



April 30, 2025

Annette M. Boone
Boone Law Firm
P.O. Box 1596
Venice, Florida 34284

Re: Zoning Determination 240 Base Avenue E. (0430150030)

Dear Ms. Boone:

The Planning and Zoning Department is in receipt of your letter dated April 17, 2025, requesting a zoning determination letter for the subject property. This property is currently designated as Mixed Use Corridor on the City's future land use map and is zoned Airport Avenue (AA).

It is our understanding that you want some confirmation regarding the continuation of the current use of the property. Your letter indicates that the current use of the property includes the following: (1) maintenance and repair work of marine and automotive vehicles, which is performed both indoors and outdoors; (2) outdoor and indoor storage of marine and automotive vehicles and other supplies; and, (3) office and administrative uses. You indicate these uses "extend across the entirety of the property" and are all associated with the current tenant, Suncoast Reef Rovers which is a non-profit organization involved with removing trash from our local water bodies.

The current AA zoning of the subject property does not allow these types of intensive commercial uses. However, in this case, the following code applies to some extent:

8.4. Nonconforming Uses

- A.** Nonconforming uses may be altered provided such alteration is restricted to the same lot where the nonconforming use was created, and such alteration does not create a new nonconforming use or increase the density or intensity of the nonconforming use.
- B.** If any nonconforming use of land ceases for a period of more than 12 consecutive months, for any reason, except where eminent domain proceedings have caused the cessation of the use, any subsequent use shall conform to the regulations for the zoning district in which the use is located. However, at the written request of the property owner prior to the expiration of the 12-month period, the City Council may extend the 12-month period for an additional 12 months provided that the property owner can demonstrate by competent and substantial evidence that financial or legal constraints prevented the continuation of the nonconforming use.

Based on this code section, the City recognizes that non-conforming uses existed on the site prior to the rezoning in 2022. Based on the indicated current use by the Suncoast Reef Rovers and observations of the site in its current state, the following determination is provided:

The principal use of the property is determined to be indoor and outdoor storage and may continue over the entire property until not continuously pursued for a 12-month period. The other uses identified as maintenance and repair of marine and automotive vehicles, along with office and administrative uses are considered accessory uses and typically incidental and subordinate to the principal use of storage. These accessory uses may continue as long as the principal use exists in compliance with the code. However, they cannot be permitted as a principal use unless permitted by the current AA district.

This determination complies with, and is consistent with, Code Section 1.15.7, Zoning Determination. Appeals to this determination may be considered by the Planning Commission consistent with Code Section 1.16.

If you have any questions regarding this matter, please feel free to contact me at rclark@venicefl.gov or 941-882-7432.

Sincerely,

A handwritten signature in blue ink that reads "Roger Clark". The signature is fluid and cursive, with the first name "Roger" and last name "Clark" clearly distinguishable.

Roger Clark, AICP
Planning and Zoning Director
941-882-7432
rclark@venicefl.gov