



**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 or his or her spouse has a direct or indirect ownership interest in real property located within 1,000 linear feet of real property contained with the application (measured in 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, December 7, 2022 at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5<sup>th</sup> Street North, St. Petersburg, Florida.

CASE NO.: 22-54000058 PLAT SHEET: J-8

REQUEST: Approval of an after-the-fact variance for a second driveway.

OWNER: Jacqueline & Donizete Minchillo  
3035 12<sup>th</sup> Avenue North  
St. Petersburg, FL 33713

ADDRESS: 3035 12<sup>th</sup> Avenue North

PARCEL ID NO.: 14-31-16-28152-015-0220

LEGAL DESCRIPTION: FLORAL VILLA ESTATES BLK 15, LOT 22 & W 17FT OF LOT 21

ZONING: Neighborhood Traditional, Single-Family (NT-2)

**BACKGROUND:** The subject property is a corner lot consisting of lot 22 and the west 17-feet of lot 21, within the boundaries of the North Kenwood Neighborhood Association. The property has a lot width of 67-feet and a lot depth of 135-feet with approximately 8,845 square feet of lot area. The property meets the minimum lot width and area requirements of the NT-2 zoning district. It was purchased by the applicant in September 2018.

This is an after-the-fact variance for the installation of a second driveway related to codes case 22-00005745. The applicant installed a second driveway in the street side of their property measuring 13-feet in width. The second driveway was installed to park their recreational vehicle and exceeds the maximum driveway dimension at the property line of 12-feet. The original driveway is also located on the street side of the property. It is non-conforming measuring 20-feet in width at the curb and 32-feet in width at the property line. It appears the original driveway was expanded flaring out from the existing curb cut increasing the width both within the right-of-way and at the property line between 2016 and 2017 according to Pinellas County Aerial Image Retrieval System (AIRS). There is no record of a permit for the driveway expansion.

In the application narrative submitted, the applicant states “when we are home and not using it to travel, the RV will serve as an office space in the backyard for our remote work.”. A photo submitted with the application shows what appears to be a water and/or electrical line connected to the RV. City Code Section 16.40.100.2 – Parking Enforcement – Definitions – Domestic equipment is defined as “Equipment which is accessory to residential single household activity, designed for recreational, water sport, camping, travel, or household utility applications, and not designed, used or intended to be used for permanent living or for commercial or industrial purposes.”

Based on the photos submitted with the application the ground cover in the right-of-way was replaced with mulch. City code requires ground cover in the right-of-way to be maintained with an herbaceous layer of sod or ground cover plant material.

**REQUEST:** The applicant is requesting approval of an after-the-fact variance for a second driveway in the NT-2 Zoning district where one driveway is allowed. City Code Section 16.40.090.3.3.6.e.1 - Development standards for private one- and two-family properties, states “Circular driveways within the front or street side yards are prohibited, except as otherwise allowed by the building design standards of the zoning district.”

City Code also restricts parking of domestic equipment in street side yards. For the parking of the domestic equipment to meet code requirements it would need to meet the street side yard setback of 12-feet and be completely located within the rear yard.

**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.*

The site contains an existing one-story single-family residence. The request does not include any redevelopment of the site.

- 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.*

The subject property meets the minimum lot size for properties zoned NT-2; Neighborhood Traditional – Single Family. The NT-2 zoning district requires a minimum lot width of 50 feet and a minimum lot area of 5,800 square feet. The subject property is 67 feet wide and 135 feet deep containing approximately 8,845 square feet.

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

The site is not located within a designated historic district.

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

The site does not contain historical significance.

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

The site does not contain any 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 request does not promote any established historic or traditional development within the block face.

- 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.

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

The special conditions existing that require the variance are a direct result of the actions of the applicant. The applicant installed a second driveway to park their RV without a permit.

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

A literal enforcement of the Code would not result in an unnecessary hardship to the applicant. Enforcement of the City Code would require the applicant to remove the second driveway apron. The parking pad located within the property boundaries may remain and may be extended to accommodate the parking of the domestic equipment.

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;*

---

Strict application of the Code would allow the portion of the parking pad located within the property boundaries to remain and accommodate parking of the domestic equipment so long as it is not parked within the street side yard.

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

The applicant has the ability to make reasonable use of the land in conformance with Code requirements that does not require the installation of a second driveway to park domestic equipment.

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

The variance requested is not in harmony with the general purpose and intent of the City Code. City Code Section 16.40.090.3.3 Driveways shall be designed in a manner that minimizes disruption of pedestrian corridors and the street scape. The City extended the existing side walk along 12<sup>th</sup> Avenue North up to their first driveway on 31<sup>st</sup> Street North. Both driveways also exceed the maximum width required by code which would increase the disruption of the pedestrian corridor should the sidewalk be extended further North along 31<sup>st</sup> Street North.

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 or otherwise detrimental to public welfare. However, it could set precedence for other properties to exceed the maximum driveway width and number of driveways installed within their property boundaries and in the public right-of-way.

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

Staff finds that the reasons set forth in the application do not justify the granting of the after-the-fact variance as the results were a direct result of the applicants' actions. The driveway was installed without a permit and does not comply with the current requirements of City Code.

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.*

None were considered.

**PUBLIC COMMENTS:** The subject property is within the boundaries of the North Kenwood Neighborhood Association. The applicant submitted a neighborhood worksheet with signatures from four nearby property owners, as well as letters of support from three additional property owners. In addition, the applicant submitted screen shots of a post to North Kenwood Neighborhood Association Facebook group. As of the date of this report, staff has received no additional comments.



**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 recommend that the approval shall be subject to the following:

1. The maximum driveway width for the second driveway shall be no wider than 20 feet within the property boundaries, 12 feet as the driveway crosses the property line and 16 feet at the curb, which includes a two feet by seven feet triangular flare.
2. The domestic equipment may not be parked, placed, or stored in the street side yard.
3. City right-of-way must be maintained with an herbaceous layer of sod or ground cover plant material.
4. The Recreational Vehicle may not be used while stored on the property.
5. This variance approval shall be valid through December 7, 2025. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
6. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: A. Location Map, B. Site Plan, C. Photographs, D. Application Packet

Report Prepared By:

/s/ Jordan Elmore

Jordan Elmore, AICP, Planner I  
Development Review Services Division  
Planning & Development Services Department

11/22/22

Date

Report Approved By:

/s/ Corey Malyszka

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

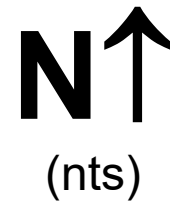
11/21/22

Date

Attachment A



Project Location Map  
City of St. Petersburg, Florida  
Planning and Development Services  
Department  
Case No.: 22-54000058  
Address: 3035 12<sup>th</sup> Ave. N.



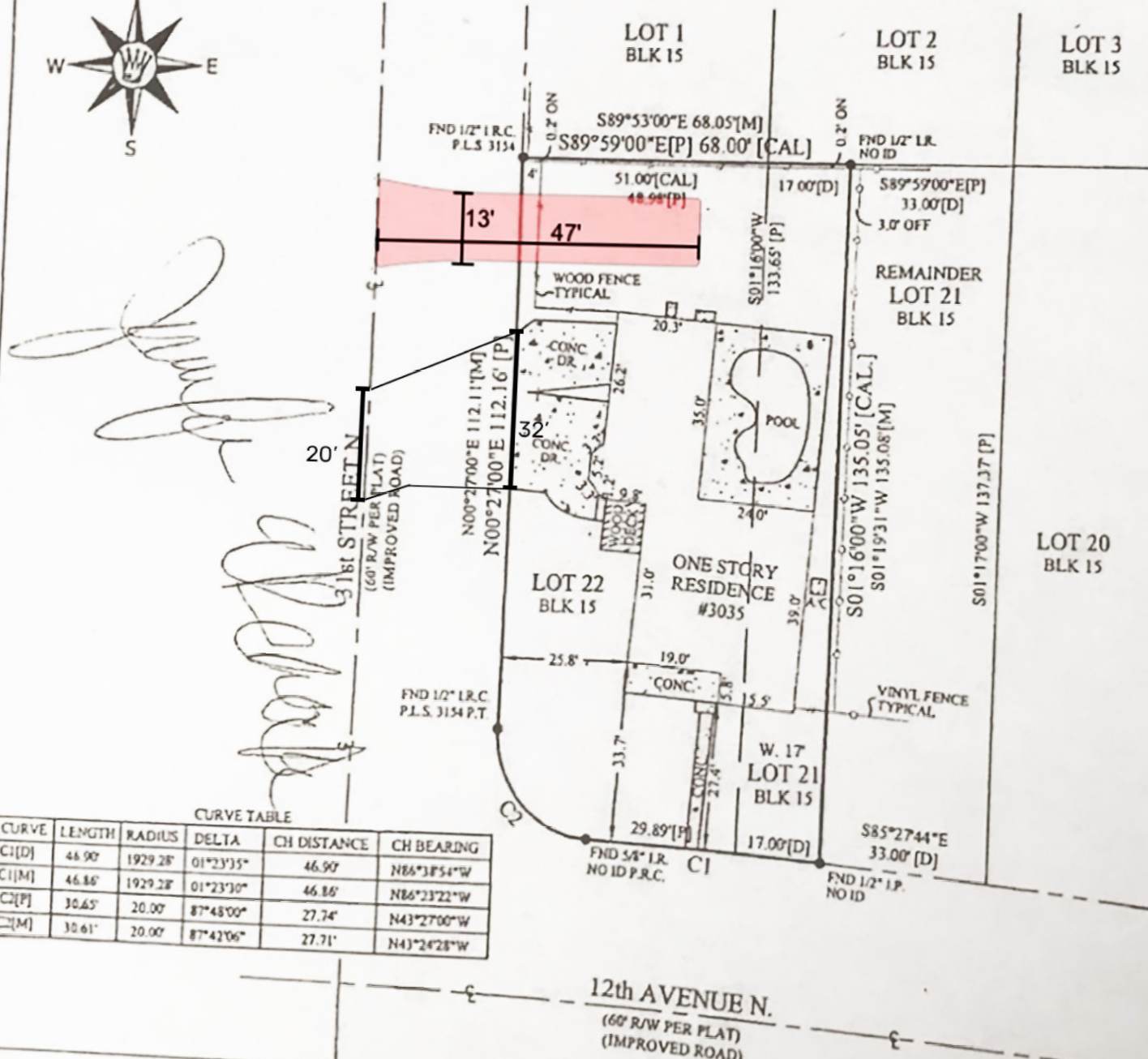


BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 22 AND THE WEST 17 FEET OF LOT 21, BLOCK 18, FLORAL VILLA ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE (3) 17, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



- END
- WOODER
- ANGLE
- TER
- EARNS
- E BLOCK STRUCTURE
- E MONUMENT
- E
- E CASSEMENT
- FLOOR ELEVATION
- ADON
- E
- E & CAP
- FIN
- BUSINESS
- VECTOR
- E
- DISK
- CLAY PLURE
- COMPOUND CLAY PLURE
- NT CONTROL POINT
- INTERSECTION
- Y LINE
- BEGINNING
- COMMENCEMENT
- LINE
- INCHISE CURVE
- NT ROTATION
- IT
- TAUGENCY
- BLT
- SCHDYT
- NE STRUCTURE
- TUT IN CONC
- ERTY CORNER
- ONETE MONUMENT
- HOLE
- CONCRETE AREA
- CONCRETE
- WOOD
- SCREEN
- P.
- NG, INC.
- 589
- LANCH LANE
- 1 32817
- 0-0838
- 8-8920
- TYG.COM



CURVE TABLE

| CURVE | LENGTH | RADIUS   | DELTA     | CH DISTANCE | CH BEARING  |
|-------|--------|----------|-----------|-------------|-------------|
| C1[D] | 46.90' | 1929.28' | 01°23'35" | 46.90'      | N86°38'54"W |
| C1[M] | 46.86' | 1929.28' | 01°23'30" | 46.86'      | N86°23'22"W |
| C2[P] | 30.65' | 20.00'   | 87°48'00" | 27.74'      | N43°27'00"W |
| C2[M] | 30.61' | 20.00'   | 87°42'06" | 27.71'      | N41°24'28"W |

CERTIFICATION

Jennifer E. Blake;  
 All About Title, LLC.;  
 Stewart Title Guaranty Company  
 On Q Financial, Inc., ISA

PROPERTY ADDRESS:

3038 12th Avenue N.  
 St. Petersburg, FL, 33713

FLOOD ZONE INFORMATION:

|               |               |
|---------------|---------------|
| COMMUNITY NO. | F.L.A.M. DATE |
| 125148        | 09/03/2003    |
| PANEL         | SUFFIX        |
| 0216          | G             |
|               | FLOOD ZONE    |
|               | X             |

SURVEY NO. V11581 FIELD DATE 08/16/2016

CRE BY SM CHECKED BY MC

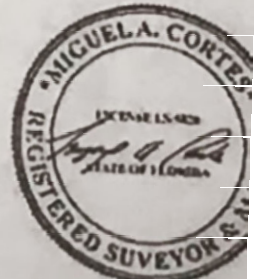
BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF LOT 23 BLOCK 18. SCALE: 1"=90'

NOTES:

- 1) This survey is based on the legal description of the Client.
- 2) The lands surveyed were not abstracted for easements, right-of-way or other title matters.
- 3) Do not reconstruct property lines from this survey.
- 4) No footings or overhangs have been located.
- 5) Underground improvements or utilities have not been located.
- 6) The flood data provided is for informational purposes only.
- 7) The surveyor makes no guarantee as to the accuracy of the information provided.
- 8) This Survey was prepared without the benefit of title insurance.
- 9) This survey does not address the identification of jurisdictional wetlands or sovereign lands, if any, within or adjacent to the lands surveyed.
- 10) Fence ownership is not determined.
- 11) Survey is intended for mortgage or financing purposes and not to be used for construction, permit applications or any other use.

Certification: I certify that this survey was prepared in accordance with the standards set forth by the Board of Professional Land Surveyors in Chapter 5J17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Signature and raised seal



Electronic Seal 303512THAVENUE NORTH  
 Miguel A. Cortes License No. 125148  
 Florida Professional Surveyor and  
 SURVEY NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SEAL AND/OR NOT VALID WITHOUT THE PHYSICAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR

## Attachment C

Photographs of 3035 12th Avenue North —Subject Property

Previous Conditions taken from Google Street View July 2019





**Photographs of 3035 12th Avenue North —Subject Property**

**Applicant Photo**





**Photographs of 3035 12th Avenue North —Subject Property**

**Applicant Photo**





Photographs of 3035 12th Avenue North — Subject Property

Applicant Photo





Photographs of 3035 12th Avenue North —Subject Property

Applicant Photo





**Photographs of 3035 12th Avenue North —Subject Property**

**Applicant Photo**





**Photographs of 3035 12th Avenue North —Subject Property**

**Applicant Photo**



# VARIANCE

Application No. \_\_\_\_\_



## 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. \_\_\_\_\_

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  |   |
|--|---|
| <b>NAME of APPLICANT (Property Owner):</b>   | Jacqueline (Jackie) and Donizete (Donny) Minchillo                                      |
| <b>Street Address:</b>   | 3035 12th Avenue North  |
| <b>City, State, Zip:</b>   | St. Petersburg, FL, 33713   |
| <b>Telephone No:</b> (727) 967 6100 or (727) 776 7747  | <b>Email Address:</b> jackie@pineappledevelopment.com or donny@pineappledevelopment.com |
| <b>NAME of AGENT or REPRESENTATIVE:</b>  |   |
| Street Address:  |   |
| City, State, Zip:  |   |
| Telephone No:  | Email Address:  |
| <b>PROPERTY INFORMATION:</b>   |   |
| Street Address or General Location:  | 3035 12th Avenue North St. Petersburg, FL 33713   |
| Parcel ID#(s):   | 14-31-16-28152-015-0220   |
| <b>DESCRIPTION OF REQUEST:</b> An ATF Variance for the installation of a 2nd driveway on a property zoned NT-2 |   |
| <b>PRE-APPLICATION DATE:</b> 5/17/2022   |   |
| <b>PLANNER:</b> Scot Bolyard & Jordan Elmore   |   |

| FEE SCHEDULE  |          |                          |          |
|---|----------|--------------------------|----------|
| 1 & 2 Unit, Residential - 1 <sup>st</sup> Variance            | \$350.00 | Each Additional Variance | \$100.00 |
| 3 or more Units & Non-Residential - 1 <sup>st</sup> 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: \_\_\_\_\_



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

**DEVELOPMENT REVIEW COMMISSION  
AFFIDAVIT TO AUTHORIZE AGENT**

**I am (we are) the owner(s) and record title holder(s) of the property noted herein**

Property Owner's Name: Jacqueline and Donizete Minchillo

**This property constitutes the property for which the following request is made**

Property Address: 3035 12th Avenue North St. Petersburg, FL 33713

Parcel ID No.: 14-31-16-28152-015-0220

Request: We, Jackie and Donny Minchillo, are requesting an after-the-fact variance to add a second driveway on the north side of our property located at 3035 12th Avenue North in St. Petersburg. The driveway is located in the rear one-third of the property (location of driveway adheres to current NT-2 zoning requirement) along 31st Street North which is the platted street side. The second driveway leads into the backyard and will serve as an entrance to a parking pad behind the property's existing garage for a recreational vehicle, in order to adhere to city code requirements for the parking of said vehicle behind an enclosed 6-foot fence. The second driveway is located just north of the property's existing primary driveway which leads into the garage.

**The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)**

Agent's Name(s): \_\_\_\_\_

**This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.**

**I(we), the undersigned authority, hereby certify that the foregoing is true and correct.**

Signature (owner): \_\_\_\_\_

\_\_\_\_\_  
Printed Name

**Sworn to and subscribed on this date**

Identification or personally known: \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Commission Expiration (Stamp or date): \_\_\_\_\_





# VARIANCE

## GENERAL INFORMATION

### **Pre-application Meeting**

All applicants are required to schedule a pre-application meeting **two weeks prior to submittal of an application**. Meetings may be held via telecom. If an application is submitted without a pre-application meeting, and the application is deemed to be incomplete or incorrect, the application may be delayed. Please contact Iris Winn to schedule: 727-892-5498.

### **Public Participation Report**

All applicants are required to contact the applicable Neighborhood Association President, **Business Association, CONA and FICO, a minimum of 10-days prior to filing the application** and complete the Public Participation Report prior to submittal of an application. Applications without the Public Participation Report will not be accepted. The contact information will be provided to the applicant by staff at the pre-application meeting. **Reports may be updated and resubmitted up to 10-days prior to the scheduled public hearing.**

### **Commission Review**

By applying to the Commission, the applicant grants permission for Staff and members of the Commission to visit the subject property to evaluate the request. Applicants with special requests related to timing of site visits should advise Staff in writing at the time of application submittal. Any Code violations found by the City Staff or the Commission members during review of the subject case will be referred to the Codes Compliance Assistance Department.

### **Legal Notification**

All applications made to the Commission are required by Florida Statute and City Code to provide public notification of requested variances, reinstatements of grandfathered uses, and redevelopment plans. The applicant will be required to post a sign on the subject property and send via the U.S. Postal Service by "Certificate of Mailing" notification letters to all property owners within **300-feet** of the subject property. The City will provide one (1) original notification letter, a list of properties, mailing labels, sign, and procedures to complete the posting of the sign and the notification of property owners. These legal notifications must be completed by the dates noted on the Commission schedule with verification of mailing **and sign posting** returned to Staff within seven (7) days of the meeting date.

### **Public Hearing**

Applications appropriate for public hearing will be heard by the Commission on the dates listed on the Commission schedule. The public hearings begin at 2:00 P.M. **and will be held temporarily at the Sunshine Center (Auditorium), located at 330 5<sup>th</sup> Street North**. All proceedings are quasi-judicial. Therefore, it is required that the property owner or authorized representative attend the hearing.

### **Commission Approvals**

If approved by the Commission, permits, inspections, business taxes, and certificates of occupancy are required, when applicable. All conditions of approval must be completed and approved by the date specified in the report. Failure to satisfy these requirements will invalidate the approval of the request. Approval of a request by the Commission or POD (person officially designated) does not grant or imply other variances from the City Code, FEMA regulations, or other applicable codes. Applicants are advised to contact the Construction Services and Permitting Division at (727) 893-7231 to determine if any other regulations may affect a given proposal.



# 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  |  |
|--|--|
| <b>Street Address:</b> 3035 12th Avenue North St. Petersburg, FL 33713   | <b>Case No.:</b> Codes Case: 22-00005745 |
| <b>Detailed Description of Project and Request:</b> see separate doc title 3035-12th-Ave-N-NARRATIVE   |  |
| 1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?<br>see separate doc title 3035-12th-Ave-N-NARRATIVE  |  |
| 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.<br>see separate doc title 3035-12th-Ave-N-NARRATIVE |  |
| 3. How is the requested variance not the result of actions of the applicant?<br>see separate doc title 3035-12th-Ave-N-NARRATIVE   |  |







# 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> 3035 12th Avenue North St. Petersburg   | <b>Case No.:</b> Codes Case: 22-00005745 |
| <b>Description of Request:</b> ATF Variance for Installation of a 2nd Driveway on Property zoned NT-2 - see more detailed description of request in separate NARRATIVE document. |  |
| 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: 1225 31ST ST N ST PETERSBURG   |  |
| Owner Name (print): Kurt and Shirley Macintyre   |  |
| Owner Signature:   |  |
| 2. Affected Property Address: 1216 31ST ST N ST PETERSBURG   |  |
| Owner Name (print): Roy Ellin Jr   |  |
| Owner Signature:   |  |
| 3. Affected Property Address: 1200 31ST ST N ST PETERSBURG   |  |
| Owner Name (print): Steven Herzfeld and Haley Kaiser   |  |
| Owner Signature:   |  |
| 4. Affected Property Address: 1131 31ST ST N ST PETERSBURG   |  |
| Owner Name (print): Peter and Bianca Ankho   |  |
| Owner Signature:   |  |
| 5. Affected Property Address: 3100 12TH AVE N ST PETERSBURG  |  |
| Owner Name (print): Lonnie Brantley  |  |
| 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:** 3035 12th Avenue North St. Petersburg, FL 33713

**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**

We, Jackie and Donny Minchillo are active members of the North Kenwood Neighborhood Association. We would typically bring this up as a topic of discuss during our monthly neighborhood association meeting, but because we are not physically present in St. Pete at the time this application is being completed and submitted, we opted to provide full detail via our North Kenwood Neighborhood Association private Facebook group – an active group of association members and neighbors. The original post with full details pertaining to this matter was posted in the group for all to read and respond to on June 1, 2022 and left open and active as of the submission of this application. Neighbors and association members were provided contact information and asked to respond with any concerns/objections and/or confirmation of support of the approval of the variance. See attached screenshots detailing public participation.

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

See screenshots included with this application for full text and content of what neighbors and association members were presented with.

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

Those notified and invited to participate are all neighbors and association members in the North Kenwood neighborhood in St. Petersburg, including those whose properties are also zoned NT-2.

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

As of the date of this application, no neighbors or members of the public have expressed any concerns, issues or problems with the installation of the 2nd driveway on this property. To the contrary, several neighbors and members of the public have expressed their full support of the passage of this variance request. Screenshots of public comments as well as private letters in email form that were provided by neighbors have been included with this application for review.

## 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@stpetecona.org](mailto:variance@stpetecona.org)), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at [3301 24<sup>th</sup> Ave. S., St. Pete 33712](mailto:330124thAveS@stpete.org)) 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.

# **3035-12th-Ave-N-NARRATIVE**

## **Detailed Description of Project and Request:**

We, Jackie and Donny Minchillo, are requesting an after-the-fact variance to add a second driveway on the north side of our property located at 3035 12th Avenue North in St. Petersburg. The driveway is located in the rear one-third of the property (location of driveway adheres to current NT-2 zoning requirement) along 31st Street North which is the platted street side. The second driveway leads into the backyard and will serve as an entrance to a parking pad behind the property's existing garage for a recreational vehicle, in order to adhere to city code requirements for the parking of said vehicle behind an enclosed 6-foot fence. The second driveway is located just north of the property's existing primary driveway which leads into the garage.

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

Because of the location of the property's existing garage and driveway in relation to the existing fence line, gate and landscaping, the angle of the existing driveway (and existing curb cut) does not allow for the use of the existing curb cut to pull a recreational vehicle into and out of the backyard (to adhere to city code for parking of the vehicle) without making significant alterations to the existing makeup of the property.

### **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. The property directly across the street from us on 31st Street, located at 1200 31ST ST N ST PETERSBURG FL 33713-5412 has two curb cuts (as indicated by multiple city staff, members this must have either been grandfathered in or an exception at some point to existing code as well) that allow access from 31st street to multi-space parking under a carport in addition to an extended concrete parking pad outside of the carport. The property we share a fence with in our backyard, located at 1225 31ST ST N ST PETERSBURG does not have two curb cuts, but does have a driveway on 31st Street N that allows for direct access to the backyard and is currently used for parking utility vehicles in the backyard behind the fence, in order to remain in accordance with city code for parking these larger vehicles - parking of these vehicles in the backyard via access from the driveway on 31st Street has not caused any issues for surrounding neighbors and has been accepted by the neighborhood. In essence both of our immediate 31st street neighbors have either a second curb/cut and/or are using their backyard for the parking of larger (non-commuter vehicles); our request is firmly in-line with existing properties and would not alter the current makeup of the neighborhood or property use in any way.

### **3. How is the requested variance not the result of actions of the applicant?**

This is an after-the-fact variance. We originally received code violation 22-00005745 on March 15, 2022 for pouring a concrete parking pad, which was poured the way it currently exists after visiting City codes and permitting and having the following transpire:

I visited the city building located on the corner of Central Ave and 4th St. N and went to the codes department on **February 10, 2022 around 3pm** (I know this because of text records with my husband). Perhaps there's a record of this in logs if necessary?

I spoke with 3 individuals who were working that day and now I'm wishing I would have written down their names, however I thought I clearly understood all the information they gave me and didn't find it necessary at the time. I spoke with two women at the desk to the right when you walk into the office, who then called over a man who I believe is some kind of supervisor in the department?

I was trying to obtain a permit for a new driveway, so that we could follow the city's requirements of making sure our recreational vehicle was parked in the backyard behind a 6 foot fence.

The 3 individuals in the office on February 10 went over the codes with me for quite some time as well as some adjacent or close-by properties that also touch 31st Street North (our neighbors directly across from us on 31st street for example have two curb cuts that were at some point turned into a half circle driveway - the thought that day was perhaps that work was done before the second curb cut rule was incorporated into city code?).

Ultimately, they advised me that they could not issue a permit for a "driveway" because we were not allowed to put a **second CURB CUT on 31st Street N**. As you can see in the photos below, the curb was not cut [SEE PHOTOS ATTACHED IN SUPPORTING MATERIALS].

In addition to no second curb cut, they did advise me that we couldn't do anything that would impede a public sidewalk. As you can see in the photo above, there is no public sidewalk that crosses our property or the other property closer to the corner. In fact, the city of St. Pete was actually out at our property and poured a new public sidewalk on the OTHER side of our existing driveway just recently in 2021 and when the crew was out, they told us they were not going to extend the sidewalk on the other side of the driveway to the corner because there was "no existing sidewalk there":

(new city sidewalk poured in 2021 on the other side of existing driveway)[SEE PHOTOS ATTACHED IN SUPPORTING MATERIALS]

When I was in the codes department talking to city staff on February 10 they told me, the "driveway" permit not being an option was because of the stipulation that there couldn't be a second curb cut; **however we could pour a concrete slab on our property - just in the backyard OR we could totally extend the EXISTING driveway so long as we used the existing curb cut and didn't cut a second**. When we looked at the map together that day, they were actually telling me that we could go ahead and pour concrete in this entire area if we wanted to so long as we did not make a second curb cut - the information I was given was, "you could extend your existing driveway as much as you want as long as there's no second curb cut and concrete in the backyard is no problem". [SEE PHOTOS ATTACHED IN SUPPORTING MATERIALS]

Pouring concrete in that entire area of course was not necessary especially because of the existing fence line which we didn't want to alter - so we opted to pour a concrete slab without cutting the curb, and in this case, there is no public sidewalk so we believed we were in the clear in terms of not violating anything there.

Unfortunately, due to incomplete and insufficient explanation by city staff in the codes department resulted in us approaching the project the way we did, and code violation [22-00005745](#) despite our best efforts to follow the proper process from the beginning (if we had been advised correctly, we would have applied for a variance before doing any work, rather than this becoming an after-the-fact variance). Now at the advisement of city staff members Gregory Foster, David Flintom and Scot Bolyard - each of whom we've now worked with throughout this process, we are seeking an after-the-fact variance to make any final adjustments to ensure this second driveway meets city code and obtain the necessary variance to keep it cured as-is, given the rest of the information provided throughout this application.

**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?**

We have a recreational vehicle that according to city code must be parked behind an enclosed 6-foot fence. The reason that we must park the RV in our backyard is because its use is multi-functional for our family. We are expecting our first child and also both work from home - we are local small business owners in the City of St. Petersburg and run both of our local businesses out of our home office. We also utilize our existing garage as storage space for our business. In order to make space for our new baby, when we are home and not using it to travel, the RV will serve as an office space in the backyard for our remote work. With the sandy soil, it is impossible to pull the RV into the backyard from 31st street, which is the only place on the property where this access is possible and where there is a formal gate to accommodate the RV. We tried to go over the grass and soil, got the RV stuck and had to call roadside assistance the first day bringing it home. Pouring a second driveway is actually the neatest and tidiest way to park the RV in the backyard securely so that it's visibility is not a disturbance to the neighborhood aesthetic and the driveway itself is a more formal property improvement vs. the less formal option of having a vehicle that's clearly parked in grass. The second driveway is not impeding a right of way (there is no public sidewalk in the area where the driveway has been poured and if there were to be in the future, the concrete has been poured to the appropriate depth so that a city sidewalk could be poured on either side without obstruction or unevenness. The second driveway not only is the cleanest and most aesthetically pleasing way to park a vehicle like this in a residential neighborhood, but should we ever move, to a future buy the prospect of additional parking and/or concrete that could be made use of as a multi-functional patio space, etc. would certainly be a selling point and a value-add rather than any kind of hinderance or deterrent.

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

In various meetings with city staff including two visits to the codes department, several phone calls and emails as well as our variance pre-application meeting, a variety of options have been discussed. One option discussed was to remove the property's existing driveway and utilize the new (second driveway being requested in this application) driveway as the property's primary 31st Street driveway. This however would remove driveway access to the garage and leading up to the home's entrance on 31st Street N which is a main access point to the home. Removing the existing driveway would negatively impact the character of the neighborhood as having a garage and an entrance to the home with no formal concrete/driveway access would certainly be out of the norm (and strange looking to say the least) for the neighborhood. Having a garage with no driveway access would absolutely be a downgrade for the property itself and it's cohesiveness with the surrounding development of the neighborhood in addition to new construction (all new homes being built in the neighborhood are being built with garages that have driveway access) and improvements being made daily in the neighborhood. Another suggestion discussed in our pre-application meeting was to convert our garage into a 4th "bedroom" to either be used as a room or an office and eliminate the need for parking the RV in our own backyard. This suggestion is not feasible for a myriad of reasons. First and foremost this would be a \$50,000+ project our family simply does not have the means to take on. Second, this alteration to the property WOULD negatively impact the way the home currently fits within the neighborhood makeup; many (most) of the homes on the 31st Street North corridor do not have alley access and have either a garage or carport with driveway access from 31st Street, so maintaining this feature of the home is important for both cohesiveness and neighborhood aesthetic + functional use. Third; the property having formal parking space (like a garage or carport) is absolutely typical and coming to be expected, particularly with the NT zoning - so maintaining the integrity of the garages existence and access to the garage is important to maintaining adherence with the surrounding neighborhood's current utilization and development.

**6. In what ways will granting the requested variance enhance the character of the neighborhood?**

The addition of this second driveway is a clear formal improvement to the property, to maintain neighborhood aesthetics and the proper parking of a non-commuter vehicle. It is a professional upgrade to the property that indicates ongoing maintenance, improvement and upkeep which of course benefits the neighborhood as a whole and the addition does not hinder the usage of the property or its ability to fit in with the residential intention of

neighborhood zoning and codes. The addition does not alter the use of the property in any way and does not detract from the value of the property itself nor the value of surrounding properties. Neighbors have indicated that the most important thing to them would be that the RV is parked behind a 6 foot fence as stipulated by city code, and the addition of this second driveway is the cleanest, most secure and most aesthetically pleasing manner in which to make sure that need (and want) of the neighborhood is met.

**Intended to satisfy** "Samples or a detailed brochure for new materials to be used" See also supporting photos.

**Street Address:** 3035 12th Avenue North, St. Petersburg, Florida 33713

**Case No.:** Codes case 22-00005745 and ATF Variance Application for installation of a second driveway on 31st Street North for property zoned NT-2

**Description of Request:** We, Jackie and Donny Minchillo, are requesting an after-the-fact variance to add a second driveway on the north side of our property located at 3035 12th Avenue North in St. Petersburg. The driveway is located in the rear one-third of the property (location of driveway adheres to current NT-2 zoning requirement) along 31st Street North which is the platted street side. The second driveway leads into the backyard and will serve as an entrance to a parking pad behind the property's existing garage for a recreational vehicle, in order to adhere to city code requirements for the parking of said vehicle behind an enclosed 6-foot fence. The second driveway is located just north of the property's existing primary driveway which leads to the garage.

**Description of 2nd Driveway:**

Concrete. 13 feet wide by 47 feet long. 4" standard depth for the driveway and 6" standard depth for the apron. (Currently, no curb but exists - see variance application narrative for further detail)

\*\*Location of second driveway indicated in RED on copy of property survey.

\*Will await city instruction upon variance approval if any permit for driveway modifications are required.

*\*\*There is no city sidewalk in the right of way currently and the city of St. Petersburg has indicated no intention of pouring a public sidewalk there. Should a public sidewalk be added in the future, concrete for the driveway has been poured to consistent finish, color and depth so that there would be no impediment to pouring an abutting city sidewalk on either side at any point in the future.*





# Pre-Application Meeting Notes

---

Meeting Date: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Address/Location: \_\_\_\_\_

Request: \_\_\_\_\_

Type of Application: \_\_\_\_\_ Staff Planner for Pre-App: \_\_\_\_\_

Attendees: \_\_\_\_\_

---

Neighborhood and Business Associations within 300 feet:

| Assoc. | Contact Name: | Email: | Phone: |
|--------|---------------|--------|--------|
|        |               |        |        |
|        |               |        |        |

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

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Original post + info presented to members of the North Kenwood Neighborhood Association.

Discussion Request or Offer Help Topics Members Media Files Questi

If you've made it this far, THANK YOU for reading - any feedback and/or support you're willing to take a moment to provide via email is massively helpful so thank you in advance. And wish us luck, this city stuff is a lot of details and a lot of work and totally out of my comfort zone!!

Group by North Kenwood Neighborhood Association

**North Kenwood Neighborhood Association**  
Private group · 673 members

Joined + Invite

Home Rooms Events

Donizete Junior Minchillo and 8 others 9 Comments

Like Comment Send

Reactions + comments made publicly in the neighborhood Facebook forum - continued on the following pages.





Group by North Kenwood Neighborhood Association

### North Kenwood Neighborhood Association

Private group · 673 members



Joined + Invite ...

Home

Rooms

Events

Discussion Request or Offer Help Topics Members Media Files Questi

Donizete Junior Minchillo and 8 others 9 Comments

Like Comment Send

All comments

**Renee Price**  
 Will trade support email for camping/RVing tips 🤝 Seriously though, I'd love to hear about your cross country adventure and how you're making remote work happen on the road. I picked up a vintage camper late last year and would love to get more out and... [See more](#)

Like Reply 6d

**Jackie Minchillo** Author  
 Renee Price haha deal! This is our first big trip with it and my oh my, a learning curve it is! Wouldn't say we're experts yet by any means but definitely have learned a few things so far! Re: remote work specifically, we decided to go with a service c... [See more](#)

Like Reply 5d

**Renee Price**  
 Wow, what a maiden voyage! I sent a support letter to your gmail - let me know if you need anything else

Love Reply 5d

**Jackie Minchillo** Author  
 Renee Price thank you so much! Super appreciated 🙏

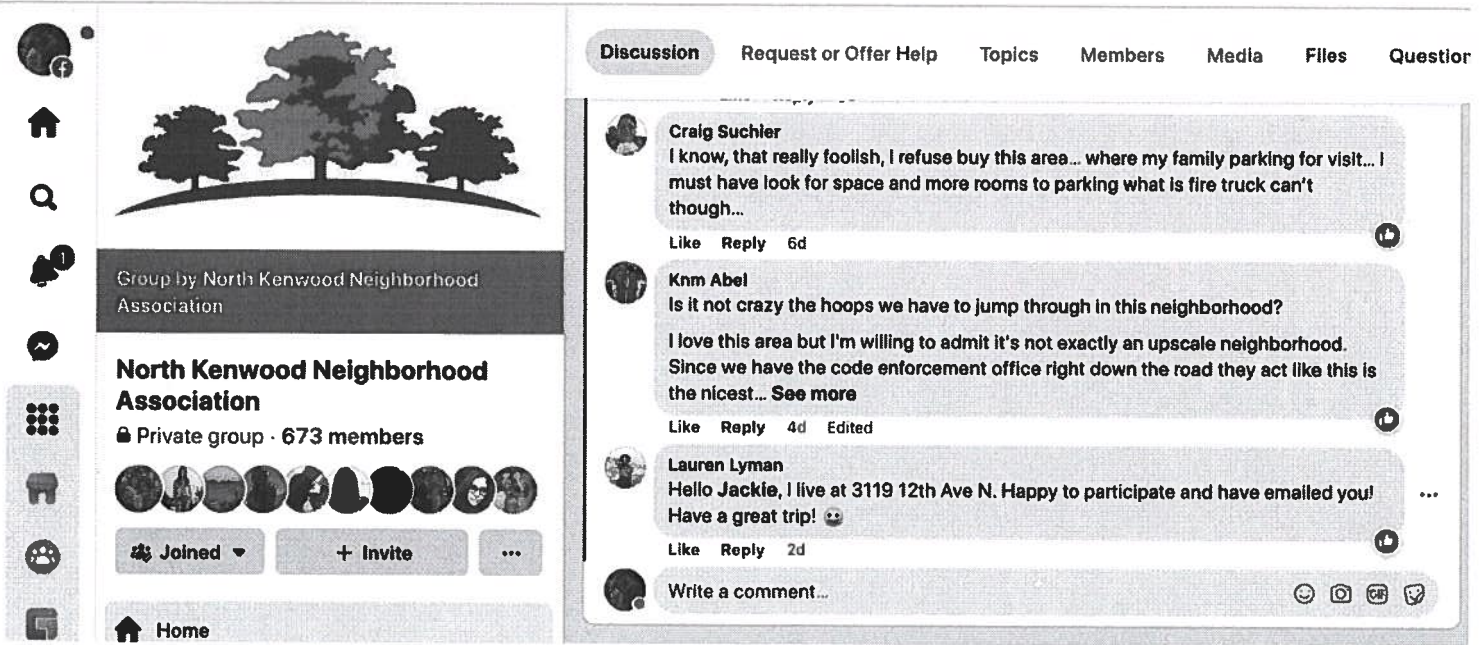
Like Reply 3d

**Matthieu Benoot**  
 You have my full support 😊 ...

Love Reply 6d

**Jackie Minchillo** Author  
 Matthieu Benoot 🙏🙏🙏🙏

Like Reply 6d



→ No objections received

→ letters of support from neighbors on the following pages.



Jackie Minchillo &lt;jackieminchillo@gmail.com&gt;

---

**happy camper parking**

1 message

---

**Renee P** <renee.a.price@gmail.com>  
To: jackieminchillo@gmail.com

Wed, Jun 1, 2022 at 7:56 PM

To the commission:

My name is Renee and I reside at [3151 11th Ave N](#) within the North Kenwood Neighborhood Association and am a neighbor of Jackie and Donny Minchillo who are currently applying for variance approval of a second driveway on the 31st Street N side of their property located at [3035 12th Avenue North, St. Petersburg](#). I am writing to indicate that I have no concern or objection to this alteration to their property and am in support of approval of their application.

Please let me know if you need anything else!

Thanks,  
Renee



Jackie Minchillo &lt;jackieminchillo@gmail.com&gt;

---

**Second Driveway Approval Participant**

1 message

---

**Lauren Lyman** <laurenlyman21@gmail.com>  
To: jackieminchillo@gmail.com

Sun, Jun 5, 2022 at 1:34 PM

My name is Lauren Lyman and I reside at [3119 12th Ave N](#) within the North Kenwood Neighborhood Association and am a neighbor of Jackie and Donny Minchillo who are currently applying for variance approval of a second driveway on the 31st Street N side of their property located at [3035 12th Avenue North, St. Petersburg](#). I am writing to indicate that I have no concern or objection to this alteration to their property and am in support of approval of their application.



Jackie Minchillo &lt;jackieminchillo@gmail.com&gt;

---

**Variance Support**

1 message

---

**Dawn Scott** <dawnscott43@yahoo.com>  
To: jackieminchillo@gmail.com

Thu, Jun 2, 2022 at 3:24 AM

My name is Dawn Uraco and I reside at 1180 25th St N St. Petersburg, within the North Kenwood Neighborhood Association and am a neighbor of Jackie and Donny Minchillo who are currently applying for variance approval of a second driveway on the 31st Street N side of their property located at 3035 12th Avenue North, St. Petersburg. I am writing to indicate that I have no concern or objection to this alteration to their property and am in support of approval of their application.

Thank you  
Dawn Uraco