



**CITY OF ATLANTIC BEACH  
COMMUNITY DEVELOPMENT BOARD  
STAFF REPORT**

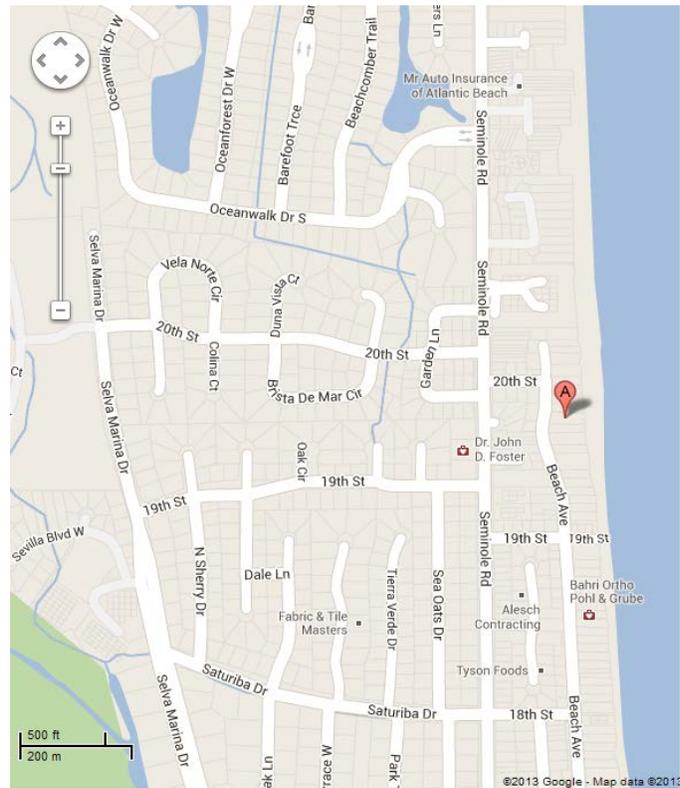
<b>AGENDA ITEM</b>	<b>4.C.</b>
<b>CASE NO</b>	<b>ZVAR-13-00100064</b> <i>Request for variance from the provisions of Section 24-106(e)(2), to reduce the required rear yard setback for the principal structure from twenty (20) feet to sixteen (16) feet, nine (9) inches, to allow for a first floor addition to a single-family dwelling located on a property within the Residential Single-Family (RS-2) zoning district at 2069 Beach Avenue.</i>
<b>LOCATION</b>	<b>2069 BEACH AVENUE</b>
<b>APPLICANT</b>	<b>MICHAEL DUNLAP, ARCHITECT</b>
<b>DATE</b>	<b>JULY 16, 2013</b>
<b>STAFF</b>	<b>ERIKA HALL, PRINCIPAL PLANNER</b>

**STAFF COMMENTS**

***Background***

The applicant sought and was granted a variance for practically an identical request in early 2007, with the sole difference being that the 2007 request was to accommodate a second story addition with corner supports. The property owner now wishes to enclose the first floor area which the 2007 second-story addition overhangs.

Staff considers this variance request to be primarily a procedural house-keeping matter because (1) the 2007 variance order specifies the variance was being granted for the purpose of a second story addition only, even though (2) the northern corner support already occupies the area which is subject to the current variance request. Granting of the current request would not result in an encroachment beyond that which already exists as the result of the 2007 variance, and subsequent second-story addition.



**FIGURE 1. 2069 Beach Avenue. Google Maps, accessed June 26, 2013.**

## ***Analysis***

Section 24-64(b)(1) provides that “[a]pplications for a variance shall be considered on a case-by-case basis, and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.” According to Section 24-17, Definitions, “[a] variance shall mean relief granted from certain terms of this chapter. The relief granted shall be only to the extent as expressly allowed by this chapter and may be either an allowable exemption from certain provision(s) or a relaxation of the strict, literal interpretation of certain provision(s). Any relief granted shall be in accordance with the provisions as set forth in Section 24-64 of this chapter, and such relief may be subject to conditions as set forth by the City of Atlantic Beach.”

Section 24-64(d) provides six distinct grounds for the approval of a variance:

- (1) Exceptional topographic conditions of or near the property.*** As noted in the applicant’s narrative, the subject property does have topographic variation typical of most oceanfront lots in the vicinity, and preservation of the primary dune system has constrained construction to the western portion of the parcel.
- (2) Surrounding conditions or circumstances impacting the property disparately from nearby properties.*** Not applicable.
- (3) Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.*** Not applicable.
- (4) Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.*** Not applicable.
- (5) Irregular shape of the property warranting special consideration.*** The western (rear) property line which abuts the Beach Avenue right-of-way is angled and therefore not perpendicular to the structure. The existing second-floor encroachment and the proposed first-floor encroachment, which is minimal at approximately twenty-one gross square feet, results from the straight positioning of the structure relative to the angled property line.
- (6) Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.*** Not applicable.

## **REQUIRED ACTION**

The Community Development Board may consider a **motion to approve ZVAR-13-00100064**, request for variance from the provisions of Section 24-106(e)(2), to reduce the required rear yard setback for the principal structure from twenty (20) feet to sixteen (16) feet, nine (9) inches, to allow a first floor addition to a single-family dwelling located within a Residential Single-Family (RS-2) zoning district at 2069 Beach Avenue, upon finding this request is consistent with the definition of a variance, and in accordance with the provisions of Section 24-64, specifically one or more of the grounds for approval delineated in Section 24-64(d) and as described above.

The Community Development Board may consider a **motion to deny ZVAR-13-00100064**, request for variance from the provisions of Section 24-106(e)(2), to reduce the required rear yard setback for the principal structure from twenty (20) feet to sixteen (16) feet, nine (9) inches, to allow a first floor addition to a single-family dwelling located within a Residential Single-Family (RS-2) zoning district at 2069 Beach Avenue, upon finding that the request is either inconsistent with the definition of a variance, or it is not in accordance with the grounds of approval delineated in Section 24-64(d), or it is consistent with one or more of the grounds for denial of a variance, as delineated in Section 24-64(c), described below.

*No variance shall be granted if the Community Development Board, in its discretion, determines that the granting of the requested variance shall have a materially adverse impact upon one (1) or more of the following:*

- (1) Light and air to adjacent properties.*
- (2) Congestion of streets.*
- (3) Public safety, including traffic safety, risk of fire, flood, crime or other threats to public safety.*
- (4) Established property values.*
- (5) The aesthetic environment of the community.*
- (6) The natural environment of the community, including environmentally sensitive areas, wildlife habitat, protected trees, or other significant environmental resources.*
- (7) The general health, welfare or beauty of the community.*

*Variations shall not be granted solely for personal comfort or convenience, for relief from financial circumstances or for relief from situation created by the property owner.*

## **ATTACHMENTS**

- **EXHIBIT 1: Copy of ZVAR-06-00100115 (PZ File #2007-01)**