

**CITY OF WILLISTON
BOARD OF ADJUSTMENT AND CODE ENFORCEMENT
SPECIAL CALL MEETING AGENDA**

DATE: June 4, 2018
TIME: 6:00 PM
PLACE: City Hall Council Room

BOARD OF ADJUSTMENT / CODE ENFORCEMENT COMMITTEE MEMBERS:

Sharon Brannan, Chair	<i>Staff</i>
Joab Penney	Latricia Wright, Secretary of the Board
Colette Roth	Alyssa Monaghan, Administrative Assistant
Marc Pompeo	Wayne Carson, Code Enforcement Officer
Thomas Oakes	Frederick Koberlein, City Attorney
Paul Missall	Josie Lodder City Planner
Pam Myhree	

CALL TO ORDER

AGENDA

- A. PLEDGE
- B. ROLL CALL –
- C. CITY STAFF SWORN BY SECRETARY –
- D. NEW CASES – VARANCE: V18-02
 - 1. **V18-02:** TO REVIEW AN APPLICATION FOR A VARANCE TO ALLOW THE SIDE YARD SETBACK BE VARIED FROM 15 FEET TO 0.09 FEET TO ACCOMMODATE THE EXISTING STRUCTURE IN A RESIDENTIAL MULTI- FAMILY (RM-2) ZONE.

A. APPLICANT:	CRYSTAL CURL
B. PROPERTY OWNER:	CRYSTAL CURL, ET-AL
C. ADDRESS:	315 SE 5 TH TER.
D. APPLICATION DATE:	APRIL 2, 2018
E. NOTICES SENT :	MAY 21, 2018
F. NOTICE POSTED:	MAY 21, 2018

NOTICE:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, THEY WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, THEY 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.

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E. OLD BUSINESS- **NONE**

F. NEW BUSINESS-- **NONE**

D. ADJOURN --.

-NEXT MEETING --JUNE 25, 2018

NOTICE:

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, THEY WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, THEY 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.



City of Williston

Application for Variance

Please remit to: **Planning and Zoning Department**
 City of Williston
 50NW Main St
 Williston, FL 32696

For more information please call 352-528-3060.

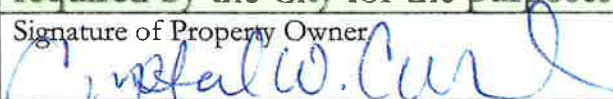
PART A. BASIC INFORMATION -PLEASE READ BEFORE COMPLETING

A variance is a quasi-judicial action taken by the Board of Adjustment and Code Enforcement that alters a specific requirement of the City of Williston Land Development Regulations.
A variance cannot be used to permit a use or activity not permitted by the Land Development Regulations and a variance cannot be used to permit a use or activity expressly prohibited by the Land Development Regulations.
Generally, the Board of Adjustment must find that there are special circumstances that exist that are peculiar to the land, structure, or building that do not result from actions of the applicant or property owner. Personal hardships are not acceptable justifications for variances to the Land Development Regulations.
Once an application for variance has been submitted and the application fee of \$360.00 has been paid, the Planning and Zoning Staff will begin processing the application. An applicant should expect a hearing to be held to consider their application within four to six weeks.
The applicant will be notified of any public hearings or special meetings held in regards to their application.
Variances to the subdivision regulations will be heard by the City Council and not the Board of Adjustment.
No written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the land development regulations administrator until the expiration of 12 calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the board of adjustment specially waives said waiting period based upon a consideration of the following factors: 1. The new written petition constitutes a proposed variance different from the one proposed in the denied written petition. 2. Failure to waive said 12-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

Staff Use Only

Application Number	V18-02
Date Received	April 2, 2018

PART B. APPLICANT AND OWNER INFORMATION (please complete legibly)

Date (date application is signed)	4/2/18
Applicant Name	Crystal W. Curl
Applicant Contact (Phone No./ Email)	willistoncurlyse@outlook.com 352-256-5787
Location of property to be affected by this variance (address)	315 SE 5th Terrace
Levy County Parcel ID	057790000
Legal Description of Property to be affected by this variance	
Property Owner	Crystal W. Curl
Contact Information (Phone No./ Email)	same as above
Brief description of variance being requested (attach additional sheets if necessary)	House built in 1960 additions not to current side setbacks. Before zoning + Building permits were enforced. Seeking approval that property + house is fine the way it is so we can sell.
Section(s) of City of Williston Land Development Code to be considered	
<p>By signing below, the property owner acknowledges that the information provided to the City on this application is true and correct to the best of their knowledge, that they have read PART A of this Form, and that the applicant listed above is authorized to submit any and all information required by the City for the purposes of this application for a variance.</p>	
Signature of Property Owner	

PART C. PROPOSED SITE PLAN – (Please provide a proposed site plan showing the location of use, existing structures, parking areas, restrooms, ingress/ egress to roadways, sidewalks, flow of traffic, and adjacent streets; *please call out specific area that would impacted by any approved variance*). You may attach a separate and/or larger site plan.

see attached plat

PART D. RESPONSE TO FINDING CRITERIA (Section 46-133 (2))

The Board of Adjustment and Code Enforcement will consider the application based on the criteria found below. Please respond to each item as completely and thoroughly as possible. Additional sheets may be attached as needed with this application.

<p>a. Special conditions and circumstances 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.</p>	<p><i>not applicable</i></p>
<p>b. The special conditions and circumstances do not result from the actions of the applicant.</p>	<p><i>not applicable</i></p>
<p>c. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.</p>	<p><i>not applicable</i></p> <p>Continued on next page</p>

PART D. RESPONSE TO FINDING CRITERIA CONTINUED

<p>d. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land</p>	<p><i>not applicable</i></p>
<p>e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.</p>	<p><i>not applicable</i></p>
<p>f. The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.</p>	<p><i>not applicable</i></p>

Please mail completed form to:

Planning and Zoning Department
City of Williston
50 NW Main St
Williston, FL 32696

Or Email completed form to:

city.planner@willistonfl.org

City of Williston
Planning and Zoning Department

Staff Report - Variance



Project: V18-02 **Date: April 17, 2018**

Background

On April 2, 2018, the City received an application for a variance to the side yard requirement found in Section 60-217 of the City of Williston Code of Ordinances. The application was filed by Crystal Curl for the property located at 315 SE 5th Terrace, also known as parcel 0577900000, also known as Lot 14, Block 1, Oak Villa lying in Section 6, Township 13 South Range 19 East Levy County Florida. The parcel is approximately .14 acres in size.

The applicant requests that the yard requirement be varied from 15 feet to 0.9' feet to accommodate the existing structure. The original building was an approximate 25'x28' footprint and was built in the 1960's (prior to the land development regulations) A 13' storage area was added on the north side of the house and continued at 12' width across the back of the house on the east side. This office has determined the addition was made prior to the adoption of the permitting process was adopted by the City as there are no records of the addition. The City Ordinance was adopted in 2007. Included with the application was a plat showing the encroachment.



Overview



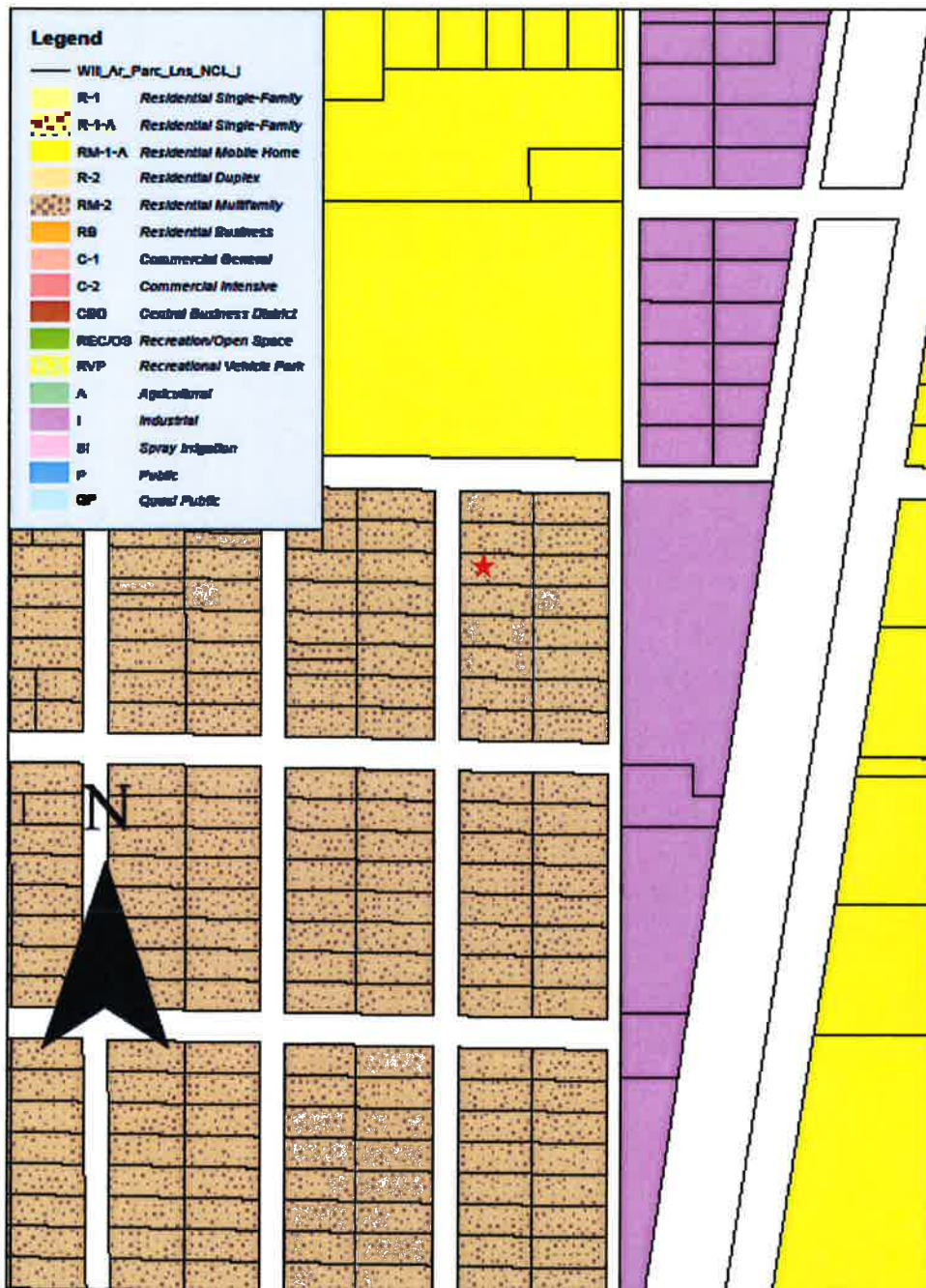
Legend

-  Parcels
- Parcel Lines**
-  <all other values>
-  Construction
-  Easement
-  Lot
-  Miscellaneous
-  Parcel
-  Private Road
-  Road Right of Way
-  Subdivision
-  Water
-  Roads
- City Labels**

Parcel ID	057790000	Physical Address	315 SE 5 TER	Building Value	\$24,314	Last 2 Sales			
Property Class	0100 - HOUSE		WILLISTON	Extra Feature Value	\$0	Date	Price	Reason	Qual
Taxing District	WILLISTON	Mailing Address	KARLE NORMA W	Market Land Value	\$4,500	n/a	0	n/a	n/a
Acres	0.14		901 NW 7TH ST	Ag Land Value	\$4,500	n/a	0	n/a	n/a
			WILLISTON FL 32096	Just Value	\$28,814				
				Assessed Value	\$28,814				
				Taxable Value	\$28,814				

Date created: 4/17/2018
 Last Data Uploaded: 4/16/2018 3:29:22 PM

 Developed by
 The Schneider Corporation



The current zoning is Residential Single Family (RM-2), which requires a setback of 15'.

Photos of Parcel





Property Posted-5/21/2018



Evaluation Criteria

Per section 46-133 of the City of Williston Code of Ordinances:

In order to authorize any variance from the terms of these land development regulations, the board of adjustment and code enforcement must find:

- a. Special conditions and circumstances 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.
- b. The special conditions and circumstances do not result from the actions of the applicant.
- c. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.
- d. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.
- e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- f. The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.
- g. Limitations on subsequent written petition for a variance. No written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the land development regulations administrator until the expiration of 12 calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the board of adjustment specially waives said waiting period based upon a consideration of the following factors:
 1. The new written petition constitutes a proposed variance different from the one proposed in the denied written petition.
 2. Failure to waive said 12-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

The special conditions are that the house was constructed prior to the existence of the ordinance and forcing compliance upon the homeowner would create undue hardship.

Staff Recommendation

The structure was constructed prior to the adoption of the City Ordinance. The City is required by State Statute 120.452 to provide a variance to noncompliant structures that were constructed prior to the adoption of the ordinance.

Staff recommends approval of the variance.

Attachments

Attachment 1 - Application of petitioner