



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, June 1, 2022, at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida.

CASE NO.:	22-54000027	PLAT SHEET:	F-26
REQUEST:	Approval of a variance to allow an 8-foot-tall fence and an after-the-fact variance to the required setbacks for an accessory storage structure (shed).		
OWNER:	Stevo and Ljiljana Prodanovic 511 49th Ave N Saint Petersburg, FL 33703-3831		
AGENT:	Tanja Prodanovic 3611 19th St N. St. Petersburg FL 33713		
ADDRESS:	511 49th Ave N		
PARCEL ID NO:	06-31-17-92646-002-0180		
ZONING:	NT-1		

BACKGROUND:

The property consists of all of Lot 18 and the Eastern 23.5-feet of Lot 19 of the C. Buck Turners Subdivision. The property was originally developed with a single-family residence constructed in 1970; this home was demolished and the existing home received a Certificate of Occupancy 1998. The property is located within the Arcadia Gardens Neighborhood Association.

The subject property is located within the NT-1 Neighborhood Traditional Single Family Zoning District and it is an interior lot with a 16-wide alley at the rear of the property. In addition to the single-family residence, the property has also been developed with an inground pool and a shed. To the North of the alley is a 2-story apartment building located in the NSM-1, Neighborhood Suburban Multi-Family zoning district.


A codes compliance case was initiated in February of 2022 (Case#: 22-00004109) regarding an over height fence and an oversized shed. The original size of the shed was approximately 96 square feet. The applicant increased the size of the shed, without a permit, for a total of approximately 173 square feet. A pre-fabricated shed equal to or less than 100 square feet does not require a permit, however at the proposed size the shed would require a permit.

The other structure that was cited as a part of the codes compliance case is an over height fence. The current owner installed an extension to the existing 6-ft tall wood fence using a wooden "lattice" material. Per the last inspection performed by the codes compliance investigator on 5/16 the fence extension had been removed and the oversized shed remains on the property.

REQUEST:

The applicant is requesting a variance to the maximum fence height of 6-feet in the rear yard to allow the install of a 2-foot extension to an existing 6-foot tall fence for an over all height of 8-feet. The second request is an after-the-fact variance to allow an accessory storage structure (shed) to have a side setback of 3.5-feet and rear setback of .5 feet when the required side and rear setback is 6-feet.

Structure	Required	Requested	Variance	Magnitude
Accessory Storage Structure - Setbacks				
Shed	Side: 6-foot Rear: 6-foot	Side: 3.5-foot Rear: .5-foot	Side: 2.5-foot Rear: 5.5-foot	42 % 92 %
16.40.040 - Fence, Wall & Hedge Regulation				
Fence	6-foot maximum along rear property line	8-foot along rear property line	2-foot	33 %

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.  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 involves the utilization of an existing lot. The site has a lot width of 70.5-feet and approximately 8,751 square feet in area. The minimum lot width and area requirements for a property zoned NT-1 is 45-feet wide and 4,500 square feet respectively. The subject lot exceeds the minimum lot width and area requirements.

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

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.*

Both fences and accessory storage structures are a common feature along the subject block.

Code Section 16.20.010 describes the common features of traditional districts as including narrow rectangular lots facing the avenue and homes built toward the front of the lot with reduced setbacks. The adjacent properties along the block face are comprised of narrow lots however the subject property exceeds both the minimum lot width and area required for properties in the NT-1 Zoning District. Thus, the subject property is not reflective of the traditional development pattern. The request regarding the setbacks for the shed does not promote the established pattern of the block as the minimum prescribed setbacks required by the zoning district are not being met.

The properties along the subject block all have a similar development pattern in that they were developed with a 16-wide alley at the rear of the property and to the north of the alley there is a multifamily zoned property with a 2-story apartment building.

- 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 subject property is located within the Neighborhood Traditional-1 (NT-1), single family residential zoning district and there is a 16-foot wide alley at the rear of the property. To the north of the alley there is 2-story apartment building. The applicant has stated that they have concerns regarding privacy. Having a multi-family zoning district and 2-story structure across the alley from the subject property is a special condition of the site. The building located on the NSM-1 zoned property under the current city Code would be required to meet a minimum rear setback of 20-feet. The structure does not appear to meet this requirement. This special condition is also shared by the neighboring properties along the block face.

The special conditions regarding the after-the-fact shed addition is a result of the actions of the applicant. A pre-fabricated shed equal to or less than 100 square feet does not require a building permit, but is required to meet zoning setbacks. The shed was expanded to approximately 173 sq ft. without a permit by the owner, thus the application regarding the shed is self-imposed.

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 as the shed is already in place.

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;*

A literal application of the provisions of the code would still provide the applicant with the means for reasonable use of the property. The subject property exceeds the minimum lot area for properties in this zoning district and there is sufficient room on the property to add an accessory structure while still meeting the setbacks.

Regarding the request to allow an 8-foot tall fence a literal enforcement of the code would allow for the applicant to achieve some additional privacy. Code Section 16.40.040.3. states, up to two sections of fence or wall, not to exceed eight (8) feet in width each, may be allowed two (2) additional feet in height within any side (non-street) or rear yard for lattice, planter boxes, or selective screening of adjoining uses.

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

Per Code Section 16.20.010.6. the minimum required setbacks for the accessory structure is 6-feet for the interior side-yard and 6-feet for the rear yard. The applicant is able to increase the size of his shed with the submission of an approved permit and if they are able to meet the required setbacks.

The maximum allowable fence height in the rear yard is 6-feet per Code Section 16.40.040.3. The variance requested regarding the fence is not the minimum variance that will make possible the use of the land within the rear yard. The applicant has concerns regarding the lack of privacy between their property and the multi unit building to the north however it is

possible for the applicant to install selective screening on a portion of the fence or mature landscaping along the rear property line

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

The granting of the variance to allow the reduced setback 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 to the neighboring property to the West. The applicant has received signatures of no objection from this neighbor, as it is most affected property. The request for the reduced rear setback is mitigated by the 16-foot wide alley at the rear of the property which reduces the magnitude of the request in the rear yard.

However, it is also possible that the allowing the structure to encroach into the setback may contribute to privacy issues for future property owners and set precedence for other properties to also encroach into the setback.

The increased fence height will not be injurious to neighboring properties or detrimental to public welfare. However it may also set precedence for other properties with similar conditions to make the same request.

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 regarding the shed. The variance request is self imposed as the expansion of the accessory storage structure was constructed voluntarily without a permit.

The City Code does allow for an increased height of 2-feet in the rear yard for up to (2) sections of fence using lattice, planter boxes or selective screening of adjoining uses. Approval of the portion of the request to allow an overall height of 8-feet for a fence in the rear yard would allow additional screening along the entire rear property line. This additional screening would help to mitigate and reduce the privacy concerns of the applicant as outlined in the application.

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 Arcadia Gardens Neighborhood Association. The neighborhood association has not provided any comment. The applicant has received one signature of no objection. Staff has received one email objecting to the request regarding the fence and one email in support of the request for the over height fence.

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 a variance to allow an 8-foot-tall fence and an after-the-fact variance to the required setbacks for an accessory storage structure (shed).

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

1. The plans and elevations submitted for permitting should substantially resemble the plans and elevations submitted with this application.
2. This variance approval shall be valid through June 1, 2025. Substantial construction shall commence prior to this expiration date. A request for extension must be filed in writing prior to the expiration date.
3. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.
4. The proposed 8-foot tall fence is to be located only along the rear property line.
5. If an extension is to be added to the existing wood fence to create an overall fence height of 8-feet the materials must be consistent throughout.
6. A permit must be submitted for the shed.
7. Maximum impervious surface on the site must not exceed 65%, all plans submitted for permitting on this site must show the extent of all improvements on site and the Impervious Surface Ratio.

ATTACHMENTS: Map, Application, site plan, floor plan, photographs, applicant's narrative, codes compliance report, signatures of support, Neighborhood Participation Report, Codes Compliance

Report Prepared By:

/s/ Candace Scott

5/24/2022

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

Date

Report Approved By:

/s/ Joe Moreda

5/24/2022

Joseph Moreda, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Date

JM:CAS