



**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, August 3, 2022, at 10:00 A.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.: 22-39000005 PLAT SHEET: B-28

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

OWNER: James Watters
5026 14th Street Northeast
Saint Petersburg, Florida 33703

ADDRESS: 5026 14th Street Northeast

PARCEL ID NO.: 04-31-17-72578-002-0520

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 right-side (north) property owners have no objection to the request; however the adjacent left-side (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 52.3-feet. The City Code requires a dock on properties with a waterfront width equal to or greater than 50-feet to be built with minimum side setbacks of 20-feet on each side. 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 20-feet to 4-feet on the left side and 13-feet on the right side and of the minimum required boatlift setback from 10-feet to 1-foot 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 1972 with a single-family home built in 1976. 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 10-foot-wide, 24-foot-long rectangular 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 **CONSISTENT** 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. The relatively shallow water immediately adjacent to the property is unique to the neighborhood which demonstrates a need to allow for a dock to extend the full 24-feet of allowable length (25% of the 96-foot wide canal). This proposed length conflicts with the typical side setback requirements as the water envelope narrows the further from the seawall the dock extends.

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 1976. 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. The existing dock does not have any facilities for storing a watercraft and the shallow water does not provide the minimum required depth for a boatlift to be installed as the dock currently exists.

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 1972 created the property orientation and configuration. The current property owner purchased the property in April 2019.

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

The narrow waterfront, converging angles of the side property lines, and the shallow water justify granting a variance. The installation of a boatlift on the existing dock would not meet Code requirements for required water depth. To allow watercraft access to the waterway, a longer dock would be required to meet the minimum water depth requirement for a boatlift which would inversely affect the setbacks of any usable dock at this property.

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 proposed design allows for waterway access from the property by allowing access to a boatlift with adequate water depth. If the dock were shortened, adequate water depth would not be possible.

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 be in harmony with the general purpose and intent of the Code. The immediately adjacent, most affected property owner to the north does not object to the request. The proposed design places the boatlift on the north side of the dock while meeting boatlift setbacks on the south side of the dock and only requiring relief to the dock setback requirement on that side.

PUBLIC COMMENT: The subject property is within the boundaries of the Shore Acres Civic Association. A signature of no-objection from the immediately adjacent property owner to the north at 1394 51st Ave NE was included by the Applicant in the initial variance application submission. The immediately adjacent property owner to the south is a Registered Opponent to this request. No other 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 **Approval** of the variance to reduce the minimum required dock setbacks from 20-feet to 4-feet on the left side and 13-feet on the right side and of the minimum required boatlift setback from 10-feet to 1-foot on the right side for the construction of a dock and boatlift.

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. The plans submitted for permitting should substantially resemble the plans submitted with this application.
2. 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.
3. This variance approval shall be valid through August 3, 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

7/25/2022

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

Date

REPORT APPROVED BY:

Joseph Moreda

07/25/2022

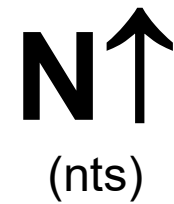
Joseph Moreda, AICP Zoning Official
Development Review Services Division
Planning and Development Services Department

Date

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



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 22-39000005
Address: 5026 14th St. NE.





st.petersburg
www.stpete.org

VARIANCE

Application No. _____

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):	
Street Address:	
City, State, Zip:	
Telephone No:	Email Address:
NAME of AGENT or REPRESENTATIVE:	
Street Address:	
City, State, Zip:	
Telephone No:	Email Address:
PROPERTY INFORMATION:	
Street Address or General Location:	
Parcel ID#(s):	
DESCRIPTION OF REQUEST:	
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*:  _____ Date: _____

*Affidavit to Authorize Agent required, if signed by Agent.

Typed Name of Signatory: _____



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?
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
6. In what ways will granting the requested variance enhance the character of the neighborhood?



PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT

Street Address:

1. Details of techniques the applicant used to involve the public

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications

(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

2. Summary of concerns, issues, and problems expressed during the process

NOTICE OF INTENT TO FILE

A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o Tom Lally at variance@stpetecon.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at [3301 24th Ave. S., St. Pete 33712](mailto:3301_24th_Ave_S_St_Pete_33712)) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.

- Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: _____
- Attach the evidence of the required notices to this sheet such as Sent emails.







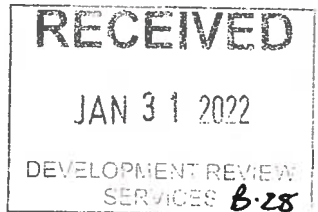


If applying in person, direct all correspondence to:

Clerk, Water and Navigation, 5th Floor
315 Court Street
Clearwater, FL 33756



**PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION**



I. PROPERTY OWNER INFORMATION:

- A. Applicant's Name: James Watters
- B. Mailing Address: 5026 14th Street N.E.
City: St. Pete State: FL Zip: 33703
- C. Telephone No.: 727-417-8976 E-mail Address: Jamesbwatters@gmail.com

II. CONTRACTOR INFORMATION (Pro):

- A. Name: AMERICAN COASTAL CONSTRUCTION, INC
- B. Address: 4508 62nd Ave No
City: Pinellas Park State: FL Zip: 33781
- C. Telephone No.: 727-525-7200 E-mail Address: FRANKA@SEAWALLMAN.COM

III. AGENT INFORMATION (if different from Contractor):

- A. Name: FRANK BALL JR
- B. Address: 4508 62nd Ave No
City: Pinellas Park State: FL Zip: 33781
- C. Telephone No.: 727-448-2447 E-mail Address: FRANKB@SEAWALLMAN.COM

IV. SITE INFORMATION:

- A. Construction Site Address: 5026 14th Street N.E
City: ST. PETERSBURG Zip Code: 33707
- B. Site Parcel ID Number: 04 | 31 | 17 | 72578 | 0031 0520
- C. Incorporated: Unincorporated:
- D. Affected Water Body: Piccola Bayou
- E. Previous Permits: _____

F. Date applicant assumed property ownership: _____ month/year

G. Obstructions: (Dogs, Fences, etc.) Fence

H. All other information pursuant to Chapter 58, Article XV (Water and Navigation Regulations).

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

A. Signature from Adjacent Owner Required under Code Section 58-555(b): Yes No

Amount of deviation: Length: _____

Width: _____

Setbacks: Left: 4' Right: 1'

Other: _____

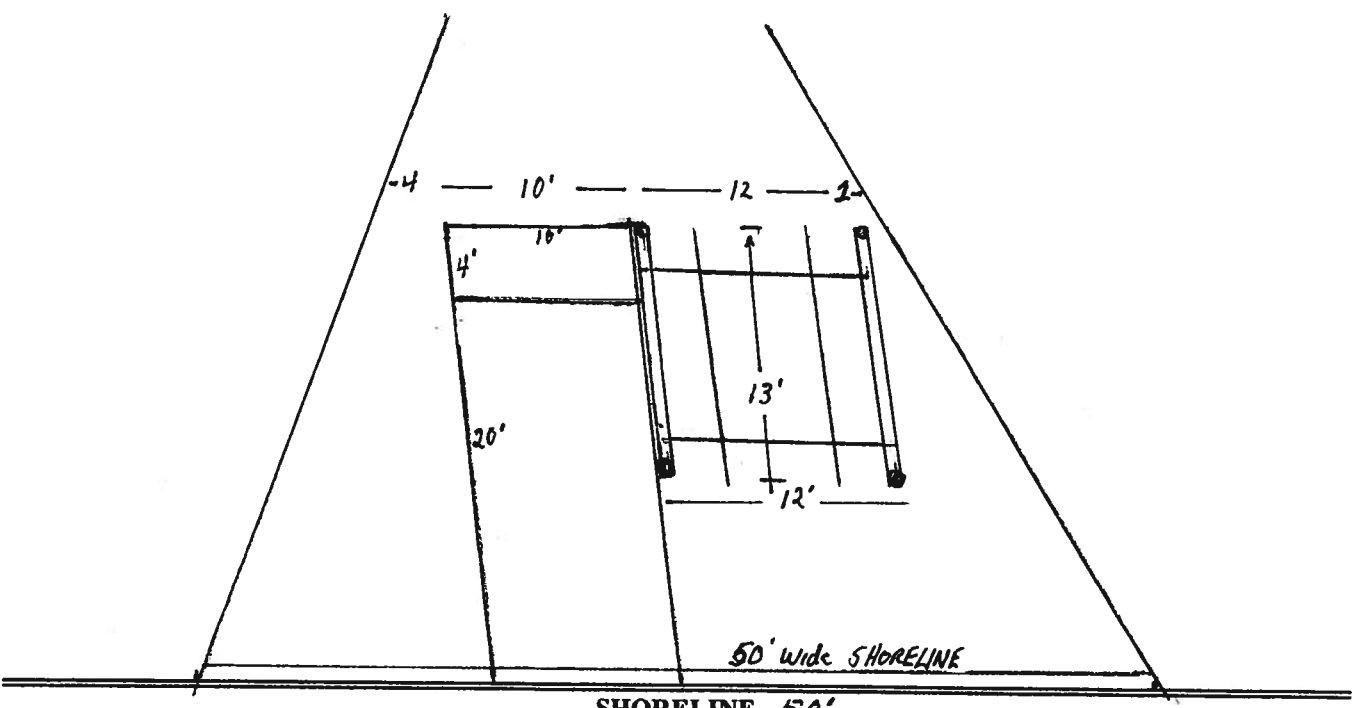
❖ Please note that all information requested in this application must be filled out in its entirety prior to submittal to Pinellas County. An application missing information will not be considered complete, and therefore ready for possible approval, until all required information is provided.

Owner Name: JAMES B. WATERS Site Address: 5025 14TH Street NE

Nature and Size of Project: DEMO EXSISTING DOCK, AND INSTALL 10'wide x 20' Long Dock, WITH A 4'Long x 10'wide Lower Landing, INSTALL A 4PK 10K LIFT 12'wide x 13 long

Total Project Square Footage:	<u>240</u>	New Square Footage:	<u>106</u>
Total Number of Pilings:	<u>12</u>	Diameter of Pilings:	<u>10"</u>
Waterway Width	<u> </u>	Waterfront Width	<u>52.36</u>

**Plan View Drawing
(applicant and adjacent docks)**



SHORELINE 50'

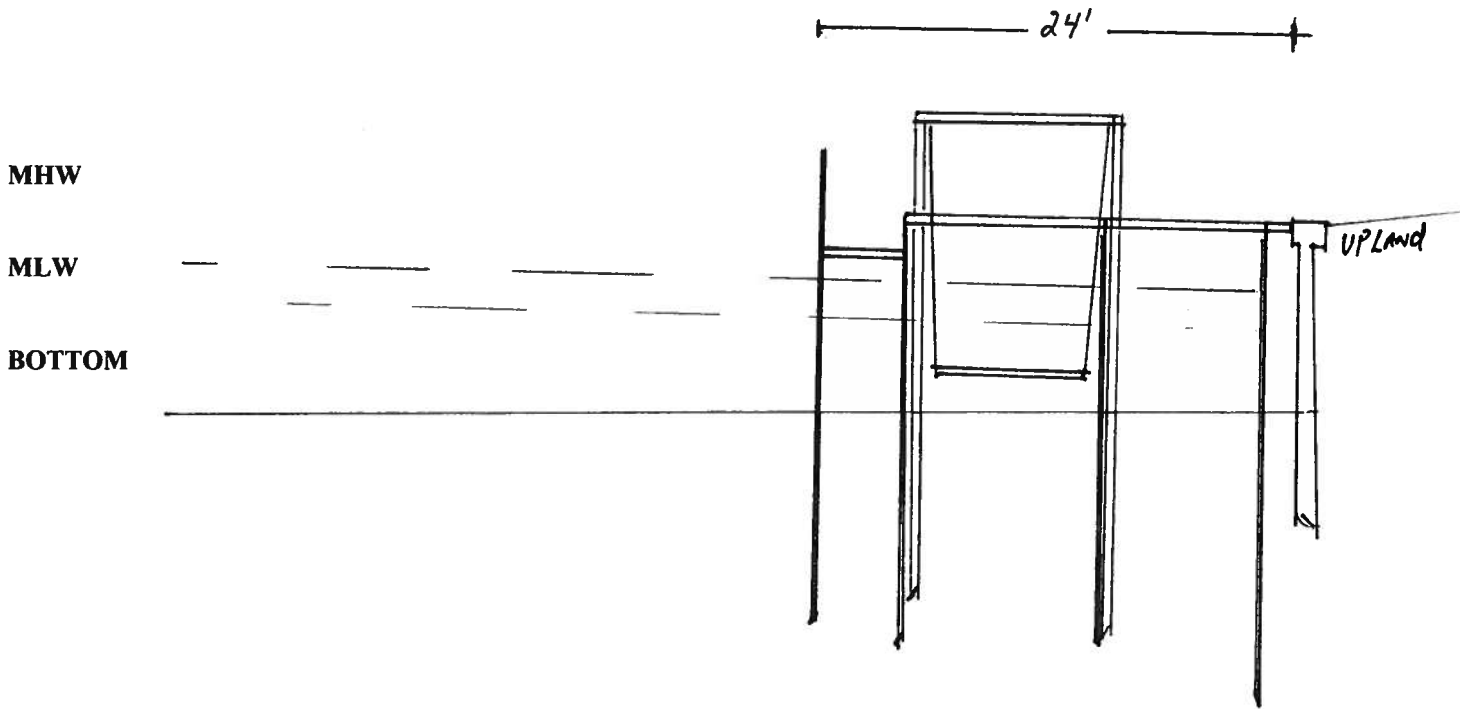
The undersigned does not object to the proposed project as drawn in the space provided above.

Left Owner		Right Owner	
Signature	Date	Signature	Date
Municipality Approval		Water and Navigation Approval	

Owner Name: JAMES B. WATTERS

Site Address: 5026 14TH Street NE

Profile View Drawing



VI. CONTRACTOR INFORMATION:

I, FRANK A RAIL JR, a GENERAL contractor,
whose contractor license # CGC1501061 expires on 31 Aug 2022,

swear that the above described project (the "Project") has not been constructed as of the date affixed by my signature below. If a permit for this Project (the "Permit") is granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the drawings or plans attached hereto. I swear that the information provided in this application represents the full scope of the Project and that no material information regarding the Project has been omitted. In the event that either the Project is not constructed in full accordance with the Permit or the information provided in this application is not correct, I agree to either remove the Project or correct the deficiency.

Signed:  Date: 4 Dec 2021

- You must have USL&H insurance in order to construct a dock in Pinellas County; as well as be licensed with the PCCLB.

VII. PROPERTY OWNER'S SIGNATURE:

I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto; I likewise agree to maintain the Project in a safe condition throughout the Project's existence.

I hereby authorize the above stated contractor – and agent if listed – to act as my representative in all matters pertaining to the application. I understand that I, not the County am responsible for the accuracy of the information provided as part of this application. I further understand that it is my responsibility to obtain any necessary permits and approvals required for the Project at the Federal, State, and local levels; should the Project lie within a municipality, I recognize that approval from that municipality – in addition to the County – is required.

I swear that I own the upland property described in this application (the "Property"). While this application is pending, I expressly authorize the County and its agents to access the Property at any time as may be necessary to review and act on this application. Should a permit for the Project be granted by the County, I expressly authorize the County and its agents to access the Property at any time as may be necessary to monitor the Project and ensure compliance with the terms of the permit; this permission is valid until the Project has passed final inspection.

Signed:  Date: 12/2/21

PRIVATE DOCK APPLICATION
(See Instruction Sheet Attached)

PINELLAS COUNTY
Water & Navigation Control Authority
PERMIT NO. P8549-76

I. Property Owner information:

A. Name DR. & MRS. M. SPURZA
B. Address 5026 14TH ST. N.E.
Street or Route
ST PETE FLA
City State Zip Code
C. Telephone Number Day _____ Evening _____

II. Authorized agent or contractor if different from property owner.
(Attach Letter of Authorization)

A. Name TURNER MARINE CONSTRUCTION
B. Address 5703 60TH WAY NO.
Street or Route
ST. PETE FLA 33709
City State Zip Code
C. Telephone Number Day 546-5304 Evening 546-5304

D. Affidavit of authorization to perform work under fixed contract price, if applicable.

III. Attach legal description of land involved and vicinity map with directions for finding the area for an on-site inspection.

A. County Pinellas, Section 5, Township 31, Range 17
B. If in city limits, name of city ST. PETE FLA
C. Name of affected body (ies) of water and authorized local government agency PRACIDO BAYOU

IV. Description and size of project.

A. Private Dock
B. Nature and size of the project 8' x 12'
C. Cost of the project as estimated from local prices or a fixed contract price _____
D. Attach contract agreement, if applicable.
E. Copy of approval. (To be attached by Clerk)
F. Variance request attached (If the application is a variance, site inspection must be made before permit is granted): Yes ___ No
G. Complete map, drawings, and all information on Sheet 2; obtain municipal approval in space provided.

V. PCWN APPLICATION: The undersigned hereby applies for a permit to do the above work and states that the same is to be done according to the map or plan attached hereto and made a part hereof, and agrees to abide by reasonable regulations established for such structures and, if said construction is within the corporate limits of a municipality, to first secure a building permit/ approval from said municipality and abide by the terms thereof. The undersigned further states that said structure will be maintained in a safe condition at all times should this application be approved, and that he is the owner of the upland from which he herein proposes to construct this structure.

VI. Instruction Sheet:

A. See Instruction Sheet for fees.

DATE 8-4-76.

x J. Felice Spyz MD.
Applicant's Signature

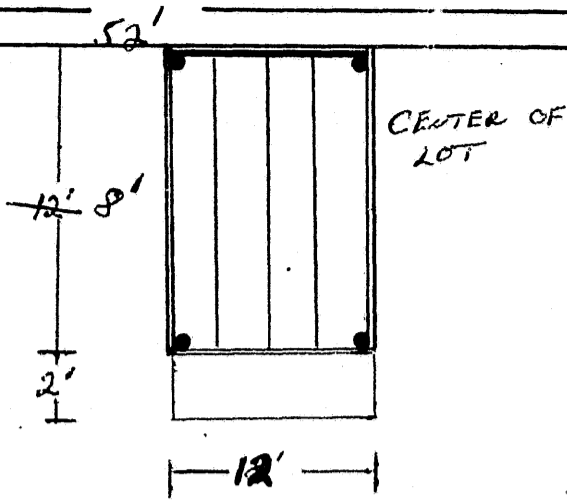
VII. Certification: (Dock Contractors Only)

I CHESTER TURNER, a certified contractor, state that the dock has not been constructed and that it will be built in compliance with all requirements and standards set forth in Pinellas County Ordinance 70-2 and in accordance with the attached drawing which accurately represents all the information required to be furnished. In the event that this dock is not built in accordance with the permit or the information furnished is not correct, I agree to either remove the dock or correct the deficiency.

Signed Chester Turner

Certification # _____

LOT WATERFRONT WIDTH

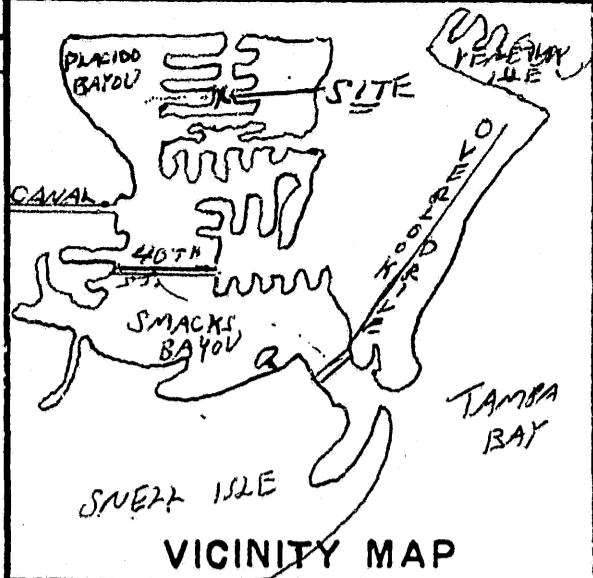


N.T.S
PIN

DR. M. SPURZA
5026 14^{ST.} N.E.
ST PETE FLA.

NOTE !!

This permit is for dock structure only, any electrical permit must be obtained from the appropriate Governmental Agency.



VICINITY MAP

FROM: _____ CHART

PROPERTY INFORMATION

LEGAL DESCRIPTION

LOT 52 BLOCK 2 UNIT 3
SUBDIVISION SHORE ALLEES'
POINTE VERTICALE PLATBOOK PAGE

SEC. 5 TWP. 31 RGE. 17

SKETCH SHOWING ADJACENT DOCKS WITH PROPER DIMENSIONS WATERWAY WIDTH MUST BE SHOWN



PLAN SCALE

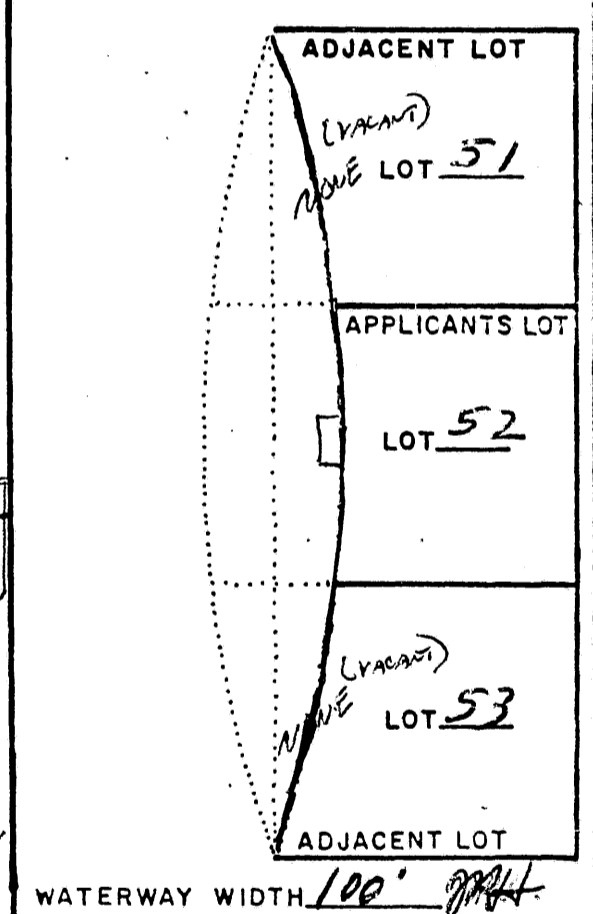


MINIMUM PENETRATION 6'

PROFILE SCALE

DATUM MLW

BOTTOM PROFILE WITH DEPTH OF WATER AT END OF DOCK MUST BE SHOWN



WATERWAY WIDTH 100'

CONTRACTOR:
NAME J. V. ROVER MARINE CONSTRUCTION

ADDRESS 5703 60TH WAY NO. 1
ST PETE FLA

MATERIALS:
PILING CCA MARINE

STRINGERS 2" x 4" PT

DECKING 2" x 6" PT

ENGINEERING DEPT.

DOCK TO BE CONSTRUCTED IN COMPLIANCE WITH PINELLAS COUNTY ORDINANCE NO. 70-2

DECK AREA = 120 SQ. FT.

W/N CLERK

PINELLAS COUNTY
Water & Marine Authority
PERMIT P8549-76

MUNICIPAL APPROVAL
ZONE R-2 - Pg. B-38
APPROVED 10' Projection
CITY of ST. PETERSBURG
DEPT Lic & Insp. 8/5/76
J. R. Hendershot
Plans Examiner

PINELLAS CO. ENGINEERING DEPT. USE ONLY

PLAN APPROVAL

Charles V. Rover
SIGNED

11/18/76
DATE