



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

EXECUTIVE SUMMARY

DEVELOPMENT REVIEW COMMISSION - REQUEST TO AMEND CONDITION OF APPROVAL 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, June 2, 2021 at 10:00 A.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. 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.: 19-54000048 PLAT SHEET: K-15

REQUEST: Approval of an amendment to a previously approved DRC decision (DRC Case No. 19-54000048). The request is to remove the condition of approval requiring preservation of the Grand Live Oak on Lot 9 from the previously approved variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and lot area from 5,800 square-feet required to 5,300 square-feet for two (2) non-conforming lots in common ownership.

OWNER: Andy Buy Houses LLC
1340 13th Avenue South, Suite B
St. Petersburg, Florida 33705

ADDRESSES AND
PARCEL ID NOS.: 3734 28th Avenue South; 34-31-16-05526-008-0080
3728 28th Avenue South; 34-31-16-05526-008-0090

LEGAL DESCRIPTION: Lots 8 and 9, Block 8, Bayview Terrace

ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

BACKGROUND: On August 7, 2019 the Development Review Commission approved by a vote of 7 to 0 a variance to lot width from 75-feet required to 50-feet and lot area from 5,800 square feet required to 5,300 square feet for two (2) non-conforming lots in common ownership for Lots 8 and 9, Block 8, Bayview Terrace Subdivision. The variance request was approved with a condition that the Grand Live Oak located on Lot 9 (Parcel ID: 34-31-16-05526-008-0090) be preserved. Since that approval Lot 9 was sold to a new owner, the applicant, who is now requesting that the condition to preserve the Grand Live Oak be removed in order to construct a new single-family residence on Lot 9.

The applicant applied for a Tree Removal Permit (Building Permit No. 21-36000069) to have the Grand Live Oak removed. The City's Urban Forester conducted an inspection of the tree in which it was acknowledged that the subject tree is centered within the site and contains a low canopy height that does not support successful preservation efforts while also allowing for the property to be reasonably developed, see attached BP21-36000069 Inspection Results Comments. The City's Urban Forester did not approve the tree removal permit due to the condition of approval from DRC Case No. 19-54000048 requiring preservation of the Grand Live Oak. A survey showing the location of the Grand Live Oak and the hazard areas from the tree is attached.

PUBLIC COMMENTS: The subject property is within the boundaries of the Perry Bayview Neighborhood Association. At time of publication of this report staff has not received any comments in opposition or in support of the requested variance.

STAFF RECOMMENDATION: Based on a review of the application the Planning and Development Services Department Staff recommends **APPROVAL** of the requested removal of the condition of approval requiring preservation of the Grand Live Oak.

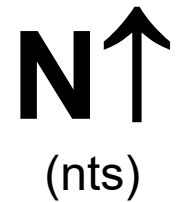
CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans and elevations submitted for permitting for Lot 9 should substantially resemble the plans and elevations submitted with this application.
2. In addition to the minimum required two (2) shade trees to be planted on-site the applicant shall plant one (1) Live Oak (*Quercus virginiana*) with a minimum 6-inch caliper, in the front yard, or within the public right-of-way immediately in front of the subject property, to be located near the platted lot line between Lots 8 and 9.
3. This approval amending the conditions of approval of DRC Case No. 19-54000048 shall be valid through August 7, 2022, the original expiration date for approval of DRC Case No. 19-54000048. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
4. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Project Location Map, Photographs, Application, Applicant's Narrative, Site Plan, Floor Plan, Elevation Drawings, DRC Case No. 19-54000048 Staff Report, DRC Case No. 19-54000048 Results Letter, BP21-36000069 Inspection Results Comments, Survey

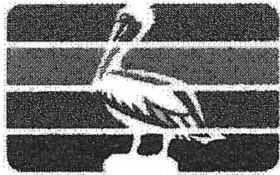


Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-54000048
Address: 3728 and 3734 28th Avenue South









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www.stpete.org

VARIANCE

Application No. 19-54000048

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 Owner): Terrance Williams & Ashley Black	
Street Address: 1340 13th Avenue South # B	
City, State, Zip: St Petersburg, Florida, 33705	
Telephone No: 214-962-9311	Email Address: ablack@archqualityinvestments.com
NAME of AGENT or REPRESENTATIVE:	
Street Address:	
City, State, Zip:	
Telephone No:	Email Address:
PROPERTY INFORMATION:	
Street Address or General Location: 3728 28th Avenue South, St, Petersburg, FL 33711	
Parcel ID#(s): 34-31-16-05526-008-0090	
DESCRIPTION OF REQUEST:	
Change of conditions to a previously approved variance.	
PRE-APPLICATION DATE:	PLANNER:

FEE SCHEDULE

1 & 2 Unit, Residential - 1 st Variance	\$350.00	Each Additional Variance	\$100.00
3 or more Units & Non-Residential - 1 st Variance	\$350.00	After-the-Fact	\$500.00
		Docks	\$400.00
		Flood Elevation	\$300.00

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

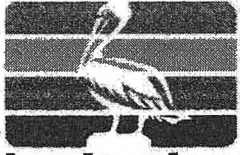
AUTHORIZATION

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*: Ashley Black Date: 2-12-21
 *Affidavit to Authorize Agent required, if signed by Agent.
 Typed Name of Signatory: Ashley Black / Terrance Williams



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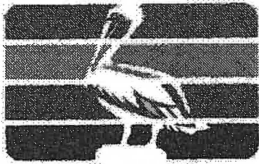
VARIANCE

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 be 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:	3728 28th Avenue South, 33711
Case No.:	19-5400048
Detailed Description of Project and Request: Change conditions of a previously approved variance. We are in the process of attempting to build a new construction property on the lot recently purchased. However, the Grand Live Oak tree prohibits the development as it is located at the center of the lot.	
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 only characteristic that is unique is that the Grand Live Oak tree is centered in the middle of the property.	
These characteristics justify the requested variance as the new construction is unable to be developed without removal and replacement of the Grand Live Oak Tree.	
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.	
Our next door neighbor is currently developing a similar property. However, there is no tree or structure preventing their development.	
Their address is 3734 28th Avenue South, 33711	
3. How is the requested variance not the result of actions of the applicant?	
The requested variance is not a result of the actions of the applicant because we purchased the lot as-is with the Grand Live Oak tree pre-existing.	



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 be 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.

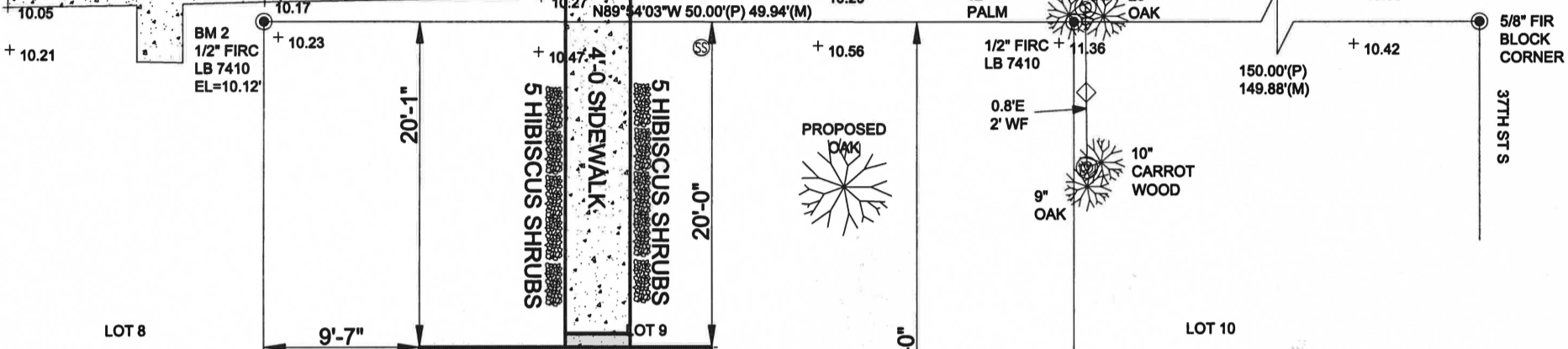
APPLICANT NARRATIVE	
4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?	<p>The requested variance is the minimum necessary to make reasonable use of the property because the Grand Live Oak tree placement prevents any structural development on the lot. ✓</p>
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?	<p>There are no other alternatives that could be taken into consideration.</p>
6. In what ways will granting the requested variance enhance the character of the neighborhood?	<p>Granting the requested variance will enhance the character of the neighborhood as there will be an opportunity for a potential homeowner to enjoy a new home - and the neighborhood value will be enhanced due to this development. Additionally, the Grand Live Oak trees will remain in the neighborhood.</p>

+ 9.23 + 9.31 + 9.40 20' ASPHALT + 9.48 + 9.61 + 9.69

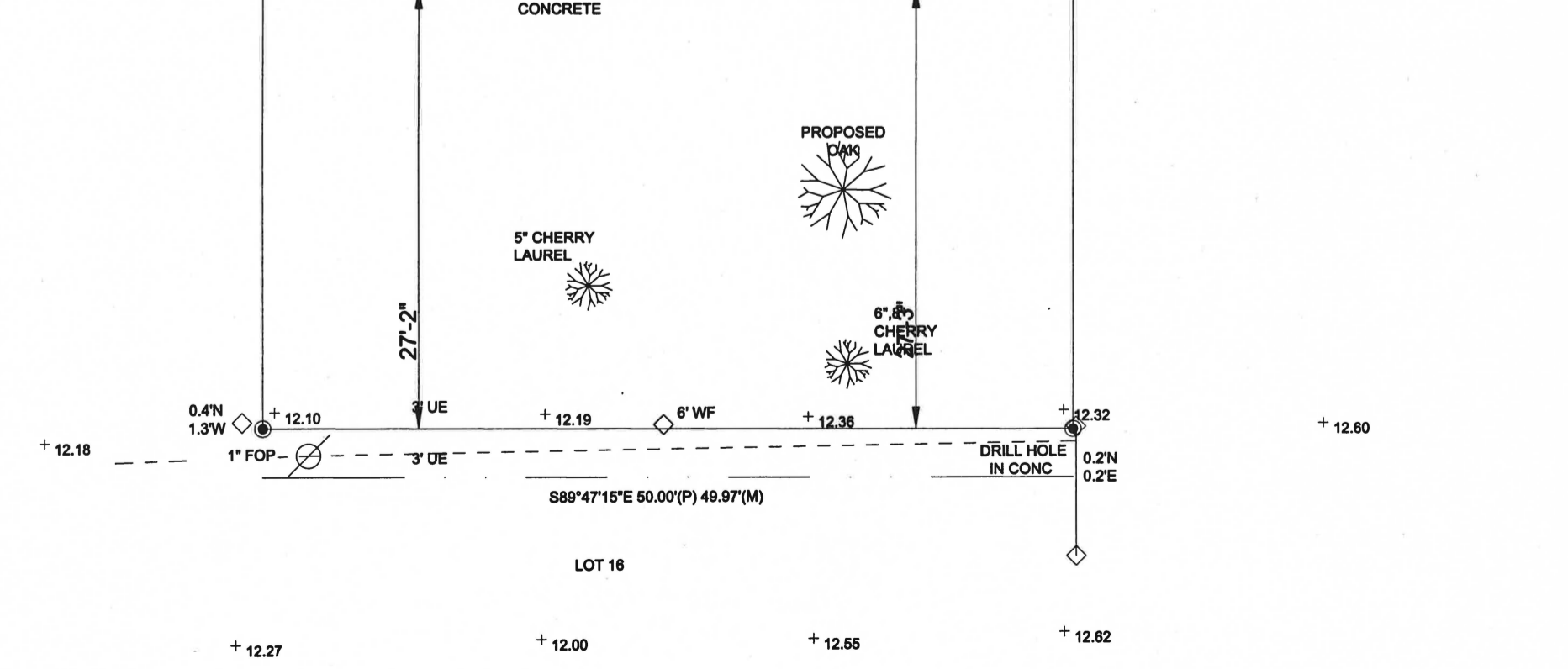
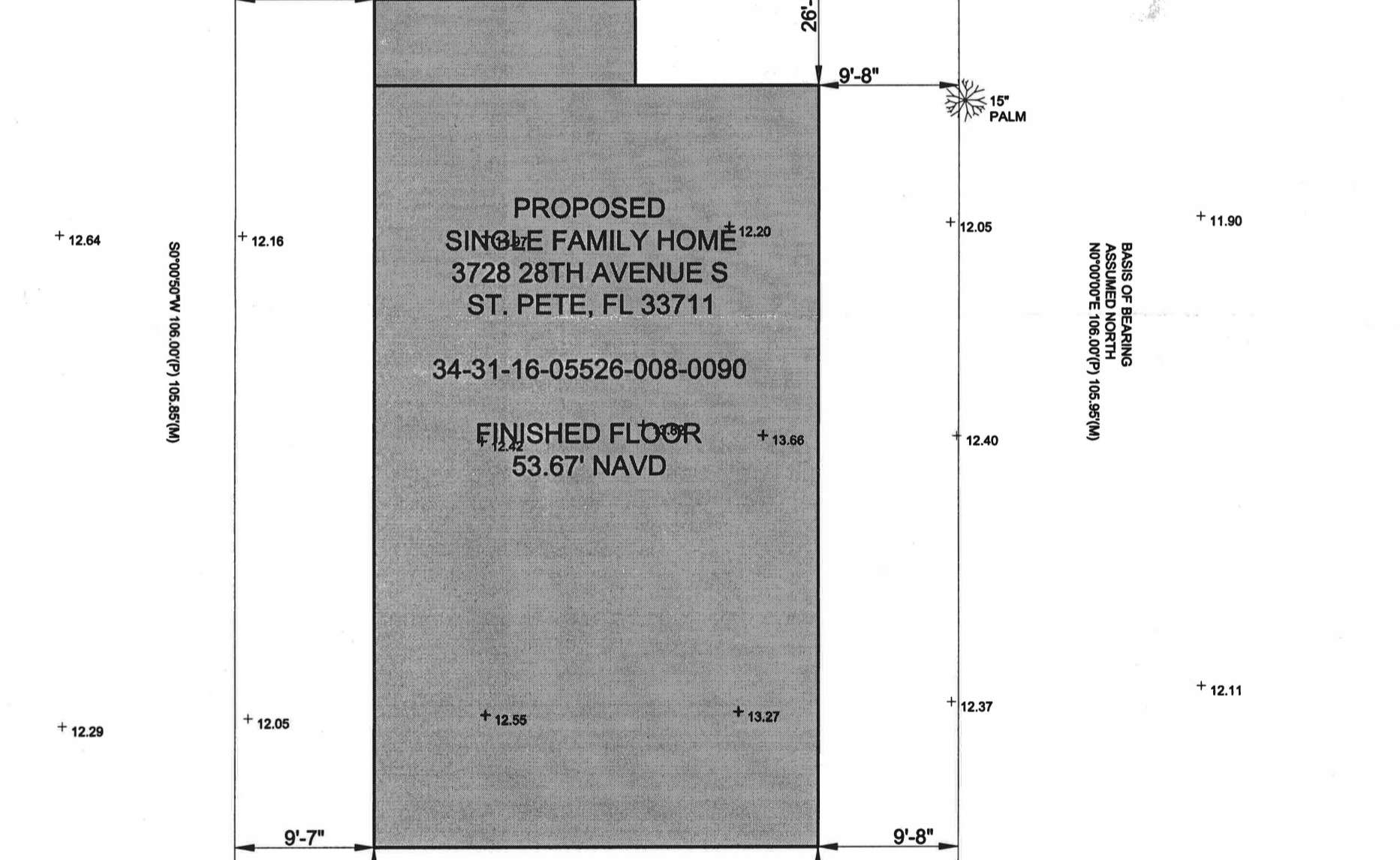
25TH AVE S(PLAT)
28TH AVE S(FIELD) 50' ROW

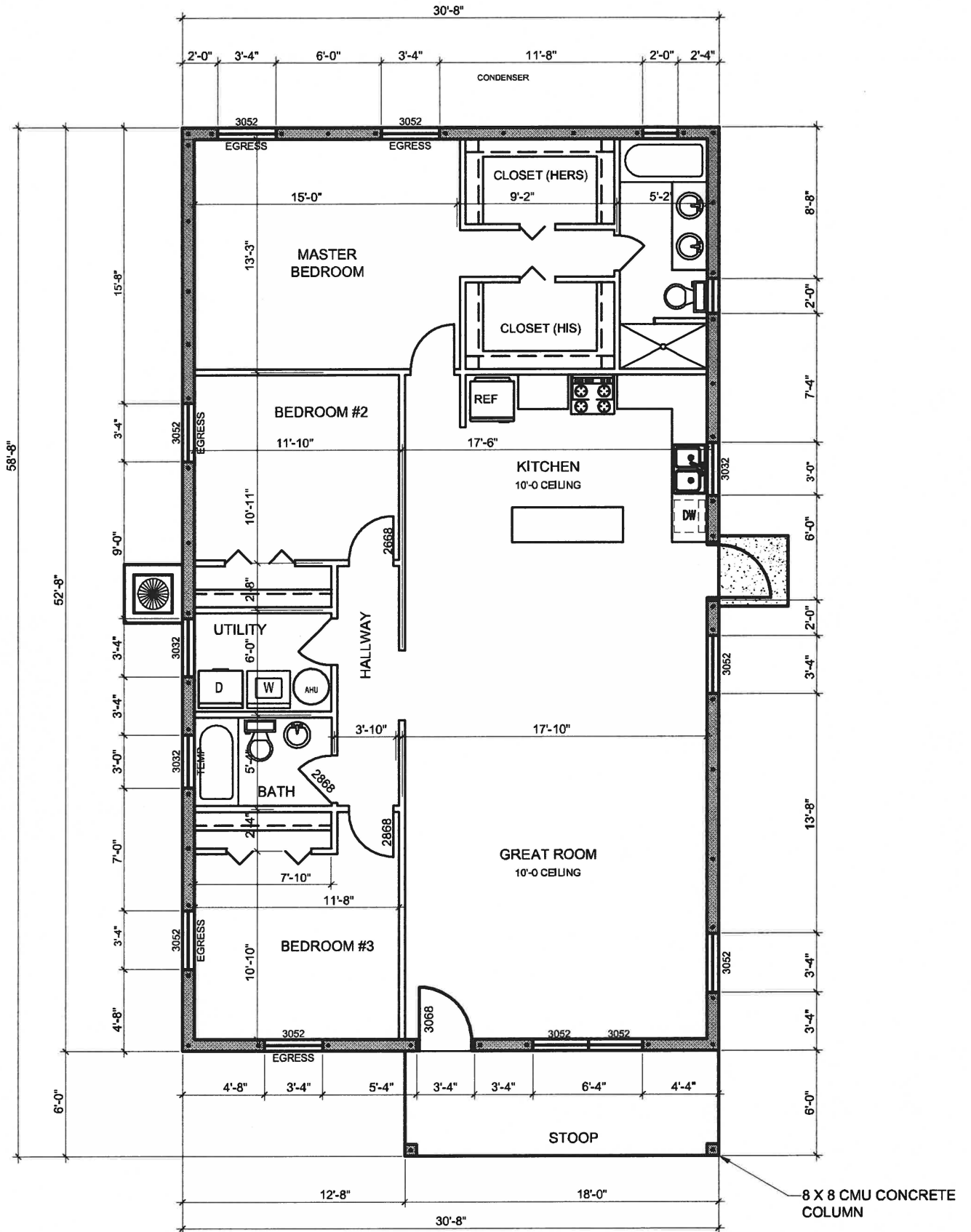
8.98 9.09 9.12 2' VALLEY GUTTER 9.20 9.24 9.40
9.15 9.26 9.31 9.40 9.51

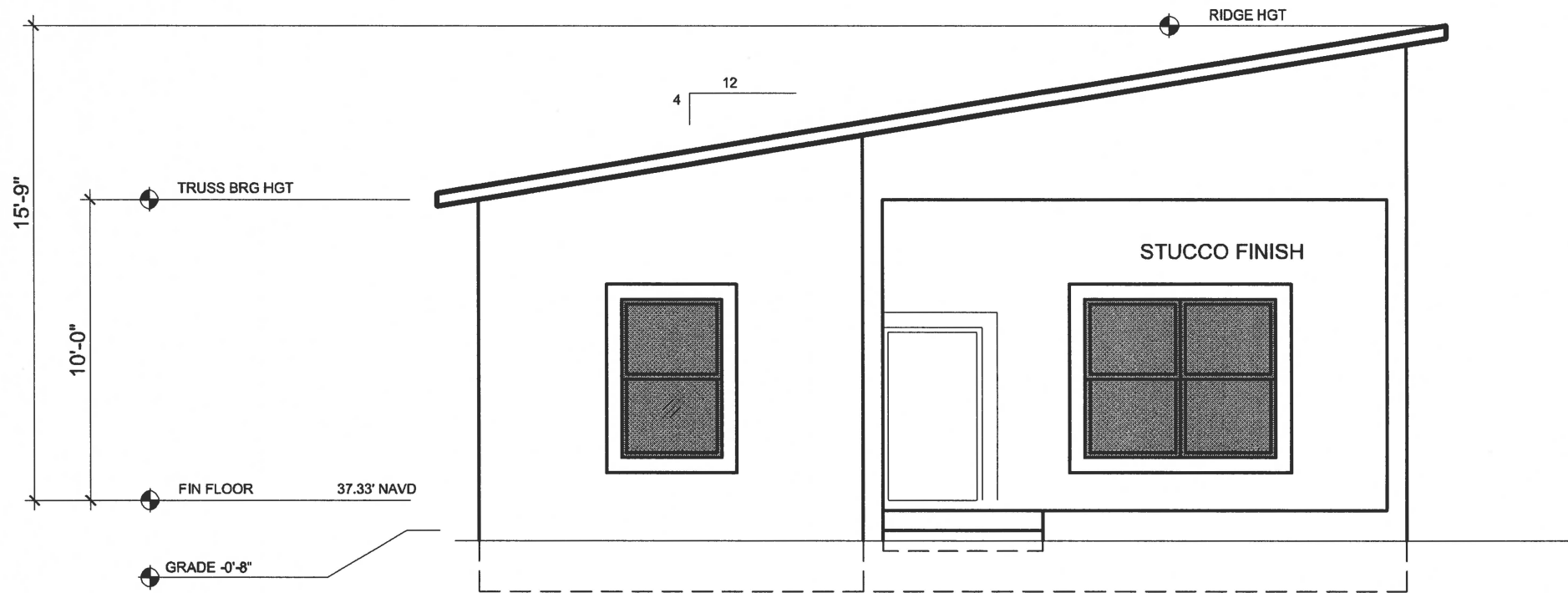
9.65 9.80 10.20 4" SIDEWALK 10.24 10.23 10.19
10.05 10.17 10.27 N89°34'03"W 50.00'(P) 49.94'(M) 10.29 12" PALM 20" OAK 10.38



PROPOSED
SINGLE FAMILY HOME
3728 28TH AVENUE S
ST. PETE, FL 33711
34-31-16-05526-008-0090
FINISHED FLOOR
53.67' NAVD



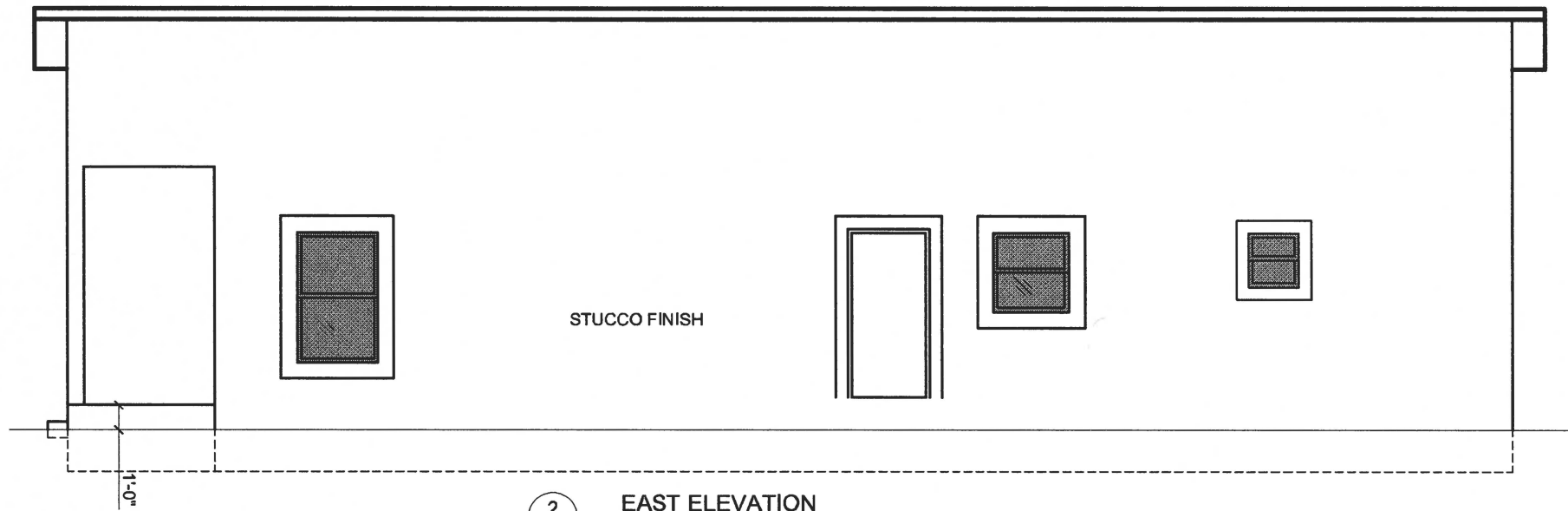




1
S4

FRONT - SOUTH ELEVATION

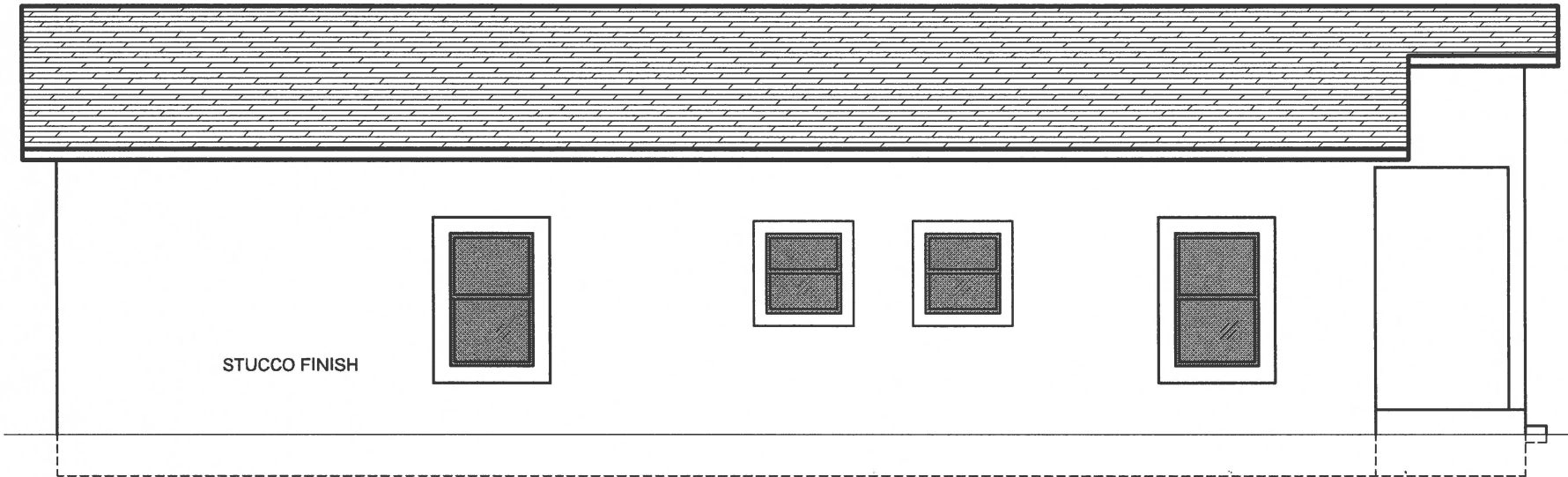
SCALE 3/16" = 1'-0"



2
S4

EAST ELEVATION

SCALE 3/16" = 1'-0"

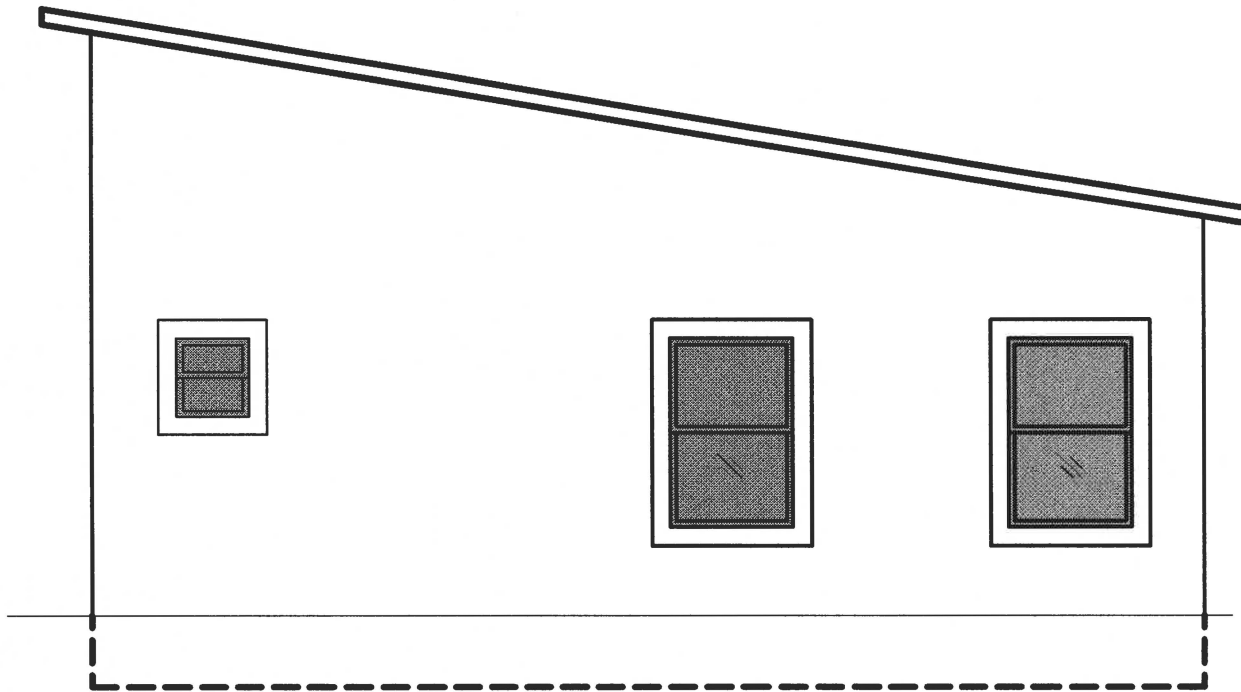


STUCCO FINISH

4
S4

WEST SIDE ELEVATION

SCALE 3/16" = 1'-0"



3
S4

REAR -NORTH ELEVATION

SCALE 3/16" = 1'-0



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

STAFF REPORT

**DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST
 PUBLIC HEARING**

For **Public Hearing** and **Executive Action** on **August 7, 2019** beginning at 2:00 P.M., at The Sunshine Center (Auditorium), located at 330 5th Street North, St. Petersburg, Florida.

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.

CASE NO.: 19-54000048 PLAT SHEET: K-15

REQUEST: Approval of a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and lot area from 5,800 square-feet required to 5,300 square-feet for two (2) non-conforming lots in common ownership.

OWNER: Victor Laucy Dorbu
 3919 70th Avenue East
 Ellenton, Florida 34222

AGENT: Conor J. Green
 4700 9th Avenue North
 Saint Petersburg, Florida 33713

ADDRESSES AND PARCEL ID NOS.: 3734 28th Avenue South; 34-31-16-05526-008-0080
 0 28th Avenue South; 34-31-16-05526-008-0090

LEGAL DESCRIPTION: Lots 8 and 9, Block 8, Bayview Terrace

ZONING: Neighborhood Suburban Single-Family-1 (NS-1)

Structure	Required	Requested	Variance	Magnitude
Lot Area (Lots 8 & 9)	5,800 sq. ft.	5,300 sq. ft.	500 sq. ft.	8.6%
Lot Width (Lots 8 & 9)	75-feet	50-feet	25-feet	33%

BACKGROUND: The subject property, located at 3734 28th Avenue South, consists of two platted lots of record (Lots 8 and 9, Block 8, Bayview Terrace) under common ownership, located within the boundaries of the Perry Bayview Neighborhood Association. The lots were previously developed with one single-family residence that was constructed in 1954 and demolished in 2011. Both lots are currently vacant.

The property has a zoning designation of Neighborhood Suburban, Single-Family (NS-1). The minimum lot width in NS-1 districts is 75-feet and the minimum lot area is 5,800 square feet. Subject Lots 8 and 9 each have a platted lot width of 50-feet and contain 5,300 square feet of site area. Therefore, they are considered to be substandard in both lot area and lot width. The subject subdivision, Bayview Terrace, was recorded in 1924.

The property is located within the South St. Petersburg Community Redevelopment Area (CRA). The South St. Petersburg CRA was first established in June 2013 when City Council approved Res. 2013-247 finding blight in South St. Petersburg pursuant to Florida's Community Redevelopment Act of 1969 (Chapter 163, Part III). The most recent version of the redevelopment plan was adopted by City Council in May of 2015. The plan calls for revitalizing South St. Petersburg by promoting reinvestment in housing and neighborhoods, commercial corridors, business development, education and workforce development and non-profit capacity building. One specific focus of the plan is reinvigorating the housing market through rehabilitation and new construction. The plan identifies housing as potentially the most important issue facing South St. Petersburg. According to the plan, "The community redevelopment area is faced with problems related to housing condition and age, supply and marketability, and affordability that drag on efforts to improve the quality of life and investment conditions in the CRA" (South St. Petersburg Community Redevelopment Plan, pg 24).

Restrictions in the City Code were in place from 1973 through 2003 limiting development on nonconforming lots in common ownership. The land development code was changed in 2003 allowing development on any platted lot of record. On September 17, 2015, City Council amended the non-conforming lot regulations, eliminating the right to build on these substandard lots without first obtaining a variance. During the review of these regulations in 2015 the City Council made the decision to change the land development regulations back to restrict development on substandard lots, while also making clear the intent of the variance review is to determine whether such development would be consistent with the surrounding neighborhood pattern. Council found that in some neighborhoods, development of substandard lots would not be consistent with the surrounding development pattern and allowing one home on one platted lot in an area that has historically developed one single-family unit on more than one platted lot could be detrimental to the neighbors and overall character of the neighborhood.

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 **consistent** 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.*

Approval of the variance would allow for the redevelopment of a currently vacant site within the South St. Petersburg Community Redevelopment Area which is an area that has been targeted for redevelopment by the City.

- 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 individual platted lots are deficient in regards to minimum lot area and width required for the NS-1 zoning district and are therefore considered to be substandard.

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

The site is not located within a designated preservation district.

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

This criterion is not applicable.

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

There is a Grand Live Oak located in the southeast section of Lot 9 within the footprint of the home on the site plan for that lot. The plans for the single-family residences included in the applicant's submittal do not meet NS-1 design requirements and therefore will have to be revised. Staff is including a condition of approval at the end of this report that the single-family residence submitted for permitting for Lot 9 will be required to be redesigned with attention to preservation of the Grand Live Oak.

- 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.*

Staff analyzed the development pattern of the subject block and the adjacent blocks located within the same subdivision, see attached Development Pattern Analysis and study area tables below. The blocks included in the study area consist of 5 blocks platted within the Bayview Terrace Subdivision which was recorded in 1924.

Staff's development pattern analysis included review of lot area and lot width for conformance with the minimum requirements for NS-1 properties, and whether the properties typically contain one house per platted lot. The results of the analysis, provided in the tables below, show that 63% of the properties are substandard in terms of both lot area and lot width. Staff found that 54% of the properties in the study area consist of one house per platted lot. Based on the analysis, staff finds that the proposal is consistent with the prevailing development pattern in the area.

Lot Width Analysis

Block	Location	Conforming Width	Substandard Width	% Substandard
Subject Block		7	8	53.33%
Block 2	South	8	8	50.00%
Block 3	Southwest	4	3	42.86%
Block 4	West	1	6	85.71%
Block 5	North	4	16	80.00%
Average		24	41	63.08%

Lot Area Analysis

Block	Location	Conforming Area	Substandard Area	% Substandard
Subject Block		7	8	53.33%
Block 2	South	8	8	50.00%
Block 3	Southwest	4	3	42.86%
Block 4	West	1	6	85.71%
Block 5	North	4	16	80.00%
Average		24	41	63.08%

1 House per Platted Lot Analysis

Block	Location	Vacant Lot	1 House on Lot	More than 1 Lot per house	% 1 House per Platted Lot
Subject Block		0	8	7	53.33%
Block 2	South	1	7	8	43.75%
Block 3	Southwest	3	2	3	25.00%
Block 4	West	3	5	1	55.56%
Block 5	North	1	15	4	75.00%
Total		8	37	23	
Average		11.76%	54.41%	33.82%	54.41%

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.

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

The lots within the Bayview Terrace Subdivision were platted in 1924. As shown in the analysis provided above within criterion 1.f, 63% of the properties analyzed are substandard in lot area and lot width with 54% being developed with one house per platted lot. This development pattern is not the result of any action of the applicant.

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

Without approval of the requested variance the property can be redeveloped with one single-family residence. However, the applicant is proposing to develop a new single-family residence on each platted lot. Denial of the variance would be a hardship as it would not allow development of new single-family residences on platted lots of record when 63% of the surrounding properties are substandard in terms of lot area and width.

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 majority of the properties within the surrounding blocks have been developed with one house on one platted lot of record and therefore the requested variance would allow a more consistent use of the land.

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

The requested variance is the minimum necessary to allow the development of two single-family homes on lots with a similar size to the surrounding lots with single-family homes. The lot area variance from 5,800 square feet to 5,300 square feet constitutes an 8.6% reduction and the lot width variance from 75-feet to 50-feet constitutes a 33% reduction.

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

The request is consistent with the goals of the Comprehensive Plan and the Land Development Regulations to promote revitalization and redevelopment. The Land Development Regulations for the Neighborhood Suburban (NS) districts state: "The regulations of the NS districts protect the single-family character of these neighborhoods, while permitting rehabilitation, improvement and redevelopment in keeping with the scale of the neighborhood."

This application is located within the South St. Petersburg Community Redevelopment Area which is a special district that was established on June 20, 2013 to remedy blighting conditions within the area, pursuant to the authority provided by the Florida Community Redevelopment Act of 1969. The blight study that was conducted by the City found that declining property values and deteriorated sites have contributed to the area's economic underperformance. Specifically, the study cites a large concentration of demolished and vacant sites. The redevelopment program for South St. Petersburg centers on reinvigorating the housing market through rehabilitation and new construction. This application will contribute to the desired redevelopment of the area by providing new housing on land that is currently vacant as a result of demolition of the single-family residence that previously existed at this site.

The Future Land Use designation in this neighborhood is Residential Urban (RU). The following objective and policies promote redevelopment and infill development in our City:

OBJECTIVE LU2:

The Future Land Use Element shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services by concentrating more intensive growth in activity centers and other appropriate areas.

POLICY LU2.5 The Land Use Plan shall make the maximum use of available public facilities and minimize the need for new facilities by directing new development to infill and redevelopment locations where excess capacity is available.

POLICY LU3.6 Land use planning decisions shall weigh heavily the established character of predominately developed areas where changes of use or intensity of development are contemplated.

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 will not be injurious to neighboring properties as they are developed in a similar pattern as the proposed lots. The proposal for two single-family homes with one home on each platted lot is consistent with the neighborhood pattern of the surrounding blocks which are zoned NS-1.

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

Staff finds that the reasons set forth in the variance application do justify the granting of the variance based on the analysis provided and the recommended special conditions of approval.

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.

PUBLIC COMMENTS: The subject property is within the boundaries of the Perry Bayview Neighborhood Association. Staff did not receive any correspondence in support of, or in opposition to, the requested variance from the Neighborhood Association. Staff received one email, see attached, in opposition to the applicant's request for a variance.

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 **APPROVAL** of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The site plans and building plans submitted for permitting shall comply with the maximum development and design requirements for NS-1 zoned properties.
2. Plans submitted for permitting on Lot 9, and any future development, must be designed with attention to the preservation of the existing Grand Live Oak and show the location of all protected and grand trees. Prior to approval of building permits, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review, approval, and

implementation with specific attention to the Grand Live Oak located on Lot 9. The plan shall include details of methods to protect and preserve the vitality of the tree, such as but not limited to root pruning, canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within fifteen (15) feet of the tree and schedule a field review with the City Urban Forester.

3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. This variance approval shall be valid through August 7, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.

ATTACHMENTS: Project Location Map, Sample Elevations with Floor Plans, Site Plans, Photographs, Variance Narrative, Bayview Terrace Subdivision Plat, Development Pattern Analysis, Public Comment

Report Prepared By:



Scot Bolyard, AICP, Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

7/25/19

Date

Report Approved By:

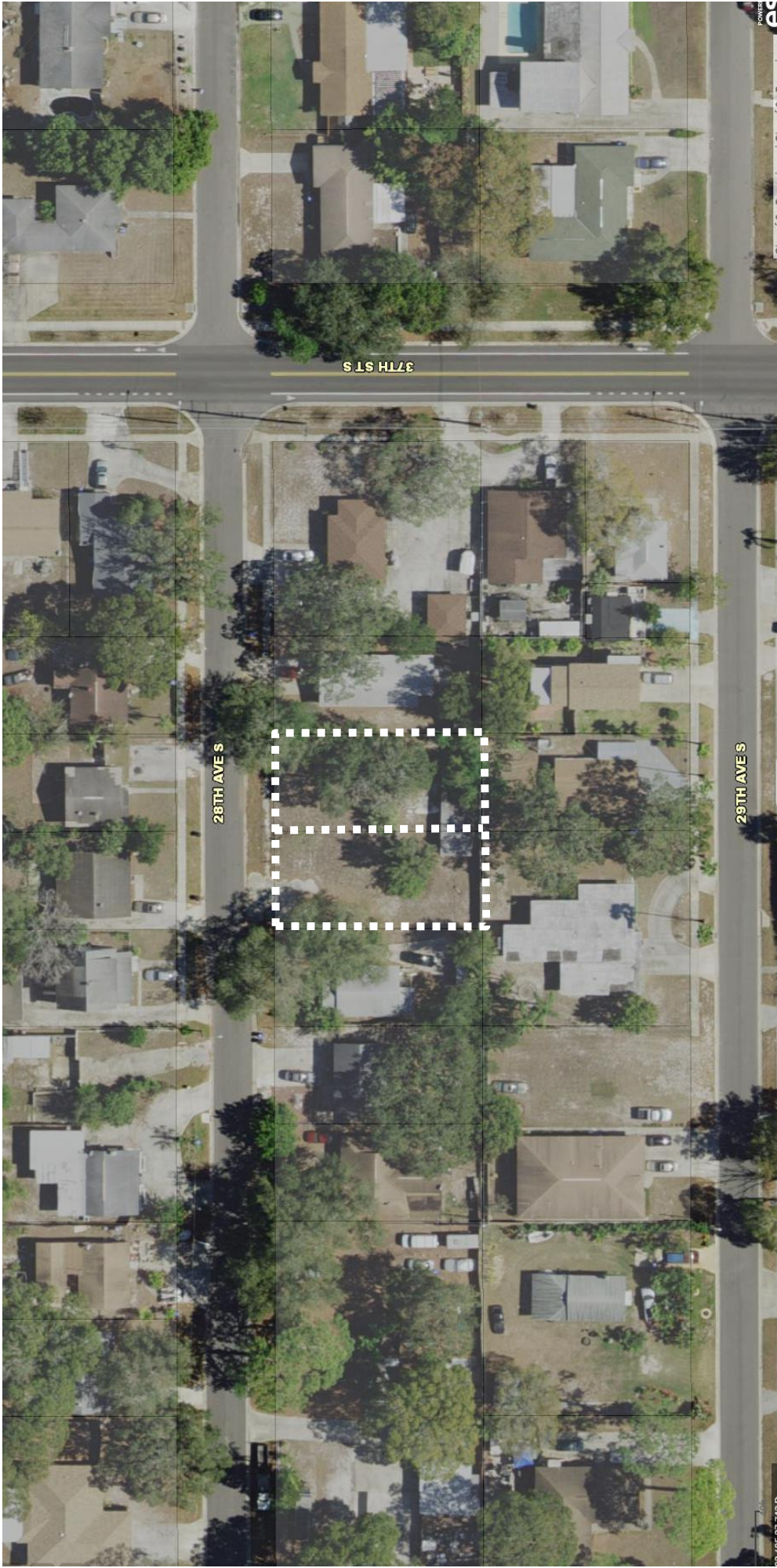


Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

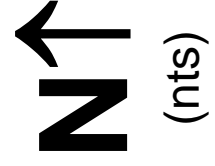
7-25-19

Date

JCB/SKB:iw



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 19-54000048
Address: 3734 28th Avenue South

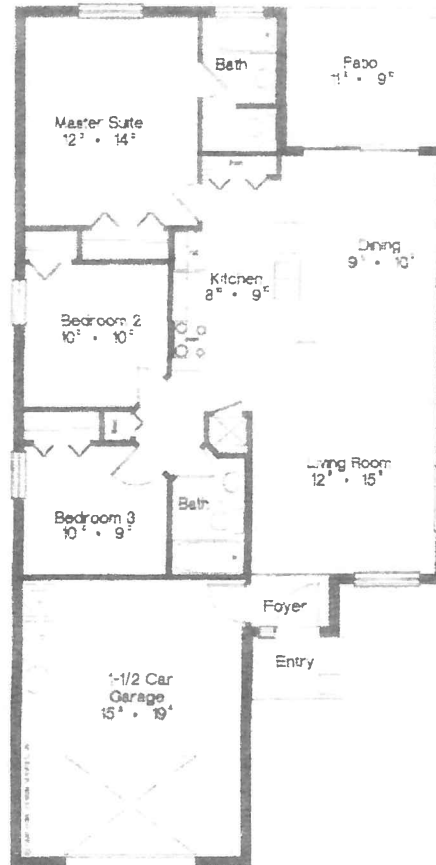


Efficient Galley Kitchen



Total Living: 1118 sq. ft.
Foundation: Slab
Bedrooms: 3, Baths: 2
Dimensions: 30' x 60'

- Mediterranean exterior
- Covered porch
- Compact foyer
- Vaulted ceilings
- Open interior
- Patio/screened porch option
- Open kitchen
- Large pantry
- Rear master bedroom
- Private master bath
- Hall linen closet
- Garage access to foyer
- Laundry facilities in garage
- 1 1/2-car garage

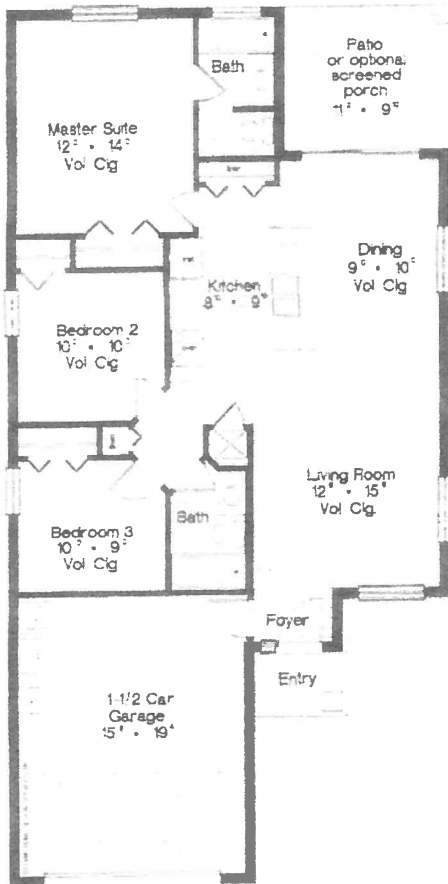


Private Master Bath

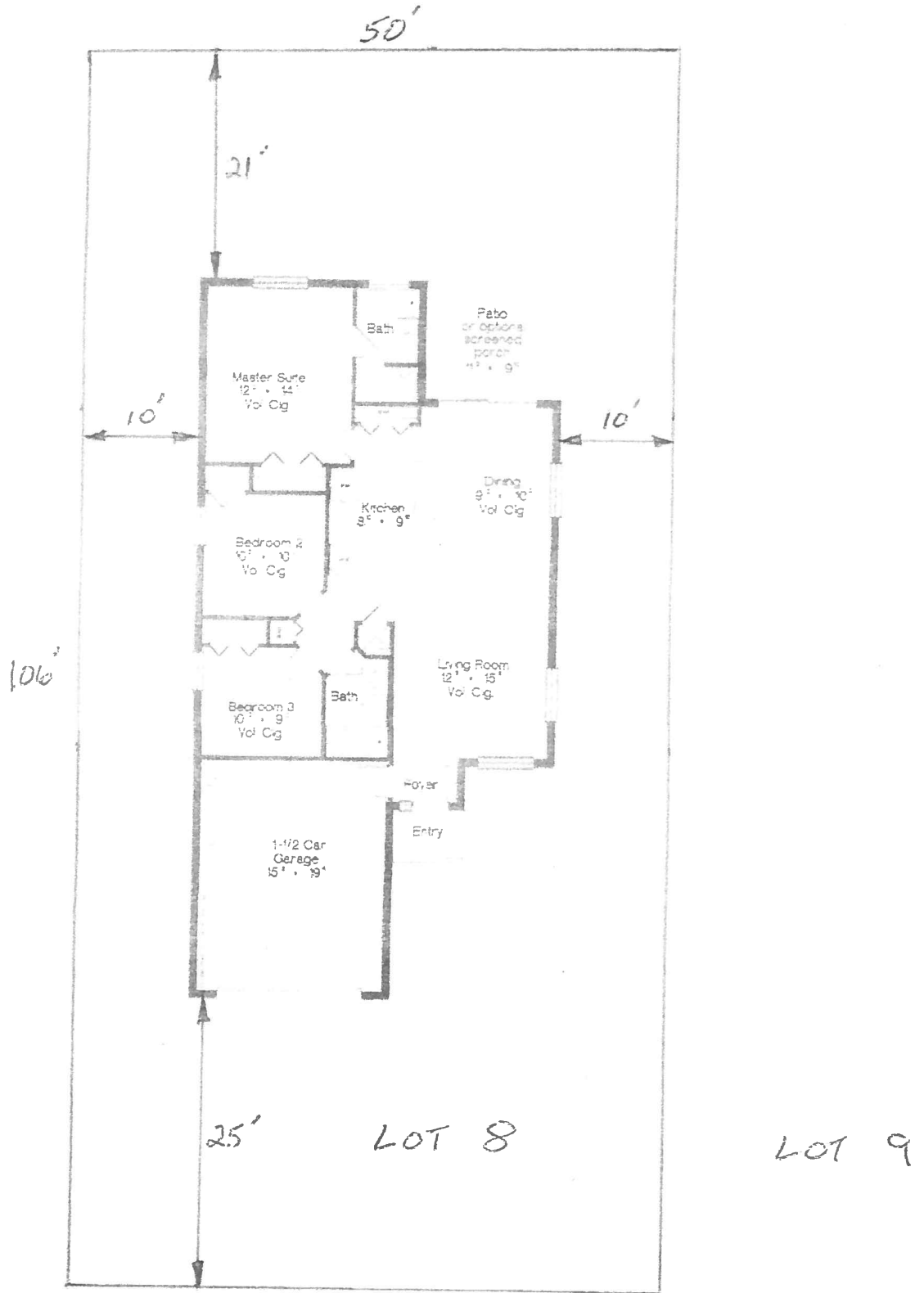


Total Living: 1118 sq. ft.
Foundation: Slab
Bedrooms: 3, Baths: 2
Dimensions: 30' x 60'

- 468-sq.-ft. unfinished area
- Mediterranean exterior
- Covered porch
- Dual-access foyer
- Open living areas
- Vaulted ceilings
- Open kitchen
- Large pantry
- Screened porch/patio option
- Rear master bedroom
- Private master bath
- Versatile secondary bedrooms
- 1 1/2-car garage



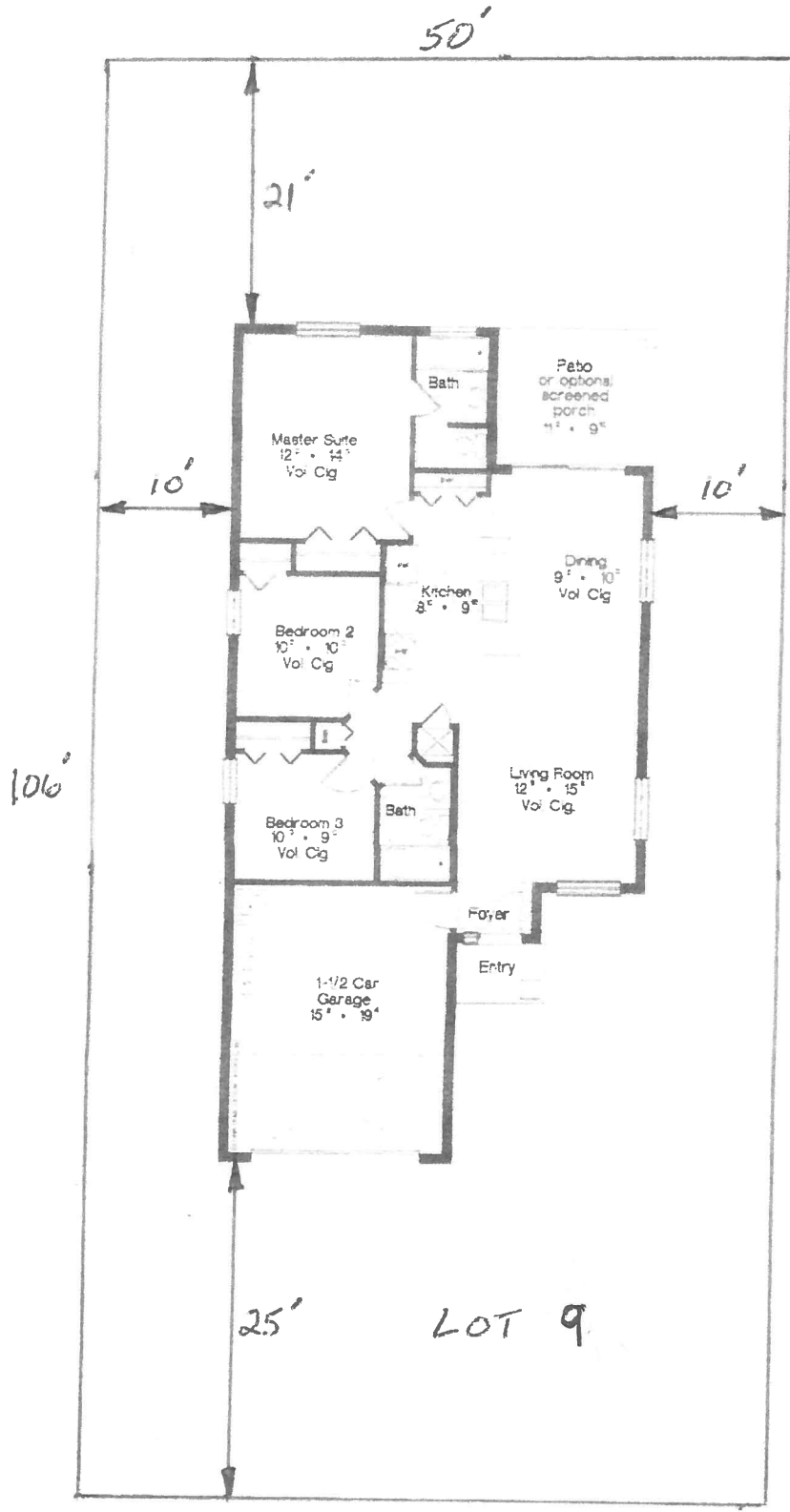
SITE PLAN



N

28TH AVE S

SITE PLAN

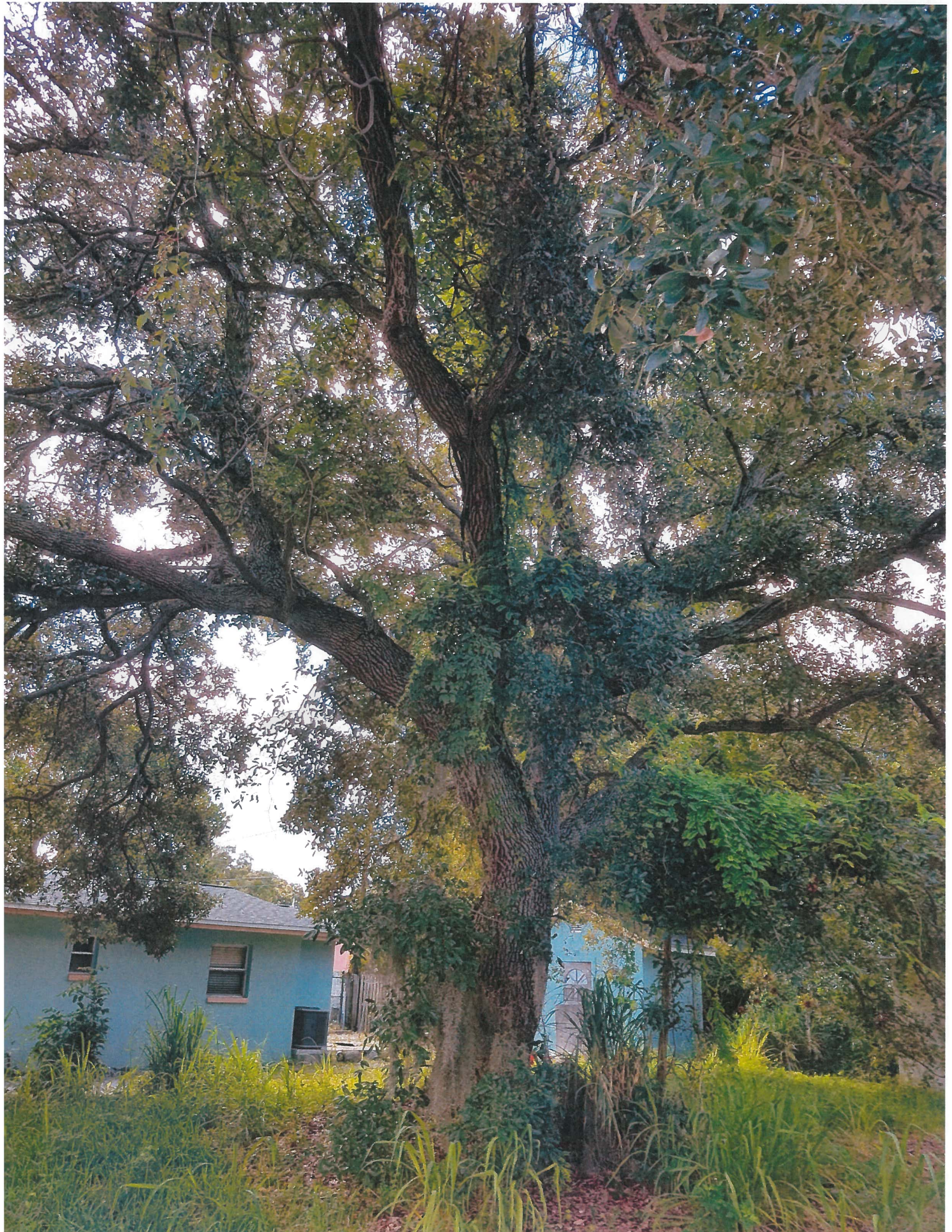


LOT 9

LOT 9

28TH AVE S







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 be 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: 4301 5th Avenue North, St. Petersburg, FL	Case No.:
Detailed Description of Project and Request:	
The Variance being requested is for the construction of homes on nonconforming lots in common ownership. The Variance being requested is from the minimum lot with and area requirements in the NS-1. Zoning District. Lot 8 has a Lot Width of 50' and Lot 9 has a Lot Width of 50'. The required Lot Width is 75'. The Lot Area for Lot 8 is 5,300 SF. The Lot area for Lot 9 is 5,300. The Minimum Required is 5,800. Both Lots are Lots of Record and were Platted as part of the Bay View Terrace Subdivision,	
<p>1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?</p> <p>The lot(s) is an existing lot of record and located in the PerryBay View Neighborhood and platted as part of the Bay View Terrace Subdivision. This subdivision consisting of twelve (12) blocks, bound by 23rd Avenue to the North, 27th Avenue South, to the South, 40th Street South to the West, All of the lots in the Bayview Terrace Subdivision are non-conforming and are consistent regarding the neighborhoods pattern. The lot pattern changes east of 37th Street South, but 37th Street South provides a demarcation between Bayview Terrace and the Subdivision to the East.</p>	
<p>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.</p> <p>The lots are platted lots of record, but are now considered non-conforming based upon the City's Current Zoning Requirements. As mentioned in Paragraph 1., above, all of the surrounding 12 Blocks and their associated lots that are part of the Bay View Terrace Subdivision are all non-conforming lots from both a width and area perspective. As noted above the homes that are being proposed are within the character of the existing neighborhood relative to proposed size. Again, as noted on the plot plans the homes that are being proposed provide entry level housing opportunities and meet all of the other NS-1 Zoning District Requirements, regarding FAR, setbacks, etc. Likewise the proposed elevations (e.g. the Architecture) are within the character of the existing housing in the neighborhood.</p>	
<p>3. How is the requested variance not the result of actions of the applicant?</p> <p>Yes, Since the City's amended the Zoning Code, the lots are now considered non-conforming lots of record under common ownership. 16.60.030.2.</p>	

as such they are 1 legal lots of record.



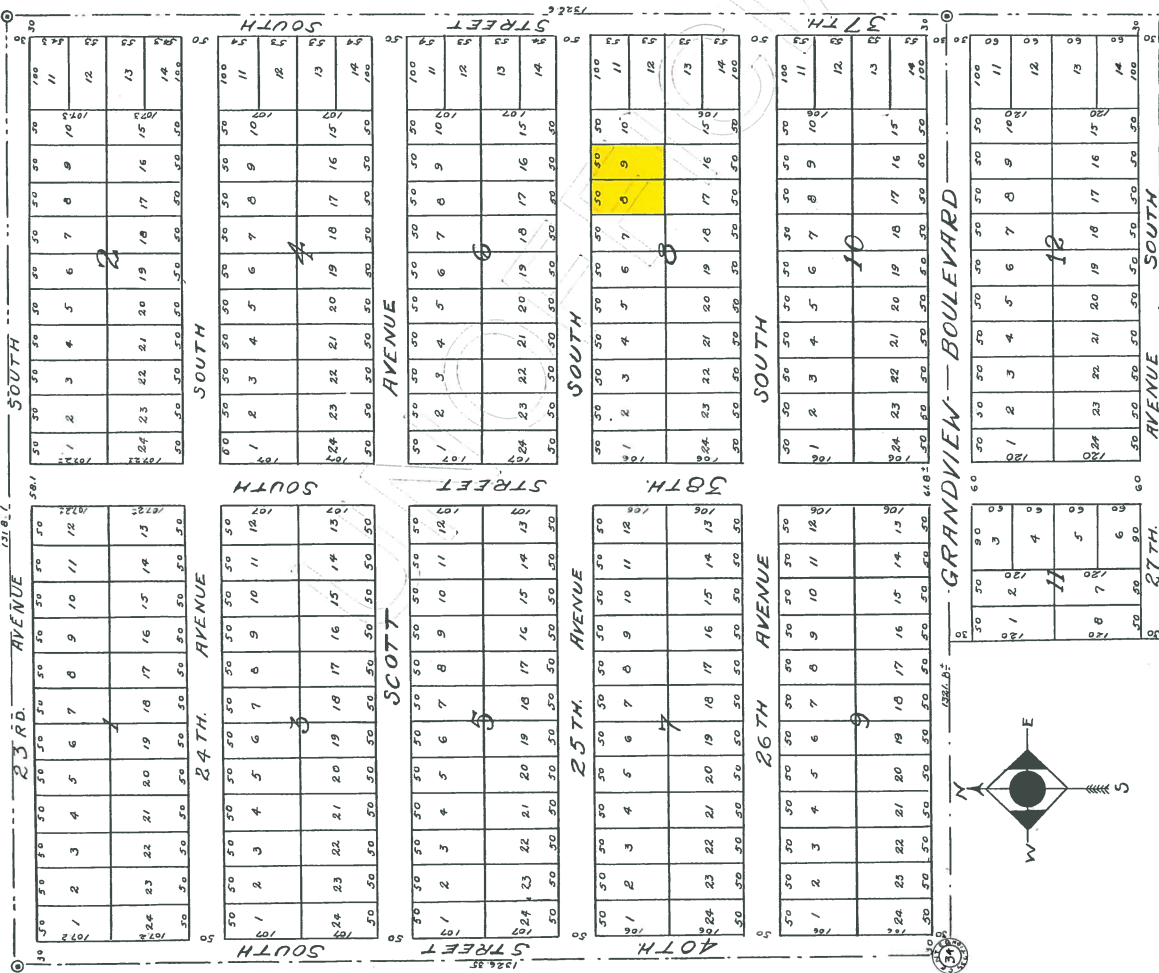
VARIANCE

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 be 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?	
	As stated above, the Homes that will be constructed will meet all of the other height, area and bulk requirements in the NT-2 Zoning District (except the width and area; since they are non-conforming lots of record). The design of the proposed homes is consistent with the Character of existing neighborhood. As previously stated provide entry level housing opportunities which are needed for home buyers in St. Petersburg, FL.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?	
	The Lots could be combined. This would allow the construction of a 4,240 SF Home which would be grossly out of character in this neighborhood.
6. In what ways will granting the requested variance enhance the character of the neighborhood?	
	Granting the variance would allow the construction of two(2) homes that would be within the character and scale of existing homes in the neighborhood and provide new construction housing opportunities.



State of Florida,
County of Pinellas

I, Scott B. Thomas, Inc., the undersigned, hereby certify that the above and herein described lots, together with the easements, rights and interests therein, are the property of the undersigned, and that the same are being subdivided into the lots and blocks shown on the plat hereof, and that the same are being dedicated to the public use of streets and squares shown on the plat hereof, and that the same are being dedicated and reserved on the year of each and every lot for the use of all public, easements and other public utilities.

That the subdivision is permanently marked on the ground and that all dimensions, angles and connections are correct and that the boundaries of said lots and blocks are as above described.

Witness my hand and seal this 1st day of August, 1924.

Scott B. Thomas, Inc.
Secretary

I hereby certify that I surveyed the above described tract and that the dimensions, angles and distances are correct and true, and that the boundaries of said tract lie entirely within the boundaries of said tract.

Witness my hand and seal this 1st day of August, 1924.

Chas. Nelson
Surveyor



BAYVIEW TERRACE

BEING A SUBDIVISION
OF THE SW 1/4 OF THE NE 1/4 AND THE EAST 1/2 OF THE NORTH 300 FT.
OF THE NW 1/4 OF THE SE 1/4 IN SECTION 34, TWP. 31, RANGE 16 EAST,
COUNTY OF PINELLAS, FLORIDA.
Scale 1" = 100'

FILED October 6, 1924 - 102 AM.
J.N. Brown, Clerk
Chas. Nelson, Secy.

Development Pattern Analysis

Site Address: 3734 28th Ave S

Zoning: NS-1 Width Required: 75

Area Required: 5800

Case #19-5400048

Revised: 18-Jul-19

Lot Width Analysis

Block	Location	Conforming Width	Substandard Width	% Substandard
Subject Block		7	8	53.33%
Block 2	South	8	8	50.00%
Block 3	Southwest	4	3	42.86%
Block 4	West	1	6	85.71%
Block 5	North	4	16	80.00%
Average		24	41	63.08%

Lot Area Analysis

Block	Location	Conforming Area	Substandard Area	% Substandard
Subject Block		7	8	53.33%
Block 2	South	8	8	50.00%
Block 3	Southwest	4	3	42.86%
Block 4	West	1	6	85.71%
Block 5	North	4	16	80.00%
Average		24	41	63.08%

1 House per Platted Lot Analysis

Block	Location	Vacant Lot	1 House on Lot	More than 1 Lot per house	% 1 House per Platted Lot
Subject Block		0	8	7	53.33%
Block 2	South	1	7	8	43.75%
Block 3	Southwest	3	2	3	25.00%
Block 4	West	3	5	1	55.56%
Block 5	North	1	15	4	75.00%
Total		8	37	23	
Average		11.76%	54.41%	33.82%	54.41%

Scot K. Bolyard

From: Allen Angel <angel4036@aol.com>
Sent: Friday, July 19, 2019 11:08 AM
To: Scot K. Bolyard
Subject: Opposed to Variance for 3734 28th Avenue South

Dear Mr. Bolyard,

My name is Allen Angel, I own the house at 3740 28th Avenue South in St. Petersburg. I own the house directly to the right of the property at 3734 28th Avenue South. I received a letter from your office regarding a public hearing for a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and a lot area from 5800 square-feet required to 5300 square-feet for two (2) non-conforming lots in common ownership. The public hearing is scheduled to take place on August 7, 2019 at 2:00 PM.

I am unable to attend this public hearing for I will be out of the state at that time. However, I do want to let you know that I am strongly opposed to this requested change. That lot is quite small and changing the zoning to allow two houses to be built on that property will have a negative effect on the value of my property. In addition, I rent that property out and that change, if approved, will make it much more difficult for me to rent my house.

I also believe that approving such a variance will result with everybody else's property on the street losing value.

Also, if the variance is approved, that house built on the left of mine will be so close to my house that if by some chance there is a fire at that house, it will be much easier for that fire to spread to my house.

Furthermore, if the people in that house to be built to the left of mine are noisy, because the house is so close it will be very disturbing to the people renting my house.

Thank you for considering my request that you vote against approving this variance.

If you need to reach me I am in Rochester, NY for the summer. My home number up here is 585-662-5936 and my cell number is 727-420-1902.

I would appreciate it if you would verify that you received this email.

Thank you.

Allen Angel



Victor Laucy Dorbu
3919 70th Avenue East
Ellenton, Florida 34222

August 9, 2019

Conor J. Green
4700 9th Avenue North
Saint Petersburg, Florida 33713

Re: Case No.: 19-54000048
Addresses and
Parcel ID Nos.: 3734 28th Avenue South; 34-31-16-05526-008-0080
0 28th Avenue South; 34-31-16-05526-008-0090
Request: Approval of a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and lot area from 5,800 square-feet required to 5,300 square-feet for two (2) non-conforming lots in common ownership.

Dear Mr. Dorbu,

The Development Review Commission at its hearing of August 7, 2019, APPROVED by a vote of 7 to 0 the above-referenced request subject to the conditions in the Staff Report. While a copy of the Staff Report and Vote Record are enclosed, the conditions are as follows:

SPECIAL CONDITIONS OF APPROVAL:

1. The site plans and building plans submitted for permitting shall comply with the maximum development and design requirements for NS-1 zoned properties.
2. Plans submitted for permitting on Lot 9, and any future development, must be designed with attention to the preservation of the existing Grand Live Oak and show the location of all protected and grand trees. Prior to approval of building permits, the applicant shall engage a Certified Arborist to prepare a tree preservation plan for review, approval, and implementation with specific attention to the Grand Live Oak located on Lot 9. The plan shall include details of methods to protect and preserve the vitality of the tree, such as but not limited to root pruning, canopy pruning, fertilization program, and detailed methods of construction to avoid major roots. Upon approval of the tree preservation plan, prior to initiation of construction, the applicant shall mark the footprint of the proposed structure(s) within fifteen (15) feet of the tree and schedule a field review with the City Urban Forester.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. This variance approval shall be valid through August 7, 2022. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.



P.O. Box 2842
St. Petersburg, FL 33731-2842
T: 727-893-7111

If you should have any questions, please contact Scot Bolyard at 727-892-5395.

Sincerely,



Jennifer C. Bryla, AICP
Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department

Enc.: Vote Sheet

JCB/SKB:iw

cc: Conor Green: invest@conorigreen.com

Development Review Commission (DRC)

Hearing Date: **AUGUST 7, 2019**

CASE NO.: 19-54000048

MOTION TO APPROVE:	1# Approval of a variance to the NS-1 zoning district required minimum lot width from 75-feet required to 50-feet and lot area from 5,800 square-feet required to 5,300 square-feet for two (2) non-conforming lots in common ownership, subject to the special conditions in the Staff Report.					
AMENDMENTS:						
MOVED BY:	FLYNT					
SECOND BY:	GRINER					
NAMES	YES	NO	YES	NO	YES	NO
FLYNT	X					
GRINER	X					
RUTLAND	X					
SAMUEL	X					
WALKER, Chair	-----	-----				
DOYLE, Vice Chair	X					
STOWE	-----	-----				
CUEVAS *1	X					
BARIE *2	X					
MACREYNOLDS *3	-----	-----				

* Alternate

Attendance

P	Flynt
P	Griner
P	Rutland
P	Samuel
A	Walker
P	Doyle
A	Stowe
P	Cuevas *1
P	Barie *2
P	MacReynolds *3

Presentations

X	Scot Bolyard made a presentation based on the Staff Report.
X	Victor Laucy Dorbu spoke on his own behalf.

"Approved by a unanimous vote of the Commission."



Inspection Inquiry - Results Comments

Parcel Identification Nbr: 34/31/16/05526/008/0090/
Property address: 3728 28TH AVE S
Application, structure number: 21 36000069 000 000
Permit type, sequence number: TREE 00 TREE REMOVAL PERMIT 1&2 UNITS
Inspection type, sequence number: 0703 0001 TREE INSPECTION EVALUATION
Inspection status, date: INSPECTION COMPLETED 2/02/21

Inspection Results Comments

Unable to approve the subject Live Oak at this time. The subject Live Oak is a Grand Tree per City Code. The tree was required to be preserved as a Condition of Approval during a City process which determined to the property to be legally buildable with a single-family dwelling. A revision to the Condition of Approval before the City's DRC is first necessary and appropriate before the requested tree removal approval could occur. It is acknowledged that the subject tree is centered within the site and contains a

✓ OK

✗ Exit

< Cancel



Inspection Inquiry - Results Comments

Parcel Identification Nbr: 34/31/16/05526/008/0090/
Property address: 3728 28TH AVE S
Application, structure number: 21 36000069 000 000
Permit type, sequence number: TREE 00 TREE REMOVAL PERMIT 1&2 UNITS
Inspection type, sequence number: 0703 0001 TREE INSPECTION EVALUATION
Inspection status, date: INSPECTION COMPLETED 2/02/21

Inspection Results Comments
low canopy height. The location and growth of the tree does
not support successful preservation efforts while also
allowing for the property to be reasonably developed. A
report from a Licensed Architect or Engineer describing the
otherwise lack of reasonable development options will also
be required before the revised approval can occur.

✓ OK

✗ Exit

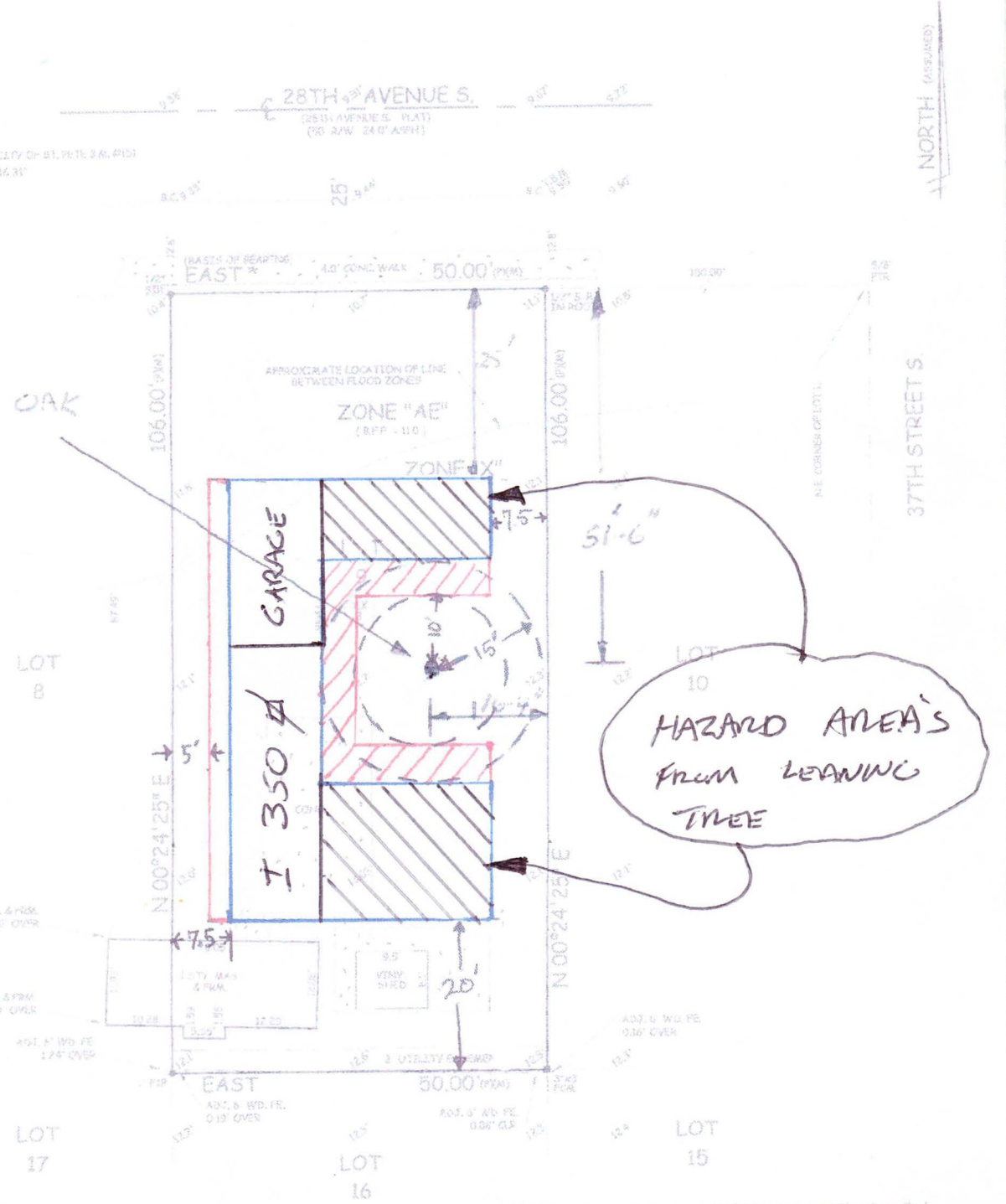
< Cancel

JOB NO. 191293		MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5780 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY MCM	CHECKED BY EDM		PH. (727) 347-8740
DATE OF FIELD WORK 8/7/19			FAX (727) 344-4640

CERTIFIED TO: David A. Jeffers and Ruth A. Jeffers
Cappa Title, Inc.
Old Republic National Title Insurance Company

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work SEC. 34 TWP. 31 S. RGE. 16 E

NOTES:
ELEVATIONS
ELEVATIONS BASED ON CITY OF ST. PETERSBURG
NAVD 1988 ELEVATION = 16.31'



*The location of the line between flood zones for lots appraised based upon flood maps that exist within 500 feet of the location of the lots is responsible to determine. Accordingly, this survey will not be responsible for disputes concerning flood insurance requirements based upon the approximate line of the flood zone flow.