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

SUBJECT/CASE: HR-18-04: SINCLAIR GARAGE HEIGHT

REQUESTED ACTION: The applicant, Howard Sinclair, owner, is requesting Hardship Relief from Section 16.2.3B(3) of the Comprehensive Development Code (CDC), Development Standards for Detached storage buildings, gazebos and pergolas greater than one hundred fifty (150) square feet: Maximum height for the property located at 210 Overbrook Boulevard. The applicant is requesting relief in order for a detached garage to remain with a constructed height of 12.5 feet where the maximum height based on the height of the principal structure is 11 feet. The property has a Future Land Use designation of Residential Low and is located in an r-8.7 infill district.

APPLICABLE CDC SECTIONS: Section 4.3 (Hardship Relief Review); Section 4.1 (Hearing Procedures, in General); and Section 16.2.3.B(3) (Development Standards for Detached storage buildings, gazebos and pergolas greater than one hundred fifty (150) square feet: Maximum height.

APPLICANT INFORMATION:
NAME/TITLE: Howard Sinclair
ADDRESS: 210 Overbrook Boulevard
CITY/STATE/ZIP CODE: Largo, FL 33770
APPLICANT'S STATUS: Owner

SITE INFORMATION:
ADDRESS: 210 Overbrook Boulevard
PARCEL ID NUMBER: 32-29-15-92754-000-0240
LOT SIZE: .29 acres mol
EXISTING LAND USE: Single Family Residential
SURROUNDING LAND USE:
  NORTH: Single Family Residential
  EAST: Single Family Residential
  SOUTH: Single Family Residential
  WEST: Single Family Residential

EXISTING FLUM: Residential Low (RL)

SURROUNDING FLUM:
  NORTH: Residential Low (RL)
  EAST: Residential Low (RL)
  SOUTH: Residential Low (RL)
  WEST: Residential Low (RL)

PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY:
NA

BACKGROUND:
The City of Largo Comprehensive Development Code (CDC) allows for a detached garage to be built such that the maximum height cannot exceed the peak roof line of the principal structure or one story, whichever is lower. The City issued a building permit to assemble a 20 x 20 x 10 metal garage with a concrete base on March 28th, 2018. The building inspector observed that the detached garage was taller than the principal structure and notified the Assistant Building Official and the contractor was notified of the discrepancy between the height of the structure as built and the height that is allowed. The applicant submitted an an application for Hardship Relief to allow a detached garage to remain with a constructed height of 12.5 feet where the maximum height based on the height of the principal structure is 11 feet.

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 detached garage could be built to meet the maximum height allowed.

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)
   There are no special conditions or circumstances that would prohibit the applicant from building a garage that meets the maximum height at this site.

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)
   The proposed relief, in regards to the extent of the height of the detached garage, is not the minimum degree of relief necessary to make possible the reasonable use of the land or structure.

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)
Literal interpretation of the provisions of the code would not deprive the applicant of the rights commonly enjoyed by other properties with the same Future Land Use Map designation. The property is currently being used as a single-family residence and nothing in the code would deprive the applicant from constructing a garage that meets the standards.

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: October 2, 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, B, C, D, and G.

STAFF RECOMMENDATION:

Staff recommends denial of the proposed Hardship Relief from Section 16.2.3.B(3) (Development Standards for Detached storage buildings, gazebos and pergolas greater than one hundred fifty (150) square feet: Maximum height Sections).

SUGGESTED MOTIONS FOR THE PLANNING BOARD:

I MOVE TO APPROVE HR-18-04: SINCLAIR GARAGE HEIGHT – HARDSHIP RELIEF FROM SECTION 16.2.3.B(3), FINDING THAT A HARDSHIP EXISTS.

I MOVE TO APPROVE HR-18-03: HR-18-04: SINCLAIR GARAGE HEIGHT – HARDSHIP RELIEF FROM SECTION 16.2.3.B(3), FINDING THAT A HARDSHIP EXISTS, SUBJECT TO THE FOLLOWING ADDITIONAL
CONDITIONS:

I MOVE TO DENY HR-18-03: HR-18-04: SINCLAIR GARAGE HEIGHT – HARDSHIP RELIEF FROM SECTION 16.2.3.B(3) 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 and Supporting Photos
Exhibit “A” Site Map
Exhibit “B” Aerial Photo
Exhibit “C” Detached Garage Site Plan
Exhibit “D” Building Permit
Exhibit “E” Garage Inspection Photo
Development Review Standard Operating Procedure
Hardship Relief Review

Howard Sinclair
210 Overbrook Blvd
Largo, FL 33770
P# 1802-0402
New garage construction

Review Criteria:

A. Peculiar, special conditions: This home is the only home in our neighborhood built with a flat roof. All other homes have fully pitched roofs and there is at least one remolded home that was made into two stories one block over. The construction of this garage at the current height is no taller than any structure in the entire neighborhood.

B. Unavoidable and not a result of applicant’s actions: We followed all the permitting protocols and constructed what the contractor submitted at permitting. Matt Butler, Assistant Building Official agreed to this statement an email stating we built what was permitted and is fune from a building code standpoint.

C. Minimum degree of relief: By granting this hardship the family will be able to make much needed improvements to the interior of the existing home.

D. Deprivation of literal interpretation: If not granted the hardship the applicant will not be able to make the necessary improvements necessary for his family to enjoy living in this home. The small kitchen is being redesigned to go where the original garage is located thus making it their dream kitchen and opening up the rest of the home to more livable space to enjoy family time together. We are very family orientated and enjoy cooking together and have large sit-down dinners. This can only be done outside on the outdoor patio due to the small dining room we currently have.

E. Non-violation of policy intent: Not Applicable

F. Unsafe conditions not created: The granting of this hardship in no means makes any unsafe conditions to the public welfare. The building is within all legal set backs and has been constructed to the current Florida Building Code.

G. Necessary to preserve the substantial property rights: Being granted this hardship allows the homeowner to use the property to its fullest potential. This is a small house on a large 105’ x 120’ double lot. The new storage garage allows the family to expand the interior of the home to accommodate their family. These improvements are not only good for the homeowner and the value of their home but also raises the value of other homes in the area in regards to the comparable sales for the neighbors.
August 24, 2018

Howard Sinclair  
210 Overbrook Blvd  
Largo, FL 33770

 Permit #1802-0402  
 New garage construction

My name is Howard Sinclair, my wife and I are the property owners of 210 Overbrook Blvd in Largo. We bought this home in Oct 2003 for our family to grow up in and for my wife and I to someday retire. We are avid outdoors people and absolutely love to have the double lot to garden and spend time with our family. The house unfortunately left a little to be desired with it being built with a flat roof and having no central air. But we were determined to make it our own and do some improvements.

In 2014 we found out that we were experiencing some issues with the roof and small leaks. Being that it is flat the water just sat there. We installed pumps and patched the roof several times until finally in 2017 we had such a major leak that water was pouring through the ceiling fan in our youngest son’s room. He had to sleep on the couch until the problem could by rectified. And also major leak in the ceiling over the original garage.

We started searching for quotes and being that time was of the essence we were left with doing a complete re roof due to the cost comparison of a re-roof vs a pitched roof. The re-roof was $15,000 compared to a pitch roof being $35,000. $35,000 was not in our budget at the time and we needed something done quickly.

So here we are with a home still having a flat roof and only measuring 11’ at its tallest point.

After the roof was redone we decided that we would like to make some more major improvements to the home over the next couple of years to make it our dream retirement home. We would have to start with more storage space since our biggest improvement is to turn the original house garage into our dream kitchen and laundry/utility room. Being that it was damaged from the old roof leaking anyways this seemed like the perfect place to start.

We contracted with Florida Shed and Garage to get this project started, we submitted all the necessary documents to the City for permitting and our permit was granted March 28, 2018. We waited until late July before the construction began and were so elated to see the building completed. You can imagine how we felt when the city failed our final inspection. Our hearts sunk to our feet. We are over $12,000 invested into this project with the concrete slab, the building and then finally the electrical upgrade. Installing this garage required a complete upgrade to the main panel in the house. We built nothing out of the scope of details that our permit approval was based on. Please see attached email from Matt Butler, Assistant Building Official of Largo stating we built what we permitted and is fine from a building code standpoint.
Not being allowed to keep the garage is going to cause our family much anguish. We need this extra space and adding on the garage is allowing us to renovate the original garage to accommodate us. We sit on a beautiful double lot (120' x 105') with lots of trees. The new garage isn’t even visible from the back of the house being that it is set behind a large oak. The garage has an overall height of 12' 6” that’s a mere 18” taller then my house. It is no taller than any other pitched roof on the houses around us.

The garage poses no threat to anyone person or their property. We maintained all the required setbacks that the city required. We are also planning to install a new privacy fence along the front of the garage hence excluding the garage even more from passers-by.

We moved to the City of Largo because of all the wonderful amenities the City has to offer. The beautiful parks, being 5 mins from the beach, the great community activities through out the year and the wonderful Highland Rec Center and Largo Little League (our children have both played ball for Largo). Our children both also attend schools in Largo. We feel we should be able to keep the new garage to make our house a pleasant enjoyable place to live. Not being allowed to do so will more then likely cause us to put the house on the market and move to another city. We are planning to do some very extensive renovations over the next 5 years. If the budget stays on track, we are looking into even putting on the pitched roof and running central air and heat.

Respectfully Submitted,

Howard Sinclair
How could this be approved?

Across from 816 16th St

2018/08/23
08:31
Case #: HR18-004
Subject: Sinclair Garage Height Hardship Relief
Location: 210 Overbrook Blvd
32-29-15-92754-000-0240
Exhibit C: Detached Garage Site Plan
### PERMIT

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### CONTRACTOR LICENSING, INSPECTION, AND INSURANCE:
- shall be the responsibility of every contractor who shall make contracts for the installation or repairs of building, structure, electrical gas, mechanical, or plumbing systems, for which a permit is required, to comply with state and local rules and regulations.

**Notes Ordinance:**
The City of Largo Code, Article IV, Sec. 13.33.5 (b) No Construction activities shall be permitted between the hours of 6:00 PM to 7:00 AM, Monday - Saturday, and all day Sunday, that produce noise exceeding 55dBA, measured at the nearest property line of an adjacent residential area. Construction equipment that must be operated near a residentially zoned area on a 24-hour basis (i.e. pumps, well, lifts, generators, etc.) shall be shielded by an acoustical enclosure during the hours of 6:00 PM to 7:00 AM, unless the shielded noise level is less than 55dBA measured at the closest adjacent residentially zoned property line.
- Industrial adjoining Commercial, 72dBA, Industrial adjoining Residential, 66dBA, Commercial adjoining Commercial 66dBA, Commercial adjoining Residential 60dBA.

**WARNING TO OWNERS:** YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. F.S. 713.135

******SOLID WASTE******
- If your project is going to generate waste/debris, you must contact our Solid Waste Department @ 727-597-6760. Private containers are not allowed.

**ASBESTOS NOTIFICATION:** It is your responsibility to comply with Florida Statute Section 469.003. Call (727) 464-4422 for more information regarding demolition or renovation of existing structures.

**Notice:** In addition to the requirements of this permit, there may be additional public records this county, and there may be additional permits required from other government entities such as water management districts, state agencies, or federal agencies. All work covered by this permit is to be completed in accordance with the permitted plans and the applicable codes of the City of Largo, Florida. This permit may be revoked at any time upon the violation of any of the provisions of said laws, ordinances, or rules and regulations or upon any change in the plans and specifications unauthorized by this department. I hereby certify that I understand and will comply with the Florida Building Code and the City of Largo Comprehensive Development Code in connection with the herein proposed construction.

**SIGNATURE OF APPLICANT**

**DATE**

**BUILDING OFFICIAL OR AUTHORIZED DESIGNEE**

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**Exhibit D: Building Permit**
Exhibit E: Garage Inspection Photo