



City of Panama City Planning and Economic Development
Department

STAFF REPORT

Planning Board Applications for February 10, 2020

Staff findings of consistency with the pertinent Florida Statutes, the City's Comprehensive Plan, and the City's Land Development Regulations, along with the Staff recommendations, are as follows:

Request One

Owner/ Applicant: Logan McCall, Owner
William Gary Lister, Applicant

Case Number: PB 20-25

Address/Location: 340 S MacArthur Ave

Request: To allow for the addition of a second story to an accessory structure in the rear yard and exceed the 12' height limit for accessory structures pursuant to Section 110-4(a)(1)(viii) of the Unified Land Development Code.

Land Use Designation / Zoning District: Residential/R-1

Tract Size: 0.249 +/- acres

Background: The applicant applied for, was issued a building permit, and completed repairs to an existing accessory structure that was damaged from Hurricane Michael. Repairs included the addition of another story to the accessory structure, bringing its' total height to 19'-11". The accessory structure is that of a carport/shed with office space above. After completion, the applicant was informed that the structure did not follow code, specifically the height limit for accessory structures of 12'. The applicant states that there is precedent for accessory structures that are taller than the 12' height limit in the neighborhood and that this project would be designed to match the primary structure.

The Comprehensive Plan:

Objective 1.4: The City has adopted Land Development Regulations which contain specific provisions for implementation of this Plan. Such regulations will contain innovative land use management provisions such as for mixed use areas and planned unit developments.

Policy 1.4.1: The City will administer land development regulations for implementation of the Comprehensive Plan. At minimum, these regulations will:

- (b) Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses through provision of or reference to specific and detailed requirements which will include, but not be limited to, maintenance of an official land use map, maintenance of land use districts and

allowable uses including accessory land uses, maintenance of environmental protection and development standards, creation of measures to reduce the potential for nuisances caused by incompatible land uses, provisions for the elimination of non-conforming uses, and other such relevant requirements.

The LDR Code:

Sec. 110-4. - Accessory Structures.

A. Generally.

1. General standards and requirements. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

viii. Accessory structures that are within the required setback areas shall be limited to 12 feet in height.

The Five Conditions (Section 102-42 (d)):

1. *That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;*

The applicant states that there is precedent for accessory structures that are taller than the 12' height limit in the neighborhood and that it is designed to match the primary structure.

This point is met.

2. *That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;*

Accessory structures with uses such as garage apartments and office space can be found throughout the Cove neighborhood. The applicant intends to use the second story of the accessory structure as office space.

This point is met.

3. *That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the City;*

Continuity of traditional building styles is an important component of neighborhood preservation strategies and is incorporated into the design of this accessory structure.

This point is met.

4. *That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome;*

The property is not subject to unique circumstances. The applicant states that the cost to remove the second story, which has already been completed, would be unnecessarily burdensome.

This point is not met.

5. *That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.*

The accessory structure has a height of 19'-11" to allow for a second story. Since the structure has already been completed, the relief requested is to allow for the height of the building as it is currently constructed. The roof pitch is designed to fit in with the character of the neighborhood and the primary structure on the lot.

This point is met.

Findings: The applicant's request to allow this accessory structure to exceed the 12' height limit for accessory structures by 8' meets Points 1, 2, 3, and 5 of the Five Conditions. The request does not meet Point 4.



Eric Pate, CNU-A
Senior Planner
Development Services

January 10, 2020

Date