

STAFF ANALYSIS

Variance 2015-V-090

General Information:

Applicant/Owner: James and Betty Frydrychowicz

Project Location: 4098 Oak Pointe Drive, Gulf Breeze, FL

Parcel Number: 27-2S-28-2865-00B00-0150

Request: **Variance to reduce the rear setback from 8 feet to 5 feet to accommodate an accessory structure, specifically a 6 x 24 pergola.**

(LDC 6.05.12.E.1.e.3)

Zoning District: R1 (Single Family Residential)

Current Conditions: Single Family Residence; the site was originally planned and zoned PUD (Planned Unit Development), but has since been rezoned to R1 (Single Family Residential). The structure (Pergola) was already under construction when the applicant contacted the County to inquire about the need for a permit.

Land Development Code Criteria:

6.05.12 PUD - Planned Unit Development District

E. Procedure For Approval of a Planned Unit Development: The procedure for obtaining a change in zoning district for the purpose of undertaking a PUD shall be as follows:

1. Preliminary Planned Unit Development and Master Plan Approval: The applicant shall submit to the Planning Director, his application for the PUD zoning classification and shall submit the following exhibits at the same time.
 - e. A Master Plan. A master plan, drawn at a scale suitable for presentation, showing and/or describing the following:
 - 3) Building Setbacks: Proposed building setbacks shall be noted and shall define the distance buildings will be setback from:
 - (a.) Surrounding property lines.
 - (b.) Proposed and existing streets.
 - (c.) Other proposed buildings.
 - (d.) The center line of rivers, streams and canals.
 - (e.) The high water line of lakes.
 - (f.) Other man made or natural features which would be affected by building encroachment.

PUD Subdivision Setback Requirements

Subdivision Name	Zone	Front Setback	Rear Setback	Interior Side Setback	Corner Side Setback	Comments
Oak Pointe	PUD/R1	18'/20'	8'	5'	12.5'	Setbacks per restrictive covenants

Variance Criteria:

2.04.00 SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES:

The BOA shall have the following duties and powers:

B. No variances shall be authorized under this provision unless the Board finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.

Is this criterion met? No

Staff Analysis: Staff has determined that there are no special circumstances regarding the land or building in question, and that this parcel does not possess unique qualities with respect to size or exceptional shallowness that are peculiar to such property and not to other lots within the area.

The applicant is seeking relief from the section of the Ordinance which regulates the rear setback requirement.

2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

Is this criterion met? No

Staff Analysis: This Variance request is not necessary for the preservation and enjoyment of a substantial property right and is merely a convenience to the property owner.

3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

Is this criterion met? Unknown

Staff Analysis: It is not anticipated that the authorization of this Variance will impair an adequate supply of light and air to adjacent property, increase congestion to public streets, or impair the public safety.

It is unknown if the authorization of this Variance will unreasonably diminish or impair established property values within the surrounding area.

4. The variance will not impair the intent of the zoning ordinance or zoning district map.

Is this criterion met? No

Staff Analysis: If authorized, a Variance without special circumstances would impair the intent of the zoning ordinance.

5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

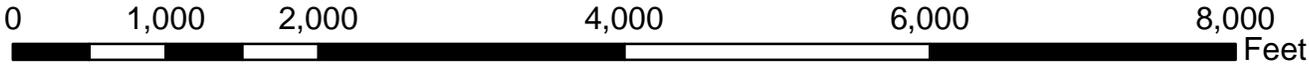
Is this criterion met? N/A

Staff Analysis: The proposed request does not apply to the reduction of parking or loading requirements nor does it apply to the access management standards which would affect the safety or operation of the roadway.

If the Variance is approved, are there any potential building code issues?

It is not anticipated that there will be any potential building code issues.

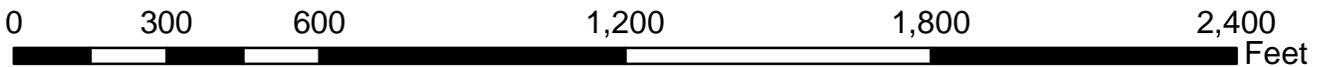
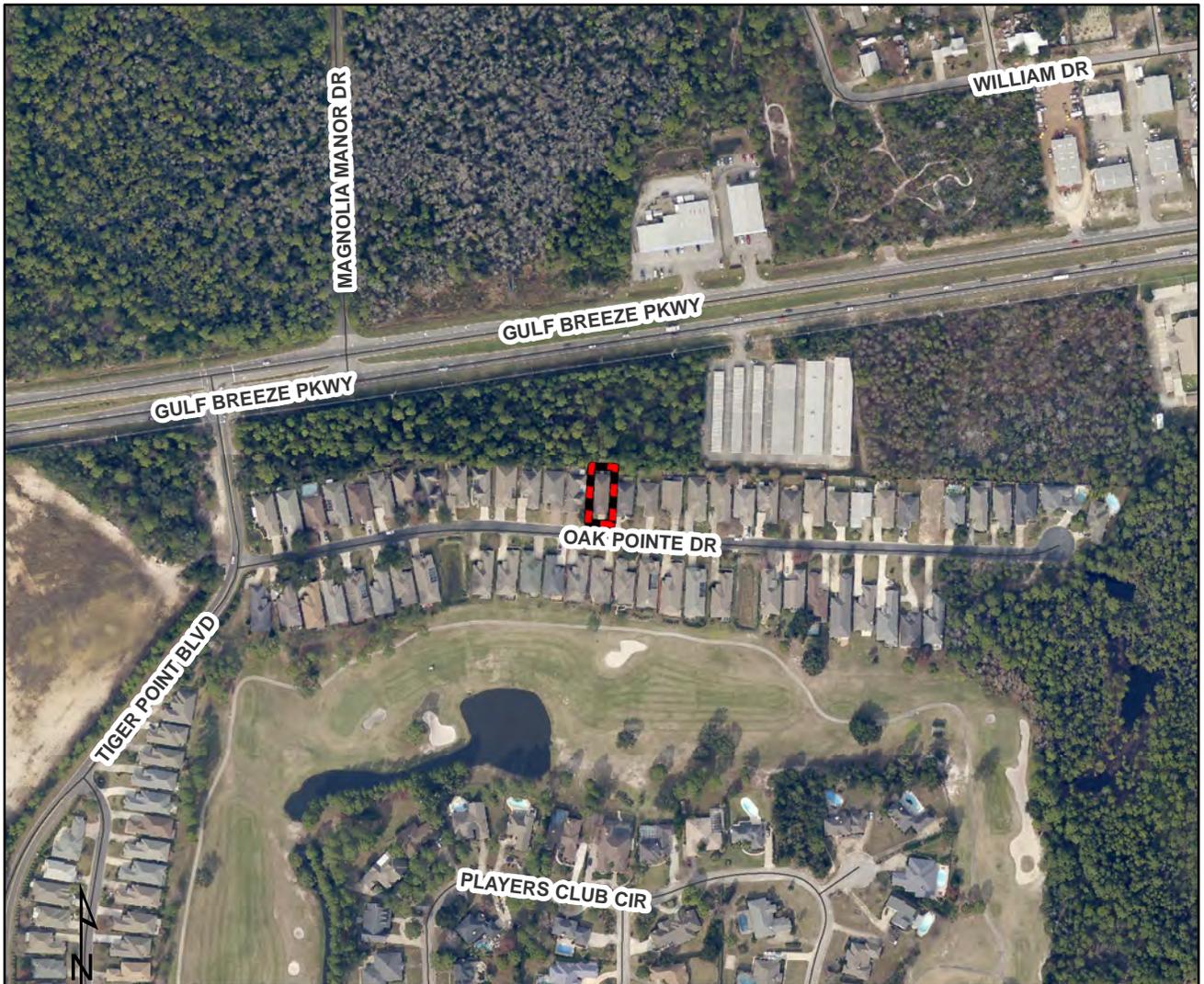
2015-V-090 Location



Legend

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2015-V-090
2014 Aerial



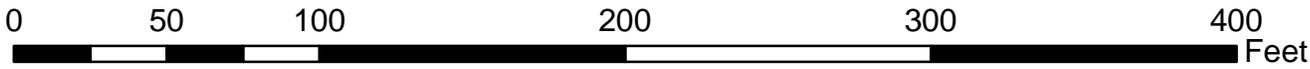
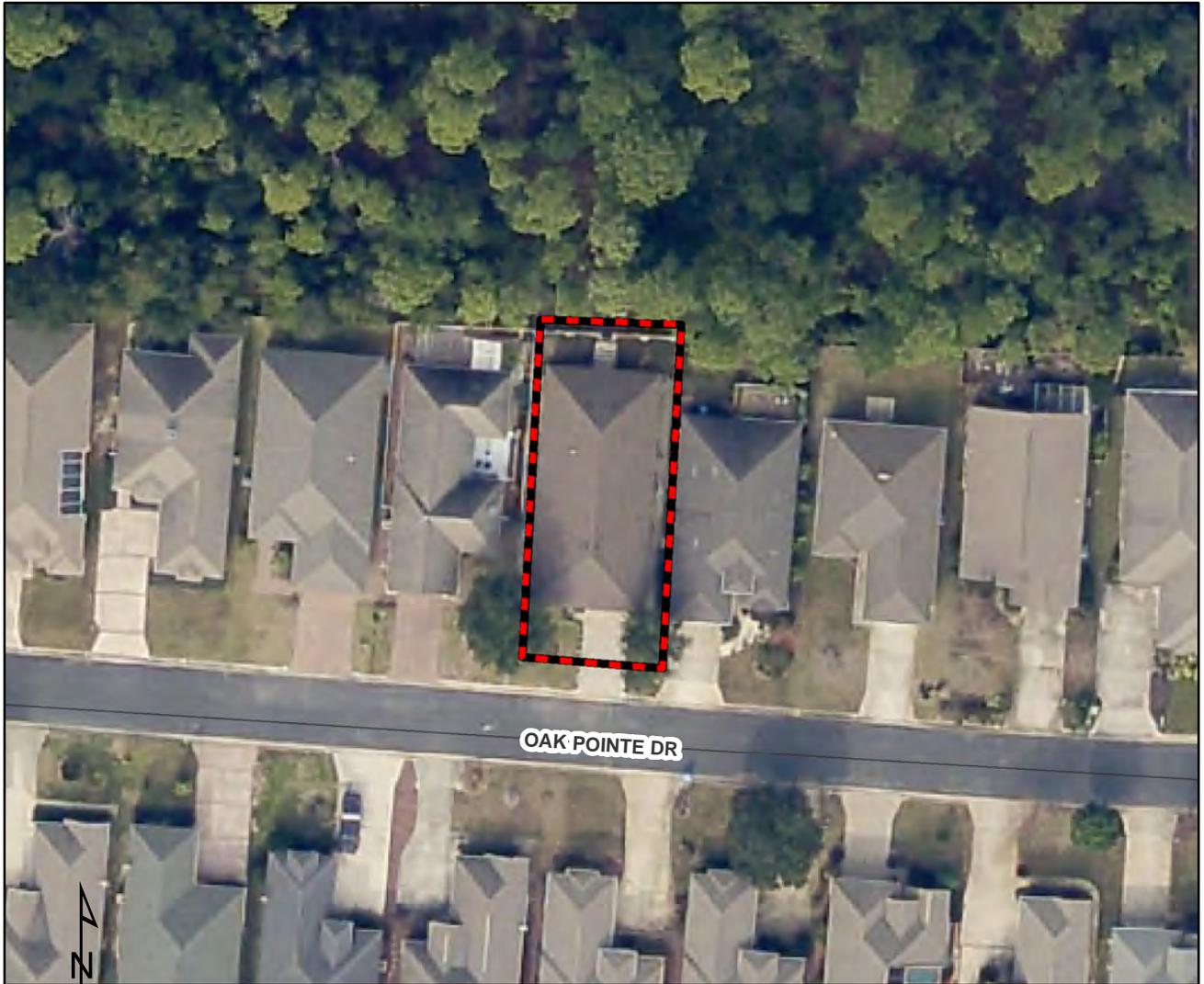
Legend

 PendingZBNovember

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2015-V-090
2014 Close Up Aerial



Legend

 PendingZBNovember

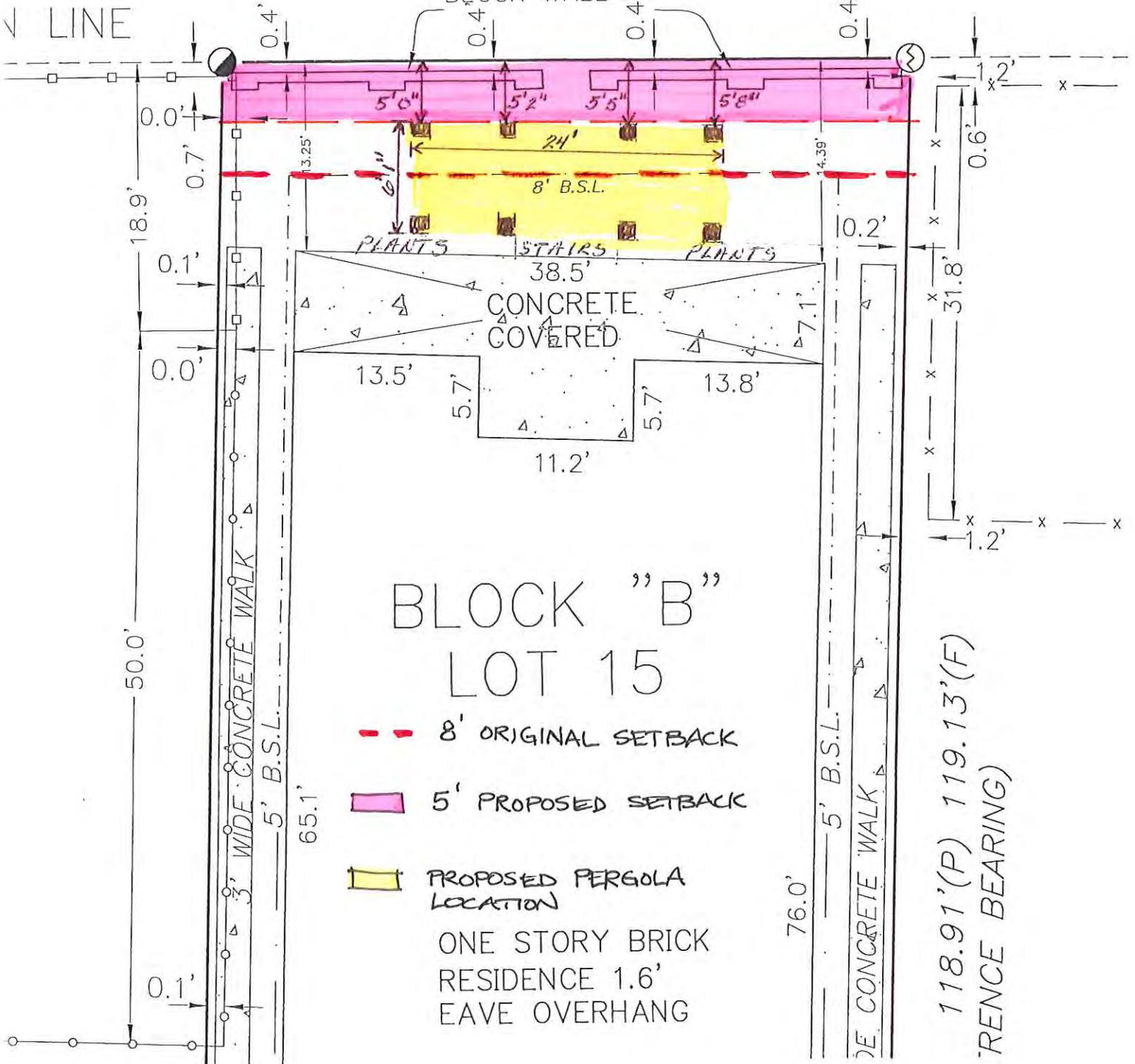
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UNPLATTED

S89°45'57"E 50.03'(F)

S89°37'30"E 50.02'(P)

6' HIGH 0.7' WIDE
BLOCK WALL



BLOCK "B"
LOT 15

- 8' ORIGINAL SETBACK
- 5' PROPOSED SETBACK
- PROPOSED PERGOLA LOCATION

ONE STORY BRICK
RESIDENCE 1.6'
EAVE OVERHANG

118.91'(P) 119.13'(F)
RENCE BEARING

PERGOLA POSTS
T TREE



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000

Rhonda C. Royals
Building Official

Variance Application

* Application Instructions begin on Page 84 *

** For Official Use Only **	
Application No. <u>2015 -V- 090</u>	Date Received: <u>9/30/15</u>
Review Fee: <u>\$235 + 34.96</u>	Receipt No.: <u>348</u>
Zoning District: <u>R1</u>	FLUM Designation: <u>SFR</u>

± 0.135 VD #5

Property Owner Property Owner Name: JAMES & BETTY FRYDRYCHOWICZ

Address: 4098 OAK POINTE DRIVE
GULF BREEZE, FL 32563

Phone: 850-677-8494 Fax: _____

Email: JIMMIEJDE4098@GMAIL.COM

Applicant Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information Parcel ID Number(s): 27-25-28-2865-00B00-0150
-OR-

Street Address of property for which the Variance is requested:

4098 Oak Pointe Dr., Gulf Breeze FL 32563

Variance Request

What is the present use of the property? RESIDENTIAL

Please describe the requested variance, including exact dimensions and purpose of the variance.

VARIANCE IS REQUESTED TO REDUCE REAR SETBACK FROM 8' TO 5' IN ORDER TO BUILD A 73" (6.08') DEEP BY 288" (24.0') LONG PERGOLA. HIGHEST POINT IS 8.5'.

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.

SHALLOWNESS (DEPTH) OF BACKYARD FROM BACK PORCH TO PROPERTY LINE VARIES FROM 13.25' TO 14.39'.

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes No

Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship. BUILDING A PERGOLA CLOSER TO RESIDENCE WOULD REQUIRE REMOVAL OF IRRIGATION SYSTEM AND RELOCATING EXISTING PLANTS NEXT TO PORCH. EXISTING HOUSE FOOTERS WOULD ALSO BE IMPACTED AND PERGOLA WOULD STILL BE OUTSIDE 8' SET BACK LINE.

Variance Provisions And Criteria

Do you currently have a Code Enforcement Violation which pertains to this Variance request?

Yes No

I understand that all decisions made by the Zoning Board of Adjustment are subject to appeal and that their decision does not become effective until the appeal time has successfully passed.

Yes No

I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required.

Yes No

I understand that determinations by the Zoning Board of Adjustment are valid for 36 months.

Yes No

Certification and Authorization

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

JAMES FRYDRYCHOWICZ
Applicant Name (Type or Print)
BETTY FRYDRYCHOWICZ

Title (if applicable)

James Frydrychowicz
Applicant Signature
Betty Frydrychowicz
30 SEPT 2015

Date



MERRILL PARKER SHAW, INC.



4928 N. DAVIS HWY
PENSACOLA, FL 32503

PROFESSIONAL ENGINEERING & SURVEYING SERVICES

PH: (850) 478-4923
FAX: (850) 478-4924

PREPARED FOR: ELLZEY CONSTRUCTION COMPANY

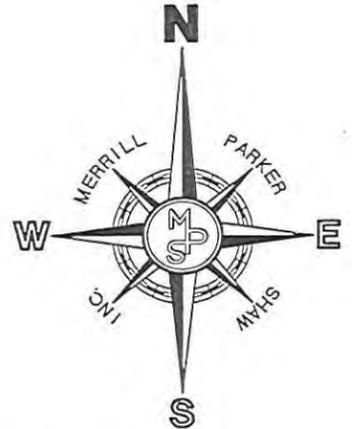
REQUESTED BY: MS. CHERYL BALLOU

JOB NO.: 11-4826-S-3

DATE: 12/8/11

PROPERTY ADDRESS: 4098 OAK POINTE DRIVE

SCALE: 1" = 20'

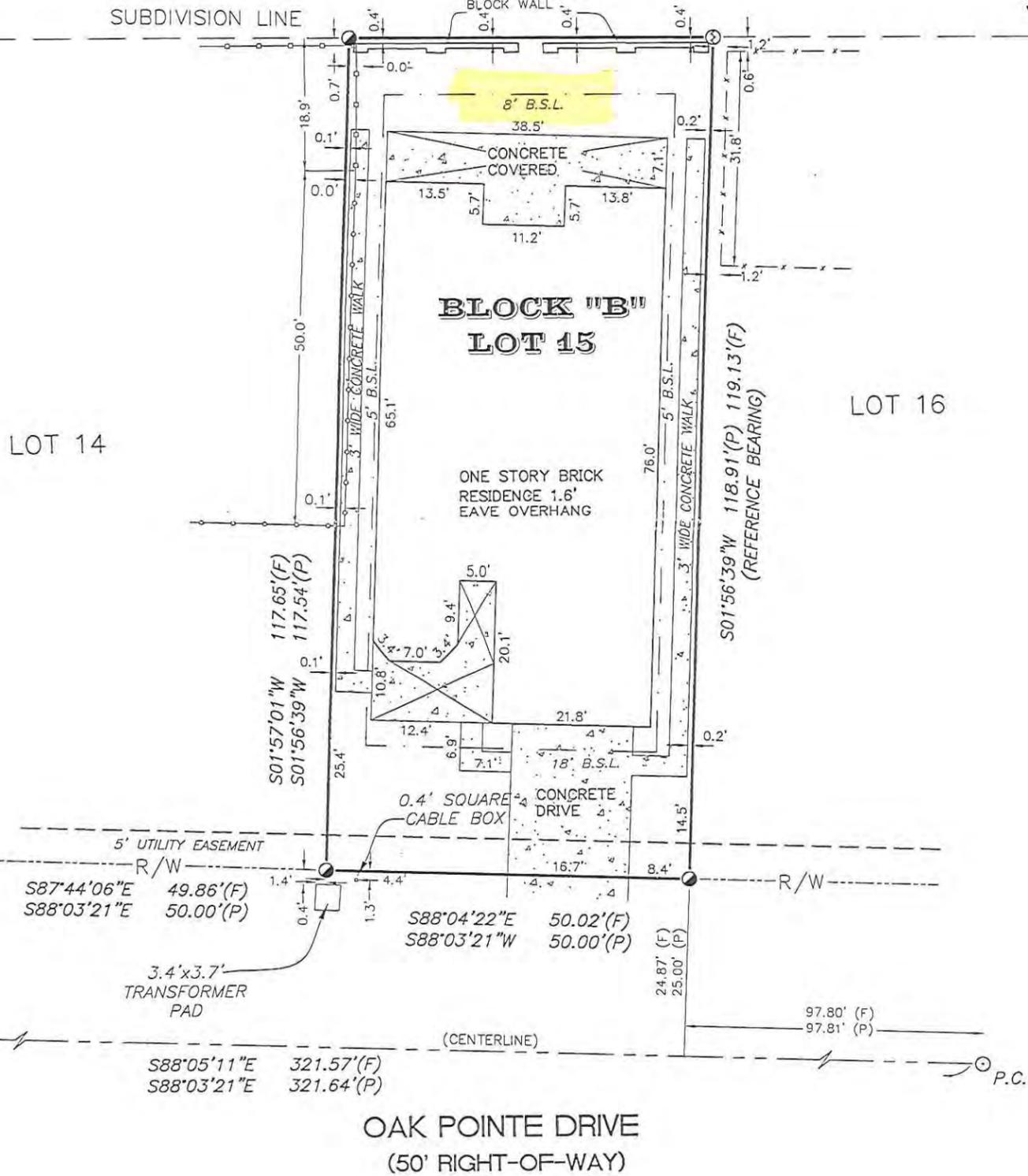


UNPLATTED

S89°45'57"E 50.03'(F)
S89°37'30"E 50.02'(P)

6" HIGH 0.7' WIDE
BLOCK WALL

SUBDIVISION LINE



"AS BUILT SURVEY"

SHEET 1 OF 2

MEASUREMENTS MADE TO UNITED STATES STANDARDS

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P.C.: T.S. DRAFTED: WPJ TYPED: MKB CHECKED: EWP

DESCRIPTION: LOT 15, BLOCK "B", OAK POINTE SUBDIVISION

SECTION 27&28, TOWNSHIP -2-S, RANGE -28-W, SANTA ROSA COUNTY, STATE OF FLORIDA.
RECORDED PLAT BOOK G, PAGE 13 *THE ENCROACHMENTS ARE AS SHOWN*
FIELD DATE: 12/7/11, FIELD BOOK: 209, PG. 28

MERRILL PARKER SHAW, INC. CORPORATION NUMBER 7174

REVISIONS:

E. Wayne Parker DATE: 12/8/11

E. WAYNE PARKER PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NUMBER 3683 STATE OF FLORIDA

NOT VALID WITHOUT THE
SIGNATURE AND THE
ORIGINAL RAISED SEAL OF
A FLORIDA PROFESSIONAL
SURVEYOR & MAPPER

