



MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Suzanne Sherman, City Manager

THRU: Lisa Frazier, AICP, Growth Management Director

DATE: August 13, 2024

RE: Request by Stefani Tennyson for a variance to allow an existing 11-foot by 16.9-foot concrete slab and a proposed shed to encroach 1.5 feet into the 6-foot side setback and 4.3 feet into the 10-foot rear setback for an accessory structure as established by Section 185.118, Palm Bay Code of Ordinances (0.23 acres) (V24-00001). (Quasi-Judicial Proceeding)

SUMMARY:

The property was originally developed in 2023 and consists of approximately 0.23 acres in the RS-2, Single-Family Residential District.

In October 2023, building permit BL23-12920 was submitted for a back patio and a shed slab at 1275 Scottish Street SW. Green Hammer Concrete submitted a survey for (2) concrete slabs showing them in compliance with all required setbacks. The building department approved a pre-pour inspection and then failed the final inspection due to the shed slab encroaching into the ten (10) foot rear utility easement. A complaint started as to why the pre-pour passed if the slab was encroaching at that time. The contractor and property owners were advised that the easiest solution would be to remove the section that is encroaching and re-do the slab as shown on the survey. Otherwise, a vacate of easement and a variance would be required due to a structure being placed on the slab.

The property owners have opted to pursue a vacating request and variance. The vacation of easement for the encroachment into the public utilities and drainage easement was approved via Ordinance 2024-29 on August 1, 2024. The applicant is now requesting a variance of 1.5 feet from the 6-foot side setback and 4.3 feet from the 10-foot rear setback for an accessory structure, as established by Section 185.118 of the Palm Bay Code of Ordinances. This is a variance of 1.5 feet, a 25% reduction from the code requirement for the side setback, and a variance of 4.3 feet, a 43% reduction from the code requirement for the rear setback

REQUESTING DEPARTMENTS:

Growth Management

STAFF RECOMMENDATION:

Staff recommends denial.

Planning & Zoning Board Recommendation:

Planning and Zoning Board minutes are not fully transcribed at this time; the following is an excerpt:

Motion by Mr. Boerema, Seconded by Mr. Jaffe to submit Case V24-00001 to the City Council for approval.

Result: Carried 4 to 1

Aye: Good, Boerema, Jaffe, Warner

Nay: McLeod

Abstain: None

ATTACHMENTS:

1. V24-00001 Staff Report
2. V24-00001 Variance Survey
3. V24-00001 Site Sketch for Vacation of Easement
4. V24-00001 Building Permit Survey
5. V24-00001 Applicant Photos
6. V24-00001 Narrative
- 6a. V24-00001 Applicant Response to Section 169.009
7. V24-00001 Application
8. V24-00001 Letter of Authorization
9. V24-00001 Legal Acknowledgement