



CITY OF PINELLAS PARK

Staff Report

Community Development Department Planning & Development Services Division

I. APPLICATION DATA

- A. **Case Number:** VAR-1121-00052
- B. **Location:**
 - 1. **Address(s):** 5050 97th Terrace
 - 2. **Parcel Number(s):** 21-30-16-82764-004-0190
- C. **Request:** A request for a variance to reduce the east side yard setback from 5 feet to 1 foot and the front yard setback from 5 feet to zero feet for a driveway extension in the "R-1" Single Family Residential Zoning District.
- D. **Applicant(s):** Carrie Stewart
- E. **Agent(s):** Carlos Pavers Inc.
- F. **Legal Ad Text:** A request for a variance to reduce the east side yard and front yard setbacks for a driveway extension for a property located at in the "R-1" Single Family Residential Zoning District.
- G. **Public Hearings:** Board of Adjustment, January 26, 2021

II. BACKGROUND INFORMATION

- A. **Site Area:** 0.13 Acres
- B. **Property History:**
 - 1. **Land Use Plan or Zoning Amendments:** The subject property was platted in 1958 as Skyview Terrace, as recorded in the Official Records of Pinellas County, Plat Book 47, Page 74. The site was developed with a 1,234 gross square foot home in 1958.
 - 2. **Previous Permits and Development:** There are several permits on file for this parcel.
 - 3. **Previous Variances and Waivers:** Not applicable
- C. **Existing Use:** Single Family Dwelling
- D. **Proposed Use:** Single Family Dwelling
- E. **Current Land Use:** Residential Urban
- F. **Proposed Land Use (Land Use Map Amendment applications only):** Not applicable
 - 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 developed, in an urban low density residential manner, and to

recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities and natural resource characteristics of such areas.

2. Key Standards:

Primary Uses- Residential

Secondary Uses- Residential Equivalent; Institutional; Transportation Utility; Public Educational Facility; Ancillary Non-Residential (off-street parking, drainage retention areas, and open space buffer areas for adjacent contiguous non-residential uses); Recreation/Open Space

3. Staff Analysis:

The primary use of the subject property is residential, which is consistent with the RU Land Use category.

G. Current Zoning District: "R-1" Single Family Residential

H. Proposed Zoning District (Rezoning applications only): Not applicable

1. Zoning District Purpose / Intent:

The "R-1" Single-family Residential District is established to identify and stabilize those geographic areas within the City of Pinellas Park that are presently platted or developed for urban low density and low medium density single-family residential use. This district is limited primarily to single-family detached dwellings, together with accessory uses and public facilities customary for such an environment, on an individual lot(s) typically platted for such use. This district is appropriate for areas designated on the Official Land Use Plan Map as Residential Urban (RU), Residential Low Medium (RLM) or Community Redevelopment District (CRD).

2. Staff Analysis:

A driveway in the front yard is typical of single family detached dwellings in the neighborhood and compatible with the R-1 Zoning District.

I. Flood Zone: The property is located in Flood Zone X, which is a low risk flood zone.

J. Evacuation Zone: The property is in Evacuation Zone C, which is the third level to evacuate in preparation for a storm. Zone C is evacuated when storm surge height is predicted to be up to 20 feet.

K. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	R-1	RU	Single Family Dwelling
South	R-1	RU	Single Family Dwelling
East	R-1	RU	Single Family Dwelling
West	R-1	RU	Single Family Dwelling

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. Relevant Policies:

POLICY LU.1.13.6

Encourage infill residential development that is consistent and compatible with surrounding land uses.

POLICY LU.1.3.1

The City of Pinellas Park will continue to promote redevelopment and urban infill development that is compatible with and supports the integrity and viability of existing residential neighborhoods.

POLICY LU.1.8.3

All new development shall meet or exceed the *Land Development Code* regulations of the City. The impact of such development on water quality and quantity, availability of land, water, natural resources, and the potential of flooding will each be considered during the development review process.

POLICY C.1.2.1

Continue to improve stormwater runoff quality by improving drainage control and treatment systems.

2. Staff Analysis:

The site is a non-conforming 58 foot by 95 foot interior lot (5,510 square feet). Minimum lot size is 6,000 square feet per Code. The property was developed with a 1,234 square foot single family home in 1958.

The applicant is requesting to extend their driveway in order to park a trailer that holds jet skis, which is currently parked on the grass, which supports the integrity and viability of the neighborhood. They have requested to reduce the east side yard setback from 5 feet to 1 foot and the front yard setback from 5 feet to zero feet.

A driveway in the front yard is typical of single family dwellings in the R-1 Zoning District. However, staff finds that extending the driveway and adding impervious cover on the property could cause issues with drainage and water runoff. Using pervious pavers for the driveway extension would allow for drainage and reduce runoff onto the neighboring property. (Note that drainage impacts will be evaluated during the permit review process.)

B. Land Development Code Standards:

1. Key Standards:

Article 5. Driveways

Sec. 18-503. - DESIGN STANDARDS FOR SINGLE-FAMILY DETACHED AND DUPLEX DWELLING PROPERTIES.

(D) MINIMUM DRIVEWAY SEPARATION AND SETBACK. Driveways, whether on the same or adjoining lot, shall be separated from other driveways and shall be set back from lot lines as provided below:

<i>Minimum Distance (feet)</i>	<i>From Lot Lines</i>	<i>Between Driveways</i>
<i>Local</i>	<i>5</i>	<i>10</i>

SECTION 18-1537.2 VARIANCES.

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:

A. 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

B. 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

C. That the special conditions and circumstances do not result from the actions of the applicant; and

D. 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

E. 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
F. 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:

The size of the site is considered a special condition. It is a non-conforming 58 foot by 95 foot lot (5,510 square feet). Minimum lot size is 6,000 square feet per Code. The request is the minimum variance that will make it possible for the applicant to park their jet ski trailer on a paved surface, rather than on the grass. Staff finds that the granting the variance may be injurious to the neighborhood and/or otherwise detrimental to the public welfare, as the additional impervious cover could cause issues with drainage and runoff.

C. Essential Services Issues:

The proposed request has been reviewed by all relevant departments/divisions. Staff mentioned concerns about water runoff onto the neighboring property.

IV. SUMMARY

A. Findings:

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

1. The request is the minimum variance that will make it possible for the applicant to park their jet ski trailer on a paved surface, rather than on the grass in the front yard, supporting the integrity and viability of the neighborhood.
2. Increasing impervious cover could cause water runoff onto the neighboring property.
3. Granting the variance may be injurious to the neighborhood and/or otherwise detrimental to the public welfare, as the additional impervious cover could cause issues with drainage and runoff.

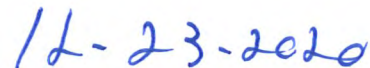
B. Staff Recommendation:

Consistent with the above identified findings, and subject to such additional findings of fact as are established at a public hearing, staff recommends **APPROVAL** of case number VAR-1121-00052 with the following condition:

- Pavers used for the driveway extension should be pervious to allow for drainage and reduce runoff onto the neighboring property.



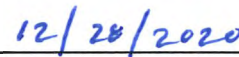
Nick Colonna, AICP
Planning & Development Services Director



Date



Benjamin Ziskal, AICP
Community Development Administrator



Date

V. ACTION

Board of Adjustment - MOVE TO:

1: APPROVE

2: APPROVE WITH THE FOLLOWING CONDITIONS:

- Pavers used for the driveway extension should be pervious to allow for drainage and prevent runoff onto the neighboring property.

3: DENY

....a request for a variance to reduce the east side yard setback from 5 feet to 1 foot and the front yard setback from 5 feet to zero feet for a driveway extension in the "R-1" Zoning District.

VI. ATTACHMENTS

Exhibit A: Application with Legal Description

Exhibit B: Plans

Exhibit C: Aerial Map

Exhibit D: Land Use Map

Exhibit E: Zoning Map

Exhibit F: FIRM Map

Exhibit G: Site Photographs

Request:

A request for a variance to reduce the east side yard setback from 5 feet to 1 foot and the front yard setback from 5 feet to zero feet for a driveway extension in the "R-1" Single Family Residential Zoning District. Address:

5050 97th Terrace, Pinellas Park FL 33782

The applicant believes the Board of Adjustment should approve the request because:

Because all of his neighbors were allowed to bring driveways over to property line and it will raise the value of the home.

SECTION 18-1537.2 VARIANCES

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:

Applicant's responses:

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.

Home owner has a 5ft easement on one side of home only and no underground utilities.

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?

Because he isn't able to use his property to the full extent.

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

It's an existing easement set by zoning.

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?

No

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?

Yes, because the homeowner wants to make enough room to park both cars in the driveway.

LEGAL DESCRIPTION

SKYVIEW TERRACE BLK 4, LOT 19

CITY OF PINELLAS PARK
AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS:

Carrie A. Stewart

being first duly sworn, depose(s) and say(s):

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

ADDRESS OR GENERAL LOCATION:

5050 97th Terr N P.P. FL 33782

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

Skyview Terrace BLK 4, Lot 19

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

to extend driveway

3. That the undersigned (has / have) appointed and (does / do) appoint _____ 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 entering upon the property to make inspections as are necessary to visualize site conditions and/or determine compatibility.

Carrie Stewart

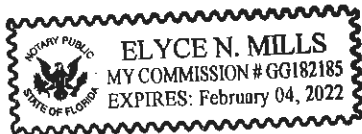
SIGNED (PROPERTY OWNER 1)

SIGNED (PROPERTY OWNER 2)

STATE OF FLORIDA

COUNTY OF

Pinellas



(SEAL ABOVE)

The foregoing instrument was acknowledged before me by means of

☒ physical presence or ☐ online notarization, this 5 day

of November, 2020.

By Carrie Stewart, who is
(Name of person acknowledging and title of position)

personally known to me or who has produced

FL Drivers License as identification and who DID / DID NOT
(Type of identification)

take an oath.

Notary Public, Commission No.

GG182185

Elyce Mills

(Name of Notary- typed, printed or stamped)

Original

48.0 1231.0

SKETCH OF BOUNDARY SURVEY CONSTRUCTION DESIGN FENCE CONSTRUCTION

61G17-6.0041
MARKS REQUIRED FOR CONSTRUCTION

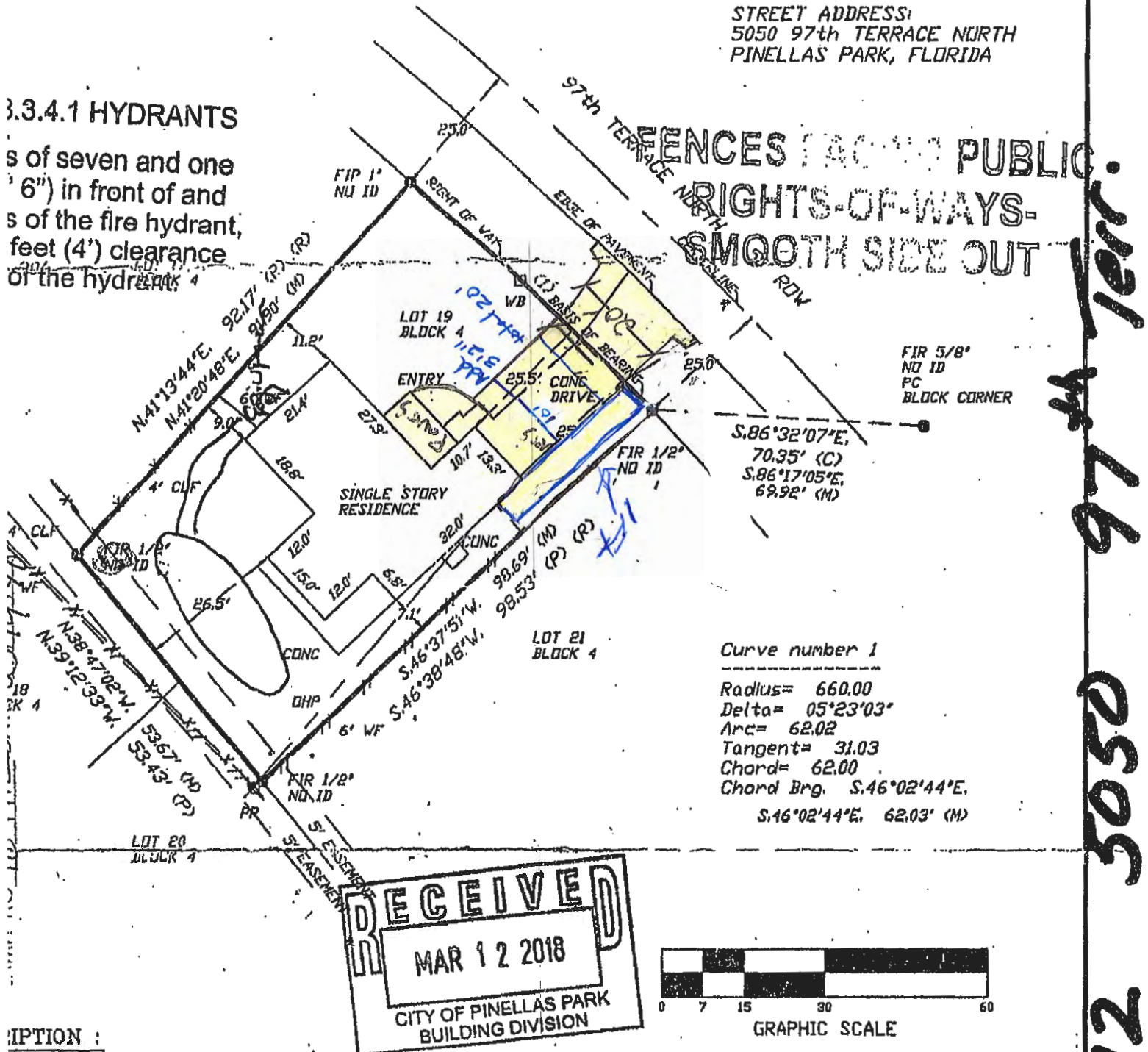
COPYRIGHT 2004 F.L.A. SURVEYS CORP.
NOTE: THE INTENT OF THIS SURVEY
IS FOR TITLE TRANSFER ONLY
THIS SURVEY DOES NOT REFLECT OR
DETERMINE OWNERSHIP.

STREET ADDRESS:
5050 97th TERRACE NORTH
PINELLAS PARK, FLORIDA

3.3.4.1 HYDRANTS

is of seven and one
'6") in front of and
s of the fire hydrant,
feet (4') clearance
of the hydrant.

FENCES FACING PUBLIC
RIGHTS-OF-WAYS-
SMOOTH SIDE OUT



OPTION :

4, SKYVIEW TERRACE, ACCORDING TO
LAT. THEREOF, AS RECORDED IN PLAT
ES 74 AND 75, OF THE PUBLIC RECORDS
COUNTY, FLORIDA

30-16-82764-004-0190

01

1912-3050-97th Terr

Terrace

Legend

Master Address Points

- Centerlines
- Private Roads
- Building Footprints
- Pinellas Park
- Medical District
- Community Redevelop
- Rights of Way
- Recent Activity
- Neighboring Cities
- Town of Kenneth City
- City of Largo
- City of Seminole
- City of St. Petersburg
- Unincorporated
- Parcel Lines



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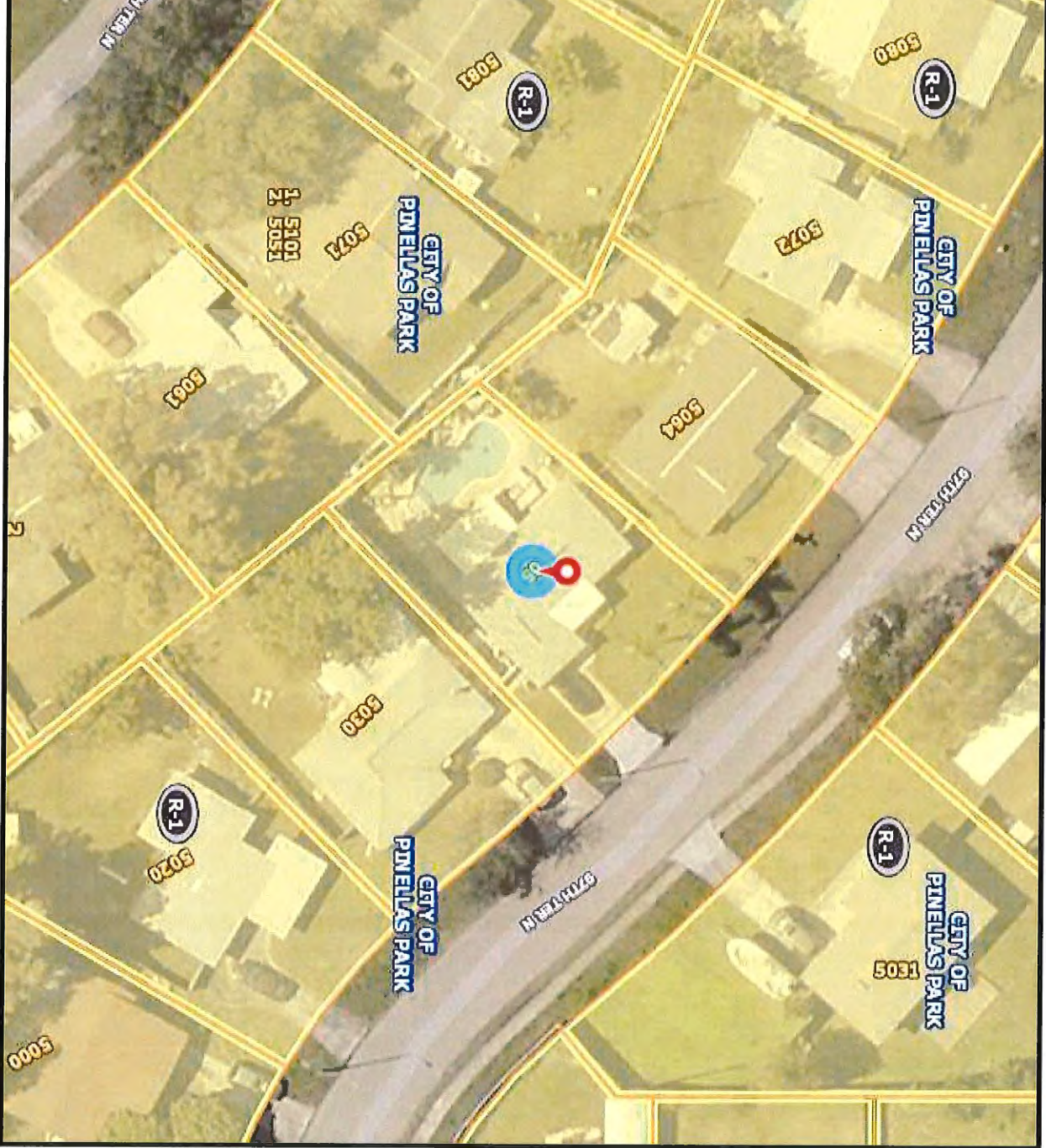


Notes:

Legend



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Notes:

Legend

- Master Address Point
- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Waterbodies
 - DRY
 - WET
- Pinellas Park
- Medical District
- Community Redevelopment
- Rights of Way
- Zoning Borders
 - General Commercial - I
 - Heavy Commercial - C
 - Commercial Neighborhood
 - Commercial Planned U
 - Farm - F
 - General Office - GO
 - Heavy Industrial - IH
 - Industrial Planned Unit
 - Light Industrial - M-1
 - Residential / Office / Re
 - Mixed Use Development
 - Mixed Unit Development
 - Open Space - OS
 - Public - P
 - Preservation - PRES
 - Single Family Residential
 - Single Family Residential
 - Single Family Residential
 - Duplex Residential - R
 - Multifamily Residential
 - Multifamily Residential
 - Single Family Residential
 - Residential Planned Un
 - Rural Residential - RR
 - Mobile Home Subdivisi
 - Mobile Home Park - T-2

n Terrace



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Notes:

Legend

- Master Address Points
- Centerlines
- Private Roads
- Channels
- Channel
- Ditch
- Topographic Information
- Building Footprints
- Waterbodies
- DRY
- WET
- 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
- Flood Hazard Areas
- <all other values>
- 1% Annual Chance Flood
- 0.2% Annual Chance Flood
- Area of Minimal Flood Hazard
- Floodway (AE)
- Coastal High Hazard Area
- Parcel Lines



