



Project: Capone Residence
834 Golden Beach Boulevard
Variance Petition No. 17-05VZ

Staff Report

Applicant: Ray and Martha Capone

Parcel ID #: 0178-02-0001

Address: 834 Golden Beach Blvd.

Property Size: 32,402 sq. ft.

Existing Zoning: Sarasota County Residential, Multi-Family-2 (RMF-2)

Future Land Use Designation: Medium 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, with the exception of the variance request.

Summary of Variance Petition:

The applicant is requesting a variance from Section 86-260(e)(1) for construction seaward of the Gulf Beach Setback Line (GBSL) for a new pile-supported residence, renovation of an existing swimming pool and pool deck, and installation of a 6 foot privacy wall.

I. BACKGROUND / OVERVIEW OF VARIANCE REQUEST

Background:

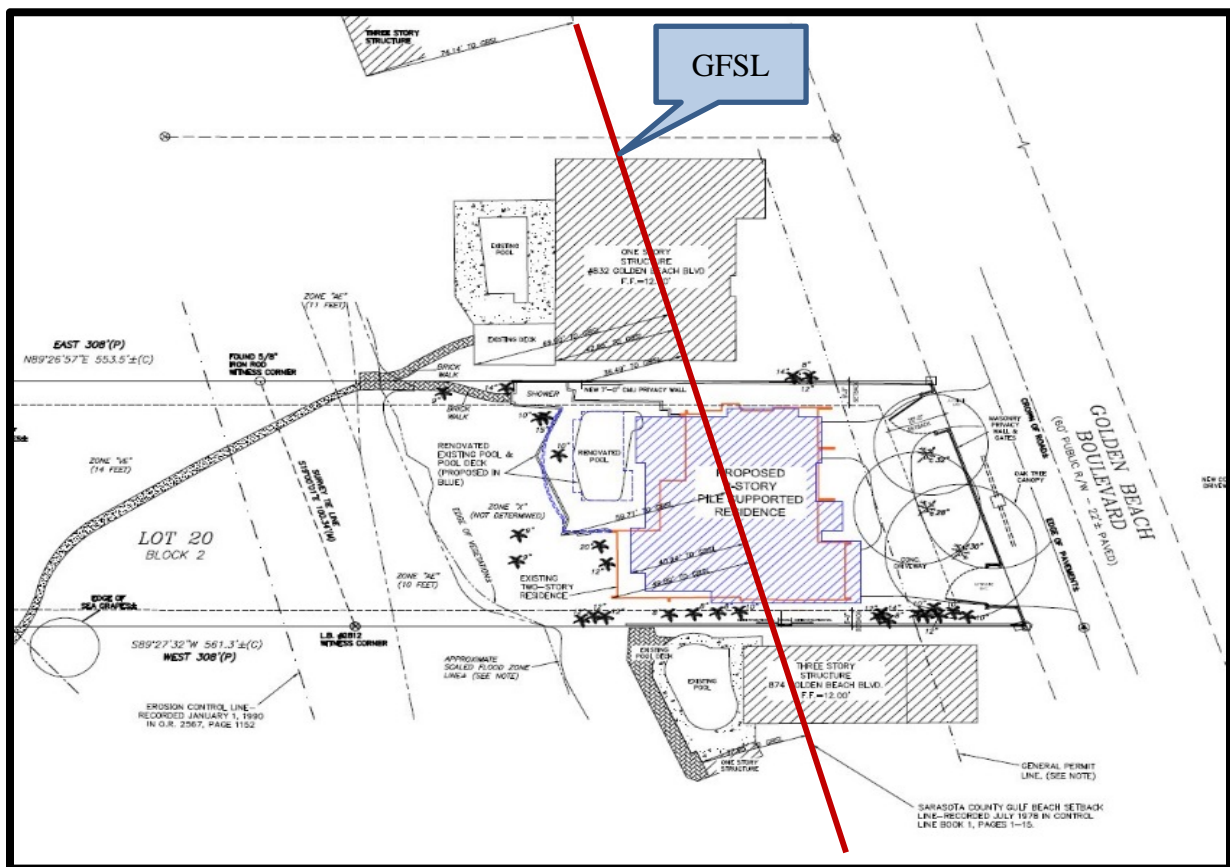
The subject property was purchased by the applicants approximately 14 years ago. It currently contains a two-story, 5,400 square foot home that was constructed in 1978. Due to continuous and excessive maintenance issues, the applicants propose to demolish the existing home and construct a new, pile-supported, two-story residence on the property. In addition to construction of the new home, the applicants proposed to renovate the existing swimming pool and deck in its current location and construct a six foot privacy wall along the north property line. In order to accomplish the indicated improvements as proposed by the applicants and not require removal of the existing mature oak trees in the front yard, a variance must be obtained to allow for construction seaward of the Gulf Beach Setback Line (GBSL).

The City's code identifies the GBSL as the Gulf-Front Setback Line (GFSL). This line is defined in the City's code as "*a line congruent to the 1978 Coastal Construction Control Line as depicted on the official zoning atlas, or a distance of 150 feet from the mean high-water line, whichever is greater.*" This definition is consistent with the definition in the County code. In relation to the GFSL, the City's Code Section 86-260 states the following:

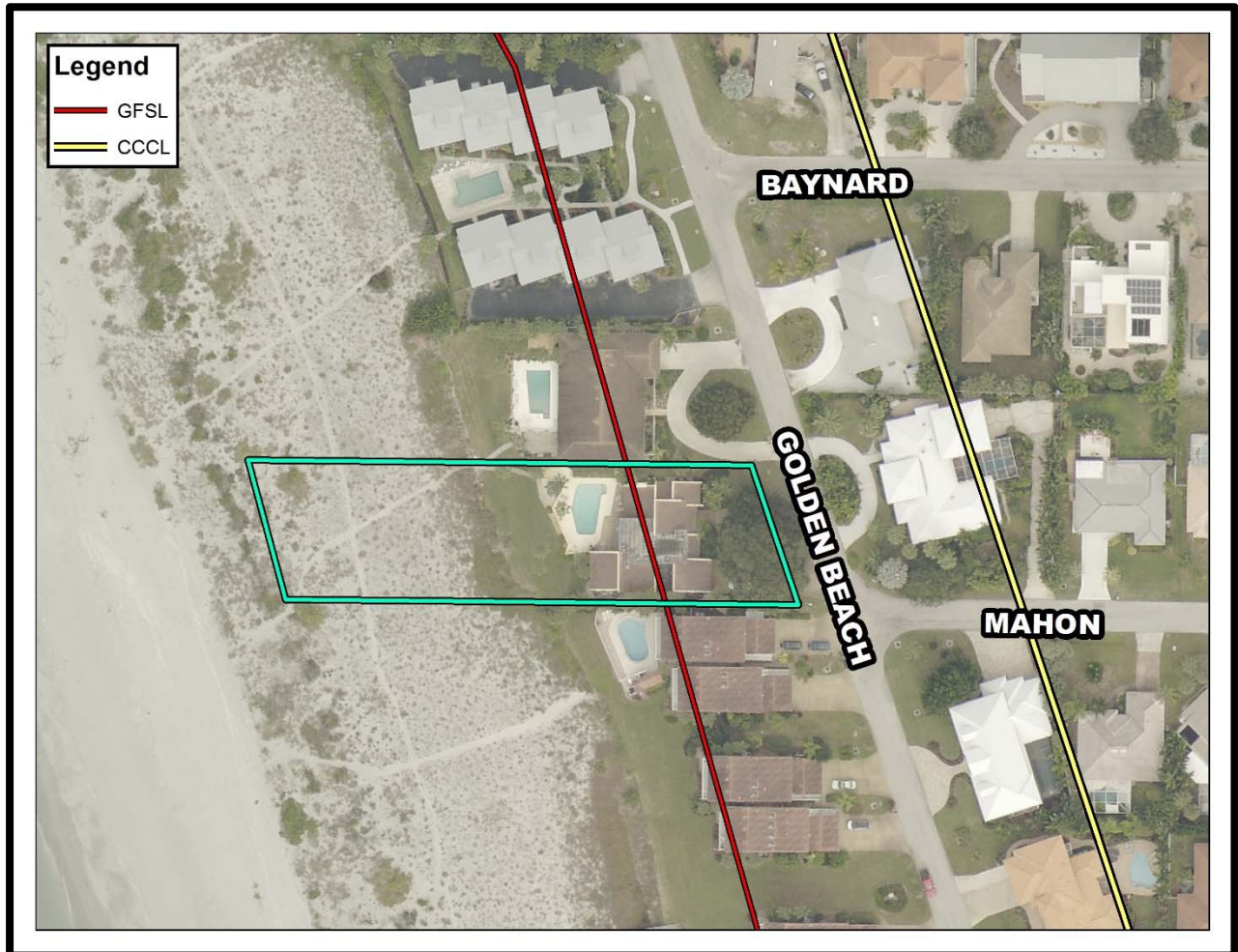
(e) Construction or excavation seaward of gulf-front setback line.

(1) Prohibited . To protect the coastal areas of the city directly exposed to the Gulf of Mexico from erosion and flooding, minimize future public expenditures for flood and erosion control measures, minimize future public expenditures for relief and/or restoration of projects following natural disasters or gradual erosion, ensure public access along the public beaches of the Gulf of Mexico, minimize erosion damage to adjacent property resulting from manmade structures, protect beaches, beachfront dunes, beachfront bluffs and beachfront vegetation necessary for maintaining shoreline stability, and ensure that coastal property and coastal waters retain their economic, recreational and aesthetic value for coastal property owners and the general public, no construction or excavation shall be undertaken within the shoreline hazard area, which is defined as the area seaward of the gulf-front setback line.

The applicant is requesting a variance to the identified code language that prohibits construction seaward of the GFSL. The applicant has provided, in their submittal, the conceptual site plan below. The graphic depicts the existing footprint of the single-family residence and existing pool and deck in **orange** and the proposed footprint of the new residence and renovated pool and deck in **blue**. As you can see by the graphic, the proposed construction of the new home will reduce the furthest extent of encroachment seaward of the GFSL by approximately 9 feet. In addition to the new residence the applicant is proposing to renovate the existing pool by changing the shape of both the pool and the pool deck while maintaining, for the most part, the existing footprint. Finally, a six foot high concrete privacy wall is proposed along the north property line that is compliant with code standards, however, lies seaward of the GFSL by approximately 37 feet.



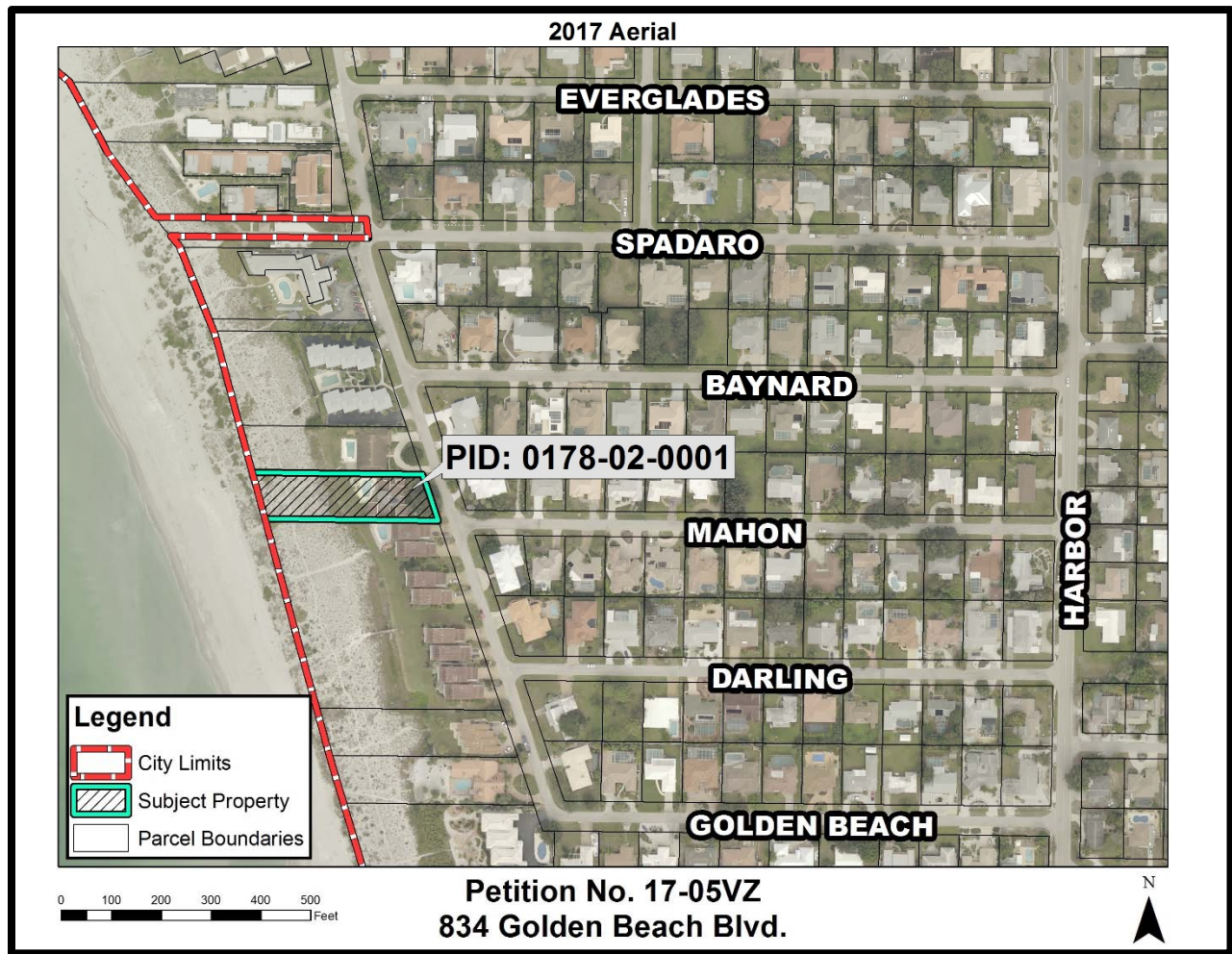
The conceptual site plan on the previous page depicts the location of the GFSL as does the zoomed in detail below. This confirms that the majority, if not all, of the existing structures exceed the limits of the GFSL. In addition, the detail depicts the location of the Coastal Construction Control Line that establishes the Coastal Construction Control Zone which is the area seaward of the line. This area requires permitting through the Florida State Department of Environmental Protection (FDEP) in addition to local permitting through the City's Building Department. The applicant has indicated preliminary review by the FDEP and has been approved for formal application. The applicant will also need a letter of no objection from the City that cannot be provided for this proposal unless the requested variance is granted.



II. SUBJECT PROPERTY / SURROUNDING PROPERTY INFORMATION

The subject property is located at 834 Golden Beach Blvd. Map 1 is an aerial photograph showing existing conditions of the subject and surrounding properties.

Map 1: Aerial Photograph



Following are photographs of the subject and surrounding properties.





Street view looking north



Street view looking south



Gulf view looking north



Gulf view looking south



Pool area



House across the street

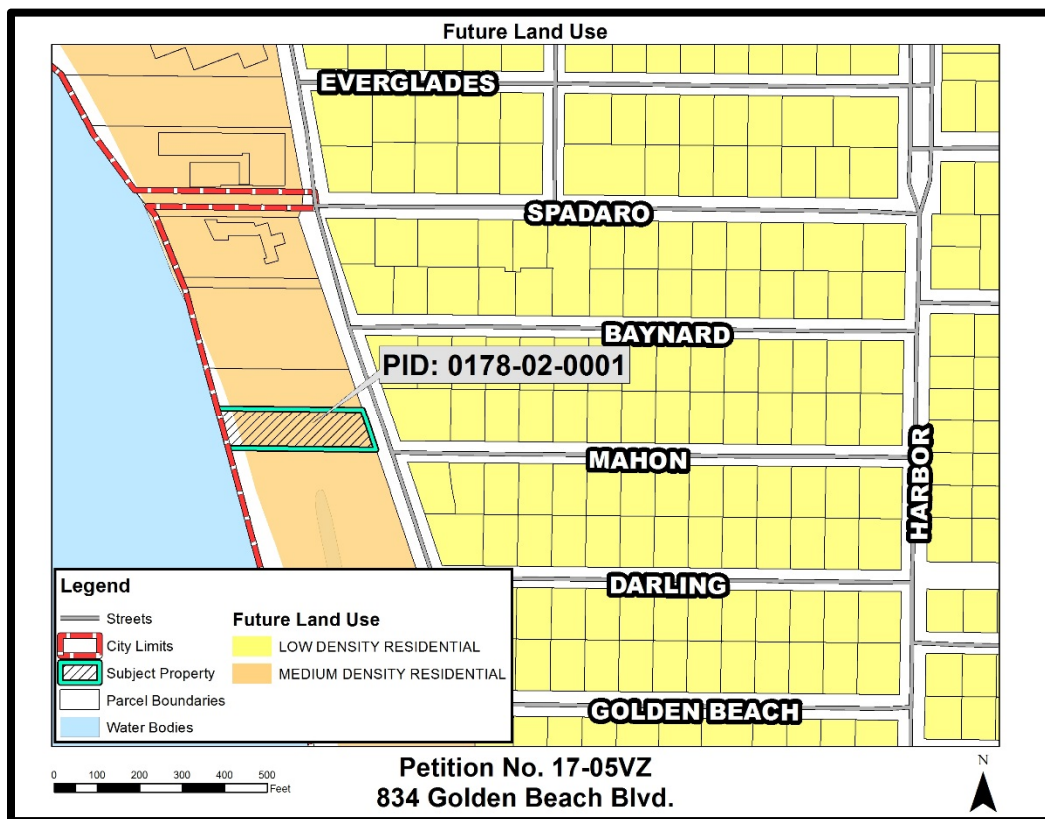
Future Land Use:

Map 2 is the future land use map that depicts the subject and surrounding properties having a Medium Density Residential designation. This designation provides for 5.1-13 dwelling units per acre. It is intended to accommodate a variety of single and multi-family residential uses.

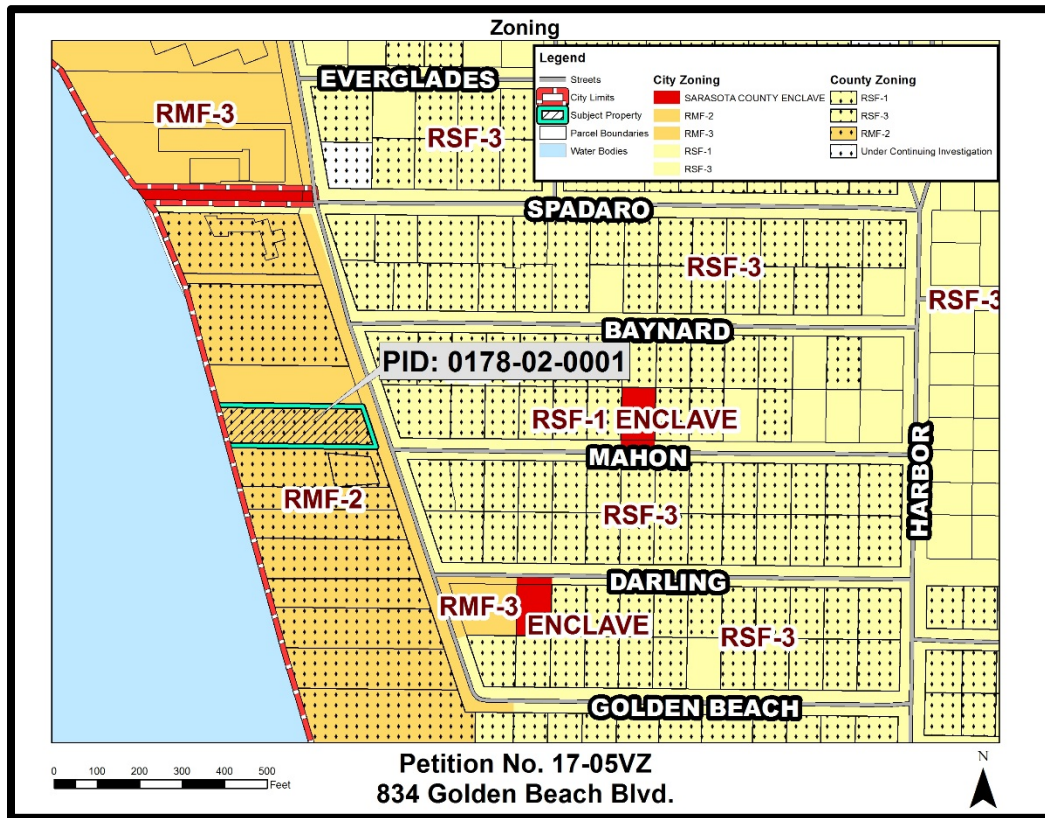
Existing Zoning:

Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property and the majority of the surrounding properties are still under Sarasota County zoning with properties that front on the Gulf of Mexico identified as Residential, Multi-Family and the properties to the east zoned Residential, Single-Family. The subject property is zoned county RMF-2 and the owner has agreed to have his property rezoned to a like City of Venice zoning designation upon the City's adoption of a new zoning map. The property has been reviewed based on the City's RMF-2 zoning standards for the purposes of this variance request.

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: See applicant's submittal.

Staff Comment: The location of the property on the coast provides its own unique limitations as provided by the various jurisdictional lines. In addition, the applicant's desire to maintain the existing mature trees may be considered a special circumstance.

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

Applicant's Response: See applicant's submittal.

Staff Comment: Literal interpretation of the code would significantly limit the potential footprint of any structure on a considerable large piece of valuable property. This would appear to be out of compliance with the typical intent of Gulf front 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: See applicant's submittal.

Staff Comment: Although a smaller home could be constructed, the variance request is the minimum necessary to meet the applicant's requested use of the land. In addition, the proposed new residence does reduce the furthest existing extent of improvements seaward of the GFSL.

- 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: See applicant's submittal.

Staff Comment: Although it is the intent of the code to not permit any improvements beyond the GFSL, considering the majority of the residential structures along the coast are located seaward of this line, granting of the applicant's request would be consistent with the existing conditions of the neighborhood and therefore not injurious or detrimental.

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