STAFF REPORT AND RECOMMENDATIONS
HARDSHIP RELIEF

MEMO DATE: September 13, 2018
AGENDA DATE: October 4, 2018
TO: City of Largo Planning Board
FROM: Katrina Lunan-Gordon (Case Planner)
SUBJECT/CASE: HR18-002 – 929 15th Ave SW Shed Setback Reduction

REQUESTED ACTION: The applicant, Preston Eichman, Owner, is requesting Hardship Relief from Sections 16.2.3 A: Detached Storage Buildings less than or equal to 150 sq. ft. standards, and 17.5: Modifications or Improvements to a Nonconformity, of the Comprehensive Development Code (CDC), for the property located at 929 15th Avenue SW. The applicant currently has a 144 sq. ft. shed structure located on the site, and is requesting relief from the required setback, “three (3) feet from the side property line”, and required height, “ten (10) feet” in order to maintain the current as-built 1-foot setback and 14 feet existing height.

APPLICABLE CDC SECTIONS: Section 4.3 (Hardship Relief Review); Section 4.1 (Hearing Procedures, in General); Section 16.2.3 A (Detached storage buildings, gazebos and pergolas less than or equal to one hundred and fifty (150) square feet); and Section 17.5 (Modifications or Improvements to a Nonconformity).

APPLICANT INFORMATION: Preston (Alan) Eichman, Owner
929 15th Avenue SW
Largo, FL 33770

SITE INFORMATION: ADDRESS: 929 15th Avenue SW
PARCEL ID NUMBER: 04-30-15-76788-000-0780
LOT SIZE: 0.17 acre mol
EXISTING LAND USE: Single-Family Home

SURROUNDING LAND USES:
NORTH: Single-Family Home
SOUTH: Single-Family Home
EAST: Single-Family Home
WEST: Single-Family Home
EXISTING FUTURE LAND USE (FLU): Residential Low (RL)

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

PRIOR CITY CASES RELEVANT TO SUBJECT PROPERTY:
1) Code Enforcement Case # 2013070072 – Public nuisance due to grass and weed overgrown dated, July 11, 2013. Status: Completed/Closed
3) Permit # BCP1806-0418 – Replacing shed that was previously burnt down in 2015 fire

BACKGROUND:
On March 1, 2018, City of Largo, Code Enforcement Division issued a Notice of Violation for constructing a detached storage building without a permit. Hereafter, the case was presented to Special Magistrate dated, April 12, 2018 and the applicant was granted an October 1, 2018 deadline to bring the property into compliance. In an effort to correct the violation, the applicant applied for a building permit dated, June 18, 2018 but did not meet the Community Development Code, Section 16.2.3 A: Detached Storage Buildings (“shed”) less than or equal to 150 sq. ft. standards.

At this time, the applicant is requesting hardship relief to allow the 144 sq. ft. shed to be permitted, as highlighted on the property survey, eliminating the generator room to the south, exceeding the maximum height of 10 ft. to 14 ft., and to remain with a 1-foot setback where 3 ft. from side and rear property lines is required in accordance to CDC Section 16.2.3 A.

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 classification.” 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 classification.

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. Because the structure was constructed without a building permit, the current circumstances may have been 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)
The applicant may justify relief from the minimal setback due to the size of the shed after eliminating the generator room. However, 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)

The applicant would not be deprived of rights commonly enjoyed by other properties with the same FLUM designation under the terms of this Code.

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 Relief Review of the CDC and the goals, objectives and policies of the City of Largo Comprehensive Plan. There is no identifiable hardship, since the applicant may have installed the shed with the required Building Permit and inspection.

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)

Per the applicant, granting the hardship relief is necessary for the economic good of the property. The shed is white with an Art Deco design and is compatible with the architectural style of the principal structure, but does not make hardship relief necessary to preserve the substantial property rights of the applicant.

PUBLIC NOTIFICATION REQUIREMENTS:

- **MAILED WRITTEN NOTIFICATION:** September 4, 2018
- **PUBLISHED NEWSPAPER NOTIFICATION:** September 10, 2018
- **POSTED PROPERTY NOTICE:** September 27, 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:** N/A
2. **Landscaping:** N/A
3. **Police Department:** No objection
4. **Solid Waste/Public Works**
   - No objection
5. **Engineering Division:**
   - No objection
6. **Building Division:**
   - No objection

SUMMARY OF FINDINGS:

Staff finds hardship does not exist on the property in the form of pre-existing conditions beyond the control of the
property owner per Section 4.3.1: Purpose and Applicability of the Hardship Relief Review of the Comprehensive Development Code (CDC).

**STAFF RECOMMENDATION:**

Staff recommends denial of the proposed Hardship Relief from Sections 16.2.3 A: Detached Storage Buildings less than or equal to 150 sq. ft. standards, and 17.5: Modifications or Improvements to a Nonconformity, of the Comprehensive Development Code (CDC), within the western side yard to allow the shed structure to maintain the current as-built 1-foot setback and 14 feet existing height.

**SUGGESTED MOTIONS FOR THE PLANNING BOARD:**

I MOVE TO APPROVE **HR18-002 – 929 15TH AVE SW SHED SETBACK REDUCTION** FROM SECTIONS 16.2.3 A AND 17.5, FINDING THAT A HARDSHIP EXISTS.

I MOVE TO APPROVE **HR18-002 – 929 15TH AVE SW SHED SETBACK REDUCTION** FROM SECTIONS 16.2.3 A AND 17.5, FINDING THAT A HARDSHIP EXISTS, SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

I MOVE TO DENY **HR18-002 – 929 15TH AVE SW SHED SETBACK REDUCTION** FROM SECTIONS 16.2.3 A AND 17.5, FINDING THAT A HARDSHIP DOES NOT EXIST.

**PLANNING BOARD ACTION:**

PUBLIC HEARING DATE: October 4, 2018

RECOMMENDATION: 

_____ Approval (Vote ________)

_____ Approval with conditions (Vote ________)

_____ Denial (Vote ________)

__________________________________________
Cheyrl Bowman, Chairperson

REPORT PREPARED BY:  

Katrina Lunan-Gordon
Planner II

APPROVED BY: 

Richard Perez, AICP
Planning Manager

DATE: September 13, 2016

Attachments: 

Letter from Applicant requesting Hardship Relief
Letters of No Objection from Neighbors
Exhibit "A" Site Map
Exhibit "B" Aerial Photo
Current Certified Survey
August 20, 2018  
To: City of Largo  
From: Preston Eichman  
Ref: Shed Hardship Relief  

Overview:
- I am a retired 78-year-old veteran, drawing Social Security and working part-time for Home Depot — Largo.  
- My wife Rossana works for the State of Florida, Department of Revenue.  
- We have two children, Patsy and Kyle.  
- We are members of Indian Rocks Baptist Church  

History:
About 3 years ago, our house burned and was total loss. Preexisting on the property was a shed which was destroyed by the fire. By the shed was a deck under that was covering an old dirt filled swimming pool. I decided to rebuild the house and be my own General Contractor. The permit dept was very helpful advising me on the steps I had to take. I didn’t think I needed to pull permits on a preexisting shed. After receiving my C.O. from the city, there was still much to be done. I could no longer work inside the house as we had to move in and live in it. I needed a dry roof and an area to fabricate and store my materials out of the rain. In rebuilding the shed, I did so in plain sight of the street and neighbors would come over to watch the progress. Power to run my tools is by extension cords from my house and there is no plumbing involved. 

I am guilty of a terrible misunderstanding as to what was required to replace my shed.  
I researched pre-manufactured sheds and found out that a comparable shed would cost about $5,000 to replace it. The unit would increase my property value about $5,000 or a total of $10,000. Our house represents our life savings. I don’t have life insurance or retirement plans to fall back on.  

I know the mistake was mine, but that’s what it was, a mistake. I have cooperated with the city 100% by hiring an Architect to draw and stamp my plans. I attempted to pull permits, but was told I had to get variances, that their hands were tied.  

My neighbors on both sides and the two directly in front have submitted letters stating that the shed is not detrimental, in fact, is a good addition to the neighborhood. I have other neighbors down the street who will be glad to submit letters, as well. The shed is not an obstacle to firemen.  

To make us destroy it will inflict a hardship on me and my family, and that could be construed as a cruel and unusual punishment for building an unpermitted shed.  

I respectfully request leniency. I would never do it again.  

Preston E. Eichman
The McClearys
919 15th Avenue SW
Largo, FL 33770

May 10, 2018

Re: Shed structure at the residence of 929 15th Avenue SW, Largo, FL

To Whom It May Concern,

The Eichman residence at the above-mentioned address has a newly built shed that is adjacent to the right side of the house from the street view. The shed is not visible from our residence as our home is on the left side of the Eichman residence. We have no issues with the shed in terms of location or appearance.

Sincerely,

W. K. McCleary

Valerie McCleary

William K. and Valerie McCleary
To: City of Largo
Attn: Code Enforcement Division

From: Brenda Wellhausen
930 15th Ave SW -- Largo, FL 33770

To Whom It May Concern:

I live across the street from Mr. & Mrs. Preston Eichman. Thru the past year, we have watched him build a new shed to replace the one that burned when his house burned down. This shed, and the garden area around it are an asset to the community.

Cordially,

Brenda Wellhausen
To: City of Largo  
Attn: Code Enforcement Division  

From: Victoria Hitch  
920 15th Ave SW – Largo, FL 33770  

To Whom It May Concern:  

I am the neighbor that lives across the street from Mr. & Mrs. Preston Eichman. We have watched Mr Eichman build a new shed. This shed, and the landscaping is not in any way detrimental to the neighborhood.  

It would be tragic if they had to destroy it.  

Cordially,  

[Signature]  
Victoria Hitch
To, City of Largo

Attn: Code Enforcement Division

From: Paul Marton

939 15th Ave SW – Largo, Fl 33770

To Whom It May Concern:

We are the next-door neighbor to Mr. & Mrs. Preston Eichman. During the past year we have watched Mr. Eichman build a unique shed and fence on the side of his house. The unique style of the roof flashes water away from my yard and reduces erosion of the top-soil from my side yard.

The shed is also attached to our common fence giving it support from wind damage.

It would be a shame to see Mr. Eichman remove such remarkable addition to the neighborhood.

Cordially,

Paul Marton

[Signature]
EXHIBIT "A"

Case #: HR18-002
Subject: Shed Setback Reduction Hardship Relief
Location: 929 15th Avenue SW
04/30/15/76788/000/0780

Subject Property
City of Largo

Scale: 1"=400'
Date: 09/11/18
By: DB

THE CITY OF LARGO COMMUNITY DEVELOPMENT DEPARTMENT

THIS MAP WAS PREPARED BY
THE CITY OF LARGO COMMUNITY DEVELOPMENT DEPARTMENT
EXHIBIT "B"

Case #: HR18-002
Subject: Shed Setback Reduction Hardship Relief
Location: 929 15th Avenue SW
04/30/15/76788/000/0780

Subject Property