

1.13.3. Decision Criteria – Request for Relief From GBSL standards

A. The Commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance application or find that the 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;

The particular physical surroundings and other physical and environmental condition of the Property result in particular hardship upon the owner as the harm to the beach and beachfront habitat the GBSL regulations are intended to prevent does not apply to the Property. This is compounded by the extremely unique northeastern jog the GBSL makes on the Property, and the Property is additionally unique due to its location at the Granada Ave/The Esplanade S intersection and the Venice Public Beach Access and Parking Area and on-street parking along Granada Ave, resulting in the desire to enclose the Property with a privacy wall for privacy and security.

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;

The impact of the GBSL regulations on the Property, and particularly the unique northeastern jog of the GBSL on the Property, both in that the beachfront habitat sought to be protected by the GBSL is historically located west of the improved The Esplanade S right-of-way west of the Property and the Property is the only location in the city where the GBSL makes a northeastern jog.

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;

The proposed variance is not based on any conditions which are personal to the applicant as applied the Property, and any owner of the property would need the variance for the reasonable use of their property for a wall to secure their property.

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

The hardship created by the GBSL on the Property was not created by the owner and likely was created as a result of a mapping error when the GBSL was established by Sarasota County in 1978.

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

The proposed variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity.

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

It is the minimum variance that will make possible reasonable use of the Property and provide the desired security.

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

The Property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted as the owner would be forced to lose private enclosed yard area directly adjacent to the Granada Ave/The Esplanade intersection and Venice Public Beach Access and Parking area where the protections sought via the GBSL regulations do not apply.

1.13.3. Decision Criteria – Request for Relief From Visibility Triangle regulations

- A. The Commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance application or find that the 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;

The particular physical surroundings and conditions of the Property and the extended right-of-way area to the curb at the Granada Ave/The Esplanade S intersection and the existing mature vegetation within the right-of-way make enforcement of the applicable visibility triangle regulations on the Property an unnecessary hardship on the owner.

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;

The conditions upon which this variance is requested is unique to the Property and is not applicable to other properties in the vicinity.

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;

The variance is not based on any conditions which are personal to the owner.

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

The alleged hardship has not been created by any person having an interest in the Property.

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

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

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

The requested variance is the minimum necessary to allow for the proposed portion of the privacy wall.

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

The Property cannot be put to a reasonable use which complies fully with the requirements of the Code unless the variance is granted as the owner would be forced to lose private enclosed yard area directly adjacent to the Granada Ave/The Esplanade S intersection and Venice Public Beach Access and Parking area where meaningful safety improvements at the subject intersection would be provided via implementation of the visibility triangle at the curbed corner of the intersection and not at the northwest corner of the Property.