

FLORIDA'S FIRST & FUTURE

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

December 16, 2020

MEMBERS PRESENT: Chairperson White, Board Member Lonergan, Board Member Sebold, Board Member Stepherson, Board Member Taylor, Board Member Wiggins, Board Member Williams

MEMBERS VIRTUAL: None

MEMBERS ABSENT: Vice Chairperson Del Gallo, Board Member Shelley

STAFF PRESENT: Planning Technician Hargett, Senior Planner Statler, Historic Preservation Planner Harding, Planning Director Morris (virtual), Network Engineer Johnston, Assistant City Attorney Lindsay (virtual)

OTHERS PRESENT: Kerry Anne Schultz

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:01 p.m. by Chairperson White with a quorum present. Chairperson White then read the ZBA rules and instructions and explained the procedures of the in-house/virtual Board meeting.

2) APPROVAL OF MINUTES November 18, 2020

The ZBA November 18, 2020 minutes were approved without objection by the Board.

3) ZBA 2020-011 2412 N. 9th Avenue R-2

Matrix Property Services, LLC is requesting a variance to increase the maximum allowed lot coverage of 30% to 35.35% to accommodate an (18) unit proposed multi-family development.

Although the zoning district allows for building height of maximum 100 feet, the applicant desires to build a structure that is more uniform with the existing neighborhood.

Chairperson White introduced the item, and Ms. Schultz represented the applicant's request to the Board. She advised the applicant desired to build 18 multi-family residential units in the R-2 zone. She explained the maximum lot coverage was 9,900 SF (30%) for multi-family residential. The 18-unit development with 648 SF per unit would yield a lot coverage of 35.35% or 11,664 SF of the 33,000 SF site. The applicant was only seeking a 5.35% minimum variance.

Regarding Criteria 1 for special conditions and circumstances, she explained there is an existing dilapidated structure on the subject parcel, and the client desires to demolish the structure and build 18 units; under the existing Code, the client can build a higher structure not to exceed 100', but they desired to build a structure that was uniform with the existing neighborhood including more green space and sidewalks. Without the variance the client could not build the structure.

Concerning Criteria 2 regarding special conditions and circumstances which do not result from the actions of the applicant, the applicant had executed a contract to purchase the property, and the existing structure was dilapidated and needed to be demolished. Any possible new structure would be required to build higher but not to exceed 100' and the opportunity to construct less units would allow the client to have more trees, greenspace and sidewalks. The proposed use would be a less intense use of the property in the R-2 zoning district. Absent the variance, the client would be required to build higher which was incompatible with the existing neighborhood.

Regarding Criteria 3 regarding granting the variance would not confer any special privilege that is denied by this title to other lands, buildings, or structures in the same zoning district, granting this variance would not confer any special privilege.

Regarding Criteria 4 that strict application of the provisions of the LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would create undue hardship, to the extent that the variance was not granted, the client would suffer unnecessary and undue hardship because they could not obtain a building permit to either repair or replace the existing uninhabitable structure absent a variance.

Regarding Criteria 5 that the variance granted would be the minimum that would make possible the reasonable use of the land, building or structure, Ms. Schultz had conferred with staff for the less intense use of the property and presented the client with the 18-unit structure; the client was requesting a minimum variance of 5.35% for the lot coverage which would allow reasonable use of the subject parcel.

Regarding Criteria 6 that granting of the variance would be in harmony with the general intent and purpose of this title and would not be injurious to the area or detrimental to the public welfare, she indicated once the dilapidated building was removed, that would not be an issue. She felt the neighborhood was excited about the project which would be in harmony with the community and was a minimum request.

Regarding Criteria 7 that the variance would not constitute any change in the districts shown on the zoning map, not impair an adequate supply of light and air to adjacent property, not increase congestion of public streets or increase danger of fire, diminish or impair established property values and not otherwise impair the public health, safety and general welfare of the city, the minimum variance of 5.35% would not constitute a change in districts on the zoning, impair adequate supply of light and air and would not increase the congestion of public streets, or increase danger of fire or diminish established property values. In staying with their footprint and adding more greenspace and not building up, the opposite would be true, and they believed it would actually increase the property values in that neighborhood.

She believed they had met the criteria, there was no one to object to the project, and they were asking on the minimum variance to build the project.

Board Member Taylor asked if they placed 15 units on the property, the variance would not be necessary, and Ms. Schutlz stated that was correct, but they could not get the square footage and the green space they desired. Board Member Wiggins inquired about the height of the new structure, and staff advised the structure would be two-story, resemble a townhouse development and be less than 45' in height. At this point, there were no architectural plans required or submitted.

Regarding Criteria 1 regarding special circumstances, Board Member Lonergan asked if the special circumstance was that they were trying to build with the aesthetic of the neighborhood, and Ms. Schultz explained in R-2, 30% lot coverage was required, and the height of the structure could not exceed 100' and they were staying compatible with the neighborhood, providing more green space and sidewalks and fitting in with the existing surroundings. Their request would require the 5.35% variance and lot coverage of 35.35%. Also, 15 units would not fit with their existing plans.

Board Member Wiggins stated technically an apartment complex with multiple stories and parking underneath would be allowed. Board Member Sebold questioned administrative variances at 10%, and staff advised administrative variances would be allowed for one setback on a lot or parking. Board Member Lonergan stated in Criteria 1, the Board was to look at the land, structure or building involved, but did not know if that included the structure of the neighborhood as well. Senior Planner Statler could not recall specifically citing Criteria 1, but in general, conversations of the Board looked at the neighborhood when making their determination. Chairperson White spoke about the size of the units, and staff explained that was the footprint. He asked about affordable housing, and it was determined there were no provisions under affordable housing. Staff advised the only challenge was the lot coverage; the applicant had originally presented 26 units for the project which was over the maximum lot coverage allowed. Depending on the height, the footprint could shrink, but 100' was allowed; 8 to 9 stories totaled 20%. She advised there was a historic demolition review by the ARB since the building was over 50 years old. Historic Preservation Planner Harding stated the building demolition was delayed 60 days, but demolition would be possible on January 18th. He advised there were no comments from neighbors at the ARB meeting November 17th. He also explained the UWF Trust Advisor Pristera sent this item to the full Board for review; the Board related the structure to the historic East Hill neighborhood and delayed the demolition for 60 days, however, the Board does not review for safety concerns and only reviewed the exterior of the building.

Board Member Lonergan moved to approve the variance, seconded by Board Member Sebold. Board Member Lonergan had a problem with whether or not a neighborhood constitutes self-created since they were building a new structure, but it seemed there was a lot of consideration for the neighborhood, and the neighbors had plenty of opportunity to have input, and there were no individuals present at this meeting; they probably would not be in favor of a 100' tall structure which would be in the purview of the developer. He had no other issues with the other criteria.

Chairperson White stated he had problems with this request. In sitting on the East Hill Association Board, if it were affordable housing or low-income housing - and right up the street another three blocks is the smaller affordable housing area; it was

a beautiful little house, and with a townhome look on a high-traffic thoroughfare, he was sure the contractor would try to make it look as nice as possible. He indicated East Hill talks a lot about preserving these old houses and about the new projects with homes which are not affordable, and he was just a little apprehensive. Board Member Wiggins agreed, but they were within their rights to build an apartment complex on the property, and he would rather see something similar to this project; he felt this was kind of an affordable housing structure. Board Member Sebold indicated this was the best option against a 100' building. To put this in context, Senior Planner Statler advised a good portion of the Sacred Hospital complex was within the R-2 zoning, so there were multiple uses allowed by right in this district which could go up to 8 or 9 stories. Board Member Lonergan explained the Board did not review the aesthetics but the letter of the law and meeting the criteria.

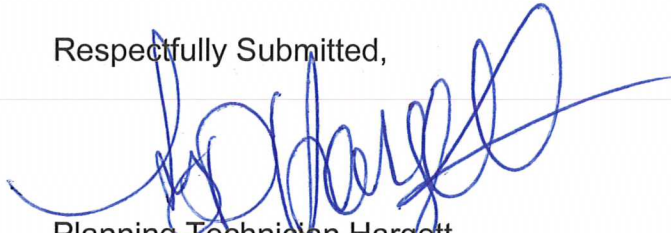
The variance failed 4 to 3 with Chairperson White, Board Member Taylor, and Board Member Wiggins dissenting. It was explained 5 positive votes were necessary for approval.

DISCUSSION – None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:33 p.m.

Respectfully Submitted,



Planning Technician Hargett
Secretary to the Board