



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## BOARD OF ADJUSTMENT STAFF REPORT

### 325 Sandpiper Lane

Meeting	File No.	Application Type
February 1, 2024	2024-053-VAR-BOA	Variance
Property Owner	Applicant / Authorized Agent	
Hillary T. Matchett	Gary Eliopoulos of GE Architecture, Inc.	

#### Request

Consideration of two variance requests from Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts, to reduce the existing front (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required, and to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required, associated with an addition to the existing single-family residence.

#### General Data

**Location:** 325 Sandpiper Lane

**PCN:** 12-43-46-16-22-003-0090

**Property Size:** 0.211 Acres (9,194 SF)

**Land Use Designation:** Low Density (LD)

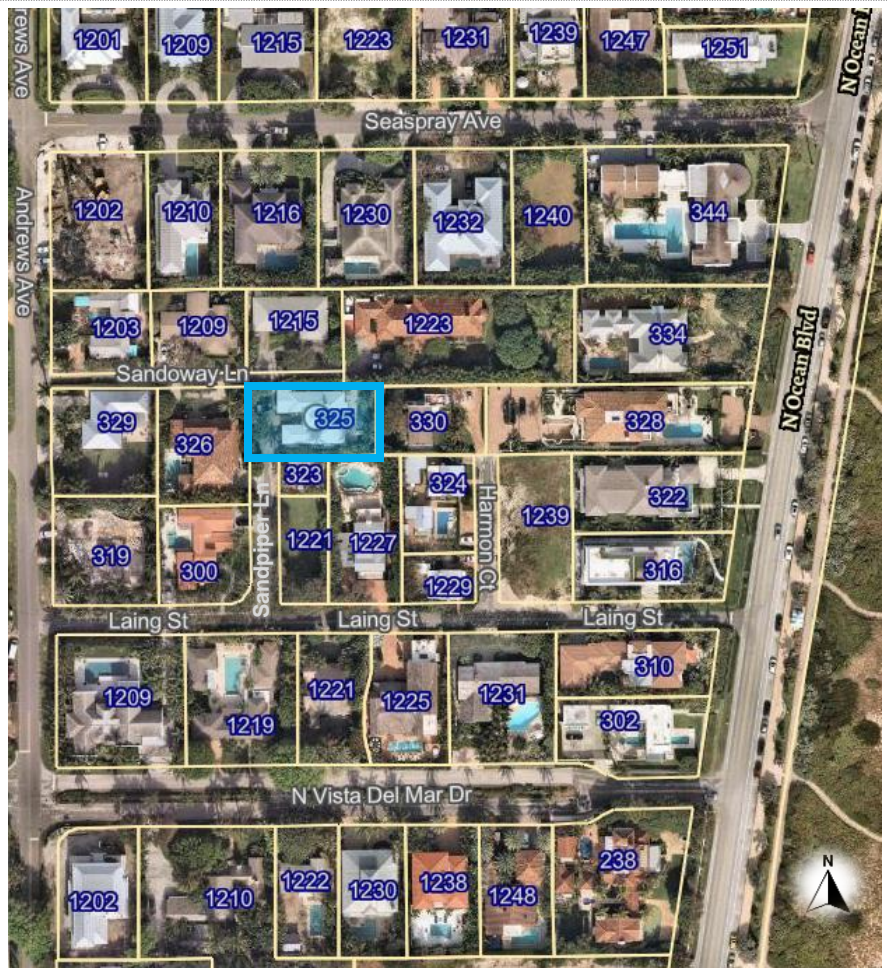
**Zoning District:** Single Family Residential (R-1-AAA), North Beach/Seagate Overlay District

**Existing Land Use:** Single Family Home

#### Adjacent Zoning:

- North, East, South and West: R-1-AAA

**Legal Description:** The East 130 feet of the West 350 feet of the South 70.5 feet of Ocean each Lot 3, Fractional East half of Section 16, Township 46 South, Range 43 East.





### Request

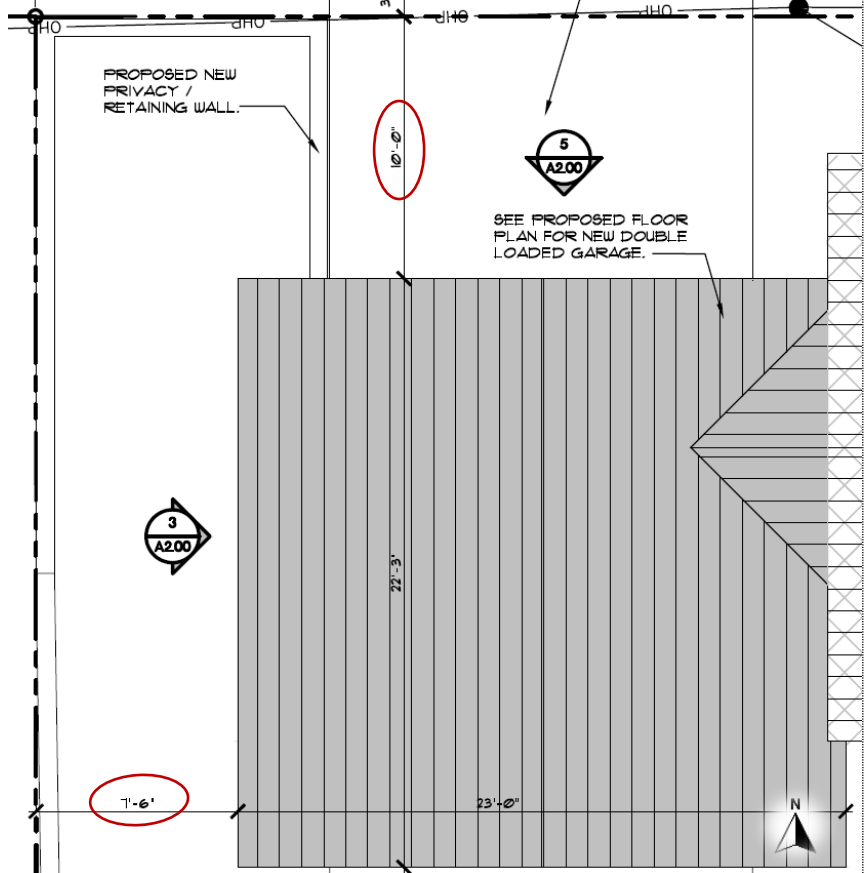
The applicant is requesting two variances from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**. The requests are associated with an addition to the existing structure.

#### Required Front Setback

Request to reduce the existing front (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required.

#### Required Side Street Setback

Request to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required.



### Variance Review and Analysis

Pursuant to **LDR Section 2.1.7(E)(1)(c)1, Board of Adjustment: Duties, powers, and responsibility**, the Board is authorized to hear and grant variance requests to **Base District Development Standards, LDR Section 4.3.4**, for single-family or duplex uses, unless otherwise stated.

Pursuant to **LDR Section 2.4.11(A), Relief: Variances**, a variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Pursuant to **LDR Section 2.4.11(A)(5) (a-f), Variance Findings**, the following findings must be made prior to the approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance;
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;
- (c) That the special conditions and circumstances have not resulted from actions of the applicant;
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;

- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

### Front Setback

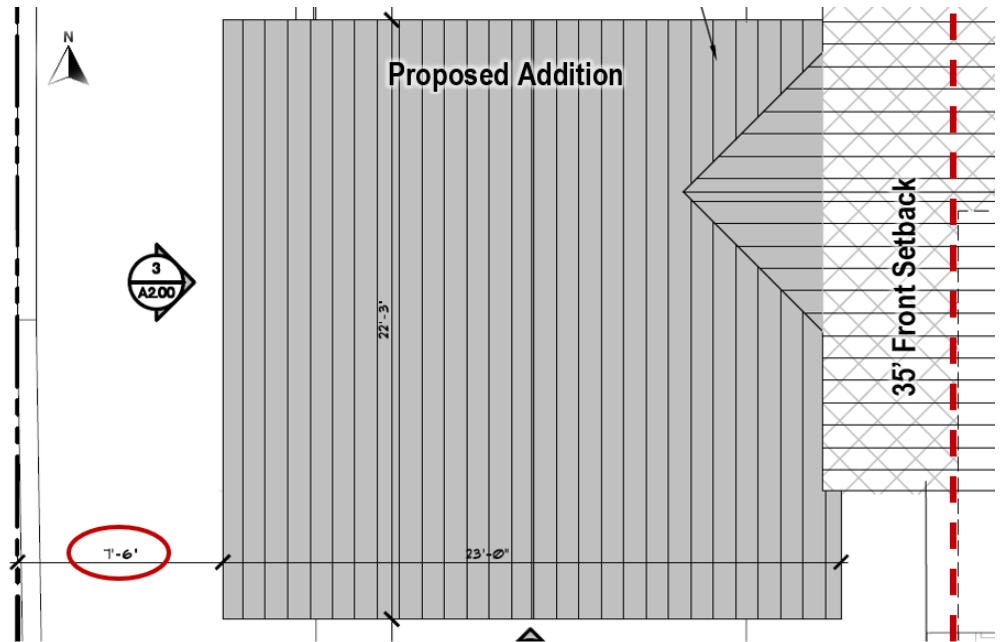
In consideration of the criteria listed above, the Board must consider whether special conditions or circumstances exist that are relative to the property, and if the granting of the variance allowing the addition to further encroach into the required 35-foot front (west) setback will not confer onto the applicant any special privilege that has been denied for similar requests. The Board should also consider if the variance is the minimum variance that will make possible the reasonable use of the land.

The lot is a portion of a lot of record and does not currently conform to the minimum lot size and lot width requirements for the R-1-AAA zoning district; the lot is 9,194 square feet, whereas a minimum of 12,000 square feet is required, and the lot width is 70.5 feet, whereas a minimum of 100 feet is required. The applicant's justification statement indicates that the nonconforming lot dimensions restrict the placement of an addition, making it difficult to construct an addition that does not further encroach into the required setbacks. The picture at right shows the location of the proposed addition, which is an attached garage. Based on the current layout of the property, the west side of the property is the only area that can accommodate the addition.



The literal interpretation of the LDR, specifically the minimum front setback requirements in the R-1-AAA zoning district and the existing nonconformities, prevent the applicant from constructing the desired addition, as any addition on the west side of the property would further encroach into the required front setback.

The nonconforming size of the lot and nonconforming setbacks were established prior to the current owner buying the property. Therefore, the special conditions are not a result of actions by the applicant. The granting of the variance is not anticipated to grant a



special privilege, as the purpose of the request is to allow the property owner to expand the ca. 1950 residence. The Board may consider, however, whether allowing the expansion of a nonconforming structure grants a special privilege to the applicant.

The applicant indicates the request is the minimum variance needed to make possible the reasonable use of the land. A garage, which is the intended use of the addition, is an amenity enjoyed by other properties within the R-1-AAA zoning district, and the applicant is currently challenged with constructing a garage addition that would not encroach further into the front setback. While a garage is a fundamental component of a residence, the Board should consider if the variance requested is needed to make

reasonable use of the lot, as the single-family residence is functional with or without the addition. It is noted that the request is specifically for the encroachment of the structure into the setback; therefore, whether the addition is for the purpose of a garage or living space does not affect the nature of the request.

The applicant states that granting the variance would allow the applicant to enjoy an amenity that other properties in the neighborhood are able to have while also alleviating traffic on Sandpiper Lane. Both Sandpiper Lane and Sandoway Lane have less right-of-way than required by the City's Comprehensive Plan – Sandpiper Lane is 30 feet wide and Sandoway Lane is 15 feet wide, whereas at least 50 feet of right-of-way is required. Currently, the property only has vehicular access to Sandpiper Lane. The addition is configured as a double-loaded garage, establishing an additional vehicular access point to Sandoway Lane.

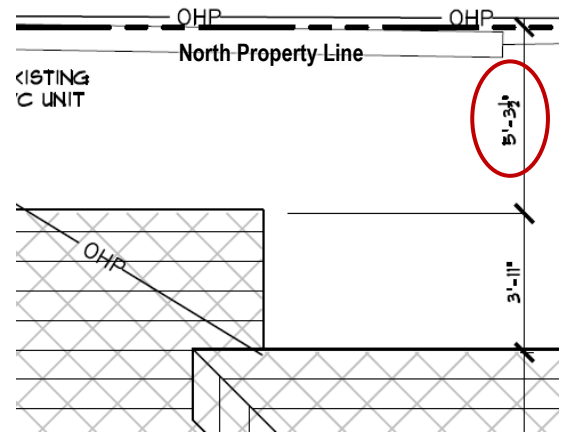
The granting of the variance will generally be in harmony with the general purpose and intent of existing regulations as the proposed addition is designed to be consistent with the principal building's architectural style. Further, the variance is not anticipated to be detrimental to the public welfare or be injurious to the neighborhood. The applicant states that the proposed addition will create minimum visual impact along Sandoway Lane to the north. Currently, there is an existing Ficus hedge along the west property line that heavily buffers the subject property from the property to the west. It is noted, however, the hedge can be taken down in the future.



### Side Street Setback

In consideration of the criteria listed above, the Board must consider whether special conditions or circumstances exist that are relative to the property, and if the granting of the variance allowing the addition to encroach into the required 17-foot side street setback will not confer onto the applicant any special privilege that has been denied for similar requests. The Board should also consider if the variance is the minimum variance that will make possible the reasonable use of the land.

A portion of the existing residence currently encroaches into the required 17-foot side street setback along the north property line. The proposed addition would be set back 10 feet from the side street (north) property line, as opposed to the required 17 feet. At its closest point, the residence is set back five feet, three-and-one-half inches from the side street property line (see image at right).

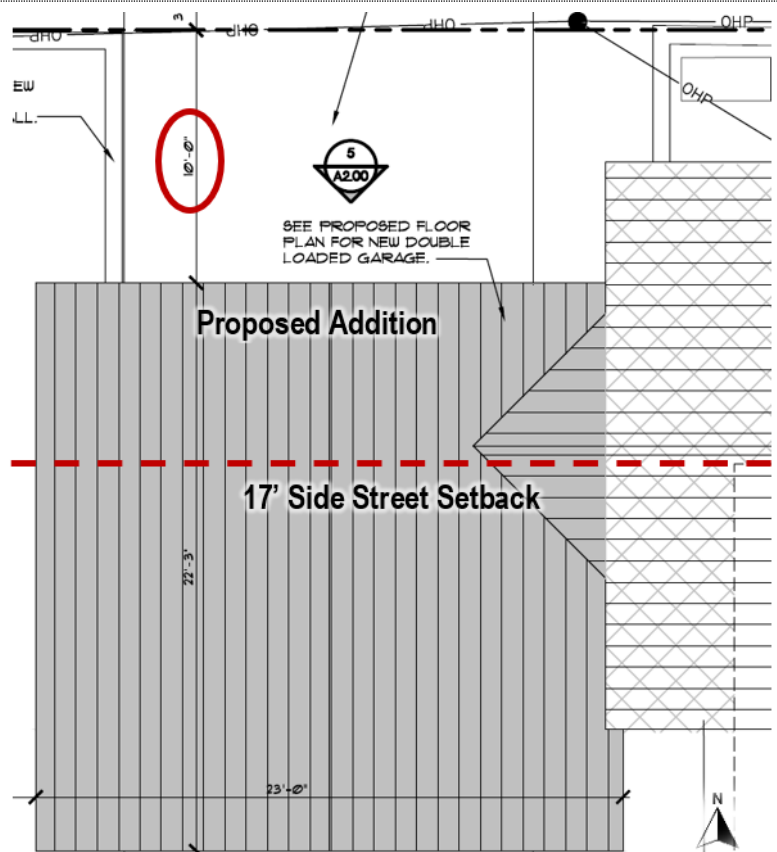


The applicant states that special conditions exist, limiting the placement options for the proposed addition. The nonconforming lot width and lot size paired with the current configuration of the single-family residence limit the possible locations of an addition on the west side of the property. The literal interpretation of the LDR, specifically the minimum side street setback requirements in the R-1-AAA zoning district and the existing nonconformities, prevent the applicant from constructing the desired addition without encroaching into the side street setback. To create minimal visual impact, the applicant is proposing a design that is harmonious with the architectural character of the existing residence.

The nonconforming size of the lot and nonconforming setbacks were established prior to the current owner buying the property. Therefore, those specific special conditions are not a result of actions by the applicant.

The granting of the variance is not anticipated to grant a special privilege, as the purpose of the request is to allow the property owner to expand the ca. 1950 residence. The Board may consider, however, whether allowing the expansion of a nonconforming structure grants a special privilege to the applicant.

The applicant expresses the request is the minimum variance needed to make possible the reasonable use of the land. A garage is an amenity enjoyed by other properties within the R-1-AAA zoning district, and the applicant is currently challenged with constructing a garage that would not encroach into the side street setback. While a garage is a fundamental component of a residence, the Board should consider if the variance requested is needed to make reasonable use of the lot, as the single-family residence is functional with or without the addition. Additionally, it is noted that the request is specifically for the encroachment of the structure into the setback; therefore, whether the addition is for the purpose of a garage or living space does not affect the nature of the request.



The granting of the variance will generally be in harmony with the general purpose and intent of existing regulations as the proposed addition is designed to be consistent with the principal building's architectural style. Further, the variance is not anticipated to be detrimental to the public welfare or be injurious to the neighborhood. The proposed addition is designed to be compatible with the 1950 residence, creating minimum visual impact along Sandoway Lane to the north. Additionally, there is a masonry wall and wood fence that provides screening along portions of the north property line.

**Optional Board Actions**

**Front Setback**

- A. Move **approval** of the Variance request for **325 Sandpiper Lane (2024-053-VAR-BOA)** from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**, to reduce the existing front (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required, associated with an addition to the existing single-family residence, by finding that the request is consistent with the findings set forth in **LDR Section 2.4.11(A)(5)(a-f)**.
- B. Move **denial** of the Variance request for **325 Sandpiper Lane (2024-053-VAR-BOA)** from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**, to reduce the existing front (west) setback from 30 feet to seven feet, six inches, whereas a minimum of 35 feet is required, associated with an addition to the existing single-family residence, by finding that the request is not consistent with the findings set forth in **LDR Section 2.4.11(A)(5)(a-f)**.
- C. Move to **continue with direction**.

**Side Street Setback**

- A. Move **approval** of the Variance request for **325 Sandpiper Lane** (2024-053-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required, associated with an addition to the existing single-family residence, by finding that the request is consistent with the findings set forth in LDR Section **2.4.11(A)(5)(a-f)**.
- B. Move **denial** of the Variance request for **325 Sandpiper Lane** (2024-053-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** to reduce the side street (north) setback to 10 feet, whereas a minimum of 17 feet is required, associated with an addition to the existing single-family residence, by finding that the request is not consistent with the findings set forth in LDR Section **2.4.11(A)(5)(a-f)**.
- C. Move to **continue with direction**.

**Public Notice**

Pursuant to **LDR Section 2.6.3(G)**, Notice in accordance with **LDR Section 2.6.2 (A), (B), (C), and (D)** shall be provided prior to a Public Hearing.

<b>LDR section</b>	<b>Date Posted</b>
2.6.3(G) - Written notice provided to property owners within 500 feet	January 19, 2024
2.6.3(G) - Notice posted on the City's web page at least ten days prior	January 17, 2024
2.6.3(G) - Notice posted at City Hall	January 17, 2024
2.6.3(G) Placard Notice	January 19, 2024
Courtesy Notice to BPOA	January 17, 2024