



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

**APPEAL
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.: 21-54000031 PLAT SHEET: T-12

APPEAL: Appeal of an administrative approval of a variance to the Neighborhood Suburban Estate minimum lot size requirements for lot area from 1.0 acres to 0.46 acres and lot width from 200-feet to 86-feet in order to create a buildable lot for a single-family residence.

APPELLANTS: Carlos L. and Chantell Senior
2122 Park Street North
Saint Petersburg, Florida 33710

OWNER: Diane Marie Donnelly
215 85th Avenue, Unit 2
Saint Pete Beach, Florida 33706

AGENT: John A. Bodziak (Architect)
743 49th Street North
Saint Petersburg, Florida 33710

ADDRESS: 2100 Park Street North

PARCEL ID NO.: 13-31-15-44730-000-0020

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family (NSE)

Structure	Required	Requested	Variance	Magnitude
Lot area and Lot width standards				
Lot Area	43,560 sqft. (1 acre)	20,153 sqft. (0.46 acres)	23,407 sqft. (0.54 acres)	54%
Lot Width	200 ft.	86 ft.	114 ft.	57%

BACKGROUND: The subject property is zoned NS-E (Neighborhood Suburban Estate). The NS-E zoning district requires a lot width of 200-feet and a lot area of 1.0 acre (43,560 square feet). The subject property is 86 feet in lot width and 20,153 square feet in lot area. Therefore, the subject property is 114 feet (57%) substandard in lot width and 23,407 square feet (53.7%) substandard in lot area. The subject lot was platted in 1957 and is defined as Lot 2 Less S'LY 15 FT of the Jungle Cove Subdivision. The lot is currently considered a legal non-conforming lot based on the current zoning district for the property, however. This determination is based on the fact that the reduction in lot width was formed legally via City Ordinance 990-A, which was the City's Zoning Code in 1945. During that time, the lot was considered either a "B" or a "C" zoning district. These districts required a 15,000 and 10,000 sf lot respectively. The lot in question contains approximately 20,153 sf, meeting the criteria in place in 1957 when the action took place. Therefore, the lot is considered legal for the construction of one single family house.

The City has no record of a house or any structures being placed on the referenced lot. There was a Variance request in 2010 for a reduced side yard setback that was approved, however no construction plans were ever submitted.

CURRENT PROPOSAL: The subject application requests a variance to the minimum lot width and lot area to construct a single-family home within the NS-E zoning district. Staff determined that the request was consistent with review criteria and initiated a streamline approval of the application in accordance with Section 16.70.040.1.6. The subject application was scheduled to be approved by staff on April 12, 2021, if no appeal was submitted.

APPEAL: On May 4, 2021, the City Clerk received an appeal from Carlos and Chantell L. Senior, 2122 Park ST N, Saint Petersburg, FL. The appellant listed many items for grounds of the appeal. The following report will first address the variance followed by the appeal items.

Analysis: Given the following considerations, the variance request to the minimum lot width and lot area was found to be consistent with the purpose and intent of the Code.

PHYSICAL HARDSHIP RELATED TO THE SUBJECT PROPERTY:

1. **Deficient Lot.** The property is deficient regarding the minimum lot width, lot depth, and/or lot area required for the respective zoning district, and the deficiency substantially impairs the use of the property.

COMPATIBILITY WITH STRUCTURE AND/OR NEIGHBORHOOD:

2. **Consistency With Established Development Pattern.** The proposal is consistent with the prevailing development pattern of the subdivision as discussed above.

COMPELLING PUBLIC BENEFIT ASSOCIATED WITH APPROVAL:

3. **Revitalization and Redevelopment.** The request is consistent with the goals of the Administration within a specified area of the City.

The Appeal: The appellant listed many items for grounds of appeal.

Item #1 Building on a lot the size of this parcel is inappropriate for the established neighborhood of single-family homes. The lot has a long history of being unsuitable for home building.

Staff Response:

There are ten (10) lots within the Jungle Cove Subdivision plat, eight (8) of these lots are zoned NS-2 (Neighborhood Suburban Single-Family) and two (2) of these lots are zoned NS-E. The lots to the north of the subject property are zoned NS-2 and the lot to the south of the property is zoned NS-E.

Staff analyzed the development pattern of the ten (10) lots within the Jungle Cove Subdivision as well as the lots zoned NS-E within 500 feet of the subject lot and concluded that 10 out of 13 lots (excluding 2100 Park ST N) were substandard to lot width or area. This analysis includes properties zoned NS-2 and properties zoned NS-E. Staff's development pattern analysis included review of lot area for conformance with the minimum requirements for NS-E and NS-2 zoning district standards. The results of the analysis provided in the table below show that 77% of the properties are substandard in terms of lot area or lot width. Based on the analysis, staff finds that the proposal is consistent with the prevailing development pattern in the area.

See the attached Development Pattern Analysis and the study area table below for more information:

Block	Conforming Lots	Substandard Lots	Percent (%) Substandard
Subject Block	3	10	77%

The subject property and all ten (10) of the lots within the Jungle Cove Subdivision were previously zoned RS-100. As per Section 29-306 of the 8th edition of the City of Saint Petersburg Zoning Ordinance, the minimum lot width requirement for lots zoned RS-100 was 80 feet in lot width and 10,000 square feet in lot area. Therefore, the subject property exceeds the minimum lot requirements for the previous RS-100 zoning district. In 2007 a major Land Development Regulations change occurred, and the property was rezoned to NS-E.

As per the information stated above, Staff disagrees that the subject lot is not consistent with the neighborhood pattern and disagrees that the lot is not suitable for a single-family home. The applicant has demonstrated that the proposed single-family home can meet the NS-E zoning district setback, height, and development requirements. All other standards for the NS-E zoning district must be met or variances granted.

Item #2 The planned height of the structure would greatly diminish the airflow, privacy, and clear view of the existing homes.

Staff Response:

The building height of the new development is required to meet the NS-E zoning district standards. At this time, the applicant is not requesting variances to building height or setback encroachments that would impede on neighboring properties.

Item #3 The building on the lot would require the removal of several majestic oaks further damaging the character of the existing neighborhood.

Staff Response:

The City Arborist conducted a visual inspection of the trees located on the 2100 Park ST N and noted that there were mature oaks located on the subject property. The removal of any protected trees requires a tree removal permit. Tree removal criteria is subject to Section 16.40.060.5.3 of the Land Development Regulations. As per Section 16.40.060.2.11 of the Land Development Regulations, seven (7) shade trees are required to be planted on the subject property before the final Zoning inspection can be approved.

Item #4 the parcel of land presents a traffic hazard as the ingress and egress fronting Park Street is located immediately south of a major intersection.

Staff Response:

Driveways shall meet the standards as shown within Section of the Land Development Regulations. There are many properties to the south of the subject lot with driveways that front Park ST N. It does not appear that the development of one (1) new single-family home will create an undue traffic burden for the subject block.

PUBLIC COMMENTS: The subject property is within the boundaries of the Jungle Terrace Neighborhood Association. As of the date of this report, Staff has received no comments from this Neighborhood Association, CONA, or FICO. Staff received three calls from neighbors that expressed opposition to the decision to support a variance. The calls received in opposition expressed concern for loss of trees, increased traffic, view obstruction, and airflow obstruction.

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 appeal, thereby **UPHOLDING** the POD's approval of the variance to lot width and lot area.

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. All other requirements for the NS-E zoning district must be met, or variances must be granted.

4. The removal of any protected trees requires a tree removal permit. Tree removal criteria is subject to Section 16.40.060.5.3 of the Land Development Regulations.

ATTACHMENTS: Project Location map, site plan, floor plan, elevation drawings, photographs, applicant's narrative, Development Pattern Analysis, Subdivision Plat, Property Deed, 2016 Park ST N Property Card, Section 29-306 of the 8th edition of the City of Saint Petersburg Zoning Ordinance

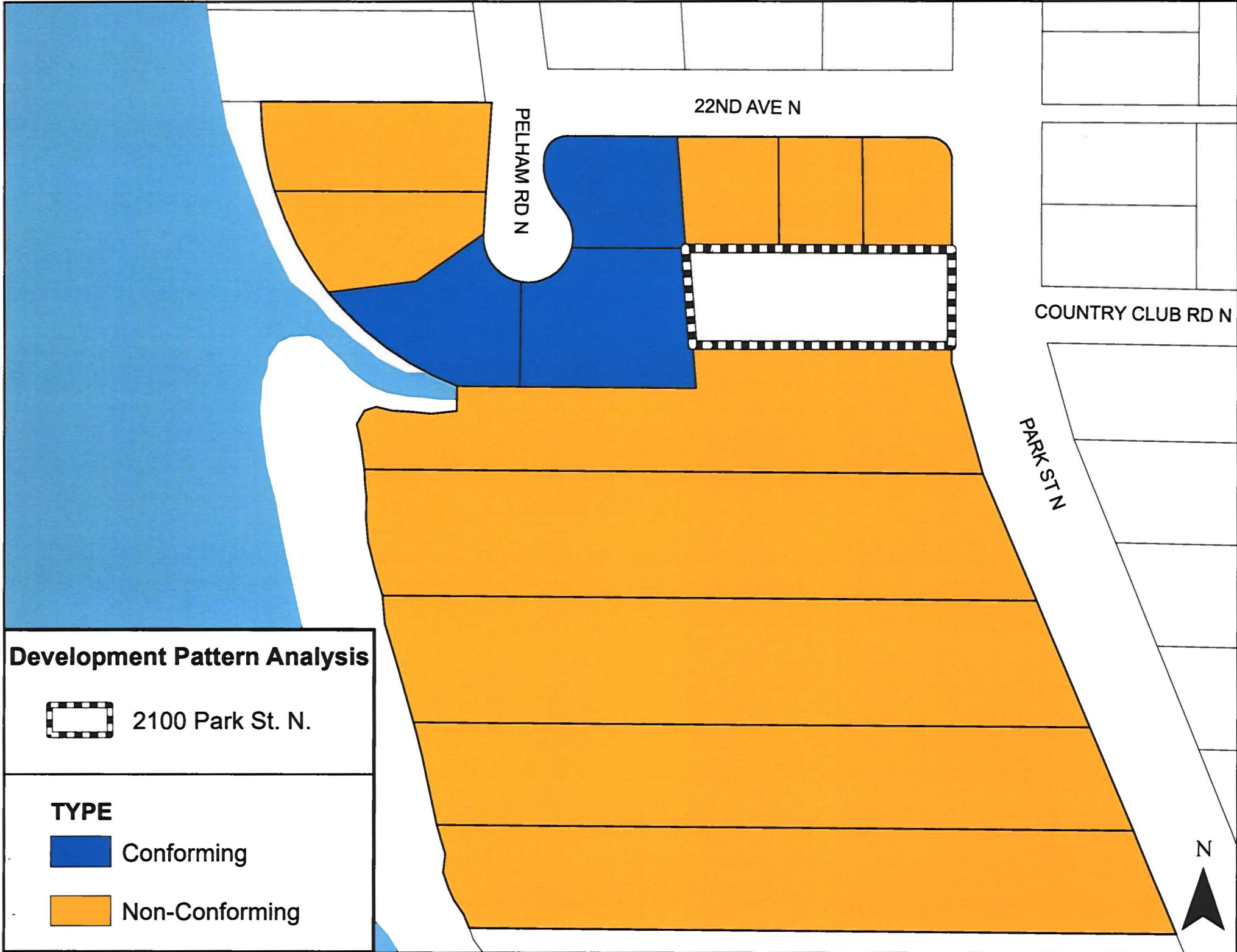
Report Prepared By:

/s/ Jennifer Bryla

5/26/21

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

Date



This Warranty Deed

Made this 1st day of May A.D. 2000
 by **FRANK L. SEEGER and DAVENE W. SEEGER,**
 husband and wife

hereinafter called the grantor, to
JORN A. TANDBERG and TORUNN K. TANDBERG,
 husband and wife

whose post office address is:
 8298 27TH AVENUE NORTH
 ST. PETERSBURG, FLORIDA 33710
 Grantees' SSN:

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **PINELLAS** County, Florida, viz:

Lot 2 LESS the South 15 feet, JUNGLE COVE SUBDIVISION, as per plat thereof, recorded in Plat Book 45, Page 73, Public Records of Pinellas County, Florida.

SUBJECT TO Covenants, restrictions, easements of record and taxes for the current year.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 13/31/15/44730/000/0020

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 1999

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

<p><i>Frank L. Seeger</i> Name: _____</p> <p><i>Davene W. Seeger</i> Name: _____</p> <p><i>Loretta Slusser</i> Name: LORETTA SLUSSER</p> <p>_____ Name: _____</p>	<p><i>Frank L. Seeger</i> [LS] Name & Address: FRANK L. SEEGER 6160 AUGUSTA BLVD, LARGO, FL 33777-4721</p> <p><i>Davene W. Seeger</i> [LS] Name & Address: DAVENE W. SEEGER 6160 AUGUSTA BLVD, LARGO, FL 33777-4721</p> <p>_____ Name & Address: _____</p> <p>_____ Name & Address: _____</p>
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State of **FLORIDA**
 County of **PINELLAS**

The foregoing instrument was acknowledged before me this 3RD day of May, 2000, by

FRANK L. SEEGER and DAVENE W. SEEGER, husband and wife

who is personally known to me or who has produced **FLORIDA DRIVERS LICENSE** as identification.

PAGES 1
 ACCT 600
 REC 78750
 DR219
 DS
 INT
 FEES
 MTF
 P/C
 REV
 TOTAL 7935
 CK BAL
 CHG AMT

Loretta Slusser
 Notary Public
 Print Name: _____

PREPARED BY: LORETTA MORRIS
 RECORD & RETURN TO:
 DEL MAR TITLE COMPANY
 6574 30TH Avenue North
 St. Petersburg, Florida 33710
 File No: CFT38-400LJM

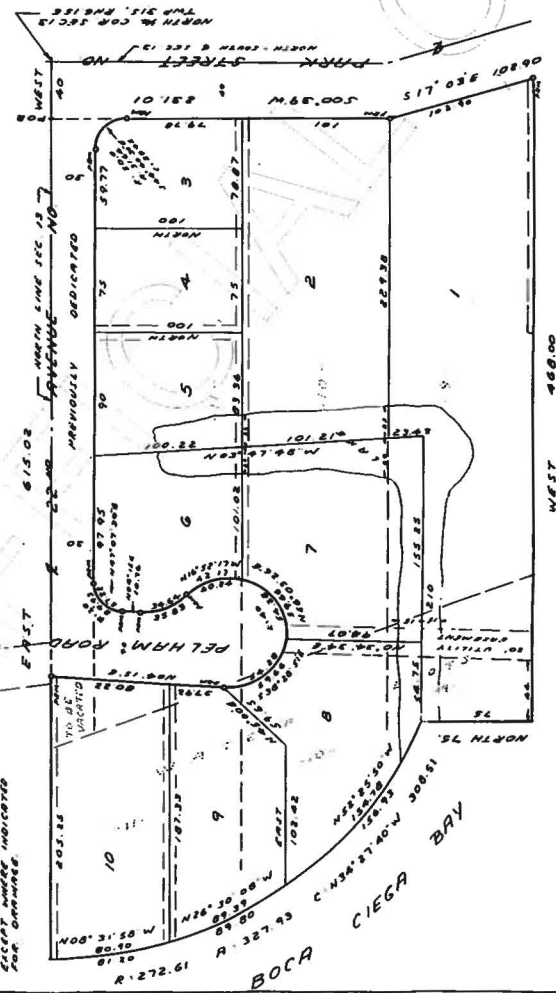


JUNGLE COVE SUBDIVISION

BEING A REPLAT OF LOTS 9, 10 AND 11, ALSO WATERLOTS 9, 10 AND 11, BLOCK A, REVISED MAP OF BLOCK A OF GOLF COURSE AND JUNGLE SUB-DIVISION AS RECORDED IN PLAT BOOK 6, PAGE 18, RECORDS OF PINELLAS COUNTY, FLORIDA, SECTION 13, TOWNSHIP 31 S., RANGE 15 E., ST. PETERSBURG PINELLAS COUNTY FLORIDA

DESCRIPTION:
Beginning at the North 1/4 corner of Section 13, Township 31 S., Range 15 E., run West along the North line of said Section 13, 40 feet to a Point of Beginning, thence 500° 39' W 231.01 feet, thence 517° 03' E 102.90 feet, thence West 468.00 feet, thence North 75 feet, thence by a curve to the right, Radius 272.61 feet, Arc 327.93 feet, Chord N 38° 27' 40" W 308.31 feet, to the North line of said Section 13, thence East along said North line 615.02 feet to the Point of Beginning.

NOTE:
DIMENSIONS SHOWN THIS PLAT ARE BASED UPON THE 1985 TIDE OF LOW WATER AND ARE FOR PUBLIC UTILITIES FOR OWNERS.



DEDICATION:
The undersigned hereby certifies that it is the owner of the above described tract of land hereby platted as JUNGLE COVE SUBDIVISION and that it dedicates to the public all streets, alleys and public places shown on this plat of the subdivision of said lands.

EDMUND CASSILLY JR., INC.
Edmund Cassilly Jr.
Witness
Charles C. Galie
Witness
Francesca Quachambach

STATE OF FLORIDA }
COUNTY OF PINELLAS } S.S.
I hereby certify that on this 22nd day of June AD 1957 before me personally appeared EDMUND CASSILLY JR. and FRANCESCA L. CASSILLY respectively President and Secretary of the EDMUND CASSILLY JR., INC., a corporation under the laws of the State of Florida, to me known to be the person described in and who executed the foregoing certificate and dedication and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation and the instrument is the act and deed of said corporation. Witness my hand and official seal of the City of St. Petersburg, Florida, of Pinellas, State of Florida, the day and year aforesaid.

George F. Young, Jr.
Notary Public, City of St. Petersburg, Florida
My commission expires Feb. 6, 1960

APPROVED FOR THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, THIS 22nd DAY OF JUNE AD 1957, PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF PINELLAS COUNTY, FLORIDA, WITHIN 90 DAYS FROM DATE OF THIS APPROVAL
John D. DeLong
City Manager

SURVEYOR'S CERTIFICATE
I hereby certify that on this 22nd day of June AD 1957 this property was surveyed and that all dimensions, angles, and lengths are correct.
GEORGE F. YOUNG, JR.
George F. Young, Jr.
Surveyor
Florida engineers rec'd No. 1015

APPROVED FOR THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THIS 12th DAY OF SEPT. AD 1957
J. B. Butler
County Engineer

APPROVED BY THE PLANNING BOARD OF THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, THIS 22nd DAY OF JUNE AD 1957
John D. DeLong
Chairman

This within map or plat conforms to the requirements of Chapter 10275, Acts of 1925, and Chapter 26151, Sess. Acts of 1943, Laws of Florida, as to form, was filed for record on the 12th day of Sept. 1957, at 5:00 P.M., and recorded in public records of Pinellas County, Florida, in Plat Book 73, Page 45, by *John D. DeLong* City Manager.

DIVISION	GOLF COURSE & JUNGLE	JUNGLE COVE	LOT	9	BLOCK	A
BUILDING	ELECTRICAL		RS-100	13-31-15	PLUMBING T-12	
tion: 2016 Park Street North 07A-C - 3/29/57 - \$25,000 r Edward J. Cassilly, Jr. - t room residence with 2½ baths, ge and carporte (46' x 68' e V) 4B - R1 - 6/8/70 - \$125= r Frank L. Seeger - Install 42' 2" high chain link fence in rea area, James Renfro, Contractor 44-R1 - 5/17/73 - \$7,200 r Dr. and Mrs. Frank Seeger - one bedroom, one bath, and one hen (1,773 sq ft) with screen osure (72 sq ft) (Type VI) st J. Reese, Contractor. ord Goldman, Architect. 923-R1 - 3/4/74 - \$1477 er Frank L Seeger - Reroof resi- ce-remove existing roof on steep f section-reroof with a 325# ss A shingle over 30# felt-roof ch 3/12 (Type V) Albritton Roof- Co., Contractor (OVER)	#9172G-4/17/57- Cassily Allcorn Elec.-25c 28sw 4hp 3ws 200 amp #1/0 1 meter 1 split range 2 w.h. 1 disposal 1 dryer 2 bath heaters 5 ex.fans #2224H-7/22/57- Cassily Wallis Elec.- 1 furnace #2310H-7/24/57- Cassilly Allcorn Elec.-1c 1-½hp pump	#2409E - 4/11/57 - E. J. Cassi McGeehan Plbg. - 3-closets 2-e 3-lavatories 2-baths 1-sink 1-washer #5529E - 7/19/57 - E. J. Cassil McGhan Plbg. - 1-dishwasher 1-garbage disposal #P3885B - 8/13/73 - Frank Seeg Ed Holmes - 2-tubs - 1-dishw. 1-displ. - 3-lav. - 1-shower bar sink - 1-sink res. - 3-cl				
	INSTALLATION			1-ewh	GAS	
	#8323-4/11/57-Edward J. Cassilly, Jr. J. C. Pressly - 80,000 BTU Armstrong - 180 gal. tank under- ground - Vitroliner - Duct System #6772C - 9/23/63 - Mrs.D. McGhan McGhan Plumbing - 42,000 BTU Mod. AC42B1 Rheem Add on A/C #M3617B - 12/17/73 - Dr. Seeger Custom Htg. & A/C - (1) 2HP-cen. htg. and A/C					
SIGNS	SEWER				SEPTIC TANK	
	#4924F - 10/15/58 - McGhan McGhan Plbg. - \$5.00 tan			#2409E - 4/11/57 - E. J. Cassi McGhan Plbg. - 1-540		

- (12) Off-street Parking Lots, in connection with a contiguous commercial use, in accordance with the specifications of section 29-215.
(Code 1973, § 64.60)

Sec. 29-305. Prohibited Uses and Structures.

- (a) All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the RS-100 Residential Single-Family District.
- (b) Any use which the Environmental Development Commission, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district or to those who pass on public ways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the RS-100 Residential Single-Family District.

Sec. 29-306. Minimum Lot Requirements.

The minimum lot area and width requirements in the RS-100 Residential Single-Family District are as follows:

Note: Public/semi-public and/or ancillary nonresidential uses, alone or when added to existing contiguous like uses which exceed or will exceed three acres, shall require a Land Use Plan amendment which shall include such use and all contiguous like uses.

(1) ***Single-Family Dwellings, Community Residential Homes.***

- a. Lot area: 10,000 square feet.
b. Lot width: 80 feet.

(2) ***Special Residential Development.***

- a. Minimum site: One acre.
b. No minimum lot area providing overall allowable density of 4.3 units per acre of buildable land is not exceeded. See Special Residential Development, section 29-205.

(3) ***Churches.***

- a. Lot area: 2 1/2 acres.
b. Lot width: 250 feet.
c. Except that existing churches can be expanded on lots of no less than one acre and a minimum lot width of 120 feet, provided minimum off-street parking requirements are met in the entire development.