



City of Flagler Beach

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Date: November 27, 2024

To: City Commission

From: Lupita McClenning, City Planner

RE: 2109 S. Flagler Avenue
Request for a Variance

Land Use Data

Applicant/

Owner: Cathy and Toby Horrocks

Property

Address: 2109 S. Flagler Avenue, Flagler Beach, FL

Parcel ID: 18-12-32-2750-00300-0220
.17 of an acre

Zoning: Single Family Residential (SFR)

FLUM: Low Density Residential

Background:

In August of 2024, applicant was completing due diligence and seeking to subdivide property. The property was 100 x 150 and had an existing twenty-one hundred twenty square foot (2,120 SQFT) single-family home built in 1985; plus, a seven hundred square foot (702 SQFT) detached structure complete with kitchen, restroom, bedroom, and living room/studio.

Applicant was informed by Planning & Zoning that she would need to go before the PARB and City Commission to split the lot; however, the applicant was informed by the Property Appraiser's Office that the subject property was already platted and recorded as a 50 x 150 single-family lot. Flagler County provided a parcel ID for the 50 x 150 lot and assigned an address.

The structure has a 707 SQ FT structure, with an enclosed living space of 624 SQ FT. The structure meets residential building code requirements for structural, mechanical, electric, and plumbing. The detached structure also meets zoning setback standards for front, rear, and side yards in the SFR-1 district. However, no Certificate of Occupancy shall be issued until facilities and services are in operation. The structure lacks separate water and electric meters.

Planning & Zoning Department

Variance Request

An application is submitted requesting a variance from the Land Development Code, Article II, Section 2.05.08.1.

- (a) All single-family dwelling units, shall have a minimum of nine hundred (900) square feet of livable enclosed floor space, exclusive of open porches and garages.

Applicant requests relief of two-hundred seventy-six square feet (276 SQFT) from the land development minimum standards of nine hundred square feet (900 SQ FT) for a single-family dwelling.

Sec. 2.05.08. - Minimum square footage of dwelling units

Section 2.05.08.1.

(a) All single-family dwelling units, including townhouse units, shall have a minimum of nine hundred (900) square feet of livable enclosed floor space, exclusive of open porches and garages;

(b) Those single-family residential dwelling units located in an area zoned Single-Family Residential-2 shall have a minimum of one thousand one hundred (1,100) square feet of livable enclosed floor space, exclusive of open porches and garages;

(c) Those single-family dwelling units located in areas zoned Single-Family Residential-3 shall have a minimum of one thousand three hundred fifty (1,350) square feet of livable enclosed floor space, exclusive of open porches and garages;

(d) Those single-family dwelling units located in areas zoned Residential-4 shall have a minimum of one thousand six hundred (1,600) square feet of livable enclosed floor space, exclusive of open porches and garages.

Section 2.05.08.2.

All dwelling units in multifamily residential buildings shall have a minimum of five hundred fifty (550) square feet of livable enclosed floor space, except that efficiency apartments defined as apartments consisting of one (1) main room including kitchen facilities, and a bath room shall contain not less than two hundred (200) square feet of livable enclosed floor space, the above floor space being exclusive of open porches and garages.

Planning and Architectural Review Board (PARB) Section 8.05.13

The Planning and Architectural Review Board may grant variances only upon finding that the request meets the six standards set forth in Appendix A, Land Development Regulations, Section 8.05.13.

In advocating any variance, the Planning and Architectural Review Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is advocated, shall be deemed a violation of this ordinance.

The Planning and Architectural Review Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted above shall the Planning and Architectural Review Board advocate a variance to permit use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.

No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the advocacy of a variance.

Staff Analysis Appropriate Conditions and Safeguards

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other structures or buildings in the same zoning district.
 - a. *Ordinance No 87-2 was adopted on second reading and took effective immediately April 23, 1987. (See Exhibit A)*
 - b. *No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to the property.*
 - c. *The structure is an existing structure and does not alter the aesthetics of neighborhood.*
 - d. *The property can be put to reasonable use as a 625 SQFT single-family home.*
2. That the special conditions and circumstances do not result from the actions of the applicant.
 - a. *The applicant met with staff and confirmed the structure met all applicable lot regulations including permitted uses in the SFR-1 district, minimum lot width, required setbacks, height, and maximum lot coverage.*
 - b. *During applicant's due diligence, the minimum square footage of dwelling units was not evident on the survey, nor investigated before Flagler County split the 100 x 150, subsequently recorded the 50 x 150 lot, and provided an address of 2109 S. Flagler*

Avenue, ostensibly annulling the need to appear before the PARB and City Commission.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.
 - a. *The proposed use of a single-family home is a reasonable one.*
 - b. *The structure has an enclosed living space of 624 SQFT which meets residential building code requirements for structural, mechanical, electric, and plumbing, thus the zoning restriction to not allow its use imposes more of a burden than other properties in the area.*
 - c. *Granting the variance request does not alter the essential character of the neighborhood.*
4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
 - a. *The granting of variance would permit the property to be put to a reasonable use; and the literal interpretation would deprive the applicant of utilizing the structure, and a certificate of occupancy.*
 - b. *The current structure meets building code requirements as it relates to the structural, mechanical, electrical, and plumbing. The applicant stated that a 20'x13' addition to the existing structure would require changing trusses, adding foundation, relocating kitchen and bath, plumbing, and electric. The applicant stated in a September 5, 2024 pre-submittal planning meeting, that maintaining the structure "as-is," makes it available as an affordable housing option.*
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure,
 - a. *The variance granted is the minimum variance that will make possible the reasonable use of the building, and allow a permit for a water meter, and a certificate of occupancy.*
6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - a. *The benefit of the variance to the applicant does not harm the general public or other individuals; nor does it have an adverse impact on an individuals or neighbors.*

Planning Staff Analysis

Housing is defined as affordable when it consumes no more than thirty percent (30%) of a household’s income for households of all income levels. More than thirty percent (30%) of a household’s income spent for housing is considered *cost burdened*.

According to the US Census data, in 2022 the Median Household Income in Flagler Beach was \$64,242. Thirty percent of housing equates to \$19,273 yearly, or \$1606 monthly housing costs including taxes, and insurance. Using a mortgage calculator, assuming a \$20K down payment, 6.8% interest rate, \$3,226 in property taxes, and insurance of \$1,260 equates to an estimated mortgage for a \$236,500 home +/-.

Compliance with the Comprehensive Plan

In accordance with the Housing Element of the City of Flagler Beach Comprehensive Plan, the following goals and policies support affordable housing:

Policy C.1.3.1

The City shall encourage local developers to avail themselves of City zoning and procedural support to affordable housing within the City limits.

Policy C.1.3.3

The City shall facilitate education on, and explore policies and procedures to permit affordable construction methods and buildings within the City's jurisdiction.

Planning Staff Recommendation

Granting the variance to permit the use of the structure as a single-family home provides an alternative single-family home opportunity. In advocating any variance, the Planning and Architectural Review Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. However, granting the variance does not prohibit additions to or renovations to the existing structure.

Staff recommends the Planning and Architectural Review Board recommend to the City Commission to grant the variance on the following conditions:

1. That the structure remains as the principal structure on the lot in compliance with the density prescribed in Comprehensive Plan, Low Density Residential, single-family home (SFH) and the Land Development Code for single-family unit and single-family dwelling.
2. On the condition that if property owner decides to build a separate principal structure on the lot, that prior to receiving a building permit the existing structure would need to be converted to an accessory structure by removing the 220-volt outlet and removing the stove/oven appliance.
 - These conditions safeguard that the principal structure is not then converted to an accessory structure, and non-compliant with the density prescribed in Low Density Residential in the Comprehensive Plan.

- The existing structure meets the building code for a primary structure as it has a full kitchen. In accordance with low density and single-family residential district, Section 5.03.121 *Single-family unit (SFU)* means one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family; and
- Section 2.02.00 *Dwelling, single-family*—A detached building designed for occupancy by one (1) family. A unit having more than one (1) kitchen or facilities for servicing more than one (1) kitchen then shall be presumed not to be a single-family dwelling.