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July 29, 2014

RECEIVED

JUL 29 2014

PLANNING  
& ZONING

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CLERK 29 JUL 14 PM 3:59

**VIA HAND-DELIVERY**

Mr. Jeff Shrum, AICP  
Community Development Director  
City of Venice  
401 West Venice Ave  
Venice, Florida 34285

Re: Waiver of Public Workshop Request; Donald and Irene O'Connell - Hauser Lane Property

Dear Mr. Shrum:

As you are aware, we represent Donald and Irene O'Connell, owners of property located at 500 Hauser Lane, in the City of Venice. The O'Connell's property was involuntary annexed into the City in 2002, but the Sarasota County zoning designation for the property has never been converted (via a rezoning process) to a City of Venice zoning district. The O'Connells now plan to apply to have their property rezoned to a City zoning district.

Enclosed please find a Waiver Application for the required Public Workshop for the Rezoning Application. We are also requesting that the filing fee for the Waiver Application be waived.

We have also submitted under separate cover a request that the filing fee for the Rezoning Application be waived, for the reasons stated in that request letter.

If you require additional information or have any questions, please do not hesitate to contact me.

Kind regards.

Very truly yours,

Jeffery A. Boone

JAB

Enclosure

cc: Don and Irene O'Connell

O41-14998/ltrshrum072914



City of Venice  
401 West Venice Ave., Venice, FL 34285  
941-486-2626  
DEVELOPMENT SERVICES - PLANNING & ZONING  
**WAIVER APPLICATION**

VZ  
-

<b>Project Name:</b>	Hauser Lane
Parcel Identification No.:	0407-16-0004
Address:	500 Hauser Lane
Parcel Size:	6.6 +/- acres
FLUM designation:	Seaboard Sector
Zoning Map designation:	Sarasota County CG and RMF-1
<b>Property Owner's Name:</b>	Donald and Irene O'Connell
Telephone:	
Fax:	
E-mail:	
Mailing Address:	500 Hauser Lane, Venice, FL
<b>Project Manager:</b>	Jeffery A. Boone, Esq.
Telephone:	(941) 488-6716
Mobile / Fax:	(941) 488-7079
E-mail:	jboone@boone-law.com
Mailing Address:	1001 Avenida Del Circo, Venice, FL 34285
<b>Project Engineer :</b>	
Telephone:	
Mobile / Fax:	
E-mail:	
Mailing Address:	
<b>Project Architect:</b>	
Telephone:	
Mobile / Fax:	
E-mail:	
Mailing Address:	

*Incomplete applications cannot be processed - See reverse side for checklist*

**Applicant Signature / Date:**

7/29/14

**WAIVER**

# APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☐ **Signed, Sealed and Dated Survey of Property** Not Applicable
- ☒ **Agent Authorization Letter**
- ☐ **Narrative describing the petition** (address Section 86-42(e) below) Not Applicable
- ☐ **Public Workshop Requirements.** Date held Not Applicable
  - ☐ Copy of newspaper ad.
  - ☐ Copy of notice to property owners.
  - ☐ Copy of sign-in sheet.
  - ☐ Written summary of public workshop.

**Required findings for approval.** City council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information: Not Applicable

- a. Identification of the ordinance provision for which the variance is requested;
- b. Description, photos, drawings or plan views which are representative of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the general area;
- c. Description that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement;
- d. Description of the hardships, which will accrue to the detriment of the property owner, if the requested waiver is not granted;
- e. Description that the intent and purpose of the chapter and applicable articles are implemented and waiver from any requirement may be reasonably calculated to substantially secure the objectives of the ordinance and the comprehensive plan as well as the requirement so waived;
- f. City council shall approve or deny the waiver application upon a finding in the record that the issuance of the waiver will be in the interest of the public safety, health, or welfare.

**Architectural design standards.** The following architectural design standards for buildings and structures are applicable in the VUD district: Not Applicable

Architectural style. The Northern Italian Renaissance style of architecture, as defined elsewhere in this Code, is required. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.

- a. Application for waiver from this requirement shall be made to the planning commission for review and recommendation to city council.
- b. The planning commission shall make a written finding to city council that the granting of the waiver will or will not adversely affect the public interest. The report and recommendations of the planning commission shall be advisory only and shall not be binding upon city council.
- c. City council, after receiving the recommendation from the planning commission, may grant or deny such waiver application and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purpose of the comprehensive plan.

**Public Workshop Requirements - Waiver request.** An applicant may petition city council for a waiver from the requirements of conducting a public workshop meeting. The burden to show cause shall rest with the applicant. (Section 86-41) See Attached.

## Fees

Application filing fee \$400 (district standards) or \$200 (waiver of public workshop requirements).

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

### Waiver Request

The subject property is a 6.6 acre parcel located at 500 Hauser Lane. The property was *involuntarily* annexed by the City in 2002. At the time of the City's *involuntary* annexation, the property had a Sarasota County zoning designation of Commercial General (CG) and Residential Multi-family (RMF-1).

The City did not apply a zoning designation to the property at the time of the *involuntary* annexation. The property owner has agreed to process a rezone petition to assign a zoning designation to the property, but requests a waiver of the required public workshop as the proposed rezoning to a City of Venice residential multi-family district is similar to the existing County zoning designations.

In addition, the applicant is requesting a waiver of the required application fee associated with this Waiver application.

If the City would decide to conduct, on its own, a public workshop for the proposed rezoning, the applicant will attend to answer any questions or provide information, as needed.