



I. APPLICATION DATA

A. **Case Number:** V 2019-24

B. **Location:**

1. **Address:** 7771 43rd Street, Pinellas Park Florida 33781

2. **Parcel Number:** 27-30-16-85193-000-0020

D. **Request:** A variance to reduce the south, side yard setback from 20 feet to 10 feet; a request to reduce the rear yard setback from 20 feet to 13 feet, and a request to reduce required parking from six spaces to four spaces for a room addition with an ADA restroom in the "R-6" Multifamily Residential / Commercial District.

E. **Applicant:** Rudy Bautista

C. **Legal Ad Text:** A variance to reduce the south, side yard setback; a request to reduce the rear yard setback, and a request to reduce required parking for a room addition with an ADA restroom in the "R-6" Multifamily Residential / Commercial District

G. **Public Hearings:**

CRA Hearing Date(s): November 12, 2019

Deadline to send public hearing notices: October 25, 2019

Advertising deadline: October 25, 2019 (submitted), November 1, 2019 (posted)

II. BACKGROUND INFORMATION

A. **Site Area:** 106 feet X 80 feet (8,480 square feet) / 0.2 Acres

B. **Property History:**

1. **Previous Land Use Plan or Zoning Amendments:** None

2. **Permits and Development:**

The subject property was platted in 1985 as Lot 2, in the Steffi Lou Subdivision, as recorded in the Official Records of Pinellas County, Plat Book 91, Page 33. The 2,148 gross square foot duplex dwelling was constructed in 1985.

Building permit 2014-0924 was issued to remove an interior wall opening to convert the duplex into a single family dwelling and to add a 30 feet x 10 feet concrete slab in the rear yard.

3. **Previous Approvals:** BOA 2014-13 - A variance to reduce the rear yard setback from 20 feet to 10 feet, was approved by the Community Redevelopment Agency on April 22, 2014 for a covered patio.

C. **Existing Use:** Community Residential Home

E. **Proposed Uses:** Community Residential Home

F. Current Zoning District: “R-6” Multifamily Residential / Commercial District

1. Zoning District Purpose / Intent:

Sec. 18-1514.1. - STATEMENT OF INTENT.

The "R-6" Multi-Family Residential District is established to identify and stabilize those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a well-designed medium density multi-family residential environment and certain controlled light commercial uses. Two (2) or more story construction is encouraged by means of lot size regulations to provide more open space.

This district is appropriate for areas designated on the Official Land Use Plan Map as Residential Medium (RM), Residential/Office/Retail (R/O/R), Residential/Office General (R/OG), Commercial General (CG) or Community Redevelopment District (CRD). The establishment of mixed commercial and residential uses require a Land Use Plan Map designation of Residential/Office/Retail (R/O/R), Residential/Office General (R/OG) or Community Redevelopment District (CRD). The establishment of commercial offices requires a Land Use Plan Map designation of Residential/Office General (R/OG), "Residential/Office/Retail" (R/O/R), Commercial General (CG) or Community Redevelopment District (CRD).

2. Staff Analysis:

The existing structure is occupied by Rochelle's Home, a group home with six total residents. A Community Residential Home is a permitted use in the R-6 Zoning District. The proposed addition is to provide an additional bathroom that meets ADA requirements and to provide an additional bedroom for a live-in caregiver. The existing home currently has five bedrooms and two bathrooms. The applicant has stated the maximum number of six residents receiving care will not increase.

G. Current Land Use: Community Redevelopment District (CRD)

1. Land Use Purpose / Intent:

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be designated, as community centers and neighborhoods for redevelopment in accord with a special area plan thereof.

2. Key Standards:

Use Characteristics:

Primary Uses – Residential; Office; Commercial.

Secondary Uses – Industrial; Institutional; and Transportation/ Utility uses as enumerated in the approved special area plan.

3. Staff Analysis:

The primary use of the subject property is residential in nature, which is consistent with the Community Redevelopment District Land Use category.

H. Flood Zone: The majority of the property, including the existing structure, is located in Flood Zone X, which is a low risk flood zone. The west edge of the property is located in Flood Zone AE-15, which is a high risk flood zone.

I. Evacuation Zone: The property is in Evacuation Zone D, which is the 4th level to evacuate in preparation for a storm. Zone D is evacuated when storm surge height is predicted to be up to 28 feet.

J. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	R-6	CRD	Duplex Residential Dwelling
South	R-6	CRD	Duplex Residential Dwelling
East	R-6	CRD	Multifamily Dwelling Units
West	R-1	RU	Single Family Residential

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. Relevant Policies:

Objective H.1.5

The City will continue to provide for adequate sites in residential areas or areas of residential character for group homes, foster care facilities, and special needs housing in order to meet identified or projected housing needs.

Policy H.1.5.1

Provide for the location of licensed group homes, foster care facilities, and other supportive housing and services in all residential zoning districts, and encourage their location where there is adequate supporting infrastructure, facilities, and services.

Policy H.1.5.2 Encourage the provision of housing for households with special needs through public, private and joint ventures and collaborations.

2. Staff Analysis:

The existing dwelling is currently operating as a licensed Community Residential Home. According to Business Tax Receipt records this business has occupied the dwelling since 2017 as "Rochelle's Home". Prior to that this dwelling also carried a BTR for "Amer Home 111, LLC, also a Community Residential Home, from 2014 to 2017.

B. Land Development Code Standards:

1. Key Standards:

ARTICLE 15. ZONING

SECTION 18-1514.4. - DIMENSIONAL AND AREA REGULATIONS.

(A) MINIMUM LOT REQUIREMENTS.

1. Lot Area:

(a) Residential: Multi-family dwellings: Ten thousand four hundred fifty-five (10,455) square feet of net lot area, One Story: Four thousand three hundred fifty-six (4,356) square feet of net lot area/unit (maximum density of ten (10) dwelling units/acre), Two or more stories: Three thousand four hundred eighty-four and eight-tenths (3,484.8) square feet of net lot area/unit (maximum density of twelve and one-half (12.5) dwelling unit/acre), two thousand nine hundred four (2,904) square feet of net lot area/unit (maximum density of fifteen (15) dwelling unit/acre).

(b) Duplex Dwellings: Seven thousand two hundred (7,200) square feet, Single-family Detached Dwelling: Five thousand (5,000) square feet.

(B) MINIMUM YARD SETBACK REQUIREMENTS.

2. For lots platted on or after January 14, 1982, the following shall apply:

- (a) Front Yard Setback: Thirty (30) feet plus three (3) feet per story for each story in excess of two (2) stories.*
- (b) Secondary Front Yard Setback: Thirty (30) feet plus three (3) feet per story for each story in excess of two (2) stories.*
- (c) Side Yard Setback: Fifteen (15) feet; twenty (20) feet if abutting a residential or mixed use zoning district.*
- (d) Rear Yard Setback: Twenty (20) feet.*
- (e) For corner, double frontage and multiple frontage lots, see Section 18-1503.7 "Yard Determinations."*
- (f) Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width.*
- (g) Refer to Section 18-1504.3(G)(2) for special yard setbacks for additions to buildings in existence as of August 14, 1997.*

SECTION 18-1532.9. - MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS.

PUBLIC/SEMI-PUBLIC USES.

9. Residential Care Facilities: *Four-tenths (0.4) per assisted living apartment unit and one (1) per bed in non-assisted living units, or one (1) per hundred (100) SF of GFA (excluding assisted living apartments), whichever results in a greater parking requirement.*

SECTION 18-1537.2 VARIANCE REVIEW CRITERIA.

(A) *A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating:*

1. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same district; and*
2. *That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Article; and*
3. *That the special conditions and circumstances do not result from the actions of the applicant; and*
4. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and*
5. *The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure; and*
6. *The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

2. Staff Analysis:

A Community Residential Home has occupied this dwelling with an active BTR from 2017 as "Rochelle's Home. Prior to 2017 our records indicate that a BTR for "Amer Home 111, LLC, also a Community Residential Home was issued to the same owner, from 2014-2017.

The subject parcel is located on 43rd Street, a major collector road. The surrounding properties are single family and multifamily residential, both of which allow for licensed Community Residential Home to operate as permitted uses for six residents or less.

The literal interpretation of Code would not allow for this expansion as the setbacks are regulated by Section 18-1514.1 "R-6" Multifamily Residential / Commercial. The variance request for setbacks would deprive the applicant of the ability to expand as proposed. The room addition is necessary in order to install an ADA accessible bathroom and caregiver unit to provide better care for its residents.

The 2,148 gross square foot duplex dwelling unit was converted into a single family dwelling unit with five bedrooms in 2014. There are seven (7) total beds, six (6) for residents and one (1) live in caregiver. With the proposed addition the number of rooms will increase to six. The total required parking would be six spaces. There are four spaces available. The only vehicles currently utilizing the parking are the owner and the caregiver. The patients do not drive.

C. Essential Services Review:

The development proposal has been reviewed by all relevant departments/divisions with no objections or comments.

IV. SUMMARY

A. Findings:

Based on the information and analysis contained in this report, staff finds as follows:

1. The Community Residential Home has occupied this dwelling with an active BTR since 2017.

2. No violations have been observed on this parcel.
3. The room addition is necessary in order to install an ADA accessible bathroom and caregiver unit to provide better care for its residents.
4. The number of residents is not increasing.
5. Currently, only 2 spaces are being used where 4 are provided. Code requires 6 spaces.

B. Staff Recommendation:

Based on the above identified findings and subject to such additional findings of fact as are established at the public hearing, staff recommends **APPROVAL** of case number VAR 2019-24.

Community Development Administrator:

Inf2 10/28/19

V. ACTION

COMMUNITY REDEVELOPMENT AGENCY

After review of Case No. VAR 2019-24, the Variance criteria established in Section 18-1537 of the Land Development Code, and the corresponding Findings of Fact identified in the staff report, I MOVE TO:

APPROVE the request to reduce the south, side yard setback from 20 feet to 10 feet; a request to reduce the rear yard setback from 20 feet to 13 feet; and to reduce the parking from 6 spaces to 4 spaces.

VI. ATTACHMENTS

Exhibit A: Application with Legal Description
Exhibit B: Site Plan
Exhibit C: Aerial Map
Exhibit D: Land Use Map
Exhibit E: Zoning Map
Exhibit F: FEMA Flood Map
Exhibit G: Site Photos

City of Pinellas Park, Florida

APPLICATION FOR VARIANCE

FOR OFFICE USE ONLY

CASE # **VAR 2019-24** BOA MEETING: ~~Oct 22 2019~~ CRA MEETING: **Oct 22 2019**
PLAT SHEET: **E-4** RELATED CASES: _____ DATE RECEIVED: **Aug 28 2019**
ZONING DISTRICT: **R-6** LAND USE DESIGNATION: **CRA** RECEIPT NUMBER: **243272**

REQUEST AND PROPERTY INFORMATION

REQUEST: **SIDE & REAR BUILDING SET BACK ENCROACHMENTS**
(5'-1" SIDE AND 7' REAR ENCROACHMENTS)

Side 20' to 10' Rear 20' to 13'1.3"

GENERAL LOCATION OF PROPERTY OR ADDRESS: **7771- 43 STREET N.**

PROPERTY SIZE (Acreage / Square Feet): **8,541 SQ. FT.**

CURRENT USE, NUMBER AND TYPE OF BUILDINGS: **ALF OR GROUP HOME, 1**
STORY CONCRETE BUILDING

PARCEL NUMBER(S): **27-30-16-85193-000-0020**

LEGAL DESCRIPTION: LOT **#2**, BLOCK _____, SUBDIVISION **STEFFI LOU SUB**
PLAT BOOK 91, PAGE 33, PUBLIC RECORDS OF PINELLAS
OR METES AND BOUNDS DESCRIPTION (attach if lengthy): **COUNTY**

OWNER/APPLICANT INFORMATION - PLEASE PRINT CLEARLY

cell-727-647-2209

PROPERTY OWNER: **RUDY BARTISTA** PHONE: **(727) 954-7085**

ADDRESS/CITY/ZIP: **9720-94 ST. N. SEMINOLE, FL 33777** ATTN: **RUDY**
(PLEASE PROVIDE CONTACT NAME)

AUTHORIZED AGENT:

N/A

PHONE: ()

ADDRESS/CITY/ZIP: **N/A**

OTHER REPRESENTATIVE:

PHONE: ()

ADDRESS/CITY/ZIP:

"THE APPLICANT BELIEVES THAT THE BOARD SHOULD GRANT THIS REQUEST BECAUSE: AS A LICENSED GROUP HOME" WITH 6 DISADVANTAGED CONSUMERS WE BADLY NEEDED THIS EXTENTION THAT WILL PROVIDE A TRUE HANDICAP BATHROOM + A ROOM FOR LIVE IN CAREGIVER.

VARIANCE: A variance from the terms of the Zoning Code shall not be granted until the applicant can justify the need for a variance by providing responses to the following criteria:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same Zoning District.

EXISTING BUILDING HAS 5 BRMS + 2 BATHROOMS.
ONE BATHROOM W TOO SMALL FOR WHEELCHAIR USE.
THE NEW HOOP R/R IN THIS REQUESTED EXTENSION
WILL SURELY SERVE OUR WHEELCHAIR RESIDENTS.

2. Why would the literal interpretation of the provisions of the Zoning Code deprive you of rights commonly enjoyed by other properties in the same Zoning District under terms of the Code?

WE ARE ONLY ASKING FOR 7' REAR AND 5'-1" SIDE
ENCROACHMENTS.

NOTE:

PROPERTY ACROSS THE STREET (7788-43 ST. N) REAR
SET BACK IS LESS THAN OUR EXISTING SET BACK.

3. Explain how the special conditions or circumstances of this case do not result from actions of the applicant.

APPLICANT JUST APPLYING FOR SMALL EXTENSION
TO PROPERLY SERVE OUR HACP. CONSUMERS.

4. Will granting the variance requested confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same Zoning District.

NO

5. Will this be the minimum variance that will make possible the reasonable use of the land, building or structure if granted?

YES

6. How will the granting of the variance be in harmony with the general purpose and intent of the Zoning Code, not be injurious to the neighborhood, or be detrimental to the public welfare?

- THIS PROPERTY HAVE WOOD PRIVACY FENCE ALL AROUND THE BUILDING. ONE OF THE BEST MAINTAINED + LANDSCAPED PROPERTY ON THIS STREET. OUR PROPERTY IS ALWAYS WELL KEPT.
- I'M POSITIVE THIS SMALL EXTENTION WILL BE A PLUS FOR THIS NEIGHBORHOOD.
- MAY number of consumers stay/remain
6. We need Handicap bathroom large enough for wheel chair use. Plus
live in caregiver.

AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAME OF ALL PROPERTY OWNERS, being first duly sworn, depose(s) and say(s):

RUDY BARTISTA

1. That (I am/we are) the owner(s) and record title holder(s) of the following described property, to wit:

ADDRESS OR GENERAL LOCATION:

7771-43 STREET N.
PINELLAS PARK, FL. 33781

LEGAL DESCRIPTION OF PROPERTY. Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach:

LOT 2, STEFFI LOU SUBDIVISION, ACCORDING TO THE MAP OR PLAT
THEREOF AS RECORDED IN PLAT BOOK 91, PAGE 33, PUBLIC RECORDS
OF PINELLAS COUNTY

2. That this property constitutes the property for which an application is being made to the City of Pinellas Park, Florida (NATURE OF REQUEST):

APPROVAL OF 2 BRN, 1 BATH EXTENTION (6" SIDE VARIANCE)

3. That the undersigned (has/have) appointed and (does/do) appoint DOES NOT as (his/their) agent(s) to execute any petitions or other documents necessary to affect such application.

4. That this affidavit has been executed to induce the City of Pinellas Park, Florida, to consider and act on the above described property; to include City representatives to enter upon property to make inspections as are necessary to visualize site conditions and/or determine compatibility.

Rudy Bartista
SIGNED (PROPERTY OWNER)

SIGNED (PROPERTY OWNER)

STATE OF FLORIDA
COUNTY OF Pinellas

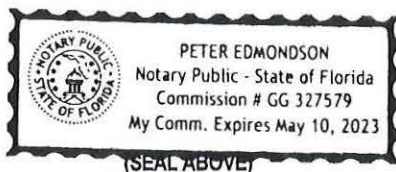
The foregoing instrument was acknowledged before me this 21st day of August, 2019
(Date)

By Rudy Bartista
(Name of person acknowledging and title of position)

who is personally known to me or who has produced FLDL
(Type of identification)

as identification and who did (did not) take an oath.

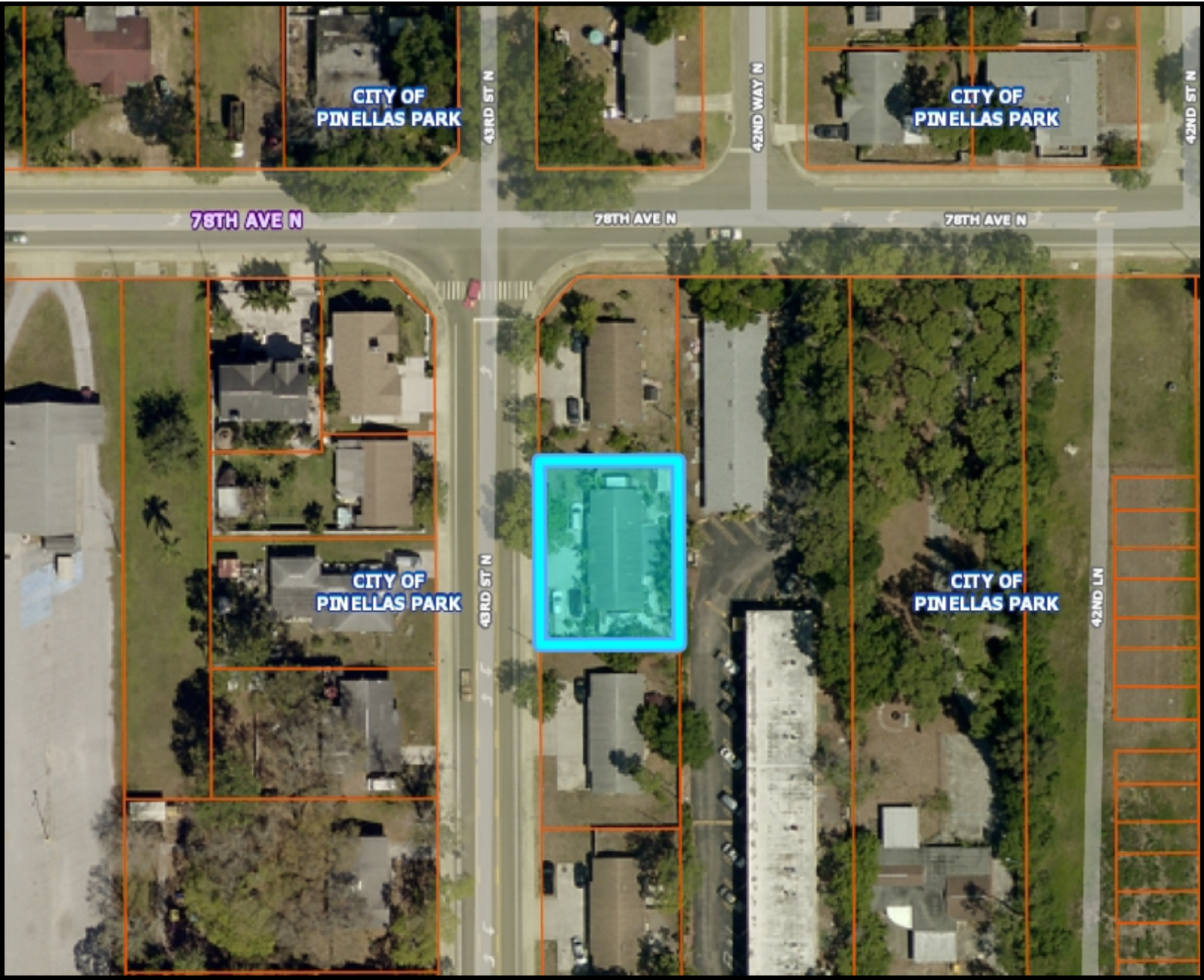
Notary Public, Commission No. GG327579



Pete Edmondson
Name of Notary typed, printed or stamped

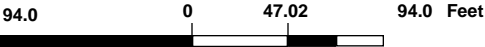
7771 43rd Street

Exhibit C :
Aerial Map



Legend

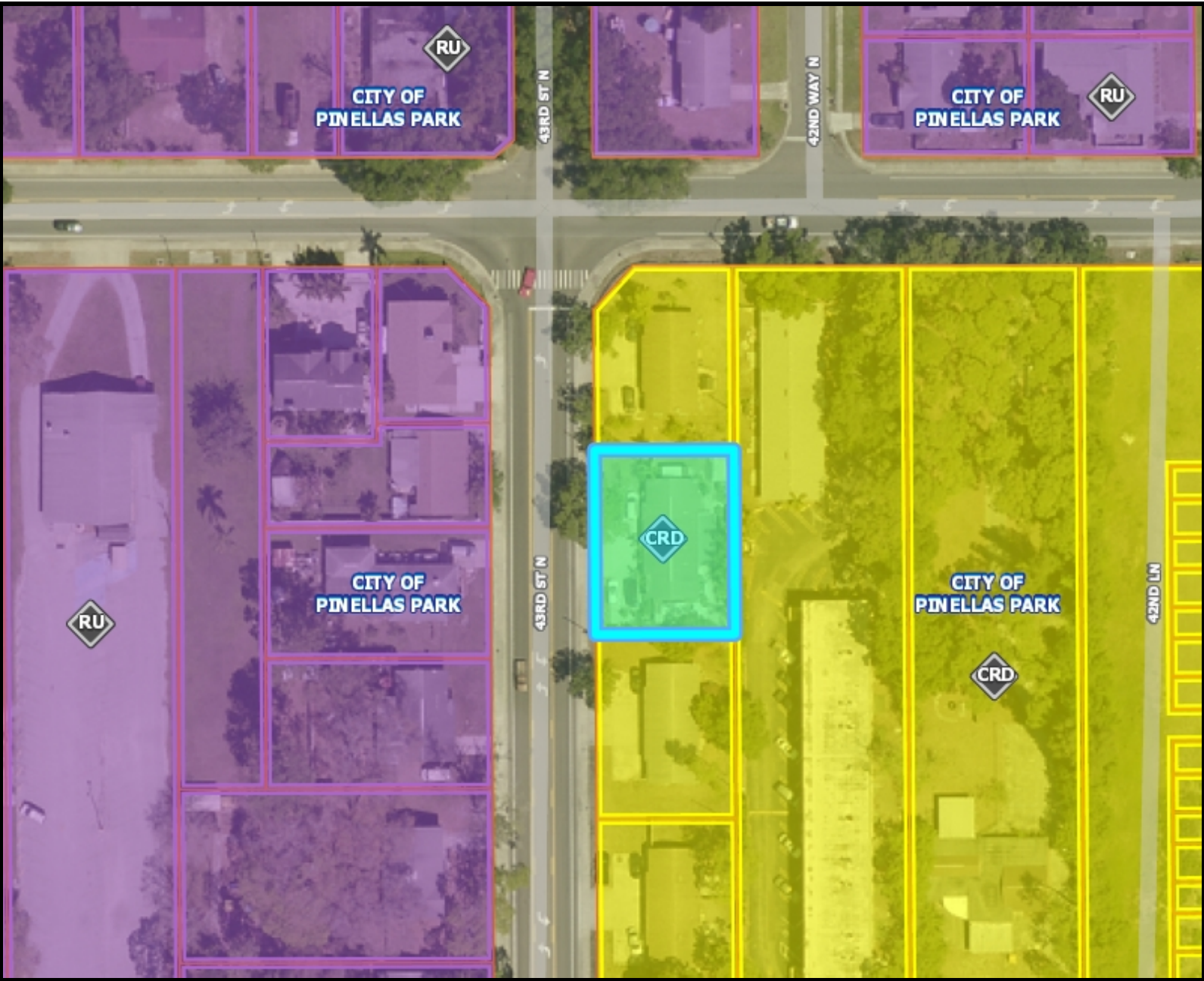
- CSX Railroad Lines
- Centerlines
- Private Roads
- Pinellas Park
- Rights of Way
- Recent Activity
- Neighboring Cities
 - Town of Kenneth City
 - City of Largo
 - City of Seminole
 - City of St. Petersburg
- Unincorporated
- Parcel Lines



1: 1,128

Notes:





94.0 0 47.02 94.0 Feet

1: 1,128

Notes:



Legend

- CSX Railroad Lines
- Centerlines
- Private Roads
- Pinellas Park
- Rights of Way
- Recent Activity
- Land Use Borders
 - Commercial General - CG
 - Commercial General (Residential Medium) -
 - Commercial Neighborhood - CN
 - Community Redevelopment District - CRD
 - Industrial General - IG
 - Industrial Limited - IL
 - Institutional - INS
 - Preservation - P
 - Residential/Office/Retail - R/O/R
 - Residential/Office General - R/OG
 - Residential/Open Space - R/OS
 - Residential Low - RL
 - Residential Low Medium - RLM
 - Residential Medium - RM
 - Residential Suburban - RS
 - Residential Urban - RU
 - Residential Urban (Commercial General) - F
 - Residential Urban (Residential Low) - RU(R)
 - Transportation/Utility - T/U
- Land Use Fill
 - Commercial General - CG
 - Commercial General (Residential Medium) -
 - Commercial Neighborhood - CN
 - Commercial Recreation - CR
 - Community Redevelopment District - CRD
 - Industrial General - IG
 - Industrial Limited - IL
 - Institutional - INS
 - Preservation - P
 - Residential/Office/Retail - R/O/R
 - Residential/Office General - R/OG
 - Recreation/Open Space - R/OS
 - Residential Facilities High - RFH



94.0 0 47.02 94.0 Feet

1: 1,128

Notes:



Legend

- CSX Railroad Lines
- Centerlines
- Private Roads
- Pinellas Park
- Rights of Way
- Recent Activity
- Zoning Borders
 - General Commercial - B-1
 - Heavy Commercial - CH
 - Commercial Neighborhood - CN
 - Commercial Planned Unit Development - C1
 - Farm - F
 - General Office - GO
 - Heavy Industrial - IH
 - Industrial Planned Unit Development - IPUD
 - Light Industrial - M-1
 - Residential / Office / Retail - ROR
 - Mixed Use Development - MXD
 - Mixed Unit Development - MXD-2
 - Open Space - O/S
 - Public - P
 - Preservation - PRES.
 - Single Family Residential - R-1
 - Single Family Residential - R-2
 - Single Family Residential - R-3
 - Duplex Residential - R-4
 - Multifamily Residential - R-5
 - Multifamily Residential/Commercial - R-6
 - Single Family Residential Estate - R-E
 - Residential Planned Unit Development - RP
 - Rural Residential - RR
 - Mobile Home Subdivision - T-1
 - Mobile Home Park - T-2
 - Town Center - TC
- Zoning Fill
 - General Commercial - B-1
 - Heavy Commercial - CH
 - Commercial Neighborhood - CN
 - Commercial Planned Unit Development - C1
 - Farm - F



- Legend
- Centerlines
 - Private Roads
 - Pinellas Park
 - Rights of Way
 - Letter of Map Amendment
 - Cross Sections
 - Hydraulic Structures
 - Bridge
 - Culvert
 - Weir
 - Wing Wall
 - Base Flood Elevation
 - Letter of Map Revision
 - FIRM Panels
 - Flood Hazard Lines
 - LIMIT LINES
 - SFHA / FLOOD ZONE BOUNDARY
 - Flood Hazard Areas
 - <all other values>
 - 1% Annual Chance Flood Hazard (A, AE, AI)
 - 0.2% Annual Chance Flood Hazard (X)
 - Area of Minimal Flood Hazard (X)
 - Floodway (AE)
 - Parcel Lines



WGS_1984_Web_Mercator_Auxiliary_Sphere

1:2,257



Notes:



7771 43rd Street

