



**CITY OF ST. PETERSBURG
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION
DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**DOCK VARIANCE
PUBLIC HEARING**

According to Planning & Development Services Department records, no **Commission member** has a direct or indirect ownership interest in real property located within 2,000 linear feet of real property contained within the application (measured by a straight line between the nearest points on the property lines). All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on Wednesday, March 2, 2022, at 1:00 P.M. at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.: 22-39000001 **PLAT SHEET:** S-5

REQUEST: Approval of a dock variance to reduce the minimum required left-side setbacks for a dock and boatlift from 8.25-feet to zero-feet and the minimum required right-side setback for a boatlift from 8.25-feet to zero-feet to allow for the construction of a new residential dock.

OWNER: Patricia Keane
903 79th Street South
Saint Petersburg, Florida 33707

AGENT: Edge Marine Construction, LLC
c/o Tyson Rawson
4790 95th Street North
Saint Petersburg, Florida 33708

ADDRESS: 903 79th Street South

PARCEL ID NO.: 25-31-15-84096-001-0600

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family (NS-2)

REQUEST: This application requests variances to reduce the minimum required left- and right-side setbacks for a dock and boatlift to allow for the construction of a new dock and boatlift. The request initially moved through the setback waiver process, which included mailing notices to property owners within 200-feet, measured along the seawall, in each direction of the property. Before the 30-day comment period ended, Staff received an objection to the request which halted the administrative approval process. The Applicant then applied for a dock variance through the typical variance process.

The subject property has a rear property line along a concave curved waterfront with a width of 24.75-feet. The City Code requires a dock on properties with a waterfront width between 20-feet and 50-feet to be built within the center one-third of the waterfront. With a width of 24.75-feet, a dock at the subject property would require minimum side setbacks of 8.25-feet on each side measured from the projected side lot lines to the closest point of the dock. This application requests the reductions of the minimum required setbacks to zero feet on each side for the construction of a dock and a boatlift.

DISCUSSION: The subject property is located in the Yacht Club Estates Neighborhood, on a fully platted lot, platted in 1959 with a single-family home built in 1960. The property is an interior lot situated on the inside bend of a waterway which creates a narrow access to the waterfront with converging side lot lines. The proposed dock consists of a 15ft x 15ft x 15.5ft triangular dock with a single-pile boatlift on the right.

The immediate left- and right-side property owners approved of the request in July 2021 as a mandatory part of the reduced setback waiver for the original dock permit application, but the right-side neighbor has since rescinded their approval and formally objected to the request (see attached). Similar requests have been administratively granted in the neighborhood in the past with affected property owner signatures of no-objection (e.g. 1028 79th St S & 1184 79th St S). Administrative approval for waivers for reduced required dock setbacks are dependent on immediately adjacent property owner approval.

CONSISTENCY REVIEW COMMENTS: The Development Review Services Division staff reviewed this application in the context of the following standards of approval excerpted from the City Code and found that the requested variance is **INCONSISTENT** with these standards.

Standard #1: *Circumstances or conditions exist which are peculiar to the land, buildings, or other structures for which the variance is sought and do not apply generally to lands, buildings, or other structures in the same zoning district.*

The relatively narrow waterfront width does not apply generally to properties in the area. However, there are similar corner properties in the neighborhood located on the inside curve of the waterway with limited waterfront access.

Standard #2: *Strict application of the provisions of the Code would provide the applicant with no means for reasonable use of the land, buildings, or other structures in the same district.*

The narrow waterfront and converging property lines result in a buildable area that would not allow for a full-sized four-piling boatlift when minimum side setbacks are taken into account. County permit data shows the existing dock was last repaired in 2003. The current Code regulations would allow for the continued maintenance and reconstruction of the existing dock in the same previously permitted size, location, and configuration.

Standard #3: *The peculiar conditions and circumstances existing are not the result of the actions of the applicant.*

The conditions are not the result of the Applicant. The original platting of the subdivision in 1959 created the property orientation and configuration. The current property owner purchased the property in May 2014.

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

The narrow waterfront and the converging angles of the side property lines alone do not justify granting a variance. The existing dock may be maintained in the same configuration as it was last permitted in 2003 without granting a variance.

Standard #5: *The variance proposed to be granted is the minimum variance that will make possible the reasonable use of the land, building, or other structure.*

The narrow waterfront and converging side property lines would allow for a walkway dock design without the need for variances to Code requirements.

Standard #6: *The granting of the variance will be in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

The granting of the variances will not be in harmony with the general purpose and intent of the Code and may be injurious to the neighborhood. An immediately adjacent property owner to the northeast objects to the request.

PUBLIC COMMENT: The subject property is within the boundaries of the Yacht Club Estates Civic Association. An objection was received by Staff at the time of initial setback waiver process in August 2021. This objection halted the waiver process, and this variance request was then pursued by the Applicant. Since this dock variance application's submission and at the time of this writing, six (6) letters of support and one (1) letter of objection have been received by Staff (see attached). The Yacht Club Estates Civic Association has not commented on the request.

STAFF RECOMMENDATION: Based on the stringent standards of approval contained within the City Code, the Development Review Services Division staff recommends **Denial** of the requested variance to reduce the required right-side setback and **Approval** of the requested variance to the left-side setback if the dock is redesigned to comply with the right-side setback requirement.

CONDITIONS OF COMMISSION ACTION: If the variance is approved consistent with the site plan submitted with this application, the Development Review Services Division staff recommends that the approval shall be subject to the following:

1. Plans shall be submitted to the Development Review Services Division by the Applicant for approval prior to the issuance of permits by the Pinellas County Water & Navigation Control Authority.
2. This variance approval shall be valid through March 2, 2025. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.

REPORT PREPARED BY:



2/23/22

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

Date

REPORT APPROVED BY:



2-23-22

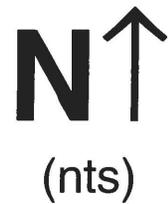
Dave Goodwin, Interim Zoning Official
Development Review Services Division
Planning and Development Services Department

Date

Attachments: Location Map, Application including narrative and proposed dock plan, Map of Public Comment, Letter of Objection, Letters of Support, Public Participation Report



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 22-39000001
Address: 903 79TH Street S.





VARIANCE

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): Patricia Keane	
Street Address: 903 79th St. S.	
City, State, Zip: St. Petersburg, FL 33707	
Telephone No:	Email Address: bruynj@hotmail.com
NAME of AGENT or REPRESENTATIVE: Edge Marine Construction LLC	
Street Address: 4790 95th St. N.	
City, State, Zip: St. Petersburg, FL 33708	
Telephone No: (727) 482-9573	Email Address: tyson@edgmarineconstruction.com
PROPERTY INFORMATION:	
Street Address or General Location: 903 79th St. S. St. Petersburg, FL 33707	
Parcel ID#(s): 25-31-15-84096-001-0600	
DESCRIPTION OF REQUEST: To build a new dock and single pile lift outside of side setbacks.	
PRE-APPLICATION DATE: 11/09/2021	PLANNER: Mike Larimore

FEE SCHEDULE			
1 & 2 Unit, Residential - 1 st Variance	\$350.00	Each Additional Variance	\$100.00
3 or more Units & Non-Residential - 1 st Variance	\$350.00	After-the-Fact	\$500.00
		Docks	\$400.00
		Flood Elevation	\$300.00
Cash, credit, checks made payable to "City of St. Petersburg"			

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner / Agent*:  Date: 12/22/2021
 *Affidavit to Authorize Agent required, if signed by Agent.
 Typed Name of Signatory: Tyson Rawson



Pre-Application Meeting Notes

Meeting Date: 11/09/2021 Zoning District: NS-2

Address/Location: 903 79th St S

Request: Dock variance for setbacks to dock and boatlift

Type of Application: Dock Variance Staff Planner for Pre-App: Mike Larimore

Attendees: Tyson Rawson (Edge Marine Construction), Mike Larimore

Neighborhood and Business Associations within 300 feet:

Assoc.	Contact Name:	Email:	Phone:
Yacht Club Estates Civic Assn.	Dana Tenaglia Murphy	accessparadiserealty@gmail.com	727-410-3569
CONA & FICO	--	--	--

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

Notes: Owner wishes to construct a dock with a lift with reduced setbacks.

Administrative waiver process pursued (21-022), however next door neighbor (right-side) rescinded approval of reduced setbacks before end of comment period in August.

Property is on inside elbow creating triangular water envelope.

Staff support uncertain at this time.



**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: Patricia Keane

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

Property Address: 903 79th St. S. St. Petersburg, FL 33707

Parcel ID No.: 25-31-15-84096-001-0600

Request: Build the new dock and single pile lift outside of the side setback.

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): Tyson Rawson & Bryan Burge

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): *Patricia Keane*

Patricia Keane
Printed Name

Sworn to and subscribed on this date

Identification or personally known: Florida Driver license

Notary Signature: *[Signature]*
Commission Expiration (Stamp or date):

Date: 12-21-2021





VARIANCE

NARRATIVE (PAGE 1)

All applications for a variance must provide justification for the requested variance(s) based on the criteria set forth by the City Code. It is recommended that the following responses be typed. Illegible handwritten responses will not be accepted. Responses may be provided as a separate letter, addressing each of the six criteria.

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE	
Street Address: 903 79th St. S. St. Petersburg, FL 33707	Case No.:
Detailed Description of Project and Request:	
Request to build a new dock and single pile lift outside of the side setbacks. The dock is a triangle shaped dock and the lift will be a single pile lift.	
1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?	
The property is on an inside corner lot and has property lines that converge into each other, which diminish the side setbacks the further out into the water they go.	
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.	
7894 9th Ave. S.	
957 79th St. S.	
7901 10th Ave. S.	
1091 79th St. S.	
8009 13th Ave. S.	
8008 13th Ave. S.	
1313 80th St. S.	
1220 81st St. S.	
1101 79th St. S.	
7893 9th Ave. S., 878 79th St. S., 891 79th St. S.	
3. How is the requested variance not the result of actions of the applicant?	
The property lines are converging and are not a result of the applicant.	
The owner purchased the home in 2014 and the property lines were established before owning the home.	

Edge Marine Construction

From: Edge Marine Construction
Sent: Wednesday, December 22, 2021 12:44 PM
To: variance@stpetecona.org
Cc: Tyson Rawson
Subject: Notification of Variance Hearing
Attachments: 903 79th St. S..pdf

Good Afternoon,

Attached is the application for our customer at 903 79th St. S. At. Petersburg, FL 33707 for our variance hearing.

Thank you,

Kaycee Anderson
Office Manager

Office: (727) 440-6432

Docks: (727) 482-9573

Seawalls: (727) 210-9510

Web: www.edgmarineconstruction.com

State License # SCC131151818



DOCKS - BOAT LIFTS - SEAWALLS



Tyson Rawson

From: Tyson Rawson
Sent: Thursday, December 16, 2021 1:20 PM
To: accessparadiserealty@gmail.com
Cc: Michael W. Larimore; Edge Marine Construction
Subject: 903 79th St S. - Dock Variance

Dana,

Good afternoon, we are emailing you to let you know that we are submitting an application for a dock variance.

Tyson Rawson
Dock Estimator

Cell: (727) 482-9573

Office: (727) 440-6432

Web: www.edgmarineconstruction.com

State License # SCC131151818



DOCKS - BOAT LIFTS - SEAWALLS





**UNITED STATES
POSTAL SERVICE**

**Certificate
Mail**

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Edge Marine Construc
4790 95th St. N.
St. Petersburg, FL
33712

To: FICO - Federation of Inner City
Community Organizations
Kimberly Frazier Leggett
3301 24th Ave. S. St. Pete, FL

PS Form 3817, April 2007 PSN 7530-02-000-9085

U.S. POSTAGE PAID
33712
SAINT PETERSBURG, FL
33710
DEF. ACCT
\$1.65
R2305M146204-21



33712

33707
33702

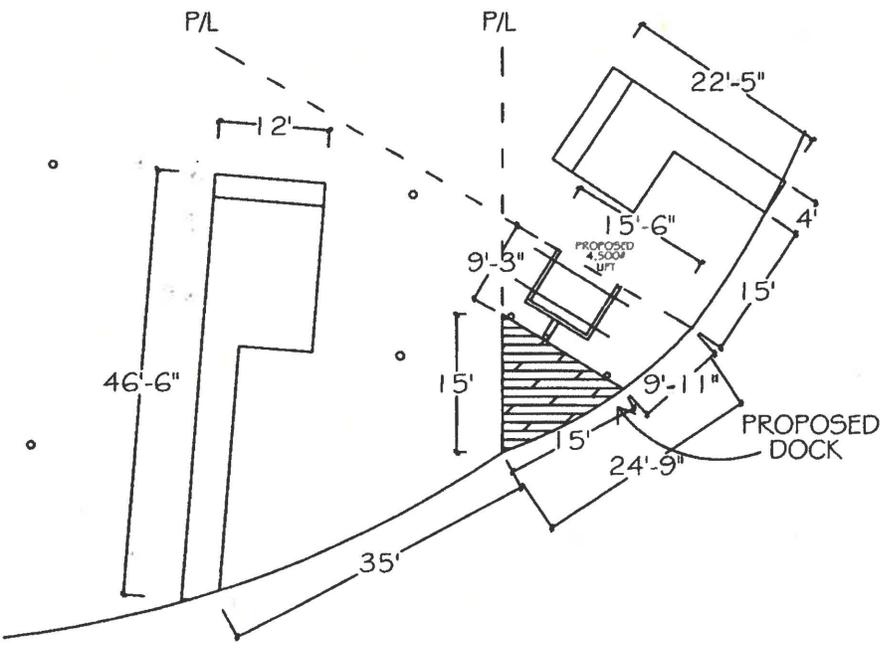
OWNER NAME: Patricia Keane SITE ADDRESS: 903 79th St. S. St. Petersburg, FL.

NATURE AND SIZE OF PROJECT: Wreck and remove existing dock. Set piling and construct a new +/- 15'-6" X 15' triangular dock. Install piling for a new 4,500# Epoch lift. Note: lift to be installed by others.

TOTAL PROJECT SQUARE FOOTAGE: +/-105'
TOTAL NUMBER OF PILING: Seven (7)
WATERWAY WIDTH: Over 400'

NEW SQUARE FOOTAGE: +/-105'
DIAMETER OF PILING: 8" Tip
WATERFRONT WIDTH: 24.75'

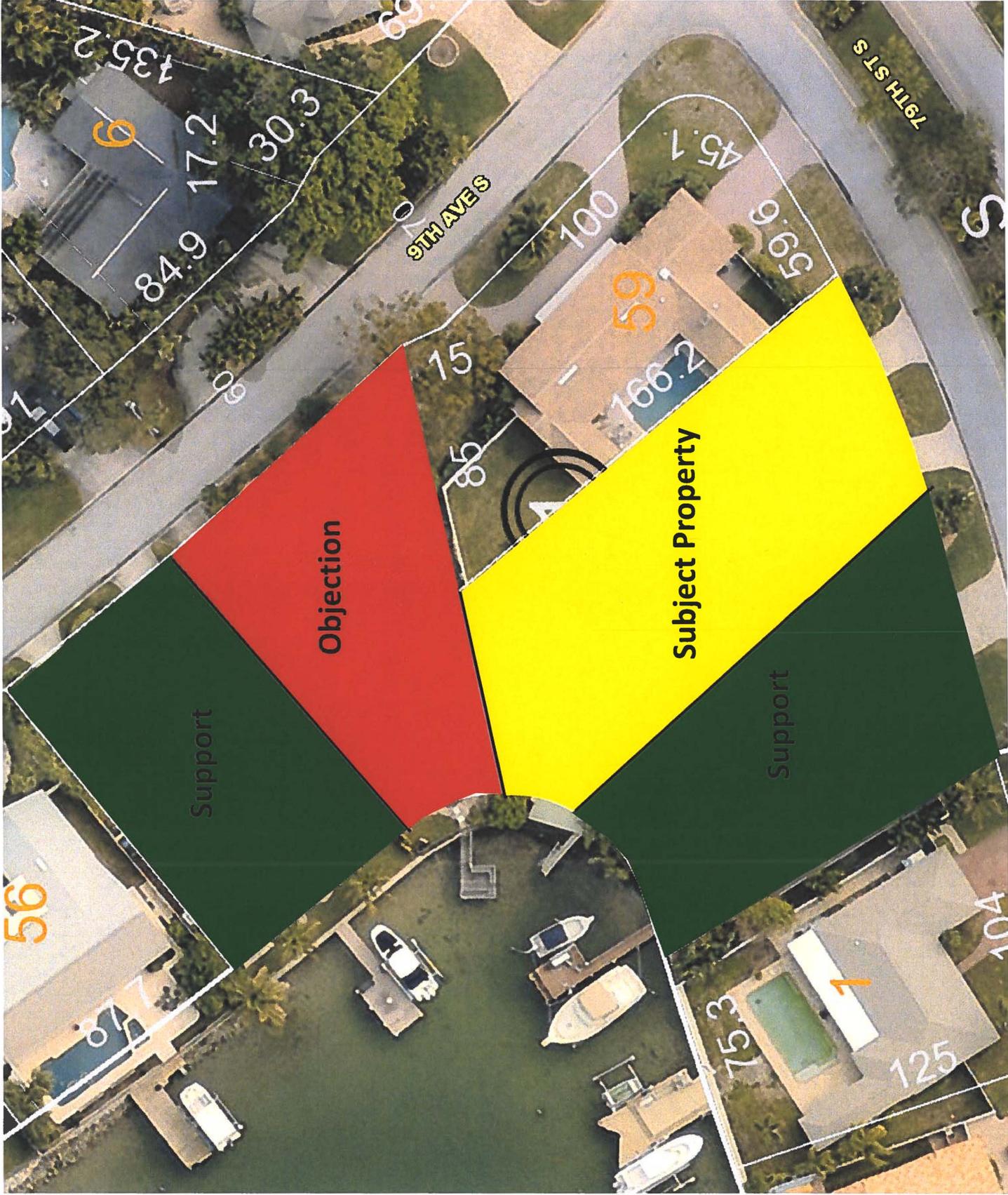
Plan View
(applicant and adjacent docks)



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

Left Owner: Joseph G. #/or Camille I. Petrella
Signature: [Handwritten Signature] Date: 7-28-21
Municipality Approval

Right Owner: John #/or Margaret N. Clough
Signature: [Handwritten Signature] Date: 7/22/21
Water and Navigation Approval



Michael W. Larimore

From: Meg Clough <mclough@lenstec.com>
Sent: Tuesday, August 24, 2021 8:43 AM
To: Michael W. Larimore
Subject: Proposed dock variance at 903 79th Street South

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.

Dear Mr. Larimore,

I would like to thank you for the opportunity to readdress concerns that I have to my agreement to the new dock permit with a variance filed by Mr. Keane, who resides at 903 79th Street South. I did sign off on the variance even though at the time I wasn't fully in support of it. I felt that not only did I feel like I've been lied to, but somewhat shamed and perhaps a bit bullied. I was told that by signing off on the variance, "It would be the neighborly thing to do" and "Be a good neighbor".

Mr. Keane first approached me describing the plans for his new kayak launching dock. Because the dock would butt up against my close to my property line, I would have to sign off on the variance.. I politely said no. I felt that the new dock would decrease my property value and perhaps hinder any new redesign of my current dock for any future owners of my house.

Mr. Keane then came back asking if the kayak launching dock was placed on the other side (meaning bordering the Petrella's property), would I then agree to signing the variance. I told him I would agree to sign thinking the plan details were as he described.

Imagine to my surprise when he showed me the finalized plans. The kayak launching dock had now transformed into a small dock complete with a lift for a motorboat. These changes were never mentioned in our prior discussions. I truly believe that this replacement would now infringe on both my property value and water rights.

Even though I want to be a good neighbor, I am now objecting to the aforementioned variance. If you have any questions, please do not hesitate to contact me.

Thank you,

Margaret Clough

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Michael W. Larimore

From: Michelle LaRosa <mlarosa926@yahoo.com>
Sent: Thursday, January 13, 2022 6:35 PM
To: Michael W. Larimore
Subject: Variance request for 903 79th St South St Peterburg

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Hello,

As a neighbor of Patricia Keane at 903 79th St South, I want to advise that we fully support the request to put in a new dock and lift so they may use the property as all other neighbors do.

Regards,

John and Michelle LaRosa
Neighbors at 7910 9th Ave South

Sent from my iPhone



22-3900001

Michael W. Larimore

From: Camille Iurillo <ciurillo@eflegal.com>
Sent: Tuesday, January 18, 2022 7:22 AM
To: Michael W. Larimore
Cc: joe.advisorllc.com
Subject: Variance request for 903 79th St South, St. Petersburg

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.

Mr. Larimore:

As neighbors immediately adjacent to Patricia Keane at 903 79th St South, we want to advise that we fully support their request to put in a new dock and lift. It is consistent with the use of docks and lifts by neighbors in this community, adds to the appearance and appeal of their property and enhances the appearance and value of the surrounding neighbors' properties.

If you should have any questions or require further information, please do not hesitate to contact us.

Sincerely,
Camille Iurillo and Joe Petrella
907 79th Street S
St. Petersburg, FL 33707

Camille J. Iurillo
Partner
Certified Florida Supreme Court Circuit Civil Mediator
Florida Supreme Court Approved Arbitrator



22-39000001



721 First Avenue North
St. Petersburg, Florida 33701
P: 727.898.7210 | F: 727.898.7218
eflegal.com | ciurillo@eflegal.com | [Sidebar Blog](#)

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Michael W. Larimore

From: Johany Castro <johanyc@yahoo.com>
Sent: Tuesday, February 15, 2022 3:00 PM
To: Michael W. Larimore
Cc: triciairishgirl@hotmail.com
Subject: Case no. 22-39000001 903 79th St. S.

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.

Hello Mr. Larimore:

We are neighbors of residence 903 79th Street S. Please know that we support their request for approval of a variance to allow for the construction of a new dock and boat lift. The Keane's maintain a clean and well-cared for home in keeping with the character of our neighborhood, which contributes to maintain the property values. We have no opposition to them enjoying a fully functioning dock as this is an important part of living here in Yacht Club Estates, enjoying the waters!

Our address is 931 79th St. S., St. Petersburg, FL 33707

Thank you!

Johany Castro Rivera &
Dennis Jimenez Santiago



Michael W. Larimore

From: Terry Griffith <taglovesjesus@gmail.com>
Sent: Friday, February 18, 2022 4:51 PM
To: Michael W. Larimore
Subject: Variance request for 903 79th Street South

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.

Dear Mr Larimore,

I am a neighbor across the street from Patricia Keane of 903 79th Street South and recently received your letter for the Variance request. As an 18 year resident of Yacht Club Estates, I fully support her request for a new dock and lift, in keeping consistent with the necessary upgrades, appearance and property values of our neighborhood association and growth of our city.

If you have any questions or concerns about her request or my support, please feel free to contact me.

Sincerely,
Terry Griffith
904 79th St S
St. Petersburg, FL 33707
727.366.3705

Michael W. Larimore

From: Lisa Plummer <lisaplummer91@gmail.com>
Sent: Monday, February 21, 2022 9:19 AM
To: Michael W. Larimore
Cc: triciairishgirl@hotmail.com
Subject: Case#22-39000001

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.

Mr. Larimore,

I am a neighbor of the residents at 903 79 St S St Petersburg FL. I support the request of Patricia Keene for a dock variance. I appreciate neighbors that maintain their property and keep the value of all houses up. I also believe strongly that everyone that lives on the water should have access to the water.

Lisa Plummer
7917 10th Ave S, St. Petersburg, FL 33707

Michael W. Larimore

From: Ann McVey <Ann.McVey@catalina.com>
Sent: Tuesday, February 22, 2022 12:54 PM
To: Michael W. Larimore
Subject: 903 79th Street South St. Petersburg, FL

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.

Mr. Larimore,

As neighbors of Patricia Keane at 903 79th Street South, we advise that you support their request for a variance consistent with the use of docks and lifts by neighbors as property enhancement and maintenance adds to the overall value of the neighborhood.

Best Regards,
Dean & Ann McVey
(915 79th Street South)



PUBLIC PARTICIPATION REPORT

Application No. 22-3900001

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: 903 79th St S	
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	
Adjacent owners signatures in July. Right owner rescinded August.	
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications	
Notices sent February 9th	
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located	
Within radius	
2. Summary of concerns, issues, and problems expressed during the process	
n/a	
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), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24 th Ave. S., St. Pete 33712) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.	
<input type="checkbox"/> Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: Yacht Club Estates - 12/18/21 CONA - 12/21/21 FICO - 12/23/21	
<input type="checkbox"/> Attach the evidence of the required notices to this sheet such as Sent emails.	