



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, August 28, 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 August 28, 2024 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general or agenda items. Public comment on agenda items will be allowed when that item is called. Please complete and submit a public comment card to the Clerk.

3. Approval of Minutes

a. Meeting Minutes June 20, 2024

4. Action Items -

a. Case No. 24040 - 3112 Pass-a-Grille Way

Unnecessary and Undue Hardship Variance: Vivian Herald on behalf of PAGSUP LLC requests installation of a 34"x52" frame sign, with sign face of 8 SF, approximately 102" (8.5 feet) from grade, projecting/hanging sign under the eave of the existing building along the Pass-a-Grille Way frontage (LDC Sec. 26.19).

b. Case No. 24046 - 6390 2nd Palm Point

Practical Difficulty Variance: Amy Rebecca and Nicholas Laffler request to construct an in-ground swimming pool of approximately 21'x17' with 9'x6' spa and 20'x9' sun shelf that is elevated less than two feet above grade and proposed to be installed 5' from the southeastern side property line where 7' is required (LDC Sec. 6.13.(c)(1)c.1.).

c. Case No. 24047 - 402 39th Ave.

Practical Difficulty Variance: Sam Angelides, ASPBS LLC on behalf of SPBN LLC requests additional relief for the rear yard setback of the recently constructed 2-car detached garage (22' x 24'), which does not meet the previously approved 15' setback (BOA Case No. 22018), now measuring at 14.5' existing after construction (LDC Sec. 6.13(a)(2)).

d. Case No. 24048 - 0 Gulf Blvd. [Parcel #07-32-16-51660-000-0011] Gulf Beach Water Booster Station

Unnecessary and Undue Hardship Variance: Christopher Baggett of Wright-Pierce for Pinellas County Utilities requests to construct a new building in the Community Redevelopment District without providing either of the two required energy and environmental design standards (LDC Sec. 39.9.).

e. Case No. 24042 - 3700 Gulf Blvd. [Parcel #07-32-16-21852-028-0001]

Preliminary Plat: Ely Payne of Baysite Engineering LLC for SMILEYS SNACK SHACK-ST PETE BEACH INC requests preliminary plat approval to replat the subject property to four fee-simple parcels proposed for residential townhouses, with remaining land held in common homeowners' association ownership.

5. Item(s) for Discussion -

a. Board Procedures

During the April 24, 2024 Board of Adjustment meeting, the Board Attorney requested a discussion on board procedures.

6. Adjournment -

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
June 20, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Denise Chase, Vice Chair
Kathy Garchow, Member
Joe Moholland, Member
Dan Small, Member

ABSENT: Michael Bomar, Chair

STAFF PRESENT: Kristin Coman, Community Development Director; Matthew McConnell, Assistant City Attorney (via Zoom); Ginny Bodkin, Deputy City Clerk; Brandon Berry, Senior Planner

Vice Chair Chase called the meeting to order at 2:00 P.M.

1. Approval of the Agenda -

Ms. Coman reported that the Board Procedures item from the May meeting will be moved to the July or August agenda.

Motion: Member Moholland moved, and Member Small seconded the approval of the June 20, 2024 agenda as presented; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – May 15, 2024

Motion: Member Garchow moved, and Member Moholland seconded the approval of the May 15, 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. Case No. 24026 - 104 21st Ave.

Unnecessary and Undue Hardship Variance: Michael Kan on behalf of Polar Foundation requests installation of new portion of driveway that would exceed the maximum 20' width permitted with 40' proposed (LDC Sec. 23.11(b)(2)).

The Board members individually declared their ex-parte communications and research, including walking or driving by the property. Member Moholland is familiar with the Applicant and had spoken to him regarding matters other than this request.

Community Development Director Kristin Coman reviewed a presentation of the request for this variance. Her presentation included photos, zoning, site plan, request details, existing conditions,

surveys, proof of noticing, variance criteria, and staff comments. Her presentation is part of the meeting record.

Staff found that the proposed variance does not advance the purposes of LDC Sec. 1.1 and granting variances from the applicable LDC section, Sec. 23.11(b)(2) would be of substantial detriment and impair the intent and purpose of the zoning code and recommended denial. Applicant submission of a sealed As-Built Survey noting the driveway width and ISR calculation to receive approval by Zoning prior to the issuance of a Final Inspection/COO is recommended, should the Board decide to approve. No letters were received for or against the application.

Applicant Michael Kan appeared with his own presentation and testified regarding the project, use, and application of City codes. His presentation is part of the meeting record. Some of his photos of similar, nearby double garaged homes were included in the meeting packet. Mr. Kan testified that the project would not be encroaching on setbacks.

The Board members asked questions of the Applicant and Ms. Coman.

Residents Robert Czystczon and Mark Cicarelli spoke in favor of the variance. There being no further comment, the Board deliberated.

Motion: Member Moholland moved, and Member Small seconded to approve the variance for Case No. 24026 with the modification that the driveway be no wider than the West corner of the Applicant's house; the motion died 2-2.

Member Garchow moved to approve the variance for Case 24026 as applied for; Vice Chair Chase seconded. The motion failed 1-3 with members Moholland, Garchow and Vice Chair Chase voting no.

Member Moholland moved to approve Case 24026 with the condition that the driveway be no wider than the West corner of the Applicant's small garage. There was no second; the motion died.

Member Garchow moved to deny the variance for Case 24026 as the required criteria has not been met. Vice Chair Chase seconded and the motion carried 4-0.

b. Case No. 24034 - 3601 Casablanca Ave.

Practical Difficulty Variance: Mike and Kimberly Clarke request to install a 12' diameter pool of 52 inches in height at a 4' setback from the rear property line where 20' is required (LDC Sec. 6.13.(c)(1)b.).

The Board members individually declared their ex-parte communications and research, which included walking and driving by the property.

Senior Planner Brandon Berry reviewed a presentation of the request, which is part of the meeting record. He reviewed photos, zoning, variance request details, survey, proof of required noticing, and staff comments.

Staff found the request will not have an adverse impact on the neighborhood and recommended approval with the following conditions: 1) Approval is granted for an above-ground pool of 12' diameter and 52 inches height to be located four feet from the rear property line. Any request to install a pool structure of greater area or height, or with additional features such as waterfalls or diving boards, at this location shall require a subsequent variance. 2) The Applicant shall maintain the three installed areca palms, or other landscaping of similar opacity, in the planted location for the life of the pool. A letter in favor of the variance was included in the meeting packet.

Applicant Mike Clarke appeared and testified regarding the request and the adjacent properties. He had no objection to the complying with the requested conditions.

The Board asked questions of the Applicant regarding the palm tree screening. There was no comment for or against the variance. Comment was closed and the Board deliberated.

Motion: Member Moholland moved, and Member Small seconded to approve the variance for Case No. 24024 with the staff recommended conditions; the motion carried unanimously.

c. Case No. 24030 - 0 Gulf Blvd (Gulf Beach Water Booster Station)

Unnecessary and Undue Hardship Variances: Michael Hoffman of Wright-Pierce, Inc. for Pinellas County Utilities requests a four-part variance to: a) Exceed the 20-foot maximum front yard setback along 45th Ave, with 43 feet provided (LDC Sec. 38.9.); b) Reduce the buffer along the eastern property line from six feet to 4'-3" (LDC Sec. 22.7.(b)(1)); c) Eliminate the requirement that the street-level facade be at least 50% transparent, with 0% provided (LDC Sec. 39.7.); and, d) Reduce, along the western, southern and northern sides, the percentage of the facade that must be covered with architectural decoration or windows below the 60% minimum, with approximately 40% provided along the Gulf Boulevard (west) facade, and 0% provided along the southern and northern facades (LDC Sec. 39.8.(b)).

The Board members individually declared their ex-parte communications and research, which included walking the property.

Mr. Berry reviewed the staff presentation for this request, which is part of the meeting record. The presentation included zoning, a survey, proposed site plan, request details, proof of required noticing, photographs, and staff comments. The water tower will remain.

Staff found the request is reasonable and will not have an adverse impact on the neighborhood. The request results from the Applicant's attempt to mitigate challenges of the site posed by remaining existing development, and modern stormwater and utility requirements, as well as mitigate future wind and storm impacts that may result in additional hardships to the site or community. Staff recommended approval with two (2) conditions: 1) The portion of the eastern side buffer for which a variance is requested shall contain at least the density of landscaping shown on the landscaping plan dated 04/30/2024, along with a hedge of at least two feet in height at time of planting; 2) To mitigate visual impact along the western side of the structure compared with the present development, the Applicant shall prioritize landscaping as follows: a. Preservation of existing mature trees; b. Installation of canopy or understory trees that will not impact the sidewalk, building, or inhibit drainage facilities; c. Installation of palms, crepes myrtle or other landscaping.

Mr. Berry explained that if approved, the Applicant will move on to the building permit stage.

Michael Hoffman of Wright-Pierce Environmental Engineers (with Chris Baggett) appeared on behalf of the Applicant and reviewed the history of the property and testified to some of the needs for the operation of the water booster station and compliance. They estimated a timeline of 2 ½ years to complete.

The Board asked questions of the Applicant.

Resident Robert Czyszczonek spoke in favor of the project but against oak trees and cabbage palms in the landscaping. Mr. Berry confirmed that the Board could request a condition to landscaping. Mr. Hoffman testified that the Applicant would be willing to consider landscape changes, but attention must be paid to root systems. He showed the newest landscaping plan; they would try to balance concerns with the oak trees, but they would need to confer with the County. The new landscaping plan is part of the meeting record.

The Board deliberated.

Motion: Member Garchow moved, and Member Moholland seconded to approve the variance for Case No. 24030 based on the updated landscaping plan submitted today; the motion carried unanimously.

5. Adjournment – The next meeting is scheduled for July 31, 2024.

Ms. Coman reported that she is currently holding two incomplete applications, therefore the July meeting may be cancelled. She will keep the Board updated.

Member Moholland moved, and Member Small seconded adjournment at 4:00 PM.

These minutes will be considered for approval at the July 31 or August 28, 2024 Board of Adjustment meeting.

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

Agenda Report

Action Request: Motion to APPROVE Case No. 24040 with recommended conditions.

Strategic Objective:

Date: August 28, 2024

Prepared By: Kristin Coman, Community Development Director

Through:

Summary of Issue: *Unnecessary and Undue Hardship Variance:* Vivian Herald on behalf of PAGSUP LLC requests installation of a 34"x52" frame sign, with sign face of 8 SF, approximately 102" (8.5 feet) from grade, projecting/hanging sign under the eave of the existing building along the Pass-a-Grille Way frontage (LDC Sec. 26.19).

Funding: n/a

Attachments:

1. 24040 - 3112 Pass-a-Grille Way, Certificate of Completeness and Submittal Documents
2. 24040 - 3112 PAG Way, Staff Report
3. 24040 - Letters Received as of 08.20.24



Memo To: Board of Adjustment
From: Kristin Coman, Community Development Director
Date: 6/20/2024
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 **August 28, 2024**.

Please note that this case does require TRC and Historic Preservation Board review prior to the hearing resulting in the August hearing date.

Variance Case Number: 24040
Application Type: Unnecessary and Undue Hardship
Owner: PAGSUP LLC
Applicant/Agent: Vivian Herald
Parcel Number: 07-32-16-60948-000-0010
Address: 3112 Pass-a-Grille Way, St. Pete Beach, FL 33706
Zone: RM/PAG

Submittal Documents:

1. Completed Unnecessary and Undue Hardship Variance package with associated forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 12/22/2022, consisting of 1 sheet.
3. Photo package submitted by applicant, consisting of 15 sheets with no dates provided.
4. Proposed sign schematic, consisting of 2 sheets, A-1 and A-15.

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> | ☒ Historic Preservation Board <i>via email</i> |

Board Members:

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

Cc: Vivian Herald, Applicant *via email (info@techtravel.com)*

CASE #: 24010PARCEL #: 07-32-16-60948-000-0010SUBMITTAL DATE: _____ AMOUNT DUE: \$573.10 PAYMENT DATE: _____**UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION**

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

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

**OWNER/AGENT INFORMATION:**

Identification	Name	Address	Phone #
Owner	Brandon Tecklenburg	3112 Pass-A-Grille way, St Pete Beach, FL 33706	727-265-6269
Applicant/ Agent	Vivian Hearld	3112 Pass A Grille way St Pete Beach FL 33706	727-808-2791

Owner Email Address: <u>info@techtravel.com</u>	Applicant/Agent Email Address: <u>info@techtravel.com</u>
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PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>Rm/PAG</u>	Future Land Use Designation <u>Rm</u>	Lot Area <u>4,243 sf</u>
Legal Description: <u>North Pass A Grille Replat of Blk 12 Lot 1</u>		
Address: <u>3112 Pass A Grille way, St Pete Beach, FL 33706</u>		
Explanation of Request: <u>Install a 34in X 52in frame sign, with Interior of 8sqft, approximately 102" (8.5ft) from grade, projecting hanging sign under the eave of the existing building along Pag way frontage.</u>		

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

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

We are situated within a residential area but have been operating as a commercial establishment since 1933. Our building holds historical significance, and there was once, a sign similar to the one we are currently requesting. However, during the refurbishment process started by the previous owner to preserve this historic structure, the sign was temporarily taken down. Unfortunately, due to circumstances beyond our control, the refurbishment process took longer than anticipated, preventing us from rehanging the sign within the permitted timeframe of 90 days. These unique conditions and the historical nature of our building warrant special consideration in our request for signage.

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

From its inception, this building has served commercial purposes, dating back to its arrival in Pass a Grille aboard a barge, marking it as one of the area's earliest establishments. Our longstanding commercial history underscores the organic evolution of this property within the community, further emphasizing the need for special consideration in our request

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

This interpretation places undue and unnecessary hardship on our business operations. Granting our request would not only align with the spirit of fairness and equity but also ensure that our rights as business owners are upheld in a manner consistent with the broader community."

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

Our commitment is to abide by the guidelines delineated in the comprehensive plan and land development code, ensuring alignment with the community's vision while also acknowledging the distinct challenges pertinent to our business. Our request for a business sign does not stem from any deliberate attempt to contravene these regulations, nor does it aim to amplify development density. Rather, it reflects our endeavor to navigate within the prescribed boundaries while addressing the specific needs and circumstances of our business

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

While we acknowledge that a desire for greater financial return from our property does not inherently constitute hardship, it's important to emphasize that our request is not solely driven by financial considerations. Instead, our aim is to address the unique circumstances surrounding our business and the necessity for a business sign to effectively communicate our presence within the community. Our request for the sign is grounded in the need for visibility and branding, which are essential components of sustaining our business operations, rather than solely seeking maximum financial return

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

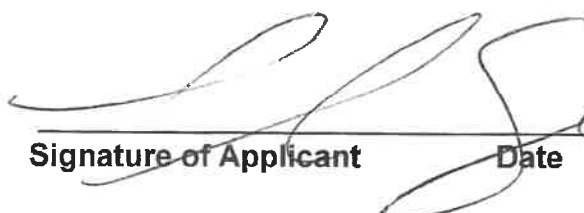
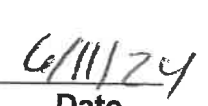
Granting the variance application would ensure equitable treatment for our business, aligning with the standards applied to other lands, buildings, or structures within the same zoning district. This approach fosters fairness and consistency in the application of zoning regulations, promoting a level playing field for all stakeholders. By receiving similar treatment to other Business owners, we can effectively address the unique circumstances of our business while upholding the principles of fairness and equity within the community

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

The variance we're requesting represents the minimum adjustment necessary to enable the reasonable use of our land and building. It's designed to strike a balance between compliance with zoning regulations and addressing the specific needs of our business. By granting this variance, we can ensure that our property remains viable and functional while still respecting the intent of the zoning regulations.

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

The variance we are seeking is fully aligned with the overarching goals and objectives outlined in the comprehensive plan and the land development code. Moreover, it is carefully crafted to uphold the welfare and safety of the neighborhood while ensuring compatibility with its existing character. Our proposal will not cause harm or detriment to the community; rather, it aims to enhance our business operations while maintaining harmony with the surrounding environment. Importantly, granting this variance will not substantially diminish property values within the neighborhood, but rather contribute positively to its vitality and appeal.

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

Requires Review
TRC -
HPB (info item)

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.

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

BT 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.

BT 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.

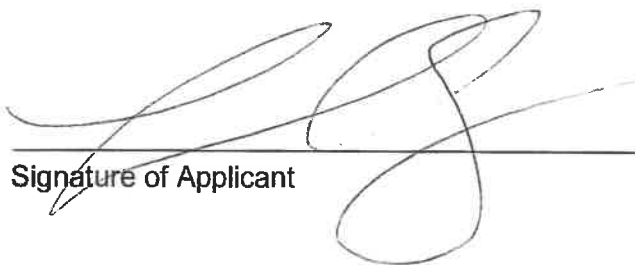
BT I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

BT 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.

BT 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.

BT 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.

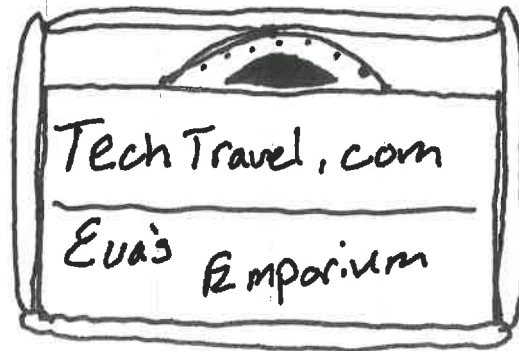
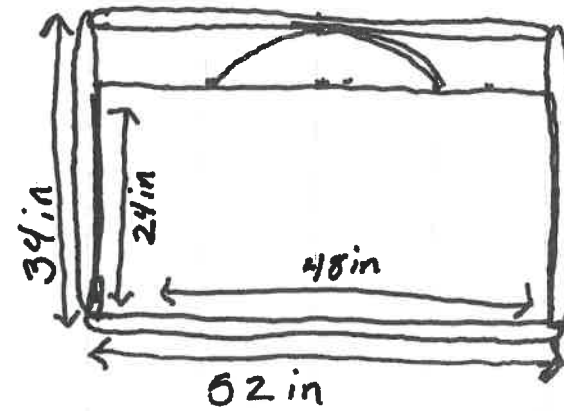

Signature of Applicant

6/11/24
Date

24040, A-1



24040 A 15



24040-A-2



32nd Ave

Nancy
Markōe
Fine American Crafts
Gallery

**SUPPORT
AMERICAN
MADE
WITH US!**

Paradise

News Magazine of the South Beaches since 1995 *News*

Feature Story: Women In Business



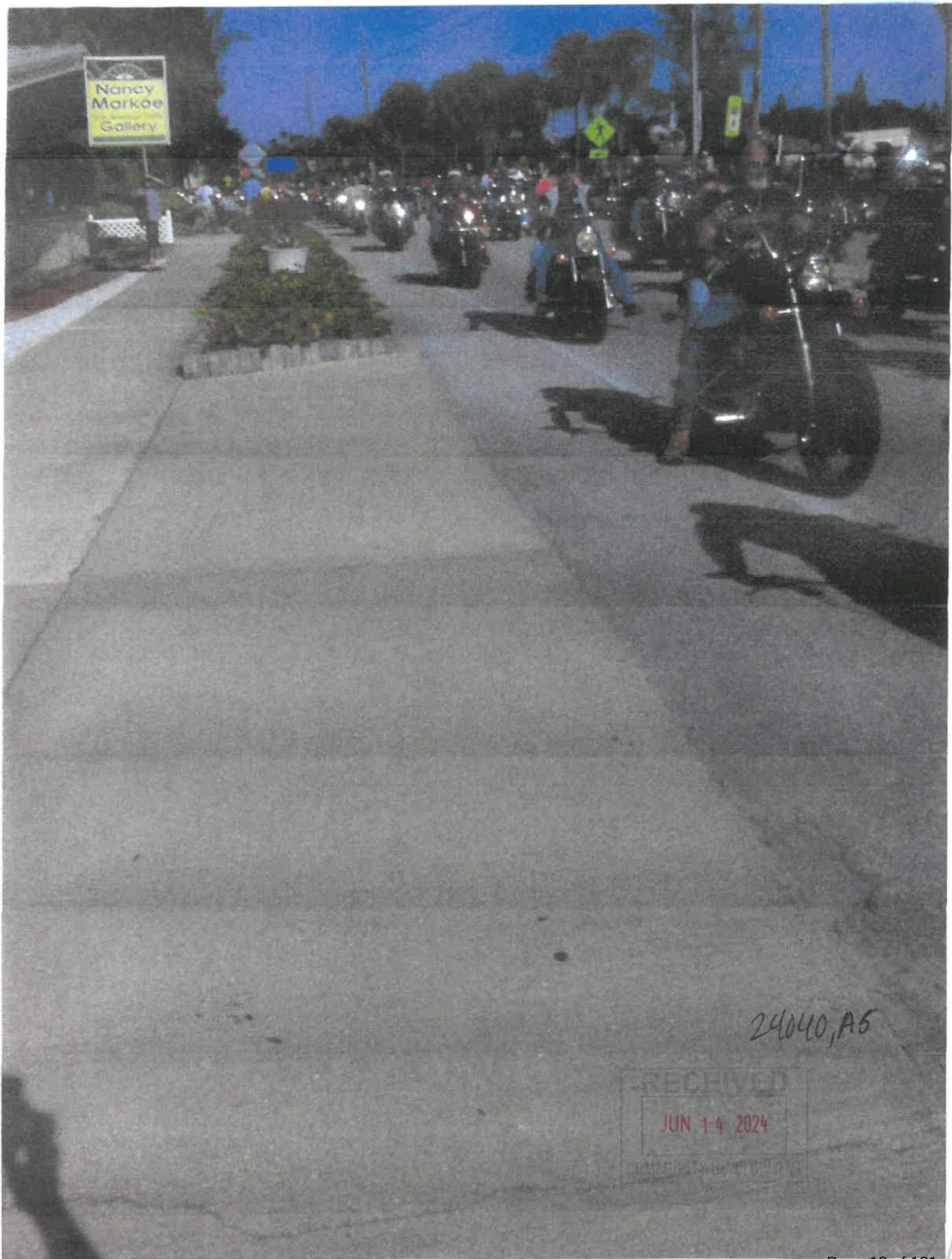
JUN 14 2024

COMMUNITY DEVELOPMENT

29040-AP



RECEIVED
JUN 14 2024
POLICE DEPARTMENT



RECEIVED

JUN 14 2024

COMMUNITY DEVELOPMENT

32 Ave

Nancy Morice
Gallery

24040, A6



RECEIVED

JUN 14 2024

COMMUNITY DEVELOPMENT

24040, A7

24040 AG

RECEIVED
JUN 14 2024
COMMUNITY DEVELOPMENT

**Nancy
Markoe**
Fine American Crafts
Gallery

RECEIVED

JUN 14 2024

COMMUNITY DEVELOPMENT

24040
A9



24040 A10

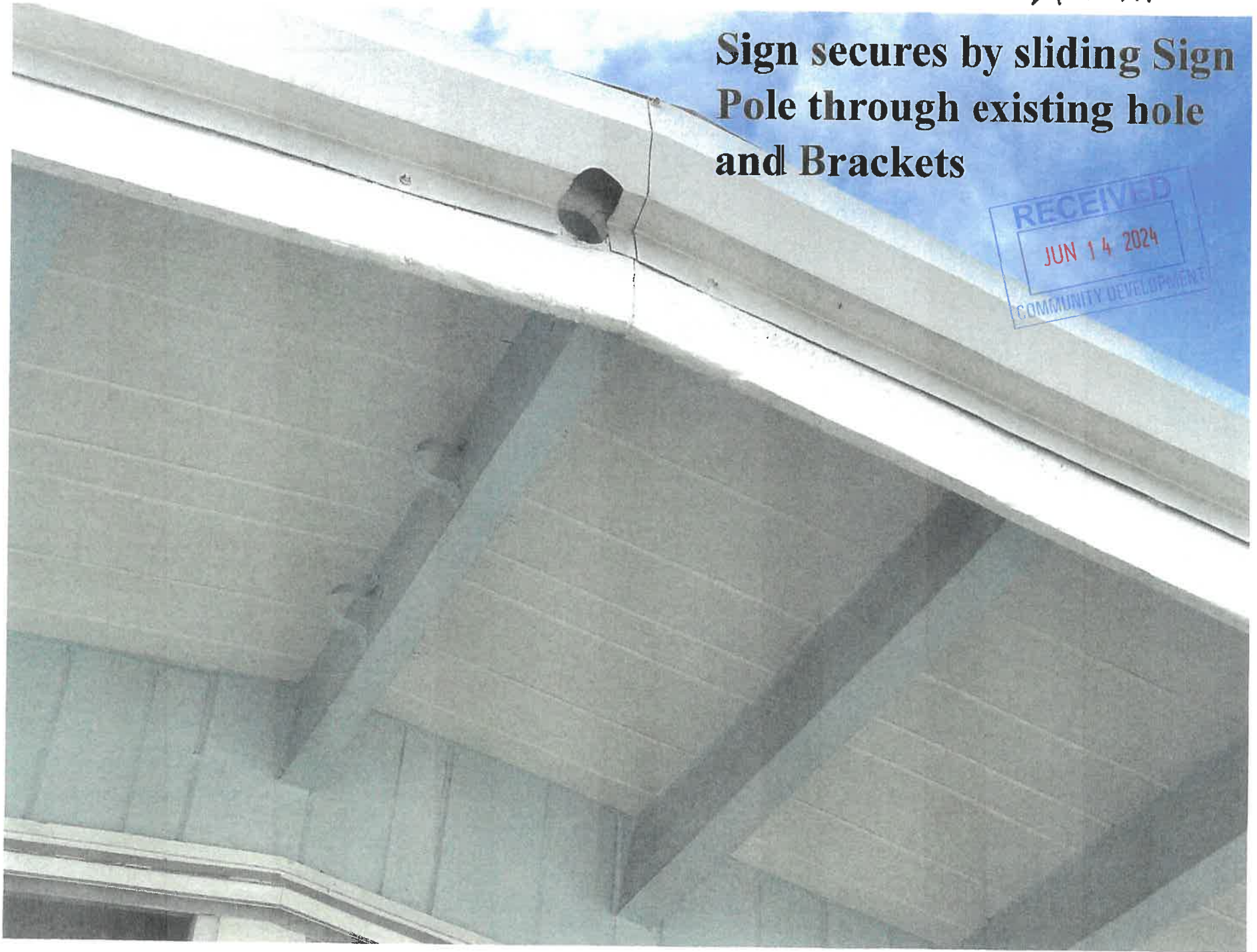


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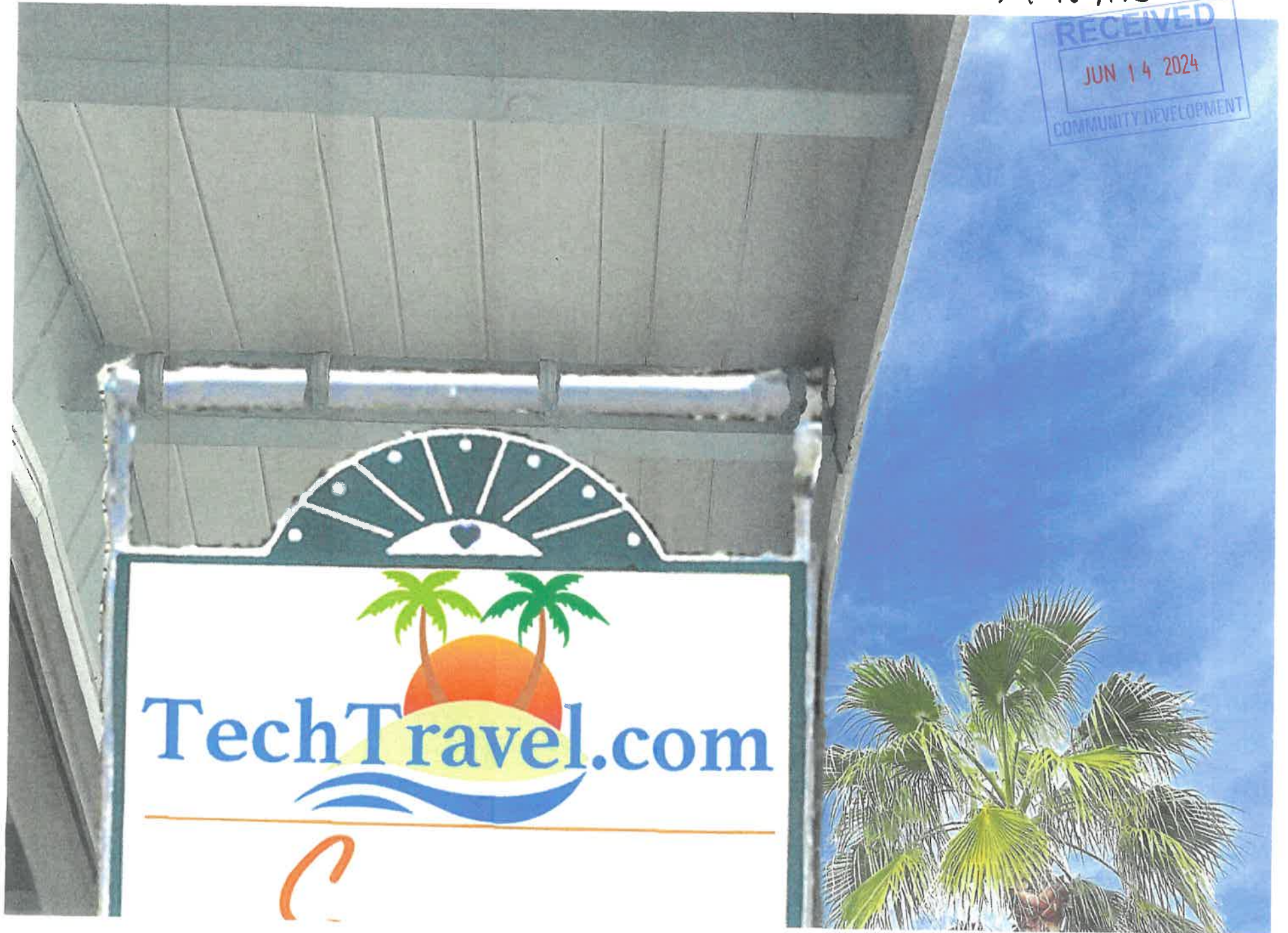


24040 AR2

Sign secures by sliding Sign Pole through existing hole and Brackets



24046 A13



RECEIVED
JUN 14 2024
COMMUNITY DEVELOPMENT

24040 A 14

HISTORIC
PASS-A-GRILLE
PASS-A-GRILLE

TechTravel.com
Eva's
Emporium

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OPEN

Eva's
Emporium
OPEN
10am-5pm

24040 A16

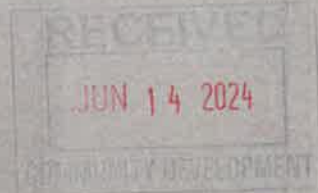
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JUN 14 2024

COMMUNITY DEVELOPMENT



24040 AL7



Carroll 1949

JOB NO.:221667

DRAWN BY:MRB

CHECKED BY:EDM

DATE OF FIELD WORK:12/22/2022

MURPHY'S LAND SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH

ST. PETERSBURG, FLORIDA 33710

WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

FAX (727) 344-4640

CERTIFIED TO: Pagsup LLC

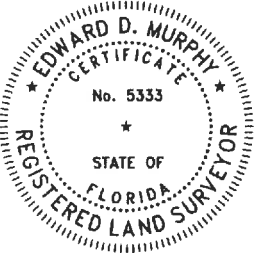
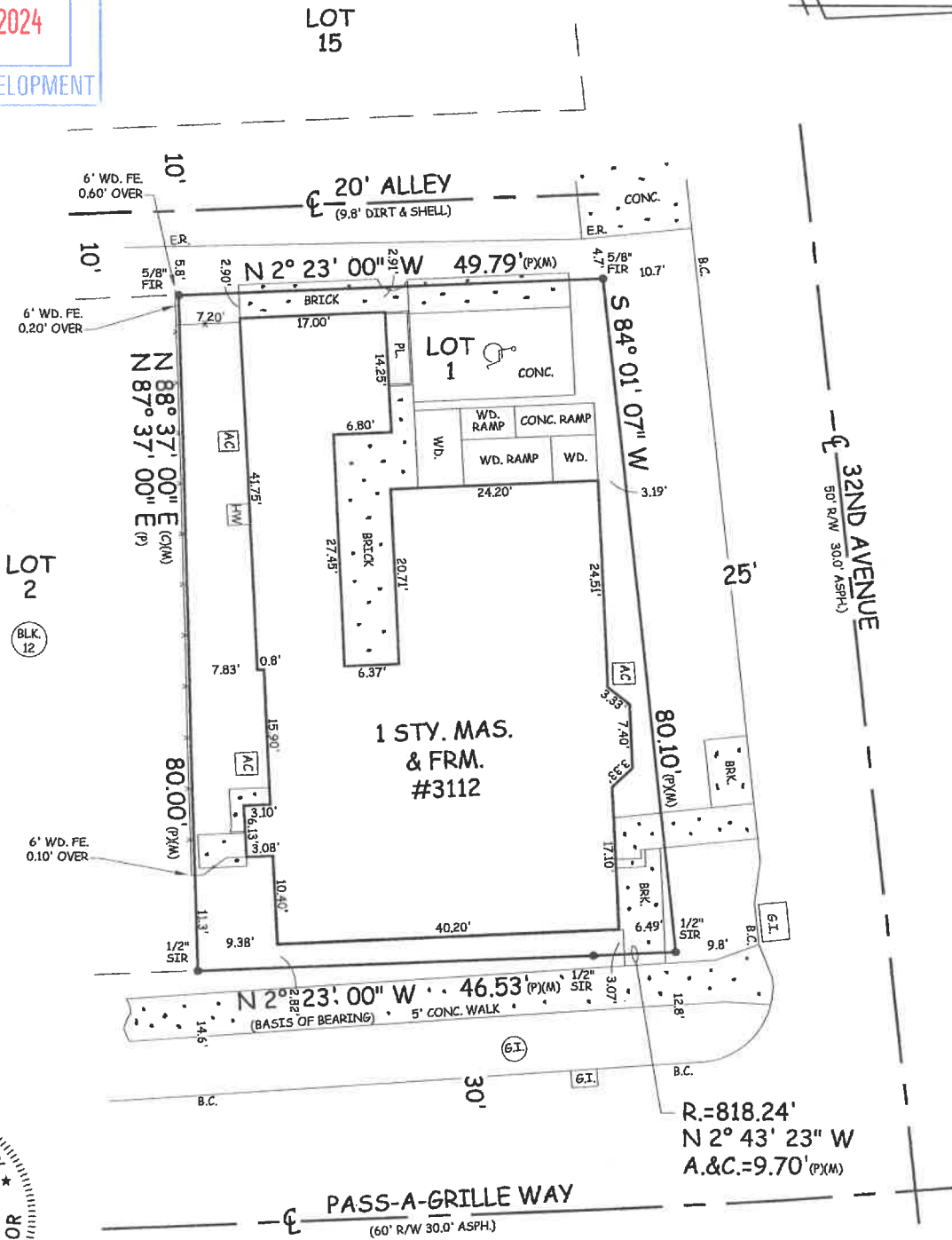
SCALE: 1" = 20'

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

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



NORTH (PLAT)



A BOUNDARY SURVEY OF: Lot 1, Block 12, REPLAT OF BLOCK TWELVE NORTH PASS-A-GRILLE, as recorded in Plat Book 16, Page 94 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 ENDORSED 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 & 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-H- - 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	W.W. - 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 S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG GAR. - GARAGE C/W. - 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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City of St. Pete Beach · 155 Corey Avenue, St. Pete. Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

Date: August 16, 2024
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 3112 Pass-a-Grille Way
Parcel Number: 07-32-16-60948-000-0010
Vivian Herald for PAGSUP LLC
Variance Case No: 24040

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 8/28/2024

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

1. Completed Unnecessary and Undue Hardship Variance package with associated forms.
2. Boundary Survey prepared by Murphy's Land Surveying, Inc., dated 12/22/2022, consisting of 1 sheet.
3. Photo package submitted by applicant, consisting of 15 sheets with no dates provided.
4. Proposed sign schematic, consisting of 2 sheets, A-1 and A-15.

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

Site Description/Surrounding Land Uses

The subject site is a 4,243 sq. ft. (approx. 0.09 acre) parcel located at 3112 Pass-a-Grille Way known as parcel number 07-32-16-60948-000-0010 and legal description of NORTH PASS-A-GRILLE REPLAT OF BLK 12 LOT 1 within portions of the AE-Elevation 9 flood zone. The property is located within the RM, Residential District and PAG, Pass-a-Grille Overlay Districts; RM on the future land map and contains a commercial use of retail and real estate office as per issued Business Tax Receipt. The building is approximately 2,222 square feet that was constructed in 1925 according to the Pinellas County Property Appraiser. In 2007, the property was included on the local historic registry and designated as a local historic property #33. It is a corner parcel located at the intersection of Pass-a-Grille Way and 32nd Ave. with single family residential use to the south, 32nd Ave. and condominium complex to the north, alley and single family residential to the west, Pass-a-Grille Way and condominium use to the east.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Official Zoning Map Page 11 of 15, dated 7/20/2012

Prior Approvals/Background

City records contain information that a Certificate of Appropriateness and FEMA variance amendment was granted for substantial improvement associated with concrete landing and stairs addition in 2019.

Request

The applicant requests installation of a 34"x52" frame sign, with sign face of 8 SF, approximately 102" (8.5 feet) from grade, projecting/hanging sign under the eave of the existing building along the Pass-a-Grille Way frontage (LDC Sec. 26.19)

Technical Review Committee

During the Technical Review Committee review of the variance submittal held 7/17/24, there were Code Enforcement and Planning & Zoning/Transportation comments that were discussed with the applicant, and it was agreed that any non-compliant signs currently on the site including A-frame signs and LED window signage will be removed and that no illumination of the sign is proposed.

Historic Preservation Board

The Historic Preservation Board reviewed the variance submittal on 8/1/24 as per LDC Sec. 28.14 and provided a recommendation of approval with staff recommendations that sign not to be illuminated and removal of all non-conforming signs.

Analysis

1. New variance required:
 - a. **Sign type not permitted (LDC Sec. 26.17):** Projecting/hanging sign is not a permitted sign type within the RM District within the PAG Overlay District.

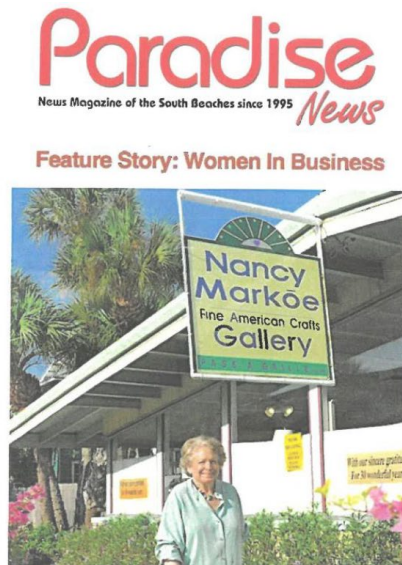
Figure 3: Proposed sign schematic



Figure 4: Front Elevation showing location of proposed sign



Figure 5: Sample of historical photographs provided by applicant of the prior sign



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

The Board has standards of review for a hardship variance and must make a positive finding with regards to the provisions located in Division 3 of the Land Development Code in order to grant the

variance(s). The applicant should be prepared to provide their own testimony by answering the following items 1-8 **in addition** to staff comments below:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or building in the same zoning district;
 - *The commercial use of the property has been operated since 1933 according to the applicant who has provided several pictures as evidence of the use of the property which was included on the local historic registry in 2007.*
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
 - *The sign that previously existed on the site while non-conforming was removed from its location for a period exceeding the allowable timeframe of 90 days as permitted by LDC Sec. 26.2, abandoned or discontinued sign definition.*
3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;
 - *In reviewing the types of permitted signs, Staff finds the corner lot and location of sidewalk in front of the site to not be favorable to install a freestanding sign as it may impede sight lines which could affect pedestrian and traffic safety. Installation of a wall sign may also be difficult due to the architectural design of the building which includes expansive windows along the front and wraps around a portion of the sides of the building limiting the sign to be located towards the base of the building.*
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit and increase in development density;
 - *The request is for the installation of a sign which is permitted, the proposed sign is not a permitted type and will not increase development density.*
5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
 - *Staff does not find that a desire to achieve greater financial return forms the basis of the hardship for this request. The applicant is proposing a sign which meets the maximum square footage permitted and provides site identification.*
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, building, or structures in the same zoning district;
 - *The Board must consider variances on a case-by-case basis. There are no other commercial uses in close proximity within the same zoning district and each variance request has a different set of circumstances and variables. Therefore, the granting of one variance does not confer such allowances on another property.*

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
 - *Staff finds that the installation of a sign smaller than the previous sign, while meeting maximum permitted square footage and in the same general location is minimal, also lessening visual clutter and maintains sight lines.*
8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.
 - *Staff finds that it is not anticipated to cause injury to the neighborhood, public safety, or welfare, or impair property values within the neighborhood.*

Other Comments:

1. The applicant should provide further testimony as to the hardship faced in terms of installing signs in compliance with the sign types permitted under Land Development Code Sec. 26.27 for the RM zoning district in which the property is located.

Recommendation

Staff find the request is reasonable as the sign is not excessively sized and in character with the sign in place at the time of the structure's placement on the local registry. Staff also finds the request results from the applicant's attempt to install a sign that meets the maximum square footage permitted while the site layout and architecture of the building provide challenges in the sign types permitted.

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

1. Any installation of signage as part of this proposal or any future signage may not be internally illuminated.
2. Removal of all signs that were installed without permits be removed which include the LED window and A frame signs.
3. In the event of forecasted inclement weather which includes excessive/high winds, the sign is to be removed temporarily so as to not cause damage to the surrounding area or building.

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: Vivian Herald for PAGSUP LLC, Applicant ***via email*** (info@techtravel.com)
Matthew McConnell, Board of Adjustment Attorney

Letters Received

(as of 8/20/24)

Case No. 24040, 3112 Pass-a-Grille Way

24040, L-1

Kristin Coman

From: Martin LaFond <lafondmr@gmail.com>
Sent: Tuesday, August 20, 2024 9:37 AM
To: Kristin Coman
Cc: Ann Shaw; Cord King; John Amelio; gil rivera; Jon Stevens
Subject: Case # 24040 3112 Pass A Grille Way

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Dear Kristin,

Thank you for the Notice of Public Hearing regarding the sign variance that is being requested at 3112 Pass-a-grille Way. We respectfully request that the Board of Adjustment deny this request based on zoning and encroachment of commercialization. I am writing as the President of Marina Bay Condominiums, a 40 unit community located at 3200 Gulf Blvd and 3112 Pass-a-grille Way.

1. Zoning - It is a residential medium with guidelines for signs. The proposed sign is nonconfirming and we request that any signage stay within the zoning guidelines.
2. Encroachment of commercialization in neighborhood - our community of 40 residents are concerned with the precedence that will be set with this approval. There is already a high volume of traffic at that location today. Tech Travel is a master at marketing. It is hard to understand the hardships that not having this specific sign would be causing. Any signage should confirm to existing zoning standards.

Please convey our concerns to the Board of Adjustment. The City has zoning requirements in place. We respectfully ask that they be adhered to in this case.

Thank you,
Marty LaFond



City of St. Pete Beach - Community Development, Planning Department
155 Corey Avenue, St. Pete Beach, FL • 727-367-2733 •

Proposed Sign Schematic



Photo Showing Location of Proposed Sign





City of St. Pete Beach - Community Development, Planning Department
155 Corey Avenue, St. Pete Beach, FL • 727-367-2735 •

Mailing Date: 8/24/2024

NOTICE OF PUBLIC HEARING

To Owners of Properties within 300 feet:

The purpose of this letter is to notify you of the scheduled hearing before the City of St. Pete Beach **Board of Adjustment** for the property located at **3112 Pass-a-Grille Way**. The purpose of this hearing is to decide if the request satisfied the conditions for issuance. See enclosed Site Plan on reverse side.

DATE: 8/28/2024

TIME: 2:00 P.M.

PLACE: City Hall - City Commission Chamber
155 Corey Ave.
St. Pete Beach, FL 33706

REQUEST: Case No. 24040 - 3112 Pass-a-Grille Way
Unnecessary and Undue Handicap Variance: Vivian Herald on behalf of PAGESUP LLC requests installation of a 34"x52" frame sign, with sign face of 8'5", approximately 102" (8'5 feet) from grade, projecting/hanging sign under the eave of the existing building along the Pass-a-Grille Way frontage (LDC Sec. 26.19).

APPLICANT/OWNER: Vivian Herald on behalf of PAGESUP LLC.

Please call or email the Planning Department office at 727-363-9265 or kcoman@stpetebeach.org if you have any questions.

Kristin Coman
Community Development Director

Cc: District 4 - Richard Lorenzen, Mayor Adrian Petráš

The application is on file with the Planning Department, which is located on the first floor in City Hall, 155 Corey Avenue, St. Pete Beach. You may examine the application materials prior to the scheduled hearing date. Prior to the hearing, you may file any written comments, objection, or support. All timely filed written communications will be presented to the Board for consideration. You also may appear at the public hearing and be heard the respect to the above referenced request(s). This public hearing is subject to special rules and procedures relative to evidence and appeals. Discussions with any board member prior to the hearing will be disclosed at the public hearing. The City does not provide verbatim transcripts.

APPEAL: Florida Statutes 289.0195 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such a 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: Florida Statutes 286.26 Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Martin R. LaFond Jr.
813-494-8231
President, Marina Bay Condominiums

Stay Positive. Stay Strong.

24040, L-2

Kristin Coman

From: Jon Stevens <jon@stevensfamily.net>
Sent: Tuesday, August 20, 2024 9:55 AM
To: Kristin Coman
Subject: Case # 24040 3112 Pass A Grille Way

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Dear Kristin,

I am writing as the President of Cabrillo Condominiums, located at 113 Cabrillo Ave regarding Case # 24040 3112 Pass A Grille Way.

We respectfully request that the Board of Adjustment DENY this request based on zoning and encroachment of commercialization.

1. Zoning - It is a residential medium with guidelines for signs. The proposed sign is nonconforming and we request that any signage stay within the zoning guidelines.

2. Encroachment of commercialization in neighborhood - our community is concerned with the precedence that will be set with this approval. There is already a high volume of traffic at that location today. Any signage should confirm to existing zoning standards.

Please convey our concerns to the Board of Adjustment. The City has zoning requirements in place. We respectfully ask that they be adhered to in this case.

Thank you
Jon Stevens
jon@stevensfamily.net





City of Philadelphia, Pennsylvania
Office of the Mayor
1515 Market Street, 15th Floor
Philadelphia, PA 19102-4218

Meeting Date: 8/14/2018

NOTICE OF PUBLIC HEARING

The Commission on Philadelphia's Future

The purpose of this hearing is to receive comments from the public on the proposed changes to the City of Philadelphia's Charter. The Commission is currently reviewing the Charter and is seeking input from the public on the proposed changes. The Commission is holding this hearing to receive comments from the public on the proposed changes. The Commission is holding this hearing to receive comments from the public on the proposed changes.

DATE: 8/14/2018

TIME: 2:00 P.M.

PLACE: City Hall - City Commissioners' Conference Room
1515 Market Street, 15th Floor
Philadelphia, PA 19102

REQUIRE:

Commissioners and staff are required to attend this hearing. Commissioners and staff are required to attend this hearing. Commissioners and staff are required to attend this hearing. Commissioners and staff are required to attend this hearing. Commissioners and staff are required to attend this hearing.

APPLICANT/OWNER: Citizens for Philadelphia

Please call or email the Planning Department office at 215-686-9165 or Planning@phila.gov if you have any questions.

William Carrigan
Community Development Director

City District 8 - Richard L. Torres, Mayor Antonio Fariña

The application is to file with the Planning Department, which is located on the first floor of the City Hall, 1515 Market Street, Philadelphia, PA 19102. The application is to file with the Planning Department, which is located on the first floor of the City Hall, 1515 Market Street, Philadelphia, PA 19102. The application is to file with the Planning Department, which is located on the first floor of the City Hall, 1515 Market Street, Philadelphia, PA 19102. The application is to file with the Planning Department, which is located on the first floor of the City Hall, 1515 Market Street, Philadelphia, PA 19102. The application is to file with the Planning Department, which is located on the first floor of the City Hall, 1515 Market Street, Philadelphia, PA 19102.

APPROVAL: The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102.

AGENDA: The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102. The City Council, 1515 Market Street, Philadelphia, PA 19102.

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

Agenda Report

Action Request: Should applicant provide adequate additional testimony as requested by Staff:

"Motion to approve variance case 24046 with four conditions as recommended by Staff."

Strategic Objective:

Date: August 28, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Kristin Coman, Community Development Director

Summary of Issue: *Practical Difficulty Variance:* Amy Rebecca and Nicholas Laffler request to construct an in-ground swimming pool of approximately 21'x17' with 9'x6' spa and 20'x9' sun shelf that is elevated less than two feet above grade and proposed to be installed 5' from the southeastern side property line where 7' is required (LDC Sec. 6.13.(c)(1)c.1.).

Funding: N/A

Attachments:

1. 24046 Staff Report
2. Certificate of Completeness with Submittal Documents - Case #24046



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

PLANNING DEPARTMENT

Date: August 14, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 6390 2nd Palm Pt
Parcel Number: 31-31-16-90738-001-0010
Amy Rebecca and Nicholas Laffler
Case No: 24046

Prepared by: Brandon Berry, Senior Planner

Hearing Date: August 28, 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 7/16/2024 and submittal documents.
2. Boundary Survey prepared by Kenneth Osbourne, PSM, of Target Surveying, LLC, sealed and dated June 15, 2023, consisting of two sheets.
3. Site plan CAD drawing, prepared by owner, last updated 7/16/2024, showing proposed improvements.
4. Site plan CAD drawing on survey overlay, prepared by owner, last updated 7/16/2024, showing proposed improvements.

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

Site Description/Surrounding Land Uses

The subject site is an 85x100' (8,500 sq. ft.) parcel comprised of one complete platted lot located at 6390 2nd Palm Pt, known as parcel number 31-31-16-90738-001-0010 and legal description THREE PALMS POINT UNIT 5 BLK 1, LOT 1 within the AE-Elevation 10 flood zone. The property is located in the RU-1 zone; RU on the future land use map and contains a single-family residence constructed in 1968. Additionally, in the rear of the lot, the property contains a detached shed and garage. The property abuts single family residences to the southwest and southeast, 64th Ave to the northwest, and 2nd Palm Pt to the northeast.

The property owner was cited for unpermitted work on the lot and residence in late 2023 (Case# 20230518) and early 2024 (Case #20240077), during which it was determined that the applicant required a permit for groundcover improvements. In the process of the applicant obtaining permits, Staff discovered that a substantial portion of the lot was asphalted beneath a layer of rock, ending up with a property that had an impervious surface ratio (ISR) approaching 100% where a maximum of 70% is permitted. The applicant made front yard improvements that removed a portion of the asphalt and placing turf above, bringing the lot into compliance with the minimum ISR requirement. However, the lot does not currently meet the City's requirement for vegetative groundcover, which is required to comprise 24% of the overall lot area.

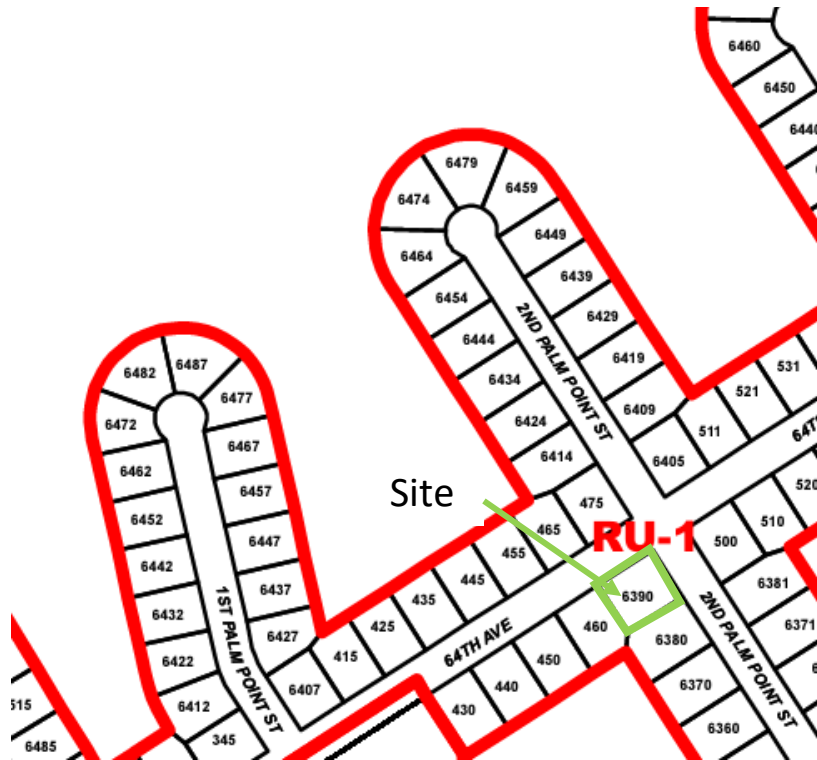
As of late July 2024, the applicant has obtained all necessary permits and there are no active code cases for the subject property.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



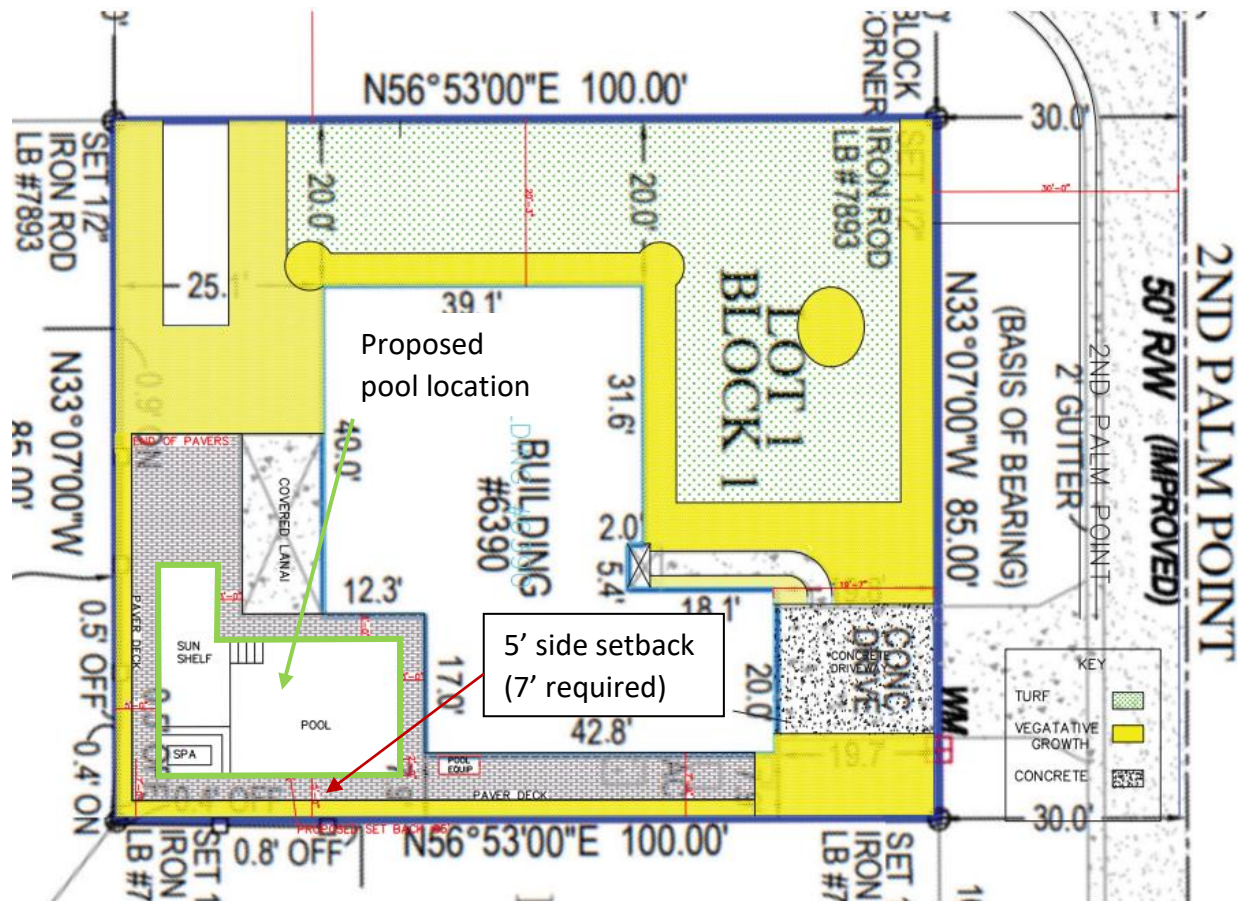
Source: City of St. Pete Beach Official Zoning Map Page 5 of 16, dated 7/20/2012

Request

Request to construct an in-ground swimming pool of approximately 20x17' with 9x6' spa and 20x9' sun shelf that is elevated less than two feet above grade and proposed to be installed five feet from the southern side property line where seven feet is required (*Land Development Code Section 6.13.(c)(1)c.1.*).

Figure 3: Zoning Table			
Detached, Single-Family Residential	6390 2 nd Palm Pt		
	Required	Existing	Proposed
Pool			
Side yard setback, Pool, elevated-greater than 2' from grade	7'	N/A	5' (v)
Rear yard setback, Pool, elevated-greater than 2' from grade	5'	N/A	5'
*Denotes existing non-conformity (v) = Variance required			

Figure 4: Portion of Boundary Survey showing proposed construction location (N.T.S.)



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:

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

The applicant is requesting a 5' setback from the side lot line to the in-ground pool where 7' is required, representing a variance of 29% to the standard. Although the property abuts two other private residential lots to the southwest and southeast, the property has a rear setback relationship with the property to the southwest due to how the Land Development Code treats front and rear yards on corner lots, meaning the 5' setback proposed at this location is compliant with Code standards. Only a variance to the southeast (side) setback is necessary.

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

Staff does not find there would be an adverse impact on the neighborhood. The applicant will maintain a 5' setback with both abutting residential lots, which is the minimum separation provided in the Code for pools relative to other private properties. As the proposal comprises more than ten percent of the lot area, the applicant will also be required to bring the entire lot into compliance with the City's greenspace standards, which they are demonstrating on the site plan. Doing so should have a positive impact on the amount of runoff produced by the lot, particularly in the rear of the property around the pool due to the existing asphalt base.

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

The applicant could reduce the size of the pool, although it appears that moving the pool closer to the home is not viable due to construction requirements. At 570 square feet, the pool is larger than the pools on abutting properties, albeit the overall deck area including the pool is the same size or smaller, and both abutting properties have significantly more area at the rear of the lot than the subject property for future pool improvements. The applicant states that the difficulty could only be obviated through forfeiting of the desired spa and sun shelf dimensions, and later states that the proportion of their property comprised of pool is equal or lesser than another that was recently permitted in the neighborhood. Staff reviewed the permit cited and agrees with the assessment of the cited pool, but finds the subject pool with spa and sunshelf to be a larger proportion of the lot than stated by the applicant.

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

The request is reasonable, and Staff finds the interest of justice will be served by allowing the variance. Staff does not find that a two-foot additional encroachment of the pool will cause concerns for abutting property owners, and may in fact improve local conditions due to the substantial removal of asphalt from this area of the lot. The improvements will maintain the required two-foot setback of decking from the neighbor's property line, and appear to reasonably contend with setbacks caused by the existing building placement that preceded the current zoning code.

Other:

- The applicant should discuss any plans for vegetation and irrigation, if known at this stage.

Recommendation

Staff finds the request will not have an adverse impact on the neighborhood, but seeks additional testimony from the applicant regarding the need for the two-foot encroachment of the pool relative to any difficulty that may be imposed by a smaller sun shelf or spa. It appears, from Staff calculations, that the pool with spa and sunshelf will be larger in terms of total square footage than others in the immediate vicinity, although Staff recognizes that the lot is more constrained than many others due to the building placement and two frontages.

Should the applicant provide adequate testimony for the difficulty caused by reducing the size of the sun shelf or spa, Staff recommends **approval** with the following conditions:

- 1) The applicant shall fully irrigate any vegetative area of the lot required by this approval.
- 2) Groundcovers or sods chosen for vegetative areas of the lot shall be selected to be Florida friendly as certified by the UF Florida Friendly Plant Guide or another publication of similar regard.
- 3) The applicant shall fully remove the asphalt beneath any area of the lot to be vegetated, which shall be documented through photos provided as part of the pool permit's zoning inspection record.
- 4) The applicant shall utilize an infiltration trench, permeable pavers, or another technique to capture deck runoff between the pool deck and property line of both abutting neighbors.

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

Respectfully submitted,

Brandon Berry
Planner

Cc: Nick and Amy Laffler, Owners/Applicants, *via email* (archbayllc@gmail.com)
Board of Adjustment Attorney



Memo To: Board of Adjustment
From: Brandon Berry, Senior Planner
Date: 7/16/2024
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 **September 28, 2024**.

Variance Case Number: 24046
Application Type: Practical Difficulty Variance
Owner: Nick and Amy Laffler
Applicant/Agent: Same
Parcel Number: 31-31-16-90738-001-0010
Address: 6390 2nd Palm Pt., St. Pete Beach, FL 33706
Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance application form last amended 7/16/2024 and submittal documents.
2. Boundary Survey prepared by Kenneth Osbourne, PSM, of Target Surveying, LLC, sealed and dated June 15, 2023, consisting of two sheets.
3. Site plan CAD drawing, prepared by owner, last updated 7/16/2024, showing proposed improvements.
4. Site plan CAD drawing on survey overlay, prepared by owner, last updated 7/16/2024, showing proposed improvements.

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:

- | | |
|---|--|
| ☐ Michael Bomar, Chair | ☐ Joe Moholland |
| ☐ Denise Chase, Vice Chair | ☐ Dan Small |
| ☐ Kathy Garchow | |

Cc: Nick and Amy Laffler, Owners, via email (archbayllc@gmail.com)

CASE #: _____

SUBMITTAL DATE: 7-10-24 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	NICK AND AMY LAFFLER	6390 2 ND PALM POINT ST PETE BEACH FL 33706	314-920-2618
Applicant/ Agent	NICK AND AMY LAFFLER	6390 2 ND PALM POINT ST PETE BEACH FL 33706	314-920-2618
Owner Email Address: ARCHBAYLLC@GMAIL.COM		Applicant/Agent Email Address: ARCHBAYLLC@GMAIL.COM	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation 4 RU-1	Future Land Use Designation	Lot Area 8500
Legal Description:	THREE PALMS POINT UNIT 5, BLK 1, LOT 1	
Parcel ID:	31-31-16-90738-001-0010	
Address:	6390 2 ND PALM POINT ST PETE BEACH FL 33706	
Explanation of Request: request is to vary the side setback for a pool, no taller than two feet from grade, the request is to Sec.13.(c)(1)c.1.		

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 change in setback is a minor variance in relation to the lot. In order to fit the amenities, (i.e. sunshelf for 2 sun loungers and 9x8 spa), this layout work best to not encroach on a normal pool shape and size.

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

No adverse change. Project is in rear, fenced in area. The build is below 2' off grade.

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

The only way is to forfeit the desired spa and sun shelf dimensions.

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

Yes, if variance is allowed all desires for the project will be met. This pool is of normal or comparable size in this neighborhood. The size in relation to lot is still smaller than others in this neighborhood. There are many pools in this neighborhood. One comparable is permit #2401430. This approved pool size is 5.2% of their lot size. If the variance is granted on my project, this project build will be 4.5% of my lot size.


Signature of Applicant

7-16-24
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.

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

MC 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.

MC 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.

MC 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.

MC 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.

MC 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.

MC 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

7-11-24
Date



Impervious Surface Ratio (ISR) Worksheet

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

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

Owner Name & Address

Contractor/Applicant Name & Address

Phone 314 920 2618

Phone owner

Email ARCHBAYLLC@gmail

Email owner

Property Address 6390 2nd Palm Pt. St. Pete Beach FL 33706

Total Lot Area (sq. ft.) 8500

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	2291	sq. ft.
Parking and Driveway:	396	sq. ft.
Pool and/or Patio areas:	200	sq. ft.
Walkways:	66	sq. ft.
Other: BLACK TOP	1247.00	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	4200	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	2291	sq. ft.
Parking and Driveway:	396	sq. ft.
Pool and/or Patio areas:	1200	sq. ft.
Walkways:	66	sq. ft.
Other: BLACK TOP	247	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	4200	sq. ft.

4200 sq. ft.	+	8500 sq. ft.	=	.494
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

4200 sq. ft.	+	8500 sq. ft.	=	.494
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

Certification:

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

Applicant Signature: [Signature] Date: 7-11-24



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, NICHOLAS + AMY LAFFLER, 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): NICHOLAS + AMY LAFFLER

Address: 16390 2nd PALM POINT St. Pete Beach FL 33706

[Signature]
Signature

7-4-24
Date

STATE OF FLORIDA

PINELLAS COUNTY

} SS: Saint Pete Beach

The foregoing instrument was acknowledged before me this 4th day of July, 2024 by: Nicholas + Amy Laffler who appeared before me, and is personally known to me, or has produced (personally known) as identification, and did take an oath.

My commission Expires:

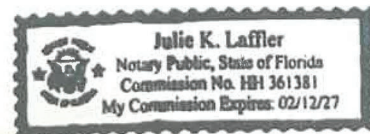
2/12/2027

NOTARY:

Print Name: Julie K. Laffler Notary

Public, State of Florida

(Notarial Seal)



LEGAL DESCRIPTION AND CERTIFICATION

LOT 1, BLOCK 1, THREE PALMS POINT UNIT FIVE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 63, PAGE 33,
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

Community Number: 125149 Panel: 12103C0276 Suffix: H F.I.R.M. Date: 8/24/2021 Flood Zone: AE Field Work: 6/14/2023

Certified To:

ARCH BAY LLC; BOSS LAW, PLLC; FIRST AMERICAN TITLE INSURANCE COMPANY;

Property Address:

6390 2ND PALM POINT
ST PETE BEACH, FL 33706

Survey Number: 592456

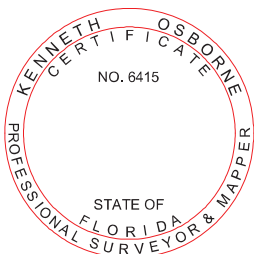
Client File Number: 23-3439BS

ABBREVIATION DESCRIPTION:

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

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE



SURVEYORS CERTIFICATE

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

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

PRINTING INSTRUCTIONS:

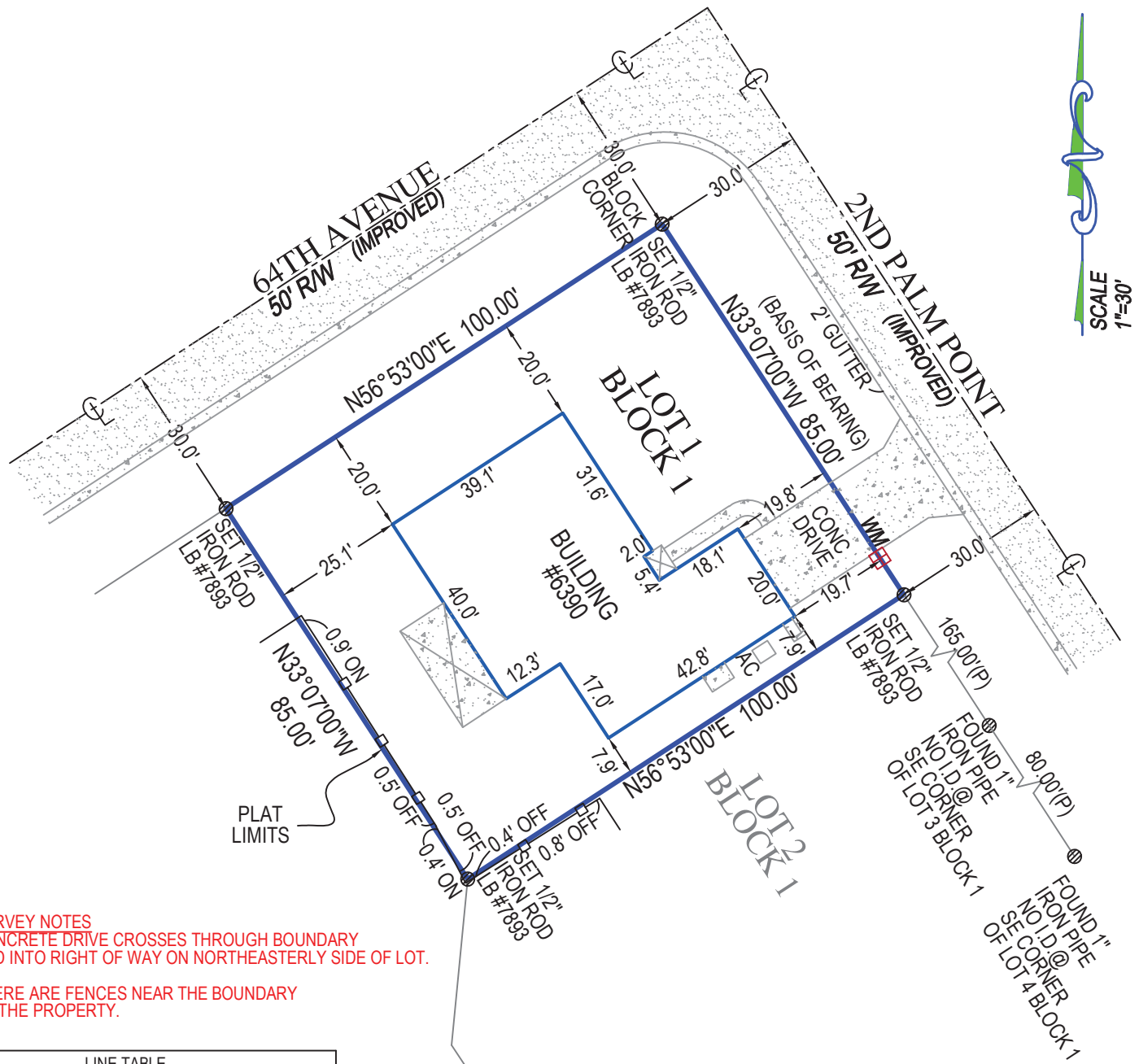
WHEN PRINTING BE SURE TO SELECT "ACTUAL SIZE"
TO ENSURE PROPER SCALING. DO NOT USE "FIT"

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



**TARGET
SURVEYING, LLC**
LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: www.targetsurveying.net

BOUNDARY SURVEY



SURVEY NOTES
CONCRETE DRIVE CROSSES THROUGH BOUNDARY AND INTO RIGHT OF WAY ON NORTHEASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

LINE TABLE		
LINE	LENGTH	BEARING
L1	233.52'	N35°32'09"E

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

SURVEY NUMBER:
592456

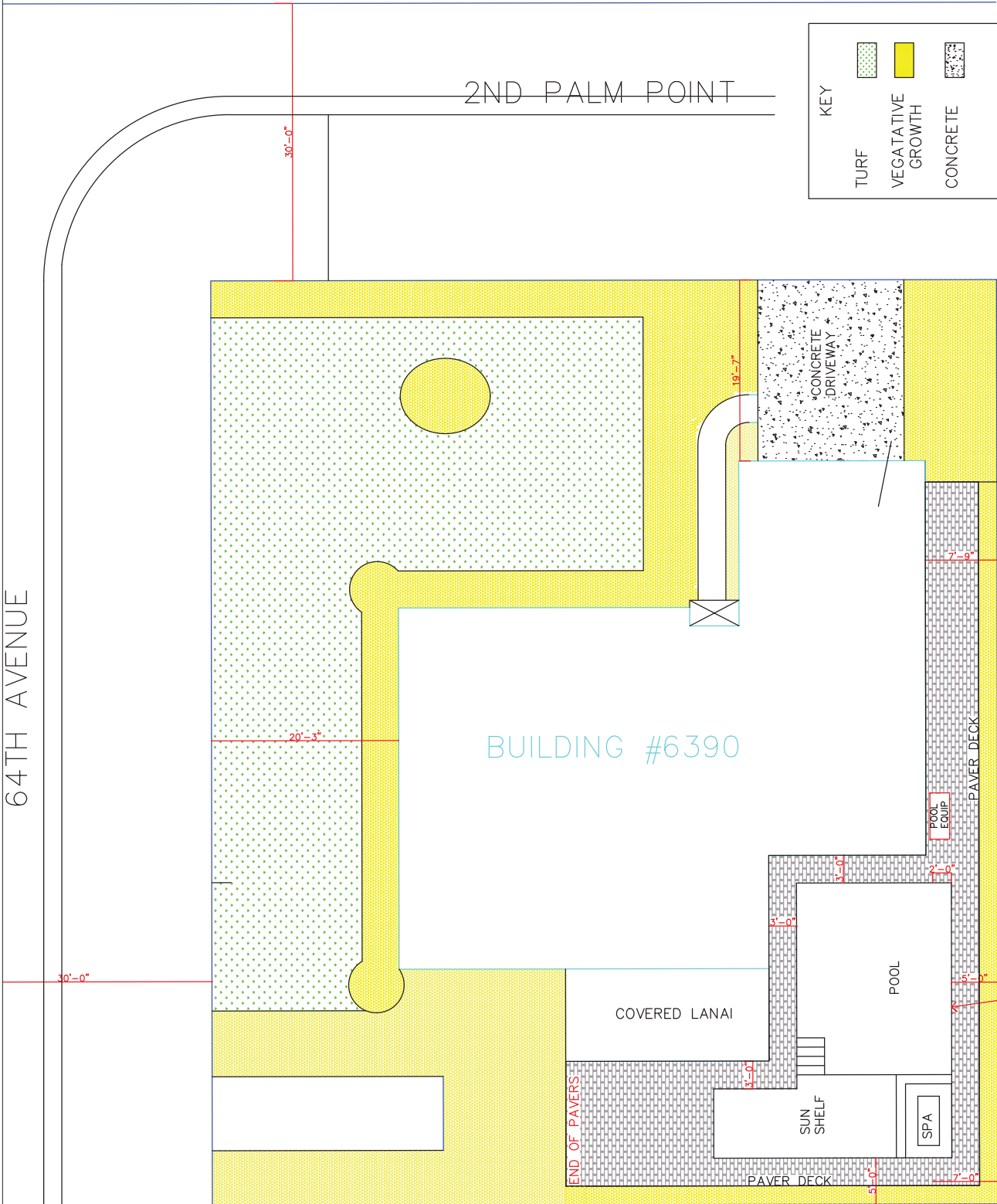
GENERAL NOTES:

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

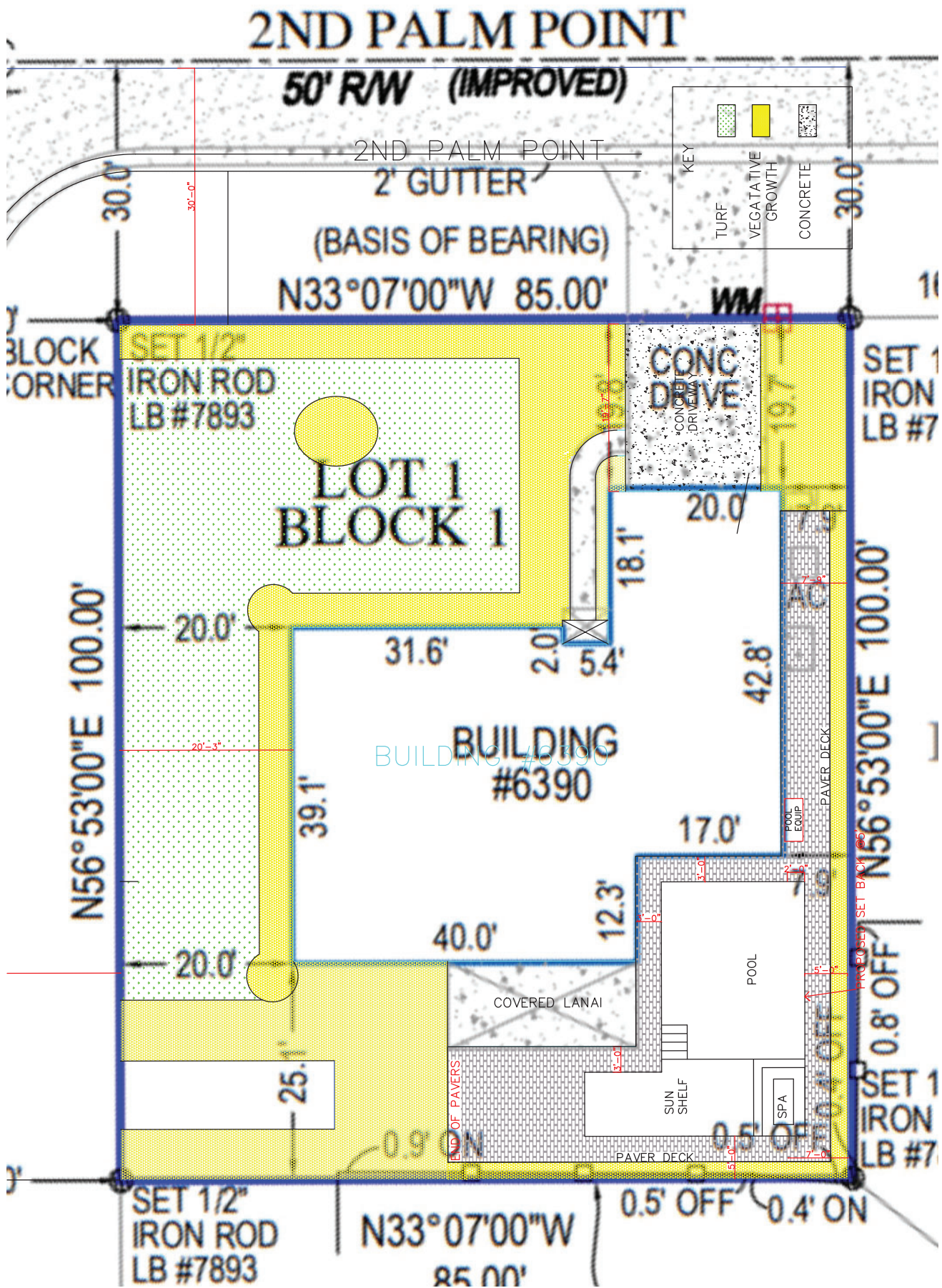


SERVING FLORIDA

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



PROJECT:	ADDRESS:	OWNER:	PAGE:
POOL AND SPA	6390 2ND PALM POINT ST PETE BEACH FL 33706	NICK AND AMY LAFFLER	1 OF 1
			SCALE: $\frac{3/4"}{1"} = 1'$
			DATE: 7-5-2024



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

Agenda Report

Action Request: Motion to approve Case No. 24047 as proposed.

Strategic Objective:

Date: August 28, 2024

Prepared By: Kristin Coman, Community Development Director

Through:

Summary of Issue: *Practical Difficulty Variance:* Sam Angelides, ASPBS LLC on behalf of SPBN LLC requests additional relief for the rear yard setback of the recently constructed 2-car detached garage (22' x 24'), which does not meet the previously approved 15' setback (BOA Case No. 22018), now measuring at 14.5' existing after construction (LDC Sec. 6.13(a)(2)).

Funding: n/a

Attachments:

1. 24047 - 402 39th Ave., Certificate of Completeness with Submittal Docs
2. 24047 - 402 39th Ave., Staff Report



Memo To: Board of Adjustment
From: Kristin Coman, Community Development Director
Date: 7/12/2024
Re: **CERTIFICATE OF COMPLETENESS**

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment agenda on the next available hearing of **August 28, 2024**.

Variance Case Number: 24047
Application Type: Practical Difficulty Variance
Owner: SPBN LLC
Applicant/Agent: Sam Angelides, ASPBS LLC
Parcel Number: 07-32-16-07506-005-0010
Address: 402 39th Ave., St. Pete Beach, FL 33706
Zone: RU-1

Submittal Documents:

1. Completed Practical Difficulty Variance application form and documents.
2. Boundary Survey prepared by Compass Surveying, Inc. dated 1/19/2023, consisting of 1 sheet.

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

City/Board Professionals:

- | | |
|--|--|
| ☒ Board of Adjustment Attorney <i>via email</i> | ☐ TRC Committee <i>via email</i> |
| ☐ Code Enforcement Manager <i>via email</i> | ☐ City Manager |

Board Members:

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

Cc: Sam Angelides, ASPBS LLC, Applicant ***via email*** (angelidesbuilders@gmail.com)

CASE #: 24047

SUBMITTAL DATE: 7/10/24 AMOUNT DUE: \$537.84 PAYMENT DATE: 7/10/24

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	<u>SPBN LLC</u> <u>Sam Angelides</u> <u>AS PBS LLC</u>	<u>3990 Belle Vista Dr.</u>	<u>727-394-8406</u>
Applicant/ Agent	<u>Same ↑</u>	<u>Same ↑</u>	<u>Same ↑</u>
Owner Email Address: <u>angelidesbuilders@gmail.com</u>		Applicant/Agent Email Address: <u>→ same</u>	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation <u>RU 1</u>	Future Land Use Designation <u>RU</u>	Lot Area <u>9646</u>
Legal Description:	<u>Lot 1, Block E, Belle Vista Point First Addition</u>	
Parcel ID:	<u>07-32-16-07506-005-0010</u>	
Address:	<u>402 39th Ave, St. Pete Beach, FL 33706</u>	
Explanation of Request: <u>To request permission to keep the garage structure which was placed with the NW corner, six inches beyond the fifteen foot setback, as constructed. The encroachment remains 11 of the 15 foot setback for 16 of its 22 feet depth leaving 9 sq ft of total encroachment. The 15 ft setback was approved on a previous variance (22018)</u>		

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

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

6" of encroachment into approved 15' rear setback at NW corner of garage. NW corner is 14.5ft to property line and is 15.2 ft from property at the NE corner, leaving ~~4.7 ft~~ 4 sqft of total encroachment due to miscalculation on the diagonal build.

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

None, the structure is already built and the dimensional difference between what was constructed and built is negligible.

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

The only other option would ~~be~~ be deconstructing the garage.

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

Yes, it would be undue hardship to deconstruct the garage
Or a 6" error ~~that was not~~

	7-9-24		
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

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.

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

SS 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.

SS 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.

SS 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.

SS 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.

SS 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.

SS 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]
Signature of Applicant

7/9/27
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, San Angelides ASPBSU, 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): San Angelides
Address: 3990 Belle Vista Dr. St. Pete Beach FL 33706
[Signature] July-9-24
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 9 day of July, 2024 by:
San Angelides who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

My commission Expires:

NOTARY:

Debra A Schoofs

Print Name: Debra A Schoofs Notary

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

Public, State of Florida

(Notarial Seal)

LEGAL DESCRIPTION
LOT 1, BLOCK E, BELLE VISTA POINT FIRST ADDITION, ACCORDING
TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 39,
PAGE 62, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD ZONE: AE
COMMUNITY NUMBER: 125149
PANEL: 12103C0278
SUFFIX: H
BASE FLOOD ELEVATION: 9.0'
FIRM DATE: 08-14-2021
FIRM EFFECT./REV DATE: 08-14-2021

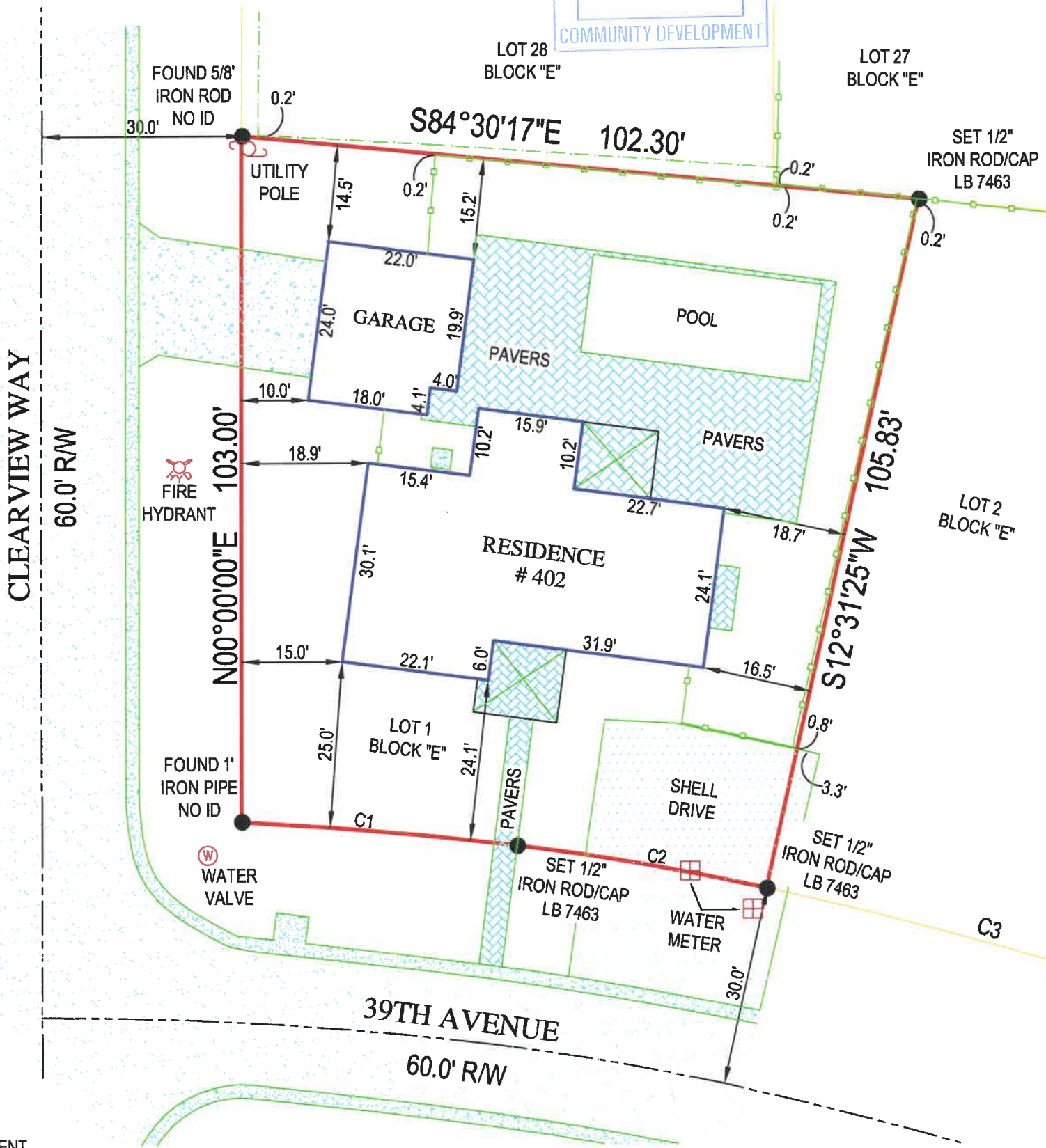
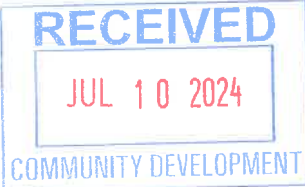


CURVE TABLE

C1	C2
R=580.00	R=400.00
L=41.53	L=38.09
Tan=20.77	Tan=19.06
Δ=4°06'09"	Δ=5°27'22"
C3	
R=660.73	
L=74.59	
Tan=37.34	
Δ=6°28'06"	

NOTES:

1. LEGAL DESCRIPTION PROVIDE BY CLIENT
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST PROPERTY LINE, HAVING A BEARING OF N 00° 00' 00" E.



VICINITY MAP
NOT TO SCALE

LEGEND

A/C	AIR CONDITIONER
B.F.P.	BACKFLOW PREVENTER
C.B.S.	CONCRETE BLOCK STRUCTURE
EL	ELEVATION
F.F.	FINISHED FLOOR
I.D.	IDENTIFICATION
L	LENGTH
L.B.	LICENSED BUSINESS
M	MEASURED
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
P	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PG	PAGE
P.B.	PLAT BOOK
PK	PARKER KYLON NAIL
R	RADIUS
C	CENTERLINE
Δ	AND
Δ	NUMBER
Δ	DELTA OR CENTRAL ANGLE
Δ	CONCRETE
Δ	CHAIN LINK FENCE
Δ	WOOD FENCE
Δ	MISCELLANEOUS FENCE

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A
TRUE AND CORRECT REPRESENTATION OF A SURVEY
PREPARED UNDER MY DIRECTION. NOT VALID
WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED) Kenneth
Osborne

Digitally signed by Kenneth
Osborne
Date: 2024.07.05 10:31:26
-04'00'

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

BOUNDARY SURVEY OF
402 39TH AVENUE
ST PETE BEACH, FL 33706
PREPARED FOR
SAM ANGELIDES

6250 N. MILITARY TRAIL
SUITE 102
WEST PALM BEACH, FL 33407
www.compassurveying.net



LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576



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

PLANNING DEPARTMENT

Date: August 18, 2024
To: Board of Adjustment
Re: Staff Findings Report
Practical Difficulty Variance
Address: 402 39th Ave.
Parcel Number: 07-32-16-07506-005-0010
Sam Angelides, ASPBS LLC for SPBN LLC
Variance Case No: 24047

Prepared by: Kristin Coman, Community Development Director

Hearing Date: 8/28/2024

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 Compass Surveying, Inc. dated 1/19/2023, consisting of 1 sheet.

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

Site Description/Surrounding Land Uses

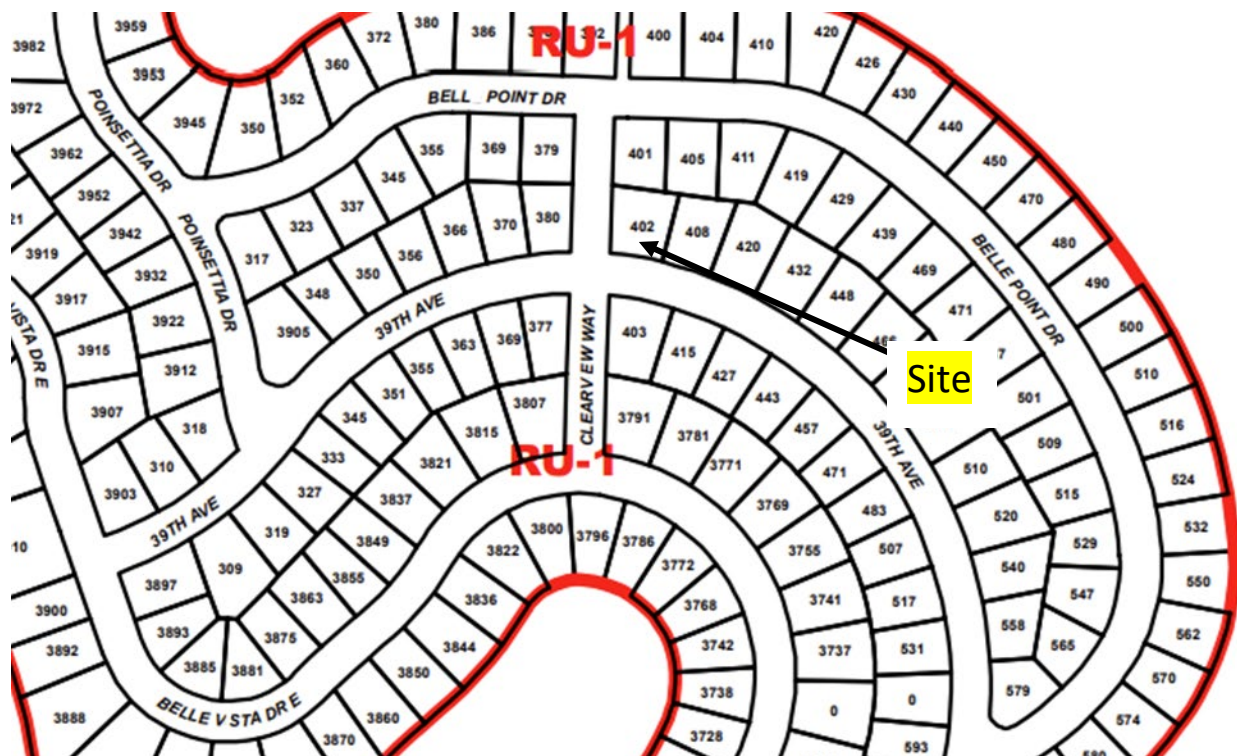
The subject site is a 9,646 sq. ft. (approx. 0.22 acre) parcel located at 402 39th Ave. known as parcel number #06-32-16-09594-001-0010 and legal description of BELLE VISTA POINT 1ST ADD BLK E, LOT 1 within the AE-Elevation 9 flood zone. The property is located in the RU-1, Residential zone; RU on the future land map and contains a single-family residence constructed in 1958 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 improved with a one-story dwelling with recently constructed detached garage with driveway, inground pool and patio area.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request

The applicant requests additional relief for the rear yard setback of the recently constructed 2-car detached garage (22' x 24'), which does not meet the previously approved 15' setback (BOA Case No. 22018), now measuring at 14.5' 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.

2022 (Case No. 22018) Practical Difficulty Variance to construct a garage (22-feet x 24-feet) which will encroach 7-feet and 10-feet respectively into the required 20-foot front (secondary) setback and an encroachment of 5-feet into the required 20-foot rear yard setback (LDC Sec. 8.7(a)(2) and (4)). See requests in connection with Case No. 22018 below:

Figure 3: Case No. 22078 –Staff Report

Structure	Yard	Permitted Setback	Proposed Setback	Variance Percentage
Garage	Front (secondary)	20'	10'	35-50%
Garage	Rear	20'	15'	25%

2022 (Case No. 22078) Practical Difficulty Variance to construct a 22' x 24' two-car detached garage with a 20' x 20' covered porch with a proposed height of 15' which exceeds the 12' maximum height permitted. (LDC Sec. 6.13(2)(b))

It should be noted the nonconforming setbacks were approved in connection with Case No. 22018, however, the proposed height as defined by the LDC may not have been considered in the prior application.

See requests in connection with Case No. 22078 below:

Figure 4: Case No. 22078 –Staff Report

Residential Accessory Structure-Detached Garage (LDC Sec. 6.13(2)(b))	402 39 th Ave.		
	Permitted	Existing	Proposed
Height (Max.)	12'	n/a	15'(v)
*Denotes existing non-conformity (v) = Variance required			

Figure 5: Case No. 22018-Development Order


City of St. Pete Beach 155 Cooley Avenue, St. Pete Beach, Florida 33706 727-367-2795 www.stpetebeach.org

PLANNING DEPARTMENT

Sam Angelides
ASPBS, LLC
3990 Belle Vista Dr.
St. Pete Beach, FL 33706

DEVELOPMENT ORDER
Case Number: 22018

The Board of Adjustment reviewed and conducted a public hearing on an application for a **Practical Difficulty Variance** in the above-captioned case on April 27, 2022.

Address: 402 39th Ave., St. Pete Beach FL, 33706
Parcel Number: 07-32-16-07506-005-0010

Request:
Construct a 2-car detached garage (22' x 24') that will encroach 7 feet and 10 feet into the required 20 foot front (secondary) yard setback and an encroachment of 5 feet into the required 20 foot rear yard setback.

IT IS HEREBY ORDERED:
Case Number 22018 is hereby **APPROVED** as submitted.


12/22/2022

Kristin Coman
Senior Planner

Date

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

Figure 6: Case No. 22078-Development Order


City of St. Pete Beach 155 Cooley Avenue, St. Pete Beach, Florida 33706 727-367-2795 www.stpetebeach.org

PLANNING DEPARTMENT

1/27/2023

Sam Angelides
ASPBS, LLC
3990 Belle Vista Dr.
St. Petersburg, FL 33706

DEVELOPMENT ORDER
Board of Adjustment Case No: 22078

The Board of Adjustment reviewed and conducted a public hearing on an application for a(n) **Unnecessary and Undue Hardship Variance** in the above-captioned case on January 25, 2023.

Address: 402 39th Ave., St. Pete Beach, FL 33706
Parcel Number: 07-32-16-07506-005-0010

Request: Unnecessary and Undue Hardship Variance to construct a 22' x 24' two-car detached garage with a 20' x 20' covered porch, proposed height of 15' which exceeds the 12' maximum height permitted. (LDC Sec. 6.13(2)(b))

IT IS HEREBY ORDERED:
Case Number **22078** is hereby **APPROVED** with the following conditions:

1. All prior conditions in connection with BOA Case No. 22018 are to remain.
2. The detached garage/covered patio may not be attached to the principal dwelling.
3. Applicant shall submit a sealed As-Built Plan noting all setbacks and ISR calculation to receive approval by Zoning prior to the issuance of a Final Inspection/Certificate of Occupancy.


1/27/2023

Kristin Coman, Senior Planner

Date

Figure 7: Case No. 22078-Site Photo, Prior to Construction



Figure 8: Case No. 24047-Site Photo

Site visit completed on 8/16/24 to obtain photos of the constructed garage.



Figure 9: Case No. 24047-As-Built Survey (N.T.S.)

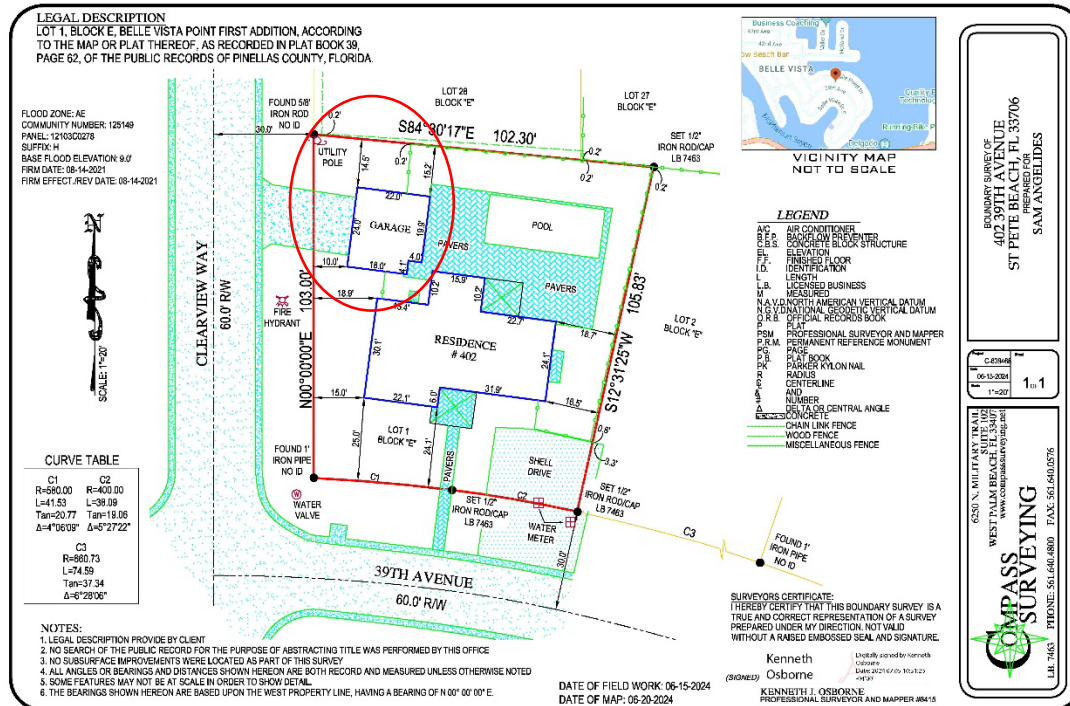


Figure 10: Zoning Table

Residential Accessory Structure-Detached Garage (LDC Sec. 6.13(a)(2))	403 39th Ave.		
	Required	Approved	Constructed
Secondary Front Yard Setback (Min.)	20'	10'	10'
Rear Yard Setback (Min.)	20'	15'	14.5'(v)
*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 rear setback of 15 feet. Upon submission of the required as-built survey staff found that 14.5 feet was the constructed rear yard setback, a difference of 6".*
- Whether an adverse change will be produced in the character of the neighborhood;

- *Staff finds the request reasonable, keeping with the character of the neighborhood with the configuration and design that exists.*
- 3. 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 15' requirement.*
- 4. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.
 - *Staff finds the interest of justice will be served in the granting of this variance. The As-Built survey shows the garage as constructed, only a portion of the exterior wall is located within the required distance as the rear corner of the garage has a 15.2' setback.*

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,



Kristin Coman
Community Development Director

Cc: Sam Angelides, ASPBS LLC, Owner/Applicant **via email** (angelidesbuilders@gmail.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 24048 as requested."

Strategic Objective:

Date: August 28, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Kristin Coman, Community Development Director

Summary of Issue: *Unnecessary and Undue Hardship Variance:* Christopher Baggett of Wright-Pierce for Pinellas County Utilities requests to construct a new building in the Community Redevelopment District without providing either of the two required energy and environmental design standards (LDC Sec. 39.9.).

Funding: N/A

Attachments:

1. 24048 Variance Staff Report
2. 24048 - Certificate of Completeness with Submittal Documents



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PLANNING DEPARTMENT

Date: August 14, 2024
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Address: 0 Gulf Blvd (Pinellas County Water Booster Station)
Parcel Number: 07-32-16-51660-0000-011
Christopher Baggett of Wright-Pierce for Pinellas County Utilities
Variance Case No: 24048

Prepared by: Brandon Berry, Senior Planner

Hearing Date: August 28, 2024

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

1. Completed unnecessary and undue hardship variance application and supporting documents, submitted July 9, 2024.
2. Boundary, Topographic and Tree Survey prepared by Echo UES, Inc., signed by Thomas P Young Jr, PSM, dated 03/25/2024, consisting of four sheets.
3. Amended responses to variance criteria and staff questions, submitted July 12, 2024.

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

Site Description/Surrounding Land Uses

The subject site is an approximately 0.78 acre parcel located at 0 Gulf Blvd. known as parcel number 07-32-16-51660-000-0011 and legal description of LIDO BEACH SUB THAT PART OF TRACT A DESC AS COM AT SE COR OF TRACT A TH N88DW 113.63FT TO POB TH N02DE 191.5FT TH N88DW 203FT(S) TO E R/W LN OF GULF BLVD TH S14DE 199FT (S) TO SW COR OF TRACT A TH S88DE 149.99FT TO POB within the AE-Elevation 10 flood zone. The property is located in the AC – Activity Center zone; AC on the future land map and presently consists of an approximately 9,800 square foot water tank, which will remain through construction, and an approximately 900 square foot one-story building, which is proposed for demolition in favor of the two-story building that is the subject of this request.

The existing tank and associated facility service St. Pete Beach, Tierra Verde, and Ft. De Soto Park, maintaining water pressure and drinking water quality for customers. The facility has existed in its present

developed form since the 1960s, which is considered “pre-Flood Insurance Rate Map” as the City had not at the time been formally entered into FEMA’s floodplain management program and the development preceded the Flood Disaster Protection Act of 1973. As the facility is nearing the end of its usable lifespan according to the applicant, the County is seeking to replace the facility with one that will improve water pressure and significantly elevate critical components above the 100-year floodplain, creating a building that significantly reduces susceptibility to wind and flooding. The large tank will remain.

The project received four variances earlier this year pertaining to landscaping buffers, building setbacks, and required design criteria. These variances all pertained to the site layout or preliminary architectural design, which are addressed under the site plan. At the time of drafting this report, the site plan is approaching issuance. The applicant is applying for the subject variance in anticipation of submitting a building permit application for the construction of the new building, during which the review of the subject criteria is required.

The applicant attended Technical Review Committee on August 8th to discuss the subject request. There were no comments of significance shared by any department.

Figure 1: Aerial Photography



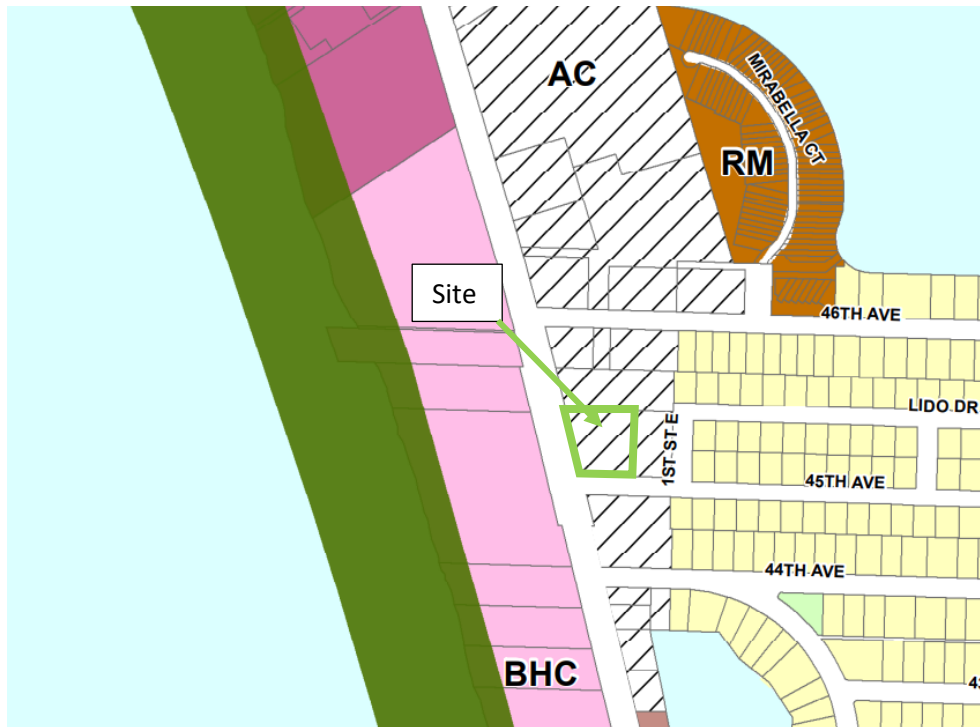
Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



Source: City of St. Pete Beach Zoning Map

Figure 3: Future Land Use Map



Source: City of St. Pete Beach Future Land Use Map

Request

The applicant is requesting a variance to Land Development Code (LDC) Sec. 39.9.:

Sec. 39.9. Energy and environmental design—New construction and major renovation.

(a) All development and redevelopment projects in the Community Redevelopment District shall be required to obtain certification for at least two of the eight standards listed below, as appropriate and applicable to the type of construction:

- (1) Certification by the Florida Green Building Coalition provided the site consists of more than one building and will meet the qualifications of a development. For more information go to www.floridagreenbuilding.org.
- (2) Certification by the U.S. Green Building Council, LEED-NC (Leadership in Energy and Environmental Design — New Construction), Green Building Rating System for New Construction and Major Renovation. For more information go to www.leedbuilding.org.
- (3) Certification by the Florida Green Building Coalition — High Rise Residential Standard for all new residential construction exceeding three stories in height.
- (4) Certification by the Florida Green Building Coalition — Residential Standard Certification for all new residential construction three stories or less in height.
- (5) Certification by the U.S. Green Building Council, LEED-hotels and Green Building Rating System for all new temporary lodging use construction.
- (6) Certification by the U.S. Green Building Council, LEED-EB (Leadership in Energy and Environmental Design — Existing Buildings), or Green Building Rating System for Existing Buildings for existing buildings that are located on a buildable site that is partially being redeveloped. For more information go to www.usgbc.org.
- (7) Certification by the U.S. Green Building Council, LEED-CS (Leadership in Energy and Environmental Design — Commercial Interiors), Green Building Rating System for Commercial Interiors for commercial interior space. For more information go to www.usgbc.org.
- (8) Designated by the Florida Department of Environmental Protection as a Florida Green Lodge for all temporary lodging construction that is existing, new or undergoes a major renovation. For more information, go to <http://www.dep.state.fl.us/greenlodging/>.

Particularly, the applicant is requesting to construct the new two-story pump building without providing any of the required green building standards.

Additional Comments

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

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

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

The City's energy and environmental design standards are largely oriented toward commercial and lodging development or redevelopment projects. The subject development is nearly the opposite, housing critical drinking water equipment and other facilities that do not have any direct public access and require only limited access from County staff. Some of the best planning practices that tend to accompany such lodging and commercial projects, such as access to transit, bicycle facilities, and placing new development within other highly-developed areas, is sensible and awards LEED points, but are not beneficial in a community sense for the subject development. This is a unique circumstance that is peculiar to the subject development but not emblematic of most development promoted or permitted within the zoning district.

The subject project maintains the large water tank that buttresses the new pump station building. At roughly 10,000 square feet in size, or 25% of the site area, the tank occupies the center of the site and appears to prevent other points-awarding activities, such as environmental restoration credits. Were tank redevelopment undertaken as a requirement of this project, it would pose a significant expense and may disrupt City services to a much greater extent than the subject development.

Through the application the applicant also provides strong and logical support for the inability of the development to achieve points in other categories, such as water conservation due to internal requirements, inability of the site to support on-site renewable energy generation, and well-being metrics like acoustic performance. Other credits that are typically oriented toward occupied buildings, like interior lighting and views, while potentially achievable, are not beneficial to the project as a largely unoccupied building. Additional windows, openings, and other quality of life improvements that can assist with the natural heating or cooling of a building also potentially pose points of weakness to a building that is designed to significantly exceed the base floodplain management requirements enforced by the City. There are direct and widespread public benefits to ensuring the building remains substantially safe from flooding long into the future, the magnitude of which drastically exceeds most new development projects in the City.

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

The accompanying site plan and construction comprises a partial site redevelopment and is primarily intended to meet modern station requirements as well as substantially reinforce the on-site facilities from flooding and other natural disasters. The conditions creating these circumstances do not result from the applicant. The applicant is responding to future threats to the facility, some of which appear to be at odds with the requirements requested for waiver under this variance.

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

The subject redevelopment project is unlike most cases of development or redevelopment where a private entity seeks a use for either personal fulfillment or income generation. The maintenance of facilities on the site are essential to providing safe and reliable drinking water to residents of St. Pete Beach and surrounding neighborhoods. While it may be viable to fully redevelop the site with facilities that achieve the City's energy requirements, doing so would come at a significant public expense and potentially with significant disruption to water service. This could result in hardship to the applicant and, by extension, the public.

The applicant refers to the energy and conservation standards as redundant in the narrative provided with the application. Staff finds that in a typical development scope, enforcement of these standards would be of direct benefit to both the public and the site itself, as increased development impacts from visitors, energy and water use, and stormwater impact, would be at least partially mitigated by LEED and other requirements. However, in the subject case, the applicant states that they have already made encompassing efficiency and sustainability improvements regardless of the achievement of the listed energy and environmental design standards.

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

Government buildings and public facilities are permitted uses in the subject zoning district. The subject site has been used for potable water production purposes for decades.

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

The variances are, in part, a request to save money from what the applicant calls redundancies introduced by requiring particular elements of qualifying programs within the building design. However, this is a public building. Not achieving LEED or similar certification does not result in additional benefits to the applicant or owner.

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

The Board must consider variances on a case-by-case basis.

The subject development is fundamentally different from most other uses and structures that are permitted in the zoning district, in that the building is not held out to the public or consistently accessed by its owners or employees but still serves a critical public purpose. The use of the structure, its operational requirements, and the limited extent to which the site is being redeveloped all contribute to distinct treatment of the facility compared with others in the same zoning district.

The building is required to consistently operate at a particular level of service, and according to the applicant the contributing requirements are at odds with the City's energy efficiency requirements that exceed those found in the Florida Building Code. Many of the LEED and other standards that are directly aimed at greater walkability, wellness for visitors or staff, or

other pertinent criteria are not able to be realized in the subject project due to the infrequency at which the structure is accessed. The applicant is providing general community benefits, including a wider sidewalk along Gulf Blvd, in furtherance of the City's goals. These benefits generally align with the City's promotion of green building standards in the Community Redevelopment District, but do not directly meet the requirements of the Code.

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

The requirements of LDC Sec. 39.9. as written are either met or not met, but there are hundreds of individually-contributing criteria to earning LEED or another qualifying certification. The applicant appears to be meeting some of these criteria, such as providing for retention basins on the site, and reducing the parking footprint. Staff finds the application justification sufficient to justify that the request is generally the minimum variance viable.

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

Staff finds the request to be in harmony with the overall intent of the Comprehensive Plan and Land Development Code, which promote the public safety and health that a more resilient facility would provide. Of the eight listed energy and environmental design criteria, only one appears to be directly available to the subject development, particularly LEED for new construction. Other standards are either oriented toward commercial or lodging development, or intended for sites with multiple buildings being redeveloped. This limits the applicant to a significantly greater degree than, for instance, a lodging facility operator, where particular certifications like the green lodging program are more oriented toward operational improvements such as recycling programs and employee education that do not require significant development investment.

Staff does not find the request will be injurious to the neighborhood, otherwise detrimental to the public safety and welfare, or will diminish property values. The facility is a necessary public service and some of the unachieved criteria the applicant requests a waiver to would not serve the intended purpose of the building. The applicant is providing for some of the local priority improvements, such as additional public lighting and a wider sidewalk along Gulf Boulevard, that assist with achieving City goals.

Other:

- The applicant should speak to any sustainability measures undertaken by the County that may not be apparent through the narrative or relevant to the LEED certification criteria.
- The applicant should address how the project would proceed if the variance was partially or fully denied.
- Timetables for construction should be addressed, if known.

Technical Review Committee Meeting Comments from February 16, 2024

Staff met on August 7, 2024 to discuss this request. No substantive comments were shared.

Recommendation

Staff finds the request is reasonable and that the applicant has adequately addressed the criteria as they pertain to the subject development. The limited scope of the redevelopment, heightened need for facility reliability, lack of public access or consistent staff use that would benefit from the quality of life-oriented LEED credit-granting improvements, and inclusion of some of the City's priorities such as an expanded sidewalk and pedestrian-scale lighting, all contribute to the recommendation. While it may be viable to completely redevelop the site and achieve at least the one green building criteria Staff has identified as relevant to the subject property, it is likely to come at significant public expense and potential disruption to critical facilities.

Staff finds the applicant has adequately addressed required unnecessary and undue hardship criteria and recommends approval.

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

Respectfully submitted,

Brandon Berry
Senior Planner

Cc: Christopher Baggett of Wright-Pierce, Inc., Applicant **via email** (christopher.baggett@wright-pierce.com)
Tom Menke of Pinellas County Utilities, Owner, **via email** (tmenke@pinellas.gov)
Matthew McConnell, Board of Adjustment Attorney



Memo To: Board of Adjustment
From: Brandon Berry, Senior Planner
Date: 8/1/2024
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 **September 28, 2024**.

Variance Case Number: 24048
Application Type: Unnecessary and Undue Hardship Variance
Owner: Pinellas County Utilities
Applicant/Agent: Christopher Baggett of Wright-Pierce
Parcel Number: 07-32-16-51660-000-0011
Address: 0 Gulf Blvd, St. Pete Beach, FL 33706
Zone: AC

Submittal Documents:

1. Completed unnecessary and undue hardship variance application and supporting documents, submitted July 9, 2024.
2. Boundary, Topographic and Tree Survey prepared by Echo UES, Inc., signed by Thomas P Young Jr, PSM, dated 03/25/2024, consisting of four sheets.
3. Amended responses to variance criteria and staff questions, submitted July 12, 2024.

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:

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

Cc: Christopher Baggett of Wright-Pierce, Inc., Applicant ***via email*** (christopher.baggett@wright-pierce.com)
Tom Menke of Pinellas County Utilities, Owner, ***via email*** (tmenke@pinellas.gov)
Matthew McConnell, Board of Adjustment Attorney

CASE #: _____

PARCEL #: _____

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

UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

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

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

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	PINELLAS COUNTY UTILITIES	14 SOUTH FORT HARRISON BLVD, 6TH FL CLEARWATER FL 33756	727.453.3343
Applicant/ Agent	CHRISTOPHER BAGGETT	3820 Northdale Blvd, Suite 202 TAMPA FL 33624	407.720.5395
Owner Email Address: mcook@pinellas.gov		Applicant/Agent Email Address: christopher.baggett@wright-pierce.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
AC	AC	0.78 ACRES
Legal Description: THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2556, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1 IN SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT A, LESS THE NORTH 120 FEET, LESS THE EAST 113.62 FEET, LIDO BEACH SUBDIVISION, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 34, PAGE 7, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA		
Address: GULF BLVD, ST PETE BEACH		
Explanation of Request: _____ SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS" _____ _____ _____		

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

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

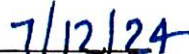
SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

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

SEE ATTACHED DOCUMENT TITLED "REQUESTED VARIANCE AND FINDINGS"

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

VARIANCE APPLICATION

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

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

MC 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.

MC 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.

MC 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.

MC 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.

MC 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.

MC 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.

Margaret Cook
Signature of Applicant

7/12/2024
Date

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

I/WE MARGARET COOK
(print name of property owner)

hereby authorize CHRISTOPHER BAGGETT
(print name of agent)

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

Margaret Cook
Signature of Owner

Chris Baggett
Signature of Agent

MARGARET COOK
Print Name of Owner

CHRISTOPHER BAGGETT
Print Name of Agent

The forgoing instrument was acknowledged before me this 12th day of
July 2024 by margaret Cook or who is
personally known _____ produced
_____ as identification.

Colleen Whitham
(Notary Signature)

7/12/24
(Date)

My Commission Expires



Colleen Whitham
Comm.: HH 342109
Expires: December 15, 2026
Notary Public - State of Florida



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, MARGARET COOK, 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): MARGARET COOK

Address: 14 SOUTH FORT HARRISON BLVD, 6TH FL, CLEARWATER, FL 33756

Margaret Cook
Signature

7/12/2024
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 12th day of July, 2024 by:
Margaret Cook who appeared before me, and is personally known to me, or has produced
as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: Colleen Whitham Notary

Public, State of Florida

(Notarial Seal)



Colleen Whitham
Comm.: HH 342109
Expires: December 15, 2026
Notary Public - State of Florida

DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN FINAL DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility 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 and undue hardship variances or final administrative decision for administrative variances. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, City Manager, or withdrawn. Multiple sign postings cannot 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.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your 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 representative not later than 24 hours following the final decision by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board, or City Manager.

A Notary Public is available in City Hall; 155 Corey Avenue.

Requested Variance and Findings

Requested Site Plan Land Development Code Variances

1. This project is required to comply with two of the eight listed green building standards in LDC Sec. 39.9. Based upon the building classification, of the eight it appears only LEED-NC, LEED for interiors, and FGBC certification are available to the structure. While this certification will not be required until the building permit stage, please be aware of this requirement. Alternative certifications or best practices can only be considered under a variance, as staff has no discretion to waive these requirements.

Green Building Standards Background

The United States Green Building Council (USGBC) was founded in 1993 and created the Leadership in Energy and Environmental Design (LEED) certification program. The Florida Green Building Coalition (FGBC) was founded in 2000 and created the FGBC certification program. These organizations were founded to promote the inclusion of sustainability/green building practices into building design. During this era, the Florida Building Commission did not focus on the inclusion of sustainability/green building practices into the Florida Building Code (FBC).

The City of St. Pete Beach (City) appears to have originally adopted Land Development Code (LDC) Section 39.9 – Energy and environmental design – New construction and major renovation in 2008. The current version of LDC Section 39.9 requires new and major renovation projects within the City’s community redevelopment district to comply with two of the eight listed green building standards. According to City’s Comprehensive Plan, LDC 39.9 was developed in response to the below citizen input:

Residents have expressed a need and desire to create a more environmentally friendly sustainable community that will improve the quality of life for residents and visitors by requiring the City to initiate an application with the Florida Green Building Coalition for certification as a Florida Green City and establishing goals, objectives and policies promoting Green practices and strategies for redevelopment that will be implemented through the City’s land development and building regulation..(Comprehensive Plan, Section I, Item 7)

Due to the increased focus on green building practices in the industry, the Florida Building Commission began incorporating green building practices into the FBC around 2012. The most notable modifications occurred in the 2017 and the 2020 editions of the FBC. The 2017 edition of the FBC incorporated principals emphasizing energy efficiency, indoor air quality, and the use of sustainable building materials. The 2020 edition of the FBC focused on increased energy efficiency requirements, improved water conservation measures, and the promotion of renewable energy sources. These modifications were developed to support Florida’s unique environmental needs while promoting sustainability in new construction and major renovations.

Gulf Beach Water Booster Station Improvements Project

The Gulf Beach Water Booster Station (GBWBS) provides potable water to its service area for drinking and fire protection purposes. Its service area extends from the City of St. Pete Beach to Fort De Soto Park. The GBWBS is owned and operated by Pinellas County (County) and was originally placed in service around 1968. The County is currently upgrading the GBWBS. The upgrades will increase pump and power reliability, which will minimize the likelihood and duration of temporary reduced potable water service. This will be accomplished by replacing deteriorated pumps and equipment, providing a standby pump, and providing a standby emergency generator. The upgrades will also increase the facility's resiliency to major disaster events (e.g., a major flood event), which will minimize the likelihood and duration of long-term reduced potable water service. This will be accomplished by replacing the existing pump building with a new pump building that is designed for current code requirements including wind and flood loads.

Since the new pump building will house critical equipment needed to maintain full potable water service within its service area, it is considered an essential building that must remain operational during and after a major disaster event (e.g., a major flood event). Consequently, the new pump building must be designed to meet more stringent code related wind and flood load requirements than most commercial and municipal buildings in the same zoning district. For instance, the new pump must be designed to withstand flood loads associated with FEMA's 500-year flood event, at a minimum, in addition to code related wind load requirements. To provide a higher level of protection and resiliency than required by code, the County established the design flood elevation for the new pump building at 18.8' NAVD88, which exceeds FEMA's 500-year flood elevation of 14.6' NAVD88. This higher flood elevation is based on the County's more conservative 500-year flood elevation, determined through detailed watershed and coastal studies, and an allowance for sea level rise.

Due to the coastal environment and the significant wind loads and the significant flood depth and loads that the new pump building must resist, suitable construction materials and selections of exterior components are limited. The new pump building will be an unoccupied structure in which internal equipment will be monitored and controlled remotely. Its design incorporates green building practices to the extent reasonable. Furthermore, due to the limited space on the existing site and maintenance vehicle access needs, the new pump building will be located where the existing building is located.

Unlike most commercial and municipal buildings within St. Pete Beach's redevelopment district, there is little flexibility to adjust the design of the new pump building to make it more sustainable and energy efficient beyond what is included in the current design due to the above requirements and constraints. Furthermore, a significant portion of the potential credits included in the LEED-NC and the FGBC certification programs are not applicable or attainable for this project. Please note that LEED for interiors would not be applicable since the complete pump building is being replaced.

The City developed its Green Building Standards to create a more environmentally friendly sustainable community that will improve the quality of life for residents and visitors (Comprehensive Plan, Section I, Item 7). Since the GBWBS is closed to the City's residents and visitors, it will primarily improve the quality of life for the City's residents and visitors by:

- providing potable water service within its service area for drinking and fire protection purposes with increased reliability, and
- increasing potable water service resiliency to major disaster events (e.g., a major flood event).

The new pump building design meets or exceeds applicable FBC requirements and incorporates green building practices. Some of the green building practices incorporated into the design include:

- Pre-Design Activities
 - Climate-related risk management planning
 - Emergency preparedness
- Design Activities
 - Enhanced resilience to natural disasters and weather events
 - Improved pump and power reliability
- Planned Construction Activities
 - Erosion and sedimentation control plan
 - Regional materials, majority sourced within 500 miles
- Architectural and Structural Components
 - No urea formaldehyde carpeting on floor or wall coatings with VOC content
 - Roofing will meet Energy Star requirements, which includes use of reflective roof covering
 - Recycled content in concrete
 - Sound attenuation to reduce exterior noise levels associated with equipment operations
- Mechanical and Process Components
 - High efficiency water booster pumps and motors to reduce energy use and operational costs
 - High efficiency fans and motors to reduce energy use and operational costs
 - High-efficiency heat pumps are utilized for space cooling, providing an energy-efficient solution that is adaptable to the specific needs of the building
 - Control systems for the HVAC equipment allows for improved performance management and energy savings
 - Low flow plumbing fixtures to conserve water, reduce environmental impacts, and provide economic savings
- Electrical Components
 - Energy efficient LED lighting to reduce energy use and operational costs
 - Localized control of lighting to ensure lights do not remain on when maintenance workers are no longer present

As discussed previously, there is little flexibility to adjust the current design to make the building more sustainable and energy efficient. Only two (LEED-NC certification and FGBC certification) of the eight green building standards listed in LDC Section 39.9 are applicable to the new pump building. However, for reasons discussed above pursuing green building certifications will not produce additional meaningful increases in the sustainability or energy efficiency of the new pump building beyond what is included in the current design. The County has coordinated with the City in an effort to make sure that the proposed pump building aesthetics preserve the current art deco theme and the core character of the community. The project appears to satisfy the underlying intent of the citizen input summarized in Section I, Item 7 of the Comprehensive Plan (i.e., to create a more environmentally friendly sustainable community that will improve the quality of life for residents and visitors), which led to the development of LDC Section 39.9. For these reasons, the County requests a variance from having to pursue and obtain green building certifications for this project.

Findings Necessary for Granting a Request

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

Because the new pump building will house critical equipment needed to maintain full potable water service within its service area for drinking and fire protection purposes, it is considered an essential building that must remain operational during and after major disaster events (e.g., a major flood event). Consequently, the new pump building must be designed to meet more stringent code related wind and flood load requirements than most commercial and municipal buildings in its zoning district. The new pump building design already incorporates green building practices to the extent practical and meets design constraints and stringent requirements. Unlike most commercial and municipal buildings within the same zoning district, there is little flexibility to adjust the design of the new pump building to make it more sustainable and energy efficient beyond what is included in the current design. Pursuing green building certifications will not produce additional meaningful increases in the sustainability or energy efficiency of the new pump building. For these reasons, the County requests a variance from having to pursue and obtain green building certifications for an essential unoccupied building.

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

The GBWBS was placed in service around 1968. The existing building houses critical equipment needed to maintain full potable water service within its service area and is not capable of withstanding a major flood event. The GBWBS requires updating to replace deteriorated equipment, to improve pump and power reliability, and to improve its resiliency to major disaster events (e.g., a major flood event).

The site constraints and the advancement of building codes for essential buildings, which limit the flexibility to adjust the design of the new pump building to make it more sustainable and energy efficient beyond what is included in the current design, have not resulted from the actions of the County.

In addition, GBWBS's increased vulnerability to flood events from increased sea level rise have not resulted from the actions of the County. Sea level rise is predominately a result of thermal expansion due to the heating of the ocean and the addition of water mass associated with ice-mass loss from the ice sheets and glaciers according to Global and Regional Sea Level Rise Scenarios for the United States, NOAA, 2022.

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

Other buildings in the zoning district are not essential buildings that house critical equipment needed to maintain full potable water service for drinking and fire protection purposes. The design constraints and stringent requirements and the green building practices already incorporated into the design of this specific essential building effectively render pursuit of green building certifications a redundant activity that will not produce additional meaningful benefits.

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

The hardship was not deliberately created or suffered, nor does it permit an increase in development density as the proposed impervious surface ratio and floor area ratio do not exceed the maximum allowed and the essential building is unoccupied.

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

The County is not a for-profit entity. The County has undertaken this project to enable the GBWBS to continue to satisfy the drinking and fire protection needs of its service area with greater reliability and to be resilient to major disaster events. The variance is being requested for the following reasons:

- Due to the design constraints and stringent requirements for this normally unoccupied essential pump building, it is unlikely that the pump building will achieve certification. Furthermore, pursuing green building certification will not meaningfully increase the project's sustainability or energy efficiency beyond what is already included in the design.
- For the above reasons, investing the significant time and effort required to pursue green building certification will not yield meaningful benefits.

The below table presents the results of a high-level evaluation to determine if the pump build is likely to achieve LEED BD+C: New Construction certification. The below table includes six of the nine LEED BD+C: New Construction categories, the "Total Potential Points" and the "Not Likely Achievable Points" for the six categories, and primary reasons for the "Not Likely Achievable Points". The "Total Potential Points" for all nine categories is 110. The minimum number of points required for certification is 40. This means that the total "Not Likely Achievable Points" for all nine categories cannot exceed 70 points (110 point - 40 points). Note that the total "Not Likely Achievable Points" for the six categories presented in the below table is 71 points. This means that without considering the other three categories, the pump building would not achieve certification. Evaluation of the other three categories would yield additional "Not Likely Achievable Points". Furthermore, the difference between the "Total Potential Points" and the "Not Likely Achievable Points" only represents the "Potentially Achievable Points". It is possible that a portion of the "Potentially Achievable Points" would not be achieved.

Category	Total Potential Points	Not Likely Achievable Points	Comment(s)
Location and Transportation	16	11	Some primary reasons for the "Not Likely Achievable Points" are presented below: • High-Priority and Equitable Development Credit: This intent of this credit is to build the economic and social vitality of communities, encourage project location in areas with development constraints and promote the

			ecological, cultural, and community health of the surrounding area while understanding the needs and goals of existing residents and businesses. Due to reuse of the existing site, the purpose of this essential pump building, and the credit requirements, acquiring points under this credit is unlikely. • Access to Quality Transit and Bicycle Facilities Credits: The pump building is normally unoccupied. Maintenance staff periodically visit the site from remote locations and bring equipment/tools with them to perform work. Due to travel distances and the need to transport equipment/tools, maintenance staff must use County vehicles instead of public transit services or bicycles. • Electric Vehicle Credit: The County's maintenance vehicles are not electric.
Sustainable Sites	10	4	Primary reasons for the "not likely achievable points" are presented below: • Protect or Restore Habitat Credit: The intent of this credit is to conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity. Due to size of the essential building, the size of existing tank, access needs, stormwater needs, the size of the overall property, and the credit requirements, acquiring points under this credit is unlikely. • Open Space Credit: The intent of this credit is to create exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities. The building is normally unoccupied. Maintenance staff occasionally visit the building. When maintenance staff complete their work, they leave the site and proceed to their next assignment. Due to the credit requirements and the purpose of the building, acquiring points under this credit is unlikely. • Heat Island Reduction Credit: It is unlikely that the off-room portion of the credit would be

			achieved due to the size of property (0.7 acres), the size of the existing 2-million-gallon tank, the access needs, and design requirements.
Water Efficiency	11	10	Some primary reasons for the “Not Likely Achievable Points” are presented below: • Indoor Water Use Reduction Credit: Indoor water use consists of analyzer flow streams and domestic water. The analyzer flow streams are for monitoring water quality and will be set at their minimum required rates. The domestic water serves as the supply for a low-flow toilet, a low-flow sink, and hose bibbs for period maintenance purposes. Domestic water use will be low because it should only occur during periodic site visits by maintenance staff. For these reasons, there is virtually no opportunity to reduce indoor water use beyond a baseline value. • Outdoor Water Use Reduction Credit: Outdoor water use consists of landscape irrigation. The proposed landscaping has been coordinated with the City and is not extensive. The irrigation system design will prevent over irrigation. In addition, irrigation must comply with the applicable watering restrictions. For these reasons, there is little opportunity to reduce outdoor water use beyond a baseline value. • Optimize Process Water Use Credit: The intent of this credit is to conserve low-cost potable water resources used for mechanical processes (such as for cooling) while controlling, corrosion and scale in the condenser water system. No water is used for mechanical processes, therefore there is nothing to optimize.
Energy and Atmosphere	33	28	Some primary reasons for the “Not Likely Achievable Points” are presented below: • Renewable Energy Credit: The essential pump building must have a sufficient and reliable power supply. Power will be supplied by Duke Energy and an on-site emergency standby

			generator. Designing and constructing an on-site renewable energy system is not a viable option. • Optimize Energy Performance Credit: Energy efficient mechanical and pumping equipment and operations, which are compliant with design constraints and requirements, are already included in the project. Optimization of these energy efficient systems is unlikely to yield additional meaningful benefits. • Enhanced Commissioning Credit: Enhanced commissioning is not part of this project as it is unlikely to yield additional meaningful benefits. • Advanced Energy Metering Credit: Power will not be monitored at intervals of one hour or less.
Indoor Environmental Quality	16	13	Some primary reasons for the “Not Likely Achievable Points” are presented below: • Various Indoor Air Quality Credits: Points are typically awarded for exceeding minimum prerequisites. The intent of these credits is generally to promote the comfort, health, productivity, and wellbeing of the occupants. This pump building is normally unoccupied. The design sufficiently promotes the comfort, health, productivity, and wellbeing of the maintenance staff that periodically visit the site for short durations. Providing more robust systems would only make sense if the pump building was regularly occupied. • Daylight and Quality Views Credits: This is an essential pump building that must remain operational during major disaster events. The pump building is designed to withstand significant wind and flood load forces. For this reason, there are no windows associated with dry floodproofed room below the design flood elevation and a minimum number of windows above the design flood elevation. The pump building is normally unoccupied. Maintenance staff periodically visit the site for short

			durations. When maintenance staff complete their on-site work, they leave the site and proceed to their next work assignment. There is little time for maintenance staff to enjoy quality views. • Interior Lighting Credit: The associated criteria are for regularly occupied spaces. The pump building is normally unoccupied. • Acoustic Performance Credit: The intent of this credit is to provide workspaces and classrooms that promote occupants' well-being, productivity, and communications through effective acoustic design. This essential pump building is normally unoccupied and will house pumping equipment and generators. Maintenance staff periodically visit the site for short durations. Providing more robust systems would only make sense if the pump building was regularly occupied. Hearing protection is to be used in certain rooms (such as the generator room).
Innovation	6	5	Some primary reasons for the "Not Likely Achievable Points" are presented below: • Innovation Credit: The points under this credit typically involve going beyond LEED requirements and using cutting-edge technology, sustainability practices, or design strategies. To pursue points under this credit, comprehensive and convincing documentation must be developed. The LEED review process for this credit is rigorous and submitted documentation is scrutinized. This is not a research project. The purpose of this project is to upgrade the GBWBS to enable it to continue to satisfy the drinking and fire protection needs of its service area with greater reliability and to be resilient to major disaster events. Considering these factors, obtaining a significant amount of points for this credit is unlikely.
Total	92	71	

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

Requiring applicants, particular for-profit entities, to pursue green building certifications is an effective way of making sure that sustainability and energy efficiency concepts are included in the design of buildings. Essential buildings that must remain operational during and after major disaster events are held to higher standards than non-essential buildings. The specific building associated with this variance application is an essential building that houses critical equipment needed to maintain full potable water service for drinking and fire protection purposes. The level of resiliency to major disaster events, a central sustainability concept, integrated in the building design is significant. In addition, other green building practices are incorporated into the design to the extent reasonable. The design constraints and stringent requirements for this specific essential building effectively render pursuit of green building certifications a redundant activity that will not produce additional meaningful benefits. Granting the variance application will not result in a lowering of standards. Equal treatment will be maintained by other applicants either pursuing green building certifications in accordance with LDC Section 39.9 or agreeing to comply with the stringent requirements included in the design of this essential building, which is a significant capital investment.

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

The requested variance is the minimum needed to make reasonable use of the new pump building, without undertaking a redundant activity that will not produce additional meaningful benefits.

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

The requested variance is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare. In addition, the requested variance does not result in a lowering of standards. The design constraints and stringent requirements for this specific essential building effectively render pursuit of green building certifications a redundant activity. The requested variance simply eliminates an activity that has been rendered redundant and will not produce additional meaningful benefits.

This project appears to satisfy the underlying intent of the citizen input summarized in Section I, Item 7 of the Comprehensive Plan (i.e., to create a more environmentally friendly sustainable community that will improve the quality of life for residents and visitors), which led to the development of LDC Section 39.9. Since the GBWBS is closed to the City's residents and visitors, it will primarily improve the quality of life for the City's residents and visitors by:

- providing potable water service for drinking and fire protection purposes with increased reliability, and
- increasing potable water service resiliency to major storm events.

This project also contributes to the City's Green Mission Statement of *protecting and conserving water resources; constructing energy efficient and healthy buildings; creating environmentally sensitive site and building design; recycling construction materials and debris; making building, planning and site design decisions that recognize the complexities and environmental sensitivities of our coastal environment and its vulnerability to storms*. (Comprehensive Plan, Future Land Use Element, Green Mission Statement).

In addition, the increase in potable water service reliability and resiliency to major disaster events offered by this project helps to maximize the potential for economic benefit resulting from the tourist trade (Comprehensive Plan, Future Land Use Plan Element, Goal 2).

PINELLAS COUNTY MAP

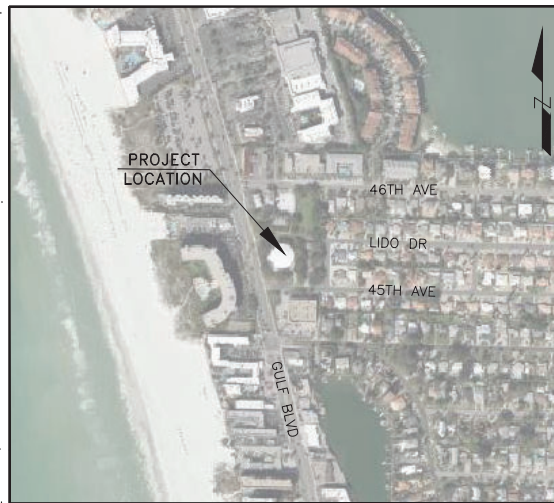
BOUNDARY & TOPOGRAPHIC SURVEY

GULF BEACH WATER
BOOSTER STATION
4501 GULF BOULEVARD



VICINITY MAP

NOT TO SCALE



SECTION 6&7, TOWNSHIP 32 SOUTH, RANGE 16 EAST

SHEET INDEX

- 1 COVER SHEET / VICINITY MAP / GRAPHIC SYMBOLS
- 2 LAND SURVEYOR REPORT / MONUMENTATION / VERIFIED VERTICAL AND HORIZONTAL UTILITIES / ABBREVIATIONS
- 3 TOPOGRAPHIC SURVEY
- 4 BOUNDARY SURVEY / ENCROACHMENTS

ADDITIONS OR DELETIONS BY OTHER THAN THE PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE ARE PROHIBITED. THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED AND SEALED USING A DIGITAL SIGNATURE AND DATE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Thomas P Young Jr Digitally signed by Thomas P Young Jr
Date: 2024.03.25 11:04:39 -04'00'

THOMAS P YOUNG JR, P.S.M.

DATE

PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. 7044, STATE OF FLORIDA

ECHO UES, INC.
4803 GEORGE RD, SUITE 350
TAMPA, FL 33634
Phone: (727)431-1580

GRAPHIC SYMBOLS:

CENTERLINE	==	FORCE MAIN (SANITARY SEWER)	FM	FM	FM	BACKFLOW PREVENTER	⊗	GRATE INLET	■	SEWER MANHOLE	⊙
CONTOUR LINE	---	GAS LINE	G	G	G	BENCHMARK	⊕	GUY WIRE	—	SEWER VALVE	⊗
EXISTING TOPOGRAPHIC FEATURE	---	HOT OIL LINE	OL	OL	OL	BUSH / SHRUB	⊗	HOSE BIB	⊕	SIGN	⊕
SURFACE WATER/WETLAND BOUNDARY	---	OVERHEAD WIRE	OH	OH	OH	CENTERLINE	---	LIGHT POLE	⊕	SPRINKLER HEAD	⊕
SURVEY REFERENCE LINE	---	RECLAIMED WATER LINE	R	R	R	COMMUNICATIONS BOX	⊕	MAILBOX	⊕	SPRINKLER HEAD VALVE	⊕
RIGHT-OF-WAY (EXISTING)	---	POTABLE WATER	P	P	P	COMMUNICATIONS MANHOLE	⊕	MONITOR WELL	⊕	SURVEY LINE	---
RIGHT-OF-WAY LINE (PROPOSED)	---	UNKNOWN UTILITY	U	U	U	DECIDUOUS TREE (OAK UNLESS OTHERWISE ANNOTATED)	⊕	PALM TREE	⊕	TARGET	⊕
PROPERTY OR DEED LINE	---	FOUND CONCRETE MONUMENT	⊕	⊕	⊕	DELTA ANGLE	⊕	PEDESTRIAN SIGNAL	⊕	TRAFFIC SIGNAL POLE	⊕
EASEMENT LINE (PROPOSED)	---	FOUND NAIL & DISC/CAP BRASS DISC	⊕	⊕	⊕	DRAINAGE CLEAN OUT	⊕	POLE/POST	⊕	TRAFFIC SIGNAL PULL BOX	⊕
EASEMENT LINE (EXISTING W/ ACQUISITION)	---	FOUND IRON PIPE	⊕	⊕	⊕	ELECTRICAL EQUIPMENT	⊕	POWER BOX	⊕	UNDERGROUND BOX	⊕
SECTION LINE	---	FOUND PINCH PIPE	⊕	⊕	⊕	ELECTRICAL OUTLET	⊕	PROPERTY LINE	---	UTILITY POLE	⊕
ORIGINAL LOT LINE/FORMER OWNERSHIP LINE/VACATED EASEMENTS	---	SET CONCRETE MONUMENT	⊕	⊕	⊕	EVERGREEN TREE	⊕	RECLAIMED WATER MANHOLE	⊕	WATER METER	⊕
SECTION LINE	---	SET NAIL & DISC/CAP BRASS DISC	⊕	⊕	⊕	FIRE HYDRANT	⊕	RECLAIMED WATER VALVE	⊕	WATER VALVE	⊕
FENCE LINE	---	X CUT (SET)	⊕	⊕	⊕	GAS METER	⊕	SANITARY SEWER CLEANOUT	⊕		
DRAINAGE (STORM SEWER) PIPE	---	SUB PARCEL NO.	⊕	⊕	⊕	GAS VALVE	⊕				
EXISTING TOP OF BANK AND TOE OF SLOPE	---	BLOCK NUMBER	⊕	⊕	⊕						
SANITARY SEWER GRAVITY LINE	---	PROPERTY APPRAISER PARCEL NUMBER	⊕	⊕	⊕						
COMMUNICATION LINE	---	PROPOSED PARCEL	⊕	⊕	⊕						
ELECTRIC POWER LINE/CABLE	---		⊕	⊕	⊕						
TRAFFIC POWER/COMMUNICATION LINE	---		⊕	⊕	⊕						

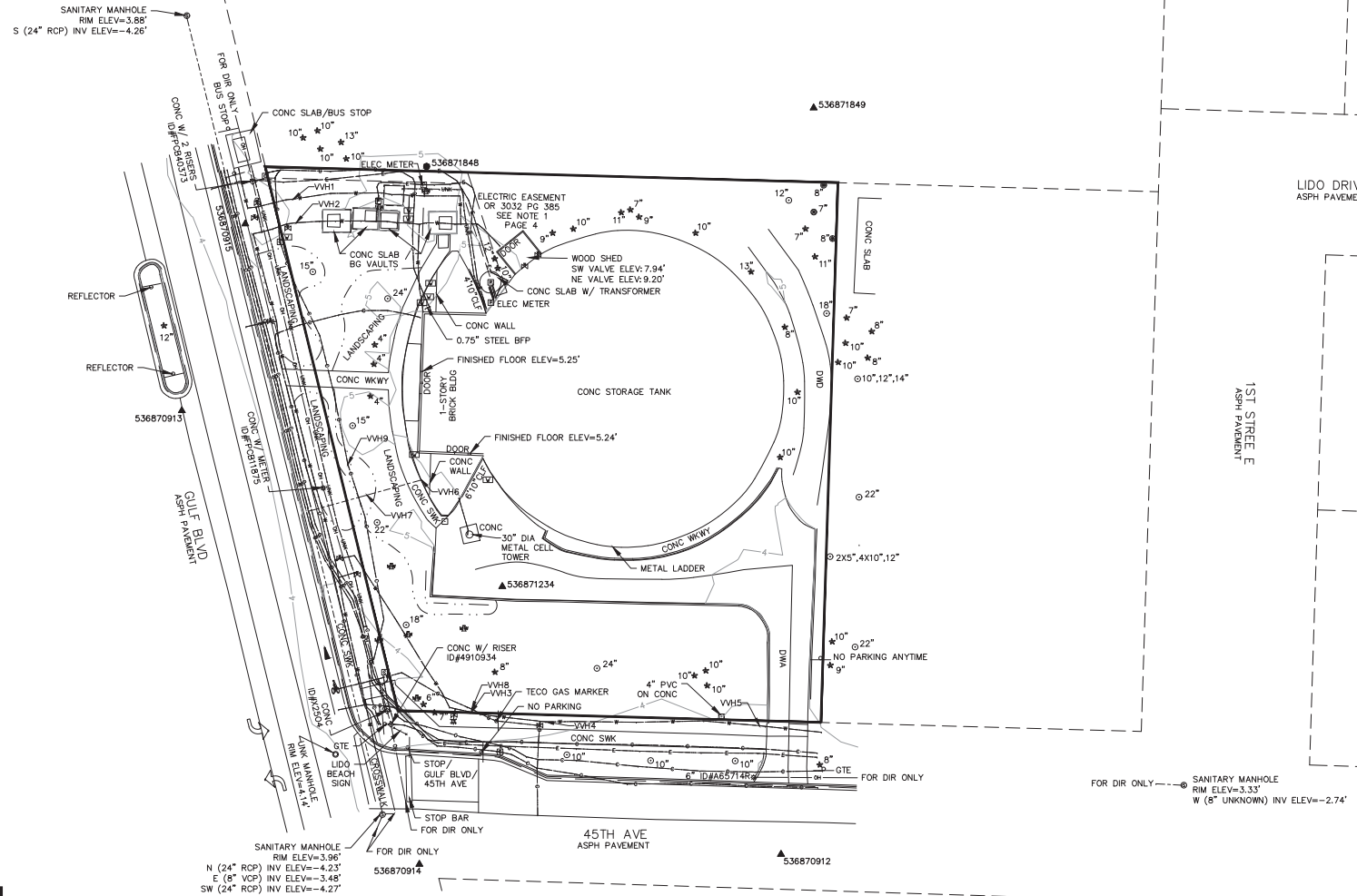
MONUMENTATION/
CONTROL POINT COORDINATES:

- | POINT# | LATITUDE (NORTH) FT. | DEPARTURE (EAST) FT. | ELEVATION | DESCRIPTION |
|-----------|----------------------|----------------------|-----------|--|
| 536670912 | 1231045.01 | 417102.08 | 3.39 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 536670914 | 1231401.47 | 416973.88 | 3.92 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 536671234 | 1231499.98 | 417003.27 | 4.17 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 536670913 | 1231562.35 | 416889.69 | 3.77 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 536670915 | 1231665.79 | 416915.17 | 3.93 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 536671848 | 1231648.97 | 416976.43 | 5.28 | SET 5/8" IRON ROD & CAP "ECHO UES TP LB B184" |
| 536671849 | 1231669.74 | 417113.65 | 4.47 | SET MAG NAIL & DISK "ECHO UES TP B184" |
| 55 | 1231450.91 | 417116.06 | 8.62 | FOUND 3/4" PINCHED PIPE NO ID |
| 56 | 1231396.67 | 416981.32 | 8.24 | FOUND 5/8" IRON ROD AND CAP "JOHNSON FL PSN 931" |
| 57 | 1231388.45 | 417027.84 | 8.93 | FOUND 5/8" IRON ROD AND CAP "JOHNSON FL PSN 931" |
| 58 | 1231302.57 | 417003.92 | 4.00 | FOUND 5/8" IRON ROD AND CAP "JOHNSON FL PSN 931" |
| 59 | 1231669.50 | 417236.50 | 4.70 | FOUND 5/8" IRON ROD NO ID |
| 60 | 1231665.31 | 417366.44 | 4.17 | FOUND 4"x4" CONC MONUMENT NO ID |
| 61 | 1231644.68 | 418016.16 | 4.14 | FOUND 5/8" IRON ROD NO ID |
| 62 | 1231643.80 | 417182.35 | 4.53 | FOUND 5/8" IRON ROD AND CAP "DEUEL LB 107" |
| 63 | 1231648.93 | 416919.34 | 4.45 | FOUND 5/8" IRON ROD AND CAP "HANNER LB 2650" |
| 64 | 1231451.77 | 417018.20 | 9.86 | FOUND 5/8" IRON ROD AND CAP "DEUEL LB 107" |
| 65 | 1231455.56 | 416966.28 | 3.81 | FOUND 5/8" IRON ROD NO ID |
| 66 | 1231392.00 | 416982.43 | 4.28 | FOUND 5/8" IRON ROD AND CAP "HANNER LB 2650" |
| 85 | 1231770.72 | 416889.74 | 4.92 | FOUND 4"x4" CONC MONUMENT NO ID |

ABBREVIATIONS:

REVISIONS			BY	DATE	SURVEY BOOK No.: 77A-61		GULF BEACH WATER BOOSTER STATION 4501 GULF BOULEVARD	LAND SURVEYOR REPORT MONUMENTATION, VVH, ABBREVIATIONS	PINELLAS COUNTY, FLORIDA PUBLIC WORKS SURVEY AND MAPPING DIVISION 22611 U.S. HWY. 19 NORTH CLEARWATER, FLORIDA 33765-2347 PHONE (727) 484-8904	PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.	SURVEY FILE NO.: 2083	
				SURVEY SECTION	BY	DATE					PID NO.: 002150A	t2083-c3d-2022.dwg
				SURVEYED	AT	05/23						
				TECHNICIAN	CM	05/23						
				CHECKED	TY	05/23						
DESIGN SECTION												
				DESIGNED	-	-						
				DRAWN	-	-						
				CHECKED	-	-					SHEET: 2 of 4	

SECTION 6&7, TOWNSHIP 32 SOUTH, RANGE 16 EAST



A SURVEYOR'S REPORT HAS BEEN UTILIZED ON THIS SURVEY AS A TEXT OPTION TO THE MAP. USERS OF THIS SURVEY AND MAP ARE DIRECTED TO ACKNOWLEDGE THE CONTENT OF REPORT ITEMS AS INDICATED ON SHEET 2.

REVISIONS	BY	DATE	SURVEY BOOK No.: TPA-61
			SURVEY SECTION
			AT 05/23
			TECHNICIAN
			CM 05/23
			CHECKED
			TY 05/23
			DESIGN SECTION
			DESIGNED
			DRAWN
			CHECKED

GULF BEACH WATER
BOOSTER STATION
4501 GULF BOULEVARD

TOPOGRAPHIC SURVEY

PINELLAS COUNTY, FLORIDA
PUBLIC WORKS
SURVEY AND MAPPING DIVISION
26211 U.S. HWY. 19 NORTH
CLEARWATER, FLORIDA 33765-8347
PHONE (727) 484-6904

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

SURVEY FILE NO.: 2083
PID.: 002150A
T2083-c3d-2022.dwg
SHEET: 3 of 4

THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE DIGITALLY SIGNED AND SEALED UNDER RULE 5J-17.062, F.A.C.

SECTION 6&7, TOWNSHIP 32 SOUTH, RANGE 16 EAST

LEGAL DESCRIPTION:

THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2556, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN GOVERNMENT LOT 1 IN SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

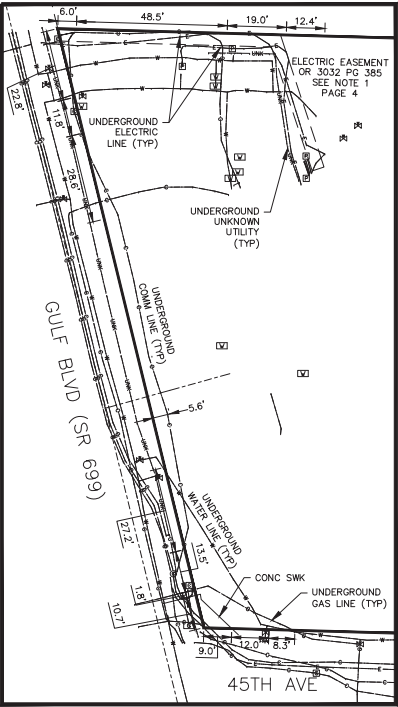
TRACT A, LESS THE NORTH 120 FEET, LESS THE EAST 113.62 FEET, LIDO BEACH SUBDIVISION, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 34, PAGE 7, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

SAID PARCEL CONTAINS 0.78 ACRES MORE OR LESS.

NOTE 1 - ELECTRICAL EASEMENT DESCRIBED IN OR 3032 PG 385 LOCATION APPROXIMATED BY SKETCH AND UNDERGROUND UTILITY LOCATION DUE TO RECORDING DOCUMENT BEING DIFFICULT TO READ AND NO RELEVANT LEGAL DESCRIPTION

NOTE 2 - RIGHT OF USE FOR WALKING ACCESS EASEMENT DESCRIBED IN DB 1504 PG 407 DOES NOT AFFECT SUBJECT PARCEL

EXHIBIT A ENCROACHMENTS



A SURVEYOR'S REPORT HAS BEEN UTILIZED ON THIS SURVEY AS A TEXT OPTION TO THE MAP. USERS OF THIS SURVEY AND MAP ARE DIRECTED TO ACKNOWLEDGE THE CONTENT OF REPORT ITEMS AS INDICATED ON SHEET 2.

PLAZA BEACH MOTEL LLC
OR 22079 PG 1477

"LESS NORTH 120.00 FEET"

LIDO BEACH SUBDIVISION
PB 34 PG 7

LOT 1
BLOCK 1

LOT 2
BLOCK 1

LIDO DRIVE
PB 34 PG 7
50' RW

LOT 11
BLOCK 2

LOT 12
BLOCK 2

LIDO BEACH SUBDIVISION
PB 34 PG 7

LOT 1
BLOCK 2

1ST STREET E
PB 34 PG 7
50' RW

CITY OF ST PETE BEACH
OR 4075 PG 1363

"LESS EAST 113.62 FEET"

45TH AVE
PB 34 PG 7
60' RW

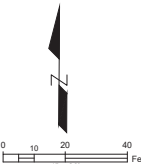
PINELLAS COUNTY
ORDER OF TAKING
OR 2556 PG 55
FINAL JUDGMENT
OR 2675 PG 444

LIDO BEACH SUBDIVISION
PB 34 PG 7

TRACT A

TRACT B

GULF BOULEVARD (SR 699)
100' RW



REVISIONS	BY	DATE	SURVEY BOOK No.: TPA-61
			SURVEY SECTION
			BY
			DATE
			TECHNICIAN
			CM
			05/23
			CHECKED
			TY
			05/23
			DESIGN SECTION
			DESIGNED
			DRAWN
			CHECKED

GULF BEACH WATER
BOOSTER STATION
4501 GULF BOULEVARD

BOUNDARY SURVEY

PINELLAS COUNTY, FLORIDA
PUBLIC WORKS

SURVEY AND MAPPING DIVISION
28211 U.S. HWY. 19 NORTH
CLEARWATER, FLORIDA 34685-8347
PHONE (727) 484-8904

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ANY ELECTRONIC COPIES.

SURVEY FILE NO.: 2083
PID.: 002150A
I2083-c3d-2022.dwg
SHEET: 4 of 4

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

Agenda Report

Action Request: “Motion to recommend approval of Preliminary Plat 24042 with one recommended Staff condition to the City Commission.”

Strategic Objective:

Date: August 28, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Kristin Coman, Community Development Director

Summary of Issue: *Preliminary Plat:* Ely Payne of Baysite Engineering LLC for SMILEYS SNACK SHACK-ST PETE BEACH INC requests preliminary plat approval to replat the subject property to four fee-simple parcels proposed for residential townhouses, with remaining land held in common homeowners’ association ownership.

Funding: N/A

Attachments:

1. Preliminary Plat 24042 Staff Report
2. Preliminary Plat Plan
3. Owner's Authorization
4. Application
5. Survey
6. Technical Review Committee Comments
7. Transmittal Letter



**PLANNING DIVISION
PRELIMINARY PLAT
STAFF REPORT TO THE
CITY OF ST. PETE BEACH BOARD OF ADJUSTMENT**

CASE NO.: 24042	HEARING DATE: August 28, 2024
APPLICANT/AGENT:	Baysite Engineering LLC for SMILEYS SNACK SHACK – ST PETE BEACH INC
PREPARED BY:	Brandon Berry, Senior Planner

This application is a request for Preliminary Plat approval:

REQUEST:	Replat of the existing described portion of DON CE-SAR PLACE BLK G into four fee-simple parcels to be utilized for townhouse (attached-single family) development, with remaining land outside the parcels held in common homeowner's association ownership.
LOCATION:	3700 Gulf Blvd; Parcel ID #07-32-16-21852-028-0001; DON CE-SAR PLACE BLK G, E'LY 110FT OF BLK G LESS E 10FT FOR RD R/W.
ACREAGE:	Approximately 0.39 acres (16,956 sq. ft.)
EXISTING LAND USE	RFM – Resort Facilities Medium on the Zoning and Future Land Use Maps
SURROUNDING FUTURE LAND DESIGNATIONS:	North – RFM – Resort Facilities Medium South – 37 th Ave & RM – Residential Medium East – Gulf Blvd & BR – Bayou Residential West – RU – Residential Urban
SURROUNDING ZONING MAP DESIGNATIONS:	North – RFM – Resort Facilities Medium South – 37 th Ave & RM – Residential District East – Gulf Blvd & BR – Bayou Residential West – RU-2 – Residential District
SURROUNDING EXISTING USES:	North – Three-unit condominium South – Three-unit residence East – Temporary lodging development West – Single-family residences

BACKGROUND

The property currently contains a vacant former restaurant that was constructed in 2011. Previously the land was vacant for a number of years following the demolition of a ten-unit motel and restaurant that operated at the site until 2003.

The site was the subject of a variance request in early 2024 pertaining to front and rear building setbacks, which was granted with a condition that the structure be constructed as developed in renderings and plans submitted with the request. At the time the applicant had proposed an identical building layout and design as the current proposal, but

proposed to instead operate the units as lodging. The current proposal instead requests to utilize the four townhouses as residences.

The subject plat is not currently permissible in final form under the Land Development Code (LDC), as the LDC requires the proposed individual fee-simple parcels that are shown as comprising the walls of the unit and a portion of the exterior contain no more than 70% coverage of any impervious surface. Units 2 and 3 on the plat contain an estimated 85% impervious coverage. The applicant has applied for associated Case #24041 to amend the text of the Land Development Code to allow for the greenspace calculation to take place at the overall parcel level rather than at the level of the individual parcels as currently required.

ANALYSIS

The lot is sufficiently sized to support up to five residential units; the applicant is proposing four. The development will require an eight-foot landscaping buffer along the east side, five feet along the south side, and ten feet along the west side, which the plat shows adequate space to accommodate. A proposed underground stormwater system is shown under the driveway at the Gulf Boulevard frontage of the site, and no above-ground retention or detention facilities are proposed. The building overlay on the plat depicts the setbacks granted to the applicant through a variance in February 2024. No further variances are proposed.

As the land area outside of the four residential fee-simple parcels is to be owned in common, the site does not need the internal access easements for each unit owner that would be required if the entire lot were subdivided and under fee-simple ownership. The site retains an existing 5' easement along the northern property boundary, and additional easements, if necessary, will be sought during the final plat process. The applicant is not proposing or required to provide any public roadways or other improvements on the subject land. There is a private roadway, located in the proposed homeowner's association parcel, that connects 37th Avenue with the proposed residences' garages.

The applicant has been notified that a preliminary maintenance covenant or document of similar legal authority is required at the time of final plat application. This document is intended to ensure that maintenance of the remainder of the parcel owned in common is jointly borne by the four owners of the individual units, such that any liens placed on the parcel are the responsibility of the unit owners.

FINDINGS

Staff finds the proposed preliminary plat meets the minimum standards and is in general compliance with the Land Development Code as proposed for modification by the applicant, as well as general platting administrative procedures. The applicant is aware that they will need to retain the services of a surveyor to prepare the final plat, if the preliminary plat is approved, in compliance with Chapter 177 of Florida Statutes.

RECOMMENDATION

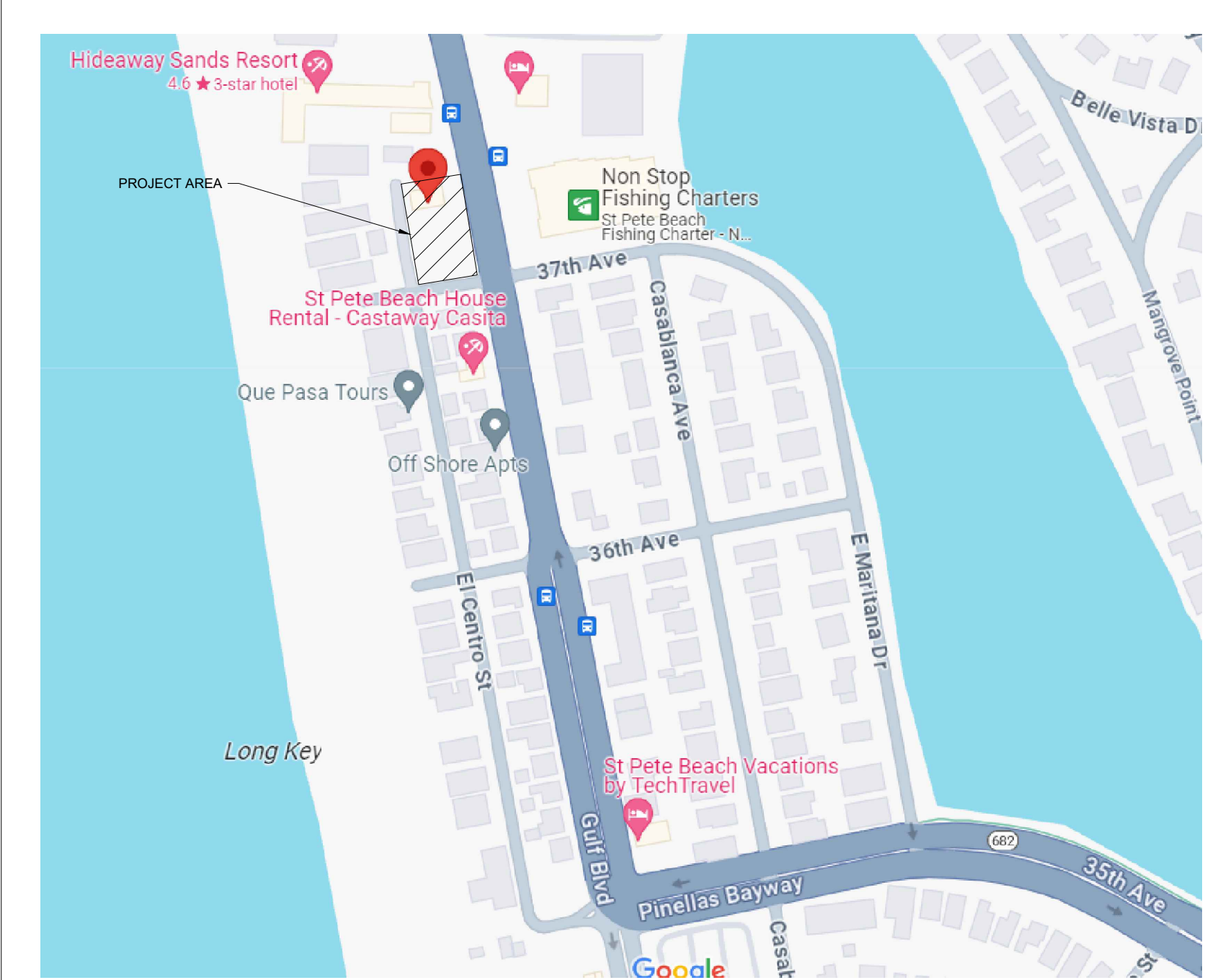
Staff recommends recommending approval of Preliminary Plat #24042 to the City Commission with one condition:

- 1) The approval of the preliminary plat is contingent upon the final approval and adoption of the proposed language found in Land Development Code Text Change Case #24041. Should the case be denied, the approval of this preliminary plat is null and void.

RECOMMENDED MOTION

“Motion to recommend approval of Preliminary Plat 24042 with one recommended Staff condition to the City Commission.”

C:\Users\Local\OneDrive - bayesite.com\Projects\Current\Plans\0260101 Prelim Plat.dwg
7/3/2024 9:01:15 AM PLOTTED BY: jpayne



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PER SURVEY:

THE PART OF BLOCK "G" OF DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE(S) 15-20, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF 37TH STREET (FORMERLY KNOWN AS SEVILLE STREET) AND THE WESTERLY BOUNDARY OF GULF BOULEVARD (FORMERLY KNOWN AS PASS-A-DRILLE WAY AND FLORIDA AVE.), SAID POINT BEING OTHERWISE DESCRIBED AS THE SOUTHEASTERLY CORNER OF SAID BLOCK "G", AS A POINT OF BEGINNING, RUN THENCE WESTERLY ALONG THE SOUTH BOUNDARY OF SAID BLOCK "G", A DISTANCE OF 110 FEET TO A POINT; THENCE RUN NORTHERLY PARALLEL TO THE EAST BOUNDARY LINE OF SAID BLOCK "G" TO A POINT ON THE NORTH BOUNDARY LINE OF SAID BLOCK "G", A DISTANCE OF 178 FEET MORE OR LESS; THENCE EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID BLOCK "G" TO THE INTERSECTION OF THE NORTHERLY BOUNDARY OF SAID BLOCK "G" AND THE WESTERLY BOUNDARY OF GULF BOULEVARD (FORMERLY KNOWN AS PASS-A-DRILLE WAY AND FLORIDA AVE.), SAID POINT BEING OTHERWISE DESCRIBED AS THE NORTHEASTERLY CORNER OF SAID BLOCK "G", A DISTANCE OF 122.26 FEET MORE OR LESS; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY OF SAID BLOCK "G", TO THE POINT OF BEGINNING;

LESS THAT PORTION LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD NO. 699, SECTION 15.000, AS SAID SURVEY LINE IS FURTHER DESCRIBED IN DEED TO THE STATE OF FLORIDA, FILED APRIL 11, 1962, AND RECORDED IN OFFICIAL RECORDS BOOK 1402, PAGE 12, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

ALSO LESS THAT PORTION LYING WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION: BEGON ON THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY OF LOT 9, BLOCK 4, SAID SUBDIVISION, AT A POINT 140.02 FEET EASTERLY OF THE WESTERMOST CORNER OF SAID LOT 9, RUN THENCE NORTH 10°20'31" WEST, 50.00 FEET; THENCE SOUTH 79°40'29" WEST 40 FEET TO A POINT OF BEGINNING; CONTINUE THENCE SOUTH 79°40'29" WEST, 6 FEET; THENCE NORTH 34°39'59" EAST, 8.49 FEET; THENCE SOUTH 10°20'31" EAST, 6 FEET TO THE POINT OF BEGINNING.

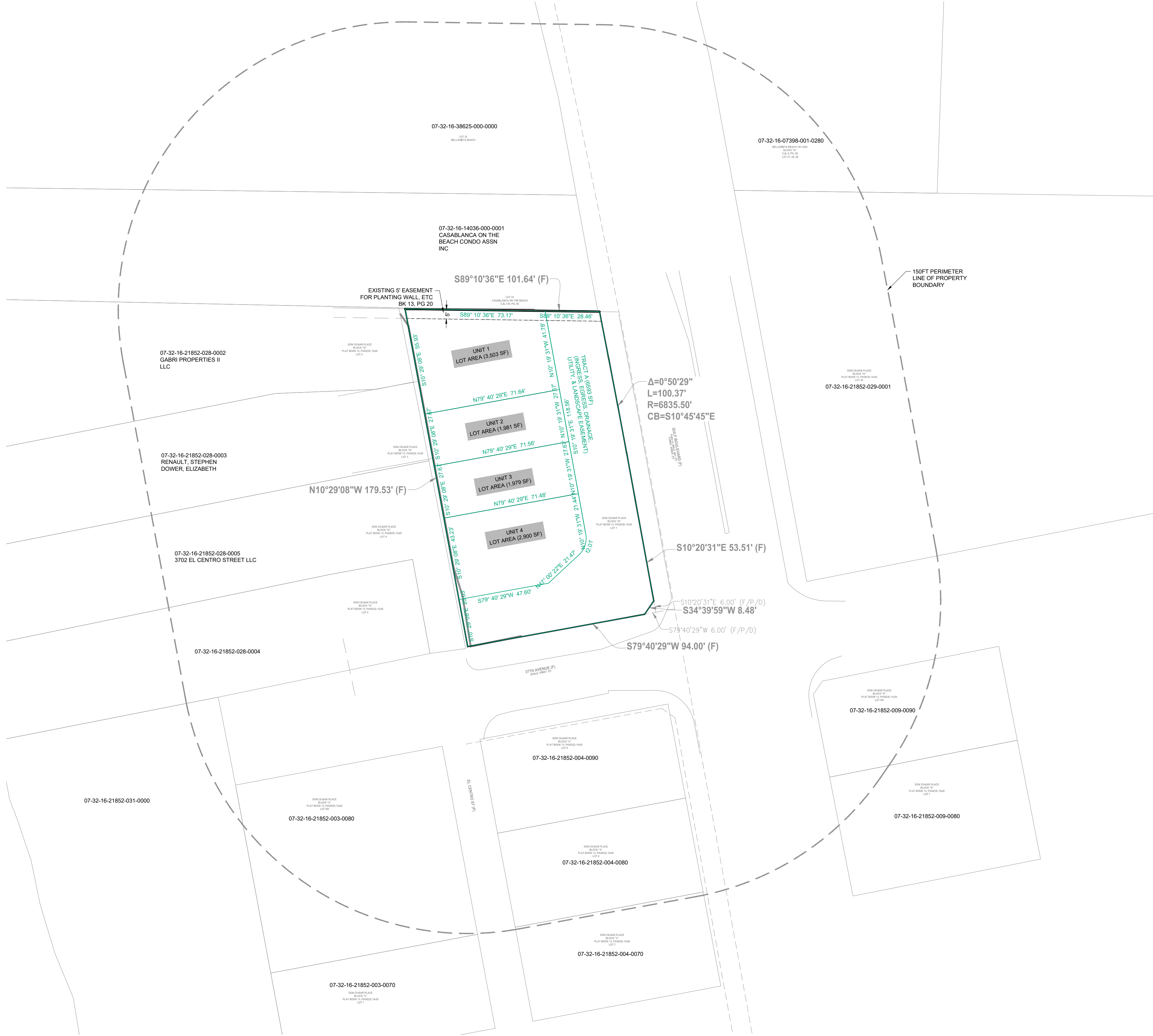
Site Data Table	
PROJECT LOCATION	ST PETE BEACH, FLORIDA
PARCEL ID & ADDRESS	3700 GULF BLVD, ST PETE BEACH 07-32-16-21852-028-0001
PROPERTY AREA	0.39 AC (16,956 SF±)
FLU	RFM-RESORT FACILITIES MEDIUM
ZONING	RFM
CURRENT USE	VACANT-RESTAURANT, CAFETERIA
PROPOSED USE	SINGLE FAMILY ATTACHED
MAX DENSITY	30 UNITS PER ACRE
PROPOSED DENSITY	30' 0.39 = 11.7 UNITS
MAX ISR	0.70
MAX BUILDING HEIGHT	50 FEET
MIN GREEN SPACE	30% = 5,086 SF
BUILDING SETBACKS	FRONT = 43 FT SECONDARY FRONT YARD = 25 FT SIDE YARD TEN PERCENT OF THE LOT WIDTH: MINIMUM TEN FEET = 0.10" 16 FT = 9 FT SIDE YARD = 10 FT REAR YARD = 16.8 FT
PARKING REQUIRED	SINGLE FAMILY ATTACHED
PARKING PROPOSED	2 SPACES/UNIT 2 GARAGE SPACES PER UNIT + 1 GUEST SPACE
FEMA FLOODPLAIN	COASTAL AE - ELEVATION 9 MAP 12103C0276H - EFF. 8/24/2021
UTILITIES	PINELLAS COUNTY
WATER	CITY OF ST PETE BEACH
SEWER	
EXISTING SITE AREA	
TOTAL PROPERTY AREA	0.39 AC (16,956 SF±)
EX BUILDING	1,431 SF±
EX ASPHALT & SIDEWALK	8,803 SF±
EX IMPERVIOUS TOTAL	10,234 SF± (60%)
EX OPEN SPACE (PERVIOUS)	6,722 SF± (40%)
PROP SITE AREA	
PROP BUILDING	4,668 SF±
PROP ASPHALT & SIDEWALK & POOL	2,028 SF±
PROP IMPERVIOUS TOTAL	6,696 SF± (39%)
PERMEABLE DRIVEWAYS	3,679 SF±
PROPOSED PERVIOUS	10,260 SF± (61%)
IMPERVIOUS DIFFERENCE	10,234 SF± - 6,696 SF± = - 3,538 SF = 3,538 SF REDUCTION

SPB SUNSET VILLAS

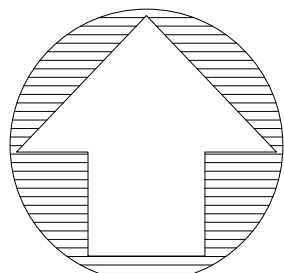
A REPLAT OF THE PART OF BLOCK "G" OF DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE(S) 15-20, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS PER THE LEGAL DESCRIPTION BELOW:

PARCEL ID: 07-32-16-21852-028-0001 ADDRESS: 3700 GULF BLVD, ST PETE BEACH

PROPOSED USE: SINGLE FAMILY ATTACHED



**BAYSITE
ENGINEERING LLC**
2054 CENTRAL AVENUE
ST. PETERSBURG, FL 33712
PHONE: 813.679.9918
EMAIL: ELY@BAYSITEENG.COM
ENGINEERING COA No. 36684



REVISION DATE:

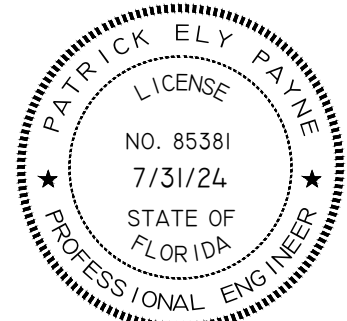
COMPANY # 009-01-001

PROJECT:

SPB SUNSET VILLAS
ADDRESS: 3700 GULF BLVD, ST PETE BEACH
PARCEL ID: 07-32-16-21852-028-0001

CLIENT:

SMILEY'S SNACK SHACK INC.
ST PETE BEACH, FL 33706
727-559-2737



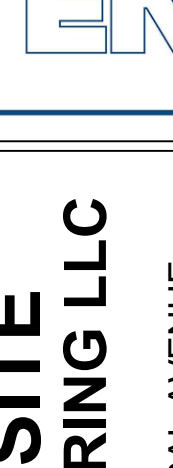
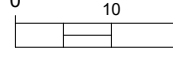
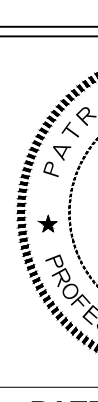
PATRICK ELY PAYNE
FLORIDA LICENSED No. 85381
THIS ITEM HAS BEEN DIGITALLY SIGNED AND
SEALED BY PATRICK ELY PAYNE, P.E. ON
7/31/24. PRINTED COPIES OF THIS DOCUMENT
ARE NOT CONSIDERED SIGNED AND SEALED
AND THE SIGNATURE MUST BE VERIFIED ON
ANY ELECTRONIC COPIES.

DRAWING:

**PRELIMINARY
PLAT PLAN**

SHEET:

C-1.0

		BAYSITE ENGINEERING LLC 2054 CENTRAL AVENUE ST. PETERSBURG, FL 33712 PHONE: 813.679.9918 EMAIL: ELY@BAYSITEENG.COM ENGINEERING COA No. 36684
  1"=40'-0"		
REVISION DATE:		
COMPANY # 009-01-01	PROJECT: SPB SUNSET VILLAS ADDRESS: 3700 GULF BLVD. ST PETE BEACH PARCEL ID: 07-32-16-21 B52-028-0001	
CLIENT:	SMILEY'S SNACK SHACK INC. 3708 GULF BLVD ST PETE BEACH FL 33706 727-429-0747	
		
PATRICK ELY PAYNE FLORIDA LICENSED NO. 85381 THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY PATRICK ELY PAYNE, P.E., ON 7/31/24. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.		
DRAWING:		
TEXT CHANGE SITE PLAN		
SHEET:		
C-2.0		

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE

SMILEY'S SNACK SHACK INC.

(print name of property owner)

hereby authorize

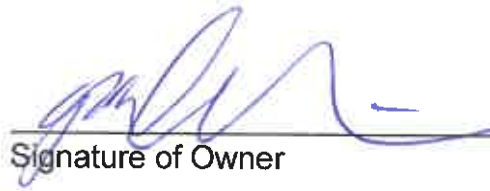
BAYSITE ENGINEERING LLC

(print name of agent)

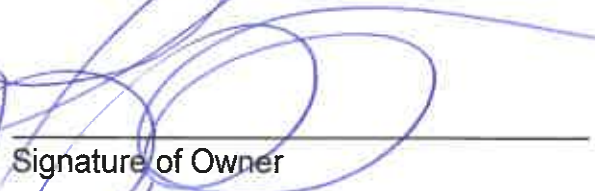
to represent me/us in an application for

SUBDIVISION

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


Signature of Owner

A. Paul Nicklaus Jr.
Print Name of Owner


Signature of Owner

Karen Browning
Print Name of Owner

The forgoing instrument was acknowledged before me this 10TH day of JUNE 2024 by A. Paul Nicklaus Jr. & Karen Browning or who is

personally known

produced

as identification.


(Notary Signature)

6.12.24
(Date)

My Commission Expires _____





Administrative Guidelines for Subdivisions

Pre-application conference

The City request applicants for any development project that will involve the subdivision of real property to request a pre-application conference with the staff.

Purpose of Conference. The pre-application conference will be informal, and its purpose will be to discuss the proposed project, the views and concerns of the applicant, the regulatory issues that will impact the project or whether any additional information will be required with the application _

Minimum preliminary plat plan requirements

Unless otherwise instructed by the staff, all plats submitted for review shall include the following documents and information. Failure to provide the required information in a timely fashion may result in postponement of the review process. Staff reserves the right to require additional documents and/or information.

- A fully completed application signed by the owner of record or by an agent for the owner when such applicant provides a notarized statement from the owner authorizing him/her to act in the matter;
- Inclusion of a brief "Statement of Intent" explaining the proposed project;
- Payment of any fees which are due and payable upon submittal of the plat application;
- A recent survey, as defined below, of the zoning lot proposed for development;

Recent survey means a drawing prepared and sealed by a registered land surveyor in the State of Florida depicting, as it appears at the time of application, all property boundaries including the courses and distances of each, the locations and dimensional characteristics of all existing improvements on the site, the elevation of the site, all easements on or along the property, and the full legal description of the property together with the plat book and page number where such property is recorded.

- 10 copies of the preliminary plat (additional copies may be requested) that shall be a black line print drawn at a scale of not less than 1:100 feet to the inch and containing the following:

- The preliminary plat shall be a black line print;
- The subdivision name, the names and addresses of the owner or owners and the designer of the plat;
- Date, north point and scale;
- The boundary line of the tract to be subdivided, drawn accurately to scale and with accurate linear and angular dimensions;
- The location of existing and platted property lines, streets, watercourses, railroads, bridges and any public utility easement of record, both on the land to be subdivided and on the land immediately adjoining for a distance of at least 150 feet. The location of water and sewer mains, culverts, drainpipes, and all structures on the land to be subdivided and on the land within ten feet of it;
- The names of adjoining subdivisions with plat book and page numbers or the names of record owners of adjoining parcels of un-subdivided land;
- The names, proposed locations, and approximate dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and building lines [This information may be graphical only, not requiring detailed computations or field work over and above that required to obtain the information listed next above];
- When deemed necessary by the appropriate board of authority, profiles of all streets showing natural and finished grades drawn to scale of not less than one-inch equals 40 feet horizontal and one-inch equals four feet vertical;
- When deemed necessary by the appropriate board of authority, contours with a vertical interval of not more than one foot referred to sea level datum;

Minimum final plat requirements

- The final or record plat shall be a black line print drawn at a scale of not less than 100 feet to the inch, and shall conform to the requirements of Chapter 177, Florida Statutes.
- 10 copies of the final plat will be required for review by the City Commission.

After recording the final plat, the subdivider shall submit one copy of the recorded final plat, showing Pinellas County Plat Book and Page Number(s) where it was recorded, to the City prior to the issuance of any building permit unless another procedure is approved by the City.



APPLICATION FOR SUBDIVISION

(Check appropriate boxes)

Complete the information required below, sign below where indicated and attach the subdivision plan for the subject property and any supporting drawings and documents you think will enhance your application. See subdivision guidelines.

APPLICANT/AGENT:

Name: BAYSITE ENGINEERING LLC

Address: 2054 CENTRAL AVE

City: ST. PETERSBURG State: FL

Zip: 33712 Telephone: 813-679-9918

PROPERTY OWNER:

Name: SMILEY'S SNACK SHACK INC.

Address: 3700 GULF BLVD

City: ST. PETE BEACH State: FL

Zip: 33706 Telephone: 727-520-2737

PROPERTY:

Address: 3700 GULF BLVD, ST. PETE BEACH

Parcel ID: 07-32-16-21852-028-0001

Current	Proposed	Current	Proposed
Zoning: <u>RFM</u>	Zoning: <u>RFM</u>	Land Use: <u>VACANT RESTAURANT</u>	land use: <u>SINGLE FAMILY ATTACHED</u>

Lot area: 0.39 ACRES (16,956 SF)

DETAILS OF THE REQUEST (Add additional sheets if necessary):

PRELIMINARY PLAT FOR 4 SINGLE FAMILY ATTACHED UNITS.

 6-10-24
Signature of Applicant & Date

For office use only:

Case Number:

Fees:

City Commission Action: ☐ Approved as requested ☐ Approved with conditions ☐ Denied



DESCRIPTION:

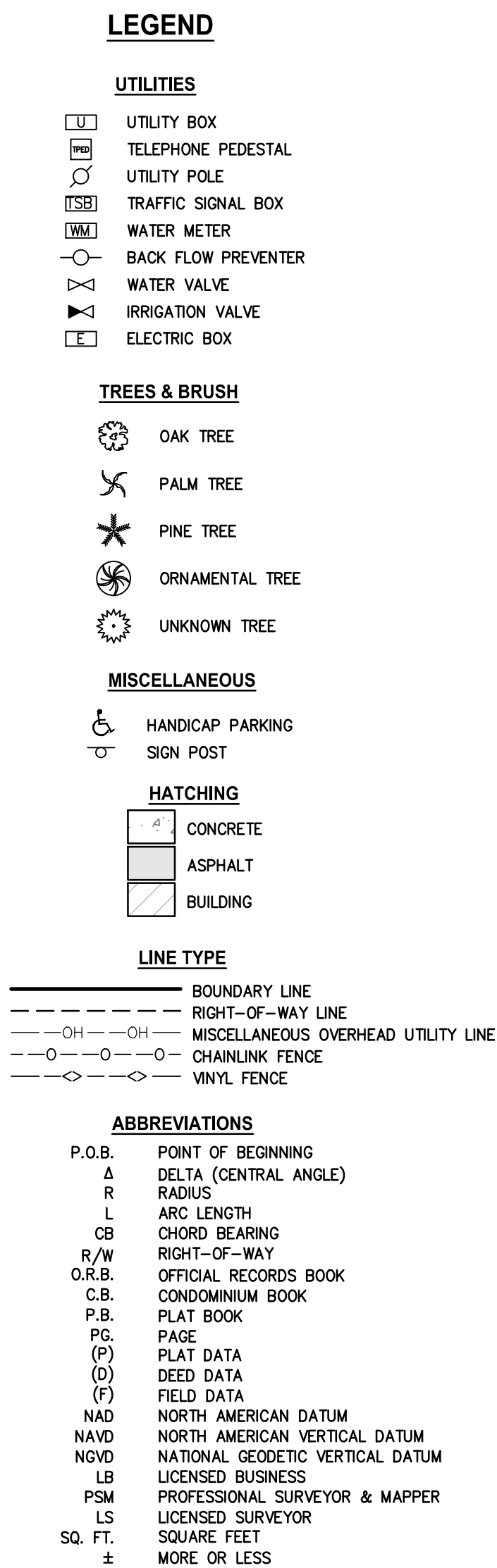
THE PART OF BLOCK "G" OF DON CE-SAR PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE(S) 15-20, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: (STARTING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF 37TH STREET (FORMERLY KNOWN AS "DON CE-SAR STREET") AND THE WESTERLY BOUNDARY OF GULF BOULEVARD (FORMERLY KNOWN AS PASS-A-GRIFFE WAY AND FLORIDA AVE), SAID POINT BEING OTHERWISE DESCRIBED AS THE SOUTHEASTERLY CORNER OF SAID BLOCK "G", AS A POINT OF BEGINNING; RUN THENCE WESTERLY ALONG THE SOUTH NORTHERLY BOUNDARY OF SAID BLOCK "G" A DISTANCE OF 178 FEET MORE OR LESS; THENCE NORTHERLY ALONG THE EAST NORTHERLY BOUNDARY OF SAID BLOCK "G" TO THE POINT OF THE NORTH BOUNDARY LINE OF SAID BLOCK "G" A DISTANCE OF 178 FEET MORE OR LESS; THENCE EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID BLOCK "G" TO THE INTERSECTION OF THE NORTHERLY BOUNDARY OF SAID BLOCK "G" AND THE WESTERLY BOUNDARY OF GULF BOULEVARD (FORMERLY KNOWN AS PASS-A-GRIFFE WAY AND FLORIDA AVE), SAID POINT BEING OTHERWISE DESCRIBED AS THE SOUTHEAST CORNER OF SAID BLOCK "G", A DISTANCE OF 122.26 FEET MORE OR LESS; THEN SOUTHERLY ALONG THE EASTERLY BOUNDARY OF SAID BLOCK "G", TO THE POINT OF BEGINNING;

LESS THAT PORTION LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD NO. 699, SECTION 15100, AS SAID SURVEY LINE IS FURTHER DESCRIBED IN DEED TO THE STATE OF FLORIDA, FILED APRIL 11, 1962, AND RECORDED IN OFFICIAL RECORDS BOOK 1402, PAGE 12, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

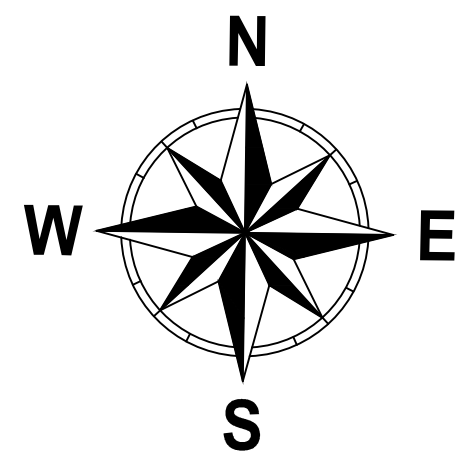
ALSO LESS THAT ORTRION LYING WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION: BEGIN ON THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY OF LOT 9, BLOCK 24, SAID SUBDIVISION, AT A POINT 140.02 FEET EASTERLY OF THE WESTERMOST CORNER OF SAID LOT 9, RUN THENCE NORTH 102°03'31" WEST, 50.00 FEET; THENCE SOUTH 79°40'20" WEST 40 FEET TO A POINT OF BEGINNING; CONTINUE THENCE SOUTH 79°40'29" WEST, 6 FEET; THENCE NORTH 34°39'59" EAST, 8.49 FEET; THENCE SOUTH 79°40'31" EAST, 6 FEET TO THE POINT OF BEGINNING.

NOTES:

1. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM [WEST 1/2] NAD 83/2011 - EPOCH 2010.000 AND ARE DERIVED FROM THE WESTERLY RIGHT-OF-WAY LINE OF GULF BOULEVARD HAVING A BEARING OF S10°20'31"E.
2. THE PROPERTY LIES WITHIN FLOOD ZONE "AE" AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL NO. 12013200278H REVISED 8/24/2021.
BASE FLOOD ELEVATION = 9 FEET.
3. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL THE ENCUMBRANCES ON THE PROPERTY.
4. BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.
5. THIS SURVEY IS FOR THE EXCLUSIVE USE AND CERTIFIED TO PRIME STR. LLC. RE-USE OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, WITHOUT WRITTEN VERIFICATION WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO ON THIS SURVEY.
6. PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R12 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK.
7. IMPROVEMENTS SUCH AS, BUT NOT LIMITED TO, FOUNDATIONS, SUBSURFACE IMPROVEMENTS AND LANDSCAPE FEATURES, ETC., HAVE NOT BEEN LOCATED EXCEPT AS SHOWN THERE MAY BE SOME AREAS NOT PHYSICALLY LOCATED OR SHOWN THAT LIE WITHIN THE BOUNDS OF THIS SURVEY THAT MAY BE TERMED JURISDICTIONAL BY DIAMETER OR LESS WERE NOT LOCATED.
8. TREES 4 INCHES IN DIAMETER OR LESS WERE NOT LOCATED.
9. UTILITIES SHOWN ARE ABOVE GROUND EVIDENCE ONLY. NO EXCAVATION OR UTILITY LOCATING SERVICES WERE PERFORMED TO VERIFY THE LOCATION OF UTILITIES.
10. OWNERSHIP OF FENCING WAS NOT DETERMINED.
11. SITE ELEVATION IS NAVD 1988. ELEVATIONS ARE BASED ON NGS BENCHMARK "196" (PID #A00101) HAVING AN ELEVATION OF 3.24 NAVD 1988 AND ELEVATION OF 4.16 NGVD 1929. THE DIFFERENCE WAS COMPUTED USING THE HERTZOG (NORTH AMERICAN VERTICAL DATUM CONVERSION) WHICH IS A GEODETIC TOOL PROVIDED BY NGS, THAT COMPUTES THE MODELED DIFFERENCES IN ORTHOMETRIC HEIGHT BETWEEN NAVD 1988 AND NGVD 1929.
13. ADDRESS: 3700 GULF BLVD, SAINT PETE BEACH, FL 33706
14. THIS SURVEY IS NOT VALID IF PRINTED, OR WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



ADDRESS: 3735 2ND AVENUE NORTH
SAINT PETERSBURG, FL 33713
PHONE: 727-685-6045
EMAIL: brlauster@llsurvey.org
LB8466



SCALE: 1:10

NAD 83/2011

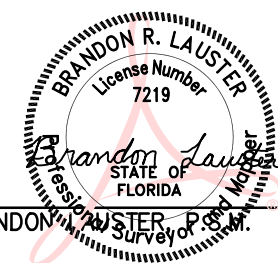
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PRIOR WRITTEN CONSENT OF
LAUSTER LAUD SURVEY. CONSENT IS
HEREBY GRANTED SPECIFICALLY TO
GOVERNMENTAL AGENCIES TO
REPRODUCE THIS DOCUMENT IN
COMPLIANCE WITH F.S. CHAPTER
119.

BOUNDARY, TOPOGRAPHY, & TREE SURVEY

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

		DRAWN BY	BRL	FIELD BY	HDS.	DATE	12-19-2023	SHEET XX OF XX.
REVISION						BY	DATE	

BY:





MEMORANDUM

To: Baysite Engineering LLC for Smiley's Snack Shack Inc.

From: Brandon Berry, Planner
Community Development Department
City of St. Pete Beach - (727) 363-9229

Date: July 15, 2024

Re: Preliminary Plat #24042 - request to replat the subject property to four fee-simple parcels with remaining land held in common homeowners association ownership.

The City's Technical Review Committee will meet on July 17, 2024 at 10:00 AM to discuss the following comments regarding the application. Additional comments may be shared at the meeting.

Public Works:

Code of Ordinances Sec. 98-130.2(3): The proposed subdivision lies within a flood hazard area and shall comply with the site improvement and utilities requirements of City of St. Pete Beach Code of Ordinances, Chapter 98, Article V, Division 12.

Building:

Comments have not been shared, but may be shared at the meeting.

Code Enforcement:

No comments.

Recreation:

Comments have not been shared, but may be shared at the meeting.

Fire:

No comments.

Planning & Zoning/Transportation:

1. Staff is currently researching whether the proposed fee simple subdivision, where the majority of the open space resides in a co-owned tract, is permissible under the current code. If it is not, you may wish to amend the request made under Case #24041 to request alteration of LDC Sec. 24.9.(b), as follows. Both can be processed by staff at the same public hearing.

“Notwithstanding the provisions of section 24.8(f), the minimum width of an individual unit within a single-family attached development shall be 16 feet, and when subdivided into separate lots, the maximum lot coverage for an individual lot shall be 70 percent.”

Should such a request be approved, Staff anticipates requiring a covenant or other document ensuring that future lot combination or subdivision be contingent upon adequate retention of minimum permeable surface and open space requirements.

2. Prior to final plat, the applicant shall provide a draft covenant or document of similar legal assurance that the open space and access tract shall be maintained by the owners of the four fee-simple residential parcels proposed for the development, and that failure to maintain the tract in accordance with current or relevant future City requirements shall enable the City to take enforcement action against all of the current and future owners of residential units within the development. Once approved, this covenant shall be signed and recorded prior to Certificate of Occupancy, noting application to all future owners and assigns.
3. The final plat must be prepared in accordance with F.S. 177.011-177.151. The City does not have a licensed surveyor on staff and will need to utilize a consultant for review, the costs of which shall be collected prior to final plat hearing before City Commission.
4. Due to required covenants and individual parcel sizes within the development, this proposed subdivision will not be eligible for administrative parcel reconsolidation. The entire subject property must be replatted prior to issuance of a development permit for any future redevelopment proposed. This includes modification of the size or location of parcels shown on the final plat.
5. You may proceed with final plat recording if approved, at your own risk. However, you may wish to consider recordation and final hearing following initial site development to ensure that the parcel lines align with the development's exterior or party walls to prevent what could be costly corrections.
6. Show proposed townhome unit dimensions on preliminary plat sheet C2.O. This should be provided in a callout box if difficult to read on the current sheet.



June 5th, 2024

St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

Re: Transmittal Letter – 3700 GULF BLVD Residences – Prelim Plat
Folio: 07-32-16-21852-028-0001
Address: 3700 GULF BLVD, ST.PETE BEACH

To Whom It May Concern,

Please see attached Prelim Plat package for the 3700 Gulf Blvd project for review and approved by St. Pete Beach.

Subject project located at 3700 Gulf Blvd, St. Pete Beach, includes the redevelopment of a vacant property with a restaurant building with associated parking into 4 single family attached residences. Existing building and parking to be demolished.

Project includes approved setback variance #24003 and a Text Change Amendment application which will be submitted concurrently.

Included in this package are the following documents:

- Preliminary Plat
- Survey
- Owner Authorization for Agent (signed)
- Administrative Guidelines for Subdivisions (signed)

Please feel free to call with any questions or if any additional information is needed.

Respectfully,

Baysite Engineering, LLC.

A handwritten signature in blue ink, appearing to read "P. Ely Payne".

P. Ely Payne, P.E.
Principal