

Christina Rimes

From: Carlene Painter <carbob70@aol.com>
Sent: Sunday, March 31, 2019 1:58 PM
To: Planning Commission
Subject: Cassata place

Categories: Cassata

Variances are not a given right. There is no evidence of a hardship; our density on Venice Avenue is already over the top.
Stop.

Carlene Painter
Casa del Lago Way

Sent from my iPhone

From: [Mike Rafferty](#)
To: [Barry Snyder](#); [Jerry Towery](#); rhales@venicegov.com; [Janis Fawn](#); [Shaun Graser](#); [Kit McKeon](#); [Thomas Murphy](#); [Planning Commission](#); [Christina Rimes](#)
Cc: [John Holic](#); [City Council](#); [Lori Stelzer](#); fabbruzzino@yahoo.com; earle.kimel@heraldtribune.com; giles@venicegondolier.com; [Bob Mudge](#); kfernandez@swflgovlaw.com
Subject: Cassata Place Case No 18-06 PP
Date: Sunday, March 31, 2019 6:06:21 PM
Attachments: [Cassata Place Brief Sheet April 2019.pdf](#)
[Additional zoning stuff.pdf](#)

Good afternoon,

As past long time Planning Board member and representative of my community on the Metropolitan Area Planning Commission (Greater Boston Metro) and current full time resident of Venice, I have followed closely the various development proposals that have advanced to fruition here in our community. Most recently, it has been promoted by City Hall that the hands of our Public Officials are tied due to strict Florida laws that favor developers and protect the "vested rights" of property owners. That rings true for a multitude of situations, NOT ALL!

When it comes to reviewing variance requests, the nearly universal "hardship" standard is an exacting test that must be met.

You have a variance request before you this Tuesday on the Cassata Place proposal. In the past, applications have used the term "modifications" when zoning changes have been sought.....the applicant on this project is using the term "modifications" and the staff report, for the first time in my recollection, states the applicant is seeking "VARIANCES".

You are heading for new territory as you consider the "hardship" details of the current proposal....the applicant's justification..... "As this proposed development is consistent and compatible with development in the surrounding area, its approval would serve to protect the general intent and spirit of the City Code".... falls far short of any indication of "hardship".

Should you choose to grant the variances, please have the courtesy to provide me a copy of the details of such action and the precise factors unique to this site that in your opinion, satisfy the "hardship" standard.

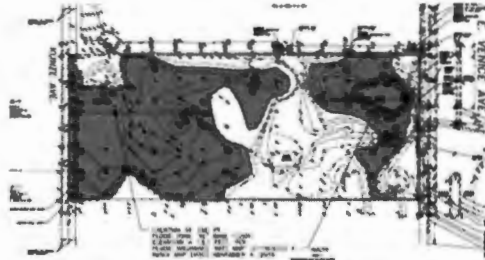
Please enter this as part of the Official Record for the Hearing on Case No 18-06 PP scheduled for Apr 2, 2019.

Thank you,

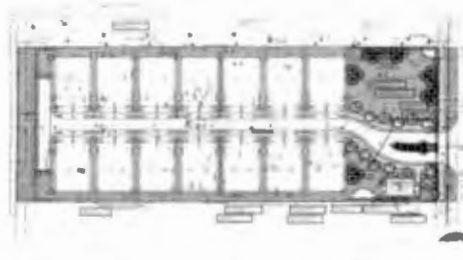
Mike Rafferty, Member
Venice Tax Watch

Attached Brief Sheet on Cassata Place & Additional Zoning Material

Cassata Place – Case 18-06 PP



Existing Conditions - 80%+/- Flood Zone



Proposed - 28 Homes – Clear Cut Site – Dig Ponds
(shaded area represents ponds/drainage swales)

Proposed project includes 5.07 +/- ac of land on East Venice Ave directly across from La Pavia Boulevard currently zoned RMF-2 with the Venice Gateway Overlay (VG). Action before the Planning Commission on April 2, 2019 is a review of a Preliminary Plat consisting of 28 residential homes and **variances** (called modifications by the applicant, identified as variances by staff) to COV Chapter 86 Land Development Code (Zoning Laws).

Observations:

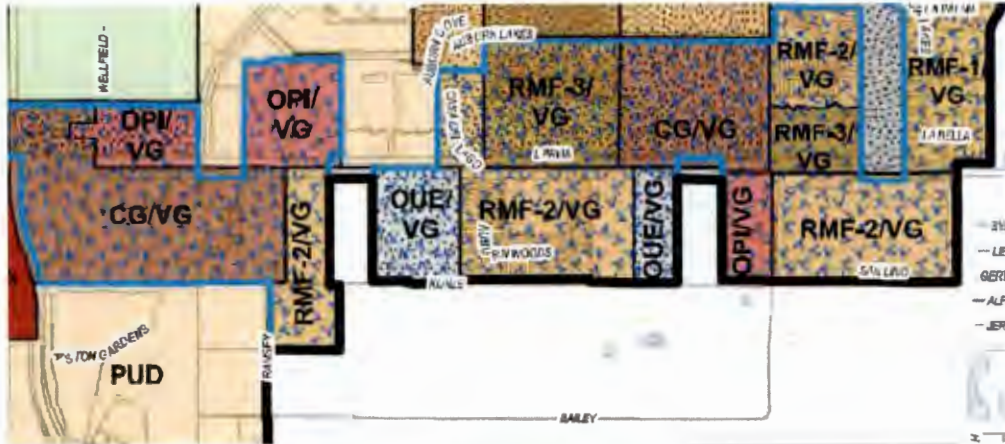
- This is the second time in less than a month that a residential proposal has appeared involving a **variance** to lot area, lot width, yard setbacks, and increase lot coverage. The March 19, 2019 application for Arcata Del Sol was approved based on granting what were identified as “modifications” but technically were “**variances**” to the code for lot size, yard setbacks, open space, and maximum lot coverage. (Note, allowing a reduction in yard setbacks results in a reduction of open space). Although the applicant is requesting “modifications” on this application, staff is now properly identifying them as “**variances**”.
- **The Arcata Del Sol variances** granted lot area reduction of 5,000 sf to 4,140 sf; lot frontage reduction from 50-ft to 36-ft; open space reduction from 50% to NONE; side yard reduction from 10-ft to ZERO; lot coverage increase from 30% to 50%; and additional dimensional variances. This proposal is requesting **variances** for lot area reduction from 7,500-sf to 4,434-sf; lot width reduction from 75-ft to 35-ft; lot coverage increase from 35% to 53%; and side yard reduction from 6-ft to ZERO.
- **Our current Venice Code, Sec 86-23,h,(4) covers Variances. To authorize upon appeal, in specific cases, such variance from any of the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary and undue hardship.**
- To demonstrate “hardship”, prerequisite for granting a **variance**, the applicant has presented the following:

This modification request is justified due to the nature of the adjacent Auburn Woods development and an effort to design a compatible development as opposed to a multi-story, multi-family development. The proposed modifications are the minimal modification from Code standards necessary to allow for development which his nearly identical in design to the adjacent Auburn Woods development. As this proposed development is consistent and compatible with development in the surrounding area, its approval would serve to protect the general intent and spirit of the City Code.

- Requested action is beyond vested property rights and the Planning Comm needs to hear from constituents regarding the enforcement of zoning regulations and protection of the public interest. Please make your comments to (PC, Council, and City Clerk):
PlanningCommission@venicegov.com citycouncil@venicegov.com , LStelzer@Venicegov.com ,

Brief Sheet by Venice Tax Watch, April 1, 2019 for the Record of Planning Commission Meeting on April 2, 2019 regarding Public Hearings on 18-06PP

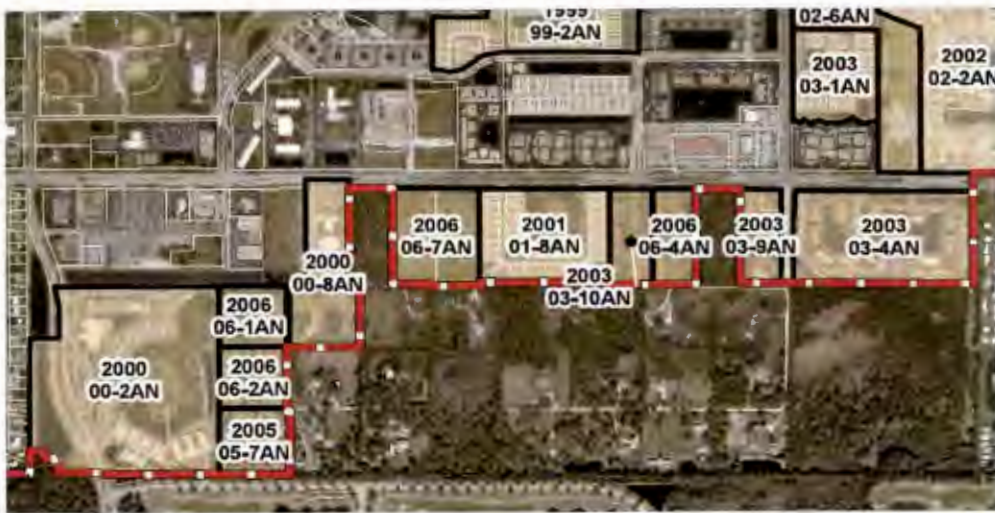
CASSATA PLACE April 2019



COV Zoning Map



County Property Appraiser Map



COV Annexation Map

PROJECT DESCRIPTION

The subject petition is a Preliminary Plat for 28 attached single-family dwelling units on 5.07 ± acres of land along East Venice Avenue. The property lies directly south of Venice Avenue, making the development subject to the 'Venetian Gateway' architectural control district. Per Sec. 86-230(d), the applicant has requested 3 variances. The three variances are listed below:

TABLE: Variance Requests

Type	Code Section	Requirement	Variances	Type of change	
				Increase	Decrease
Minimum Lot Requirements	Section 86-82(h)(1)	Width 75ft, 7500 sqft	Width 35ft, 4434 sqft		✓
Maximum Lot Coverage	Section 86-82(i)	35%	53%	✓	
Side Setback	Section 86-82(j)(1)b	6 ft minimum, 15 ft combined	0 ft minimum, 15 ft combined		✓

Concurrency and Mobility			
FACILITY	DEPARTMENT	ESTIMATED IMPACT	STATUS
Transportation	Planning and Zoning	26 PM Peak Hour Trips	Confirmed by Traffic Engineering Consultant
Potable Water	Utilities	28 ERUs (new)	Concurrency Confirmed by Utilities
Sanitary Sewer	Utilities	28 ERUs (new)	Concurrency Confirmed by Utilities
Solid Waste	Public Works	290.36 lbs per day (new)	Concurrency Confirmed by Public Works
Parks and Rec	Public Works	47.6	Concurrency Confirmed by Public Works
Drainage	Engineering	Compliance Shown with SWFWMD permit	Concurrency Confirmed by Engineering
Public Schools	School Board	Under review, awaiting Final Plat approval	No issue raised – approval upon Final Plat

Conclusions / Findings of Fact (Concurrency/Mobility):

No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

CONCLUSION

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on the Preliminary Plat Petition No. 18-06PP.

Staff Report

Pursuant to Sec. 86-230(d), Applicant requests a modification to the below standards.

Standard Proposed for Modification	Code Section	Current Code Standard	Proposed Modification
Minimum Lot Requirement	Section 86-82(h)(1)	Width 75 feet, Area 7,500 Square Feet	Width 35 feet, Area 4,434 square feet
Maximum Lot Coverage	Section 86-82 (i)	35 percent	53 percent
Side Setback	Section 86-82 (j)(1)b	6 feet minimum, 15 feet combined	0 minimum, 6 feet combined

This modification request is justified due to the nature of the adjacent Auburn Woods development and an effort to design a compatible development as opposed to a multi-story, multi-family development. The proposed modifications are the minimal modification from Code standards necessary to allow for development which is nearly identical in design to the adjacent Auburn Woods development. As this proposed development is consistent and compatible with development in the surrounding area, its approval would serve to protect the general intent and spirit of the City Code.

Applicant Request for a VARIANCE & Statement of Hardship (?)

Conflicts of interest. Planning commission members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interest likely to conflict with the general public interest. If any person appointed shall find that their private or personal interests are involved in any matter coming before the planning commission, they shall disqualify themselves from taking part in action on the matter, or may be disqualified by the chair of the commission.

Christina Rimes

From: Judith Trafton <jet1952@rocketmail.com>
Sent: Monday, April 1, 2019 2:06 PM
To: Planning Commission
Subject: Re: Cassata Place Variance, Nokomis Fl

Categories: Cassata

This property is on East Venice Ave.

Sent from my iPhone

> On Apr 1, 2019, at 1:17 PM, Judith Trafton <jet1952@rocketmail.com> wrote:

>

>

> Please DO NOT allow this variance. This shouldn't even be up for argument. We voted for you to uphold the rules for development, NOT make allowances for greedy developers!!! I'm absolutely sick of the way Planning and Zoning has systematically destroyed most of our wildlife areas and ruined the charm of this lovely (what used to be a small) community. The abhorrent Baseball stadium in south Venice is a classic example along with the thousands of homes being built east of the highway. It's sickening!!! Please keep in mind for every person that takes the time to write you, there are thousands that feel the same way.

>

> Judith Trafton
> 225 Pavonia Rd
> Nokomis Fl 34275
>
> Sent from my iPhone
>