

### CITY OF ST. PETERSBURG, FLORIDA

## PLANNING & DEVELOPMENT SERVICES DEPT. DEVELOPMENT REVIEW SERVICES DIVISION

## STAFF REPORT

# DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST 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 Wednesday, January 6, 2021 at 1:00 P.M. at Council Chambers, City Hall, located at 175 5<sup>th</sup> Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at <a href="https://www.stpete.org/meetings">www.stpete.org/meetings</a> for up-to-date information.

CASE NO.: 20-54000056 PLAT SHEET: I-8

REQUEST: Approval of a variance to install a standard driveway in the side

yard instead of on the alley in the NT-2 zoning district.

OWNER: Dinitry Izotov

11940 Royce Waterford Circle

Tampa, Florida 33626

AGENT: David Arch

4391 31st Avenue North

Saint Petersburg, Florida 33713

ADDRESS: 1035 28th Street North

PARCEL ID NO.: 14-31-16-57240-000-0510

LEGAL DESCRIPTION: On File

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

Page 2 of 5 DRC Case No.: 20-54000056

**BACKGROUND:** The subject property is located at the Northeast corner of 28<sup>th</sup> Street North and 11<sup>th</sup> Avenue North and is zoned NT-2 (Neighborhood Traditional Single-Family). The property is within the North Kenwood Neighborhood Association. This is a triangular shaped lot measuring approximately 65-feet wide as measured at the midpoint, and 8,251 square feet in area. The lot in question fronts to 28<sup>th</sup> Street North, which does not allow street parking. The property also has a drainage ditch to the North that runs parallel to the property. A 16-foot wide alley runs behind the home and dead ends at the drainage ditch. 28<sup>th</sup> Street North has a sidewalk, but 11<sup>th</sup> Avenue North does not currently have a sidewalk. The property currently contains a single-family home and front-loaded driveway accessed from 28<sup>th</sup> Street North. Per sections 16.20.010.11 and 16.60.030, the non-conforming driveway is not permitted after the property is redeveloped. The property must meet all current code requirements upon redevelopment.

This request is to allow a driveway access from the side street (11<sup>th</sup> Avenue North), rather than the alley in the rear. The existing front-loaded driveway would be removed.

**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:

- 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 involves the redevelopment of an existing developed single-family parcel. The site currently holds a single-family home and front-loading driveway. The applicants have applied to demolish the existing residence (20-04001333) and for a New Single-Family Residence (20-04001135). This redevelopment requires the site to meet all current code requirements.
  - 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 meets all required size dimensions. A navigable alley exists in the rear of the property, though it dead ends just north of the property.
  - c. Preservation district. If the site contains a designated preservation district.
    - This criterion is not applicable. This request does not involve a preservation district.
  - d. Historic Resources. If the site contains historical significance.
    - This criterion is not applicable. This request does not involve historic resources.

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

This criterion is not applicable. This request does not involve significant vegetation.

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.

Per section 16.20.010.1, traditional neighborhoods, such as this one, are meant to be oriented to the needs of pedestrians rather than to the needs of cars. Sidewalks are meant to be provided along all sides of blocks and on both sides of the street. Further, alleys are intended to be the primary means of providing areas for utilities and access to off-street parking to the rear of the properties. Driveways and garages in front or side yards are not typical in most traditional neighborhoods. A navigable alley exists in the rear of this property. No parking is allowed on this block of 28<sup>th</sup> Street North, and the neighborhood is designed to emphasize alley access for the parking of cars on private property.

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

This criterion is not applicable. This request does not involve public facilities.

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

This application is the result of actions of the applicant as there is a navigable alley in the rear that can be used for vehicle access. A New Single-Family Residence is currently in the permitting process and design solutions can be utilized to meet code requirements.

This application is self-imposed as the applicants are currently designing the site for a new single-family home.

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 navigable alley in the rear can be used to access the property. The alley dead ends directly to the north of the subject property, but this does not make entering and exiting the property via the alley impossible.

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 enforcement of this chapter does not deprive the applicants of reasonable use of their land as the property has 89-feet of frontage to this navigable alley. Many of the other homes abutting this alley utilize it for parking.

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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 that will make possible the reasonable use of the land as the site can accommodate parking and a driveway from the rear without a variance.

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

This request is not in harmony with the general purpose and intent of this chapter as section 16.20.010.11 states that garage doors and driveways shall face the alley. Additionally, section 16.60.030.1 states that nonconforming structures (i.e. the existing driveway) are not allowed within a zoning district. These non-conforming structures are not encouraged to survive and must be replaced with code-compliant structures when the site is redeveloped.

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

The granting of this variance presents a potential risk for pedestrians as cars will traverse the sidewalk when entering and existing private property. Though there is no existing sidewalk along 11<sup>th</sup> Avenue north at this time, Traditional neighborhoods are intended to have a pedestrian focus rather than a car focus. An alley in the rear of the property provides the necessary access for parking of vehicles on private property.

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 this variance as there is a navigable alley in the rear.

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

No nonconforming use of neighboring properties was considered in this review.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the North Kenwood Neighborhood Association. Staff has not received comment from the neighborhood association. The applicants did not provide signatures of support.

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

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

- 1. The driveway must be designed with a maximum width of 12-feet as measured at the property line and 16-feet as measured at the curb.
- 2. This variance approval shall be valid through January 6<sup>th</sup>, 2023. Substantial 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.

ATTACHMENTS: Aerial, site plan, elevation drawings, floor plans, photographs, applicant's narrative,

Report Prepared By:		
S/Jaime T. Jones	12-29-2020	
Jaime Jones, AICP, Planner II Development Review Services Division Planning & Development Services Department	Date	
Report Approved By:		
S/Jennifer C. Bryla	12-29-2020	
Jennifer Bryla, ACIP, Zoning Official (POD)	Date	

**Development Review Services Division** 

Planning & Development Services Department





Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department

Case No.: 20-54000056 Address: 1035 28<sup>th</sup> Street North



## SITE PLAN NOTES:

1. DRIVEWAY SHALL BE CONSTRUCTED PER DEPARTMENT OF PUBLIC WORKS TRANSPORTATION TECHNICAL MANUAL SECTION IV

2. CONCRETE PADS TO BE PLACED ON EXISTING GRADE

3. NO OPEN TRENCHES FOR UTILITIES

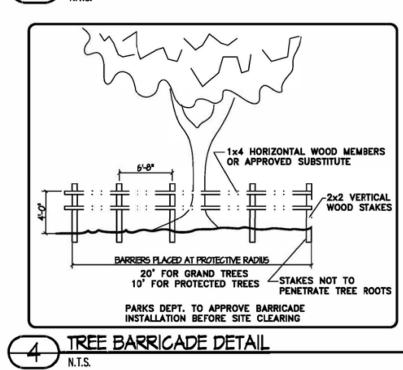
4. ROOT PRUNE ALONG FOUNDATION AS NEEDED AS

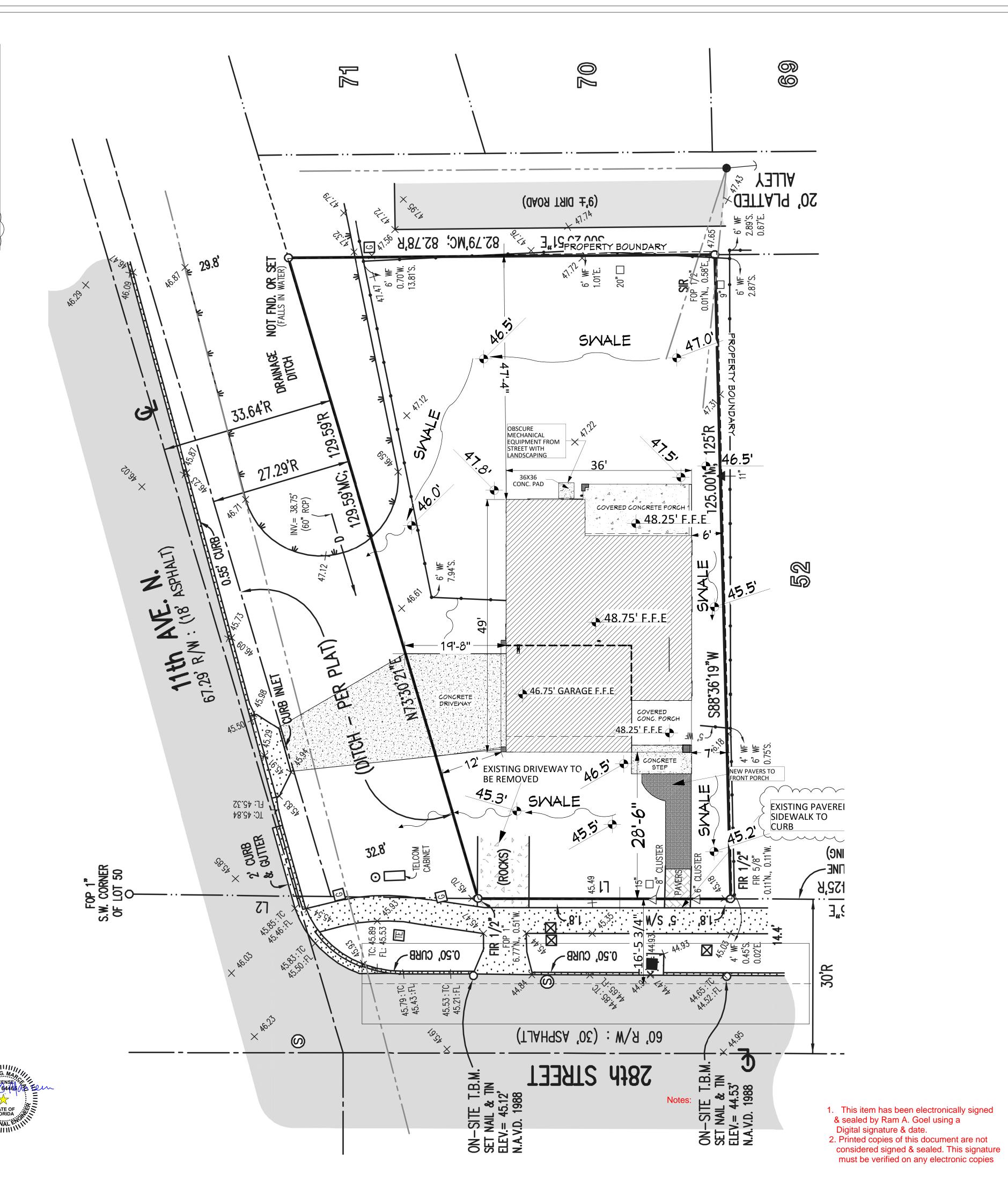
5. ALL DRAINAGE RUN OFF TO BE DIRECTED AWAY FROM HOME & ADJACENT PROPERTY

6. ALL DRAINAGE RUN OFF TO BE DIRECTED TOWARDS COMMON DRAINAGE EASEMENT THROUGH DOWNSPOUTS AND BURIED 6" ADS PIPE

7. RAISE ALL EXISTING CURBS IN FRONT AND SIDE YARDS. REMOVE ALL EXISTING PAVEMENT OTHER THAN WALKWAY TO CURB FROM CITY RIGHT OF WAY

3 SILT FENCE DETAIL
N.T.S.





SCALE: 1"=10" SHEET:

SITE

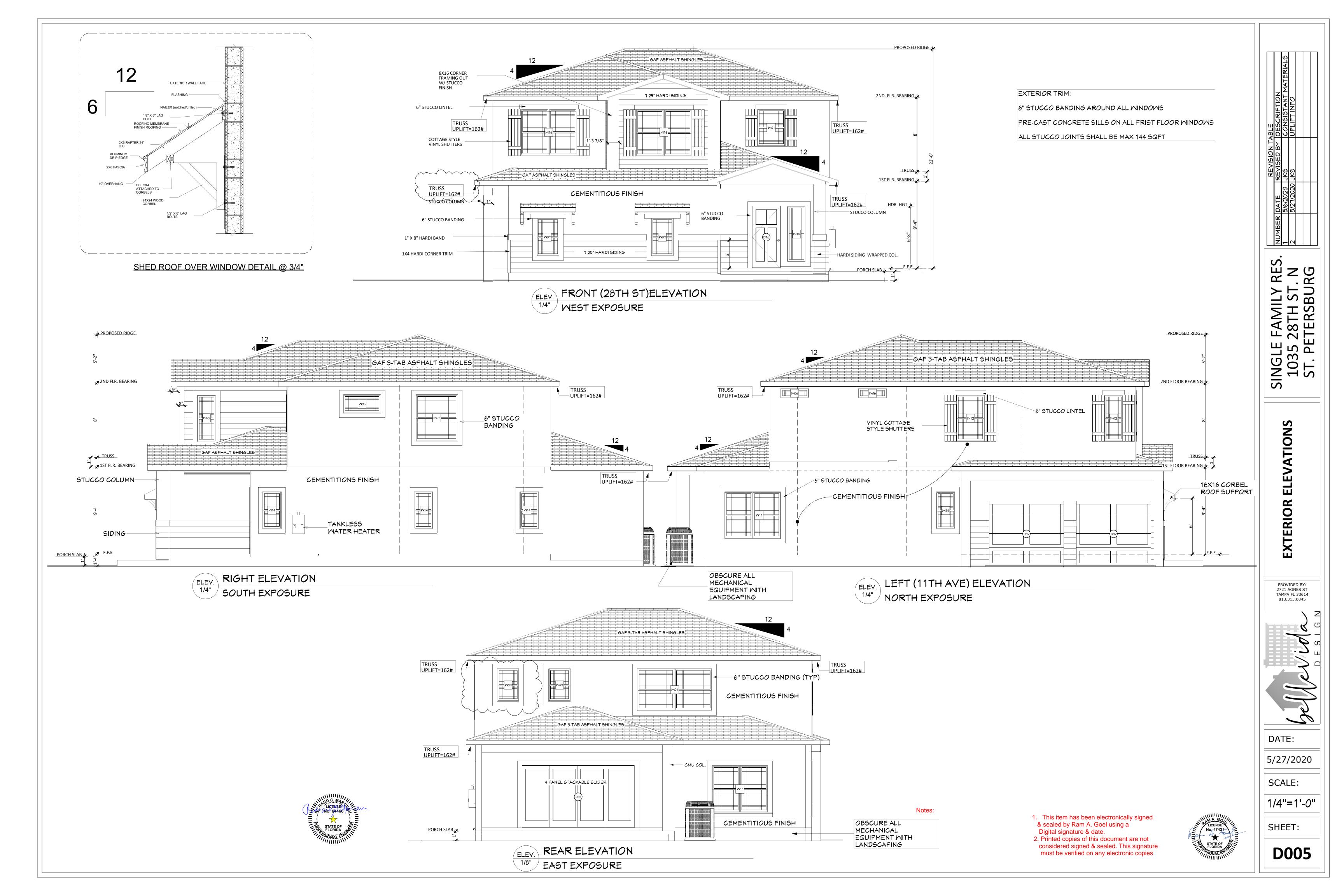
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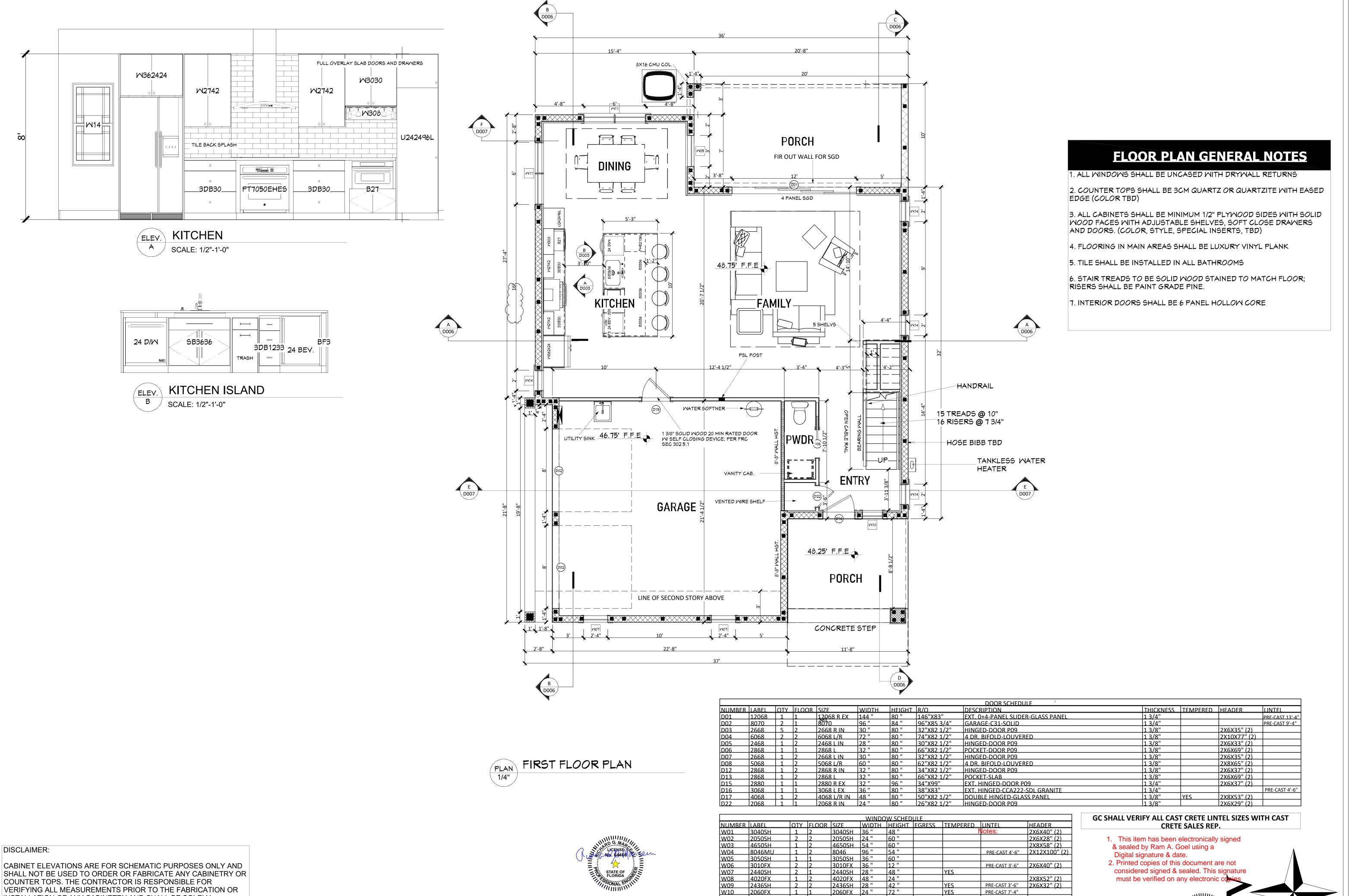
SINGLE 1035 ; ST. PE

DATE:

5/27/2020

D001





3050SH 36 " 2040SH 24 " 6050 72 "

PRE-CAST 3'-4" 2X6X40" (2)

INSTALLATION OF ANY CABINETRY AND SHALL BE SOLELY

RESPONSIBLE THEREAFTER FOR ALL CABINETRY WORK AND

INSTALLATION. THE DESIGN PROFESSIONAL WILL NOT BE HELD

LIABLE FOR ERRORS OR OMISSIONS. ALL FILLERS AND TRIM SHALL BE VERIFIED IN THE FIELD AND PRIOR TO ORDER / INSTALL (TYP.)

NUMBER DATE REVISION TABLE

1 5/6/2020 JKS MALL BLAN

SINGLE FAMILY RE 1035 28TH ST. N ST. PETERSBURG

**IRST FLOOR PLAN** 

PROVIDED BY: 2721 AGNES ST TAMPA FL 33614 813.313.0045

DATE:

5/27/2020

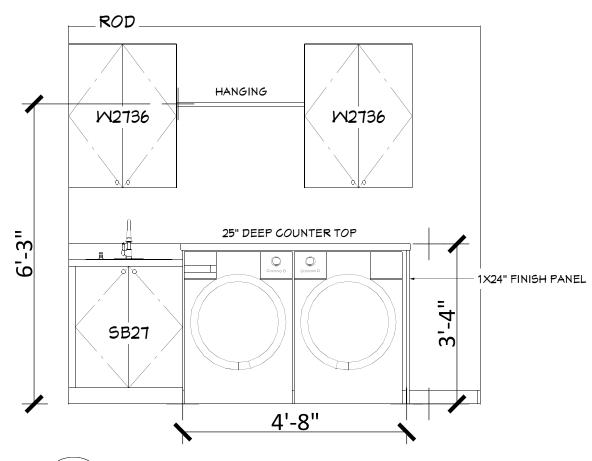
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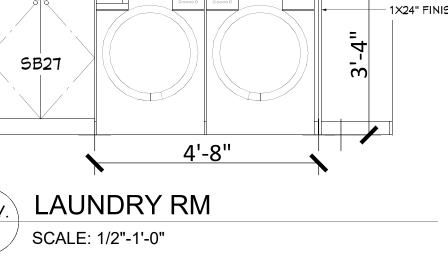
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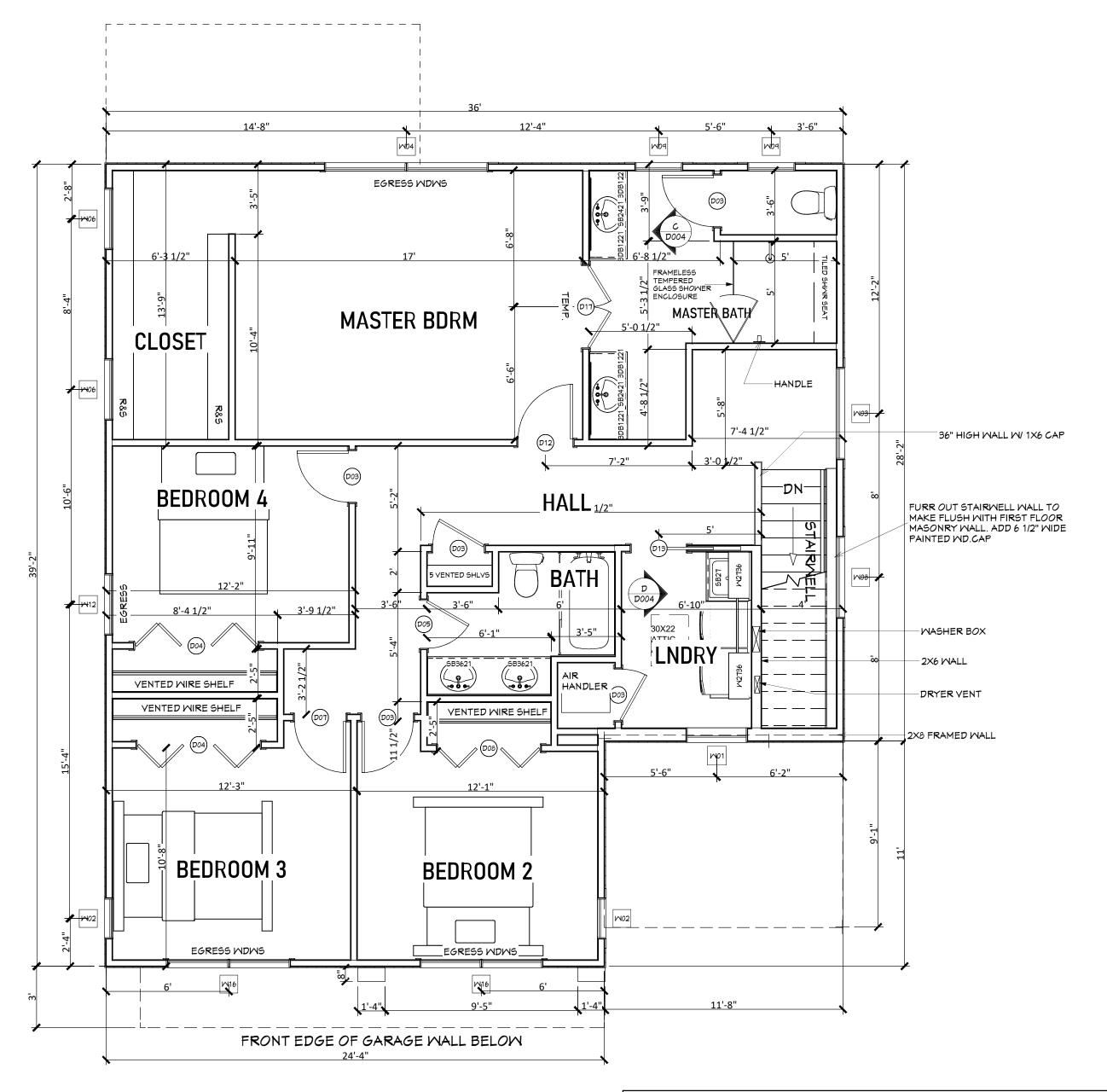
SHEET:

D003









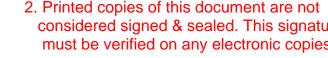


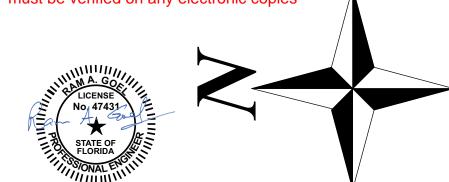
								DOOR SCHEDULE				
NUMBER	LABEL	OTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	THICKNESS	TEMPERED	HEADER	LINTEL
D01	12068	1	1	12068 R EX	144 "	80 "	146"X83"	EXT. 0+4-PANEL SLIDER-GLASS PANEL	1 3/4"			PRE-CAST 13'-4"
D02	8070	2	1	8070	96 "	84 "	96"X85 3/4"	GARAGE-C31-SOLID	1 3/4"			PRE-CAST 9'-4"
D03	2668	5	2	2668 R IN	30 "	80 "	32"X82 1/2"	HINGED-DOOR P09	1 3/8"		2X6X35" (2)	
D04	6068	2	2	6068 L/R	72 "	80 "	74"X82 1/2"	4 DR. BIFOLD-LOUVERED	1 3/8"		2X10X77" (2)	
D05	2468	1	2	2468 L IN	28 "	80 "	30"X82 1/2"	HINGED-DOOR P09	1 3/8"		2X6X33" (2)	
D06	2868	1	1	2868 L	32 "	80 "	66"X82 1/2"	POCKET-DOOR P09	1 3/8"		2X6X69" (2)	
D07	2668	1	2	2668 L IN	30 "	80 "	32"X82 1/2"	HINGED-DOOR P09	1 3/8"		2X6X35" (2)	
D08	5068	1	2	5068 L/R	60 "	80 "	62"X82 1/2"	4 DR. BIFOLD-LOUVERED	1 3/8"		2X8X65" (2)	
D12	2868	1	2	2868 R IN	32 "	80 "	34"X82 1/2"	HINGED-DOOR P09	1 3/8"		2X6X37" (2)	
D13	2868	1	2	2868 L	32 "	80 "	66"X82 1/2"	POCKET-SLAB	1 3/8"		2X6X69" (2)	
D15	2880	1	1	2880 R EX	32 "	96 "	34"X99"	EXT. HINGED-DOOR P09	1 3/4"		2X6X37" (2)	
D16	3068	1	1	3068 L EX	36 "	80 "	38"X83"	EXT. HINGED-CCA222-SDL GRANITE	1 3/4"		<u> </u>	PRE-CAST 4'-6"
D17	4068	1	2	4068 L/R IN	48 "	80 "	50"X82 1/2"	DOUBLE HINGED-GLASS PANEL	1 3/8"	YES	2X8X53" (2)	
D22	2068	1	1	2068 R IN	24 "	80 "	26"X82 1/2"	HINGED-DOOR ROSES:	1 3/8"		2x6x29" (2)	

J. redi	LICENSE STATE OF FLORIDA	
	WINING.	

					WINDO	W SCHED	ULE			
NUMBER	LABEL	OTY	FLOOR	SIZE	WIDTH	HEIGHT	EGRESS	TEMPERED	LINTEL	HEADER
W01	3040SH	1	2	3040SH	36 "	48 "				2X6X40" (2)
W02	2050SH	2	2	2050SH	24 "	60 "				2X6X28" (2)
W03	4650SH	1	2	4650SH	54 "	60 "				2X8X58" (2)
W04	8046MU	1	2	8046	96 "	54 "			PRE-CAST 4'-6"	2X12X100"(2)
W05	3050SH	1	1	3050SH	36 "	60 "				, ,
W06	3010FX	2	2	3010FX	36 "	12 "			PRE-CAST 3'-6"	2X6X40" (2)
W07	2440SH	2	1	2440SH	28 "	48 "		YES		` ′
W08	4020FX	1	2	4020FX	48 "	24 "				2X8X52" (2)
W09	2436SH	2	2	2436SH	28 "	42 "		YES	PRE-CAST 3'-6"	2X6X32" (2)
W10	2060FX	1	1	2060FX	24 "	72 "		YES	PRE-CAST 7'-4"	` ´
W11	6050MU	2	1	6050	72 "	60 "				
W12	3050SH	1	2	3050SH	36 "	60 "	YES		PRE-CAST 3'-4"	2X6X40" (2)
W14	2040SH	4	1	2040SH	24 "	48 "				` ′
W16	6050MU	2	2	6050	72 "	60 "				2X10X76" (2)

1. This item has been electronically signed	
& sealed by Ram A. Goel using a	
Digital signature & date.	
2. Printed copies of this document are not	
considered signed & scaled. This signature	





lered signed & seal be verified on any o	 $\Lambda$
LICENSE No. 47431	
LICENSE No. 47431 STATE OF FLORIDA	
William.	V

ABLE	REVISED BY   DESCRIPTION				
REVISION TABLE	REVISED BY				
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SINGLE F 1035 2 ST. PE

007 SECOND

2721 AGNES ST TAMPA FL 33614 813.313.0045

DATE:

5/27/2020

SCALE:

1/4"=1'-0"

SHEET:

**D004** 

DISCLAIMER:

CABINET ELEVATIONS ARE FOR SCHEMATIC PURPOSES ONLY AND SHALL NOT BE USED TO ORDER OR FABRICATE ANY CABINETRY OR COUNTER TOPS. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL MEASUREMENTS PRIOR TO THE FABRICATION OR INSTALLATION OF ANY CABINETRY AND SHALL BE SOLELY RESPONSIBLE THEREAFTER FOR ALL CABINETRY WORK AND INSTALLATION. THE DESIGN PROFESSIONAL WILL NOT BE HELD LIABLE FOR ERRORS OR OMISSIONS. ALL FILLERS AND TRIM SHALL BE VERIFIED IN THE FIELD AND PRIOR TO ORDER / INSTALL (TYP.)











# **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: 1035 28TH STREET NORTH; ST PETE, FL 33713 Case No.:
Detailed Description of Project and Request: Placement of driveway in front of property, entry/exit on to 11th Ave N
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 property is a corner lot (28th Street and 11th Avenue). On the north- east side of
lot, there is a large and deep drainage ditch. At the rear of the property, there is an alley, which is poorly kept. The alley dead ends at the rear of the property.
The alley does not open onto 11th Ave N, due to the drainage ditch. There is only one way into and out of the alley - off of 28th St N, right past 9th Ave N or
off of 27th St N, right past 9th Ave N.
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. 1046 27th Street N - driveway located at front of property;
3. How is the requested variance not the result of actions of the applicant? No actions have been taken by
applicant. This project is still under plan review and permitting.



## **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?
The requested variance is the minimum necessary to make reasonable use of the property because 1). the alley is not easily accessible and is in poor condition; 2). A culvert
over the drainage ditch is extensive and costly; 3). An extension of the alley to open onto 11th Ave is extensive, costly and contingent on the construction of a
culvert.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
Open the alley to 11th Ave N by building a culvert over the drainage ditch - not an alternative solution due to the extensive cost to complete the culvert
6. In what ways will granting the requested variance enhance the character of the neighborhood?
The placement of the driveway at the front of the property, with the entry/exit on 11th Ave N, will enhance the character of the neighborhood through the
construction of the a new single family residence that is appealing to the potential property owners and neighbors. It will also eliminate the aggravation
of having only a one way in and out to the property.