#### **BZA Public Hearing**

# VA-18-04-015 APPLICANT: ALEX NOKHODCHI

**DATE: August 21, 2018** 



CASE: VA-18-04-015

APPLICANT: Alex Nokhodchi

**REQUEST:** Variances in the R-1A zoning district as follows:

1) To allow a side setback of 1.8 ft in lieu of 5 ft.

2) To allow a rear setback of 3.8 ft in lieu of 5 ft.

**FUTURE LAND USE: LMDR (Low Medium Density Residential)** 

ADDRESS: 1313 E. Pineloch Ave.

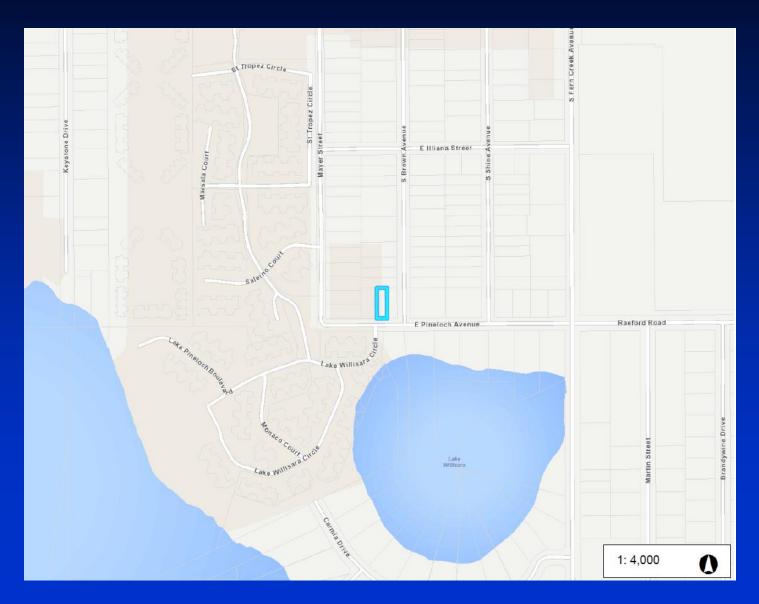
LOCATION: North of E. Pineloch Ave., west of S. Brown Ave.

TRACT SIZE: 40 ft. x 120 ft.

DISTRICT: 3



#### **Location Map**



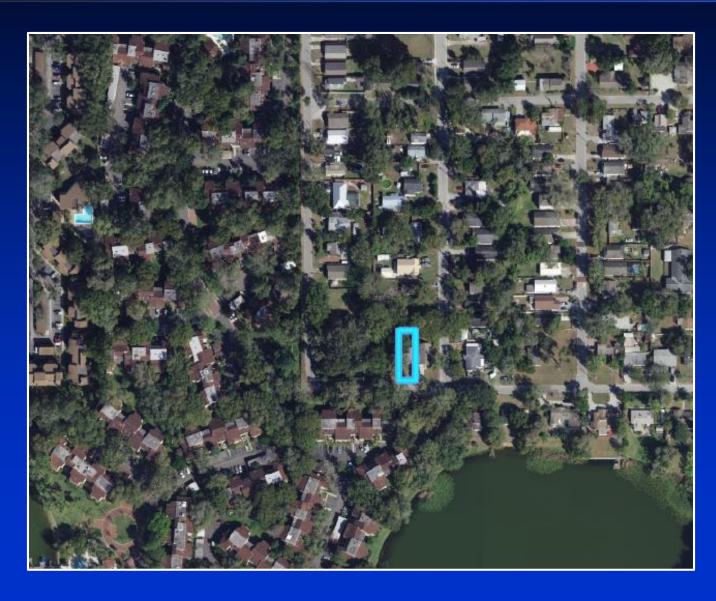


### **Zoning Map**



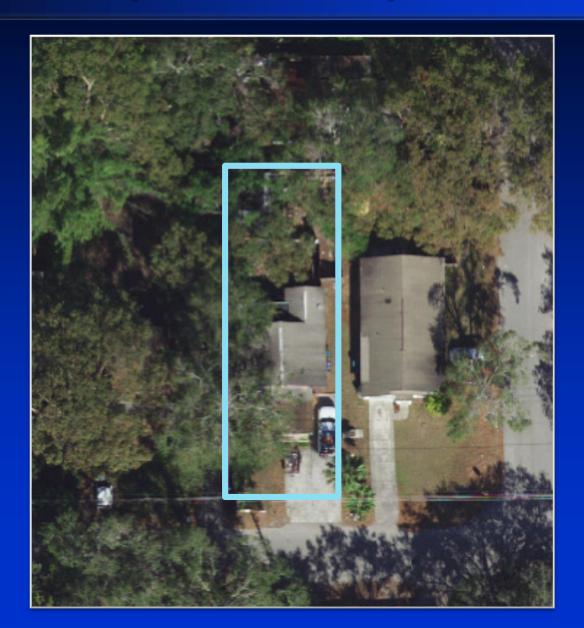


# **Aerial Map**



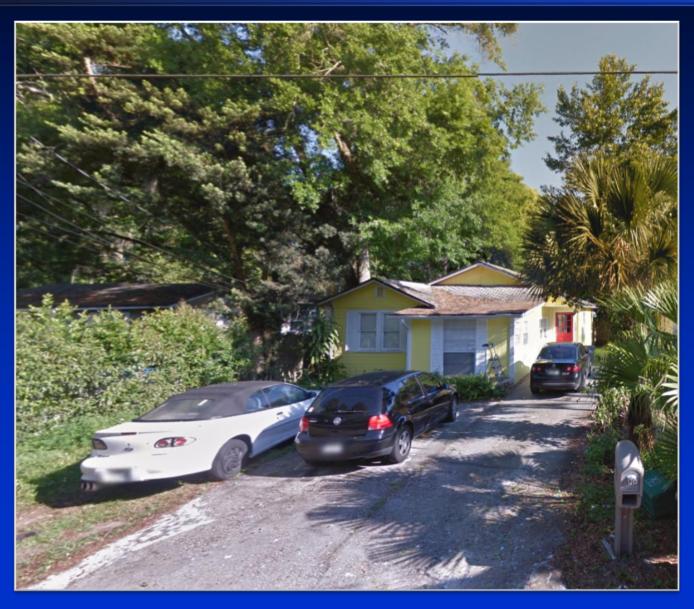


# Close-Up Aerial Map

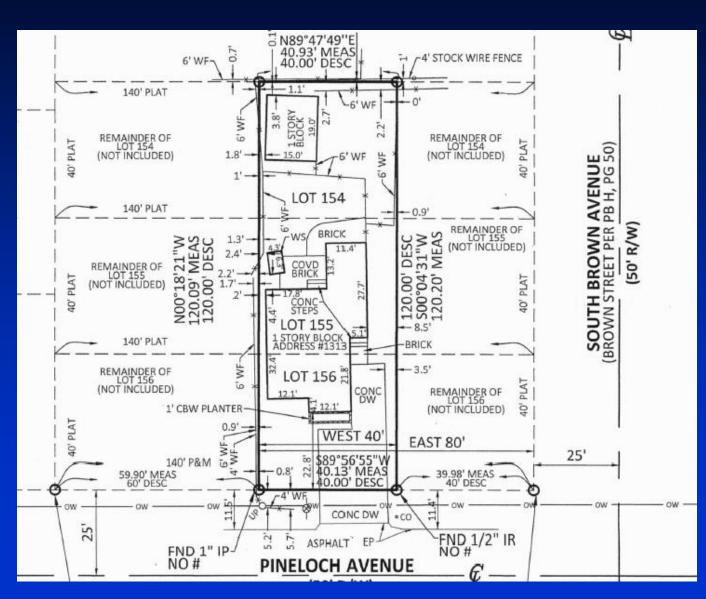




## **Street View of Property**









# Site Photograph





# **Site Photographs**







#### **Public Feedback**

- Mailed 361 notices to property owners within a 500 ft. radius of the property.
- Staff received 1 letter in opposition of the request from the neighbor to the east.
- Staff did not receive any letters in support of the request before the hearing, the applicant submitted a letter of support at the BZA hearing with three (3) signatures.





#### **Staff Findings**

- 1. The property is located in the R-1A Single-Family Dwelling district, which allows for single-family homes and associated accessory structures. The minimum lot size for R-1A is 75 feet by 100 feet. This area was platted in 1923, with 40 ft. by 140 ft. lots.
- 2. The house on the property was built in 1940, and staff could not locate any permits for this parcel. The existing house is nonconforming as it does not meet setbacks.
- 3. The existing structure was built without permits and had previously been used as an Accessory Dwelling Unit. The applicant cannot apply for an ADU they do not have a homestead exemption on the property.
- 4. The applicant purchased the property in 2013, and both structures (house and shed) were existing at that time. A title search should have uncovered the permitting issues with the structure.
- 5. The applicant would like to keep the structure to use for storage and will be required to remove any components associated with the ADU if the variances are approved.
- 6. Staff recommends denial as the request does not meet the variance criteria and there is sufficient area to meet the setbacks.



- The structure was built before the applicant purchased the property and the applicant was not aware the structure was not permitted.
- The structure is under construction and must be brought up to code.
- The structure was previously occupied by a tenant and currently is used for storage only.
- BZA's recomendation:
  - Denied variance #1 (side setback) as it is not the minimum possible variance.
  - Approved variance #2 (rear setback) as it is less intrusive.



#### **Conditions of Approval**

- 1. Development in accordance with the site plan dated January 18, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
- 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.



#### **Conditions of Approval**

- 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
- 4. The accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.
- 5. Permits for the accessory structure shall be obtained within sixty (60) days of final approval or this approval becomes null and void.
- 6. The applicant shall remove all plumbing from the structure.



#### **Requested Action**

- Uphold the BZA's May 3, 2018
   recommendation of partial approval
- Approve the variances from the required side and rear yard setbacks and allow the accessory structure to remain
- Deny the variances from the required side and rear yard setbacks and require the removal or relocation of the existing building to comply with Code
- District #3