

CITY OF ST. PETERSBURG, FLORIDA

PLANNING & DEVELOPMENT SERVICES DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

STAFF REPORT

DEVELOPMENT REVIEW COMMISSION AFTER-THE-FACT VARIANCE REQUEST PUBLIC HEARING

According to Planning and Development Services Department records, no Commission Member has a direct or indirect ownership interest in real property located within 2,000 linear feet of real property contained within the application (measured by a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon 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**, **February 2nd at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 21-54000094 PLAT SHEET: Q-22

REQUEST: Approval of an after-the fact variance to the interior side yard and

rear yard setbacks to allow an accessory living space with

ancillary equipment to remain.

OWNER: Douglass Boster

Donna Bryan

6920 40th Avenue North Saint Petersburg, FL 33709

ADDRESS: 6920 40th Avenue North

PARCEL ID NO: 06-31-16-92862-028-0040

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

Structure	Required	Actual	Variance	Magnitude
	Setback	Setback		
Acc	essory Living Space	ce and Ancillary Eq	uipment	
Accessory Living	7.5-feet side,	2.6 feet side,	4.9-feet,	65% side,
Space	10-feet rear	4-feet rear	6-feet	60% rear
A/C Unit	3-feet side	1.5-feet	1.5-feet	50% side

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BACKGROUND:

The property consists of one platted lot of record (Lot 4, Block 28) of the Tyrone Subdivision with a single-family residence, constructed in 1958. The property is located in the Jungle Terrace Neighborhood.

The subject property is an interior lot with a 10-foot wide alley at the rear of the property. In addition to the single-family residence, the property has also been developed with an in-ground pool with screen enclosure, a shed (under 100 square feet in area) and an accessory living space.

Per NS Code Section 16.20.020.7. the minimum setback for accessory structures is 7.5-feet for the sides and 10-feet for the rear. Per Code section 16.60.050.2. sheds that are 100 square feet or less and 10-feet in height or less may encroach into the setback. The encroachment allows one shed to be located anywhere in the rear 20-feet of the lot and no closer than 3-feet to the side property line, except in the rear yard.

The accessory living space with ancillary equipment are the subject of this request and were constructed by the applicant. A Codes Compliance Case was initiated in March of 2021 regarding the construction of the accessory living space without a permit. The structure and A/C unit replaces a shed that was constructed by the previous owner. The accessory living space is located 2.6-feet from the side property line and 4-feet from the rear property line. The A/C equipment is approximately 1.5-ft from the interior side property line, where 3-feet is required. The applicant is requesting approval of an after-the fact variance to the interior side yard and rear yard setbacks to allow an accessory living space with ancillary equipment to remain.

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 request involves the utilization of an existing developed 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 site has a lot width of 45-feet and approximately 5,849 square feet of lot area. The minimum lot width and area requirements for a property zoned NS-1 are 75-feet wide and 5,800 square feet in area respectively. Thus, the subject lot meets the minimum lot area however it is substandard in lot width.

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

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This criterion is not applicable. The subject property is not located in a designated preservation district.

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

This criterion is not applicable. The subject property does not contain historic resources.

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

This criterion is not applicable.

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.

Accessory living spaces are not a common structural feature among the properties situated along the subject block. Thus the proposed after-the-fact variance request does not promote the established development pattern for properties along 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 are not the result of the applicant. The minimum lot width for properties in the NS-1 zoning district is 75-feet wide. The subject property is 45-feet wide, which results in the subject lot being substandard by 30-ft. The request is also the result of the applicant constructing an accessory living space without an approved permit in a location that was previously used for a shed.

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

Considering the special conditions, a literal enforcement of this Chapter would result in some hardship due to the subject properties substandard lot width. The applicant would be required to relocate and possibly reduce the size of the accessory living space in order to bring the accessory structure into compliance with the Land Development Regulations.

A literal enforcement of the code would not however result in unnecessary hardship regarding the A/C unit as the equipment can be relocated to an alternate location where it will meet the required 3-foot side and rear setback for ancillary equipment. Since the initial submittal of this application the applicant has agreed to relocate the equipment to meet the required setbacks.

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;

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Similarly to the other properties on the block face the subject property is also substandard in lot width. The strict application of the provisions would still provide the applicant with means for reasonable use of the property however the size and or location of the accessory living space will need to be altered to meet the 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 variance that will make possible the reasonable use of the land. The request for approval of the after-the fact variance is however mitigated by the 10-wide alley at the rear which provides a buffer between the accessory structure and the property to the South. There is also a solid 6-ft high perimeter fence around the property as well.

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

The granting of the setback variances would not be in harmony with the general purpose and intent of this chapter Section 16.10.010.4.J. states, Setbacks, are to "ensure that an effective separation is provided between properties, structures and uses to foster compatibility, identity, privacy, light, air and ventilation."

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

The subject property is an interior lot and the reduced side setback may be most impactful on the neighboring properties to the West and South. However, the applicant has received signatures of support from owners of both the most affected properties. The request for the reduced rear setback is also mitigated by the 10-foot wide alley at the rear of the property which reduces the magnitude of the request in the rear yard.

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

The reasons set forth in the application do not justify the granting of the after-the-fact variance. The variance request is self-imposed as the accessory living space was constructed voluntarily without a permit.

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 Jungle Terrace Neighborhood Association. The applicant has received (4) signatures of support from adjacent property owners including the most affected neighbors to the West and South. The Jungle Terrace Neighborhood Association has provided comment that they have no issue with the request.

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

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

- 1. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
- 2. Maximum impervious surface on the site must not exceed 60%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.

ATTACHMENTS: Application, Location Map, site plan, photographs, applicant's narrative, signatures of support, Neighborhood Participation Report

Report Prepared By:

/s/ Candace Scott

<u>1/24/2022</u> Date

Candace Scott, Planner I
Development Review Services Division
Planning & Development Services Department

Report Approved By:

/s/ Dave Goodwin

1 /24 /2022

Dave Goodwin, Interim Zoning Official Development Review Services Division Planning & Development Services Department

Date

DG:CAS



Application No. 21-54000094

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 INFORMA	ATION	
NAME of APPLICANT (Property Owner): DOUGLAS B	/ N	BRYAN
Street Address: 6920 40TH AVE N	USITO / OUNIOI	012/1110
City, State, Zip: ST. PETERS BURS	FL 33709	
Telephone No: 304-544-7272 Email Address		m, com
NAME of AGENT or REPRESENTATIVE:		
Street Address:		
City, State, Zip:		
Telephone No: Email Address	:	
PROPERTY INFORMATION:		· · · · · · · · · · · · · · · · · · ·
Street Address or General Location: 4926 4077	H AUG N ST DETER	SBURS FL
	0040	SIGURS !-
DESCRIPTION OF REQUEST: VARIFANCE FOR W	- 4	ME DU
STIR BUILT REC/ROOM, EXERCISE		icae UN
PRE-APPLICATION DATE: 4-30-21 PLANNER:	CAS	
FRE-AFFLICATION DATE. 7°30°27 FLAMILIN.	CHS	
FEE SCHEDULE		
1 & 2 Unit, Residential - 1st Variance \$350.00	Each Additional Variance	\$100.00
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*	
AUTHORIZATIO	N	
City Staff and the designated Commission may visit the subject prope	arty during ravious of the sacre	atad variance A-

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 INCUMB	ENT UPON TH	E APPLI	CANT TO	SUBMIT	CORRECT	INFORMATION	. ANY MISLEA	DING
	DECEPTIVE.	NCOMPLETE	ORANCO	DRRECT	INFORM4	TION MAY	INFORMATION INVALIDATE Y	OUR APPROV	ΔΙ
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Signature of Owner / Agent*: (Leufer)	Date:	
*Affidavit to Authorize Agent required, if signed by Agent.		
Typed Name of Signatory:		



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			
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		hborhood that have already s and a description of the s	y been developed or utilized pecific signs or structures



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
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?
CURRENT BUTLATUS IS MUCH MORE APPEALING IN
APPEARANCE, OLD BUTLDING WAS ROTTED AND UNSAFE.
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? THE BUTLDTHS WOULD NOT DE ABLE TO BE MOVED FORTHE REASON THAT IT WOULD NOT GAIN MORE CLEARANCE ON THE WEST SIDE.
FOR THE PEDCAL THAT ET WALL A MAT GOTH MARE CLEARAINET
ON THE WEST STOE.
6. In what ways will granting the requested variance enhance the character of the neighborhood?
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THE NEW BUTADING IS APPEALING IN APPEARANCE, ENHANCE PROPERTY AND SURROUNDING PROPERTY. PREVIOUS BUTADING WAS AN EYESPLE AND STRUCTURALLY UNISAFE
BUTROFING WAS AN EYESPRE AND STRUCTURALLY UNSAFE



Pre-Application Meeting Notes

Meeting Date:	Zo	ning District:	
Address/Location:			
Request:			
Type of Application:	Sta	ff Planner for Pre-App	:
Attendees:			
Neighborhood and Business			
Assoc.	Contact Name:	Email:	Phone:
(See Public Participation Repo	t in applicable Application	n Package for CONA and	d FICO contacts.)
Notes:			

Candace A. Scott

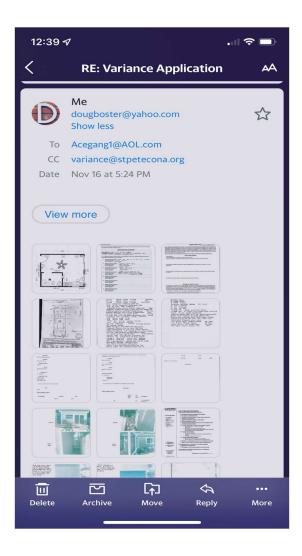
Subject:

FW: Variance Application

From: doug boster <dougboster@yahoo.com>
Sent: Wednesday, December 8, 2021 12:40 PM
To: Candace A. Scott <Candace.Scott@stpete.org>

Subject: Re: Variance Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Sent from Yahoo Mail for iPhone

Doug –
Thank you for sending the digital version of the application.
Please forward the email that you sent to CONA for the Notice of Intent to File as well.
Regards,
Candace Scott
Planner I , Planning and Development Services
City of St. Petersburg
727-892-5192 / Fax: 727-892-5557
C2Scott@stpete.org
Please note all emails are subject to public records law.
From: doug boster <dougboster@yahoo.com> Sent: Wednesday, December 8, 2021 11:07 AM To: Candace A. Scott <candace.scott@stpete.org> Subject: Fw: Variance Application</candace.scott@stpete.org></dougboster@yahoo.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Tuesday, November 16, 2021, 5:24 PM, doug boster < dougboster@yahoo.com > wrote:

----- Forwarded Message -----

From: Donna < donna.bryan3@gmail.com >

To: Doug Boster < dougboster@yahoo.com >

Sent: Tuesday, November 16, 2021, 05:12:02 PM EST

Subject: Variance Application

Your Sunshine City



Re: Variance Application

AA



Dr. Ed Carlson
To dougboster@yahoo.com
Today at 9:35 AM



Thanks Doug.

Failed to notice us **before** filing for Variance as outlined at Pre App Meeting.

Notice of Intent to File.

We will not make an issue of this with you all.

Will get Zoning officials to emphasize for future applications.

You are good to go with us!

Best of ALL, **Dr. Ed**

Jungle Terrace Civic Association, Inc. West Neighborhoods United, Inc.

View more











Re: Variance Application

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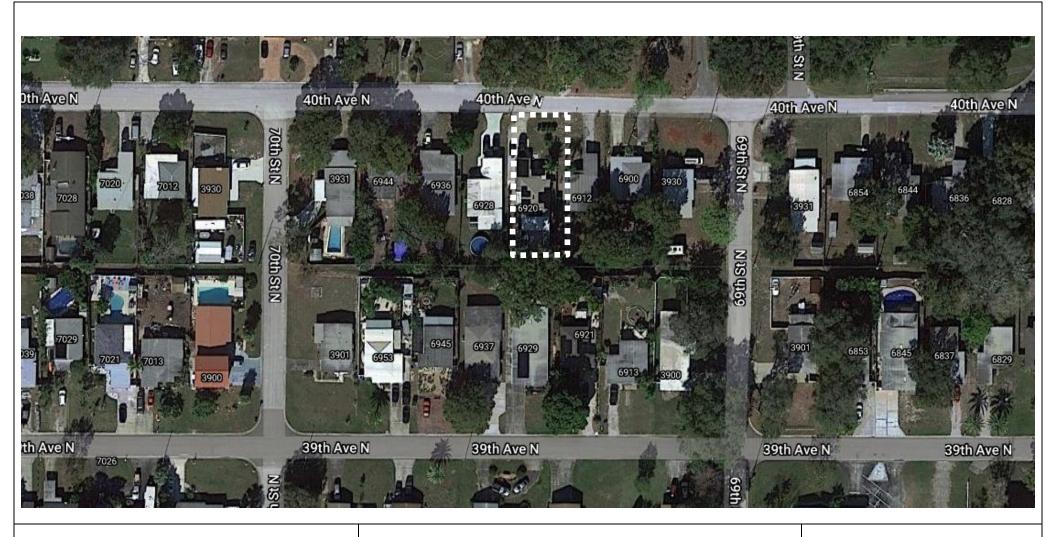
View more













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

Case No.: 21-54000094 Address: 6920 40th Ave. N.



JOB NO.: 210964 CHECKED BY:

DRAWN BY

MCM

MURPHY'S LAND SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS

5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM

L.B. #7410

PH. (727) 347-8740

FAX (727) 344-4640

DATE OF FIELD WORK 6/09/2021

CERTIFIED TO: Douglas Boster

EDM

SEC. 06 TWP. 31 S. RGE. 16 E. Survey not valid for more than one (1) year from date of field work. SCALE: 1" = 20' 40TH S AVENUE N. NORTH PER 40 13.9 45,00'mm EAST * LOT Ż 8 (OPESTER ANDRE-PLAT) (#) 50.37 6' WO. FE. d! 8 CFC PS 754 19 1 STY. MAS. & FRM. 4 #6920 (FIN FIR BEV.: 185) LOT LOT 5 3 AC 46 · P.S. , P.5. NOTES: WD. DECK 100 = ELEVATIONS 3 00°17'04" ELEVATIONS BASED ON CITY OF ST. PETE B.M. #209 NAVO 1988 ELEVATION = 13.72 00017 DWARD D. MUDICIPALITY S 8.2 CATTE ! No. 5333 # EAST in_d; 10' ASALLEY 45,00 STATE OF STATE ar in

A BOUNDARY SURVEY OF: Lot 4, Block 28, PLAT OF TYRONE, as recorded in Plat Book 5, Page 1 of the Public Records of Pinellas County, Florida.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: X Comm. Panel No. : 125148 0211 G

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* BEARINGS SHOWN ARE ASSUMED

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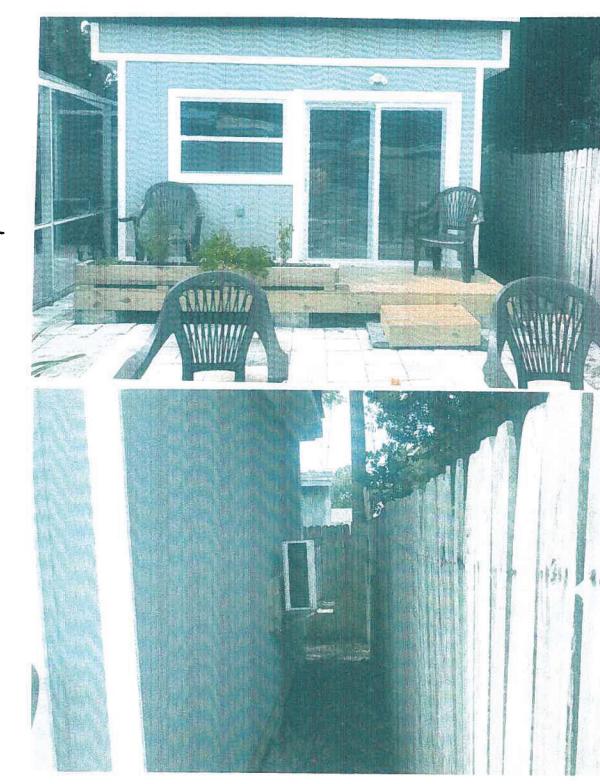
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A. - ARC
C. - CHORD
A. - DELTA
RW- RIGHT OF WAY
P- MAMER
MAR. - MASONRY
FROL - GRATE PRAME
GL. - GRATE PRAME
CS. - CATCH MASON
F.L. - FIRE HYDRAMY

MS-METAL SHED
ALIAL - ALIAGNIM
WH. - HATTER HEATER
P.S. - PATIO STONE
C.P. - CARPORT
PL. - PLANTER
B.C. - BACK OF CLEB
E.P. - EDGE OF PAMELSEN
E.R. - EDGE OF ROAD
E.R. - EDGE OF WATER
T.O.B. - TOP OF SAAK

WWW-MEND WMAL

G.-GENTERLINE
PW-RIGHT OF WAY
PY-PLAT
(C)-CALCULATION
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AL-MEASURED
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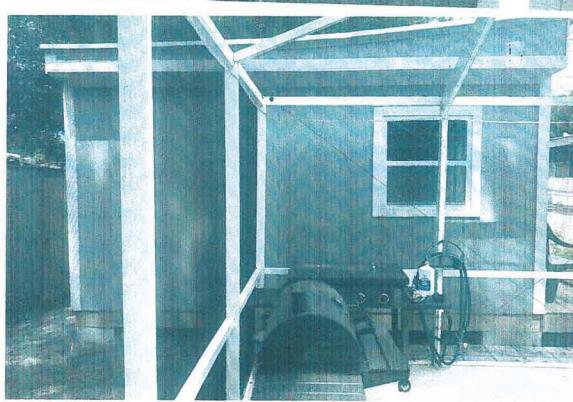
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COL. - COLLIAN
WD. - WOOD
BUK. - BLOCK
SAM- - ASPHALT
UTIL. - UTILITY
OR. - ORANAGE



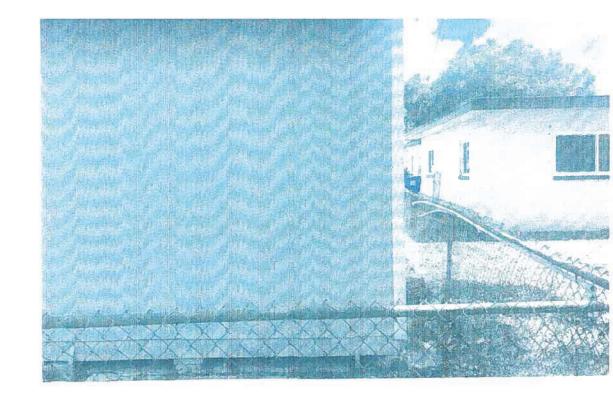
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REAR



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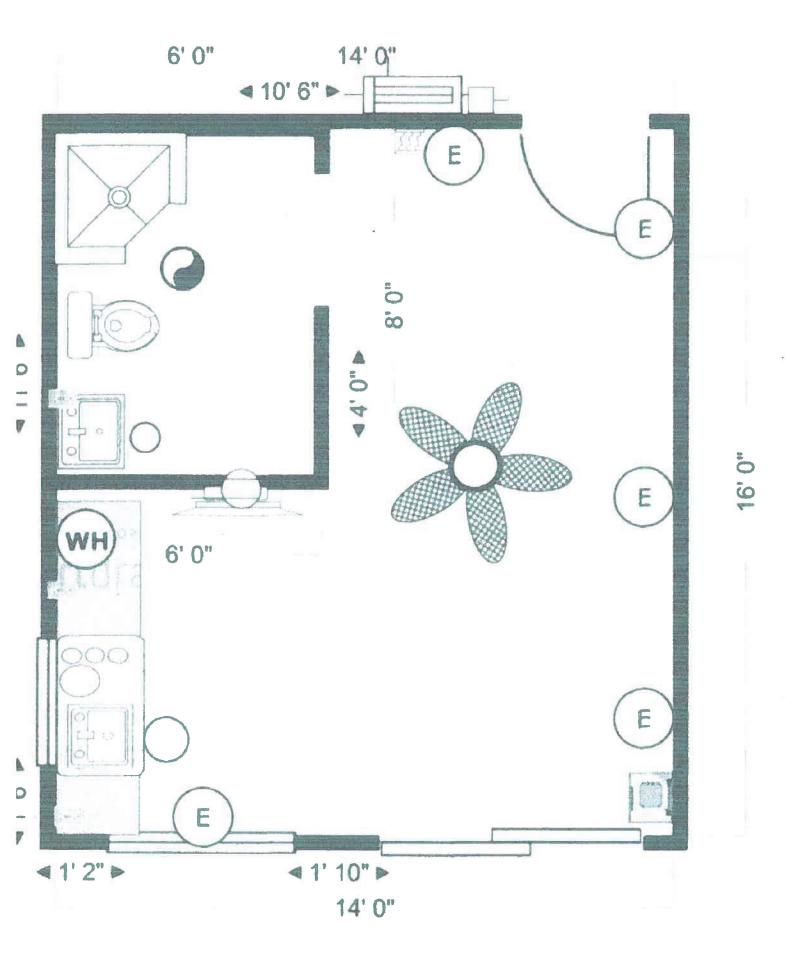
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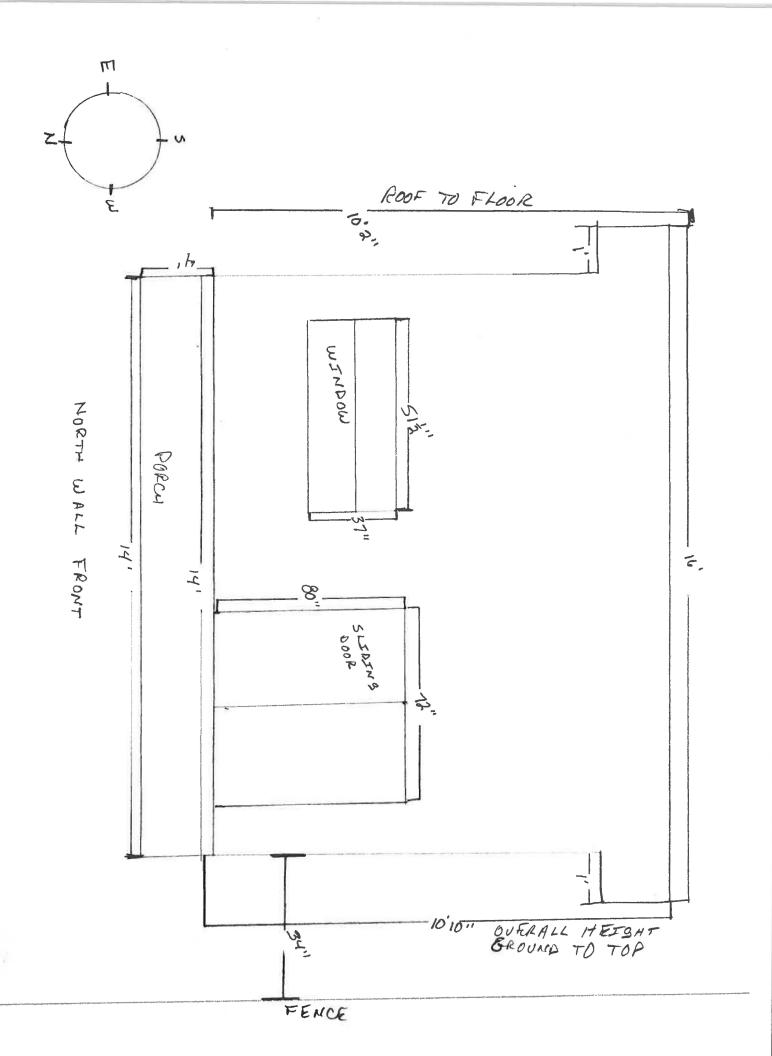


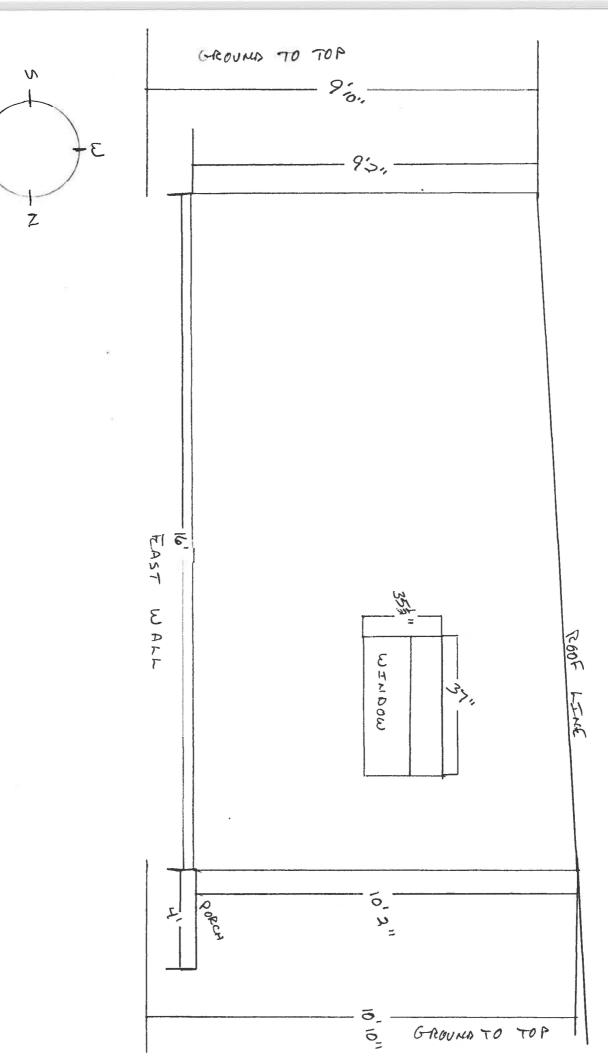
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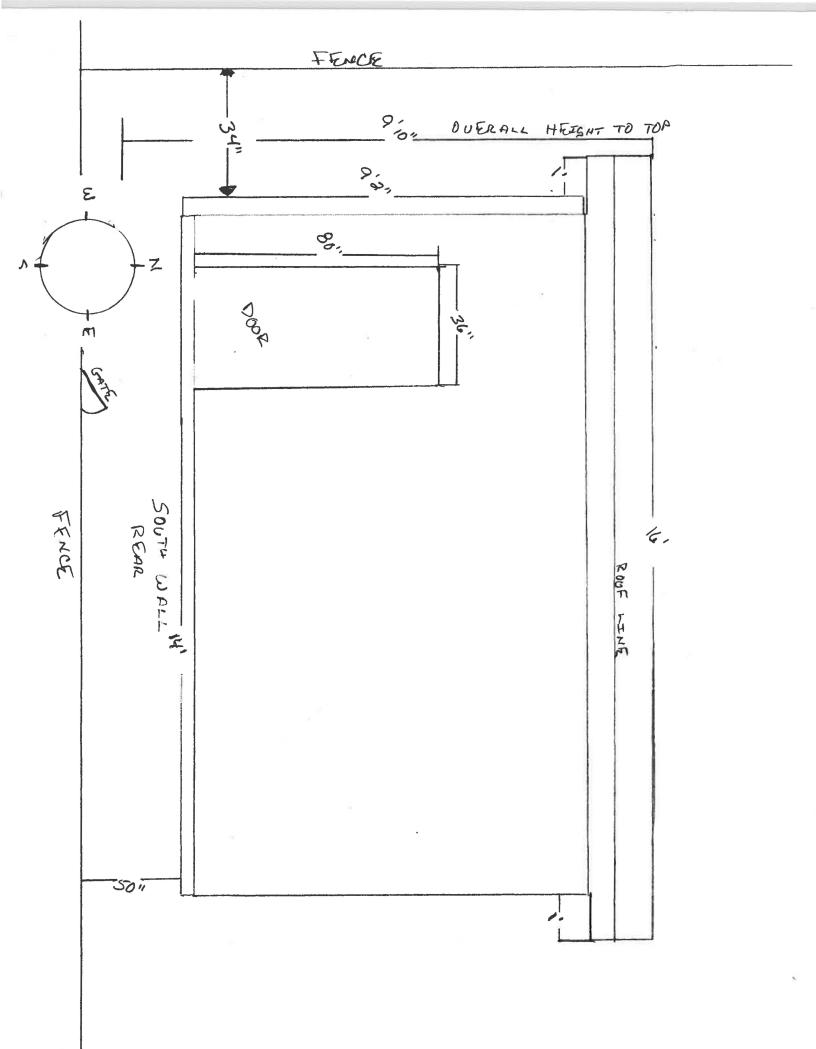
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3" PUL DRAIN PIPE TOILET PUC TOTLET FLANSE 2" - 12" PUC ADAPTOR & "COPPER TUBENS 4" COPPER ELBOWS "S" COPPER SLEEUE 20 GALLON HOTWATER HEATER A/O SMETH 3" PUC T ADAPTOR 3" PUC 90° ELBOW 3" PUC 450 MUB GLACIER BAY I RIECE DUAL FLUSH TOILET GLACIER BAY 31" VANETY W/ CULTURED MARBLE WANTY TOP DRATA 36 × 36 CORNER SHOWER KIT HARDWOOD REFLECTEONS 8-17 FT X25" BUTCHER BLOCK COUNTERTOP ELKAY 2009 STAINLESS 15" 2 HOLE DROP IN SINK HAMPTON BAY UNFINISHED BEECH BASE KITCHEN CABINET 12,000 BTU DUCTLESS A/C, HEAT PUMP I TON SPLET UNET MINI SPLET STAINLESS WALL MOUNT 16 FT FY DECK BOARD PRESSURE TREATED FRT PORCH FAT PORCH IL FT 2×8×16 PRESSURE TREATED LUTEC 15 WATT LED OUTDOOR LIGHT FRIT PORCH TECH DRIVE TOCFM EXHAUST FAM BATH











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: 6920 40TH AUR N Case No.:		
Descr	iption of Request: UARTANCE ON PROPERTY CLEARANCE FOR		
5:	Address: 6920 40TH AUE N Case No.: iption of Request: UARTANCE ON PROPERTY CLEARANCE FOR THE BUILT RECROOM / EXERCISE ROOM		
The ur	ndersigned adjacent property owners understand the nature of the applicant's request and do not		
object	(attach additional sheets if necessary):		
1.	Affected Property Address: 6928 404 Ave N St Rett FL, 33709		
	Owner Name (print): (he be Johnson		
	Owner Signature: Chuschall		
	15 1 15 1 11 11 11 11 11 11 11 11 11 11		
2.	Affected Property Address: 6936 40th Que		
	Owner Name (print): KAY Peach		
	Owner Signature: Sky Pecich		
2	Affected Property Address: 3930 G9 fn 5f, //		
<u>J.</u>	Affected Property Address: 3930 G9 fn 5t, /// Owner Name (print): Sean Paguel-Ft		
	Owner Signature:		
4	Affected Property Address: 6939-6929-39th AVE NO Owner Name (print): CAROL PETTIS DATE OF THE		
	Owner Name (print): CAROL PETTIS		
	Owner Signature:		
5.	Affected Property Address:		
	Owner Name (print):		
	Owner Signature:		
6.	Affected Property Address:		
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	Owner Signature:		
7.	Affected Property Address:		
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