STAFF REPORT
Community Planning and Preservation Commission
Certificate of Appropriateness Request

For Public Hearing and Executive Action on July 9, 2019 beginning at 2:00 p.m. in the Auditorium, The Sunshine Center, 330 Fifth Street North, St. Petersburg, Florida.

According to Planning and Economic Development Department records, Sharon Winters and Jeff Wolf reside or have places of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of this item.

<table>
<thead>
<tr>
<th>CPPC Case Number:</th>
<th>17-90200031</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>736 18th Avenue Northeast</td>
</tr>
<tr>
<td>Legal Description:</td>
<td>Snell &amp; Hamlett’s North Shore Addition Revised Replat Block 68, West 54 Feet of Lot 3</td>
</tr>
<tr>
<td>Parcel ID Number:</td>
<td>17-31-17-83221-068-0030</td>
</tr>
<tr>
<td>Designation Status:</td>
<td>Locally designated as contributing property to North Shore Section – 700 Block of 18th Avenue Northeast Local Historic District; National Register listed as contributing property to North Shore National Register Historic District</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Richard McGinniss</td>
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<tr>
<td>Request:</td>
<td>Extension of a Certificate of Appropriateness for the demolition of a contributing property to a local historic district</td>
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Historic Context and Significance

The two-story Colonial Revival residence and detached garage at 736 18th Avenue Northeast ("the subject property") were constructed circa 1923 and later listed as contributing structures in the North Shore National Register Historic District (2003) and the North Shore Section – 700 Block of 18th Avenue Northeast Local Historic District (2017). As part of a local historic district, demolitions require a Certificate of Appropriateness (COA). COAs are valid for an eighteen (18) month period. Per the Land Development Regulations, if an extension is needed, the applicant must request an extension in writing, and the request must be received by the Historic Preservation Office before the expiration date. Only the CPPC may grant extensions, according to City Code Section 16.70.010.9.

Project Description and Demolition Request

On July 19, 2017, the property owner submitted a COA application for demolition of both structures on the lot. On October 10, 2017, the Community Planning and Preservation Commission (CPPC) reviewed case 17-90200031, a request for a Certificate of Appropriateness (COA) for the demolition of the contributing dwelling and garage at 736 18th Ave NE. Staff did not recommend approval for the application. The owner/applicant, Richard McGinniss, provided information detailing the structural deficiency of the subject property; as a result, the request for demolition was approved by the CPPC. The approval of the request for demolition was conditioned upon an approved COA for new construction at the site.

The applicant was granted approval of a COA for new construction (case 18-90200016) on May 8, 2018. The CPPC’s decision was then appealed to City Council. The City Council upheld the CPPC’s decision regarding the new construction on August 23, 2018, but registered opponents then appealed the City Council’s decision to the Sixth Judicial Circuit Court of Florida by filing a Petition for Writ of Certiorari on October 10, 2018. The Circuit Court has yet to rule on the appellants’ petition.

On April 4, 2019, the Urban Planning and Historic Preservation Division received a written request for an extension from the applicant. The applicant is asking for a two-year extension to April 10, 2021, which is the maximum time allowed for an extension request.

Criteria for Granting an Extension

Requests for extensions shall address the following matters and may be denied if impacts cannot be adequately mitigated:

1. The extent of actions taken by the applicant to implement the approved development plan including real estate transactions, preparation of construction plans, site preparation and pre-construction sales.

The applicant states that he is ready to move forward with physical construction plans, but is required to wait until the circuit court appeal is resolved. Staff contends that the applicant is not required to wait until the circuit court appeal is resolved, but understands why the applicant is cautious about moving forward with demolition. Procedurally, if the applicant were to submit building plans for new construction that comply with the COA approval for new construction, the demolition permit will be issued by the City.

2. The effect of unforeseen circumstances such as changes in economic conditions, cost of materials, and site specific conditions on the approval.
The approval for the COA for demolition did have the condition that demolition permits would not be issued until a COA for new construction was approved and a complete set of drawings for a building permit be submitted. The COA for new construction was approved on May 8, 2018, but was then appealed by a registered opponent. The applicant states that he could not predict that the COA for new construction would have been appealed, and the applicant has no control over the overall length of time it will take for the appeal to run its course through the court system. The appeal is currently in circuit court.

The applicant provides narrative that the COA for demolition cannot be approved because of the circuit court appeal of the COA for new construction. Staff contends that the application for demolition can be approved. As stated above, if the applicant were to submit building plans for new construction that comply with the COA approval for new construction, the demolition permit will be issued by the City.

3. The length of additional time estimated by the applicant to be needed to implement the approved development plan.

The applicant has asked for an extension for two years for the appeal to run its course through the court system and to allow for additional time if the court rules in the appellants’ favor. Two years is the maximum amount of time allowed to be requested for an extension, per City Code Section 16.70.010.9.

4. Changes in the Code that would apply to the property.

There have been no changes in the code that would apply in this case.

5. Changes or new construction on property in the vicinity of the applicant’s property which may increase impacts to other properties.

There does not appear to be any changes or new construction in the vicinity of the applicant’s property.

6. Other facts considered relevant to consideration of an extension.

The applicant states that the approval date should apply to when conditions are fulfilled. Staff disagrees with this argument. If an approval is made with conditions, the burden to fulfill the conditions is the responsibility of the applicant. If this argument were to hold true, then an applicant could decide to not fulfill the conditions of an approval for an indefinite amount of time; essentially, the applicant would create a situation where the COA will never expire.

Also the appellant, William Cobb, has requested that this item be postponed until the July CPPC meeting, as many members of the community, including himself, will be out of town on the June 11th CPPC meeting date (Appendix B).
Appendix A

COA 17-90200031 – Extension Request
**List of Required Submittals**

Only complete applications will be accepted:

- [x] Completed application and narrative
- [ ] Pre-application Meeting Notes
- [x] Affidavit to Authorize Agent, if Agent signs application
- [x] Application fee payment (fee schedule on application)
- [x] Narrative of the Request

A Pre-Application Meeting is Required Prior to Submittal.

To schedule, please call (727) 892-5498.
EXTENSION REQUEST
Application
Original Application No. N-902,003

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:
Per: 16.70.010.9. - Extensions and duration of approvals under these Land Development Regulations.

16.70.040 - PLANNING AND ZONING DECISIONS

Extension. Requests for extension of an approval shall be in writing and received by the POD prior to the expiration date of the approval or previously approved extension. A failure to request an extension prior to the expiration of the approval or a previously approved extension or failure to meet all conditions of an approval of an extension shall invalidate the original application approval. Requests for extensions shall address the following matters and may be denied if impacts cannot be adequately mitigated.

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
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<tbody>
<tr>
<td>NAME of APPLICANT (Property Owner): Richard McGinniss</td>
</tr>
<tr>
<td>Street Address: 2250 Central Avenue</td>
</tr>
<tr>
<td>City, State, Zip: St. Petersburg, FL 33712-1257</td>
</tr>
<tr>
<td>Telephone No: (727) 674-5623 Email Address: <a href="mailto:richard@modemtampabayhomes.com">richard@modemtampabayhomes.com</a></td>
</tr>
<tr>
<td>NAME of AGENT or REPRESENTATIVE: R. Donald Mastry</td>
</tr>
<tr>
<td>Street Address: 200 Central Avenue #1600</td>
</tr>
<tr>
<td>City, State, Zip: St. Petersburg, FL 33701</td>
</tr>
<tr>
<td>Telephone No: (727) 824-6140 Email Address: <a href="mailto:dmastry@trenam.com">dmastry@trenam.com</a></td>
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<table>
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<tr>
<th>PROPERTY INFORMATION:</th>
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<tbody>
<tr>
<td>Street Address or General Location: 736 18th Avenue NE, St. Petersburg, FL 33704</td>
</tr>
<tr>
<td>Parcel ID(s): 17-31-17-83221-068-0030</td>
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<tr>
<th>DESCRIPTION OF REQUEST:</th>
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<tr>
<td>Extension of Time for COA for Demolition</td>
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<th>PRE-APPLICATION DATE:</th>
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<tr>
<td>PLANNER: Derek Kilborn</td>
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<table>
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<tr>
<th>FEE SCHEDULE</th>
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<tr>
<td>Extension Request $250.00</td>
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Cash, credit, and checks made payable to the “City of St. Petersburg”

<table>
<thead>
<tr>
<th>AUTHORIZATION</th>
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<tbody>
<tr>
<td>City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City’s Codes Compliance Assistance Department.</td>
</tr>
</tbody>
</table>

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant’s signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner/Agent: ____________________________ Date: 4/3/2019
*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: ____________________________
1. The extent of actions taken by the applicant to implement the approved development plan including real estate transactions, preparation of construction plans, site preparation, and pre-construction sales.

   See Attached Narrative

2. The effect of unforeseen circumstances such as changes in economic conditions, cost of materials, and site specific conditions on the approval.

   See Attached Narrative

3. The length of additional time estimated by the applicant to be needed to implement the approved development plan.

   See Attached Narrative

4. Changes in the Code that would apply to the property.

   See Attached Narrative

5. Changes or new construction on property in the vicinity of the applicant's property which may increase impacts to other properties.

   See Attached Narrative

6. Other facts considered relevant to consideration of an extension.

   See Attached Narrative
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: Richard McGinniss

This property constitutes the property for which the following request is made

Property Address: 738 18th Avenue, NE, St. Petersburg, FL
Parcel ID No.: 17-31-18-003-068-0030
Request: Certificate of Appropriateness

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent's Name(s): R. Donald Mastry

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property

I/we, the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner):
Sworn to and subscribed on this date
Identification or personally known:
Notary Signature:
Commission Expiration (Stamp or date):

City of St. Petersburg - One 4th Street North - PO Box 2642 - St. Petersburg, FL 33731 - (727) 893-7471
www.stpete.org/hr
NARRATIVE IN SUPPORT OF EXTENSION OF DEMO COA FOR PROPERTY AT 736 18th AVENUE NE

REQUEST

The applicant is Richard McGinniss (the “Applicant”). He owns a property located at 736 18th Avenue NE, St. Petersburg, FL (the “Subject Property”).

The applicant is requesting a two year extension for a Certificate of Appropriateness to demolish a contributing structure (“Demo COA”) on the Subject Property.

HISTORY

The Subject Property has a NT-3 Zoning within a Historic Preservation Overlay.

In 2017, the Applicant previously sought to demolish a contributing structure located on the Subject Property. The Applicant was able to demonstrate to the Community Planning and Preservation Commission (“CPPC”) that the poor structural condition of the existing contributing structure meets the City Code’s criteria for demolition of a contributing structure in a historic preservation overlay. The Demo COA was granted by the CPPC on October 10, 2017 by a vote of 7-0. However, approval of the Demo COA was conditioned on the Applicant getting the approval of a completely separate COA for new construction on the Subject Property.
(“New Construction COA”). Please see a copy of the Demo COA issued to the Applicant with the condition to obtain a New Construction COA which is attached as “Exhibit A.”

After receiving conditional approval of the Demo COA in late 2017, the Applicant immediately began working on obtaining the separate New Construction COA for the Subject Property. The applicant had plans to get the New Construction COA for the Subject Property and then demolish the existing structure and build a new structure as part of the same process.

The CPPC granted a New Construction COA on May 8th, 2018 by a vote of 6-1. Opponents of this approval then appealed the CPPC’s decision to the City Council, and the City Council voted on August 23, 2018 to affirm the CPPC’s decision to grant the New Construction COA. However opponents of the New Construction COA filed an appeal of the City Council’s decision by filing a Writ of Certiorari in Appellate Court on October 10, 2018 to overturn the Applicant’s New Construction COA. Please see the Writ of Certiorari which is attached as “Exhibit B”.

**CURRENT STATUS OF DEMO COA**

To date, the appeal case of the New Construction COA remains outstanding in Court and has not been dismissed. Please see the docket which is attached as “Exhibit C.” This appeal has effectively prevented the
Applicant from obtaining a legitimate New Construction COA until all appeals are exhausted. If the Applicant demolishes the structure, builds the new construction, and a judge overturns the New Construction COA in the future, the Applicant will be required to demolish the new structure and there will also be a potential legal issue created with not meeting the conditional approval requirement of the Demo COA of obtaining a New Construction COA.

RESPONSES TO RELEVANT CONSIDERATIONS FOR APPROVING EXTENSIONS

1. The extent of actions taken by the applicant to implement the approved development plan including real estate transactions, preparation for constructions plans, site preparation and pre-construction sales:

   The Applicant has spent considerable time, money, and effort on the New Construction COA approval which is a required condition of approval for the Demo COA. The Applicant is required to wait for the exhaustion of current appeals of the New Construction COA in order to move physical construction plans forward.

2. The effect of unforeseen circumstances such as changes in economic conditions, costs of materials, and site specific conditions of approval:
The approval of Demo COA was subject to a condition that a New Construction COA be approved for the Subject Property. The Applicant received approval from the CPPC for a New Construction COA in May of 2018. However, because of the two appeals, one to City Council and one to Appellate Court, the New Construction COA has been delayed. By virtue of this, the Demo COA cannot be approved because it is impossible for the Applicant to meet the conditional approval until all appeals are exhausted on the New Construction COA. The length of time for the approval of the New Construction COA was unforeseen by both the Applicant and the CPPC.

3. **The length of additional time estimated by the applicant to be needed to implement the approved development plan:**

   The additional length of two years is requested to work through the court appeal process and grant additional time for a redesign of the project in case the New Construction COA approved by the CPPC and City Council is overturned.

4. **Changes in Code that would apply to the property:**

   There are no changes in the Code that would apply to the Property. The existing contributing structure’s poor structural condition still meets the criteria for demolition under the City Code.
5. Changes or new construction on property in the vicinity of the applicant's property which may increase impacts to other properties:

There are no changes or new construction on the property which may increase the impacts to other properties.

6. Other facts considered relevant to consideration of an extension:

The City Code Section 16.70.010.9 states:

"Approved certificate of appropriateness shall remain valid for 18 months from the date of approval."

The City Code assumes that an applicant, after gaining approval for a Demo COA of a contributing structure, will have 18 months to demolish said structure.

Although the CPPC voted 7-0 for the Demo COA on October 10, 2017, the Demo COA was subject to a condition of approval that a New Construction COA be obtained in order for the Demo COA to be approved. This condition of obtaining a separate approval in order for the Demo COA to be approved has not reasonably afforded the applicant 18 months for the opportunity to exercise the Demo COA to demolish the contributing structure on the Subject Property. In other words, the conditional Demo COA requires another layer of approval in order for the Demo COA to be
considered "approved." Thus, the Applicant contends that the "date of approval" of the Demo COA, as it relates to the City Code, should be triggered by the approval of meeting the conditions for approval and not the date of the CPPC vote on the original matter to meet the intent of the City Code.

Additionally, according to the City Code Section 16.30.070.2.6, the Code states:

"No COA approved by the Commission shall be effective for a period of ten days from the date of approval. If during that ten-day period an appeal is made, the decision shall automatically be stayed during the appeal."

In accordance with City Code Section 16.30.070.2.6, because the Applicant's Demo COA approval was conditioned on the approval of the New Construction COA, and that New Construction COA approval remains in a state of appeal, the Applicant contends that the "date of approval" of the Demo COA has not been determined while the appeal on the New Construction COA remains outstanding.

**Reservation of Objection**

The Applicant is filing this extension application because he is being requested by the City staff to file, however the Applicant still reserves an objection to the necessity of the extension based on the foregoing.
Certificate of Appropriateness
City of St. Petersburg
Urban Planning and Historic Preservation

COA Number 17-90200031
Application Date 7/19/2017

Applicant
First Name Richard
Last Name McGinniss

Property Owner
First Name Richard
Last Name McGinniss

Property Address
736 18th Avenue NE
Number Street Street Type Direction Unit Number

Resource Name
N Shore Section - 700 Block 18th Ave NE
Designation Number 16-90300008

Cost

Proposed Work:
Complete demolition of contributing structure to local historic district.

TypeReview CPC
Approval Approved with conditions CPC Date 9/12/2017
Action Date 10/10/2017 COA Expiration 4/10/2019

Conditions Of Approval
A complete set of elevation drawings showing details of height, setback, and fenestration shall be submitted to the City for CPC review and approval under a new COA application. Approval of new construction to be finalized before demolition permit is issued. Per City code, the following guidelines will be used to evaluate the proposed new construction:
1. The height and scale of the proposed new construction shall be visually compatible with contributing resources in the district.
2. The relationship of the width of the new construction to the height of the front elevation shall be visually compatible with contributing resources in the district.
3. The relationship of the width of the windows to the height of the windows in the new construction shall be visually compatible with contributing resources in the district.
4. The relationship of solids and voids (which is the pattern or rhythm created by wall recesses, projections, and openings) in the front facade of a building shall be visually compatible with contributing resources in the district.
5. The relationship of the new construction to open space between it and adjoining buildings shall be visually compatible with contributing resources in the district.

This certifies that the proposed work related to the property listed above has been approved by the Urban Planning and Historic Preservation division of the Planning and Economic Development Department. The approval of this Certificate of Appropriateness in no way constitutes approval of an "Application for Permit to Build" by the City of St. Petersburg's Construction Services and Permitting Division or any other required City permit approvals.

Staff Signature
Applicant Signature
Exhibit “B”
William and Catherine Cobb, and, David and Elizabeth Skidmore

Petitioners,

vs.

CITY OF ST. PETERSBURG, a municipal corporation, and

and

RICHARD McGINNIS, applicant

Respondents.

PETITION FOR WRIT OF CERTIORARI

William and Catherine Cobb, and, David and Elizabeth Skidmore (hereinafter referred to as "Petitioners") petition this Honorable Court for a writ of certiorari to quash the quasi-judicial action of the Respondent City of St. Petersburg (hereinafter referred to as "City") acting through its City Council and its Community Planning and Preservation Commission (hereinafter referred to as "CPPC"). The order sought to be quashed denied an "appeal" by Petitioners of the CPPC decision to uphold a city staff recommendation to approve a certificate of appropriateness (hereinafter referred to as "COA") for the construction of a new
home at 736 18th Avenue Northeast. The order is in the form of a City Council resolution No. 2018-451 and was “rendered” with its filing with the City Clerk on September 13, 2018.

I. JURISDICTION

The circuit courts are authorized to review final action of administrative agencies, including orders of local government by certiorari. See, Article V, Section 5(b), Fla. Const., Fla.R.App.P. 9.030(c) and 9.100 and sec. 26.021(1), Fla. Stat. See, also, e.g., Fla. Power & Light Co. V. City of Dania, 761 So.2d 1089 (Fla. 2000). Venue lies in Pinellas County because the challenged development order was approved by a municipal corporation within Pinellas County and the subject of the challenged orders is real property located in Pinellas County.

II. RELIEF SOUGHT

Petitioner seeks the Court to quash the City’s final order voted on at a City Council meeting on August 23, 2018 but rendered with the filing of a written resolution with the City Clerk on September 13, 2018. The resolution denied the “appeal” of the CPPC decision to grant a COA for new construction at 736 18th Avenue Northeast. Petitioner further requests the Court to remand this matter to the City for entry of an order denying the COA and to take such further action as may be consistent with the Order of this Court.
III. STATEMENT OF THE CASE AND FACTS

Throughout this Petition references to the transcript of the August 23, 2018 City Council proceeding shall be referenced as, “T” followed by page number. The relevant portions of the transcript are contained within the Appendix. All code sections shall refer to the St. Petersburg Code of Ordinances.

A. The Proceedings Below

This matter started when the Applicant submitted an application for a COA for the construction of a new single-family home at 736 18th Avenue Northeast, a parcel within the 18th Avenue Northeast local historic district. The COA was required because of the inclusion of the property within the local historic district (T- 3-4).

The application was initially set for CPPC review on February 13, 2018 but final action on the application was deferred until the CPPC’s March meeting. Prior to the March CPPC meeting, changes were made to the application. The application as modified (hereinafter referred to as the “first COA application”) was heard by the CPPC, including a public hearing, on March 13, 2018. The CPPC voted to deny the application by a vote of 7 to 0 (T-4; Ex #5).

After the first COA application was denied, another COA application for construction of a new single-family home for 736 18th Avenue Northeast
The second COA application was heard by the CPPC on May 8, 2018, including a public hearing. A motion to grant the COA passed by a 6-1 vote (T-3-4; Ex #4).

The CPPC decision was “appealed” to City Council by the Petitioners and other property owners from the 18th Avenue Northeast local historic district. The appeal sought City Council to overturn the CPPC decision that approved of the second COA application and the determination that the second COA application was not substantially similar to the first COA application (T-3, 7, 16-18).

On August 23, 2018, the City Council conducted a public hearing and in a *de novo* proceeding heard the appeal. Although the issue of whether the application being reviewed was substantially similar with the first application was raised, the assistant city attorney told City Council the similarity of the two applications was an issue not subject to City Council review (T-30).

A motion to grant the appeal of the CPPC decision to grant the COA passed by a 4-3 vote but in order to overturn the CPPC decision a supermajority City Council vote was required. Thus, the 4-3 vote to grant the appeal actually denied the appeal and acted to approve the COA for new construction for 736 18th Avenue Northeast (T-39).
The City rendered its final order on September 13, 2018 when the written resolution (resolution #2018-451) approved by City Council was filed by the City clerk (Ex #3).

The filing of this Petition followed within 30 days of the rendition of the City’s final order.

B. The Parties

William and Catherine Cobb are the owners of 726 18th Avenue Northeast. David and Elizabeth Skidmore are the owners of 746 18th Avenue Northeast. Both the Cobbs and the Skidmores live immediately adjacent, on either side, of the property in dispute and all appeared as “appellants” at the City Council hearing below on August 23, 2018 (T-7, 9).

The City of St. Petersburg (hereinafter referred to as “City”) is a municipal corporation and the local government that approved the COA application for new construction at 736 18th Avenue Northeast. The City Council of the City shall be referred to as “City Council.”

Richard McGinnis is the owner of the property at 736 18th Avenue Northeast and the applicant for the COA for new construction for the property (hereinafter referred to as “Applicant.”) He was represented by counsel at the City Council proceeding.
C. The COA Application

The property at issue, 736 18th Avenue Northeast, is located within the 700 Block of 18th Avenue Northeast Local Historic District. The district of ten homes, each built between 1923 and 1929, was designated by the City Council on March 16, 2017. The block received local historic district designation as a geographically definable group of historic resources united in past events. The local district is a part of and surrounded by a larger Northshore National Register Historic District, designated by the National Park Service in 2003 (T-3; Ex. #1 at p. 3 of 28).

Before demolition or new construction of structures within designated local historic districts can occur a COA allowing such activity must be secured from the City (City code sec. 16.30.070.2.6. Approval of changes to local landmarks).

The applicant resides in the dwelling presently located on the property at issue. In October 2017, the CPPC approved a COA for its demolition based on information the applicant provided detailing the structural deficiencies of the subject property. The approval of the request for demolition was conditioned upon an approved COA for new construction at the site (T-4; Ex. #1 at p. 4 of 28; Ex. #4 at p. 2 of 7).

Plans for a proposed dwelling to replace that slated for demolition were first submitted as a COA application for new construction, case #17-90200047, in December 2017. The application was reviewed by the CPPC on February 13, 2018.
At that time, the matter was deferred due to concern expressed at the hearing over the proposed dwelling’s scale in relationship to surrounding contributing historic dwellings within the local district, as well as questions of the proposed dwelling’s stylistic sympathy to those properties (T-4; Ex. #6).

After the hearing, some design modifications were made and revised plans were submitted to the City. These revised plans will be referred to in this Petition as the first COA application. The first COA application, staff report and public comment were considered by the CPPC at their meeting on March 13, 2018 at which time the CPPC voted 7-0 to deny the first COA application (T-4; Ex #5).

The second COA application for new construction that is the subject of this Petition was submitted to the City on or about March 23, 2018. The application again sought COA approval for construction of a new home at 736 18th Avenue Northeast (T-4; Ex #1 at p. 4 of 28; Ex #2).

In order to consider the second COA application for review, City code sec. 16.70.010.8., “Successive applications” required City staff to determine that the application was not substantially similar to the first COA application that had been denied. City staff made such a determination, however, the reasoning for doing so was not explained in the City staff report. No evidence was offered of notice, direct or indirect, having been provided to Petitioners as adjacent property owners that
staff had received a second application and would be determining if the second COA application was substantially similar to the first COA application (Ex. #1).

The second COA application was heard, a public hearing conducted and the CPPC voted 6-1 on May 8, 2018 to approve the second COA application. Petitioners appeared at the CPPC proceeding as “registered opponents” and raised, among other issues, that the second application was substantially similar to the first application that had been denied. In approving the COA, the CPPC did not determine if the two applications were substantially similar (T-4; Ex #4).

Both the first and second COA applications sought approval for a two-story single-family residence characterized by “Monterey” styling and having indistinguishable front façade design. The homes in each of the applications had a stucco exterior finish and concrete tile roof. Details about the exact size, material, and profile of elements such as windows are not a part of the COA application. (T-4, 17, 28, 36; Ex #1 at p.6, 15-18 of 28).

The City staff report for the COA applications described the style elements of the building sought to be approved as:

... the proposed dwelling at 736 18th Ave. NE features the following elements of the Monterey style:

- From street view, the appearance of a two story, side-gabled façade with front-facing gabled wing;
- Stucco exterior treatment;
- A fairly low-pitched roof with minimal overhangs;
- A cantilevered upper-level balcony with simple supports;
• **Simple window and door surrounds** defining divided-light, vertically-oriented sash windows; and
• **Shutters**

(Ex #1 at p. 17-18 of 28).

The structures sought to be approved in both the first and second COA applications were of nearly the same size, the total square footage differing by 107 square feet or approximately 3 per cent. The square footage for the proposed home in the first COA application (including the garage) totaled 3,658 square feet. The square footage for the proposed home in the second COA application was for 3,092 square feet and 459 square feet for the garage, totaling 3,551 square feet (T - 4-5, 17; Ex. #1 at p. 19 of 28; Ex #4 at p. 3 of 7).

The plans in both COA applications show adjoining the west side of the dwelling a walled outdoor “living” area with a pool (T - 13; Ex #2; Ex #7).

The siting of the home on the lot in the first and second COA applications is nearly identical. The front (wider portion) of the home is set back the same distance (approximately 7.5 feet) from the side property boundaries and the building’s front setback is approximately 23 feet. The rear of the attached garage is situated nearly the same distance from the rear of the property in both COA applications (Ex #1 at p. 14 of 28; Ex #2; Ex #7).

As to height, the roof peak elevation in the two COA applications differed by less than one foot. In the first application the peak was 25.6 feet and in the
second application it is 26.58 feet. The first floor elevation is the same in both the COA applications (T-6, 25; Ex #1 at p. 9 of 28; Ex. #2; Ex #7.)

The garage, attached to the rear of the residence, in the first COA application was two stories in height with a carport. The garage, attached to the rear of the residence, in the second COA application is one-story in height and an adjacent uncovered parking space (Ex #2; Ex #4 at p. 3 of 7; Ex #7).

D. The City Code

Sec. 16.30.070.2.6., "Approval of changes to local landmarks," provides that no person may undertake new construction on a local landmark (including a property within a designated local district) without first obtaining a COA. The COA review for new construction is limited to exterior building changes (interior plans are not subject to review).

Sec. 16.70.010.8., "Successive applications" provides:

A. If an application is submitted to a commission for review and recommendation or for a decision, and if the Commission denies or recommends denial of the application, and if the action of the Commission is not reversed by the City Council (or if the applicant does not appeal the action of the Commission to the City Council), the same or a substantially similar application shall not be accepted by the POD within 18 months following the action of the Commission on the earlier application unless the applicant demonstrates that there has been a substantial change of conditions or character of the surrounding land area or the land in question.

B. A decision by the POD not to accept an application may be appealed by the applicant to the Commission which acted upon the earlier application by filing a notice of appeal as provided in the appeals section.
C. If the Commission upholds the decision not to accept the application, the applicant may appeal the decision to the City Council by filing a notice of appeal as provided in the appeals section.

D. A decision by the POD to accept an application is not appealable.

E. This section shall not apply to City Council initiated applications.

ARGUMENT

In reviewing the administrative action of the City, the Court must consider whether procedural due process was afforded, whether the essential requirements of the law were observed and whether the City’s decision was supported by competent substantial evidence. See, e.g., Haines City Community Development v. Heggs, 658 So.2d 523, 530 (Fla. 1995).

I. The City Failed to Afford Procedural Due Process When it Determined that the First and Second COA Applications were not Substantially Similar Without First Providing Petitioners Notice or an Opportunity to be Heard and in Entering a Final Order Without Findings of Fact and Conclusions of Law.

City Code §16.70.010.8 provides that if an application is denied by the CPPC, a “substantially similar” application may not be considered for 18 months following application denial. In the present case, the Applicant submitted a second COA application for a new residence to be built at 736 18th Avenue Northeast within ten days of his first COA application having been denied. Without notice to the Petitioners nor an opportunity for them to be heard as to the similarity of the
two applications, City staff accepted the second application, decided it was not “substantially similar” to the first COA application and scheduled the second COA application for review on its merits. Thus, consideration of the second application was not deferred for 18 months as would have been required if the two applications were substantially similar.

While Petitioners were able to present evidence and to argue against approval of the second COA application on its merits, Petitioners have not had an opportunity to argue that the second COA application should not be considered as 18 months have not elapsed since denial of the first COA application and the two applications are substantially similar. City staff told both the CPPC and City Council not to consider Petitioners’ arguments or evidence as to whether the two applications are substantially similar. Petitioners contend this limitation, in combination with the City failing to otherwise provide Petitioners with notice and any opportunity to present evidence, information or to otherwise challenge the determination regarding the lack of similarity of the two applications, fails to satisfy Florida procedural due process law.

While the nature of the due process rights in a local government proceeding may vary depending upon the circumstances and parties involved, nonetheless, certain minimum standards of basic fairness must still be adhered to in order to afford minimally required due process. Consequently, a quasi-judicial decision
Petitioners contend Florida law is clear that the minimum due process required is at least notice and an opportunity to be heard or to present evidence. Bush, supra., Lee County v. Sunbelt Equities, 619 So.2d 996,1002 (Fla. 2d DCA 1993). However, Petitioner was not accorded these rights with respect to the decision that the second application is not “substantially similar” to the original application. This was a denial of procedural due process.

In Carillon Community Residential v. Seminole Cty., 45 So.3d 7 (Fla. 5th DCA 2010), the county commission approval of an amendment to a planned unit development allowing for development of a mixed-use project on two parcels of land was challenged by the adjacent subdivision and landowners. In finding that there was no error in denying those persons the right to directly cross examine witnesses at the quasi-judicial county commission hearing the court noted that other basic due process rights were afforded. Those rights included the opportunity to present witnesses and to question the developer’s witnesses by directing questions to them thru the county commission. In Alvey v. City of North Miami Bch., 206 So. 3rd 67, 73 (Fla. 3rd DCA 2016) the court set aside a local government order that was challenged by affected property owners, adopting the
language from Allapattah Community Ass'n, Inc. of Florida v. City of Miami, 399 So.2d 387 (Fla. 3rd DCA 1980) stating:

[T]hose who own property and live in a residential area have a legitimate and protectable interest in the preservation of the character of their neighborhood which may not be infringed by an unreasonable or arbitrary act of their government.

In the present case Petitioners, who are the immediately adjacent landowners, were never given notice of nor an opportunity to question or challenge the city’s determination that the second COA application was not substantially similar to the first COA application. That determination and the decision to accept the application was made behind closed doors, the method and findings used by City staff to conclude the applications were not substantially similar were never documented and remain a mystery.

With there being no order with findings of fact or conclusions or law or other record setting forth how the City determined that the two COA applications are not substantially similar the reviewing court is left to grope in the dark and resort to guess-work in determining the correctness of the City’s action. The failure to file an order with findings of fact in this matter is contrary to the law and should be set aside. See, Hardy v. City of Tarpon Springs, 81 So.2d 503 (Fla., 1955); Irvine v. Duval Cty. Planning Com’n, 466 So.2d 357, 366 (Fla. 1st DCA 1985) (Zehmer, J., dissenting), dissenting opinion adopted, Irvine v. Duval Cty. Planning
Com’n, 495 So.2d 167, (Fla. 1986); City of Jacksonville v. Arnold, 343 So.2d 962 (Fla. 1st DCA 1977). See also, Hickey v. Wells, 91 So.2d 206, 210 (Fla. 1956).

Accordingly, Petitioners’ contend the City’s decision to accept the second COA application without affording Petitioners notice and an opportunity to be heard and the failure to enter an order with findings of fact and conclusions of law was warrants the granting of this Petition. Bush, supra., Carillon Community Residential, supra.

II. The City Failed to Observe the Essential Requirements of the Law by Not Properly Applying the Successive Applications limitation in the City Code and Concluding the Second COA Applications was not Substantially Similar to the First COA.

Even if procedural due process was not violated as argued above, Petitioners contend the City failed to observe the essential requirements of the law because their decision to accept the application did not comport with the City code’s limitations on considering successive applications. That provision bars for 18 months consideration of a substantially similar application where the previous application was denied.

Although how the City applied the law is somewhat mysterious, the facts, i.e. the look, size and location of the structure sought to be approved are not in dispute. The dispute is over application of the law to the given set of facts. See, e.g., Verizon Wireless v. Sanctuary at Wulfert, 916 So.2d 850, 855 (Fla 2d DCA
2005) ["[Q]uasi-judicial boards do not have the power to ignore, invalidate or declare unenforceable the legislated criteria they utilize in making their quasi-judicial determinations."] and Alvey, *supra*. [City failing to apply its own Code is a departure from the essential requirements of law].

City code sec. 16.70.010.8.A., "Successive applications" provides in relevant part:

If an application is submitted to a commission for . . . a decision, and if the Commission denies or recommends denial of the application, and if the action of the Commission is not reversed by the City Council (or if the applicant does not appeal the action of the Commission to the City Council), the same or a substantially similar application shall not be accepted by the POD within 18 months following the action of the Commission . . .

While the City code does not define "substantially similar" as used within the successive application code section, the common meaning of the words is not difficult to understand. "Similar" means, "nearly but not exactly the same or alike; having a resemblance." Synonyms for "substantially" are essentially, really, mainly. *Webster's New World College Dictionary*, Fifth Edition 2014. Normally, absent a definition having been included within the City code, the common or ordinary meanings of the words should apply. See, e.g., Dept. of Agriculture & Consumer Services v. Quick Cash of Tallahassee, Inc., 609 So.2d 735, 738 (Fla. 1st DCA 1992).

In looking at the street façade of the dwelling from each of the applications, the portion of the building typically seen by the public, the two applications appear
remarkably similar if not identical.

The left hand rendering is from the first COA application and the right hand rendering is from the second COA application (incorrectly labeled “Filed April 23, 2018” rather than March 23, 2018). City staff described the front façade to the home proposed in each of the applications as having a “similar design.”

Similarly, the massing of the proposed home as seen from the street beside what would be its neighboring/adjacent homes looks remarkably similar in the two applications. The proposed home is the middle structure in the images below (the adjoining homes are the residents of the Petitioners).

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1 The importance of the street façade to the character of the neighborhood was never challenged. Petitioners testified that the street view is the critical issue to the neighborhood and historic district (T-10, 17).
Viewing these renderings explains why Petitioners at the hearing below described the two COA applications as not just substantially similar but substantially identical (T-17). City councilmember Rice explained, after listening
to the presentations at the city council hearing, that she viewed the applications as "extremely similar (T- 28)."

In addition to the similar street appearance, the dwellings from each of the applications are of nearly the same size (difference of 107 feet or approximately 3% in the two applications) and they are located essentially on the same portion of the lot (front and side setbacks are indistinguishable). Petitioners contend the City decision to accept the second application departed from the essential requirements of the law because the City, in accepting the second application for review, failed to apply the common meaning to the term "substantially similar" and, therefore, erred in their application of sec. 16.70.010.8.

How the City applies the "substantially similar" code section has recently been explained in another City development application proceeding. In that matter, a site plan application proceeding, the issue was whether a second application for a proposed high-rise condominium named "Bezu" was substantially similar to the first application that had been denied. In deciding that the two applications were not substantially similar, City staff explained they considered the size and location of the proposed building on its site:

The zoning official has determined that the changes made by the applicant are substantial, due to the 31% reduction in dwelling units, 41% reduction in

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2 The city's interpretation is one of the questions raised in Candelora v. City of St. Petersburg, Pinellas County Circuit Civil Case No. 18-0058AP, Order to Show Cause on Petition for Certiorari entered on October 1, 2018.
height, 113% increase in setback to the western property line, and 36% reduction in height of the base building, and therefore, a new application can be heard at this time. 3

Apparently, the City did not choose to apply these considerations (building size and location of the dwelling on its site) to the presently disputed applications as the only conclusion that can fairly be reached in doing so is that the applications are substantially similar. Both applications are for a single-family home of nearly the same total square footage. The dwelling in the first application differs from that in the second application by only 107 square feet or approximately a 3% variation. Just as there is minimal difference in the total square footage of the structure in the two applications, there is minimal difference in the peak roof height of the structure between the two applications. While the garage at the rear of the residence was reduced in height in the second COA application, the difference in peak roof height for the dwelling between the two applications is less than one foot. Finally, the location of the structure on the property is essentially unchanged between the two applications. The side-setbacks of the dwelling in the applications did not change (the front and wider portion of the dwelling being just 7.5 feet from the property boundaries) and where the structure is placed at both the front and rear of the property is essentially unchanged (the garage in the two applications is

3 The City staff report for the COA application at issue does not offer an explanation as to how staff concluded that the presently disputed application is not substantially similar to the first COA application.
essentially the same distance from the alley in each application although of a different height). The difference, if any, in the location of the front of the dwelling as it relates to the front public sidewalk is indiscernable.

Again, Petitioners do not contend the two applications are exactly the same. As noted, there are some differences at the rear of the structure related to the garage. These modifications to the garage, however, are not so significant as to change the conclusion that the two applications are substantially similar as the City applied that term in the previous (Bezu) proceeding. The City’s contrary conclusion that fails to properly consider the overall similarities of the two applications and applies an unknown test not consistent with the clear language within in sec. 16.70.010.8 is a departure from the essential requirements of the law. Alvey, supra. [City of North Miami Beach erred by applying a standard other than as set forth in its code that development be consistent with and in scale with the established neighborhood land use pattern].

There are a number of cases where the courts from various jurisdictions have been called upon to resolve questions concerning whether buildings and plans are "substantially similar" in the context of protected architectural renderings (copyright). Virtually all courts addressing “substantial similarity” of architectural works use the “ordinary observer” test developed by Judge Learned Hand. Under this test the fact finder asks "whether 'the ordinary observer, unless he set out to
detect the disparities, would be disposed to overlook them, and regard their aesthetic appeal as the same.” Axelrod & Cherveny, Architects v. T & S Builder, 943 F.Supp.2d 357, 362 (E.D. New York 2013).

The Axelrod & Cheveny case was about whether the defendants designed, constructed and sold several homes using an illegally duplicated home design of another developer. To resolve the case, the court was called upon to determine whether the plaintiff's home design was copied and, if so, was the copying illegal because there was a substantial similarity between the design of the homes in question and that of plaintiff’s protected design. Using photographs submitted by the parties, the court examined the exterior appearance of the homes at issue and found them substantially similar. In reaching its conclusion, the court explained it was not necessary for plaintiffs to prove that every element of the structure at issue was copied from their protected design. The court further explained and cited approvingly to other cases that buildings can be substantially similar even though variation occurs in windows, building size and interior layout. Axelrod & Cheveny, supra at 362. In summary, substantial similarity is established by showing that a substantial part of the design was copied.

grounds, 66 F.3d 316 (4th Cir. 1995) the court held that the “ordinary observer” test is based on a layperson’s overall impression of the two buildings at issue, not on a detailed comparison of the two structures. The court explained:

The test for substantial similarity as formulated by Judge Learned Hand, is whether the ordinary observer comparing two works, ‘unless he set out to detect the disparities, would be disposed to overlook them, and regard their aesthetic appeal as the same’. [citation omitted] This evaluation should be based on the ordinary and reasonable layperson’s overall impression of the two works, not on a detailed comparison of the two works, focusing on individual differences.”


Petitioners submit that in looking at the home renderings and in applying the “ordinary observer” test that the only reasonable conclusion that can be reached is that the two COA applications are “substantially similar.” Considering the change in the garage roof style and any other changes in detail do not change the fact that the aesthetic appeal of the two homes is the same.

Viewing City Councilmember Rice as an “ordinary observer” reinforces the conclusion that the two applications are substantially similar. Councilmember Rice was the first of the City council members to ask questions when council began its executive session in the quasi-judicial proceeding from which this Petition arises. Councilmember Rice explained, after having sat thru the multi-hour hearing and
having heard from all sides, that she found “the second application that came through was extremely similar to the first one. . .” (T-28). Councilmember Rice asked staff to explain why they felt different than she did. Staff gave little explanation in their response, simply telling Councilmember Rice “it [second application] differed substantially and that it also directly addressed all the comments that the Community Planning and Preservation Commission used as their baseline for the original denial” (T-28-29).

Subsequent to the above colloquy between Councilmember Rice and City staff, the assistant City attorney explained that the “substantial similarity” issue was not an “appealable” issue that City council could consider (T- 30). City councilmember Foster spoke following Councilmember Rice and Councilmember Foster stated that she also had questions about the successive applications being heard but that the assistant City attorney’s statement answered her concern (T-30).

It should also be noted that the term “substantially similar” is used in two other City code sections (sec. 16.20.010.11 and 16.20.020.12). The two sections are similarly constructed but apply to two different zoning districts. The provisions set forth an analytical approach to determine if homes situated on the same block are sufficiently different in design to meet the code requirement for variability (i.e., are not substantially similar). As set forth below, the section requires variation in a minimum of three specified factors to assure that homes with a substantially
similar design are not built too close to one another. It is clear the City staff did not use this "substantially similar" analysis in deciding whether to accept the presently disputed application as there is not variation in at least three of the factors when comparing the first COA application to the second COA application.

In pertinent part, the Code sections regarding neighborhood design variability read as follows (emphasis supplied):

Design of homes on the same block face on either side of the street or within an adjacent block face on either side of the street shall be varied, such that a substantially similar design will not be replicated. There shall be a minimum separation of three parcels in every direction before a substantially similar design can be repeated. Variation shall include at least three of the following elements: architectural style, roof form (principal or porch), materials, architectural details (doors, windows, columns, porches).

As to the present case and as to the first factor, architectural style, both the City and applicant agree the home style represented in both the first and second applications is "Monterey" with the following features: (emphasis included in City staff report):

... the proposed dwelling at 736 18th Ave. NE features the following elements of the Monterey style:

- From street view, the appearance of a two story, side-gabled façade with front-facing gabled wing;
- Stucco exterior treatment;
- A fairly low-pitched roof with minimal overhangs;
- A cantilevered upper-level balcony with simple supports;
- Simple window and door surrounds defining divided-light, vertically-oriented sash windows; and
- Shutters
As to the second factor specified, roof form, as seen from the renderings of the two projects, the roof form for the primary structure remains unchanged between the two applications but the portion of roof over the garage at the rear of the property was changed in the second application to a shed style roof to reduce its visual impact.

"Material" is the third factor specified in the above noted city code sections and there is no dispute that each of the applications show stucco being used for the primary exterior material and a concrete tile roof over the residence.4 City staff described the stucco as "the most visible material" of the proposed dwelling.

As to the fourth factor noted in the code sections, architectural details, at least those chosen to address the concerns about the apparent height of the proposed structure, are essentially undifferentiated between the two applications. These architectural details were important because they were added to reduce the apparent mass and height of the proposed residence, one of the major issues with the application. The staff report highlighted these details with the following description (emphasis included):

- By replacing the gable parapets with more traditional gable ends, eliminating the upward draw of the continuous wall and resulting "arrow" effect;

4 The COA review process for new construction does not regulate building interiors, see, sec. 16.30.070.2.6. Approval of changes to local landmarks, provides, "review of new construction and alterations to designated buildings and structures shall be limited to exterior changes."
• Adding a front stoop/porch spanning nearly the full façade width. Though atypical to the Monterey style, this element further reduces the visual impact of steps up to the Design Flood Elevation;
• The addition of a functional second-level balcony with integral roof along the right portion of the façade. This not only serves as a nod to the traditional Monterey style, but creates a heavy horizontal line spanning much of the façade and presents the eye from traveling vertically across this section of the dwelling; and
• The division of the two-story window into units that read as two separate building elements, rather than one continuous vertical line. Further, by aligning the division with the line created by the second-level balcony, this window division further enhances that horizontality.

In summary, Petitioners contend the second and presently disputed COA application should not have been accepted for review because the structures sought to be approved in each application are substantially similar. The structures sought to be approved in the first and second COA applications are not identical but their aesthetic appeal remains the same. This conclusion arises regardless of whether “substantial similarity” is determined by applying the common meaning of the term, by considering the factors of building size and location on the property as the City applied the term in the “Bezu” matter, or by applying the “ordinary observer” test to the structures in the two applications.

How City staff determined the first and second COA applications are not substantially similar is not part of the record, was never documented in the staff COA reports and remains somewhat of a mystery. The case law is clear, however, that the City cannot make-up a code interpretation for “substantially similar” that is inconsistent with the City code’s successive application requirement. In Alvey.
supra., the court overturned the local government development approval wherein
the local government concluded the development would be compatible with the
general area but the code required the development be consistent with and in scale
with the established neighborhood land use pattern. Petitioners contend, similar to
what occurred in Alvey, the City has failed to properly apply an essential provision
of its code, and in so doing, has departed from the essential requirements of the law
warranting the granting of this Petition. Councilmember Rice was correct, the two
applications are extremely similar.

CONCLUSION

The Court should quash the City’s final order denying Petitioners’ “appeal”
to City Council and in approving the COA for new construction at 736 18th Avenue
Northeast. As argued above, the City failed to accord Petitioners due process in not
providing them with notice nor an opportunity to be heard regarding the City’s
determination to accept the second COA application. The City failed to observe the
essential requirements of the law by not properly applying the successive
application limitation contained within the City code.

Respectfully Submitted

s/ Peter B. Belmont

Peter B. Belmont
Attorney for Petitioners
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this Petition for Certiorari has been electronically delivered thru the Florida Courts E-file portal to Heather Judd, Esq., Assistant City Attorney, at heather.judd@stpete.org and to the Applicant c/o, Donald Mastry on this 9th day of October, 2018.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition for Writ of Certiorari complies with the font requirements of Florida Rule of Appellate Procedure 9.210.

s/ Peter B. Belmont

Peter B. Belmont
Attorney for Petitioner
Fla. Bar #335150
pbranumbelmont@gmail.com
102 Fareham Place North
REGISTER OF ACTIONS
CASE NO. 18-000067-AP

PARTY INFORMATION

PETITIONER COBB, CATHERINE
726 18TH AVE NORTHEAST
ST PETERSBURG, FL 33704

PETITIONER COBB, WILLIAM
102 FAREHAM PLACE NORTH
ST PETERSBURG, FL 33701

PETITIONER SKIDMORE, DAVID
746 18TH AVE NORTHEAST
ST PETERSBURG, FL 33704

PETITIONER SKIDMORE, ELIZABETH
746 18TH AVE NORTHEAST
ST PETERSBURG, FL 33704

RESPONDENT CITY OF ST PETERSBURG A MUNICIPAL CORPORATION
PO BOX 2842
ST. PETERSBURG, FL 33731

RESPONDENT MCGINNIS, RICHARD APPLICANT
736 18TH AVE NORTHEAST
ST PETERSBURG, FL 33704

Attorneys
PETER B BELMONT
102 FAREHAM PLACE N
ST PETERSBURG, FL 33701
727-483-4612(W)

EVENTS & ORDERS OF THE COURT

03/18/2019 REPLY Doc # 19
TO RESPONDENT'S RESPONSE TO PETITION FOR WRIT OF CERTIORARI
Party: COBB, CATHERINE
Party: COBB, WILLIAM
Party: SKIDMORE, DAVID
Party: SKIDMORE, ELIZABETH

PETITION FOR WRIT OF CERTIORARI
02/15/2019
APPENDIX Doc # 14
TO CITY OF ST PETERSBURG'S RESPONSE TO PETITION FOR WRIT OF CERTIORARI
02/15/2019
EXHIBIT Doc # 16
1 - STAFF REPORT AND EVIDENCE PACKAGE
02/15/2019
EXHIBIT Doc # 16
2 - CITY OF ST PETERSBURG- STAFF REPORT
02/15/2019
EXHIBIT Doc # 17
3 - AGENDA
02/15/2019
RESPONSE Doc # 18
BY THE CITY OF ST PETERSBURG TO THE PETITION FOR WRIT OF CERTIORARI
01/23/2019
NOTICE OF APPEARANCE Doc # 11
AND EMAIL DESIGNATION
Party: CITY OF ST PETERSBURG
12/28/2018
REPLY Doc # 12
TO PETITIONERS RESPONSE TO ORDER TO SHOW CAUSE
Party: CITY OF ST PETERSBURG
12/18/2018
ORDER Doc # 10
REQUIRING RESPONDENTS TO FILE REPLY TO PETITIONERS RESPONSE TO ORDER TO SHOW CAUSE
12/10/2018
RESPONSE Doc # 7
TO ORDER TO SHOW CAUSE
12/10/2018
ATTACHMENT Doc # 8
EMAIL CORRESPONDENCE RE: SIGNED RESOLUTION
12/10/2018
ATTACHMENT Doc # 8
SCREENSHOT OF RESOLUTIONS
11/27/2018
ORDER TO SHOW CAUSE Doc # 6
WHY PETITION SHOULD NOT BE DISMISSED
11/06/2018
RESPONSE Doc # 5
TO ORDER OF COURT AND FILING OF AMENDED CERTIFICATE OF SERVICE
10/30/2018
ORDER Doc # 4
TO FILE CERTIFICATE OF SERVICE; NOTICE OF INTENT TO DISMISS
10/10/2018
APPENDIX Doc # 2
10/10/2018
PETITION (RAI) Doc # 3
FOR WRIT OF CERTIORARI

FINANCIAL INFORMATION

PETITIONER COBB, WILLIAM

Court Ordered

Pay Now! Fines, Fees, Costs?

Total Financial Assessment 400.00
Total Payments and Credits 400.00
Balance Due as of 04/02/2019 0.00

10/12/2018 Transaction Assessment 400.00
10/12/2018 E-FILE PAYMENT Receipt # EF-2018-37447 COBB, WILLIAM (400.00)

Appendix B

Public Input
Dear Derek,

I received Notice of Public hearing regarding the CPPC meeting and the proposed COA Extension request for Richard McGinniss's house at 736 18th Ave NE this Saturday (June 1).

I have represented the opinions of many of the neighbors within our Historic District regarding the house before the CPPC and before City Council, and spoke at the original meeting regarding COA for demolition of the property on Oct. 10, 2017. Several of my neighbors would like me to continue in this capacity and appear also as the registered opponent to represent their collective views at the hearing.

This brings up two issues: First what is the form of the meeting? Is it similar to the other quasi-judicial hearings we have had in the previous meetings? If so, is it possible to be the ‘registered opponent’ to the extension of COA proposal, and how would I register?

The second issue is the scheduling of the proposed hearing. I am presently involved as an expert witness in a trade dispute hearing before the US International Trade Commission in Washington DC, and have multiple scheduled depositions on June 4-5-6 and again on June 10-11 that cannot be changed. I have discussed this with several neighbors and cannot arrange for a convenient substitute as several are also traveling over the proposed hearing date. In addition to my own scheduling issues, Mr. Peter Belmont of Preserve the Burg (and our representative in a lawsuit regarding the property), is potentially unavailable due to significant illness in his immediate family. Hence it will be very difficult for a significant fraction of the residents of the Historic District to be properly represented at the meeting and to present what we believe to be important considerations for the proposed extension decision before the CPPC.

I would therefore like to request a deferment of the hearing of this matter at least until the July CPPC meeting. While I am sure any such request will be unpopular to Mr. McGinniss, I note the property is presently rented for at least the next several months and the circuit court decision regarding the appeal of the COA for new construction is still pending. Hence a short delay to allow proper consideration of all involved should not present a significant delay or hardship on the matter.

Thank you for your consideration on this matter,

Best Regards,

Britt