



PLANNING SERVICES

Zoning Board of Adjustment Agenda

The Zoning Board of Adjustment will conduct a public hearing on **Wednesday, January 15, 2020, at 3:00 P.M. in the Hagler-Mason Conference Room, Second Floor, Pensacola City Hall, 222 West Main Street, Pensacola, Florida**, to consider the request(s) listed below. The applicant(s), or authorized agent, must be present for the public hearing in order for the Board to act upon the request(s).

- 1) Quorum/Call to Order
- 2) Meeting Minutes from November 20, 2019, and December 18, 2019.
- 3) **ZBA 2019-11** **4339 Private Pointe Drive** **R-2**
*** This item was TABLED at the December 18, 2019, ZBA Meeting ***
Mohammed Rahman is requesting a Variance to reduce the rear setback for an accessory structure from 3.0 feet to 2.0 feet to accommodate a screened pool enclosure.
- 4) Election of Chairman and Vice-Chairman
- 5) Adjournment

ADDITIONAL INFORMATION:

SUBSEQUENT APPLICATION(S): If denied a variance by the Board, that request for a variance cannot be heard again for a period of one (1) year.

JUDICIAL REVIEW OF DECISION OF BOARD OF ADJUSTMENT: Per section 12-12-2 (D) of the City of Pensacola Land Development Code, any person or persons, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

If a Notice of Appeal has not been received within thirty-five (35) days of the date of the meeting the variance was denied, the petitioner shall be notified by the Building Official that they have ten (10) days to remove or correct the violation.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143/www.cityofpensacola.com

ADA Statement: The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1670 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



PLANNING SERVICES

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

November 20, 2019

MEMBERS PRESENT: Vice Chairperson White, Board Member Del Gallo, Board Member Lonergan, Board Member Sebold, Board Member Shelley, Board Member Stepherson, Board Member Wiggins

MEMBERS ABSENT: Chairperson Taylor, Board Member Williams

STAFF PRESENT: Senior Planner Statler, Planning Technician Hargett, Assistant City Attorney Lindsay

OTHERS PRESENT: Joseph Kyle, George Winfield

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:05 p.m. by Vice Chairperson White with a quorum present. He then read the ZBA rules and instructions to the audience.

2) APPROVAL OF MINUTES

Vice Chairperson White made a motion to approve the minutes from the September 18, 2019, meeting without objection.

3) ZBA 2019-09

2765 Conway Drive

R-1AAA

George Winfield, property owner, is requesting a Variance to reduce the front setback from 30 feet to 25.45 feet to accommodate an addition. The proposed addition will allow the applicant to update the existing floorplan and enlarge the front bedrooms. The existing residence is located in the bend of Conway Drive and is not parallel to the right-of-way line. The setbacks for lots located within a bend or a cul-de-sac are measured differently than lots with straight lines. The building setback for lots with a curvature parallels the arc of the right-of-way line. The leading edge of the house is (typically) placed somewhere along this arc. In this case, the leading edge of the house closest to the front property line measures 29.45 feet from the front property line. The

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applicant is seeking to reduce this setback to 25.45 feet to accommodate his proposed improvements.

Mr. Winfield addressed the Board and stated the traditional style of that time was that the front of the house was plain, and the bay window and two wing walls on each side would go a long way in enhancing the look but would not encroach on the architectural style of the neighborhood. He explained they needed a small variance on the setback since the house was in the apex of the arc and appears to sit closer to the road. Board Member Lonergan stated part of the variance was for pouring the new foundation and asked if part was for the new brick wing walls. Mr. Winfield advised the wing walls would not infringe on the setback but was purely an aesthetic, but the new foundation was necessary for the new bay window. Senior Planner Statler clarified that the wing wall was a part of the design element and did not need a variance. Vice Chairperson White asked if Mr. Winfield had spoken to any of the neighbors regarding the request, and Mr. Winfield stated he had not talked to them recently, but they had this revision in mind for some time, and at that time none of the neighbors had any objections. Vice Chairperson White explained one of the criteria was that the request would not adversely affect the area involved. There were no speakers from the audience, and phone calls received by staff were just general inquiries.

Board Member Del Gallo made a motion to approve, seconded by Board Member Sebold. Board Member Del Gallo explained the Board had several individuals come before the Board with some weird shaped lots, and this one certainly fell into that category. He explained you can see from the footprint of the site plan the house was originally built not even 30' from the street; it could have been set back, and Mr. Winfield would have plenty of room to do whatever he wanted without requiring a variance. It made good sense and fit in with the neighborhood. Vice Chairperson White pointed out it looked like it was pre-existing non-compliant. Board Member Lonergan stated it was also a minimal request. **The motion then carried unanimously.**

DISCUSSION - None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:15 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Loni' or 'Loni Statler', written in a cursive style.

Senior Planner Statler
Secretary to the Board



PLANNING SERVICES

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

December 18, 2019

MEMBERS PRESENT: Chairperson Taylor, Vice Chairperson White, Board Member Del Gallo, Board Member Lonergan, Board Member Sebold, Board Member Shelley,

MEMBERS ABSENT: Board Member Stepherson, Board Member Wiggins, Board Member Williams

STAFF PRESENT: Senior Planner Statler, Planning Technician Hargett, Building Official Bilby

OTHERS PRESENT: Sabra Wilson

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:05 p.m. by Chairperson Taylor with a quorum present. He then read the ZBA rules and instructions to the audience.

2) APPROVAL OF MINUTES

Due to a cyber-attack, the minutes from the previous November 20, 2019 meeting were unavailable for approval but would be furnished at the next Board meeting.

3) ZBA 2019-11 4339 Private Pointe Drive HC-1

Mohammed Rahman is requesting a Variance to reduce the rear setback for an accessory structure from 3.0 feet to 2.0 feet to accommodate a pool enclosure. The applicant proposes to attach the screened pool enclosure to the interior side of the existing block wall, which is located 2 feet from the property line. A water feature was incorporated into the block wall. Attaching the screen enclosure on the top of the wall will allow the applicant to continue to use the water feature as designed and constructed.

Upon restoration of server access disrupted from the recent cyber-attack on the City of Pensacola, staff was able to review previous permit records and gain new perspective to the project. A permit was issued for the construction of a pool enclosure located 4.5 feet

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from the rear property line; the water's edge of the pool is located 3.0 feet from the rear property line as allowed per Code. The contractor for the project constructed the pool enclosure by attaching to the top of the existing block wall, approximately 2.0 feet from the rear property line. The property owner is seeking a Variance to rectify the situation. The violation was brought to the attention of the City by the adjacent neighbor to the rear.

Mr. Kahn, a structural engineer, presented to the Board and stated the palm tree in the rear was placing debris in the swimming pool, and the purpose of the enclosure was to protect the pool from the debris considering the cost for cleaning the pool. He advised the main structure was in compliance with the requirements, but it was necessary to have a lateral screening, but there was no room for this except on the wall. Chairperson Taylor determined there was a permit to build an enclosure 4.5' from the property line. Mr. Kahn advised the contractor came to the City, pulled the permit and began the construction. He explained the wall was not a part of the enclosure, but to have the lateral screening, it had to have that support. The main structure was supported on the posts.

Mr. Bilby, Building Official, advised only one permit had been pulled to build the original enclosure. He explained a complaint had been received while the permit was still active about it being attached to the wall. It was his understanding that it was removed at one point and reinstalled later on. The permit expired and was never closed out; the final was never resolved by the contractor. Before his office reopens the permit, the Board needed to decide to grant the variance or leave it 4.5' off the property line as proposed. He advised the wall was existing before they built the pool enclosure. Senior Planner Statler explained the wall appeared to be minimally off the property line. Mr. Bilby stated, based on his knowledge of how these structures are built, the posts are the supporting element of the structure and not the angle members attached to the wall. He explained if you had a common pool enclosure with no wall, it would be screened straight down. He pointed out with the accessory structure provisions which include the pool enclosures, the setback is 3' from the rear property line; in this case the attachment to the wall exceeds that and that was why the applicant needed a variance. The posts themselves seem to be in compliance. If there was an overhang, the Code allows for a projection of 1' which allows 2' from the property line which would be a non-supported projection into that setback.

Mr. Kahn explained again the purpose of the screening was protecting the pool of the palm debris. Mr. Bilby advised his office looks at a wall the same as a fence, and as long as they don't exceed the 6'6" it would be acceptable on the owner's property.

Ms. Wilson, who lives directly behind the property, addressed the Board and furnished a picture of the home. She stated it was built in 2006 with the walls and was not designed to have a pool enclosure. She stated the process began in February of 2018, and she called in when they attached to the wall, and the Inspections Department came to the property where it failed the inspections twice. They were told under threat of fines to remedy the situation. It was then detached from the wall, and a year later, it was reattached to the wall. During that time, they never finished the screening, leaving it open on the rear and east side. She felt like they were living on top of her since it was a patio

community. She felt it decreased the value of her property from an aesthetic perspective. She also explained any debris that gets trapped in there would eventually pile up and fall into her yard; it could not be cleaned out since there was no means of access behind it. She further explained they failed inspections twice because they were in violation of the setback.

Mr. Bilby clarified that his department logged in two inspections which did not involve the setback issue, but they received a separate Code complaint which was addressed separate from the building permit process. The building permit inspections violations were determined to be no grounding on the enclosure, and it did not meet the pool/child barrier requirements (March 27, 2018) but was resolved April 12, 2018, when they removed the section on the wall. A re-inspection also failed which stated "work not complete" where they either did not fix those issues or there were issues not complete on that project. The permit expired around October of 2018, six months after the last inspection. He advised they had taken this issue to the Code Enforcement Board where it was found in violation of expired permits and setback issues, and that is where they stand today to see if there is a variance issue before they go forward with the Code violation or new building permits which address all the issues.

Ms. Wilson advised there were pools on both sides of this structure where the enclosures go straight down, allowing the debris to fall within their own residences.

Board Member White made a motion to deny the request, seconded by Chairperson Taylor. Board Member White stated it sounded like the approach had been to remedy this twice with the City and being told it was just not possible. **It was self-created and there were other alternatives. He had problems supporting a variance that conflicted with the Board's criteria needed to support it. Chairperson Taylor agreed there were no special conditions, building the pool so close to the wall and the requirement that the enclosing structure be built close to the pool.** As far as special privileges were concerned, he did not know if those were there but was swayed by the fact of the natural structure whose design would push all the debris into the neighbor's yard, noting other property owners were required to take care of their debris. Basically, the roof debris coming from this enclosure makes it Ms. Wilson's problem as well as their own problem, and other enclosed pool houses account for this. Regarding needing a variance because of the palm tree, he did not agree.

Board Member Lonergan understood they wanted to protect their yard, but it was inadvertently affecting another property. After seeing the other pool enclosures, it was the slant drawing debris the wrong way, and there were other ways to build it. Perhaps there might be a way to cover only the water feature and build down along the posts so there would be some protection and a more minimal way to have it covered and be able to clean up the yard waste and not affect the pool. Board Member Larson appreciated the applicant's frustration, but it was just not variance worth.

Senior Planner Statler stated they could find a happy medium as long as they were not going beyond what they have asked, and you could certainly scale back what they have

asked for. If they felt they wanted to preserve the area over the water feature, the Board could make a motion to do so. Building Official Bilby clarified staff was not suggesting this but merely advising the Board of their ability to do so.

Ms. Wilson explained a 3' setback was not very large so to grant 1/3 of that seemed to her to be out of the box even for a water feature which had been there since 2006. Mr. Kahn advised a solution might be to bring the structure which is under the water down, where it would have a veiling to have an opening to clean out the debris – maybe a foot below the wall with a channel all the way across so the pool would be protected against debris, and the neighbor would also be protected. Chairperson Taylor explained the Board was discussing tabling the request to receive a revised design which would require a variance and address all the problems with the debris going into the neighbor's yard. Senior Planner Statler stated the Board could table the request and set the date for review as a date specific meeting (January 15, 2020). She explained she could give the applicant until noon on December 27, 2019, to provide revisions. Mr. Kahn stated he would confer with the applicant. Ms. Wilson asked if the Board tabled the request, what would happen in the meantime. Mr. Bilby encouraged the applicant to get the permit reactivated, and the contractor could take it down and remove the violation since they would be removing it for the redesign anyway. **Board Member White withdrew his motion to deny, and made a motion to table the request. The applicant also agreed. Chairperson Lonergan seconded the motion for a date specific January 15, 2020. The motion then carried unanimously.**

DISCUSSION – Board Member White addressed a time to discuss Board positions, and Senior Planner Statler agreed to research the matter for presentation at the January meeting.

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:41 p.m.

Respectfully Submitted,



Senior Planner Statler
Secretary to the Board



PLANNING SERVICES

Zoning Board of Adjustment

MEMORANDUM

TO: Members, Zoning Board of Adjustment

FROM: Leslie Statler, Senior Planner *lesne*

DATE: January 7, 2020

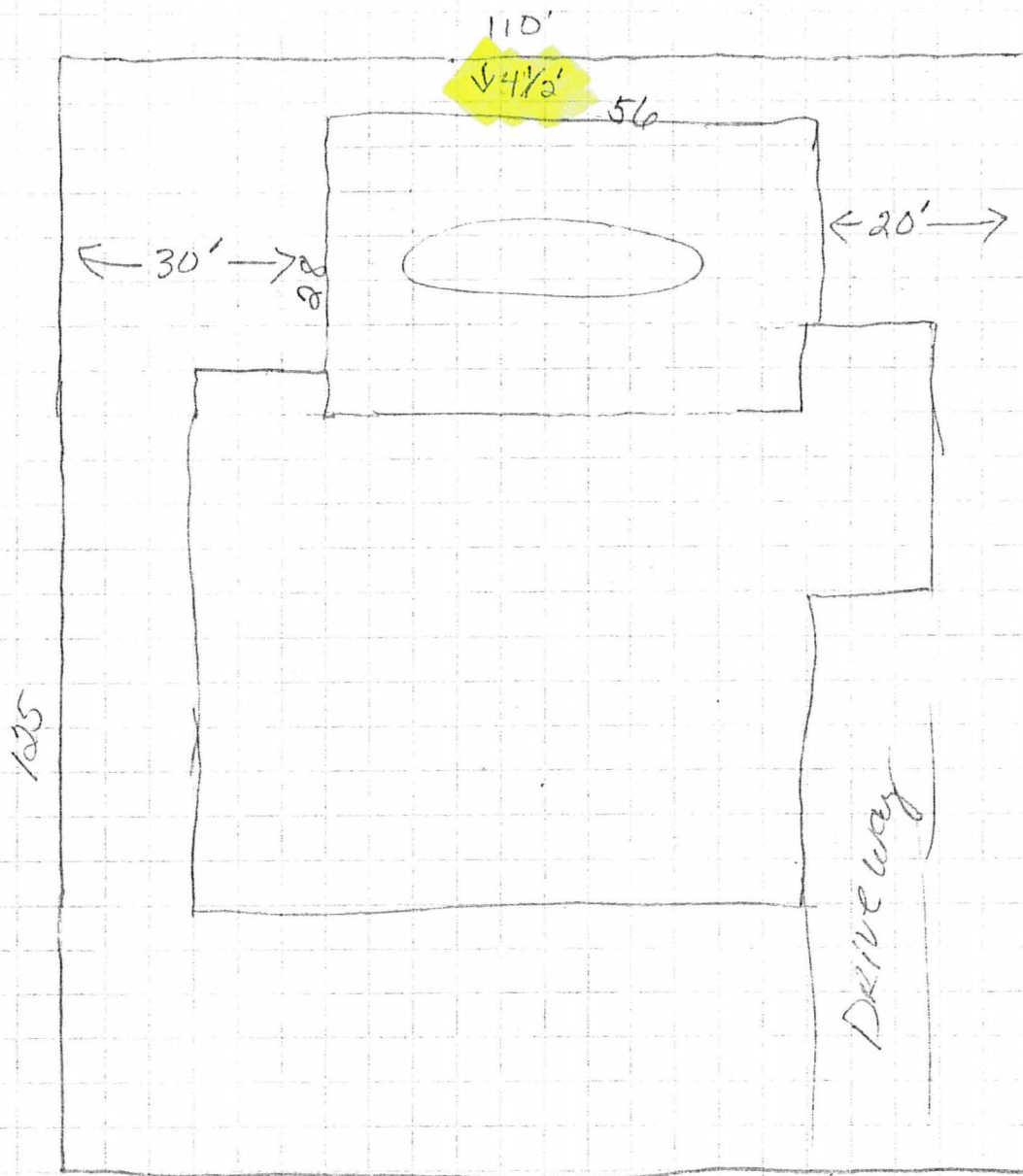
SUBJECT: ZBA 2019-11
4339 Private Pointe Drive
R-2

BACKGROUND

Mohammed Rahman is requesting a Variance to reduce the rear setback for an accessory structure from 3.0 feet to 2.0 feet to accommodate a pool enclosure. At their December 18, 2019, meeting, the Zoning Board of Adjustments TABLED the applicant's original request to attach the screened enclosure to the top of the existing block wall. The applicant has provided a modified plan that calls for the screen to be attached vertically to the existing support posts. A horizontal support will be installed 1.0 feet below the top of the block wall. This will allow for debris to be collected and disposed of without being intrusive to the adjacent property owners. The water feature, which is incorporated into the block wall, will also be able to function as designed and constructed.

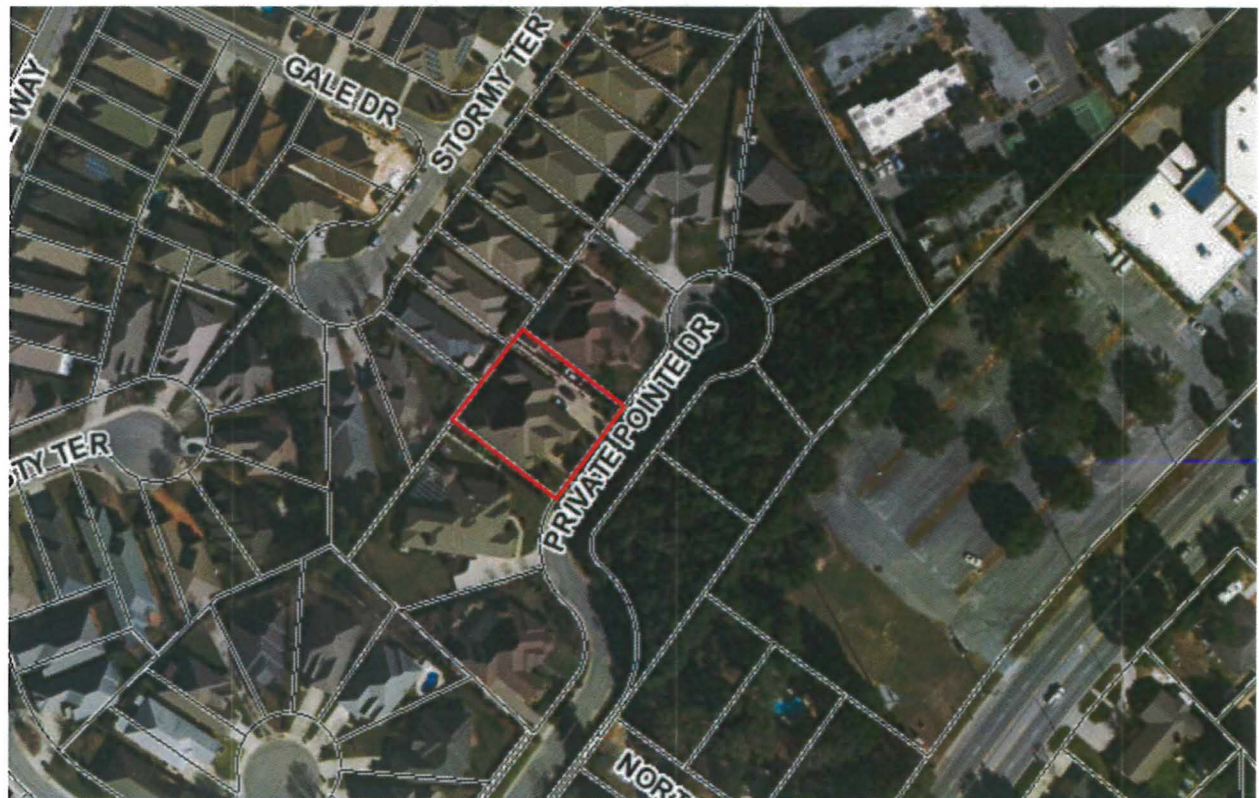
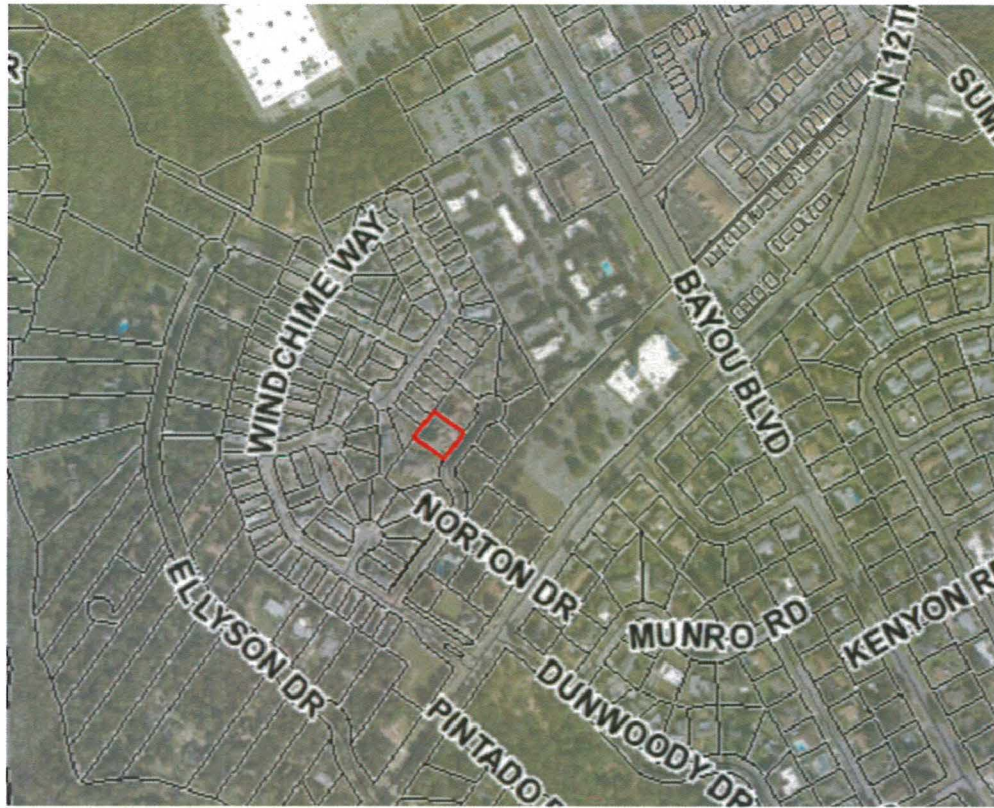
Attached you will find all materials as submitted attached for your review and consideration. Please note, an Administrative Variance could not be authorized for this reduction as this request exceeds the maximum reduction possible at an administrative level.

Approved
Site
Plan



4339 Private Pointe Dr

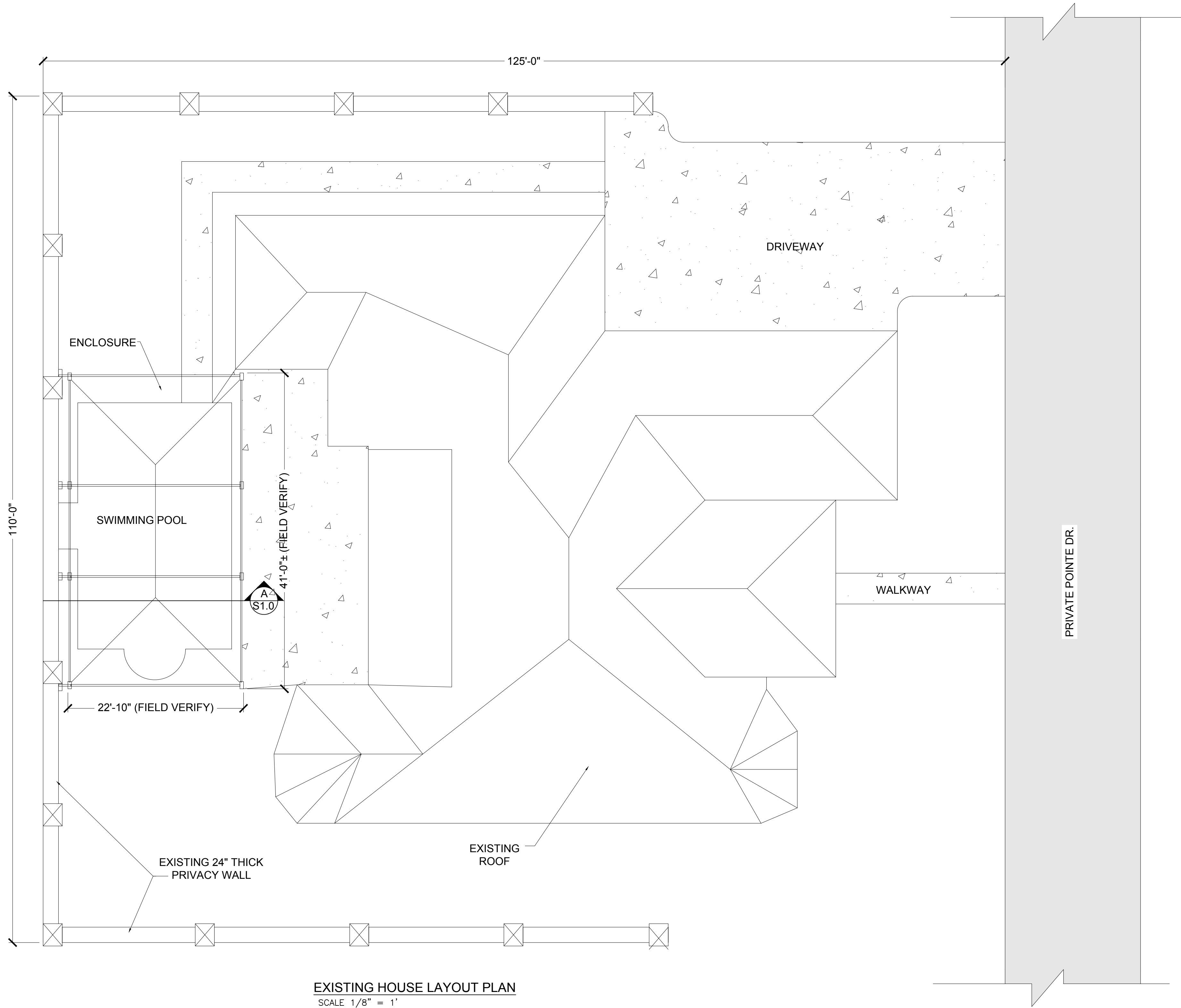
4339 Private Pointe Drive
Zoning District: R-2



4339 Private Pointe Drive
Zoning District: R-2

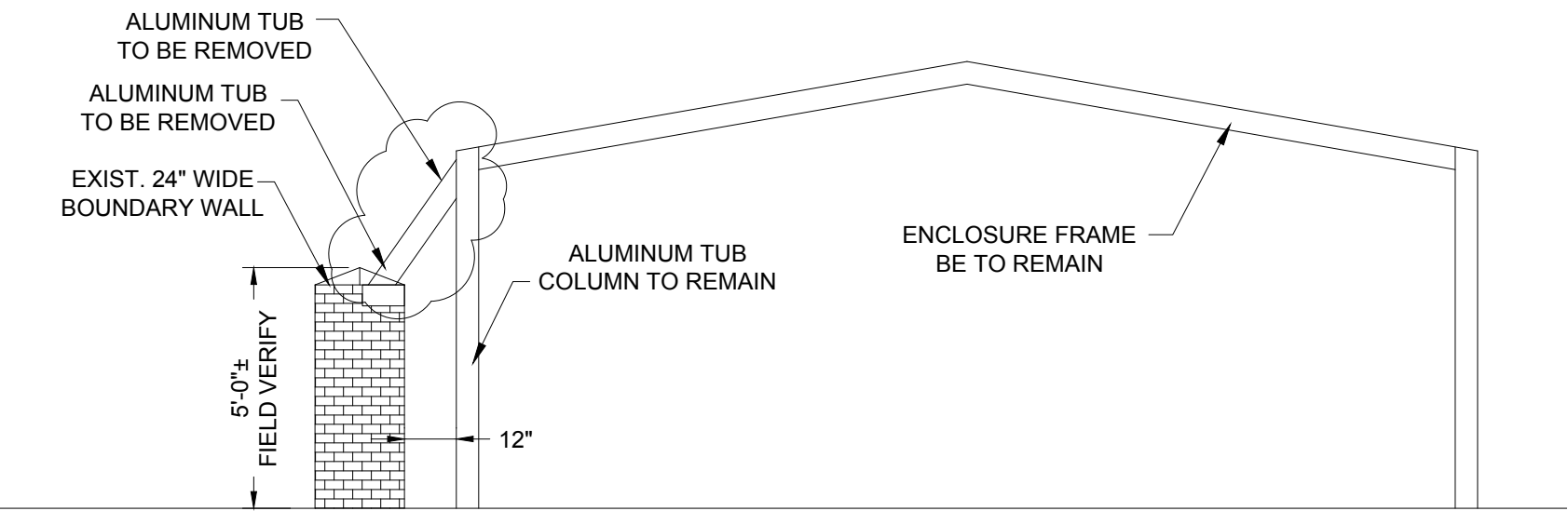


REVISED
SITE PLAN

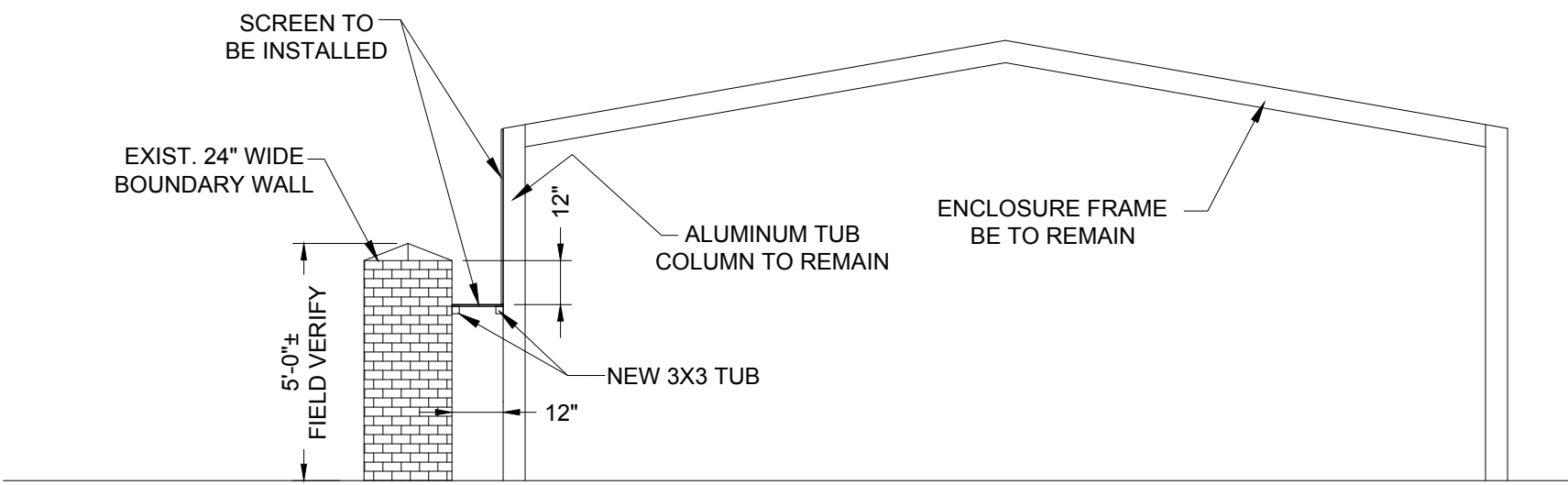


EXISTING HOUSE LAYOUT PLAN
SCALE 1/8" = 1'

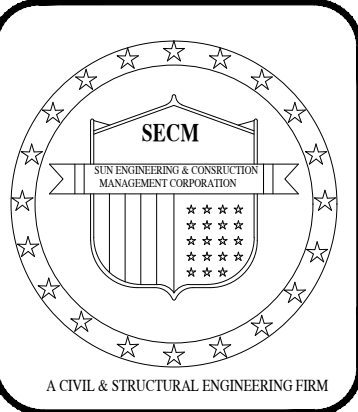
- GENERAL NOTES:
- ALUMINUM FRAMING SPECIFICATION:
1. CODES:
FLORIDA BUILDING CODE, 2017 EDITION, AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) 9TH EDITION, ALUMINUM DESIGN MANUAL AMERICAN INSTITUTE OF TIMBER CONSTRUCTION (TIMBER CONSTRUCTION CONSTRUCTION MANUAL, LATEST EDITION), BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE (A.C.I. 318-05)
 2. CONTRACTOR SHALL FIELD VERIFY ALL INFORMATION AND MAKE ANY CHANGES / ADJUSTMENT IF NEEDED.
 3. CONTRACTOR SHALL MUST GET RELEVANT PERMIT PRIOR TO START WORKING ON THE PROJECT. THE PLAN PRESENTED FOR GUIDANCE ONLY CONTRACTOR IS RESPONSIBLE FOR SIZING AND CONNECTION OF MEMBERS
 4. CUTS, HOLES AND COPING ETC. REQUIRED FOR OTHER TRADES SHALL BE SHOWN ON THE SHOP DRAWINGS AND MADE IN SHOP. CUTS OR BURNING OF HOLE IN STRUCTURAL MEMBER IN THE FIELD IS NOT PERMITTED.
 5. MAIN FRAME MEMBERS MUST BE CAPABLE TO WITHSTAND THE CURRENT WIND VELOCITY OF 160 MPH. CONTRACTOR SHALL SEEK PROFESSIONAL SERVICES TO GET PROPER DESIGN.



SECTION A SHOWING EXISTING CONDITION
SCALE 1/4" = 1'



SECTION A SHOWING PROPOSED CONDITION
SCALE 1/4" = 1'



Issue	Description	Date

Revisions

PROJECT NAME:	PROPOSED MODIFICATION OF POOL SCREEN
LOCATION:	4339 PRIVATE POINTE DR. PENSACOLA, FL 32503
COUNTY:	ESCAMBIA

Drawn By: DB
Checked By: KK

Sun Engineering & Construction Management Corp. Civil & Structural Engineering Firm Authorization No. 2837 6732 Cedar Ridge Circle, Milton, FL 32570 Phone: (850) 625-2252 e-mail: kkh@secmcorp.com	Cell: (850) 525-6612 Fax: (850) 865-2545
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Signed By: KK



Date:	12-23-19
Proj. No.	19-46

Drawing No. S1.0
SWIMMING POOL
FRAMING PLAN &
DETAILS

- ☒ **Zoning Board of Adjustment**
☐ **Architectural Review Board**
☐ **Planning Board**
☐ **Gateway Review Board**

VARIANCE APPLICATION

A COMPLETE APPLICATION SHALL INCLUDE THE FOLLOWING:

- A. One (1) copy of this completed application form. *(Please type or print in ink.)*
B. Site plan and/or survey showing the following details:*
1. Abutting street(s)
 2. Lot dimensions and yard requirements (setbacks)
 3. Location and dimensions of all existing structures
 4. Location and dimensions of all proposed structures and/or additions
 5. Dimension(s) of requested variance(s)
- C. Other supporting documentation (drawings, photographs, etc) to support request(s).*
- D. A non-refundable application fee of **\$500.00**.

** The Applicant must provide fourteen (14) copies of any documents larger than 8½ x 11 or in color.
Maximum page size for all submitted material should be 11" x 17" to allow for processing and distribution.*

(To be Completed by Staff)

Provision(s) of Zoning Ordinance from which the variance(s) is/are being requested:

Section(s)/ Tables(s) Sec. 12-2-31(D)(c) Zoning R-2

(To be Completed by Applicant)

The Applicant requests consideration of the following variance request(s):

Property Address: 4339 Private Pointe Drive
Current use of property: homestead

1. Describe the requested variance(s): To reduce the rear setback for a pool enclosure from 3.0 feet to 2.0 feet to allow the connection to the existing block/concrete wall.

2. Describe the special condition(s) existing on this property which create(s) the need for the variance(s), but which are not applicable to other properties in the same district and which are not the results of the applicant's actions:

The block wall includes a fountain/water feature for the pool. If we cannot attach the pool enclosure to

the wall, the fountains become useless and cannot be enjoyed.

3. Explain why the requested variance(s) is/are necessary to permit the property owner to obtain the right commonly enjoyed by other property owners in the same district:

4. Explain why the requested variance(s) is/are not detrimental to the general welfare or to property rights of others in the vicinity:

5. Explain what other condition(s) may justify the proposed variance(s):

Application Date: _____

Applicant: Mohammed A. Rahman

Applicant's Address: 4339 Private Pointe Drive, Pensacola, FL 32503

Email: azad1275@gmail.com Phone: 407-491-7854

Applicant's Signature: 

Property Owner: same as above

Property Owner's Address: _____

Email: _____ Phone: _____

Property Owner's Signature: 

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City Services, programs, and activities. Please call 435-1600 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

Planning Services
222 W. Main Street * Pensacola, Florida 32502
(850) 435-1670
Mail to: P.O. Box 12910 * Pensacola, Florida 32521



PREPARED FOR: MOHAMMED A RAHMAN

REQUESTED BY: RANDY BRICKER

JOB NO.: 10-18480-12

DATE: OCTOBER 17, 2012

PROPERTY ADDRESS: 4339 PRIVATE POINTE DRIVE

SCALE: 1"=30'

