



Project: 8 Gulf Manor Drive
Variance Petition No. 16-3VZ
Staff Report

Applicant: Nancy K. Woodley

Parcel ID #: 0177-02-0052

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

Project Acreage: 11,256 sq. ft.

Future Land Use Designation: Low Density Residential

Summary of Variance Petition:

The applicant is requesting a variance from Section 86-81(i)(1)(a) to establish new front yard setbacks for the construction of a swimming pool. The property is a corner lot, and therefore, has two front yards, two side yards and no back yard. The required minimum front yard setback is 20 feet. The new front yard setbacks being requested are as follows:

1. Request new front yard setback (south front yard): 15.5 feet
2. Request new front yard setback (west front yard): 5 feet

In addition, the applicant is requesting that the variance be approved for 365 days instead of 180 days. Per Land Development Code Section 86-46(b) the Planning Commission may grant a variance for up to 365 days. Due to current construction on site, the applicant is requesting this conditional time.

I. VARIANCE REQUEST

Map 1 shows the general location of the subject property on Gulf Manor Drive. The property has a varying width of approximately 100-130 feet, a varying depth of approximately 95-100 feet, and an area of 11,256 square feet. The current owner purchased the property in 2000 and it includes a single-family structure built in 1957. The property is fronted on Gulf Manor Drive (a 16-foot wide unplatted private driveway) to the south and Hunter Drive to the west. North of the subject property along Hunter Drive a gate exists to separate the single family homes from Valencia Condo Apartments.

The property owner plans to construct a 10-foot by 20-foot swimming pool with access from the patio in the southwest portion of the lot. 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 the northeast corner of the home. Thus, the two front yards (southwest area of the property) were considered most suited for a pool.

The design of the pool necessitates a variance from Section 86-81(i)(1)(a) to allow the proposed pool to exceed the minimum front yard setback standard in the Residential, Single Family-3 (RSF-3) District. The variance being sought includes the following:

1. To exceed the minimum front yard standard on the south side of the property by 4.5 feet, resulting in a front yard setback of 15.5 feet.
2. To exceed the minimum front yard standard on the west side of the property by 15 feet, resulting in a front yard setback of 5 feet.

Map 1: Aerial Photograph



The location of the property provides a unique circumstance for the current owner. The property is bordered by Hunter Drive to the west and Gulf Manor Drive to the south making it a *corner lot* as defined by the city's Land Development Code (LDC) in Section 86-570. As such, the property contains two front yards requiring a minimum 20-foot setback and two side yards requiring a six-foot minimum/15-foot combined setback. The property does not contain a required rear yard per LDC Section 86-570.

The property owner is requesting a variance from the 20-foot setback requirement in order to build a new swimming pool. The variance being sought includes the western side of the property to establish a required front yard of 5.0 feet, and the southern side of the property to establish a required front yard of 15.5 feet. The owner states that the two front yard setbacks result in the inability to build a swimming pool, and therefore greatly diminishes the value of the property.

The variance will allow for the construction of the pool along the western and southern border of the property.

In addition, the owner is requesting that the variance be approved for 365 days instead of 180 days. The owner is currently having remodeling work done on the home that won't be completed for four more months. To avoid congestion on the street and in the yard, the longer variance time to construct the pool would allow the owner to schedule the pool work to start after the remodelers are finished and off the site.

II. SUBJECT PROPERTY/SURROUNDING PROPERTY INFORMATION

Gulf Manor Drive is unique in that it has two separate (northern and southern) branches. The northern branch begins at Park Boulevard S. just north of Santé Joseph Street, and continues westerly for approximately 1,000 feet where it meets Hunter Drive. The southern branch begins at Park Boulevard S. just south of Santé Joseph Street, and continues westerly for approximately 950 feet where it also meets Hunter Drive. The subject property is located at 8 Gulf Manor Drive along the northern branch of Gulf Manor Drive.

A closer look at existing on and off-site conditions is shown by the following photographs.



View of subject property
from Hunter Drive (looking
north)



View of southern boundary of subject property along Gulf Manor Drive (looking east)



View of western boundary of subject property along Hunter Drive (looking north)



View of northern boundary of subject property from Hunter Drive (looking east)

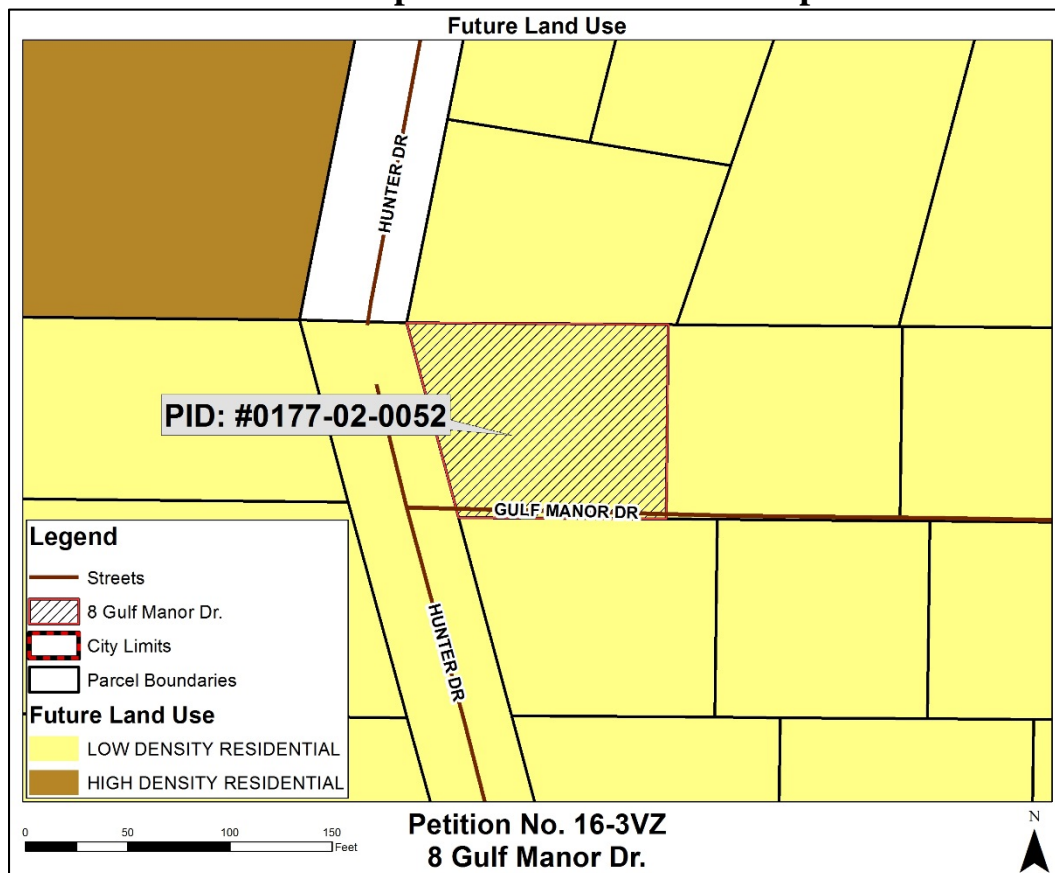


View of eastern boundary of subject property from Gulf Manor Drive (looking north)

Future Land Use:

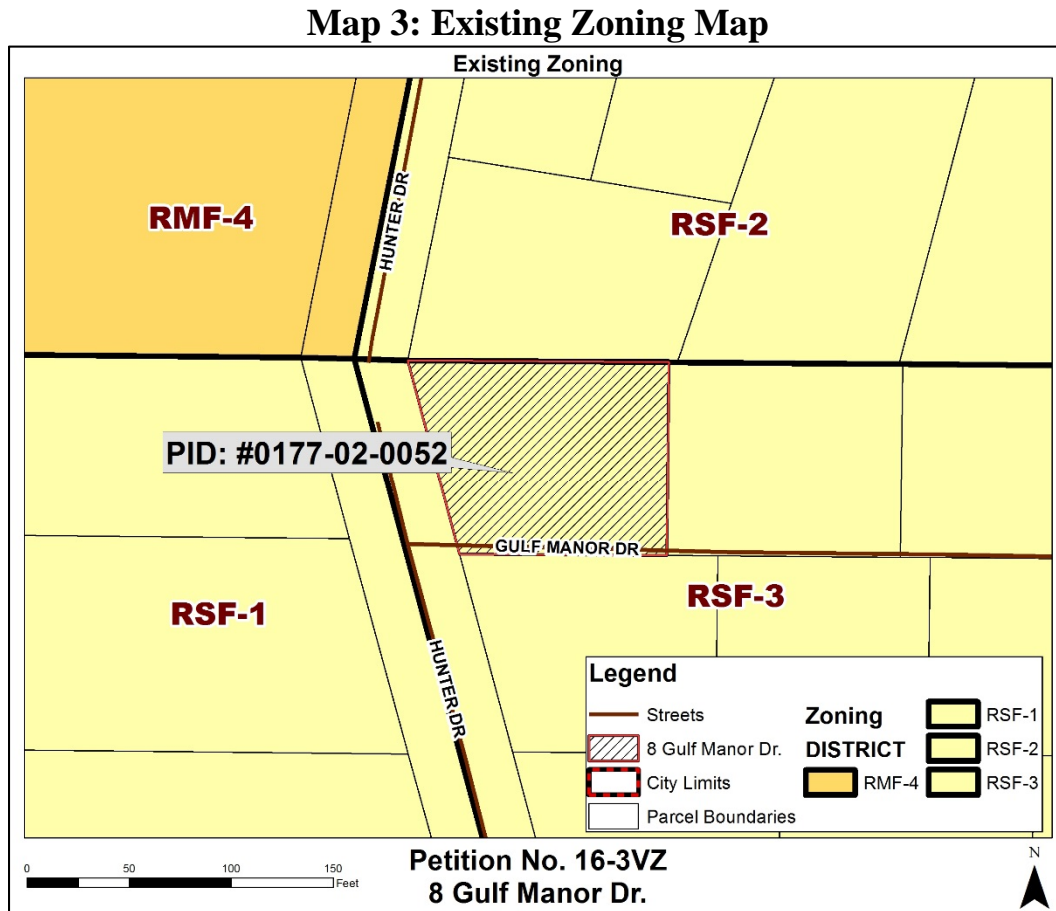
The future land use map (Map 2) shows the subject and surrounding properties having a Low Density Residential designation.

Map 2: Future Land Use Map



Existing Zoning:

The following map (Map 3) shows the existing zoning of the subject and surrounding properties. The subject property is located in a Residential, Single Family-3 (RSF-3) District. The property is surrounded by an RSF-2 zoning district to the north, an RSF-1 zoning district to the west, and an RMF-4 zoning district to the northwest.



III. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in LDC 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 of the following considerations in granting a variance petition. To assist the Planning Commission in its review and final action on the subject variance petition, staff has provided a comment on each of the following variance considerations. The applicant has also provided a written response to each consideration as part of the submitted application material.

- 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.

Staff Comment: Staff concurs that special circumstances exist on the subject property. The property is bordered by Hunter Drive to the west and Gulf Manor Drive to the south, making it a *corner lot* as defined within LDC Section 86-570. Corner lots require two (2) front yards with a minimum 20-foot setback, and therefore, reduce the size of buildable land available to 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.

Staff Comment: Staff concurs that the two (2) required front yard setbacks provide a unique circumstance for the subject property. If the property were bordered on the western side by another structure and not a right-of-way, it would not be considered a corner lot and the restraint of an additional front yard setback would be eliminated.

- 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.

Staff Comment: Staff concurs that the proposed variance is the minimum necessary to meet the request.

- 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.

Staff Comment: Staff concurs that the granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The variance would allow the owner to build a new swimming pool of similar size and shape as other structures along the Gulf Manor Drive.

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