For Public Hearing and Executive Action on March 6, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & 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.: 18-54000094
PLAT SHEET: H-36

REQUEST: After-the-fact variance to the maximum allowable fence height from 4-feet to 6-feet in the front yard to allow for a 6-foot high stockade wooden fence to remain within the front yard.

OWNER: Gary Colombo
6829 19th Street North
Saint Petersburg, Florida 33702-6434

ADDRESS: 6829 19th Street North

PARCEL ID NO.: 36-30-13-56826-068-0070

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family (NS-1)

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
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<tbody>
<tr>
<td>Fence located in the Legal Front Yard</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Fence Height</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4’ – 0”</td>
<td>6’ – 0”</td>
<td>2’ – 0”</td>
<td>50.0%</td>
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BACKGROUND: The subject property is in the Meadowlawn neighborhood, at the southeast corner of 19th Street North and 68th Circle North (see Attachment A, Parcel Map and Attachment B, Aerial Location Map). The primary use of the property, a single-family residence, was permitted in 1962.
This variance request is for after-the-fact approval of an over-height fence installed within the property's front yard (Attachment C). The fence, installed within the last year, replaced an over-height fence, however after further investigation, it was found that the new fence was extended from the previous fence's location, extending 4 feet into the right-of-way on 68th Circle North.

This after-the-fact variance request seeks to resolve Code Compliance Case #18-00026600. Previous photos of the property indicate that a 6-foot high fence was constructed within the front yard sometime between January 2008 and July 2009 (see Attachment D). A permit is not required for the construction of residential fences and therefore the original installation nor the newly installed fence did not receive the benefit of formal zoning review prior to their establishment.

Per Section 16.60.010.8.1, “on a corner lot the front yard shall be the yard facing the roadway in which the lot has its lesser dimension”. On this lot, the front of the home faces 19th Street North, which is considered the legal street side yard. The northeast facade of the home fronts the legal front yard. The surrounding properties are also zoned NS-1.

The area requested for the fence would be considered a front yard on a non-major street (see graphic below). A front yard on a non-major street is allowed a 4-foot fence at the property line and a 5-foot hedge anywhere within 5 feet of the property line. A 6-foot stockade wood fence would be required to meet the minimum front yard building setback of 25 feet. In addition, all fences need to meet a visibility triangle at intersections, which limits fences or hedges to 36-inches within the triangle, see graphic below from city code section 16.40.040.3.

If this was a street side yard, on corner lots where a street side yard abuts a neighbor's legal front yard, a 4-foot high fence would be allowed to be placed on the property line along the street side. If this was the condition, a 5-foot high hedge would be allowed within 5-feet of the property line and a 6-foot high fence would be required to be setback 12-feet. The regulations for the height of
the fence and the hedge would be the same, whether this was a front yard or a street side yard abutting a neighbor’s front yard.

The Applicant provided signatures of no-objection from seven (7) property owners in the vicinity of the subject property (see Attachment E) as well as support from the Meadowlawn Neighborhood Association. As of the time of this report, no other public comments have been made by email or phone.

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 criterion is applicable, as the applicant is requesting a fence in the legal front yard for a property that was developed with the front of the house facing the legal street side yard.

   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 is not applicable as this lot meets lot area and lot width for the NS-1 zoning 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.

      This criterion is not applicable.

   f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.
The proposed project would not align with the existing development along 19th Street North. The proposed location of the fencing would not match the development pattern.

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

This criterion is not applicable.

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

The conditions are the result of the actions of the applicant. The property was purchased in 2008 and the original fence was built sometime between January 2008 and July 2009 and replaced, increasing the size and nonconformity, in 2018 while under the same ownership.

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

The applicant has the ability to continue the use of the property as a single-family residence without obtaining a variance to the location of the fence. A four-foot fence is allowed within the front yard, as is a five-foot hedge.

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 literal application of the Code does not deprive the Applicant of property rights that other properties of similar lot size or zoning designation.

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

The applicant already has reasonable use of the land and could expand the fence within the front yard with a four-foot fence.

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

This request is not consistent with the purpose and intent of the Code to accommodate reasonable use of property. The granting of the variance could set a precedent for taller fences in the front yards in this neighborhood.

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 would be injurious to the neighboring properties, as it would cut off the view from their front yards and for the block face. The most affected neighbor, at 1870 68th Circle North has not indicated no-objection in the submitted Neighborhood Worksheet. Over-height fences on corner properties may obstruct views and/or violate visibility triangles adversely affecting public safety at intersections. Nonconforming
structures should not be improved as nonconformities are intended to be replaced by conforming structures or be removed entirely over time.

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

   The reasons set forth in the variance request do not indicate a unique situation and thus do not justify the granting of a variance.

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 Meadowlawn Neighborhood Association. The Neighborhood Association has shown that it is in support of the requested variance. As of the time of this report, seven (7) property owners in the vicinity of the subject property have no-objection to the requested variance.

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

1. The fence shall be re-installed so that it is located no closer to the street than the existing front yard (68th Circle North) property line.
2. This variance approval shall be valid through March 6, 2021. Fence construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Commercial equipment may only be parked on site in conformance with the requirements of Section 16.40.100.5. Domestic equipment may only be parked on site in conformance with the requirements of Section 16.40.100.6.
5. No additional curb cuts are permitted.
Report Prepared By:

Michael W. Larimore, Planner I
Development Review Services Division
Planning & Development Department

Report Approved By:

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

ATTACHMENTS: Attachment A – Parcel Map; Attachment B – Aerial Photo; Attachment C – Survey/Site Plan; Attachment D – Property Photos (3); Attachment E – No-Objection Map; Attachment F – Application Package

MWL/JCB
Attachment A. - Parcel Map
Attachment B. – Aerial Photo
Attachment C. - Survey / Site Plan

[Diagram of a site plan with a highlighted area marked 13.0' x 9']
Attachment D. – Property Photos

Street View - January 2008
Attachment F. - Application Package

See next page.
Form: VARIANCE

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

**GENERAL INFORMATION**

| NAME of APPLICANT (Property Owner): | GARY COLOMBO |
| Street Address: | 6829 19th St. N. |
| City, State, Zip: | ST. PETERSBURG, FL 33702 |
| Telephone No: | 727-204-2559 |
| Email Address: | GACFL3 @ YAHOO.COM |

**NAME of AGENT or REPRESENTATIVE:**

| Street Address: |
| City, State, Zip: |
| Telephone No: |
| Email Address: |

**PROPERTY INFORMATION:**

| Street Address or General Location: | 6829 19th St. N. |
| Parcel ID#(s): |

**DESCRIPTION OF REQUEST:** VARIANCE FOR FEES

**PRE-APPLICATION DATE:** |

**PLANNER:** |

**FEE SCHEDULE**

| 1 & 2 Unit, Residential – 1st Variance | $300.00 |
| 3 or more Units & Non-Residential – 1st Variance | $300.00 |
| Each Additional Variance | $100.00 |
| After-the-Fact | $500.00 |
| Docks | $400.00 |
| Flood Elevation | $300.00 |

Cash, credit, checks made payable to "City of St. Petersburg"

**AUTHORIZATION**

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City’s Codes Compliance Assistance Department.

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

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

Signature of Owner / Agent: [Signature]

Affidavit to Authorize Agent required, if signed by Agent:

Typed Name of Signatory: ____________________

Date: 10-16-18

UPDATED 09-30-16
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner’s Name: GARY A. COLONBO

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

Property Address: 6829 19th St. N. St. Pete FL 33702
Parcel ID No.: 363016 56826 06800 70
Request: VARIANCE FOR FENCE

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

Agent’s Name(s):

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

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

Signature (owner): ____________________________

Sworn to and subscribed on this date

Identification or personally known:

Notary Signature: ____________________________

Commission Expiration (Stamp or date):

Signature (owner):

Printed Name: GARY A. COLONBO
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: Applicant Narrative

<table>
<thead>
<tr>
<th>Street Address: 6829 14th</th>
<th>Case No.:</th>
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<tbody>
<tr>
<td>Detailed Description of Project and Request: 6' stockade fence on north side</td>
<td></td>
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</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 layout of our lot would be a better fit for this fence on our north side than the west side. The north side fence offers a pleasant appearance, security, and ability to enjoy our property safely. The west side fence would be unattractive, unsafe, and limit the use of this large lot. To have to sell or rent, 3/4's from retirement and with age and health issues I don't feel I can start over elsewhere and would lose our investment.

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. N/A

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

**APPLICANT NARRATIVE**

<table>
<thead>
<tr>
<th>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?</th>
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</thead>
<tbody>
<tr>
<td>I would have lost use and privacy of the only large part of yard. This would fit visually and match the layout of our plot without traffic on this side and south side with very minimal area. To put fence on west side would make appearance and access to our driveway very poor and done to code could obstruct view of traffic to sell or rent this property without this variance could possibly cause a nuisance especially with noise on west side and could draw theft with exposure side.</td>
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<tr>
<th>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</th>
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<tbody>
<tr>
<td>To expose the north side with a 25' setback and a 4' fence would offer security or privacy on usefull use of lot with a large lot but back right side and south side with very minimal area. To put fence on west side would make appearance and access to our driveway very poor and done to code could obstruct view of traffic to sell or rent this property without this variance could possibly cause a nuisance especially with noise on west side and could draw theft with exposure side.</td>
</tr>
</tbody>
</table>

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<tr>
<th>6. In what ways will granting the requested variance enhance the character of the neighborhood?</th>
</tr>
</thead>
<tbody>
<tr>
<td>It would look proper and defend theft. I will always take care of the appearance to better our property values and not draw issues. It would afford us to stay and take care of the appearance and help our property value. I and my wife could retire in peace feeling safe and not lost so much of our years of hard work and our investment.</td>
</tr>
</tbody>
</table>
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: 6829 19th St. N.</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of Request: VARIANCE FOR FENCE</td>
<td></td>
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</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:** 6810 19th S.
   - **Owner Name (print):**
   - **Owner Signature:**

2. **Affected Property Address:** 6875 19th St. N.
   - **Owner Name (print):** William Rawlings Jenkins
   - **Owner Signature:**

3. **Affected Property Address:** 6815 19th St. North
   - **Owner Name (print):** Sylvia Jenkins
   - **Owner Signature:**

4. **Affected Property Address:** 6834 19th St. N.
   - **Owner Name (print):**
   - **Owner Signature:** Mark Thompson

5. **Affected Property Address:** 6800 19th St. N.
   - **Owner Name (print):**
   - **Owner Signature:**

6. **Affected Property Address:** 6824 19th St. N.
   - **Owner Name (print):**
   - **Owner Signature:**

7. **Affected Property Address:** 6878 19th St. N. 33702
   - **Owner Name (print):**
   - **Owner Signature:**

8. **Affected Property Address:**
   - **Owner Name (print):**
   - **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
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."

<table>
<thead>
<tr>
<th>APPLICANT REPORT</th>
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<tbody>
<tr>
<td><strong>Street Address:</strong></td>
</tr>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal</td>
</tr>
<tr>
<td>MET 10-23-18 @ ISLAND AVENUE, ST. PETERSBURG, FL.</td>
</tr>
<tr>
<td>APPROX 40 NEIGHBORS ATTENDED</td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
</tr>
<tr>
<td>MEETING NOTICES MAILED TO ALL NEIGHBORS LIVING IN MEADOWLAWN COMMUNITY</td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
</tr>
<tr>
<td>IN MEADOWLAWN COMMUNITY</td>
</tr>
<tr>
<td>2. Summary of concerns, issues, and problems expressed during the process</td>
</tr>
<tr>
<td>DISCUSSED LAYOUT OF LOT AND NO OBSTRUCTED VIEWS</td>
</tr>
<tr>
<td>3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations</td>
</tr>
<tr>
<td>Check one: (X) Proposal supported</td>
</tr>
<tr>
<td>( ) Do not support the Proposal</td>
</tr>
<tr>
<td>( ) Unable to comment on the Proposal at this time</td>
</tr>
<tr>
<td>( ) Other comment(s):</td>
</tr>
<tr>
<td>Association Name: MEADOWLAWN ASSOC. President or Vice-President Signature.</td>
</tr>
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</table>

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.
This is a City-initiated application for review by the Development Review Commission (“DRC”) in its capacity as the Land Development Regulation Commission (“LDRC”). Staff requests that the LDRC make a finding of consistency with the Comprehensive Plan and recommend to City Council APPROVAL of the following text amendments to the City Code, Chapter 16, Land Development Regulations (“LDRs”).

The purpose of this text amendment application is to strengthen noise related standards for outdoor uses and sidewalk cafés.

APPLICANT INFORMATION

APPLICANT:  City of St. Petersburg  
275 5th Street North  
St. Petersburg, Florida 33701

CONTACT:  Elizabeth Abernethy, Director  
Planning and Development Services Department  
One – 4th Street North  
St. Petersburg, Florida 33711  
Elizabeth.Abernethy@stpete.org  
(727) 893-7868

COMMISSION AUTHORITY

Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the LDRC, is responsible for reviewing and making a recommendation to the City Council on all proposed amendments to the LDRs.
PUBLIC SAFETY AND INFRASTRUCTURE COMMITTEE

The Public Safety and Infrastructure Committee of City Council (PSI) has conducted numerous meetings to review and discuss options for updating the Noise Ordinance (Chapter 11 of the Code) going back over two years. On January 20, 2019, the PSI approved moving forward with what is referred to as “Option 1.” Option 1 includes amendments to three Code Chapters; Chapter 3, Alcoholic Beverages, Chapter 11, Noise Pollution and Chapter 16, the Land Development Regulations. A summary of all of the Code amendments recommended by the PSI are attached, along with the minutes from the most recent meeting on January 24, 2019. The most significant change is to the penalty section of Noise Pollution Chapter, which includes a formal warning and higher fines and, for multiple repeat offenders, the potential for suspension of extended hours and/or sidewalk café permits. The DRC is responsible for making a recommendation related to the LDR portion of the amendments only, which are described below. All of the noise ordinance update related amendments are provided as context.

Two issues related to the noise monitoring and mitigation plans were discussed at the January 24th PSI meeting. The first related to when a noise mitigation and monitoring plan should be required for a new business replacing an existing business with an existing outdoor area. Direction was provided to staff to more narrowly tailor the applicability to only those that have operating hours past 11:00 p.m. Otherwise the trigger for preparing a plan would related to new or expanded outdoor areas with amplified sound systems, located within 1,000 feet of a residential use. The other recommendation was for staff to determine if the ordinance can be amended to require a noise mitigation and monitoring plan as one step in the progressive penalty system. Staff has revised the ordinance to incorporate these two changes, and the revised ordinance is attached.

DEVELOPMENT REVIEW COMMISSION

A workshop was held before the Development Review Commission on February 6, 2019.

STAFF ANALYSIS

Background

Current noise related standards for outdoor uses are found in the Use Specific Development Standards Code Section (16.50.310, 16.50.320 and 16.50.370) and are limited to outdoor areas associated with restaurants and bars, and sidewalk cafés.

Amendments to the standards for Restaurants and Bars, Indoor and Outdoor (Section 16.50.310), would broaden the category to include all privately owned outdoor places, not just those at restaurants and bars. Privately owned outdoor places would be as defined in the Noise Ordinance (Chapter 11). In addition, the design standards for outdoor places is clarified to ensure they are located away from residential uses, unless a properly certified noise mitigation and monitoring plan is approved by the POD that demonstrate compliance with the noise ordinance. Finally, the use restrictions are modified to eliminate language that is potentially in conflict with the Noise Ordinance related to responsibility for controlling noise levels.

Similar amendments are recommended for Restaurants and Bars, Accessory Outdoor Areas (16.50.320). The Section title is changed to Accessory Outdoor Area to include all accessory outdoor area for restaurants and bars, hotels or other non-residential uses. Again, the design standards are modified to clarify that these areas
will be located away from residential uses unless a properly certified noise mitigation and monitoring plan is approved by the POD and the potentially conflicting noise control responsibility language is deleted.

Amendments to the sidewalk café permit conditions (16.50.370.8.19) are proposed to be revised to clarify what “downward orientation” of outdoor café speakers means (45 degree angle or less). This level of specificity eliminates the currently vague standard and allows for café operators and code enforcement personnel to understand what is required. Finally, Section 16.70.030.1.7.E, Applications and Procedures, Sidewalk Café, is amended to add a new subsection “5” that identifies repeat violations of the Noise Ordinance as a grounds for suspension, but not revocation, of a sidewalk café permit.

Lastly, appeals under Section 11-50 to suspension of a sidewalk café permit will be heard by the DRC.

**Consistency and Compatibility (with Comprehensive Plan)**

The following objective and policy from the City's Comprehensive Plan are applicable to the attached proposal:

**OBJECTIVE LU21:**
The City shall, on an ongoing basis, review and consider for adoption, amendments to existing or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

Policy:

LU21.1
The City shall continue to utilize its innovative development regulations and staff shall continue to examine new innovative techniques by working with the private sector, neighborhood groups, special interest groups and by monitoring regulatory innovations to identify potential solutions to development issues that provide incentives for the achievement of the goals, objectives and policies of the Comprehensive Plan.

**PROPOSED TEXT AMENDMENTS**

The Draft ordinance is attached. The Chapter 16 changes are the subject of the DRCs Comprehensive Plan consistency review, and are shown in strike-through and underline format.

Attached: Noise Ordinance Update Code Amendments Summary Tables
Proposed amendments to Chapters 3, 11 and 16
PSI Meeting Minutes – January 24, 2019
Housing Affordability Impact Statement

City of St. Petersburg
Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately $2 million in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that increase the cost of housing construction, or of housing redevelopment, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1–June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City’s Housing and Community Development Department.

I. Initiating Department: Planning & Development Services Development

II. Policy, Procedure, Regulation, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed amendments to Chapter 16, City Code of Ordinances (City File LDR 2018-02).

III. Impact Analysis:

A. Will the proposed policy, procedure, regulation, or plan amendment, (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fees, require more infrastructure costs up front, etc.)

   No  X  (No further explanation required.)
   Yes _____ Explanation:

   If Yes, the per unit cost increase associated with this proposed policy change is estimated to be: $_________________.

B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

   No  X  (No further explanation required)
   Yes _____ Explanation:
IV: Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare, and therefore its public purpose outweighs the need to continue the community’s ability to provide affordable housing, please explain below:

CHECK ONE:

☒ The proposed regulation, policy, procedure, or comprehensive plan amendment will not result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

☐ The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance will increase housing costs in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development department.)

Elizabeth Abernethy, AICP
Director, Planning & Development Services

Date: 2-14-19

Director, Planning & Development Services (signature)

Copies to: City Clerk
Joshua A. Johnson, Director, Housing and Community Development
### Amendments to Chapter 3, Alcoholic Beverages (Extended Hours Permits – midnight to 3:00 a.m.)

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>PROPOSED ORD. SECTION NO.</th>
<th>CODE SECTION NO.</th>
<th>CODE CHAPTER AND SECTION TITLE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Section 1</td>
<td>3-8(h)(1)(i)</td>
<td>Alcoholic Beverages; Permits for extended hours for alcoholic beverage establishments; <strong>Suspension and revocation</strong></td>
<td>Problem Statement: Current penalties for Noise Ordinance violations are generally not significant enough to motivate individuals/businesses to comply. Requested Action: Add provision to Chapter 3 that allows for 30 day suspension of alcoholic beverage extended hours permits for failure to comply with the conditions of a noise mitigation plan or the requirements of Chapter 11, Article III, Noise Pollution.</td>
</tr>
<tr>
<td>2</td>
<td>Section 1</td>
<td>3-8(h)(3)</td>
<td>Alcoholic Beverages; Permits for extended hours for alcoholic beverage establishments; <strong>Suspension and revocation</strong></td>
<td>Problem Statement: Penalties for Noise Ordinance violations should not be overly punitive. Requested Action: Clarify that Noise ordinance violations are not grounds for revocation of extended hours permits.</td>
</tr>
<tr>
<td>3</td>
<td>Section 1</td>
<td>3-8(h)(6)</td>
<td>Alcoholic Beverages; Permits for extended hours for alcoholic beverage establishments; <strong>Suspension and revocation</strong></td>
<td>Problem Statement: It must be clear in the Ordinance that security plans that may be implemented in lieu of suspension are unrelated to noise. Requested Action: Add clarifying language.</td>
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<tr>
<td>ITEM #</td>
<td>PROPOSED ORD. SECTION NO.</td>
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<td>Amendments to Chapter 11, Article III, Noise Pollution</td>
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<tr>
<td>4</td>
<td>Section 2</td>
<td>11-47</td>
<td>Noise Pollution; Definitions; Amplification device Privately owned outdoor place (eliminate sidewalk café)</td>
<td>Problem Statement: The term amplification device is used in the proposed Noise Pollution Code amending language and requires defining. Sidewalk café is being deleted from the definition of “Privately owned outdoor place” and being defined as per Chapter 16 (see items #13 and 15). Requested Action: Add definition for amplification device and modify definition of “Privately owned outdoor place” to eliminate sidewalk cafés.</td>
</tr>
<tr>
<td>5</td>
<td>Section 3</td>
<td>11-49(5)</td>
<td>Noise Pollution; Exemptions; Motorboats</td>
<td>Problem Statement: Current language does not distinguish between noise made by motorboat engines vs. noise made by amplification devices on a motorboat. Requested Action: Add language that clarifies that amplification devices are not included in the motorboat engine noise exemption</td>
</tr>
<tr>
<td>6</td>
<td>Section 4</td>
<td>11-50(a)</td>
<td>Noise Pollution; Penalty; Prosecution of violations</td>
<td>Problem Statement: Current language allows persons at a business (e.g. bar tender, waiter, night manager) to be prosecuted instead of the business. Requested Action: Revise Section to allow the responsible business to be prosecuted for violations.</td>
</tr>
<tr>
<td>7</td>
<td>Section 4</td>
<td>11-50(b)</td>
<td>Noise Pollution; Penalty; Progressive penalties</td>
<td>Problem Statement: Penalties in current ordinance have a one-step penalty increase for multiple offenses ($350 for 1st, $500 for all additional that occur within one year) and can be considered a “cost of doing business,” thus reducing their effectiveness as a compliance motivational tool. Requested Action: Revise Section to multiple steps; warning, $500 fine within one year of warning, a second $500 fine within one year of the first fine, followed by extended hours and/or sidewalk café permit suspensions and preparation of a mitigation and monitoring plan for violations that occur within one year of two previous $500 penalty violations.</td>
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<tr>
<td>8</td>
<td>Section 4</td>
<td>11-50(c)</td>
<td>Noise Pollution; Penalty; <em>Notice of suspension</em></td>
<td>Problem Statement: Due process requires appropriate notification prior to suspending a previously approved permit. Requested Action: Create Section to ensure appropriate notification process and language occurs: in writing, hand delivered to the establishment and by certified first class mail. Notice identifies length, and first and last date of suspension.</td>
</tr>
<tr>
<td>9</td>
<td>Section 4</td>
<td>11-50(d)</td>
<td>Noise Pollution; Penalty; <em>Appeal of suspension</em></td>
<td>Problem Statement: A process must be provided for appeal of government actions to suspend a previously approved permit. Requested Action: Create Section to ensure appropriate appeal processes for suspension of sidewalk café permits (as identified in Chapter 16) and extended hours permit (as identified in Chapter 3).</td>
</tr>
<tr>
<td>10</td>
<td>Section 4</td>
<td>11-50(e)</td>
<td>Noise Pollution; Penalty; <em>Injunctive relief</em></td>
<td>Problem Statement: In cases of aggressive violators of the ordinance, the City may need additional tools to promote compliance to protect the public health, safety and general welfare. Requested Action: Include Injunctive relief as a penalty option.</td>
</tr>
<tr>
<td>11</td>
<td>Section 4</td>
<td>11-50(f)</td>
<td>Noise Pollution; Penalty; <em>Responsibility of business entities for penalties</em></td>
<td>Problem Statement: Penalty Section must be clear about responsibility for the penalty process when a business entity is found in violation. Requested Action: Include language that provides specificity about penalties and business entities.</td>
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<tr>
<td>12</td>
<td>Section 5</td>
<td>11-53</td>
<td>Noise Pollution; Loud and Raucous Noises; <strong>Section Title and reference to public health safety and welfare and Amplification Devices on Motorboats</strong></td>
<td>Problem Statement: Noise coming from a motorboat, other than the exempted engine noise, is not addressed in the Code. Of concern is the noise emanating from amplification devices on motorboats, moored or cruising the waters of the City of St. Petersburg. Requested Action: Include language that provides the same standards for amplification devices on motorboats as currently exists for motor vehicles operating within the City. There are also minor changes to the Section Title and a reference to the health, safety and welfare of the citizens of St. Petersburg.</td>
</tr>
<tr>
<td>13</td>
<td>Section 5</td>
<td>11-53(2)d</td>
<td>Noise Pollution; Loud and Raucous Noises; <strong>Publicly owned outdoor places including right-of-way</strong></td>
<td>Problem Statement: Subsection d. repeats the noise standards for activities with park permits found in subsection c. Subsection e, dealing with sidewalk cafes, is being reworded and relocated (see Item #15). Requested Action: Delete the repetitive sub-section dealing with sponsored or cosponsored events [11-53(2)(d)] and delete the sidewalk café sub-section that is to be reworded and relocated [11-53(2)(e)].</td>
</tr>
<tr>
<td>14</td>
<td>Section 5</td>
<td>11-53(3)(d)</td>
<td>Noise Pollution; Loud and Raucous Noises; <strong>Buildings – sound escaping through doors</strong></td>
<td>Problem Statement: Noise from propped open doors can be significant sources of loud and raucous noise. Requested Action: Clarifying language that prohibits propping open doors that increase the emission of noise.</td>
</tr>
<tr>
<td>15</td>
<td>Section 5</td>
<td>11-53(5)</td>
<td>Noise Pollution; Loud and Raucous Noises; <strong>Sidewalk cafes (new subsection)</strong></td>
<td>Problem Statement: 1) current language is ambiguous about how “downward oriented” speakers is to be defined, and 2) the actual plainly audible distance standard is difficult to find. Requested Action: Create a new subsection specifically for sidewalk cafés, with reference to the Chapter 16 definition, that clarifies what “downward oriented” speakers means (45 degrees or less toward the sidewalk café) and includes the plainly audible distance standard in the subsection (not changed from currently adopted standard).</td>
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<td>Amendments to Chapter 11, Article III, Noise Pollution</td>
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<tr>
<td>16</td>
<td>Section 6</td>
<td>11-54</td>
<td>Noise Pollution; Sound Levels by Receiving Land Uses; <em>Purpose of “receiving land use table”</em></td>
<td>Problem Statement: Some clarity about the purpose of the Sound Levels by Receiving Land Use Table is needed.</td>
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<td>Requested Action: Add clarifying purpose sentence added to the paragraph above the Table.</td>
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## Amendments to Chapter 16, Land Development Regulations

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>PROPOSED ORD. SECTION NO.</th>
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<tbody>
<tr>
<td>17</td>
<td>Section 7</td>
<td>16.50.310 16.50.310.1</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Privately owned non-residential outdoor places</em></td>
<td>Problem Statement: Privately owned outdoor places, not associated with a restaurant or bar, can be sources for excessive noise if not properly managed. Requested Action: Include “privately owned outdoor places” in the use specific development standards by adding them to the restaurant and bar, indoor and outdoor subsection and clarify that this includes sidewalk cafés and privately owned “non-residential” outdoor places.</td>
</tr>
<tr>
<td>18</td>
<td>Section 7</td>
<td>16.50.310.3.1.A</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Privately owned non-residential outdoor places - enclosure standard</em></td>
<td>Problem Statement: Section has a seemingly arbitrary requirement for the maximum height of wall enclosures for privately owned outdoor places. Such requirements should be based on the need to mitigate noise and other impacts. Requested Action: Delete this Section to allow flexibility for the type, location and height of privately owned outdoor place enclosures based on specific impact mitigation needs.</td>
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<tr>
<td>19</td>
<td>Section 7</td>
<td>16.50.310.3.1.A</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Privately owned non-residential outdoor places - location</em></td>
<td>Problem Statement: Privately owned non-residential outdoor places can cause negative noise impacts on adjacent residential uses if not properly located. Requested Action: Clarify that privately owned non-residential outdoor places must be located between the building/tenant space and an adjacent residential use unless a noise mitigation and monitoring plan is approved.</td>
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<tr>
<td>20</td>
<td>Section 7</td>
<td>16.50.310.3.1.B</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Privately owned non-residential outdoor places with an amplified sound system</em></td>
<td>Problem Statement: Privately owned outdoor places with an amplified sound system can result in a higher noise impact on residential, hotel or mixed-uses, if not properly designed and monitored. In addition the noise impact of these uses can be increased when sound systems are added, expanded or modified. Requested Action: Require a properly certified noise mitigation and monitoring plan for any new privately owned non-residential outdoor place with an amplified sound system that is located within 1,000 feet of a residential use. This requirement would also apply to existing privately owned non-residential outdoor use areas that install, modify or expand an amplified sound system or for a new business which operates past 11PM on weekdays, and 12 midnight on Fridays, Saturdays and the days prior to national holidays. This requirement would become effective on June 1, 2019.</td>
</tr>
<tr>
<td>21</td>
<td>Section 7</td>
<td>16.50.310.3.2.B</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Privately owned outdoor places use restrictions - compliance responsibility</em></td>
<td>Problem Statement: Noise Pollution Code language (Chapter 11) specifies responsible entities for violations of the noise ordinance. Current Chapter 16 language is inconsistent with proposed Chapter 11 language (Items #6 &amp; 11). Requested Action: Delete the inconsistent language.</td>
</tr>
<tr>
<td>22</td>
<td>Section 8</td>
<td>16.50.320 16.50.320.1</td>
<td>Land Development Regulations. Use Specific Development Standards; <em>Accessory outdoor areas - applicability</em></td>
<td>Problem Statement: Current standards for accessory outdoor areas are limited to those associated with restaurants and bars. Hotels and other non-residential uses can also have accessory outdoor areas. Requested Action: Include hotels and non-residential uses as uses that may have accessory outdoor use areas that should be subject to this Section.</td>
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<tr>
<td>23</td>
<td>Section 8</td>
<td>16.50.320.2.D</td>
<td>Land Development Regulations. Use Specific Development Standards; <strong>Accessory outdoor areas design standards - location</strong></td>
<td>Problem Statement: Accessory outdoor areas can cause negative noise impacts on adjacent residential uses if not properly located. Requested Action: Clarify that accessory outdoor areas must be located between the building/tenant space and an adjacent residential use unless a noise mitigation and monitoring plan is approved by the POD.</td>
</tr>
<tr>
<td>24</td>
<td>Section 8</td>
<td>16.50.320.3.C</td>
<td>Land Development Regulations. Use Specific Development Standards; <strong>Accessory outdoor areas use restrictions – compliance responsibility</strong></td>
<td>Problem Statement: Noise Pollution Code language (Chapter 11) specifies responsible entities for violations of the noise ordinance. Current Chapter 16 language is inconsistent with the proposed Chapter 11 language (Items #6 &amp; 11). Requested Action: Delete the inconsistent language.</td>
</tr>
<tr>
<td>25</td>
<td>Section 9</td>
<td>16.50.370.8.19</td>
<td>Land Development Regulations. Use Specific Development Standards; <strong>Sidewalk café speaker angle</strong></td>
<td>Problem Statement: Chapter 11 language proposed in this ordinance changes the speaker angle for sidewalk cafés (item #15). Chapter 16 language addressing the same subject must be made consistent. Requested Action: Change the Chapter 16 language to mirror the Chapter 11 language (Item # 15) for sidewalk café speaker angle.</td>
</tr>
<tr>
<td>26</td>
<td>Section 10</td>
<td>16.70.030.1.7.E(5)</td>
<td>Land Development Regulations. Applications and Procedures; <strong>Zoning permits for Sidewalk Cafés - suspension and revocation</strong></td>
<td>Problem Statement: Chapter 11 noise violation penalty language proposed in this ordinance allows for suspension of sidewalk café permits. Revocation is not an allowed penalty for noise violations. This must be made clear in Chapter 16 as well. Requested: Add a new subsection that is consistent with Chapter 11 penalties for noise related violations at sidewalk cafés; permit suspension is allowed, permit revocation is not an allowed penalty.</td>
</tr>
</tbody>
</table>
WHEREAS, residents of the City of St. Petersburg have a right to express themselves and enjoy the sounds that enhance the quality of their lives; and

WHEREAS, excessive amplified sound can be a serious hazard to the public health, welfare, safety, and the quality of life for City residents; and

WHEREAS, City residents have a right to be free from harmful and disturbing levels of sound; and

WHEREAS, the City has a substantial interest in protecting its residents from harmful and disturbing levels of sound; and

WHEREAS, it is the policy of the City to prevent harmful and disturbing levels of sound that may jeopardize the health, welfare, or safety of its citizens or degrade the quality of life while protecting the rights of citizens to enjoy sounds that are important to their quality of life and necessary for daily work and leisure activities; and

WHEREAS, the City intends to treat the commercial establishments who have helped the City prosper fairly and recognizes the right to free speech enjoyed by those establishments and their need to utilize amplified sound as a means of continuing their successful commercial endeavors; and

WHEREAS, the City’s enactment and enforcement of the provisions of this ordinance shall be content neutral with regard to the regulated sound.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Chapter 3, Section 3-8(h) of the St. Petersburg City Code is hereby amended to read as follows:

Section 3-8. - Permits for extended hours for alcoholic beverage establishments.

(h) Suspension and revocation.

(1) Suspension. The Chief of Police may suspend a permit for 30 days if the Chief determines that a permittee has committed any one or more of the following acts and that the permittee has not taken reasonable actions to prevent future occurrences:

a. Two or more convictions for violating the same provision of the City Code relating to the operation of the establishment within two years which violations negatively impact the safety or security of patrons;

b. Engaged in, or allowed, the use of alcoholic beverages at the establishment after closing hours by any person;

c. Refused to allow an inspection of the establishment as authorized by this
section;
d. Knowingly permitted the use of controlled substances at the establishment, or should have known of the use of a controlled substance and has not taken the necessary actions to prevent future occurrences;
e. Knowingly permitted gambling by any person at the establishment;
f. Knowingly permitted, or should have known of, the possession or consumption by a minor of an alcoholic beverage at the establishment, or the sale to a minor of an alcoholic beverage at the establishment, or allowed a minor to enter and remain at the establishment;
g. Convicted of violating any condition of a permit;
h. Provided inadequate security on more than two occasions in a year. The Chief shall notify the establishment in writing, by hand delivery to the establishment and first class mail to the permittee, within ten calendar days of each occasion when there has been inadequate security and how the security was inadequate. Inadequate security means, for the purposes of this section, that a violent crime occurred at the establishment or in the right-of-way abutting the establishment, that could have been avoided with the implementation of one or more security measures including but not limited to: the establishment did not provide at least one security officer per each 150 occupants or any portion thereof (bartenders, barbacks and other employees with duties unrelated to security shall not be counted as a security officer), did not wand patrons on entry, or did not have full video surveillance of all public areas at the establishment with signs posted which warn the public.
i. Failure to comply with any condition of an approved security or noise mitigation plan.
j. Failure to comply with the requirements of Chapter 11, Article III, Noise Pollution. In the event of any conflict between this Chapter and Chapter 11, Article III, concerning noise issues, the provisions of Chapter 11, Article III shall govern.

(2) Suspensions will continue for the full 30 days and no permit shall be issued during the suspension for the establishment.

(3) Revocation. The Chief may revoke a permit if the permit is suspended twice (not including suspensions for violations related to noise) within any 12-month period or if the Chief determines that a permittee has committed any one or more of the following acts and that the permittee has not taken reasonable actions to prevent future occurrences:

a. The permittee has given false or misleading information in the material submitted during the application process;

b. The permittee has knowingly allowed the sale of controlled substances or any derivative thereof at the establishment;
c. The permittee allowed a member of the public to enter the establishment, and allowed the person to be served or to consume any alcoholic beverage, during a period of time when the permit was suspended.

(4) A revocation is effective for one year. The permittee shall not be issued a permit for the establishment, or any other establishment, for one year from the date the revocation became final. If, subsequent to revocation, the Chief determines that the basis for the revocation action has been corrected or abated, or determines that the permittee has taken action to ensure that the basis for the revocation will not occur again, which action(s) the Chief reasonably believes will ensure that the basis for the revocation will not occur again, the permittee may be granted a new permit if at least 90 days have elapsed since the date the revocation became final. The permittee shall reapply for a new permit in the same manner as for the initial permit.

(5) Notice of a suspension or revocation shall be made in writing, by hand delivery to the establishment and first class mail to the permittee at the address provided in the application. The notice shall identify the length of the suspension or revocation and the date of the first and last day the suspension or revocation is effective.

(6) For a suspendable offense unrelated to noise, prior to and in lieu of suspension, the permittee may implement a security plan approved by the Chief which the Chief reasonably believes will ensure that the basis for the suspension will not occur again. The security plan shall include specific measures to address any concerns the Chief may have. In addition to the concerns related to the suspendable offense, the Chief may consider any other issues with the establishment in approving a security plan. Other issues may relate to any citizen complaints, city code issues or law enforcement issues or responses to calls. Conditions of the security plan may include, but are not limited to, requirements for the hiring of off duty law enforcement officers, private interior security persons, doormen, wanding of patrons, installation of security cameras, and employee training. Requirements for the hiring of officers or employees may be limited to certain days. The security plan shall be in effect for six months. Payment for the cost of off duty law enforcement officers shall be made in advance or an acceptable plan for payment must be made which must be approved by the Chief. If this option is used by a permittee, it shall still count as a suspension for the purposes of revocation.

(7) The fact that a conviction is being appealed shall have no effect on the suspension or revocation of the permit.

SECTION 2. Chapter 11, Section 11-47 of the St. Petersburg City Code is hereby amended to add a definition of amplification device in the correct alphabetical order and to amend the definition of privately owned outdoor place to read as follows:

Amplification device means any device, whether freestanding or an integrated component of a larger device (such as an integrated speaker), which augments sound by electronic or any other means in a manner that increases the sound level or volume.
Privately owned outdoor place means any real property and the outside of structures thereon, that is owned or controlled by a private person or other private entity, including any publicly owned outdoor place that is leased to a private person or private entity (or for which they have received a long term permit to use, e.g. sidewalk cafes, sidewalk retail areas, pushcart vending locations) but does not include any publicly owned outdoor place that a private person or private entity has received a temporary permit to use (e.g., park or street closure permit).

SECTION 3. Chapter 11, Section 11-49 of the St. Petersburg City Code is hereby amended to read as follows:

Section 11-49. - Exemptions.

The provisions of this article shall not apply to the following:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) The emission of sound in the performance of emergency work.

(3) The emission of sound in the performance of an activity for which, pursuant to this article, the POD has expressly given a temporary, emergency waiver from this chapter when time would not permit the obtaining of a waiver pursuant to section 11-84.

(4) Aircraft and airport operations.

(5) Motorboats, engines, and marina operations and port operations. This exemption does not apply to amplified sound arising from the use of amplification devices on motorboats.

(6) The unamplified human voice. The use of a megaphone or similar device shall be considered to amplify the human voice.

(7) Railroad operations.

(8) Warning devices required on vehicles by any State or federal laws or regulations.

(9) The emission of sound from the lawful operation of motor vehicles on a right-of-way, except as prohibited in section 11-53 and any State or federal laws.

(10) The emission of sound from lawful and proper activities on school grounds, playgrounds, parks (except as specifically prohibited in section 11-53) or places primarily used for athletic contests.

(11) The emission of sound from the operation of essential service vehicles (e.g., police and fire vehicles, sanitation and stormwater management vehicles).

(12) The emission of sound from the operation of power tools and lawn and garden tools 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.

(13) Impulsive sound.
(14) Noncommercial unamplified public speaking and public assembly activities conducted on any publicly owned place.

(15) The emission of an unamplified sound from sporting activities on private property.

(16) The emission of sound from construction activities pursuant to a valid construction permit which is in compliance with the days and hours of operation section of chapter 8 (currently section 8-7).

SECTION 4. Chapter 11, Section 11-50 of the St. Petersburg City Code is hereby amended to read as follows:

Section 11-50. - Penalty.

(a) Any person or business violating any of the provisions of this article, or any person at a business allowing a violation of this article shall be prosecuted and upon conviction thereof be punished as provided in section 1-7 and section (b) hereof. Fines shall be as provided in subsection (b) hereof.

(b) The first violation of any provision of this division shall result in a written warning. The first second violation of any provision of this division within 365 days after a written warning is issued is punishable by a fine in the amount of $500.00. Class I fine as established by administrative order of the Court. Any subsequent violations of this division which is issued within a one year of another violation resulting in a $500.00 fine, which has been disposed of in any way other than a dismissal or finding of not guilty by a court, shall be punishable by a fine of $350.00-500.00. Any third violation of this division within a one year period, and any additional violations, issued within a calendar year of two previous violations, which have been disposed of in any way other than a dismissal or finding of not guilty by a court, shall be punishable by a fine of $500.00-750.00. Any additional violation of this division within 365 days of two violations which resulted in a fine of $500.00 as prescribed herein, and which have been disposed of in any way other than a dismissal or finding of not guilty by a court, the City may impose a thirty (30) day suspension of a City issued extended hours permit for establishments serving alcoholic beverages or a sidewalk café permit, or both. Concurrent with or independent of any sidewalk café or extended hours permit suspension imposed by the City following two violations which resulted in a fine of $500.00 fine within 365 days, the City may also require preparation of a noise mitigation and monitoring plan in accordance with Section 16.50.310.3 within 90 days of the violation.

(c) Notice of a suspension shall be made in writing, by hand delivery to the establishment and by first class mail to the permittee at the address provided in the permit application. The notice shall identify the length of the suspension and the date of the first and last day the suspension is effective.

(d) An appeal of a sidewalk café permit suspension enforced under the terms of this section may be brought pursuant to Chapter 16, Section 16.70.030.1. of the City Code. An
appeal of an extended hours permit suspension enforced under the terms of this section may be brought pursuant to Section 3-8(i) of the City Code. This subsection applies only to sidewalk café or extended hour permit suspensions related to violations of this division and is not intended to alter or otherwise affect the codified appeal procedures for permit suspensions imposed on other grounds.

(e) Concurrent with or independent of the suspension of any City issued late night permit or sidewalk café permit, or both, the City may pursue injunctive relief against a violator in order to prevent future violations of this division.

(f) In cases where a violation of the provisions of this division occurs in or upon an establishment owned or controlled by an incorporated entity or limited liability company registered to conduct business in the State of Florida, the warning, monetary citations, permit suspension and/or injunctive relief, as applicable, shall be applied and enforced against such entity, and the registered agent of the entity shall be served by mail with notice of the warning or violation.

SECTION 5. Chapter 11, Section 11-53 of the St. Petersburg City Code is hereby amended to read as follows:

Section 11-53. – Loud and raucous and unnecessary noises enumerated.

The following acts, among others, and the causing thereof, are declared to be loud, raucous, disturbing, and/or excessive noise, posing a threat to the health, safety and welfare of the residents of the City, and therefore unlawful and in violation of this article:

(1) Motor vehicles in the vehicular travel portion of a right-of-way or motorboats moored or operating in waters within the City’s jurisdiction

a. Operating or amplifying the sound produced by a radio, tape or compact disc player, or other mechanical or electronic sound making device or instrument or amplification device from within a motor vehicle which is located in the paved or vehicular travel portion of a right-of-way, including parking areas in the right-of-way, or a motorboat moored or operating in waters within the City’s jurisdiction, so that the sound is plainly audible at a distance of 50 or more feet from the motor vehicle or motorboat to any person other than the operator and any passengers in the motor vehicle or motorboat between the hours of 8:00 a.m. and 11:00 p.m.

b. Operating or amplifying the sound produced by a radio, tape or compact disc player, or other mechanical or electronic sound making device or instrument or amplification device from within a motor vehicle which is located in the paved or vehicular travel portion of a right-of-way, including parking areas in the right-of-way, or motorboat moored or operating in waters within the City’s jurisdiction, so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle or motorboat to any person other than the operator and any passengers in the motor vehicle or motorboat between the hours of 11:00 p.m. and 8:00 a.m. the following morning.
c. Operating a motor vehicle not equipped with a muffler, or other sound dissipative device required by any applicable law, in good working condition so as to effectively prevent loud or explosive noise, so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle to any person other than the operator and any passengers in the motor vehicle between the hours of 11:00 p.m. and 8:00 a.m. the following morning.

d. The provisions of this section shall not apply to any law enforcement vehicle or motorboat equipped with any communications device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

e. The provisions of this section do not apply to the sounds made by a horn or other warning device required or permitted by any applicable law.

f. The restrictions described herein are greater than those set forth in the following subsection (2). Publicly-owned outdoor places including the right-of-way, and in the event of a conflict concerning a motor vehicle in the paved or vehicular travel portion of a right-of-way including parking areas in the right-of-way, the restrictions set forth herein shall govern.

(2) Publicly-owned outdoor places including right-of-way.

a. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any parks, playgrounds, beaches, recreation areas or any other outdoor publicly owned outdoor place or right-of-way so that the sound is plainly audible to any person at a distance of 50 feet or more from the source of the sound between 11:00 p.m. and 8:00 a.m. the following morning.

b. For activities which have not received a park or street closure permit from the City, playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any parks, playgrounds, beaches, recreation areas or any other outdoor publicly owned outdoor place or right-of-way so that the sound is plainly audible to any person at a distance of 200 feet or more from the source of the sound between 8:00 a.m. and 11:00 p.m.

c. For activities which have received a park or street closure permit from the City, playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any parks, playgrounds, beaches, recreation areas or any other outdoor publicly owned outdoor place or right-of-way so that the sound is plainly audible to any person at a distance of
5,000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. This distance is primarily intended to be utilized for permitted outdoor concerts and other large gatherings, it being understood that because of the unique location of the parks along the waterfront that sound may travel greater distances over the water so that at times some of the sound may be briefly audible at a distance greater than those set forth herein.

In any park or street closure permit, the POD may reduce the maximum distance from the distance set forth herein, based on the number of the expected participants of the permitted event and the area reserved for the event. The reduced distance shall be specifically identified in the permit.

d. For activities which are sponsored or cosponsored by the City, playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any park or right-of-way shall comply with any conditions of the sponsorship or cosponsorship which place a specific, lesser distance limitation on any amplified sound than is otherwise set forth in subsection e.

e. Sidewalk cafés. Any speakers placed outside a building in or over the right-of-way in a sidewalk café, shall be permanently mounted overhead and shall be oriented downward toward the sidewalk. No speaker is allowed in a sidewalk café unless such speaker is specifically identified on the approved plan for the sidewalk café permit. No sound shall be audible from the speakers when the sidewalk café is not open and operating.

(3) Buildings.

a. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any building in a nonresidential zoning district so that the sound is plainly audible to any person at a distance of 100 feet or more from the building between 11:00 p.m. and 8:00 a.m. the following morning.

b. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any building in a residential zoning district so that the sound is plainly audible to any person at a distance of 25 feet or more from the building between 11:00 p.m. and 8:00 a.m. the following morning.

c. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any building in a residential zoning district so that the sound is plainly audible to any person at a distance of 500 feet or more from the building between 8:00 a.m. and 11:00 p.m.
d. Sound which may escape a building during the normal use of doors for ingress and egress shall not be a violation of this section. Doors may not be propped or locked open if the result of the open door is an increased emission of sound from the building.

e. All indoor speakers located within 20 feet of a doorway which opens onto a right-of-way shall be oriented away from the doorway. Such distance shall be measured from the closest part of the door to the closest part of the speaker.

f. No speakers may be placed in or over the right-of-way unless the abutting business has an approved plan in a sidewalk café permit which identifies the speaker locations.

(4) Privately-owned outdoor places.

a. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place in a nonresidential zoning district so that the sound is plainly audible to any person at a distance of 100 feet or more from the source of the sound between the hours of 11:00 p.m. and 8:00 a.m. the following morning.

b. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies, when coupled with an integrated or separate amplification device, emits sound in any privately-owned outdoor place at a nonresidential use, when making sound is not the principal use of the property (e.g., the outdoor deck of a restaurant), so that the sound is plainly audible to any person at a distance of 1,000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, this is an exception to subsection (4)a of this section). Wherever possible, outdoor speakers shall be oriented away from residential properties or in the direction that reduces the amount of sound directed at the closest residential properties.

c. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine or device that produces, reproduces or amplifies sound in any privately-owned outdoor place, when making sound is the primary, lawful permitted use of that portion of the property (e.g., a performance venue), so that the sound is plainly audible to any person at a distance of 3,000 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m. (12:00 midnight on Fridays, Saturdays and the days before a national holiday, this is an exception to subsection (4)a of this section).

d. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier, or other machine object or device that produces, reproduces or amplifies, when coupled with an integrated or separate amplification device, emits sound in any privately-owned outdoor place at a residential use, so that the sound is plainly audible to any person at a
distance of 500 feet or more from the source of the sound between the hours of 8:00 a.m. and 11:00 p.m.

e. Playing, using, operating or permitting to be played, used, or operated any radio, compact disc or tape player, musical instrument, drum, phonograph, sound amplifier or other machine or device that produces, reproduces or amplifies sound in any privately owned outdoor place in a residential zoning district so that the sound is plainly audible to any person at a distance of 25 feet or more from the source of the sound between 11:00 p.m. and 8:00 a.m. the following morning.

f. For the purposes of this section, the operation or playing of the above enumerated machines or devices shall be deemed to be outdoors if the musical instrument or speakers are not located within a building or other structure which is fully enclosed by walls and a roof and all doors and windows are closed.

(5) Sidewalk cafés. Any speakers placed outside a building in or over the right-of-way in a “sidewalk café” as that term is defined in Chapter 16 of the City Code shall be permanently mounted overhead (preferably under an awning or other overhang feature) and oriented downward at an angle of 45 degrees or less toward the sidewalk café. No speaker is allowed in a sidewalk café unless such speaker is specifically identified on the approved plan for the sidewalk café permit. Sound shall not be plainly audible from the sidewalk café speakers at a distance greater than 200 feet between 8:00 a.m. and 11:00 p.m., and at a distance greater than 50 feet between 11:00 p.m. and 8:00 a.m. No sound shall be plainly audible from the speakers when the sidewalk café is not open and operating.

(5) (6) Bullhorns and airhorns. Directing a bullhorn, or other handheld device used for the amplification of the human voice, or airhorn at any person within 25 feet of the person using the device at the time it is used. This section shall not prohibit the use of these devices when directed in another direction (e.g., upward or downward) when a person is within 25 feet.

(6) (7) Street sales. Offering for sale or selling anything by shouting or outcry within any residential zoning district between the hours of 6:00 p.m. and 8:00 a.m. the following morning and at any time within a noise sensitive zone.

(7) (8) Animals and birds. Owning, possessing, or harboring any animal, including birds, which frequently or for continued duration makes sounds, which are of a character, intensity or duration as to be detrimental to the life, health or welfare of any individual of ordinary habits and sensitivities.

(8) (9) Refuse and recyclable materials collection vehicles. Collecting refuse or recyclable materials with a refuse or recyclable materials collection vehicle in a residential zoning district or noise sensitive zone between the hours of 7:00 p.m. and 7:00 a.m. the following morning.

(9) (10) Stationary nonemergency signaling devices. Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes, from any place, for more than ten consecutive seconds or for more than
six such instances within any hourly period or before 7:30 a.m. or after 6:00 p.m., except that soundings on the hour shall be allowed for up to 30 consecutive seconds. When chimes sound the hour, that portion of the sounding that identifies the hour shall be exempt from this time limitation.

(10) (11) Emergency signaling device.

a. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling devices, except for emergency purposes or for testing, as provided in this section.

b. Testing of a stationary emergency signaling device shall occur at the same time of day each time a test is performed, but not before 10:00 a.m. or after 4:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall the test time exceed 60 seconds.

c. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. This testing shall not occur before 10:00 a.m. or after 4:00 p.m. There shall be no time limit for a complete system testing.

(12) (12) Emergency generators and other emergency equipment.

a. Generators and other equipment designed to be used during emergency situations shall be exempt from this article during periods of emergency.

b. Testing of generators and other equipment designed to be used during an emergency situation is exempt from this article between the hours of 10:00 a.m. to 4:00 p.m. Any testing shall use the minimum time necessary for the test and shall not occur more than once a week. The time of the testing shall be scheduled to impact the least number of properties possible.

c. Generators and other equipment designed to be used in emergency situations, which are not being tested or being used in a period of emergency, shall comply with section 11-54.

(13) (13) Air conditioning or air-handling equipment. Operating or permitting the operation of any pool equipment, air conditioning or air-handling equipment which is not in good working condition and creates sound that is plainly audible to a person at a distance of 100 feet or more from the equipment.

SECTION 6. Chapter 11, Section 11-54 of the St. Petersburg City Code is hereby amended to read as follows:

Section 11-54. - Sound levels by receiving land use.
No person shall operate or cause to be operated a source of sound in a manner as to create a sound that is plainly audible to a person at the property boundary of a receiving land use and that violates the time or distance requirements set forth in the following table. The sounds regulated in the preceding section (currently section 11-53) are not subject to the restrictions of this section. The purpose of this table is to regulate sounds which are not otherwise regulated or subject to the provisions of the preceding section (currently section 11-53).

<table>
<thead>
<tr>
<th>Location of the Receiving Land Use</th>
<th>Time</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential zoning district</td>
<td>8:00 a.m. — 6:00 p.m.</td>
<td>500 feet or more</td>
</tr>
<tr>
<td>Residential zoning district</td>
<td>6:00 p.m. — 11:00 p.m.*</td>
<td>200 feet or more</td>
</tr>
<tr>
<td>Residential zoning district</td>
<td>11:00 p.m.* — 8:00 a.m.</td>
<td>50 feet or more</td>
</tr>
<tr>
<td>Nonresidential zoning district</td>
<td>7:00 a.m. — 11:00 p.m.*</td>
<td>500 feet or more</td>
</tr>
<tr>
<td>Nonresidential zoning district</td>
<td>11:00 p.m.* — 7:00 a.m.</td>
<td>200 feet or more</td>
</tr>
</tbody>
</table>

*12:00 (midnight) on Fridays, Saturdays, and the days prior to a national holiday.

In the event that a court of competent jurisdiction determines that any distance requirement in this section is unconstitutional or unenforceable, then that distance shall become 50 feet farther than the distance set forth in this section.

SECTION 7. Chapter 16, Section 16.50.310 of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.50.310. - RESTAURANTS AND BARS, INDOOR AND OUTDOOR AND PRIVATELY OWNED OUTDOOR PLACES
Sections:

16.50.310.1. - Applicability.
This section shall apply to sidewalk cafes, restaurants, and bars, including both indoor and outdoor uses, and other privately owned non-residential outdoor places, as that term is defined in Chapter 11, Article III of the City Code.

16.50.310.2. - Establishment.
Restaurants and bars, indoor and outdoor uses shall be allowed as provided in the Matrix: Use Permissions and Parking Requirements and shall comply with the development standards of the zoning district, the general development standards, and this section.

16.50.310.3. - Special use standards.

16.50.310.3.1. - Design standards.
A. An outdoor eating and drinking area shall be unenclosed by any walls or planters in excess of four feet in height, but may have a roof.

B. Seating for an outdoor eating and drinking area or any other privately owned outdoor place shall not be located on any side of a between the building/tenant space and an adjacent residential use or across the alley from residential use that abuts or is across an alley from a single-family residential use, unless a noise mitigation and monitoring plan has been approved by the POD.

C. All outdoor loudspeakers shall be oriented away from abutting residential uses and all noise is subject to the noise ordinance. A noise mitigation and monitoring plan is required for any outdoor amplified sound system installed, expanded or modified after June 1, 2019 within 1,000 feet of any residential or hotel use, including mixed-use buildings. Any time an outdoor area or sound system is established, expanded or modified or when a new business having operating hours after 11 PM on weekdays and 12:00 (midnight) on Fridays, Saturdays, and the days prior to a national holiday is established, a noise mitigation and monitoring plan, properly certified to meet ANSI and ASA standards, shall be provided to the POD to demonstrate how the operation will comply with the noise ordinance and shall, at minimum, include the number and orientation of speakers, noise mitigation methods, operating hours, location of stages and performing areas and monitoring requirements.

D. Structures associated with an outdoor eating and drinking area shall be compatible with the principal structure for exterior building finishes, colors, roofing, materials and for design and architectural style and theme.

E. Foundation landscaping shall be provided around the outdoor eating and drinking area as required by the landscaping and irrigation section.

16.50.310.3.2. - Use restrictions.
A. Live outdoor musical performances are allowed and are subject to the noise ordinance.
B. The owner and manager shall be responsible for controlling all sound generated within the outdoor eating and drinking area.

SECTION 8. Chapter 16, Section 16.50.320 of the St. Petersburg City Code is hereby amended to read as follows:

SECTION 16.50.320. - RESTAURANTS AND BARS, ACCESSORY OUTDOOR AREA

16.50.320.1. - Applicability.
Outdoor eating areas for eating, drinking and socializing shall be a permitted accessory use for any restaurant or bar, indoor, hotel or other non-residential uses as allowed in the Matrix: Use Permissions and Parking Requirements. This use differs from the principal use of restaurants or bars, indoor and outdoor. They have dimensional restrictions because they are allowed to be partially exempt from certain regulations.

16.50.320.2. - Design standards.
A. The seating capacity of the accessory outdoor area shall not exceed 24 seats or 25 percent of the licensed indoor seating area, whichever is less.
B. The accessory outdoor area shall not exceed 500 square feet in area.
C. The accessory outdoor area shall be unenclosed by any walls or planters in excess of four feet in height, except where it abuts the principal structure, but may have a roof.
D. The accessory outdoor area with amplified sound shall not be located on any side of a building/tenant space that and an adjacent residential use or abuts or is across an alley from a single-family residential use-unless a noise mitigation and monitoring plan has been approved by the POD.
E. The accessory outdoor area may encroach not more than 75 percent into the front yard setback and street side yard setback.
F. All outdoor loudspeakers shall be oriented away from abutting residential uses and shall be subject to the City noise ordinance.
G. Additional parking shall not be required for an accessory outdoor area if, prior to commencement of use of the accessory outdoor area, the site complies with the parking requirements for the zoning district or has received a variance from the required number of parking spaces.
H. An accessory outdoor area proposing to utilize an existing sidewalk on private property shall comply with the dimensional and clearance requirements of the sidewalk café section.
I. Foundation landscaping shall be provided around the accessory outdoor eating area as required in the landscaping and irrigation section.
J. Any structure associated with an accessory outdoor area shall be compatible with the principal structure for exterior building finishes, colors, roofing, materials and for design and architectural theme.

16.50.320.3. - Use restrictions.
A. Food and drink shall not be sold or served to patrons within an accessory outdoor area between 11:00 p.m. and 8:00 a.m. The use of an accessory outdoor eating area for any purpose shall not extend beyond the hours of operation of the principal use and shall cease before 11:15 p.m. and shall not resume before 7:00 a.m. the following day.
B. Live outdoor musical performances are prohibited.
C. The owner and manager shall be responsible for controlling all sound generated within the accessory outdoor area.

SECTION 9. Chapter 16, Section 16.50.370.8.19 (conditions of sidewalk café permit) of the St. Petersburg City Code is hereby amended to read as follows:

19. All outdoor speakers shall be shown on the plan or permit. All speakers shall be permanently mounted overhead (preferably under an awning or other overhang feature) and
oriented downward at an angle of 45 degrees or less toward the sidewalk café. Speakers shall meet all requirements of the noise ordinance (chapter 11).

SECTION 10. Chapter 16, Section 16.70.030.1.7. E of the St. Petersburg City Code is hereby amended to read as follows:

E. Suspension and revocation. In addition to the grounds for suspension or revocation of a zoning permit generally, a permit issued under this section may be suspended or revoked by the POD for any of the following reasons:

1. Permits issued under this section may be suspended or revoked by the POD for any reason and without penalty upon the giving of 30 days' written notice.

2. The POD may also deny, revoke or suspend a permit if it is found that:
   a. Any required business or health permit or license for the sidewalk café or the abutting business establishment has expired or been suspended, revoked or canceled;
   b. The permittee does not have insurance in effect which complies with the minimum amounts and requirements required;
   c. Conditions of pedestrian and vehicular traffic have changed, causing congestion. Such decision shall be based upon finding of the POD that the minimum required pedestrian path is insufficient under existing circumstances and represents a danger to the health, safety and general welfare of pedestrians or vehicular traffic;
   d. The permittee has failed to correct a violation of the Code or ordinances or conditions of the permit or other applicable laws or regulations within three days of receipt of the City's notice of violation.

3. Upon denial, suspension or revocation of the permit, the POD shall give notice of such action to the permittee in writing. In the event the denial, suspension or revocation is based on subsection a, b or c of this section, the action shall be effective immediately upon receipt of such notice by the permittee. Otherwise, such notice shall become effective 15 days from the date of such notice. If the revocation or suspension of the permit is caused by the permittee, there shall be no refund of the annual permit fee or any other fees paid to the City for operation of a sidewalk café. Any revocation or suspension without cause shall entitle the permittee to a refund of the annual permit fee prorated on a per month basis from the date of notice of such action.

4. In the event the permittee fails to remove any tables, chairs, canopies, awnings or other fixtures or objects related to the sidewalk café before the date set forth in the City's notice of denial, revocation or suspension, the POD may remove such fixtures or objects. The permittee shall be responsible for all expenses incurred by the City for the removal and storage of such fixtures or objects.

5. Violation of the noise provisions of Chapter 11, with suspensions for repeat noise violations being governed as set forth in the Penalty section, currently section 11-50, of that Chapter.
Revocation of a sidewalk cafe permit is not permitted for a violation of the provisions of Chapter 11 described herein.

F. Variances. Requests for variances shall be reviewed by the commission designated in the Decisions and Appeals Table.

SECTION 11. Coding. As used in this ordinance, language appearing in struck through type is language to be deleted from the City Code, and underlined language is language to be added to the City Code, in the section, subsection, or other location where indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise. The City intends that the provisions of this ordinance shall be made a part of the St. Petersburg City Code and that sections and subsections of the City Code may be renumbered or relabeled in order to accomplish such intentions.

SECTION 12. Severability. The provisions of this ordinance shall be deemed severable. If any provision of this ordinance is determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

SECTION 13. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

__________________________________________

City Attorney or designee
A17-01204
00430081
City of St. Petersburg
Public Services & Infrastructure Committee
January 24, 2019 Meeting Minutes
City Hall - Room 100

Present: Committee Members – Committee Chair Steve Kornell, Committee Vice-Chair Ed Montanari, Council Chair Charlie Gerdes, and Council Member Amy Foster

Absent: Council Member Lisa Wheeler-Bowman (Alternate)

Also Present: Council Member Gina Driscoll, Deputy Mayor/City Administrator Dr. Kanika Tomalin, City Attorney Jackie Kovilaritch, and Assistant City Attorney Derrill Mcateer

Support Staff: Jayne Ohlman - City Council Legislative Aide

1. Call to Order – 9:35 AM
2. Approval of Agenda – CM Foster moved approval, all members voted in favor.
3. Approval of January 10, 2019 Minutes – CM Gerdes moved approval, all members voted in favor.

New Business for January 24, 2019

a) Proposal to Amend the Noise Ordinance – Liz Abernethy

Planning and Development Services Director Liz Abernethy began the presentation by reminding the committee of the motion made at the September 20th PS&I committee meeting. At that meeting, CM Gerdes made a motion to move forward with Option #1, with an additional request to maximize penalties to the extent allowed by state law and for administration to return with a presentation on personnel changes to assist with enforcement.

Option #1 - Minor Modifications to Existing Ordinance

- Maintain Plainly Audible System and Distances
  - Distances ranging from 50’-5000’
- Progressive penalties
  - Warning
  - Class 1 fine ($218.00)
  - Double Class 1 fine ($436.00)
  - 30 day suspension of late night permit/sidewalk café permit, or City shall seek injunctive relief from courts.
  - Clarification on who receives citation and possible integration of PD and Business Tax databases

In addition, City Administrator/Deputy Mayor, Dr. Tomalin addressed a question raised by CM Driscoll at the September 20th meeting regarding additional resources for enforcement. Dr. Tomalin stated that based on the increased penalties and the committee’s decision to continue
the use of a plainly audible enforcement system, it was determined that no additional resources were needed at this time.

Ms. Abernethy then explained that option #1 would require amendments to Chapter 3 - Alcoholic Beverages, Chapter 11 - Noise Pollution, and Chapter 16 - Land Development Regulations. The committee was provided with a table summarizing all of the proposed amendments. A majority of the proposed amendments are in the Penalty Section of Chapter 11 and the Use Specific Development Standards of Chapter 16. The changes to Chapter 11 include a formal warning, higher fines, and in cases of multiple repeat offenders; the potential for suspension of extended hours and/or sidewalk café permits. Ms. Abernethy explained that the changes to Chapter 16 would focus on amending language relating to restaurants and bars, sidewalk cafés, outdoor venues with amplified sound, and a proposed requirement for a noise mitigation plan.

CM Driscoll inquired if the changes to the penalties were still progressive. City Attorney Jackie Kovilaritch explained they are progressive and that the two successive fine amounts are maximized at $500, with the addition of suspension and/or injunction options if there is an additional violation within the 365 day time period. Assistant City Attorney Derrill McAteer noted that there was a new provision requiring a written warning before any fine was assessed.

Ms. Abernethy then asked for the committee’s input on what conditions they believed should trigger the requirement for a noise mitigation plan. CM Gerdes asked for clarification as to who would be affected by the proposed requirement. Ms. Abernethy explained that any privately owned outdoor place with an amplified sound system that is located within 1,000 feet of residential use, would require a properly certified noise mitigation and monitoring plan. Ms. Abernethy explained that current businesses will essentially be “grandfathered in” but the amended code could require any new business with plans to use amplified sound outdoors to submit a noise mitigation plan.

CM Montanari inquired what the protocol would be if a restaurant closed down and a new restaurant replaced it, would this require a noise mitigation plan? Ms. Abernethy responded that depending on the type of venue and the hours of operation, a noise mitigation plan may not be necessary but if the new restaurant planned to have after-dinner events such as outdoor amplified music, then a plan would be required. Ms. Abernethy stated that the triggers for a noise mitigation plan could be more narrowly tailored to factor in circumstances such as hours of operation. CM Montanari then asked what the typical cost is for a business owner to obtain a certified noise mitigation plan. Ms. Abernethy responded that cost is dependent on the scale of the location and she would inquire with the city’s noise consultant to get some cost-estimates to share. Ms. Abernethy noted that the requirement for a noise mitigation plan would not be triggered for accessory outdoor areas that are less than 500 square feet.

CM Kornell inquired what the protocol would be if a restaurant has been operating for a period of time and then a residential area is built next to it, would the restaurant be required to acquire a noise mitigation plan? Ms. Abernethy responded that the restaurant would be “grandfathered in” and would not need a noise mitigation plan, unless the restaurant wanted to make changes, such as an expansion to their outdoor patio or the addition of new outdoor speakers, then a noise mitigation plan would most likely be necessary.

CM Kornell asked for clarification on a proposed amendment to Chapter 11 regarding penalties for noise pollution titled “Injunctive Relief.” Assistant City Attorney Derrill McAteer
explained that revocation of sidewalk café and extended hour permits was not included as a penalty in the draft due to 8th Amendment excessive punishment concerns. Legal thought it better to include the injunctive relief provision in the proposed changes to section 11-50 so that if a complete cease of operations due to the inability to utilize a sidewalk café or extended hours permit was to occur, it occurred via an injunctive order from a judge rather than a revocation from the City. The City retains the option to suspend either sidewalk café or extended hour permits under the proposed ordinance, but revocation is not a proposed penalty option for noise violations.

Ms. Abernethy then gave the committee a tentative timeline for the noise ordinance going forward:

- DRC LDR Amendment Review for Consistency with the Comp Plan
- Workshop - February 6
- Public Hearing - March 6
- City Council First Reading - April 4
- City Council Second Reading and Public Hearing - April 18

CM Gerdes made a motion for staff to move forward with option #1 as presented and in coordination with the timeline presented by Ms. Abernethy. All members voted in favor.

The meeting adjourned at 10:30
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 March 6, 2019 at 2:00 P.M. in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 18-32000013  PLAT SHEET: H-34
REQUEST: Approval of a modification to a previously approved Special Exception to subdivide the northern portion of the property from the Special Exception.
OWNER: Hope Lutheran Church of St Petersburg, Inc.
1801 62nd Avenue North
Saint Petersburg, Florida 33702
AGENT: Joseph Nix
1313 Murak Way South
Saint Petersburg, Florida 33705
ADDRESS: 1801 62nd Avenue North
PARCEL ID NO.: 36-30-16-56885-001-0010
LEGAL DESCRIPTION: Lot 1, Block 1, Meadowlawn 17th Addition Subdivision, as recorded in Plat Book 76, Page 73 of the Public Records of Pinellas County Florida, in Section 36, Township 30 South, Range 16 East.
ZONING: Neighborhood Suburban Single-Family-1 (NS-1)
SITE AREA TOTAL:
- Existing: 155,330 square feet or 3.57 acres
- Proposed: 117,122 square feet or 2.69 acres

GROSS FLOOR AREA:
- Existing: 17,901 square feet 0.12 F.A.R.
- Proposed: 17,901 square feet 0.15 F.A.R.
- Permitted: 40,993 square feet 0.35 F.A.R.

BUILDING COVERAGE:
- Existing: 17,901 square feet 12 % of Site MOL
- Proposed: 17,901 square feet 15 % of Site MOL
- Permitted: 40,993 square feet 35 % of Site MOL

IMPERVIOUS SURFACE:
- Existing: 48,672 square feet 31.3 % of Site MOL
- Proposed: 47,485 square feet 40.5 % of Site MOL
- Permitted: 70,273 square feet 60.0 % of Site MOL

OPEN GREEN SPACE:
- Existing: 106,658 square feet 68.7 % of Site MOL
- Proposed: 69,637 square feet 59.5 % of Site MOL

PAVING COVERAGE:
- Existing: 28,121 square feet 18.1 % of Site MOL
- Proposed: 26,934 square feet 23.0 % of Site MOL

PARKING:
- Existing: 84; including 7 handicapped spaces
- Proposed: 84; including 7 handicapped spaces
- Required: 77; including 7 handicapped spaces

BUILDING HEIGHT:
- Existing: 29 feet
- Proposed: 29 feet
- Permitted: 36 feet (roof peak)

APPLICATION REVIEW:

I. PROCEDURAL REQUIREMENTS: The applicant has met and complied with the procedural requirements of Section 16.50.190 of the Municipal Code for a House of Worship (with ancillary Pre-School uses up to 45 students) which is a Special Exception use within the Neighborhood Suburban (NS-1) Zoning District.

II. DISCUSSION AND RECOMMENDATIONS:

The Request: The applicant seeks approval of a site plan modification to the existing Special Exception to subdivide the northern portion of the property (0.88 acres) from the Hope Lutheran Church site plan.
**History:** The existing church and ancillary facilities are located on an L-shaped tract of land. On October 6, 1976, the Environmental Development Commission (EDC) approved a site plan for a church facility (13,815 sf) with grass parking (SPR-46). At that time, the northern portion of the site which is currently being proposed for residential development was a citrus grove.

On March 19, 1986 and on October 15, 1986 the EDC approved a Special Exception for a 4,086 sf addition to the church facility (SE-1030, and SE-1030-B respectively).

On November 7, 2001 a site plan modification was made to the Special Exception to permit an accessory pre-school with a maximum of 45 children and playground facilities within the Church complex. This modification included a variance to the green yard requirements and interior landscaping. The modification included the following changes to the site plan:

1. The parking lot increased the number of grass parking spaces;
2. A fence was relocated around the proposed playground; and
3. The parking area was enhanced by the addition of wheel stops, handicapped parking facilities and perimeter hedges and trees.

The variance to the green yard requirements included reducing the green yard requirement along 18th Street North from 20 ft to a varying 5 ft - 10 ft width. The interior landscaping requirements included a variance from the interior end island planting in the grass parking area only. All paved parking spaces are required to follow the interior landscape requirements.

**Current Proposal:** The existing church facility is located within a 3.57 acre area. The church site has 17,901 sf of buildings which includes a Fellowship Hall, a Sanctuary, and a pre-school. The site also includes a playground associated with the pre-school and parking for all uses. The applicant seeks approval of a site plan modification to the existing Special Exception to subdivide the northern portion of the property (0.88 acre) and remove the land from the church site plan and Special Exception.

The 3.57 acre property was designated as Institutional by the City of St. Petersburg Comprehensive Plan and is within the Neighborhood Suburban (NS-1) zoning district. A Future Land Use Plan Amendment request to amend the Land Use designation on the 0.88 - acre portion of land from Institutional to Residential Urban has been completed allowing single family development. The Community Planning and Preservation Commission (CPPC) reviewed the Future Land Use Plan Amendment request on January 8, 2019 and recommended approval to the City Council. The first reading of the request to approve the Future Land Use Plan Amendment was held on February 2, 2019 and the public hearing for the land use plan amendment was February 21, 2019 where the City Council approved the ordinance amending the land use to Residential Urban. The remaining 2.69 acres containing the church facilities will remain within the Institutional land use designation. The entire 3.57 acres will remain zoned as NS-1.
The 0.88 acre to be removed from the Special Exception is currently used for fourteen (14) grass parking spaces for overflow parking along 18th Street North and a grass field on the remainder. The grass overflow parking area consists of one drive aisle with grass spaces on each side of the aisle. It is accessed from 18th Street North on the southern portion of the site approximately 160 ft north of the 18th Street North/62nd Avenue North intersection, north of the Fellowship Hall and adjacent to the church buildings. The egress to the grass parking drive aisle is to the north in the 0.88 acre area that is being subdivided from the church facility. The remainder grass parking on the east side of the church facility has 7 parking spaces and will continue to use the existing southernmost access from 18th Street North. In addition, there is a minor egress drive from the main parking lot, north of the church buildings, that exits onto 18th Way North. Because this exit drive is not a primary egress point and it is partially located on the 0.88 acre property proposed for residential development, it will be removed. The primary vehicular entrance to the church facility is from 62nd Avenue North.

The removal of the land from the Special Exception reduces the church lot to 2.69 acres and increases the FAR from 0.12 to 0.15. This is a minor increase in the density of the church property. The percentage of green space has changed because the land proposed to be subdivided from the Special Exception is vacant and undeveloped. In addition, the pavement and impervious surface has decreased slightly because there have been some minor adjustments to the parking to the west of the buildings which allowed additional disabled parking spaces. Other parking changes included modification to the grass parking layout on the east side of the site by the fellowship hall to allow for ingress and egress as discussed above. The total parking for the site is 84 spaces: 34 paved spaces and 50 grass spaces. The church parking requirement is 1 space/150 sf of gross floor area (GFA) of seating (7,183 sf) and 1 space/500 sf of GFA of other uses (10,718 sf) totaling 71 spaces. The pre-school parking requirements is 2 spaces/classroom and 1 space/150 sf of group seating area (i.e. Gymnasium, auditorium that is shared with the church). With an allowance of 3 classrooms the pre-school needs 6 additional parking spaces for a total of 77 spaces.

Requirements for a house of worship in addition to the parking standards above include:

- **Processional stacking and loading areas.** The stacking and loading for the church will not be impacted from the subdivision of the 0.88 acre of land. All loading areas will remain the same for the church. The school requires the parents to park their vehicle and walk to the playground to pick up their child. Therefore, there is no stacking or loading area needed for the school facilities. The modification does not affect the stacking or loading.

- **Pedestrian connectivity.** Pedestrian walkways are currently provided between all entrances to buildings. The modification does not affect the pedestrian connectivity.

- **Traffic circulation.** The vehicular use area includes both grass and paved parking. The parking has separation between areas and includes wheel stops, and adequate stacking and loading areas. The grass parking area to the east of the site along 18th Street N has been modified to allow for a single access. The minor egress along 18th Way North has been removed. Though this egress was a minor exit, it will lessen the number of vehicles through the residential neighborhood.
Outdoor Activity Areas. Outdoor Activity Areas (playgrounds) are required to follow design standards for Outdoor Commercial Recreation in the Municipal Code. The design requirements are as follows:

1. The perimeter of all outdoor activity areas are to be screened with a six (6) ft solid fence, wall or building. With the subdivision of land to the north changing to residential, the applicant is proposing a six (6 ft) fence or wall to be constructed along the north side of the playground.

2. The exterior of any fence or wall facing a street and neighborhood zoning districts shall be landscaped as required for perimeter parking lots in the landscape and irrigation section. The exterior of the wall or fence abutting the residential to the north will be landscaped with a tree every 50 linear ft and a row of shrubs planted 30 inches on center. The playground has adequate buffer and screening along the east and west sides of the playground and does not directly abut residential.

3. Outdoor lighting shall be designed such that direct source of illumination are not visible beyond the property lines. Lights shall be directed away from adjacent residential uses. This has been addressed in Special Exception Approval 1030-B and is included as a Condition of Approval in this modification.

4. Outdoor speakers and sound amplification shall not be permitted for uses adjacent to residential uses. All activities shall be subject to the standards of the noise pollution ordinance. This has been addressed in Special Exception Approval 1030-B and is included as a Condition of Approval in this modification.

5. All fences and nets shall comply with the height restrictions and design standards for fences or shall comply with the required building setbacks and height restrictions for the respective zoning district. The NS-1 zoning district allows six (6) ft fences and walls between outdoor activity areas and residential. The requirement will be included as a Condition of Approval for this Special Exception.

Additional requirements of the NS-1 zoning district for the Special Exception uses include:

- Building setbacks shall be 35 ft from in all yards. No buildings are proposed with the modification.

Public Comments: The City Development Review Services has received calls from three neighbors. The calls were concerning whether any multi-family or group homes were to be permitted on the site. After informing the neighbors of the proposed change to single-family residential. The neighbors had no issues or concerns about the proposed use for the 0.88-acre portion of the site or minor changes to the existing church site. Conversations with the Meadowlawn Neighborhood Association President Marlene Murray indicate that this project has been brought up at the monthly neighborhood meetings. Ms. Murray indicated that the Neighborhood Association was in support of the church and would prefer to see homes built to the scale of the neighborhood. In addition, Ms. Murray said the Neighborhood Association felt that the single-family residential was a good use.
III. **RECOMMENDATION:**

A. Staff recommends APPROVAL of the Modification to the site plan and Special Exception subject to the following Special Conditions of Approval:

B. **SPECIAL CONDITIONS OF APPROVAL:**

1. The church shall continue to ensure that any light standards proposed for the site are shielded so as not to intrude onto surrounding properties or roadways.
2. Outdoor speakers and sound amplification shall not be permitted in playground area.
3. Any construction on site will require tree barricades around the full dripline of the existing trees within 50 feet radius of construction. No debris, building materials or equipment to be stored or placed within the barricades.
4. The church site shall maintain the existing 84 parking spaces onsite.
5. There shall be no parking along 18th Street North in the right-of-way.
6. The egress drive from the main parking lot, north of the church buildings, onto 18th Way North shall be eliminated.
7. As required by the Outdoor Activity Area and House of Worship requirements, there shall be a six (6) ft solid fence landscaped with a tree every 50 linear ft and a row of shrubs every 30 inches on center along the north boundary of the playground as a buffer to the residential to the north.
8. Playground equipment within Outdoor Activity Areas to be setback 35 feet from the proposed residential land directly to the north.
9. All requirements, Special Conditions of Approval and Standard Comments in the Engineering Memorandum from Nancy Davis, dated February 22, 2019 shall be followed.
10. This Special Exception/Site Plan approval shall be valid through March 6, 2022. Substantial construction to address changes on the Special Exception/site plan for the church facility shall commence prior to this expiration date, unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.
11. The residential component as separated from the Special Exception, will follow the development standards of the City and State Development and Building Codes, and the Special Conditions of Approval and Standard Comments in the Engineering Memorandum from Nancy Davis, dated February 22, 2019.

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 Officials)

**ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & DEVELOPMENT**
SERVICES 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 use/proposal shall be consistent with Concurrency Certificate No. 4381.

2. 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.

3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).

4. 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.

5. 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. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital
Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.

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

2. 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.

3. 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.

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

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

6. 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. RESPONSES TO RELEVANT 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;

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 plan 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 of St. Petersburg Comprehensive Plan.

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 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).

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: Institutional

The land uses of the surrounding properties are:

North: Residential Urban
South: Commercial General (Pinellas County)
East: Residential Urban
West: Residential Urban and Institutional

REPORT PREPARED BY:

[Signature]  2/26/19
Apm Vickstrom, Planner II
Planning and Development Services Department
Development Review Services Division

REPORT APPROVED BY:

[Signature]  2/26/19
Jennifer Byla, AICP, Zoning Official (POD)
Planning and Development Services Department
Development Review Services Division
SITE DATA

PARCEL ID #: 38-38-16-5888-501-0010

ZONING: NS-1 - NEIGHBORHOOD SUBURBAN SINGLE FAMILY -1
LAND USE: CHURCH
GROSS SITE AREA: 117,122 SF (2.59 ACRES)
MAX. BUILDING HEIGHT: 24 FT.
MAX F.A.R.: 0.26, PROPOSED F.A.R.: 0.15
MAX S.F.R.: 0.80, PROPOSED S.F.R.: 0.41
BUILDING SETBACKS: FRONT - 25', INTERIOR SIDE - 7.5'
STREET SIDE - 12', REAR - 20'

EXISTING CONDITIONS:
TOTAL IMPERVIOUS AREA: 47,485 SF (43.1%)
BUILDING AREA: 13,901 SF (19.3%)
VEHICULAR USE AREA: 23,722 SF (20.3%)
VEHICULAR USE AREA INTERIOR GREEN SPACE: 1,852 SF (7.9%)
TOTAL OPEN SPACE: 69,837 SF (58.5%)

PARKING REQUIREMENTS:
1 SPACE/150 SF OF GROUP SEATING GFA @ 7,183 SF = 48
2 SPACES/CLASSROOM @ 3 CLASSROOMS = 6
1 SPACE/65 SF OF OTHER GFA @ 12,220 SF = 18
68 SPACES REQUIRED
64 SPACES PROVIDED (7 HC)

...
Special Exception 1030-B Approved Site Plan
Case No.: 18-32000013
Address: 1801 62nd Avenue North

(nts)
Proposed Residential lots
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 18-32000013
Address: 1801 62nd Avenue North

(nts)
All applications are to be filled out completely and correctly. The application shall be submitted to the Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

**GENERAL INFORMATION**

**NAME of APPLICANT (Property Owner):** Hope Lutheran Church of St. Petersburg, Inc.

Street Address: 1801 62nd Avenue North
City, State, Zip: St. Petersburg, FL, 33702
Telephone No: 727-526-7460 Email:

**NAME of AGENT OR REPRESENTATIVE:** Joseph Nix

Street Address: 1313 Murok Way South
City, State, Zip: St. Petersburg, FL, 33705
Telephone No: 727-887-0555 Email: jnj@bblshsfl.com

**NAME of ARCHITECT or ENGINEER:**

Company Name: LMA, Inc. Contact Name: Randy Austin
Telephone No: 727-789-5010 Website: www.LMAENGR.com Email: austin@lmaengr.com

**PROPERTY INFORMATION:**

Address/Location: 1801 62nd Ave N Email:
Parcel ID(s): 36-30-16-56885-001-0010

**DESCRIPTION OF REQUEST:** Modification to existing special exception. Subdividing northern portion of property and establishing a new northern property line for the church.

**PRE-APP MEETING DATE:** N/A
**STAFF PLANNER:**

**FEE SCHEDULE**

**SPECIAL EXCEPTION (SE)**

Special Exception (SE), General Application: $1,000.00
Special Exception (SE), Modification: $500.00
Concurrence

**SITE PLAN REVIEW (SPR)**

Site Plan Review (SPR), General, By Commission $1,000.00
Site Plan Review (SPR), General, By POD $500.00
Site Plan Review (SPR), Related to SE $25.00
Site Plan Review (SPR), Modification, By Commission $500.00
Site Plan Review (SPR), Modification, By POD $250.00

**VARIANCES**

Each Variance Requested for SE/SPR $200.00

Cash, credit, and checks made payable to the "City of St. Petersburg"

**AUTHORIZATION**

City staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department. The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

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

Signature of Owner/Agent: ____________________________ Date: 8-7-15

*Affidavit to Authorize Agent required, if signed by Agent.

Page 3 of 8

Updated 08-10-17
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner's Name: HUGO LUTHERAN CHURCH OF ST. PETERSBURG INC

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

Property Address: 1401 62nd Ave N
Parcel ID No.: 36-30-16-56885-001-0010

Request: Diego vacant adjoining land into 4 buildable lots
Modification to existing Special Exception. Subdividing the Northern portion of the property and establish a new property line for the church.

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

Agent's Name(s): JOE NIX

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

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

Signature (owner): EDMUND J. LAFAVANCE
Printed Name: EDMUND J. LAFAVANCE

Sworn to and subscribed on this date

Identification or personally known: FL Driver License

Notary Signature: [Signature]
Commission Expiration (Stamp or date): 2-9-18

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

Page 2 of 10
### DATA TABLE (continued page 2)

<table>
<thead>
<tr>
<th>12. Impervious Surface Coverage (total square feet of all paving, building footprint and other hard surfaced areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing:</strong> 48,872 Sq. ft. 31.3 % of site</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 47,485 Sq. ft. 40.5 % of site</td>
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<tr>
<td><strong>Permitted:</strong> 70,273 Sq. ft. 60.0 % of site</td>
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<tr>
<th>13. Density / Intensity</th>
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<tbody>
<tr>
<td><strong>No. of Units</strong></td>
</tr>
<tr>
<td>Existing:</td>
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<tr>
<td>Proposed:</td>
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<td>Permitted:</td>
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<table>
<thead>
<tr>
<th>14 a. Parking (Vehicle) Spaces</th>
</tr>
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<tbody>
<tr>
<td><strong>Existing:</strong> 70 includes 3 disabled parking spaces</td>
</tr>
<tr>
<td><strong>Proposed:</strong> 77 includes 7 disabled parking spaces</td>
</tr>
<tr>
<td><strong>Permitted:</strong> includes disabled parking spaces</td>
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<table>
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<tr>
<th>14 b. Parking (Bicycle) Spaces</th>
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<tbody>
<tr>
<td><strong>Existing:</strong> Spaces % of vehicular parking</td>
</tr>
<tr>
<td><strong>Proposed:</strong> Spaces % of vehicular parking</td>
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<tr>
<td><strong>Permitted:</strong> Spaces % of vehicular parking</td>
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<tr>
<th>15. Building Height</th>
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<tbody>
<tr>
<td><strong>Existing:</strong> Feet Stories</td>
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<td><strong>Proposed:</strong> Feet Stories</td>
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<td><strong>Permitted:</strong> Feet Stories</td>
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<tr>
<th>16. Construction Value</th>
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<tbody>
<tr>
<td>What is the estimate of the total value of the project upon completion? $</td>
</tr>
</tbody>
</table>

**Note:** See Drainage Ordinance for a definition of "alteration." If yes, please be aware that this triggers Drainage Ordinance compliance. Please submit drainage calculations to the Engineering Department for review at your earliest convenience. The DRC must approve all Drainage Ordinance variances.
In accordance with LDR Section 16.70.040.1.F, "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.

<table>
<thead>
<tr>
<th>STREET ADDRESS: 1801 LEONARD AVE N</th>
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<tbody>
<tr>
<td>1. Details of techniques the applicant used to involve the public</td>
</tr>
<tr>
<td>(a) Dates and locations of all meetings where citizens were invited to discuss the applicant’s proposal</td>
</tr>
<tr>
<td>Meeting at church - monthly</td>
</tr>
<tr>
<td>(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications</td>
</tr>
<tr>
<td>(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located</td>
</tr>
<tr>
<td>emails, flyers</td>
</tr>
</tbody>
</table>

2. Summary of concerns, issues, and problems expressed during the process that property remains residential

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
   Other comment(s):

   Association Name: Meadowlawn Neighborhood
   President or Vice-President Signature: Marlene Murray

   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.
TO: Jennifer Bryla, Zoning Official

FROM: Kirsten Corcoran, Engineering Clerk, Water Resources

DATE: February 26, 2019

SUBJECT: Approval of a modification to a previously approved Special Exception to subdivide the northern portion of the property for residential development.

PLAT: H-34

CASE: 18-32000013

LOCATION: 1801 62nd Avenue North

REMARKS: Water Resources has no objection to the above referenced subject.
DATE: February 15, 2019

TO: Iris Winn, Administrative Clerk
    Development Review Services

FOR: Jennifer Bryla, Zoning Official
     Development Review Services

FROM: Aaron Fisch, Real Estate Coordinator
      Real Estate & Property Management

SUBJECT: Approval of a modification to a previously approved Special Exception to subdivide the northern portion of the property for residential development.

CASE NO: 18-32000013

ATLAS: H-34

LOCATION: 1801 62nd Avenue North; 36-30-16-56885-001-0010

COMMENTS: Real Estate & Property Management has reviewed this application, noted the location of the subject property and has no objection at this time.

cc: Alfred Wendler, Director, Real Estate & Property Management
MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING DEPARTMENT

TO: Iris Winn, Administrative Clerk, Development Services
   Jennifer Bryla, Zoning Official, Development Review Services
   Ann Vicksstrom, Planner II, Development Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: February 22, 2019

SUBJECT: Special Exception – Hope Lutheran
   Revision to Previous Engineering Comments dated 1/29/2019

FILE: 18-32000013

LOCATION AND PIN: 1801 62nd Avenue North, 36/30/16/56885/001/0010

ATLAS: H-34

PROJECT: Special Exception / Modification (18-20000010 Preliminary Plat)

REQUEST: Approval of a modification to a previously approved Special Exception to subdivide the northern portion of the property for residential development.

The Engineering Department has no objection to the proposed Special Exception/Modification provided that the following special conditions and standard comments are added as conditions of approval to be accomplished prior to the issuance of any Certificate of Occupancy:

SPECIAL CONDITIONS OF APPROVAL:

1. The applicant must extend the 8" sanitary sewer main to service the four proposed lots and must provide an individual 6" sanitary sewer service lateral and clean out for each proposed lot per current City Engineering Standards and Specifications. Note that manholes must be provided over the 8" main at the terminal end and at each change in direction.

   • If the sewer main is to be publicly owned and maintained after construction, it must be placed within a minimum 20-foot wide Public Utility Easement centered on the pipe. This easement must be shown on the final plat.
   • Alternatively, if the sanitary sewer main extension is to be privately owned and maintained after construction it must be placed within a Private Utility Easement shown on the final plat and a Home Owner’s Association must be formed to address and document private ownership and maintenance responsibility.

The applicant’s Engineer must submit a signed and sealed sanitary sewer main extension plan & profile for City Engineering Review, Approval and City Right of Way Permitting.

An FDEP permit is also required for Wastewater Collection System Construction. Note that all City Wastewater Treatment Plants are under an FDEP Consent Order which requires all FDEP collection system permits to be of the Individual type. To obtain the necessary City signature on the FDEP applications, please forward the completed original FDEP application(s) with two sets of the City Engineering approved project civil plans to the City Engineering department (7th floor MSC building, 1 - 4th Street North, St. Petersburg, FL). The applications will be reviewed and then forwarded for the signature of the Water Resources director, John Palenchar, P.E. Once the forms have been signed by the City they will be returned directly to the Engineer of Record for submittal to FDEP. This City portion of this process can take up to two weeks. Prior to placing the new main into service, a letter of Clearance must be obtained from FDEP.

Application 18-32000013
2. Upon development, the applicant is required to provide potable water service to each proposed lot if not existing. The City shall install necessary potable water services (up to and including the necessary meter and backflow prevention device) as required to service the proposed lots at the sole expense of the applicant/property owner.

3. Provided the plat remains four or less lots the scope of this project does not appear to trigger compliance with the Drainage and Surface Water Management Regulations found in City Code Section 16.40.030. If the scope of the project is modified to a degree which requires compliance with the Drainage and Surface Water Management Ordinance, the applicant must submit drainage calculations which conform to the water quantity and the water quality requirements of Ordinance City Code Section 16.40.030. Please note the volume of runoff to be treated shall include all off-site and onsite 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.

4. 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 NS zoning district, a 4-foot wide public sidewalk is required within the public right of way on the west side of 18th Street North. Existing sidewalks and new 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 that are not at sidewalk grade and at each side of proposed driveways per current ADA requirements. Concrete sidewalks must be continuous through all driveway approaches. All existing public sidewalks must be restored or reconstructed as necessary to good and safe ADA compliant condition prior to Certificate of Occupancy.

5. 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.

6. 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 a proposed service or an increase in projected flow) as required to provide connection to a public collection system 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 727-8937238). If an increase in flow of over 3000 gpd is proposed, the ADF information will be forwarded to the City Water Resources department for a system analysis of public main sizes 10" and larger proposed to be used for connection.

The project engineer of record must provide and include with the proposed civil utility connection plan, 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 conveyance system is found insufficient, the conveyance system must be upgraded to provide adequate capacity and condition, by and at the sole expense of the developer. The extent or 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.

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.
8. 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.

APPLICATION 18-32000013
Engineering Review Narrative Page
3 of 3

STANDARD COMMENTS:
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.

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.

It is the developer’s responsibility to file a CGP Notice of Intent (NOI) (DEP form 62-21300(4)(b)) to the NPDES Stormwater Notices Center to obtain permit coverage if applicable.

Submit a completed Stormwater Management Utility Data Form to the City Engineering Department.

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.

NED/MJR/meh

pc: Kelly Donnelly
Correspondence File
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
PUBLIC HEARING

For Public Hearing and Executive Action on March 6, 2019 beginning at 2:00 P.M.,
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 18-54000103  PLAT SHEET: H-36
REQUEST: Approval of a to allow for the unenclosed parking of domestic
equipment in a street side yard and to allow a 6-feet fence on a
street side yard abutting a neighboring front yard.

OWNER: Allison Cox
6995 17th Way North
Saint Petersburg, Florida 33702

ADDRESS: 6995 17th Way North
PARCEL ID NO.: 25-30-16-56772-050-0300
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

BACKGROUND: The subject property is zoned NS-1 (Neighborhood Suburban Single-Family)
and is located in the Meadowland Neighborhood, at the southwest corner of the intersection of
70th Avenue North and 17th Way North, see attachment A, Aerial Map. The property was
developed with the existing single-family residence in 1958, according to property card records.

The residence of the subject property was constructed diagonally on the property, in a manner in
which the front door runs more parallel to the intersection than traditional homes. Several corner
properties within the neighborhood, sharing the same zoning along 70th Avenue North between
16th Street North and 18th Street North, were developed in a fashion similar to the subject property.
On November 6, 2018, the subject property received a code citation for the unenclosed parking of domestic equipment (a personal watercraft and trailer) during non-permitted days and times in the front of the residence. Section 16.40.100.5 of the Land Development Regulations states:

On the following days and times, domestic equipment may be temporarily parked or placed to the front of the principal structure or outside of any required shielding on private property, provided the equipment does not impede visibility for motorists and does not block any portion of the public sidewalk or roadway:

1. From Monday 8:00 a.m. through Thursday 4:00 p.m. for no more than four consecutive hours, and
2. From Thursday, 4:00 p.m. until Monday 8:00 a.m.

Additionally, the section outlines a series of conditions for which domestic equipment may ordinarily remain on neighborhood properties, for example requiring six-foot solid fencing and regulating equipment location to interior side yards, rear yards, and buildable areas as means of visual mitigation from abutting right-of-way.

Current fencing regulations allow four-foot fencing along common street side yard property lines, when the street side yard of an abutting property is being utilized used as a physical front yard due to the abutting homes orientation. Applicable setback codes for the properties zoning district require corner properties to maintain a 12-foot street side yard setback from street side yard property lines, which is also applicable to the required solid six-foot fencing in accordance with Section 16.40.040.

It is the intent of this application to utilize the area within the existing street side yard between the residence and the street side yard property line, to continue the parking, placement and storage of the relocated domestic equipment, while allowing a six-foot fence on the properties street side yard abutting a neighboring properties physical front yard.

Based on review of the application, staff has determined that the application requires review by the Commission.

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 criterion is applicable, as the subject property was developed with the existing single family home in the 1950’s.
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 subject property is zoned NS-1 (Neighborhood Suburban Single Family) and is composed of one platted lot. The property currently conforms to the zoning districts required minimum lot area 5,800 square feet, however it is deficient to the zoning districts required of minimum lot width of 75-feet, by six-feet.

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 property currently has a variety of palm trees situated at the rear of the property; along with one Laurel Oak and one Grand Live Oak both of which are displayed in the northwestern corner of the property towards the intersection.

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 fencing request does not appear to promote the development pattern of existing fencing as the neighborhood. Of the sixteen properties all of which being corner properties with street side yards fronting 70th Avenue North between 16th Street North and 18th Street North, 56% of corner property fencing comply with current fencing regulations, 31% do not comply and 12% do not contain street side yard fencing. Approximately 25% of the 31% of properties with non-conforming fencing were constructed comparable to the request.

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 existing special conditions of the property are not the result of the applicant, as the existing single-family residence was constructed in 1958. The residence was constructed in a manner which rendered all exterior wall to be slightly skewed to all butting property lines to some degree. Having been angularly placed, the residence's slanted orientation does not avail the property of traditional rectangular interior side or rear yard areas as intended by code for the parking the domestic equipment. Due to the footprint and placement of the residence, the proposal to accommodate the domestic equipment in the street side yard does require an additional variance to provide a code required six-foot
fencing on the street side yard property line for visual buffering. The existing abutting right-of-way which encompasses 70th Avenue North measures approximately 100-feet in width, which would assist mitigation efforts with the required fence.

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

Literal enforcement of the provisions of this chapter do not result in unnecessary hardship as accessory site improvements such as domestic equipment and fencing do not impede on and are not required to continue the existing permitted single-family use. Code Section 16.40.100.5. states the following:

1. The equipment is parked, placed or stored in the rear yard, in the interior side yard, or in the allowable buildable area for a principal or accessory structure; however, it shall not be parked, placed or stored in the front yard, in the street side yard, or in the buildable area to the front of the principal structure.

2. When parked, placed or stored within any buildable area between the street side yard and the side of the principal structure, or within 50 feet of any street right-of-way, measured from the edge of the traveled road bed, equipment must be shielded from view from the street right-of-way by a solid six-foot high fence. Any portion of the required six-foot high shielding may also be accomplished with maintained vegetation forming a solid hedge. Any gate used to comply with this shielding requirement must also be solid, six feet high, and be kept closed whenever the equipment is not being moved through the gate. When any shielding is required, it must be located on the property where the equipment is stored, and the location, height and construction of the shielding must comply with all applicable ordinances and laws.

5. **Equipment cannot obstruct any door, window or other opening of a dwelling which provides light, air, entrance to or exit from a dwelling.**

6. **Equipment must be in sound condition, good repair and free of deterioration or damage.**

Although, the property can provide some area within the required street side yard to store the trailer and watercraft, the application proports to allow the storage for personal repairs and additionally would result in the blocking of existing street side yards facing windows provided the boat is parked parallel to the residence.
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;

The applicant has the ability to continue the existing single-family use without either of the variances requested. Section 16.40.100.5 contains conditional provisions for the parking of domestic equipment in required front yards for intermittent periods of time during specified days and hours. Additionally, Section 16.40.040. permits conforming fence enclosures in street side yards to be no taller than four-feet for fencing and hedging to be no taller five-feet, on street side yard property lines when street side yards abut neighboring properties front yards. Current regulations allow a six-foot fence to be installed in a street side yard's abutting neighboring front yards when the fence conforms districts required street side yard setback. Without the domestic equipment a compliant fence could be erected to enclose the street side yard at the required setback without a variance. Given the following, although the existing conditions are not the direct result of the actions of the applicant, the request is self-imposed.

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

The requested variances are the most minimally required to utilize the existing street side yard, however they are not necessary for the property to continue its existing single-family use.

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

The request is to some extent consistent with the purpose and intent of the Comprehensive plan to accommodate reasonable use of the property, however is not in harmony with the intent of the Code.

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 variances requested are not detrimental to public welfare, nor are they injurious to abutting properties. However, the granting of these requests could set a precedent, allowing taller fences in street side yards to accommodate forms of domestic equipment for neighborhood properties.

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

Given the unique location of the residence and the large right-of-way, the reasons set forth by this application could justify the granting of the requested variances.

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 criteria does not apply.

PUBLIC COMMENTS: The subject property is within the boundaries of the Meadowlawn Neighborhood Association. One email was received in regarding this application, which expressed no objection. Signatures of support have been provided with the application. The most
directly affected property owner for the property located at 1700 70th Avenue North has signed
the application's worksheet in support of this application.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent
evaluation criteria contained within the City Code, the Planning and 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. All forms of unenclosed domestic equipment shall be stored behind the residences front
façade and shall remain shielded by a solid six-foot fence.
2. All fencing to achieve the proposed shall be placed on and may not extend beyond private
property boundary lines, without the granting of a minor easement from the City's
Engineering Department prior to installation.
3. Prior to the installation the proposed six-foot fence, as illustrate in the site plan provided,
a revised to depict the location of the proposed fencing and the proposed parking
orientation of domestic equipment.
4. This variance approval shall be valid through March 6, 2021. Substantial construction
shall commence prior to this expiration date. A request for extension must be filed in
writing prior to the expiration date.
5. Approval of this variance does not grant or imply other variances from the City Code or
other applicable regulations.

ATTACHMENTS: Aerial Map, Boundary Survey, Site Plans, Photographs, Applicant's Narrative
Signatures of Support, Codes Compliance Report, Property Card, Building Permit History,
Neighborhood Participation Report, 16.40.100.5. - Domestic equipment parked, placed, or stored
on neighborhood zoned property.

Report Approved By:

[Signature] 2/27/19
Shervon Chambliss, Planner I
Development Review Services Division
Planning & Development Services Department

Report Prepared By:

[Signature] 2/27/19
Shervon Chambliss, Planner I
Development Review Services Division
Planning & Development Services Department

JCB/SAC:iw
LEGAL DESCRIPTION (per OR Book 1424, Page 1533)
Lot 30, less the South 2 feet thereof; Block 50, MEADOW LAWN NINTH ADDITION, according to the plat thereof as recorded in Plat Book 44, Page 32 through 4, Public Records of Pinellas County, Florida.
CUSTOMER INFORMATION
Name: Ali Ced
Address: 4555 17 Way N
City: St. Petersburg
State: Florida
Zip: 33702
Phone: (813) 886-1834
Email:

CHECK TYPE OF FENCE
☐ Chain Link - Gal/VC 9ga/11.5ga ☐ P.T. Pine Wood
☐ Cypress Wood ☐ Custom Fence ☐ PVC Fence - White/Tan
☐ Ornamental Steel or Aluminum ☐ Other

SPECIFICATION OF MATERIALS
Diameter T Posts 5 x 5
□ Diameter L Posts 5 x 5
Top Rail 1 1/2 x 5/16 Bar B Wire
Bottom Wire Concrete
Walk Gate Drive Gate 6 x 12
Roll Gate Gate Post
Height 6 Overall Length 101

Other Specifications

ALL POWER AND CONDUIT FOR GATE OPERATOR TO BE PROVIDED BY THE CUSTOMER
ALLIED FENCE OF TAMPA INSTALLERS ARE NOT RESPONSIBLE FOR UNDERGROUND SEWER, ELECTRIC, TELEPHONE, WATER OR SPRINKLER LINES

TYPE OF TERRAIN
Level Earth / Hilly / Asphalt / Concrete / Rock
Who moves obstruction: Customer / Allied Fence
Type of Obstructions: Old Fence / Trees / Branches / Shrubs

1st QUALITY WOOD FENCE: RESIDENTIAL - 2 YEAR LIMITED WARRANTY ON LABOR AND MATERIAL; CHAIN LINK: RESIDENTIAL - 5 YEAR LIMITED WARRANTY ON LABOR AND MATERIAL; ALL COMMERCIAL FENCE - 1 YEAR LIMITED WARRANTY (SEE WARRANTY CARD)
Special Instructions: 101' 6x6 White PVC $ 3254.00

Materials
Misc.
Tax
Permit
Labor
Removal
Total
Deposit
Balance

Payment Option
☐ Visa ☐ MasterCard ☐ Discover
Card Number
Exp. Date
V-Code

Customer Signature
Date
Salesperson Signature
Date
Fence Proposal/Contract

FENCE SERVICES OF FLORIDA LLC
(813) 326-7426
marc.fenceservices@gmail.com
3136 Phoenix Ave., Oldsmar, FL 34677

Fence Proposal/Contract

PERMIT/INSPECTION INFORMATION: Permit Required? □ Yes ☑ No DATE WRITTEN UP: 11/16/15

Name: Allison Cox Subdivision:
Address: 6995 176th Way N City: St Petersburg 33702
Phone #: 386-366-1834 Fax #: E-mail:

☐ ALUM ☑ P.V.C. ☐ WOOD ☐ CHAIN LINK

TYPE: Dogwood Home COLOR: White

HEIGHT: 6 FOOTAGE: 76

GATES: ☑ 6 wide SELF-CLOSING ☐

TYPE: COLOR:

HEIGHT: FOOTAGE:

GATES: ☐ SELF-CLOSING ☐

TERM. POST:

IN GROUND ☐ CORE DRILL ☐

FLOOR FLANGE ☐ WALL MOUNT ☐

PRICE: $1900

GATES: $850

TEARDOWN AND HAUL:

PERMIT FEE:

TOTAL: $2,750

50% DEPOSIT: $1375

BALANCE DUE UPON COMPLETION: $1375

NOTES: A CUSTOMER TO APPLY FOR VARIANCE WITH CITY (CORNER LOT)

Accepted: The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined. Purchaser is responsible for locating property lines. Purchaser takes sole responsibility for fence location. Fence Services of Florida LLC is not responsible for damage to sprinkler system. Purchaser agrees that all product delivered and/or installed per this contract remain the property of Fence Services of Florida LLC, until payment is made.

Customer Signature: ______________________ Date: ____________

Salesperson Signature: ______________________ Date: ____________
The sadness of poor quality material and workmanship will last much longer than the sweetness of a cheap price.

---

**A-1 FENCE INC.**

Mailing Address:
4321 63rd Way N.
Kenneth City, FL 33709
bestdefence01@yahoo.com

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<table>
<thead>
<tr>
<th>WALK GATES</th>
<th>DRIVE GATES</th>
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<tr>
<td>12' x 12&quot;</td>
<td>12' x 12&quot;</td>
</tr>
</tbody>
</table>

**ROLL GATES**

- Deluxe

**LENGTH**

- Wood: 74"
- PVC: 74"

**HEIGHT**

- 6' for both

**TYPE**

- Wood

**STYLE**

- 7+6-

**POCKET SIZE**

- 78" x 6" for both

**STRINGER**

- 1" x 6 x 1/2

**TYPE TOP**

- Dog ear

**POSTS**

- 5 x 5 x 130 wall

**CHAIN LINK**

- 11 1/2" x 9"

**GAUGE**

- 11 1/2" x 9"

**DIAM TOP RAIL**

- 11 1/2" x 9"

**DIAM GATE FRAME**

- 11 1/2" x 9"

**TOTAL VINYL SYSTEM**

- vinyl color

**VINYL WIRE ONLY**

- vinyl color

**DIAM LINE POST**

- vinyl color

**DIAM TERM POST**

- vinyl color

**GAUGE FRAMEWORK**

- vinyl color

**BARBED WIRE**

- 3 strands

**ALUMINUM**

- 3 strands

**STEEL**

- 3 strands

**STYLE**

- vinyl color

**COLOR**

- vinyl color

**TAKE DOWN**

- vinyl color

**LENGTH**

- vinyl color

**HEIGHT**

- vinyl color

**CUSTOMER TO TRIM AND CLEAR**

- vinyl color

**A-1 TO BE SET TOP STRAIGHT**

- vinyl color

**TOP OF FENCE TO FOLLOW GROUND**

- vinyl color

---

**REAR**

20'

6 x 12' dog ear

aluminum inserts

in both hedge posts.

---

**FRONT**

**TOTAL PRICE INCLUDES**

- Material
- Tear out & Haul
- Labor
- Permit
- Notice of Commencement

**$2506.00**

**40% DEPOSIT**

- $1002.40

**BALANCE**

- $1503.60

---

**PRINT NAME CLEARLY**

**CUSTOMER SIGNATURE**

**MASTERCARD**

---

**BALANCE TO BE PAID TO CREW WHEN JOB IS COMPLETE**

A-1 FENCE IS NOT RESPONSIBLE FOR SPRINKLERS OR ANY UNDERGROUND UTILITIES
VARIANCE

NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

<table>
<thead>
<tr>
<th>Street Address: 1695 17th Way North</th>
<th>Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed Description of Project and Request:</td>
<td></td>
</tr>
<tr>
<td>I would like to extend my existing back yard fence around the side yard (considered the front yard by the city because I live on a corner lot) to store my boat year round. Because I live on a corner lot my side yard is considered part of my front yard. The city does not permit fences left or more in height to be build in front yards. However, to comply with code enforcement, I have to store my boat behind a fence at least 10 feet tall. Unfortunately, because my home was build diagonally on my lot, I cannot fit my boat in my small back yard. This leaves the side (front) yard as my only option.</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?

Because I live on a corner lot my side yard is considered part of my front yard. The city does not permit fences left or more in height to be build in front yards. However, because I live on a corner lot my side yard is considered part of my front yard. The city does not permit fences left or more in height to be build in front yards. However, to comply with code enforcement, I have to store my boat behind a fence at least 10 feet tall. Unfortunately, because my home was build diagonally on my lot, I cannot fit my boat in my small back yard. This leaves the side (front) yard as my only option.

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! 7000 17th Lane North has a left side (front) yard fence. 1780 70th Circle North, 1785 70th Circle North, 7001 17th Lane North, and 7000 17th Way North (who signed the neighborhood worksheet) all have left fences on their side (front) yards. Additionally, 1695 17th Street North, 1695 17th Street North, and 1697 17th Way North not only have left fences on their side (front) yards, all three of these properties have a boat or RV/Camper parked (enclosed) by said fence.

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

I purchased the house already built on the lot in the unique orientation that prevents me from parking the boat in the backyard and requires me to park it in the true front or side front yard.
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><strong>Street Address:</strong> 6995 17th Way N</td>
</tr>
<tr>
<td><strong>Description of Request:</strong> Build a left PVC fence on side yard (facing 70th Ave N) to store boat from line of sight.</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:** 7000 17th Way N 33702
   - **Owner Name (print):** Lindsay McIlroy
   - **Owner Signature:**

2. **Affected Property Address:** 7070 17th Way N, St. Pete, Fl 33702
   - **Owner Name (print):** Elizabeth Magni
   - **Owner Signature:**

3. **Affected Property Address:** 6945 17th Way N, St Pete 33702
   - **Owner Name (print):** Suzanne C. Crockett
   - **Owner Signature:**

4. **Affected Property Address:** 1700 70th Ave N
   - **Owner Name (print):** Chandra L. C. Kem
   - **Owner Signature:**

5. **Affected Property Address:** 6988 17th Way N, St Petersbg 33702
   - **Owner Name (print):** Genevieve Stephen
   - **Owner Signature:**

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

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

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

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

Because my house was built diagonally on my lot, there is not much of a backyard. Therefore, I am unable to park and store my boat back there. I do have a very large true front yard and side (front) yard. Building a low fence around the side (front) yard would provide storage for my boat. It would also serve as an attractive solution to hiding the eyesore that is the boat from view. Finally, because my true front yard is so large, it wouldn't take away from the greenery and mature landscaping because they would still be visible from the street.

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

I have looked into storage of the boat at marinas and at storage facilities. These alternatives can be very costly. Also, I am working on the boat mechanically. Having the boat at home allows me to work on it at anytime - something not always permitted at the other alternatives.

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

Granting the request will allow me to hide the boat from street view. This will make my property look clean and neat - as a boat can be considered an eyesore by some. Additionally, because there is a lot of street traffic that passes my front (side) yard, drivers tend to litter in my yard. I am outside picking up garbage regularly. Perhaps having a fence instead of a sprawling grassy lawn may discourage littering in my yard.
### Related Cases And Inspection Selection

<table>
<thead>
<tr>
<th>Number</th>
<th>Status</th>
<th>Date</th>
<th>Inspe</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>ACTIVE</td>
<td>11/06/10</td>
<td>JDJ</td>
<td>CIVIL CITATION - DOM. Eq.</td>
</tr>
<tr>
<td>02</td>
<td>CASE CLOSED</td>
<td>8/15/02</td>
<td>SL</td>
<td>ZONING VIOLATIONS</td>
</tr>
<tr>
<td>03</td>
<td>VOIDED</td>
<td>9/11/95</td>
<td>PS</td>
<td>NONE</td>
</tr>
</tbody>
</table>
### Property Information

**Address:** 6995 17TH WAY N
SAINT PETERSBURG, FL

**Case status:** AC ACTIVE
**Status date:** 11/06/2018

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
</table>
| Case narrative| November 6, 2018 2:52:21 PM, A summer.
noted domestic parking on unapproved days/time, not limited to the boat. |
| Violations    | **DOMESTIC EQUIPMENT - ACTIVE**
noted domestic parking on unapproved days/time, not limited to the boat.
as of 1/2/2019 violation remains, boat parked in the driveway area on unapproved days/times.**
**Homeowner was told by supervisor Andrea Brown and code compliance Jeff Summers that while waiting on a variance boat needed to be parked where the fence would be and not in the driveway area.** |

<table>
<thead>
<tr>
<th>Inspection comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>001 - INITIAL INSPECTION</td>
</tr>
</tbody>
</table>
**Results status:** INSPECTION...

November 6, 2018 2:55:42 PM, A summer.
noted domestic parking on unapproved days/time, not limited to the boat.

| 002 - REINSPECTION |
**Results status:** INSPECTION...

December 5, 2018 6:52:10 AM, A summer.

**Results:**
Boat moved to side of the residence per code compliance variance.

| 003 - REINSPECTION |
**Results status:** INSPECTION...

January 2, 2019 2:07:57 PM, A summer.
**Property Information**

Address: 5995 17TH WAY N
SAINT PETERSBURG, FL

**Case General Information**

Case status: AC ACTIVE
Status date: 11/06/2018

<table>
<thead>
<tr>
<th>#</th>
<th>Action</th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
</table>
| 003 | REINSPECTION | January 2, 2019 | 2:07:57 PM | Inspecter: **Inspection**

- **Results status**: Inspection...
- As of 1/2/2019 violation remains, boat parked in the driveway area on unapproved days/times.

- **Homeowner was told by supervisor Andrea brown and codes compliance Jeff summers that while waiting on a variance boat needed to be parked where the fence would be and not in the driveway area**.

<table>
<thead>
<tr>
<th>#</th>
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<th>Time</th>
<th>Description</th>
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</thead>
</table>
| 004 | REINSPECTION | January 24, 2019 | 4:51:27 PM | Inspecter: **Inspection**

- **Results status**: Inspection...
- No domestic parking

<table>
<thead>
<tr>
<th>#</th>
<th>Action</th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
</table>
| 005 | REINSPECTION | February 14, 2019 | 10:11:11 AM | Inspecter: **Inspection**

- **Results status**: Inspection...
- Applied for variance to city supervisor ab

<table>
<thead>
<tr>
<th>#</th>
<th>Action</th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
</table>
| 006 | REINSPECTION | November 6, 2018 | 2:58:14 PM | Inspecter: **Inspection**

- **Results status**: Inspection...
- No onstreet change

<table>
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<tr>
<th>#</th>
<th>Action</th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
</table>
| 007 | REINSPECTION | November 27, 2018 | 9:12:19 AM | Inspecter: **Inspection**

- **Results status**: Inspection...
- Filled for variance for fence

<table>
<thead>
<tr>
<th>#</th>
<th>Action</th>
<th>Date</th>
<th>Time</th>
<th>Description</th>
</tr>
</thead>
</table>
| 008 | REINSPECTION | December 1, 2018 | 6:50:24 AM | Inspecter: **Inspection**

- **Results status**: Extension while working with zoning for...
<table>
<thead>
<tr>
<th>Case Information</th>
<th>Case General Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong> 6995 17TH WAY N</td>
<td><strong>Case status:</strong> AC ACTIVE</td>
</tr>
<tr>
<td><strong>City:</strong> SAINT PETERSBURG, FL</td>
<td><strong>Status date:</strong> 11/06/2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>003  - LETTER RECEIVED</td>
<td>Filled for vacance for fence</td>
</tr>
<tr>
<td>004  - TAKE PHOTOGRAPHS</td>
<td>received letter for extension while working with zoning for a variance, granted</td>
</tr>
<tr>
<td>005  - RECORD CHECK</td>
<td>took notes for civil citation</td>
</tr>
<tr>
<td>006  - SUPERVISOR DECISION/ RE...</td>
<td>First civil citation approved to owner.</td>
</tr>
<tr>
<td>007  - CITATION SENT CERTIFIED...</td>
<td>sent certified mail</td>
</tr>
<tr>
<td>008  - RETURN RECEIPT REC'D / ...</td>
<td>RETURNED RECEIPT RECEIVED FOR CIVIL CITATION ADDRESSED TO: ALLISON CON</td>
</tr>
<tr>
<td></td>
<td>SIGN BX: NOT LEGIBLE.</td>
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</tbody>
</table>

**Lien Information**
- **MEADOW LAKES 9TH ACD**
- **SHE 50, LOT 30 LESS 2 FT**
<table>
<thead>
<tr>
<th>SUBDIVISION</th>
<th>MEADOW LAWN 9th Addition</th>
<th>LOT</th>
<th>30</th>
<th>Less S.21</th>
<th>BLOCK</th>
<th>50</th>
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</thead>
<tbody>
<tr>
<td>BUILDING</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location: 6995 - 17th Way North</td>
<td>38131A-D1 - 3/18/58 - $6500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Owner Florida Elkers - Four room and bath residence with garage (Type V)</td>
<td>24'11&quot; x 46')</td>
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<td></td>
<td></td>
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<tr>
<td>#7L176A-R2 - 12/13/61 - $100</td>
<td>Owner J. A. Gould - Coat roof of existing residence (Type V)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#8831A - 3/3/70 - $4,500.00</td>
<td>Owner Ronald R. Murphy - Erect add. to rear of residence for family room, bath, closet, and bedroom - (Type V)(14.8' x 39.4')</td>
<td>By owner.</td>
<td></td>
<td></td>
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<tr>
<td>ELECTRICAL</td>
<td></td>
<td>82</td>
<td>30/74</td>
<td>PLUMBING</td>
<td>H - 3C</td>
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</tr>
<tr>
<td>#13992E - 4/7/58 - Fla. Bldrs.</td>
<td>Macbeth Plbg. - c-l-s-b-sh-wsh-wsh</td>
<td>By Owner - 1-closet 1-lavatory</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>INSTALLATION</td>
<td></td>
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<tr>
<td>#3226A-6/24/58-Florida Bldrs., Inc.</td>
<td>J. C. Pressly I 5682 - 41,500 BTU</td>
<td></td>
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</tr>
<tr>
<td>#E4397B - 4/17/70 - R. R. Murphy</td>
<td>Betts Electric - 1-phase 1-meter 5-sw 14-recp 1-bath fan 1-room A/C</td>
<td>By Owner - 1-closet 1-lavatory</td>
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<td></td>
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<tr>
<td>#P9459 - 3/3/70 - R. Murphy</td>
<td>By Owner - 1-closet 1-lavatory</td>
<td>1-shower</td>
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<tr>
<td>GAS</td>
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<tr>
<td>#3226A-6/24/58-Florida Bldrs., Inc.</td>
<td>J. C. Pressly I 5682 - 41,500 BTU</td>
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<tr>
<td>Duo Therm - 100 gal. tank on stand</td>
<td>Exist. Vitroliner</td>
<td></td>
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<tr>
<td>SIGNS</td>
<td></td>
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<tr>
<td>#13992E - 4/7/58 - Fla. Bldrs.</td>
<td>Macbeth Plbg. - $5.00 tap</td>
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<tr>
<td>SEWER</td>
<td></td>
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<tr>
<td>#13992E - 4/7/58 - Fla. Bldrs.</td>
<td>Macbeth Plbg. - $5.00 tap</td>
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<tr>
<td>SEPTIC TANK</td>
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<tr>
<td>#13992E - 4/7/58 - Fla. Bldrs.</td>
<td>Macbeth Plbg. - $5.00 tap</td>
<td></td>
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</tr>
</tbody>
</table>
Hi Marlene,

I was given your email address by Shervon Chambliss at the Zoning Department for the City of St Pete, as you’re the head of the Meadowlawn Neighborhood Association.

My family and I moved to the Meadowlawn neighborhood about a year ago. We would like to file a variance application with the city to request to build a 6ft tall fence on our side yard (which is considered a “front” yard by the city because we live on a corner lot). The purpose of the fence would be to hide our personal boat from the line of sight therefore preventing it from being an eyesore in the neighborhood.

Would you be willing to possibly express a word of support for this project? Let me know what you think! I would be happy to welcome you over to see exactly what I’m proposing.

Thank you,
Allison Cox
6995 17th Way North
St. Petersburg, FL 33702
(386) 366-1834
Sir/Madam

Re case 18-54000103

We don't have any objections re. The construction of the proposed enclosure. We are unable to attend the meeting.

Mark Sukha
Global Location Inquiry - Building Permit Applications

Property address: 6995 17TH WAY N
Parcel Identification Nbr: 25/30/16/56772/060/0300/

<table>
<thead>
<tr>
<th>Application</th>
<th>Type</th>
<th>Date</th>
<th>Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>MECH</td>
<td>2/04/19</td>
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<tr>
<td>17</td>
<td>ORRZ</td>
<td>8/14/17</td>
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</tr>
<tr>
<td>12</td>
<td>EALT</td>
<td>1/24/12</td>
<td></td>
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</tr>
<tr>
<td>00</td>
<td>BLDG</td>
<td>1/07/00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09</td>
<td>ROOF</td>
<td>7/13/99</td>
<td></td>
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</tr>
<tr>
<td>91</td>
<td>OLD</td>
<td>6/20/91</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
16.40.100.5. - Domestic equipment parked, placed, or stored on neighborhood zoned property.

A. No person shall park, allow to be parked, place, allow to be placed, store, or allow to be stored more than two pieces of domestic equipment on neighborhood zoned property outside a legally constructed fully enclosed structure. Any domestic equipment parked, placed, or stored on neighborhood zoned property outside a fully enclosed structure shall not exceed 35 feet in overall length, shall not exceed eight feet in width and shall not exceed 12 feet in overall height. Whenever a piece of domestic equipment is parked, placed or stored on a trailer specifically designed to transport or carry the domestic equipment, this condition shall be counted as one piece of domestic equipment for purposes of this subsection.

B. Domestic equipment may be parked, placed or stored inside any legally constructed fully enclosed structure which meets the regulatory requirements of the zoning district.

C. A person may park, place or store up to two pieces of domestic equipment outside a fully enclosed structure provided all of the following conditions are met:

1. The equipment is parked, placed or stored in the rear yard, in the interior side yard, or in the allowable buildable area for a principal or accessory structure; however, it shall not be parked, placed or stored in the front yard, in the street side yard, or in the buildable area to the front of the principal structure.

2. When parked, placed or stored within any buildable area between the street side yard and the side of the principal structure, or within 50 feet of any street right-of-way, measured from the edge of the traveled road bed, equipment must be shielded from view from the street right-of-way by a solid six-foot high fence. Any portion of the required six-foot high shielding may also be accomplished with maintained vegetation forming a solid hedge. Any gate used to comply with this shielding requirement must also be solid, six feet high, and be kept closed whenever the equipment is not being moved through the gate. When any shielding is required, it must be located on the property where the equipment is stored, and the location, height and construction of the shielding must comply with all applicable ordinances and laws.

3. When parked, placed or stored adjacent to an alley, the equipment must not impede the visibility for vehicles entering the alley from adjacent driveways.

4. No equipment shall be in a waterfront yard except one boat is allowed to be placed or stored within any waterfront yard only when provisions exist to place
the boat directly in the water from its location or storage place.

5. Equipment cannot obstruct any door, window or other opening of a dwelling which provides light, air, entrance to or exit from a dwelling.

6. Equipment must be in sound condition, good repair and free of deterioration or damage.

D. Limited exceptions: On the following days and times, domestic equipment may be temporarily parked or placed to the front of the principal structure or outside of any required shielding on private property, provided the equipment does not impede visibility for motorists and does not block any portion of the public sidewalk or roadway:

1. From Monday 8:00 a.m. through Thursday 4:00 p.m. for no more than four consecutive hours, and

2. From Thursday, 4:00 p.m. until Monday 8:00 a.m.

E. Each item of domestic equipment observed in violation of this section is a separate violation subject to a separate fine and each day that the observed violation continues to exist is a separate violation subject to a separate fine.

F. If any piece of domestic equipment is fitted with liquefied petroleum gas or other volatile liquid containers, such containers shall meet all local, state, and federal standards. In the event that leakage is detected from such container, immediate corrective action must be taken by the property owner or equipment owner to make proper and safe repairs.

FENCE, WALL, AND HEDGE REGULATIONS
For one- and two-unit residential properties

Where can I put my fence, wall, or hedge, and how tall can it be? Fences, walls, and hedges may be installed as shown in the diagrams below. To determine your yards, go to [www.StPete.org/LDR](http://www.StPete.org/LDR) and use the GIS Zoning Map Lookup to determine your zoning district; then scroll down Table of Contents and click on your district (NT/NS), go to “Minimum Building Setbacks” table. A survey of your property will determine the exact location of your property lines. Email your survey to DevRev@StPete.org with questions. See Section 16.40.040 of the Land Development Regulations.

### Waterfront yards

Fences, walls, and hedges located in a waterfront yard have different height, location, and design requirements than typical rear yards. The intent of this portion of the code is to preserve views while providing privacy and security to property owners.
Do I Need a Permit? Permits are not required for fences and hedges that meet all zoning district requirements (Section 16.40.040 of the Land Development Regulations), and do not have a footer (subject to building code requirements). Walls and columns require a building permit. Contact Construction Services and Permitting at 727-893-7231 or permits@stpete.org for more information.

For more information, contact the Zoning Division at (727) 893-7471, DevRev@StPete.org, or visit our webpage at http://www.stpete.org/ldr

UPDATED: 06-29-2018
For Public Hearing and Executive Action on March 6, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Services Department records, Commission member Richard Doyle 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.: 18-54000104  PLAT SHEET: A-28
REQUEST: Approval of a variance to the maximum allowable driveway width, and maximum allowable impervious surface coverage in front yard.
OWNER: Kurt and Terri Ulrich
1993 Massachusetts Avenue NE
Saint Petersburg, Florida 33703
ADDRESS: 1993 Massachusetts Avenue Northeast
PARCEL ID NO.: 03-31-17-93870-005-0020
LEGAL DESCRIPTION: On File
ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

<table>
<thead>
<tr>
<th>Standard</th>
<th>Maximum Allowed</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway Width</td>
<td>20-feet</td>
<td>25-feet</td>
<td>+ 5-feet</td>
<td>25%</td>
</tr>
</tbody>
</table>
BACKGROUND:

The subject property is located in the Venetian Isles Neighborhood. The property is an interior lot located in the NS-1 zoning district with an existing single-family residence built in 1970.

The Applicant is requesting a variance to the maximum allowable driveway width. For NS-1 zoned properties, the maximum allowable driveway width is 20-feet for standard portions and the maximum width for circular portions of circular driveways is 14-feet, measured at the property line. Circular driveways are permitted on NS-1 properties with a lot width of 60-feet or greater. Driveways in the NS-1 district require 3ft. x 7ft. flares on each side of the drive as they connect to the curb or street.

A contractor for the homeowner applied for and received a driveway permit (Building Permit # 18-05001024, Attachment D) for a new circular paver driveway with widths of 20-feet (for the standard portion) and 12-feet (for the circular portion). The driveway failed inspection as the standard portion was built with a width of 25 feet.

The Applicant’s original application also included a request for a variance to the maximum allowable impervious surface coverage within the front yard. However, the Applicant and his contractor modified the request by removing the necessary square footage from the front yard to reduce the impervious surface coverage below the maximum allowed (Attachments E & F).

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services 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 criterion is not applicable.

   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 subject property exceeds the minimum required lot width and lot area 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.

This criterion is not applicable.

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.

Circular driveways are common in the Venetian Isles neighborhood. The over-sized driveway does not promote the traditional development pattern of the block face or 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;

The special conditions existing are the result of the Applicant. The property received a building permit to construct a 20-foot wide driveway with a 12-foot wide circular portion, however the driveway was not built to the approved plan specifications. The driveway was proposed to meet zoning regulations but was not constructed as proposed.

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

A literal enforcement of this Chapter would not result in unnecessary hardship. The installation of the driveway was not constructed per the approved plans.

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 provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structure

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

Staff finds that the variances requested are not reasonable. The property allows for a circular driveway to be built and the maximum allowable width to be utilized.

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

The granting of these variances is not consistent with the purpose and intent of the Code to accommodate reasonable use of the property.
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 will not be directly injurious to neighboring properties or otherwise detrimental to the public welfare.

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

The reasons set forth in the application do not justify the granting of the variances.

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 Venetian Isles Homeowners Association. The Association has an internal Architectural Review Committee (ARC) that reviews and approves driveway designs in the neighborhood. The Applicant states that the ARC approved the design of the driveway as drawn in July 2018. However, the driveway was not built as originally drawn resulting in these variance requests. Staff has not received any correspondence from the Association. Additionally, the Applicant has provided signatures of no-objection from property owners in the vicinity of the subject property.

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 variances.

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 plans and elevations submitted for permitting should substantially resemble the plans submitted with this application.
2. A new driveway plan revising the active driveway permit to reflect the approved conditions shall be submitted no later than June 6, 2019.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. Maximum impervious surface coverage must not exceed 60% for the total site and must not exceed 45% in the front yard, as defined by Code regulations. All plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
5. The applicant is advised that inspections are required; failure to obtain inspections will invalidate the variance and the permits.
ATTACHMENTS: Attachment A – Map; Attachment B – Survey/Site Plan; Attachment C – Building Permit # 18-05001024 Plan; Attachment D – Photographs (2) (dated 1/24/2019); Attachment E – Before and After Photographs of Modification Work (4) ('after' pictures dated 2/21/2019); Attachment F – Revised Site Plan; Attachment G – Application Package (including Signatures of Support and Neighborhood Participation Report)
Attachment B. – Survey/Site Plan

Bearing Based on the Southeast Lot Line of Lot 2 Bldg
Said Bearing Being S 45° 42'
Tree Removal Not Included
A separate tree removal permit is required for the removal of Code protected trees
Attachment E. – Before and After Photographs of Modification Work
Attachment F. - Revised Site Plan

I have reviewed and I give my approval to proceed with the construction of this project.

[Signature]

Customer

Date
Attachment G. - Application Package

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

### NAME of APPLICANT (Property Owner):
Kurt & Terri Ulrich  
**Street Address:** 1993 Massachusetts Ave NE  
**City, State, Zip:** St. Petersburg, FL 33703  
**Telephone No:** 727-418-7739  
**Email Address:** gku98@yahoo.com

### NAME of AGENT or REPRESENTATIVE:
**Street Address:** NA  
**City, State, Zip:**  
**Telephone No:**  
**Email Address:**

### PROPERTY INFORMATION:
**Street Address or General Location:** 1993 Massachusetts Ave NE St. Petersburg, FL 33703  
**Parcel ID(s):** 03-31-17-93870-005-0020

### DESCRIPTION OF REQUEST:
We are seeking to obtain a variance on the completed construction of our circular drive.

### PRE-APPLICATION DATE:
**PLANNER:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
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<tr>
<td>1 &amp; 2 Unit, Residential – 1st Variance</td>
<td>$300.00</td>
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<tr>
<td>Each Additional Variance</td>
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<td>3 or more Units &amp; Non-Residential – 1st Variance</td>
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<tr>
<td>After-the-Fact Variance</td>
<td>$500.00</td>
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<td>Docks</td>
<td>$400.00</td>
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<tr>
<td>Flood Elevation</td>
<td>$300.00</td>
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Cash, credit, checks made payable to "City of St. Petersburg"

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the Inspections will be referred to the City's Codes Compliance Assistance Department.

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

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

**Signature of Owner / Agent:**  
**Date:** 11/29/18

*Affidavit to Authorize Agent required, If signed by Agent.

S A I D  B E A R I N G  B E I N G  S 4 5 ' 4 2 " 3
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>Street Address:</th>
<th>1993 Massachusetts Ave NE</th>
<th>Case No.:</th>
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<tr>
<td><strong>Detailed Description of Project and Request:</strong></td>
<td>SEE ATTACHED</td>
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1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?
   - SEE ATTACHED

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.
   - SEE ATTACHED

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

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| 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?  
SEE ATTACHED |

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

<p>| | |</p>
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SEE ATTACHED |
VARIANCE APPLICATION

NARRATIVE (PAGE 1 and 2)

APPLICANT NARRATIVE

Street Address: 1993 Massachusetts Ave NE

Detailed Description of Project and Request:

This property is located on Venetian Isles, a deed restricted community in Northeast St. Petersburg. We purchased the home in June 2017. The old driveway had several significant cracks along with a substantial subduct at the junction of the concrete slabs (see picture below) presenting a dangerous walkway. In addition, with four (4) drivers and four (4) cars in our household, 1 to 2 cars were typically parked on the street, at times restricting traffic flow for our neighbors. We removed the old driveway and designed a new apron to the garage with a circular drive. The new design called for the material to be pavers in the design of a compass rose. The contract was let and implemented by Oasis Pavers and Pools which obtained a permit to construct. In addition, the design was submitted to the Architectural Review Committee (ARC) for the Venetian Isles HOA and was subsequently approved. Unfortunately, the implementation failed to recognize the code limitations between the lot line and the curb. Enforcing the code to the letter would cause an unsightly triangular paver removal. The removal in turn would give rise to an isolated triangular patch of un-watered dirt and grass which would then give rise to excess debris run-off into the adjacent storm drain. The request is to grant the variance so that the driveway as constructed is approved which would maintain the integrity of the aesthetics and avoid potential storm drainage blockage.

Old Driveway showing cracks and subduction at the seam of concrete slabs (bottom of picture)
**Question #1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?**

When we purchased our home on Venetian Isle about 18 months ago, it came with a cement driveway. The driveway was cracked in a number of places and an accident waiting to happen by way of a several-foot subduction where convergent boundaries of two cement slabs met some three feet from the curb. This condition was dangerous, not to mention unsightly, and it was incumbent upon us to address the driveway’s demolition and replacement as soon as we were able.

Our household is a busy one where four or five cars are routinely parked with more during frequent family gatherings often causing several cars to be parked on the street – a traffic impediment from time to time and a by-gone condition which our neighbors were relieved to see as our new driveway enabled all of our cars to be parked on premises.

The Venetian Isle Homeowners Association is a diligent guardian of the aesthetics involving outside residence alterations which it closely monitors. My wife created a unique rendering of a compass rose to enhance the circular design of the driveway to be constructed with pavers.

This design was submitted and approved by our Homeowners Association (See ARC Approval Letter) and the paving contractor, Oasis Pavers and Pools, permitted the job and wonderfully constructed our new driveway. Somewhere, however, a glitch occurred when a code condition was inadvertently violated and remained undetected until a final inspection by the City.

Without the approval of a variance, making the driveway code compliant would require the removal of pavers from a triangular part of the drive apron creating a potential mud hole during the rainy season and a triangular parcel of sand during the dry season since the triangle created by the paver removal would be isolated from our sprinkling system and driven over numerous times daily. This condition would prohibit the growth of grass. An obvious adverse condition would be experienced as runoff would move dirt (mud) and other detritus to the storm-water intake immediately adjacent to the driveway’s convergence with the curb – a condition not present as the new driveway is presently constructed.
Pictures of the driveway with the code compliant triangular cut-out shown above.

(See "Driveway Design insert")
From: Mike Astulo <mastulo@sandpavers.com>
Sent: Tuesday, September 18, 2018 11:57 AM
To: Michael W. Larimore <Michael.Larimore@albetta.org>
Subject: Driveway

Thank you,
Michael Astulo
Oasis Pavers and Pools
(727) 458-0078
Question #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.

Virtually every residence in our neighborhood has a driveway of similar design, although not as many with a circular component. The flaw in our design causing it to fail the code condition is that by providing for a circular component to our drive, the part of the driveway from the curb to the lot line exceeded the allowed width by 5’.

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

We were not aware of our responsibilities beyond a detailed design including dimensions of the driveway and we were not conversant with the intricacies of the code concerning the violation experienced.

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

The unique design of the driveway could be considered an art piece. Several neighbors have already consulted us about creating some art design to enhance the aesthetics of their driveways – vis-à-vis a plain cement slab.
Question #4 (con't) Failure to grant the requested variance will require the significant alteration of this driveway creating a triangular parcel of ground comprised of approximately 18-20 square feet which is: (i) un-watered; (ii) isolated from the balance of the yard; and (iii) will be driven over many times daily creating an unsightly scar giving rise to mud, sand and other debris washing into the storm drainage system. The storm water drainage intake abuts the point of the triangle necessitated by code compliance and would directly receive the runoff from the abandoned parcel.

In addition, alteration to bring the circular drive in compliance would create an unsightly design diminishing the character of the neighborhood and reducing it beautification.

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

Several different alterations to the driveway were considered to make the driveway/art piece code compliant, but none of the changes would allow for the survival of the aesthetics – i.e., the compass rose. It, by-the-by, is a part and parcel of the driveway, it is not a painted or surface created design, but it is also paver constructed.

The previous photos above show by-way-of a blue-line demarcation the extent and area of the code compliant triangle, would be an immediate eye-sore as well as exacerbating storm drainage runoff.

Also considered was moving the circular part of the art piece, but that alternative would completely destroy the design of the compass rose.
Question #6. In what ways will granting the requested variance enhance the character of the neighborhood?

Acknowledging the validity and necessity of our code as it relates to driveways, variance processes are established to address situations such as ours. This process recognizes the truism that “one size does not fit all”. The code as it pertains to the width of a circular drive at the juncture of the City’s easement with the property line, as we perceive it, is established to avoid excess flooding and harmful runoff to neighboring properties and convergent streets; and, to protect the integrity of the aesthetics of a neighborhood.

Granting this application for the variance will in no way increase the flood or run-off potential of either the subject property or the surrounding neighborhood and, in fact, will alleviate the issue of excessive sand, mud and debris run-off washing into the storm drainage system thereby reducing the drain’s capacity to manage run-off from several adjacent properties which is its primary design. The storm water drainage mouth abuts the point of the triangle necessary to comply with the code and would directly receive the runoff from the abandoned parcel. Finally, becoming code compliant in this case would render an odd-looking triangular cut-out completely adverse to the natural lines and design substantially reducing the aesthetics created by this novel and creative approach to our driveway.
In accordance with LDR Section 16.70.040.1.F., "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:** 1993 Massachusetts Avenue NE

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
   There were no scheduled public meetings. We did reach out to each neighbor within 300' of our property explaining how the circular drive was constructed but not implemented to code as it relates to the width of the circular drive at the property line (right-of-way). We were not aware of this restriction. We also discussed changes needed to the design in order to follow the code to the letter which would create a potential drainage issue and significantly de-beautify the design. As a result, we are seeking a variance to allow the driveway to remain as is.

2. Summary of concerns, issues, and problems expressed during the process
   We were able to contact nearly all adjacent property owners and nearly all neighbors within 300' of our property seeking their support. All 15 adjacent homeowners contacted gave their unanimous support of our request to obtain a variance. In addition, most expressed concern about possible changing the drive as it is a very attractive design and has improved the look of our home and the neighborhood. One neighbor is now considering a re-design of his drive seeing how much it added to the beautification of our property. (See Attached Map)

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
   - Other comment(s): __________

   **Association Name:** Venetian Isles HOA
   **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:
Public Participation Report

Question 3

Association Name: Venetian Isles HOA                 President: Rich Scanlon

The Venetian Isles HOA requires drive way designs to be submitted for approval to the Architectural Review Committee (ARC). The ARC approved our design and a copy of the letter of approval is attached to this application.

According to President Rich Scanlon, the policy of the Venetian Isles Homeowners Association is to decline from participating in applications for variances for its members.
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>
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<th>Street Address</th>
<th>Case No.</th>
<th>Description of Request</th>
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<td>1975 Massachusetts Ave</td>
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<td>1959 Massachusetts Ave NE</td>
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</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:** 1923 Massachusetts Ave NE  
   **Owner Name (print):** Deborah Ender  
   **Owner Signature:** [Signature]

2. **Affected Property Address:** 194 Massachusetts St N  
   **Owner Name (print):** G. Helen Lugar  
   **Owner Signature:** [Signature]

3. **Affected Property Address:** 1975 Massachusetts Ave  
   **Owner Name (print):** Margaret James  
   **Owner Signature:** [Signature]

4. **Affected Property Address:** 1921 Massachusetts Ave  
   **Owner Name (print):** Michael James  
   **Owner Signature:** [Signature]

5. **Affected Property Address:** 1964 Mass. Ave NE  
   **Owner Name (print):** Mary Ann Lucas  
   **Owner Signature:** [Signature]

6. **Affected Property Address:** 1978 Massachusetts Ave NE  
   **Owner Name (print):** Margaret Martin  
   **Owner Signature:** [Signature]

7. **Affected Property Address:** 1983 Massachusetts Ave NE  
   **Owner Name (print):** Austin Lucas  
   **Owner Signature:** [Signature]

8. **Affected Property Address:** 1959 Massachusetts Ave NE  
   **Owner Name (print):** Kenton Chandwick  
   **Owner Signature:** [Signature]
VARIANCE

NEIGHBORHOOD WORKSHEET

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

<table>
<thead>
<tr>
<th>Street Address: 1993 Massachusetts Ave</th>
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<tbody>
<tr>
<td>Description of Request:</td>
<td>See Attached</td>
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</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: 1996 Michigan Ave NE, St. Pete, FL 33708
   - Owner Name (print): Patricia M. Lynch
   - Owner Signature: [Signature]

2. Affected Property Address: 1972 Michigan Ave NE
   - Owner Name (print): Burton Ames
   - Owner Signature: [Signature]

3. Affected Property Address: 948 Michigan Ave NE, St. Pete, FL 33708
   - Owner Name (print): Harry A. Smyth
   - Owner Signature: [Signature]

4. Affected Property Address: 1944 Massa Church Ave NE
   - Owner Name (print): Brian Hahn
   - Owner Signature: [Signature]

5. Affected Property Address: 1990 Mass Ave NE, St. Pete
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

6. Affected Property Address: 1997 Mass Ave NE
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]

7. Affected Property Address: 1937 Waddell Ave NE
   - Owner Name (print): [Signature]
   - Owner Signature: [Signature]
300 Foot Radius
Aerial view of our property with outline of properties within 300 feet.
Highlighted properties show those neighbors that we were able to contact.

Legend
📍 1993 Massachusetts Ave NE
July 31, 2018

Ms Terri Ulrich
1993 Massachusetts Ave Avenue NE
St. Petersburg, FL 33703

Re: New Driveway

Dear Ms. Ulrich,

Thank you for allowing us to review your plans. Reviewing new projects is very important to us to ensure compliance is met. A thorough review of your project by two separate members of the ARC committee has occurred.

We have received your plans for your new driveway for your property and we find it to be compliant with the deed restrictions of our neighborhood. Your drawing and design are approved.

Please acknowledge receipt of this approval letter via email.

Thank you for your anticipated cooperation.

Note: With ARC approval, homeowners have full responsibility at all times to make sure that their projects meet the Venetian Isles Deed Restrictions.

Should you have any questions, please do not hesitate to contact me at your convenience.

Respectfully,

Trip Guinan

Trip Guinan, ARC Chair

CC: ARC
    Sean Scifried, ARC Member
From: Kurt Ulrich <gku98@yahoo.com>
Sent: Monday, December 10, 2018 2:38 PM
To: Michael W. Larimore
Cc: Robert L. Ulrich; Terri Ulrich; Mike Astuto; Brian Godden
Subject: Re: ISR information on 1993 Massachusetts Ave NE, Kurt Ulrich

Mike,

Based on our conversation a minute ago this email is to let you know we are applying for a variance for the maximum allowable width for the circular drive as well as the maximum impervious surface ratio for the front yard.

Thank you for your assistance on this matter.

Kurt Ulrich
727-418-7739

On Monday, December 10, 2018, 9:46:17 AM EST, Michael W. Larimore <Michael.Larimore@stpete.org> wrote:

Mr. Ulrich,

I will give you a call today to finalize the variance request packet so that we can get your application preliminarily scheduled for the February DRC Agenda. Thank you for the quick reply.

Mike Larimore
Planner I
Planning & Development Services
City of St. Petersburg
1 Fourth Street North, St. Petersburg, FL 33701

Trees: 727-893-4249
Office: 727-892-5226
Fax: 727-892-5557

Please note all emails are subject to public records laws.
Hello Mike.

Thanks for the email. I wasn't sure how to proceed and tried to call you Friday after reviewing Mike Astuto's email. If you could call me to give some direction on how to word the application with regard to the ISR variance I'd be grateful. Based on the email from Mike at Oasis (copied below) the front yard exceeds the ISR by about 2.5%. Yes, I'd like to try and get it in today.

My number is 727-418-7739.

Thanks Mike,

Kurt Ulrich

Kurt,

I spoke with Mike Larimore this morning, and the area by the front door does not get included in the front isr ratio but does get included in the total. With that being said the new ISR ratio that we came up with is as follows:

Total area 25'x 74.47= 1861.75
Total paver sq footage in the 25' set back = 886
ISR = 47.589

Please let me know if you need anything else.

Thank you,

Mike

---

On Monday, December 10, 2018, 8:31:59 AM EST, Michael W. Larimore <Michael.Larimore@stpete.org> wrote:

Hello Mr. Ulrich,

Just a reminder, today is the deadline to be on the February DRC Meeting, if we do not receive a complete application (the information needed to confirm whether any ISR variance(s) will be needed in addition to the known variance request to the maximum allowable driveway width), you request(s) may be pushed to the March Meeting.
I last spoke with Mike from Oasis last week by phone and gave him clarity about ISR calculations and how the City Code defines the “front yard” and how my calculations and the calculations Oasis provided differed.

To complete the variance request application, I just need confirmation on the front yard and overall impervious surface calculations and whether they meet or exceed the maximums (45% front yard, 60% overall) allowed by Code.

Let me know how you wish to proceed.

Best,

Mike Larimore
Planner I
Planning & Development Services
City of St. Petersburg
1 Fourth Street North, St. Petersburg, FL 33701

Trees: 727-893-4249
Office: 727-892-5226
Fax: 727-892-5557

Please note all emails are subject to public records laws.

From: Kurt Ulrich <gku98@yahoo.com>
Sent: Thursday, November 29, 2018 9:00 AM
To: Michael W. Larimore <Michael.Larimore@stpete.org>
Subject: Re: ISR information on 1993 Massachusetts Ave NE, Kurt Ulrich

I will forward this on to Oasis and get back to you. Thanks Michael. Have a great day.
Street Address: 1993 Massachusetts Ave NE Case No: 18-54000104

Detailed Description of Project and Request:

This property is located on Venetian Isles, a deed restricted community in Northeast St. Petersburg. We purchased the home in June 2017. The old driveway had several significant cracks along with a substantial subduct at the junction of the concrete slabs (see picture in Question #1 below) presenting a dangerous walkway. In addition, with four (4) drivers and four (4) cars in our household, 1 to 2 cars were typically parked on the street, at times restricting traffic flow for our neighbors. We removed the old driveway and designed a new apron to the garage with a circular drive. The new design is an art piece which called for the material to be pavers in the design of a compass rose. The contract was implemented by Oasis Pavers and Pools which obtained a permit to construct. In addition, the design was submitted to the Architectural Review Committee (ARC) for the Venetian Isles HOA and was subsequently approved.

Unfortunately, the implementation failed to recognize the code limitations between the lot line and the curb. Enforcing the code to the letter would cause an unsightly triangular paver removal OR a near complete re-build of the driveway. The triangular paver removal would in turn give rise to an isolated triangular patch of un-watered dirt and grass which would then give rise to excess debris run-off into the adjacent storm drain. It would also present a odd-looking eyesore inconsistent with aesthetics of the neighborhood. If a complete re-build were required it would
be a substantial hardship to the homeowner and the contractor as nearly 80% of the pavers would need to be removed and replaced as well as the “island” needing new excavation and irrigation. The request is to grant the variance so that the driveway as constructed is approved which would maintain the integrity of the aesthetics and avoid potential storm drainage blockage.

*Old Driveway showing cracks and subduction at the seam of concrete slabs (bottom)*

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

When we purchased our home on Venetian Isle about 18 months ago, it came with a cement driveway. The driveway was cracked in a number of places and an accident waiting to happen by way of a several-foot subduction where convergent boundaries of two cement slabs met some three feet from the curb. This condition was dangerous, not to mention unsightly, and it was incumbent upon us to address the driveway’s demolition and replacement as soon as we were able.

In addition, a drain is located at the base of the driveway and is situated directly in line with the edge of the garage. The drain has a fairly severe down-sloping entrance the top of which is a relatively sharp-edged metal molding. Due to its location in front of our garage as well as its construction, the drain is a hazard to vehicles entering the driveway. In fact, over the past 18 months we have destroyed two tires while entering the driveway cutting the corner too close. The city code requires a 3’x7’ flare at the end of driveways but due to the location of the drain the construction of a flare at the end of the driveway isn’t possible. *(see picture)* The existence of a flared entrance would have alleviated two accidents at this point. We are applying for a variance to the width of the driveway which now enables automobiles to swing wide of this hazard avoiding its sharp edge.
The Venetian Isle Homeowners Association is a diligent guardian of the aesthetics involving outside residence alterations which it closely monitors. Our objective was to greatly improve the look of our driveway by creating an art piece AND enabling more cars to park off the street so as to ease traffic flow in front of our house and allow the neighborhood traffic to move more freely and safely. In addition, the wider drive entrance allowed us to avoid the hazardous drain. My wife is an artist and created a unique rendering of a compass rose to enhance the circular design of the driveway to be constructed with pavers.

This design was submitted and approved by our Homeowners Association (See ARC Approval Letter) and the paving contractor, Oasis Pavers and Pools, permitted the job and constructed our new driveway. Somewhere, however, a glitch occurred when a code condition was inadvertently violated and remained undetected until a final inspection by the City.

Without the approval of a variance, making the driveway code compliant would require either the removal of pavers from a triangular part of the drive apron OR re-positioning the entire circular

Driveway entrance showing drain hazard
design. The first solution would create a potential mud hole during the rainy season and a triangular parcel of sand during the dry season since the triangle created by the paver removal would be isolated from our sprinkling system and driven over numerous times daily. This condition would prohibit the growth of grass. An obvious adverse condition would be experienced as runoff would move dirt (mud) and other detritus to the storm-water intake immediately adjacent to the driveway’s convergence with the curb – a condition not present as the new driveway is presently constructed. In addition, it would create an aesthetic eyesore to neighbors and passers-by as it wouldn’t be uniform nor present a consistent approach to the garage.

Driveway with the code compliant triangular cut-out

To rip up the existing art piece and reposition it would require an enormous amount of time and money. Nearly 80% of the driveway would need to be removed and repositioned. Excavation and new irrigation would be also be required to move the “island”. This approach would entail a substantial hardship to execute.

**#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.**

Virtually every residence in our neighborhood has a driveway of similar design, although not as many with a circular component. The flaw in our design causing it to fail the code condition is
that by providing for a circular component to our drive, the part of the driveway from the curb to the lot line exceeded the allowed width by 5’.

#3. How is the requested variance not the result of actions of the applicant?
We were not aware of our responsibilities beyond a detailed design including dimensions of the driveway and we were not conversant with the intricacies of the code concerning the violation experienced.

#4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?
The unique design of the driveway is an art piece in the shape of a compass rose. Several neighbors have already consulted us about creating some art design to enhance the aesthetics of their driveways – vis-à-vis a plain cement slab.

Failure to grant the requested variance will require the one of two significant alterations. The first would create a triangular parcel of ground comprised of approximately 18-20 square feet which is: (i) un-watered; (ii) isolated from the balance of the yard; and (iii) will be driven over many times daily creating an unsightly scar giving rise to mud, sand and other debris washing into the storm drainage system. The storm water drainage intake abuts the point of the triangle necessitated by code compliance and would directly receive the runoff from the abandoned parcel.
In addition, alteration to bring the circular drive in compliance would create an unsightly design diminishing the character of the neighborhood and reducing its beautification.

![Code compliant triangular cut-out](image)

The second alteration, assuming failure to receive a variance, would require a nearly complete rebuild of the art piece. Nearly 80% of the pavers would need to be ripped up, destroying the art piece then repositioning them and re-designing the artwork requiring an enormous amount of time and money. Excavation and new irrigation would be also needed to re-position the "island". This approach would entail a substantial hardship to execute.

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

Several different alterations to the driveway were considered to make the driveway/art piece code compliant, but none of the changes would allow for the survival of the aesthetics – i.e.; the compass rose. It, by-the-by, is a part and parcel of the driveway, it is not a painted or surface created design, but it is also paver constructed.

The previous photo shows by-way-of a blue-line demarcation the extent and area of the code compliant triangle, would be an immediate eye-sore as well as exacerbating storm drainage runoff.
Also considered was moving the circular part of the art piece, but that alternative would completely destroy the design of the compass rose and entail removing and replacing nearly 80% of the driveway thus creating a substantial hardship.

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

Acknowledging the validity and necessity of our code as it relates to driveways, variance processes are established to address situations such as ours. This process recognizes the truism that “one size does not fit all”. The code as it pertains to the width of a circular drive at the juncture of the City’s easement with the property line, as we perceive it, is established to avoid excess flooding and harmful runoff to neighboring properties and convergent streets; and, to protect the integrity of the aesthetics of a neighborhood.

Granting this application for the variance will in no way increase the flood or run-off potential of either the subject property or the surrounding neighborhood and, in fact, will alleviate the issue of excessive sand, mud and debris run-off washing into the storm drainage system thereby reducing the drain’s capacity to manage run-off from several adjacent properties which is its primary design. The storm water drainage mouth abuts the point of the triangle necessary to comply with the code and would directly receive the runoff from the abandoned parcel. Finally, becoming code compliant in this case would render an odd-looking triangular cut-out completely adverse to the natural lines and design substantially reducing the aesthetics created by this novel and creative approach to our driveway.
PUBLIC PARTICIPATION REPORT

APPLICANT REPORT

Street Address: 1993 Massachusetts Ave NE

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

There were no scheduled public meetings. We did reach out to each neighbor within 300' of our property explaining how the circular drive was constructed but not implemented to code as it relates to the width of the circular drive at the property line (right-of-way) We were not aware of this restriction. We also discussed changes needed to the design in order to follow the code to the letter which would create a potential drainage issue and significantly de-beautify the design. As a result, we are seeking a variance to allow the driveway to remain as is.

   a. There were no publications of any sort.
   b. There were no publications of any sort.

2. Summary of concerns, issues, and problems expressed during the process

We were able to contact nearly ALL adjacent property owners and nearly all neighbors within 300’ of our property seeking their support. EVERY neighbor contacted gave their unanimous support of our request to obtain a variance. In addition, most expressed concern for changing the circular drive as it is a very attractive design and has improved the look of our home and the neighborhood. One neighbor is now considering a re-design of his standard drive seeing how much it added to the aesthetics of our property.
Public Participation Report

Question 3

Association Name: Venetian Isles HOA  President: Rich Scanlon

The Venetian Isles HOA requires drive way designs to be submitted for approval to the Architectural Review Committee (ARC). The ARC approved our design and a copy of the letter of approval is attached to this application.

According to President Rich Scanlon, the policy of the Venetian Isles Homeowners Association is to decline from participating in applications for variances for its members.
For Public Hearing and Executive Action on March 6, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

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.

CASE NO.: 18-54000108
PLAT SHEET: F-7

REQUEST: Approval of an after-the-fact variance to the NT district required setbacks from 18-feet to 11.8-feet for a new porch and from 25-feet to 20-feet for a new single-family residence.

OWNER: Pinellas County Housing Program Land Trust
Bright Community Trust, Inc., TRE
2561 Nursery Road, Suite D
Largo, Florida 33778

AGENT: JM Datum Construction, LLC
2961 1st Avenue North, Suite D
Saint Petersburg, Florida 33713

ADDRESS: 807 14th Avenue South

PARCEL ID NO.: 30-31-17-12708-000-0310

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional Single-Family-2 (NT-2)
BACKGROUND: The application requests after-the-fact variances from the minimum front yard setbacks for the building and porch of an NT-2 (Neighborhood Traditional Single-Family) zoning district in order for a newly constructed residence to remain. The subject property is Lot 31 of the Buena Vista Subdivision. There is no property card on record, but it is made buildable from building permit records that include the demolition of the previous single-family residence in 1996. The lot is 60-feet wide and slopes between 78-feet and 76-feet deep to the rear, making the lot substandard in area for NT-2 zoning districts. The minimum lot area in NT-2 zoning is 5,800 square feet. The subject lot is 4,620 square feet, or 20% substandard in lot area. The property also abuts a 10-foot wide unimproved platted alley to the rear.

Plans for a new single-family residence were approved on July 2nd, 2018. Those plans showed the home to be built at 25-feet 3-inches to the building, and 18-feet 3-inches to the porch. Staff met with Mason Haynes for a pre-application meeting on November 6th, 2018 when the applicant came in to request an administrative Reduced Setback Variance. These administrative variances allow properties to utilize front yard setbacks equal to or greater than the average setbacks established by existing homes on the subject block face. Upon completing the process to establish the average setback on the block face, it was determined that the average building setback was 18-feet 2-inches, which would allow for the building to remain as is. The average setback for porches on the block face is 17-feet 9-inches, which would not allow the porch to remain at 11-feet 8-inches. Of the twelve (12) properties included in the study, five (5) did not have a porch and three (3) others had porches that were incised. Further, the next two (2) properties to the West are vacant.

REQUEST: The applicant requests that after-the-fact Reduced Front Yard Setback variances be granted to allow the porch and home to remain uncorrected.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services 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.

   N/A. The property was vacant upon construction of the new single-family residence in question.
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 subject lot is 20% substandard to NT-2 zoning standards.

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

N/A

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

N/A

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

N/A

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 new construction is in the South St Pete Community Redevelopment Area, where the City has established a goal of promoting redevelopment and revitalization. The Land Development Regulations for the Neighborhood Traditional districts state: "The purpose of the NT district regulations is to protect the traditional single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in a manner that is consistent with the scale of the neighborhood. The standards for each of the NT districts are intended to reflect and reinforce their unique character."

The plan approved in July of 2018 met code requirements as well as provided for a new single-family residence that redevelops, rehabilitates, and revitalizes a block face with multiple vacant lots.

The building setback does follow the development pattern of the block face and would be able to obtain this setback with an administrative variance. Alternatively, Staff finds it difficult to recognize a pattern where porches are concerned. There are twelve (12) developed properties on the block face; five (5) do not have porches, three (3) have porches that are set back at least as far as the building, and four (4) have traditional front porches. The setbacks of the four (4) traditional porches is as follows:

<table>
<thead>
<tr>
<th>Address</th>
<th>Porch Setback</th>
<th>Building Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>801 14th Ave S</td>
<td>18 ft 6 in</td>
<td>26 ft 6 in</td>
</tr>
<tr>
<td>820 14th Ave S</td>
<td>11 ft 9 in</td>
<td>14 ft 9 in</td>
</tr>
<tr>
<td>850 14th Ave S</td>
<td>14 ft 0 in</td>
<td>22 ft 7 in</td>
</tr>
<tr>
<td>870 14th Ave S</td>
<td>10 ft 9 in</td>
<td>14 ft 9 in</td>
</tr>
</tbody>
</table>
g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.

N/A

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

The special conditions existing are the direct result of the actions of the applicant. The applicant is the builder of the subject new single-family residence.

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

A literal enforcement of this Chapter would require the existing front porch and five (5) feet of the home be removed to achieve the required setbacks for the home and a front porch with a minimum of six (6) feet of useable depth.

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;

No, the applicant would retain all reasonable uses of this property, even if the Commission voted to require correction of the porch and building 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 is requesting a porch with 8-feet 4-inches of depth to remain. A more reasonable request would be to reduce the porch in size to the required 6-foot depth. This would produce a 14-foot setback for the porch and bring the degree of the variance to 22% from the current 35%.

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

It is the opinion of Staff that the intent of this Chapter as well as the Comprehensive Plan is to ensure homes in residential neighborhoods are held to a standard of order, aesthetics, and community interaction. A home that is not built to the approved plan disrupts that order, jeopardizes the intended aesthetic, and shifts the public's interaction with homes on the block face.

The block face does not have an easily recognizable average setback on the block, but it is the purpose of this Code to enable the establishment of an observable average over time.

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

The granting of a variance that allows a home to circumvent approved plans may take away from the community's experience with homes on the block face by allowing one home to dominate the block or to otherwise give the impression that the home has a greater intensity on the street than other homes. Further, the view and experience of the abutting property to
the East, which is set back 26-feet 6-inches to the building, may be impeded upon by granting this reduced setback variance. Currently, the lot to the West is vacant.

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

   It is the opinion of Staff that the applicant is correct in saying the character of the neighborhood will not be altered with the granting of this variance, that the setbacks of other homes on the block are also substandard, and that a newly constructed home will help to revitalize the neighborhood. The purpose of the code is to establish a useable standard for properties to follow that protects and promotes the health, safety, and livability of the neighborhood. As new construction is completed. It is important that homes conform to the established standard.

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.

   The code allows for homes to match the existing average front yard setback on a block face. This process account for other structures on the block face. During the process of finding the average setbacks on the block face, it was found that nine (9) of twelve (12) total structures included in the survey were at setbacks that would not conform to NT-2 standards.

PUBLIC COMMENTS: The subject property is within the boundaries of the Bartlett Park Neighborhood Association. Notice was sent to the neighborhood association, but no comment was received by Staff in response. The applicant was able to acquire two signatures on the application's Neighborhood Worksheet.

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 front porch shall be reconstructed at a 14’ setback from the front property line.
2. The as-built survey for the property shall be submitted to Staff before a final inspection is completed on the permit.
3. A zoning inspection shall be completed prior to closing of the New Single-Family Residence permit.
4. The plans and elevations resubmitted for permitting should be corrected to show the final setbacks approved by this variance.
5. This variance approval shall be valid through March 6, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
6. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
ATTACHMENTS: Map, aerial, site plan, floor plan, elevation drawings, photographs, applicant’s narrative

Report Prepared By:

[Signature]
Jaime T. Jones, Planner I
Development Review Services Division
Planning & Development Services Department

Report Approved By:

[Signature]
Jennifer Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

JCB/JTJ:tw
14th AVENUE SOUTH (F)
ROYAL PALM AVENUE (P)
50' R/W
SOUTH ELEVATION

SCALE 3/16" = 1'-0"
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>
<tbody>
<tr>
<td><strong>Street Address:</strong></td>
</tr>
<tr>
<td><strong>Detailed Description of Project and Request:</strong> New Single Structure. We are requesting a variance</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?**

   There is nothing unique about the size, shape, topography of the subject property. The front setback (only) does not meet the current zoning requirement.

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. There are several adjacent properties that are constructed in like fashion and condition that do not meet current zoning requirements.
   - A. 810 14th Ave S has a 20' front building setback
   - B. 820 14th Ave S has a 10' front porch setback and 16' building setback
   - C. 835 14th Ave S has a 15' building setback
   - D. 845 14th Ave S has a 15' building setback

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

   There was an error in locating and identifying the correct porch setback by the contractor.
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.**

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<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>It does not change or alter in any way the character of the neighborhood or adjacent properties.</td>
</tr>
<tr>
<td>It will be a newly constructed home that maintains the character of the neighborhood.</td>
</tr>
</tbody>
</table>

| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? |
| The other alternative would require the complete demo of a newly constructed residential home. |

| 6. In what ways will granting the requested variance enhance the character of the neighborhood? |
| A newly constructed residential home that will increase property values and provide affordable housing opportunities for qualified individuals. |
For Public Hearing and Executive Action on March 6, 2019 beginning at 2:00 P.M., Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Service 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.: 19-54000001 PLAT SHEET: T-14
REQUEST: Approval of an after-the-fact variance for two (2) principal structures on one (1) buildable lot.
OWNER: Brian Fredericks and Glenda Diane
2444 Pelham Road North
Saint Petersburg, Florida 33710

ADDRESS AND PARCEL ID NOS.: 2444 Pelham Road North; 12-31-15-44550-000-0400
8267 Yardley Avenue North; 12-31-15-44550-000-0570

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family-2 (NS-2)

<table>
<thead>
<tr>
<th>Structure</th>
<th>Required</th>
<th>Requested</th>
<th>Variance</th>
<th>Magnitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Structure</td>
<td>Maximum one (1) principal structure per buildable lot</td>
<td>Two (2) principal structures on one (1) buildable lot</td>
<td>One (1) additional principal structure</td>
<td>100%</td>
</tr>
</tbody>
</table>

BACKGROUND: The subject property is zoned NS-2; Neighborhood Suburban, Single-Family. The property consists of one platted lot and a portion of another platted lot (all of Lot 40 and Lot 57 less East 20.87-feet, Jungle Beach Subdivision) located at 2444 Pelham Road North and 8267 Yardley Avenue North. The existing single-family residence located at 2444 Pelham Road North was constructed in 1960 and the existing single-family residence located at 8267 Yardley Avenue North was constructed in 1956.
REQUEST: The applicant requests an after-the-fact variance for two (2) principal structures on one (1) buildable lot. Through the Pinellas County Property Appraiser's Office the applicant combined three (3) separate buildable lots, consisting of 2444 Pelham Road North (Lot 40), 8267 Yardley Avenue North (Lot 57 less East 20.87-feet), and 8253 Yardley Avenue North (Lot 56 less East 16.7-feet and East 20.87-feet of Lot 57), into one (1) buildable lot with one (1) parcel identification number. In December of 2018 Codes Compliance cited the property located at 2444 Pelham Road North (Case No. 18-00032041) for a zoning violation resulting from the property owner combining those buildable lots without approval from the City of St. Petersburg, as only one principal unit is permitted per buildable lot and accessory units are not permitted. On February 7, 2019 a Lot Line Adjustment application was approved (Case No. 19-11000001) to separate out the property located at 8253 Yardley Avenue North. The requested after-the-fact variance is to retain the properties located at 2444 Pelham Road North (Lot 40) and 8267 Yardley Avenue North (Lot 57 less East 20.87-feet) as one (1) buildable lot under one (1) parcel identification number containing two (2) principal structures.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services 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 site contains two (2) single-family residences that were originally developed separately and then joined together by the applicant through the Pinellas County Property Appraiser's Office without approval by the City.

   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 involves two properties that were both previously buildable lots that have been combined through the Pinellas County Property Appraiser's Office into one parcel. The site is zoned NS-2 which requires a minimum lot width of 100-feet and a minimum lot area of 8,700 square feet. The first property, located at 2444 Pelham Road North, previously had a lot width of 101-feet and lot area of approximately 21,390 square feet and met the minimum lot size requirements for properties zoned NS-2. The second property, located at 8267 Yardley Avenue North, was previously an existing legal nonconforming lot as it did not meet the minimum NS-2 lot width or area requirements as it contained approximately 8,255 square feet with a lot width of 70-feet.
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.**

This criterion is not applicable.

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 traditional development pattern of the block face as the two existing lots have different orientation where 2444 Pelham Rd N located on Lot 40 faces the east and 8267 Yardley Ave N located on a portion of Lot 57 faces the south, thereby creating an inconsistent facing of principal structures within the subject property. The combining of the properties creates additional inconsistencies with setbacks as it is unclear as to what the actual front, side and rear setbacks will result from the request.

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 warrant the variance request are the direct result of actions taken by the applicant.

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

A literal enforcement of the code would not result in any unnecessary hardships. The applicant would be able to utilize both properties in the same manner if they are reverted back to their original state as individual buildable lots.

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 require the property owner to separate the single-family residences into individual buildable lots with their own parcel identification numbers. Having each single-family residence recognized as individual buildable lots will still allow for a reasonable use of the land and buildings.
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 or buildings as the land and buildings were previously utilized by the applicant prior to the combining of buildable lots and the land and buildings will remain usable if reverted back to their original state.

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

Within the NS-2 zoning district only one (1) principal structure is allowed with no accessory dwelling units permitted. The granting of the requested variance would not be in harmony with the purpose and intent of the code which limits the maximum number of principal structures on a property.

The request is also inconsistent with Comprehensive Plan Policy LU 3.8, "The City shall protect existing and future residential uses from incompatible uses, noise, traffic and other intrusions that detract from the long term desirability of an area through appropriate land development regulations," as the request is to allow multiple principal structures on property that is only permitted to have one principal structure. Having multiple principal structures on property designated single-family residential is incompatible with the surrounding single-family residential uses that only contain one principal structure per property.

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

Granting the variance would have a negative effect on the neighborhood by allowing multiple principal structures on a property which is not permitted on neighboring properties.

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

The reasoning provided in the narrative of the request for the variance does not justify the granting of the variance. The applicant indicated that the combining of the two lots into a single lot was disclosed to Zoning; however, disclosure of a violation of the Code does not absolve the applicant from being subject to the requirements of the Code. At the time of the vacation application the two properties located at 2444 Pelham Road North and 8267 Yardley Avenue North each had their own parcel identification numbers. At that time staff cautioned the applicant against combining the lots.

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 Jungle Terrace Civic Association. The applicant submitted a Public Participation Report and email from the President of the Jungle Terrace Civic Association who is in support of the proposal, see attached. Staff received communications from a total of eight (8) property owners that are in
opposition to the request. Staff received eleven (11) emails from property owners in opposition to the request, see attached, and four (4) phone calls from property owners that did not submit letters or emails in opposition to the request. A petition objecting to the applicant's request was also submitted that included 48 signatures, see attached.

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 applicant shall be required to bring the principal structures into conformance with Code regulations that require consistent architectural style, materials and color throughout all structures.
2. This variance approval shall be valid through March 6, 2022. A request for extension must be filed in writing prior to the expiration date.
3. The applicant shall not rent out any portion of either principal structure.
4. No additional structures including, but not limited to, accessory structures such as pools, sheds, freestanding carports, etc., shall be permitted while two (2) principal structures remain.
5. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
6. Maximum impervious surface on the site must not exceed 60%, all future plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
7. Parking must be provided on site and shown on any plans submitted for permitting. Site plans submitted for permitting must identify the number of bedrooms in the existing houses. Required parking is two spaces for up to three bedrooms and one-half space for each additional bedroom as called out in 16.10.020.1 – Matrix: Use Permissions, Parking & Zoning.

ATTACHMENTS: Project location map, photographs, codes compliance report, property cards, applicant's narrative, public participation report, public comments

Report Prepared By:
Scot Bolyard, AICP
Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

Report Approved By:
Jennifer Byla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-54000001
Address: 2444 Pelham Road North and 8267 Yardley Avenue North
Property Information

Address: 2444 PELHAM RD N
Location ID: SAINT PETERSBURG, FL 337103666
Parcel Identification Nbr: 12/31/15/44550/000/0400/
Old account number: 64402540
Zoning:
Subdivision: JUNGLE TERRACE CIVIC ASSN

Case General Information

Case status: AC ACTIVE
Status date: 12/12/2018
Case type: ZONE ZONING VIOLATIONS
Reported date: 12/12/2018
Origination: IC INTERNAL COMPLAINT
Default inspector: ST SHELLEY THOMAS 892-5097
Credit balance: .00
Disposition: Public
Pin number: 075669

Owner Information

Owner name: BRIAN & GLENSA D FREDERICKS TR
Address: 2444 PELHAM RD N
City: SAINT PETERSBURG, FL 337103666
Phone: 0
Notice: Y
Flip:

Violations

<table>
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<tr>
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Case Data

Description

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<td>T-14</td>
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<tr>
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<td>CEB ORDER DAYS</td>
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<td>CEB ORDER FINE AMOUNT/DA</td>
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Active Inspections
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<td>Case narrative</td>
<td>December 12, 2018 5:53:39 PM SJTHOMAS.</td>
<td>RECEIVED INTERNAL COMPLAINT FROM OPERATIONS MANAGER JW OF 12/12/2018 ZONING VIOLATION AT PROPERTY - Jungle Beach Lots 40, 56 and 57 have been combined without approval from the City of St. Petersburg's Development Review Services division. Within an NS-2 zoning district, only one principal unit is approved per lot and accessory units are not permitted. 12/12/2018</td>
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**Violation comments**

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**Inspector comments**

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<tbody>
<tr>
<td>INITIAL INSPECTION</td>
<td>December 12, 2018 6:02:31 PM SJTHOMAS.</td>
<td>THREE SEPARATE STRUCTURES ON PARCEL. SPOKE WITH OWNER/Diane (703-889-0862) AND ADVISED OF ISSUE. DIRECTED TO ZONING DEPARTMENT. 12/12/2018</td>
</tr>
<tr>
<td>REINSPECTION</td>
<td>February 14, 2019 9:14:37 AM sjthomas.</td>
<td>NO CHANGE TO PROPERTY. NO ADDITIONAL CONTACT FROM OWNER. WILL CHECK FOR ZONING OR PERMIT CHANGES. 2/14/2019</td>
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**Board meeting comments**

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<tr>
<td>ELECTRONIC MAIL</td>
<td>December 12, 2018 6:00:51 PM SJTHOMAS.</td>
<td>RECEIVED EMAIL FROM OPERATIONS MANAGER JW: I talked with zoning and the property would be in violation. Please cite under Land Development Regulations and indicate that Jungle Beach Lots 40, 55 and 57 have been combined without approval from the City of St. Petersburg's Development Review Services division. Within an NS-2 zoning district, only one principal unit is approved per lot and accessory units are not permitted. 12/12/2018</td>
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<tr>
<td>RECORD CHECK</td>
<td>December 13, 2018 8:20:50 AM SJTHOMAS.</td>
<td>PROPERTY APPRAISER: FREDERICKS, BRIAN &amp; GLENSA DIANE LIVING TRUST 12/13/2018</td>
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**No scheduled inspections exist**

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<td>PROPERTY APPRAISER: FREDERICKS, BRIAN &amp; GLENSA DIANE LIVING TRUST 12/13/2018</td>
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Type | Text | Date
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003 | ELECTRONIC MAIL | 12/20/2018
December 20, 2018 10:20:31 AM sjthomas.
RECEIVED EMAIL FROM OWNER BRIAN FREDERICKS REQUESTING AN EXTENSION. WILL GRANT 30 DAYS.
12/20/2018

004 | MISCELLANEOUS INFORMATION | 12/20/2018
December 20, 2018 10:20:51 AM sjthomas.
DISCUSS WITH OPERATIONS MGR JW - OK TO GRANT EXTENSION OF 30 DAYS. ASKED IF THERE IS ANYONE IN PARTICULAR IN ZONING TO REFER OWNER TO - ADVISED NO.
12/20/2018

005 | ELECTRONIC MAIL | 12/20/2018
RETURNED EMAIL TO OWNER/BRIAN FREDERICKS AT RIVERPLACE@AOL.COM. ADVISED WILL GRANT EXTENSION. GAVE PHONE NUMBER TO ZONING DEPARTMENT AND ADVISED HE WILL NEED TO SPEAK WITH ZONING TO CORRECT MATTER.
12/20/2018

006 | RECORD CHECK | 2/14/2019
February 14, 2019 5:38:00 PM sjthomas.
property appraiser:
FREDERICKS, BRIAN & GLENDA DIANE LIVING TRUST
FREDERICKS, BRIAN TRE
FREDERICKS, GLENDA DIANE TRE
2444 PELHAM RD N
ST PETERSBURG FL 33710-3666
Property Use: 0810 (Single Family - more than one house per parcel)
NO PERMITS. NO CHANGES TO CITY ZONING OF PROPERTIES. NO LIENS. NO LIS PENDENS.
2/14/2019

007 | MISCELLANEOUS INFORMATION | 2/14/2019
February 14, 2019 5:45:32 PM sjthomas.
CK WITH MVR - CEB?
2/14/2019

Land Management Information
Legal description
JUNGLE BEACH
LOTS 40 & 57 TOGETHER WITH
LOT 56 LESS E'LY 16.7FT
THEREOF

Lien Information
<table>
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<tr>
<th><strong>SUBDIVISION</strong></th>
<th><strong>JUNGLE BEACH</strong></th>
<th><strong>LOT</strong></th>
<th><strong>BLOCK</strong></th>
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<tbody>
<tr>
<td><strong>BUILDING</strong></td>
<td><strong>V16 (14)</strong> &amp; <strong>V16 (13)</strong></td>
<td><strong>ELECTRICAL</strong></td>
<td><strong>40</strong></td>
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<tr>
<td><strong>LOCATION</strong>: 2444 Pelham Road North</td>
<td></td>
<td><strong>$100</strong></td>
<td>12-31-15</td>
</tr>
<tr>
<td>#57084A-C - 1/25/60 - $19,000</td>
<td></td>
<td><strong>#4198H - 2/10/60 - E.J. Reese</strong></td>
<td><strong>PLUMBING T-14</strong></td>
</tr>
<tr>
<td>Owner Morgan-Smith - Six room and 4 bath residence with screened porch, family room and 2-car garage (Type V) (100' x 80'') 2-T 3-SH 4-C L-L</td>
<td></td>
<td>Pasadena Plbg. - l-closets l-sink, 4-lavatories 2-baths 2-showers 1-washer 2-euh</td>
<td></td>
</tr>
<tr>
<td>1-3 2-WH. Ernest J. Reese, Contr. #57529A-C - 111/60 - $12,000</td>
<td></td>
<td><strong>#365H - 2/15/60 - E. Reese</strong></td>
<td><strong>GAS</strong></td>
</tr>
<tr>
<td>Owner Morgan-Smith - Add to Cost of Permit #57084A. Ernest J. Reese, Contractor</td>
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<td>Pasadena Plbg. - 1-lavatory 1-shower</td>
<td><strong>INSTALLATION</strong></td>
</tr>
<tr>
<td>#16657-R1 - 3/5/73 - $4,000</td>
<td></td>
<td><strong>#217M - 7/27/64 - Mrs. M. Smith</strong></td>
<td><strong>SIGN</strong></td>
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<tr>
<td>Construct swimming pool with deck, 16' x 36' (Type V) Bills Swimming Pools, Contractor</td>
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<td>Pasadena Plbg. - Replace 1-w. heater</td>
<td><strong>#46360-1-7-81-Herbert Goff</strong></td>
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<tr>
<td>#56636-RS100 - 7/19/78 - $3,000</td>
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<td>Steve's Electr., 1 gen. ltg. circuit. Sea</td>
<td><strong>R. J. Scott-2-solar panels</strong></td>
</tr>
<tr>
<td>Owner Dr Goff - Re-roof res - remove old tile roof and replace with new tile roof (Type V) Willie D Allen, Contractor</td>
<td></td>
<td><strong>#470208, 1/9/66, Joe Katz</strong></td>
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<tr>
<td><strong>B-8</strong></td>
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<tr>
<td><strong>SIGNS</strong></td>
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<td><strong>SEWER</strong></td>
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<td><strong>#4198H - 2/10/60 - E. J. Reese</strong></td>
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<td>Pasadena Plbg. - $10.00 tap</td>
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<tr>
<td>BUILDING</td>
<td>LOCATION: 8857 Yardley Ave. No. #21309A-C1 - 4/16/56 - $9500</td>
<td>OWNER: Fred M. Fischer</td>
<td>FIVE room and two bath residence with garage (45' x 62'4&quot;) (Type V)</td>
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<tr>
<td>----------</td>
<td>---------------------------------------------------------------</td>
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<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>BLOCK 8267</td>
<td>#60334-RS-75 - 12/26/78 - $5000</td>
<td>Owner John Schoessow</td>
<td>install 14'x 27' swimming pool &amp; deck (fenced by owner) R.D. Markert, Pools, Cont.</td>
</tr>
<tr>
<td>BLOCK 8267</td>
<td>#61258-RS75 - 2/7/79 - $591</td>
<td>Owner John A. Schoessow</td>
<td>183' of 48&quot; high chain link fence with two walk gates (Type IV) Thomas W. Murdaugh, Contractor</td>
</tr>
<tr>
<td>BLOCK 8267</td>
<td>#61688 - RS75 - 2/23/79 - $523</td>
<td>Owner John A. Schoessow</td>
<td>188' of 48&quot; high chain link fence down both sides across back with 2 walk gates (Type V) Gregory &amp; Son, Contractor</td>
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### ELECTRICAL

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<tbody>
<tr>
<td>#9157F-5/21/56</td>
<td>#1157F-5/21/56</td>
<td>Fred Fischer</td>
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<tr>
<td>Lowry Elec.</td>
<td>17c 16sw 21p 3ws 100</td>
<td>1 attic fan 7 ceil. heat units 1 heat load regulator</td>
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<td>amp 1 meter 1 range 1 w.heater</td>
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### PLUMBING

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<tr>
<td>#776D - 4/17/56</td>
<td>#1157F-5/21/56</td>
<td>Fischer</td>
</tr>
<tr>
<td>Brizzi Plbg. - 2-closets</td>
<td>2-lavatories 1-sink 1-bath 1-shower 1-washer 1-ewh</td>
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### INSTALLATION

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<tr>
<td>#1317A-9/10/58</td>
<td>#1317A-9/10/58</td>
<td>Leon H. Rockwell</td>
</tr>
<tr>
<td>Johnson's A/C - 2-HP 2-T Fedders</td>
<td>A/C in aperture</td>
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</tr>
<tr>
<td>#E1596F - 6/2/75</td>
<td>#E1596F - 6/2/75</td>
<td>J. Schoessow</td>
</tr>
<tr>
<td>Electrical Contr - 1-3HP cen AC 15KW heat strip</td>
<td>OVER OVER</td>
<td></td>
</tr>
<tr>
<td>Murdaugh, Contractor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#E3158 - 6/2/75</td>
<td>#E3158 - 6/2/75</td>
<td>Shoessow</td>
</tr>
<tr>
<td>Dean's A/C - 3 Ton cen ducted split heat &amp; A/C</td>
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<tr>
<td>#A68J - 10/3/60</td>
<td>#A68J - 10/3/60</td>
<td>L. H. Rockwell</td>
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<td>Adams-Spindler Plbg. - $10.00 tap</td>
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### SEWER

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<tr>
<td>#P9296C 1/5/79</td>
<td>#P9296C 1/5/79</td>
<td>John Schoessow</td>
</tr>
<tr>
<td>Midway Plbg - reroute sewer around pool</td>
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### SEPTIC TANK

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<td>#776D - 4/17/56</td>
<td>Fischer</td>
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<td>Brizzi Plbg. - 1-540</td>
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Narrative of Request for Variance

This application requests a Variance allowing the combining of 2444 Pelham Rd N, parcel 40, and 8267 Yardley Ave N, parcel 57. The two lots were combined through the Pinellas County Assessment office in August 2017. They are currently homesteaded with taxes paid as a single entity. Brian Fredericks is a combat disabled veteran.

The two lots share a right of way that the City of St Petersburg granted a vacation in 2018. During that process, while engaging with the St Petersburg Zoning Office, the owners, Brian Fredericks and Glenda Diane Fredericks Living Trust, disclosed that the lots had been combined into a single lot. At the time the owners were cautioned that parcel 57 is non-conforming in the NS-2 district with a lot frontage of less than 100 feet and less than a lot area of 8700 square feet. They were advised approval by the city would be required to separate the parcels. There was never any mention that only 1 structure was allowed on the combined lot.

In December 2018, the owners received a letter that the two parcels had been combined without the approval of the City of St Petersburg, as only 1 principal unit is approved per lot and accessory units are not permitted in the N2 zoning area.

We request a variance that allows the existing structures to remain on the combined parcel. The structure that is on 2444 Pelham Rd N, parcel 40, is the primary residence. The structure that is on 8267 Yardley Ave N, parcel 57, is being configured to house a large game room in the original garage that faces 2444 Pelham Rd, immediately across the right of way. A French door is being installed to allow easy access. In addition, the structure will house a library/office and an art studio for Brian Fredericks as he leaves his current position supporting the Department of Defense in 2019.

An inscription in a 6 by 6 inch tile to the right of the front door of 2444 Pelham Road, that my granddaughter had made, sums up the situation very well, “End of the Road.” With the acquisition of the right of way this year and my imminent retirement from supporting the government, this captures the sentiment, both literally and figuratively. We love St Petersburg and intend to remain here after moving around across the globe for the past 45 years. The two structures will allow us to fully enjoy our home, while providing Brian Fredericks a quiet place to reflect, write, paint and play with his two small dogs.
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.

APPLICANT NARRATIVE

Street Address: 2444 Pelham Rd N.
Case No.: 

Detailed Description of Project and Request: Approval to combine Jungle Beach lots 40 and 57 located in NS-2 zoning district. The lots were combined through the Pinellas County assessment office in August 2017. The applicants were unaware that combining the properties violated city ordinances and required a variance from St Petersburg.

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

Two of the properties share a right of way that the city of St Petersburg granted approval for 2018. The right of way provides the access to both properties.

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.

The request does not entail any physical changes. The structures on the lots will remain the same.

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

The two lots have been combined since August 2017 through the Pinellas County Assessment office and taxes were paid as a single lot in 2018. The applicant inadvertently combined the lots without understanding that it was not in compliance with St Petersburg ordinances.

Page 6 of 9
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.**

**APPLICANT NARRATIVE**

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

The Applicants intend to maintain the homes in their current state. There are two structures on the lot. One is the primary residence. The second structure located across the approved right of way includes a game room, art studio and office/library.

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

The two lots are already combined and are homesteaded. The applicant is a combat disabled veteran. The two structures are the permanent home of Brian and Glenda Diane Fredericks.

This is both literal and figurative. Brian Fredericks will retire in 2019 and the structure on lot 57 will allow him a quiet refuge for him to continue to write and to work on his painting skills. The second structure will house a game room, library/office and art studio. It is extension of the living area.

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

The applicants intend the maintain landscaping and outside of the homes in a manner that meets the high level of the surrounding neighborhood. Already the applicant has planted new trees and plants to improve appearance of the exterior of the homes. Both of the homes have been painted on the outside.

An existing dead palm and dead oak tree were removed from the front yards and the stumps ground.

With the approved right of way, plans are underway, subject to approval by the city, to remove the asphalt surface and install brick pavers. The existing roadway has some significant potholes and low areas.
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:** 2444 Pelham Rd N.

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

2. Summary of concerns, issues, and problems expressed during the process

3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations
   - Check one: [X] Proposal supported
     - [ ] Do not support the Proposal
     - [ ] Unable to comment on the Proposal at this time
     - [ ] Other comment(s):

**Association Name:** JUNGLE TERRACE

**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.
Herewith Brian

Splendid 2019!

JT Donations
https://www.paypal.com/donate/?token=CwlU2Z9Mr2K2P3mydSaM40hnadtaSCS5G1FhKeHiBP VkVc2_hdq0JR05j2lUIRd15wqHTG&country.x=US&locale.x=L

Best of ALL,

Dr. Ed
Jungle Terrace Civic Association, Inc.
West Neighborhoods United, Inc.

--- Original Message ---
From: riverplace <riverplace@aol.com>
To: aepeng1@aol.com
Sent: Tue, Jan 1, 2019 7:20 pm
Subject: Need review and approval of two requests

Dear Ed,

Attached are two requests one to separate a lot and the other for a variance to combine two lots. The addresses are 2444 Pelham Rd N, 8267 Yardley Ave N and 8253 Yardley Ave N. Here is the story. We own 2444 Pelham Rd N. In 2017 we purchased 8267 Yardley and we went to the Pinellas County Assessment Office and combined the lots. If you recall later that year and into 2018 we requested a vacation of a right of way between these two properties and it was granted. In March 2018 we also purchased 8253 Yardley Ave N and also went to the Pinellas County Assessment Office and combined with the other 2 lots. This allowed us to pay on property tax bill in 2018. In December 2018, we received a letter from Code Compliance office that we could not have the lots combined because you can only have 1 structure per parcel. We were told we needed to submit a variance request or to divide the lots. We have decided to take the middle approach. We are requesting a variance to allow us to maintain 2444 Pelham Rd N lot 40, and 8267 Yardley Ave N, lot 57 as a combined lot. We are asking the Zoning Office to separate 8253 Yardley Ave N, lot 56, from the other parcels. I have attached the paperwork. I have also attached the survey that was prepared for the three lots. I will submit the paperwork to the City on 7 Jan so that the variance can be reviewed in March meeting. The lot separation is administrative and can be approved by the zoning office as many of the homes in the area are non conforming and do not meet today’s standards for lot size. brian fredericks
Attached is something which the city needs to know about

note the property class: multi-family- less than 10 units

If this is true, there is a very big problem for the neighborhood.

Please look into this at once. I hope it is not true.

Please DENY the request for the after the fact variance for two principal structures on one buildable lot (located at 8267 Yardley Ave N. and 2444 Pelham Rd N). This would significantly alter the character of our very desirable neighborhood and diminish our property values.

We are a single family owner occupied neighborhood.

Nanette and Beryl Bugatch
2400 Pelham Rd N.
727 692 2899
Scott:

I hope you can add this to my already sent no to the variance requested for 2444 Pelham.

Attached are two pages from the Pinellas County Property Appraiser office.

The Fredericks 3 properties are classified as "Single family more than one house per parcel".

This is a single family residential neighborhood.

My question to the city is how could these people circumvent the city and get Pinellas County to allow this classification?

This is further proof that the combination of the Yardley house with the Pelham house as a "man cave" is not realistic in light of the efforts these people have already made to change the property use description.

Thank you for your cooperation in seeing that this e-mail is attached to my previous one.

Nan and Budd Bugatch
2400 Pelham Rd N
St. Petersburg, 33710
# Pinellas County Address Query

Click on the 18 digit parcel number to see General Information. Click on the "X" to view the map or short legal description.

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<th>Parcel Info</th>
<th>Ownership</th>
<th>Property Use</th>
<th>Map Subdivision/Condo Name</th>
<th>Plat Book/Page</th>
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New Search: Owner Address Parcel Number Sub or Condo/PUD Plat Book/Page

Change address of selected parcels

Question/Comment about this page

https://www.pcpao.org/query_address.php?Addr2=2444+Pelham... 2/18/2019
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<td>19291/1715</td>
<td>SP</td>
<td>X</td>
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</tbody>
</table>
Mr. Kline,
Thank you! We will amend your concerns.

Jennifer Bryla

Sent from my iPad

> On Feb 26, 2019, at 11:19 AM, ronald kline <ronaldskline@gmail.com> wrote:
> > An addendum to my previous e-mail: Our main objection to requests re. property at 2444 Pelham Rd. & 8267 Yardley Ave. is to the potential commercialization of what has been a desirable since family residential neighborhood.
This is to register a strong objection to a proposed zoning variance to have two principal structure on one buildable lot at 2444 Pelham Rd. N. and 8267 Yardley Ave. This and any plans that include possible commercialization of this area would negatively affect the character of a very desirable residential neighborhood and significantly diminish property values. Please respect the rights of the many home owners in this area who would be adversely impacted.
Attention: Scot Bolyard

Subject: Public Hearing: Case No: 19-54000001

We received the letter about the public hearing concerning the approval of the variance. (Case 19 – 54000001)

We would strongly object to such a variance. Rumor has it that Brian Fredericks and Glenda Diane have bought 3 houses in our neighborhood with the intent of turning them into Airbnbs. They have also parked a motor home on their property which, we think, houses their workers that maintain these homes. (We didn’t think this was legal in this neighborhood either).

We have lived in our home for 40 years. We have found it to be a very safe and friendly neighborhood. If this variance is approved we are afraid that the Fredericks (with their history, we heard, in other neighborhoods) will change the dynamics of this beautiful community and cause our property values to drop considerably, and the safety on our streets will be threatened.

Please take all of this in consideration while considering your decision.

Thank You,

Marilyn and Jack Frieman
Dear Mr. Bolyard,

We are residents of 2320 Pelham Road North and are writing to put on record our objection to the after-the-fact variance that the Fredericks are requesting in order to combine the two homes at 2444 Pelham Road north and 8267 Yardley into the single Pelham Road address. We will be attending the hearing to voice our opposition.

This essentially would combine two structures into multi-family housing which the neighborhood is not zoned for, which violates the code of one primary dwelling per plat, which is out of character with the neighborhood and which we also understand they have already used to house workers as well as for short term vacation rentals. As you are aware, they did this by circumventing the City and apparently have tried to annex the house just east of 8267 Yardley as well. We do not want or need a motel or air B and B in our neighborhood.

There are several other elements to this situation -- like how they managed to receive a variance to incorporate the road area between the two houses in question without neighborhood input. We never received notice that this was being considered. So it appears that the city or the county or someone ceded this piece of property to them without due diligence, further enlarging their property already expanded by the grassy area between the two houses they were already granted, that we knew nothing about, and further enhancing their property value. You may be interested in knowing that the Fredericks pay less than 3000 dollars in combined property tax on the three houses referred to above, plus the two pieces of landed ceded to them. Yet just their Pelham house alone, a waterfront property, is assessed at more than $1,200,000. Even "disabled" veterans don’t get those kind of breaks.

While the focus of the March 6 hearing is the after-the-fact variance. All of the above are mitigating factors which we and other neighbors would like to clarify and pursue. Your advice on how to do so would be appreciated.

Sincerely

Phyllis and Paul Tauber 2320 Pelham Road North Saint Petersburg 33710 727 434 3370
To: Scott Bolyard, Case Planner  
Re: Public Hearing March 6, 2019 RE: Approval of an after-the-fact variance for two (2) principal structures on one (1) buildable lot

Please accept this email as my strong objection to the granting of the request for the above after-the-fact variance.

For 22 years I have owned my home in this lovely neighborhood. We are a proud, diverse group on four (4) short blocks on the west side of Park Street, all of which dead end on Pelham Road North. Our neighborhood includes the former home of the late Mayor of St Petersburg, Corrine Freeman. Last year many of us attended the City Hall celebration which honored architect Sanford Goldman because our small neighborhood is blessed with two (2) of his masterpieces. Another home by architect Martin P. Fishback, Jr was designated a "local historic landmark" in 2012. We enjoy the beauty and safety of our single family homes where generations of children have been raised, sometimes returning to raise their own children here. We have serious concerns about recent activities and attempts to change our single family neighborhood.

For the past approximately 18 months there have been repeated questionable activities and requests by the new owners of 2444 Pelham Rd, North, 8267 Yardley Ave, North and 8253 Yardley Ave, North. For example, the apparent use of 8267 Yardley Ave, North for what appears to be continuous housing of numerous construction, maintenance, cleaning and other employees/workers who service the Owners' other extensive real estate holdings. Another concern is that the owners of these properties were able to change the zoning from "Single" to "Multi Structure - less than 10" with no Notice, input, or regard for our neighborhood. These and other examples, including the above referenced request, are unacceptable.

I am afraid of the ongoing unintended consequences on the safety, security, enjoyment, and negative property value impact on our lovely community.

Cheryl Berk
8236 - 23rd Avenue, North
St Petersburg, FL 33710
February 24, 2019

Dear Mr. Bolyard,

I am the property owner located at 2230 Pelham Rd. N., St. Pete, Fl. 33710. It has come to my attention that the owner of the nearby properties located at 2444 Pelham Rd. and 8267 Yardley Ave. N. have applied for a variance referenced above.

I am writing to you because I am 95 years old and will be unable to attend the hearing on this matter. I would like to register my opposition to this variance. I believe this variance will diminish the value of my property and the other properties in the neighborhood.

Thank you for considering my opposition to this variance, I can be contacted at 727-347-8248 or at this email address which is my son’s.

Thank you,

Sara G. Reid
Thank you for your response. We still don't understand how this has happened and it seems grossly unfair.

My wife and I wish to formally express our strong objection to the zoning variance request for the property located at 2444 Pelham Rd N and 8267 Yardley Ave N to put two principal structures on one lot from two different streets.

We believe it will have an adverse impact on property values in our neighborhood and it sets an unnecessary and unwanted precedent. When our family purchased our home on Yardley we had several people approach us with worry that it was being purchased by the Fredericks as another home for AirBNB. I have no personal knowledge of this but I understand the properties in question and multiple others owned by them have not been used for anything other than investment.

I also respect the law and in the time I have lived on this street I have witnessed several workers at all times of day going in and working on both homes 8267 and 8253 Yardley Ave N. The most recent change was an addition of a bathroom and enclosure of a garage at 8253 Yardley all without appropriate permitting. This suggests a disregard for the law and a willingness to circumvent legal protections put in place.

Past behavior predicts future behavior and therefore there is no way that I can trust the intended use of the properties described by the owner. We all have to pay a fair share and I understand that veterans are entitled to additional courtesy and discounts but I do not believe the intent of that legislation was to bend the rules to accommodate a real estate investor who happens to be a veteran.

We encourage the city to listen to the neighbors who have strongly objected and we would appreciate it you would also consider contacting the county to reassess the homestead assessments.

Lori & Randal Brown
8263 Yardley Ave N
St Petersburg Fl 33710
Jennifer Bryla & Scot Bolyard -

This email is being written to oppose the variance application 19-54000001 requested by the homeowner of 2444 Pelham Road N and 8267 Yardley Avenue N to combine the parcels which is in violation of the NS-2 zoning requirements.

We have lived at 8229 Yardley Avenue N for 26 years. We have enjoyed our Jungle Beach neighborhood on Boca Ciega Bay and welcomed new neighbors throughout the years, however we oppose this variance request for several reasons:

1) It would create a precedent for other homeowners to request variances to put multiple structures on one lot which is not what we want in our quiet, established neighborhood.

2) We believe the primary reason that the variance is being requested is so the homeowners can save money on property taxes by homesteading the properties as one. The reason we think this is because the property tax records already show that they combined 2444 Pelham Rd N, 8267 Yardley Ave N, and 8253 Yardley Ave N for homestead exemption purposes in 2018 which is what I assume brought this issue to light in the first place.

3) A “compound” would be created at the end of the street since the homeowner already has use of the easement between the homes and also owns the house next door to 8267 Yardley Ave N.

4) It opens up a lot of questions as to how many structures could be added in the future and how that would change the look of our neighborhood.

5) We believe it would negatively effect our property value by changing the character of our neighborhood.

Attached is a petition signed by the homeowners opposing the variance (deny variance) in the neighborhood area from 22nd Ave N to 26th Ave N west of Park Street. Please include it in your package for the commission’s review.

Scot – Please reply to this email to let me know you received the attachments (5 pages).

Thank you both for your attention to this matter.

Karen & Chris Marinari
Dear Mr. Bolyard,

I am the owner of the property located at 2300 Pelham Road North in St. Petersburg and I am writing to let you know of my strident opposition to the requested after-the-fact variance aimed at combining the two homes at 2444 Pelham Road north and 8267 Yardley into the single Pelham Road address.

I grew up in this neighborhood and my parents purchased our home at 2300 Pelham Road in 1975. Since then, this has been a quiet, residential neighborhood, which attracts young families and retirees. The proposed after-the-fact variance would allow a multi-family housing property into this residential area, which is in violation of the zoning regulations. It would also violate the code of one primary dwelling per plat. Myself and my fellow neighbors vehemently oppose the creation of a motel or multi-unit vacation getaway in our neighborhood.

I would appreciate your careful consideration of these objections as well as any light you can shed on this matter.

Best,
Morgan and Tim Johnson - 2300 Pelham Road North

--

Morgan Johnson
Attorney-at-Law

Law Office of Morgan F. Johnson PLLC
2228 Camargo Drive
Charlottesville, VA 22901
(703) 798-6663

This message is from a law firm. Email messages do not reflect the level of analysis applied to formal legal opinions. This message may contain confidential or privileged information. If you are not the intended recipient you may not use this message or its attachments for any purpose; and you are requested to notify the firm and delete the message and its attachments. Thank you.
To whom it may concern:

My name is David Class and I live at 2101 Pelham rd. I am strongly opposed to this zoning variance request for the reasons that this is a close knit family neighborhood with single family homes. We believe that a multi unit residence is not a proper fit for our neighborhood and it may attract certain kinds of inhabitants that would not be the type of neighbors we would welcome, an increase in vehicle traffic that could present an increase of risk, and/or perhaps the type of activity that may be drawn into our neighborhood as a result of allowing this project to coalesce into completion. I will be present at the hearing to voice my concerns along with my friends and neighbors who also feel as strongly as I.

Sincerely:
David Class
My husband & I wish to object to the proposed zoning variance at the above addresses.

Ray & Claire Watson
2146 Pelham Rd N

Sent from my iPhone
To Whom It May Concern:

My family and I object to the proposed variance requesting two principal structures on one buildable lot (case #19-54000001). More than one dwelling on a single lot is definitely NOT in character with our neighborhood. One house on one lot is how it has always been, and how it should remain.

We hope that the City will not approve this variance, and instead consider separating the recently joined parcels back into two separate parcels. The owners stated in their application that: "The request does not entail any physical changes. The structures on the lots will remain the same." So, why do they need to make one big parcel? Two parcels, one for each house, would be keeping it all the same. Also, it would be compliant with the current neighborhood zoning codes.

Our family has owned property in this traditional friendly neighborhood since the late 1950's. We hope as third and fourth generations to continue enjoying this wonderful City of St Petersburg neighborhood as it was originally built and zoned. Please consider rejecting the proposed variance.

Thank you,
The Leadbetter Family
8237 24th Ave North
St Petersburg, Florida 33710
Petition Objecting to

Variance Application 19-54000001

<table>
<thead>
<tr>
<th>Applicant is seeking a variance that would combine the parcels located at 2444 Pelham Road North and 8267 Yardley Avenue North in St. Petersburg, FL. Because both lots have buildings on them, the granting of this combination will violate the neighborhood's NS-2 zoning requirements which generally prohibit multiple dwellings on the same lot in order to preserve the single-family home character of the neighborhood.</th>
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<tbody>
<tr>
<td>We, the undersigned, are concerned citizens who urge our leaders to act now to decline to grant the application for variance 19-54000001. By granting this variance, the door is opened for multi-family dwellings in a neighborhood that is not zoned for such. Additionally, the residents who have invested in homes and property did so with the understanding that their properties were in an NS-2 zone.</td>
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<td>Carissa Santana</td>
<td>[Signature]</td>
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<td>Elizabeth Bowers</td>
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<td>Karen Marina</td>
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<td>Chris Marina</td>
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<td>Juan Martinez</td>
<td>[Signature]</td>
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<td>Jack Freeman</td>
<td>[Signature]</td>
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<td>2/23/19</td>
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<td>Tamara Wright</td>
<td>[Signature]</td>
<td>2390 Byrnedale N. 57. Pete FLA. 33710</td>
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<td>Maryl Kern</td>
<td>[Signature]</td>
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<tr>
<td>Rhyn McTavish</td>
<td>2320 Pelham Rd W.</td>
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<td>2/23</td>
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<td>Sara Field</td>
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<td>Carol Lynch</td>
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Petition Objecting to

Variance Application 19-54000001

| Petition summary and background | Applicant is seeking a variance that would combine the parcels located at 2444 Pelham Road North and 8267 Yardley Avenue North in St. Petersburg, FL. Because both lots have buildings on them, the granting of this combination will violate the neighborhood’s NS-2 zoning requirements which generally prohibit multiple dwellings on the same lot in order to preserve the single-family home character of the neighborhood. |
| Action petitioned for | We, the undersigned, are concerned citizens who urge our leaders to act now to decline to grant the application for variance 19-54000001. By granting this variance, the door is opened for multi-family dwellings in a neighborhood that is not zoned for such. Additionally, the residents who have invested in homes and property did so with the understanding that their properties were in an NS-2 zone. |

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<tr>
<th>Printed Name</th>
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<td>GERRY CINDRA Andy Co</td>
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Petition Objecting to

Variance Application 19-54000001

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