



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, November 20, 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 November 20, 2024 agenda.

2. Audience Comments -

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

3. Approval of Minutes

a. October 30, 2024 Meeting

4. Action Items -

a. Case No. 24061 - 1950 Pass-a-Grille Way
Continued from October 30, 2024 meeting.

Unnecessary and Undue Hardship Variances: Dustin Ballard, P.E. of Kimley Horn and Associates Inc. for the City of St. Pete Beach requests a five-part variance to: a) reduce the front building setback along 20th Avenue to 1.5 feet ~~1.2 feet~~ where 25 feet is required, the secondary front building setback along Pass A Grille Way to 2 feet ~~8.4 feet~~ where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7); b) permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12); c) permit the property-wide vegetated coverage to be 14%

where 16% minimum is required (LDC Sec. 22.4.(f)); d) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and; e) Permit the rooftop chimney training element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

5. Adjournment-Next meeting to be held December 18, 2024 -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT BOARD OF ADJUSTMENT MINUTES
October 30, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Denise Chase, Vice Chair
Al Causey, Member
Chris Core, Member
Kathy Garchow, Member
Dan Small, Member

STAFF PRESENT: Kristin Coman, Senior Planner; Nancy Stuparich, Interim City Attorney, Vose Law; Ginny Bodkin, Deputy City Clerk; Brandon Berry, Senior Planner; Gilbert Martinez, Senior Planner; Adam Poirrer, Deputy Fire Chief

Vice Chair Chase called the meeting to order at 2:00 P.M. The Vice Chair thanked the City for their expedited efforts with the recovery process from Hurricanes Helene and Milton. She welcomed Attorney Nancy Stuparich of interim legal firm Vose Law. Vice Chair Chase also indicated that she would need to leave the meeting just before 3:00 PM.

1. Approval of the Agenda -

Motion: Vice Chair Chase moved, and Member Garchow seconded the approval of the October 30, 2024 agenda as presented; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – August 28, 2024

Member Garchow asked that the title of the DonCesar Property Owners Corporation (DCPOC) be corrected for Item 4.c. prior to publishing.

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

4. Action Items

a. Election of Officers

Motion: Member Small moved, and Member Core seconded to appoint Denise Chase as Board Chair for 2024-25. Members Small and Core agreed to amend the motion to include the appointment of Kathy Garchow as Board Vice Chair for 2024-25 as one motion; the motion carried 5-0.

b. Approval of Board Meeting Dates 2025

The Board members requested no changes at this time.

Motion: Member Core moved, and Member Causey seconded to approve and accept the Board meeting dates for 2025 as presented; the motion carried unanimously.

The Deputy Clerk swore in all those who would be testifying during the hearing.

c. Case No. 24054 - 120 60th Ave.

Practical Difficulty Variances: Michael Keller of Frazee Design requests a four-part Page 1 of 148 variance to: a) Removal of existing carport and construct new 11'7" x 40', 8' h carport with proposed side yard setback of 2' where 6.7' is required (LDC Sec. 6.13(a)(1)); b) Installation of 12'6" x 33' long patio area with side yard setback of 1' where 2' is required (LDC Sec. 6.13(2)(d)(2)); c) Replacement of existing 112 sq. ft. residential storage building where a maximum of 80 sq. ft. is permitted (LDC Sec. 6.13(b)(5)(a)); and, d) Proposed residential storage building to have overall height of 9' where maximum height of 8' is permitted (LDC Sec. 6.13(b)(5)(b)).

The Board members declared no ex-parte communication for Case No. 24054.

The Board members declared no conflicts of interest for any of the Cases to be heard today.

Senior Planner Kristin Coman reviewed a presentation of the case summary for these variance requests. Her presentation is part of the meeting record. Staff recommendation was that stormwater runoff be directed and maintained on the property to ensure compliance with LDC Sec. 6.13(b)(3). One letter in support of the variance was received.

Mike Keller of Frazee Design, 11909 4th St N., St. Petersburg, and Applicant Steven Cline appeared and testified as to the plans for the carport replacement, patio, storage unit replacement and the need for the variances. The Board members asked questions.

There was no public comment; Chair Chase opened Board deliberation.

Motion: Vice Chair Garchow moved, and Member Small seconded to approve the variances for a carport with a side yard setback of 2 ft. where 6.7 ft. is required, and a residential storage building of 112 sq. ft. where a maximum of 80 ft. is permitted, with the condition that gutters are installed on both structures to move water away from the property line. The motion carried 3-2 with Members Causey and Core voting No.

d. Case No. 24060 - 315 Corey Ave.

Unnecessary and Undue Hardship Variance: John A. Bodziak for 315 Corey Ave, LLC requests a variance to reinstall two illuminated marquee signs and two illuminated playbill signs in addition to the existing illuminated blade sign, allowing for a total of five commercial signs where three are permitted and allowing all five to be illuminated along Corey Avenue where none are permitted to be illuminated along Corey Avenue (LDC Sec. 26.33).

The Board members declared no ex-parte communication for Case No. 24060.

Senior Planner Gil Martinez presented the case summary of the variance request for Case No. 24060. His presentation is part of the meeting record. Staff recommendation was for the operation of the internally illuminated signs to be limited to hours of operation. One letter in support was received.

Britt Hayes of Bodziak/Hayes Architects, Applicant Hannah Hockman, and Matthew Thomas of Thomas Sign and Awning appeared and testified as to the necessity for the requested variance. The Board members asked questions, including hours of operation. Ms. Hayes displayed some of theater renderings on her iPad.

There was no public comment and Chair Chase opened Board deliberation.

Motion: Member Causey moved, and Member Core seconded to approve the variance for Case No. 24060, based upon the evidence presented, with condition that illumination is limited to business hours; the motion carried 5-0.

Chair Chase exited the meeting at 2:52 PM.

e. Case No. 24061 - 1950 Pass-a-Grille Way

Unnecessary and Undue Hardship Variances: Dustin Ballard, P.E. of Kimley Horn and Associates Inc. for the City of St. Pete Beach requests a five-part variance to: a) reduce the front building setback along 20th Avenue to 1.2 feet where 25 feet is required, the secondary front building setback along Pass A Grille Way to 8.4 feet where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7); b) permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12); c) permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f)); d) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and; e) Permit the rooftop chimney training element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

The Board members individually declared no ex-parte communications for this Case.

Senior Planner Brandon Berry presented the case summary of the variance requests for Case No. 24061. His presentation is part of the meeting record. He reported that the Historic Preservation Board voted 5-0 to recommend the approval of the plans as they were presented to them previously.

Staff recommended three conditions: 1) The applicant shall provide a green roof, cool roof, or additional frontage landscaping of at least five percent of the lot area (538 square feet). 2) Unless demonstrated to be technically unviable, the applicant shall pursue “Sustainable Sites” credit through LEED Silver certification at the time of building permitting. 3) Due to significant façade alterations since the request was shared with the Historic Preservation Board, this item shall be re-presented to the Board at time of site plan permitting for design consideration. Alterations from the plan set shared April 2023 shall be clearly noted and recommendations from the Historic Preservation Board that are not contrary to the Land Development Code or any variance approved through Development Order 24061 shall be included to the extent viable.

Todd Sweet of Sweet Sparkman Architects and Dustin Ballard of Kimley Horn appeared and testified as to details of the variance requests for 1950 Pass-A-Grille Way. Mr. Sweet testified as to the recent inspection of the property since the hurricane damage. Mr. Ballard addressed each of the requests.

Deputy Fire Chief Adam Poirrer testified as to the need for the training tower. Board members asked questions, including funding, drive-through bays to avoid backing up equipment.

Lengthy discussion followed on the balcony that extends over the proposed setback line on the Pass-A-Grille Way side. The Applicant is now requesting 3 feet (from 8.4 feet originally requested) to accommodate the balcony. City Attorney Stuparich advised that that would be modifying the variance request to a greater amount than was advertised. She suggested the options of continuing the hearing of the Case to make changes and readvertise or withdraw the variance and resubmit the plans. Upcoming meeting dates were November 20th and December 18th.

Motion: Member Causey moved to continue Case No. 24061 to the November 20, 2024 Board of Adjustment meeting; Member Small seconded and the motion carried 4-0.

f. Case No. 23072 - 2007 Pass-a-Grille Way

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

Attorney Kyle Bass appeared and testified on behalf of the Applicant. He exhibited the permit they have opened with the City. He reported that four of the conditions cannot be complied with until built. The updated landscaping plan has been approved and unity of title/unified site plan has been submitted (as part of the permit); being here for the progress report was also one of the conditions. The issue of infringing parking has been remedied.

The consensus of the Board was that good faith efforts are being made. Attorney Bass agreed to return for another 120-day progress report on February 26, 2025, which will be on that agenda.

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

Staff requests a review of revised design features for the project, which was originally approved by the Board of Adjustment on February 28, 2024.

Mr. Berry explained that this variance was approved by the Board on February 28, 2024, with conditions related to preservation of the design as presented and that overall features, color, height and setbacks meet the requirements generally shown in the rendering. The Applicant has since revised the design and rendering of the structure, seeking a structure different in color and secondary facade elements. Staff did not find the changes to be significant or adverse to the condition as approved in February but requested Board input on the changes, and any recommendations related to the retention of the original conditions as required.

Attorney Katie Cole of Hill, Ward, Henderson appeared to testify on behalf of the Applicant. This is now a condominium (by owner not vacation rental) project. Ms. Cole provided a presentation of the revised design features, for the record.

Motion: Member Causey moved and Member Small seconded to accept the Applicant's Attorney presentation into the meeting record for Case No. 24042; the motion carried 4-0.

5. Items for Discussion –

None.

6. Adjournment – The next meeting is scheduled for November 20, 2024.

Vice Chair Garchow moved, and Member Causey seconded adjournment at 4:05 PM; all were in favor.

These minutes will be considered for approval at the November 20, 2024 Board of Adjustment meeting.

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

Agenda Report

Agenda Title Name: Case No. 24061 - 1950 Pass-a-Grille Way

Action Request: As directed by the Board of Adjustment. If the Board moves to approve the request, Staff recommends three conditions as listed in the Staff Report.

Strategic Objective:

Date: November 20, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson

Summary of Issue: ***Continued from October 30, 2024 meeting.***
Unnecessary and Undue Hardship Variances: Dustin Ballard, P.E. of Kimley Horn and Associates Inc. for the City of St. Pete Beach requests a five-part variance to: a) reduce the front building setback along 20th Avenue to 1.5 feet ~~1.2 feet~~ where 25 feet is required, the secondary front building setback along Pass A Grille Way to 2 feet ~~8.4 feet~~ where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7); b) permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12); c) permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f)); d) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and; e) Permit the rooftop chimney training element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

Funding: n/a

Attachments:

1. 24061 - Updated Staff Report
2. 24061 - Updated Floor Plans rec'd 10.30.24
3. 24061 - Revised - Setback, ISR and Landscape Plan and Elevations
4. Case No. 24061 Staff Report
5. Case No. 24061 Application, Site Plans, Elevations and Survey
6. Case No. 24061 Technical Review Committee Comments



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

PLANNING DEPARTMENT

Date: ~~October 21, 2024~~, **November 7, 2024**
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variances
Address: 1950 Pass A Grille Way
Parcel Number: 18-32-16-68634-008-0250
Dustin Ballard, P.E. of Kimley-Horn for the City of St. Pete Beach
Variance Case No: 24061

Prepared by: Brandon Berry, Senior Planner

Hearing Date: ~~October 30, 2024~~, **November 20, 2024**

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

- 1) Unnecessary and undue hardship application for requests #1-4, submitted August 22, 2024;
- 2) Unnecessary and undue hardship application for request #5, submitted October 15, 2024;
- 3) Revised to-scale plans showing requests and elevation of the training tower, submitted October 17, 2024;
- 4) Topographic survey, sealed by Russell P Hyatt, PSM on October 3, 2024, depicting current site improvements.
- 5) Preliminary Floor Plans prepared by Sweet Sparksman consisting of 2 sheets, submitted October 30, 2024.
- 6) Variance Exhibits-Setbacks, ISR and Landscape Plan prepared by Kimley Horn, consisting of 3 sheet, dated October 2024, no additional revision dates provided.
- 7) Elevations prepared by Sweet Sparksman, dated August 23, 2024 consisting of 6 pages.

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

Site Description/Background/Surrounding Land Uses

The subject property is a 107.5x100' (10,750 sq. ft.) parcel comprised of two platted lots of the Phillips Division subdivision and half of a vacated east-west alleyway that originally separated the lots from those to the south. The lot contains a single-story fire station that was constructed in 1974 according to the

Pinellas County Property Appraiser. The applicant, on behalf of the City, is seeking variance approval to redevelop the lot with a new fire station that is updated to meet current needs.

The Pass A Grille Way-facing lot frontages between 19th and 21st Avenues are unique for the area in that the properties face them are the sole properties that are non-residentially-zoned and located outside of the Pass A Grille Overlay and Community Redevelopment District-Eighth Avenue Districts south of 32nd Avenue. Because of this the design standards, height and bulk standards, and reduced setbacks that are typically permitted for other non-residential properties in Pass A Grille are not applicable to the subject property or its immediate neighbors. The property is zoned INS – Institutional, which permits government buildings like fire stations as uses by right.

The general design presented in the subject case was reviewed by and recommended to the Board of Adjustment by the Historic Preservation Board (HPB) in April 2023. The HPB was presented with two options, one of which showed compliance with the required setbacks and one of which was the subject request, albeit with different window placement and style, modified hip roofing above the second-story walkout at the corner of Pass A Grille Way and 20th Avenue, and other stylistic changes. The HPB recommended the general design unanimously, noting that it fit better with the scale and aesthetic of the area, with general comments that the design would allow for community space in the form of a 500-square-foot community room, that could not be accommodated in the smaller-footprint alternative compliant design.

The subject property faces similar-intensity Residential/Office/Retail zoning to the south and north across 20th Avenue, and higher-intensity Commercial General zoning east across Pass A Grille Way. To the west is RLM-2 Residential District zoning, which permits moderate-density residential but no commercial development.

The subject project is not yet fully funded, with approximately one-half unfunded as of April 2023, but the City is pursuing both grant and local funding opportunities. As such, there is no expected date for start of construction. As with all variances, the subject variances if approved will expire after one year, unless extended by tolling through emergency orders.



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 five (5) variances, as follows:

- 1) Reduce the front building setback along 20th Avenue to ~~1.2 feet~~ **1.5 feet** where 25 feet is required, the secondary front building setback along Pass A Grille Way to ~~8.4 feet~~ **2 feet** where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7);
- 2) Permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12);
- 3) Permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f));
- 4) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and;
- 5) Permit the rooftop training tower element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

Analysis (Development Standards)

Development Standards (LDC Division 17 & 22)	1950 Pass A Grille Way (St. Pete Beach Fire Station 22)		
	Required	Existing	Proposed
Setbacks (Request #1 – LDC Sec. 17.7)			
Setback (Min.), Front Yard (20 th Ave)	25'	1.5' (Enc)	1.2' (v) 1.5' (v)
Setback (Min.), Secondary Front Yard (Pass A Grille Way)	15'	21.1'	8.4' (v) 2' (v)
Setback (Min.), Side Yard (West)	10'	20.8'	1.0' (v)
Setback (Min.) Rear Yard (South)	15'	0.5' (ENC)	0.5' (v)
Height (Request #5 – LDC Sec. 7.2.(k))			
Building Height	30' from Design Flood Elevation; 40' from DFE for non-habitable overruns	Unspecified	30' to midpoint of roof; Approximately 45' to top of rooftop training tower (v)
Impervious and Greenspace Coverage (Requests #2 & 3 – LDC Sec. 17.12 & 22.4.(f))			
Maximum Impervious Surface Ratio	0.80	0.88 (ENC)	0.85* (v)
Minimum Greenspace	0.16	0.12 (ENC)	0.14 (v)
Buffer Requirements			
Frontage buffer requirement (north side) (LDC Sec. 22.7.(a)(1))	5'	Unspecified	0' (v)

Parking Area landscaping buffer width (south side) (LDC Sec. 22.7.(b)(1))	6'	Unspecified	2.5' (v)
ENc = Existing nonconforming condition. All redevelopment projects require full compliance with the existing Land Development Code standards. (v) = Variance required * Applicant requests 0.86, but the Comprehensive Plan limits variances greater than 0.85, so the request has been reduced to achieve compliance.			

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 regard 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;**

As noted by the applicant, the property is the existing site of a fire station, and faces constraints relative to modern service requirements that are not applicable to other structures in the vicinity. Unlike a commercially-zoned property that has a variety of uses available to it that can be modified to fit the lot parameters, the subject property is sought for continued use as a fire station, and there are certain requirements for the use such as adequate vehicle bay clearance and width, private sleeping quarters, administrative and storage spaces, and so on that are directly tied to the effectiveness of the building and are typically not as clearly connected to the public purpose as a private commercial development. These requirements and the overall necessity for such a facility is a unique circumstance of the land and of the structure that is not generally applicable to other lands and buildings in the same zoning district.

Furthermore, the applicant has produced a structure that was previously found by the Historic Preservation Board to match the design and compatibility requirements of the Pass A Grille Overlay District but which itself is not eligible for such setbacks and height, which permit a larger and taller structure than permitted under typical zoning in exchange for a compatibility review. This is a peculiar circumstance of the subject property, albeit one shared with other Institutionally-zoned properties south of 32nd Avenue such as the St. Pete Yacht Club, that is not generally applicable to other non-residentially zoned developments in the vicinity.

The applicant stated in conversations with Staff that the pull-through design which is currently in place and permits entry along the western alleyway with egress to the east is an essential component of the design. However, it is unclear why such a design is a necessity rising to the level of a hardship rather than an inconvenience. The applicant should address this in their testimony, as a lack of driveway along the western side would permit additional vegetation that would appear to eliminate both the impervious surface and greenspace ratio variance requests.

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

The applicant is attempting to develop a building that meets local emergency management needs in the vicinity while being modernized to meet current administrative and floodplain codes. These circumstances are not the result of the applicant. However, the City's architect has produced a design that shows the development could be generally made compatible with the setback and height requirements, albeit without the massing compatibility.

- 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 applicant should provide testimony as to how the denial of the setback and height variances (requests #1 & 5) would result in hardship rather than inconvenience. The compliant design loses the training tower element, first-level community room, and shows small reductions in total square footage for the exercise and dining rooms among other spaces. The compliant design was also found to be less compatible with the vicinity by the Historic Preservation Board which, while not an essential element as would be the case if the structure were zoned in the Pass A Grille Overlay District, nonetheless is more contrary with general Comprehensive Plan provisions that promote architectural integrity and preservation City-wide. However, it is not clear from application responses whether the compliant structure would present significant structural or land-based hardships that produce reduced response times, lesser service quality, or other deficits that are clear justifications for such requests.

If the applicant adequately demonstrates how the required setbacks pose a hardship relative to the promotion of public health and safety, and that the side-entry is similarly essential, Staff finds this criteria is met for requests #2-4 related to lot coverage, greenspace, and buffering. Given other limitations, the space outside of the building appears to be efficiently utilized, and the limited parking area and use of space under a projecting second-story appears to be logical given the expected needs of the use.

- 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 applicant is redeveloping to meet current floodplain requirements, and required and requested uses of space within the structure, in order to more effectively respond to the emergency needs of the community.

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

The applicant is not seeking greater financial return as the result of these variances. The building serves a clear public purpose and is not itself a revenue-generating source for the City.

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 is no similar use in the same zoning district south of 32nd Avenue.

The zoning of Fire Station 23 located in the northern part of the City, which is shared with the rest of the City's core downtown, permits significant additional front and rear setback encroachments and lot coverage than the subject lot, in exchange for increased landscaping and reduced height below what the applicant is requesting for Fire Station 22.

*As noted previously, the applicant would also be eligible for a reduction in front and rear setbacks if the structure were located in the Pass A Grille Overlay, although it would not abrogate the need for any of the variances requested herein, but simply reduce their magnitude. The design is most compatible with the commercial building standard of the Pass A Grille Overlay District rather than the institutional standard, which would be permitted on lots to the north, east and south of the subject property, and generally allows for the Pass A Grille Way frontage and opposite side setbacks that the applicant is proposing. However, the retention of the 20th Avenue setback at 1.5 feet from the property line, and rear setback of 0.5 feet, is not permitted anywhere in the Pass A Grille Overlay District. **This also applies to the balcony along Pass A Grille Way that was amended into this request for the November hearing of this case, which is set at two feet where ten feet would have been required under an Overlay development.***

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

The setback variances requested are considerable, particularly the setback along the west side, which reduces from the current building's setback of more than twice the requirement to just one foot under the new building, or a reduction of 90% of the standard. Given the encroachment, particularly to the lower-intensity residential to the west, Staff requests the applicant provide additional testimony as to the need for the setback variances relative to gains in public safety, emergency response, and other public benefits that are not resolved by the redevelopment of a setback-compliant structure that would still be compliant with modern floodplain, stormwater, and similar requirements.

As the setback variance requests partially or fully create the conditions of requests #2-4, Staff finds justification for the setback variances as well as the western driveway access requirement will also support those variances. Since the City is required to construct the building to LEED Silver standards as a means of setting a leading example for the City's promotion of green building and energy conservation, Staff finds the installation of a green roof or similar feature that will award Sustainable Sites points toward that certification is an option for mitigating the reduced on-ground landscaping in terms of aesthetics, and ecological and environmental benefits.

Staff also requests testimony from the applicant as to the value of the training tower in terms of public safety benefits. Granting a variance to this request would produce a structure with element that exceeds, by up to five feet, the allowable height of a structure to the west, north or south of the subject property. However, the structure would remain fifteen feet shorter than would be

permitted to the east, in the CG-1 zoning. Staff does generally find the bulk and massing of the structure to be compliant with others in the vicinity, but requests support for this criteria from the applicant.

- 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.**

Generally, code harmony is easiest to certify for public buildings, as there are almost always clear public benefits that arise from having higher-quality facilities or additional public space or amenities that are accessible or beneficial to all. To the extent that the variances requested involve developing a facility that offers additional or more robust public services, Staff finds the requested variances to be in harmony with the Comprehensive Plan and Land Development Code. The structure has been assessed by the Historic Preservation Board to be generally compatible with the area, and Staff does not find that the redevelopment of the structure will diminish or impair property values, as the redevelopment is simply a reconstruction of the existing use utilizing a similar site layout with expanded facilities. Staff finds the requests for increased impervious surface ratio and reduced greenspace and buffer width to be logical should adequate support be found for the setback variances, as the applicant will be required to comply with modern stormwater requirements during permitting, and achieve LEED certification which can involve installation of green roofs or other greenscaping that is not located on the ground.

The architect has chosen to remove windows from the western side of the second-story portion of the structure, and there are no above-ground new elements that Staff expects to cause nuisance for the abutting residence. This area has historically been used as parking and truck access, and will remain as such. Additionally, due to the intervening alleyway, Staff is not aware of any separation requirements that would not be met now or in the future if this development proceeds. However, due to the significant additional encroachment of the building toward this side alleyway compared with existing, Staff finds the applicant should provide additional justification for this encroachment in particular.

The applicant should address in more detail the need for the rooftop training tower relative to the use and harmony of the element with the general Land Development Code promotion of public health, safety and welfare.

Other:

- Should the Board not grant all or some of the variances, the applicant should provide testimony of whether they will proceed with “Option B” as presented to the Historic Preservation Board in April 2023, or if they would redesign the plan.
- The applicant should provide additional testimony as to the additional public benefits that would be provided for this building compared with a Code-compliant structure.
- Details should be provided by the applicant or fire department staff as to the frequency of use and benefit of the rooftop training tower as justification for the granting of the variance.

- The applicant should suggest opportunities to mitigate the impervious surface ratio increases and greenspace reductions through a green roof, denser plantings, cool roof, or other opportunities to generally comply the intent of the landscaping ordinance, which requires landscaping as a means of beautification along with air and water purification.
- If an expected timeline for grant application results and/or construction is known, it should be shared. The applicant should address what would happen if the variance were to expire without the building permit being issued.

Technical Review Committee Meeting Comments from October 23, 2024

This meeting is scheduled for October 23, 2024, after the publication of this report. Comments are attached to this staff report. If additional questions or comments are shared at the meeting, Staff will present them to the Board of Adjustment at the hearing for this case.

Summary

The applicant clearly states the benefits of the new facility in terms of emergency management, allowing for a structure that is elevated above the floodplain and contains spaces that meet the needs of current and future fire department administration and staff. The structure and development also have ancillary benefits, such as a community space and stormwater improvements, the former which is apparently unable to be accommodated in the Code-compliant structure.

However, Staff requests significant additional testimony from the applicant that links the requested variances to additional public health, safety and/or welfare benefits that could not be accommodated in a Code-compliant structure, or a structure with setbacks that are more in line with the setbacks required for an institutional structure that could be constructed within the Pass A Grille Overlay District. Staff acknowledges that the structure generally meets the design, massing and bulk standards of the Pass A Grille Overlay District, but the setback portion of this request is for significant additional encroachments beyond those permitted in the Overlay. There may be strong justification for such requests, but the similar layouts and square footages of critical spaces within the Code-compliant and subject design are not apparent through the floor plans or narrative provided.

Staff also requests additional testimony as to the need for the rooftop training tower.

Should the Board of Adjustment find justification for the setback variance (request #1), and the need for the alleyway-entry driveway, staff finds that there is adequate justification for requests #2-4 pertaining to impervious surface ratio, greenspace coverage, and buffer reduction, with the following conditions:

- 1) The applicant shall provide a green roof, cool roof, or additional frontage landscaping of at least five percent of the lot area (538 square feet).
- 2) Unless demonstrated to be technically unviable, the applicant shall pursue "Sustainable Sites" credit through LEED Silver certification at the time of building permitting.

- 3) Due to significant façade alterations since the request was shared with the Historic Preservation Board, this item shall be re-presented to the Board at time of site plan permitting for design consideration. Alterations from the plan set shared April 2023 shall be clearly noted and recommendations from the Historic Preservation Board that are not contrary to the Land Development Code or any variance approved through Development Order 24061 shall be included to the extent viable.

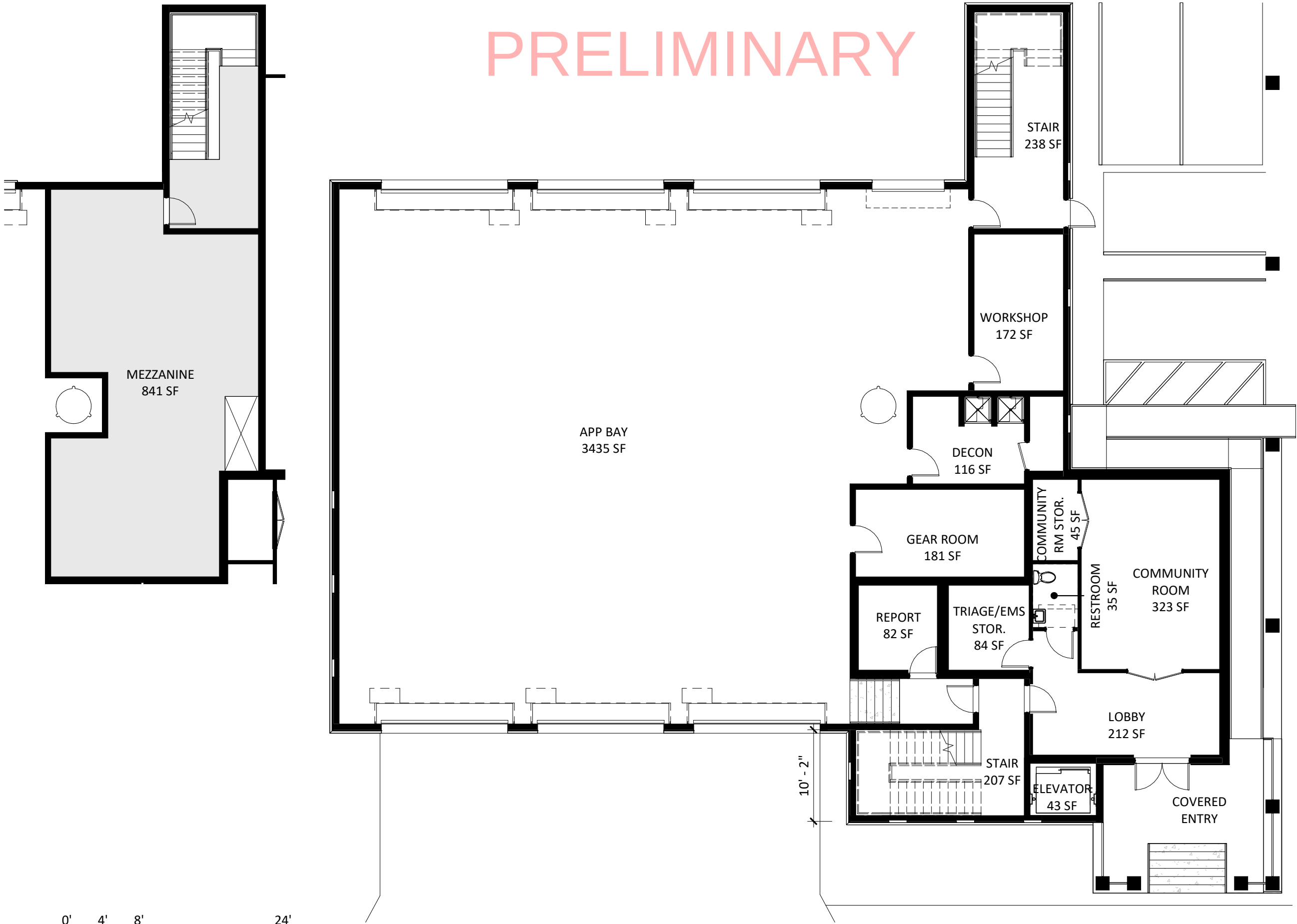
Should the board look favorably on the application, the applicant should be advised that any variance granted hereunder shall expire one (1) year from the date of the development order providing such variance, unless a building permit for the construction authorized by such variance is obtained within 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: Dustin Ballard, P.E., Applicant ***via email*** (dustin.ballard@kimley-horn.com)
Jim Kilpatrick, St. Pete Beach Fire Chief, ***via email*** (jkilpatrick@stpetebeach.org)
Nancy Stuparich, Board of Adjustment Attorney, ***via email*** (nstuparich@voselaw.com)

PRELIMINARY

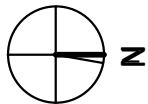


FIRST FLOOR

ST. PETE BEACH FIRE STATION 22
SD

SWEETSPARKMAN
ARCHITECTURE & INTERIORS

PRELIMINARY

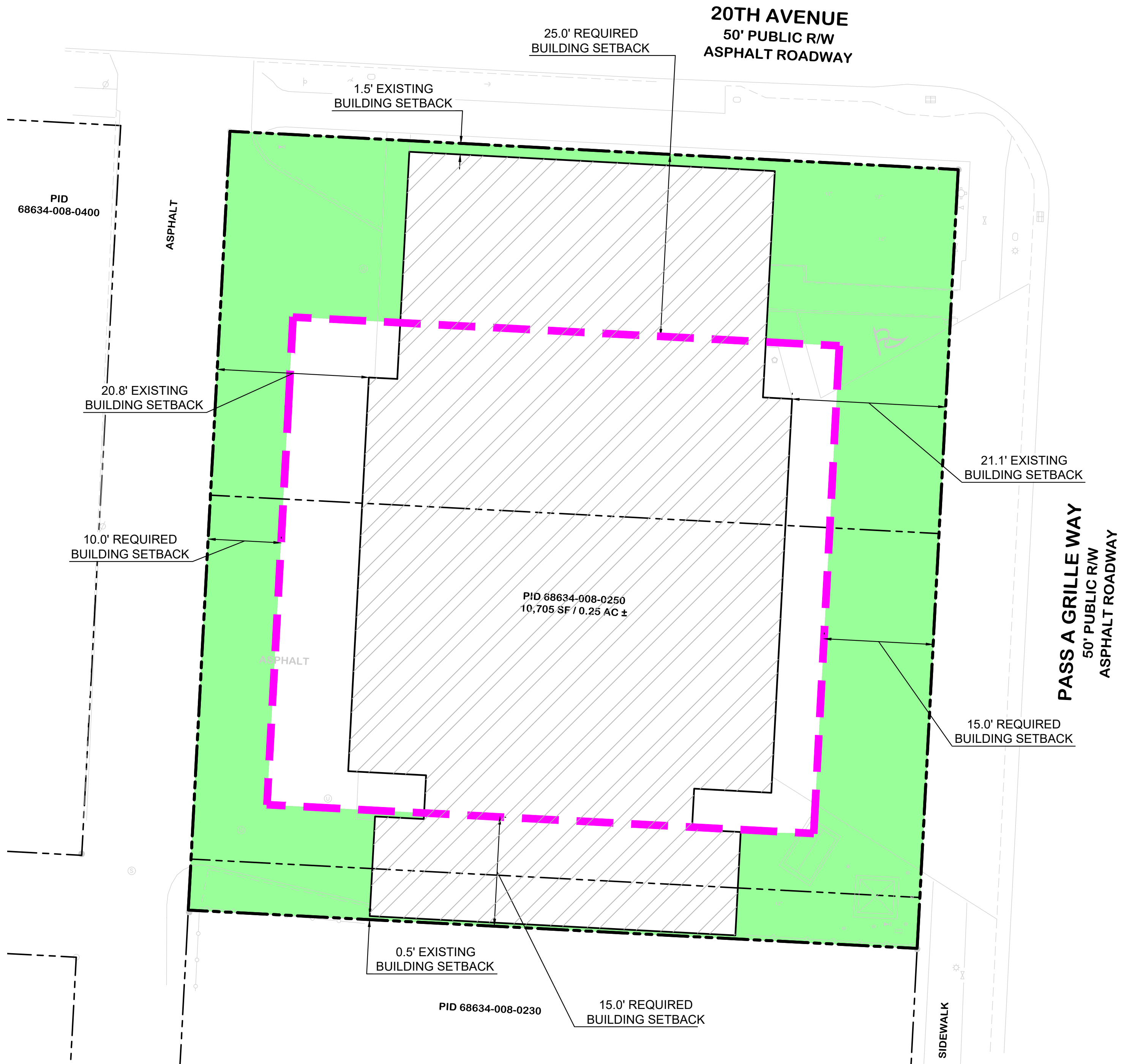


SECOND FLOOR

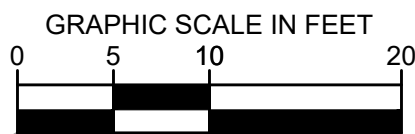
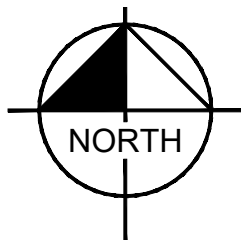
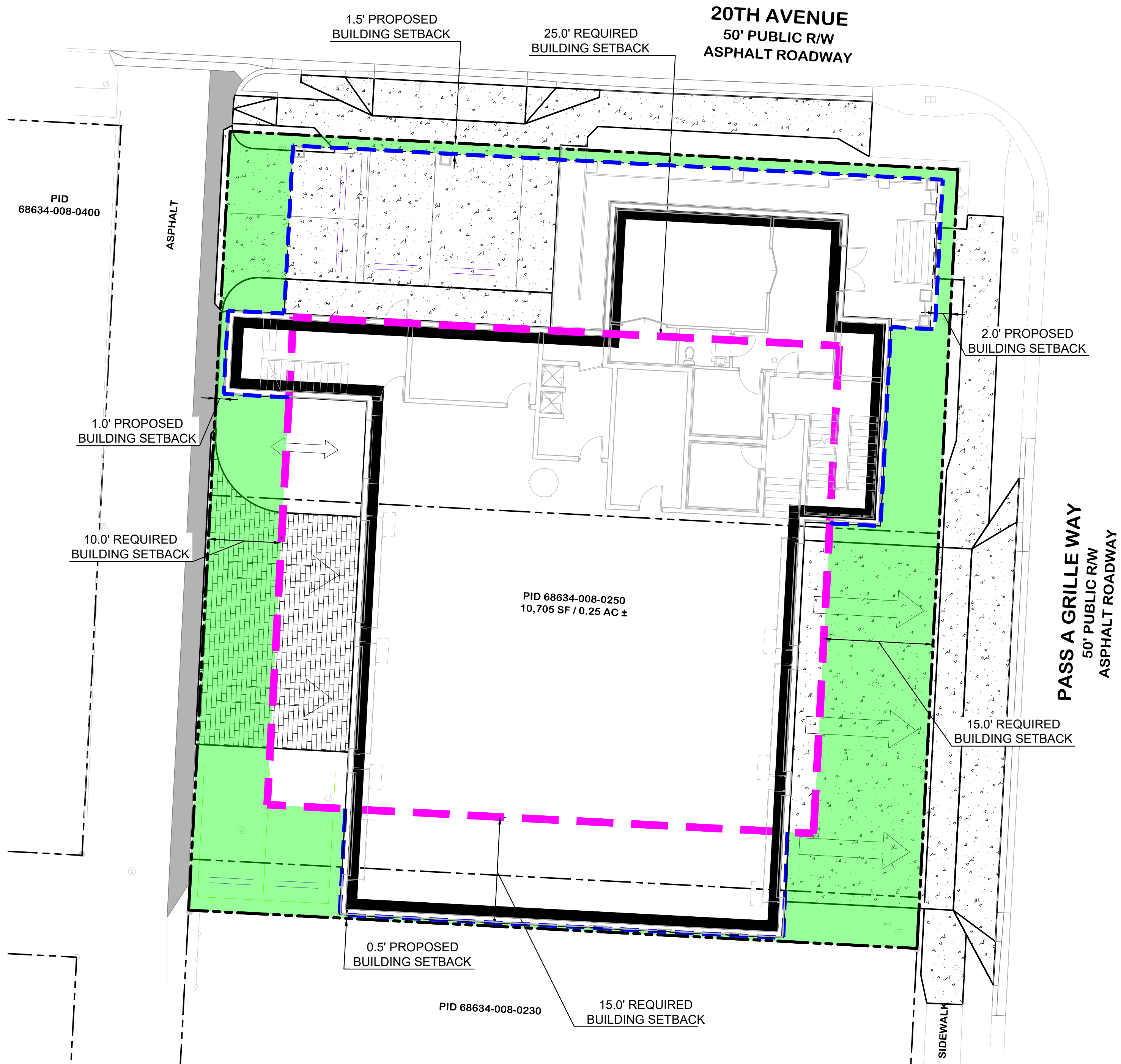
ST. PETE BEACH FIRE STATION 22
SD

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EXISTING CONDITION



PROPOSED CONDITION



- REQUIRED BUILDING SETBACK
- PROPOSED BUILDING FOOTPRINT - FIRST FLOOR
- PROPOSED BUILDING FOOTPRINT - SECOND FLOOR
- PORTION OF SITE MEETING CODE SETBACK

SITE DATA TABLE			
	REQUIRED BUILDING SETBACKS	EXISTING BUILDING SETBACKS	PROPOSED BUILDING SETBACKS
SETBACKS			
NORTH (FRONT)	25 FT	1.5 FT	1.5 FT
WEST (SIDE)	10 FT	20.8 FT	1.0 FT
EAST (SECONDARY)	15 FT	21.1 FT	2.0 FT
SOUTH (REAR)	15 FT	0.5 FT	0.5 FT
PERCENT OF PROPOSED FRONTAGE MEETING SETBACKS			
	TOTAL LENGTH	LENGTH MEETING SETBACK	PERCENTAGE MEETING SETBACK
NORTH (FRONT)	100 FT	3.70 FT	3.70%
WEST (SIDE)	107 FT	72.40 FT	67.67%
EAST (SECONDARY)	107 FT	59.10 FT	55.23%
SOUTH (REAR)	100 FT	39.20 FT	39.20%

VARIANCE EXHIBIT
SETBACKS

CITY OF ST. PETE BEACH
FIRE STATION #22
FLORIDA

DATE
OCTOBER 2024

PROJECT NO.
148111014

SHEET NUMBER
EX-1

SCALE
AS SHOWN

DESIGNED BY
DB

DRAWN BY
SF

CHECKED BY
SH

LICENSED PROFESSIONAL

FLORIDA LICENSE NUMBER

DATE

Kimley»Horn

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PHONE: 727-547-3989 WWW.KIMLEY-HORN.COM
REGISTRY NO. 35108

REVISIONS

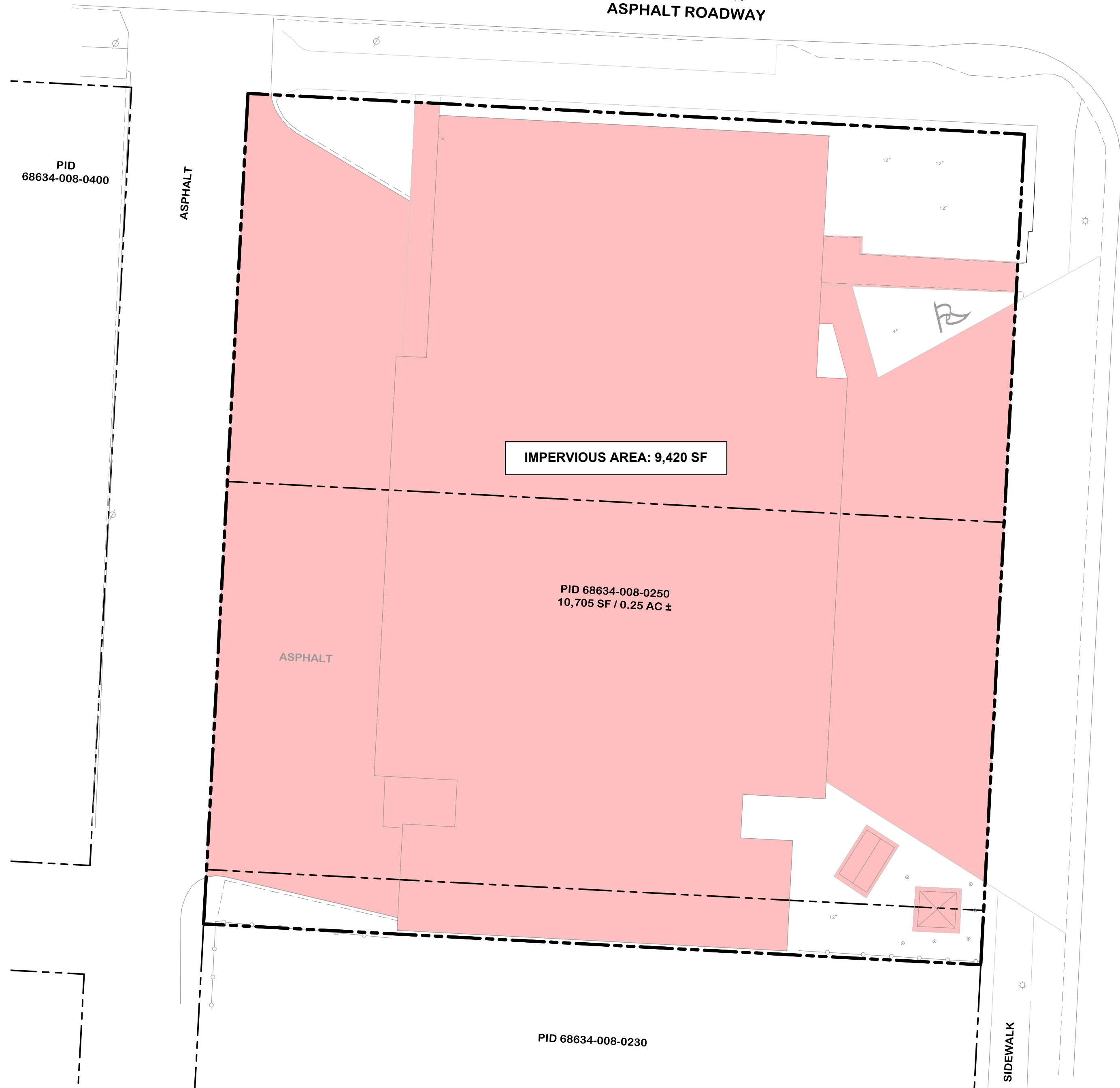
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DATE

BY

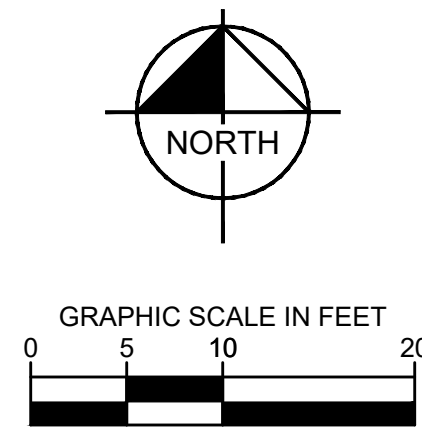
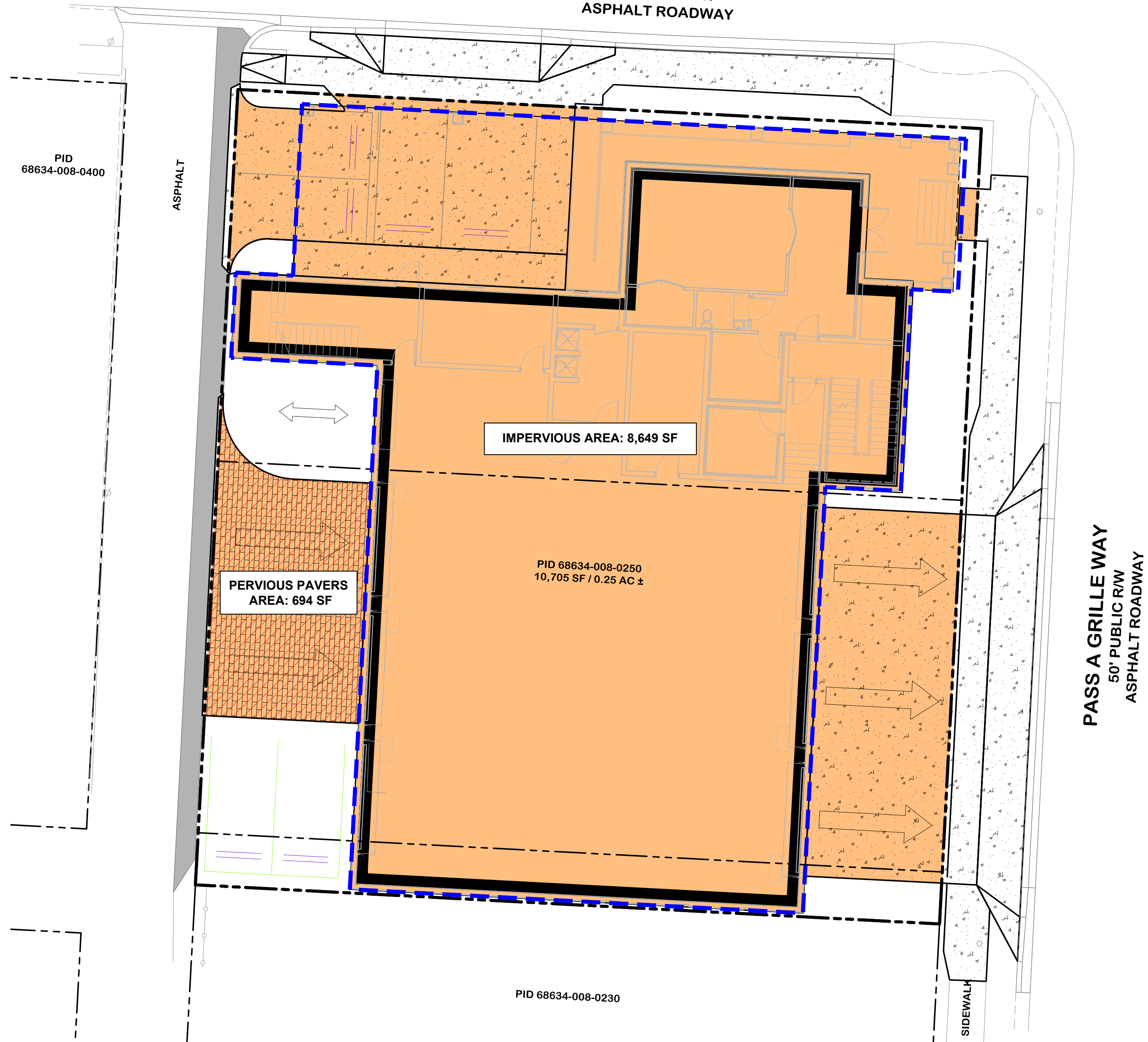
EXISTING CONDITION

20TH AVENUE
50' PUBLIC R/W
ASPHALT ROADWAY



PROPOSED CONDITION

20TH AVENUE
50' PUBLIC R/W
ASPHALT ROADWAY



-  EXISTING IMPERVIOUS AREA
 PROPOSED IMPERVIOUS AREA
 PROPOSED PERVIOUS PAVERS
 PROPOSED BUILDING FOOTPRINT - FIRST FLOOR

IMPERVIOUS AREA TABLE			
	REQUIRED	EXISTING	PROPOSED
IMPERVIOUS AREA	8,564 SF / 0.800	9,420 SF / 0.880	8,649 SF / 0.808
PERVIOUS PAVERS		0 SF	694 SF 20% * 694 = 139 SF 80% * 694 = 555 SF
TOTAL IMPERVIOUS		9,420 SF	8,649 + 555 = 9,204 SF
IMPERVIOUS SURFACE RATIO (ISR) / IMPERVIOUS AREA	0.8 / 8,564 SF	0.88 / 9,420 SF	0.86 / 9,204 SF
TOTAL SITE AREA	10,705 SF		

NOTES

- NOTES:
1. IMPERVIOUS SURFACE RATIO IS CALCULATED BY DIVIDING THE TOTAL IMPERVIOUS AREA BY THE TOTAL SITE AREA
 2. PER THE CITY OF ST. PETE BEACH, 20% OF THE PERVIOUS PAVERS AREA CAN BE CONSIDERED PERVIOUS AREA TOWARDS THE ISR (TOTAL PAVER AREA IS 761 SF, PAVER AREA CONSIDERED AS PERVIOUS IS 152 SF)

VARIANCE EXHIBIT
ISR

CITY OF ST. PETE BEACH
FIRE STATION #22

DATE
OCTOBER 2024

PROJECT NO.
148111014

SHEET NUMBER

EX-2

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REGISTRY NO. 35106

LICENSED PROFESSIONAL

FLORIDA LICENSE NUMBER

TF:

SCALE	AS SHOWN
DESIGNED BY	DB
DRAWN BY	SF
CHECKED BY	SH

VARIANCE EXHIBIT
ISR

CITY OF ST. PETE BEACH
FIRE STATION #22

DATE
OCTOBER 2024

PROJECT NO.
148111014

SHEET NUMBER

EX-2

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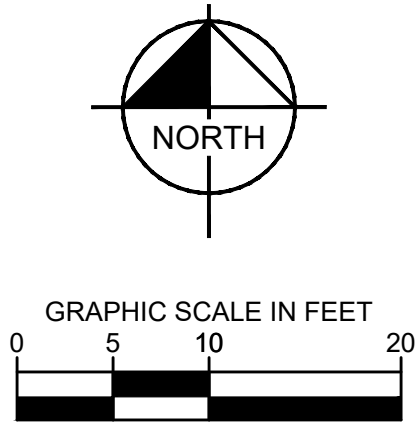
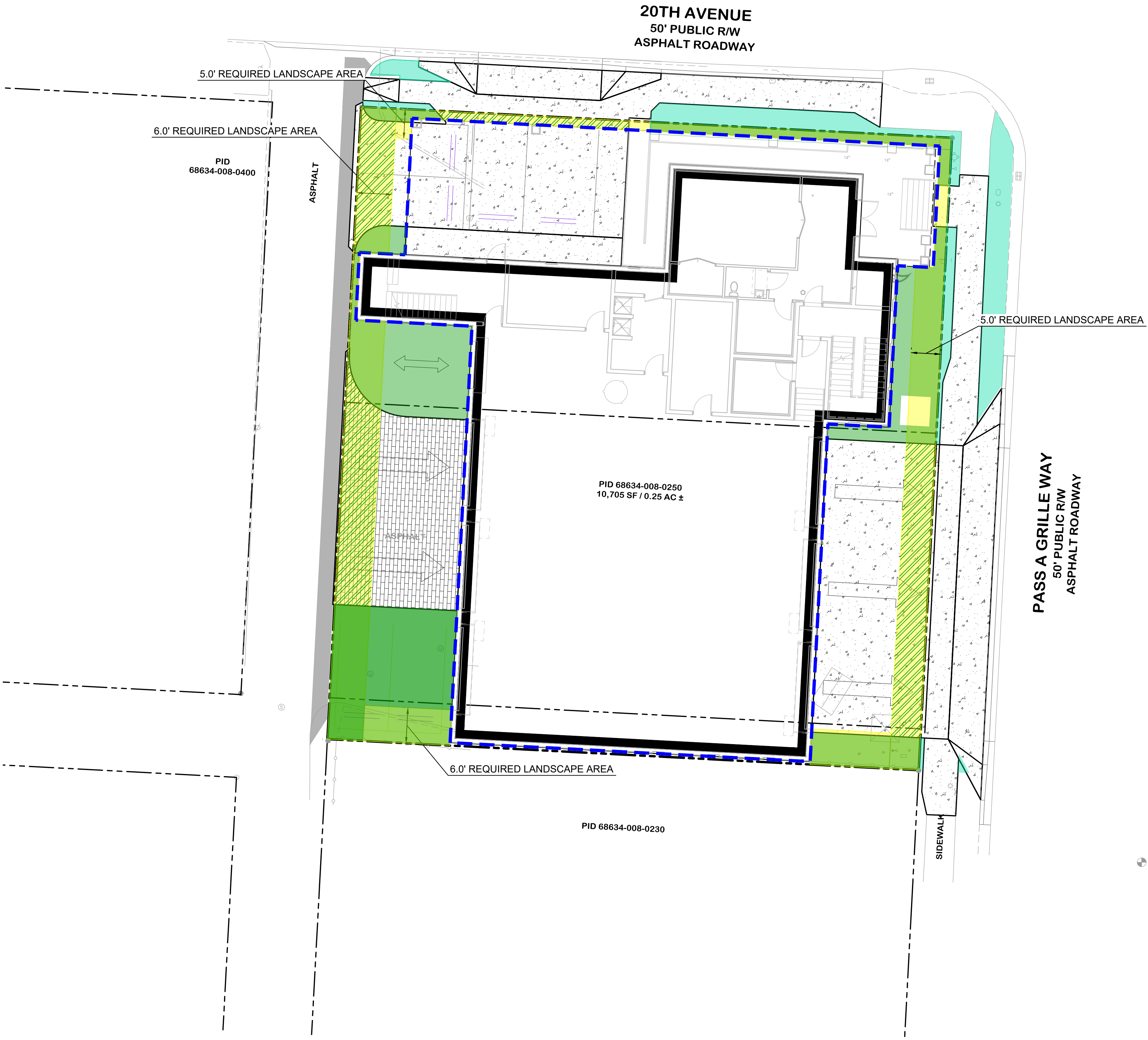
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FLORIDA LICENSE NUMBER

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- REQUIRED LANDSCAPE AREA
- PROPOSED LANDSCAPE AREA
- DRIVEWAY AREA
- PROPOSED RIGHT OF WAY (ROW) LANDSCAPE AREA

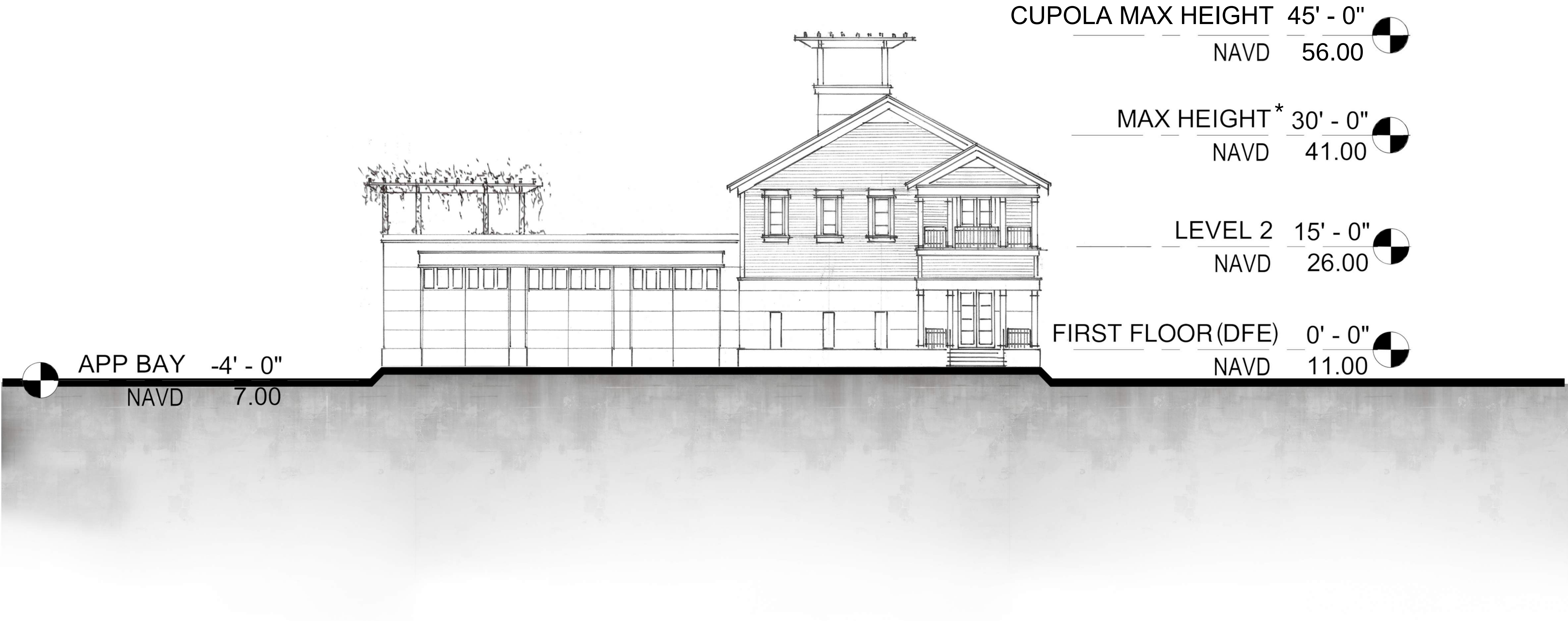
SITE DATA TABLE						
PERCENTAGE OF FRONTAGE MEETING LANDSCAPE REQUIREMENTS						
	REQUIRED AREA (SF)	DRIVEWAY AREA (SF)	REQUIRED MINUS DRIVEWAY (SF)	PROPOSED AREA (SF)	ROW AREA (SF)	TOTAL (SF) (+/- REQUIRED)
NORTH (FRONT)	148	48	100	86	144	230 (+130)
WEST (SIDE)	585	336	249	740	0	740 (+491)
EAST(SECONDARY)	467	247	220	298	202	500 (+280)
SOUTH (REAR)	169	0	169	162	0	162 (-7 SF)
TOTAL AREA (SF)	1369	631	738	1286	346	1632 (+894 SF)
-ENTRY SIDEWALKS AND DRIVEWAYS ARE SHOWN AND NOT INCLUDED IN REQUIRED LANDSCAPE CALCULATIONS.						
-ROW LANDSCAPE AREA HAS BEEN ADDED TO ADDITIONAL AREAS THAT CAN BE LANDSCAPED						

LANDSCAPE CODE REQUIREMENTS:

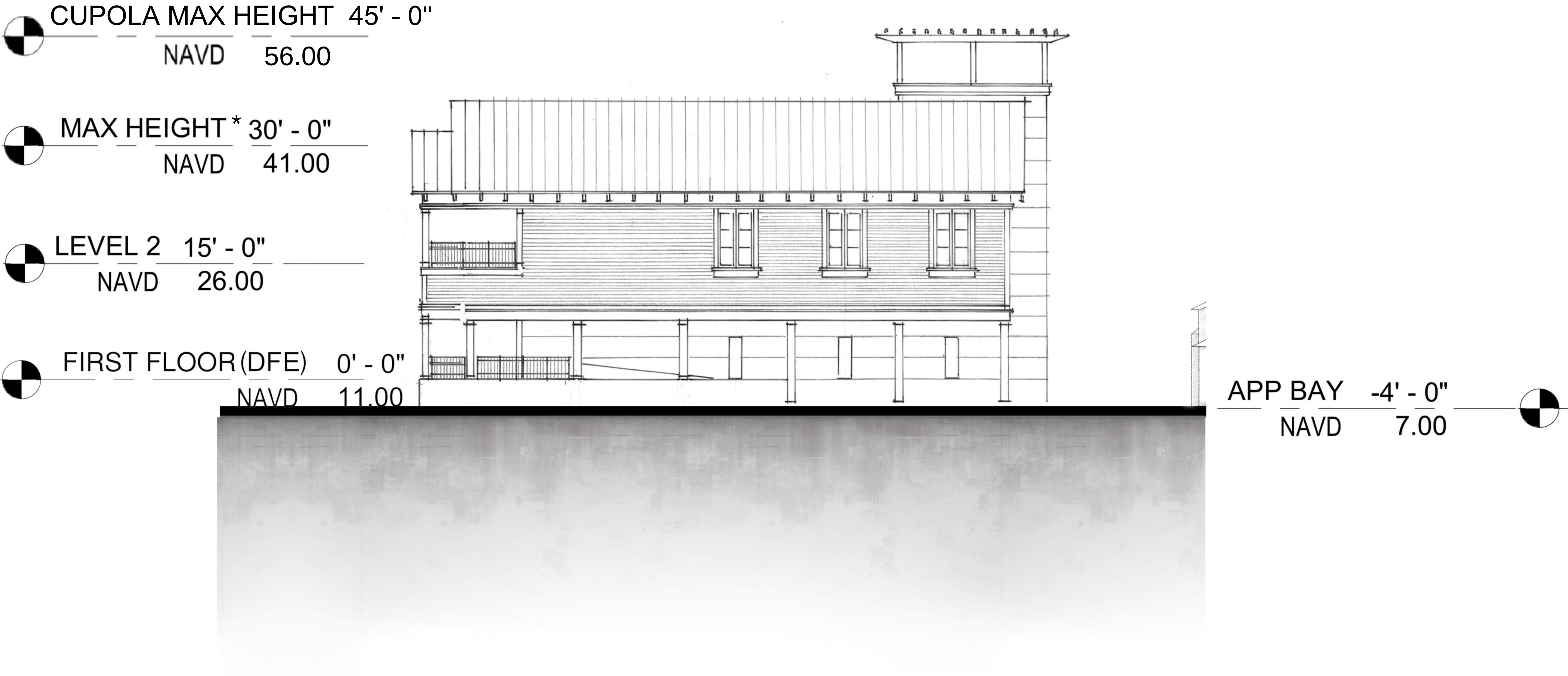
- PASS-A-GRILL WAY (FRONT): ENTIRE LENGTH OF PROPERTY FRONTAGE SHALL BE LANDSCAPED WITH A MINIMUM DEPTH FROM FRONT PROPERTY LINE INWARD OF 10% OF ADJACENT ROW WIDTH
 - 5' FRONTAGE FOR 50' ROW
 - 1 TREE/180 SF OF LANDSCAPING
- MINIMUM 6' LANDSCAPING BETWEEN PROPERTY LINE AND VUA AREA FOR NON-FRONT SETBACK AREAS
 - 1 TREE/30 LF OF LANDSCAPING
 - 2' TALL HEDGE TO BE PLACED ALONG ENTIRE LENGTH OF LANDSCAPED AREA SURROUNDING VUA.
- AT LEAST 20 SF OF INTERIOR LANDSCAPING FOR EACH PARKING SPACE
 - WITH LESS THAN 20 PARKING SPACES, REQUIRED LANDSCAPING CAN BE ADDED TO THE PERIMETER LANDSCAPING.

CITY OF ST. PETE BEACH FIRE STATION #22 CITY OF ST. PETE BEACH	FLORIDA	DATE OCTOBER 2024	PROJECT NO. 148111014	SHEET NUMBER EX-3	VARIANCE EXHIBIT LANDSCAPE	LICENSED PROFESSIONAL SCALE AS SHOWN DESIGNED BY DB DRAWN BY SF CHECKED BY SH	DATE	Kimley»Horn © 2024 KIMLEY-HORN AND ASSOCIATES, INC. 2800 W. BAYVIEW BLVD., SUITE 200 ST. PETERSBURG, FL 33707 PHONE: 727-547-3989 • WWW.KIMLEY-HORN.COM REGISTRY NO. 35108	REVISIONS	BY

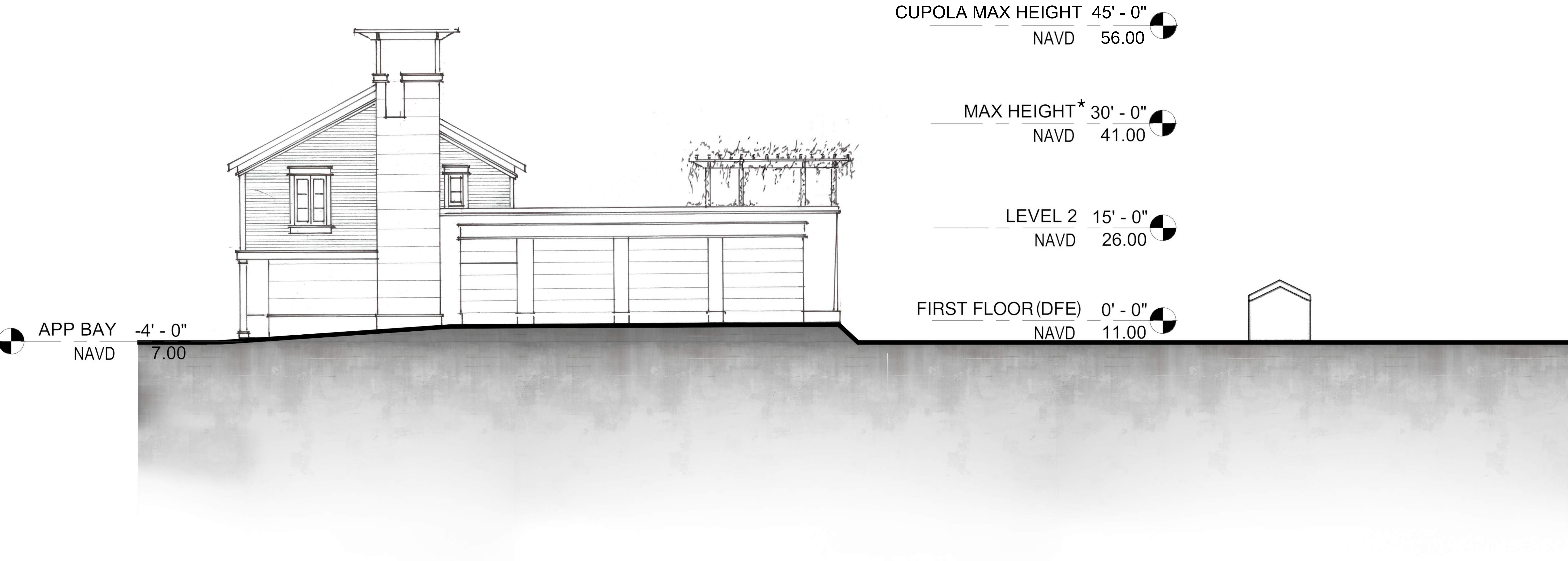
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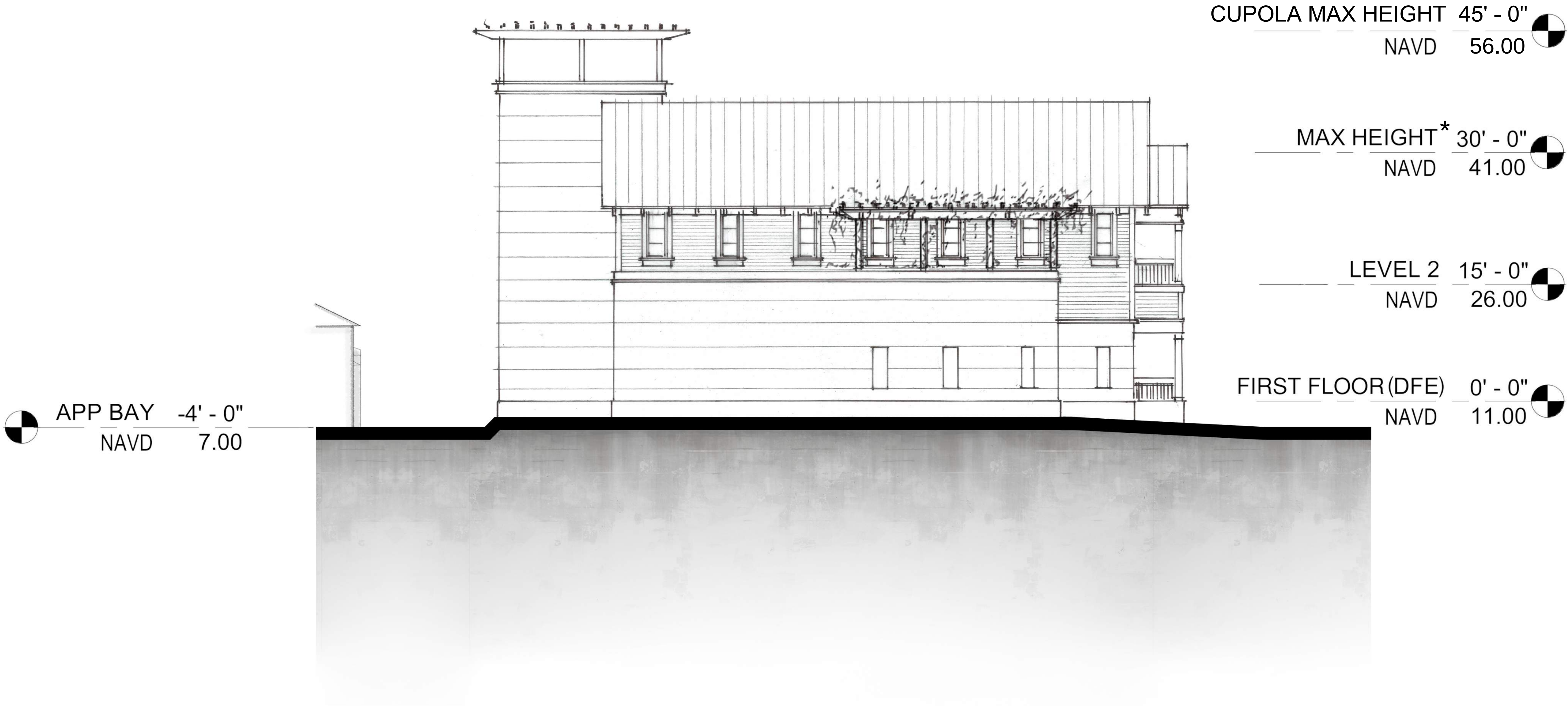
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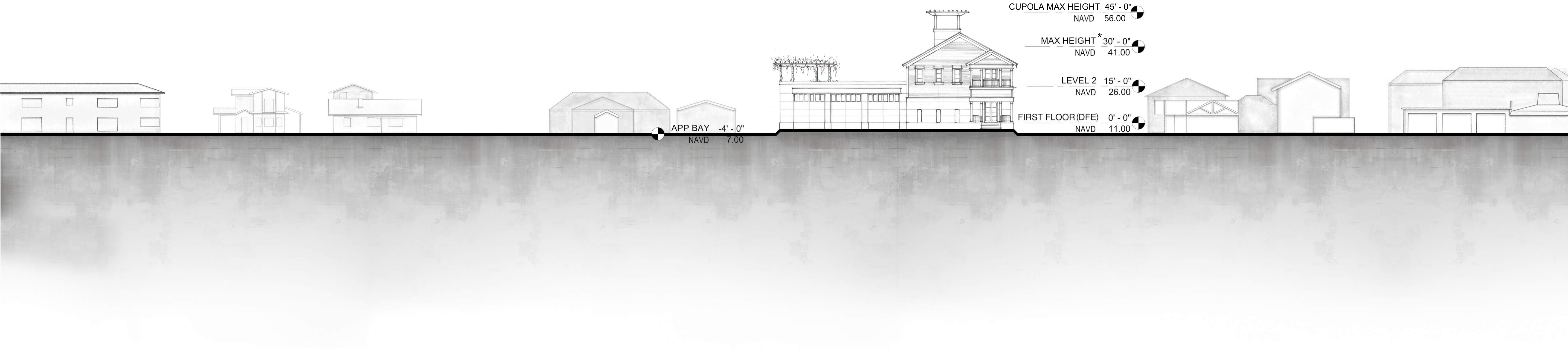
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*To Midpoint of Roof



*To Midpoint of Roof





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

PLANNING DEPARTMENT

Date: October 21, 2024
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variances
Address: 1950 Pass A Grille Way
Parcel Number: 18-32-16-68634-008-0250
Dustin Ballard, P.E. of Kimley-Horn for the City of St. Pete Beach
Variance Case No: 24061

Prepared by: Brandon Berry, Senior Planner

Hearing Date: October 30, 2024

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

- 1) Unnecessary and undue hardship application for requests #1-4, submitted August 22, 2024;
- 2) Unnecessary and undue hardship application for request #5, submitted October 15, 2024;
- 3) Revised to-scale plans showing requests and elevation of the training tower, submitted October 17, 2024;
- 4) Topographic survey, sealed by Russell P Hyatt, PSM on October 3, 2024, depicting current site improvements.

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

Site Description/Background/Surrounding Land Uses

The subject property is a 107.5x100' (10,750 sq. ft.) parcel comprised of two platted lots of the Phillips Division subdivision and half of a vacated east-west alleyway that originally separated the lots from those to the south. The lot contains a single-story fire station that was constructed in 1974 according to the Pinellas County Property Appraiser. The applicant, on behalf of the City, is seeking variance approval to redevelop the lot with a new fire station that is updated to meet current needs.

The Pass A Grille Way-facing lot frontages between 19th and 21st Avenues are unique for the area in that the properties face them are the sole properties that are non-residentially-zoned and located outside of the Pass A Grille Overlay and Community Redevelopment District-Eighth Avenue Districts south of 32nd

Avenue. Because of this the design standards, height and bulk standards, and reduced setbacks that are typically permitted for other non-residential properties in Pass A Grille are not applicable to the subject property or its immediate neighbors. The property is zoned INS – Institutional, which permits government buildings like fire stations as uses by right.

The general design presented in the subject case was reviewed by and recommended to the Board of Adjustment by the Historic Preservation Board (HPB) in April 2023. The HPB was presented with two options, one of which showed compliance with the required setbacks and one of which was the subject request, albeit with different window placement and style, modified hip roofing above the second-story walkout at the corner of Pass A Grille Way and 20th Avenue, and other stylistic changes. The HPB recommended the general design unanimously, noting that it fit better with the scale and aesthetic of the area, with general comments that the design would allow for community space in the form of a 500-square-foot community room, that could not be accommodated in the smaller-footprint alternative compliant design.

The subject property faces similar-intensity Residential/Office/Retail zoning to the south and north across 20th Avenue, and higher-intensity Commercial General zoning east across Pass A Grille Way. To the west is RLM-2 Residential District zoning, which permits moderate-density residential but no commercial development.

The subject project is not yet fully funded, with approximately one-half unfunded as of April 2023, but the City is pursuing both grant and local funding opportunities. As such, there is no expected date for start of construction. As with all variances, the subject variances if approved will expire after one year, unless extended by tolling through emergency orders.



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 five (5) variances, as follows:

- 1) Reduce the front building setback along 20th Avenue to 1.2 feet where 25 feet is required, the secondary front building setback along Pass A Grille Way to 8.4 feet where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7);
- 2) Permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12);
- 3) Permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f));
- 4) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and;
- 5) Permit the rooftop training tower element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

Analysis (Development Standards)

Development Standards (LDC Division 17 & 22)	1950 Pass A Grille Way (St. Pete Beach Fire Station 22)		
	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Setbacks (Request #1 – LDC Sec. 17.7)			
Setback (Min.), Front Yard (20 th Ave)	25'	1.5' (Enc)	1.2' (v)
Setback (Min.), Secondary Front Yard (Pass A Grille Way)	15'	21.1'	8.4' (v)
Setback (Min.), Side Yard (West)	10'	20.8'	1.0' (v)
Setback (Min.) Rear Yard (South)	15'	0.5' (ENC)	0.5' (v)
Height (Request #5 – LDC Sec. 7.2.(k))			
Building Height	30' from Design Flood Elevation; 40' from DFE for non-habitable overruns	Unspecified	30' to midpoint of roof; Approximately 45' to top of rooftop training tower (v)
Impervious and Greenspace Coverage (Requests #2 & 3 – LDC Sec. 17.12 & 22.4.(f))			
Maximum Impervious Surface Ratio	0.80	0.88 (ENC)	0.85* (v)
Minimum Greenspace	0.16	0.12 (ENC)	0.14 (v)
Buffer Requirements			
Frontage buffer requirement (north side) (LDC Sec. 22.7.(a)(1))	5'	Unspecified	0' (v)

Parking Area landscaping buffer width (south side) (LDC Sec. 22.7.(b)(1))	6'	Unspecified	2.5' (v)
ENc = Existing nonconforming condition. All redevelopment projects require full compliance with the existing Land Development Code standards. (v) = Variance required * Applicant requests 0.86, but the Comprehensive Plan limits variances greater than 0.85, so the request has been reduced to achieve compliance.			

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 regard 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;**

As noted by the applicant, the property is the existing site of a fire station, and faces constraints relative to modern service requirements that are not applicable to other structures in the vicinity. Unlike a commercially-zoned property that has a variety of uses available to it that can be modified to fit the lot parameters, the subject property is sought for continued use as a fire station, and there are certain requirements for the use such as adequate vehicle bay clearance and width, private sleeping quarters, administrative and storage spaces, and so on that are directly tied to the effectiveness of the building and are typically not as clearly connected to the public purpose as a private commercial development. These requirements and the overall necessity for such a facility is a unique circumstance of the land and of the structure that is not generally applicable to other lands and buildings in the same zoning district.

Furthermore, the applicant has produced a structure that was previously found by the Historic Preservation Board to match the design and compatibility requirements of the Pass A Grille Overlay District but which itself is not eligible for such setbacks and height, which permit a larger and taller structure than permitted under typical zoning in exchange for a compatibility review. This is a peculiar circumstance of the subject property, albeit one shared with other Institutionally-zoned properties south of 32nd Avenue such as the St. Pete Yacht Club, that is not generally applicable to other non-residentially zoned developments in the vicinity.

The applicant stated in conversations with Staff that the pull-through design which is currently in place and permits entry along the western alleyway with egress to the east is an essential component of the design. However, it is unclear why such a design is a necessity rising to the level of a hardship rather than an inconvenience. The applicant should address this in their testimony, as a lack of driveway along the western side would permit additional vegetation that would appear to eliminate both the impervious surface and greenspace ratio variance requests.

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

The applicant is attempting to develop a building that meets local emergency management needs in the vicinity while being modernized to meet current administrative and floodplain codes. These circumstances are not the result of the applicant. However, the City's architect has produced a design that shows the development could be generally made compatible with the setback and height requirements, albeit without the massing compatibility.

- 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 applicant should provide testimony as to how the denial of the setback and height variances (requests #1 & 5) would result in hardship rather than inconvenience. The compliant design loses the training tower element, first-level community room, and shows small reductions in total square footage for the exercise and dining rooms among other spaces. The compliant design was also found to be less compatible with the vicinity by the Historic Preservation Board which, while not an essential element as would be the case if the structure were zoned in the Pass A Grille Overlay District, nonetheless is more contrary with general Comprehensive Plan provisions that promote architectural integrity and preservation City-wide. However, it is not clear from application responses whether the compliant structure would present significant structural or land-based hardships that produce reduced response times, lesser service quality, or other deficits that are clear justifications for such requests.

If the applicant adequately demonstrates how the required setbacks pose a hardship relative to the promotion of public health and safety, and that the side-entry is similarly essential, Staff finds this criteria is met for requests #2-4 related to lot coverage, greenspace, and buffering. Given other limitations, the space outside of the building appears to be efficiently utilized, and the limited parking area and use of space under a projecting second-story appears to be logical given the expected needs of the use.

- 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 applicant is redeveloping to meet current floodplain requirements, and required and requested uses of space within the structure, in order to more effectively respond to the emergency needs of the community.

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

The applicant is not seeking greater financial return as the result of these variances. The building serves a clear public purpose and is not itself a revenue-generating source for the City.

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 is no similar use in the same zoning district south of 32nd Avenue.

The zoning of Fire Station 23 located in the northern part of the City, which is shared with the rest of the City's core downtown, permits significant additional front and rear setback encroachments and lot coverage than the subject lot, in exchange for increased landscaping and reduced height below what the applicant is requesting for Fire Station 22.

As noted previously, the applicant would also be eligible for a reduction in front and rear setbacks if the structure were located in the Pass A Grille Overlay, although it would not abrogate the need for any of the variances requested herein, but simply reduce their magnitude. The design is most compatible with the commercial building standard of the Pass A Grille Overlay District rather than the institutional standard, which would be permitted on lots to the north, east and south of the subject property, and generally allows for the Pass A Grille Way frontage and opposite side setbacks that the applicant is proposing. However, the retention of the 20th Avenue setback at 1.2 feet from the property line, and rear setback of 0.5 feet, is not permitted anywhere in the Pass A Grille Overlay District.

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

The setback variances requested are considerable, particularly the setback along the west side, which reduces from the current building's setback of more than twice the requirement to just one foot under the new building, or a reduction of 90% of the standard. Given the encroachment, particularly to the lower-intensity residential to the west, Staff requests the applicant provide additional testimony as to the need for the setback variances relative to gains in public safety, emergency response, and other public benefits that are not resolved by the redevelopment of a setback-compliant structure that would still be compliant with modern floodplain, stormwater, and similar requirements.

As the setback variance requests partially or fully create the conditions of requests #2-4, Staff finds justification for the setback variances as well as the western driveway access requirement will also support those variances. Since the City is required to construct the building to LEED Silver standards as a means of setting a leading example for the City's promotion of green building and energy conservation, Staff finds the installation of a green roof or similar feature that will award Sustainable Sites points toward that certification is an option for mitigating the reduced on-ground landscaping in terms of aesthetics, and ecological and environmental benefits.

Staff also requests testimony from the applicant as to the value of the training tower in terms of public safety benefits. Granting a variance to this request would produce a structure with element that exceeds, by up to five feet, the allowable height of a structure to the west, north or south of the subject property. However, the structure would remain fifteen feet shorter than would be permitted to the east, in the CG-1 zoning. Staff does generally find the bulk and massing of the

structure to be compliant with others in the vicinity, but requests support for this criteria from the applicant.

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.**

Generally, code harmony is easiest to certify for public buildings, as there are almost always clear public benefits that arise from having higher-quality facilities or additional public space or amenities that are accessible or beneficial to all. To the extent that the variances requested involve developing a facility that offers additional or more robust public services, Staff finds the requested variances to be in harmony with the Comprehensive Plan and Land Development Code. The structure has been assessed by the Historic Preservation Board to be generally compatible with the area, and Staff does not find that the redevelopment of the structure will diminish or impair property values, as the redevelopment is simply a reconstruction of the existing use utilizing a similar site layout with expanded facilities. Staff finds the requests for increased impervious surface ratio and reduced greenspace and buffer width to be logical should adequate support be found for the setback variances, as the applicant will be required to comply with modern stormwater requirements during permitting, and achieve LEED certification which can involve installation of green roofs or other greenscaping that is not located on the ground.

The architect has chosen to remove windows from the western side of the second-story portion of the structure, and there are no above-ground new elements that Staff expects to cause nuisance for the abutting residence. This area has historically been used as parking and truck access, and will remain as such. Additionally, due to the intervening alleyway, Staff is not aware of any separation requirements that would not be met now or in the future if this development proceeds. However, due to the significant additional encroachment of the building toward this side alleyway compared with existing, Staff finds the applicant should provide additional justification for this encroachment in particular.

The applicant should address in more detail the need for the rooftop training tower relative to the use and harmony of the element with the general Land Development Code promotion of public health, safety and welfare.

Other:

- Should the Board not grant all or some of the variances, the applicant should provide testimony of whether they will proceed with “Option B” as presented to the Historic Preservation Board in April 2023, or if they would redesign the plan.
- The applicant should provide additional testimony as to the additional public benefits that would be provided for this building compared with a Code-compliant structure.
- Details should be provided by the applicant or fire department staff as to the frequency of use and benefit of the rooftop training tower as justification for the granting of the variance.

- The applicant should suggest opportunities to mitigate the impervious surface ratio increases and greenspace reductions through a green roof, denser plantings, cool roof, or other opportunities to generally comply the intent of the landscaping ordinance, which requires landscaping as a means of beautification along with air and water purification.
- If an expected timeline for grant application results and/or construction is known, it should be shared. The applicant should address what would happen if the variance were to expire without the building permit being issued.

Technical Review Committee Meeting Comments from October 23, 2024

This meeting is scheduled for October 23, 2024, after the publication of this report. Comments are attached to this staff report. If additional questions or comments are shared at the meeting, Staff will present them to the Board of Adjustment at the hearing for this case.

Summary

The applicant clearly states the benefits of the new facility in terms of emergency management, allowing for a structure that is elevated above the floodplain and contains spaces that meet the needs of current and future fire department administration and staff. The structure and development also have ancillary benefits, such as a community space and stormwater improvements, the former which is apparently unable to be accommodated in the Code-compliant structure.

However, Staff requests significant additional testimony from the applicant that links the requested variances to additional public health, safety and/or welfare benefits that could not be accommodated in a Code-compliant structure, or a structure with setbacks that are more in line with the setbacks required for an institutional structure that could be constructed within the Pass A Grille Overlay District. Staff acknowledges that the structure generally meets the design, massing and bulk standards of the Pass A Grille Overlay District, but the setback portion of this request is for significant additional encroachments beyond those permitted in the Overlay. There may be strong justification for such requests, but the similar layouts and square footages of critical spaces within the Code-compliant and subject design are not apparent through the floor plans or narrative provided.

Staff also requests additional testimony as to the need for the rooftop training tower.

Should the Board of Adjustment find justification for the setback variance (request #1), and the need for the alleyway-entry driveway, staff finds that there is adequate justification for requests #2-4 pertaining to impervious surface ratio, greenspace coverage, and buffer reduction, with the following conditions:

- 1) The applicant shall provide a green roof, cool roof, or additional frontage landscaping of at least five percent of the lot area (538 square feet).
- 2) Unless demonstrated to be technically unviable, the applicant shall pursue "Sustainable Sites" credit through LEED Silver certification at the time of building permitting.

- 3) Due to significant façade alterations since the request was shared with the Historic Preservation Board, this item shall be re-presented to the Board at time of site plan permitting for design consideration. Alterations from the plan set shared April 2023 shall be clearly noted and recommendations from the Historic Preservation Board that are not contrary to the Land Development Code or any variance approved through Development Order 24061 shall be included to the extent viable.

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: Dustin Ballard, P.E., Applicant ***via email*** ()
Jim Kilpatrick, St. Pete Beach Fire Chief, ***via email*** ()
Matthew McConnell, Board of Adjustment Attorney, ***via email***



Memo To: Board of Adjustment
From: Brandon Berry, Planner
Date: 10/21/2024
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 **October 21, 2024.**

Variance Case Number: 24061
Application Type: Unnecessary & Undue Hardship Variance
Owner: City of St. Pete Beach
Applicant/Agent: Dustin Ballard, P.E. of Kimley-Horn
Parcel Number: 18-32-16-68634-008-0250
Address: 1950 Pass A Grille Way, St. Pete Beach, FL 33706
Zone: INS

Submittal Documents:

- 1) Unnecessary and undue hardship application for requests #1-4, submitted August 22, 2024;
- 2) Unnecessary and undue hardship application for request #5, submitted October 15, 2024;
- 3) Revised to-scale plans showing requests and elevation of the training tower, submitted October 17, 2024;
- 4) Topographic survey, sealed by Russell P Hyatt, PSM on October 3, 2024, depicting current site 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:

- | | |
|--|---|
| ☒ Denise Chase | ☒ Kathy Garchow |
| ☒ Al Causey | ☒ Chris Core |
| | ☒ Dan Small |

Cc: Dustin Ballard, P.E., Applicant, *via email* (dustin.ballard@kimley-horn.com)



Frances Robustelli, City Manager, *via email* (frobustelli@stpetebeach.org)

Best,

Brandon Berry
Planner

Cc: Board of Adjustment Attorney ***via email***

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	City of St.Pete Beach	155 Corey Ave. St. Pete Beach, FL 33706	727-804-5934
Applicant/ Agent	Dustin Ballard, Kimley Horn and Associates Inc.	200 Central Ave, Suite 600, St.Petersburg FL 33701	813-713-5646
Owner Email Address: jkilpatrick@stpetebeach.org		Applicant/Agent Email Address: dustin.ballard@kimley-horn.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation INS (Institutional District)	Future Land Use Designation City Govt- Non-residential (commercial only)	Lot Area 0.24 AC
Legal Description: PHILLIPS DIVISION REV MAP BLK H, LOTS 25 & 26 & N 7.5 FT OF ALLEY ON S SIDE LOT 25		
Address: 1950 PASS A GRILLE WAY ST PETE BEACH, FL 33706		
Explanation of Request: Variance request for building setbacks, Impervious Surface Ration (IRS), and Landscape Buffer, due to the existing conditions and the proposed redevelopment. .		
See attached Variance Exhibits and Elevations		

Findings Necessary for Granting Request: In order for an application for an 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;

This project includes the redevelopment of existing Fire Station No. 22, owned and operated by the City of St. Pete Beach. The decision to redevelop this facility is due to the aging infrastructure and current limitations of the existing building. Currently, the building does not meet the setback requirements for the INS (institutional district) zoning classification as outlined in the City's land development code. The main objective of this project is to replace the existing fire station with a more resilient facility, prioritizing safety and sustainable operation in response to future weather events. In the past, the existing building was rendered out of service during severe weather events, leaving the community without sufficient fire service once evacuation orders were no longer in place. To mitigate this issue, the proposed building will be constructed with a finished floor elevation above the flood plain, reducing the risk of disruption during flooding events. Additionally, the new fire station will be designed to be self-reliant, with an on-site permanent generator, and will feature separate living areas for both male and female firefighters, a kitchen, wellness areas, and other necessary facilities for an improved working environment. This will ensure that the fire station can operate independently during emergencies, without relying on external resources. Due to these requirements and considerations, the proposed building will be larger in size, necessitating a Building Setback Variance, considering the existing facility already exceeds the setback limitations permitted.

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

No, there were no special conditions or circumstances caused by the applicant and/or the city that resulted in the need for the building setback.

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;

Based on the Land Development Code for the City of St. Pete Beach, Section 17.1, the required setbacks shall be as follows:

- (1) Front yard (East): 25 feet.
- (2) Secondary front yard (North): 15 feet.
- (3) Side yards (South): Ten feet or ten percent of the lot width, whichever is greater, to a maximum of 20 feet.
- (4) Rear yard (West): 15 feet.

Currently, the building does not meet the setback requirements for the INS (institutional district) zoning classification as outlined in the City's land development code, the proposed redevelopment of the fire station has been carefully redesign to avoid any impact to the current code, but will not be able to serve its purpose safely or effectively if literal interpretation of the code were applied.

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;

No, there were no deliberate or intentional actions taken to cause this hardship.

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

This project is specifically intended for the City of St. Pete Beach, aiming to construct a building that is more resilient and sustainable for the community.

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;

Very few parcels (4-5) in the city are zoned as INS (institutional district). The other developments on the institutional zoned site are generally schools or education centers.

This Fire Station and its location is unique to the general use of the institutional district.

The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front of the building facades closer to the street. It can be argued that the pre-war development gives Pass-A-Grille a pedestrian-oriented street scape and its charm as a built community. The proposed fire station is designed to fit in with the adjacent context and smaller structures in the Pass-A-Grille overly district. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

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

Yes, we have thoroughly examined several different options and collaborated with the City to minimize request and need for a variance request as much as possible.

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.

Yes, we have thoroughly examined the surrounding areas, zoning regulations, and presented our proposal to the Historical Board in order to seek their understanding and approval for the proposed fire station and City's needs. The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date the zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front building facades closer to the street. It can be argued that this pre-war development gives Pass-A-Grille a pedestrian-oriented streetscape and its charm as a built community. The proposed fire station is designed to fit-in with the adjacent context and structures. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

			8/22/2024
Signature of Applicant	Date	Signature of Authorized Agent	Date

Findings Necessary for Granting Request: In order for an application for an 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;

This project includes the redevelopment of existing Fire Station No. 22, owned and operated by the City of St. Pete Beach. The decision to redevelop this facility is due to the aging infrastructure and current limitations of the existing building. Currently, the building does not meet the Impervious Surface Ratio requirements as outlined in the City's land development code. The main objective of this project is to replace the existing fire station with a more resilient facility, prioritizing safety and sustainable operation in response to future weather events. In the past, the existing building was rendered out of service during severe weather events, leaving the community without sufficient fire service once evacuation orders were no longer in place. To mitigate this issue, the proposed building will be constructed with a finished floor elevation above the flood plain, reducing the risk of disruption during flooding events. Additionally, the new fire station will be designed to be self-reliant, with an on-site permanent generator, and will feature separate living areas for both male and female firefighters, a kitchen, wellness areas, and other necessary facilities for an improved working environment. This will ensure that the fire station can operate independently during emergencies, without relying on external resources. Due to these requirements and considerations, the proposed building will be larger in size, necessitating an Impervious Surface Ratio (ISR) increase, considering the existing facility already exceeds the ISR limitations permitted.

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

No, there were no special conditions or circumstances caused by the applicant and/or the city that resulted in the need for the building setback.

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;

Based on the Land Development Code for the City of St.Pete Beach, Section 17.12
Maximum impervious surface ratio (ISR): 0.80.

Existing Fire Station has an impervious surface ratio (ISR) of 0.88

Due to the proposed layout of the site, which has been carefully configured and designed to meet codes and standards while its existing conditions do not, the ISR requirements have been determined to be unable to meet. We have improved the existing conditions and have proposed pervious pavers to be implemented as part of the design in an effort to meet this code requirement.

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;

No, there were no deliberate or intentional actions taken to cause this hardship.

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

This project is specifically intended for the City of St. Pete Beach, aiming to construct a building that is more resilient and sustainable for the community.

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;

Very few parcels (4-5) in the city are zoning as INS (institutional district). The other developments on the institutional zoned site are generally schools or education centers.

This Fire Station and its location is unique to the general use of the institutional district.

The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front of the building facades closer to the street. It can be argued that the pre-war development gives Pass-A-Grille a pedestrian- oriented street scape and its charm as a built community. The proposed fire station is designed to fit in with the adjacent context and smaller structures in the Pass-A-Grille overly district. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

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

Yes, we have thoroughly examined several different options and collaborated with the city to minimize request and need for a variance request as much as possible.

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.

Yes, we have thoroughly examined the surrounding areas, zoning regulations, and presented our proposal to the Historical Board in order to seek their understanding and approval for the proposed fire station and City's needs. The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date the zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

Dusti Ballard

8/22/2024

Signature of Applicant

Date

Signature of Authorized Agent

Date

Findings Necessary for Granting Request: In order for an application for an 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;

This project includes the redevelopment of existing Fire Station No. 22, owned and operated by the City of St. Pete Beach. The decision to redevelop this facility is due to the aging infrastructure and current limitations of the existing building. Currently, the building does not meet the Landscape Buffer requirements as outlined in the City's land development code. The main objective of this project is to replace the existing fire station with a more resilient facility, prioritizing safety and sustainable operation in response to future weather events. In the past, the existing building was rendered out of service during severe weather events, leaving the community without sufficient fire service once evacuation orders were no longer in place. To mitigate this issue, the proposed building will be constructed with a finished floor elevation above the flood plain, reducing the risk of disruption during flooding events. Additionally, the new fire station will be designed to be self-reliant, with an on-site permanent generator, and will feature separate living areas for both male and female firefighters, a kitchen, wellness areas, and other necessary facilities for an improved working environment. This will ensure that the fire station can operate independently during emergencies, without relying on external resources. Due to these requirements and considerations, the proposed building will be larger in size, necessitating the Landscape Buffer decrease, considering the existing facility already exceeds the Landscape Buffer limitations permitted.

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

No, there were no special conditions or circumstances caused by the applicant and/or the city that resulted in the need for the building setback.

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;

Based on the Land Development Code for the City of St.Pete Beach, Division 22- Landscaping and Tree Protection, Section 22.7- Development Standards.

Pass-a-grill Way (Front - East): Entire length of property frontage shall be landscaped with a minimum depth from front property line inward of 10% of adjacent ROW width. (5' of frontage for 50' ROW)

Minimum of 6' of landscaping between property line and VUA Area for non-front setback areas.

At least 20 SF of interior landscaping for each parking space.

Due to the proposed layout of the site, which has been carefully configured and designed to meet codes and standards while its existing conditions do not, the landscape requirements have been determined to be unable to meet.

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;

No, there were no deliberate or intentional actions taken to cause this hardship.

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

This project is specifically intended for the City of St. Pete Beach, aiming to construct a building that is more resilient and sustainable for the community.

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;

Very few parcels (4-5) in the city are zoning as INS (institutional district). The other developments on the institutional zoned site are generally schools or education centers.

The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front of the building facades closer to the street. It can be argued that the pre-war development gives Pass-A-Grille a pedestrian- oriented street scape and its charm as a built community. The proposed fire station is designed to fit in with the adjacent context and smaller structures in the Pass-A-Grille overly district. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

This Fire Station and it's location is unique to the general use of the institutional district.

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

Yes, we have thoroughly examined several different options and collaborated with the city to minimize request and need for a variance request as much as possible. Several alternatives for landscaping have been considered, including planters and a rooftop garden, however, the additional cost to the project is extensive, and the landscaping improvements are not considered critical to facility operation. In an effort to diminish the variance request for the required landscaping, we are proposing a terrace accessible from the second level that would be located atop the Aparatus Bays. This area, currently shown as 600 SF can be treated with potted plants to provide additional landscaping opportunities. Based on budgetary limitations, we are proposing potted plants on elevated pavers. If converted to a green roof, the impact could be in the magnitude \$50.00/SF or \$30,000.00.

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.

Yes, we have thoroughly examined the surrounding areas, zoning regulations, and presented our proposal to the Historical Board in order to seek their understanding and approval for the proposed fire station and City's needs. The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date the zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front building facades closer to the street. It can be argued that this pre-war development gives Pass-A-Grille a pedestrian-oriented streetscape and its charm as a built community. The proposed fire station is designed to fit-in with the adjacent context and structures. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

Dusti Burkhead

8/22/2024

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.

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

DMB 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.

DMB 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.

DMB 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.

DMB 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.

DMB 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.

DMB 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.

Dusti Ballard
Signature of Applicant

8/22/2024
Date

Owner's Authorization for Agent

Community Development Department

City of St. Pete Beach, Florida

I/WE _____
City of St. Pete Beach
(print name of property owner)

hereby authorize _____
Kimley-Horn
(print name of agent)

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

Signature of Owner

Signature of Owner

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of
_____ 2021 by _____ or _____ who is
personally known _____ produced
_____ as identification.

(Notary Signature)

(Date)

My Commission Expires _____



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, City of St. Pete Beach, 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): _____

Address: _____

Signature

Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by:
_____ 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: _____ Notary

Public, State of Florida

(Notarial Seal)

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.

Findings Necessary for Granting Request: In order for an application for an 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;

This project includes the redevelopment of existing Fire Station No. 22, owned and operated by the City of St. Pete Beach. The decision to redevelop this facility is due to the aging infrastructure and current limitations of the existing building. Currently, the building does not meet the Building Height requirements as outlined in the City's land development code. The main objective of this project is to replace the existing fire station with a more resilient facility, prioritizing safety and sustainable operation in response to future weather events. In the past, the existing building was rendered out of service during severe weather events, leaving the community without sufficient fire service once evacuation orders were no longer in place. To mitigate this issue, the proposed building will be constructed with a finished floor elevation above the flood plain, reducing the risk of disruption during flooding events. Additionally, the new fire station will be designed to be self-reliant, with an on-site permanent generator, and will feature separate living areas for both male and female firefighters, a kitchen, wellness areas, and other necessary facilities for an improved working environment. This will ensure that the fire station can operate independently during emergencies, without relying on external resources. Due to these requirements and considerations, the proposed building will be larger in size, necessitating the total building height increase.

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

No, there were no special conditions or circumstances caused by the applicant and/or the city that resulted in the need for the building setback.

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;

Based on the Land Development Code for the City of St. Pete Beach, Division 17- INS Institutional District Section 17.8- Maximum Height of Structures.

The maximum height for all structures shall be 30 feet, except for places of worship, which shall be allowed a maximum height of 50 feet. Purely aesthetic architectural features of places of worship, such as steeples, minarets, religious symbols and flag poles shall not count against the building height limits.

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;

No, there were no deliberate or intentional actions taken to cause this hardship.

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

This project is specifically intended for the City of St. Pete Beach, aiming to construct a building that is more resilient and sustainable for the community.

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;

Very few parcels (4-5) in the city are zoning as INS (institutional district). The other developments on the institutional zoned site are generally schools or education centers.

The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front of the building facades closer to the street. It can be argued that the pre-war development gives Pass-A-Grille a pedestrian- oriented street scape and its charm as a built community. The proposed fire station is designed to fit in with the adjacent context and smaller structures in the Pass-A-Grille overly district. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

This Fire Station and it's location is unique to the general use of the institutional district.

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

Yes, we have thoroughly examined several different options and collaborated with the city to minimize request and need for a variance request as much as possible.

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.

Yes, we have thoroughly examined the surrounding areas, zoning regulations, and presented our proposal to the Historical Board in order to seek their understanding and approval for the proposed fire station and City's needs. The proposed fire station is designed to be compatible with the context and massing of the adjacent structures. Although the property is zoned INS, the surrounding context is historic in nature and many of the existing structures pre-date the zoning and land development codes. Many structures date back to Florida's land boom circa 1920's. As a result many of the buildings encroach within their setbacks and set the front building facades closer to the street. It can be argued that this pre-war development gives Pass-A-Grille a pedestrian-oriented streetscape and its charm as a built community. The proposed fire station is designed to fit-in with the adjacent context and structures. The design team has spent considerable time studying the existing built fabric and creating a structure that is compatible and sympathetic to those around it.

Dusti Burkard

8/22/2024

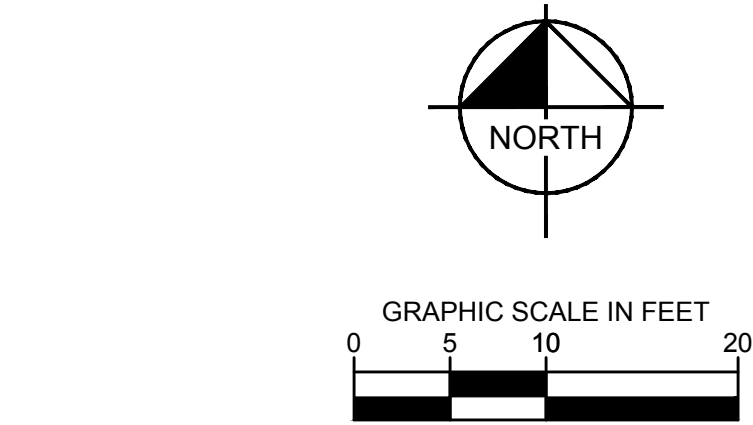
Signature of Applicant

Date

Signature of Authorized Agent

Date

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



- REQUIRED LANDSCAPE AREA
- PROPOSED LANDSCAPE AREA

SITE DATA TABLE		
PERCENTAGE OF FRONTAGE MEETING LANDSCAPE REQUIREMENTS		
	REQUIRED AREA (SF)	PROPOSED AREA (SF)
NORTH (FRONT)	307	115
WEST (SIDE)	226	323
EAST(SECONDARY)	195	270
SOUTH (REAR)	236	217
TOTAL LANDSCAPE AREA (SF)	964	925

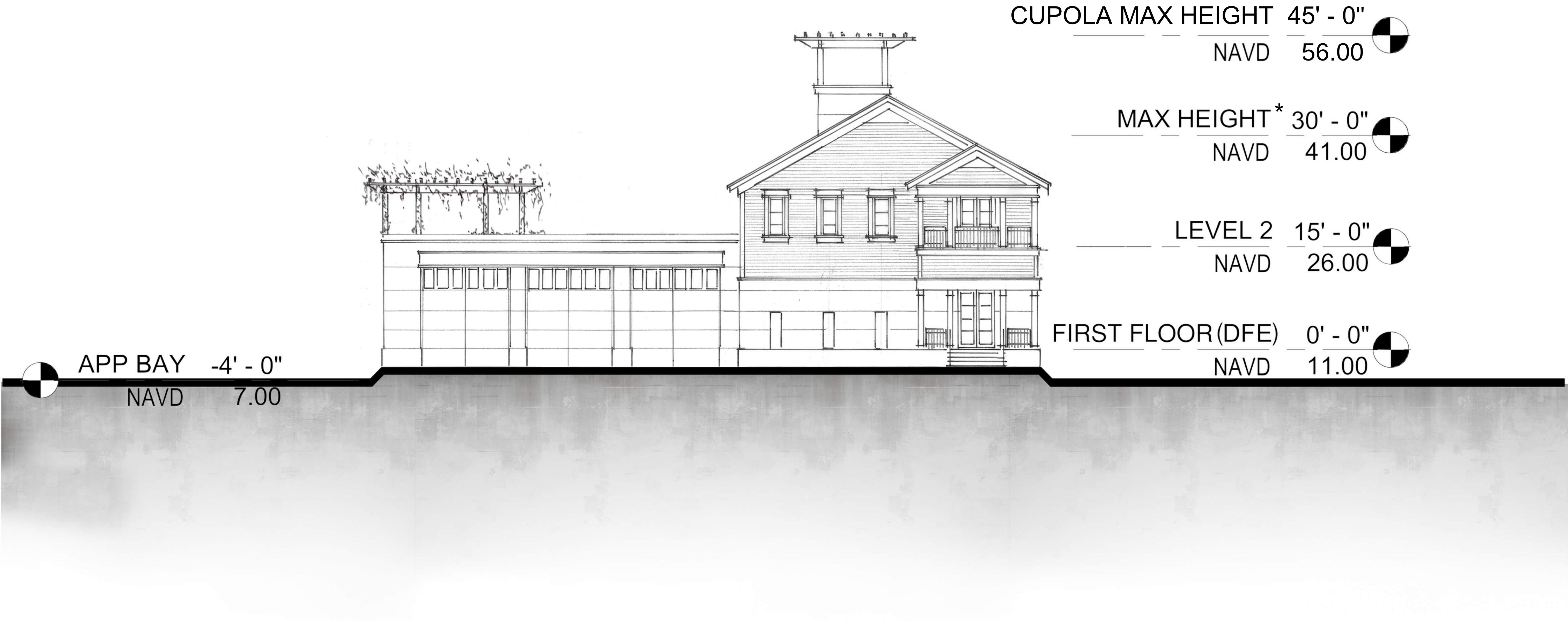
*ENTRY SIDEWALKS AND DRIVEWAYS NOT INCLUDED IN REQUIRED LANDSCAPE CALCULATIONS.

LANDSCAPE CODE REQUIREMENTS:

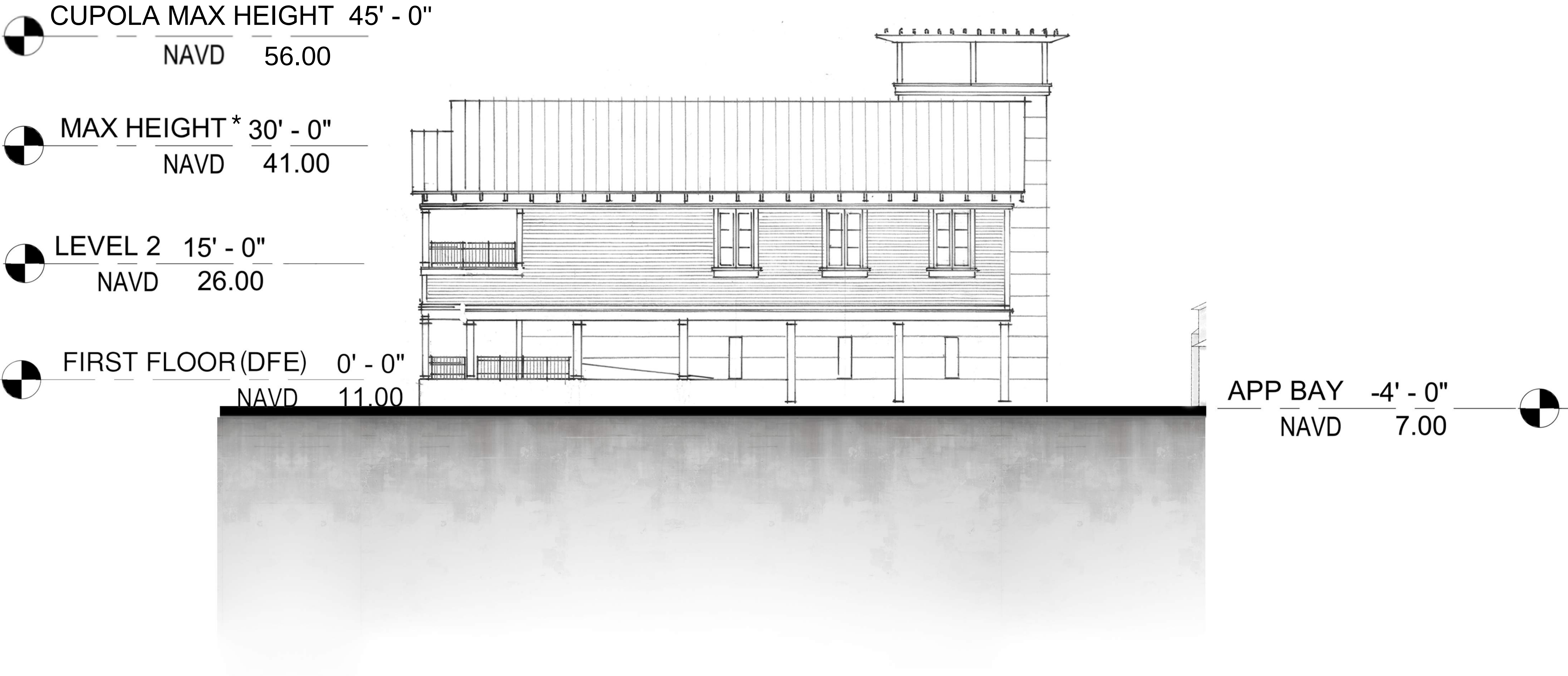
- PASS-A-GRILLE WAY (FRONT): ENTIRE LENGTH OF PROPERTY FRONTAGE SHALL BE LANDSCAPED WITH A MINIMUM DEPTH FROM FRONT PROPERTY LINE INWARD OF 10% OF ADJACENT ROW WIDTH
 - 5' FRONTAGE FOR 50' ROW
 - 1 TREE/180 SF OF LANDSCAPING
- MINIMUM 6' LANDSCAPING BETWEEN PROPERTY LINE AND VUA AREA FOR NON-FRONT SETBACK AREAS
 - 1 TREE/30 LF OF LANDSCAPING
 - 2' TALL HEDGE TO BE PLACED ALONG ENTIRE LENGTH OF LANDSCAPED AREA SURROUNDING VUA.
- AT LEAST 20 SF OF INTERIOR LANDSCAPING FOR EACH PARKING SPACE
 - WITH LESS THAN 20 PARKING SPACES, REQUIRED LANDSCAPING CAN BE ADDED TO THE PERIMETER LANDSCAPING.

CITY OF ST. PETE BEACH		VARIANCE EXHIBIT		Kimley»Horn	
FIRE STATION #22		LANDSCAPE		© 2023 KIMLEY-HORN AND ASSOCIATES, INC. 201 NORTH FRANKLIN STREET, SUITE 1400, TAMPA, FL 33602 PHONE: 813-620-1460 WWW.KIMLEY-HORN.COM REGISTRY NO. 35106	
PINELLAS COUNTY		FLORIDA		DESIGN ENGINEER: FL LICENSE NUMBER: DATE:	
DATE JANUARY 2024		SCALE: AS NOTED		REVISIONS	
PROJECT NO. 148111014		DESIGNED BY: SF		No.	
SHEET NUMBER		DRAWN BY: SF			
EX-3		CHECKED BY: DB			

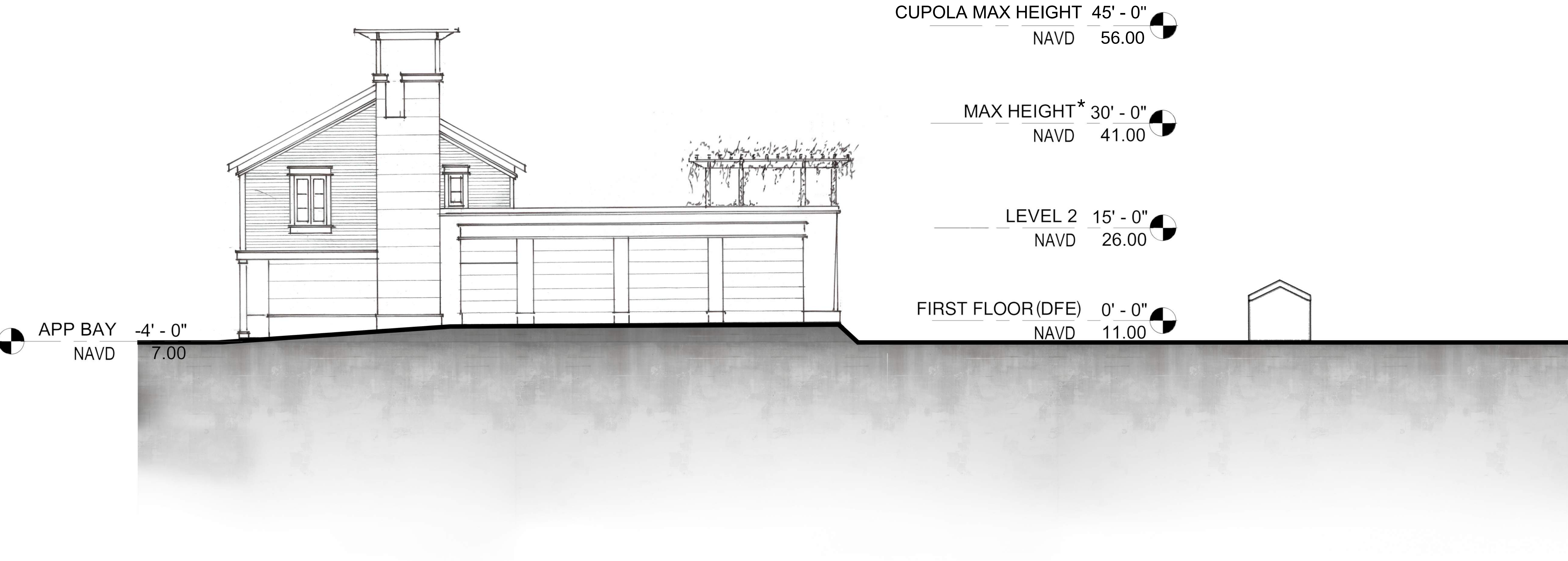
*To Midpoint of Roof



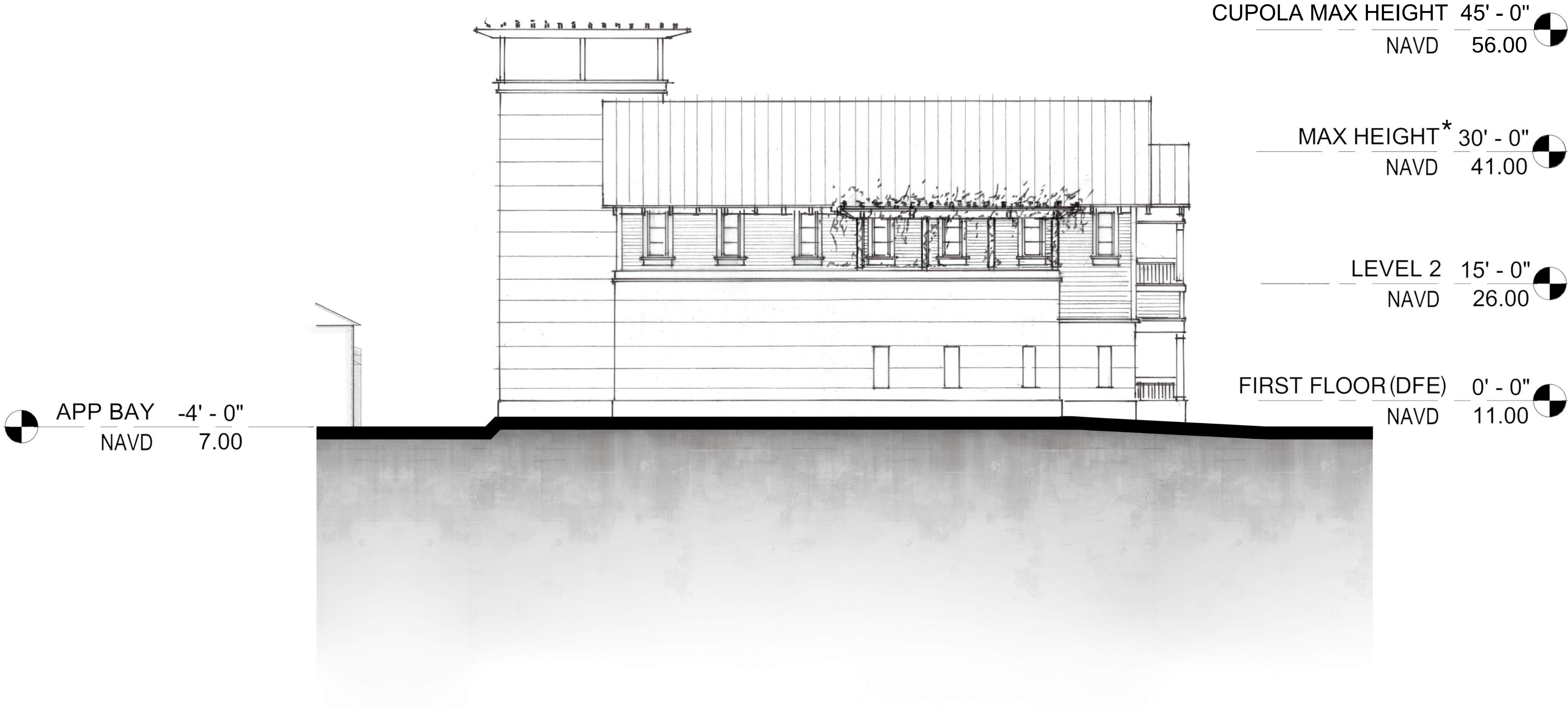
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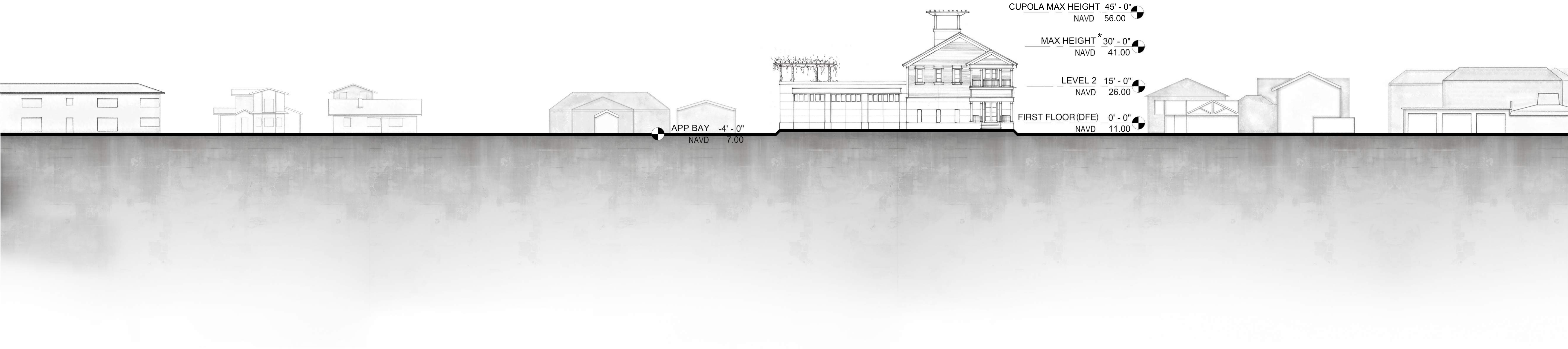
*To Midpoint of Roof



*To Midpoint of Roof



*To Midpoint of Roof





MEMORANDUM

To: Dustin Ballard, P.E. of Kimley-Horn

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

Date: October 21, 2024

Re: **Unnecessary and Undue Hardship Variance #24061**

Dustin Ballard, P.E. of Kimley-Horn for the City of St. Pete Beach requests five-part variance to: a) reduce the front building setback along 20th Avenue to 1.2 feet where 25 feet is required, the secondary front building setback along Pass A Grille Way to 8.4 feet where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7); b) Permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12); c) Permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f)); d) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and; e) Permit the rooftop chimney training element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

The City's Technical Review Committee will meet on October 23, 2024 at 10:00 AM to discuss the following comments regarding the application. Additional comments may be shared at the meeting.

Public Works:

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

Building:

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

Code Enforcement:

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

Recreation:

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

Fire:

No comments.

Planning & Zoning/Transportation:

1. The narrative provides strong support for the need for a new fire facility, but is not as particular to the need for the additional space and features that the variances would provide. It appears that similar spaces could be provided for in a compliant facility, albeit one that is not as contextual with the surrounding Pass A Grille Overlay District. However, the setback variances and height exceed what would be permitted in the Overlay. Staff requests the applicant provide additional testimony at the hearing that justifies the need for the setback variances, which if provided staff finds provides significant support for the requested landscaping and impervious surface variances, as well as the tower height variance, relative to the needs of the community or the public safety in general.
2. Below are proposed variance conditions if this request is approved. Please let staff know if any pose significant hardship:
 - a. The applicant shall provide a green roof, cool roof, or additional frontage landscaping of at least five percent of the lot area (538 square feet).
 - b. Unless demonstrated to be technically unviable, the applicant shall pursue “sustainable sites” credit through LEED Silver certification at the time of building permitting.
 - c. Due to significant façade alterations since the request was shared with the Historic Preservation Board, this item shall be re-presented to the Board at time of site plan permitting for design consideration. Alterations from the plan set shared April 2023 shall be clearly noted and recommendations that are not contrary to the Land Development Code or any variance approved through Development Order 24061 shall be included to the extent viable.
3. Who from the applicant’s team will be in attendance at next Wednesday’s meeting?