



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

STAFF REPORT

DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST PUBLIC HEARING

For **Public Hearing** and **Executive Action** on **March 1, 2023**, beginning at 1:00 P.M.,
Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida

According to Planning & Development Department records, **no Commission member** has a direct or indirect ownership interest in rear 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 the announcement of the item.

CASE NO.: 23-11000001 PLAT SHEET: R-10,R-12

REQUEST: Approval of variances to minimum lot width, lot area, and setbacks to create two buildable parcels and retain the existing home.

OWNER: Azalea Porter Land LLC.
2502 N Rocky Pint Drive, Suite 1050
Tampa, FL 33607-5995

AGENT: Brian J. Aungst Esq.
625 Court Street, Suite 200
Clearwater, FL 33756

ADDRESS: 1501 72nd Street North

PARCEL ID NO.: 07-31-16-93168-001-0030

LEGAL DESCRIPTION: On File

ZONING: Industrial Suburban (IS)

Background: The subject property is located east of 72nd Street North between 13th Avenue North and 22nd Avenue North in the Azalea Homes Neighborhood. The site consists of six platted lots and a portion of a seventh lot (Lots 2, 3, 4, 5, 6, 7, and the north 254-feet of Lot 1 of the 1954 Tyrone Planned Industrial District Subdivision). The parcels have a combined lot area of approximately 1,267,988 square-feet, a lot width of 2,284-feet, and are zoned Industrial Suburban

(IS). Per City property card records (see attached), the site was previously developed with a manufacturing facility in 1955. Permitting records (see attached) note that the site received demolition permits in 2016.

The applicant is requesting approval of a Lot Line Adjustment with a variance to Section 16.40.140.2.4.C.2., to alter the common lot line shared between Lots 3 and 4 in a non-linear manner as shown in Description and Sketch Exhibits "A" and "B" (see attached). Section 16.40.140.2.4.C.2. states "Consistency with the established neighborhood pattern shall be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services. New lot lines shall comply with the subdivision requirements when practical and shall be formed of one straight line."

City Code requires a minimum lot width of 60-feet and minimum lot area of 5,000 square-feet for properties in Industrial Suburban zoning district. The applicant is proposing to create two buildable lots. Parcel A (the southern half of the parcel) will consist of Lot 2, the north 254-feet of Lot 1, and portions of Lots 3 and 4 (See Exhibit "A" attached). Parcel B (the northern half of the parcel) will consist of Lots 5, 6, 7, and the remaining portions of Lots 3 and 4 (See Exhibit "B" attached). Parcel A will maintain a lot width of approximately 827-feet and a lot area of approximately 448,530 square feet. Parcel B will maintain a lot width of approximately 1,457-feet and a lot area of approximately 819,458 square feet .

REQUEST: The applicant seeks a lot line adjustment with a variance to create a non-linear lot line shared between two fully platted lots under common ownership, to allow development on both parcels. Should this variance request be approved by the Development Review Commission, the development shall comply with the development and design standards required by the Land Development Regulations.

CONSISTENCY REVIEW COMMENTS: The Planning & Economic Development Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested Lot Line Adjustment with a lot width Variance is **consistent** with the following standards:

16.70.050.1.3.C – Standards for Review. In reviewing an application for a **Lot Line Adjustment**, the POD, Development Review Commission, or City Council, shall consider the following criteria:

1. *Easements for public utilities including stormwater drainage shall be provided as required. The applicant shall pay any costs of utility adjustments, extensions, relocations, and connections.*

The Lot Line Adjustment proposed will not create the need for any public utility easements. The Lot Line Adjustment application was routed to various departments, including private utilities companies, and there were no public utility easements.

2. *Any unpaid outstanding liens and assessments owed to the City shall be satisfied as a condition of lot line adjustment or lot split.*

This is included as a condition of approval at the end of this report.

3. *Consistency with the established neighborhood pattern shall be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services.*

The request proposes no change to the fabric of the neighborhoods established pattern. The proposed adjustment is internal to a property that encompasses an entire block and abuts the Pinellas Trail.

4. *All lots must be owned by the same entity or have the written consent of the property owner.*

The applicant is the owner of the subject property.

5. *Lot line adjustments and lot splits shall not create more than two additional buildable lots.*

The Lot Line Adjustment will create no more than two buildable lots.

6. *For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.*

The proposed two lots will meet the minimum lot size requirements for IS (Industrial Suburban) zoned properties.

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 currently has two remnant parking lots left from the previous manufacturing facility, 14 driveway aprons, and no buildings.

- 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 is a conforming parcel consisting of six fully platted lots and a portion of a seventh lot, all under common ownership.

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

The site is not located within a locally designated preservation district.

- 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.*

This property has several grand Live Oak, Slash Pine, Laurel Oak, and Sabal Palm trees are spread across the site. Many of the existing trees are located along the perimeter of the property.

- 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 proposed Lot Line Adjustment will not change the established development pattern of abutting streets.

- g. *Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.*

The proposed project does not involve the development of public facilities.

2. *The special conditions existing are not the result of the actions of the applicant;*

The existing conditions of the site are not the result of the actions of the applicant.

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

Literal enforcement of the provision of this chapter would not result in unnecessary hardship.

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;*

Strict application of the provisions of this chapter will not preclude the parcel from a unified development, however the requested variance may more reasonably allow for the vacant site to be redeveloped.

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 the minimum variance necessary to create two separate lots for future development.

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

Although the variance request does align with the general purpose of the subdivision regulation requiring straight lot lines, it does comply with the intent of the Code and

Comprehensive Plan in providing for the reasonable subdivision and development on conforming lands which maintain and promote compatible development.

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 does not appear to be injurious to any of the surrounding properties or detrimental to public welfare. The affected lot line is internal to the site and all affected lots are under common ownership. The subject property is an entire block held under common ownership, surrounded by the Pinellas Trail to the east and streets to the north, south, and west. In conclusion, the requested variance and Lot Line Adjustment will not create lots that are substandard to the IS zoning district lot size requirements.

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

Staff does find that the reasons set forth in the application are sufficient to grant the requested variance. See attached applicant narrative.

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.*

This criterion is not applicable.

PUBLIC COMMENTS: As of the date of this report, staff received one phone call and three emails requesting additional information. One email was received in opposition of the application citing concerns for the future traffic impact of Parcel A onto the portion of 16th Avenue North that connects 72nd Street North to 74th Street North leading to the front Azalea Elementary School. One email requested additional information, and the final email expressed concerns

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Economic Development Department Staff recommends **APPROVAL** of the requested lot line adjustment and variance.

CONDITIONS OF APPROVAL: If the Lot Line Adjustment and Variance are approved, the Planning and Economic Development Department Staff recommends that the approval shall be subject to the following:

1. Future development of the site shall be designed in accordance with Section 16.20.110 of City Code for the IS zoning district and applicable Land Development Regulations.
2. The applicant shall provide a Parcel ID number for each lot at time of submittal of the building plans for permitting.
3. It shall be the responsibility of the applicant or property owner resolve any objections provided by a utility provider and to obtain letters of no objection from WOW!, Century Link, the City of St. Petersburg's Fire Department, Sanitation Department, and the Engineering and Stormwater Department prior to the issuance of any development permits.
4. Site plans for any future development must show the location of all protected and grand trees. Any application to remove the trees shall comply with Section 16.40.060.53.4 at

the time of permitting, including submittal of any necessary reports. Separate tree removal permits are required.

5. Any unpaid outstanding liens and assessments owed to the City shall be satisfied as a condition of Lot Line Adjustment.
6. This approval shall be valid through March 1, 2026. The parcels shall be separately conveyed prior to the expiration date. A request for extension must be filed in writing prior to the expiration date.
7. Approval of the variance does not grant or imply other variances from the City Code or other applicable regulations.

REPORT PREPARED BY:

/s/ Shervon Chambliss

2/22/2023

Shervon Chambliss, Planner II
Development Review Services Division
Planning and Economic Development Department

DATE

FOR:

/s/ Corey Malyszka

2/22/2023

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

DATE

Enc: Application, Location Map, Plat Map, Survey, Description and Sketch (Exhibit "A" and Exhibit "B"), Property Card, Building Permit Overview, Pinellas County Property Appraiser Listing, Property Owner Name Change, Email Comments