



City of Pensacola

Zoning Board of Adjustments

Agenda - Final

Wednesday, May 20, 2020, 3:00 PM

Hagler/Mason Conference Room,
2nd Floor

Quorum/Call to Order

Meeting Minutes

[20-00257](#) FEBRUARY 19, 2020 ZONING BOARD OF ADJUSTMENTS MINUTES

Attachments: [ZBA minutes 2-19-20.pdf](#)

Requests

[20-00256](#) ZBA 2020-002
2402 E. SCOTT STREET
R-1AAA

Attachments: [2402 E. Scott Street _ Variance Application](#)

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00257

Zoning Board of Adjustments

5/20/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 5/13/2020

SUBJECT:

February 19, 2020 Zoning Board of Adjustments Minutes

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

February 19, 2020

MEMBERS PRESENT: Chairperson Taylor, Vice Chairperson White, Board Member Del Gallo, Board Member Lonergan, Board Member Shelley, Board Member Stepherson, Board Member Williams

MEMBERS ABSENT: Board Member Sebold, Board Member Wiggins

STAFF PRESENT: Senior Planner Statler, Planning Technician Hargett, Assistant City Attorney Lindsay

OTHERS PRESENT: Walt Kinne, T. Mark Lipe

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:02 p.m. by Vice Chairperson White with a quorum present. He then read the ZBA rules and instructions to the audience.

2) APPROVAL OF MINUTES January 15, 2020

Board Member White made a motion for approval of the January 15, 2020 minutes, seconded by Board Member Del Gallo, and it carried unanimously.

3) ZBA 2020-1 2909 E. Gonzales Street R-1AA

Margarita Reynolds is requesting a Variance to reduce the west side building setback from 6 feet to 5.1 feet to accommodate a 14' x 14' addition.

Mark Lipe presented to the Board and stated the addition would look like an extension of the existing structure; the current house built in the mid-1930s is non-compliant.

Mr. Kinne, a neighbor, did not see any problems with the proposal.

With no additional speakers, **Board Member Lonergan made a motion to approve the variance, seconded by Board Member Del Gallo.** Board Member Lonergan stated it was straight forward and would not break the confines of the house, was minimal, would not be visible from the front of the structure and would keep with the existing look. **The motion carried 6 to 1 with Board Member Stepherson dissenting.** It was clarified that the owner would be notified in writing.

DISCUSSION – None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:08 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'L. Statler', is written above the typed name.

Senior Planner Statler
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00256

Zoning Board of Adjustments

5/20/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 5/20/2020

SUBJECT:

ZBA 2020-002
2402 E. Scott Street
R-1AAA

BACKGROUND:

Dio Perera, Walcott Adams Verneuille Architects, is requesting a Variance to reduce the street side (south) setback from 15.0 feet to 9.0 feet to accommodate a new single-family residence. The subject property has unique circumstances, which lend itself to the discussion. Although the lot is not under-sized for the district nor is it generally not shallow, it is bi-sected by an ECUA easement that is 10 feet in width and cannot be built upon. Additionally, the property is located within the Bayou Texar Shoreline Protection district. The standards within this Resource Protection Overlay provide for an enhanced side setback equal to 10% of the lot's width. The applicant has designed the residence to accommodate the easement and the required side yard setback on the north (interior) side at the expense of the street side yard.

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

- ☒ **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) Sec 12-2-27(E)(2)
Sec 12-2-3(D), Table 12-2.1 Zoning R-1AAA
Sec 12-2-41(B)

(To be Completed by Applicant)

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

Property Address: 2402 East Scott Street Pensacola, FL 32503
Current use of property: Current house being raised to build new single family home

1. Describe the requested variance(s): ① Seeking a street side setback reduction totalling 6', reducing current 15 ft. street side setback to a 9 ft. setback.

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:

Site buildable area is limited by active 10 ft. ECUA sewer easement running across middle of site at an

angle. Site zoned R-1AAA, which allows for 7.5 ft. side setbacks as per Table 12-2.1, but since it fronts Bayou Texar, Section 12-2-37 further restricts side setbacks to 12 ft. and 15 ft. on street fronts under Bayou Texar Shoreline Protection District. It also places the rear yard to the west restricting buildable area even more.

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 additional 6 ft. will allow for owner's desired program on ground level and the opportunity to provide a better street front elevation.

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 additional 6' for the front steps and cantilevered bay window will not block street views nor obstruct bay breezes to neighbors. Site is at end of E. Scott Street and not visible from main thoroughfares.

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

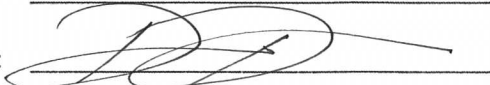
Eastern half of buildable site is also taken up by the vacated Osceola Blvd. 40 ft. ROW and southern edge of site fronts an 80 ft. E. Scott street ROW easement, which will guarantee plenty of green space on our street frontage.

Application Date: March 18, 2020

Applicant: Walcott Adams Verneuille Architects

Applicant's Address: 1 South School st. Fairhope, Alabama 36532


Email: dio@wavarchitects.com Phone: 251-928-6041

Applicant's Signature: 

Property Owner: Don and Laura Haferkamp

Property Owner's Address: 3021 Blackshear Ave. Pensacola, FL 32503

Email: donh@crownlaundry.com Phone: 850-982-3709

Property Owner's Signature: 

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.



WALCOTT
ADAMS
VERNEUILLE
ARCHITECTS

One South School Street
Fairhope, AL 36532
251-928-6041
FAX 251-928-6045
www.wavarchitects.com

March 18, 2020

Re: 2402 E. Scott St. Pensacola, FL
Variance Criteria

Dear Zoning Board of Adjustments,

Please see below for our comments regarding your supporting variance criteria list:

1. The site's buildable area is very restricted by easements and ROW's running through it or abutting it.
2. All conditions which limit buildable space are existing. These are in the form of public ROW's and Utility easements.
3. Neighboring lands in this zone district do not have the easements and/or ROW restrictions that this lot has. Site zoned R-1AAA but needs to also comply with additional restrictions set forth by Bayou Texar Shoreline Protection District guidelines.
4. Neighboring Bayou front lots are twice as deep and are not as severely impacted by the easements or ROW's.
5. Only requesting 6 ft. Reduction, not a complete 15' street side setback reduction.
- 6 & 7. Granting variance will not impede access to public ROW's or Public Work's easements nor will it limit access to Bayou Texar from East Scott Street.

Sincerely,

Dio Perera

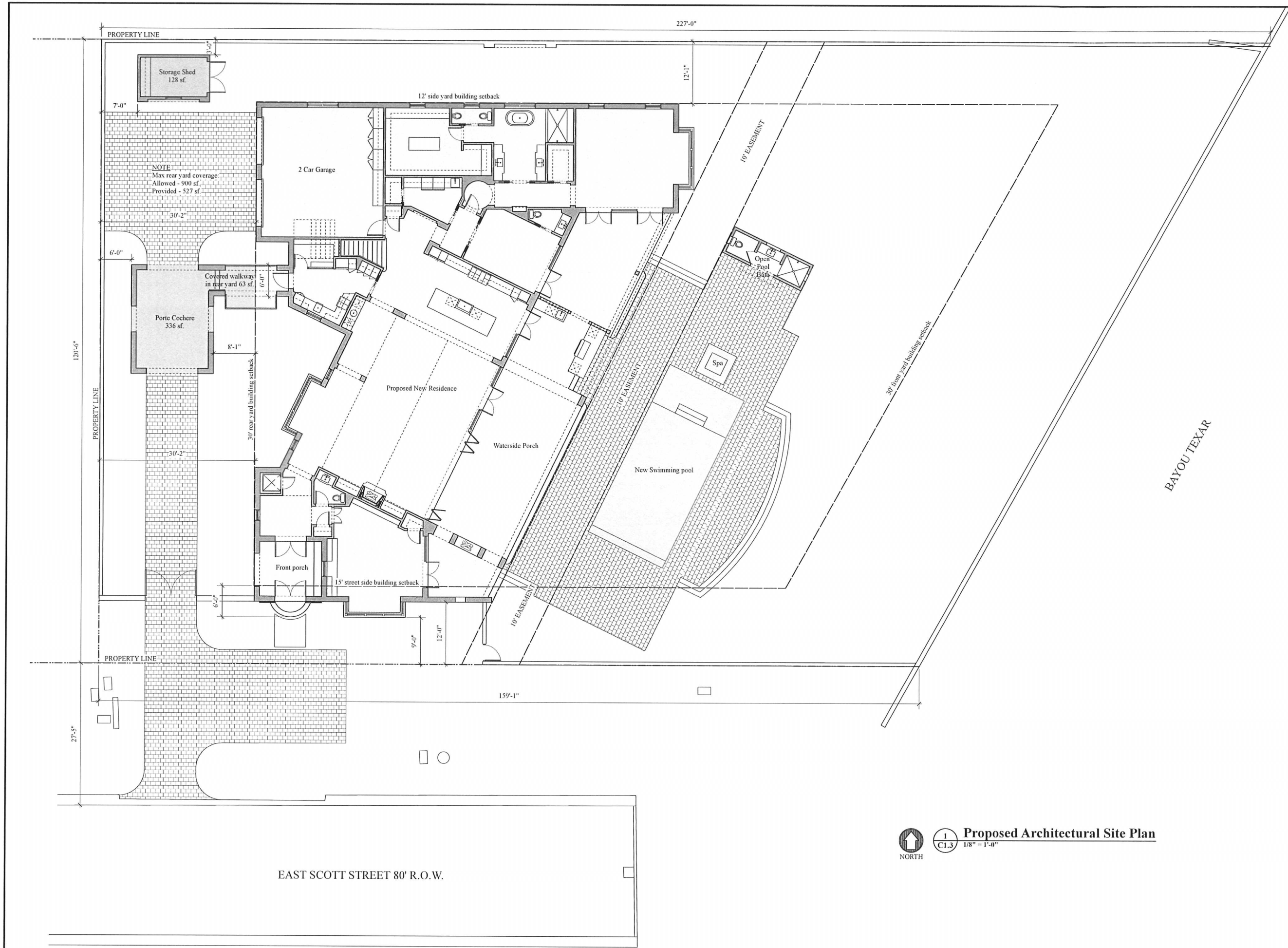
WALCOTT ADAMS VERNEUILLE ARCHITECTS, INC.

The Zoning Board Of Adjustments

VARIANCE CRITERIA

In order to authorize any variance from the Land Development Code the board must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. That the special condition and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, building, or structures in the same zoning district;
4. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title and would work unnecessary and undue hardship on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
6. That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
7. That the variance will not constitute any change in the districts shown on the zoning map, will not impair an adequate supply of light and air to adjacent property, will not increase the congestion of public streets, or increase the danger of fire, will not diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, and general welfare of the city.



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C1.3

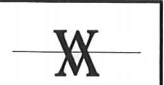
Proposed Architectural Site Plan
1/8" = 1'-0"

W
WALCOTT
ADAMS
VERNEUILLE
ARCHITECTS
1 SOUTH SCHOOL STREET
FAIRHOPE, AL 36532
(251) 928-6041

A New Residence for
Laura and Don Haferkamp
2402 E. Scott Street
Pensacola, FL 32503

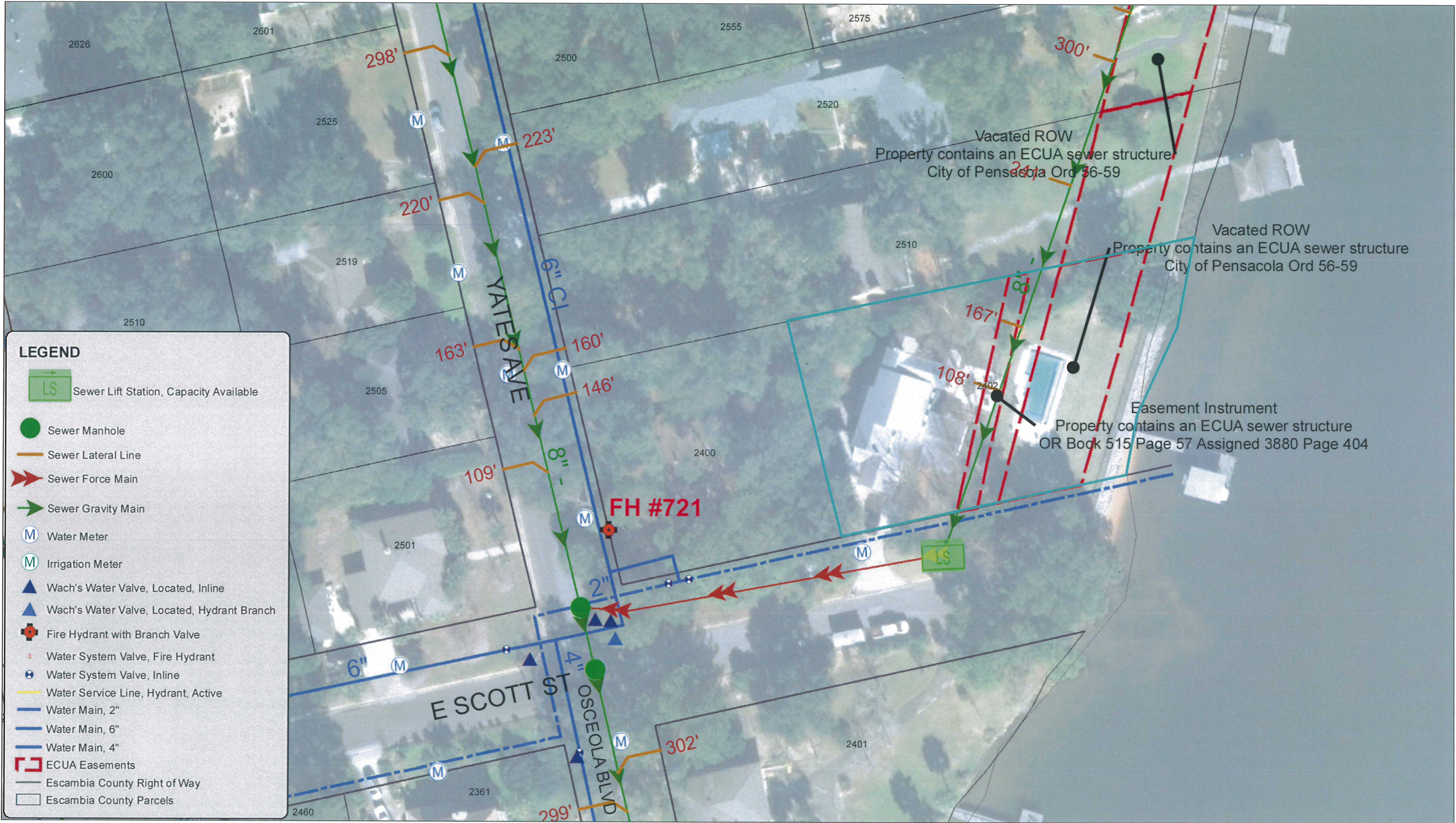
Date	March 16, 2020
Revised	
Revised	
Revised	
Drawn	
Checked	
Copyright 2020 Walcott Adams Verneuille Architects, Inc.	

C1.3
Architectural Site Plan



This drawing and all information depicted is the property of Walcott Adams Verneuille Architects, Inc. This drawing is copyright protected and shall not be reproduced, copied, manipulated, or shared with other parties without the written consent of Walcott Adams Verneuille Architects, Inc. This drawing is being provided for the limited use of general viewing and general reference only for the initial review and is copyright protected.





The City of Pensacola further covenants that upon completion of the installation that at its own expense will clear away any debris and trash brought upon said property by the City of Pensacola in making said installation, and will restore the land to its original appearance, except such vegetation or trees as is necessary to remove in making said installation.

TO HAVE AND TO HOLD the same rights and easements unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor s have hereunto set theirhand s and seals this 26th day of November, A. D. 1958.

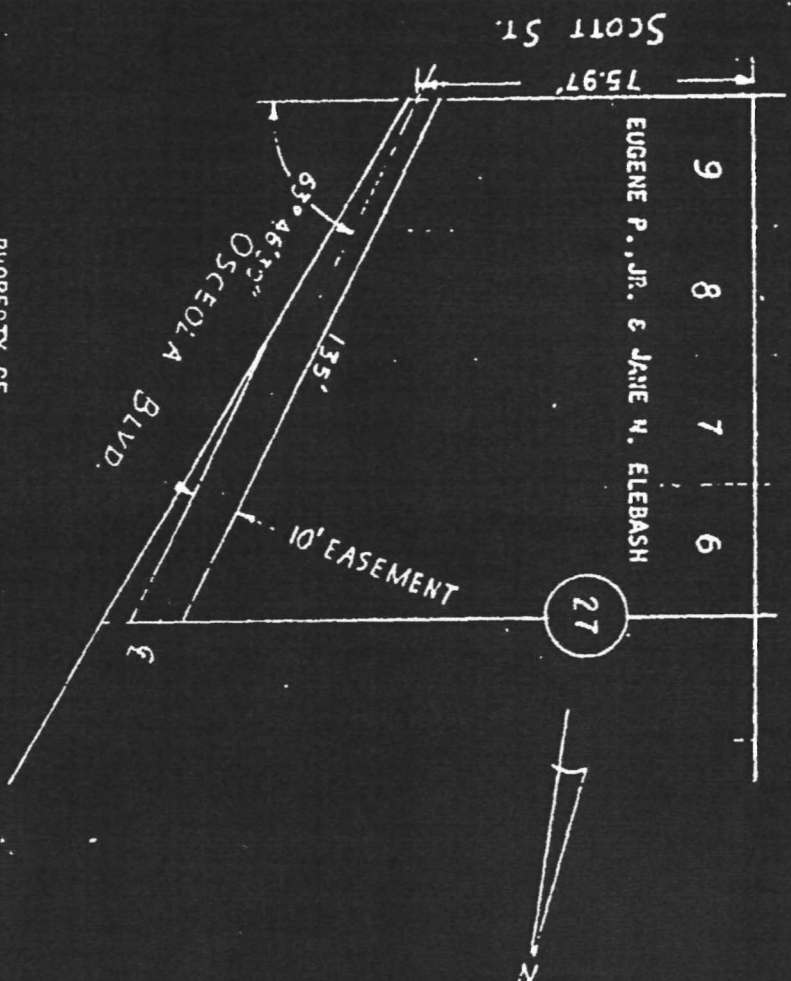
Eugene P. Elebash, Jr. (SEAL)
Eugene P. Elebash, Jr.
Janey N. Elebash (SEAL)
Janey N. Elebash

Signed, sealed and delivered
in the presence of:
Mrs. Alice Pasquetti
Marta J. Pasquetti

STATE OF FLORIDA *
*
COUNTY OF ESCAMBIA *
*
** ** ** **

THIS DAY, before the undersigned, personally appeared Eugene P. Elebash, Jr., and Janey N. Elebash, husband and wife, to me well known to be the individuals described in said Deed and who executed the foregoing Deed, and acknowledged and declared that they executed the same for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 26 day of November, A. D. 1958.
James A. Pasquetti
Notary Public
My Commission Expires: October 2, 1959
Notary Public, Escambia County, Florida
N.Y.



PROPERTY OF
EUGENE P., JR. & JANE M. ELEBASH
DESCRIPTION

A ten foot strip of land being a portion of Lots 5 - 9, Block 27, Lakeview Tract, lying five feet to the right and five feet to the left of the following described center line, less that portion lying within the right-of-way of Osceola Boulevard: Begin at the southwest corner of Lot 9, Block 27, Lakeview Tract; thence easterly along the southerly lot line of said Lot 9, a distance of 135 feet to the Point of Beginning; thence northerly along a line deflecting 63° 46' 30" to the left for a distance of about 135 feet to the corner lot line between Lot 5 and Lot 6, being also the end of said easement. All land lying within Pensacola, Escambia County, Florida.

055629
FILED & RECORDED IN
THE PUBLIC RECORDS OF
ESCAMBIA CO. FLA. ON
AUG 5 8 43 AM '59
IN BOOK 3 PAGE 40
LAUREY BELL, CLERK
CIRCUIT COURT

CITY OF PENSACOLA
PROPOSED EASEMENT
FOR
SANITARY SEWER
SCALE: 1"=40'

Paul J. Matthews
City Engineer
July 2, 1958