



City of Tarpon Springs, Florida

Board of Adjustment
324 East Pine Street
Tarpon Spring, Florida 34689
(727) 938-3711

<http://www.ctsfl.us/agenda.htm>

BOARD OF ADJUSTMENT - **UPDATED** AGENDA

WEDNESDAY, JUNE 26, 2024

6:30 PM - CITY HALL AUDITORIUM

1. CALL TO ORDER

2. ROLL CALL

3. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

4. APPLICATION(S)

a. **#24-25 - Calistri**

Variance to reduce the required side yard setback for the purpose of constructing a new single-family home.

Location: 1660 Seabreeze Drive

b. **#24-26 - Sharpe**

Variance to reduce the side setback and to allow an increase in the allowable length for the construction of a new dock.

Location: 771 Chesapeake Drive

c. **#24-28 - Long - Added Letter Retracting Letter of Support**

Variance to allow a fence to be taller than permitted in the front yard.

Location: 728 Chesapeake Drive

5. APPROVAL OF MINUTES

- a. April 24, 2024, Minutes for Approval

6. BOARD AND STAFF COMMENTS

7. 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
[JUNE 26, 2024]**

STAFF REPORT

Application No. / Project Title: #24-25 (Calistri)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Ralph & Nicole Calistri
Property Size: +/- 10,677 Square Feet
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 1660 Seabreeze Drive / 03-27-15-79344-000-0590

BACKGROUND SUMMARY:

The applicant is requesting variance approval to reduce the total side yard setback to 20 feet, 5 feet less than required, for the purpose of constructing a new single-family home.

PRELIMINARY STAFF RECOMMENDATION:

Based on the evidence available at the time this report was prepared, staff recommends ***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: Per Land Development Code (LDC) Section 25.02(D)(6)(b), the minimum side yard setback is 10 feet, with a total of 25 feet for both sides, in the R-100 zoning district.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	One-story single-family home, driveway, trees, and landscaping.
Vehicle Access:	This property gains access from Seabreeze Drive.

SURROUNDING ZONING & LAND USE:

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



East:	R-100A (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 demolish the existing single-family home, which was constructed in 1960, in order to construct a new 2,400 square foot home that meets current flood construction standards. The proposed layout results in a total side yard setback of 20 feet (10 each side).
2. Per LDC Section 25.02(D)(6)(b), the minimum side yard setback is 10 feet, with a total of 25 feet. The proposed home will meet the minimum 10-foot requirement but will not meet the total of 25 feet.
3. The subject property was originally platted in 1951 as part of the Sea Breeze Island Subdivision and is a legal nonconforming lot of record, as are several other lots within this subdivision. The property is only 71 feet wide, where the current R-100 zoning district requires a minimum width of 75 feet.
4. The existing home is currently nonconforming in regard to side setback. Currently, the home has a total side yard setback of approximately 17 feet and does not meet the minimum 10-foot setback for both sides. Each side is approximately 8.5 feet. The proposed home will lessen the nonconformity by meeting the minimum 10-foot side setback.
5. The waterfront subject property is located within the AE-11 flood zone. The current structure has an elevation of only 6 feet, which is 5 feet less than the base flood elevation. Due to the property's location, it is vulnerable to flooding and storm impacts. The proposed new home will meet the current flood construction standards creating a more resilient structure.

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 subject property being 4 feet narrower than what would be required under the current R-100 standards. Although the proposed layout will not meet the total side yard setback required, it will meet the minimum 10-foot side yard setback. *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 special circumstances have not been self-created. The property was legally platted in 1951, prior to the applicant obtaining ownership. The proposed home will still meet the minimum side yard setback and will be constructed to meet today's flood construction standards. *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 dimensional standards would limit development on the property. Several lots along Seabreeze Drive do not meet the minimum 75-foot lot width requirement. Allowing the reduction of the minimum required side yard setback is consistent with the development pattern in the immediate area, and granting the variance will not confer any special privilege. Further, the existing home is already nonconforming with the R-100 side yard setbacks. The proposed layout of the new home lessens the nonconforming by meeting the minimum 10-foot side setback and allows for the construction of a home that meets today's flood construction standards. *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: Several lots along Seabreeze Drive do not meet the minimum lot width requirement for the R-100 zoning district. Further, several existing homes in the area are nonconforming in setbacks due to the smaller lots and similar challenges to the subject property. Granting approval of the variance will not confer special privilege. *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: Approval of the requested variance is not expected to substantially diminish property values nor adversely impact surrounding properties. The proposed home and setbacks are more consistent with the character of the existing neighborhood, which, over the years, has been experiencing redevelopment of the smaller, one-story homes built below base flood elevation. *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 not received any responses to these notices.*

ATTACHMENTS:

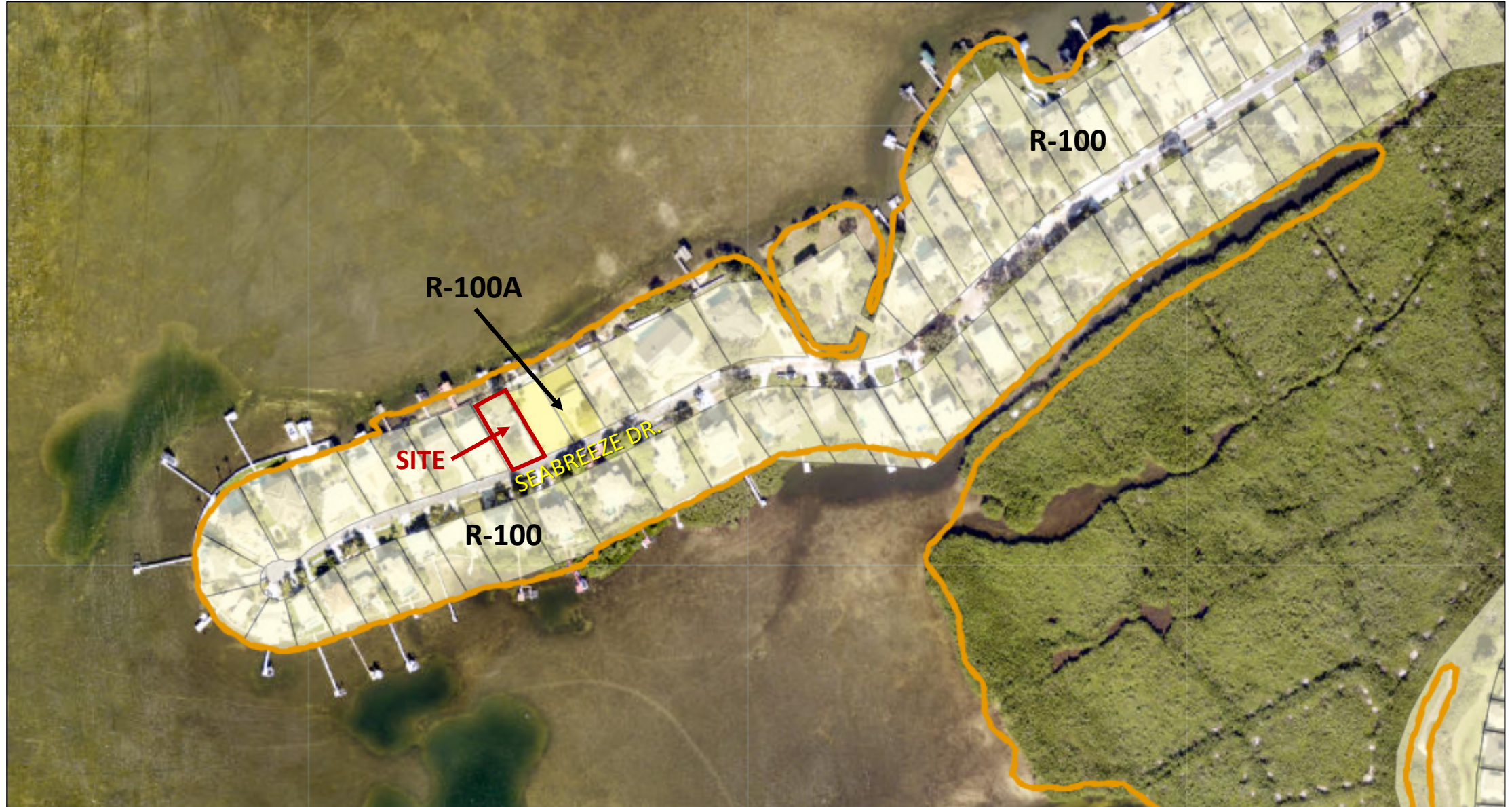
1. Staff Presentation
2. Application
3. Letter from Applicant
4. Site Plan
5. Survey (Shows Existing Home Layout)

CALISTRI #24-25

Board of Adjustment – June 26, 2024

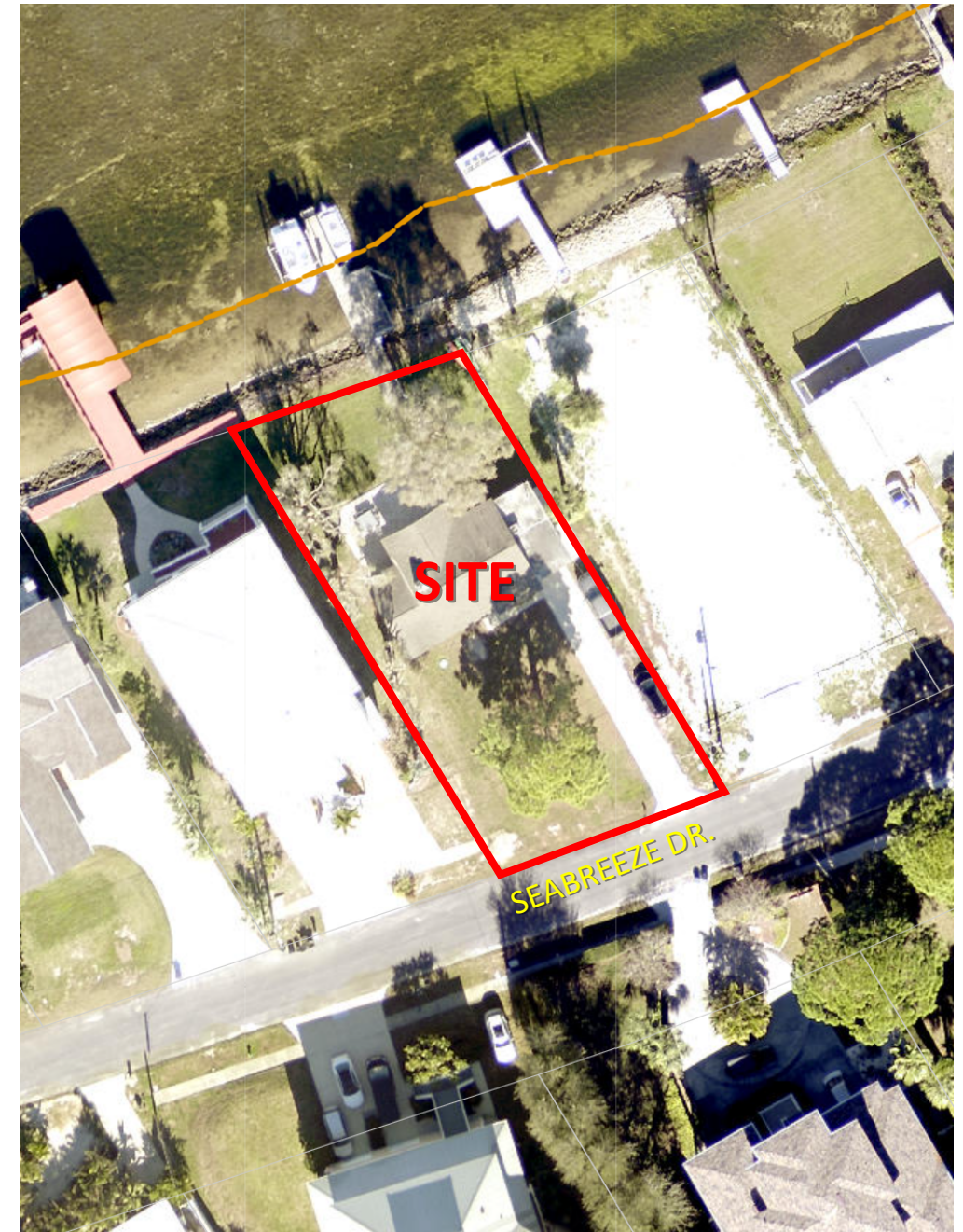


LOCATION & CONTEXT



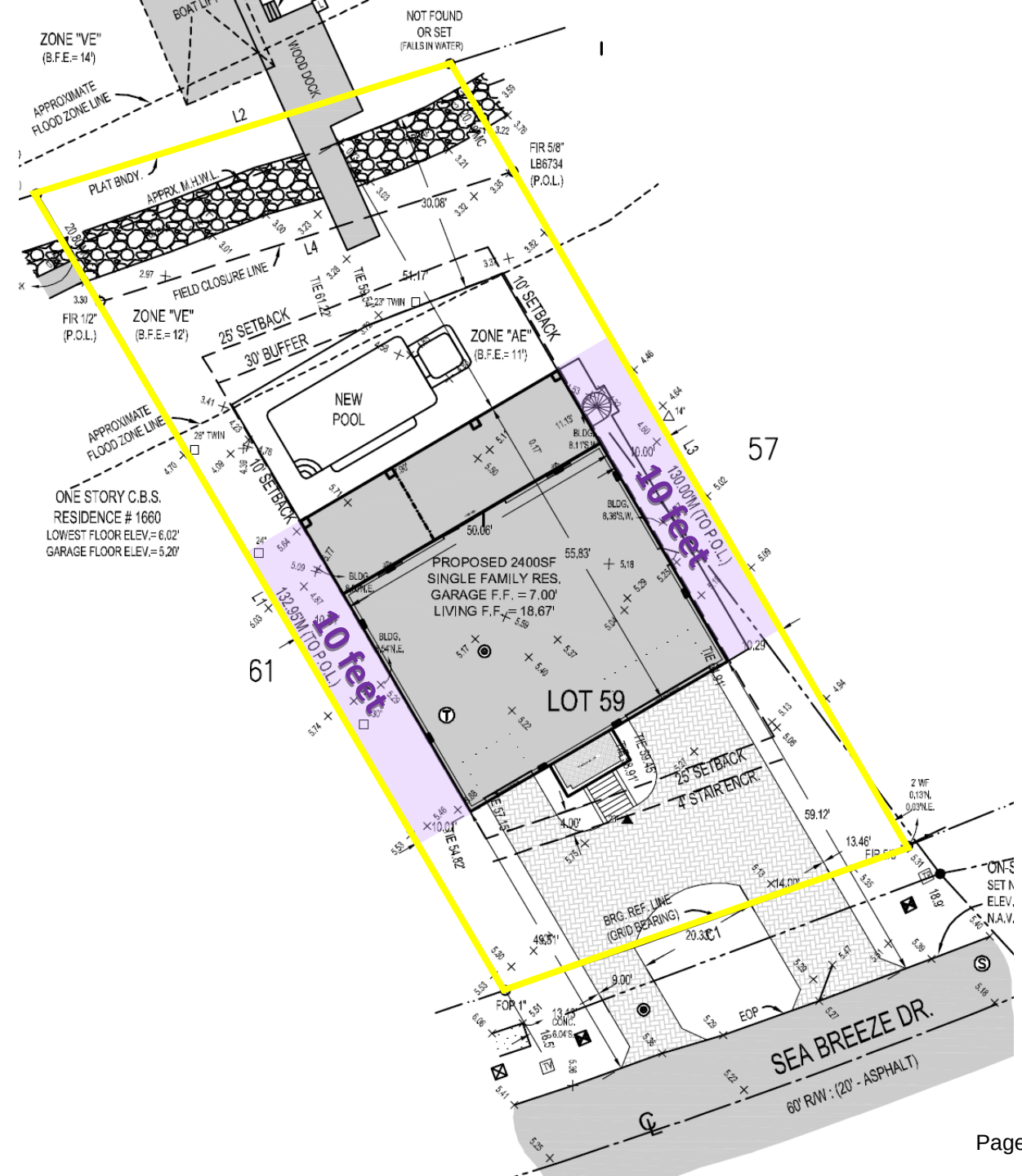
REQUEST

- **#24-25 – Side Yard Setback**
 - Required= Min. 10 feet, total of 25 feet for both sides.
 - Proposed = 10 feet, total of 20 feet for both sides.
- **Applicant/Owner:** Ralph & Nicole Calistri
- *Variance request to reduce the side yard setback for the purpose of demolishing the existing home and constructing a new home meeting current flood construction standards.*



REQUEST

- **R-100 Side Yard Setback:**
 - Proposed = 10 feet, total of 20 feet for both sides
 - Required = Min. 10 feet, total of 25 feet for both sides
- **Existing Home Side Setback:**
 - Approx. 8.5 feet each side, total 17 feet



PLANNING CONSIDERATIONS

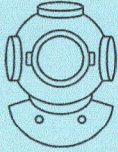
- **Nonconforming Lot**
 - Originally platted in 1951 (Sea Breeze Island Subdivision) and is nonconforming in lot width. Subject Property is only 71 feet wide, 4 feet less than required in the R-100 zoning district.
- **Flood Zone**
 - Property is in the AE-11 flood zone. The existing home's elevation is only 6 feet, 5 feet below the BFE. The new home will be required to be built 1 foot above the BFE and meet all other applicable flood construction standards.





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.



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 Ralph & Nicola Calistri		Email ralph.calistri@yahoo.com	
Address 1660 Seabreeze Dr			
City Tarpon Springs		State FL	Zip 34689
Phone	Fax	Cell 813-267-7821	

2. Applicant (if different than owner)

Name		Email	
Address			
City		State	Zip
Phone	Fax	Cell	

3. Agent (if applicable)

Name Omar Abbas		Email omar@abbasdevelopment.com	
Address 210 S Pinellas Avenue, suite 200			
City Tarpon Springs		State Florida	Zip 34689
Phone	Fax	Cell 727-946-0475	

4. General Information

Property Location or Address 1660 Seabreeze Dr		
Legal Description (attach additional sheets as necessary) Sea Breeze Island Lot 59		
Tax Parcel Number(s) 03/27/15/79344/000/0590	Land Use Category	Zoning District R-100

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 25.02(D)(c).

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*)

Reduce side setback from 25' total on both sides to 20'

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.)*

No preservation of protected or native trees on the property and this is not in the historic 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. *(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 modifications have been made to the property- tearing down existing home

- (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 existing home was built in 1960 and is a single story & has been susceptible to flooding and loss of use.
~~With the rising tides and storms that threaten us each year, we want to build off the ground to the current flood zone requirements to prevent flooding and create a safer place for us to live. Building a home that is 44'8" wide is challenging to obtain a functional and desirable floor plan that will also look well in the neighborhood and at our ages, we cannot build a three story home.~~

- (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 the variance would afford us the same setbacks as adjacent lots 57 and 55 listed in R-100A that were recently approved

- (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 the variance will not have any impact on the surrounding properties. 2 adjacent lots have the setbacks we are requesting. A new home built to current standards, building codes and FEMA regulations will have a positive effect on the 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.

Ralph Calistri

4/9/24

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.

[Signature]

4/9/2024

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.

Ralph Calistri

4/8/24

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 9 day of April, A.D., 2024

by Ralph Calistri, 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:

Michelle Dinunno

Signature:

Michelle Dinunno

Stamp:



April 9th, 2024,

The City of Tarpon Springs
324 East Pine Street
Tarpon Springs, FL 34689

Dear City Officials,

First, please accept our apology for not being in attendance at this evening's meeting, but unfortunately plans made a year ago conflicted with this date.

Our family has owned the small single family home located at 1660 Sea Breeze Drive in Tarpon Springs since early 2013. Over the last 11 years we have come to love this City, and all that it has to offer. We intend to remain residents as long as we possibly can.

The house that we live in has been flooded twice over its lifetime, and with more active hurricane seasons every year, summertime has become a very stressful time for us. As such, we have come to the realization that we need to improve the property to eliminate the chronic flooding risk, and have decided that we are willing to make a substantial investment in a knockdown/rebuild on Seabreeze Drive. This new build will also add incrementally to the improvement process being experienced yearly on Seabreeze Dr.

As we dig into the building process we are learning about the guidelines in place for waterfront building. Although our property is currently zoned R100, it appears to be non-conforming in that designation due to the smaller property size. If the property was "freshly" zoned today, it would be R100A. As such, with the side 25' setbacks of the current R100 zoning, the rear 30' setback requirement for Gulf front property, and the standard 25' front setback, we are finding it difficult to fit a single story 2,400 SF home to allow for our 3 children and their families to visit, while also accommodating a swimming pool, and also incorporating an elevator to facilitate visits from our elderly parents, and our future as we grow older.

To accommodate these requirements, we are asking for The City to consider allowing for a variance of the side setbacks to the lesser 20' requirement of the R100A zoning, which would give us an additional 5' of building space. Please note that the current home on our property currently has the same 20' side setbacks, as does our West side neighbor's house, and also as does the 2 adjacent properties East of our home through their recent rezoning to R100A.

Thank you for your consideration on this subject. We look forward to your review.

Sincerely,

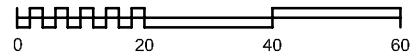


Ralph and Nicola Calistri, 1660 Seabreeze Drive, Tarpon Springs, FL 34689

1660 SEA BREEZE DR.
TARPON SPRINGS FL
SETBACKS SHOWN ARE FOR
PROPOSED R100A ZONING

TARPON SPRINGS FL

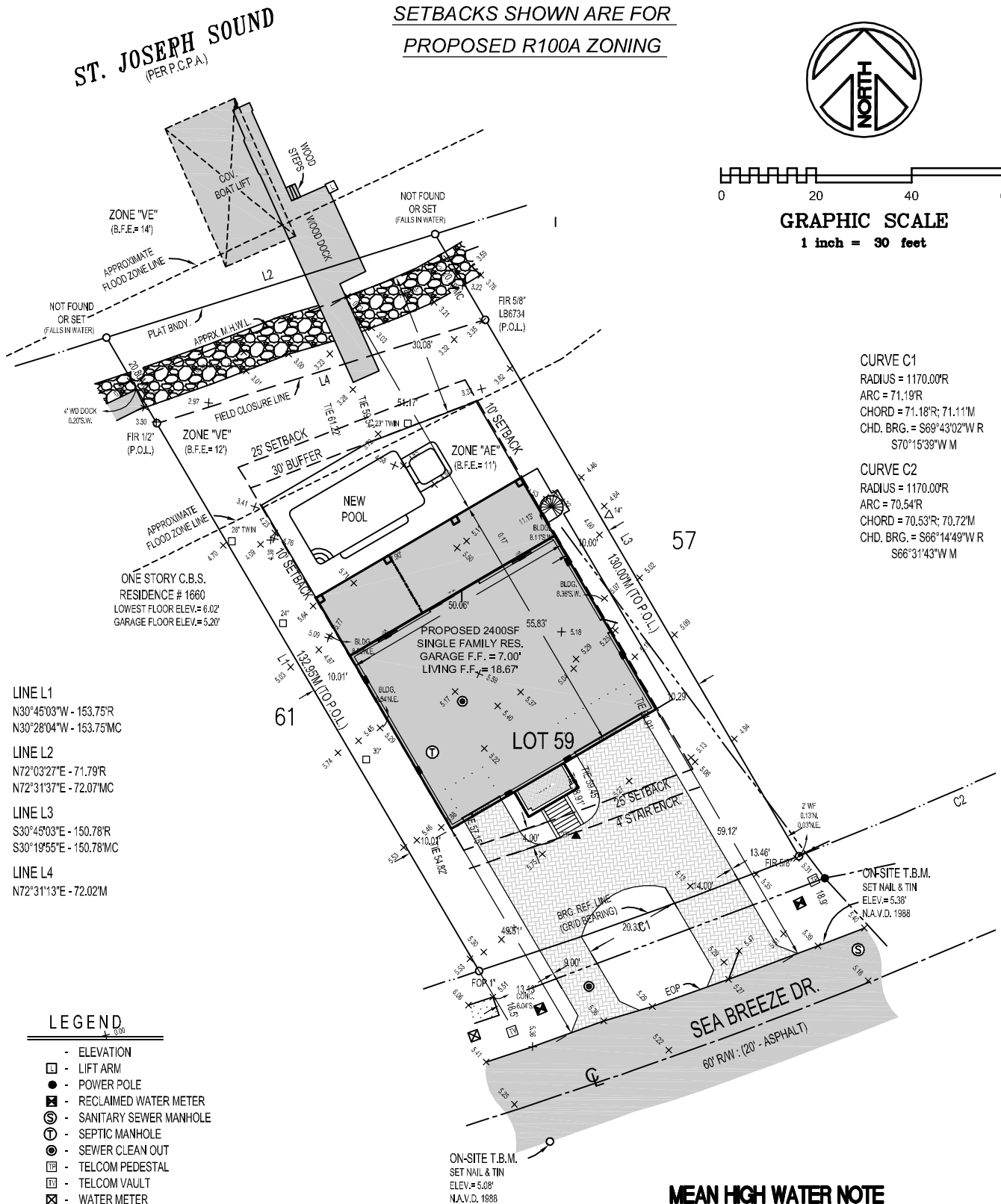
SETBACKS SHOWN ARE FOR
PROPOSED R100A ZONING



1 inch = 30 feet

CURVE C2
RADIUS = 1170.00'R
ARC = 70.54'R
CHORD = 70.53'R; 70.72'M
CHD. BRG. = S66°14'49"W R
S66°31'43"W M

- ELEVATION
- LIFT ARM
- POWER POLE
- RECLAIMED WATER METER
- SANITARY SEWER MANHOLE
- SEPTIC MANHOLE
- SEWER CLEAN OUT
- TELCOM PEDESTAL
- TELCOM VAULT
- WATER METER
- OVERHEAD WIRES
- PALM ^{00'} ▲
- PINE ^{00'} □
- UNKNOWN
- PINELLAS COUNTY
PROPERTY APPRAISER



THE MEAN HIGH WATER ELEVATION OF 0.73 FEET, NAVD 88, WAS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEY AND MAPPING, MEAN HIGH WATER REPOSITORY ON MARCH 26, 2024.

SECTION 3, TWP. 27 S., RNG. 15 E., PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION

LOT 59, SEA BREEZE ISLAND, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGES 66 AND 67, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

FLOOD ZONE

THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE AE (BASE FLOOD ELEVATION OF 11 FEET) AND IN ZONE VE (BASE FLOOD ELEVATION OF 12 FEET), IN ACCORDANCE WITH THE FIRM MAP OF THE CITY OF TARPON SPRINGS, PINELLAS COUNTY, COMMUNITY NUMBER 120259 (MAP NUMBER 12103C-0016-H), MAP DATED AUGUST 24, 2021.

PREPARED FOR

RALPH C. CALISTRI TRUSTEE; NICOLA L. CALISTRI TRUSTEE; CALISTRI FAMILY REVOCABLE LIVING TRUST

SURVEY ABBREVIATIONS

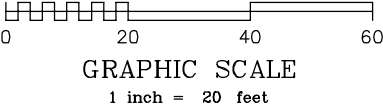
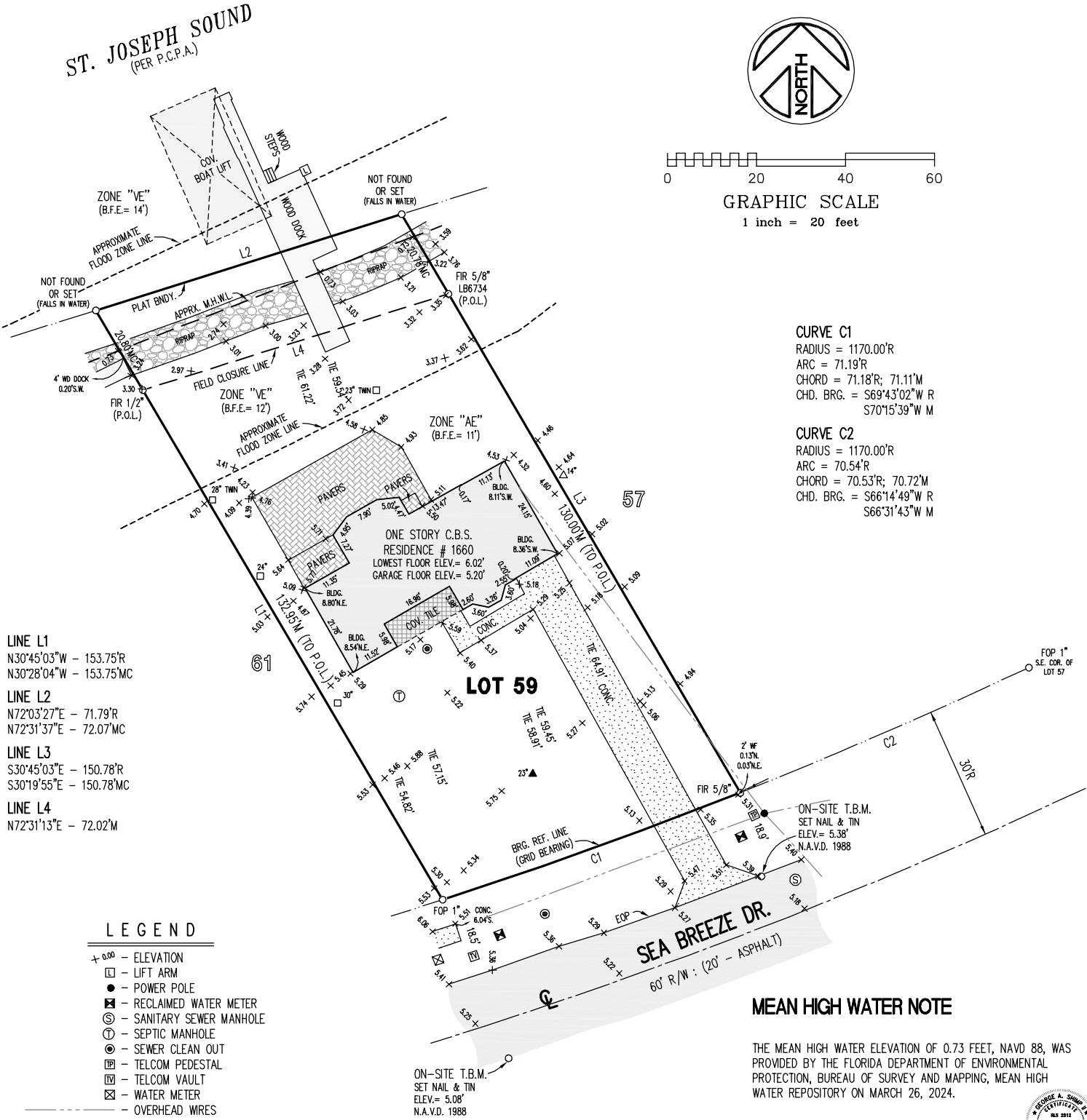
A = ARC LENGTH A/C = AIR CONDITIONER AF = ALUMINUM FENCE ALUM = ALUMINUM ASPH = ASPHALT BFE = BASE FLOOD ELEVATION BLDG = BUILDING BLK = BLOCK BM = BENCH MARK BNBY = BOUNDARY BRG = BEARING BWF = BARBED WIRE FENCE C = CALCULATED CB = CHORD BEARING CBS = CONCRETE BLOCK STRUCTURE CHD = CHORD CL = CENTERLINE CLF = CHAIN LINK FENCE CLOS = CLOSURE COL = COLUMN CONC = CONCRETE CO = COUNTY ROAD C/S = CONCRETE SLAB COR = CORNER COV = COVERED AREA	D = DEED DOT = DEPARTMENT OF TRANSPORTATION DRNG = DRAINAGE D/W = DRIVEWAY EL OR ELEV = ELEVATION EDP = EDGE OF PAVEMENT EDW = EDGE OF WATER ESMT = EASEMENT FCM = FOUND CONCRETE MONUMENT FES = FLARED END SECTION FIR = FOUND IRON ROD FL = FLOW LINE FLD = FIELD FND = FOUND FOP = FOUND OPEN PIPE FPC = FOUND POWER CORP. FPP = FOUND PINCHED PIPE FRM = FRAME FZL = FLOOD ZONE LINE GAR = GARAGE G/E = GLASS ENCLOSURE HWF = HOG WIRE FENCE HWL = HIGH WATER LINE INV = INVERT	LB = LAND SURVEYING BUSINESS LFE = LOWEST FLOOR ELEV LHSM = LOWEST HORIZONTAL STRUCTURAL MEMBER LS = LAND SURVEYOR M = MEASURED MAS = MASONRY MES = MEASURED END SECTION MH = MANHOLE MHW = MEAN HIGH WATER LINE MSL = MEAN SEA LEVEL NAB = NAIL AND BOTTLE CAP NAD = NAIL AND DISK NAT = NAIL AND TAB NGVD = NATIONAL GEODETIC VERTICAL DATUM NO = NUMBER O/A = OVERALL OHW = OVERHEAD WIRE(S) OR = OFFICIAL RECORDS O/S = OFFSET P = PLAT PB = PLAT BOOK PC = POINT OF CURVE PCC = POINT OF COMPOUND CURVE PCP = PERMANENT CONTROL POINT PS = PAGE	PK = PARKER KALON PL = PROPERTY LINE POB = POINT OF BEGINNING POC = POINT OF COMMENCEMENT POL = POINT ON LINE PP = POWER POLE PRC = POINT OF REVERSE CURVATURE PRM = PERMANENT REFERENCE MONUMENT PROP = PROPERTY PSM = PROFESSIONAL SURVEYOR & MAPPER PVCF = PVC FENCE PWT = PAVEMENT RAD = RADIUS R = RECORD REF = REFERENCE RES = RESIDENCE RL = RADIAL LINE RLS = REGISTERED LAND SURVEYOR RND = ROUND RNG = RANGE RRS = RAIL ROAD SPIKE R/W = RIGHT-OF-WAY SCM = SET CONCRETE MONUMENT SEC = SCREENED ENCLOSURE SEG = SECTION	SET NAD = SET NAIL AND DISK LB# 1834 SR = SET 1/2" IRON ROD LB# 1834 SQ = SQUARE SRF = SPLIT RAIL FENCE SR = STATE ROAD STY = STORY SUB = SUBDIVISION S/W = SIDEWALK TB = "T" BAR TBM = TEMPORARY BENCH MARK TC = TOP OF CURB TOB = TOP OF BANK TOS = TOP OF SLOPE TRANS = TRANSFORMER TWP = TOWNSHIP TYP = TYPICAL UG = UNDERGROUND UTIL = UTILITY WD = WOOD WF = WOOD FENCE WFS = WOOD FRAME STRUCTURE WIF = WROUGHT IRON FENCE WIT = WITNESS WVF = WIRE FENCE WV = WATER VALVE
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*** ABBREVIATIONS MAY ALSO BE CONCATENATED AS REQUIRED.
*** OTHER COMMONLY RECOGNIZED AND/OR ACCEPTED ABBREVIATIONS ARE ALSO UTILIZED BUT NOT SPECIFIED HEREON.

GENERAL NOTES

- 1.) THIS SURVEY HAS BEEN EXCLUSIVELY PREPARED FOR THE NAMED ENTITIES (THE "CERTIFIED PARTIES") SHOWN HEREON AND IS NOT TRANSFERABLE. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON AND/OR RE-USE THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESSED, WRITTEN CONSENT OF GEORGE A. SHIMP II & ASSOCIATES, INC. (THE "SURVEY FIRM") AND THE CERTIFYING PROFESSIONAL SURVEYOR AND MAPPER (THE "SIGNING SURVEYOR"), HEREINAFTER COLLECTIVELY REFERRED TO AS "THE SURVEYOR". NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THE CERTIFIED PARTIES SHOWN ON THIS SURVEY.
- 2.) UNAUTHORIZED COPIES AND/OR REPRODUCTIONS VIA ANY MEDIUM OF THIS SURVEY OR ANY PORTIONS THEREOF ARE EXPRESSLY PROHIBITED WITHOUT THE SURVEYOR'S EXPRESSED, WRITTEN CONSENT.
- 3.) THE WORD "CERTIFY" AS SHOWN AND USED HEREON, MEANS AN EXPRESSION OF THE SURVEYOR'S OPINION REGARDING THE FACTS OF THE SURVEY BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT THUS CONSTITUTES NEITHER A GUARANTEE NOR A WARRANTY, EITHER EXPRESSED OR IMPLIED.
- 4.) THIS SURVEY SHALL BE VALID FOR ONE (1) YEAR FROM THE DATE OF FIELD SURVEY SHOWN HEREON.
- 5.) THIS PROPERTY WAS SURVEYED BASED ON THE PROPERTY'S LEGAL DESCRIPTION, AS SHOWN HEREON, WHICH UNLESS OTHERWISE STATED, WAS PROVIDED TO THE SURVEYOR BY THE CLIENT, OR CLIENT'S DESIGNATED AGENT.
- 6.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR TITLE COMMITMENT AND IS SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND/OR OTHER MATTERS OF RECORD. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR, EXCEPT AS SHOWN.
- 7.) THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER MATTERS OF RECORD THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THERE MAY BE ADDITIONAL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THIS PROPERTY THAT ARE NOT SHOWN HEREON AND MAY (OR MAY NOT) BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 8.) BASIS OF BEARINGS: MEASURED BEARINGS ARE IN REFERENCE TO FLORIDA STATE PLANE COORDINATE GRID NORTH, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 READJUSTMENT), AS ESTABLISHED BY THE NATIONAL GEODETIC SURVEY.
- 9.) THERE ARE NO VISIBLE ENCROACHMENTS, EXCEPT AS SHOWN HEREON.
- 10.) THIS SURVEY SHOWS VISIBLE, ABOVE GROUND FEATURES. NO UNDERGROUND FEATURES, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN HEREON.
- 11.) ALL BUILDING TIES, PROPERTY MARKER LOCATIONS AND OTHER SITE IMPROVEMENT LOCATIONS SHOWN HEREON ARE MEASURED PERPENDICULAR TO ADJACENT BOUNDARY LINES, UNLESS OTHERWISE STATED.
- 12.) THE FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING AND DAMAGE. LARGER FLOODS THAN THOSE PREDICATED ON SAID MAP MAY OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THE FLOOD INSURANCE RATE MAP "IS FOR INSURANCE PURPOSES ONLY" AND ANY DAMAGES THAT MAY RESULT FROM RELIANCE ON THIS FLOOD ZONE DETERMINATION SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR. THE FLOOD ZONE LINES (IF ANY) SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON A SCALED INTERPRETATION FROM THE FLOOD INSURANCE RATE MAP AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

- 13.) UNLESS OTHERWISE SHOWN, THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP LINES, LINES AFFECTED BY ADVERSE USE, LINES OF CONFLICTING/OVERLAPPING DEEDS, OR OTHER LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
- 14.) NO INFORMATION ON ADJOINING PROPERTY OWNERS OR ADJOINING PROPERTY RECORDING INFORMATION WAS PROVIDED TO THE SURVEYOR.
- 15.) BECAUSE OF THE POSSIBILITY OF MOVEMENT OF THE MONUMENTATION FROM ITS ORIGINAL PLACEMENT BY PERSONS OTHER THAN THE SURVEYOR, IT IS RECOMMENDED THAT PRIOR TO ANY NEW IMPROVEMENTS ON THE PROPERTY THAT THE POSITION OF THE MONUMENTATION BE VERIFIED.
- 16.) FENCES AND WALLS (IF ANY) SHOWN ALONG THE BOUNDARIES OF THIS SURVEY ARE EXAGGERATED FOR CLARITY AND OWNERSHIP IS NOT DETERMINED. THE TIES AT THE PROPERTY CORNERS OR AT SPECIFICALLY DESIGNATED POINTS ARE BASED UPON FIELD LOCATIONS. FENCES AND WALLS ALONG OTHER PROPERTY BOUNDARIES MEANDER AND ARE APPROXIMATE. PRIOR TO THE RECONSTRUCTION OF ANY FENCES OR WALLS, IT WOULD BE PRUDENT TO HAVE THE BOUNDARY LINE STAKED.
- 17.) THE PRINTED DIMENSIONS SHOWN ON THIS SURVEY SUPERSEDE ANY SCALED DIMENSIONS. THERE MAY BE ITEMS DRAWN OUT OF SCALE TO GRAPHICALLY SHOW THEIR LOCATION.
- 18.) THIS SURVEY IS A REPRESENTATION OF EXISTING FIELD CONDITIONS AT THE TIME OF THE FIELD SURVEY AND UNLESS OTHERWISE SHOWN, IS BASED ON EXISTING SURVEY MONUMENTATION AS FOUND IN THE FIELD.
- 19.) THE ACCURACY OF THIS SURVEY, AS OBTAINED BY FIELD-MEASURED CONTROL MEASUREMENTS AND CALCULATIONS, MEETS OR EXCEEDS THE MINIMUM RELATIVE DISTANCE ACCURACY REQUIREMENT AS SPECIFIED IN THE MINIMUM TECHNICAL STANDARDS (5J-17, FLORIDA ADMINISTRATIVE CODE).
- 20.) THIS SURVEY IS BEING CERTIFIED ACCORDING TO THE LAST DATE OF FIELD SURVEY AND NOT THE SIGNATURE DATE (IF ANY).
- 21.) THIS SURVEY SHALL NOT BE FILED FOR PUBLIC RECORDS WITHOUT THE KNOWLEDGE AND THE EXPRESSED, WRITTEN CONSENT OF THE SURVEYOR.
- 22.) UNLESS OTHERWISE SHOWN, THE DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMAL PARTS THEREOF AND ARE BASED ON THE DEFINITION OF A FOOT AS ADOPTED BY THE UNITED STATES BUREAU OF STANDARDS AND REFER TO THE HORIZONTAL PLANE.
- 23.) TREES BY NATURE ARE IRREGULAR IN SHAPE AND SIZE AND EVERY EFFORT IS MADE TO ACCURATELY LOCATE THEM. THE TREE SIZE IS DETERMINED AT CHEST HEIGHT DIAMETER AND THE TREE LOCATION IS CENTER OF THE TREE TRUNK. ANY TREE LOCATIONS THAT ARE CRITICAL TO DESIGN SHOULD BE FIELD VERIFIED. EVERY EFFORT HAS BEEN MADE TO PROPERLY IDENTIFY THE TREES SHOWN HEREON. HOWEVER, TREE IDENTIFICATION IS OUTSIDE THE AREA OF EXPERTISE OF A PROFESSIONAL SURVEYOR AND MAPPER, THEREFORE, THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR IDENTIFICATION OF TREE SPECIES. ALL TREE TYPES SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY AND ANY TREE SPECIES THAT ARE CRITICAL SHOULD BE VERIFIED BY A CERTIFIED ARBORIST.
- 24.) THIS SURVEY SHALL NOT BE USED WITH A SURVEY AFFIDAVIT. AN INCORRECT SURVEY AFFIDAVIT CAN INCREASE THE OWNER/BUYER'S LIABILITY, DECREASE THEIR LEGAL RIGHTS AND PROTECTIONS WHICH ARE AFFORDED BY A CURRENT SURVEY AND MAY RESULT IN COSTLY LITIGATION AS WELL. AN INCORRECT SURVEY AFFIDAVIT CAN BE THE RESULT OF CHANGES MADE TO THE PROPERTY SINCE THE DATE OF THE LAST SURVEY, WHICH MAY INCLUDE IMPROVEMENTS MADE BY THE OWNER, ADJACENT OWNERS OR UTILITY COMPANIES OR CHANGES IN THE SURVEY BOUNDARY MONUMENTATION. USE OF THIS SURVEY BY A LENDING INSTITUTION OR TITLE COMPANY IN CONJUNCTION WITH A SURVEY AFFIDAVIT IS STRICTLY PROHIBITED AND SHALL RENDER THIS SURVEY NULL AND VOID.
- 25.) BENCH MARK: THE ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM ON 1988 (N.A.V.D. 1988) AS ESTABLISHED USING REAL TIME KINEMATIC (R.T.K.) G.P.S. BASED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION (F.D.O.T.) FLORIDA PERMANENT REFERENCE NETWORK (F.P.R.N.).
- 26.) THIS DOCUMENT IS ONLY VALID FOR THE REVIEW PROCESS BY THE AUTHORITY HAVING JURISDICTION AND MUST CONTAIN THE THIRD PARTY VERIFIED DIGITAL SIGNATURE AND SEAL. DISTRIBUTION OF THIS DOCUMENT TO THIRD PARTIES WILL RENDER THIS DOCUMENT INVALID AND NO LIABILITY WILL BE ASSUMED BY THE SIGNING SURVEYOR.



CURVE C1
RADIUS = 1170.00'R
ARC = 71.19'R
CHORD = 71.18'R; 71.11'M
CHD. BRG. = S69°43'02"W R
S70°15'39"W M

CURVE C2
RADIUS = 1170.00'R
ARC = 70.54'R
CHORD = 70.53'R; 70.72'M
CHD. BRG. = S66°14'49"W R
S66°31'43"W M

LEGEND

- + 0.00 = ELEVATION
- ☐ = LIFT ARM
- = POWER POLE
- ⊗ = RECLAIMED WATER METER
- ⊗ = SANITARY SEWER MANHOLE
- ⊗ = SEPTIC MANHOLE
- ⊗ = SEWER CLEAN OUT
- ⊗ = TELCOM PEDESTAL
- ⊗ = TELCOM VAULT
- ⊗ = WATER METER
- ⊗ = OVERHEAD WIRES
- ⊗ = PALM
- ⊗ = PINE
- ⊗ = UNKNOWN
- P.C.P.A. = PINELLAS COUNTY PROPERTY APPRAISER

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DO NOT COPY OR REPRODUCE

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE THIRD PARTY VERIFIED DIGITAL SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. PRINTED COPIES OF THIS DOCUMENT WILL NOT BE CONSIDERED SIGNED AND SEALED.
George A. Shimp II
GEORGE A. SHIMP II, FLORIDA REGISTERED LAND SURVEYOR No. 2512

JOB NUMBER: 240076 DATE SURVEYED: 3-21-2024
DRAWING FILE: 240076.DWG DATE DRAWN: 3-22-2024
LAST REVISION: N/A X REFERENCE: N/A
GEORGE A. SHIMP II
AND ASSOCIATES, INCORPORATED
LAND SURVEYORS LAND PLANNERS
3301 DeSOTO BOULEVARD, SUITE D
PALM HARBOR, FLORIDA 34683
PHONE (727) 784-5496 FAX (727) 786-1256





**CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[JUNE 26, 2024]**

STAFF REPORT

Application No. / Project Title: #24-26 (Sharpe)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Jay Lisle / Kenneth Sharpe
Property Size: +/- 11,853 square feet
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 771 Chesapeake Drive / 11-27-15-15048-003-0190

BACKGROUND SUMMARY:

The applicant is requesting the following variances for the purpose of constructing a new dock:

1. A variance to allow a new dock to be 80 feet in length, 32.5 feet longer than allowed for the width of the property's waterfront.
2. A variance to allow a new dock to be located outside the center 1/3 of the property's waterfront. The applicant is proposing a side setback of 21 feet, 10.7 feet less than required, from the northwest side property line.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff recommends **approval** of the increased dock length variance. Staff recommends **denial** of the setback variance. It is of staff's opinion that the proposed dock could be modified to remove the second boat lift from the northwest side. The removal of the second boat left would allow the proposed dock to comply with the setback standards.

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 standards compatible with the established development of the area.

Development Standards:

1. Per LDC Section 59.00(B)(1), private docks shall be constructed so that the length of the dock shall not extend from the mean high-water line or seawall of the property further than ½ the width of the property at waterfront.
2. Per LDC Section 59.00(B)(2), private docks and boat lifts shall be constructed within the center 1/3 of the waterfront property.



CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	House, driveway, dock, trees, and landscaping.
Vehicle Access:	This property gains access from Chesapeake Drive.

SURROUNDING ZONING & LAND USE:

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

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 remove the existing dock and construct a new dock with two boat lifts on the subject property. The proposed dock configuration exceeds the permitted length and is not located within the center 1/3 of the property's waterfront as required by the Land Development Code (LDC).
2. Per LDC Section 59.00(B), the length of a private dock cannot extend from the mean high-water line further than ½ the width of the property at the waterfront. The subject property has approximately 95 feet of water frontage, which would allow for a maximum length of 47.5 feet. The applicant is proposing a dock length of 80 feet.
3. The Pinellas County Water and Navigation code requires in tidal waves a minimum of 18 inches of water depth for all docks. According to the applicant, the additional length is necessary due to the water depth at this location only being 12 inches.
4. Per LDC Section 59.00(B)(2), private docks and boat lifts must be constructed within the center 1/3 of the waterfront property. Based on the property's length of waterfront, the entire docking facility cannot exceed 31.7 feet wide, and must be at least 31.7 feet from the northwest and southeast property lines. The applicant is proposing the dock to be 35.9 feet from the southeast property line, but only 21 feet from the northwest property line.
5. The proposed dock includes 2 boat lifts. The location of the second boat lift on the north side of the dock increased the overall width of the docking facility. If this boat lift was removed, the dock would meet the minimum side setback to the northwest property line.
6. According to the provided site plan, the proposed dock would be approximately 31 feet from the neighboring dock to the north.
7. The LDC allows the dimensional standards for a private dock to be waived by the City Manager if signed statements of no objection from the affected property owner(s) are provided. When these statements are not provided, the variance process is necessary to exceed what is permitted in the LDC. For this application, statements of no objection would be necessary from both adjacent property owners for the extended length and width. The applicant has only provided a statement of no objection from the adjacent property owner to the southeast; therefore, the variance process is required.



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.**

DOCK LENGTH Provisional Findings: The need for the dock length variance is due to the water depth at this location. In order to meet the requirements of Pinellas County Water and Navigation, the dock needs to be extended beyond the maximum length permitted by the Land Development Code. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

DOCK WIDTH Provisional Findings: The LDC limits the overall dock width based on the amount of water frontage the property has. The subject property has 95 feet of frontage, which allows for a docking facility that is 31.7 feet in width. This overall width permits a reasonable sized dock and boat lift. The requested width variance is to allow for a second boat lift on the north side of the dock. Although the property has water frontage, it is not automatically permitted a dock with two boat lifts. If the second boat lift was removed the proposed dock and boat lift on the south side could comply with the width standards. *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.**

DOCK LENGTH Provisional Findings: The conditions or special circumstances have not been self-created by the applicant. The proposed increased dock length is due to the water depth at this location. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

DOCK WIDTH Provisional Findings: The need for the variance is a result of the proposed configuration and inclusion of a second boat lift. If the docking facility was redesigned to remove the second boat lift on the north side, the need for the width variance would not be necessary. The proposed request has been self-created. *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.**

DOCK LENGTH Provisional Findings: Literal enforcement of the private dock length standards would not allow a dock to be constructed at this location due to the water depth. The proposed dock length is the minimum necessary in order to comply with the water depth requirements of Pinellas County Water and Navigation and approval of the dock length variance would allow for reasonable use of a waterfront property. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

DOCK WIDTH Provisional Findings: Literal enforcement of the private dock width standards would necessitate the dock to be redesigned to remove the second boat lift in order to be located within the center 1/3 of the property's water frontage. Compliance with this requirement and approval of the dock



length variance would still allow for a dock and boat lift at this location. *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.**

DOCK LENGTH *Provisional Findings:* Approval of the dock length variance will not confer special privilege. The increased dock length is necessary to ensure there is proper water depth for the docking facility. Docks with boat lifts are common for waterfront property along the bayous. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

DOCK WIDTH *Provisional Findings:* The need for the dock width variance arises from the proposed second boat lift. While the dock is comparable to others in the area, the docking facility could be redesigned to remove the second boat lift and still provide a functional facility. Approval of this request would confer special privilege to this property that would not typically be permitted to other properties of similar configuration. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** 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.**

DOCK LENGTH *Provisional Findings:* Approval of the dock length variance will likely not substantially diminish property values in the surrounding area, nor alter the essential character of the waterfront neighborhood. Docks with boat lifts are common for waterfront properties along the bayous. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

DOCK WIDTH *Provisional Findings:* Approval of the dock width variance will likely not substantially diminish property values in the surrounding area, nor alter the essential character of the waterfront neighborhood. Docks with boat lifts are common for waterfront properties along the bayous. *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 not received any responses to these notices.*

ATTACHMENTS:

1. Staff Presentation
2. Variance Application
3. Pinellas County Water & Navigation Application
4. Site Plan
5. Survey

SHARPE #24-26

Board of Adjustment – June 26, 2024

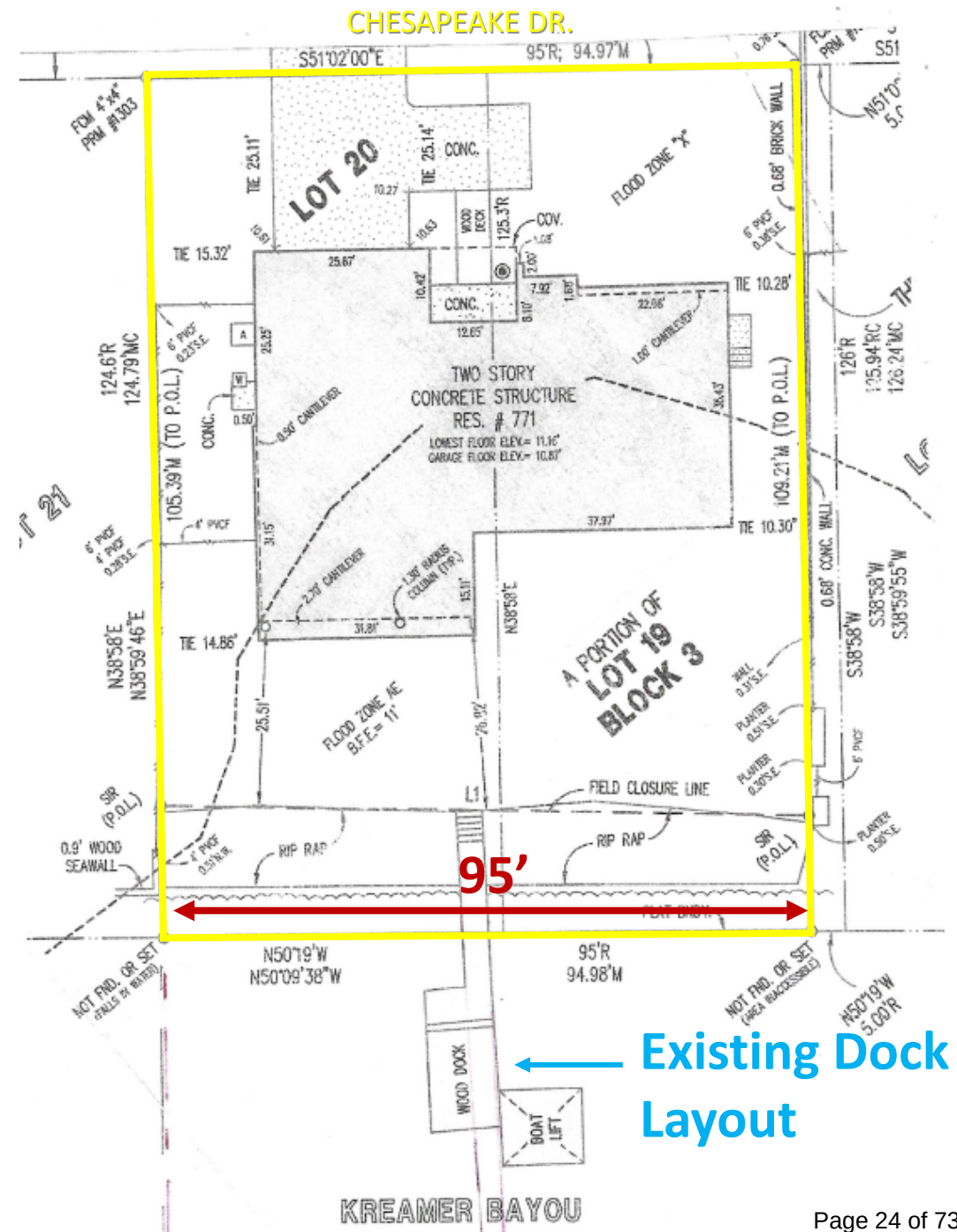


LOCATION & CONTEXT

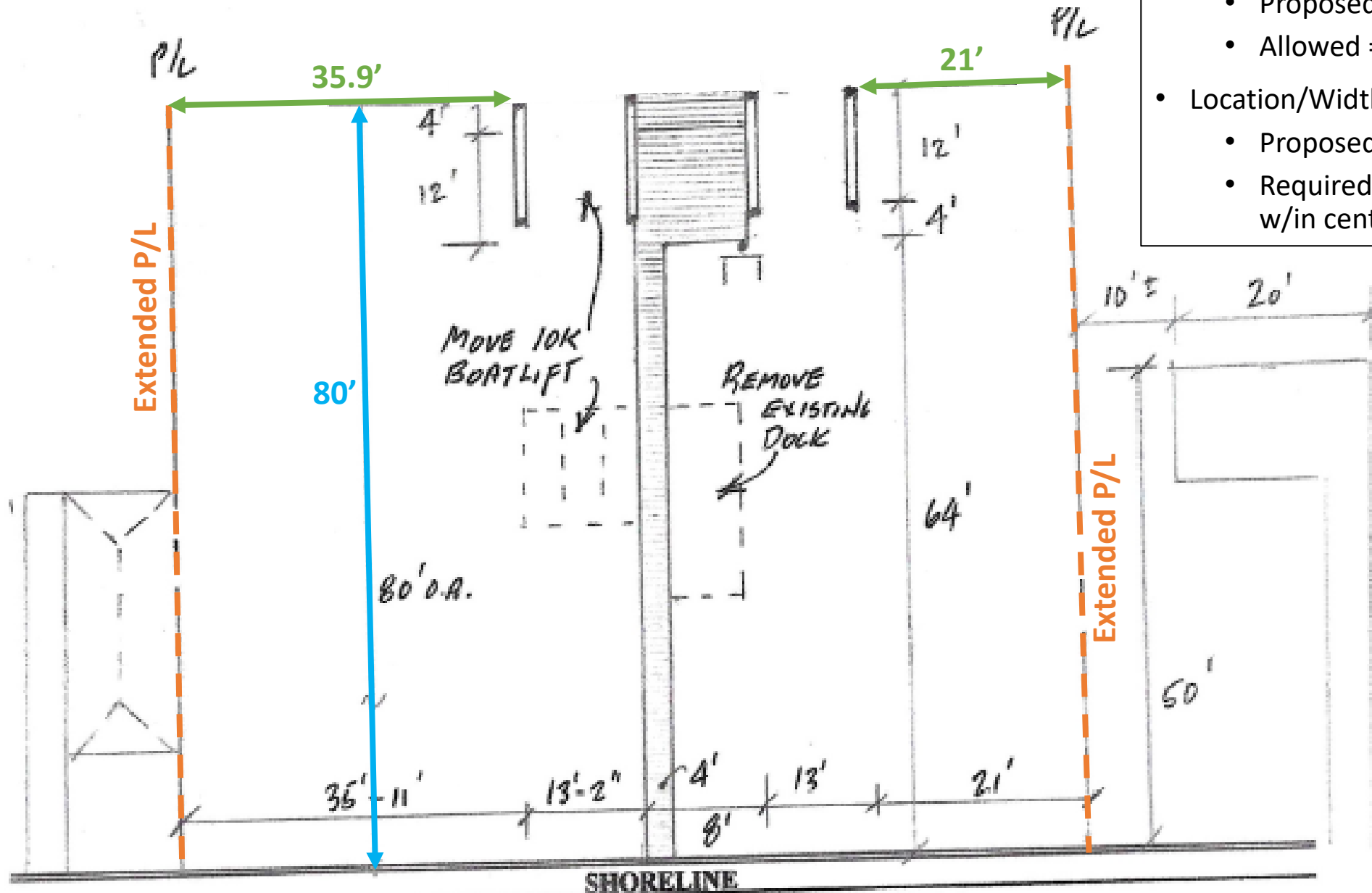


REQUEST/DOCK STANDARDS

- **Dock Length**
 - LDC Section 59.00(B)(1) – The length of a private dock cannot extend from the mean high-water line further than $\frac{1}{2}$ the width of the property at the waterfront.
 - **Proposed – 80 feet**
 - **Allowed – 47.5 feet**
- **Dock Location (Width)**
 - LDC Section 59.00(B)(2) – Private docks and boat lifts shall be located within the center 1/3 of the waterfront.
 - **Proposed – 21 foot** (north side property line)
 - **Required – 31.7 feet**
- **Statement of No Objection**
 - Dock dimensional standards may be waived if statements of no objection are signed by affected adjacent property owners.
- **Applicant/Owner – Steven & Angela Tomlin**
- *Requesting variance approval to allow the construction of a new dock with two boat lift.*



SITE PLAN



Dock Standards

- Length
 - Proposed = 80 feet
 - Allowed = 47.5 feet
- Location/Width
 - Proposed = 21 feet
 - Required = 31.7 feet (to be located w/in center 1/3)

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.



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 KENNETH SHARP		Email KSharpSCie@aol.com
Address 771 CHESAPEAKE DR.		
City TARPON SPRINGS	State FL	Zip 34689
Phone 443-854-7165	Fax	Cell "

2. Applicant (if different than owner)

Name BY AGENT		Email
Address		
City	State	Zip
Phone	Fax	Cell

3. Agent (if applicable)

Name JAY K LISTLE - PRES. JKL SERVICES INC.		Email JKLISTLE@GMAIL.COM
Address 5520 29TH ST. N.		
City ST. PETE	State FL	Zip 33714
Phone "	Fax	Cell 727-423-7805

4. General Information

Property Location or Address 771 CHESAPEAKE DR		
Legal Description (attach additional sheets as necessary) CHESAPEAKE PT. BLK 3, LOT 19 LESS S 5 FT + ALL OF LOT 20		
Tax Parcel Number(s) 11-27-15-15048-003-0190	Land Use Category 0110	Zoning District R100

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) SEC. 166-321(f)
LDC SECTION 59.00(B)

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)

REQUEST TO REPLACE DOCK & BOATLIFT CURRENTLY 48' OUT FROM
SHORELINE. THIS LOCATION HAS LESS THAN 12" OF WATER @ LOW TIDE. CODE REQUIRES
18" CLEAR @ MLW. REQUESTING 32 1/2' LENGTH VARIANCE TO REACH PROPER DEPTH / CODE.
10.67' WIDTH VARIANCE REMAINS SAME AS IS. 31.67' ALLOWED (21' PROPOSED) =
10.67' VARIANCE REQ.
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.)

PINELLAS COUNTY WATER & NAVIGATION DIVISION 3 SEC. 166-321(f)
IN TIDAL WATERS, ALL DOCKS SHALL HAVE AT LEAST 18" OF WATER DEPTH
@ MEAN LOW TIDE TO ALLOW ACCESS TO STRUCTURE FROM OPEN WATERS.

- (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)?)

OWNER HAS NOT FILLED IN WETLANDS TO CREATE DEPTH
ISSUES.

- (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?)*

DENIAL OF VARIANCE WILL PROHIBIT OWNER FROM
OBTAINING DOLK PERMIT FROM PINELLAS COUNTY.

- (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)?)*

NO SPECIAL PRIVILEGE

- (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 ADVERSE EFFECT TO 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>

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.

Jimmy K. Cline 5-20-24
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.

Jimmy K. Cline 5-20-24
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.

[Signature] 5/20/24
Owner's Signature Date

STATE OF FLORIDA)
COUNTY OF PINELLAS)

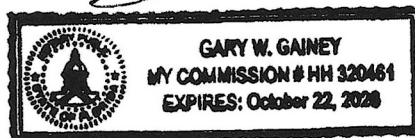
The foregoing instrument was acknowledged before me this 20th day of May, A.D., 2024
by Kenneth Stamp, who is personally known to me or who has produced
PROPERTY OWNER NAME PRINTED
as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name:

Signature:

Stamp:



Page 4 of 4
Variance

If applying in person, direct all correspondence to:

Clerk, Water and Navigation, 5th Floor
315 Court Street
Clearwater, FL 33756



PRIVATE DOCK PERMIT APPLICATION
PINELLAS COUNTY WATER AND NAVIGATION

I. PROPERTY OWNER INFORMATION:

A. Applicant's Name: Kenneth Sharp
B. Mailing Address: 771 Chesapeake Dr.
City: Tarpon Springs State: FL Zip: 34689
C. Telephone No.: (443) 854-7165 E-mail Address: ksharpsci@aol.com

II. CONTRACTOR INFORMATION (Pro):

A. Name: JKL Services Inc.
B. Address: 5520 28th St. N.
City: St. Pete State: FL Zip: 33714
C. Telephone No.: (727) 423-7805 E-mail Address: jklistle@gmail.com

III. AGENT INFORMATION (if different from Contractor):

A. Name: Same
B. Address: _____
City: _____ State: _____ Zip: _____
C. Telephone No.: _____ E-mail Address: _____

IV. SITE INFORMATION:

A. Construction Site Address: 771 Chesapeake Dr.
City: Tarpon Springs Zip Code: 34689
B. Site Parcel ID Number: 11 / 27 / 15 / 15048 / 003 / 019
C. Incorporated: ☒ Unincorporated: ☐
D. Affected Water Body: Kreamer Bayou
E. Previous Permits: P 34219-04

F. Date applicant assumed property ownership: 12/05/2021
month/year

G. Obstructions: (Dogs, Fences, etc.) NONE

H. All other information pursuant to Chapter 58, Article XV (Water and Navigation Regulations).

V. PROJECT DEVIATION INFORMATION (FOR UNINCORPORATED ONLY):

A. Signature from Adjacent Owner Required under Code Section 58-555(b): Yes ☒ No ☐

Amount of deviation: Length: 32 1/2
Width: 10.67'
Setbacks: Left: 35'-11" Right: 21'

Other: _____

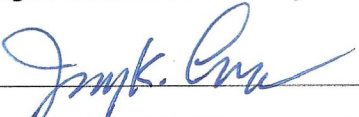
❖ Please note that all information requested in this application must be filled out in its entirety prior to submittal to Pinellas County. An application missing information will not be considered complete, and therefore ready for possible approval, until all required information is provided.

$$\begin{array}{lcl} 95' / 2 = 47 \frac{1}{2} & 80 (47 \frac{1}{2}) = 32 \frac{1}{2}' & \\ 95' / 3 = 31.67' & 31.67' (21) = 10.67' & \end{array}$$

VI. CONTRACTOR INFORMATION:

I, Jay K. Listle, a Certified General contractor,
whose contractor license # CGC055978 expires on 08/31/2024.

I swear that the above described project (the "Project") has not been constructed as of the date affixed by my signature below. If a permit for this Project (the "Permit") is granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the drawings or plans attached hereto. I swear that the information provided in this application represents the full scope of the Project and that no material information regarding the Project has been omitted. In the event that either the Project is not constructed in full accordance with the Permit or the information provided in this application is not correct, I agree to either remove the Project or correct the deficiency.

Signed:  Date: 10-20-23

- You must have USL&H insurance in order to construct a dock in Pinellas County; as well as be licensed with the PCCLB.

VII. PROPERTY OWNER'S SIGNATURE:

I hereby apply for a permit to perform the above described project (the "Project"). Should a permit for the Project be granted by the County, I agree to design and construct the Project in full compliance with the Pinellas County Code and in full accordance with the plans or drawings attached hereto; I likewise agree to maintain the Project in a safe condition throughout the Project's existence.

I hereby authorize the above stated contractor – and agent if listed – to act as my representative in all matters pertaining to the application. I understand that I, not the County am responsible for the accuracy of the information provided as part of this application. I further understand that it is my responsibility to obtain any necessary permits and approvals required for the Project at the Federal, State, and local levels; should the Project lie within a municipality, I recognize that approval from that municipality – in addition to the County – is required.

I swear that I own the upland property described in this application (the "Property"). While this application is pending, I expressly authorize the County and its agents to access the Property at any time as may be necessary to review and act on this application. Should a permit for the Project be granted by the County, I expressly authorize the County and its agents to access the Property at any time as may be necessary to monitor the Project and ensure compliance with the terms of the permit; this permission is valid until the Project has passed final inspection.

Signed:  Date: 10/17/23

LETTER OF NO OBJECTION

Left Lot Owner's Name Robert or Suzan Hollem

Mailing Address 767 Chesapeake Dr., Tarpon Springs, FL Zip 34689

I certify that I am the owner of Lot 18 which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

771 Chesapeake Dr.

I have seen the County permit application -- including plans or drawings -- for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: Suzan Hollem

Date 4/4/2023

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

☒ physical presence or ☐ online notarization this 4th day of April, 2023 by

☐ personally known OR ☒ produced identification Suzan Hollem

Type of Identification Produced FC DC

Witness my hand and official seal this 4th day of April, 2023
Notary Public
State of Florida
My Commission Expires 08/23/2023
Commission No. GG 361537

[Signature]
Notary Public

My commission expires: 08/23/23

Right Lot Owner's Name Robert or Nancy Fisher

Mailing Address 775 Chesapeake Dr., Tarpon Springs, FL Zip 34689

I certify that I am the owner of Lot 21 which adjoins the property owned by the applicant who proposes to construct a structure at the following address:

771 Chesapeake Dr.

I have seen the application -- including plans or drawings -- for the proposed structure(s) and DO NOT OBJECT to the proposed structure(s).

OWNER'S SIGNATURE: _____

Date _____

NOTARY:

STATE OF FLORIDA, PINELLAS COUNTY, the foregoing instrument was acknowledged before me by means of

☐ physical presence or ☐ online notarization this _____ day of _____, 20____ by

☐ Personally Known OR ☐ Produced Identification

Type of Identification Produced _____

Witness my hand and official seal this _____ day of _____, 20____

Notary Public

My commission expires: _____



Mike Twitty, MAI, CFA
Pinellas County Property Appraiser

Parcel Summary (as of 14-Oct-2023)

Parcel Number

11-27-15-15048-003-0190

Owner Name

SHARP, KENNETH G

Property Use

0110 Single Family Home

Site Address

**771 CHESAPEAKE DR
TARPON SPRINGS, FL 34689**

Mailing Address

**771 CHESAPEAKE DR
TARPON SPRINGS, FL 34689-2519**

Legal Description

CHESAPEAKE POINT BLK 3, LOT 19 LESS S 5FT AND ALL OF LOT 20

Current Tax District

TARPON SPRINGS (TS)

Year Built

2012

Living SF	Gross SF	Living Units	Buildings
1,998	6,084	1	1

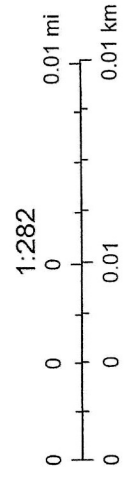
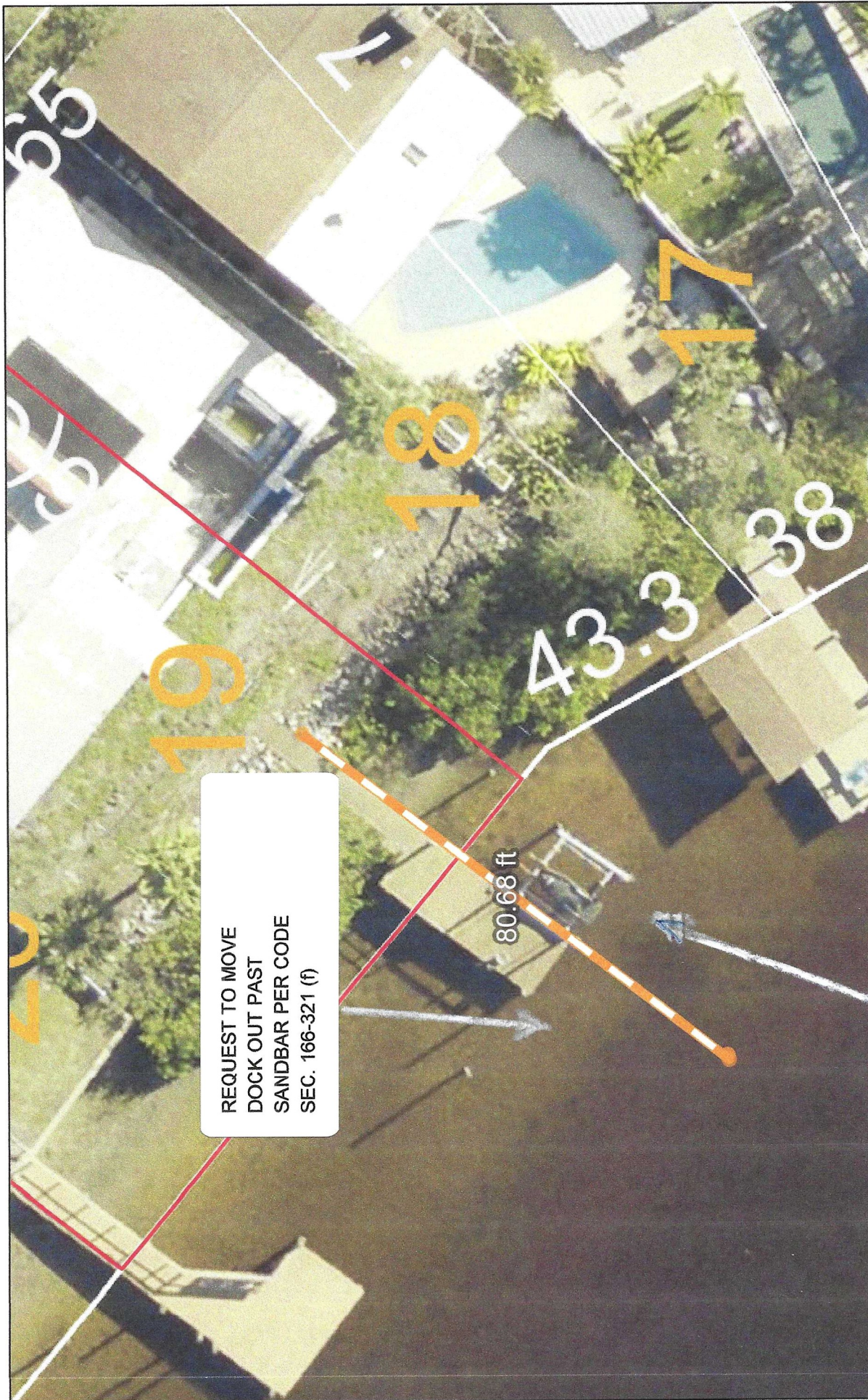
Parcel Map



Exemptions

Year	Homestead	Use %	Status	Property Exemptions & Classifications
2025	Yes	100%	Assuming no ownership changes before Jan. 1, 2025.	No Property Exemptions or Classifications found. Please note that Ownership Exemptions (Homestead, Senior, Widow/Widower, Veterans, First Responder, etc... will not display here).
2024	Yes	100%	Assuming no ownership changes before Jan. 1, 2024.	
2023	Yes	100%		

Miscellaneous Parcel Info



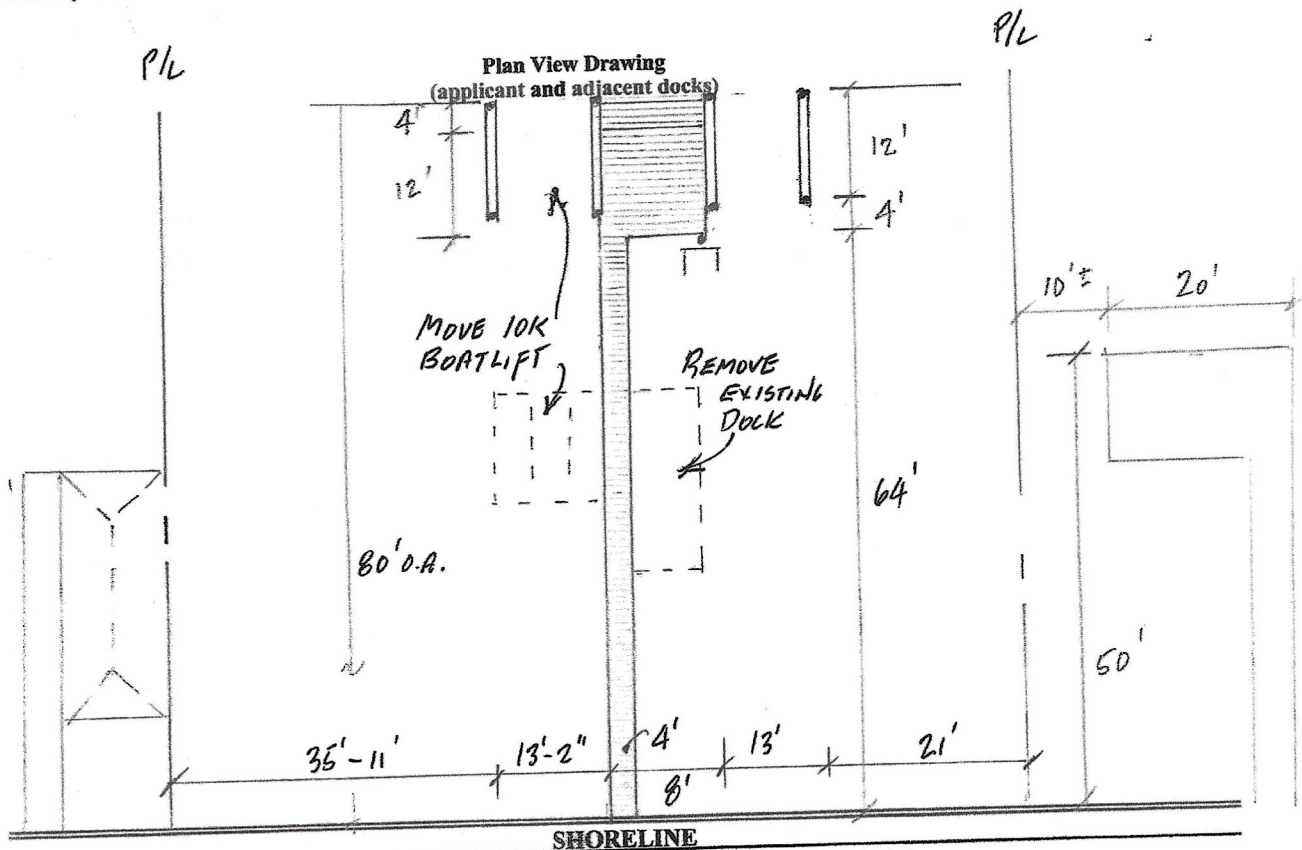
10/14/2023

REQUEST TO MOVE.
DOCK OUT PAST
SANDBAR PER CODE
SEC. 166-321 (f)

Owner Name: Kenneth Sharp Site Address: 771 Chesapeake Dr.

Nature and Size of Project: Remove existing dock and replace with a 4ft x 64ft walkout
to a 12ft x 12ft terminal platform with 4ft x 12ft lower landing at the end of the terminal
platform. Move boatlift on left hand side to new location on the left side of terminal platform
and add a 4 pole lift on right side and a single pole PWC lift behind terminal platform

Total Project Square Footage:	<u>448</u>	New Square Footage:	<u>144</u>
Total Number of Pilings:	<u>20</u>	Diameter of Pilings:	<u>12"</u>
Waterway Width	<u>OPEN</u>	Waterfront Width	<u>95'</u>



The undersigned does not object to the proposed project as drawn in the space provided above.	
Left Owner <u>ROBERT OR SUZAN HOLLEN</u>	Right Owner <u>ROBERT OR NANCY FISHER</u>
Signature <u>[Signature]</u> Date <u>5/4/23</u>	Signature _____ Date _____
Municipality Approval	Water and Navigation Approval

Owner Name: Kenneth Sharp

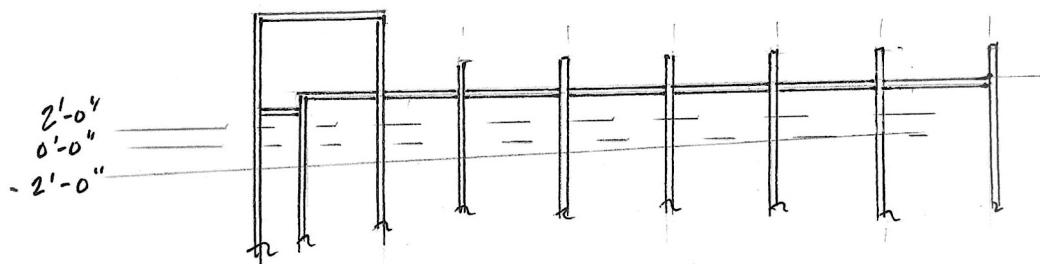
Site Address: 771 Chesapeake Dr.

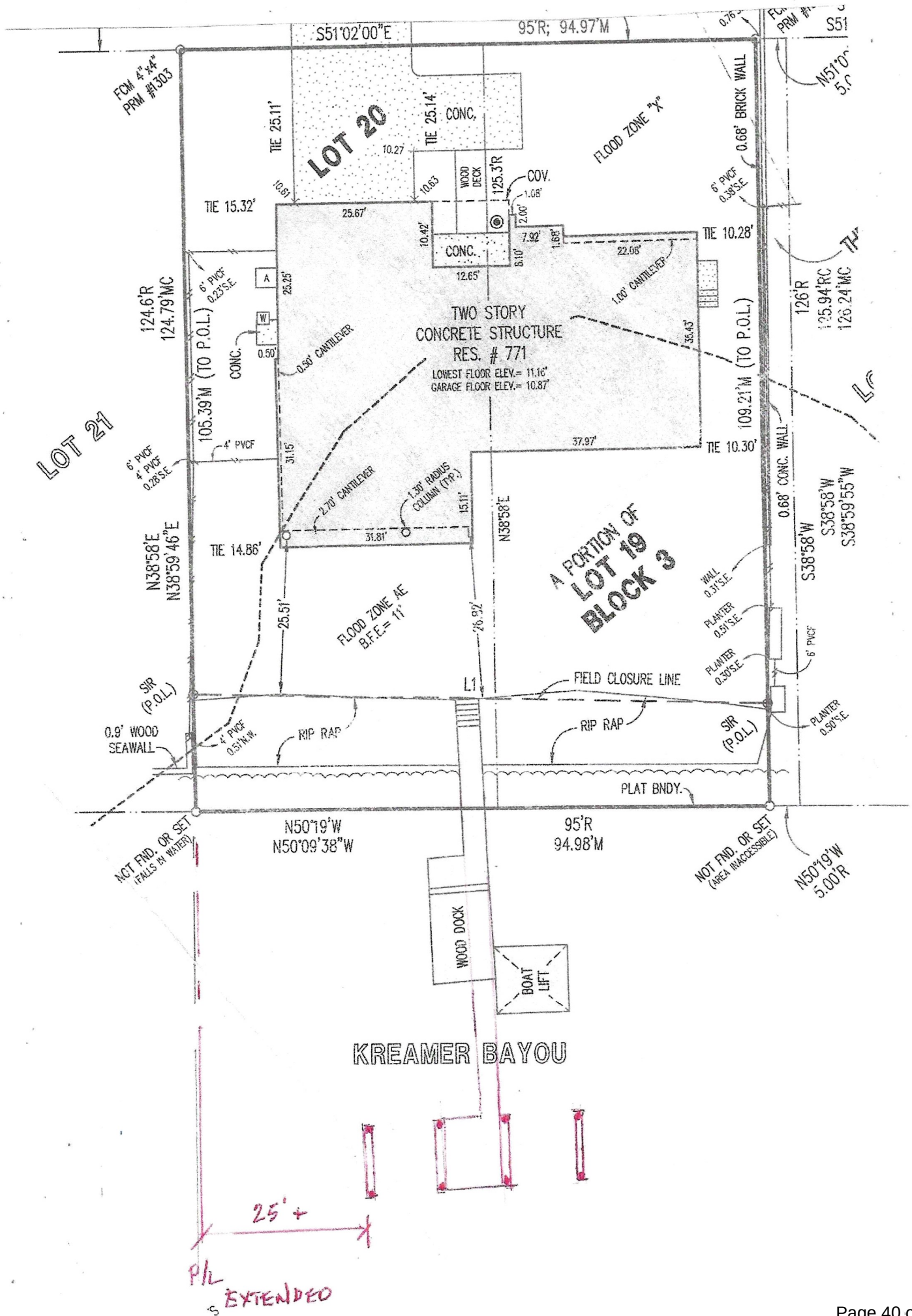
Profile View Drawing

MHW

MLW

BOTTOM







**CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[JUNE 26, 2024]**

STAFF REPORT

Application No. / Project Title: #24-28 (Long)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Terry Long
Property Size: +/- 0.5 acres
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 728 Chesapeake Drive / 11-27-15-15048-001-0060

BACKGROUND SUMMARY:

The applicant is requesting variance approval to allow a fence to be 6 feet in height, 2 feet taller than permitted in the front yard. The proposed fence will replace the existing 6-foot-tall fence that is in need of replacement.

PRELIMINARY STAFF RECOMMENDATION:

Based on the evidence available at the time this report was prepared, staff would recommend **denial** of the variance. Although the original design and intent of the existing fence is recognized, it is of staff's opinion that the need for the variance does not arise from a unique physical hardship specific to the property necessitating a taller fence.

If the Board chooses to approve the request, staff recommends the following conditions:

1. The fence must replicate the design of the existing fence on the property.
2. Any portion of the fence within the sight visibility triangle must comply with the requirements of LDC Section 37.00.

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: Per LDC Section 36.03(B), in all residential districts, no fence, hedge, or wall shall exceed 4 feet in height within a required front yard.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residence
Site Features:	Single family home, driveway, fence, brick wall, dock, trees and landscaping.
Vehicle Access:	This property gains access from Chesapeake Dr.



SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-100 (Single Family Residential)	RL (Residential Low)
South:	R-100 (Single Family Residential)	RL (Residential Low)
East:	N/A	N/A
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 install a 6-foot-tall fence within the front yard of the subject property to replace an existing 6-foot-tall fence that is in disrepair.
2. Per LDC Section 36.03(B), fences are limited to 4 feet in height within the required front yard in all residential districts. The R-100 zoning district requires a 25-foot front yard setback, therefore any portion of the fence that falls within 25 feet of the front property line is only permitted to be a maximum of 4 feet in height.
3. The subject property is a waterfront property. The applicant has indicated that they view the waterfront side of their property as their front yard and utilize the yard along the street as their back yard and the taller fence provides additional security and privacy typically experienced in the back yard of a residence.
4. The existing fence has been on the property since the home was constructed in 1973 and matches the overall design of the home. In addition, there are existing 6-foot-tall brick wall segments, which will remain as is, in the front yard the fence connects to. Due to storms, flooding, and general aging, the existing fence needs replacement. Although the existing fence is 6 feet in height, because the fence will be removed and replaced, it must comply with the current standards of the Land Development Code which limits the height in the front yard to 4 feet.
5. During the review of this application, staff received a letter from the son of the original designer of the home. According to the letter, the fence design replicates the home, and the layout plays an integral part of design of the property. The home has large, glazed portions that are protected by the fencing which creates the indoor/outdoor relationship characterized by mid-century modern design.
6. Chesapeake Drive is a residential street, with a mix of detached single-family homes, mobile homes, and an assisted living facility located south of the subject property. Most properties along this street are waterfront and would be subject to the same fencing requirements as the subject property. The subject site and the property across the street are the only two properties with 6-foot-tall fences along the Chesapeake Drive frontage, however, the fence across the street is setback 25 feet, therefore it is not located within the required front yard.
7. Per LDC Section 36.03(A), fences must comply with the sight visibility triangle requirements of LDC Section 37.00. The sight triangles would apply to either side of the driveway on the subject property. According to the provided site plan, the portion of the fence that would encroach the sight triangle is not proposed to be replaced at this time. However, if the Board approves the current variance request, it is recommended a condition be added to specify the variance does not allow for a 6-foot-tall fence in the sight visibility triangle.



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 original fence was constructed in 1973 with the home. The fence was designed to be architecturally compatible as well as provide adequate screening of the large windows and doors. The LDC considers properties located within the historic district to have a unique physical condition. Although this property is located outside of the designated historic district, the overall design of the home and original purpose and design of the existing fence present a unique physical condition that does not generally apply within the same zoning district. *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: Prior to the applicant obtaining ownership of the property there was a 6-foot-tall fence along the frontage of the subject property. The need for the variance is due to the existing fence needing to be replaced and has not been self-created. *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 maximum fence height would not deny reasonable use of the property. The maximum 4-foot fence height applies to all front yards in residential districts throughout the city, regardless of the property being waterfront or the design of the home. *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: Approval of the proposed variance could result in granting special privilege because the maximum fence height applies to all residential districts. There is not a unique physical hardship on the subject property, aside from the design of the home, necessitating a taller fence. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has not 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: Approval of the variance is not expected to substantially diminish property values of the surrounding area. There has been a 6-foot-tall fence along the subject property's frontage since the home was constructed in 1973. *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 2 letters of support which have been provided in the backup agenda materials.*

ATTACHMENTS:

1. Staff Presentation
2. Application
3. Applicant Letter
4. Survey/Site Plan
5. Photos
6. Public Letters of Support

LONG #24-28

Board of Adjustments – June 26, 2024





LOCATION & CONTEXT



REQUEST

- **#24-28 – Fence Height in the Front Yard**

- Proposed = 6 feet
- Maximum Permitted = 4 feet

- **Applicant/Owner:** Terry Long

- *Allow a 6 foot tall privacy fence in the front yard for the purpose of replacing an existing fence.*

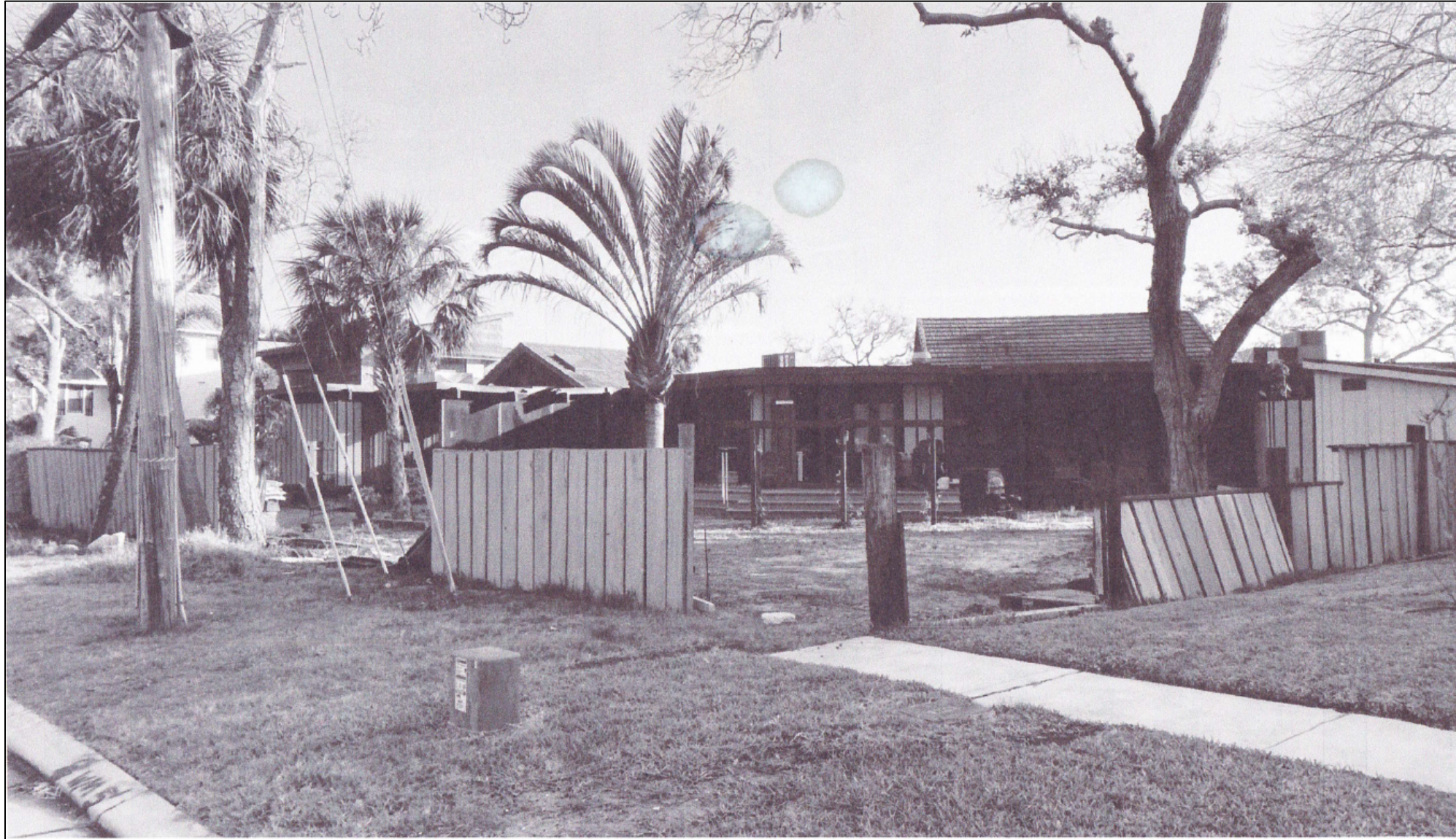


Page 48 of 73

EXISTING FENCE



DAMAGED FENCE



CONTEXT

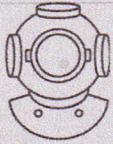




REVIEW STANDARDS - VARIANCE

- 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.

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 Terry Long		Email terrylong.tlc@gmail.com
Address 728 Chesapeake Dr Tarpon Springs FL 34689		
City Tarpon Springs	State FL	Zip 34689
Phone	Fax	Cell 727-741-3332

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		
Legal Description (attach additional sheets as necessary)		
Tax Parcel Number(s)	Land Use Category	Zoning District

BOARD OF ADJUSTMENT APPLICATION

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) Section 36.03.

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*)

Replace an existing 6ft Fence that was constructed with the home in 1973 but has been destroyed with the numerous floods which has caused deterioration. This is waterfront home/property with the backyard exposed facing the main road. The fence provides Security and Privacy.

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.)*

see attached photo

(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 fence has been in place since the construction of the home. Mayor Costa Vatikiotis used to live in this home so maybe he has knowledge of the history of the fence? But it has fallen and we desperately need to replace for our privacy and security on this road.

BOARD OF ADJUSTMENT APPLICATION

- (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?)*

We would not have reasonable use of the property as our personal possessions including our shed would be exposed to a main busy street. So much traffic comes and goes on this street daily and with the nursing home traffic and people out for walks is an invasion of privacy. and a 4 ft fence would not provide security or privacy and also would not \
keep a large pet in the yard potentially.

- (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 property directly across from us has a large 6ft fence on vacant land that was allowed.

- (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?)*

None what so ever - Please speak with Mayor Costa Vatikiotis, I think he will share the need of a 6 ft fence (that already exists) vs. a 4 ft fence from his experience owning this property.

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>

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.

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 15 day of April, A.D., 2024

by Terry Long, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED
FLDL# LXXX-812-XX-XXX-0 as identification and who did (did not) take an oath.



KIMBERLY A. CREIGHTON
Commission # RH 422535
Expires July 30, 2027

NOTARY PUBLIC

Name:

Signature:

Stamp:

Kimberly Creighton
[Signature]

Dear Planning and Zoning,

It's imperative that you reconsider our permit application to replace/repair our existing **6ft** fence which was present when we bought the house in 2014. Now due to the many storms we had over the years and the constant flooding issues in 2023 on Chesapeake Dr, our fence has been compromised many times with standing saltwater and over time has destroyed its integrity and is falling apart. In addition whenever the street backs up with Bayou Salt Water (Tarpon Bayou), people drive through it very fast and the water gushes up in the yard onto the fence. (which still has not been resolved via the "one-way valve") to control the street flooding.



Our existing 6ft fence provides the Security and the Privacy that we had and need but now is completely compromised. A 4 ft fence would NOT provide any privacy or security and recently we had a chainsaw stolen out of our yard. It also has presented an issue with our very large 120 lb pet and would not be adequate for his safety and protection. With all the foot traffic and people walking pets and vehicle traffic again 4 ft provides nothing. People are constantly going by very slowly to view our home/yard and it's a horrible feeling when you lose your privacy and security.



This property is of a unique architecture similar to a Frank Lloyd Wright Style home with all glass around the exterior which is great on the “water side” but not street side without a 6 ft privacy/security fence. This is our backyard.



Living on Tarpon Bayou the “street side” is our Backyard and the “waterside” is our Front Yard.

Google: Which is the front of the house if it's facing the water? In architecture, the front of a house that faces the water is often referred to as the "waterfront side" or the "front facade." This is the side of the house that is designed to be the most visually appealing and welcoming to those approaching from the water. It typically features large windows, a prominent entrance, and architectural details that enhance the view of the water.

Code 36.03 - Fences, Walls, and Hedges.

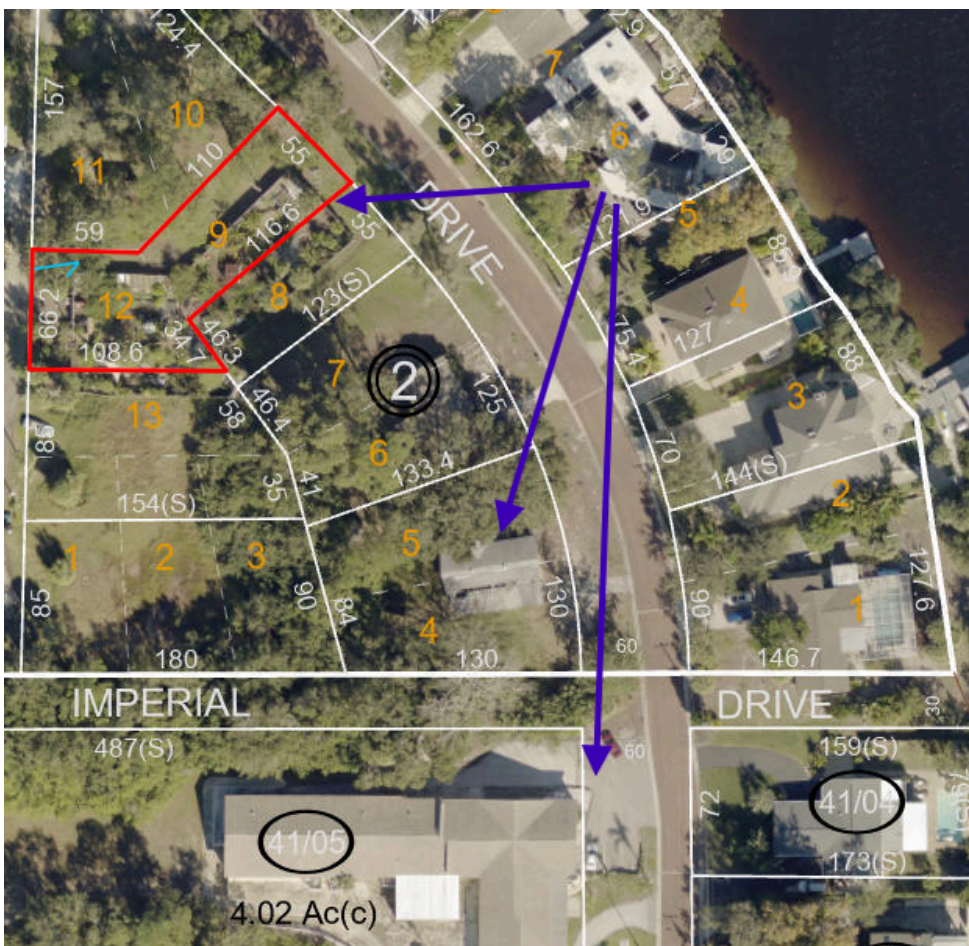
(A) a fence may be constructed in the yard facing the street that is not the front yard of principal orientation for the structure, as provided for in this section.

(C) In all residential districts, no fence, hedge, or wall shall exceed six feet in height. The maximum height in agricultural, commercial and industrial districts shall be eight feet.

Our existing 6ft fence provides security and privacy;

1. Chesapeake is a very active road.
 - a. Nursing Home traffic - Many people walk up and down this street especially from the Tarpon Bayou Nursing Home. Employees and patients often are walking up and down on their brakes and patients that are allowed to come and go from the facility. Ambulances and Fire trucks are there daily and in some cases multiple times a day and our house faces down the road and we see that all the time no that the fence is down and we shouldn't have to.
 - b. Neighbors and many folks from the mobile home park down at the end of the street walking pets, exercising, biking ect. Constantly walking up and down the road which is fine but we have no privacy and shouldn't be compromised.
 - c. Homeless have been found occupying the vacant teardown at 707 Chesapeake Dr that has been deemed condemned but still not torn down.
 - d. Neighbor across the street has a 6 ft wooden fence along the road and completely around the property, outlined in red, housing farm animals.

Blue arrows represent our view from the kitchen.



2. We are BeeKeepers and the fence protects them from the environment and keeps the public traffic away. Notice that we have a brick wall that is 6ft pre-existing when the house was built.

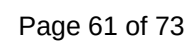


3. Directly across the street from us in our view is a parcel of land that belongs to 607 Royal Dr and has a 6 ft fence around it belonging to Tina Hinton with farm animals in the fenced area. When her animals are out, which is often, the Ducks and Chickens, Roosters ect. Would be tempting to any dog to chase after.



4. We have a very large Dog and the 4ft fence would not be sufficient height for his protection and potentially someone stealing him. Especially with the neighbors' farm animals across the street. Quite the animals are allowed to "Free Range" which causes curiosity for any dog to potentially jump the fence if it were only 4ft.

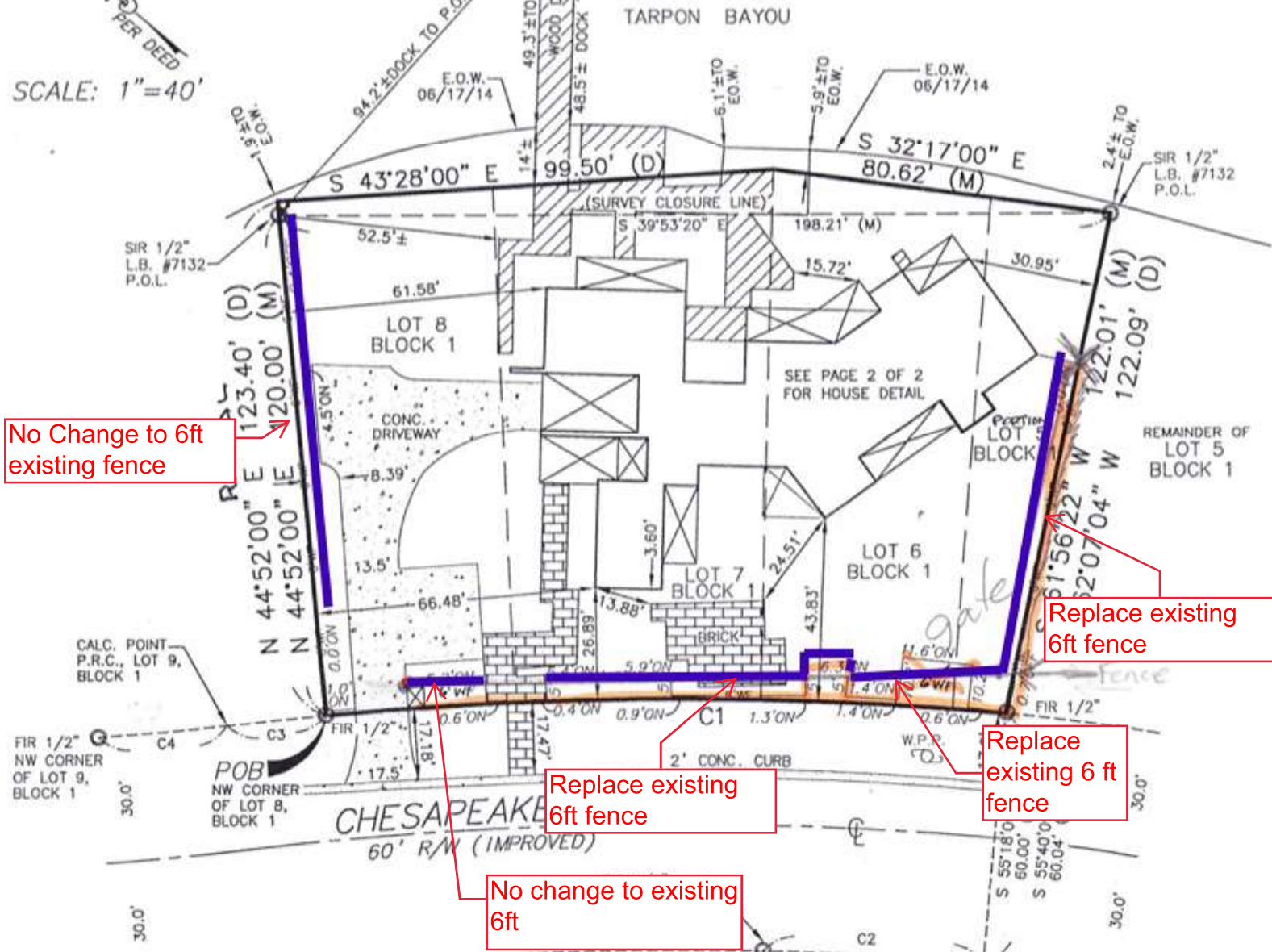
Left side will remain and noted what is to be replaced.



[illegible]

Survey number: SL 140926

SCALE: 1"=40'





1728 Cheapeake De Street View
(our Backyard)

From: [Edward Hoffman](#)
To: [Planning](#)
Subject: Application #24-28 Variance request at 728 Chesapeake Dr
Date: Tuesday, June 18, 2024 9:06:00 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear P&Z Friends,

I am writing to comment in favor of Application #24-28 assuming the owners are rebuilding or replacing the fence as it was originally built. My wife Barbara and I own the house at 704 Chesapeake Drive, the third house south of this applicant. Although I do not know the applicants, I am writing as a neighbor, architect, and son of the designer of this house.

My father designed the original portion of the house (not the newer edition to the north) with assistance from my mentor Architect Gene Beach as the architect of record in the mid 70's. This house is a sister house to his own house at 900 Bayshore Drive. Both are excellent examples of "Mid Century Modern" using exposed post and beam construction. The reverse board and batten design of the house siding is replicated in the fence as part of the original design of the house. The sequence of architectural mystery is part of the theme of the house with the fence playing an integral part. Large glazed portions of the house are protected by this wall creating a wonderful indoor/outdoor relationship to courtyards defined in part by this wall. The house was designed for John and Sophie Georgiou and their Family.

We request that the P&Z Board finds in favor of the applicant.

Thank You,

Ed

Ed Hoffman AIA, Principal



WJArchitects / Hoffman Studio
29 West Orange Street,
Tarpon Springs, FL 34689
Office 727.822.5566
Direct 727.382.0789
Cell 727.204.0166
www.wjarc.com
AR94244

From: [Gail Soback](#)
To: [Planning](#)
Subject: 728 Chesapeake Drive
Date: Tuesday, June 18, 2024 12:35:22 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Variance to allow a fence to be taller than permitted in the front yard

We live at 603 Royal Drive. We have no concerns about the proposed fence. The current 6 foot fence has been there a long time until the last flood damaged it. It needs to be replaced and since the original fence is 6 feet high we don't see an issue with the new one being the same size.

Mike and Gail Soback

From: [Gail Soback](#)
To: [Planning Department](#)
Subject: Re: 728 Chesapeake Drive
Date: Monday, June 24, 2024 2:02:54 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you.

On Mon, Jun 24, 2024, 9:51 AM Planning Department <planningdept@ctsfl.us> wrote:

Good morning,

The packet was sent to all parties, I will add this request to the packet so they can see that you wish to have your comment removed.

Best regards,

Kimberly Creighton

Planning and Zoning Coordinator

City of Tarpon Springs

324 Pine Street

Tarpon Springs, FL 34689

Phone: (727)942-5611

Email: kyothers@ctsfl.us

From: Gail Soback <thesobacks@gmail.com>
Sent: Monday, June 24, 2024 9:00 AM
To: Planning Department <planningdept@ctsfl.us>
Subject: Re: 728 Chesapeake Drive

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning.

Can you please remove our email from the agenda packet for the upcoming Board of Adjustment meeting.

Thank you

Mike and Gail Soback

On Wed, Jun 19, 2024 at 9:07 AM Planning Department <planningdept@ctsfl.us> wrote:

Good morning,

We received your email and will include it in the agenda packet for the upcoming Board of Adjustment meeting.

If you have any questions, please let me know.

Best regards,

Kimberly Creighton

Planning and Zoning Coordinator

City of Tarpon Springs

324 Pine Street

Tarpon Springs, FL 34689

Phone: (727)942-5611

Email: kyothers@ctsfl.us

From: Gail Soback <thesobacks@gmail.com>

Sent: Tuesday, June 18, 2024 12:35 PM

To: Planning <planning@ctsfl.us>

Subject: 728 Chesapeake Drive

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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Mike and Gail Soback



**MINUTES
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
APRIL 24, 2024**

THE Board of Adjustment OF THE CITY OF TARPON SPRINGS, FLORIDA, MET IN Board of Adjustment IN THE CITY HALL AUDITORIUM/COMMISSION CHAMBERS, 324 E. PINE STREET, ON Wednesday, April 24, 2024 AT 6:30 PM WITH THE FOLLOWING PRESENT:

Member George Bouris
Member Timothy Grossman
Alternate 1 Robert Wood
Alternate 2 Karl Fuchs

ABSENT/EXCUSED: Jacqui Turner, Joanne Reich

ALSO PRESENT: Allie Keen, AICP, Principal Planner
Andrew Salzman, Esq., Board Attorney
Kimberly Creighton, Board Secretary

CALL TO ORDER

Acting Chairperson Bouris called the meeting to order at 6:31 P.M.

ROLL CALL

Board Secretary Creighton called the roll.

QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

Board Attorney Salzman read the Quasi-Judicial Announcement and swore in all who wished to testify. He asked if there was any ex parte communication; there was none.

APPLICATION(S)

1. **#24-04 - Jensen - *Deferred from the March 27, 2024 Meeting - Withdrawn by the Applicant***
Variance to allow a nonconforming lot of record to be built upon, for the purpose of constructing a single-family home.
Location: East side of Disston Avenue, approximately 370 feet south of the Meres/Mango Intersection

Acting Chairperson Bouris announced the withdrawal of this application by the applicant.

2. **#24-11 - Andriotis**

Variance to reduce the required front yard setback for the purpose of constructing an attached garage addition.

Location: 1656 Seabreeze Drive

Mrs. Keen gave background information and indicated that, based on the information available at the time this report was prepared, staff recommended approval of this request.

MOTION: Member Grossman

SECOND: Alternate 2 Fuchs

to approve application as presented

Vote on Motion – Upon roll call vote, the motion was approved as follows:

Yes: Alternate 2 Fuchs
Alternate 1 Wood
Member Grossman
Member Bouris

No: None

APPROVAL OF MINUTES

1. BOA Minutes March 27, 2024

MOTION: Member Grossman

SECOND: Alternate 1 Wood

to approve the March 27, 2024, minutes as presented.

Vote on Motion – Upon roll call vote, the motion was approved as follows:

Yes: Alternate 2 Fuchs
Alternate 1 Wood
Member Grossman
Member Bouris

No: None

BOARD AND STAFF COMMENTS

1. Draft 2023 Comprehensive Plan Update

Mrs. Keen indicated that she included a copy of the Draft Comprehensive Plan and that the Board would have an opportunity to make comments regarding the draft around the middle of May.

ADJOURNMENT

Acting Chairperson Bouris adjourned the meeting at 6:45 P.M.

Chairperson Jacqui Turner

***Secretary's Note:** The preceding are action minutes and are not the official meeting record.

DRAFT