

**BEFORE THE CODE ENFORCEMENT BOARD IN AND FOR VENICE, FLORIDA**

**CITY OF VENICE,**

**Petitioner,**

**v.**

**CASE NO. 18 381**

**EMILY WYATT**

**Respondent(s).**

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**NOTICE OF VIOLATION**

1. A review of the database and an onsite inspection on July 18, 2018 by a Code Compliance Officer, of your property, located at 1024 Pineland Ave, Venice, Florida, described and zoned as:

Parcel ID: 0410140052

RSF 3- Residential, Single Family

resulted in finding permit **an unpermitted driveway not constructed in accordance with City of Venice driveway standards.**

2. This is a direct violation of City of Venice Code of Ordinance Sec. 86-423. (b) Driveway standards, Sec. 62-62. Right-of-way-use authorization, and Sec. 62-63. Driveway specifications.

**Sec. 86-423. - Driveway standards.**

(a) *Number of driveways.* Lots with less than 80 feet shall have no more than one driveway opening on that street, provided that a second opening shall be permitted if one driveway is marked "entrance only" and the other marked "exit only." Lots which have between 80 feet and 200 feet of frontage on any street shall have no more than two driveways opening on that street. For each 100 feet or fraction thereof by which a lot exceeds 200 feet, one driveway opening may be created in addition to the first two.

(b) *Location of driveways.* No driveway shall be constructed with its center closer than 20 feet to a property line, except when the drive is jointly used by the adjoining properties, or 50 feet to the intersection of the edge of the pavement of two streets, or 40 feet to the center of the next nearest entrance driveway; provided that, for one- and two-family dwellings, no portion of any driveway shall be constructed closer than five feet to a property line, except when the drive is jointly used by the adjoining properties, or 40 feet to the intersection of the edge of the pavement of two streets, or ten feet to the edge of the next nearest driveway.

(c) *Width of driveways.* Driveways shall not exceed 40 feet in width at their junction with the street or highway pavement and shall not exceed 40 feet in width at the property line in the ILW district or 24 feet in width at the property line in all other districts; provided that the planning commission may, upon written request, authorize driveways up to 40 feet in width in the CG and CI zoning districts after a finding that the specific use proposed requires large vehicles to use the driveways and that the increased width is necessary to accommodate such vehicles.

(d) *Use of right-of-way for vehicle maneuvering or parking; joint use of driveways.*

Except for the driveways, the area between the edge of the pavement or curb of a street, road or highway and the property line shall not be used for vehicle maneuvering or parking. In order to minimize the number of drives necessary for proper access to the uses in this district, there should be joint use of drives by adjoining properties wherever possible.

(Code 1982, § 20-7.12.q; Ord. No. 2003-32, § 3, 10-28-03)

## **Sec. 62-62. - Right-of-way use authorization.**

In addition to any applicable building permit, a right-of-way use authorization shall be obtained from the city engineer or his designee prior to initiating the installation of any improvements or conducting any construction activities within the city right-of-way (ROW). A site plan, description of the proposed work, completed ROW use authorization application, and applicable fee shall be submitted to the city engineer for review and approval. A performance and payment bond in the form of a letter of credit, cash bond or surety bond, equal to 125 percent of the contract amount for the improvement to be built within the ROW may be required of the owner of the property making the request as a condition of the permit. If required, the bond shall be in favor of the city, to be drawn upon for failure to comply with the permit conditions and in a form approved by the city's finance director. Any improvement placed within a city ROW, easement, or other public property that does not meet city standards will require approval of the city engineer, an approved ROW use authorization, and license agreement. Improvements placed within a city ROW, easement or other public property that meet the requirements of the city standards may be required to execute a license agreement by the city engineer based on the specific use. The license agreement shall require approval by the city manager or his designee and signature by the mayor. The executed license agreement shall be recorded with the county clerk of court and shall run with the land until such time as the agreement is terminated in accordance with its terms. Installation of pavers within the ROW or easement shall require construction in accordance with the city paver installation guidelines and a license agreement. The license agreement and paver installation guidelines are incorporated by reference as part of this article and are on file in the city clerk's office. Any removal, replacement, maintenance, or restoration costs associated with improvements authorized to be installed in the ROW shall be the sole responsibility of the persons entitled to the possession of adjoining property unless improvements are accepted by city council through formal turnover procedures. Failure of the adjoining property owner or contractor to remove, replace, maintain, or restore improvements or complete the work within the time allowed under the permit authorized within the ROW may result in a code enforcement action, calling any applicable bond, proceeding in any court of competent jurisdiction or any combination thereof. The city shall be indemnified against any and all liabilities, losses, claims demands, damages, or causes of action that may arise or be made against the city by reason of or in any way related to or arising from the construction of improvements in the city ROW, easements, or other public property unless improvements are accepted by city council through formal turn-over procedures. Upon completion of the approved activity, the applicant shall certify in writing to the city engineer that all authorized work within the ROW has been completed in accordance with the approved plans and that the work site and all other affected property has been restored to existing or better condition than existed prior to construction activity. Final inspections of the site by the engineering and building departments are

required upon completion of approved activity. A minimum of 24 hours' notice shall be provided to the departments to schedule final inspections.

(Code 1982, § 15-30; Ord. No. 97-48, § 12, 8-12-97; Ord. No. 2006-34, § 2, 8-22-06; Ord. No. 2006-48, § 1, 11-14-06; Ord. No. 2013-26, § 2, 8-13-13)

### **Sec. 62-63. - Driveway specifications.**

New concrete driveways shall be constructed in accordance with the city engineering department's approved standard details, which are incorporated by reference as part of this chapter and are on file in the city clerk's office. If a driveway is proposed that does not meet the requirements of the city standard details within the city ROW or easement, the conditions set forth for ROW use authorization and license agreement in section 62-62 shall be met.

(Code 1982, § 15-29; Ord. No. 2002-09, § 2, 2-12-02; Ord. No. 2006-34, § 2, 8-22-06; Ord. No. 2006-48, § 1, 11-14-06)

3. You were previously notified of the violation of City of Venice Code of Ordinance Sec. 86-423 (b) Driveway standards, Sec. 62-62 Right-of-way-use authorization, and Sec. 62-63. Driveway specifications on July 18, 2018, August 2, 2018.

4. You are hereby notified that you must clear the violations by obtaining the proper permits and pass all final inspections; or by restoring the property to its original state, and pass all final inspections.

5. You will be allowed **ten (10) days** from your receipt of this Notice to correct this violation.

**6. Be advised that it is your responsibility to contact the Code Compliance Division to request an inspection to verify that the violation has been corrected.**

**7. Your failure to comply with the terms of this Notice will result in this matter being heard before the CODE ENFORCERMENT BOARD at the time and place shown on the attached Notice of Hearing.**

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Deborah Sanacore  
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