



**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, August 4, 2021 at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5<sup>th</sup> 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](http://www.stpete.org/meetings) for up-to-date information.

CASE NO.:	21-54000059	PLAT SHEET:	L-12
REQUEST:	Approval of a variance to allow a 6-foot-tall fence in the front yard where a 4-foot fence is permitted within the NS-1 Zoning District.		
OWNER:	Applicant ***** 2024 45 <sup>th</sup> Street North Saint Petersburg, Florida 33713		
ADDRESS:	2024 45 <sup>th</sup> Street North		
PARCEL ID NO.:	15-31-16-48024-000-0170		
LEGAL DESCRIPTION:	On File		
ZONING:	Neighborhood Suburban Single-Family (NS-1)		

Structure	Required	Requested	Variance	Magnitude
Accessory Living Area and Attached Garage				
Fence	4-feet tall	6-feet tall	2-feet	50%

**BACKGROUND:**

The subject property is zoned NS-1 (Neighborhood Suburban Single Family). The property is comprised of two fully platted lots of record described as Lot 17 and 18 of the Lake Louise Subdivision. The lot is approximately 134-feet wide and is approximately 15,991 square feet in lot area. NS-1 Zoned properties require a minimum lot width of 75-feet and lot area of 5,800 square feet.

The subject property is located on the corner of 20<sup>th</sup> Avenue North and 45<sup>th</sup> Street North. The lot currently contains a single-family home built in 1956 that faces 45<sup>th</sup> Street North, the legal side yard for the property. Code Section 16.60.010.8.1 defines a front yard on a corner lot, as the yard facing the roadway on which the lot has its lesser dimension. It also states that the combining of existing platted lots of record without replating shall not change the lot frontage due to location of a corner. Thus, the legal front yard of the subject lot is 20<sup>th</sup> Avenue North.

Within the legal front yard of the subject parcel there is currently a 6-foot tall fence with a portion of the fence being 4-feet tall and set on top of a 2-foot tall berm. The applicant intends to remove the berm and the existing wood fence and is requesting a variance to install a 6-foot vinyl fence in the legally platted front yard of the property.

**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.*

The request involves the utilization of an existing developed site. The existing home was constructed in 1956.

- 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.*

This criterion is not applicable. The subject property is approximately 134-feet wide and is approximately 15,991 square feet in lot area. NS-1 Zoned properties require a minimum lot width of 75-feet and lot area of 5,800 square feet. Thus, the subject lot exceeds the minimum standard for lot width and lot area in the NS-1 district.

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

This criterion is not applicable. This request does not involve a preservation district.

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

This criterion is not applicable. The site is not located within a historic district and the request does not involve historic resources.

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

The site contains multiple large trees in the front yard of the property.

*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.*

Single family residences in neighborhood suburban (NS) Districts are described in Code Section 16.20.020.1 as being setback from the property line to allow gracious front yards and landscaping opportunities. The home located on the subject property has a front setback of approximately 25.3-feet from 20<sup>th</sup> Avenue North which is the primary street.

There are 4 corner lots along the subject block between 45 Street North and 46<sup>th</sup> Street North, including the subject property. Only one of the homes along the block face is oriented toward the primary road (20<sup>th</sup> Avenue North) while the other single-family residences face the side yard. The orientation of the homes located on corner lots vary throughout the neighborhood.

*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. The request does not involve public facilities.

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

The single-family residence, located on the property, was constructed to face the legal side yard in 1956. The existing fence and alterations to the grade was also installed by the previous owner of the property. Thus, the special conditions of the request is not the result of the actions of the applicant.

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

Per Code Section 16.40.040.3. the maximum height for a fence or wall of any style is 4-feet within the front yard for properties facing a non-major street. A literal enforcement of this Chapter would result in unnecessary hardship as the applicant is permitted to have a 6-foot fence however the fence at the proposed height is required to be setback a minimum of 25-feet away from the front property line.



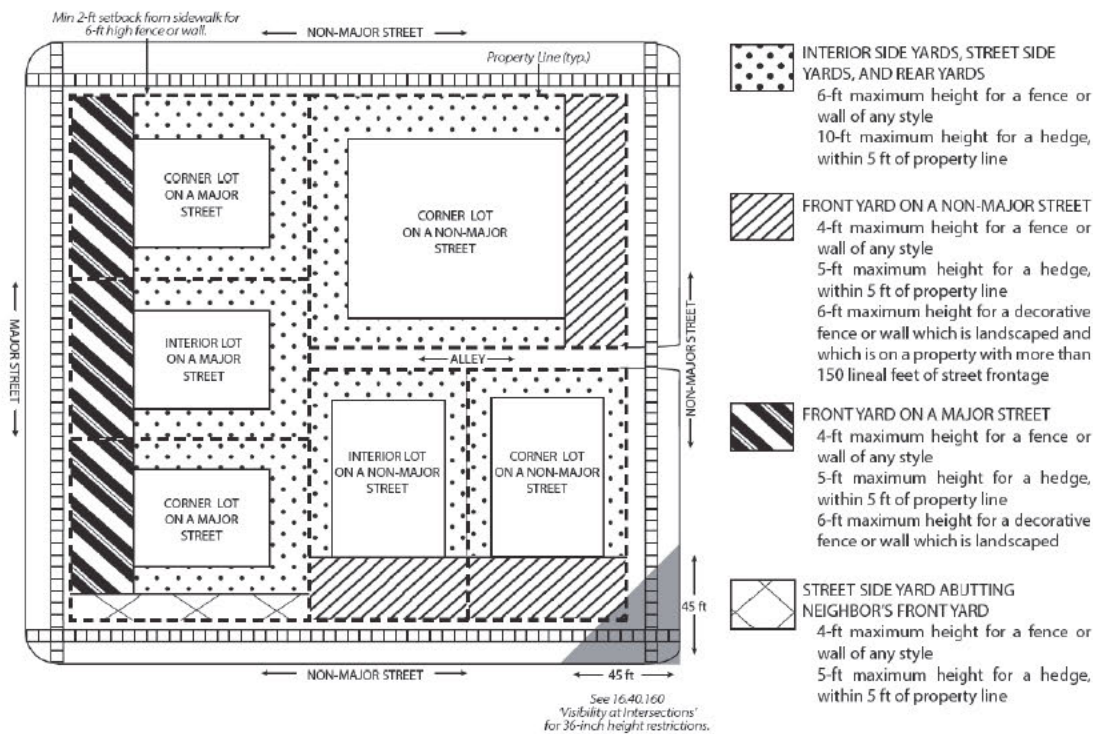
If the proposed fence was set back the 25-feet, the portion of the applicant's yard that is currently bound by a fence would no longer be as accessible causing them to no longer have the privacy or enclosure of the area that currently functions as their back yard.

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 strict application of the provisions of this chapter would restrict reasonable use of the land as it would create space within the applicant's property that is not as readily utilized without a privacy fence. The applicant has also expressed concern within their application regarding their child being able to safely play within their yard.

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

The request is to replace an existing fence that is in disrepair with a new 6-foot fence in the platted front yard. The requested variance is not the minimum variance that will make possible use of the land. The applicant is permitted to replace the fence however per code section 16.40.040.3. If the fence is to be located within the front yard it is required to be a maximum of 4-feet in height. In addition to this the applicant is also able to gain privacy in their yard by installing a 5-foot tall hedge.



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

The granting of this variance will be in harmony with the intent of the code to provide for single family homes to increase both privacy and safety of their properties within the Neighborhood Suburban Zoning Districts.

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 the two most effective property owners have given signatures of support for this request. The fence is not within the visibility triangle for the site. Also, there is no sidewalk along this side of the property thus it is not expected that the fence will disrupt the view of a pedestrian.

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

The applicant would like to replace the existing wood fence and berm on the property to install a 6-foot vinyl fence. The applicant has listed privacy and safety as some of the reasons for their request. These reasons do justify the granting of this request.

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.*

Nonconforming uses of neighboring properties were not considered in this review.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the Disston Heights Neighborhood Association. No public comments have been received regarding this application. The applicant did however provide 17 signatures of support.

**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 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 August 4, 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: Application, Map, aerial, site plan, photographs, applicant's narrative, signatures of support, Neighborhood Participation Report.

Report Prepared By:

/s/Candace Scott

7/21/2021

Candace Scott, Planner I  
Development Review Services Division  
Planning & Development Services Department

Date

Report Approved By:

/s/Jennifer C. Bryla

7.21.2021

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

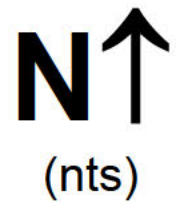
Date

JCB:CAS

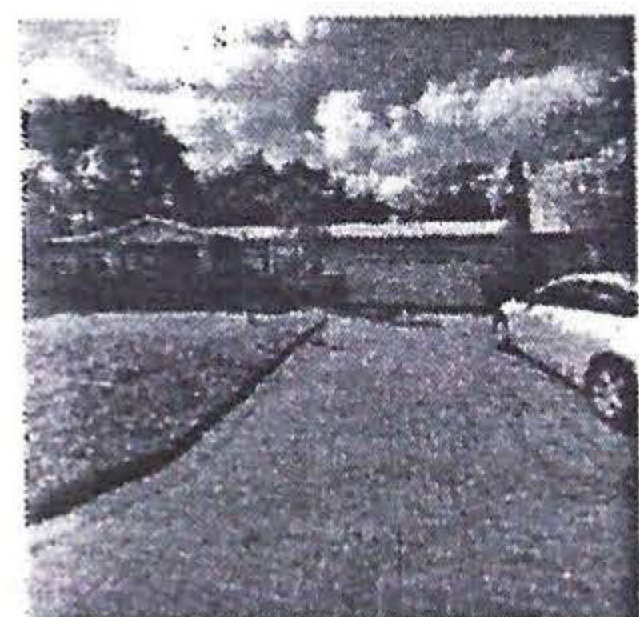
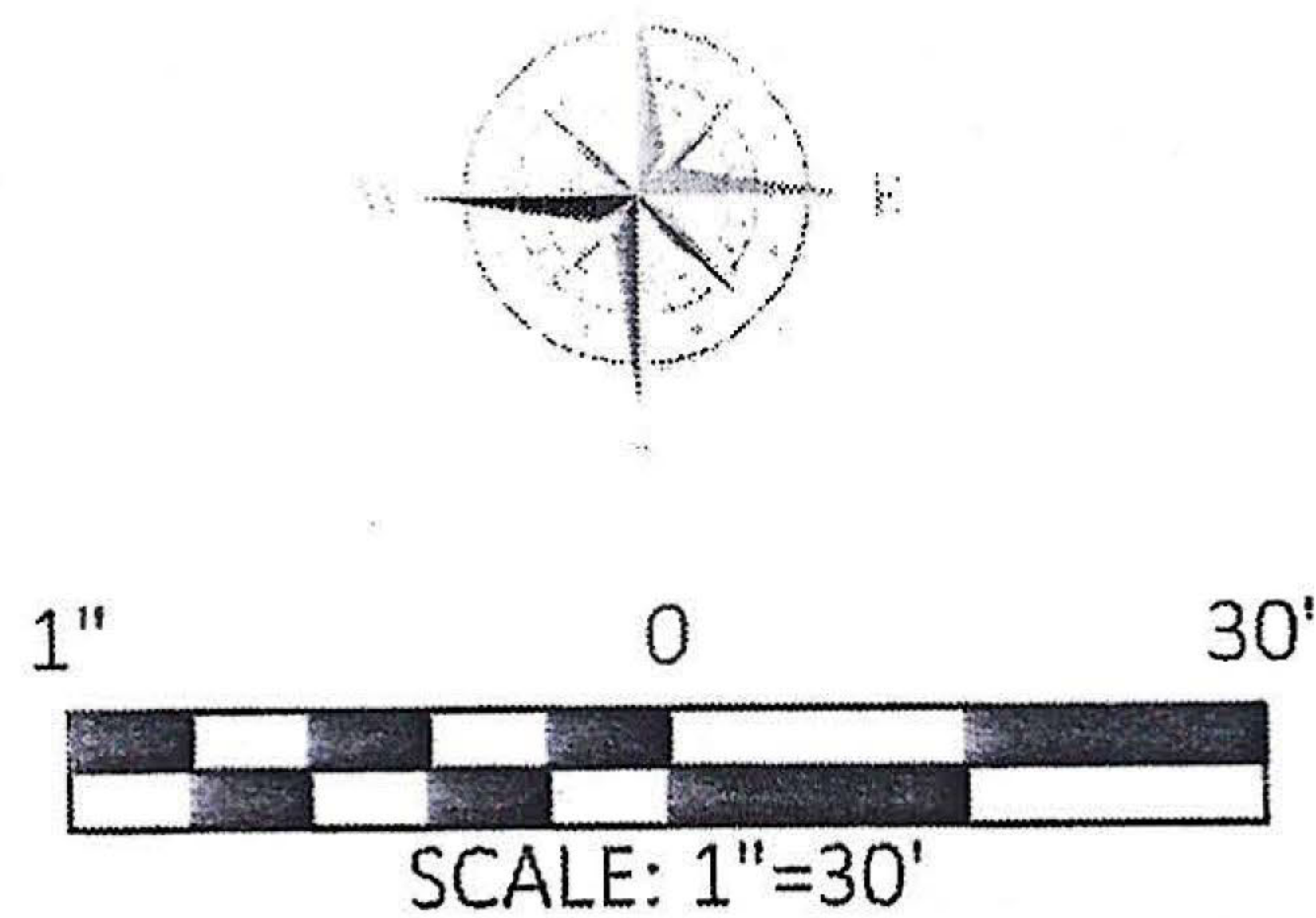




Project Location Map  
 City of St. Petersburg, Florida  
 Planning and Development Services  
 Department  
 Case No.: 21-54000059  
 Address: 2024 45<sup>th</sup> Street North







ADDRESS  
2024 45TH STREET NORTH  
ST. PETERSBURG, FL 33713

LEGEND

- = Iron Pipe & Cap (IP)  
○ = Iron Rod & Cap (IR)  
⊙ = Nail & Disk (N&D)  
OR Book = Official Record Book  
PB = Plat Book  
Pg = Page  
FND = Found  
ID = Identification  
LB = Licensed Business  
LS = Licensed Surveyor
- A/C = Air Conditioner  
⊗ = Power Pole  
CONC. = Concrete  
D = Central Angle  
L = Arc Length  
R = Radius  
ON/OFF = On Site/Off Site  
WF = Wood Fence  
PVC = Polyvinyl Chloride  
(P) = Plat Measurement

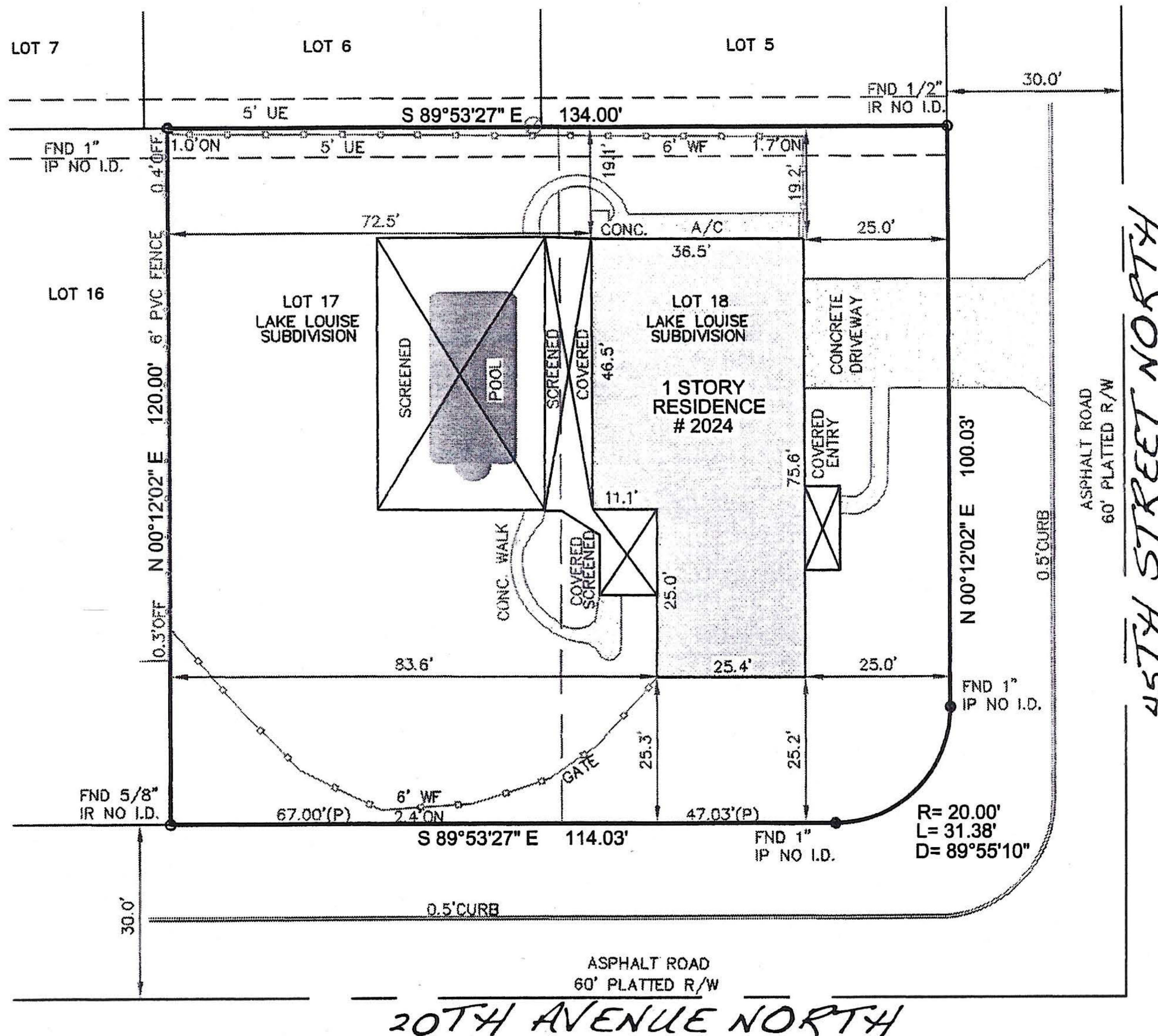
JOB #:	VLSR20- 47098
CLIENT #:	#CPR-20-0443
FIELD DATE:	11/13/20
CREW:	3620
DRAFTER:	ARM
APPROVED:	JEW
SCALE:	1" = 30'

X  
Borrower's Acknowledgment  
and Acceptance

X  
Borrower's Acknowledgment  
and Acceptance

Boundary Survey

EASEMENT NOTE:  
SUBJECT TO EASEMENTS NOTED ON  
RECORD PLAT.  
5' UTILITY EASEMENT ALONG REAR.



Legal Description (As Furnished)

Lot 17 and 18, LAKE LOUISE SUBDIVISION, according to the map or plat thereof as recorded in  
Plat Book 39, Page 46, Public Records of Pinellas County, Florida.

CERTIFIED TO: (AS FURNISHED)  
JONATHAN REEVES AND AMANDA REEVES  
TRUIST BANK  
BAYWALK TITLE INC. D/B/A/ TITLE INSURORS OF FLORIDA  
OLD REPUBLIC NATIONAL TITLE INSURANCE

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD  
ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN,  
PER F.I.R.M. PANEL NUMBER 12103C0212G, LAST REVISION DATE 09/03/2003  
(PER MAPWISE WEBSITE). THIS SURVEYOR MAKES NO GUARANTEES AS TO  
THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT  
SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:

OWNERSHIP OF FENCES NOT DETERMINED.

BASIS OF BEARING

BEARINGS ARE BASED ON THE EAST LINE OF LOT 18 WHICH HAS A BEARING  
OF N 00°12'02" E PER PLAT.

NOTES

- Underground utility installations, underground improvements, foundations and/or  
other underground structures were not located by this survey.
- The purpose of this survey is for use in obtaining title insurance and financing and  
should not be used for construction purposes.
- Additions or deletions to this survey by anyone other than the signing party or parties  
is prohibited without the written consent of the signing party or parties.
- The property shown hereon is subject to all easements, restrictions and  
reservations which may be shown or noted on the record plat and within the  
public records of the county the subject property is located. This survey only  
depicts survey related information such as easements and setbacks that are  
shown on a record plat or have been furnished to the Surveyor.
- Building ties and dimensions for improvements should not be used to reconstruct  
boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE  
USE AND BENEFIT OF THE PARTIES LISTED  
HEREON. LIABILITY TO THIRD PARTIES MAY NOT  
BE TRANSFERRED OR ASSIGNED.

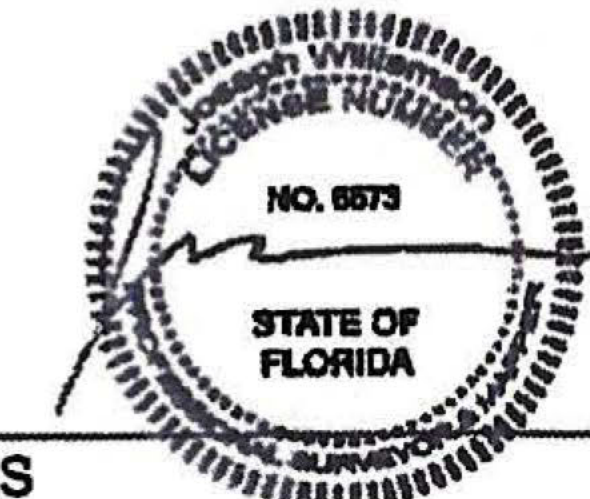
LB 7788



941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE  
REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS

DATED: 11/16/20

PROFESSIONAL LAND SURVEYOR  
FLORIDA REGISTRATION #6573  
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL  
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND  
MAPPER

DATE	REVISION	DATE	REVISION





# VARIANCE

Application No. 21-54000059

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 1<sup>st</sup> floor of the Municipal Services Building, One Fourth Street North.

## GENERAL INFORMATION

**NAME of APPLICANT (Property Owner):** [REDACTED]

Street Address: 2024 45th St N

City, State, Zip: St Petersburg, FL 33713

Telephone No: 727-510-8154

Email Address: [REDACTED]

**NAME of AGENT or REPRESENTATIVE:**

Street Address:

City, State, Zip:

Telephone No:

Email Address:

**PROPERTY INFORMATION:**

Street Address or General Location: 2024 45 St N, St Petersburg, FL 33713

Parcel ID#(s):

**DESCRIPTION OF REQUEST:** replace old wooden 4ft fence atop a berm with 6ft PVC Fence and remove berm

**PRE-APPLICATION DATE:** 4-16-21 **PLANNER:** JCB/SAC

## FEE SCHEDULE

1 & 2 Unit, Residential - 1<sup>st</sup> Variance \$350.00

3 or more Units & Non-Residential - 1<sup>st</sup> 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\*: [REDACTED]

Date: 5-22-2021

\*Affidavit to Authorize Agent required

Typed Name of Signatory: [REDACTED]



# 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.

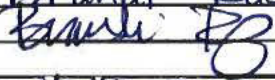
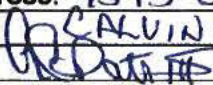
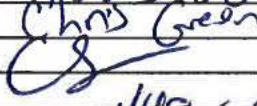
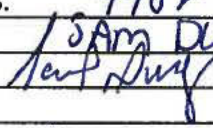
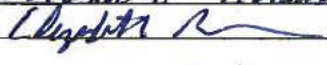
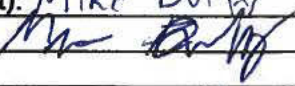

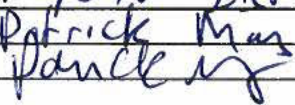
NEIGHBORHOOD WORKSHEET	
Street Address: 2024 45 <sup>th</sup> St N	Case No.:
Description of Request: Fence variance	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
1. Affected Property Address: <del>4546 45<sup>th</sup> St N</del>	
Owner Name (print): <del>ANDERSON</del>	
Owner Signature: <del>[Signature]</del>	
2. Affected Property Address: 4521 21 <sup>st</sup> Ave N	
Owner Name (print): Mureen Murray	
Owner Signature: [Signature]	
3. Affected Property Address: 4521 21 <sup>st</sup> Ave N	
Owner Name (print): William Murray	
Owner Signature: [Signature]	
4. Affected Property Address: 2050 45 <sup>th</sup> St N	
Owner Name (print): Ady R. Gomez	
Owner Signature: [Signature]	
5. Affected Property Address: 1950 45 <sup>th</sup> St N	
Owner Name (print): KERRI DUNNIG	
Owner Signature: [Signature]	
6. Affected Property Address: 1950 45 <sup>th</sup> St N	
Owner Name (print): <del>[Signature]</del> Indira Torrealba	
Owner Signature: [Signature]	
7. Affected Property Address: 4533 18 <sup>th</sup> Ave N	
Owner Name (print): Amy DeWitt	
Owner Signature: [Signature]	
8. Affected Property Address: 4558-20 <sup>th</sup> Ave N.	
Owner Name (print): Christi Semmel	
Owner Signature: [Signature]	



# 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: 2024 45 <sup>th</sup> St N	Case No.:
Description of Request: Fence Variance	
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: 4532 20 <sup>th</sup> Ave N St Pete FL 33713	
Owner Name (print): Brandi Basecap	
Owner Signature: 	
2. Affected Property Address: 4543 20 <sup>th</sup> Ave N ST PETE FL 33713	
Owner Name (print): CALVIN TATE	
Owner Signature: 	
3. Affected Property Address: 4523 20 <sup>th</sup> Ave N St Pete 33713	
Owner Name (print): Chris Green	
Owner Signature: 	
4. Affected Property Address: 4482 20 <sup>th</sup> Ave N	
Owner Name (print): SAM DULBERG	
Owner Signature: 	
5. Affected Property Address: 2100 45 <sup>th</sup> Ave N.	
Owner Name (print): ELIZABETH ROHAN	
Owner Signature: 	
6. Affected Property Address: 4510 21 <sup>st</sup> Ave N	
Owner Name (print): MIKE DUFFY	
Owner Signature: 	
7. Affected Property Address: 4530 21 <sup>st</sup> Ave N	
Owner Name (print): Towanda Walcott	
Owner Signature: 	
8. Affected Property Address: 4540 21 <sup>st</sup> Ave N	
Owner Name (print): Patrick Mas	
Owner Signature: 	



# 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	
<b>Street Address:</b> 2024 45 St N	<b>Case No.:</b>
<b>Description of Request:</b> Fence Variance	
<p>The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):</p>	
<p>1. Affected Property Address:</p>	
<p>Owner Name (print): 4542 - 20th Ave NE No</p>	
<p>Owner Signature: Janice P. Schuly</p>	
<p>2. Affected Property Address: 1900 - 45th St. No</p>	
<p>Owner Name (print): Elizabeth Sorensen</p>	
<p>Owner Signature: Elizabeth Sorensen</p>	
<p>3. Affected Property Address:</p>	
<p>Owner Name (print):</p>	
<p>Owner Signature:</p>	
<p>4. Affected Property Address:</p>	
<p>Owner Name (print):</p>	
<p>Owner Signature:</p>	
<p>5. Affected Property Address:</p>	
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<p>7. Affected Property Address:</p>	
<p>Owner Name (print):</p>	
<p>Owner Signature:</p>	
<p>8. Affected Property Address:</p>	
<p>Owner Name (print):</p>	
<p>Owner Signature:</p>	



May 11<sup>th</sup>, 2021

[REDACTED]  
2024 45<sup>th</sup> St N  
St Petersburg, FL 33713  
727-510-8154

Federation of Inner-City Community Organizations (FICO)  
c/o Kimberly Frazier-Leggett  
3301 24<sup>th</sup> Ave S  
St Petersburg, FL 33712

Application for a Fence Variance

Good evening Mrs Frazier-Leggett,

Shervon Chambliss with the City of St Petersburg's Zoning Department informed me that I needed to send you an intent to file for a variance for our fence. My wife and I just recently purchased the property located at 2024 45 St N. This property needed to be completely remodeled. Additionally, the fence surrounding the property is in need of replacement. The fence along our northern property line was already replaced, however the fence along the southern property line still needs to be replaced. Currently, there is a two-foot berm on which a four-foot wooden fence is situated. This has been like this for decades, according to our neighbors. This is also evident in street views that date back to at least 2008, when Google Street View became available.

We are planning on leveling the ground and doing away with the berm and replacing the berm and the old wooden fence with a six-foot vinyl fence. Due to our lots being plotted for 20th Ave N, however, the city only allows a four-foot fence in the legal front yard, which is in fact our back yard.

The purpose of this variance is to replace the old fence with a new fence and still allow us to have the safety and privacy afforded with a fence without changing the character of the neighborhood or the overall height of what is already there. We are asking for your support in this project.

Would you be so kind and express a word of support for this project? Thank you for your assistance and please feel free to contact me with any questions or concerns.

Sincerely,

[REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, May 13, 2021 12:12 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Application for Fence Variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

**From:** Pamela Huff <pehuff@yahoo.com>  
**Date:** May 12, 2021 at 12:09:55 PM EDT  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** Re: Application for Fence Variance

Sure!

On Wednesday, May 12, 2021, 12:05:18 PM EDT [REDACTED] wrote:

Thank you. I can forward you what the city sent me, if that helps?

Sent from my iPhone

On May 12, 2021, at 11:46 AM, Pamela Huff <pehuff@yahoo.com> wrote:

Hi [REDACTED] - Thanks for reaching out.

Typically you will receive a public participation form that indicates whether the neighborhood association - in this case Disston Heights Civic Association - has been notified. You are not required to get approval or disapproval from our members. Seeing as we don't have another meeting until the fall, I don't anticipate



being able to take a vote of support from DHCA. However, like I said, it's not required of you to have our approval, only to notify us, which you have done.

However, if you have the form I referenced above, I'm happy to sign it to show you have informed us.

Thank you -  
Pam Huff

On Tuesday, May 11, 2021, 08:48:41 PM EDT, [REDACTED] wrote:

Good evening Pam,

I sent you an email back in February informing you that my wife and I are new to the neighborhood and you asked me to contact you with any questions and concerns.

We have done lots of work to the home since we purchased it and are almost complete with the renovations. One of the last things we need to do is to replace our fence.

The fence along the northern property line of our property was already replaced, however the fence along the southern property line still needs to be replaced. Currently, there is a two-foot berm on which a four-foot wooden fence is situated. This has been like this for decades, according to our neighbors. This is also evident in street views that date back to at least 2008, when Google Street View became available.

We are planning on leveling the ground and doing away with the berm and replacing the berm and the old wooden fence with a six-foot vinyl fence. Due to our lots being plotted for 20th Ave N, however, the city only allows a four-foot fence in the legal front yard, which is in fact our back yard.

Shervon Chambliss with the City of St Petersburg's Zoning Department informed me that I needed to send you an intent to file for a variance. The purpose of this variance is to replace the old fence with a new fence and still allow us to have the safety and privacy afforded with a fence without changing the character of the neighborhood or the overall height of what is already there. We are asking for your support in this project.

Would you be so kind and express a word of support for this project? Thank you for your assistance and please feel free to contact me with any questions or concerns.

[REDACTED]  
2024 45th St N  
St Petersburg, FL 33713  
[REDACTED]



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Thursday, May 13, 2021 12:14 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Application for Fence Variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED] >  
**Date:** May 11, 2021 at 8:36:42 PM EDT  
**To:** variance@stpetecona.org  
**Subject:** Application for Fence Variance

Good evening Tom,

Shervon Chambliss with the City of St Petersburg's Zoning Department informed me that I needed to send you an intent to file for a variance. My wife and I just recently purchased the property located at 2024 45 St N. This property needed to be completely remodeled. Additionally, the fence surrounding the property is in need of replacement. The fence along the northern property line was already replaced, however the fence along the southern property needs to be replaced. Currently, there is a two-foot berm on which a four-foot wooden fence is situated. This has been like this for decades, according to our neighbors. This is also evident in street views that date back to at least 2008, when Google Street View became available.

We are planning on leveling the ground and doing away with the berm and replacing the berm and the old wooden fence with a six-foot vinyl fence. Due to our lots being plotted for 20th Ave N, however, the city only allows a four-foot fence in the legal front yard, which is in fact our back yard.

The purpose of this variance is to replace the old fence with a new fence and still allow us to have the safety and privacy afforded with a fence. We asking for your support in this project.

Should anything be missing in this email, please let me know. Thank you for your assistance and please feel free to contact me with any questions or concerns.





# Pre-Application Meeting Notes

Meeting Date: 04/16/2021 Zoning District: NS-1  
Address/Location: 2024 45th Street North  
Request: Variance to allow a 6-foot fence in a front yard.  
Type of Application: Variance Staff Planner for Pre-App: JCB/SAC  
Attendees: REDACTED

Neighborhood and Business Associations within 300 feet:

Assoc.	Contact Name:	Email:	Phone:
Diston Height Neigh. Association	Pam Huff	pehuff@yahoo.com; dhcastpete@gmail.com	813-727-0995

(See Public Participation Report in applicable Application Package for CONA and FICO contacts.)

Notes: The consists of two platted lot that were developed with a single-family home that faces 45th Street North (a street side yard).  
REDACTED expressed concerns for safety and the desire to remove and expand an existing six-foot wood fence located in the property's front yard (the first 25-feet of the property measured from the platted front property line fronting 20th Avenue North). Staff indicated that staff support would be unlikely due to current fence regulations which require fencing in front yards to be no taller four-feet when located on non-major streets. Proof of notices of intent to file for a variance shall be sent to CONA, FICO, and the Disston Heights Neighborhoods association 10 days before submittal.



#### Detailed Description of Project and Request:

Replace an old wooden four-foot fence atop a two-foot berm with a six-foot white vinyl fence and remove the berm

- 1) What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?

This home, which was built in 1956, sits on two lots and was built with the front door facing 45 St N. The second lot was intended to be used as the backyard and houses a pool. The "legal" front yard faces 20<sup>th</sup> Ave N. Currently, there are three oak trees located in the backyard, as well as a magnolia tree. To provide privacy and safety and to utilize the backyard as it was intended, the previous owner constructed a two-foot high semi-circular berm along the southern property line and placed a four-foot wooden fence atop the berm, essentially building a six-foot wooden fence. This berm and the four-foot wooden fence have been in its current location for a long time. According to one neighbor, this berm has been in place since when the previous owner built the pool in the 1970's (see Attachment C of Google Maps Street View Image from 2008). A line of shrubbery is located along the western fence line. See attachment A for placement of trees and shrubs and Attachment B for current street view.

The oak trees shed a lot of leaves and cannot be removed, as they are protected trees. To properly maintain the property, access to the backyard is required. This access is currently being provided via an angled gate on the southern fence line. Due to the layout of the trees, the current placement of the gate is necessary to allow proper navigation between the trees to be able to access the yard. Additionally, due to the way the pool and trees are placed, the fence provides safety and privacy from onlookers walking and driving by on 20<sup>th</sup> Ave N. Please see Attachments B for the current fencing.

The width of the two lots together is 134 ft. If the width was 150 feet or more, we would not need to obtain a variance, as per City Code Section 16.40.040.3 a six-foot fence would be allowed. This is a mere 16 feet difference.

- 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.

Yes, there are at least two properties only one block away: 1751 45th St N and 1970 45<sup>th</sup> St N. 1751 45<sup>th</sup> St N has a six-foot wooden fence constructed in the legal front yard. 1750 45<sup>th</sup> St N has a six-foot vinyl fence constructed in the front yard. See Attachments D, E, and F.

- 3) How is the requested variance not the result of actions of the applicant?

The home was built in 1956 and only ever had one owner. We did not design the layout of the home, the pool, or place the trees and vegetation in the backyard. The berm and fence were built by the previous owners. When we purchased the home, the current



fencing was already in disrepair and in need of replacement and we believed the entirety of the yard to be able to be fenced.

- 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 variance, if approved, will provide my family with the safety and privacy that our family needs and should be entitled to. It will allow us to use the property the way it was intended to and will continue to allow me to perform my property maintenance by accessing the backyard with larger equipment, i.e. a truck. My daughter will be able to play by her favorite tree without us having to fear for her safety. We will also be able to enjoy our pool and backyard without anyone being able to violate our privacy. If the variance does not get approved, we will lose 25 feet of usable backyard. We will also have to pay hundreds, if not thousands of dollars to have the newly placed irrigation system moved. Moving the fence back 25 feet could also affect the property value and thereby affect the value of neighboring homes. Our goal is not to make a drastic change to the current view of the property, but rather to remove the unsightly berm and replace the old wooden fence with a vinyl fence. The result will not change the view that currently exists, but rather add to the look of a well-maintained property and neighborhood. The neighbor's driveway and view of 20<sup>th</sup> Ave N will not be obstructed. Please see attachment G for proposed fence outline.

- 5) What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?

The only alternative to make the "legal" front yard the true front yard is by demolishing this fully renovated home, fully renovated pool, removing the trees in the yard, and rebuilt from the ground up with a structure that faces 20<sup>th</sup> Ave N. We have already spent a lot of money on the purchase and renovation of the home and are still investing money into the landscaping of the property.

We further considered moving the fence back 25ft to be in accordance with the required setback, however this will cause us to lose valuable backyard space, a safe area for our daughter to play, prevent me from accessing my backyard with a vehicle to perform property maintenance, and affect the value of not only our home, but that of the homes of our neighbors.

- 6) In what ways will granting the requested variance enhance the character of the neighborhood?

The variance will allow us to remove the unsightly berm and replace the current fence with a six-foot vinyl fence. This will add value to our home and neighboring homes. It will further add a pleasing aesthetic to the neighborhood, which currently does not exist.



# Boundary Survey

EASEMENT NOTE:  
SUBJECT TO EASEMENTS NOTED ON  
RECORD PLAT.  
5' UTILITY EASEMENT ALONG REAR.

The map shows Lot 18, a 1-story residence (#2024) in the Lake Louise Subdivision. The property is bounded by Lot 7, Lot 6, Lot 5, and Lot 16. Key features include a pool, a covered entry, a concrete driveway, and a covered walk. The map includes various dimensions, bearings, and easements, such as a 5' utility easement along the rear and a 6' PVC fence along the west boundary. The map also shows the location of the residence, pool, and driveway, and the dimensions of the various areas.

LOT 7 LOT 6 LOT 5

FND 1" IP NO I.D. 30.0' FND 1/2" IR NO I.D.

5' UE S 89°53'27" E 134.00' 19.1' 6' WF 17.7' ON 19.2' 25.0'

LOT 16 LOT 17 LAKE LOUISE SUBDIVISION

Hedges

LOT 18 LAKE LOUISE SUBDIVISION

1 STORY RESIDENCE #2024

SCREENED POOL

SCREENED COVERED

CONC. WALK

COVERED ENTRY

CONCRETE DRIVEWAY

75.6' 11.1' 25.0' 25.4' 25.0' 25.2' 47.03'(P)

83.6' 67.00'(P) 2.4' ON 6' WF GATE

S 89°53'27" E 114.03' FND 1" IP NO I.D. R= 20.00' L= 31.38' D= 89°55'10"

30.0' 0.5' CURB

ASPHALT ROAD 60' PLATTED R/W

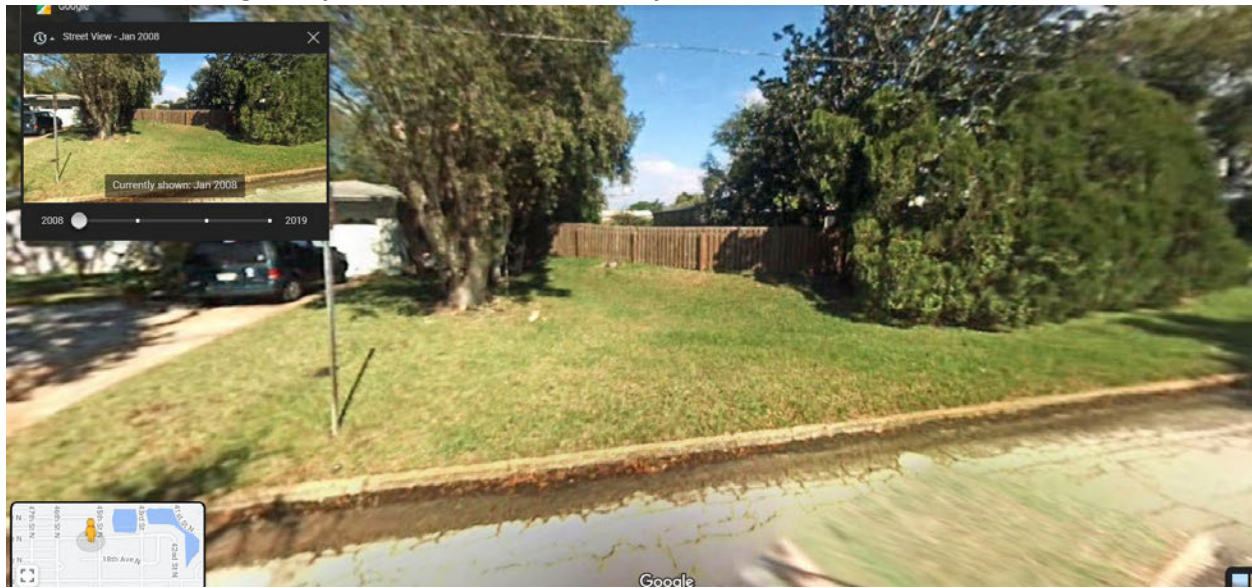
45TH STREET NORTH



**Attachments B (current fencing):**



**Attachment C (Google Maps Street View from January 2008):**



**Attachment D (aerial view of 1750 45<sup>th</sup> St N and 1751 45<sup>th</sup> St N):**





**Attachments E (view of 1751 45 St N from 02/07/2021):**



**Attachments F (view of 1750 45 St N from 02/07/2021):**





**Attachment G:**

