by card. 2. Florida State Fence to call a utility locate or "dig-safe" prior to installation. Florida State Fence is not responsible for damage to private/unmarked utilities or irrigation lines. 3. Price does not include permit, which may not be necessary for this project or otherwise noted. 4. Homeowner is responsible for location of fence within property,		1	ea	0.00	0.00

Price is good for Cash, Check, or ACH only.

Convenience Electronic fee will apply.

Florida State Fence has the right to recover attorneys' fees incurred in connection with
collection of amounts owed.

Total

Florida State Fence is not liable for unmarked utilities, or sprinkler lines (marked or unmarked). If a boundary Survey is not provided, customer takes responsibility of fence location. Full payment is due at the time of completion. Any balance not paid within 10 days of completion will be assessed a finance charge of 1 1/2% per month applied, to all accounts not paid in full. All materials remain the property of Florida State Fence until full payment is received. Right of access and removal is granted to Florida State Fence in the event of nonpayment, per the terms of this contract.

Customer assumes all responsibility for obtaining homeowners association approval for the type and location of fence. Customer must provide a plot plan and/or survey to establish fence installation location. If not provided, customer assumes all responsibility for the location of the fence.

Signature: _____

4330 S. 66th St.
Tampa, FL 33619
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Estimate

Date 9/14/2023 Estimate # 36778

Name / Address

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Ship To

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Office	Terms	Rep	Project		
813-413-7844	50% down and 50% Complete	PL			
Description	Qty	U/M	Rate	Total	
location of any underground sprinklers, pavers and HOA approvals if necessary (Florida State Fence can assist with paperwork required by HOA). 5. Any change in layout, footages, or materials may result in price change as well as potentially having to reschedule your installation date. 6. Homeowner is responsible for removing all vegetation and debris along the fence line. If not removed by day of install, there will be a \$600.00 remobilization charge. 7. Financing is available through a third party vendor: Launch Credit Union. Contact your sales rep or our office for details. 8. Material is ordered ONLY after receiving 50% deposit. 9. Florida State Fence does NOT warranty any of our wood products. 10. One Year Labor Warranty 11. If project is delayed longer than 2 weeks, Florida State Fence will invoice the entire balance of the materials purchased for said project. 12. If customer cancels or changes material type once materials have been allocated, depending on the material type, the customer could be responsible for a 25% restocking fee for the unused materials. 13. In the event Florida State Fence retains an attorney to collect any amounts due from Customer, Customer shall be liable to Florida State Fence for all attorneys' fees, expenses, and costs incurred to collect the amounts due from Customer, including any attorneys' fees, expenses, and costs incurred prior to a legal action, during the course of any legal action, and any appeals. The failure to provide such written notice does not bar the enforcement of a lien against a person					

Price is good for Cash, Check, or ACH only.

Convenience Electronic fee will apply.

Florida State Fence has the right to recover attorneys' fees incurred in connection with collection of amounts owed.

Total

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Signature: _____

Estimate

Date	Estimate #
9/14/2023	36778

Name / Address

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Ship To

Chuck O'Neill
130 N Tessier Dr
St. Pete Beach, FL 33706

Office	Terms	Rep	Project		
813-413-7844	50% down and 50% Complete	PL			
Description		Qty	U/M	Rate	Total
who has not been adversely affected.					

Price is good for Cash, Check, or ACH only.
Convenience Electronic fee will apply.
Florida State Fence has the right to recover attorneys' fees incurred in connection with collection of amounts owed.

Total	\$15,939.51
--------------	--------------------

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Signature: _____

BOUNDARY SURVEY

LEGAL DESCRIPTION:

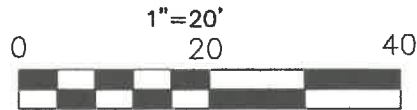
LOT 20, BLOCK 6, VINA DEL MAR SECTION TWO PAGE ONE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 39, PAGE 35, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD STATEMENT: THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "AE" BASE FLOOD 9, ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP # 12103C0278H, DATED AUGUST 24, 2021.

CERTIFIED TO:

CHARLES THOMAS O'NEILL
KAREN DIANE O'NEILL

GRAPHIC SCALE



NORTH PLAT

1/AE

Arc=40.48'
Radius=25.00'
Delta=92°45'45"
Bearing=N 45°51'09" E
Chord=36.20'

Arc=57.00'
Radius=2200.00'
Delta=1°29'04"
Bearing=S 79°59'51" E
Chord=57.00'

TESSIER DRIVE(P)
N. TESSIER DRIVE(F)
60' R/W

0.5' CONCRETE CURB

FIR 1/2"
NO CAP

FPP 3/4"

F/T
1.7'S
0.7'W

S 78

LOT 20
BLOCK 6

LOT 21
BLOCK 6

LEGEND

- = Power Pole
- ⊞ = Reclaimed Water Meter
- ⊗ = Water Valve
- ⊞ = Water Meter
- = Guywire
- E- = Overhead Wires
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- PRM = Permanent Reference Monument
- FCM = Found Concrete Monument (No Number)
- (P) = Data per Description
- (M) = Measured Data
- (F) = Field Data
- PG(s) = Page(s)
- O.R. = Official Record Book
- P.B. = Plat Book
- R/W = Right-of-way
- LB = Corporate Certificate Number
- P.L.S. = Professional Land Surveyor
- C/S = Concrete
- G = Centerline
- B/T = Building Tie
- FOP = Found Open Pipe (No Cap)
- F/T = Fence Tie
- FIR = Found Iron Rod
- FPP = Found Pinch Pipe
- SN/D = Set Nail & Disc PLS 4626
- S.I.R. = Set Iron & Cap 1/2" L.S. #4626

SURVEY IS SUBJECT TO A TITLE SEARCH FOR EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. BASIS OF BEARINGS ARE PLAT AND REFERENCED TO THE WEST. RIGHT OF WAY OF TESSIER DRIVE, BEARING NORTH. NO UNDERGROUND LOCATED UNLESS SHOWN HEREON.

CERTIFICATION:

CERTIFIED AS A BOUNDARY SURVEY
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER, THIS DRAWING OR DIGITALLY SIGNED, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

GUY D. HALE PLS # 4626
JOB NUMBER: 2023144 DATE: 09-26-2023

**GUY
HALE,**
LAND SURVEYING

406 SO. ARCTURAS AVENUE
SUITE ONE
CLEARWATER, FL 33765
(727) 734-4266 GHsurveyor@gmail.com

BOUNDARY SURVEY

LEGAL DESCRIPTION:

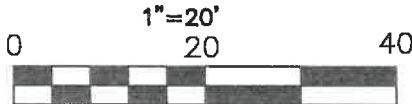
LOT 20, BLOCK 6, VINA DEL MAR SECTION TWO PAGE ONE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 39, PAGE 35, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD STATEMENT: THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "AE"
BASE FLOOD 9, ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP #
12103C0278H, DATED AUGUST 24, 2021.

CERTIFIED TO:

CHARLES THOMAS O'NEILL
KAREN DIANE O'NEILL

GRAPHIC SCALE

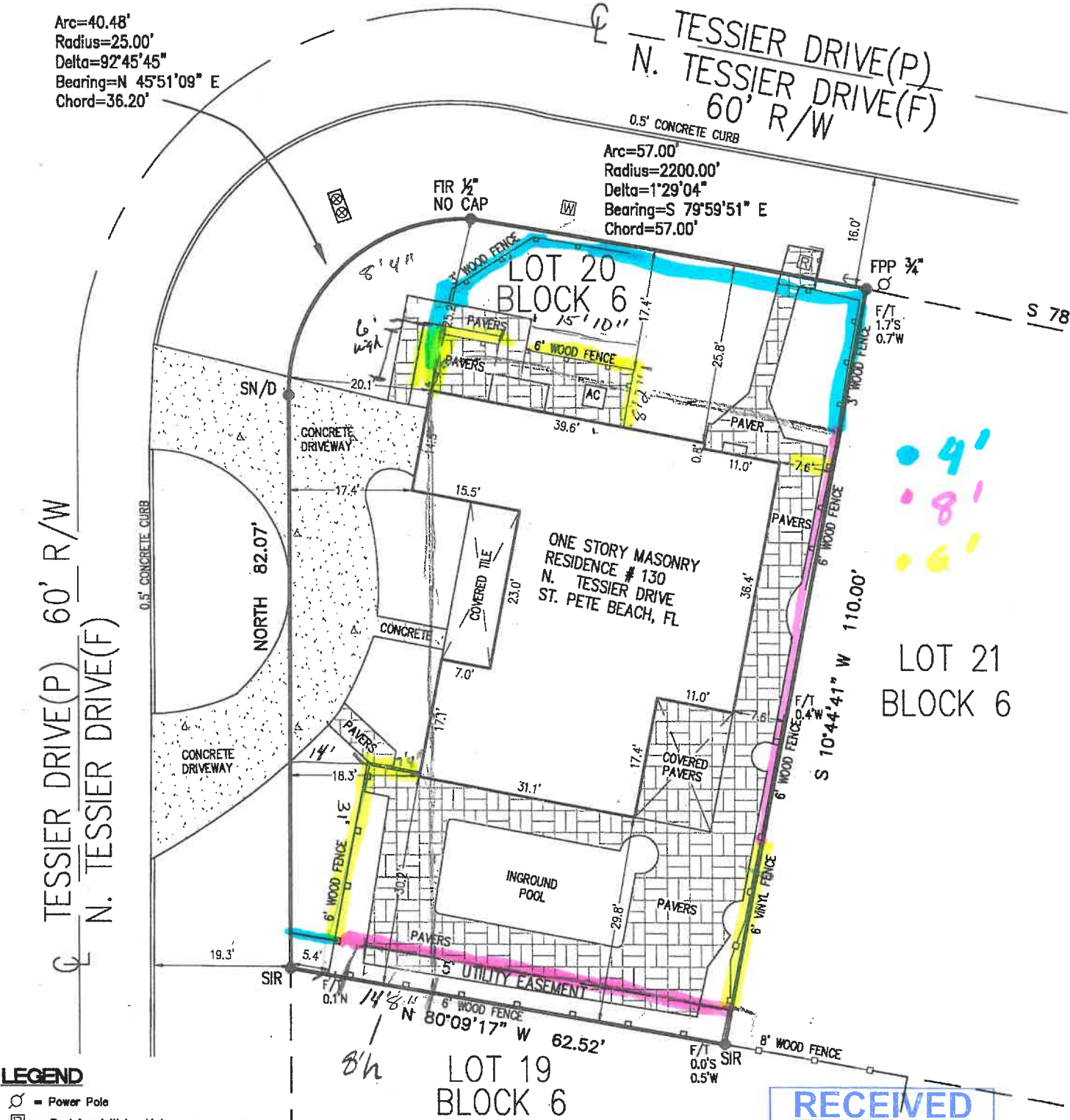


NORTH PLAT



Arc=40.48'
Radius=25.00'
Delta=92°45'45"
Bearing=N 45°51'09" E
Chord=36.20'

Arc=57.00'
Radius=2200.00'
Delta=1°29'04"
Bearing=S 79°59'51" E
Chord=57.00'



LEGEND

- = Power Pole
- ⊠ = Reclaimed Water Meter
- ⊗ = Water Valve
- ⊞ = Water Meter
- = Guywire
- E— = Overhead Wires
- P.O.C. = Point of Commencement
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- (M) = Measured Data
- (F) = Field Data
- PG (a) = Page (a)
- O.R. = Official Record Book
- P.B. = Plat Book
- R/W = Right-of-way
- LB = Corporate Certificate Number
- P.L.S. = Professional Land Surveyor
- C/S = Concrete
- C/T = Centerline
- B/C = Building, Tie
- FOP = Found Open Pipe (No Cap)
- F/T = Fence Tie
- FIR = Found Iron Rod
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- SN/D = Set Nail & Disc PLS 4626
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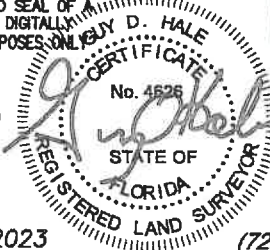
CERTIFICATION

CERTIFIED AS A BOUNDARY SURVEY
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR & MAPPER, THIS DRAWING OR DIGITALLY
SIGNED, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY
AND IS NOT VALID.

guy d hale

Digitally signed by guy d hale
DN: cn=guy d hale c=US o=Florida
Reason: I am the author of this
document
Location:
Date: 2023-11-02 11:27:04:00

GUY D. HALE PLS # 4626
JOB NUMBER: 2023144 DATE: 09-26-2023



RECEIVED

MAR 06 2024

COMMUNITY DEVELOPMENT

GUY D. HALE, LAND SURVEYING

406 SO. ARCTURAS AVENUE
SUITE ONE
CLEARWATER, FL 33765

(727) 734-4266 GHsurveyor@gmail.com



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

PLANNING DEPARTMENT

Date: May 3, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 130 N. Tessier Dr.
Parcel Number: 18-32-16-94158-006-0200
Charles and Karen O'Neill
Variance Case No: 24004

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 5/15/2024

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

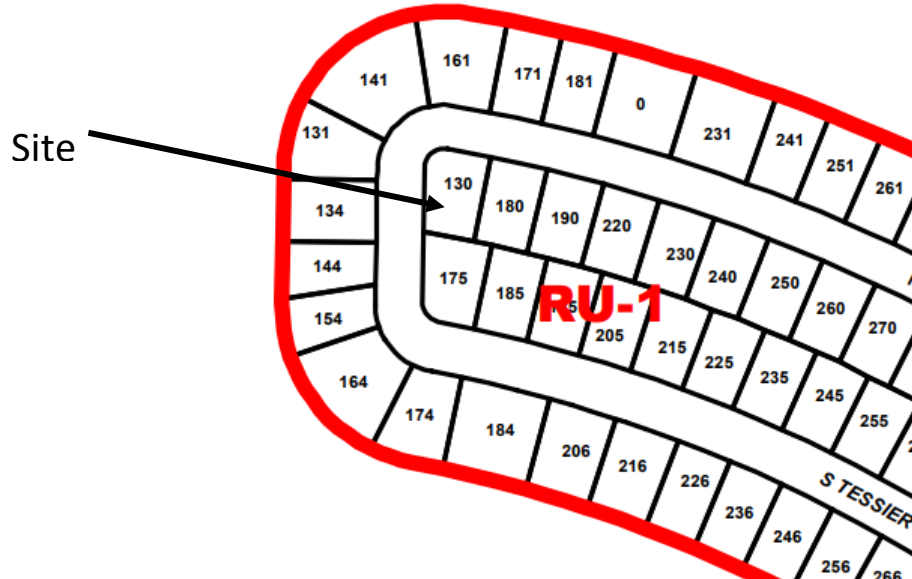
The subject site is an 8,599 sq. ft. (approx. 0.19 acre) parcel located at 130 N. Tessier Dr. known as parcel number 18-32-16-94158-006-0200 and legal description of VINA-DEL-MAR SEC 2 PAGE 1 BLK 6, LOT 20 within the AE-Elevation 9 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence constructed in 1960 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 North and South Tessier Drives and is improved with a one-story dwelling with concrete circular driveway, paver patio with inground pool.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

The applicant requests removal of existing fencing and installation of new fencing within the front yard and secondary front yard which exceeds permitted height of 4' with 6' and 8' high proposed (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 height of 6' and 8' fencing is proposed.

Figure 3: Zoning Table			
Detached, Single-Family Residential	130 N. Tessier Dr.		
	<u>RU-1 Required</u>	<u>Existing</u>	<u>Proposed</u>
Fence Height, Front and Secondary Front Yard (Max.)	4'	3', 4' & 6'*	6' and 8'(v)
Setback, Fence >4' high (Min.)	20'	5.4'*	5.4'(v)
*Denotes existing non-conformity (v) Variance required			

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

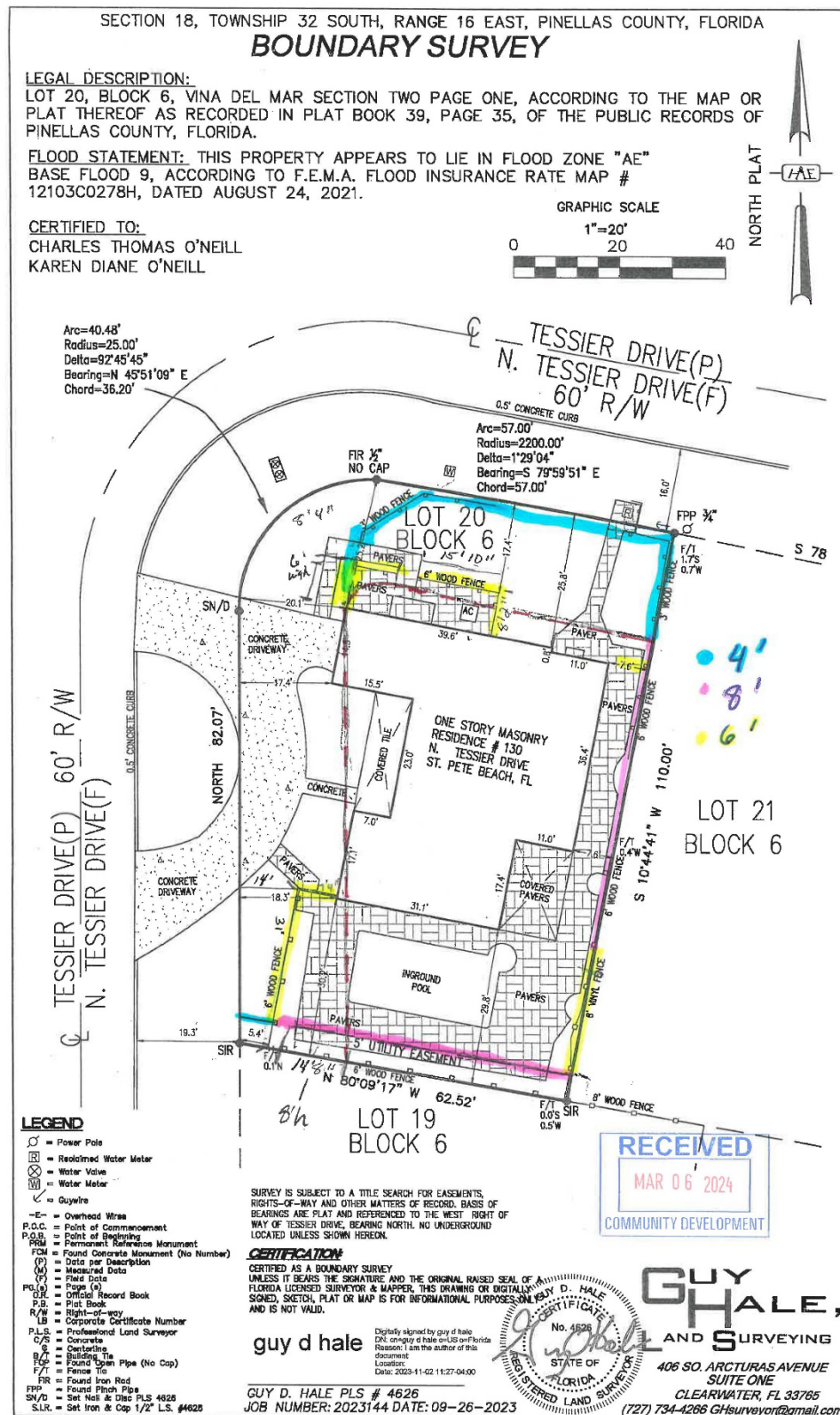


Figure 5: View of southern property line from the roadway



Figure 6: View of existing fencing from northern property line



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 5.4' front yard setback requirement where 20' is required resulting in an encroachment of 14.6'. The applicant is also requesting to install a portion of 8' fencing beginning at the same setback where 6' currently exists increasing the height an additional 2' from existing and 4' higher than permitted.*
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 with a replacement of fencing of same height. The layout of the existing lot and the lot directly to the south essentially split the turn of Tessier Drive creating the corner lot. It is noted that the depth of the right-of-way in the area varies from 16' to 19.3' providing illusion of a deeper lot or greater front yard than that shown on a survey.*
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 an inground pool that exists within the rear of the property and may have been installed to provide privacy and screening to the southern neighbor.*
4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *No permits could be located for the existing fence and the age of the existing fence is unknown. The state of the current fencing is deteriorated and some portions completely missing. There is a necessity to replace the fencing to secure the pool area. Historical aerial data supports that the fencing has existed in place since at least 2008.*

Other:

- The applicant should provide testimony as to the existing types of fencing and proposed type including but not limited to style and materials.
- Reasons for the request for the additional 2' in height to increase from 6' to 8' high within the secondary front yard should be presented. Testimony or visual pictures of how the fencing will transition would be beneficial.

Recommendation

Staff find the replacement of the existing fencing of same setback will not have an adverse impact on the neighborhood **except** for the proposed 8' high fencing within the secondary front yard and it is recommended that it may be replaced with fencing no greater than 6'. Staff recommends **approval with the following condition(s)**:

1. Fencing located within the required 20' front yard setbacks shall not exceed 6' in height and 4' high fencing to be installed as per plan submitted.

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 stylized loop and a horizontal line extending to the right.

Kristin Coman
Community Development Director

Cc: Charles and Karen O'Neill, Applicant **via email** (cto47@aol.com)
Matthew McConnell, Board of Adjustment Attorney

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

Agenda Report

Action Request: Motion to APPROVE Case No. 24018 as proposed.

Strategic Objective:

Date: May 15, 2024

Prepared By: Kristin Coman, Community Development Director

Through: Jennifer McMahon, Chief Operating Officer

Summary of Issue: *Practical Difficulty Variance:* Paul and Pamela Stein request additional relief for the secondary front yard setback of the recently constructed 18.5' x 18' detached garage, which does not meet the previously approved 3.5' setback (BOA Case No. 23006), now measuring at 3.09' existing after construction (LDC Sec. 6.13(a)(2)).

Funding: n/a

Attachments:

1. 24018 - 285 42nd Ave., Certificate of Completeness with Submittal Documents
2. 24018 - 285 42nd Ave. - Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Community Development Director
Date: 4/3/2024
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 **May 15, 2024**.

Variance Case Number: 24018
Application Type: Practical Difficulty Variance
Owner: Pamela Stein
Applicant/Agent: Paul Stein
Parcel Number: 07-32-16-07398-006-0270
Address: 285 42nd Ave., St. Pete Beach, FL 33706
Zone: RU-2

Submittal Documents:

1. Completed Practical Difficulty Variance application form and documents.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 1/19/2023, consisting of 1 sheet.
3. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 11/30/2023, consisting of 1 sheet.
4. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 1/19/2023, consisting of 1 sheet, NTS and labeled Pre-Build Survey with setbacks noted (A,B,C)
5. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 11/30/2023, consisting of 1 sheet, NTS and labeled As-Built Survey with setbacks noted (A, B, C, D, E)
6. Photos (2) taken 3/21/2024 showing constructed detached garage.

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: Pamela Stein, Owner ***via email*** (pamelagstein@hotmail.com)
Paul Stein, Applicant ***via email*** (pablonord@gmail.com)

CASE #:

24018

SUBMITTAL DATE:

3-8-14

AMOUNT DUE:

\$539.84

PAYMENT DATE:

3/26/24

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	Pamela G. Stein	285 42nd Avenue, SPB	813-237-1230
Applicant/ Agent	Paul F. Stein	285 42nd Avenue, SPB	813-841-1208
Owner Email Address: pamelagstein@hotmail.com		Applicant/Agent Email Address: pablonord@gmail.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-2	Future Land Use Designation RU	Lot Area 7200 sq. ft.
Legal Description:	Belle Vista Beach 1st Add Blk F, Lot 27	
Parcel ID:	07-32-16-07398-006-0270	
Address:	285 42nd Avenue, SPB	
Explanation of Request: <u>Owner received approved variance under BoA Case No. 23006 granting proposed 3.5' setback for the purpose of constructing a garage. The garage has now been built, has passed all building inspection requirements, and has satisfied all Development Order requirements except that discrepancies have arisen with regard to the survey. The post-construction survey shows the garage extending beyond the granted variance line by 0.41', slightly less than 5". However, the later survey is wildly inconsistent with the prior survey. Applicant contends that the garage IS within the granted variance limit, or (continued on Exhibit A)</u>		

EXHIBIT A

in the alternative, that the position of the garage is minimally invasive with respect to the variance setback previously granted.

Attached are notated copies of the Pre-Build and As-Built surveys with named reference points A-E for discussion purposes. The Pre-Build survey shows point A as 15.30' from the lot line; the As-Built survey shows this as 14.99', a discrepancy of 0.31'. Point B is shown as 15.29' and 15.00' respectively, a discrepancy of 0.29'.

Also attached is a really terrible copy of a copy of a copy of a survey *done by the same surveyor* on 5/4/01. It's difficult to make it out, but it does show the exact same numbers for Points A and B, 15.30' and 15.29' respectively.

There are numerous possible interpretations of these glaring inconsistencies between the two surveys. Applicant presents examples:

Scenario 1 (least favorable to the Applicant)

The Pre-Build survey on which the Applicant relied during construction was erroneous and the As-Built survey is completely accurate, with the result that the existing garage protrudes 0.24 feet (2.88 inches) beyond the granted easterly setback variance at Point D and 0.41 feet (4.92 inches) beyond the granted easterly setback variance at Point E.

Scenario 2

The As-Built survey erroneously relocated the easterly property line 0.30' to the west (an average of the A-B discrepancies), with the result that Point D is within the granted easterly setback variance and Point E is 0.10' (1.2 inches) beyond the granted easterly setback variance.

Scenario 3 (most favorable to the Applicant)

The Pre-Build survey shows Point B as being 0.01' to the west of Point A; the As-Built survey shows Point B as being 0.01' *to the east* of Point A, a discrepancy of 0.02'. Taking Point A as a reference point and extrapolating this change in angle to the southerly end of the the garage results in a further error of 0.12'. Adding this to the 0.30' error as stated in Scenario 2 results in a total error of 0.42', with the result that Point E is within the granted easterly setback variance.

It is significant to note that while there are obvious discrepancies between the two surveys with respect to Points A and B, both surveys agree with respect to Point C. Extended discussions have been had with Mr. Murphy, the principal at Murphy's Land Surveying, Inc. going back to December when Applicant first received the results of the As-Built survey, but he has remained intractable with regard to revisiting the issue.

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

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

The sought variance from that which was already granted will be virtually negligible.

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

No 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

No, the difficulty cannot be obviated by any other feasible means.

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

Yes, the interest of justice will be served by allowing the variance.



<u>Paul F. Ste</u>	<u>28 MAR 24</u>		
Signature of Applicant	Date	Signature of Authorized Agent	Date

For office use only:

Hearing Date: _____ Fees: _____

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

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE Pamela G. Stein
(print name of property owner)

hereby authorize Paul F. Stein
(print name of agent)

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

Pamela G. Stein

Signature of Owner

Signature of Owner

Pamela G. Stein

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this 8 day of
MARCH 2021 ⁴ by Pamela G. Stein or who is
personally known _____ produced
FL-DL as identification.



Ariana Wilson

(Notary Signature)

3/8/24

(Date)

My Commission Expires 2/7/25

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.

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

AFS 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.

AFS 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.

AFS 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.

AFS 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.

AFS 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.

AFS 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.

Paul J. St... 8 MAR 24
Signature of Applicant → AGENT Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Pamela G. Stein, 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): Paul F. Stein

Address: 285 42nd Avenue, St Pete Beach, Florida 33706

Paul F. Stein 8 MAR 24
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 8 day of MARCH, 2021 by:
Paul F. Stein 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: 2/7/25

NOTARY: Ariana Wilson

Print Name: Ariana Wilson Notary

Public, State of Florida

(Notarial Seal)

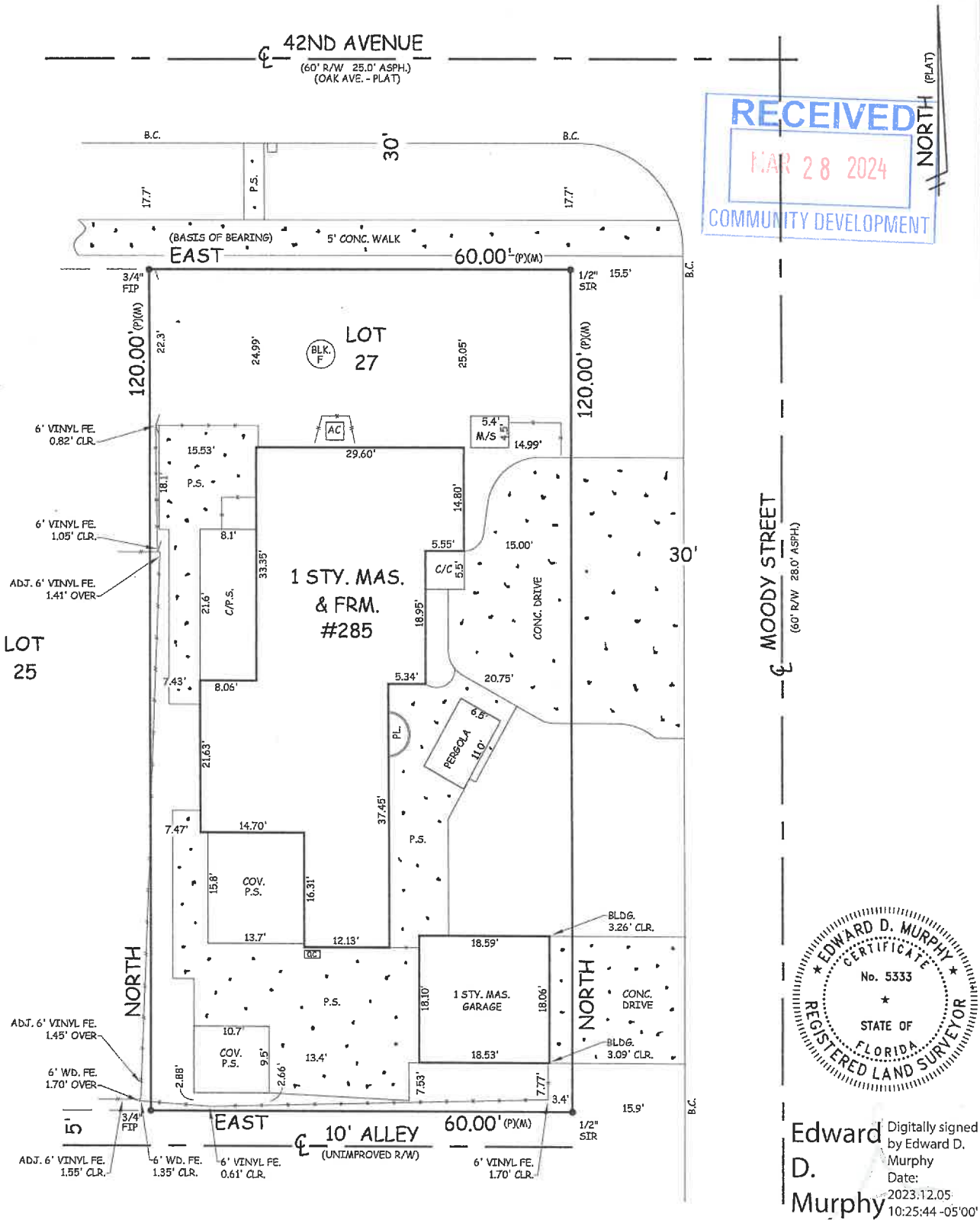


24016 - A2

JOB NO.: 231498		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY: MFB	CHECKED BY: EDM		PH. (727) 347-8740
DATE OF FIELD WORK: 11/30/2023			FAX (727) 344-4640

CERTIFIED TO: Pamela Stein

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 07 TWP. 32 S. RGE. 16 E.



A BOUNDARY SURVEY OF: Lot 27, Block F, FIRST ADDITION TO BELLE VISTA BEACH, as recorded in Plat Book 8, Page 28 of the Public Records of Pinellas County, Florida.

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

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

EDWARD D. MURPHY REG. P.L.S. #5333

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE FIN. FLR. - FINISHED FLOOR ELEVATION N.S.D. - NAIL AND DISK N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	FD. - FOUND P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION -X-X- - FENCE -I-I- - ADJACENT FENCE C.L.F. - CHAIN LINK FENCE FE. - FENCE ADJ. - ADJACENT	R. - RADIUS A. - ARC C. - CHORD Δ - DELTA R/W - RIGHT OF WAY # - NUMBER MAS. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN	ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	WWW - WING WALL C. - CENTERLINE M/S - METAL SHED (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	ESMT. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLUMN WD. - WOOD BLK. - BLOCK SNV. - SEAWALL -T-T- OVERHEAD TELEPHONE LINES P.P. - POWER POLE DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C/WD. - COVERED WOOD C/P.S. - COVERED PATIO STONE C/C - COVERED CONCRETE A/C. - AIR CONDITIONER S.P. - SCREENED PORCH -P-P- OVERHEAD POWER LINES -T-T- OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
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24018 - A3

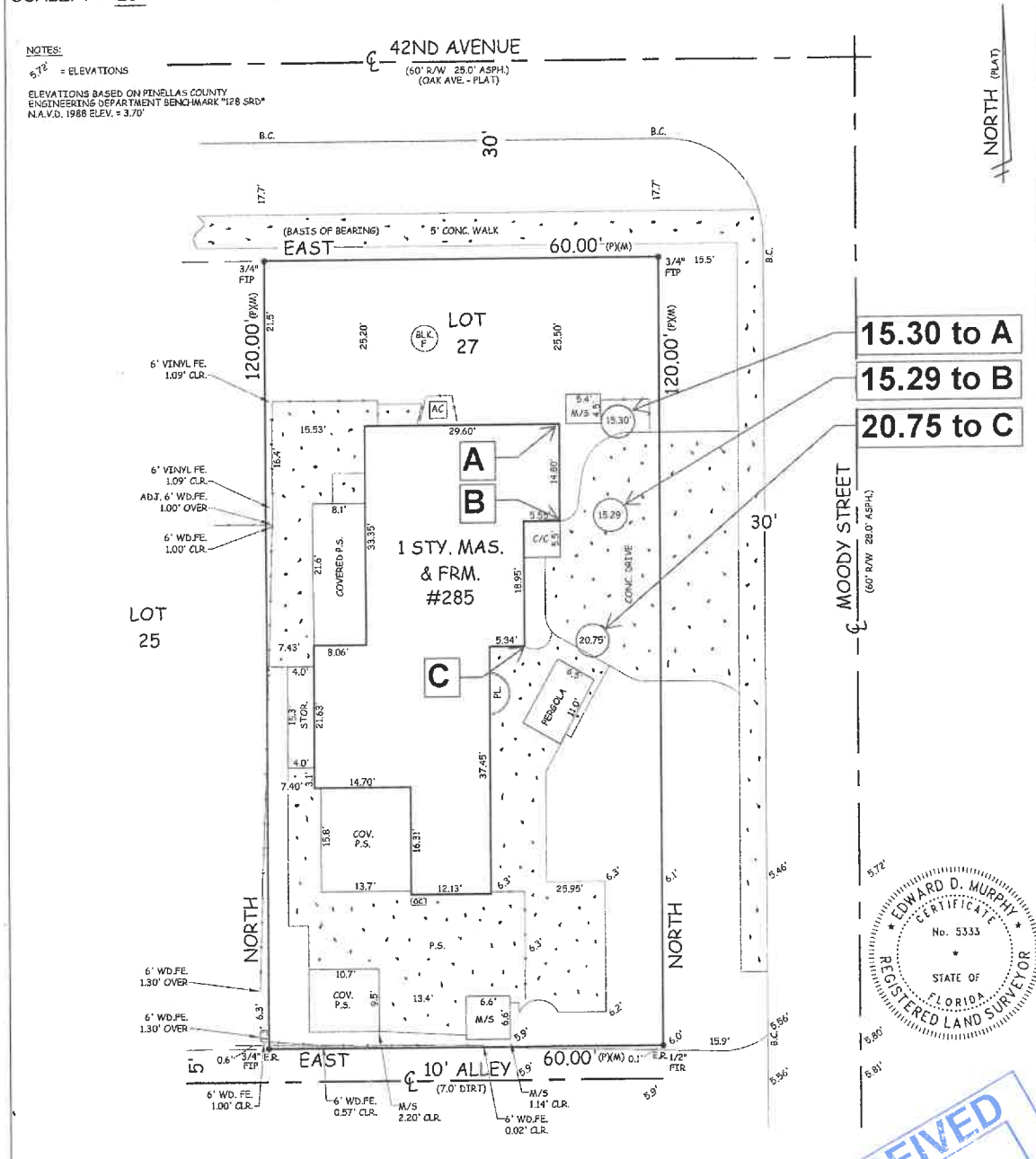
NTS

JOB NO.: 230044		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY: MRB	CHECKED BY: EDM		PH. (727) 347-8740
DATE OF FIELD WORK: 1/19/2023			FAX (727) 344-4640

CERTIFIED TO: Pamela Stein

PRE-BUILD SURVEY

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 07 TWP. 32 S. RGE. 16 E.



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



JOB NO.: 231498
DRAWN BY: MFB
CHECKED BY: EDM
DATE OF FIELD WORK: 11/30/2023
CERTIFIED TO: Pamela Stein

MURPHY'S LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
5760 11TH AVENUE NORTH
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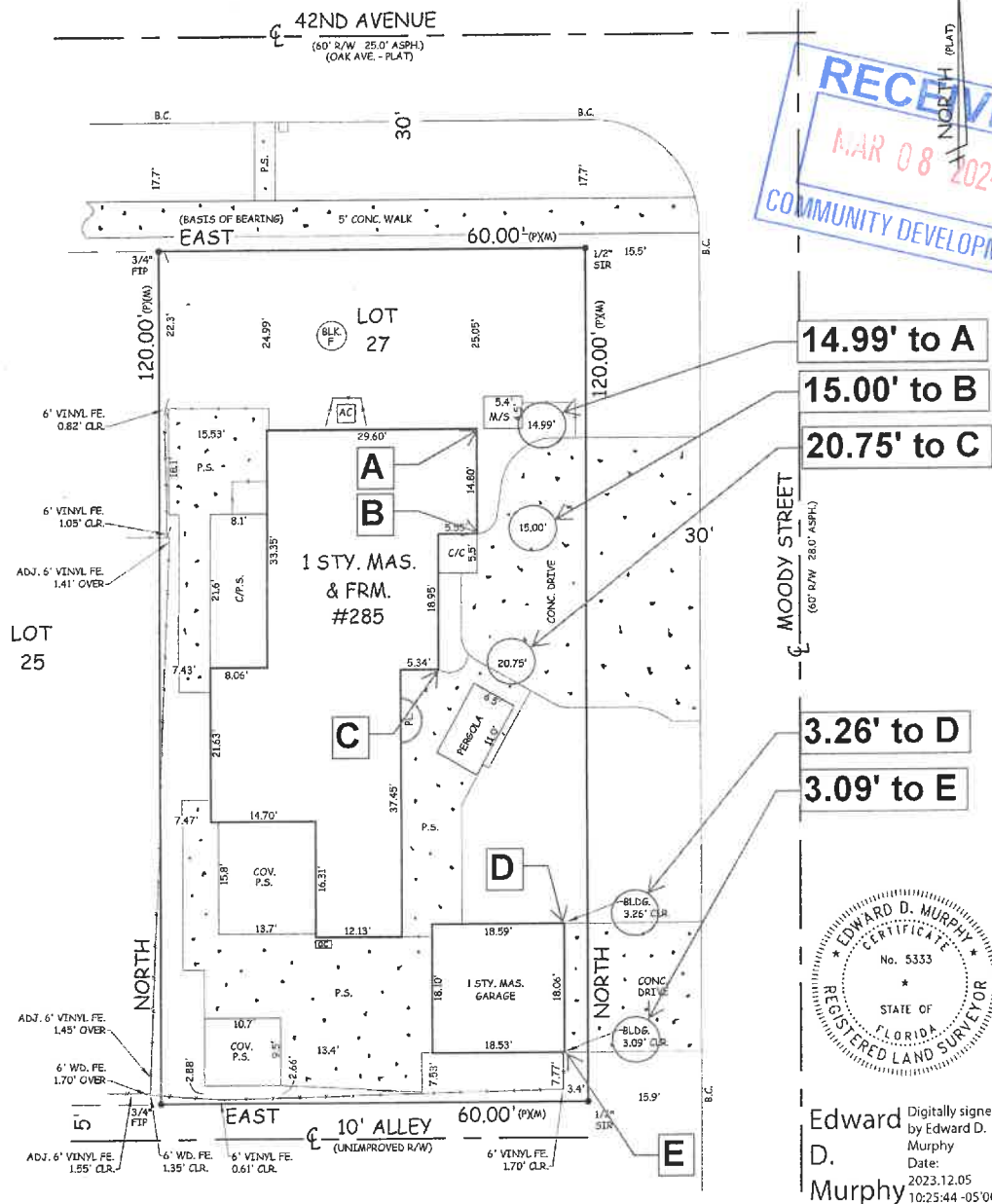
L.B. #7410
PH. (727) 347-8740
FAX (727) 344-4640

AS-BUILT SURVEY

SCALE: 1" = 20'

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

SEC. 07 TWP. 32 S. RGE. 16 E.



A BOUNDARY SURVEY OF: Lot 27, Block F, FIRST ADDITION TO BELLE VISTA BEACH, as recorded in Plat Book 8, Page 28 of the Public Records of Pinellas County, Florida.

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Flood zone: AE Comm. Panel No.: 125149 0278 H Map Date: 8/24/2021 Base Flood Elev.: 9.0'

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EDWARD D. MURPHY REG. P.L.S. #5333

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.P.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE FIN. FLR. - FINISHED FLOOR ELEVATION N & D. - NAIL AND DISK N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	FD. - FOUND P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION X-X-X. - FENCE -H- - ADJACENT FENCE C.L.F. - CHAIN LINK FENCE FE - FENCE ADJ. - ADJACENT	R. - RADIUS A. - ARC C. - CHORD RW - RIGHT-OF-WAY # - NUMBER MAS. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN	ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.F. - CARPORT PL. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	WWW. - WIND WALL C. - CENTERLINE M/S. - METAL SHED (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	ESMT. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLUMN WD. - WOOD BLK. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTL. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C/WD. - COVERED WOOD C.P.S. - COVERED PATIO STONE C/C. - COVERED CONCRETE A/C. - AIR CONDITIONER S.P. - SCREENED PORCH P.P. - OVERHEAD POWER LINES T.T. - OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
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24018-A5





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

PLANNING DEPARTMENT

Date: May 3, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 285 42nd Ave.
Parcel Number: 07-32-16-07398-006-0270
Pamela and Paul Stein
Variance Case No: 24018

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 5/15/2024

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 Murphy's Land Surveying, Inc. dated 1/19/2023, consisting of 1 sheet.
3. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 11/30/2023, consisting of 1 sheet.
4. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 1/19/2023, consisting of 1 sheet, NTS and labeled Pre-Build Survey with setbacks noted (A,B,C)
5. Boundary Survey prepared by Murphy's Land Surveying, Inc. dated 11/30/2023, consisting of 1 sheet, NTS and labeled As-Built Survey with setbacks noted (A, B, C, D, E)
6. Photos (2) taken 3/21/2024 showing constructed detached garage.

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

Site Description/Surrounding Land Uses

The subject site is a 7,200 sq. ft. (approx. 0.17 acre) parcel located at 285 42nd Ave. known as parcel number #07-32-16-07398-006-0270 and legal description of BELLE VISTA BEACH 1ST ADD BLK F, LOT 27 within the AE-Elevation 9 flood zone. The property is located in the RU-2, Residential zone; RU on the future land map and contains a single-family residence constructed in 1955 according to the Pinellas County Property Appraiser. It is surrounded by single-family uses to the north, south, east and west. The corner site is improved with a one-story dwelling with rear covered patio with recently constructed detached garage.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 10 of 15, dated 7/20/2012

Request

The applicant requests additional relief for the secondary front yard setback of the recently constructed 18.5' x 18' detached garage, which does not meet the previously approved 3.5' setback (BOA Case No. 23006), now measuring at 3.09' existing after construction (LDC Sec. 6.13(a)(2)).

Prior Approvals/Background

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

2023 (Case No. 23006) Practical Difficulty Variance; Request for to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed (LDC Sec. 6.13(a)(2)).

Figure 3: Zoning Table				
Residential Accessory Structure- Detached Garage (LDC Sec. 6.13(a)(2))	285 42 nd Ave.			
	Required	Existing	Proposed	
	Secondary Front Yard Setback (Min.)	10'	n/a	3.5'(v)
	Rear Yard Setback (Min.)	20'	n/a	7'(v)
*Denotes existing non-conformity (v) = Variance required				

[illegible]

Figure 5: Case No. 23006-Development Order



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

PLANNING DEPARTMENT

3/30/2023

Pamela and Paul Stein
285 42nd Ave.
St. Pete Beach, FL 33706

DEVELOPMENT ORDER Board of Adjustment Case No: 23006

The Board of Adjustment reviewed and conducted a public hearing on an application for a(n) Practical Difficulty Variance in the above-captioned case on March 29, 2023.

Address: 285 42nd Ave., St. Pete Beach, FL 33706

Parcel Number: 07-32-16-07398-006-0270

Request: Practical Difficulty Variance to construct 18.5' x 18', 11' high detached garage that will not meet required 10' secondary front yard setback with 3.5' proposed and required 20' rear yard setback with 7' proposed (LDC Sec. 6.13(a)(2)).

IT IS HEREBY ORDERED:

Case Number **23006** is hereby **APPROVED** with the following condition(s):

1. Applicant shall submit sealed As-Built Plan noting all setbacks and ISR calculation and approved by Zoning prior to the issuance of a Certificate of Occupancy/Final Inspection. This plan should also be updated to reflect the removal of the storage area and shed if they are removed.

3/30/2023

Kristin Coman, Senior Planner

Date

LDC Section 3.6(f) Subsequent applications. If any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48 hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

LDC Section 3.14(b) Appeals. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

Figure 6: Case No. 23006-Site Photo



Figure 7: Case No. 24018-Site Photo

Site visit completed on 5/1/24 to obtain photos of the constructed garage.



Figure 8: Case No. 24018-As-Built Survey

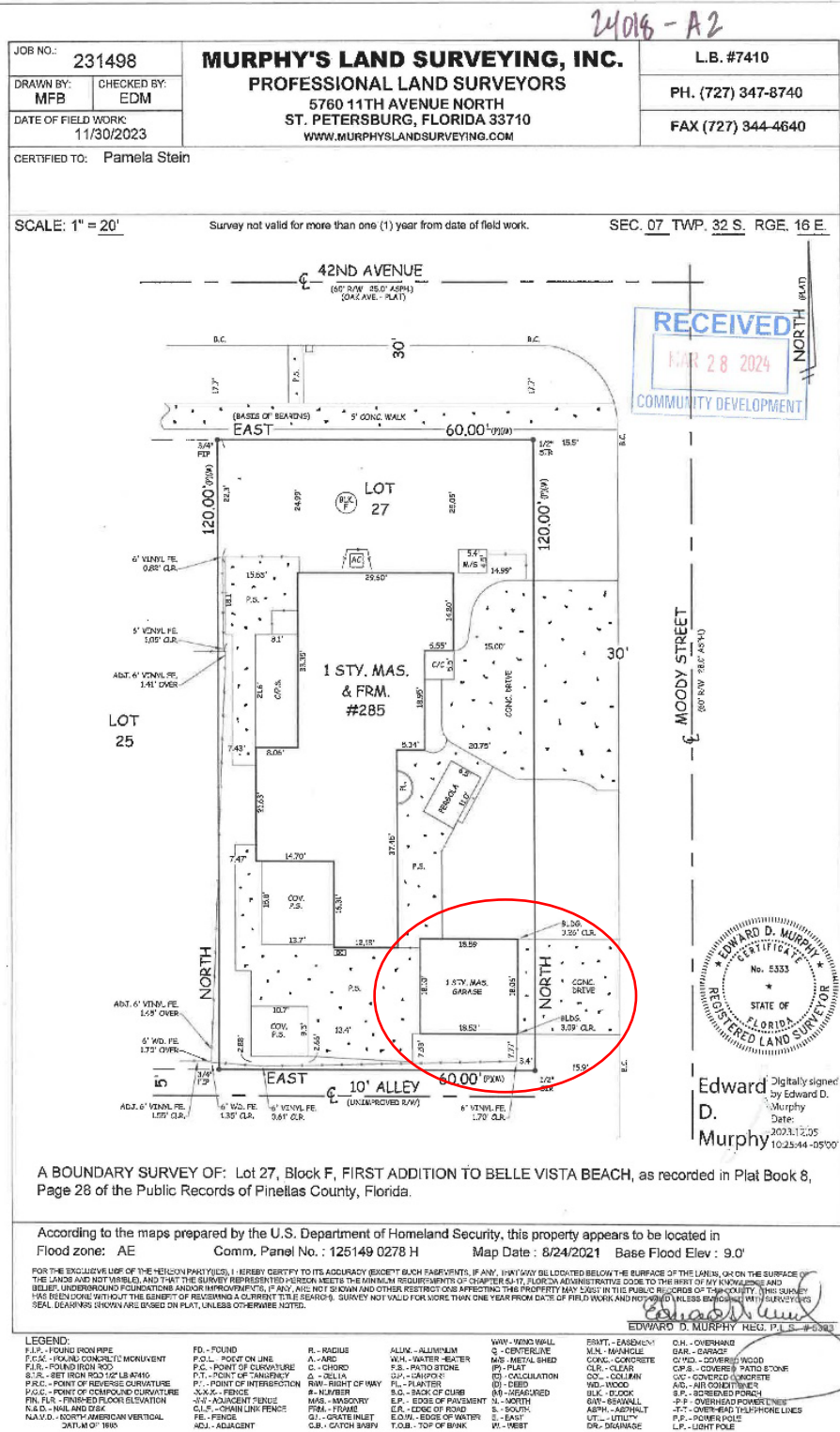


Figure 9: Zoning Table			
Residential Accessory Structure- Detached Garage (LDC Sec. 6.13(a)(2))	285 42 nd Ave.		
	Required	Approved	Constructed
Secondary Front Yard Setback (Min.)	10'	3.5'	3.09'(v)
Rear Yard Setback (Min.)	20'	7'	7.53'
*Denotes existing non-conformity (v) = Variance required			

Additional Comments

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

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:

- How substantial the variance is in relation to the requirement sought to be varied;
 - The applicant was granted relief for a secondary front setback of 3.5 feet or 42 inches. Upon submission of the required as-built survey staff found that 3.09 feet or 37.08 inches was the constructed secondary front yard setback, a difference of 4.92".*
- Whether an adverse change will be produced in the character of the neighborhood;
 - As part of Case No. 23006, staff felt there may be some visual differentiation along Moody St. and staff felt that no adverse change will be produced in the character of the neighborhood, which staff maintains.*
- Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
 - Staff finds that there are limitations for modification to the structure to meet the approved 3.5' requirement.*
- 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 applicant has provided information with regards to discrepancies in the surveys provided by the surveyor and creating the necessity for additional relief.*

Other:

- Applicant should discuss any issues that surfaced during or post construction that resulted in the detached garage not to be built as per the prior approval.

Recommendation

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

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

Respectfully submitted,

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

Kristin Coman
Community Development Director

Cc: Pamela and Paul Stein, Application **via email** (pamelagstein@hotmail.com)
Matthew McConnell, Board of Adjustment Attorney