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

APPEAL
STAFF REPORT
DEVELOPMENT REVIEW COMMISSION – VARIANCE REQUEST
PUBLIC HEARING

According to Planning & Development Services Department records, **Commission member Tim Clemmons** 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 **scheduled on Tuesday, September 22, 2020 at 2:00 P.M.**, by means of communications media technology pursuant to Executive Order 20-193 issued by the Governor on August 7, 2020, and Executive Order 2020-30 issued by the Mayor on July 8, 2020. Authorization for a virtual meeting has been extended through October 1st by Governor's executive order. The City's Planning and Development Services Department requests that you visit the City website at **www.stpete.org/meetings** and/or contact the case planner for up-to-date information pertaining to this case.

CASE NO.:	20-54000034 PLAT SHEET: E-4
APPEAL:	Appeal of a streamline approval for a variance for two-parking spaces to construct a 3,460 square foot 2nd floor addition to an existing building in the DC-3 zoning district.
APPELLANT:	Gerald Sterker 176 4th Avenue Northeast Saint Petersburg, FL 33701
OWNER:	332 Beach Drive, LP 2504 W. Azeele Street Tampa, Florida 33609
AGENT:	LIS Engineering c/o Amie Reynolds 148 Second Street North, Suite 310 Saint Petersburg, Florida 33701
ADDRESS:	332 Beach Drive Northeast
PARCEL ID NO.:	19-31-17-77238-000-0030
LEGAL DESCRIPTION:	On File
ZONING:	Downtown Center (DC-3)

Background:
The subject property is located on the west side of Beach Drive Northeast between Farham Place North and 4th Avenue Northeast. The subject property is currently developed with a one-story structure that was built in the late 1990s. The applicant now seeks approval of a variance for two-parking spaces to construct a 3,460 square foot 2nd floor addition to the existing building.

Current Proposal:
The subject application requests a variance for two parking spaces to construct a 3,460 square foot 2nd floor addition to an existing building in the DC-3 zoning district. The applicant is seeking to add a second-floor addition to the existing structure. The second floor will consist of indoor space and an outdoor deck. City Code requires one parking space for every 1,000 square feet. The proposed addition will require 3-parking spaces. The applicant is proposing to substitute one parking space with 6-bike parking spaces. Therefore, the applicant is requesting a variance for 2-parking spaces.

Staff determined that the request was consistent with review criteria and initiated a streamline approval of the application in accordance with Section 16.70.040.1.6. The subject application was scheduled to be approved by staff on August 17, 2020, if no appeal was submitted.

Appeal:
On August 17, 2020, the City Clerk received an appeal from Jerry Sterker, on behalf of the Bliss Condominium Association, 176 4th Avenue Northeast. The appellant listed five items for grounds for the appeal, see attached Appeal tab. The following report will first address the variance followed by the appeal items.

Analysis:
Given the following considerations, the variance request for two-parking spaces to construct a 3,460 square foot 2nd floor addition to an existing building was found to be consistent with the purpose and intent of the Code.

COMPATIBILITY WITH STRUCTURE AND/OR NEIGHBORHOOD:

1. **Alignment With Existing Structure.** The proposed building addition aligns with the existing structure and the original structure was legally constructed.
2. **Consistency With Established Development Pattern.** The proposal is consistent with the prevailing development pattern of the block face. Many of the buildings along Beach Drive Northeast are located up to or close to the property line, consist of multiple floors, have outdoor dining areas with minimal or no on-site parking.
3. **Similar Approvals.** Similar variances have been approved by the Commission and/or the POD. The Development Review Commission (DRC) approved a variance for 26-parking spaces for a 10,201 square foot building addition to the Birchwood Hotel, which is located directly north of the subject property, in 2011 (case number 11-31000018).

MINIMAL MAGNITUDE AND/OR MITIGATION OF IMPACT:

4. **Minimization of Magnitude.** The applicant has designed the proposed improvement to minimize the magnitude of the requested variance. The variance is for two vehicular parking spaces.

COMPELLING PUBLIC BENEFIT ASSOCIATED WITH APPROVAL:

5. **Revitalization and Redevelopment.** The subject property is located along one of the City's main commercial corridors, consisting of multiple restaurants and retail shops, and is across the street from the City's waterfront parks. The subject property is located in a walkable area of the city, served by mass transit, the Downtown Looper, bike share, on-street parking, and public and private parking garages. Many of the restaurants and shops along Beach Drive Northeast are also served by valet.

The Appeal:
The appellant listed five items for grounds for the appeal. The items are: 1) congestion on the eastern end of the east-west alley, known as Farham Place North and the north-south alley between the subject property and the Bliss Condominium, Delivery trucks make access to these alleys difficult including entry and exit from the Bliss car elevators and two of the Park Shore garage exists, 2) limited parking on Beach Drive Northeast, 3) additional trash will result in more rodents, roaches, etc., 4) noise levels regarding the Canopy, and 5) inadequate notice, one week was provided to research several important items, including: are setbacks being followed, does the project meet fire codes, egress requirements, comply with original site plan, will A/C compressors be properly baffled and ADA upgrades.

Issue #1: Congestion in the eastern end of the east-west alley known as Farham Place North and the north-south alley between the project and the Bliss condominium, Delivery trucks to several nearby restaurants already make access to these alleys difficult, including entry and exit from the Bliss car elevators and two of the Park Shore garage exits; adding need for more and longer deliveries will exacerbate this congestion.

Staff Response:
The proposed request is for a two-space parking variance. The subject property is currently developed with a one-story restaurant, which is permitted in the DC-3 zoning district. The proposed expansion will allow the existing restaurant to expand capacity. The proposed expansion will not alter the function of the alley. The alley provides direct access to parking areas, places for loading and unloading of delivery trucks and vehicles, and trash pick-up. The function of the alley is typical of many alleys in downtown and other urban areas of the city.

Issue #2: Limited parking in the Beach Drive area. In non-pandemic times, parking in this neighborhood is already limited. Outsiders often park in private spaces that belong to the bliss Condo and to the Smith and Associates Real Estate office. Particularly during many special events that take place in this area. The applicant proposes to bring more people to the area, as referenced in Narrative No. 4 doing so without adding required parking spaces will make a tight parking problem worse.

Staff Response:
The subject property is located along one of the City's main commercial corridors, consisting of multiple restaurants and retail shops, and is across the street from some of the City's waterfront parks. The subject property is also located within one of the most intense zoning districts in the City. The subject property is located in a walkable area of the city, served by mass transit, the Downtown Looper, bike share, on-street parking, and public and private parking garages. Public parking at the Sundial Parking Garage and surface parking and the St. Pete Pier are within 3/8 of a mile, which is less than a 10-minute walk. A walk time of 10 minutes or less is considered walkable by many planning and urban design institutions and professionals. The Sundial and Pier parking are both served by the Downtown Looper, which is a free public transit service. The closest Looper drop-off location is within approximately 900 feet of the subject property, which is less than a five-minute walk. Unlike suburban locations, visitors to urban and downtown locations will park at one location and walk to multiple destinations. Lastly, many of the restaurants along Beach Drive Northeast are served by valet.

Issue #3: The additional trash will result in more rodents, roaches, etc. in the alleys which we are already having problems with.

Staff Response:
The subject property is currently developed with a restaurant. The proposed application is for a two-space parking variance. The potential increase in rodents, roaches, etc. is irrelevant to the request.

Issue #4: Noise levels regarding the Canopy now results in regular calls to the police in the late evening. (The Police will not be answering these calls after October. Who Will?)

Staff Response:
The current noise issues expressed in the appeal are with the abutting property owner. The proposed expansion will need to comply with the City's Noise Ordinance. The City Code requires any outdoor eating and drinking area on private property to submit a noise mitigation and monitoring plan, if an outdoor eating area is located between the proposed business/tenant space and a residential use. The proposed outdoor eating area will not be located between the enclosed portion of the restaurant and any residential use. However, if an amplified sound system is installed, the applicant will be required to submit a noise mitigation and monitoring plan.

Issue #5: Inadequate notice. While the city's letter to affected parties was not registered and dated August 7th, most residents received it on or after August 10th, giving us only one week to prepare an appeal. Several important aspects of the project require research on our part before we can file a full appeal including:

1) **Are current setbacks requirements being followed, both from Beach Drive with the new second floor porch overhang and from the adjacent Birchwood Hotel?**
2) **Does the project meet fire safety codes? The south side of Birchwood has windows and the second story, which would place them just a few feet from the north side of the project's second story.**
3) **Does the additional space meet the required egress requirements?**
4) **Does the project comply with any restrictions on the original site plan for the building?**
5) **Will the A/C compressors be properly baffled or otherwise adapted to meet the City's new noise ordinance? The current compressors are extremely loud, affecting nearby residences, but are grandfathered into the new ordinance. New compressors would have to comply.**

6) **Are required handicap upgrades being met as a cost of the total cost of the renovation 30%?**

Staff Response:
Notice was provided to property owners within 300 feet of the subject proeprty per City Code requirements. All but two issues raised above are not zoning issues or related to the requested variance. Those items will be reviewed by the Building and Fire Departments at the time of permit review. The proposed building setbacks comply with current setback requirements. The applicant has not requested a building setback variance. The building setbacks will be verified again at the time of permitting. There was no previous site plan approval for the subject property that will restrict how the subject property is (re)developed.

SUMMARY: Staff finds that the application complies with the applicable review criteria in the Land Development Regulations (LDR's).

RECOMMENDATION:

1. **Staff recommends DENIAL of the appeal, thereby UPHOLDING the POD's approval of the variance for parking.**

SPECIAL CONDITIONS OF APPROVAL:

1. **The project shall be subject to final review and approval by the Community Redevelopment Agency.**
2. **This variance approval shall be valid through August 17. 2023. Substantial construction 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.**
3. **Plans submitted for permitting shall show compliance with the building setback requirements.**
4. **Plans submitted for permitting shall resemble the plans submitted with this application. Any changes to the plans will require a new variance application to be submitted to the City for approval.**
5. **A noise mitigation and monitoring plan is required for any outdoor amplified sound system 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 11:00 p.m. on weekdays and 12:00 a.m. (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.**
6. **Plans shall comply with Section 16.40.090.4 Bicycle Parking.**
7. **Six additional bike parking spaces shall be installed to substitute for one vehicular parking space before a certificate of occupancy is issued.**
8. **Plans shall comply with Section 16.40.120 Signage.**
9. **Approval of this variance does not grant or imply variances from other sections of the City Code or other applicable regulations.**

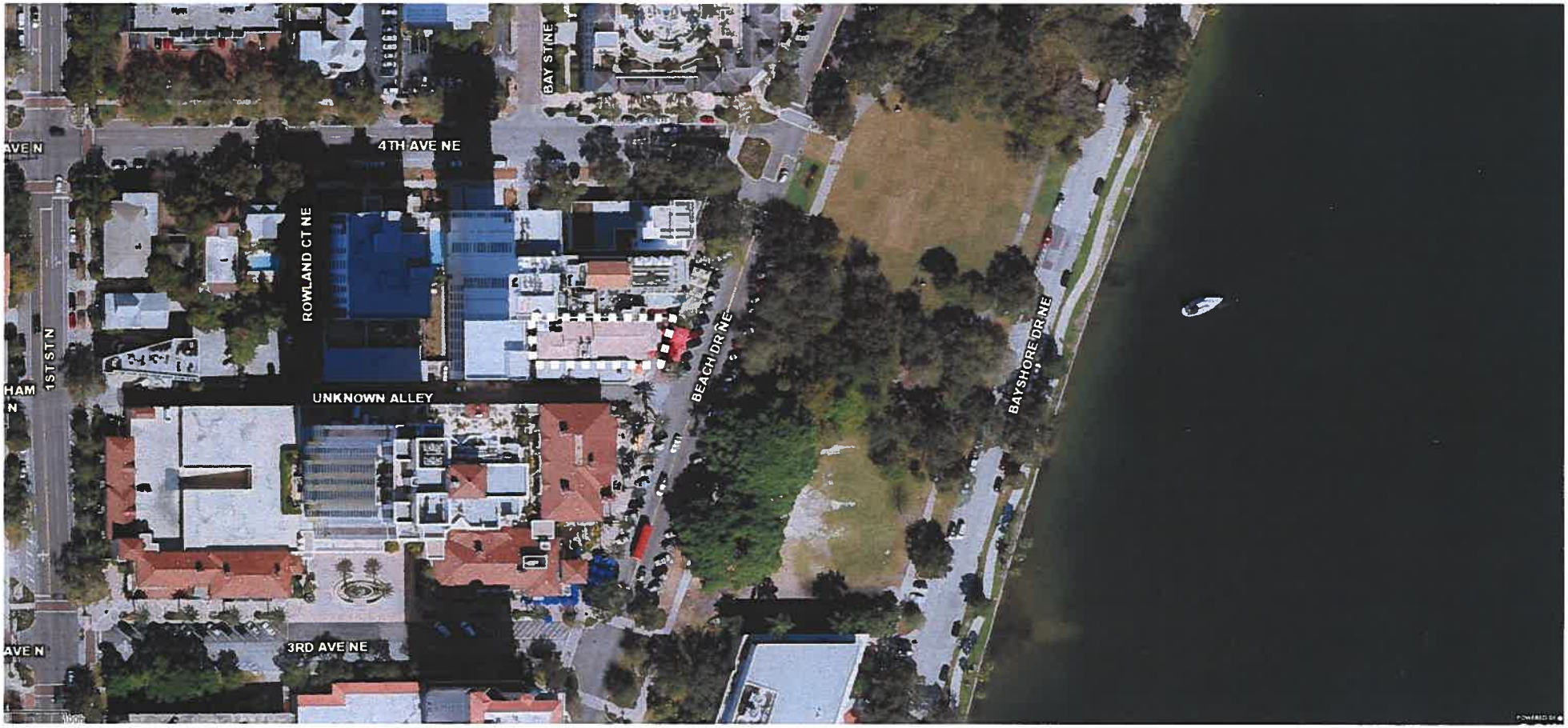
REPORT PREPARED BY:

Corey Malyszka, AICP, Urban Design and Development Coordinator — DATE 9/15/20
Development Review Services Division
Planning and Development Services Department

REPORT APPROVED BY:

Jennifer Bryla, AICP, Zoning Official (POD) — DATE 9.15.2020
Development Review Services Division
Planning and Development Services Department

JCB/CDM

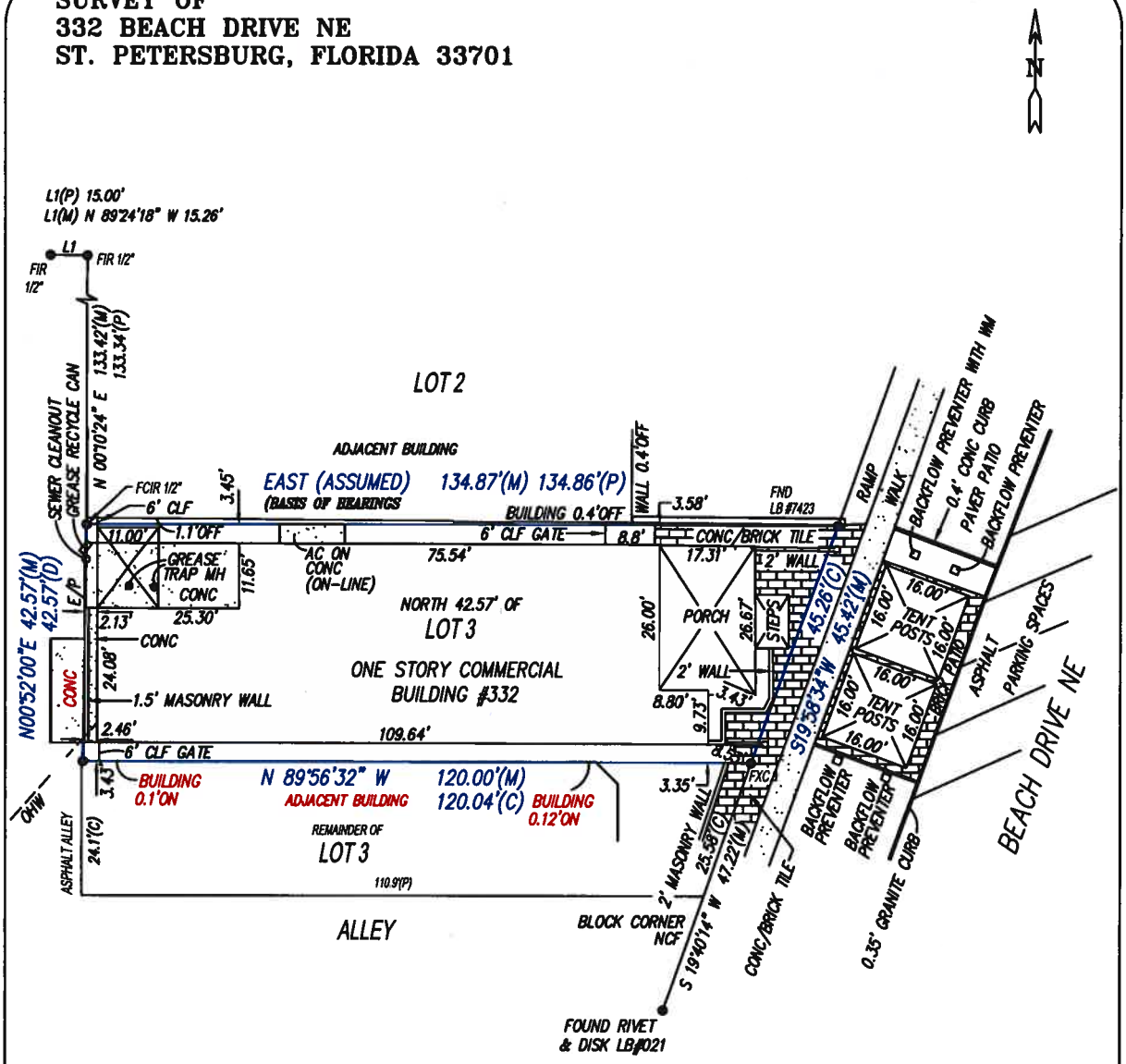


st.petersburg
www.stpete.org

Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 20-54000034
Address: 332 Beach Drive Northeast

N↑
(nts)

SURVEY OF
332 BEACH DRIVE NE
ST. PETERSBURG, FLORIDA 33701



LEGAL DESCRIPTION:

THE NORTH 42.57 FEET OF LOT 3, E.B. ROWLAND SUB., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 62, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA OF WHICH PINELLAS COUNTY WAS FORMERLY A PART.

REFERENCE HEREBY MADE TO COMMONWEALTH LAND TITLE INSURANCE COMPANY COMMITMENT BY811909024 DATED SEPT 9, 2019 AT 8"00 AM

(C) 2019 COVERED ENTRANCE SCREEN ENCLOSED AREA SCREEN ENCLOSED WITH POOL

0 10 20 40
SCALE: 1"=20'

BASIS OF BEARINGS IS R/W LINE (USING PLAT BEARING OR ASSUMED) UNLESS NOTED OTHERWISE

FLORIDA ADMINISTRATIVE CODE STATES IF LOCATION OF EASEMENTS OR RIGHTS OF WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR – IF FENCES ARE SHOWN, DISTANCES INDICATE APPROXIMATE DISTANCE ON OR OFF PROPERTY – OVERHANGS AND UNDERGROUND FOUNDATIONS OR UTILITIES HAVE NOT BEEN LOCATED AS PART OF THIS SURVEY.

LEGEND: (C) CALCULATED, CB CABLE BOX, LP LIGHT POLE, C/S CONCRETE SLAB, CLF CHAIN LINK FENCE, CONC CONCRETE, CSW CONCRETE WALK, (D) DEED, DE DRAINAGE EASEMENT, EB ELECTRIC BOX, EOW EDGE OF WATER, EP EDGE OF PAVEMENT, FOR FIR CAPPED, FXC FOUND X CUT, FCM FOUND CONCRETE MONUMENT, FIP FOUND IRON PIPE, FIR FOUND IRON ROD, FN FOUND NAIL, FND FOUND NAIL AND DISK (M) MEASURED, MH MANHOLE, NCF NO MARKER FOUND, OHW OVERHEAD WIRE O/A OVERALL, (P) PLAT, PE POOL EQUIPMENT, PP POWER POLE, POB POINT OF BEGINNING, POC POINT OF COMMENCEMENT, R/W RIGHT OF WAY, SIR SET ½" IRON ROD WITH CAP #LB 6912, SND SET NAIL AND DISK LB 6912, TOB TOP OF BANK, TP PHONE PEDESTAL UE UTILITY EASEMENT, WM WATER METER, WOF WOOD FENCE

(1)UNLESS STATED OTHERWISE THIS SURVEY IS AN AS–BUILT SURVEY SHOWING VISIBLE IMPROVEMENTS IN RELATION TO SURVEY MARKERS FOUND

DATE OF FIELD SURVEY: 9/16/2019

AFFORDABLE SURVEYS
727-415-8305

OWNED BY KNOW IT NOW, INC.
2011 HEIDELBERG AVENUE
DUNEDIN, FL 34698 USA

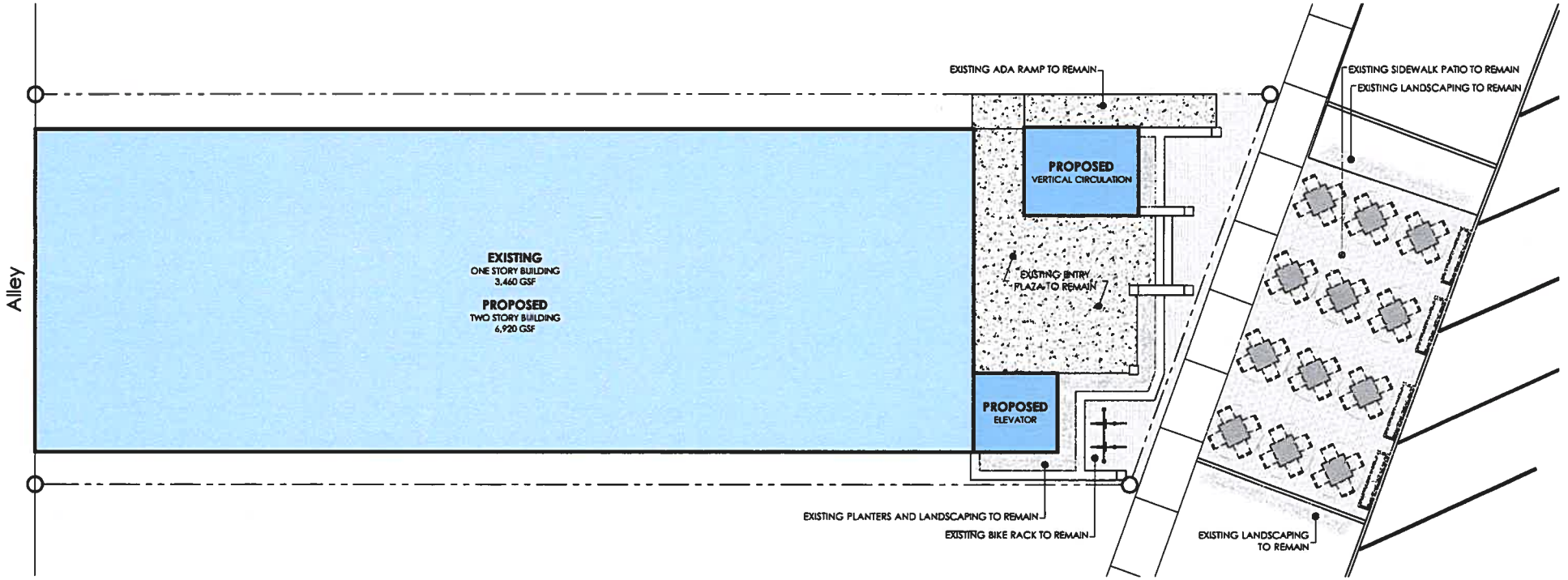
CERTIFIED EXCLUSIVELY TO:
Mansion House Hotel, Inc.
Caledon Concepts LLC
Bayshore Title, a division of LandCastle Title, LLC
Commonwealth Land Title Insurance Company

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT USING FIELD SURVEY PREPARED UNDER MY DIRECTION AND IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

BILL H HYATT 2019.09.19 20:13:39 -04'00'

BILL HYATT
Surveyor & Mapper Number 4636
LB 6912

FLORIDASURVEYOR@AOL.COM



NORTH

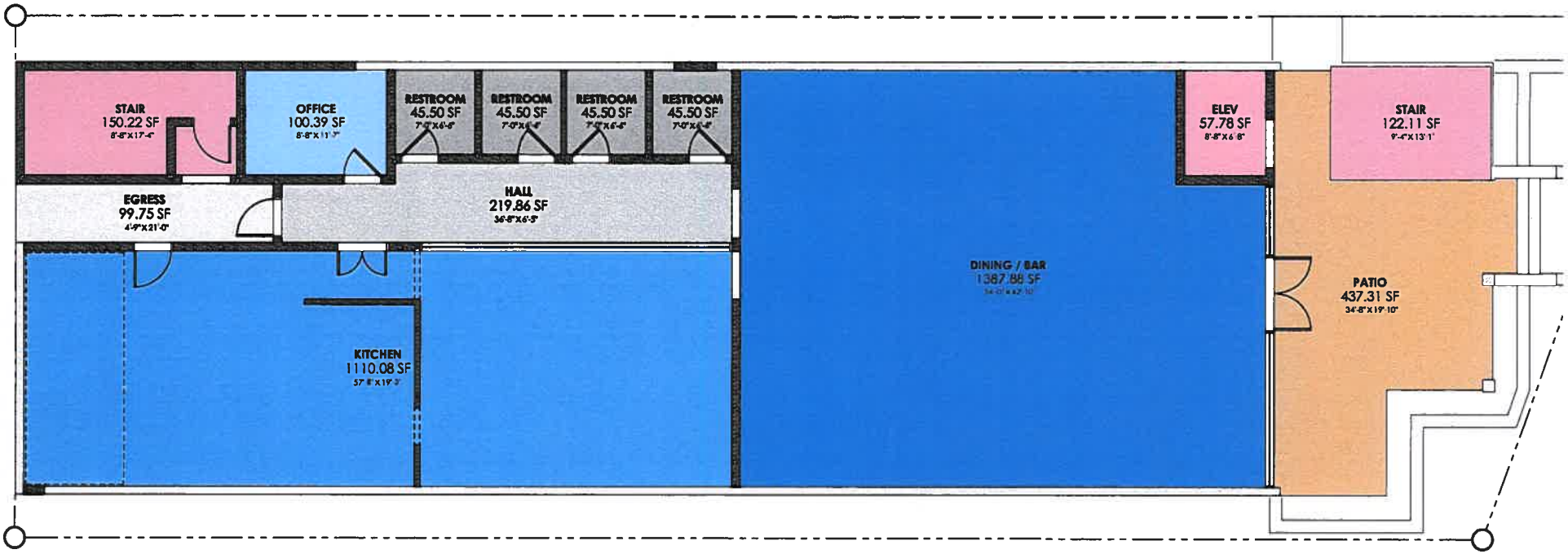
Note | Reference :

MI.Collective | Architectures + Design

MOON UNDER WATER :: SITE PLAN

Date : 06.26.2020 Scale : 3/32"=1'-0"

SD.00
Site Plan v1



NORTH

Note | Reference :

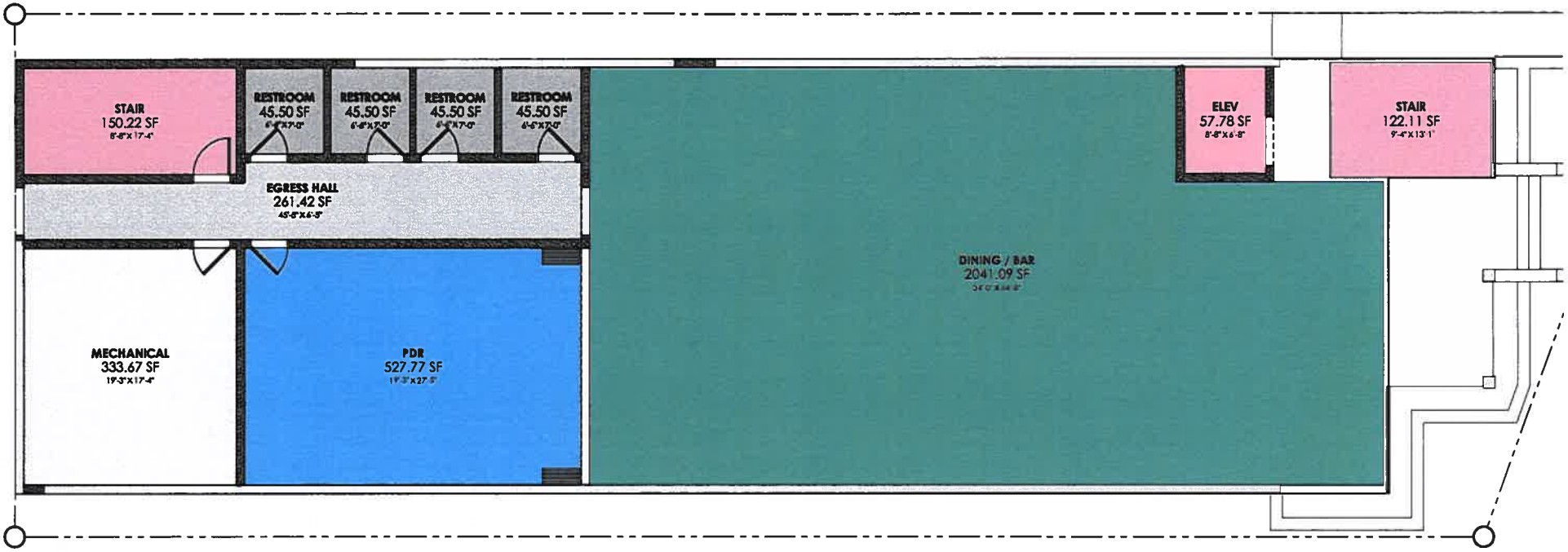
ML Collective : Architectures + Design

MOON UNDER WATER :: FLOOR PLAN : LEVEL 01

Date : 06.26.2020 Scale : 1/8"=1'-0"

SD.01

Floor Plan : Level 01 v1



NORTH

Note | Reference :

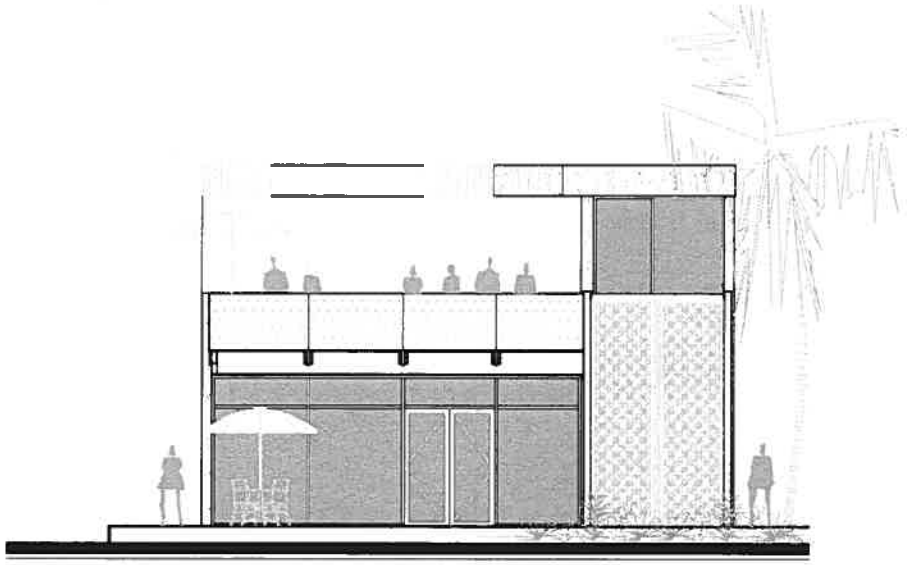
MI.Collective : Architectures + Design

MOON UNDER WATER :: FLOOR PLAN : LEVEL 02

Date : 06.26.2020 Scale : 1/8"=1'-0"

SD.01

Floor Plan : Level 02 v1



Note | Reference :

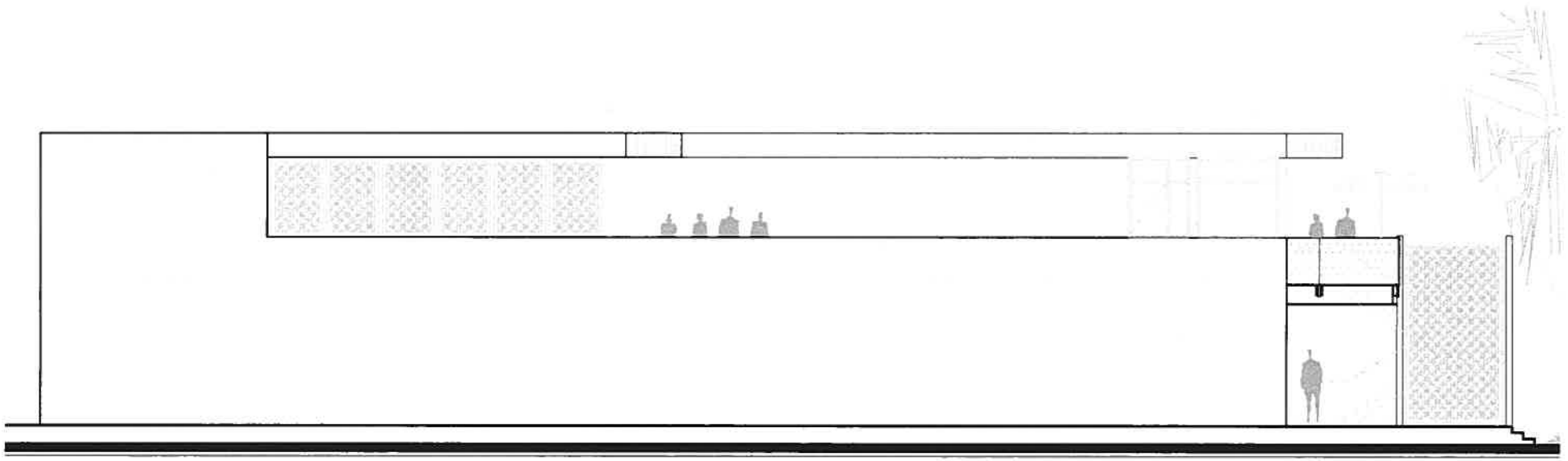
ML.Collective : Architectures + Design

MOON UNDER WATER :: ELEVATION : FRONT

Date : 06.26.2020 Scale : 1/8"=1'-0"

SD.04

Elevation : Front v1



Note | Reference :

MI.Collective : Architectures + Design

MOON UNDER WATER :: ELEVATION : SIDE

Date : 06.26.2020 Scale : 1/8"=1'-0"

SD.03

Elevation : Side v1

st.petersburg
www.stpete.org

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

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE

Street Address: 332 Beach Dr. NE | **Case No.:**

Detailed Description of Project and Request: Variance Requested from additional on-site parking spaces required for 3,460sf second story addition. Number of parking spaces required on site would be 3; applicant will provide additional bicycle parking on-site to reduce the required number of spaces to 2. Variance is requested to eliminate the required on-site parking as due to the limited size of the lot and the existing building envelope does not allow adequate space for this improvement without significant demolition of the existing structure. Off-site parking within 1000' has been unattainable.

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 subject parcel is an irregular rectangle approximately 44' wide by 125' deep. The existing building and pedestrian friendly components occupy the majority of the total area of the parcel (only excepting the existing 3.5'+/- setback along the north and south property lines, thus creating inability to comply with the on-site parking requirement. While the code allows for substitution of off-site parking within 1000' and within the same zoning district as the subject parcel; however, the property owner has been unable to locate available off-site parking arrangements that meet this requirement. There is public parking available along Beach Dr. NE, and there is a valet stand directly in front of the subject establishment.

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.

This variance is not requesting any deviations to permitted uses, setbacks, architectural elements or otherwise. The existing restaurant is a permitted use in the zoning district and is compatible with the surrounding uses. Much of Beach Dr. NE is occupied by restaurants including the parcel directly to the north. While some of the newer, larger developments in this area have been able to accommodate a combination of on-site and off-site parking, those conditions are not available to smaller, less intensive developments such as the subject parcel.

3. How is the requested variance not the result of actions of the applicant? Property records indicate that this building was constructed in 1997, the applicant is not responsible for creating the limitations imposed by the existing layout and development at this site. Due to the pedestrian focused nature of the down-town district, many of the businesses along Beach Dr. NE and the surrounding thoroughfares cannot provide on-site parking. The proposed improvements are not creating a new use for this parcel and are intended to catch the existing passerby foot traffic, therefore not directly increasing the amount of trips or the need for additional parking at this location.

st.petersburg
www.stpete.org

VARIANCE

NARRATIVE (PAGE 2)

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

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE
4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?
Because the existing site cannot accommodate any on-site parking and off-site parking is unavailable, the minimum number of spaces is zero.
The proposed enhancements to add a second floor include a large open balcony area which will provide patrons with views of North Straub Park and Tampa Bay.
This new area will be a desirable space to view and participate in many of the down-town area's events that the City prides itself upon; such as the
Firestone Grand Prix, Pride Parade, and Fourth of July and New Years Eve celebrations, and will reduce pedestrian congestion for these events by providing
an additional off-street venue.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
The applicant is providing enhanced bicycle parking in order to accommodate other modes of transportation in lieu of vehicle parking. Off-street parking was
sought by the applicant, but cannot be obtained within the guidelines of the code requirements.
6. In what ways will granting the requested variance enhance the character of the neighborhood?
The proposed enhancements to add a second floor include a large open balcony area which will provide patrons with views of North Straub Park and Tampa Bay.
This new area will be a desirable space to view and participate in many of the down-town area's events that the City prides itself upon; such as the
Firestone Grand Prix, Pride Parade, and Fourth of July and New Years Eve celebrations, and will reduce pedestrian congestion for these events by providing
an additional off-street venue. The preliminary designs enhance the opportunity for patrons to enjoy the beauty of the downtown waterfront district
and all that it has to offer. The architectural design is in keeping with the district character by avoiding massing and providing visual features at the pedestrian level.
Ultimately, allowing these smaller properties to evolve without being torn-down and replaced by larger developments preserves the charm and character of
the downtown waterfront districts.

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

st.petersburg
www.stpete.org

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
APPEALS FORM

RECEIVED
AUG 17 2020
CITY
CLERK

Appeal From: ☒ Person Officially Designated (POD) ☐ Development Review Commission ☐ Community Planning and Preservation Commission

Appeal to: ☒ Development Review Commission ☐ Community Planning and Preservation Commission ☐ City Council

Contact Information:

Name	GERALD STERKER
Street Address	176 4TH AVE NE
City ST ZIP Code	33701
Telephone	
E-Mail Address	ELAINESTERKER@AOL.COM
Signature	
Date	8/17/

Date of Hearing

Date of Decision	

Case No.

Case No.	20-54000034

Case Address

Case Address	332 BEACH DRIVE

Submittal Requirements

1. Narrative describing grounds for appeal.

PARK + CONGESTION PROBLEMS
(See LETTER)

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

From: **Jerry Sterker** jsterker@aol.com
Subject:
Date: August 16, 2020 at 10:25 AM
To:

Development Review Services
City of St. Petersburg

From: Bliss Homeowners Association

Re: Case No.20-54000034

This is an appeal of the variance request by 332 Beach Drive LP for the proposed construction project. The appeal is based on the following reasons:

- Congestion in the eastern end of the east-west alley known as Farham Place N (listed on the project location map as "unknown alley") and the north-south alley between the project and the Bliss Condominium. Delivery trucks to several nearby restaurants already make access to these alleys difficult, including entry and exit from the Bliss car elevators and two of the Park Shore garage exits; adding need for more and longer deliveries will exacerbate this congestion.

- Limited parking in the Beach Drive area. In non pandemic times, parking in this neighborhood is already limited. Outsiders often park in private spaces that belong to the Bliss condo and to the Smith & Associates Real Estate office, particularly during the many special events that take place in this area. The applicant proposes to bring more people to the area, as referenced in Narrative No. 4. Doing so without adding required parking spaces will make a tight parking problem worse.

- The additional trash will result in more rodents, roaches, etc. in the alleys which we are already having problems with.

- Noise levels regarding the Canopy now result in regular calls to the Police in the late evening.

(The Police will not be answering these calls after October. Who will?)

- Inadequate notice. While the city's letter to affected parties was not registered and dated August 7th, most residents received it on or after August 10th, giving us only one week to prepare an appeal. Several important aspects of the project require research on our part before we can file a full appeal, including:

1. Does the project meet fire safety codes? The south side of Birchwood has windows on the second story, which would place them just a few feet from the north side of the Projects second story.
2. Does the additional space meet the required egress requirements?
3. Does the project comply with any restrictions on the original site plan for the building?
4. Will the A/C compressors be properly baffled or otherwise adapted to meet the city's new noise ordinance? The current compressors are extremely loud, affecting nearby residences but are grandfathered in to the new ordinance. New compressors would have to comply.
5. Are required handicap upgrades being met as a cost of the total cost of the renovation 30%.?
6. Are setback requirements being followed, both from Beach Drive with the new second floor porch overhang and from the adjacent Birchwood Hotel?

Given these serious issues, we request a delay in the city's approval process to give us time to address these issues with the applicant. Absent a delay, please consider this a formal appeal.

Development Review Services
City of St. Petersburg

From: Bliss Homeowners Association

Re: Case No.20-54000034

This is an appeal of the variance request by 332 Beach Drive LP for the proposed construction project. The appeal is based on the following reasons:

- Congestion in the eastern end of the east-west alley known as Farham Place N (listed on the project location map as "unknown alley") and the north-south alley between the project and the Bliss Condominium. Delivery trucks to several nearby restaurants already make access to these alleys difficult, including entry and exit from the Bliss car elevators and two of the Park Shore garage exits; adding need for more and longer deliveries will exacerbate this congestion.

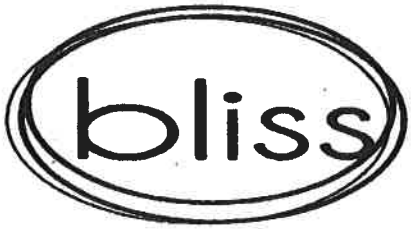
- Limited parking in the Beach Drive area. In non-pandemic times, parking in this neighborhood is already limited. Outsiders often park in private spaces that belong to the Bliss condo and to the Smith & Associates Real Estate office, particularly during the many special events that take place in this area. The applicant proposes to bring more people to the area, as referenced in Narrative No. 4. doing so without adding required parking spaces will make a tight parking problem worse.

- The additional trash will result in more rodents, roaches, etc. in the alleys which we are already having problems with.

- Noise levels regarding the Canopy now result in regular calls to the police in the late evening. (The Police will not be answering these calls after October. Who will?)

- Inadequate notice. While the city's letter to affected parties was not registered and dated August 7th, most residents received it on or after August 10th, giving

OVER



us only one week to prepare an appeal. Several important aspects of the project require research on our part before we can file a full appeal, including:

1. Are current setback requirements being followed, both from Beach Drive with the new second floor porch overhang and from the adjacent Birchwood Hotel?
2. Does the project meet fire safety codes? The south side of Birchwood has windows on the second story, which would place them just a few feet from the north side of the project's second story.
3. Does the additional space meet the required egress requirements?
4. Does the project comply with any restrictions on the original site plan for the building?
5. Will the A/C compressors be properly baffled or otherwise adapted to meet the city's new noise ordinance? The current compressors are extremely loud, affecting nearby residences, but are grandfathered in to the new ordinance. New compressors would have to comply.
6. Are required handicap upgrades being met as a cost of the total cost of the renovation 30%?

Given these serious issues, we request a delay in the city's approval process to give us time to address these issues with the applicant. Absent a delay, please consider this a formal appeal.

st.petersburg
www.stpete.org

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

NOTICE OF INTENT TO APPROVE

UPDATE: COVID-19

To help prevent the spread of COVID-19 and to protect our more vulnerable members of the community, the City of St. Petersburg will hold Development Review Commission meetings by means of communications media technology pursuant to Executive Order Number 20-69, issued by the Governor on March 20, 2020, and Executive Order 2020-30 issued by the Mayor on July 8, 2020, as that order may be extended or superseded by another order issued for a similar purpose. Please note, that if this case should be appealed, the DRC hearing will be determined at a later date. The City's Planning and Development Services Department requests that you contact the case planner for up-to-date information to confirm scheduling of this case.

August 7, 2020

Dear Neighbor or Participating Organization:

This letter is to advise you that an application for approval of a variance has been filed with our office for the property located at **332 Beach Drive Northeast.**

REQUEST: Approval of a variance for two parking spaces to construct a 3,460 square-foot 2nd floor addition to an existing building in the DC-3 zoning district.

Records indicate you own property within 300 feet of the property, or you may have an interest in the land in question. The site plan and application are on file in the Development Review Services Division and may be provided upon request via email at DRC@stpete.org.

We urge interested persons to contact the case planner or the Agent prior to the scheduled approval date of **August 17, 2020** for more information. You may contact the case planner, Corey Malyszka, by phone at (727) 892-5453, or via email at Corey.Malyszka@StPete.org. Written correspondence can be mailed to Development Review Services, City of St. Petersburg, PO Box 2842, St. Petersburg, FL 33731. Please refer to Case No. **20-54000034.**

It is the intent of the Development Review Services Division to **APPROVE** this request. If you object to this request, you may file an appeal. Appeals must be filed in written form stating the reasons for the appeal and must be filed in person at the **City Clerk's Office at 175 5th Street North, St. Petersburg, FL 33701** prior to noon on **August 17, 2020.** The appeal filing fee is $250.00.

Interested parties may contact the City Clerk's Office at (727) 893-7448 and speak directly with Staff who will greet citizens at the library door and escort them to the Clerk's Office for the processing of an appeal. The appeal filing fee is $250.00. If an appeal is filed, the request will be considered by the Development Review Commission, at a hearing to be determined at a later date.

Development

8925978

APPLICANT: 332 Beach Drive, LP
2504 W. Azeele Street
Tampa, Florida 33609

AGENT: LIS Engineering
c/o Amie Reynolds
148 Second Street North, Suite 310
Saint Petersburg, Florida 33701
Phone: 727-827-7460 | **Email:** AmieBC@LIS-E.com

It is considered improper for an applicant or objector to discuss a case prior to the hearing with any Commission Member. Please direct your remarks to the Staff of Development Review Services in writing, and those documents will be presented to the Commission.

Pursuant to Law of Florida, Chapter 80-150, if a person decides to appeal any decision made by a governmental board, commission, or agency, he/she will need a record of the proceedings. It is up to the potentially adversely affected citizen to ensure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is based. Any persons who may need such a record may arrange for a court reporter to attend the public hearing at their request.

The City of St. Petersburg has a listing of employees who may be capable of assisting those individuals with a hearing impairment or unfamiliarity with the English language. While the City can not guarantee the availability of these services should they be requested, please contact the City Clerk's office at (727) 893-7448 should you be interested in finding out more about hearing impairment and/or language services.

Melissa Rutland, Chair - Development Review Commission

PROCEEDINGS: OVERVIEW

Some proceedings of the Development Review Commission are Quasi-Judicial and require that certain specific procedures be followed by the staff, applicants, and the public. The following are the most typical examples of Quasi-Judicial matters: site plan approvals, special exceptions, bonus approvals, variances, appeals. Under the Quasi-Judicial process, the Commission acts in the role of a "judge" and therefore, is required to follow certain procedures and base their decision on factual evidence. In general, the Quasi-Judicial procedures involve the following:

1) Persons opposed to the application may register as an opponent in advance of the meeting. Such persons shall notify the Clerk of the Commission of their intent to register as an opponent no less than one (1) week before the commencement of the public hearing. No registered opponent shall be permitted for appeal hearings in which the appellant is a party other than the owner/applicant.
2) Any handouts and/or presentations must be submitted to the Clerk of the Commission at least 24-hours prior to the meeting. For further information, please contact the Clerk of the Commission at 727-892-5498
3) The swearing in of witnesses will be done en-masse at the beginning of this meeting. Anyone who wishes to speak on any item must be sworn-in prior to testifying.
4) Staff, applicants, and, if applicable, the registered opponent, who registered in advance per Item #1 in this Overview, or appellant will have a total of ten (10) minutes each to present their case.
5) At the conclusion of the presentations, the public hearing will begin, and the public will have three minutes to speak. If you wish to speak please fill out a card and submit this to the Clerk. When called on to speak please come to the podium and state your name and address. We ask that your remarks be brief and not repetitious of prior testimony and provide factual information. Once the Commission Chair closes the public hearing no one from the public may speak.
6) If anyone wishes to utilize the time provided for cross-examination and rebuttal as a registered opponent, and such registered opponent is otherwise allowable, and no one has previously registered as an opponent per Item #1 in this Overview, said individual shall notify the Commission Chair prior to the conclusion of the public hearing. Persons opposed to the application may select one person to represent them during this phase of the process and shall declare their intent prior to the close of the public hearing. If more than one person wishes to be the registered opponent representative, then the Commission will choose a single representative to participate in the process.
7) The cross-examination and rebuttal phases allow each participant (staff, applicant, and registered opponent appellant) five minutes each to ask questions of each other. All questions shall be directed to the Chair, who will direct the question to the appropriate person.

The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.

Other proceedings of the Development Review Commission are Legislative. Such proceedings are not subject to the Quasi-Judicial process. Generally, a legislative proceeding begins with presentation by City staff, and is followed by public comment and discussion by the Commission. Members of the public, including the applicant (if applicable), are given an opportunity to speak for up to three (3) minutes. Anyone wishing to speak must fill out an information card and present the card to the Clerk. The Chair will call upon individuals who have filled out an information card to come up to the podium to speak. The opportunity to speak may not be assigned or yielded to, or shared with any other person, or otherwise aggregated.

The following are the most typical examples of Legislative matters: vacating public rights of way, vacating air rights over/under public rights of way, amendments to the text of the Land Development Regulations and other provisions of the City Code of Ordinances, when referred to the Commission for review.

If you wish to have a more detailed description of the Quasi-Judicial or Legislative procedures, or if you have a question regarding which procedure is applicable in this case, please contact the Development Review Services Division at (727) 893-7471 or email us at DRC@stpete.org.

Case No. 20-54000034
Enclosure: Parcel Location Map