STAFF REPORT AND RECOMMENDATIONS
HARDSHIP RELIEF
PLANNING & DEVELOPMENT DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF LARGO, FLORIDA

MEMO DATE: July 12, 2018
AGENDA DATE: August 2, 2018
TO: City of Largo Planning Board
FROM: Sam Ball, Planner

SUBJECT/CASE: HR-18-01: FELKER SETBACK REDUCTION

REQUESTED ACTION: The applicant, Alan Felker, agent, is requesting Hardship Relief from Sections 8.3.2 and 17.5 of the Comprehensive Development Code (CDC), Development Standards for Infill Lots and Modifications or Improvements to a Nonconformity, for the property located at 816 3rd Avenue NW. The applicant is requesting relief in order for a room addition to be reduced and remain with a 5.4-foot setback where 7.5 feet is required in a r-5.8 infill district. The property has a Future Land Use designation of West Bay Drive CRD (WBD-CRD) and is located in a r-5.8 infill district.

APPLICABLE CDC SECTIONS: Section 4.3 (Hardship Relief Review); Section 4.1 (Hearing Procedures, in General); Section 8.3.2 (Development Standards for Infill Lots); and Section 17.5 (Modifications or Improvements to a Nonconformity).

APPLICANT INFORMATION:
NAME/TITLE: Alan Felker
ADDRESS: 816 3rd Avenue NW
CITY/STATE/ZIP CODE: Largo, FL 33770
APPLICANT'S STATUS: Agent

SITE INFORMATION:
ADDRESS: 816 3rd Avenue NW
PARCEL ID NUMBER: 33-29-15-50112-004-0080
LOT SIZE: 0.19 acres mol
EXISTING LAND USE: Single Family Residential
SURROUNDING LAND USE:

NORTH: Single Family Residential
EAST: Single Family Residential
SOUTH: Three Family Residential
WEST: Single Family Residential

EXISTING FLUM:

West Bay Drive CRD (WBD-CRD) – Neighborhood Residential (NR) Character District

SURROUNDING FLUM:

NORTH: West Bay Drive CRD (WBD-CRD) – Neighborhood Residential (NR) Character District
EAST: West Bay Drive CRD (WBD-CRD) – City Home (CH) Character District
SOUTH: West Bay Drive CRD (WBD-CRD) – Neighborhood Residential (NR) Character District
WEST: West Bay Drive CRD (WBD-CRD) – Neighborhood Residential (NR) Character District

PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY:

CE2018-00681: Structure in back yard being built without a permit (Special Magistrate Compliance Deadline 10/01/2018)

BACKGROUND:

The City cited the property owner on April 26, 2018 for constructing an addition without a permit (See Exhibit D – Existing Conditions). Upon hearing the case on June 13, 2018, the Special Magistrate granted an October 1, 2018 deadline to bring the property into compliance or obtain a building permit to complete the addition. The applicant is requesting hardship relief to allow additional living area, as highlighted yellow on Exhibit “C”, to remain with a 5.4-foot setback where 7.5 feet is required on an r-5.8 infill designated lot in accordance with CDC sections 8.3.2 and 17.5.

HARDSHIP RELIEF CRITERIA AND STAFF FINDINGS (CDC SUBSECTION 4.3.3):
Subsection 4.3.3 states, “Hardship relief from the terms of this Code may be granted only upon a finding that all of the following are met:”

1. Code criterion: “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 with the same Future Land Use Map designation.” 4.3.3(A)

   Staff finds no existing special conditions which are peculiar to this parcel that are not applicable to most other lands, structures, or buildings with the same Future Land Use Map designation. The tree removal can be mitigated to allow the addition to meet setbacks.

2. Code criterion: “The special conditions and circumstances do not result from the actions of the applicant, nor could the conditions or circumstances be corrected or avoided by the applicant.” 4.3.3(B)

   The special conditions that exist on the site are the result of the applicant's actions. Becuase the structure was constructed without a building permit, the current circumstances could have avoided by the applicant.
3. Code criterion: “The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land, building, or structure in compliance with all other applicable regulations.” 4.3.3(C)

Staff does not believe the proposed relief, in regards to the extent of the addition, is the minimum degree of relief necessary to make possible the reasonable use of the structure. The setback encroachment was foreseeable and conforming options existed.

4. Code criterion: “Literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties with the same Future Land Use Map designation under the terms of this Code and would work undue hardship on the applicant.” 4.3.3(D)

This criterion does not apply. The property is currently being used as single-family home.

5. Code criterion: “The grant of relief will not violate the general intent and purpose of this Code nor the policies of the Comprehensive Plan.” 4.3.3(E)

The requested relief is inconsistent with the Purpose and Applicability of the Hardship Review such that strict application of one more CDC requirements does not render the parcel incapable of reasonable economic use.

6. Code criterion: “The grant of relief will not create unsafe conditions nor other detriments to the public welfare beyond the normal effects of development otherwise allowed.” 4.3.3(F)

The granting of relief or denial, in either case, would not create unsafe conditions nor other detriments to the public welfare.

7. Code criterion: “The proposed development will occur on a parcel of land which, when combined with adjacent land of the same ownership, is not capable of reasonable economic use under the provisions of this CDC, thereby making hardship relief necessary to preserve the substantial property rights of the applicant. This criterion does not apply to hardship relief requests concerning signage.” 4.3.3(G)

N/A

PUBLIC NOTIFICATION REQUIREMENTS:

MAILED WRITTEN NOTIFICATION: July 3, 2018
PUBLISHED NEWSPAPER NOTIFICATION: July 17, 2018
POSTED PROPERTY NOTICE: July 26, 2018

HARDSHIP RELIEF REVIEW COMMENTS

As part of the review process, the following comments have been received by Staff from the affected city departments.

1. Fire Department: No objection
2. Police Department: No objection, See attached memo
3. Solid Waste/Public Works: No objection
4. Engineering Division: No objection
5. Building Division: No objection

SUMMARY OF FINDINGS:

Staff finds hardship does not exist on the property according to the review criteria of the CDC section 4.3.3 subsections A, B, C, and E.
STAFF RECOMMENDATION:

Staff recommends denial of the proposed Hardship Relief from Sections 8.3.2 and 17.5 (Development Standards for Infill Lots and Modifications or Improvements to a Nonconformity) within the eastern side yard to allow the addition to be completed with a 5.4-foot setback.

SUGGESTED MOTIONS FOR THE PLANNING BOARD:

I MOVE TO APPROVE HR 18-01 HENLEY FENCE HARDSHIP RELIEF FROM SECTIONS 8.3.2 AND 17.5, FINDING THAT A HARDSHIP EXISTS.

I MOVE TO APPROVE HR 18-01 HENLEY FENCE HARDSHIP RELIEF FROM SECTIONS 8.3.2 AND 17.5, FINDING THAT A HARDSHIP EXISTS, SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

I MOVE TO DENY HR 18-01 HENLEY FENCE HARDSHIP RELIEF FROM SECTIONS 8.3.2 AND 17.5, FINDING THAT A HARDSHIP DOES NOT EXIST.

PLANNING BOARD ACTION

PUBLIC HEARING DATE: August 2, 2018

RECOMMENDATION: 

_____ Approval (Vote ________)

_____ Approval with conditions (Vote ________)

_____ Denial (Vote ________)

Cheyrl Bowman, Chairperson

REPORT PREPARED BY:

Sam Ball
Planner

APPROVED BY:

Richard Perez, AICP
Planning Manager

DATE: July 18, 2018

Attachments:

Letter from Applicant requesting Hardship Relief
Exhibit "A" Site Map
Exhibit "B" Aerial Photo
Exhibit "C" Survey & Proposed Addition
Exhibit "D" Existing Conditions
Exhibit "E" Police Memo
Hardship Relief Review Letter

Subject Property

816 3rd Ave NW

Largo, Fl

Request to use existing property line from when house was built in 1925 to add 300 square feet additional room. Request to keep line contiguous with existing house along East side of house so as to not make it look like a room addition. Addition to be added to rear of house to not change curve appeal or visibility from the street. This will not change look of neighborhood from street view and the two 1925 houses still looking the same.

The Hardship is there are old growth trees on the property that would prevent an addition without removing them. These trees are located on the West side of the property and in the center of the backyard. The petitioner requests the review committee consider the hardship for the trees which has been considered in prior cases. This also shows special conditions which exist to the land.

We understand this process must be complied with before getting a building permit.

We thank you for your consideration of allowing property owner to keep existing lines of house and original setback from 1925.

[Signature]

Barry Felker
Hardship Relief Request

Barry Felker
816 3rd Ave NW
Largo Fl 37676

6/21/2018

a. This house built in 1925 predates the present lot line setbacks and development regulations. There are old growth trees that enhance the property that the owner does not wish to remove for the 300 square foot addition. The Owner also does not wish to change the face of the house from the street, but continue the existing setback which will not be noticed from the street. This is the peculiar and special condition of this 1925 house that is not generally applicable to other structures with the same future land use map.

b. We are trying to retrofit this small home under 1000 square feet to make it more livable and this would confirm prior to the new development regulations.

c. This request is a minimal degree of relief necessary to add 300 square feet to a 1925 house under 1000 square feet to make it liveable to today's living standards.

d. Most homes on this block are more than 1000 square feet and this house has only one very small bathroom, not handicap accessible and really small and hard to use as the occupants are in their mid sixties. We need a larger bathroom and shower without walk over a tub wall. The house as is really not to today's standards and creates a hardship for the occupants. We believe the approval of the land use variance for the addition helps the owners have the same rights of home ownership commonly enjoyed by our neighbors.

e. Extending the East wall of the house 20 feet which is already there will not violate the general intent and purpose of the DCD nor policies of the Comprehensive Plan. It does allow the property owner to enjoy a little more space and better designed bathroom without make much if any impact on the neighborhood or policies. It's not encroaching any more.

f. This small addition does not create unsafe conditions, nor other detriments to the public, but simply allows the owner a tad more space to live in and a safer bathroom shower.

g. Hardship relief is necessary to preserve the substantial property rights of the owner, and preserve the hardship rights of the Old Growth Trees.

h. In conclusion.

Applicant requests variance to build 300 square feet to an old bungalow with a modern functioning bathroom with window, exhaust fan and new modern plumbing to an old bungalow that is difficult to live in with 1 small 1925 bath. Applicant wants to follow existing line of house which is from the 1925 allowed setback. Street and curb appeal is exactly the same. Applicant states it would be a hardship to
remove the Old Growth Trees which beautify the house and neighborhood and this is the best place to add the addition. Also the hardship with the trees is most likely a permit to remove them would not be granted. Also its best not to put any addition within 15 feet of the trees to not damage their roots, or damage the foundation from the roots. It simply is the best place to add the room.

In summation we are asking to reduce the East boundary setback to 5.4, where the house is today, feet from today's new setback of 7.5 for the room and bathroom addition. We would remove the 2 feet by 22 feet existing which is over and to the East of the existing house line. The shaded area is the addition on the survey.

We understand this application and approval is necessary prior to applying for a building permit.

Barry Felker
Exhibit E - Police Memo

Largo Police Department

Crime Prevention Through Environmental Design

HR18-0001
July 2018

Officer V. Tran
vtran@largo.com
Largo Police Security Survey Disclaimer

THIS SECURITY SURVEY IS BEING CONDUCTED AS A PUBLIC SERVICE BY THE LARGO POLICE DEPARTMENT. THE CONTENT OF THE SURVEY IS BASED ON GUIDELINES ESTABLISHED BY THE FLORIDA CRIME PREVENTION TRAINING INSTITUTE AND THE INFORMATION RECORDED BY THE POLICE OFFICER CONDUCTING THE SURVEY.

THIS SURVEY IS INTENDED SOLELY TO ASSIST YOU IN IMPROVING THE LEVEL OF SECURITY AT THE TARGET LOCATION. THE RESULTS OF THE SURVEY ARE INTENDED TO PROVIDE GUIDELINES FOR IMPROVED CRIME PREVENTION. ANY GUIDELINES OR IMPROVEMENT RECOMMENDATIONS DO NOT IMPLY THAT THE EXISTING SECURITY MEASURES ARE INADEQUATE.

THE LARGO POLICE DEPARTMENT WILL NOT SHARE OR DISTRIBUTE THE CONTENTS OF THIS SURVEY WITH ANY UNAUTHORIZED ENTITY. THE CONTENTS OF THIS SURVEY ARE EXEMPT FROM DISCLOSURE UNDER THE FLORIDA PUBLIC RECORDS ACT PURSUANT TO FLORIDA STATUTE SECTION 281.301.

“The proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime, and an improved quality of life.”

-Crime Prevention Through Environmental Design (CPTED) as defined by the National Crime Prevention Institute.
Crime Prevention Through Environmental Design (CPTED)

This Security Survey is based on the overlapping strategies of Crime Prevention Through Environmental Design (CPTED). As such, understanding the emphasis and key concepts becomes vital. CPTED emphasizes the physical environment, human behavior, productive use of space, and crime prevention. CPTED concepts implemented strategies are:

**Natural Surveillance:**

- A design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrance. “Natural” because the people monitoring may not be aware they are providing the crime deterrent which keeps the area safe. Daily activities and inviting locations allow people to observe the area and control it.

**See or be Seen**

**Territorial Reinforcement:**

- Physical design can create or extend a sphere of influence. Users then develop a sense of territorial control while potential offenders, perceiving this control, are discouraged. Promoted by features that define property lines and distinguish private spaces from public spaces.

**Natural Access Control:**

- A design concept directed at decreasing crime opportunity by denying access to crime targets and creating in offenders a perception of risk. Clearly indicating public routes and discouraging certain access to private areas with structural elements.
Target Hardening:

• Accomplished by features that prohibit entry of access: window locks, dead bolts, interior hinges, and video surveillance, etc.

Lighting:

• The single most requested physical design modification to improve safety is usually an increase in lighting. Lighting is a key factor because it can clarify the layout of a site by emphasizing walkways, focal points, gathering places and building entrances. When planned as a coordinated system, lighting improves the night time legibility, use and enjoyment of a site. Lighting, like signage, is best developed as a hierarchy using various lighting strategies (dusk to dawn, motion, perimeter, interior, emergency, etc.). Lighting alone is not the sole solution to safety-related issues.

• A CPTED aligned approach to lighting is outlined in the security lighting guidelines from the Illuminating Engineering Society, which recommend lighting levels of 5 to 6 foot-candles in gathering areas such as stairs, elevators, and ramps; 5 foot-candles for walkways; and a minimum of 3 foot-candles in open parking lots.

• Link to IES https://www.ies.org/

CPTED strategies are most successful when partnered with proactive, involved people. You are encouraged to report suspicious activity and be involved with your local law enforcement.

Your goal is to create a Blended Solution!
This information is a general recommendation for the proposed site. Please contact Largo Police Department for any needed extra patrol in the area. (727) 587-6730

Natural Access Control:

- Use walkways and landscaping to direct visitors to the proper entrance and away from private areas. **This emphasis on the transitional zones from public, to semi public, to private.**
- Define entrances to the site and each parking lot with landscaping, architectural design, or symbolic gateways.
- Utilize a Trespass Authorization Affidavit in order for law enforcement to assist in keeping unauthorized users off your property.
- Ensure staff is in full control off access and awareness to the site especially during delivery times and during open/ close procedures.

Natural Surveillance: **“Bring Eyes to a Site”**

- Avoid landscaping that might create blind spots or hiding places.
- Fully illuminate the exterior during times of darkness. Utilize motion and other dusk to dawn lighting systems. Follow the Illuminating Engineering Society (IES) lighting standards.

- Lighting has two purposes:
  - For illumination of human activity
  - For security
- Provide appropriate illumination to sidewalks, parking and all areas of the site.
- Proper light fixtures cutoff is very important (refer to images below).
• Non-cutoff and semi-cutoff creates too much light pollution.

• Ninety degree cutoff provides the most visibility when used properly

• Full cutoff reduces the light trespass when used properly.

• Properly select and install landscaping so that it allows unobstructed views of vulnerable doors and windows from the street and other properties. Follow CPTED 2 feet standard for shrubbery and 6 feet standard for canopy.
• Design buildings so that exterior doors are visible from the street or by neighbors.
• Use good lighting at all doors that open to the outside. Ensure a combination of manual, motion and dusk/dawn lighting features are used throughout the site.
• LED and/or Metal Halide type of lighting is recommended. These types of light sources give better color rendering.
• Make parking areas visible from windows and doors.
• Provide very clear and visible signage on your site hours of operation.

Sample Picture of CPTED Concepts
Territorial Reinforcement

• Define property lines with landscaping or decorative fencing. Use low shrubbery and fences that allow visibility from the street.

• Avoid using wooden fence. Wooden fence blocks the natural surveillance and all visibility.

• The uses of bollards are excellent. Uniformity is the key concept of using the bollards.

• Accentuate building entrances with architectural elements, lighting and/or landscaping.

• Clearly identify all buildings and residential units using street numbers that are a minimum of six inches tall, installed on ALL sides of each building and illuminated at night.

• Make the street address clearly visible from the street and easily read. This is beneficial for all emergency responders.
Maintenance

- Keep trees and shrubs trimmed back from windows, doors, and walkways.
- Keep litter, trash picked up and the site neat at all times.
- Showing pride in ownership of the property.

Target Hardening

- Ensure HVAC system has hard security features or is elevated.
- Install front and rear main access doors with lookout feature and/ or windows near enough to obtain a visual of visitors at the door(s).
- Utilize hard security features such as locks, alarm monitoring systems and motion lighting.
- Do not mount video/monitoring system near the lighting fixture. The light source will create a glare on the video system and it will defeated the purpose of the video capturing the event during night time.
- If you have any questions about this information, please contact me at Largo Police Department (727) 587-6730 or vtran@largo.com.

- Websites: Florida CPTED Network:
1. www.flcpted.org
2. www.pps.org
3. www.us-doca.com
4. www.ncpc.org
5. www.myfloridalegal.com