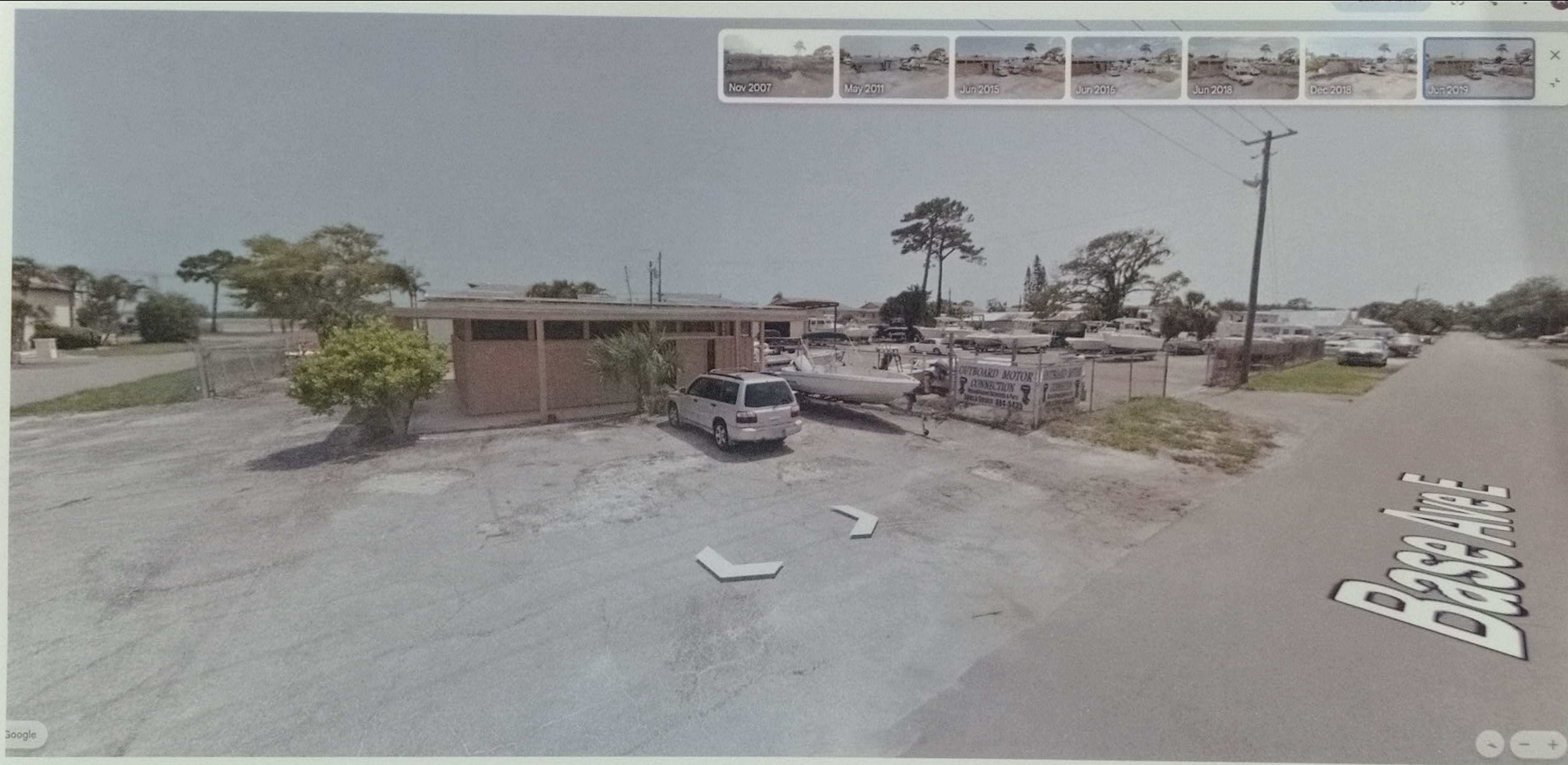
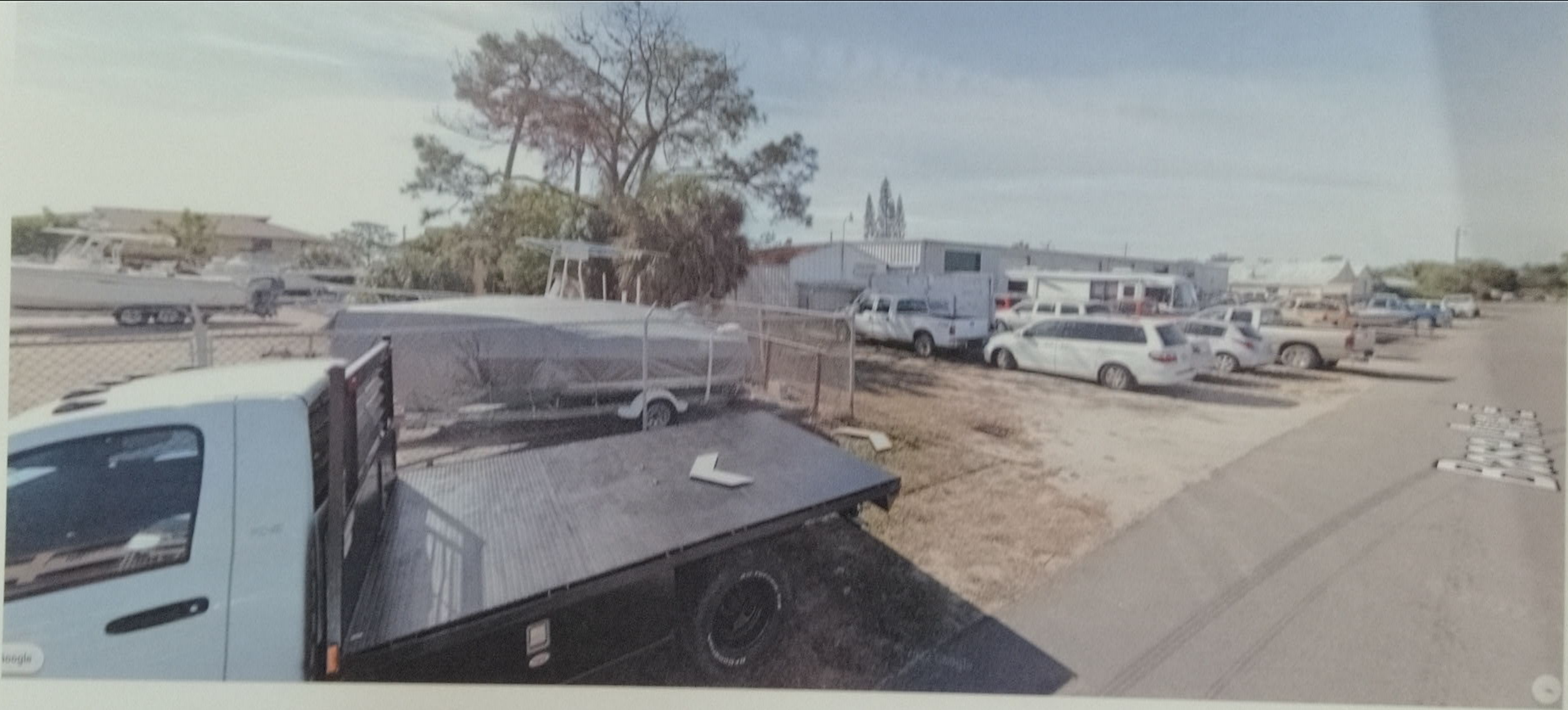


Sarasota County Property Appraiser





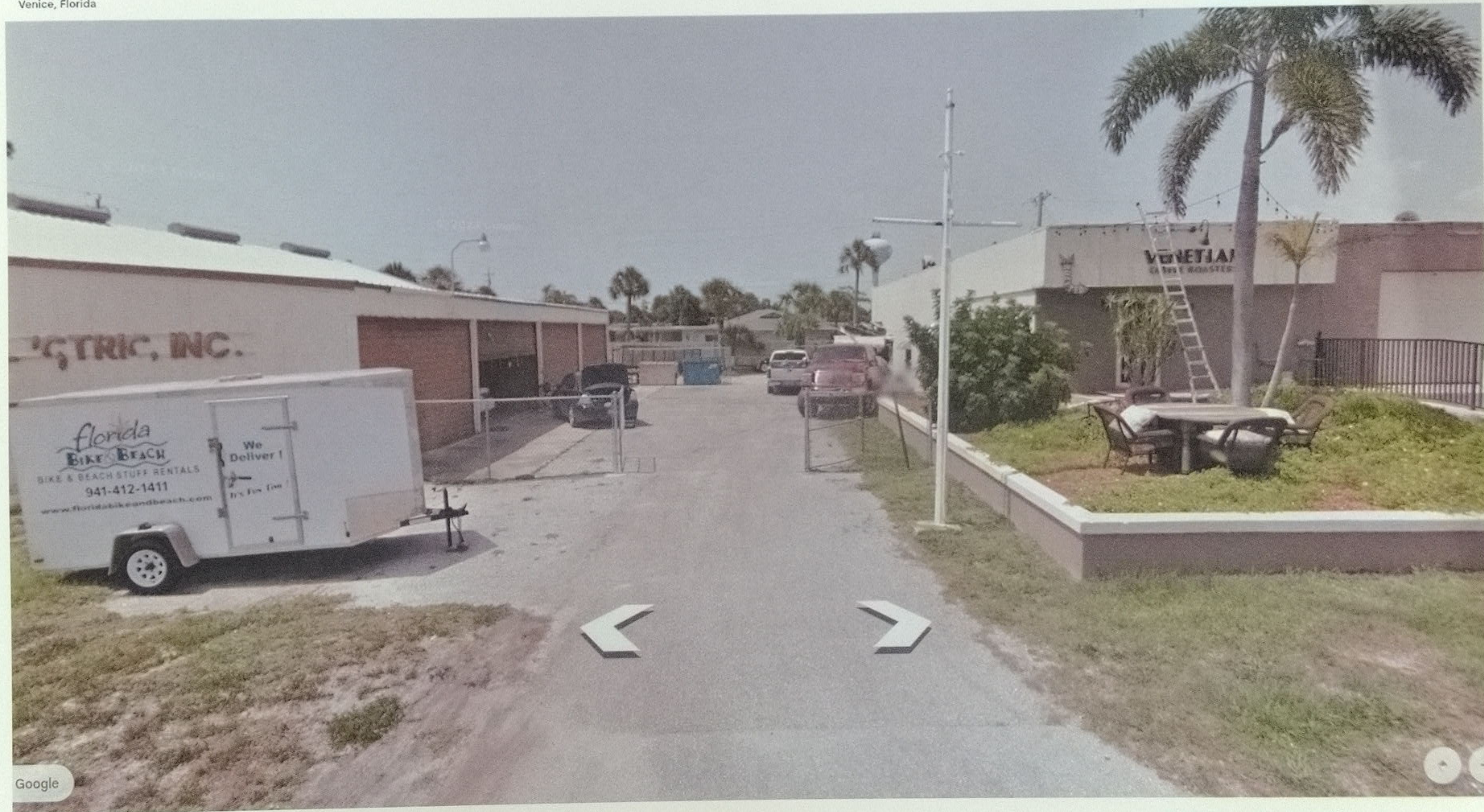




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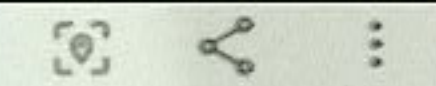
Venice, Florida

See more dates



218 Base Ave E
Venice, Florida

See more dates



Google



203 Base Ave E

Venice, Florida

See more dates









Florida Flight
Training Center

240 Base Ave E

Student Leadership
Academy

Playground @
Chuck Reiter Park

24

24

Save



Venice
Municipal
Airport

Brohard Paw Park

Maxine Barritt Park

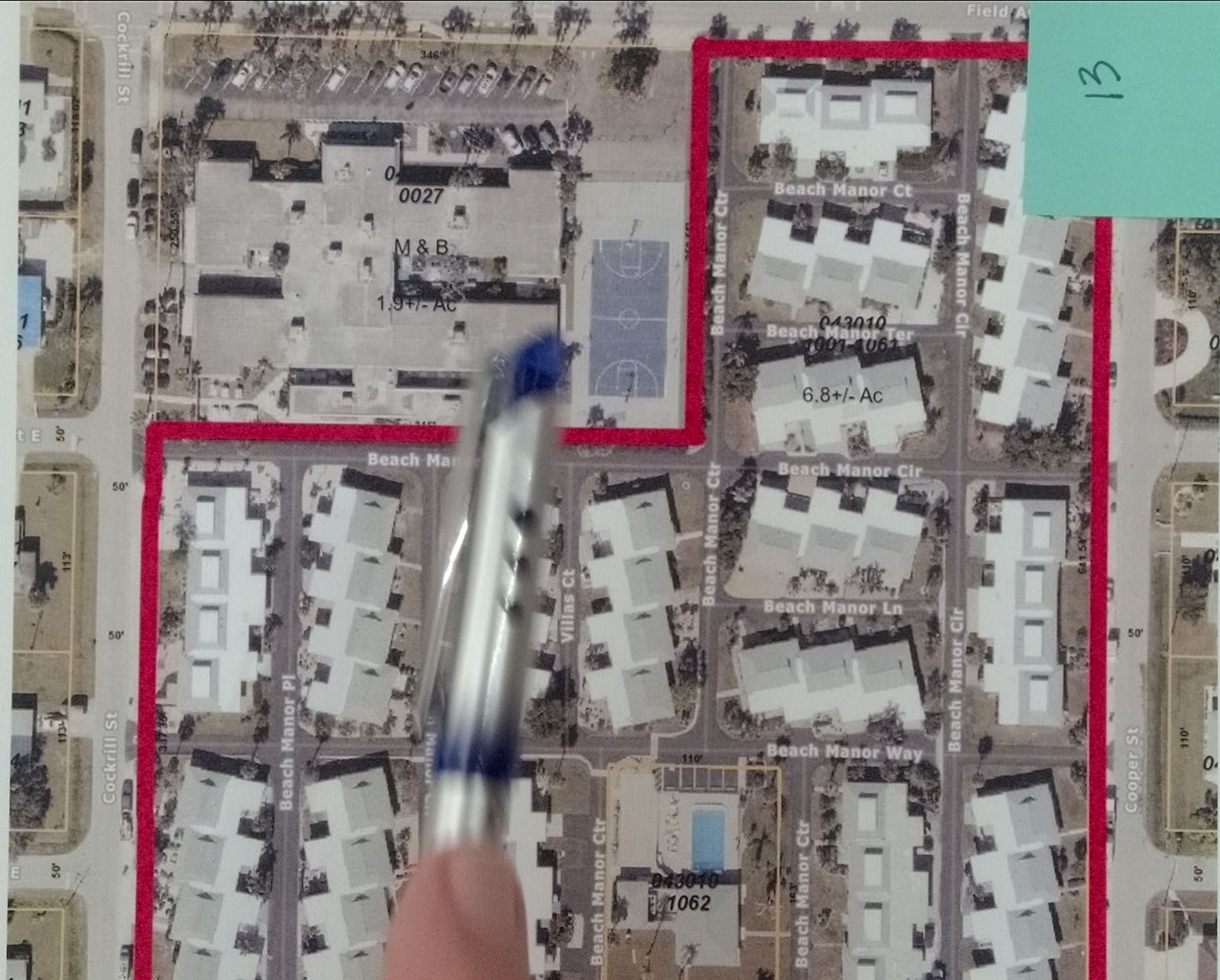
Grace United
Methodist Church

Student Leadership
Academy

Chuck Reiter Park

Playground @
Chuck Reiter Park

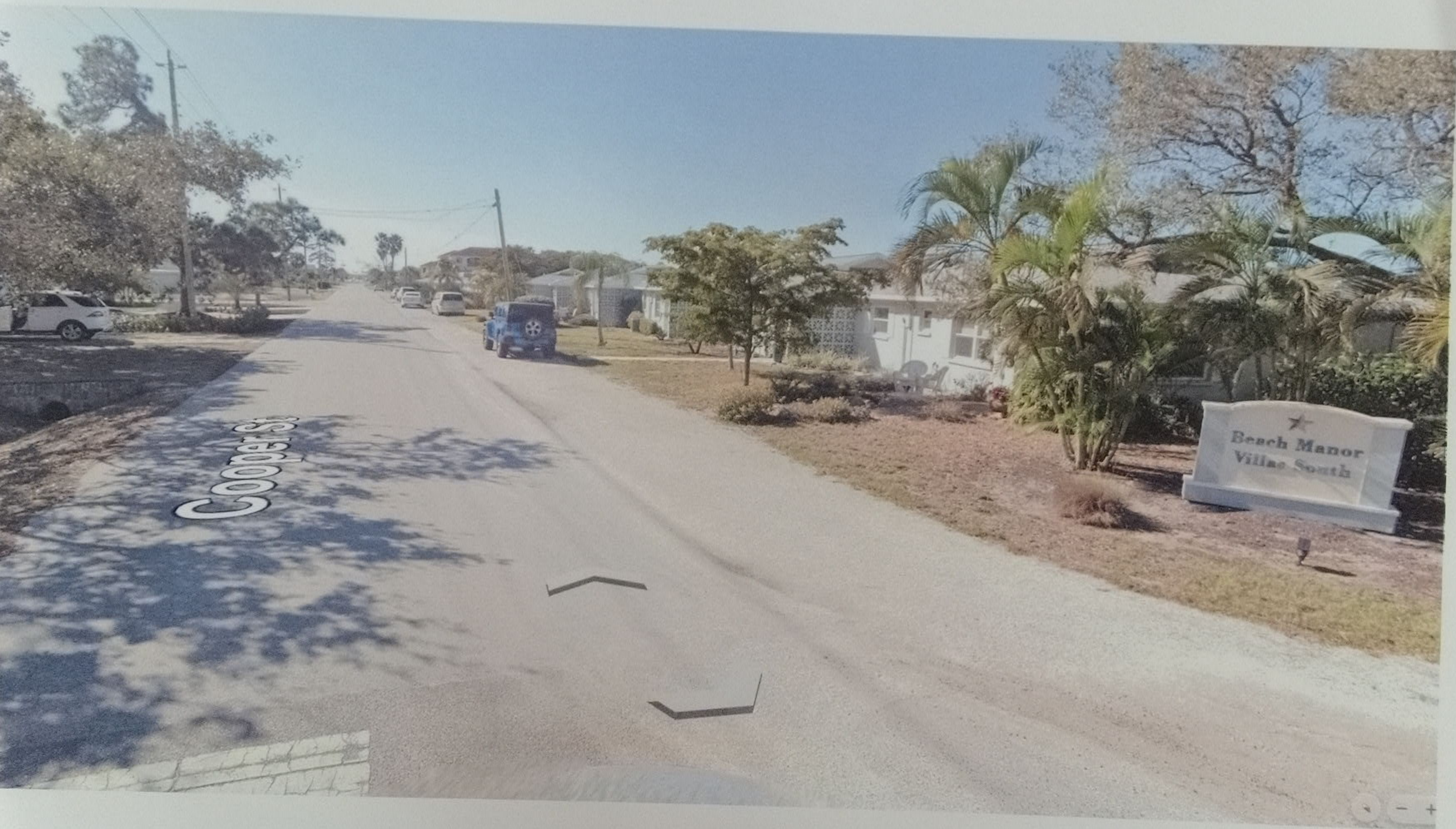
Emmanuel
Lutheran Church



13













81

Decision Criteria for Granting Variance – 1.13.3 No. 5

5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; Applicant Answer: *The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the vicinity, but rather, will provide a benefit to the public and vicinity through the Applicant cleaning up and improving the existing state of the property and providing a space for civic organization use and public engagement.*

Land Use Code counterpoint: Chp. 87, Sec. 7: "The City continues to believe...the preservation of the ...architectural integrity of the community, and the regulation of general aesthetics... further a proper public purpose by preserving and enhancing the beauty and charm of the City, enhancing the attractiveness of the area for...residents and commerce, ...improving property values and generally improving the overall quality of life of City residents and visitors." –Sect. 7.1, Architectural Controls, Standards

** Neither the cleaning up of an abandoned parcel, nor the applicant's subjective idea of "what constitutes an improvement" resolves the question of "a non-detrimental effect on the public welfare or injury to other properties" in the area

Comprehensive Plan 2017-2027

- Vision LU 1

The City of Venice envisions a development pattern that balances the economic, social, historical and environmental needs of the community and that preserves the high quality-of-life for all residents.

WALT KITONIS/TECHNOLOGY
DEVELOPMENT PROPERTIES LLC

Appellee/Petitioner.

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.

WALT KITONIS/TECHNOLOGY
DEVELOPMENT PROPERTIES LLC

Appellee/Petitioner.

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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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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.

/s/ Jeffery A. Boone

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Annette M. Boone

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BOONE, BOONE & BOONE, P.A.

1001 Avenida Del Circo

Venice, Florida 34285

Variance Justification

As stated above, the applicant seeks a variance from the VHP in order to improve the Property and construct a new metal, multi-purpose building to be used by civic organizations and clubs. Under these circumstances, a variance from the VHP is necessary and justified for the following reasons:

- The uses desired and envisioned on the Property by civic organizations and clubs require a large multi-purpose building that can be used as one large space, or can be partitioned into several smaller spaces, and for uses that can have indoor-outdoor components and functions.
- Of the 34 parcels located within the Airport Avenue zoning district, only one comes close to complying with the VHP; and furthermore, several parcels adjacent or proximate to the Property have metal buildings located thereon.
- Comprehensive Plan Strategy LU-IS 1.1.1 – Redevelopment acknowledges the minimal opportunity for new development in the Island Neighborhood and supports the redevelopment of underutilized properties in a manner consistent with the historical character of the Island Neighborhood as it relates to street patterns and building massing, form, layout, and setbacks. This strategy supports the requested variance as it would allow for the redevelopment of an underutilized property in a manner that is consistent with the historic use and character of this property and its surroundings, with specific regard to massing, form, layout, and setbacks.
- LDR Section 2.3.6.A expressly states that the Airport Avenue zoning district has historically had a mix of uses, with more commercial-intensive uses being a part of this mix, and that the zoning district intends to validate the existing mix of uses while providing opportunities for more compatibility among residential and non-residential properties in the future. This LDR section supports the Applicant's variance request. Approval of the variance would validate the historic and existing use of the property and also would allow for greater compatibility in the future as the Property could be improved and provide a benefit to the neighborhood and public at large.
- Without a variance from the VHP, the Property will remain unimproved as the Applicant will only be able to repair the existing structures located thereon.
- Many neighbors of the Property are in support of the Applicant's proposed improvements and use of the Property.

Variance Criteria

Sec. 1.13.3. Decision Criteria

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

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another source

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CRITERIA for Granting Variances

(Generally)

A variance is authorized if due to circumstances unique to the Applicant's property itself, and not shared by other property in the area, there exists an undue and unnecessary hardship* created by the zoning regulations.

* The hardship cannot be self-created.

a. Case law indicates that a mere economic "disadvantage" or the owner's preference as to what he would like to do with the property is not sufficient to constitute a hardship entitling the owner to a variance.

– *Burger King v. Metropolitan Dade Cty*, 349 So.2d 210 (3 DCA 1977); *Metro Dade Cty v. Reineng*, 399 So.2d 379 (3 DCA 1981); *Nance, supra*; *Crossroads Lounge v. City of Miami*, 195 So.2d 232 (DCA 1967)

b. Neither purchasing of property with restrictions on it, nor reliance that zoning will NOT CHANGE, will constitute a hardship.

– *Friedland v. Hollywood*, 130 So.2d 306 (DCA 1961); *Elwyn v. Miami*, 113 So.2d 849 (3 DCA 1959)

Case Law cited by Appellant

Burger King Corp. v. Metropolitan Dade County

District Court of Appeal of Florida, Third District. August 2, 1977. 349 So.2d 210

- Appellant sought a use variance to permit the first story of its building to house a restaurant
- 3rd DCA denied certiorari finding that res judicata applied and that the "unnecessary hardship" standard was not met by the appellant.
 - o Even assuming that res judicata does not apply, appellant has failed to show the requisite "unnecessary hardship" so as to be entitled to a variance on its property. *Elwyn v. City of Miami*, 113 So.2d 849 (Fla.3d DCA 1959). The only "hardship" claimed by appellant is one of economic disadvantage, which does not constitute a hardship sufficient to warrant the granting of a variance. *Dade County v. Frank N' Bun Operating Co.*, 169 So.2d 875 (Fla.3d DCA 1964). In addition, appellant purchased the property in question with both full knowledge of the zoning applicable thereto and the County Commission's refusal to reclassify said property as BU-1. As such, any "hardship" appellant has suffered has been self-created, precluding relief. *Josephson v. Autrey*, 96 So.2d 784 (Fla. 1957); *Elwyn v. City of Miami*, supra.
- Economic hardship was the ONLY hardship claimed by the appellant.

Metropolitan Dade County v. Reineng Corp.

District Court of Appeal of Florida, Third District. May 26, 1981. 399 So.2d 379

- Use variance to operate liquor store
- Original site of liquor store was taken in condemnation; only available site in area required variance (no site available that would not require variance for use)
- County granted variance; circuit court quashed County resolution ordering variance be denied because applicant failed to demonstrate required hardship
- Question on appeal: whether the hardship shown is mere economic hardship—the condemnation proceedings and nature of business
 - o In this case, Hill Bros. had operated the liquor business for twenty-six years; it did not choose to move but was forced to move because of condemnation proceedings. Hill Bros. could not move within its prior business vicinity and a move of seven blocks required a variance. Evidence before the Board showed that the proposed location would not change the character of the neighborhood but would, in fact, harmonize with it, that competitors were within one block of the new location, that adjacent property owners supported granting of the use variance to Hill Bros., Inc. and that the Homeowner's Association unanimously supported the variance. Additionally, the supreme court recognizes that the stringent regulation of the alcoholic beverage industry makes attempts at its relocation particularly difficult. *Skaggs-Albertson's v. ABC Liquors, Inc.*, supra.
 - o All the evidence which was before the Commission with respect to the loss of established business location by appellant.

 KeyCite Yellow Flag
Distinguished by *Mature v. City of Coral Gables*, Fla.App. 3 Dist., June 8, 1993

383 So.2d 1127

District Court of Appeal of Florida, Third District.

CITY OF CORAL GABLES, a Municipal
Corporation, Appellant,

v.

Steve R. GEARY, Appellee.

No. 79-2393.

May 20, 1980.

Rehearing Denied June 19, 1980.

Synopsis

Applicant sought variances from building restriction imposed by city's zoning code. The Circuit Court, Dade County, George Orr, J., required city to grant variances, and city appealed. The District Court of Appeal, Schwartz, J., held that alleged hardship, i. e., fact that unusual triangular shape of property rendered it simply and practicably impossible for it to be developed in accordance with existing regulations, was not "self-created," thus precluding relief.

Affirmed.

West Headnotes (2)

- [1] **Zoning and Planning**—Unique or peculiar hardship in general

Irregular shape or other peculiar physical characteristic of particular parcel constitutes a classic "hardship" unique to an individual lot, justifies, and in some cases,

- [2] **Zoning and Planning**—Self-created hardship; prior knowledge

Where hardship involved, i. e., the unusual triangular shape of property which rendered it simply and practicably impossible for it to be developed in accordance with existing regulations, arose from circumstances peculiar to realty alone, unrelated to conduct or to self-originated expectations of any of its owners or buyers, "self-imposed" hardship doctrine would not apply and right to variance possessed by original owner would not be lost simply because succeeding owner bought or contracted to buy with knowledge of restrictions.

2 Cases that cite this headnote

Attorneys and Law Firms

- *1127 Robert D. Zahner, Coral Gables, for appellant.
*1128 Starr W. Horton, Miami, for appellee.

Before SCHWARTZ, NESBITT and PEARSON,
DANIEL, JJ.

Opinion

SCHWARTZ, Judge.

Coral Gables appeals from a final judgment requiring it to grant the plaintiff-appellee four variances from building restrictions imposed by the city's zoning code. The variances, which deal with set-back requirements and building and wall height limitations, were ordered because, as appeared without contradiction below, the unusual triangular shape of the plaintiff's property rendered it simply and practicably impossible for it to be developed in accordance with the existing regulations.

City of Coral Gables v. Geary, 383 So.2d 1127 (Fla. 4th DCA 1980)

- Variance sought for setbacks, building and wall heights. Triangular shape of property rendered it impractical to develop in accordance with existing regulations.
- City denied; Circuit Court reversed; City appealed to District Court.
- City appeals to District Court arguing that the alleged hardship was self-created because the plaintiff purchased the property with knowledge of the building restrictions.

****This case distinguished *Elwyn, Friedland, and Crossroads Lounge* by reducing the stringency of the "self-imposed" hardship doctrine and the definition of hardship**

- This case acknowledges that a property owner can have knowledge of land use regulations that limit use of the property and still be able to qualify for the grant of a variance.

*"In this case, therefore, as the court observed in *Murphy v. Kraemer*, 16 Misc.2d 374, 182 N.Y.S.2d 205, 206 (Sup.Ct.1958), "since it is not the act of the purchaser which brings the hardship into being, it is incorrect to charge him with having created it."*

1.13 Variances (Quasi-Judicial Application)

1.13.1. Purpose and Intent

- A. The purpose of a variance is to provide limited relief from the requirements of this LDR where a design alternative is not permitted and in those cases where strict application of LDR requirements will create a practical difficulty or unnecessary hardship, or where the requirements of this LDR render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.
- B. Variances may not be requested for use; Sections 2.2.7 and 2.3.14 indicate where conditional uses may be permitted and which uses may be requested on such conditional basis.

1.13.2. Specific Application Requirements

- A. In addition to the requirements set out in Section 1.2, variance applications shall, at minimum, include a narrative justifying the need for a variance, referencing the standards from which the variance is requested, and responding to the items identified as decision criteria in Section 1.13.3.

1.13.3. Decision Criteria

- 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;
 - 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;
 - 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;
 - 4. The alleged hardship has not been created by any person presently having an interest in the



VENICE LDR: CHAPTER 87 – SECTION 2 – ZONING

[illegible]

Friedland v. City of Hollywood, 130 So.2d 306 (Fla. 2d DCA 1961)

- City granted variance from existing zoning for operation of a service station; neighboring property owners appealed, alleging damage to their property as a result of the variance

"The appellants purchased the property in 1956 subject to the existing zoning and they cannot now come into court and claim a hardship. Equity will not grant relief from a 'self-created' hardship. See Elwyn v. City of Miami, Fla.App.1959, 113 So.2d 849; Josephson v. Autrey, Fla.1957, 96 So.2d 784, and the cases therein cited."

Fort Lauderdale Bd. of Adjustment v. Nash, 425 So. 2d 578 (Fl. 4th DCA 1982)

cited.”

Fort Lauderdale Bd. of Adjustment v. Nash, 425 So.2d 578 (Fla. 4th DCA 1982)

- Property owner applied for variance to locate a tiki hut within setbacks of residential yard; City denied variance; Circuit Court reversed City action without findings or reasons; City appealed to District Court.

“In the circuit court Nash argued that because other violations of the setback lines existed with impunity, enforcement against him constituted a hardship...”
