



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

155 Corey Avenue
St. Pete Beach, FL 33706

Wednesday, August 26, 2026
2:00 PM

*** Packet revised 8/18/26 to add amended
application for Case 4.c. ***

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the August 26, 2026 agenda.

2. Audience Comments -

If you wish to speak, please complete and submit a speaker's card to the City Clerk. When called, approach the podium and state your name and address for the record. Comments are limited to 3 minutes for both general and agenda items. Public comment on agenda items will be taken when that item is called.

3. Approval of Minutes

a. July 29, 2026 Meeting Minutes

4. Action Items -

a. Case No. 26111 - 3400 Gulf Blvd.

Unnecessary & Undue Hardship Variance: Jeffrey S. Connell of designONE Studio Architect for Michael E. Lentz, VP of Don CeSar TRS LLC requests to construct an elevated outdoor seating and access deck over a newly-redeveloped drainage area with a northern side yard setback of zero feet where 48.7 feet is required, where the former deck had a setback of approximately 21 feet (LDC Sec.14.7.(b)(3)). ****Continued from July 29, 2026 meeting at applicant's request****

b. Case No. 26016 (Amendment) - 301 Gulf Way

Practical Difficulty Variance: Todd and Susan Herman request an amendment to Development Order 26016, authorized March 25, 2026, to permit the encroachment of a meter platform with stair to four inches from the secondary front property line along Gulf Way where a minimum of two feet is required (LDC Sec. 6.22.(c)(1)).

c. Case No. 26120 - 510 64th Ave.

Unnecessary and Undue Hardship Variance: Micah Thompson of Gulf & Bay Dock Works, LLC for Earl W Porter Jr. requests to construct a dock with boat lift located two feet from the eastern extended littoral (property) line where 9.375 feet is required without encroached-upon waterfront neighbor authorization, and a total length of 25.7 feet where 18.75 feet is the maximum length allowable without authorization of both adjacent waterfront property owners (LDC Sec. 6.23.(d)(3)&(4)).

5. **Adjournment - Next meeting to be held on September 30, 2026 -**

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.**

BOARD OF ADJUSTMENT MINUTES
July 29, 2026 – 2:00 P.M.
Commission Chambers

PRESENT: Denise Chase, Chair
Chris Core, Vice Chair
Joe Kunzer, Member
Jim Schmidt, Member
Dan Small, Member

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

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

1. Approval of the Agenda -

Planning Manager Kristin Coman stated that Applicant The Don Cesar requested to continue 4e., Case No. 26111, to the August 26, 2026 hearing.

Motion: Vice Chair Core moved, Member Kunzer seconded, and the motion carried 5-0 to approve the July 29, 2026 agenda as amended.

2. Audience Comments – No one came forward for comment.

3. Approval of Minutes – June 29, 2026 Meeting

Motion: Member Kunzer moved, Member Small seconded, and the motion carried 5-0 to approve the June 29, 2026 meeting minutes as presented.

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

4. Action Items

a. Case No. 26112 - 199 21st Ave.

Practical Difficulty Variance: Generator Supercenter of Tampa Bay for Matthew Lombardi requests to install an elevated generator in the western required side yard setback of a property containing a single-family residence, with a setback of four feet proposed where seven feet is required (LDC Sec. 6.14.(b)).

Ex parte disclosures: Vice Chair Core declared knowing the former owner and visiting the subject property in the past.

Senior Planner Brandon Berry presented the case for this variance which included a request detail, survey, zoning, posting information, variance standards and photographs. His presentation is part of the meeting record. Staff found the request reasonable and that it met the criteria for issuance of a practical difficulty variance, and the applicant justified why the western side yard is the most feasible location for the equipment. If approved, staff recommended the conditions that any exchange of the generator would be with a device that would not exceed 65 decibels measured at ten feet from the device using the inverse square calculation, and the applicant would submit and

have approved a final survey confirming the generator's location and setback prior to closeout of the building permit.

Applicant Matthew Lombardi attended via Zoom. Representative Gregory Haas of Generator Supercenter of Tampa Bay appeared and testified that the generator could be placed in only two locations, and placing it at the front of the house would be unsightly. The proposed location meets current setback and clearance requirements, and the generator would be elevated for additional protection from future storms.

There was no public comment, and the Chair opened Board deliberation. The Board agreed that no other location was feasible and that residents need to make their homes more resilient.

Motion: Member Kunzer moved, and Member Schmidt seconded, to approve Variance Case 26112 at 199 21st Ave. with the two conditions recommended by staff. The motion carried 5-0.

b. Case No. 26104 -2941 E Vina Del Mar Blvd.

Practical Difficulty Variance: David Iverson of Pinellas Generator and Electric for William R Zalla requests to install an elevated generator in the southern required side yard setback of a property containing a single-family residence, with a setback of three feet proposed where seven feet is required (LDC Sec. 6.14.(b)).

Ex parte disclosures: There were none.

Senior Planner Brandon Berry presented the variance case, including a survey, postings, and photographs of existing conditions. His presentation is part of the meeting record. Staff found the request reasonable and that it met the criteria for a practical difficulty variance. The existing lot conditions and the applicant's narrative supported the proposed location vs. installation in either the front or rear yards. Staff found the chosen location preferable as it abuts a non-habitable area of the adjacent home and the noise impacts of use outside of emergency events would be a reasonable tradeoff for the potential benefits provided.

Dave Iverson, owner of Pinellas Generator and Electric, 6272 147th Avenue in Clearwater, appeared and testified on behalf of Applicant William Zalla. The generator is a Generac that operates at 63 decibels from 23 feet away. The south-side location was selected due to required placement of generators at the neighboring homes and required clearances from windows, doors, and vents. The generator had been placed but not yet wired, and the applicant agreed to remove it and properly seal the house if required.

Public Comment - Michael Welch of E. Debazan Avenue had general comments about overloading the city's infrastructure but the Chair advised him that time for general comment had passed and he could comment at the next City Commission meeting or email the Clerk.

Chair Chase closed public comment and opened Board discussion. The members agreed that the placement was best from an efficiency perspective.

Motion: Member Small moved and Member Kunzer seconded to approve Variance Case No. 26104 at 2941 E. Vina Del Mar Blvd. with the staff recommended condition to

have a final as-built survey prepared, submitted, and approved prior to permit closeout; the motion carried 5-0.

c. Case No. 26100 - 2511 E Vina Del Mar Blvd.

Practical Difficulty Variance: Kevin Murphy requests to install an elevated generator in the southern required side yard setback of a property containing a single-family residence, with a setback of four feet six inches proposed where seven feet is required (LDC Sec. 6.14.(b)).

Ex parte disclosures: Chair Chase had received emails from neighbors and forwarded to staff.

Senior Planner Gil Martinez presented the variance request, including zoning maps, surveys, photographs, request details, and applicable standards. The presentation is part of the meeting record. The residence is proposed to be elevated in place, with side access decks extending to the existing rear deck and no new living space. The property previously received a Certificate of Appropriateness and Design Review from the Historic Preservation Board on March 5, 2026, with minimal concern regarding the encroachments.

Staff found a reasonable basis for the request but sought additional testimony regarding whether the proposed generator location was the most practical alternative and required the minimum relief. Staff recommended conditions requiring installation consistent with the approved survey and plans, City approval for any relocation or additional equipment, and an as-built survey confirming compliance. One phone call and one letter in support were received.

Applicant Kevin Murphy testified that the proposed location was the only feasible option because the front would be too visible, the rear lacked the required five-foot clearance from windows, and the opposite side was occupied by air-conditioning equipment. Although a generator was not installed when the home was built in 2022, subsequent hurricanes and power outages demonstrated the need for one.

There was no public comment. During Board deliberation, members noted that the space requirements and need for resiliency were consistent with the previous two cases.

Motion: Member Schmidt moved, Vice Chair Core seconded, and the motion carried 5-0 to approve Variance Case No. 26100 at 2511 E. Vina Del Mar Blvd. with the three staff recommended conditions.

d. Case No. 26099 - 2851 E Vina Del Mar Blvd.

Unnecessary & Undue Hardship Variance: Micah Thompson of Gulf & Bay Dock Works, LLC for CARLSON, ROBERT A REV TRUST and HEINTZ, DENISE TRE requests to reconstruct and expand an existing dock head to 24 feet width and 15 feet length, at a distance between 77 and 92 feet from the seawall, where all expansions located further than 50% of the waterfront property width from the seawall (37.5 feet) require authorization from both abutting waterfront property owners (LDC Sec. 6.23.(d)(3)).

Ex parte disclosures: Chair Chase, Vice Chair Core and Member Schmidt had reviewed the letters and videos that were sent prior to the hearing.

Mr. Berry presented the variance request, including site photographs, hardship standards, and request details, which are part of the meeting record. Staff found that the applicants addressed some

hardship criteria but needed additional evidence that denial would create an undue hardship and that the proposed dock size was the minimum necessary. Staff requested testimony regarding submerged land depth and frequency of navigability issues, potential impacts to neighboring navigation, and whether conditions near the existing dock warranted the larger dock head. Mr. Berry noted one letter and videos opposing the request from the southern neighbor and authorization from the northern neighbor.

Micah Thompson and Shannon Lemus of Gulf & Bay Dock Works appeared on behalf of the Applicant. Mr. Thompson testified that the variance would accommodate the property owner's mobility limitations by widening the existing 12-foot dock by 12 feet without extending it farther into the water, using the existing pilings. He stated that water depth and navigation would not be affected, neighboring navigation would not be impacted, and the request remains within allowable square footage. County and State environmental agencies must also approve the project.

Russ Benson, 2831 E. Vina Del Mar Blvd., opposed the variance, citing concerns about navigation, safety, privacy, and enjoyment of his property. He stated that existing boat traffic, grounding, dock strikes, and nighttime activity already affect the area and believed widening the dock toward his property would worsen these conditions. He acknowledged the Applicant's mobility concerns but asked the Board to consider the impact on his property.

There was no additional public comment. During Board discussion, City Attorney Brookes clarified that the Board must apply the hardship criteria, including whether special conditions exist, the variance is the minimum necessary, and whether it would adversely affect adjacent properties or navigation. Board members discussed the Applicant's mobility needs and concluded that the wider dock was necessary for boat access, would remain within the permitted side setback, and would not create a navigation issue. Several members indicated that the hardship and minimum-variance criteria were satisfied.

Motion: Chair Chase moved, and Member Kunzer seconded, to approve Variance Case No. 26099 at 2511 E. Vina Del Mar Blvd. based upon testimony heard today and confirming that the criteria of the hardship had been met; the motion carried 4-1 with Vice Chair Core voting no.

e. Case No. 26111 - 3400 Gulf Blvd.

Unnecessary & Undue Hardship Variance: Jeffrey S. Connell of designONE Studio, Architect for Michael E. Lentz, VP of Don CeSar TRS LLC requests to construct an elevated outdoor seating and access deck over a newly-redeveloped drainage area with a northern side yard setback of zero feet where 48.7 feet is required, where the former deck had a setback of approximately 21 feet (LDC Sec.14.7.(b)(3)).

This case was continued until the August 26, 2026 hearing.

Motion: Chair Chase moved and the motion carried unanimously to continue Variance Case

f. Case No. 24003 Amendment - 3700 Gulf Blvd.

Unnecessary & Undue Hardship Variance: Pursuant to conditions one and two of authorized variance case 24003, Staff requests Board of Adjustment review of the eight unnecessary and undue hardship variance criteria in the context of presented design changes to the façade

of the proposed multifamily building for amendment of the active variance authorization. This is the second request for amendment, following previous authorization for façade changes that were authorized in October 2024.

Ex parte disclosures: Chair Chase spoke to members of the neighborhood association.

Mr. Berry presented the variance case, including aerial photos and original and current façade renderings. His presentation is part of the meeting record. This case was originally approved by the Board in February 2024 with two conditions on design features, color, height and setbacks. Each unit was allowed a ground floor two-car garage at least 16 ft. wide. The original design was Mediterranean, which shifted to more Caribbean-influenced Mediterranean in October of 2024. Both proposed designs were four stories. Staff found that the modifications most potentially affect findings for Criteria 8, that the requested variance is in harmony with the general intent and purpose of the Comp Plan and LDC, is not detrimental to the public safety, is compatible with the neighborhood, and will not substantially diminish property values.

Attorney Katie Cole of Hill, Ward, Henderson in Clearwater introduced project Architect Adam Wolfe of 5620 W. Linebaugh Ave., Tampa, as an expert. He testified that the design was revised from a Mission/Spanish style to a more Mediterranean Revival style inspired by the Don CeSar. The changes add greater façade articulation, varied windows and massing, a continuous arcade, and a hip/barrel-tile roof to reduce the building's perceived bulk and improve its street presence. The site plan, building orientation, and previously approved setbacks remain unchanged; only the façade design is being modified. His presentation is part of the meeting record.

There was no public comment and the Chair opened Board discussion. The members expressed that the new design provided more character and an improved appearance. The original variance is staying intact, and parking is not an issue.

Motion: Member Kunzer moved, Member Small seconded, and the motion carried 5-0 to accept the design changes to amend Variance Case No. 24003 at 3700 Gulf Blvd.

5. Adjournment - The next meeting is scheduled for August 26, 2026.

Chair Chase adjourned the meeting at 3:22 PM.

These minutes were approved at the August 26, 2026 Board of Adjustment meeting.

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

Agenda Report

Agenda Title Name: **Case No. 26111 - 3400 Gulf Blvd.**

Action Request: Motion to [approve with four recommended staff conditions/approve/deny/continue to [specify date certain]] unnecessary and undue hardship variance 26111 for 3400 Gulf Blvd.

Strategic Objective:

Date: August 26, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: Staff finds the applicant has adequately supported the criteria, with the unique platted conditions of the northern portion of this property presenting significant setbacks not applicable to other lands in the same zoning district, and the extension taking place to protect a retrofitted stormwater facility rather than solely to extend customer seating area. If approved, staff recommends conditions prohibiting future enclosure of the deck and use of the space for customer seating, allowing drainage, providing for adequate parking for the additional customer seating area, and requiring the filing of a final as-built survey.
****Continued from July 29, 2026 meeting at applicant's request****

Funding: N/A

Attachments:

1. 26111 - Staff Report
2. 26111 - Development Order Draft
3. Revised Plans - July 28, 2026
4. Applicant Presentation Documents - Submitted July 28, 2026
5. 26111 - Certificate of Completeness with submittal documents



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COMMUNITY DEVELOPMENT - PLANNING

Date: July 11, 2026
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Addresses: 3400 Gulf Blvd
Parcel Number: 07-32-16-21857-000-0010
Jeffrey S. Connell, designONE studio Architect for Michael E. Lentz, VP for Don CeSar TRS LLC
Variance Case No: 26111

Prepared by: Brandon Berry, Senior Planner

Hearing Date: July 29, 2026

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

1. Completed unnecessary and undue hardship application, consisting of six sheets.
2. ALTA/NSPS Boundary Survey, signed by Trevor J Hatch, P.S.M., dated June 25, 2025, consisting of two sheets.
3. Site and construction plans showing subject requested scope of work, consisting of five sheets.
4. Revised plans, received July 28, 2026, dated July 22, 2026, consisting of six sheets.

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

Site Description/Surrounding Land Uses

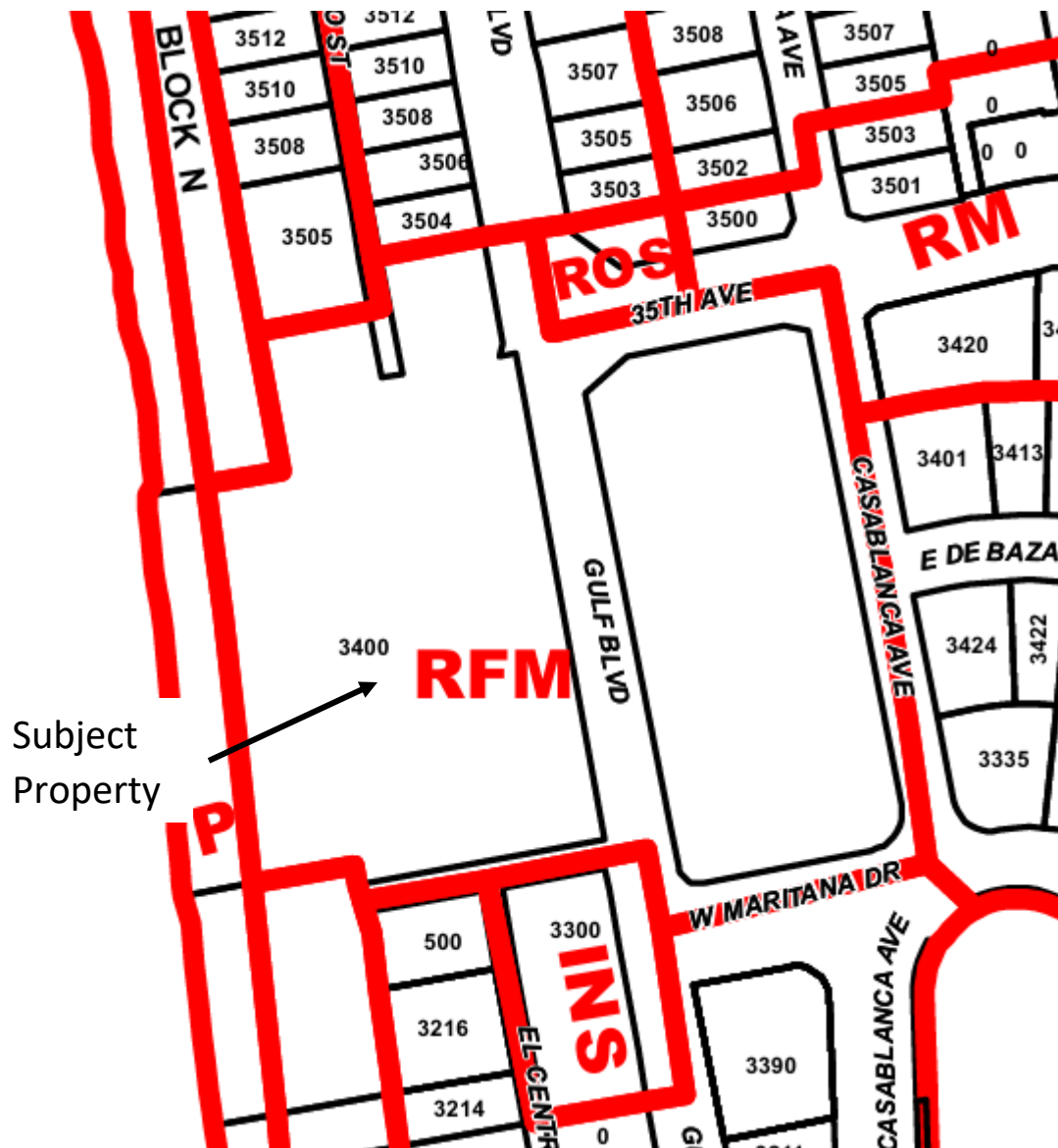
The subject property is a 6.33-acre total site containing the Don CeSar Hotel, a lodging facility with accessory buildings and amenities. The property is currently nearing completion of an elevated ballroom extension on its north side, and the owner is undertaking stormwater improvements site-wide that were triggered by the expansion. One area where on-site retention is being provided is underneath and directly north of The Rowe Bar, a detached bar facility at the northwestern portion of the site located to the north of the existing pool area, which is also the location at which the subject variance is requested.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Technical Review Committee

The Technical Review Committee met on July 8, 2026 to discuss the request. Comments were made pertaining to parking requirements, timeline for completion of the stormwater improvements, and the square footage of the requested extended bar area.

Request

The Resort Facilities Medium district has a required side yard setback of 10% of the lot width per Land Development Code Sec. 14.7.(b)(3), without an upper limit. As the Don CeSar Hotel site is unusual and has frontages on several public thoroughfares and adjacent private properties, the typical application of side setback requirements makes the northern portion of the site minimally buildable, with the applicant

receiving variances in early 2022 to construct the ballroom and an associated stairwell in its presently-approved location. In the subject case, The Rowe Bar adjoins a property line of “Block N” zoned Recreation/Open Space that is owned by the Don CeSar Property Owners Corporation, and is subject to the side setback requirements from this parcel. The existing bar deck extends to approximately 22 feet from that property line, and the applicant is requesting to extend the deck to the line in order to completely cover a retention area newly-developed beneath it. As of plans submitted July 28, 2026, the applicant has eliminated all references to customer seating on the deck within the area requested for variance.

Analysis

- a. **Required side yard setback:** Where 10% of the lot width is required adjacent to a side yard, pursuant to Land Development Code Section 14.7.(b)(3). The applicant is requesting to extend a bar seating and access deck from a former setback of approximately 22 feet to 0 feet within the required side yard adjacent The Rowe Bar.

Figure 3: Zoning Table			
Access and Seating Deck	3400 Gulf Blvd		
	RFM Required	Existing Setback	Proposed Setback
Side Yard Setback (Min.)	10% of the lot width (48.7')	~22 feet*	0 feet (v)
*Denotes existing non-conformity (v) Variance required			

Unlike the ballroom addition, which directly abuts residential to its north and northeast, the subject bar extension projects toward land that was dedicated under the plat for the Don Ce-Sar Place subdivision in 1925 as dedicated for beach and bathing purposes, and is restricted from the construction of any structure. The abutting land is presently open sand, with dunes immediately adjacent to the north. A walkway at the northernmost side of the parcel adjacent to the residence where the ballroom is being constructed has a walkway that extends behind the residences located east of Block N, but it does not directly connect to the area of the property where the bar extension is requested.

Figure 4: Site Plan Showing Variance Request (N.T.S.)



Additional Comments

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

The Board has standards of review for a hardship variance and must make a positive finding with regard to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicants 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 requirement to fully retrofit the Don CeSar Hotel property to accommodate modern stormwater systems is an unusual circumstance that is not applicable to other lands in the same zoning district or in the vicinity. The Hotel property was developed in the 1920s, although the northern ballroom extension and accessory Rowe Bar facility are much more contemporary. Modern lodging facility projects are typically supplied with stormwater treatment facilities underneath the buildings, which was not viable on the subject property and required extensive surface improvements in the parking lot and along the northern side of the site. Furthermore, the existence of an undevelopable parcel of land adjacent to the subject requested improvement area is an additional unique condition not applicable to most other lands. One of the primary applications of setback standards is to prevent the overcrowding of land, particularly for development that abuts a different zone or land use. While this relationship still exists at the subject location, the land to the immediate north will not be constructed upon with new structures in the future due to deed restrictions.

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

The ballroom addition that triggered the sitewide stormwater improvement was an elective decision made by the property owner, although staff recognizes that there were significant constraints on where the stormwater facilities could be located that may have presented a hardship relative to other, newly-redeveloped, lands. The decision to locate the facilities in the vicinity of the bar was a logical decision that reduced impact on adjacent lands in active use. However, staff finds that based upon the strictest application of the Land Development Code, there are other means of securing the area that do not require a deck extension, such as installing a fence. This could create a less secure condition for the stormwater facility, but is a viable option. The applicant requests the deck extension in lieu of the fence as they state the fence could allow for easier unauthorized access by guests or the public, and would produce a less aesthetic condition.

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

The applicant could design the deck as an unusable architectural feature space or other feature that provides for security of the pond below without also providing for additional customer seating space, which is a benefit of the deck extension. Staff estimates that the extension provides for a potential additional 1,100 square feet of customer space compared with both former and existing, by-right conditions. However, staff does recognize the application of the setback standard is unusual in this location and may present a partial hardship due to the layout of the site and the variation in side and rear setback relationships that make development at the property's northern side much more challenging than intended based on the typical, neighbor-adjacent setback requirements. The setback requirements are intended to protect land in current or potential future use from encroachment of structures or uses that are of incongruous intensity, such as setback of the ballroom from the residences to the north. In the subject case, staff finds the application of the setback requirement at this particular location does pose a partial hardship.

- 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 bar is allowed as an accessory amenity on the subject property. At completion of the ballroom's ground-level parking improvements, the property will have adequate parking site-wide to accommodate the hotel and its amenity facilities, including the bar extension. Based on information provided at the Technical Review Committee meeting for this case, the applicant expects for the parking improvements to be completed prior to completion of the deck extension.

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

The applicant has eliminated customer seating from the deck extension located within the northern side yard setback as shown on plans provided to staff on July 28, 2026. While staff had previously expressed only partial support for this condition, if the intent is solely to construct this extension as protection of the drainage facilities beneath it, staff finds the applicant has adequately supported this criteria. The applicant should address through testimony whether it is intended for the fireplace shown on the plans to remain within the deck, and how they intend to control use of this space for seating into the future.

- 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;**

Staff has not identified another property in the same zoning district that faces the restrictions of the subject property. The vast majority of properties formerly zoned RFM, which now have zoning of Large Resort or Boutique Hotel/Condo and are located further north along the western side of Gulf Boulevard, have a typical front, two-neighbor side, and rear Coastal Construction Control Line relationship that is much more logical to the application of the typical setback standards. In the subject case, the unusualness of the northern part of the property was created out of a voluntary replatting effort in the late 1990s, and creates a much more challenging situation for the developer at the interior sides of the property rather than the absolute outer sides that actually have a direct relationship with a developed neighbor in residential use. In light of this, staff finds the variance would treat the applicant the same as others in the same zoning district.

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

Staff finds the footprint request is the minimum reasonably necessary to secure the stormwater facility. While the area could be fenced, doing so would not provide for reasonable security of the area. Granting of this request would provide reasonably the same treatment as to other properties, whose owners do not have to contend with the variation in side property relationships to the same extent as the owner of the subject 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 the request is in harmony with the general intent and purpose of the comprehensive plan and Land Development Code, which support modernization of stormwater management facilities and redevelopment of commercial facilities that do not create nuisance impacts on nearby lands. The applicant has worked with state and local agencies to permit the stormwater improvements and staff finds the request to secure the retention area is both reasonable and preferable to securing the space via a fence. Staff finds, given the status of the adjacent land, it will not be injurious to the neighborhood, is compatible from a scale and massing perspective with adjacent lands, and it will not substantially diminish or impair property values. While the extension of customer space is not necessary to construct a cover for the stormwater area, it is not a substantial intensification of the existing use of this area nor does it create a direct impact on a developable piece of land in separate ownership. The deck extension also locates the majority of customer seating area away from the property line immediately abutting Block N, reducing the likelihood that food or other wastes end up within the preserved land area.

Other

Staff finds the application of standard setback requirements at this particular location, given the stormwater improvements under construction that retrofit a site constructed prior to any local stormwater management regulations and the numerous variations in property lines at the northern side of the property specifically, create hardship conditions that are not a direct result of the owner's decision to construct a ballroom and impose stricter conditions than on owners of other lands in the same zoning. Given the improvement is a protective element for a necessary facility and the facility was placed in the one of the more logical areas of the site, staff finds the ability to construct a near-grade cover to be reasonable and meet the variance criteria.

As the applicant has eliminated the seating from the northern deck extension in the plan set submitted July 28, 2026, staff finds the applicant has adequately supported the eight hardship variance criteria. However, staff requests the applicant explain how the area will be limited from being used for seating in the future, and whether the fireplace is intended to remain.

Summary

Staff finds the applicant has reasonably supported the eight variance criteria, based on revised plans submitted July 28, 2026. The deck cover is a reasonable means of securing the stormwater facilities below, in contrast with a fence that may not provide for the same security from access or debris. The elimination of customer seating on the deck eliminates previously-expressed staff concerns about financial return as a partial basis for the request.

Should the applicants or agents provide additional information to satisfy the Board that substantial and competent evidence has been provided and look favorably on the application on the relief request, the Board may wish to consider any conditions it finds are necessary to protect the public interest, including the following:

1. The deck shall not now or in the future be further covered or enclosed by any means within the required side yard setback, nor shall the portion of the deck for which a variance is authorized be used for customer seating.

2. The deck surface shall remain of a material and with adequate openings to ensure that the retention area continues to function for the purposes it was approved under site plan 25041.
3. Prior to final inspection approval for the associated deck extension permit, the applicant shall demonstrate that there is adequate parking available for use on the subject property to accommodate the additional spaces necessitated by the work.
4. The applicant shall provide a final as-built survey demonstrating that the deck is of the size depicted on the site plan, and does not cross the property boundary.

Should the board look favorably on the application, the applicants 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: Jeffrey S. Connell, Agent, *via email* (jeff@designnone-studio.com)
Michael Lentz, VP of H H R ST PETE BEACH LLC, Owner, *via email* (mikelenthz@hosthotels.com)
Ralf Brookes, City Attorney, *via email*



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

**ST PETE BEACH BOARD OF ADJUSTMENT
VARIANCE (UNDUE HARDSHIP)
CASE NO. 26111**

A public hearing was held before the St Pete Beach Board of Adjustment (“BOA”) on the 29th day of July, 2026 for review of a variance to Section 14.7.(b)(3) of the St. Pete Beach Land Development Code (“LDC” or “Land Development Code”) to allow for the applicants to extend an access and seating deck from a setback of approximately 22 feet to a setback of zero feet within the required side yard setback where 48.7 feet is required, for real property located at 3400 Gulf Blvd (“subject property”). The request is made by Jeffrey S. Connell of designONE Studio Architect (“Agent”) for Michael E. Lentz, VP of Don CeSar TRS LLC (“Applicant” or “Owner”).

The Board of Adjustment reviewed the published agenda materials, information presented at the hearing and testimony from Brandon Berry and Kristin Coman for the City. The Board of Adjustment has accepted testimony from Brandon Berry and Kristin Coman as experts in the area of land use and zoning in the City of St. Pete Beach.

Based on the information and testimony the BOA makes the following findings of fact and conclusions of law:

- a. Michael E. Lentz is a Vice President and representative for Don CeSar TRS LLC, the owner of 3400 Gulf Blvd and the applicant for the subject case.
- b. Notice of the BOA hearing was provided to the Property Owner and owners of property within 300 feet as required by Section 3.4 of the LDC.
- c. The Subject Property is located within the RFM Resort Facilities Medium Future Land Use and Zoning Districts according to the Future Land Use and zoning maps. Properties in this district are subject to a minimum side setback of 10% of the lot width. The subject deck formerly existed within the required side yard setback, with a setback of 22 feet where 48.7 feet is required.
- d. In accordance with the requirements of Section 3.12 of the LDC, the BOA finds based on competent and substantial evidence in the record and presented at the public hearing that the variance is consistent with the Comprehensive Plan and [approved/approved with conditions/denied] as shown on the attached Exhibits for the following reasons:
 1. *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district*—The BOA finds the criteria is met on the basis of peculiar circumstances of the land and building, as the



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subject property is being actively retrofitted to achieve sitewide stormwater compliance, and the age and layout of the development precludes under-building stormwater vaults and other improvements that are accommodated in most modern development scenarios. The deck extension is primarily intended as a cover for the stormwater retention facility located beneath it.

2. *The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property*—The BOA finds this criteria is met, as the applicant contends with existing development restrictions that would be less applicable under a holistically-considered site redevelopment, and the retention facility location reduces impact on surrounding lands as it abuts Block N, a parcel that is restricted by deed from future structural development and is largely currently in use as a vegetated dune area.
3. *Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant*—The BOA finds this criteria is partially met, as the space could be secured by a fence in a manner that does not require a variance, but finds that the deck provides reasonable additional security for the feature and its extension is not contrary or is supportive for to the general purposes of setbacks in the Land Development Code, which are to prevent the overcrowding of land and mitigate adverse impacts from structural encroachments toward abutting lands. In the subject case the deck abuts land that will not be developed with a structure in the future.
4. *The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density*—The BOA finds this criteria is met as the deck has existed for over two decades and the applicant appears to be primarily undertaking its extension to provide reasonable security for a stormwater feature and improve aesthetic conditions at the rear of the site, rather than solely to acquire additional space for customer seating.
5. *An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship*—The BOA finds this criteria is met following submission of the revised plan set dated July 22, 2026, which eliminates all seating from the portion of the deck for which a variance is requested, which eliminates a financial basis for this request.



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6. *Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district*—The BOA finds this criteria is met, as this is the last remaining west-east alleyway remaining in a similar configuration within this subdivision, and the block to the south possessed the same zoning as the subject block when its similarly-configured alleyway was vacated in the 1960s.
 7. *The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure*—The BOA finds this criteria is met, as the deck extension is the minimum reasonably necessary to secure the entire retention area, which extends to the side property line at the subject location. The property also experiences significant, forked variation in property lines along the northern portion of the property which makes substantial areas unbuildable, and staff finds the subject request for relief is reasonable in that regard.
 8. *The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood*—The BOA finds this criteria is met, as the extension arises from retrofitting the site to meet modern stormwater retention requirements, the status of the land and design of the deck is unlikely to cause significant adverse impacts to abutting property and does not extend a customer space against lands in frequent use as lower-intensity residential use, and places the customer seating area on the deck away from direct adjacent from the property line, reducing potential negative operational impacts.
- e. [Space for ex-parte communication]
- IT IS HEREBY ORDERED:**
- f. [Space for outcome following Board of Adjustment discussion]
- g. [If approved] The variance is approved with the following four (4) conditions:
1. The deck shall not now or in the future be further covered or enclosed by any means within the required side yard setback, nor shall the portion of the deck for which a variance is authorized be used for customer seating.



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2. The deck surface shall remain of a material and with adequate openings to ensure that the retention area continues to function for the purposes it was approved under site plan 25041.
 3. Prior to final inspection approval for the associated deck extension permit, the applicant shall demonstrate that there is adequate parking available for use on the subject property to accommodate the additional spaces necessitated by the work.
 4. The applicant shall provide a final as-built survey demonstrating that the deck is of the size depicted on the site plan, and does not cross the property boundary.
- h. The Applicant may record a certified copy of this Order in the Official Records of Pinellas County, Florida.
- i. This action was made by a motion by [member] and seconded by [member] and upon being put to a vote, the result was as follows:

Denise Chase, Chair	_____
Chris Core, Vice Chair	_____
Jim Schmidt, Member	_____
Dan Small, Member	_____
Joe Kunzer, Member	_____

DULY PASSED AND ADOPTED THE 29TH DAY OF JULY, 2026

St. Pete Beach Board of Adjustment

By: _____
Denise Chase, Chair

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2026, by Denise Chase, as Chair of the St Pete Beach Board of Adjustment, ☐ who is personally known to me or ☐ who has produced _____ as identification.



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My commission expires:

NOTARY PUBLIC, State of Florida at Large

Print Name: _____

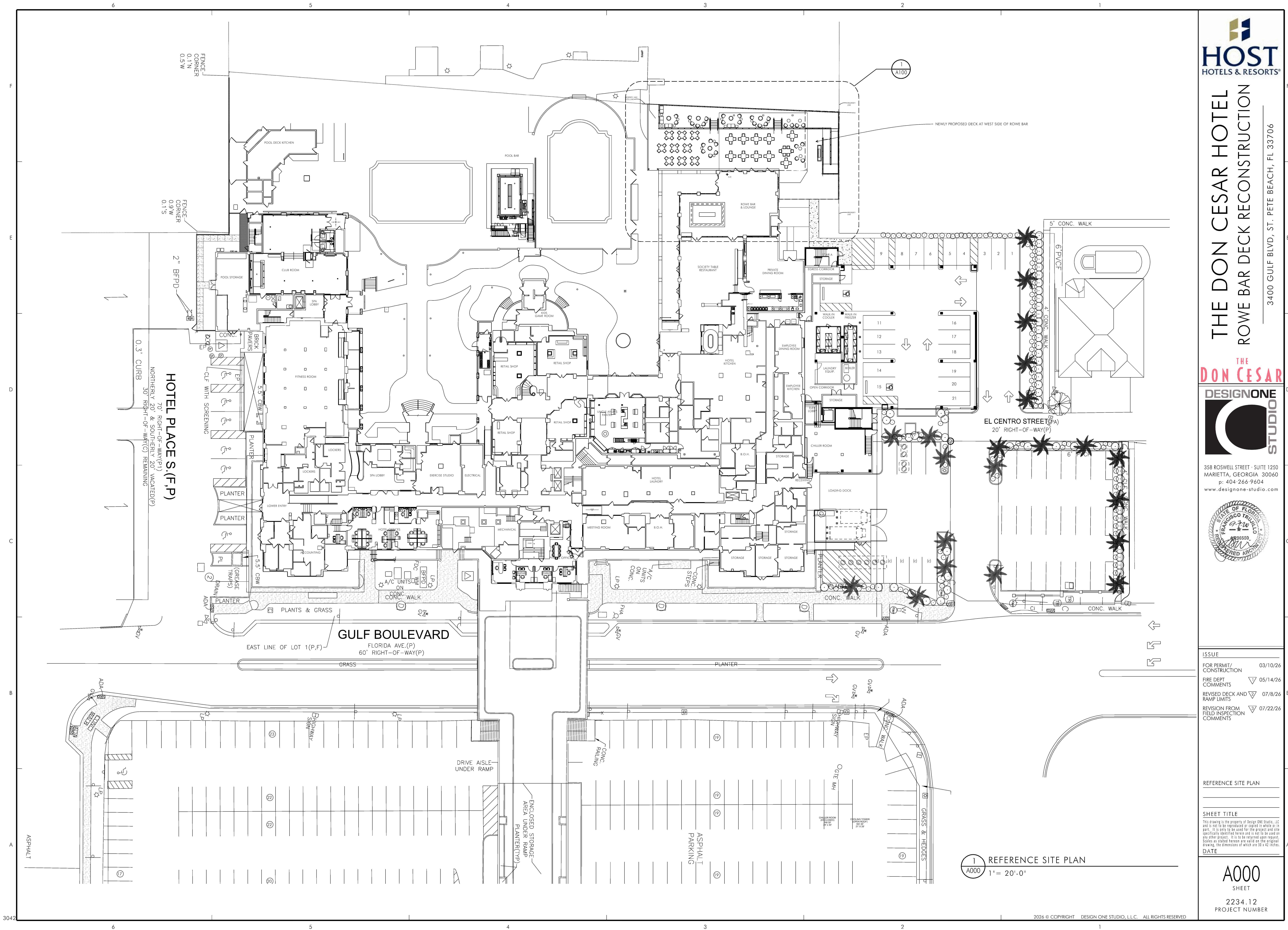
ATTEST:

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

_____, City Clerk

Vose Law Firm, City Attorney

This Development Order was filed in the Office of the City Clerk on this ____ day of _____, 2026. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order as authorized in Section 3.14(b) of the St. Pete Beach Land Development Code.



THE DON CESAR HOTEL

ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

358 ROSWELL STREET - SUITE 1250
MARIETTA, GEORGIA 30060
p: 404-266-9604
www.designone-studio.com

ISSUE	
FOR PERMIT/CONSTRUCTION	03/10/26
FIRE DEPT COMMENTS	05/14/26
REVISED DECK AND RAMP LIMITS	07/8/26
REVISION FROM FIELD INSPECTION COMMENTS	07/22/26

REFERENCE SITE PLAN

SHEET TITLE

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DATE

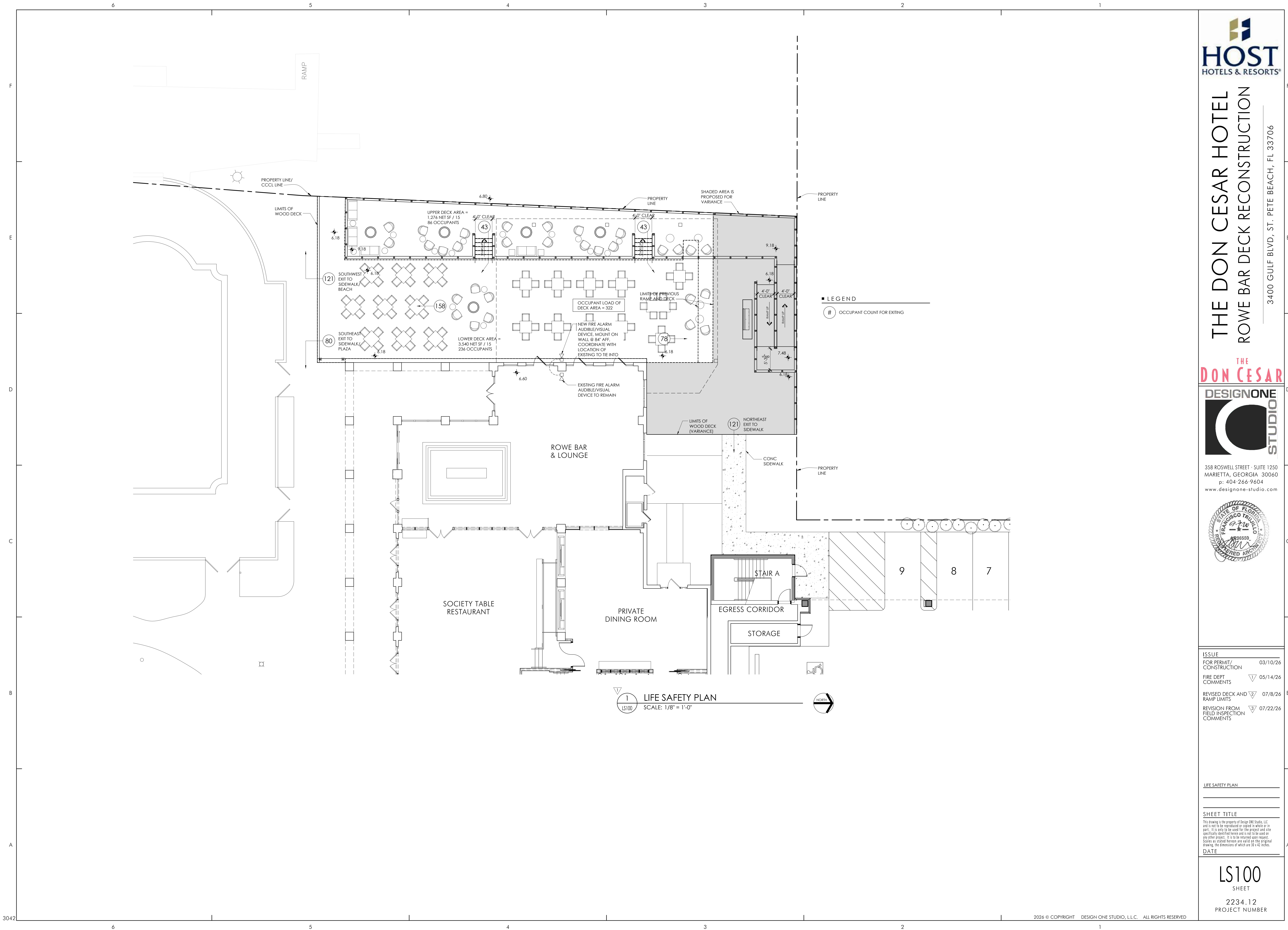
A000

SHEET

2234.12

PROJECT NUMBER

1 REFERENCE SITE PLAN
A000 1" = 20'-0"



THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706



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MARIETTA, GEORGIA 30060
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ISSUE	
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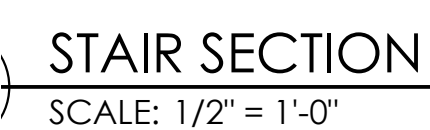
LIFE SAFETY PLAN

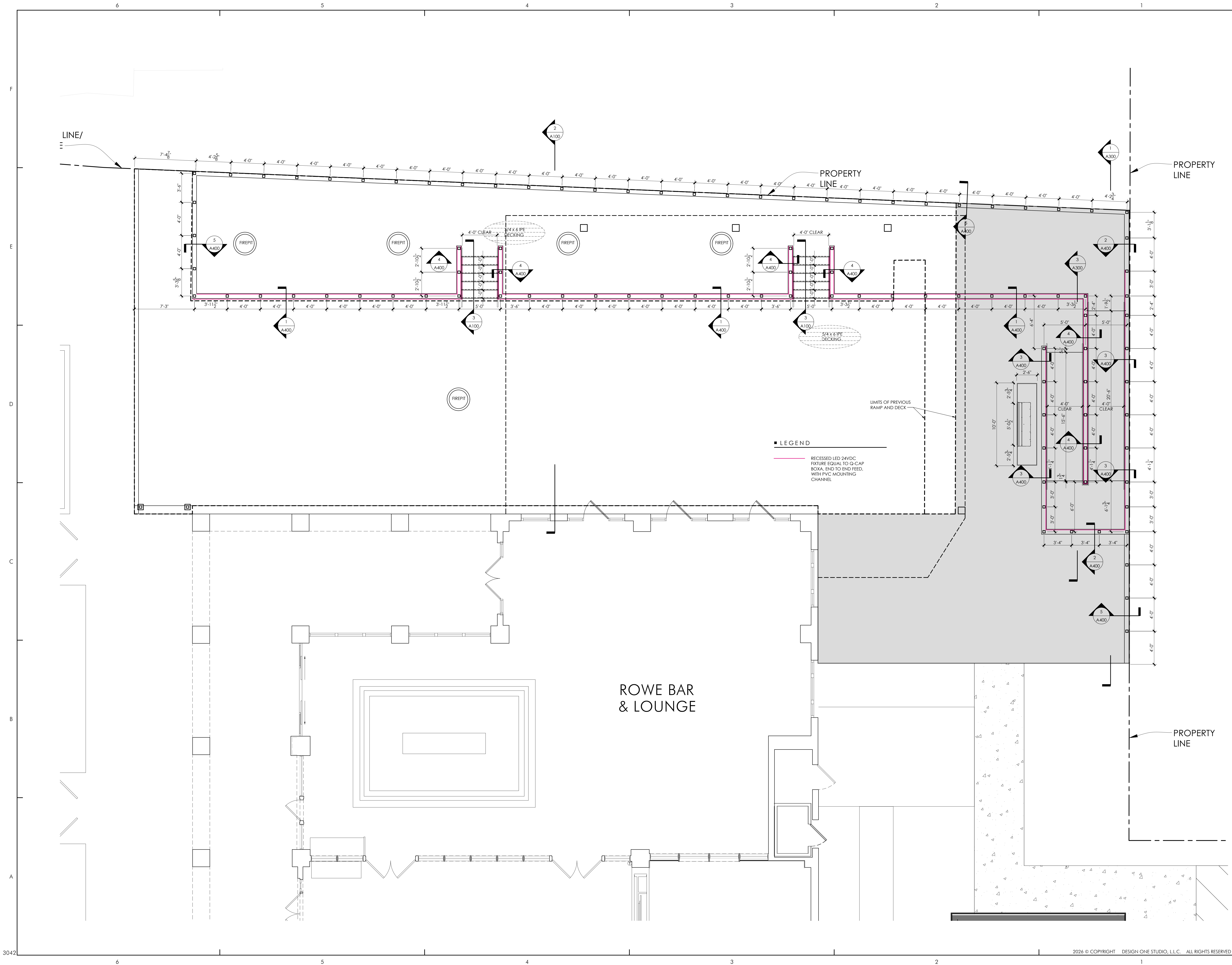
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DATE

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THE DON CESAR HOTEL

ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

THE
DON CESAR
DESIGNONE
STUDIO

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p: 404-266-9604
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ISSUE	03/10/26
FOR PERMIT/ CONSTRUCTION	
FIRE DEPT COMMENTS	05/14/26

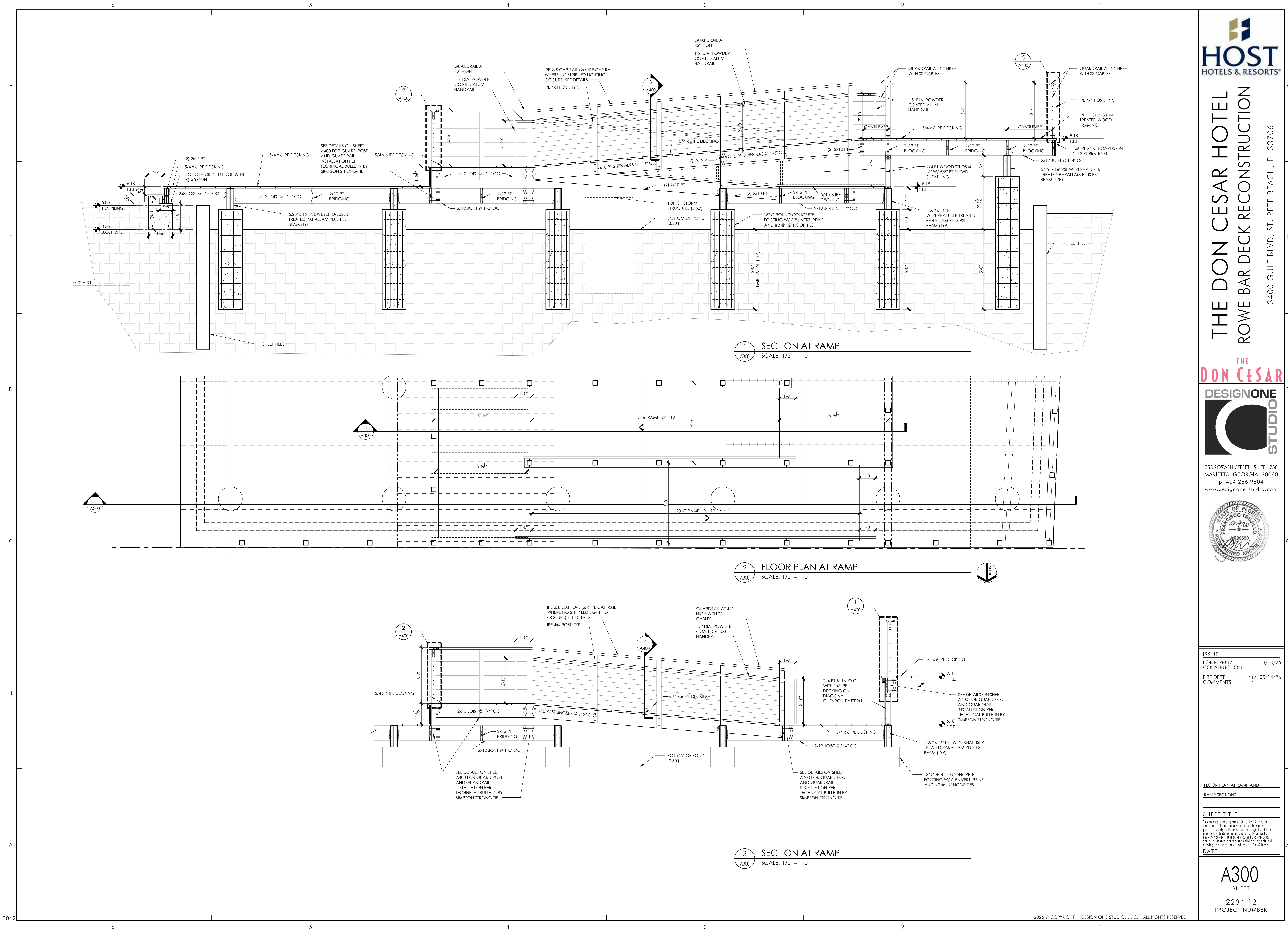
DECK RAILING POST
LOCATIONS PLAN

SHEET TITLE
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DATE

A200
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RELEASED FOR CONSTRUCTION 03/09/26 DATE



THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

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ISSUE	FOR PERMIT/CONSTRUCTION	03/10/26
FIRE DEPT COMMENTS		05/14/26

FLOOR PLAN AT RAMP AND
RAMP SECTIONS

SHEET TITLE

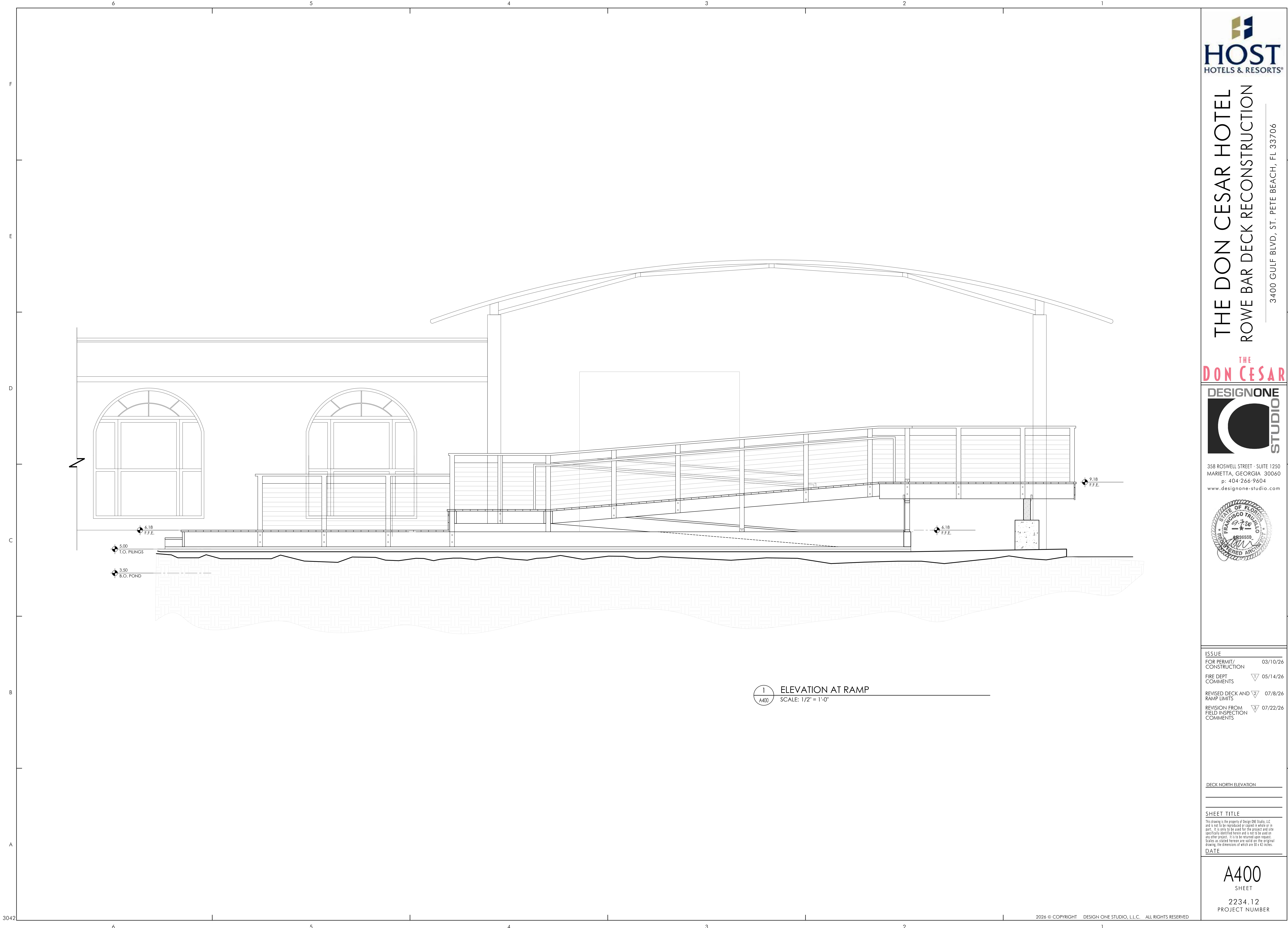
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THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

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ISSUE	
FOR PERMIT/ CONSTRUCTION	03/10/26
FIRE DEPT COMMENTS	▽ 05/14/26
REVISED DECK AND RAMP LIMITS	▽ 07/8/26
REVISION FROM FIELD INSPECTION COMMENTS	▽ 07/22/26

DECK NORTH ELEVATION

SHEET TITLE

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DATE

A400
SHEET

2234.12
PROJECT NUMBER



THE ROWE BAR DECK



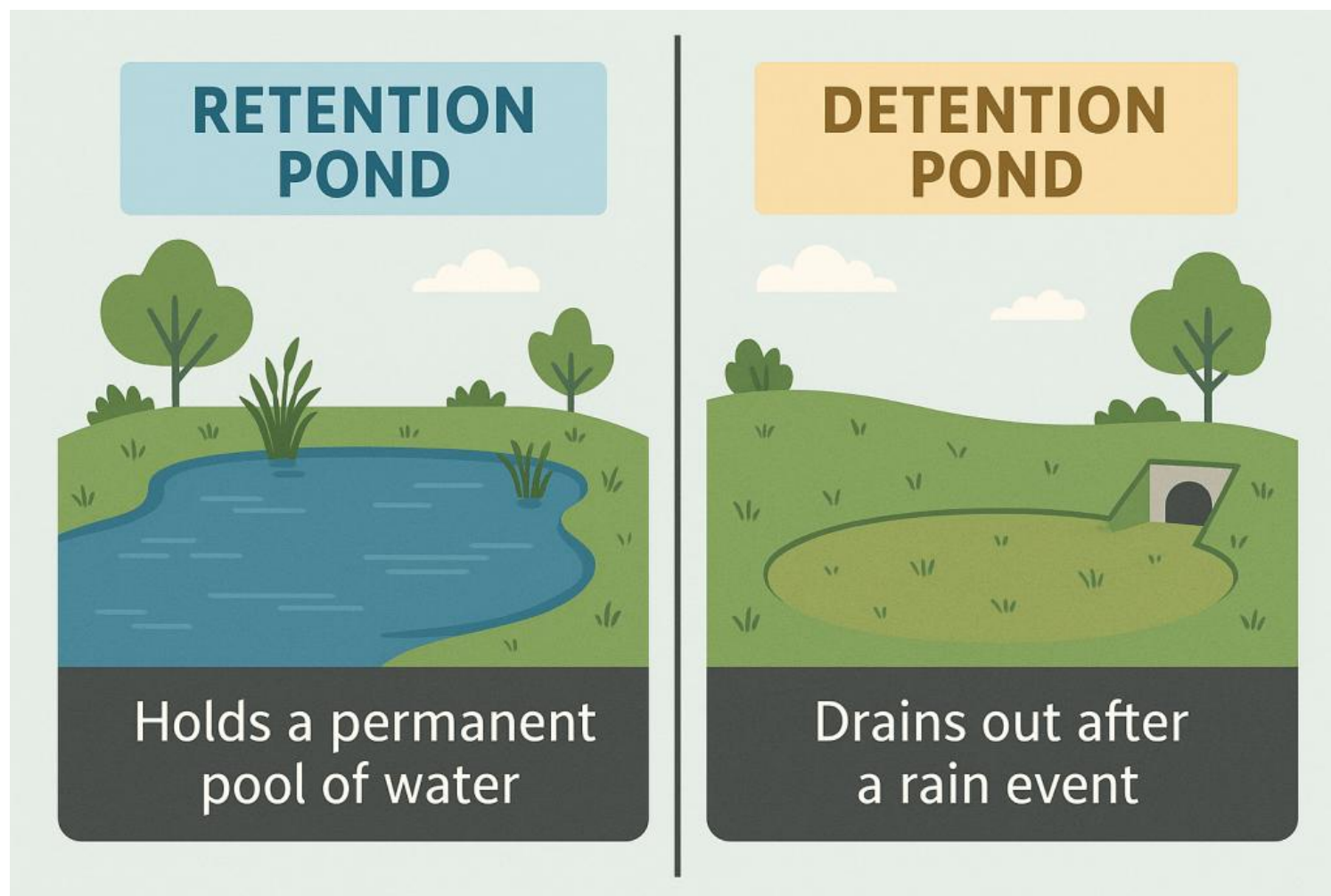
AERIAL VIEW OF THE DON CESAR FROM THE WEST



PREVIOUS ROWE BAR DECK PRIOR TO HURRICANE DAMAGE



PREVIOUS ROWE BAR DECK PRIOR TO HURRICANE DAMAGE



RETENTION VERSUS DETENTION POND

POND AT ROWE BAR DECK IS DETENTION (NOT ALWAYS FULL)



DECK CONSTRUCTION COVERING POND
(AREA SHOWN IS NOT PART OF VARIANCE)



DECK CONSTRUCTION COVERING POND
(AREA SHOWN IS NOT PART OF VARIANCE)



DECK CONSTRUCTION COVERING POND
(AREA SHOWN IS NOT PART OF VARIANCE)



DECK CONSTRUCTION COVERING POND
(AREA SHOWN IS NOT PART OF VARIANCE)



Memo To: Board of Adjustment
From: Brandon Berry, Senior Planner
Date: 7/2/2026
Re: **CERTIFICATE OF COMPLETENESS**

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment and placed on the agenda for **July 29, 2026**.

Variance Case Number: 26111

Application Type: Unnecessary & Undue Hardship Variance

Owner: Michael E. Lentz, VP for Don CeSar TRS LLC

Applicant/Agent: Jeffrey S. Connell, designONE studio Architect

Parcel Number: 07-32-16-21857-000-0010

Address: 3400 Gulf Blvd

Zone: RFM

Submittal Documents:

1. Completed unnecessary and undue hardship application, consisting of six sheets.
2. ALTA/NSPS Boundary Survey, signed by Trevor J Hatch, P.S.M., dated June 25, 2025, consisting of two sheets.
3. Site and construction plans showing subject requested scope of work, consisting of five sheets.

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

City/Board Professionals:

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

Board Members:

- | | |
|---------------------------------------|-------------------------------------|
| ☐ Denise Chase | ☐ Joe Kunzer |
| ☐ Chris Core | ☐ Dan Small |
| ☐ Jim Schmidt | |

Cc: Jeffrey S. Connell, designONE studio Architect, Agent, via email (jeff@designone-studio.com)
Michael E. Lentz, VP for Don CeSar TRS LLC, via email (Mike.Lentz@hosthotels.com)

CASE #: _____

PARCEL #: _____

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

UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

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

- Two (2) copies of the property survey, to scale, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Two (2) copies of a survey or site plan showing the request with dimensions, setbacks and other pertinent information, drawn to scale, of size a maximum of 36"x48" and minimum of 11"x17";
- Two (2) copies of scaled construction plans;
- Completed Impervious Surface Ratio (ISR) worksheet or equivalent;
- Emailed copy of the survey, plans and supplemental documents to planning @stpetebeach.org.
- The application fee and associated mailing fee, payable to the City of St. Pete Beach (non-refundable)
-

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	Don CeSar TRS LLC Michael E. Lentz, VP	4747 Bethesda Ave, Suite 1300 Bethesda, MD 20814	240-744-5265
Applicant/ Agent	Jeffrey S. Connell designONE studio Architect	358 Roswell Street, Suite 1250 Marietta, GA 30060	404-277-0228
Owner Email Address: Mike.Lentz@hosthotels.com		Applicant/Agent Email Address: jeff@designone-studio.com	

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation Resort Facilities Medium (RFM) District	Future Land Use Designation Resort Facilities Medium (RFM) District	Lot Area 275,764 SF 6.31 acres
Legal Description: Lot 1 and Lot 2 of Don CeSar Place Hotel Replat, according to the plat thereof, as recorded in plat book 120 at page 69 of the public records of Pinellas County, FL.		
Address: 3400 Gulf Boulevard, St. Pete Beach, FL 33706		
Explanation of Request: <u>The Rowe Bar deck to the west at The Don CeSar hotel is adjacent to The Don CeSar Property Owner's Corporation (DCPOC) Neighborhood beach dune area. The Owner is in the process of installing new storm water retention and treatment throughout the hotel site. As a result, the previous pond that was concealed under the Rowe Bar deck is expanding to the north and east to meet city/state requirements. Per LDC Section 14.7 (b), the side yard setback is 10% of the lot width. The Owner is respectfully requesting a variance to expand the deck to the north property line</u>		

into the setback to fully conceal the new retention pond and prevent accidental access by a guest, public, or staff. The deck remains within the property line and is the same height as the existing deck that is being replaced.

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

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

The property in question directly abuts the DCPOC (Don CeSar Property Owners Corporation), which is a zoned recreational use, requiring a setback of 10% of total property width. Additionally, the hotel is zoned for Resort Facilities Medium, which is not typically directly adjacent to recreational use zoning areas. The adjacent property in question, although owned by the DCPOC, is an "uninhabitable" space that is part of the beach dunes and occasionally used for emergency vehicle beach access.

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

The request for expanding the deck footprint is a result of the city/state required and approved storm water retention pond. The deck is being utilized to cover and protect/shield access to the pond so guests, the public, and staff cannot accidentally walk into the pond. A fence was discussed with the team but is not desirable due to the aesthetic concerns of having an open retention pond with sheet piles exposed to the Rowe Bar deck, the hotel ballroom, and to the public beach. Additionally, there was a concern of unauthorized access by climbing over the fence by guests or public. A complete coverage of the pond by this deck prevents this unauthorized access and screens it from public and guest view.

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;

As mentioned in item 1 above, the RFM zoning designation for The Don CeSar is unique from many other resort properties due to the direct adjacency to the single family residential lots.

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

The request to expand the deck will not allow for an increase in density and the Owner is not requesting any additional conditioned area for The Don CeSar Hotel. The Rowe Bar Deck was previously in this location and is being replaced due to hurricane damage and the expansion of the retention pond below the deck. This request is only for the expansion of the exterior deck footprint to conceal the pond below.

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

The Owner acknowledges this statement. The increase in deck coverage does not enable the hotel to increase financial return on the parcel or property. Most of the increased area is for a ramp to access the upper portion of the deck and for access to a sidewalk to the east for access/egress.

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

Granting this variance will satisfy the requirement from the Florida Department of Environmental Protection (FDEP) to conceal and protect the pond from pedestrian access. Other Owners or parcels, were they to have a new retention pond, would also be required to conceal/protect the pond if it is accessible to pedestrians.

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

This request is the minimum expansion of the deck to fully conceal the new FDEP and City approved retention pond. The deck does not extend further than the limits of the sheet piles forming the edge of the pond.

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.

We feel this request for additional deck is not injurious to the adjacent DCPOC neighborhood and directly adjacent parcels. As referenced in number 1 above, the portion of the DCPOC property that this deck is adjacent to is not a parcel that contains any structures, houses, or personal property. It is a dune area that is not able to be developed in the future, therefore there is not a concern for encroachment in the setback area. The deck is not causing any additional storm runoff to adjacent parcels as well because any standing water on the deck will permeate through the gaps in the deck boards and into the new retention pond below. Additionally, we feel concealing the expanded pond is a benefit to the neighboring properties as it will shield the view of a retention pond from pedestrians accessing the beach.


Signature of Applicant

6/13/2026
Date


Signature of Authorized Agent

6/9/26
Date



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Jeffrey S. Connell, 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): Jeffrey S. Connell

Address: 358 Roswell Street, Suite 1250, Marietta, GA 30060

 6/9/2020
Signature Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 9 day of June, 2020 by:
Jeffrey S. Connell who appeared before me, and is personally known to me, or has produced
Georgia Drivers License as identification, and did take an oath.

My commission Expires: September 12 2021 NOTARY: 

Print Name: Arturo Antunez Notary

Public, State of Florida

(Notarial Seal)





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

I/We Michael E. Lentz, Vice President of Don CeSar TRS LLC

(Property Owner(s) printed name)

hereby authorize Jeffrey S. Connell

(Agent's printed name)

to represent me in an application for Variance

(Type of application: Variance, Conditional Use, Zoning, etc.)

Signature of Owner

Michael E. Lentz

Owner's Printed Name

Signature of Owner

Owner's Printed Name

The foregoing instrument was acknowledged before me this 3rd day
of June 2026, by Michael E. Lentz who
is personally known ☒ or produced _____ as
identification.

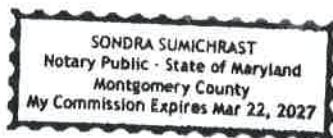
Sondra Sumichrast

(Notary Signature)

6/3/2026

(Date)

My commission expires 3.22.2027





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.

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

JSC 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.

JSC 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.

JSC 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.

JSC 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.

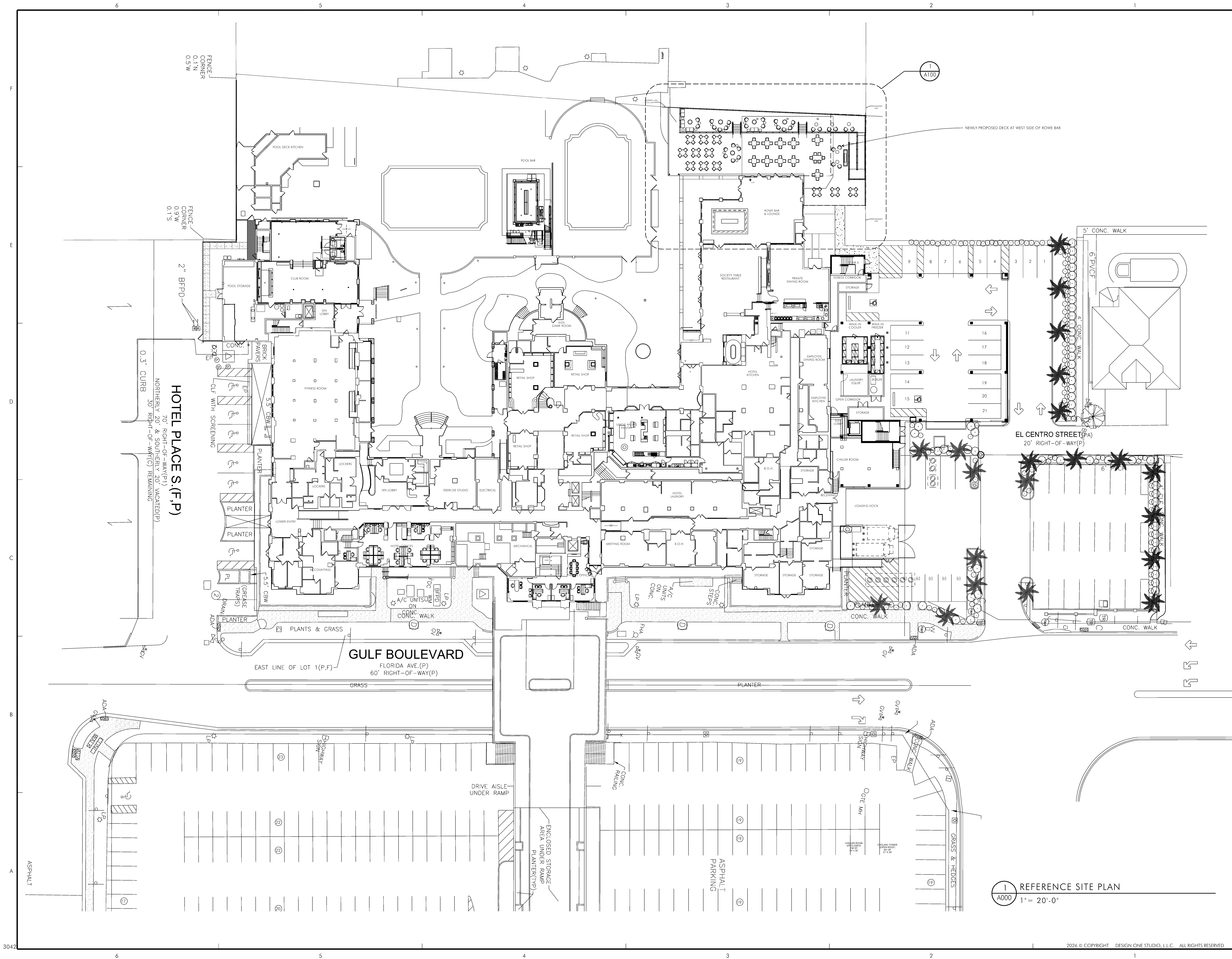
JSC I understand that any person aggrieved by the final decision of the Board of Adjustment or City Commission has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Appeals of decisions made by the City Manager for administrative variances are 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.

JSC 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.

JSC
Signature of Applicant

06/01/2026
Date



1 REFERENCE SITE PLAN
A000 1" = 20'-0"

THE DON CESAR HOTEL

ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

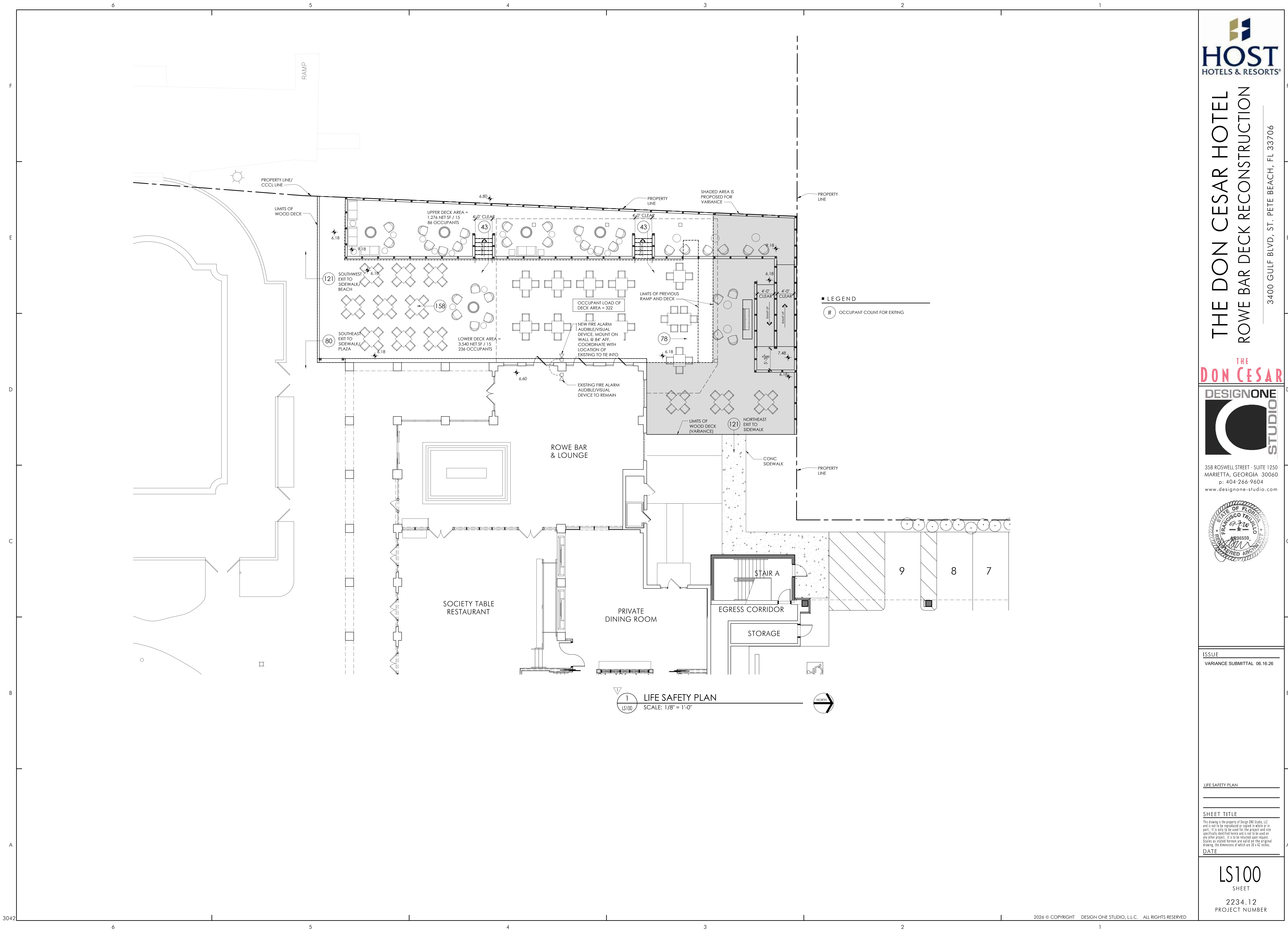
358 ROSWELL STREET - SUITE 1250
MARIETTA, GEORGIA 30060
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www.designone-studio.com

ISSUE
VARIANCE SUBMITTAL 06.16.26

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DATE

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SHEET
2234.12
PROJECT NUMBER



THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706



358 ROSWELL STREET · SUITE 1250
MARIETTA, GEORGIA 30060
p: 404-266-9604
www.designone-studio.com



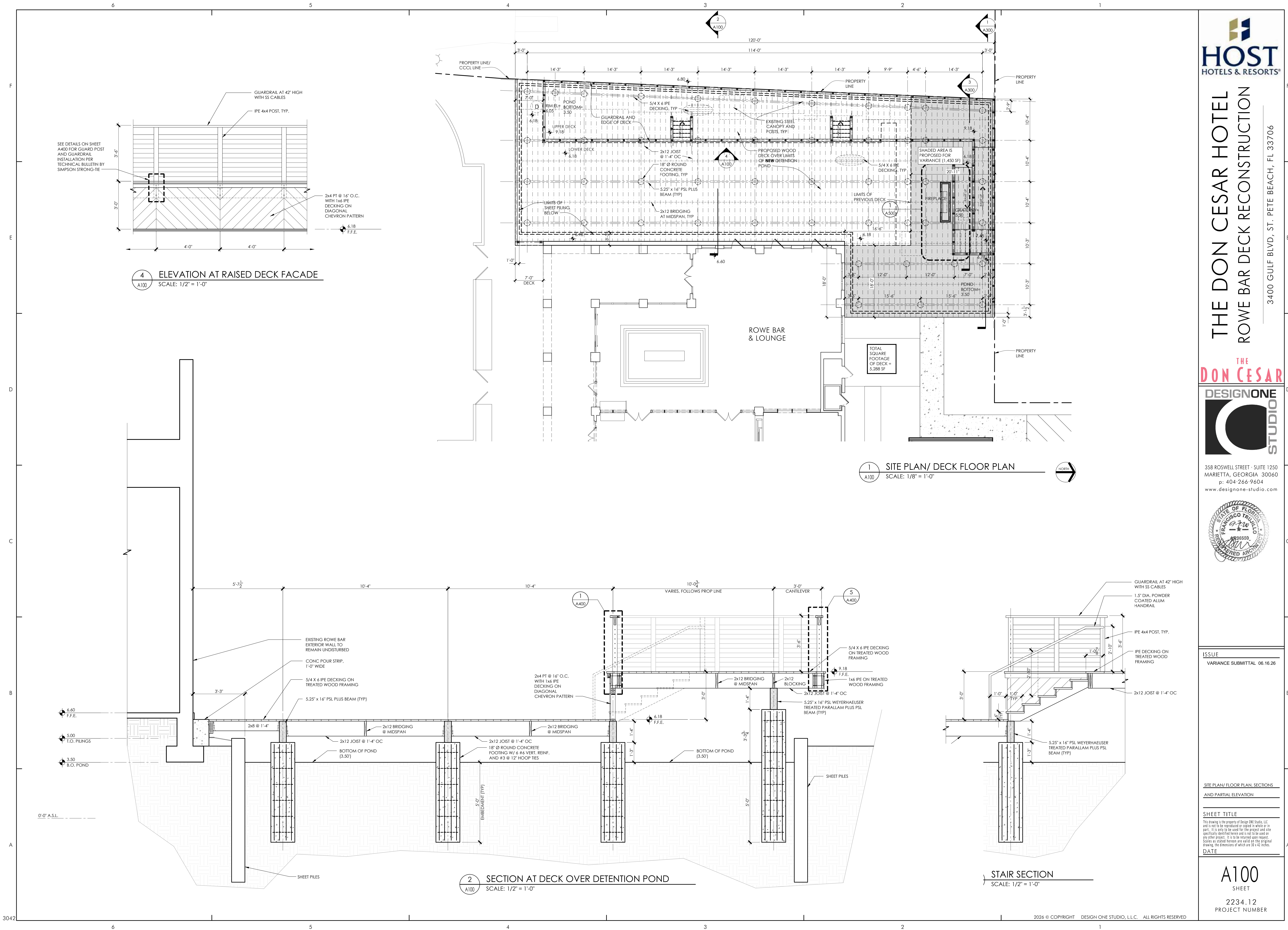
ISSUE
VARIANCE SUBMITTAL 06.16.26

LIFE SAFETY PLAN

SHEET TITLE
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DATE

LS100
SHEET

2234.12
PROJECT NUMBER



THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

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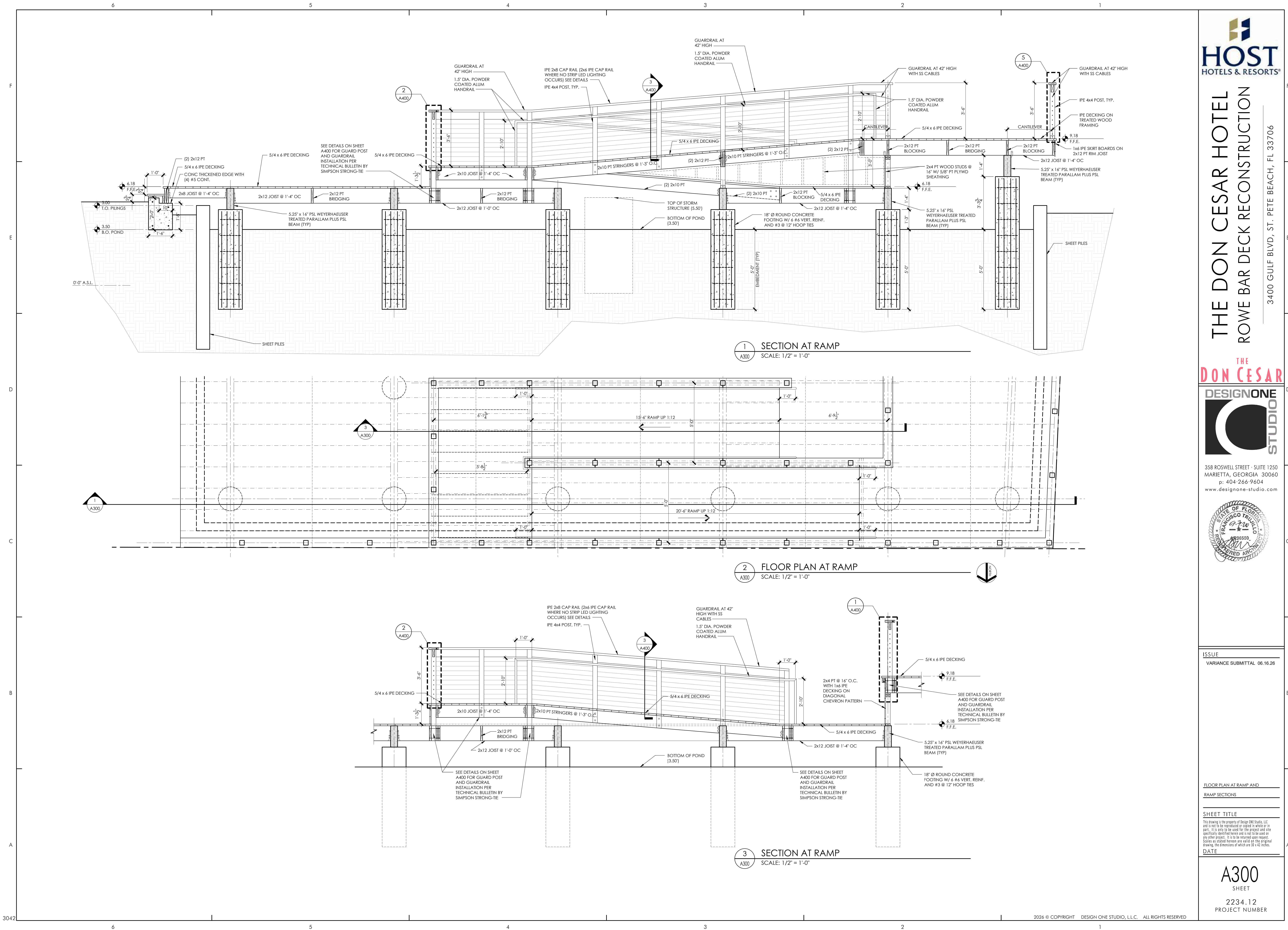
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DATE

A100
SHEET
2234.12
PROJECT NUMBER

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RELEASED FOR CONSTRUCTION 03/06/26 DATE



THE DON CESAR HOTEL
ROWE BAR DECK RECONSTRUCTION

3400 GULF BLVD, ST. PETE BEACH, FL 33706

THE
DON CESAR



358 ROSWELL STREET • SUITE 1250
MARIETTA, GEORGIA 30060
p: 404-266-9604
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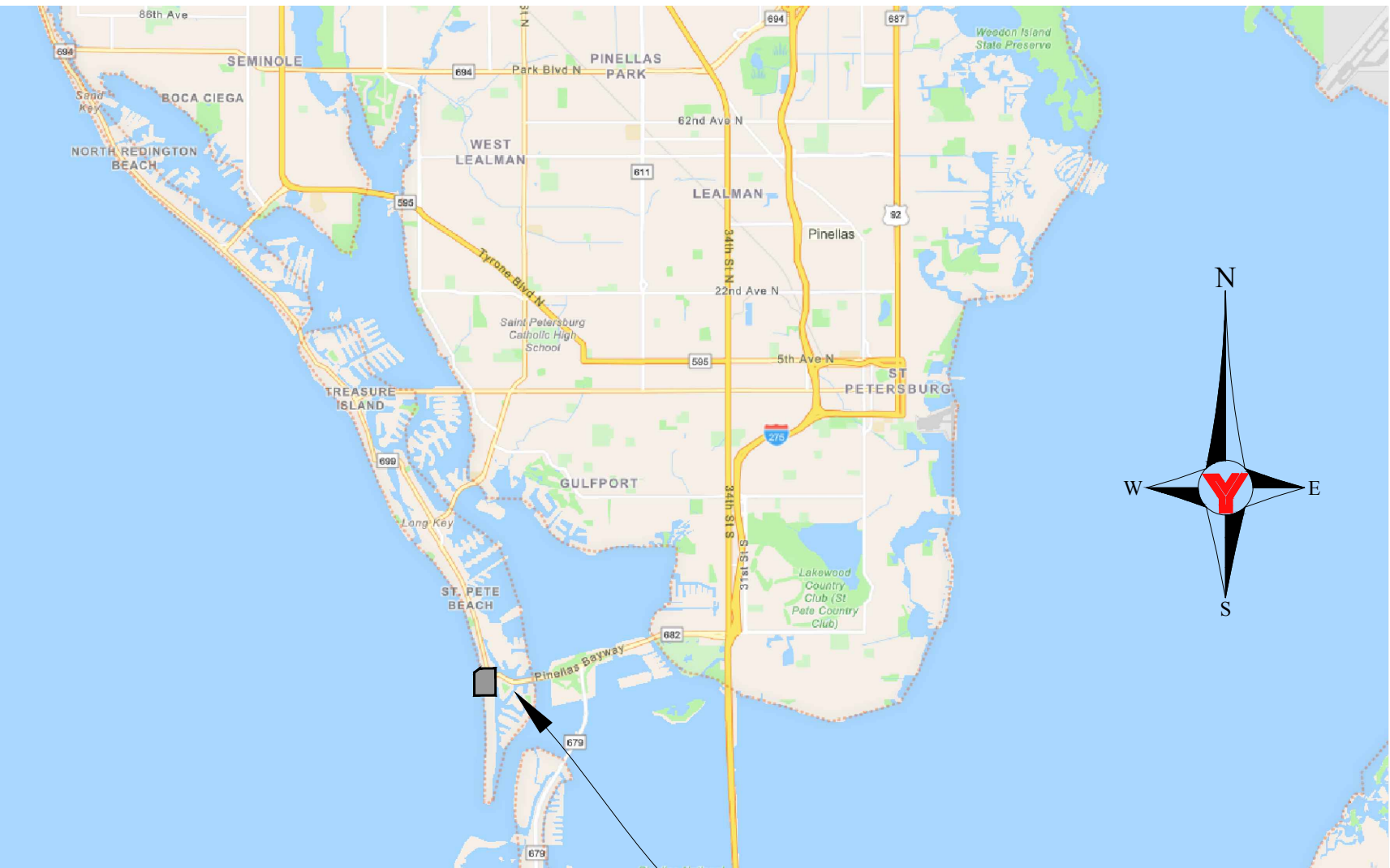
ISSUE
VARIANCE SUBMITTAL 06.16.26

FLOOR PLAN AT RAMP AND
RAMP SECTIONS

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DATE

A300
SHEET
2234.12
PROJECT NUMBER

ALTA/NSPS BOUNDARY SURVEY
DON CESAR HOTEL
SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST
PINELLAS COUNTY FLORIDA
JUNE 2025



SITE LOCATION

AN ALTA/NSPS BOUNDARY SURVEY OF:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PINELLAS, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 1 AND LOT 2 OF DON CESAR PLACE HOTEL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120 AT PAGE 69 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL 2:

TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND REPLACE A VEHICULAR-PEDESTRIAN OVERPASS FACILITY ON THAT PORTION OF STATE ROAD 600 AT THE FOLLOWING LOCATION: BETWEEN MARITANA DRIVE AND 35TH AVENUE, MILE POSTS 1.740 & 1.877 AS SET FORTH IN MEMORANDUM OF AGREEMENT BY AND BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, A COMPONENT AGENCY OF THE STATE OF FLORIDA, AND BEACH RESORTS INTERNATIONAL, INC. DATED JUNE 28, 1973 AND RECORDED IN O.R. BOOK 4109, PAGE 21, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

ALTA/NSPS TABLE A ITEM NOTES

- Monuments were found or set at all major corners of the boundary of the surveyed property.
- Address of the surveyed property: 3400 & 3860 GULF BOULEVARD, ST. PETE BEACH, FL 33706
- The flood zone classification of the subject property is Zone AE (EL 9&10&11) and Zone VE (12&13), as per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12103C0278H, Community Number 125149, Panel 0278, Suffix H, Map revised AUGUST 24, 2021. (SHOWN HEREON)
- Subject property contains 165,151 square feet or 3.79 acres, more or less.
- Vertical relief with the source of information (e.g., ground survey, aerial map), contour interval, datum, with originating benchmark, when appropriate. SPOT ELEVATIONS SHOWN ON SURVEY, BENCHMARK PROVIDED IN SURVEYORS NOTES.
- (a) If the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements specific to the surveyed property are set forth in a zoning report or letter provided to the surveyor by the client or the client's designated representative, list the above items on the plat or map and identify the date and source of the report of letter. (NO LETTER WAS PROVIDED)
- (a) Exterior dimensions of all buildings at ground level (SHOWN HEREON).
(b) (1) exterior footprint of all buildings at ground level. (SHOWN HEREON)
(c) Measured height of all buildings above grade at a location specified by the client. If no location is specified, the point of measurement shall be identified. (SHOWN HEREON)
- Substantial features observed in the process of conducting the fieldwork (in addition to the improvements and features required pursuant to Section 5 above) (e.g., parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse). (SHOWN HEREON)
- Number of parking spaces: MOST PARKING AREAS WITHIN SURVEY AREA ARE UNDER CONSTRUCTION
9 total parking spaces:
0 regular parking spaces
9 space marked disabled parking (SHOWN HEREON).
- As designated by the client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties. (NO PARTY WALLS ON SUBJECT PROPERTY)
- (a) plans and/or reports provided by client (with reference as to the sources of information) (NO PLANS WERE PROVIDED)
- Names of adjoining landowners according to current tax records. (SHOWN HEREON)
- As specified by the client, distance to the nearest intersecting street:
Approximately 80' south of most northeast corner of Pinellas Byway.
- Evidence of recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork. (SITE UNDER CONSTRUCTION AS SHOWN HEREON)
- Pursuant to Sections 5 and 6 (and applicable selected Table A items, excluding Table A item 1), include as part of the survey any plottable offsite (i.e., appurtenant) easements disclosed in documents provided to or obtained by the surveyor. (SHOWN HEREON)

TITLE COMMITMENT NOTES:

SCHEDULE B EXCEPTIONS:

Commitment No.: 3020-806071

- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Policy. NOT A SURVEY MATTER
- Any rights, interests, or claims of parties in possession of the land not shown by the public records. NOT A SURVEY MATTER
- Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land. SHOWN ON SURVEY
- Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records. NOT A SURVEY MATTER
- Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water. NOT A SURVEY MATTER
- Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy. NOT A SURVEY MATTER
- Any minerals or mineral rights leased, granted or retained by current or prior owners. NOT A SURVEY MATTER
- Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable. NOT A SURVEY MATTER
- Dedications, easements, streets, parks, public places and right-of-way vacations as shown on the Plat of Don Ce-Sar Place Hotel Replat, recorded in Plat Book 120, Page 69 of the Public Records of Pinellas County, Florida. (As to Parcel 1) AS SHOWN ON SURVEY
- Easement granted to Florida Power & Light Company recorded in Book 86, Page 581. (as to Parcel 1) MAY AFFECT EASTERLY PORTION OF SURVEY. ABOVE GROUND UTILITIES SHOWN ON SURVEY.
- Easement granted to City of St. Petersburg Beach, Florida, recorded in Book 3748, Page 117. (As to Parcel 1) AS SHOWN ON SURVEY
- Easement granted to Beach Resorts international, Inc., a Florida corporation, according to Pedestrian Easement, recorded in Book 3748, Page 119. (As to Parcel 1) AS SHOWN ON SURVEY
- Terms and conditions of the Memorandum of Agreement between State of Florida Department of Transportation, a component agency of the State of Florida and Beach Resorts International, Inc. recorded in Book 4109, Page 21. (As to Parcel 2) APPROXIMATE BOUNDARY OF AGREEMENT VEHICULAR-PEDESTRIAN OVERPASS SHOWN ON SURVEY
- Terms and conditions of the Cable Television Service Agreement, between Teleprompter Southeast, Inc. and Don Cesar Resort Hotel, Ltd., a Florida limited partnership, doing business as Don Cesar Beach Resort Hotel recorded in Book 5082, Page 1647. As to All Parcels (To be deleted upon receipt and review of proof of termination.) NOT A SURVEY MATTER
- Easement granted to The City of St. Petersburg Beach, a Florida municipal corporation, recorded in Book 6971, Page 1466. (as to Parcel 1) AS SHOWN ON SURVEY
- Deed of conveyance of Pipelines, Appurtenances to Pinellas County, recorded in Book 16387, Page 2467. NOT A SURVEY MATTER
- Riparian rights are not guaranteed or insured. Title to no portion of the herein described land lying below ordinary high water mark is hereby insured. (As to All Parcels) NOT A SURVEY MATTER
- The Company does not insure title to any land lying between the mean high water line on the date of recordation of the Erosion Control Line Plat and the Erosion Control Line as shown therein, which may have vested in the insured or its predecessors in title pursuant to Chapter 161, Florida Statutes. (As to All Parcels) NOT A SURVEY MATTER
- The right, title or interest, if any, of the public to use a public beach or recreation area or any part of the land described in Schedule A hereof, lying between the water abutting said land and the most inland of any of the following: (a) the natural line of vegetation; (b) the most extreme high water mark; (c) the bulkhead line; or (d) any other line which has been or which hereafter may be legally established as relating to such public use. (As to All Parcels) NOT A SURVEY MATTER
- Due to all or part of the land described herein being artificially filled in land in what was formerly navigable waters, this policy is subject to the right of the United States Government, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce. (As to All Parcels) NOT A SURVEY MATTER
- Rights of transient hotel guest, as transient hotel guests only. NOT A SURVEY MATTER
- Rights of tenants in possession, as tenants only, under unrecorded leases, with no rights of first refusal, options, or other rights to purchase. NOT A SURVEY MATTER
- Any facts, rights, interests or claims that may exist by reason of the following matters disclosed by an ALTA/NSPS Land Title Survey prepared by Deuel & Associates, dated November 22, 2016, last revised January 27, 2017, Job No. 2006-199-5 (the "Survey"):
a) Variations between the locations of fences and record lines of title (all Parcels).
b) Overhead utility lines, storm sewer manholes, sanitary manholes, sanitary sewer cleanouts, gas meters, water meters located on the Land (all Parcels). SHOWN ON SURVEY

SURVEYOR'S NOTES

- THIS IS AN ALTA/NSPS LAND TITLE SURVEY. THE SURVEY DATE IS MAY 16, 2025 (LAST DATE OF FIELDWORK). THE SUBJECT PROPERTY FOR THIS SURVEY IS PARCEL 1 OF THE LEGAL DESCRIPTION.
- THERE MAY BE ADDITIONAL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THIS PROPERTY THAT ARE NOT SHOWN HEREON THAT MAY (OR MAY NOT) BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THE UNDERSIGNED HAS NOT PERFORMED AN INDEPENDENT SEARCH FOR ADDITIONAL RECORDS.
- THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 30' OR SMALLER.
- THE PRINTED DIMENSIONS SHOWN ON THIS SURVEY SUPERSEDE ANY SCALED DIMENSIONS; THERE MAY BE ITEMS DRAWN OUT OF SCALE TO GRAPHICALLY SHOW THEIR LOCATION.
- "CERTIFICATION" IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR AND MAPPER BASED ON THE SURVEYOR AND MAPPER'S KNOWLEDGE AND INFORMATION, AND THAT IT IS NOT A GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED.
- THIS SURVEY HAS BEEN EXCLUSIVELY PREPARED FOR THE NAMED ENTITIES SHOWN HEREON AND IS NOT TRANSFERABLE. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON AND/OR RE-USE THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESSED, WRITTEN CONSENT OF GEORGE F. YOUNG, INC. AND THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER.
- UNAUTHORIZED COPIES AND/OR REPRODUCTIONS VIA ANY MEDIUM OF THIS SURVEY OR ANY PORTIONS THEREOF ARE EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF GEORGE F. YOUNG, INC. AND THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS SURVEY IS VALID AS TO THE LAST DATE OF FIELD SURVEY AND NOT THE SIGNATURE DATE.
- THIS SURVEY MAP AND REPORT (IF APPLICABLE) OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (IF A HARD COPY), OR THE ADOBE PDF CONTAINING THE ELECTRONIC SIGNATURE HAS NOT BEEN VALIDATED TO BE THE ORIGINAL SIGNED AND SEALED VERSION (IF AN ELECTRONIC FILE). IF AN ELECTRONIC FILE, PRINTED COPIES OF THE SURVEY MAP ARE NOT CONSIDERED TO BE A VALID SIGNED AND SEALED COPY.
- THE COORDINATE SYSTEM UTILIZED HEREON IS RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/2011), AS ESTABLISHED USING THE PUBLIC FLORIDA DEPARTMENT OF TRANSPORTATION'S (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN) OF FIXED BASE STATIONS. ALL DISTANCES SHOWN HEREON ARE IN US SURVEY FEET, GROUND DISTANCES.
- BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH AS ESTABLISHED BY THE NATIONAL OCEAN SERVICE (NOS) THROUGH ITS PROGRAM OFFICE, NATIONAL GEODETIC SURVEY (NGS) AND THE EAST RIGHT OF WAY LINE OF MISSOURI AVENUE.
- ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BENCHMARK USED: PINELLAS COUNTY BENCHMARK NOAA, HAVING A PUBLISHED, ADJUSTED ELEVATION OF 6.82 FEET (NAVD 88). INFORMATION OBTAINED FROM THE NGS DATA SHEET, PID AG0740.
- THIS SURVEY PREPARED WITH THE BENEFIT OF FIRST AMERICAN TITLE INSURANCE COMPANY, ISSUING OFFICE FILE NUMBER: 3020-806071, COMMITMENT EFFECTIVE DATE OF FEBRUARY 20, 2017 AT 9:12AM.
- AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12103C0278H, COMMUNITY NUMBER 125149, PANEL 0278, SUFFIX H, EFFECTIVE DATE OF AUGUST 24, 2021, THE ABOVE-DESCRIBED PROPERTY APPEARS TO BE IN MULTIPLE ZONES AS NOTED ON DRAWING.
- NO INFORMATION ON ADJOINING PROPERTY OWNERS OR ADJOINING PROPERTY RECORDING INFORMATION WAS PROVIDED TO THE SURVEYOR. INFORMATION SHOWN HEREON WAS ACQUIRED FROM THE PINELLAS COUNTY'S PROPERTY APPRAISERS WEBSITE.
- THIS SURVEY SHOWS VISIBLE, ABOVE GROUND FEATURES. NO UNDERGROUND FEATURES, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, STRUCTURES, INSTALLATIONS, OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN HEREON.
- UNDERGROUND UTILITIES SHOWN ARE BASED ON ABOVE-GROUND EVIDENCE AND SURFACE MARKING FOUND DURING THIS SURVEY. THERE MAY BE OTHER UNDERGROUND INSTALLATIONS WITHIN OR NEAR THE SUBJECT PROPERTY WHICH WERE NOT LOCATED AND ARE NOT SHOWN. UTILITIES SHOWN HEREON ARE NOT TO BE USED FOR CONSTRUCTION AND DO NOT NECESSARILY INDICATE AVAILABILITY.
- FORTY-EIGHT (48) HOURS BEFORE DIGGING, BORING, PILE-DRIVING, PLANTING, ETC. NOTIFY SUNSHINE 811 BY CALLING 811 SO THAT UNDERGROUND UTILITIES MAY BE FIELD SPOTTED.
- GEORGE F. YOUNG, INC. AND THE UNDERSIGNED MAKE NO REPRESENTATIONS OR GUARANTEES PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SET BACK LINES, RESERVATIONS AND/OR AGREEMENTS.
- MANY AREAS OF THIS SITE WERE UNDER CONSTRUCTION DURING THE FIELD WORK AND THIS SURVEY MAY NOT REFLECT CURRENT CONDITIONS.

LEGEND

- CLEANOUT
- SPEAKER ENCLOSURE
- FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- METER, WATER
- BACKFLOW PREVENTER
- STAND PIPE
- VALVE BOX RECLAIMED WATER
- HANDICAP MARKING
- OAK TREE
- PALM TREE
- LIGHT POLE
- GUYS ANCHOR
- SIGNAL CONTROL BOX
- SERVICE BOX FIBER OPTIC
- WITNESS - FIBER OPTIC
- SIGN SINGLE SUPPORT
- WIRE PULLBOX
- MISCELLANEOUS POST
- CURB INLET
- ELECTRICAL SERVICE BOX
- ELECTRICAL OUTLET
- FLOOD LIGHT
- GRATE INLET
- MANHOLE, DRAINAGE
- MANHOLE, SANITARY
- MANHOLE, UNKNOWN
- LIGHT POLE, CONCRETE
- BOLLARD
- SIGNAL MAST ARM
- PEDESTRIAN SINGLE UNIT
- SHOWER AND FOOT WASH
- TRANSFORMER
- VALVE COVER WATER
- VALVE RECLAIMED WATER
- BENCH

- FENCE
- LIMITS OF EASEMENT

- ASPHALT
- CONCRETE
- BUILDING
- MONUMENT - CONCRETE
- IRON ROD AND CAP FOUND
- IRON ROD AND CAP SET
- RIVET AND DISC SET
- NAIL AND DISC SET
- IRON PIPE FOUND

ABBREVIATIONS

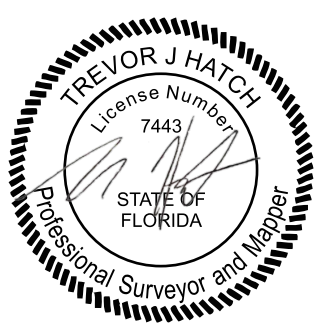
- B/C BACK OF CURB
- E/P EDGE OF ASPHALT PAVEMENT
- MHW MEAN HIGH WATER LINE
- A/C AIR CONDITIONER
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- (M) MEASURED
- N/F NOW OR FORMERLY
- OHL OVERHEAD UTILITY LINE(S)
- ORB OFFICIAL RECORDS BOOK
- OR PLAT BOOK
- PG PAGE
- PIN PROPERTY IDENTIFICATION NUMBER
- (P) PLAT
- PLS PROFESSIONAL LAND SURVEYOR
- PSM PROFESSIONAL SURVEYOR AND MAPPER

CERTIFIED TO:

First American Title Insurance Company
and
designONE studio

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13, 14, 16, 18, and 19 of Table A thereof. The fieldwork was completed on 4/29/2025.

Date of plat or map: MAY 22, 2025.



TREVOR HATCH PSM LS 7443

DATE

designONE studio
358 ROSWELL ST., SUITE 1250
MARIETTA, GA 30060
404 277 0228



George F. Young, Inc.

299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 WWW.GEORGEFYOUNG.COM
CIVIL, TRANSPORTATION, SUBSURFACE & STRUCTURAL ENGINEERING
ECOLOGICAL & PLANNING & SURVEYING
ST. PETERSBURG • LAKEWOOD RANCH • TAMPA • GAINESVILLE • LAKE WALES • PUNTA GORDA

NO.	BY	DATE	DESCRIPTION	NO.	BY	DATE	DESCRIPTION	INITIALS	DATE
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2				7				CM	5/1/25
3				8				TH	5/1/25
4				9					
5				10					

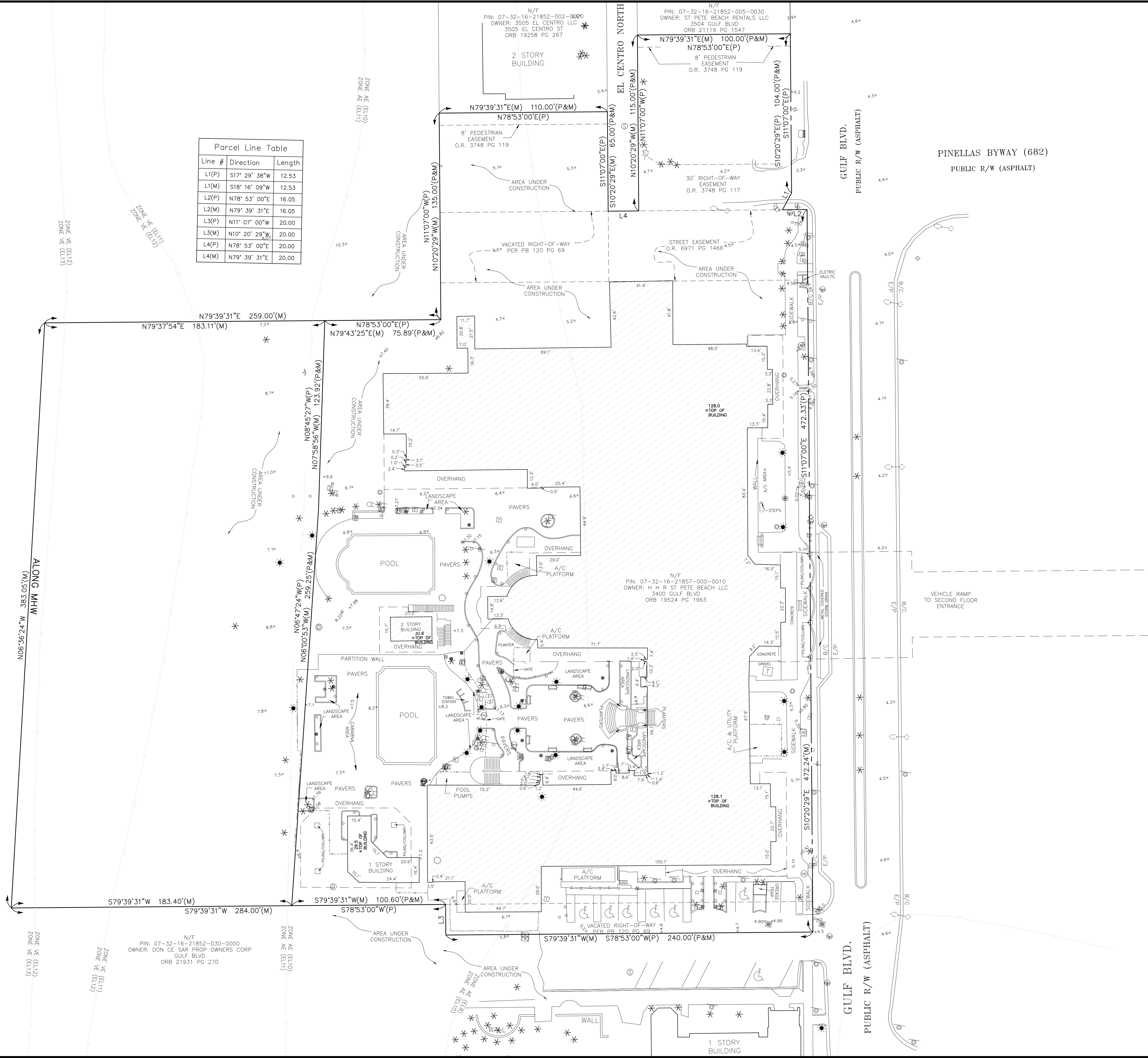
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SHEET NO. 1 OF 2

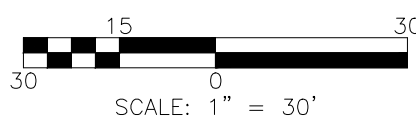
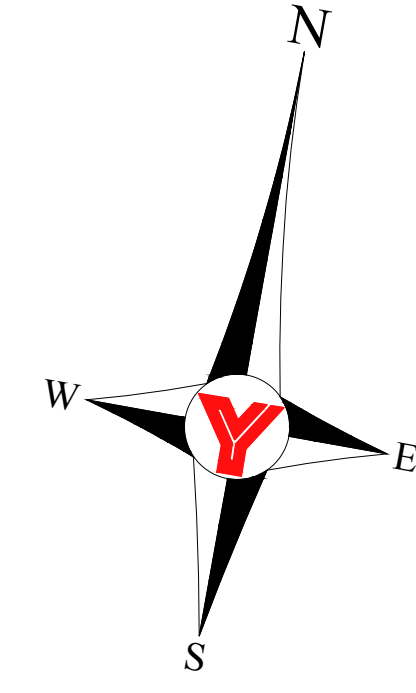
DON CESAR HOTEL
ALTA/NSPS BOUNDARY SURVEY

SECTION 7, TOWNSHIP 32S., RANGE 16E.

GULF OF AMERICA



Parcel Line Table		
Line #	Direction	Length
L1(P)	S17° 29' 38"W	12.53
L1(M)	S18° 16' 09"W	12.53
L2(P)	N78° 53' 00"E	16.05
L2(M)	N79° 39' 31"E	16.05
L3(P)	N11° 07' 00"W	20.00
L3(M)	N10° 20' 29"W	20.00
L4(P)	N78° 53' 00"E	20.00
L4(M)	N79° 39' 31"E	20.00



George F. Young, Inc.
299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4337 FAX (727) 822-4337
WWW.GEORGEYOUNG.COM
CIVIL, TRANSPORTATION, SURVEYING, PLANNING, ENGINEERING, ENVIRONMENTAL, LANDSCAPE ARCHITECTURE, AND CONSTRUCTION

NO. BY DATE DESCRIPTION

1			
2			
3			
4			
5			
6			
7			

PREPARED FOR:

designONE studio
358 ROSWELL ST., SUITE 1250
MARIETTA, GA 30060
404-277-0228

INITIALS	DATE
UP	4/29/25
CM	5/22/25
TH	5/22/25

CREW CHIEF	DATE
DRAWN	DATE
CHECKED	DATE
FIELD BOOK	DATE
FIELD DATE	DATE

DON CESAR HOTEL

ALTA/NSPS BOUNDARY SURVEY

SECTION 7, TOWNSHIP 32 S., RANGE 16 E.

JOB NO. 25000800SS

SHEET NO. 2 OF 2

DATE: 6/25/2025 1:03 PM

FILE: I:\project\don\25000800SS - Don Cesar ALTA.DWG\25000800SS.dwg

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

Agenda Report

Agenda Title Name: Case No. 26016 (Amendment) - 301 Gulf Way

Action Request: Motion to approve amended Case 26016 for 301 Gulf Way with recommended staff condition.

Strategic Objective:

Date: August 26, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: Staff finds the applicant has adequately supported the basis for the request, that the request is minimal, and will have no expected impact on the neighborhood or abutting property owners. The meter platform is required due to the lack of a local option for a waterproofed meter, rather than a decision of the applicant.

Funding: N/A

Attachments:

1. Staff Report
2. Development Order - Draft
3. Certificate of Completion with Submittal Documents
4. 26016 - DO Package, 03.26 Approval



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

PLANNING DEPARTMENT

Date: August 18, 2026
To: Board of Adjustment
Re: Staff Findings Report
Amended Practical Difficulty Variance
Address: 301 Gulf Way
Parcel Number: 19-32-16-58932-009-0160
Todd and Susan Herman
Variance Case No: 26016

Prepared by: Brandon Berry, Senior Planner

Hearing Date: 8/26/26

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

1. Completed amended Practical Difficulty Variance package with application form, consisting of seven sheets.
2. Topographic Survey, signed by Thomas Clancy, PLS, dated July 15, 2025, consisting of one sheet.
3. Site plan and elevation sheet for the subject request signed by Mark A. Jonnatti, R.A., dated July 27, 2026, consisting of one sheet.

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

Site Description/Surrounding Land Uses

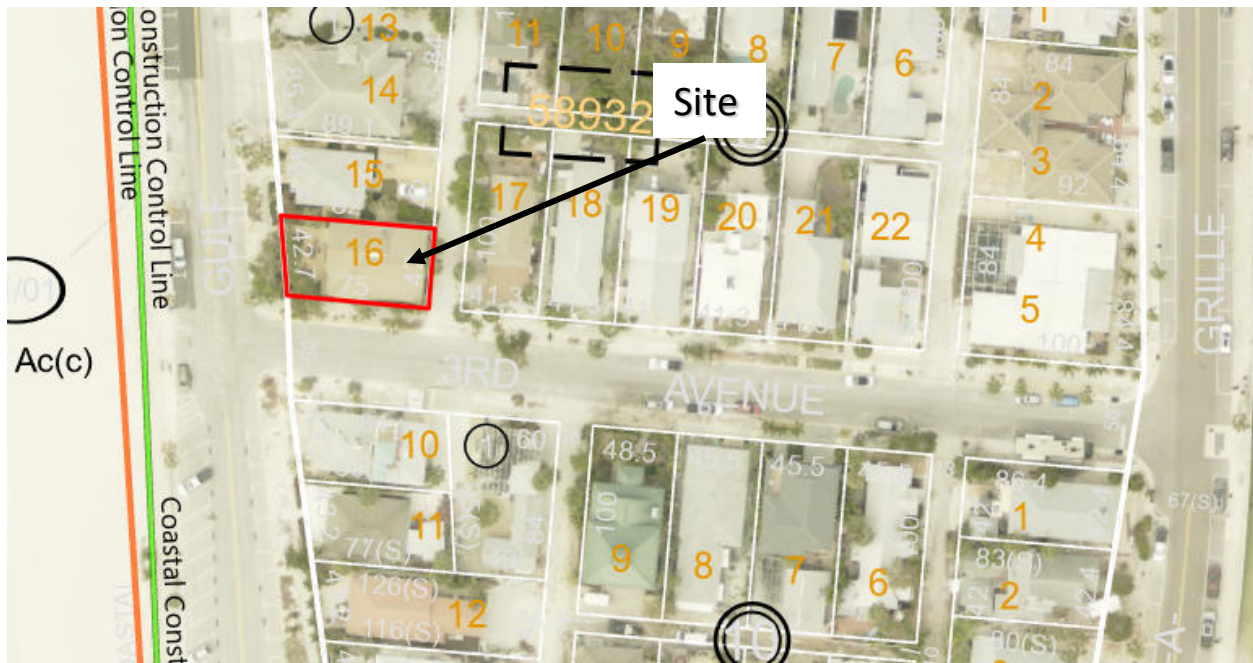
The subject site is an approximately 42'x78.5' (3,300 sq. ft.) property containing a single-family residence originally constructed in 1935 according to the Pinellas County Property Appraiser. The home was authorized for elevation in a formerly-nonconforming primary structure setback of 1.5 feet from the northern side property line, and two feet from the eastern rear property line, by the Board of Adjustment in March 2026. The subject work scope is currently underway.

The owners of the property contacted staff in summer 2026 to relay that they faced a challenge in locating their meter platform within the allowable setbacks. Due to the required elevation of the meter exceeding the height permitted for access directly from grade, the applicant is required to install a two-step 14-inch platform in the secondary front yard of Gulf Way. As this requirement was not relayed under the initial

variance application, the request serves as an amendment to Variance 26016 authorized in March 2026. The setback variances authorized under that scope are not changing.

The residence is a single-family home and is located in Pass A Grille, in an area containing a mix of detached single-family residences and small multi-family developments. Properties to the north, east, and south are used for residential purposes.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



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

Request and Analysis

The applicant is not requesting any amendment to the side or rear setback variances authorized for the primary residence in March 2026. This request is made solely to add a two-step meter platform in the southern secondary front yard of the residence.

Under ASCE *Flood Resistant Design and Construction*, known as ASCE 24, meter cans can be waterproofed under certain circumstances. However, the local electric utility has relayed to staff that no waterproof meter can has yet been authorized, and a platform to an elevated meter can is required due to the location of the floodplain relative to grade. As this was not planned under the original development proposal presented in early 2026, amendment of the variance authorization is required to add the secondary front setback variance request for the platform.

Figure 3: Zoning Table			
Single-Family Residence	301 Gulf Way		
	<u>Required by Sec. 6.22.(c)</u>	<u>Existing</u>	<u>Proposed</u>
Secondary front (Gulf Way) setback for stairs	2'	N/A	0.3' (v)
(v) Variance required			

Figure 4: Existing Conditions Survey

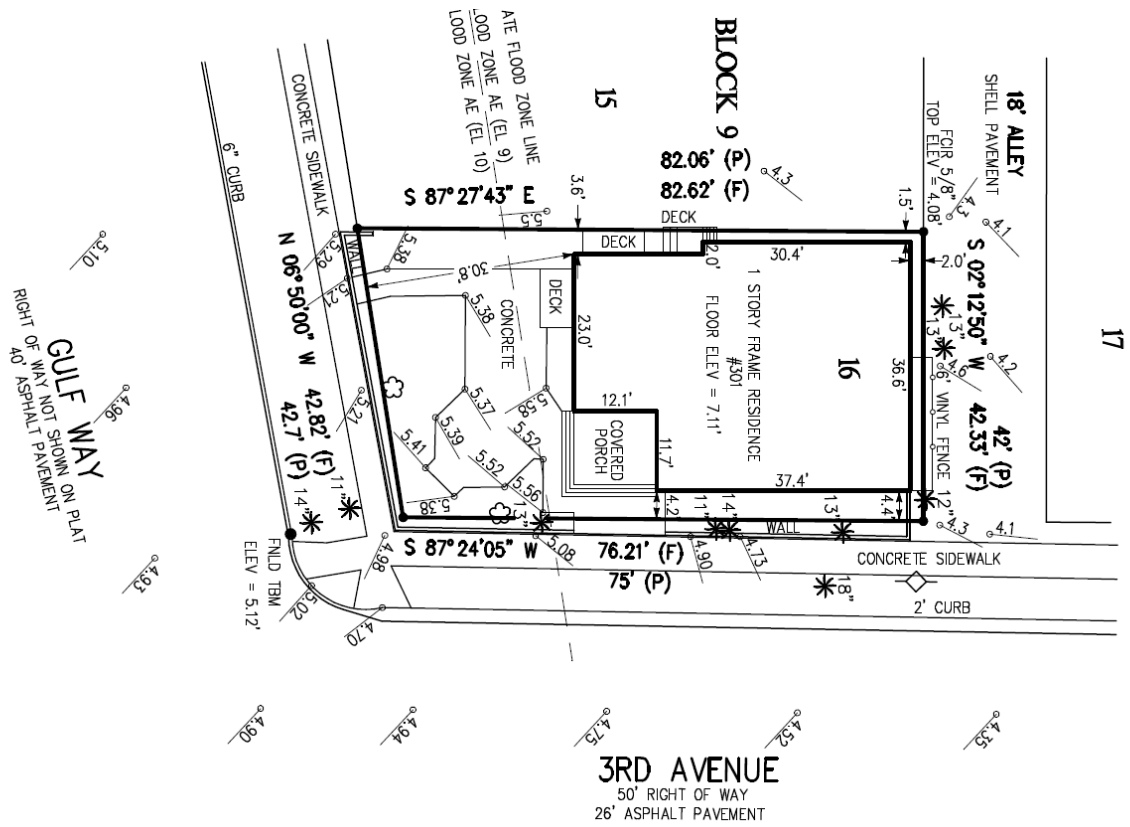
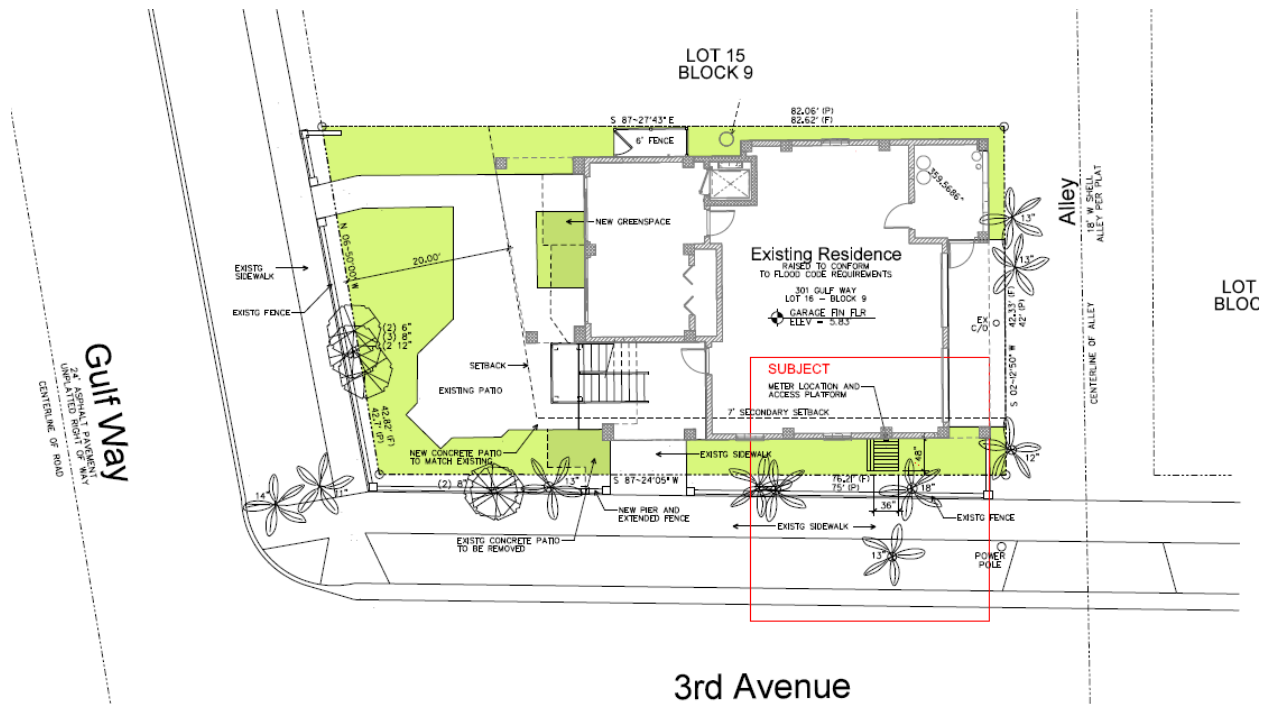


Figure 5: Proposed Site Plan with proposed improvements (N.T.S.)



Additional Comments

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

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

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

The request represents a 20-inch encroachment into the 24-inch minimum required secondary front setback for any stair abutting a property line, for a variance of approximately 83% to the required standard.

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

Staff finds the subject requests will not result in an adverse change to the character of the neighborhood. The platform itself is approximately 14 inches high and will generally be obscured via a fence and low landscaping. The platform will not be located within an easement, and is the minimum size required by the utility to allow access to the platform. Although the owner of the subject property also owns the property to the north, the location of the meter is placed in the most logical location on the property, with it being unviable along the eastern and northern yards due to inadequate space for the platform, and its location along the west front of the home would be inappropriate for the design and layout of the property.

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

The difficulty cannot be obviated through another feasible method. Staff had discussed the waterproofed can option with the owner prior to permit issuance and the requirement to add the platform became known after the work had commenced. There is no other logical location on the structure to locate the meter can and platform.

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

Staff finds the interest of justice is supported by this variance amendment request. The applicant has designed the least obtrusive and impactful platform viable to meet the requirements of the local electrical utility given the circumstances. The platform will not have any known impact on a neighbor or the neighborhood in general, nor will it impact the City's use of the right-of-way adjacent to it.

Summary

Staff finds the request is reasonable and resolves a hardship discovered after the project was approved for permitting. The meter platform design resolves an issue that was not caused by the applicant, but is necessary to maintain electrical service to their residence.

Staff recommends the following condition should the requests be approved:

- 1) The applicant shall have a final as-built survey prepared, submitted, and approved prior to permit closeout, which shall include the setback of the meter platform authorized under amended Variance 26016 in August 2026.

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

Respectfully submitted,

Brandon Berry
Senior Planner

Cc: Todd and Susan Herman, Owners
Board of Adjustment Attorney



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

**CITY OF ST PETE BEACH BOARD OF ADJUSTMENT
VARIANCE CASE NO. 26016 (Practical Difficulty)
DEVELOPMENT ORDER**

A public hearing was held before the St Pete Beach Board of Adjustment (“BOA”) on the 29th day of July 2026 for review of a variance to Section 6.22.(c)(1) of the City of St. Pete Beach Land Development Code (“LDC” or “Land Development Code”) to allow for the applicant to install a meter platform with a setback of four inches from the secondary front property line where a minimum setback of two feet is required. The property is located at 301 Gulf Way, St. Pete Beach, Florida, and the subject variance is requested by Todd and Susan Herman (“Property Owners” or “Applicants”).

The Board of Adjustment reviewed the published agenda materials, information presented at the hearing and testimony from Brandon Berry and Kristin Coman for the City. The Board of Adjustment has accepted testimony from Brandon Berry and Kristin Coman as experts in the area of land use and zoning in the City of St. Pete Beach.

Based on the information and testimony the BOA makes the following findings of fact and conclusions of law:

- a. Todd and Susan Herman are the owners of the subject property at 301 Gulf Way, and the Applicants for the subject case.
- b. Notice of the BOA hearing was provided to the Property Owner and owners of property within 300 feet as required by Section 3.4 of the LDC.
- c. The Subject Property is located within the RLM Residential Low Medium Future Land Use category according to the City of St. Pete Beach Future Land Use Map, and the RLM-2/PAG zoning district according to the zoning map. As the secondary front setback of the property is five feet based on the House-Medium setback standards, the platform has a minimum setback of two feet from the secondary front property line pursuant to the allowable stair encroachment provision.
- d. In accordance with the requirements of Section 3.12 of the LDC, the BOA approves the variance based on competent and substantial evidence in the record and presented at the public hearing for the variance request, finding the variance to be consistent with the Comprehensive Plan, and citing the following reasons for approval:
 1. *How substantial the variance is in relation to the requirement sought to be varied* – The BOA finds the subject request represents a variance of

approximately 83% to the required standard, which is the minimum reasonably necessary to meet the standards of the local electric utility.

2. *Whether an adverse change will be produced in the character of the neighborhood*—The BOA finds this criteria is met, as the platform is only slightly higher than a foot above grade in height, and encroaches into a yard with existing vegetation and a fence present in the right-of-way.

3. *Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance;*—The BOA finds this criteria is met, as the subject location is the only viable location on the structure where the meter could be located and meet the depth distance required by the local electric utility.

4. *Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.*—The BOA finds this criteria to be met, as the subject location is the least obtrusive location on the property for the meter platform, and will not cause harm to the neighborhood or abutting property owners.

e. [Space for ex-parte communications]

IT IS HEREBY ORDERED:

f. The variance case is approved based upon the narrative and associated case documents provided by the applicants in support of all four variance criteria, as stated in the staff report. The original variances granted to the property in March 2026, for a setback of the primary structure of 1.5 feet on the northern side yard and two feet on the eastern rear yard in association with elevation of the home, remain in effect.

g. The variance is approved with the following one condition:

1. The applicant shall have a final as-built survey prepared, submitted, and approved prior to permit closeout, which shall include the setback of the meter platform authorized under amended Variance 26016 in August 2026.

h. The Applicant may record a certified copy of this Order in the Official Records of Pinellas County, Florida.

i. This action was made by a motion by [member] and seconded by [member] and upon being put to a vote, the result was as follows:

Denise Chase, Chair	_____
Chris Core, Vice Chair	_____
Jim Schmidt, Member	_____
Dan Small, Member	_____
Joe Kunzer, Member	_____

DULY PASSED AND ADOPTED THE 26th DAY OF August, 2026

St. Pete Beach Board of Adjustment

By: _____
Denise Chase, Chair

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2026, by Denise Chase, as Chair of the St Pete Beach Board of Adjustment, ☐ who is personally known to me or ☐ who has produced _____ as identification.

My commission expires:

NOTARY PUBLIC, State of Florida at Large

Print Name: _____

ATTEST:

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

_____, City Clerk

Vose Law Firm, City Attorney

This Development Order was filed in the Office of the City Clerk on this ____ day of _____, 2026. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order as authorized in Section 3.14(b) of the St. Pete Beach Land Development Code.



Memo To: Board of Adjustment
From: Brandon Berry, Senior Planner
Date: 8/17/2026
Re: **CERTIFICATE OF COMPLETENESS**

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment and placed on the agenda for **August 26, 2026**.

Variance Case Number: 26016 (Amendment)
Application Type: Practical Difficulty Variance
Owners: Todd and Susan Herman
Parcel Number: 19-32-16-58932-009-0160
Address: 301 Gulf Way
Zone: RLM-2/PAG

Submittal Documents:

1. Completed practical difficulty variance application with supplemental narrative, consisting of seven sheets.
2. Boundary Survey, signed by Thomas S. Clancey, dated July 15, 2025, consisting of one sheet.
3. Proposed site plan, dated July 27, 2026, consisting of one sheet.

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

City/Board Professionals:

- | | |
|--|---------------------------------------|
| ☐ Board of Adjustment Attorney <i>via email</i> | ☐ City Manager |
|--|---------------------------------------|

Board Members:

- | | |
|---------------------------------------|-------------------------------------|
| ☐ Denise Chase | ☐ Joe Kunzer |
| ☐ Chris Core | ☐ Dan Small |
| ☐ Jim Schmidt | |

Cc: Todd and Susan Herman, Owners, via email (therman1953@gmail.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.
- 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	Toad & Susan HERMAN	301 GOLF way St. Pete beach, FL 33706	245-801-9719
Applicant/ Agent			
Owner Email Address:		Applicant/Agent Email Address:	
therman1953@gmail.com			

PROPERTY FOR PROPOSED VARIANCE:

Zoning Designation	Future Land Use Designation	Lot Area
RLM-2/PAG	RLM	3,297 sq. ft. = .07 acres
Legal Description: MONEY BEACH BLK 9, LOT 16		
Address: 301 GOLF way, St PETE BEACH, FLORIDA 33706		
Explanation of Request: REQUEST to install a 4FT X 3FT electric meter platform with a setback of 4" inches from the 3rd Avenue secondary front property line where two feet is required (LDC sec. 6.22.(c)(1)).		

DRAFT

After all the plans were reviewed and approved to proceed with the lifting of our home, it came to our attention that the placement of the meter and can were not going to meet both Duke and the city for a number of reasons.

1. The city requires per elevation requirements that the meter and can must follow ASCE 24-14 if below the Design Flood Elevation which means it has to be in a waterproof can. Duke does not have an approved waterproof can and does not expect to have one for over a year from now. That means the meter and can must be above the DFE. As such, Duke requires a platform be installed per its regulations.
2. The property line on the east side of our home is only 2 feet from the alley boundary, and the platform will not fit there. After reviewing the boundary at the north side of the home where the original meter was located has even less distance from the property line than the alley. So, these locations are not feasible.
3. Our request is that the meter be located on the south side of our home in the southeast corner on a column as allowed by the city. The meter would be a short distance from the Duke pole already existing on 3rd avenue which Duke favors to allow it easily to install its equipment necessary for us to bring electrical power to our home.
4. In addition, Duke will relax its size requirements for the size of the platform from 5 feet by 5 feet down to 4ft deep and 3 feet wide.
5. We are requesting the City to allow us to place the platform there. We have 4 feet 4 inches of space so the platform would be inside the property line. We already have a fence that runs along the sidewalk so the platform would be enclosed inside this space that is fenced off. We do not believe that this will be a substantial variance for this reason. It is hardship for us to put the meter anywhere else and maintain the beauty of our home. It will have no adverse change to the character of the neighborhood.
6. The practical difficulty arises from the need to raise the existing structure. There is n just not another practical location to put the meter to meet both the city's requirement of DFE height and Duke not having any waterproof meter in their system. Allowing this flexibility to locate the meter in the requested location and granting the variance is a fair and reasonable solution that serves the interest of justice.

DRAFT



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.

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

Tal 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.

Tal 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.

Tal 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.

Tal 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.

Tal 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.

Tal 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.

Todd [Signature]
Signature of Applicant

7-22-26
Date



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

I/We Todd Herman
(Property Owner(s) printed name)

hereby authorize DAN MORIN, DHM CONSTRUCTIONS SERVICES LLC
(Agent's printed name)

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

Todd Herman

Signature of Owner

Todd Herman

Owner's Printed Name

Signature of Owner

Owner's Printed Name

The foregoing instrument was acknowledged before me this 22nd day
of July 2026, by Todd Herman who
is personally known _____ or produced Drivers license as
identification.

Spencer

8/22/26

(Notary Signature)

My commission expires _____

Commonwealth of Pennsylvania - Notary Seal
Spencer Hugo Lindsay, Notary Public
Chester County
My Commission Expires March 19, 2030
Commission Number 1464837

(Date)



Owner's Authorization For Agent Form

Community Development Department
City of St. Pete Beach, Florida 727-363-9241

I/We Todd Herman
(Property Owner(s) printed name)

hereby authorize MARK JONNATTI, JONNATTI Architecture Inc
(Agent's printed name)

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

Todd Herman
Signature of Owner

Todd Herman
Owner's Printed Name

Signature of Owner

Owner's Printed Name

The foregoing instrument was acknowledged before me this 22nd day
of July 2026, by Todd Herman who
is personally known _____ or produced Driver's License as
identification.

Spencer
(Notary Signature)

7/22/25
Spencer
(Date)

My commission expires _____

Commonwealth of Pennsylvania - Notary Seal
Spencer Hugo Lindsay, Notary Public
Chester County
My Commission Expires March 19, 2030
Commission Number 1464837



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Todd Herman, 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): Todd Herman

Address: 301 Gulf way, St Pete Beach, FL 33706

Todd Herman
Signature

7-22-26
Date

STATE OF FLORIDA)

PINELLAS COUNTY)

) SS:

The foregoing instrument was acknowledged before me this 22 day of July, 2026 by:
Todd Herman who appeared before me, and is personally known to me, or has produced
Drivers License as identification, and did take an oath.

My commission Expires:

NOTARY:

Print Name: Spencer Hugo Lindsay

Notary

Public, State of Florida

(Notarial Seal)

Commonwealth of Pennsylvania - Notary Seal
Spencer Hugo Lindsay, Notary Public
Chester County
My Commission Expires March 19, 2030
Commission Number 1464837



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

Todd Herman

301 Gulf Way

St Pete Beach, FL 33706

Phone __(215) 801-9719__

Email _therman1953@gmail.com__

Property Address __301 Gulf Way St Pete Beach, FL 33706__

Total Lot Area (sq. ft.) __3365.19 sq ft__

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:	1654.33	sq. ft.
Parking and Driveway:	54.04	sq. ft.
Pool and/or Patio areas:	781	sq. ft.
Walkways:	15	sq. ft.
Other:	0	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	2504.37	sq. ft.

2504.37 sq. ft.	÷	3365.2 sq. ft.	=	0.7442
Total Existing Impervious Surfaces		Lot Area		Existing Impervious Surface Ratio

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:	1654.33	sq. ft.
Parking and Driveway:	0	sq. ft.
Pool and/or Patio areas:	462.42	sq. ft.
Walkways:	118.96	sq. ft.
Other:	31.63	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	2267.34	sq. ft.

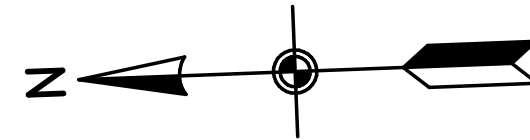
2267.34 sq. ft.	÷	3365.2 sq. ft.	=	0.6738
Total Proposed Impervious Surfaces		Lot Area		Proposed Impervious Surface Ratio

Certification:

I, Joshua Trosclair 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: Joshua Trosclair Date: 01/15/2026

TOPOGRAPHIC SURVEY
SECTION 19, TOWNSHIP 32 SOUTH, RANGE 16 EAST
301 GULF WAY
CITY OF ST. PETE BEACH, FLORIDA



GRAPHIC SCALE



(IN FEET)

1 inch = 20 feet

NOTES:

1. THIS TOPOGRAPHIC SURVEY WAS MADE ON THE GROUND UNDER THE SUPERVISION OF A FLORIDA REGISTERED SURVEYOR AND MAPPER. FIELD WORK WAS COMPLETED ON MAY 5, 2025, WHICH IS THE DATE OF SURVEY.
2. BEARINGS ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF GULF WAY HAVING A PLAT BEARING OF N 06°50' W.
3. ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
4. BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM A BOUNDARY SURVEY PREPARED BY JOHN C. BRENDLA & ASSOCIATES, INC. DATED 2/12/09.
5. TOPORAPHIC INFORMATION SHOWN HEREON IS TAKEN FROM A SURVEY PREPARED BY GATEWAY LAND SURVEYING, LLC, DRAWING NO: 25-0221, AND ROTATED TO MATCH THE BOUNDARY SHOWN HEREON.
6. ALL BEARINGS AND DISTANCES ARE DEED AND MEASURED UNLESS OTHERWISE NOTED.
7. NO UNDERGROUND UTILITIES, UNDERGROUND ENCROACHMENTS OR UNDERGROUND FOUNDATIONS WERE MEASURED AS PART OF THIS SURVEY, UNLESS OTHERWISE NOTED.
8. THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
9. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.
10. FLOOD ZONE INFORMATION:
COMMUNITY PANEL NUMBER: 125149 0286 H
FLOOD ZONE: AE (EL 9 AND EL 10)
REVISED MAP DATE: AUGUST 24, 2021

ABBREVIATIONS:

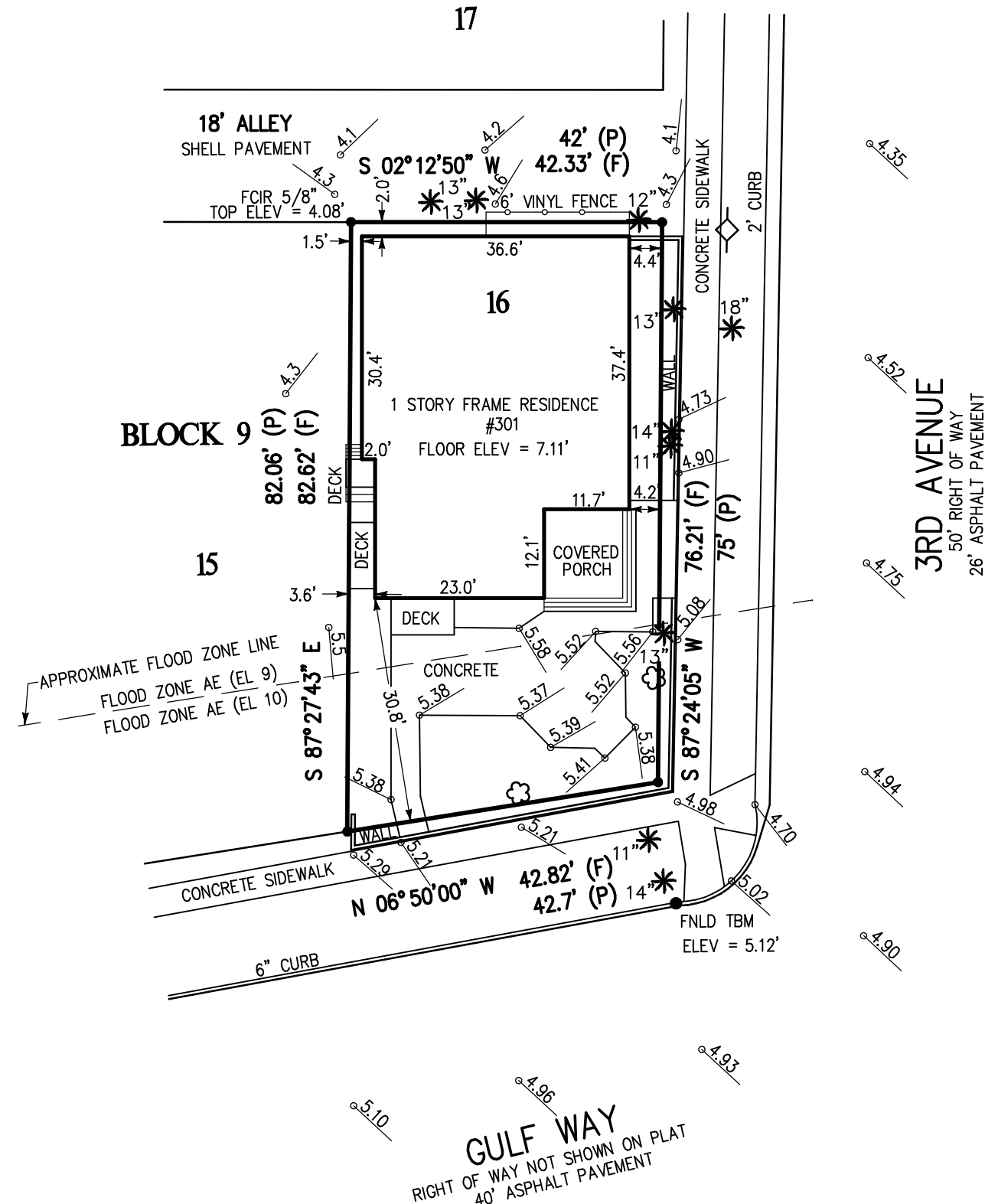
(F) = FIELD
(P) = PLAT
ELEV = ELEVATION
FCIR = FOUND CAPPED IRON ROD
FNLD = FOUND NAIL & DISK
TBM = TEMPORARY BENCHMARK

LEGEND:

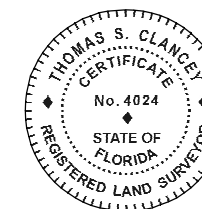
◊ = WOOD UTILITY POLE
* = PALM TREE
☼ = SEA GRAPE CLUSTER
4.82 = EXISTING ELEVATION

DESCRIPTION:

lot 16, Block 9, MOREY BEACH, as recorded in map or plat thereof, recorded in Plat Book 1, Page 102, of the public Records of Hillsborough County, Florida of which Pinellas County was formerly a part.



THOMAS S. CLANCEY
FLORIDA PROFESSIONAL LAND SURVEYOR No. 4024



**CLANCEY LAND SURVEYING
LLC**

PROFESSIONAL SURVEYOR AND MAPPER
9704 REDWOOD BLVD.
TAMPA, FLORIDA 33635
813 245-4556 TCLANCEY@AOL.COM

JOB # 250080

THE HERMAN
RESIDENCE

RESIDENCE RENOVATION

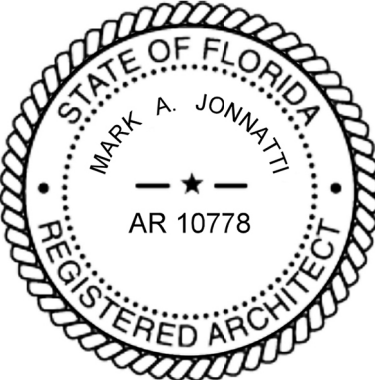
301 Gulf Way
St Pete Beach, Florida 33607

Jonnatti Architecture Inc.
21021 US Highway 19 N
Clearwater, Florida 33765
Tel 727.725.2724
Fax 727.638.6397
Email info@jarch.com

Date	Description
9/30/25	BUILDING PERMIT RELEASE

To the best of my knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, Florida Statutes.

Seal / Signature
MARK JONNATTI | REG. FL. NO. AR10778



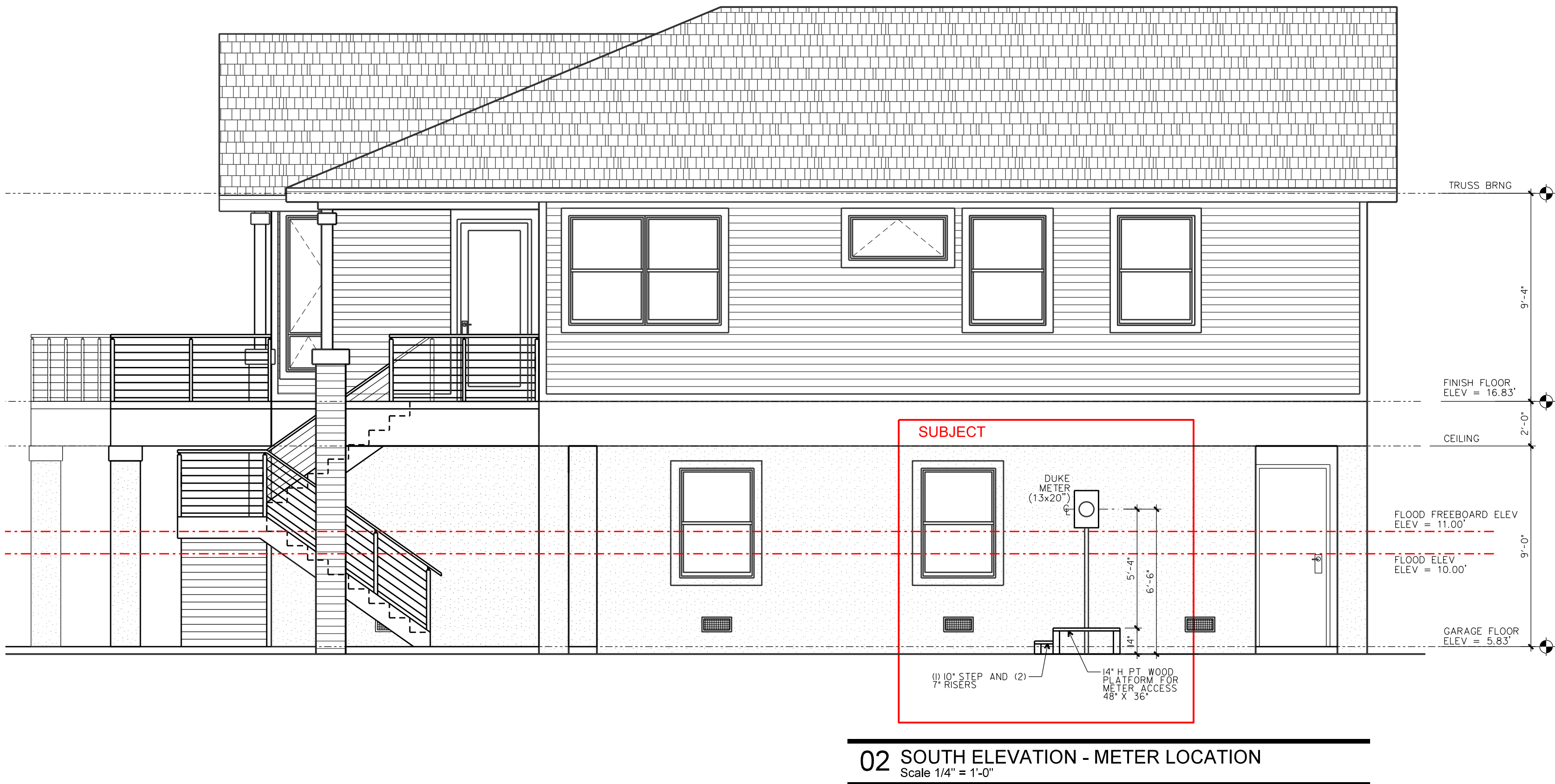
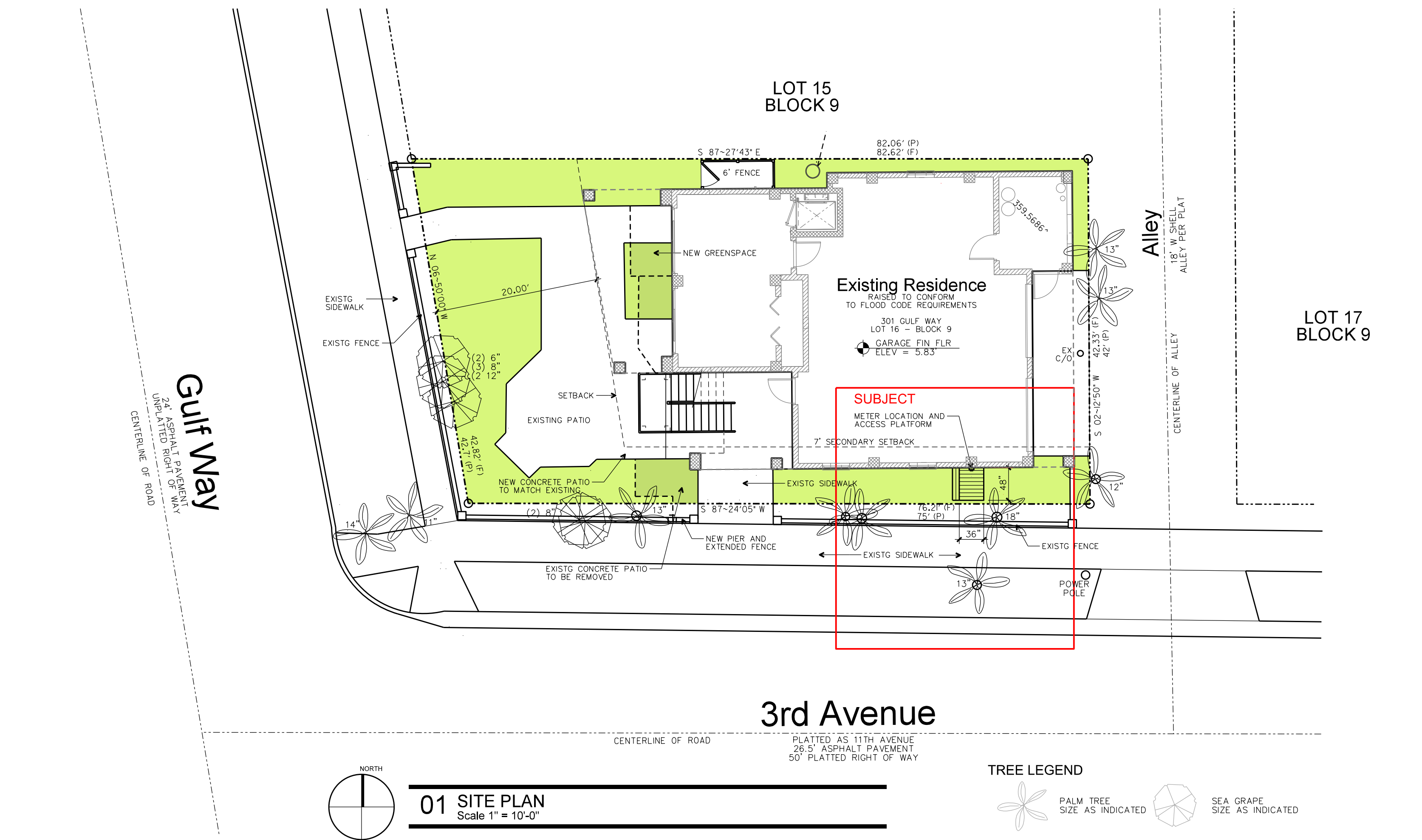
Project Name
THE HERMAN
RESIDENCE
Residence Renovation

Project Number
25-0038

Sheet Description
SITE PLAN AND DETAILS

Scale
As indicated

SD1.1





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

COMMUNITY DEVELOPMENT - PLANNING

March 25, 2026

Todd and Susan A Herman
301 Gulf Way
St. Pete Beach, FL 33706

Mark Jonnatti
21021 US Hwy 19 N
Clearwater, FL 33765

Re: Practical Difficulty Variance Case No: 26016
Address: 301 Gulf Way, St. Pete Beach FL 33706
Parcel Number: 19-32-16-58932-009-0160

Please be advised your Practical Difficulty Variance Request was **approved with one condition**. Please find enclosed the Development Order issued in connection with your case.

The next step in the process is to obtain a building permit. Staff will review your building permit application package for zoning approval in the coming days. Once approved, the permit can be issued following approval from the building division, sign-on of all subcontractors, payment of all outstanding fees, and successful passage of a pre-site inspection.

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

If there are any questions on this case, please feel free to contact me at 727-363-9229.

Respectfully,

Brandon Berry

Brandon Berry
Senior Planner

Encl.

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



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

COMMUNITY DEVELOPMENT - PLANNING

Todd and Susan A Herman
301 Gulf Way
St. Pete Beach, FL 33706

Mark Jonnatti
21021 US Hwy 19 N
Clearwater, FL 33765

DEVELOPMENT ORDER Practical Difficulty Variance Case No: 26016

At the March 25, 2026 Board of Adjustment hearing, it was determined that substantial and competent evidence was presented to satisfy the criteria in the above-captioned case.

Address: 301 Gulf Way, St. Pete Beach FL 33706

Parcel Number: 19-32-16-58932-009-0160

Request: A Practical Difficulty Variance to elevate an existing residence to achieve floodplain compliance and retain a 1.5-foot northern side yard setback and 2.0-foot eastern rear yard setback where 3.0 feet is required for residences following elevation (LDC Sec. 3.10.(b)(3)a.ii.)

IT IS HEREBY ORDERED:

Case Number **26016** is hereby **APPROVED with one condition:**

The applicant shall have a final as-built survey prepared, submitted, and approved prior to associated building permit closeout.

Brandon
Berry

Digitally signed by
Brandon Berry
Date: 2026.03.25
16:15:37 -04'00'

3/25/2026

Brandon Berry, Senior Planner

Date

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

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

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

Agenda Report

Agenda Title Name: Case No. 26120 - 510 64th Ave.

Action Request: Motion to [approve with four recommended staff conditions/approve/deny/continue to [specify date certain]] unnecessary and undue hardship variance 26120 for 510 64th Ave.

Strategic Objective:

Date: August 26, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: Staff finds the applicant has adequately addressed some of the hardship criteria and likely faces a challenge with providing open water access from the dock given the inside corner lot relationship, and extension of the neighbor's seawall. However, the size of the lift is at the upper end of lifts installed at docks with similar interior corner relationships in the neighborhood, and the overall length of the dock could extend into a potentially-buildable quadrant of the interior corner neighbor's property, which could pose challenges for both the subject property owner and the neighbor in the future.

Staff requests the applicant provide testimony as to why the request is the minimum reasonably necessary, and how the request will eliminate future hardship on the subject or adjacent neighbors. If such support cannot be provided, staff recommends the applicant propose a reduced-footprint design with the neighbors and, if agreement cannot be reached, resubmit to the Board of Adjustment a design that meets the "minimum necessary" variance criteria.

Funding: n/a

Attachments:

1. Staff Report
2. Development Order - Draft

3. Certificate of Completion with Submittal Documents
4. Revised Application - Received August 18, 2026
5. 26120 - L-1, Letter from Visconti in objection



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COMMUNITY DEVELOPMENT - PLANNING

Date: August 18, 2026
To: Board of Adjustment
Re: Staff Findings Report
Unnecessary and Undue Hardship Variance
Addresses: 510 64th Ave
Parcel Number: 31-31-16-90738-001-0150
Micah Thompson of Gulf & Bay Dock Works, LLC for Earl W. Porter, Jr.
Variance Case No: 26120

Prepared by: Brandon Berry, Senior Planner

Hearing Date: August 26, 2026

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, consisting of 12 sheets.
2. Site plan, undated, depicting the subject request.
3. Boundary survey, digitally signed by Pablo Alvarez, PSM, dated December 11, 2025.

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

Site Description/Surrounding Land Uses

The subject property waterfront is 37.5 feet in width based on the survey and neighborhood plat, with the applicant's proposed dock design showing a width of 35 feet of usable space within the extended side (littoral) lines of the subject property when accounting for the extension of the inside corner neighbor's seawall. The property is one side of a corner of a canal within the Three Palms Point subdivision, adjoining a neighboring waterfront property at an approximately 90-degree angle that possesses a platted waterfront width of 68 feet.

The subject property's waterfront currently contains a 12'x14.5' dock without wet slip or boat lift which was constructed in 2009, which replaced an identical dock originally constructed in 1997.

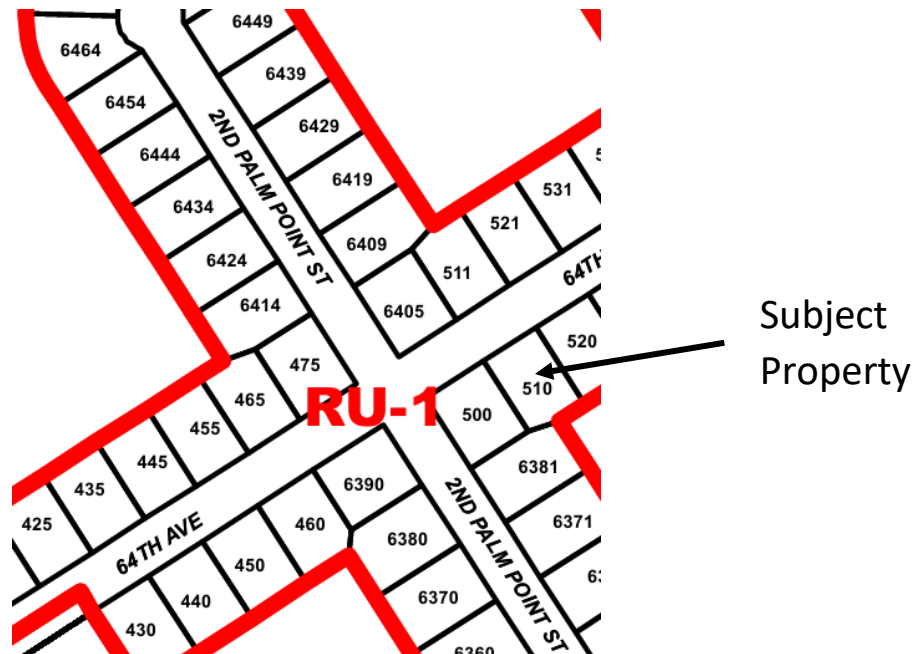
The upland use of the property is a detached single-family residence, which is consistent with the neighborhood and its zoning.

Figure 1: Aerial Photography



Source: Pinellas County Property Appraiser

Figure 2: Zoning Map



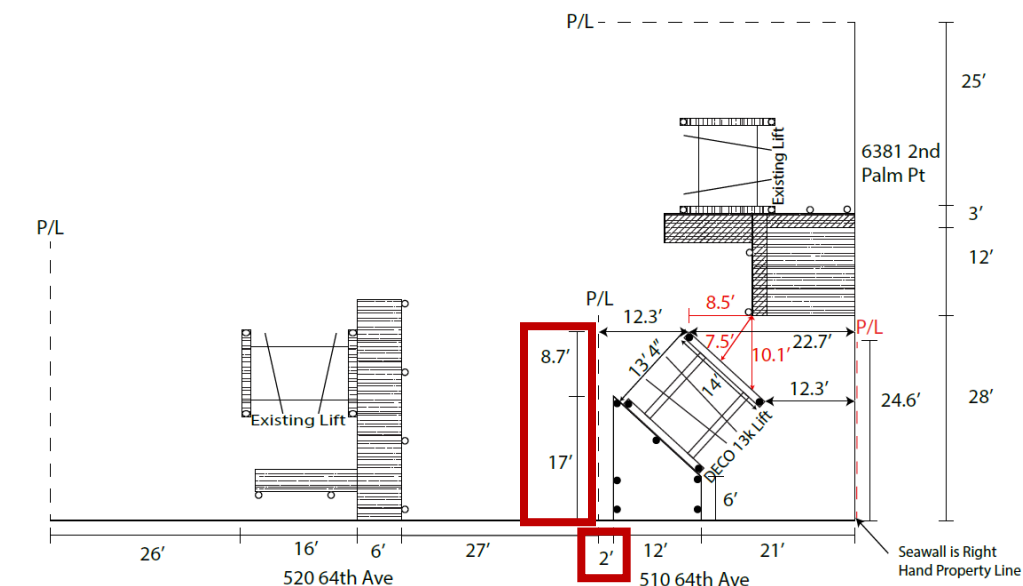
Source: City of St. Pete Beach Official Zoning Map, dated 7/20/2012

Request

The applicant is seeking to demolish the existing dock constructed in 2009 and replace it with a right trapezoid-shaped dock containing a boat lift that faces approximately 45-degrees southeasterly into the canal. The dock will be located two feet from the extended side littoral line shared with the eastern neighbor, where a setback of 25% of the waterfront width (9.375 feet) is required. The dock will also extend 25.7 feet from the seawall into the water where a distance of 50% of the seawall width (18.75 feet) is the maximum permitted. Both standards may be varied administratively, with the encroachment subject to signature by the encroached-upon neighbor and the length of the dock subject to the signature of both neighbors. The applicant has communicated to staff that neither neighbor has been willing to approve the proposed dock request.

Figure 3: Zoning Table			
Residential Docks	510 64th Ave		
	<u>Residential Dock Required</u>	<u>Existing</u>	<u>Proposed</u>
Length limitations LDC Sec. 6.23.(d)(3)	Not to exceed 50% of the width of the zoning lot at the waterfront (18.75 feet)	14.5 feet	25.7 feet (v)
Side setback limitation	25% of the waterfront width (9.375 feet)	18 feet (east) 7.5 feet (west)*	2 feet (east) (v) 12.3 feet (west)
*Received neighbor authorization (v) Variance required			

Figure 4: Site Plan Showing Variance Requests (N.T.S.)



Analysis

The subject property is one of several in the Three Palms Point neighborhood that has an inside corner waterfront neighbor at an approximate 90-degree angle. As the adopted littoral line extension standard in the City's code works most effectively with properties that have seawalls with a contiguous 180-degree angle with one another, properties such as the subject property and its inside corner neighbor can face challenges stemming from extended side property lines that effectively cross one another immediately adjacent the seawall. While this is somewhat resolved by the variation in length between the properties' waterfronts, there is a potential conflict where the permitted length of a dock at the subject property (18.75 feet) could potentially encroach beyond the neighbor's littoral setback quadrant (17 feet) and into their buildable space. In the subject case, the requested length is an additional approximately seven feet beyond that maximum buildable length, although it does not currently directly block access to a mooring space on the abutting dock as developed.

Docks with inside corner relationships in the neighborhood tend to be modest, containing either a simple head without dedicated mooring space or a small right trapezoid or triangle shape with single boat lift. The narrowness of the waterfront along these properties frequently requires one, or both, neighbors to authorize dock redevelopments due to the length and/or setbacks of the docks.

Additional Comments

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

The Board has standards of review for a hardship variance and must make a positive finding with regard to the provisions located in Division 3 of the Land Development Code in order to grant the variance(s). The applicants 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 orientation of the property relative to its corner waterfront neighbor is a peculiar circumstance district-wide, but not necessarily within the subject neighborhood, where there are numerous properties of 35 to 37.5 feet in waterfront width that face similar circumstances. The applicant explained to staff that the interior corner neighbor's seawall extends into the water compared with platted conditions and provides only 35 feet of buildable width adjacent the property, which partially but does not fully account for the encroachment toward the eastern neighbor's waterfront. The eastern neighbor's dock is set back greater than the required 18.75 feet from the shared extended littoral line, which would make mooring a vessel in a slip or lift perpendicular with the seawall of a size that a 13,000-lb lift could support a challenge, but would not necessarily preclude mooring a smaller Class A or Class 1 vessel on a smaller lift.

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

Staff is unaware if the inability to authorize the request administratively is due to neighbor unwillingness to approve any request for dock encroachment or length extension, or the specific

subject request. Staff finds that the property does face some challenges stemming from the peculiarities of the land relative to other waterfront properties in the City, even those of similar waterfront width due to the challenges created by the 90-degree neighbor orientation and the extension of the inside corner neighbor's seawall beyond the platted waterfront line. However, staff also finds that the size of the lift requested does somewhat create a self-imposed challenge, and that accommodation of a smaller lift or slip could likely reduce both the overall length of the dock, as well as the extent to which it needs to encroach into the eastern neighbor's littoral quadrant.

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

Although not a direct right, it appears that several other waterfront property owners in the same neighborhood and similar waterfront configuration which share the same zoning have received administrative authorization from their neighbors to exceed the dock length and setback requirements. In some cases, this has resulted in docks that are immediately adjacent one another.

Staff finds the location and orientation of the property, and the extended seawall of the neighbor as advanced by the dock request sketch, to create some hardship on the applicant. However, staff finds that the overall size and weight limit of the lift is toward the higher end of other properties in similar circumstances, and requests additional testimony from the applicant as to why the basis of the request is not to primarily accommodate a desired boat size rather than provide reasonable littoral access to open water. It appears that a smaller boat lift could lessen both the overall length of the dock structure and potentially the extent of encroachment necessary toward the eastern lot's waterfront, while still preserving littoral rights.

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;

Residential dock uses are permitted and customary throughout the zoning district.

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

Staff does not find greater financial return to be the basis for this request. The dock and lift are proposed as an accessory amenity to a single-family residence.

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;

Approval of the request would grant the applicant a dock of similar decking square footage to other property owners with a similar waterfront width in the same zoning district and neighborhood. The total decked dock surface is approximately 140 square feet, which is relatively consistent with the existing dock and also not out of character with other waterfront docks of the same footprint in the same upland zoning. At 13 feet, the boat lift is slightly wider than the typical slip featured along a property of a similar waterfront width in the neighborhood, and it does have a higher weight rating,

but there is at least one other property with a larger slip in a similarly-constrained waterfront of 42.5 feet.

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

Staff finds the applicant will need to supply additional testimony to justify why the variance requested is the minimum reasonably necessary. While it is reasonable and customary to grant waterfront access, the boat lift is of a size that slightly exceeds the average for other properties in similar waterfront configurations in the same neighborhood, and does not appear to be the minimum slip reasonably necessary to allow for access to open water.

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 function of the dock and its boat lift will be consistent with the Land Development Code and Comprehensive Plan, but questions if the dock size is the minimum reasonably necessary to provide a reasonable waterfront amenity for the property under the strict application of the variance criteria. While other waterfront property owners in similar circumstances have authorized or been authorized by one or both abutting waterfront property owners for dock and lift footprints that exceed the buildable envelope at the waterfront, such authorization is not a guarantee and refusal requires analysis of the hardship criteria as applicable to the specific waterfront conditions. In the subject case, it appears that the applicant could accommodate a smaller boat lift that still provides reasonable water access. Furthermore, it appears that construction of the subject dock with lift could potentially encroach into an area that the inside corner adjacent waterfront owner would be administratively eligible to build into based upon City dock regulations, whether or not such is planned or viable under county square footage regulations. This could potentially be detrimental to the neighbor, or to the subject property owner if a later extension partially limits access to the boat lift requested.

Staff finds that the dock structure is generally compatible with the neighborhood, and that the request made by the applicant for total footprint or size of vessel is not out of character with other waterfront properties in similar configurations, albeit most having received neighbor authorization. Staff also does not find the request to be injurious to the neighborhood generally, other than the potential impact noted above to the adjacent property owners.

Other

Staff finds that the applicant has adequately addressed some of the hardship criteria, but has not yet demonstrated that denial of the hardship variance request would result in unnecessary and undue hardship based on some challenge of the land, structure or building, nor have they demonstrated that the subject request is the minimum necessary to make reasonable use of the dock structure. The applicant has designed the structure to account for the orientation of the existing dock structures on abutting properties, but have not demonstrated how the size of the lift is the minimum necessary to provide reasonable water access for the property, nor why a smaller lift or slip could not be oriented perpendicular to the seawall in a manner that still allows access given abutting property littoral setback requirements.

If the applicants or agents wish to address Staff concerns with the narrative, Staff requests at least the following additional testimony:

- Whether the boat lift is proposed at its size and weight rating to accommodate a desired vessel, or whether there is another reason why the lift is required at its proposed size.
- Whether a slip more in line with others adjacent properties of a similar waterfront width and orientation can be exchanged for the proposed lift, reducing the required length of the dock structure and potentially allowing for the decked structure to be located further from the eastern littoral line.
- How the dock could be reoriented or redesigned to eliminate the encroachment into the littoral buildable area of the inside corner neighbor.

Summary

Staff requests the applicants or agents address the prior requests to provide additional support for their development request.

Should the applicants or agents provide additional information to satisfy the Board that substantial and competent evidence has been provided and look favorably on the application on the relief request, the Board may wish to consider any conditions it finds are necessary to protect the public interest.

Should the board look favorably on the application, the applicants 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: Micah Thompson, Agent, via email (permitting@gulfandbaydockworks.com)
Earl W Porter, Jr., Owner, via email (1404Vista@gmail.com)



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**ST PETE BEACH BOARD OF ADJUSTMENT
VARIANCE (UNDUE HARDSHIP)
CASE NO. 26120**

A public hearing was held before the St Pete Beach Board of Adjustment (“BOA”) on the 26th day of August, 2026 for review of a variance to Sections 6.23.(d)(3)&(4) of the St. Pete Beach Land Development Code (“LDC” or “Land Development Code”) to allow for the applicant to construct a dock with boat lift that will encroach to an eastern extended property line (littoral) setback of two feet from the eastern neighbor where 9.375 feet is required without authorization of the encroached-upon neighbor, and possess an overall length of 25.7 feet where 18.75 feet is the maximum length permitted without signature of both waterfront neighbors. The request is made by Micah Thompson of Gulf and Bay Dock Works, LLC (“Agent”) for Earl W Porter, Jr., (“Applicant” or “Owner”).

The Board of Adjustment reviewed the published agenda materials, information presented at the hearing and testimony from Brandon Berry and Kristin Coman for the City. The Board of Adjustment has accepted testimony from Brandon Berry and Kristin Coman as experts in the area of land use and zoning in the City of St. Pete Beach.

Based on the information and testimony the BOA makes the following findings of fact and conclusions of law:

- a. Earl W Porter, Jr., is the owner of the subject property of 510 64th Avenue, and the applicant for the subject request.
- b. Notice of the BOA hearing was provided to the Property Owner and owners of property within 300 feet as required by Section 3.4 of the LDC.
- c. The Subject Property is located within the RLM Future Land Use and RU-1 Zoning District according to the Future Land Use and zoning maps. Docks within the subject zoning district are subject to extended side property line setbacks of 25% of the waterfront width, and an overall length of 50% of the waterfront width, without authorization of the abutting neighbors. At this time, the applicant has not obtained a signature from either neighbor.
- d. In accordance with the requirements of Section 3.12 of the LDC, the BOA finds based on competent and substantial evidence in the record and presented at the public hearing that the variance is consistent with the Comprehensive Plan and [approved/approved with conditions/denied] as shown on the attached Exhibits for the following reasons:
 1. *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands,*



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- structures, or buildings in the same zoning district*—The BOA finds the criteria is met, as the property’s waterfront is significantly constrained due to the presence of an interior corner waterfront neighbor, which would make providing for a mooring slip that allows open water access to be a challenge.
2. *The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property*—[Subject to applicant testimony]
 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*—[Subject to applicant testimony]
 4. *The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density*—The BOA finds this criteria is met, as the applicant is proposing a residential dock which is an allowed structure associated with the zoning of the upland property.
 5. *An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship*—The BOA finds this criteria is met, as the facility is a reasonable amenity for the residential property, and there would be no direct financial benefit to the applicant if the subject request is approved.
 6. *Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district*—The BOA finds this criteria is met, as the size of the boat lift and the overall square footage of the dock proposed is relatively in line with the lifts installed at other waterfront properties possessing similar constraints, and with similar waterfront widths, in the same neighborhood.
 7. *The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure*—[Subject to applicant testimony]
 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*



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with the neighborhood, and will not substantially diminish or impair property values within the neighborhood—[Subject to applicant testimony]

e. [Space for ex-parte communication]

IT IS HEREBY ORDERED:

f. [Space for outcome following Board of Adjustment discussion]

g. [If approved] The variance is approved with the following conditions [if recommended by the BOA]:

1. [Space for condition(s)]

h. The Applicant may record a certified copy of this Order in the Official Records of Pinellas County, Florida.

i. This action was made by a motion by [member] and seconded by [member] and upon being put to a vote, the result was as follows:

Denise Chase, Chair	_____
Chris Core, Vice Chair	_____
Jim Schmidt, Member	_____
Dan Small, Member	_____
Joe Kunzer, Member	_____

DULY PASSED AND ADOPTED THE 26th DAY OF AUGUST, 2026

St. Pete Beach Board of Adjustment

By: _____
Denise Chase, Chair

STATE OF FLORIDA)
COUNTY OF PINELLAS)



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The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2026, by Denise Chase, as Chair of the St Pete Beach Board of Adjustment, ☐ who is personally known to me or ☐ who has produced _____ as identification.

My commission expires:

NOTARY PUBLIC, State of Florida at Large

Print Name: _____

ATTEST:

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

_____, City Clerk

Vose Law Firm, City Attorney

This Development Order was filed in the Office of the City Clerk on this ____ day of _____, 2026. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order as authorized in Section 3.14(b) of the St. Pete Beach Land Development Code.



Memo To: Board of Adjustment
From: Brandon Berry, Senior Planner
Date: 8/17/2026
Re: **CERTIFICATE OF COMPLETENESS**

Please be advised that on this date, the following application has been deemed complete and will be scheduled for the Board of Adjustment and placed on the agenda for **August 26, 2026**.

Variance Case Number: 26120

Application Type: Unnecessary & Undue Hardship Variance

Owner: Earl W. Porter, Jr.

Applicant/Agent: Micah Thompson of Gulf & Bay Dock Works, LLC

Parcel Number: 31-31-16-90738-001-0150

Address: 510 64th Ave

Zone: RU-1

Submittal Documents:

1. Completed unnecessary and undue hardship application with supplemental narrative, consisting of 12 sheets.
2. Boundary Survey, signed by Pablo A. Alvarez, P.L.S., dated December 11, 2025, consisting of three sheets.
3. Proposed dock plan, undated, consisting of one sheet.

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

City/Board Professionals:

- ☐ Board of Adjustment Attorney *via email* ☐ City Manager

Board Members:

- ☐ Denise Chase ☐ Joe Kunzer
☐ Chris Core ☐ Dan Small
☐ Jim Schmidt

Cc: Micah Thompson, Agent, via email (permitting@gulfandbaydockworks.com)
Earl W. Porter, Jr., Owner/Applicant, via email (1404vista@gmail.com)

CASE #: _____

PARCEL #: _____

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

UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

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

- Two (2) copies of the property survey, to scale, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Two (2) copies of a survey or site plan showing the request with dimensions, setbacks and other pertinent information, drawn to scale, of size a maximum of 36"x48" and minimum of 11"x17";
- Two (2) copies of scaled construction plans;
- Completed Impervious Surface Ratio (ISR) worksheet or equivalent;
- Emailed copy of the survey, plans and supplemental documents to planning @stpetebeach.org.
- The application fee and associated mailing fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	PORTER, EARL W JR	6421 3RD PALM POINT ST PETE BEACH, FL 33706	401-255-6562
Applicant/ Agent	Micah Thompson Gulf & Bay Dock Works, LLC	1510 51st St. S Gulfport, FL 33707	727-252-9915
Owner Email Address: 1404Vista@gmail.com		Applicant/Agent Email Address: permitting@gulfandbaydockworks.com	

PROPERTY FOR PROPOSED VARIANCE:

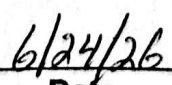
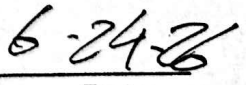
Zoning Designation RU-1	Future Land Use Designation Residential District	Lot Area 2820
Legal Description: THREE PALMS POINT UNIT 5 BLK 1, LOT 15		
Address: 510 64TH AVE ST PETE BEACH, FL 33706		
Explanation of Request: A variance is being requested regarding the setback requirements for docks and boat lifts. Due to the size and shape of the waterfront, placing a dock and boat lift on this property is not possible without obtaining neighbors approval. After reasonable effort to obtain their permission, no permission was given and as a result the applicant cannot utilize their waterfront in a similar manner as neighboring properties.		

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
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;
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
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.

X

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

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

- a. A variance is being requested regarding the setback limits for this property. This request is being made because the subject property possesses unique physical characteristics that are not common to most waterfront lots within the City. Specifically, the property is a corner waterfront lot with only 37.5 feet of waterfront frontage. As a result of this the city code, *Section 26-443(d)(4)*, states that a dock must remain in the center half of the waterfront for properties within city limits. For this property that center-half is 18.75 feet. This means that the dock/lift structures must be at least 9.375 feet from any neighboring property. Normally this is not a difficult distance to maintain but due to the characteristics of this waterfront a dock and boat lift will be inside at least one of these setbacks due to this. The applicant made good-faith efforts to obtain the required authorization; however, both adjacent property owners declined to provide the requested “no-objection” statements. As a result, administrative relief is unavailable and variance relief is required to allow reasonable use of the waterfront property.



- 2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**
 - a. The special conditions and circumstances associated with this property are not the result of any action by the applicant or any prior owner. The hardship arises from the property's original configuration. These conditions are inherent characteristics of the property that existed prior to the applicant's ownership and are beyond the applicant's control.
- 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;**
 - a. A literal interpretation of Section 26-443(d)(4) does deprive the applicant of the same rights enjoyed by other homeowners in the area. The waterfront of this property is 37.5' and the code for dock construction in the city requires that the dock remains in the center half of this property. To satisfy the requirement as outlined in the code the dock/boatlift needs to remain at least 9.375' from either side of the property. As measured from the seawall, this requirement is not hard to avoid but since the neighboring property's waterfront intersects with this property due to the corner lot situation this setback limit of 9.375' is practically impossible to avoid. The photo below highlights the distance from the neighboring dock to the lift at its shortest point. To have a straight entry into the lift and keep the lift far enough from the seawall to allow room for the boat to hand off the front of the lift, this setback of 9.375' cannot be maintained from both neighboring properties. A literal interpretation of the city code would result in undue hardship for this applicant, as many other nearby properties can do the same set up while staying at the center half of their property's waterfront. The City Code recognizes that circumstances may arise where minor encroachments beyond the center-half area are necessary and provides an administrative mechanism for relief through signed no-objection statements from affected adjacent property owners. Because the proposed configuration affects the setback areas associated with both adjacent waterfront properties, authorization from both adjacent property owners would be required. The applicant made good-faith efforts to obtain the required authorizations; however, both adjacent property owners expressly declined to provide the required no-objection statements. As a result, administrative relief is unavailable and variance relief is the only mechanism available to allow reasonable waterfront-use comparable to that enjoyed by neighboring waterfront properties.
- 4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;**
 - a. The hardship has not been deliberately or knowingly created to establish a use or structure that is inconsistent with the Comprehensive Plan or Land Development Code. The hardship results solely from the physical characteristics of the property, including its corner-lot location, limited waterfront frontage, and the projection of adjacent property lines into the

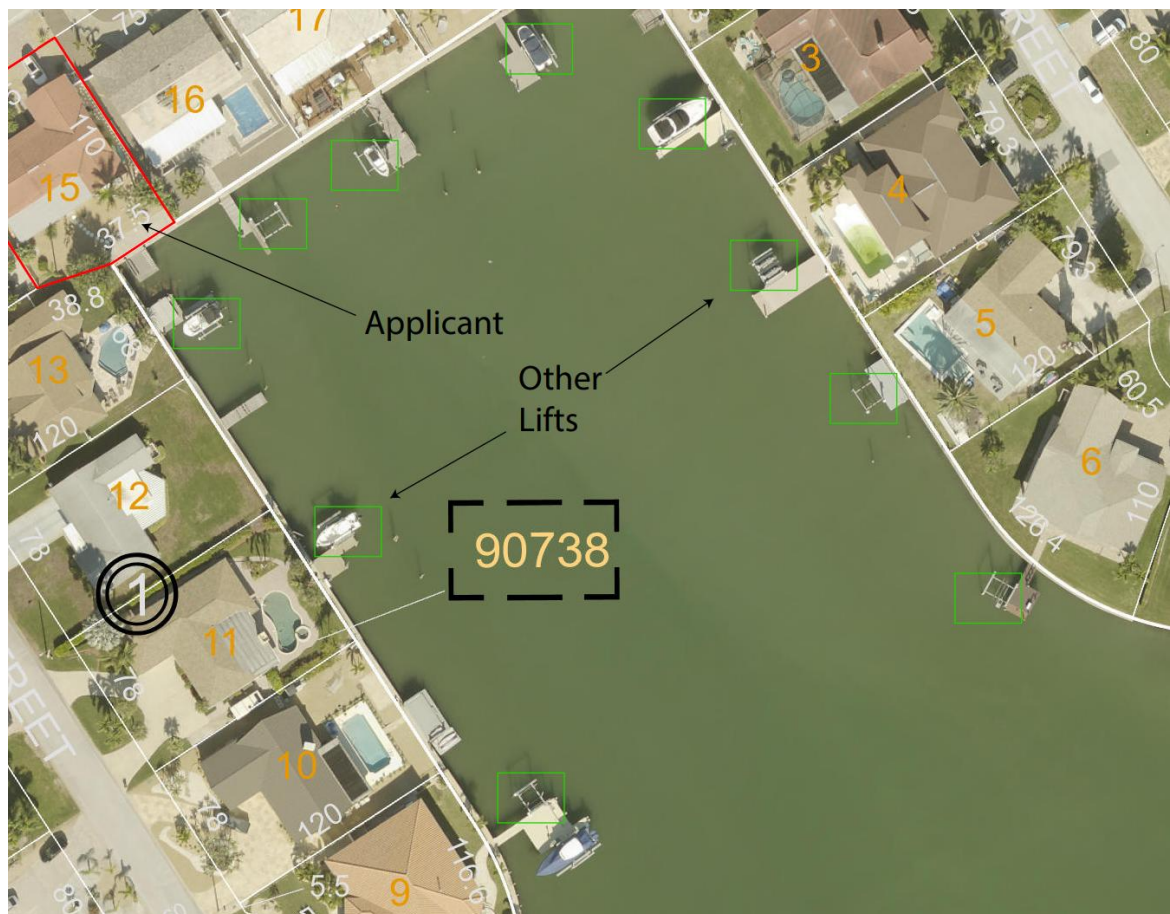
canal. The proposed dock and boat lift otherwise comply with applicable city and county regulations governing residential docking facilities and will not increase development density, intensity of use, or the number of vessels accommodated at the property.

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

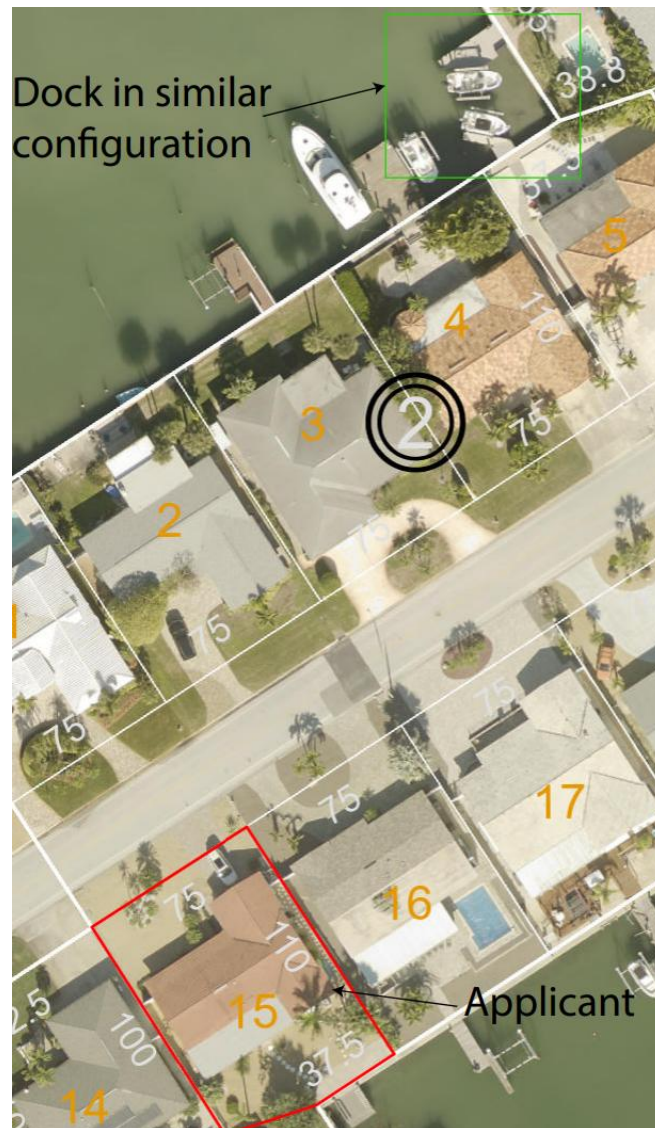
- a. The requested variance is not intended to increase the financial return or market value of the property. The applicant is seeking only to achieve reasonable residential use of the waterfront by constructing a functional boat lift that allows safe storage and access to a vessel. The request is based upon the unique physical constraints of the property and the inability to obtain the required adjacent-owner authorizations, rather than any economic benefit or financial consideration.

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

- a. Granting the requested variance would provide the applicant with the same reasonable opportunity to utilize the waterfront property as other residential waterfront property owners within the neighborhood. The proposed variance would allow the applicant to place a boat lift in a location that permits safe storage of and access to a vessel in a manner similar to other waterfront homes within the area. There are 10 other homes in the same canal that are all able to maintain distances from their neighbors and still utilize their waterfront in the same fashion that the applicant seeks to use theirs.



- b. On the opposite side of the street there is another similar corner lot situation that has a dock configuration that is similar to how this properties dock configuration would look like. As a result, granting this variance on the setback would allow the applicant to use their property in a similar fashion to other properties in the area. Due to the unique physical characteristics of the subject property, including its limited 37.5-foot waterfront frontage and corner-lot geometry, strict application of the center-half requirement places the applicant at a disadvantage compared to similarly zoned waterfront properties. Granting the variance would not confer a special privilege but would instead allow a level of waterfront access and



use comparable to that enjoyed by surrounding residential waterfront property owners.

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

- a. The requested variance represents the minimum relief necessary to allow reasonable use of the waterfront property. The proposed boat lift has been carefully designed, positioned, and rotated to minimize encroachment into the required setback area while maintaining safe

vessel access, adequate maneuvering room within the canal, and sufficient clearance from the seawall. The attached site plan demonstrates that substantial efforts have been made to reduce the extent of the requested relief and avoid unnecessary encroachment into adjacent setback areas. The proposed lift is appropriately sized for a typical residential vessel and is consistent with the character of surrounding waterfront development within the canal. The location of the lift is driven by the unique physical constraints of the property, including its limited 37.5-foot waterfront frontage, corner-lot configuration, and the projection of adjacent property lines into the canal. These conditions significantly limit the area available for placement of a functional boat lift within the center one-half of the waterfront. The applicant is requesting only the minimum setback relief necessary to accommodate a functional residential boat lift and achieve reasonable waterfront access. Any lesser variance would impair safe vessel maneuverability, reduce practical access to the lift, or prevent the lift from functioning as intended. Furthermore, the request does not seek an expansion of the docking facility. The proposed dock configuration contains approximately 138 square feet of dock surface area, which is less than the approximately 174 square feet associated with the existing dock. The request is therefore focused solely on achieving a functional and safe lift location rather than increasing the size, intensity, or impact of waterfront development.

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.

- a. The requested variance is consistent with the intent and purpose of the Comprehensive Plan and the Land Development Code. The proposed dock and boat lift are compatible with the established character of the surrounding residential waterfront neighborhood, where boat lifts are a common and customary accessory structure. The variance request is limited to a minor setback encroachment resulting from the unique geometry of the property and does not alter the residential nature of the site.
- b. The proposed dock and lift will not adversely affect navigation, public access, public safety, neighboring properties, water quality, marine resources, or the public welfare. The requested relief does not increase development density, intensity of use, or the number of vessels that may be accommodated at the property. In fact, the proposed dock configuration will reduce the overall dock surface area from approximately 174 square feet to approximately 138 square feet, demonstrating that the project does not expand waterfront development and will not create additional impacts to the surrounding neighborhood or waterway.
- c. The proposed dock and lift configuration is consistent with the established pattern of waterfront development within the canal and surrounding neighborhood. Approval of the variance will simply allow reasonable use of the waterfront in a manner comparable to other residential waterfront properties while remaining compatible with the character of the area. The requested variance will not substantially diminish property values, impair neighboring properties, or adversely affect the health, safety, and welfare of the public.



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.

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

FWP 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.

FWP 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.

FWP 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.

FWP 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.

FWP 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.

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

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

[Signature]
Signature of Applicant

6/24/26
Date



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

I/We Earl Porter
(Property Owner(s) printed name)

hereby authorize Micah Thompson | Gulf & Bay Dock Works, LLC
(Agent's printed name)

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

[Signature]
Signature of Owner
Earl Porter
Owner's Printed Name

Signature of Owner

Owner's Printed Name

The foregoing instrument was acknowledged before me this 24th day
of June 2026 by Earl Porter who
is personally known _____ or produced Drivers License as
identification.

[Signature] Stacy Baker 6/24/26
(Notary Signature) (Date)

My commission expires 11/19/2028





PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Earl Porter, 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): Earl Porter

Address: 510 64th AVE, ST PETE BEACH, FL 33706

Signature [Signature] Date 6/24/26

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 24 day of June, 2026 by:
Earl Porter who appeared before me, and is personally known to me, or has produced
Drivers License as identification, and did take an oath.

My commission Expires:
11/19/2028

NOTARY: [Signature]

Print Name: Stacey Baker 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

PORTER, EARL W JR
6421 3RD PALM POINT
ST PETE BEACH, FL 33706
Phone 401-255-6562

Email 1404Vista@gmail.com

Contractor/Applicant Name & Address

Micah Thompson | Gulf & Bay Dock Works, LLC
1510 51st St. S
Gulfport, FL 33707
Phone 727-252-9915

Email permitting@gulfandbaydockworks.com

Property Address 510 64TH AVE ST PETE BEACH, FL 33706

Total Lot Area (sq. ft.) 2820

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:		sq. ft.
Parking and Driveway:		sq. ft.
Pool and/or Patio areas:		sq. ft.
Walkways:		sq. ft.
Other:	174	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	174	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:		sq. ft.
Parking and Driveway:		sq. ft.
Pool and/or Patio areas:		sq. ft.
Walkways:		sq. ft.
Other:	138	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	138	sq. ft.

174	sq. ft.	+	2820	sq. ft.	=	0.0617
Total Existing Impervious Surfaces			Lot Area			Existing Impervious Surface Ratio

138	sq. ft.	+	2820	sq. ft.	=	0.0489
Total Proposed Impervious Surfaces			Lot Area			Proposed Impervious Surface Ratio

Certification:

I, Earl Porter 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: 6/24/26



PROPERTY ADDRESS:

510 64TH AVENUE
ST. PETE BEACH, FL 33706

On your behalf, and as a requirement for your transaction, this document has been coordinated with us by the firm shown below. Landtec Surveying and Lien LLC is a private firm and remains entirely responsible for this document's content.

LUXE
TITLE SERVICES

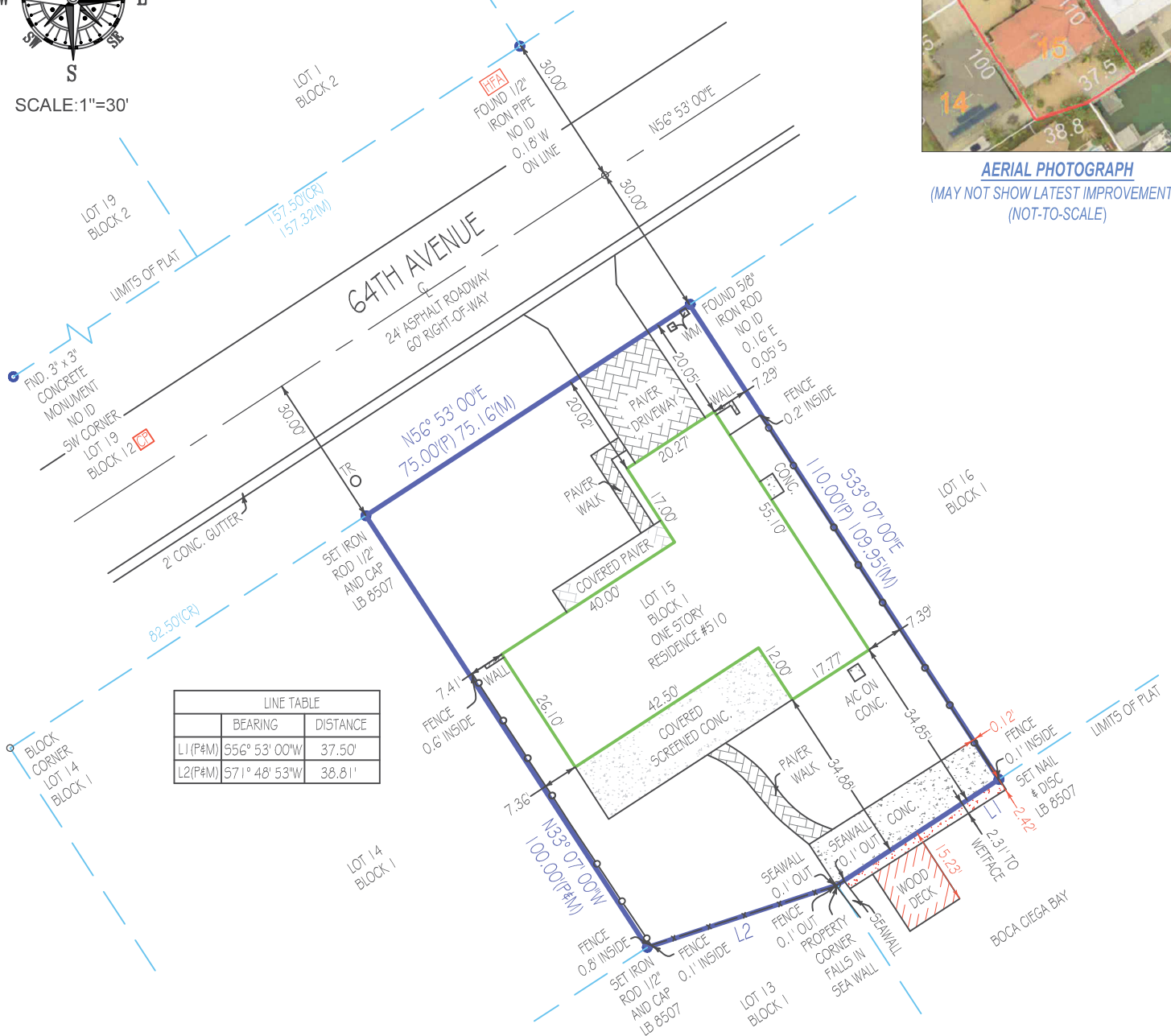


SCALE: 1"=30'

BEARING REFERENCE:
CENTER LINE OF 64TH AVENUE AS N 56°53'00" E
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.



AERIAL PHOTOGRAPH
(MAY NOT SHOW LATEST IMPROVEMENTS)
(NOT-TO-SCALE)



This Survey shall not be used for Construction/Permitting purposes without written consent from the Land Surveyor who has signed and sealed this survey.

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS

OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE

- CONC. & WOOD DECK EXTENDS BEYOND THE SOUTHERLY BOUNDARY LINE OF SUBJECT LOT.
- CONC. EXTENDS BEYOND THE EASTERLY BOUNDARY LINE OF SUBJECT LOT.

This survey has been issued by the following
Landtec Surveying office:
700 West Hillsboro Boulevard, Suite 2-102
Deerfield Beach, FL 33441
Office: (561) 367-3587
Fax: (561) 465-3145
www.Landtecsurvey.com

Elevations, if shown:

Benchmark: _____
Benchmark Elev.: _____
Benchmark Datum: _____
Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ☐

Revisions:

Job Nr: 264797-CW

Date of Field Work: 12/05/2025

Drawn by: A.C.

LANDTEC

LICENSED BUSINESS No. 8507

TYPE OF SURVEY:

- ☒ BOUNDARY ☐ CONSTRUCTION ☐ CONDOMINIUM
☐ ALTA/NSPS ☐ TOPOGRAPHIC ☐ SPECIAL PURPOSE

PURPOSE OF SURVEY (SEE GENERAL NOTES BELOW):

Purchase/Refinance

LEGAL DESCRIPTION:

LOT 15, BLOCK 1, THREE PALMS POINT UNIT FIVE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 63, PAGE 33, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH ANY AND ALL RIPARIAN RIGHTS APPERTAINING THERETO.

PROPERTY ADDRESS:

510 64TH AVENUE
ST. PETE BEACH, FL 33706

INVOICE NUMBER: 264797-CW

DATE OF FIELD WORK: 12/05/2025

CLIENT FILE: 25-6257

CERTIFIED TO

LUXE TITLE SERVICES
STEWART TITLE GUARANTY COMPANY
STEVEN MEDEIROS

FLOOD ZONE: AE

FLOOD MAP: 12103C

PANEL: 0276

SUFFIX: H

PANEL DATE: 08/24/2021

BASE FLOOD ELEVATION OR DEPTH: 10 NAVD 1988

COMMUNITY NUMBER: 125149

BENCHMARK: AG0010

ELEVATION: 5.77'

FINISHED FLOOR ELEVATION: 5.5 NAVD 1988

PLATTED EASEMENTS, NOTABLE OR ADVERSE CONDITIONS (UNPLATTED EASEMENTS ALSO LISTED IF PROVIDED BY CLIENT):

IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

- CONC. & WOOD DECK EXTENDS BEYOND THE SOUTHERLY BOUNDARY LINE OF SUBJECT LOT.

- CONC. EXTENDS BEYOND THE EASTERLY BOUNDARY LINE OF SUBJECT LOT.

ABBREVIATION LEGEND (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

A OR AL = ARC LENGTH	EL OR ELEV = ELEVATION	OHC = OVERHEAD CABLE	PP = POOL PUMP	UE = UTILITY EASEMENT
C/O = CLEANOUT	EM = ELECTRIC METER	P = PLAT	PRC = POINT OF REVERSE CURVATURE	UP = UTILITY POLE
CA = CENTRAL ANGLE	F.F.E. = FINISHED FLOOR ELEV.	PC = POINT OF CURVE	PT = POINT OF TANGENCY	WM = WATER METER
CATV = CABLE TV RISER	FIR = FOUND IRON ROD	PCC = POINT OF COMPOUND CURVATURE	QTR = QUARTER	WV = WATER VALVE
CF = CALCULATED FROM FIELD	FN = FOUND NAIL	PH = POOL HEATER	R = RADIUS	
CH = CHORD DISTANCE	FND = FOUND	PI = POINT OF INTERSECTION	RNG = RANGE	
CONC. = CONCRETE	G.F.F.E. = GARAGE FINISHED FLOOR ELEV.	PK = PARKER KAELOH	ROW = RIGHT OF WAY	
CR = CALCULATED FROM RECORD	L = LEGAL DESCRIPTION	POB = POINT OF BEGINNING	SEC = SECTION	
DE = DRAINAGE EASEMENT	M = MEASURED	POC = POINT OF COMMENCEMENT	TR = TELEPHONE RISER	
			TWP = TOWNSHIP	

SYMBOLS (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING - NOT TO SCALE):

= UTILITY POLE	= WELL	= HANDICAP PARKING SPACE
= LIGHT POLE	= CENTER LINE	= PARTY WALL
= CATCH BASIN	= AIR CONDITIONER	= SEC. QTR. CORNER
= FIRE HYDRANT	= SEPTIC LID	= SECTION CORNER
= MANHOLE	= ELEV. SHOT	
= WATER VALVE		
= WATER METER		

LINETYPES:

BOUNDARY	
BUILDING	
EASEMENT	
CHAIN LINK FENCE	
WOOD FENCE	
PLASTIC FENCE	
OVERHEAD CABLE	

GENERAL NOTES:

- THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ON HEREON.
- ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 2 BUSINESS WEEKS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LB (LICENSED BUSINESS) #8507.
- AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY WAS PREPARED FOR A PURCHASE OR REFINANCE (BOUNDARY), ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. IT IS NOT A TOPOGRAPHIC, DESIGN, CONSTRUCTION, PLANNING, ZONING, OR PERMITTING SURVEY AND DOES NOT INCLUDE THE INFORMATION TYPICALLY REQUIRED FOR AGENCY PLANNING/PERMITTING REVIEW. ANY OTHER USE, INCLUDING PLANNING OR PERMITTING, IS NOT AUTHORIZED WITHOUT WRITTEN CONSENT.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL (IF AFFIXED) HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.



Digitally signed
by Pablo Alvarez
Date: 2025.12.11
13:53:46 -05'00'

SIGNATURE

DATE: 12/11/2025

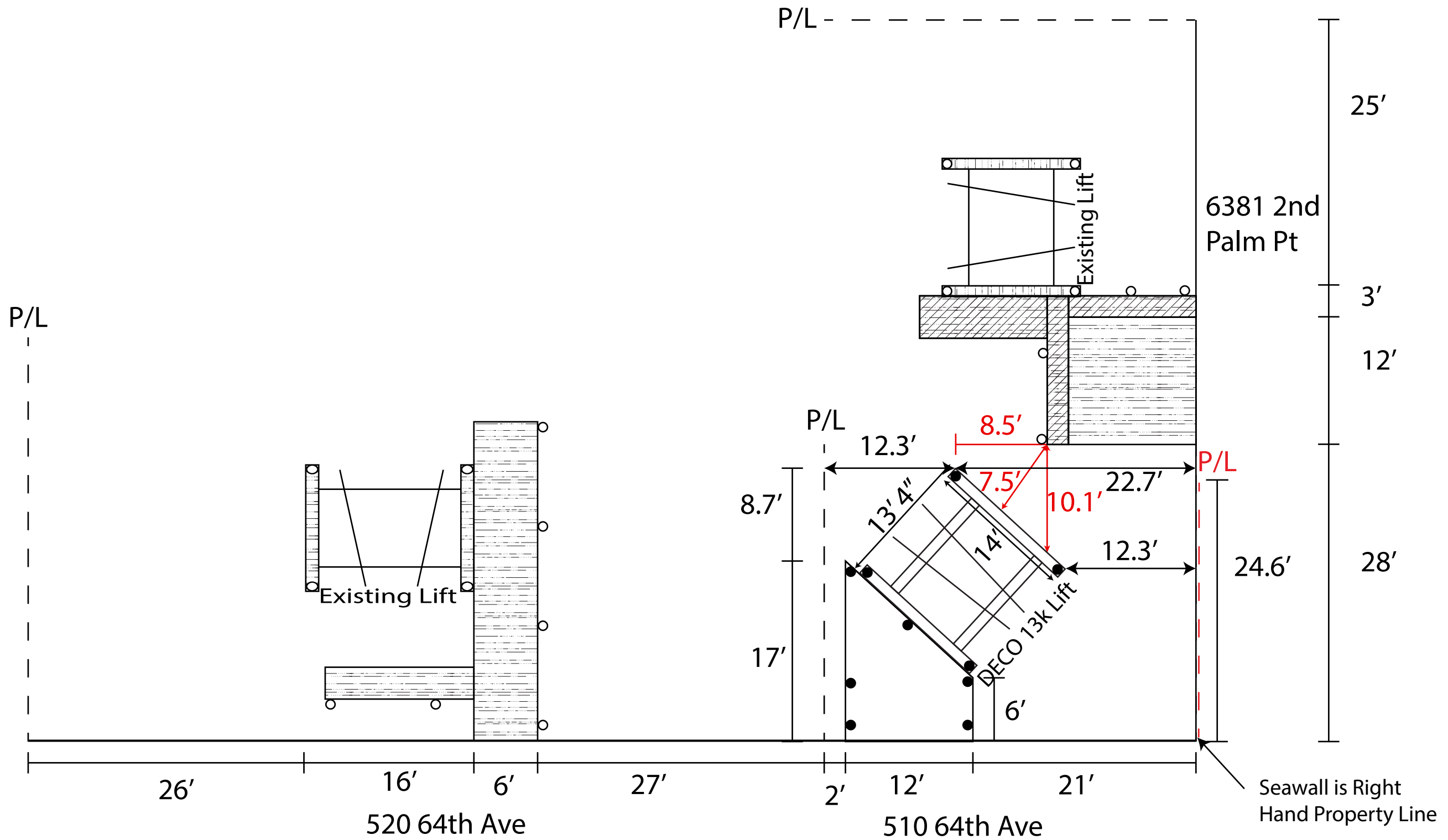
PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL (IF AFFIXED) OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

PRINTING INSTRUCTIONS:

WHEN PRINTING THIS PDF IN ADOBE, SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. DO NOT USE "FIT".

LANDTEC

LICENSED BUSINESS No. 8507



CASE #: _____

PARCEL #: _____

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

UNNECESSARY AND UNDUE HARDSHIP VARIANCE APPLICATION

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

- Two (2) copies of the property survey, to scale, completed in the last ten years, which contains the legal description, land area, and existing improvements on the site that has been signed and sealed by a surveyor licensed in the State of Florida;
- Two (2) copies of a survey or site plan showing the request with dimensions, setbacks and other pertinent information, drawn to scale, of size a maximum of 36"x48" and minimum of 11"x17";
- Two (2) copies of scaled construction plans;
- Completed Impervious Surface Ratio (ISR) worksheet or equivalent;
- Emailed copy of the survey, plans and supplemental documents to planning @stpetebeach.org.
- The application fee and associated mailing fee, payable to the City of St. Pete Beach (non-refundable)

OWNER/AGENT INFORMATION:

Identification	Name	Address	Phone #
Owner	PORTER, EARL W JR	6421 3RD PALM POINT ST PETE BEACH, FL 33706	401-255-6562
Applicant/ Agent	Micah Thompson Gulf & Bay Dock Works, LLC	1510 51st St. S Gulfport, FL 33707	727-252-9915
Owner Email Address: 1404Vista@gmail.com		Applicant/Agent Email Address: permitting@gulfandbaydockworks.com	

PROPERTY FOR PROPOSED VARIANCE:

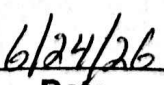
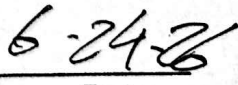
Zoning Designation RU-1	Future Land Use Designation Residential District	Lot Area 2820
Legal Description: THREE PALMS POINT UNIT 5 BLK 1, LOT 15		
Address: 510 64TH AVE ST PETE BEACH, FL 33706		
Explanation of Request: <u>A variance is being requested regarding the setback requirements for docks and boat lifts.</u> <u>Due to the size and shape of the waterfront, placing a dock and boat lift on this property is</u> <u>not possible without obtaining neighbors approval. After reasonable effort to obtain their</u> <u>permission, no permission was given and as a result the applicant cannot utilize their</u> <u>waterfront in a similar manner as neighboring properties.</u>		

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

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;
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;
4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;

5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
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.

X

			
Signature of Applicant	Date	Signature of Authorized Agent	Date

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

- a. A variance is being requested regarding the setback limits for this property. This request is being made because the subject property possesses unique physical characteristics that are not common to most waterfront lots within the City. Specifically, the property is a corner waterfront lot with only 37.5 feet of waterfront frontage. As a result of this the city code, *Section 26-443(d)(4)*, states that a dock must remain in the center half of the waterfront for properties within city limits. For this property that center-half is 18.75 feet. This means that the dock/lift structures must be at least 9.375 feet from any neighboring property. Normally this is not a difficult distance to maintain but due to the characteristics of this waterfront a dock and boat lift will be inside at least one of these setbacks due to this. The applicant made good-faith efforts to obtain the required authorization; however, both adjacent property owners declined to provide the requested “no-objection” statements. As a result, administrative relief is unavailable and variance relief is required to allow reasonable use of the waterfront property.



- 2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**
 - a. The special conditions and circumstances associated with this property are not the result of any action by the applicant or any prior owner. The hardship arises from the property's original configuration. These conditions are inherent characteristics of the property that existed prior to the applicant's ownership and are beyond the applicant's control.
- 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;**
 - a. A literal interpretation of Section 26-443(d)(4) does deprive the applicant of the same rights enjoyed by other homeowners in the area. The waterfront of this property is 37.5' and the code for dock construction in the city requires that the dock remains in the center half of this property. To satisfy the requirement as outlined in the code the dock/boatlift needs to remain at least 9.375' from either side of the property. As measured from the seawall, this requirement is not hard to avoid but since the neighboring property's waterfront intersects with this property due to the corner lot situation this setback limit of 9.375' is practically impossible to avoid. The photo below highlights the distance from the neighboring dock to the lift at its shortest point. To have a straight entry into the lift and keep the lift far enough from the seawall to allow room for the boat to hand off the front of the lift, this setback of 9.375' cannot be maintained from both neighboring properties. A literal interpretation of the city code would result in undue hardship for this applicant, as many other nearby properties can do the same set up while staying at the center half of their property's waterfront. The City Code recognizes that circumstances may arise where minor encroachments beyond the center-half area are necessary and provides an administrative mechanism for relief through signed no-objection statements from affected adjacent property owners. Because the proposed configuration affects the setback areas associated with both adjacent waterfront properties, authorization from both adjacent property owners would be required. The applicant made good-faith efforts to obtain the required authorizations; however, both adjacent property owners expressly declined to provide the required no-objection statements. As a result, administrative relief is unavailable and variance relief is the only mechanism available to allow reasonable waterfront-use comparable to that enjoyed by neighboring waterfront properties.
- 4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Comprehensive Plan or the Land Development Code, nor will it permit an increase in development density;**
 - a. The hardship has not been deliberately or knowingly created to establish a use or structure that is inconsistent with the Comprehensive Plan or Land Development Code. The hardship results solely from the physical characteristics of the property, including its corner-lot location, limited waterfront frontage, and the projection of adjacent property lines into the

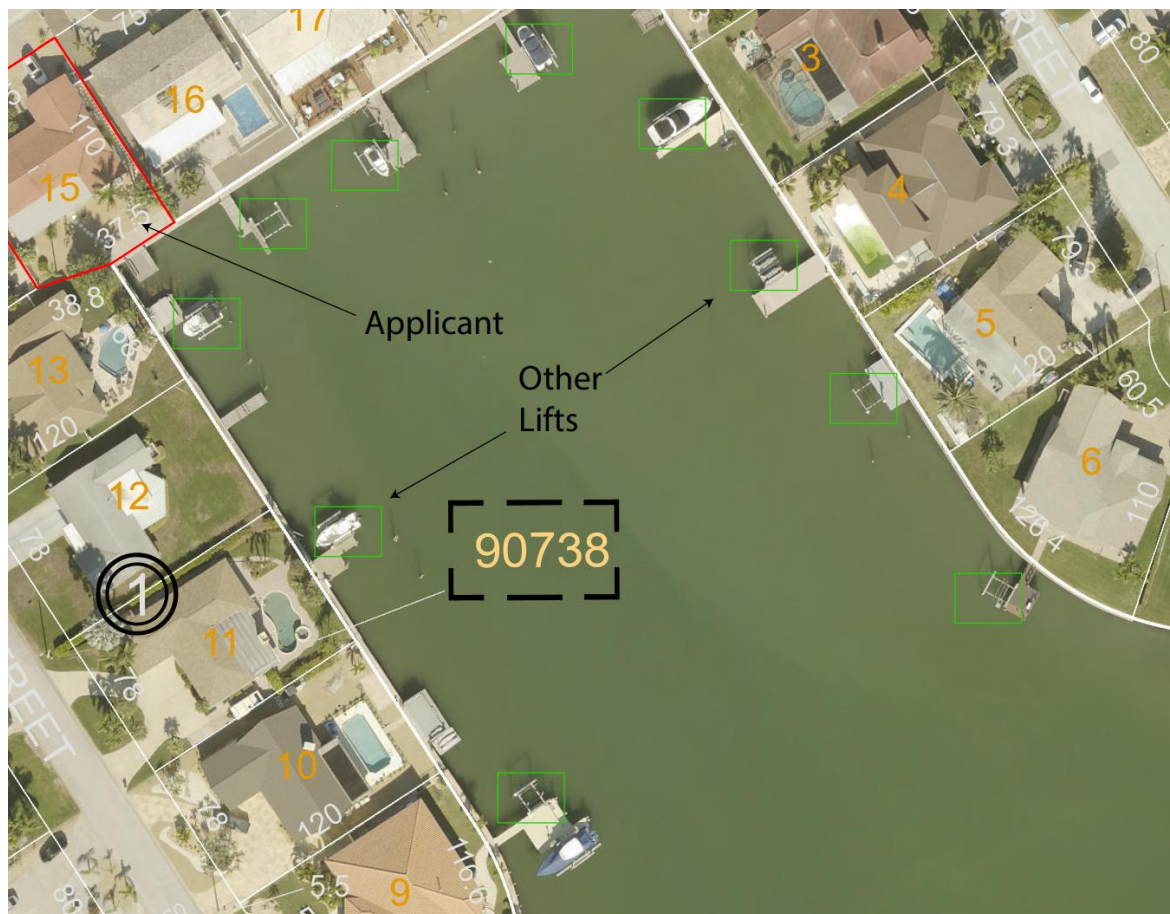
canal. The proposed dock and boat lift otherwise comply with applicable city and county regulations governing residential docking facilities and will not increase development density, intensity of use, or the number of vessels accommodated at the property.

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

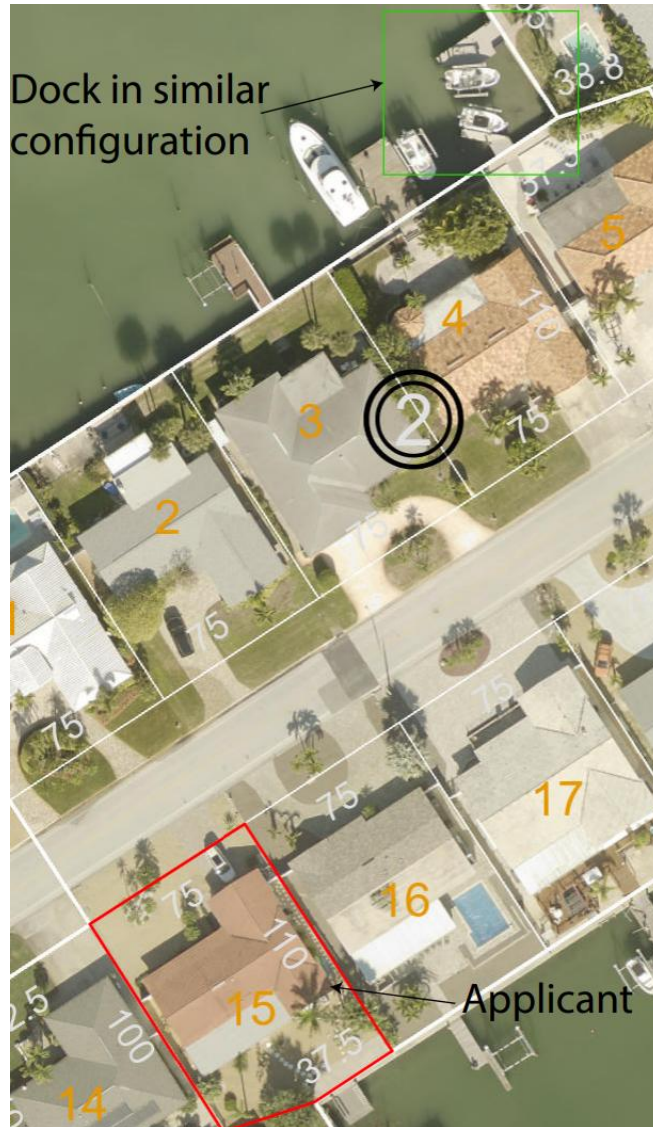
- a. The requested variance is not intended to increase the financial return or market value of the property. The applicant is seeking only to achieve reasonable residential use of the waterfront by constructing a functional boat lift that allows safe storage and access to a vessel. The request is based upon the unique physical constraints of the property and the inability to obtain the required adjacent-owner authorizations, rather than any economic benefit or financial consideration.

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

- a. Granting the requested variance would provide the applicant with the same reasonable opportunity to utilize the waterfront property as other residential waterfront property owners within the neighborhood. The proposed variance would allow the applicant to place a boat lift in a location that permits safe storage of and access to a vessel in a manner similar to other waterfront homes within the area. There are 10 other homes in the same canal that are all able to maintain distances from their neighbors and still utilize their waterfront in the same fashion that the applicant seeks to use theirs.



- b. On the opposite side of the street there is another similar corner lot situation that has a dock configuration that is similar to how this properties dock configuration would look like. As a result, granting this variance on the setback would allow the applicant to use their property in a similar fashion to other properties in the area. Due to the unique physical characteristics of the subject property, including its limited 37.5-foot waterfront frontage and corner-lot geometry, strict application of the center-half requirement places the applicant at a disadvantage compared to similarly zoned waterfront properties. Granting the variance would not confer a special privilege but would instead allow a level of waterfront access and



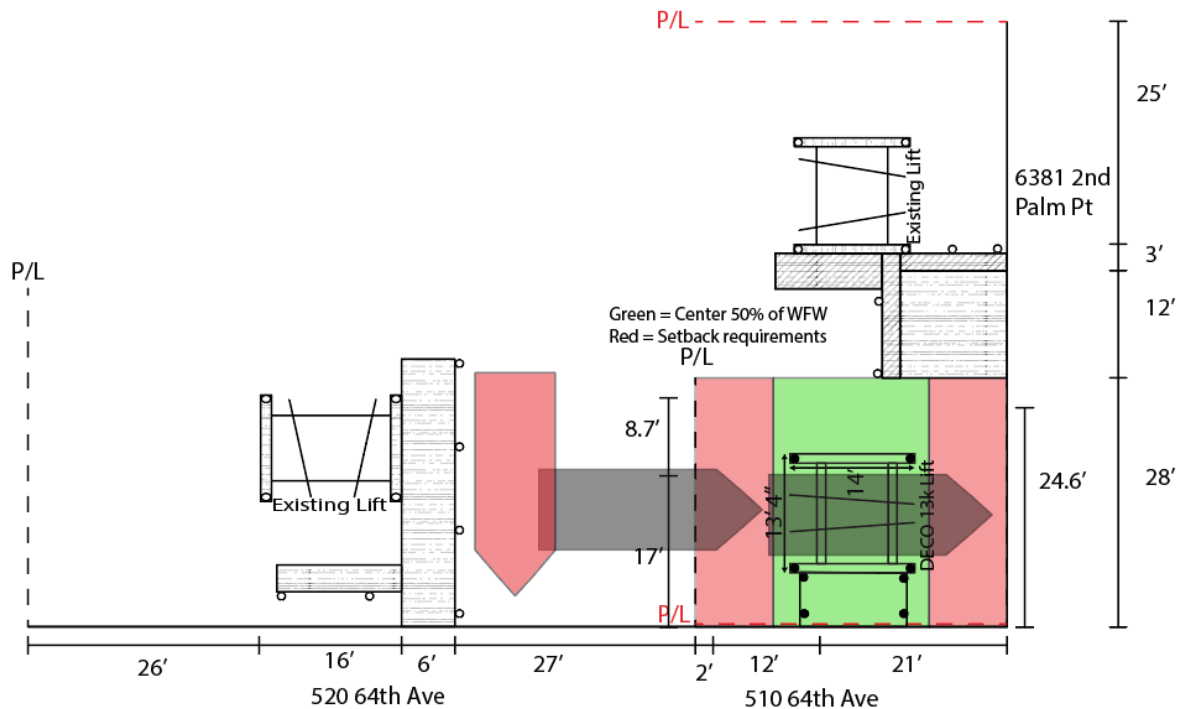
use comparable to that enjoyed by surrounding residential waterfront property owners.

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

- a. The requested variance represents the minimum relief necessary to allow reasonable use of the waterfront property. The proposed boat lift has been carefully designed, positioned, and rotated to minimize encroachment into the required setback area while maintaining safe

vessel access, adequate maneuvering room within the canal, and sufficient clearance from the seawall. The attached site plan demonstrates that substantial efforts have been made to reduce the extent of the requested relief and avoid unnecessary encroachment into adjacent setback areas. The proposed lift is appropriately sized for a typical residential vessel and is consistent with the character of surrounding waterfront development within the canal. The location of the lift is driven by the unique physical constraints of the property, including its limited 37.5-foot waterfront frontage, corner-lot configuration, and the projection of adjacent property lines into the canal. These conditions significantly limit the area available for placement of a functional boat lift within the center one-half of the waterfront. The applicant is requesting only the minimum setback relief necessary to accommodate a functional residential boat lift and achieve reasonable waterfront access. Any lesser variance would impair safe vessel maneuverability, reduce practical access to the lift, or prevent the lift from functioning as intended. Furthermore, the request does not seek an expansion of the docking facility. The proposed dock configuration contains approximately 138 square feet of dock surface area, which is less than the approximately 174 square feet associated with the existing dock. The request is therefore focused solely on achieving a functional and safe lift location rather than increasing the size, intensity, or impact of waterfront development.

waterfront, then entry into a boat lift parallel to the seawall would be impossible. A possible example is shown below as an example of this obstruction. The Red Boat is a possible location where the owner could park their boat in and block entry into the boat lift.



- d. With these considerations in mind the proposed requested variance is the minimum variance that makes reasonable use of the waterfront for this 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.

- a. The requested variance is consistent with the intent and purpose of the Comprehensive Plan and the Land Development Code. The proposed dock and boat lift are compatible with the established character of the surrounding residential waterfront neighborhood, where boat lifts are a common and customary accessory structure. The variance request is limited to a minor setback encroachment resulting from the unique geometry of the property and does not alter the residential nature of the site.
- b. The proposed dock and lift will not adversely affect navigation, public access, public safety, neighboring properties, water quality, marine resources, or the public welfare. The requested relief does not increase development density, intensity of use, or the number of vessels that may be accommodated at the property. In fact, the proposed dock configuration will reduce the overall dock surface area from approximately 174 square feet to approximately 138 square feet, demonstrating that the project does not expand waterfront development and will not create additional impacts to the surrounding neighborhood or waterway.
- c. The proposed dock and lift configuration is consistent with the established pattern of waterfront development within the canal and surrounding neighborhood. Approval of the

variance will simply allow reasonable use of the waterfront in a manner comparable to other residential waterfront properties while remaining compatible with the character of the area. The requested variance will not substantially diminish property values, impair neighboring properties, or adversely affect the health, safety, and welfare of the public.



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.

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

FWP 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.

FWP 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.

FWP 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.

FWP 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.

FWP 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.

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

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

[Signature]
Signature of Applicant

6/24/26
Date



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

I/We Earl Porter

(Property Owner(s) printed name)

hereby authorize Gulf & Bay Dock Works, LLC

(Agent's printed name)

to represent me in an application for Hardship Variance

(Type of application: Variance, Conditional Use, Zoning, etc.)

M

Earl Porter (Jul 29, 2026 11:07:59 EDT)

Signature of Owner

Earl Porter

Owner's Printed Name

Signature of Owner

Owner's Printed Name

The foregoing instrument was acknowledged before me this 29 day
of July 2026, by Earl Porter who
is personally known _____ or produced Drivers License as
identification.

Stacey Baker

(Notary Signature)

My commission expires 11/19/2028



7/29/26

(Date)



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Earl Porter, 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): Earl Porter

Address: 510 64th AVE, ST PETE BEACH, FL 33706

Signature [Signature] Date 6/24/26

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 24 day of June, 2026 by:
Earl Porter who appeared before me, and is personally known to me, or has produced
Drivers License as identification, and did take an oath.

My commission Expires:
11/19/2028

NOTARY: [Signature]

Print Name: Stacey Baker 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

PORTER, EARL W JR
6421 3RD PALM POINT
ST PETE BEACH, FL 33706
Phone 401-255-6562

Email 1404Vista@gmail.com

Contractor/Applicant Name & Address

Micah Thompson | Gulf & Bay Dock Works, LLC
1510 51st St. S
Gulfport, FL 33707
Phone 727-252-9915

Email permitting@gulfandbaydockworks.com

Property Address 510 64TH AVE ST PETE BEACH, FL 33706

Total Lot Area (sq. ft.) 2820

Required Calculations:

EXISTING IMPERVIOUS SURFACE:		
Building Footprint:		sq. ft.
Parking and Driveway:		sq. ft.
Pool and/or Patio areas:		sq. ft.
Walkways:		sq. ft.
Other:	174	sq. ft.
TOTAL EXISTING IMPERVIOUS SURFACE:	174	sq. ft.

PROPOSED IMPERVIOUS SURFACE:		
Building Footprint:		sq. ft.
Parking and Driveway:		sq. ft.
Pool and/or Patio areas:		sq. ft.
Walkways:		sq. ft.
Other:	138	sq. ft.
TOTAL PROPOSED IMPERVIOUS SURFACE:	138	sq. ft.

174	sq. ft.	+	2820	sq. ft.	=	0.0617
Total Existing Impervious Surfaces			Lot Area			Existing Impervious Surface Ratio

138	sq. ft.	+	2820	sq. ft.	=	0.0489
Total Proposed Impervious Surfaces			Lot Area			Proposed Impervious Surface Ratio

Certification:

I, Earl Porter 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: 6/24/26

Earl Porter - 510 64th Ave _ Agent Authorization

Final Audit Report

2026-07-29

Created:	2026-07-29
By:	Shannon Lemas (shannon@gulfandbaymarine.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAaTMVEQiDlvooH9qezuvp7qpgRKWVluqv

"Earl Porter - 510 64th Ave _ Agent Authorization" History

-  Document created by Shannon Lemas (shannon@gulfandbaymarine.com)
2026-07-29 - 2:52:43 PM GMT
-  Document emailed to Earl Porter (office@gulfandbayseawalls.com) for signature
2026-07-29 - 2:52:47 PM GMT
-  Email viewed by Earl Porter (office@gulfandbayseawalls.com)
2026-07-29 - 2:53:07 PM GMT
-  Document e-signed by Earl Porter (office@gulfandbayseawalls.com)
Signature Date: 2026-07-29 - 3:07:59 PM GMT - Time Source: server - Signature Appearance Selected: MOBILE_DRAW
-  Agreement completed.
2026-07-29 - 3:07:59 PM GMT

Date: August 13, 2026

To: City of St. Pete Beach Board of Adjustment / Planning & Zoning Department

Sent via: Email to Kristin Coman, Planning Manager and Brandon Berry, Senior Planner
bberry@stpetebeach.org

Subject: Formal Objection to Dock Variance Application – Case No. 26120
Hearing Date: August 26, 2026

Property Location of Request: 510 64th Avenue

Objecting Neighbor Information: David Visconti, 6381 2nd Palm Point

Dear Members of the Board of Adjustment,

We are writing to formally object to the requested dock variances seeking a 2-foot setback (where 9.375 feet is required) and a 25.7-foot dock length (where 18.75 feet is the maximum allowed without adjacent neighbor approval).

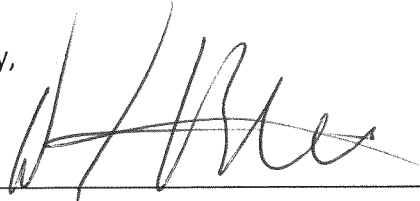
As a directly impacted waterfront neighbor, I request that the Board **DENY** these variances based on the following St. Pete Beach Land Development criteria:

1. **No Unique Physical Hardship:** Under St. Pete Beach variance criteria, an applicant must prove that unique physical characteristics of the lot prevent reasonable use of the property. The applicant has a viable, reasonable use of the waterfront by constructing a code-compliant 18.75-foot dock within the standard 9.375-foot setbacks. A desire for an oversized dock to fit a specific watercraft is a personal preference, not a legal property hardship.
2. **Self-Created Condition:** The need for this variance is entirely self-created by the applicant's choice of dock design and boat sizing.
3. **Material Interference with Riparian Rights:** Granting a 2-foot setback creates a severe, irreversible encroachment. Squeezing the setback by nearly 80% and extending the length by 7 feet directly infringes upon my common-law riparian rights to safe navigation, vessel mooring, and unobstructed water access for my existing, pre-existing dock. The applicant does not have a right to an oversized dock at the expense of my pre-existing dock. By squeezing the setback down by nearly 80%, their construction creates a substantial, material disruption to my reasonable use of the water.

4. **Detriment to Public Welfare and Neighborhood Character:** This massive deviation creates a hazardous navigation bottleneck between our properties, directly reducing safety and disrupting the equitable, uniform layout of docks intended by the St. Pete Beach code.

I respectfully request that the Board uphold the city's zoning ordinances and deny this application. By this letter, I am authorizing my neighbor, Nick Laffler to act on my behalf at the August 26 hearing to provide testimony and photographic evidence of the material encroachment.

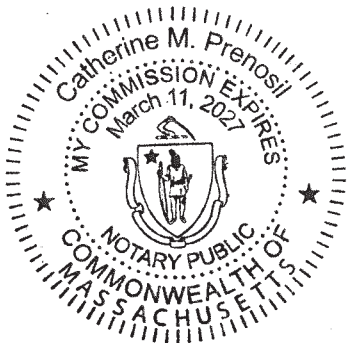
Sincerely,

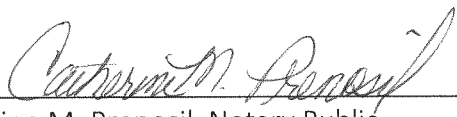

David Visconti

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss.

On this 13th day of August 2026, before me, the undersigned notary public, DAVID VISCONTI, personally appeared, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.




Catherine M. Prenosil, Notary Public
My Commission Expires: 3/11/2027