



**CITY OF ST. PETERSBURG
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION
DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**DOCK VARIANCE
PUBLIC HEARING**

According to Planning & Development Services Department records, no **Commission member** has a direct or indirect ownership interest in real property located within 2,000 linear feet of real property contained within the application (measured by a straight line between the nearest points on the property lines). 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 1, 2022, at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.: 22-39000004 PLAT SHEET: B-28

REQUEST: Approval of a dock variance to reduce the minimum required side setbacks for a dock and boatlift to allow for the construction of a new dock and boatlift.

OWNER: Kristen King & Greg Schmitz
1400 52nd Avenue Northeast
Saint Petersburg, Florida 33703

AGENT: Craig Taraszki
Johnson Pope
490 1st Avenue South, Suite 700
Saint Petersburg, Florida 33701

ADDRESS: 1400 52nd Avenue Northeast

PARCEL ID NO.: 04-31-17-72577-001-0320

LEGAL DESCRIPTION: On File

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

REQUEST: This application requests variances to reduce the minimum required left- and right-side setbacks for a dock and boatlift to allow for the construction of a new dock and boatlift. Reduced dock setbacks may be administratively approved via a setback waiver process if the adjacent property owner(s) provides a signature of no-objection to the request, followed by mailing notices to property owners within 200-feet, measured along the seawall, in each direction of the property. If no objections are received within 30-days of the mailing notice, then the reduced setback(s) may be approved. The adjacent left-side (east) property owners have no objection to the request; however the adjacent right-side (west/south) property owner has not provided a signature of no-objection.

The subject property has a rear property line along a concave curved waterfront with a width of 40.8-feet. The City Code requires a dock on properties with a waterfront width between 20-feet and 50-feet to be built within the center one-third of the waterfront. With a width of 40.8-feet, a dock at the subject property would require minimum side setbacks of 13.6-feet on each side measured from the projected side lot lines to the closest point of the dock. Any boatlift or tie pole requires a minimum side setback of 10-feet on each side.

This application requests the reductions of the minimum required dock setback from 13.6-feet to 3.5-feet on the left side and of the minimum required boatlift setback from 10-feet to 6-feet on the right side for the construction of a dock and a boatlift.

DISCUSSION: The subject property is located in the Shore Acres Neighborhood, on a fully platted lot, platted in 1969 with a single-family home built in 1971. The property is a corner lot situated on the elbow of a canal waterway which creates a narrow, wedge-shaped access to the waterfront with converging side lot lines. The proposed dock consists of a 22-foot-wide, 18-foot-long triangular dock with a four-pile boatlift on the right.

Similar requests have been administratively granted in the neighborhood in the past with affected property owner signatures of no-objection (e.g. 1400 51st Ave NE in July 2021). Administrative approval for reduced required dock setback waivers are dependent on immediately adjacent property owner approval which is absent from one of the affected property owners in this instance.

CONSISTENCY REVIEW COMMENTS: The Development Review Services Division staff reviewed this application in the context of the following standards of approval excerpted from the City Code and found that the requested variance is **INCONSISTENT** with these standards.

Standard #1: *Circumstances or conditions exist which are peculiar to the land, buildings, or other structures for which the variance is sought and do not apply generally to lands, buildings, or other structures in the same zoning district.*

The relatively narrow, wedge-shaped waterfront is a common characteristic for properties located at the terminus of a finger canal, common in this neighborhood.

Standard #2: *Strict application of the provisions of the Code would provide the applicant with no means for reasonable use of the land, buildings, or other structures in the same district.*

The narrow waterfront and converging property lines result in a buildable area that would not allow for a full-sized four-piling boatlift when minimum side setbacks are accounted for. County permit data shows the existing dock was last constructed or repaired in 1971. The current Code regulations would allow for the continued maintenance and reconstruction of the existing dock in the same previously permitted size, location, and configuration.

Standard #3: *The peculiar conditions and circumstances existing are not the result of the actions of the applicant.*

The conditions are not the result of the Applicant. The original platting of the subdivision in 1969 created the property orientation and configuration. The current property owner purchased the property in July 2021.

Standard #4: *The reasons set forth in the application justify the granting of a variance.*

The narrow waterfront and the converging angles of the side property lines alone do not justify granting a variance. The existing dock may be maintained in the same configuration as it was last permitted in 1971 without granting a variance.

Standard #5: *The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the land, building, or other structure.*

The narrow waterfront and converging side property lines would allow for a walkway dock design without the need for variances to Code requirements.

Standard #6: *The granting of the variance will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The granting of the variances will not be in harmony with the general purpose and intent of the Code and may be injurious to the neighborhood. The immediately adjacent property owner to the southwest objects to the request.

PUBLIC COMMENT: The subject property is within the boundaries of the Shore Acres Civic Association. Two signatures of no-objection from the immediately adjacent property owners to the east at 1408 52nd Ave NE were included by the Applicant in the initial variance application submission. The owner of the property immediately adjacent to the southwest has filed as a Registered Opponent to this variance request. At the time of this writing, no inquiries from the general public have been received by Staff. The Shore Acres Civic Association has not commented on the request.

STAFF RECOMMENDATION: Based on the stringent standards of approval contained within the City Code, the Development Review Services Division staff recommends **Denial** of the requested variance to reduce the required right-side setback for a boatlift from 10-feet to 6-feet and **Approval** of the requested variance to reduce the left-side setback for a dock from 13.6-feet to 3.5-feet, if the dock is redesigned to comply with the right-side setback requirements.

CONDITIONS OF COMMISSION ACTION: If the variance is approved consistent with the site plan submitted with this application, the Development Review Services Division staff recommends that the approval shall be subject to the following:

1. Plans shall be submitted to the Development Review Services Division by the Applicant for approval prior to the issuance of permits by the Pinellas County Water & Navigation Control Authority.
2. This variance approval shall be valid through June 1, 2025. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.

REPORT PREPARED BY:

Michael Larimore /s/

5/18/2022

Michael Larimore, Planner II
Development Review Services Division
Planning and Development Services Department

Date

REPORT APPROVED BY:

Joseph Moreda, AICP Interim Zoning Official
Development Review Services Division
Planning and Development Services Department

Date

Attachments: Location Map, Application including narrative and proposed dock plan, Map of Public Comment