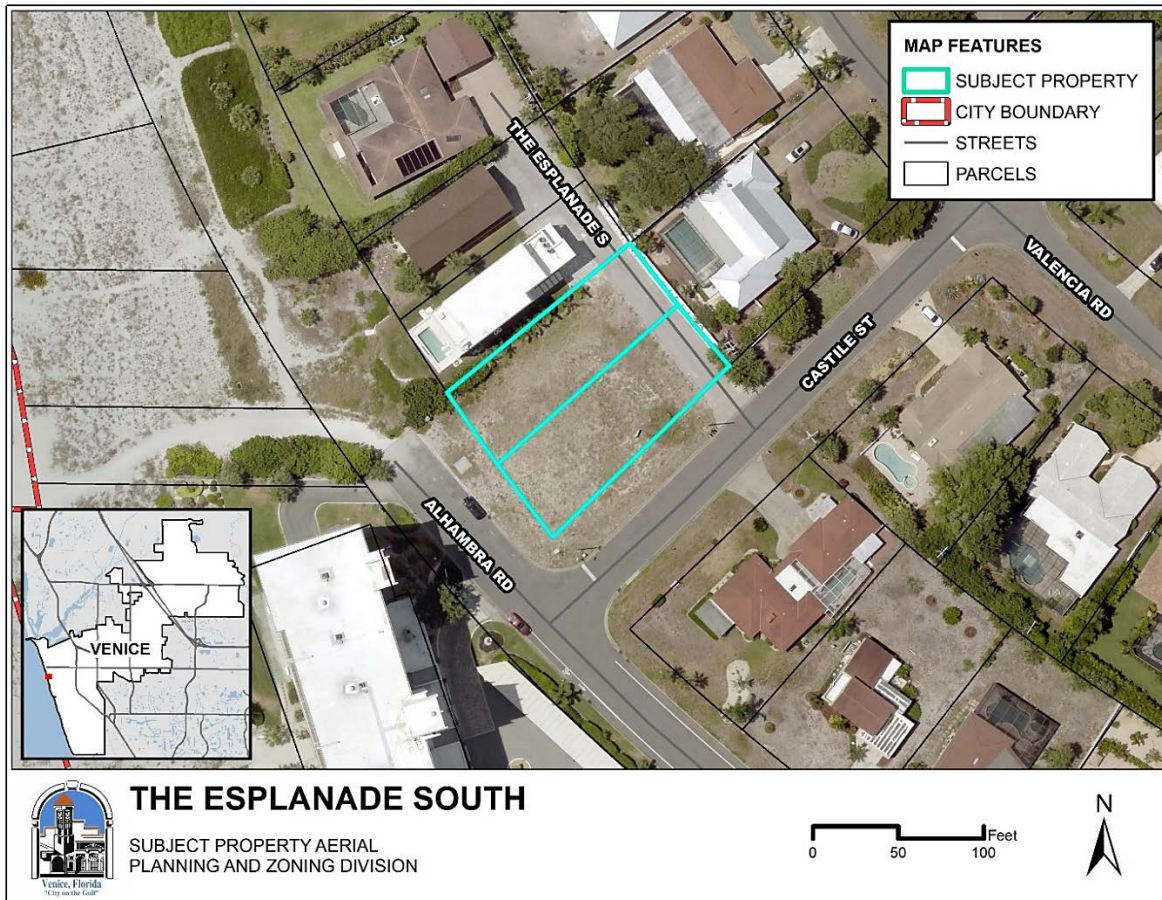




Variance: 321 The Esplanade South Staff Report



VARIANCE INFORMATION	
Address:	321 The Esplanade South
Request:	The proposal is to vary the front yard standard from 20' to 10'4" to build a pool cage in that location.
Owner:	Gregory J. Kaplan
Agent:	Jackson R. Boone, Esq.
Parcel ID:	0176110014 and 0176110015
Property Size:	0.3 acres ±
Future Land Use:	Low Density Residential
Neighborhood:	Island Neighborhood
Existing Zoning:	Residential Single Family-2 (RSF-2)
Application Date:	June 21, 2019
Applicable Code Standard:	The applicant is requesting a variance from Section 86-81(i)(1)a which requires a minimum 20 foot front yard in Residential Single Family zoning districts. In addition, applicant is requesting approval for 365 days due to projected pool contractor delays. Per Section 86-46(b) the Planning Commission may grant a variance for up to 365 days.

I. INTRODUCTION

This request covers two abutting vacant residential parcels, which are to be combined into one at the time of construction plan submittal, according to the applicant. The parcel to the southeast is a corner lot (as defined by the City's Land Development Code, Section 86-570) with street frontage on Castile Street, a public street, Alhambra Road, also a public street, and The Esplanade South, an access easement. The parcel to the northwest adjoins the corner lot and has frontage along Alhambra Road and The Esplanade South. The location gives the site three front yards.

In addition to the pool cage being allowed on the Alhambra side of the parcels, the owner is requesting that the variance be approved for 365 days instead of 180 days to allow for projected pool contractor delays.

II. SUBJECT AND SURROUNDING PROPERTY INFORMATION

The subject properties are located at 321 The Esplanade South. The aerial, maps, and site photographs show the existing condition of the subject properties. According to the applicant, the proposed layout of the site necessitates a variance from Section 86-81(i)(1)a to allow the minimum 20 foot front yard setback along Alhambra Road to be reduced, allowing the pool cage to be 10'4" from the property line.

Site Photographs



View of the subject site, currently vacant.



View oriented toward the west (Venice Sands Apartments and the Gulf of Mexico), with The Esplanade in the foreground, Castile to the left. The pool and cage would be along this side of the property, Alhambra Road.

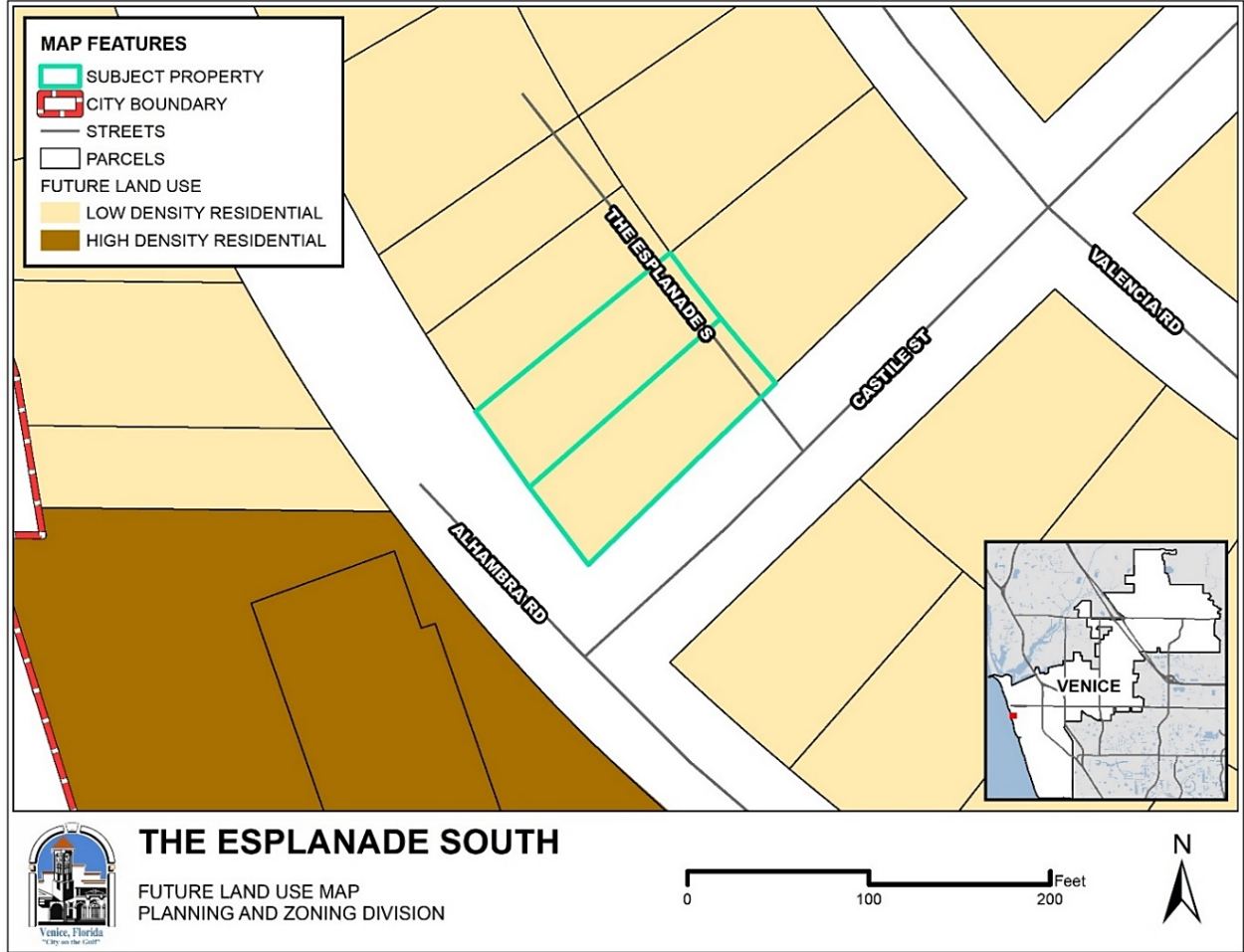


View of subject property along the access easement, The Esplanade S.

Future Land Use

The Comprehensive Plan shows the parcels to the southwest as High Density Residential. The subject properties and remainder of those surrounding them have a Low Density Residential designation.

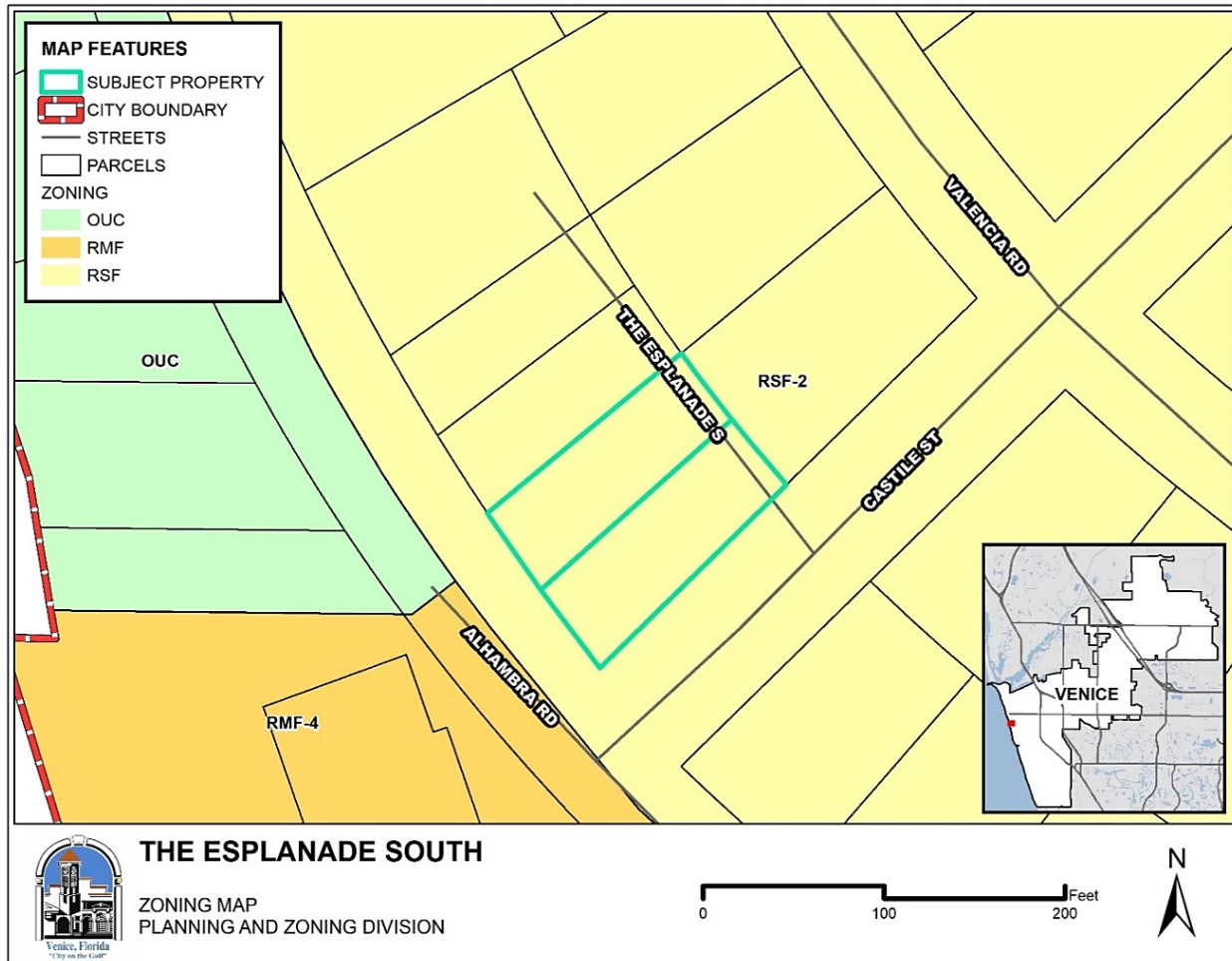
Future Land Use Map



Zoning

The subject properties and adjacent properties to the north, east and south are located in a Residential Single Family 2 (RSF-2) District. Open Use Conservation (OUC) land lies to the west, fronting the Gulf of Mexico, and across Alhambra Road to the west and southwest is Residential Multifamily 4 (RMF-4) zoned property, the Venice Sands.

Zoning Map



ALHAMBRA ROAD

CASTILE AVENUE

Plot Plan Site Location & Dimensions
Scale 1/8"=1'-0"

53° 18' 33" E
148.86'
54° 33' 41" E
146.25'
N38° 12' 59" E
105.68'

Pool Deck Area
63'-2" x 32'-10"

Conceptual Pool
by Officers
22'-11" x 12'-5"

Extended Cov'd Land
Area

Pool Screen Enclosure
10'-4"

26'-2"

10'-4"

Property Corner

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, based upon substantial and competent evidence, make an affirmative finding on each consideration in granting a variance. 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: Unique special circumstances exist for this property. It has three (3) front yards – along Alhambra Road, Castile Street and the Esplanade S access easement. Access to the property is via the front yard of the Esplanade S access easement and a potable water main line runs through the front yard facing Castile Street, providing hardship and constraint on placement for the pool cage. The imposition of three (3) front yards on the property supplies a unique hardship that is not shared by many other properties in the City, a hardship that is not the fault of the applicant.

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

Applicant's Response: The application of the three (3) front yard standards places a severe constraint on the footprint of what can be built on the property. The remaining yard is considered a side yard, and therefore the traditional placement of a pool – the rear yard – is not available for the property.

The RSF-2 yard standards are as follows: front yards require 20 feet of unobstructed yard, side yards require 8 feet, at minimum, of unobstructed yard, and rear yards require 10 feet of unobstructed yard. Under these City Code standards, the yards for the property are 20 feet along Alhambra Road, 20 feet along Castile Street, 20 feet along the Esplanade S access easement and 8 feet along the border of the adjacent property to the northwest. To have a pool cage, the applicant must choose either a front yard or a side yard – not the traditional rear yard – for its location. The squeeze of these three (3) front yards and the lack of the rear yard places an unnecessary and undue hardship on the property, of which the applicant is requesting relief from via this variance request.

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 variance, if granted, is the minimum variance necessary to meet the requested use of the pool and pool cage. The applicant has selected the desired pool cage location to be in what would be considered the traditional rear yard location of the property, and has designed the pool cage to only encroach 9.6 feet into the front yard, leaving a yard of 10.4 feet. This design would be within the 10 foot rear yard standard if it was considered a rear yard under the City Code, and would not require a variance.

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 grant of the variance would allow the applicant to enjoy a pool cage on their property like many other properties in the neighborhood and City in general. The desired location is in what would be considered the traditional rear yard of the property, located away from the other single-family residential homes in the immediate area and buffered from the nearby Venice Sands apartment building by the portion of Alhambra Road that serves as parking for the beach access. The proposed pool cage is in compliance with all other applicable standards of the land development code and would 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.

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