



Leonard W. Laforte
Variance: Shed
Project Number: P22-321



Project Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of 4.82 feet to allow a 5.18-foot setback from the side property line for an existing shed.
Applicant:	Leonard W. Laforte
Property Owner:	Leonard W. Laforte
Location:	1556 SW Abacus Avenue
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bianca Lee

Project Description

The applicant is requesting a variance of 4.82 feet to allow a 5.18-foot setback from the side property line for an existing shed. Section 158.217(C)(1) of the Zoning Code requires a minimum setback of ten (10) feet from the rear property line for accessory uses or structures in Single-Family Residential Districts. The existing shed meets the rear setback requirement; however, it does not meet the side setback as per zoning code. The minimum setback from side property lines shall be those set forth in the applicable zoning district. The property is zoned RS-2 (Single-Family Residential), Section 158.073(H)(2) requires two (2) side yards, each of which providing a building setback line of ten (10) feet.

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.

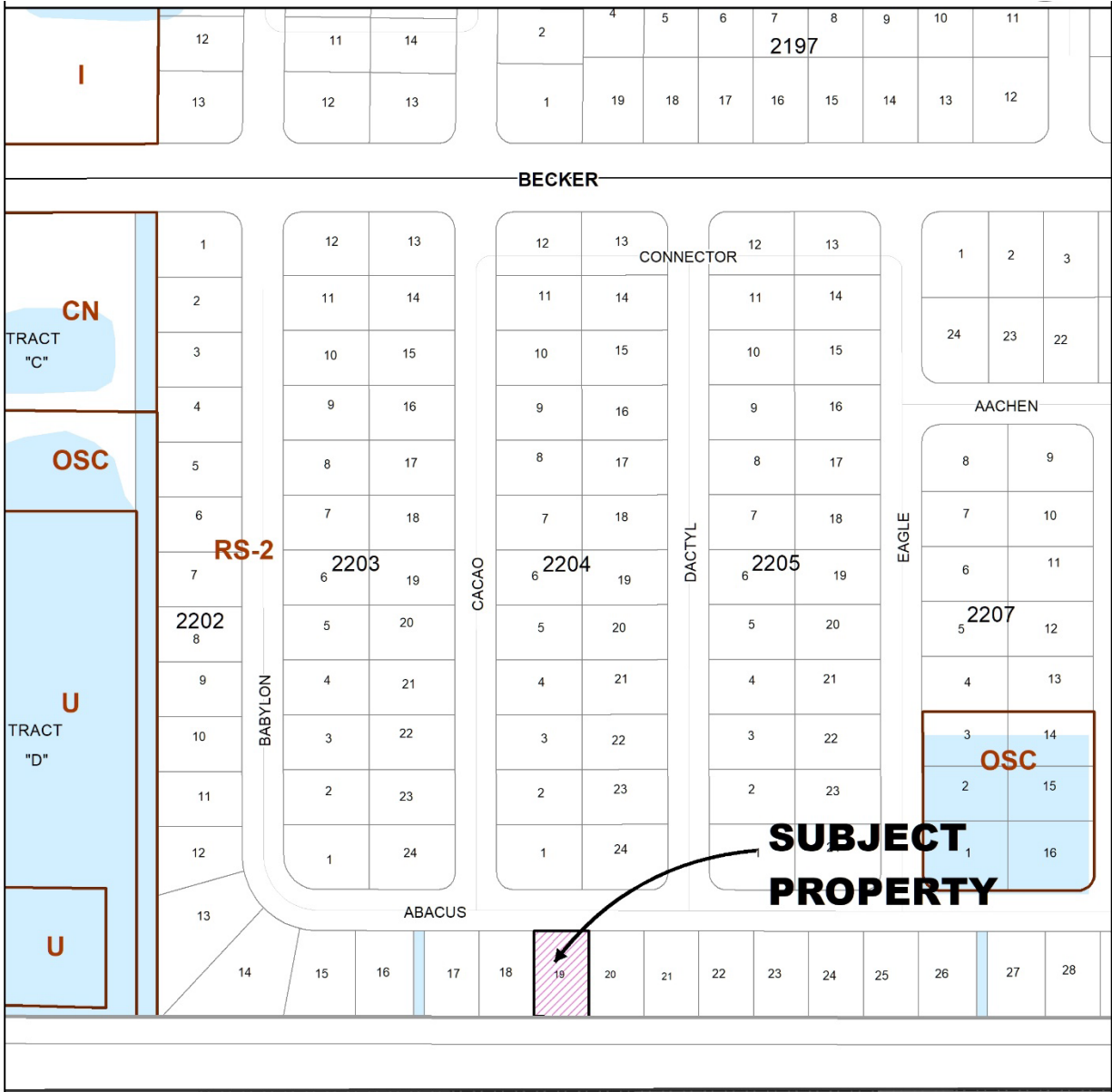
Location and Site Information

Parcel Number:	3420-660-0653-000-9
Property Size:	0.23 AC/ 10,000 SF
Legal Description:	Port St. Lucie Section 33, Block 2202, Lot 19
Address:	1556 SW Abacus Ave.
Future Land Use:	Low Density Residential (RL)
Existing Zoning:	Single-Family Residential (RS-2)
Existing Use:	Single-Family Residential

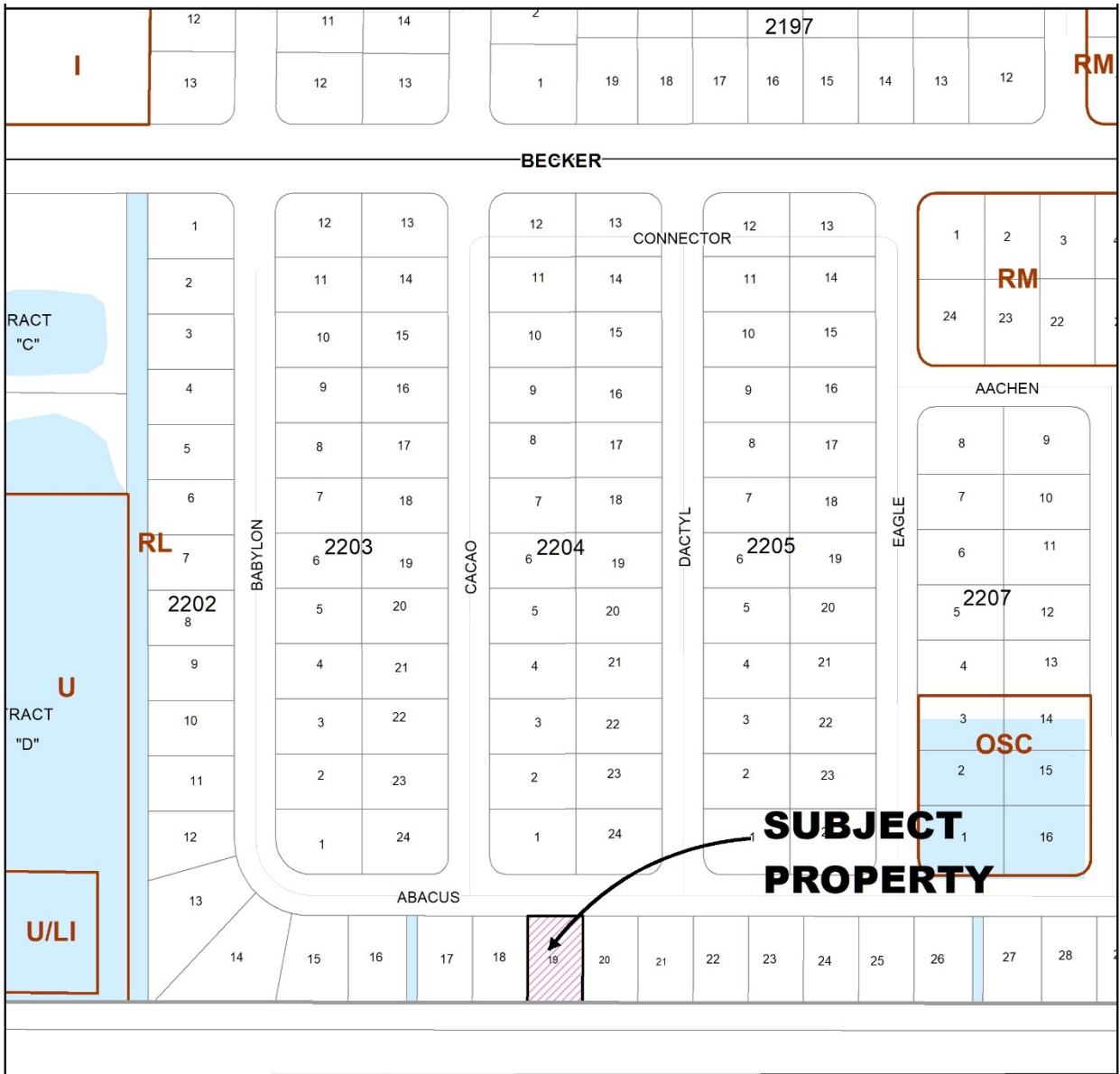
Surrounding Uses

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

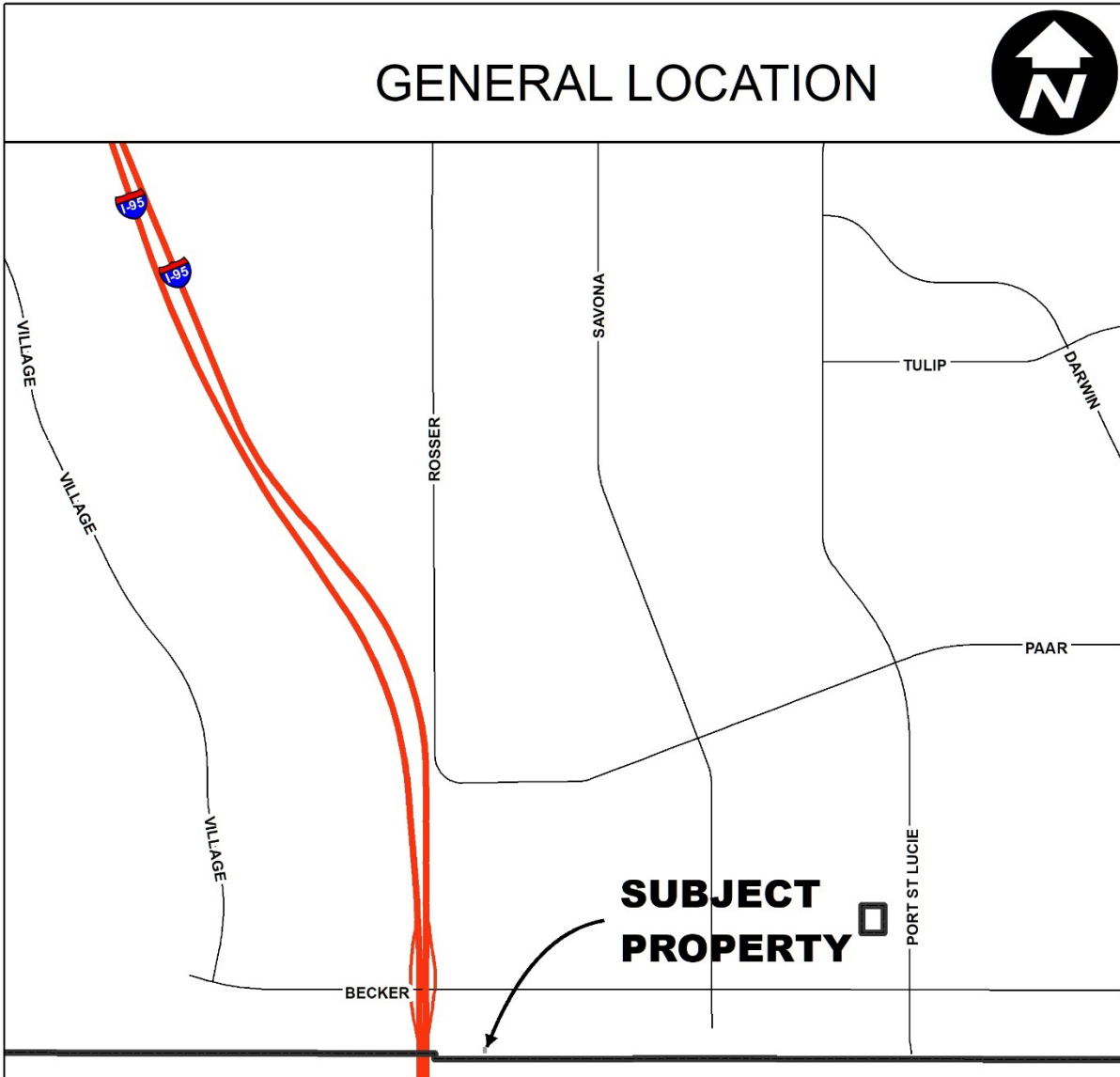
RL-Low Density Residential, and RS-2- Single-Family Residential



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. Staff's review is 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.
 - *Staff Findings: Special conditions and circumstances do not exist, which are peculiar to the land, structure, or building involved. The shed is built on a standard 10,000 sq. ft. lot. The Building Department has not received plans from the property owner. The shed was constructed without a permit and does not observe the required setbacks.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Staff Findings: 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.
 - *Staff Findings: Special privileges would be conferred upon the applicant. A 10 ft. side yard setback is a regulatory standard applied to other lands, buildings, and structures in the RS-2 Zoning District.*
- 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.
 - *Staff Findings: Literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships on the applicant.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - *Staff Findings: The structure can be relocated to comply with the minimum 10 ft. side yard setback as per RS-2 zoning Section 158.073(H)(2). The existing shed currently sits at a 5.18 ft. setback from the property line and encroaches 0.82 feet into the 6 ft. wide drainage and utility easement. The attached shed specifications provided by the applicant show that the shed has a wooden foundation. The applicant has indicated that the wooden ramp shown on the survey and in the photos in the staff presentation has been removed.*

- 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.
- *Staff Findings: The shed is encroaching by 0.82 feet into the drainage and utility easement and appears to sit within the side lot swale which can potentially block drainage that directs water south of the property.*
- 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.
- *Staff Findings: The applicant has acknowledged this. If the variance is granted, the applicant would need to apply to the Public Works department for permission to encroach into the drainage and utility easement.*

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).