



Project: Aqua Doc Pool Clinic
Variance Petition No. 16-06VZ

Staff Report

Owner: Aqua Doc Pool Real Estate LLC

Parcel ID #: 0408-01-0059

Agent: Michael Meacock

Project Acreage: 5,000 sq. ft.

Address: 448 Venice Avenue East

Existing Zoning: Commercial, Intensive (CI)/Venetian Theme (VT) architectural control district

Future Land Use Designation: Seaboard Sector (Planning Area G)

Summary of Variance Petition:

The applicant is requesting a variance from Section 86-93(i)(1)a to have less than the CI district minimum front yard setback of 20 feet. An existing hypochlorite solution tank is located 8.8 feet from the right-of-way line of Calle de Sol, a public alley which the Land Development Code considers a street for setback purposes. The 20-foot minimum front yard setback applies to all property frontage along a street or alley. The applicant requests to retain a chlorine tank at its existing location. The variance request is summarized below:

Minimum Front Yard Setback: 20 feet

Requested (Existing) Front Yard Setback along Calle de Sol: 8.8 feet

Variance from Minimum Front Yard Setback Requested: 11.2 feet

Technical Review:

The Technical Review Committee (TRC) reviewed the proposed building addition for compliance with the Land Development Code. The TRC identified no issues related to technical compliance.

I. INTRODUCTION/OVERVIEW

The subject property was developed pursuant to a City of Venice Building Permit issued in 1977, prior to the establishment of site and development plan procedures. In 2004, the hypochlorite solution tank was installed previous owner without a building permit or site and development plan review. On September 2, 2016, the Planning and Zoning Division received a zoning determination request from a contract purchaser doing a due diligence search on the subject property. In the zoning determination, staff commented on the hypochlorite solution tank being erected without a building permit. This matter was then referred to code enforcement staff who notified the owner

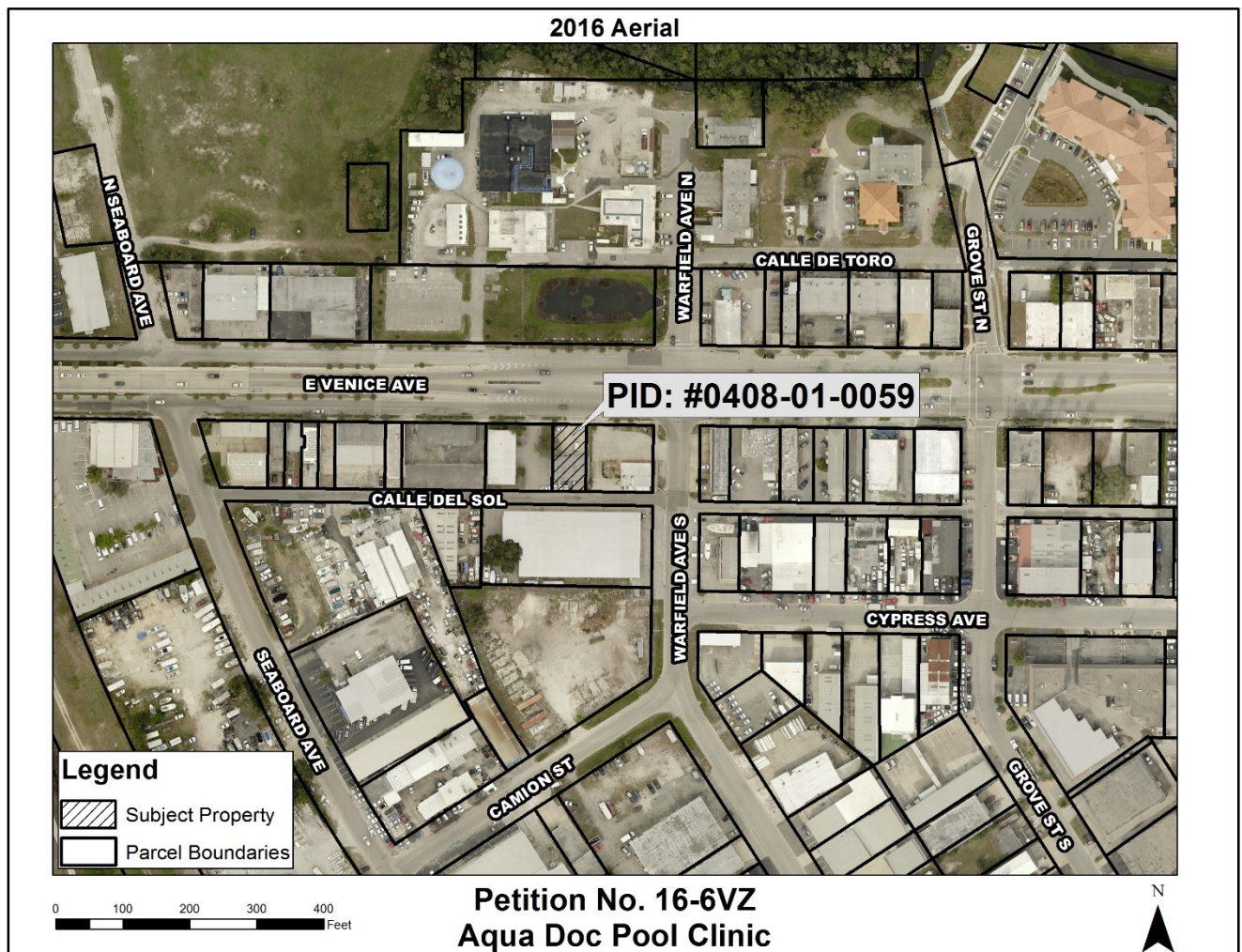
of the code violation. Rather than requiring the removal of the unpermitted tank, the owner was given the option to correct the violation through a two-step approval process, with the understanding that if the process did not result in the necessary approvals the tank would need to be removed. The first step is approval of the subject variance petition. If the variance is approved, the second step is to obtain a building permit.

The tank is located 8.8 feet from the right-of-way of Calle de Sol, a public alley which the Land Development Code (LDC) considers a street for the purpose of designating front yards. As such, the subject property is a through lot with front yards along both Venice Avenue East and Calle de Sol. Section 86-93(i)(1)a requires a minimum 20-foot front yard setback in the CI District. To retain the tank at its current location, 8.8 feet from the right-of-way line of Calle de Sol, a variance from this LDC standard is required.

II. SUBJECT PROPERTY/SURROUNDING PROPERTY INFORMATION

The subject property address is 448 Venice Avenue East. The property is located on the south side of Venice Avenue East, between Warfield Avenue and Seaboard Avenue. Map 1 provides aerial photography which shows the existing conditions of the subject property and surrounding adjacent properties.

Map 1: Aerial Photograph



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



View of the subject property from East Venice Avenue.



View from the public alley of the rear portion of the subject property showing the location of the chlorine tank.

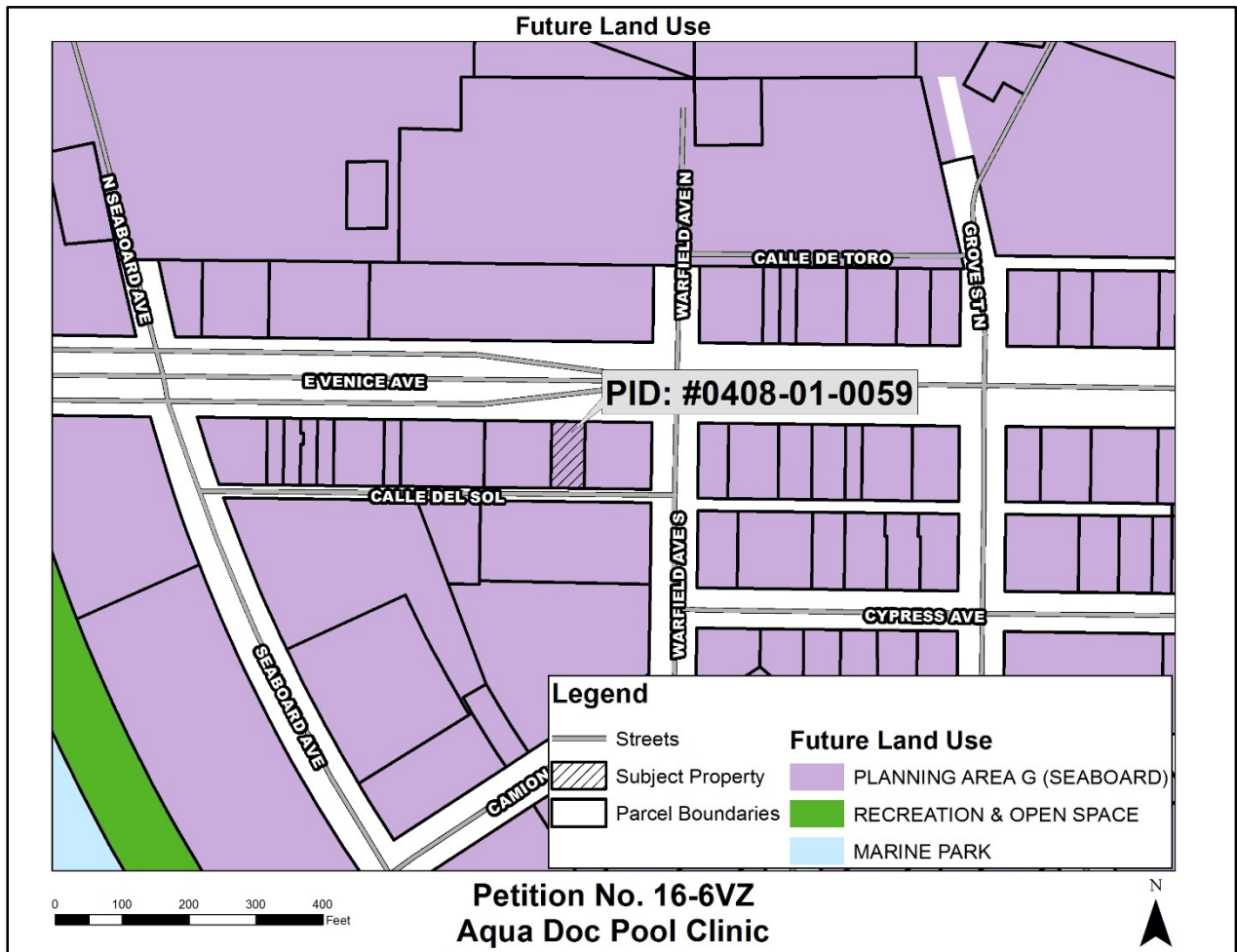
Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with an AE flood zone designation with a base flood elevation of 10 feet. As such, the subject property is in the Special Flood Hazard Area or high risk flood zone, where land area is covered by the floodwaters of the base flood.

Future Land Use:

The future land use map (Map 2) on the following page shows the subject and all surrounding properties having a Seaboard Sector (Planning Area G) future use map designation. Per Policy 16.13 of the Future Land Use and Design Element of the comprehensive plan, the planning intent of the Seaboard Sector is to foster an integrated sector that includes housing opportunities, professional businesses and offices, service businesses, recreational and service resources, restaurants, water-oriented activities, and parks and public spaces.

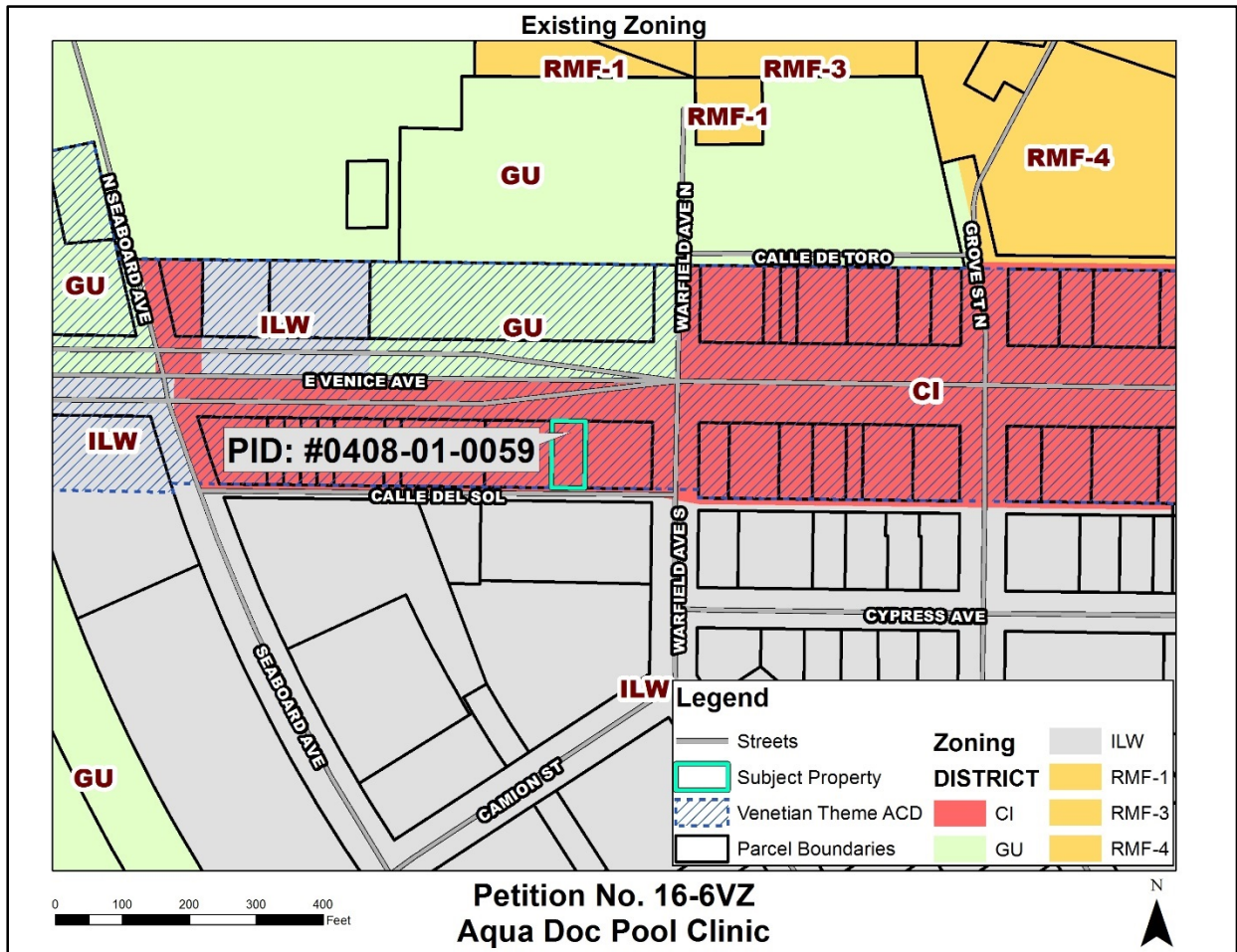
Map 2: Future Land Use Map



Existing Zoning:

Map 3 on the following page shows the existing zoning map designations of the subject and surrounding properties. The subject property and adjacent properties to the east and west along the south side of Venice Avenue East are located in a Commercial, Intensive (CI) zoning district. Properties on the north side of Venice Avenue East are in CI, Government Use (GU), and Industrial, Light and Warehousing (ILW) zoning districts. Adjacent properties to the south of the subject property are in a ILW zoning district.

Map 3: Existing Zoning Map



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 consider the following matters in making a determination on 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: Aqua Doc Pool Clinic has been in business for 35 years and has a great reputation in the community for quality service. We rely on the bleach in the tank we have, to continue to provide our customers with the best possible service. The tank has been installed and in use since 2004 at this location. Unfortunately, and we apologize, we

had been unaware that a permit or variance had been required only moving a short distance from previous accommodation on Warfield Ave and having a tank in use at that location for the prior 4 years. And being aware that other bleach tanks are located within close proximity of our location. There has never been any issues or complaints previously with the bleach tank in either location. We have many safety measures in place to assure the tank is safe. The building and business has been recently sold and that is how this issue was brought to our attention.

Staff Comment: The subject 50-foot wide commercial property has a lot area 5,000 square foot. In addition, as a through lot, the property has two front yards. As such, there is limited land area on the property for the placement of accessory commercial structures.

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

Applicant's Response: As a pool maintenance company, we rely solely on being able to use bleach on a daily basis for us in our customer's pools. We provide service to approximately 800 customers in the Venice area. We also have over 20 employees who rely on the income our business generates. If our ability to have the bleach tank is taken away, the business and employees would suffer immensely, being unable access the chemicals necessary to provide the service to our customers. Our technicians use the bleach tank everyday both morning and evening to get the bleach they use for their route. We have never had an issue or problem concerning the tank and request that the city allow us to resume having a tank onsite so our business can function as it has for the previous 12 years. We have many safety measures already in place to avoid any issues that may arise.

Staff Comment: It is possible for the hypochlorite solution tank to be moved to a nearby CI or ILW zoned 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: Leaving the tank where it currently is would be the minimum variance necessary. It would require no extra labor or parts necessary to move the tank. There would be zero effort required by all parties involved. We have never had any issues or complaints in the last 12 years. Everything can go on as normal.

Staff Comment: Due to the location of the existing commercial building relative to the right-of-way of Calle de Sol and the size of the existing hypochlorite solution tank, the applicant is requesting the minimum variance for the tank to be retained on the south side of the building.

- 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 referenced tank we have used on site has been installed by our supplier Brenntag Mid-South, under their strict guidelines and is leased yearly. We

have many safety measures already in place to avoid any issues that may arise. It is checked and monitored Monday-Friday during our open hours. It remains locked and accessible only by our technicians during that time. At nighttime and weekends, it is locked and secure. The tank itself is installed within a collector tank, just in case of any rupture. Its location is discrete and unobtrusive from any public areas and not close to any residential neighborhoods. The tank is only visible from the rear of the building. Across the street is a storage warehouse with no windows on the side facing the tank. The tank is over 10 feet from the road. Photos are included. Although the street at the rear of the shop is a second frontage, it is not used this way as all units use Venice Ave East frontage as retail and offices. The rear entry is used only for deliveries and trash pickup, which the tank does not interfere with. There is no risk to public safety.

Staff Comment: The photographs provided in Section II of this report show the existing hypochlorite solution tank is not visible from Venice Avenue East. To date, staff has received no written correspondence from neighboring property owners expressing concern over the proposed variance.

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