



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, 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.: 21-54000028 PLAT SHEET: G-37

REQUEST: Approval of a variance to the NS-2 required interior side yard building setback from 7.5-feet to 1.5-feet to convert the existing garage to Accessory Living Space.

OWNER: John H. Gaskill, Jr.
1135 Serpentine Drive South
Saint Petersburg, Florida 33705

ADDRESS: 1135 Serpentine Drive South

PARCEL ID NO.: 13-32-16-71244-006-0350

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban, Single-Family (NS-2)

Structure	Required	Requested	Variance	Magnitude
Accessory Living Space				
Interior Side Yard	7.5-feet	1.5-feet	6-feet	86%

BACKGROUND: The subject property consists of one platted lot (Lot 35, Block 6, Pinellas Point Addition Subdivision) and is located within the boundaries of the Greater Pinellas Point Civic Association. The existing single-family residence and garage were constructed in 1928 based on the original property card, see attached. The applicant purchased the property in June 2020 per Pinellas County Property Appraiser's Office records. The survey provided by the applicant, see attached, shows that the existing garage requested to be converted to Accessory Living Space was constructed 1.52-feet from the interior side property line.

REQUEST: The applicant is requesting a variance to the required interior side yard setback to convert the existing garage to Accessory Living Space. No exterior changes are proposed to the existing garage which is consistent in architectural style, color and materials as the principal structure. The interior of the garage is proposed to contain a common area, bathroom and storage per the floor plans provided by the applicant, see attachment. Sufficient parking is provided on-site via the driveway; therefore, replacement parking is not needed if the garage is converted to Accessory Living Space. The existing garage is a nonconforming structure as it relates to setbacks due to it being located 1.52-feet from the interior side property line when NS-2 requires an interior side yard setback of 7.5-feet.

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 applicant's request is to convert the existing garage, which is a nonconforming structure as it relates to setbacks, to accessory living space. This request does not involve any redevelopment of the property.

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

The subject property meets the minimum lot area and lot depth required; however, it is deficient in the minimum lot width. The NS-2 zoning district requires a minimum lot area of 8,700 square feet and the subject property contains approximately 10,023 square feet per the Pinellas County Property Appraiser Office's GIS information. The property has approximately 200-feet of lot depth and the City Code requires a minimum lot depth of 75-feet. The NS-2 zoning district requires a minimum lot width of 100-feet and the subject property has a platted lot width of 50-feet. As a result, the subject property is substandard in terms of lot width.

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

The property is not located within a designated preservation district.

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

The property does not contain any historical significance.

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

The request does not involve or impact significant vegetation or other 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.*

The request does not promote an established historic development pattern as there are no other properties with a detached structure containing a garage or accessory living space on the entire block face.

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

Public facilities are not involved in this request.

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

The existing garage that was built in 1928 is a nonconforming structure as it relates to required setbacks, however, this is not the result of actions of the applicant. The garage is permitted to remain as-is in its current location and may be enlarged in conformance with current City Code requirements. The applicant has the ability to convert the portion of the garage that meets the minimum 7.5-foot side setback to Accessory Living Space and expand the structure with an addition that meets code requirements.

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

Enforcing the required setbacks for the property does not result in an unnecessary hardship as there is sufficient area available on the property to construct the applicant's desired accessory living space.

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;*

Should the variance not be approved the applicant would still be permitted to construct the desired accessory living space on-site by either converting a portion of the existing garage to accessory living space and adding on; or, constructing a separate accessory living space structure in an alternate location on-site.

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 necessary to make reasonable use of the land as the applicant has sufficient land available and alternative locations exist for placement of the accessory living space structure.

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 purpose and intent of the Code to provide consistent regulations for structures located on residentially zoned properties.

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

Approval of the variance to allow Accessory Living Space located 1.5-feet from the side property line may have adverse impacts on the abutting property owner resulting from noise emanating from the newly habitable space. The Neighborhood Worksheet, see attached, provided by the applicant does not include a signature of support from the mostly affected neighbor to west located at 1145 Williams Drive South.

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

Staff finds the reasons set forth in the application do not justify the granting of the 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.*

None were considered.

PUBLIC COMMENTS: The subject property is within the boundaries of the Greater Pinellas Point Civic Association. At time of publication of this report staff has not received any comments in opposition or in support of the requested variance. The applicant provided a Neighborhood Worksheet, see attached, signed by eight (8) property owners in the area. The Neighborhood Worksheet did not include a signature of support from the mostly affected neighbor to the west located at 1145 Williams Drive South.


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 June 2, 2024. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Project Location Map, Survey, Photographs, Applicant's Narrative, Floor Plan, Neighborhood Worksheet, Property Card

Report Prepared By:

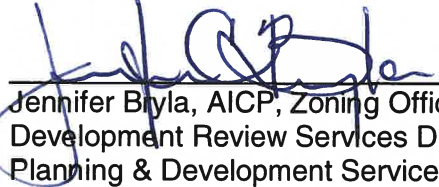


Scot Bolyard, AICP, Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

5/24/21

Date

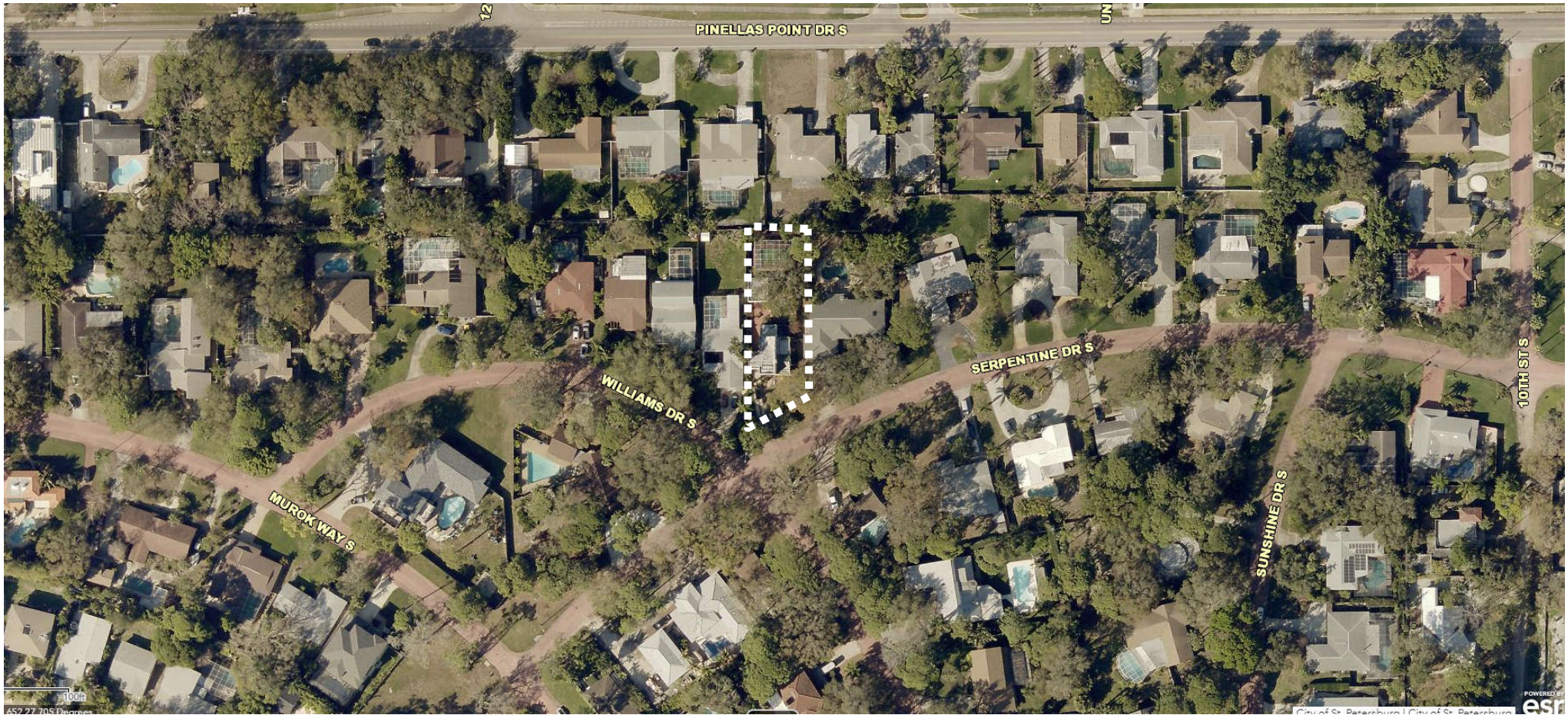
Report Approved By:



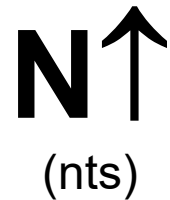
Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

5.22.21

Date



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 21-54000028
Address: 1135 Serpentine Drive South



JOB NO.: 201702

DRAWN BY: MRB

CHECKED BY: EDM

DATE OF FIELD WORK: 10/27/2020

CERTIFIED TO: John H. Gaskill

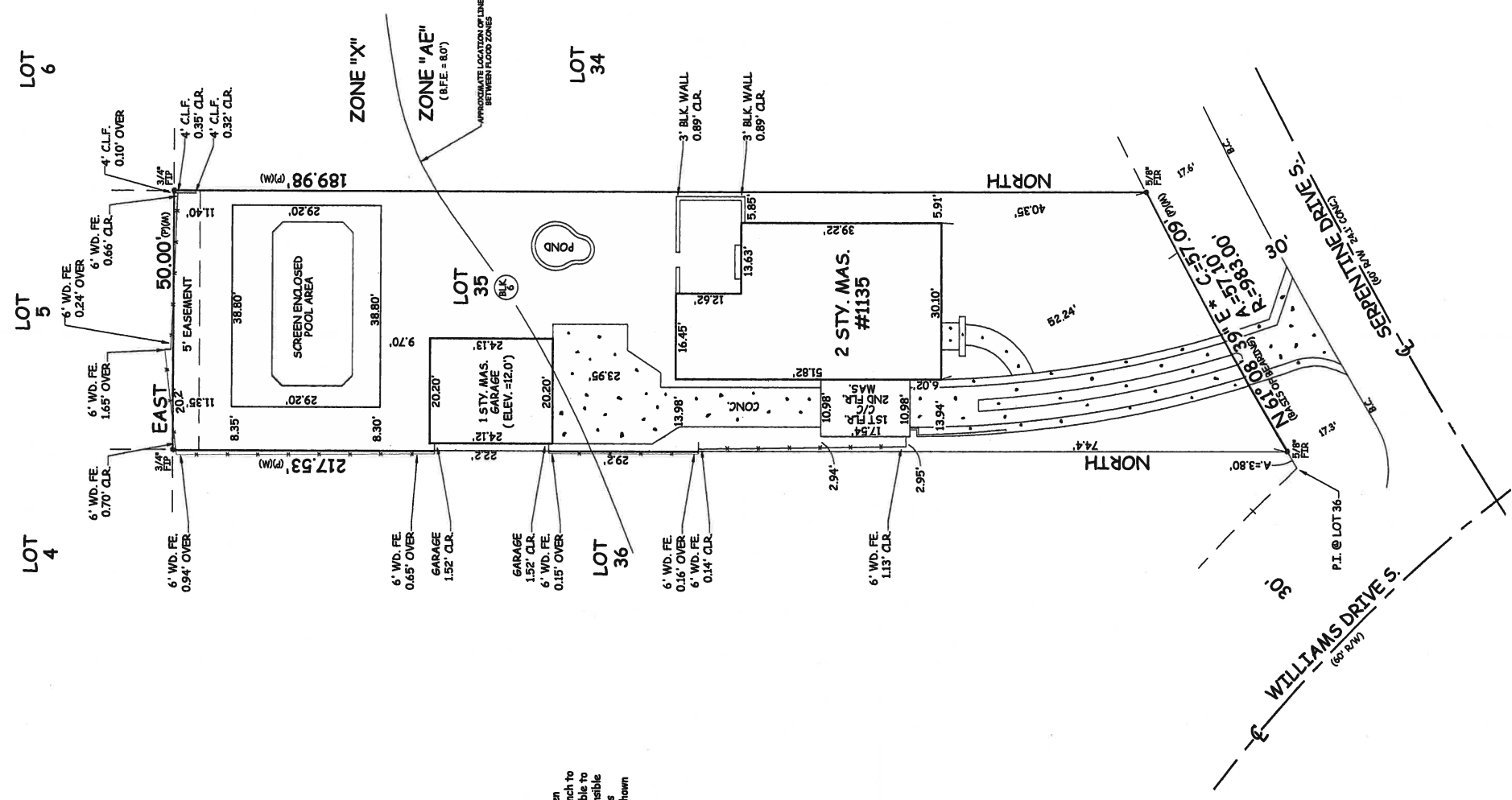
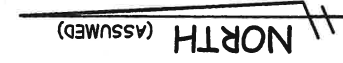
MURPHY'S LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
5760 11TH AVENUE NORTH
ST. PETERSBURG, FLORIDA 33710
WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410
PH. (727) 347-8740
FAX (727) 344-4640

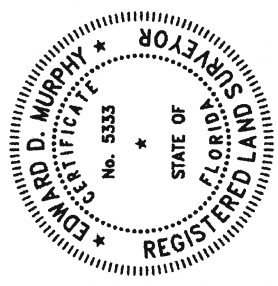
SCALE: 1" = 30'

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

SEC. 13 TWP. 32 S. RGE. 16 E.



"The location of the line between flood zones has been approximated based upon flood maps that scale one inch to 500 feet making an exact location of the line impossible to determine. Accordingly, this survey will not be responsible for decisions concerning flood insurance requirements based upon the approximate line of the flood zones shown hereon."



A BOUNDARY SURVEY OF: Lot 35, Block 6, PINELLAS POINT ADDITION SECTION A OF MOUND SECTION, as recorded in Plat Book 7, Page 65 of the Public Records of Pinellas County, Florida.

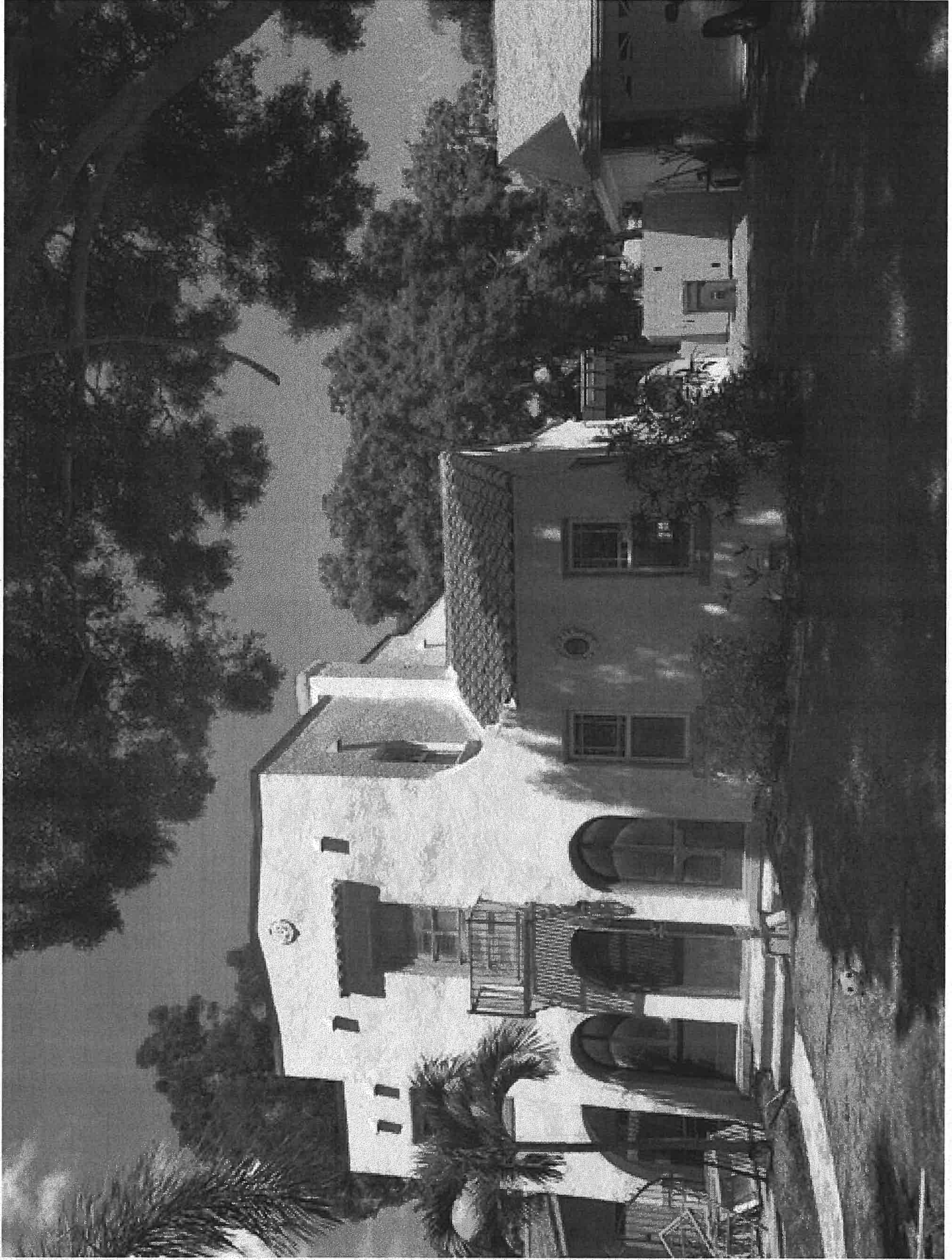
According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
Flood zone: AE - X Comm. Panel No.: 125148 0284 G Map Date: 9/03/03 Base Flood Elev: 8.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5L-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF, UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

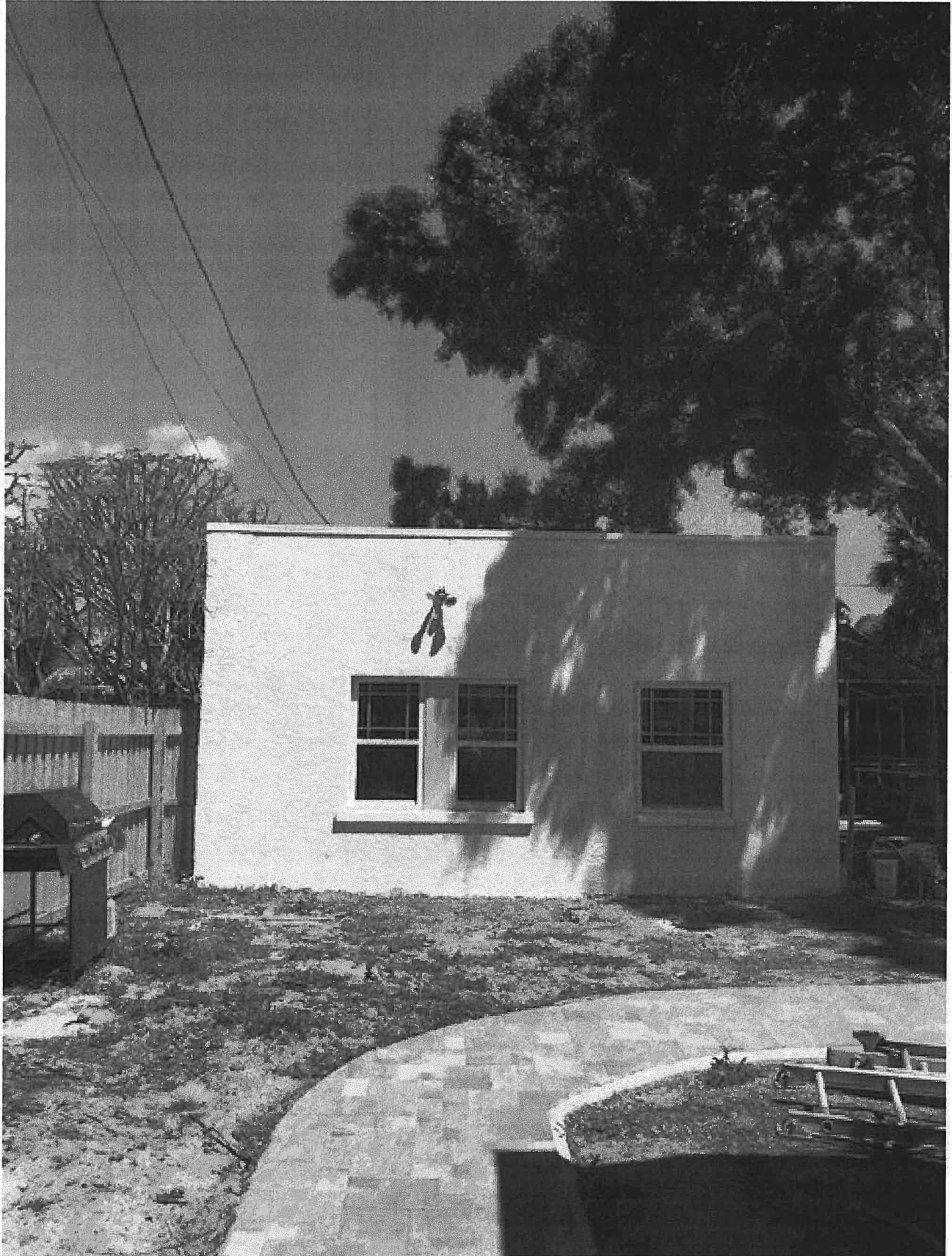
* BEARINGS SHOWN ARE ASSUMED

- FD. - FOUND
- F.I.P. - FOUND IRON PIPE
- F.C.M. - FOUND CONCRETE MONUMENT
- S.I.R. - SET IRON ROD 1/2" LB #7410
- P.A.C. - POINT OF ANGLE
- P.C.C. - POINT OF COMPOUND CURVATURE
- P.L.P. - PERMANENT REFERENCE MONUMENT
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988
- N.D. - NAIL AND DISK
- P.O.L. - POINT ON LINE
- P.C. - POINT OF TANGENCY
- P.T. - POINT OF INTERSECTION
- P.A.F. - POINT OF ADJACENCY
- C.L.F. - CHAIN LINK FENCE
- A.D. - ADJACENT
- R. - RADIUS
- A. - ARC
- C. - CHORD
- Δ - DELTA
- R/W - RIGHT OF WAY
- # - NUMBER
- IRIG. - IRON ROD
- IRIG. - IRON ROD
- G.I. - GREAT INLET
- C.B. - CATCH BASIN
- F.H. - FIRE HYDRANT
- MIS. - METAL SHED
- ALUM. - ALUMINUM
- WH. - WATER HEATER
- P.S. - PATIO STONE
- C.P. - CARPORT
- PL. - PLANTER
- CL. - CURB
- EC. - EDGE OF CURB
- ER. - EDGE OF ROAD
- E.O.W. - EDGE OF WATER
- T.O.B. - TOP OF BANK
- ESMT. - EASEMENT
- M.H. - MANHOLE
- CONC. - CONCRETE
- CLR. - CLEAR
- COL. - COLUMN
- WD. - WOOD
- BLK. - BLOCK
- SP. - SCREENED PORCH
- T.T. - OVERHEAD TELEPHONE LINES
- P.P. - POWER POLE
- L.P. - LIGHT POLE
- WW. - WING WALL
- Q. - CENTERLINE
- RAW. - RIGHT OF WAY
- (P) - PLAT
- (C) - CALCULATION
- DI. - DEED
- (M) - MEASURED
- BLK. - BLOCK
- SP. - SCREENED PORCH
- ASPH. - ASPHALT
- UTIL. - UTILITY
- DR. - DRAINAGE

EDWARD D. MURPHY REG. P.L.S. #6838



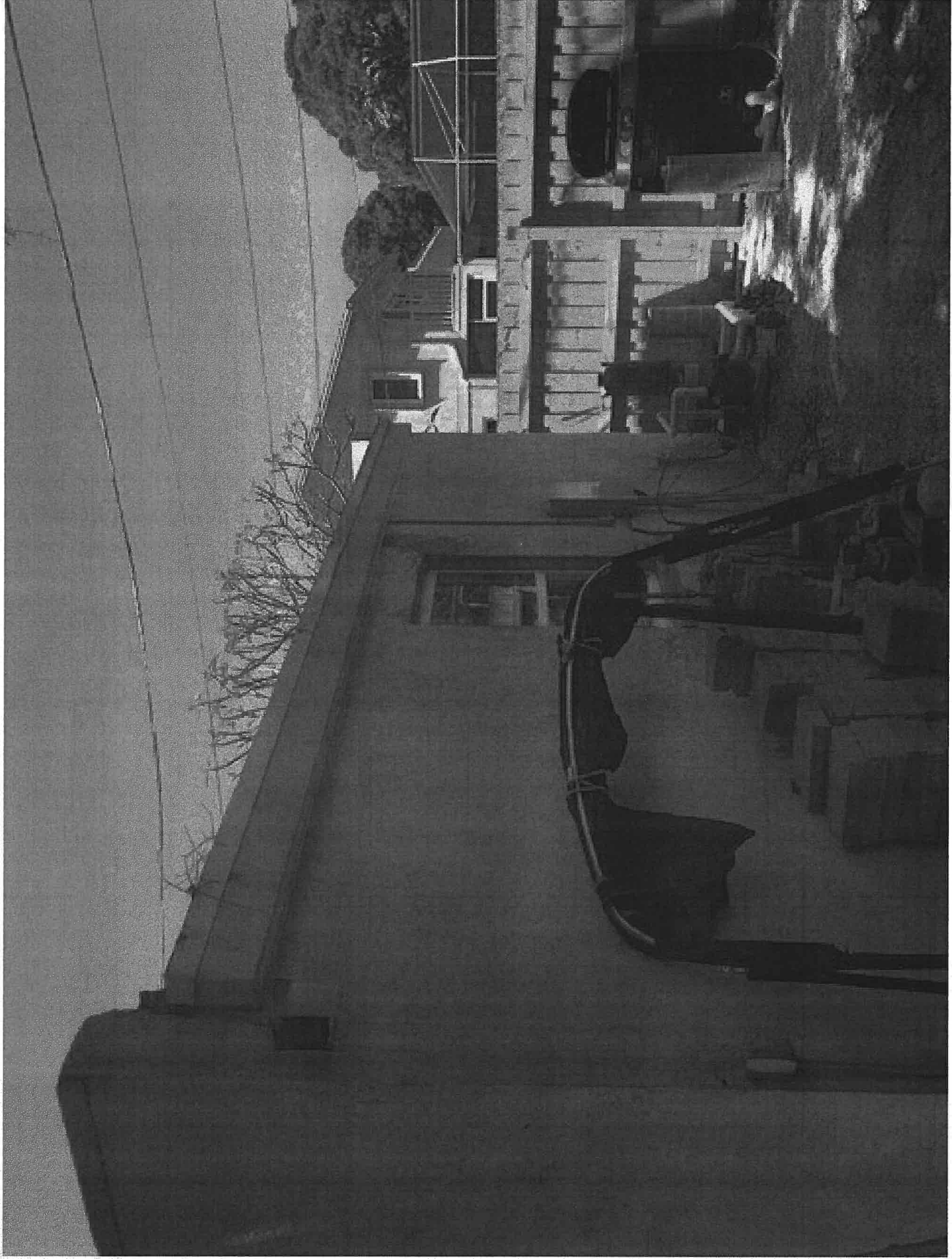
FRONT OF HOUSE



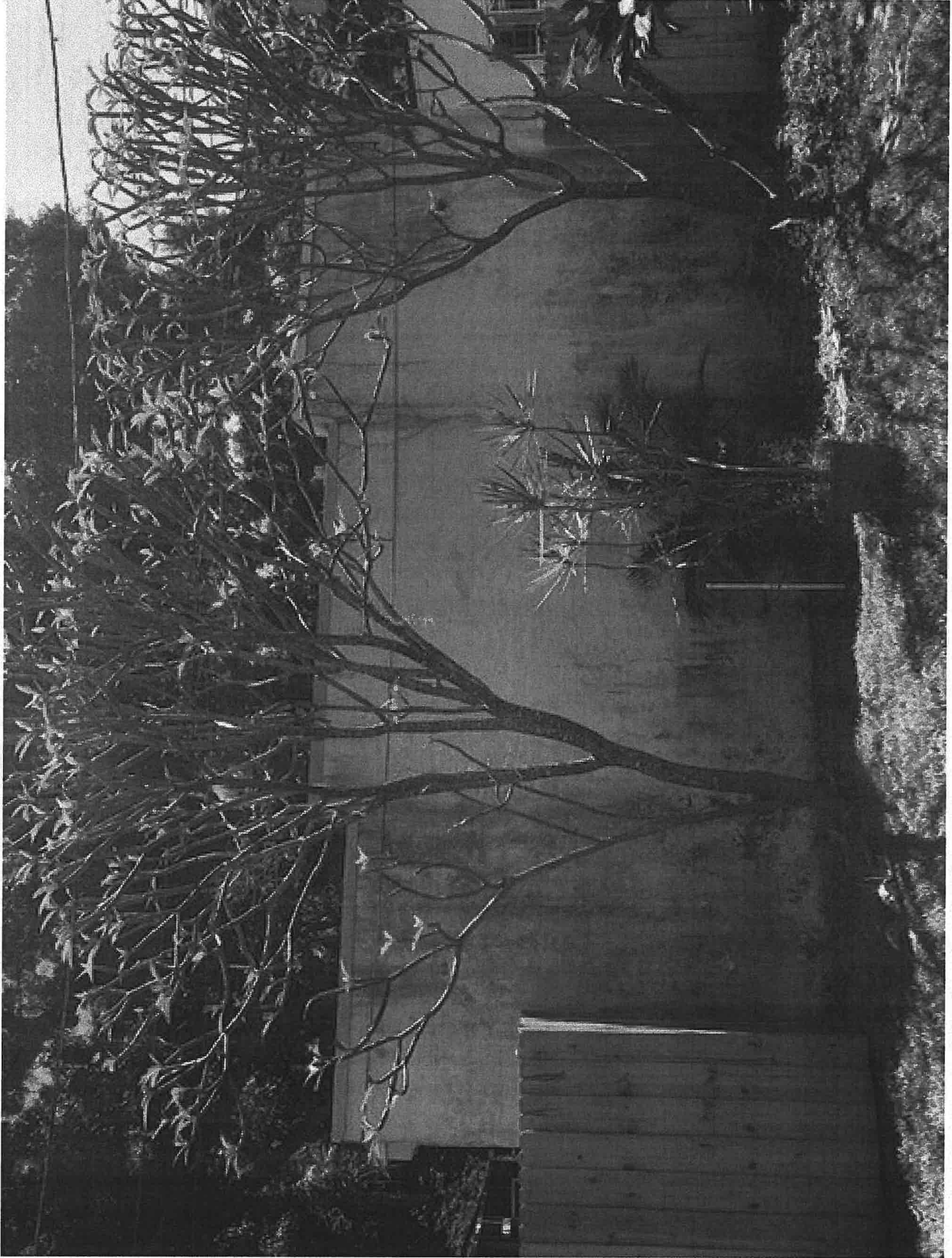
FRONT OF GARAGE



RIGHT SIDE OF GARAGE



BACK OF GARAGE



LEFT SIDE OF GARAGE



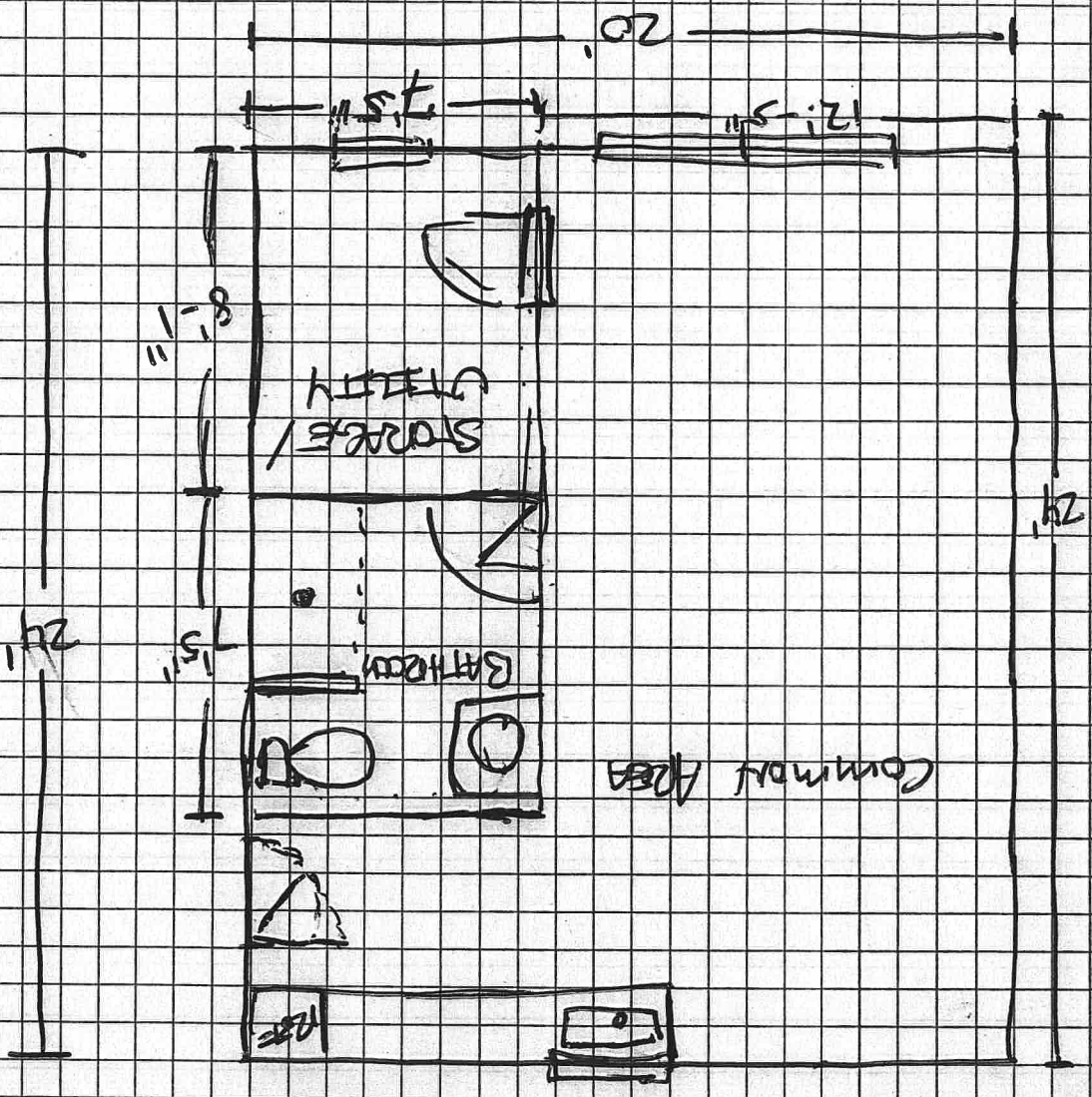
VARIANCE

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?
THE STRUCTURE IS EXISTING. I WILL BE MAKING IT CLEANER & MORE PLEASANT FOR MY NEIGHBORS TO SEE
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
THERE IS NO OTHER OPTION DUE TO EXISTING STRUCTURE LIMITATIONS
6. In what ways will granting the requested variance enhance the character of the neighborhood?
IT WILL TURN A BEAT UP OLD GARAGE INTO A NEATER STRUCTURE FOR PURPOSE OF ENTERTAINING THE NEIGHBORS



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:	1135 SERPENTINE DR. S
Case No.:	
Description of Request:	CONVERT DETACHED GARAGE INTO POOL CABANA
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:	1128 Pinellas Point Dr. S
Owner Name (print):	Beth D. Hightyale + Steve Reynolds
Owner Signature:	<i>Beth Hightyale</i>
2. Affected Property Address:	1120 Pinellas Point Dr. S
Owner Name (print):	Changping Wei
Owner Signature:	<i>Wei</i>
3. Affected Property Address:	1153 Williams Dr S
Owner Name (print):	Linda Sheetz / Brian Corey
Owner Signature:	<i>Sheetz</i> <i>Corey</i>
4. Affected Property Address:	1161 Williams Drive S
Owner Name (print):	Heather Davis
Owner Signature:	<i>H Davis</i>
5. Affected Property Address:	1171 Williams Dr S
Owner Name (print):	Michael Venuti
Owner Signature:	<i>M Venuti</i>
6. Affected Property Address:	1201 Williams Dr. S
Owner Name (print):	CHRISTOPHER SARIKHO
Owner Signature:	<i>Sarikho</i>
7. Affected Property Address:	1151 SERPENTINE DR. S
Owner Name (print):	SIMON COAN
Owner Signature:	<i>Simon Coan</i>
8. Affected Property Address:	1100 Serpentine Dr. S
Owner Name (print):	Beverly Buchan
Owner Signature:	<i>Beverly Buchan</i>

<p>1135 BUILDING Tile</p> <p>Location: 1133 Serpentine Drive So. #26060 - 8/14/28 - \$7000</p> <p>Owner Miss Sarah Orvis - Six room 2-st. cement tile residence and garage</p> <p>#B-5930A-RL - 9/25/69 - \$1800</p> <p>Owner John Hogan - General repairs to existing residence per C & D letter, By owner</p>	<p>RS-100 ELECTRICAL</p> <p>#12468 - 10/15/28 - S. W. Orvis Southern - 19c 19s 16b 15p 8-heat plugs l-w.h. l-range l-refrig. #14671 - 12/16/30 - S. W. Orvis Keesler - 2w. 220V-500 watt #25495 - 6/1/37 - P. Heinz Conover - range - service #4156F - 11/8/62 - Hogan Elec. Cont. - l-furnace</p>	<p>D-1</p>	<p>13-55-16 PLUMBING 6-3-77</p>
<p>36187 PERMIT # 1704537 By Stephanie Moore-Bullard ISSUED 11/11/86 Class "A" Built-up lead</p>	<p>INSTALLATION</p> <p>#3531C - 10/18/62 - John P. Hogan St. Pete Htg & A/C - Bard F84 85 M BTU - htr. room - Van Packer 110 gal. tank/stand - ducts (1135) M700190, 10/9/86, Ringer Climate Design, replce. A/H. & condens (1135) add 1 ra., 2 spl.t.units. Sea</p>	<p>OVER</p>	<p>GAS</p> <p>#5280B - 1/6/58 - H. Hopper Pyrofax Gas Corp. - 2-space heaters 2-outlets - system (1135 Serpentine Dr. S.)</p>
<p>B-8 SIGNS</p>	<p>SEWER</p>	<p>SEWER</p>	<p>SEPTIC TANK</p>
<p>#3226K - 12/14/61 - John P. Hogan Love Plbg. - l-tap (1135 Serpentine Dr. So.)</p>			