

MEMORANDUM

TO: Members, Zoning Board of Adjustment

FROM: Amy D. Hargett, Planner

DATE: April 14, 2021

SUBJECT: ZBA 2021-002
1203 W Gimble Street
R-1A

BACKGROUND

Property owners Terrence & Peggie Bosso are requesting a variance to rebuild an accessory dwelling unit in place of an existing wood building. The existing nonconforming structure is located on the south west corner of the property. The depth of the parcel makes it challenging to comply with rear and side setbacks. The parcel is 52' X 55'.

The owners are proposing to remove the existing nonconforming structure of 18'.2" X 13'.5' which currently sits within half of a foot on the property lines. They propose to construct a 16' X 11.5' accessory dwelling unit which will be less nonconforming. The request is for a 3 FT setback on the west and south boundary lines.



- Zoning Board of Adjustment
- Architectural Review Board
- Planning Board
- Gateway Review Board

VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- A. One (1) copy of this completed application form. *(Please type or print in ink.)*
- B. Site plan and/or survey showing the following details:
 - 1. Abutting street(s)
 - 2. Lot dimensions and yard requirements (setbacks)
 - 3. Location and dimensions of all existing structures
 - 4. Location and dimensions of all proposed structures and/or additions
 - 5. Dimension(s) of requested variance(s)
- C. Other supporting documentation (drawings, photographs, etc) to support request(s).*
- D. A non-refundable application fee of **\$500.00**.

** The Applicant must provide fourteen (14) copies of any documents larger than 8½ x 11 or in color. Maximum page size for all submitted material should be 11" x 17" to allow for processing and distribution.*

(To be Completed by Staff)

Provision(s) of Zoning Ordinance from which the variance(s) is/are being requested:

Section(s)/ Tables(s) 12-3-81(4)(d) / 12-3-4(5) T. 12-3.2 Zoning R1A

(To be Completed by Applicant)

The Applicant requests consideration of the following variance request(s):

Property Address: 1203 West Gimble Street, Pensacola, FL 32502

Current use of property: single family residential

1. Describe the requested variance(s): The property owner requests to move/rebuild an existing 18.2' by 13.5 structure (located on the south and west property line). The property owner proposes to relocate a smaller 16' by 11.5' structure 3' off of each property line to a less non-conforming structure.

2. Describe the special condition(s) existing on this property which create(s) the need for the variance(s), but which are not applicable to other properties in the same district and which are not the results of the applicant's actions:

The property is lot is a lot of record that is atypically dimensioned with nearly twice the width 52' and half

the depth adversely affecting both rear and side setbacks for compliance with the setbacks. There are very few properties in this district with lot depths this short.

3. Explain why the requested variance(s) is/are necessary to permit the property owner to obtain the right commonly enjoyed by other property owners in the same district:

The existing non-conforming structure has existed for many decades. The variance will allow continued use of a smaller accessory structure in a more appropriate location on the property.

4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity:

The existing dwelling has occupied the site as an accessory building since the 1950's. The requested variance will allow a smaller structure offset from the south and west property lines by 3'. The immediate properties both south and west will be under construction soon and moving the structure is in the best interest of all involved. Since the structure will have a smaller footprint in nearly the same location is a smaller version of the same

5. Explain what other condition(s) may justify the proposed variance(s):

The structure has existed for 60 to 70's years with same common owner (family) to the south and west that has allowed access for maintenance. The adjacent property recently sold and is being redeveloped and guaranteed access can no longer be anticipated.

Application Date: 3/30/2021

Applicant: Terrence C. Bosso

Applicant's Address: 1203 West Simble Street Pensacola, FL 32502

Email: Chris@bossoimhof.com Phone: 850 232-7388
chris@bossoimhof.com

Applicant's Signature: Terrence C. Bosso

Property Owner: Terrence C. and Peggie B. Bosso

Property Owner's Address: 4041 Moenraker Dr. Pensacola, FL 32507

Email: Chris@bossoimhof.com Phone: _____

Property Owner's Signature: Terrence C. Bosso

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

Planning Services
222 W. Main Street * Pensacola, Florida 32502
(850) 435-1670
Mail to: P.O. Box 12910 * Pensacola, Florida 32521

Variance Application

VARIANCE GRANTED BY THE BOARD OF ADJUSTMENT: The petitioner must secure a building permit and commence work within one hundred-eighty (180) days of the date of the granting of the variance, unless additional time is granted by the Board at that particular meeting.

JUDICIAL REVIEW OF DECISION OF THE BOARD OF ADJUSTMENT: If denied a variance by the Board, that request for a variance cannot be heard again for one year. The petitioner has thirty (30) days from the date of the meeting to appeal the decision according to Section 12-12-2 of the Land Development Code. Any person or persons, jointly or severally aggrieved by a decision of the Board may apply to the Circuit Court of the First Judicial Court of Florida. The Board, Building Inspector, or Attorney of the City of Pensacola must be notified of an appeal within five (5) days of the application being made to the Circuit Court. If a Notice of Appeal has not been received within thirty-five (35) days of the date of the meeting the variance was denied, the petitioner shall be notified by the Building Inspector that they have ten (10) days to remove or correct the violation.

1203 West Gimble Variance Request
Terrence and Peggie Bosso

I purchased and have owned the property since 1989. To the best of my knowledge and the records I have seen regarding the property, the single-family dwelling was constructed in or around 1944 or 1945. I understand the accessory structure was built in the 1950's.

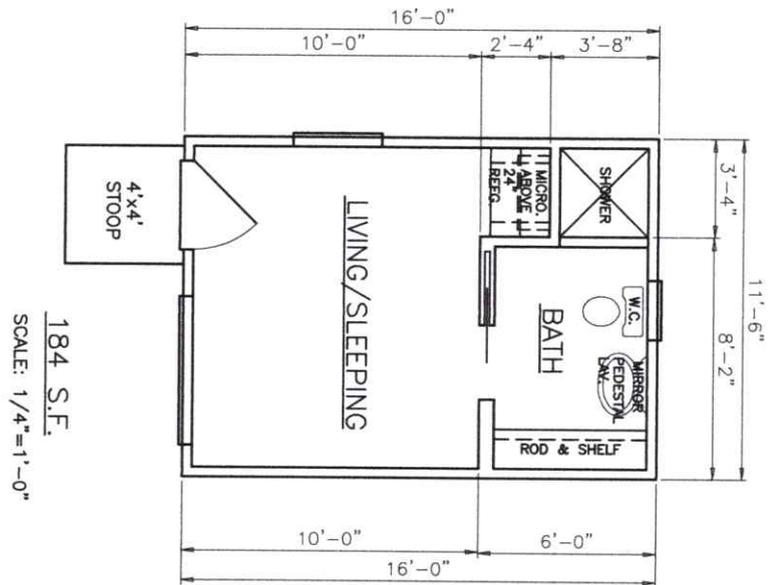
The 18.2' by 13.5' (245 sq. ft.) accessory structure was constructed on the southwest corner of the property within half of a foot of the property lines at a time when setbacks either didn't exist or were not enforced. Under current guidelines, the accessory structure is non-conforming to the setbacks.

Up until December 2020, the adjoining property owner Michael Appelberg who owned the property on both the south and west sides since 1987 allowed me access for maintenance. The property is now being redeveloped with new houses. The house on the west side will now legally be within 3' feet of the non-complying structure. It cannot be assumed that the adjacent owners will allow access to maintain the structure, in fact, I assume that the adjacent owners will legally fence their properties making maintenance impossible.

The request is to move/rebuild a new smaller structure 16' by 11.5' (184 sq. ft.) 3' off of the south and west setback lines. If the variance were allowed it would:

- Be less non-conforming than the existing structure.
- Occupy nearly the exact same footprint as the existing structure with a reduction of 25% to allow for the proposed 3' offsets.
- Provide the ability for future maintenance without the need for access from adjacent properties.
- Be visually more aesthetic and appealing than the existing aged structure.
- Will likely benefit the value (or at least not detract from) the two houses under construction or hinder their sale.
- Be less problematic for future interactions between adjacent owners that will be imminent when the houses are completed.

Variance approval involves lot dimensions and size (wide and short) that are extremely atypical, an accessory dwelling that was constructed prior to setback regulations, and involves the reduction of the existing structure. The variance approval would not likely lead to similar requests since very few properties have these circumstances.

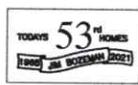


184 S.F.
 SCALE: 1/4" = 1'-0"

Today's Homes of Northwest Florida, Inc.
 DESIGNER: JAMES C. BOZEMAN
 101 S. ALCAZAR ST., PENSACOLA, FL 32502
 (850)-432-3510 FAX: 434-2375

DRAWING NO.	DRAWN BY:	DATE:
	SCALE:	SHEET NUMBER:

DESCRIPTION:
 © COPYRIGHT 2021, RIGHTS RESERVED. DO NOT REPRODUCE WITHOUT WRITTEN PERMISSION OF JAMES C. BOZEMAN OR TODAY'S HOMES OF NORTHWEST FLORIDA, INC. VERIFY DIMENSIONS BEFORE CONSTRUCTION. DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES TO ORIGINAL DESIGNS.





MERRILL PARKER SHAW, INC.

4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924



PREPARED FOR: CHRIS BOSSO

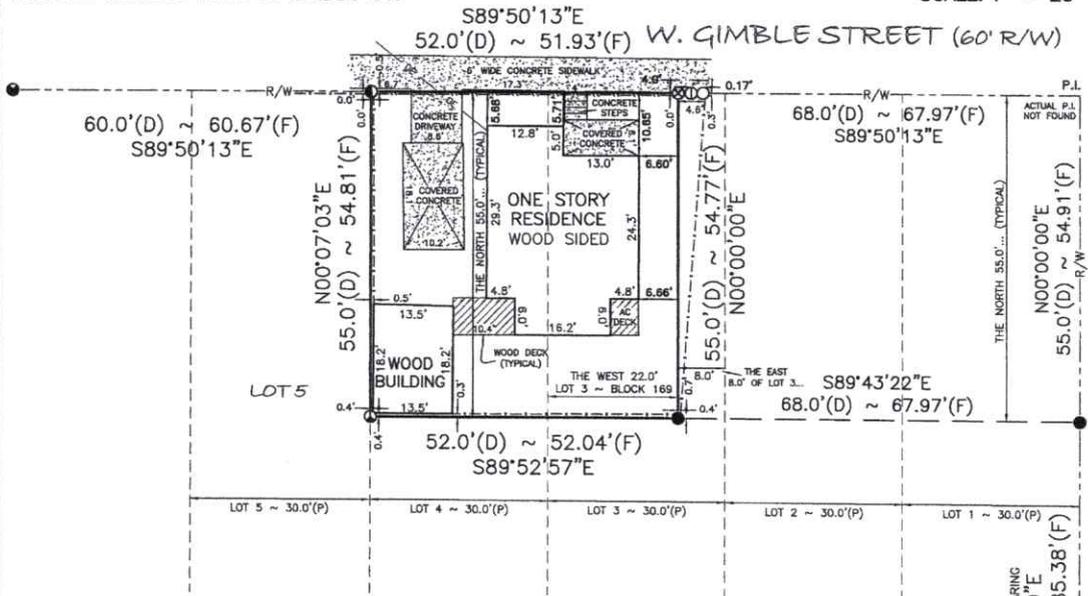
JOB NO.: 20-13170-S-1

REQUESTED BY: CHRIS BOSSO

DATE: DECEMBER 12, 2020

PROPERTY ADDRESS: 1203 W. GIMBLE ST.

SCALE: 1" = 20'



SURVEYOR'S NOTES:

- 1.) THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST RIGHT OF WAY LINE OF "E" STREET (60' R/W) THE CITY OF PENSACOLA, ESCAMBA COUNTY, FLORIDA.
- 2.) SOURCE OF INFORMATION: THE DEEDS OF RECORD; THE RECORD MAP OF "THE CITY OF PENSACOLA" COPYRIGHTED BY THOMAS C. WATSON IN 1906; AND EXISTING FIELD MONUMENTATION.
- 3.) NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.
- 4.) ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.
- 5.) THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.
- 6.) THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.
- 7.) THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.
- 8.) FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.

LEGEND:

- ~ 2" PLAIN IRON PIPE, UNNUMBERED (FOUND)
- ⊙ ~ 3/4" PLAIN IRON PIPE, UNNUMBERED (FOUND)
- ~ PUNCH HOLE IN CONCRETE SIDEWALK (FOUND)
- ⊙ ~ 1/2" PLAIN IRON ROD, UNNUMBERED (FOUND)
- ⊙ ~ 1/2" CAPPED IRON ROD, NUMBER 2892 (FOUND)
- ⊙ ~ 1/2" CAPPED IRON ROD, NUMBER 7277 (FOUND)
- ⊙ ~ 1/2" CAPPED IRON ROD, NUMBER 3286 (FOUND)
- ⊙ ~ 1/2" CAPPED IRON ROD, NUMBER 7174 (SET)
- P.I. ~ POINT OF INTERSECTION (RIGHT-OF-WAY)
- R/W ~ RIGHT OF WAY
- O.R. ~ OFFICIAL RECORDS
- (P) ~ PLATTED INFORMATION (CITY OF PENSACOLA)
- (F) ~ FIELD MEASUREMENT/ INFORMATION
- (D) ~ DEED / INFORMATION
- ~ INDICATES NOT TO SCALE
- DE --- ~ OVERHEAD ELECTRIC LINE
- ~ 4' HIGH WOOD FENCE
- ~ 4' HIGH CHAIN LINK FENCE
- ~ 4' HIGH WIRE FENCE

CERTIFIED TO:

CHRIS BOSSO

THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.001 AND 5J-17.002, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

'BOUNDARY SURVEY'

SHEET 1 OF 1 *MEASUREMENTS MADE TO UNITED STATES STANDARDS* COPYRIGHT © 2020 BY MERRILL PARKER SHAW, INC. P.C.: DB DRAFTED: RDC, TYPED: RDC, CHECKED: EMP

DESCRIPTION: THE NORTH 55 FEET OF LOT 4, AND THE NORTH 55 FEET OF THE WEST 22 FEET OF LOT 3, ALL IN BLOCK 169 MAXENT TRACT, ACCORDING TO THE RECORD MAP OF "THE CITY OF PENSACOLA" COPYRIGHTED BY THOMAS C. WATSON IN 1906.

SECTION N/A, TOWNSHIP N/A, RANGE N/A, ESCAMBA COUNTY, STATE OF FLORIDA.

RECORDED O.R. BOOK 2976, PAGE 376 *THE ENCROACHMENTS ARE AS SHOWN*

FIELD DATE: 12/10/20, FIELD BOOK: 17, PG. 1

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL LAND SURVEYOR

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

E. Wayne Parker DATE: 12/14/20

E. WAYNE PARKER PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

REVISIONS:

1203 West Gimble Street – Site photographs



Photograph No. 1 – Facing south from West Gimble Street facing the front of the house. The site is located on the south side of the street between E Street and F Street.

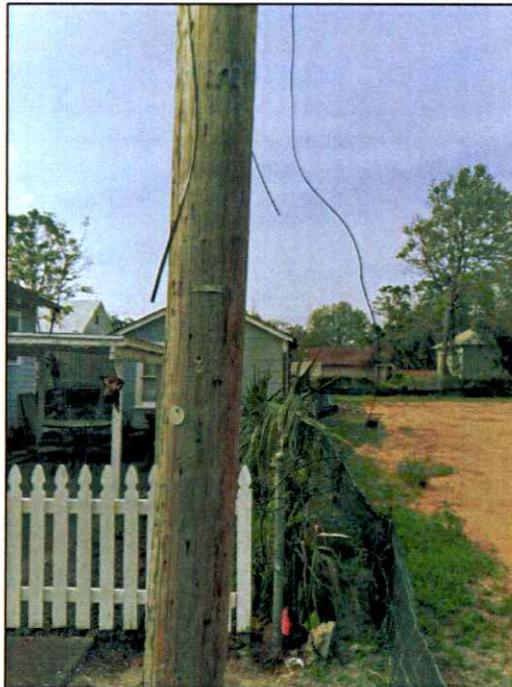


Photograph No. 2 – Facing south towards existing accessory structure.

1203 West Gimble Street – Site photographs



Photograph No. 3 – Facing west along south property line from the southeast corner of the site. Site prep completed for construction beginning on property to the south.



Photograph No. 4 – Facing south along west property line from the northwest corner of the site. Site prep completed for construction beginning on property to the west.