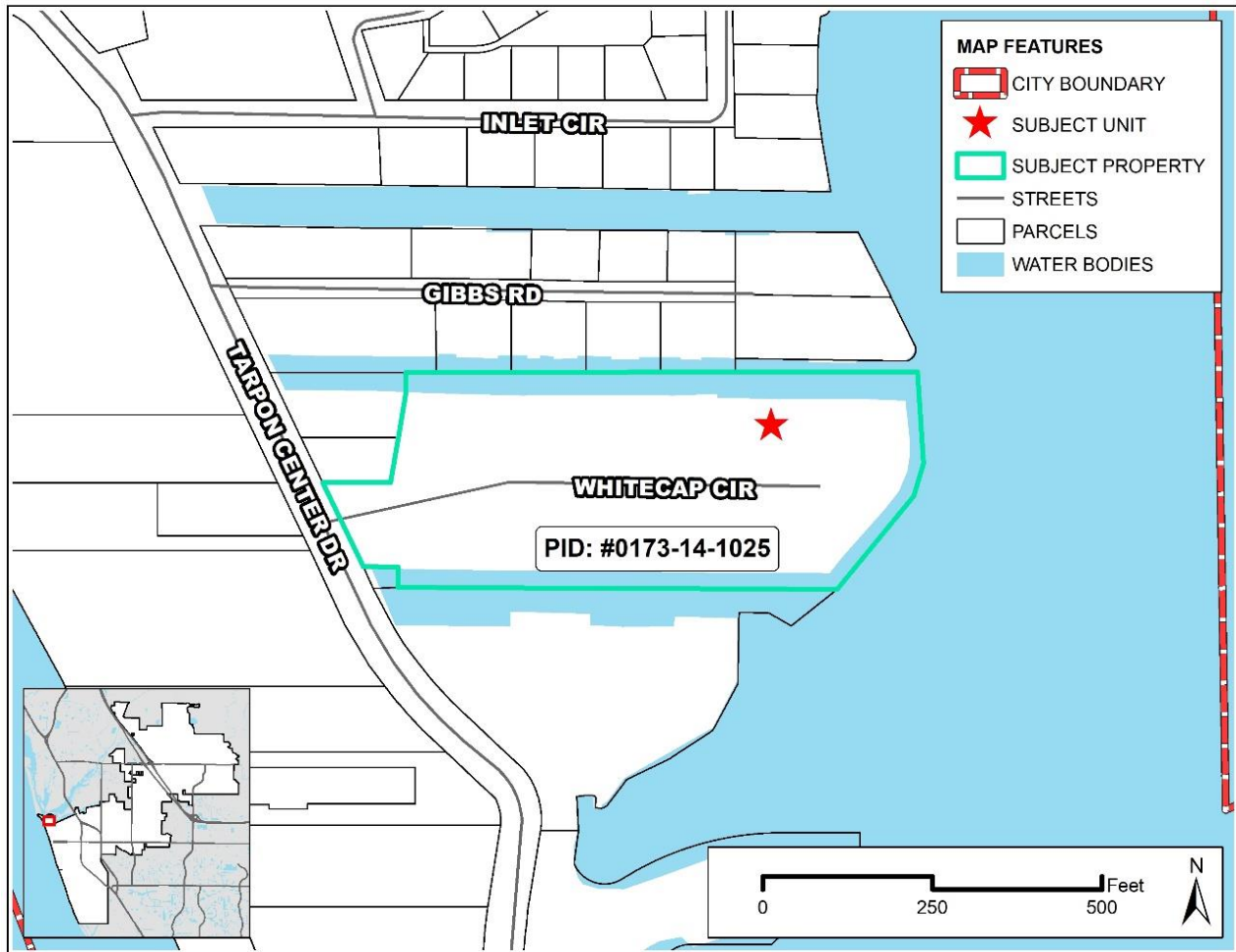


22-08VZ 872 Whitecap Circle #29 Staff Report



GENERAL INFORMATION

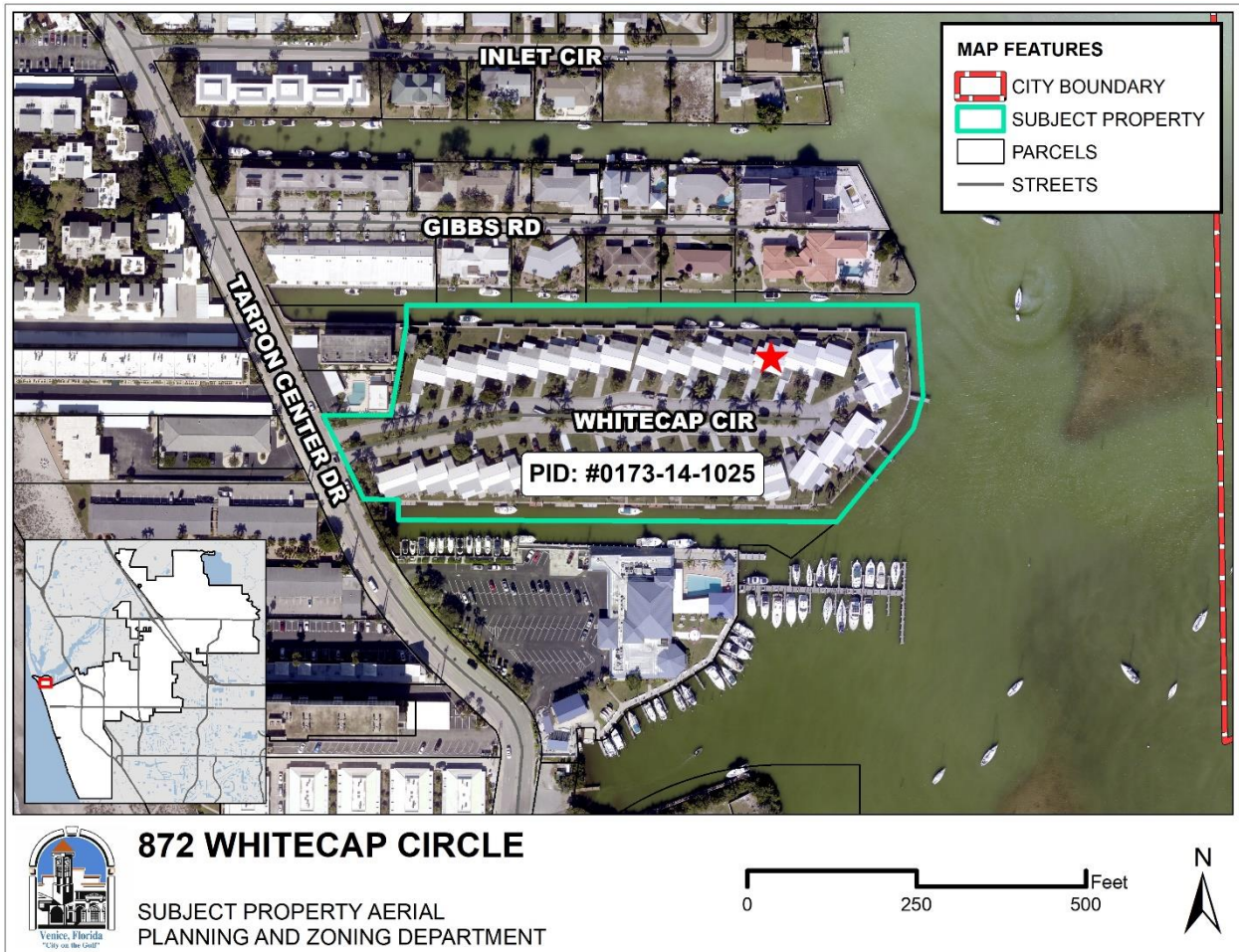
Address:	872 Whitecap Circle #29
Request:	A variance from Section 86-82(j)(1)d to reduce the waterfront setback to 14 feet
Owner:	Lucinda Spaney
Agent:	Gregory C. Roberts, Klingbeil & Roberts, P.A.
Parcel ID:	0173141025
Parcel Size:	0.11 ± acres
Future Land Use:	Moderate Density Residential
Zoning:	Residential Multi-family (RMF-2)
Comprehensive Plan Neighborhood:	Island
Application Date:	February 18, 2022

I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

This project was applied for under the previous Land Development Regulations (LDR), Chapter 86, as well as prior to the subsequent Comprehensive Plan changes made through Ordinance 2022-18.

The subject property is located at 872 Whitecap Circle #29. The applicant is requesting relief from Sec. 86-82(j)(1)d Minimum Yard Requirements, to reduce the waterfront setback to 14 feet. The homeowner wishes to install a slatted shade structure at the rear of the house. The structure is to be built over an existing brick paver patio. Four other properties along this street have received variances for similar structures in the past. The plans have been reviewed by adjacent property owners and the homeowner's association.

Aerial Map



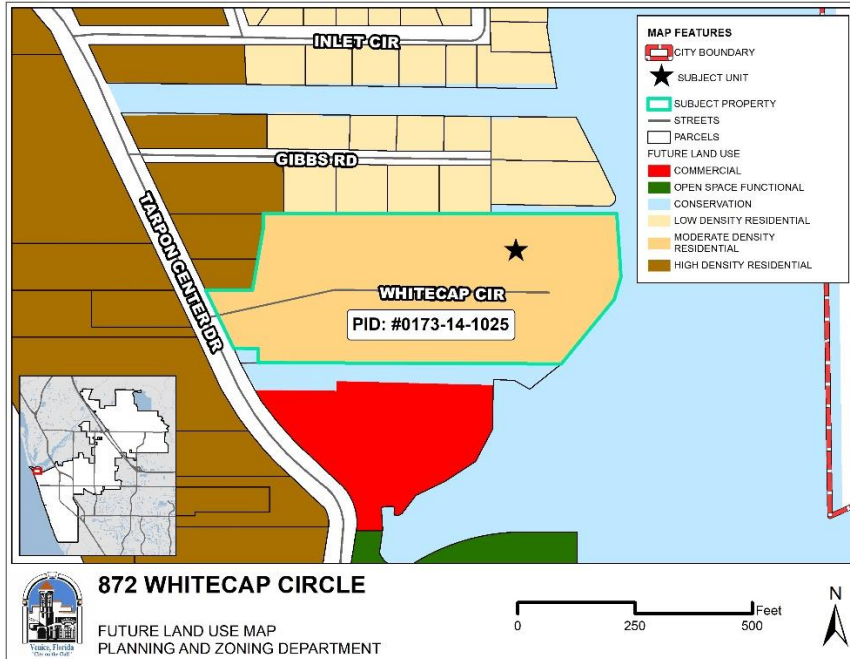
Site Photographs



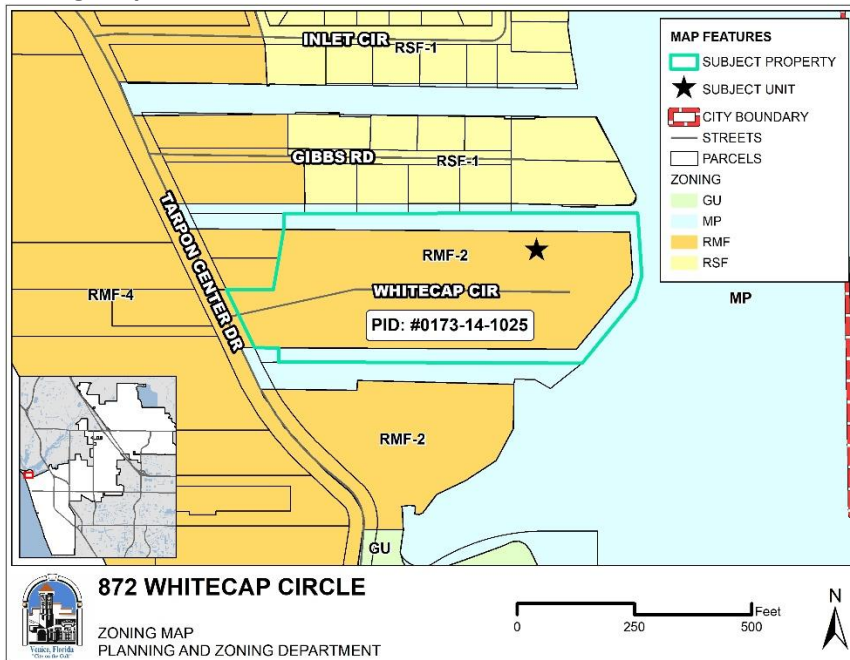
Future Land Use and Zoning

The Future Land Use for this property is Moderate Density Residential, with a zoning district of Residential Multi-family (RMF-2).

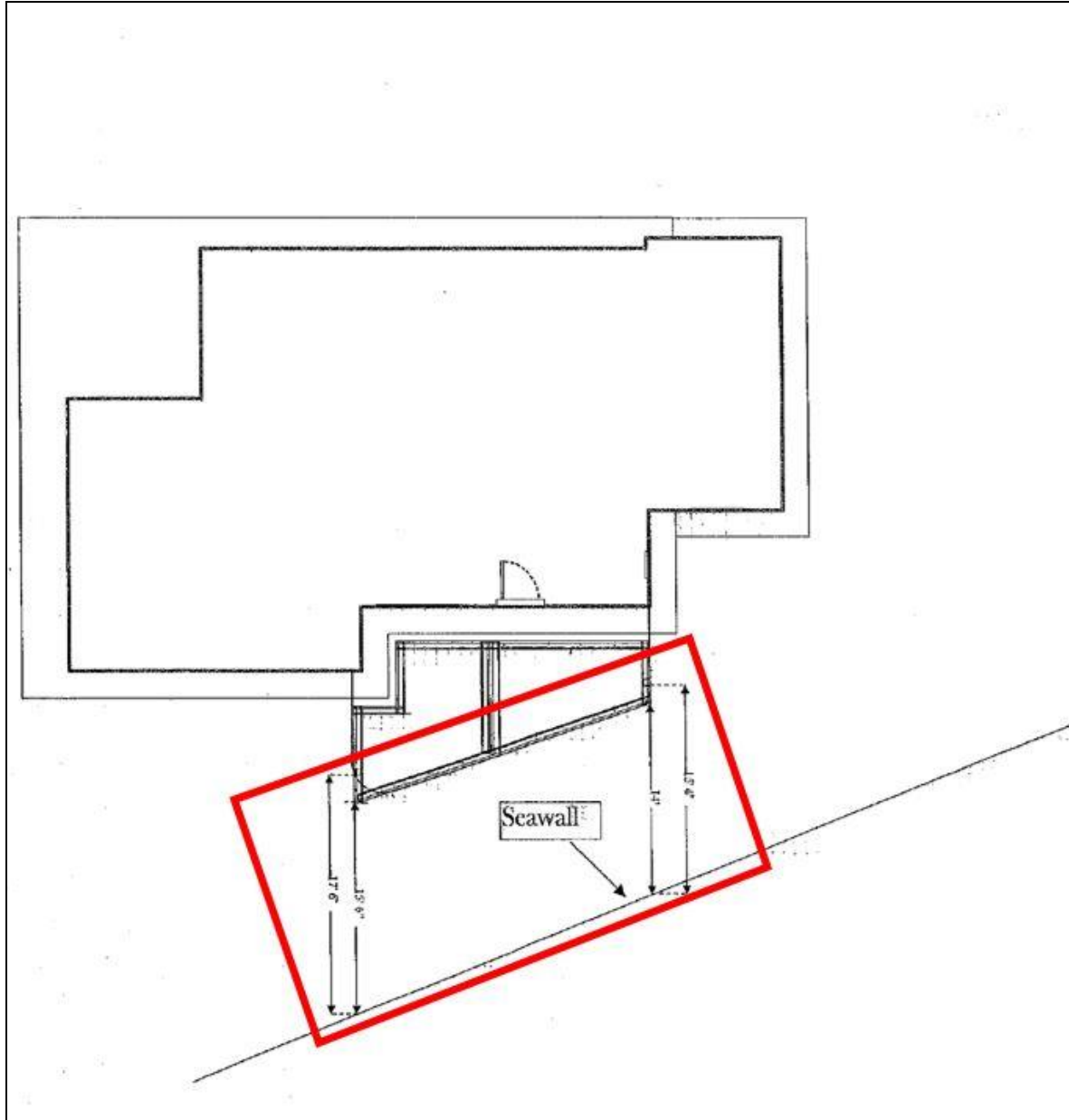
Future Land Use Map



Zoning Map



Site Plan (red box denotes area of focus for the variance request)



II. CODE SECTION

The Code covering RMF-2 includes the following on setbacks:

(j) *Minimum yard requirements.* Minimum yard requirements in the RMF district are:

(1) Single- and two-family dwellings:

- a. Front yard: 20 feet.
- b. Side yard: Six feet minimum but in no case less than 15 feet combined side yards.
- c. Rear yard: Ten feet.
- d. Waterfront yards: 20 feet.

Several other properties along this street have sought and received variances for similar structures.

III. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Section 86-46(a) concerning receipt of written petition, notice of public hearing and conduct of hearing have been satisfied. Section 86-46(a)(4) specifies that the Planning Commission shall, based upon substantial and competent evidence, make an affirmative finding on each consideration in granting a variance. The applicant has provided a written response to each consideration as part of the submitted application material. Additional photographic material is provided in the agenda packet to illustrate the reason for the request.

- a. **Special circumstances exist in relation to the land, structures, or buildings as compared to other land, structures, or buildings in the same zoning district and the special circumstances are not the fault of the applicant.**

Applicant's Response: *"This parcel is waterfront property which distinguishes it from other RMF-2 zoned districts."*

- b. **The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property.**

Applicant's Response: *"In that the proposed project encroaches into the minimum waterfront yard, any proposed construction must receive a variance. The denial of a variance would result in an unnecessary and undue hardship to the property and prevent the Applicant from making this improvement as other property owners have done."*

- c. **The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure.**

Applicant's Response: *"The variance is the minimum variance necessary to meet the requested use of the land, building and proposed structure. The existing patio will not be enlarged or modified in any way."*

- d. **The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

Applicant's Response: *"The variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Other property owners in the Point Whitecap community have made similar improvements to their units."*

Summary Staff Comment: The responses provided here are sufficient to allow the Planning Commission to take action on the subject petition.