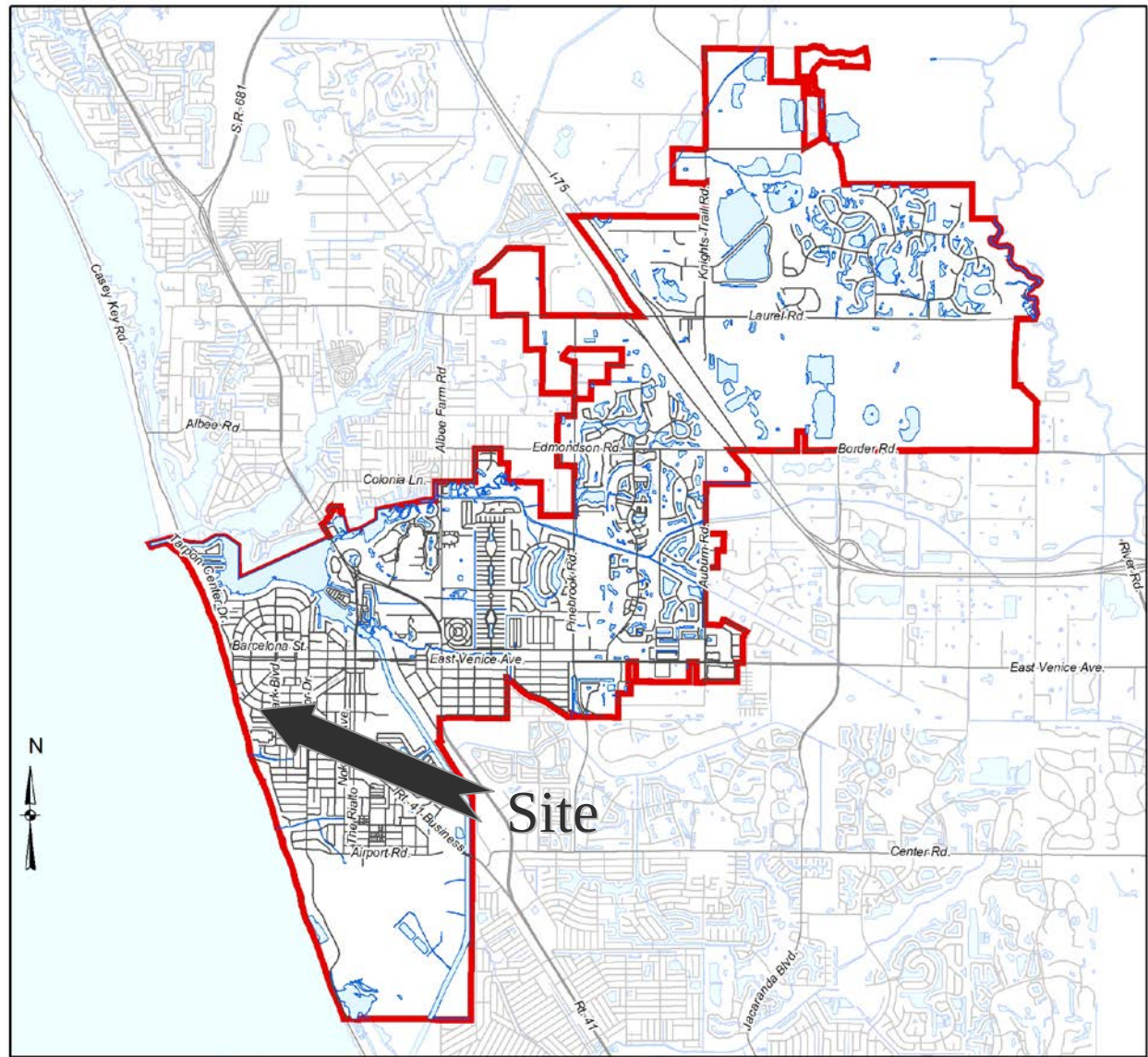

City of Venice Planning Commission Information Packet

VARIANCE (No. 13-4VZ) Denholm Residence



Prepared by the Planning and Zoning Department
City of Venice, Florida

I. GENERAL INFORMATION

Owner: David Denholm

Agent: Greg Roberts, Esquire

General Location: The subject property is lot 10, replat of Block 25 of the Gulf View Subdivision, located on Alhambra Road.

Request Overview: The applicant is requesting Planning Commission approval of a variance to construct a new single family structure with a lot coverage of thirty-five (35) percent. The subject property is zoned RSF-2. Code section 86-81(h)(1)a states that the maximum lot coverage for single-family dwellings and their accessory structures in the RSF-2 District is thirty (30) percent. The subject property is vacant.

The applicant has provided a written response to each of the factors contained in Section 86-46(a)(4) that are to be considered by the Planning Commission in its review of this variance request.



II. APPLICABLE ZONING CODE

A. Section 86-81. RSF residential, single-family district.

(h) Maximum lot coverage by all buildings. Maximum lot coverages in the RSF districts are:

(1) Single-family dwellings and their accessory buildings:

- a. RSF-1 and 2: 30 percent.*
- b. RSF-3 and 4: 35 percent.*

III. ACTION REQUIRED BY THE PLANNING COMMISSION

A. Planning Commission Determination:

The Zoning Ordinance, Chapter 86, provides the Planning Commission with variance review criteria for determining the appropriateness for variance approval. The considerations in granting a variance that guide the Planning Commission in making a determination are included below. Upon review of these standards, the applicant's presentation, and public input, the following determination alternatives are available for Planning Commission consideration:

1. Petition approval.
2. Petition approval with appropriate conditions and safeguards.
3. Petition denial.

Sec. 86-46. Variances.

(a) Procedure and conditions for granting variances. A variance from the terms of this chapter shall not be granted by the planning commission unless and until:

(1) Written petition. A written petition for a variance is submitted by the applicant.

- **Staff Comment:** The applicant has met the written petition requirement. Please see attached.

(2) Notice of public hearing. Notice of a public hearing shall be given at least 15 days in advance of the public hearing. The owner of the property for which the variance is sought, or his agent or attorney as designated on the petition, shall be notified by mail. Notice of the public hearing shall be prominently posted on the property for which the variance is sought. Notice of the public hearing shall be advertised in a newspaper of general circulation in the city at least one time 15 days prior to the hearing. Notice shall be given by mail to all owners of property

within 250 feet of the boundary line of the property for which the variance is requested, or within 250 feet of the centerline of any right-of-way or water body adjacent to the subject property, whichever distance is greater; provided, however, that, where the applicant is the owner of land not included in the applicant's application, and such land that is not included in the application is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet for purposes of this provision, owners of such adjacent or nearby properties within the distance set out shall be deemed those whose names appear on the latest available tax rolls of the county. Failure of a property owner to receive mail notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall execute and file a certificate, which shall contain the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be signed by the city clerk and official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed.

- **Staff Comment:** Staff confirms that notification has been provided to the adjacent property owners.

(3) *Conduct of hearing. The public hearing shall be held by the planning commission. Any party may appear in person or by agent or attorney.*

- **Staff Comment:** Public hearing scheduled for July 16, 2013.

(4) *Considerations in granting. The planning commission shall consider the following in making a determination on any petition:*

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district;

- **Staff Comment:** The subject property is zoned RSF-2. The minimum lot size in the RSF-2 district is 10,000 square feet. Based on a survey submitted by the applicant, the subject property has a lot size of 9,763 square feet. Staff conducted a study of RSF-2 zoned lots located in the vicinity of the subject property. A total of twenty-two lots were studied to determine their lot area. The average lot size for the twenty-two lots studied is 12,855 square feet.

b. The special conditions and circumstances do not result from the actions of the applicant;

- c. *Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;*
 - d. *The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;*
 - e. *The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and*
 - f. *Such other conditions that are shown to exist wherein the public interests would be best served.*
- **Staff Comment:** The applicant has provided responses to the above considerations. Please see attached.
- (b) *Conditions and safeguards on variances; expiration of variance. In granting any variance, the planning commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to time limits not to exceed 365 days, within which the action for which a variance is required shall be begun or completed, or both. Where no other time limit is set by action of the commission, the variance shall be null and void unless work for which the variance is granted begins within 180 days. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.*
- (c) *Limitations on power to grant variances.*
 - (1) *A variance is authorized for the height, area and size of structures and signs; size of yards and open spaces; driveways and curb cuts; off-street parking and loading; or landscaping, and the other standards and provisions contained herein.*
 - (2) *Under no circumstances shall the planning commission grant a variance to permit the establishment or expansion of a use not permitted under the terms of this chapter in the zoning district.*
 - (3) *No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in any other district, shall be considered grounds for the granting of a variance.*

LEGEND

□ = CONCRETE FOUNDATION FOUND (SIZE & L.B. NOTED)
○ = 3/4" IRON PIPE FOUND (L.B. NOTED)
● = 3/4" CURVED IRON ROD SET (L.B. #08330)
○ = HOLE & DIA. (L.B. NOTED)
○ = PUBLIC UTILITY DIA. (L.B. NOTED)
○ = 1/2" IRON PIPE (L.B. #08330)
○ = METAL HOLE
○ = PLAT DIMENSION
(M) = MEASURED DIMENSION
(C) = CALCULATED DIMENSION
(D) = GEODETIC DIMENSION
U. & D. = UTILITY & DRAINAGE
L.B. = LICENSED SURVEYOR BUSINESS
L.S. = LAND SURVEYOR
P.C. = POINT OF CURVATURE
P.T. = POINT OF TANGENCY
P.I. = POINT OF INTERSECTION
P/W = RIGHT-OF-WAY
C/P = CENTER LINE
E/P = EDGE OF PAVEMENT
B.D. = BACK OF CURB
T.S.M. = TEMPORARY BENCH MARK
C.L. = CORNER LINE
C.E. = CURVE ELEVATION
C.L. = CLOSURE
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
F.I.R.M. = FLOOD INSURANCE RATE MAP
W.E. = WETLAND ELEVATION

— ONE — OVERHEAD UTILITY LINES
(IP) = IRON PIPE
CONC. = CONCRETE
(U) = UTILITY
(P) = PUBLIC UTILITY PIPE
○ = VERTICAL HAND HOLE
○ = ELECTRIC HAND HOLE
○ = WELL

TREE LEGEND

○ = OAK TREE (SIZE NOTED)
○ = RED TREE (SIZE NOTED)
○ = MAPLE TREE (SIZE NOTED)
○ = HICKORY TREE (SIZE NOTED)
○ = GUM TREE (SIZE NOTED)

SCALE 1" = 30'

CURVE 1 (C1)
RADIUS: 1460.00' (P&M)
ARC: 80.06' (M) 80.2' (P)
DELTA: 104.35' (M)
CHORD: 85.08' (M)
BEARING: S85.40' 40" E (M)

CURVE 2 (C2)
RADIUS: 1460.00' (P&M)
ARC: 80.32' (M) 80.2' (P)
DELTA: 104.35' (M)
CHORD: 85.08' (M)
BEARING: S85.40' 40" E (M)

CURVE 3 (C3)
RADIUS: 1460.00' (P&M)
ARC: 80.32' (M) 80.2' (P)
DELTA: 104.35' (M)
CHORD: 85.08' (M)
BEARING: S85.40' 40" E (M)

ALHAMBRA RD.
(80' PUBLIC P/W - 30' PAVED)

LOT 9
DEVELOPED
F.F. 14.10'

LOT 10
VACANT
9,763 SQ.FT.±

LOT 12
DEVELOPED
F.F. 13.10'

LOT 11
DEVELOPED
F.F. 13.10'

STATE OF FLORIDA COASTAL CONSTRUCTION CONTROL LINE (RECORDED 01/26/73) (SEE NOTE)

TREE NOTE:
TREES SHOWN HEREON WERE IDENTIFIED TO THE BEST OF THE SURVEYOR'S ABILITY. A PROFESSIONAL ARBORIST SHOULD BE CONSULTED FOR EXACT TREE SPECIES IDENTIFICATION & CUMMINS.

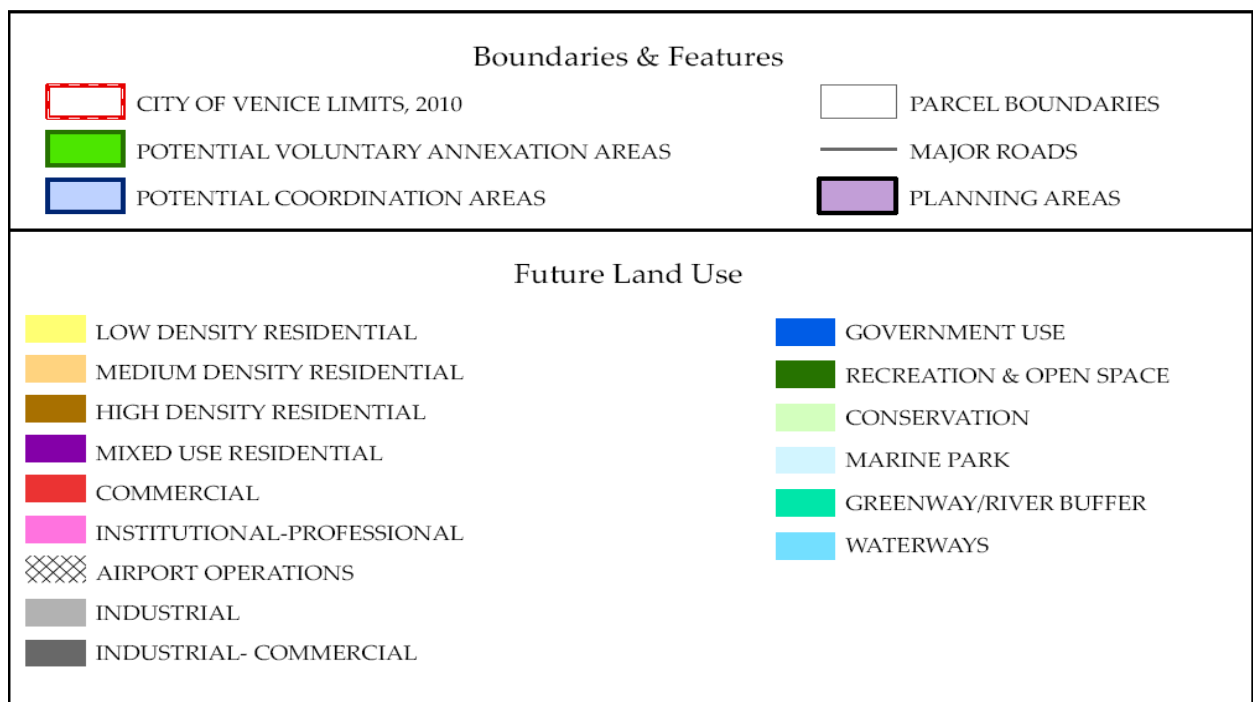
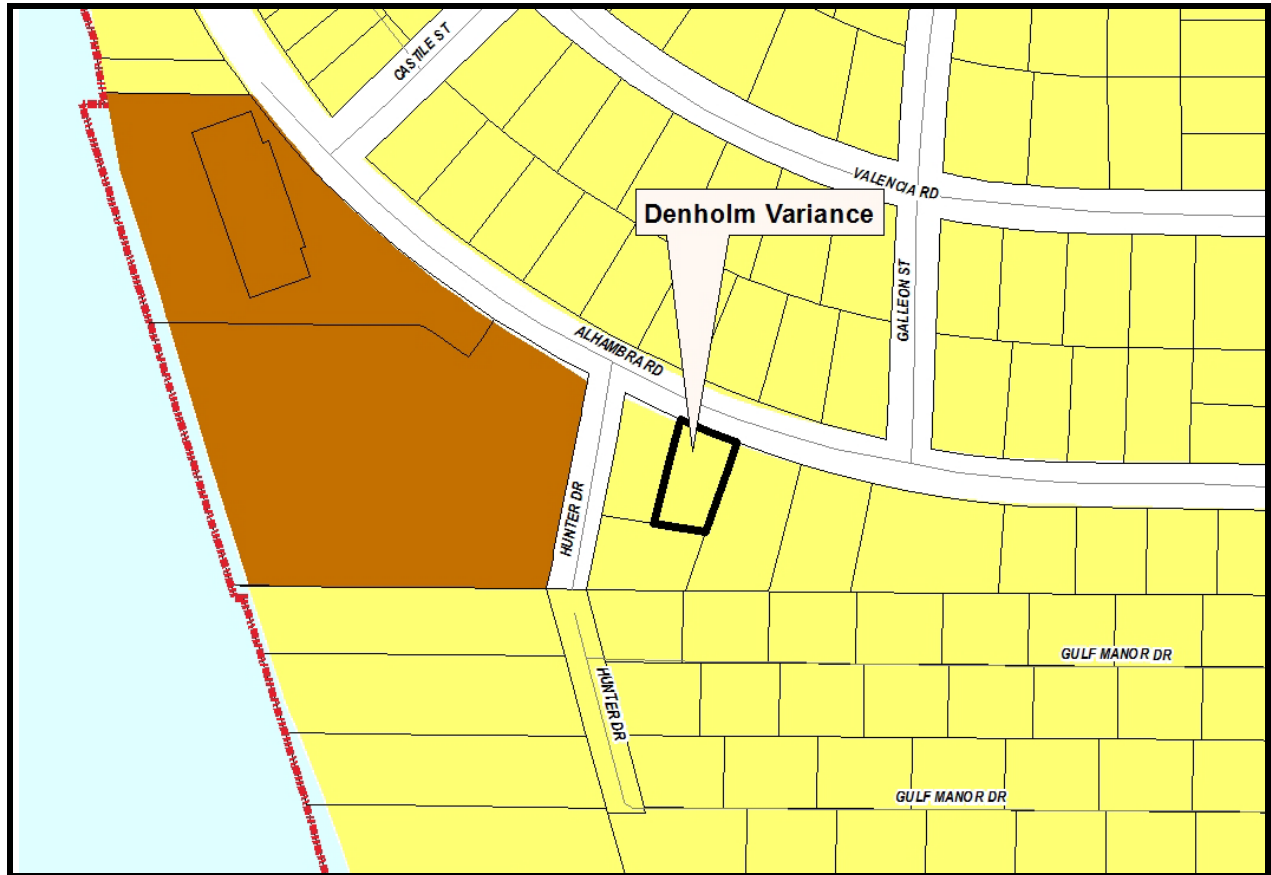
ELEVATION NOTE:
ALL ELEVATIONS SHOWN HEREON ARE BASED ON THE NAD 83 VERTICAL DATUM, UNLESS OTHERWISE SPECIFIED.
ELEVATIONS SHOWN HEREON ARE BASED ON A DEPARTMENT OF REVENUE RESOURCES AIRBORNE PHOTO, 10. 08-1234, ELEVATION = 11.25' (SEE NOTE)

SURVEYOR'S NOTES:
DESCRIPTION FURNISHED BY CLIENT.
THE SURVEY AS SHOWN HEREON WAS MADE IN 2012. THE SURVEYOR'S ABILITY TO LOCATE THE PROPERTY CORNERS WAS LIMITED BY THE DEPARTMENT OF REVENUE'S AIRBORNE PHOTO, 10. 08-1234, ELEVATION = 11.25' (SEE NOTE).

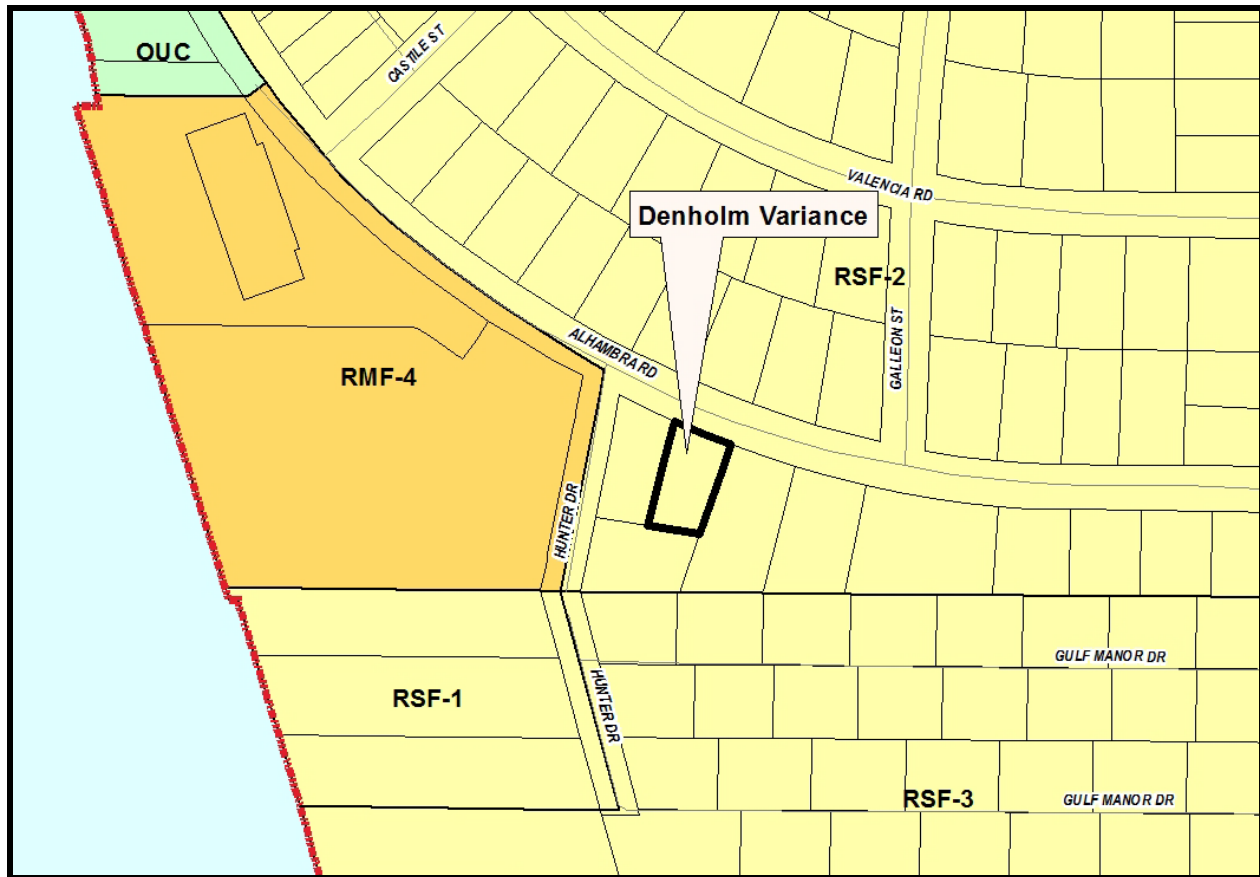
COASTAL CONSTRUCTION CONTROL LINE NOTE:
THE COASTAL CONSTRUCTION CONTROL LINE AS SHOWN ON THIS SURVEY IS APPROXIMATE IN LOCATION, DERIVED FROM A PREVIOUS SURVEY CONDUCTED BY THE FIRM, FILE # 05 07 54

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PLANNING & ZONING

FUTURE LAND USE MAP



ZONING MAP



Legend

 OUC - Open Use, Conservation	 PCD - Planned Commercial Development
 MP - Marine Park	 PID - Planned Industrial Development
 GU - Government Use	 ILW - Industrial, Light & Warehousing
 PUD - Planned Unit Development	 CN - Commercial, Neighborhood
 RE - Residential, Estate	 CG - Commercial, General
 RSF - Residential, Single Family	 CI - Commercial, Intensive
 RMF - Residential, Multi-Family	 CBD - Commercial, Business District
 RMH - Residential, Manufactured Home	 CSC - Commercial, Shopping Center
 RTR - Residential, Tourist Resort	 CHI - Commercial, Highway Interchange
 OPI - Office, Professional & Institutional	 Venetian Gateway Overlay District
 OMI - Office, Medical & Institutional	 Neighborhood Height Overlay
 Venice City Boundary	 Venetian Urban Design Overlay