



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 2,000 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, April 6, 2022 at 10:00 A.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.: 22-54000017 PLAT SHEET: E-16

REQUEST: Approval of a variance to front yard setbacks and to location for an in-ground pool to allow placement in front of the principal structure within the platted front yard of the property.

OWNER: Alexis Selby
2600 1st Street North
St. Petersburg, FL 33704

ADDRESS: 2600 1st Street North

PARCEL ID NO.: 07-31-17-02754-007-0240

LEGAL DESCRIPTION: Lot 24, Block 7, Erastus A. Barnard's Revised Subdivision

ZONING: Neighborhood Traditional, Single-Family (NT-3)

Structure	Required	Requested	Variance	Magnitude
Pool	30-feet	5-feet	25-feet	83%

BACKGROUND: The subject property consists of one platted lot (Lot 24, Block 7, Erastus A. Barnard's Revised Subdivision) and is located on the northwest corner of 26th Avenue North and 1st Street North within the boundaries of the Historic Old Northeast Neighborhood Association. The front entrance of the existing single-family home faces 1st Street North, the platted street side, and the home was originally constructed in 1950. Because the narrow side of platted Lot 24 faces 26th Avenue North it is considered to be the platted front yard, regardless of the location of the front entrance. The yard adjacent to 1st Avenue North is considered to be the street side yard. The property has a lot width of 54.1-feet and a lot depth of 127.5-feet with approximately 6,900 square feet of lot area.

REQUEST: The applicant is requesting a variance to front yard setbacks and to 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 faced line of the principal structure." The applicant is requesting to construct a pool between the front façade of the principal structure and 26th Avenue North with a 5-foot front setback from 26th Avenue North, which is the front property line, where a minimum 30-foot setback is required. An approved variance to setbacks and location in front of the principal structure requirements 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:

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 is substandard in terms of the minimum lot size requirements for properties zoned NT-3; Neighborhood Traditional, Single-Family. The NT-3 district requires a minimum lot width of 60-feet and a minimum lot area of 7,620 square feet. The property is 54.1-feet wide and 127.5-feet deep containing approximately 6,900 square feet of area.

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

The site is located within the North Shore National Historic District.

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

The structure is listed as non-contributing structure within the North Shore National Historic District.

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 historic or traditional development within the block face. No other properties on the block face have been swimming pools within the front yard area in front of the principal structure and the majority of the front yards feature landscaping and provide a pedestrian connection to the front entrance. Other corner lots along 1st Avenue North also do not have swimming pools or patios in the front yard, and at least one has a swimming pool in 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 result of actions by the applicant, who purchased the home in 2021. The applicant has alternate locations available on-site that could accommodate a pool. Based on the attached Site Plan the existing home has a 19.7-ft street side setback in the northeast corner of the property where a smaller pool could be placed.

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 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 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 26th Avenue 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 west and facing the front yard of the neighbor to the south across 26th Avenue 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 Historic Old Northeast Neighborhood Association. The applicant submitted a Neighborhood Worksheet, see attached, with their application that includes signatures of support from 10 property owners, including the property owner abutting the subject property to the west, and one renter. Staff received one letter in opposition to the request from the property owner directly across 26th Avenue North from the subject property, see attached Public 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 plans submitted for permitting should substantially resemble the plans submitted with this application.
2. A continuous shrub shall be provided abutting any fencing erected around the pool on both the 1st Street North and the 26th Avenue North frontages measuring at least 24-inches in height with plantings spaced apart no more than 3-feet on-center.
3. Any fencing erected around the pool in the front yard shall be setback a minimum of 3-feet from the existing sidewalk along 1st Avenue North and fencing shall not exceed the 4-foot height limit for fences in the front yard.
4. This variance approval shall be valid through April 6, 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.

ATTACHMENTS: Location Map, Site Plan, Photographs, Applicant's Narrative, Neighborhood Worksheet, Public Comments

Report Prepared By:

/s/ Scot Bolyard

03/28/2022

Scot Bolyard, AICP, Deputy Zoning Official
Development Review Services Division
Planning & Development Services Department

Date

Report Approved By:

/s/ Elizabeth Abernethy

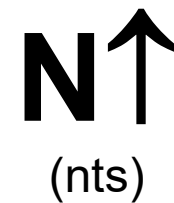
03/28/2022

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

Date



Project Location Map
 City of St. Petersburg, Florida
 Planning and Development Services
 Department
 Case No.: 22-54000017
 Address: 2600 1st Street North





Customer: Alexis Selby
Address: 2600 1st St N
City / Zip : St. Petersburg, 33704
Phone: 727-207-4104

Designer: Zach Case
Date: 11-9-21
Scale: 5/32" = 1'
Phone: (727) 488-2047

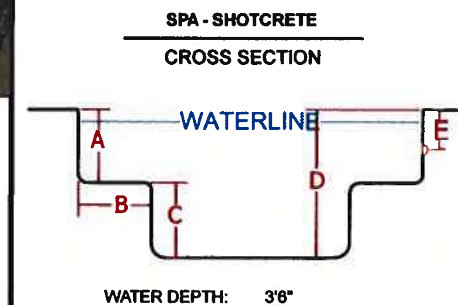
I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.

X

JOB SITE DESCRIPTION
Parcel ID: 07-31-17-02754-007-0240
Subdivision: BARNARD
Block: 7 Lot: 24
County: Pinellas Municipality: St Petersburg

	DIG CREW	SHOTCRETE
SHALLOW END	3' 9"	3' 3"
DEEP END	6' 3"	5' 9"
POOL BENCH	27"	21"
SUNSHELF/TOP STEP	-15"	-9"
2ND STEP		-19"
3RD STEP		-29"
4TH STEP		
SPA / TO FLOOR	3' 6"	-45"

STRUCTURE	
POOL	SPA
BEAM: 10"	BEAM: 10"
WALLS: 8"	WALLS: 10"
FLOOR: 6"	FLOOR: 6"



TOP OF FORM TO TOP OF BENCH:	21"	A
BENCH WIDTH:	18"	B
TOP OF BENCH TO SPA FLOOR:	18"	C
TOP OF FORM TO SPA FLOOR:	39"	D
JET - TOP OF FORM TO CENTER:	12"	E

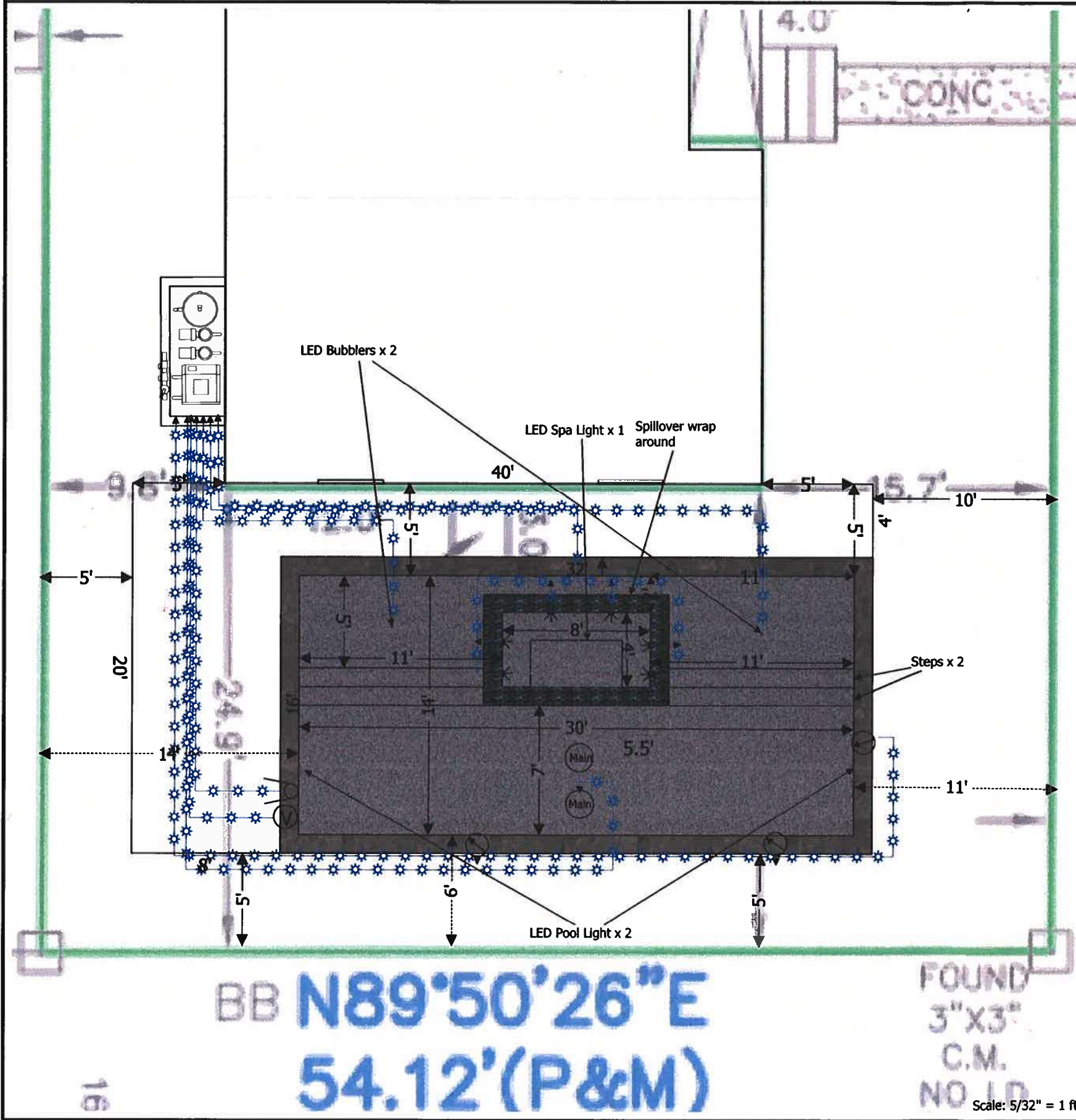
POOL SPECS
Pool Size: 14 x 30
Sq ft: 360' Per: 88' Depth: 3'-5.5'
Internal Area: 697' Gallons: 6,439
Steps: 40 LF Hand Rail: N/A
Sun Shelf: YES Beach Entry: N/A
Swimout: N/A Bench: N/A Ladder: N/A
Standard Bubbler: N/A LED Bubbles: 2
Waterline Tile: Aquabella (NL-1234 Soul 1 x 2)
Jewelry: N/A Tile Chips: N/A
Coping: Marble
Interior: Mini Pebble
Skimmer: 1 Drains: 2
Returns: 3 Vac Line: 1 Auto-Fill: N/A

SPA SPECS
Spa Size: 4 x 8
Sf: 32' Per In/Out: 24' Depth: 3.5'
Raised: 18" Jets: 8 Spillway: 32 LF
Steps: 10 LF Hand Rail: N/A
Waterline Tile: Aquabella (NL-1234 Soul 1 x 2)
Jewelry: N/A Tile Chips: N/A
Coping Material: Marble
Interior: Mini Pebble
Skimmer: N/A Drains: N/A

DECK SPECS
Deck 1 Sf: 287'
Deck 1 Type: Charcoal Grey Travertine
Deck 2 Sf: N/A
Deck 2 Type: N/A
Footer: N/A Wall: N/A
Raised Beam: N/A
Deck Drain: 2" DECO LF: 40 LF Color: MATCH DECK

EQUIPMENT
Pool Pump: PENTAIR INTELLIFLO VS Hp: 3
Pool Filter: PENTAIR CCRP Size: 200
Heater 1: PENTAIR BTU: 400K
NG / LP / Electric: ELECTRIC
Aux Pump: N/A Hp: N/A
Aux Filter: N/A Size: N/A
Heater 2: N/A BTU: N/A
Sanitation: PENTAIR IC30 SALT
Pool Lights: PENTAIR LED GLOBRITE QTY: 2
Spa Lights: PENTAIR LED SPA GLOBRITE QTY: 1
Standard Home Run: YES Pre-Wired: N/A
Control: PENTAIR EASY TOUCH AUTOMATION
Switch: SCREEN LOGICS

PIPE SIZES
POOL DRAIN: 2" SPA DRAINS: 2.5"
SKIMMER: 2" JET WATER: 2"
VAC LINE: 2" JET AIR: 1.5"
POOL RETURN: 2" SPA RETURN: 2"
BUBBLERS: 2" FEATURES: 2"



NOTES



Photographs of 2600 1st Street North

View of Front Yard of property from 26th Avenue North



View of Front and Street Side of property from 1st Street North



View of Street Side and Rear of property from 1st Street North



View of Street Side of property from 1st Street North

- Google Streetview image dated August 2019



Photos of front yards along 26th Avenue North

113 - 127 26th Avenue North (north side of street)



113 - 127 26th Avenue North (north side of street)



127 – 141 26th Avenue North (north side of street)



100 – 110 26th Avenue North (south side of street)



110 – 118 26th Avenue North (south side of street)



126 26th Avenue North (south side of street)



136 – 140 26th Avenue North (south side of street)



**NARRATIVE (PAGE 1)**

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

[illegible]

VARIANCE

NARRATIVE (PAGE 2)

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

ALL OF THE FOLLOWING CRITERIA MUST BE ANSWERED.

APPLICANT NARRATIVE
<p>4. How is the requested variance the minimum necessary to make reasonable use of the property? In what ways will granting the requested variance enhance the character of the neighborhood?</p> <p>The requested variance is not only the minimum necessary to make reasonable use of the property, but the only option to make reasonable use of the property. As there is an extremely small backyard, the side and front yard comprise the entirety of the yard's utilizable space. The pool is a standard size pool, and therefore we aren't requesting this variance to build something extravagant. We are requesting the bare minimum to be able to use our yard with the same opportunity that our neighbors have; neighbors who do not have the unique constraints that we face with this property due to the way the house is positioned on the land. We are just asking for the same opportunity that our neighbors have, and that is the ability to build a pool in the only useable space that our yard has.</p> <p>As for the second question, please reference the answer under question 6.</p>
<p>5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable?</p> <p>Unfortunately there are no alternatives in this unique situation. There is no other location on the property where we could build a pool.</p>
<p>6. In what ways will granting the requested variance enhance the character of the neighborhood?</p> <p>In addition to increasing the overall property value, adding a gorgeous pool, decorative fence and lush, mature landscaping will aesthetically enhance the curb appeal of this house, thus enhancing the character of the neighborhood. Right now, it is just a vacant side yard with dying grass, no landscaping and no water features. We plan on adding a \$90,000 pool, complete with turf, pavers, and beautiful trees, plants and flowers. We will take great pride in what we build and will be sure to stay mindful of the neighborhood characteristics to ensure we fit in with other homes in the neighborhood.</p>

VARIANCE

NEIGHBORHOOD WORKSHEET

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

NEIGHBORHOOD WORKSHEET	
Street Address: 2600 1st St N, St Petersburg FL 33704	Case No.:
Description of Request:	
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:	120 27th Ave North
Owner Name (print):	BENJAMIN ROBBINS
Owner Signature:	Benjamin A. Roblin
2. Affected Property Address:	118 26th Ave N
Owner Name (print):	LESLIE PAUL
Owner Signature:	[Signature]
3. Affected Property Address:	126 26th Ave N
Owner Name (print):	James P. Verhulst
Owner Signature:	[Signature]
4. Affected Property Address:	159 26th Ave N
Owner Name (print):	Sara Jolly
Owner Signature:	[Signature]
5. Affected Property Address:	133 26th Ave N
Owner Name (print):	Jeffrey H. Foster
Owner Signature:	[Signature]
6. Affected Property Address:	136 26th Ave N
Owner Name (print):	MARY BOSSANI
Owner Signature:	Mary Bossani
7. Affected Property Address:	110 26th Ave N
Owner Name (print):	CHARLOTTE HANDEL
Owner Signature:	[Signature]
8. Affected Property Address:	101 26th Ave NE
Owner Name (print):	Cindy + Richard Vlad
Owner Signature:	Cindy Vlad

VARIANCE

NEIGHBORHOOD WORKSHEET

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

NEIGHBORHOOD WORKSHEET	
Street Address: 2600 1st St N, St Petersburg FL 33704	Case No.:
Description of Request:	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
9. Affected Property Address: 140 26th Ave N. #1 Owner Name (print): Clifton Johnson Owner Signature: <i>[Signature]</i>	
10 Affected Property Address: 2631 1st St NE Owner Name (print): Lee Jean Sonne Owner Signature: <i>[Signature]</i>	
11. Affected Property Address: 1113 26th Ave N Owner Name (print): Gina Bongo Owner Signature: <i>[Signature]</i>	
12. Affected Property Address: Owner Name (print): Owner Signature:	
13. Affected Property Address: Owner Name (print): Owner Signature:	
14 Affected Property Address: Owner Name (print): Owner Signature:	
14 Affected Property Address: Owner Name (print): Owner Signature:	
15 Affected Property Address: Owner Name (print): Owner Signature:	
16 Affected Property Address: Owner Name (print): Owner Signature:	

Scot K. Bolyard

From: Jean Ball <jjball21989@gmail.com>
Sent: Thursday, March 24, 2022 11:28 AM
To: Scot K. Bolyard
Subject: Public Hearing Case No. 22-54000017

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 Scot, I am responding to a Notice of Public Hearing, dated March 18, 2022. Our property is directly across 26th Ave. from Alexis Selby's. Our front door and walk face this proposed site. We oppose their swimming pool being built on this property, fronting 26th Ave North.

The natural views that prevail in our old North East neighborhood are the result of good planning & zoning setbacks to preserve views like Coffee Pot Bayou. We would like to formally express our objection to this proposed project.

With sincere thanks,
Jake & Jean Ball
100 26th Ave North
St Petersburg, Florida
33704