



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

155 Corey Avenue  
St. Pete Beach, FL 33706

Wednesday, May 28, 2025  
2:00 PM

Call to Order  
Pledge of Allegiance  
Roll Call

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**REGULAR MEETING**

1. Approval of the Agenda -

**Action Request: Motion to approve the May 28, 2025 agenda.**

2. Audience Comments -

*Comments shall be limited to 3 minutes for general and agenda items. 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. Approval of the April 30, 2025 Board Meeting Minutes**

4. Action Items -

**a. Case No. 25055 – 2311 Pass-a-Grille Way**

*Unnecessary and Undue Hardship Variance:* Jens Ove Johansen requests to construct a single-family residence with elevator shaft that will extend to 41'-2" above natural, pre-fill grade where 40'-0" is the maximum permitted height above natural, pre-fill grade (LDC Secs. 20.15 – House – Large & 20.17).

**b. Case No. 25052 – 100 Pass-a-Grille Way**

*Unnecessary and Undue Hardship Variances:* Brian J. Aungst, Jr. and Clay Gilman of Macfarlane, Ferguson & McMullen, P.A. for BARRACKS BY THE SEA, LLC requests a two-part unnecessary and undue hardship variance associated with a courtyard apartment redevelopment of the property in order to:

1. Allow exemption of non-habitable space below the design flood elevation from the calculation of developed square footage, and allow for an additional approximate 450 sq. ft. of floor area per unit (2,700 sq. ft. total) to allow for an additional floor of habitable space in the six redeveloped residential units (LDC Sec. 20.07.(b)); and,
2. Allow entry porches to encroach to 7'-4" and a trellis to encroach to five feet from the Pass-A-Grille Way (east) property line where 10 feet is required, a porch to encroach to 2'-5" from the 1<sup>st</sup> Avenue (south) property line where five feet is required, a three-story duplex building to encroach to 5'-5" from the alleyway (west) property line where 20 feet is required, and new stairs and walkways on the existing, remaining three-story building to encroach to 8'-1" from the alleyway property line where 17 feet is required. (LDC Sec. 20.15. - Courtyard Apartment).

5. Adjournment - Next meeting to be held on June 25, 2025 -

**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](http://www.stpetebeach.org).**

**DRAFT BOARD OF ADJUSTMENT MINUTES**  
**April 30, 2025 – 2:00 P.M.**  
**Commission Chambers**

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

**STAFF PRESENT:** Kristin Coman, Senior Planner; Ralf Brookes, Interim City Attorney;  
Brandon Berry, Senior Planner; Ginny Keeter-Bodkin, Deputy City Clerk

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

**1. Approval of the Agenda -**

**Motion: Chair Chase moved approval of the agenda as presented and the motion carried unanimously by a voice vote.**

The Deputy Clerk swore in all those who would be speaking or presenting to the Board.

**2. Audience Comments – There were no comments.**

**3. Approval of Minutes – March 26, 2025 Meeting**

**Motion: Vice Chair Garchow moved, Member Small seconded, and the motion carried 5-0 to approve the March 26, 2025 meeting minutes.**

**4. Action Items**

**a. Case No. 25040 - 5390 Gulf Blvd (Sirata Beach Resort)**

Allan Smallwood of CP ST PETE LLC requests to replat all of SERATA REPLAT (Bk 31, Pg 17) and a portion of Government Lot 2, Section 6, Township 32 S, Range 16 E as described on the accompanying legal description, to create two separate tracts as depicted.

Senior Planner Brandon Berry reviewed a presentation which summarized that the replat comprises the land on which the Sirata Beach Resort development currently exists, and on which the redevelopment approved in early 2024 is proposed. The application was reviewed at TRC in April 2025 and Staff had no recommendations or comments on the preliminary plat and defers to the shared TRC comments to be addressed prior to final plat submittal. The presentation is part of the meeting record.

Engineer Scott Gilner of Kimley Horn, 655 N. Franklin St., Tampa, was present and testified that he had responded to staff's technical comments at the Technical Review Committee and all were acceptable. The replat of the property is how it stands today and is independent of development. Attorney Kevin Reali of Stearns, Miller, 401 E. Jackson St., Tampa, testified that the replat is for financial purposes, to have a legal description of the parcel, and is a ministerial act independent of the CUP approval. Mr. Reali explained that ownership will not change by the platting. The Unified site plan is a covenant to ensure compliance with zoning.

There was no public comment. The Board declared their ex-parte disclosures: Vice Chair Garchow had attended the TRC meeting and Member Causey spoke with staff. Chair Chase opened Board discussion and deliberation.

**Motion: Vice Chair Garchow moved, Member Small seconded, and the motion carried 4-1 to recommend approval of Preliminary Plat Number 25040 to the City Commission; Member Core voted no.**

b. Case No. 25042 - 1346 Boca Ciega Isle Dr.

Practical Difficulty Variance: Andres Orjuela for Thomas and Rita Sue Memering Revocable Living Trust requests a variance for the proposed construction of a second-floor addition which includes a 9'2" x 17' second-floor roofed rear deck with a proposed rear yard setback of 14' 10 1/2" where 20' is required (LDC Sec. 9.7(a)(4)).

Ms. Coman reviewed a presentation for the variance request, which is part of the meeting record.

A previous variance was granted in 2015 for a rear yard encroachment for construction of a rear addition. The current variance would be for a larger encroachment. Staff found that the applicant had addressed the criteria but they requested additional testimony to demonstrate that substantial and competent evidence has been provided. The Board might consider the addition of a condition of the submission of a Final As-Built Survey showing all dimensions and setbacks, to be reviewed and approved by Zoning. The neighbors on the north and south of the property sent letters in favor of the application.

Applicant Thomas Memering appeared and testified to hurricane flood damage and the purpose of the variance request. He clarified that he was requesting the building plan setback of 14 feet 10 ½ inches and that any alternate location for the stairs would be too close to the pool.

There was no public comment. The Chair opened Board discussion.

The Board Members had no ex parte communication to declare.

**Motion: Member Small moved, Member Core seconded, and the motion carried 5-0 to approve Case No. 25042.**

**Amended Motion: Vice Chair Garchow amended the motion on the floor to include the staff recommended condition of the submission of a Final As-Built Survey showing all dimensions and setbacks, to be reviewed and approved by Zoning. Member Small seconded and the amended motion carried 5-0.**

5. Adjournment – The next meeting is scheduled for May 28, 2025.

**Chair Chase adjourned the meeting at 2:40 PM.**

*These minutes will be considered for approval at the May 28, 2025 Board of Adjustment meeting.*

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

**Agenda Report**

**Agenda Title Name:** Case No. 25055 – 2311 Pass-a-Grille Way

**Action Request:** As directed by the Board of Adjustment:  
Motion to approve Case No. 25055 as proposed  
OR  
Motion to deny Case No. 25055  
OR  
Motion to continue Case No. 25055 to a date certain

**Strategic Objective:**

**Date:** May 28, 2025

**Prepared By:** Brandon Berry, Senior Planner

**Through:** Laura Canary, Community Development Director

**Summary of Issue:** *Unnecessary and Undue Hardship Variance:* Jens Ove Johansen requests to construct a single-family residence with elevator shaft that will extend to 41'-2" above natural, pre-fill grade where 40'-0" is the maximum permitted height above natural, pre-fill grade (LDC Secs. 20.15 – House – Large & 20.17).

**Funding:** n/a

**Attachments:**

1. 25055 - Staff Report
2. 25055 - Certificate of Completeness and Submittal Documents



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## COMMUNITY DEVELOPMENT - PLANNING

**Date:** May 20, 2025  
**To:** Board of Adjustment  
**Re:** Staff Findings Report  
Unnecessary and Undue Hardship Variance  
Address: 2311 Pass-A-Grille Way  
Parcel Number: 18-32-16-88074-007-0010  
Jens Johansen, Owner/Applicant  
Variance Case No: 25055

**Prepared by:** Brandon Berry, Senior Planner

**Hearing Date:** May 28, 2025

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

1. Completed Unnecessary and Undue Hardship Variance package with associated forms, signed by applicant on April 14, 2025.
2. Boundary Survey with digital seal, signed by John O. Brendla, PSM, dated April 9, 2025.
3. Elevation sheet A-201 from the construction permit for the new residence, showing the variance requested, signed by Joy W Douglas on April 14, 2025.
4. Elevation certificate, showing average existing lot grade at 4.67 feet NAVD 1988, signed by Miguel Espinosa, PSM, on September 22, 2023.

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

### Site Description/Surrounding Land Uses

The subject site is an approximately 6,300 sq. ft. (0.14 acre) parcel of land in the Sunset Park Replat subdivision, containing additionally approximately ten feet of Water Lot 3 of Bautista's Subdivision. Approximately 1,300 sq. ft. of the eastern portion of the property is submerged. The lot is currently vacant following demolition in late 2024.

The lot is surrounded by residential zoning and uses to the north and west, and institutional zoning with a yacht club use to the south. The southern lot formerly contained a residence that was demolished in 2018 to extend the parking lot of the St. Pete Yacht Club, and is now under common ownership.

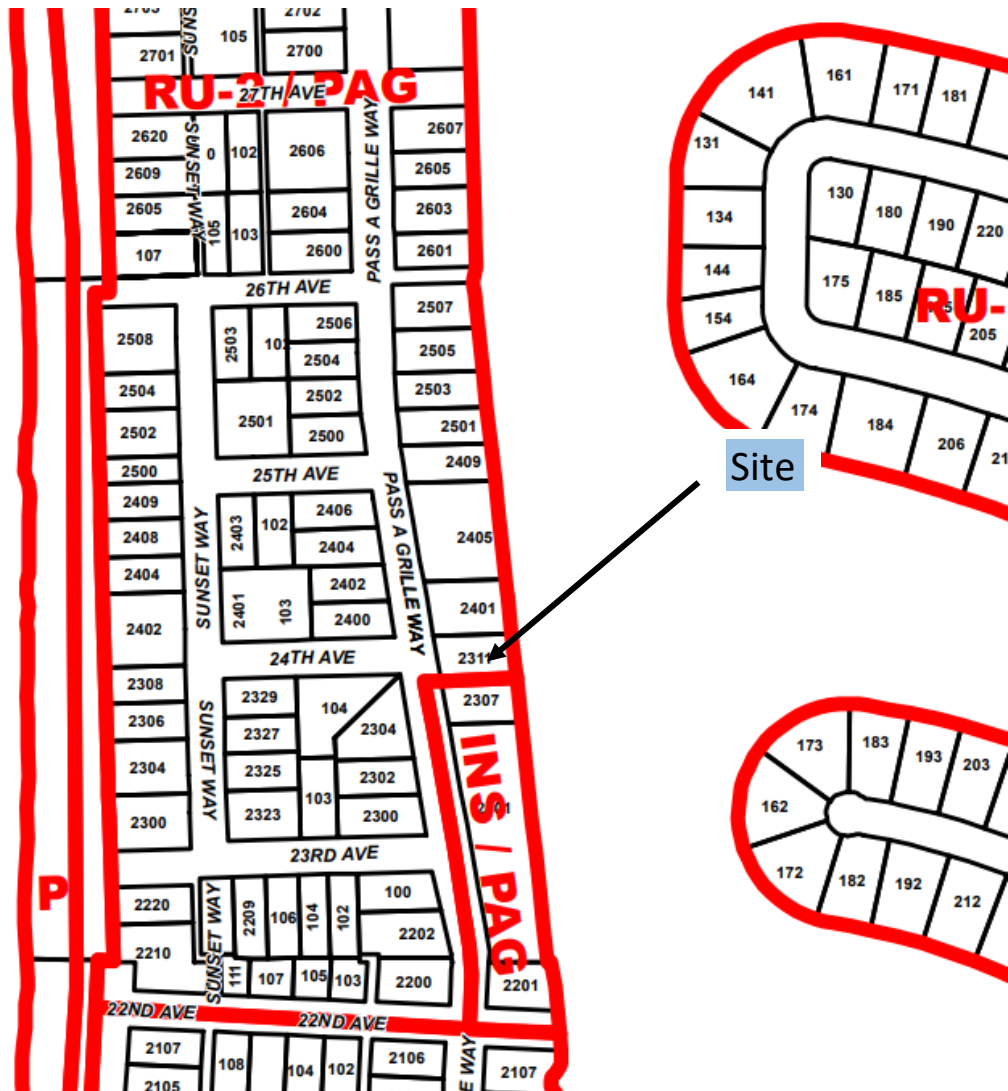
The subject plan underwent design review in late summer 2024 so the applicant could utilize the House-Large building standards of the Pass-A-Grille Overlay. The submitted design, which is nearly identical to the subject proposal with the exception of a change to the pitch of the elevator shaft enclosure overrun, showed the new development as meeting the height requirement without variances but did not show the basis for the grade measurement. The applicant has chosen to bring in fill to the lot, and has slightly increased the elevator shaft height, resulting in need for a variance as described in the Request and Analysis sections of this report.

**Figure 1: Aerial Photography**



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

**Request**

The applicant requests a variance to exceed the maximum height of 32 feet as measured pursuant to Land Development Code Sec. 20.17., which is specific to development in the Pass-A-Grille Overlay District, in order to construct a new residence with elevator shaft enclosure. Applicants for new single-family residential construction have the option to begin their height measurement at one foot above Base Flood Elevation or eight feet above natural, pre-fill, grade. In most circumstances, measuring from eight feet above pre-fill grade is advantageous to the applicant, and this is the measuring point the applicant has chosen to use.

The applicant is bringing in approximately 1.33 feet of fill to increase the lot’s preexisting grade of 4.67 feet NAVD 1988 to 6.0 feet NAVD 1988. In doing so, the allowable height of the residence measured relative to the newly-established grade shrinks by 1.33 feet to account for this fill. The structure, which

measures 39.83 feet above newly-established grade to the top of its highest appurtenance, an elevator shaft enclosure, exceeds allowable height for this enclosure by 1.16 feet due to this grade change. The height to the parapet of the occupiable roof, which is limited to 28 feet in height as described above, remains compliant with the height limitation despite the fill.

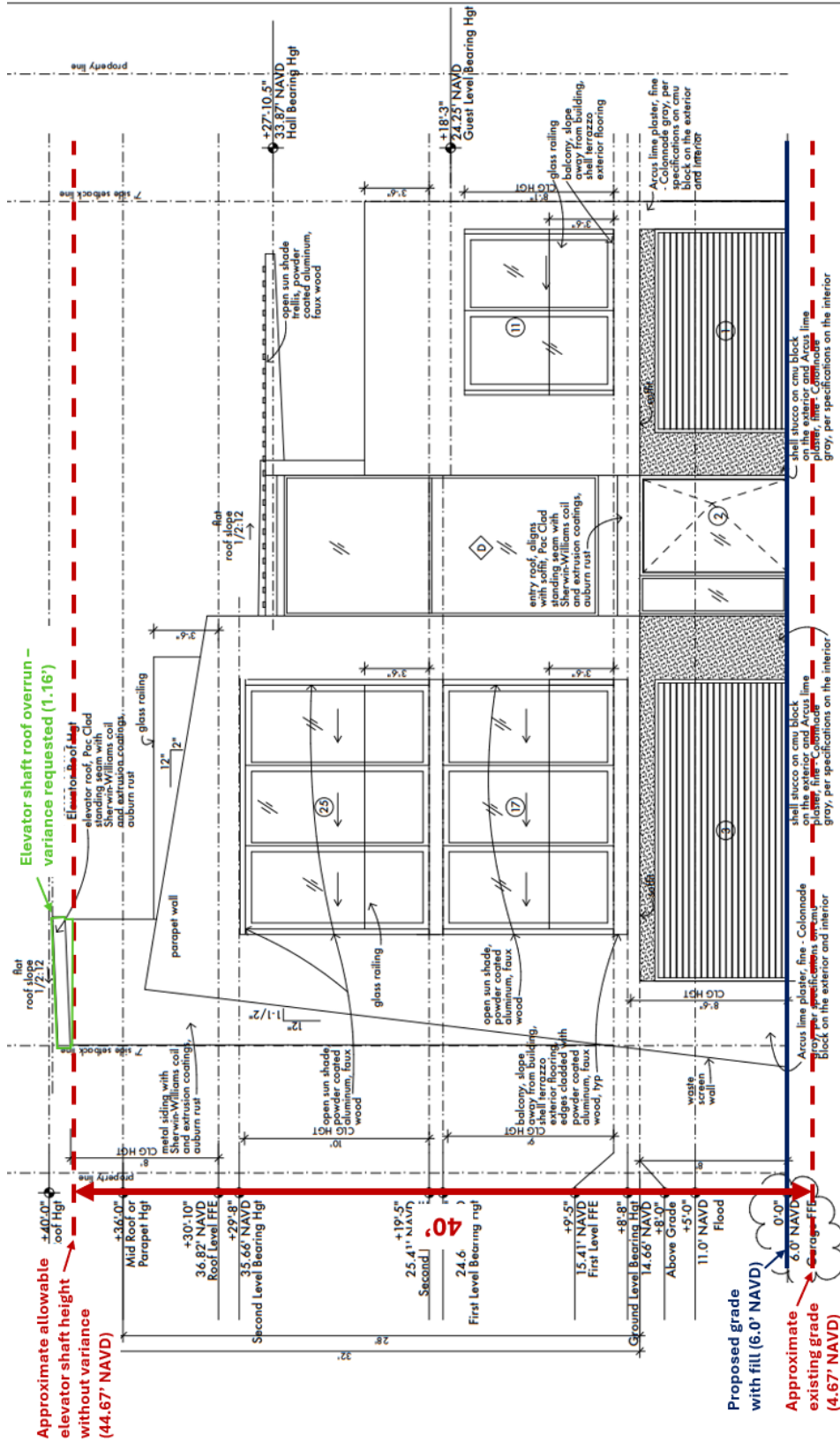
**Analysis**

One variance is required as a result of the new development:

- 1) Construct a single-family residence with elevator shaft that will extend to 41'-2" above natural, pre-fill grade where 40'-0" is the maximum permitted height above natural, pre-fill grade (LDC Secs. 20.15 – House – Large & 20.17).

<b>Figure 3: Zoning Table</b>			
	<b>2311 Pass-A-Grille Way</b>		
	<b><u>RU-2/PAG Standard</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>
Height	36' above pre-fill grade to parapet  40' above pre-fill grade to highest appurtenance (elevator shaft)	None – vacant lot.	Parapet: 36' above pre-fill grade  Elevator shaft: 41'-2" above pre-fill grade <b>(v)</b>
<b>(v) = Variance required</b>			

Figure 4: Elevation drawing showing variance requested



### Additional Comments

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

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

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

*The property was approved in early 2024 for a seawall of 5.0' NAVD 1988, the minimum height for a newly-constructed or replaced bay-adjacent seawall as of 2021. When a seawall is installed at a height greater than the adjacent grade, grade is frequently increased to match or exceed the seawall to prevent ponding of water behind the seawall, especially when lot drainage is directed to the rear. While this will not eventually become a peculiar circumstance of the land, it is somewhat peculiar for existing conditions in this zoning district, as only seven seawall permits have been issued for properties along Pass-A-Grille Way since the 5.0' standard was adopted in early 2021 and the applicant states this is the first for which new construction is following. Elevating grade to at least the height of the seawall is an expected and reasonable decision at time of new development.*

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

*The applicant elected to undertake the seawall elevation, but elevation would eventually be required due to seawall deterioration and compliance thresholds adopted in the City's Code of Ordinances. Increasing the grade of the lot to at least match the seawall elevation is reasonable.*

*However, the applicant chose to design the building with the ceiling heights of 8.5 feet for the ground level, and 9 and 10 feet for the first and second living levels respectively. These heights exceed both Florida Building Code requirements for habitable space ceiling heights of seven feet, and Pass-A-Grille Overlay District minimum floor heights of eight feet. Staff is not aware of any requirement to construct the living level ceiling heights at the proposed height other than owner preference.*

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

*Staff finds the applicant is not directly responsible for the seawall height requirement and reasonable necessity to increase adjacent grade, which is a supported resiliency initiative that must eventually be undertaken by all waterfront property owners. Following a recommended<sup>1</sup> 1.0% to 2.0% slope, and a 75 foot on-land lot depth, approximately 0.375 to 0.75 feet of the 1.0*

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<sup>1</sup> United States Department of Agriculture. (2020). *After the fire hillside home drainage*. Retrieved from [https://www.nrcs.usda.gov/sites/default/files/2024-07/AtF-Hillside\\_Home\\_Drainage-2020.pdf](https://www.nrcs.usda.gov/sites/default/files/2024-07/AtF-Hillside_Home_Drainage-2020.pdf).

*feet requested above the seawall height is estimated to be necessary to direct stormwater off of the property.*

*To Staff's knowledge, the applicant does have the ability to construct the residence with a lower habitable floor height. However, as the hardship was majorly created by compliance with the City's seawall height requirement, Staff finds that the voluntary compliance with this requirement for replacement does also create a relative hardship on the applicant pertaining to utilization of the full height dimension available for new residential construction.*

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

*The applicant is constructing a single-family home, which is an allowable use in the zoning district.*

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

*The residence is being constructed for the owner's own purpose and, while the structure may gain value due to this variance, Staff does not find it to be the predominant basis for this request.*

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

*Given voluntary compliance with the replacement seawall height minimum standard, Staff finds this request to reasonably confer equivalent development rights as other properties in the same zoning district, all of which are held to the same height requirement but none of which have knowingly contended with filling to adjust for an elevated seawall height. For other lots, where redevelopment occurs without elevation of the seawall to the City's minimum standard which is presently optional, such a limitation is not applicable unless the applicant chooses to voluntarily bring fill onto their lot.*

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

*Staff finds the structure could still be reasonably developed and utilized without this variance. The applicant could develop the structure with living level floor heights of approximately seven inches less each than currently proposed, which would eliminate the need for this variance.*

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

*Staff finds that the request is modest in scale and extent and is likely to be an imperceptible difference in height when viewed from grade, particularly because this variance affects only the elevator shaft enclosure, and the parapet of the roof below meets the height maximum of 36 feet above natural grade despite the fill proposed. The subject property is to have an*

*approximately 1.8-foot higher grade than the abutting residential property to the north, but has been approved under building permit review for a combination of swales and knee wall to route runoff to the street and seawall. The subject height variance is not expected to be injurious to the neighborhood, detrimental to the public safety and welfare, or to impair property values.*

*Staff does not find the request to be adverse to the comprehensive plan or Land Development Code, but finds the issue to become a potential recurring issue for others in the vicinity who undertake seawall replacement prior to new construction.. Staff generally finds that the grading of the lot relative to the height of the seawall, and the overall height of the structure relative to the lot's proposed grade, is generally in keeping with the intent of the height regulations. The applicant is not ultimately seeking a taller home relative to established grade than they would have been able to build without filling the lot, and the amount of fill introduced appears to be logical for the seawall height constructed.*

### **Other**

Staff finds that the applicant has addressed the hardship criteria but offers the following as response to the application narrative:

1. The property was purchased in September 2023, when the 5.0 foot NAVD 88 requirement for seawalls was in place.
2. While the request is modest and found to be proportional to the filling being undertaken to prevent adverse effects from new construction, the request arises from what is accurately stated in the application to be for living enjoyment. Neither the Florida Building Code nor the Pass-A-Grille Overlay District requires floor heights of the ones proposed by the applicant, and the residence could be constructed with a lesser floor height to accommodate the overrun.

**Summary**

Staff finds that the applicant has addressed the hardship criteria but does request additional testimony confirming that the elevator shaft overrun is the minimum necessary to meet rooftop access requirements.

Should the applicant provide adequate information to satisfy the Board that substantial and competent evidence has been provided and look favorably on the application on the relief request, the Board is empowered to approve the request.

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: Jens O Johansen, Owner, *via email* ([jensojohansen@gmail.com](mailto:jensojohansen@gmail.com))  
Board of Adjustment Attorney, *via email*



COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

Memo To: Board of Adjustment  
From: Brandon Berry, Senior Planner  
Date: 4/16/2025  
Re: **CERTIFICATE OF COMPLETENESS**

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Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment and placed on the agenda for **May 28, 2025**.

**Variance Case Number:** 25055  
**Application Type:** Unnecessary and Undue Hardship Variance  
**Owner:** Jens Johansen  
**Applicant/Agent:** Same  
**Parcel Number:** 18-32-16-88074-007-0010  
**Address:** 2311 Pass-a-Grille Way, St. Pete Beach, FL 33706  
**Zone:** RU-2/PAG

**Submittal Documents:**

1. Completed Practical Difficulty Variance package with application form.
2. Boundary Survey with digital seal, signed by John O. Brendla, PSM, dated April 9, 2025.
3. Elevation sheet A-201 from the construction permit for the new residence, showing the variance requested, signed by Joy W Douglas on April 14, 2025.
4. Elevation certificate, showing average existing lot grade at 4.67 feet NAVD 1988, signed by Miguel Espinosa, PSM, on September 22, 2023.

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

**City/Board Professionals:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Board of Adjustment Attorney <b><i>via email</i></b> | <input type="checkbox"/> TRC Committee <b><i>via email</i></b> |
| <input type="checkbox"/> Code Enforcement Manager <b><i>via email</i></b>                | <input type="checkbox"/> City Manager                          |

**Board Members:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Denise Chase, Chair       | <input checked="" type="checkbox"/> Chris Core |
| <input checked="" type="checkbox"/> Kathy Garchow, Vice-Chair | <input checked="" type="checkbox"/> Dan Small  |
| <input checked="" type="checkbox"/> Al Causey                 |  |

Cc: Jens Johansen, Owner

CASE #: 25055

PARCEL #: \_\_\_\_\_

SUBMITTAL DATE: 4/11/25

AMOUNT DUE: 523.25

PAYMENT DATE: 4/11/25

### UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

The following Items are to be submitted, along with this application, to be reviewed for completeness:

- Two (2) copies of the property survey, to scale, 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;
- Two (2) copies of a survey or site plan showing the request with dimensions, setbacks and other pertinent information, drawn to scale, of size a maximum of 36"x48" and minimum of 11"x17";
- Two (2) copies of scaled construction plans;
- Completed Impervious Surface Ratio (ISR) worksheet or equivalent;
- Emailed copy of the survey, plans and supplemental documents to planning @stpetebeach.org.
- The application fee and associated mailing fee, payable to the City of St. Pete Beach (non-refundable)

#### OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	JENS OVE JOHANSEN	555 GULF WAY, APT. 65 ST PETE BEACH, FL 33706	727-383-7400
Applicant/ Agent			
Owner Email Address: jensojohansen@gmail.com		Applicant/Agent Email Address:	

#### PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation RU-2/PAG	Future Land Use Designation	Lot Area 4,856 SF
Legal Description: SUNSET PARK ADD REPLAT BLOCK G, LOT 1 & N'LY 10 FT. OF WATER LOT 3, BLK J OF BAUTISTA'S SUB & RIP RTS		
Address: 2311 PASS A GRILLE WAY, ST PETE BEACH, FL 33706		
Explanation of Request: RAISE MAXIMUM ROOF HEIGHT BY 1.28 FEET DUE TO THE NEW REQUIREMENT TO RAISE SEA WALL BY 1.28 FEET. ORIGINAL SEAWALL WAS AT ELEV. 3.92, BUT NEW REQUIREMENTS DICTATED THAT NEW SEAWALL ELEVATION BE 5.2, AN INCREASE OF 1.28 FEET. RAISING SEAWALL REQUIRES INCREASING SITE GRADE DUE		

TO DRAINAGE CONSIDERATIONS. SITE GRADE AND LOWER LEVEL SLAB ELEVATION HAD TO BE RAISED BY THAT SAME AMOUNT. REF. SECTION 20.17 - MAXIMUM BUILDING HEIGHT IS CALCULATED FROM NATURAL GRADE ELEVATION.

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

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

THIS IS THE FIRST HOUSE TO BE BUILT IN P.A.G. AFTER SEAWALL HEIGHT REQUIREMENTS WERE INCREASED. ALL PREVIOUS HOMES WERE ALLOWED TO HAVE SEAWALLS AT ELEVATION OF 3.9. AUTHORITIES REQUIRED SEAWALL FOR THIS PROPERTY TO HAVE A HEIGHT OF 5.20.

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

SEAWALL HEIGHT REQUIREMENT WAS INCREASED AFTER PROPERTY WAS PURCHASED BY HOMEOWNER.

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

OTHER PROPERTIES HAD MAXIMUM ROOF HEIGHT CALCULATED FROM NATURAL GRADE ELEVATION WHICH WAS UNAFFECTED BY INCREASE IN SEAWALL HEIGHTS. HAD AUTHORITIES NOT (REQUIRED AN INCREASE IN SEAWALL HEIGHT, THIS HOUSE ELEVATION WOULD HAVE BEEN 1.28 FEET LOWER AND ROOF HEIGHT WOULD HAVE BEEN IN COMPLIANCE.

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;

HOMEOWNER WAS UNAWARE THAT SEAWALL HEIGHTS WOULD BE INCREASED WHEN HE PURCHASED THE PROPERTY. ALLOWING A 1.28 INCREASE IN MAXIMUM ROOF HEIGHT WILL NOT RESULT IN A CHANGE IN USE OR STRUCTURE, NOR WILL IT PERMIT AN INCREASE IN DEVELOPMENT DENSITY.

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

HOMEOWNER'S CONCERN IS TO MAINTAIN CEILING HEIGHTS AS DESIGNED TO ACHIEVE DESIRABLE LIVING ENJOYMENT.

FINANCIAL RETURN WAS NOT CONSIDERED SINCE HOMEOWNER HAS NO PLAN TO SELL PROPERTY IN FORESEEABLE FUTURE.

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

GRANTING VARIANCE ALLOWS APPLICANT TO HAVE ROOF HEIGHT OF 40'-0" FROM SITE GRADE AS AMENDED FOR RAISED HEIGHT OF SEAWALL. THIS IS COMPARABLE TO OWNERS OF OTHER LANDS AND HOUSES THAT WERE NOT AFFECTED BY SEAWALL INCREASES.

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

THE REQUESTED VARIANCE OF 1.25 FEET IS THE MINIMUM AMOUNT NEEDED TO MAINTAIN DESIGNED CEILING HEIGHTS.

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

THE REQUESTED VARIANCE ALLOWS MAXIMUM ROOF HEIGHT TO BE CALCULATED FROM SITE ELEVATION ADJUSTED FOR HIGHER SEAWALL WHICH COMPLIES WITH GENERAL INTENT AND PURPOSE OF COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND WILL NOT RESULT IN INJURY TO NEIGHBORHOOD OR DIMINISH PROPERTY VALUES WITHIN THE NEIGHBORHOOD. VARIANCE ONLY AFFECTS HEIGHT OF ELEVATOR SHAFT TO ROOF TERRACE.

Signature of Applicant



Date

4-14-25

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.**

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

JS 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.

JS 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.

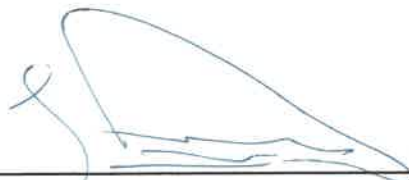
JS I understand that if a variance is approved by the BOA, City Commission or City Manager, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval becomes voided.

JS 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.

JS 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.

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

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

  
Signature of Applicant

11-4-25  
Date



**PUBLIC HEARING SIGN POSTING AFFIDAVIT**

Applicant, JENS OVE JOHANSEN, agrees to maintain the posted 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): JENS OVE JOHANSEN

Address: 555 GULF WAY, APT. 65, ST PETE BEACH, FL 33706

[Signature] . 4-7-25  
Signature Date

STATE OF FLORIDA )  
 ) SS:  
PINELLAS COUNTY )

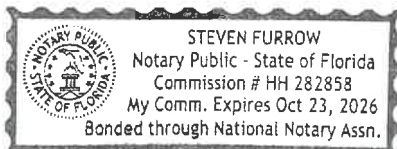
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of April, 2025 by: Jens Ove Johansen who appeared before me, and is personally known to me, or has produced Drivers License as identification, and did take an oath.

My commission Expires:

NOTARY: [Signature]  
Print Name: Steven Furrow Notary

Public, State of Florida

(Notarial Seal)





Case #: \_\_\_\_\_ Submission Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_



## Application for Pass-a-Grille Overlay District Residential Design Review

The information below provides a list of details that must be shown on all plans submitted for new development, redevelopment, or additions that utilize the residential Pass-a-Grille Building Types of Land Development Code (LDC) Sec. 20.15. Please read each section carefully. Applications may be rejected if information is not provided in full at time of submittal.

Staff may require review of any project subject to residential design review before the Historic Preservation Board.

### GENERAL INFORMATION (filled out by applicant)

#### Owner Name & Address

Jens Johansen

#### Representative Name & Address

Joy Douglas, AIA

2311 Pass-A-Grille Way

1329 50th Avenue NE

St. Pete Beach, Florida 33706

St. Petersburg, Florida 33703

Phone 727-383-7400

Phone 727-434-1546

#### Property Address and Legal Description

2311 Pass-A-Grille Way. SUNSET PARK ADD REPLAT BLK G, LOT 1 & N'LY 10FT OF WATER LOT 3, BLK J OF BAUTISTA'S SUB & RIP RTS

#### Project Description

Existing residence has termite and water damage beyond repair. Existing wood structure doesn't have proper insulation, is non-conforming below flood elevation, and beyond rear water setback line. New construction proposed will be maintained as a single family, 2 living levels elevated to meet FEMA guidelines for new construction and within setback. The architectural style of the new residence will resemble Modern Coastal with metal roof, plaster, shell stucco, and powder coated aluminum to resemble wood, as established by other residences in the district.

#### TYPE OF ACTIVITY

New Construction:   X  

Addition: \_\_\_\_\_

Other (please explain): \_\_\_\_\_

## Required Drawings

The following drawings, as applicable, are required at the time of this application submission. Please check that the document is included with your submission, or indicate that it is not applicable to the project. All drawings shall be sized between 11x17" and 24x36" unless otherwise approved by Staff.

<b>Site plan showing the following improvements:</b>		
	<b>Provided</b>	<b>N/A</b>
Building dimensions shown on plans, or drawn to scale on plans	X	
Mass and scale proportions of on-site building(s)	X	
Location of service areas, such as solid waste storage areas, and mechanical equipment	X	
Screening device locations	X	
Parking locations	X	
Site furnishings		X
Lighting fixtures	X	
Freestanding signage		X
<b>Elevations (front, secondary front, side(s), rear) showing the following improvements:</b>		
	<b>Provided</b>	<b>N/A</b>
Full color elevation(s) of any building elevation which fronts a public right-of-way		
Building materials referenced on elevations <b>Note:</b> Numbering the elevation with references to materials on a separate document is acceptable.	X	
Mass and scale proportions	X	
Location of service areas, such as solid waste storage areas, and mechanical equipment	X	
Screening devices	X	
Site furnishings		X
Lighting fixtures	X	
Signage		X
<b>Landscaping plan showing the following:</b>		
	<b>Provided</b>	<b>N/A</b>
One understory tree per 20 linear feet of the elevated building viewed from the public right-of-way(s) along primary frontage	X	
A minimum three-foot-wide landscaping area along primary frontage	X	
Ornamental grasses, and groundcovers	X	
At least ten shrubs, minimum three gallons, along primary frontage	X	
One canopy tree along primary frontage		
An opaque hedge (maximum 3' height at maturity), or wood, shell or concrete fence or knee wall of 2-4' in height, along the property frontage (except crossing driveways and pathways)	X	

## Required Building Design Elements

A Florida-licensed architect must stamp and seal any façade elevation which fronts a public right-of-way, certifying that the design elements of LDC Sec. 20.22 are reflected in the design, prior to issuance of a building permit for the associated project. At the cost of the applicant, the City may request independent architectural review to ensure the design intent is met.

These elements should be reflected in the design documents that are submitted along with this application. However, at the discretion of the applicant, a licensed architect does not need to certify the design details until time of submission for the associated building permit. Note that significant modifications to plans following design review by the Historic Preservation Board shall require a second review.

### **LDC Sec. 20.22. - General building design (residential).**

In addition to the required private frontages and the standards provided in each frontage, the following standards shall be applied to all residential building types (house and apartment building types) in order to maintain the overall mass and scale, of the PAG community's existing housing stock.

The following standards are included to provide a minimum criteria needed to review the overall design, mass and scale as outlined below while allowing an applicant flexibility in the design of the building. The design criteria are typical design elements used by architects to ensure a higher quality development.

Any single family or attached residential structure that follows the criteria outlined in section 20.15 must design the building with the following architectural elements:

- (a) The mass of a building must include:
  - (1) *Primary mass.* The building shall have a distinct primary mass.
  - (2) *Secondary mass.* A building should also include secondary mass (private frontage requirements) that form the façade of the building.
  - (3) Voids that allow for natural breaks in the mass.
- (b) Proportional design elements shall include:
  - (1) Windows in varying, yet similar arrangements.
  - (2) Appropriate vertical visual consistency at the centerline of the façade.
  - (3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom ½ clearly supports the top).
  - (4) Overall design shall be symmetrically or asymmetrically balanced.
- (c) Design must include the following rhythms:
  - (1) Proximity (objects close together complement each other).
  - (2) Similarity- common textures, colors or features.

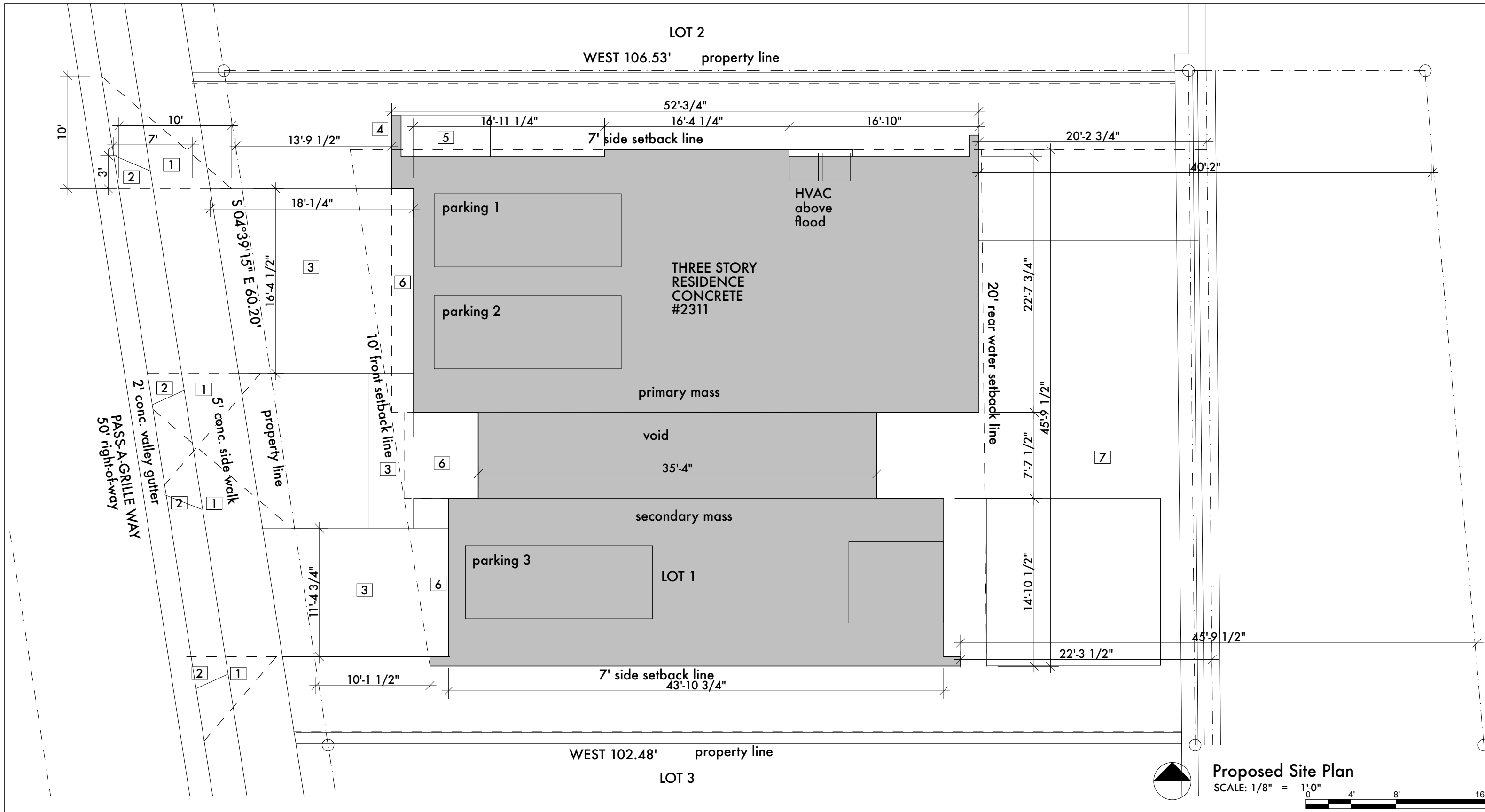
Owner Attestation: The information on this application represents an accurate description of the proposed work and the undersigned has omitted nothing which might affect the decision of the Historic Preservation Board. The undersigned hereby certifies that the project described in this application, as detailed by plans and specifications enclosed, will be constructed in exact accordance with aforesaid plans and specifications. It is understood that review of this application by the Historic Preservation Board in no way constitutes approval of building permit or other required City permit approvals.

---

Applicant Signature

---

Date

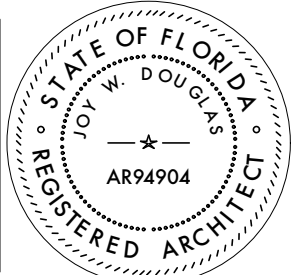


**GENERATE**  
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 FL LIC # AR94904  
 FL LIC # AA26003688  
 1329 50th AVENUE NORTHEAST  
 SAINT PETERSBURG, FLORIDA 33703  
 727.434.1546  
 GENERATEFL.COM

**THE JOHANSEN RESIDENCE**  
 JENS JOHANSEN  
 2311 PASS-A-GRILLE WAY  
 SAINT PETE BEACH, FLORIDA 33706

ISSUED ON : 3 JUN 2024  
 PAGE : 1 OF 13

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## Zoning

Pinellas County Parcel ID: 18-32-16-88074-007-0010

Legal Description :  
SUNSET PARK ADD REPLAT BLK G, LOT 1 & N'LY 10FT OF  
WATER LOT 3, BLK J OF BAUTISTA'S  
SUB & RIP RTS

Zoned : RU-2 / PAG  
Flood Zone: AE, Base Flood Elevation = 10'-0"  
Design Flood Elevation = 11'-0"  
Building Height - measured from 8'-0" above grade  
28' = Midpoint of sloped roof or parapet height  
32" = maximum roof peak  
Ground Level Garage FFE = grade  
First Level FFE = 9'-10" above grade  
Second Level FFE = 19'-8" above grade  
Roof Level FEE = 30'-10" above grade  
Elevator roof height = 39'-4" above grade

Setbacks :  
Front Yard = 10', Balcony 7'  
Interior side yard = 7'  
Rear Water = 20'

Residential Intensity Ratios:  
Lot Area - 4,856  
Maximum Impervious Surface - .70  
Building, drive, pool, pool deck - 3,391  
Total - 3,391/ 4,856 = .69

Parking: 3 garage parking, 1 on site of sidewalk

## Building Code Development Standards

Construction Type : V unsprinkled  
Classification of Work : N/A  
Occupancy Classification : Residential R-3

## Square Footage

Ground Floor Enclosed HVAC=	299 sq.ft.
First Level =	1,736 sq.ft.
Second Level =	978 sq.ft.
Total =	3,013 sq.ft.
Not Enclosed HVAC:	
Ground Floor Garage / Storage=	1,239 sq.ft.
Garden Terrace Second Level=	647 sq.ft.
Roof Top Level =	289 sq.ft.

## Site Plan Numbered Notes

In addition to items indicated on proposed site plan, scope is to include:

- For landscape, see landscape plan.
- 1 Visibility triangle - 10' x 10'
- 2 Drive flare - 7' x 3'
- 3 Concrete drive and walk
- 4 Waste screen wall
- 5 Waste storage area
- 6 Lighting located in soffit of primary garage, secondary garage, and entry roof.
- 7 Concrete pool deck and pool, by others.

The information shown on this site plan was obtained from a registered land surveyor M.E. Land Surveying Inc., Miguel Espinosa, Job # B-132398. The layout of the building has been based on this information. It is the responsibility of the General Contractor to have the building laid out onto the site according to the drawings as shown by a registered land surveyor and any discrepancies to the building layout or required setbacks shall be brought to the Architects attention prior to the commencement of any construction. Failure to do so will result in the sole responsibility of the layout with the general contractor and no responsibility to the Architect. All representation made in the application are contingent on final grade and final survey

## PAG Pass-A-Grille Overlay District

House Large HL	Min	Max	Actual
Lot Requirements			
A- Lot Width	60		60.66'
B- Lot Depth	100		106.53' / 85.53' on land
C- Lot Size	6,000		6,312 / 4,856 on land
D- Lot Coverage		70%	3, 391 (69%)
Building Envelope			
E- Street Setback	10'		10' - 13'
F- Side Setback	7'		7'
G- Rear Setback	20' (waterfront)		20'-22'

Sec. 20.21. - Screening of elevated buildings.

- (a) Architectural screening shall:
- (1) The visual design of the ground floor of this residence is made up of a 16' garage door and a 11' garage door, both with faux wood finish flush panel, a pivot front glass door with sidelight with a covered entry, balconies with roof. Additionally balcony trellises of faux wood aluminum provide a warmth to the front facade.
  - (2) No more than 20 percent of the area being screened can be transparent. Maximum Transparency of ground level 8', 372 sqft total sqft. Transparent doors and sidelight is 60 sqft = 16%.
- (b) Landscape screening shall be installed:
- (1) A minimum 3-foot-wide landscape area. Landscape area 9' - 14' wide is provided along the frontage of the property, in front of the residence except where the drives and walks approach the garage doors and front door. See landscape plan.
  - (2) One understory tree per 20 lineal feet (or portion thereof) of the elevated building length/width viewed from public rights-of way. Two understory trees provided, required 45' of elevated building/20 lin ft = 2, foxtail palm trees or royal palms. See landscape plan.
  - (3) Planted with shrubs, ornamental grasses and groundcovers to provide 100 percent coverage of the landscape area within one growing season. The landscape design shall (unless spatially impractical) provide layering of plant materials that includes larger background shrubs and low foreground groundcovers. All plant material should be Florida friendly plantings as defined and identified by University of Florida/IFS horticulture experts. 11 provided in right-of-way, 11 provided within property, min 3 gal, mix of Conocarpus erectus, Zamia pumila, and Muhlenbergia capillaris. Groundcover of Helianthus Debilus or other approved plans, see landscape plan.

(4) Permanent mulch materials, such as organic mulches, stones, and recycled inorganic groundcover materials are not permitted in lieu of vegetation, unless they are provided as accent or focal points that enhance the landscape design. Stones around sidewalk provided. All planting beds will be landscaped with vegetation and appropriate mulch for growth and moisture control. See landscape plan.

Sec. 20.22. - General building design (residential).

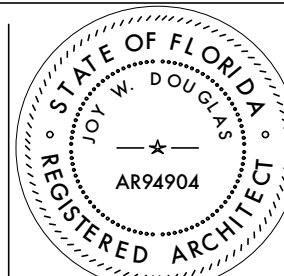
- (a) The mass of a building must include:
- (1) Primary mass. The building shall have a distinct primary mass. The total sqft of the elevation is 1,382 sqft - The primary mass is 746 sqft and includes finishes of Arcus lime plaster, fine - Colonnade gray, shell stucco, balconies with glass railing and trellises of powder coated aluminum, faux wood, and windows. See elevations.
  - (2) Secondary mass. A building should also include secondary mass (private frontage requirements) that form the façade of the building. The total sqft of the elevation is 1,382 sqft - The secondary mass is 345 sqft and includes finishes of Arcus lime plaster, fine - Colonnade gray, shell stucco, balcony with glass railing and trellises of powder coated aluminum, faux wood over an open terrace, and windows. See elevations.
  - (3) Voids that allow for natural breaks in the mass. The total sqft of the elevation is 1,382 sqft - The void is 210 sqft and includes the front entry of pivot front door with sidelight, trellises of powder coated aluminum, faux wood, and windows. See elevations.
- (b) Proportional design elements shall include:
- (1) Windows in varying, yet similar arrangements. The primary mass windows are 282 sqft of the facade, the secondary mass windows are of proportional size to the primary mass and 77 sqft.
  - (2) Appropriate vertical visual consistency at the centerline of the façade. The centerline of the facade as shown on the elevation is consistently maintained on all levels with the void space.
  - (3) Appropriate ratios of visual width between top and bottom halves of the elevation (bottom 1/2 clearly supports the top). The total sqft of the elevation is 1,382 sqft, the upper half is 579 sqft and the lower half is 803 sqft, clearly supporting the upper half. See elevations.
- (4) Overall design shall be symmetrically or asymmetrically balanced. The overall design is asymmetrically balanced on the centerline.
- (c) Design must include the following rhythms:
- (1) Proximity (objects close together complement each other). The window elements of the primary and secondary mass complement each other balanced on either side of the void. The powder coated aluminum trellises, faux wood, throughout the facade create warmth and balance on all 3 masses. See elevations.
  - (2) Similarity- common textures, colors or features. Common textures include Arcus lime plaster, fine - Colonnade gray and shell stucco, metal siding and Pac Clad standing seam roofing with Sherwin-Williams coil and extrusion coatings, auburn rust, and powder coated aluminum trellis, faux wood finish.

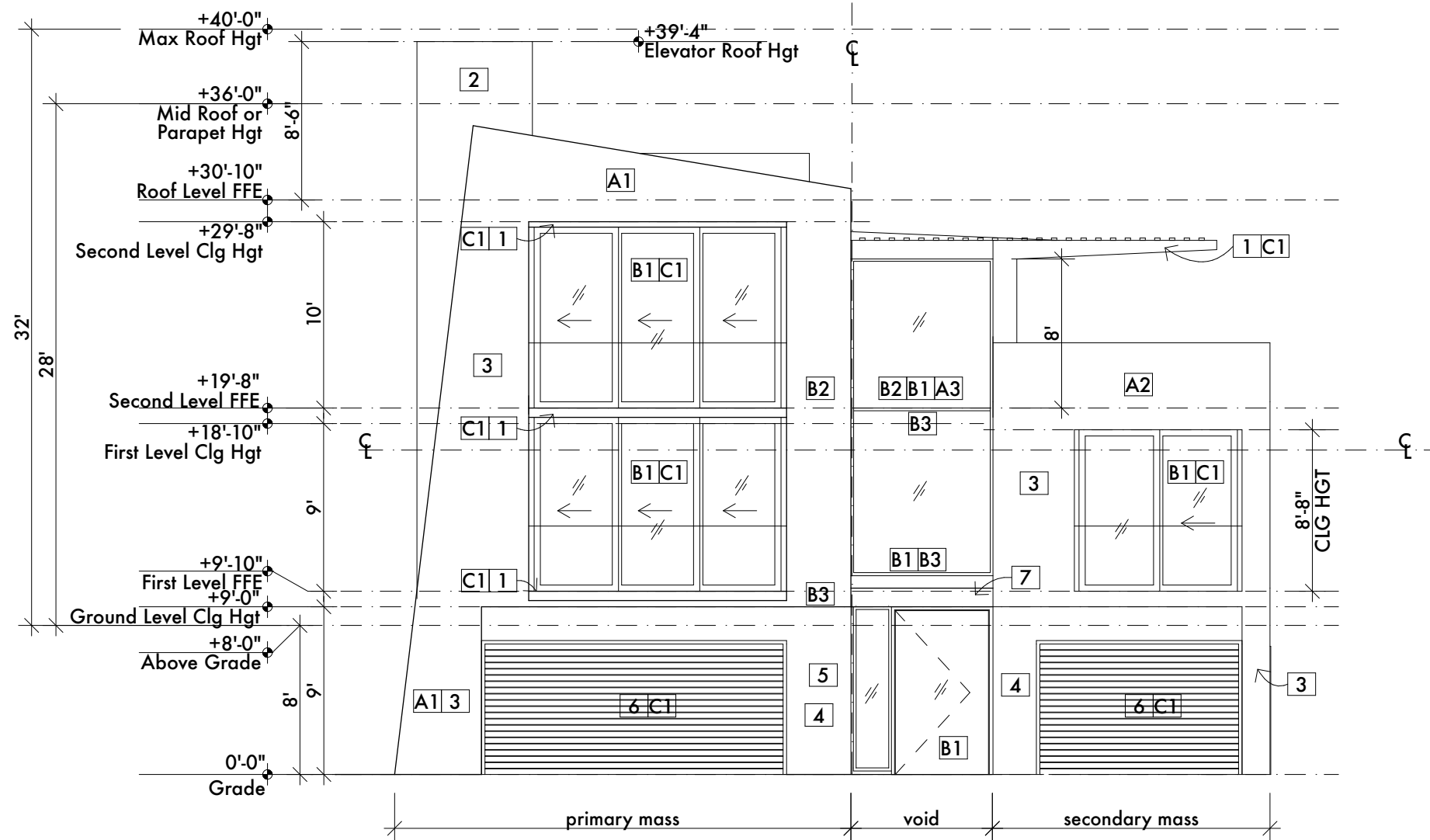
All dimensions and conditions of the project shall be verified by the Contractor who shall be responsible for same once the construction has begun. Any discrepancies between the drawings and field conditions shall be reported to the Architect for correction prior to the beginning of construction.

The structural integrity of the building/construction shown on these drawings is dependent upon the completion according to the drawings and specifications. Structural members are not self supporting during construction and require temporary bracing or shoring until permanently affixed to the structure as directed. The structural Engineer and Architect assumes no liability for the structure during construction, unless the construction method and bracing are included in the drawings and specifications, or are supervised by the structural Engineer during construction.

All representation made in the application are contingent on final grade and final survey.

All visual representations in this application including but not limited to colors, textures, and finishes, and plant species are for thematic representation only. Exact specification and selections will be dictated by market availability at time of construction.





**W West Elevation - street front**  
 SCALE: 1/8" = 1'-0"  
 0 4' 8' 16'

**Elevation Numbered Notes**

In addition to items indicated on proposed elevation, scope is to include:

- Lighting located in soffit of primary garage, secondary garage, and entry roof.
- Glass railings at 42" A.F.F.
- Total Elevation - 1,382sqft
  - Lower 50% mass - 803 sqft
  - Upper mass - 579 sqft
  - Primary mass - 746 sqft
  - Primary mass windows - 282 sqft
  - Void - 210 sqft
  - Secondary mass - 345 sqft
  - Secondary mass windows - 77 sqft

Maximum Transparency of ground 8' - 372 sqft total

Transparent 60 sqft = 16%

Windows 1,013sqft = 73% of total Elevation

**PAG Architectural Elements**

Please see Notes, page 2 for written description.

**A Building Mass**

- 1 Primary Mass
- 2 Secondary Mass
- 3 Void

**B Design Elements**

- 1 Windows
- 2 Visual Vertical Consistency at Center line
- 3 Visual Horizontal Balance
- 4 Symmetrically /Asymmetrically Balanced

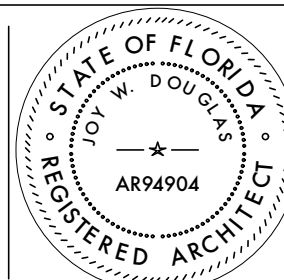
**C Rhythmic Design**

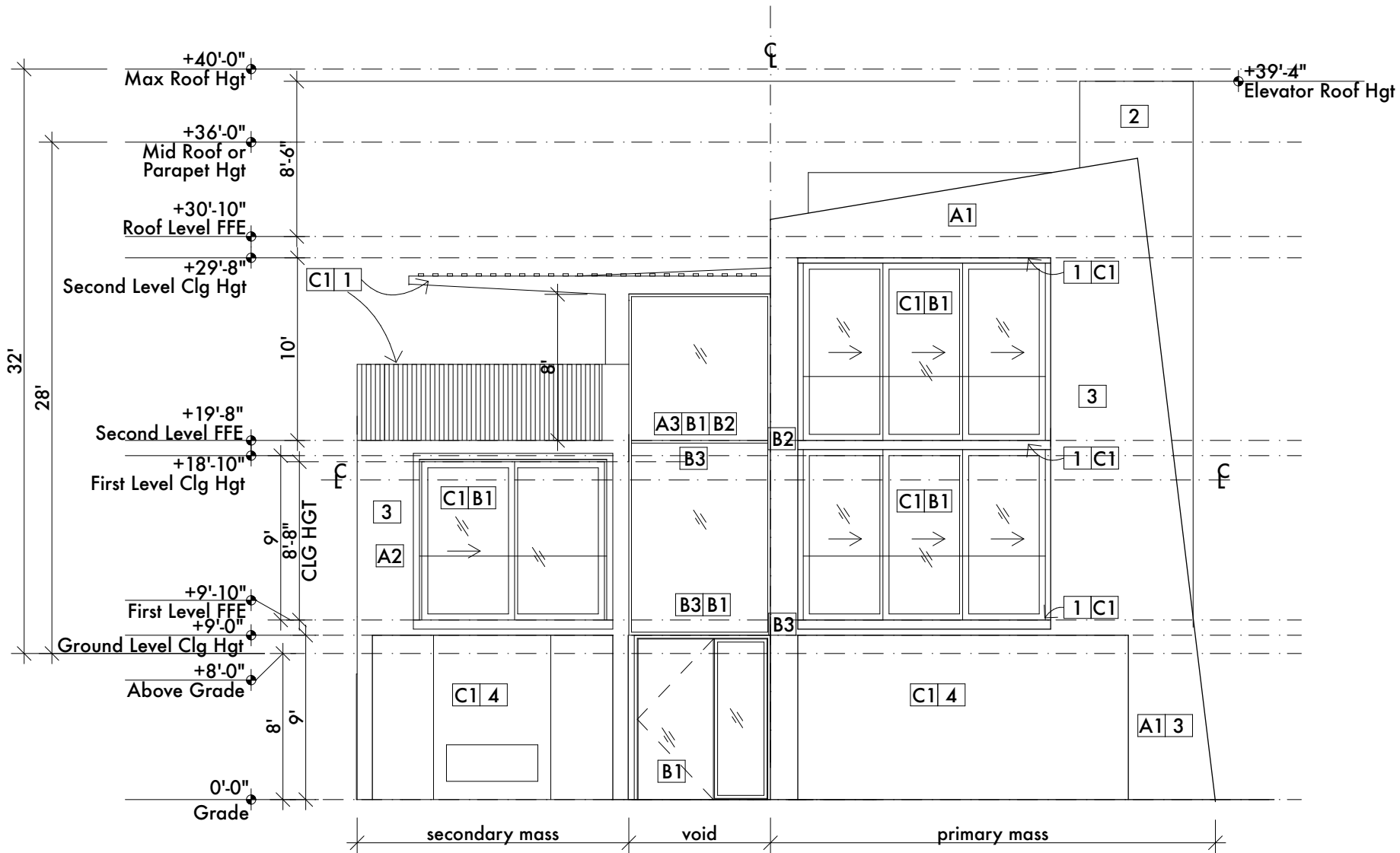
- 1 Complimentary Objects in Proximity
- 2 Similarity in color, textures, and features, please see Notes page 2 for written description.

**Material Key**

- 1 powder coated aluminum trellis, faux wood
- 2 metal siding with Sherwin-Williams coil and extrusion coatings, auburn rust
- 3 Arcus lime plaster, fine - Colonnade gray
- 4 shell stucco
- 5 house address numbers
- 6 impact garage door, faux wood
- 7 metal entry roof with Sherwin-Williams coil and extrusion coatings, auburn rust
- 8 Pac Clad standing seam with Sherwin-Williams coil and extrusion coatings, auburn rust

Typical Key - PAG Architectural Elements, Material **A1|3**



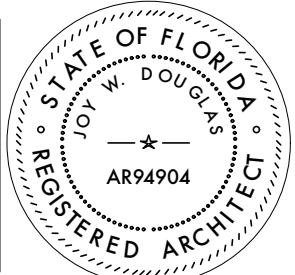


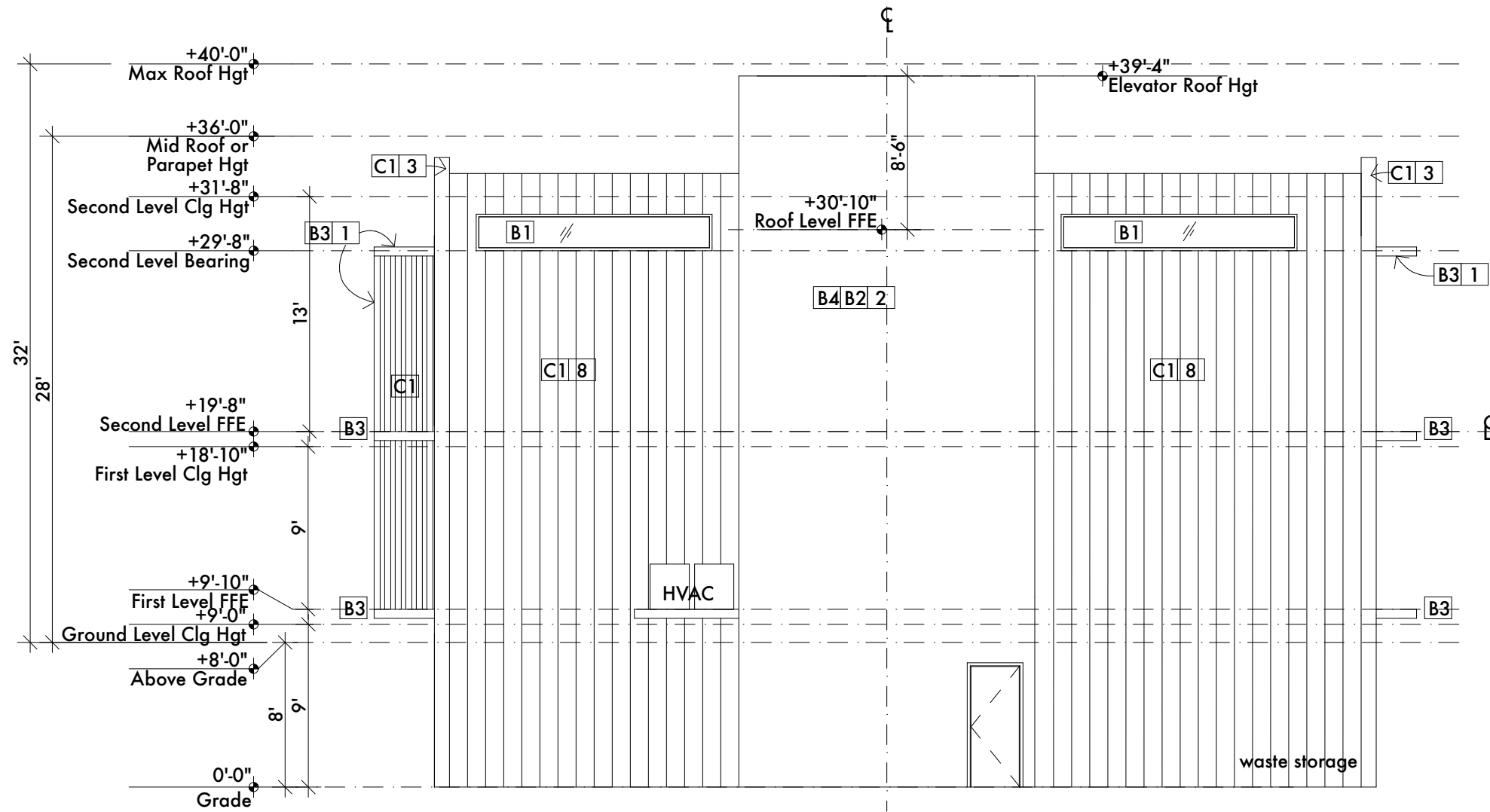
**E** East Elevation - rear water  
 SCALE: 1/8" = 1'-0"  
 0 4' 8' 16'

**GENERATE**  
 CONSTRUCTING ARCHITECTURE  
 FL LIC # AR94904  
 FL LIC # AA26003688  
 1329 50th AVENUE NORTHEAST  
 SAINT PETERSBURG, FLORIDA 33703  
 727.434.1546  
 GENERATEFL.COM

**THE JOHANSEN RESIDENCE**  
 JENS JOHANSEN  
 2311 PASS-A-GRILLE WAY  
 SAINT PETE BEACH, FLORIDA 33706  
 ISSUED ON : 3 JUN 2024  
 PAGE : 4 OF 13

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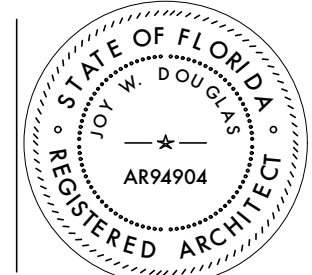


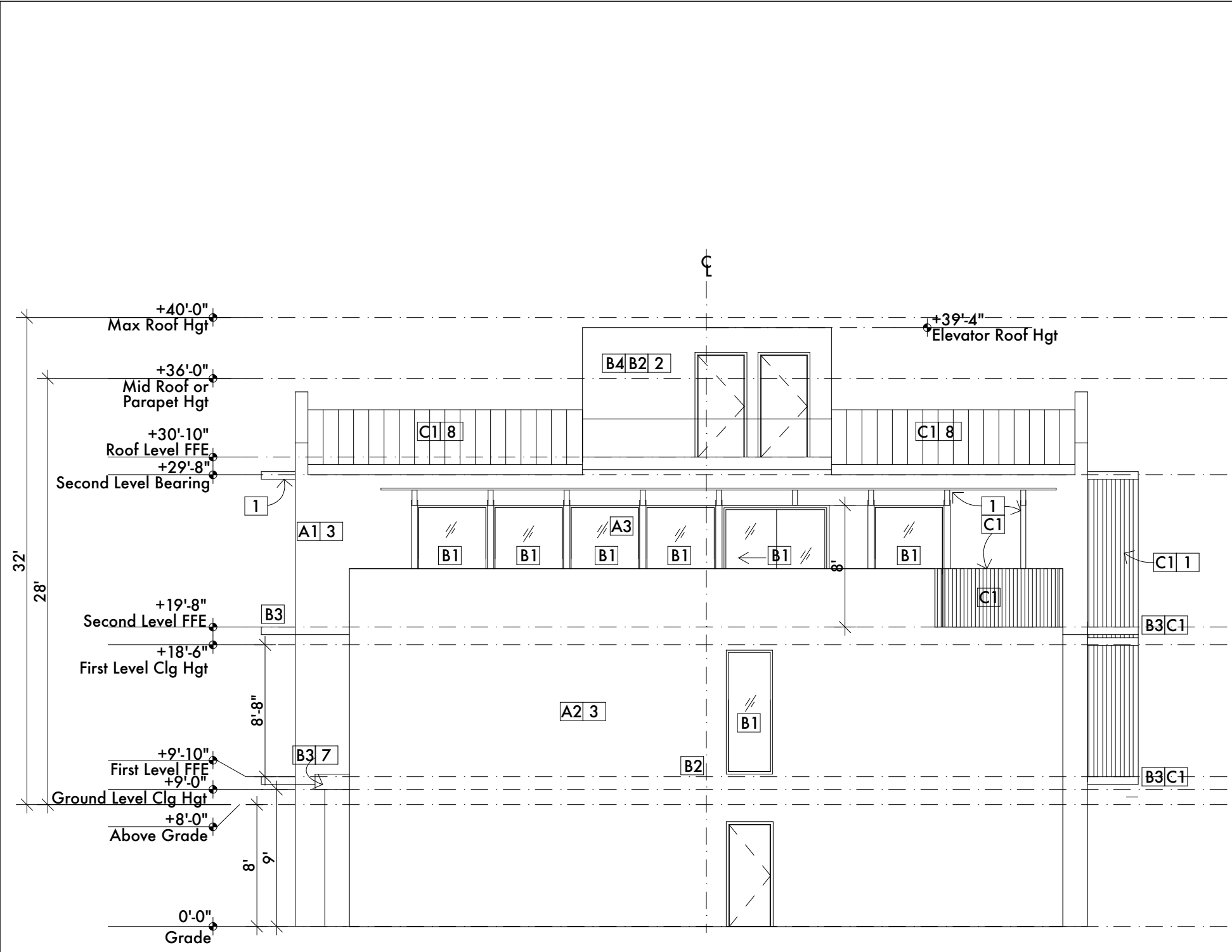
N
**North Elevation - side**  
 SCALE: 1/8" = 1'-0"

**GENERATE**  
 CONSTRUCTING ARCHITECTURE  
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 FL LIC # AA26003688  
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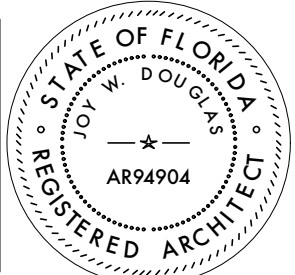


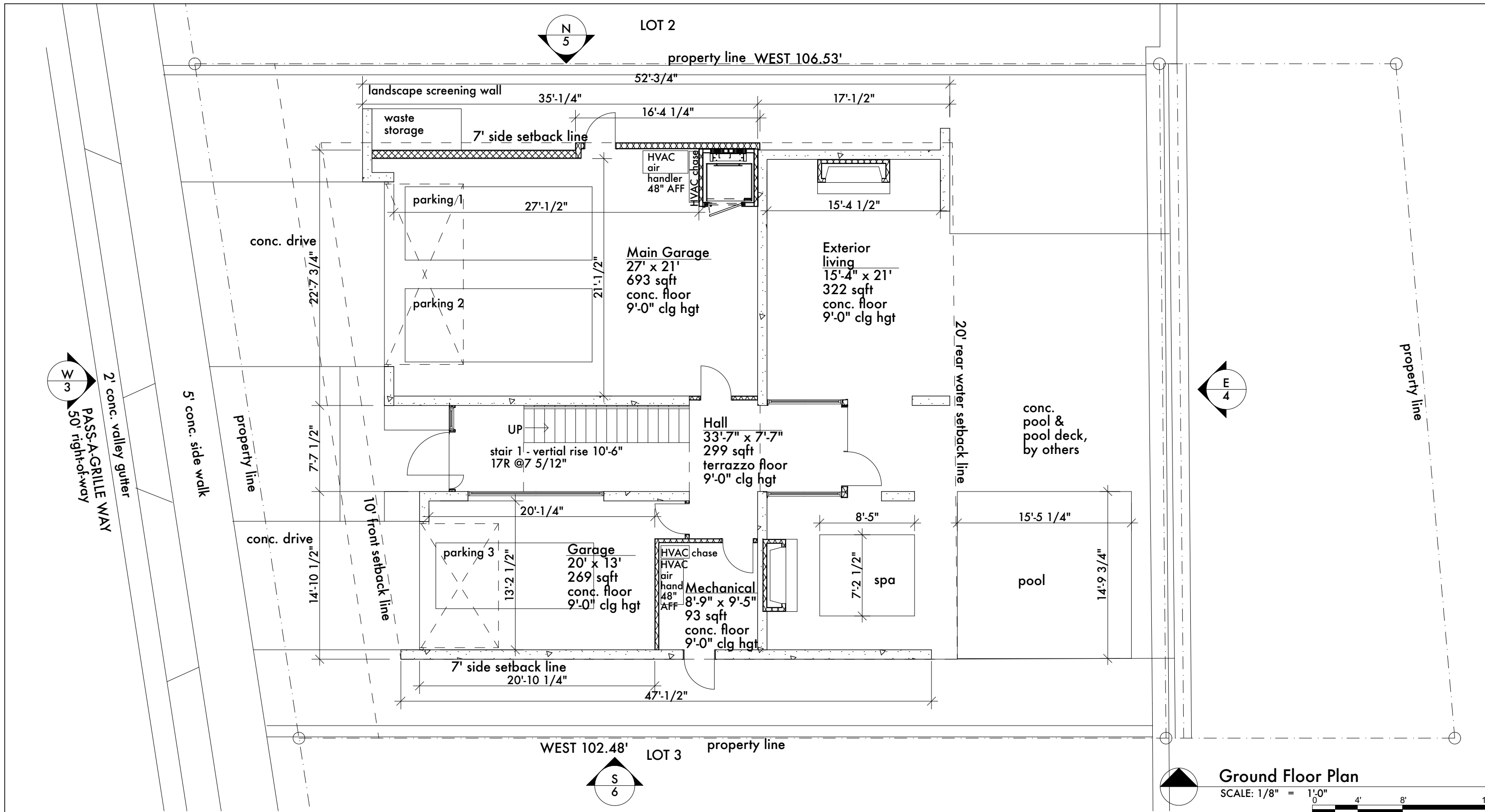
S
**South Elevation - side**  
 SCALE: 1/8" = 1'-0"

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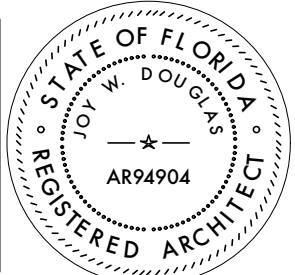


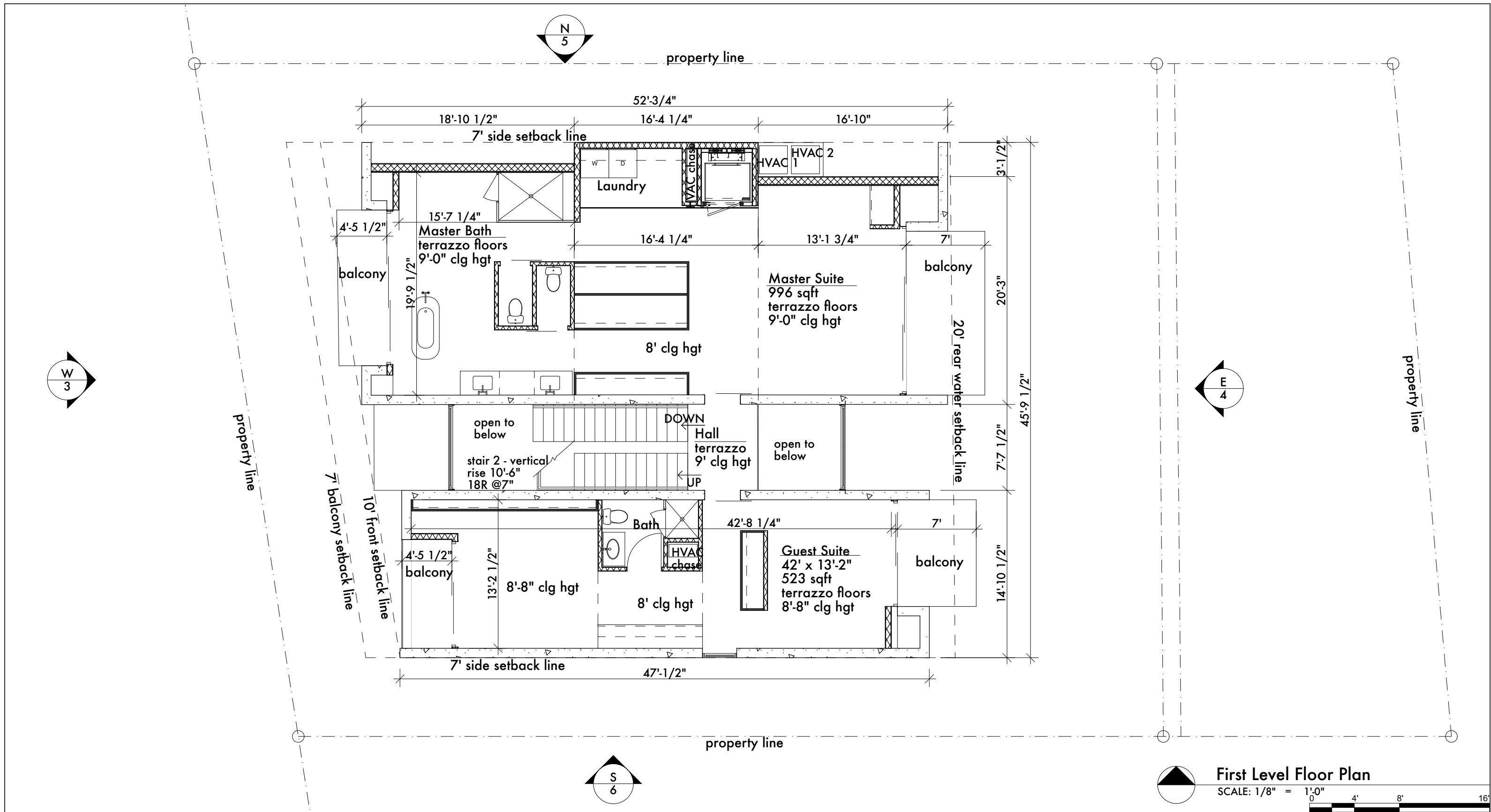
**Ground Floor Plan**  
 SCALE: 1/8" = 1'-0"  
 0 4' 8' 16'

**GENERATE**  
 CONSTRUCTING ARCHITECTURE  
 FL LIC # AR94904  
 FL LIC # AA26003688  
 1329 50th AVENUE NORTHEAST  
 SAINT PETERSBURG, FLORIDA 33703  
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**THE JOHANSEN RESIDENCE**  
 JENS JOHANSEN  
 2311 PASS-A-GRILLE WAY  
 SAINT PETE BEACH, FLORIDA 33706  
 ISSUED ON : 3 JUN 2024  
 PAGE : 7 OF 13

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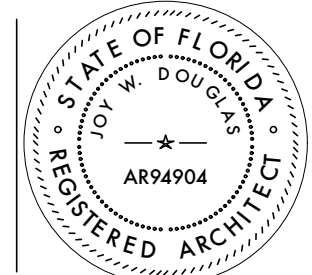


**First Level Floor Plan**  
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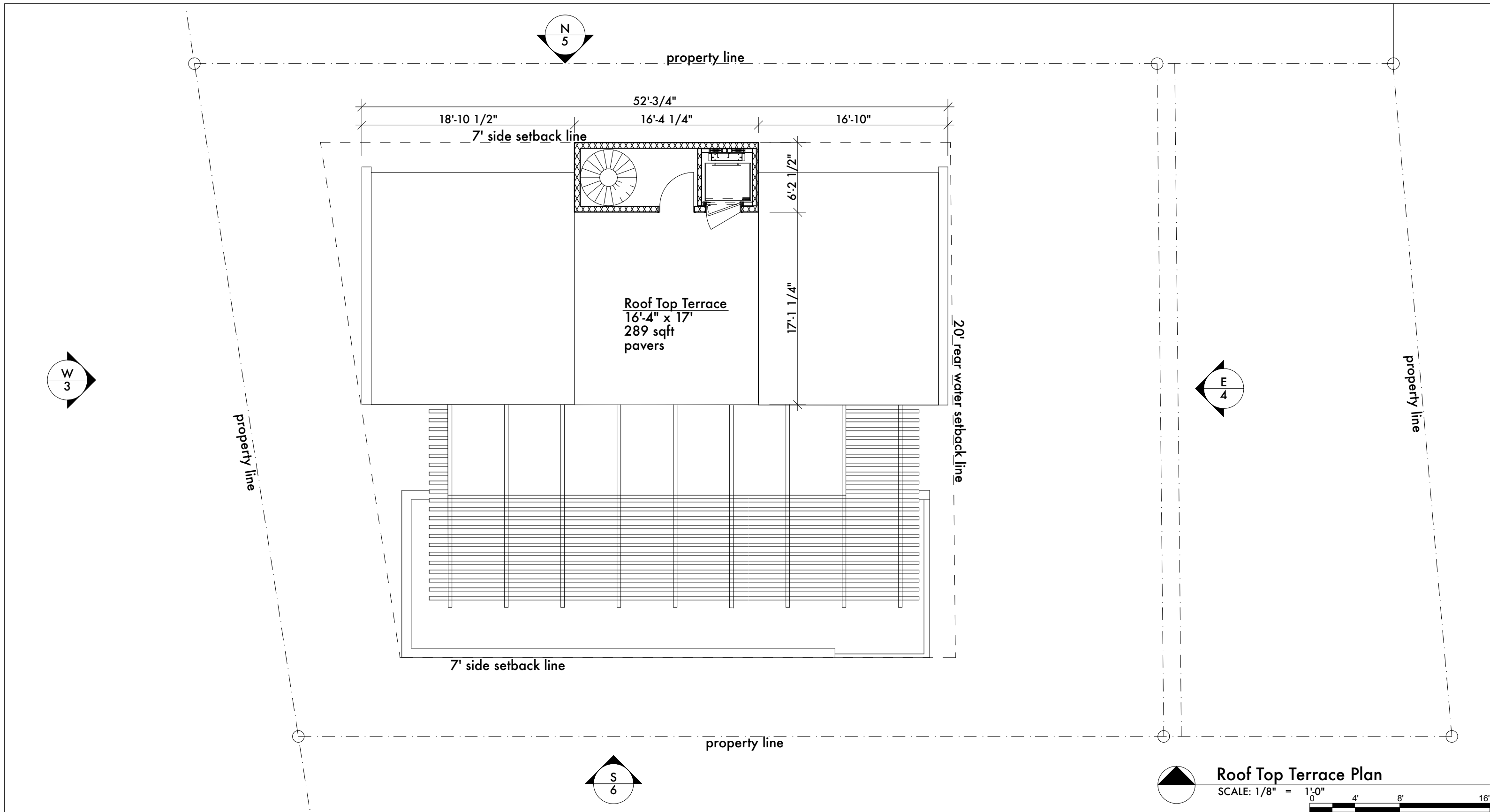
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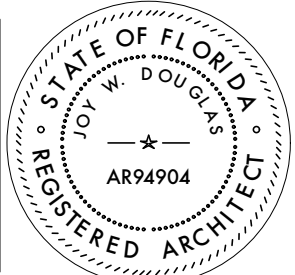


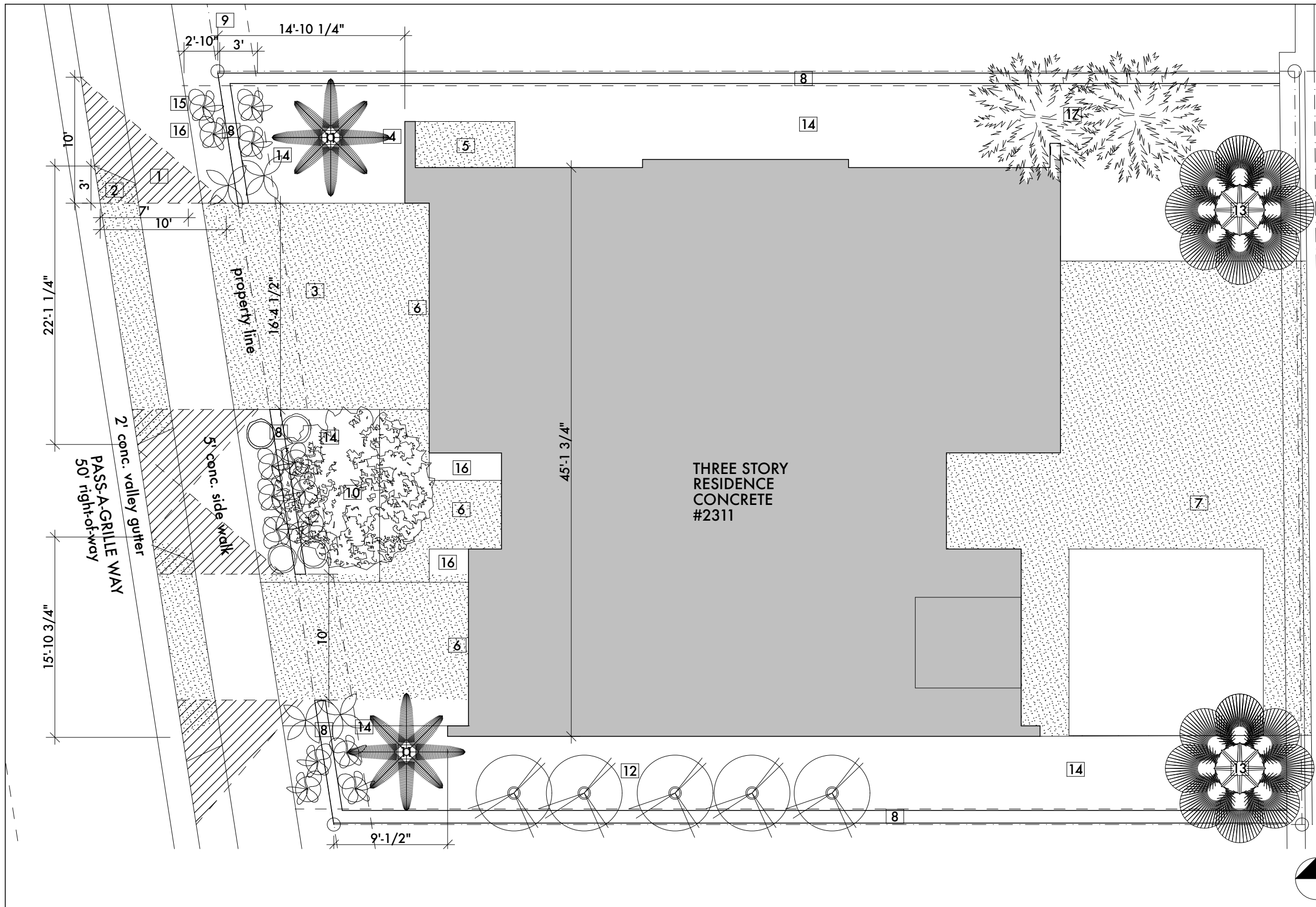
**Roof Top Terrace Plan**  
SCALE: 1/8" = 1'-0"  
0 4' 8' 16'

**GENERATE**  
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FL LIC # AA26003688  
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PAGE : 10 OF 13

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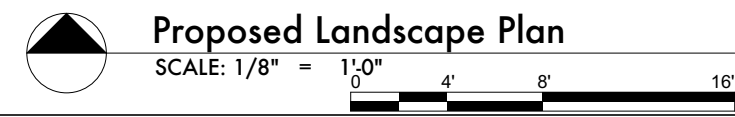




**Landscape Plan Numbered Notes**

In addition to items indicated on proposed landscape plan, scope is to include:

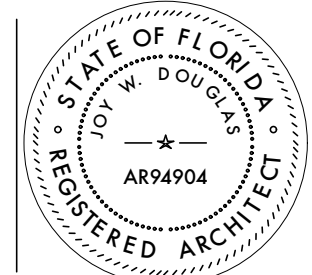
- All drainage collected and diverted out seawall or to right-of-way
- 1 Visibility triangle - 10' x 10', typ. //
- 2 Drive flare - 7' x 3', typ.
- 3 Concrete drive and walk
- 4 Waste screen wall
- 5 Waste storage area
- 6 Lighting located in soffit of primary garage, secondary garage, and entry roof
- 7 Concrete pool deck and pool, by others.
- 8 knee wall with shell stucco 2-4' height
- 9 min 3' wide landscape area, 9'-14' provided
- 10 one canopy tree provided, *Tabebuia argentia* (Gold Tree)
- 11 two understory trees provided, required 45'/20 lin ft = 2, fox tail palms
- 12 planting area with mix of travelers and fishtail palms
- 13 Bismark Palm
- 14 groundcover *Helianthus Debuis* or other approved plans
- 15 shrubs 10 required, 11 provided in right-of-way, 11 provided within property, min 3 gal
- *Conocarpus erectus*
- *Zamia pumila*
- *Muhlenbergia capillaris*
- 16 permanent mulch, stones
- 17 planting area with 3-5 Areca palms



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All visual representations in this application including but not limited to colors, textures, and finishes, and plant species are for thematic representation only. Exact specification and selections will be dictated by market availability at time of construction.  
 All representation made in the application are contingent on final grade and final survey.



**West Elevation - street front color**

NOT TO SCALE

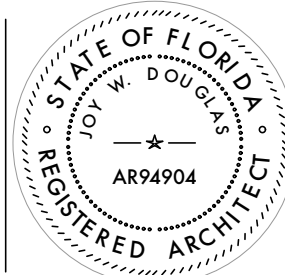
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 PAGE : 11 OF 13

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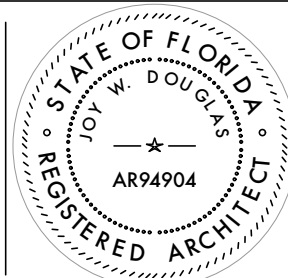
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 All representation made in the application are contingent on final grade and final survey.

**E** East Elevation - rear water color  
 NOT TO SCALE

**GENERATE**  
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 FL LIC # AA26003688  
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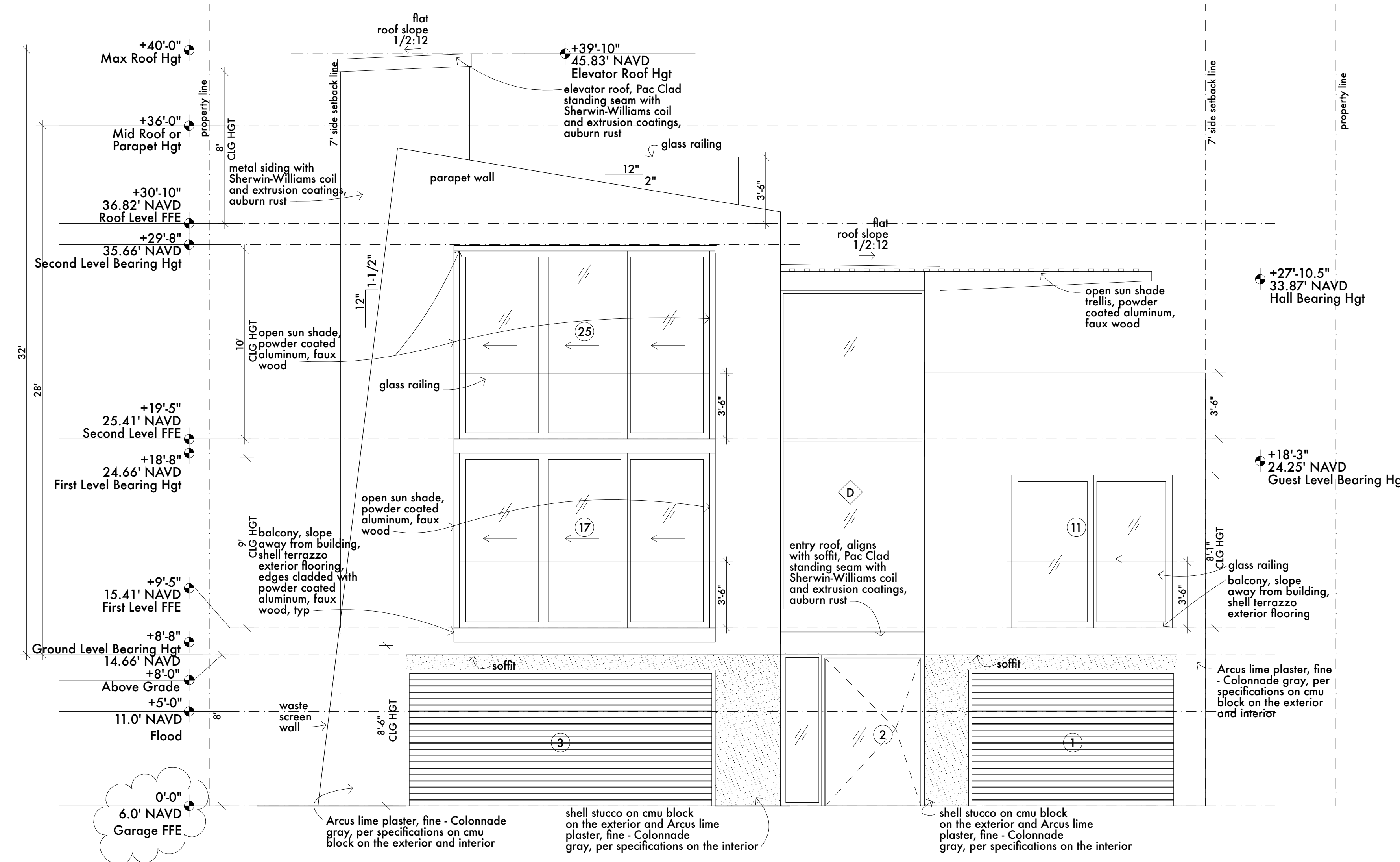
NEW CONSTRUCTION :  
 LISE & JENS JOHANSEN  
 2311 PASS-A-GRIFFLE WAY  
 SAINT PETE BEACH, FLORIDA 33706

ISSUED ON :  
 PERMIT 11 JAN 2025  
 REVISION #1 28 JAN 2025  
 REVISION #2 13 MAR 2025  
 VARIANCE 14 APR 2025

**A-201**

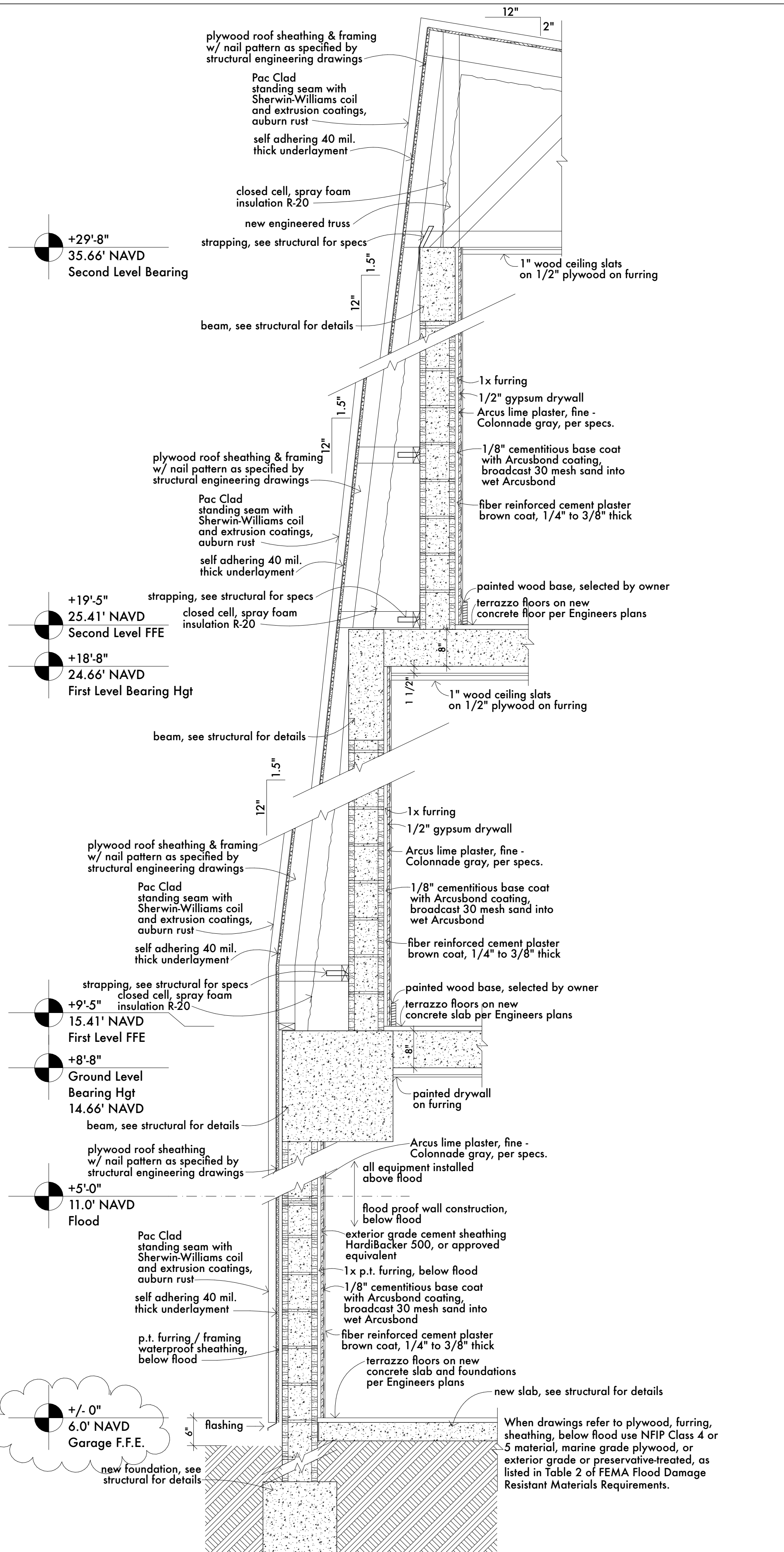
SHEET 8 OF 17

PERMIT # 2500948



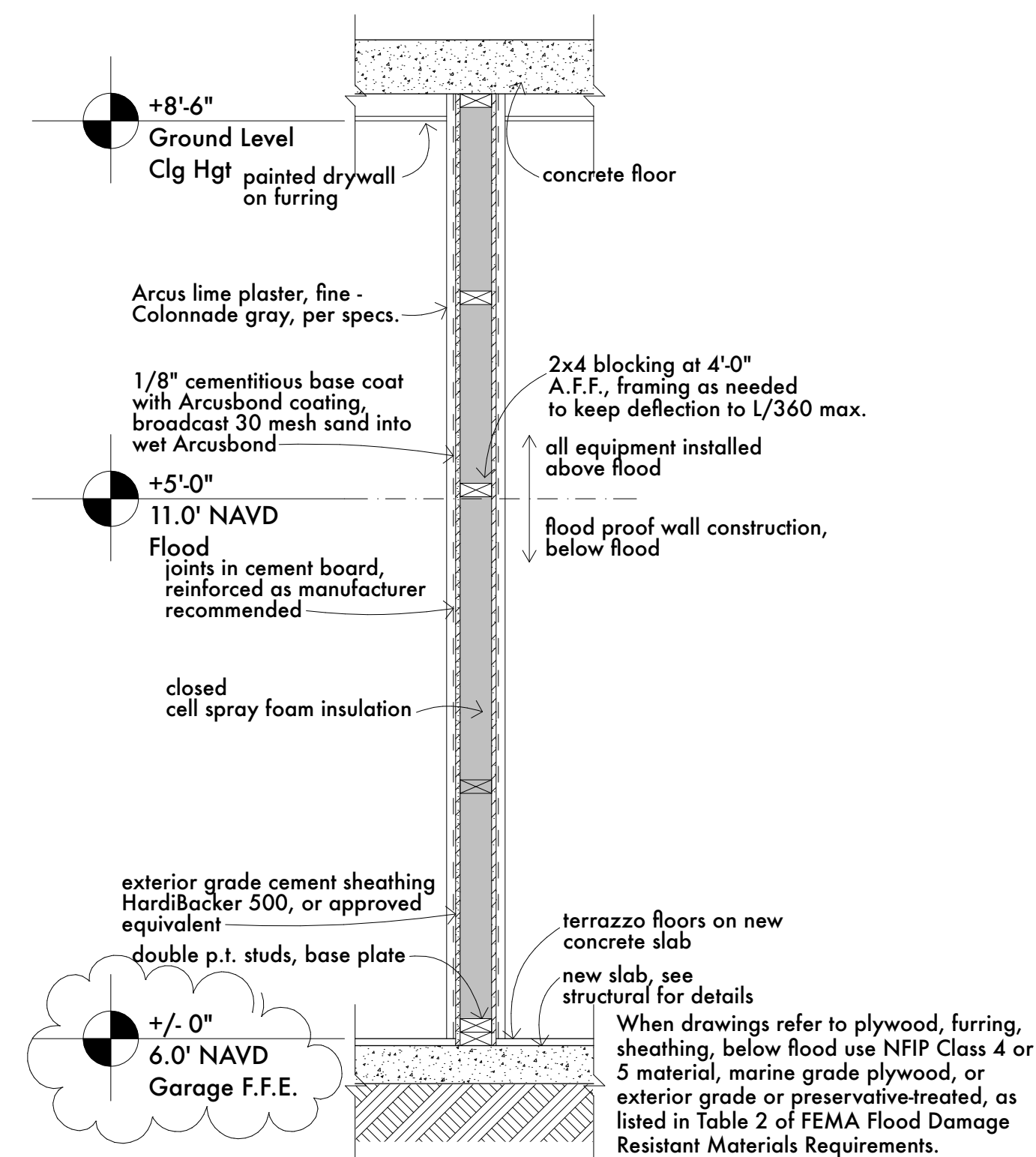
**W West Building Elevation - street front**

SCALE: 1/4" = 1'-0"  
**Elevation Notes**  
 In addition to items indicated on proposed elevation, scope is to include:  
 • Lighting located in soffit of primary garage, secondary garage, and entry roof.  
 • Glass and aluminum bar railings at 42" A.F.F.  
 • Total Elevation - 1,382sqft  
 Lower 50% mass - 803 sqft  
 Upper mass - 579 sqft  
 Primary mass - 746 sqft  
 Primary mass windows - 282 sqft  
 Void - 210 sqft  
 Secondary mass - 345 sqft  
 Secondary mass windows - 77 sqft  
 Maximum Transparency of ground 8' - 372 sqft total  
 Transparent 60 sqft = 16%  
 Windows 1,013sqft = 73% of total Elevation  
 PAG Architectural Elements  
 Please see Site Plan Notes, page A-102 for written description.



**WS-1 Wall Section - north roof wall**

SCALE: 3/4" = 1'-0"



**WS-2 Wall Section - flood proof interior**

SCALE: 3/4" = 1'-0"



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

**Agenda Report**

**Agenda Title Name:** Case No. 25052 – 100 Pass-a-Grille Way

**Action Request:** Motion to [approve, approve with conditions, deny, or continue to a date certain] Unnecessary and Undue Hardship Variance Case No. 25052 as follows:

1. Permit the encroachment of porches on Units 5 and 8 to 7'-4" from the front property line along Pass-A-Grille Way where 10'-0" is required (LDC Sec. 20.15. - Courtyard Apartment);
2. Permit the encroachment of a trellis to 5'-0" from the front property line along Pass-A-Grille Way where 10'-0" is required ((LDC Sec. 20.15. - Courtyard Apartment);
3. Permit the encroachment of a porch on Unit 2 to 2'-5" from the secondary front property line along 1st Avenue where 5'-0" is required (LDC Sec. 20.15 - Courtyard Apartment);
4. Permit the encroachment of the redeveloped Units 1 & 2 building to 5'-5" from the rear alleyway property line opposite Pass-A-Grille Way where 20'-0" is required (LDC Sec. 20.15. - Courtyard Apartment);
5. Permit the reconstructed Units 7 & 8 building stairs and decking to encroach to 8'-1" from the rear alleyway property line opposite Pass-A-Grille Way where 17'-0" is required (LDC Sec. 6.22.(b));
6. Permit the ground floor of each unit, not to exceed 500 square feet in floor area or 450 square feet in developed area between walls, to be excluded from the calculation of developed square footage (LDC Sec. 20.07.(b));
7. Permit the living levels of each unit, not to exceed 450 square feet in floor area or 343 square feet in developed area between walls, to be excluded from the calculation of developed square footage (LDC Sec. 20.07.(b)).

**Strategic Objective:**

**Date:** May 28, 2025

**Prepared By:** Brandon Berry, Senior Planner

**Through:** Laura Canary, Community Development Director

**Summary of Issue:** *Unnecessary and Undue Hardship Variances:* Brian J. Aungst, Jr. and Clay Gilman of Macfarlane, Ferguson & McMullen, P.A. for BARRACKS BY THE SEA, LLC requests a two-part unnecessary and undue hardship variance associated with a courtyard apartment redevelopment of the property in order to:

1. Allow exemption of non-habitable space below the design flood elevation from the calculation of developed square footage, and allow for an additional approximate 450 sq. ft. of floor area per unit (2,700 sq. ft. total) to allow for an additional floor of habitable space in the six redeveloped residential units (LDC Sec. 20.07.(b)); and,
2. Allow entry porches to encroach to 7'-4" and a trellis to encroach to five feet from the Pass-A-Grille Way (east) property line where 10 feet is required, a porch to encroach to 2'-5" from the 1<sup>st</sup> Avenue (south) property line where five feet is required, a three-story duplex building to encroach to 5'-5" from the alleyway (west) property line where 20 feet is required, and new stairs and walkways on the existing, remaining three-story building to encroach to 8'-1" from the alleyway property line where 17 feet is required. (LDC Sec. 20.15. - Courtyard Apartment).

**Funding:** n/a

- Attachments:**
1. 25052 - Staff Report
  2. 25052 - Application
  3. 25052 - Survey\_100 Pass A Grille
  4. 25052 - Plans
  5. 25052 - Unified TRC Comments
  6. 25052- Revised - Site Plan & Development Package - Submitted 5.14.25
  7. 25052 - Revised Narrative - Submitted 5.15.25
  8. 25052 - Letters Received as of 05.19.25



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## COMMUNITY DEVELOPMENT - PLANNING

**Date:** May 19, 2025  
**To:** Board of Adjustment  
**Re:** Staff Findings Report  
Unnecessary and Undue Hardship Variance  
Address: 100 Pass-A-Grille Way  
Parcel Number: 19-32-16-58932-011-0030  
Brian J. Aungst, Jr. and Clay Gilman of Macfarlane, Ferguson & McMullen, P.A. for  
BARRACKS BY THE SEA, LLC  
Variance Case No: 25052

**Prepared by:** Brandon Berry, Senior Planner

**Hearing Date:** 5/28/2025

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

1. Completed Unnecessary and Undue Hardship Variance package with associated forms, submitted 4/4/2025.
2. Amended application narrative response to question 4), submitted 5/14/2025.
2. Property survey depicting current improvements, sealed 4/10/2017
3. Site plan, floor plan, and renderings package consisting of twelve sheets, submitted 4/4/2025, revised 5/6/2025.

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

### Site Description/Surrounding Land Uses

The subject site is an approximately 0.28 acre parcel located at the southern terminus of Pass-A-Grille Way, known as parcel number 19-32-16-58932-011-0030 and legal description of MOREY BEACH BLK 11, LOTS 3,4 AND 5. The property is located within the RLM-2 Residential District with Pass-A-Grille (PAG) Overlay, and within the RLM Residential Low Medium land use category on the future land use map. It contains four buildings, three of which are single-story duplex residences converted from 1940s-constructed U.S. Army barracks during the commandeering of southern Pass-A-Grille, with the remaining northwest building constructed in 1994 as a modern and floodplain-compliant two-family residence. The three barracks structures are considered contributing historic resources to the Pass-A-Grille Historic

District, having been initially picked up as resources in the 2003 boundary increase and remaining contributing resources during the 2015 re-survey.

The two eastern structures on the lot sustained significant intrusion from flooding during the 2024 hurricanes, and were considered by the City's deputy building official to be irretrievably damaged. The inspector found the southwestern structure to have sustained damage that appears to be repairable, and the northwestern structure to have not sustained significant damage.

The applicant was approved at the May 2025 Historic Preservation Board meeting for demolition of the three single-story structures. They also presented the design review for the subject proposal, which is discussed in more detail at the end of this report.

**Figure 1: Aerial Photography**



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

**Technical Review Committee**

The Technical Review Committee met on May 7, 2025 to discuss this request. Comments were shared primarily by zoning related to the subject scope and included requests for additional narrative support, detailed floor plans, summary of applicant commitments from the Historic Preservation Board design review, design modification potential, and owner consideration for relocating one or more of the dwellings to Pass-A-Grille Park to replace the significantly-damaged shuffleboard court clubhouse. Other preliminary comments were shared regarding requirements for obtaining a site plan should these variances be approved.

**Request**

The applicant is seeking to redevelop the three existing one-story bungalows on the property and is seeking variances to developed square footage and setback requirements, as follows:

- 1) Allow exemption of non-habitable space below the design flood elevation from the calculation of developed square footage, and allow for an additional approximate 450 sq. ft. of floor area per unit (2,700 sq. ft. total) to allow for an additional floor of living square footage in the six redeveloped residential units (LDC Sec. 20.07.(b)). This is specifically a request for an increase of 840 developed square feet per unit between walls, inclusive of 450 square feet of ground-floor parking, storage, and porch space, and 365 square feet of additional living space above the existing 475 square feet, spread between the first and second living stories of each unit; and,
- 2) Allow entry porches to encroach to 7'-4" and a trellis to encroach to five feet from the Pass-A-Grille Way (east) property line where 10 feet is required, a porch to encroach to 2'-5" from the 1<sup>st</sup> Avenue (south) property line where five feet is required, a three-story duplex building to encroach to 5'-5" from the alleyway (west) property line where 20 feet is required, and new stairs and walkways on the existing, remaining three-story building to encroach to 8'-1" from the alleyway property line where 17 feet is required. (LDC Sec. 20.15. - Courtyard Apartment).

### **Analysis**

Residential developments on small lots containing more than one residential unit are frequently nonconforming to the current density restrictions, especially those in St. Pete Beach that were developed prior to the introduction of City-wide zoning regulations in the late 1950s. The City's Land Development Code allows for additions that do not create an additional unit, and renovation to, these structures until they are substantially improved or redeveloped, upon which the entire property must be made conforming to the density regulations.

In Pass-A-Grille, as a recognition of the unique pre-suburban development patterns and desire to maintain the historic integrity of the area, property owners have an additional option to electively redevelop their properties and maintain density that would otherwise be nonconforming to the current district regulations. However, the structures are restricted from exceeding their existing developed square footage, which includes both non-habitable space such as that created on a ground-floor storage and parking level, or bathrooms, and additional habitable square footage, such as the addition of new bedrooms, kitchen space, or dining rooms.

The applicant is seeking to redevelop the existing one-story, 500 square feet floor area units contained in three of the four buildings on property with the following:

- 1) A ground floor of 500 square feet floor area, with 450 developed square feet between walls, to be used for parking for Units 1 & 2 at the southwest corner of the property, and to be used as screened porches for Units 3 through 6 at the eastern side of the property;
- 2) A reconstructed first-floor living area of 500 square feet floor area, containing 418 square feet of developed square footage between walls;
- 3) A newly-constructed second-floor living area of 500 square feet floor area, containing 422 square feet of developed square footage between walls.

Variances required as a result of the proposed changes:

<b>Figure 3: Zoning Table</b>			
<b>Residential Dwellings</b>	<b>100 Pass-A-Grille Way</b>		
	<u>PAG Overlay Required</u>	<u>Existing</u>	<u>Proposed</u>
Developed Square Footage	Not to exceed existing developed square footage	475 square feet per unit	1,290 sq. ft. per unit <b>(v)</b> :  Ground floor: 450 square feet First living floor: 418 square feet Second living floor: 422 square feet
Front Yard Setback – Pass-A-Grille Way (Min.)	10'	6'-6" (porches)* 9'11" (building)*	7'-4" (porch – unit 3 and 6) <b>(v)</b> 5'-0" (trellis) <b>(v)</b>
Secondary Front Setback – 1 <sup>st</sup> Ave (Min.)	5'	10.27' (building)	2'-5" (porch) <b>(v)</b>
Rear Setback (Alleyway)	20' (building) 17' (stairs)	12'-7" (building)*	5'-5" (building) <b>(v)</b> 8-1" (stairs) <b>(v)</b>
*Denotes existing non-conformity <b>(v)</b> = Variance required			

Figure 4: Site Layout Plan (N.T.S.)

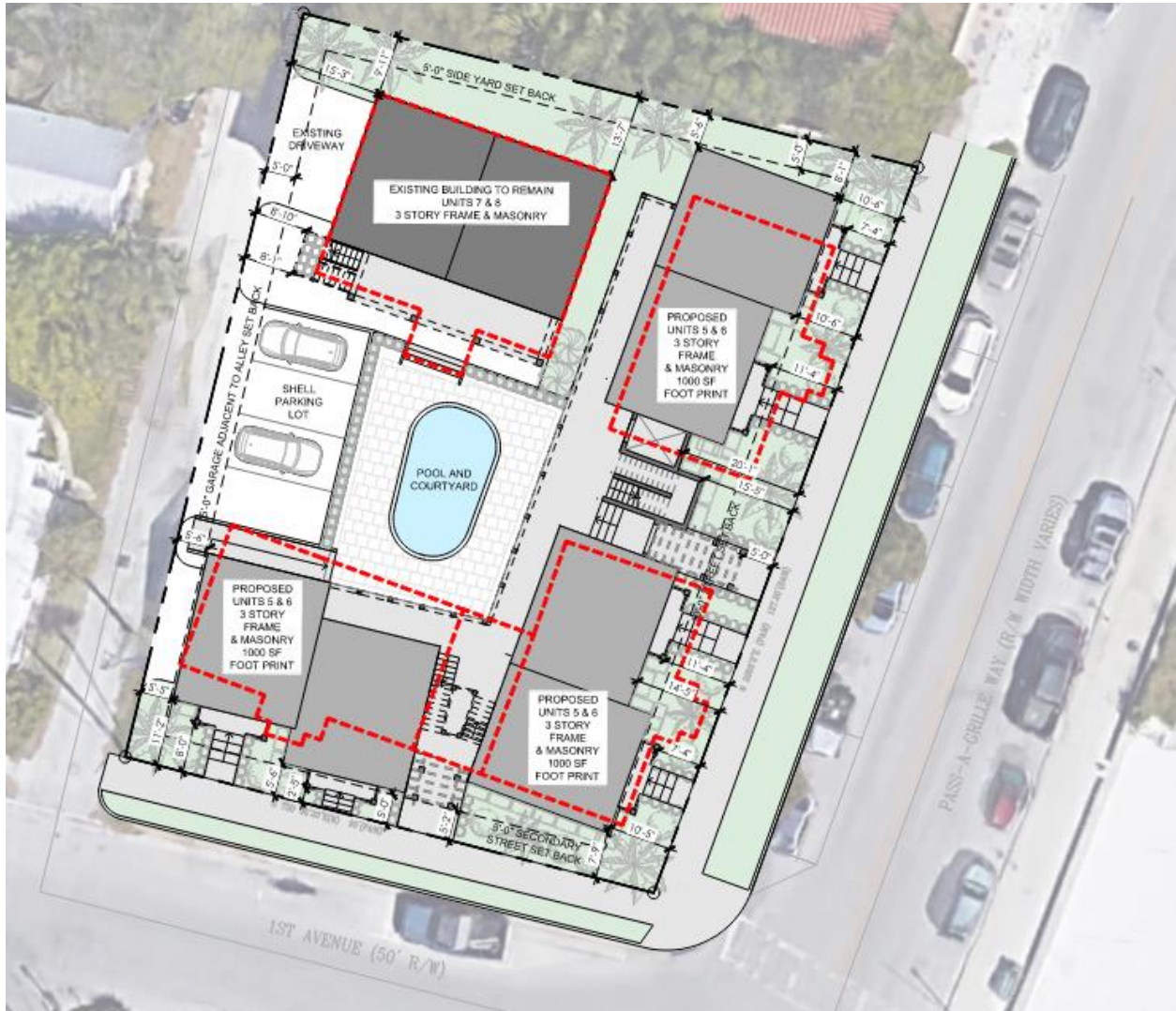
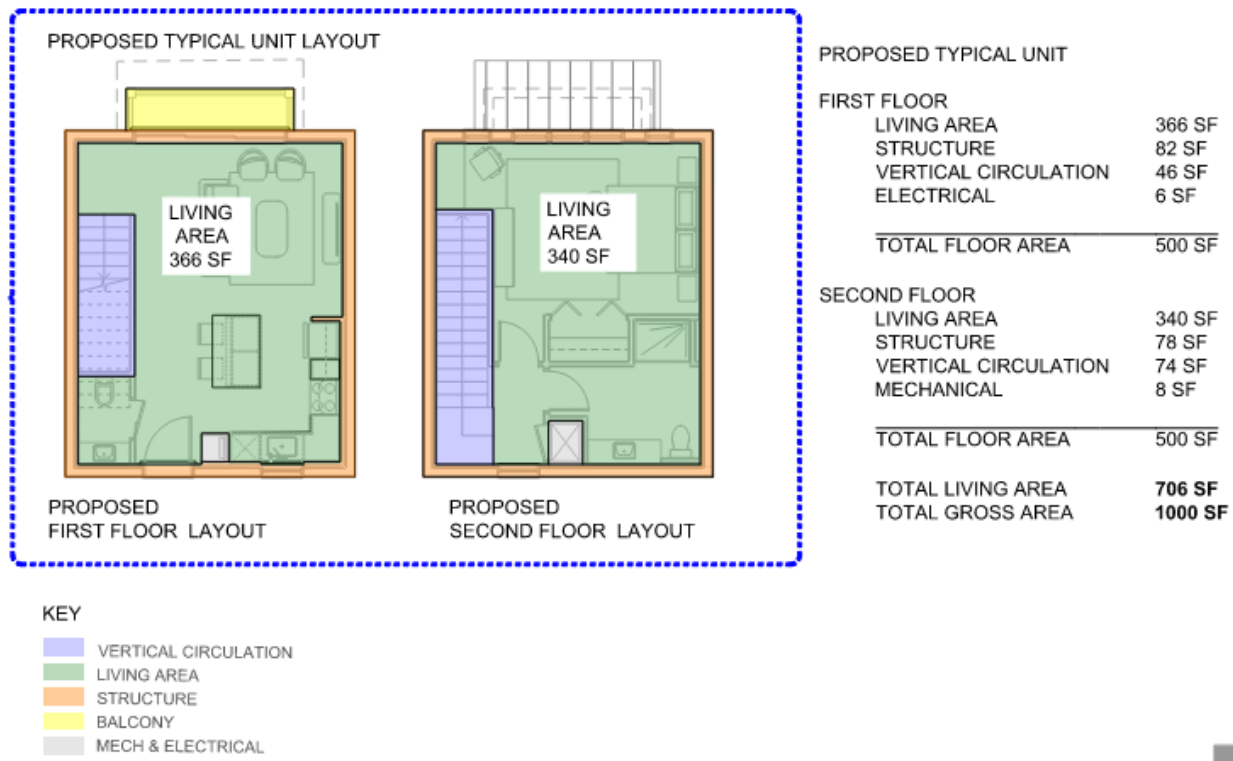


Figure 5: Floor Area Calculations



**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;**

*The two easternmost structures on this property, containing a total four units, that are proposed for redevelopment have been declared unsafe for habitation by a City building inspector due to damage from Hurricanes Helene and Milton. While these structures are held to the same redevelopment standards as any other structure with nonconforming density in Pass-A-Grille, this is one of only a few residential properties that have received such a declaration and is a somewhat peculiar circumstance.*

*Additionally, due to the age of the structures, the applicant has advanced compliance with modern floodplain regulations and building code requirements as justification for the increased living area of the structures. The structures are currently developed as walk-ups which are not adequately elevated to meet floodplain requirements, which is not peculiar in Pass-A-Grille or the RLM-2 District. However, when considered in the context of damage sustained, these requirements and the applicant’s potential*

*interest in protecting the structures from future flood events do present additional reconstruction barriers to the two easternmost structures on the lot compared with other properties in the same zoning.*

*The setbacks proposed for the eastern side of the lot are in general keeping with the existing buildings, as is the setback from the alleyway for the replacement stairs of the Units 7 & 8 building. As the stairs are a necessary element to access the upper story of an existing building, which would need to be internally retrofitted to support stairs without a variance, Staff finds this to be a peculiarity that is particular to the existing structure. The porches proposed will encroach to a similar setback as the existing, and the balconies above the porches are permitted an additional encroachment by-right that will match the encroachment of the porches below.*

*The Units 1 & 2 building maintains the same general setback as the existing structure, but the overall mass and scale of the structure within that setback does not reflect current conditions or some condition of the land that Staff currently finds would become apparent through redevelopment. Staff finds the request would have been justified in reconstruction of the living level and elevation of that level to meet floodplain requirements, with use of the ground floor for parking as proposed. However, the addition of the extra living space and living level creates a condition that appears to largely be an applicant preference for additional living square footage, which Staff does not find to fully support this criteria.*

*The request for encroachment of the porch on the southern frontage of the lot appears to largely be undertaken to accommodate a new pool at the center of the property, and does not reflect an existing condition. Staff does not find the southern porch encroachment to be based upon response to an existing peculiarity of the land, structure, or building, but one created through this project to accommodate an accessory feature.*

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

*The development of the property, like so many in Pass-A-Grille, preceded current zoning regulations and modern building code standards, including the Florida Building Code as a regulating set of standards. The Pass-A-Grille Overlay District promotes retaining existing density and scale of development by allowing applicants to retain their dwelling units at the same developed square footage, but the proposal must also show compliance with the Florida Building Code, modern stormwater and parking requirements, and other standards that were not applicable under the original development. The applicant and prior owners were not responsible for the accumulating development and building regulations applied to the property between their original construction and the present day, nor were they responsible for the damage sustained from the recent hurricanes.*

*However, to the extent of consideration of the current project, Staff finds that the 1<sup>st</sup> Avenue porch encroachment, alleyway Units 1 & 2 building encroachment at its proposed developed mass and scale, and additional developed square footage except that required to meet modern accessibility requirements, do result from the desire of the property owner to develop residential units with larger living square footages.*

**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;**

*Although such a project has not been undertaken in Pass-A-Grille since the adoption of Section 20.07.(b) in 2017, Staff finds that denial of subject variances to exclude the ground-floor non-habitable space, prohibit encroachment of the porches into the front yard, and stairs into the rear yard, would deprive the applicant structures that are consistent with the existing mass and scale of the district as promoted in the District's purpose and intent. The setback encroachments preceding are found to be reasonable, and the use of the habitable space an acceptable trade-off between current floodplain management regulations and the need to accommodate modern development regulations like code-compliant parking spaces underneath the new Unit 1 & 2 building. The trellis encroachment into the front yard, while not necessary, is reasonable and contributes to the design integrity of the project without causing issue to adjacent properties or the public right-of-way.*

*The additional living square footage of the structure, calculated by Staff to be an increase of 365 square feet when excluding the newer, thicker walls that account for an approximately 50 square foot difference in usable developed floor space between floors, is partially justified by the additional space needed to accommodate a Fair Housing Act-compliant powder room at the first living level, at 22 square feet in area. Additionally, to the extent that the applicant develops an additional floor, space required to be allocated for the landing and stairs (calculated as 120 square feet per floor) is reasonable to exclude. However, Staff does not currently find the remaining 223 square feet of living space per unit to have been supported through the application narrative to remedy a hardship faced specifically at this property, as the structure could be redeveloped with the same number of units and only the required additional square footage to accommodate current, applicable code requirements.*

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

*The use is consistent with the Land Development Code, and will not permit an increase in development density compared with the existing use, which contains eight units. Staff has advanced concerns regarding the mass and scale of the structures as it pertains to the structures' consistency with the Land Development Code requirements, which promote compatibility and preservation of that form and mass in new development. These comments were shared by the Historic Preservation Board in their review of the project at the May 2025 Historic Preservation Board meeting.*

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

*The variance allowing for additional developed square footage, particularly the additional living level and associated living square footage, is likely to lead to greater financial viability for the project. However, Staff has reviewed the floor plans submitted on May 14<sup>th</sup> and finds that the spaces proposed within each unit are reasonably-allocated, with the project comprising only approximately 706 square feet of living space between walls independent of the stairs, landing, electrical area, and mechanical closet. Floor space is to be utilized for an open-floor plan living area and kitchen on the ground level,*

and a bedroom and bathroom on the upper level, which are reasonable allocations of space that do not appear to Staff to be excessive in the context of other, recent multifamily projects.

*Staff does not find the setback variances to directly affect the financial viability of the project.*

**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 Pass-A-Grille Overlay District purpose and intent provide for greater flexibility in development regulations than other zoning districts that are largely based on suburban zoning patterns, with Pass-A-Grille's regulations placing greater emphasis on the retention of existing uses, form, mass, and scale of development at the zoning lot level. Staff recognizes that the applicant is required to comply with modern building code and housing requirements, and Staff finds the applicant's architect has provided support for additional square footage of the powder room at the Technical Review Committee meeting for this request. However, Staff does not find the overall scale of this request will convey the same treatment as the owners of other properties within the district undertaking the same type of development, who will remain limited to the same developed square footage which the applicant is seeking to exceed. As noted by the applicant in their discussion with Staff, this property could be split to contain up to three detached dwelling units, or redeveloped as a duplex development, without limitation to the square footages of the existing structure other than those imposed by required setbacks, impervious surface limits, and building height. It is specifically the request to retain the eight dwelling units that further limits the developed square footage of the structures.*

*Staff does find support for this request for the setback encroachment of the Units 1 & 2 building independent of the additional living area request, and encroachment of the balconies into the eastern frontage and rebuilt stairs into the western alleyway frontage. The applicant's reconstruction of these dwelling units is not being undertaken voluntarily but as a response to the damage sustained to the structures, and the applicant is required to both elevate the structures and comply with current parking requirements. Other property owners in Pass-A-Grille have the option to maintain their existing nonconforming setbacks and parking conditions, which is not available to the applicant in this instance due to the extent of damage to the two eastern structures as relayed by the City's inspector.*

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

*Staff finds the setbacks requested to be the minimal for reasonable redevelopment of the property given the Pass-A-Grille Overlay District's emphasis on retention of form and mass, with the exception of the southern 1<sup>st</sup> Avenue porch, which appears to be proposed to encroach solely for providing additional space at the rear of the unit for a pool to be constructed. Staff asks for additional testimony from the applicant at the hearing as to whether there is another limitation to increasing the setback of this frontage to meet the five-foot setback requirement.*

*Staff also finds the increase of the structures' developed square footage by 450 square feet to accommodate the ground-level parking, and living square footage by 22 square feet to accommodate the powder room as provided by the architect at the Technical Review Committee meeting, comprising units of up to 947 square feet of developed space between walls, to be reasonable and minimal in scope. The applicant is redeveloping the structures as floodplain-compliant which makes elevation of*

*the structure by at least eight feet mandatory, with the minimum living level elevation above grade likely to be 9-10 feet due to coastal zone requirements. Requiring this elevation without allowing the applicant to utilize the newly-established ground level as usable, non-habitable, space would present a significant hardship to redevelopment and likely render it impossible to preserve the existing form, mass, and square footage of the living level of the building. Staff also finds the applicant is not at fault for complying with Fair Housing Act requirements, and finds the request for an additional 22 square feet to place a powder room at the ground floor to be reasonable.*

*Staff seeks additional applicant testimony at the hearing as to how the additional calculated 223 square feet when subtracting the stairs, landing and powder room, or 343 square feet if the structure remained one living level, is the minimum to make use of the building. The applicant has alternative options for development, such as splitting the lots to construct new single-family residences or developing a larger structure on the current parcel with two dwelling units, to make use of the property viable. While it may not be fiscally sensible in this instance, the applicant also has the option to reconstruct the development at the existing square footage. Staff finds that granting of the requested setback variances and permission for allowing the use of the ground floor square footage and additional living area square footage to meet current minimum housing requirements may suffice to make the project viable, unless testimony to the contrary is presented by the applicant. The applicant states that the additional square feet is comprised solely of staircases, required connections, increased wall thickness, and to meet FEMA requirements, but Staff does not understand how that is justified in the calculations provided.*

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

*Staff finds the Pass-A-Grille Overlay District supports the redevelopment of the neighborhood's eclectic building layouts and structure types, recognizing the area was developed prior to modern zoning regulations and that requiring strict compliance would lead to loss of community identity. Staff also recognizes that the applicant is required to contend with numerous building and site requirements that were not in place at the time of the original barracks structures' construction, such as need to provide for on-site drainage, parking, and for the buildings to comply with floodplain management and building code requirements. Staff finds that allowing redevelopment that can continue to make these multi-family projects viable is in keeping with the LDC and Comprehensive Plan, but that the applicant has not yet advanced sufficient testimony to support the need for additional developed square footage over and above that required to support the ground-floor non-habitable space and powder room.*

*Staff does find the project would not be injurious to the neighborhood as far as the subject requests are concerned, as the existing developed neighborhood does contain projects of larger mass, scale, and density which are eligible to be maintained. Furthermore, if the applicant split the lots, they would be eligible to construct a House-Small or House-Medium development type on each of the three platted Morey Beach lots, which could overall comprise a much larger square footage of living space than is being proposed for this project even with variances.*

*Staff does not find the project would substantially diminish property values, as the City's design consultant found the project to be of a high-quality design in keeping with the regulations for the zoning district, and the project would not increase density at the property, or the intensity of any particular unit. The units will remain one bedroom as existing.*

### Other

Staff finds that the applicant has addressed some of the hardship criteria but does request additional testimony be provided to demonstrate that denial would result in deprivation of an integral and necessary aspect of the use of the property in a manner that creates a hardship.

Staff finds adequate testimony has been supported for the following requests:

1. Permit the encroachment of porches on Units 5 and 8 to 7'-4" from the front property line along Pass-A-Grille Way where 10'-0" is required (LDC Sec. 20.15. - Courtyard Apartment);
2. Permit the encroachment of a trellis to 5'-0" from the front property line along Pass-A-Grille Way where 10'-0" is required ((LDC Sec. 20.15. - Courtyard Apartment);
3. Permit the encroachment of the redeveloped Units 1 & 2 building to 5'-5" from the rear alleyway property line opposite Pass-A-Grille Way where 20'-0" is required (LDC Sec. 20.15. - Courtyard Apartment);
4. Permit the reconstructed Units 7 & 8 building stairs and decking to encroach to 8'-1" from the rear alleyway property line opposite Pass-A-Grille Way where 17'-0" is required (LDC Sec. 6.22.(b));
5. Permit the ground floor of each unit, not to exceed 500 square feet in floor area or 450 square feet in developed area between walls, to be excluded from the calculation of developed square footage (LDC Sec. 20.07.(b));

Staff seeks additional testimony from the applicant for other requests, as follows:

1. **Permit the encroachment of a porch on Unit 2 to 2'-5" from the secondary front property line along 1<sup>st</sup> Avenue where 5'-0" is required (LDC Sec. 20.15 - Courtyard Apartment):** Staff requests testimony to support whether the building could be relocated further interior to the lot to allow for the porch to meet the required setback, even at the expense of a smaller pool or less decking area around the pool.
2. **Permit the living levels of each unit, not to exceed 450 square feet in floor area or 343 square feet in developed area between walls, to be excluded from the calculation of developed square footage (LDC Sec. 20.07.(b)):** Staff finds that the applicant has advanced sufficient testimony to support the additional 22 square feet necessary for the powder room, and for exclusion of the ground floor non-habitable space as previously stated. However, Staff does not find that the application has adequately supported how the additional living square footage of 223 square feet inclusive of the stairs in a two-living level development, or 343 square feet if the development remains one living level, is necessary to allow for reasonable minimum use of the structure when reconstructed, or how the standard presents a specific hardship when there are other options available for use of the property in addition to reconstruction of the existing dwelling units.
3. The applicant may wish to proffer any additional conditions they find will assist to mitigate the concerns of the Historic Preservation Board during their review in early May 2025, where it was found the structure as its proposed mass and scale faces compatibility challenges.

**Summary**

Staff finds that the applicant has addressed some of the hardship criteria but does request additional testimony be provided to demonstrate that denial would result in deprivation of an integral and necessary aspect of the use of the property in a manner that creates a hardship.

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

1. The interior ground-floor developed square footage provided under this request shall not exceed the footprint of the living level above, or 450 square feet, whichever is larger.
2. The façade features, footprints, scale, massing, attached accessory features, and general color schemes of the primary structures as presented in renderings and floor plans attached to this request shall be preserved, except that minimal alteration may be made as necessary to comply with conditions or approvals of these variances, or requirements of the Florida Building or National Fire Prevention Code. Any alteration deemed significant to the City Manager shall require this request to return to the Board of Adjustment for reconsideration.
3. The rooftop decking shall remain an accessory space to the dwelling and no commercial activities may be utilized or approved on the rooftop.

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: Brian J Aungst, Jr and Clay Gilman, Applicants *via email* (bja@macfar.com)  
Eric Abel of BARRACKS BY THE SEA, LLC, Owner *via email* (eabel63@gmail.com)  
Board of Adjustment Attorney

CASE #: 25052

PARCEL #: 14-32-16-58032-011-0030

SUBMITTAL DATE: 4/4/25 AMOUNT DUE: 568.82 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](mailto:planning@stpetebeach.org).
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

#### OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	BARRACKS BY THE SEA, LLC	3112 Pass A Grille Way St. Pete Beach, FL 33706	443-838-7866
Applicant/ Agent	Brian J. Aungst, Jr.; Clay Gilman; Macfarlane, Ferguson & McMullen, P.A.	625 Court Street, Suite 200 Clearwater, FL 33756	(727) 441-8966
Owner Email Address: <a href="mailto:eabel63@gmail.com">eabel63@gmail.com</a>		Applicant/Agent Email Address: <a href="mailto:bj@macfar.com">bj@macfar.com</a>	

#### PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-2 / PAG	RLM	~0.28 acres

**Legal Description:** Lots 3, 4 and 5, Block 11, Morey Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 102, Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

**Address:** 100 Pass A Grille Way, St. Pete Beach, FL 33706

**Explanation of Request:**

- (1) Requesting variance to Code Section 2.1 to allow for exemption of unoccupiable space below DFE from FAR requirements. Existing density is allowed to be rebuilt under Code Section 20.07, but it "cannot exceed the existing developed square footage and must match the existing form and mass as defined in Section 20.22"; the current Code restricts the ability to rebuild due to non-livable space under DFE being counted towards the FAR for the property.
- (2) Requesting variance from Code Section 20.07 to allow for an additional 500sf per unit to be approved for rebuilding in order to match the style of units which neighboring properties are able to develop based on the current Code.
- (3) Requesting variance to Code Section 20.15 to allow for porches to be an allowable encroachment to the front and secondary setbacks for a 'Courtyard Apartment' building.
- (4) Requesting a variance to Code Section 20.15 to allow for a 5ft rear setback for where 20ft is required in order to redevelop the site in conformity with the historical character of the site.

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

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

The property was developed prior to the implementation of the Land Development Code and had existed with non-conforming density units on the parcel without issue as single-story structures until the most recent storms and flooding. Section 20.07 of the Code permits rebuilding of existing density, however it restricts the redevelopment to "the existing form and mass as defined in section 20.22 herein." In order to comply with FEMA and the floodplain, the structures will need to be elevated but the current Code counts any enclosed space below DFE towards FAR. No other jurisdiction that we have dealt with counts unoccupiable space below DFE towards the overall FAR on the property. Constraining the redevelopment of the site to the existing form and mass and counting unoccupiable space below DFE towards FAR is an unnecessary and undue hardship as the property cannot come up to current Code if that were the case. Furthermore, rebuilding the same 500sf units will be out of character with the neighborhood as it is redeveloped. The proposed variance requests would allow the applicant to bring the property up to Code and redevelop the existing density with an additional 500sf per unit to conform with the character of the rebuilding neighborhood. Furthermore, the site has historically included porches in the front and secondary setbacks and had a 5ft rear setback adjacent to the alleyway. Due to the small nature of the site and in order to redevelop the site in conformity with the historic nature of the area, the proposed variances to the setbacks are necessary and will allow the Applicant to recognize the historic character of the site.

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

The special conditions are not a result of any action by the applicant or a prior owner. The destruction caused by the storms and the Code restrictions have created the hardship on the applicant. The buildings which were destroyed were well-occupied rental properties that the applicant was proud to own in St. Pete Beach. Following the storms and subsequent flooding, most of the property was destroyed and in order to reconstruct with the same number of units and in conformity with current Code specifications, the requested variance is needed in order comply with FEMA and the floodplain by elevating the structure and not including unoccupiable space under DFE towards the FAR. The applicant is requesting a variance to allow for an additional 500sf to be constructed per unit in order to provide quality, livable units that match the current living standards which are expected in modern housing. Furthermore, the variances to the setbacks will allow the site to be redeveloped in the character of the historic neighborhood which is an emphasis of the City of St. Pete Beach and its' Land Development Code.

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

Literal interpretation of the Code would only allow the applicant to rebuild the property in the existing form and mass as defined in Section 20.22 of the Code which would deprive the applicant rights commonly enjoyed by other property owners who have newer properties and would be able to rebuild in a Code compliant manner. Without the requested variances, the applicant will be unable to optimize the utility of the property due to its inability to meet current flood requirements and develop the property in a manner which is consistent with the historic character of the site. The request for an additional 500sf per unit allows the applicant to enjoy rights which are able to be developed by other properties in the same zoning district.

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

The applicant did not create the hardship as it was created due to the property being developed prior to the Code and the current Code restrictions on rebuilding of the property in the existing form and mass.

The applicant's design team has put significant time and effort into maintaining the coastal modern, smaller-unit character of the area as opposed to a larger building. This request allows the applicant to design the units in conformity with new developments in the area and with no increase in units/tenants. Furthermore, this request is compliant with FEMA and the floodplain. Adhering to the Code provisions would make the property more susceptible to damage as compared to approval of this variance request.

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 to increase the number of units on the site but rather to create a design that aligns with modern building standards, the historic character of the site, and enhances the overall resilience and functionality of the development. The requested variance for an additional 500sf per unit allows for a design that meets current building code requirements while ensuring architectural consistency and improved livability for future residents. Due to updated floodplain regulations and FEMA mandates, the original structures cannot be restored to their previous condition at the same height. Elevating the buildings to comply with these regulations necessitates a design that maximizes structural integrity, storm resilience, and long-term sustainability. The additional square footage is essential for creating a well-proportioned, aesthetically cohesive development that integrates best practices for storm-resistant construction while maintaining the character and functionality of the community. The increased square footage helps maintain a balanced streetscape and architectural consistency with surrounding properties, preventing an outdated or overly compact design that may not fit current development trends. The variance supports a more sustainable development approach by enabling energy-efficient building practices that reduce environmental impact and the increased square footage enhances the livability and safety of the units by supporting better layout functionality and improved storm resistance. This request ensures the property remains a valuable and viable part of the community while minimizing future storm-related risks.

Currently, the site includes 1 existing two-story building, while the other 3 structures require rebuilding due to storm damage. The requested variances allow the new buildings to match the scale, height, and design of the existing two-story structure, ensuring architectural consistency and preservation of the site's character across the development. Without the additional square footage, the elevated units would appear disproportionate and out of place compared to the existing structure. Furthermore, several properties in the vicinity enjoy similar or greater development rights in terms of building scale, massing, and overall square footage, including multi-story residential buildings such as Point Pass-a-Grille and other older and larger condominium structures along Gulf Boulevard that exceed the footprint and density of the applicant's proposal. As the site currently consists of 3 separate lots, an alternative development approach could involve constructing 3 single-family homes at the maximum allowable height per zoning regulations. While this option would result in fewer total units, it would likely increase the overall square footage and massing of the development leading to a more fragmented and potentially less efficient use of the site. The proposed project strikes a better balance between density, scale, and community benefit by maintaining a reasonable unit count while ensuring an architecturally cohesive and appropriately-scaled development that integrates with the surrounding neighborhood. By designing a thoughtful, multi-family configuration, the proposal supports a more accessible, functional, and sustainable housing option for Pass-a-Grille residents. This approach seeks to not only preserve the historic character and pedestrian-friendly nature of the area, but also intends to promote a more engaged, year-round residential community compared to the alternative of large, individually-owned single-family homes which may be used less frequently as primary residences.

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

Granting of this variance follows FEMA and floodplain regulations, as well as the proposed revisions to the St. Pete Beach Code. Approval of this variance request allows the applicant to rebuild the property with existing regulations in mind which affords the applicant the same treatment as neighboring owners. This requested variance will beautify the area and allow for the neighborhood to continue rebuilding following the flooding and storms from last fall.

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

**The requested variance is the minimum necessary to make the project feasible, as it allows for the accommodation of essential code and FEMA compliance requirements. This variance does not seek to increase the number of units or enhance livability but is required to address fundamental building performance needs. The additional 500 square feet per unit is not for added enjoyment or expanded living space but is strictly necessary to accommodate the new staircases and required connections to them, the increased thickness of walls due to the shift from prior wood-frame construction to durable masonry for resilience and compliance with current standards, and the elevation of the building to meet FEMA and floodplain requirements, allowing unoccupiable space to be placed below the Design Flood Elevation (DFE) Without this variance, the project would be infeasible, as it would not be possible to reconstruct the building in a manner that maintains its original function while meeting modern building codes and flood protection measures. The applicant's design team has minimized the additional square footage to only what is necessary to ensure the building remains as consistent as possible with its prior use while complying with performance, structural, preservation of character, and regulatory requirements.**

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

**The requested variance allows the developer to keep the property's design in character with the lesser dense neighborhood and a coastal modern design that is consistent with the existing mass and scale within the district and will fit harmoniously with its compatible design and quality. Additionally, the requested variance will make the property safer and compliant with FEMA and the current floodplain, as well as the proposed revisions to the Code by St. Pete Beach. The additional 500sf per unit will bring the units up to a more current standard of living and allow the optimal use of the applicant's property. The proposed design will better align with the massing and scale of adjacent buildings, including Point Pass-a-Grille, a four-story development across the street at 200 1<sup>st</sup> Avenue. While the City may have concerns about larger structures, the requested variance strikes a balance—maintaining a residential scale while ensuring the project fits cohesively within the existing neighborhood context. The Applicant made a point to include porches in the proposed design as an homage to the historic character of the site and is requesting a variance so that these porches can be included as an approved encroachment into the front and secondary setbacks. By allowing for a well-proportioned and appropriately scaled design which captures the character and historic layout of the site, the development will integrate more seamlessly with the surrounding built environment.**

## 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.**

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

CAG 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.

CAG 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.

CAG 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.

CAG 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.

CAG 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.

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

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

  
\_\_\_\_\_  
Signature of Applicant

02-20-2025  
\_\_\_\_\_  
Date


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

I/WE BARRACK By the Sea, LLC By: ERIC ABEL  
(print name of property owner) MANAGER

hereby authorize BRIAN AUNGST, JR or Clay Gilman of McFarlane, Ferguson,  
(print name of agent) + McMillan P.A.

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

  
Signature of Owner

~~~~  
Signature of Owner

BARRACKS By the Sea, LLC  
By: ERIC ABEL, MANAGER  
Print Name of Owner

~~~~  
Print Name of Owner

The forgoing instrument was acknowledged before me this 20<sup>th</sup> day of  
Feb. 2025 by ERIC ABEL or who is  
personally known \_\_\_\_\_ produced  
MD P.L. as identification.

 FEB 20, 2025  
(Notary Signature) (Date)

My Commission Expires Aug 30, 2025

RYAN ALLEN LUNDQUIST  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20214034397  
MY COMMISSION EXPIRES AUGUST 30, 2025



**PUBLIC HEARING SIGN POSTING AFFIDAVIT**

Applicant, MACFARLANE, FERGUSON & McMULLEN, 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): CLAY GILMAN, FOR MACFARLANE, FERGUSON & McMULLEN

Address: 625 COURT ST, SUITE 200, CLEARWATER, FL 33756

[Handwritten Signature]  
Signature

02-20-2025  
Date

STATE OF FLORIDA )  
                                  ) SS:  
PINELLAS COUNTY )

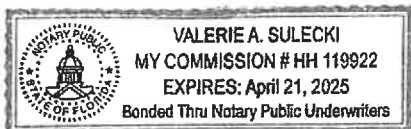
The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of February 2021 by: Clay A. Gilman who appeared before me, and is personally known to me, or has produced N/A as identification, and did take an oath.

My commission Expires:

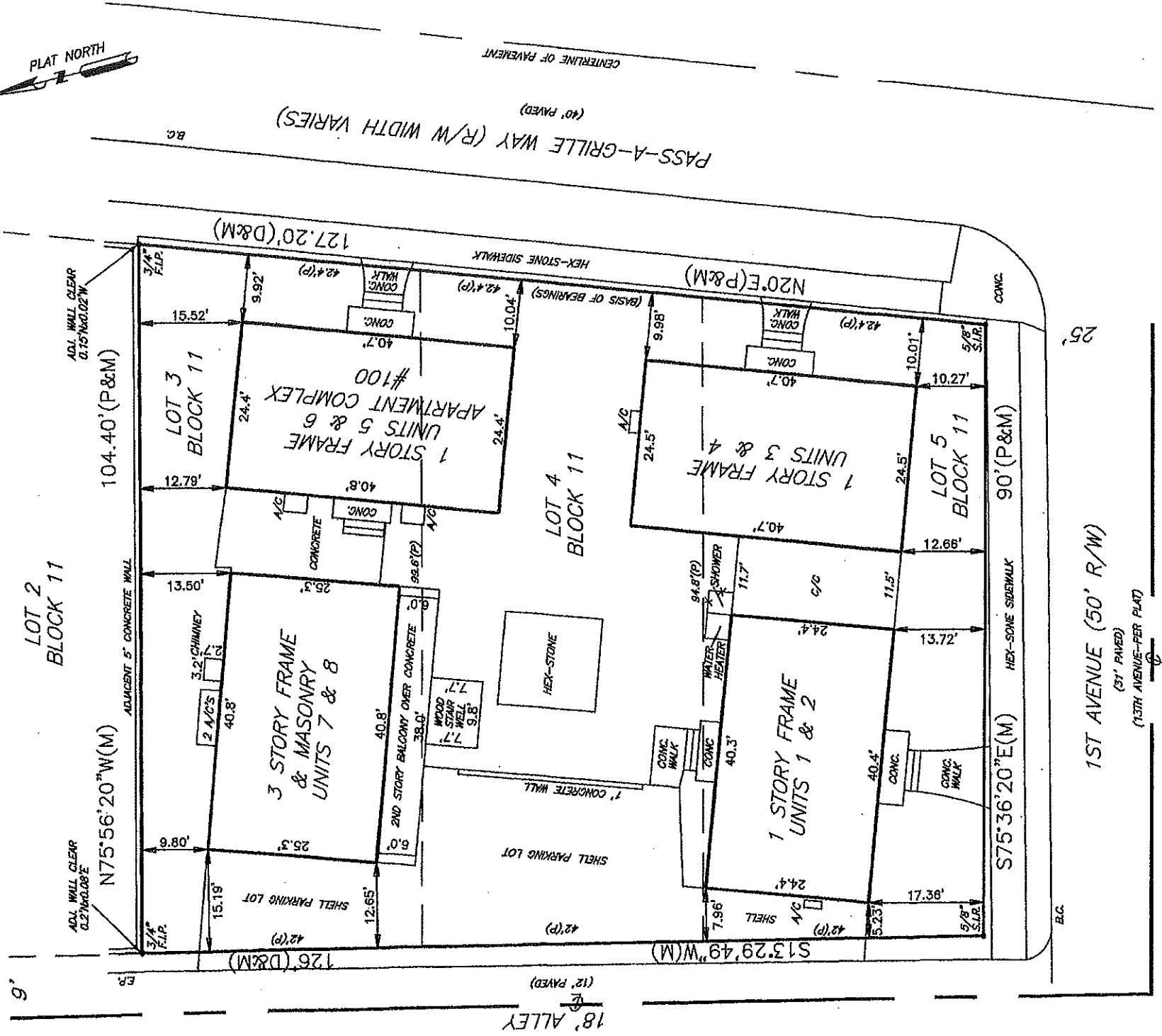
NOTARY: Valerie A. Sulecki  
Print Name: Valerie A. Sulecki Notary

Public, State of Florida

(Notarial Seal)

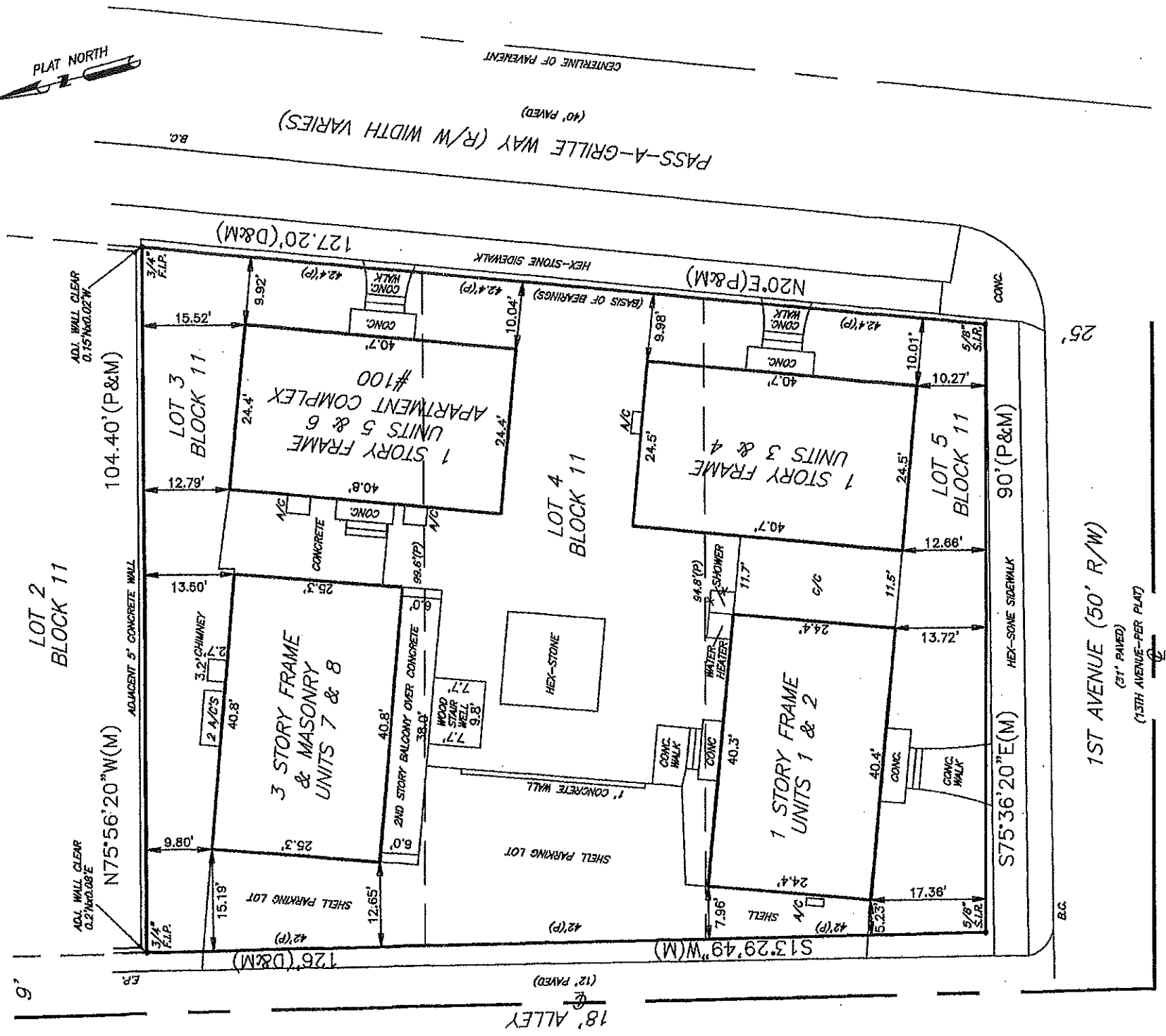






A BOUNDARY SURVEY OF LOTS 3, 4 AND 5, BLOCK 11, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

JOB NUMBER: MMXVII137	DAVID C. HARNER	FLOOD ZONE: "AE"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 4/06/17	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125149
SCALE: 1 INCH = 20 FEET	TREASURE ISLAND, FL 33706	PANEL NUMBER: 0286 G
DRAWN BY: DCH	SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST	CHECKED BY: DCH
CERTIFIED TO: SEA BISCUIT PROPERTIES LLC		
<p>I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.</p> <p>NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.</p> <p>LEGEND:          N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988 B.F.E.=BASE FLOOD ELEVATION          A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C=CHORD LENGTH C.L.F.=CHAINLINK FENCE R.M.=RIGHT OF WAY          CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CI=CENTERLINE C.B.=CHORD BEARING V.F.=VINYL FENCE          EL=ELEVATION F.F.=FINISHED FLOOR F.L.P.=FOUND IRON PIPE S.I.R.=SET IRON ROD WITH CAP #2660 O.P.=OPEN PORCH          F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M.=MEASURED M.S.=METAL SHED P.O.L.=POINT ON LINE          D=DEED R=RADIUS W/M=HING WALL W.F.=WOOD FENCE DR=DRAINAGE UT=UTILITY EASE=EASEMENT P/S=PAVERSTONE          B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT</p>		
<p>4/10/17 DCH</p> <p>DAVID C. HARNER P.S.&amp;M.          REGISTRATION NUMBER 2650</p> <p>REGISTERED LAND SURVEYOR          STATE OF FLORIDA          CERTIFICATE NO. 2650</p>		
<p>*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER*</p>		



A BOUNDARY SURVEY OF LOTS 3, 4 AND 5, BLOCK 11, MOREY BEACH, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

JOB NUMBER: MMXVIII17  
 TELEPHONE: (727) 360-0636  
 DATE OF FIELD SURVEY: 4/06/17  
 SCALE: 1 INCH = 20 FEET  
 DRAWN BY: DCH

DAVID C. HARNER  
 PROFESSIONAL LAND SURVEYOR  
 9925 GULF BOULEVARD  
 TREASURE ISLAND, FL 33706  
 SECTION 19 TOWNSHIP 32 SOUTH RANGE 16 EAST  
 CHECKED BY: DCH

CERTIFIED TO: SEA BISCUIT PROPERTIES LLC

FLOOD ZONE: "AE"  
 FLOOD MAP DATE: 8/18/09  
 COMMUNITY NUMBER: 125149  
 PANEL NUMBER: 0286 G

I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE BOUNDARY SURVEY REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 50-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.

NOTES: UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN. OTHER EASEMENTS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. ONLY THOSE EASEMENTS KNOWN TO ME OR SUPPLIED TO ME BY THE HEREON NAMED PARTY OR PARTIES ARE DEPICTED HEREON.

LEGEND:  
 N.A.V.D.=NORTH AMERICAN VERTICAL DATUM OF 1988 B.F.E.=BASE FLOOD ELEVATION  
 A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH C.L.F.=CHAINLINK FENCE R/W=RIGHT OF WAY  
 CONC=CONCRETE M.H.=MANHOLE C/C=COVERED CONC CL=CENTERLINE C.B.=CHORD BEARING V.F.=VINYL FENCE  
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 F.I.R.=FOUND IRON ROD F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED UT=UTILITY EASE=EASEMENT P/S=PAVERSTONE  
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 B.M.=BENCHMARK P.I.=POINT OF INTERSECTION P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT

DAVID C. HARNER  
 CERTIFICATE  
 NO. 2650  
 STATE OF  
 FLORIDA  
 REGISTERED LAND  
 SURVEYOR

4/10/17 DCH  
 DAVID C. HARNER P.S.&M.  
 REGISTRATION NUMBER 2650

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

# ENTITLEMENTS PACKAGE



BARRACKS BY THE SEA

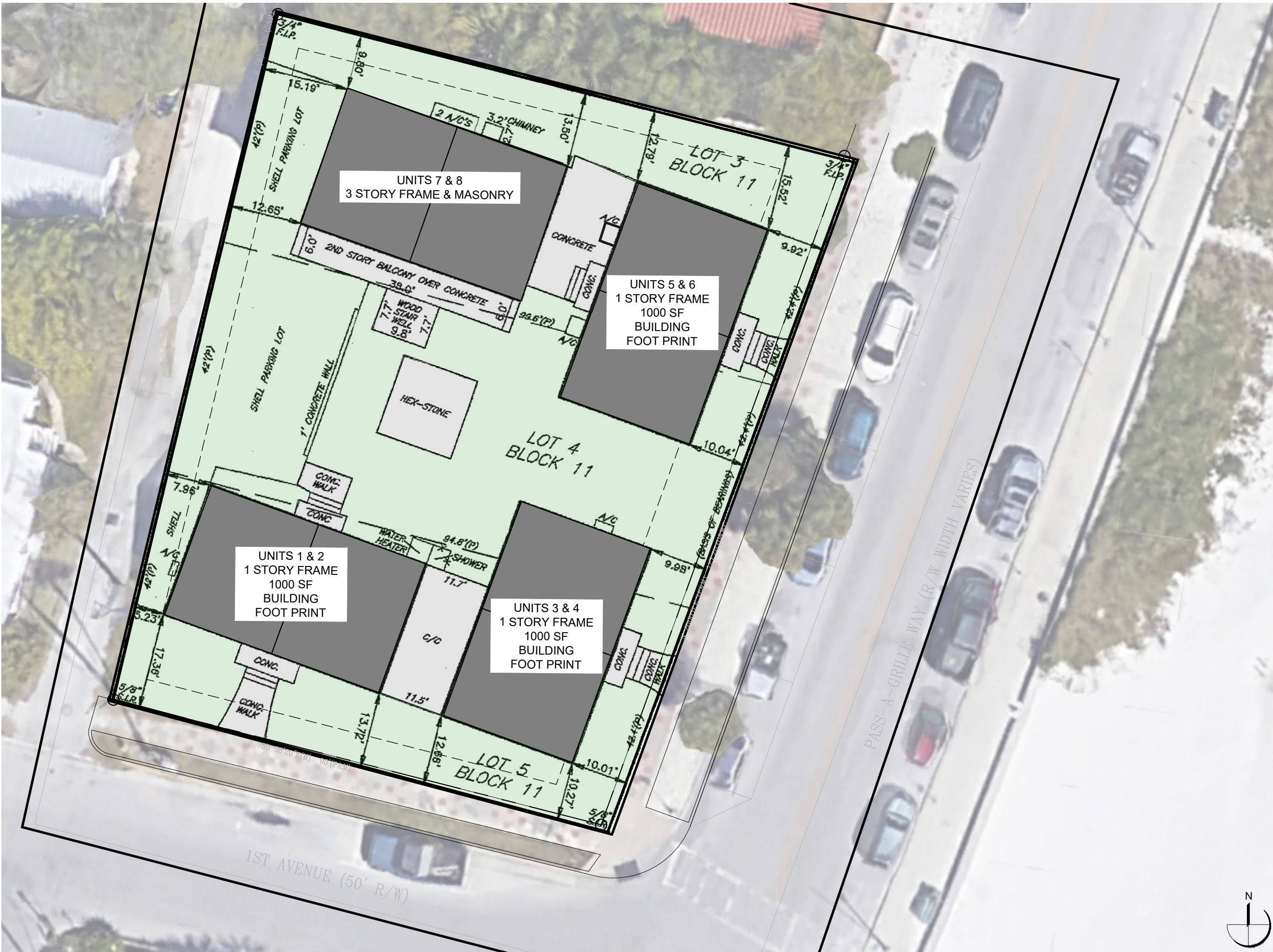
100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A0.0**

03.20.25

(727) 800-5300 | ARCHITECTUREPBP.COM

TABULATIONS		
EXISTING CONDITIONS		
	REQUIRED	PROPOSED
LOT COVERAGE	80%	45%
IMPERVIOUS SURFACE RATIO	0.70	.45



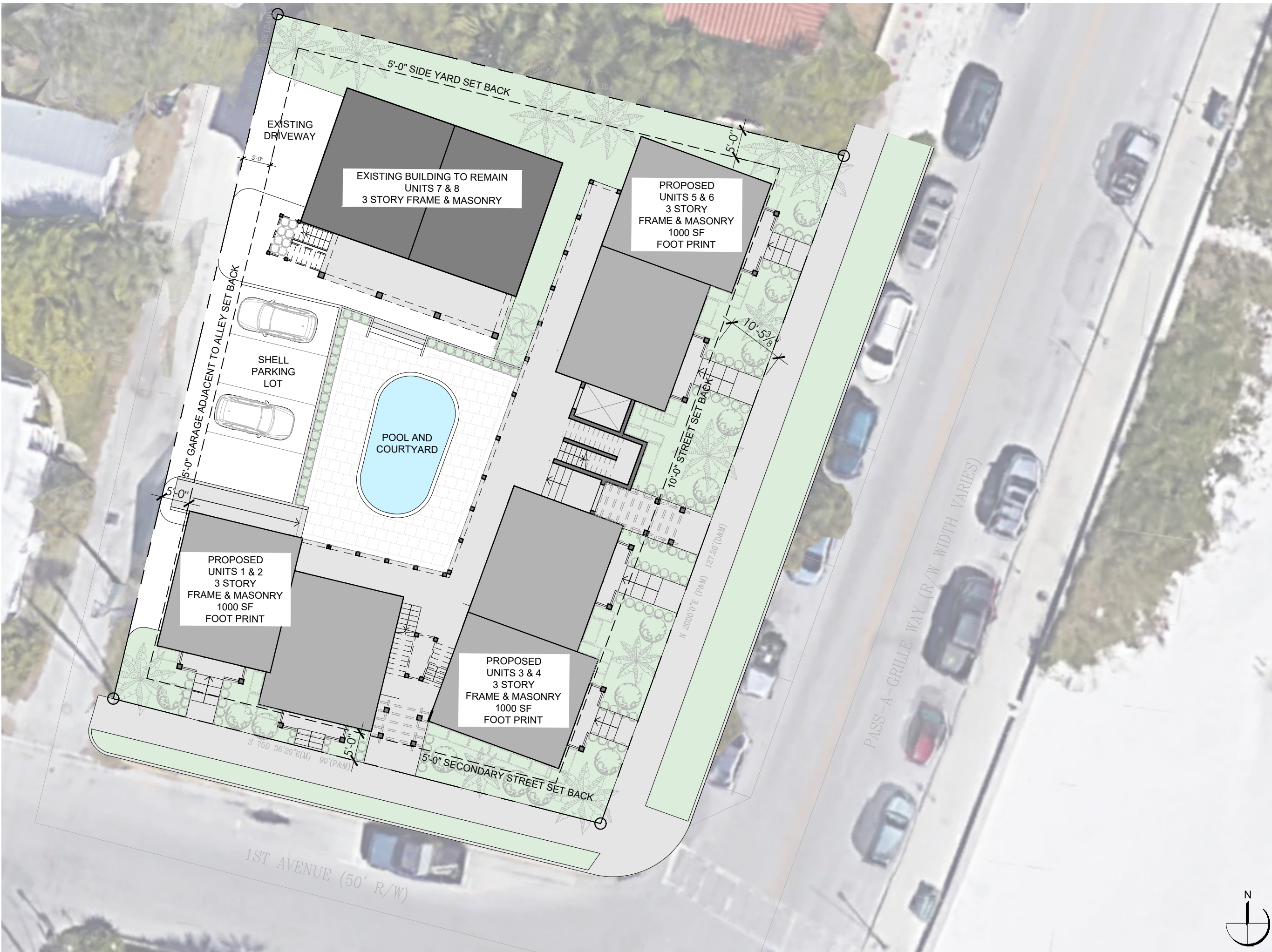
**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A0.1**

03.20.25

(727) 800-5300 | ARCHITECTUREBBP.COM



TABULATIONS		
BUILDING ENVELOPE		
STREET SETBACK	REQUIRED 10'-0"	PROPOSED 10'-0"
SECONDARY STREET SETBACK	5'-0"	5'-0"
SIDE SETBACK	5'-0"	5'-0"
BUILDING HEIGHT	32'-0"	32'-0"
LOT COVERAGE	80%	61%
IMPERVIOUS SURFACE RATIO	0.70	.61
DENSITY		
EXISTING CONDITIONS	TOTAL	
2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)	2060 SF	
6 SINGLE STORY UNITS (500 SF PER UNIT)	3000 SF	
	<b>5060 SF</b>	
PROPOSED CONDITIONS		
EXISTING BUILDING TO REMAIN	2060 SF	
2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)		
6 THREE STORY UNITS WITH FIRST FLOOR NON-PROGRAMABLE SPACE		
FIRST FLOOR 500 SF PER UNIT	3000 SF	
SECOND FLOOR 450 SF PER UNIT	2700 SF	
	<b>7760 SF</b>	



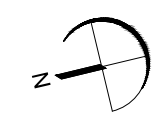
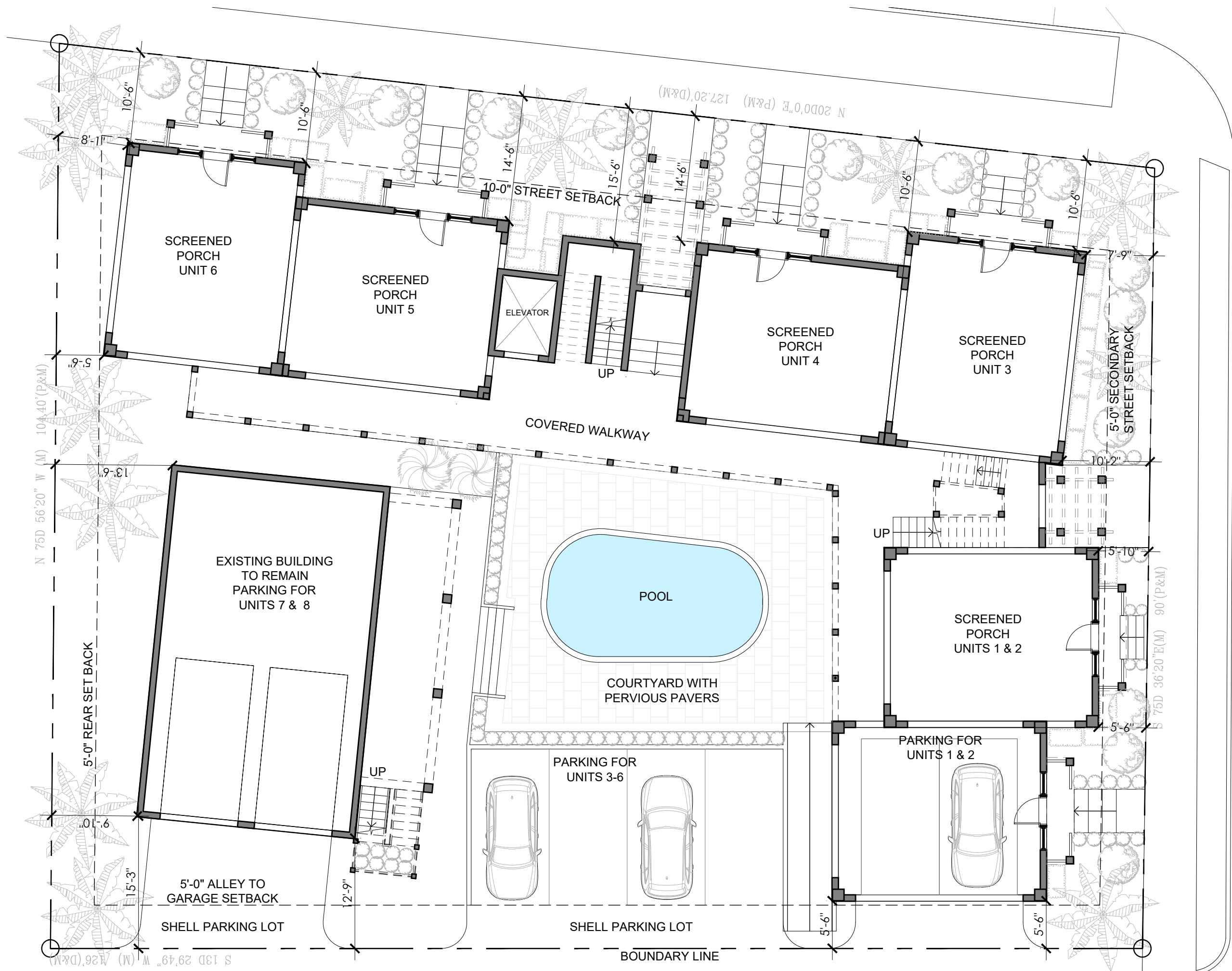
**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A0.2**

03.20.25

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**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

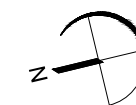
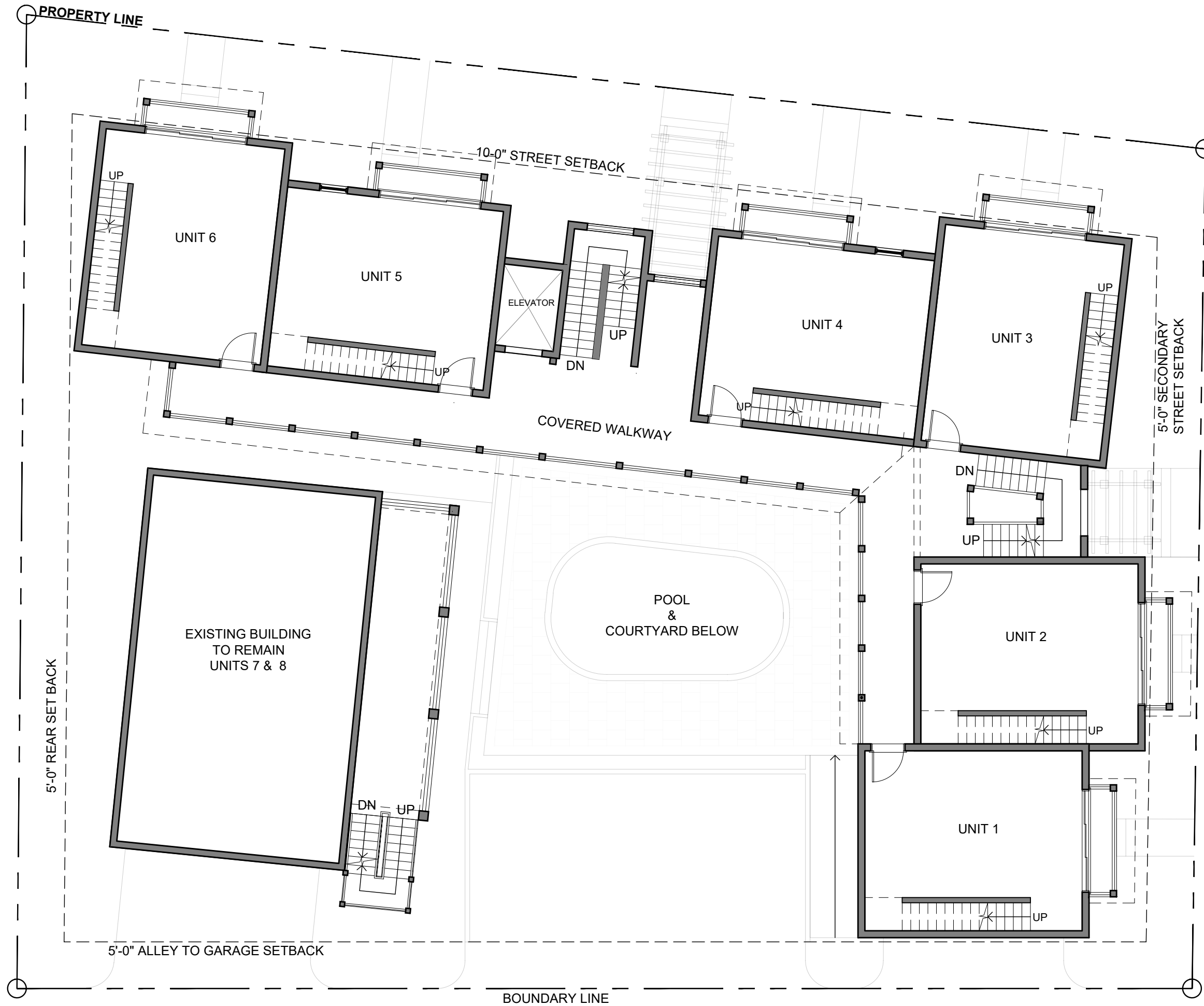
ENTITLEMENTS PACKAGE | **A1.0**

03.20.25

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PROPOSED GROUND FLOOR PLAN

SCALE: 3/32" = 1'-0"



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

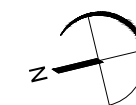
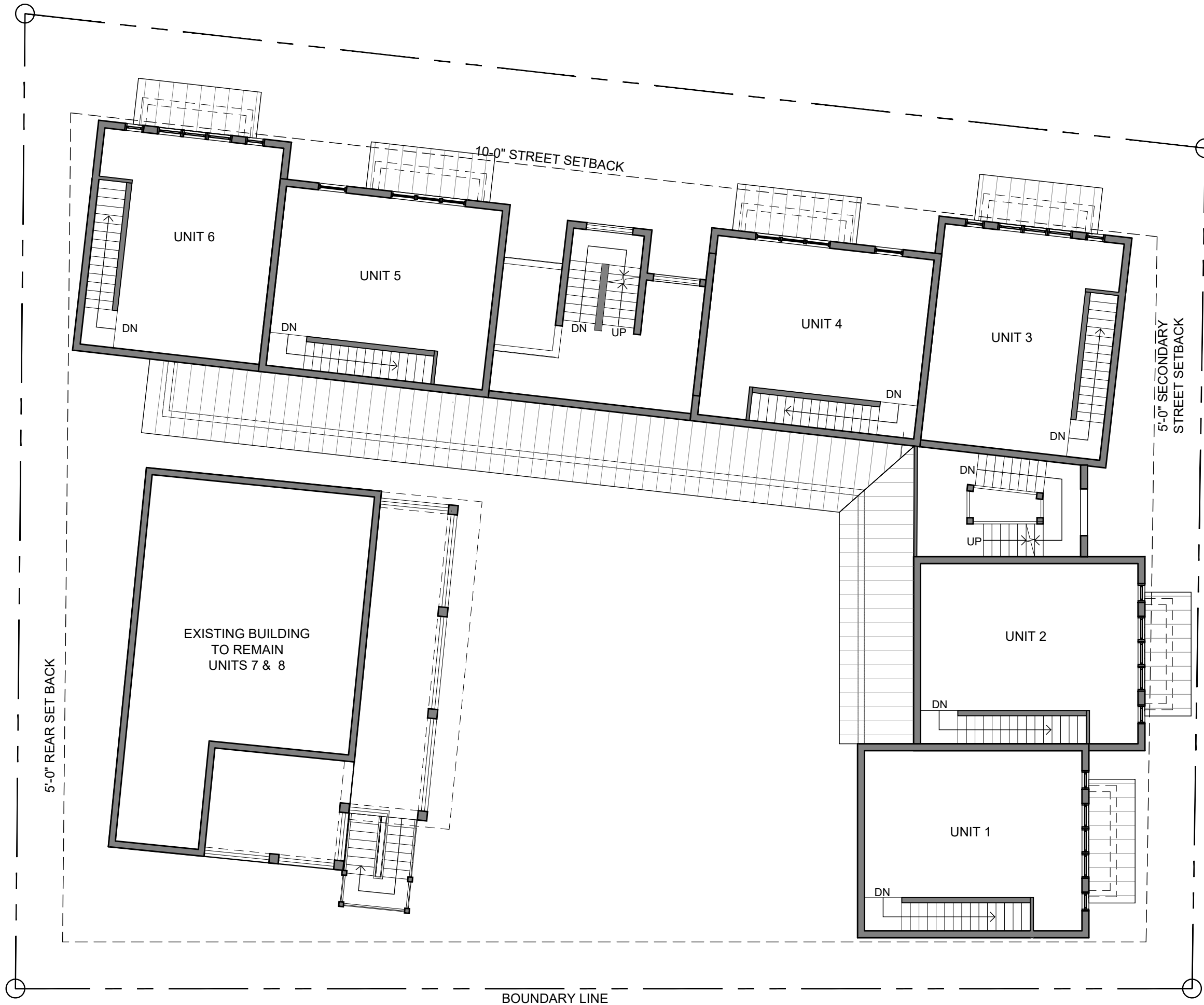
ENTITLEMENTS PACKAGE | **A1.1**

03.20.25

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PROPOSED FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

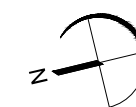
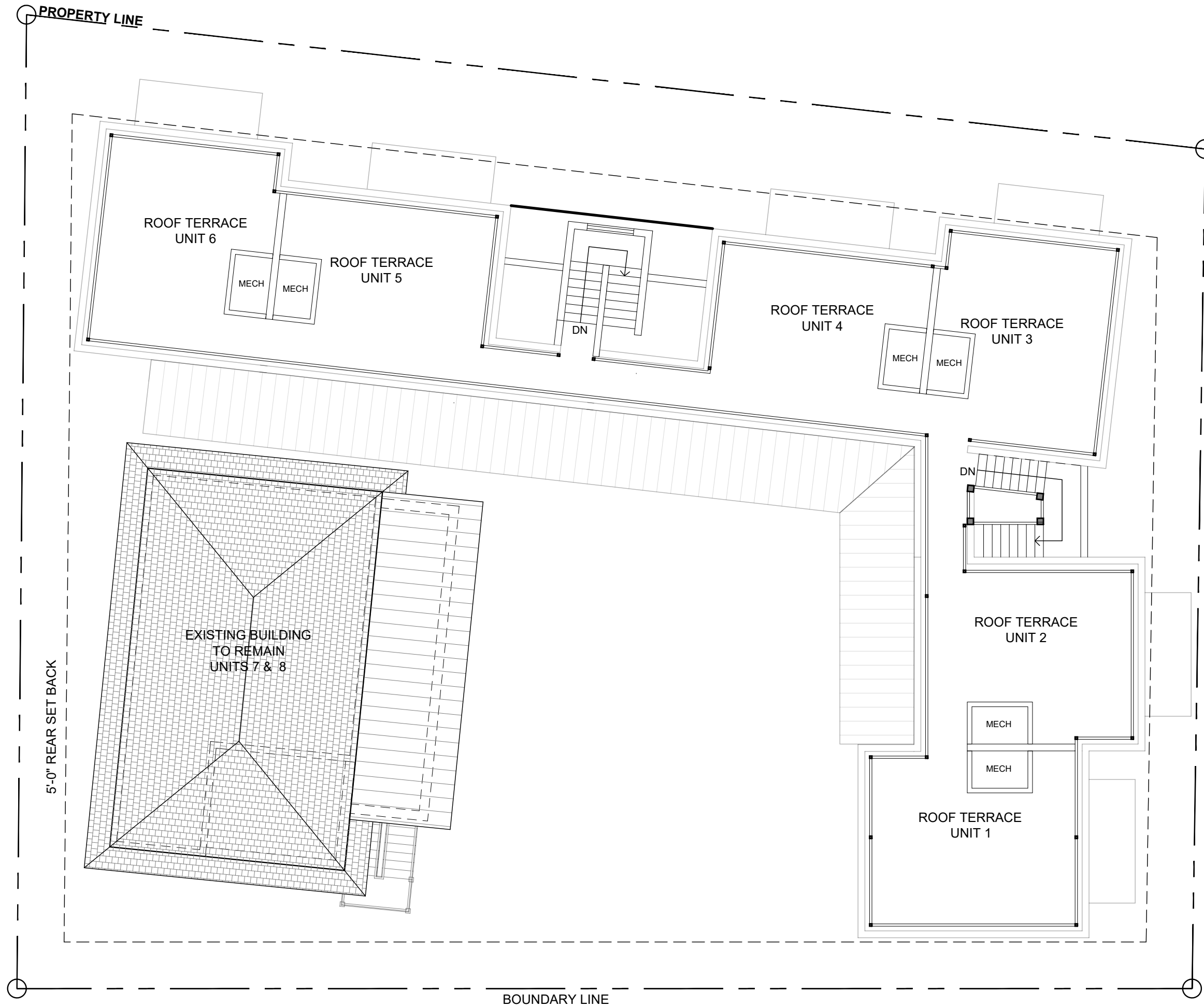
ENTITLEMENTS PACKAGE | **A1.2**

03.20.25

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PROPOSED SECOND FLOOR PLAN

SCALE: 3/32" = 1'-0"



**BARRACKS BY THE SEA**

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ENTITLEMENTS PACKAGE | **A1.3**

03.20.25

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PROPOSED ROOF TERRACE PLAN

SCALE: 3/32" = 1'-0"



NORTH ELEVATION



SOUTH ELEVATION

(A) THE MASS OF A BUILDING MUST INCLUDE:  
 (1) PRIMARY MASS. THE BUILDING SHALL HAVE A DISTINCT PRIMARY MASS.  
 (2) SECONDARY MASS. A BUILDING SHOULD ALSO INCLUDE SECONDARY MASS (PRIVATE FRONTAGE REQUIREMENTS) THAT FORM THE FACADE OF THE BUILDING.  
 (3) VOIDS THAT ALLOW FOR NATURAL BREAKS IN THE MASS.

(B) PROPORTIONAL DESIGN ELEMENTS SHALL INCLUDE:  
 (1) WINDOWS IN VARYING, YET SIMILAR ARRANGEMENTS.  
 (2) APPROPRIATE VERTICAL VISUAL CONSISTENCY AT THE CENTERLINE OF THE FACADE.  
 (3) APPROPRIATE RATIOS OF VISUAL WIDTH BETWEEN TOP AND BOTTOM HALVES OF THE ELEVATION (BOTTOM 1/2 CLEARLY SUPPORTS THE TOP).  
 (4) OVERALL DESIGN SHALL BE SYMMETRICALLY OR ASYMMETRICALLY BALANCED.

(C) DESIGN MUST INCLUDE THE FOLLOWING RHYTHMS:  
 (1) PROXIMITY (OBJECTS CLOSE TOGETHER COMPLEMENT EACH OTHER).  
 (2) SIMILARITY- COMMON TEXTURES, COLORS OR FEATURES.

SEC. 20.24 SUMMARY

THIS PROJECT AIMS TO REVITALIZE, RESTORE, AND ENHANCE SIX EXISTING RESIDENTIAL UNITS THAT SUFFERED SEVERE DAMAGE DUE TO RECENT EXTREME WEATHER. THE PROPOSED DESIGN THOUGHTFULLY ADDRESSES THREE CRITICAL CHALLENGES: RESTORING THE STRUCTURES TO MEET FEMA REQUIREMENTS, ALIGNING THE BUILDING DESIGN WITH LAND DEVELOPMENT CODE (LDC) GUIDELINES, AND ENHANCING THE SITE'S LONG-TERM VIABILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE PASS-A-GRILLE COMMUNITY.

A KEY FOCUS OF THE DESIGN IS CREATING A WELCOMING, PEDESTRIAN-FRIENDLY ENVIRONMENT. THE PROPOSED GROUND-FLOOR PORCH ENTRANCES ENHANCE THE STREET-LEVEL PRESENCE WHILE MAINTAINING THE PORCH-LIKE ENTRYWAY OF THE ORIGINAL BUILDINGS, ENSURING SEAMLESS INTEGRATION WITH THE SURROUNDING NEIGHBORHOOD. THOUGHTFULLY LANDSCAPED PATHWAYS FURTHER ENRICH THE PEDESTRIAN EXPERIENCE, FOSTERING CONNECTIVITY BETWEEN THE RESIDENCES AND THE SIDEWALK.

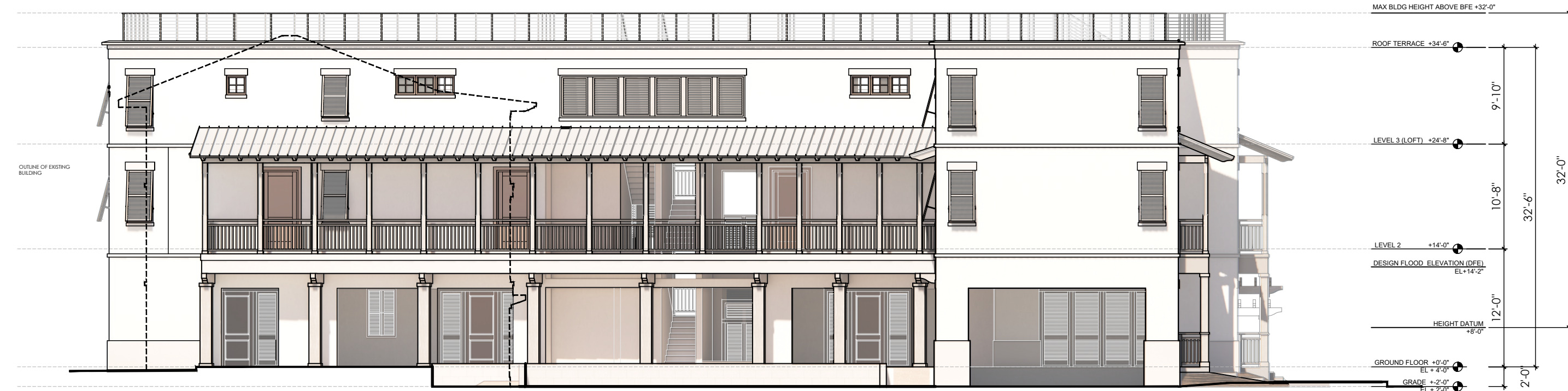
THE DESIGN REMAINS TRUE TO THE COURTYARD APARTMENT TYPOLOGY OUTLINED IN THE LDC, MAINTAINING THE EXISTING 500-SQUARE-FOOT BUILDING FOOTPRINT AT GRADE. TO COMPLY WITH FEMA'S ELEVATION REQUIREMENTS FOR LIVABLE SPACE, THE SECOND FLOOR RETAINS THE EXISTING 500 SQUARE FEET, WHILE A NEWLY INTRODUCED 500-SQUARE-FOOT THIRD FLOOR EXPANDS LIVING SPACE TO ENHANCE BOTH FUNCTIONALITY AND LONG-TERM VIABILITY. EACH UNIT ALSO FEATURES A ROOFTOP TERRACE, PROVIDING A THOUGHTFULLY DESIGNED OUTDOOR GATHERING SPACE INSPIRED BY THE ARCHITECTURAL CHARACTER OF GULF WAY, 3RD AVENUE, PASS-A-GRILLE WAY, AND 7TH AVENUE. THESE TERRACES CONTRIBUTE TO THE DEVELOPMENT'S VISUAL APPEAL WHILE FOSTERING A STRONG SENSE OF COMMUNITY AMONG RESIDENTS. IMPORTANTLY, THE OVERALL AT-GRADE BUILDING FOOTPRINT REMAINS UNCHANGED FROM THE EXISTING STRUCTURES, AND THE TOTAL BUILDING MASS ADHERES TO THE ALLOWABLE REQUIREMENTS SET FORTH IN THE LDC.

THE PROPOSED BUILDING HEIGHT INTEGRATES HARMONIOUSLY WITH SURROUNDING STRUCTURES, INCLUDING THE FOUR-STORY POINT PASS-A-GRILLE CONDOMINIUM COMPLEX ACROSS 1ST AVENUE. BY MAINTAINING THE AREA'S RESIDENTIAL SCALE, THIS PROJECT WILL SERVE AS AN ARCHITECTURAL ANCHOR AT THE ISLAND'S SOUTHERN POINT, GUIDING FUTURE DEVELOPMENT WHILE PRESERVING THE NEIGHBORHOOD'S HISTORIC CHARACTER.

BEYOND RESTORING THESE UNITS, THIS PROJECT PRESENTS A UNIQUE OPPORTUNITY TO ENHANCE THE VIBRANCY AND RESILIENCE OF PASS-A-GRILLE. IT WILL REINFORCE THE COMMUNITY'S IDENTITY, SUPPORT RESPONSIBLE GROWTH, AND ENSURE THAT FUTURE DEVELOPMENT UPHOLDS THE CHERISHED CHARACTER AND SCALE OF THE AREA.



EAST ELEVATION



WEST / COURTYARD ELEVATION

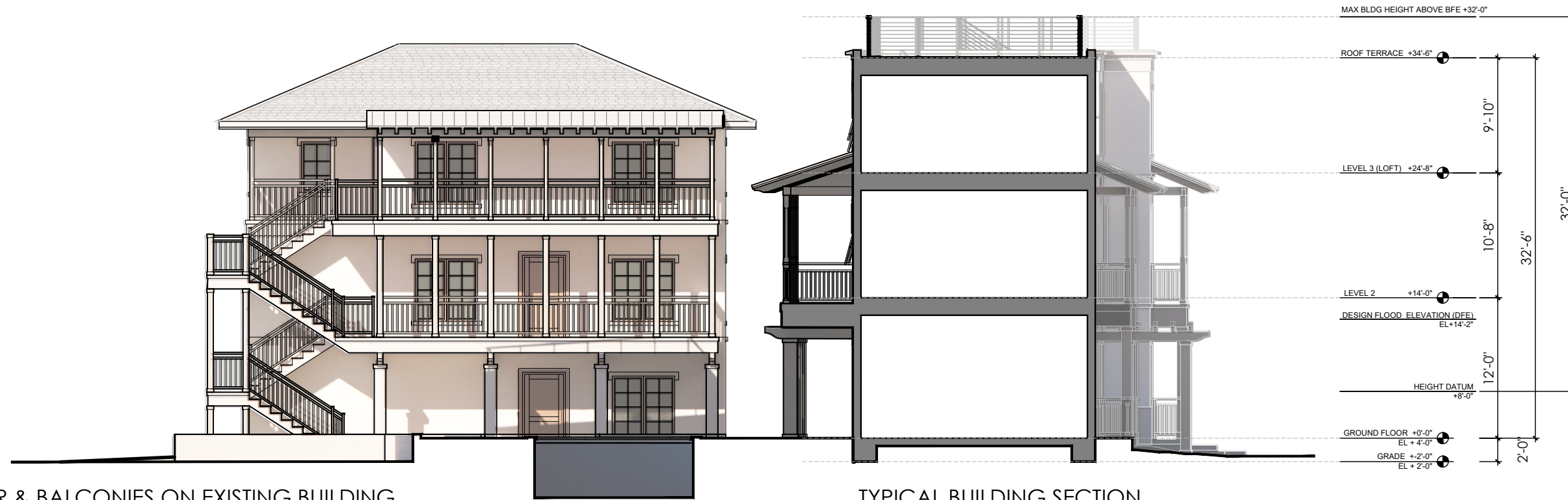
**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A2.1**

03.20.25

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NEW STAIR & BALCONIES ON EXISTING BUILDING  
(STORM REPAIR)

TYPICAL BUILDING SECTION



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A9.0**

03.20.25

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**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A9.1**

03.20.25

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**MEMORANDUM**

To: Brian J. Aungst, Jr. and Clay Gilman of Macfarlane, Ferguson & McMullen, P.A. for BARRACKS BY THE SEA, LLC

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

Date: May 2, 2025

Re: **Unnecessary & Undue Hardship Variance #25052 – 100 Pass-A-Grille Way**

The applicant requests a three-part unnecessary and undue hardship variance associated with a courtyard apartment redevelopment of the property in order to:

- 1) Allow exemption of non-habitable space below the design flood elevation from the calculation of developed square footage, and allow for an additional 450 sq. ft. of floor area per unit (2,700 sq. ft. total) to allow for an additional floor of habitable space (LDC Sec. 20.07.(b));
- 2) Allow porches and elevated balconies to encroach into the required ten-foot front and five foot secondary front setbacks for a courtyard apartment building type, and allow an ornamental trellis to encroach into the required ten-foot front setback (LDC Sec. 20.15.); and,
- 3) Allow the three-floor "Unit 1" building comprised of two residential living levels over parking with secondary front porch to be constructed with a 5.5-foot rear setback where 20 feet is required (LDC Sec. 20.15.- Courtyard Apartment)

---

The City’s Technical Review Committee will meet on May 7, 2025 at 10 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.

## **City Attorney:**

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 concerns about the variance. Below is a brief summary of fire protection compliance requirements.

- Fire sprinkler system shall be provided (NFPA 1 2021ed: 13.3.2.16)
- Standpipe with fire pump shall be provided for building if 4th floor is occupiable (NFPA 1: 13.2.2.2)
- Fire hydrant shall be provided within 100ft of Fire Department Connection on same side of road as the proposed project.
- Stair remoteness NFPA101 2021ed: 7.5.1.3.2\* Where two exits, exit accesses, or exit discharges are required, they shall be located at a distance from one another not less than one-half the length of the maximum overall diagonal dimension of the building or area to be served, measured in a straight line between the nearest edge of the exits, exit accesses, or exit discharges, unless otherwise provided in 7.5.1.3.3 through 7.5.1.3.5.

NFPA 101:7.5.1.3.3 In buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7, the minimum separation distance between two exits, exit accesses, or exit discharges, measured in accordance with 7.5.1.3.2, shall be not less than one-third the length of the maximum overall diagonal dimension of the building or area to be served. Further details will be needed for site plan submission.

## **Planning & Zoning/Transportation:**

1. Please provide exact setbacks the Units 1&2 building from the alleyway property line, and encroachment of the trellis, porches, balconies, and any other projecting elements of the new buildings from the 1st Avenue and Pass-A-Grille Way property lines. If elements are being added to the existing three-story frame Units 7&8 building that encroach into the alleyway setback of twenty feet, as it appears they do, this setback must also be provided. This information is needed by end of day May 5th to advertise and keep your case moving forward to the May 28th hearing.
2. Per discussion with the Historic Preservation Board on May 1st, Staff noted the applicant's consent for the following conditions. Please confirm.
3. Rooftop use will be limited to an accessory space of the residential use only. No commercial activities will be permitted on the rooftop.
4. Rooftop deck railing will be made vertical and similar in design to the railings on the lower levels.
5. This use will be developed and maintained as a residential use – please acknowledge that units are not intended as transient- or short-term rentals.

6. Staff finds the application strongly supports the request for the ground-level parking and storage to be excluded from the calculation of developed square footage (Sec. 20.07.(b)), and does not seek any additional justification for that request.
7. Staff generally finds support in the application for the setback encroachments of frontage elements, which generally preserve the layout and encroachment of the existing buildings, but notes the southern porch and balcony of Unit 2 to be a significant additional encroachment and requests support for why such an encroachment is necessary. Additionally, is it possible to reorient the walkway and/or pool area to prevent or reduce the Units 1&2 encroachment toward the alleyway property line?
8. Staff recommends showing room layout on the floor plan if helpful to justify the statements made in the variance application responses 5, 7 and 8 to support the need for additional living square footage.
9. At this time, Staff does not find the narrative or plan support to be sufficient to justify the additional habitable square footage requested. While Staff understands developing multiple floors reduces usable floor area due to the need for stairs and landings, Staff calculates an estimated 385 sq. ft. per floor (770 sq. ft. total) in unit size independent of the space used for stairs and landings. Compared with existing, it is unclear why the additional 270 sq. ft. of living space is necessary to meet Florida Building Code requirements as stated in the response narrative, and Staff does not find narrative support for that space being used to meet FEMA requirements as it is above the floodplain. If any additional information can be provided to support these statements, Staff will reevaluate.
10. Questions of mass and scale preservation were brought up at the May 1st Historic Preservation Board meeting. While elevation of the living level is logical to both meet FEMA requirements and provide for other development requirements like parking, Staff finds additional support could be provided to support the need for the second living level. Can the design be altered to recess the upper level, or expand the first living level toward the courtyard, to provide additional space and maintain the architectural style without the need for a full third story?
11. Where will trash and recycling be located?

# TECHNICAL REVIEW COMMITTEE PRESENTATION



BARRACKS BY THE SEA

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A0.0**

05.06.25

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Page 82 of 106

TABULATIONS		
EXISTING CONDITIONS		
	REQUIRED	PROPOSED
LOT COVERAGE	80%	45%
IMPERVIOUS SURFACE RATIO	0.70	.45



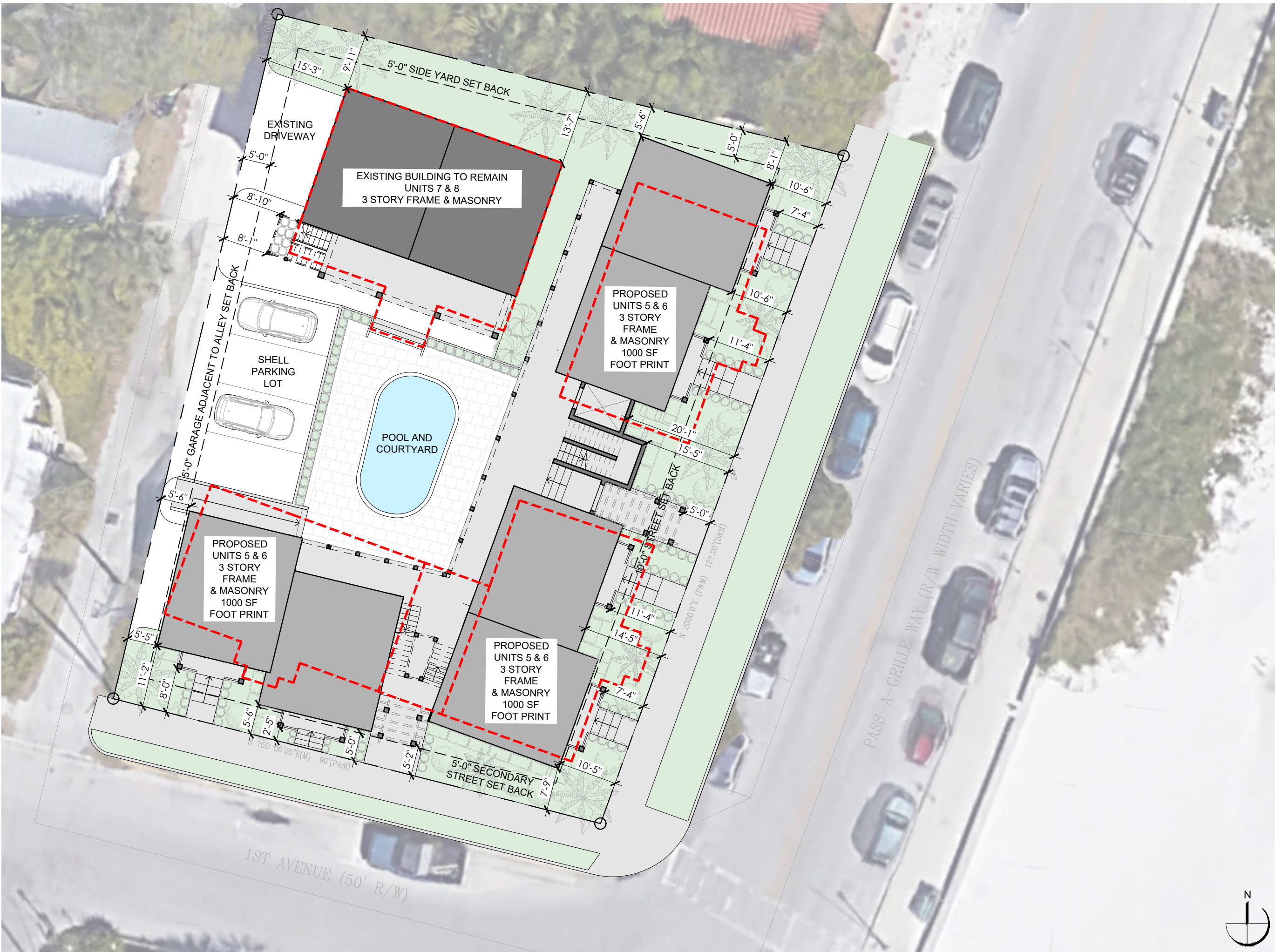
UNITS 7 & 8  
3 STORY FRAME & MASONRY

UNITS 5 & 6  
1 STORY FRAME  
1000 SF  
BUILDING  
FOOT PRINT

UNITS 1 & 2  
1 STORY FRAME  
1000 SF  
BUILDING  
FOOT PRINT

UNITS 3 & 4  
1 STORY FRAME  
1000 SF  
BUILDING  
FOOT PRINT

**BARRACKS BY THE SEA**  
100 PASS-A-GRILLE WAY, ST PETE BEACH, FL



TABULATIONS		
<b>BUILDING ENVELOPE</b>		
STREET SETBACK	REQUIRED 10'-0"	PROPOSED 10'-0"
SECONDARY STREET SETBACK	5'-0"	5'-0"
SIDE SETBACK	5'-0"	5'-0"
BUILDING HEIGHT	32'-0"	32'-0"
LOT COVERAGE	80%	61%
IMPERVIOUS SURFACE RATIO	0.70	.61
<b>DENSITY</b>		
EXISTING CONDITIONS	TOTAL	
2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)	2060 SF	
6 SINGLE STORY UNITS (500 SF PER UNIT)	3000 SF	
	<b>5060 SF</b>	
<b>PROPOSED CONDITIONS</b>		
EXISTING BUILDING TO REMAIN	2060 SF	
2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)		
6 THREE STORY UNITS WITH FIRST FLOOR NON-PROGRAMMABLE SPACE		
FIRST FLOOR 500 SF PER UNIT	3000 SF	
SECOND FLOOR 450 SF PER UNIT	2700 SF	
	<b>7760 SF</b>	

**LEGEND**  
 - - - - - OUTLINE OF EXISTING BUILDING

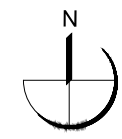


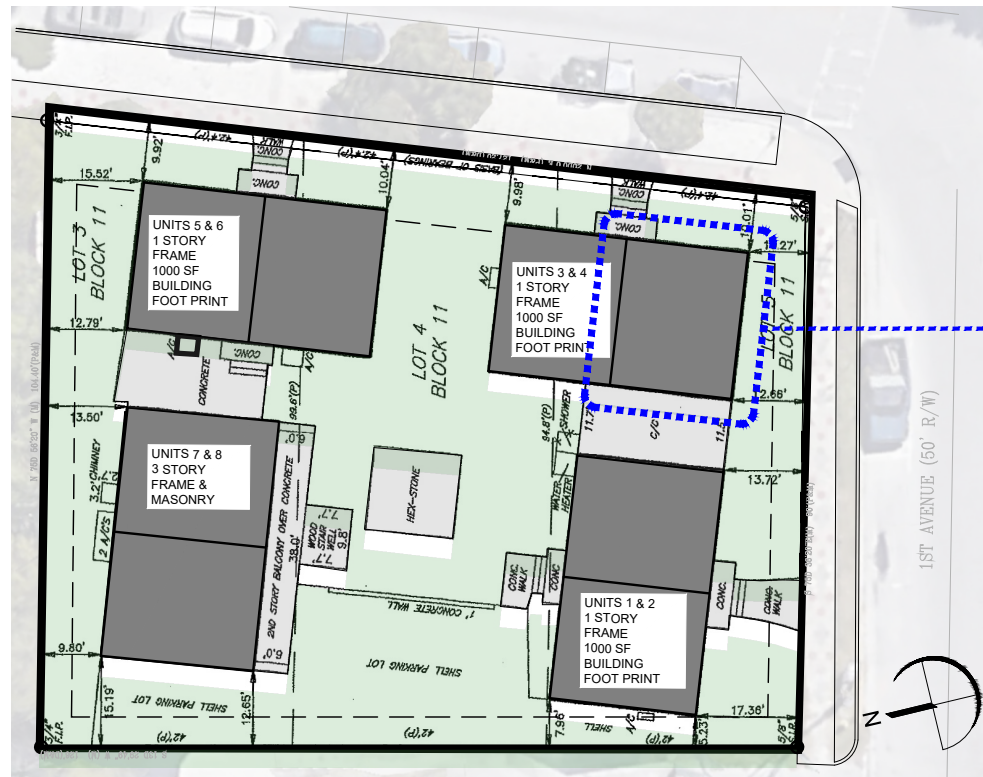
**BARRACKS BY THE SEA**  
 100 PASS-A-GRILLE WAY, ST PETE BEACH, FL



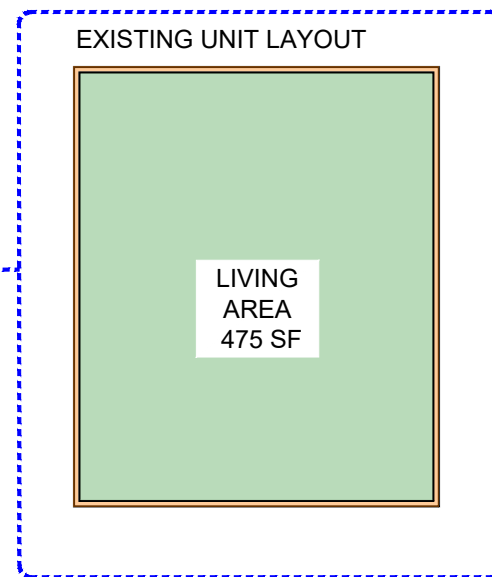
TABULATIONS		
<b>BUILDING ENVELOPE</b>		
STREET SETBACK	REQUIRED 10'-0"	PROPOSED 10'-0"
SECONDARY STREET SETBACK	5'-0"	5'-0"
SIDE SETBACK	5'-0"	5'-0"
BUILDING HEIGHT	32'-0"	32'-0"
LOT COVERAGE	80%	61%
IMPERVIOUS SURFACE RATIO	0.70	.61
<b>DENSITY</b>		
EXISTING CONDITIONS		TOTAL
2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)		2060 SF
6 SINGLE STORY UNITS (500 SF PER UNIT)		3000 SF
		<b>5060 SF</b>
PROPOSED CONDITIONS		
EXISTING BUILDING TO REMAIN 2 THREE STORY UNITS WITH FIRST FLOOR GARAGE (1030 SF PER UNIT)		2060 SF
6 THREE STORY UNITS WITH FIRST FLOOR NON-PROGRAMMABLE SPACE FIRST FLOOR 500 SF PER UNIT SECOND FLOOR 450 SF PER UNIT		3000 SF 2700 SF
		<b>7760 SF</b>

**LEGEND**  
 - - - - - OUTLINE OF EXISTING BUILDING



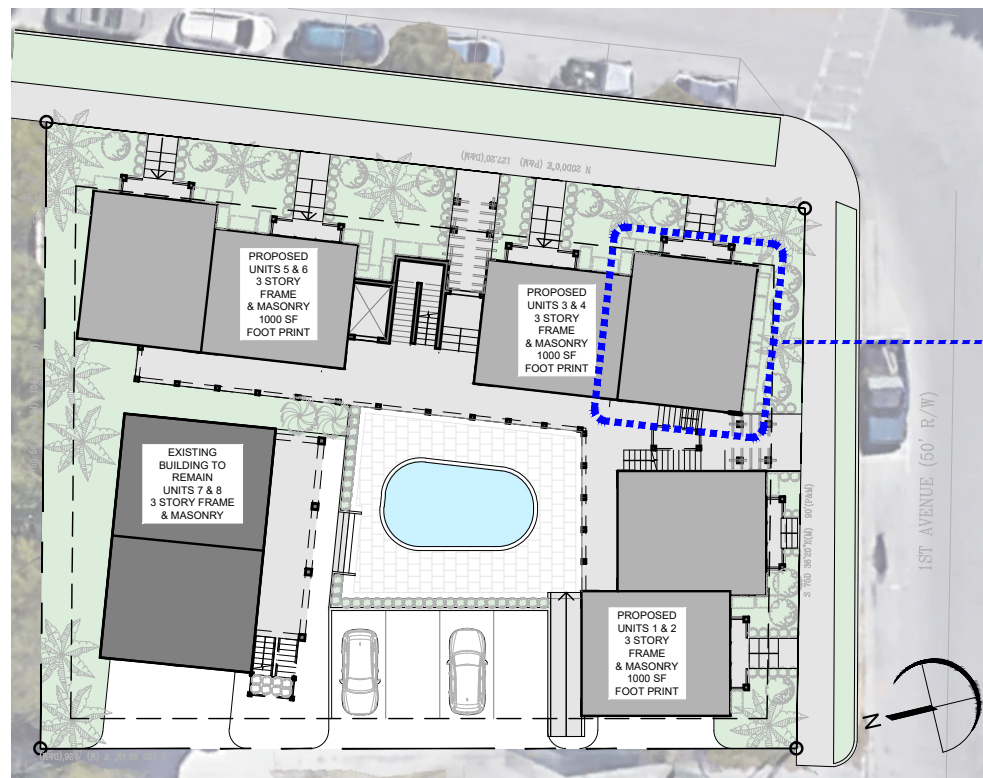


EXISTING SITE PLAN

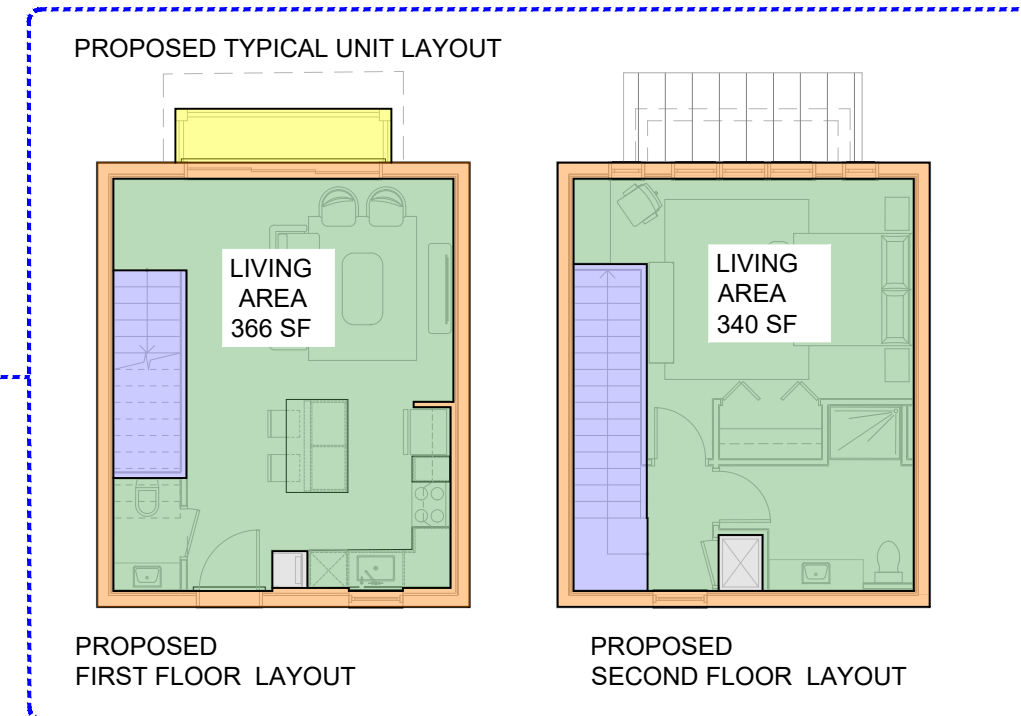


EXISTING UNIT

LIVING AREA	475 SF
STRUCTURE	25 SF
<b>TOTAL GROSS AREA</b>	<b>500 SF</b>



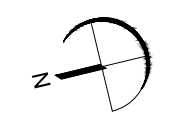
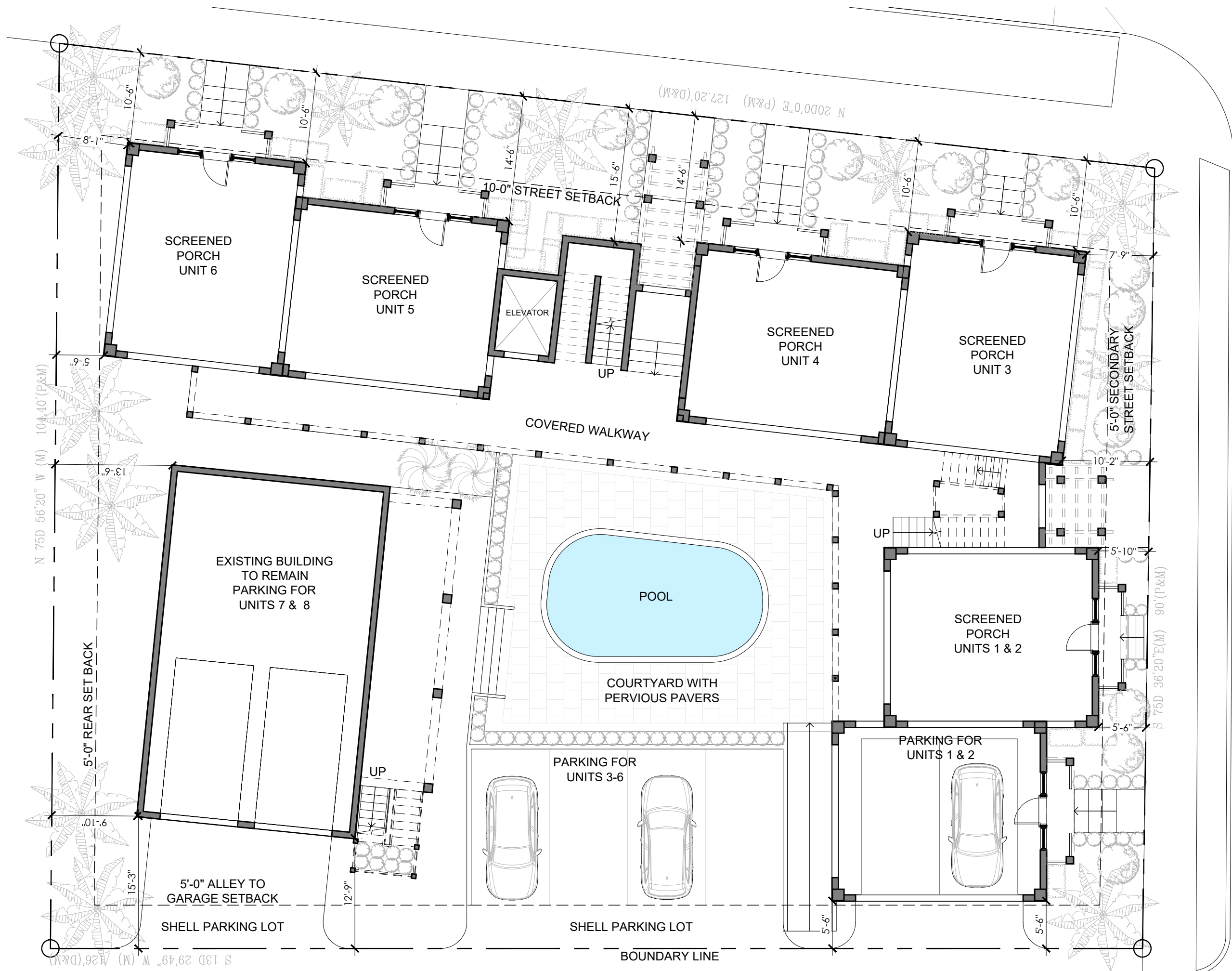
PROPOSED SITE PLAN



PROPOSED TYPICAL UNIT

FIRST FLOOR	
LIVING AREA	366 SF
STRUCTURE	82 SF
VERTICAL CIRCULATION	46 SF
ELECTRICAL	6 SF
<b>TOTAL FLOOR AREA</b>	<b>500 SF</b>
SECOND FLOOR	
LIVING AREA	340 SF
STRUCTURE	78 SF
VERTICAL CIRCULATION	74 SF
MECHANICAL	8 SF
<b>TOTAL FLOOR AREA</b>	<b>500 SF</b>
<b>TOTAL LIVING AREA</b>	<b>706 SF</b>
<b>TOTAL GROSS AREA</b>	<b>1000 SF</b>

- KEY
- VERTICAL CIRCULATION
  - LIVING AREA
  - STRUCTURE
  - BALCONY
  - MECH & ELECTRICAL



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

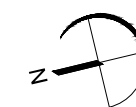
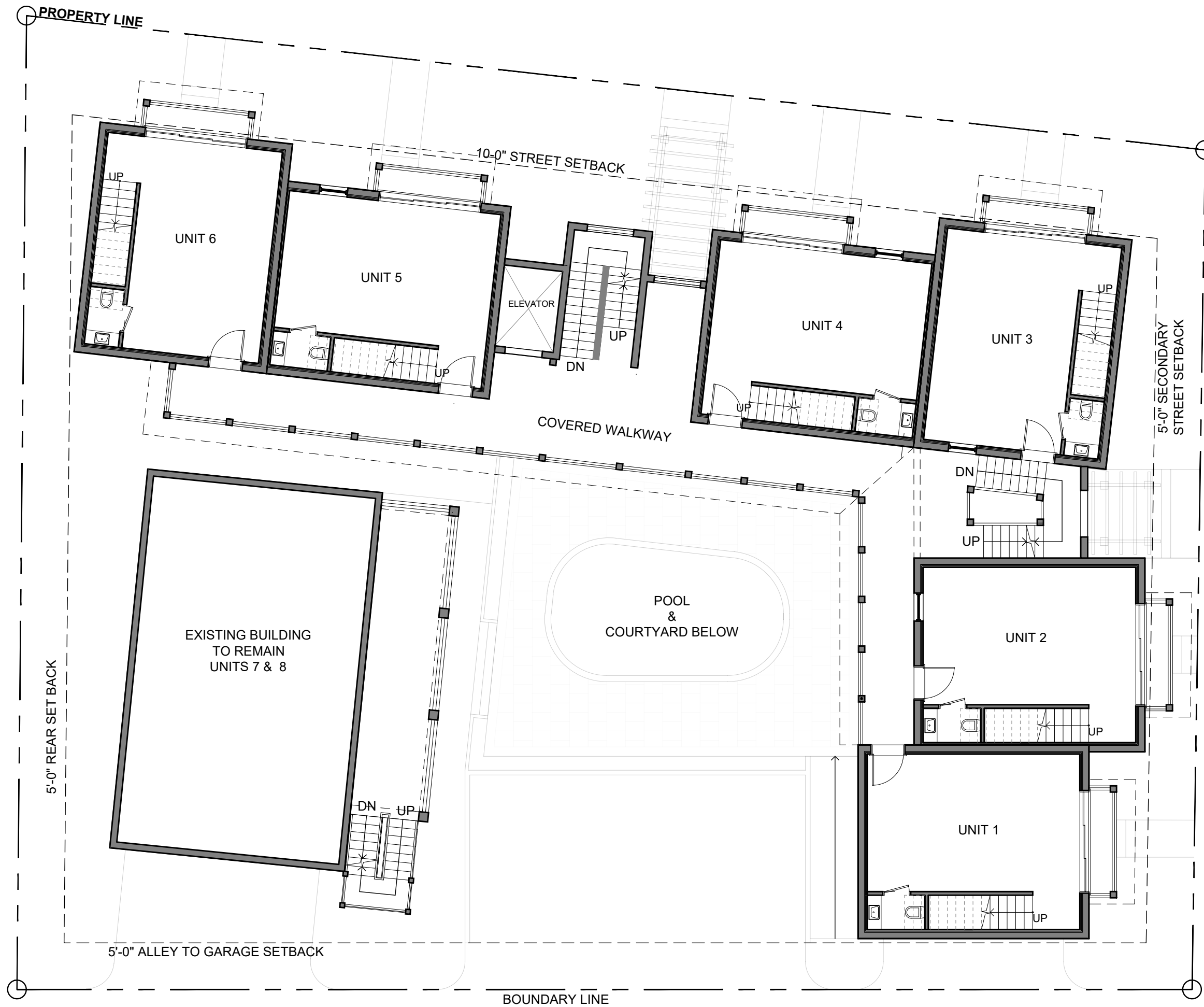
ENTITLEMENTS PACKAGE | **A1.0**

05.06.25

(727) 800-5300 | ARCHITECTUREBP.COM

PROPOSED GROUND FLOOR PLAN

SCALE: 3/32" = 1'-0"



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

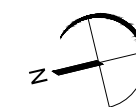
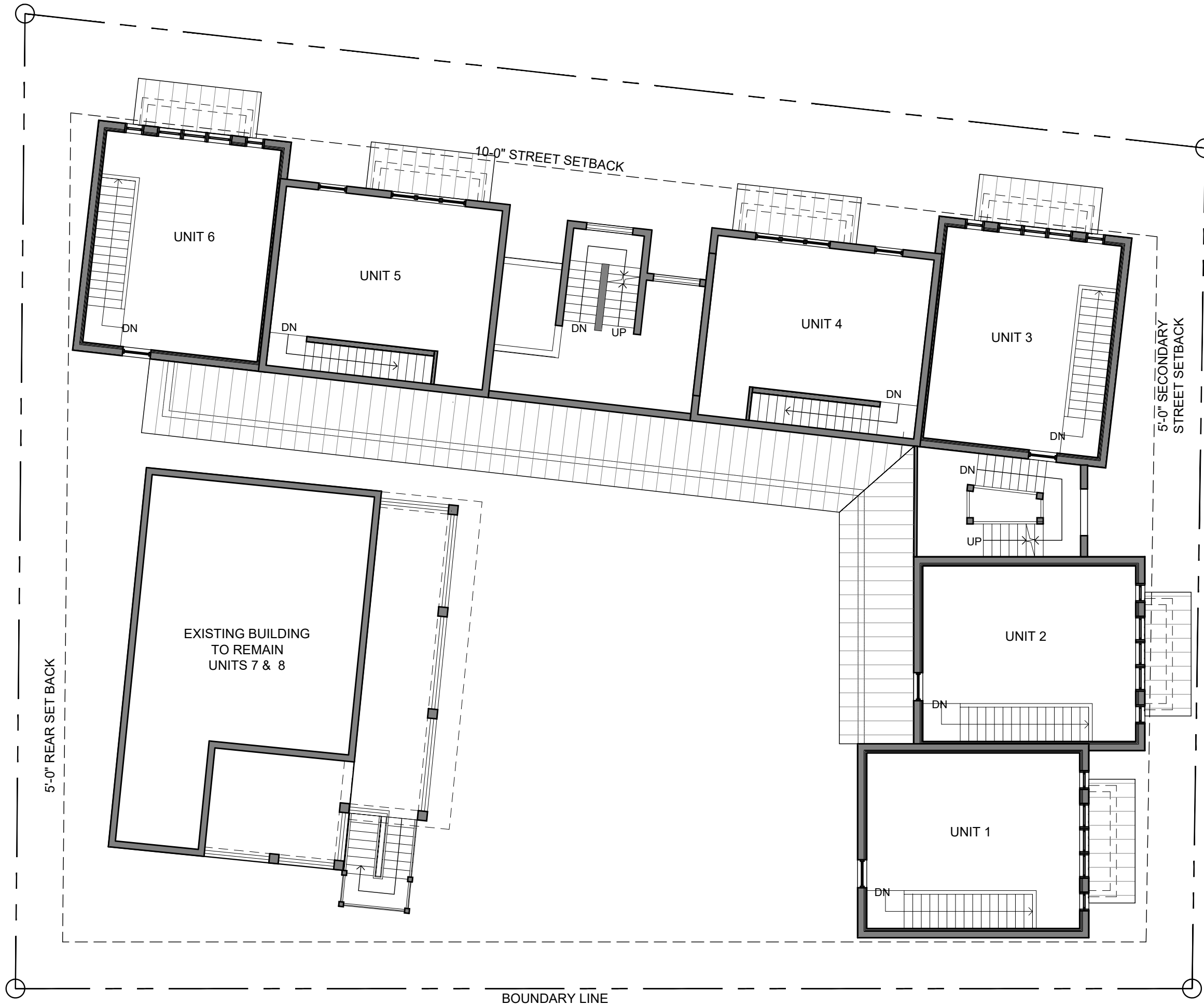
ENTITLEMENTS PACKAGE | **A1.1**

05.06.25

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PROPOSED FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"



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100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

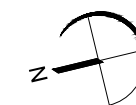
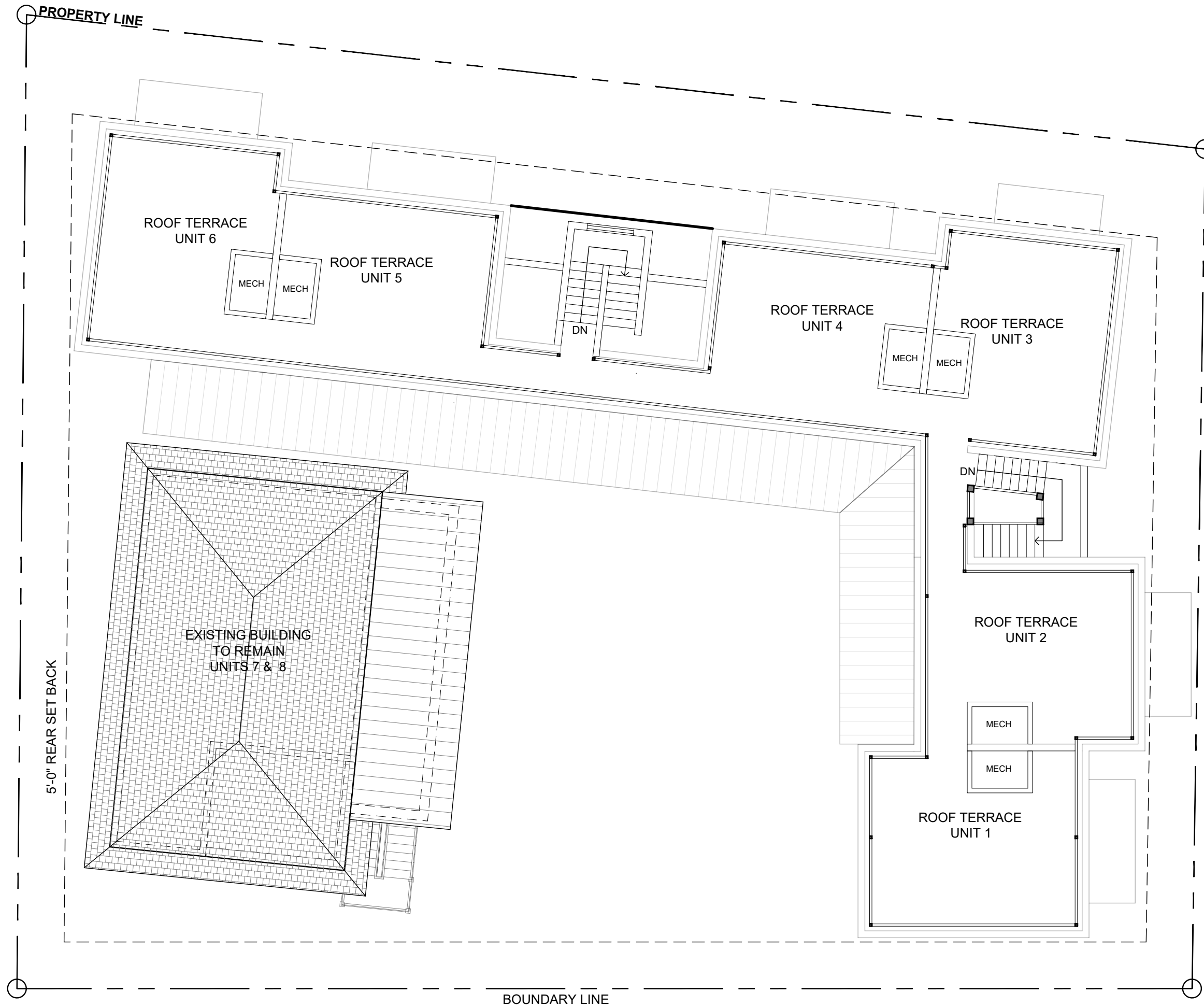
ENTITLEMENTS PACKAGE | **A1.2**

05.06.25

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PROPOSED SECOND FLOOR PLAN

SCALE: 3/32" = 1'-0"



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

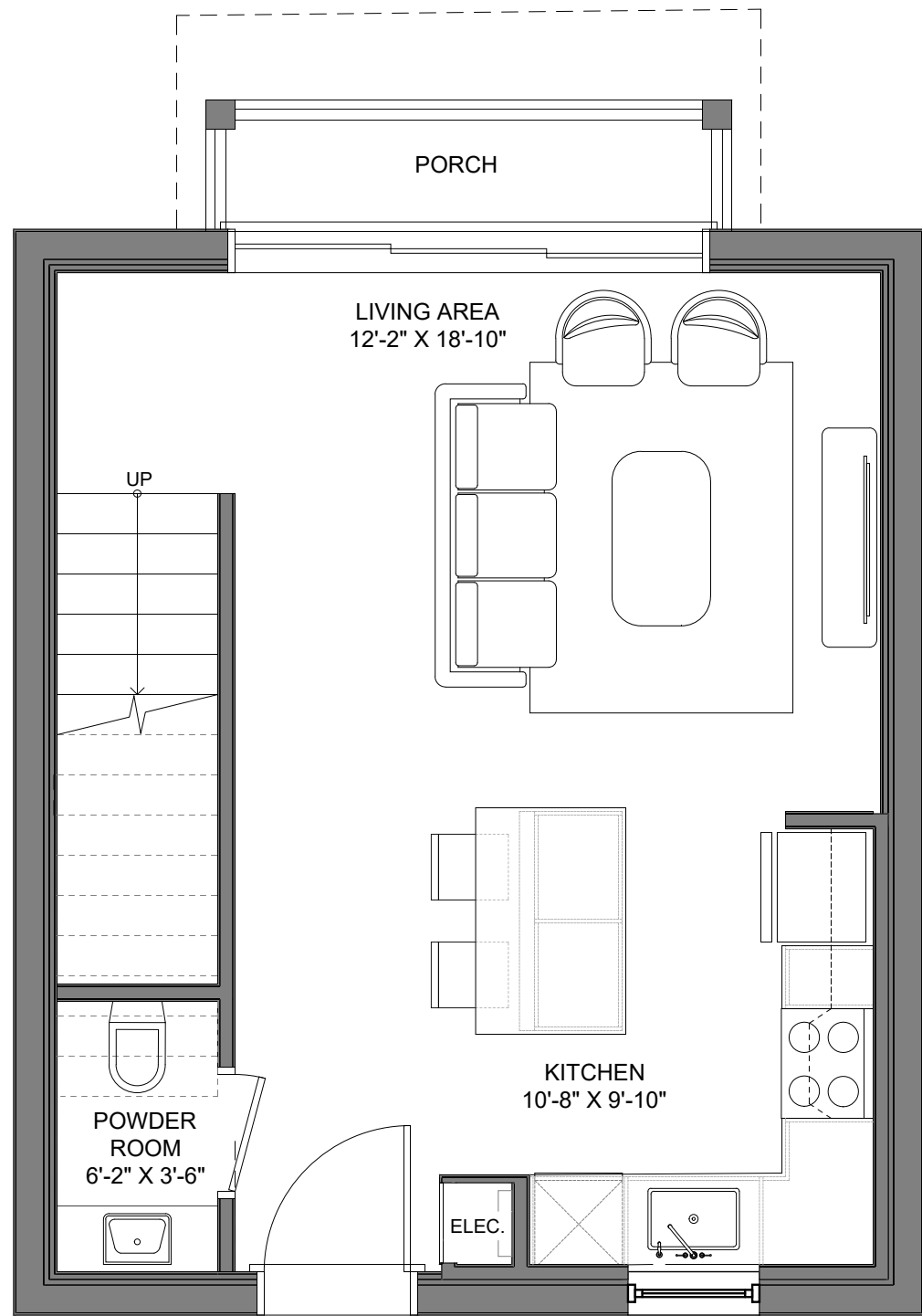
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05.06.25

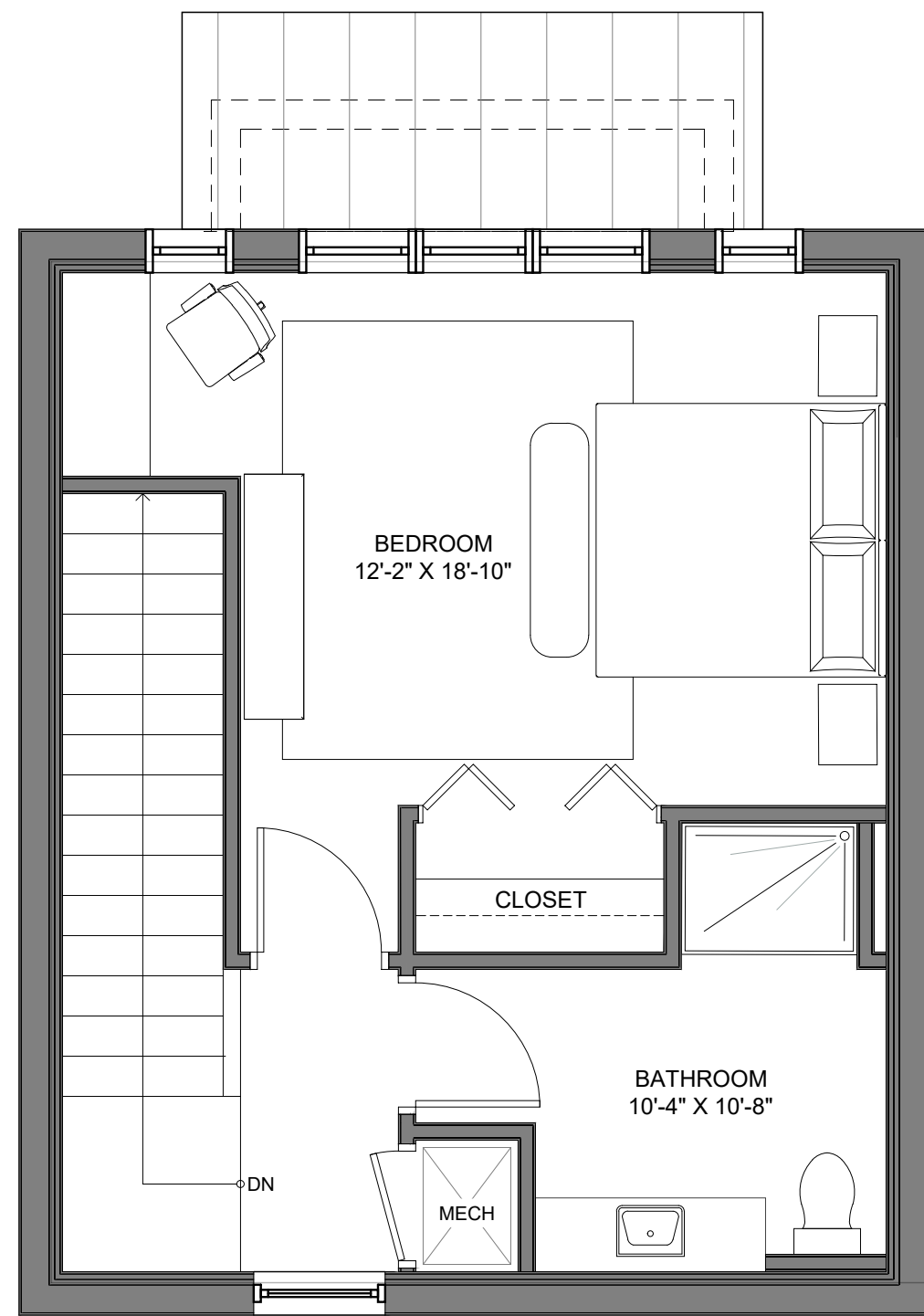
(727) 800-5300 | ARCHITECTUREBP.COM

PROPOSED ROOF TERRACE PLAN

SCALE: 3/32" = 1'-0"



PROPOSED FIRST FLOOR LAYOUT



PROPOSED SECOND FLOOR LAYOUT

PROPOSED TYPICAL UNIT LAYOUT

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



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A9.0**

05.06.25

(727) 800-5300 | ARCHITECTUREBP.COM



**BARRACKS BY THE SEA**

100 PASS-A-GRILLE WAY, ST PETE BEACH, FL

ENTITLEMENTS PACKAGE | **A9.1**

05.06.25

(727) 800-5300 | ARCHITECTUREBP.COM

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](mailto:planning@stpetebeach.org).
- The Application Fee, payable to the City of St. Pete Beach (non-refundable)

#### OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	BARRACKS BY THE SEA, LLC	3112 Pass A Grille Way St. Pete Beach, FL 33706	443-838-7866
Applicant/ Agent	Brian J. Aungst, Jr.; Clay Gilman; Macfarlane, Ferguson & McMullen, P.A.	625 Court Street, Suite 200 Clearwater, FL 33756	(727) 441-8966
Owner Email Address: <a href="mailto:eabel63@gmail.com">eabel63@gmail.com</a>		Applicant/Agent Email Address: bj@macfar.com	

#### PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-2 / PAG	RLM	~0.28 acres

Legal Description: Lots 3, 4 and 5, Block 11, Morey Beach, according to the map or plat thereof as recorded in Plat Book 1, Page 102, Public Records of Hillsborough County, Florida, of which Pinellas County was formerly a part.

Address: 100 Pass A Grille Way, St. Pete Beach, FL 33706

Explanation of Request:

- (1) Requesting variance to Code Section 2.1 to allow for exemption of unoccupiable space below DFE from FAR requirements. Existing density is allowed to be rebuilt under Code Section 20.07, but it “cannot exceed the existing developed square footage and must match the existing form and mass as defined in Section 20.22”; the current Code restricts the ability to rebuild due to non-livable space under DFE being counted towards the FAR for the property.
- (2) Requesting variance from Code Section 20.07 to allow for an additional 500sf per unit to be approved for rebuilding in order to match the style of units which neighboring properties are able to develop based on the current Code.
- (3) Requesting variance to Code Section 20.15 to allow for porches to be an allowable encroachment to the front and secondary setbacks for a ‘Courtyard Apartment’ building.
- (4) Requesting a variance to Code Section 20.15 to allow for a 5ft rear setback for where 20ft is required in order to redevelop the site in conformity with the historical character of the site.

**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;

The property was developed prior to the implementation of the Land Development Code and had existed with non-conforming density units on the parcel without issue as single-story structures until the most recent storms and flooding. Section 20.07 of the Code permits rebuilding of existing density, however it restricts the redevelopment to "the existing form and mass as defined in section 20.22 herein." In order to comply with FEMA and the floodplain, the structures will need to be elevated but the current Code counts any enclosed space below DFE towards FAR. No other jurisdiction that we have dealt with counts unoccupiable space below DFE towards the overall FAR on the property. Constraining the redevelopment of the site to the existing form and mass and counting unoccupiable space below DFE towards FAR is an unnecessary and undue hardship as the property cannot come up to current Code if that were the case. Furthermore, rebuilding the same 500sf units will be out of character with the neighborhood as it is redeveloped. The proposed variance requests would allow the applicant to bring the property up to Code and redevelop the existing density with an additional 500sf per unit to conform with the character of the rebuilding neighborhood. Furthermore, the site has historically included porches in the front and secondary setbacks and had a 5ft rear setback adjacent to the alleyway. Due to the small nature of the site and in order to redevelop the site in conformity with the historic nature of the area, the proposed variances to the setbacks are necessary and will allow the Applicant to recognize the historic character of the site.

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

The special conditions are not a result of any action by the applicant or a prior owner. The destruction caused by the storms and the Code restrictions have created the hardship on the applicant. The buildings which were destroyed were well-occupied rental properties that the applicant was proud to own in St. Pete Beach. Following the storms and subsequent flooding, most of the property was destroyed and in order to reconstruct with the same number of units and in conformity with current Code specifications, the requested variance is needed in order to comply with FEMA and the floodplain by elevating the structure and not including unoccupiable space under DFE towards the FAR. The applicant is requesting a variance to allow for an additional 500sf to be constructed per unit in order to provide quality, livable units that match the current living standards which are expected in modern housing. Furthermore, the variances to the setbacks will allow the site to be redeveloped in the character of the historic neighborhood which is an emphasis of the City of St. Pete Beach and its' Land Development Code.

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

Literal interpretation of the Code would only allow the applicant to rebuild the property in the existing form and mass as defined in Section 20.22 of the Code which would deprive the applicant rights commonly enjoyed by other property owners who have newer properties and would be able to rebuild in a Code compliant manner. Without the requested variances, the applicant will be unable to optimize the utility of the property due to its inability to meet current flood requirements and develop the property in a manner which is consistent with the historic character of the site. The request for an additional 500sf per unit allows the applicant to enjoy rights which are able to be developed by other properties in the same zoning district.

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

The applicant did not create the hardship as it was created due to the property being developed prior to the Code and the current Code restrictions on rebuilding of the property in the existing form and mass.

Furthermore, increased standards for building along with significant changes to the Florida Building Code following the construction of the structures in the 1940s has added to the hardship the applicant is facing. When the structures were built, there were no ADA or FEMA requirements and living standards were substantially different than they are today. The size of the current units does not account for these heightened requirements and makes compliance impossible within the framework of the current unit size. For example, FEMA requires that the structures be lifted due to the flood elevation, but each unit will lose additional square footage in order to create access to the lifted second floor. The applicant clearly did not knowingly or deliberately create this hardship and the applicant's design team has put significant time and effort into maintaining the coastal modern, smaller-unit character of the area as opposed to a larger building. This request allows the applicant to design the units in conformity with new developments in the area and with no increase in units/tenants. Furthermore, this request is compliant with FEMA and the floodplain. Adhering to the Code provisions would make the property more susceptible to damage as compared to approval of this variance request.

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 to increase the number of units on the site but rather to create a design that aligns with modern building standards, the historic character of the site, and enhances the overall resilience and functionality of the development. The requested variance for an additional 500sf per unit allows for a design that meets current building code requirements while ensuring architectural consistency and improved livability for future residents. Due to updated floodplain regulations and FEMA mandates, the original structures cannot be restored to their previous condition at the same height. Elevating the buildings to comply with these regulations necessitates a design that maximizes structural integrity, storm resilience, and long-term sustainability. The additional square footage is essential for creating a well-proportioned, aesthetically cohesive development that integrates best practices for storm-resistant construction while maintaining the character and functionality of the community. The increased square footage helps maintain a balanced streetscape and architectural consistency with surrounding properties, preventing an outdated or overly compact design that may not fit current development trends. The variance supports a more sustainable development approach by enabling energy-efficient building practices that reduce environmental impact and the increased square footage enhances the livability and safety of the units by supporting better layout functionality and improved storm resistance. This request ensures the property remains a valuable and viable part of the community while minimizing future storm-related risks.

Currently, the site includes 1 existing two-story building, while the other 3 structures require rebuilding due to storm damage. The requested variances allow the new buildings to match the scale, height, and design of the existing two-story structure, ensuring architectural consistency and preservation of the site's character across the development. Without the additional square footage, the elevated units would appear disproportionate and out of place compared to the existing structure. Furthermore, several properties in the vicinity enjoy similar or greater development rights in terms of building scale, massing, and overall square footage, including multi-story residential buildings such as Point Pass-a-Grille and other older and larger condominium structures along Gulf Boulevard that exceed the footprint and density of the applicant's proposal. As the site currently consists of 3 separate lots, an alternative development approach could involve constructing 3 single-family homes at the maximum allowable height per zoning regulations. While this option would result in fewer total units, it would likely increase the overall square footage and massing of the development leading to a more fragmented and potentially less efficient use of the site. The proposed project strikes a better balance between density, scale, and community benefit by maintaining a reasonable unit count while ensuring an architecturally cohesive and appropriately-scaled development that integrates with the surrounding neighborhood. By designing a thoughtful, multi-family configuration, the proposal supports a more accessible, functional, and sustainable housing option for Pass-a-Grille residents. This approach seeks to not only preserve the historic character and pedestrian-friendly nature of the area, but also intends to promote a more engaged, year-round residential community compared to the alternative of large, individually-owned single-family homes which may be used less frequently as primary residences.

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

Granting of this variance follows FEMA and floodplain regulations, as well as the proposed revisions to the St. Pete Beach Code. Approval of this variance request allows the applicant to rebuild the property with existing regulations in mind which affords the applicant the same treatment as neighboring owners. This requested variance will beautify the area and allow for the neighborhood to continue rebuilding following the flooding and storms from last fall.

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

The requested variance is the minimum necessary to make the project feasible, as it allows for the accommodation of essential code and FEMA compliance requirements. This variance does not seek to increase the number of units or enhance livability but is required to address fundamental building performance needs. The additional 500 square feet per unit is not for added enjoyment or expanded living space but is strictly necessary to accommodate the new staircases and required connections to them, the increased thickness of walls due to the shift from prior wood-frame construction to durable masonry for resilience and compliance with current standards, and the elevation of the building to meet FEMA and floodplain requirements, allowing unoccupiable space to be placed below the Design Flood Elevation (DFE). Without this variance, the project would be infeasible, as it would not be possible to reconstruct the building in a manner that maintains its original function while meeting modern building codes and flood protection measures. The applicant's design team has minimized the additional square footage to only what is necessary to ensure the building remains as consistent as possible with its prior use while complying with performance, structural, preservation of character, and regulatory requirements.

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

The requested variance allows the developer to keep the property's design in character with the lesser dense neighborhood and a coastal modern design that is consistent with the existing mass and scale within the district and will fit harmoniously with its compatible design and quality. Additionally, the requested variance will make the property safer and compliant with FEMA and the current floodplain, as well as the proposed revisions to the Code by St. Pete Beach. The additional 500sf per unit will bring the units up to a more current standard of living and allow the optimal use of the applicant's property. The proposed design will better align with the massing and scale of adjacent buildings, including Point Pass-a-Grille, a four-story development across the street at 200 1<sup>st</sup> Avenue. While the City may have concerns about larger structures, the requested variance strikes a balance—maintaining a residential scale while ensuring the project fits cohesively within the existing neighborhood context. The Applicant made a point to include porches in the proposed design as an homage to the historic character of the site and is requesting a variance so that these porches can be included as an approved encroachment into the front and secondary setbacks. By allowing for a well-proportioned and appropriately scaled design which captures the character and historic layout of the site, the development will integrate more seamlessly with the surrounding built environment.

# Board of Adjustment Case No. 25052

Letters Received as of 5/19/2025

## Brandon Berry

---

**From:** Maurice Feinberg Jr <mauricefeinbergjr@gmail.com>  
**Sent:** Friday, May 16, 2025 3:23 PM  
**To:** Brandon Berry  
**Subject:** Variance Request

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

Hi Brandon this is Dave Feinberg in Pass A Grille.

This email is to Support the Variance Request for case number 25052.

Located at 100- Pass A Grille Way

St Pete Beach Fl 33706.

Respectfully,Dave Feinberg

Sent from my iPhone

**Brandon Berry**

---

**From:** JAY <dogjama@aol.com>  
**Sent:** Saturday, May 17, 2025 3:46 PM  
**To:** j.moholland@stpetebeach.org; Brandon Berry  
**Cc:** Kristin Coman; Frances Robustelli  
**Subject:** Fw: 100 Pass A Grille Way proposed development

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

Hello All:

It has come to my (and others) attention that there is a proposal for the army barracks site at 100 PAG Way for new construction. (they have received a demolition permit)

What they are planning needs variances ....

1. roof top. ...they are proposing a flat roof for gatherings not typical of PAG historic homes (not a variance)
- 2, additional square footage from 450 to to 2700 per unit. (variance)
3. additional front and side yard and rear setbacks that would put building close to side walks and alley and take away from green space. (variance)
4. a massive look from roadside that resembles a wall on north and southside .

The project, while they (the applicant) say fits the Historic community..it seems they are trying to get the "biggest bang for the buck" and maximizing the square footage and [footprint.to](http://footprint.to) where it bulges/busts from its seams..... certainly a long way from the "army barracks" that graced this property for so many years.

While we know are little village is changing and they have the right to rebuild...I'm not sure what they propose fits.

They knew the footprint that was available to build on so why did they not make it within the confines of the code. A variance by definition needs to show a "hardship". I don't see that here. If they are allowed to do this, then what is to say the next person wants the same treatment.

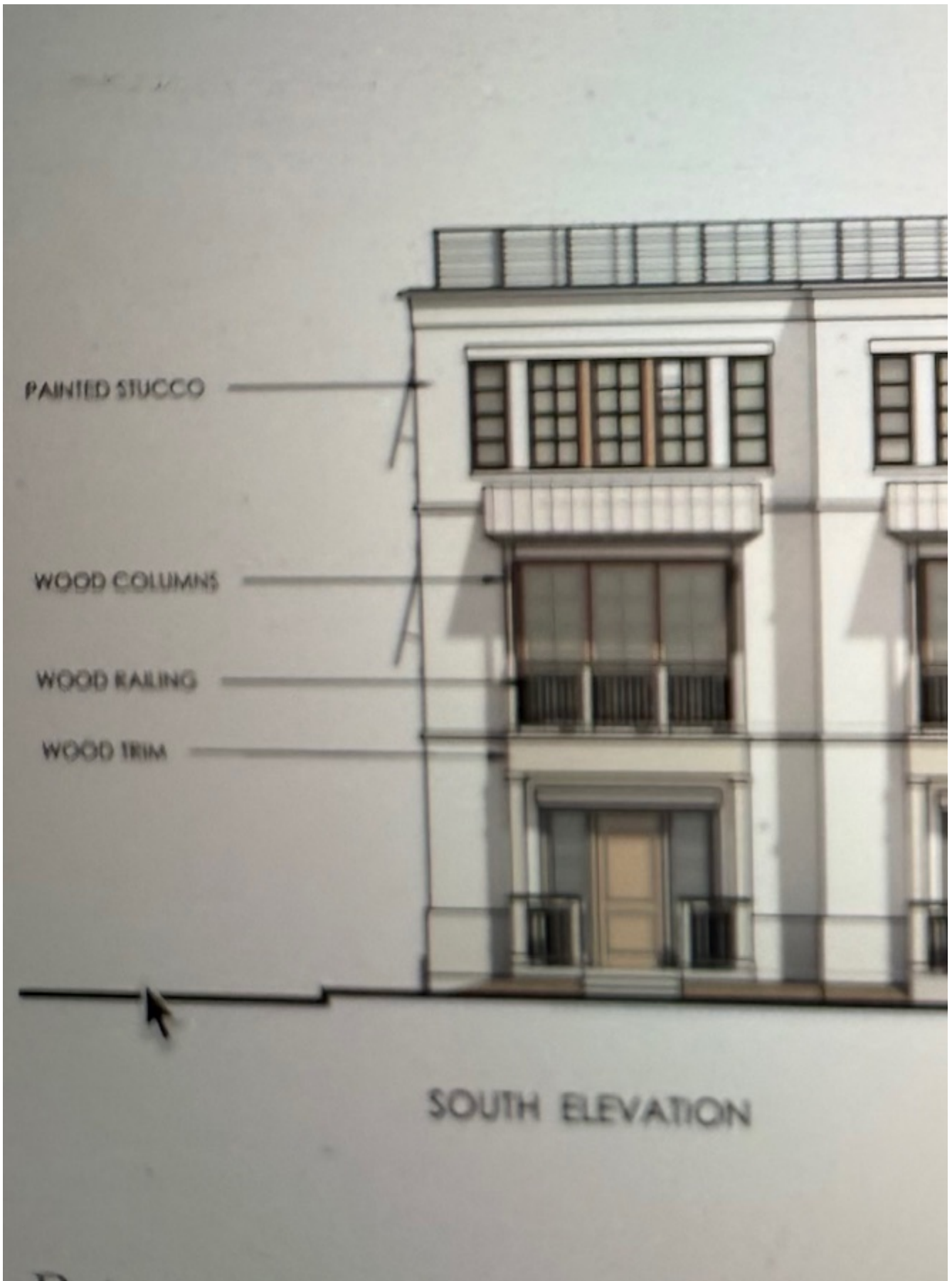
We need to insure our future developments/structures conform to what we envision this new PAG is going to look like.... keeping in mind our past.

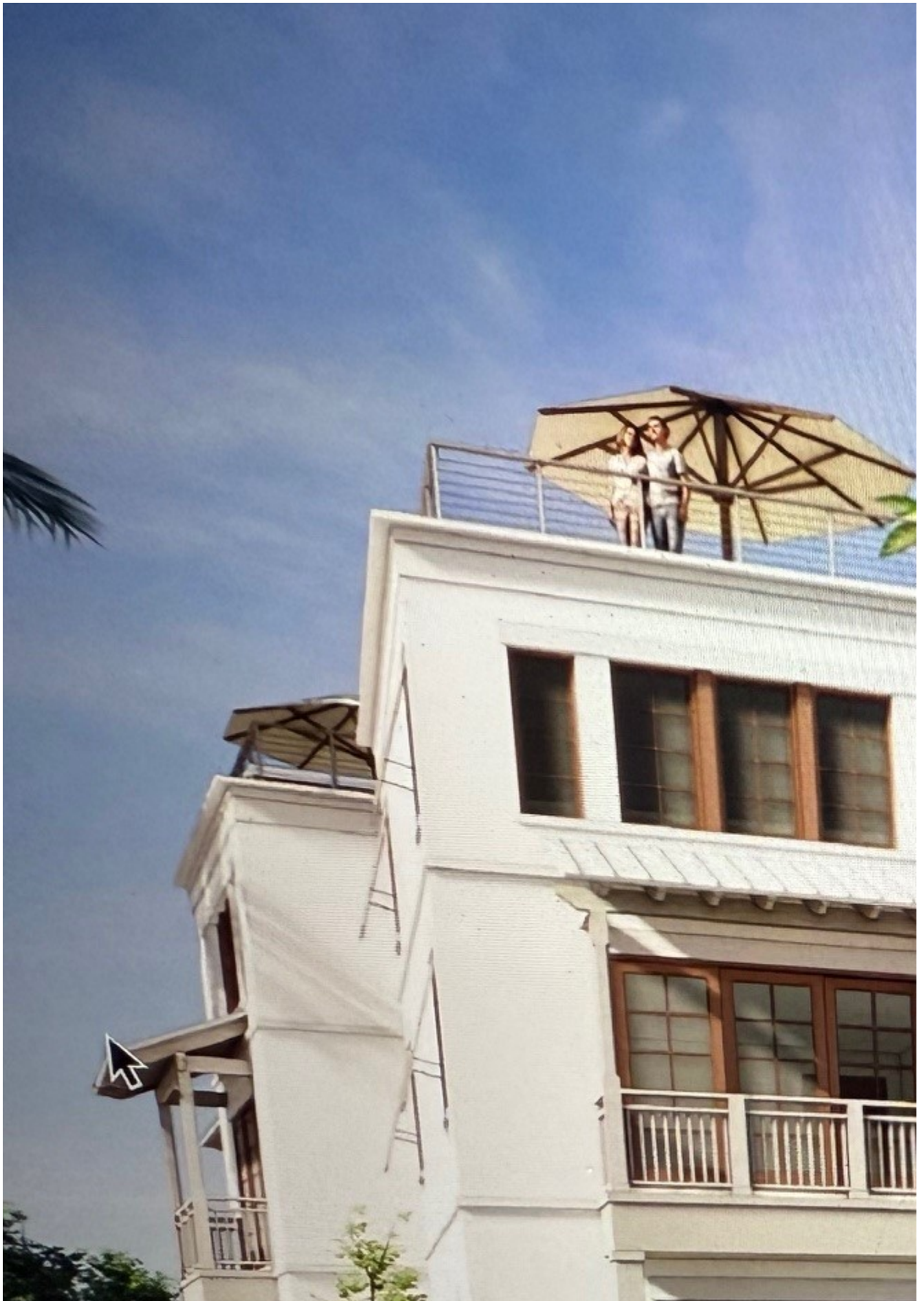
Regards,

Jay Anderson

This is from historic board mtg. May 1st where they presented the project for a design review and is now (below)going before Board of Adjustment May 28th

a. Design Review No. 25050: 100 Pass-A-Grille Way  
Brian J. Aungst, Jr., Esq., of Macfarlane, Ferguson & McMullen for BARRACKS BY  
THE  
SEA, LLC proposes to reconstruct two of the three buildings on the eight-unit property  
as  
three buildings each containing two units, with the development classified as the  
Courtyard Apartment building type. The applicant is seeking companion variances to  
allow  
for additional developed square footage, and yard encroachments, in order to  
accommodate the development as proposed.





**Case No. 25052 – 100 Pass-a-**

Unnecessary and Undue Harms  
Jr. and Clay Gilman of Macfar  
P.A. for BARRACKS BY THE S  
unnecessary and undue harms  
courtyard apartment redevelop

- 1) Allow exemption of non-habitable units from the current minimum floor area per unit (2,700 sq ft) and allow for an additional floor of habitable residential units (LDC Sec. 17-110.1)
- 2) Allow entry porches to encroach to five feet from the property line where 10 feet is required, a porch to 2'-5" from the 1st Avenue where five feet is required, a porch to encroach to 5'-5" from the property line where 20 feet is required, the existing remaining the