



Staff Report
City of New Port Richey, FL
Land Development Review Board
June 20, 2019

Case: Variance Application VAR2019-05 - 5911 Delaware Ave
Owner/Applicant: Mario and Leila Barbara, 5911 Delaware Ave, New Port Richey FL 34652
Request: A 4-foot variance to reduce the side (west) setback from 25 feet to 21 feet.
Proposed Use: Accessory Garage
Staff Contact: Chris Bowman, Planner, 727-853-1044, bowmanc@cityofnewportrichey.org

Statements of Fact

Property Location: 0.17 acres located on the northeast corner of Delaware Ave and Jefferson Street
Zoning: Residential District (R-3)
Future Land Use: LMD
Existing Use: Residential
Code References: Chapter 7 - Sections 7.03.00 and Chapter 12 - Section 12.03.00 of the New Port Richey Land Development Code

Analysis

Existing Conditions:

The 0.17 acre property is a corner lot, located on the east side of Jefferson Street, approximately 12 feet north of Delaware Avenue. The north side of the property borders an alleyway between Delaware Avenue and Montana Avenue and east side of the property abuts to an R-3 residential property. To the west and south side of the subject property is zoned R-3 residential.

The primary structure (1,500 sq ft) is 25 feet from the front setback, 5 feet from the east side setback, 11 feet from the west side setback and 50 feet from the rear setback. There is no existing garage. The existing driveway is located on the west side of the property.

Proposal:

The applicant would like a four-foot variance to construct a 24x30 (720 sq ft) accessory garage, 21 feet east of the property line along Jefferson Street and approximately 130 feet north of Delaware Avenue. The applicant is requesting this variance for the accessory garage because Ordinance 2016-2077 - Section 7.03.03(4) states that detached structures for accessory uses such as private garages may be located no closer to rear or side property lines than five (5) feet except where the rear or side of a building lot abuts an avenue or street in which case a detached garage or similar structure can be no closer to the rear or side property line than twenty-five (25) feet.

The proposed accessory garage would be 5 feet from the east side yard setback, 5 feet from the rear yard setback, 21 feet from the west side yard setback and 17 feet from the primary structure. The orientation of the garage would face Jefferson Street and a driveway is proposed to provide parking and access to the garage at the rear of the property.

Summary and Recommendation:

The Development Review Committee (DRC) reviewed the request and the variance criteria. In order for a proposal to be issued a variance, the LDRB must find:

1. That special conditions or circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the actions of the applicant;

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance would work unnecessary and undue hardships on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The DRC does not recommend approval of the request.

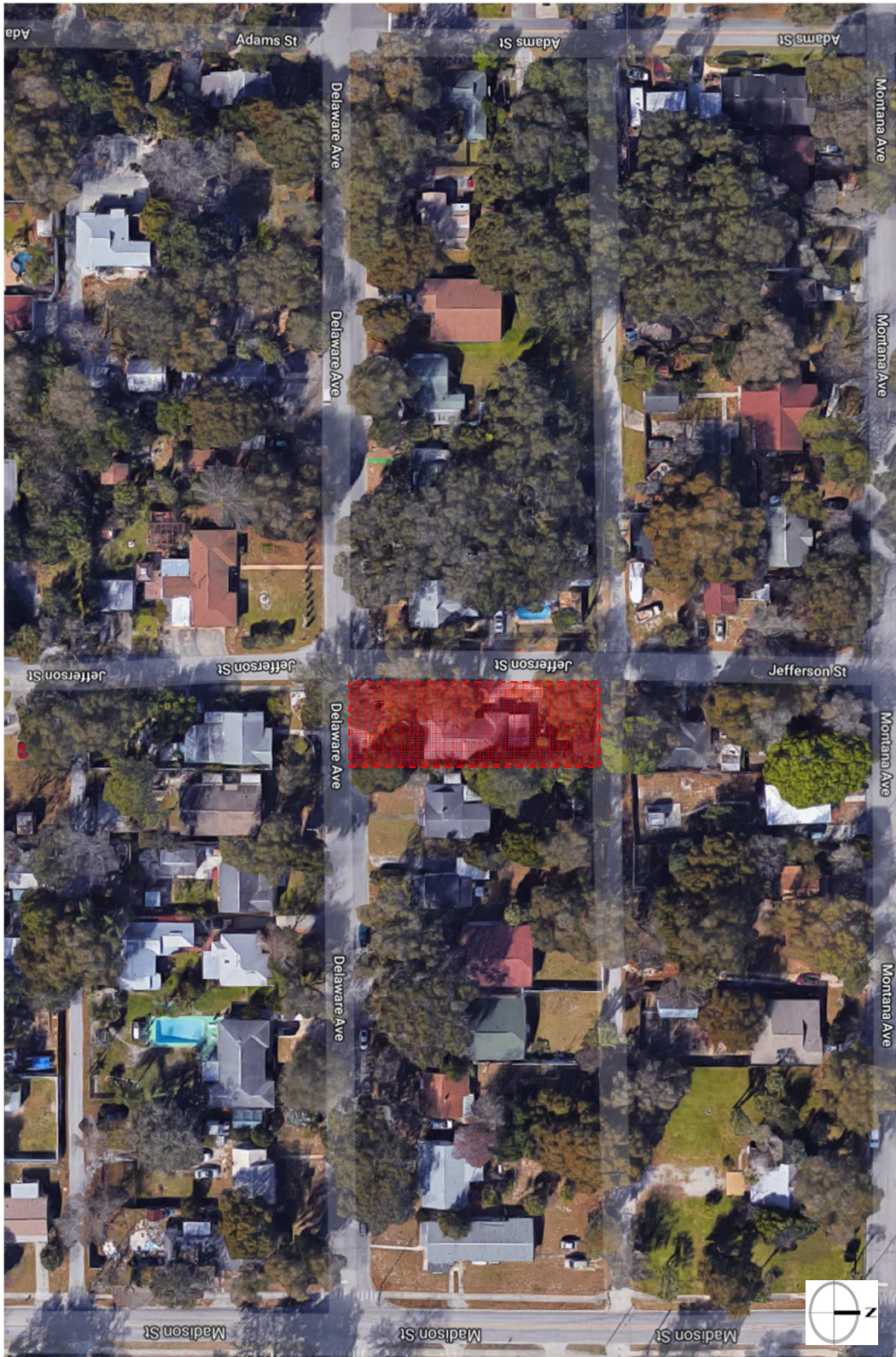
LDRB Review:

The Board is to conduct a quasi-judicial review of this case at its June 20, 2019 meeting. Ex parte communication shall be disclosed at the beginning of the meeting. The Board may approve the request, approve with conditions, or deny the request.

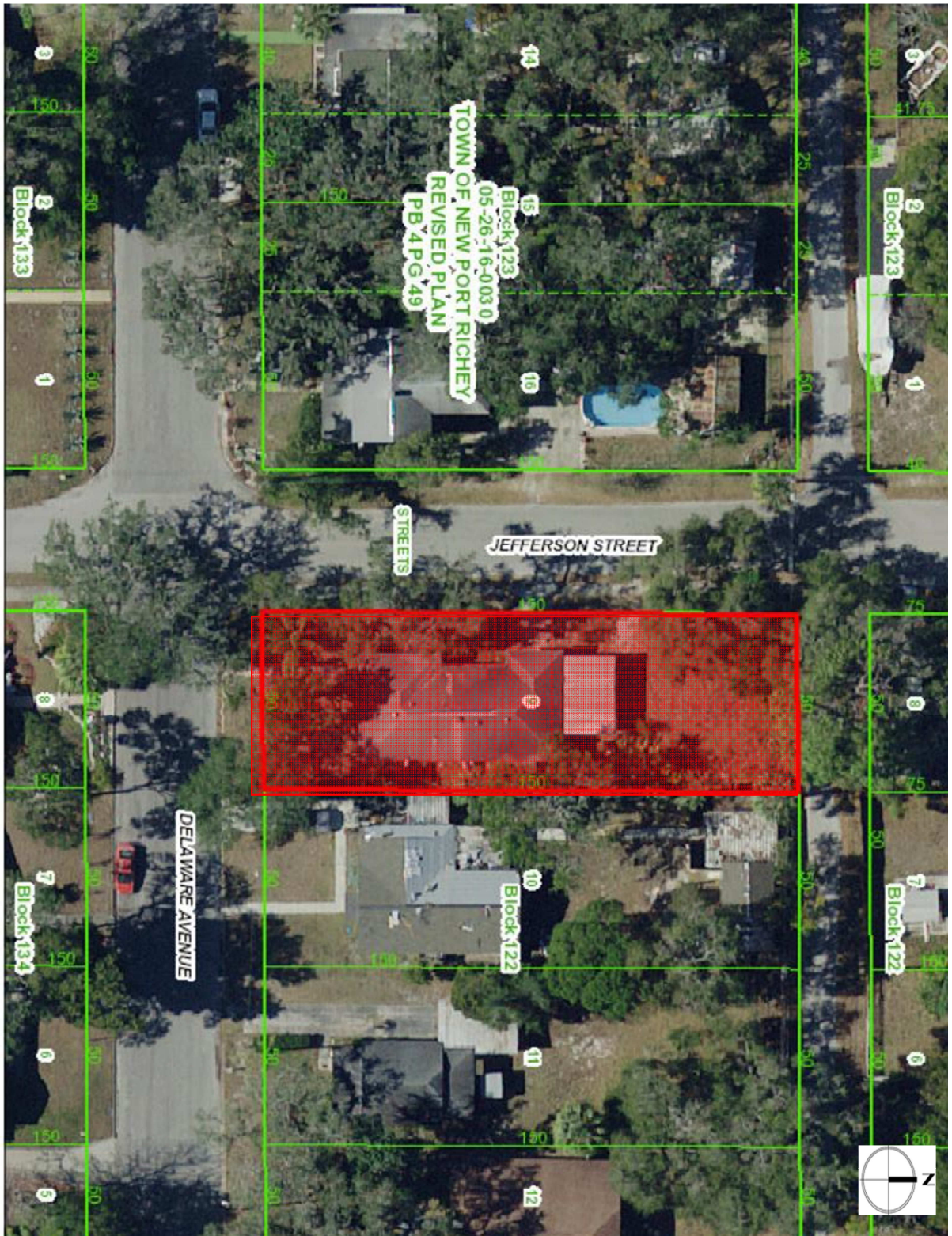
If the LDRB agrees with the DRC to approve the petition for the variance, then it shall be approved without need for a public hearing or further action by City Council. The applicant must wait for the 10-day appeal period to expire before applying for a building permit. The appeal period expires July 1, 2019 (an affected property owner may appeal the approval within that period). Should the LDRB disagree with the recommendation of the DRC, the petition shall be handled similar to an appeal. In this instance, the LDRB would not make the final determination. The case would be forwarded to City Council for final disposition.

Attachments:

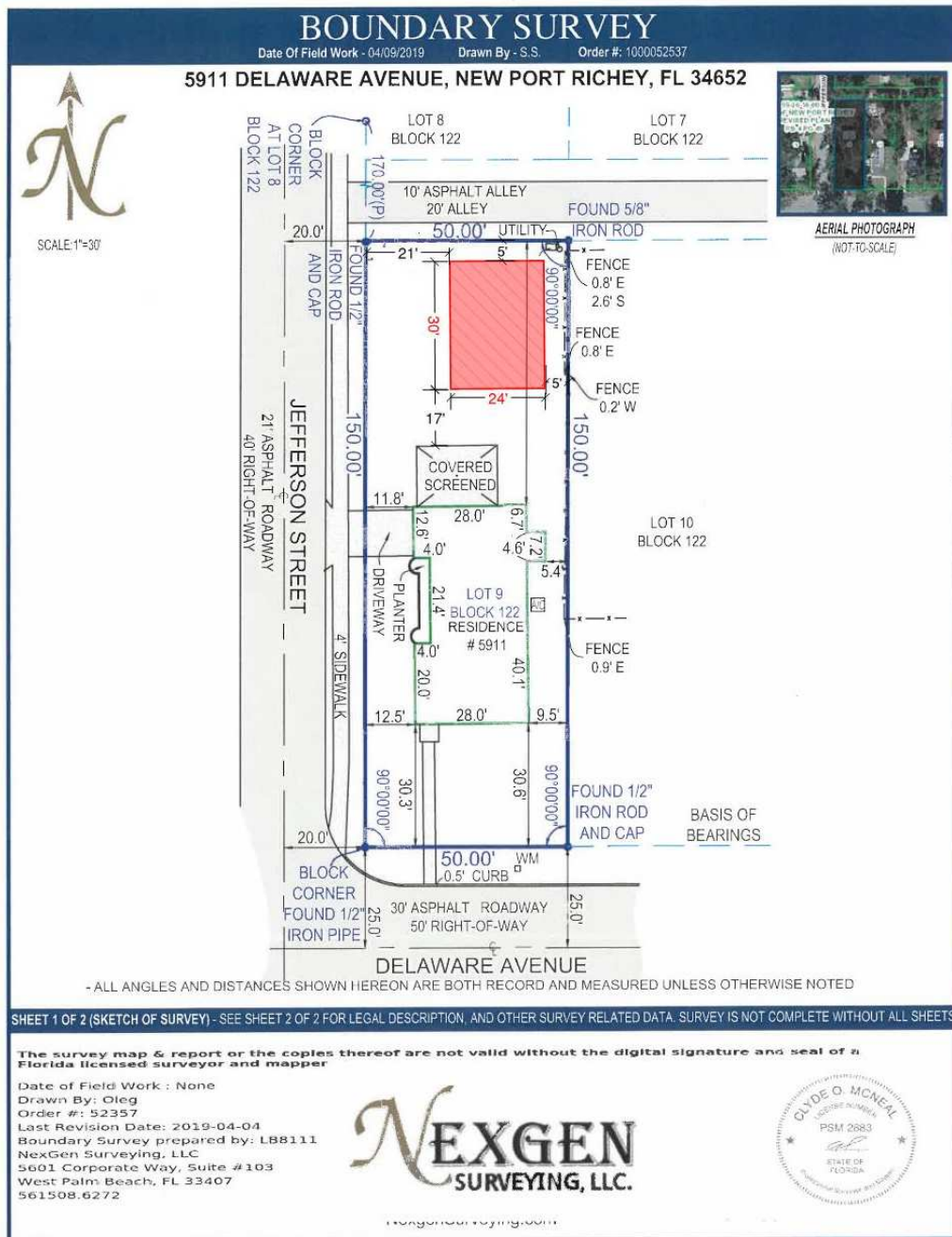
- Variance Application VAR2019-05
- Ex parte disclosure form



Area Map - Subject Property—5911 Delaware Ave



Subject Property—5911 Delaware Avenue (Overhead)



Subject Property-5911 Delaware Avenue(Survey)



Subject Property – 5911 Delaware Avenue(Side Yard View)



Subject Property – 5911 Delaware Avenue (Rear Yard View)