

---

---

**Request for Variance  
301 Ponce De Leon  
21-15VZ**

» PRESENTED BY:

Stephen D. Rees, Jr., Esq.

September 7, 2021



## Petitioner

Henry T. Ziegler & Lisa K. Ziegler

## Consultant

Stephen Rees, Jr., Esq.

*Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.*

## Summary of the Requested Action

---

Based on the evidence in the record and the applicable standards of review, Applicant requests the Planning Commission to approve Variance Request 21-15ZV, in accordance with Section 86-4(a)(4), of the City Of Venice Land Development Regulations, to vary the front yard setback along Nassau Street from 20' to 8' to permit the construction of an in-ground pool.



# Summary of Property Conditions When Acquired in 2016





# 2017 Aerial Depicting Renovation of Existing Structure





## 2020 Aerial Depicting Completed Renovation of Existing Structure

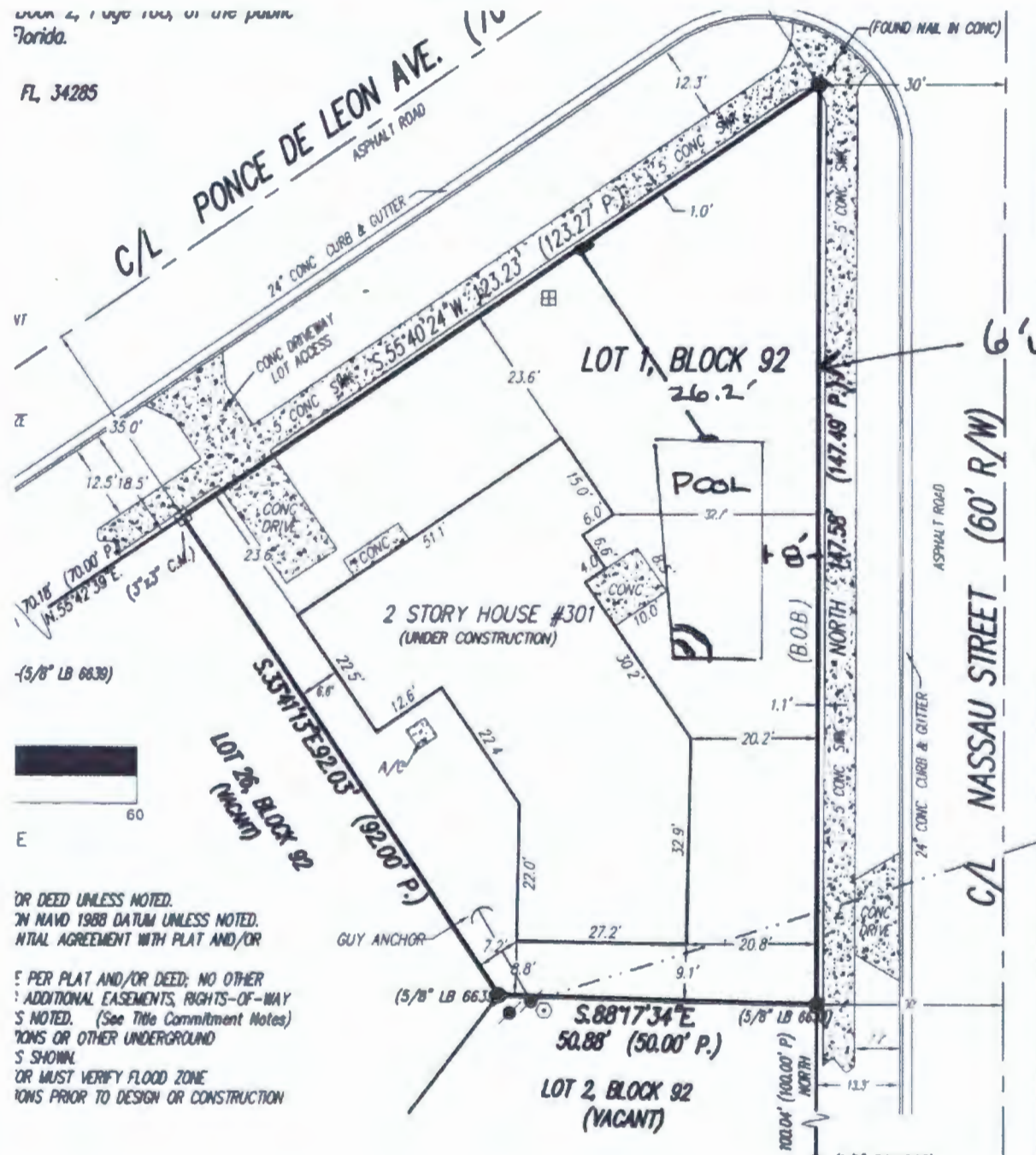




## Summary of Proposed Activity

June 4, 1968  
Florida

FL 34285



- Proposed In-ground at-grade pool
- No closer than 8' from the front yard property line on Nassau Street
- Located behind the front façade on Ponce De Leon (approximately 26.2' from street)
- Screened from pedestrian and vehicular traffic by 6' solid wall and landscaping along Nassau Street

## Side Yard Facing Towards Ponce De Leon Ave.





## Side Yard From Nassau Street









## Standards Of Review – Section 86-46(a)(4), Zoning Code

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:** Applicant purchased the property in 2016 and remodeled the existing structure in the same general footprint. This lot is unique in that it has two front yards and two side yards. The pool in the front yard is consistent with the neighborhood and pattern for other similarly situated corner lots. Because of the unique configuration of the lot and existing structural footprint, there is no reasonable alternative to locate the pool in any other yard.

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

**Applicant's Response:** Literal interpretations of the provisions of this Chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same and thereby result in unnecessary and undue hardship to this unique property.



## Standards Of Review – Section 86-46(a)(4), Zoning Code



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

**Applicant's Response:** The requested variance is the minimum necessary to make reasonable use of the land and denial of same would deprive the Applicant of rights commonly enjoyed by other properties in the same Zoning District and lot configuration.

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:** Any impact of the proposed pool within the Nassau Street Front Yard is mitigated by the new wall and landscaping that screens the proposed in-ground pool from pedestrians and vehicles. Moreover, Several neighboring properties, including the property immediately across Nassau Street, have constructed similar pools which are consistent with the goals and standards set forth in the Land Development Code.

## Summary of the Requested Action

The City's professional planning and zoning staff found the application and Variance was consistent and compatible with the applicable codes and sufficient to support approval of the Variance.

Applicant, by and through, its professional consultants provided competent substantial evidence in support of approval of 21-15VZ.

Therefore, based on the evidence in the record and the applicable standards of review, Applicant requests the Zoning Board of Adjustment to approve Variance Request 21-15VZ, in accordance with Section, of the City of Venice Zoning Code, to vary the front yard setback along Nassau Street from 20' to 8' to allow for a pool.





*Thank you* »

Stephen D. Rees, Jr., Esq.  
941.366.8100