

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 consistent with the review criteria Appendix A, Article V, Section 3.A(1) and Chapters 125 and 163, Florida Statutes.

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, find the request is not consistent with the review criteria of Chapter 23, - Planning, Article 6 - Riverine Protection, Section 23-210 (b)(1) and approve and authorize the Chairman's signature of the attached associated resolution.