



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 AGENDA WEDNESDAY, JULY 24, 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. #24-38 - Eastby

Variance to reduce the required side yard setback for the purpose of constructing a new covered back porch.

Location: 909 Riverside Drive

b. #24-39 - Anclote Distillery

A request to waive the requirement to construct a sidewalk along the abutting improved street.

Location: 138 E. Boyer Street

5. APPROVAL OF MINUTES

a. May 22, 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
[JULY 24, 2024]**

STAFF REPORT

Application No. / Project Title: #24-38 (Eastby)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Matthew & Julia Eastby
Property Size: +/- 12,489 square feet
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 909 Riverside Drive / 10-27-15-87822-011-0010

BACKGROUND SUMMARY:

The applicant is requesting to reduce the required side yard setback to 5 feet, 5 feet less than required, for the purpose of constructing a covered patio on the backside of the home.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff would recommend **approval** of this request.

LAND DEVELOPMENT CODE CONSIDERATIONS:

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

Development Standards: 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, in the R-100 zoning district.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	Single-family home, driveway, fence, and landscaping.
Vehicle Access:	This property gains access from Riverside 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:	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 construct a 12 foot by 26 foot (312 square foot) covered patio in the back yard. The new roof covering will replace an existing roof structure on the property. According to the provided site plan, the proposed roof will be 5 feet from the south side property line.
2. Per LDC Section 25.02(D)(6)(b) a minimum 10-foot side yard setback is required in the R-100 zoning district. According to the survey, the existing patio roof is less than 1 foot off the side property line. The applicant has indicated the existing covering is low-hanging and in need of replacement. The proposed roof structure will lessen the existing nonconformity by having a 5-foot side setback.
3. The subject property is triangular and the existing home is situated close to the south side property line. The home was constructed in 1952, predating the current land development code regulations. The unique shape of the property and location of the existing home limit the locations for an attached covered patio.

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 irregular shape of the subject property and location of the existing home, which was constructed in 1952, limit the locations of a usable covered patio on the subject property and necessitate the reduced side 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 property was originally platted in the current configuration in 1926 and the home was constructed in 1952, predating the current zoning regulations and the applicant owning the property, therefore the special circumstances have 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 minimum setback requirements could result in denying reasonable use by preventing the construction of covered outdoor space, a use commonly enjoyed by residential properties within the immediate area and elsewhere in the City. The proposed roof structure will replace a nonconforming roof that is built up to the property line. The proposed covered patio will



lessen the existing nonconformity. *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: Approval of this request will not confer any special uses or privileges to the applicant that are not commonly enjoyed by other property owners in this area. Covered patios are common features for single family properties within the immediate neighborhood and elsewhere in the City. *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: Covered patios are common features of single-family residences in the R-100 zoning district. The reduced side yard setback for the proposed roof structure will not substantially diminish property values or alter the character of the neighborhood. Further, the proposed structure will lessen the nonconforming existing structure on the property and increase the overall side setback. *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. Survey/Site Plan
4. Applicant Narrative

EASTBY #24-38

Board of Adjustment – July 24, 2024





LOCATION & CONTEXT



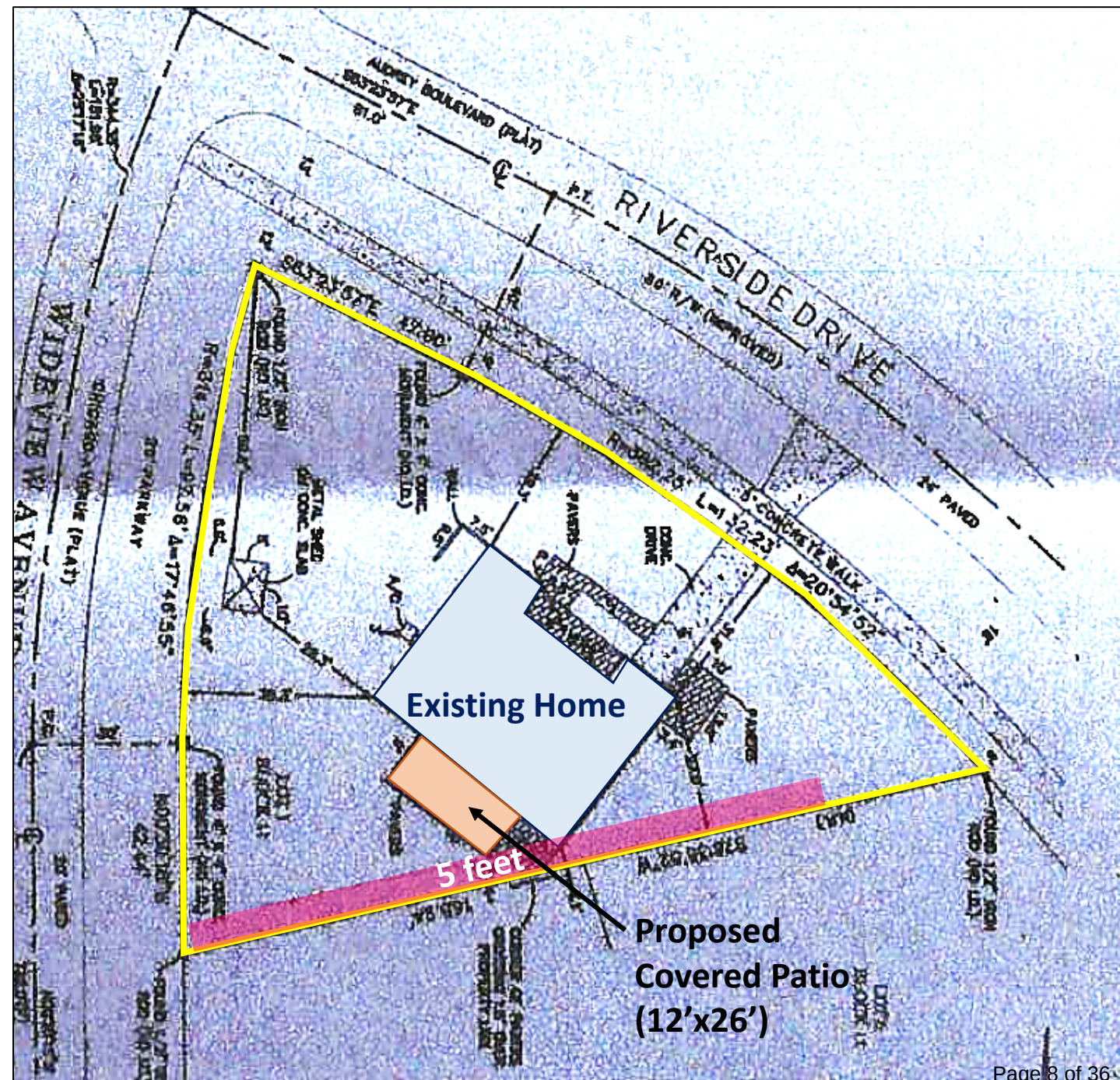
REQUEST

- **#24-38 – Side Yard Setback**
 - Required= Min. 10 feet, total of 25 feet for both sides.
 - Proposed = 5 feet
- **Applicant/Owner:** Matthew & Julia Eastby
- *Variance request to reduce the side yard setback for the purpose of constructing a covered back patio.*



REQUEST

- **R-100 Side Yard Setback:**
 - Proposed = **5 feet**
 - Required = Min. 10 feet, total of 25 feet for both sides
- **Existing Covered Patio Setback:**
 - <1 foot off the side property line
 - Pavers encroach approx. 1 foot over side property line.





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 Matthew & Julia Eastby		Email mreastby@yahoo.com
Address 909 Riverside Drive		
City Tarpon Springs	State FL	Zip 34689
Phone	Fax	Cell 704-572-7733

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 909 Riverside Drive, Tarpon Springs, FL 34689		
Legal Description (attach additional sheets as necessary) LOT 1, BLOCK 11, SUNSET HILLS 2ND ADD, PLAT BOOK 17, PAGES 41 and 42		
Tax Parcel Number(s) 10-27-15-87822-011-0010	Land Use Category RESIDENTIAL	Zoning District R-100

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 25.02(D)(6)(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*)

A side setback variance reduction from the required 10 feet to 5 feet for the purpose of constructing a new/replacement, solid-covered area off the back of our house.

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.)*

Yes - Our property is triangular-shaped; the house is situated extremely close to the neighboring side yard leaving less than one foot from the existing roof extension to the neighbor's property line. (See attached PDF - Roof Variance Narrative)

- (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 special circumstances peculiar to the property have NOT been self-created.

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

The approval of the variance will allow for the reasonable use of the property and it's structures.

No. if the variance is denied, we will continue to have an unsafe, low-lying roof line with unusable space.

- (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 approval of the variance will not result in a special privilege that other properties within the same zoning district do not have.

- (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?)*

Approval of this request will not have an adverse effect on surrounding properties.

Helpful Links:

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

- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_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 16 day of May, A.D., 20 24

by Matthew Fastby, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

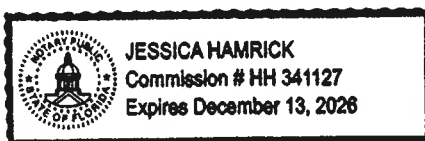
FL ID as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name: Jessica Hamrick

Signature: Jessica Hamrick

Stamp:



50-10-1

CERTIFIED TO:
AMANDA KOMONOS; FIRST TITLE SOURCE;

FLOOD ZONE: X
FIELD WORK: 10/20/2017

SURVEY NUMBER: 306141

CLIENT FILE NUMBER: TTOMPSON

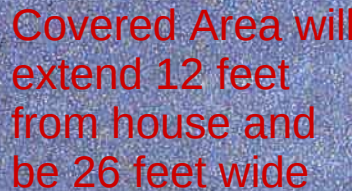
CATCH BASIN ————O——— MISC. FENCE
 CENTRALIZING ROAD ● PROPERTY CORNER
 CONCRETE AREA
 U/LA
 1/4" = 10'

CENTRAL
CENTRAL / DELTA ANGEL
IDENTIFICATION

N.A.D.	NORTH AMERICAN VERTICAL DATUM
N.A.M.D.	NATIONAL GEODETIC VERTICAL DATUM
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.A.K.	POINT OF ABSCISSA
P.R.C.	PROFESSIONAL REGISTERED CHARTERED SURVEYOR
P.S.	POINT OF SIGHT
P.T.	POINT OF TANGENCY
P.W.	POINT OF VIEW

CONC. DRIVE CROSSING OVER PROPERTY LINE ON THE NORTHEASTERNLY SIDE OF LOT.

PROPERTY SUPPLIED BY CITY WATER AND SEWER
PAYERS CROSSING OVER PROPERTY LINE ON THE
SOUTHERLY SIDE OF LOT

[illegible]

Kenneth Osborne



TARGET
SURVEYING, LLC

LA 57013
SERVING FLORIDA
6258 N. MILITARY TRAIL, SUITE 402
WEST PALM BEACH, FL 33407
PHONE: (561) 840-4800
TOLL FREE: (800) 238-4507
STATEWIDE FACSIMILE: (408) 741-0876
WEBSITE: <http://www.servingfla.com>

Roof Variance – Narrative

Matthew & Julia Eastby
909 Riverside Drive (Tarpon)

(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.

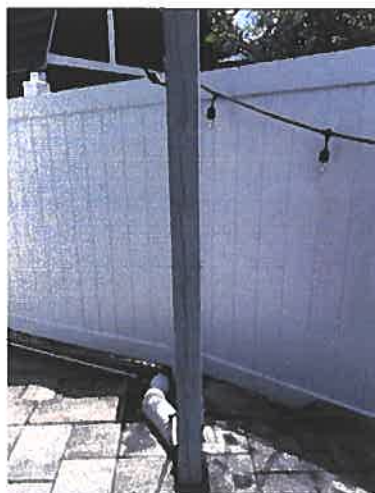
(Do you have a physical hardship that prevents you from meeting the requirements of the code?)
(Provide photographs if possible)

(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.)

We are situated on a corner, triangular-shaped lot. The back left corner of our house is extremely close to the neighboring side yard—it is so close, the existing pavers cross over onto the neighbor's property, and the existing roof extension is less than a foot from the neighbor's property line.

We would like to remove the existing roof extension, which is old, unsafe, low-hanging, and non-functional, and replace it with a new solid roof that is more functional, aesthetically pleasing, safe, and will cover a larger area that will result being further from the property line than the existing structure.





**CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[JULY 24, 2024]**

STAFF REPORT

Application No. / Project Title: #24-39 (Anclote Distillery)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Anclote Distilling Co. / Anclote Property Partners, LTD.
Property Size: +/- 0.44 acres
Current Zoning: T4b (Residential + Industrial/Office)
Current Land Use: South Pinellas Ave Character District
Location / Parcel ID: 138 E. Boyer Street / 13-27-15-89946-077-0160

BACKGROUND SUMMARY:

The applicant is in the process of redeveloping the subject property as a distillery. The Land Development Code (LDC) requires sidewalks to be constructed along all abutting street frontages as a part of the proposed site improvements. The applicant is requesting a sidewalk waiver from the Board of Adjustment to not construct a sidewalk along the Safford Avenue frontage.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff recommends **approval** of the sidewalk waiver.

LAND DEVELOPMENT CODE CONSIDERATIONS:

Character District Intent: The South Pinellas Avenue character district is focused on the South Pinellas Ave. retail corridor extending from Boyer to Morgan St. The primary intent of this character district is to encourage mixed use along the corridor with ground floor retail and residential or offices on upper floors.

Development Standards:

1. Per LDC Section 32.00, as a condition of the issuance of Certificate of Occupancy a sidewalk shall be constructed for the length of the site frontage along all abutting streets in accordance with the standards of this Section.
2. Per LDC Section 132.01, the Board of Adjustment may grant a sidewalk waiver where the specified standards of this section are met. These standards are provided at the end of this report under the "Review Standards/Provisional Findings of Fact" section.

CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant / Proposed Use Under Construction
Site Features:	Existing Quonset Hut Building, Driveway, Parking Area, and landscaping.
Vehicle Access:	This property has frontage on both Safford Avenue and Boyer Street, with vehicular access gained from Boyer Street.



SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	T4a (Residential + Retail/Office)	Downtown Character District
South:	T4b (Residential + Industrial/Office)	South Pinellas Ave Character District
East:	T4d (Residential District)	South Safford Ave Character District
West:	T4b (Residential + Industrial/Office)	South Pinellas Ave Character District

PLANNING CONSIDERATIONS:

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

1. The applicant is in the process of redeveloping the existing structure on the subject property as a distillery. Per LDC Section 132.00, the construction of sidewalks along abutting street frontages are a required improvement with the proposed project. The subject property fronts both Boyer Street and Safford Avenue. The applicant is requesting relief from constructing a sidewalk along the Safford Avenue frontage.
2. LDC Section 132.01(C) states that the Board may only grant a sidewalk waiver when one or more of the following conditions have been met:
 - a. The existing right-of-way is of insufficient width to allow the installation of a sidewalk, and additional right-of-way is not required under this Code.
 - b. The existing right-of-way is unimproved or not paved, and construction of the street is not included in the responsible jurisdiction's 5-year capital improvement plan.
 - c. Where strict application of the requirement would be technically impractical in terms of engineering design due to existing natural conditions related to topography or the environment.
 - d. The Board of Adjustment shall not consider the non-presence of other sidewalks in the neighborhood as justification to grant the waiver.

There are site conditions that present challenges to constructing a sidewalk at this location, including insufficient right-of-way width and two mature trees located on the property line. According to the property survey, there is only approximately 4 feet from the curb to the property line. The code requires the sidewalk to be a minimum of 5 feet in width, therefore construction of a sidewalk at this location would encroach onto the private property and potentially interfere with the mature trees on the property.

3. Sidewalks exist along the east side of Safford Avenue; however, they are inconsistent along the west side of Safford Avenue where the subject property is located. The Pinellas Trail runs in the center of Safford Avenue along the frontage of this property. The Pinellas Trail provides a continuous pedestrian way along Safford Avenue. According to the provided site plan, the applicant is proposing to construct a ramp and sidewalk along Boyer Street to provide a connection to the trail, as well as a paver walkway on the Safford Avenue frontage to connect to the proposed outdoor deck/patio.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 132.01(B) of the Land Development Code provides that the Board of Adjustment may grant a sidewalk waiver if the following two standards are met. 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 current width between the property line and edge of pavement, in addition to the existing mature trees near the property line, limit the opportunity to construct a sidewalk at this location. These limitations are unique to the subject property and do not generally apply to other properties located elsewhere in the same 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: The subject property in its current configuration and the adjacent roadways have been in existence prior to the application taking ownership of the property. The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

Additionally, Section 132.01(C) of the Land Development Code provides that the Board of Adjustment shall permit the waiver of sidewalk construction where one or more of the following conditions exist. Planning staff's analysis of this section is provided below:

1. The **existing right-of-way is of insufficient width** to allow the installation of a sidewalk, and additional right-of-way is not required under this Code.
2. The **existing right-of-way is unimproved or not paved**, and construction of the street is not included in the responsible jurisdiction's 5-year capital improvements plan.
3. Where strict application of the requirement would be **technically impractical** in terms of engineering design due to existing conditions related to topography or the environment.
4. The Board of Adjustment **shall not consider the non-presence of other sidewalks** in the neighborhood as justification to grant the waiver.

Staff Analysis: According to the survey, the right-of-way width between the property line and the edge of pavement is narrow and is only approximately 4 feet in width. This current width would not be sufficient for the required minimum 5-foot-wide sidewalk. Additionally, there are two mature trees located along the property line present additional challenges to constructing a sidewalk along this frontage. Based on these conditions, staff believes the insufficient right-of-way width and the technical impracticality conditions have been met and are grounds for a sidewalk waiver. Although a sidewalk would not be constructed along the subject property frontage, the Pinellas Trail is located along Safford Avenue and would provide the continuous pedestrian way at this location.

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:

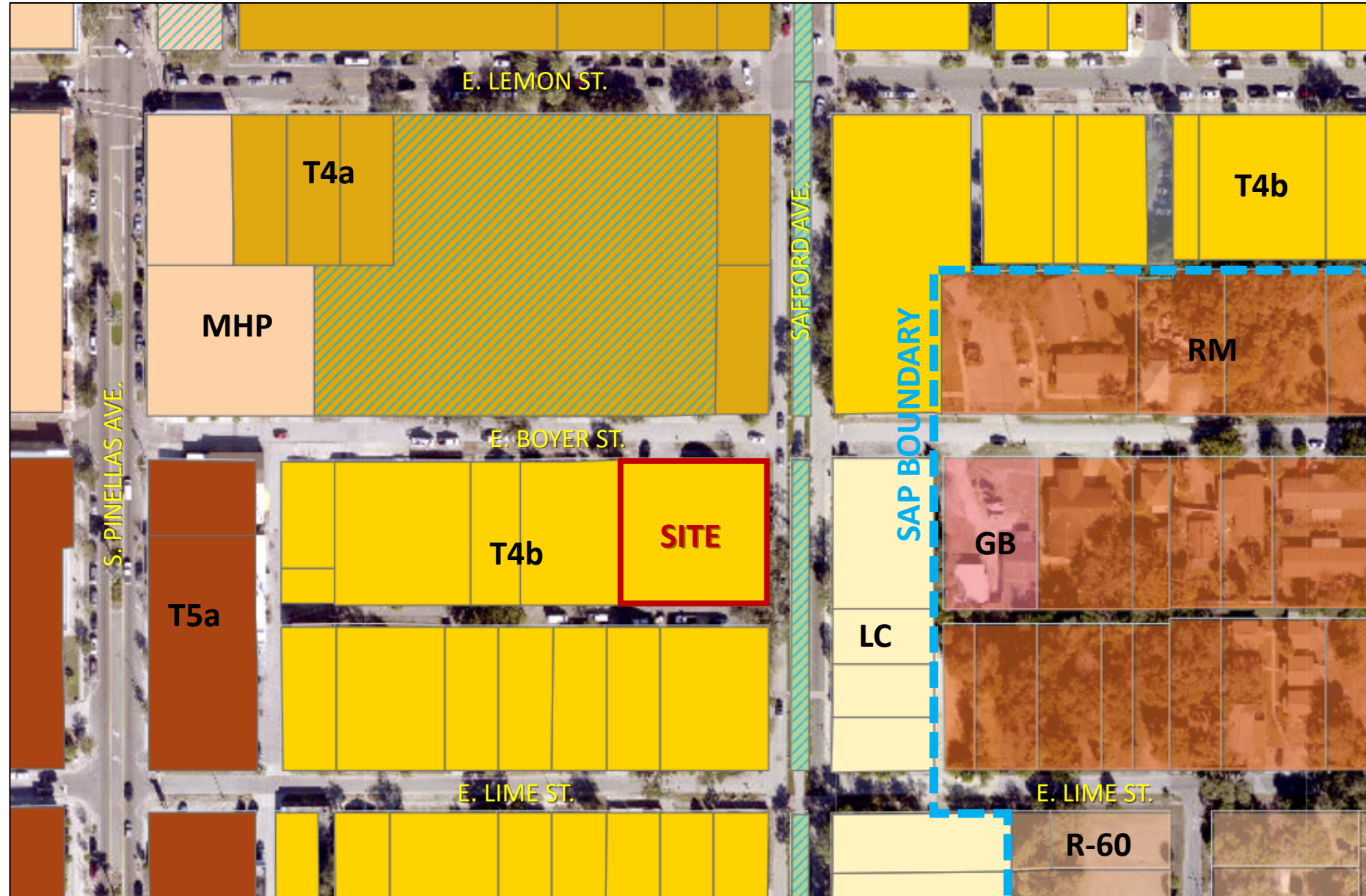
1. Staff Presentation
2. Application
3. Site Plan
4. Survey

ANCLOTE DISTILLERY #24-39

Board of Adjustments – July 24, 2024



LOCATION & CONTEXT





REQUEST

- **LDC Section 132.00(A) – Sidewalks**

- The construction of sidewalks along abutting street frontages are a required improvement with any new development.

- **LDC Section 132.01 – Sidewalk Waiver**

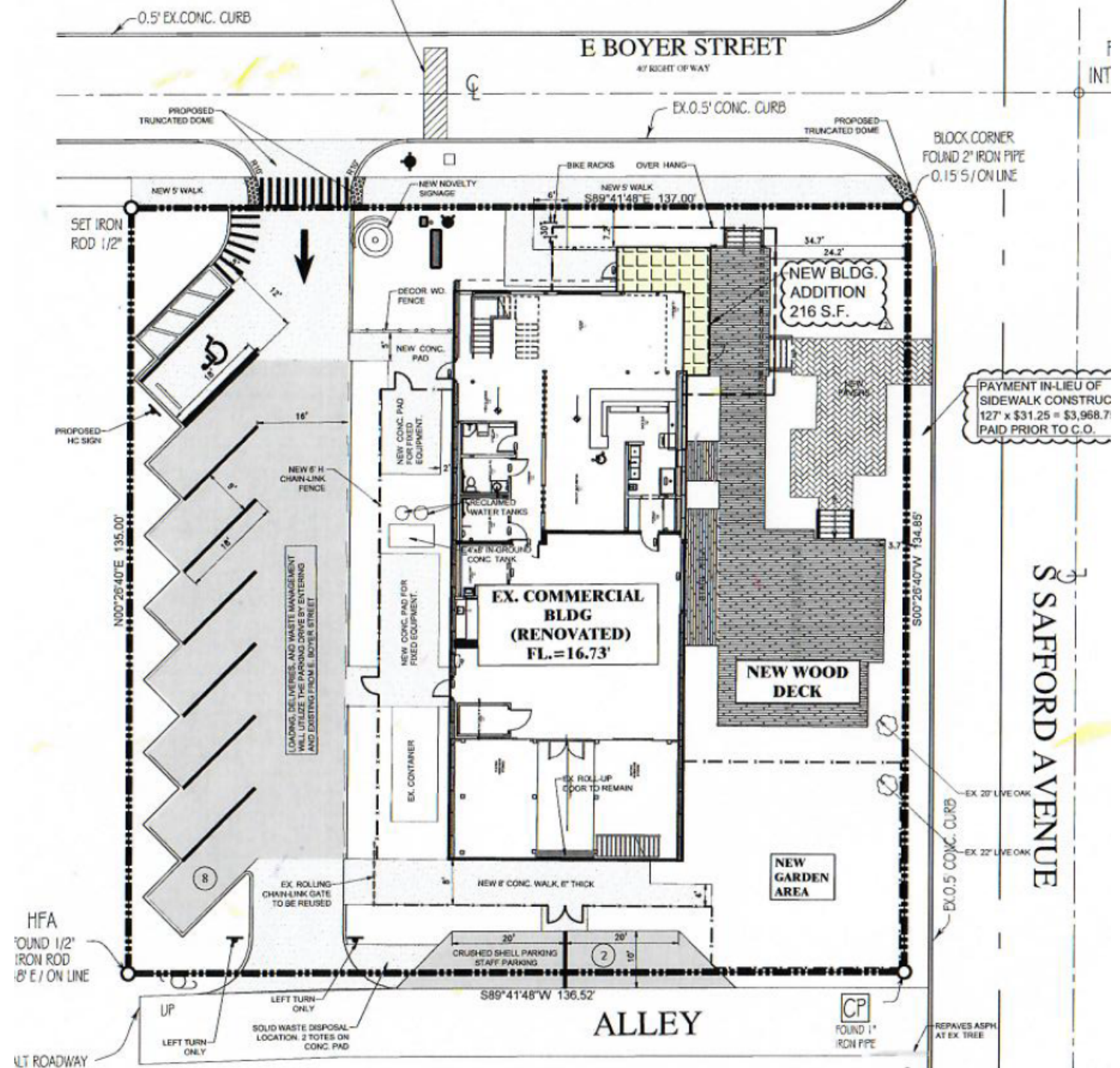
- Board of Adjustment has the authority to grant a sidewalk waiver

- **Applicant/Owner:** Anclore Distilling Co. / Anclore Property Partners LTC.

- *Applicant is in the process of redeveloping the property as a distillery.*
- *Requesting a sidewalk waiver to grant relief from constructing sidewalks along the Safford Ave. street frontage.*

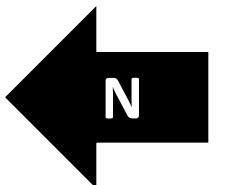
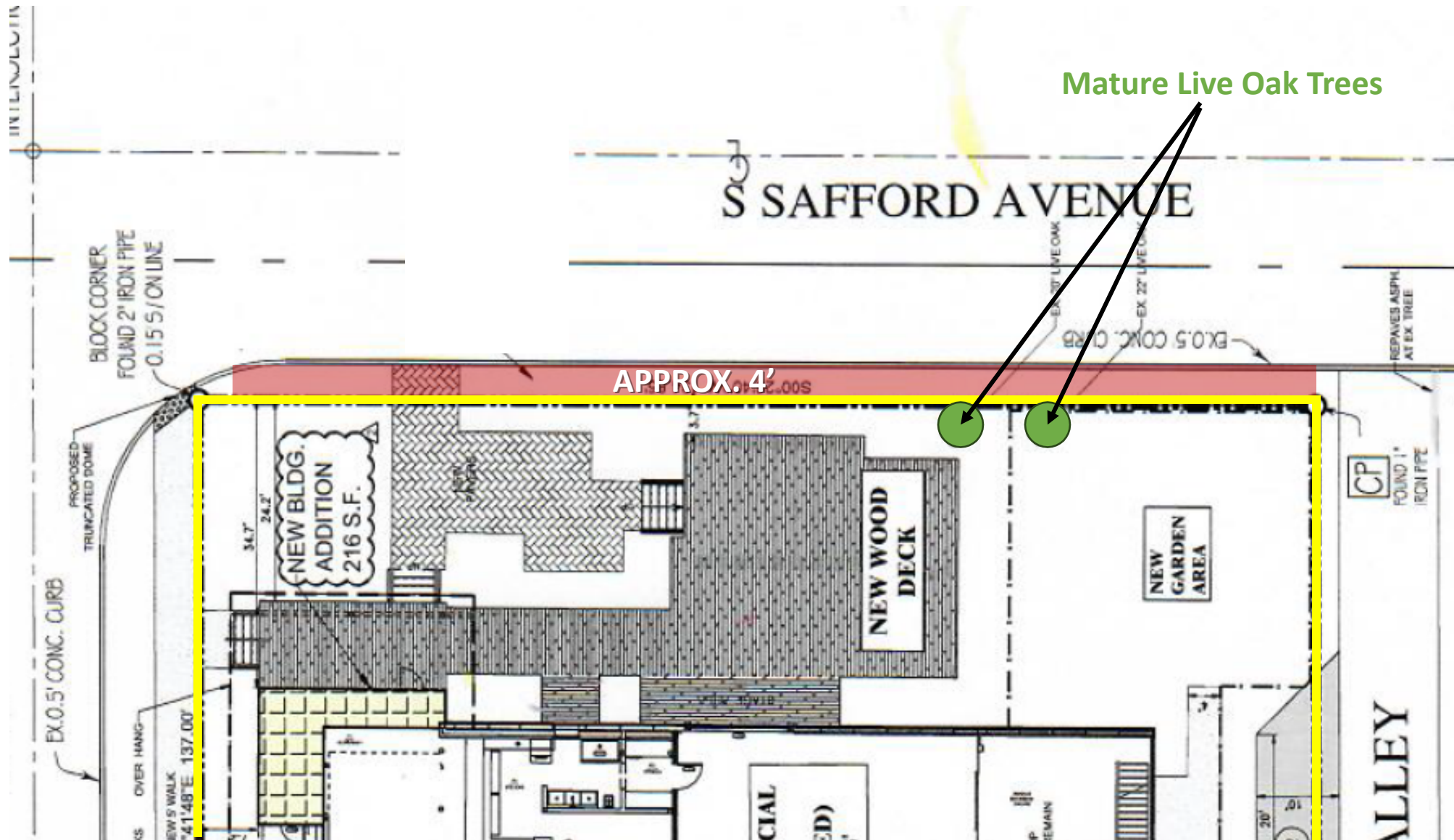


SITE PLAN





SITE PLAN





REVIEW CRITERIA – SIDEWALK WAIVER

LDC SECTION 132.01(C)

- 1) The *existing right-of-way is of insufficient width* to allow the installation of a sidewalk, and additional right-of-way is not required under this Code.
- 2) The *existing right-of-way is unimproved or not paved*, and construction of the street is not included in the responsible jurisdiction's 5-year capital improvements plan.
- 3) Where strict application of the requirement would be *technically impractical* in terms of engineering design due to existing conditions related to topography or the environment.
- 4) The BOA *shall not consider the non-presence of other sidewalks* in the neighborhood as justification to grant the waiver.

SITE CONDITIONS



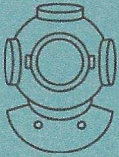


REVIEW CRITERIA – SIDEWALK WAIVER

LDC SECTION 132.01(B)

- 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.

**BOARD OF ADJUSTMENT APPLICATION
SIDEWALK WAIVER**



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 ANCLOTE PROPERTY PARTNERS, LTD.		Email SPCORRADO@HOTMAIL.COM	
Address 138 EAST BOYER ST.			
City TARPON SPRINGAS		State FLORIDA	Zip 34689
Phone 727-644-0441	Fax		Cell

2. Applicant (if different than owner)

Name ANCLOTE DISTILLING CO.		Email SPCORRADO@HOTMAIL.COM	
Address P.O. BOX 315			
City TARPON SPRINGAS		State FL	Zip 34688
Phone 727-644-0441	Fax		Cell

3. Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cell

4. General Information

Property Location or Address ANCLOTE DISTILLERY		
Legal Description (attach additional sheets as necessary) TARPON SPRINGAS ENTERPRISES, BLOCK 77, LOTS 16-18		
Tax Parcel Number(s) 13-27-15-89946-077-0160	Land Use Category CRD	Zoning District S PA - T4b

Variance Requested:

I am requesting a variance from Land Development Code (LDC) Section(s) 132.00 - SIDEWALKS.

Please describe the project and how it varies from the Code (attach additional sheets as necessary). (e.g., *The existing right-of-way is of insufficient width to allow installation of a sidewalk, and additional right-of-way is not required under this Code.*)

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_ARTIXDEST_S132.00SI

Board of Adjustment Review Standards:

Per LDC Section 132.01(B) (link provided above), The Board of Adjustment, after consideration of all pertinent conditions, shall waive the requirement of sidewalk construction if: **Please review the standards listed below and provide justification as to how your request meets each of the standards (attach additional sheets as necessary) (MUST MEET BOTH).**

- (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; and *(Do you meet this criterion?) (Provide photographs if possible.)*

Constructing a sidewalk on the east side of the building (along South Safford Ave.) would be impractical in terms of the two mature oak trees that are situated in that location.

- (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. *(Do you meet this criterion? Please explain below.)*

Per LDC Section 132.01(C) (link provided above), The Board of Adjustment shall permit the waiver of sidewalk construction where one or more of the following conditions exist: 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 existing right-of-way is of insufficient width to allow the installation of a sidewalk, and additional right-of-way is not required under this Code; (Do you meet this criterion?) (Provide photographs if possible)

- (2) The existing right-of-way is unimproved or not paved, and construction of the street is not included in the responsible jurisdictions 5-year capital improvements plan; (e.g., the road is not paved, and the Public Works Department does not have it on its 5-year plan for pavement)?

- (3) Where strict application of the requirement would be technically impractical in terms of engineering design due to existing natural conditions related to topography or the environment. (Why is it impractical?)

Constructing ~~any~~ sidewalk in that location would require either the removal of 2 mature oak trees or constructing a sidewalk where it would dead-end to the 2 trees, offering no continuous connecting sidewalk to any other adjacent properties.

- (5) The Board of Adjustment shall not consider the non-presence of other sidewalks in the neighborhood as justification to grant the waiver. (However, does a sidewalk exist on this side, or the opposite side of the road?)

A sidewalk exists on the opposite side of the road (South Safford Ave, as well as the Pinellas Trail which offers pedestrians a safe area to walk/bike.

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.

[Signature] 4-2-24
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.

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 02 day of April, A.D., 20 24
by Stephen Corach, 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: Yoni Comhaire

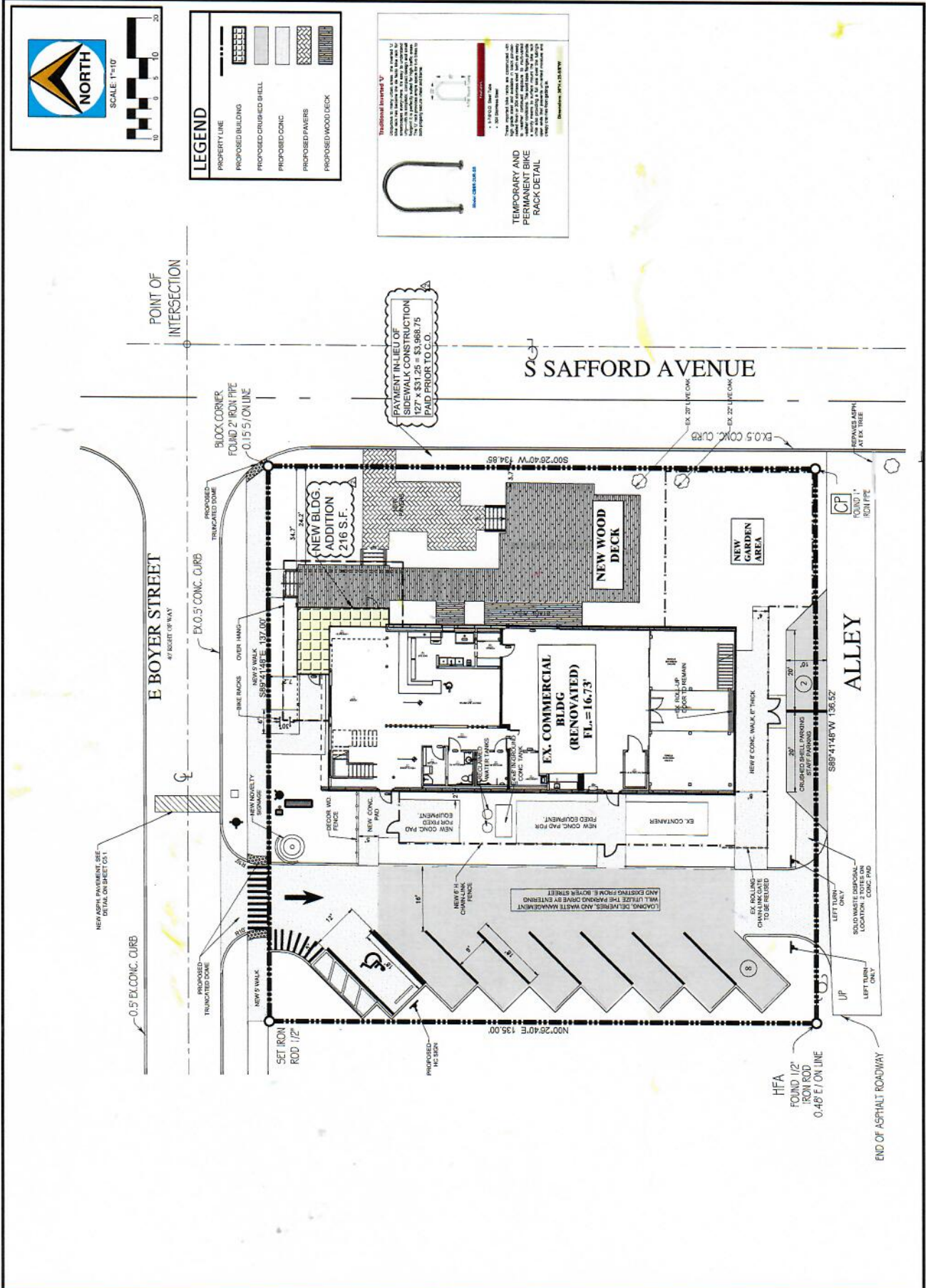
Signature: [Signature]

Stamp:



YONI COMHAIRE
Notary Public
State of Florida
Comm# HH425123
Expires 7/24/2027

Page 4 of 4
Sidewalk Waiver



END OF ASPHALT ROADWAY



www.landtecsurvey.com

PROPERTY ADDRESS:

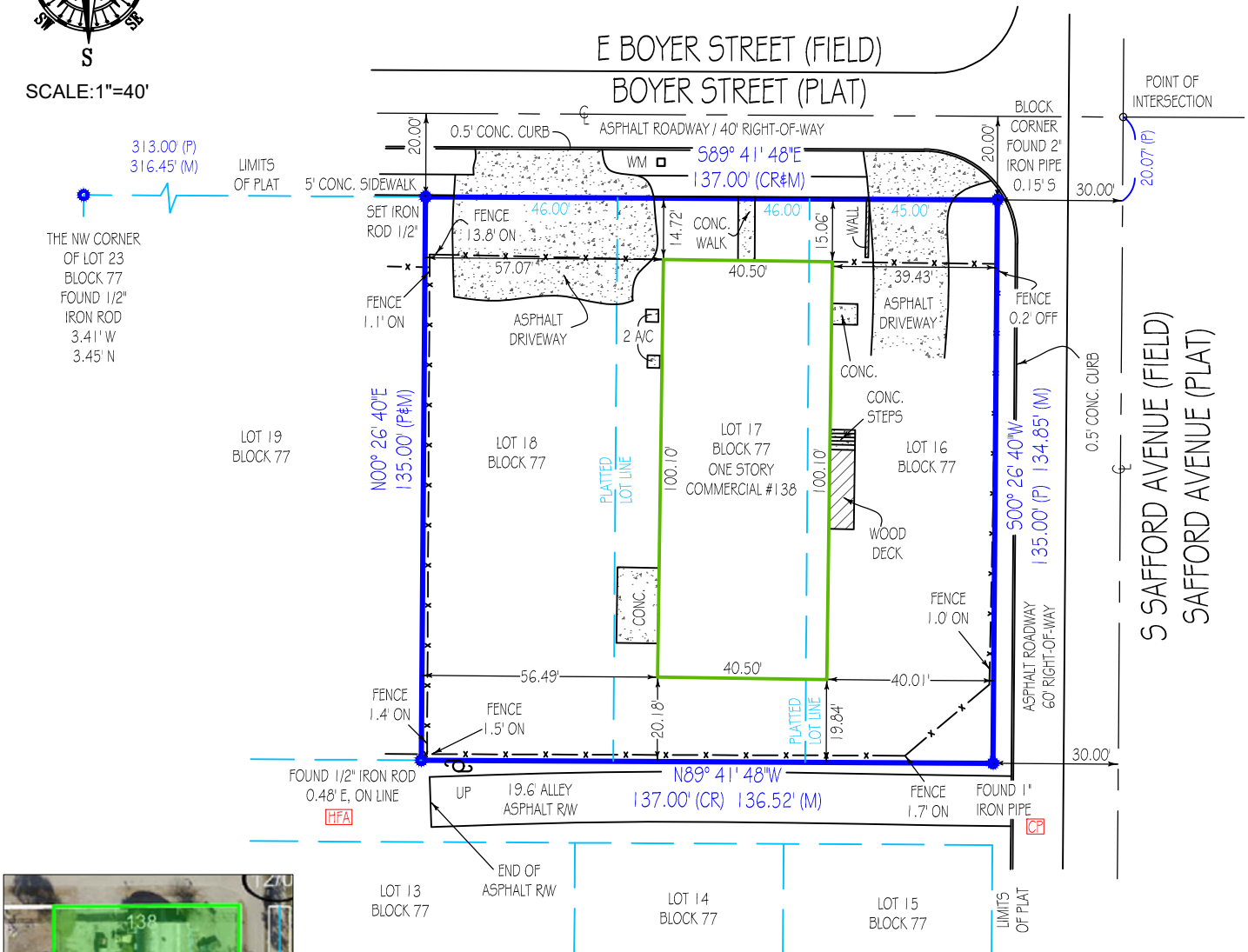
BOUNDARY SURVEY

Prepared for:



SCALE: 1"=40'

BEARING REFERENCE:
NORTHERLY LINE OF SUBJECT LOT AS S89° 41' 48"E
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.



AERIAL PHOTOGRAPH
(MAY NOT SHOW
LATEST IMPROVEMENTS)
(NOT-TO-SCALE)

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE
- CONCRETE WALK CROSSES THE BOUNDARY LINE ON NORTHERLY SIDE OF LOT AS SHOWN.

This survey has been issued by the following
Landtec Surveying office:
700 West Hillsboro Boulevard, Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587
Fax: (561) 465-3145
www.Landtecsurvey.com

Elevations, if shown:
Benchmark: _____
Benchmark Elev.: _____
Benchmark Datum: _____
Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ☐

Revisions:

Job Nr: 131042-CW

Date of Field Work: 11/30/2021

Drawn by: A.I.

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Sheet 2 of 2 (Survey Related Data) - See Sheet 1 of 2 for Sketch of Survey, SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

TYPE OF SURVEY:

BOUNDARY	CONSTRUCTION	CONDOMINIUM
ALTA/NSPS	TOPOGRAPHIC	SPECIAL PURPOSE

PURPOSE OF SURVEY (SEE GENERAL NOTES BELOW):

PLATTED EASEMENTS, NOTABLE OR ADVERSE CONDITIONS (UNPLATTED EASEMENTS ALSO LISTED IF PROVIDED BY CLIENT):
IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

ABBREVIATION LEGEND (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

A OR AL = ARC LENGTH	DE = DRAINAGE EASEMENT	P = PLAT	QTR = QUARTER
B.S.L. = BUILDING SETBACK LINE	EL OR ELEV = ELEVATION	PC = POINT OF CURVE	R = RADIUS
C/O = CLEANOUT	EM = ELECTRIC METER	PCC = POINT OF COMPOUND CURVE	RNG = RANGE
CA = CENTRAL ANGLE	FIR = FOUND IRON ROD	PH = POOL HEATER	SEC = SECTION
CATV = CABLE TV RISER	FN = FOUND NAIL	PI = POINT OF INTERSECTION	TR = TELEPHONE RISER
CF = CALCULATED FROM FIELD	FND = FOUND	POB = POINT OF BEGINNING	TWP = TOWNSHIP
CH = CHORD DISTANCE	HFA = HELD FOR ALIGNMENT	POC = POINT OF COMMENCEMENT	UE = UTILITY EASEMENT
CONC. = CONCRETE	L = LEGAL DESCRIPTION	PP = POOL PUMP	UP = UTILITY POLE
CP = CONTROLLING POINT	M = MEASURED	PRC = POINT OF REVERSE CURVE	WM = WATER METER
CR = CALCULATED FROM RECORD	OHC = OVERHEAD CABLE	PT = POINT OF TANGENCY	WV = WATER VALVE

SYMBOLS (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING - NOT TO SCALE):

= UTILITY POLE	= WELL	= HANDICAP PARKING SPACE
= LIGHT POLE	= CENTER LINE	= PARTY WALL
= CATCH BASIN	= AIR CONDITIONER	= SEC. QTR. CORNER
= FIRE HYDRANT	= SEPTIC LID	= SECTION CORNER
= MANHOLE	= ELEV. SHOT	
= WATER VALVE		
= WATER METER		

LINETYPES:

BOUNDARY	
BUILDING	
EASEMENT	
CHAIN LINK FENCE	
WOOD FENCE	
PLASTIC FENCE	
OVERHEAD CABLE	

GENERAL NOTES:

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. RECIPIENTS MUST CONTACT OUR OFFICE FOR APPROVAL PRIOR TO SUCH USE. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ON SHEET 1.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 5 BUSINESS DAYS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #5639.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

SIGNATURE _____ DATE: _____
 ANDREW SNYDER - PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 5639 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

PRINTING INSTRUCTIONS:

WHEN PRINTING THIS PDF IN ADOBE, SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. **DO NOT USE "FIT".**

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**MINUTES
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
MAY 22, 2024**

THE BOARD OF ADJUSTMENT OF THE CITY OF TARPON SPRINGS, FLORIDA, MET IN THE CITY HALL AUDITORIUM/COMMISSION CHAMBERS, 324 E. PINE STREET, ON WEDNESDAY, MAY 22, 2024 AT 6:30 PM WITH THE FOLLOWING PRESENT:

Chairperson Jacqui Turner
Vice-Chairperson Joanne Reich
Member Timothy Grossman
Alternate 2 Karl Fuchs

ABSENT/EXCUSED: Member George Bouris
Alternate 1 Robert Wood

ALSO PRESENT: Allie Keen, AICP, Principal Planner
Andrew Saulzman, Esquire, Board Attorney
Kimberly Creighton, Board Secretary

CALL TO ORDER

Chairperson Turner called the meeting to order at 6:30 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. #24-16 - Evans

Variance to reduce the required side setback and separation distance between a pool's water's edge and a screen enclosure for the purpose of constructing a new pool screen enclosure over an existing pool.

Location: 1417 Poinsettia Avenue

Staff:

Mrs. Keen provided background information and indicated that based on the evidence available at the time the report was prepared, staff recommended approval of the applicants request to reduce the required side setback for a pool screen enclosure to 7.4 feet 0.6 feet less than required for both sides of the pool and to reduce the required separation distance between the screen enclosure and pool's water's edge to 34 inches, 2 inches less than required, for the west side of the pool.

Applicant:

Mike John Evans, 1417 Poinsettia Ave, noted that he needed the screen enclosure because of ducks and maintenance.

MOTION: Vice-Chairperson Reich

SECOND: Alternate 2 Fuchs

to approve the variance as requested.

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

Yes: Chairperson Turner

Vice-Chairperson Reich

Member Grossman

Alternate 2 Fuchs

No: None

2. **#24-23 - Wikle**

Variance to reduce the required side yard setback for the purpose of constructing an addition onto an existing single family home.

Location: 1618 Seabreeze Drive

Staff:

Mrs. Keen gave background information and indicated that, based on the evidence available at the time this report was prepared, staff recommended approval of the applicant's request for variance approval to reduce the required side yard setback for the purpose of constructing an addition and covered lanai onto the rear of the existing single-family home. The applicant is proposing a side setback of 8.9 feet, 1.1 feet less than required.

Applicant:

Wyatt Wikle, 1618 Sea Breeze Drive, noted that a permit was not requested and the previously approved variance for this request had expired. Therefore, they were requesting another approval.

MOTION: Member Grossman

SECOND: Vice-Chairperson Reich

to approve variance as requested.

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

Yes: Chairperson Turner

Vice-Chairperson Reich

Member Grossman

Alternate 2 Fuchs No: None

BOARD AND STAFF COMMENTS

Mrs. Keen noted that the final draft of the Comprehensive Plan was on Connect Tarpon Springs. She invited the Board to review the information online.

ADJOURNMENT

Chairperson Turner adjourned the meeting at 06:51 PM.

Chairperson Jacqui Turner