

Letters to DRC

Hello All DRC Commissioners!

Case No. 21-54000071

Preserve The JUNGLE's unique historic Character, lush canopied streets, and small homes nestled in the canopy of ancient Live Oaks.

70 years ago, many times, I paid a nickel to ride the Trolley from downtown all the way out to JUNGLE Prada . . . helped flip the seat backs over to go the other way while conductor moved the electric boom pole around. (EVs way back then!)

My love for The JUNGLE developed. Growing up near Bartlett Park, I was always enthralled with The JUNGLE . . . even had a WWII Jungle hammock. I yearned to live there . . . and I have lived in The JUNGLE for 50 years!!!

The JUNGLE was here long before St. Petersburg was founded. Early developers recognized the uniqueness in developing this west city area, honoring its history. In 1916, 105 years ago, the **Jungle** Golf Course opened, and then the **Jungle Hotel** (now Admiral Farragut), and **Jungle Prada, Jungle Terrace** platted by Walter Fuller, **Jungle Avenue, Jungle Prada Narvaez Park**, and Indian Mounds of the **Tocobaga Indians** who chose **The JUNGLE**.

For 50 years I have watched The Jungle be cherished, loved, and maintained in health . . . both its Centennial tree canopy . . . and the unique Character, Charm, history, homes, and harmonious appropriateness of new dwellings.

Please be responsible and respectful of honoring zoning requirements, and Character, Charm, and architectural uniqueness of The JUNGLE.

DENY the Variance request.

Most Sincerely,

Dr. Ed Carlson

7691 30th Ave No
St. Pete, FL 33710

Photos: 8 blocks of Jungle Terrace around the Variance Property.
Canopied Streets

ALLENDALE Neighborhood Association

To: Development Review Commission

Subject: Case 20-54000071 - Opposition to Variance

Commissioners:

I am president of the Allendale Neighborhood Association. In recent years, we've faced multiple attempts to develop sub-standard lots and incompatible architecture in our neighborhood. All have been strongly opposed by virtually all our residents on the basis of irreversible harm to the character of the neighborhood. Based on our experience, we strongly support Jungle Terrace in their opposition to allowing 50 foot homesites in an NS-1 zone where 75 feet is the minimum allowable width. We believe supporting this type of redevelopment violates the spirit of Vision 2050 and is highly questionable policy for the City and its residents.

Here is what we believe to be the essence of the matter.

1. An out-of-town developer is asking for a variance to City Code to build three houses in a zone where only two are permitted.
2. Variances are typically granted to address unavoidable hardships. There is no hardship here. There is only a benefit to the developer.
3. Residents surrounding the project oppose it because it will irreversibly alter the character of their neighborhood.
4. From 2011 to 2019 City population grew by 24,588. During the same period 1,480 new single family building permits were issued which corresponds to only six percent of the population growth. A few more homes shoehorned onto substandard lots won't change this math.
5. The three proposed 2,600 square foot homes will carry price-tags well north of \$500,000. They can in no way be considered "affordable housing".
6. Therefore, approval of this or similar variances will have negligible effect on total housing stock, and add nothing to affordable housing.
7. So bottom line - approval of the variance does the only following: it adds to the coffers of an out of state developer while robbing some of St. Pete's citizens of the neighborhood character they've counted on and invested in.
8. One final observation: approval of this variance unfortunately puts this Commission and City staff in the position of supporting an out-of-town developer and opposing citizens of the City they serve.

Thank you,
Jim Stitt
President, Allendale Neighborhood Association

Dear DRC,

RE: Case No. 20-54000071

Protect the Character and Trees of the Jungle Area!

Deny the variance sought by Weekley Homes to increase profits by 50%
at the expense of the beauty and character of the neighborhood . . .

small homes nestled among huge ancient trees.

The variance request fails the levels required.

Please DENY variance. Preserve and Protect the Neighborhood Character
and the life-giving trees.

Sincerely, Brian Burke

Dear Development Review Commission,

On October 19th, the Jungle Terrace Civic Association held its quarterly board meeting. As part of the meeting's agenda, Case No. 20-54000071 was brought up for discussion. The property consists of two 75-foot lots and the request is to subdivide it into three 50 foot lots. My personal experience with these situations generally results in smaller homes spaced closer together and destruction of virtually all vegetation including trees. The Jungle area is known for its large oaks. It is this characteristic that draws many home buyers to west St. Petersburg. I have four beautiful oaks on my property and they were definitely a drawing card in my decision to purchase the property in 1985.

From a profit standpoint, I understand why a developer wants to put three homes on the property instead of two. My feeling is that two homes with the Jungle environment preserved would have the same buying power, just as it did for me.

Our board members all came to the same conclusion as I have.
As such, I ask you to not approve this request for a variance.

Thank for your consideration,

John Sweeny
VP – JTCA
8252 26th Ave. N.
St. Petersburg, FL 33710

Dear Scot and Jennifer,

I received 2 Notices of Public Hearing RE: 3501 81st Street North because I live within 300 feet of the property;

1. 11 Oct 21 – Request: Approval of a variance to the minimum required lot width from 75-feet to 50-feet in order to create (3) buildable lots on property zoned NS-1
2. 21 Oct 21 - Request: Appeal of Streamline Approval of a variance to the minimum required lot width from 75-feet to 50-feet in order to create (3) buildable lots on property zoned NS-1

My vote is to **NOT** grant the variance.

I am in approval of maintaining the required lot widths to 75 feet to create 2 buildable lots as long as the City requires the structure design and location of the structure on the site to protect and retain all existing large protected trees.

This year I unfortunately witnessed the removal of 2 irreplaceable “**Grand Oak Trees**” to allow for the construction of 2 new homes.

1. The first removal was at 3601 81st Street North
 - a. The original permit required that the “Grand Oak” be protected and remain.
 - b. The contractor continuously violated the tree barricades during construction and probably damaged some of the roots under the canopy. The Building Inspector should have red-tagged the contractor because of this violation and required that the contractor install proper tree barricades (to the edges of the drip line) in lieu of the orange plastic construction fencing. This tree probably would have survived the construction and would still exist.
 - c. But, the real reason the developer wanted to remove the “Grand Oak” was because of no coordination between a survey, civil site plan, and architectural site plan. The east wall of the proposed new structure was immediately adjacent to the west side of the exiting “Grand Oaks” trunk.
 - d. I saw and met the City’s Urban Forester and a representative from Zoning on site when they were investigating the exiting conditions and proposed construction.
 - e. I was later informed that the City allowed the developer to remove the “Grand Oak” in lieu of relocating the structure, but that the City would require the developer to plant new conforming trees whose total breast height calipers would equal the caliper of the existing “Grand Oak”. **This was NOT done on this site.** The new landscaping consist of 4 small trees (at the most 1 – 1.5” caliper at breast height)
2. The second removal was in the 50 foot frontage lot immediately to the east of 3601.
 - a. I saw the Urban Forester at this site and asked him the status. He stated it was out of his hands and City Development was approving the removal of both the existing “Grand Oak” and an existing large Pine tree in the ROW because the Pine tree was in the way of a drive way access and the “Grand Oak” was in the way of the proposed structure.
 - b. First Question – Has the City required that this developer plant new conforming trees whose total breast height calipers would equal the caliper of the existing “Grand Oak” and the existing large Pine?
 - c. Second Question – Why did Planning and Development, Zoning, and the City allow for the removal of the “Grand Oak” and Large Pine instead of requiring the developer to revise the site plan to relocate the proposed drive thus saving the Large Pine tree and revise the structure design to save the “Grand Oak” tree?

The City of St Petersburg is allowing / condoning the easy way out for the developers and contractors by allowing these types of tree removals.

Why is the City allowing this instead of trying to retain “**Irreplaceable Old Growth Grand Oak and other Large Trees**”? Does the City’s Construction Department not know any better?

The simple answer is YES, the City's Construction Department does know better. They enforce tree protection rigidly in commercial construction and require the Following in Plan Submission for Plan Review and Permitting:

- a. Site Survey including Existing Tree types, sizes, and locations.
- b. Proposed Site Improvement Plans by a Licensed Civil Engineer that are coordinated with the Site Survey mentioned above.
- c. Proposed Architectural Site Improvement Plans by a Licensed Architect that are coordinated with the Site Survey and Proposed Civil Site Improvement Plans.

It would be very easy to enforce the above on Residential Construction Plan Review and Approval to help keep our City and Neighborhoods green, especially with Old Growth Trees

Respectfully, Arthur Weaver

Case # 21-54000071 NO On Variance NS-1

I am respectfully writing about variances the City allows that destroys character of our area. This happened in my own little neighborhood, Colonial Lane.

A McMansion was approved that resulted in the removal of one of the largest grand oaks in the county! Of course, a lone palm tree was planted to replace...the rest have died. Not to mention we have endured massive trucks and equipment coming through our lovely neighborhood for years, because you approved another mansion. Our road is a mess as a result. It hasn't been repaved in 30 years! Looks bad! Our new neighbors are very nice, but it's sad to see what has happened to the trees.

Across Park St, I'm observing the same tragedies...building a nice home that fits the lot vertically and maintains the trees is just fine....gutting the lots then building these giant houses that do not go with the neighborhood is awful. Plus...how does this possibly make sense from an environmental perspective? Building a new home that fits the lot is ok, just respect the trees...Replacement Palm trees are unacceptable!!!!

I'm glad my neighborhood association is fighting this. It's just not right. I feel sorry for those that live in the area....they will continue to see their beautiful canopies destroyed, endure trucks and equipment for months on end, dirt, construction trash, cracked streets, etc... the bigger the house, the bigger the problem.

Please stick with the building zoning and ordinances and require trees that actually help the environment.

Thank you,
Joni Long
3469 83rd St. N, St. Petersburg

I moved to my property in Jungle Terrace in October 2013. It is my first home and I was proud to move into such a beautiful neighborhood filled with friendly neighbors and gorgeous oak trees. One of the main selling points for me when I purchased this property was the park-like quality of the landscape and beauty of trees. My property proudly hosts 4 wonderful, often complimented Grand Oaks.

But here's where the story turns dark. My property is located adjacent to the property at the center of this case. I know, very well, the 2 large oak trees that inhabit that property and the variety of wildlife that themselves host, including rambunctious squirrels, spirited blue jays, and a spectacle of bats to name a few.

When I first found out the property had been sold, my immediate thought was, "Oh no! The trees!." I have seen what these developers are doing to our neighborhood. I have been harassed with phone calls, emails and text messages with inquiries to purchase my property (just received a text message an hour ago). Then I was informed they had the intention to erect THREE houses on the lot.

I'm a grown, educated woman, and I literally cried for an hour at the thought of that lot being destroyed in that manner. Please listen to the people who live in the neighborhood, hear our concern, and deny the variance to re-parcel the lot!

Thank you for your time, Taylor Ohman

Kenneth Conklin (klconklin@LWTNA.org)To:you

Can't call it a Jungle when there is no trees. Palm trees make Oasis. Oasis Terrace maybe? Naaah, doesn't have the same ring to it.

Mary Heath <mjtheheat@yahoo.com>

Sent: Tue, Nov 2, 2021 1:43 pm

Subject: Re: Neighborhood ALERT ~ Denuded Desert vs Jungle area

I emailed all of them

To Whom It May Concern:

Case No. 21-54000071

I am concerned about the destruction of beautiful oak trees in the Jungle area and the building of homes on very small lots.

Please stop giving approval to such activity.

Thank you. Gordon Norton

In order to protect the Character and Trees of the Jungle Area!
I/we are asking you to deny the variance sought by Weekley Homes to increase profits by at least fifty (50%).

If this is allowed, it will be at the expense, beauty and character of the entire Jungle Terrace Neighborhood which has always been small homes nestled among huge ancient trees.

I/we feel that this variance request fails at all levels as required.
Your denial of this variance will not only preserve the character of the Jungle Terrace Neighborhood, but also protect the huge ancient life-giving trees.

Thank you in advance for considering our request,

Sincerely,

Dominick D. Griesi, President
The Azalea Neighborhood Association, Inc.
Member, West Neighborhoods United

**Regards case number 21-54000071
and the proposal to combine 2 , 75' lots, redividing into 3,
in Jungle Terrace area, please accept this email as my absolute
abhorrence to this proposal and my request that the City of St.
Petersburg deny the request.**

**Jungle Terrace area, as with my neighborhood, Eagle Crest, was
designed to have these large lots which are exclusive, a real
selling point and the very reason people who move into these
neighborhoods, stay. To chop up the lots will negatively impact
the very character of these well-established neighborhoods and
negatively impact property values. As a supposedly 'green City'
we have a responsibility as 'stewards' to protect the land, the
trees. Due to State leadership it's open season on tree removal -
I know there is little the City can currently do - however YOU
CAN protect what is here by denying the proposal to adversely
change the size of this lot. Please, do the right thing.
Deny this proposal.**

Thank you.

**Heidi Sumner, 601 - 64th Street North, St. Petersburg
Eagle Crest Native.**

Ms. Nina Light, Coordinator
Allendale Crime Watch, Inc.
940 42nd Avenue North
St. Petersburg, Florida 33703
Email: ninalight100@yahoo.com
Phone: (727) 522-4485

October 26, 2021

Mr. Scott Bolyard & Ms. Jennifer Bryla
City of St. Petersburg City of St. Petersburg

Dear Mr, Bolyard and Ms. Bryla,

I am writing this letter to support Dr. Ed Carlson in his appeal to the DRC regarding the zoning variance in the Jungle Terrace Neighborhood. This is a long established neighborhood that has had home frontages of 75 feet, more or less, over many years. The residents have mostly relied on each other to keep peace and tranquility in their area. Now, they are facing the invasion of builders that wish to demolish the existing homes and split the lot frontages to a much lower figure, in order to build two story homes on smaller lots. There will be less yards for children to play in, less privacy for the homeowners and the lack of trees to provide shade and oxygen. We have dealt with these "get rich quick" contractors over the past decade and their homes do not belong in suburban, well established areas. They are too tall and have minimal space between them.

The tree canopy, which provides environmental oxygen and shade, will be removed because the footprint of the homes will be too large to have gigantic oaks around them. These trees have been a part of this city for many years and are well established symbols for the city of St. Petersburg. People actually go out into the neighborhoods for a Sunday drive to see the oak lined streets and feel the tranquility of the oaks and the clean, fresh air and beauty that they bring. Please do not let any contractor cut them down and plant palm trees. If they don't want the oak trees in their yards and wish to plant palm trees, let them move to the beach! Please remember this when any greedy contractors, and there are many, that do not reside here, and that do not care about our beloved neighborhoods.

Thank you, in advance, for your time and consideration.

Respectfully yours,

Nina Light, Coordinator
Allendale Crime Watch, Inc.

Jungle Prada Neighborhood Association

I am writing on behalf of Sandy Bozeman (President) of The Jungle Prada Neighborhood Association. Mrs. & Mr. Bozeman's schedule tomorrow makes it impossible to attend The DRC meeting.

The entire Jungle area from Pasadena northward to Tyrone Blvd was initially founded and inhabited by the Tocobaga Indians, Discovered many times by Spanish explorers most of the trees and properties in this area have huge historical value including homes built in this area from the days of founding from Farragut Hotel visitors and Walter Fuller of which the Park in this area is named. To protect the value of this area, zoning laws were put into effect many years ago.

The neighborhood citizens are mostly unaware of the egregious changes DRC is allowing to variance applications resulting in lots with homes already on them demolished and sub-divided, allowing land clearing of historical oaks and vegetation being destroyed to allow different dwellings than originally built & zoned for.

On behalf of all the associations, I recommend that this activity by the DRC cease & desist. Continued approvals to variances by any developer changing the history, culture, character, and beauty of the Association neighborhoods is reason to form a class action on many fronts if even one more variance is allowed against former zoning laws protecting all of the aforementioned.

Sincerely,

William O. Bozeman III

To whom it may concern:

RE: Case No. 20-54000071

I am traveling and sadly am unable to join you in person.

I am a lifelong resident of St. Petersburg who has lived in the NE section, then Allendale, and finally Snell Isle. I have been active in civic affairs for decades. As an older person, I have watched as we are destroying what little green space we have in Pinellas County in general, and sadly in St. Petersburg in particular. Too many times in our community we have allowed destruction of older homes with important foliage to be developed nearly property line to property line in Allendale, the pink streets, and now in the old Northeast. Jungle Terrace is one of these precious areas. It deserves protection from development that obliterates its character.

I respectfully ask that you deny the variance requested in this case. It is past time to protect our green spaces and our beautiful treed neighborhoods for future generations. The character of our older neighborhoods is what helps make our City special. They are precious assets deserving our protection.

Sincerely,

P. N. "Bud" Risser
1844 Brightwaters Bd. NE
St. Petersburg

Hope this gets stopped. The house at the end of our street that is being built, the city said because it was new construction that I needed a sidewalk and that 2 very large oak trees were in the way they had to cut them down to make a clear path for the sidewalk. This city has lost their minds. The people that are having the house built fought the city and got them to agree that they could build the sidewalk further back on their property and not cut down the trees. What makes this extra stupid is that there is no sidewalks anywhere near this property on either side of the street. You know the area, mine and John's street.

Also, my next-door neighbor just moved in 2-3 months ago. There is a tree company going around to people that have just bought houses and telling them that they oak trees are sick on their property and they need to be cut down. She didn't know and was going to have it removed. The guy had gone to the city and already got the permit. He was "bragging" to her that he could get the city to approve whatever he wants. I told her there is nothing wrong with the tree. I gave her the name of a good arborist and he came out and looked at the tree and said that guy is a total scam and that it is fine. Save a very large oak.

The city doesn't care at all about trees and will give permits to anyone.

In fact, there is a person at the end of the street that had a large oak tree removed from his backyard about a year ago. He is planning on tearing down his house in Q1 of 2022. I'm sure he did this in advance of the construction as he had a few guys in some random pickup truck remove it. I submitted it to the city but nothing. He has also removed many other trees on his property.

Again I submitted it to the city and again nothing.

Mark Siler

SNELL ISLE

The character of neighborhoods helps identify them and yet, developers are being allowed to shave trees off lots and ruin that character. We've seen how on Snell Isle this developer (and one other) took 4 lots of nice size and divided them to make multiple substandard lots. It impacted water, sewer, electrical, traffic, street flooding, etc. in a very negative way. The neighborhood was not happy and eventually City Council weighed in to stop future attempts such as this, at least in Snell Isle and in Allendale!
Now Jungle Terrace needs to be included...

Case in point today is within Jungle Terrace. The "Character" of the unique Jungle Area for 100+ years is Trees, TREES and more trees! It is known for its tree canopy of giant oaks and, in many cases, lovely smaller homes. The plan is to divide 2 x 75' lots (per code) into 3 x 50' substandard lots to erect 3 x 2 story houses exceeding 2,600 sf each. Stripping the lots of these grand, signature trees would be AWFUL! The developer's request totally fails to meet the requirements of ordinances, LDRs, Comp Plan and Vision 2050.

Please deny this variance request sought by David Weekly Homes. Preserve and Protect the neighborhood beauty and character and the life-giving trees. Preserve and protect the character of the Jungle Area! Consider climate change: One mature Oak tree stores over 10,000 pounds of Carbon!
As CO2 increases, mature trees increase consumption by 33%!
<https://www.cnn.com/2021/10/23/weather/weather-trees-adapt-climate-change/index.html>

We hope you will deny this request and honor the laws, character and integrity of Jungle Terrace and the surrounding neighborhoods!

Sincerely,
~Bonnie Hargrett
CAN~U Treasurer, for the Board
1140 Monterey Blvd, St. Petersburg, FL, 33704

Dear DRC:

Writing as an individual.

I live downtown. Member of Downtown Neighborhood Association and an Associate Member, Jungle Terrace Civic Association.

I frequently volunteer in Jungle Terrace—on Pinellas Trail and in Walter Fuller Park.

We all know that our city is something Special. And part of its special character are its unique neighborhoods.

Each one has charm and ambiance.

If neighborhoods become homogenized, our city will have lost something precious and irreplaceable.

There is nothing wrong with high-rises and mega apartment buildings downtown. We all know and accept this.

In contrast, the character of historic Jungle Terrace is modest, single-family dwellings among large, centuries old oak trees.

Please help preserve this special character.

DENY the variance so Weekley Homes of Texas can build 3 large homes on two 75' lots. This is solely for their profit and will result in the loss of all trees on these properties.

The request for a variance does not meet ANY of the conditions set forth in city ordinances nor does it conform with Vision 2050.

The time is NOW to take a stand!

Thank you for your attention and careful consideration.

Sincerely Yours,

Linn Sennott

107 Fareham Pl N

St. Petersburg 33701

Member, Downtown Neighborhood Association

Associate Member, Jungle Terrace Civic Association

To: Development Review Commission
Re: Case No. 21-5400071
Attachment: This email in Microsoft Word format

My name is Steve Elftmann. I live in the Jungle and I write about Jungle history.

I am against the proposed variance dividing two 75' lots into three 50' lots because the variance allows the developer to build three large homes on small lots. Based on the developer's history, we can expect these homes to be of a style that is inconsistent with the history and charm of the neighborhood. The developer, in order to build large homes, has already removed healthy trees from these and other properties, diminishing the natural beauty of the Jungle neighborhood.

The Jungle is an amazing neighborhood with a celebrated history. At the turn of the twentieth century, this area was so wild and lush with palms and tall oak trees that the first developers named it "the Jungle." In the Roaring Twenties, Walter P. Fuller began selling home sites using the slogan "Jungle Terrace: Where Nature Did Her Best." Today, the Jungle is known for its tree-lined streets, shaded homes and a canopy of ancient oaks and towering palms that are a prominent feature of the neighborhood.

Circa 1915 postcard: Trolley making its way through the Jungle.



Here is a picture that I took this month of large tropical birds, including great white egrets and wood storks, perched on several levels of a tall tree on my street in the Jungle. Weekly Homes has been removing many of our beautiful trees to build large homes on small lots.



Our Neighborhood's History

In 1916, one of the earliest planned golf communities in the country was built in the Jungle. A luxury hotel of Spanish style architecture – the Jungle Country Club Hotel – was built in 1926. It became a premier winter vacation destination for thousands of affluent tourists – a sportsman's paradise with golf, fishing, tennis, horseback riding and swimming. Many buildings and homes that were built during the Roaring Twenties boom are still standing and are admired for their beauty and Mediterranean-style architecture.

The Jungle Country Club Hotel (now Admiral Farragut Academy).

Celebrities from the era were guests at the Jungle Hotel and many of them played on the golf course. Beloved St. Petersburg mayor Al Lang was the president of the country club. From 1925-1935 the era's preeminent celebrity, Babe Ruth, played on the golf course over 100 times. Other famous guests of the country club include Hall of Fame golfers Walter Hagen and Gene Sarazen, Hall of Fame baseball player Jimmie Foxx, champion boxer Jack Dempsey, Yankee manager Miller Huggins, H. Walter Fuller, Walter P. Fuller, baseball commissioner Judge Kenesaw Mountain Landis, football coach Pop Warner, defense attorney Clarence Darrow and many others.



The Jungle Prada Building opened in 1924. It features Spanish style architecture with Moorish influences: copper turrets, keyhole doorways, mullioned windows. The interior has tile wainscoting, murals, ornate columns, and archways in the bar area. In the 1920's, the Gangplank speakeasy was here, frequented by Al Capone's henchmen. The Gangplank's terrazzo terrace overlooked the Jungle Pier and Boca Ciega Bay – sophisticates danced in the open air to the syncopated jazz sounds of RCA recording artists Earl Gresh and the Gangplank Orchestra. Prohibition was the law, but there was no shortage of bootleg liquor which arrived by land (stashed in a nearby house), sea (the Jungle Pier), and air (Fuller Flying Field). Today, the building is occupied by JP Tavern and apartments.



This neighborhood's character and charm is an asset that no homeowner wants to see disrespected and diminished by out-of-state developers building large homes on small lots. For this reason, I am opposed to granting this variance.

Steve Elftmann
1401 Farragut Dr N
St. Petersburg, FL 33710

WENU

West Neighborhoods United, Inc

Protecting the Integrity of Neighborhoods – Consensus to Courts

To Developmental Review Commission

Case No. 20-54000071

21 Neighborhoods came together to form West Neighborhoods United Inc. as an umbrella group to protect the integrity and character of West St. Petersburg.

This variance request seriously VIOLATES the Character and Integrity of the Jungle Area, and VIOLATES many protective ordinances of the City of St. Petersburg.

Especially the horribly Out -of-Scale dwelling units.

The variance is for a BENEFIT to the developer Weekley Homes. There is NO “hardship” to build a house on each 75’ lot.

DENY this Variance for all its failures to meet requirements.

Sincerely

Tom Killian

**Secretary and Vice President
For the Board of Directors
2275 80TH STREET NO.
ST PETERSBURG, FL 33710**



CAN~U

Citizens & Neighborhoods United, Inc.

Power Advocates for St. Pete

Founding Officers & Board

Dominick Griesi, Pres. Azalea; Bonnie Hargrett, Pres. Snell Isle; Judy Ellis, Pres. Lakewood Estates; Lance Lubin, Pres. Eagle Crest; Ken Conklin, Pres. Lakewood Terrace; Jim Stitt, President Allendale Terrace; Dr. Livia Kohn, Central Oak Park.

Founding Neighborhoods

Azalea Homeowners Association, Snell Isle Property Owners Assn., Lakewood Estates Civic Association, Eagle Crest Neighborhood Association, Allendale Crime Watch, Lakewood Terrace Neighborhood Association, Allendale Terrace Neighborhood Association, Eden Isle Property Owners Association, Garden Manor Neighborhood Association, Jungle Prada Neighborhood Association, Harbordale Neighborhood Association.

**To Developmental Review Commission
Case No. 20-54000071**

CAN~U exists to Protect and Enhance the Charm, Character, Functionality and Beauty of St. Petersburg.

The requested variance, and grossly Out-of-Scale buildings, are a huge VIOLATION of the Character and Integrity of the Historic Jungle Area . . . for more than 100 years . . . and totally fail to meet requirements of Ordinances, LDRs, Comp Plan, and Vision 2050.

A greedy developer Weekley Homes of Texas seeks a BENEFIT. Building a residence on a 75' lot is NOT a hardship!!

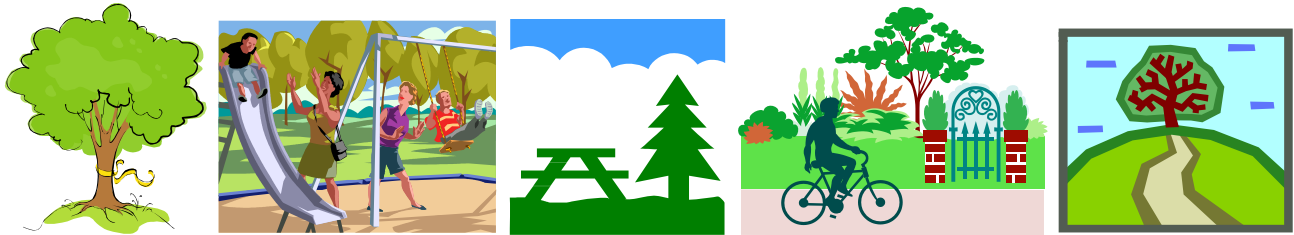
Please DENY this Variance and honor the laws, character and integrity of the surrounding neighborhoods.

Respectfully,

Bonnie Hargrett

CAN~U Treasurer, for the Board
1140 Monterey Blvd, St. Pete, FL, 33704

THE REAL ENVIRONMENTAL PRESERVE OUR PARKS



24th Year Serving Parks, Trees, Quality of Life in Neighborhoods

October 28, 2021

Development Review Commission, City of St Petersburg

RE: Case No. 20-54000071

Dear Commissioners,

I urge you to DENY the variance from 75' lots to 50' lots from Texas-based Weekley Homes.

The Real Environmental Preserve Our Parks organization is now in its 24th year, dedicated to preserving the Quality of Life, Trees, and Parks in St. Petersburg. More and more people are moving into our city. More and more housing is being constructed. This makes it increasingly crucial to preserve the unique character of Each Neighborhood in our beautiful city!

The unique character of the JUNGLE area is single family, one-story modest homes nestled among a vast tree canopy. We know how important trees are to the health of our city, as they provide needed shade, sequester carbon dioxide, create great amounts of oxygen, and assist the mental health of all citizens.

Weekley Homes goal is to construct three very large houses on two 75' lots, which will result in loss of virtually all trees. Note: palms are grass family, not "trees," do not confer the benefits of Live Oaks, and do not reflect the character of Jungle Terrace.

The grounds for denying this request are clear. First, consider the Vision 2050 statement: "Areas for protection include the waterfront, open space, and neighborhoods. Future redevelopment is best located in the city's centers, corridors, and underused industrial lands."

There are two large tracts meeting this last, in the Jungle Terrace area.

16.40.050.7.8 states the legal conditions for issuance of a variance. These include “good and sufficient cause” and “exceptional hardship.” No granted variance shall result in “victimization of the public or conflict with existing laws and ordinances.”

Considerations include compatibility and relationships to Comprehensive Plan. “Economic hardship and self-created hardship are not relevant factors and shall not be considered as reasons to grant a variance.”

There is NO hardship. Rather . . .

Weekley seeks the variance to achieve the BENEFIT of increased profits by 50%!

Yes, there are some non-conforming 50’ lots, from a 1920s plat.

AND, the standard in the last many decades is 75’.

The conditions of 16.60.030.2 are not met.

Any claimed “peculiar conditions and circumstances” cannot be “the result of the actions of the applicant.”

But . . . this request is “action clearly for the sole benefit of the applicant!”

A friend lives in the Cascades Development in Sarasota. While individual homes are great for their owners, the 450 look-alike homes have minimal real trees.

We do not want this for St. Petersburg.

This challenge is the finger in the dike.

Please deny the request—preserve the unique character of St. Petersburg!

Sincerely yours,

Linnea Sennott, Ph.D.

REPOP Secretary, for the Board of Directors

Presentation by Dr. Linn Sennott

Dr. Linn Sennott, 107 Fareham Pl N, St Pete 33701

Member, Downtown Neighborhood Association

Associate Member, Jungle Terrace Civic Association

Secretary, REPOP—The Real Preserve Our Parks, Inc.

You have heard all the details about why the requested variance does not meet the conditions of City Code.

Our city is special—we all know that. The unique neighborhoods are a big part of why St. Pete is so special. As a city, we need to be alert, as developers, both from outside the state, and within this area, focus on our city as “ripe for the picking.”

I live downtown, where high-rise apartment and condo buildings are going up on about every square inch. And that’s OK !!!! This is our city center. Each neighborhood should receive development consonant with its unique character.

The variance request does not fit the character of Jungle Terrace, modest homes nestled within a canopy of ancient live oak trees. In your materials, you have statements from the presidents of many neighborhood associations:

Jungle Terrace Civic Association

Jungle Prada Neighborhood Association

Azalea Neighborhood Association

Snell Isle Property Owners

Allendale Crime Watch

Allendale Neighborhood Association

Eagle Crest Neighborhood Association

West Neighborhoods United, Inc.

CANU, Citizens and Neighborhoods United, Inc.

And REPOP, Inc. which has been to court twice with the city and won each time.

Please—do what’s legally required and morally right and deny this application.
Thank you!

From: Ralf Brookes < >
To: Scot.Bolyard@stpete.org; Jennifer C. Bryla <Jennifer.Bryla@stpete.org>
Sent: Sun, Oct 31, 2021 2:57 pm
Subject: Nov 3 2021 DRC APPEAL CASE NO.: 21-54000071 MEMORANDUM OF LAW IN SUPPORT OF DENIAL

Please find Attached Memorandum of Law as PDF for submittal by Appellant for Nov 3 2021 DRC Appeal - reprinted below for handhelds--

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on Wednesday, November 3, 2021 at 1:00 P.M.

CASE NO.: 21-54000071 PLAT SHEET: S-20
APPEAL: Appeal of a Streamline Approval of a variance to the minimum required lot width from 75-feet to 50-feet in order to create three (3) buildable lots on property zoned NS-1.
APPELLANT: Edwin Carlson, Jungle Terrace Civic Association President
7691 30th Avenue North

ZONING: Neighborhood Suburban Single-Family (NS-1)

Structure	Required	Requested	Variance	Magnitude
Lot Width (Lots 13-15)	75-feet	50-feet	25-feet	33%

**MEMORANDUM OF LAW IN SUPPORT OF DENIAL
RALF BROOKES, ESQ. ATTORNEY FOR APPELLANT**

This variance application fails to meet three essential criteria for granting a variance under the St Pete City Code sections 16.70.040.1.6.D (Variances: Standards of Review):

- ...
- (2) *The special conditions existing are not the result of the actions of the applicant;*
 - (3) *Owing to the special conditions, a literal enforcement of this chapter would result in unnecessary hardship;*
 - (4) *Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;*
 - (5) *The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;...*

These are criteria that are commonly applied to variance applications in City Codes that have interpreted by the Courts in numerous cases over the years under numerous court decisions on the law governing variances in Florida.

1. The hardship cannot have been self-created.

The hardship criteria found in variance provisions has a long line of cases and has been strictly construed by the courts. Josephson v. Autrey, 96 So.2d 784 (Fla. 1957). A mere economic disadvantage due to the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance. Burger King v. Metropolitan Dade County, 349 So.2d 210 (3 DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (3 DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (DCA 1967). Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. Friedland v. Hollywood, 130 So.2d 306 (DCA 1961); Elwyn v. Miami, 113 So.2d 849 (3 DCA 1959).

If a purchaser buys land with a condition creating a hardship upon it, then the hardship should be ruled self-created. Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980). The requirement that a variance hardship cannot be self-created is required by Code and Florida case law. In Re

Kellogg, 197 F. 3rd 1116, 1121 (11th Cir. 1999). Josephson v. Autrey, 96 So.2d 784 (Fla. 1957) (superceded by statute *on other grounds* in *Grace v. Town of Palm Beach* 656 So.2d 945 (Fla. DCA 1995); *Town of Ponce Inlet v Rancourt*, 627 So.2d 586, 588 (Fla. DCA 1993).

Case law, as well as the Land Development Regulations control the degree of showing needed to support the approval of a variance from the express requirements of local regulations. The days of the “weeping variance” have been replaced by strict interpretation of what is required to show entitlement to a variance from local Code provisions under the case law.

Town of Indialantic v. Nance, 400 So.2d 37 (5 DCA 1981), *affd.* 419 So.2d 1041; appealed again at 485 So.2d 1318 (5 DCA 1986), *rev. den.* 494 So.2d 1152.

The purchase of property with zoning restrictions on the property will normally not constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959). *Namon v. DER* 558 So. 2d 504 (Fla 3rd DCA 1990) and the cases cited therein address cases where property is purchased AFTER adoption of prohibitory regulations:

“Appellants are deemed to purchase the property with constructive knowledge of the applicable land use regulations. Appellants bought unimproved property. A subjective expectation that the land could be developed is no more than an expectancy and does not translate into a vested right to develop the subject property. *See Graham v. Estuary Properties, Inc.*, 399 So.2d 1374, 1382, 1383 (Fla.), *cert. denied sub nom. Taylor v. Graham*, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)

Case law also indicates that a mere economic “disadvantage” or the owner's **mere preference as to what he would like to do with the property is not sufficient** to constitute a hardship entitling the owner to a variance. *Burger King v. Metropolitan Dade County*, 349 So.2d 210 (3 DCA 1977); *Metropolitan Dade County v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967).

Neither purchase of property with zoning restrictions on it, nor reliance that zoning will not change, will constitute a hardship. *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959).

If the owner participated in an affirmative act which created the hardship (such as by purchasing a substandard size lot), then the hardship should be ruled self-created. *Coral Gables v. Geary*, 383 So.2d 1127 (3 DCA 1980).

2. Consistency with neighborhood and scheme of regulations. -

Granting the variance must not adversely affect the zoning scheme as a whole.

Granting of a variance is illegal, and beyond the authority of any local administrative body, where the proposed variance is not shown to be in harmony with, and not “in derogation of the spirit, intent, purpose, or general plan of [the zoning] regulations.”

Troup v. Bird, 53 So.2d 717 (Fla. 1951). “A variance should not be granted where the use to be authorized thereby will alter the essential character of the locality, or interfere with the zoning plan for the area and with rights of owners of other property.” *Elwyn v. City of Miami*, 113 So.2d 849 (Fla. 3rd DCA 1959).

3. No reasonable legal use can be made of the property without the variance. -

Some cases go so far as to say no variance can be granted if the property can still be used without the variance. This approach incorporates, to some extent, the law of taking of property without just compensation, i.e., a variance can be granted and will not be overturned if no other reasonable use can be made of the property without a variance.

"The requisite hardship may not be found unless there is a showing that under present zoning, no reasonable use can be made of the property."

Thompson v. Planning Commission, 464 So.2d 1231 (1 DCA 1985). Herrera v. Miami, 600 So.2d 561 (3DCA 1992). The hardship must be such that it "renders it virtually impossible to use that land for the purpose or in the manner for which it is zoned." Hemisphere Equity v. Key Biscayne, 369 So.2d 996 (3 DCA 1979).

It is the land, and not the nature of the project, which must be unique and create a hardship. Nance, supra; Ft. Lauderdale v. Nash, 425 So.2d 578 (4 DCA 1982) (many other common violations in the neighborhood do not constitute a hardship); City of Miami v. Franklin Leslie, 179 So.2d 622 (3 DCA 1965).

Additional case law supporting DENIAL of this variance application in numerous cases include:

City of Jacksonville v. Taylor, 721 So.2d 1212 (Fla. 1st DCA 1998)

Bernard v. Town Council of Palm Beach, 569 So.2d 853 (Fla. 4th DCA, 1990); Metropolitan Dade County v. Betancourt, 559 So. 2d 1237;

Town of Indiatlantic v. Nance, 485 So.2d 1318 (Fla. 5th DCA 1986) ("*Nance I*"),

Town of Indiatlantic v. Nance, 400 So.2d 37 (Fla. 5th DCA 1981), approved, 419 So.2d 1041 (Fla.1982)." ("*Nance II*"),

City of St. Augustine v. Graubard, 780 So.2d 272 (Fla. App. 2001)

Maturo v. City of Coral Gables, 619 So.2d 455 (Fla. 3rd DCA 1993);

Herrera v. City of Miami, 600 So.2d 561 (Fla 3rd DCA 1992) rev. denied 613 So.2d 2 (Fla. 3rd DCA 1992).

In Re Kellogg, 197 F. 3d 1116, 1121 (11th Cir. 1999).

Blount v. City of Coral Gables, 312 So. 2d 208 (Fla. 3rd DCA 1975) ("Nor are the Blounts entitled to a variance from the above zoning ordinance...as the hardship was self-created because they knew of the zoning ordinance.")(citing other Florida cases on this issue);

Clarke v. Morgan, 327 So.2d 769 (Fla. 1975);

Friedland v. Hollywood, 130 So.2d 306 (DCA 1961);

Elwyn v. Miami, 113 So.2d 849 (3 DCA 1959);

Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980).

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