



Project: 926 Gibbs Road
Variance Petition No. 17-04VZ

Staff Report

Applicant: George W. Huffman, Trustee of the GWH Revocable Trust

Agent: Jeffrey Boone, Boone Law Firm

Address: 926 Gibbs Road **Parcel ID #:** 0173-11-0002

Property Size: 7,500 sq. ft. \pm

Future Land Use Designation: Low Density Residential

Existing Zoning: Residential, Single-Family 1 (RSF-1)

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(h)(1)a. to exceed the maximum lot coverage of 30% of the lot area. The applicant proposes a building addition which will result in a lot coverage of 38.55% and exceed the maximum lot coverage by 8.55% expressed in absolute terms.

I. BACKGROUND / OVERVIEW OF VARIANCE REQUEST

The subject property is a canal-front lot in the Residential, Single-Family – 1 (RSF-1) district. The single-family house on the property was constructed in 1955. A contract purchaser wishes to renovate the existing building and the renovation plans include the demolition of a portion of the building and the construction of a two-story addition. The resulting construction would exceed the maximum 30% lot coverage which necessitates the subject variance petition.

The subject property currently does not conform to the following zoning standards:

- Minimum Lot Area – The RSF-1 district requires a minimum lot area of 15,000 square feet. The subject property has a lot area of 7,500 square feet.
- Front Yard Setback – A minimum front yard setback of twenty feet is required. The existing principal residential building is setback 14.79 feet from the front property line while the existing detached one-story building on the east side of the property is setback 11.75 feet from the front property line.

- Waterfront Yard Setback – A minimum waterfront yard setback of twenty feet is required. The existing principal residential building is setback 13.94 feet from the seawall along the canal.
- Accessory Building Side Yard Setback – Accessory buildings are required to be setback a minimum of five feet from a side property line. Two existing sheds are located at the west side property line and the one-story accessory building on the east side of the property is located 3.7 feet from the side property line.
- Maximum Lot Coverage – The property is subject to a maximum lot coverage of 30% of the lot area. The existing lot coverage is 38.55% of the lot area.

Figure 1 on the following page shows the site plan proposed by the contract purchaser. The renovation of the residential property includes the demolition of the western portion of the building, the removal of the two sheds and the construction of a two-story addition. The removal of the sheds will eliminate their non-conforming side yard setbacks. In compliance with the Land Development Code, the other non-conformities may remain so long as the non-conformities are not increased. The proposed site plan does not increase the non-conforming lot area, front yard setbacks, waterfront setback or the side yard setback for the accessory building on the east side of the property.

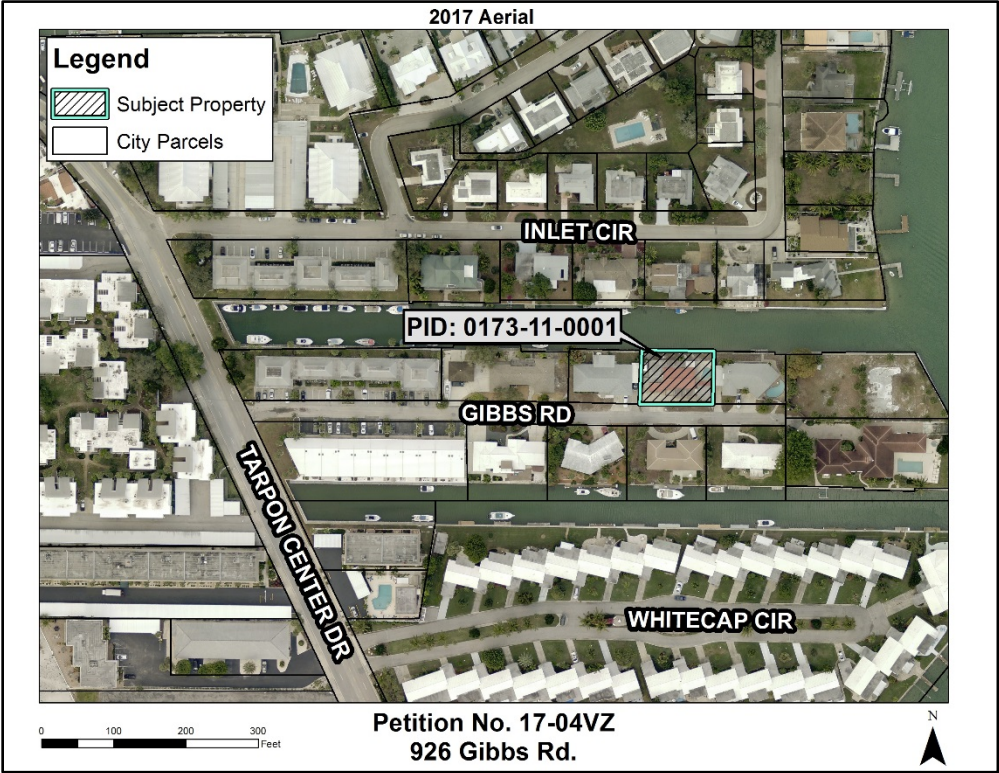
The proposed site plan does exceed the maximum lot coverage standard of 30% of the lot area. The property currently has a lot coverage of 38.55%. The demolition of the western portion of the principle building eliminates 720 square feet of lot coverage and the removal of the two sheds eliminates an additional 76 square feet of lot coverage. The remaining building area of the property equals 2,095 square feet which equates to a lot coverage of 27.9%. At this stage of the project, the property is brought into compliance with the maximum lot coverage standard of 30% and that standard cannot be exceeded without the grant of a variance. The proposed two-story building addition exceeds the maximum 30% lot coverage standard by 8.55%, thereby necessitating the subject variance request.

II. SUBJECT PROPERTY / SURROUNDING PROPERTY INFORMATION

The subject property is located at 926 Gibbs Road with Gibbs Road being a private street. The subject property is a canal-front lot immediately surrounded by single-family residential properties. Map 1 on page 4 is an aerial photograph showing existing conditions of the subject and surrounding properties. Following Map 1 are photographs which provide a closer look at the existing conditions of the subject property.

[illegible]

Map 1: Aerial Photograph



The subject property with Gibbs Road, a private street, in the foreground.

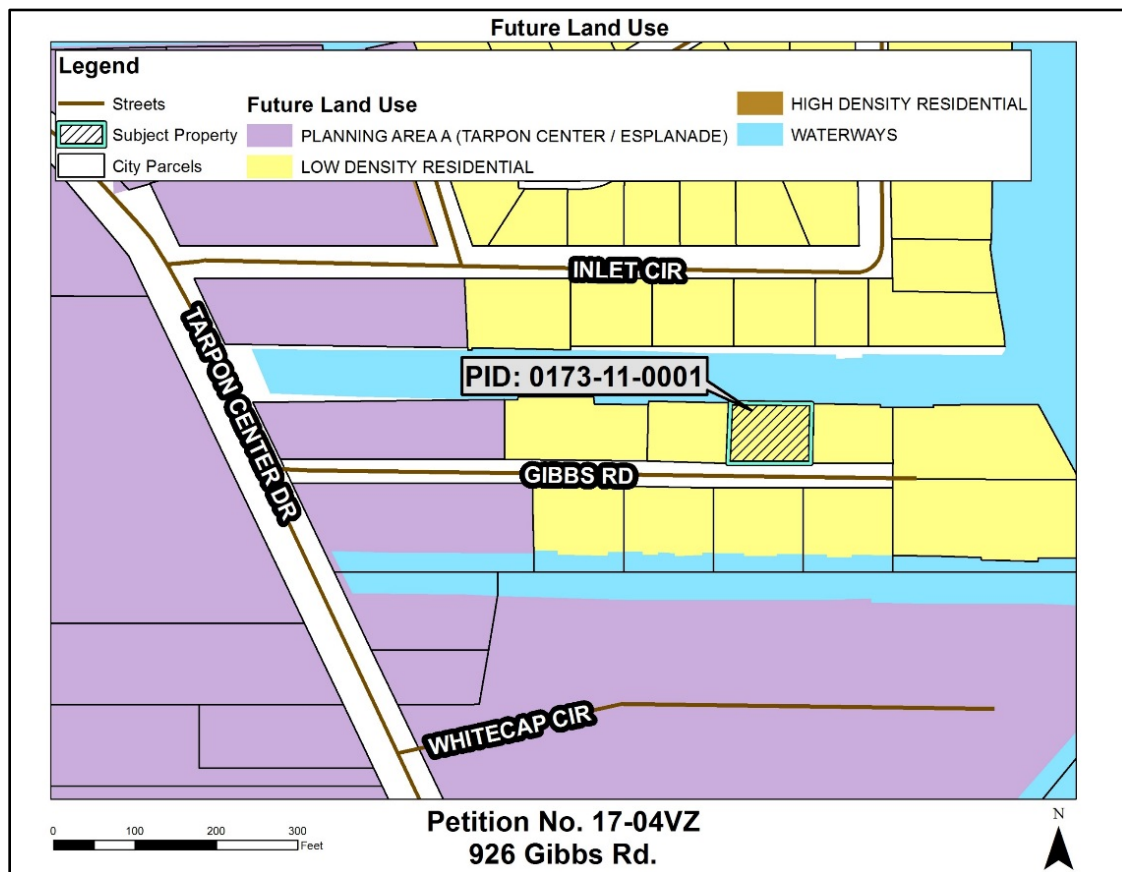


The west side of the building proposed to be demolished and replaced with a two-story addition.

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 for residential areas consisting of up to five (5) dwelling units per acre or less. These areas are intended to accommodate single-family and other similar residential uses. High intensity and auto-centric uses are prohibited in areas designated for low-density residential land uses.

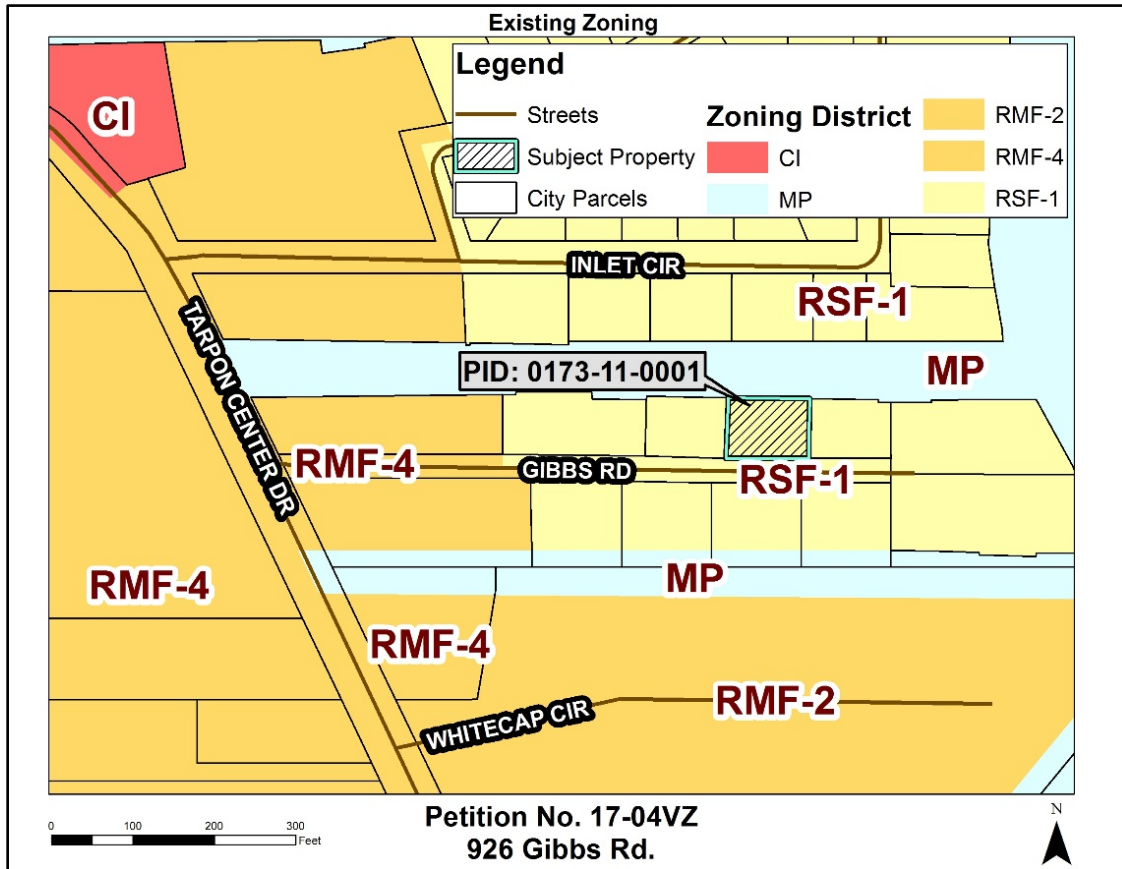
Map 2: Future Land Use Map



Existing Zoning:

Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property and immediately surrounding properties are located within the Residential, Single Family 1 (RSF-1) zoning district. The canal abutting the subject property has a Marine Park (MP) zoning designation.

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.*

Staff Comment: The subject property is a legal, non-conforming lot. Lots in the RSF-1 district are required to have a minimum lot area of 15,000 square feet and a minimum width of 100 feet. The subject property's lot area is 7,500 square feet and the lot is 100 feet wide. The lot has a lot depth of 75 feet. After applying the minimum 20 foot front yard setback and the minimum 20 foot waterfront yard setback, the building envelope on the property is 35 feet in depth.

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

Staff Comment: The residential building on the subject property could be renovated using the existing building footprint. Strict enforcement of the maximum lot coverage standard would preclude the proposed renovation as designed.

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

Staff Comment: The requested variance is the minimum variance necessary to achieve the planned improvements to the subject property.

- 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.*

Staff Comment: The proposed lot coverage is equal to the existing lot coverage on the property. The proposed improvements to the subject property eliminates two sheds with non-conforming side yard setbacks and does not increase the non-conforming front yard, waterfront yard or eastern side yard. The front elevation drawing shows that the entire building façade will be renovated.

Summary Staff Comment: The comments provided above and the responses provided by the applicant in the submittal application materials are sufficient to allow the Planning Commission to take action on the subject petition.