

## **Zoning Board of Adjustment**

#### MEMBERS OF THE ZONING BOARD OF ADJUSTMENT AND APPLICANTS:

The Zoning Board of Adjustment will conduct a public hearing on Wednesday, November 20, 2019, at 3:00 P.M. in the Hagler-Mason Conference Room, Second Floor, Pensacola City Hall, 222 West Main Street, Pensacola, 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 December 19, 2018.
- 3) ZBA 2019-09 2764 Conway Drive R-1AAA George Winfield is requesting a Variance to reduce the front building setback from 30 feet to 25.45 feet to accommodate an addition.
- 4) ZBA 2019-10 1305 N. 8th Avenue & 1307 N. 8th Avenue R-1A George Sitton is requesting a Variance to increase the *maximum* front building setback from 8 feet to 20 feet to accommodate off-street parking for a townhouse development.
- 5) 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

City of Pensacola Zoning Board of Adjustments Agenda – November 20, 2019 Page 2

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.

**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 *850-435-1670* (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.

Sincerely,

Leslie Statler

Planner

Secretary to the Board



## **Zoning Board of Adjustment**

#### MINUTES OF THE ZONING BOARD OF ADJUSTMENT

September 18, 2019

**MEMBERS PRESENT:** 

Clayton Taylor, Robby Williams, Troy Stepherson

David Del Gallo, Chris Lonergan, Steven Shelley

**MEMBERS ABSENT:** 

Boyce White, Jonathon Wiggins, Steven Sebold,

STAFF PRESENT:

Leslie Statler, Senior Planner, Gregg Harding, Historic

Preservation Planner, Heather Lindsay, Assistant City Attorney, Michael Ziarnek, Transportation Planner-Complete Streets

OTHERS PRESENT:

Lonna and James Murn, Wade Dandridge

#### 1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:00 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 August 21, 2019, meeting without objection. Mr. Lonergan addressed Item 4 in that he had seconded the motion but had not "driven around the area" and Mr. Shelley had actually made that comment. With that amendment to the minutes, the motion carried unanimously.

#### 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.

Mr. and Mrs. Murn addressed the Board, and Mrs. Murn stated she had checked to see if they were a Lot of Record since the home and accessory building are both non-conforming, and they were not. She stated although front yard averaging had not been completed in her block it had been conducted in the block north on North 15th Avenue which resulted in around 19' and they were asking for 23.5'. She explained the new garage would not extend any further past the front of the primary structure. There was also a

Zoning Board of Adjustment September 18, 2019 Page 2

privacy fence on the south side, and the entire structure would be behind that fence. Ms. Statler stated there had been no phone calls on the request. She explained if a lot was undersized in a district, they could see a reduction in the Lot of Record, but it would have to have been in the current configuration prior to July 1965; the lot was in this configuration but is over the minimum size requirement.

Chairman Taylor made a motion to approve since they were asking for the minimal extent of the variance, and with the front extending straight to the front of the house by extending past to what the front already demonstrated, they were being deprived of a right enjoyed by others near it. Mr. Lonergan advised at this point his concern was that it might be self-created. The house was recently purchased in 2018, and the applicants knew the amount of storage space at that time. Mr. Shelley stated typically garages were set back and suggested maybe they could be given something but not all especially at the front of the house. He was more apt to the sides more than the front which would give extra room for a car without going all the way to the front of the house. Mr. Del Gallo asked if the garage could be made wider, and Ms. Statler did not believe there was enough room between the two structures to fit another bay without attaching it to the existing structure. Mr. Williams asked if this was the minimal variance the clients needed, and Mr. Murn explained there was a front porch on the house and with the existing privacy fence, it does not appear to come up to the front of the house. Mrs. Murn stated she felt they were asking for the minimum because in having two vehicles, there would be no room for lawn furniture. The home was already 13' off the rear property line, and the garage was 2.9' off the rear property line, so they could not have an additional shed. She also indicated they could not build up, and this was the only option for additional storage.

Ms. Statler advised most of the lots in this area were larger, and if the applicant placed a storage unit in the rear yard, a variance would come back before this Board. **Mr. Lonergan then seconded the motion for approval of the requested variances.** Mr. Stepherson saw it as a self-created hardship. Mr. Murn added that the structure itself was less than 12' tall, and the house was taller, giving it a visual difference. Mr. Shelley brought up triangular lots where the Board had been accommodating to them, and this was a compromise since the applicants couldn't do anything else.

Chairman Taylor proposed that the Board vote on both variances for the side and the front, but asked if the applicants were willing to verbally amend the application to be two votes, with one variance on the side to accommodate the siding and one variance for the front. Mrs. Murn again pointed out the front averaging was at 19' and Chairman Taylor agreed they were being deprived of something enjoyed by others in the area. Obviously there was an existing driveway, and if they had to jog over the south side, they would then have a building that visually when you look at it, you would have a roof and then the stepped over roof, and they would have to pour all new concrete since part of the new garage would not have a driveway. Chairman Taylor confirmed the side setback alone would not be enough. He explained the objection was with the front setback.

Mr. Shelley advised he was agreeable to the request as is after considering the front yard averaging and the structures across the street. Mr. Williams liked his point that there was something similar across the street but had a small issue with approving this variance and setting a precedent. Ms. Statler pointed out the cases presented to the Board stand on their own merits and nothing was precedent setting since the Board considers the circumstances of each individual lot and each proposed project; they were not likely to see many 80' deep lots in East Hill, and if someone else came with that request, the Board would make its determination based on that request. She also explained a standard parking stall was 18' feet in length,

Zoning Board of Adjustment September 18, 2019 Page 3

and that was a little short with modern-day vehicles, with 20' being more typical, and the applicants were asking for 23.5'. Their front yard was actually about 15' since the setback is taken from the leading edge of the porch and what is seen in the documents is the leading edge from the façade and not the leading edge of the porch; the porch was 8' in depth. Mr. Del Gallo asked if there was no garage on the property and they wanted to build a garage, what would be the rule on the narrow lot. Ms. Statler indicated they could place one in the rear yard 3' off the rear property line and 3' off the side property line, but they would have to meet rear yard coverage (25% of the rear yard). With the house already projecting into the rear yard, they would be before the Board for the rear yard coverage. The motion then carried unanimously.

**DISCUSSION - None** 

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 3:25 p.m.

Respectfully Submitted,

Leslie Statler

**Planner** 

Secretary to the Board



# **Zoning Board of Adjustment**

#### **MEMORANDUM**

TO:

Members, Zoning Board of Adjustment

FROM:

Leslie Statler, Planner

DATE:

November 12, 2019

SUBJECT:

ZBA 2019-09

2765 Conway Drive

R-1AAA

#### **BACKGROUND**

George Winfield, property owner, is requesting a Variance to reduce the front setback from 30 feet to 24.45 feet to accommodate an addition. The proposed addition will allow the applicant to update the existing floorplan and enlarge the front bedrooms. The existing residence is located in the bend of Conway Drive and is not parallel to the right-of-way line. The setbacks for lots located within a bend or a cul-de-sac are measured differently than lots with straight lines. The building setback for lots with a curvature parallels the arc of the right-of-way line. The leading edge of the house is (typically) placed somewhere along this arc. In this case, the leading edge of the house closest to the front property line measures 29.45 feet from the front property line. The applicant is seeking to reduce this setback to 25.45 feet to accommodate his proposed improvements.

Wing walls are also proposed to hide the utilities from street view.

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

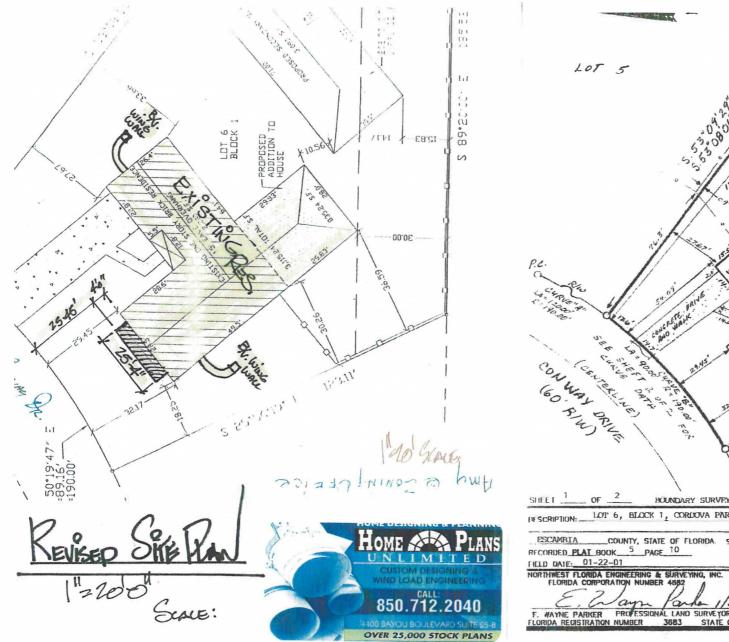


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Ø	Zoning Board of Adjustmen
	Architectural Review Board
	Planning Board
	Gateway Review Board

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	VARIANCE APPLICATION
A COMPLETE	APPLICATION SHALL INCLUDE THE FOLLOWING:
B. S 1. 2. 3. 4.	Lot dimensions and yard requirements (setbacks) Location and dimensions of all existing structures Location and dimensions of all proposed structures and/or additions
	Dimension(s) of requested variance(s) ther supporting documentation (drawings, photographs, etc) to support request(s).* non-refundable application fee of \$500.00. Checks or money orders should be made payable to the City of Pensacola.
* The Applica	nt must provide eleven (11) copies of any documents larger than 8½ x 11 or in color.
	(To be Completed by Staff)
	Zoning Ordinance from which the variance(s) is/are being requested:  es(s) Sec 12-2-3/Table 12-2-1 Zoning RIAAA
	(To be Completed by Applicant)
Property Address Current use of p	equests consideration of the following variance request(s):  ss: _Z 765 Conway Drive - Pansacola_  property: Residential  requested variance(s): Change Set Back Requirement  from 301 to 28125.451
the variance(s), which are not th	e special condition(s) existing on this property which create(s) the need for but which are not applicable to other properties in the same district and ne results of the applicant's actions:  The Hoor plan and outdate street appeal

obtain the right commonly enjoyed by oth	slare necessary to permit the property owner to ner property owners in the same district:
D_Undate Floor DlAN By EN	larging bedrooms
3 Normanse street Appeal	
3 Hide existing utitities	With wing walls
4. Explain why the requested variance(s) is property rights of others in the vicinity:  \[ \lambda \text{NCREASED} \text{street appea} \]  \[ \text{ENTIRE NEIGHBORHOOD} \]	lare not detrimental to the general welfare or to
5. Explain what other condition(s) may justing hot is situated in the out.  Few options for increi	side curve of The street with
@ No other option FOR shies	Hing utilities from street view
	STMENT: The petitioner must secure a building permit ) days of the date of the granting of the variance, unless ar meeting.
that request for a variance cannot be heard again for date of the meeting to appeal the decision according 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 app Appeal has not been received within thirty-five (35) d	OF ADJUSTMENT: If denied a variance by the Board, or one year. The petitioner has thirty (30) days form the to Section 12-12-2 of the Land Development Code. Any a decision of the Board may apply to the Circuit Court of g Inspector, or Attorney of the City of Pensacola must be lication being made to the Circuit Court. If a Notice of ays of the date of the meeting the variance was denied, for that they have ten (10) days to remove or correct the
for access to City services, programs, and activities.	h 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: George R. Winkiels	Name: George K. WINFIELD
Address: 2765 CONWAY DR PENSACOLA, 7/ 32503	Address: 2965 CONWAY DR. PENSALOTA, 7/32503
Telephone Number 901 - 359-2711	Telephone Number: 901-359-2711
Slokevinsield	Glo A. Wenfield
Applicant's Signature	Property Owner's Signature

georgen@bellsouth.net



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RECORDED PLAT BOOK 5 PAGE 10  RECORDED PLAT BOOK 5 PAGE 10  PLOT BOOK 5 PAGE 10  PIHE ENCROACHMENTS ARE AS SHOWN* FIELD BOOK P629 PG 73  NORTHWEST FLORIDA ENGINEERING & SURVEYING, INC. FLORIDA CORPORATION NUMBER 4882	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL







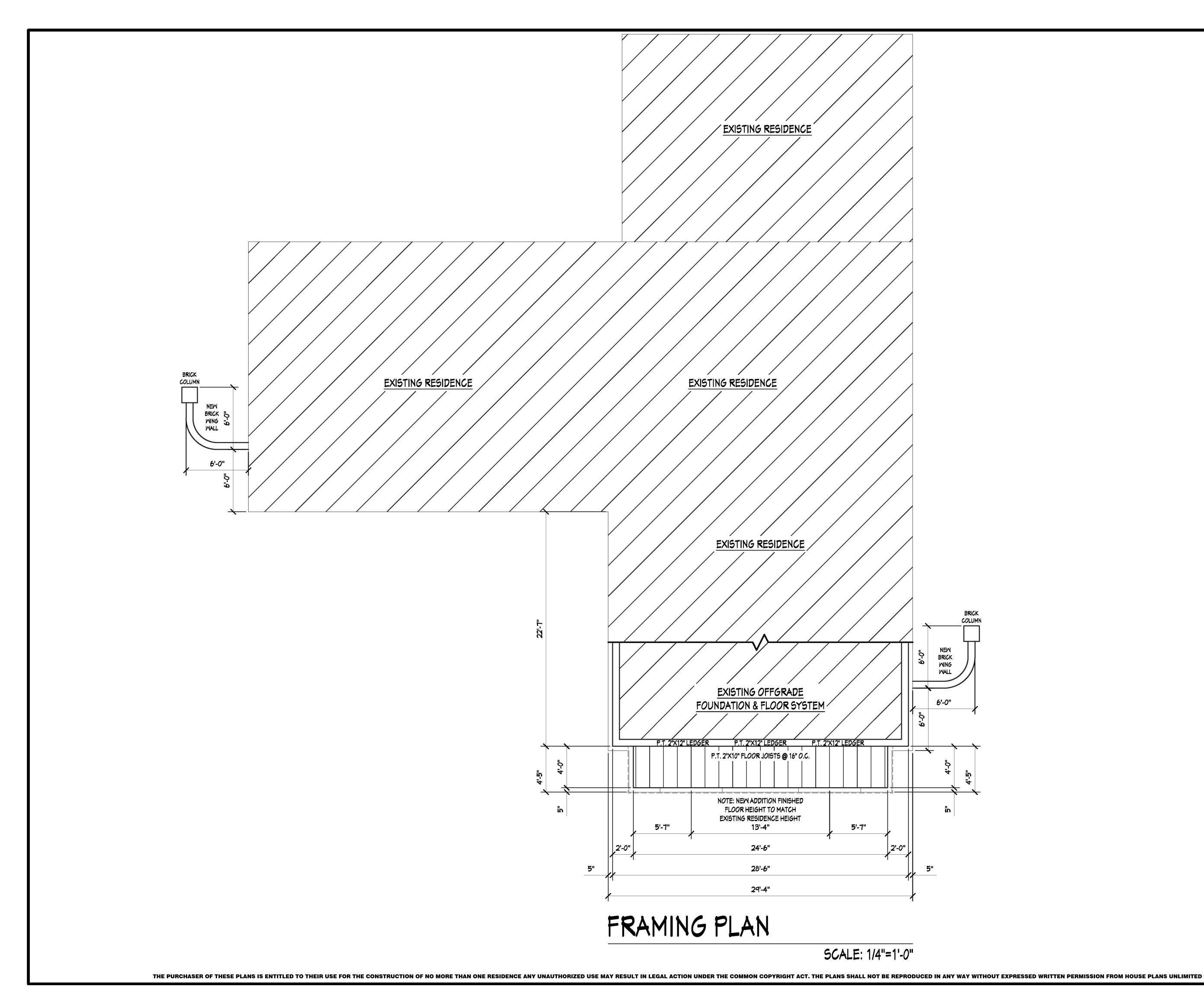


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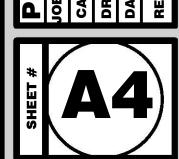
USE PLANS UNLIMITED ASSUMES NO
ILITY FOR ANY CONSTRUCTION FROM
SE PLANS. THE PURCHASER OF THESE
PLANS IS RESPONSIBLE FOR ANY
STRUCTION PROVIDING THE INTENDED
RESULTS SHOWN HERE.
ILDER/CONTRACTOR TO VERIFY ALL
MENSIONS PRIOR TO ANY PHASE OF
USTRUCTION. BUILDER/CONTRACTOR

OUSE PLANS UNLIMITE

4400 BAYOU BLVD. SUITE 25-B PENSACOLA. FL.

MINFIELD

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AD FILE NO.	HPU 19-0917
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ATE:	09-17-2019





# **Zoning Board of Adjustment**

#### **MEMORANDUM**

TO:

Members, Zoning Board of Adjustment

FROM:

Leslie Statler, Planner

DATE:

November 12, 2019

**SUBJECT:** 

ZBA 2019-10

1305 North 8th Avenue & 1307 North 8th Avenue

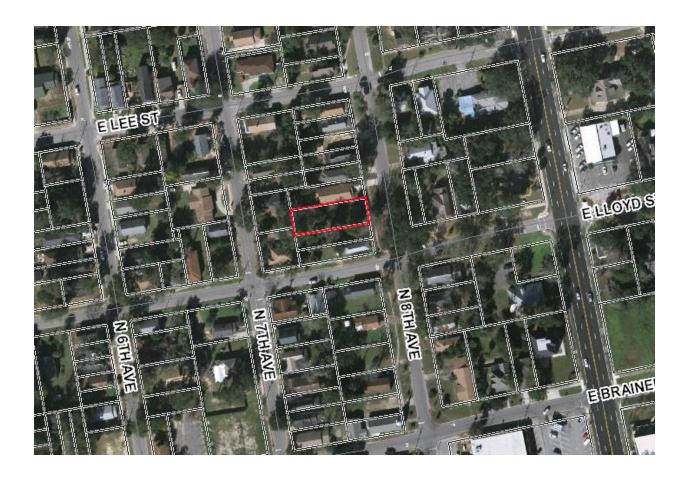
R-1A

## **BACKGROUND**

George Sitton is requesting a Variance to increase the *maximum* front building setback from 8 feet to 20 feet to accommodate off-street parking for a townhouse development. The proposed townhouse development is located within the CRA Urban Standards Overlay and is subject to the development standards set forth in Sec. 12-2-25 of the Land Development Code. Within the CRA Overlay, the project standards develop from the information found within the Form Standards cited within Tables 12-2-25.3 thru 12-2-25.8. Setbacks are found within the Table which applies to the zoning district and development type; the Table also indicates the allowed Frontage Yard Types and Façade Types as well.

The applicant relied upon the information within Table 12.-2-25.5, which states the *minimum* front setback is 8 feet, when making his development plan for two townhouses. Only when the plans were in review was the applicant advised the *maximum* front setback for the "Shallow" Frontage Yard Type is also 8 feet – meaning the front setback is actually 8 feet and *not* a minimum of 8 feet as indicated in the Forms Table 12-2-25.5. Additionally, parking is not allowed within the front yard for single-family attached dwellings. Although the CRA Overlay provides for exemptions to off-street parking for lots less than 30 feet in width, the existing street does not accommodate on-street parking. Additionally, the lots are located within the interior of the block and cannot be reasonably accessed from the rear. Therefore, the applicant is requesting to increase the *maximum* building setback from 8 feet to 20 feet to accommodate off-street parking for the townhouses.

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







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M	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.

(To be Completed by Staff)

Provision(s) of Zoning	Ordinance fron	n which the varia	nce(s) is/are	being requested:
------------------------	----------------	-------------------	---------------	------------------

Section(s)/Tables(s)See 12-2-25, Table 12-2-25 9(c) R-1A/CRA		
	(To be Completed by Applicant)	
The Applicant requests consider	eration of the following variance request(s):	
Property Address:	1305 N. 8th Avenue & 1307 N. 8th Avenue	
Current use of property:	vacant (townhouse permit pending)	
Describe the requested var to accommodate a two-townhouse.	iance(s): Increase the MAXIMUM building setback from 8 ft to 20 ft use development with off-street parking in front.	

- 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:
- 1) This is an interior lot and does not have rear access to allow parking in the rear. 2) The CRA

<sup>\*</sup> 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.

Standards table but the Yard types say the MAXIMUM setback is 8 feet. 3) The building must have a minimum of 80% Frontage Occupation (length of the building along the frontage). 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: Parking on the street is not an option. With the requirements stated above, we cannot provide access to the rear yard. Parking will need to be located within the front yard. 4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity: This is an older neighborhood with the existing houses set back 20 feet. It won't look as good with the house 12 feet forward of the neighbors. 5. Explain what other condition(s) may justify the proposed variance(s): The setback language is very unclear. A MINIMUM setback cited in Table 12-2-25.5 and the same distance is cited as a MAXIMUM in Table 12-2-25.9(C). The setbacks are supposed to be in Tables 12-2-25.3 - 12-2-25.8. George Sitton Applicant: 1360 E. Scott Street, Pensacola, 32503 Applicant's Address: Phone: 850-554-0757 gsittoniv@aol.com Email: Applicant's Signature: George Sitton **Property Owner: Property Owner's** 1360 E. Scott Street, Pensacola, 32503 Address:

Overlay guidelines have a conflict in their tables - one says the MINIMUM setback is 8 feet in the Form

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.

gsittoniv@aol.com

Email:

Signature:

Property Owner's

Phone: 850-554-0757

# CRA Guideline Notes and Calculations 1305 N 8TH AVENUE

**Zoning District: R1-A** 

Form Standard for Development: 12-2-25.5

Setbacks: Front € 8' min./ Rear € 30' min. / Sides € 5' min.

Primary Frontage Occupation: 66% per table 12-2-25.5 (33'-8"/49'-0")

Frontage Yard Type (Table 12-2-25.9): SHALLOW

Façade Type (Table 12-2-25.10): PORCH

Front Yard Pervious Area per Table 12-2-25.9:

Total front yard area: 980 SQFT

Impervious area: 326 SQFT

Pervious area: 654 SQFT

Percentage of pervious area in front yard: 67 %

Percentage of impervious area in front yard: 33%

Lot Coverage for buildings only:

Total Lot Area: 7203 SQFT

House Only: 3018 SQFT

Percentage of lot coverage: 42% lot coverage

Windows/Glazing (street frontages only) per Sec. 12-2-25(G)(10):

Total frontage square footage of homes: 340 SQFT

Total glazed area on front of homes: 120 SQFT

Percentage of glazed area on front of home: 35%

No single pane of glass exceeds 20 SQFT

Additional Notes:

Sidewalks will be provided along all street frontages.

HVAC /mechanical equipment will be screened from adjoining streets and open spaces by a 6' wood privacy fence. See fence location noted on site plan.

Ground vegetation or shrub plantings with spines, thorns, or needles that may be hazards to pedestrians, bicyclists, or vehicles shall be maintained within at least two feet away from the edge of sidewalks and walkways.

Porches shall be a minimum of 18" above grade per 12-2-25.10A

Exterior Façade Information:

Roof Line -

Roof Shingle Color -

Duel Grey (IKO - Cambridge Collection)

2 over 2

Window Style

Front Siding Material - Board and Baton Hardi Plank

Exterior House Color - Sterling - Vinyl (Royal Building Products

- Traditional Colors)

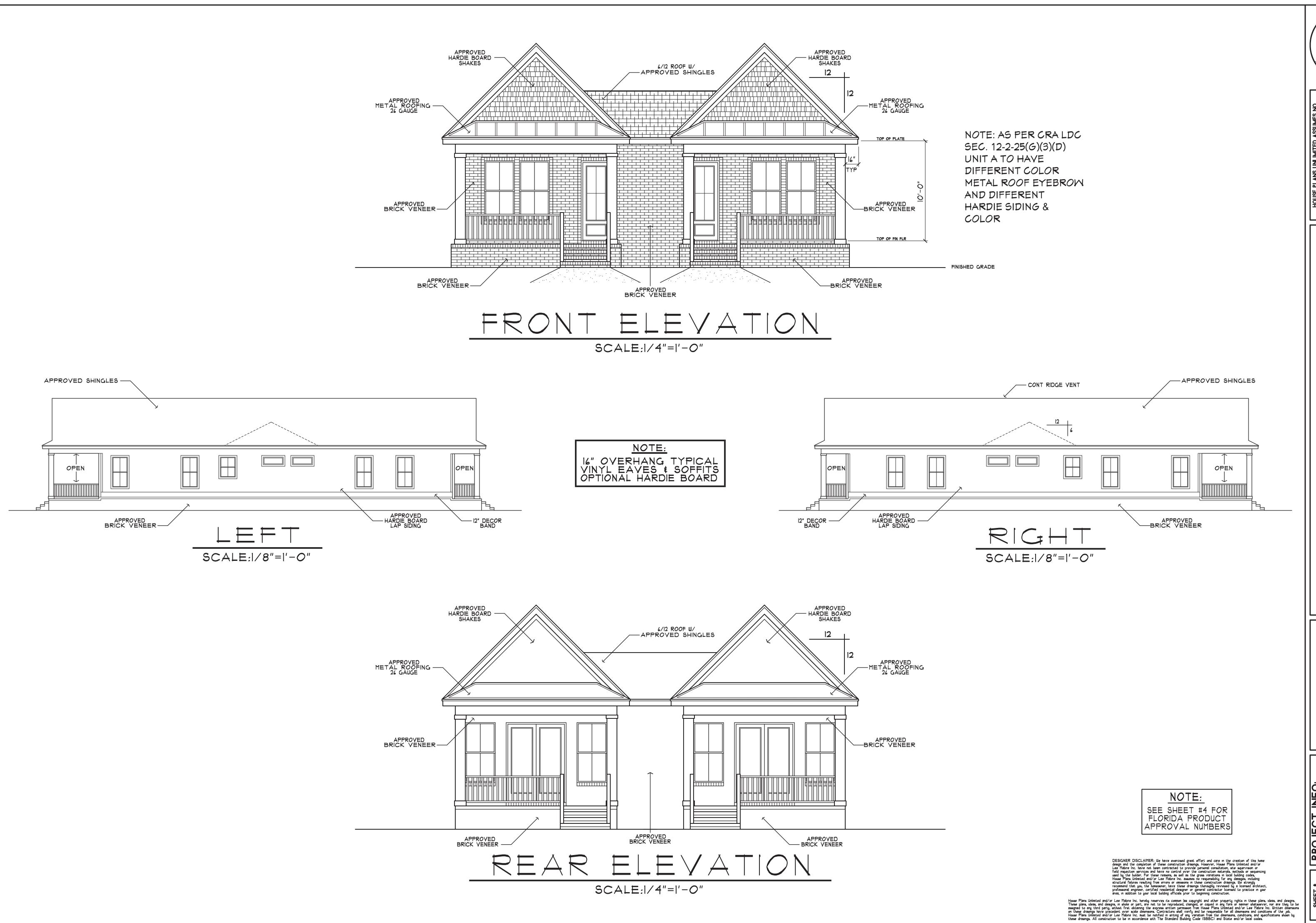
HOUSE PLANS UNLIMITED ASSUMES NO
LIABILITY FOR ANY CONSTRUCTION FROM
THESE PLANS. THE PURCHASER OF THESE
PLANS IS RESPONSIBLE FOR ANY
CONSTRUCTION PROVIDING THE INTENDED
RESULTS SHOWN HERE.
BUILDER/CONTRACTOR TO VERIFY ALL
DIMENSIONS PRIOR TO ANY PHASE OF
CONSTRUCTION. BUILDER/CONTRACTOR
RESPONSIBLE FOR CONFORMING TO LOCAL

HOUSE PLANS UNLIMIT 4400 BAYOU BLVD. SUITE 25-B PENSACOLA, FL.

PROJECT INFO:
JOBNAME&NO.
CAD FILE NO.
DRAWN BY:
DATE:
REVISIONS:



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BL\ AlL: 4400 BAY

