

F-2 Zoning  
Non-Conforming

**COMMITTEE MEMORANDUM**

**ITEM #5**

**INFORMATION ONLY**

**COMMITTEE:** Economic and Community Development

**FROM:** Thomas J. Bonfield, City Manager *TJB*

**DATE:** June 28, 2007

**SUBJECT:** Reconstruction of Nonconforming Structure-1812 and 1814 East Lakeview Avenue.

**RECOMMENDATION:** That City Council conduct a public hearing to consider the request to reconstruct the nonconforming structures located at 1812 and 1814 East Lakeview Avenue.

**SUMMARY:** Section 12-1-6(F) of the Land Development Code provides for the reconstruction of nonconforming structures that have been destroyed to the extent of more than seventy-five (75) percent of their value by fire, explosion, or other casualty, or act of God or the public enemy, with approval by City Council. The four existing multi-family residential structures located at 1812 and 1814 East Lakeview Avenue were heavily damaged by Hurricane Ivan. The buildings are considered to be a nonconforming land use because the R-1AAA zoning district in which the property is located is a single-family zoning district which does not allow multi-family development. According to the applicant, the intent is to demolish the damaged structures, and reconstruct four new buildings within the same footprints. Public notice was provided to property owners within 500 feet of the subject property. No comments were received from nearby property owners at the time of this report. Any comments received prior to the public hearing will be provided to City Council.

City of  
**Pensacola**



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Economic and Community Development Committee  
Reconstruction of Nonconforming Structure-1812 and 1814 East Lakeview Avenue  
June 28, 2007  
Page 2

**PRIOR ACTION:** None.

**CURRENT ACTION:**

**FUNDING:** None required.

**ATTACHMENTS:**  
(1) Staff Report  
(2) Location Maps  
(3) Applicants Request

**STAFF CONTACT:** Kevin A. Cowper, Community Development Director; Sherry H. Morris, Planning Services Administrator.

**PRESENTATION:** No.

**MEMORANDUM**

**TO:** Thomas J. Bonfield, City Manager

**FROM:** ~~XXXX~~ Kevin A. Cowper, Community Development Department Director

**DATE:** June 28, 2007

**SUBJECT:** Reconstruction of Nonconforming Structure-1812 and 1814 East Lakeview Avenue.

**RECOMMENDATION:**

That City Council conduct a public hearing on June 28, 2007 to consider the request to reconstruct the nonconforming structures located at 1812 and 1814 East Lakeview Avenue.

**BACKGROUND:**

Section 12-1-6(F) of the Land Development Code (LDC) provides for the reconstruction of nonconforming structures that have been destroyed to the extent of more than seventy-five (75) percent of their value by fire, explosion, or other casualty, or act of God or the public enemy, with approval by City Council. The four existing multi-family residential structures located at 1812 and 1814 East Lakeview Avenue were heavily damaged by Hurricane Ivan. The buildings are considered to be a nonconforming land use because the R-1AAA zoning district in which the property is located is a single-family zoning district which does not allow multi-family development. Additionally, the property is nonconforming in that the off-street parking and minimum required setbacks requirements are not currently in compliance. The R-1AAA district allows single-family residential development at a maximum density of 4.8 units per acre, with setback requirements of a 30' front and rear yard, and 7.5' side yards. The maximum number of residential units allowed on the 0.42 acre parcel would be two single-family dwellings under the R-1AAA regulations. The buildings currently house 15 one-bedroom apartment units. As shown on the survey, the buildings do not meet the minimum setback requirements for the R-1AAA district. According to the applicant, the intent is to demolish the damaged structures, and reconstruct four new buildings within the same footprint, that will contain 8 condominium units. Each building will house two two-story units, which will comply with the maximum allowed building height of 35' for the R-1AAA District. The applicant would be responsible for providing stormwater management for any new impervious area that is created on the site. While they have indicated that if the request is approved, the four new buildings will be constructed in the same footprints that currently exist; the applicant has also stated that off-street parking will be provided behind the buildings where none currently exists. The Land Development Code requires two off-

Thomas J. Bonfield, City Manager

Reconstruction of Nonconforming Structure-1812 and 1814 East Lakeview Avenue

June 28, 2007

Page 2

street parking spaces per multi-family residential unit. The applicant is proposing eight units, which would have a requirement of sixteen off-street parking spaces if the property were brought into conformity; however, it is unlikely that the parking requirement could be met on site. If that parking area is paved, stormwater management will need to be addressed for that portion of additional impervious area being created on the property. The R-1AAA District does not have a minimum landscaping requirement, however a buffer yard is required in residential zoning districts between a multi-family and single-family land use. This buffer yard can be administratively approved at 5' in width. The applicant has sufficient room to provide a 5' buffer yard between their property and the adjacent single-family residences located to the east and north of the site. This buffer yard area may be credited towards the recreation/open space requirement for multi-family uses contained in Section 12-2-82(C)(4) of the Land Development Code, which states that 5% of the total lot area on a multi-family residential site should be reserved for recreation and open space facilities.

The applicant has provided information documenting the current appraised value of the property as being \$1,120 (based on the records of the Escambia County Property Appraiser), as well as the cost of repairing or reconstructing the buildings. According to the Escambia County Property Appraiser's Office, the previous appraised value of the improvements on the property prior to the damage inflicted by Hurricane Ivan was \$206,830.

The procedure for reconstruction of a non-conforming structure as provided by the LDC is as follows:

**12-1-6(F)** Restoration. Nonconforming fences may be repaired or replaced after obtaining the proper permit without the necessity of following the requirements listed in this subsection. Nothing in this title shall be taken to prevent the restoration of any other non-conforming structure or a building housing a non-conforming use destroyed to the extent of not more than seventy-five (75%) percent of its value by fire, explosion, or other casualty, or act of God, or the public enemy. A non-conforming structure or a building housing an existing nonconforming use destroyed to the extent of more than seventy-five (75%) percent may be reconstructed and the nonconforming use continued provided the following requirements are complied with:

(1) Public hearing. A public hearing is held after notification of same being mailed to each owner of property within five

hundred (500) feet of the property in question subject to regulations in section 12-12-3(F)(1)(g) and (i).

(2) City council approval. Eight (8) members of the city council must vote in favor of a permit to allow the reconstruction of a nonconforming structure and/or the continuance of a nonconforming use in order for same to be effective.

(3) Building restrictions. The structure, as reconstructed, shall not exceed the its former dimensions, either in ground floor area, total floor space, or number of stories unless it complies with all the lot line and setback restrictions of the particular zoning district in which the property in question is located.

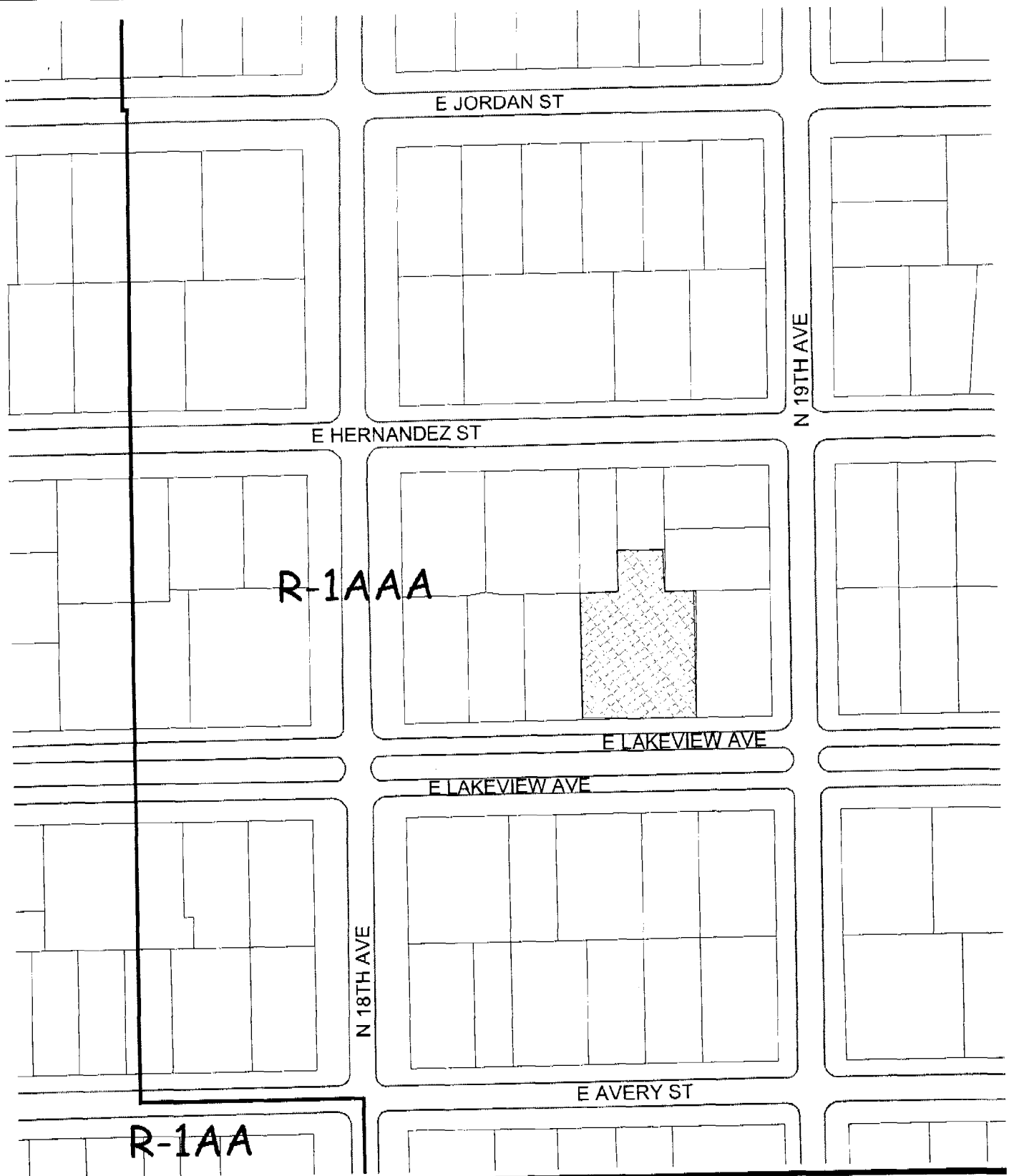
(4) Appeals. Once such a petition has been denied, it shall not again be entertained for one year after the date of denial.

According the Escambia County Property Appraiser's records, the buildings were constructed in 1928 prior to the enactment of the LDC. The property owner is requesting to rebuild the same size buildings in a manner that will not increase the nonconformity, and will actually be reducing the number of units on the property, hence reducing the level of nonconformity. While the zoning and land uses in this area are primarily one and two-family residential, there are additional nonconforming multi-family structures located to the west and south of this property on Lakeview Avenue.

Public notice was provided to property owners within 500 feet of the subject property in accordance with the LDC. No comments were received from nearby property owners at the time of this report. Any comments received prior to the public hearing will be provided to City Council

**FINANCIAL IMPACT:**

None.



R-1AAA

R-1AA

NON-CONFORMING USE REQUEST

REQUESTED BY MR DRYSDALE & ASHCRAFT

JULY 2007



1 inch equals 138 feet



REQUEST TO RECONSTRUCT A NON-CONFORMING USE



7929 Atlas St. • Pensacola, FL 32506  
Phone # (850) 380-5105 Fax # (877) 666-1552

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Date: June 6, 2007

Subject: 1812 / 1814 E. Lakeview

To Whom It May Concern:

This letter is to request permission to rebuild the said property above to the exact same foot print that exists currently. The property falls under the "non conforming" guidelines. Randy Ashcraft & Nixon Daniels are the current owners of the said property at 1812 and 1814 E. Lakeview and have received verbal approval from the city to renovate the existing buildings.

We would be taking the existing buildings which currently have a density of 15, one bedroom apartments and converting them into 8 upscale condos. We intend to minimize parking on the street by providing the majority of the parking for the 8 units within the property in the rear of the buildings. We feel that moving the parking is a major improvement to the current impact that is now on the street.

This request is such that we would intend to demolish the buildings and replace them with buildings of time period character in the exact same footprint of what exists. We would be making the buildings stronger and more appealing to the other adjacent property owners. Each condo unit to be sold would also raise the tax revenue substantially from what it is now thus benefiting the city. We do not intend to make the buildings any larger in footprint but we do intend to improve upon the strength, architectural appeal and usability of the buildings.

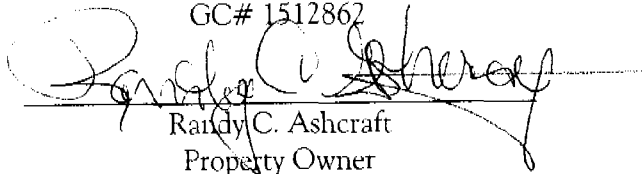
If you have any questions please feel free to contact me.  
Thank you,

Sincerely,



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John Drysdale Owner  
GC# 1512862



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Randy C. Ashcraft  
Property Owner



7929 Atlas St. • Pensacola, FL 32506  
Phone # (850) 380-5105 Fax # (877) 666-1552

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Date: June 6, 2007

Subject: 1812/1814 E. Lakeview

Randy Ashcraft

This is an estimate to represent the costs associated to renovating the structures as well as the costs to completely rebuild from the ground up.

If you choose to re-construct the existing building using the foundation, walls, floor system and roof system the cost will be \$115 per square foot with a total sqft. of 15,000sqft. This would result in a total reconstruction cost of \$1,725,000.

If you choose to build from the ground up using the same footprint as the existing structures the cost would be \$66 per sqft. plus demolition fees which would result in a grand total to rebuild being \$1,040,000. If you have any questions please feel free to contact me. Thanks.

Sincerely  
John Drysdale  
CGC# 1512862





# Chris Jones Escambia County Property Appraiser

We Have Relocated To 221 Palafox Place (3rd Floor)

CHRIS JONES LOPA RECORD SEARCH MAPS GENERAL INFORMATION GOVERNMENT AGENCIES TANGIELL PROPERTY CAREERS  
CONTACT US

## RECORD SEARCH

Previous Next

General Information	Assessment								
<p><b>Name:</b> DANIEL J NIXON III 1/2 INT ASHCRAFT RANDY C 1/2 INT PO BOX 12950 PENSACOLA FL 32591-2950</p> <p><b>Account:</b> 141978000</p> <p><b>Reference:</b> 000S009025008236</p> <p><b>Section Map:</b> C-038</p> <p><b>Use Code:</b> 03 - Multi-family &gt;=10 Legend Window</p> <p><b>Tax Inquiry:</b> Open Tax Inquiry Window</p> <p><small>Tax Inquiries and courtesy of Robert Hodges Escambia County Tax Collector</small></p>	<table style="width: 100%;"> <tr> <td style="text-align: right;"><b>Improvements:</b></td> <td style="text-align: right;">\$1,120.00</td> </tr> <tr> <td style="text-align: right;"><b>Land:</b></td> <td style="text-align: right;">\$155,000.00</td> </tr> <tr> <td style="text-align: right;"><b>Total:</b></td> <td style="text-align: right;">\$156,120.00</td> </tr> <tr> <td style="text-align: right;"><b>Save Our Homes:</b></td> <td style="text-align: right;">\$0.00</td> </tr> </table>	<b>Improvements:</b>	\$1,120.00	<b>Land:</b>	\$155,000.00	<b>Total:</b>	\$156,120.00	<b>Save Our Homes:</b>	\$0.00
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Sales Data						
Mo/Yr	Book	Page	Value	Type	Deed Search (new window)	
01/2007	6076	1386	\$550,000.00	WD	<a href="#">Click Here</a>	
06/2002	4928	171	\$495,000.00	WD	<a href="#">Click Here</a>	
07/1990	2882	919	\$180,000.00	WD	<a href="#">Click Here</a>	
08/1988	2599	511	\$166,000.00	WD	<a href="#">Click Here</a>	
<small>Deed Search courtesy of Eric Lee Magaha Escambia County Clerk of the Court</small>						

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 [Parcel Dimensions](#)

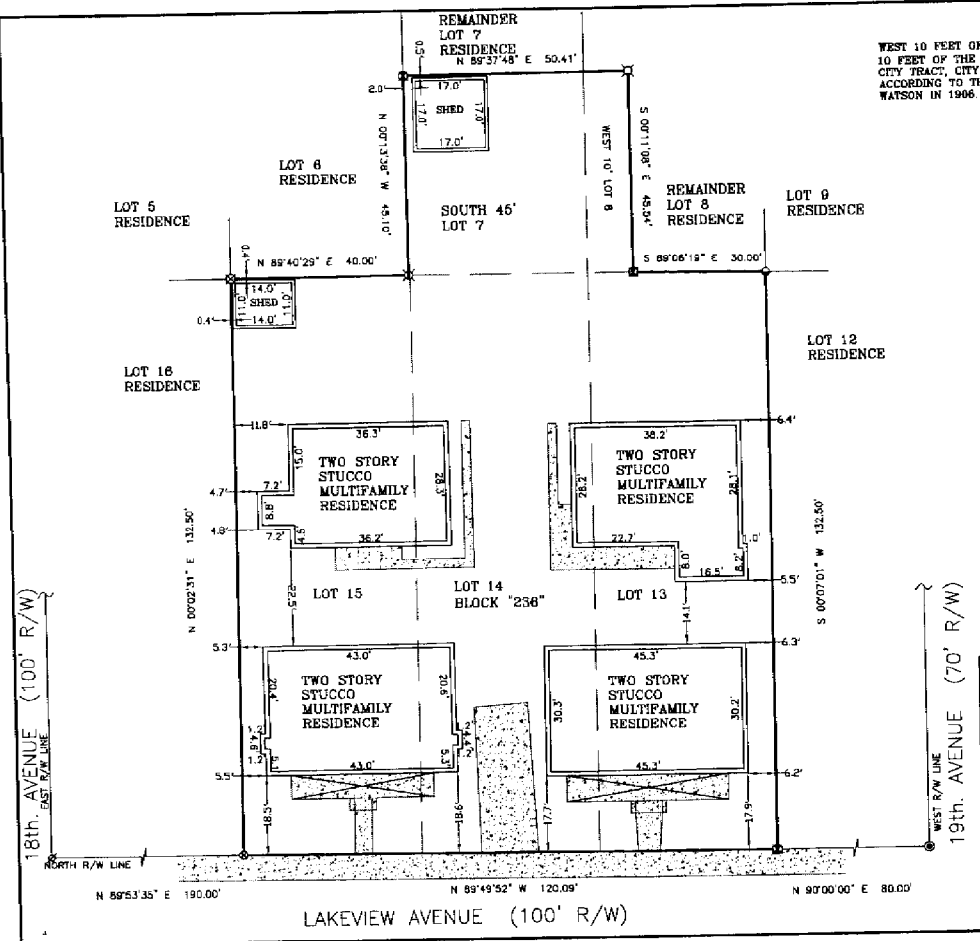
### Card 1 Data

<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Location Address</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">1812 E Lakeview St</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Exemptions</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">No Exemptions</td> </tr> <tr> <td style="padding: 5px;"><b>Taxable:</b> Open Tax Inquiry Window</td> </tr> </tbody> </table>	Location Address	1812 E Lakeview St	Exemptions	No Exemptions	<b>Taxable:</b> Open Tax Inquiry Window	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Structural Elements</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Wood/Sub Fir Stucco Ov Block Wood Frame/Trus Blt Up On Wood Drywall-Plaster Hardwood/Parquet Wall/Floor Furn Plumbing Fixtures: 012</td> </tr> </tbody> </table>	Structural Elements	Wood/Sub Fir Stucco Ov Block Wood Frame/Trus Blt Up On Wood Drywall-Plaster Hardwood/Parquet Wall/Floor Furn Plumbing Fixtures: 012
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WEST 10 FEET OF LOT 8, ALL OF LOTS 13, 14, AND 15, LESS THE WEST 10 FEET OF THE NORTH 87.4 FEET OF LOT 8, BLOCK "236", THE NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

**SURVEYORS NOTES:**  
***THIS SURVEY WAS PERFORMED FOR THE CLIENT SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.***

ALL MEASUREMENTS WERE MADE ACCORDING TO UNITED STATES FOOT. NO TITLE RESEARCH WAS PERFORMED BY THIS SURVEYOR, NOR WERE WE FURNISHED WITH SUCH.  
 NO INSTRUMENT OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY, AND/OR OWNERSHIP, WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.  
 NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.  
 ALL BEARINGS AND DISTANCES ARE RECORD UNLESS OTHERWISE NOTED.  
 ERROR OF CLOSURE MEETS MINIMUM TECHNICAL STANDARDS.  
 IMPROVEMENT LOCATIONS SHOWN HEREON MAY BE EXAGGERATED AND NOT TO SCALE FOR CLARITY PURPOSES.  
 THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT APPEAR ON THE FACE OF THIS PLAN.  
 BASIS OF BEARING: N 89°02'31" E FOR THE NORTH  
 SOUTH OF WEST LINE OF LAKEVIEW AVENUE PER PLAN.  
 REFERENCE SOURCE: FIELD WORK AND EXISTING FIELD MONUMENTATION.  
 COPY OF DE BOOK 2885 PAGE 177.



ADDRESS: LAKEVIEW AVENUE	
REQUESTED BY:	
TYPE: IMPROVEMENT WITH IMPROVEMENTS	
CITY OF PENSACOLA	COUNTY: ESCAMBIA
SCALE: 1"=30'	DRAWN BY: REN
DATE:	FIELD DATE:
CREW:	FIELD BOOK:
REVISION DATE:	PAGE:
<b>SURVEYORS CERTIFICATE</b>	
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G10-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 479.027, FLORIDA STATUTES.	
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL PRESSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	DRAWING NUMBER: