



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Board of Adjustment – 12/16/2024

SUBJECT: Variance to the required 20' front yard setback for 1621 S Lake Park Blvd.
Applicant: Philip Humphrey, pghARCHITECTURE, PC

BACKGROUND:

The applicant is requesting a variance of up to 7' from Article 3 of the UDO that requires a 10' front yard setback. The property is located at 1621 Lake Park Blvd S and is in the MF zoning district. The property consists of a 0.68-acre lot, Lots 1-3, 20-22 BLK 2 Wilmington Beach. The existing use is a Motel. There is an existing permit for renovation work at the property.

There is an existing walkway structure that is 3'-11 $\frac{3}{4}$ " from the front property line. The existing walkway is raised and has steps leading up to the front door. The applicant would like to provide an accessible route for entry to the common spaces of the building. The applicant would like to construct an ADA compliant ramp in the current footprint of the walkway. To meet ADA requirements, the ramp would have to be expanded by 10.5". The ramp railing is proposed to be greater than 30" from the adjacent grade. Structures below 30" are permitted within the setback. However, a variance must be granted to accommodate the railing.

To resolve the situation the applicant requests up to a 7' variance to the required 10' front yard setback. The structure meets the minimum required side (7.5'), corner side (12.5') and rear (10') yard setbacks.

REQUIRED FINDINGS:

When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

CONDITIONS:

In granting any variance, the Board may prescribe reasonable and appropriate conditions and safeguards, in conformity with this ordinance. Violation of any such conditions or safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under the UDO:

If the board supports the findings staff recommends the below condition for the variance

The variance is granted for the existing house and pool only and any new structures on the property shall conform to the setback requirements.

ATTACHMENTS:

1. Application
2. Plans
3. Photo of existing