



Legislation Details (With Text)

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Title: Variance Petition Submitted by Charles Fernandez and Kerrie Best

Sponsors:

Indexes:

Code sections:

Attachments: 1. Case Summary, 2. Variance Appeal Applicaton, 3. Variance Application, 4. Riverine Buffer Zone Request, 5. Deck Picture, 6. Best / Fernandez APO, 7. Properties, 8. Email Correspondence, 9. Stop Work Notice Picture, 10. Detailed Staff Analysis of Variance Request, 11. Seawall Site Plan, 12. Resolution - Fernandez and Best, 13. Affidavit of Publication of Legal Ad CLK23-194

Date	Ver.	Action By	Action	Result
1/9/2024	1	Board of County Commissioners	adopted	Pass

TITLE

Variance Petition Submitted by Charles Fernandez and Kerrie Best

BRIEF OVERVIEW

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The applicant has requested to reduce rear yard setback from 15' to 0' and to allow an encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall.

LOCATION

Weeki Wachee Gardens 6 Replat Lot 14 Orb 649 Page 1648

CURRENT ZONING

R1A

ORDIANCE STANDARDS

Hernando County Code of Ordinances, Chapter 23, - Planning, Article 6 - Riverine Protection, Section 23-210 (b)(1)

SURROUNDING ZONING & LAND USE

North: Right of Way
South: River
East: Residential
West: Residential

REQUEST:

The applicant has requested a variance to reduce rear yard setback from 15' to 0' and to allow an

encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall.

Riverine Protection Ordinance (RPO) Review:

The Planning and Zoning Division completed an RPO review and had the following comments:

The new screen room (15' x 12') averages 15' from the leading edge of the seawall and can be considered to be outside of the riverine buffer. However, the deck that crosses the riverine buffer and cantilevers over the seawall (18' x14') has been expanded, enlarged, altered and is no longer non-conforming. The portion of this deck that encroaches within the riverine buffer should be removed and the affected portion of the riverine buffer restored with vegetation (grass, shrubs, ground cover, etc.). The site plan should be modified to comply with the riverine protection ordinance. A walkway to the river through the riverine buffer is allowed. Note, permits were not found within the current system for the existing decks.

CONCLUSION

Upon review of the proposed variance, it appears that to reduce rear yard setback from 15' to 0' and to allow an encroachment of 3' for a portion of the deck that cantilevers over a triangulated section of the existing seawall is inconsistent with the ordinance for the zoned area and will be detrimental to the development pattern of the neighborhood and injurious to the surrounding community.

It is recommended that the Board review the request, take public comment, and make a finding that the request is inconsistent with the review criteria Appendix A, Article V, Section 3.A(1) and Chapters 125 and 163, Florida Statutes.

BOCC Action:

On June 13, 2023, the Board made a motion to remove the portion of the deck from the water to the white roof supports, reposition the deck support to be underneath the roof supports, create a steps to the side, and add handrails, all to Florida Building Code specification's.

FINANCIAL IMPACT

A matter of policy.

LEGAL NOTE

The Board is authorized to act on this matter pursuant to Hernando County Code of Ordinances, Appendix A, Article V, Section 3.A(1) and Chapters 125 and 163, Florida Statutes.

RECOMMENDATION

It is recommended that the Board review the variance and find the request is inconsistent with the review criteria of Chapter 23, - Planning, Article 6 - Riverine Protection, Section 23-210 (b)(1) It is further recommended that the Board approve the changes made by the Board on June 13, 2023, and authorize the Chairperson's signature of the attached associated resolution.