

PZ 16-242



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626
DEVELOPMENT SERVICES - PLANNING & ZONING
VARIANCE APPLICATION

16-03 VZ

VARIANCE

Project Name: 8 GULF MANOR
Parcel Identification No.: 0177-02-0052
Address: 8 GULF MANOR DR.
Parcel Size: 11,256 SQ. FT.
FLUM designation: LOW DENSITY RESIDENTIAL
Zoning Map designation: RSF-3
Property Owner's Name: NANCY K. WOODLEY
Telephone: 941-451-4489
Fax: —
E-mail: ntfishw@aol.com
Mailing Address: 8 GULF MANOR DRIVE
Project Manager: ROBERT MC ELHANEY
Telephone: (941) 423-9696
Mobile / Fax: (407) 222-7020 / (941) 423-5400
E-mail: rmcelhaney@gmail.com
Mailing Address: 1075 Innovation Ave, Suite 111, Northport, FL 34289
Project Engineer: NA
Telephone: —
Mobile / Fax: —
E-mail: —
Mailing Address: —
Project Architect: NA
Telephone: —
Mobile / Fax: —
E-mail: —
Mailing Address: —

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

Nancy K. Woodley

Oper: CASHIERNC Type: OC Drawer: 1
Date: 6/27/16 00 Receipt no: 80355
2016 242
PLANNING & ZONING
1.00 \$400.00
CK CHECK 3711 \$400.00
Trans date: 6/27/16 Time: 12:23:09

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition**

The planning commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance petition:

- o 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; and,
- o The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property; and,
- o The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure; and,
- o 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.

You must restate and address each of the preceding as an attachment to the project narrative.

Fees

Application filing fee \$400.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

Applicant: Nancy K. Woodley

Parcel ID #0177-02-0052

Agent: Owner

Project Acreage: 11,256 sq. ft.

Existing Zoning: Residential, Single Family-3 (RSF-3)

Future Land Use Designation: Low Density Residential

Summary of Variance Petition:

The applicant is requesting two variances from Section 86-81(i)(1) (a) to establish new front yard setbacks for the construction of a pool. The property is a corner lot; therefore it has two front yards, two side yards and no back yard. The required Minimum Front Yard Setback is 20 feet.

1. Request new Front Yard Setback (South Front Yard): 15.5 feet
2. Request new Front Yard Setback (West Front Yard): 5 feet

I. INTRODUCTION/OVERVIEW

In June of 2000, I purchased 8 Gulf Manor Drive as my residence when I moved to Venice. The property included a house and fronted on Gulf Manor Drive (a 16 foot wide unplatted private driveway) to the south and Hunter Drive to the west. Hunter Drive is gated immediately north of my property. The structure was built in 1957. Plans to construct a 10 foot by 20 foot swimming pool with access from the patio in the southwest portion of the lot evolved after reviewing the constraints to the site. Being a corner lot, the property is considered having two front yards and 2 side yards and no back yard.

The design of the pool necessitates a variance from the minimum front yard setback standard in my RSF-3 zoned District. The pool cannot be located in the side yards; the north side yard being too narrow and the east side yard being used as the driveway to the garage located in northeast corner of house. The northwest corner of the property has a new water line installed by the city recently and would conflict with a pool being placed in that area. Thus the southwest area was considered most suited for a pool. If a variance from Section 86-81(i)(1)(a) to allow the proposed pool to encroach 4.5 feet into the south front yard on Gulf Manor Drive and 15 feet into the west front yard on gated Hunter Drive, I request that it be for 365 days instead of 180 days. Remodeling work is presently being done on the house and won't be completed for 4 more months. To avoid congestion on the street and in

the yard, the longer variance time to construct the pool would allow me to schedule the pool work to start after the remodelers are done and off the site.

II. REQUIREMENTS FOR VARIANCE REVIEW

The following comments are submitted as a written response to each criterion to be considered by the board and are part of the submitted application.

- 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: The special circumstances include: the property being bordered on the south by an unplatted private road (Gulf Manor Drive) and Hunter Drive to the west, pre-existing driveway on the east side of lot, and recent water line relocation by the city on the northwest part of the lot. The portion of Hunter Drive along the west side of the property is gated at the north end of my property and functions as an optional access for three single family residences that front on Hunter Drive and emergency access for the fire department. This results in little to no traffic on this section of Hunter that is my west front yard. Gulf Manor Drive on the south side of the property is an unplatted private road with the south lot line lying approximately 12 feet into the paved road. The pre-existing driveway on the east side yard is the only access to the garage. In addition, the city recently rerouted the water line to the residence from Hunter Drive along the northwest portion of the lot. These special circumstances constrain placement of a proposed pool to the southwest portion of the property through no fault of the owner.

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

Applicant's Response: The application of both front yard setbacks places an unnecessary and undue hardship on the property particularly where the "front yard" along the west side of the lot fronts on a right-of-way that functions only as an access to three single family homes and emergency access for the fire department. The "front " yard on the south side includes approximately 12 feet of a paved private road that is used for neighborhood traffic thereby denying the owner any use of that area on her property.

- 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 proposed variance of a west front yard to 5 feet and south front yard to 15.5 feet is the minimum necessary to allow for construction of a swimming pool attached to an existing patio. The pool wall will be a 3 foot solid wall with one foot of open fencing on top consistent with code requirements. No cage or roof will be part of the pool structure.

- 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 grant of the variances will be in harmony with the general intent and purpose of the zoning code, as it would allow the owner to build a reasonably sized pool similar to the other pools in the neighborhood and not be injurious to the neighborhood or otherwise detrimental to the public welfare. It's surrounding wall and location at the end of the street where little to no traffic traverses Hunter Drive and infrequent vehicles pass along the south boundary of the property minimizes any detrimental effect on the neighborhood. Email and oral conversations with my immediate neighbors to north, south, east and west have resulted in no objections to the pool.