

PLANNING SERVICES

Zoning Board of Adjustment

MEMBERS OF THE ZONING BOARD OF ADJUSTMENT AND APPLICANTS:

The Zoning Board of Adjustment will conduct a public hearing on <u>Wednesday</u>, <u>August 21, 2019</u>, at <u>3:00 P.M.</u> in the <u>Hagler-Mason Conference Room</u>, <u>Second Floor</u>, <u>Pensacola City Hall</u>, <u>222 West Main Street</u>, <u>Pensacola</u>, Florida, to consider the request(s) listed below. The applicant(s), or authorized agent, must be present for the public hearing in order for the Board to act upon the request(s).

AGENDA

- 1) Quorum/Call to Order
- 2) Meeting Minutes from August 21, 2019.
- 3) ZBA 2019-008 815 North 15th Avenue R-1AA
 James & Lonna Murn are requesting the following Variances to accommodate an addition to an
 existing non-conforming accessory structure: (1) to reduce the front building setback from 30 feet
 to 23.5 feet; and (2) to reduce the side building setback from 6 feet to 2.5 feet.
- 4) Adjournment

INFORMATION FOR APPLICANTS:

BUILDING PERMIT AND COMMENCEMENT OF WORK: The petitioner must secure a building permit and commence work within one hundred eighty (180) days of the date of the variance(s) being granted, unless additional time is granted by the Board at that particular meeting.

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 (F) 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.

City of Pensacola Zoning Board of Adjustments Agenda – September 18, 2019 Page 2

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.

ACCESSIBILITY: 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 436-5655 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.

Sincerely,

Leslie Statler Planner

Secretary to the Board



PLANNING SERVICES

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

August 21, 2019

MEMBERS PRESENT: Clayton Taylor, Boyce White, Jonathon Wiggins, Steven Sebold,

Troy Stepherson, David Del Gallo, Chris Lonergan, Steven Shelley,

Robby Williams

MEMBERS ABSENT:

None

STAFF PRESENT:

 $Leslie\ Statler,\ Planner,\ Gregg\ Harding,\ Historic\ Preservation$

Planner, Heather Lindsay, Assistant City Attorney, Michael

Ziarnek, Transportation Planner-Complete Streets

OTHERS PRESENT:

Patti Cantavespre, April Skipper, Bonnie Bell, Lonna Murn

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:03 p.m. by Chairman Taylor with a quorum present. He then read the ZBA rules and instructions to the audience.

2) APPROVAL OF MINUTES

Chairman Taylor made a motion to approve the minutes from the July 17, 2019, meeting without objection, and it carried unanimously.

3) SWEARING IN RE-APPOINTED MEMBERS: David Del Gallo, Steven Shelley, and Robby Williams were sworn in by the Clerk's Office.

4) ZBA 2019-006

1201 E. Jackson Street

R-1AA

Bonnie Bell is requesting a Variance of 18.2 feet to reduce the front yard setback from 30 feet to 11.8 feet to accommodate an open, unenclosed, covered porch. Ms. Bell presented to the Board and advised she lived on a nice sized corner lot, and the porch would help in interacting with her neighbors. She provided the Board with pictures of other homes with porches in the neighborhood. Mr. White asked how she determined the size of the porch she would need since the Board needed to determine if the request was self-created. Ms. Bell stated it would be 14' long by 8' wide; she explained a larger porch was not within her budget. Chairman Taylor asked if there were any other questions. Ms. Statler advised the front yard

Zoning Board of Adjustment August 21, 2019 Page 2

average for this block was approximately 19 feet. With no speakers, Mr. Del Gallo made a motion to approve the variance stating it was unfortunate that the builder constructed the house 20' off the property line, and if you go down that street, a lot of those houses are encroaching closer to the street, and everyone has a front porch; this would not be a self-created situation, and the porch would fit in nicely. He pointed out the signatures of the neighbors endorsing the structure. Mr. Lonergan seconded the motion and stated in driving the area, there were around 20 homes that look exactly like what Ms. Bell was wanting to do, and for whatever reason, on Jackson Street, the porches were constructed up to the sidewalk. Mr. Shelley also agreed with the variance, and Mr. Williams pointed out the property was more noticeable because it did not have a porch. The motion then carried unanimously.

5) ZBA 2019-007 1215 E. Scott Street R-1AA

Timothy DuFrain is requesting a Variance of 0.5 feet to reduce the east and west side building setbacks from 6.0 feet to 5.5 feet to accommodate the residential duplex foundation as constructed as well the exterior wall finish (siding). The reasons for the applicant's request are two-fold and are the corrective action for a field error as well as a design error.

Mr. DuFrain presented to the Board and stated the front north side on the left was 3" too close on the corner. The south side on the right was 1/16" and even if he had a slight variance, it was brought to his attention that the drawing was showing 48' wide on the foundation and framing. If they added siding, they were out of compliance immediately. They were asking for 6" on either side to accommodate finished wall materials. He pointed out the error begin with the string lines for the foundation. Chairman Taylor referred to the letter from the neighbor, Ms. Cassedy, who had some reservations regarding the variance. Ms. Cantavespre, the owner, had spoken to the neighbor since the building she owns was on Ms. Cantavespre's property. But this situation had nothing to do with the fact that the neighbor built on the property in question.

Mr. Wiggins asked if there was any protocol for anyone who wanted to speak in these meetings but was not able to attend, and Ms. Statler stated there was not, but the meeting was properly noticed. Ms. Cantavespre advised she owned a small house on the property for 20 years which she rented out. When the renters left, and since the house was old, she decided to develop it. Chairman Taylor asked if there was any estimate if they chose to put the foundation in compliance. Mr. DuFrain advised they were actually ready for permitting to inspect. Mr. White asked where the house was that encroached on her property, and Ms. Cantavespre stated it was at the southeast corner.

Mr. DuFrain provided the Board with an updated site plan. Ms. Statler explained the issue with the neighbor's building was with the roof overhang and how close the roofs would be to each other. She also stated staff could grant an administrative variance but only on one side, and neither side met the setbacks. Mr. Lonergan confirmed if the variance was for one side, this would not be an issue.

Mr. DuFrain pointed out it this was a 60' lot with a 48' building and would not account for the siding. The architect had explained they would have 6' on each side. Mr. Del Gallo pointed out the Board had a foundation plan not stamped by an engineer. Mr. White pointed out with the variance, both sides would be 5.5' and Ms. Statler stated if this had been for one side, staff would have granted the administrative variance.

With no speakers, Mr. White made a motion to approve the variance since it was not intentional and not self-created, staff could have approved it if they were able, and it would be an unnecessary hardship

Zoning Board of Adjustment August 21, 2019 Page 3

for the applicant. Mr. Del Gallo seconded the motion and stated the builder should have realized the foundation should have been smaller. He also pointed out if they were within 10' of someone's building, there must be fire-rated walls, and he encouraged Mr. DuFrain to get with the Building Official to address this. The motion then carried unanimously.

DISCUSSION

ADJOURNMENT

There being no further business, the meeting adjourned at 3:38 p.m.

Respectfully Submitted,

Leslie Statler

Planner

Secretary to the Board



PLANNING SERVICES

Zoning Board of Adjustment

MEMORANDUM

TO:

Members, Zoning Board of Adjustment

FROM:

Leslie Statler, Planner

DATE:

September 10, 2019

SUBJECT:

ZBA 2019-008

815 North 15th Avenue

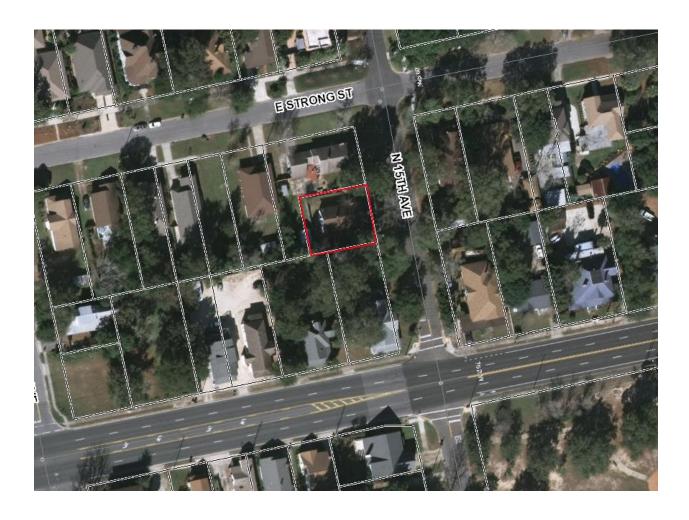
R-1AA

BACKGROUND

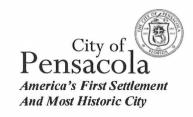
James & Lonna Murn are requesting the following Variances to accommodate an addition to an existing non-conforming accessory structure: (1) to reduce the front building setback from 30 feet to 23.5 feet; and (2) to reduce the side building setback from 6 feet to 2.5 feet. The applicants wish to expand their existing non-conforming detached garage; the garage is approximately 2.5 feet from the side property line. The proposed site plan indicates the addition will not extend forward of the residence on the lot. It will also follow the plane of the side of the garage.

There are unique circumstances with the lot and the structures on the lot. The lot is unique in that it is extremely shallow for the adherence of the district standards. At 80 feet in depth, the buildable area of the lot is 20 feet in depth after the front and rear yard requirements have been met. Additionally, this lot is not undersized for the district and is not eligible to utilize the "lot of Record" reductions. With respect to the existing structures on the lot, both the primary and the detached garage extend into the minimum required front and rear yards. Accessory structures may be located within the rear yard; however, they must maintain the side setback for the principle structure when they encroach into the buildable area. The garage is currently located 2.6 feet from the property line. The applicants are requesting an additional 0.1 ft to accommodate for an exterior finish.

Attached you will find all materials as submitted attached for your review and consideration.







abla	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:*

- 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**. Checks or money orders should be made payable to the **City of Pensacola**.

^{*}The Applicant must provide eleven (11) copies of any documents larger than 8½ x 11 or in color.

(To be Completed by Staff)

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

Section(s)/ Tables(s) Sec. 12-2-4/Table 12-2.2 Zoning Para Zoning Para

obtain the right commonly enjoyed by other	er property owners in the same district:
* See attached answers t	£
4. Explain why the requested variance(s) is/a property rights of others in the vicinity:	are not detrimental to the general welfare or to
* See attached answers *	**************************************
5. Explain what other condition(s) may justify	the proposed variance(s):
* See attached answers *	
	TMENT: The petitioner must secure a building permit days of the date of the granting of the variance, unless r meeting.
that request for a variance cannot be heard again for date of the meeting to appeal the decision according to person or persons, jointly or severally aggrieved by a the First Judicial Court of Florida. The Board, Building notified of an appeal within five (5) days of the application of the person of the application of the person of the application.	OF ADJUSTMENT: If denied a variance by the Board, one year. The petitioner has thirty (30) days form the o Section 12-12-2 of the Land Development Code. Any decision of the Board may apply to the Circuit Court of Inspector, or Attorney of the City of Pensacola must be cation being made to the Circuit Court. If a Notice of ays of the date of the meeting the variance was denied, or that they have ten (10) days to remove or correct the
for access to City services, programs, and activities.	Disabilities Act and will make reasonable modifications Please call 435-1600 for further information. Requests event to allow the City time to provide the requested
APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: JAMES MURN/LDAMA MUM	Name: James Murn Lanna Murn
Address: 815 N. 15th Ave.	Address: 815 N. 15th Ave.
Pensacola, Florida 32501	Pensagola, Horicla 32501
Telephone Number: <u>251-223-6422</u>	Telephone Number: 25 -223-6422
Applicant's Signature	Property Owner's Signature

Variance Application-Zoning Board of Adjustment James & Lonna Murn 815 N 15th Ave. Pensacola, FL 32501

- 1. **Describe the requested variance(s):** We are requesting the following variances: **(a)** reduce the front setback from 30 feet to 23.5 feet, and **(b)** reduce the side setback from 6 feet to 2.5 feet so we can extend our existing detached garage forward.
- 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 result of the applicant's actions: Our home is a Craftsman-Style Bungalow and was constructed in 1928. The existing garage sits on the lot at a slight angel and goes from 2.6' to 2.7' as you move east along the south property line. The rear of the existing garage is 2.9' off the west property line on the NW corner. Although the lot was in the current configuration prior to July 1965, we cannot apply the Lot of Record setbacks because it is not undersized for the district. We are hoping to extend the garage forward so we can store an additional vehicle inside. as well as our lawn equipment/tools and miscellaneous outdoor items. We feel extending the garage forward will not only improve the property's use and value, it will also allow us to better maximize our limited space. Having such an "irregular shaped" lot that doesn't meet the current zoning of R-1AA, poses a special challenge due to the fact our home and detached garage are already extending outside of our "buildable area. When we purchased the home in 2018 all existing structures were in place. The special conditions and circumstances with our property are in no way a result of our actions.
- 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:". Granting the minor encroachments into the side yard setback to properly align with the existing structure will allow an addition to be true to line with the existing structure as if it was built in the early 1900's. The literal interpretation of the ordinance will result in a noticeable jog in the south wall and roof to the structure bringing the addition closer to the home and away from the existing driveway. Our goal is to make a minor addition to the front of our existing garage that is virtually indistinguishable as an addition.
- 4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity: Our garage addition will remain within our 6' privacy fence and does not extend beyond the front of our house. The addition will be further from the street and sidewalks than both

garages across the street, and it won't become closer to any existing structures owned by others. Granting the requested variance will allow the addition to be constructed in line and plane with the existing structure, and will result in an addition that is historically conforming to the neighborhood. We've provided signatures from our surrounding neighbors stating they have no objection to us extending our garage.

5. Explain what other condition(s) may justify the proposed variance(s): If we were allowed the "lot of record" provisions for reduced setbacks, we would only need one of the two variances requested: (a) reduce the side setback from 4 feet to 2.5 feet. The variance granted is the absolute minimum. The requested 2.5' variance is to allow for alignment of the existing plane of the building and an exterior finish of Hardie lap siding to match the house.

We, James and Lonna Murn, who live at 815 N 15th Ave would like to extend our current detached garage in order to be able to store an additional vehicle and other yard items. The current garage is block type construction. We would like to extend the garage so that the front of the garage aligns with the front of the house. During this process, we would like to add hardy board to the entire structure and paint it the same color as the house. In addition to extending the garage, we would like to add an attached covered screened porch to the back of the The Western facing back of the house gets extremely hot in the afternoon and a porch will block this sunlight and heat from entering our kitchen glass door. This space will also allow us and our animals additional outdoor space attached to the home. We will need to go before a variance board for both of these additions to get approval. If you have no objection to us adding these improvements to our home please sign below. Thank you.

BRINN McDonough 1502 PAST STEONS ST. GENSWOOLD
Nick Clifford 1426 & CERUANTES H
Mile Roston SSO XIIS F Structor
WADE + MELISA DANDRIDGE 1411 E STRONGST)
DAN DANPIHTH
Whitney + Adam Fike 1500 E cervantes street Warf At



815 N 15th Ave

Picture of 815 N 15th Ave. when we purchase on 5/19/18

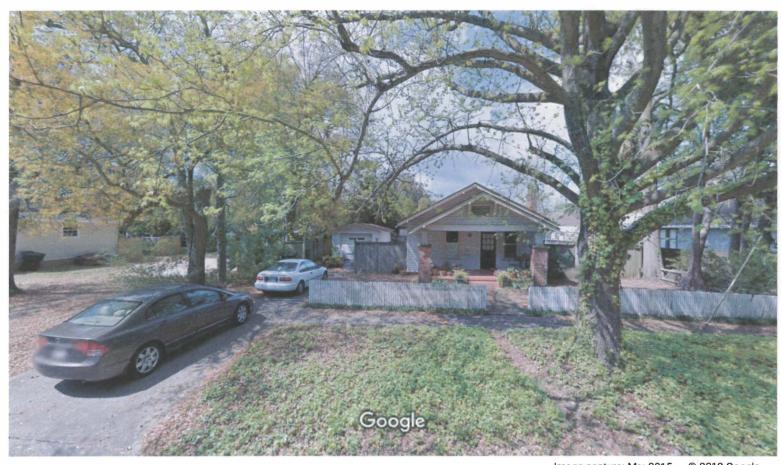


Image capture: Mar 2015 © 2019 Google

Pensacola, Florida



Street View - Mar 2015





Street view of home when we purchased May 2018

Recent street view of home- August 2019





1 + 815 N.15th Ave.







Facing East

Facing East/ Southeast





Facing North



Facing South

Street view of area between garage and neighbor to the South



Real Estate Search

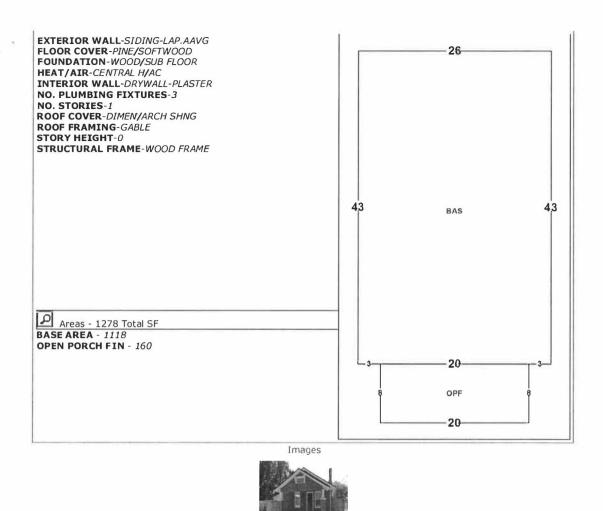
ECPA Home



Tangible Property Search

Sale List

Back Printer Friendly Version Navigate Mode Account O Reference Assessments General Information Year Land Imprv Total Cap Val Reference: 000\$009025009113 \$56,931 2018 \$81,510 \$52,266 \$133,776 Account: 140849000 \$71,500 \$48,063 2017 \$119,563 \$55,761 Owners: MURN JAMES P 2016 \$48,400 \$47,276 \$95,676 \$54,615 231 WEDGEFIELD CIRCLE Mail: MAPLE HILL, NC 28454 815 N 15TH AVE 32501 Situs: **Disclaimer** Use Code: SINGLE FAMILY RESID 🔑 **Taxing** PENSACOLA CITY LIMITS **Tax Estimator Authority:** Tax Inquiry: Open Tax Inquiry Window > File for New Homestead Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector **Exemption Online** Sales Data 2018 Certified Roll Exemptions Official HOMESTEAD EXEMPTION Records Sale Date Book Page Value Type (New Window) 05/18/2018 7903 1235 \$180,000 WD View Instr Legal Description 03/19/2018 7871 532 \$100 OT View Instr S 68 FT 9 IN OF LTS 9 10 BLK 113 NEW CITY TRACT OR 02/20/2018 7857 542 \$100 WD View Instr 7903 P 1235 CA 48 08/1996 4039 828 \$60,000 WD View Instr 04/1986 2213 880 \$100 CJ View Instr 01/1968 385 633 \$9,100 WD View Instr Extra Features 01/1966 319 175 \$4,500 WD View Instr BLOCK/BRICK GARAGE Official Records Inquiry courtesy of Pam Childers UTILITY BLDG Escambia County Clerk of the Circuit Court and Comptroller Parcel Launch Interactive Man Information Section Map CA048 Approx. Acreage: 0.1263 Zoned: 🔑 R-1AA Evacuation & Flood Information Open Report View Florida Department of Environmental Protection(DEP) Data Address:815 N 15TH AVE, Year Built: 1928, Effective Year: 1990 Structural Elements **DECOR/MILLWORK-ABOVE AVERAGE DWELLING UNITS-1**



The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

5/3/19

Last Updated:08/09/2019 (tc.41650)

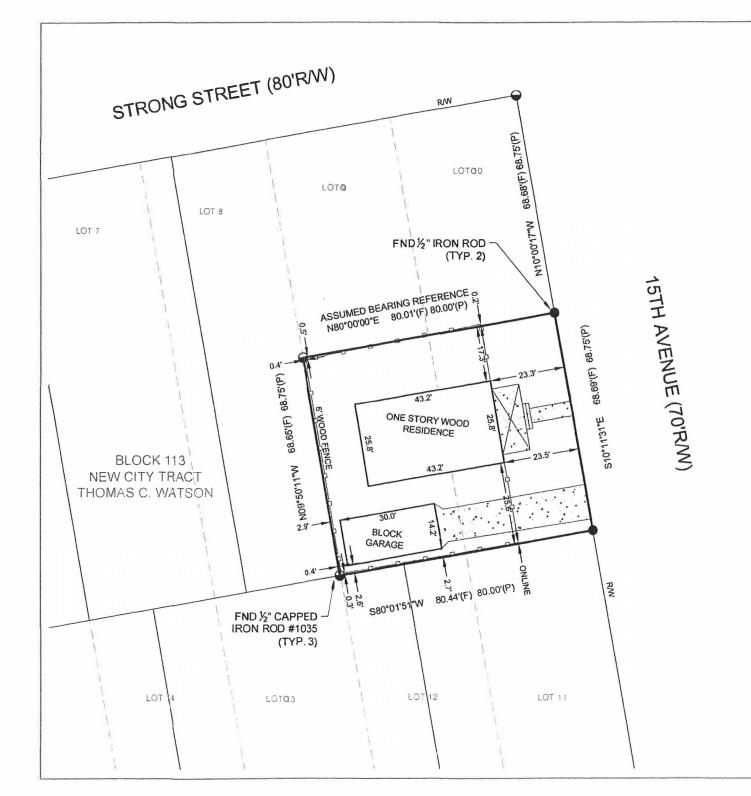
REAL ESTATE-1965

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STATE OF FLORIDA

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LEGAL DESCRIPTION: (O.R. BOOK 7857, PAGE 542)

THE SOUTH SIXTY EIGHT FEET AND NINE INCHES (68'9") OF LOTS NINE AND TEN (9 AND 10) IN BLOCK ONE HUNDRED THIRTEEN (113), NEW CITY TRACT, ACCORDING TO THE MAP OF THE CITY OF PENSACOLA COPYRIGHTED BY THOMAS C. WATSON IN 1906.

NOTES:

- 1. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 5-01-2018.
- THE MEASUREMENTS SHOWN HEREON WERE MADE TO UNITED STATES SURVEY FOOT AND WERE RECORDED IN DECIMAL OF FEET UNLESS OTHERWISE MARKED.
- 3. ALL EASEMENTS AND RIGHTS-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE HAVE BEEN SHOWN HEREON. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 4. STATE AND FEDERAL COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOTTO BE COPIED OR REPRODUCED EITHER IN WHOLE OR IN PART, OR TO BE USED FOR ANY OTHER FINANCIAL TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT THE PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SURVEYED PROPERTY ASSUMED BEARING NORTH 80°00'00" EAST.
- 6. FENCE LINES ARE EXAGGERATED FOR CLARITY.
- 7. ENCROACHMENTS ARE AS SHOWN.

LEGEND:

(F) FIELD MEASUREMENT
(P) PLAT MEASUREMENT
R/W RIGHT-OF-WAY
BSL BUILDING SETBACK LINE
FND FOUND BOUNDARY CORNER

CERTIFICATIONS:

EMERALD COAST TITLE, INC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
JAMES P. MURN
TITAN HOME LENDING

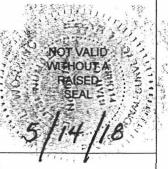
SURVEYORS CERTIFICATE

The survey shown hereon is true and correct and in compliance with the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5,1-17, Florida Administrative Code pursuant to Section 472.027, Florida Statues.

ROB L. WORKING P.L.S. FLORIDA REGISTRATION NO. 5878



360 SURVEYING SERVICES 1801 CREIGHTON RD. PENSACOLA, FL 32504 850.857.4400



BOUNDARY SURVEY WITH IMPROVEMENTS

ADDRESS: 815 NORTH 15TH AVENUE PENSACOLA, FLORIDA 32501

PROJECT NUMBER: 1804077

DATE: 5-03-2018

FIELD BOOK: 98 PAGE: 9

DRAWN BY: JMD

APPROVED BY: ROB L. WORKING



SCALE: 1"=30"

SHEET 1 OF 1