

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

#### DEVELOPMENT REVIEW COMMISSION STAFF REPORT

#### VARIANCE REQUEST PUBLIC HEARING

According to Planning and Development Services Department records, **no Commissioner** has a direct or indirect ownership interest in real property located within 1,000 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 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, November 2, 2022, at 1:00 PM** at Council Chambers, City Hall, located at 175 5<sup>th</sup> Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at <a href="https://www.stpete.org/meetings">www.stpete.org/meetings</a> for up-to-date information.

CASE NO.: 22-54000071 PLAT SHEET: L-10

REQUEST: Approval of variances to the front yard setback and design

requirements to allow for the construction of a new in-ground pool

OWNER: Carl & Shawntina Schaneman

4465 13th Avenue North St. Petersburg, FL 33713

AGENT: Reina Craig

10569 Lake Breeze Drive Seminole, FL 33772

ADDRESS: 4465 13<sup>th</sup> Avenue North

PARCEL ID NO.: 15-31-16-25506-012-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional, Single-Family (NT-1)

Structure	Required	Requested	Variance	Magnitude
Pool	25-feet	5-feet 11-inches	19-feet 1-inch	76%

**BACKGROUND:** The subject property consists of one platted lot (Lot 1, Block L, El Dorado Hills Annex Subdivision) and is located on the northeast corner of 13<sup>th</sup> Avenue North and 45<sup>th</sup> Street North within the boundaries of the Disston Heights Civic Association. The front entrance of the existing single-family home faces 13<sup>th</sup> Avenue North, the platted street side, and the home was originally constructed in 1958. Because the narrow side of platted Lot 1 faces 45<sup>th</sup> Street North it is considered to be the platted front yard, regardless of the location of the front entrance. The yard adjacent to 13<sup>th</sup> Avenue North is considered to be the street side yard. The property has a lot width of 54-feet and a lot depth of 100-feet with approximately 5,403 square feet of lot area.

**REQUEST:** The applicant is requesting variances to front yard setback and to the location for an in-ground pool to allow the pool to be placed in front of the principal structure within the platted front yard of the property. City Code Section 16.20.010.11. – Building and site design, subsection *Building layout and orientation*, subsection #3 states, "Accessory structure (including sheds) shall be located behind the front facade line of the principal structure." The applicant is requesting to construct a pool, which is an accessory structure, between the front façade of the principal structure and 45<sup>th</sup> Street North. The proposed location of the pool conflicts with the required front yard setback where a minimum 25-foot setback is required. The proposed site plan shows a 5-foot 11-inch front yard setback from 45<sup>th</sup> Street North. The request resulted in a 76% deviation from code. Approved variances to setback and location in front of the principal structure are necessary for the applicant to construct the proposed pool, see attached Site Plan.

**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:

- 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 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 is not substandard in terms of the minimum lot size requirements for properties zoned NT-1; Neighborhood Traditional, Single-Family. The NT-1 district requires a minimum lot width of 50-feet and a minimum lot area of 4,500 square feet. The property is 54.1-feet wide and 100-feet deep containing approximately 5,403 square feet of area.

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

This criterion is not applicable.

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

This criterion is not applicable.

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

The request does not involve or impact 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 traditional development within the block face. No other properties on the block face have swimming pools within the front yard. Other corner lots along 13th Avenue North also do not have swimming pools or patios in the front yard, or the street side yard.

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 existing conditions of the lot size and location of the home are not the results of actions by the applicant.

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 as the subject property has alternate options for the applicant to place a pool on the property. Therefore, there is no physical hardship for placing the pool within the front yard of the subject property.

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;

Adherence to Code requirements for pool setbacks and location on a Neighborhood Traditional zoned property would not deprive the applicant of reasonable use of the land as the subject property has alternative options to place a pool on the property in conformance with Code requirements.

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. The existing single-family home will remain and the requested variance is not necessary to accomplish the applicant's desire of having a pool on their property.

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 as the Code regulates the placement of pools to reduce their visibility from the public right-of-way. If the variance is granted the overall open front yard character and pedestrian experience along 45<sup>th</sup> Street North will be affected.

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 requested variance may be injurious to neighboring properties in terms of visual intrusion and potential for additional noise emanating from pool activities for a pool in a front yard directly abutting the front yard of the neighbor to the north and facing the front yard of the neighbor to the west across 45<sup>th</sup> Street North.

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 variance as alternate options exist for placement of a swimming pool on the subject property.

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 Disston Heights Civic Association. The applicant submitted a Neighborhood Worksheet, see attached, with their application that includes signatures of support from 3 property owners, including the property owner across 45<sup>th</sup> Street North. Staff also received two emails requesting more information on the case and one email expressing support.

**STAFF RECOMMENDATION:** Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **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 plans submitted for permitting should substantially resemble the plans submitted with this application.
- 2. A continuous hedge row shall be provided abutting any fencing that is erected around the pool on both the 45<sup>th</sup> Street North and the 13<sup>th</sup> Avenue North frontages. The hedge shall be at least 24-inches in height with plantings spaced apart no more than 3-feet oncenter
- 3. In accordance with Section 16.40.040, any fencing erected around the pool in the front yard shall be setback a minimum of 2-feet from the existing sidewalk along 13<sup>th</sup> Avenue North and fencing shall not exceed the code requirements of 4-foot height limit for fences in the front yards or street side yards.
- 4. This variance approval shall be valid through November 2, 2025. Substantial construction shall commence prior to this expiration date unless an extension has been approved by the POD. A request for extension must be filed in writing prior to the expiration date.
- 5. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

REPORT PREPARED BY:

#### Is/ Adriana Puentes Shaw

10/21/2022

Adriana Puentes Shaw, AICP
Urban Design + Development Coordinator
Development Review Services Division
Planning and Development Services Department

DATE

REPORT APPROVED BY:

/s/ Corey Malyszka

10/21/2022

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

DATE

Attachments: Location Map, Application, Narrative, Neighborhood Worksheet, Site Plan, Pool Diagrams, Photos





Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department

Case No.: 22-54000071 Address: 4465 13<sup>th</sup> Ave. N.





Application No. BP22-07000178

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.

GEN	ERAL INFORMATION
NAME of APPLICANT (Property Owner):	Carl & Shawntina Schaneman
Street Address: 4465 13th Ave N	
City, State, Zip: St Petersburg, FL 33713	
Telephone No: 7272144238	Email Address: shawntinag@gmail.com
NAME of AGENT or REPRESENTATIV	E: Reina Craig
Street Address: 10569 Lake Breeze Dr	will be provided to the applicant by such as the per expectation
City, State, Zip: Seminole, FL 33772	mitted up to tribule to prove but the butter section and the province of the p
Telephone No: 313-316-4216	Email Address: rcraig@youtopiapools.com
PROPERTY INFORMATION:	and the second continue for Staff and the second of the continue that
Street Address or General Location: 4465	13th Ave N. St Pete, FL 33713
Parcel ID#(s): 15-31-16-25506-012-0010	of application fathers to Any Code by a consultant by manually
DESCRIPTION OF REQUEST: Variance of	current front city setback. Currently there is a setback of 25ft.
We are seeking a 5.11 feet setback from the front	property line.
PRE-APPLICATION DATE: 08/17/2022	PLANNER: Shervon A. Chambliss

#### FEE SCHEDULE

\$100.00 1 & 2 Unit, Residential - 1st Variance Each Additional Variance 3 or more Units & Non-Residential - 1st 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*:	100 Con 100 Co	Date:	09/06/2022	
*Affidavit to Authorize Agent required, if signed by Agent.  Typed Name of Signatory: Reina Craig		_)		



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

#### **DEVELOPMENT REVIEW COMMISSION AFFIDAVIT TO AUTHORIZE AGENT**

Property Owner	e owner(s) and record title holder(s) of the property noted herein s Name: Shawntina Schaneman
roperty Owners	s Name: Ond Withing Schaneman
This property o	Onstitutos the manual of
Property C	onstitutes the property for which the following request is made
	s: 4465 13th Ave N. St Pete, FL 33713
Parcel ID No.: 1	5-31-16-25506-012-0010
Request: Appro	al of variance to setbacks and required location to allow a pool and deck.
	i and deck.
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):	Reina Craig
This affidavit has	been executed to induce the City of City
act on the above	been executed to induce the City of St. Petersburg, Florida, to consider ar described property.
I(we), the unders	igned authority, hereby certify that the foregoing is true and correct.
Signature (owner):	Shawntina Schaneman Will Ill Mills
organicate (Owner).	
Sworn to and subso	ribed on this date
dentification or perso	
or person	maily known: FL Drivers license.
lotary Signature:	MMISTAND Decide all
commission Expiration	n (Stamp or gate): 7/1/22
	O Diplomania -
	CHRISTOPHER DE JESUS
	Notary Public

Expires 11/17/2025



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 by 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: 4465 13th Ave N. St Pete, FL 33713	Case No.: BP22-07000178
Detailed Description of Project and Request: We are	
Detailed Description of Project and Request: We are	IT 1 rening district with a current front setback of 25ft
an in-ground swimming pool on corner property. The property is in an N	11-1 Zoning district with a current north setback of 25th
We are seeking a 5.11 feet setback from the front property line.	active in the control of the control
What is unique about the size, shape, topography, unique characteristics justify the requested variance.	or location of the subject property? How do these ce? This property is located on the comer lot of 13th Ave N and 45th St N.
and against an alley. The home address, driveway and front door are located on 13th Ave	
However, the city considers the front property to be 45th Street N (west direction	
25ft setback on what feels to be the side yard. Additionally, the east side of the h	ome that runs along the rear property line has direct home electrical power line
along with the meter box. According to NEC 680.1, overhead service must be a mining	num of 22.5ft from water. In order to move this direct electrical power line and meter
box, it would be an extremely costly task and only allow us 13ft of width from	
on the east rear property line. If we give a 4ft safe walking distance between	
THE RESERVE OF THE PROPERTY OF	Control of the control of the property of the control of the contr
요즘 아이는 아이는 아이는 그들은 그리고 그는 그들은	corhood that have already been developed or utilized and a description of the specific signs or structures subject property. This property has the same similar design and circumastance
	ey in the rear of the property. Due to the design of the home, their address,
	nsider their front property line on 45th St N since that is the most narrow
part of their lot. On Google Earth it shows a swimming pool that looks to e	
grading street to the following of the engineer of the proof of the grant of the proof of the pr	en en rock get var får stille. I blever vilk som kolling om skriftet i det proces skriftet for fir detekte. Het kan stillfet til de skryveterskrifte pår gjad komte kansamfatten som ble komte for det gregorisk er frankr Det for tillfædte skriftet en skriftet komte skriftet skriftet skriftet en tillfæde skriftet en komte.
<ol><li>How is the requested variance not the result of ac</li></ol>	
he configuration of the platted lot is the result of the original develo	
t and that it has an easement on the east side of lot is not of the applicar	
de facing house along with the setbacks associated with the corner lo	t Is not of the applicant.
topics with the second control and the second	



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 by 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.

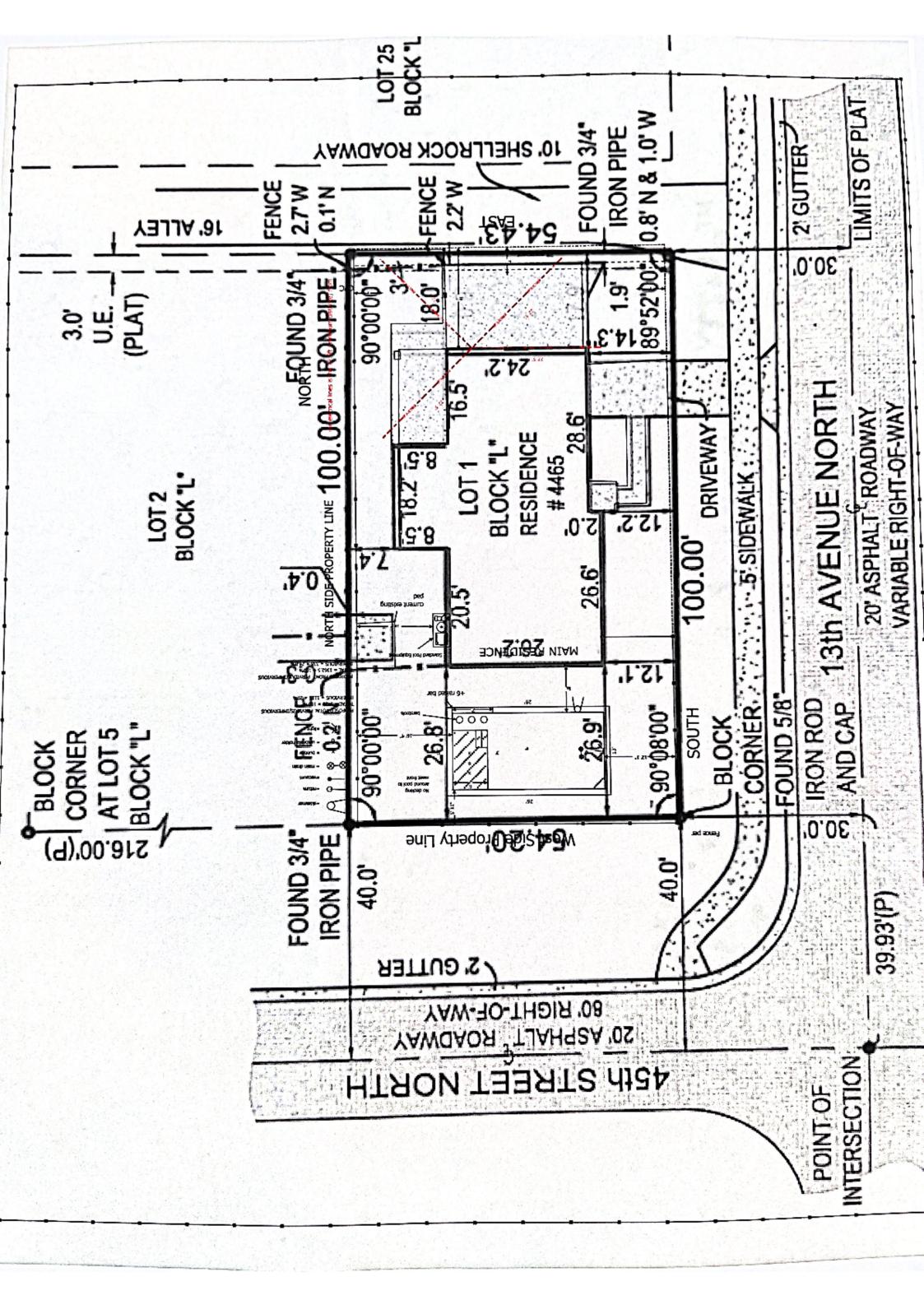
APPLICANT NARRATIVE
4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?
The desired pool addition would encroach into the front yard setback, however in doing so the homewoner would be putting a appealing fence
up where there is currently open, unused land. The landscape and fence around the property will be more aesthetically pleasing than the current
state of the yard. Also, adding the pool will will increase the value of the home which will benefit the neighborhood.
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5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?
We have attempted to place the proposed pool in other areas of the property and due a few factors, these options were unacceptable.
The first reason is due to the direct home electrical power line and the 22.5 minimum to water we must abide by. Taking the electrical minimum into consideration,
along with setbacks, there is no space to build a pool behind the required 25ft front setback.
Ve wanted to cover the basis and find alternatives. If the extremely costly talk of moving the electrical power was an option: we looked into to placeing
ne pool in the north east corner running parallel with the North side, but realized that the current concrete pad shown on the survey is actually a finished covered porch
hat was existing when the home was purchased in 2020. NOTE: this covered porch is not shown on the google earth photo, because the Google Earth
mage was taken in 2/20/2017 if we ran the pool parallel with the rear east property line and gave 4ft of safe walking distance between he pool and home, we would
nen only be able to fit a pool approx 9ft wide. The homeowners consist of a family of 4 with 2 teenagers that are actively involved in school sports. The family
rould love to spend quality time together in the pool and also bring the sport community together by having their friends over to swim. We do not believe a 9ft wild
ool would be sufficient for a family of 4.
6. In what ways will granting the requested variance enhance the character of the neighborhood?
he future swimming pool and enchanced landscaping that the applicant is planning will update the home and current untouched front lot
nat has had general maintenece over the years. This addition, will add value to the property that will benefit all the neighboring
roperty values and make it more pleasing for the neighborhood to look at.
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Attituter i di di di di di di della di
경에 가장 그는 사용하는 것으로 계약을 보고 있는 것을 하는 것을 하는 것을 하는 것을 하는 것을 보고 있다. 기계

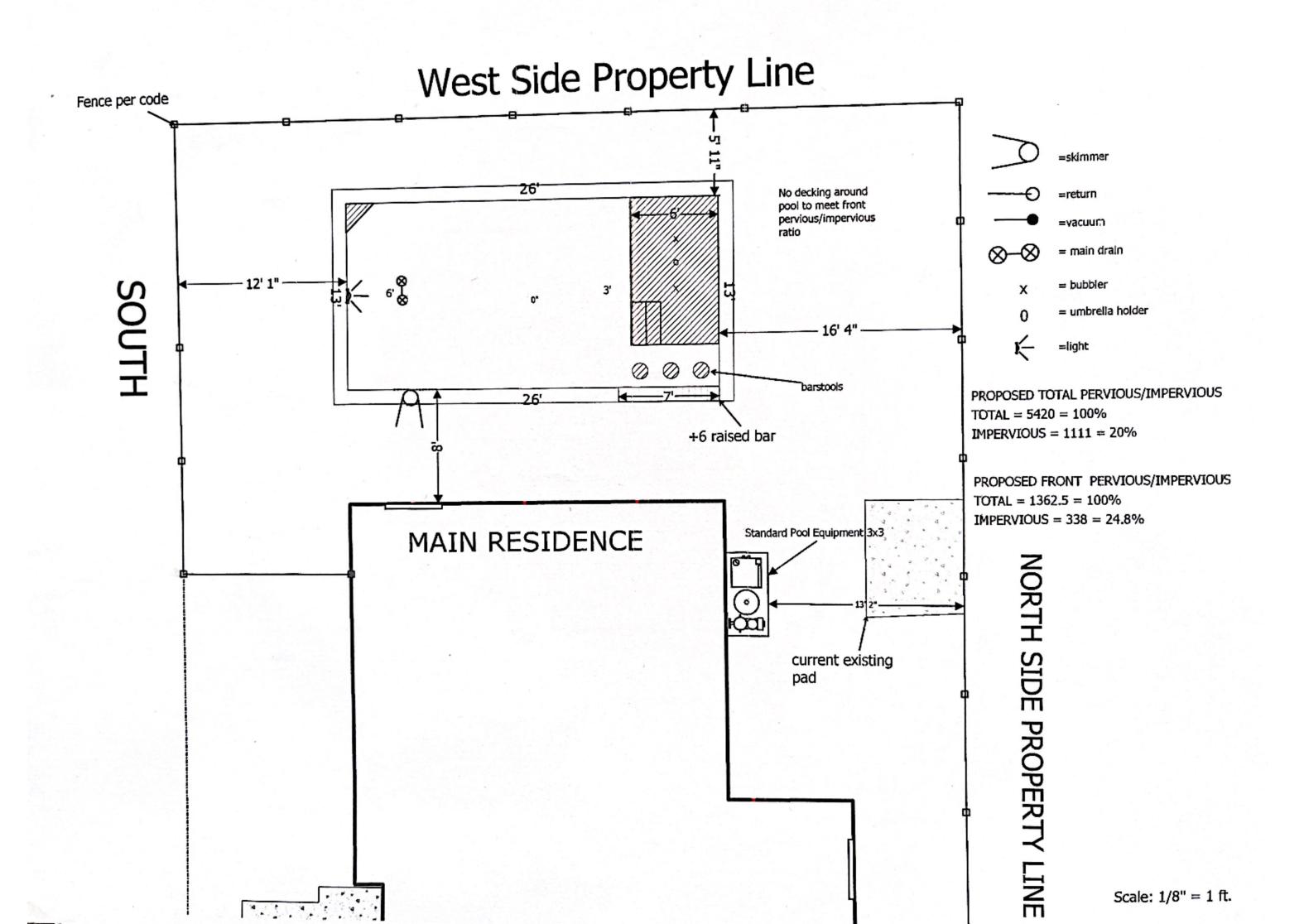


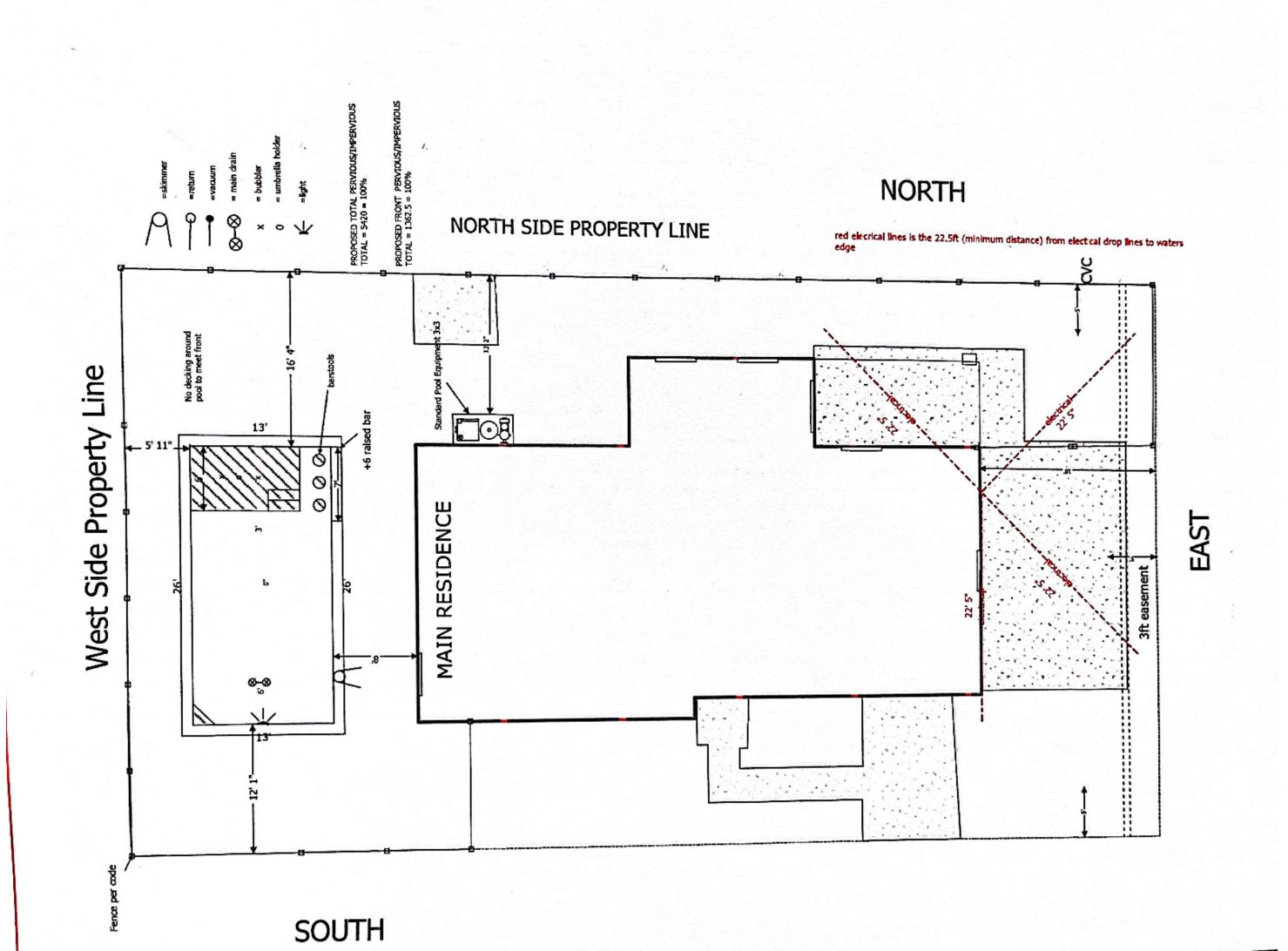
#### NEIGHBORHOOD WORKSHEET

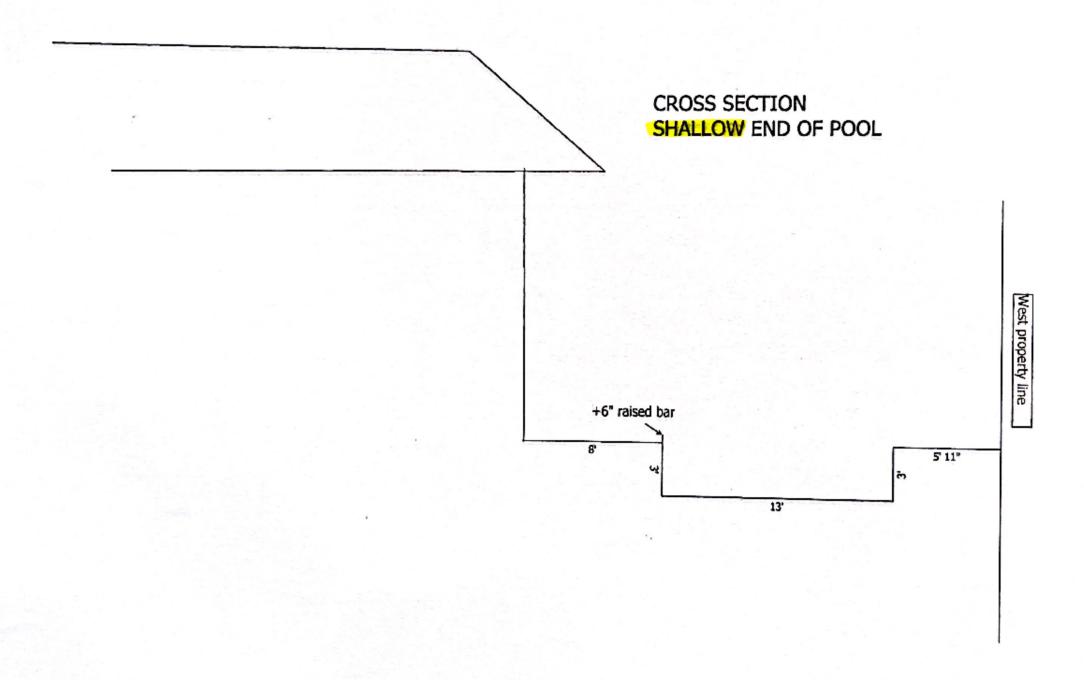
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

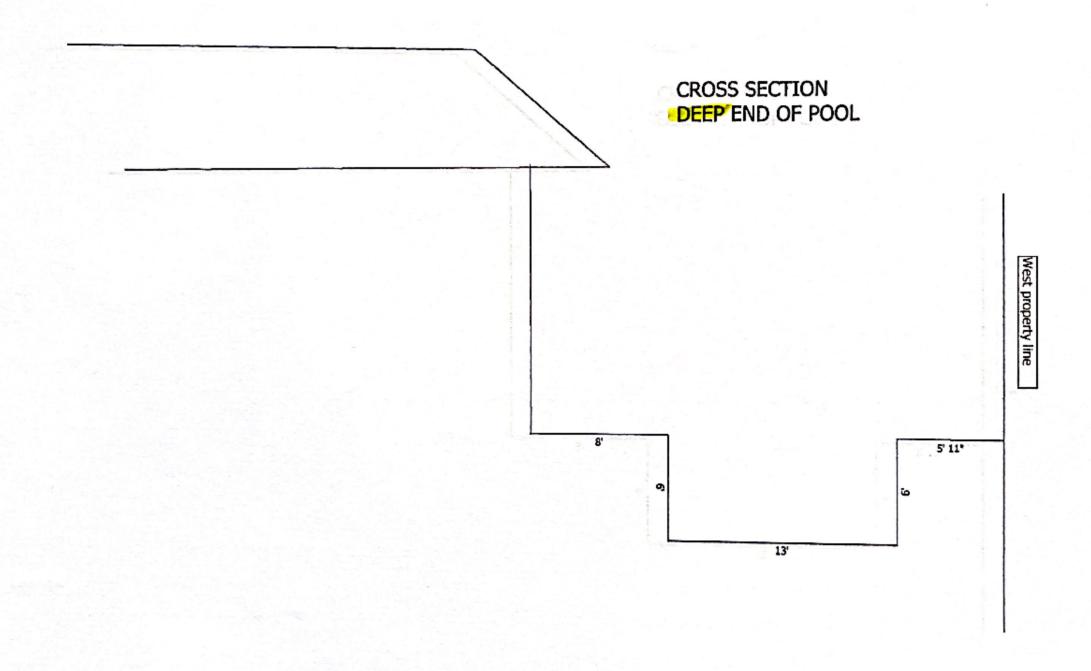
NEIGHBORHOOD WORKSHEET		
Street Address: 4465 13th Ave N. St Pete, FL 33713		
Description of Request: Seeking a variance to encroach on a city setback in order to build an in-ground swimming pool on control or control of the control o	orner property.	
The undersigned adjacent property owners understand the nature of the applicant's request and object (attach additional sheets if necessary):	do not	
1. Affected Property Address: 1300 - 45 75T. N. St. PERE, FL 33712  Owner Name (print): RALPH E. BODZIAK  Owner Signature:	3	
2. Affected Property Address: 1320 N453h whom Golden Owner Name (print):  Owner Signature: Owther Jecune 1999	~00	
3. Affected Property Address: 1235 LISTA St. N. St. Petc, FL3371 Owner Name (print): Gert Wallace Owner Signature: Heet Wallace	3	
4. Affected Property Address:	Section 1	
Owner Name (print):		
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:		
9. Afforded Property Address:	Y 192-10.	
Affected Property Address:     Owner Name (print):		
Owner Signature:	S 187	
Owner Signature:		











## **MATERIALS**

Coping:

uspaverscape.com, 2 3/8 brick bullnose

Waterline tile:

aquabellatile.com, glass or porcelain

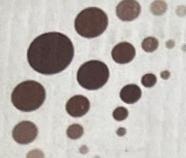
Pool finish, mini pebble

nptpool.com, colors: attached

Fence:

6 ft PVC/Vinyl, Colors: gray or white





# StoneScapes Formulated Surface Systems Mini Pebble



Salt & Pepper





















Int NPTPool.com









