



Project: 753 Eagle Point Drive
Variance Petition No. 17-01VZ
Staff Report

Applicant: Gerald and Diane Knapp

Property Address: 753 Eagle Point Drive

Parcel ID #: 0406-13-0010

Project Acreage: 17,083± sq. ft. (0.39 acres)

Existing Zoning: Sarasota County Residential, Multiple-Family 1 (RMF-1)

Future Land Use Designation: City of Venice Medium Density Residential

Summary of Variance Petition: The applicant is requesting two variances for the subject property:

1. Variance from Section 86-82(j)(1)(b) to exceed the minimum side yard setback for the construction of a side porch.

Required Minimum Side Yard Setback: 6 feet

Requested Side Yard Setback: 5.33 feet

2. Variance from Section 86-82(j)(1)(b) to reduce the minimum combined side yard setback for the construction of a side porch.

Required Minimum Combined Side Yard Setback: 15 feet

Requested Combined Side Yard Setback: 11.63 feet

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and compliance with all regulatory standards applicable to the subject petition has been confirmed.

I. REQUEST

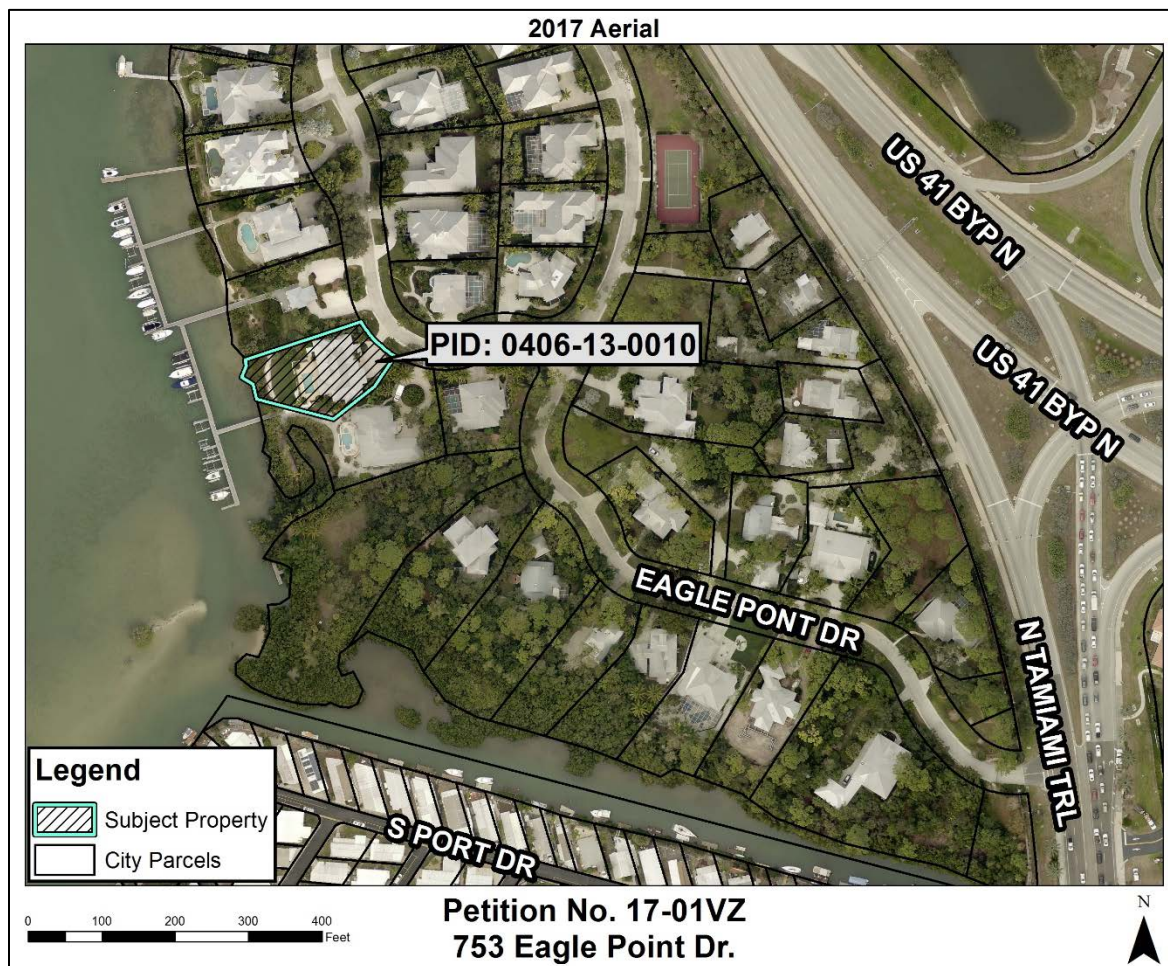
On May 5, 2017 Gerald and Diane Knapp, owners of property located at 753 Eagle Point Drive, petitioned the city for two variances to Section 86-82(j)(1)(b) to allow construction of an expanded and enclosed side porch. The design of the porch necessitates a variance from the

minimum side yard setback requirement of six (6) feet and minimum combined side yard setback requirement of 15 feet for the Residential, Multiple-Family 1 (RMF-1) zoning district. The owners are requesting they be allowed to exceed the minimum side yard setback by 0.67 feet and reduce the minimum combined side yard setback by 3.37 feet.

II. SUBJECT PROPERTY/SURROUNDING PROPERTY INFORMATION

The subject property is located at 753 Eagle Point Drive (PID #0406-13-0010) within the 23.4± acre Eagle Point Club subdivision (see Map 1). It is surrounded on the north by a community boathouse; on the west by Roberts Bay; and on the south and east by similar sized single-family homes. The property is irregularly shaped and covers 17,803± square feet (0.39 acres). It has a varying width between 45.88 feet and 114.00 feet, with an average width of 77.94 feet. The average width is just 2.94 feet wider than the minimum requirement of 75 feet for the Residential, Multiple-Family 1 (RMF-1) zoning district.

MAP 1: Aerial Photograph



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



Single-family residence on the subject property.



Adjacent single-family residences, looking northeast.



Adjacent community boathouse, looking northwest.



Location of proposed improvement on existing residence.



Walkway under existing elevated wood deck.



View of existing elevated wood deck from boathouse property.

The property contains an existing two-story single-family home that was built in 2003. Due to the property's irregular shape the home was constructed near the center of the property, which also happens to be the widest part of the property. The center of the property provided the most buildable area for the owners to construct a home of similar size and shape to adjacent properties.

The property owners wish to construct an expanded and enclosed side porch located on the north side of the home. The existing open-air porch, and much of the northern and western sides of the home, consists of a 15-foot high elevated wood deck. The new enclosed porch would be expanded over the existing wood deck and utilize the deck's existing footings. The entire expanded porch will remain under the existing roof line of the home.

The northern side of the home has a current side yard setback of nine (9) feet measured to the existing elevated deck footings. The new porch would extend beyond the existing footings and create a new side yard setback of 5.33 feet. Therefore, the property owners are requesting a variance to exceed the minimum six-foot side yard setback in this area by 0.67 feet. Additionally, the owners are requesting a variance to reduce the minimum *combined* side yard setback requirement of 15 feet. The current side yard setback on the south side of the home is 6.30 feet. A reduction of the setback on the north side to 5.33 feet would create a new combined side yard setback of 11.63 feet, which would reduce the minimum requirement by 3.37 feet.

Table 1. Analysis of Side Yard Variance Requests

RMF-1 Standard	Minimum Requirements	Existing	Proposed	Variance Request
Minimum Lot Width ¹	75 ft.	Varies between 45.88 ft. and 114.00 ft.	Varies between 45.88 ft. and 114.00 ft.	-
Minimum Lot Area ¹	7,500 sq. ft.	17,083± sq. ft.	17,083± sq. ft.	-
Minimum Side Yard Setback ²	6 ft./15 ft.	-	-	-
Northern portion of property	-	9.00 ft.	5.33 ft.	Yes
Southern portion of property	-	6.30 ft.	6.30 ft.	No
Combined side yard setback	-	15.30 ft.	11.33 ft.	Yes

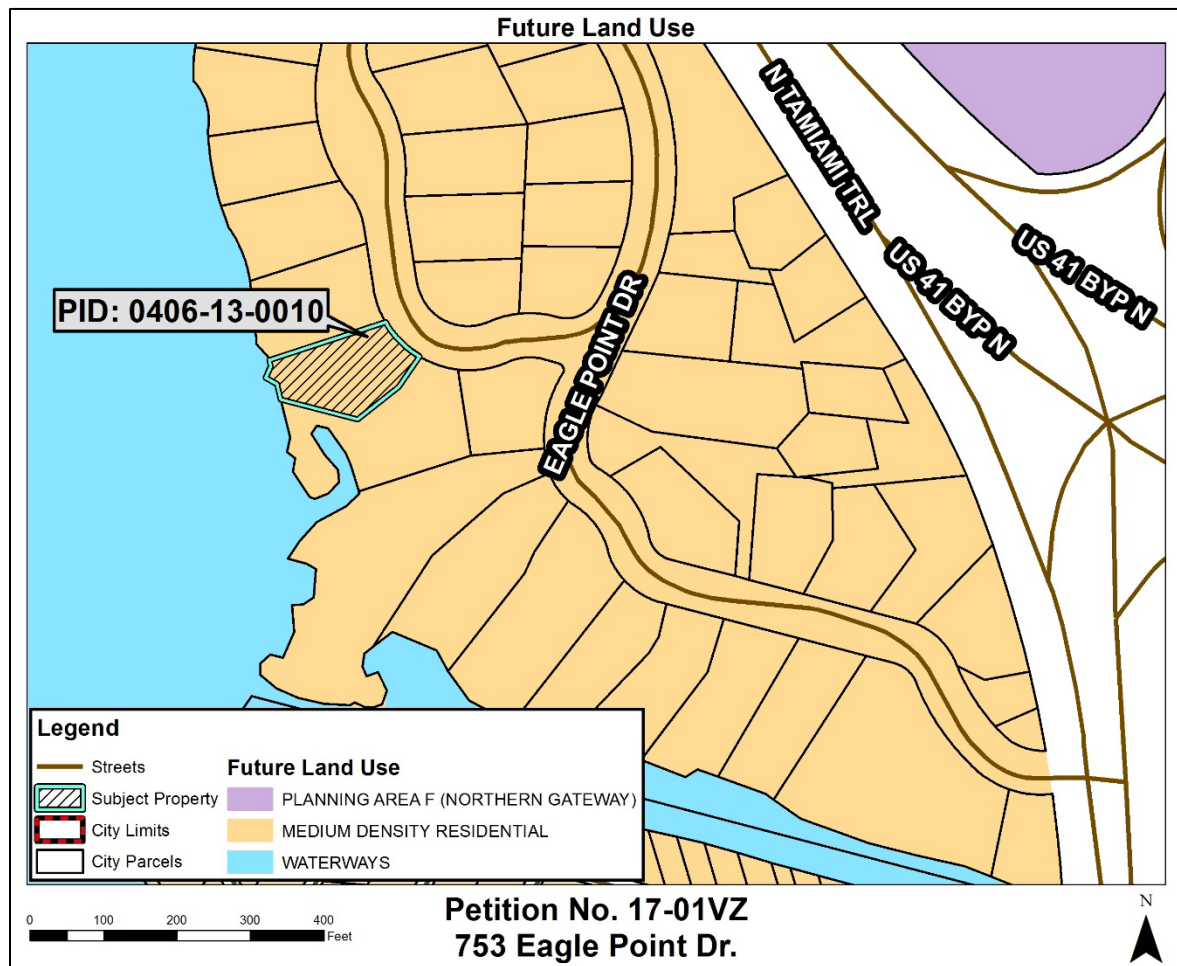
¹ For single- and two-family dwellings and patio houses within the RMF-1 zoning district.

² Six feet minimum, but in no case less than 15 feet combined for single- and two-family dwellings within the RMF-1 zoning district.

Future Land Use:

The future land use map (Map 2) shows the subject and surrounding properties having a City of Venice 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.

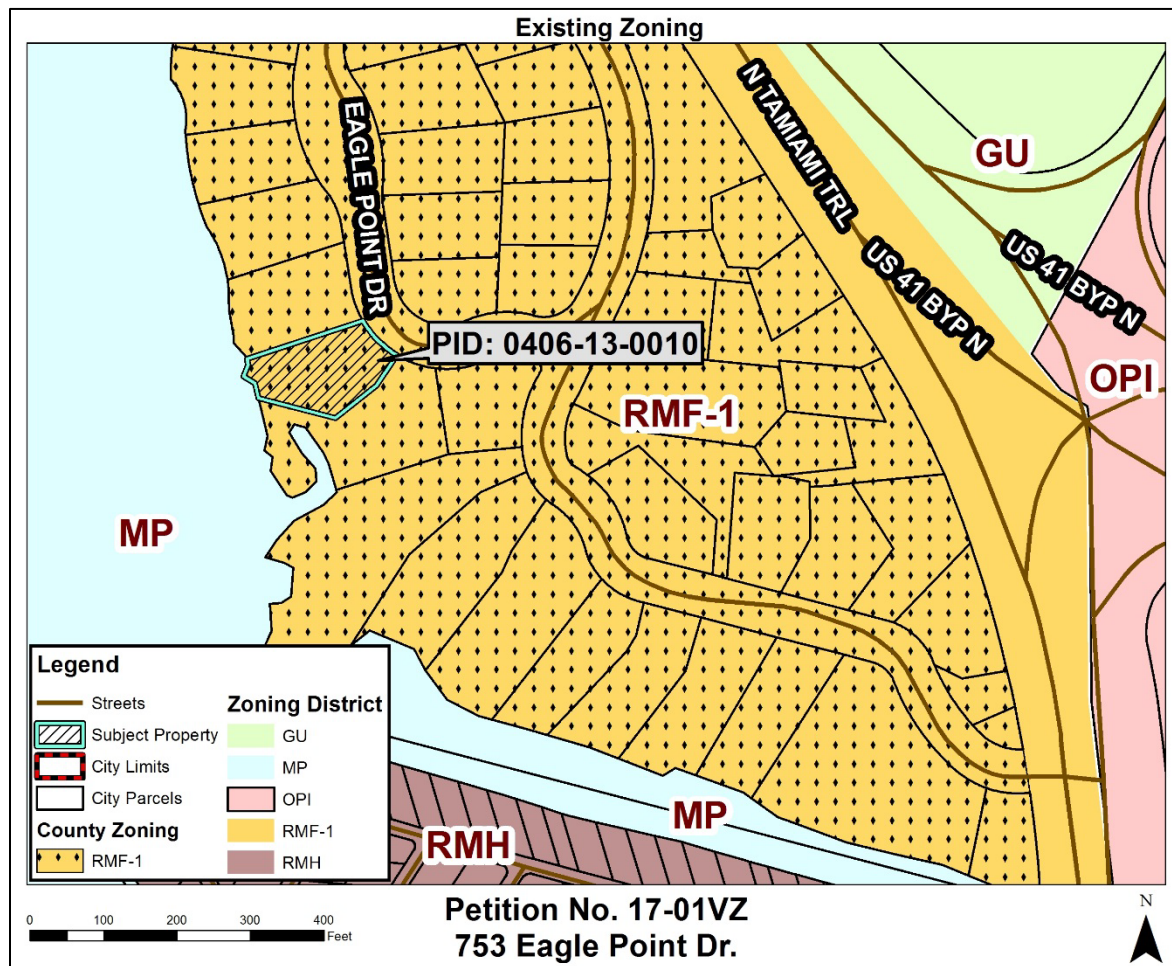
Map 2: Future Land Use Map



Existing Zoning:

The zoning map (Map 3) shows the subject property and surrounding properties as still being under a Sarasota County zoning designation of RMF-1. The property owners have agreed to have their 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-1 zoning standards for the purpose of these variance requests.

Map 3: Existing Zoning Map



III. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Section 86-46(a) of the city's Land Development Code 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 building in the same zoning district and the special circumstances are not the fault of the applicant.*

Applicant's Response: The proposed variance request will not exceed the present roof line of the existing structure. The structure variance will not be at ground level and will not create any adverse effect on the surrounding neighbors, land, structures or other buildings

in the same zoning district. This variance will not require any work to the existing footprint of the building. The ground level vegetation and plantings will not be disturbed. My house was built in 2003 with the intent of expanding and enclosing this porch in the future.

Staff Comment: Although the subject property is similar in size with many of the other properties of the Eagle Point Club subdivision, it is irregularly shaped in terms of width. The current residential home is approximately 76 feet wide when measured to the existing exterior walls, which is a foot less than the average width of the property. The residence was built in the center of the property where it is the widest in order to build a home that is of similar size and shape of those on adjacent properties. The expanded porch would be built under the existing roof line and utilize the existing elevated wood deck footings.

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

Applicant's Response: To interpret this provision literally would cause an unnecessary and undue hardship from realizing the full potential of our property (home). We would not be able to provide our growing family with additional space for the comfortable living we want them to have.

Staff Comment: The northern side of the property has a current side yard setback of nine (9) feet, while the southern side of the property has a current side yard setback of 6.30 feet. The total current combined side yard setback is 15.30 feet. To interpret the provision of 86-82(j)(1)(b) literally would only allow the owners to expand the existing porch by 0.30 feet to avoid a variance, which is not a feasible solution. In addition, the proposed improvement will be within the existing roof line of the home.

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

Applicant's Response: If the variance is granted it will enable us [to] have full utilization of the property with the minimum variance necessary for us to accomplish our objective. The footprint of the house will not be altered by this variance being granted.

Staff Comment: The variance, if granted, would be the minimum necessary for the owner to construct the porch under the existing roof line of the home using the existing footings of the wood deck.

- 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 granting of this variance will be in harmony with the intent of this chapter. It will complement the community and not be injurious. The Eagle Point Club Home Owners Board and Architectural Committee have reviewed and approved this request. The Neighborhood will not have any detrimental effect. The public welfare will not experience any adverse effects by granting this variance.

Staff Comment: The granting of the variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The portion of the property where the improvement is to take place does not face another single-family residence. It is adjacent to the Eagle Point Club Subdivision Owners Association boathouse which is setback approximately 45 feet from the subject property. The Eagle Point Club Subdivision Owners Association Architectural Review Committee has reviewed the owners' request for expansion of the porch and approved the request on May 3, 2017.

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