



City of Pensacola

Zoning Board of Adjustments

Agenda

Wednesday, July 15, 2020, 3:00 PM

Hagler/Mason Conference Room,
2nd Floor

Quorum/Call to Order

Meeting Minutes

[20-00374](#) APPROVAL OF THE MINUTES FOR THE MAY 20, 2020, ZONING BOARD
OF ADJUSTMENTS MEETING

Attachments: [ZBA Minutes 5.20.2020](#)

Requests

[20-00375](#) ZBA 2020-003
230 N. REUS STREET
R-1B

Attachments: [ZBA 2020-003 230 N Reus Variance Application](#)

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.

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.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he 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.

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 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00374

Zoning Board of Adjustments

7/15/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 7/7/2020

SUBJECT:

Approval of the Minutes for the May 20, 2020, Zoning Board of Adjustments meeting

BACKGROUND:

N/A

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

May 20, 2020

MEMBERS PRESENT: Chairperson White, Board Member Shelley, Board Member Wiggins, Board Member Williams

MEMBERS VIRTUAL: Board Member Loneragan, Board Member Sebold, Board Member Stepherson, Board Member Taylor

MEMBERS ABSENT: Vice Chair Del Gallo

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

OTHERS PRESENT: — None

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:08 p.m. by Chairperson White with a quorum present. He then read the ZBA rules and instructions and explained the procedures of the virtual Board meeting.

2) APPROVAL OF MINUTES February 19, 2020

The amended ZBA February 19, 2020 minutes were approved by the Board.

3) ZBA 2020-002

2402 E. Scott Street

R-1AAA

Dio Perera, Walcott Adams Verneuille Architects, is requesting a Variance to reduce the street side (south) setback from 15.0 feet to 9.0 feet to accommodate a new single-family residence.

Mr. Perera presented to the Board and stated the site they were working with had some existing limitations with a 10' sewer easement which runs from north to south and limits how far east they can build. On the southern side, they have the East Scott Street right-of-way, and on the west is the 30' rear yard setback since the lot faces Bayou Texar further limiting the buildable space. The lot also falls with the Shoreline Protection District requiring larger setbacks than the neighboring lots. To be able to build and provide a nicer street frontage on East Scott Street, they asked that they be able to project the southern face of the building into the setback so the

mass of the building would project 3' with a cantilevered window and concrete steps leading up to the front porch with a cantilevered additional 3' totaling a 6' encroachment. They were allowing 27' of green space which currently exists between East Scott Street and the property lines. Even with the variance requested, they would still have 12' of green space between the property line and the building. They felt the impact would be minimal on the site and would allow more usable space for the footprint of the house.

Board Member Taylor asked when the existing home was built, and it was determined it was constructed in the '60s with the easement granted in 1958; there had been no changes or improvements. The clients were looking to demolish this structure and build a new residence. Gina Walcott joined the virtual meeting at this time. Mr. Perera advised they had considered other floorplans, but in order to accomplish the requested residence, they continually ran into problems with the existing restrictions. He pointed to 3' of the front porch along with the steps leading up to the porch, and an additional 3' as well with a home office and cantilevered window, and beyond this a covered rear porch. It was determined that the space north of the front porch area was not used in order to accommodate a garden to be viewed from the living area.

Senior Planner Statler advised that stairs were allowed to encroach, and these stairs were compliant and not part of the issue. It was pointed out that if there was no cantilevered window, the variance request would be 3'. Staff explained the Code did not allow for cantilevered bay windows to encroach, so they would still be looking at a setback issue. Board Member Shelley stated that most of the houses faced Yates, and Senior Planner Statler explained there was no issue with the City in having the garage on the front. She stated the tier of the lots would determine where the front was and how a front yard setback was applied; this lot actually fronts on Osceola which was no longer there. She further indicated that if you tried to apply a front yard setback and a rear yard setback using Scott Street and the property line to the north, it would not be a buildable lot but a ranch style home. Board Member Shelley stated the address had been changed to Scott Street which made an unusual situation. Staff explained the location of the front door determined the address.

Staff was not aware of any changes to the lot since 1958, and the home would have been built before the Shoreline Protection Ordinance and was in compliance with the protection overlay. It was also noted no phone calls or emails from the public had been received on this item.

Board Member Wiggins made a motion to approve, seconded by Board Member Lonergan. Board Member Lonergan stated one of the biggest concerns of the Board was if this was a self-created problem. Considering the lot and location and still acquiring what the lot owner wanted, the 6' with all the other green space which would remain and the unique situation with the easement was why he was moving forward at this point. Chairperson White personally felt this was 100 percent self-created and had problems rationalizing this. Board Member Lonergan pointed out the homeowner purchased the property knowing the easement existed, but given the amount of green space that would be left, it was mostly 3' the entire way with 6' for a small span of window and felt it was a minimal request considering the situation with the lot. Board Member Taylor agreed with Chairperson White that

the Board needed to take a special consideration since the Council put special protection requirements here and also felt it was 100 percent self-created; there was already a home on the lot which was in compliance, and the home was purchased with the knowledge of the easement thus making it a self-created issue. Board Member Wiggins disagreed that it was self-created since the Board granted variances for properties on cul-de-sacs, and it would be easy to say you bought a house on a cul-de-sac, and you created your problem; they did not create the easement but bought the property and were limited in space by that easement. He felt the request followed the guidelines and was the minimal amount of space requested.

Chairperson White, Board Members Taylor, Shelley, Williams and Stepherson voted to deny the request, with Board Members Sebold, Lonergan, and Wiggins voting to approve. The variance motion was denied 5 to 3.

DISCUSSION – None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:38 p.m.

Respectfully Submitted,



Senior Planner Statler
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-00375

Zoning Board of Adjustments

7/15/2020

TO: Zoning Board of Adjustments Members

FROM: Leslie Statler, Senior City Planner

DATE: 7/7/2020

SUBJECT:

ZBA 2020-003
230 N. Reus Street
R-1B

BACKGROUND:

Sean Kelly, BiRite Enclosures, is requesting a Variance of 3 feet 6 inches to the minimum required rear yard setback of 10 feet to accommodate a screened room enclosure. The enclosure has been constructed over the existing patio (at grade slab). During permit review, the City review staff cited the encroachment and issued comments accordingly. The applicant's office manager did not make him aware of the problem and he proceeded with construction.

The applicant has been engaged with City staff and is seeking a Variance to resolve the situation. He is aware the options are a Variance to the required rear yard setback or the removal of the screened room. He is aware permits will be required should the Board approve the request.

Although this property lies within the CRA Urban Design Standards Overlay, the project is exempt from the provisions of Sec. 12-2-25 since it is an addition to an existing structure.

Attached you will find the supporting documents as provided by the applicant. These include pictures of the actual screened room as well as letters of no objection from the adjacent property owners.

LDC 12-2-4, Table 12-2.3

- ☒ **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. 12-2-4, Table 12-2.3 Zoning R-1B

(To be Completed by Applicant)

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

Property Address:

230 N. Reus St. 32502

Current use of property:

Single family residential

1. Describe the requested variance(s):

3'8" encroachment into the rear 10' building setback line.

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:

In response to a neighbor's threat to kill her cats if

Planning Services

222 W. Main Street * Pensacola, Florida 32502

(850) 435-1670

Mail to: P.O. Box 12910 * Pensacola Florida 32521

they came onto his property again, the homeowner wanted an outdoor screened in space on her existing patio to contain her pets.

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:

There is not enough space on the property to build a sufficient structure without encroaching on the rear setback.

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

The structure is barely visible from the roads. In addition, all three adjoining neighbors have given their approval for the structure to remain as built. They do not have any concerns regarding the rear setback encroachment.

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

Application Date: 6.23.2020

Applicant: BiRite Enclosures

Applicant's Address: 1171 W. Detroit Blvd. Pensacola, FL 32534

Email: Sean@birtenclosures.com Phone: 850-470-9338

Applicant's Signature: [Signature]

Property Owner: Elti Nebel

Property Owner's Address: 230 N. Reus St. Pensacola, FL 32502

Email: eltinebel@gmail.com Phone: 850-542-7877

Property Owner's Signature: [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.

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(850) 435-1670

Mail to: P.O. Box 12910 * Pensacola, Florida 32521

June 24, 2020

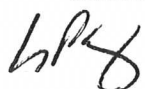
To whom it may concern:

I, Sean Kelly, owner of BiRite Enclosures acknowledge the screened in patio cover built at 230 N. Reus St. Pensacola, FL. 32502, by my employees, was built prior to a permit being issued. This does not reflect our normal standard of practice and I take full responsibility. We strive to follow all applicable codes and zoning laws. I am fully prepared to take whatever necessary steps deemed worthy by the city to correct this issue. I have offered to take down the structure and refund the homeowner in full. At this time, Ms. Nebl wants to proceed with trying to obtain a variance. She is happy with the structure as the screened in patio cover has solved the issue a neighbor a few doors down has in regards to her pets. After receiving threats from this neighbor in regards to the safety of her cats, timeliness was of the essence in our office staff trying to accommodate her. I have personally promised Ms. Nebl that I would pay any and all costs to resolve the permitting issues and would exhaust all efforts in attempting to legally obtain a variance for her screened in patio. I am not making excuses as to why the structure was built without a permit. It was never my intention to build the cover without a permit. If I had been aware of the encroachment issues I would have instructed the homeowner to apply for a variance.

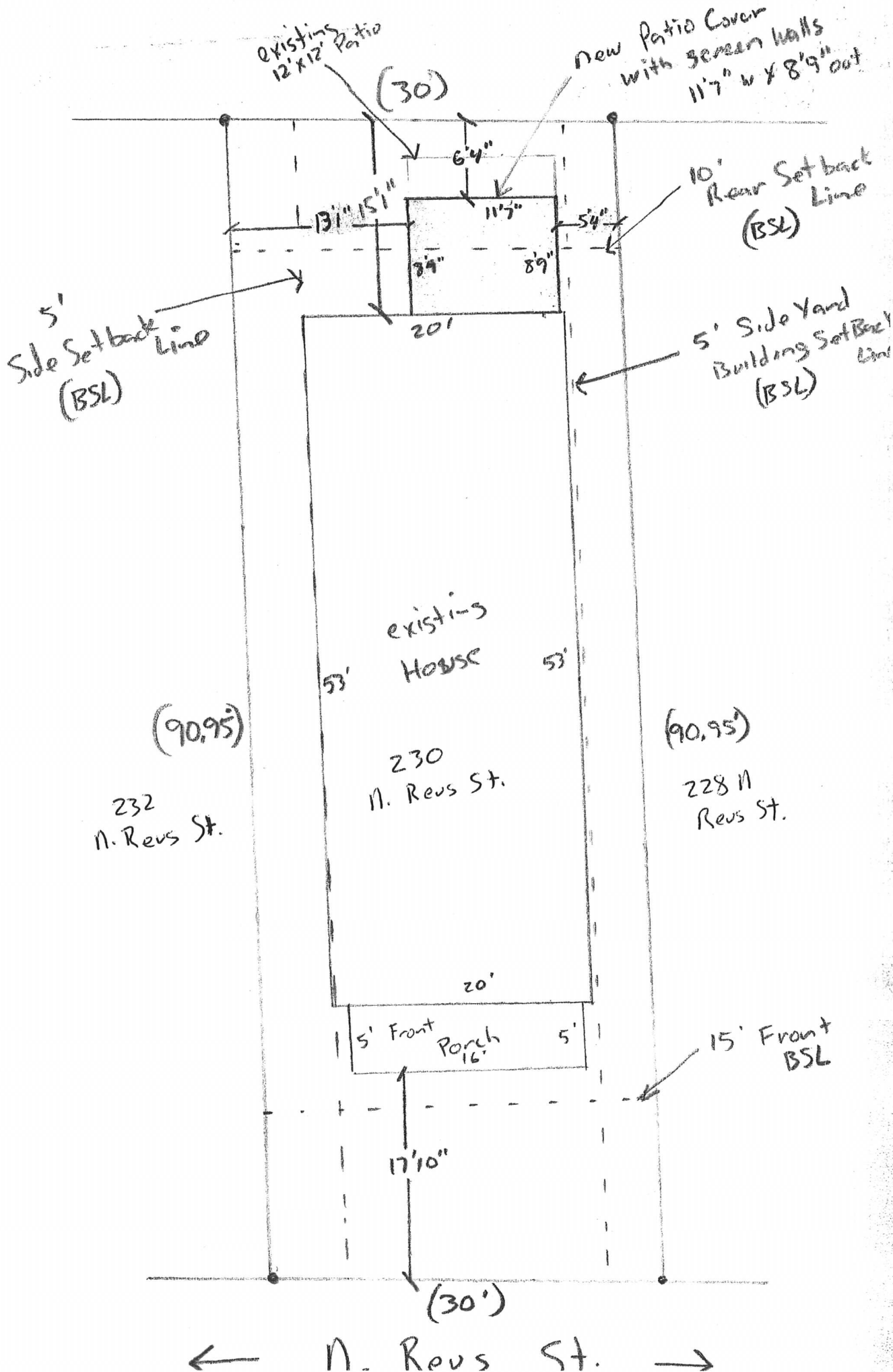
Below is a timeline of events surrounding the construction of the cover:

- On November 19, 2019 Bi-Rite Enclosures was contracted to build a screened in patio cover by Mrs. Nebl. The contract specified a 2-3 week completion date. Ms. Nebl wanted the screened in cover to be built as soon as possible to alleviate the anger and concerns of a neighbor. A neighbor who had trapped one of her pets and threaten to kill it next time.
- On November 21st the permit application was brought in to the building department along with 2 other applications. In the past the process for obtaining a specialty structure permit similar to these was to bring in the application where they would be reviewed and issued then and there if you were willing to wait. However, at this time our office employee was told that the applications would need to be dropped off and picked up at a later date.
- Prior to December 9th, our office was notified that "permits" were ready for pick up. She was not notified at this time there were any concerns. She in turn told our foreman the "permits" were ready and he scheduled the cover to be installed.
- On December 9th the screened in patio cover was installed.
- On December 17th an email was sent to our office manager indicating the plans did not meet setback requirements of 10'. This message was not relayed to anyone else within the company.
- The employee was repeatedly asked for the permit documentation.
- Months later it became apparent the employee, in fear for her job, had hidden the fact there was an encroachment into the rear setback and that the permit was not issued after we found emails on her computer.

Sincerely,

 President Bi-Rite Enclosures Inc.

6-22-2020





View 2



View B



View C



View D



June 23, 2020

Pace Temple Christian Methodist
2910 W Gadsden St.
Pensacola, FL 32502

Request for an encroachment variance for the patio cover into the established rear setback at 230 N Reus St.

Pace Temple Christian Methodist:

As the owner/contractor of 230 N. Reus St., I am submitting to the City of Pensacola a variance request for the patio cover that requires an encroachment of 4' into the rear setback. See attached survey/site plan showing the location of the patio cover.

As part of the submittal, the City of Pensacola requests letters of comment from the adjoining/affected landowners stating that they have reviewed the site plan and either do or do not have any comments to the encroachment.

Please review the attached plan, check the appropriate line below. It is important for the city to receive comment from the neighbors prior to final action.

Thank you for your consideration and if you have any questions please contact me at:

Sean Kelly (850) 476-9338 Contractor

Sincerely,

Sean Kelly

(Check one and sign)

☒ I HAVE NO COMMENT

☐ I HAVE COMMENTS, SEE BELOW

Signature and address of adjacent landowner:

Dr. B. Earl Huber Sr.

Date: 06, 22, 2020

June 23, 2020

Albert Tagoe
228 N Reus St.
Pensacola, FL 32502

Request for an encroachment variance for the patio cover into the established rear setback at 230 N Reus St.

Dear Albert Tagoe:

As the owner/contractor of 230 N. Reus St., I am submitting to the City of Pensacola a variance request for the patio cover that requires an encroachment of 4' into the rear setback. See attached survey/site plan showing the location of the patio cover.

As part of the submittal, the City of Pensacola requests letters of comment from the adjoining/affected landowners stating that they have reviewed the site plan and either do or do not have any comments to the encroachment.

Please review the attached plan, check the appropriate line below. It is important for the city to receive comment from the neighbors prior to final action.

Thank you for your consideration and if you have any questions please contact me at:

Sean Kelly (850) 476-9338 Contractor

Sincerely,

Sean Kelly

(Check one and sign)

☒ I HAVE NO COMMENT

☐ I HAVE COMMENTS, SEE BELOW

Signature and address of adjacent landowner: _____

Date: _____

6/23/20

June 23, 2020

Austin & Alissa Ramsay
232 N Reus St.
Pensacola, FL 32502

Request for an encroachment variance for the patio cover into the established rear setback at 230 N Reus St.

Dear Austin & Alissa:

As the owner/contractor of 230 N. Reus St., I am submitting to the City of Pensacola a variance request for the patio cover that requires an encroachment of 4' into the rear setback. See attached survey/site plan showing the location of the patio cover.

As part of the submittal, the City of Pensacola requests letters of comment from the adjoining/affected landowners stating that they have reviewed the site plan and either do or do not have any comments to the encroachment.

Please review the attached plan, check the appropriate line below. It is important for the city to receive comment from the neighbors prior to final action.

Thank you for your consideration and if you have any questions please contact me at:

Sean Kelly (850) 476-9338 Contractor

Sincerely,

Sean Kelly

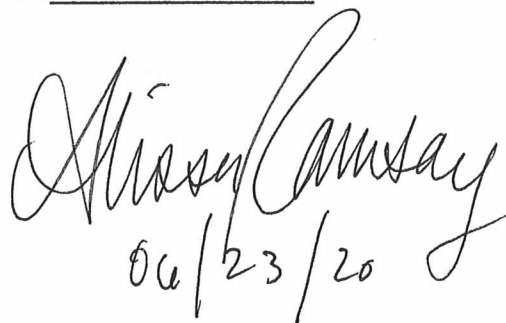
(Check one and sign)

☒ I HAVE NO COMMENT

☐ I HAVE COMMENTS, SEE BELOW

Signature and address of adjacent landowner: _____

Date: 6-23-20


06/23/20



Chris Jones

Escambia County Property Appraiser

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General Information

Reference: 000S009010112002
Account: 130930200
Owners: NEBL ELTI
Mail: 230 N REUS ST
 PENSACOLA, FL 32502
Situs: 230 N REUS ST 32502
Use Code: SINGLE FAMILY RESID
Taxing Authority: PENSACOLA CITY LIMITS
Tax Inquiry: [Open Tax Inquiry Window](#)
 Tax Inquiry link courtesy of Scott Lunsford
 Escambia County Tax Collector

Assessments

Year	Land	Imprv	Total	Cap Val
2019	\$27,280	\$97,464	\$124,744	\$120,951
2018	\$27,280	\$91,416	\$118,696	\$118,696
2017	\$19,096	\$0	\$19,096	\$19,096

Disclaimer

Tax Estimator

➤ **File for New Homestead Exemption Online**

Sales Data

Sale Date Book Page Value Type **Official Records (New Window)**

02/15/2017 7667 173 \$172,900 WD [View Instr](#)

Official Records Inquiry courtesy of Pam Childers
 Escambia County Clerk of the Circuit Court and
 Comptroller

2019 Certified Roll Exemptions

HOMESTEAD EXEMPTION

Legal Description

W 90.95/100 FT OF LT 12 BLK 2 BELMONT TRACT OR 7667 P 173
 CA 95

Extra Features

None

Parcel Information

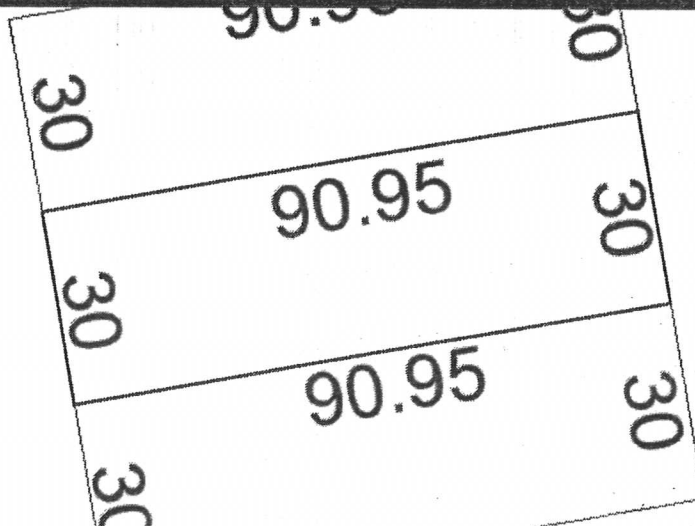
[Launch Mobile Map](#)

Section Map Id:
 CA095

Approx. Acreage:
 0.0617

Zoned:
 R-1B

Evacuation & Flood Information
[Open Report](#)



[View Florida Department of Environmental Protection \(DEP\) Data](#)

Buildings

Year Built: 2017, Effective Year: 2017

Structural Elements

DECOR/MILLWORK-ABOVE AVERAGE

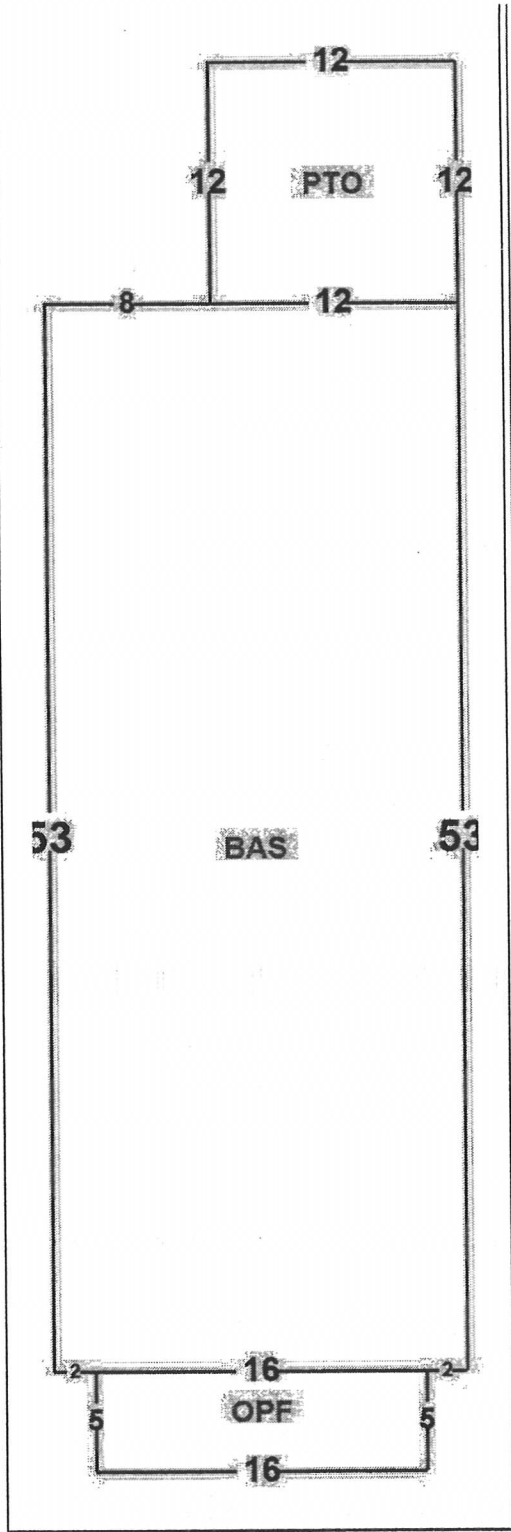
DWELLING UNITS-1
EXTERIOR WALL-SIDING-LAP.AAVG
FLOOR COVER-HARDWOOD/PARQET
FOUNDATION-SLAB ON GRADE
HEAT/AIR-CENTRAL H/AC
INTERIOR WALL-DRYWALL-PLASTER
NO. PLUMBING FIXTURES-7
NO. STORIES-1
ROOF COVER-METAL/MODULAR
ROOF FRAMING-GABLE
STORY HEIGHT-0
STRUCTURAL FRAME-LIGHT STEEL

Areas - 1284 Total SF

BASE AREA - 1060

OPEN PORCH FIN - 80

PATIO - 144



Images



5/8/17

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is

