



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

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## 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, April 7, 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 [www.stpete.org/meetings](http://www.stpete.org/meetings) for up-to-date information.

CASE NO.: 21-54000007 PLAT SHEET: F-36

REQUEST: Approval of a variance to reduce the 10-foot-wide exterior green yard to 6.5 feet to accommodate two (2) ADA parking spaces in the NT-1 Zoning District.

OWNER: St. Petersburg Care Realty, LLC  
c/o Jacob Karmel  
22 Herrick Drive  
Lawrence, New York 11559

AGENT: Doug Bartholomew  
896 73<sup>rd</sup> Avenue North  
Saint Petersburg, Florida 33702

ADDRESSES AND PARCEL ID NOS: 521 69<sup>th</sup> Avenue North; 31-30-17-44478-000-0010  
6911 Turner Street North; 31-30-17-61146-101-0010  
537 Atwood Avenue North; 31-30-17-61146-108-0090

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional Single Family (NT-1)

**BACKGROUND:**

The existing nursing home was established in the 1950s. The property consists of three (3) large pieces of property that are separated from one another by the existing street network. The eastern parcel is located at the northeast intersection of 69<sup>th</sup> Avenue North and Turner Street North, the center parcel is located north of 69<sup>th</sup> Avenue North between Turner Street North and Laurel Street North, and the western parcel is located at the northwest corner of 69<sup>th</sup> Avenue North and Laurel Street North. The eastern parcel consists of two (2) one-story ancillary buildings, the center parcel consists of a one (1) two-story nursing home building and two (2) one-story ancillary buildings, and the western property consists of a two (1) one-story ancillary building. The uses located in the ancillary buildings include: storage, laundry, maintenance, administration, dining, therapy and a kitchen.

**REQUEST:**

The applicant is requesting approval of a variance to reduce the 10-foot-wide exterior green yard to 6.5 feet to accommodate two (2) ADA parking spaces. The proposed ADA spaces will be located south of one-story building at the southwest corner of the center parcel. The significant amount of green space will be removed to accommodate these spaces.

**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 property is currently developed. However, there are other locations on the subject property that can accommodate the two ADA parking spaces that will be in close proximity to the existing buildings and that will not negatively impact the single-family residential uses that are located on the south side of 69<sup>th</sup> Avenue North.

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 property complies with the NT-1 lot width, lot depth and lot size standards.

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

NA

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

NA

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

There are significant number of shade trees on the subject property. However, the applicant has not exhausted all options. An arborist report was not submitted that identifies the condition of the existing trees. An arborist report will help in determining if existing shade trees could be removed to accommodate the new ADA parking spaces.

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

The addition of the ADA parking spaces in the green yard along 69<sup>th</sup> Avenue North could impact the existing character by removing a large green space and replacing it with a large, paved area in the front yard. The new parking area is approximately 1,020 square feet in size.

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

The proposed project does not include public facilities.

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

It does not appear that the applicant has not exhausted all options. An arborist report was not submitted that identifies the condition of the existing trees. An arborist report will help in determining if existing shade trees could be removed to accommodate the new ADA parking spaces. The area located along the west side of the center parcel along Laurel Street North could potentially accommodate the new ADA parking spaces. This area is located across the street from the western parcel of the subject property and thus should not impact the single-family residences along 69<sup>th</sup> Avenue North.

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

The applicant has the potential of locating the ADA parking spaces elsewhere on the subject property without the need to request a variance.

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 subject property is currently developed. The ADA parking spaces can potentially be accommodated elsewhere on the subject property.

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

The request is not the minimum needed to accommodate the ADA parking spaces when there are potentially other areas on the subject property that can accommodate the ADA parking spaces.

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

The granting of the variance will not be in harmony with the general purpose and intent of the Code. The granting of the variance may potentially impact the appearance of the neighborhood by removing green space and replace it with a large, paved area.

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

The granting of the variance may potentially be injurious to the residential properties that are located on the south side of 69<sup>th</sup> Avenue North.

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

The applicant has provided responses to the variance narrative, attached to the report. The responses do not prove hardship. The applicant states the need for the variance since the property is currently developed with multiple buildings and significant number of trees. The location of these existing improvements limits where the ADA parking spaces that are required by HUD can be located on-site.

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.*

NA

**PUBLIC COMMENTS:** No additional comments or concerns were expressed to staff at the time this report was prepared.

**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. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

**ATTACHMENTS:** Aerial, site plan, photographs, applicant's narrative, codes compliance report, letters of support

Report Prepared By:



3.26.21

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Corey Malyszka, Urban Design and Development Coordinator  
Development Review Services Division  
Planning & Development Services Department

Date

Report Approved By:



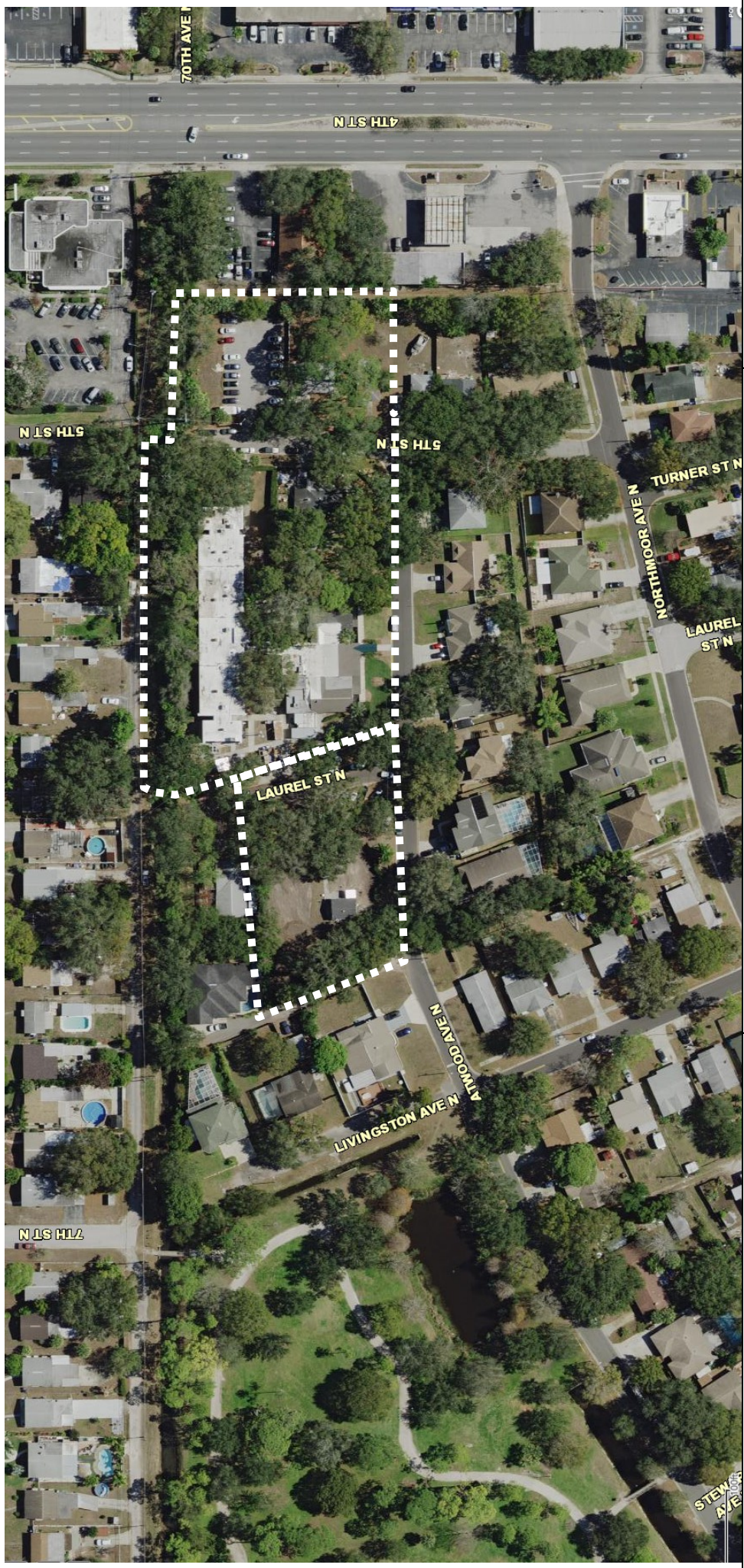
3.26.21

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

Date

JCB:CDM



Project Location Map  
City of St. Petersburg, Florida  
Planning and Development Services  
Department  
Case No.: 21-5400007  
Address: 521 69<sup>th</sup> Avenue North, 6911  
Turner Street North, 537 Atwood Avenue  
North

