



City of Tarpon Springs, Florida

Board of Adjustment
324 East Pine Street
Tarpon Spring, Florida 34688-5004
(727) 938-3711
<http://www.ctsfl.us/agenda.htm>

BOARD OF ADJUSTMENT AGENDA WEDNESDAY, FEBRUARY 28, 2024 6:30 PM - City Hall Auditorium

CALL TO ORDER

ROLL CALL

ELECTION OF OFFICERS

Election of Chair and Vice-Chairperson

QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS

APPLICATION(S)

1. **#23-158 - Bronson**

Variance to allow a nonconforming lot of record to be built upon, for the purpose of constructing a single-family home.

Location: East side of Peninsula Avenue, approximately 210 feet north of the Riverside Drive intersection.

APPROVAL OF MINUTES

1. BOA Minutes December 20, 2023

BOARD AND STAFF COMMENTS

ADJOURNMENT

If a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. You are invited to attend the meeting to express your views or to present facts in regard to the case. Written comments may be addressed to the Planning & Zoning Department, P.O. Box 5004, Tarpon Springs, Florida, 34688-5004, and will become part of the records. All documents submitted with the applications are on file and available for inspection in the Planning & Zoning Department, City Hall. Further information may be obtained from the Planning & Zoning Department, (727) 942-5611 or by email to pmcneese@ctsfl.us. Said hearing may be continued from time-to-time pending adjournment. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 942-5611 or email a written request to akeen@ctsfl.us.



**CITY OF TARPON SPRINGS
BOARD OF ADJUSTMENTS
[FEBRUARY 28, 2024]**

STAFF REPORT

Application No. / Project Title: #23-158 (Bronson)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Piotr Paczkowski, Toro Builders / CEK/LACY LLC
Property Size: +/- 7,947 square feet
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: East side of Peninsula Avenue, approximately 210 feet north of the Riverside Drive intersection / 10-27-15-87822-012-0060

BACKGROUND SUMMARY:

The applicant is requesting variance approval to allow for the construction of a single family home on a nonconforming lot of record (Lot 6).

PRELIMINARY STAFF RECOMMENDATION:

Based on the evidence available at the time this report was prepared, staff would recommend **approval** of the nonconforming lot of record.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The single family districts are established to provide for detached dwellings in a variety of districts with a full range of dimensional and density standards compatible with the established development of the area.

Development Standards: Per LDC Section 24.02(B), if at any time the owner of a nonconforming lot of record owns adjoining unimproved land, the lots shall be combined to meet the minimum requirements.

CURRENT PROPERTY INFORMATION:

Use of Property:	Vacant
Site Features:	Trees and vegetation
Vehicle Access:	This property gains access from Peninsula Avenue.

SURROUNDING ZONING & LAND USE:

	Zoning:	Land Use:
North:	R-100 (Single Family Residential)	RL (Residential Low)
South:	R-100 (Single Family Residential)	RL (Residential Low)



CITY OF TARPON SPRINGS
PLANNING & ZONING DEPARTMENT

East:	R-100A (Single Family Residential)	RL (Residential Low)
West:	R-100 (Single Family Residential)	RL (Residential Low)

PLANNING CONSIDERATIONS:

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The applicant is requesting the Board of Adjustment to recognize the subject property as a buildable legal nonconforming lot of record for the purpose of constructing a new single family home on the property.
2. The following history is of relevance to the proposed variance request:
 - a. The subject property was originally platted in 1925 as a part of the Sunset Hills Second Addition subdivision, predating the City's first land development code. Upon adoption of first Land Development Code in 1944, the subject property was in the R-1AA zoning district, which required a minimum lot area of 7,500 square feet and minimum lot width of 50 feet. At that time, the subject property was conforming with the minimum requirements.
 - b. In 1956, a new land development code went into effect and the subject site was in the R-1-8 district, which required a minimum lot area of 5,500 square feet and minimum lot width of 50 feet. The subject site was still in conformance with these standards.
 - c. In 1976, a new land development code went into effect and the subject site was in the R-100 (Single Family Residential) zoning district, which required a minimum lot area of 10,000 square feet and minimum lot width of 75 feet. The subject property became nonconforming at that time because it did not meet the minimum lot area or width.
 - d. In 1990, the current Land Development Code went into effect and the property is still located within the R-100 zoning district which has the same lot standards as the 1976 code, therefore the lot is still nonconforming in lot area and width.
 - e. According to the Pinellas County Property Appraiser's records, both the subject property and adjacent parcel to the north (Lot 5) were in common ownership as far back as 1975. In 2021, Lot 5 sold separately than the subject property, therefore they are no longer under common ownership.
3. Per LDC Section 24.02(B), if at any time the owner of a nonconforming lot of record owns adjoining unimproved land, the lots shall be combined to meet the minimum requirements. Although the subject property and adjacent property to the north have been under common ownership, the existing home on the adjacent property was constructed in 1974 and met the required setbacks at effective at that time. Based on the available records, it is unknown whether the subject property and the property to the north were under common ownership at the time the home was built because deeds only date back to 1975. However, because the home was constructed in conformance with the setback requirements effective in 1974, the adjacent property did not rely on the subject site in order to develop.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 215.02.5 of the Land Development Code provides that the requirements of 24.02, the Board of Adjustment may grant a variance to allow a nonconforming lot of record to be built upon if the following standards are met and proven by competent substantial evidence:

1. **The lot consists of at least one entire lot of record on the effective date of this Code.**

Provisional Findings: The subject site was originally platted in the current configuration in 1925 prior to the effective date of the Land Development Code. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*



2. The lot was not created in violation of a previous zoning ordinance.

Provisional Findings: The lot was in existence prior to the City's first land development code that went into effect in 1944, therefore the property was not created in violation of a previous ordinance. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

3. The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks.

Provisional Findings: The subject site is currently undeveloped. According to the Pinellas County Property Appraiser, the home on the adjacent property to the north (Lot 5) was built in 1974. Based on the available records, it is unknown whether the subject property and the property to the north were under common ownership at the time the home was built because deeds only date back to 1975. Regardless, the existing home was built in conformance with the required setbacks in effect in 1974, therefore the improvements did not rely on the subject site in order to develop. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

PUBLIC CORRESPONDENCE:

Notices were sent to property owners within 500 feet of the subject property; a legal notice was published in the Tampa Bay Times; and the property was posted. *Staff has not received any responses to these notices.*

ATTACHMENTS:

1. Staff Presentation
2. Application
3. Survey
4. Plat
5. Proposed Site Plan
6. Proposed Elevations

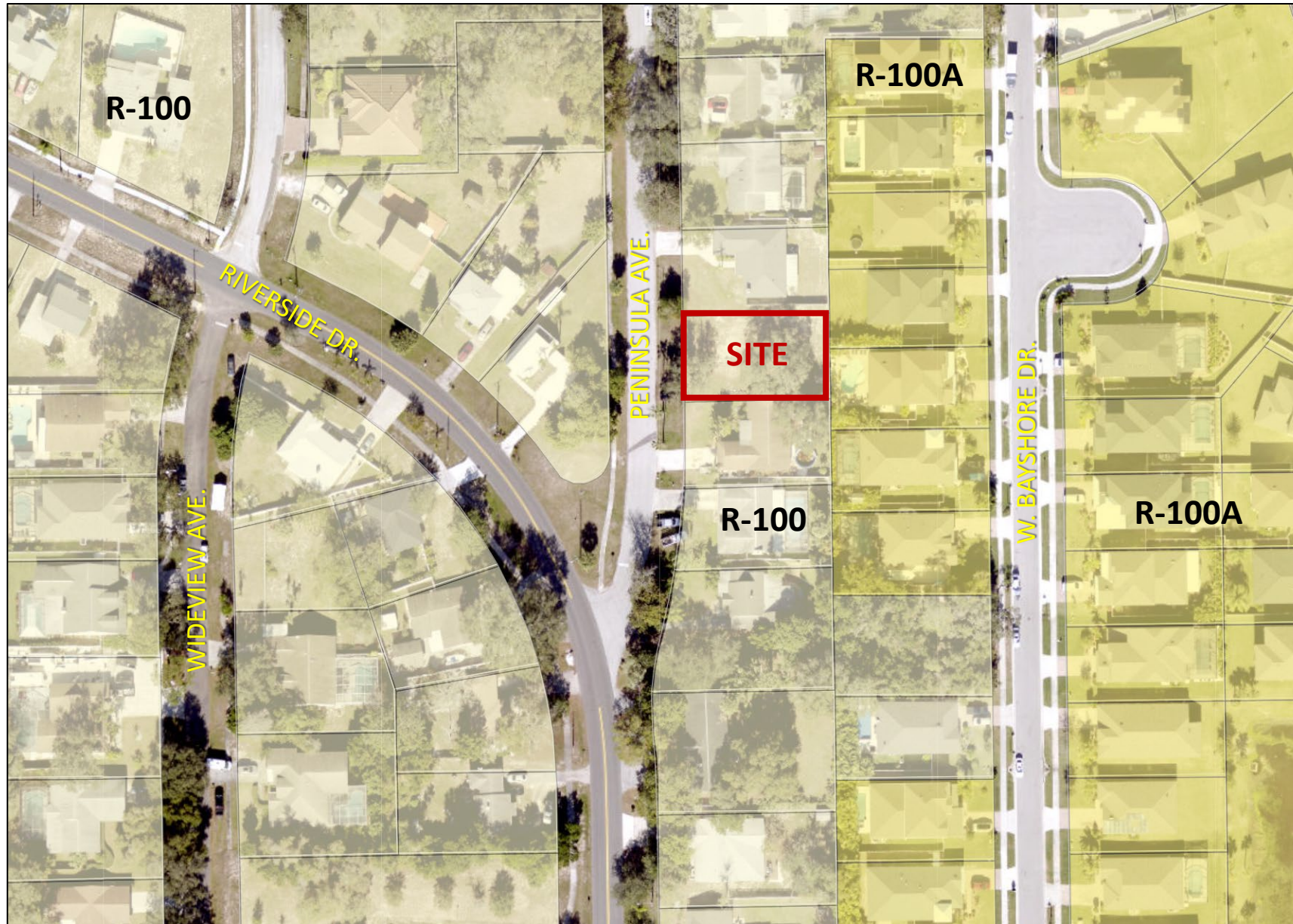
BRONSON #23-158

Board of Adjustment – February 28, 2024



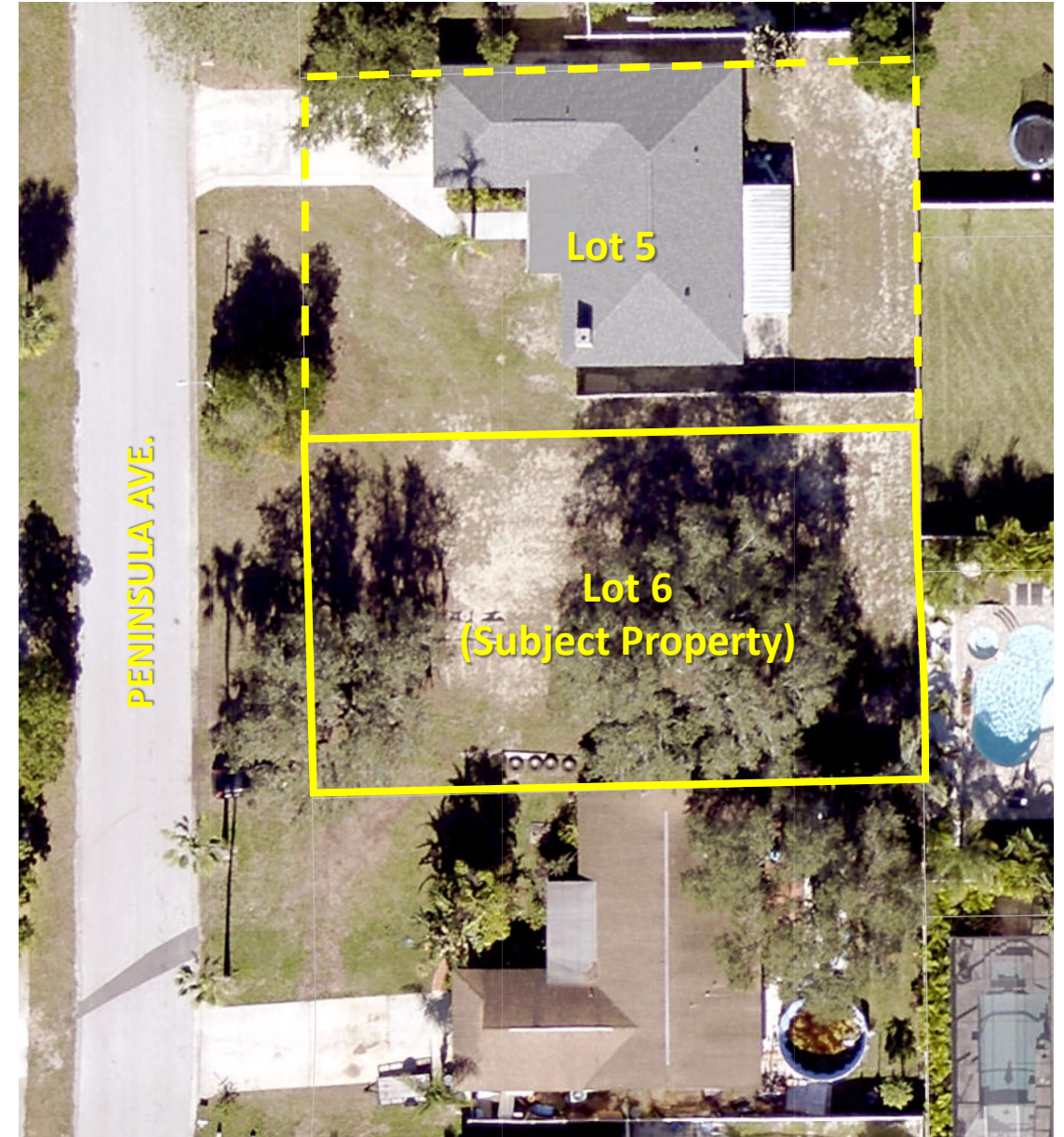


LOCATION & CONTEXT



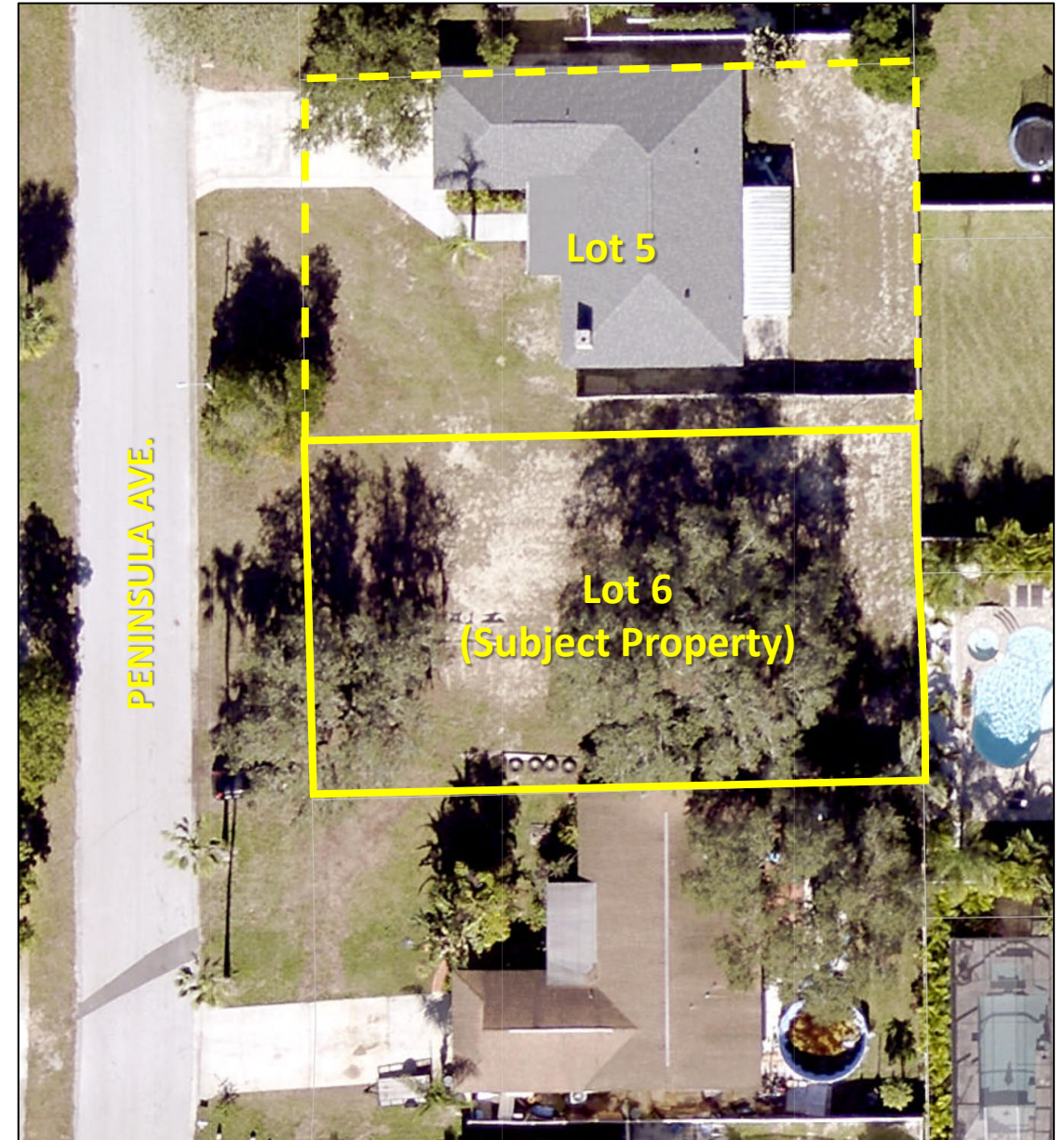
REQUEST

- **Nonconforming Lot of Record**
 - LDC Section 24.02(B) – If at any time the owner of a nonconforming lot of record owns adjoining land, the lots shall be combined to meet the minimum lot requirements.
- **R-100 District**
 - Min. Lot Area = 10,000 sqft
 - Min. Lot Width = 75 feet
- **Subject Property**
 - Lot Area = +/- 7,947 sqft
 - Lot Width = 68 feet
- **Owner:** CEK/LACY LLC
- **Applicant:** Piotr Paczkowski, Toro Builders
- *Requesting variance approval to allow a nonconforming lot of record (Lot 6) that was under common ownership with an adjacent property (Lot 5) to be separate buildable lot.*

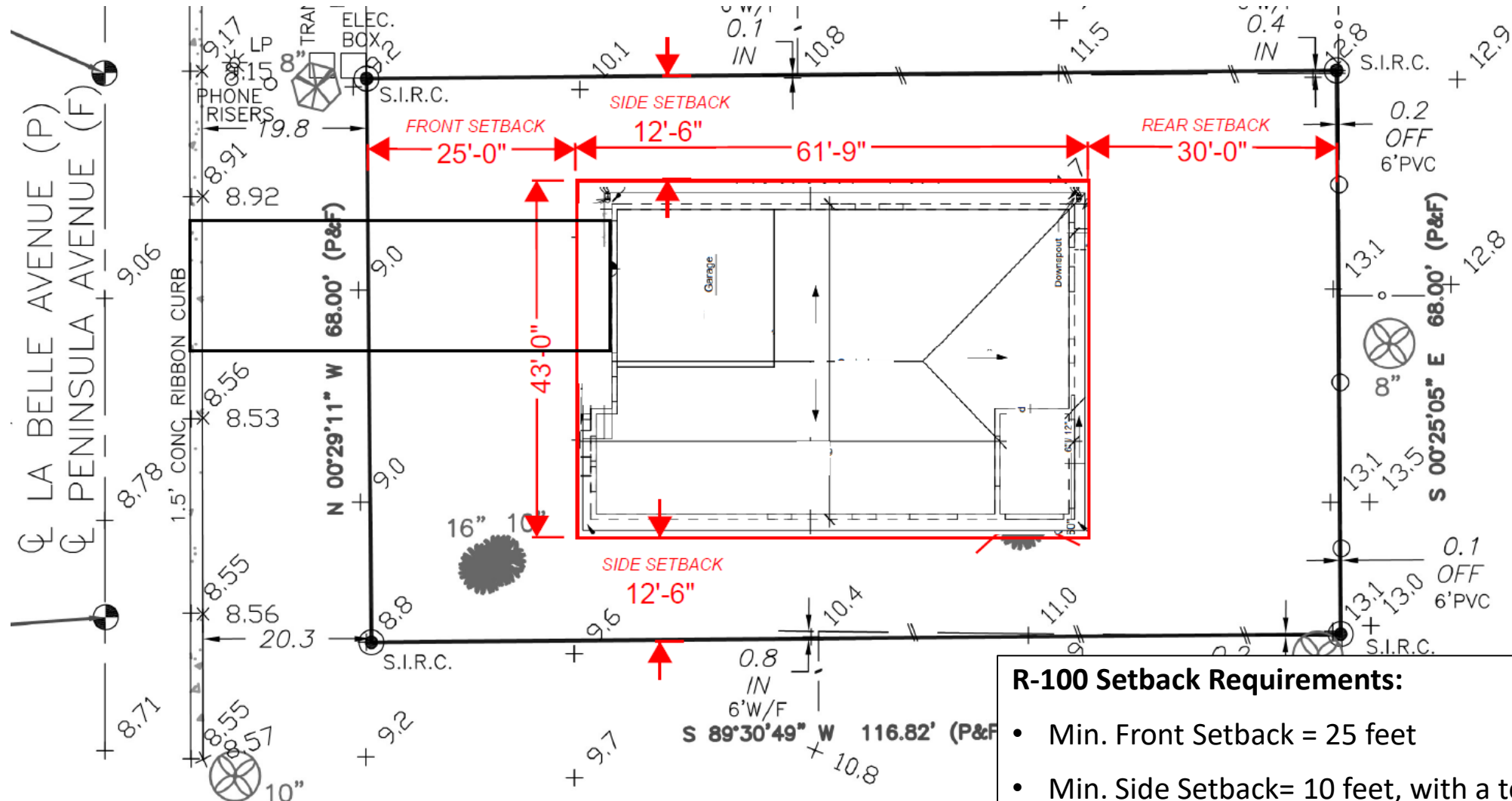


SITE HISTORY

- **1925** – Originally platted as a part of the Sunset Hills Second Addition Subdivision (Lot 6).
- **1944** – First LDC went into effect, placing the property into the R-1AA district, which only required a min. lot area of 7,500 sqft. and lot width of 50 ft.
- **1956** – New LDC went into effect, placing property into the R-1-8 district, which only required a min. lot area of 5,500 sqft. and lot width of 50 feet.
- **1974** – Existing home on adjacent property (Lot 5) was constructed in compliance with setbacks (min. side setback of 7.5 feet).
- **1976** – New LDC went into effect, placing the property into the R-100 district, which required a min. lot area of 10,000 sqft. and lot width of 75 ft. Lot became nonconforming.
- **1990** – Current LDC, properties within the R-100 district, with the same standards as the 1976 code.
- **Common Ownership** – Lots 5&6 have been under common ownership since as early as 1975, but based on available records, it is unknown whether lots were in common ownership when the home was built in 1974. As of 2021, the lots are no longer under common ownership.



PROPOSED SITE PLAN



R-100 Setback Requirements:

- Min. Front Setback = 25 feet
- Min. Side Setback= 10 feet, with a total of 25 feet
- Min. Rear Setback = 30 feet

PROPOSED ELEVATIONS



REVIEW STANDARDS – NONCONFORMING LOT OF RECORD

- 1) The lot consists of at least one entire lot of record on the effective date of this Code.
- 2) The lot was not created in violation of a previous zoning ordinance.
- 3) The lot was not combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks.



**CITY OF
TARPON SPRINGS
FLORIDA**

TEL: (727) 942-5611
EMAIL: planning@ctsfl.us

www.ctsfl.us

This application **MUST** be completed **IN FULL** and submitted with all applicable documents listed below in order to be scheduled for a Board or Committee.

All fees **MUST** be paid in full prior to Public Hearing.

☐ **Completed** original application form and digital copy

☐ Application fee:

☐ Variance Request - \$250.00 each, or

☐ Appeal of Administrative Decision - \$250.00 each

☐ Newspaper Ad - \$150.00 each

☐ Postcards (500 foot radius) - \$0.77 each, and

☐ Placard - \$ 16.00

(Call for fee calculation assistance if needed)

☐ Property survey, signed and sealed by a professional land surveyor

☐ Site Plan with documentation of variance request (to scale with measurements called out)

☐ Photographs of site if relevant to request.

☐ Digital copies of all application materials (including completed application and plans)

☐ Proof of ownership (a copy of the deed which conveyed title to the present owner of the property)

☐ Other supporting information, as necessary

1. Property Owner(s)

Name C E K / L A C Y LLC		Email
Address 7834 DAVIS ST		
City PORT RICHEY	State FL	Zip 34668
Phone	Fax	Cell

2. Applicant (if different than property owner)

Name Piotr Paczkowski - Manager at Toro Builders		Email info@torobuilder.com
Address 3905 Tampa Rd #633		
City Oldsmar	State FL	Zip 33626
Phone 402-541-5953	Fax	Cell 402-541-5953

3. Agent (if applicable)

Name Piotr Paczkowski - Manager at Toro Builders		Email info@torobuilder.com
Address 3905 Tampa Rd #633		
City Oldsmar	State FL	Zip 33626
Phone 402-541-5953	Fax	Cell 402-541-5953

4. General Information

Property Location or Address PENINSULA AVE, TARPON SPRINGS, FL 34689		
Legal Description (attach additional sheets as necessary) SUNSET HILLS 2ND ADD BLK 12, LOT 6		
Tax Parcel Number(s) 10-27-15-87822-012-0060	Land Use Category 0090 Vacant Residential Land w/XFSB	Zoning District R-100

**BOARD OF ADJUSTMENT APPLICATION
NON-CONFORMING LOT OF RECORD**

Variance Requested:

Please describe the project (attach additional sheets as necessary):

We are seeking approval for a variance that would allow the development of a non-conforming vacant lot situated in the R-100 zoning district. The R-100 zoning district requires a minimum lot width of 75 ft and minimum lot area of 10,000 square feet. The subject lot width is 68 ft and area is 7946.5 square ft. Our proposed project entails the construction of a single-family residence, encompassing approximately 2000 square feet of living space and featuring a two-car garage. Importantly, the proposed development will align with the current R-100 setbacks criteria.

Lot Dimension Standards:

This property is located in the R-100 zoning district.

Required Lot Dimensions:		Proposed/Current Lot Dimensions:	
Minimum Lot Area:	10,000 sq ft	Lot Area:	7,946.5 sq ft
Minimum Lot Width:	75 ft	Lot Width:	68 ft
Minimum Lot Depth:	100 ft	Lot Depth:	116.8 ft

Follow the link to Section 25.00 of the Land Development Code Zoning for Zoning District lot standards - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ARTIIDIRE_S25.00SCDIRE

Board of Adjustment Review Standards:

Per Land Development Code Section 215.02.5 (link provided below), the Board of Adjustment may grant a variance to allow a nonconforming lot of record to be built upon if the following three standards are met and proven by competent substantial evidence. **Please review the standards listed below and provide a justification on how your request meets each of the standards (attached additional sheets as necessary).**

https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO_ARTXIADEN_S215.02.5VANOLORE

- (1) Does the lot consist of at least one entire lot of record on the effective date of this Code? (*Explain when the lot was created and provide a legal description on single deeds going back to 1990 (e.g. The lot was created in 1926 and has remained a single lot of record since that time.)*)

The lot was created in 1926 and contains full single lot of record.

- (2) Was the lot created in violation of a previous zoning ordinance? *(Explain if or when the lot was separated or subdivided)*

The lot was originally plotted as a conforming lot following the ordinance requirements
at the time it was created.

- (3) Was the lot combined with a neighboring lot under common ownership in order to allow the existing improvements on the neighboring developed lot to meet applicable setbacks. *(Are the neighboring structures on conforming lots? To meet zoning standards (i.e. setbacks, minimum lot standards), did those structures rely on the nonconforming lot in order to be built?)*

This property was under common ownership with the parcel to the north:
10-27-15-87822-012-0050. There is a single family home on the parcel to the north. That home was constructed in 1974 and it predates current code. It was constructed on lot conforming to the code at the time of construction and did not rely on lot 10-27-15-87822-012-0060 in order to be built.

Helpful Links:

The following links may be used to assist you in completing this application, as well as, providing supporting documentation.

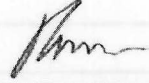
- Tarpon Springs Zoning Application - <https://gis.ctsfl.us/portal/apps/webappviewer/index.html?id=9596539ae16744b4af44d320f190c791>
- Tarpon Springs Land Development Code - https://library.municode.com/fl/tarpon_springs/codes/code_of_ordinances?nodeId=COOR_APCOZOLADECO
- Pinellas County Property Appraiser – <http://www.pcpao.org/>
- Pinellas County Clerk, Official Records – <https://ccmspa.pinellascounty.org/PublicAccess/default.aspx>

**BOARD OF ADJUSTMENT APPLICATION
NON-CONFORMING LOT OF RECORD**

Applicant's Signature:

The information included in and with this application is true and correct to the best of my knowledge.

Piotr Paczkowski - Manager at Toro Builders



12/8/2023

Applicant's Signature

Date

Agent's Signature: (I represent the applicant/owner)

The information contained in and with this application is true and correct to the best of my knowledge.

Piotr Paczkowski - Manager at Toro Builders



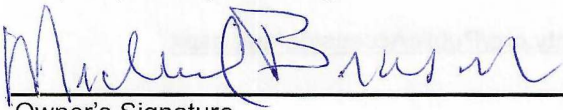
12/8/2023

Agent's Signature

Date

Owner's Signature:

I authorize the agent named above on this form to provide subject matter on the application contained herein for the purposes of discussion with City Staff, and to attend public hearings on my behalf. In addition, I authorize the filing of this application and certify ownership of the property described in this application as myself. Within this application, I have included all parties to an existing contract for sale. I further assent to the City's Comprehensive Plan as it applies to the property and it is understood that this application must be complete and accurate, and the appropriate fee paid prior to processing.



12-11-23

Owner's Signature

Date

STATE OF FLORIDA)

COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this 11 day of Dec, A.D., 20 23

by Michael Branson, who is personally known to me or who has produced

PROPERTY OWNER NAME PRINTED

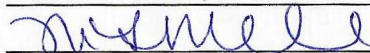
_____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

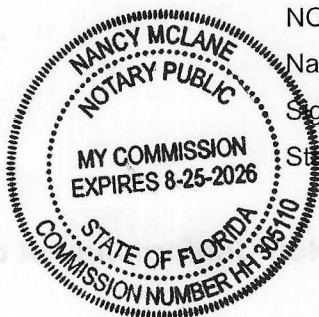
Name:

Nancy McLane

Signature:



Stamp:



TOPOGRAPHIC SURVEY WITH TREE LOCATION

LOT 6, BLOCK 12, SUNSET HILLS SECOND
ADDITION, ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 17, PAGES 41 AND 42,
OF THE PUBLIC RECORDS OF PINELLAS COUNTY,
FLORIDA.

 = CEDAR TREE
 = PALM TREE
 = OAK TREE

- 1) BEARINGS ARE BASED UPON THE WESTERLY
LINE LOT 6, N 00°29'11" W, PLATTED BEARING
- 2) PROPERTY APPEARS TO BE IN FLOOD ZONE "X"
PANEL #12103C-0019 SUFFIX "H"
ACCORDING TO NATIONAL FLOOD
INSURANCE RATE MAP, REVISED 8-24-2021
- 3) ELEVATIONS ARE BASED ON NAVD '88 DATUM
- 4) ALL MEASUREMENTS ARE IN U.S. FEET
- 5) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF
TITLE, THEREFORE, THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK
LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS OF PUBLIC
RECORD, NOT DEPICTED ON THIS SURVEY
- 6) FENCE LOCATION DOES NOT DETERMINE OWNERSHIP, OFF MEANS THE FENCE
IS OFF OF THE PROPERTY, IN MEANS FENCE IS INSIDE THE PROPERTY.

ELEVATIONS DERIVED FROM DEPT. OF TRANSPORTATION
G.P.S. NETWORK SYSTEM FTP SITE. N.A.V.D. DATUM.

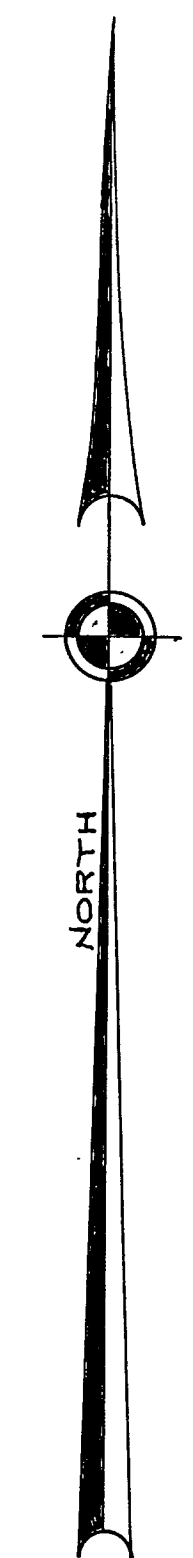
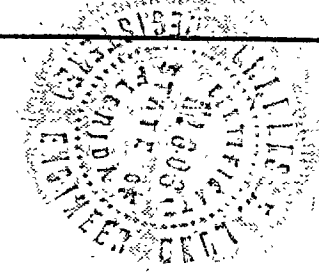
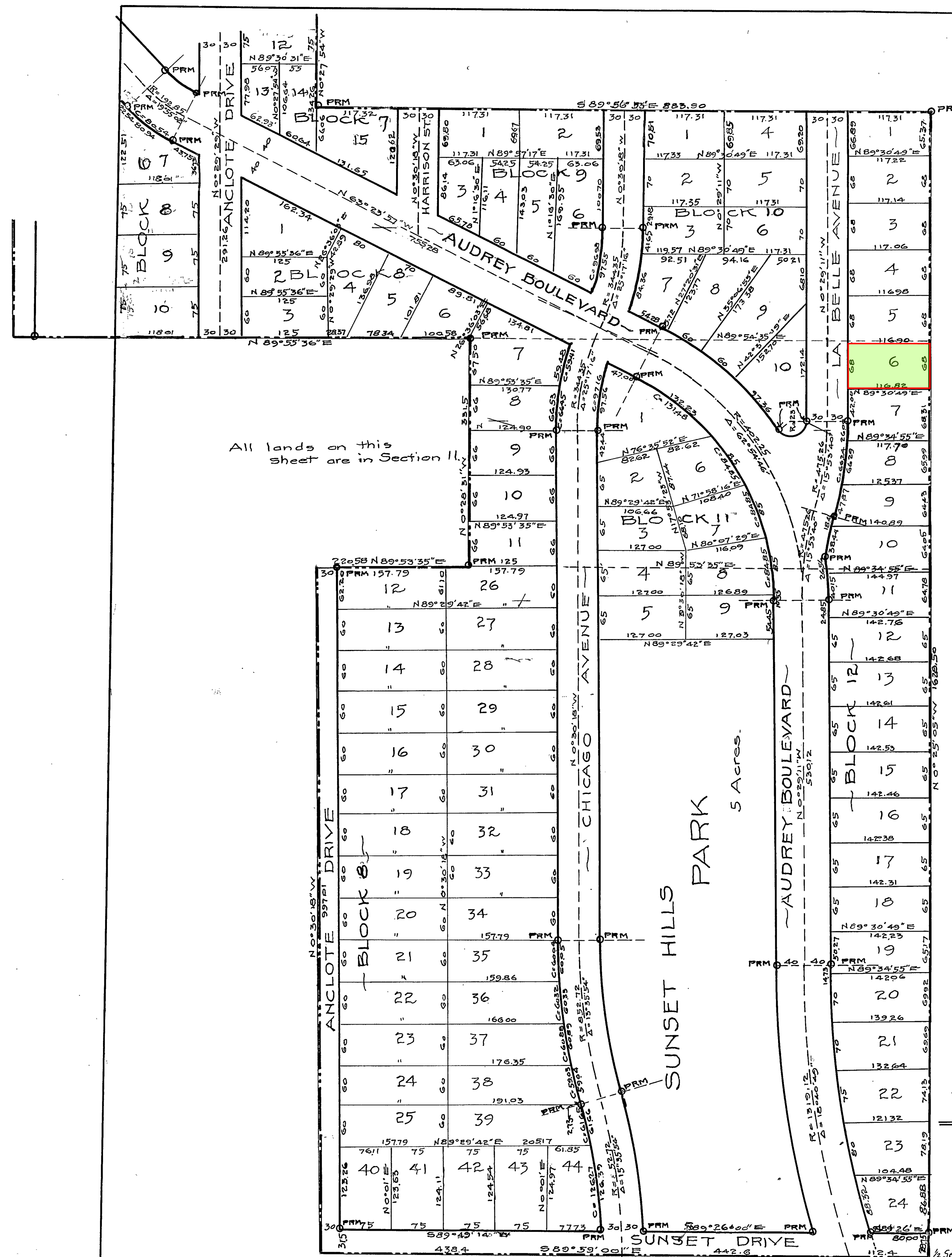
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS. THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MARK A. JOHNSON PSM 6572 AND IS COMPLIANT WITH F.S.61G17-7.0025(3)

FIELD WORK BY:	B.H.P.	DATE: 12-12-2023	F.B. / PG. 12 / 45
DRAFTED BY:	B.P.	DATE: 12-13-2023	JOB # 23-1240

ASPH = ASPHALT	PVC= PLASTIC VINYL FENCE	
A/C = AIR CONDITIONER	PCP = PERMANENT CONTROL	POINT
(C)=CALCULATED	I.P. = IRON PIPE	(R)= RADIAL
CLF=CHAIN LINK FENCE	I.R. = IRON ROD	FHD = FIRE HYDRANT
C.M. = CONCRETE MONUMENT	LB = LICENSED BUSINESS	FND = FOUND
CONC = CONCRETE	O.U. = OVER HEAD UTILITY	(N/R) = NON-RADIAL
CSW = CONCRETE SIDEWALK	P.K. = PARKER KRYLON	(TYP)= TYPICAL
(D) = DEED MEASUREMENT	(P) = PLAT	W/F = WOOD FENCE
(F) = FIELD MEASURED	PP = POWER POLE	S.P.K.D. = SET P.K. NAIL
NO. I.D. = NO IDENTIFICATION	R/W = RIGHT-OF-WAY	& DISK LB#6945
PRM = PERMANENT REFERENCE MONUMENT		S.I.R.C. = SET 5/8" I.R.
PSM = PROFESSIONAL SURVEYOR AND MAPPER		& CAP LB#6945
RLS/PLS = REGISTERED/PROFESSIONAL LAND SURVEYOR		

DON WILLIAMSON
&
ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
&
MAPPERS LB # 6945
5020 GUNN HIGHWAY SUITE 220 A
TAMPA, FL 33624
(813) 265-4795
FAX (813) 264-6062
WAISURVEYING@GMAIL.COM

Page 16 of 24



I hereby certify that this property has been surveyed and staked, and that measurements have been set as indicated, and that the dimensions, lengths and angles are correct.

Chas. E. Lund
Licence No. 603

January 15, 1925

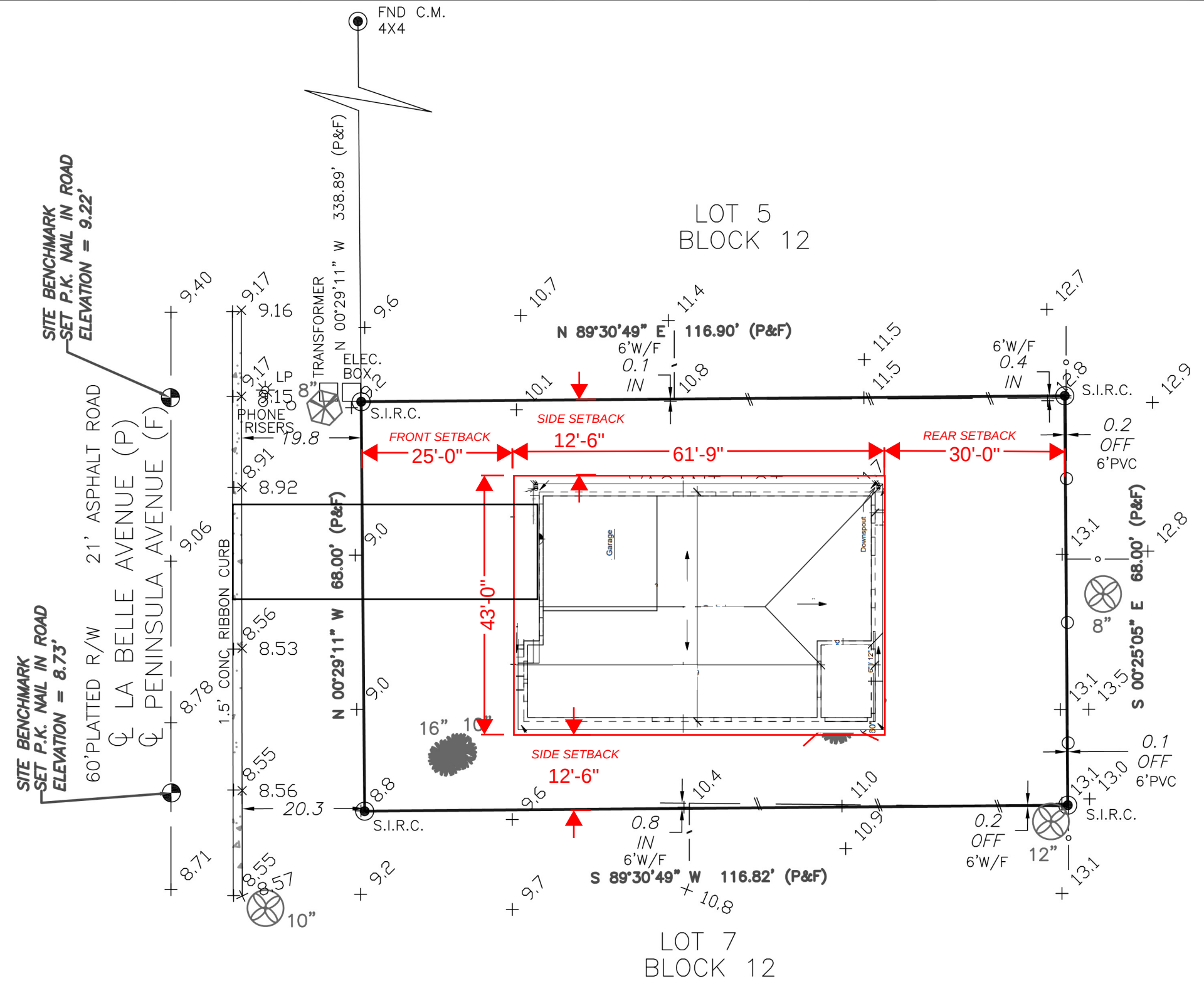
SUNSET HILLS
SECOND ADDITION
LONNQUIST COMPANY
TARPON SPRINGS, PINELLAS COUNTY,
FLORIDA.
Being parts of Sections 10 and 11, T27S, R15E
Sheet 2 of 2
Scale, 1"=100'
Jan. 15, 1925

Park/ap Engr & Surv. Corporation,
St. Petersburg, Fla.

(D) **R-100** District Dimensional Regulations

- (1) Maximum Density = Four dwelling units per acre
- (2) Minimum Lot Area = 10,000 square feet
- (3) Minimum Lot Width = 75 feet
- (4) Minimum Lot Depth = **100** feet
- (5) Maximum Height = 35 feet
- (6) Minimum Yards:
 - (a) Front = 25 feet
 - (b) Side = A minimum of ten feet with a total of 25 feet for both side yards
 - (c) Side Street = 15 feet
 - (d) Rear = 30 feet
- (7) Minimum Net Floor Area = 1,200 square feet

PROPOSED DEVELOPMENT:
One story single family residence.
Living Area = appx. 2100 sqft
Under Roof Area = appx. 2600 sqft



PARCEL ID#
145652-0200

SCALE 1"=20'

PROPOSED SITE PLAN SKETCH
PENINSULA AVE, TARPON SPRINGS, FL 34689
TAX PARCEL ID: 10-27-15-87822-012-0060



MINUTES*
BOARD OF ADJUSTMENT
CITY OF TARPON SPRINGS, FLORIDA
REGULAR SESSION – DECEMBER 20, 2023

THE BOARD OF ADJUSTMENT OF THE CITY OF TARPON SPRINGS, FLORIDA MET IN A REGULAR SESSION IN THE CITY HALL AUDITORIUM AT 324 PINE STREET ON WEDNESDAY, DECEMBER 20, 2023, AT 6:30 P.M. WITH THE FOLLOWING PRESENT:

	Jacqui Turner	Chairperson
	Joanne Reich	Vice-Chairperson
	George Bouris	Member
	Timothy Grossman	Member
	Robert Wood	Alternate
	Karl Fuchs	Alternate
ABSENT/PRIOR NOTICE RECEIVED	Joanne Simon	Member
ALSO PRESENT:	Allie Keen	Principal Planner
	Dan Lewis	Board Attorney
	Craig Misener	Tarpon Springs Fire, District Chief
	Kimberly Creighton	Secretary to the Board

1. CALL TO ORDER/ROLL CALL

Chairperson, Turner called the meeting to order at 6:30 P.M.

Secretary to the Board Tillison called the roll.

2. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING OF SPEAKERS

Mr. Lewis read the Quasi-Judicial Announcement, swore in all who wished to testify and asked the Board if there was any ex-parte communication, there was none.

3. APPLICATION #23.135 – VARIANCE TO REDUCE THE REQUIRED SIDE SETBACK FOR THE PURPOSE OF INSTALLING A REPLACEMENT PYLON SIGN.

LOCATION: 910 E. TARPON AVENUE

Staff:

Mrs. Keen gave background information, went over the findings-of-fact listed below, and noted that based on the evidence available at the time this report was prepared staff recommended approval of this request.

Findings-of-Fact:

1. The subject property was originally developed in the early 1970s, with various improvements and additions over time. The existing layout of the building, parking, and drive aisles limit potential locations for a freestanding sign that meets the setback requirements.

(Continued)

APPLICATION #23.135 (CONTINUED)

Findings-of-Fact: (CONTINUED)

2. The special circumstances peculiar to the property have not been self-created. This property was originally developed in the early 1970s, with improvements over time that limit the ability to conform with current sign requirements. Additionally, the applicant is proposing to replace the existing freestanding sign on site that is already nonconforming with the side setback. The need to replace the entire sign (including the pole and footer) is a result of current safety and wind load requirements.
3. Literal enforcement of the setback requirements would essentially prohibit the property from having a freestanding sign, due to the existing improvements on site. Shifting the sign over to meet the minimum side setback would interfere with the existing drive-through lanes and impede onsite circulation. The only other greenspace on the property along Tarpon Avenue is in front of the building which is only approximately 14.5 feet back from the front property line. Considering the front setback and visibility requirements, this location would not likely be large enough for the sign.
4. The subject property is located within a heavy commercial area along some of the City's main thoroughfares. Freestanding signs for commercial businesses are common for similar properties elsewhere in the district and the immediate area.
5. The proposed sign will replace an existing freestanding sign on the property and will not encroach into the required sight visibility triangles on site, nor the affected property to the west. Approval of this request is not expected to adversely affect surrounding property values nor create a nuisance.

Applicant:

Kyle Corbett, 1575 Old Rivers Gate Rd, Charleston, SC, noted that he was available to answer questions, but that Ms. Keen covered the variance request well.

Motion: Mr. Bouris
Second: Mr. Grossman

To approve application 23.135 as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Wood	Yes
Mr. Grossman	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

4. APPLICATION #23.136 – VARIANCE TO INCREASE THE ALLOWABLE FLOOR AREA RATIO AND IMPERVIOUS SURFACE RATIOS FOR THE PURPOSE OF CONSTRUCTING A NEW FIRE STATION.

LOCATION: 1201 GULF ROAD

Staff:

Mrs. Keen gave background information, went over the findings-of-fact listed below, and noted that based on the information available at the time this report was prepared, staff recommends approval of the increased FAR and ISR variances.

Findings-of-Fact:

1. The new station must be designed to the current standards for this type of facility, which results in the need for the increased FAR and ISR allowances. The design cannot be modified and still meet code and service requirements for a fire station built under today's standards. The fire station is a necessary facility for the City and denial of this variance will work unnecessary and undue hardship on the City's citizens as a whole.
2. The City must build a fire station compliant with and sufficient for today's codes and needs. The City has applied for an amendment to the Future Land Use Map and the Zoning Map for this property to place it in the proper public facility categories. However, there is an immediate need for the fire station. The map amendments, if granted, are expected to take at least six months to complete. This situation is unique and is not suffered in common with other property similarly located for several reasons:
 - The existing Fire Station #70 needs replacement. The building does not meet construction standards for a Category 1 hurricane and is of insufficient capacity to serve the growing needs of the City.
 - The existing station is the only fire station located west of the bayous, creating a more hazardous condition in situations where residents in the western half of the City are functionally cut off from the other two stations.
 - The proposed station will be built to Category 3 hurricane standards and will provide for sufficient capacity to serve the growing population and will have modernized construction features to meet today's requirements with respect to facilities, equipment, and staff.
3. The property is owned by the City and is in the best location to serve the needs of the City. There are no other options for the placement of this needed facility. The hardship is based on facility needs and is not self-imposed by the City.
4. Granting a 10% increase in FAR will not interfere with or injure the rights of property owners in the area. The project meets required setbacks, and the additional 647 square feet of gross floor area will not result in any noticeable difference. The project must comply with the City's stringent stormwater management criteria. The proposed ISR of 0.71 will not result in any adverse impact on neighboring properties or the surrounding area.
5. The adjustments will serve the general intent and purpose of the Comprehensive Plan, Land Development Code, and Countywide Plan by providing for a necessary fire station, a use allowed by right in the Neighborhood Business zoning district, at the only location practical for the facility.
6. In order for the proposed fire station to meet all applicable codes, design needs and capacity requirements, the 10% variance from 0.20 to 0.22 FAR, and 18% variance in ISR from 0.60 to 0.71, are the minimum adjustments necessary.

APPLICATION #23.136 (CONTINUED)

Findings-of-Fact: (Continued)

7. The adjustment allows for the construction of a needed public facility that meets today's standards and is not a special privilege denied to others in the same districts.
8. The adjustment will not constitute an amendment to the Comprehensive Plan or land development regulations. The City will pursue a map amendment for the property to move it into the appropriate public use categories so that any additional improvements going forward are reviewed under those categories.
9. An amendment to another land use category has not yet been considered by the Board of Commissioners.

Motion: Mr. Grossman
Second: Mr. Wood

To approve application 23.136 as presented.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Wood	Yes
Mr. Grossman	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

5. APPROVAL OF MINUTES

a. NOVEMBER 15, 2023

Motion: Ms. Reich
Second: Mr. Bouris

To approve minutes from November 15, 2023, as presented with corrections.

Vote on Motion: Upon roll call vote, the motion was passed, as follows.

Mr. Wood	Yes
Mr. Grossman	Yes
Mr. Bouris	Yes
Ms. Reich	Yes
Ms. Turner	Yes

6. STAFF COMMENTS

Mrs. Keen noted that she included a meeting schedule for 2024 in the packet. She further noted that Mr. Karl Fuchs has joined the Board as a second alternate.

7. BOARD COMMENTS

Ms. Reich asked if the city had considered having security at the appointed Board's meetings.

8. **ADJOURNMENT**

Ms. Turner adjourned the regular meeting at 7:13 P.M.

Jacquie Turner, Chairperson

***SECRETARY'S NOTE:** The preceding are action minutes and are not the official meeting record.

DRAFT