



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** resides or has a place of business within 2,000 feet of the subject property. 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 **scheduled on Wednesday, October 7, 2020 at 2:00 P.M.**, by means of communications media technology pursuant to Executive Order 20-193 issued by the Governor on August 7, 2020, and Executive Order 2020-30 issued by the Mayor on July 8, 2020. Authorization for a virtual meeting has been extended through October 1st by Governor's executive order. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings and/or contact the case planner for up-to-date information pertaining to this case.

CASE NO.: 20-54000008 PLAT SHEET: T-16

REQUEST: Approval of variances to reduce the minimum required East side setback from 5.5-feet to 3.0-feet to allow for the construction of a side-loading garage and to reduce the minimum required West side setback from 7.5-feet to 6.2-feet to allow for the construction of a rear covered patio and a 180 square-foot storage shed in the NS-2 zoning district.

OWNER: Elizabeth A. Urena
Eregen LLC
5701 Bahia Del Mar Circle, Unit 108
Saint Petersburg, Florida 33715

AGENT: Justin Vessey
467 Briland Street
Tarpon Springs, Florida 34689

ADDRESS: 8220 27th Avenue North

PARCEL ID NO.: 12-31-15-30924-000-0030

LEGAL DESCRIPTION: On File

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

Structure	Required	Requested	Variance	Magnitude
Side-loading Garage, Eastern Side Setback	5.5 feet	3.0 feet	2.5 feet	45.45%
Accessory Storage Building, Western Side Setback	7.5 feet	6.2 feet	1.3 feet	17.33%
Covered Lanai, Western Side Setback	7.5 feet	6.2 feet	1.3 feet	17.33%

BACKGROUND: The subject property is in the Jungle Terrace Neighborhood and is located in the Neighborhood Suburban – 2 (NS-2) zoning district and developed with a single-family residence in 1983. The property owners wish to construct a side-loading two-car garage in front of the existing single-family residence, rear additions (including an air-conditioned Florida room and a covered lanai), and a 10-foot by 18-foot detached accessory storage structure in the rear portion of the property. The proposed Florida room, being enclosed air-conditioned space, is eligible for the minor encroachment allowance (as it aligns with the existing building, is not taller than 24-feet in height, does not create a setback less than 4-feet, and the total area of the encroaching portion of the addition does not exceed 50 square feet) and therefore would not require a variance to construct.

The property is 50 feet wide and 210 feet deep, for a lot area of 10,500 square feet, and has a 15-foot wide unpaved alley right-of-way along the eastern side and southern rear property line. The NS-2 zoning district requires a minimum 100 feet of lot width and 8,700 square feet of lot area making this property a legally nonconforming lot due to lot width but conforming for lot area due to its depth. The original platted pattern of this area in 1916 provides lots that are deficient in width in accordance with current the NS-2 district lot width standard.

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 variances to the eastern side setback are **consistent** and the requested variances to the western side setback are **inconsistent** with the Code 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 subject property is currently developed with a single-family residential home which is the prevailing primary use of properties in the NS-2 zoning district.

- 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 a fully platted lot deficient in lot width for the NS-2 zoning district situated on an unusually deep block creating a long albeit narrow buildable area on the lot. The narrow width supports reduced eastern side setbacks abutting the undeveloped alley right-of-way.

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

This criterion is not applicable. The site does not contain a preservation district.

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

This criterion is not applicable. The site does not contain any historic resources.

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

The live oak tree situated on the southwestern (rear) corner of the property is worthy of preservation efforts given the tree's mature age, healthy condition, and grand tree status. The eastern side setback reduction does support future preservation efforts for the tree.

- 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 project does not affect the overall development pattern of 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. The proposed project does not involve public facilities.

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

The dimensions and width/depth ratio of the subject property are not the results of actions of the Applicant or property owners. The original platting of the subdivision in 1916 created the lot dimensions as they exist today.

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

Literal enforcement of the Code requirements 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;*

A two-car garage and a 180 square foot accessory storage structure is not required for the reasonable use of the land.

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

The variances requested are not the minimum variances that will make possible the reasonable use of the land. The use of the property as a single-family residence with a longer than typical driveway is possible without variances being granted.

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

The granting of the eastern side setback variance is in harmony with the general purpose and intent of the Code. The original platting of the property and zoning designation creates a narrow buildable area. The pertinent difference between the eastern and western side yards is that one abuts commercial and an unpaved right-of-way (east) and the other abuts another single-family residence (west). The unpaved right-of-way to the eastern side and southern rear of the subject property was in existence when the current property owners purchased the property in 2019.

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

The granting of these variances would not be detrimental to the public welfare of the eastern right-of-way and adjacent eastern properties but could be injurious to the western adjacent residential property. The properties to the east both face east, away from the subject property, and are separated from the subject property by a 15-foot right-of-way. The property to the west of the subject property is a single-family residential property with no separation from the subject property aside from the prescribed side setbacks.

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

The reasons set forth in the application justify granting of variance to the eastern side setback due to the separation from the subject property and the adjacent properties resulting from the unpaved right-of-way. The reasons set forth regarding the western side setback reductions do not justify granting of the western side setback request due to the immediacy of the adjacent residential 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.*

This criterion is not applicable. No nearby nonconforming situations are being considered.

PUBLIC COMMENTS: The subject property is within the boundaries of the Jungle Terrace Neighborhood Association. Staff has received one email of support by a property owner in the neighborhood. The Applicant has provided a public participation report in the application packet with signatures of no objection from neighboring property owners, including the adjacent western property owner.

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 **APPROVAL** of the requested variance to the eastern side setback for the side-loading garage and **DENIAL** of the requested variances to the western side setbacks for the covered lanai and storage structure.

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 October 7, 2023. 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.

Report Prepared By:



Michael Larimore, Planner I
Development Review Services Division
Planning & Development Services Department

9/30/2020

Date

Report Approved By:



Jennifer Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

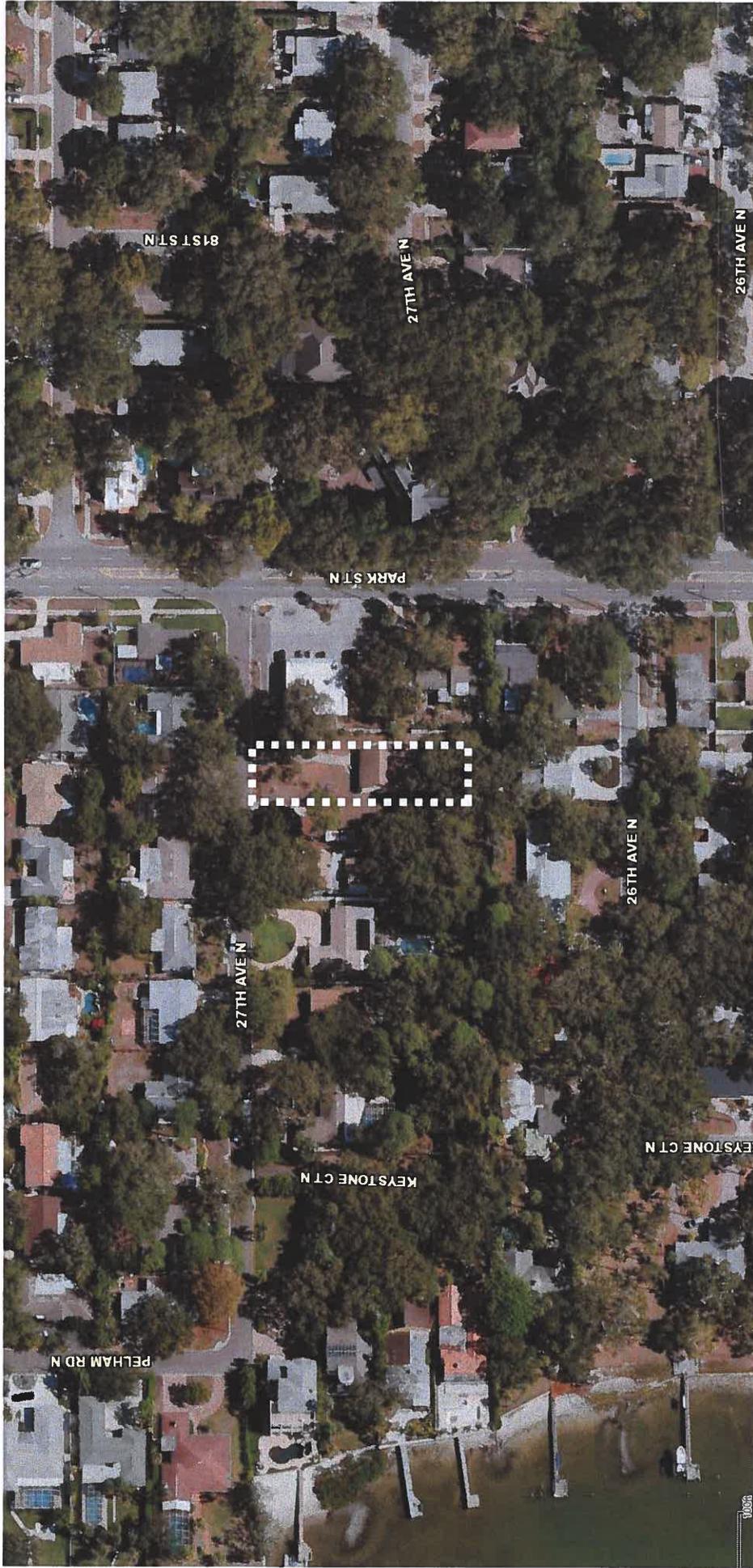
9.30.2020

Date

JCB/MWL:iw

ATTACHMENTS: Location Map, Application, Site Plan, Elevation Drawings, 1916 Subdivision Plat

Attachment A.



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 20-5400008
Address: 8220 27th Avenue North





VARIANCE

Application No. 20-54000008

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):	Ereger LLC, Elizabeth Urena
Street Address:	5701 Bahia Del Mar Circle #1000, St. Petersburg
City, State, Zip:	St. Petersburg FL
Telephone No:	941.760.1096
Email Address:	EAUSTETE@gmail.com
NAME of AGENT or REPRESENTATIVE:	Justin Vessey
Street Address:	467 Briland Street
City, State, Zip:	Tarpon Springs FL 34689
Telephone No:	727.600.2306
Email Address:	JustinVessey07@gmail.com
PROPERTY INFORMATION:	
Street Address or General Location:	8220 27 th Ave N.
Parcel ID#(s):	
DESCRIPTION OF REQUEST: Variance for setback reductions	
1. side to 30', rear to 0.6"	
PRE-APPLICATION DATE:	1.24.20
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*: Elizabeth Urena Date: 1.24.20
 *Affidavit to Authorize Agent required, if signed by Agent.
 Typed Name of Signatory: Elizabeth Urena



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: Erege LLC, Elizabeth Urena

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

Property Address: 8220 27th Ave N.

Parcel ID No.: _____

Request: Variance for setback reductions:
1. side to three' 3.0' feet 2. rear to six inches 0.6"

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): Justin Vessey

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

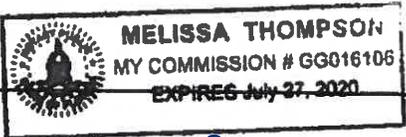
I(we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner): Elizabeth Urena

Elizabeth Urena
Printed Name

Sworn to and subscribed on this date

Identification or personally known: [Signature]



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

Date: 1/15/20

Case No.: 20-54000008

VARIANCE

Applicant Narrative

Street Address: 8220 27th Ave N. St. Petersburg Florida

Detailed Description of Project and Request:

The project consists of the addition of.

1. a *side entry* garage addition at east front of house.
2. a Florida room with covered Lanai addition to west rear of home.
3. a storage shed at west rear yard.

Requests for.

1. East side setback reduction to 3.0' for construction of new side entry garage.
2. West side setback reduction to 6.2' (existing house setback) for Florida room addition.
3. West side setback reduction to 6.2' (existing house setback) for storage shed.

1. What is unique about the size, shape, and topography, or location of the subject property?

The subject property is unique in its size, shape, and original side setback distances. It is *non-conforming* by *current* standards, as it is narrow at only 50' wide and deep at 210'. Additionally, there are *paper alleys* (15 wide) to both the east and south of subject property. The original house structure is situated far to the rear of the property leaving an unusually large front yard, and undersized back yard for the owners' future improvement plans, as well as undersized existing side setbacks at 6.5' mol. Add a very large majestic Live Oak in the rear west corner of backyard, that owner wishes to preserve, further reducing available useable rear yard space.

Additionally, the East alley has forgotten by City for so long the a very large oak tree (60" circumference) grows right in the middle of it.

1.1 How do these unique characteristics justify the request?

First, the *side entry* garage is promoted by City Planning and it is harmonious with adjacent home designs (see pictures provided), and consistent with the overall neighborhood character.



Secondly the alternative, a typical front facing garage of the desired size would require blocking an existing window, encroach on the existing front door, and look inconsistent with the neighborhood.

Additionally, saving a large mature live oak tree is always a priority of Planning, and the proposed site plan is designed around saving that tree.

Finally, even with approval of the setback reductions, there will still remain 15' of greenspace between subject property and eastern and southern neighbors.

2. Are there other properties in the immediate neighborhood that have developed in a similar way?

Yes, there are other adjacent properties that have side entry garages, as noted above and pictures provided for 2 western neighbors to the subject property at 8244 and 8260 27th Ave N.

3. How is the variance request not the result of actions of the applicant. The applicant has taken no action to the property to affect the need for the requested variance. They are asking for permission not forgiveness.

4. How is the requested variance the minimum necessary to make reasonable use of the property?

The Nelsons would like a useable 2 car garage. The side entry design fits the neighborhood and doesn't require major modifications to the existing house structure.

The Nelsons need a storage building for personal items, and they want to save the tree. The proposed location allows both without eliminating the backyard.

5. What alternatives have been considered that do not require a variance? Why are these unacceptable?

Alternative #1. Standard front entry garage with 7.5' setback would cover nearly entire front of house and require substantial modifications to relocate front door and window. An impractical and unattractive alternative.

6. In what ways will the granting of the request enhance the character of the neighborhood?

1. Side entry garages are promoted by urban planners as aesthetically pleasing, and specifically harmonious with this neighborhood.

2. The Nelsons intend substantial investment in the home bringing it on par with the neighborhood. Their plans would add character and value to the neighborhood.



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www.stpete.org

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: 8220 27 th Ave N.	Case No.:
Detailed Description of Project and Request: Residential Substantial Improvements. Addition of new garage, master bedroom, utility outbuilding. Request side and rear setback reductions to see attached.	
1. What is unique about the size, shape, topography, or location of the subject property? How do these unique characteristics justify the requested variance?	
See attached	
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.	
See attached	
3. How is the requested variance not the result of actions of the applicant?	
See attached	



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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
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? <i>See attached</i>
5. What other alternatives have been considered that do not require a variance? Why are these alternatives unacceptable? <i>see attached</i>
6. In what ways will granting the requested variance enhance the character of the neighborhood? <i>See attached</i>



PUBLIC PARTICIPATION REPORT

Application No. _____

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:

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

1. Door to door personal presentation by Nelson Lopez to all neighbors. See attached signature sheet.
2. Phone call, and email to President of Jungle Terrace Civic Association.

(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications

See attached worksheet showing signatures of approval by not less than 6 adjoining neighbors

Owner. Nelson Lopez went door to door to discuss & ask for signature of approval

(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

within Jungle Terrace subdivision, specifically directly next to, or across street from subject property.

2. Summary of concerns, issues, and problems expressed during the process

None

No concerns were expressed by neighbors during the canvass.

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 Jennifer Joern at variance@stpetecona.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24th 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.

- Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: January 31st.
- Attach the evidence of the required notices to this sheet such as Sent emails.



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	
Completed by owner Nelson Lopez	
Street Address: 8220 27 th Ave N.	Case No.:
Description of Request: We are requesting a side by side Double garage with no setback to side Alley and no set by to rear Alley for a permanent storage shed.	
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:	8211 27 th Ave N
Owner Name (print):	THOMAS R COOK EDWIN J ARVIS
Owner Signature:	[Signatures]
2. Affected Property Address:	8228 27 th Ave N
Owner Name (print):	THOMAS R COOK EDWIN J ARVIS
Owner Signature:	[Signatures]
3. Affected Property Address:	2700 PARK ST N. St Petersburg
Owner Name (print):	RODERICH KREIMBYER
Owner Signature:	[Signature]
4. Affected Property Address:	2700 Park St. N.
Owner Name (print):	Nancy Wollenberg
Owner Signature:	[Signature]
5. Affected Property Address:	8231 27 th Ave N
Owner Name (print):	Todd & Dianna Sporic
Owner Signature:	[Signatures]
6. Affected Property Address:	8223-27 th Ave No
Owner Name (print):	Sandra Brodum
Owner Signature:	[Signature]
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	

#20-54000008

8220 27th Ave N. Lopez Residence

Variance request for rear & side(s) setback reductions for addition of; a garage, a Florida room with attached covered patio, a storage shed.

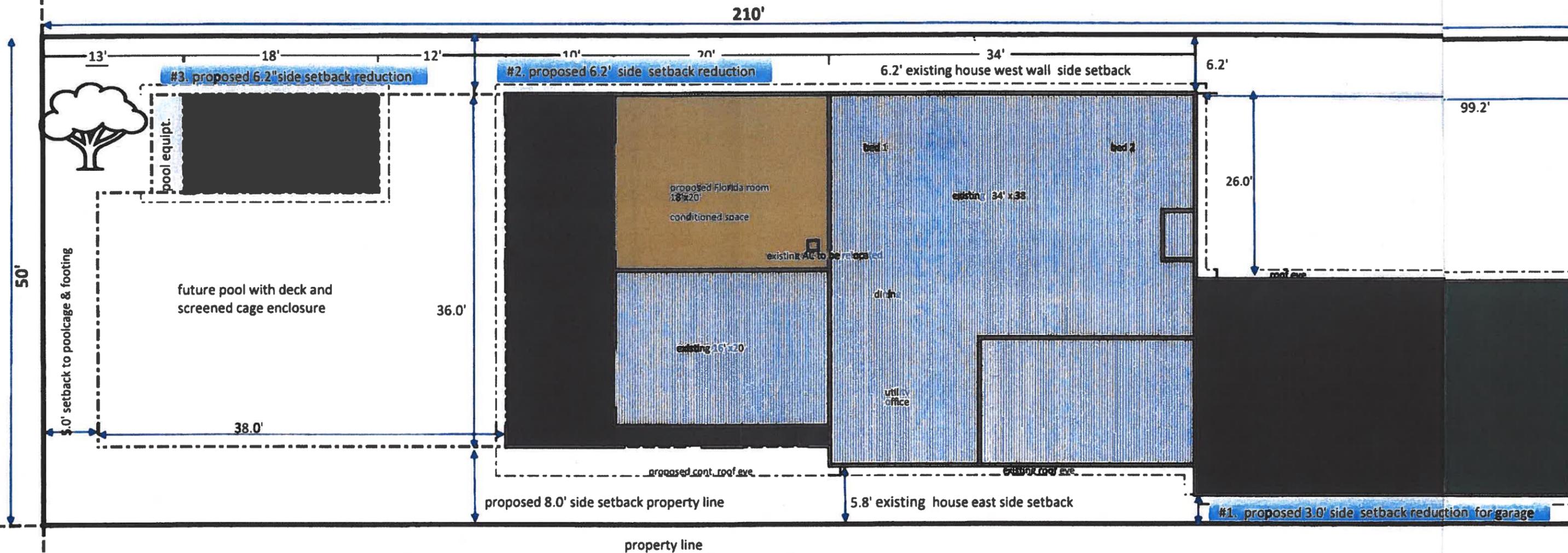
1. East side setback reduction to 3.0' for side entry garage
2. West side setback reduction to 6.2' for Florida room & covered Lanai
3. West side setback reduction to 6.2' for storage shed

15' REAR ALLEY

15'

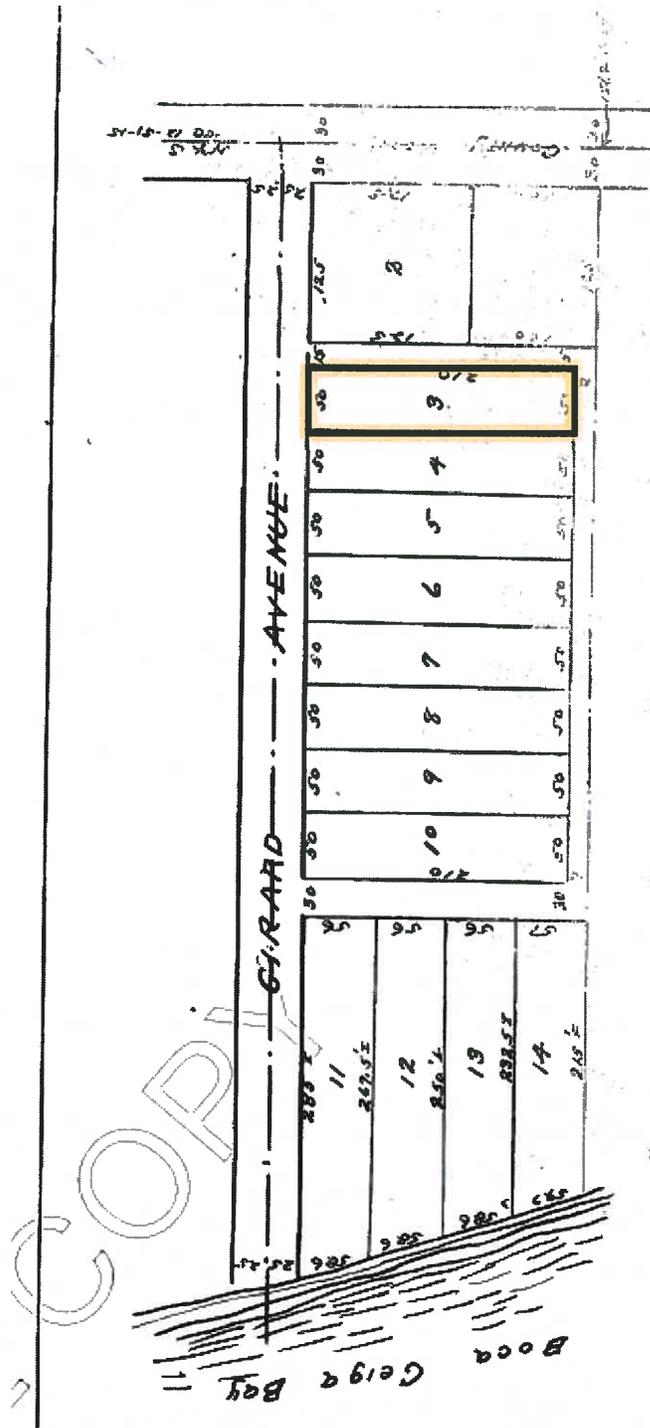
15'

15' SIDE ALLEY



Justin Vessey
Design & Construction

Attachment D.



PLAT OF LOTS 1 TO 10

5 1/2 of the tract described as follows: Beginning at the SW corner of the S 2 1/2 of Sec 12-31-15, run thence S 89° 01' 00" E 110' to the high water mark in Bea Geigra Bay, thence N 10° 10' 00" along the said high water mark S 89° 01' 00" E 194' to the W line of said S 2 1/2, thence S 88° 10' 00" to the point of beginning. Pinedas Co., Fla. **May 2, 1916**

Scale 1" = 100'
B.E. Merrill
D.E.

*Filed June 2, 1916
E.H. Merrill
Block Recorder
Cor. E. S. Ave*