



## Legislation Text

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**File #:** 21-0310, **Version:** 1

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### Summary

To: Town Commission  
From: Ashley L. A. Bernal, Assistant to the Town Manager  
Date: 10/19/2021

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### Subject:

Rehearing Variance Request - 628 Pineland Ave

### Summary:

This is a rehearing due to a previous voting discrepancy with the original hearing. The applicant is requesting a variance which would allow for the construction of a proposed garage addition. The addition would encroach into the required minimum 25' foot front yard setback by approximately 17' feet, resulting in an 8' foot front yard setback. The proposed garage addition would encroach into the secondary front yard by 12' feet, resulting in a 13' foot secondary front yard setback. As a result of Pinellas County's Mehlenbacher Rd project, there will be 49' feet from the back of curb to the garage. Revised site plan is included in application materials.

The proposed Mehlenbacher Road project by Pinellas County will reorient the intersection in front of this home to make Pineland intersect with Mehlenbacher at a 90 degree angle. As a result, the curb line created by the reorientation will bulb out by an estimated 25 additional feet from the property line. The creation of this curb line is also proposed to eliminate the southerly drive entrance, essentially reducing the utility of the circular drive. The changes proposed by the applicant would adequately address the burdens placed on the site by the removal of the southerly drive aisle.

It would appear that proposed single car placement on the north side would not be feasible due to placement of utilities and a very large oak tree, which the code would seek to preserve.

The staff report previously indicated that there was an existing garage, which there was not, the single car garage was converted to finished, conditioned floor space in 2004 and had been used as such since then. The 2021 remodel removed the additional exterior entry door among other interior improvements.

The Planning and Zoning Board unanimously recommended approval at their May 10<sup>th</sup> meeting.

**Previous Commission Action:** Approved at first hearing held May 18, 2021.

**Background/Problem Discussion:** ORIGINAL REQUEST: The addition would encroach into the required minimum 25' foot front yard setback by approximately 20' feet 2" inches, resulting in a 4' foot 8" inch front yard setback. Site plan is included in application materials.

**Expenditure Challenges** N/A

**Financial Implications:** N/A

**Recommendation:** Where the original application sought relief for safety reasons, the unique changes to ingress and egress of the property combined with the placement of the home, in addition to safety concerns, create a situation that the board may find creates an undue hardship. The applicant did evaluate several options proposed and ultimately did choose to amend their application by locating the proposed structure further to the north on the lot. The proposed site layout provided by the applicant is significantly similar to layouts of other homes on Pineland.

Due to the additional greenspace added to the southwest portions of the right of way, visually the encroachment into the front yard setback would not be injurious to the block or the zoning district. In addition, Representatives from the Town and Pinellas County agree that this placement would provide the least amount of conflict with proposed roadway improvements and would avoid further delay the Mehlenbacher road project. Staff recommends the approval as proposed, but would add that the board may want to consider maintenance of a vegetative buffer as a condition of approval.

**Proposed Motion** I motion to approve the variance request to allow for the construction of a garage which would encroach into the front yard setback by approximately 17' feet, resulting in an 8' foot front yard setback; as well as encroaching into the secondary front yard by 12' feet, resulting in a 13' foot secondary front yard setback for the property located at 628 Pineland Ave .