



Project: 32 Plumosa Drive
Variance Petition No. 17-02VZ

Staff Report

Applicant: Todd & Desiree Schwalbe

Parcel ID #: 0407-03-0021

Address: 32 Plumosa Drive

Property Size: 4,876 sq. ft.

Existing Zoning: Residential, Manufactured Home (RMH)

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

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 86-146(d)(15)a. to reduce the minimum waterfront yard from 20 feet to 8.5 feet to allow for the construction of roof structure over an existing patio and deck.

I. BACKGROUND / OVERVIEW OF VARIANCE REQUEST

Background:

The subject RMH zoned property is a canal-front lot in a mobile home subdivision. The owners purchased the property in June of 2016 and have made several improvements to the property since the purchase.

Through the issuance of Building Permit No. 16-2955, a 12' x 12' boat lift was installed adjacent to the existing seawall. Through the issuance of Building Permit No. 16-4915, an existing deck was repaired and enlarged. The deck is in the minimum 20-foot waterfront yard. The deck was allowed in the waterfront yard because its height did not exceed 36 inches above grade. Section 86-570 includes a definition of "Yard, generally" which reads in part that a yard, generally, is a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 36 inches above the general ground level of the graded lot upward. In other words, since the deck did not exceed a height of 36 inches above grade it was not subject to minimum waterfront yard setback requirements. Finally, a building permit application has been submitted for the proposed roof structure that is the subject of the variance petition. This permit application is on-hold pending the outcome of the variance request.

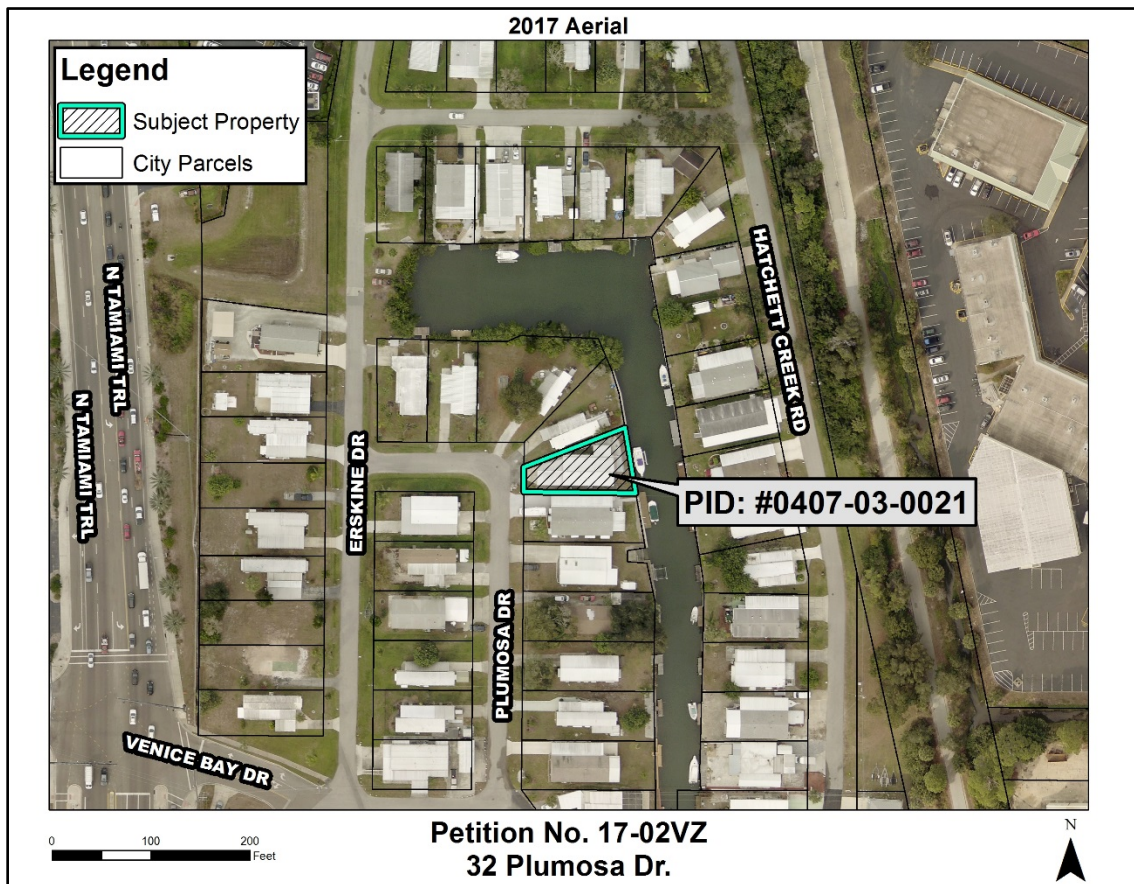
The owners have requested a variance from Section 86-146(d)(15)a to allow a roof structure in the minimum 20-foot waterfront yard. The roof structure is proposed to create shade over the existing deck and patio. The roof structure is proposed to be setback 8.5 feet from the mean high water line which in this case is the outside edge of the seawall. The proposed roof structure will have the same height and pitch as the roof for the mobile home. No walls are proposed to enclose the open-air structure; the only vertical structures proposed are 4" x 4" posts to support the roof structure. A three-foot guard rail is proposed along the edge of the elevated deck to comply with safety requirements of the Florida Building Code.

The application materials include a site plan drawing and construction drawings of the proposed roof structure.

II. SUBJECT PROPERTY / SURROUNDING PROPERTY INFORMATION

The subject property is located at 32 Plumosa Drive. The property is a canal-front lot in a mobile home subdivision. Map 1 is an aerial photograph showing existing conditions of the subject and surrounding properties.

Map 1: Aerial Photograph



The subject property is in a neighborhood developed exclusively with single-family manufactured homes. The following photographs provide a closer look at the existing waterfront yard conditions of the subject property.



View of the subject property's waterfront yard looking north from the neighboring property.



View of the subject property's waterfront yard looking south from the property's side property line.

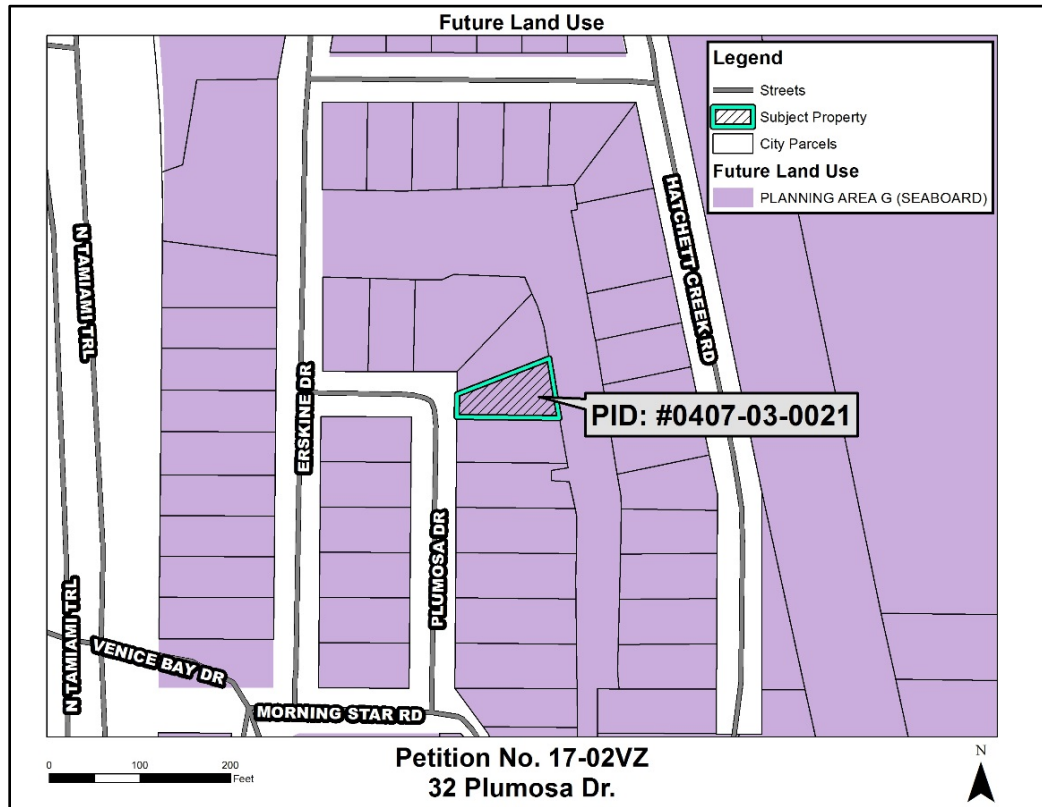
Future Land Use:

Map 2 on the following page is the future land use map that shows the subject and surrounding properties having a Seaboard Sector (Planning Area G) designation. This designation is intended 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.

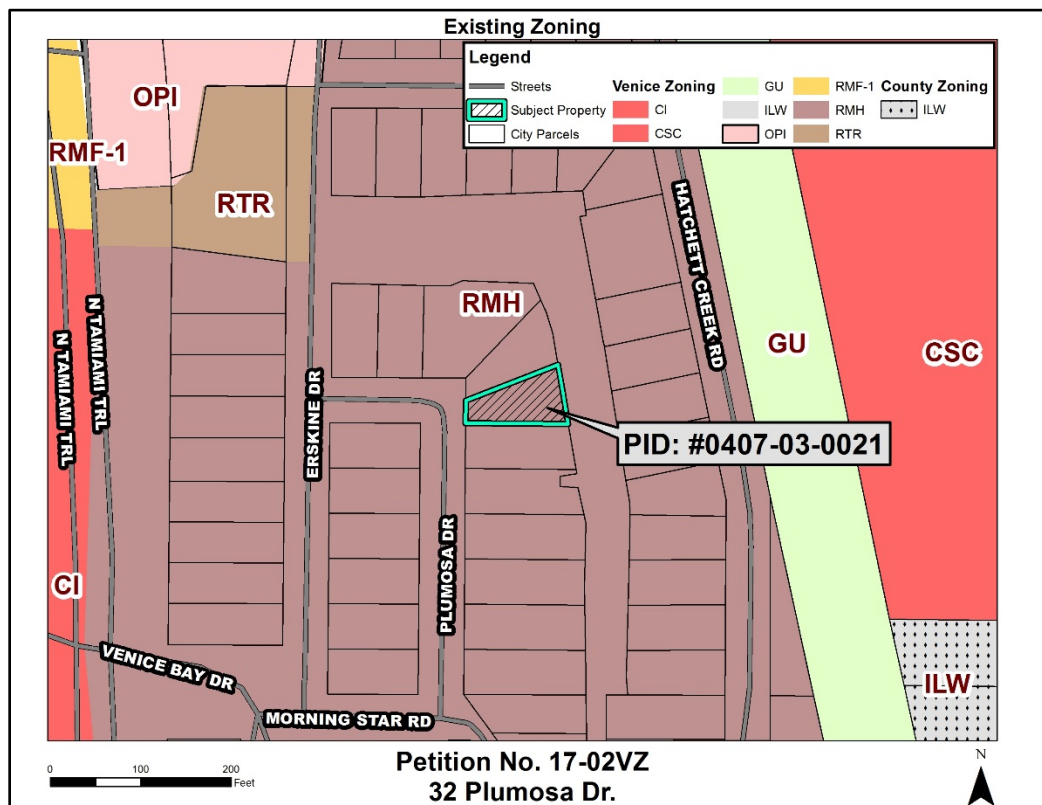
Existing Zoning:

Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property and all surrounding properties are located within the Residential, Manufactured Home (RMH) zoning district.

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. 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: Our park and area has been in existence since mid-1940's as a result, many units are non-conforming with the current code and our home sits on an irregular shaped lot. Our home was placed in 1988 with one corner of our home is already set at the minimum set back. We purchased the home less than a year ago as a result the special circumstances are not the fault of the applicant.

Staff Comment: The subject property is a legal, non-conforming lot. Lots in a manufactured home subdivision are required to have a minimum area of 6,000 square feet and a minimum width of 60 feet. The property's lot area is 4,876 square feet and the lot is 46 feet wide.

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

Applicant's Response: If the variance is not granted it will deprive the applicant of rights enjoyed by other owners of similar nearby parcels. The applicant is proposing to build a site specific, engineered lanai roof/cover over part of the deck & patio. Due to the easterly exposure of the back of the house we have no protection from the sun or elements to enjoy our backyard.

Staff Comment: Strict enforcement of the minimum 20-foot waterfront yard setback would preclude any permanent shade structure over the existing deck and patio.

- 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 applicant is proposing to extend a site specific, engineered roof extending from the rear of existing structure to within 8.5 ft. of the water line/seawall. Included with this application is a designed drawing & engineering from Denham Aluminum. This addition would make possible reasonable use of deck and patio area that so many other similar properties in our area already enjoy.

Staff Comment: The proposed roof structure extends minimally (18 inches) beyond the existing deck and patio. The variance, if granted, would be the minimum variance needed to meet the requested use of the land, the construction the roof structure as designed.

- 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*

Applicant's Response: The granting of this variance is in harmony with the neighborhood and community and will not be injurious/detrimental to the to the neighborhood. The applicant is not requesting a variance to any side set back thus the adjoining properties will not be adversely affected. The extension will not obstruct any other property owner's views because it will be open and not screened in.

Staff Comment: The open design of the roof structure reduces impacts to abutting property owners regarding access to light and air, and views of the canal. Existing waterfront yard vegetation partially mitigates the visual impact of the requested roof structure on abutting property owners.

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