



Monna Homes, LLC
Variance: Rear Yard Setback
Project Number: P23-097



Project Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence.
Applicant:	Zamel Abou
Property Owner:	Monna Homes LLC.
Location:	520 SE Cliff Rd.
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bianca Lee

Project Description

The applicant is requesting a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence. Section 158.073(H)(3) Yard Requirements and Landscaping, requires a minimum building setback line of twenty-five (25) feet in the rear yard for Single-Family Residential Districts. The proposed addition will meet the side setback requirement within RS-2 (Single-Family Residential).

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

Public Notice Requirements (Section 158.298 (B))

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board's agenda.

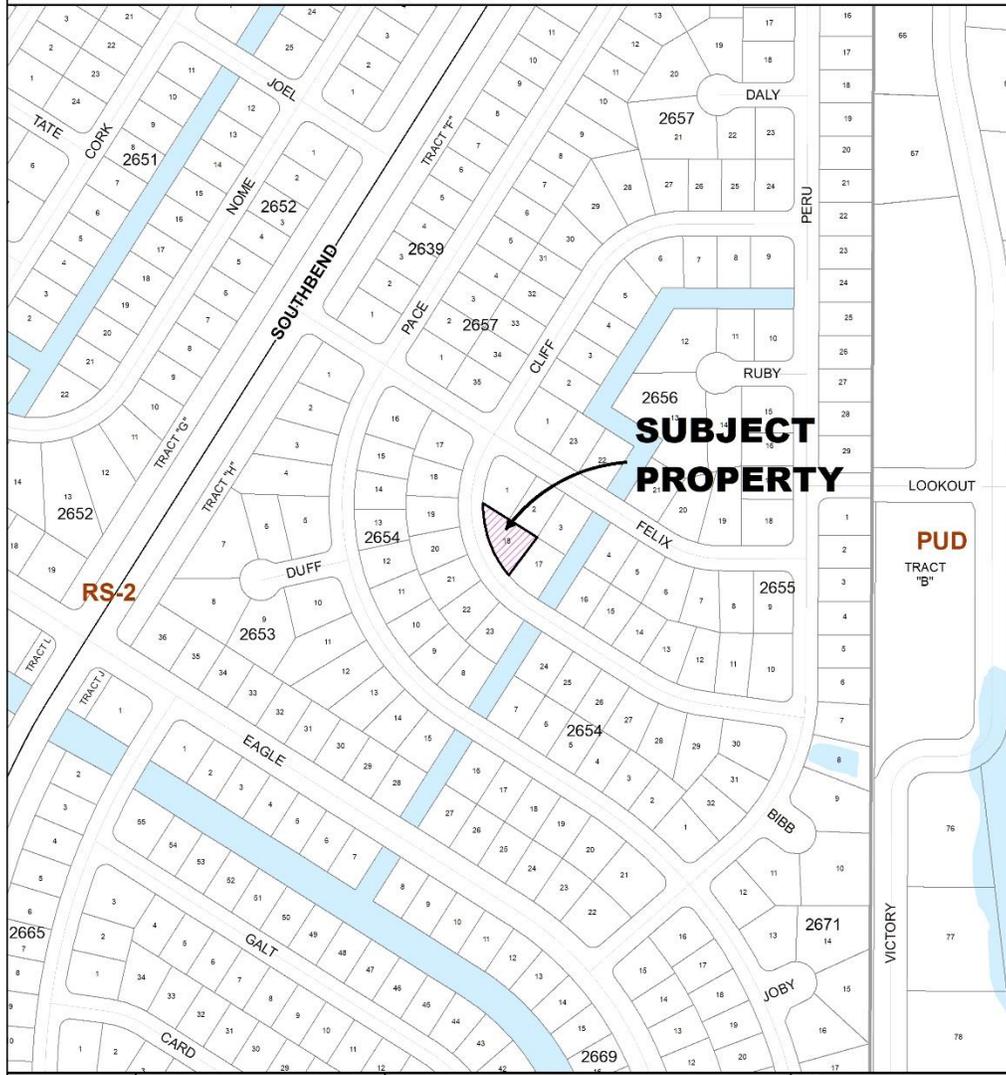
Location and Site Information

Parcel Number:	3420-690-0576-000-8
Property Size:	0.34 AC/ 14,995 SF
Legal Description:	Port St. Lucie Section 39, Block 2655, Lot 18
Address:	520 SE Cliff Rd.
Future Land Use:	Low Density Residential (RL)
Existing Zoning:	Single-Family Residential (RS-2)
Existing Use:	Single-Family Residential

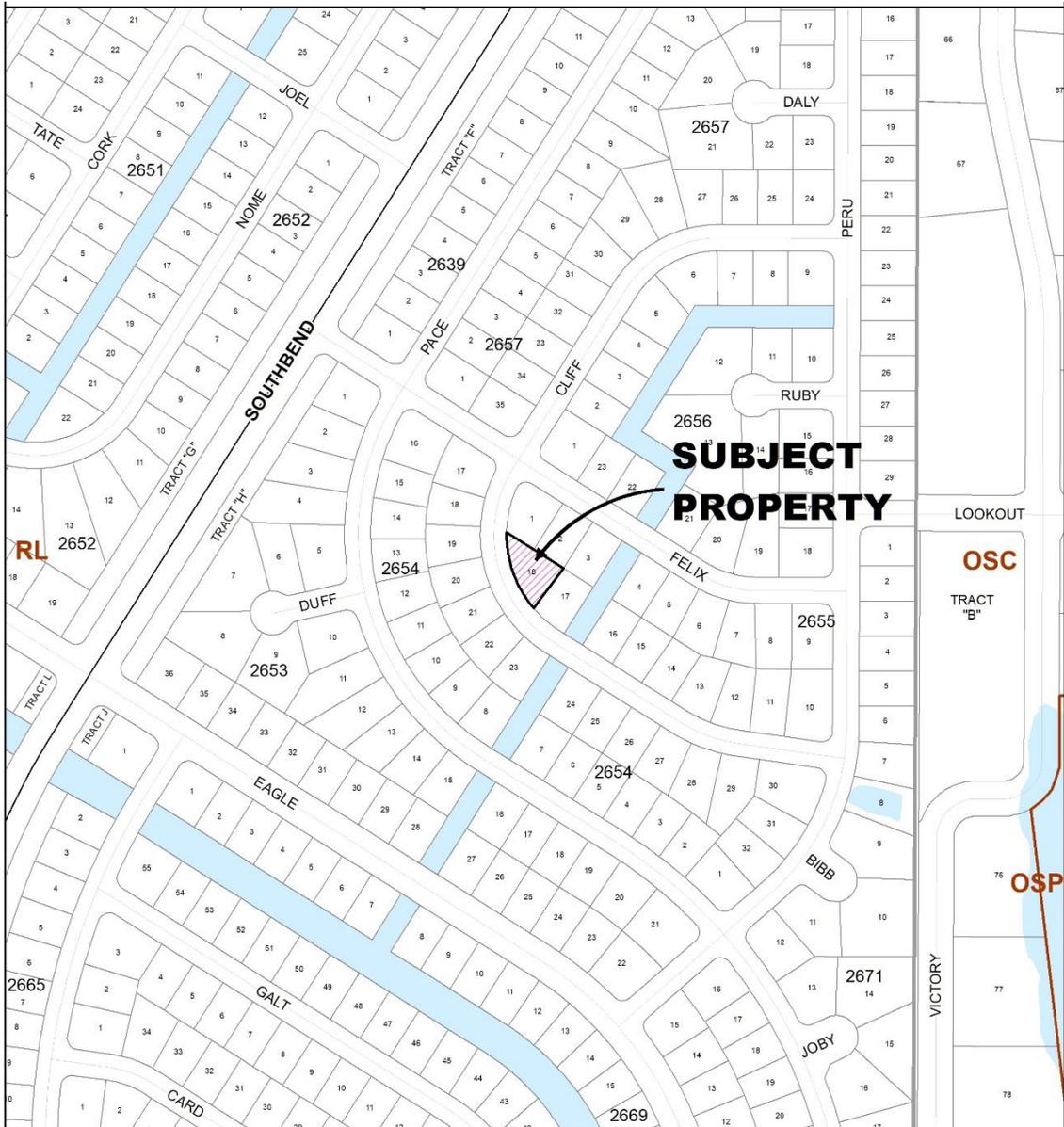
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	RS-2
South	RL	RS-2	RS-2
East	RL	RS-2	RS-2
West	RL	RS-2	RS-2

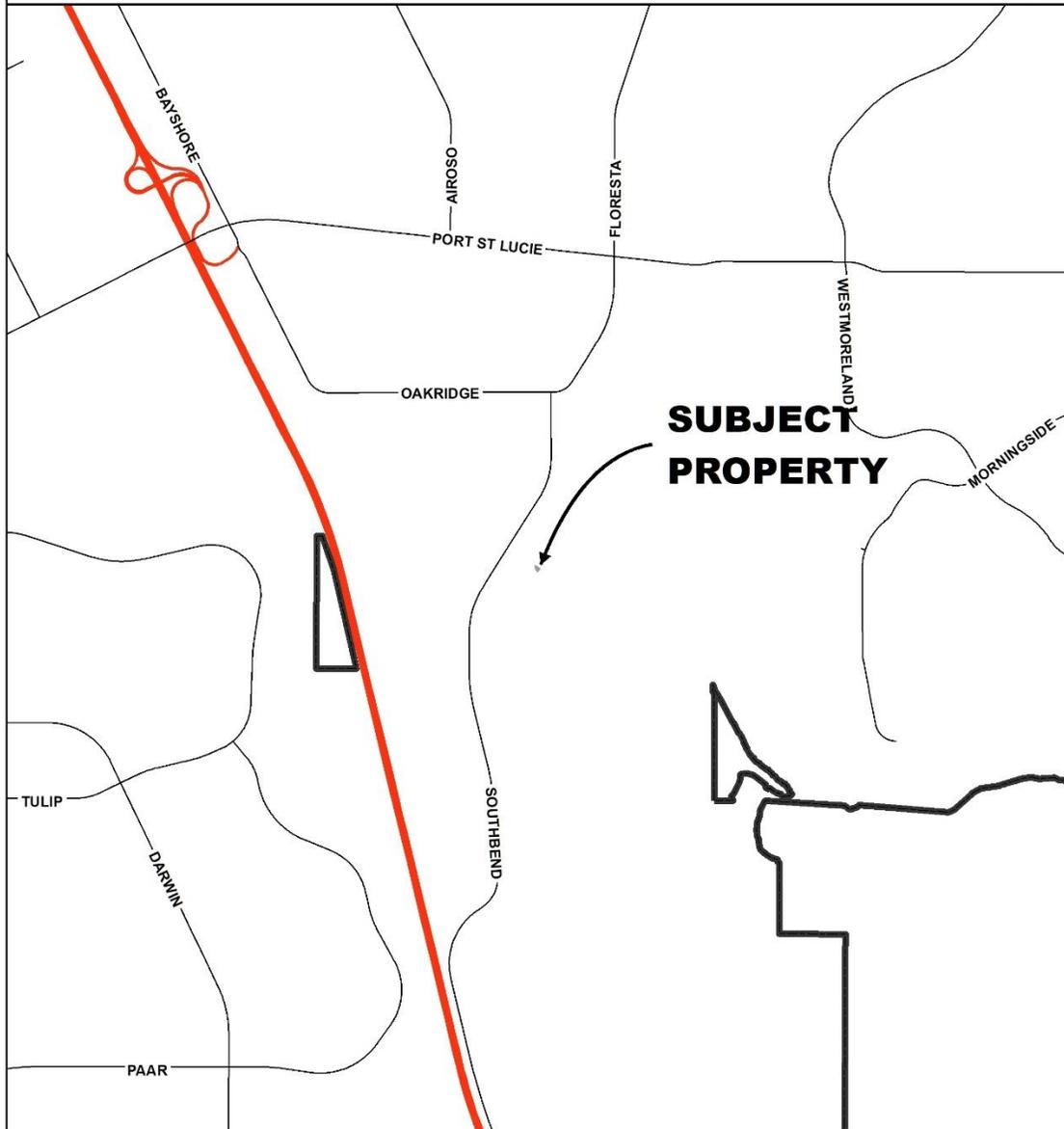
RL-Low Density Residential, and RS-2- Single-Family Residential



Zoning Map



Project Land Use Map



Location Map

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application and joined with staff's review provided below:

Compatibility with variance criteria Section 158:295 (B).

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - *Applicant Response: This is an odd, triangular-shaped lot.*
 - *Staff Findings: Special conditions and circumstances exist, which are peculiar to the land, structure, or building involved. The 2,352 sq. ft. home is proposed to be built on a 14,995 sq. ft. lot with an irregular shape. The applicant has secured Public Works and Building permits but has failed to receive a passing inspection on the formboard survey due to the rear-setback on said survey showing a building setback of 12.58 ft. The attached proposed plot plan was approved by City staff in error, the setbacks do not meet the code requirement. The Building Department recognized the error when the formboard survey was submitted and the site inspection was entered as a failed status on 5/15/23.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Applicant Response: The lot was platted with this odd shape from the beginning.*
 - *Staff Findings: Staff agrees. Also, see No. 1 above.*
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
 - *Applicant Response: We would still pass all inspections and pull all permits as would be required to build a single-family house on any lot in this district. We would not be receiving any special privilege.*
 - *Staff Findings: The dimensions of the proposed house would fit on a standard 80' by 125' lot. The proposed home would appear to fit on the lot if it was rotated and constructed adjacent to lot 17 with a 10' side yard setback.*
- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
 - *Applicant Response: We would lose all money invested in this property and would not be able to build a single family home.*

- *Staff Findings: Literal interpretation of the provisions of the chapter may deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships on the applicant. The plans would need to be revised to show the home in a different orientation on the plot plan and formboard survey.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- *Applicant Response: This variance is the minimal possible variance that would allow us to build a small home on this lot.*
 - *Staff Findings: The variance granted is the minimum variance that will allow the home to be built in accordance with the existing formboard survey. The proposed home is 1,844 sq. ft. under air, & 2,352 sq. ft. to include the garage, porch, & patio. The minimum living area within RS-2 Zoning is 1,200 sq. ft. for a one-story house as per RS-2 zoning Section 158.073(G). Each single-family residence shall have either a garage or a carport containing a minimum of two hundred (200) square feet and an enclosed storage area with a minimum of eighty (80) square feet which shall be accessible from the outside, garage, or carport as per Section 158.206- Special Design Requirements for Single-Family Residences.*
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- *Applicant Response: Granting the variance would allow us to build a single-family home on this lot, within the property lines, as intended.*
 - *Staff Findings: See No. 5 above.*
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
- *Applicant Response: We will be in full compliance with any additional conditions and safeguards.*
 - *Staff Findings: The applicant has acknowledged this.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny, or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may:

- Motion to approve
- Motion to approve with conditions

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).