

City of Pensacola

Zoning Board of Adjustments

Agenda - Final

Wednesday, July 19, 2023, 3:00 PM

Hagler/Mason Conference Room, 2nd Floor

QUORUM / CALL TO ORDER

1. <u>23-00549</u> SWEARING IN REAPPOINTMENTS.

APPROVAL OF MINUTES

2. <u>23-00550</u> ZONING BOARD OF ADJUSTMENTS MEETING MINUTES FROM JUNE 21, 2023

Attachments: <u>ZBA minutes 06.21.23</u>

REQUESTS

- 3.
 23-00551
 ZBA 2023-009

 1816 E. LA RUA STREET
 R-1AAA

 Attachments:
 ZBA 2023-009
 1816 E LA RUA
 COMPLETE APPLICATION PKG
- **4.** <u>23-00552</u> ZBA 2023-011 1100 E. DESOTO STREET R-1AA

Attachments: <u>1100 E Desoto_Complete Package</u>

ADJOURNMENT

ADDITIONAL INFORMATION:

SUBSEQUENT APPLICATION(S): If denied a variance by the Board, that request for a variance cannot be

heard again for a period of one (1) year.

JUDICIAL REVIEW OF DECISION OF BOARD OF ADJUSTMENT:

Per section 12-12-2 (D) of the City of Pensacola Land Development Code, any person or persons, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty {30) days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

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 Official that they have ten {10} days to remove or correct the violation.

ADA Statement:

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1670 (or TDD 435-1666) 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.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



Memorandum

File #: 23-00549		Zoning Board of Adjustments	7/19/2023
то:	Zoning Board of Adjust	ments Members	
FROM:	Amy Hargett, Planner		
DATE:	7/12/2023		
SUBJECT:			

Swearing in reappointments.

BACKGROUND:

The following board members have been appointed or reappointed to serve on the Zoning Board of Adjustments:

- Boyce White
- Jarah Jacquay



Memorandum

File #: 23-00550		Zoning Board of Adjustments	7/19/2023
то:	Zoning Board of Adjustn	nents Members	
FROM:	Amy Hargett, Planner		
DATE:	7/12/2023		
SUBJECT:			

Zoning Board of Adjustments Meeting Minutes from June 21, 2023



Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

June 21, 2023

- MEMBERS PRESENT: Chairperson White, Vice Chairperson Weeks, Board Member Jacquay, Board Member Sebold, Board Member Shelley, Board Member Dittmar, Board Member Williams, Board Member Stepherson, Board Member Taylor
- MEMBERS ABSENT: NONE
- STAFF PRESENT: Planner Hargett, Development Services Coordinator Statler, Network Engineer Johnston, Network Engineer Russo
- **STAFF VIRTUAL:** Development Services Director Morris, Planning and Zoning Division Manager Cannon, Assistant City Attorney Lindsay

OTHERS PRESENT:

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:03 p.m. with a quorum present.

Chairperson White then read the ZBA rules and instructions and explained the procedures of the Board meeting.

2) APPROVAL OF MINUTES

The ZBA April 19, 2023 minutes were approved without objection by the Board.

3) ZBA 2023-010 4590 Christy Drive R-1AAA

Chairperson White asks the Board if they received the corrected memo from Planner Hargett, the board members responded they had received corrections. Chairperson White proceeds to ask the applicant Mr. DuFrain to state his request for the Board.

Mr. Tim DuFrain on behalf of the property owner is requesting variances to reduce (1) the front yard setback from 30 FT to 10 FT and (2) the corner side yard setback from 15 FT to 5 FT to accommodate the construction of a new single-family dwelling.

Mr. DuFrain addressed the Board and explains the reason for the request. He stated that the owner wants to build a single-family home with an ADU and decided since there were two large trees on the property he would file for a tree permit. He stated after initial review from the city's arborist Kris Stultz determined the trees could not be removed. Mr. DuFrain stated he would either need to make the footprint smaller or move the house forward and over to the side om order to save the tree. He continued to explain the main house would need to move forward about 20 feet. Development Services Coordinator Statler suggested that the applicant speak int the microphone clearly so everyone present could hear him. Mr. DuFrain clarified that the owner would like to take the trees down but felt it was unrealistic given Mr. Stultz evaluation that the trees are survivable. Mr. DuFrain also clariid the variance request was to move the boundary lines and trim the dead limbs and vines on the trees.

Chairperson White asks the Board if they had any questions for the applicant, Vice Chairperson Weeks asks Mr. DuFrain if the 48" oak noted was tree # 1, Mr. DuFrain said yes and explained the independent arborist he hired has it at 44" but the surveyor noted 48". He also further explained he felt once the tree was maintained by pruning and removing the large limps the tree would probably prosper. Tree number 2 would not need to be removed because the ADU can be moved back and the driveway flipped to meet the city's requirements. It is the main house that is giving the issue.

Board Member Jacquay asked if there was a house previously on the property, and Mr. DuFrain stated yes and it was demolished sometime in 2020 approximately as he was unsure. Vice-Chairperson Weeks stated the report lists the condition of concern as moderate and this was concerning to him, that there may be a potential hazardous tree.

Board Member Dittmar asked if the arborist stated the amount of feet needed before digging footers. Chairperson White also stated he was concerned with the root system as well.

Board Member Shelley asked for clarification from staff that the city's arborist

made a decision that the trees could not be taken down and Planner Hargett relied yes that was correct.

Chairperson White asks for members of the audience to speak if they completed a speaker's request form.

Mr. Berman approached the Board and stated his concern and that he worried about the children's safety although there was a stop sign at the end of Christy there is not a stop sign on Oriole Drive. He also stated that he was concerned about the new home being constructed too close to the street corner.

Chairperson White clarified that the applicant is wanting to save the trees and move the house forward and over and that is why he is asking for the variances.

Mr. Berman stated that he was not in support of the variance request.

Chairperson White asks Ms. Jennifer Hill to approach the Board. Ms. Hill stated she bought a house recently and she is concerned that the new home being constructed will be right up against the road and the homes in the neighborhood are set consistently back from the street. Ms. Hill also stated she had concerns of how large the home would be.

Mr. DuFrain clarified the setbacks are measured from the property line and not the street edge as there is a city right-of-way. Vice-Chairperson Weeks and Board Member Shelley also clarify the measurement of the right-of-way.

Ms. Hill asked for clarification on what an ADU is and the Board explained and ADU is like a garage apartment with living quarters and the ADU is not the structure with the setback issues just the main house.

Chairperson White closes the discussion to audience participation and opens discussion to the Board.

Board Member Jacquay emphasized when an applicant applies for a building permit, public works will review the site lines and that granting a variance is not going to endanger neighborhood children. Development Services Coordinator Statler confirmed this correct that Planning and Engineering staff would review.

Board Member Sebold stated he was concerned about the report referencing the impact being high with significant consequences and the rating being noted as moderate. The report in general is odd.

Development Services Coordinator Statler stated that she was not the subject matter expert on these types of reports and the city's arborist was unexpectedly in an accident and could not make the meeting. Zoning Board of Adjustment Meeting June 21, 2023 4

Board Members discussed the appeal process and why the applicant is coming to the Board which is for the setback reductions and not an appeal to the city's staff decision. They continued to discuss the independent arborist report and making a decision based on the report while not being able to have the city's arborist present.

After a lengthy discussion Chairperson White entertained a motion from the board. Board Member Taylor stated that the board can table items on their own volition. With that, Board Member Taylor made the motion to table the item because he would like to know exactly what the arborists' conversation was and what they knew when the report was written, even though the intent was not for the removal of the tree. He'd like to have that information. If there is a healthy tree there, we have to work around it and there would be a need for a variance. But if there isn't and the tree can be removed, then there is no need for a variance. The Chairman agreed with these statements. In those events, the concerns of the neighborhood would also be addressed. Therefore, on the board's own volition, the board should move to table this item so that testimony from the arborist can be had. Board Member Shelley seconded the motion and it carried 9-0. Chairperson White confirmed that the item would be tabled to the next meeting on July 19.

DISCUSSION -

ADJOURNMENT -

There being no further business, the meeting adjourned at 4:07 p.m.

Respectfully Submitted,

Planner Amy Hargett Secretary to the Board



Memorandum

File #: 23-00551	Zoning	g Board of Adjustments	7/19/2023
то:	Zoning Board of Adjustments N	lembers	
FROM:	Amy Hargett, Planner		
DATE:	7/12/2023		
SUBJECT:			

ZBA 2023-009 1816 E. La Rua Street R-1AAA

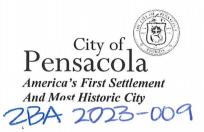
BACKGROUND:

Mr. & Mrs. Bryars are requesting multiple variances to accommodate the construction of a detached garage: (1) to increase the maximum allowed height for an accessory structure from 15 FT to 24 FT 10 INCHES; (2) to increase the maximum rear yard coverage from 675 SF (25%) to 982 SF (36.32%): and (3) to reduce the minimum required side setback from 7.5 FT to 3.5 FT.

With respect to the first request, the applicant is seeking the additional height to allow for the accessory building to match the primary residence, which has a 12:12 roof pitch. The height of accessory structures varies between 15 feet to 20 feet, depending upon the distance the structure is set back from the rear property line. Although the preservation or aesthetic overlay districts allocate additional height to allow the pitch of the roof to match the primary structure, this is not the case in the general accessory structure standards, where the height for an accessory structure is limited to 20 feet. For structures such as this which are located 3.5 FT from the rear property line, the maximum height is 15 feet.

The second request pertains to rear yard coverage. The Code allows for 25% coverage within a required rear yard, which is 675 SF for this property. The proposed detached garage covers 982 SF (or 36.32%) of the required rear yard. It should be noted, the applicants have removed the previous structures, which covered 46% of the required rear yard.

The last request is to reduce the required side yard setback from 7.5 FT to 3.5 FT. When an accessory structure exceeds 15 feet in height, the side setbacks of the primary are applied. Additionally, a portion of the proposed detached garage is not located within the required rear yard and lies within the buildable area and the required side yard for the primary structure. No structures are allowed within the side yard of the primary structure, without a variance.



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

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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) 12-3-55(4) a 9 12-3	3, 12-301 Zoning RIAAA
Section(s)/Tables(s) 1-5-55 (4)(A E 12-5	D. 2-30 Zoning KINAA

(To be Completed by Applicant)

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

RESIDENCE

Property Address: 1816 E LA RUA ST

Current use of property:

1. Describe the requested variance(s):

(1) to increase the maximum allowed height for an accessory structure from 15 FT to 24 FT 10 INCHES;
 (2) to increase the maximum rear yard coverage from 675 SF (25%) to 982 SF (36.32%): and
 (3) to reduce the minimum required side setback from 7.5 FT to 3.5 FT.

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:

SEE ATTACHED

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

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

SEE ATTACHED

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

	Applica	ition Date:
Applicant:	STEPHEN BRYARS	
Applicant's Address:	1816 E LA RUA ST, PENSACOLA, FL 32501	
Email:	TBRYARS@BRYARSFINANCIAL.COM SBRYARS2@GMAIL.COM	850-982-5490 Phone: <u>850-572-1641</u>
Applicant's Signature:		
Property Owner:	STEPHEN BRYARS	
Property Owner's Address:	1816 E LARVA ST, PENSACOLA, FL 32501	
Email:	SEE ABOVE	Phone:
Property Owner's Signature:	Av Byan	
/		

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

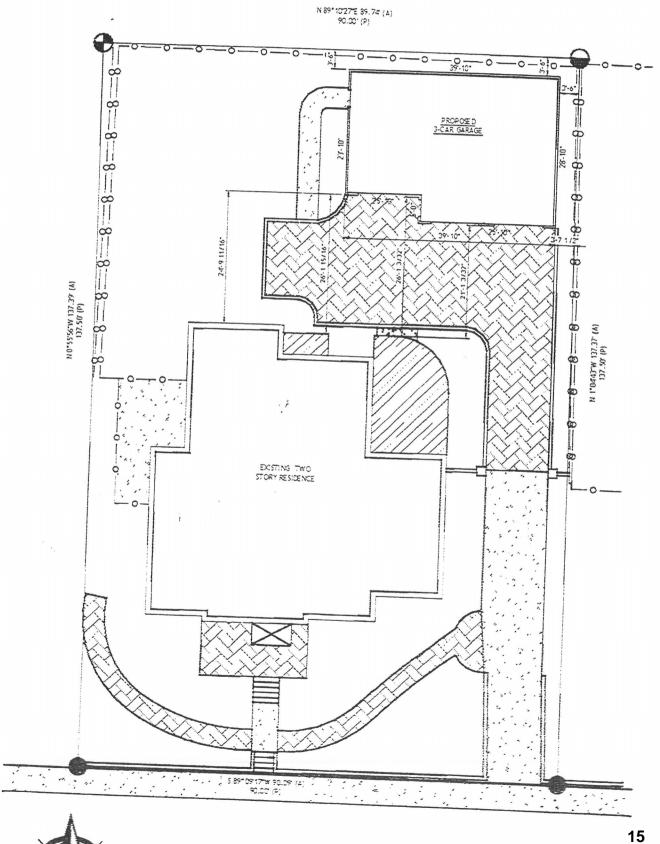
ATTACHMENT TO VARIANCE APPLICATION 1816 E. LA RUA STREET PENSACOLA, FLORIDA 32501

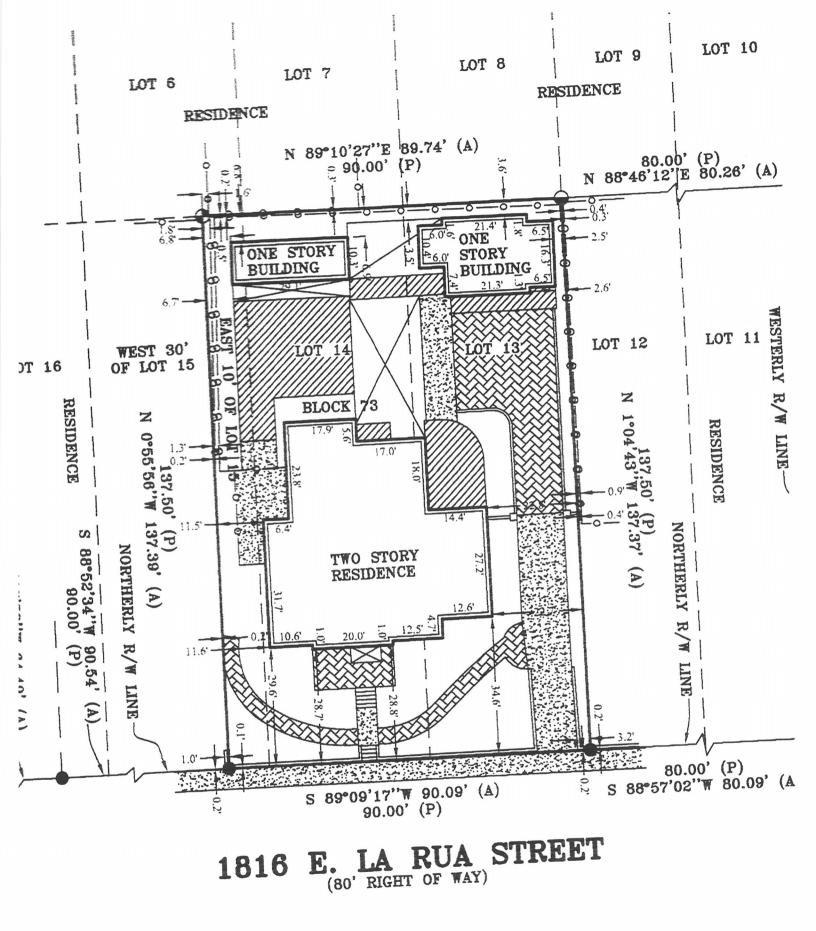
- 1. See application.
- 2. The original home, built by Mr. W. R. Taylor in 1930, has a roof pitch of 12/12. We wish to maintain the architectural integrity of the property by designing garage with same roof pitch. Our goal is to have garage appear to be original and not an added afterthought. We purchased residence with structures that were not consistent with original architecture and had them removed. We wish to replace less than 80% of the footprint that existed with garage and other structures. Also, the rear yard previously had no impervious area between the buildings, pavers, and decking.
- 3. We believe vehicles should not be in driveway or street, but inside garage and out of sight. We maintain three vehicles, so we require a three-bay garage. If original/existing home had not been designed with 12/12 roof pitch or it was acceptable for roof of garage not to "match" roof of house, we would not be requesting this variance.
- 4. This variance creates no detriment whatsoever. At peak roof height of 24'10", the height will be less than our and homes of abutting two-story properties. The garage has only one small window on north elevation upstairs and is there for the purpose of improving the look of structure and for interior light in storage space of garage attic.

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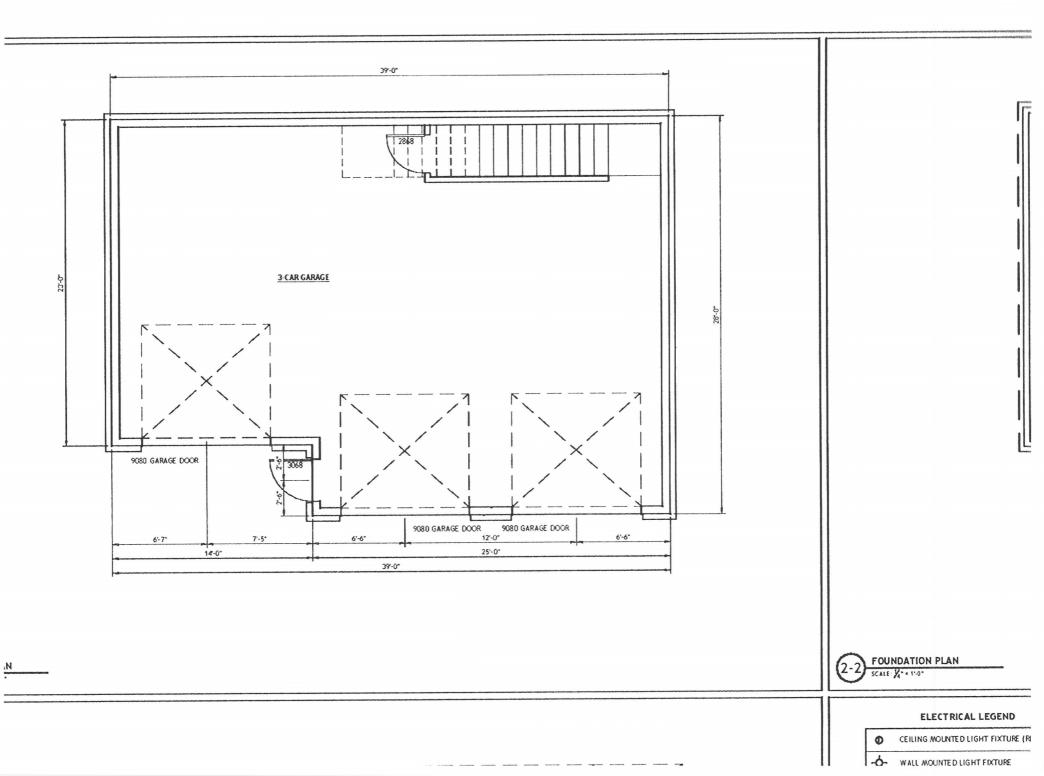
ATTACHMENT TO VARIANCE APPLICATION 1816 E. LA RUA STREET PENSACOLA, FLORIDA 32501 (continued)

5. Our garage being designed consistent with original architecture style will enhance appearance of our property and surrounding properties. A garage will allow our vehicles to be parked out of sight and off the driveway and street, as they should be. We are substantially reducing the area of the structures on our property from the structures that existed at the time when we purchased. We will be increasing setback on east side by 1'1" and matching setback to north, rear, of former garage structure. We are maximizing setbacks consistent with having sufficient space for maneuverability of vehicles.





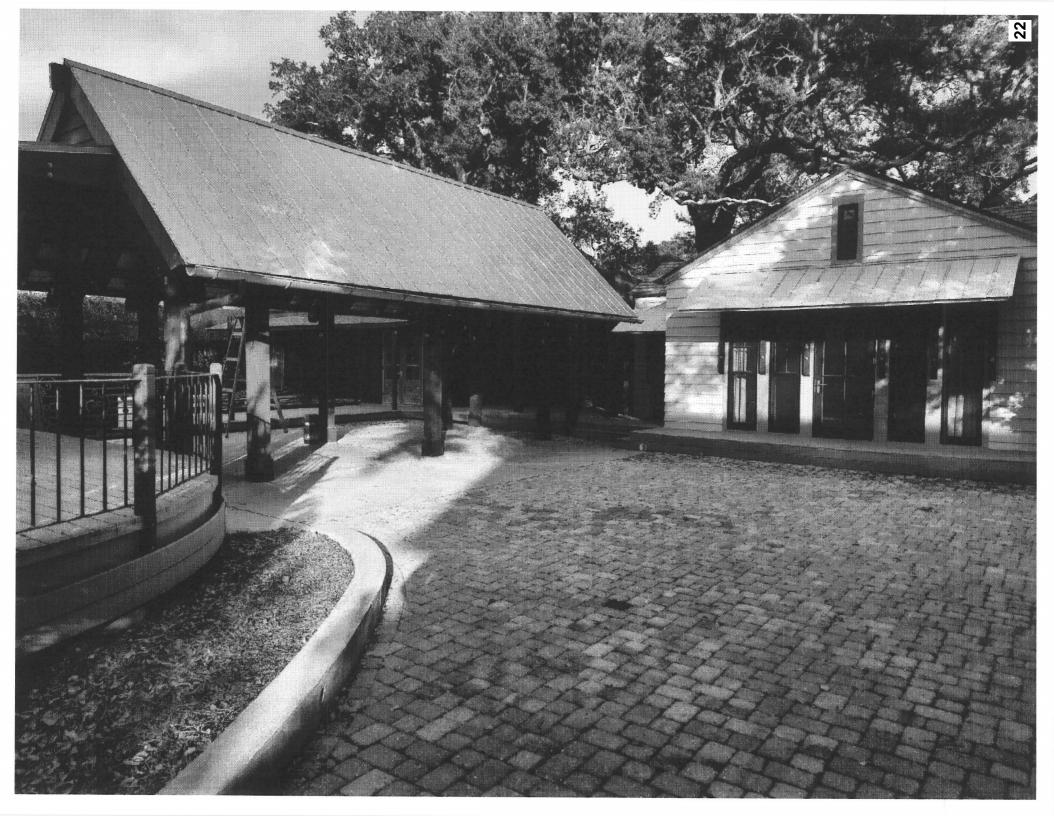






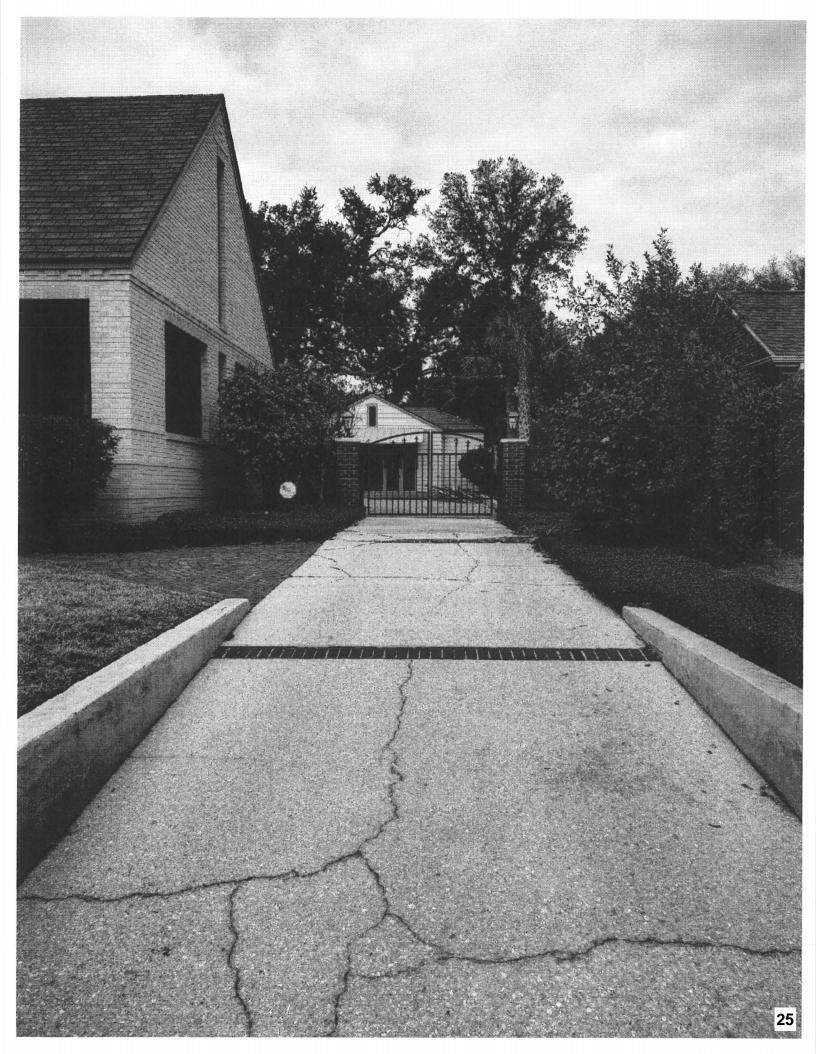
















Memorandum

File #: 23-00552	Zoning Board	l of Adjustments	7/19/2023
то:	Zoning Board of Adjustments Member	S	
FROM:	Amy Hargett, Planner		
DATE:	7/12/2023		

SUBJECT:

ZBA 2023-011 1100 E. DeSoto Street R-1AA

BACKGROUND:

Mr. Ellis Bullock, on behalf of the property owner, is requesting a variance to reduce the rear building setback from 30 FEET to 23.6 FEET to accommodate an outdoor kitchen pavilion. The structure, which is 200 SF, was constructed without permits.

Please note, per conversations with the Building Official, Jonathan Bilby, the Florida Building Code would allow the covered porch to be constructed either attached or detached.



Zoning Board of Adjustment Architectural Review Board **Planning Board**

Gateway Review Board

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VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- Α. One (1) copy of this completed application form. (Please type or print in ink.)
- Β. 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.

st 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)	12-3-4	1-	able 12-3.2	Zoning RIAA	
	1				

(To be Completed by Applicant)

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

Property Address:	1100 E DE SOTO ST		
Current use of property:	RESIDENCE		

REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 23.6 FEET TO ACCOMODATE AN OUTDOOR KITCHEN PAVILION

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:

SEE ATTACHED

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

Sec Attached

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

See Attached

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

See Attached.

	Applica	ition Date: <u>6.27.23</u>
Applicant:	Outerspaces / Ellis Brude	K
Applicant's Address:	SDO E. Cross St.	
Email:	Ellis@outerspaces landscape. ram	Phone: 050.982.6624
Applicant's Signature	e:	
Property Owner:	Laurel Koltonski	
Property Owner's Address:	100 E. De Soto St.	
Email:	laurel koltonski Ogmail. com	Phone: 402-469.296
Property Owner's Signature:	Same haltonski	

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1) Owner requests that the $20' \times 10'$ structure recently constructed against the rear of house be permitted to remain in place, reducing the rear set back line from 30' to 23.6'.

2) The property is on a narrow corner lot and the best way to build the detached structure was to design it close to the house and in keeping with the architectural integrity of the home. This way it enhances the value of the property, and it doesn't create a visual distraction for the neighbors.

To fully enjoy her property year-round the homeowner wanted to have enough space to include a pool, decking with a firepit, artificial turf, and pavers. To utilize the space best fit for the function of having an outdoor shade structure, building it against the rear of the house was deemed most appropriate.

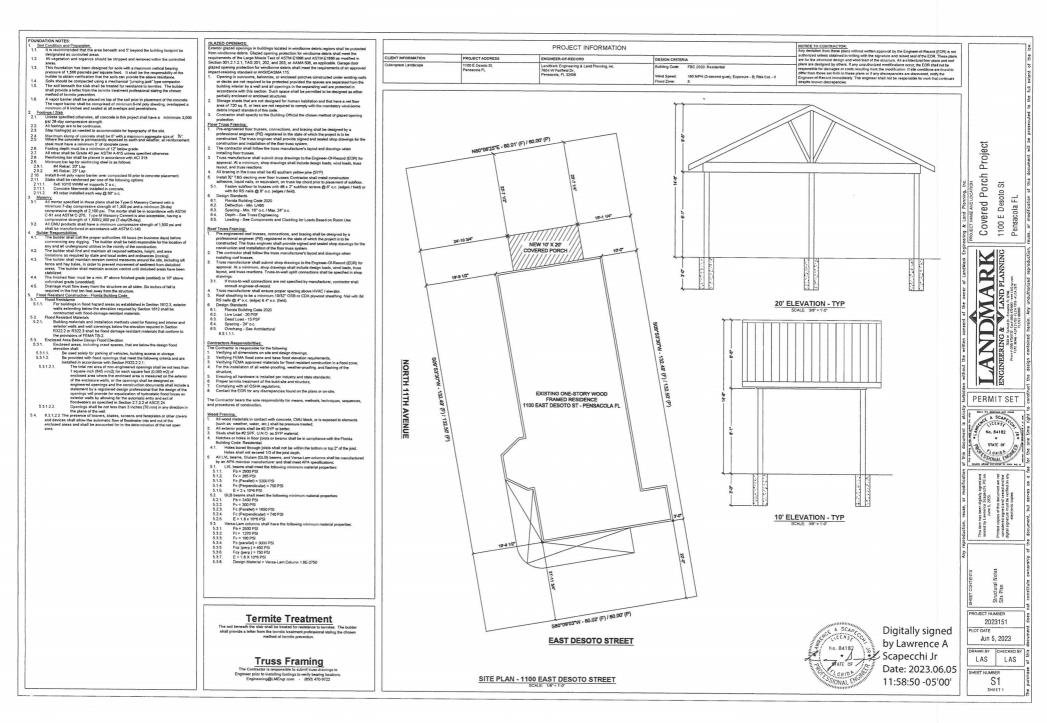
3) The home at 1100 E. DeSoto sits on a corner lot and faces south. The structure in question is located at the rear of the home and is 23.6' from the rear property line and 15' from the nearest side property line. It is cohesive with the architecture of the house and does not obstruct any line of site from neighboring properties., nor is it a visual distraction.

4) The structure does not infringe on any neighboring properties, nor the line of site of others. Aesthetically speaking, the structure is architecturally cohesive to the house and does not serve as an eye sore or visual distraction. Instead of being detrimental to the general welfare or property rights of others, the variance is an asset to the general welfare and property rights of the neighborhood. As the entire project adds value.

5) Adjacent properties that share property lines with 1100 E. DeSoto house have detached structures that encroach on setbacks as well as the property line. As they are both safety issues and visual eye sores, much of the landscape and design around the structure in question is to try to take away from this visual distraction.

Building the structure in its location, the homeowner has been able to fully express and enjoy her property by having enough space to include a pool and decking area with a firepit. She can now enjoy her property outdoors year-round. Also, having the structure adjacent to the house as opposed to being on the property line is less invasive and distracting to neighbors.

Please consider that requiring the homeowner to remove the structure based on criteria that it sits too close to the home would be very expensive, a massive undertaking, and disappointing as the homeowner's intention was to beautify her property with a backyard to enjoy and appreciate in value.



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