



City of Tarpon Springs, Florida

Board of Adjustment
324 East Pine Street
Tarpon Spring, Florida 34689
(727) 938-3711

<http://www.ctsfl.us/agenda.htm>

BOARD OF ADJUSTMENT AGENDA WEDNESDAY, NOVEMBER 20, 2024 6:30 PM - CITY HALL AUDITORIUM

1. CALL TO ORDER
2. ROLL CALL
3. QUASI-JUDICIAL ANNOUNCEMENT AND SWEARING IN OF SPEAKERS
4. APPLICATION(S)

a. **#24-68 - Dolinger**

Variance to reduce the required rear yard setback for the purpose of constructing a new screen enclosure with a solid roof.

Location: 1013 Rosetree Lane

5. BOARD AND STAFF COMMENTS
6. 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
[NOVEMBER 20, 2024]**

STAFF REPORT

Application No. / Project Title: #24-68 (Dolinger)
Staff: Allie Keen, AICP, Principal Planner
Applicant / Owner: Preston & Sara Dolinger
Property Size: +/- 10,088 sqft.
Current Zoning: R-100 (Single Family Residential)
Current Land Use: RL (Residential Low)
Location / Parcel ID: 1013 Rosetree Lane / #14-27-15-28336-000-0090

BACKGROUND SUMMARY:

The applicant is requesting to reduce the required rear yard setback to 26 feet, 4 feet less than required, for the purpose of constructing a screen enclosure with a solid roof on the backside of the home.

PRELIMINARY STAFF RECOMMENDATION:

Based on the information available at the time this report was prepared, staff would recommend **denial** of this request. Although there are some limitations with this property, it is of staff's opinion the proposed screen enclosure could be redesigned to be in the west side yard and meet the required rear yard setback, while still maintaining access to the back yard and having an enclosure that is comparable in size to others found elsewhere in the district.

LAND DEVELOPMENT CODE CONSIDERATIONS:

District Intent: The single-family residential 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 Land Development Code (LDC) Section 25.02(D)(6)(d), the minimum rear yard setback is 30 feet in the R-100 zoning district.

CURRENT PROPERTY INFORMATION:

Use of Property:	Single Family Residential
Site Features:	Note any significant site features (buildings, vegetation, wetlands, etc.)
Vehicle Access:	Single-family home, driveway, fence, shed, and landscaping.



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)
East:	R-100 (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 proposing to construct an approximately 435 square foot screen enclosure with a solid roof on the backside of the home. According to the provided site plan, the enclosure will be 26 feet from the rear property line.
2. Per LDC Section 25.02(D)(6)(d), a minimum 30-foot rear setback is required in the R-100 zoning district. According to the survey, the existing home is setback 30 feet from the rear setback. The addition of any covered structure on the backside of the home would encroach into the required rear setback area.
3. LDC Section 25.02(D)(6)(b) requires a minimum side setback of 10 feet. According to the survey, there is approximately 38 feet between the west side property line and the home. The applicant indicated redesigning the enclosure on the west side of the home may prevent access into the backyard from the fence gate. Due to the required 10-foot side setback, if the enclosure was redesigned on the west side of the home there would still be a minimum of 10 feet between the property line and the enclosure which would still maintain access.
4. LDC Section 36.02(C) permits an open pool screen enclosure to have a rear yard setback of 5 feet, or outside any easement. There is a 10-foot easement along the rear of the subject property. If the proposed screen porch had an open roof rather than the solid roof it could be treated like a pool screen enclosure and be constructed as proposed without variance approval. The applicant has indicated that the roof is necessary to provide shade for the porch.

REVIEW STANDARDS / PROVISIONAL FINDINGS OF FACT:

Section 215.02(B) of the Land Development Code provides that the Board of Adjustment shall grant no variance unless certain standards are met and proven by competent substantial evidence. These standards, along with planning staff's provisional findings of fact are provided below:

1. **The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.**

Provisional Findings: The need for the variance is due to the existing home being setback 30 feet from the rear property line. The addition of any covered structure on the backside of the home would result in the need for a variance request. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

2. **The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.**



Provisional Findings: Due to the large west side yard, the enclosure could be redesigned to meet the minimum rear yard setback requirement. There is approximately 38 feet between the home and the side property line, which would allow for an enclosure comparable in size to what is proposed. Although access from the gate to the back yard will be potentially impacted, the minimum 10-foot side setback will still provide adequate access to the rear of the property. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

- 3. Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant of reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.**

Provisional Findings: Literal enforcement of the minimum setback requirements would necessitate the screen enclosure to be redesigned and/or to have an open screen roof to meet the rear setback requirement. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard **has not** been met.*

- 4. Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar circumstances.**

Provisional Findings: Approval of this request will not confer any special uses or privileges to the applicant that are not commonly enjoyed by other property owners in this area. Covered porches are common features for single family properties within the immediate neighborhood and elsewhere in the City. *Based upon evidence available when this report was prepared, staff is of the opinion that this standard has been met.*

- 5. Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.**

Provisional Findings: Covered porches are common features of single-family residences in the R-100 zoning district. The reduced rear yard setback for the proposed roof structure will not substantially diminish property values or alter the character of the neighborhood. *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 & Addendum
3. Site Plan
4. Supplemental Letter

DOLINGER #24-68

Board of Adjustment – November 20, 2024



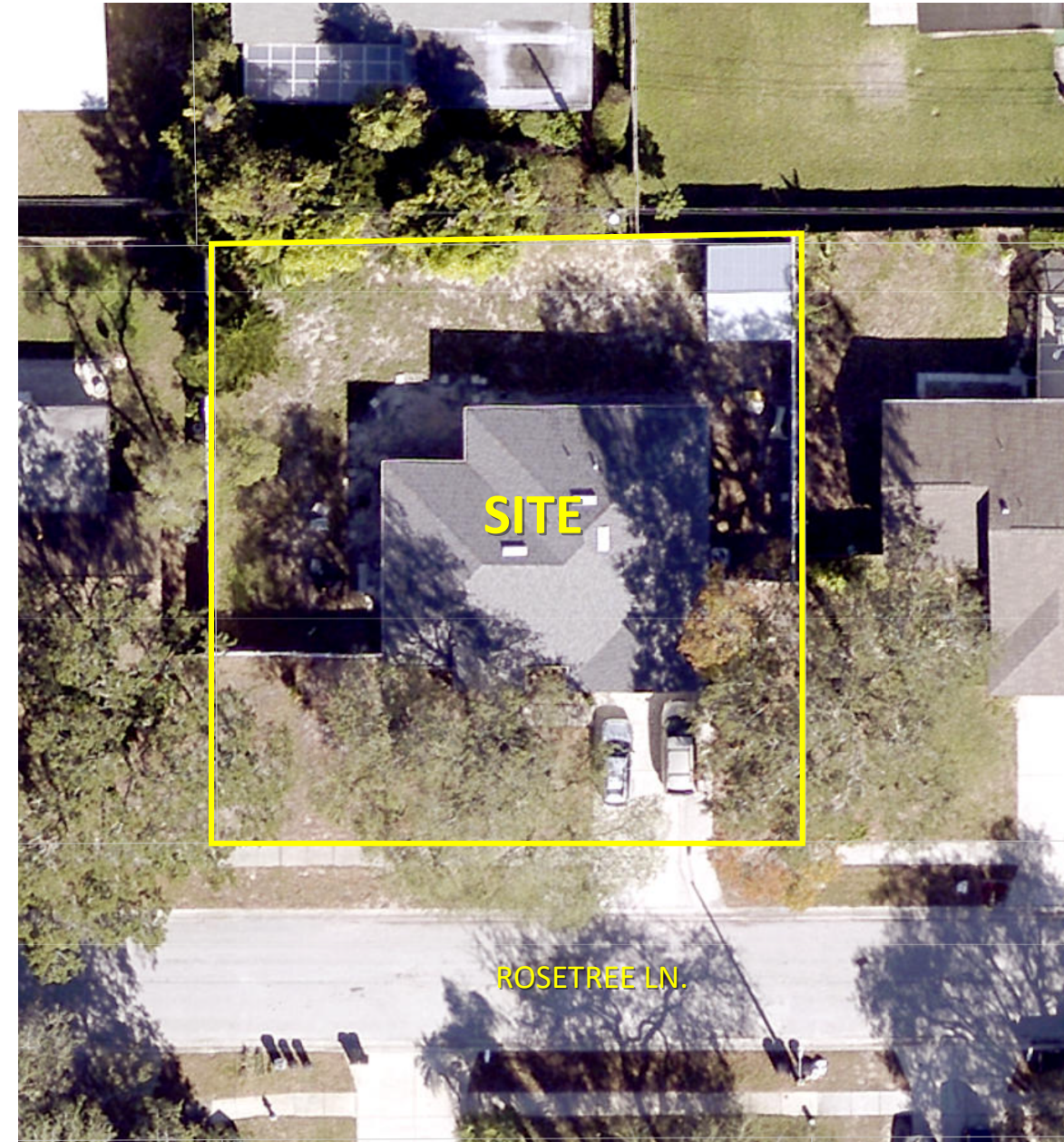


LOCATION & CONTEXT



REQUEST

- **#24-68 – Rear Yard Setback**
 - Required= Min. 30 feet
 - Proposed = 26 feet
- **Applicant/Owner:** Preston & Sara Dolinger
- *Variance request to reduce the rear yard setback for the purpose of constructing a screen enclosure with a solid roof.*



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REVIEW STANDARDS - VARIANCE

- 1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to the specific property involved, and which do not apply generally to property located in the same zoning district.
- 2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant.
- 3) Literal enforcement of the requirements of the City of Tarpon Springs' Comprehensive Land Development Code would have the effect of denying the applicant or reasonable use of the property, or legally conforming buildings or other structures, and the requested variance is the minimum variance that will make possible the reasonable use of the property.
- 4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings or structures in the same zoning district; no variance will be granted that extends to the applicant a use of a property that is not commonly enjoyed by other persons in similar circumstances.
- 5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.



PLANNING & ZONING APPLICATION

INSTRUCTIONS

Please complete the application form fully and submit, with all supporting materials and applicable application addendums, **DIGITALLY** through the Planning and Zoning online application portal. If a project requires multiple application types, please complete the application form once and upload into each separate application project in goPost/ePlan.

Prior to proceeding to public hearing, an application must be deemed complete and all required application fees (see fee schedule on pages 5 and 6) **must be paid prior to public hearing**. Fees can be paid in person or mailed.

1. PROPERTY OWNER(S)

NAME Preston and Sara Dolinger		EMAIL l0rdpj@yahoo.com
ADDRESS 1013 Rosetree Lane		
CITY Tarpon Springs	STATE FL	ZIP 34689
PHONE 727-200-7328		

2. APPLICANT(S) *(if different than owner)*

NAME		EMAIL
ADDRESS		
CITY	STATE	ZIP
PHONE		

3. AGENT/REPRESENTATIVE *(if applicable)*

NAME		EMAIL
ADDRESS		
CITY	STATE	ZIP
PHONE		



4. APPLICATION TYPE* *(Please select all that apply)*

General Applications

- | | | |
|--|---|---|
| ☐ Annexation | ☐ Rezoning | ☐ Minor Plat |
| ☐ Conditional Use | ☐ Site Plan/Subdivision | ☐ Planned Development: |
| ☐ Discussion Item | ☐ Right-of-Way Vacation | ☐ Concept |
| ☐ Development Agreement | ☐ Temporary Use (Dates: _____) | ☐ Preliminary |
| ☐ Future Land Use Amendment | ☐ Final Plat | ☐ Final |
| ☐ Sidewalk Cafe | | |

Board of Adjustment Applications (BOA)

- ☒ Variance
☐ Nonconforming Lot of Record Variance
☐ FAR/ISR Adjustment
☐ Sidewalk Waiver
☐ After-the-Fact Variance
☐ De Minimis Variance

Heritage Preservation Applications (HPB)

- ☐ Certificate of Appropriateness
☐ Designation of Historic Property Form
☐ Economic Hardship Exemption Form
☐ Petition for Removal Form

* See Page 4 for required Application Addendums.

5. GENERAL INFORMATION

PROJECT NAME Dolinger Residence			
ADDRESS/LOCATION 1013 Rosetree Lane			
TAX PARCEL NUMBER(S) 14-27-15-28336-000-0090			
LEGAL DESCRIPTION FLORIDA OAKS SECOND ADDITION LOT 9			
SITE ACREAGE Upland _____ Wetland _____ Submerged _____ Total 0.23 acres			
FLOOD (check all that apply) ☒ Zone X ☐ Zone X Shaded ☐ Zone AE ☐ Zone VE ☐ Not in a Flood Zone Base Flood Elevation(s) (BFE): _____			
COASTAL HIGH HAZARD AREA (CHHA) ☐ Yes, this property is located within the CHHA ☒ No, this property is not located within the CHHA			

6. LAND USE & ZONING INFORMATION

CURRENT DESIGNATIONS		PROPOSED DESIGNATIONS <i>(if applicable)</i>	
LAND USE CATEGORY	ZONING CATEGORY R-100	LAND USE CATEGORY	ZONING CATEGORY

7. SUMMARY/PURPOSE OF REQUEST

Requesting variance for rear setback reduction to build covered porch which encroaches on rear setback by 4 feet to be able to utilize the backyard at a greater capacity. This is a new structure. Upon variance acceptance, we will be laying pavers and creating screened enclosure. We will put sit fencing to protect any trees close to the construction area.



8. SIGNATURE(S)/AUTHORIZATION

APPLICANT'S SIGNATURE:

The information included in and with this application is completely true and correct to the best of my knowledge. Further, it is understood that this application must be complete and accurate and the appropriate fee(s) paid prior to processing.

Sara Dolinger
 (Applicant's Signature)

10-15-24
 (Date)

OWNER'S SIGNATURE*:

I authorize the filing of this application and will allow the Planning and Zoning Department staff to visit this property if necessary for the purpose of analyzing this request. Further, I will allow a public notice sign (if required) to be placed and remain on the property until the processing of the request is complete.

Sara Dolinger
 (Owner's Signature)

10-15-24
 (Date)

*Not required for discussion item applications

AGENT AUTHORIZATION:

The agent named below is authorized to provide subject matter on the application contained herein on behalf of the property owner. The agent is authorized to discuss the application with city staff verbally or in person and to appear and represent the application at any public hearing.

 (Agent Name, Printed)

 (Date)

 (Agent's Signature)

 (Date)

STATE OF FLORIDA)
 COUNTY OF PINELLAS)

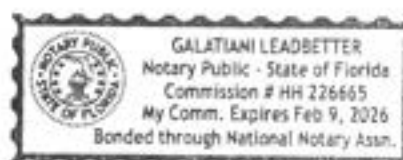
The foregoing instrument was acknowledged before me by means of () physical presence or () Online notarization, this 15th day of October, A.D., 2024 by Sara Dolinger, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

Name: Galatiani Leadbetter

Signature: *[Signature]*

Stamp:





APPLICATION ADDENDUM

INSTRUCTIONS

Please complete the form fully and submit with the associated development application, **DIGITALLY**

1. GENERAL INFORMATION

PROJECT NAME	PNZ - Dolinger Residence	
ADDRESS/LOCATION	1013 Rosetree Lane Tarpon Springs, FL 34689	
TAX PARCEL NUMBER(S)	14-27-15-28336-000-0090	

2. VARIANCE REQUESTED

I am requesting a variance from Land Development Code (LDC) Section(s) 25.02D6d

the required 10 feet to 7 feet for the purpose of constructing an addition onto an existing home)

Rear Setback to be 26 feet instead of 30 feet for the purpose of adding a covered screen enclosure to existing home. No existing screen or flooring currently exists (dirt/grass). Project plans are to lay pavers as flooring in addition to the screen enclosure upon variance acceptance as one single job/project.

Per LDC Section 215.02(B), the Board of Adjustment may only grant a variance when the

Please review the standards listed below and provide a justification on how your request

- (1) The need for the requested variance arises out of the physical surroundings, shape, topographical conditions, or other physical or environmental conditions that are unique to same zoning district. *(What are the physical hardships on the property that prevent you from meeting the*
- (a) Preservation of a protected or native tree(s), but not an invasive tree(s), as defined in Sections 133 and 134 of the LDC, may be considered as a relevant environmental *hardship if their preservation results in the need for the variance.)*
- physical condition. However, any variance applied for within the Historic District shall be found to be compatible with the character of the properties within the District *being in the Historic District, it could be considered a physical hardship.)*



N/A - Variance is not being requested for these reasons.

- (2) The conditions or special circumstances peculiar to the property have not been self-created or have resulted from an action by the applicant or with prior knowledge or approval of the applicant. *(Is the variance in response to an action or situation in which you created? e.g. You installed a pool at*

No conditions or special circumstances are causing the variance request.

- (3) Literal enforcement of the requirements of the Code would have the effect of denying the applicant reasonable use of the property, or legally conforming buildings or structures, and

of the property. (Does the variance result in reasonable use of the property and its structures?)

Yes, denying would prevent reasonable use of the space. Many neighbors within naked eye view have screen enclosures extending much closer to the rear property line than our project is requesting.

- (4) Granting the variance will not confer any special privilege that is not allowed for other lands, buildings, or structures in the same zoning district; no variance will be granted that extends to the applicant a use of property that is not commonly enjoyed by other persons in similar

by other properties within the same district?)

No, granting the variance will not confer special privilege.

- (5) Granting the variance will not substantially diminish property values in the surrounding area, substantially interfere with, or injure the rights of others whose property would be affected by the approval of the variance, alter the essential character of the neighborhood, or create

No, granting the variance will not diminish property value or create a nuisance.



CITY OF TARPON SPRINGS
PLANNING & ZONING DEPARTMENT
324 E. Pine Street, Tarpon Springs, FL 34689
(727) 942-5611 / planning@ctsfl.us

3. SIGNATURE(S)/AUTHORIZATION

The information included in and with this application is completely true and correct to the best of my knowledge. Further, I understand that a detailed property management plan may be

A handwritten signature in blue ink, appearing to be "P. [unclear]", written over a horizontal line.

(Applicant's Signature)

A handwritten date "10/14/24" in blue ink, written over a horizontal line.

(Date)

(Property Owner's Signature)

(Date)

AC = ACRES
 A/C = AIR CONDITIONER
 ALUM = ALUMINUM
 AVE = AVENUE
 BLDG = BUILDING
 B/P = BRICK PAVEMENT
 BLY = BOUNDARY
 BND = BOUNDARY
 C = CALCULATION
 C = CENTERLINE
 CL = CHORD MEASUREMENT
 CD = CHORD DISTANCE
 CONC = CONCRETE
 CS = CONCRETE SLAB
 COR = CORNER
 COV = COVERED
 CT = COURT
 DR = DRIVE
 DRA = DRAINAGE RETENTION AREA
 D.U.M. = DRAINAGE RIGHT-OF-WAY
 E = EAST
 ELEC = ELECTRIC
 ELEV = ELEVATION
 ELY = EASTERLY
 ENCL = ENCLOSURE
 EOP = EDGE OF PAVEMENT
 EPT = EASEMENT
 FND = FOUND
 H = MEASURED
 H.C.L. = MORE OR LESS
 N = NORTH
 N.E. = NORTHEAST
 O.A. = OVER ALL
 O.C. = OFFICIAL RECORD BOOK
 O.C.B. = OFFICIAL RECORD BOOK
 PC = POINT OF CURVATURE
 P.E. = POOL EQUIPMENT
 P.L. = POINT OF INTERSECTION
 P.L.P. = PLANTER
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF REVERSE CURVE
 P.M. = PERMANENT REFERENCE MONUMENT
 R = RECORD
 RAD = RADIAL
 RANG = RANGE
 R/W = RIGHT-OF-WAY
 S = SOUTH
 SEC = SECTION
 SLY = SOUTHERLY
 TRANS = TRANSFORMER
 TYP = TYPICAL
 W = WEST
 WIT = WITNESS
 * = MORE OR LESS (or part of total)
 * = THICKNESS
 * = MEASUREMENT WHEN USED IN BEARINGS
 * = SECOND WHEN USED IN BEARINGS
 * = FEET WHEN USED IN DISTANCES
 * = INCHES WHEN USED IN DISTANCES

LEGEND

■ SET CONCRETE MONUMENT
 ■ FOUND CONCRETE MONUMENT
 ● SET 1/2" IRON ROD L.B. # 4184
 ● FOUND IRON ROD

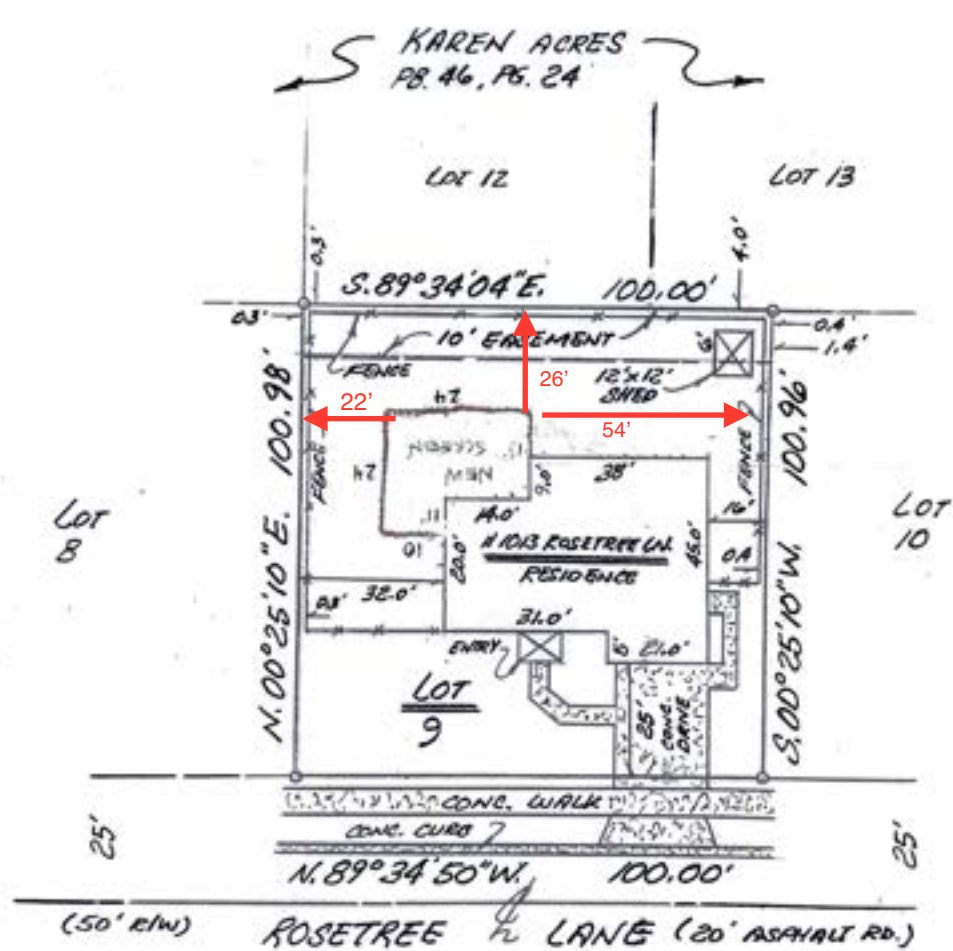
● FOUND IRON ROD
 ▲ SET NAIL & DISK # 4184
 ▲ FOUND NAIL

REVISIONS

SCALE : 1" = 20'

DESCRIPTION:

LOT 9, FLORIDA OAKS, SECOND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 95, PAGE 37, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



00001

NOTE: Elevations shown thus are based on National Geodetic Vertical Datum.
 NOTE: Unless otherwise stated the property description shown hereon was provided by client.
 NOTE: Underground installations or improvements, including foundations, have not been located except as shown hereon.
 NOTE: This flood determination is based on the Flood Insurance Rate Map, Federal Emergency Management Agency. This determination does not imply that the referenced property will or will not be free from flooding or damage. Property in a special flood hazard area may be damaged by a flood greater than that predicted on the F.I.R.M. or from local drainage problem not shown on the map. This determination does not create liability on the part of this company, or any officer or any employee thereof, for any damage that results from reliance on this determination.
 NOTE: Above ground improvements including building overhangs have not been located except as shown hereon.
 NOTE: This survey was prepared without the benefit of a title search and may be subject to easement, right-of-ways, and other matters of record.
 NOTE: Prior to construction and / or reliance on flood zone note, the building department should be contacted for verification of flood zone.
 NOTE: The property shown hereon may be subject to the rules, regulations, ordinances and / or jurisdictions of local state and / or federal agencies. The requirements of said rules, regulations, ordinances and / or the limits of said jurisdictions are not shown hereon, unless stated otherwise.

DATE OF FIELD SURVEY: 10-10-14

DATE OF DRAWING: 10-16-14

CERTIFIED TO:

FAIRWAY INDEPENDENT MORTGAGE CORPORATION,
 PRESTON J. DOLINGER
 ALABAMA TITLE, INC.
 STEWART TITLE GUARANTY COMPANY

BAY LAND SURVEYING

CERTIFICATE OF AUTHORIZATION L.B. # 4184

6154-A SPRINGER DR.
 PORT RICHEY, FLORIDA 34668

PHONE : 727-645-1738
 FAX : 727-644-3969

BOUNDARY SURVEY: 10-10-14

WORK ORDER NUMBER: 14-1038 FO

Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this map / report is for informational purposes only and is not valid. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Signature

Greeting and salutations!

I am submitting this letter to supplement the application for 24.68 PNZ - Dolinger Residence - 2874 at 1013 Rosetree Lane Tarpon Springs, FL.

Before I begin, I do want to thank the P&Z board for taking the time to review our project and Variance Request!

I wanted to pass along a little note in regard to the project to help answer some of the questions that the Technical Review Committee had asked in our initial meetings with the city, as some of the answers didn't quite fit in some of the forms that were required for the Variance Application.

Our planned project is to add an aluminum screen enclosure with a covered panel roof off the back of the current house structure. Total sqft of the screen enclosure would be 435 sqft. As part of the installation, we will be placing a Paver patio on the ground. Pavers would be a new addition as there is currently just grass and dirt. They would be installed in the same job/project at the same time as the screen enclosure work.

The placement/design we have chosen mimics a feature that was on the property previously but had to be removed. When we moved in, the home had a custom built deck in the backyard that fits nearly the exact dimensions as our current screen room plan. We really enjoyed the deck upon moving in, but unfortunately it was not built to the best quality and despite our best efforts to save and restore it, became a safety hazard for us and guests. We removed the deck and dreamed of one day replacing the exact spot with a Screen in area, as we had grown accustomed to this exact space as our "outside sitting" space.

Before applying for a variance, we considered redesigning the screen plans; however we don't have many options as:

- Our entire Rear (North) wall is at the mandated 30 feet. This means the longest and largest section of available space in our backyard (30 x 100) would be off the table upon variance denial:
 - As best I can measure, our backyard "green space" is around 5400 sqft.
 - With the current rear setback, 3000 sqft (56%) of my property is ineligible without variance approval.
- The South East back/side yard is far too small for a screen room.
 - This represents another 400 or so sqft (7.4%) Ineligible to build on (Now up to 64.5% ineligible)
- There is one other possible configuration that was considered, which would have been off of the South West back/side yard. We chose not to go this route, and instead apply for a variance for the following reasons:
 - We have concerns that we would not get the amount of space that we could with the current plan due to the locations of the southwest/west fence/property lines (and additional front/side setback regulations):
 - Furniture and dining configurations won't work nearly as well in this space (we'll be limited in to what we can place inside the structure as a result).
 - We would need additional electrical considerations as no plugs exist in this section of the property (additional money)
 - Using this location would likely mean putting our structure closer to the neighbor's property line (less privacy etc.).
 - Using this location and extending the footprint would likely limit access into the back yard of the property without further modifications or considerations of the current gate locations as the screen structure would have to come much closer to the southeast gate.
 - We have future plans to purchase some "medium size" items that were earmarked to be stored/located in this portion of the yard:
 - Pull behind car trailer. Moving the screen closer to the access gate as well as removing space from this section will prohibit this purchase as it will not fit anywhere else on the property.

- BBQ Smoker. The southwest section of the backyard is the ideal spot for this as the only other place (North Wall) would be facing the bedroom and bathroom windows (smoke smell entering house easier and also just a strange view while cooking overall).

Another concern I was hoping to address was one from the arborist in regard to ensuring trees within the “construction area” are protected. As the main project (ID 2748 #24-1805), has not been kicked off or approved yet we had not started this safety measure as there would be no equipment on site until at least December 2024 (assuming an approved variance request). I did pass along the information to the company we are working with and they confirmed receipt and are aware of the requirement. They have assured me that they reviewed the links provided, and that prior to the project commencement, trees on the property will be protected with silt screen fencing. We had previously filled in the tree form as part of the main project; I have also attached it to the Variance Application project as well.

In regard to the Variance Application question on being denied reasonable use, we feel that yes, denying the variance request would indeed prevent us from having reasonable use of the property. As described earlier, a large chunk of our property is automatically disqualified due to the variance restrictions. While we have considered other arrangements, those also come with additional hardships that will either reduce the planned screen structure to a less desirable size and configuration, or cause additional hardships either financially or for the future land use in that area of the property.

Additionally, while we understand fundamentally the difference between our structure (screen with panel roof over pavers) and some of our neighbors structures (100% screen only over pavers and a swimming pool), we can’t help but notice many folks in the neighborhood have screen enclosures 5 feet from their property fence line. With at least 3 of my neighbors having screen enclosures running nearly the entire length of their backyard all the way up to 5 feet from their fence line, I’d be willing to bet that even after our variance is approved, that our property will have 3x more green space still available than all 3 of their properties combined. Again, we understand that because the “structures” are coded different that rules can and will be different. However we feel this is a fairly compelling argument in regard to “reasonable use”.

Above is especially true considering our current screen room plan only reduces our backyard green space potential from approx 5400 sqft to approx 4950sqft (91.7% of available green space is still available). The variance request portion of this is 4 feet long over the course of 24 feet wide. This nets us at 96 sqft not in compliance. This represents less than 1.7% of the total available green space on the property, and just 3.2% encroachment into the 3000sqft that is currently in contention due to the rear setback requirements.

I’ll add some pictures with some additional commentary after the sign off portion of this letter. I hope with the additional pictures and context above it can help paint the full picture and reasoning of why we are requesting the variance at this time. We very much appreciate your time and consideration! Please reach out if there are any questions, concerns etc...

Preston Dolinger



The image above illustrates the disparity between how far the neighbors "Screen in porch" setback is, compared to the "Screen in room" setback we are being required to follow without variance. Our property has an additional 2000 sqft of green space comparatively.

The image below shows the "naked eye" site line from our backyard. Notice the next 3 houses all have "Screen enclosures" 5 feet off of the property lines.

