



**CITY OF ST. PETERSBURG, FLORIDA
 PLANNING & ECONOMIC DEVELOPMENT DEPT.
 DEVELOPMENT REVIEW SERVICES DIVISION**

STAFF REPORT

**DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
 PUBLIC HEARING**

For **Public Hearing** and **Executive Action** on **August 6, 2014** beginning at 2:00 P.M.,
 Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, **no Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

CASE NO.: 14-54000022 **PLAT SHEET:** D-46

REQUEST: Variance to the waterfront yard setback to reconstruct a patio.

APPLICANT: Kenneth Feeser
 615 Tallahassee Drive Northeast
 Saint Petersburg, Florida 33702

AGENT: Tim Roney
 Roney Design Group, LLC
 535 Central Avenue, Suite M-1
 Saint Petersburg, Florida 33701

ADDRESS: 615 Tallahassee Drive Northeast
PARCEL ID NO.: 20/30/17/75875/004/0080

LEGAL DESCRIPTION: On File
ZONING: NS-1

Structure	Required	Requested	Variance	Magnitude
Decks and patios, uncovered, more than 30" above existing grade	15' Setback	11.67' Setback	3.33'	22.2%

BACKGROUND: The subject property is located in the Neighborhood Suburban (NS-1) zoning district. The lot size is 88 feet in width, 123 feet in depth and 10,824 square feet in area. The property is typical of waterfront properties in the neighborhood and exceeds the minimum lot width and area required in the NS-1 District.

The lot was previously developed with a one story, single family residence in 1977. The existing pool and pool patio were also permitted in 1977. In 2013 building permits were issued for an addition and remodel of the existing residence, which is still in progress. Work recently completed includes a new seawall on the subject property and the adjoining property to the west.

In waterfront yards the Land Development Regulations (LDR's) allow an uncovered patio of up to 12 inches above existing grade to be located within five feet of the seawall. An uncovered patio of more than 12 inches and less than 30 inches above existing grade is allowed to be located within eight feet of the seawall. Existing grade is determined by the top of the seawall. A patio greater than 30 inches in height above existing grade must meet the 15 foot waterfront yard setback requirement.

The applicant is requesting a variance to the normally applicable standards in order to build a retaining wall and extend the existing pool patio. The applicant is proposing to add four feet to the existing patio area. The edge of the proposed patio would be located between 11 feet and 11.67 feet from the centerline of the new seawall and four feet above the existing grade. The terrain slopes from the existing patio down to the level of the seawall.

CONSISTENCY REVIEW COMMENTS: The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is **inconsistent** with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. *Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:*

a. *Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.*

This subject property is currently developed with an existing dwelling. The associated pool and pool patio also exist on the site. There is a consistent slope in the terrain from the street side to the waterside of the lot.

b. *Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.*

The site width and lot area are typical to the immediate neighborhood and exceed the minimum requirements of the district.

c. Preservation district. If the site contains a designated preservation district.

This criterion is not applicable in this case.

d. Historic Resources. If the site contains historical significance.

This criterion is not applicable in this case.

e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

This criterion is not applicable in this case.

f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.

The proposed project would not be consistent with the established development pattern.

g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

This criterion is not applicable in this case.

2. The special conditions existing are not the result of the actions of the applicant;

The applicant purchased the property with the existing pool and pool patio. A newly installed seawall has moved the centerline of the seawall 1'-4" further from the existing patio. In addition, the newly installed seawall is also 1'-6" higher than the previous seawall. The existing patio is in conformance with the current setbacks based on the location of the new seawall. A variance is not required for continued use of the property. An alternative solution would be to either terrace down the patio, or to leave the existing patio as is.

3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;

Enforcement of this Chapter would not result in a hardship to the applicant.

4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;

Literal application of the Code does not deprive the owner of use of the property, or of the pool or pool patio.

5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;

Approval of the requested variance is not necessary in order to achieve reasonable use of the subject property and address the waterfront slope of the property. As previously

mentioned modifications to the design could reduce the magnitude and eliminate the need for a variance.

6. *The granting of the variance will be in harmony with the general purpose and intent of this chapter;*

Staff's recommendation concerning the patio and associated retaining wall variance might have been different if the proposal was consistent with the context of the adjacent properties. Although the waterfront slope of the property could potentially warrant a variance for a retaining wall to protect the existing pool and pool patio, the applicant could identify design alternatives which would result in a variance of lesser magnitude. The location criteria for patios in waterfront yards and the maximum height restrictions for the associated retaining walls is intended to preserve the character of the City's waterfront neighborhoods.

7. *The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,*

Approval of the requested variances would be contrary to the intent of the Code to protect the established development pattern and character of residential neighborhoods.

8. *The reasons set forth in the application justify the granting of a variance;*

The applicant has noted that due to the slope of the site, the existing pool patio width creates an unsafe walking area and that the existing retaining wall is experiencing some washout. The applicant submitted the support of the two immediate property owners to the east and the two immediate property owners to the west of the subject property. Staff also received a call from the property owner of 663 Tallahassee Drive Northeast (third property to the east of the subject site) and he also indicated that he had no objection.

The applicant noted that there are five other properties in the immediate neighborhood which have been developed in a similar way. Two of these properties, 563 Tallahassee Drive Northeast and 663 Tallahassee Drive Northeast have received a variance for their pool and patio locations. The other three have not received variances and variances may not have been required as their pool and patios may not exceed the allowable height.

9. *No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.*

This criterion is not applicable as there is no issue of a nonconforming use in this application.

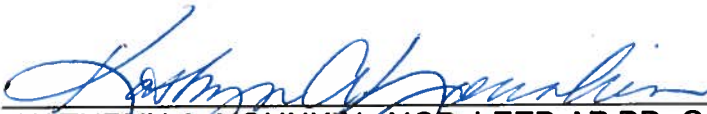
STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends **DENIAL** of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:

-
1. The applicant shall secure building permits for the improvements within three years from the date of this approval.
 2. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
 3. The applicant is advised that inspections are required; failure to obtain inspections will invalidate the variance and the permits.


ATTACHMENTS: Map, aerial, site plan, applicant's narrative, signatures of support.

Report Prepared By:

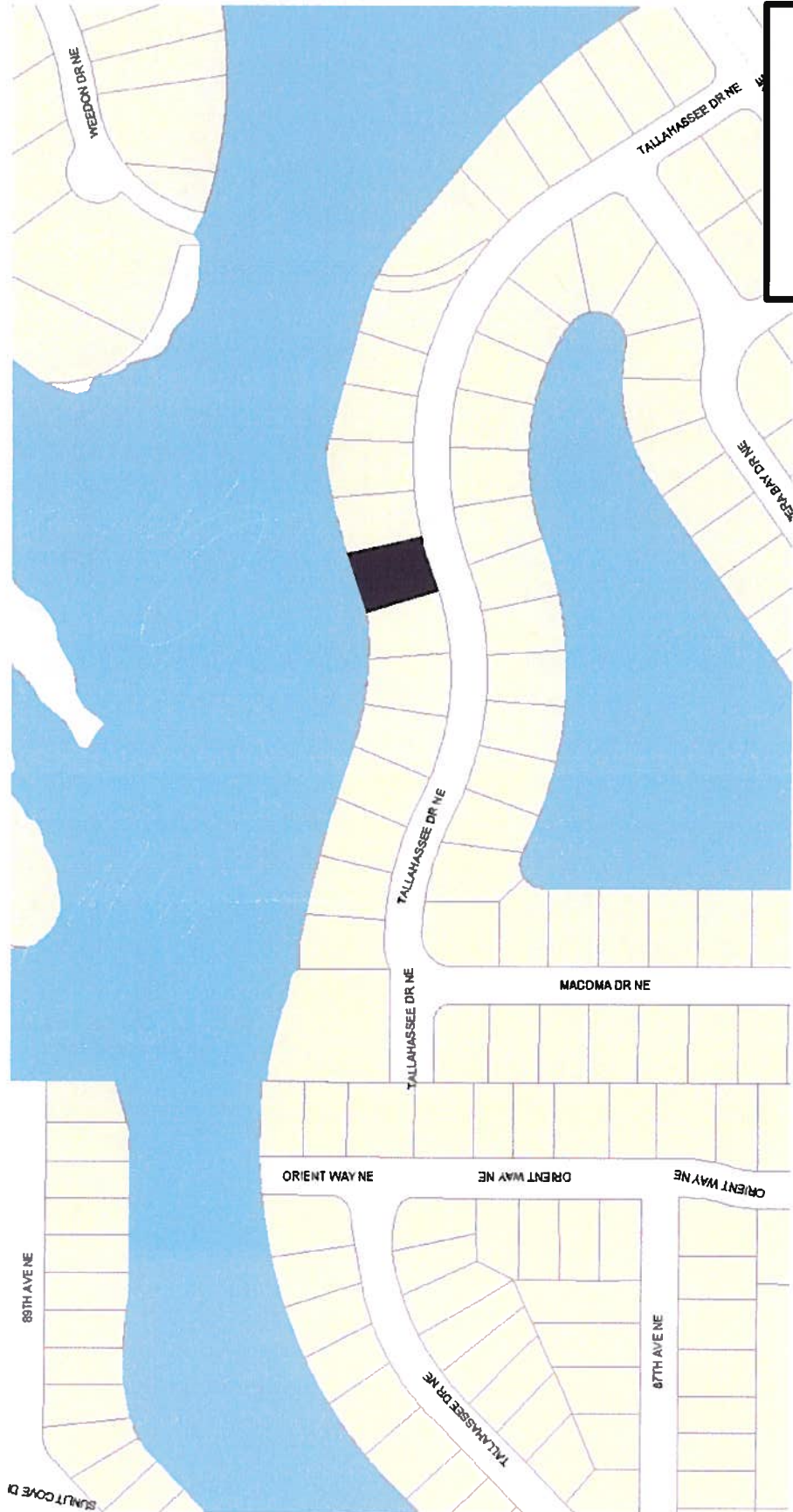
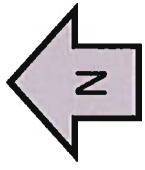


KATHRYN A. YOUNKIN, AICP, LEED AP BD+C, Deputy Zoning Official
Development Review Services Division
Planning & Economic Development Department

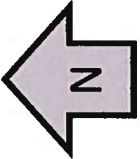
Report Approved By:



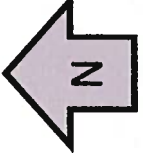
COREY D. MALYSZKA, Interim Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department



Attachment "A"
Parcel Map



Attachment "B"
Aerial Photo



Attachment "C"
Site



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VARIANCE

Application No. 14-54000022

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Planning and Economic Development Department, located on the 1st floor of the Municipal Services Building, One Fourth Street North, St. Petersburg, Florida.

Applicant

Backyard setback to reconstruct a patio

GENERAL INFORMATION

D-46

APPLICATION:

Date of Submittal: *6-16-14*

Zoning Classification: *NS-1*

NAME of APPLICANT (Property Owner): *Kenneth Feeser*

Street Address: *615 Tallahassee DR NE*

City, State, Zip: *St Petersburg, FL 33702*

Telephone No: *937-231-1341*

Email Address: *feeserka@sbcglobal.net*

NAME of AGENT or REPRESENTATIVE: *TIM RONEY-RONEY DESIGN GROUP, LLC*

Street Address: *535 CENTRAL AVE., SUITE M-1*

City, State, Zip: *ST. PETERSBURG, FL 33701*

Telephone No: *727-822-8600*

Email Address: *Tim@RONEYDESIGN.COM*

PROPERTY INFORMATION:

Street Address: *615 TALLAHASSEE DR NE*

General Location: *RIVIERA BAY SUBDIVISION*

Parcel ID or Tract Number: *20-30-17-75875-004-0080*

AUTHORIZATION

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.

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 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: *Kenneth A Feeser*

Date: *6/16/14*



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VARIANCE

NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

Street Address:

Case No.:

1. What is unique about the size, shape, topography or location of the subject property? How do these unique characteristics justify the requested variance?

THE EXISTING PROPERTY HAS A VERY STEEP SLOPE FROM THE BACK OF THE EXISTING RESIDENCE TO THE EXISTING SEAWALL. THIS EXISTING CONDITION CAUSES: 1) AN UNSAFE WALKING AREA IN THE BACK YARD AND 2) A SITUATION WHERE THE EXISTING POOL DECK RETAINING WALL IS EXPERIENCING SOME WASHOUT OF THE FOUNDATION CAUSING POTENTIAL STRUCTURAL DAMAGE.

2. Are there other properties in the immediate neighborhood that have already been developed or utilized in a similar way? If so, please provide addresses and a description of the specific signs or structures being referenced.

511 TALLAHASSEE DR. NE
563 TALLAHASSEE DR. NE
663 TALLAHASSEE DR. NE
671 TALLAHASSEE DR. NE
681 TALLAHASSEE DR. NE.

3. How is the requested variance not the result of actions of the applicant?

WHILE THE REQUESTED VARIANCE IS A RESULT OF THE APPLICANT, IT IS ONLY DUE TO AN ATTEMPT TO CORRECT UN-SAFE CONDITIONS AS A RESULT OF THE ORIGINAL DEVELOPMENT OF THE SITE. THE BOTTOM OF THE EXISTING POOL DECK FOUNDATION WALL IS TOO HIGH IN RELATION TO THE GRADE IN THE REAR YARD TO PREVENT WASH OUT OF THE FOUNDATION SYSTEM.



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VARIANCE

NARRATIVE (PAGE 2)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?

THE EXISTING POOL DECK FROM THE EDGE OF THE POOL TO THE EDGE OF THE POOL DECK IS LESS THAN 36" TO PROVIDE A SAFE WALKING AREA AROUND THE POOL. BY CONSTRUCTING THIS DECK EXTENSION, IT WILL MAKE THE POOL AREA SAFER AND PROVIDE A MORE STABLE FOUNDATION TO THE POOL DECK AREA. ADDITIONALLY, THE NEW CONFIGURATION WILL REDUCE THE SLOPE OF THE REAR YARD TO A SAFER CONDITION.

5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

THE EXISTING CONSTRUCTION HAS CREATED THE EXCESSIVE HEIGHT FROM THE POOL DECK TO THE SEAWALL AND SLOPE BETWEEN THE TWO. BY CONSTRUCTING THE NEW SEAWALL (RAISED CAP) WILL REDUCE THE ELEVATION FROM 66" TO 48" FROM DECK TO SEAWALL CAP. IT WILL ALSO FLATEN OUT THE EXCESSIVE SLOPE AND THE NEW RETAINING WALL WILL PROTECT THE EXISTING EDGE OF THE POOL DECK.

6. In what ways will granting the requested variance enhance the character of the neighborhood?

THIS PROPERTY HAS UNDERGONE EXTENSIVE UPDATING RECENTLY AND THIS POOL DECK EXTENSION WILL FURTHER UPDATE THIS 1978 CONSTRUCTED HOME TO CURRENT REAL ESTATE STANDARDS. ADDITIONALLY, IT WILL HAVE SIMILAR CHARACTERISTICS OF NEIGHBORING PROPERTIES.



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VARIANCE

NEIGHBORHOOD COMPATIBILITY WORKSHEET

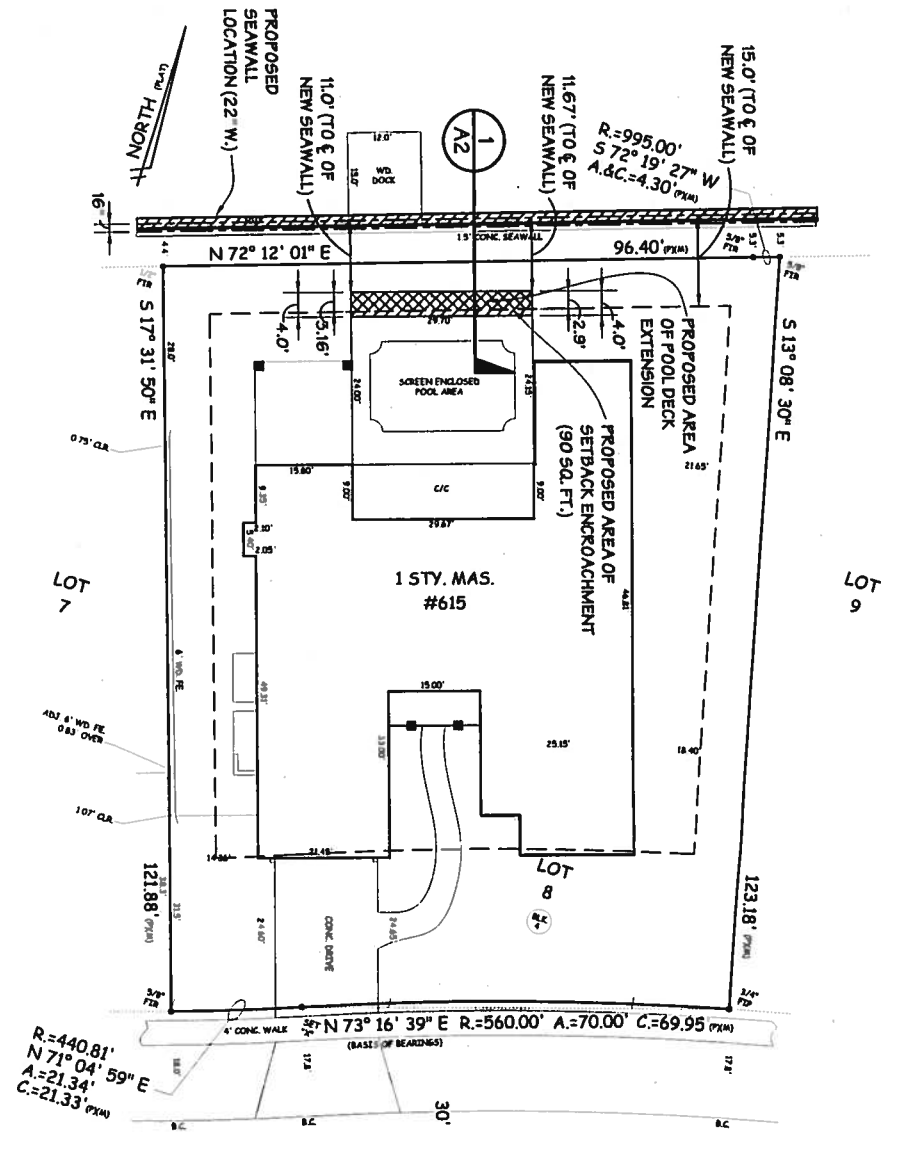
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD COMPATIBILITY WORKSHEET

Street Address: 615 TALLAHASSEE DR NE Case No.:
NE.



The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):


1. Affected Property Address: 601 Tallahassee Ln NE, St Petersburg, FL 33702
Owner Name (print): ALICE V. CAREY
Owner Signature: Alice V. Carey
2. Affected Property Address: 575 Tallahassee Dr. Saint Peter FL 33702
Owner Name (print): JIM CARROLL
Owner Signature: Jim Carroll
3. Affected Property Address: 437 Tallahassee Dr, St. Pete, FL 33702
Owner Name (print): BEVERLY ERICSON SMOKER
Owner Signature: Beverly Ericson Smoker
4. Affected Property Address: 655 TALLAHASSEE DR NE
Owner Name (print): ST. PETERSBURG, FL 33702
Owner Signature: Joe Fortuna
5. Affected Property Address:
Owner Name (print):
Owner Signature:
6. Affected Property Address:
Owner Name (print):
Owner Signature:
7. Affected Property Address:
Owner Name (print):
Owner Signature:
8. Affected Property Address:
Owner Name (print):
Owner Signature:
9. Affected Property Address:
Owner Name (print):
Owner Signature:



$R=440.81'$
 $N 71^{\circ} 04' 59'' E$
 $A=21.34'$
 $C=21.33'$ (PKM)

TALLAHASSEE DRIVE N.E.
 (60' NW 13.5' ASPM)
 A BOUNDARY SURVEY OF: Lot 8, Block
 4, RIVIERA BAY, as recorded in Plat Book
 72, Pages 99-100 of the Public Records of
 Pinellas County, Florida.

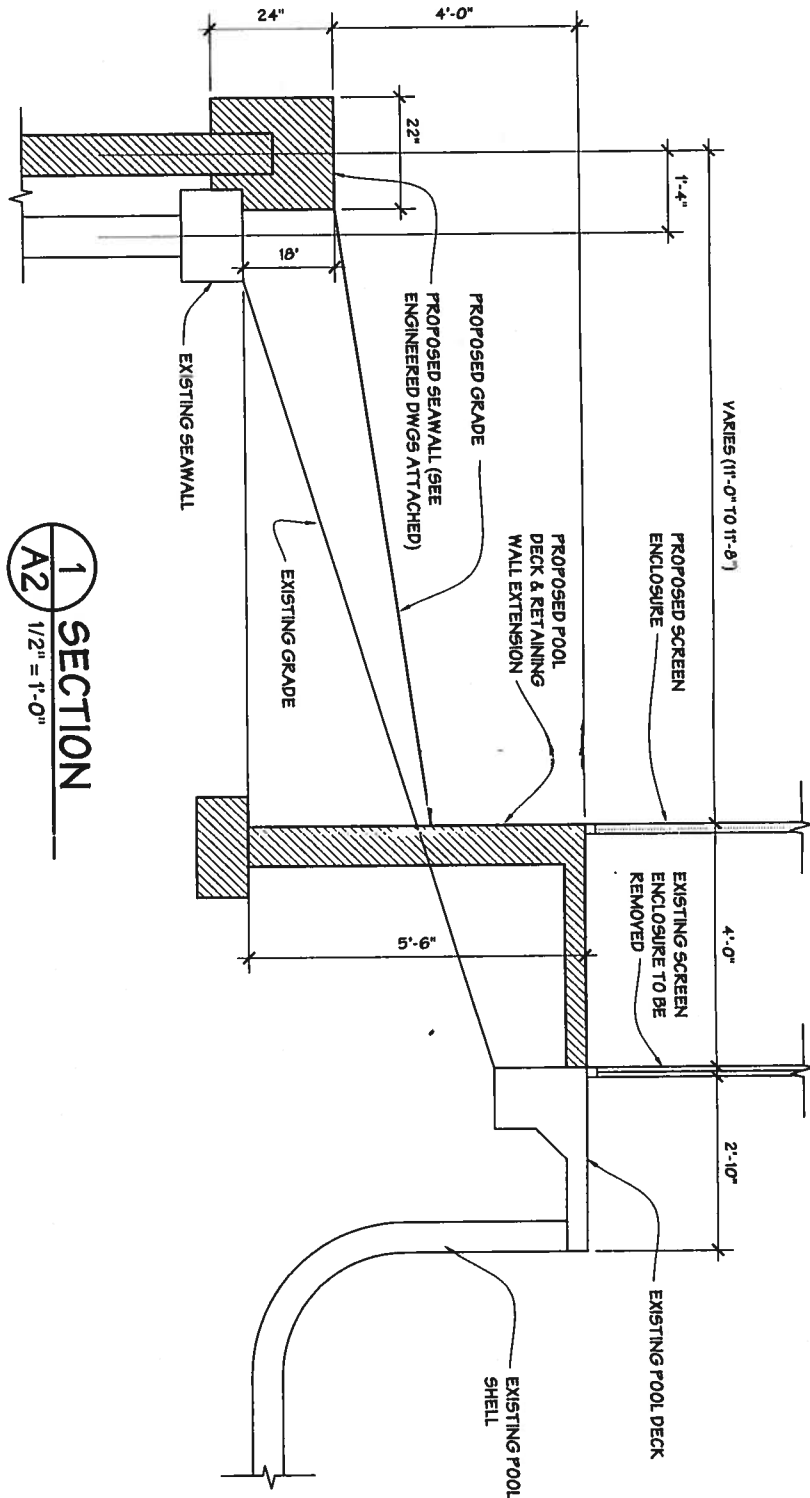


SITE PLAN
 1" = 20.0'


RONEY DESIGN GROUP, LLC
 PROFESSIONAL BUILDING DESIGNERS
 535 Central Avenue, Suite M-1 (727) 822-8600
 St. Petersburg, Florida 33701 fax (727) 822-8655



POOL DECK ADDITION
 TO THE
FEESEER RESIDENCE
 615 TALLAHASSEE DRIVE NORTHEAST
 ST. PETERSBURG, FLORIDA

JOB NO. 12036
DATE 6/16/14
SHEET NO. A1



1 SECTION
A2 1/2" = 1'-0"



RONEY DESIGN GROUP, LLC
PROFESSIONAL BUILDING DESIGNERS

535 Central Avenue, Suite M-1 (727) 822-8600
St. Petersburg, Florida 33701 fax (727) 822-8655



POOL DECK ADDITION
TO THE
FEESEK RESIDENCE

615 TALLAHASSEE DRIVE NORTHEAST
ST. PETERSBURG, FLORIDA

JOB NO. 12036
DATE 6/16/14
SHEET NO. A2