



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

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**VARIANCE REQUEST
PUBLIC HEARING**

According to Planning & Development Services Department records, **no Commission member** or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in a straight line between the nearest points on the property lines). 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 **February 1, 2023, at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.: 23-54000006 PLAT SHEET: Q-3

REQUEST: Approval of an after the fact variance to maintain a 6-foot fence in the front yard, and variances to the front yard setback and the design requirement for accessory uses to be located behind the front façade of the principal structure to allow for the construction of an in-ground pool and paver deck

OWNER: Jeff Wagner
6747 Bougainvilla Ave S.
St. Petersburg, FL 33707

AGENT: Landmark Pools, LLC
13253 Byrd Drive
Odessa, FL 33556

ADDRESS: 6747 Bougainvilla Avenue South

PARCEL ID NO.: 19-31-16-67500-097-0310

LEGAL DESCRIPTION: PASADENA ON THE GULF SEC B BLK 97, LOT 31

ZONING: NT-3; Neighborhood Traditional, Single-Family

REQUEST: The applicant requests approval of an after the fact variance to maintain a 6-foot fence in the front yard, variances to the front yard setback and the design requirement for accessory uses to be located behind the front façade of the principal structure to allow for the construction of an in-ground pool and paver deck.

Structure	Setback Required	Requested	Variance	Magnitude
6-foot Vinyl Fence	30-feet	16-feet	14-feet	46.6%
Ancillary Equipment	30-feet	20-feet	10-feet	33.3%
Paver Deck/ Pool	30-feet	25-feet	5-feet	16.6%

BACKGROUND: The subject property consists of one platted lot of record (Lot 31, Block 97) of the Pasadena on the Gulf subdivision. Originally platted in 1922, the subdivision exhibits a radial formation of parcels surrounding a centrally located greenspace. These types of radial neighborhood developments are reminiscent of this period and often result in large and non-traditionally shaped lots. The subject property is in the NT-3 (Neighborhood Traditional) zoning district and presents with 138-feet of street frontage. The parcel is a non-rectangular lot with the side and rear property lines joining together at a sharp angle. The property has access to a 16-foot-wide alley with a public entry point abutting the west property line. The alley then splits at a fork and travels along the 212-foot rear property line of the subject property. The single-family residence on the subject property was built in 1953 and is oriented at a diagonal angle to the street; the total lot area exceeds one third of an acre (14,752 square-feet). The NT-3 zoning district requires a minimum front yard setback of 30-feet, which is intended to contribute to maintaining the character and architectural legacy of the NT-3 districts. With the same intent, design requirements in all residential zoning districts require that accessory uses be located behind the front facing façade of the primary structure. This variance request is in response to the construction of a fence in the legal front yard that exceeds the permitted height and encroaches into the required front yard setback. This variance request also seeks an additional reduction to the required front yard setback and the aforementioned design requirements in pursuit of installing an in-ground pool, paver deck, ancillary pool equipment, and additional fencing within the restricted areas described.

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 subject property is developed along a public alley that provides rear property access to Bougainvillea Avenue. Currently, overhead powerlines operated by Duke Energy traverse down the entirety of the alley and along the rear property line of the subject property; this results in a required setback of 10' between the pool and the overhead

powerline. The location of the pool was selected by the applicant to provide the required 10' setback from the rear overhead powerlines. To alleviate these setback requirements the property owner may request for powerline burial at the expense of the applicant.

- 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 not substandard in terms of the minimum lot requirements for NT-3 zoned properties and lot depth as required by City Code Section 16.40.140.4.6. - Lots. The NT-3 zoning district requires a minimum lot area of 7,620 square feet, the subject property is approximately 14,752 square feet in size. City Code Section 16.40.140.4.6.6. requires all lots to have a depth of no less than 75-feet. Due to the triangular shape of the subject parcel a portion of the property does not meet a minimum depth of 75-feet, however, more than half of the property's width does provide a depth of at least 75-feet.

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

The property is not located within a designated preservation district.

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

The property does not contain any historical significance.

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

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

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

Staff has determined that no other single-family residence can be identified on the subject block that deviates to a similar extent from the development pattern described.

- 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 design and configuration of the proposed pool appears to be an inefficient use of space. Alternative pool designs or selected locations may allow for a better utilization of space that is more compliant with the code. The vinyl fence installed by the applicant at the rear of the property is set back 6-feet from the rear property line where no rear setback for fencing is required, further reducing the available space in the rear yard; the applicant reports that the rear fence must be located this distance behind the property line to allow for waste collection vehicles to traverse the alley. The existing conditions of the property present a reasonable

number of alternatives that do not require special approval as well as options that may be determined administratively.

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

The single-family residence constructed on the subject property was constructed at an angle to the street, 35.6-feet behind the front property line. Section 16.20.010.11 states that no accessory structures may be placed in front of the leading façade of the primary structure. Based on the location of the primary structure, a literal enforcement of this design standard included within the Land Development Regulations would require all accessory uses to incur an additional 5.6-foot setback in addition to the standard 30-foot front yard setback that is required in the NT-3 zoning district. Regarding the standard setbacks established for the NT-3 zoning district, staff finds that there are no special conditions or physical hardships that affect the ability to install the desired components in conformance to the minimum requirements.

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 would not provide the applicant without means for reasonable use of the land, a compliant pool and paver deck appears possible by utilizing an alternative option. Alternative solutions include selecting a different location on the property, a different pool configuration, pursuing overhead powerline burial, and relocating the existing rear perimeter fence to maximize available space within the subject property. The applicant is permitted by right to install a 4-foot fence in the front yard in place of the existing non-compliant fence.

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

The variance requested is not the minimum variance necessary to reasonably utilize the subject property.

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

The request is considered inharmonious with the general purpose and intent of this chapter. The following purposes of the Land Development Regulations apply in this case:

- All mechanical equipment and utility functions (e.g., electrical conduits, meters, and HVAC equipment) shall be located behind the front façade line of the principal structure. Mechanical equipment that is visible from the primary street shall be screened with a material that is compatible with the architecture of the principal structure.
- Accessory structures shall be located behind the front façade of the principal structure.
- All buildings should present an inviting, human scale façade to the streets, internal drives, parking areas and surrounding neighborhoods. The architectural elements of a building should give it character, richness, and visual interest.
- All fences, walls and hedges shall comply with the following requirements [Section 16.40.040] which relate to height, location, and design.

- All other accessory structures shall comply with the design and setback requirements of the zoning district.

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

The subject property is located along an inviting and wide brick-paved road with an easily identifiable neighborhood character. The granting of this variance would allow for a 6-foot fence to be constructed on the subject property at just 16-feet behind the paved sidewalk, resulting in the fence being 46% closer to the street than any other structure of similar intensity along the subject block.

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

The reasons cited within the Narrative provided by the applicant, see attached, do not justify the granting of the requested 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.*

Existing non-conforming structures were analyzed as a part of the request but were not considered as grounds for support of the requested variance.

PUBLIC COMMENTS: The applicant submitted a Neighborhood Worksheet, see attached, with their application that includes twelve (12) signatures of support from surrounding properties. Staff has not received any comments regarding the variance request from surrounding property owners.

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. No additional portion of fencing that exceeds the maximum height allowance shall be constructed on any side of the subject property.
2. The applicant shall landscape the exterior of the existing fence facing the street, with a minimum of one shrub for every 3 linear feet and one-under-story tree every 25 linear feet. Existing vegetation may apply towards this requirement.
3. Future additions, if any, shall meet the required 30-ft Front Yard setback.
4. This variance approval shall be valid through April 1, 2026. Any related work must be completed by this date or 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: Location Map, Plat, Photographs, Property Survey, Site Plans, Application with Narrative, Neighborhood Worksheet, Public Participation Report

REPORT PREPARED BY:

/s/ Braydon K. Evans

03/20/2023

Braydon K. Evans
Planner, Development Review Services Division
Planning and Development Services Department

REPORT APPROVED BY:

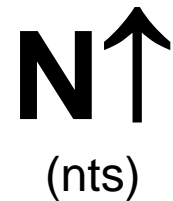
/s/ Corey Malyszka

03/20/2023

Corey Malyszka, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 23-54000006
Address: 6747 Bougainvillea Avenue South



Plot 4

Pg 60

PASADENA ON-THE-GULF

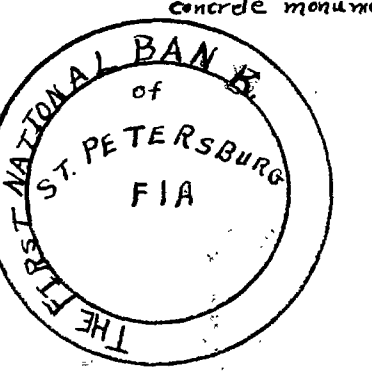
SECTION "B" BLOCKS 61 TO 103 INCL.

BEING A SUBDIVISION OF THE NW 1/4 OF NE 1/4, THE S 1/2 OF NE 1/4, THE SE 1/4, AND A FRACTIONAL PART OF SE 1/4 OF SW 1/4 OF SEC. 19; AND ALSO FRACTIONAL PARTS OF THE N 1/2 OF NE 1/4 OF SEC. 30 AND OF THE W 1/2 OF SW 1/4 OF SEC. 20 - ALL IN TWP. 31 S - RANGE 16 E - PINELLAS COUNTY FLORIDA

SCALE: 1 in. = 200 FT.

We the undersigned hereby certify that we are the owners in fee simple of a tract of land described as follows:—
NW 1/4 of NE 1/4, the S 1/2 of NE 1/4, the SE 1/4, and a fractional part of the SE 1/4 of the SW 1/4 of Sec. 19, and the NW 1/4 of Sec. 30 bounded by the center lines of Bignonia Way, this side of the Village and the east line of the SE 1/4 of the SW 1/4 of Sec. 19, excepting such parts within such boundaries already platted; and two fractional parts lying in the NW 1/4 of Sec. 30 bounded respectively by the north line of said section, the center lines of Park St. and Boca Ceiga Way and the north line of said section and the center lines of Date Palm Ave. and La Plaza Ave. and a fractional part of the W 1/2 of SW 1/4 bounded by the west line of the section and the center lines of La Plaza Ave. and Travelers Way. All in Twp. 31 S - Range 16 E hereby platted as Pasadena-on-the-Gulf; that we hereby dedicate to public use all streets, alleys and public places shown on this plat of the subdivision of the same, it being stipulated that alleys shall be sixteen feet wide as shown and that a right of way three feet wide is reserved from each lot abutting on an alley on each side of such alley for location of public utilities including poles and conduits for wires and pipes and that this subdivision is permanently marked upon the ground by concrete monuments in the locations shown on this plat and connected with land division corners and their witnesses as shown it being understood and stipulated that all lot areas and streets which are not fully dimensioned and monumented and connected with property corners are excepted from this plat and until such time as a supplementary plat is filed showing such dimensions, locations of monuments required by the Director of Public Works and connections with property lines or corners, shown dimensions, angles and lengths together with connections and witness marks of monuments as shown are correct and entirely within the boundaries of said tract as already described.

Pasadena Estates Inc.
Metzger Bros.
The First National Bank
St. Petersburg, Fla.
R. J. Moutchea
and Cashiers



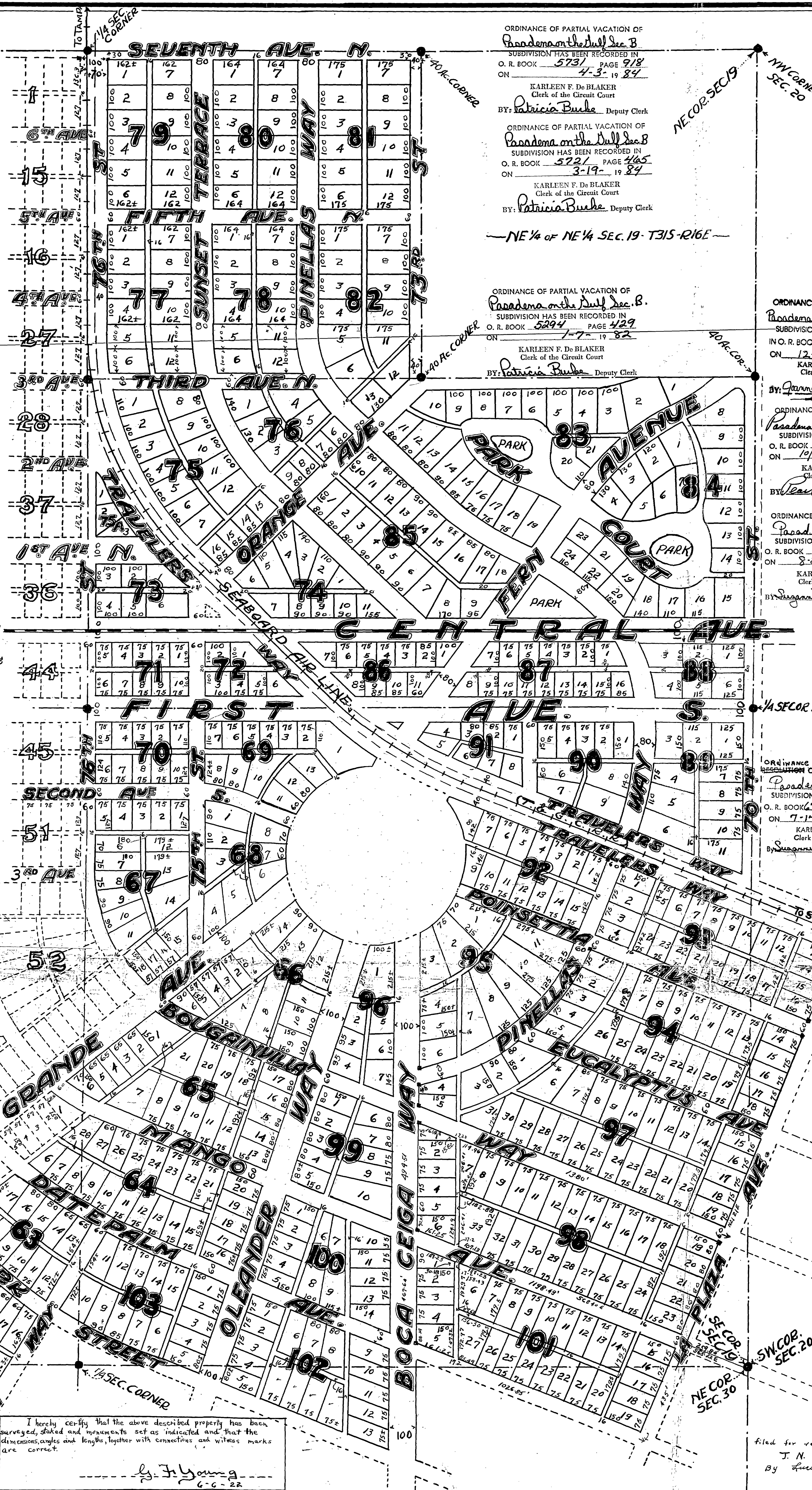
Approved this 6th day of June, A.D. 1922 for only that portion of this plat which is fully dimensioned and monumented.

RESOLUTION OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Section B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 4040 PAGE 1082
ON 6-12-1922
HAROLD MULLENDORF
Clerk of the Circuit Court
BY: *Patricia Burke* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Section B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 3907 PAGE 811
ON 10-26-1922
HAROLD MULLENDORF
Clerk of the Circuit Court
BY: *Patricia Burke* Deputy Clerk

OFFICE OF G. F. YOUNG CIVIL & LANDSCAPE
ENGINEER, 563 CENTRAL AVE. ST. PETERSBURG
MAY 16 1922
From Design and Map by R. E. HEIDT, dated 10-11-1916.
Blocks 1 to 60 located west of the half-section line
(or 76th St.) shown by broken lines are already recorded.

I hereby certify that the above described property has been surveyed, staked and monuments set as indicated and that the dimensions, angles and lengths, together with connections and witness marks are correct.
G. F. Young
6-6-22



ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 5731 PAGE 918
ON 4-3-1924
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Patricia Burke* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 5721 PAGE 245
ON 3-19-1924
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Patricia Burke* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 5294 PAGE 429
ON 1-7-1922
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Patricia Burke* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 7253 PAGE 875
ON 2-20-1926
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 8118 PAGE 826
ON 12-11-1923
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 6858 PAGE 139
ON 10-18-1922
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 6819 PAGE 925
ON 8-24-1922
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

ORDINANCE OF PARTIAL VACATION OF
Pasadena-on-the-Gulf Sec. B
SUBDIVISION HAS BEEN RECORDED IN
O. R. BOOK 8118 PAGE 87
ON 12-11-1922
KARLEEN F. DE BLAKER
Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

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Clerk of the Circuit Court
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O. R. BOOK 6789 PAGE 1742
ON 7-14-1922
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Clerk of the Circuit Court
BY: *Carroll A. Turner* Deputy Clerk

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BY: *Carroll A. Turner* Deputy Clerk











6747 BOUGAINVILLE AVENUE SOUTH, ST. PETERSBURG, FL. 33707



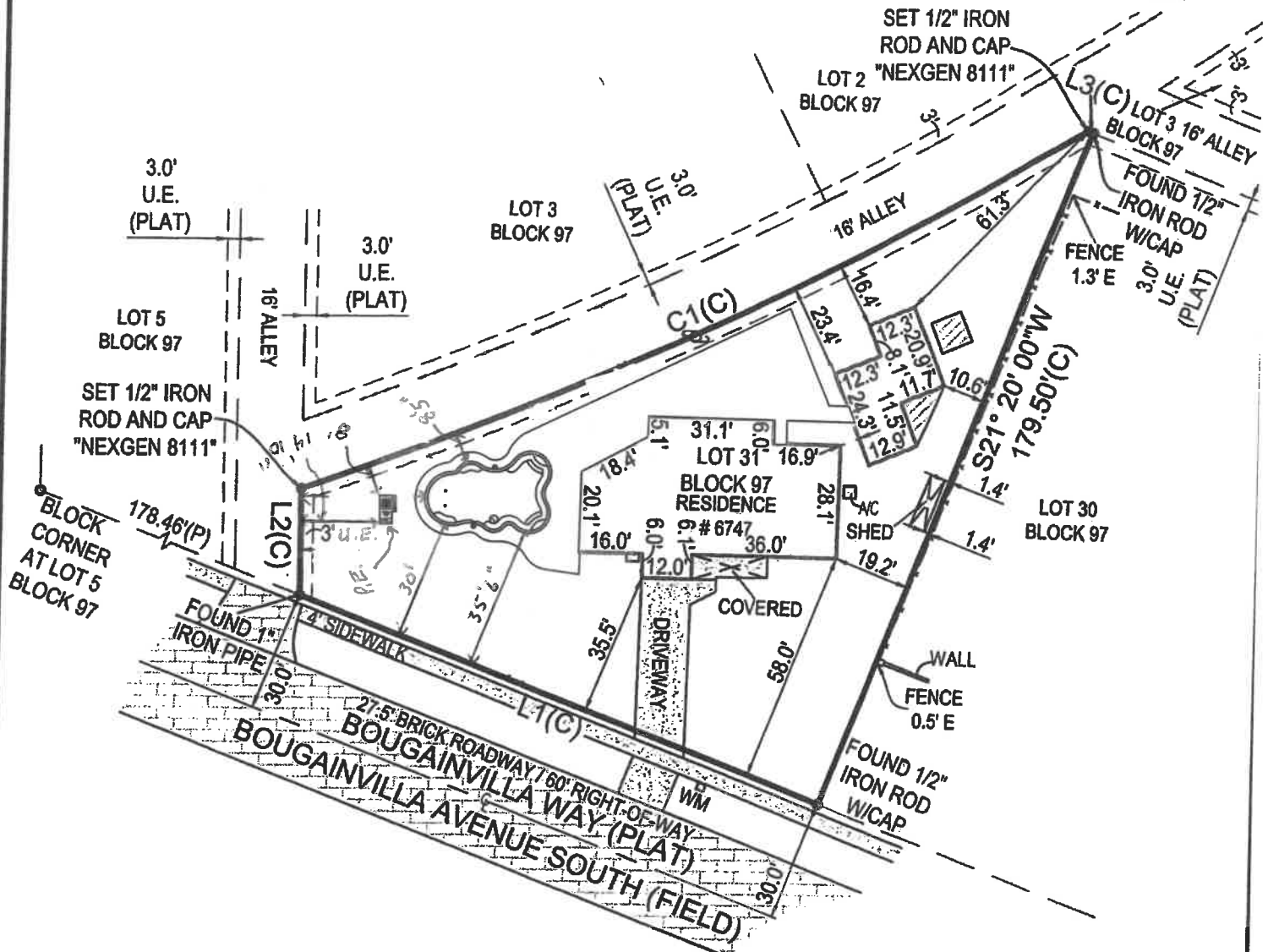
SCALE: 1"=40'

LINE TABLE		
	BEARING	LENGTH
L1	N68° 40' 00"W	138.58'
L2	N00° 12' 00"W	26.43'
L3	S68° 40' 00"E	1.24'

CURVE TABLE					
	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	213.94'	1077.27'	11°22'43"	213.59'	N64°50'19"E



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 10-27-2021

Drawn By: Oleg
Order #: 153362

Last Revision Date: None

Boundary Survey prepared by: L88111

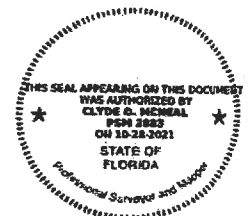
NexGen Surveying, LLC

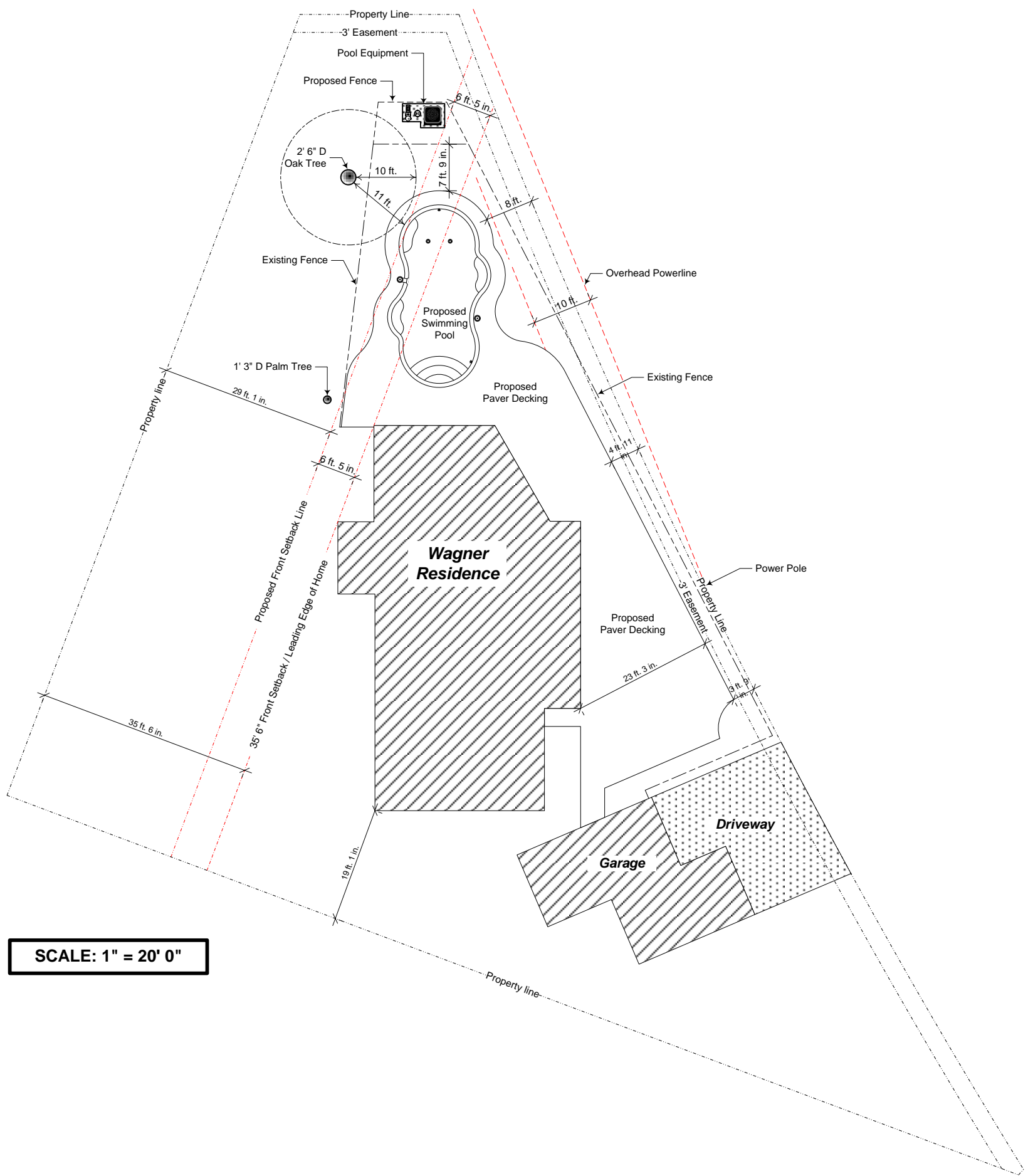
561-508-6272

1421 Oglethorpe Rd

West Palm Beach, FL 33405

NEXGEN
SURVEYING, LLC.





SCALE: 1" = 20' 0"



Address: 13253 Byrd Drive
Odessa, FL 33556
Office: (813) 792 - 1331
Mobile: (813) 970 - 4759
Web: www.landmarkpools.com
Drawn by: Patrick Mathews

Customer Name: Mr. & Mrs. Jeffrey Wagner

Address: 6747 Bougainvillea Avenue S.

City: St. Petersburg Zip Code: 33707

Phone: (816) 715 - 1941 E-Mail: kswphd@kc.rr.com

Jurisdiction: City of St. Petersburg

Lot: 31 Block: 97 Subdivision: Pasadena On-The-Gulf Section "B"

Customer Signature:

Florida Certification # CPC-1459121

Plan Date: 3 / 7 / 2023

Property line



Landmark Pools, Inc.

Address: 13253 Byrd Drive
Odessa, FL 33556
Office: (813) 792 - 1331
Mobile: (813) 970 - 4759
Web: www.landmarkpools.com
Drawn by: Patrick Mathews

Customer Name: Mr. & Mrs. Jeffrey Wagner

Address: 6747 Bougainvillea Avenue S.

City: St. Petersburg Zip Code: 33707

Phone: (816) 715 - 1941 E-Mail: kswphd@kc.rr.com

Jurisdiction: City of St. Petersburg

Lot: Block: Subdivision:

Customer Signature:

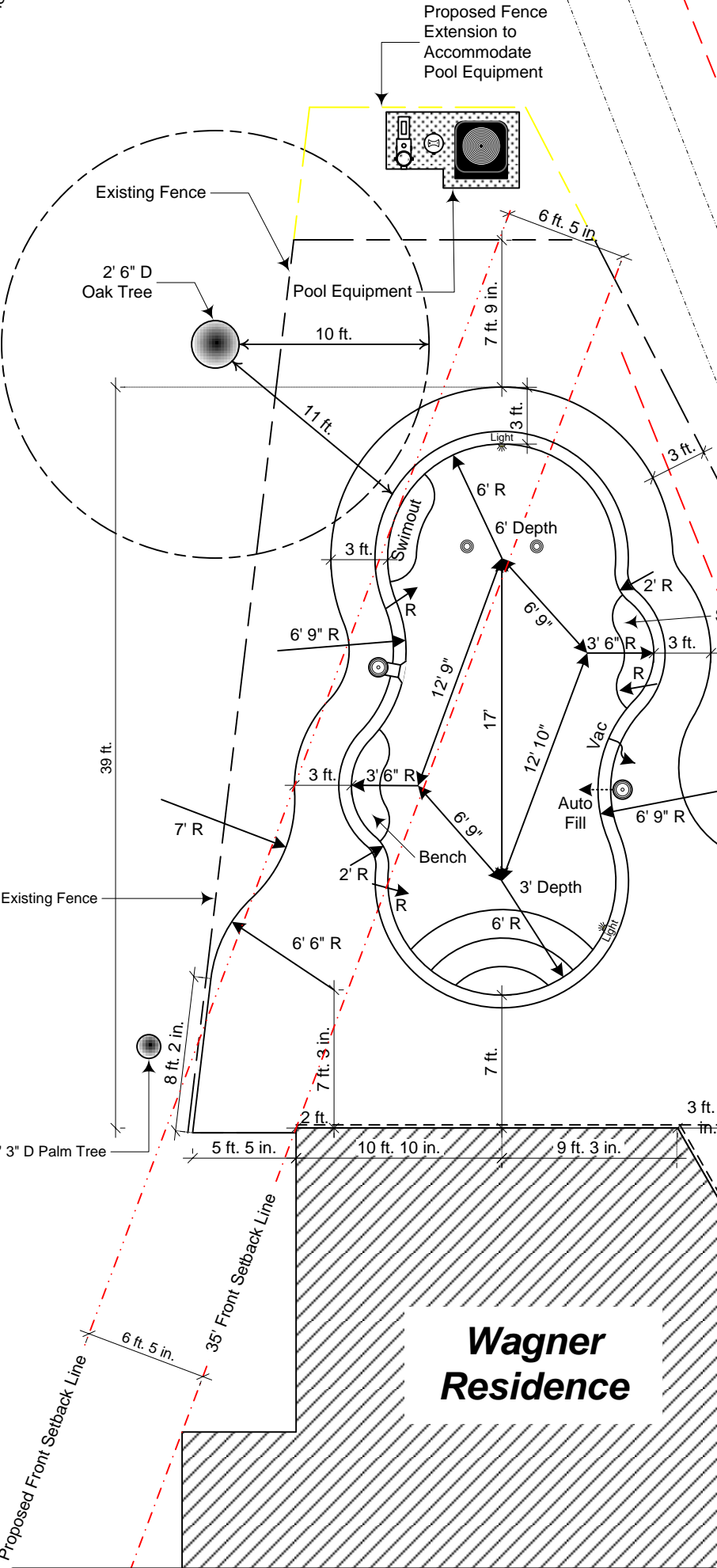
Florida Certification # CPC-1459121

Plan Date: 3 / 7 / 2023

SCALE: 1 / 8" = 1' 0"

REVISED 10 / 17 / 2022
1. COLOR SELECTIONS

REVISED 3 / 7 / 2023
1. Pool / Deck Design



Wagner
Residence

*** PLAN NUMBER: 002 ***

POOL

Size: 12' x 29' Sq. Ft.: 327 Perimeter: 75' Gallons: 11,008 Depths: 3' to 6'
Fill Disposal: Haul Away Shuttle Dig: No
Coping Type: Brick Color: White / Tan / Charcoal Manufacturer: Flagstone
6" Waterline Tile: Yes Color: RLN - Slate Blue Manufacturer: NPT
Jewelry Bands: No Color: TBD Manufacturer: TBD Spot Tile: No
Swimout: Yes Bench Seat: Yes
Skimmer: Yes Main Drain: Yes - 2 Returns: 3 Dedicated Vac Line: Yes
Color Selection for all fittings: White
Filter Pump: Hayward Model: Tri Star VS900 Size: 1.85 H.P.
Filter: Hayward Type: Ccartridge Model: Swim Clear / C150S
Chlorinator: Hayward Type: Aqua Rite (SALT) Model: T-9
Heater: Aqua Cal Model: Tropical T-135 Size: 132K BTU Type: Electric
Auto Fill: Pentiar Potable Water Hook Up: By Owner Overflow: Yes
Valves: Hayward 2 Ways: Yes 3 Ways: Yes
Lighting: 2 - Hayward Type: Accent LED Size: 320 Lumen
Electrical Hook-Up: Yes Pre Wire: By Owner Time Clock: w/ Pump
Pebble Sheen: Yes Color: White Krystals Abalone Shell: No Glass Beads: No

DECKING

Deck Elevation: TBD
Deck Type: Interlocking Pavers Sq. Ft.: 1,680 Color: White / Tan / Charcoal
Existing Concrete to be Topped to Match: N / A
Deck Pattern: Heritage (Random) Border: Yes Manufacturer: Flagstone
Screen Footer: No
Deck Drain: Yes Size: 2" Removable Grate: No Color: Tan

CHILD SAFETY FEATURE

Cone Alarm: Yes

MISCELLANEOUS

Grout: Bone # 382

Pitch

Pitch

Power Pole

Pitch

Pitch

Pitch

Pitch

Pitch

2" Deck Drain

Driveway

Garage



VARIANCE

Application No. _____

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): Jeffrey P. and Karen S. Wagner

Street Address: 6747 Bougainville Ave. S.

City, State, Zip: Saint Petersburg Fl. 33707

Telephone No: 816-715-1941

Email Address: kswphd@kc.rr.com

NAME of AGENT or REPRESENTATIVE: Pat Mathews / Landmark Pools

Street Address: 13253 Byrd Dr.

City, State, Zip: Odessa, Fl. 33556

Telephone No: 813-792-1331

Email Address: patm@landmarkpools.com

PROPERTY INFORMATION:

Street Address or General Location: 6747 Bougainville Ave. S.

Parcel ID#(s): LOT 31 Block 97

DESCRIPTION OF REQUEST: To build a fenced in pool on the west side of our triangular lot.

PRE-APPLICATION DATE: 01/20/2023

PLANNER: Braydon Evans

FEE SCHEDULE

1 & 2 Unit, Residential - 1st Variance \$350.00

3 or more Units & Non-Residential - 1st Variance \$350.00

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*: _____

Date: 01/26/2023

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

Typed Name of Signatory: Jeff Wagner



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

**DEVELOPMENT REVIEW COMMISSION
AFFIDAVIT TO AUTHORIZE AGENT**

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

Property Owner's Name: Jeffrey P. Wagner Karen S. Wagner

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

Property Address: 6747 Bougainvilla Ave. S.

Parcel ID No.: _____

Request: To utilize the west side of our triangular lot to build a fenced in pool.

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): Pat Mathews / Landmark Pool

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):

Jeffrey P. Wagner

Printed Name

Sworn to and subscribed on this date

Identification or personally known: _____

Notary Signature: _____

Date: _____

Commission Expiration (Stamp or date): _____



VARIANCE

GENERAL INFORMATION

Pre-application Meeting

All applicants are required to schedule a pre-application meeting **two weeks prior to submittal of an application**. Meetings may be held via telecom. If an application is submitted without a pre-application meeting, and the application is deemed to be incomplete or incorrect, the application may be delayed. Please contact Iris Winn to schedule: 727-892-5498.

Public Participation Report

All applicants are required to contact the applicable Neighborhood Association President, **Business Association, CONA and FICO, a minimum of 10-days prior to filing the application** and complete the Public Participation Report prior to submittal of an application. Applications without the Public Participation Report will not be accepted. The contact information will be provided to the applicant by staff at the pre-application meeting. **Reports may be updated and resubmitted up to 10-days prior to the scheduled public hearing.**

Commission Review

By applying to the Commission, the applicant grants permission for Staff and members of the Commission to visit the subject property to evaluate the request. Applicants with special requests related to timing of site visits should advise Staff in writing at the time of application submittal. Any Code violations found by the City Staff or the Commission members during review of the subject case will be referred to the Codes Compliance Assistance Department.

Legal Notification

All applications made to the Commission are required by Florida Statute and City Code to provide public notification of requested variances, reinstatements of grandfathered uses, and redevelopment plans. The applicant will be required to post a sign on the subject property and send via the U.S. Postal Service by "Certificate of Mailing" notification letters to all property owners within **300-feet** of the subject property. The City will provide one (1) original notification letter, a list of properties, mailing labels, sign, and procedures to complete the posting of the sign and the notification of property owners. These legal notifications must be completed by the dates noted on the Commission schedule with verification of mailing **and sign posting** returned to Staff within seven (7) days of the meeting date.

Public Hearing

Applications appropriate for public hearing will be heard by the Commission on the dates listed on the Commission schedule. The public hearings begin at 2:00 P.M. **and will be held temporarily at the Sunshine Center (Auditorium), located at 330 5th Street North**. All proceedings are quasi-judicial. Therefore, it is required that the property owner or authorized representative attend the hearing.

Commission Approvals

If approved by the Commission, permits, inspections, business taxes, and certificates of occupancy are required, when applicable. All conditions of approval must be completed and approved by the date specified in the report. Failure to satisfy these requirements will invalidate the approval of the request. Approval of a request by the Commission or POD (person officially designated) does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. Applicants are advised to contact the Construction Services and Permitting Division at (727) 893-7231 to determine if any other regulations may affect a given proposal.

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	
Street Address: 6747 Bougainville Ave. S.	Case No.:
Detailed Description of Project and Request: To build a fenced in pool on the west side of our triangular LOT,	
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 lot is triangular shaped. West side is smaller.	
An alley runs off Bougainville Ave. South requiring an easement in the back of our lot. The house was placed on the lot at an angle this makes the east side	
of the house set back approx. 20 ft further back than the east side. What normally would appear to be the side of the house is considered the front when the 35 ft. set back	
is measured, because the house is not parallel to Bougainville Ave. There is a power line also running on the back edge of property which limits the area a pool can be constructed from the alley	
as well. Additionally there is a tree in front of the side yard from which we must maintain a distance of 10 ft. from pool edge. The pool would be unseen by neighbors and	
not in any way restrict alley easement etc. Without the Variance there is no way to build a pool that makes sense or is safe, it cannot be up against the house, AC condensers etc.	
The back yard is very limited and the east side of the lot would be very difficult to access..	
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. We don't believe so. Our lot is the only triangular shaped lot. In addition it has the entrance to an alley running behind our lot between	
Bougainville Ave. and Pinellas Ave.	
3. How is the requested variance not the result of actions of the applicant? The house was built in 1953. It was	
constructed at an angle and not parallel to Bougainville Ave. We did have the fence installed professionally thinking guide lines were met.	

VARIANCE

NEIGHBORHOOD WORKSHEET

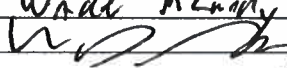



Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD WORKSHEET	
Street Address: 6747 Bougainville Ave. S.	Case No.:
Description of Request: To build fenced in Pool on the West side of our Lot. This will necessitate using a portion of the front set back,	
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:	6711 Bougainville Ave. S.
Owner Name (print):	David Kelly
Owner Signature:	<i>David Kelly</i>
2. Affected Property Address:	6731 Bougainville Ave S
Owner Name (print):	Dana Rhadal
Owner Signature:	<i>Dana Rhadal</i>
3. Affected Property Address:	444 Oleander Way S
Owner Name (print):	DAVID WEINBERG
Owner Signature:	<i>David Weinberg</i>
4. Affected Property Address:	450 PINELLAS WAYS.
Owner Name (print):	THOMAS J. BEST
Owner Signature:	<i>Thomas J. Best</i>
5. Affected Property Address:	470 Pinellas Way S
Owner Name (print):	ERIC L. DEMENGO
Owner Signature:	<i>Eric L. Demengo</i>
6. Affected Property Address:	6696 EMERSON AVE S
Owner Name (print):	STEFAN DONOHUE
Owner Signature:	<i>Stefan Donohue</i>
7. Affected Property Address:	6710 Bougainville
Owner Name (print):	Michael Hayes
Owner Signature:	<i>Michael Hayes</i>
8. Affected Property Address:	6740 Bougainville Ave. S.
Owner Name (print):	Vernica Gohell
Owner Signature:	<i>Vernica Gohell</i>

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.

NEIGHBORHOOD WORKSHEET	
Street Address: 6747 Bougainville Ave. S.	Case No.:
Description of Request: To construct a pool in my fenced area on the EAST side of house. The house sits at an angle on the Triangular shaped lot, making the front set back of 35 ft. in the middle of my side yard, restricting the utilization of my side yard.	
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:	500 Oleander Way S
Owner Name (print):	Wade McEachy
Owner Signature:	
2. Affected Property Address:	460 Pinellas Ave S.
Owner Name (print):	Kristen + Brannen Durant
Owner Signature:	
3. Affected Property Address:	6730 BOUGAINVILLE AVE. S.
Owner Name (print):	SEAN LITTON
Owner Signature:	
4. Affected Property Address:	6720 Bougainville Ave. S.
Owner Name (print):	Brian + Sandy Thompson
Owner Signature:	
5. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
6. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	



PUBLIC PARTICIPATION REPORT

Application No. _____

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 decision requiring a streamline review or public hearing. 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, (except when the application is for a local historic district) 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."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT

Street Address:

1. Details of techniques the applicant used to involve the public

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications

(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

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

NOTICE OF INTENT TO FILE

A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (variance@stpetecona.org) and to Federation of Inner-City Community Organizations (FICO) (kleggs11@outlook.com) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.

- ☐ Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: _____
- ☐ Attach the evidence of the required notices to this sheet such as Sent emails.



Pre-Application Meeting Notes

Meeting Date: 01/20/2023 Zoning District: NT-3
Address/Location: 6747 Bougainville Avenue South
Request: Reduced front yard setback for pool, ancillary equipment, and 6' fence
Type of Application: Variance Staff Planner for Pre-App: Braydon
Attendees: Mr. & Mrs. Wagner

Neighborhood and Business Associations within 300 feet:

Assoc.	Contact Name:	Email:	Phone:
N/A	-	-	-
N/A	-	-	-

(See Public Participation Report in applicable Application Package for CONA and FICO contacts.)

Notes: Applicant is requesting a variance to construct a pool with paver coping and necessary ancillary pool equipment as well as an after the fact 6' tall fence

that encroaches into the 30' front yard setback and is in front of the principal structures front facade which is located 35' behind the front
property line. The furthest point of encroachment will be on the western corner of the front property line, measuring 19' behind the front property line.

In addition to the triangular shaped parcel, the applicant expresses a hardship created by a 3' easement located along the adjacent alley that allows
trash collection vehicles to traverse the narrow alley, which reduces the footprint of usable space on the irregularly shaped lot. Applicant has provided
site plans and property surveys, but will be required to provide additional site plan depicting complete pool dimensions and placement in relation to all
property lines associated with the subject property. 10 Day notices of intent to file (page 9 of the variance application) shall be
provided to CONA & FICO. Applications must be complete and filed in-person by appointment with the planner from the pre-application meeting.

CONA email: variance@stpetecona.org

FICO contact: Kimberly Frazier-Leggett; FICO email: kleggs11@outlook.com