



CITY OF CRYSTAL RIVER PLANNING COMMISSION

STAFF REPORT

Planning and Development Services Department

MEETING DATE:	July 1, 2021
VARIANCE APPLICATION NO. V21-0006 Peter and Michelle Wyatt	
VARIANCE REQUESTED:	A Variance request of the City of Crystal River <i>Land Development Code</i> (LDC) to allow for an addition to an existing single-family residence, having less than the required 25-foot minimum setback from the waterway pursuant to Section 4.02.02 <u>Standards for buildings and building placement (Setbacks)</u> , of the LDC.
SUBJECT PROPERTY:	Section 21, Township 18S, Range 17E; specifically, Lot 10 together with the northeasterly 20 feet of Lot 11, Springdale Addition to Springs O’Paradise (AK #1077451), which address is 131 SE 2 nd Avenue, Crystal River. A complete legal description of the property is on file with the Planning and Development Services Department.
ACREAGE:	Approximately 16,112 square feet (0.37 acres). Source Citrus County PA, 2021.
LAND USE:	RW – Residential Waterfront on the Zoning Map
FLOOD ZONE:	According to the Flood Insurance Rate Map (FIRM), the subject property is in Flood Zone AE with a Base Flood Elevation (BFE) of 12 feet, as found on FIRM Panel Number 12017C0189E. (Effective date: January 15, 2021)
SURROUNDING AREA:	North – Single Family Residential South – Single Family Residential East – Single Family Residential across from canal West – Single Family Residential across from SE 2 nd Avenue
PREPARED BY:	Jenette Collins, AICP, Urban Planner, Planning and Development Services

BACKGROUND INFORMATION: The property owners propose to construct an 18-foot by 22-foot lanai addition to their existing single-family residence. The purpose of this variance is to request a 20.15-foot building setback from the waterway as measured from the shortest distance of the exterior lanai to the outer edge of the seawall on the canal. The lanai will be placed at the rear of the residence, adjoining the existing screen-enclosed swimming pool. The owner has stated that the covered lanai will be screened, and its purpose is for an outdoor kitchen/bar area.

The subject property fronts on SE 2nd Avenue, a 50-foot local road, and the rear yard abuts a canal that leads out to King’s Bay on the Crystal River. The lot sits slightly on a curve of SE 2nd Avenue, which gives the lot a trapezoid shape. The existing residence with additions was constructed parallel to the side lot lines thus creating a shorter distance from the southeast, rear corner of the house (where the lanai is proposed) to the edge of the waterway. The Citrus County Property Appraiser’s record indicates that the residence was built in 2008.

ANALYSIS: In the R-W, Residential-Waterfront District, the LDC requires a minimum building setback of 25 feet from the rear lot line or waterfront, whichever the case may be. All setbacks are measured at the shortest distance from the exterior building wall to the property line. A waterfront yard is defined in the LDC, Section 1.07.00 B. *List of defined terms*, as “the yard extending between lot lines and along a

waterway, including open water, bays, bayous, lakes over five (5) acres in area, *manmade canals*, and similar navigable water.”

The proposed addition, together with the existing single-family residence, swimming pool, driveway, sidewalks and slabs, will have a total impervious surface ratio (ISR) of 43.4 percent, which is less than the maximum allowed 45 percent ISR for lots in the RW District per Section 4.02.02 of the LDC. The subject property also has a boat house and dock waterward of the seawall.

In the application submittal, the owner contends that many of the surrounding residences have non-conforming setbacks from the canal. The subdivision plat of Springdale Addition to Springs O’Paradise was recorded on October 21, 1968. The Citrus County Property Appraiser’s records show the residences that surround the subject property were built from 1975 to 2008, many of which predate the 2005 LDC required building setbacks from waterways.

REQUIRED FINDINGS FOR GRANTING A VARIANCE: Pursuant to Section 9.02.02 of the Crystal River Land Development Code, in order for an application for a variance to be approved or approved with conditions, the planning commission shall make a positive finding, based on the evidence submitted, with regard to each of the following conditions. The following findings are presented based on staff’s analysis of the request:

1. ***There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;*** The subject lot is shaped as a trapezoid which results in a trapezoid building envelope that may limit development when adhering to required setbacks of the LDC.
2. ***The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;*** The owner is requesting a variance reduction of approximately five feet so that the proposed lanai addition will setback 20.15 feet from the waterway (as measured to the outer edge of the seawall). The request is not based on a desire to reduce development costs. The owner could reduce the size of the lanai by 5 feet to meet the required setback, but would result in an irregular, angle-shaped lanai.
3. ***The need for the proposed variance is due to the physical shape, configuration, or topographical condition of the lot in such a manner as to distinguish it from other adjacent or nearby lots or from other lots in the district;*** The subject lot is irregular in shape. The existing residence and swimming pool makes it difficult for further development to meet the required 25-foot minimum waterway building setback of the LDC.
4. ***The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots or other lots in the zoning district;*** A lanai addition is not necessary to make reasonable use of the property. The site has been reasonably developed with a single-family residence and swimming pool addition consistent with the surrounding developed properties. The lanai area could be redesigned to meet the minimum 25-foot waterway setback of the LDC for properties in the RW Zoning District. See item 2 above.
5. ***The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings, or structures in the same zoning district;*** The

proposed addition is an allowed structure that is considered accessory and incidental to the residential use of the property, and would not be a prohibited use to other lands, buildings, or structures in the same zoning district when constructed in strict conformance to the LDC.

6. ***The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and is not otherwise detrimental to the health, safety, or general welfare of the public;*** The proposed lanai addition to the existing residence does not increase traffic impacts and should not create any health, safety, and welfare concerns to the surrounding area.
7. ***The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district;*** The proposed lanai addition to the existing residence may be found compatible with the surrounding neighborhood if the variance is reduced or removed through redesign. The subdivision plat of Springdale Addition to Springs O'Paradise that was platted in 1968, predates current LDC development standards, and the owner has stated that there are some existing residences with attached accessory structures that have existing non-conforming waterway setbacks. However, each variance request must be considered on its own merits, whereas no nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance (Ref: Section 9.02.03 C.3., of the LDC).
8. ***The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;*** The subject property has a building envelope of approximately 8,400 square feet. The irregular shape of the lot and placement of the existing residence with swimming pool addition limits further development of the property to adhere strictly to the required waterway setbacks. The variance may be eliminated or reduced if the proposed lanai addition is redesigned. The owner's desire is to develop the lanai for the purpose of having an outdoor kitchen, however the proposal is not found necessary to make reasonable use of the subject property.
9. ***The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and*** The request can be reduced (or eliminated) to be consistent with the general intent of the LDC to distance development for the protection of waterways proximate to King's Bay and provide orderly development that is aesthetically pleasing (Reference Section 1.00.01 *Purpose and intent* of the LDC).
10. ***The effect of the proposed variance is consistent with the comprehensive plan.*** The effect of the proposed variance may be reduced (or eliminated) to be consistent with the intent of the following policy of the Future Land Use Element of the Comprehensive Plan:

Goal 2: Crystal River will be a balanced and well planned community.

Objective 2.1 Provide for reasonable use of property while protecting, conserving, and maintaining the natural resources and systems identified in this and other elements of this Plan.

Policy E) Land development regulations shall continue to be implemented which ensure the compatibility of the proposed use with adjacent uses; regulations shall

include provisions designed to mitigate incompatibility, such as setbacks, landscaped buffers, building orientation, scale, parking lot landscaping, or driveway location.

PLANNING COMMISSION ACTION: The Planning Commission shall approve, deny, or approve with conditions the application for variance, based upon making positive findings regarding conditions set forth in subsection 9.02.02. A., of the LDC.

ATTACHMENTS:

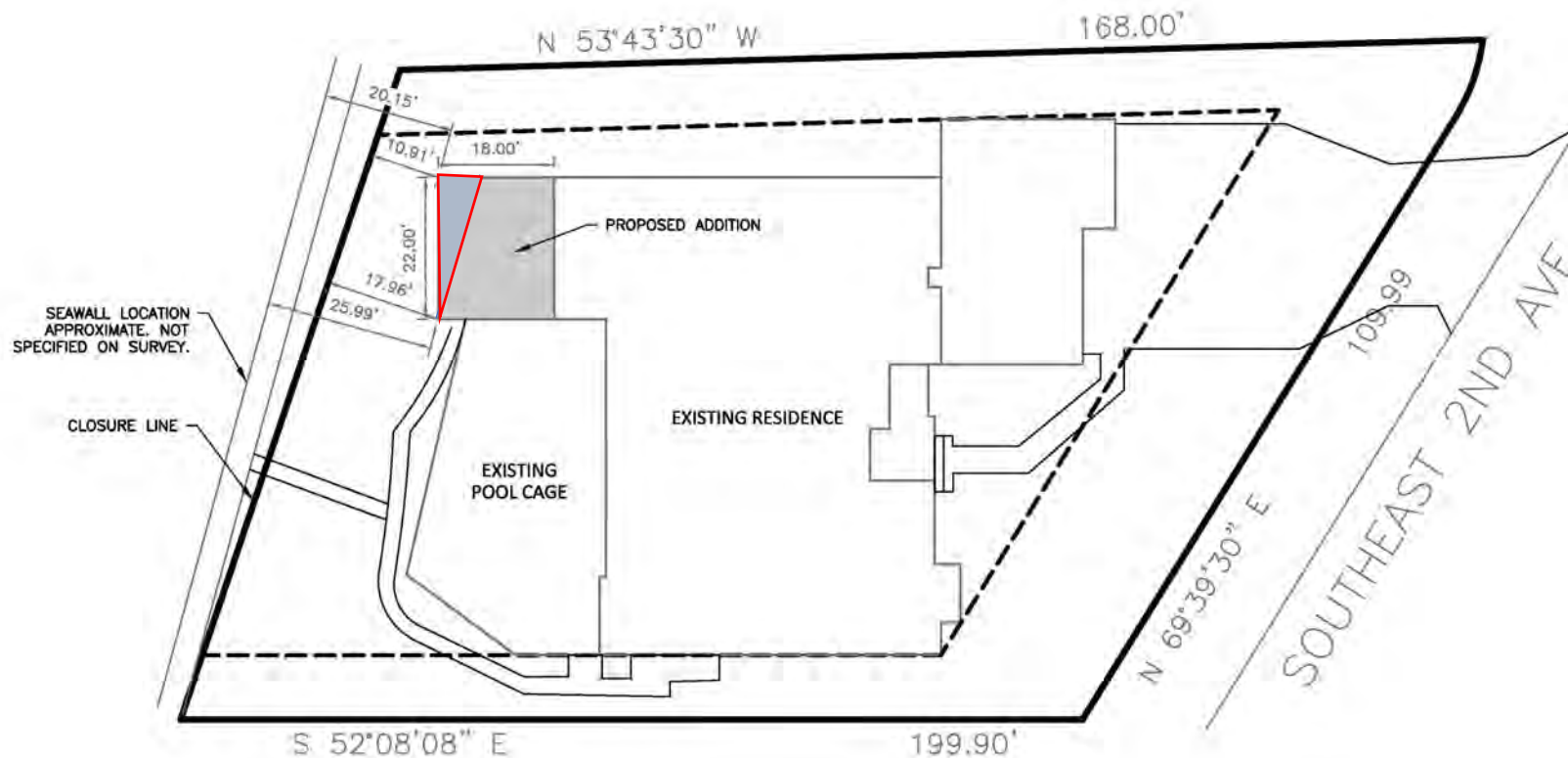
1. PowerPoint
2. Notification Letter
3. Variance Application
4. Site Plan/Property owner submittal with Backup




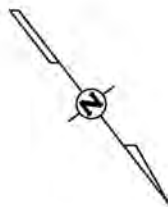
V21-0006 VARIANCE

PETER & MICHELLE WYATT

Variance - Site Plan submitted by applicant



 Area subject to Variance



ZONE A-II

ALTERATION RESULTS IN A 2.4% INCREASE IN IMPERVIOUS SURFACE RATIO.

EXISTING SQUARE FOOTAGE = 16,251 SF, 41%.
 ADDING 396 SQUARE FEET WILL BRING THE NEW IMPERVIOUS SURFACE RATIO TO 43.4%

CONTRACTOR TO BE DETERMINED

THIS SITE PLAN WAS CREATED FROM MULTIPLE PUBLIC RECORDS SOURCES.
 THIS SITE PLAN IS NOT A SURVEY



CUSTOMER: **WYATT**

PARCEL ID: 17E18S2101800100

ADDRESS: 131 SE 2ND AVE
 CRYSTAL RIVER

SITE PLAN

PAGE: **01** OF **01**

DRAWN BY: SCALE: 1:20

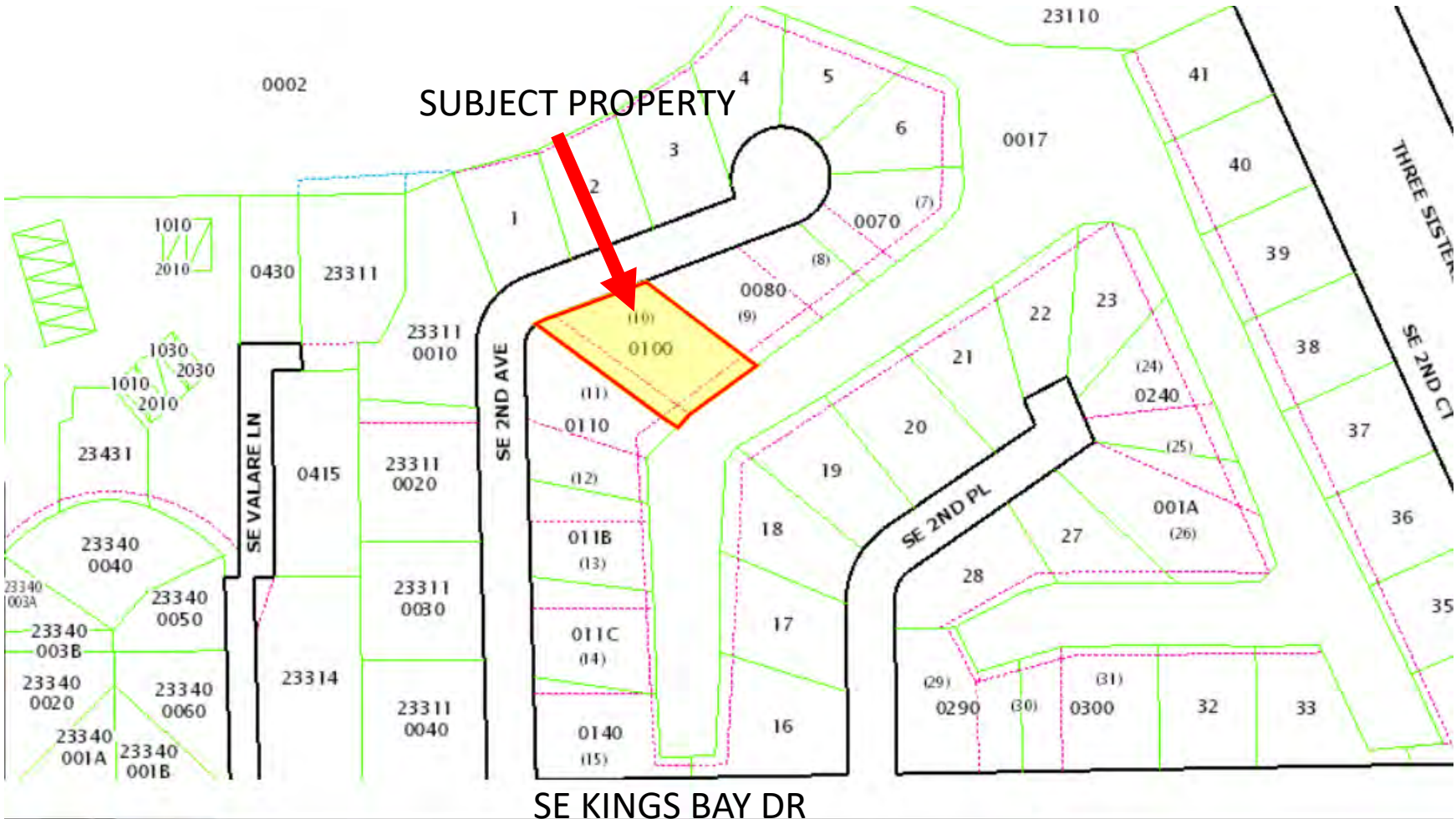
CHECKED BY: NBN SAVED DATE: 5/27/2021 10:34

V21-0006

Crystal River Planning Commission Meeting of July 1, 2021

IF THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY MICHAEL W. SPRINGSTEAD P.E., FL REG. NO. 47820, ON THE DATE SHOWN USING A DIGITAL SIGNATURE, PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Variance - Locator Map



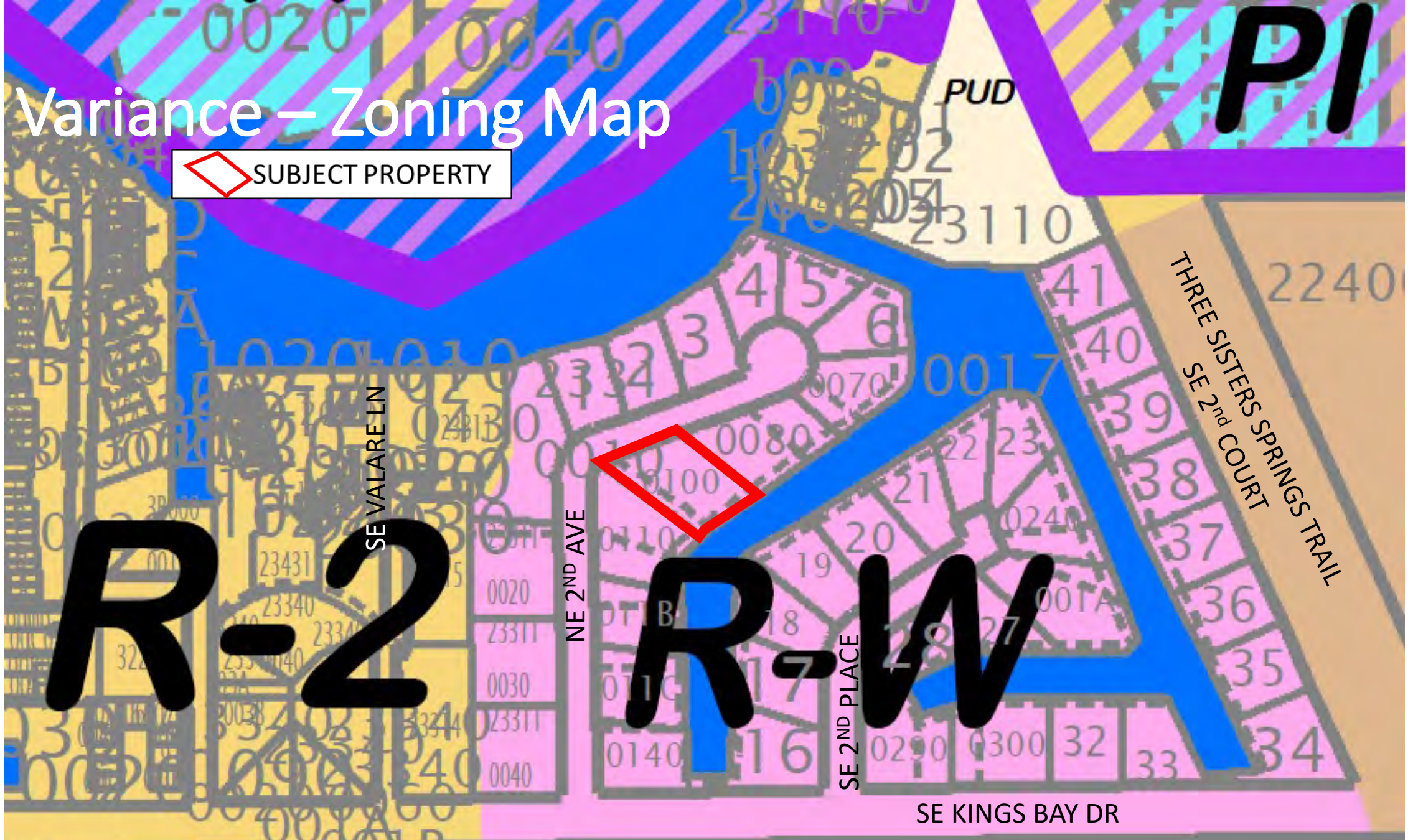
Variance - Aerial

 SUBJECT PROPERTY



Variance – Zoning Map

 SUBJECT PROPERTY



Subject Property



APPLICATION PENDING
FOR THE DEVELOPMENT OF THIS PROPERTY
PUBLIC HEARING ACCEPTED
CONTACT CITY OF CRYSTAL RIVER
HEALTH PLANNING & DEVELOPMENT SERVICES
(352) 795-4216
APPL# V21-0006
DO NOT REMOVE THIS SIGN UNLESS PERMITTED BY CITY

Location of proposed lanai addition .



Looking southerly from subject property along canal.



Looking northerly from subject property along canal.



Looking east from subject property across canal



Looking southerly from subject property along SE 2nd Avenue



Looking northerly from subject property along NE 2nd Avenue.





QUESTIONS?

V21-0006 VARIANCE

PETER & MICHELLE WYATT



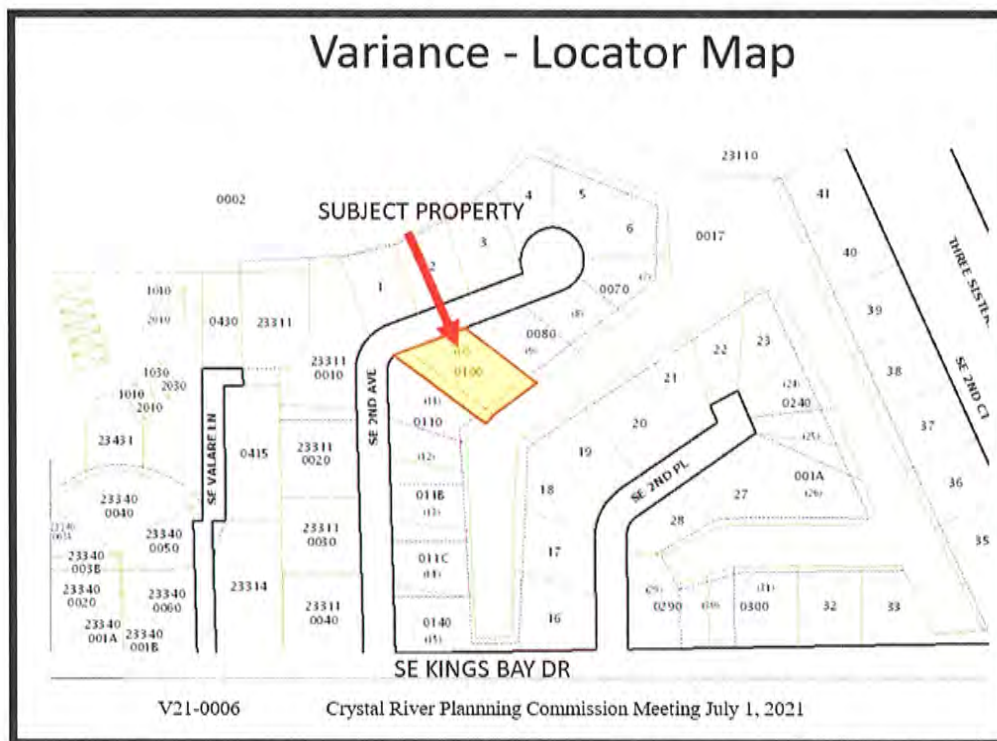
123 NW Highway 19
Crystal River, FL 34428
352-795-4216 P
352-795-6245 F
www.crystalriverfl.org

April 21, 2021

**RE: NOTICE TO REQUEST A VARIANCE FROM THE CITY OF CRYSTAL RIVER
LAND DEVELOPMENT CODE**

Dear Property Owner:

Please be advised that **Peter and Michelle Wyatt, 2188 Chantilly Terrace, Oviedo FL 32765**, has made formal application to the City of Crystal River to request a Variance to allow for an addition to an existing single-family residence, having less than the required 25-foot minimum setback from the waterway pursuant to Section 4.02.02 Standards for buildings and building placement (Setbacks), of the LDC, on property located in Section 21, Township 18S, Range 17E; specifically, Lot 10 together with the northeasterly 20 feet of Lot 11, Springdale Addition to Springs O'Paradise (AK #1077451), which address is 131 SE 2nd Avenue, Crystal River. A complete legal description of the property is on file with the Planning and Development Services Department.



You are being sent a notification because you are located within 300 feet of the property. Please be advised that a Quasi-Judicial Public Hearing will be held on Thursday, July 1, 2021 at 5:30 p.m. before the City Planning Commission in the Council Chambers, at City Hall, 123 NW



VARIANCE APPLICATION

Department of Planning & Community Development
1234 North West Highway 19
Crystal River, FL 34428
352-795-4216 Ext. 306
Fax: 352-795-6245

RW (NOT IN CRA)

Office Use Only: Paid <i>\$250</i>	Date <i>5/17/2021</i>
Residential - \$250	Commercial - \$500

121-0006

Applicant Information:

Name: Michelle Wyatt Phone # 443-655-3070
 Street Address: 131 SE Second Avenue Crystal River FL 34429
 CITY ST ZIP
 Email Address: michellewyatt@gmail.com

Property Information:

Alt Key #: 1077451 Parcel Id # 17E18S2108100100
 (AVAILABLE AT THE CITRUS COUNTY PROPERTY APPRAISER'S WEBSITE: www.citruspa.org)
 Legal Description: Lot 10 Springdale Addition to Springs of Paradise and 20 feet of width along Northeasternly lot line 11

_____, or attach description on a separate page)

Subdivision: Springdale Add to Springs ... Lot: 108 Block: —
Part of 11

Current Zoning District: _____

Flood Zone: AE Base Flood Elevation: 12'
 (This information shall be based on the latest Flood Insurance Rate Maps)

Coastal High Hazard Area

The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 9.02.02(A).

Variance Request: Please enter a description of request and Land Development Code Sections that pertain to the requested action.
https://library.municode.com/fl/crystal_river/codes/code_of_ordinances?nodet=PTIICOOR_APX_ALADECO_CH9VACORE_9.02.00VA

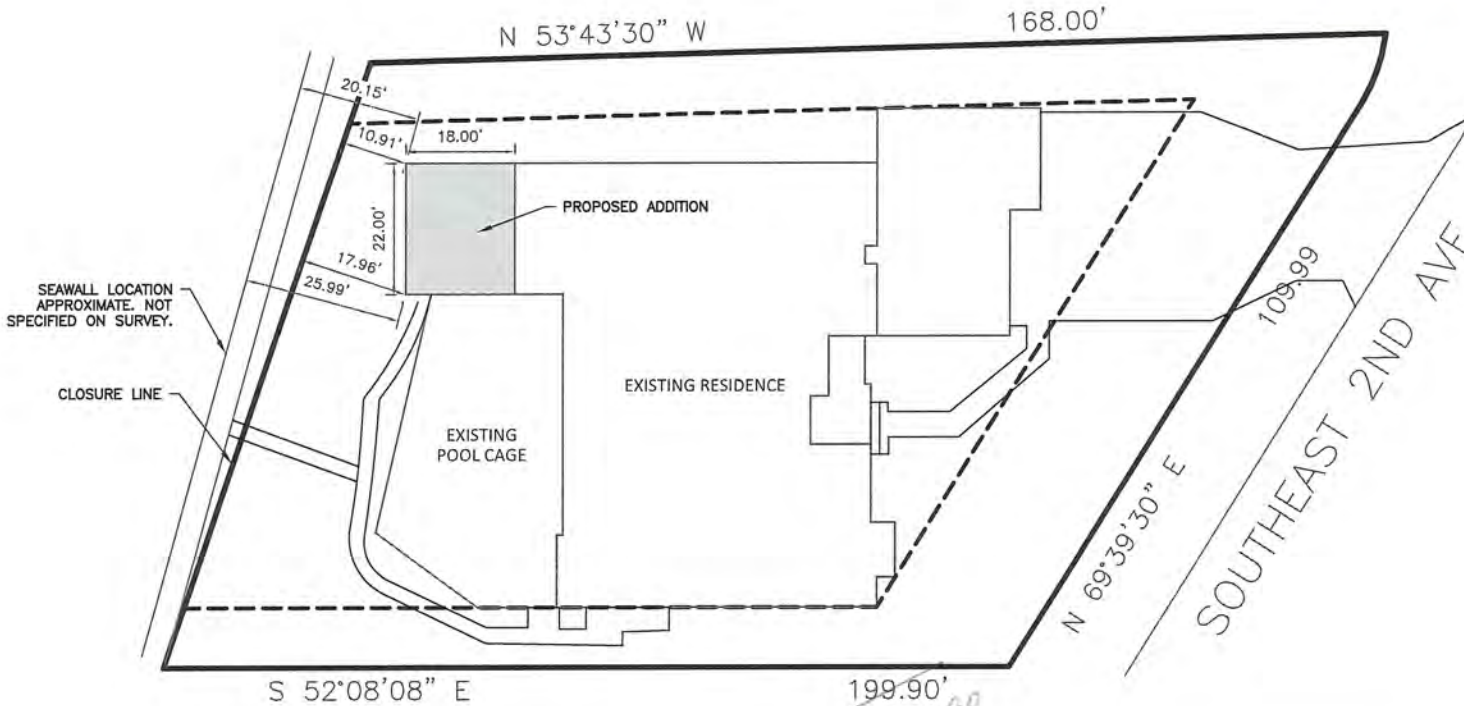
Expansion of Lanai to cover the length of the house. This will require a variance request for ~~the height restrictions as well as~~ a decrease in the waterfront setback.

Michelle P. Wyatt
 Signature Owner Agent



5/10/21
Date

RECEIVED
 JUN 04 2020
 V21-0006



ZONE A-II

ALTERATION RESULTS IN A 2.4% INCREASE IN IMPERVIOUS SURFACE RATIO.

EXISTING SQUARE FOOTAGE = 16,251 SF, 41%.
 ADDING 396 SQUARE FEET WILL BRING THE NEW IMPERVIOUS SURFACE RATIO TO 43.4%

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CUSTOMER: WYATT
 PARCEL #: 17E1852101800100
 ADDRESS: 131 SE 2ND AVE
 CRYSTAL RIVER

SITE PLAN

PAGE: **01** OF **01**

DRAWN BY: NSH SCALE: 1:20
 CHECKED BY: NSH SAVED DATE: 5/27/2021 10:34

This instrument prepared by:

Name: **Bill Hudson**

Return to: **Land Title of Citrus County, Inc.**

FILE NO. LT-35335

Address: **3899 S. Suncoast Blvd, Ste 100**

Homosassa, Fl. 34448

Property Appraisers Parcel Identification Number(s):

17E18S2101E0 0100

Grantee(s) S.S #'s:

Official Records Citrus County FL
Angela Vick, Clerk of the Circuit Court & Comptroller
#2020051174 BK: 3094 PG: 1113
9/24/2020 4:03 PM 1 Receipt: 2020044356
RECORDING \$10.00
D DOCTAX PD \$6,965.00

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 10th day of September, 2020 by William Chaney, unmarried whose street address is **★** hereinafter called the grantor, to Peter Wyatt and Michelle Wyatt, husband and wife whose street address is **2188 Chantilly Terrace, Oviedo, FL 32765** hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in **CITRUS** County, State of **FL**, is:

Lot 10, Springdale Addition to Springs O'Paradise, according to the map or plat thereof, as recorded in Plat Book 5, Page(s) 38, of the Public Records of Citrus County, Florida.

And

A strip of land 20 feet in width and running along the Northeasterly lot line Lot 11, Springdale Addition to Springs O'Paradise, according to the map or plat thereof, as recorded in Plat Book 5, Page(s) 38, of the Public Records of Citrus County, Florida. (aka the Northeasterly 20 feet of said Lot 11)


Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31ST, 2019. FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:




Signature **William S. Hudson**

Printed Signature




Signature **Steve Latuff**

Printed Signature


William Chaney
**★ 1575 SE 2ND AVE. #101
CRYSTAL RIVER, FL 34429 ★**

FLOOD HAZARD WARNING
This property may be subject to flooding. You should contact local building and zoning officials and obtain the latest information regarding flood elevations and restrictions on development before making plans for the use of this property

THIS WARRANTY DEED made the 10th day of September, 2020 by William Chaney, unmarried whose street address is  hereinafter called the grantor, to Peter Wyatt and Michelle Wyatt, husband and wife whose street address is 2188 Chantilly Terrace, Oviedo, FL 32765 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in CITRUS County, State of FL, is:

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And


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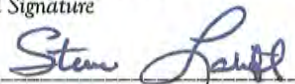
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:




Signature
William S. Hudson

Printed Signature



Signature
Steve Latoff


Printed Signature

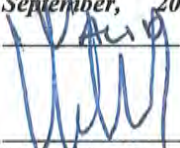


William Chaney
* 1575 SE 2ND AVE.
CRYSTAL RIVER, FL 34429 *

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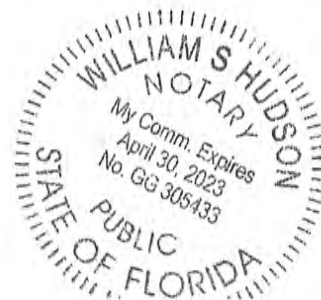
STATE OF FLORIDA
COUNTY OF CITRUS

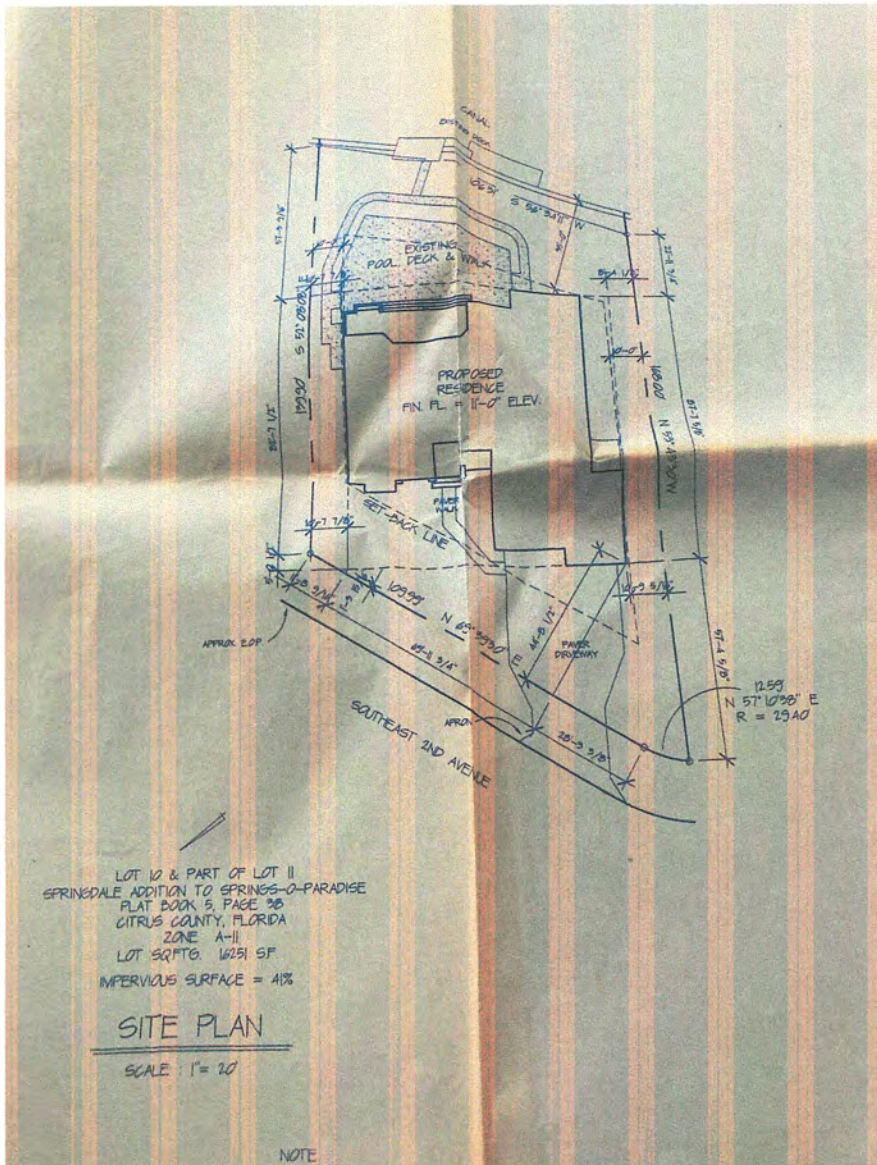
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization this 10th day of September, 2020 by  William Chaney, unmarried, who is personally known to me or who produced _____ as identification and who did/did not take an oath.



Notary Public
My Commission Expires:

[seal]





- Adding a 21.5 feet x 18 feet area will increase the original impervious surface from 41% to 44%

9.02.02 – Finding 1 – There is a specific hardship affecting the development of the lot resulting from the strict application. Many neighbors have lanais and outdoor structures that violate the current variance from distance to the canal and height.



9.02.02 – Finding 1 – There is a specific hardship affecting the development of the lot resulting from the strict application.

Many neighbors have lanais and outdoor structures that violate the current variance from distance to the canal and height. The white space indicates where the new lanai would be extended along the rear of the house.



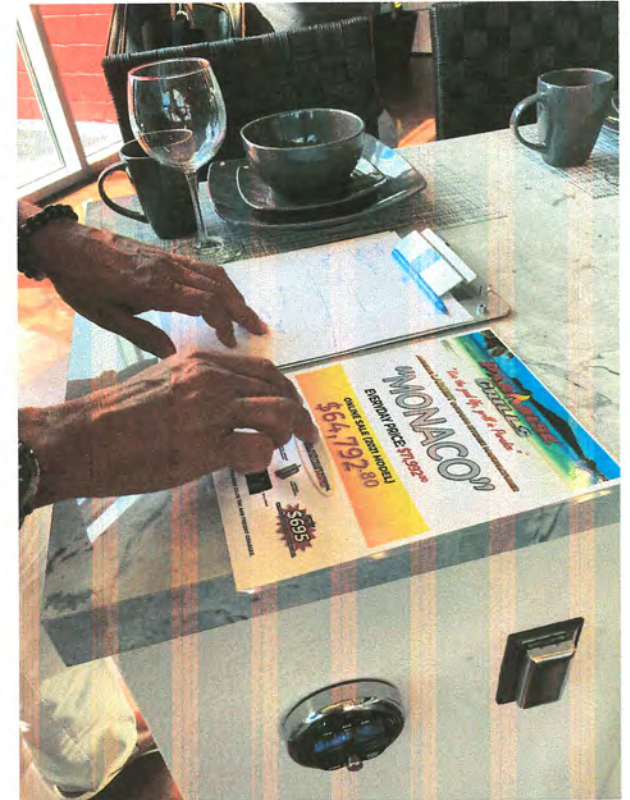
9.02.02 – Finding 2 – The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs

The expansion of the lanai will allow us to add an outdoor kitchen/bar area within the lanai area which will increase the value of the home. The total value of the project for the bar area and the construction of the lanai and other work is estimated to be \$75,000.



9.02.02 – Finding 2 – The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs

The expansion of the lanai will allow us to add an outdoor kitchen/bar area which will increase the value of the home. The total value of the project for the bar area and the construction of the lanai and other work is estimated to be \$75,000.



9.02.02 – Finding 3 – The need for the proposed variance is due to the physical shape configuration – or topical condition of the lot.

The house sits at an angle to the canal and to extend the lanai the length of the house the physical distance between the house and the canal to 17.5 feet rather than the required 25 feet. The existing lanai is currently 25 feet from the canal but due to the angle of the house, if the lanai is extended to the length of the house, that distance will be reduced.



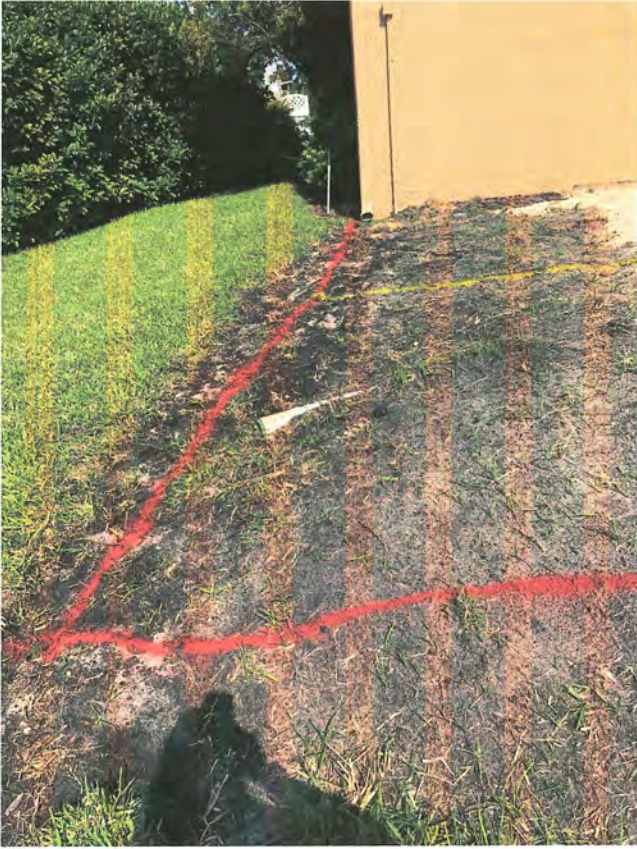
9.02.02 – Finding 3 – The need for the proposed variance is due to the physical shape configuration – or topical condition of the lot.

The yellow line shows where the variance line would be at 25 feet from the canal; the red line shows where the requested structure would be. The distance angles from 19.5' distance up to 17.5' distance from the canal.



9.02.02 – Finding 3 – The need for the proposed variance is due to the physical shape configuration – or topical condition of the lot.

The house sits at an angle to the canal and to extend the lanai the length of the house the physical distance between the house and the canal to 17.5 feet rather than the required 25 feet.



9.02.02 – Finding 4 - The proposed variance is necessary to preserve a substantial property right which such property is generally available to other property owners of adjacent or nearby property lots

Numerous neighbors have existing lanais that are closer than the 25 feet requirement to the canals including homes along the same street



9.02.02 – Finding 5 – The grant of the proposed variance does not confer on the applicant any special privilege that is prohibited by this LDC to other lands, buildings or structures in the same zoning district.

Other homes on the same street have less than 25 feet from their lanai to the canal.

9.02.02 – Finding 6 - The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard and is not otherwise detrimental to the health, safety, or general welfare of the public.

The extension of the lanai will not cause any dangers to the public.

9.02.02 – Finding 7 - The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the district

The final product should significantly increase the aesthetic appeal and value of the house.

9.02.02 – Finding 8 – The variance granted is the minimum variance that results in reasonable use of the land, building or structure.

The size of the new lanai space requested is consistent with the intention to install the “Monaco” model of an outdoor bar/kitchen area that requires this size space.

9.02.02 – Finding 9 – The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standard and criteria

The result of the variance will increase property value and provide for increased enjoyment of the current structure in place.

**PUBLIC INPUT
RECEIVED
FOR
V21-0006**

From: [Ken Brown](#)
To: [Jenette Collins](#)
Subject: Objection to request variance
Date: Friday, June 18, 2021 10:43:39 AM

Dear City of Crystal River,

I just received notification that the owners of the property located at 131 SE 2nd Ave. has requested a variance to allow a structure being added to their current property that would require said structure to be built within the 25 foot setback.

The city code requires no structure higher than two feet (30%) of the 25 foot setback should be allowed. This code makes sense for many reasons.

The setback prohibits one property blocking the water view of their neighbor's property. The canal in this situation is narrow so the structure would be very close to the property owners on the other side of the canal.

Building closer than 25 feet to the water increases the possibility of runoff into the water.

We have a noise ordinance in place. Building a kitchen/entertainment center closer to the canal would definitely cause a noise issue.

This request is not consistent with the character of the neighborhood. We all have complied with existing codes. This property owner should also.

Kind regards,

Ken Brown
220 SE 2nd Pl, Crystal River, Fl. 34429