

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, May 5, 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.: 21-54000026 PLAT SHEET: L-9

REQUEST: Approval of a variance to rear yard setback from 10-feet to 1.78-feet for

an existing storage structure planned for conversion into an Accessory

Dwelling Unit in the NT-1 Zoning District.

OWNER: IMH 4 LLC

3351 Covered Bridge Dr. Eat Dunedin, FL 34698

ADDRESS: 1711 Scranton Street South

PARCEL ID NO.: 27-31-16-65916-000-0120

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional - 1 (NT-1)

DRC Case No.: 21-54000026

The applicant requests approval of a variance to the rear yard setback from 10-feet to 1.78-feet of an existing storage structure/shed planned for conversion into an Accessory Dwelling Unit (ADU) in the NT-1 Zoning District.

Structure	Required	Requested	Variance	Magnitude
Conversion of storage structure to ADU	10 feet	1.78 feet	8.22 feet	82%

BACKGROUND: The subject property consists of an 8,720 square-foot parcel which currently contains a principal dwelling and an approximately 735 square foot accessory shed in the NT-1 Zoning District. The lot is a through lot, however a majority of lots on the block use the 46th Street South frontage as a rear yard, so that frontage has been established as the rear of the property (see Attachment A – Location Map). The construction date of both the house and the shed appear as 1925 in the County Property Appraiser's records (see Attachment B); there is no construction date on the City's property card. The City property card does indicate that the location of the shed was granted a variance in 1985 under Case No. 85-6-011 (see Attachment C). This approval, however, only authorized the structure for use as a shed and not as an ADU. The applicant proposes to convert the shed to an ADU, however because the rear setback of the shed is insufficient for an ADU, a setback variance is required.

Conversion of the shed into an ADU commenced without a building permit. Plans for the ADU are located in Attachment D – Application, and have already been submitted for building permit approval (BP20-11000570) and have received zoning comments pertaining to the amount of fenestration on the facades and a request to show required off-street parking. From the submitted survey it appears that there is sufficient space on the property to provide required off-street parking. This property is subject to an on-going Codes Enforcement case related to use of the shed as an unpermitted dwelling and unauthorized dwelling units in the main house (Case 20-00018468).

Regarding the location of the structure, due to an angle in the street and sidewalk of 46th Street South, there is a setback of approximately 7 to 8 feet from the shed to the sidewalk. Surrounding land uses are single-family residential. In terms of consistency of the structure with other setbacks to 46th Street South, there is an accessory structure on the lot to the north and a house to the south at #1725 which are located within the rear yard setback. These structures are similar in age to the subject structure (see Attachment E – Photos.) Further south on 46th Street South there is a house at #1744 which also appears to be located in the required rear yard setback. The applicant has provided information in the application regarding the rear setback of structures to the sidewalk on adjacent properties which indicate setbacks of 5'11" on 1744 Scranton Street South. A setback dimension for 1511 Scranton Street South has also been provided by the applicant, however that house is located on the block to the north of the subject block and is too far for comparison purposes. The other structures on this block-face appear to comply with required rear setbacks or are non-habitable garage structures in the setback.

Given the following considerations, the request was found to be inconsistent with the purpose and intent of the Code.

PHYSICAL HARDSHIP RELATED TO THE SUBJECT PROPERTY:

The physical hardship related to this property is the existing location of the subject structure.

Page 3 of 5

DRC Case No.: 21-54000026

CONSISTENCY REVIEW COMMENTS:

Planning & Development Services Department staff reviewed this application in the context of applicable criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards at Section 16.70.040.1.6 Variances, Generally:

- 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 project does involve re-use of an existing structure.
 - 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 shape and size of the lot is not a factor in this application.
 - c. Preservation district. If the site contains a designated preservation district.
 - The property is not located in a preservation district.
 - d. Historic Resources. If the site contains historical significance.
 - The property is not historically significant.
 - e. Significant vegetation or natural features. If the site contains significant vegetation or other natural features.
 - The site does not contain significant natural features.
 - f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.
 - Retention of the existing structure in the current location would not serve to preserve a valued development pattern.
- 2. The special conditions existing are not the result of the actions of the applicant;
 - This factor does not apply to this application.
- 3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;
 - It would not be a hardship to remove the old shed in order to construct a new ADU with proper setbacks. The applicant has self-created a hardship by converting the shed to an ADU without permits.
- 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;
 - Strict application of the applicable ordinance would not restrict reasonable use of the property, there appears to be sufficient space on the property to build a compliant structure.

Page 4 of 5

DRC Case No.: 21-54000026

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

- The structure is existing, therefore this criteria does not apply.
- 6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;
 - The granting of the variance would not be in harmony with the general purpose and intent
 of this chapter which at Section 16.10.010.4.J. Setbacks, is to "ensure that an effective
 separation is provided between properties, structures and uses to foster compatibility,
 identity, privacy, light, air and ventilation." In this case, the rear setback does not allow for
 sufficient privacy for the unit itself, or an opportunity to provide landscaping along that
 frontage.
- 7. The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare:
 - The granting of the variance would be injurious to the public welfare because it would be inconsistent with the general purpose and intent of the above-referenced Land Use Regulations Chapter.
- 8. The reasons set forth in the application justify the granting of a variance;
 - The reasons set forth in the application do not justify granting of variance.
- 9. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.
 - This criterion is not applicable. No nearby nonconforming situations are being considered except in analysis of the context of the corridor.

PUBLIC COMMENTS: The subject property is within the boundaries of the Childs Park Neighborhood Association. As of the date of this report, Staff has received no comments from this Neighborhood Association, CONA, FICO or the public.

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

CONDITIONS OF APPROVAL: Should the vicariance be 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 conditions:

- 1. Any outstanding public liens, assessments, or property taxes shall be paid.
- 2. This variance approval shall be valid through May 5, 2024. 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. The plans submitted for permitting should substantially resemble those submitted with the approved variance application. Proper permits shall be obtained including a Tree Removal Permit. Approval of this variance does not grant or imply variances from other sections of the City Code or other applicable regulations.

DRC Case No.: 21-54000026

4. Inspections shall be required; failure to obtain inspections will invalidate the variance and the permits.

Report Prepared By:

/s/Cheryl Bergailo

4/26/21

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II

Date

Development Review Services Division

Planning & Development Services Department

Report Approved By:

Jennifer C. Bryla, AICP, Zoning Official (POD)

Development Review Services Division

Rlanning & Development Services Department

ATTACHMENTS: A) Location Map, B) County Appraiser's Property Card, C) City Property Card, D) Application, E) Photos





ATTACHMENT – A

Project Location Map

City of St. Petersburg, Florida

Planning and Development Services Department

Case No.: 21-54000026

Address: 1711 Scranton Street South



IMH 4 LLC 3351 COVERED BRIDGE DR E TAMPA, FL 34698-9314

2020 27-31-16-65916-000-0120

PRINTED 10/16/2020

Page 1 of 1

BY jarmstrong

APPRAISAL DATES

06/30/2020

123

Permit

REVIEW DATE

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NOTES

ATTACHMENT - C City's Property Card

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ATTACHMENT - D Application

VARIANCE

Application No. <u>21-54000026</u>

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

	GENERAL INFORMATION
NAME of APPLICANT (Property Own	ner): IMH 4 LLC
Street Address: 3351 Covered Bridge D	rr. East Dunedin, FI 344698
City, State, Zip: Dunedin, Florida 34698	· · · · · · · · · · · · · · · · · · ·
Telephone No: 727.470.3533	Email Address: imh4realestate@gmail.com
NAME of AGENT or REPRESENTA	ATIVE: Mirco A. Tbaldo
Street Address: 3351 Covered Bridge D	Dr. East Dunedin, Fl 344698
City, State, Zip: Dunedin, Florida 34698	
Telephone No: 727.470.3533	Email Address: imh4realestate@gmail.com
PROPERTY INFORMATION:	
Street Address or General Location	1711 Scranton St. S St. Petersburg, Fl 33711
Parcel ID#(s): 27-31-16-65916-000-0120	
DESCRIPTION OF REQUEST: Varian	ce to establish rear yard setback from 10' to 1.78' and establish rear
structure as an accessory dwelling unit.	
PRE-APPLICATION DATE: 03/13/2020	0 PLANNER:

FEE SCHEDULE

1 & 2 Unit, Residential - 1st Variance \$350.00 3 or more Units & Non-Residential - 1st Variance \$350.00

Each Additional Variance \$100.00 After-the-Fact \$500.00 Docks \$400.00

Flood Elevation

\$300.00

Cash, credit, checks made payable to "City of St. Petersburg"

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner / Agent*:	Mostalo	/ Roshme	Date:	03/	03/	12021	
*Affidavit to Authorize Agent required,	, # signed by Agent.	,		•	1		
Typed Name of Signatory:	MIRCO A TIBALDO						



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: 1711 Scranton Street S Case No.:
Detailed Description of Project and Request:
Variance to establish rear yard setback from 10' to 1.78' and establish rear structure as Accessory Dwelling Unit
What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?
main structure (house) and accessory structure was constructed circa 1920 on a rectangular lot. the unique characteristic of the site is its historic make up
Original structures are in their historic location
 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.
3. How is the requested variance not the result of actions of the applicant?
variance is not the result of any action of applicant. applicant purchased this property as is.



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?
Requested variance fro m10' to 1.78' is the minimum necessary for reasonable use because it officially documents the existing conditions.
the character of the neighborhood includes the make up of this property and other properties. The character of the neighborhood will be maintained.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
no alternatives considered. conditions is existing.
6. In what ways will granting the requested variance enhance the character of the neighborhood?
the character of the neighborhood includes the make up of this property and other properties. The character of the neighborhood will be maintained.



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
Stree	t Address: Case No.:
Desc	ription of Request:
The u	ndersigned adjacent property owners understand the nature of the applicant's request and do not talk (attach additional sheets if necessary):
1.	Affected Property Address:
	Owner Name (print):
	Owner Signature:
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PUBLIC PARTICIPATION REPORT

App	olica	tion	No

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

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

APPLICANT REPORT
Street Address:
Details of techniques the applicant used to involve the public
(a)Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located
2. Summary of concerns, issues, and problems expressed during the process
2. Summary of concerns, issues, and problems expressed during the process
NOTICE OF INTENT TO FILE
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o
Judy Landon at variance@stpetecona.org), by standard mail to Federation of Inner-City Community Organizations
(FICO) (c/o Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712) and by email to all other Neighborhood
Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application
Meeting Notes. The applicant shall file evidence of such notice with the application.
Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO:
□ Attach the evidence of the required notices to this sheet such as Sent emails.

JOB NO.:

191748

DRAWN BY: CHECKED BY: **MCM EDM**

DATE OF FIELD WORK: 11/1/19

MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS.

5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

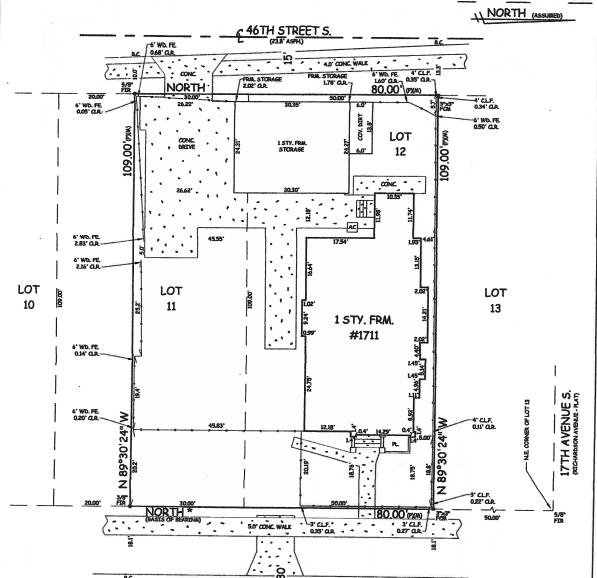
FAX (727) 344-4640

CERTIFIED TO: IMH 4 LLC

SCALE: 1" = 20'

Survey not valid for more than one (1) year from date of field work.

SEC. 27 TWP. 31 S. RGE. 16 E.



A BOUNDARY SURVEY OF: Lot 12 and the North 30 feet of Lot 11, PALMWAY SUBDIVISION, as recorded in Plat Book 6, Page 94 of the Public Records of Pinellas County, Florida.

SCRANTON STREET S. (46TH STREET S. - PLAT) (60' R/W 24.0' ASPH.)

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: X Comm. Panel No.: 125148 0214 G Map Date: 9/03/03 Base Flood Elev: NA

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASE THE LANDS ARO NOT YISBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENT OF REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENT OF REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENT HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A GUIREMIT THE SERVEY.

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* BEARINGS SHOWN ARE ASSUMED

R. - RADIUS A. - ARC C. - CHORD A. - DELTA RAW - RIGHT # - NUMBER MAS. - MASC

MAS - METAL SHED ALLM. - ALLMINILM W.H. - WATER HEAT P.S. - PATIO STONE C.P. - CARPORT PL. - PLANTER B.C. - BACK OF CUR E.P. - EDGE OF PAN

WWW - WING WALL

Q - CENTERLINE
RAW - RIGHT OF WAY
(P) - PLAT
(C) - CALCULATION
(D) - DIEED
Q40 - MEASURED
N. - NORTH
S. - SOUTH

ESR'I. - EASCHIN
M.H. - MANHOLE
CONC. - CONCRE
CLR. - CLEAR
COL. - COLUMN
WD. - WOOD
BLK. - BLOCK
SW - SEAWALL
ASPH. - ASPHAL

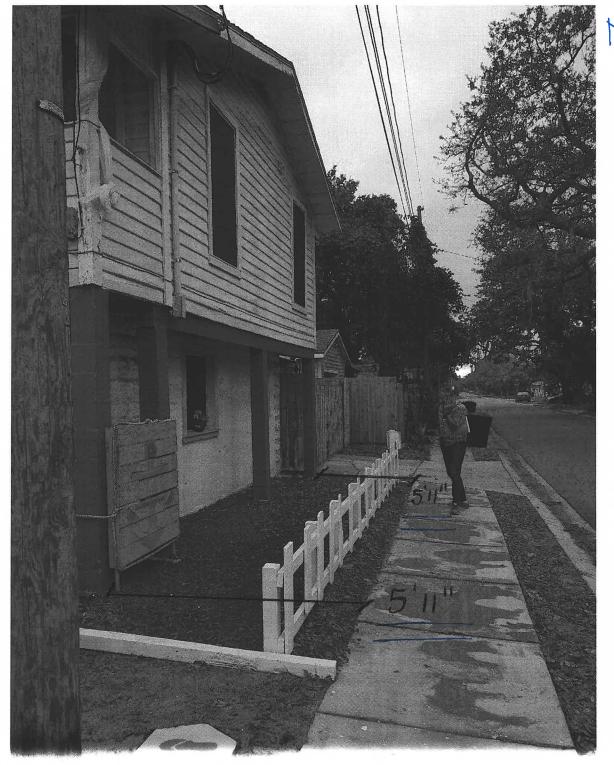
Heighbor:

ISII SCRAMTON SI S

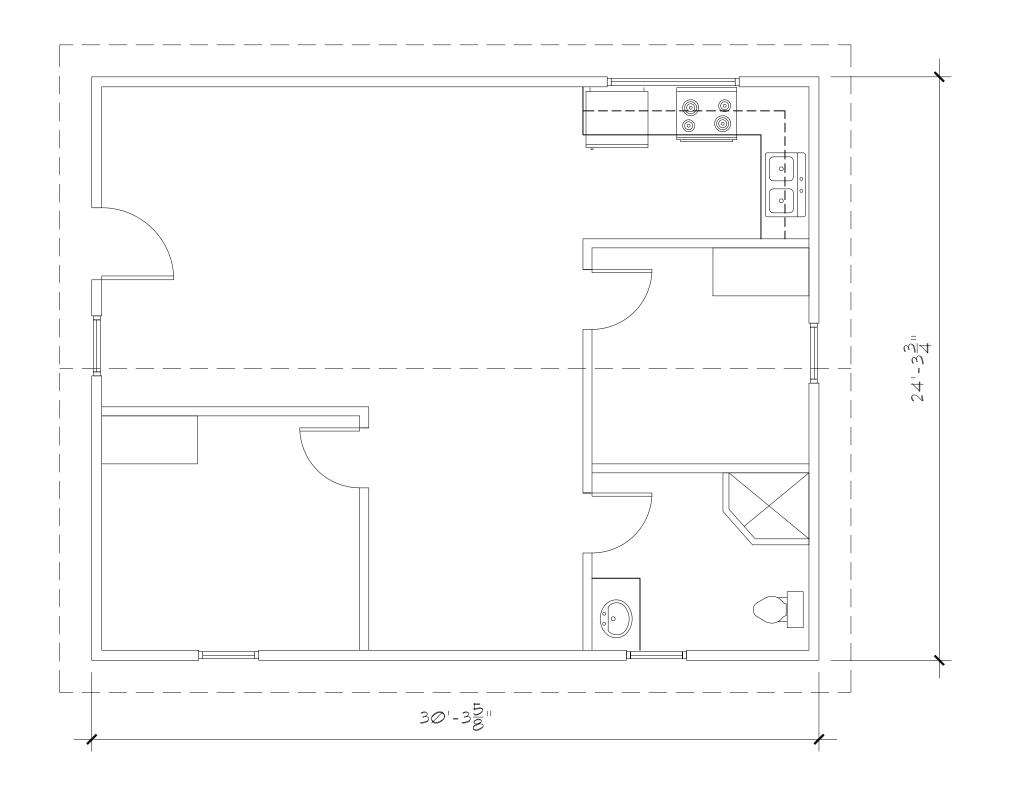


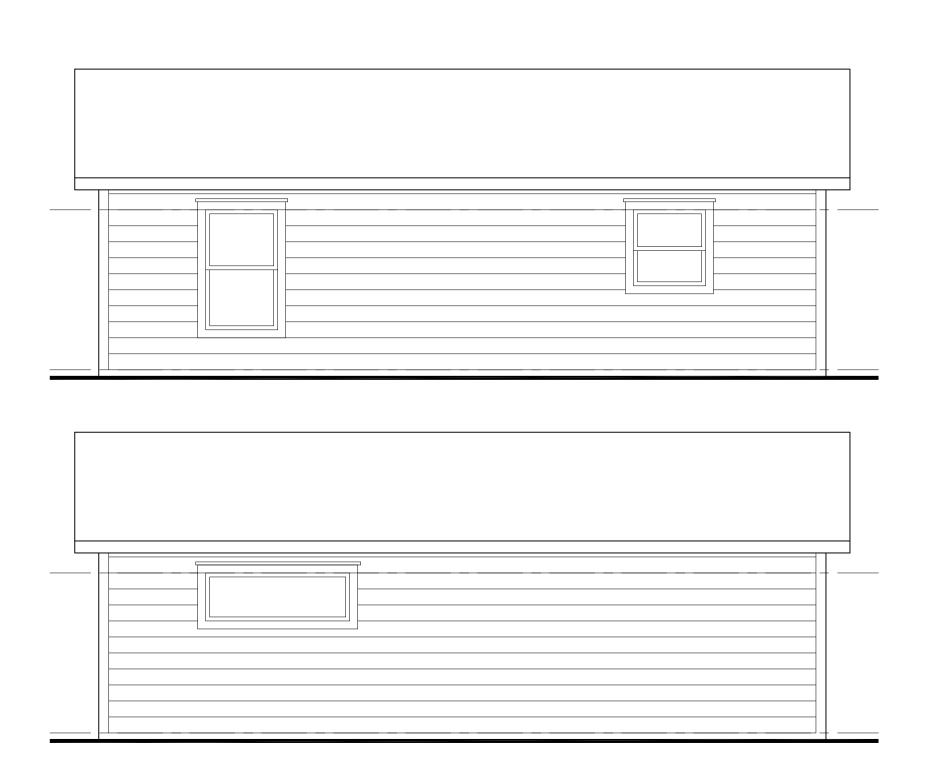
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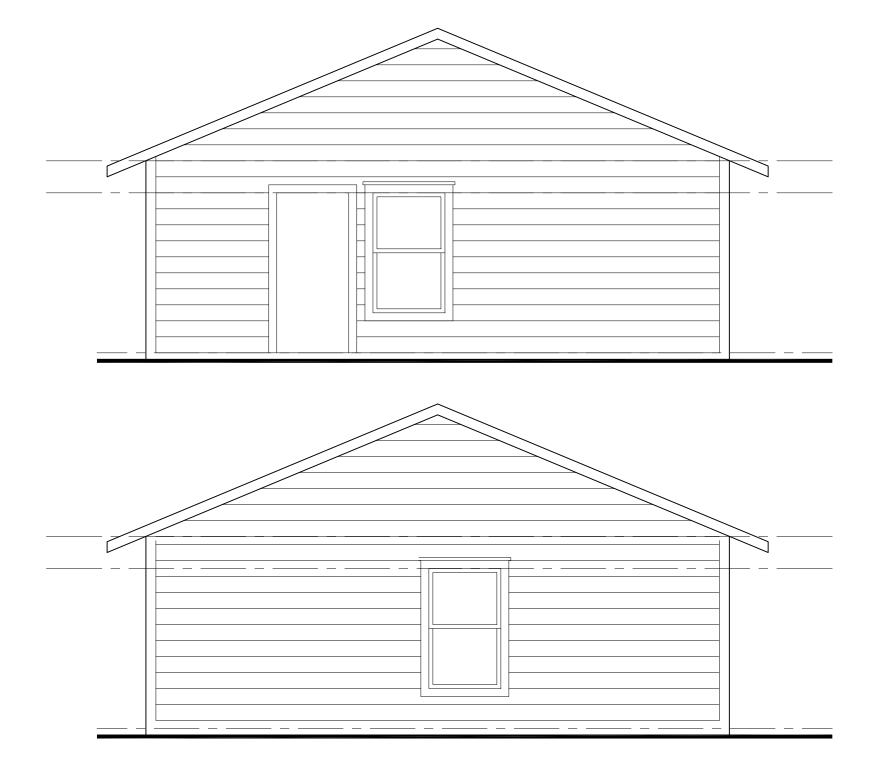
1744 Scrawbon 86.

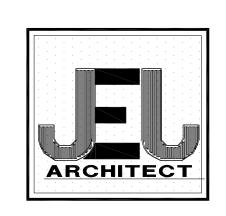


MEIGHBOR
1744 SCRAMTON
ST. S.









JOB NUMBER

ISSUE DATE

DRAWN BY

REVISIONS

A

LICENSE #: AR0015839

JAMES E. JACKSON, JR., A.I.A., NOMA
4225 ALBERCA WAY SOUTH
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LICENSE #: AR0015839
f: 727.864.1575 ph: 813.679.4654 e: jakfam6@msn.com
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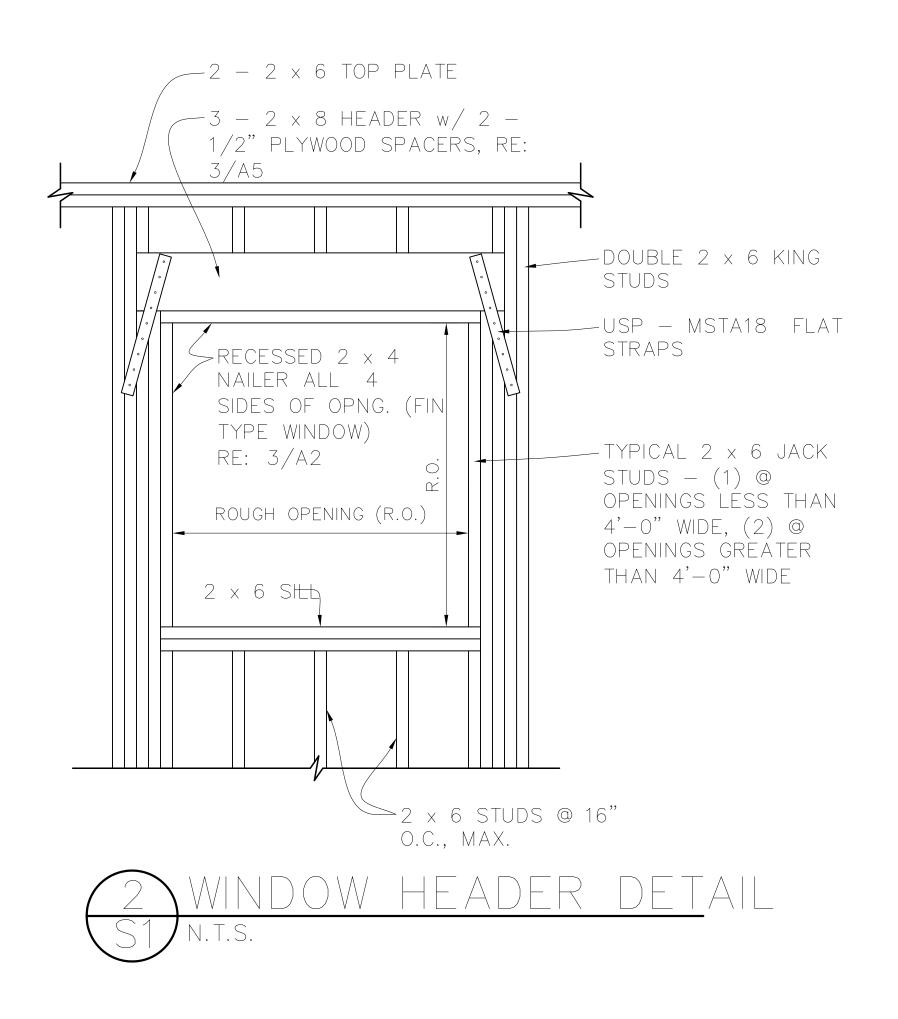
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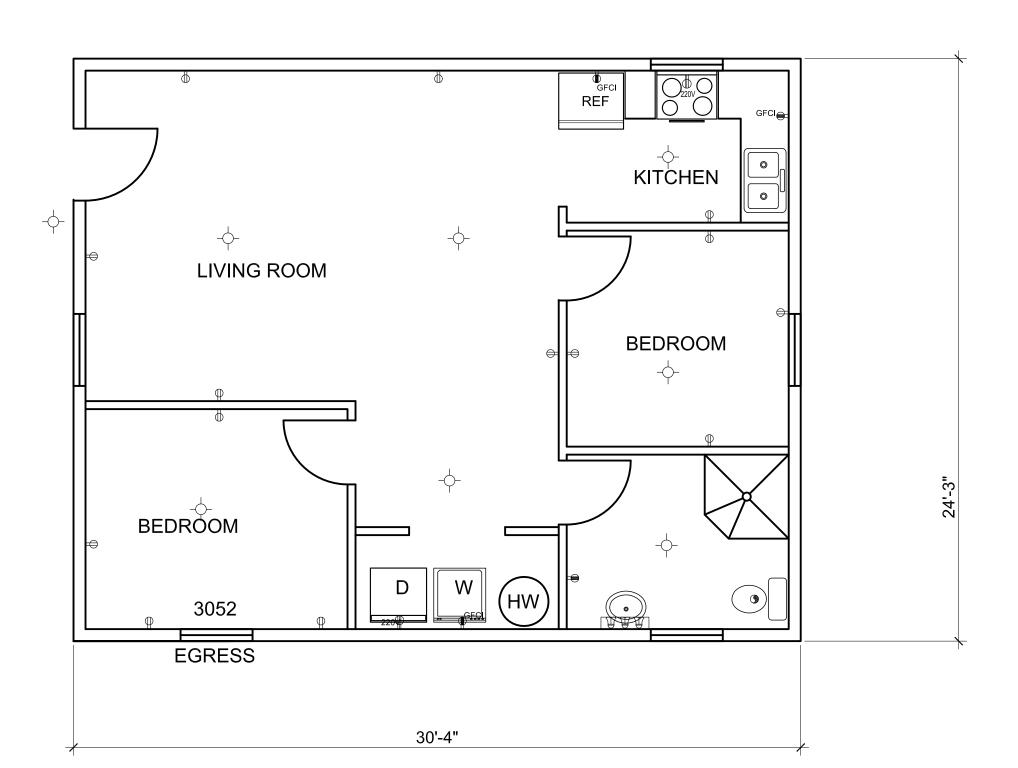
17111/2 SCRANTON STREET SOUTH

ST PETERSBURG, FLORIDA

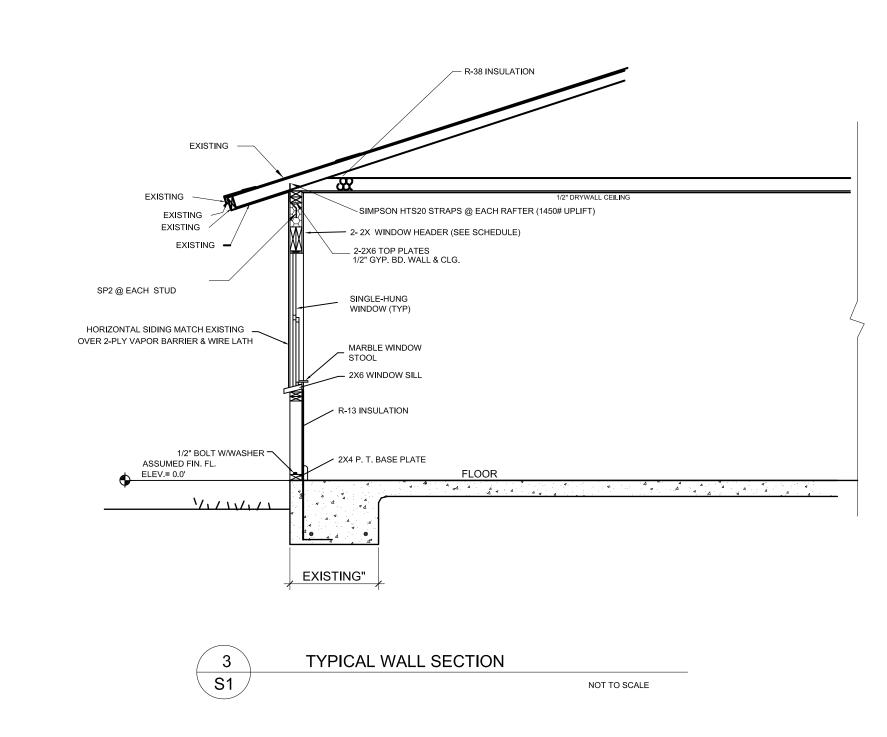
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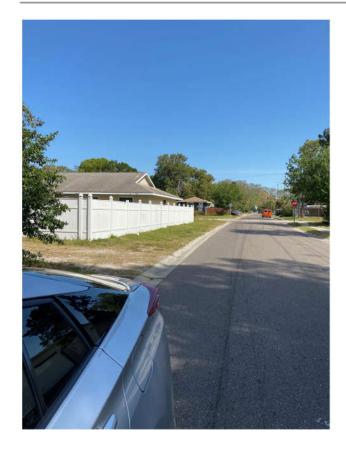
EXISTING FLOOR PLAN/ NOTES SHEET NUMBER















Panoramic view across 46th Street S between house across street and the ADU (on right).



Attachment E—Site Photos



View to south side of ADU (provided by applicant).



View to west side of ADU (provided by applicant).



View to north side of ADU (on right) (provided by applicant).



View to east side of ADU and south side of main house (provided by applicant).



Attachment E—Site Photos

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



View to front of main house (provided by applicant).



View to south of ADU, along the east side of 46th St S. toward #1725 and #1744.



View further down 46th St S. toward #1744.



Attachment E—Site Photos

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