

VENICE CITY COUNCIL  
SARASOTA COUNTY, FLORIDA

CHARLIE CRETORS, BRUCE PFISTER,  
DAN SHUGARS and PETER ZEH

Appellant

Appeal of  
Development Order  
No. 25-22VZ

v.

WALT KITONIS/TECHNOLOGY  
DEVELOPMENT PROPERTIES LLC

Appellee/Petitioner.

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**MOTION IN LIMINIE**

Appellee/Petitioner, Walt Kitonis/Technology Development Properties LLC, by and through its undersigned attorneys, hereby respectfully moves the City Council to enter an Order limiting the testimony and evidence presented by the Appellant at the appeal hearing to only the scope of Variance Petition No. 25-22 (the “Variance”), which is relief from the Venice Historical Precedent (“VHP”) architectural standards found in Ch. 87, Section 7.10 of the City of Venice Land Development Regulations, and as reasons therefore states:

1. Use of and uses on the subject property—permitted, non-permitted, and otherwise—are not affected by an approval or denial of the Variance. No change in zoning for or use of the subject Property was requested through the Variance. Compliance with and/or relief from VHP architectural standards will not impact or change the use existing or permitted on the subject Property.

2. All other development standards, including but not limited to, building height, setbacks, parking, landscaping and buffering, traffic stormwater, and others, are unaffected by whether the Variance is approved or denied. The VHP architectural standards relate only to aesthetics.

3. A site and development plan must be approved before any development on the subject property can occur. The City's review and Planning Commission's consideration of a site and development Plan is where considerations beyond the scope of the Variance will be appropriately addressed.

While members of the public who are not appellants or aggrieved parties may speak to whatever issues they wish, Appellant testimony and evidence should be limited in scope to the subject matter of the Variance. City Administration and Staff, members of the City Council, and members of the public who have other matters before the City Council, all will be benefited by a hearing focused upon the relevant scope; to allow additional, unrelated issues and considerations to be made part of the hearing would be prejudicial to the Appellee/Petitioner, violate Appellee's due process rights, cause confusion, and adversely impact all parties and attendees of the City Council meeting. Appellants have the ability to properly address any such additional and unrelated issues and considerations through the alternative processes available.

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 4, 2025, I electronically filed the foregoing with the Clerk of the City of Venice via email, which also copied Appellant.

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