

# ***Rustic Road***

## ***Variance Petition No. 19-34VZ***

### **Project Owner and Agent:**

**Owner:** Rustic Road Partners, LLC

**Agent:** Jeffery A. Boone, Esq., Boone Law Firm



*We serve with PRIDE*

# Variance Petition

**Applicant:** Rustic Road Partners, LLC

**Parcel ID #:** Multiple

**Agent:** Jeffery A. Boone, Esq., Boone Law Firm

**Property Size:** 318.7± acres

**Future Land Use Designation:** Sarasota County Rural

**Proposed Land Use Designation:** City of Venice Mixed Use Residential (MUR)

**Existing Zoning:** Sarasota County Open Use Estate (OUE)

**Proposed Zoning:** City of Venice Planned Unit Development (PUD)

**Technical Review Committee (TRC):** The subject petition has been reviewed by the TRC and has been found in compliance with the regulatory standards of the City Code of Ordinances, with the exception of the variance request.

**Summary of Variance Request per Code Section 86-42 Conditional Use:**

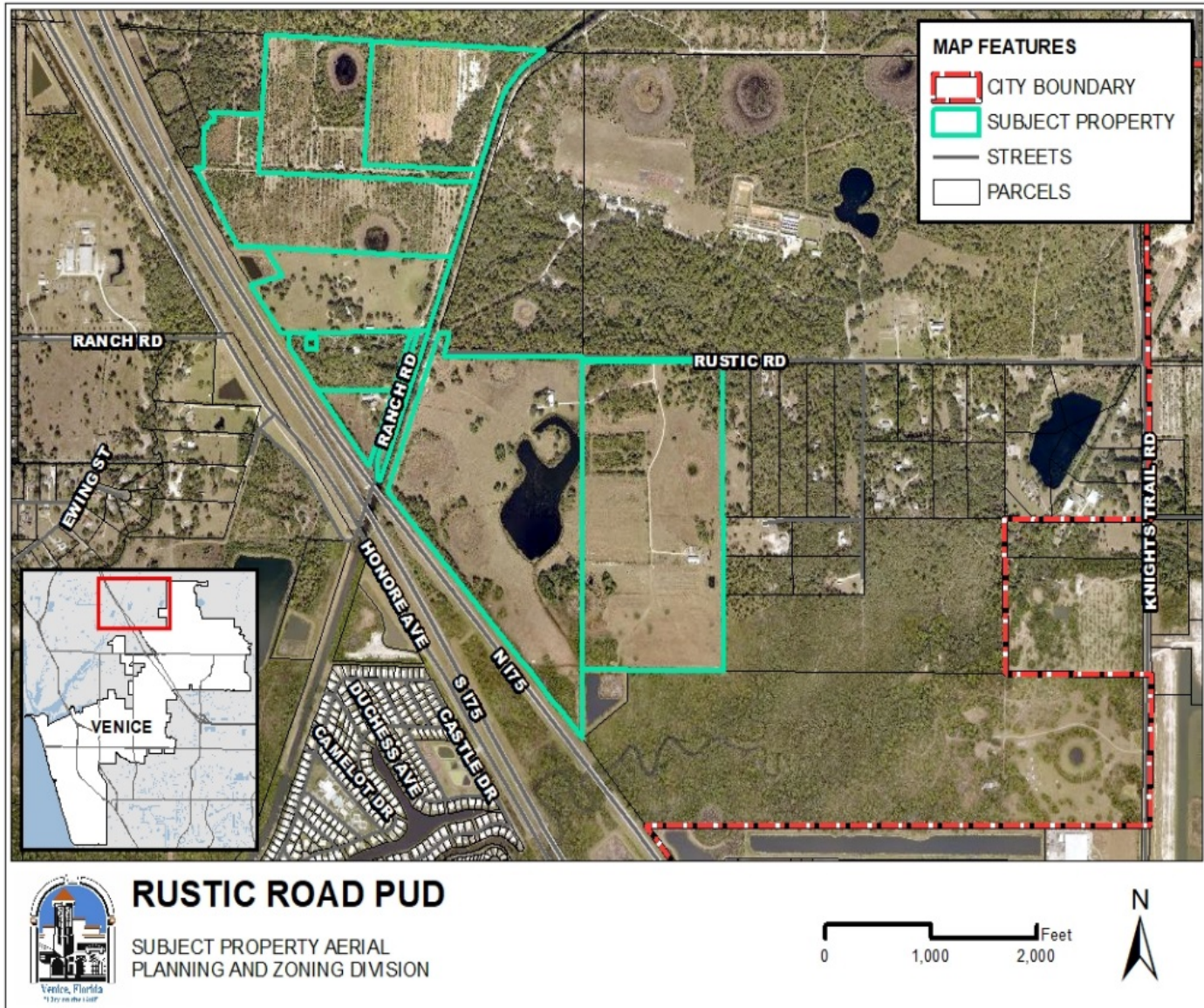
The applicant is requesting a variance from Section 86-130(h) regarding the maximum height of structures in the PUD district. The maximum height of structures in the PUD zoning district is 35 feet and the applicant proposes a maximum structural height of 42 feet. Final determination requires City Council action.

# **Conditional Use**

Code Section 86-42 provides the criteria and procedures for the processing of a Conditional Use. This section provides the following language:

- (a) *Generally. A conditional use is an allowance with regard to height, density, or gated communities authorized only through approval by city council upon recommendation by planning commission. The city council may authorize the following allowances as a conditional use if the zoning district specifically allows for the conditional use:*
  - (1) *An allowance resulting in an increase to building height equal to or greater than ten feet over the maximum height of structures in each zoning district. Building height allowances less than ten feet over the maximum height of structures in each zoning district shall be handled as a variance, per section 86-46.*

# Aerial Photograph



## **Applicable Code Standard**

Sec. 86-130. - PUD planned unit development district.

(f) Conditional use. The following conditional use is permissible in the PUD district after public notice and hearing by city council:

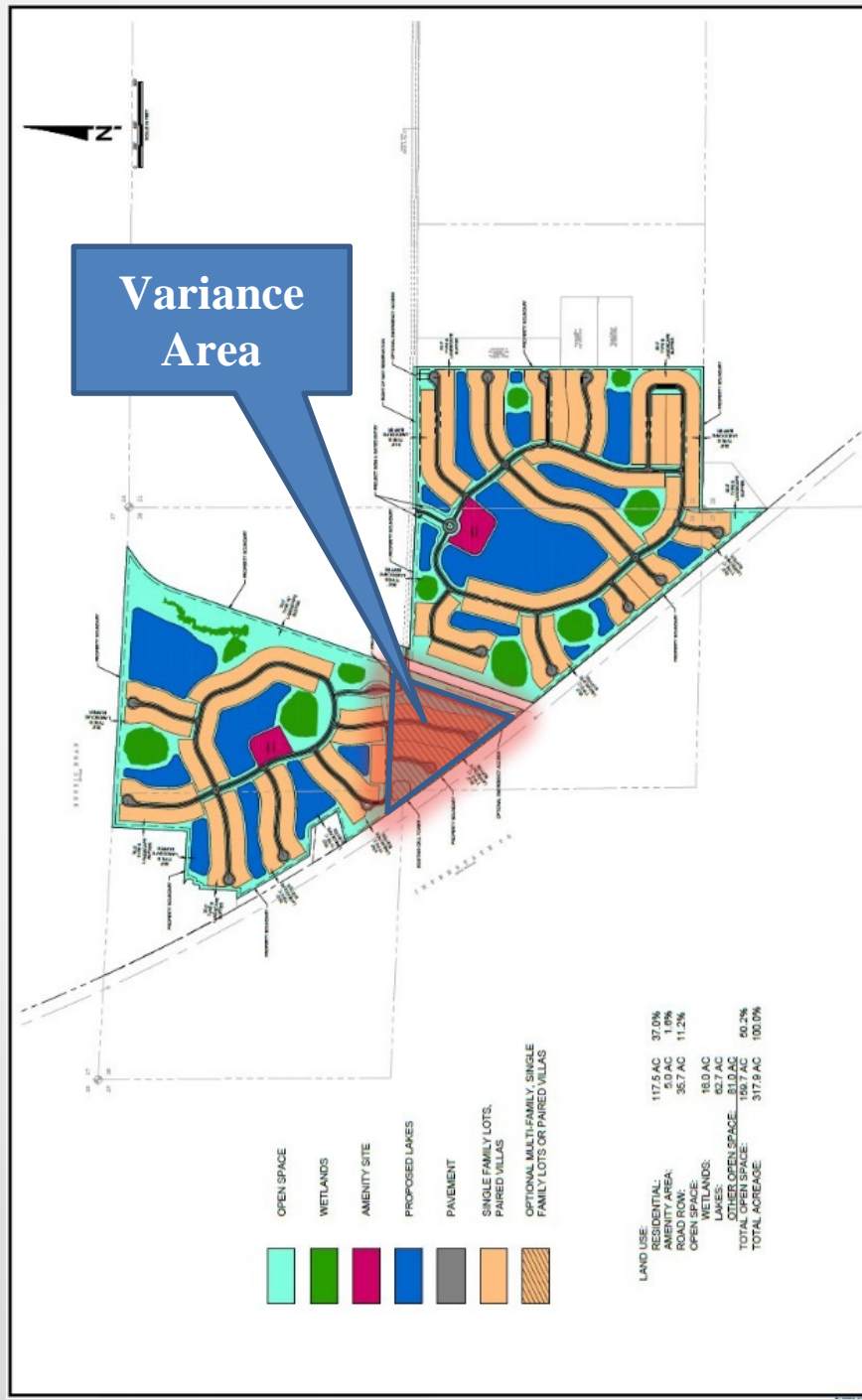
(1) Buildings over 35 feet in height but not in excess of 85 feet.

(h) Maximum height of structures . No portion of a structure shall exceed 35 feet in a PUD district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

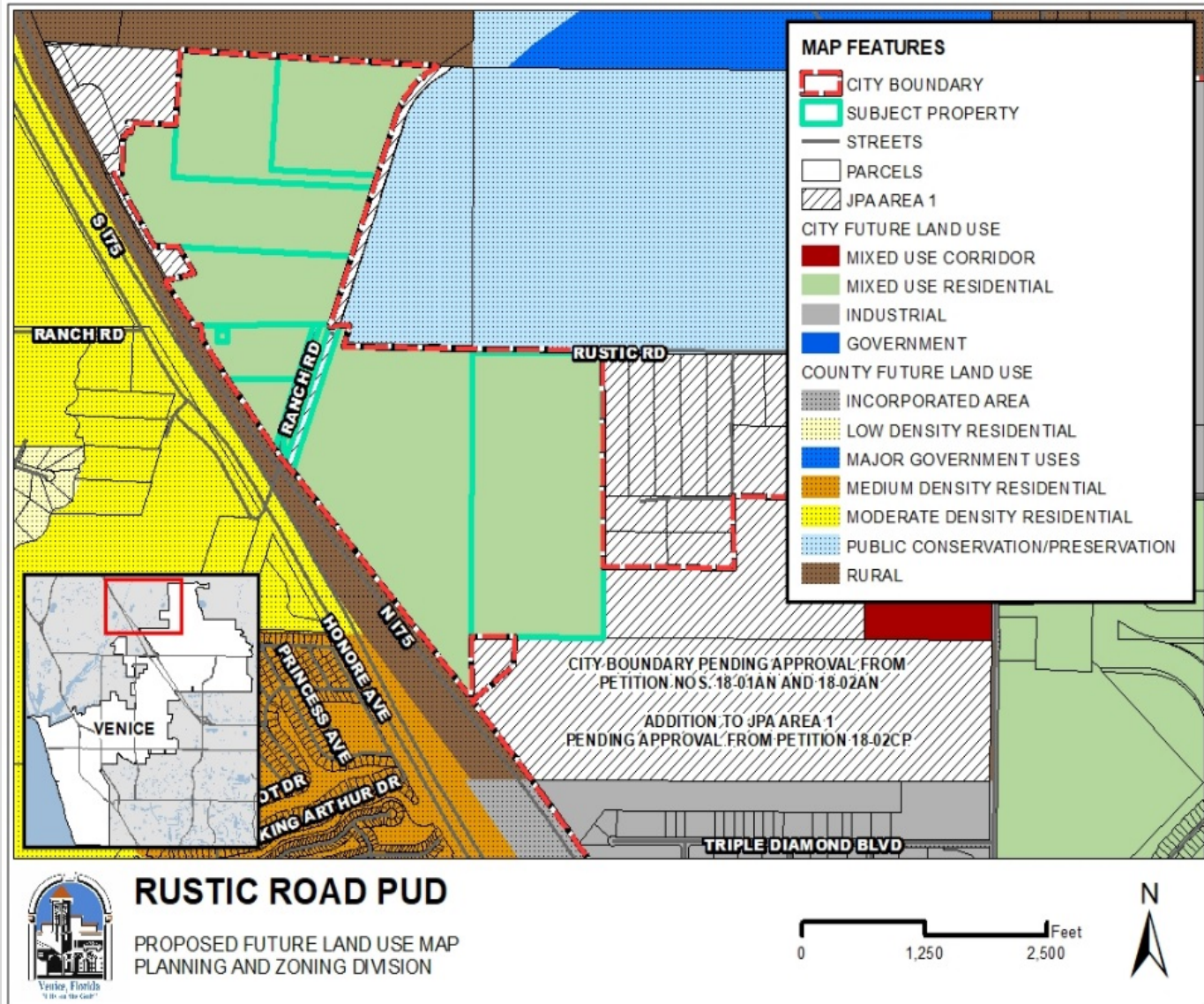
## **Variance Request**

The applicant is requesting a variance from Section 86-130(h) regarding the maximum height of structures in the PUD district. The maximum height of structures in the PUD zoning district is 35 feet and the applicant proposes a maximum structural height of 42 feet.

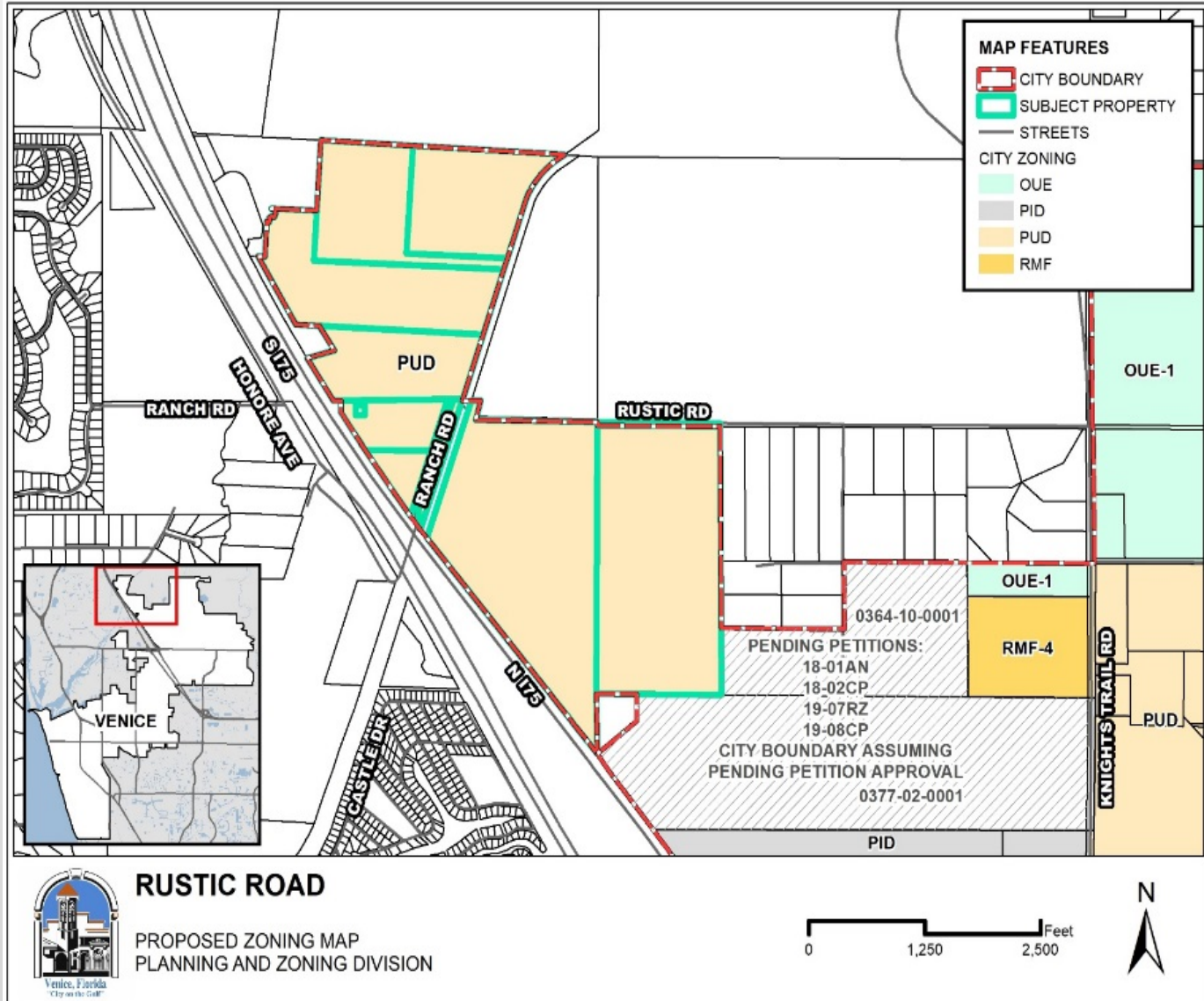
# Binding Master Plan



# Proposed Future Land Use Map



# Proposed Zoning Map



# Planning Commission Review:

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

- 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
- The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property; and,
- The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure; and,
- 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.

# **Planning Commission Action**

Based on the information submitted by the applicant, the staff report, and testimony provided during the public hearing, there is sufficient information to allow the Planning Commission to take action on the subject petition.