



## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Scott Morgan, Interim City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** February 20, 2025

**RE:** Request by Santiago De Jesus Sermeno Torres for a variance to allow a proposed single-family residence to encroach 14.5 feet into the east 25-foot rear setback (0.24 acres) (Case V24-00010). (Quasi-Judicial Proceeding)

### SUMMARY:

This item is being submitted in accordance with Section 172.025 Variances, Palm Bay Code of Ordinances.

The subject property is currently unimproved and consists of approximately 0.24 acres in the RS-2, Single-Family Residential District. The property is located on the northeast corner of Waneta Street SE and Westlund Avenue SE. More specifically, this is parcel 29-37-16-GR-927-1 / tax account 2934887 and addressed as 1621 Westlund Avenue SE.

The applicant has proposed a one-story single-family residence of approximately 3,000 square feet, including +/- 2,000 square feet of living space, a +/- 500 square foot attached garage, and an attached trussed porch of approximately 462 square feet to face Westlund Avenue. In the RS-2 zoning district, principal structures must be setback 25 feet from the front, rear, and side corner property lines, and 8 feet from side interior property lines. The subject property does not have readily available access to City sewer lines and was required to obtain a septic permit from the Florida Department of Health. The Florida Department of Health approved the proposed septic system in the south section of the property, based on surrounding existing septic and well systems. The required location of the septic system limits the design options for the size and orientation of the principal structure.

As proposed, this house would encroach 14.5 feet into the rear property line. The rear property line of this parcel is shared with the side property line of an owner-occupied home to the east. If this home is constructed as proposed, the rear of the structure would be just over 10 feet from the

neighboring parcel. Rather than revise the dimensions or the layout of the proposed structure, the applicant has chosen to pursue a variance to encroach 14.5 feet into the east, 25-foot rear setback, equaling a 58% reduction from the requirements of the Zoning Code, Chapter 173.

**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. Karaffa, **Seconded** by Mr. Good to submit Case V24-00010 to the City Council for denial.

**Result:** Carried 5 to 0

**Aye:** Olszewski, Good, Karaffa, McLeod, Warner

**Nay:** None

**Abstain:** None

**ATTACHMENTS:**

1. Staff Report
- 1A. Aerial Map
- 1B. Site Location Map
2. Survey
3. Narrative
4. Septic Permit
5. Application
6. Letter of Authorization
7. Legal Acknowledgement
8. Legal Ad