CASE #18-54000051

ADDITIONAL CORRESPONDENCE

FROM APPLICANT AS OF 8/13/18
August 24, 2018

Re: Case No.: 18-54000051
Address: 6042 8th Avenue North
Parcel ID No.: 17-31-16-23634-004-0040
Request: Approval of a variance to the required interior side yard setback from 7.5-feet to 0-feet and rear yard setback from 10-feet to 0-feet to allow the construction of a covered patio.

Dear Commissioners:

The Development Review Commission (DRC) at its hearing of July 11, 2018, made a motion to defer the above-referenced request in order for the applicant to provide additional information. At that hearing the commission requested revised site plans and elevations that clearly define the design and intent, materials to be utilized, height of structure, location of the easement and location of the power lines in conjunction to structure.

The applicant has revised their proposal for the covered patio (gazebo) which now has a reduced height, smaller footprint and is no longer located within the easement. The applicant has provided a site plan, elevation drawings and photos of the property which are attached to this letter along with the Staff Report that was previously provided to the DRC.

Sincerely,

Jennifer Bryla, AICP
Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Attachments: Site Plan, Elevation Drawings, Photos, Staff Report
EXISTING 6' VINYL PRIVACY FENCE TO REMAIN
REMOVE EXISTING METAL ROOFED STRUCTURE & TIKI HUT.
PROVIDE NEW 8'x20'' WOOD PAVILION W/ METAL ROOF
REMOVE PAVERS FOR NEW LANDSCAPE BED & REAR

SITE PLAN

SCALE: 1" = 20'-0"

8.13.18
Provide structure W. 6"x6"x7' rough sawn. Post, 2x6 rafters 16" O.C. W. finished rough sawn. Fascia board. Roof to be standing seam metal as selected by owner. All to be constructed according to all local & state building codes.

Elevation & Proposed Structure

Scale: 1/2" = 1'-0"

8/13/18
SIDE ELEVATION & PROPOSED STRUCTURE

SCALE: 1/2" = 1'-0"

8.13.18

PROVIDE GUTTER @ FENCE SIDE OF STRUCTURE
POST LOCATED 12" OFF PROPERTY LINE
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on July 11, 2018 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Economic Development Department records, Commissioner Charles Flynn 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.: 18-54000051
PLAT SHEET: O-16

REQUEST: Approval of a variance to the required interior side yard setback from 7.5-feet to 0-feet and rear yard setback from 10-feet to 0-feet to allow the construction of a covered patio.

OWNER: Tamra and Ronald Pierce
6042 8th Avenue North
Saint Petersburg, Florida 33710-7018

ADDRESS: 6042 8th Avenue North

PARCEL ID NO.: 17-31-16-23634-004-0040

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban-2 (NS-2)

<table>
<thead>
<tr>
<th>Covered Patio</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>7.5-feet</td>
<td>0-feet</td>
<td>7.5-feet</td>
<td>100%</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>10-feet</td>
<td>0-feet</td>
<td>10-feet</td>
<td>100%</td>
</tr>
</tbody>
</table>

BACKGROUND: The subject property consists of one fully platted lot and a portion of another lot (Lot 4 and east 40-feet of Lot 3, Block 4, Eagle Crest) and is located in the Eagle Crest Neighborhood. The property has a lot width of 100-feet and a lot depth of 125-feet with approximately 12,553 square feet of lot area. There is a single-family home on the subject property, originally built in 1952 according to Pinellas County Property Appraiser records, with a pool in the rear yard.
REQUEST: The applicant is seeking a variance to the minimum side yard and rear yard setback requirements in order to construct a gazebo (covered patio) next to the existing pool. The minimum required setbacks are 7.5-feet for the side yard and 10-feet for the rear yard and the applicant's request is to place the gazebo along the side and rear property lines. The proposed gazebo is 8-feet deep by 38-feet wide with an approximate height of 12-feet.

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.

The request does not involve redevelopment of an existing site.

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 has a lot width of 100-feet and lot area of approximately 12,553 square feet. The minimum lot width and area requirements for property zoned NS-2 are 100-feet and 8,700 square feet, respectively. Therefore, the lot is not considered to be substandard in terms of the minimum zoning district requirements.

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

This criterion is not applicable.

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

This criterion is not applicable.

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

The request does not involve significant vegetation or other natural features.

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 gazebo, which has a proposed height of approximately 12-feet with a solid roof and would be located along the property line, is inconsistent with existing development pattern for accessory structures within the neighborhood.

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.

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

There are no existing special conditions that would warrant approval of the requested variance. The applicant has the ability to construct a gazebo in an alternate location that conforms to the required setbacks.

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

Literal enforcement would not result in an unnecessary hardship as the applicant could reduce the size of the gazebo or place it in another location.

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;

A strict application of the setback requirements of the zoning district would not provide the applicant with no means for reasonable use of the land as there are other location in which the applicant could place a gazebo and meet the minimum required setbacks.

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

The variance request is not the minimum variance that would make possible the reasonable use of the land or other structures. The gazebo could be placed in another location without necessitating a variance.

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

The granting of the variance would not be consistent with the purpose and intent of the Code to provide sufficient setbacks from adjacent properties for accessory structures. Additionally, there is a 7.5-foot utility easement that runs along the rear of the property that the proposed gazebo would be constructed over.

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

The granting of the proposed variance could adversely affect the neighboring properties to the east and south as the approximately 12-foot tall gazebo would be constructed less than a foot away from their properties and would create a visual impact that they would not be able to screen without a subsequent variance of their own.
8. The reasons set forth in the application justify the granting of a variance;

Staff finds that the reasons set forth in the application do not justify the granting of a variance. The picture of the arbor provided by the applicant for the property located at 6411 8th Avenue North has an open roof and therefore is not a similar accessory structure.

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.

PUBLIC COMMENTS: The subject property is within the boundaries of the Eagle Crest Neighborhood Association. A letter was received from the association stating that they do not approve or object to the variance request, see attached correspondence. Staff did receive one request for information about the application and after providing the info the individual did not state any objection or support for the request.

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 plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application, with the exception that the proposed gazebo not be constructed over the existing utility easement and a gutter shall be constructed that will prevent water runoff onto neighboring properties.

2. Approval from Engineering shall be required if any portion of the gazebo is constructed over the existing 7.5-foot utility easement located along the rear property line.

3. This variance approval shall be valid through July 11, 2021. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.

4. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

5. Maximum impervious surface on the site must not exceed 60%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.

ATTACHMENTS: Project location map, aerial images, site plan, floor plan, elevation drawings, photographs, applicant's narrative, public participation report, signatures of support, neighborhood association letter
Report Prepared By:

Scot Bolyard, AICP, Planner II  
Development Review Services Division  
Planning & Economic Development Department

[Signature]  7/3/18

Report Approved By:

Corey Majyszka, Interim Zoning Official (POD)  
Development Review Services Division  
Planning & Economic Development Department

[Signature]  7/3/18

CDM/SKB; Ilw
Project Location Map
City of St. Petersburg, Florida
Planning and Economic Development Department
Case No.: 18-54000051
Address: 6042 8th Avenue North
A BOUNDARY SURVEY OF: Lot 4 and the East 40.00 feet of Lot 3, Block 4, EAGLE CREST, as recorded in Plat Book 13, Pages 6-9 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in the Flood zone: X. Comm. Panel No.: 125148 0214 G. Map Date: 9/03/03. Base Flood Elev.: NA.

For the exclusive use of the herein parties, I hereby certify to its accuracy (except such easements, if any, that may be located below the surface of the land, or on the surface of the land and not visible), and that the survey represented herein meets the minimum requirements of Chapter 551, Florida Administrative Code to the best of my knowledge and belief, in accordance with the Florida statutes and regulations. This survey has been done without the benefit of a current title search. Survey not valid for more than one year from date of field work and may be invalid unless endorsed by a registered surveyor. All dimensions shown are based on plat unless otherwise noted.

LEGEND:
- F.P. - Found Concrete Pole
- F.M. - Found Monument
- F.O. - Found Iron Pipe
- F.G. - Found Gravel
- P.O. - Point on Line
- P.C. - Point of Curve
- P.L. - Point of Tangency
- J.A. - Joint of Intersection
- M.R. - Metal Shed
- U.L. - Utility Line
- W.H. - Water Heater
- R.H. - Right of Way
- H.D. - Highway
- E.O. - Edge of Pavement
- E.R. - Edge of Road
- E.W. - Edge of Water
- E.B. - Edge of Bank
- E.W. - East Wall
- E.S. - South Wall
- E. - East
- S. - South
- U. - Utility
- C. - Curb
- B. - Basin
- F. - Fence
- G. - Grate
- T. - Top of Bank
- D. - Drainage
- H.D. - High Drive
- G. - Garage
- W. - Wood
- C. - Covered
- M. - Manhole
- C. - Concrete
- B. - Brick
- S. - Screened Porch
- O. - Overhead Power Lines
- T. - Telephone Line
- P. - Power Pole
- L. - Light Pole
- A. - Alarm
- N. - North
- N. - North Wall
- M. - Mainline
- C. - Concrete
- B. - Back of Curb
- D. - Deck
- E. - Edge of Pavement
- E. - Edge of Road
- E. - Edge of Water
- E. - East Wall
- E. - East
- S. - South
- U. - Utility
- C. - Curb
- B. - Basin
- F. - Fence
- G. - Grate
- T. - Top of Bank
- D. - Drainage
- H.D. - High Drive
- G. - Garage
- W. - Wood
- C. - Covered
- M. - Manhole
- C. - Concrete
- B. - Brick
- S. - Screened Porch
- O. - Overhead Power Lines
- T. - Telephone Line
- P. - Power Pole
- L. - Light Pole
- A. - Alarm
NOTE: DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. MEASUREMENTS MAY NOT BE ACCURATE; IMAGES ARE NOT NECESSARILY TO SCALE.

11.30.2017
Galvanized steel 5V crimp panels on roof and back panel behind gas grill to protect the wood structure from heat/flames. The stainless steel grill against the galvanized steel creates a strong focal point that designates the cooking/dining side of the pavilion.

Gable roof-closed on sides

Open center gable

L-shaped, counter-height snack bar with storage on the cooking side seats 6. Stacked stone covers the outside surfaces on 3 sides. Support columns sit on top of the counter.

All exposed wood in stained cypress or cedar.

Horizontal wood slats on back wall of pavilion provides unifying backdrop of natural materials.

If structurally feasible, this column would be removed to allow more open access to the seating area.

The end column on the right sits on a base of stacked stone that ties into the snack bar base.

Gutter on back with downspout in back right corner, draining to garden along rear fence.

NOTE: Drawing is for conceptual purposes only. Measurements may not be accurate; images are not necessarily to scale.

11.30.2017
Sample of the galvanized steel roof panels and columns/supports on top of stacked stone bases with stone countertops.

Sample of a closed gable at the ends of the structure.

This sample drawing found online shows rafter & center gable details. This drawing can be modified to extend the pavilion on both sides, similar to the drawing provided. However, because the pavilion will only be 8' deep, there is only enough floor space for the stacked stone base columns in the front of the pavilion and 4x4 posts with horizontal wood slats on the rear. The decorative brackets can be added to the modified drawing, if desired.
New structure to have footers, solid metal roof.

To remove metal grill covered area and old tiki hut — and utilize existing pavered deck area — approximately 40 foot in length by 8 feet in width — to not encroach on pool decking.

Remove existing structures.
Raw picture of existing area

Basic concept of proposed structure
Property @ 6411 8th Ave N. approx 4 block West of our house (6042 8th Ave N.)

Pergola/structure comes up against fence/property line - our proposed structure is to be similar...
ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

Street Address: 6004 8TH Ave N | Case No.:

Detailed Description of Project and Request:

Requesting permission/variance to build a Pool shelter/porch against two portions of our property line (to the side/rear of property) - within the 15' of code permitted set distances from property line.

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

   We would like to replace existing unrepairable structures and better utilize "decked" area parallel to the pool. To provide an updated more cohesive structure to provide a shaded area to the pool for watching the children swim, the "decked" area is parallel to the pool and is all the way up to fence line.

   The new structure would be built to hurricane standards and provide shelter to sun/weather - a covered area close to the fence line - existing decked area this about 8 feet at minus width.

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.

   Yes, neighbor at 6411 8TH Ave N. has similar structure off their driveway, in front of the garage, the covered structure is built up against/close to the property fence line.

   We are looking at building a similar structure with a more solid roof for better sun protection/shading.

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

   A personal homeowner request to improve current use and asset, value of property.
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 by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**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?**

We would like to use the existing decked area. There's currently an old "tiki-hut" and metal covered grill/shelter/barbeque cover in this area, but we'd like to replace it with a nice, more useful, nicer looking, more updated, stronger structure.

Better utilize the existing decked area and replace the two current old structures beyond repair; to replace with a better, nice structure.

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

Build/install a less permanent structure; we did investigate alternative means of shade/wind/weather protection. Nothing other than a truly installed, well-fitted etc. fully installed structure would serve as a multipurpose use and improve the overall look of the area.

I included a brochure of a self-huildable, non-permanent structure that would be OK, however, if they would not be a 'good' fit, they are too wide, so where we only have 8/10 would butt up against the pool, they may also be more subjected to wind...

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

It will improve the overall functionality and aesthetic value of the property as well as provide a more updated, better looking and functional structure to provide shade/shelter while watching our kids in the pool.
PUBLIC PARTICIPATION REPORT

Application No.__________

In accordance with LDR Section 16.70.040.1.F.2. "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

### APPLICANT REPORT

#### Street Address:
1. Details of techniques the applicant used to involve the public
   - (a) Dates and locations of all meetings where citizens were invited to discuss the applicant’s proposal
   - Personal one-on-one meeting with neighbors
   - Hand delivered and personally met and discussed details of the Pool Pagoda Project.
   - Lance Lubin, our Volunteer Neighborhood Association President discussed the overall project, the current structures, and proposed improved structure.
   - Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications

2. Summary of concerns, issues, and problems expressed during the process
   - None noted

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations
   - Check one: ( ) Proposal supported
   - ( ) Do not support the Proposal
   - ( ) Unable to comment on the Proposal at this time
   - (x) Other comment(s): See included letter from Assoc. President

Association Name: Lance Lubin

President or Vice-President Signature:

If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.
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 WORKSHEET**

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6042 8TH Ave N</td>
<td></td>
</tr>
</tbody>
</table>

**Description of Request:**

To Build Pool Gazebo along Fence line

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

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>6053 7TH Ave</td>
<td>J B Home LLC</td>
<td></td>
</tr>
<tr>
<td>6031 8TH Ave N</td>
<td>Tim Weigandt</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affected Property Address:</th>
<th>Owner Name (print):</th>
<th>Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RE: Requests to sign Variances

Eagle Civic Association is a voluntary homeowners Association and it is our policy not to sign requests for variances. This is not to say that we either approve or object to a specific specific variance in any way, it is simply stating that we do not sign them.

Lance Lubin

\[Signature\]

3/22/18

President
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIChearing

For Public Hearing and Executive Action on September 5, 2018 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.: 18-54000061 PLAT SHEET: I-8
REQUEST: Approval of after-the-fact variances to the maximum allowable impervious surface area and landscaping requirements for residential properties to allow artificial turf in lieu of permeable landscaped vegetated green space.

OWNER: Teresa Dalziel and Chester Ninaltowski
2715 9th Avenue North
Saint Petersburg, Florida 33713

ADDRESS: 2715 9th Avenue North

PARCEL ID NO.: 14-31-16-57240-000-0040

LEGAL DESCRIPTION: Lots 4 & 5, Melrose Subdivision

ZONING: Neighborhood Traditional Single-Family-2 (NT-2)

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Impervious Surface (site area ratio)</td>
<td>Entire site: 0.65 (65%)</td>
<td>0.67 (67%)</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>Required permeable green space for yards abutting streets</td>
<td>Front and street side yard: 75%*</td>
<td>55%</td>
<td>20%</td>
<td>36%</td>
</tr>
</tbody>
</table>

*Section 16.40.060.2.1.2.A. states, "Required front yards and required side yards abutting streets shall be maintained as permeable landscaped vegetative green space with the exception of driveways, walks, patios and similar paved areas and non-organic mulch areas, which areas combined shall not exceed 25 percent of the required yard area for corner lots..."
BACKGROUND: The subject property is a corner lot located at 2715 9th Avenue North on the northwest corner of the intersection of 9th Avenue North and 27th Street North in the North Kenwood Neighborhood. The property is 108-feet wide and 110-feet deep and has a site area of 11,880 square feet.

The property has a zoning designation of Neighborhood Traditional, Single-Family (NT-2). The Maximum Impervious Surface (site area ratio) permitted for NT-2 zoned property is 0.65 (65%). Based on the property’s site area of 11,880 square feet the site is limited to a maximum of 7,722 square feet of impervious surfaces (i.e. building footprints, driveways, walkways, etc.). Because the property is located on a corner it is also subject to landscaping regulations that require a minimum of 75% of the front and side yards abutting the streets to be maintained as permeable landscaped vegetative green space.

The applicant received permits for and constructed a new single-family residence on the property and was issued a temporary certificate of occupancy on March 21, 2018. At the time of staff’s plan review of the new residence the plans did not identify any artificial grass proposed. Upon staff’s inspection of the property on March 16, 2018 it was determined that the property was not in compliance with the requirements for maximum impervious surface and permeable landscaped vegetative green space for yards abutting streets. The property was vacant prior to the construction of the new residence and detached garage. A professional office building was previously approved for the site by the Board of Adjustment in 1984, see attached Property Card. However, the office building was never constructed.

The City does not consider artificial grass to be pervious for drainage and stormwater management purposes. As a result, it has been the City’s policy to count artificial grass as impervious, similar to the way we consider crushed rock on driveways as impervious, even though they both allow some rainwater to percolate into the ground. Artificial grass is allowed on private property; however, in calculations for maximum development potential it counts towards the property’s impervious surface ratio.

REQUEST: The applicant is requesting approval of a variance to the requirements for maximum impervious surfaces and required permeable green space for yards abutting streets in order for the artificial grass that was installed to remain.

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 is an existing developed site containing a recently constructed one-story single-family residence and a detached garage.
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 property has a lot width of 108-feet and a site area of 11,880 square feet and is located within the NT-2 zoning district which requires a minimum lot width of 50-feet and a minimum lot area of 5,800 square feet. Therefore, the site is not substandard in terms of minimum lot requirements of the district.

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

This criterion is not applicable.

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

This criterion is not applicable.

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

The site does not contain any significant vegetation or natural features. Prior to the new single-family residence there were four laurel oaks, one long leaf pine, one Norfolk Island pine, and one palm tree on the property. All of these trees were approved for removal by the City’s Urban Forester as they were noted to either be in decline, not protected or their location was in conflict with the proposed residence. As a condition of granting the tree removal permit the applicant was required to plant four shade trees, which is the same amount of shade trees required for the new single-family residence.

During the zoning inspection of the new home it was found that two royal palm trees and two buttonwood trees were installed. The City Code allows royal palms to be substituted for shade trees on a one-to-one basis and for understory trees (buttonwoods) to be substituted for shade trees on a three-to-one basis. In staff’s zoning inspection report, see attached, it was noted that one additional palm tree and one additional buttonwood tree will need to be planted in order to comply with the City’s shade tree requirements. Currently, there are three royal palms and three buttonwood trees located in the public rights-of-way abutting the property.

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 variance does not promote the established historic or traditional development pattern of the block face. The surrounding development, both commercial and single-family residences, do not utilize artificial grass on their property.

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

The special conditions that are existing that necessitate the variance request are the direct result of actions by the applicant. The applicant constructed a new single-family residence on a lot that was previously vacant and installed artificial grass in the front and street side yard areas of the property which was not reflected in the approved plans for the residence.

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

A strict enforcement of the City Code would require the applicant to replace the artificial grass with natural grass or permeable landscaping. The applicant has the ability to reduce the amount of artificial grass and relocate it to another area of the property in order to bring the property into compliance. Therefore, a literal enforcement of this Chapter would not result in unnecessary hardship.

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;

A strict application of the Code would still allow the applicant to utilize artificial grass on their property, provided that the property complies with the requirements for maximum impervious surface and permeable green space for yards abutting streets.

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

The requested variance is not necessary to make possible the reasonable use of the land. The applicant has chosen to place the artificial grass in the front and side yards and placed natural grass and permeable landscaping on interior portions of the property. Relocating and slightly reducing the amount of artificial grass would bring the property into compliance with Code requirements and allow the applicant to still use artificial grass.

The applicant indicates that 3,251 square feet of artificial grass was installed. Based on the ISR calculations and site area approximately 238 square feet of artificial grass would need to be replaced by pervious surfaces in order to comply with the City's maximum impervious surface ratio.

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

The intent of having the maximum impervious surface requirement is to improve the appearance, environment, character and value of the City by requiring the installation of vegetation in a manner which conserves and percolates water. Implementation of these requirements reduces stormwater runoff, 'heat island' effects, and ultimately improves environmental and water quality while providing a more pedestrian friendly environment that enhances the overall aesthetic appearance of the City, thereby promoting the public health, safety and general welfare. Therefore, the variance is inharmonious with the general purpose and intent of Chapter 16.
7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,

The granting of the variance may be injurious to neighboring properties and detrimental to the public welfare as the requirements for maximum impervious surfaces are in place to allow natural filtration of rainwater into the ground and if granted the rainwater runoff onto neighboring properties and into public rights-of-way may increase.

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

Within the variance narrative, included as an attachment, concerns were raised regarding excessive watering and the use of chemicals necessary to maintain natural grass on the property; however, other options exist such as planting trees, bushes, or installing landscaping that could have been used to mitigate. The applicant indicated that they thought they were in compliance when the plans were originally approved and then additional code citations came about after inspection. Staff did not identify issues at time of permitting as the applicant did not indicate the proposed use of artificial grass in their site plans, see attached new single-family residence approved site plan.

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.

No nonconforming uses, buildings or structures have been utilized in Staff's analysis.

PUBLIC COMMENTS: The subject property is within the boundaries of the North Kenwood Neighborhood Association. A letter was provided by the president of the neighborhood association indicating their support of the variance, see attached. Additionally, the applicant provided a neighborhood worksheet with signatures of support from approximately 30 individuals that live within the neighborhood and 7 individuals that live outside of the neighborhood, see attached signatures of support.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services 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 Development Services Department Staff recommends that the approval shall be subject to the following:

1. The maximum impervious surface on the site shall not exceed 65%, all plans submitted for permitting must show all improvements on site and include the Impervious Surface Ratio.
2. The artificial grass located within the front yard area shall be removed or relocated and a minimum of 55% of the required front yard shall be maintained as permeable landscaped or vegetative green space.
3. This variance approval shall be valid through September 5, 2021. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
4. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Project location map, photographs, new single-family residence approved site plan, artificial turf site plan, applicant's narratives, signatures of support, letter from neighborhood association, zoning inspection report

Report Prepared By:

Scot Bolyard, AICP, Planner II
Development Review Services Division
Planning & Development Services Department

8/29/18

Report Approved By:

Jennifer Blyla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

8/29/18

JCB/SKB:lw
Project Location Map
City of St. Petersburg, Florida
Planning and Development Department Services
Case No.: 18-54000061
Address: 2715 9th Avenue North
(nts)
VARIANCE

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. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Address:</strong> 2715 9th Avenue N, Saint Petersburg, FL</td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong> Acceptance of Permeable Artificial Turf as green space and/or ground covering for landscaping. Give allowance of at least 50% of property to assist in curb appeal and drainage.</td>
</tr>
</tbody>
</table>

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

   Nothing unique, new construction, upgrade to the neighborhood. Florida has many issues pertaining to vegetation and water consumption needed for survival. Weeds and bugs are prolific (fleas, ticks, cinch bugs and grub worms) that are detrimental. Currently watering 35% of our property covered with sod and flower beds; cost is considerably higher than our household water usage. Our goal is to minimize water usage, control weeds, control bugs and protect our environment. We’re very successful in the artificial turf area; little to no bugs, a light watering to control pet odors. The sod has required lots of watering, fertilizer, herbicides and insecticides as well as flea control. Please note pictures of natural turf where it has died. The needed applications on sod is cancerous to dogs as it is absorbed into pads on their paws. The yard is their domain and trying to keep it safe for them.

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.

   6547 5th Avenue N
   Love My Dog 9th Avenue N
   Beach Drive near 6th Avenue S

   Not sure of exact address but a home on Snell Isle

   (There are other properties but usage is mainly in back of property)

   Please see attached for several locations around Florida.

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

   We reviewed the codes but did not see anything relative to % changes for a corner property. We fell well below given percentages on codes we were originally given. After inspection additional codes came about. We have tried very hard to comply with the lengthy zoning guidelines which put us in several binds over a year and a half to complete this project. Many codes are antiquated and do not conform with many homes around us yet we are expected to. We are an exception to a neighborhood that appears that anything goes as far as overgrown weed ridden properties. See attached pictures. We receive compliments from neighbors as well as passer byes that we have the best property in the neighborhood.
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 by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>APPLICANT NARRATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
</tr>
<tr>
<td>The nature of this variance is to allow ourselves as well as other interested property owners to address a needed resolution to community issues pertaining to:</td>
</tr>
<tr>
<td>a) Water Restrictions and costs associated with maintaining a green lawn.</td>
</tr>
<tr>
<td>b) Costs and health risks of using fertilizers, insecticides, herbicides on our lawns effecting both health of humans, wild life and our pets.</td>
</tr>
<tr>
<td>c) Lawn clippings and run off of fertilizers and insecticides going into our storm water drainage creating algae blooms in our local water ways, killing our fish and mammals such as manatees.</td>
</tr>
<tr>
<td>d) Reduce runoff and wet areas of yard, mosquito, flea and tick issues.</td>
</tr>
<tr>
<td>e) Utilizing recycled materials to produce artificial turf that will reduce landfill and or help eliminate issues that we Floridians face on a daily basis. Not all artificial turf is equal!</td>
</tr>
</tbody>
</table>

| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? |
| Permeable herbaceous layer of sod and/or plant material. Requires excessive watering, and applications of fertilizers, insecticides, and herbicides affecting our health and our pets. Also creates issues when we have our rainy season and rain water run off all these applications are going into our aquifer and waterways. |
| Mulching- not very attractive and floats away during heavy rains not as permeable as artificial turf. |
| We utilized the artificial turf in our back yard in Shore Acres which was laid 10 years ago. It helped to control water flow by forcing it down into the ground versus running off and puddling also reduced the bugs and dirt issues from dogs. Sod would not grow there and dogs tore it up. |
| Zeroscape was a failure as well as the rockscap. |

| 6. In what ways will granting the requested variance enhance the character of the neighborhood? |
| a) Increases property value. |
| b) Very tidy green street appearance. Never browns due to water restrictions. Weed control. |
| c) Every day during construction of the home and installation of the artificial turf pedestrian passersby and drivers on 9th Avenue N would stop and admire the front lawn and ask questions regarding the turf and purchasing/cost of the turf. We have had in excess of 50 to 100 people stop by our home. We are not exaggerating to say if we are outside working on our property at least one person will stop and admire or comment. |
| d) We are often traveling and work extended hours the artificial turf is almost completely maintenance free. |
Artificial Turf - Narrative

Test Studies and References

Highlighted areas denote contradictions

Artificial Turf which is still associated with the original manufactured product called “Astro Turf”, which is no longer manufactured due to several issues associated with metals and zinc found in its rubber base. Although not officially confirmed but was believed to have leached out into ground water and or cause cancer. Due to its numerous issues became banned and is no longer available. Since then a large number of manufactures have actually perfected the product and utilize recycled materials which would otherwise be in our landfills. This product is not only environmentally friendly but helps with preventing erosion, water runoff, assist with watering restrictions due to drought, do not require fertilizer, pesticides or insecticides therefore helping the environment.

States that have Tested Artificial Turf: Maryland, California, Connecticut, Central Pennsylvania

Drainage and Water Quantity Improvements:
Their studies found that infiltration rates to be up to 139.2 inches an hour; TSI 2010 and suggest that field turf effectively conveys storm water from the ground surface to subsurface soils similar to the approved ESD porous alternative surfaces, such as permeable pavements. In fact, the measureable infiltration rate associated with Field turf appears to be 1 to 2 orders of magnitude higher than the 8 inch per hour required of permeable pavement in the MDE Storm water Design Manual. They found that due to its high infiltration rate that Field turf is highly porous and will not impede conveyance of storm water even during high intensity precipitation events and to a greater extent than natural turf. Thus through thorough testing found that Artificial Turf has superior water drainage characteristics, when compared to natural turf. With the capacity to drain rainfall was very beneficial when considering ways to manage storm water, increasing infiltration and limiting the amount of runoff that leaves the field/site.

Reduction in Rain Water Flow:

Base Material: Consists of a mixture of crushed hard stone, crushed granite and a mass of fines to help with compaction. A nailer board 4 inches high is then used as an edging around the compacted base; this provides a basin in which rain water will flow directly down into the soil base. A weed barrier is then applied on top of the sub-base to help prevent weed growth through the turf. Course aggregates percolate differently so that if rain water is pounding on top of it the “system of permeable artificial grass fabric” actually act as a buffer, thus holding water under head pressure and then above the base which allows the rain water to flow vertically into the base and then down into the native soils or various drainage solutions that could be specified for the project. Storm water that falls on Artificial Turf must travel through these different components before entering into a natural waterway. This results in a reduction in the peak storm water flow to the natural waterways, which can have positive effects such as a reduction in erosion and infiltration of runoff to include various herbicides, pesticides and fertilizers.

Water Quality Improvements: Artificial turf does not require the traditional lawn supplements that are necessary to maintain healthy natural turf as well as other inputs such as fertilizers and pesticides. Fertilizers and pesticides can and do wash off of natural turf in a rain event, degrading downstream water quality. Utilizing Artificial turf can and does improve the quality of any storm water that does leave the site and minimizes the requirements for storm water quality controls.

Filtration: Artificial Turf can act as a filter, capturing solid material suspended in storm water that flows over and through the surface. The filtering action reduces phosphorus and sediment load carried by storm water that ultimately reaches natural waterways, thereby improving water quality. By improving the water quality reduces algae blooms and oxygen loss killing fish, water fowl and other mammals that depend on the waterways for survival.
Comparison Field turf with Astro Turf:

AKRF compared permeability rates between the 2 products. It appears that Field turf has a much higher permeability rates (139.2 in/hr vs. > 30 in/hr) than Astro Turf using the same test (ASTM F1551-03). Both products were found to have the infiltration rates that are significantly higher than the 8.0 in/hr required for permeable pavement by the MDE Storm water Design Manual.

Conclusion:

A number of approaches were developed that suggest Field Turf has considerable promise as an ESD practice under Maryland, California and Pennsylvania’s regulations. Field Turf’s infiltration potential appears to be as good or superior to that of permeable pavements and natural turf. Since the use of permeable pavements is an accepted ESD practice and after further support findings suggest that RCNs for Field Turf may be lower than those of permeable pavements. The advantages that these states found is that Field Turf offers same advantages as of natural turf and is more consistent with sustainability initiatives being implemented in State levels. Maintenance costs are substantially lower as Field Turf does not require labor associated with frequent mowing. The use of gas powered mowers on natural systems also results in air emissions of metals and hydrocarbon breakdown products.

California has implemented an incentive program for its residents to utilize Artificial Turf as a means to protect the environment, lower water usage due to drought/wild fires by Governor Jerry Brown. Receiving rebates up to $2.50 per sq foot to replace natural turf with artificial turf, permeable pavers and or water wise plants. Due to their research homeowners are spending 60% of their water bill just for irrigation. San Diego is not offering any artificial turf incentives at the current time.

References:

California Department of Resources and Recovery- Safety study of artificial turf measurements of chemicals, particulates in the air, and bacteria in the turf and skin abrasions caused by contact with the surface.

Connecticut Department of Environmental Protection- Leachate and Storm water Characteristics

Davis, W.B. Natural vs. Artificial an economic alternative “California Turf Grass Culture”


James, Iain T. and Mcleod, Andrew J.- The effect of maintenance on the performance of sand filled synthetic turf surfaces, Sports Technology

Locations that have Artificial Turf Installed:

Thunderbird Hotel Saint Pete Bch
6547 5th Avenue N, St. Pete

First Street and 13th Avenue, St Pete Bch

Recycling of Artificial Turf

Not only is the grass eco friendly by helping to protect natural resources such as water but also offers 100% recycling capabilities. AGR located in Valrico Florida does exactly that recycling of a product that has lived out its life.
So what should be happening to all that man-made material? A huge step in the industry is the equipment, which can effectively remove and reclaim the fake turf.

Most artificial grass is made up of a mixture of different plastics, sand and rubber, and while the plastic can be recycled quite easily, it is difficult to separate it from the infill components. However, new equipment is able to successfully remove the sand and rubber, leaving a clean plastic carpet to be put through the recycling process individually. Finally the processed turf can be repurposed or recycled into other products.

After recycling, your old artificial grass may be used for anything from school bags to dog bowls or even as topdressing on natural grass. It may be that it is repurposed and used in a less fortunate area. There are endless possibilities after the synthetic turf comes to the end of its own useful life.

**Our Product of Artificial Turf**

- Made in the USA  
- Made from recycled polyethylene  
- Life Span expands beyond 20 years and manufacture warranty is 15 years  
- Infill - a mixture of sand and zeolite used to control animal waste odors and absorb water to keep grass cool.

---

**Square Footage of Property**

Actual Yard Square Footage: 11,880

- Natural Turf Sq. Ft. and flower beds = 3638.81
- Footprint of Home 75 x 40 = 3040  
- Garage 22 X 26 = 572

- Driveways, sidewalks and patio = 1045  
- add’l parking/mulched area = 333

Artificial Turf Coverage= 3251.19  
This includes side yard, back alley way and front yard combined (some areas included here were added on when natural turf died after replacing twice. These areas were difficult watering spots with irrigation, only thing that grew successfully were weeds) Occurrence: February 2018 to June 2018.

The figures above do not include the surrounding easement which consists of natural turf from sidewalks to roadway. Which is 2322 square feet on the 9th Avenue Side and 660 ft on 27th Street Side which were required by the city zoning to have adequate irrigation and also require us to fertilize, and use herbicides due to excessive weed issues.
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 WORKSHEET

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2715 9th Ave N</td>
<td></td>
</tr>
</tbody>
</table>

**Description of Request:**
ALLOW ARTIFICIAL TURF COVERAGE OF PROPERTY TO EXCEED 25% OF CORNER LOT, 10% 5% OF IMGPRESS MATERIALS.

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:** 3451 14th Ave N  
   **Owner Name (print):** Vic Tims  
   **Owner Signature:**  

2. **Affected Property Address:** 638 29th St N  
   **Owner Name (print):** David Cardona  
   **Owner Signature:**  

3. **Affected Property Address:** 1008 28th St N  
   **Owner Name (print):** Jeffrey Pecora  
   **Owner Signature:**  

4. **Affected Property Address:** 1025 Pinellas Pt Dr  
   **Owner Name (print):** Robin Becker  
   **Owner Signature:**  

5. **Affected Property Address:** 2431 18th Ave North St. Pete  
   **Owner Name (print):** Beth McFayd  
   **Owner Signature:**  

6. **Affected Property Address:**  
   **Owner Name (print):** Steve Derry  
   **Owner Signature:**  

7. **Affected Property Address:** 2820 12th Ave No St. Pete 33713  
   **Owner Name (print):**  
   **Owner Signature:**  

8. **Affected Property Address:** 1027 17th St N St. Pete, FL 33715  
   **Owner Name (print):** Dustin Ekeev  
   **Owner Signature:**  

---

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471  
www.stpete.org/ldr
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.

<table>
<thead>
<tr>
<th>Street Address: 2715 9th Ave N.</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request: ALLOW ARTIFICIAL TURF USAGE TO EXCEED 25% OF PROPERTY (COVERED OR UNCOVERED). PROVIDE 50% OF IMPROVEMENTS</td>
<td></td>
</tr>
</tbody>
</table>

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:** 1027 17th St N.  
   Owner Name (print): **Mark Smith**  
   Owner Signature: 

2. **Affected Property Address:**  
   Owner Name (print): **John Johnson**  
   Owner Signature: 

3. **Affected Property Address:** 5400 8th Ave N.  
   Owner Name (print): **Terry James**  
   Owner Signature: 

4. **Affected Property Address:** 2900 8th Ave North  
   Owner Name (print): **Barbara Jones**  
   Owner Signature: 

5. **Affected Property Address:** 911 - 29 St. N.  
   Owner Name (print): **Anna Akram**  
   Owner Signature: 

6. **Affected Property Address:** 3529 6th Ave N. St. Pete FL  
   Owner Name (print): **Michael Massaro**  
   Owner Signature: 

7. **Affected Property Address:** 4700 24th Avenue North St. Pete FL  
   Owner Name (print): **Nathan Tucker**  
   Owner Signature: 

8. **Affected Property Address:** 927 Yale St. North  
   Owner Name (print): **Tom Falalans**  
   Owner Signature: 

City of St. Petersburg – One 4th Street North – PO Box 2842 – St. Petersburg, FL 33731-2842 – (727) 893-7471  
www.stpete.org/hr
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.

### VARIANCE

#### NEIGHBORHOOD WORKSHEET

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Case No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2715 9th Avenue N</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Request</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ALLOWANCE OF ARTIFICIAL TURF</td>
<td></td>
</tr>
<tr>
<td>25% OF CORNER PROPERTY</td>
<td></td>
</tr>
</tbody>
</table>

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:** 919 27th St. N  
   **Owner Name (print):** Linda Hines  
   **Owner Signature:** [Signature]

2. **Affected Property Address:** 939 27th St. N  
   **Owner Name (print):** Michael Jener  
   **Owner Signature:** [Signature]

3. **Affected Property Address:** 949 27th St. N  
   **Owner Name (print):** Amy Halcyon  
   **Owner Signature:** [Signature]

4. **Affected Property Address:** 1045 27th St. N  
   **Owner Name (print):** Richard Gottesfeld  
   **Owner Signature:** [Signature]

5. **Affected Property Address:** 1020 27th St. N  
   **Owner Name (print):** Jane Dunn  
   **Owner Signature:** [Signature]

6. **Affected Property Address:** 1014 27th St. N  
   **Owner Name (print):** Alice A. Trotter  
   **Owner Signature:** [Signature]

7. **Affected Property Address:** 949 27th St. N St Pete  
   **Owner Name (print):** Matthew Bernard  
   **Owner Signature:** [Signature]

8. **Affected Property Address:** 921 27th St. N  
   **Owner Name (print):** Cool Thach  
   **Owner Signature:** [Signature]
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 WORKSHEET**

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2715 94th Avenue N</td>
<td></td>
</tr>
</tbody>
</table>

**Description of Request:**
ALLOWANCE OF ARTIFICIAL TURF EXCEED

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:** 2800 11th Ave N
   - **Owner Name (print):** Iguella Allmandiger
   - **Owner Signature:** [Signature]

2. **Affected Property Address:** 2805 10th Ave N
   - **Owner Name (print):** Annie Minot
   - **Owner Signature:** [Signature]

3. **Affected Property Address:** 2818 10th Ave N
   - **Owner Name (print):** Kenneth Drnkin
   - **Owner Signature:** [Signature]

4. **Affected Property Address:** 2831 10th Ave N
   - **Owner Name (print):** Gillian Brown
   - **Owner Signature:** [Signature]

5. **Affected Property Address:** S. Gardner 2865 10th Ave N
   - **Owner Name (print):** Susan Courtney
   - **Owner Signature:** [Signature]

6. **Affected Property Address:** 2874 10th Avenue North
   - **Owner Name (print):** Andrew Fleitz Jr
   - **Owner Signature:** [Signature]

7. **Affected Property Address:** 2800 10th Ave N
   - **Owner Name (print):** T. Keeling
   - **Owner Signature:** [Signature]

8. **Affected Property Address:** 2820 9th Ave N St. Petersburg, FL 33713
   - **Owner Name (print):** Robert Bock
   - **Owner Signature:** [Signature]
Proposed Variance
City Of St. Petersburg

Street Address: 2715 9th Avenue N
Description of Request: Acceptance of Permeable Artificial turf as green space and or ground covering for landscaping. Give allowance of at least 50% to assist in curb appeal and drainage.

Case #:____________________

The undersigned adjacent property owners and/or neighbors within 1 mile of said property understand the nature of this request and do not object.

The nature of this variance is to allow ourselves as well as other interested property owners to address a needed resolution to community issues pertaining to:

- Water Restrictions and costs associated with maintaining a green lawn
- Costs and health risks of using fertilizers, insecticides, herbicides on our lawns effecting both health of humans, wild life and our pets
- Lawn clippings and run off of fertilizers and insecticides going into our storm water drainage creating algae blooms in our local water ways, killing our fish and mammals such as manatees (this year alone 10 have died)
- Reduce runoff and wet areas of yard, mosquito, flea and tick issues
- Utilizing recycled materials to produce artificial turf that will reduce landfill and or help eliminate issues that we Floridians face on a daily basis. Not all artificial turf is equal! Buying USA made reduces landfill and produces a product that is also recyclable in the future.

Help in our fight to help save our wildlife, fish and estuaries. Help to clean up Florida and reduce water costs, maintenance and pollutants going into our storm water runoff. Your vote counts!!!!

<table>
<thead>
<tr>
<th>Home Owner Name:</th>
<th>Oppose___ Support___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>1048 9th St N</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Owner Name:</th>
<th>Oppose___ Support___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>2708 9th St N</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Owner Name:</th>
<th>Oppose___ Support___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>100 38 St S 33711</td>
</tr>
<tr>
<td>Signature:</td>
<td>Maria C.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Owner Name:</th>
<th>Oppose___ Support___</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>4801 1st St N</td>
</tr>
<tr>
<td>Signature:</td>
<td>Michele Draper</td>
</tr>
</tbody>
</table>
Home Owner Name: Rubin Becker
Address: 1095 Pinellas Pl, St. Pete FL 3370
Signature: 
Oppose___ Support✓

Home Owner Name: Steve Terry
Address: 8279 34th Ave N, St. Pete FL 33710
Signature: 
Oppose___ Support✓

Home Owner Name: Wok Huns
Address: 6957 14th Ave N, St. Pete FL 33710
Signature: 
Oppose___ Support✓

Home Owner Name: Jennifer Seale
Address: 6549 34th Ave N, St. Pete FL 33710
Signature: 
Oppose___ Support✓

Home Owner Name: Madison Seale
Address: 6549 34th Ave N, St. Pete FL 33710
Signature: NS
Oppose___ Support✓

Home Owner Name: Michael Marsaro
Address: 3529 60th Ave N
Signature: 
Oppose___ Support✓

Home Owner Name: Nathan Tucker
Address: 470 24th Ave N
Signature: 
Oppose___ Support✓

Home Owner Name: James B. Hochschild
Address: 927 Yale St, N.
Signature: 
Oppose___ Support✓

Home Owner Name: Andrew Filip
Address: 3831 107th Ave N
Signature: 
Oppose___ Support✓

Home Owner Name: 
Address: 
Signature: 
Oppose___ Support

Home Owner Name: 
Address: 
Signature: 
Oppose___ Support

Home Owner Name: 
Address: 
Signature: 
Oppose___ Support

Home Owner Name: 
Address: 
Signature: 
Oppose___ Support
<table>
<thead>
<tr>
<th>Home Owner Name</th>
<th>Address</th>
<th>Signature</th>
<th>Oppose</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Giustiacci</td>
<td>2700 91st Ave N. St. Petersburg</td>
<td>[Signature]</td>
<td>[Oppose]</td>
<td>[Support]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
June 21, 2018

To Whom It May Concern;

During our June 19, 2018 association meeting, Teresa Dalziel and Chester Ninaltowski presented their case for a variance that would allow them to keep in place their existing landscaping at 2715 9th Avenue North. As the current president of the North Kenwood Neighborhood Association, I have been authorized to relay our support of the Homeowners’ variance.

I am more than happy to discuss our support of the variance at any time. Please let me know if there is anything the association can do to assist in the matter.

Sincerely,

[Signature]

Chris Ashley
2018 President
North Kenwood Neighborhood Association

cc: Teresa Dalziel and Chester Ninaltowski (via email)
<table>
<thead>
<tr>
<th>APPLICATION PROPERTY ADDRESS</th>
<th>Parcel Identification Nbr</th>
<th>RESULT DATE/STATUS</th>
<th>INSPECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 11000589 2715 9TH AVE N 000 000 BRES 00 BUILDING/RESIDENTIAL 14/31/16/572400/000/0040/ 0112 0001 FOOTER 8/18/17 APPROVED WITH EXCEPT ADP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQ COMM: requested by contractor; contact 813-365-3790</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: August 18, 2017 12:10:29 PM adproper.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: PORTERS LOOK OK, BUT A PORTO-LET IS REQUIRED ON SITE AND</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: CONTRACTOR MUST MAINTAIN SILT FENCE.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000 000 BRES 00 BUILDING/RESIDENTIAL 0125 0001 LINTEL / TIE BEAM BUILDIN 8/22/17 APPROVED WITH EXCEPT ADP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQ COMM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: STEM WALL OK, BUT STILL MISSING PORTO-LET AND SILT FENCE IN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: POOR CONDITION AND DIRT IN STREETS. IF NOT FIXED AT NEXT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: INSPECTION, THEN INSPECTIONS WILL BE CANCELED UNTIL THESE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: PROBLEMS ARE RESOLVED.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000 000 BRES 00 BUILDING/RESIDENTIAL 0135 0001 FRAMING - BUILDING 1/05/18 APPROVED DAN</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQ COMM:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: Exterior strapping connecting modular home to stem wall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>000 000 BRES 00 BUILDING/RESIDENTIAL 0702 0001 ZONING INSPECTION 3/16/18 PARTIALLY APPROVED ZONE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: 1. A total of 4 shade trees are required. As discussed with</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: City Arborist on site, one additional palm tree and one</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: additional buttonwood tree will be planted (for a total of 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: buttonwood trees, which will count as 1 shade tree).</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: 2. Artificial turf has been installed in the entire front</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: yard of the eastern lot, and in other areas on the site. The</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: City's Code does not consider artificial turf to be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: pervious. A maximum of 65% of the site may be covered with</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: impervious materials (16.20.010.5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: In addition, required front yards and required side yards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:vegetative green space with the exception of driveways,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:walks, patios and similar paved areas and non-organic mulch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:areas, which areas combined shall not exceed 25 percent of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:the required yard area for corner lots and 45 percent of the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:required yard area for inside lots. (The maximum pervious</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:surface area permitted in the front yard is 45%, and in the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:street side yard is 25%)(16.40.060.2.1.2.B)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: 16.40.060.2.1.2.A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: Ground cover, private property. Permeable portions of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: private property including required yards shall be</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM: maintained with an herbaceous layer of sod or ground cover</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:plant material. Installation of St. Augustine sod turf at a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:property with a new structure which receives construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RES COMM:permits is limited to a maximum of 50 percent of the</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
16 11000589 CONTINUED

RES COMM: permeable area of the lot.
RES COMM: See Code Section 16.40.060.2.1.2.D for details on options
RES COMM: for much planted in pervious areas.
RES COMM: March 16, 2018 4:16:29 PM bammull.

000 000 BRES 00 BUILDING/RESIDENTIAL 0196 0001 FINAL BUILDING 3/20/18 APPROVED AB
REQ COMM: lore, 813-365-3786
RES COMM: March 20, 2018 12:07:32 PM awblood.
RES COMM: PENDING LANDSCAPE FINAL

000 000 DRWY 00 DRIVEWAY/RESIDENTIAL PERMIT 0800 0001 DRIVEWAY FORMS,BASE,LOC,W 2/06/18 APPROVED DF
REQ COMM:

000 000 ELER 00 ELECTRICAL RESIDENTIAL 0296 0001 FINAL ELECTRICAL 1/05/18 APPROVED DM
REQ COMM: If you need to gain access to home key will be in the
REQ COMM: permit mailbox. Please make sure to lock it back. Thanks
RES COMM: January 5, 2018 1:27:09 PM dimcclin.

000 000 MERE 00 MECHANICAL/RESIDENTIAL 0496 0001 FINAL MECHANICAL 1/05/18 APPROVED HV
REQ COMM: If you need to gain access there is a key in the permit
REQ COMM: mailbox. Please make sure to lock the door back.
RES COMM: January 5, 2018 10:57:34 AM hvargas.

000 000 PLGR 00 PLUMBING RESIDENTIAL 0396 0001 FINAL - PLUMBING 1/05/18 APPROVED SB
REQ COMM: If you need to gain access to the home, there is a key in
REQ COMM: the permit mailbox. Please lock the home back. Thanks
RES COMM: January 5, 2018 12:43:00 PM slbrown.
STAFF REPORT

DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on September 5, 2018 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.: 18-54000066  PLAT SHEET: R-1
REQUEST: Approval of a variance to the Neighborhood Traditional site design requirements to allow an additional driveway and curb cut in the front yard.
OWNER: Emanuel L. & Vanessa Javate
401 Park Street South
Saint Petersburg, Florida 33707
AGENT: Phillip D. Foster
8805 Citrus Village Drive, #201
Tampa, Florida 33626
ADDRESS: 301 Park Street South
PARCEL ID NO.: 19-31-16-20484-055-0010
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Traditional Single-Family-3 (NT-3)

BACKGROUND: The subject property is a corner lot located on the corner of Park Street South and 3rd Avenue South, in the Sunset Drive Neighborhood. The lot size measures 120-feet in width and 125-feet in depth and approximately 15,000 square feet in area. The existing single-family residence was constructed on the subject property in 1980 according to property card records.
Circular driveways are not typical of the neighborhood traditional single-family development pattern and are only permitted in the NT zoning districts where properties necessitate alternative access accommodations in a manner consistent with the district regulations. Current vehicular connection regulations require parking towards the rear of the property, allowing for alternatives to regulate the design of required parking according to the unique conditions of a lot.

Current regulations allow circular driveways for NT properties fronting major streets identified by the "Future Major Streets Map within the Comprehensive Plan" which only have means of access to properties from major streets in a forward moving motion. The subject property abuts Park Street South, which is identified as a Neighborhood Collector City Road. Park Street South is a major street with a centralized median assisting in the regulation of traffic flow. The subject property contains a one-story residence with a front-loading garage and a double wide driveway connecting the front of the property to Park Street South.

REQUEST: The applicant is requesting a variance to the Neighborhood Traditional site design requirements to allow for the installation of a circular driveway. The applicant has indicated that the addition of a second driveway aisle and driveway apron connecting to 3rd Avenue South, would allow for the reduction of traffic flow interruptions on Park Street South as currently Park Street South is one of the area's predominant traffic thoroughfares.

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 consistent 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 request involves the development of a required front yard for a property developed with a single-family residence.

   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.

      This criterion does not apply.

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

      This criterion does not apply.

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

      This criterion does not apply.
e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.

The subject property contains a perimeter hedge along the front and street side yard property lines and several varieties of trees and palm trees throughout the property. Of the existing vegetation present, the hedge protrudes into the required 45-foot sight visibility triangle.

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 request does not promote the established development pattern for vehicular connections for the block face as circular driveways are not typical of the NT zoning districts driveway regulations. Of the lots fronting Park Street South, bound by 3rd Avenue South and 5th Avenue South, only 22% have circular driveways.

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

This criterion does not apply.

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

The application is self-imposed as the applicant has the ability to redesign the size and scale of the proposed driveway in a manner more compliant with current code requirements. In reducing the magnitude of the driveway and reorienting the requested second driveway apron to allow for forward motion vehicular access from Park Street, the request could be redesigned to be comply with the alternative automotive access requirements.

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

Lateral enforcement of this section could not result in unnecessary hardship.

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;

Strict application of the Code would not deprive the property owner of the ability to continue vehicular access to the property in a manner required the zoning district.

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

The request appears to be excessive as a conforming circular driveway could be designed in accordance with current regulations for circular driveways that are allowed for properties fronting major streets. Provided the footprint and circular radius of the curve is reduced and reoriented to face park street to be clear of the sight visibility triangle, the proposal would be able to better facilitate the intended ease of access in a forward motion from
Park Street as currently allowed for interior NT properties fronting major streets. In adhering to the provisions regulating NT circular driveways, an alternative proposal would better be able to fulfill the intent of the code by allowing for perpetual forward motioned access from major streets to reduce the congestion.

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

   The subject request is inconsistent with the intent of the Code as the property has the ability to accommodate alternative means vehicular access from streets and alleys. Although there are conditions unique to this property, such as the placement of the existing stormwater drain located towards the corner of 3rd Avenue South and Park Street South and the location of the existing trees, and the median centralized in Park Street the granting of this would not be consistent with the Code requirements and the Comprehensive Plan.

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

   The granting of this request appears that it would not be injurious to the welfare of neighboring properties or detrimental to public welfare.

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

   The reasons set forth in this application do not justify this request.

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 does not apply.

**PUBLIC COMMENTS:** No calls or emails have been received regarding the request. The subject property is within the boundaries of the Sunset Drive South Neighborhood Association. The application has received a letter in support from the Sunset Drive South Neighborhood Association.

**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. However, should the DRC be inclined to approve the request staff recommends the relocation of the driveway apron to face Park Street South in addition to the conditions of approval found at the end of this staff report.

**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 site plans and boundary surveys submitted for permitting should substantially resemble the plans submitted with this application.
2. This variance approval shall be valid through September 5, 2021. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. The second driveway remain clear of the sight visibility triangle in accordance with Section 16.40.160.1.
4. Driveway aprons shall maintain a four-foot clearance from the stormwater drain located on the 3rd Avenue South street side yard.
5. No portion of the driveway apron or drive aisle shall be located within the required 45-foot sight visibility triangle in accordance with Section 16.40.160.1.
6. The maximum impervious surface for the required front yards for corner properties on the site must not exceed 25% as required by Section 16.40.090.3.3., all plans submitted for permitting on this site must show the extent of all improvements on site and provide the Impervious Surface Ratio.
7. Landscaping present within the sight visibility triangle shall comply with applicable provisions of Section 16.40.160.
8. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
9. Parking must be provided on site and shown on any plans submitted of permitting. The site plan submitted for permitting must identify the number of bedrooms in the existing house. The required parking is two spaces for up to three bedrooms and one-half space for each additional bedroom as identified in Section 16.10.020.1 – Matrix: Use Permissions, Parking & Zoning.

Report Prepared By:

Shervon Chambliss
Planner I
Development Review Services Division
Planning & Development Services Department

Date
8/29/18

Report Approved By:

Jennifer Briva, AICP Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Date
8/29/18

JCB/SAC:iw

ATTACHMENTS: Aerial Map, Driveway Proposal, Photographs, Applicant's Narrative, Signatures of Support, Neighborhood Participation Report,
SCOPE OF WORK:

ADD DRIVEWAY (1,020 SQ. FT.)

PARK STREET SOUTH (80' R/W)

ASSUMED NORTH

A BOUNDARY SURVEY OF LOT 1 AND THE NORTHERLY 45- FEET OF LOT 3, BLOCK 55, REVISED MAP OF DAVISTA AS
RECORDED IN PLAT BOOK 4, PAGE 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, WITH SPOT
ELEVATIONS AS SHOWN

JOB NUMBER: MMXVI382
TELEPHONE: (727) 360-0636
DATE OF FIELD SURVEY: 10/11/16
SCALE: 1 INCH = 30 FEET

DAVID C. HARPER
PROFESSIONAL LAND SURVEYOR
925 GULF BOULEVARD
TREASURE ISLAND, FL 33706

FLOOD ZONE: "AE"
FLOOD MAP DATE: 8/18/09
COMMUNITY NUMBER: 125148
PANEL NUMBER: 0213 G
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 by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th>Street Address: 301 Park St. S. St. Petersburg, FL 33707</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detailed Description of Project and Request:</strong></td>
<td></td>
</tr>
<tr>
<td>Residence owner requesting approval to install a semi-circular or J-hook addition to existing 2 car driveway for safer entry onto Park St. S. and or 3rd Ave. S. Old Pasadena.</td>
<td></td>
</tr>
</tbody>
</table>

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 unique size, shape, topography & location of the subject property is totally relative in all aspects to other neighbor properties in the area. And so that it lends itself to no objective reason in regards to the variance request.

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.**

   Yes, the following also have semi-circular or J-hooks.
   - 285 Park St, across the street 3rd Ave, NW corner 3rd Ave S & Park St S
   - 321 Park St S on left side of subject address, W side of Park St S
   - 125 Park St 3rd Residence N of subject property W side of Park St S
   - 209 Park St 2nd Residence N of subject property W side of Park St S
   - 414 Park St 2 houses S of 4th Ave S and Park St S
   - 200 Park St S 2 houses N of subject property at corner of 2nd Ave S and Park St S East side of street
   - 500 Park St S corner of 5th Ave S & Park St S known as Garden Club of St. Pete
   - 431 Park St S 4 houses south of subject property on E side of Park St S

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

   N/A Applicant requesting variance
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 by typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

**ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.**

<table>
<thead>
<tr>
<th><strong>APPLICANT NARRATIVE</strong></th>
</tr>
</thead>
</table>
| **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?  
Granting of variance will enhance aesthetics of applicant residence and curb appeal to the neighborhood in addition to reduce difficulty entering onto Park St S by vehicle. |
| **5.** What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?  
N/A |
| **6.** In what ways will granting the requested variance enhance the character of the neighborhood?  
Granting of variance will enhance aesthetics of applicant residence and curb appeal to the neighborhood in addition to reduce difficulty entering onto Park St S by vehicle. |
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.

<table>
<thead>
<tr>
<th>NEIGHBORHOOD WORKSHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address: 301 Park St. S</td>
</tr>
<tr>
<td>Case No.:</td>
</tr>
<tr>
<td>Description of Request: SEMI-CIRCULAR DRIVEWAY</td>
</tr>
</tbody>
</table>

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: 285 Park St. S St. Petersburg, FL 33707
   - Owner Name (print): John Smith
   - Owner Signature: [Signature]

2. Affected Property Address: 300 Sunset Dr S St. Petersburg, FL 33707
   - Owner Name (print): Anna Cooper
   - Owner Signature: [Signature]

3. Affected Property Address: 7321 35th Ave S
   - Owner Name (print): Schotteni-Guyton
   - Owner Signature: [Signature]

4. Affected Property Address: 221 Park St S
   - Owner Name (print): James Lewis
   - Owner Signature: [Signature]

5. Affected Property Address: 278 Sunset Dr S
   - Owner Name (print): Martin Dutt
   - Owner Signature: [Signature]

6. Affected Property Address: 308 Park St S
   - Owner Name (print): David Smith, Walker & Joan K. Walker
   - Owner Signature: [Signature]

7. Affected Property Address:
   - Owner Name (print):
   - Owner Signature:

8. Affected Property Address:
   - Owner Name (print):
   - Owner Signature:
To City of St. Petersburg Permitting

From Sunset Dr South Neighborhood Association

Re: Regarding the variance request for Driveway Improvements for Dr. Emanuel & Vanessa Javate residence, property address is 301 Park St. S., St. Petersburg, Fl. 33707, that

We do not have any objection. We do consider the Driveway Improvement they would like to do would allow them a safer approach to enter and exit from Park St. S. and 3rd Ave. S.. There also does not appear to be any cumbersome reason regarding any signage, drainage, or basically the whole neighborhood in whole. We would also note the following addresses within and beyond 200' of their property, being 285, 321, 125, 209, 414, 269 and 200 all have semi-circular or 2 street access to. My home 300 sunset dr south is located behind the Javates Residence and I have a side Drive off of 3rd ave south.

Best regards
Allen Conner
Sunset Dr South Neighborhood Association President
SPECIAL EXCEPTION
PUBLIC HEARING

According to Planning & Development Services 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.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on September 5, 2018 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-32000012 PLAT SHEET: I-3

REQUEST: Approval of a Special Exception and related Site Plan to construct a 3,608-sq. ft. micro-brewery.

OWNER: Cornell Bynum, III
        Dwight Byrum
        502 28th Street South
        Saint Petersburg, Florida 33712

        Raymond Smith
        R.S. Investment Properties, LLC
        P.O. Box 35182
        Saint Petersburg, Florida 33705

AGENT: James Coleman
        502 28th Street South
        Saint Petersburg, Florida 33712

ADDRESSES and PARCEL ID NOS.: 526 28th Street South; 23/31/16/17298/001/0100/
      516 28th Street South; 23/31/16/17298/001/0110/
      502 28th Street South; 23/31/16/17298/001/0120/

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional-1 (CCT-1)
        Industrial Traditional (IT)
SITE AREA TOTAL: 14,195 square feet or 0.33 acres

GROSS FLOOR AREA:
- Existing: 0 square feet
- Proposed: 3,608 square feet, 0.25 F.A.R.
- Permitted: 13,295 square feet, 0.94 F.A.R.

BUILDING COVERAGE:
- Existing: 0 square feet
- Proposed: 3,608 square feet, 25% of Site MOL
- Permitted: N/A

IMPERVIOUS SURFACE:
- Existing: 1,250 square feet, 9% of Site MOL
- Proposed: 10,913 square feet, 77% of Site MOL
- Permitted: 13,485 square feet, 95% of Site MOL

OPEN GREEN SPACE:
- Existing: 12,945 square feet, 91% of Site MOL
- Proposed: 3,282 square feet, 23% of Site MOL

PAVING COVERAGE:
- Existing: 1,250 square feet, 9% of Site MOL
- Proposed: 7,305 square feet, 51% of Site MOL

PARKING:
- Existing: 0;
- Proposed: 18; including 1 handicapped spaces
- Required: 18; including 1 handicapped spaces

BUILDING HEIGHT:
- Existing: 0 feet
- Proposed: 18 feet
- Permitted: 42 feet

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.10.020.1 of the Municipal Code for a microbrewery which is a Special Exception use within the CCT-1 Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request:
The applicant seeks approval of a Special Exception and related site plan to construct a 3,608 square foot microbrewery. A microbrewery use is a Special Exception use in the Corridor Residential Traditional-1 (CCT-1) zoning district. The subject property is located at the southeast corner of 5th Avenue South and 28th Street South.
Current Proposal:
The subject property is currently vacant. The lot was previously developed with a 2-story, 3,600 square foot mixed-use building, however—that was recently demolished. The applicant proposes to construct a new building for a microbrewery. The proposed building will be located along the north side of the subject property with parking to the rear of the building. Access to the parking lot will be from 28th Street South. Pedestrian access to the building will be from the public sidewalk along 5th Avenue South and 28th Street South. The loading area and dumpster will be accessed from the existing north-south alley that is located on the east side of the subject property. The production area will be approximately 689 square feet and the tasting room for onsite consumption will be approximately 2,479 square feet.

The proposed building encroaches into the 45-degree visibility triangle at the intersection of 5th Avenue South and 28th Street South. The applicant will be required to modify the building so that the building does not encroach into the visibility triangle. The exterior green yard is required to be 10 feet for the industrial zoned portion of the property. The site plan shows five feet. The industrial zoned portion of the property is the southern 45 feet of the subject property. The site plan will need to be modified to comply with the exterior green yard. Conditions of approval have been added to the staff report to address these issues.

The architectural style of the proposed building will be contemporary. The exterior of the building will be finished in stucco and incorporate banding at the base of the building. The northwest corner of the building has been angled to align with the property line. The entrance of the building has been located along this angled wall. The style of the roof will be a shed roof that increases in height towards 28th Street South.

Use Specific Regulations
City Code has use specific regulations for a microbrewery as outlined in Section 16.50.045, these regulations are listed below:

The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons / 17,602.16 hectoliters) of beer per year;

The applicant has noted in the narrative that they will produce less than 15,000 barrels a year.

This use shall be permitted only in conjunction with a 'restaurant and bar, indoor,' 'restaurant and bar, indoor and outdoor' or 'restaurant and bar, accessory outdoor area,' tasting room or retail sales and service:

a. No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

The applicant proposes to have a 689 square foot brewery and a 2,479 square foot tasting area, the brewery will occupy 19 percent of the total building area.

b. The façade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;

The proposed building will be oriented towards the street.
c. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).

The proposed building will be located abutting the existing public sidewalks along 5th Avenue South and 26th Street South.

All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;

All mechanical equipment will be inside the existing building.

Access and loading bays are discouraged from facing toward any street, excluding alleys;

The loading and unloading of goods and materials will be from the existing alley.

Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

N/A

Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;

This has been placed as a Special Condition of Approval.

No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:

a. Designated on the approved site plan;
b. Permitted within the interior side or rear yard or within the minimum building setbacks;
c. Prohibited within any yard abutting a residential use or residential zoning district;
d. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five (5) feet in height.

The applicant has not discussed if there will be any outdoor temporary storage. The proposed building will be built to the north, east and west property lines and the space between the building and the southern property line is used for surface parking. The applicant will not be permitted to have any storage in the public rights-of-way.

Staff finds that the applicant has complied with the use specific regulations for a microbrewery, as outlined in Section 16.50.045.
**Special Exception**
The proposed use, as mentioned above, is a Special Exception use in the CCT-1 zoning district. The DRC is required to review the project for any possible adverse impacts such as noise, light, traffic circulation, traffic congestion and compatibility. The subject property has previously been developed with a commercial use. Located to the north and east of the subject property are commercially zoned properties. Located to the south and west of the subject property are industrially zoned properties. There is an existing alley that will allow for the loading and unloading of goods and materials. The City's Transportation Planner has reviewed the proposal and determined that the existing road network is adequate to support the proposed use. The properties that surround the subject property are also developed with commercial uses. Staff finds that the proposed use complies with the Special Exception criteria as outlined in Section 16.70.040.1.5.

**Public Comments:**
No comments or concerns were expressed to the author at the time this report was prepared.

I. **RECOMMENDATION:**
A. Staff recommends APPROVAL of a Special Exception and related site plan, subject to the Special Conditions of Approval.

B. **SPECIAL CONDITIONS OF APPROVAL:**
1. The applicant shall comply with the use specific criteria for a microbrewery, as outlined is Section 16.50.045.
2. Approval of this Special Exception and related site plan does not constitute approval of tables and chairs in the right-of-way. A sidewalk café permit is required for tables and chairs in the right-of-way.
3. The exterior green yard shall be 10 feet wide for the industrial zoned portion of the property.
4. The plans submitted for permitting shall comply with Section 16.40.090.4 Bicycle Parking.
5. The plans submitted for permitting shall be revised to comply with the 45-degree visibility triangle at the street intersection.
6. The plans submitted for permitting shall comply with the memorandum from The City's Engineering Department that is dated August 22, 2016 and attached to this report.

C. **STANDARD CONDITIONS OF APPROVAL**
(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.
Building Code Requirements:
1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:
1. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
2. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
3. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
4. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:
1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. As per Engineering Department requirements and prior to their approval of any permits, the applicant shall submit a copy of a Southwest Florida Water Management District (or Pinellas County Ordinance 90-17) Management of Surface Water Permit or Letter of Exemption to the Engineering Department and a copy of all permits from other regulatory agencies including but not limited to FDOT and Pinellas County required for this project.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.
Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Economic Development Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."

2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.

3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.

4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.

6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.

7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

IV. CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

A. The use is consistent with the Comprehensive Plan.

B. The property for which a Site Plan Review is requested shall have valid land use and zoning for the proposed use prior to site plan approval;

C. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and County roads shall be based on the latest access management standards of FDOT or Pinellas County, respectively;

D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

E. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;
F. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval, of a drainage pan as required by city ordinance, County ordinance, or SWFWMD;

G. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

H. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

I. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

J. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

K. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

L. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

M. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

N. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

O. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

1. The site is not within an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).

2. The property is not within a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).

P. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Q. Meets adopted levels of service and the requirements for a Certificate of Concurrency by complying with the adopted levels of service for:

a. Water.
b. Sewer (Under normal operating conditions).
c. Sanitation.
d. Parks and recreation.
e. Drainage.
The land use of the subject property is: **Planned Redevelopment Mixed-use and Industrial General**

The land uses of the surrounding properties are:

North: Planned Redevelopment Mixed-use
South: Industrial General
East: Planned Redevelopment Mixed-use and Industrial General
West: Planned Redevelopment Mixed-use and Industrial Limited.

REPORT PREPARED BY:

[Signature]

COREY MAŁYSZKA, Urban Design and Development Coordinator
Planning and Development Services Department
Development Review Services Division

REPORT APPROVED BY:

[Signature]

Jennifer Britta, AICP, Zoning Official
Planning and Development Services Department
Development Review Services Division

DATE 8/27/18

DATE 8/29/18
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 18-32000012
Addresses: 502, 515, and 526 28th Street South
To Whom it may concern:

My name is James Coleman and I am a Veteran of the United States Marine Corps looking to start a Nanobrewery at 502 28th Street South in Saint Petersburg, FL. Over the course of the last two years we have been working on our craft and I began considering how to fund this dream. I began with talking with consults from the brewery industry, Mike from 3 Daughters & Steve from Green Bench, on how to create the best business plan to product a high-quality product and find a way to give back to my community.

Beer is the most popular alcoholic beverage in the United States, and annual consumption has risen to $106 billion – around five times higher than distilled spirits sales. In addition, craft beer sales continue to hit all-time highs and accounts for the clear majority of industry growth. With over $22 billion in revenue and 16% annual growth, craft beer sales have more than doubled since 2010.

To meet the growing demand, ColeVet, LLC (“the Company”), a veteran owned and operated business is launching Bayboro Brewing Company. Located in St. Petersburg, Florida, Bayboro Brewing Company will be a new small production brewing facility that will feature a tap room and bottle shop. Bayboro Brewing will feature its handcrafted beers, as well as have on tap those from other local and regional brewers. As a locally owned and operated brewery, Bayboro will have a friendly, inviting ambiance that encourages local camaraderie of like-minded people who appreciate finely crafted, fresh brewed beers. The on-site tap room will feature 10 brews on tap for customers to enjoy in-house or take-away in growlers.

Bayboro will feature several unique recipes that follow popular American craft beer styles and will appeal to a wide range of consumers, from beer aficionados to new converts alike. The Company’s flagship beers will anchor the brewery output, which will also include seasonal beers and continual new releases. The facility will also feature a craft beer bottle shop for take-away customers that showcases special beers not found elsewhere in the area. The retail store will also offer logoed Bayboro gear. The brewery will also conduct brewery tours on a routine schedule to enhance customer interest and raise brand awareness.

Bayboro Brewing will enter the market as one of just a handful of St. Petersburg-area breweries. Florida has a growing craft beer scene, which contributes over $2 million to the state’s economy. Florida now has over 200 breweries, signaling a rise in consumer demand for local craft beer. Bayboro Brewing will complement the beer scene in St. Petersburg, offering a wide range of outstanding, locally
produced beer. Bayboro Brewing’s comfortable, distinctive atmosphere will appeal to all demographics, attracting both craft beer aficionados and those new to the experience. The Company will strive to be the destination of choice where business people, students, area residents and visitors meet, including those coming to and from the St. Petersburg area. Bayboro Brewing also intends to eventually distribute throughout the entire metro area as well as statewide and into other areas of the Southeast.

To first establish the Bayboro Brewery brand, the Company will use social media and grass roots marketing, as well as direct sales. This will include hitting the pavement, making in-person visits with managers at bars, restaurants, and stores, letting them sample the beers and learn about the Company and its products. The Company will also sponsor local events, attend beer-related trade shows, beer festivals, and other events where large crowds can sample all Bayboro Brewery has to offer.

Driving the Bayboro Brewing brand is James Coleman, a motivated, knowledgeable, and business-savvy Master Brewer and marketing professional. Mr. Coleman proudly serviced in the United States Marine Corps and is passionate about giving back to the community by creating jobs and a local brand for the community to be proud of. Mr. Coleman excels in all things related to branding companies. Through his years in the brewing and marketing industries, he has developed an in-depth knowledge and understanding of the industry and its local market dynamics. As such, he has extensive personal contacts, knowledge of the local landscape, and experience in business development which will be invaluable toward the long-term success of the Company.

In addition to the development standards of the zoning district, applicable general development standards, and where applicable, use specific development standards for restaurant or retail uses, an establishment that meets the definition of a microbrewery shall comply with the following:

1. The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year;
2. This use shall be permitted only in conjunction with a "restaurant and bar, indoor," "restaurant and bar, indoor and outdoor" or "restaurant and bar, accessory outdoor area," tasting room or retail sales and service:
   a. No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
   b. The façade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
   c. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).
3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
4. Access and loading bays are discouraged from facing toward any street, excluding alleys;
5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

6. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;

7. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
   a. Designated on the approved site plan;
   b. Permitted within the interior side or rear yard or within the minimum building setbacks;
   c. Prohibited within any yard abutting a residential use or residential zoning district;
   d. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.
CITY OF ST. PETERSBURG
MEMORANDUM
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Review Services
    Corey Malyszka, Planning & Development Services Interim Zoning Official,
    Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: August 10, 2018

SUBJECT: Special Exception

FILE: 18-32000012

LOCATION
AND PIN: 526 28th Street South; 23/31/16/17298/001/0100
         516 28th Street South; 23/31/16/17298/001/0110
         502 28th Street South; 23/31/16/17298/001/0120

ATLAS: 1-3
PROJECT: Special Exception

REQUEST: Approval of a Special Exception and related Site Plan to construct a 3,608-sq. ft. micro-
brewery.

The Engineering Department has no objection to the proposed special exception and related site plan with the
following special conditions and standard comments which must be addressed as plans are developed for the issuance
of construction permits:

SPECIAL CONDITIONS:
1. The scope of this project will trigger compliance with the Drainage and Surface Water Management
   Regulations as found in City Code Section 16.40.030. The Engineer of Record shall submit signed and sealed
   drainage plans and calculations which conform to the water quantity and the water quality requirements of
   City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and on-
   site areas draining to and co-mingling with the runoff from that portion of the site which is redeveloped.
   Stormwater systems which discharge directly or indirectly into impaired waters must provide net
   improvement for the pollutants that contribute to the water body’s impairment. Stormwater runoff release
   and retention shall be calculated using the Rational formula and a 10 year 1 hour design storm. The owner’s
   engineer of record shall verify that existing public storm sewer infrastructure has sufficient capacity, or will
   have sufficient capacity prior to issuance of a certificate of occupancy, to convey the drainage flow after
   considering the current and proposed infrastructure demand.

2. Per land development code 16.40.140.4.6 (9), habitable floor elevations for commercial projects must be set
   per building code requirements to at least one foot above the FEMA elevation. Habitable floor elevations
   for projects subject to compliance with the Florida Building Code, Residential, shall be set per building code
   requirements to at least two feet above the FEMA elevation. The construction site upon the lot shall be a
   minimum of one foot above the average grade crown of the road, which crown elevation shall be as set by
   the engineering director. Adequate swales shall be provided on the lot in any case where filling obstructs the
   natural ground flow. In no case shall the elevation of the portion of the site where the building is located be
   less than an elevation of 103 feet according to City datum.

3. Public sidewalks are required by City of St. Petersburg Municipal Code Section 16.40.140.4.2 unless
   specifically limited by the DRC approval conditions. Within the CCT & IT zoning district, a 6-foot wide
   public sidewalk is required within the southern parkway of 5th Avenue South and within the eastern parkway
   of 28th Street South. Existing sidewalks which do not meet the width required by City Land Development
   code must be replaced per Current City Engineering Standards. Sidewalks will require curb cut ramps for
physically handicapped and truncated dome tactile surfaces (of contrasting color to the adjacent sidewalk, colonial red color preferred) at all corners or intersections with roadways & alleys that are not at sidewalk grade and at each side of proposed and existing driveways per current City and ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to be brought up to good and safe ADA compliant condition prior to Certificate of Occupancy.

4. All existing redundant (abandoned) driveway approaches or drop curbing which exist within the public right-of-way around the perimeter of this project development shall be removed. Pavement surfaces associated with these approaches shall be completely removed from within the right-of-way and any existing drop curbing shall be removed and replaced with a raised curb to match existing curb type per current City Engineering Standards and Specifications.

5. Wastewater reclamation plant and pipe system capacity will be verified prior to development permit issuance. Any necessary sanitary sewer pipe system upgrades or extensions (resulting from proposed new service or significant increase in projected flow) as required to provide connection to a public main of adequate capacity and condition, shall be performed by and at the sole expense of the applicant. Proposed design flows (ADF) must be provided by the Engineer of Record on the City’s Wastewater Tracking Form (available upon request from the City Engineering department, phone 727-893-7238). If an increase in flow of over 1000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10 inches and larger proposed to be used for connection. The project engineer of record must provide and include with the project plan submittal 1) a completed Wastewater Tracking form, and 2) a capacity analysis of public mains less than 10 inches in size which are proposed to be used for connection. If the condition or capacity of the existing public main is found insufficient, the main must be upgraded to the nearest downstream manhole of adequate capacity and condition, by and at the sole expense of the developer. The extent, need for system improvements cannot be determined until proposed design flows and sanitary sewer connection plan are provided to the City’s Water Resources department for system analysis of main sizes 10” and larger. Connection charges are applicable and any necessary system upgrades or extensions shall meet current City Engineering Standards and Specifications and shall be performed by and at the sole expense of the developer.

6. Submit a completed Stormwater Management Utility Data Form to the City Engineering Department with the submittal of construction plans for permitting. Form available upon request from the City Engineering & Capital Improvements Department front counter, phone 727-893-7238, email Martha.Hegenbarth@stpete.org.

7. A work permit issued by the Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement. All work within right of way or public utility easement shall be in compliance with current City Engineering Standards and Specifications and shall be installed at the applicant’s expense in accordance with the standards, specifications, and policies adopted by the City.

STANDARD CONDITIONS OF APPROVAL: Water service is available to the site. The applicant’s Engineer shall coordinate potable water and/or fire service requirements through the City’s Water Resources department. Recent fire flow test data shall be utilized by the site Engineer of Record for design of fire protection system(s) for this development. Any necessary system upgrades or extensions shall be performed at the expense of the developer.

Water and fire services and/or necessary backflow prevention devices shall be installed below ground in vaults per City Ordinance 1009-g (unless determined to be a high hazard application by the City’s Water Resources department or a variance is granted by the City Water Resources department). Note that the City’s Water Resources Department will require an exclusive easement for any meter or backflow device placed within private property boundaries. City forces shall install all public water service meters, backflow prevention devices, and/or fire services at the expense of the developer. Contact the City’s Water Resources department, Kelly Donnelly, at 727-892-5614 or kelly.donnelly@stpete.org. All portions of a private fire suppression system shall remain within the private property boundaries and shall not be located within the public right of way (i.e. post indicator valves, fire department connections, etc.).
Plan and profile showing all paving, drainage, sanitary sewers, and water mains (seawalls if applicable) to be provided to the Engineering Department for review and coordination by the applicant's engineer for all construction proposed or contemplated within dedicated right of way or easement.

All required improvements shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City. A work permit issued by the City Engineering Department must be obtained prior to the commencement of construction within dedicated right-of-way or public easement.

Development plans shall include a grading plan to be submitted to the Engineering Department including street crown elevations. Lots shall be graded in such a manner that all surface drainage shall be in compliance with the City's stormwater management requirements. A grading plan showing the building site and proposed surface drainage shall be submitted to the engineering director.

Development plans shall include a copy of a Southwest Florida Water Management District Management of Surface Water Permit or Letter of Exemption or evidence of Engineer's Self Certification to FDEP.

It is the developer's responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21.300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

The applicant will be required to submit to the Engineering Department copies of all permits from other regulatory agencies including but not limited to FDOT, FDEP, SWFWMD and Pinellas County, as required for this project. Plans specifications are subject to approval by the Florida state board of Health.