



City of Venice  
401 West Venice Ave., Venice, FL 34285  
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING  
**VARIANCE APPLICATION**

17-05 VZ

**VARIANCE**

**Project Name:** Capone Residence  
**Parcel Identification No.:** 0178020001  
**Address:** 834 Golden Beach Blvd. Venice, FL  
**Parcel Size:** 32,402 SF  
**FLUM designation:** MEDIUM DENSITY RESIDENTIAL  
**Zoning Map designation:** RMF-2  
**Property Owner's Name:** Ray + Martha Capone  
**Telephone:** (412) 963-1754  
**Fax:** \_\_\_\_\_  
**E-mail:** Capone.ray@gmail.com  
**Mailing Address:** \_\_\_\_\_  
**Project Manager:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
**Mobile / Fax:** \_\_\_\_\_  
**E-mail:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
**Project Engineer :** Steve Wilbur, P.E.  
**Telephone:** 941-929-1552  
**Mobile / Fax:** (F) 941-929-1553  
**E-mail:** swilbur@stirlingwilbur.com  
**Mailing Address:** 7085 S. Tamiami Trl. Sarasota, FL  
**Project Architect:** Mark A. Beebe, AIA 34231  
**Telephone:** 941-484-6762  
**Mobile / Fax:** 941-400-8975 / 941-485-7408  
**E-mail:** mark@beebedesignstudio.com  
**Mailing Address:** 825 S. Tamiami Trl. Suite 1 Venice, FL

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

34285

Revised 03/15

**Applicant Signature / Date:**

[Signature]  
(AGENT)

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

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition**

The planning commission shall, based upon substantial and competent evidence, make an affirmative finding on each of the following in granting a variance petition:

- o Special circumstances exist in relation to the land, structures, or buildings as compared to other land, structures, or buildings in the same zoning district and the special circumstances are not the fault of the applicant; and,
- o The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property; and,
- o The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure; and,
- o The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

You must restate and address each of the preceding as an attachment to the project narrative.

**Fees**

**Application filing fee \$400.**

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

**VARIANCE APPLICATION – REQUEST FOR SETBACK VARIANCE**  
**Revised 10.4.17**

**APPLICANT:** Ray and Martha Capone  
**AGENT:** Mark A. Beebe, A.I.A.  
**PARCEL ID#:** 0178020001

**SUMMARY OF VARIANCE PETITION**

The applicant is requesting a variance from Section 86-260 (e) (1) to construct a new pile-supported residence, a maximum of 41 feet seaward of the Sarasota County Gulf Beach Setback Line (GBSL), as indicated on the proposed conceptual site plan CSP-1. In addition, the applicant proposes to renovate the existing in-ground swimming pool and pool deck within the seaward limits of the existing pool and pool deck, which is 59.7 feet seaward of the GBSL. The property has an existing 5,400 sf two-story residence, situated a maximum of 49.88 feet seaward of the GBSL and an in-ground pool and concrete pool deck situated a maximum of 59.7 feet seaward of the GBSL.

Finally, the applicant requests to construct a 6 foot high CMU privacy wall on the north property line, a maximum of 37 feet seaward of the GBSL.

**INTRODUCTION / OVERVIEW**

The 14+ year owners of the existing 5,400 square foot two-story residence at 834 Golden Beach Boulevard propose to demolish the existing 39 year-old residence due to continuous and excessive maintenance issues with the aging residence and intend to redesign and permit a new pile-supported two-story residence with renovated pool, pool deck, and new north side privacy wall. The applicant is proposing to voluntarily locate the new residence a maximum of 41 feet seaward of the GBSL, which is approximately 9 feet more landward than the existing residence. Additionally, the applicant would like to renovate the existing pool and pool deck to change the shape of both within the existing seaward distance of the existing pool and pool deck to a maximum distance of 59.7 feet seaward of the GBSL. Further, the applicant would like to maintain the three (3) existing mature oak trees which are located on the east side of the property adjacent to Golden Beach Boulevard within the front yard setback.

Dr. Muthuswamy of the Florida Department of Environmental Protection has reviewed the attached, proposed conceptual site plan (CSP-1, dated 8.31.17) and coastal survey (dated 8.18.17), and he has given approval to submit the design as a formal application to the State of Florida based on his initial evaluation of the proposed project.

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## REQUIREMENTS FOR VARIANCE REVIEW

The following comments are submitted as a written response to each criterion to be considered by the Board and are part of the submitted application.

- a. *Special circumstances exist in relation to the land, structures, or buildings as compared to other land, structures, or buildings in the same zoning district and the special circumstances are not the fault of the applicant.*

**Applicant's Response:** The special circumstances include:

1. The property has been improved with a 5,400 square foot two-story residence which has been located seaward of the Gulf Beach Setback Line since 1978 and the adjacent existing residential structures located both to the north and south of the applicant are 43 feet seaward to the north and 38 feet seaward to the south with multiple structures at greater seaward distances on the adjacent properties within the neighborhood.
2. The property also has an existing 600 square foot in-ground swimming pool and 1,604 square foot concrete pool deck with outside shower area and back walkway located 62 feet seaward of the GBSL.
3. The property has three (3) mature laurel oak trees, ranging from 28" – 32" in diameter, are located within and near the required twenty-foot (20') front yard setback line that the owner would like to preserve. In order to preserve these trees, the proposed residence cannot be located closer to the 20 foot front setback line, as shown in the proposed site plan (CSP-1), and it would severely damage or kill the trees by cutting into the root systems.

- b. *Literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property.*

**Applicant's Response:**

1. Although the property is exceptionally deep (over 553 feet) from Golden Beach Boulevard to the Mean High Water Line, the literal interpretation code would only allow 60 feet from the required front yard setback to the GBSL to construct a new residence, pool, and pool deck which would be less than 40% of the existing footprint of the residence and pool structures.
2. In addition, the natural oak trees and overhead canopies further reduce the allowable building depth to below 50 feet if the trees are to remain, and would be a hardship to have to cut down these trees.
3. Both existing north and south neighboring residential Gulf front properties are significantly seaward of the GBSL and enjoy the views and location common in this area. These existing neighboring residences create a continuous line of construction as proposed on CSP-1 which maintains all properties current Gulf front views.

- c. *The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure.*

**Applicant's Response:**

1. The voluntary 9 foot reduction of the seaward extent of the proposed residence from the GBSL to 41 feet from 49.8 feet, and the renovation of the pool and pool deck within the seaward distance of the existing pool and pool deck to 59.7 feet seaward of the GBSL is the minimum variance necessary to construct the proposed new two-story residence and keep the existing front yard mature oak trees.

- d. *The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

**Applicant's Response:**

1. The grant of this variance will be in harmony with the general intent and purpose of the zoning code, as it would allow the owners to build a new reasonably sized, low-maintenance, pile-supported residence which will meet all current building codes and Florida Department of Environmental Protection regulations similar to other new homes in the Golden Beach neighborhood, and will not be injurious to the neighborhood or public welfare.
2. The proposed new residence will be elevated on piles with parking below to further reduce the footprint, similar to other new Florida Department of Environmental Protection code compliant neighboring properties and will reduce the impact on the site.
3. The requested location of the proposed residence places the residence back an additional 9 feet landward, protecting and enhancing all waterfront views, for both the applicant and the neighboring properties.



## Christina Rimes

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**From:** Mark Beebe <mark@beebedesignstudio.com>  
**Sent:** Monday, October 09, 2017 9:50 AM  
**To:** Christina Rimes  
**Cc:** Roger Clark  
**Subject:** FW: 17-05VZ 834 Golden Beach Blvd. Variance update  
**Attachments:** image003.jpg

Hi Christina,

As we discussed this morning, I received the email below from the owner, Raymond & Martha Capone over the weekend, indicating that they no longer wish to continue the existing right to retain the legal non-conforming use of their property as a Resort Dwelling, and would like the designation to lapse with the approval of the requested setback variance.

Please include this change from our previous response given to you last Friday.

Let me know if you need anything more formal from me on this matter.

Thanks,

Mark A. Beebe, AIA  
Principal Architect



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**941.484.6762**

[mark@beebedesignstudio.com](mailto:mark@beebedesignstudio.com)  
[www.beebedesignstudio.com](http://www.beebedesignstudio.com)

**From:** Ray [mailto:capone.ray@gmail.com]  
**Sent:** Sunday, October 08, 2017 5:43 PM  
**To:** Martha Capone <martha.capone@gmail.com>  
**Cc:** Mark Beebe <mark@beebedesignstudio.com>; Sam Hardie <sam@beebedesignstudio.com>  
**Subject:** Re: 17-05VZ 834 Golden Beach Blvd. Variance update

Yes Mark,

Martha and I feel strongly that once the property's is upgraded, we will have no need to maintain our resort license. The property will be used as our private residence, and only as our private residence. The resort license will be terminated when the existing structure is demolished.

That resort license carries a lot of city oversight and fire safety requirements that would be an unwanted invasion of our privacy, and may impose an unnecessary fire safety architectural burden on your design.

The city wants to get rid of these short term rental licenses. Martha and I agree that having a lot of short term rentals does not contribute to the cultural atmosphere that we love about Venice.

We are more than willing to give up our license. Indeed, the high quality new construction we are planning will ensure the property is used as a private residence for at least another generation.

Ray Capone