



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

DEVELOPMENT SERVICES - PLANNING & ZONING
VARIANCE APPLICATION

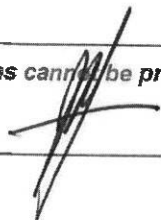
VZ

VARIANCE

Project Name:	Rustic Road
Parcel Identification No.:	Please See Attached
Address:	Rustic Road
Parcel Size:	318.7 acres
FLUM designation:	Mixed Use Residential (proposed)
Zoning Map designation:	PUD (proposed)
Property Owner's Name :	Please See Attached Complete List (for billing Rustic Road Partners, LLC)
Telephone:	
Fax:	
E-mail:	
Mailing Address:	1515 Ringling Boulevard, Suite 890, Sarasota, FL 34236
Project Attorney :	Jeffery A. Boone, Esq.
Telephone:	941-488-6716
Mobile / Fax:	
E-mail:	jboone@boone-law.com
Mailing Address:	1001 Avenida Del Circo, Venice, FL 34285
Project Engineer :	Sean Crowell, P.E., Waldrop Engineering
Telephone:	941-378-8400
Mobile / Fax:	
E-mail:	sean.crowell@waldropengineering.com
Mailing Address:	28100 Bonita Grande Dr., Bonita Springs, FL 34135
Project Architect :	
Telephone:	
Mobile / Fax:	
E-mail:	
Mailing Address:	

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

 6/21/19

APPLICATION CHECKLIST

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**

You must restate and address each of the following as an attachment to the project narrative:

- 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;
- o The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property;
- 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.

Please See Attached

Fees

Application filing fee \$400.

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

RUSTIC ROAD ANNEXATION PARCELS

	<u>OWNER</u>	<u>PID</u>	<u>ADDRESS</u>	<u>ACRES</u>	<u>THE FUND ORDER #</u>
1)	Free Flying Investments, LLC	0361-00-1002	Ranch Rd	31.458	649652
2)	Rustic Road Partners, LLC	0361-00-1001	Ranch Rd	97.688	649677
		0361-00-1003			649677
		0361--00-1004			649677
		0364-04-0001	Rustic Rd	0.914	649651
3)	Ronald & Carol Perkins	0362-00-1007	2600 Rustic Rd	12.003	649654
		0362-00-1015			652020
4)	Caroline Martin	0362-00-1002	1700 Ranch Rd	6.542	649656
5)	Philip V. Burket Trust	0364-04-0002	2940 Rustic Rd	170.101	649681
		0362-00-1010			649681
Total				318.706	

Rustic Road Variance- Project Narrative

The proposed Rustic Road PUD is 318 +/- acre property generally located north of Laurel Road, west of Knights Trail Road, and east of I-75, along Rustic Road and Ranch Road. The proposed PUD would allow for the development of a residential community consisting of detached single-family homes, paired villas, and multi-family homes, amenity centers and open space. The proposed building height for the multi-family buildings, in order to allow for 3 story structures is 42 feet.

During review of the PUD application City staff determined a variance was required for building heights in excess of 35 feet, but less than 45 feet. Therefore, the applicant hereby requests a variance to Sec. 86-130(h) to allow for buildings up to 42 feet.

The variance is proposed to be limited to the area identified for optional multi-family use on the attached Rustic Road PUD plan, an area of approximately 18 acres located within the 318 acre PUD. The proposed building height is compatible with the surrounding land uses and located to minimize off-site impacts, if any. Please see the attached evaluation of Sec. 86-46(4) regarding considerations in granting variances.

Sec. 86-46(4)

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

- 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;

Delays in implementation of updates to the Land Development Regulations following the 2010 Comprehensive Plan update and the ongoing efforts to update the Land Development Regulations following 2017 Comprehensive Plan update, special circumstances which are not the fault of the applicant, have resulted in a partially updated Land Development Code which change the point to where height is measured (peak of roof) without completing the update to the Land Development Code to adjust allowable building heights accordingly to 42'.

- b. The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property;

The literal interpretations of this chapter would result in unnecessary and undue hardship to the property by limiting the applicant's ability to construct multi-family building in excess of two stories.

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

The proposed variance is limited to a small area within the 318 acre project. The variance request for 42', including parking, is the minimum variance necessary to allow for the construction of three story multi-family buildings, and would result in an overall reduction in height from the currently permitted height of 35' over 10' of understructure parking (total of 45').

- 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.

The grant of the variance will be in harmony with the general intent and purpose of this chapter which is to allow for construction of 3 story buildings. Three story building will not be injurious to the neighbors or otherwise detrimental to the public welfare.