



**Project: 422 Beach Park Boulevard
Variance Petition No. 17-03VZ**

Staff Report

Applicant: Ron and Lise Juneman

Parcel ID #: 0177-01-0019

Address: 422 Beach Park Boulevard

Property Size: 8,640 sq. ft.

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

Future Land Use Designation: Low Density Residential

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and has been found in compliance with the regulatory standards of the City Code of Ordinances.

Summary of Variance Petition:

The applicant is requesting a variance from Section 86-81(i)(1)a to establish new front yards along Verdi Street and Beach Park Boulevard to allow the following improvements shown on the site plan drawing prepared by the applicant:

Swimming Pool: A 15' x 32' swimming pool and paver pool deck is proposed. The proposed swimming pool and deck are in the required front yards along both Verdi Street and Beach Park Boulevard. The requested variance would establish a six-inch front yard along Beach Park Boulevard. The pool will not be caged.

Solar Panels: Ground-mounted solar panels, occupying a 12' x 24' area, are proposed in the required front yard along Verdi Street. The requested variance would establish a three-foot front yard along Verdi Street

The applicant proposes to limit the variance request to only those existing required front yard areas in which improvements are proposed. In portions of the required front yards where no improvement is proposed, the minimum required 20-foot front yard will be retained.

In addition, due to the difficulties in getting on a contractor's schedule and pool contractor delays, the applicant is requesting that the variance be approved for 365 days instead of 180 days. Per Section 86-46(b), the Planning Commission may grant a variance for up to 365 days.

I. OVERVIEW OF VARIANCE REQUEST

The subject RSF-3 zoned property is a corner lot with street frontage on Verdi Street and Beach Park Boulevard. The owners have requested a variance from Section 86-81(i)(1)a to establish new front yards along these two streets to allow the construction of a swimming pool and ground-mounted solar panels. Figure 1 on the following page shows the improvements proposed by the applicant. The proposed pool is in the required front yards along both Verdi Street and Beach Park Boulevard while the proposed solar panels are in the required front yard along Verdi Street. Table 1 summarizes the location of the proposed improvements with respect to the minimum distance from the front property lines.

Table 1: Location of Proposed Improvements

Proposed Improvement	Minimum Distance from Front Property Lines	
	Along Verdi Street	Along Beach Park Boulevard
Swimming Pool	16 feet	2.5 feet
Paver Deck	3 feet	6 inches
Solar Panels	3 feet	N/A

The applicant proposes to limit the requested variance to only those improvements shown on the site plan that are within the existing required 20-foot front yards along Verdi Street and Beach Park Boulevard. As such, the geographic extent of the requested variance will be limited to the footprint of the improvements shown on the site plan submitted by the applicant. Figure 2 on the following page shows the existing required front yards and the required front yards that would be in place if the proposed variance is approved. The proposed required front yard is depicted on Figure 2 as the combination of unchanged existing front yard boundary (dashed line) and the proposed front yard boundary (dotted line) established by the proposed improvements.

Section 122-391 requires a 20-foot clear visibility triangle at the corner of Verdi Street and Beach Park Boulevard. Within the clear visibility triangle no fence, wall, hedge or other planting or structure are allowed that will materially obstruct vision between a height of 2.5 and ten feet above the centerline grades of the intersecting streets. Clear tree trunks, signposts, lampposts, fenceposts (but not opaque fences) and the like are exempt from this requirement. A proposed four-foot open aluminum fence and part of the proposed pool deck are in the clear visibility triangle. The proposed fence is not opaque and the proposed pool deck will be elevated less than 2.5 feet; therefore, the code does not prohibit these items being within the clear visibility triangle. Nor does the code prohibit activity in on the pool deck which could obstruct visibility.

II. SUBJECT PROPERTY/SURROUNDING PROPERTY INFORMATION

The subject property is located at 422 Beach Park Boulevard. The property is a corner lot with street frontage on Verdi Street and Beach Park Boulevard. Map 1 on page 4 is an aerial photograph showing existing conditions of the subject and surrounding properties.

The subject property is in a neighborhood developed exclusively with single-family detached residences. A closer look at existing on and off-site conditions is provided by the photographs following Map 1.

Figure 1: Site Plan of Proposed Improvements

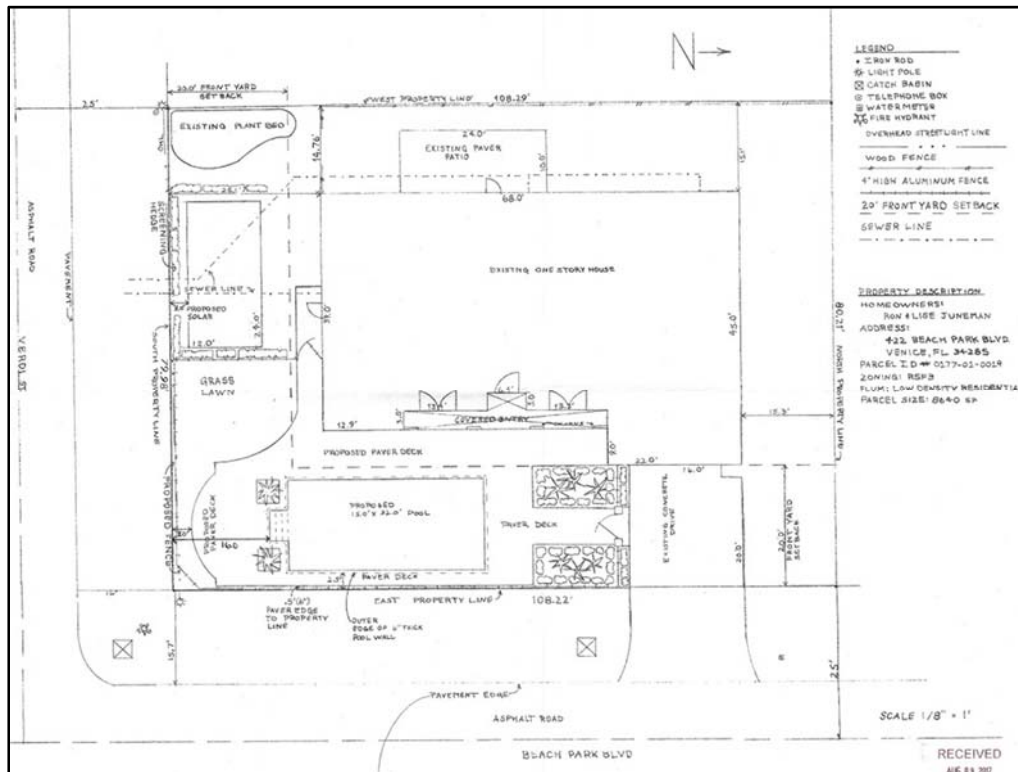
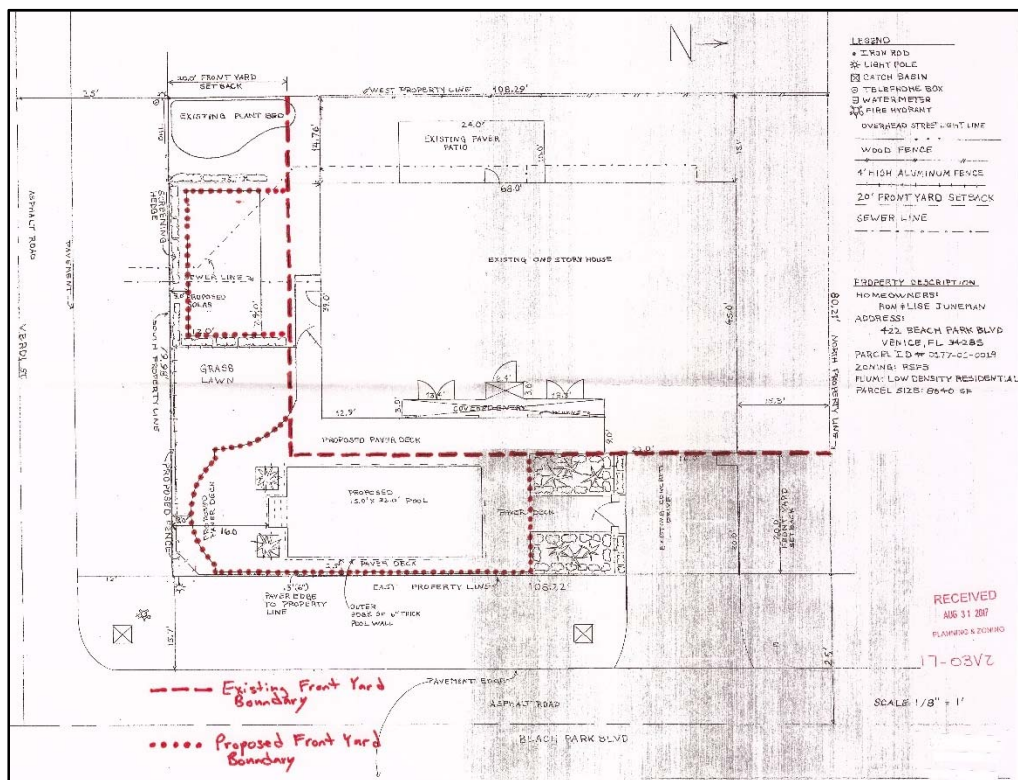
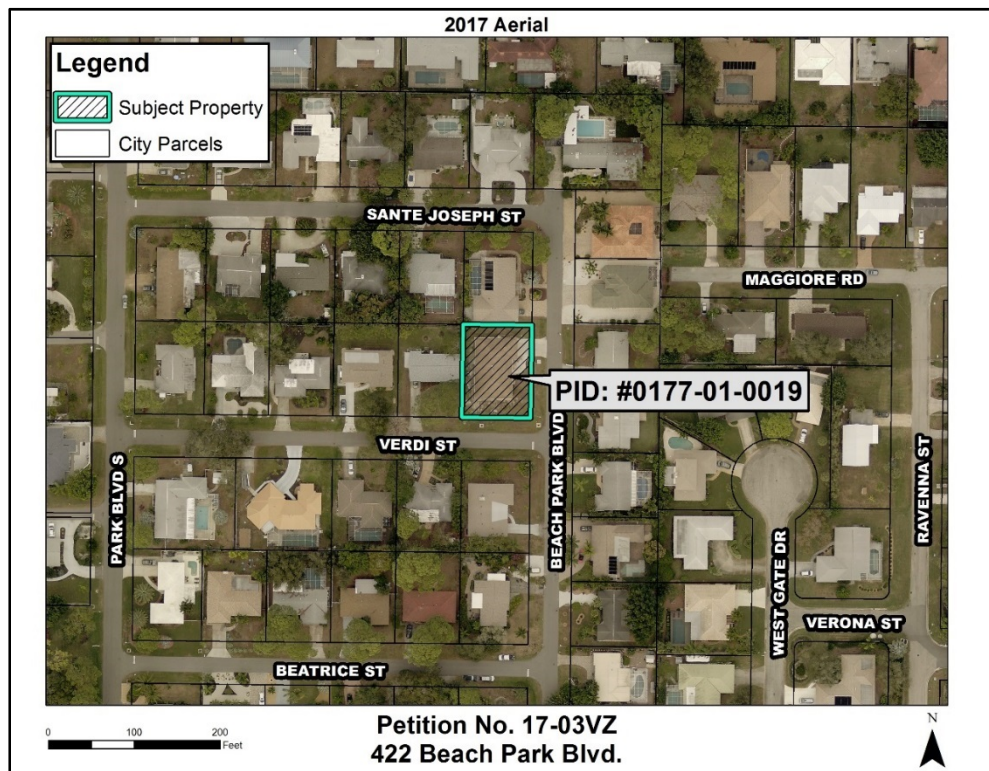


Figure 2: Existing and Proposed Required Front Yards



Map 1: Aerial Photograph



View of the front yard along Verdi Street, a one-block long public street.



View of the front yard along Beach Park Boulevard. The swimming pool is proposed along the front side of the house. The front property line is located approximately two feet to the left of the light pole.

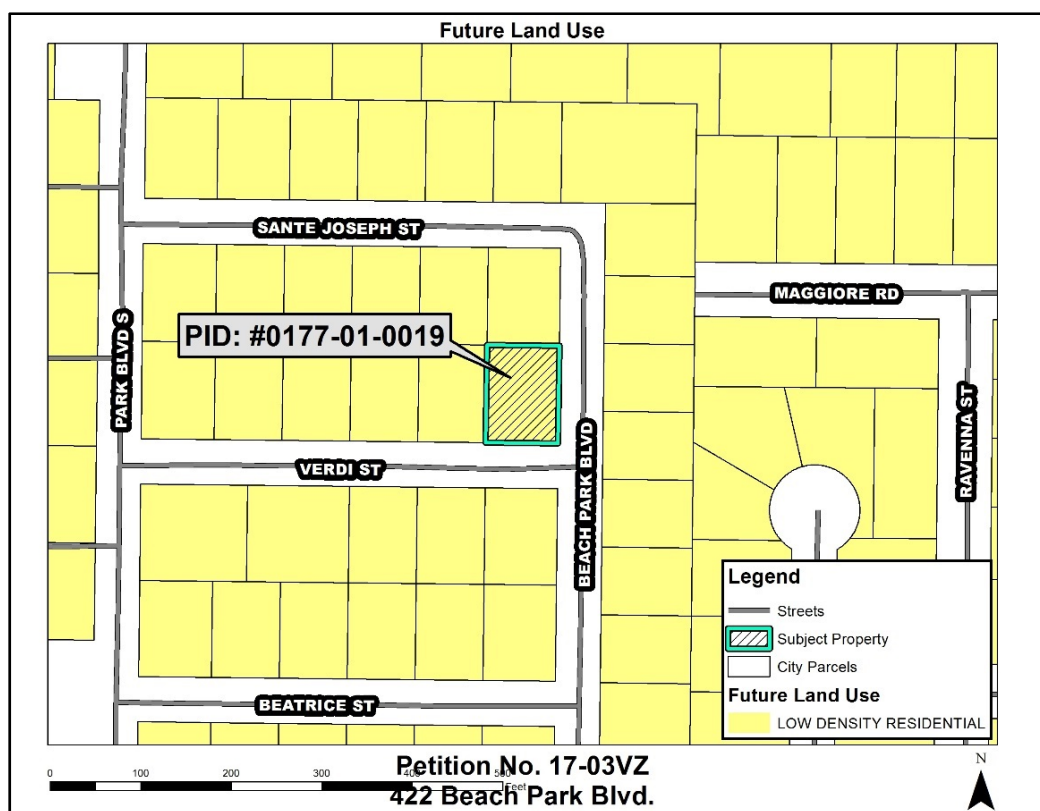
Future Land Use:

Map 2 is the future land use map that shows the subject and surrounding properties having a Low Density Residential designation. This designation is intended to accommodate single-family and other similar residential uses.

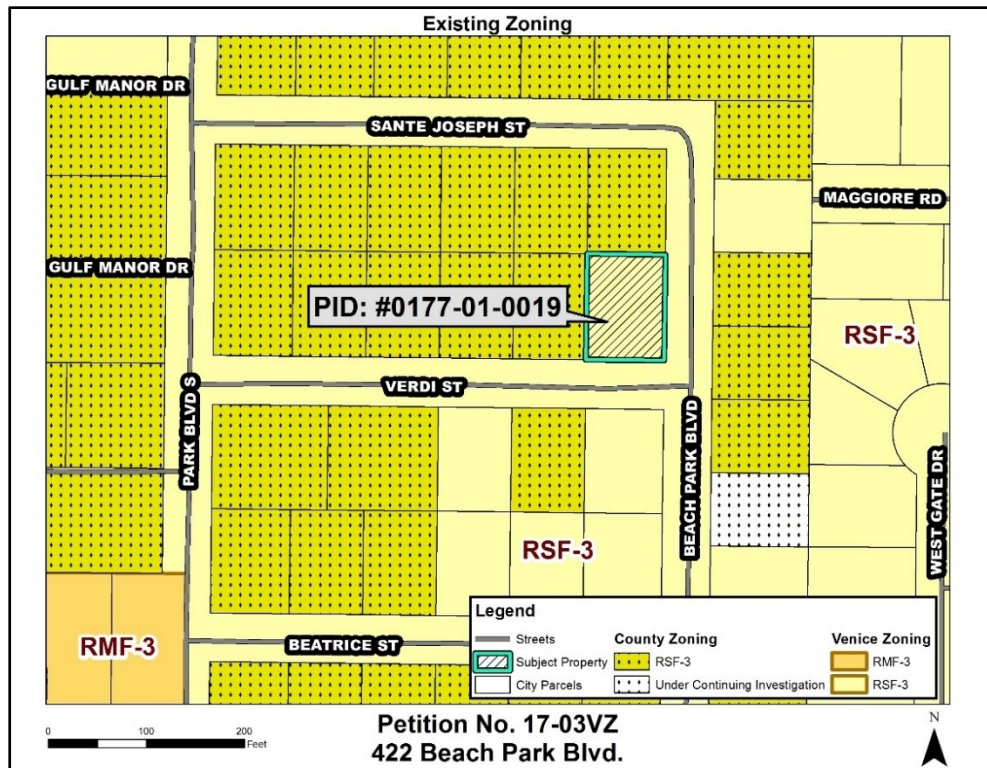
Existing Zoning:

Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property is zoned City of Venice Residential, Single Family 3 (RSF-3). All adjacent properties are in either a City of Venice RSF-3 district or a Sarasota County RSF-3 district. One nearby property has an unknown Sarasota County zoning designation.

Map 2: Future Land Use Map



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. The applicant has 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 is on a corner lot and has no back yard in which to build a pool. Because of the placement of the home when it was built in 1978, the west side yard is 15.1 feet deep and the north side yard is 15.3 feet deep, too narrow to allow for the construction of a pool or solar system. Also, there are two sewer lines in the south front yard, preventing constructing a pool in this area. The house has a hip style roof. The south facing side of the roof has too little surface area for an appropriately sized solar heating system. The remaining sides of the roof do not have adequate surface area, are shaded by trees, have inadequate sun exposure, or would be made unsightly by panels attached to the front roof of the house. These special circumstances constrain the location of the pool in the east front yard and a solar system in the south front yard of the property, through no fault of the owner.

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

Applicants Response: The application of the front yard setback places an unnecessary and undue hardship on the property as it does not allow for any location on the property to construct an in-ground swimming pool. Because of the narrow size of the two side yards, the only areas on the property with enough square footage for a pool of typical size are the two front yards.

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

Applicants Response: The proposed variances of:

1. A new east front yard setback to 2.5 feet and
2. A new south front yard setback of 16 feet, as shown in the site plan drawing, is the minimum necessary to allow for the construction of a swimming pool. The pool will be at ground level with no screen enclosure. The pool fence will be a 4 to 5 foot high, 4:1 ratio, open fence, consistent with code requirements of Section 86-497(b) and (f), and Section 122-391. The fence will have two 16"x 16" columns at the south side of the driveway to act as gate posts for the entry gate from the driveway to the courtyard and pool, consistent with code requirements of Section 86-47(e).
3. A new east front yard setback of 6" and
4. A new south front yard setback of 3 feet, as shown on the site plan drawing, is the minimum required for the paver deck to extend beyond the edge of the pool.
5. A new south front yard setback to 3 feet, as shown on the site plan drawing, is the minimum necessary to allow for the construction of a ground mounted solar system. The panels will be mounted to a frame of aluminum or pressure treated wood. The southernmost part of the system, closest to the property line, will be no more than 18" from the ground, and the northernmost part of the system, closest to the house, will be no more than 4.5' from the ground.

- 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; and*

Applicants 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 owners to build a reasonably sized pool, similar to the other pools in the neighborhood, heat the pool with a solar heating system, and not be injurious to the neighborhood or otherwise detrimental to the public welfare. Its surrounding fence and location at the corner of a quiet intersection used by predominantly local traffic does not pose any detrimental effect on the neighborhood. Additionally, all requests are consistent with Section 86-81(c) regarding *Permitted accessory uses and structures*, and Section 86-81(h)(1)(b) regarding *Maximum lot coverage*. Oral conversations with immediate neighbors on all sides have resulted in no objections to the pool or solar heating system.

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