



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, **Commission member Michael Kiernan** 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 on **Wednesday, November 4, 2020 at 2:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 20-54000054 PLAT SHEET: E-12

REQUEST: Approval of variance to permit a brick sidewalk through a driveway where hex block is required in the NT-3 zoning district.

OWNER: William B. Norris
306 22nd Avenue NE
Saint Petersburg, Florida 33704

ADDRESS: 306 22nd Avenue NE

PARCEL ID NO.: 18-31-17-83223-012-0060

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Traditional - 3 (NT-3)

The applicant requests approval of a variance from Section 16.40.090.3.3.7 to permit a brick sidewalk through a driveway where hex block is required in the NT-3 zoning district.

BACKGROUND: The subject property consists of a single-family residential lot located in the North Shore National Historic District across the street from the Grenada Terrace Local Historic District (see Attachment A – Location Map). The lot contains an existing concrete circular driveway on 22nd Avenue NE, which appears to have been constructed between 1969 and 1994, according to historic aerial photography. There is no mention of the driveway on the property card. The hex block sidewalk pavers were removed to install the current driveway surface. In 2015 the Streetscape Preservation, Traditional ordinance was adopted (Ord. No. 166-H, 5-21-2015) which prohibits the removal of hex block sidewalk in National Historic Districts where hex block sidewalk is listed as a contributing resource. The block appears to have been removed prior to the adoption of that ordinance.

In 2008, Section 16.40.090.3.3. - Parking. was adopted which requires:

7. Sidewalks located within adjoining right-of-way. In traditional districts, where a driveway intersects a sidewalk located within the right-of-way, the portion of the sidewalk that crosses the driveway shall have a consistent finish and color as the abutting sidewalk and be visually delineated with expansion joints.

This section requires that the hex block sidewalk be carried through the driveway because it is present on the abutting sidewalk. Applicants have been allowed to use a hexagon block surface pattern set in concrete in locations where the hex block is missing. The applicant prefers to use brick pavers for the entire driveway including the City sidewalk through the driveway, and has purchased the brick. According to the applicant, there are many examples of driveways in the area which do not carry the materials of the abutting sidewalk through the driveway, and this influenced their decision to buy the brick for the full driveway, although the two adjacent properties directly to the east have used hex block stamped concrete through their circular driveways. A variance to use all brick is required. (See Attachment B – Application, and Attachment C – Photos).

In terms of the zoning status of the driveway itself, new circular driveways are no longer allowed in the front yard on properties in the NT-2 and NT-3 Zones, however legally non-conforming driveways which were constructed prior to the adoption of the current ordinance existing are allowed to be maintained.

Given the following considerations, the request was found to be inconsistent with the purpose and intent of the Code.

PHYSICAL HARDSHIP RELATED TO THE SUBJECT PROPERTY:

There is no lot shape- or size-related hardship related to this variance request. There is a hardship related to the fact that the original 18-inch hex block was removed for the construction of the driveway, which is now no longer commercially available. The only options now to comply with the ordinance are the installation of 16-inch hex block, which is locally commercially available at approximately \$6.77 per square foot, or the concrete stamping of hex block.

CONSISTENCY REVIEW COMMENTS:

Planning & Development Services Department staff reviewed this application in the context of applicable criteria excerpted from the City Code and found that the requested variance is inconsistent with these standards at Section 16.70.040.1.6 Variances, Generally:

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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.*
 - This application involves the maintenance of an existing circular driveway which currently does not contain a sidewalk consistent with the abutting sidewalk. The original hex block was removed.
 - 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 shape and size of the lot is not a factor in this application.
 - c. *Preservation district. If the site contains a designated preservation district.*
 - The property is located in a National Historic Preservation District, however is not regulated at the local level other than the ordinance mentioned above, which requires the retention of existing hex block sidewalk.
 - d. *Historic Resources. If the site contains historical significance.*
 - The private property is a contributing resource to the National Historic District.
 - e. *Significant vegetation or natural features. If the site contains significant vegetation or other natural features.*
 - This is not a factor in this application.
 - 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 construction of an all-brick driveway, although most likely attractive in appearance and a significant improvement over the existing driveway surface, would be inconsistent with the current development pattern of the block face. All the houses with driveways on this block face, the block across 22nd Avenue NE and the block face to the west of this lot, comply with the requirement to match the abutting sidewalk. The two houses to the east of this lot which were permitted in 2014 and 2015, have used hex-block-stamped concrete sidewalks through the driveways to comply with the requirement.
 - The proposal for an all-brick driveway is inconsistent with the Land Development Regulations which seek to return the City sidewalk scheme into what it historically was when the neighborhood was first developed.
 2. *The special conditions existing are not the result of the actions of the applicant;*
 - The applicant purchased the property after the hex block was removed, so it could not be retained, however has applied for a variance to installing new hex block based on aesthetic preference.

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3. *Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;*
 - 16-inch hex block is commercially available and in stock from a local company, and hex block stamping of concrete is available, so there is no hardship related to enforcement of the ordinance.
 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 applicable ordinance would not restrict reasonable use of the property.
 5. *The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;*
 - The proposed variance is the minimum which could be requested, although the plan to use the same brick pattern on the entire driveway would have to be revised to differentiate the path of the sidewalk through the driveway.
 6. *The granting of the variance will be in harmony with the general purpose and intent of this chapter;*
 - The intent of the chapter is to preserve the character of the existing sidewalk throughout the neighborhood. This is achieved by requiring hex block sidewalk.
 7. *The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare;*
 - The issue of replacement sidewalk does not rise to the level of being injurious to neighboring properties, however there is clearly a policy directive in the LDR to maintain consistency in sidewalk material in Neighborhood Traditional zoning districts and to retain hex block sidewalks in neighborhoods where they were historically used.
 - Whether that requirement has been adhered to by other property owners in the neighborhood is inconsequential, however has been raised by the applicant in the application and therefore was preliminarily reviewed. The applicant has provided photos of approximately 16 instances in the surrounding North Shore Historic District of driveways which do not comply with the 2008 regulation. Of the 16, 9 appear to have been installed without a permit so the date of their installation cannot be determined. Of the 7 installed with a permit, only 3 were installed after 2008.
 - Four property owners, including the property next door #346, two properties immediately across the street and the property immediately across Oak Street NE street have consented to the application (see Attachment B – Application).
 - The Historic Old Northeast Neighborhood Association objects to the use of brick sidewalk, however supports the use of brick in the rest of the driveway (see Attachment D).

OTHER PUBLIC COMMENTS: As of the date of this report, Staff has received no comments from CONA, FICO or the public.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning & Development Services Department Staff recommends **DENIAL** of the requested variance.

CONDITIONS OF APPROVAL: Should the DRC vote to approve the application, the Planning and Development Services Department Staff recommends that the approval be subject to the following:

1. Any outstanding public liens, assessments, or property taxes shall be paid.
2. This variance approval shall be valid through November 4, 2023. 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.
3. The plans submitted for permitting should substantially resemble those submitted with the approved variance application.
4. Approval of this variance does not grant or imply variances from other sections of the City Code or other applicable regulations.
5. Inspections shall be required; failure to obtain inspections will invalidate the variance and the permits.

Report Prepared By:

/s/Cheryl Bergailo

10/27/20

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II
Development Review Services Division
Planning & Development Services Department

Date

Report Approved By:


Jennifer C. Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

10.26.2020

Date

ATTACHMENTS: A) Location Map, B) Application, C) Photos, D) Email from The Historic Old Northeast Neighborhood Association