

25-65VZ 114 Corte del Asolo

Staff Report

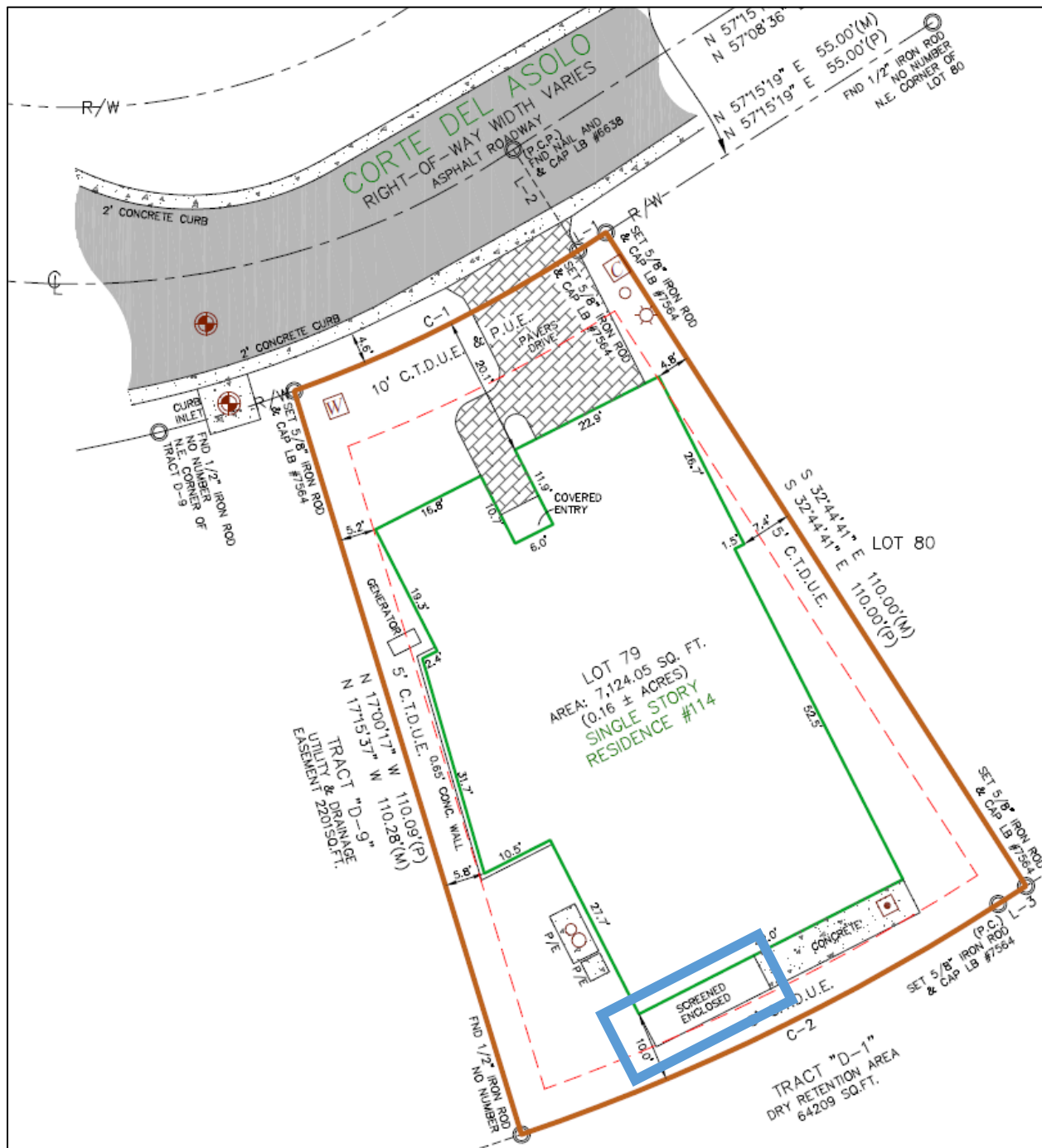


GENERAL INFORMATION

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|---|---|
| Address: | 114 Corte del Asolo |
| Request: | Seeking variance from Sec. 87-3.1.9.C.2 requiring a five foot setback for screened enclosures |
| Owner/Applicant: | Joel & Julia Heseman |
| Agent: | Andrew Conaboy, Esq., Berlin Patten Ebling, PLLC |
| Parcel ID: | 0428040025 |
| Parcel Size: | ±7,124.05 square feet |
| Future Land Use: | Low Density Residential |
| Zoning: | Residential, Single-Family 3 |
| Comprehensive Plan Neighborhood: | Island Neighborhood |
| Application Date: | October 23, 2025 |

I. VARIANCE REQUEST AND SUBJECT PROPERTY INFORMATION

The subject property is located at 114 Corte del Asolo, in the Bellagio neighborhood on Venice Island. There is an existing screened enclosure that encroaches into the five-foot setback by inches. The owner requests a variance for this existing structure to prevent issues with selling the property in the future. A site plan showing the encroachment is provided here, with the required setback indicated by a red dotted line and the enclosure highlighted by a blue box.



Future Land Use and Zoning

This property is surrounded by Low Density Residential Future Land Use (FLU) designations on all sides. It is also surrounded by the same zoning district as the property itself, Residential, Single-Family 3. This property is within the Bellagio neighborhood.

Future Land Use Map



Zoning



II. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

The procedural requirements contained in Chapter 87 Section 1.2 concerning receipt of written petition, notice of public hearing and scheduling of hearing have been satisfied. Chapter 87, Section 1.13.3 specifies that the Planning Commission shall, based upon substantial and competent evidence, make an affirmative finding on each consideration in granting a variance application or find that variance will correct a bona fide staff error that has led to design or construction that does not comply with the LDR:

1. **The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.**

Applicant's Response: Confirmed. Owner will likely experience a hardship when they sell the property in the future, as she did when purchasing. Which is why we are seeking this variance.

2. **The conditions upon which the request for a variance is based are unique to the parcel and would not be applicable, generally, to other property within the vicinity.**

Applicant's Response: Correct.

3. **The variance is not based on any conditions, including financial, occupational, or ability, which are personal to the applicant as applied to the property involved in the application.**

Applicant's Response: Correct.

4. **The alleged hardship has not been created by any person presently having an interest in the property or, it was it was created as a result of a bona fide error.**

Applicant's Response: Correct.

5. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.**

Applicant's Response: Correct.

6. **The variance granted is the minimum variance that will make possible the reasonable use of the property.**

Applicant's Response: Correct.

7. **The property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted.**

Applicant's Response: See above A1.

Summary Staff Comment: The request is based on an existing structure, and the applicant wishes to have formal approval of this structure to prevent complications when selling their home. City staff issued a permit for the screened enclosure in 2002 and approved it upon inspection that same year; the permit record does not include a site plan, so it is unknown whether it was a staff error or an error in constructing the enclosure that resulted in the encroachment. However, the information provided in the petition request and this report should be sufficient to allow the Planning Commission to take action on the subject petition.