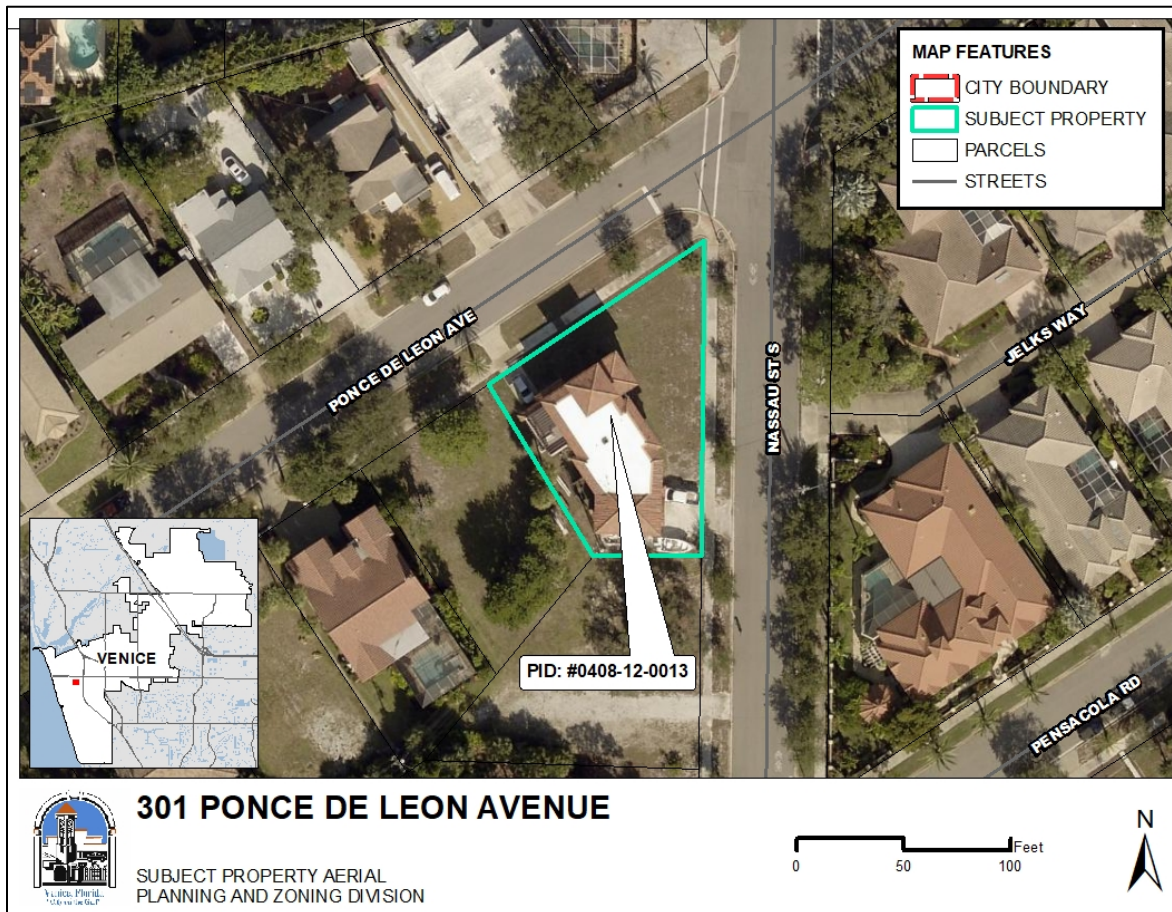


# 301 Ponce de Leon Avenue

## Variance Petition No. 21-15VZ

### Staff Report



VARIANCE INFORMATION	
<b>Address:</b>	301 Ponce de Leon Avenue
<b>Request:</b>	The proposal is to vary the front yard setback along Nassau Street from 20' to 8' to allow for a pool.
<b>Owner:</b>	Henry T. Ziegler
<b>Parcel ID:</b>	0408120013
<b>Property Size:</b>	0.2 acres $\pm$
<b>Future Land Use:</b>	Low Density Residential
<b>Neighborhood:</b>	Island Neighborhood
<b>Existing Zoning:</b>	Residential, Single Family-3/Venetian Theme District (RSF-3/VT)
<b>Application Date:</b>	April 29, 2021
<b>Applicable Code Standard:</b>	Section 86-81(i)(1)(a) - front setback of 20' in RSF districts

## I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is located at 301 Ponce de Leon Avenue. The applicant is requesting relief from Sec. 86-81(i)(1)(a), which requires a front setback of 20', for placement of an in-ground pool. This is a corner lot with two adjacent rights-of-way, which creates two required front yards and two required side yards. The applicant proposes to place the pool along Nassau Street, in one of the front yards, with an 8' setback from the property line on this side. The pool will have a 26.2' setback from the front property line along Ponce de Leon Avenue. The applicant notes that there is an existing fence on the property measuring 6' high along Nassau Street and 3' high along Ponce de Leon Avenue. As stated in the application, fencing and landscaping is intended to screen the pool from the street.

### Site Photographs

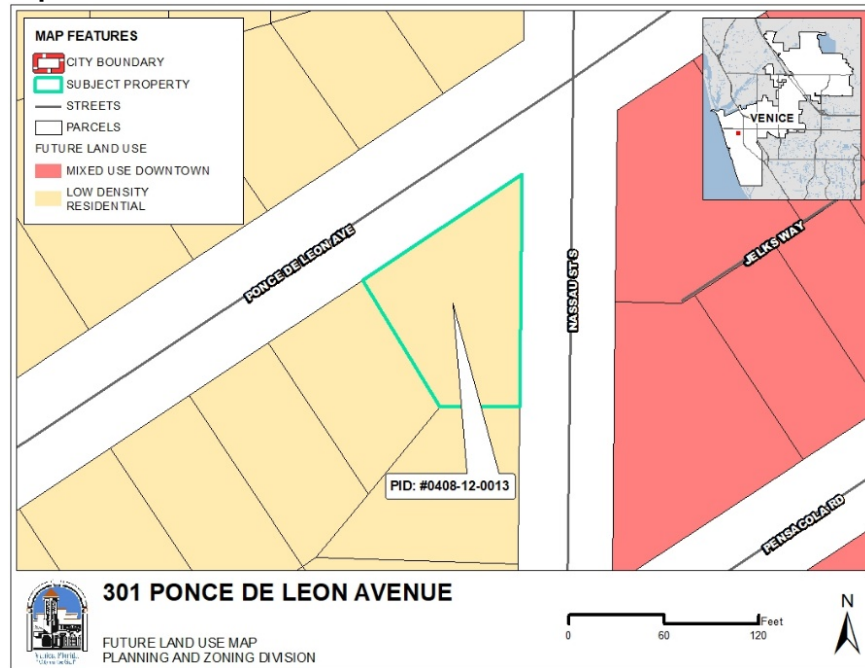


### Future Land Use

The Comprehensive Plan shows the subject property is surrounded by low density residential Future Land Use to the north, west, and south, with Mixed Use Downtown designations to the east. A Government designation lies diagonal to the subject property, across the intersection of Ponce de Leon Avenue and Nassau Street.



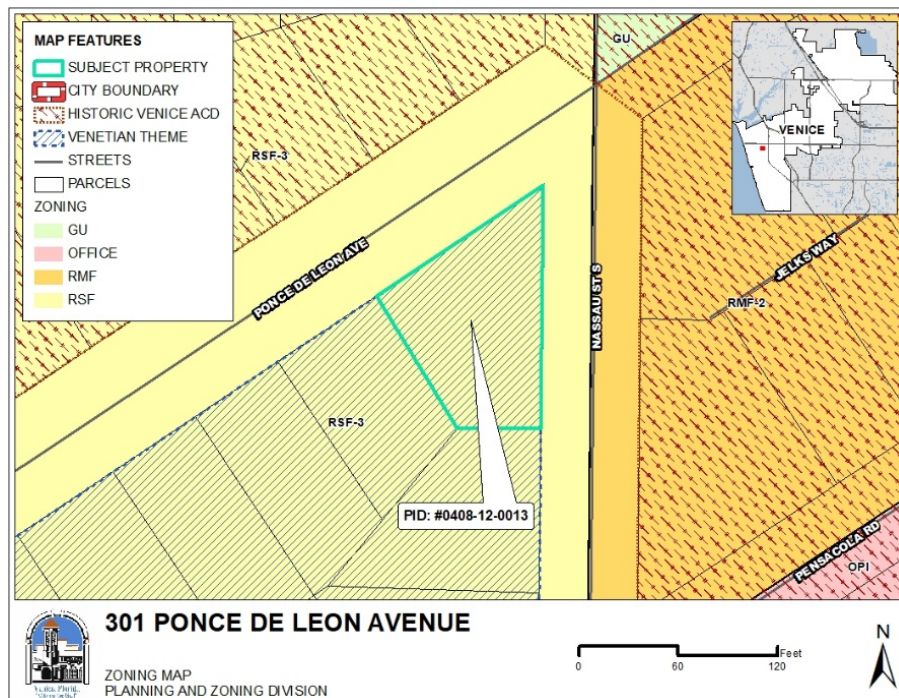
## Future Land Use Map



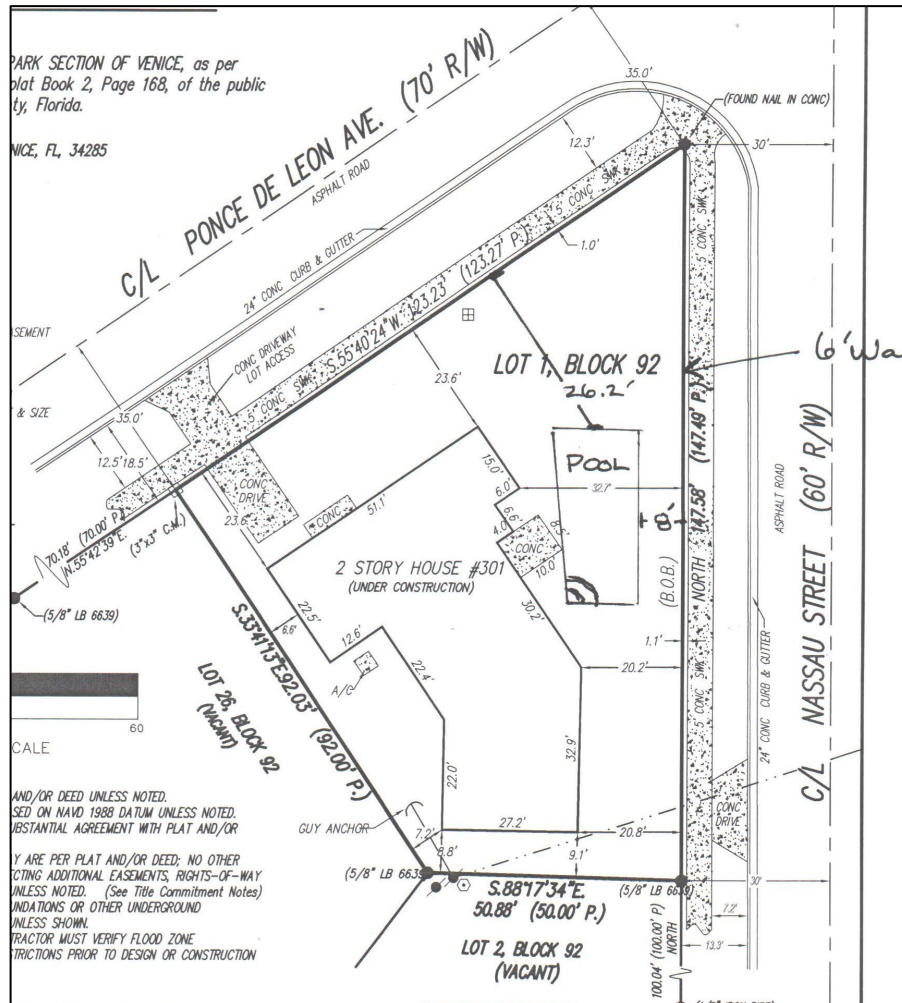
## Zoning

The subject properties and adjacent properties to the east, west, and south are located in the Residential, Single Family 3 (RSF-3) zoning district and are included within the Historic Venice Architectural Control District. Residential, Multi-Family 2 (RMF-2) zoning lies east of the property across Nassau Street, and there is a property zoned Government Use across the intersection of Ponce de Leon Avenue and Nassau Street. The subject property is included within the Venetian Theme district but is not required to be heard before the Architectural Review Board for this accessory structure proposal.

## Zoning Map



## Site Plan



## II. 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:** "Due to the lot shape, the lot being a corner lot and the setbacks the only option to place a pool is the location requesting the variance for."

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

**Applicant's Response:** "This being a 'family home' and with older children, a pool is something that would create great enjoyment of the property and make the home more marketable in the future. A

pool is a common amenity sought after and expected in a home of this size (5,138 sq ft.). By not having a pool it would be detrimental to the appraised value & resale of the property in the future.”

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

**Applicant’s Response:** “This requested variance is the minimum variance necessary to install a pool”

- 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:** “Much cost, care and planning have gone into the hardscape and landscaping of the left side yard, where the proposed pool would be located. Work we have permitted and performed to date work that would include the installation of a 6 ft masonry privacy wall on the Nassau side, a 3 ft masonry wall with fencing to 6 ft. & pitch apple shrubs at the front Ponce De Leon frontage and front corner point of the lot, to obscure the view of the pool & pool areas from any roadway or sidewalk.

Also, a 5 ft. pool fencing with plantings in front of it will enclose both ends of the pool area for safety and security of the pool.

All pool equipment will be hidden from view with a 5 ft masonry wall surround. This too will deaden any sound from the pumps.

The home on the adjacent corner lot also has a pool and screen enclosure as well as the home to our right on Ponce. We do not plan to enclose this pool with a screen cage, due to how it would change the character and architectural look of the home. Our goal is to maintain the Venetian Theme of the Northern Italian Renaissance look and feel of our home, to keep it more in line with the City’s vision.”

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