City of Tarpon Springs, Florida

PLANNING AND ZONING DEPARTMENT
324 E. PINE STREET
P.O. BOX 5004
TARPON SPRINGS, FL 34688-5004
(727) 942-5611
Fax (727) 943-4651
www.ctsfl.us

BOARD OF ADJUSTMENT AGENDA
JANUARY 25, 2023 REGULAR MEETING
CITY HALL AUDITORIUM
324 PINE STREET
6:30 P.M.

1. **CALL TO ORDER/ROLL CALL**
2. **ORGANIZATIONAL MEETING –** Election of Chair and Vice-Chairperson
3. **QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS**
4. **APPLICATION #22-127 – VARIANCE TO ALLOW A NEW DRIVEWAY ACCESSING THE STREET.**
   LOCATION: 439 E. LEMON STREET
5. **APPROVAL OF MINUTES**
   A. August 24, 2022
6. **STAFF COMMENTS**
7. **BOARD COMMENTS**
8. **ADJOURNMENT**

If a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. You are invited to attend the meeting to express your views or to present facts in regard to the case. Written comments may be addressed to the Planning & Zoning Department, P.O. Box 5004, Tarpon Springs, Florida, 34688-5004, and will become part of the records. All documents submitted with the applications are on file and available for inspection in the Planning & Zoning Department, City Hall. Further information may be obtained from the Planning & Zoning Department, (727) 942-5611 or by email to pmcneese@ctsfl.us. Said hearing may be continued from time-to-time pending adjournment. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 942-5611 or email a written request to akeen@ctsfl.us.

CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[DECEMBER 14, 2022] – DEFERRED TO JANUARY 25, 2023 MEETING

STAFF REPORT

Application No. / Project Title:	#22-127 (Price)
Staff:	Allie Keen, AICP, Senior Planner
Applicant / Owner:	Anthony C. Price
Property Size:	+/- 9,017 square feet
Current Zoning:	T4b (Residential + Industrial/Office) Transect Zone
Current Land Use:	CRD (Community Redevelopment District) / Downtown Gateway Character District
Location / Parcel ID:	439 E. Lemon Street / 12-27-15-27756-002-0060

BACKGROUND SUMMARY:
The applicant is requesting variance approval to allow a new driveway access to Lemon Street when access can be provided from the existing rear alleyway.

PRELIMINARY STAFF RECOMMENDATION:
Based on the evidence available at the time this report was prepared, staff would recommend ***denial*** of the request.

LAND DEVELOPMENT CODE CONSIDERATIONS:
Character District Intent: The Downtown Gateway character district is focused on Tarpon Avenue which is the main street for the Community Redevelopment Area. The suggested uses for this district are intended to promote mixed use residential development to support the retail along Tarpon Avenue.

Development Standards: SmartCode Section 4.7.1(a), parking shall be accessed by rear alleys or rear lanes, when such are available.

CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant (Currently under renovation)
Site Features:	Single-Family Home
Vehicle Access:	This property current gains vehicular access from a 17-foot-wide alley along the northside of the property.

SURROUNDING ZONING & LAND USE:

	Zoning:	**Land Use:**
North:	T4a (Residential + Retail/Office)	CRD (Commercial Redevelopment District)

South:	T4b (Residential + Industrial/Office)	CRD (Commercial Redevelopment District)
East:	T4b (Residential + Industrial/Office)	CRD (Commercial Redevelopment District)
West:	T4b (Residential + Industrial/Office)	CRD (Commercial Redevelopment District)

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The applicant is currently in the process of renovating the existing historic structure on the subject property and is requesting variance approval to construct a new driveway accessing Lemon Street on the subject property.
2. SmartCode Section 4.7.1(A) states that all parking shall be accessed by rear alleys or rear lanes when such are available. This provision is intended to create a more pedestrian-friendly environment by reducing potential traffic conflicts with pedestrians. Further, limiting the number of driveways and parking in front of structures helps to maintain a walkable environment, as well as, the spatial and contextual integrity of a neighborhood. There is an existing 17-foot-wide alleyway that runs along the north property line. Currently, the vehicular access to the property is gained from the alley. The alley is constructed of gravel/shell. The alley is utilized by other residential, industrial, and commercial businesses. The alleyway is accessible, however, there are some dips and potholes that could be filled to improve the condition.
3. When Lemon Street was improved, existing driveways for properties along Lemon Street were retained. Any property that did not have a pre-existing curb cut was intended to gain access via the alleyways. The subject property did not have a curb cut onto Lemon Street at the time of the improvements. As a part of the street improvements, on-street parking was added. If the variance request is approved, it would result in the loss of 1-2 on-street parking spaces in front of the subject property.
4. The subject property is located within the City's historic district and is classified as a 'Contributing Altered' structure. On June 6, 2022, the applicant received a Certificate of Approval from the Heritage Preservation Board (HPB) for exterior modifications of the existing structure as well as the addition of the new driveway accessing Lemon Street. The HPB approved the requests with the understanding a variance would be required to add the proposed driveway.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 215.02(B) of the Land Development Code provides that the Board of Adjustment shall grant no variance unless certain standards are met and proven by competent substantial evidence. These standards, along with planning staff's provisional findings of fact are provided below:

1. The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.

Provisional Findings: The property currently gains vehicular access from the rear alleyway. Based on historic aerial photography, this property has not had a driveway accessing Lemon Street as far back as 1980. There is nothing peculiar about this property that warrants the need for a driveway to Lemon Street that would not generally apply elsewhere in the district. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

2. The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.

Provisional Findings: The need for the variance is self-created due to the applicant's desire to have direct access to Lemon Street. Adequate vehicular access has historically been provided by the alleyway and there is existing on-street parking directly in front of the property that could be utilized by the applicant. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

3. **Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant of reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.**

   Provisional Findings: The property is currently accessed from the alleyway and additional parking can be accommodated in front of the property on Lemon Street with the on-street parking, therefore literal enforcement of this requirement would not deny the applicant reasonable use of the property. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

4. **Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances.**

   Provisional Findings: When Lemon Street was improved, properties that did not have a pre-existing curb cut were intentionally not given one to create a more walkable, urban environment, which supports the overall intent of the Special Area Plan and SmartCode. However, several properties in the immediate area do have direct access to the street, therefore granting of this variance would not confer any special privilege for properties in similar situations as the subject site. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

5. **Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.**

   Provisional Findings: There are other driveways and curb cuts along Lemon Street, therefore an additional driveway would not substantially diminish property values in the surrounding area. However, limiting the number of driveways and parking in front of structures maintains the walkable environment, as well as, the spatial and contextual integrity of the neighborhood, which ultimately could alter the essential character of the area. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

PUBLIC CORRESPONDENCE:

Notices were sent to property owners within 500 feet of the subject property; a legal notice was published in the Tampa Bay Times; and the property was posted. *Staff has not received any responses to these notices.*

ATTACHMENTS:

1. Staff Presentation
2. Application Materials
3. Site Plan
4. Survey
5. Certificate of Approval Letter - Application #22-23

PRICE
#22-127

Board of Adjustments – December 14, 2022 – Deferred to January 25, 2023

LOCATION & CONTEXT

REQUEST

- **#22-127 – New Driveway**
  - *Proposed:* Driveway access to Lemon Street
  - *Required:* Access from existing alleyway to the north
- **HPB Approved COA – June 6, 2022**
  - Approved with the understanding a variance would be required for the new driveway
- **Applicant/Owner:** Anthony Price.
- *Proposing to construct a new driveway to access Lemon Street when there is existing rear-alley access to the north.*

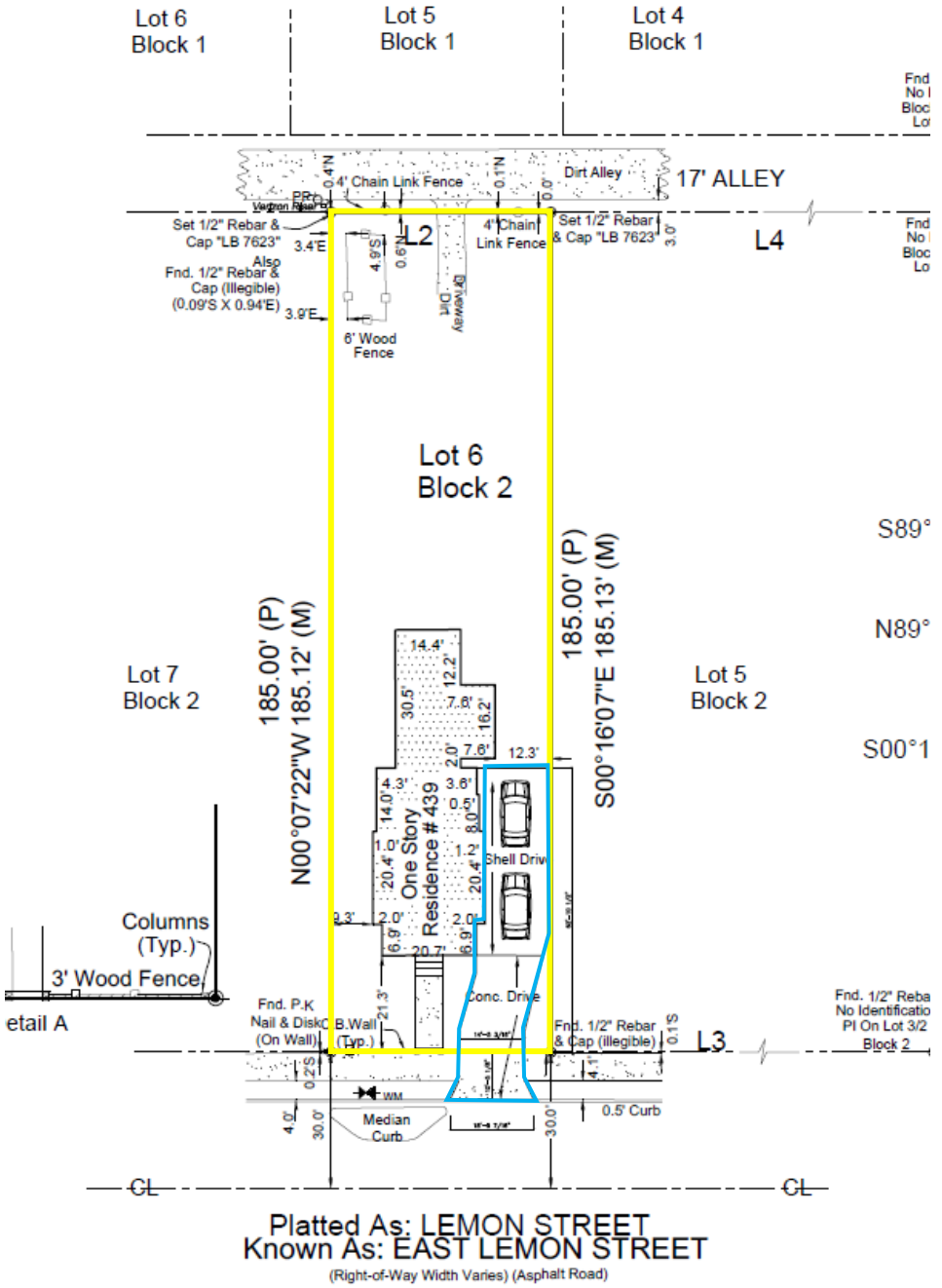
REQUEST

SmartCode Section 4.7.1(a):

- Parking shall be accessed by rear alleys or rear lanes when such are available.
- Intended to promote walkable environments, while maintaining spatial and contextual integrity of the neighborhood.

Existing Alley

- 17’ Wide
- Constructed of gravel/shell
- Accessible, however, there are some potholes and dips that could be filled to improve condition.
- Currently utilized by other residential, industrial, and commercial properties



CONTEXT

Lemon Street Improvements (2009-2010)

- Existing Curb Cuts retained
- No New Curb Cuts
- Addition of On-Street Parking & Landscaping
- Approval of a new driveway would eliminate 1-2 on-street spaces in front of subject site.

CONTEXT

CITY OF TARPON SPRINGS
PLANNING & ZONING DEPARTMENT

CONTEXT

CONTEXT

REVIEW STANDARDS - VARIANCE

1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.

2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.

3) Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant or reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.

4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of a property that is not commonly enjoyed by other persons in similar circumstances.

5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.

Planning and Zoning Department
324 Pine Street
Tarpon Springs, Florida 34689

BOARD OF ADJUSTMENT APPLICATION

CITY OF
TARPON SPRINGS
FLORIDA

TEL: (727) 942-5611
EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

- ☐ **Completed** original application form *and* digital copy
- ☐ Application fee:
  - ☐ Variance Request - $250.00 each, or
  - ☐ Appeal of Administrative Decision - $250.00 each, and
  - ☐ Newspaper Ad - $150.00 each
  - ☐ Postcards (500 foot radius) - $0.77 each, and
  - ☐ Placard - $ 16.00

(Call for fee calculation assistance if needed)

- ☐ Property survey, signed and sealed by a professional land surveyor
- ☐ Site Plan with documentation of variance request (to scale with measurements called out)
- ☐ Photographs of site if relevant to request
- ☐ Digital copies of all application materials (including completed application and plans)
- ☐ Proof of ownership (a copy of the deed which conveyed title to the present owner of the property
- ☐ Other supporting information, as necessary

1. Property Owner(s)

Name	Email
Anthony C. Price	aprice489@gmail.com

Address		
3051 Autumn Drive		
City	State	Zip
Palm Harbor	FL	34683
Phone	Fax	Cell
727-509-1224		

2. Applicant (if different than owner)

Name	Email

Address		
City	State	Zip
Phone	Fax	Cell

3. Agent (if applicable)

Name	Email

Address		
City	State	Zip
Phone	Fax	Cell

4. General Information

Property Location or Address		
439 East Lemon Street		
Legal Description (attach additional sheets as necessary)		
FERNALD'S, L.S. BLK 2, LOT 6		
Tax Parcel Number(s)	Land Use Category	Zoning District
12-27-15-27756-002-0060		

Planning and Zoning Department
324 Pine Street
Tarpon Springs, Florida 34689

BOARD OF ADJUSTMENT APPLICATION

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 4.7.1.a

Please describe the project and how it varies from the Code (attach additional sheets as necessary). *(e.g., A side setback variance reduction from the required 10 feet to 7 feet for the purpose of constructing a building addition)*

Installation of front/side driveway to extend from street down the side of the house per plan.

To view the LDC standards and section references, follow the link below:
https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO

Board of Adjustment Review Standards:

Per LDC Section 215.02(B) (link provided below), the Board of Adjustment may only grant a variance when the following standards are determined to be met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attach additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ARTXIIADEN_S215.02VA

(1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district. *(Do you have a physical hardship that prevents you from meeting the requirements of the code?) (Provide photographs if possible)*

(a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental condition. *(If there are protected or native trees on your property, they could be considered a physical hardship if their preservation results in the need for the variance.)*

(b) Location of the property in the Historic District may be considered as a unique physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within that District before any variance may be granted. *(If the need for the variance is in response to the property being located in the Historic District, it could be considered a physical hardship.)*

The Historic Board have granted permision for the drive, therefore creates no hardship.

(2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *(Did you create the situation that requires a variance (e.g. you put in a pool at the minimum setback, but now want a pool screen enclosure that is too close to the property line as a result of the chosen pool location)?)*

No

(3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property. *(Would the approval of the variance allow for the reasonable use of the property and its structures? If the variance is denied, would you still have reasonable use of the property?)*

The variance would allow safe entrance to the property in Leu of dark Alleyway

We would still have reasonable use of the property, but not practical.

(4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances. *(Would approval of the variance result in a special privilege that other properties within the same zoning district do not have (e.g. allowing a building to exceed the maximum height just to add another story to the building)?)*

The variance would not give special privilege, all homes/commercial properties surrounding the home all have drives.

(5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance. *(Would approval of this request have an adverse effect on surrounding properties?)*

No

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

- Tarpon Springs Zoning Application - https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – http://www.pcpao.org/
- Pinellas County Clerk, Official Records – https://ccmspa.pinellascounty.org/PublicAccess/default.aspx

Planning and Zoning Department
324 Pine Street
Tarpon Springs, Florida 34689

BOARD OF ADJUSTMENT APPLICATION

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

OWNER IS APPLICANT

Applicant's Signature Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Agent's Signature Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.

9-13-22

Owner's Signature Date

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 13 day of September, A.D., 20 22

by Anthony C Price, who is personally known to me or who has produced
PROPERTY OWNER NAME PRINTED

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

NOTARY PUBLIC

Name: Timothy Pridgeon

Signature:

Stamp:

Notary Public State of Florida
Timothy Pridgeon
My Commission GG 260379
Expires 09/19/2022

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 6, BLOCK 2, L. S. FERNALD'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H4, PAGE 100, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

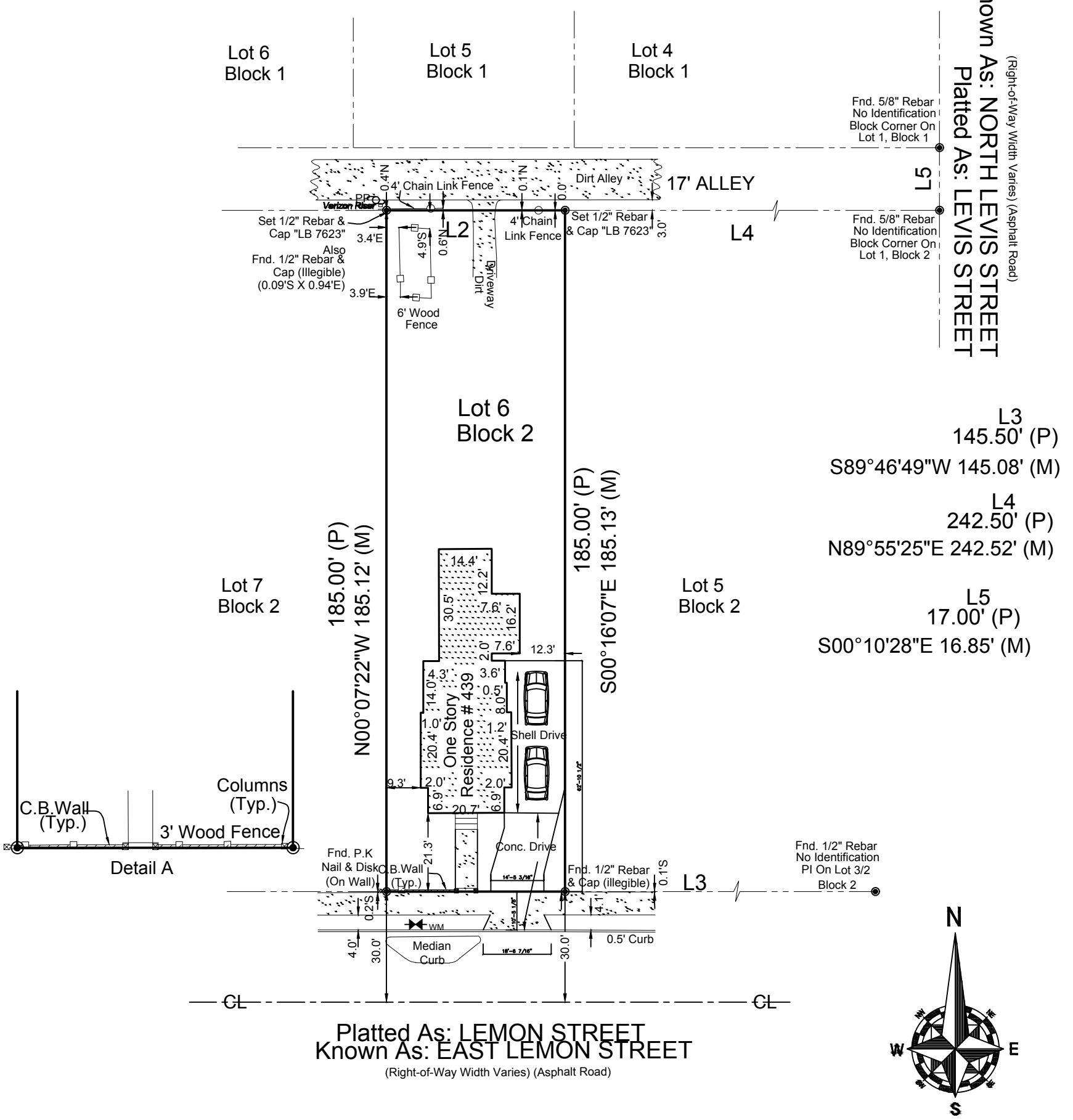
FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF TARPON SPRINGS, COMMUNITY NUMBER 120259, DATED 9/3/2003.

CERTIFIED TO:

ALEXA PRICE AND ANTHONY PRICE; ANCLOTE TITLE SERVICES, INC; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

439 EAST LEMON STREET, TARPON SPRINGS, FLORIDA 34689



Field Date: 1/11/2021 **Date Completed:** 01/12/21

Drawn By: V.T. **File Number:** IS-83236

-Legend-

C	- Calculated	PC	- Point of Curvature
℄	- Centerline	Pg.	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set Rebar	- Set ½" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	-x-	- Chain Link Fence
-||-	- Wood Fence		

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB"
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

PATRICK IRELAND CERTIFICATE NO. 6637 STATE OF FLORIDA

Patrick K. Ireland PSM 6637 FOR THE FIRM LB 7623

This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 6, BLOCK 2, L. S. FERNALD'S, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H4, PAGE 100, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

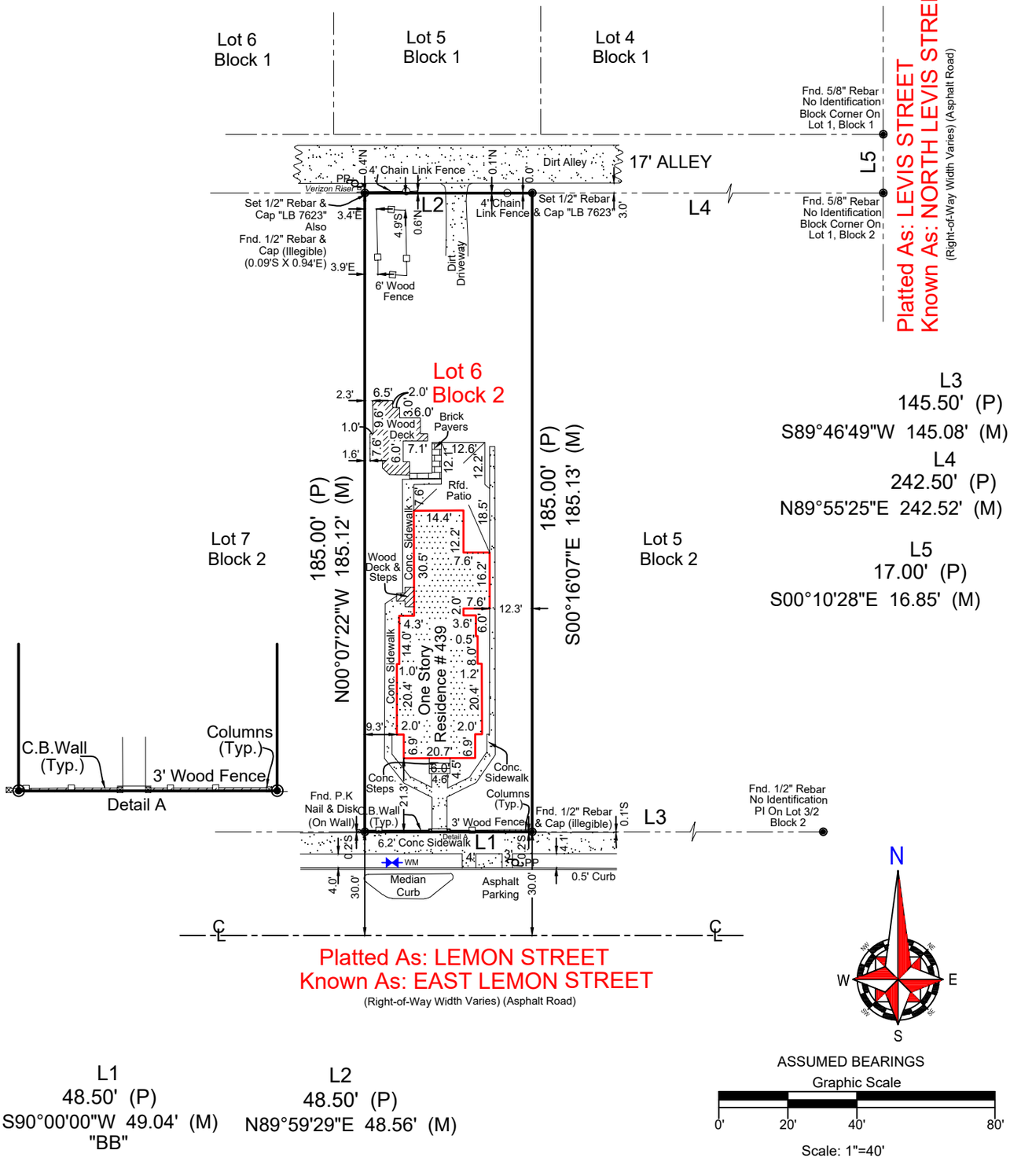
FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF TARPON SPRINGS, COMMUNITY NUMBER 120259, DATED 9/3/2003.

CERTIFIED TO:

ALEXA PRICE AND ANTHONY PRICE; ANCLOTE TITLE SERVICES, INC; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

439 EAST LEMON STREET, TARPON SPRINGS, FLORIDA 34689



Field Date: 1/11/2021	Date Completed: 01/12/21
Drawn By: V.T.	File Number: IS-83236

-Legend-

C	- Calculated	PC	- Point of Curvature
℄	- Centerline	Pg.	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set Rebar	- Set ½" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	—□—	- Wood Fence
—□—	- Wood Fence	—○—	- Chain Link Fence

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

PATRICK K. IRELAND CERTIFICATE NO. 6637 STATE OF FLORIDA

FOR THE FIRM

Patrick K. Ireland PSM 6637 LB 7623

This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

City of Tarpon Springs, Florida
Planning and Zoning Department
324 E Pine Street
Tarpon Springs FL 34689
(727) 942-5611

Renea Vincent, AICP, CPM
Director

June 7, 2022

Anthony Price
439 E Lemon Street
Tarpon Springs, FL 34689
(c/o aprice489@gmail.com)

RE: **Certificate of Approval – 439 E Lemon St**
Application #22-23

Dear Mr. Price:

This letter serves to inform you that the City of Tarpon Springs Heritage Preservation Board, at their regular meeting of June 6, 2022, approved your request as presented for a Certificate of Approval for the replacement of five windows, construction of a perimeter fence, roof replacement, and construction of a new driveway at the subject contributing-altered structure. The following conditions of approval were specified:

1. Construction of the proposed driveway from E. Lemon Street will require a variance from the City of Tarpon Springs Comprehensive Zoning and Land Development Code Appendix B: Smart Code, Section 4.1.7.a.
2. The Certificate of Approval will expire in three (3) years if a building permit has not been issued for the project.

Please note that it is your responsibility to supply a copy of this letter with the application for a building permit when it is submitted. You can find the application for the proposed variance at: https://www.ctsfl.us/document-library/ and the above referenced section of the Code at https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=SmartCode If you have any questions, please do not hesitate to contact me at 727-938-3711, ext. 2379.

Sincerely,

Caroline Lanford, AICP CTP
Principal Planner

cc: File #22-54

MINUTES*
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
REGULAR SESSION – AUGUST 24, 2022

THE BOARD OF ADJUSTMENT OF THE CITY OF TARPON SPRINGS, FLORIDA MET IN A REGULAR SESSION IN THE CITY HALL AUDITORIUM AT 324 PINE STREET ON WEDNESDAY, AUGUST 24, 2022, AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

	Jacqui Turner	Chairperson
	George Bouris	Vice-Chairperson
	Chris Hrabovsky	Member
ABSENT/EXCUSED	Joanne Reich	Member
	Joanne Simon	2nd Alternate
ALSO PRESENT:	Allie Keen	Senior Planner
	Jeremy Simon	Board Attorney
	Kimberly Yothers	Secretary to the Board

1. **CALL TO ORDER/ROLL CALL**

Chairperson, Turner called the meeting to order at 6:30 P.M.

Secretary to the Board Yothers called the roll.

2. **QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING OF SPEAKERS**

Mr. Simon read the Quasi-Judicial Announcement, swore in all who wished to testify and asked the Board if there was any ex-parte communication, there was none.

3. **APPLICATION #22-72 – VARIANCE TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS AND TO ALLOW NONCONFORMING LOTS OF RECORD TO BE BUILT UPON, FOR THE PURPOSE OF CONSTRUCTING TWO SINGLE FAMILY HOMES.**
LOCATION: SOUTHSIDE OF DIVISION STREET, APPROXIMATELY 176 FEET WEST OF THE ATHENS STREET INTERSECTION (LOTS 9 & 10)

Staff:
Mrs. Keen gave background information, explained the Findings of Fact listed below and indicated that based on the evidence available at the time this report was prepared, staff recommended the following:

1. Approval of the nonconforming lot of record variance request.
2. Approval of the reduced (10 foot) rear yard setback variance.
3. Denial of the reduced (10 foot) front yard setback variance. Staff would support a reduced front yard setback of at least 16 feet, which is consistent with the average front setback along Division Street. It is staff's opinion that the home layouts could be revised to observe a larger front setback that is more complimentary to the historic development pattern of the neighborhood.

(Continued)

If the Board were to approve the **front yard setback** variance, staff recommended the following condition: The reduced front yard setback shall not apply to a front-loaded garage. A front-loaded garage shall meet the minimum 25-foot front setback typically required for the R-60 zoning district.

Findings of Fact:

Nonconforming Lot of Record Variance

1. The subject property was originally platted in 1914 as two separate lots of record prior to the effective date of the Land Development Code.
2. The lots were in existence prior to the City's first zoning ordinance that went into effect in 1944, therefore the properties were not created in violation of a previous ordinance.
3. According to deed records it appeared these two lots were under common ownership prior to the City's first land development code and this provision being in effect and the property was currently undeveloped.

Setback Variance

1. The need for the variance was due to the lots, which pre-dated the City's zoning regulations, being smaller in lot area than what was currently required under the current zoning requirement.
2. The lots were originally platted in 1914, prior to the current zoning regulations being in place.
3. Literal enforcement of the minimum setback requirements resulted in homes that could only be approximately 45 feet deep, less than the average home depth for other property along Division Street. The reduced rear yard setback was consistent with other developed properties in the neighborhood and allowed for a home to be constructed that was comparable in size to existing homes in the area and was the minimum variance necessary to make reasonable use of the property. However, based on the historic development pattern of the neighborhood and yard encroachment allowances of the Land Development Code, staff was of the opinion the home layouts could be redesigned to have a larger front setback that was more compatible with the surrounding area.
4. Although the historic lots were smaller than typically required, they are comparable in size and configuration with other lots in the immediate neighborhood and have been built with larger front setbacks. Granting of the front setback variance could provide special privilege by allowing a reduced front yard smaller than all properties along the same street that were generally built pre-1930 and the adoption of zoning requirements. The requested reduced rear yard setback was consistent with other properties within the district with similar circumstances as the subject site.

(Continued)

DRAFT

5. The subject property was located within an older section of Tarpon Springs. Many of the homes along Division Street were constructed in the 1910s and 1920s. These homes were built on lots comparable in size and configuration to the subject site, however, the average front setback is 16 feet with smaller rear yards. Granting of the variance to allow for the reduced front setback to be 10 feet could alter the essential character of the immediate neighborhood. However, the requested reduced rear yard setback would be comparable to surrounding properties and would likely not adversely affect the surrounding area

Applicant:
Nick Mavromatis noted that Staff explained everything very well and he had no additional comments.

Public:
Decon Schmidt, 542 Division Street, noted that the proposed homes were going to cover a dramatically larger portion of the lots than the rest of the neighborhood. He further indicated that there were some very large trees that he thought should not be removed.

Artemis Kousathanas, 541 Division Street, indicated that there were issues on Division Street with parking and did not think two more homes should be built on the street.

Demetrius Moustopoulis, 216 High Street, noted that he was not opposed to the lot split with two homes, but he thought the setbacks should allow for parking in the front so there would not be any more cars parked on the street. He further noted that if there was a garage in the rear, he would be a proponent of the application.

Esther Herzog, 8208 Mandalay Road, Spring Hill, indicated that a lot of the trees were not in the yard. She further noted that she used to live on the property and indicated that the variance was not anything out of the ordinary. She was a proponent of the application.

(Continued)

Thomas Galdo, 7016 N Disston Ave, Tarpon Springs, noted that he was interested in purchasing the property, but the price was too high. He further indicated that parking was an issue with the street.

Ms. Turner read a letter from Lois Barth that was part of the record.

Alex Boeckle, 5716 Salt Springs Rd, Port Richey, indicated that he grew up in Tarpon Springs. He further noted that the house that was on the property was set very far back on the property.

DRAFT

Motion: Mr. Hrabovsky
Second: Mr. Bouris

To approve Application 22-55 for Non-Conforming Lot of Record as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

Motion: Mr. Hrabovsky
Second: Mr. Bouris

To deny front setback request as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

Motion: Mr. Bouris
Second: Mr. Hrabovsky

To deny the rear setback request as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

DRAFT

4. APPLICATION #22-73 – VARIANCE TO REDUCE THE REQUIRED REAR YARD SETBACK FOR THE PURPOSE OF CONSTRUCTING A SCREENED IN PORCH. LOCATION: 1615 STONEHAVEN WAY

Staff:

Mrs. Keen gave background information, explained the Findings of Fact listed below and noted that based on the evidence available at the time this report was prepared, staff recommended approval of this request.

Findings of Fact:

1. Although the property conformed with the minimum lot dimensions of the R-60 zoning district, the layout of the home, which was constructed in 1974 and comparable in size and shape to others in the neighborhood, prevented a practical covered porch from being constructed on the property in conformance with the Land Development Code.
2. The home was constructed in 1974, predating the current zoning regulations and the applicant owning the property, therefore, the special circumstances were not self-created.
3. Literal enforcement of the minimum setback requirements could have the effect of denying reasonable use by preventing the construction of covered outdoor space, a use commonly enjoyed by residential properties within the immediate neighborhood and elsewhere in the City.
4. Approval of this request did not confer any special uses or privileges to the applicant that were not commonly enjoyed by other property owners in this area. Covered, screened in porches were common features for single family properties within the immediate neighborhood and elsewhere in the City.
5. Covered, screened-in porches were common features of single-family residences in the R-60 zoning district. The reduced setback for the proposed porch did not substantially diminish property values or alter the character of the neighborhood.

Applicant:

Christine Gasco noted that her and her husband wanted a covered porch that they were able to use.

Public:

There were no members of the public present for this application.

Motion: Mr. Hrabovsky
Second: Mr. Bouris

To approve application 22-73 as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

DRAFT

5. APPLICATION #22-78 – VARIANCE TO ALLOW A FENCE TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT.
LOCATION: 1611 COPPERTREE DRIVE

Staff:

Mrs. Keen gave background information, explained the Findings of Fact listed below and noted that Based on the information available at the time this report was prepared, staff recommends approval of this request.

Findings of Fact:

1. The need for the variance for an increased fence height arises from the higher elevation of the adjacent property. The installation of an 8-foot-tall fence along the northern property line would result in a visual height of approximately 6 feet from the neighbor's property, which would be comparable to the allowances of the Land Development Code.
2. The special circumstances of the property have not been self-created no resulted from any action by the applicant. The property was developed in 1973, prior to the applicant owning the property.
3. The height of the fence is measured from the adjacent grade. Due to the subject property being approximately 2 feet lower than the adjacent property to the north, it would result in a 6-foot fence only being approximately 4 feet for the neighboring property. The proposed additional 2 feet will only increase the visual height from the adjacent property to approximately 6 feet, which is consistent with other fences allowed and constructed in residential zones.
4. Fences are limited to 6 feet in height for all residential districts. Due to the elevation change between the subject property and the property to the north, the taller fence will provide the same level of privacy as other fences permitted in residential districts. The increased height will also provide additional privacy and screening for the adjacent property to the north due to the elevation change.
5. Approval of this request will not substantially diminish property values or alter the character of the neighborhood. Due to the elevation of these two properties, it created a unique situation where a taller fence will provide similar screening as a permitted 6-foot fence for both the subject site and the adjacent property to the north.

Applicant:

Louis J. Koos, Jr noted that Mrs. Keen presented the facts of the case well.

Motion: Mr. Hrabovsky
Second: Mr. Bouris

To approve application 22-64 as presented.

Mr. Hrabovsky went through the findings of fact and noted that all of them were met.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

6. APPROVAL OF MINUTES

a. June 29, 2022

Motion: Mr. Bouris
Second: Mr. Hrabovsky

To approve minutes from June 29, as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Hrabovsky	Yes
Mr. Bouris	Yes
Ms. Turner	Yes

7. STAFF COMMENTS

Mrs. Keen thanked the Board for their input on the Comprehensive Plan and noted that she was still accepting comments in case anyone wanted to turn in their contribution. She further mentioned the Board vacancies and asked the Board if they knew anyone who might be interested in volunteering.

8. BOARD COMMENTS

There were no Board Comments.

9. ADJOURNMENT

Ms. Turner adjourned the regular meeting at 7:49 p.m.

_____

Jacquie Turner, Chairperson

***SECRETARY'S NOTE:** The preceding are action minutes and are not the official meeting record.

DRAFT