**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, **Assistant City Attorney Michael Dema** 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 5th 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 www.stpete.org/meetings for up-to-date information.

| | |
|---|---|
| CASE NO.: | 20-54000057 PLAT SHEET: L-6 |
| REQUEST: | Approval of a variance to install a driveway in the front yard with alley access in the NT-2 zoning district. |
| OWNER: | Anthony Costello and Susie Carbray<br>4035 7th Avenue North<br>Saint Petersburg, Florida 33713 |
| ADDRESS: | 4035 7th Avenue North |
| PARCEL ID NO.: | 15-31-16-58518-006-0120 |
| LEGAL DESCRIPTION: | On File |
| ZONING: | Neighborhood Traditional Single-Family (NT-2) |

**BACKGROUND:** The subject property is located on the North side of 7th Ave North and is zoned NT-2 (Neighborhood Traditional Single-Family). The property is within the Central oak Park Neighborhood Association. The lot measures 45-feet wide, 129.3-feet in depth and approximately 5,818.5 square feet in area. The minimum dimensional requirements for a lot in the NT-2 zoning district is 50-feet wide and 5,800 square feet in lot area. Thus, this lot is 10% substandard in lot width. The lot in question fronts to 7th Avenue North, and has a navigable alley in the rear. An existing sidewalk exists along 7th Avenue North. The property currently contains a single-family home constructed in 1959 and rear driveway accessed from the alley. The single-family home was originally constructed with a rear-facing attached garage, but per county records, this garage has since been enclosed. Per section 16.20.010.11, driveways shall be located off the rear if a navigable alley is present.

**CONSISTENCY REVIEW COMMENTS:** The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is **inconsistent** with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. *Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:*

   a. *Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.*

      This request does not involve a full redevelopment of the site. The single-family home would remain. This request is to add a front-loading driveway to the site.

   b. *Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.*

      As described above, this site is 10% substandard in lot width and meets the minimum lot area requirement.

   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.

   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. The Central Oak Park neighborhood is designed to emphasize alley access for the parking of cars on private property. The alley in the rear accommodates garbage pick-up and dump-truck traversal.

*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 self-imposed as the site has a navigable alley in the rear that currently has a driveway.

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

There is not an identifiable hardship present with the land that presents the applicants from utilizing the rear alley for parking.

4. *Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;*

The literal enforcement of this code does not deprive the applicants of reasonable use of the property. The intended single-family use and access to parking on the street or from the rear will still be available.

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 that provides for reasonable use of the land as there are parking options on the street and from the rear without the granting of this 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 hall face the alley.

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. 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. There is also street parking and public transportation that can be utilized to satisfy intended goals.

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 Central Oak Park Neighborhood Association. Staff has not received comment from the association. The applicant has provided ten signatures of support.

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

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

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through December 2nd, 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.
4. Maximum impervious surface on the site must not exceed 65%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.
5. Legal parking behind the front façade of the building must be provided on site and shown on any plans submitted of permitting. The site plan submitted for permitting must identify the number of bedrooms in the existing house. Required parking is two spaces for up to three bedrooms and one-half space for each additional bedroom as called out in 16.10.020.1 – Matrix: Use Permissions, Parking & Zoning.

ATTACHMENTS: Aerial, survey, photographs, property card, building permit history, applicant's narrative, signatures of support

Report Prepared By:

S/ Jaime T Jones 12-29-2020

Jaime Jones, AICP, Planner II Date
Development Review Services Division
Planning & Development Services Department

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


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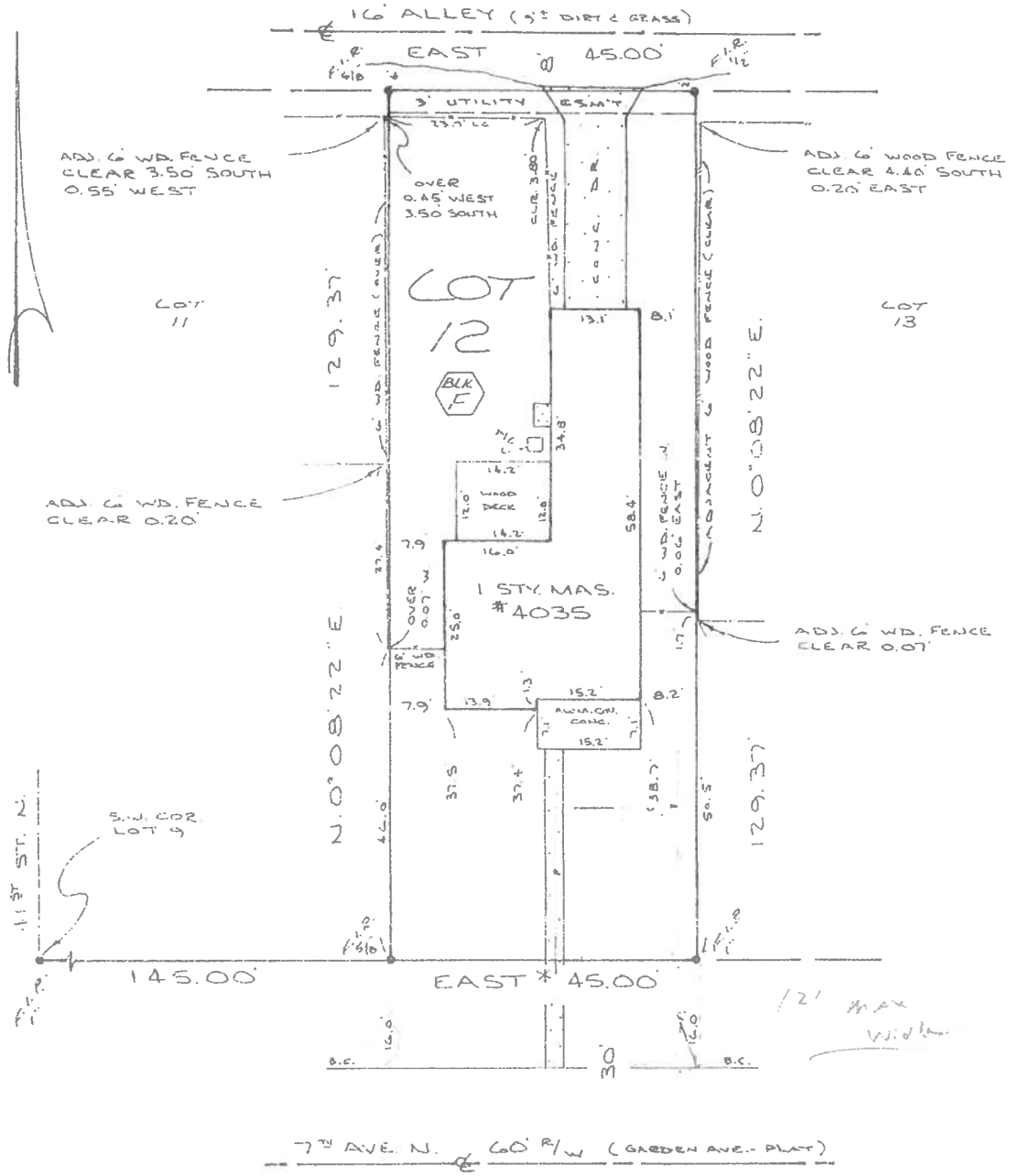
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 20-54000057
Address: 4035 7th Avenue North

N↑
(nts)




A BOUNDARY SURVEY OF: Lot 12, Block F, MONTEREY as recorded in Plat Book 14, Page 50 of the Public Records of Pinellas County, Florida.

**LANGTON SURVEYING, INC.** (L.B. 3218)
LAND SURVEYORS

6285 PARK BOULEVARD, PINELLAS PARK, FL 33781
TEL: 727-545-5900 • FAX: 727-545-9444

CERTIFIED TO: Anthony C. Costello & Susie M. Carbray
Bay Area Lending
Fidelity National Title Insurance Company

FOR THE PURPOSE OF:
[x] purchase [x] financing
[ ] refinancing
[ ] other
[ ] not limited to specific use

| JOB NO. | SURVEY DATE | DRAWN BY | CHECKED BY | SCALE: 1" = 20' | SEC. 15 | TWP. 31 | S. RGE. 16 |
|---|---|---|---|---|---|---|---|
| 071395 | 7-06-2007 | RB | E | | | | |

According to maps prepared by F.E.M.A., this property appears to be located in Flood Zone(s) "X" Community Panel No. 125148 0214 G Map Date 9/03/2003 Base Flood Elev. Unkn

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PARTY(IES) CERTIFIED TO ABOVE, AND IS LIMITED TO THOSE SO NAMED AND TO THE TRANSACTION CONTEMPLATED THEREBY. ANY OTHER PARTY(IES) OR USE OF THIS SURVEY WILL BE AT THE USER'S OWN RISK. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AN MAPPER. THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

IF THE APPROXIMATE LINE(S) OF FLOOD ZONES IS SHOWN ON THIS SURVEY IT HAS BEEN APPROXIMATED BASED UPON FLOOD MAPS THAT SCALE OF 1" = 500', MAKING AN EXACT LOCATION OF THE LINE IMPOSSIBLE TO DETERMINE ACCURATELY. THIS SURVEY WILL NOT BE RESPONSIBLE FOR DECISIONS CONCERNING FLOOD INSURANCE REQUIREMENTS BASED ON THE APPROXIMATE LINE(S) OF THE FLOOD ZONE(S) AS SHOWN HEREON.

UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATION AND / OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY.

OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY.
UNLESS OTHERWISE STATED ELEVATIONS SHOWN ARE BASED ON N.A.V.D. 1988.
ALL LOTS SHOWN ARE IN THE SAME BLOCK UNLESS OTHERWISE NOTED.
FOUND PROPERTY CORNERS THAT DO NOT SHOW A NUMBER HAVE NO IDENTIFYING CAP OR DISC.
BEARINGS AND DIMENSIONS ARE AS PLATTED UNLESS OTHERWISE NOTED.

Edward J. Langton, Jr. P.L.S. #3154 7/09/2007

LEGEND: * Basis of Bearings ASSUMED EAST ON THE NORTH R/W LINE OF 7TH AVE. N.

SEC - SECTION
TWP - TOWNSHIP
RGE - RANGE
F.I.P. - FOUND IRON PIPE
F.I.R. - FOUND IRON ROD
F.C.M. - FOUND CONCRETE MONUMENT
P.R.M. - PERMANENT REFERENCE MONUMENT
R - RADIUS
N - NORTH
S - SOUTH
E - EAST
W - WEST
P.O.L. - POINT ON LINE
R/W - RIGHT OF WAY
P.C. - POINT OF CURVATURE
P.T. - POINT OF TANGENCY
O.R. - OFFICIAL RECORDS
P - PLATTED INFORMATION
D - DEED INFORMATION
CALC - CALCULATED
ESMT - EASEMENT
O.H.P.L. - OVERHEAD POWERLINE(S)
O.H.T. - OVERHEAD TELEPHONE LINE(S)
O.H.U. - OVERHEAD UTILITY LINE(S)
℄ - CENTERLINE
-x-x- FENCE
-A.F.- ADJACENT FENCE
C.L.F. - CHAIN LINK FENCE
CONC. - CONCRETE OR PATIO STONE
C/C - COVERED CONCRETE
M/S - METAL SHED
PL - PLANTER
° - DEGREES WHEN USED IN A BEARING
' - MINUTES WHEN USED IN A BEARING
" - SECONDS WHEN USED IN A BEARING
FEET WHEN USED IN DISTANCE
" - INCHES WHEN USED IN DISTANCE
#8999 - ON FOUND PROPERTY CORNER INDIC. FLORIDA REGISTRATION OF PROFESSIONAL SURVEYOR & MAPPER OR COMP.
L.B. - LICENSE NO. FOR BUSINESS

SUBDIVISION MONTEREY LOT 12 BLOCK F

| BUILDING | ELECTRICAL | 15-31-16 PLUMBING L-6 |
|---|---|---|
| Location: 4035-7th Avenue No.<br>#12138A-D - 1/27/55 - $4500<br>Owner Charles Pinson - Four room and bath residence with porch and utility room (Type VI)(24' x 33')<br>NEVER REBUILT<br>#46788A-D - 2/2/59 - $6500<br>Owner Douglas Building Co. - Five room and bath residence with garage (29' x 61')(Type V)<br>#B674A- R3- 11/18/68 - $360.<br>Owner E. LeRoy Tice- Reroof residence with Class C (over 1) 4½/12 pitch. (Type V) Ray's Roofing, Contr. | #5964B-3-6-59- Douglas Bldg. Crump Elec.-6c 1b 9sw 18p 3ws 100 amp #2 1 meter 1 range 1 w.h.<br><br>INSTALLATION<br>#7290A-3/13/59-Douglas Bldrs. - McQueen Bros. Oil - 60,000 BTU Monogram W/F - 55 gal. drum on stand - Van Packer | #9585F - 2/12/59 - Douglas Bldg. Love Plbg. - c-1-s-b-ewh-washer<br><br>GAS |
| SIGNS | SEWER | SEPTIC TANK |
| | #9585F - 2/12/59 - Douglas Bldg. Love Plbg. - $5.00 tap | |

# Global Location Inquiry - Building Permit Applications

**Property address:** 4035 7TH AVE N

**Parcel Identification Nbr** 15/31/16/58518/006/0120/

| [ Application ] | | | | | [ Tenant ] | |
|---|---|---|---|---|---|---|
| Year | Number | Type | Status | Date | Number | Name |
| 15 | 10000598 | OACE | CL | 10/13/15 | | |
| 11 | 05000992 | ROOF | CL | 5/24/11 | | |
| 96 | 00038870 | FEN | CL | 7/18/96 | | |
| 93 | 10123089 | OLD | CP | 10/12/93 | | |
| 90 | 12310015 | OLD | CP | 12/31/90 | | |

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# 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:** 4035 7th Ave North, St Pete FL 33713 | **Case No.:**

**Detailed Description of Project and Request:** variance for street access parking area for two vehicles. either side by side parking or single driveway, complying with all city codes. We are open to adding sidewalks as the city requires this for all new construction. We are also open to removing the concrete parking area at the rear of the property if the variance is granted.

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

Of 14 properties between 40th and 41st street on 7th Ave North only 3 do not have street access driveways or parking areas. 7th Ave North is a narrow street and when opposing properties have cars parked on the street it sometimes prevents large trucks from passing. If we were granted a variance for street access parking it would conform to the general esthetic look of the street and improve traffic flow on 7th Ave North.

The width of 7th Ave N between 40th and 41st street North is 23 ft wide. The average car width is 6.5 ft. Two vehicles parked on opposite sides of the street would leave 10 feet between the two vehicles. The average truck width is 8.5 ft. That would leave only 9 inches on either side of a truck passing between the two opposing vehicles and that does not take into account the mirrors. If one of the opposing vehicles is not parked exactly with it's tires on the curb that leaves even less room for vehicle passage. A vehicle parked 9 inches from the curb would essentially prevent passage of a standard delivery vehicle or school bus leaving only 4.5 inches on either side of the passing vehicle.

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.

properties with street access parking on 7th Ave North between 40th Street and 41st Street- 4000, 4010, 4018, 4034, 4042, 4050, 4001, 4011, 4019, 4027, 4051.

properties with alley access parking on 7th Ave North between 40th Street and 41st Street- 4026, 4035, 4043.

There are two properties on 41st street contiguous with the the above listed properties on the corner of 41st street and 7th Ave.

the property at 695 41st Street North had alley access parking (between 7th and 6th Ave) and was later given a permit for a street access circular driveway (on 41st street).

the property at 701 41st Street North has street access parking.

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

The frequency of crime in the immediate neighborhood has increased over the years. Rear access to the property must be closely guarded. The rear access gate to the parking area must be chained and locked at all times, limiting easy access and making daily use of the code mandated rear access parking area a burden to the current residents. See police calls that resulted in police reports attached.

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# 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? |
| 11 of 14 properties on 7th Ave have street access driveways. These properties also have alley vehicular access to their backyard areas for boats, trucks, trailers, |
| motorcycles, etc. Their rear area parking is used for vehicles and equipment that is not used on daily basis. Their front access parking is for their primary daily |
| means of transportation. Rear access parking requires unlocking and opening gates, parking and then closing and locking gates, which is inconvenient |
| for daily use. |
| By allowing us to install a code compliant street access parking area it would improve the continuity and esthetic look of 7th Ave N., improve traffic |
| flow and put us on par with our neighbors for reasonable use of our property. |
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| 5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? |
| the parking area in the alley behind 4035 7th Ave North is behind an 8 ft rolling gate. |
| The gate must remain chained and locked at all times due to neighborhood crime. This means we can never just park our vehicles and come and go as needed. |
| When we did use the rear parking area in the past thieves attempted to steal our vehicle and caused permanent damage to our vehicle. |
| A small shed in the backyard next to the parking area has been broken into multiple times in broad daylight. |
| Our newest neighbors at 4043 7th Ave N also have rear access parking and had their lawn care equipment stolen out of their garage after just weeks of |
| moving in. Our neighbor across the alley on 8th Ave N had homeless people take up residence in their backyard in a travel trailer while they were on vacation. |
| Our neighbor at 4027 7th Ave North has had tools and construction equipment stolen from a shed in his back yard. I pulled police reports for 4035 7th Ave N and |
| 4038 8th Ave N. Of the many calls to St Pete Police Dept see attached list of calls that resulted in a police report. |
| |
| |
| 6. In what ways will granting the requested variance enhance the character of the neighborhood? |
| approving street access parking at 4035 7th Ave North it will minimize curb side parking and improve traffic flow on 7th Ave North. It will also conform to the esthetic |
| look of the vast majority of the other properties on the street. |
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# 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:** 4035 7th Ave North | **Case No.:**

**Description of Request:** we request a variance to install a street access parking area

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: 4043 7th Ave North, St Pete FL 33713
   Owner Name (print): VICTOR PEHRUENBACH
   Owner Signature:
2. Affected Property Address: 4010 7th Ave North, St Pete FL 33713
   Owner Name (print): PATRICIA SURPRENANT
   Owner Signature: Patricia Surprenant
3. Affected Property Address: 4051 7th Ave North, St Pete FL 33713
   Owner Name (print): Richard DiTullio
   Owner Signature: x Richard DiTullio
4. Affected Property Address: 4027 7th Ave North, St Pete FL 33713
   Owner Name (print): RICHARD BILLINGS
   Owner Signature: Richard Billings
5. Affected Property Address: 4026 7th Ave North, St Pete FL 33713
   Owner Name (print): Pierre Johnson
   Owner Signature:
6. Affected Property Address: 4042 7th Ave North, St Pete FL 33713
   Owner Name (print): x Jason Belcher
   Owner Signature: x
7. Affected Property Address: 695 41st North
   Owner Name (print): x ALBERT MYERS
   Owner Signature: x
8. Affected Property Address: 701 41st Street N
   Owner Name (print): Adam Laxton
   Owner Signature: x


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# 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:** 4035 7th Ave North | **Case No.:**

**Description of Request:** we request a variance to install a street access parking area

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: 4011 7th Ave North, St Pete FL 33713
   Owner Name (print): ~~Celia Hazlewood~~ Jasmine Bryant
   Owner Signature: J. Bryant
2. Affected Property Address: _____ 7th Ave North, St Pete FL 33713
   Owner Name (print):
   Owner Signature:
3. Affected Property Address: _____ 7th Ave North, St Pete FL 33713
   Owner Name (print):
   Owner Signature:
4. Affected Property Address: _____ 7th Ave North, St Pete FL 33713
   Owner Name (print):
   Owner Signature:
5. Affected Property Address: _____ 7th Ave North, St Pete FL 33713
   Owner Name (print):
   Owner Signature:
6. Affected Property Address: _____ 7th Ave North, St Pete FL 33713
   Owner Name (print):
   Owner Signature:
7. Affected Property Address:
   Owner Name (print):
   Owner Signature:
8. Affected Property Address:
   Owner Name (print):
   Owner Signature:


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