



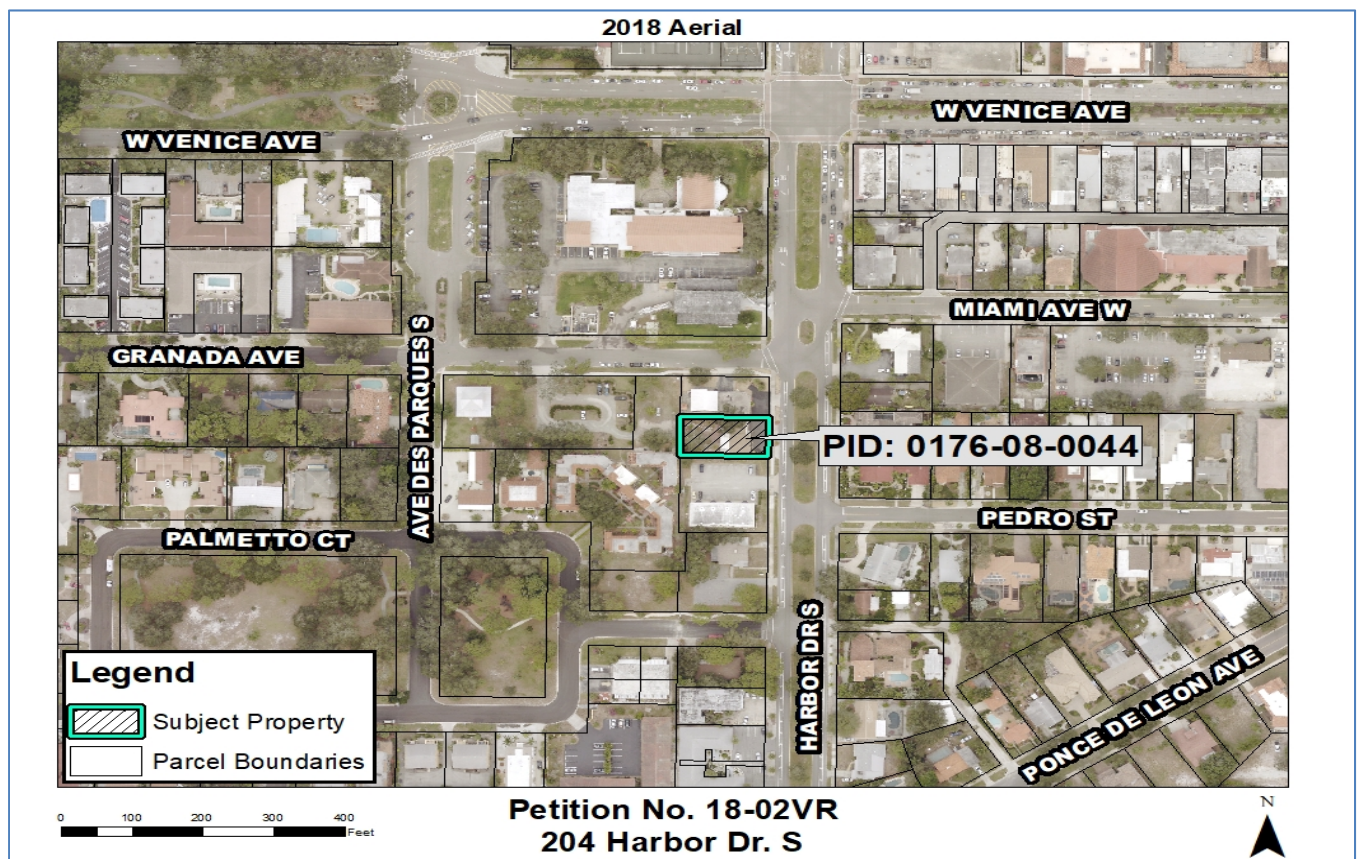
# **CITY OF VENICE**

## **Vested Rights Determination**

### **Petition 18-02VR**

### **Staff Report**

- I. **Applicant:** Sarah Ziebro, for property owners Sarah, Joyce, and Raymond Ziebro,
- II. **Subject Property:** 204 S. Harbor Drive, Venice FL, Sarasota County Parcel ID# 0176-08-0044, 0.17 +/- acres of land (see following aerial/location map).



III. **Vested Rights Determination Criteria:**

A vested rights determination is subject to the City Code of Ordinances Chapter 86 Section 86-48 as indicated below:

*Sec. 86-48. - Vested rights.*

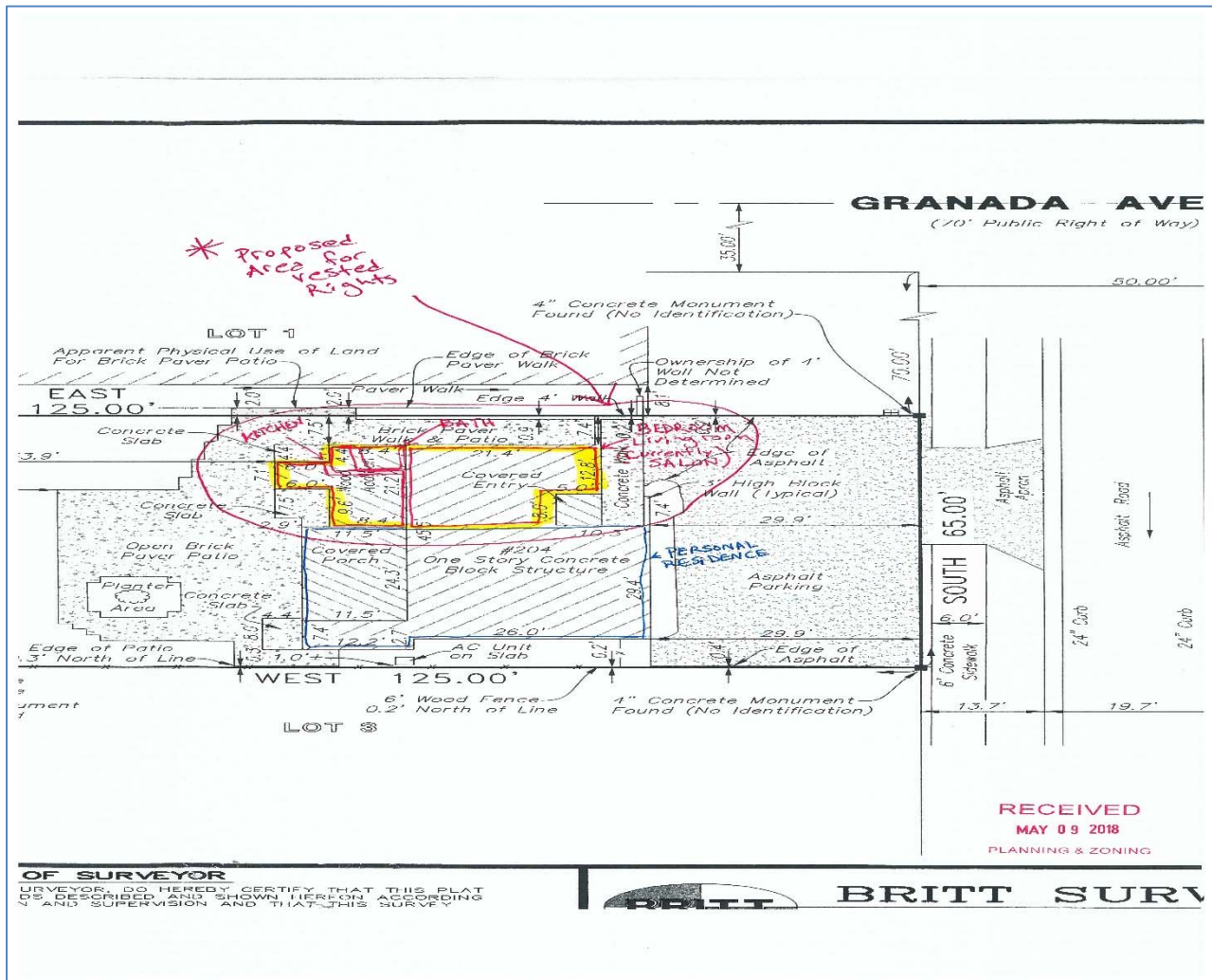
18-02VR Ziebro, Harbor Drive

(a) Nothing contained in this chapter shall be construed as affecting existing vested rights. It shall be the duty and responsibility of any person alleging vested rights to affirmatively demonstrate to city council the following:

- (1) A reliance in good faith upon some act or omission of the government; and
- (2) A substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.

#### IV. Alleged Vested Right:

Sarah Ziebro, representing the property owners Sarah, Joyce, and Raymond Ziebro, has submitted for a vested rights determination for their subject property located at 204 Harbor Drive, Venice FL, parcel ID# 0176-08-0044 comprising approximately 0.17+/- acres. For this determination, the owner desires to confirm the legal status/vesting to allow the property owner to pursue residential uses as permissible in the Office, Professional, and Institutional (OPI) zoning district, Section 86-90 of the City Code of Ordinances. The applicant has submitted a copy of a floor plan/survey of the property indicating the portion of the structure where the vested rights is being sought:

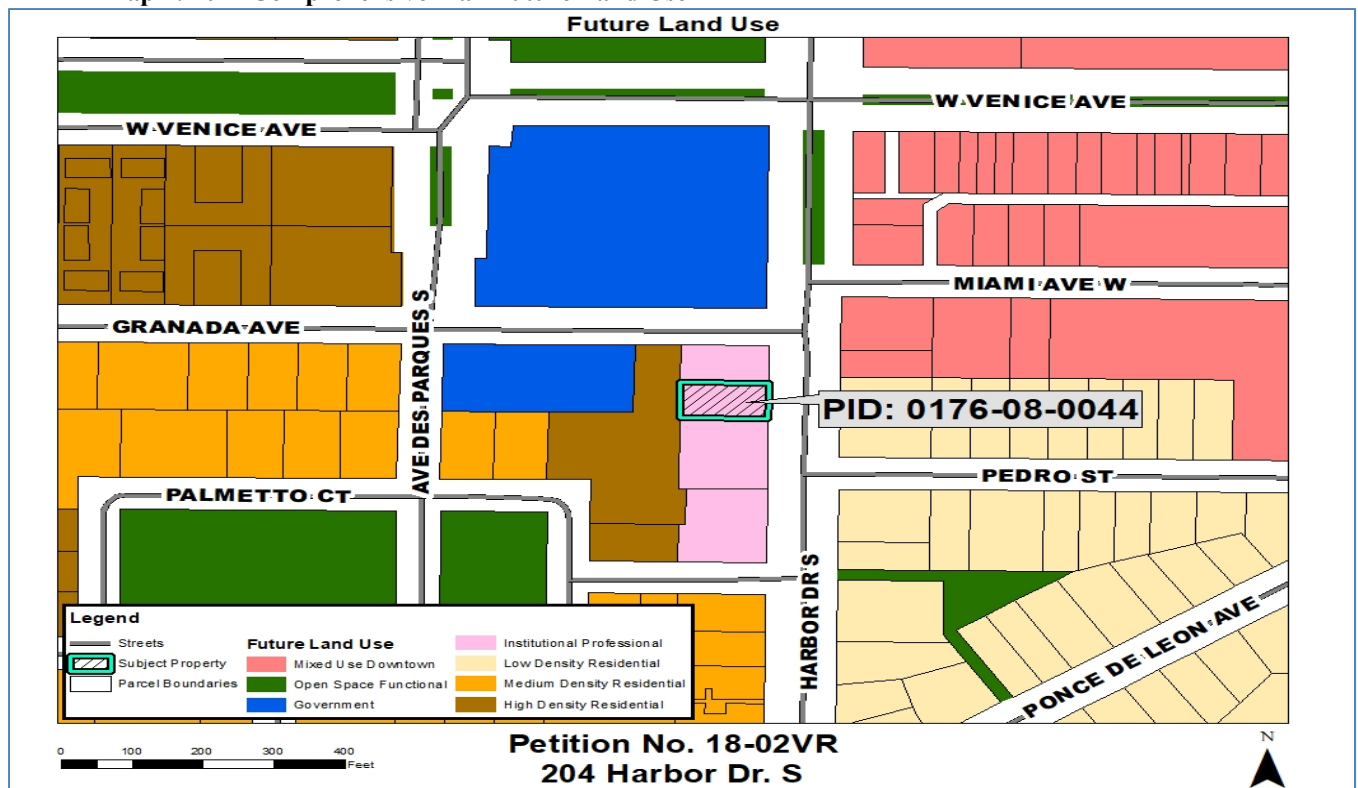


In 2013, the applicant sought and was granted approval for a special exception to allow for a hair salon (and parking) in the portion of the structure under request for this vested rights. As indicated in the application request, the applicant now seeks (initiated November of 2017) to allow for a “vacation rental” for this portion of the structure. In response to the criteria for a determination of vested rights the applicant submitted responses as part of the application (included in the packet for your review).

## V. Comprehensive Plan and Zoning Information:

**2017 Comprehensive Plan and Zoning Maps:** The subject property has a current future land use designation of Institutional, Professional (see Map 1 below) which includes the Office, Professional. The City’s 2010 Comprehensive Plan provided a future land use of Planning Area B, Heritage Park Neighborhood which allowed for residential units from 3.5 to 18 units per acre for the Planning Area.

**Map 1: 2017 Comprehensive Plan Future Land Use**



The City’s 2017 Comprehensive Plan took the direction of predictability and specifically removed conversion capabilities from residential to non-residential future land uses as indicated in the following Strategy:

### *Strategy LU 1.2.5 - Residential Uses in Non-Residential Designations*

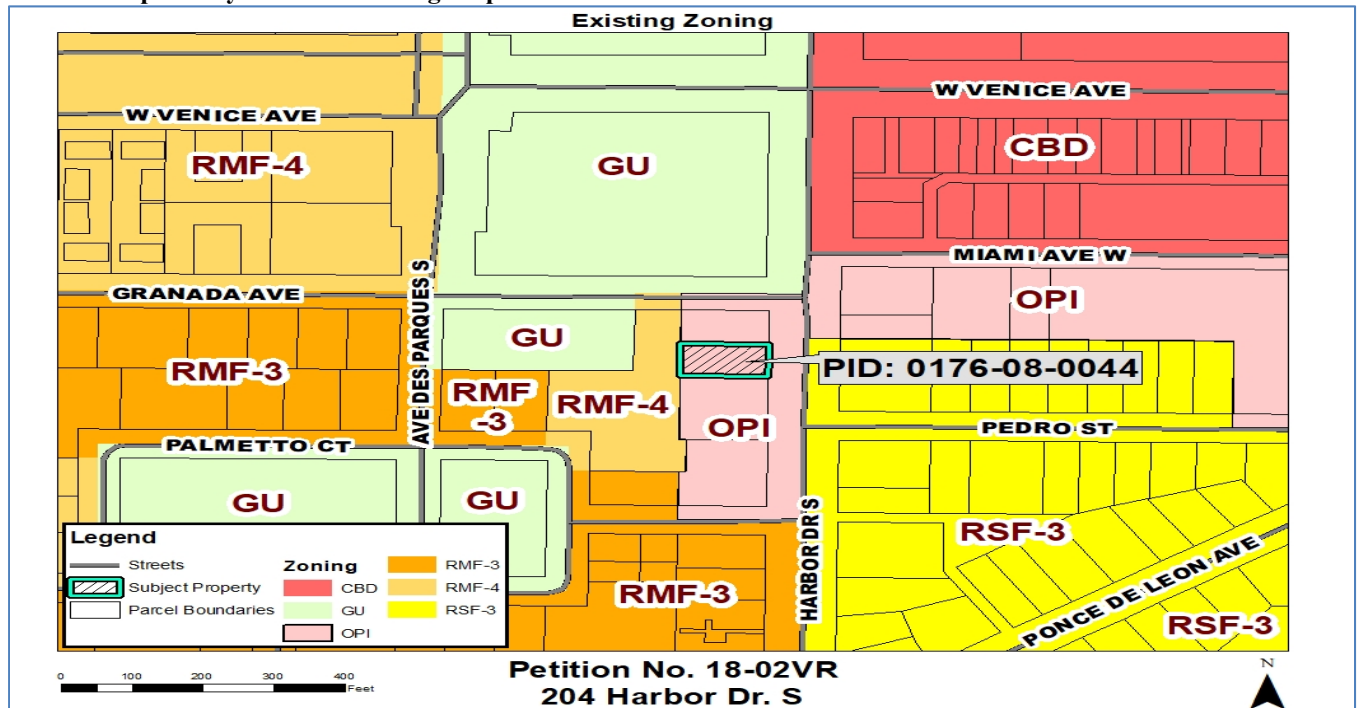
*In order to provide predictable land uses, residential uses previously provided for or permitted through the conversion factor, including its allocation ratio, have been removed from this Comprehensive Plan.*

This Strategy is the purpose for this vested rights request...to allow for the ability to seek approval of residential uses permitted under the City’s OPI zoning district.



As indicated on Map 2 below, the current zoning of the subject property is Office, Professional, and Institutional (OPI):

**Map 2: City of Venice Zoning Map**



The City's code of ordinances for the OPI zoning district indicates the following permissible residential use types;

**Sec. 86-90. - OPI office, professional and institutional district.**

- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the OPI district are:
- (15) One-family, two-family and multiple-family dwellings within buildings eligible for listing on the local register of historical resources.

**VI. Staff Review and Findings:**

As previously indicated, the property owner seeks to confirm the legal status/vesting to allow the property owner to pursue residential uses as permissible in the Office, Professional, and Institutional (OPI) zoning district, Section 86-90 of the City Code of Ordinances.

In review of the submitted petition for vested rights for the subject properties (Sarasota County Parcel ID# 0176-08-0044, comprising 0.17+/- acres of land), the following findings are noted for consideration:

- The 2010 Comprehensive Plan did allow for residential uses for Planning Area B: Heritage Park Neighborhood between 3.5 and 18 units per acre.
- The 2017 Comprehensive Plan designated the subject property future land use as Office Professional which is a non-residential district.
- Strategy LU 1.2.5 removed the ability to have conversion of residential and non-residential uses to further predictability within the 2017 Comprehensive Plan.

- The City's OPI zoning district does provide for limited permitted residential uses.
- The applicant has indicated responses to the two criteria necessary for a vested rights determination indicating in part (see application for full language):
  1. "...not being notified..." regarding the changes to the Comprehensive Plan.
  2. Renovations had begun to change the Hair Salon area to a vacation rental indicating down payments toward the bathroom portion of the renovations although no financial information has been submitted.

For clarification, an affirmative finding of this vested rights petition affords the property owner the ability to seek appropriate permitting/approvals to allow residential uses permitted in the OPI zoning district for the portion of the structure identified by the property owner as part of this vested rights application.