

BACKGROUND: The subject property is located at 6636 Pinellas Point Drive South in the Greater Pinellas Point Neighborhood. The property is a fully platted corner lot in the Stephenson's Subdivision originally platted in 1954. The existing home was constructed in 1973 and the current property owners purchased the property in 2011.

This after-the-fact variance request is to reduce the minimum required interior side yard setback from 7.5-feet to 3-feet to allow for an existing 192-square foot (12ft x 16ft) accessory storage shed to remain in its current location. The shed is located in the rear yard (north side) of the property located behind the principal single-family residence structure and behind a 6-foot high privacy fence.

Codes Compliance received an investigation request for the property on October 4, 2021 and the property received a Code Compliance violation on October 7, 2021 (Case # 21-00024300) for property maintenance including loose soffit screens, detaching gutters, and no permits on file for the oversized shed and canopy tents. The soffit and gutters have since been repaired and the canopy tents have been removed.

The Property Owner applied for a building permit on November 15, 2021 (Permit # 21-11000869) to remedy the oversized shed violation and remains in process. This variance request was submitted to remedy the Zoning correction comment relating to setbacks.

DISCUSSION: The Code requires accessory structures be located behind the front façade of the principal structure. One accessory storage structure (shed) per property is eligible for a design exemption but must meet setback requirements if the shed meets all four of the following criteria:

- 1- Located in the rear one-third of the property
- 2- 200 square feet in size or less
- 3- 10 feet in height or less
- 4- Screened by a solid masonry wall or decorative wood or vinyl fence 6-feet in height or more

The existing shed meets these criteria therefore is not required to architecturally match the principal structure (siding, roof, style, etc.), however must meet the minimum required setbacks. In the NS-1 Zoning District, the minimum required setbacks are 7.5-feet for interior side yards and 10-feet for the rear yard. The shed is located 3-feet from the interior side property line and 16-feet from the rear property line.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is **inconsistent** with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. *Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:*

- a. *Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.*

This criterion does not apply. The request does not involve redevelopment of the subject property.

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

This criterion does not apply. The subject property meets or exceeds NS-1 minimum lot requirements.

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

This criterion does not apply. The subject property does not contain a designated preservation district.

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

This criterion does not apply. The subject property does not contain elements of historical significance.

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

This criterion does not apply. The subject property does not contain significant vegetation or other natural features.

- f. *Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.*

The proposed project does not contribute to nor promote the traditional neighborhood development pattern. Properties in the neighborhood typically have one accessory structure per property and new accessory structures must comply with Code regulations.

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

This criterion does not apply. The subject property does not involve public facilities.

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

The existing conditions could be considered the result of the Applicant's actions. A central reason for the new structure the Applicant has presented is the lack of storage space on the property. The conversion of the detached garage to living space reduced the property's on-site storage space.

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

The literal enforcement of the interior side yard setback requirement would not result in unnecessary hardship. The shed may be placed to meet required setbacks or reduced in size to better fit within the buildable area of the rear 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;*

The strict application of the Code provides the property owners with options of reasonable use of the property. The storage structure could be relocated to meet the minimum required interior side and rear yard setbacks.

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

The variance requested is not the minimum that will make possible the reasonable use of the land. The structure may be placed on the property and conform with required setbacks.

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

The granting of this variance request is not in harmony with the general purpose and intent of the Code regulations. The purpose of setback regulations is to protect the use, value, and esthetic of neighboring property, both private and public.

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

The granting of this variance request could be injurious to the property to the east. Locating a structure too close to the shared property line could negatively affect the neighboring property's rear yard privacy and enjoyment.

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

The reasons set forth in the application do not justify granting the variance. The variance request is self-imposed as the shed could be relocated to comply with Code requirements.

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.*

No other nonconforming uses or structures on neighboring lands are being considered.

PUBLIC COMMENTS: The subject property is within the boundaries of the Greater Pinellas Point Neighborhood Association. No comments or correspondence has been received by Staff regarding this request. The Applicant included signatures of no-objection from property owners in the vicinity of the subject property as a part of the application submittal.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **DENIAL** of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through November 2, 2025. The Applicant shall receive an approved building permit and satisfactorily complete all necessary inspections 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: Location Map; Application including Narrative, Neighborhood Worksheet, Public Participation Report, Site Plan

Report Prepared By:

/s/Michael Larimore

10/21/2022

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

Date

Report Approved By:

/s/ Corey Malyszka

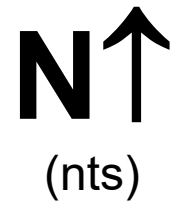
10/21/2022

Corey Malyszka, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Date



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 22-54000055
Address: 6636 Pinellas Point Dr. S.





RECEIVED
JUN 29 2022
8:15am
DEVELOPMENT REVIEW
SERVICES

VARIANCE

Application No. 22-5400055

List of Required Submittals

Only complete applications will be accepted:

Included in this packet:

- Pre-Application Meeting Notes
- Application
- Affidavit to Authorize Agent
- General Information
- Narrative
- Neighborhood Worksheet
- Public Participation Report

- Completed variance application and narrative
- Pre-application Meeting Notes
- Affidavit to Authorize Agent, if Agent signs application
- Application fee payment
(See fee schedule on Variance Application)
- Public Participation Report
- Proof that Notice of Intent to File was sent to Neighborhood and Business Associations
- 2 copies of Site Plan or Survey of the subject property:
 - To scale on 8.5" x 11" or 11" x 17" paper
 - North arrow
 - Setbacks of structures to the property lines
 - Dimensions and exact locations of all property lines, structures, parking spaces, trees, and landscaping
- 2 copies of Floor Plans:
 - To scale on 8.5" paper
 - Locations of all doorways, windows and walls (interior and exterior)
 - Dimensions and area of each room
- 2 copies of Elevation Drawings:
 - On 8.5" x 11", 8.5" x 14", or 11" x 17" paper
 - Depicts all sides of existing & proposed structure(s)
- Samples or a detailed brochure for new materials to be used
- PDF of all above items (may be emailed to Staff Planner)

The following items are optional, but strongly suggested:

- Neighborhood Worksheet
- Photographs of the subject property and structure(s)

A Pre-Application Meeting is Required Prior to Submittal.
To schedule, please call (727) 892-5498.

Completeness review by City Staff _____

Planning and
Development Services
Department

Development Review
Services

City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL
33731-2842
727.893.7471

UPDATED: 12-17-20



VARIANCE

Application No. 22-5400055

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): CHARLES McELFRESH & Cynthia Sweet (Spouse)	
Street Address: 6636 PINELLAS PT. DR. S.	
City, State, Zip: ST. PETERSBURG, FL. 33712	
Telephone No: 910-398-2966	Email Address: SEALDOCENTERPRISE@gmail.com
NAME of AGENT or REPRESENTATIVE: SELF	
Street Address:	
City, State, Zip:	
Telephone No:	Email Address:
PROPERTY INFORMATION:	
Street Address or General Location: 6636 PINELLAS PT. DR. S., ST. PETERSBURG, FL.	
Parcel ID#(s): 11-32-16-85248-001-0090	
DESCRIPTION OF REQUEST: Request shed constructed in 2011 be permitted to remain in current location	
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*: Charles McElfresh

Date: 4/15/22

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

Typed Name of Signatory: CHARLES McELFRESH



Pre-Application Meeting Notes

Meeting Date: 04/11/2022 Zoning District: NS-1

Address/Location: 6636 Pinellas Point Drive South

Request: ATF variance to the required 7.5-foot interior side yard setback to 3-feet

Type of Application: Variance Staff Planner for Pre-App: SAC

Attendees: CHARLES MCELFRISH Shervon Chambliss

Neighborhood and Business Associations within 300 feet:

Assoc.	Contact Name:	Email:	Phone:
Greater Pinellas Point Civic Assoc.	Barbara Ellis	bellis05@me.com	727-492-3390

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

Notes: A shed (12'x16'x9'2") was constructed without a permit but conforms to the accessory storage structures design exemption criteria. However, the structure is larger than 100sqft and encroaches into the the 7.5-foot side yard setback required for sheds larger than 100sqft at three-feet from the side yard property line. The application is requesting a variance to allows the shed to remain at a three-foot side yard setback. Staff's recommendation of support will be determined by the department, however support fo the after-the-fact request is not likely.



VARIANCE

NARRATIVE (PAGE 1)

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	
Street Address: <u>6636 PINELLAS PT. DR. S.</u>	Case No.:
Detailed Description of Project and Request: <u>REQUEST THAT SHED CONSTRUCTED IN 2011 OF 192 SF (12'x16') WHICH SETS 3' INSIDE FENCE PROPERTY LINE BUT 4" SHORT OF CODE SET BACK, BE ALLOWED TO REMAIN IN PLACE.</u>	
1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance? <u>MOVING THE SHED INCREASES VISIBILITY FROM STREET VIEW.</u>	
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.	
3. How is the requested variance not the result of actions of the applicant? <u>WHEN I CONSTRUCTED THE SHED, I LOOKED UP FL. CODE AND FOUND THAT SHEDS LESS THAN 200 SF DID NOT REQUIRE PERMIT. ULTIMATELY, I AM AT FAULT THROUGH IGNORANCE OF LOCAL CODES.</u>	

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
<p>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?</p> <p><i>by leaving shed in current location reduces its signature from the street and surrounding area</i></p>
<p>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? <i>1) CRANE HOIST TO MOVE 4'</i> <i>2) DISASSEMBLE AND RECONSTRUCT</i></p> <p><i>1) SHED COULD SUSTAIN CONSIDERABLE DAMAGE WITH HOIST</i> <i>2) DISASSEMBLE + RECONSTRUCT JUST SEEMS UNREASONABLE AND NOT PRACTICAL TO MOVE JUST 4'</i></p>
<p>6. In what ways will granting the requested variance enhance the character of the neighborhood?</p> <p><i>STRUCTURE HAS BEEN IN PLACE SINCE 2011 AND INNOCUOUS TO THE NEIGHBORS + NEIGHBORHOOD. REMAINING IN PLACE ENSURES THAT IT REMAINS INNOCUOUS.</i></p>



Charles Mcelfresh <sealdocenterprise@gmail.com>

Association approval request

1 message

Charles Mcelfresh <sealdocenterprise@gmail.com>

Mon, Apr 11, 2022 at 10:14 AM

To: bellis05@me.com

Ms. Ellis,

As per the direction of the city of St. Petersburg planning department, I am writing you to for association approval for my storage shed. I built a 12' x 16' shed (192sf) in 2011 with quality treated lumber and materials. At that time, I looked up Florida code and anything under 200sf did not require a permit. Unfortunately St. Pete code is 100sf. The shed sits in the back of my yard, three feet from my 6' white vinyl fence. I have obtained signatures from my surrounding neighbors stating that they have issues with the shed or its current location. The city has approved the size of the shed but code would require me to move the shed an additional 4' further from the fence. I have requested to leave the shed in its current location. Moving the shed would make it more visible from the street. Please let me know if the association can comply with my request. My address is 6636 Pinellas Point Dr S, St. Petersburg, FL 33712.

v/r

Mac

Charles "Mac" McElfresh

Navy SEAL, retired

18D, CCEMT-P, NREMT-P

910-398-2966



Charles Mcelfresh <sealdocenterprise@gmail.com>

Variance request IRT shed setback

1 message

Charles Mcelfresh <sealdocenterprise@gmail.com>

Thu, Apr 14, 2022 at 6:58 PM

To: variance@stpetecon.org

Mr. Lally,

Please find attached what I believe is all required documentation in support of the variance request.

Note: I did not have the ability to scan docs so please accept my apologies. All done via cell phone.

V/r

Mac

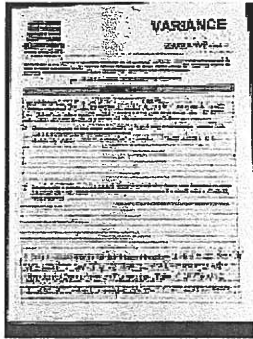
Charles "Mac" McElfresh

Navy SEAL, retired

18D, CCEMT-P, NREMT-P

910-398-2966

4 attachments



VarianceTopPage.jpg
146K

 VarianceApplication.zip
747K

 VariancePhotos.zip
899K

 SitePlanShed.pdf
379K



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: 6636 Pinellas Point Dr. S.	Case No.:
Description of Request: Variance waiver on setback distance of current shed location	
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: 6666 Pinellas Pt. Dr. S.	Owner Name (print): Brian W. Backnell
Owner Signature:	
2. Affected Property Address: 6649 Pinellas Point Dr S	Owner Name (print): Branden Whobrey
Owner Signature:	
3. Affected Property Address: 6600 PINELAS PT DR S	Owner Name (print): FREDERICK GODDALL & LINDA SMITH
Owner Signature:	
4. Affected Property Address: 2483 66th TERRACE South	Owner Name (print): Kevin & Miriam Little
Owner Signature:	
5. Affected Property Address:	Owner Name (print):
Owner Signature:	
6. Affected Property Address:	Owner Name (print):
Owner Signature:	
7. Affected Property Address:	Owner Name (print):
Owner Signature:	
8. Affected Property Address:	Owner Name (print):
Owner Signature:	



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

*PERSONAL INTERVIEWS WITH NEIGHBORS (3/22/2022)
 EMAIL TO GREATER PINELLAS POINT CIVIC ASSO. (BARBARA ELLIS).
 4/11/2022 FOLLOWED UP WITH PHONE CONVERSATION... NO OBJECTIONS*

(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

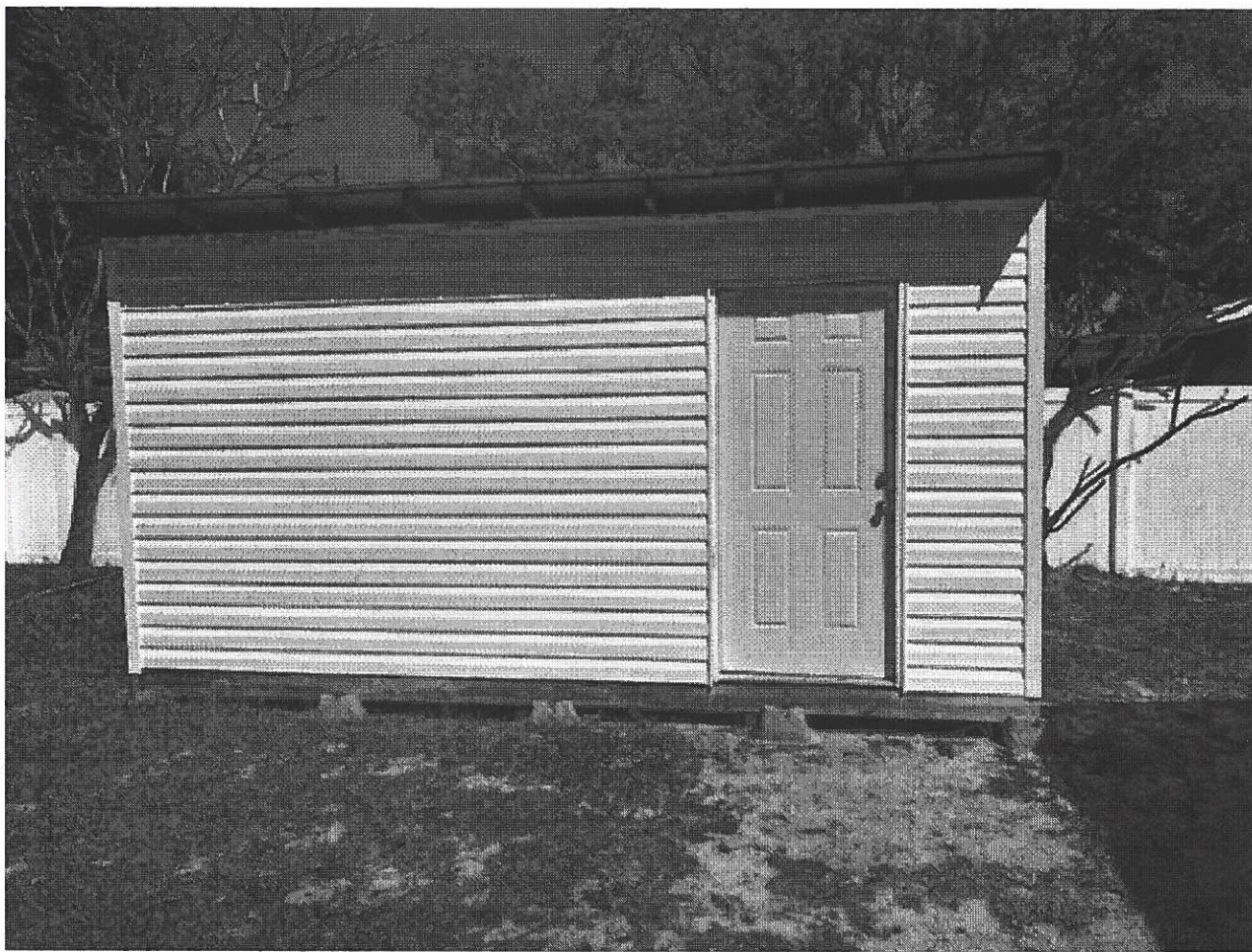
NO ISSUES OR CONCERNS FROM SURROUNDING NEIGHBORS

NOTICE OF INTENT TO FILE

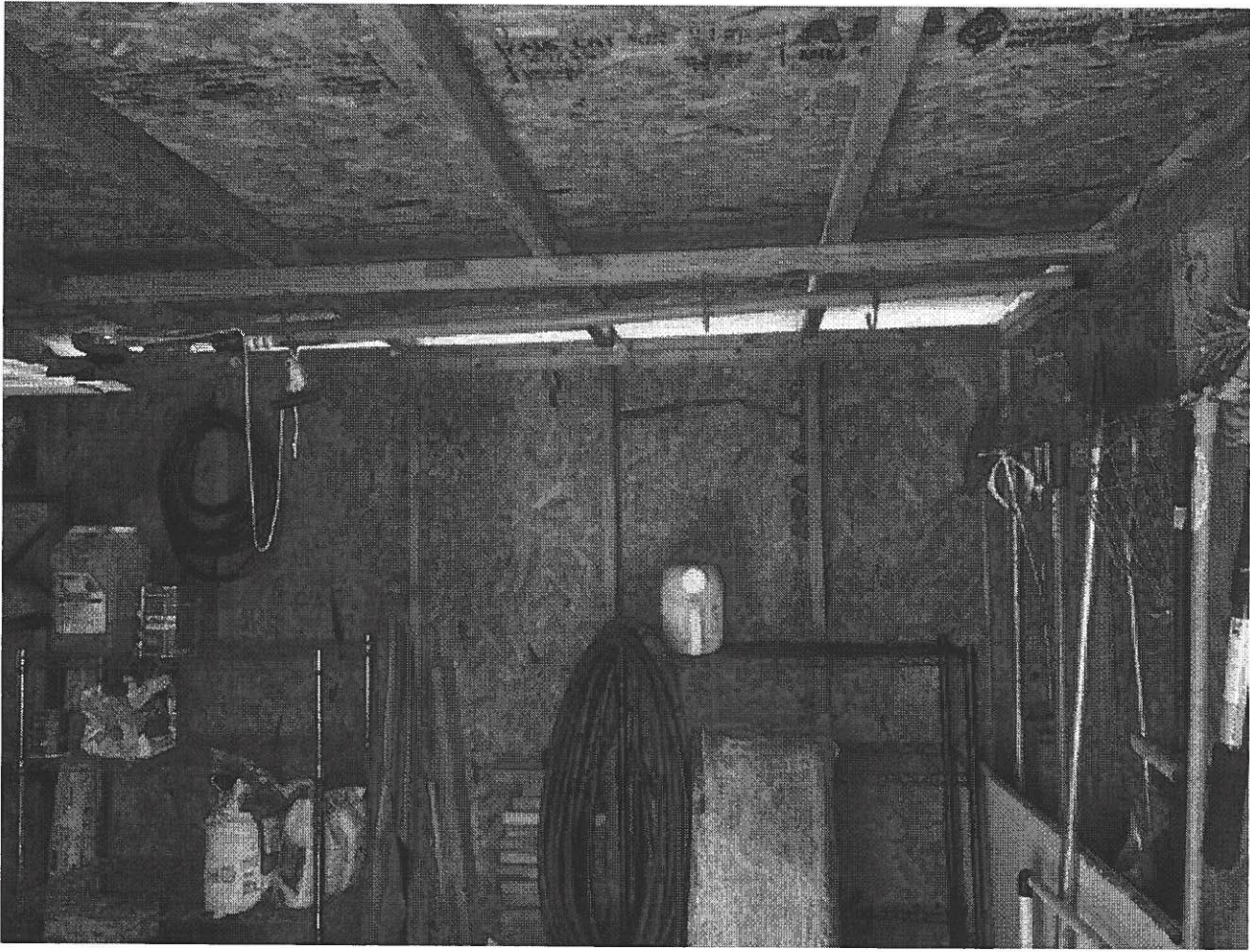
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o Tom Lally at variance@stpetecon.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712) 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: 4/15/22

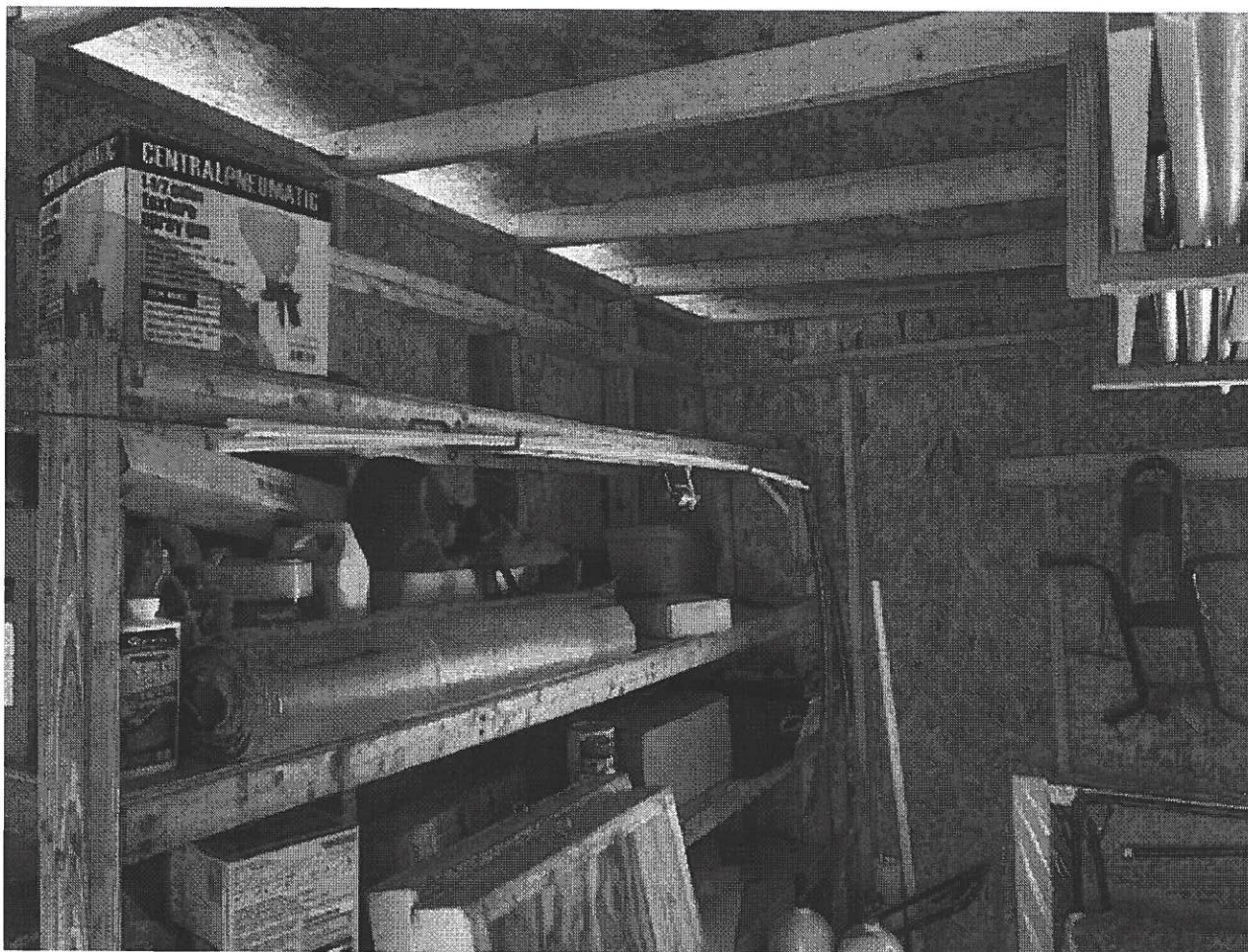
Attach the evidence of the required notices to this sheet such as Sent emails.



- 1) vinyl siding
- 2) metal locking door
- 3) 9'2" Highest point Front
- 4) 8'4" Highest point Rear

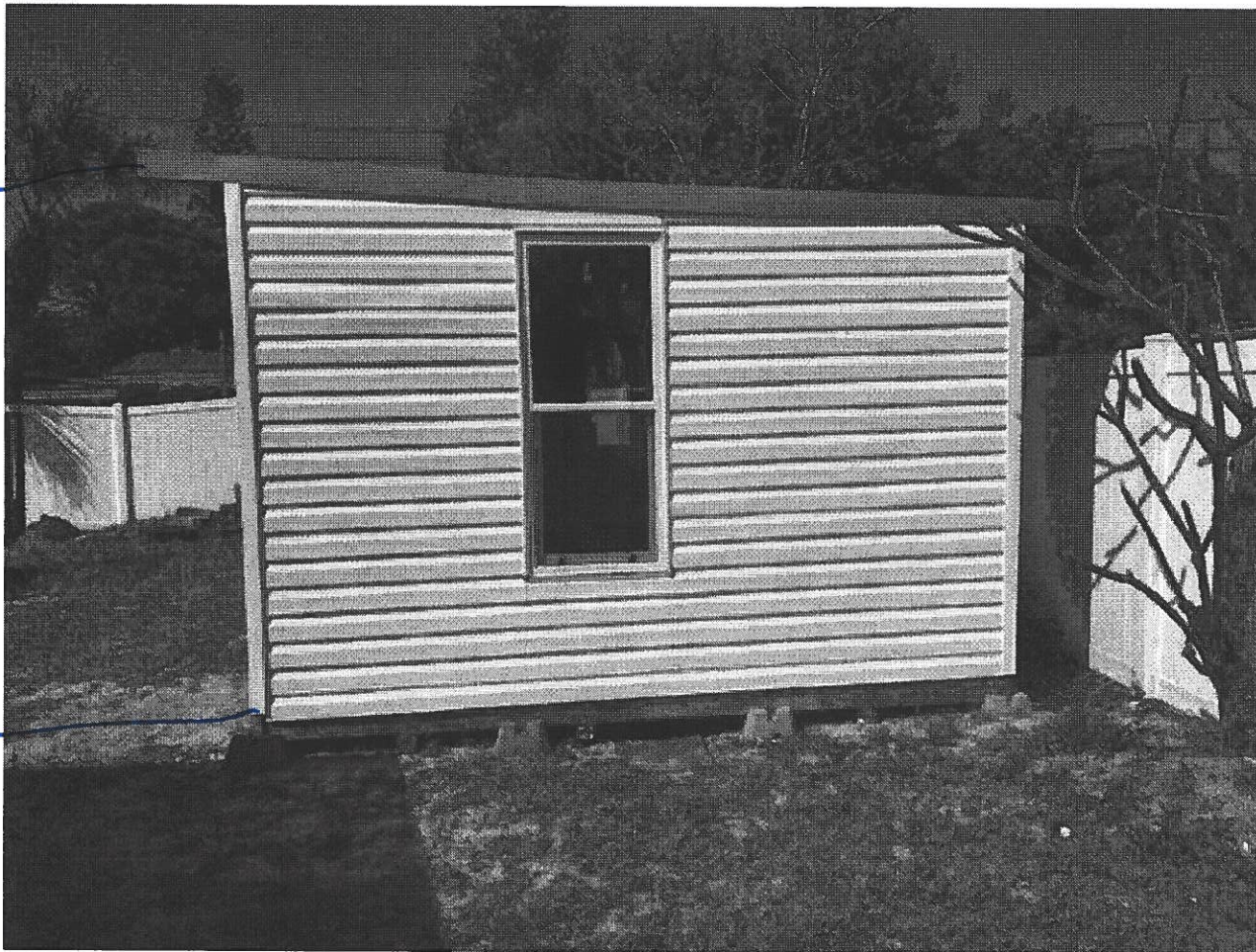


- 1) construction plan previously submitted
- 2) inside back wall

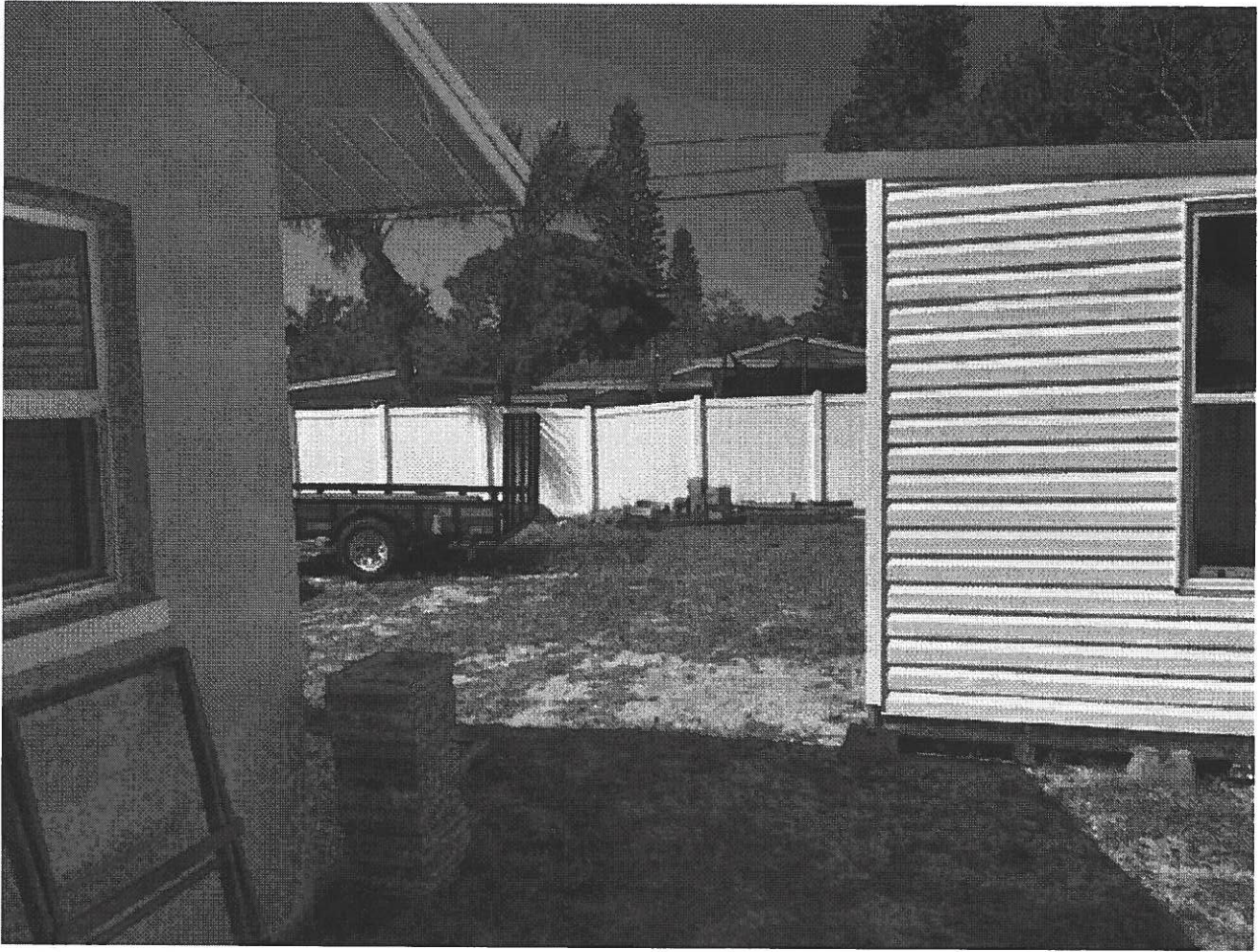


Y inside Front + side wall

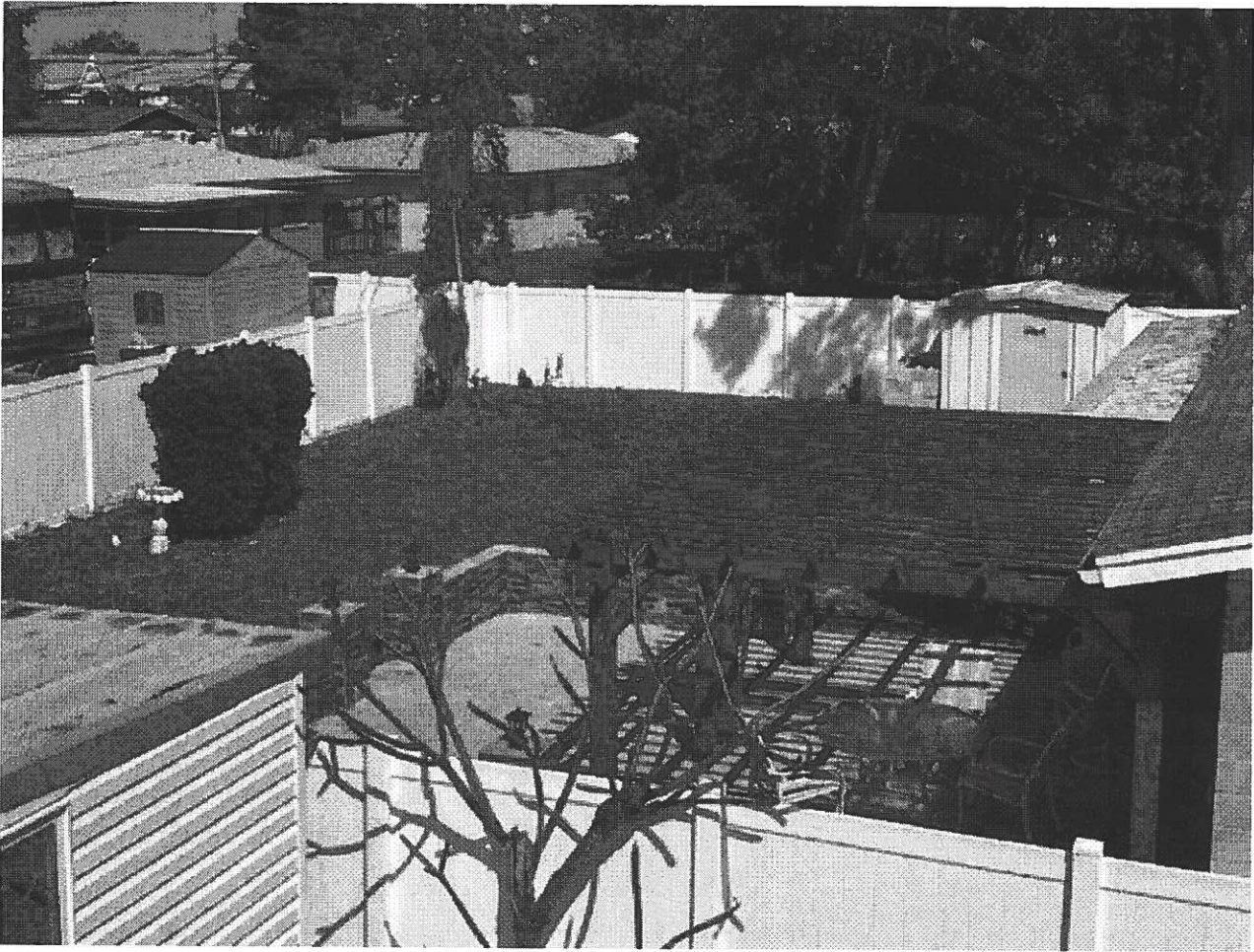
7'2"



3 FT FROM 6 FT VINYL FENCE



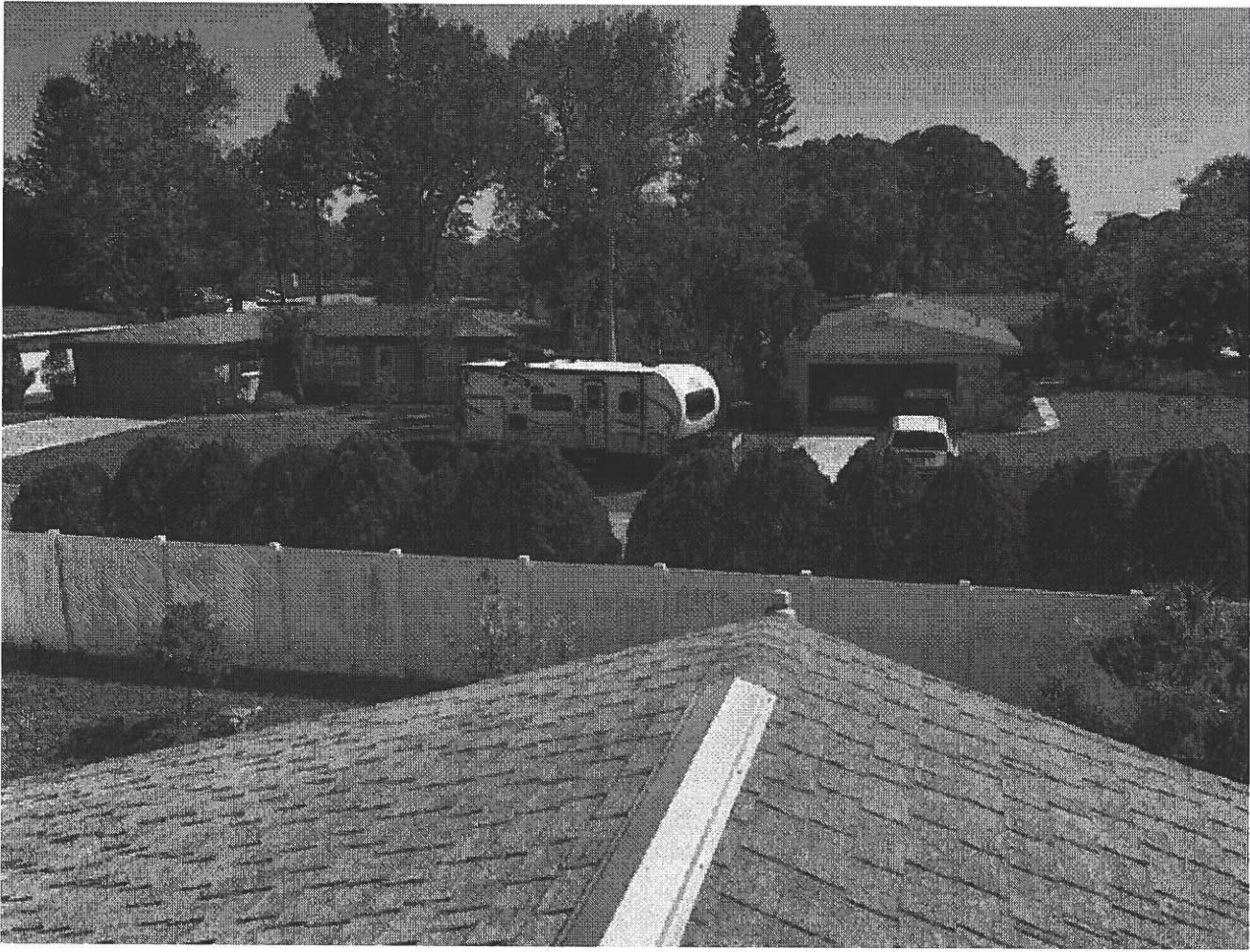
- 1) Distance From house 6 FT. SET BACK
- 2) 8' 4" DIAGONAL SPACE



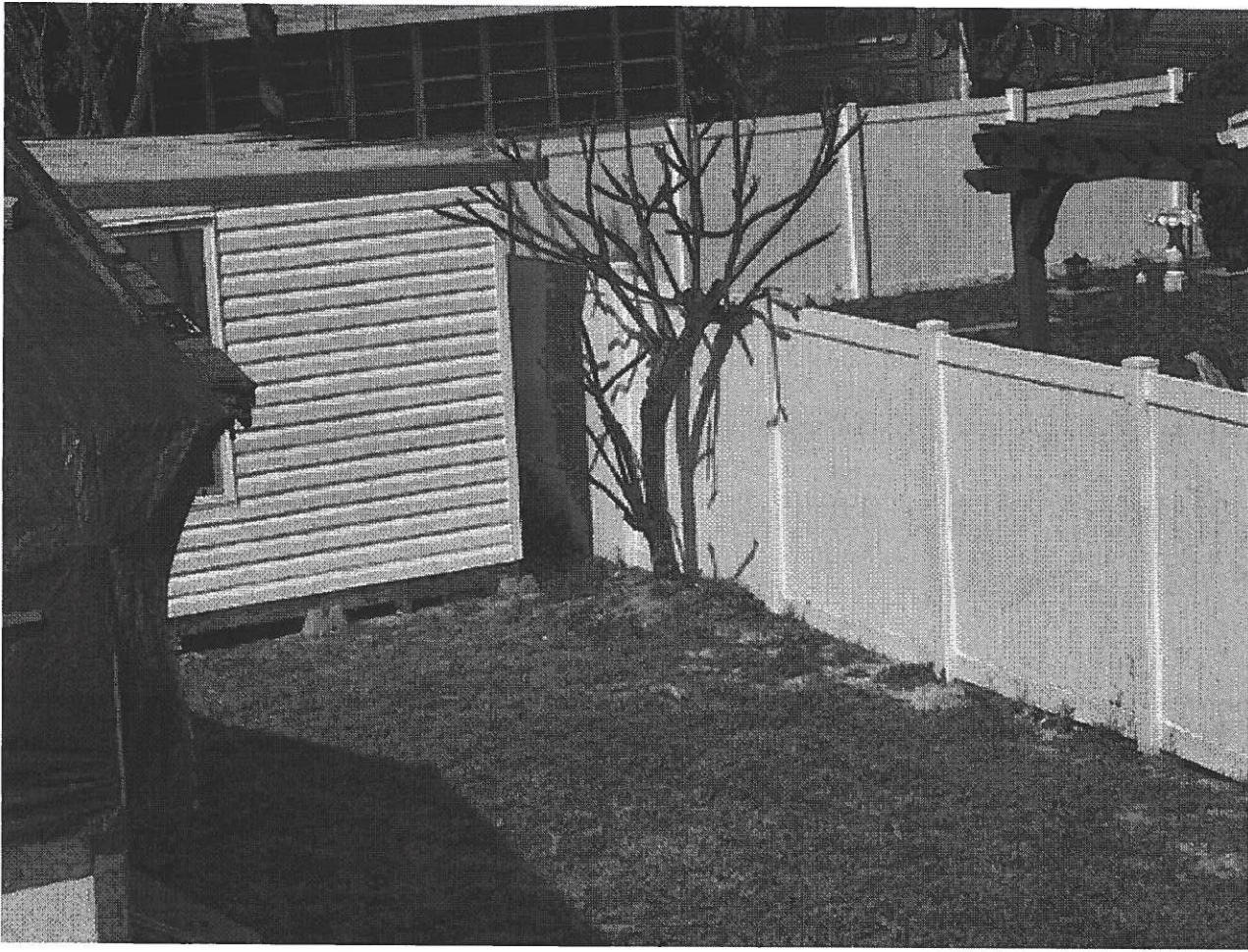
1) Roof view of ~~an~~ adjoining properties showing neighboring shed positions. EASTERN view



is neighboring adjoining property northern view



1) Southern view of neighboring property



1) Roof view of sited from property to display
sited position in relation to 6" vinyl fence

SITE PLAN

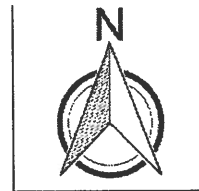
6636 Pinellas Point Dr S

Saint Petersburg, FL 33712

Parcel ID: 11-32-16-85248-001-0090

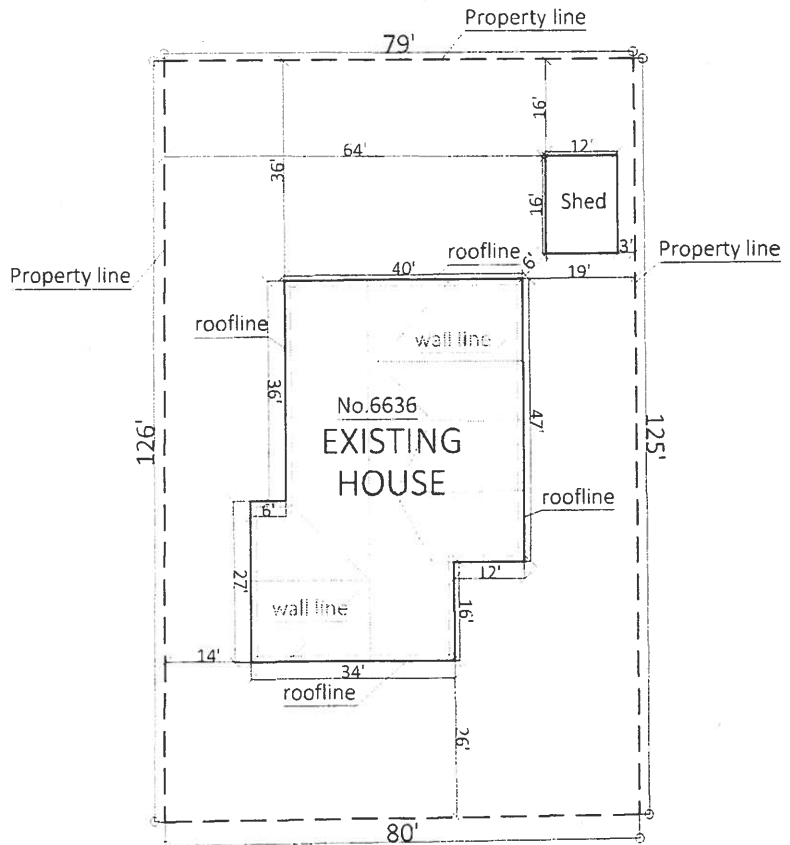
Lot area: 0.23 Acres

Plot Size: 11"x17"



scale 1"=20'

Pinellas Point Dr S



66th Terrace S

Created by:



SITE PLAN

6636 Pinellas Point Dr S

Saint Petersburg, FL 33712

Parcel ID: 11-32-16-85248-001-0090

Lot area: 0.23 Acres

Plot Size: 11"x17"

