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

MEMO DATE: October 19, 2018
AGENDA DATE: November 1, 2018
TO: City of Largo Planning Board
FROM: Sam Ball, Planner

SUBJECT/CASE: HR-18-03: NSR HOLDINGS – SETBACK REDUCTION

REQUESTED ACTION: The applicant, Dr. Imtiaz Hossain, owner, is requesting Hardship Relief from Sections 8.4.2C(5) and 17.5 of the Comprehensive Development Code (CDC), Building Placement requirements and Modifications or Improvements to a Nonconformity, for the property located at 1715 East Bay Drive. The applicant is requesting relief to allow for a 2,000-foot addition to be constructed 79 feet and five inches from the center line of a principal arterial roadway where 125 feet is required. The property is designated Residential/Office General (R/OG) on the Future Land Use Map and is currently used as office space.

APPLICABLE CDC SECTIONS: Section 4.3 (Hardship Relief Review); Section 4.1 (Hearing Procedures, in General); Section 8.4.2C(5) (Setback from abutting rights-of-way); and Section 17.5 (Modifications or Improvements to a Nonconformity).

APPLICANT INFORMATION:
NAME/TITLE: Imtiaz Hossain, NSR Holdings, LLC.
ADDRESS: 101 Clearwater-Largo Road North #2
CITY/STATE/ZIP CODE: Largo, FL 33770
APPLICANT’S STATUS: Owner/Manager

SITE INFORMATION:
ADDRESS: 1715 East Bay Drive
PARCEL ID NUMBER: 35-29-15-00000-420-0300
LOT SIZE: 1.63 acres mol
EXISTING LAND USE: General Office
SURROUNDING LAND USE:

NORTH: Assisted Living Facility (10 or more units)
EAST: Vacant Commercial
SOUTH: Single Family Residential
WEST: Single Family Residential Office, and Private School

EXISTING FLUM: Residential/Office General (R/OG)

SURROUNDING FLUM:

NORTH: Residential Medium (RM)
EAST: Residential/Office General (R/OG)
SOUTH: Undesignated (Waterbody) and Residential Low (RL)
WEST: Residential Low (RL) and Residential/Office General (R/OG)

PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY:

NA

BACKGROUND:

During a pre-application meeting to discuss plans to build an addition to the existing office located at 1715 East Bay Drive (See Exhibit B), the City Planning Department informed the applicant that the addition would not meet the current setback requirement of 125 feet from the centerline of the right-of-way requirement. The current design showed the addition would be built in line with the nonconforming office building as it exists. Chapter 17 of the City of Largo Comprehensive Development Code (CDC) prohibits modifications or improvements to a nonconformity that will result in an increase of the nonconformity. The existing building was constructed in 1979 and does not meet current setback requirements. City staff informed the applicant of the options to design the addition in compliance with the setbacks or to apply for a hardship relief approval. The applicant submitted the Hardship Relief application on September 17, 2018 requesting approval for an addition to be built in line to match the setback of the current structure with a 79'-5" setback where 125 feet is required.

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 addition could be designed to meet the setback requirement and avoid increasing a nonconformity.

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 nonconforming status of the existing building was not a result of the applicants actions. However, the addition could be designed to meet the setback requirement and avoid increasing a nonconformity.

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 minimum degree of relief
required the proposed addition is subjective without a demonstration that the area is required to meet
overarching code requirements. The addition could be designed to meet the setback requirement and avoid
increasing a nonconformity.

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 an office.

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. The request would result in an increase of a nonconformity.

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:  
September 29, 2018

PUBLISHED NEWSPAPER NOTIFICATION:  
October 19, 2018

POSTED PROPERTY NOTICE:  
October 29, 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 comment

2. Police Department:  
   No comment

3. Solid Waste/Public Works  
   No comment

4. Engineering Division:  
   No comment

5. Building Division:  
   No comment

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, C, E and G.

STAFF RECOMMENDATION:

Staff recommends denial of the proposed Hardship Relief from Sections 8.4.2C(5) (Setback from abutting rights-of-
way) and 17.5 (Modifications or Improvements to a Nonconformity) within the northern front yard to allow the
addition to be completed with a 79'-5" setback.

SUGGESTED MOTIONS FOR THE PLANNING BOARD:
I MOVE TO APPROVE HR 18-03: NSR HOLDINGS SETBACK REDUCTION – HARDSHIP RELIEF FROM SECTIONS 8.4.2C(5) AND 17.5, FINDING THAT A HARDSHIP EXISTS.

I MOVE TO APPROVE HR-18-03: NSR HOLDINGS – SETBACK REDUCTION HARDSHIP RELIEF FROM SECTIONS 8.4.2C(5) AND 17.5, FINDING THAT A HARDSHIP EXISTS, SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

I MOVE TO DENY HR-18-03: NSR HOLDINGS – SETBACK REDUCTION HARDSHIP RELIEF FROM SECTIONS 8.4.2C(5) AND 17.5, FINDING THAT A HARDSHIP DOES NOT EXIST.

PLANNING BOARD ACTION

PUBLIC HEARING DATE: November 1, 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:

November 1, 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
CITY OF LARGO
HARDSHIP RELIEF REQUEST FOR COMMERCIAL ADDITION

PROJECT ADDRESS: 1715 EAST BAY DR, LARGO, FL
APPLICANT: IMTIAZ HOSSAIN, MANAGER
NSR HOLDINGS, LLC

REVIEW CRITERIA RESPONSE:

1. **Peculiar, Special Condition:** The existing building was built at a time before the current 'setback' criteria was established, so the building location does not meet the current setback criteria. The current proposed use by the owner requires additional 2000 sq ft 1st floor space. Only feasible way to add this additional space is as shown in the proposed drawing. Adding this area on any other side of the existing building is not possible either due to inadequate space, property line setback or parking and ingress egress impediment.

2. **Unavoidable and not a result of applicant(s) actions:** As mentioned above, existing structure was built prior to current setback criteria and it is not possible for the main building to conform to current setback criteria. The applicant had no control over the location of the original building.

3. **Minimum degree of relief:** proposed addition will not alter the look of the existing building and is the minimum possible deviation from the current setback criteria.

4. **Deprivation of Literal interpretation:** Trying to conform to the current setback criteria will make it essentially impossible to add the proposed additional space. Thus the current owner will not be able to utilize the building to its intended use and essentially incur undue hardship.

5. **Non-violation of Policy intent:** granting this hardship will not alter the general look and use of the current structure of the specific parcel. The deviation is so minor that it will not affect the CDC purpose for this specific parcel.

6. **Unsafe conditions not created:** The proposed addition poses no unsafe condition as it does not in any way impede on said or any other property ingress egress.

7. **Necessary to preserve the substantial property rights:** This criteria does not apply to this scenario as owner does not own any adjacent property.
EXHIBIT "B"

Case #: HR18-003
Subject: 1715 East Bay Drive Setback Reduction
Hardship Relief
Location: 1715 East Bay Drive
35-29-15-00000-420-0300

Subject Property

AERIAL

THE CITY OF LARGO COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT "A"

By:  
Date:  
Scale: 1"=400'

MAP LOCATION

THIS MAP WAS PREPARED BY THE CITY OF LARGO COMMUNITY DEVELOPMENT DEPARTMENT
Exhibit C: Survey & Proposed Addition