



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
MAY 24, 2023, REGULAR MEETING
CITY HALL AUDITORIUM
324 PINE STREET
6:30 P.M.**

- 1. CALL TO ORDER/ROLL CALL**
- 2. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS**
- 3. APPLICATION #23-30 – VARIANCE TO ALLOW A REAR DECK TO ENCROACH FURTHER THAN PERMITTED INTO THE REAR YARD OF AN EXISTING SINGLE FAMILY HOME.**
LOCATION: 1641 SEABREEZE DRIVE
- 4. APPLICATIONS #23-21 & #23-22 – VARIANCE TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS FOR THE PURPOSE OF CONSTRUCTING A NEW SINGLE FAMILY HOME ON EACH LOT.**
LOCATION: SOUTHSIDE OF DIVISION STREET, APPROXIMATELY 227 FEET WEST OF THE ATHENS STREET INTERSECTION (LOTS 9 AND 10).
- 5. APPROVAL OF MINUTES**
 - a) APRIL 26, 2023**
- 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
[MAY 24, 2023]

STAFF REPORT

Application No. / Project Title: #23-30 (Rippee)
Staff: Allie Keen, AICP, Senior Planner
Applicant / Owner: Scott & Lisa Rippee
Property Size: +/- 0.25 acres
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 1641 Seabreeze Drive / 03-27-15-79344-000-0400

BACKGROUND SUMMARY:

The applicant is requesting variance approval to allow a rear deck to encroach into the required rear yard 3.2 feet further than permitted. The applicant is proposing to rebuild the rear deck to the original dimensions.

PRELIMINARY STAFF RECOMMENDATION:

Based upon the evidence that was available at the time this report was prepared, staff would recommend **approval** of this request.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The single family residential districts are established to provide for detached dwellings in a variety of districts with a full range of dimensional and density standards compatible with the established development of the area.

Development Standards:

1. Per Section 25.02(D)(6)(d), the minimum rear yard required in the R-100 zoning district is 30 feet.
2. Per Section 38.00(F), an above grade deck may extend 10 feet into a required rear yard but not closer to any rear lot line than a distance of 15 feet.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	Single family home, landscaping, seawall, dock, and driveway.
Vehicle Access:	This property gains access from Seabreeze Drive.



SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-100 (Single Family Residential)	RL (Residential Low)
South:	N/A	P (Preservation)
East:	R-100 (Single Family Residential)	RL (Residential Low)
West:	R-100 (Single Family Residential)	RL (Residential Low)

PLANNING CONSIDERATIONS:

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

1. The applicant is proposing to rebuild a rear deck that had to be removed due to damage causing unsafe conditions. The applicant wishes to replace the deck matching the original footprint. The original deck was nonconforming because it did not meet the minimum rear setback.
2. A portion of the subject property extends into the water. Any submerged area of the lot cannot be counted towards a setback requirement; therefore, the rear setback is measured from the center of the seawall. The seawall generally follows the rear property line, which is angled. The applicant has provided 2 surveys, one showing the proposed deck with the setback from the center of the seawall and one showing the setbacks from the property line that extends into the water for comparison.
3. Per LDC Section 38.00(F), an above grade deck is permitted to encroach up to 10 feet into any required rear yard, but no closer than 15 feet. The minimum rear yard required is 30 feet, therefore an above grade deck could be a minimum of 20 feet to the center of the seawall. According to the provided site plan, the southeast corner proposed deck will have a rear setback of 16.8 feet, 3.2 feet less than required. The southwest corner complies with the 20 foot setback. Although a portion of the deck will encroach further than permitted, it will still be more than 15 feet from the center of the seawall.
4. The original deck had an open staircase that extended further into the rear setback. The applicant is not proposing to build the staircase in order to reduce the original nonconformity.
5. The existing home is elevated, with the primary living space on the second and third story. The home, which was constructed in 1986, has existing sliding doors that provide access to the rear deck.

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: A portion of the property is submerged; therefore, the rear setback is measured from the center of the seawall. The seawall on the property follows the rear property line which is angled. This results in the southeast corner of the deck encroaching further than permitted into the rear setback and necessitates the requested variance. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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.**



CITY OF TARPON SPRINGS
PLANNING & ZONING DEPARTMENT

Provisional Findings: The special circumstances of the property have not been self-created nor resulted from any action by the applicant with prior knowledge or approval of the applicant. The existing home was constructed in 1986, predating the current land development code. The need for the variance is due to the original deck, which was nonconforming with the current code requirements, having to be removed due to damage causing unsafe conditions. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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: Literal enforcement of the Land Development Code would only allow for a deck that is approximately 6 feet in depth. Approval of the requested variance would result in reasonable use of the property by allowing the reconstruction of a deck matching the original dimensions and would prevent the applicant from removing existing doorways on the rear of the home. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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: Granting the variance will allow for the reconstruction of a rear deck that was removed due to unsafe conditions. The requested encroachment will not confer any special uses or privileges to the applicant that is not commonly enjoyed by other property owners within similar circumstances. Further, the reduced rear yard only affects the southeast corner of the proposed deck and will still be more than 15 feet from the center of the seawall. *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: The proposed deck will not be visible from the street and is the same footprint, without the staircase, as the original deck; therefore, it is not expected to substantially diminish property values or alter the character of the surrounding area. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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 received one letter of support, which has been included in the backup materials.*

ATTACHMENTS:

1. Staff Presentation
2. Application
3. Proposed Site Plan (Setbacks from Center of Seawall)
4. Proposed Site Plan (Setbacks from Rear Property Line)
5. Survey with Original Deck Footprint
6. Photos Provided by Applicant
7. Public Comment Letter

RIPPEE #23-30

Board of Adjustments – May 24, 2023



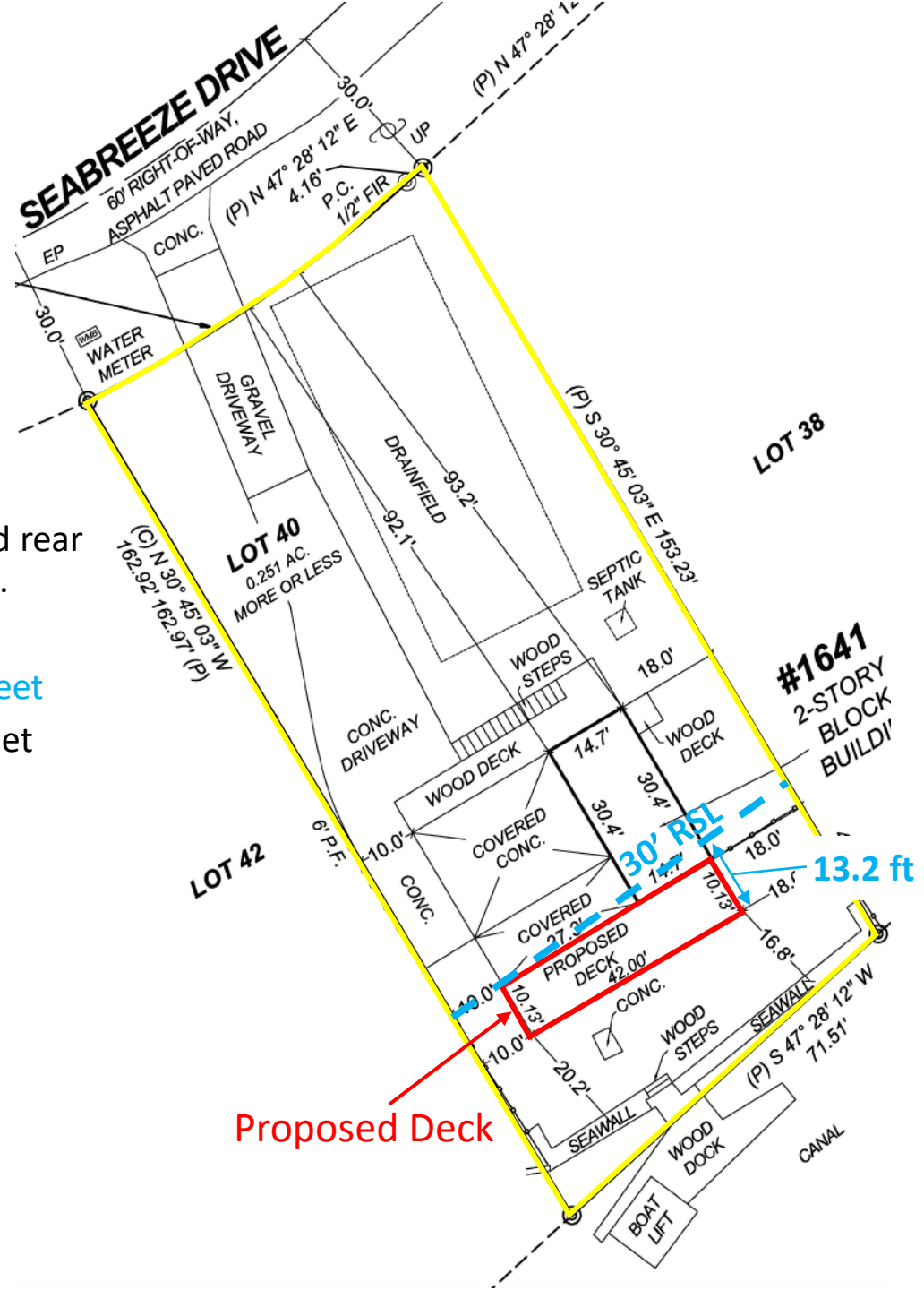
SURROUNDING ZONING



- [illegible]

SITE PLAN

- **R-100 – Rear Setback**
 - Required = 30 feet
- **LDC Section 38.00 – Yard Encroachments**
 - An above grade, rear deck may encroach 10 feet into a required rear yard, but no closer than 15 feet.
 - Proposed Deck Encroachment:
 - Southeast Corner = 13.2 feet
 - Southwest Corner = 9.8 feet



PHOTOS



Photo of Original Deck



Photo of Damage

REVIEW STANDARDS – SETBACK 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.





CITY OF
TARPON SPRINGS
FLORIDA

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

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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
Scott & Lisa Rippee		srippee25@gmail.com
Address		
1641 Sea Breeze Drive		
City	State	Zip
Tarpon Springs	FL	34689
Phone	Fax	Cell
727-439-2794		

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		
1641 Sea Breeze Dr., Tarpon Springs, FL 34689		
Legal Description (attach additional sheets as necessary)		
SEC 3, TWP 27S, RGE 15E, LOT 40, SEA BREEZE ISLAND		
Tax Parcel Number(s)	Land Use Category	Zoning District
03-27-15-79344-000-0400		R-100

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 38.00

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)

Our variance request is to increase the encroachment allowed from 10 to 14 feet into the required setback in order to rebuild our rear deck to its original dimensions.

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 setback associated with our property is limited due to the proximity of mangroves,
a seawall, and the ocean. If the setback was measured from the property boundary,
it would provide near enough distance to be sufficient to comply with updated codes.

- (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?)*
Our situation requiring the variance originated from personal safety. The deck was in an
unsafe state and required replacement. Efforts to repair would not have solved the situation.

- (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?)*

An approval would allow for continued reasonable use of the deck based on its original intention and dimensions. A denial would limit the amount of usable space and require the deck to be built in a diagonal pattern.

- (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)?)*

Approval of this variance would not result in a special privilege. It would allow the deck to be rebuilt as a safe structure based on the original dimensions. We have also subtracted the original stairs from the plan to better comply with current code requirements.

- (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?)*

This request would not have an adverse effect on surrounding properties.

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_APZOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

Applicant's Signature:

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


Applicant's Signature

3/23/2023

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.

Owner's Signature

Date

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20 ____

by _____, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

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

NOTARY PUBLIC

Name: _____

Signature: _____

Stamp: _____

0 15 30
1" = 30'

SITE PLAN for WOODEN DECK

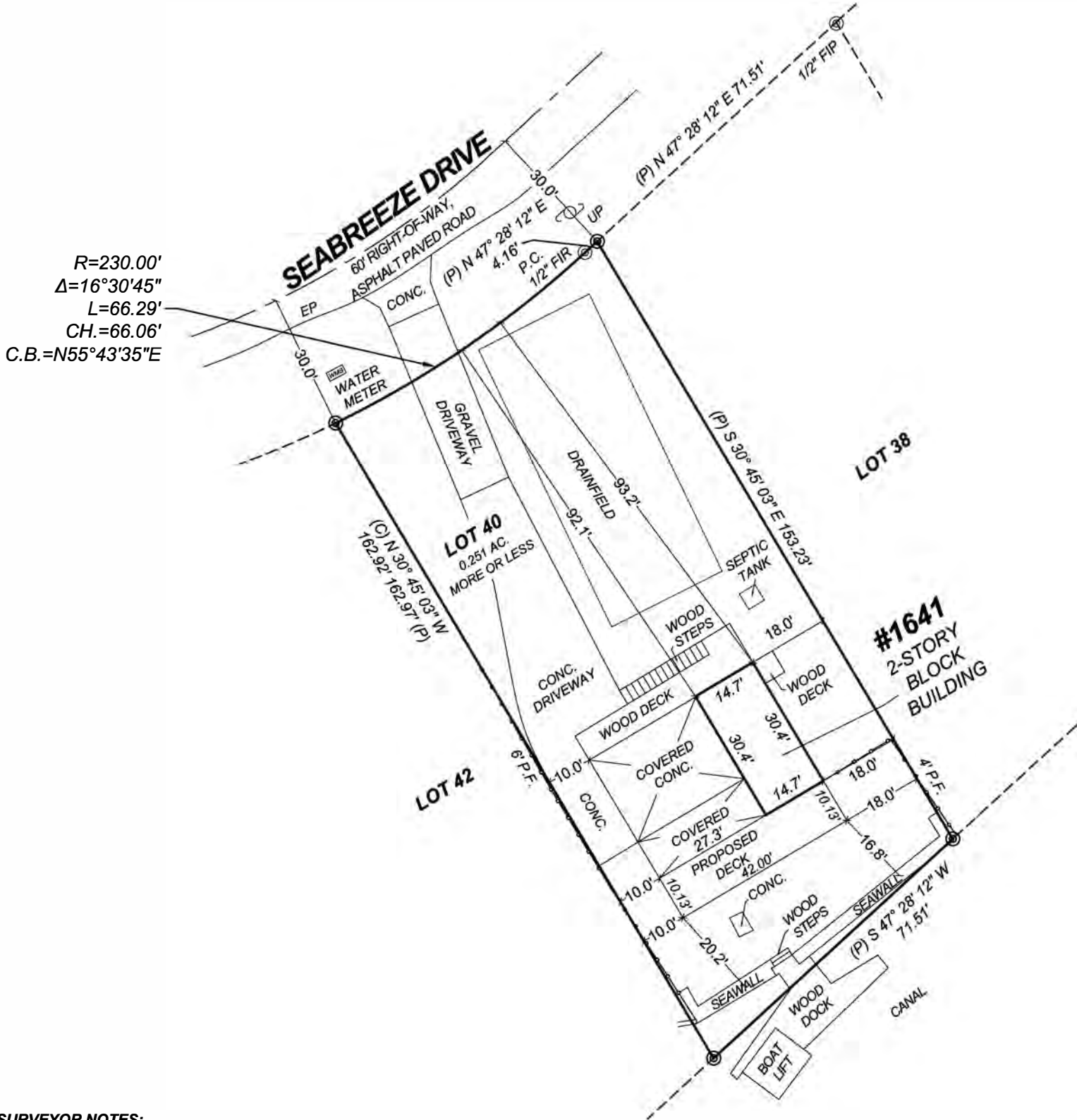
LEGEND

A = ARC
A/C = AIR CONDITIONER
AC. = ACREAGE
C.B. = CHORD BEARING
CH = CHORD
CLF = CHAIN LINK FENCE
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R/W = RIGHT OF WAY
S.F. = SQUARE FEET
SCIR = SET 1/2" IRON ROD #5545
UP = UTILITY POLE

Ⓢ SANITARY MANHOLE
ⓓ DRAINAGE MANHOLE
Ⓜ MANHOLE
△ SURVEY CONTROL POINT
Ⓞ CLEANOUT
Ⓢ BOUNDARY POINT FOUND
□ FOUND CONC. MONUMENT
Ⓢ GREASE TRAP
☀ LIGHTPOLE
Ⓢ GAS VALVE
Ⓢ WATER VALVE (POTABLE)
Ⓢ WATER VALVE (NON-POTABLE)
Ⓢ SANITARY VALVE
Ⓢ VALVE
Ⓢ TELEPHONE PEDESTAL
Ⓢ ELECTRIC PEDESTAL

Ⓢ CABLE TELEVISION PEDESTAL
Ⓢ SERVICE CABINET
Ⓢ VALVE COVER (WATER)
Ⓢ VALVE COVER (IRRIGATION)
Ⓢ WIRE PULL BOX
Ⓢ WATER METER BOX
Ⓢ HYDRANT
Ⓢ UTILITY POLE
Ⓢ ELECTRIC TRANSFORMER
Ⓢ VALVE (BACKFLOW)
Ⓢ SINGLE SUPPORT SIGN
Ⓢ MULTI SUPPORT SIGN
Ⓢ PROPERTY LINE
Ⓢ CENTER LINE
Ⓢ DELTA
Ⓢ COLUMN

☀ PALM TREE
Ⓢ TREE
--- UTILITY EASEMENT
--- FENCE
--- GRADE BREAK
--- BUILDING/BOUNDARY



SURVEYOR NOTES:

- ALL EASEMENTS ARE FOR UTILITY AND OR DRAINAGE UNLESS OTHERWISE NOTED.
- THIS SURVEY IS ONLY FOR THE USE OF THE PARTIES THAT ARE BEING CERTIFIED TO.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- THE BEARINGS SHOWN HEREON ARE BASED ON RECORD PLAT INFORMATION.
- CALCULATED INFORMATION IS BASED ON (A) CONCEPTUAL RECREATION OF PLAT INTENT, (B) INFORMATION REQUIRED TO SET RECORD CORNERS, &/OR (C) COMPILED DATA FROM SURROUNDING PLATS, DEEDS, AND CERTIFIED CORNER DOCUMENTS.
- DIMENSIONS ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
- THIS DRAWING DOCUMENTS THE BOUNDARIES AND IMPROVEMENTS AS THEY EXISTED 03/10/2023. THE SURVEYOR MAKES NO WARRANTY, WRITTEN OR OTHERWISE, AS TO THE ACCURACY AND/OR DISPOSITION OF THE BOUNDARIES BEYOND THAT DATE.
- THE SURVEYOR ACCEPTS NO LIABILITY FOR CONSTRUCTION, ADDITIONS, AND/OR IMPROVEMENTS HEREAFTER ERECTED.

LEGAL DESCRIPTION:
SEC 3, TWP 27S, RGE 15E

LOT 40, SEA BREEZE ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 66-67, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL NO: 03-27-15-79344-000-0400

SUBJECT TO SETBACKS, EASEMENTS AND RESTRICTIONS OF RECORD

CERTIFIED PARTIES:

SCOTT D. & LISA M. RIPPEE

FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M. MAP, COMMUNITY PANEL NUMBER: 12103C/0016/H DATED: 08/24/2021. THIS PROPERTY APPEARS TO BE IN FLOOD ZONE "AE" AND THE BASE 100 YEAR FLOOD ELEVATION IS 10 MEAN SEA LEVEL.

JOB #	1641	REVISIONS:
FIELD DATE	03/10/2023	PROP. DECK
SCALE	1" = 30'	N.M. - 3/16/23
DRAWN BY	C.O.	
CHECKED BY	M.B.F.	

MOHAMMAD B. FAR
3152 LITTLE ROAD #333,
TRINITY, FLORIDA 34655

PHONE: (727) 375-1740 FAX: (727) 375-1741
E-MAIL: MOHAMMADBFAR@AOL.COM

This certifies that a survey of this legal described hereon was made under my supervision and that the survey complies with the Standard and Practice set forth by the Florida Board of Professional Land Surveyors & Mappers in Chapter 5J-17 F.A.C, pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and accurate representation thereof to the best of my knowledge and belief, subject to notes and notations hereon. NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH MY EMBOSSED SEAL. FOR REFERENCE ONLY.

03/10/2023

DATE

MOHAMMAD B. FAR, P.L.S. #5545



0 15 30
1" = 30'

SITE PLAN

LEGEND

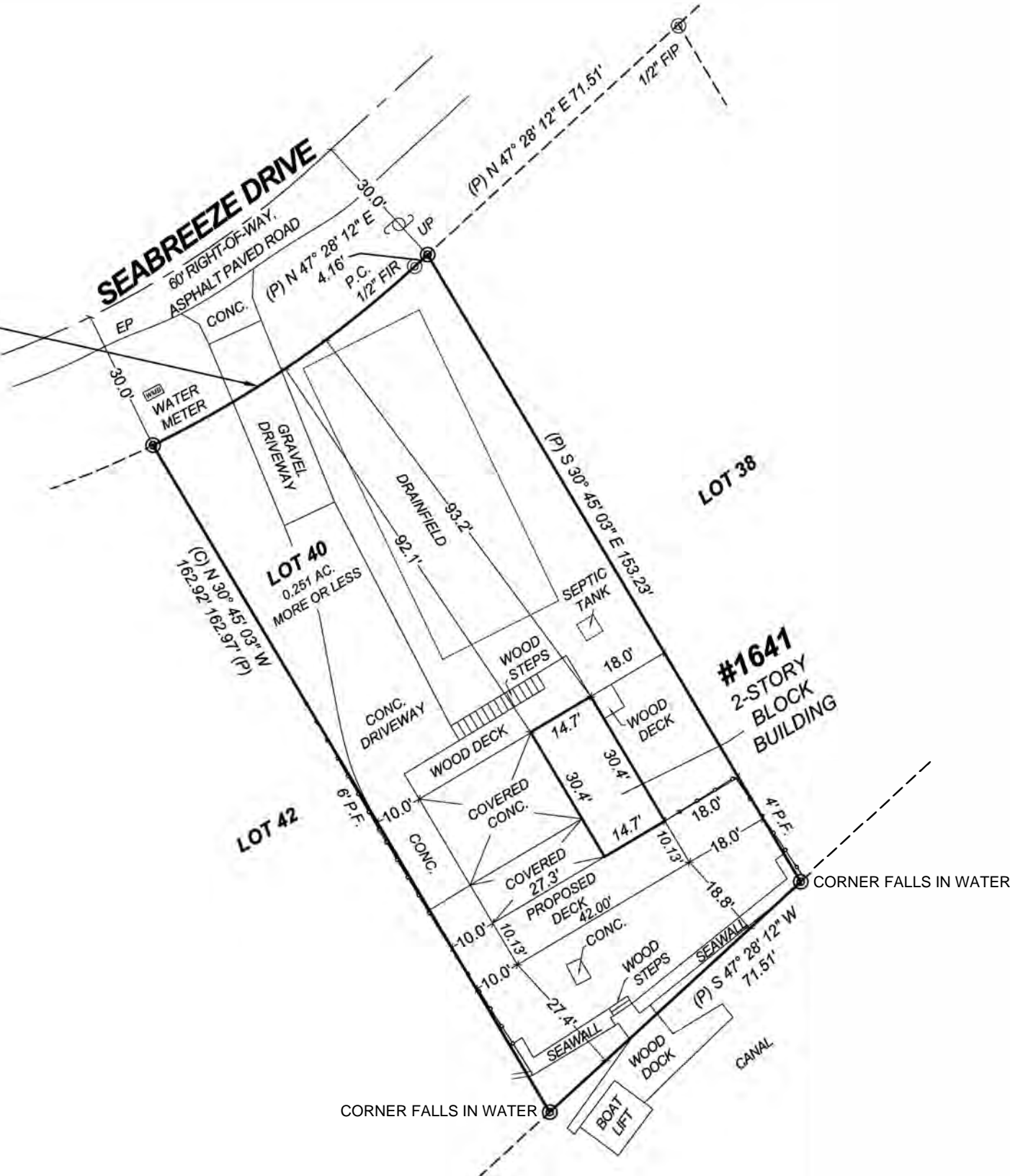
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☼ LIGHTPOLE
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⊗ WATER VALVE (POTABLE)
⊗ WATER VALVE (NON-POTABLE)
⊗ SANITARY VALVE
⊗ VALVE
(T) TELEPHONE PEDESTAL
(E) ELECTRIC PEDESTAL

(TV) CABLE TELEVISION PEDESTAL
(SRVC) SERVICE CABINET
(VCW) VALVE COVER (WATER)
(VCI) VALVE COVER (IRRIGATION)
(WPB) WIRE PULL BOX
(WMB) WATER METER BOX
HYDRANT
UTILITY POLE
ELECTRIC TRANSFORMER
VALVE (BACKFLOW)
SINGLE SUPPORT SIGN
MULTI SUPPORT SIGN
PROPERTY LINE
CENTER LINE
DELTA
COLUMN

PALM TREE
TREE
UTILITY EASEMENT
FENCE
GRADE BREAK
BUILDING/BOUNDARY

R=230.00'
Δ=16°30'45"
L=66.29'
CH.=66.06'
C.B.=N55°43'35"E



SURVEYOR NOTES:

- ALL EASEMENTS ARE FOR UTILITY AND OR DRAINAGE UNLESS OTHERWISE NOTED.
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- CALCULATED INFORMATION IS BASED ON (A) CONCEPTUAL RECREATION OF PLAT INTENT, (B) INFORMATION REQUIRED TO SET RECORD CORNERS, &/OR (C) COMPILED DATA FROM SURROUNDING PLATS, DEEDS, AND CERTIFIED CORNER DOCUMENTS.
- DIMENSIONS ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
- THIS DRAWING DOCUMENTS THE BOUNDARIES AND IMPROVEMENTS AS THEY EXISTED 03/10/2023. THE SURVEYOR MAKES NO WARRANTY, WRITTEN OR OTHERWISE, AS TO THE ACCURACY AND/OR DISPOSITION OF THE BOUNDARIES BEYOND THAT DATE.
- THE SURVEYOR ACCEPTS NO LIABILITY FOR CONSTRUCTION, ADDITIONS, AND/OR IMPROVEMENTS HEREAFTER ERECTED.

LEGAL DESCRIPTION:

SEC 3, TWP 27S, RGE 15E

LOT 40, SEA BREEZE ISLAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 66-67, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL NO: 03-27-15-79344-000-0400

SUBJECT TO SETBACKS, EASEMENTS AND RESTRICTIONS OF RECORD

CERTIFIED PARTIES:

SCOTT D. & LISA M. RIPPEE

FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M. MAP, COMMUNITY PANEL NUMBER: 12103C/0016/H DATED: 08/24/2021. THIS PROPERTY APPEARS TO BE IN FLOOD ZONE "AE" AND THE BASE 100 YEAR FLOOD ELEVATION IS 10 MEAN SEA LEVEL.

JOB #	1641	REVISIONS:
FIELD DATE	03/10/2023	PROP. DECK
SCALE	1" = 30'	N.M. - 3/16/23
DRAWN BY	C.O.	
CHECKED BY	M.B.F.	

MOHAMMAD B. FAR
3152 LITTLE ROAD #333,
TRINITY, FLORIDA 34655

PHONE: (727) 375-1740 FAX: (727) 375-1741
E-MAIL: MOHAMMADBFA@AOL.COM

This certifies that a survey of this legal described hereon was made under my supervision and that the survey complies with the Standard and Practice set forth by the Florida Board of Professional Land Surveyors & Mappers in Chapter 5J-17 F.A.C, pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and accurate representation thereof to the best of my knowledge and belief, subject to notes and notations hereon. NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH MY EMBOSSED SEAL. FOR REFERENCE ONLY.

03/10/2023
DATE

MOHAMMAD B. FAR
CERTIFICATE
No. 5545
STATE OF FLORIDA
SURVEYOR

MOHAMMAD B. FAR, P.L.S. #5545





Allie Keen

From: Rich Perfidio <perfidio@yahoo.com>
Sent: Saturday, May 13, 2023 1:43 PM
To: Planning
Subject: Variance application #23-30

External Email- Use caution with links and attachments

To whom it may concern:

I would like to comment on Variance application #23-30 regarding allowing a rear deck to encroach further than permitted.

I live at 1643 Seabreeze drive and do NOT see any issues with allowing the variance. The new deck would be a replacement for the old deck that was demolished in the course of house repairs. The propose new deck will not impede the view of any neighbors and does not create an unacceptable structure. Essentially, it appears to be a "like/kind" replacement of the original deck.

Sincerely,

Rich Perfidio
(407)978-2368



CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[April 26, 2023 – Deferred to May 24, 2023]

STAFF REPORT

Application No. / Project Title: #23-21 (Division Street Lot 9) & #23-22 (Division Street Lot 10)
Staff: Allie Keen, AICP, Senior Planner
Owner: Division Street 9 LLC & Division Street 10 LLC
Property Size: +/- 4,587 square feet (Lot 9) / +/- 4,382 square feet (Lot 10)
Current Zoning: R-60 (One and Two Family Residential)
Current Land Use: RM (Residential Medium)
Location / Parcel ID: Southside of Division Street, approximately 227 feet west of the Athens Street intersection / # 12-27-15-89874-000-0090 (Lot 9) & 12-27-15-89874-000-0100 (Lot 10)

BACKGROUND SUMMARY:

The applicant is requesting variance approval to reduce the front yard setback to 15 feet, 5 feet less than required, and the rear yard setback to 5 feet, 15 feet less than required, for the purpose of constructing a new single family home on each lot.

PRELIMINARY STAFF RECOMMENDATION:

Based on the evidence available at the time this report was prepared, staff would recommend **approval** of both the front and rear yard variance requests for both applications #23-21 and #23-22, with the following condition:

1. 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.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The R-60 neighborhood conservation district is created to promote the stability and redevelopment of established neighborhoods consisting primarily of platted subdivisions. The existing street and circulation system should be preserved to promote interaction among residents and with community institutions.

Development Standards: Per Section 25.03(E)(4) of the Land Development Code, the minimum front and rear yard setback is 20 feet in the R-60 zoning district.

CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant
Site Features:	Trees and vegetation
Vehicle Access:	This property gains access from Division Street.



SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-60 (One and Two Family Residential)	RM (Residential Medium) CL (Commercial Limited)
South:	R-60 (One and Two Family Residential)	RM (Residential Medium)
East:	R-60 (One and Two Family Residential)	RM (Residential Medium)
West:	R-60 (One and Two Family Residential)	RM (Residential Medium)

PLANNING CONSIDERATIONS:

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

1. At the August 24, 2022, Board of Adjustment meeting, the Board voted to recognize the subject properties as legal nonconforming lots of record, resulting in each lot being buildable. At that same hearing, the applicant also requested variance approval to reduce the front yard setback to 10 feet, 10 feet less than required, and rear yard setback to 5 feet, 15 feet less than required (Application #22-72). The Board voted to deny the setback variances. At this time, the applicant has revised the proposed home layouts on the lots and is now requesting new variances to reduce the front yard setback to 15 feet and the rear yard setback to 5 feet.
2. Per LDC Section 25.03(E)(3), the R-60 zoning district requires a minimum front and rear yard setback of 20 feet. According to the provided site plans, the proposed homes will have a front yard setback of 15 feet and a rear yard setback of 5 feet. The site plan indicates that the proposed homes will meet the minimum side yard setbacks for the R-60 zoning district.
3. Per LDC Section 25.03(E)(3), garages are required to have a minimum front setback of 25 feet for the purpose of allowing adequate space for a vehicle parked in the driveway to not overhang sidewalks or the street. According to the providing conceptual site plans, both homes will have a front facing garage, however, they are pushed back to meet the required 25-foot front setback.
4. Most of the homes along Division Street were constructed in the 1910s-1920s. Based on aerial photography measurements, these homes have moderate front setbacks, approximately ranging between 12 and 53 feet with an average of 16 feet. Several of the existing homes in the immediate neighborhood have minimal rear setbacks. The required front and rear setbacks would result in a buildable area allowing for a home approximately 45 feet deep. Existing homes along Division Street range between 36 and 72 feet, with an average depth of approximately 50 feet. The deepest home is the adjacent property to the west.
5. LDC Section 38.00 provides for various yard encroachments which allows certain structures to encroach into a required setback. Specifically, unenclosed front porches are permitted to encroach up to 10 feet into a required front yard.
6. Staff's review of the original variance application (#22-72) was not in support of a front yard setback of 10 feet. It was 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. Further, staff did not support a front-loading garage having a front setback less than 25 feet. The current applications have been modified to increase the front setback to be more consistent with the average setback along Division Street, as well as adjust the garage to meet the minimum 25 feet.
7. The subject properties were originally platted in 1914 as a part of the I.B. Reads Tarpon Heights plat, predating the City's first land development code. Upon adoption of the first Land Development Code in 1944, these lots became nonconforming in lot area because they were less than 5,000 square feet in size.



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 need for the variance is due to the lots, which pre-date the City's zoning regulations, being smaller in lot area than what would be currently required under the current zoning requirements. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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 lots were originally platted in 1914, prior to the current regulations being in place and prior to the applicant obtaining ownership. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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: Literal enforcement of the minimum setback requirements would result in homes that could only be approximately 45 feet deep, less than the average home depth for other properties along Division Street. The reduced front and rear yard setbacks are consistent with other developed properties in the neighborhood and would allow for a home to be constructed that is comparable in size to existing homes in the area and is the minimum variances necessary to make reasonable use of the property. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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: Although the historic lots are smaller than typically required, they are comparable in size and configuration with other lots in the immediate neighborhood and have been built with similar setbacks to what is proposed by the applicant. *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: The subject property is located within an older section of Tarpon Springs. Many of the homes along Division Street were constructed in the 1910s and 1920s. These homes are built on lots comparable in size and configuration to the subject site. The requested setbacks are comparable to the average setbacks of surrounding properties. Granting of the requested variances would likely not adversely



CITY OF TARPON SPRINGS
PLANNING & ZONING DEPARTMENT

affect the surrounding area. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has 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 received three written responses (two from the same member of the public). Those responses have been included in the backup materials to this report.*

ATTACHMENTS:

1. Staff Presentation
2. Application
3. Conceptual Site Plan
4. Conceptual Renderings
5. Public Input Letters

DIVISION STREET LOTS 9 & 10 #23-21 & #23-22

Board of Adjustments – April 26, 2023

Deferred to May 24, 2023



LOCATION & CONTEXT



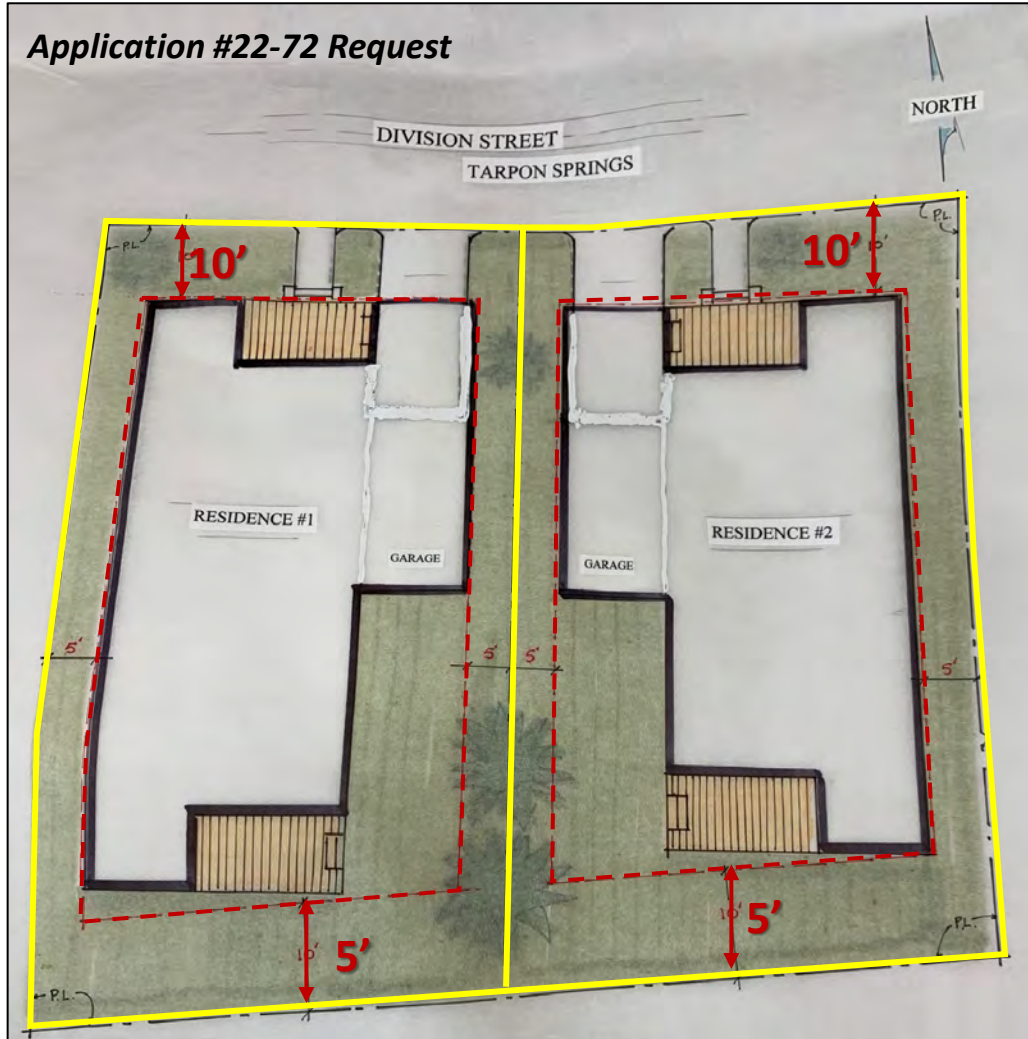
REQUEST

- **Reduced Front Yard Setback**
 - Proposed – 15 feet
 - Required – 20 feet
- **Reduced Rear Yard Setback**
 - Proposed – 5 feet
 - Required – 20 feet
- **Applicant/Owner:** Division Street 9 LLC & Division Street 10 LLC
- *Requesting reduced front and rear yard setbacks in order to construct a new single-family home on each lot.*



SITE HISTORY

Application #22-72 Request



August 24, 2022 (#22-72)

- BOA voted to recognize Lots 9 & 10 as legal nonconforming lots of record, resulting in each lot being buildable.
- BOA denied variance requests to reduced the front and rear yard setbacks.
 - Front – 10 feet
 - Rear – 5 feet
- Staff did not support front setback request.
 - Preferred larger setback more consistent with surrounding neighborhood
 - Preferred front-load garage to meet min. requirement.

REQUEST

R-60 Zoning:

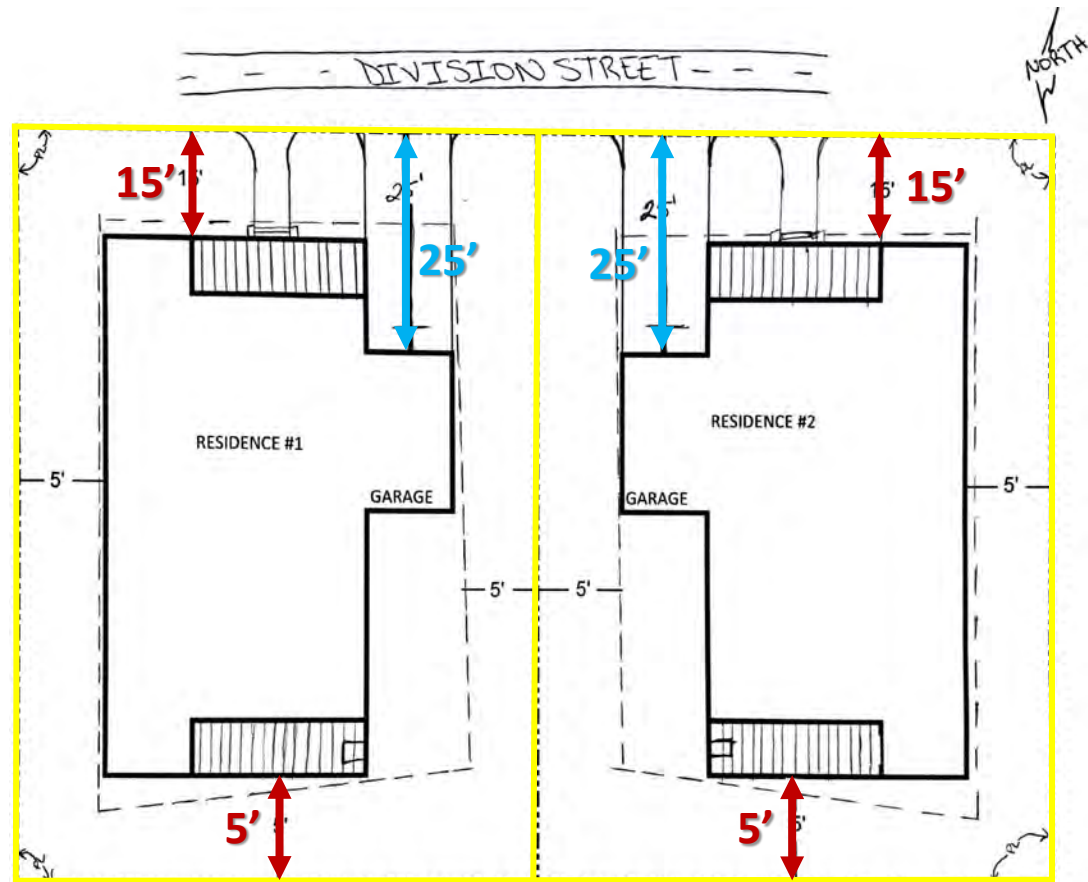
- Front Yard Required:
 - House = Min. 20 feet
 - Garage = Min. 25 feet
- Rear Yard Required:
 - Min. 20 feet

Proposed Front Yard:

- House = 15 feet
- Garage = 25 feet

Proposed Rear Yard:

- 5 feet



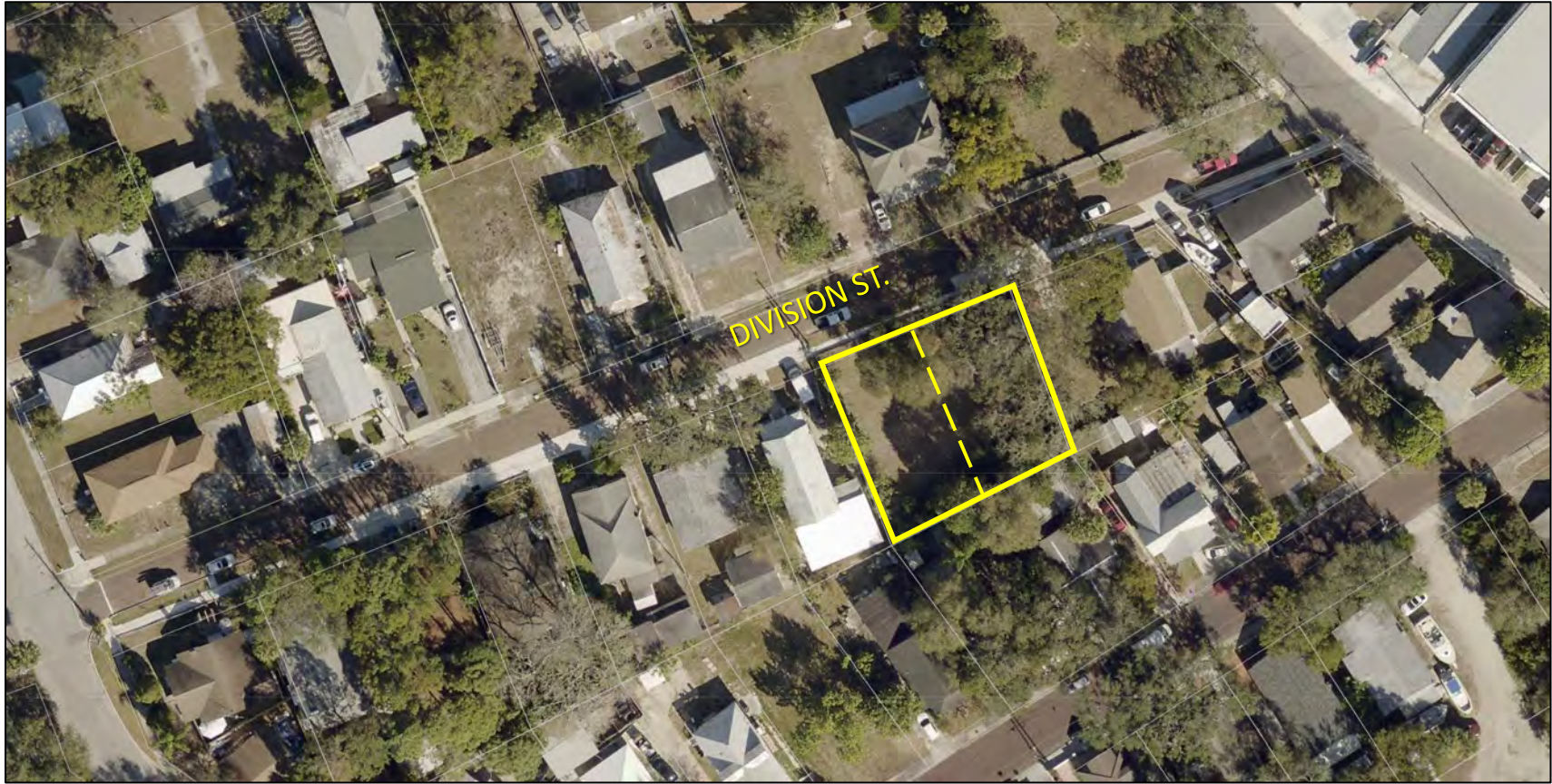
Not to Scale

CONCEPTUAL RENDERINGS



View from Division Street

CONTEXT



Division Street Setbacks

- Front Yard Range = 12 ft – 53 ft
- Front Yard Average = 16 ft
- Rear yards are typically minimal along Division Street

Division Street Home Depths

- Range = 36 ft – 72 ft
- Average = 50 ft
- If R-60 setbacks were required, allows for home approx. 45 feet deep.

LDC CONSIDERATIONS

- **Section 25.03(E)(3): Garage Setback in R-60**

- Front loaded garages are required to have a minimum front setback of 25 feet.
- Prevents a vehicle parked in a driveway from overhanging/blocking a sidewalk.
- If front setback variance is approved, staff recommends a front-loaded garage still be required to be setback the min. 25 feet.

- **Section 38.00: Yard Encroachments**

- Code provides for various yard encroachments which allows certain structures to encroach into a required setback.
- Unenclosed front porches are permitted to encroach up to 10 feet into a required front yard.

REVIEW STANDARDS – SETBACK 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.





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 Division Street 9 LLC		Email maria@olympuspainting.com
Address 556 Anclote Road		
City Tarpon Springs	State FL	Zip 34689
Phone 727-942-4149	Fax 727-938-6297	Cell

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 Division Street, Lot 9		
Legal Description (attach additional sheets as necessary) TARPON HEIGHTS, REV PLAT OF SECTION D OF I.B. READS LOT 9		
Tax Parcel Number(s) 12-27-15-89874-000-0090	Land Use Category Residential	Zoning District R-60

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 25.03.

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*)

A front setback reduction from 20 feet to 15 feet and a rear setback reduction from 20 feet to 5 feet.

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_ART_XIIADEN_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 dimensions of the property without the adjustment of the setbacks does not allow for the construction of a single-family home similar to those in the surrounding neighborhood.

- (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)?)*

The conditions of the property have not been self-created.

- (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 approval of the variance would allow for the construction of a single-family home similar to those in the surrounding neighborhood. If variance is denied the property would still have reasonable use.

- (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)?)*

Granting this variance would not confer any special privileges that are not allowed for others in the same zoning district.

- (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?)*

Granting this would have no adverse effect on surrounding properties.

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>

Applicant's Signature:

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

Nick Mavromatis

02/15/2023

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.

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20 ____

by _____, who is personally known to me or who has produced
PROPERTY OWNER NAME PRINTED

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

NOTARY PUBLIC

Name: _____

Signature: _____

Stamp:



CITY OF
TARPON SPRINGS
FLORIDA

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- ☐ Other supporting information, as necessary

1. Property Owner(s)

Name		Email	
Division Street 10 LLC		maria@olympuspainting.com	
Address			
556 Anclote Road			
City		State	Zip
Tarpon Springs		FL	34689
Phone	Fax	Cell	
727-942-4149	727-938-6297		

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		
Division Street, Lot 10		
Legal Description (attach additional sheets as necessary)		
TARPON HEIGHTS, REV PLAT OF SECTION D OF I.B. READS LOT 10		
Tax Parcel Number(s)	Land Use Category	Zoning District
12-27-15-89874-000-0100	Residential	R-60

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I am requesting a variance from Land Development Code (LDC) Section(s) 25.03.

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A front setback reduction from 20 feet to 15 feet and a rear setback reduction from 20 feet to 5 feet.

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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_ART_XIIADEN_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 dimensions of the property without the adjustment of the setbacks does not allow for the construction of a single-family home similar to those in the surrounding neighborhood.

- (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)?)*

The conditions of the property have not been self-created.

- (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 approval of the variance would allow for the construction of a single-family home similar to those in the surrounding neighborhood. If variance is denied the property would still have reasonable use.

- (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)?)*

Granting this variance would not confer any special privileges that are not allowed for others in the same zoning district.

- (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?)*

Granting this would have no adverse effect on surrounding properties.

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>

Applicant's Signature:

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

Nick Mavromatis

02/15/2023

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.

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20 ____

by _____, who is personally known to me or who has produced
PROPERTY OWNER NAME PRINTED

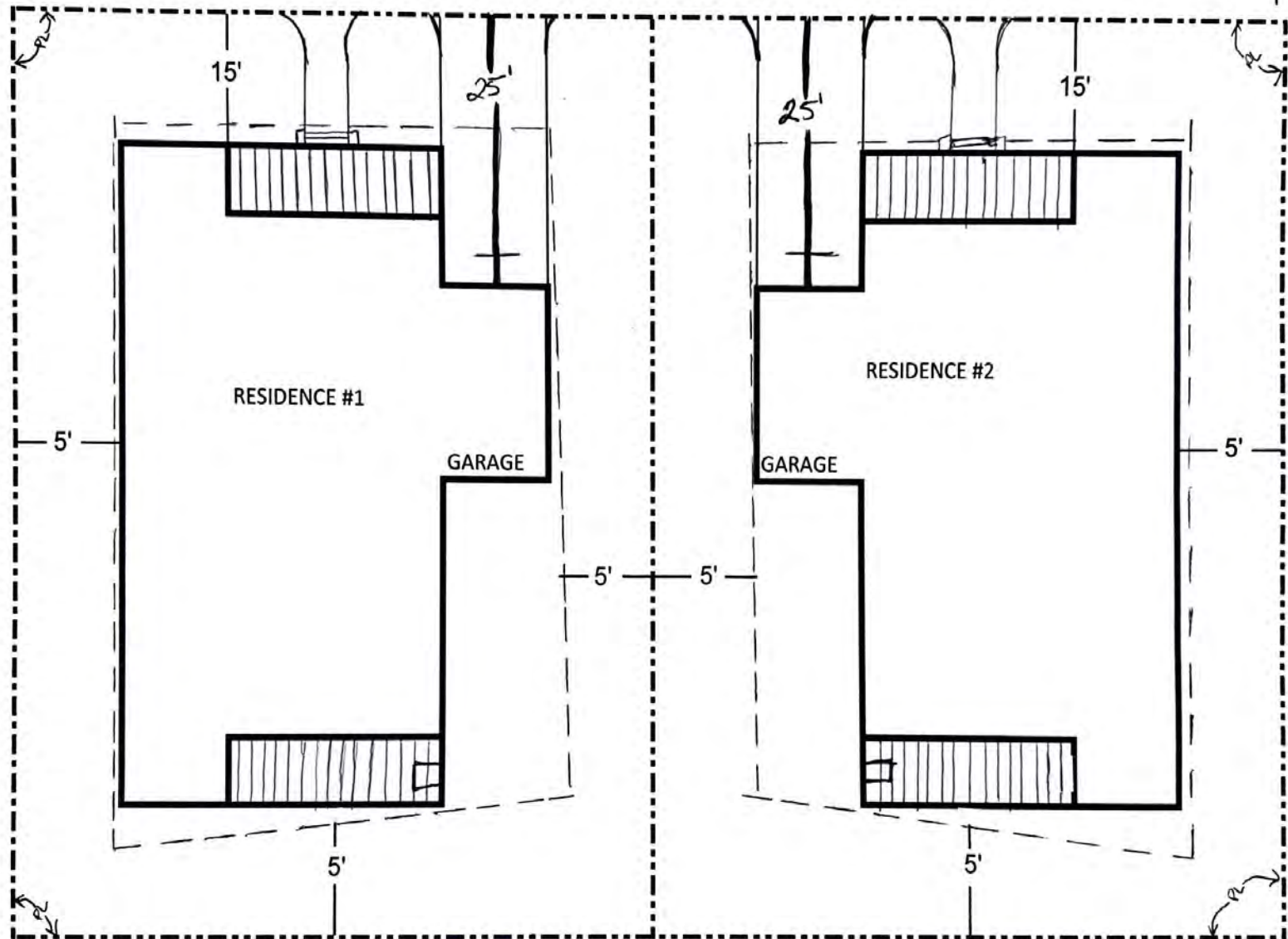
_____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name: _____

Signature: _____

Stamp:



SITE PLAN

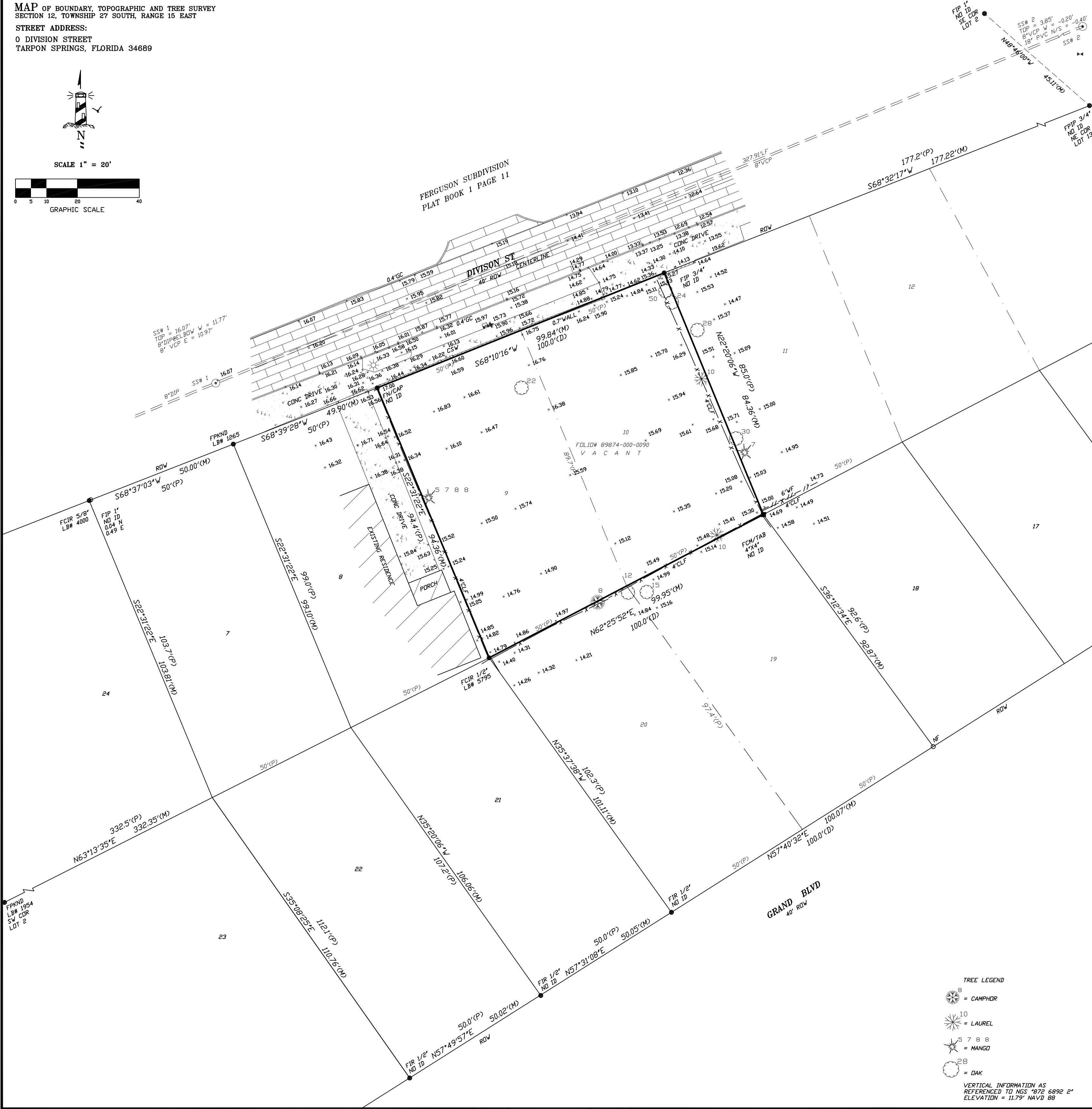
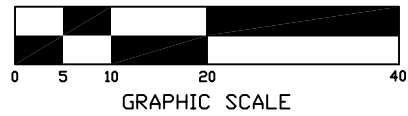
NOT TO SCALE



MAP OF BOUNDARY, TOPOGRAPHIC AND TREE SURVEY
SECTION 12, TOWNSHIP 27 SOUTH, RANGE 15 EAST
STREET ADDRESS:
0 DIVISION STREET
TARPON SPRINGS, FLORIDA 34689



SCALE 1" = 20'



- TREE LEGEND
- 8 = CAMPHOR
 - 10 = LAUREL
 - 5 7 8 8 = MANGO
 - 28 = OAK

VERTICAL INFORMATION AS REFERENCED TO NGS '82 6892 2" ELEVATION = 11.79' NAVD 88

LEGENDS & SYMBOLS: * = LP * = CP (---) = GUY ANCHOR + = FIRE HYDRANT <---> = WATER VALVE O = MANHOLE [] = RECLAIM WATER METER ---O--- = TRAFFIC SIGN 3.00' = EXISTING GRADES

AC = AIR CONDITIONER ADS = ADVANCED DRAINAGE SYSTEMS AL = ALUMINUM ASPH = ASPHALT BM = BENCH MARK BRWF = BRICK WALL FENCE (C) = CALCULATE CA = COVERED AREA CATV = CABLE TV BOX CB = CATCH BASIN CC = CONC CURB CCR = CERTIFIED CORNER RECORD CE = COVERED ENTRANCE CG = CURB AND GUTTER	CI = CURB INLET CLF = CHAIN LINK FENCE CO = CLEANOUT CONC = CONCRETE COR. = CORNER CP = CONCRETE POLE CS = CONC STEPS CSW = CONCRETE SIDE WALK CW = CONCRETE WALL (D) = DEED DE = DRAINAGE EASEMENT DISC = DISK ENCL = ENCLOSURE EOW = EDGE OF WATER	EP = EDGE OF PAVEMENT FCIP = FOUND CAPPED IRON PIPE FCR = FOUND CAPPED IRON ROD FCM = FOUND CONCRETE MONUMENT FDH = FOUND DRILL HOLE FIR = FOUND IRON ROD FIP = FOUND IRON PIPE (FLD) = FIELD FNL = FOUND NAIL FND = FOUND FND/D = FOUND NAIL & DISC FPC = FLORIDA POWER CORP FPKN = FOUND PK NAIL FPKND = FOUND FPKNAIL & DISC (P) = PLAT PB = PLAT BOOK	FRIP = FOUND PINCH IRON PIPE FRRS = FOUND RAIL ROAD SPIKE F(X) = FOUND "X" CUT GC = GRANITE CURB ID = IDENTIFICATION LF = LINEAR FEET LP = LIGHT POLE (M) = MEASURED MTL = METAL NF = NOT FOUND O/A = OVERALL OHP = OVER HEAD POWER OR, BK. = OFFICIAL RECORD BOOK O/S = OFFSET (P) = PLAT PB = PLAT BOOK	PC = POINT OF CURVATURE PCED = PINELLAS COUNTY ENGINEERING DEPARTMENT PCP = PERMANENT CONTROL POINT PI = POINT OF INTERSECTION POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT POL = POINT ON LINE PP = POWER POLE PRC = POINT OF REVERSE CURVE PRM = PERMANENT REFERENCE MARKER PT = POINT OF TANGENT PVR = PAVERS	(REC) = RECORD REF = REFERENCED ROW = RIGHT-OF-WAY SA = SANITARY SEC. TWP. RNG = SECTION TOWNSHIP RANGE SOR 5/8" = SET CAP IRON ROD LB #7101 SCR = SCREENED SH = SHED SPKND = SET PK NAIL AND DISC LB #7101 ST = STORM STDP = STRADDLE POINTS (TM) = TAX MAP TOB = TOP OF BANK TOE = BOTTOM OF SLOPE	UE = UTILITY EASEMENT W = WOOD WC = WITNESS CORNER WD = WOOD DECK WF = WOOD FENCE WM = WATER METER WPP = WOOD POWER POLE WS = WOOD STEPS WW = WING WALL UGP = UNDERGROUND POWER V = VINYL VF = VINYL FENCE VG = VALLEY GUTTER
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FOR THE BENEFIT OF:
DENAMI HOLDING LLC

LEGAL DESCRIPTION:
LOTS 9 AND 10, REVISED PLAT OF SECTION "D" OF I.B. READS, TARPON HEIGHTS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 33, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA

CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY MAP WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN HEREON AND IN ACCORDANCE WITH THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPER, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.50 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
ERROL A. AYUSO, P.S.M. #5955
DATE SIGN: 01-22-22
FIELD CREW: EACMFA
FILE NO. 22003P01 SURVEY FIELD DATE: 01-11-2022 CHECK BY: EAA DRAWN BY: EAA

SURVEYORS NOTES:
SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON.
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH.
NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENT OR RIGHT-OF-WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON.
NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON.
THIS SURVEY IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
BASIS OF BEARING AS REFERENCED TO FLORIDA STATE PLANE COORDINATE SYSTEM, GRID ZONE WEST, NAD 83

FLOOD ZONE: "X"
COMMUNITY PANEL No. 120259-0019H
DATED: 08-24-2021
INFORMATION SHOWN HEREON BY NO MEANS REPRESENT A DETERMINATION IN WHETHER PROPERTIES WILL OR WILL NOT FLOOD. LAND WITHIN THE BOUNDARIES OF THIS PLAT MAY OR MAY NOT BE SUBJECT TO FLOODING.
REVISIONS DATE:

AYUSO SURVEYING, INC. D/B/A ERROL A. AYUSO
PROFESSIONAL SURVEYORS & MAPPERS PSM #5955
10170 11TH STREET NORTH UNIT #105
ST. PETERSBURG, FLORIDA 33716
727-528-2399 OR 528-1839, FAX 727-528-2038
E-MAIL AYUSOSURVEYING@YAHOO.COM

Board of Adjustment
Tarpon Springs, Florida 34689

RE: Variance Application #23-22

April 17, 2023

Members of the board,

I am enclosing with this my letter regarding variance application #22-72. For that variance hearing, I flew from Rhode Island to Tarpon Springs to voice my opposition to the proposal. Most of that request was denied, though the applicants were allowed to build a house on each of two very much non-conforming lots, despite their admission in their application that there was reasonable use of the property without their requested variances. Now they are back, making a new request for the rest of the variance that was previously denied.

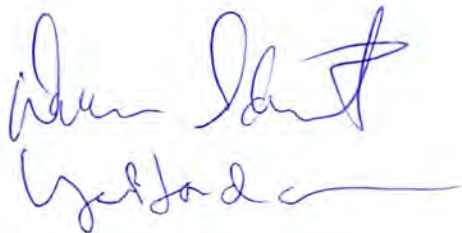
Little has changed since then – except that there is a new home being built at about 521 Grand Avenue, one lot away from these proposals. That one required no variances. There is a new home staked out at 537 Division Street, two lots away from these proposals. That one required no variances. The 10+ year tenants of the house at 543 Division Street, one lot away from these proposals, have been evicted, so that the building can be renovated (by the owners of the lot for this requested variance). The property at 553 Division Street, just across from lots 9 and 10 has now been sold and divided into 4 lots (as it was originally platted). I know of no plans for proposed buildings on those lots.

One other thing has changed: my wife and I are no longer neighbors of the properties for which these variances are requested. Due in part to the recent and proposed changes to Tarpon Springs and Division Street in particular, we no longer wanted to live there. We sold our home and have left the state. WE are the kind of people that Tarpon Springs needs, to live there and to love the area, to care for our home and our property. We sold to an out-of-state investor. These proposed homes are likely to be sold to out-of-state investors. The new construction in progress and likely to soon be in progress on Division Street, plus the newly renovated (or possibly, torn down and rebuilt) 543 Division Street all is likely to be sold to out-of-state investors. Why? They're the ones that can afford to buy, and then rent out at inflated prices.

What Tarpon Springs, and Division Street (in the heart of Greektown) needs is small, affordable bungalows, that fit comfortably on their lots, that average families can afford to buy, live in, raise their children in. It does NOT need more investor owned, over-large, overpriced rental properties that nobody truly cares about – which is what is proposed for lots 9 and 10 on Division Street. By the nature of the requested variance, these proposed houses will be larger than many, if not all, of the houses in the neighborhood. If they were not intended to be exactly that, there would be no need for the requested variances because they would fit within the zoned setbacks even on their too small lots.

Please deny these requests – and continue denying them until the applicants give up their demonstrated desire to severely overbuild the neighborhood.

Thank you,



Deken Schmidt

Lynne Hardaker

(formerly of)

542 Division St.

Tarpon Springs, FL 34689

(727) 888-3832

deken.schmidt@gmail.com

Board of Adjustment
Tarpon Springs, Florida 34689

RE: Variance Application #22-72

August 16, 2022

Members of the board,

We are strongly opposed to the granting of a variance for the construction of two homes on a conforming lot, turning it into two non-conforming lots on Division Street for the following reasons:

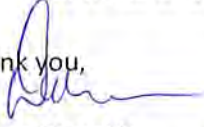
Taking the requirements for a variance one by one.


1. The need for this variance ONLY DOES arise out of the physical characteristics that are unique to this property: when split in two, both parts are smaller than nearly all other built-upon lots in the surrounding area (lots on the blocks between Division and Spruce, and between Division and Grand). Furthermore, one proposed lot is only 92% of the required size of 5000 square feet (at 4579 square feet), the other is only 87% of the required size (at 4329 square feet)
 - a. The applicant's survey says that the trees on or next to this lot are Camphor (1), Laurel (2), Mango (2) and Oak (7). I believe that none are protected but they are quite large and quite old and should be preserved. The proposed construction will require the removal of all or nearly all of them and the likely death of all of them.
 - b. Not applicable, this is not in Tarpon's designated Historic District
2. These conditions long pre-date the current applicant
3. It is NOT the case that the literal enforcement of the zoning requirement would deny reasonable use of the property. In the applicant's own answer to this question on their Board of Adjustment Application they say "If the variance is denied the property would still have reasonable use."
4. I cannot address this – I'm not familiar with what privileges may be extended to others in the zoning district. I very much hope that those privileges do not include significant variation from longstanding zoning rules.
5. Granting this variance WILL have several adverse effects on surrounding properties:
 - a. The applicants claim that the approval of this variance allows for the construction of single-family homes similar to those in the surrounding neighborhood. That is not what they are requesting – the desired homes, as presented, are significantly larger than homes in the neighborhood and cover a far larger portion of their lot. The requested homes are shown as covering approximately 2730 square feet (on Lot 9 – 60% of the lot) and 2530 square feet (on lot 10 – 59% of the lot). On Division St. the average living space is 1580 square feet, with 2025 square feet of lot coverage (30% of the lot). On Spruce St. the average living space is 1410 square feet, with 1700 square feet of lot coverage (26% of the lot). On Grand Blvd parallel to Division St the average living space is 1260 square feet with 1800 square feet of lot coverage (28% of the lot)
 - b. Parking is an issue on narrow little Division St. now, even more when there's a festival at the docks or when Athens or Hope Streets are closed, as happened


several times last year. The people buying these homes are likely to have at least two vehicles each. There is no provision made for parking more than one of those vehicles on the property, nor any possibility of creating such a provision. This will interfere with our ability to get to our own driveways to park and certainly creates a nuisance, to say nothing of a hazard.

- c. The proposed construction is at the top of the hill on Division St. Drainage is an issue now on the slopes of Division Street toward Athens Street and toward Hope Street. During even a moderate rain, it flows into the drives of homes lower down. At present, rain can percolate through this entirely undeveloped lot and is sucked up by the 10 or 20 large, old trees on the lot or next door. With more than 60% of the lot covered by roof, driveway and walkways and those trees gone, where is that water to go but to Hope and Athens and the neighbors' driveways?
- d. The building of two overlarge homes, that too closely approach the lot lines, diminishes both the value and comfort of surrounding properties, injuring the rights of those of us that live nearby.

Thank you,


Deken Schmidt


Lynne Hardaker


542 Division St.

Tarpon Springs, FL 34689

(727) 888-3832

deken.schmidt@gmail.com

May 4, 2023

Board of Adjustments
Tarpon Springs, FL 34689

Re: Applications #23-21 & #23-22 – Variance to reduce required front and rear yard setbacks for a new single-family home on each lot. Location: southside of Division street, 227 feet west of Athens St (lots 9 and 10).

To Members of the Board of Adjustments:

In 2014, the National Register (NR) listed the Greektown Historic District. It fulfills all criteria for a historic district, but with an extra overlay of extra significance for its traditional culture based on the Greek community and sponge industry. Greektown encompasses residences, working waterfront, and businesses. The NR nomination details District residential architectural styles: one- to 2-story dwellings reflecting common Florida vernacular cottage and house forms, especially frame vernacular—many of which display Bungalow influences, or are irregularly massed cross-plan cottages. Unfortunately, the applicant is currently building two houses on Acacia Street that do not conform with District architectural traditions in scale or style—so we must assume those on Division Street will be similar.

Judging by the submitted drawings, the applicant plans to build 2 houses with one or two stories which would create a footprint about 35x70 (2450 sf—or perhaps 2000 minus the porch) plus a garage. In Greektown, houses average about 2000 sf. If he complied with the required setback, the house footprint would be about 35x50, or 1750 sf. Last year he included drawings of a 2-story building, and he has not mentioned limiting construction to one-story. With 2 stories—like his houses that cover almost the entire lots on Acacia Street, more than any nearby houses—these would be about 3500 sf with the normal variances, which is enormous by District standards.

I am a property owner within 500 feet of these lots. The applicant claimed that a 50x90 lot does not allow for construction of a single-family home similar to those in the surrounding neighborhood. This is not true since he will build either an average size one-story or an enormous two-story house. As a comparison, my lot around the corner on Athens (50x85, or 4250 sf) is similar and not unusual in the District; in my 1100 sf home, the Tsangaris family previously raised 3 children. Only two Division St. homes are over 2000 sf, and the average living area is 1600 sf.

A variance to build an unusually large house by local norms would have an adverse effect on the integrity of the district. Section 106 of the National Historic Preservation Act says an adverse effect can include the introduction of incompatible visual elements—which pertains to the scale of the proposed buildings because they do not reflect those in the surrounding neighborhood.

The City is now beginning the Greektown Historic District Vision plan, which will include guidelines for District development and renovation. Although not legally necessary, the

wise course of action would be to defer such projects so that they will be in compliance with new ordinances.

Although we welcome more homes that reflect our vernacular architectural traditions, the Greektown Historic District is a special area that should be protected from inappropriate and incompatible development for investment purposes. We can begin by not granting unnecessary setback variances.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tina Bucuvalas", with a long horizontal flourish extending to the right.

Tina Bucuvalas
Greektown Preservation & Heritage Association, Inc.

115 Athens Street
Tarpon Springs, FL 34689
727-916-0235
tbucuvalas@hotmail.com

MINUTES*
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
REGULAR SESSION – APRIL 26, 2023

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, APRIL 26, 2023, AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

Jacqui Turner	Chairperson
Joanne Reich	Vice-Chairperson
George Bouris	Member
Joanne Simon	Member
Timothy Grossman	Member

ABSENT/NO PRIOR NOTICE GIVEN Chis Hrabovsky Member

ALSO PRESENT:	Allie Keen	Senior Planner
	Regina Kardash	Board Attorney
	Kimberly Creighton	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 Creighton called the roll.

2. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING OF SPEAKERS

Ms. Kardash 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 #23-11 – VARIANCE TO ALLOW A NONCONFORMING LOT OF RECORD TO BE BUILT UPON AND TO REDUCE THE REQUIRED FRONT, SIDE, AND REAR YARD SETBACKS FOR THE PURPOSE OF CONSTRUCTING A NEW SINGLE-FAMILY HOME.

LOCATION: 122 W. CEDAR STREET (LOT 11)

Staff:

Mrs. Keen gave background information, went over the findings-of-fact listed below, and noted 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 front yard setback** for the home (16 feet) and open, unenclosed front porch (6 feet).

(Continued)

Application #23-11 (Continued)

3. ***Denial*** of the reduced **west side yard setback** (4 feet). Staff was of the opinion the home layout could be revised to observe the required 5-foot side setback and still meet the required side yard setback for the east side of the home.
4. ***Approval*** of the reduced **rear yard setback** (10 feet).

Findings-of-Fact Nonconforming Lot of Record Variance:

1. The subject property was originally platted in 1930 as 3 separate lots or record prior to the effective date of the Land Development Code.
2. Lot 11 was in existence prior to the City's first zoning ordinance that went into effect in 1944, therefore the property was not created in violation of a previous ordinance.
3. According to deed records it appears these lots have been under common ownership since at least 1975 and continue to be under common ownership today. However, the existing home on Lots 9 and 10 was built in 2020 to meet the minimum side setbacks between Lots 10 and 11; therefore, the construction of the home did not rely on Lot 11 to be developed and could be split without creating any nonconformities.

Findings-of-Fact Setback Variance

1. The need for the variances is due to the Lot 11, which was platted prior to the City's zoning regulations, being smaller in lot area than what would be currently required under the current zoning requirements and due to the irregular lot shape.
2. The lot was originally platted in 1930, prior to the current zoning regulations being in place and prior to the applicant obtaining ownership.
3. The nonconforming, irregularly shaped lot is approximately 1,450 square feet smaller than required under the current zoning regulations. The reduced front and rear yard setbacks are directly in response to the nonconforming lot area and shape and are the minimum necessary in order to develop the property with a single family home that is similar the homes elsewhere in the district. However, the lot does meet the minimum lot width requirement and based on the provided conceptual site plan, staff is of the opinion the home layout could be revised to meet the minimum side setbacks for both sides.
4. The subject property is located within an older section of Tarpon Springs that has an irregular street grid pattern. This results in several lots having irregular shapes and sizes, such as the subject property, that could present some challenges for development under the current dimensional standards of the Land Development Code. Granting of the front and rear yard variances will allow for the construction of a single-family home on a nonconforming lot. However, based on the provided conceptual site plan, it appears the layout could be revised in order to accommodate the minimum required side setback for both sides of the property.

(Continued)

Application #23-11 (Continued)

5. The homes within the surrounding neighborhood greatly vary in construction dates, from the 1920s to 2020s. Because of this, setbacks of the existing structures vary throughout the area. Granting of the variances to reduce the front and rear yard setback is not expected to adversely affect the surrounding area. However, based on the provided conceptual site plan, it appears the home layout could be revised in order to accommodate the minimum required side setback for both sides of the property, therefore approval of the west side setback variance could adversely impact the adjacent property.

Applicant:

Thomas Zabit, 122 W Cedar St., noted that he wanted to clarify that the lot was a parallelogram, so it made it difficult to build a house with the setbacks as they were required. Applicant informed the Board that he would like to withdraw the side setback variance.

Public

Carrie Darfler, 1809 Lonview Lane, noted that she owned lot 12 on Athens Street. She noted that her main concern was the oak tree and that the applicant appeared to be interested in saving it.

Tina Bucuvalas, 115 Athens Street, noted that Greektown was a Historic Greektown Traditional Cultural District and this applicant wanted to build too large of a home; she requested that variance be denied. She further mentioned that there were going to be guidelines adopted to keep new homes consistent with what was in the area.

Ms. Kardash mentioned that the Board was responsible for applying the law as it was today, not on future guidelines.

Motion: Mrs. Simon
Second: Mr. Grossman

To approve the nonconforming lot of record aspect of application 23-11 as presented.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

(Continued)

Application #23-11 (Continued)

Motion: Mrs. Simon
Second: Mr. Grossman

To approve the reduced rear yard setback aspect of application 23-11, as presented.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

Motion: Mr. Bouris
Second: Ms. Reich

To deny the front yard setback.

Motion withdrawn by Mr. Bouris.

Motion: Mrs. Simon
Second: Mr. Grossman

To approve the front yard setback at 16-feet.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	No
Ms. Reich	No
Ms. Turner	Yes

Motion: Mrs. Simon
Second: Mr. Grossman

To approve the open, unenclosed front porch with a front setback of 6 feet.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	No
Ms. Reich	No
Ms. Turner	Yes

4. **APPLICATION #23-13 – A REQUEST TO WAIVE THE REQUIREMENT TO CONSTRUCT A SIDEWALK ALONG THE ABUTTING IMPROVED STREET.**

LOCATION: 106 W. PARK STREET

Staff:

Mrs. Keen gave background information, went over the findings-of-fact listed below, and noted that based on the information available at the time this report was prepared staff recommended approval of the sidewalk waiver due to the technical impracticality in constructing the sidewalk along the Roosevelt Blvd. frontage and future connectivity limitations north of the subject site.

Findings-of-Fact:

1. The existing mature, protected sable palms within the right-of-way limit the opportunity to construct sidewalks at this location. Further, the Public Works department has indicated that future sidewalk connections on the east side of Roosevelt Blvd. north of the subject site is unlikely due to various right-of-way limitations. These limitations are unique to the subject property and do not generally apply to other property located elsewhere within the same district.
2. The subject property in its current configuration and the adjacent right-of-way and mature trees have been in existence prior to the applicant taking ownership of the property. 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.

Applicant:

Mr. Saiya was available to answer questions, there were none for him.

Public:

There were no members of the public wishing to speak on this application.

Motion: Ms. Reich
Second: Mrs. Simon

To approve application 23-13 as presented.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

5. **APPLICATIONS #23-21 & #23-22 – VARIANCE TO REDUCE THE REQUIRED FRONT AND REAR YARD SETBACKS FOR THE PURPOSE OF CONSTRUCTING A NEW SINGLE FAMILY HOME ON EACH LOT.**

LOCATION: SOUTHSIDE OF DIVISION STREET, APPROXIMATELY 227 FEET WEST OF THE ATHENS STREET INTERSECTION (LOTS 9 AND 10).

(APPLICATION WAS DEFERRED UNTIL THE MAY 24, 2023, REGULAR BOARD OF ADJUSTMENT MEETING)

6. **APPROVAL OF MINUTES**

- a. **OCTOBER 26, 2022 (FORM 8B INCLUDED WITH MINUTES FOR SIGNATURE)**

Motion: Ms. Reich
Second: Mrs. Simon

To approve minutes of October 26, 2022, as presented.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

b. **JANUARY 25, 2023**

Motion: Ms. Reich
Second: Mrs. Simon

To approve the revised minutes with the revision to page 3, application 22-124 to reflect Mrs. Simon's vote as "No".

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

(Continued)

APPROVAL OF MINUTES (CONTINUED)

c. March 23, 2023

Motion: Ms. Reich
Second: Mrs. Simon

To approve minutes from March 23, 2023.

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

Mr. Grossman	Yes
Mrs. Simon	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

7. STAFF COMMENTS

Mrs. Keen noted that to save paper, she asked that Board members request paper copies of the agenda packets for each meeting, as needed. Ms. Reich and Mr. Bouris noted that they always wanted paper packets.

8. BOARD COMMENTS

There were no Board Comments.

9. ADJOURNMENT

Ms. Turner adjourned the regular meeting at 7:57 p.m.

Jacquie Turner, Chairperson

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