



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

155 Corey Avenue  
St. Pete Beach, FL 33706

Wednesday, June 25, 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 June 25, 2025 agenda.**

2. Audience Comments -

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

3. Approval of Minutes

**a. May 28, 2025 Meeting Minutes**

4. Action Items -

**a. Case No. 25074 - 107 20th Ave.**

*Practical Difficulty Variance: Mark Zdrojewski of Strobel Design Build for Patrick Dufour requests to construct a new House-Medium structure that will encroach to 8'-0" from the rear property line where 15'-0" is required (LDC Sec. 20.15.)*

5. Items for Discussion -

**a. Case No. 23072 - 2007 Pass-a-Grille Way - Progress Report #3**

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

- *Progress Report #3 is to be provided on the status of all open permits and conditions outlined in the Development Order for Case No. 23072, as requested by the Board following Progress Report #2 presented at the 3/26/25 hearing and Progress Report #1 presented at the 10/30/24 hearing.*

6. Adjournment - Next meeting to be held July 30, 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).**

**BOARD OF ADJUSTMENT MINUTES**  
**May 28, 2025 – 2:00 P.M.**  
**Commission Chambers**

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

**EXCUSED:** Denise Chase, Chair

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

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

**1. Approval of the Agenda -**

There were no changes to the agenda.

**There was unanimous approval of the May 28, 2025 agenda as presented 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 – April 30, 2025 Meeting**

Vice Chair Garchow asked for a correction to the minutes for the first case to reflect that she listened to the TRC, but did not attend, and the second case had only one vote; the first motion did not carry. The Deputy Clerk will make the changes.

**Motion: Member Core moved, Member Small seconded, and the motion carried 4-0 to approve the April 30, 2025 meeting minutes as amended.**

**4. Action Items**

Ex-parte disclosures were that Members Core and Causey each visited the site.

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).

Senior Planner Brandon Berry reviewed a presentation for the variance request that included photos, a zoning map, survey, application, posted notices, variance conditions, and staff findings. The presentation is part of the meeting record. Staff found that only the elevator requires a variance; one is not necessary for the overall height of the home. The applicant graded their lot to six feet NAVD 88 to allow for adequate lot drainage relative to the new, code-compliant seawall (5.0' NAVD 88).

This is a unique circumstance and one of the first code-compliant seawalls along Pass-A-Grille Way. A recommended slope of 1-2% to provide adequate on-site drainage justifies the 6.0' NAVD 88 measurement of the lot grade relative to the 5.0' NAVD 88 seawall. The applicant is not building a taller home from grade than would be permitted if they did not grade up the lot to compensate for the seawall. The grade change causes the need for this variance.

Staff suggested that the applicant supply testimony confirming that the elevator shaft overrun is the minimum necessary to meet rooftop access requirements (and/or state the need for the floor height of the living or ground-floor level), and also if any alternate plans have been developed. No conditions for approval were identified by staff.

Mr. Berry explained, regarding a maximum height question, that the grade was not reflected on the original design plan; this would not happen again if the builder had been aware of the standards. The garage height was confirmed. One letter of opposition was included in the meeting packet.

Resident neighbor Danny Kramer testified at applicant Jens Johansen's request. He explained that the new seawall height requirement was the reason for the variance. The elevator is at absolute minimum height.

Member Causey inquired if regulations overall should be modified to avoid recurrence of this issue due to the new seawall heights. Mr. Berry indicated that staff would need to follow up with the City Commission if requested.

Applicant Jens Johansen testified that the reason for the elevator is to be compliant with elevated first floor requirements. Members asked additional questions about the elevator. The elevator will serve all the way to the roof, beyond the living areas; the applicant indicated this is to accommodate his elderly parents who live with them.

Public comment was closed, and Board deliberation took place. Member Core did not think that a variance of 14 inches was enough to deny the request. Vice Chair Garchow and Member Small expressed that accommodations could be made by the applicant to keep the height down. Approval would continue the practice of going beyond code. Member Causey opined that it could be different in each case. Mr. Berry concurred, explaining that there is no set elevation across the board, due to pre-grade fill. Vice Chair Garchow voiced concern about leaning away from the aesthetics of the historic district and city codes without a true hardship and setting a precedent. Nine-foot-high ceiling heights could correct the issue.

Mr. Johansen was recalled and testified that he began the project two years ago.

Applicant representative Danny Kramer stated that if the board asks today for a two-inch adjustment, then that would need to carry forward to all other future cases to be equitable.

**Motion: Member Small moved, Member Causey seconded, and the motion carried 4-0 to deny the variance for Case No. 25055.**

- 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.

Mr. Berry presented the case for this variance in which the applicant seeks to redevelop the existing one-story, 500 square foot floor area units contained in three of the four buildings on property with the following - 1) A ground floor of 500 square foot 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 foot floor area, containing 418 square feet of developed square footage between walls; 3) A newly-constructed second-floor living area of 500 square foot floor area, containing 422 square feet of developed square footage between walls.

His presentation included photos, a zoning map, survey, application, request detail (required, existing, and proposed footage), posted notices, variance conditions, and staff findings, and is part of the meeting record. The footprint of the buildings remains basically the same – the floor area would increase. The Technical Review Committee discussed this request on May 7, 2025 and the comments shared were primarily zoning related as to scope, requests for floor plans, design modification potential, and the consideration of relocation of one or more of the damaged dwellings to replace the damaged Pass-A-Grille shuffleboard court clubhouse. The Historic Preservation Board reviewed the project on May 1<sup>st</sup> where concerns were expressed on the compatibility of the structures within the Overlay District. Four letters in support and five in opposition were received.

Staff accepted the applicant's justification for the setback encroachments, except for the southern porch request; those requests generally preserve or decrease the encroachments of the existing building. Staff also found adequate applicant justification for exclusion of the ground-floor parking, storage and porch areas of the structures, along with an additional 22 square feet for powder room requirements, from the calculation of developed square footage. The addition of a powder room at the ground floor is necessary to meet current Fair Housing Act requirements.

The structure's living level is required to be elevated one story and prohibiting the applicant from using this space to meet other code requirements, such as parking, could pose hardship to the applicant and prevent redevelopment of the property. Staff found no justified hardship of the land. The property could be redeveloped with a larger duplex use without complying with the floor area limitations posed to the current eight-unit project, or subdivided and support multiple single-family developments that require only compliance with the zoning code.

Staff sought additional applicant testimony pertaining to the hardship or the structure or building. The applicant's justification for excluding the area beneath the Design Flood Elevation is justified by the additional developed square footage at the ground level, not an additional living level, except as justified for the powder room and necessary stairs and landing. Staff also sought applicant justification for the southern porch encroachment, which appears could be accommodated by slightly relocating the structure, possibly with minimal impact to the pool area.

Staff suggested 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. Staff also suggested testimony to justify 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 of the land when there are other options available for use of the property in addition to reconstruction of the existing dwelling units.

Mr. Berry reviewed seven different motion options that might be considered by the board, as part of the presentation. 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)).

Attorney Brian Aungst of Court St., Clearwater explained that a new application was been submitted yesterday, and he provided an updated presentation to the Board showing less intensity than originally submitted. He explained that the property was multifamily units to begin; due to storms they must be demolished; storm damage must be repaired by redevelopment. As a multifamily development, they must comply with the Fair Housing Act and FEMA. Mr. Aungst reviewed their variance requests: 1) A 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 counts unoccupiable space under DFE, such as the proposed parking/porches, towards the FAR for the property. 2) A 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 existing units and units which neighboring properties are able to develop based on the current Code. 3) A variance to Code Section 20.15 to allow for a 5ft rear setback where 20ft is required in order to redevelop the site in conformity with the historical character of the site.

Architect Istvan Peteranecz explained the scope of their task to maintain the historic character of the courtyard apartments. He reviewed a unit layout comparison. The intensity is much less than it could be; they made efforts to keep the style compatible. Mr. Peteranecz testified that the applicant has met the criteria for the variance and meets city codes.

Mr. Aungst continued to review his presentation –

- 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 special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property
- 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

Coastal modern design is what has been on that property; he reviewed similar massing and scale already present in Pass-a-Grille. He reviewed the hardships that the hurricanes caused.

Ms. Coman explained that staff has not yet reviewed the newly submitted application; she asked for clarification on which porches were moved back into the required setbacks. Mr. Peteranecz reviewed all of the (now) setback requests.

Vice Chair Garchow expressed that there was positive movement on the resubmission, but more time may be needed for staff review, given that it was submitted last night.

Resident Julian Sanchez of 1<sup>st</sup> Ave. South agreed with the proposal to continue the case to another date and suggested there will be changes to the character of Pass-A-Grille and questioned the definition of hardship after a storm.

Steve Stern of 3805 Gulf Blvd. spoke in support of giving the applicant reasonable accommodations to keep the courtyard type environment vs. a high-rise, massive home.

Mr. Aungst suggested they would like to return to the TRC for another review prior to the hearing.

Vice Garchow opined that mass and scale were of concern, but the need for elevation is clear; the board would welcome the applicant to provide more details regarding hardship with square footage in the living areas. Mr. Berry explained that the applicant is keeping the non-conforming density that was there. Member Causey opined that two stories would be preferable to three.

**Motion: Member Causey moved, Member Core seconded, and the motion carried 4-0 to continue Case No. 25052 to the July 30, 2025 hearing.**

Vice Chair Garchow stated that she will be out of town on July 30<sup>th</sup>.

**5. Adjournment** – The next meeting is scheduled for July 30, 2025.

**Vice Chair Garchow adjourned the meeting at 4:21 PM.**

*These minutes will be considered for approval at the June 25, 2025 Board of Adjustment meeting.*

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

**Agenda Report**

**Agenda Title Name:** Case No. 25074 - 107 20th Ave.

**Action Request:** Motion to [approve/approve with conditions/deny] Practical Difficulty Variance No. 25074 for a seven-foot encroachment of an approximately 16-foot-wide portion of a new home into the 15-foot required rear setback of 107 20th Avenue, resulting in a rear setback of 8 feet.

**Strategic Objective:**

**Date:** June 25, 2025

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

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

**Summary of Issue:** The applicant has submitted this request with intent to construct a new two-story residence on the property, following recent Historic Preservation Board approval to demolish the contributing historic residence on the property. If approved, the applicant will submit and move on to permitting for the new residence.

Staff finds the applicant has partially justified the request, and that the direct result of this variance is unlikely to cause adverse change in the neighborhood, as the home's neighbors have two-story portions of their residence that are constructed closer to the rear alleyway property line than the replacement home is proposed to be constructed with. Staff also finds the requested footprint and massing of the structure is reasonable and this variance is not an attempt to increase the living square footage of the residence above what is intended through code regulations. However, Staff requests additional testimony from the applicant as to why the seven-foot portion of the building proposed for encroachment could not be accommodated elsewhere without difficulty, such as adjacent the enclosed portion of the home at the rear of the western side of the structure.

**Funding:** n/a

- Attachments:**
1. 25074 - Staff Report
  2. 25074 - Certificate of Completeness and Docs
  3. Revised Site Plan - For Clarity



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## COMMUNITY DEVELOPMENT - PLANNING

**Date:** June 16, 2025  
**To:** Board of Adjustment  
**Re:** Staff Findings Report  
Practical Difficulty Variance  
Address: 107 20<sup>th</sup> Ave  
Parcel Number: 18-32-16-68634-009-0730  
Mark Zdrojewski of Strobel Design Build for Patrick Dufour  
Variance Case No: 25074

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

**Hearing Date:** June 25, 2025

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

1. Practical Difficulty Variance package signed 3/18/2025.
2. Boundary Survey prepared Murphy's Land Surveying, Inc. dated 7/10/2024, consisting of 1 sheet.
3. Plan Set for proposed new home prepared by JKing Designs dated 4/28/2025, consisting of 7 sheets.

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

### Site Description/Surrounding Land Uses

The subject site is an approximately 5,000 sq. ft. (0.11 acre) parcel of land in the Revised Philips Division subdivision. The lot contained a single-story single-family residential structure which was approved for demolition in May 2025 (Case No. 25056). The subject request has gone through Historic Preservation Board design review (Case No. 25070), where the Board provided comments on preference for the front garage doors to be replaced with French doors or others that reduce emphasis on the ground-level frontage. Staff also provided limited comment regarding the front porch improvements and color of the frontage garage doors. The applicant has taken these comments under consideration.

The former structure was determined by the City to not be substantially damaged by Hurricanes Helene and Milton, at an estimated damage percentage of 32.5%. The owner chose to demolish the residence

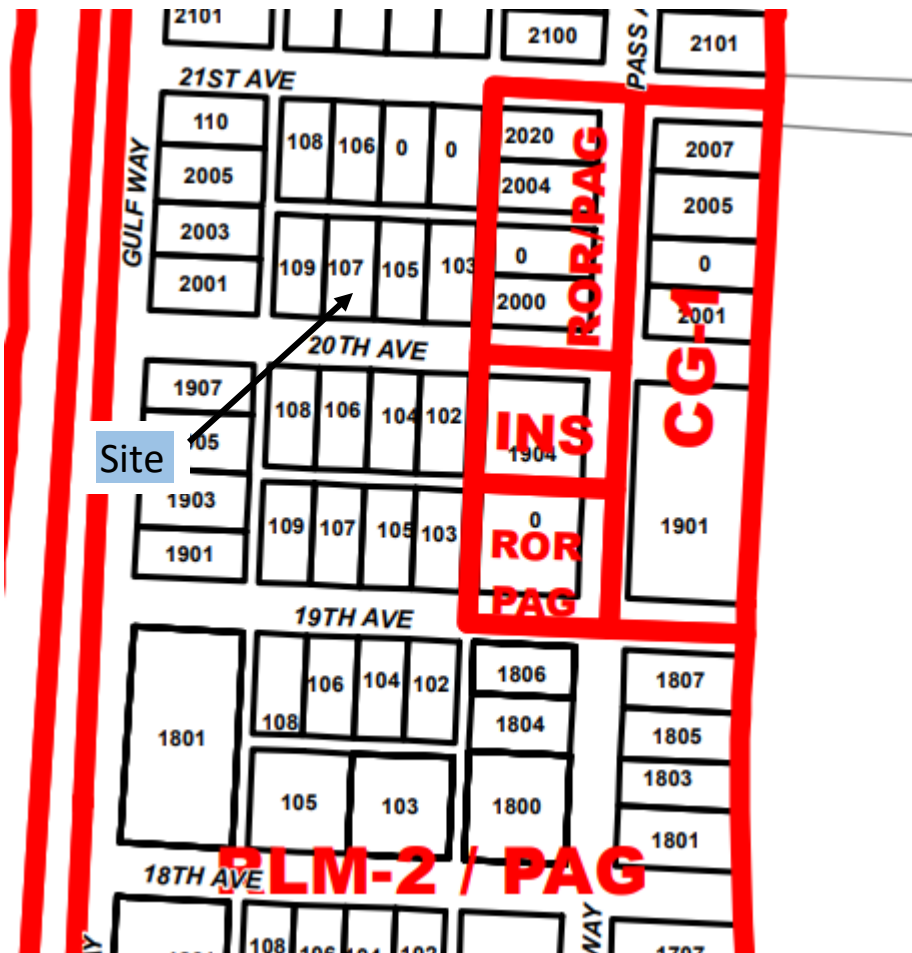
due to the risk of exposure of the structure to future storms. However, the applicant did state the cost to rehabilitate exceeds 50% of its current value, which is significantly higher than what the City's estimated.

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 is seeking to reduce the rear setback for a newly-constructed House-Medium structure from 15 feet to eight feet to allow for the construction of a new two-story single family home. The House-Medium building type allows for a rear alleyway setback of five feet for standalone single-level garages of 14 feet in height or less, but does not allow for a living level to be constructed above the garage at that setback. The ground level of the structure will be used as a carport, and the space above an office, within the proposed seven-foot encroachment.

**Analysis**

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

- 1) Construct a single-family House-Medium development with an 8'-0" rear setback where 15'-0" is required (LDC Sec. 20.15. – House-Medium).

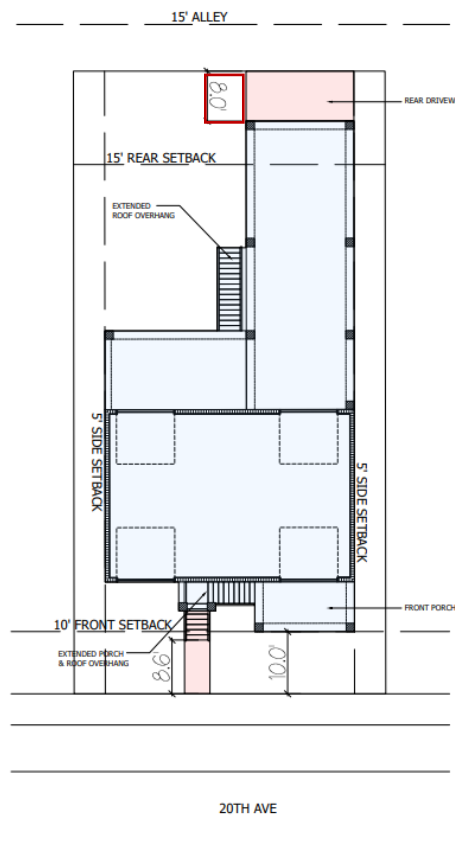
The applicant had initially applied for a reduction to the front setback requirement, proposing ten feet where 20 feet is required by the underlying zoning district. However, as the applicant chose to undertake a design review with the Historic Preservation Board, they are eligible for a ten-foot front

setback provided that the design elements are included in the request as addressed earlier in this report.

In 2015, the applicant was approved for a reduced rear yard setback of no less than ten feet through a Certificate of Appropriateness (Case No. 20150013), which included a subsequent addition to the rear of the home. This is an incentive specific to historic residences and is not transferrable to a newly-constructed, code-compliant structure, which must follow the House-Medium building type standards.

<b>Figure 3: Zoning Table</b>			
	<b>2311 Pass-A-Grille Way</b>		
	<b>PAG Standard</b>	<b>Existing</b>	<b>Proposed</b>
Rear Setback	15 feet	12.3 feet*	8 feet (v)
<b>(v) = Variance required</b> <b>* Existing nonconformity</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 practical difficulty 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. The applicant should be prepared to provide their own testimony by answering the following items 1-4 **in addition** to staff comments below:

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

*The applicant is requesting a variance of 8'-0" where 15'-0" is required by the Land Development Code building type. This represents a variance of 46.7% to the required standard and an additional 35% variance to the existing, established rear setback of the home, which was granted approval through a Certificate of Appropriateness incentive in 2015.*

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

*Staff finds there will be no direct adverse change in the character of the neighborhood stemming from the issuance of this variance from a physical standpoint. There are two other homes along the northern side of 20<sup>th</sup> Avenue that have rear setbacks of two-story portions of the structure that encroach closer to the rear lot line than the applicant is proposing. Additionally, the applicant will be required to meet radial setback requirements from existing utility lines along the alleyway during new construction.*

*From a neighborhood regulatory standpoint, Staff finds that issuance of a variance without adequate justification could produce an adverse change in the neighborhood character if it becomes a basis for future variance requests, particularly as an override of the Historic Preservation Board's incentive to approve rear additions with a ten-foot setback for maintained historic homes. The lot is not unique in orientation or size compared with others in the neighborhood. The applicant states the rear setback request is resulting from impractical interior room sizes, but it is unclear why the office located along the rear of the residence could not be relocated to the interior of the ell, with the rear elevated patio adjacent to or wrapping around it, which appears it would eliminate the need for the variance.*

*While the applicant cited the need for FEMA compliance in relation to the front setback encroachment, Staff finds that the requirement to elevate the living level may justify encroachment of stairs or other access elements, particularly if the existing home were being elevated or having its living level abandoned and built above in the same footprint. However, the access encroachment justification is not apparent in the home's design as it pertains to the rear setback, as it appears those access elements meet the setback requirements of the building type. The applicant should provide testimony as to why it is necessary for the office of the living level to encroach as requested.*

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

*As previously stated, it appears this request would be resolved through relocation of the office which is the sole portion of the residence's living level that encroaches into the 15-foot rear setback. The relocation appears it could be accommodated without resulting in additional variances, such as side*

setback encroachment or lot coverage limitations. The applicant should provide testimony if this is not the case.

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

*Staff recognizes and accepts the applicant's explanation for the need to redevelop the property, and the challenges faced with elevation of the structure. The applicant stated there was a desire to retain the original footprint and layout of the home. However, it does appear that the overall square footage of the structure could still be accommodated with relocation of the rear office to the western rear of the home without drastically changing the footprint of the home or necessitating a variance. The depth of the home at this western portion is staying relatively consistent compared with the existing, at approximately 28 feet of enclosed space, but a new open rear deck is proposed that will increase the total structure depth to approximately 40 feet.*

*Rear setback encroachments of five feet compared with the House-Medium building type, and ten feet compared with the underlying zoning setbacks, are benefits extended to contributing historic structures within the Pass-A-Grille Overlay District as part of the Certificate of Appropriateness process, as was awarded to this property for a rear addition in 2015. This permission for encroachment compared with new, non-historic construction is part of an incentive package to preserve Pass-A-Grille's historic buildings when additions or new construction maintain individual architectural compatibility and general neighborhood compatibility. Without discounting that practical difficulty and genuine hardship in new construction can provide a basis for issuance of an encroachment variance, Staff does not find that difficulty or hardship of the land or building has been established at this time. As the neighborhood is undergoing substantial reconstruction due to the impacts of Hurricanes Helene and Milton, allowing setback variances without an established hardship or difficulty could have larger implications that are adverse to the intent of the historic overlay district and historic preservation elements of the City's Land Development Code generally, and would not serve the interest of justice.*

*If adequate justification is provided, Staff finds the home will not be of excessive scale, massing, or square footage compared with homes on lots of similar dimensions in the vicinity. The home will have a living square footage of approximately 1,910 sq. ft., which is less than other mid-century homes built along the same frontage, including those with greater encroachment toward the alleyway property line. As both Staff and Historic Preservation Board design comments pertained primarily to aesthetic features and improvements rather than scale and massing, Staff also finds the home will be in relative keeping with the character of the neighborhood if approved. However, Staff does not find that the accommodation of the office within the rear ell would affect that determination, as the assessment is provided solely for the structure's frontage along 20<sup>th</sup> Avenue and such a relocation would be obscured behind the home.*

**Other**

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

1. The property was purchased in 2012, when setbacks were stricter than they are currently. The applicant would have required a rear setback variance from a standard of 20 rather than 15 feet, and a front setback variance from a standard of 20 to 10 feet, for new construction until the code changed in 2017.
2. It is unclear why the office, which comprises the entirety of the rear encroachment based on the floor plan, could not be relocated to the western side of the structure between the covered lanai and the rear, enclosed portion of the home. This appears it would resolve the need for the variance without significant alteration or challenge.

### **Summary**

Staff finds that the applicant has partially justified a positive finding regarding the practical difficulty criteria but does request additional testimony addressing why the office cannot be relocated to the rear of the western portion of the structure, either parallel with the front of the home or perpendicular with a wraparound modification to the deck.

Should the applicant provide adequate information to satisfy the Board that substantial and competent evidence has been provided, and should the Board look favorably 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*

Brandon Berry  
Senior Planner

Cc: Patrick Dufour, Owner, *via email* ([patrickjdufour@gmail.com](mailto:patrickjdufour@gmail.com))  
Mark Zdrojewski, Applicant, *via email* ([permits@strobeldesignbuild.com](mailto:permits@strobeldesignbuild.com))  
Board of Adjustment Attorney, *via email*



COMMUNITY DEVELOPMENT - PLANNING DIVISION

Memo To: Board of Adjustment  
From: Kristin Coman, Senior Planner  
Date: 5/15/2025  
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 **June 25, 2025**.

**Variance Case Number:** 25074  
**Application Type:** Practical Difficulty Variance  
**Owner:** Patrick and Lauren Dufour  
**Applicant/Agent:** Mark Zdrojewski, Strobel Design Build  
**Parcel Number:** 18-32-16-68634-009-0730  
**Address:** 107 20<sup>th</sup> Ave., St. Pete Beach, FL 33706

**Submittal Documents:**

1. Practical Difficulty Variance package signed 3/18/2025.
2. Boundary Survey prepared Murphy's Land Surveying, Inc. dated 7/10/2024, consisting of 1 sheet.
3. Plan Set for proposed new home prepared by JKing Designs dated 4/28/2025, consisting of 7 sheets.

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 <b><i>via email</i></b>  |

**Board Members:**

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

Cc: Patrick and Lauren Dufour, Owner ***via email*** ([patrickjdufour@gmail.com](mailto:patrickjdufour@gmail.com))  
Mark Zdrojewski, Strobel Design Build, Applicant ***via email*** ([permits@strobeldesignbuild.com](mailto:permits@strobeldesignbuild.com))

CASE #: \_\_\_\_\_

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

SUBMITTAL DATE: \_\_\_\_\_

AMOUNT DUE: \_\_\_\_\_

PAYMENT DATE: \_\_\_\_\_

**PRACTICAL DIFFICULTY VARIANCE APPLICATION**

The following items are to be submitted, along with this completed 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](mailto: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	Mailing Address	Phone #
Owner	Patrick Dufour	2110 Hills Ave Tampa, FL 33606	813-326-7531
Applicant/ Agent	Mark Zdrojewski Strobel Design Build	2716 6th Ave S St Petersburg, FL 33712	727-321-5588
Owner Email Address: patrickjdufour@gmail.com		Applicant/Agent Email Address: permits@strobeldesignbuild.com	

**PROPERTY FOR PROPOSED VARIANCE:**

Zoning Designation Residential	Future Land Use Designation Residential	Lot Area 5,000 S.F.
Legal Description: PHILLIPS DIVISION REV MAP BLK I, LOT 73		
Address: 107 20TH AVE ST PETE BEACH, FL 33706		
Explanation of Request: <u>Request for variance of front and rear setback requirements for the proposed construction of new single family home, compliant with FEMA elevation requirements. Front setback encroachment of covered front porch and stairs, rear encroachment of living space above open carport.</u>		

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

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

**\*\*\*Answers on attached sheet\*\*\***

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

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

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

---

Signature of Applicant	Date		3/18/25
		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.**

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

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

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

3/18/25  
\_\_\_\_\_  
Date



**Owner's Authorization For Agent Form**  
**Community Development Department**  
**City of St. Pete Beach, Florida 727-363-9241**

I/We Patrick Dufour  
(Property Owner(s) printed name)

hereby authorize Mark Zdrojewski  
(Agent's printed name)

to represent me in an application for Variance  
(Type of application: Variance, Conditional Use, Zoning, etc.)

Patrick Dufour  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

Patrick Dufour  
Owner's Printed Name

\_\_\_\_\_  
Owner's Printed Name

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day  
of March 2025, by Patrick Dufour who  
is personally known  or produced \_\_\_\_\_ as  
identification.

Kristin Lea Schubert  
(Notary Signature)

3/21/25

(Date)

My commission expires 7/21/26





**PUBLIC HEARING SIGN POSTING AFFIDAVIT**

Applicant, Strobel Design Build - Mark Zdrojewski , 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): Mark Zdrojewski

Address: 107 20TH AVE ST PETE BEACH, FL 33706

msjll 3/18/25  
Signature Date

STATE OF FLORIDA )  
                                  ) SS:  
PINELLAS COUNTY )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2025 by: Mark Zdrojewski who appeared before me, and is personally known to me, or has produced as identification, and did take an oath.

My commission Expires:

NOTARY: Kristin Schubert

Print Name: Kristin Schubert Notary

Public, State of Florida

(Notarial Seal)





# Impervious Surface Ratio (ISR) Worksheet

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

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

**Owner Name & Address**

Patrick Dufour  
107 20TH AVE  
ST PETE BEACH, FL 33706

Phone 813-326-7531

Email patrickjdufour@gmail.com

**Contractor/Applicant Name & Address**

Strobel Design Build - Mark Zdrojewski  
2716 6th Ave S  
St Petersburg, FL 33712

Phone 727-321-5588

Email permits@strobeldesignbuild.com

Property Address 107 20TH AVE ST PETE BEACH, FL 33706

Total Lot Area (sq. ft.) 5,000 S.F.

**Required Calculations:**

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	Existing structure	sq. ft.
Parking and Driveway:	to be demolished	sq. ft.
Pool and/or Patio areas:		sq. ft.
Walkways:		sq. ft.
Other:		sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:		sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	2,436	sq. ft.
Parking and Driveway:	139	sq. ft.
Pool and/or Patio areas:	NA	sq. ft.
Walkways:	35	sq. ft.
Other:	NA	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:		2,610 sq. ft.

sq. ft.	÷	sq. ft.	=	Existing Impervious Surface Ratio
Total Existing Impervious Surfaces		Lot Area		

2,610 sq. ft.	÷	5,000 sq. ft.	=	52%
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

**Certification:**

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

Applicant Signature:  Date: 3/18/25

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

Front setback encroachment. We are challenged by the requirement to bring the home into FEMA compliance by constructing above the BFE and still maintaining the aesthetic of the neighborhood by having a front porch entry. To accomplish an elevated covered front porch entry, we will need to encroach 10.0' into the 20.0' front setback requirement. The 8.0' deep elevated front covered entry porch does not contain living space and is proportionate to the home.

At the time of this variance request, the new construction home design has been submitted for Design Review as a contributing structure in the PAG Overlay District. If approved, this front setback variance request is not needed, as the new setback requirement would be 10.0'.

Rear setback encroachment. The proposed home floorplan and building shape is similar to the existing home, where a 17'-6" wide section of the home meets the rear property line at the alley. This maintains privacy and green space for the small lot. We are seeking to encroach 12.0' into the 20.0' rear setback for a narrow portion of the home. The existing home was previously approved for a rear setback variance when an addition was added, currently leaving 12.3' to the property line, but this was at grade level. The current request is to encroach 12'.0' into the 20.0' setback, with the space under the building living space open for parking, thereby increasing driveway space from the alley and reducing alley congestion.

At the time of this variance request, the new construction home design has been submitted for Design Review as a contributing structure in the PAG Overlay District. If approved, this rear setback variance request is reduced, as the new setback

requirement would be 15'. We would be seeing approval for a 7.0' encroachment into the 15.0' setback.

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

Front setback encroachment. This home currently is situated further back from the curb of 120<sup>th</sup> Ave than most of the other homes. The proposed encroachment of the elevated covered front entry porch would improve the character of the neighborhood by adding a sitting porch that is more prevalent in the neighborhood and welcoming than a simple porch stoop. In addition, the proposed building will sit slightly further back than the existing home, thereby not adversely affecting the character of the neighborhood.

Rear setback encroachment. The request to encroach into the rear setback at the alley will have no effect on the character of the neighborhood since this home is "sandwiched" between 2-story structures at the corners of the adjacent north-south alleys that appear to significantly encroach into the 15.0' rear setback. In addition, the proposed structure will be "open" at grade level, thereby not impeding line-of-sight for alley traffic or appear imposing.

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

Front setback encroachment. In order to maintain a front porch entry into the home consistent with the character of the neighborhood and in compliance with floodplain requirements, it would not be feasible to further push the home back on such a small lot.

Rear setback encroachment. Reducing the depth of the proposed home was attempted in design but resulted in impractical interior room sizes. Widening the rear of the home was also not feasible due to reducing the usable green space of the backyard. In addition, we are attempting to maintain the original building shape and floorplan to preserve the character of the neighborhood.

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

For both the front and rear setback encroachment variance requests, we believe justice will be served due to the involuntary nature of the project. The owner was not pursuing a new construction home but was forced to demolish his existing home and build an elevated home in compliance with FEMA. The existing 1950's home was not practical to lift, but the original floorplan and building shape was desired to be maintained to keep the feel of the original home. The lot was originally intended and zoned for ground level homes but is now restrictive for an elevated home with its entry requirements and practical room sizes. With the requirements and cost for new construction, the small lot must be maximized, and minor encroachments are necessary to justify investment into a FEMA compliant home.

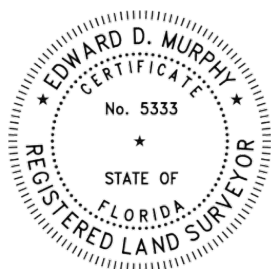
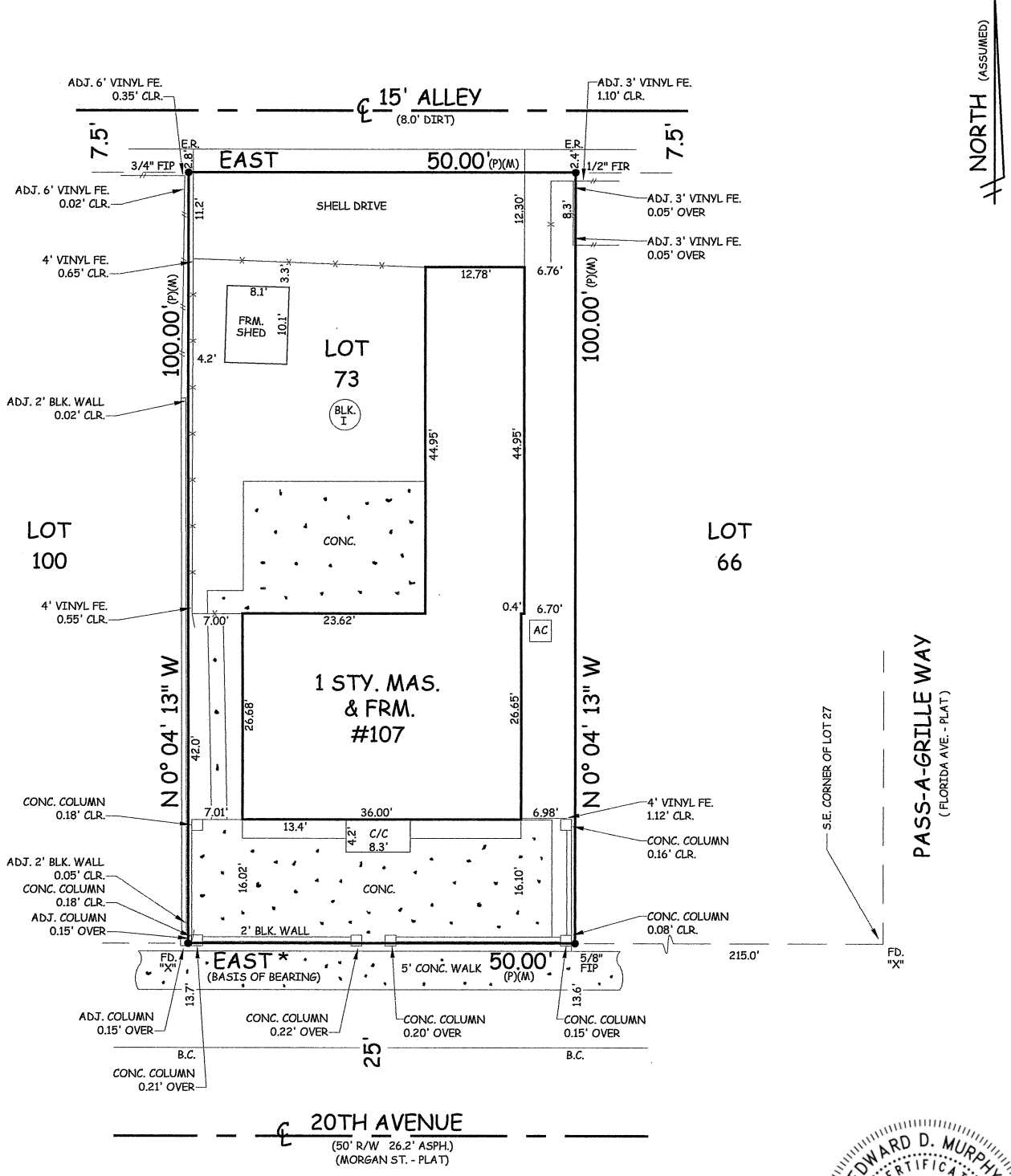
JOB NO.: 240784  
 DRAWN BY: MRB  
 CHECKED BY: EDM  
 DATE OF FIELD WORK: 7/01/2024

**MURPHY'S LAND SURVEYING, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 5750 11TH AVENUE NORTH  
 ST. PETERSBURG, FLORIDA 33710  
 WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410  
 PH. (727) 347-8740  
 FAX (727) 344-4640

CERTIFIED TO: Patrick Dufour

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 18 TWP. 32 S. RGE. 16 E.



A BOUNDARY SURVEY OF: Lot 73, Block I, PHILLIPS DIVISION OF PASS-A-GRILLE CITY, as recorded in Plat Book 4, Page 26 of the Public Records of Pinellas County, Florida.

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

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

\* BEARINGS SHOWN ARE ASSUMED EDWARD D. MURPHY REG. P.L.S. # 5333

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



DATE: 07/20/2021  
 DRAWN BY: J. KING  
 CHECKED BY: J. KING  
 SCALE: AS SHOWN  
 FOR: CLARIFICATION

1335 0th Street  
 St. Petersburg, FL 34709  
 (813) 421-1111



DUFOUR RESIDENCE  
 107 20TH AVE  
 ST PETE, FL

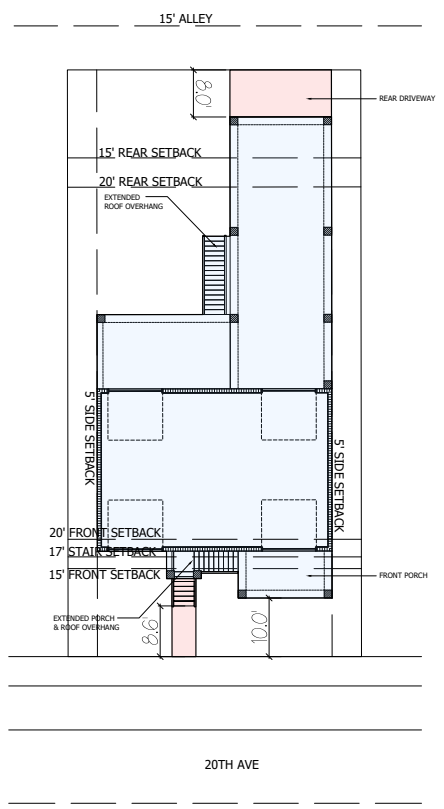
ISSUE DATE:  
 06/28/21

PROPOSED SITE PLAN

SHEET NUMBER: ST-1

107 20TH AVE S ST PETE BEACH	
ZONING:	RLM-2/PAG
MAX BLDG HGT:	32'
BLDG SETBACKS:	
FRONT:	15'
REAR:	15'
SIDES:	5'
MAX IMPERVIOUS COVERAGE:	70%

LOT IMPERVIOUS COVERAGE CALCULATIONS	
TOTAL LOT	5,000 S.F.
TOTAL BUILDING S.F.	2,430 S.F.
TOTAL ENTRY WALKWAY S.F.	35 S.F.
TOTAL DRIVEWAY S.F.	399 S.F.
TOTAL PROPOSED MAX COVERAGE S.F.	2,810 S.F.
TOTAL PROPOSED MAX COVERAGE %	52.2 %
MAX ALLOWED IMPERVIOUS COVERAGE 70%	3,500 S.F.



PROPOSED GARAGE LEVEL  
 SITE PLAN  
 1" = 10'-0"

DATE: 07/11/2019  
 2D/3D/4D FOR  
 PROPOSING, AND  
 SHOWN CONTACT  
 PLAN COORDINATOR  
 FOR CLARIFICATION

1335 0th Street  
 St. Petersburg, FL 34209  
 (772) 344-0000



DUFOUR RESIDENCE  
 107 20TH AVE  
 ST PETE, FL

ISSUE DATE:  
 06/26/2019

PROPOSED SITE  
 PLAN

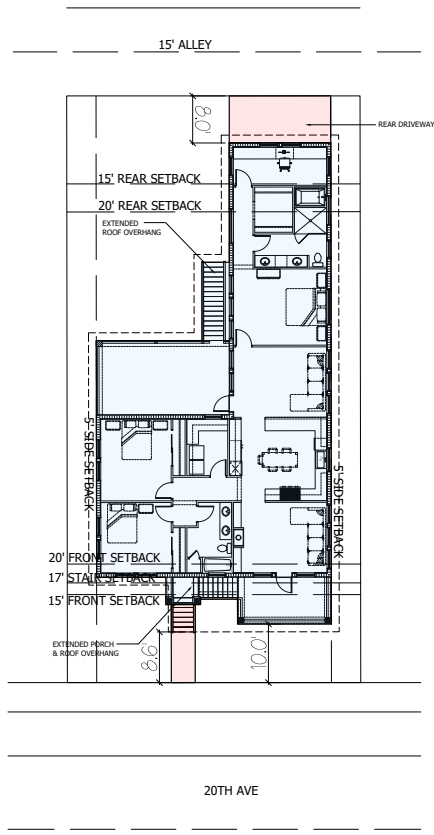
SHEET NUMBER:  
 ST-2

107 20TH AVE S  
 ST PETE BEACH

ZONING:	RLM-2/PAG
MAX BLDG. HGT:	32'
BLDG. SETBACKS:	
FRONT:	15'
REAR:	15'
SIDES:	5'
MAX IMPERVIOUS COVERAGE:	70%

LOT IMPERVIOUS COVERAGE CALCULATIONS

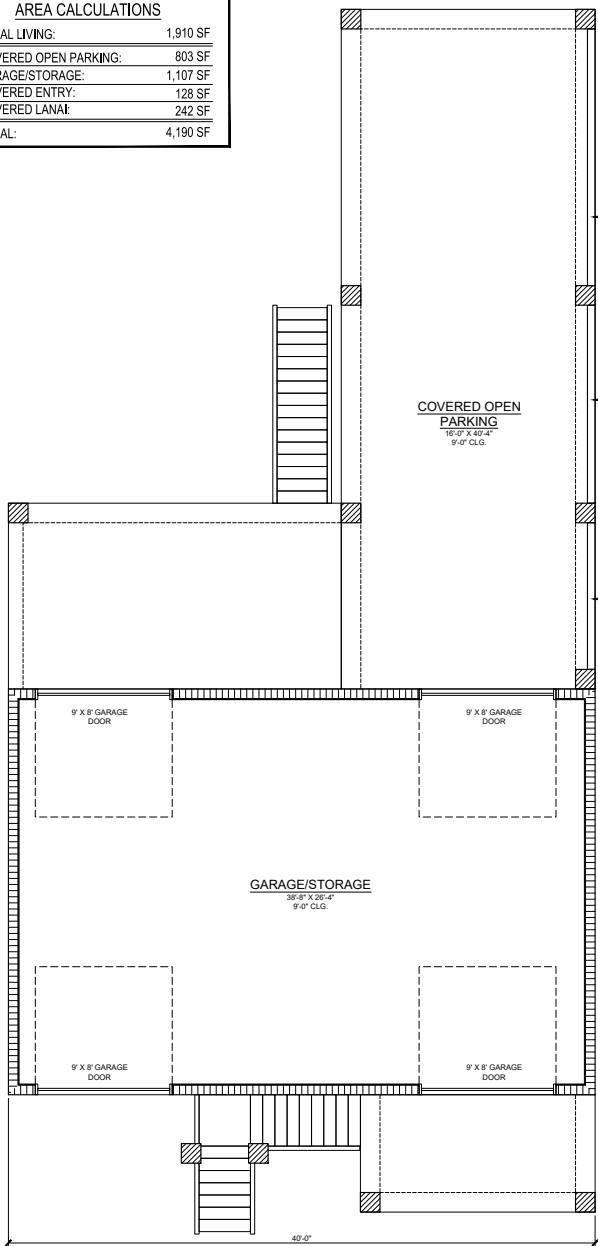
TOTAL LOT	5,000 S.F.
TOTAL BUILDING S.F.	2,730 S.F.
TOTAL ENTRY WALKWAY S.F.	35 S.F.
TOTAL DRIVEWAY S.F.	239 S.F.
TOTAL PROPOSED MAX COVERAGE S.F.	2,604 S.F.
TOTAL PROPOSED MAX COVERAGE %	52.2 %
MAX ALLOWED IMPERVIOUS COVERAGE 70%	3,500 S.F.



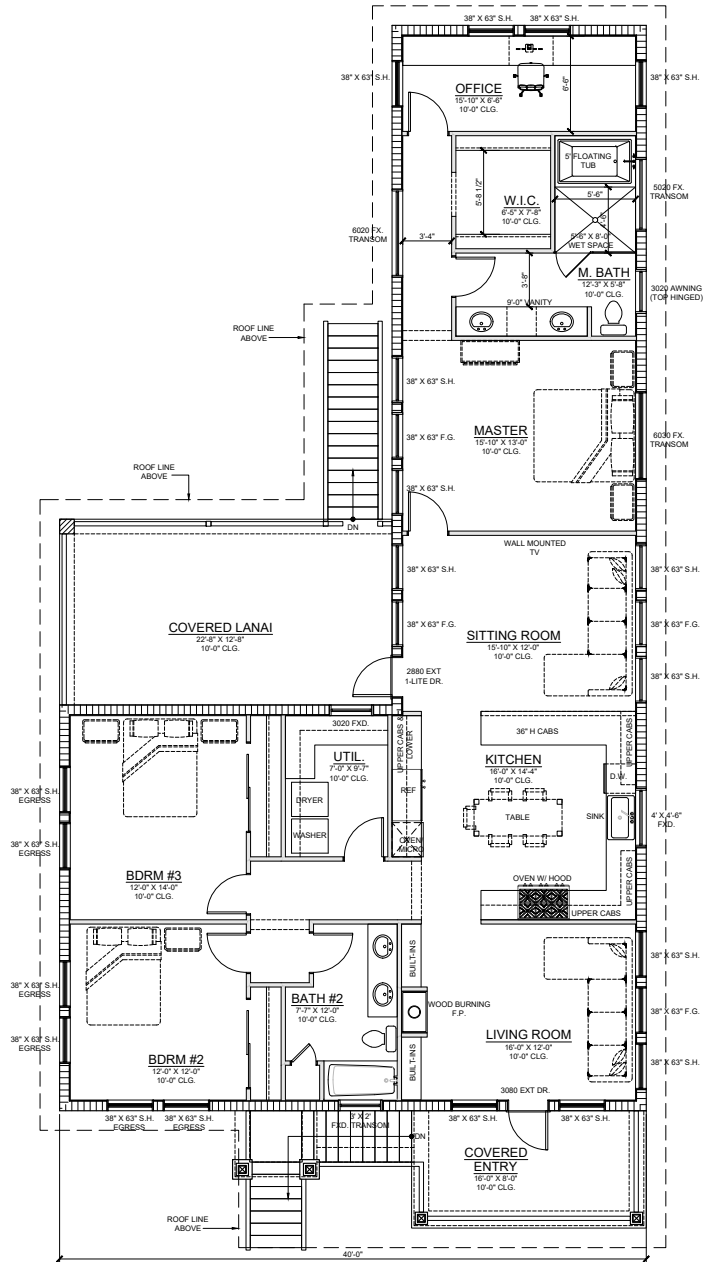
PROPOSED MAIN FLOOR  
 SITE PLAN  
 1" = 10'-0"



AREA CALCULATIONS	
TOTAL LIVING:	1,910 SF
COVERED OPEN PARKING:	803 SF
GARAGE/STORAGE:	1,107 SF
COVERED ENTRY:	128 SF
COVERED LANAI:	242 SF
TOTAL:	4,190 SF



**GARAGE FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**MAIN UPPER FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

1335 0th Street  
 Jacksonville, FL 32209  
 (904) 744-0000

Jking

ARCHITECTURE  
 INTERIORS  
 DESIGN  
 CONSTRUCTION

DUFOR RESIDENCE  
 107 20TH AVE  
 ST. PETERS, FL

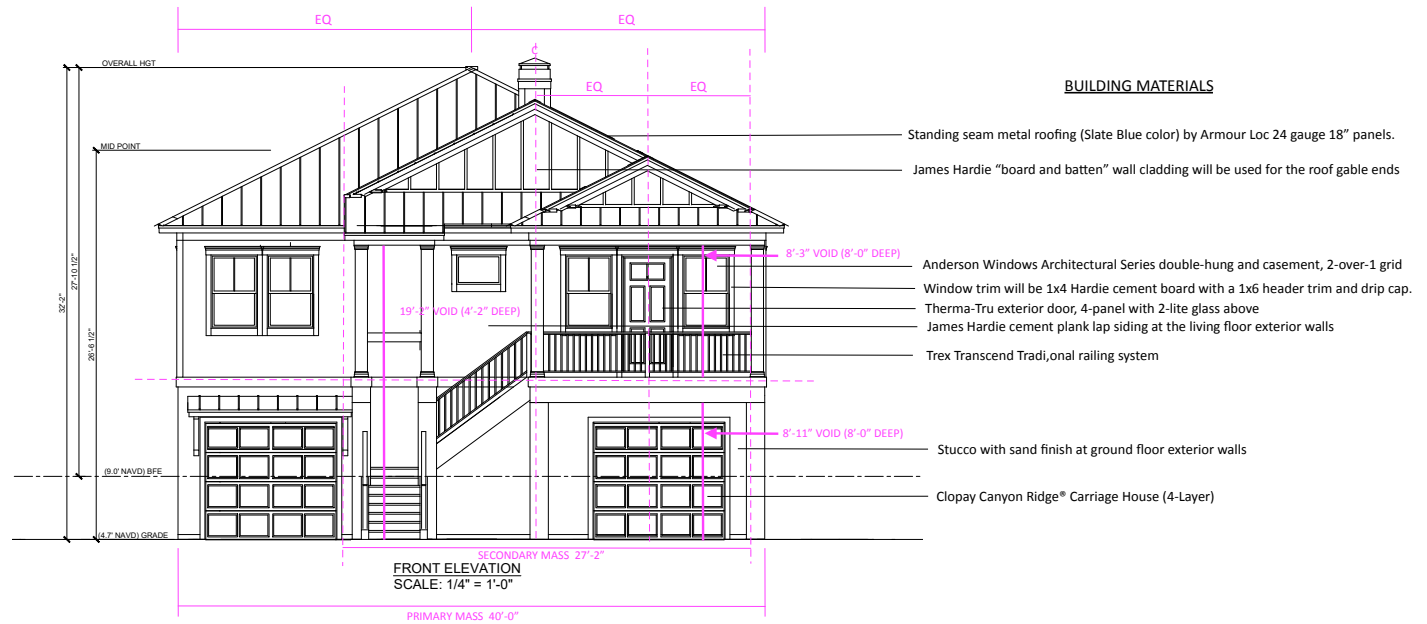
ISSUE DATE:  
 09/28/20

FLOOR PLAN  
 CONCEPTS

SHEET NUMBER  
 A1

**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.
  - (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 1/3 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.



1335 0th Street  
 Jacksonville, FL 32209  
 (904) 444-8800  
**J King**  
 DESIGN

DUFOR RESIDENCE  
 107 20TH AVE  
 ST. PETERS, FL

ISSUE DATE: 09/28/20  
 EXTERIOR ELEVATIONS  
 SHEET NUMBER: A2



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



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

1335 0th Street  
 Johnson, FL 32206  
 (904) 944-0000

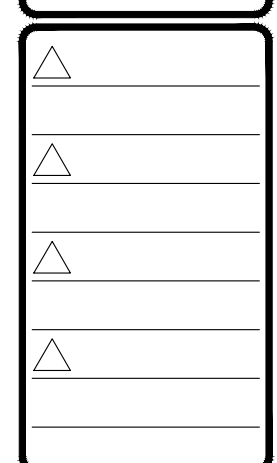
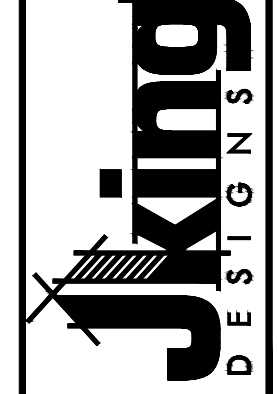
J King  
 ARCHITECTS

ISSUE DATE: 09/26/20  
 EXTERIOR ELEVATIONS  
 SHEET NUMBER: A3

DUFOR RESIDENCE  
 107 20TH AVE  
 ST PETE, FL

DO NOT SCALE  
DRAWINGS FOR  
DIMENSIONS NOT  
SHOWN CONTACT  
PLAN COORDINATOR  
FOR CLARIFICATION

1383 5th Street  
Sarasota, FL 34236  
(941) 465-0036



DUFOUR RESIDENCE  
107 20TH AVE  
ST PETE, FL

ISSUE DATE  
04.29.25

PROPOSED SITE  
PLAN

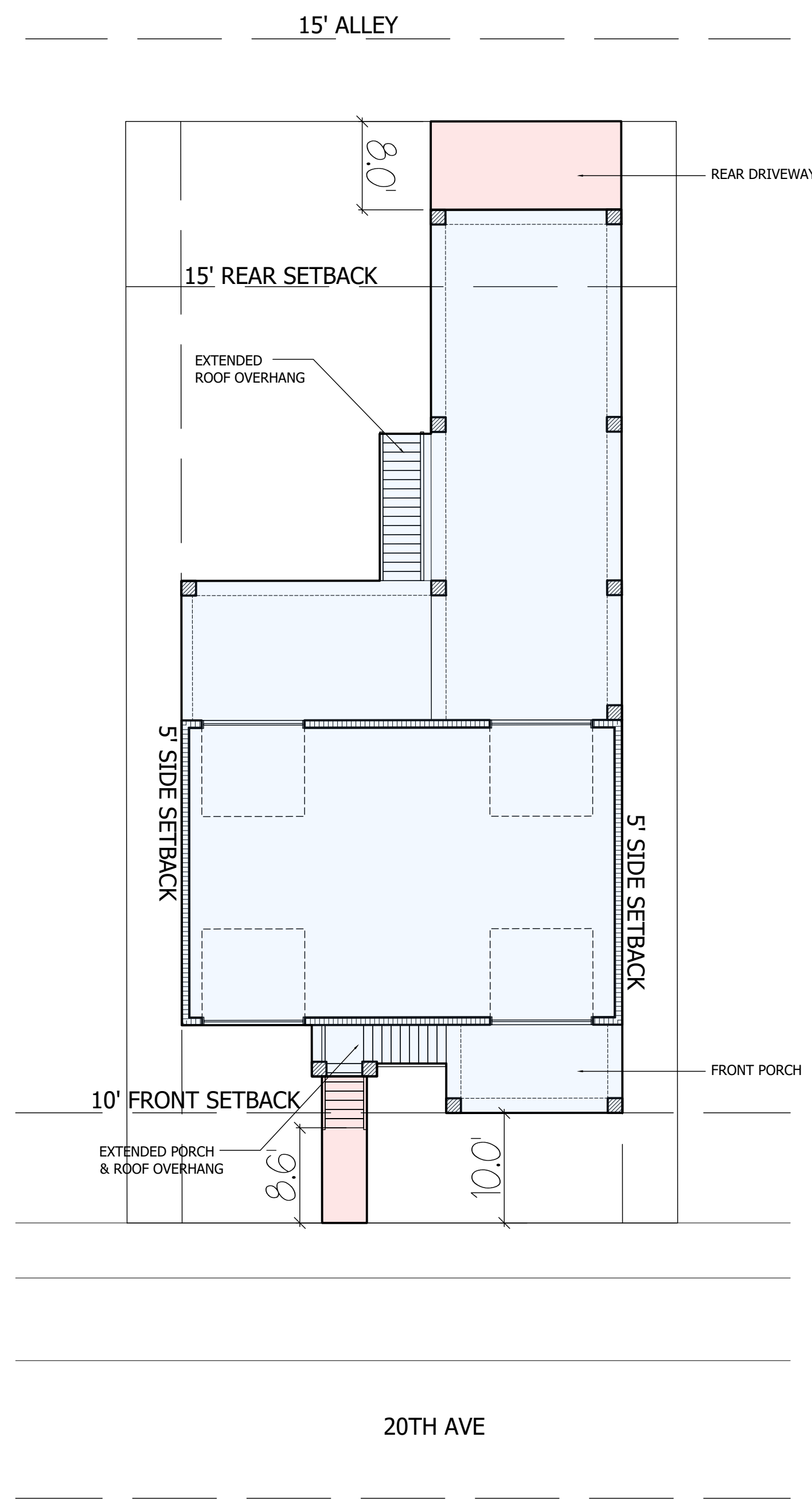
SHEET NUMBER  
ST-1

107 20TH AVE S  
ST PETE BEACH

ZONING:	RLM-2/PAG
MAX BLDG HGT:	32'
BLDG SETBACKS:	
FRONT:	15'
REAR:	15'
SIDES:	5'
MAX IMPERVIOUS COVERAGE:	70%

LOT IMPERVIOUS COVERAGE CALCULATIONS

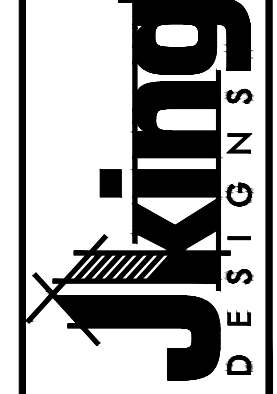
TOTAL LOT	5,000 S.F.
TOTAL BUILDING S.F.	2,436 S.F.
TOTAL ENTRY WALKWAY S.F.	35 S.F.
TOTAL DRIVEWAY S.F.	139 S.F.
TOTAL PROPOSED MAX COVERAGE S.F.	2,610 S.F.
TOTAL PROPOSED MAX COVERAGE %	52.2 %
MAX ALLOWED IMPERVIOUS COVERAGE 70%	3,500 S.F.



PROPOSED GARAGE LEVEL  
SITE PLAN  
1" = 10'-0"

DO NOT SCALE  
DRAWINGS FOR  
DIMENSIONS NOT  
SHOWN CONTACT  
PLAN COORDINATOR  
FOR CLARIFICATION

1383 5th Street  
Sarasota, FL 34236  
(941) 465-0036




DUFOUR RESIDENCE  
107 20TH AVE  
ST PETE, FL


ISSUE DATE  
04.29.25

PROPOSED SITE  
PLAN

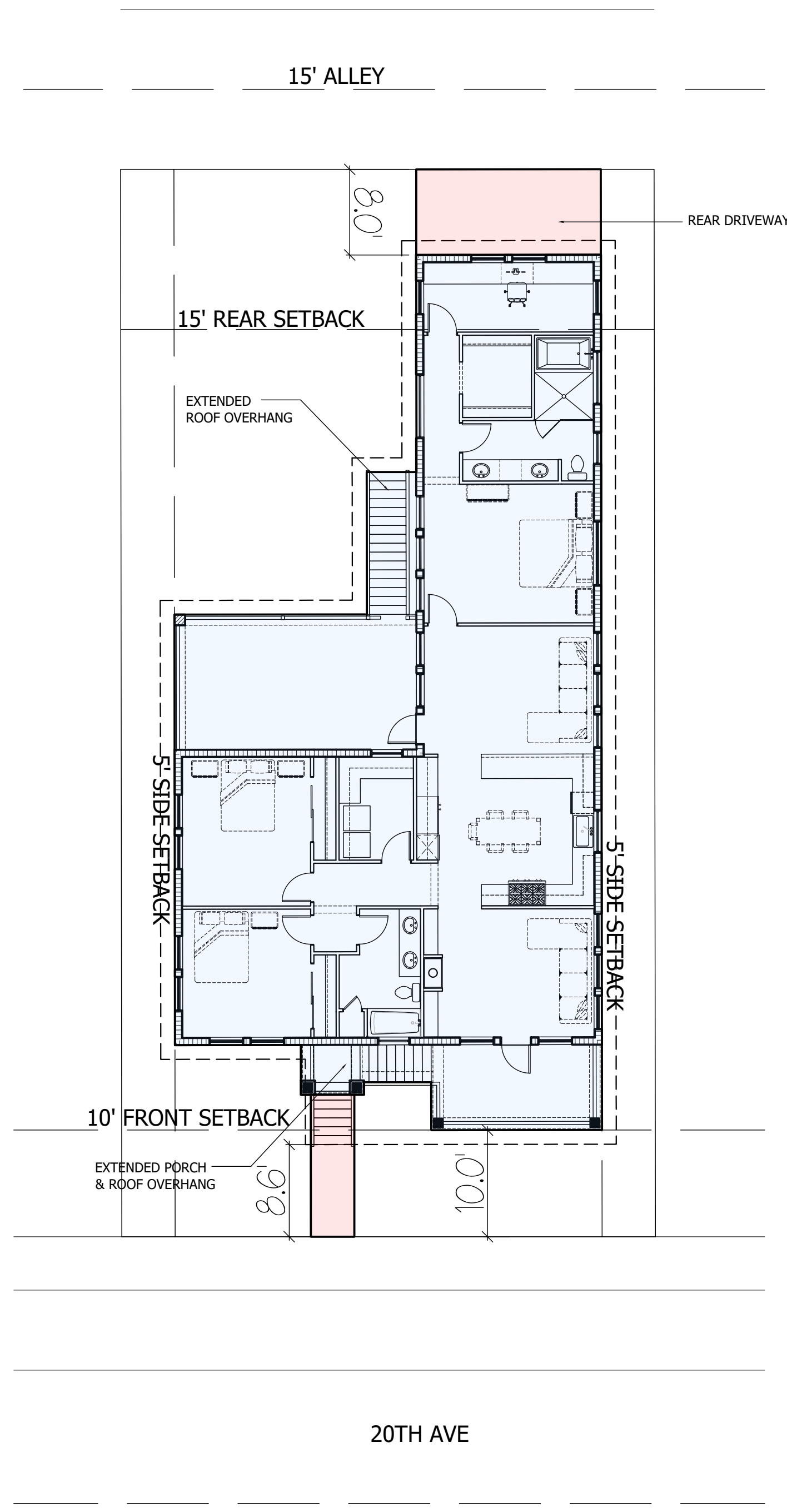
SHEET NUMBER  
ST-2

107 20TH AVE S  
ST PETE BEACH

ZONING:	RLM-2/PAG
MAX BLDG HGT:	32'
BLDG SETBACKS:	
FRONT:	15'
REAR:	15'
SIDES:	5'
MAX IMPERVIOUS COVERAGE:	70%

LOT IMPERVIOUS COVERAGE CALCULATIONS

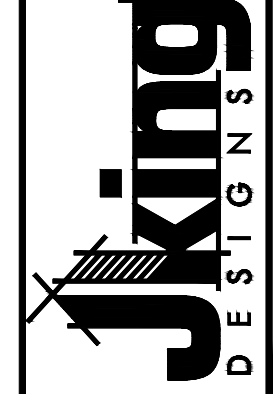
TOTAL LOT	5,000 S.F.
TOTAL BUILDING S.F.	2,436 S.F.
TOTAL ENTRY WALKWAY S.F.	35 S.F.
TOTAL DRIVEWAY S.F.	139 S.F.
TOTAL PROPOSED MAX COVERAGE S.F.	2,610 S.F.
TOTAL PROPOSED MAX COVERAGE %	52.2 %
MAX ALLOWED IMPERVIOUS COVERAGE 70%	3,500 S.F.



PROPOSED MAIN FLOOR  
SITE PLAN  
1" = 10'-0"

DO NOT SCALE  
DRAWINGS FOR  
DIMENSIONS NOT  
SHOWN CONTACT  
PLAN COORDINATOR  
FOR CLARIFICATION

1383 5th Street  
Sarasota, FL 34236  
(941) 465-0036



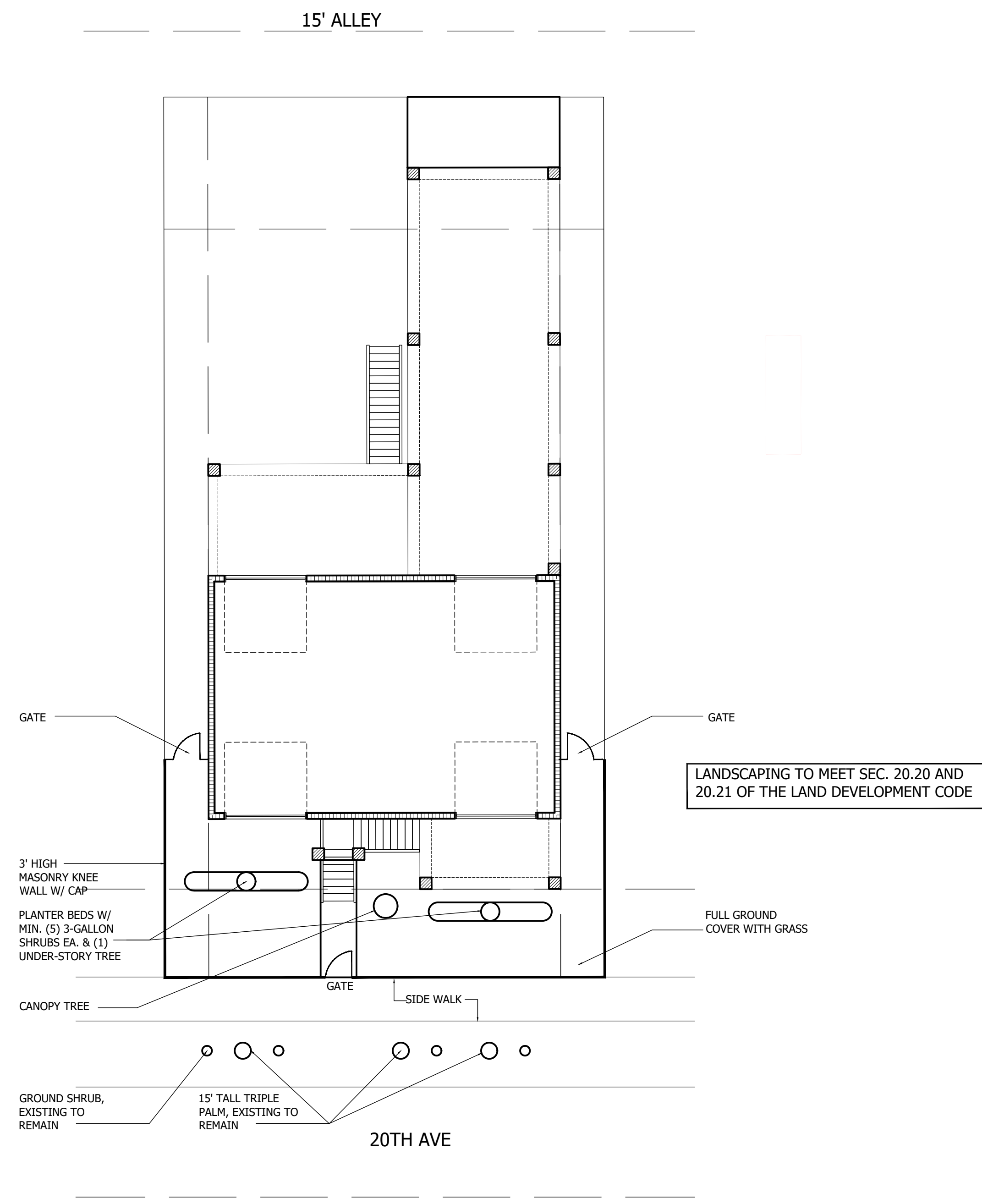
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DUFOUR RESIDENCE  
107 20TH AVE  
ST PETE, FL

ISSUE DATE  
04/29/25

PROPOSED  
LANDSCAPE  
PLAN

SHEET NUMBER  
ST-3



LANDSCAPE PLAN  
1" = 10'-0"

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

**Agenda Report**

**Agenda Title Name:** Case No. 23072 - 2007 Pass-a-Grille Way - Progress Report #3

**Action Request:** N/A

**Strategic Objective:**

**Date:** June 25, 2025

**Prepared By:** Kristin Coman, Senior Planner

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

**Summary of Issue:** Progress report #3 as requested at the conclusion of Progress report #2 provided at the 3/26/25 hearing where the consensus of the Board was that good-faith efforts were continuing to be made. Attorney Bass agreed to return for another 120-day progress report to be included on the 6/25/25 agenda.

A Progress report was required by condition 6 of the Development Order issued on 5/9/2024 in connection with Case No. 23072.

**Case No. 23072 Development Order Conditions:**

- 1) The project shall be ADA compliant,
- 2) A landscaping plan shall be submitted with additional plantings installed as required per LDC Sec. 22.6,
- 3) The roofed, open porches to be constructed as per the plan submitted shall only be used as a waiting area and shall not be utilized as a service area for food or drinks, not include any outdoor music and may not be later enclosed without a subsequent variance,
- 4) Plans should be amended to reflect any changes requested by the Board or Staff as part of the 4/24/2024 hearing. All items contained within the Staff Findings Report dated 4/11/2024 and site improvements shall be installed as per the revised approved plans,
- 5) A Declaration of Unified Site Plan, as approved by the City Attorney, shall be recorded within 45 days from the date of this order,

6) Within 120 days (the August Board meeting) from the issuance of the Development Order, the applicant shall provide an update on the status of all open permits, including conditions listed in this variance, and the Board may modify or revoke the variance at that time.

**Funding:** N/A

**Attachments:**

1. Permit Status as of 06.17.25
2. 23072 - DO Package
3. 23072 - 2007 Pass-a-Grille Way - Staff Report

Selected	Permit Number	Permit Date	Property Address	Owner	DESCRIPTION/SCOPE OF WORK	Unpaid Fees	Status	Fee Total	Edit/View
<input type="checkbox"/>	2302366	11/21/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Slider at the rear of the property being installed without a permit.		Void		
<input type="checkbox"/>	2301483	07/26/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Install new covered concrete entry, modify the roof line to create a new exterior covered waiting area/porch area for guests. Includes framing, trusses, roofing, concrete, railing and sidings		Open	\$3,643.88	
<input type="checkbox"/>	2202556	12/08/2022	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	ECO 5 ton Carrier SC, 14 SEER 5kw, ECO 2 ton duct system		Open	\$469.05	
<input type="checkbox"/>	2300540	03/20/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Erect a stand-alone, outdoor, walk-in-cooler and install/start-up accompanying refrigeration equipment		Open	\$1,091.68	
<input type="checkbox"/>	2201633	07/29/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	ECO, 5 ton Carrier, 14 SEER package unit		Open	\$590.05	
<input type="checkbox"/>	2202218	10/18/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	164' 8' HIGH PIT SHADOWBOX FENCE *AMENDED BPA AND SURVEY SUBMITTED IN ACCORDANCE WITH BOA CASE #23018 - 92' OF 8' BXB SHADOWBOX, 25' OF 4' HIGH BXB SHADOWBOX		Open	\$198.85	
<input type="checkbox"/>	2402122	09/19/2024	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Swapping existing generator for a 100 kw gen with existing transfer switch onto an existing platform, connect to NG		Open	\$1,602.08	
<input type="checkbox"/>	2201094	05/20/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	add two deck area's to existing docks *REVISION 6/17/22 - ADDING 4FT to total width of new decks - FROM 16FT to 20FT		Denied	\$767.50	
<input type="checkbox"/>	2201556	07/20/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	install new illuminated sign cabinet 72" round and 24"x72" illuminated reader board located in restaurant parking lot. install new 36x72 illuminated sign cabinet on existing pole in additional parking lot across the street. install 2 illuminated 36x96 single sided wall signs on front and back side of restaurant building. All electric hooked up to existing electric. ** NOTE: Rear wall sign removed from permit per applicant. Zoning approved for three signs. - BB 2/2/23 Extension of permit to remove back waterside sign.		Closed	\$767.50	

Selected	Permit Number	Permit Date	Property Address	Owner	DESCRIPTION/SCOPE OF WORK	Unpaid Fees	Status	Fee Total	Edit/View
<input type="checkbox"/>	2202394	11/14/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	REPLACE EXISTING METER CAN & SIGN PANEL W/NEW 100 AMP SINGLE PHASE		Closed	\$70.00	
<input type="checkbox"/>	2200910	04/28/2022	2007 PASS A GRILLE WAY	COLLOM PROPERTIES, LLC	REMOVE & REPLACE MANITOWOC REMOTE ICE MACHINE		Closed	\$313.65	
<input type="checkbox"/>	2202141	10/10/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	ECO (2) 5 ton Carrier roof top package units, (2) ECO duct systems		Closed	\$1,021.25	
<input type="checkbox"/>	2300632	03/31/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	INSTALL 45KW GENERATOR		Closed	\$2,515.35	
<input type="checkbox"/>	2301166	06/14/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	20 SQUARES, LOW SLOPE ROOF, REMOVED SHINGLES, INSTALLED CERTAINTEED FLINLASTIC PLY BASE & CAP - FL2533.R29 (W36), 1/12/ PITCH		Closed	\$2,426.88	
<input type="checkbox"/>	2301621	08/11/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	REMOVAL OF 8' X 10' WALKIN FREEZER FROM KITCHEN AREA		Closed	\$70.00	
<input type="checkbox"/>	2301751	08/25/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Reroute water service to building aprox 70ft		Closed	\$249.08	
<input type="checkbox"/>	2302474	12/06/2023	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Remove existing sliding glass door and replace with new in existing frame opening. Secure as per manufacturer's specifications. Insulate gaps. Replace trim, caulk, and paint.		Closed	\$1,310.25	
<input type="checkbox"/>	2401573	07/03/2024	2007 PASS A GRILLE WAY	COLLOM PROPERTIES LLC	Replace 1 existing dock piling. Set 5 new bumper piling against existing dock.		Closed	\$442.00	
<input type="checkbox"/>	2201725	08/10/2022	2007 PASS A GRILLE WAY	2007 PASS A GRILLE LLC	install walk-in cooler	\$249.08	Abandoned	\$249.08	
1	Records 1 to 19 (of 19)								1



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## PLANNING DEPARTMENT

May 9, 2024

Kyle Bass  
Weber, Crabb & Wein, P.A.  
5453 Central Ave.  
St. Petersburg, FL 33710

Collom Properties, LLC  
2381 E. Vina Del Mar Blvd.  
St. Pete Beach, FL 33706

**Re: Board of Adjustment Case No: 23072**  
**Address: 2007 Pass-a-Grille Way**  
**Parcel Number: 18-32-16-68634-000-0020**

At the 4/24/2024 hearing of the City of St. Pete Beach Board of Adjustment, your request for an Unnecessary and Undue Hardship Variance Request was **approved with conditions**. Please find enclosed the Development Order issued in connection with your case.

The next step in the process is to obtain a building permit prior to construction. **Submittal of a copy of the enclosed Development Order will need to be included with the building application.** Any variance granted under the provisions of the Land Development Code Section (LDC) 3.12 – Variances shall expire one (1) year from the date of the development order providing for 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.

Section 3.14 of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment and all appeals must be filed within 30 days after rendition of the decision of the Board of Adjustment.

If there are any questions on this case, please contact me at [kcoman@stpetebeach.org](mailto:kcoman@stpetebeach.org) or 727-363-9265.

Respectfully,

Kristin Coman  
Community Development Director

Encl.

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



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## PLANNING DEPARTMENT

May 9, 2024

Kyle Bass  
Weber, Crabb & Wein, PA  
5453 Central Ave.  
St. Petersburg, FL 33710

Collom Properties, LLC  
2381 E. Vina Del Mar Blvd.  
St. Pete Beach, FL 33706

## DEVELOPMENT ORDER

### Board of Adjustment Case No: 23072

The Board of Adjustment reviewed and conducted a public hearing on an application for a(n) Unnecessary and Undue Hardship Variance in which the Board determined that substantial and competent evidence was presented to satisfy the criteria required in the above-captioned case on April 24, 2024.

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

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

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

#### IT IS HEREBY ORDERED:

Case Number **23072** is hereby **APPROVED WITH CONDITIONS:**

- 1) The project shall be ADA compliant,
- 2) A landscaping plan shall be submitted with additional plantings installed as required per LDC Sec. 22.6,
- 3) The roofed, open porches to be constructed as per the plan submitted shall only be used as a waiting area and shall not be utilized as a service area for food or drinks, not include any outdoor music and may not be later enclosed without a subsequent variance,
- 4) Plans should be amended to reflect any changes requested by the Board or Staff as part of the 4/24/2024 hearing. All items contained within the Staff Findings Report dated 4/11/2024 and site improvements shall be installed as per the revised approved plans,
- 5) A Declaration of Unified Site Plan, as approved by the City Attorney, shall be recorded within 45 days from the date of this order,
- 6) Within 120 days (the August Board meeting) from the issuance of the Development Order, the



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### PLANNING DEPARTMENT

applicant shall provide an update on the status of all open permits, including conditions listed in this variance, and the Board may modify or revoke the variance at that time.

5/9/2024

---

Kristin Coman, Community Development Director

Date

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

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



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## PLANNING DEPARTMENT

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

**Prepared by:** Kristin Coman, Community Development Director

**Hearing Date:** 4/24/2024

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

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

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

### **Site Description/Surrounding Land Uses**

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

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

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

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

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

**Conditions:**

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

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

**Conditional Use Permit No. 23034**

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

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

**Technical Review Committee**

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

**Request**

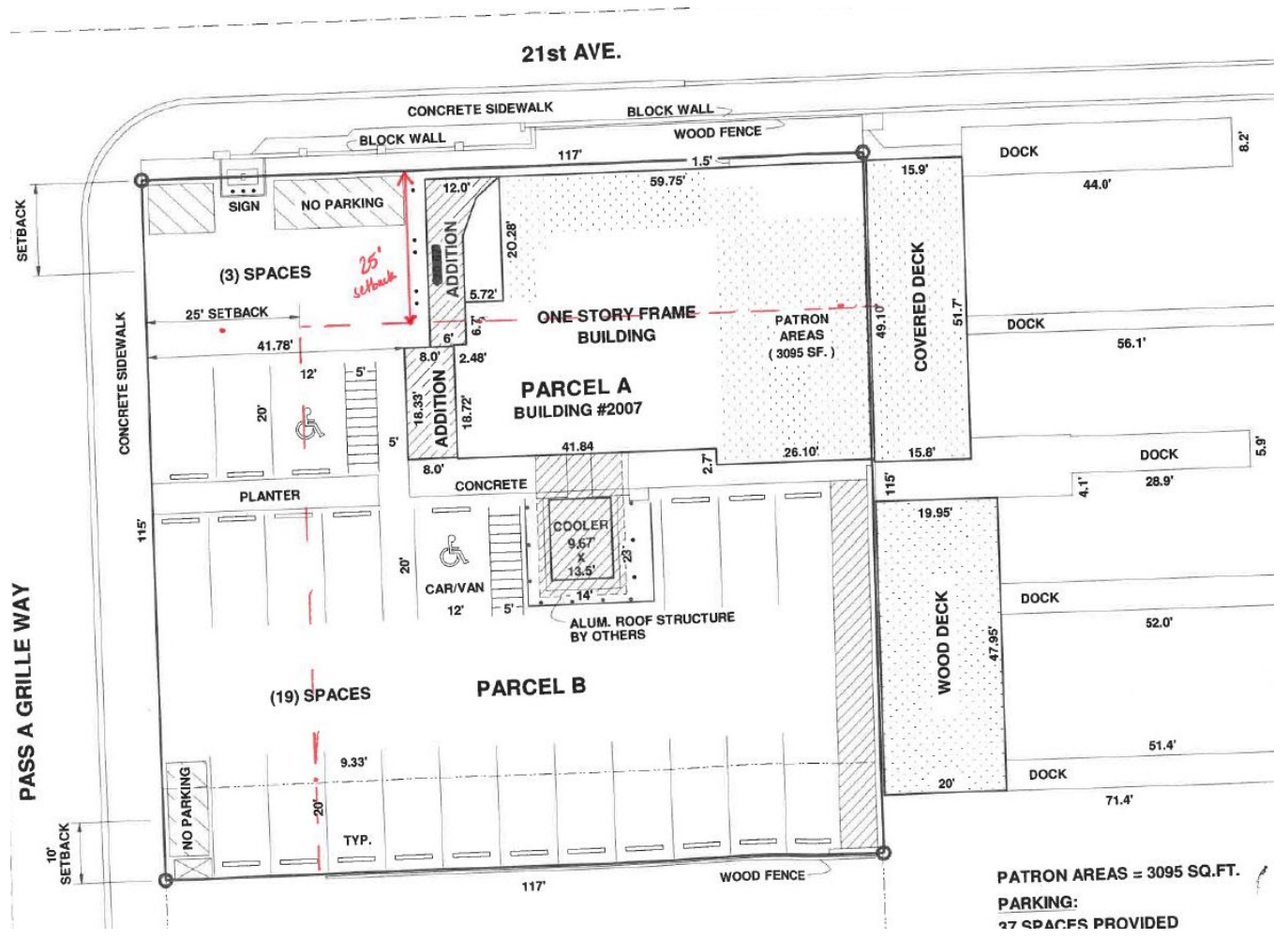
The applicant requests the construction of roofed, open porch extension, 12' x 28.67' (overall dimensions), 11'2" high, to create an approximately 300 sq. ft. covered ride wait area that will encroach entirely into the required 25' secondary front setback while maintaining the existing 1.67' setback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

**Analysis**

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

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

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



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

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

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

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

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

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

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

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

**Other Comments:**

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

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



### **Recommendation**

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

Due to the lack of support within the submittal documents, staff recommends requesting more information from the applicant pertaining to the demonstration of an unnecessary and undue hardship. If the applicant cannot provide substantial evidence through testimony, staff finds the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 or granting the variance from the applicable LDC Sec. 15.7(b)(2)), staff recommends **denial** of the request.

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

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

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

Respectfully submitted,



Kristin Coman  
Community Development Director

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