

F-2 ZONING
NON-CONFORMING

COMMITTEE MEMORANDUM

ITEM #6

INFORMATION ONLY

COMMITTEE: Economic and Community Development

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

DATE: July 23, 2007

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

RECOMMENDATION: That City Council conduct a public hearing on July 26, 2007 to consider the request to reconstruct the nonconforming structures located at 1812 and 1814 East Lakeview Avenue.

SUMMARY: On June 28, 2007, City Council continued the scheduled public hearing on this request to July 26, 2007 to allow the applicant, adjacent property owners, and neighborhood residents to further discuss the details of the proposed project. At the time of this report, that discussion has not occurred, however, the applicant has indicated that they intend to meet with neighbors to discuss the project prior to the public hearing on July 26, 2007. 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 a two story multi-family

City of
Pensacola



residence containing eight residential units. 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.

PRIOR ACTION:

On June 28, 2007, City Council continued the scheduled public hearing to July 26, 2007 to allow the applicant, adjacent property owners, and neighborhood residents to further discuss the details of the proposed project.

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: *KAC* Kevin A. Cowper, Community Development Department Director

DATE: July 23, 2007

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

RECOMMENDATION:

That City Council conduct a public hearing on July 26, 2007 to consider the request to reconstruct the nonconforming structures located at 1812 and 1814 East Lakeview Avenue.

BACKGROUND:

On June 28, 2007, City Council continued the scheduled public hearing on this request to July 26, 2007 to allow the applicant, adjacent property owners, and neighborhood residents to further discuss the details of the proposed project. At the time of this report, that discussion has not occurred, however, the applicant has indicated that they intend to meet with neighbors to discuss the project prior to the public hearing on July 26, 2007. 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 and are currently unoccupied. 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, maximum density, and minimum required setbacks requirements are not currently in compliance. 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.

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 (2) single-family dwellings under the R-1AAA regulations. The buildings currently house fifteen (15) one-bedroom apartment units. As shown on the attached

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survey, the existing buildings do not meet the minimum setback requirements for the R-1AAA district. No improved off-street parking is currently provided.

The applicant is proposing to demolish the damaged structures and reconstruct a two (2) story multi-family residence containing eight (8) residential units. The proposed building will comply with the maximum allowed building height of 35' for the R-1AAA District as well as the side and rear setback requirements, but the proposed 15' front yard setback is less than the required 30 feet. The applicant will be responsible for providing stormwater management for any new impervious area that is created on the site subject to review and approval by the City Engineer. The applicant submitted a site plan which demonstrates that twelve (12) off-street parking spaces will be provided behind the buildings where none currently exists. The Land Development Code requires two off-street parking spaces per multi-family residential unit. The applicant is proposing eight (8) units, which would have a requirement of sixteen (16) off-street parking spaces; however, it is unlikely that the parking requirement could be met on site. A parking area containing twelve (12) spaces as proposed must be paved; therefore, stormwater management will need to be addressed for additional impervious area being created on the property. The developer is proposing that the parking area and driveway be paved with decorative pavers and concrete. Stormwater swales on the east and west property lines are proposed to capture stormwater runoff.

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 which can be administratively approved at 5' in width. Buffer yard areas 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. A six (6) foot wooden fence is proposed around the perimeter of the property. A minimum five (5) foot landscape buffer is recommended around the perimeter of the property. The proposed parking area can be reduced in size to accommodate additional open space and landscaping.

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.

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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 a building with fewer units, while increasing the number of off-street parking spaces, and increasing the side and rear setbacks, hence reducing the overall level of nonconformity in those areas. The provision in the Land Development Code, however,

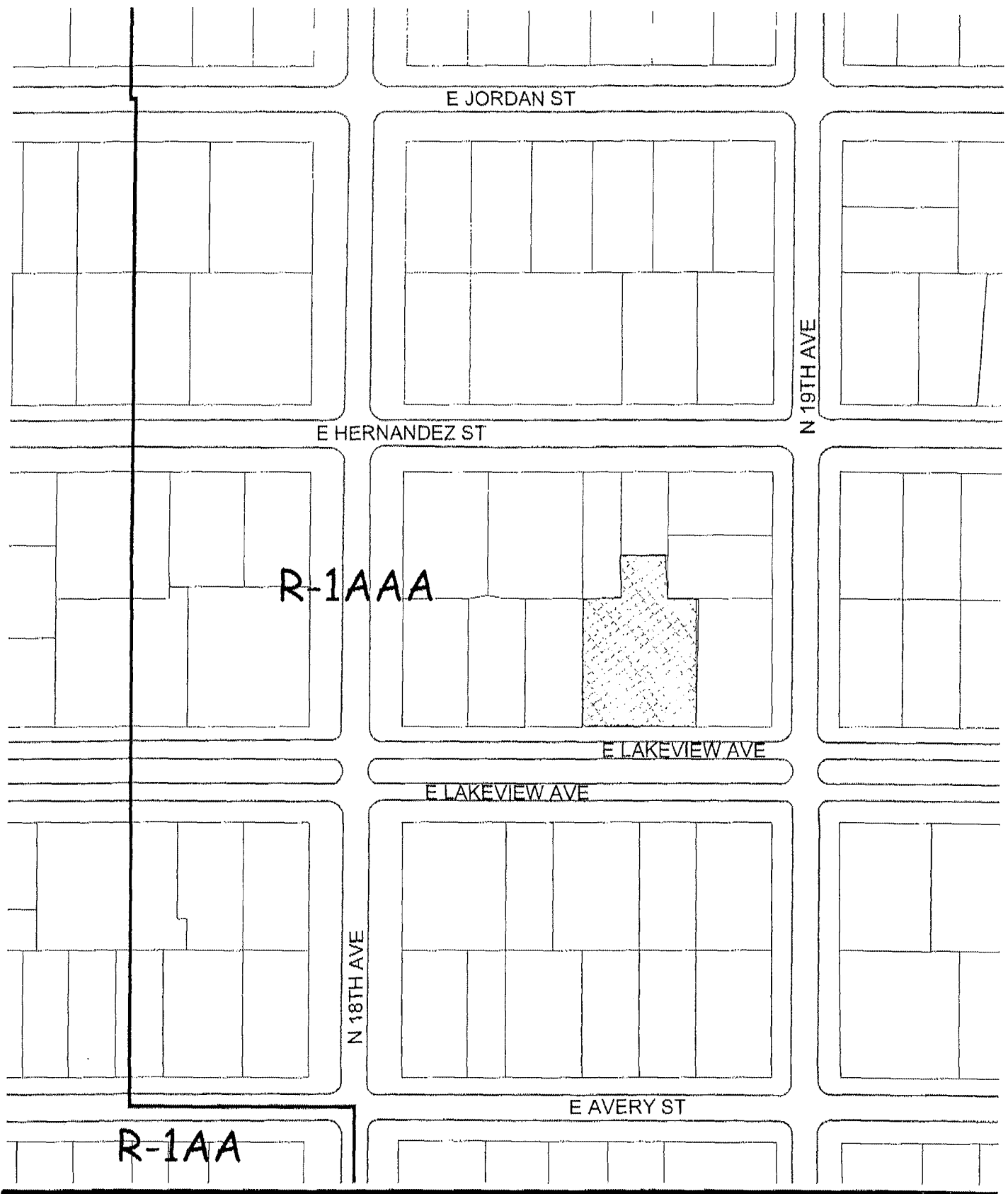
that a reconstructed nonconforming structure shall not exceed the its former dimensions, either in ground floor area, total floor space, or number of stories unless it complies with all the lot line and setback restrictions of the particular zoning district in which the property in question is located, is not being met as shown on the proposed site plan. The overall square footage on the site is increasing by 480 square feet, although 665 square feet of the project as shown on the site plan consists of wood deck as opposed to actual building footprint. As shown on the site plan, the side and rear setbacks are consistent with the requirements of the R-1AAA district, however, the front setback of 15' does not meet the minimum requirement of 30' as required by the Land Development Code. The existing and proposed lot coverage and setbacks are as follows:

Lakeview Lofts	Building Footprint	Porch/Deck	Additional Building Area	Total
Existing (square feet)	4809	1058	443 (sheds)	6310
Proposed (square feet)	5600	665	525 (2 nd floor living area above drive-through tunnel)	6790

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. On June 28, 2007, Council continued the scheduled public hearing until the July 26, 2007 meeting to allow the applicant, adjacent property owners, and neighborhood residents to further discuss the details of the proposed project.

FINANCIAL IMPACT:

None.



E JORDAN ST

E HERNANDEZ ST

N 19TH AVE

R-1AAA

E LAKEVIEW AVE

E LAKEVIEW AVE

N 18TH AVE

E AVERY ST

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

Date: June 6, 2007

Subject: 1812/1814 E. Lakeview

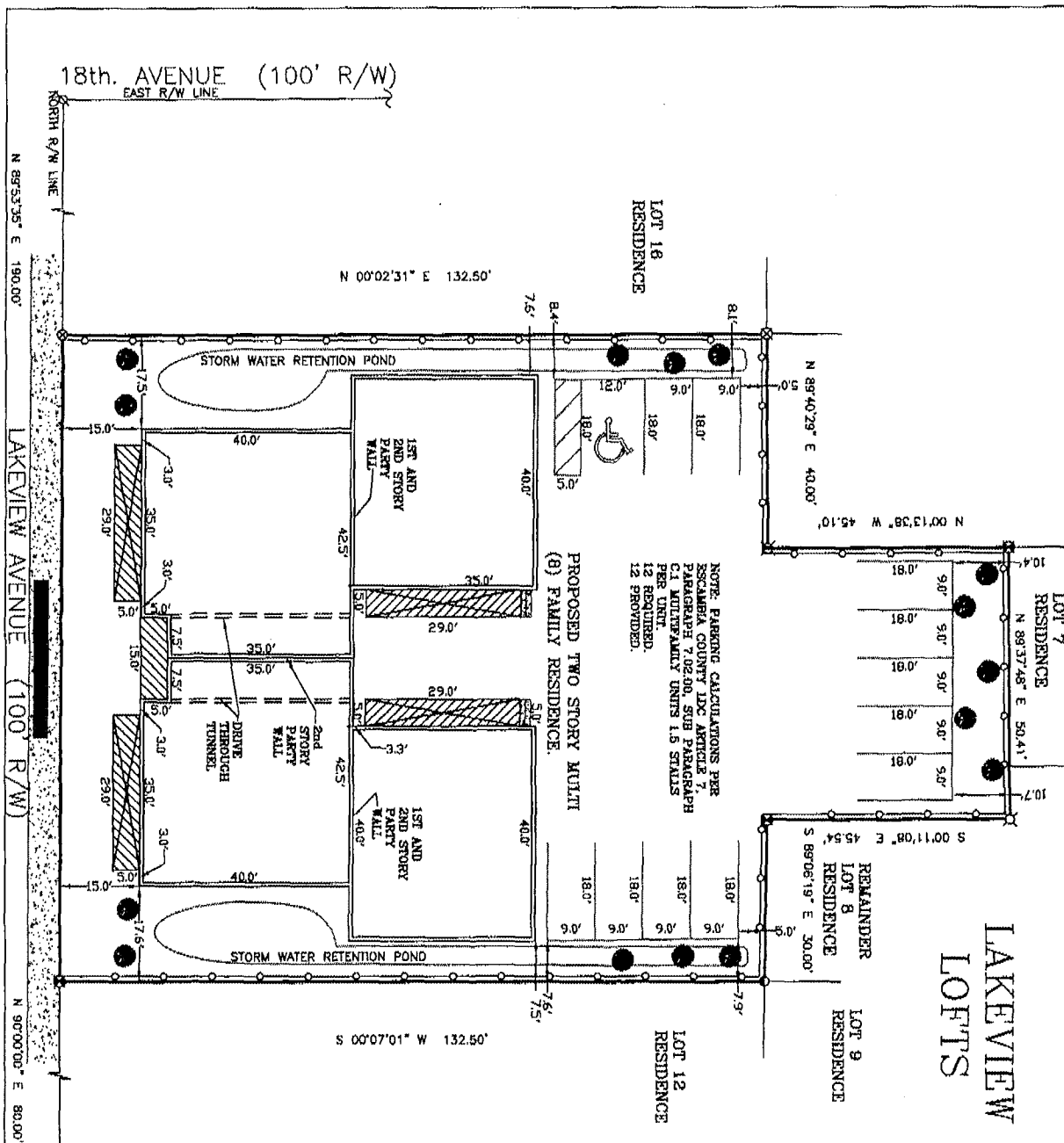
Randy Ashcraft

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.

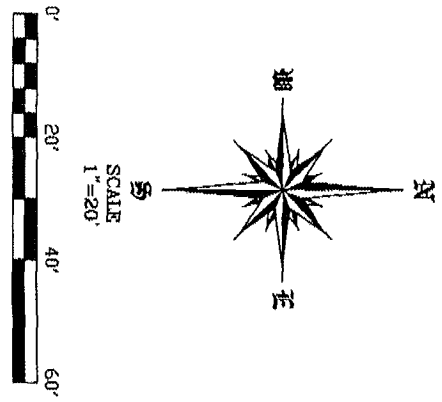
Sincerely
John Drysdale
CGC# 1512862



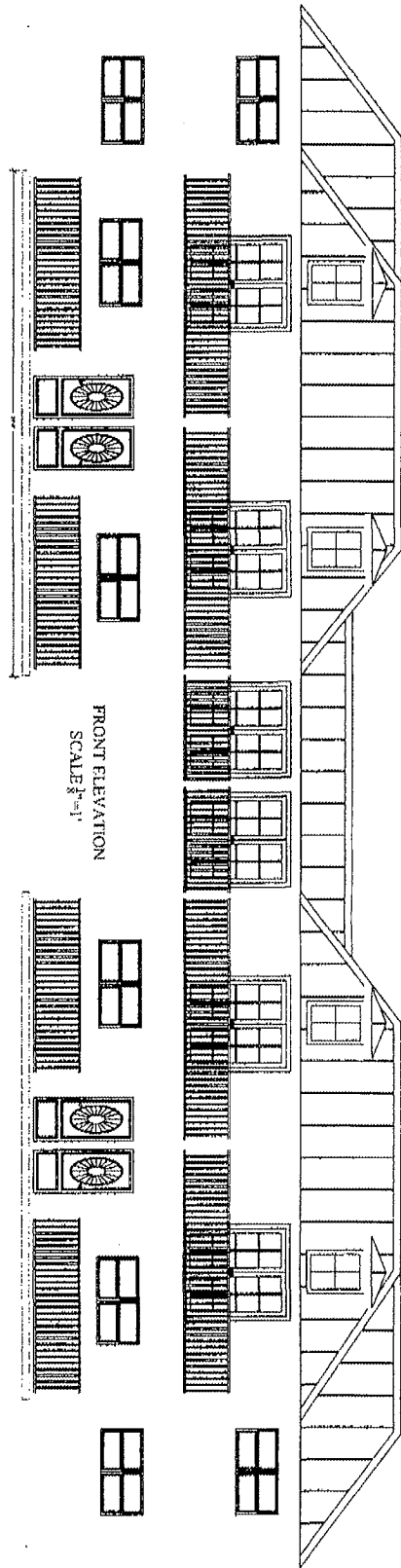
LAKEVIEW LOFTS

LEGEND	
	FOUND 1/2" CAPPED IRON ROD #2892
	FOUND 1/2" CAPPED IRON ROD #6499
	FOUND 1/2" IRON ROD
	FOUND 1/2" CAPPED IRON ROD #3027
	FOUND 1/2" IN BRICK
	FOUND 1/2" CAPPED IRON ROD #6164
	FOUND 1" IRON ROD
	FOUND 3/4" METAL PIPE
	RIGHT-OF-WAY
	WEED DECK
	5' WOODEN PRIVACY FENCE
	NEW TREE ONLY 9' HIGH


NOTE: ALL PARKING AND DRIVE AREAS TO BE CONSTRUCTED WITH DECORATIVE PAVERS AND CONCRETE.



PROJECT NO.	PROPOSED SITE PLAN (NEW CONSTRUCTION)	DATE		7929 ATLAS STREET PENSACOLA, FLORIDA PHONE (850) 380-5105 FAX (877) 666-1552 FL. CGC #1512862 SCALE 1" = 20'	DRAWN BY: R.E.M.	PROJECT NAME AND SITE ADDRESS LAKEVIEW LOFTS 1812 EAST LAKEVIEW AVENUE PENSACOLA, FLORIDA
	REVISIONS			APPROVED BY: J.D.	DATE: 08-11-2007	



FRONT ELEVATION
SCALE 3/8" = 1'

SHEET	PROPOSED FRONT ELEVATIONS	DATE		7929 ATLAS STREET PENSACOLA, FLORIDA PHONE (850) 380-3105 FAX (877) 666-1552 FL.CGC #1512862 SCALE 1/8" = 1'	DRAWN BY: R.E.M.	PROJECT NAME AND SITE ADDRESS LAKEVIEW LOFTS 1812 EAST LAKEVIEW AVENUE PENSACOLA, FLORIDA
	REVISIONS			APPROVED BY: J.D.	DATE 06-11-2007	

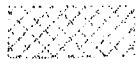


NON-CONFORMING USE REQUEST

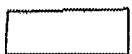
REQUESTED BY MR DRYSDALE & ASHCRAFT

JULY 2007

1 inch equals 138 feet



REQUEST TO RECONSTRUCT A NON-CONFORMING USE



SINGLE FAMILY



MULTI FAMILY