



City of Pensacola

Zoning Board of Adjustments

Agenda - Final

Wednesday, April 19, 2023, 3:00 PM

Hagler/Mason Conference Room,
2nd Floor

QUORUM / CALL TO ORDER

APPROVAL OF MINUTES

1. [23-00331](#) ZONING BOARD OF ADJUSTMENTS MEETING MINUTES FROM MARCH 15, 2023

Attachments: [MINUTES ZBA 3.15.23](#)

REQUESTS

2. [23-00332](#) ZBA 2023-008
2020 E. LAKEVIEW AVENUE
R-1AAA

Attachments: [Complete Package](#)

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.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00331

Zoning Board of Adjustments

4/19/2023

TO: Zoning Board of Adjustments Members

FROM: Amy Hargett, Planner

DATE: 4/12/2023

SUBJECT:

Zoning Board of Adjustments Meeting Minutes from March 15, 2023



FLORIDA'S FIRST & FUTURE

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

March 15, 2023

MEMBERS PRESENT: Chairperson White, Vice Chairperson Weeks, Board Member Jacquay, Board Member Sebold, Board Member Shelley, Board Member Stepherson, Board Member Taylor

MEMBERS ABSENT: Board Member Williams and Board Member Dittmar

STAFF PRESENT: Planner Hargett, Development Services Coordinator Statler, Assistant Planning & Zoning Division Manager Harding, Network Engineer Johnston, Network Engineer Russo

STAFF VIRTUAL: Development Services Director Morris, Assistant City Attorney Lindsay

OTHERS PRESENT: Eric Reese, Ryan Cardoso, Keith Wright, Robert and Marie Mott, Baron and Curtis with Bear General Contractors, Raphaela Harris

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:02 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 February 15, 2023, minutes were approved without objection by the Board.

3) ZBA 2023-004

4160 Brighton Drive

R-1AAA

Mr. Keith Wright, on behalf of the owner Ryan Cardoso, is requesting a variance to increase the allowed fence height of 6.5 FT to 8 FT within the rear yard as presented on the site plan. Per the Land Development Code, the maximum allowed height for a fence within the required side and rear yards is 6.5 FT.

Chairperson White ask whether Mr. Wright or the property owner Mr. Cardoso would be presenting the request. Mr. Cardoso requested to speak and completed the speaker request form and explains the reason for the 8-foot instead a 6-foot fence is due to privacy issues in the back yard. He further explains the house is elevated in relation to the property directly behind him which makes him and his wife feel somewhat "on stage" when inside the house and outside on the deck. Mr. Cardoso also stated the neighbor behind him suggested installing an 8-foot fence and since the fence has been up the privacy issue has been alleviated. He continued to clarify that when Hurricane Sally came through there was significant damage to the numerous oak trees and for safety reasons had the trees removed; which the trees he felt they helped with privacy. Mr. Cardoso stated the request was minimum and only needed for the rear yard and the Homeowners Association had no issues with the height of 8 feet and a letter from the HOA was included in the documents. A few neighbors also submitted support letters.

Board Member Taylor confirmed the support letters from the affected neighbors had previously been contacted. Mr. Cardoso stated that he had communicated with those neighbors and decided to take the existing fence down because it was damaged as he felt it would fall on his kids. Vice-Chair Weeks asked Mr. Wright the contractor, if he was aware the fence height in the City and that permitting was required. Mr. Wright stated he was not however he is aware of these requirements now.

Chairperson White calls for a motion. Board Member Taylor comments although a permit should have been pulled, he felt since the Homeowners Association and adjacent neighbors were in support of increase in height, he did not have an issue with the request. **Board Member Jacquay motions to approve, seconded by Board Member Taylor. The motion carried 6-1 with Board Member Stepherson dissenting.**

4) ZBA 2023-005

3805 & 3807 N. 10th Ave

R-1AA

Luke Pittman, Bear Endeavors, is requesting multiple variances to accommodate the development of an 11-lot residential subdivision. The request is to apply the R-1A development standards to the project in lieu of the R-1AA standards. This

would effectively reduce the setbacks as follows:

- The front yard would be 20 FT – instead of 30 FT;
- The rear yard would be 25 FT – instead of 30 FT;
- The side yard (interior) would be 5 FT – instead of 6 FT.

The adjacent properties are a mix of R-1AA, R-2, and C-1. The latter two have setbacks which are equal to or less than those within the R-1A zoning district.

Chairperson White asks the applicant to come forward and state his name and address for the record. Mr. Curtis Reed, on behalf Bear Endeavors addresses the Board and explains his request. He states as shown on the diagram the request to apply the R-1A setbacks to the development, going from R-1AA setbacks to the R-1A setbacks as they are only asking to reduce the setbacks. Mr. Reed also states the most cost-effective way to develop these lots at an attainable price point is to ask for a variance to the setbacks. He further explains the justification for the request is that parcels along 10th Avenue do not create 90-degree angles which reduces the overall buildability as they want to gain back square footage.

Board Member Taylor asks what is on the parcels? Mr. Reed responded one lot is vacant and the other has an abandoned single-family dwelling. Board Member Shelley states his concern about this request as it should go before Planning Board and not this Board and further states, he though rezones are for Planning Board. Development Services Coordinator Statler responded that rezones do go before Planning Board however this is not a rezone request but a reduction of the setbacks. Vice-Chairperson also stated his concern about this being more of a rezone since there are going to be multiple lots. Board Member Jacquay also does not feel this is the job of the Zoning Board of Adjustments to approve a development as it feels like a rezoning although he understands the perspective of the applicant.

Development Services Coordinator Statler further explains that a rezone request is for use changes and in this case the applicant is only wanting a reduction to the setbacks not the allowed uses.

Board Members Weeks, Sebold, Shelley and Jacquay discuss they feel as though this is a rezone and the subdivision would be going to Planning Board as well, the Board Members felt there is no hardship for the request.

Chairperson White asks if there is anyone in the audience that would like to speak to the Board. Raphaela Harris addresses the Board and states her worries about the development and the process. Ms. Harris also has concerns with the future traffic and potential flooding with this many units. Development Services Coordinator Statler explains that will be determined by Planning Board once the plat is submitted and there are stormwater requirements that a development must adhere to. Chairperson White closed the discussion to audience participation.

Vice- Chairperson Weeks asked staff about Planning Board review if this Board approves the variance as he has concerns with this being a subdivision and not a single parcel.

Chairperson White asked the applicant if he wanted the Board to hear the variances individually or as one variance. Mr. Reed stated he would like the Board to hear the variances as one.

Chairperson White calls for a motion. Board Member Taylor motions to deny, he stated since this is an entire subdivision the process should be in the realm of the Planning Board and not this Board and no hardship can be shown. **Seconded by Vice Chairperson Weeks.** Board Member Jacquay commented he supported the efforts of the applicant however procedurally he agreed with the other Board members that this should be reviewed by Planning Board. **The motion carried 6-1 with Board Member Stepherson dissenting. The variance is denied.**

DISCUSSION –

ADJOURNMENT –

There being no further business, the meeting adjourned at **4:20** p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amy Hargett', with a long horizontal line extending to the right.

Planner Amy Hargett
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00332

Zoning Board of Adjustments

4/19/2023

TO: Zoning Board of Adjustments Members

FROM: Amy Hargett, Planner

DATE: 4/12/2023

SUBJECT:

ZBA 2023-008
2020 E. Lakeview Avenue
R-1AAA

BACKGROUND:

Mr. Art Nadolske is requesting a variance to reduce the rear yard setback from 10 FT to 2.5 FT to accommodate an addition. The addition will connect the existing home with the existing garage, which currently sits 2.5 FT from the rear property line.

This parcel is undersized for the district and the applicant provided "lot of record" documentation needed to reduce the setbacks from the required 30 FT to 10 FT within the rear yard and 7.5 FT to 4 FT within the side yard.

The proposed addition would allow the applicant to have extra living space, and an additional bedroom with a bath. The current layout of the home has a master bedroom with a bath, small bedroom, and hall bath.



City of
Pensacola
*America's First Settlement
And Most Historic City*

ZBA-2023-008



- ☒ **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) D-3-3 / T. D-3.1 Zoning R1AAA

(To be Completed by Applicant)

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

Property Address: 2020 East Lakeview Ave, Pensacola, FL 32503

Current use of property: Residential

1. Describe the requested variance(s): Owner is request a variance to connect the existing house to an existing detached garage structure.

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:

The existing garage structure is approximately 2.5 feet from the rear property line. The most current

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

setback for the rear lot line of this 1965 Lot of Record is 10 feet. To meet current requirements, owners Would either have to demolish the garage, construct addition, build a new garage or put the addition on the side of the house and extend it to Escambia Ave side lot line.

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:

Lakeview Ave is single lane in front of subject dwelling. However, the city right-of-way encroaches
to within approximately 10 feet of the subject dwelling. There is no feasible way to add to the front.

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 proposed addition would not infringe on surrounding neighbors. It would not alter the essential character of the neighborhood. In essence, the addition would only replace an existing patio area.

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

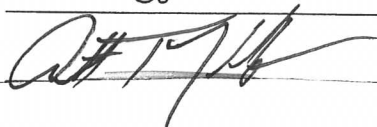
The proposed addition represents the best non-intrusive solution possible.

Application Date: 3-27-2023

Applicant: Art Nadolske

Applicant's Address: 2020 East Lakeview Ave Pensacola, FL 32503

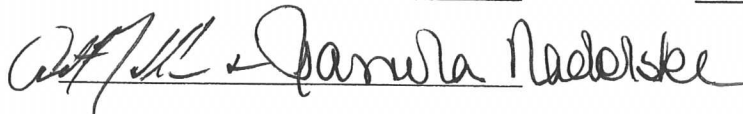
Email: verticerelo@gmail.com Phone: (719)221-2570

Applicant's Signature: 

Property Owner: Arthur and Pamela Nadolske

Property Owner's Address: 2020 East Lakeview Ave Pensacola, FL 32503

Email: verticerelo@gmail.com Phone: (719)221-2570

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.



PLANNING SERVICES

January 17, 2023

Arthur & Pamela Nadolske
Joseph Young
2020 E Lakeview Avenue
Pensacola, FL 32503

Re: 2020 E. Lakeview Avenue / Lot of Record Determination

Dear Arthur, Pamela, and Joseph:

Thank you for the inquiry about your property located at 2020 E Lakeview Avenue and identified by parcel number 000S009040015044. This property lies within the City of Pensacola's R-1AAA zoning district. Upon review of the certified 1965 Escambia County tax rolls as provided (see attached), the City has determined your property to be a "Lot of Record" per Sec. 12-1-6(b) and may be used for single-family residential development. *Please note, the property boundaries may not be modified beyond LTS 15 16 BLK 44 LAKEVIEW S/D PLAT DB 143 P 206.* The applicable setbacks for a "Lot of Record" are below:

Front yard:	20'
Rear yard:	10'
Side yard:	4'

Please retain this letter for your records. A copy will need to be included with future building permits. If you have any comments or questions, please call the City of Pensacola Planning Services at 850-435-1670.

Sincerely,

Leslie Statler
Development Services Coordinator

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143/www.cityofpensacola.com

BY: [Signature] D.C.
DATE: 1/19/22

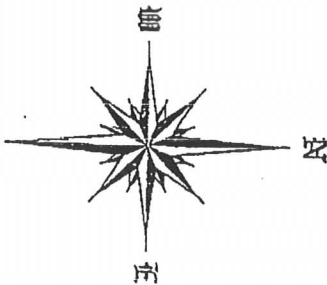
STATE OF FLORIDA
COUNTY OF ESCAMBA

12



LEGEND

- ⊗ FOUND 3/4" IRON PIPE
- ⊗ FOUND 1/2" CAPPED IRON ROD #7092
- ⊗ FOUND 1/2" IRON ROD
- ⊗ FOUND 1/2" IRON PIPE
- ⊗ FOUND 5/8" SQUARE TORPED BOLT
- PLAT
- (P) FIELD
- R/W RIGHT-OF-WAY
- CONCRETE



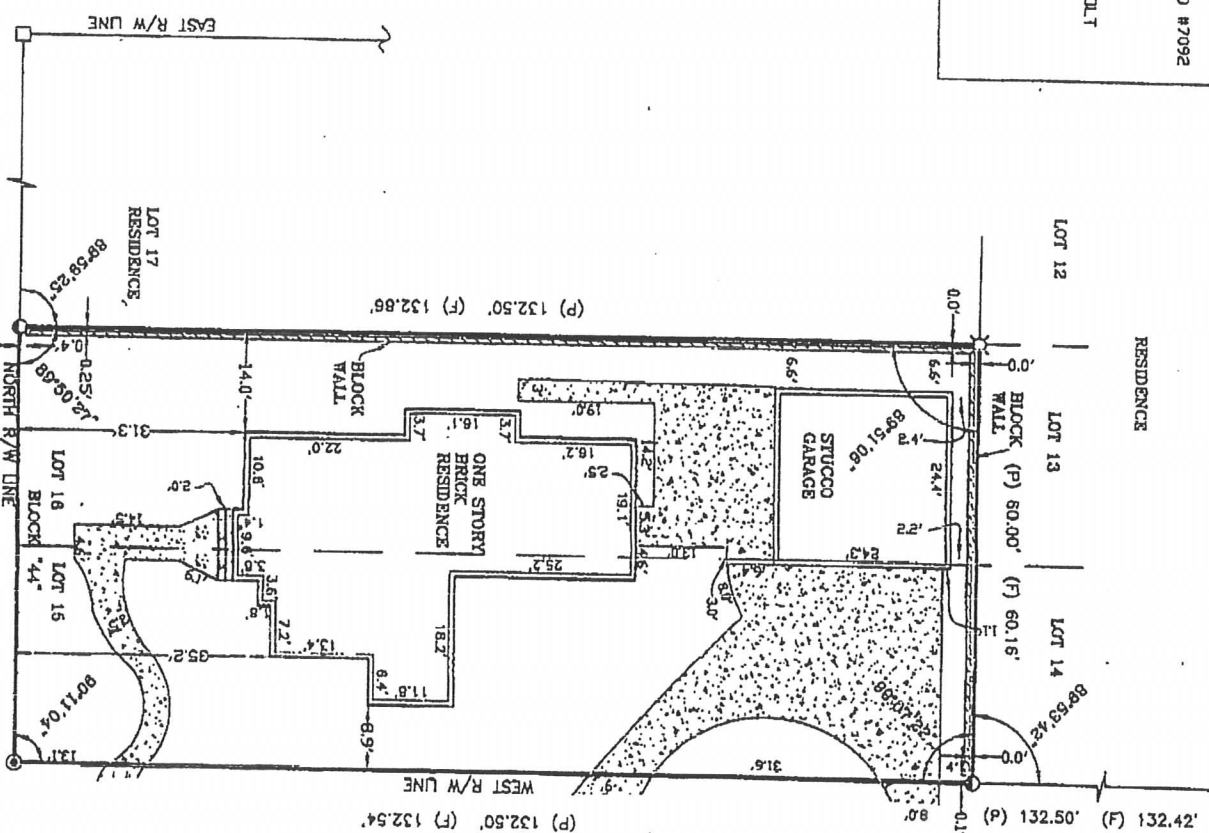
SCALE
1"=20'

HERNANDEZ STREET (70' R/W)

SOUTH R/W LINE

RESIDENCE

20th. AVENUE (80' R/W)



ESCAMBIA AVENUE (50' R/W)

LAKEVIEW AVENUE (100' R/W)

OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 208, OF THE PUBLIC RECORDS OF SAID C

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COPY OF OR BOOK: 6452

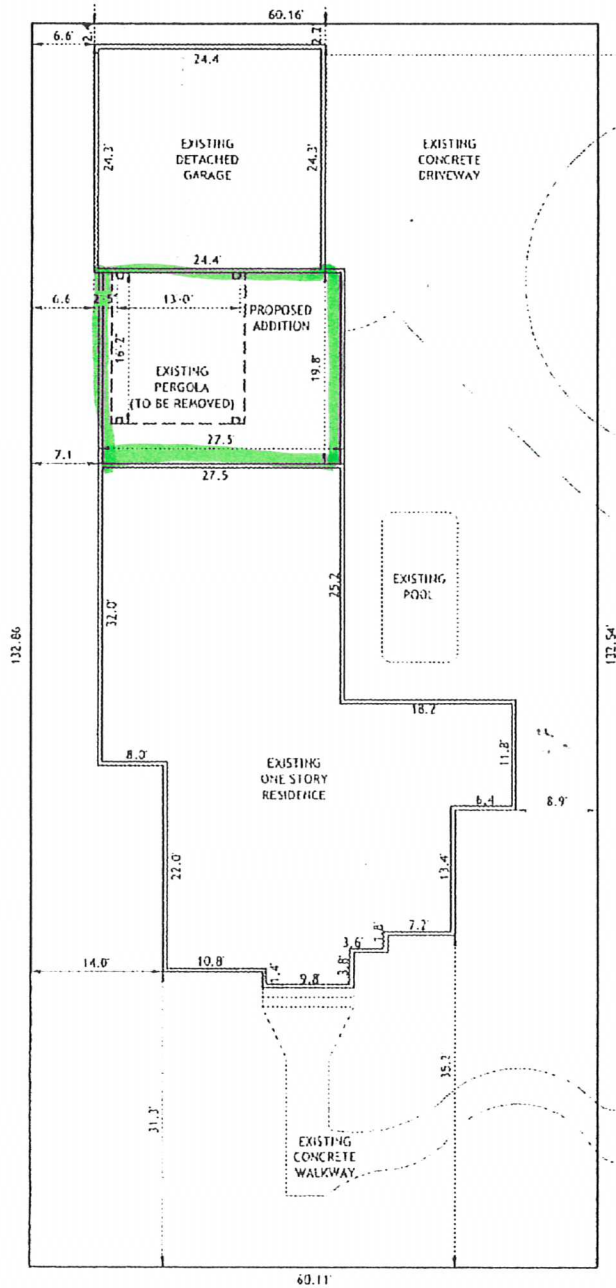
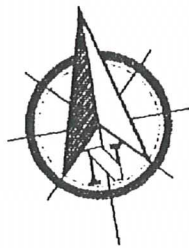
SWINNE

P (850) 4



ADDRESS: 2020 LAKEVIEW AVENUE
REQUESTED BY: RICHARD FREEMAN
TYPE: BOUNDARY WITH DEPRECIATIONS
SECTION: 8 TOWNSHIP: 2 SO
SCALE: 1"=20' DRAWN BY: RCM
DATE: 11/05/2004 CHECK DC/AS
REASON DATE: DATE: 06/29/2010 RB
SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY
WAS MADE IN ACCORDANCE WITH THE
NATIONAL TECHNICAL STANDARDS AS SET
FORTH IN CHAPTER 34-17.000, 34-17.

DAVID MACK SWINNEY
PROFESSIONAL SURVEYOR AND MAPPER NO. 56
STATE OF FLORIDA



ESCAMBIA AVENUE
(50' R/W)

EAST LAKEVIEW AVENUE
(100' R/W)