

**DESOTO COUNTY, FLORIDA**  
**RESOLUTION NO. 2026- \_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA DENYING AN APPLICATION TO EXTEND THE APPROVAL OF A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (USE-0060-2021) FOR A +/- 0.80 ACRE PARCEL FOR PROPERTY LOCATED AT 5040 NE CUBITIS AVENUE, THE PROPERTY IDENTIFICATION NUMBER BEING 08-37-25-0000-0471-0000; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is owned by Jesse and Amorette Sterling and consists of a +/- 0.80-acre property located at 5040 NE Cubitis Avenue, the property Identification Number being 08-37-25-0000-0471-0000 (the "Property"); and

**WHEREAS**, August 24, 2021, the Board of County Commissioners (the "Board") approved a Special Exception to allow a site built single family residence within the Commercial Neighborhood ("CN") zoning district (Resolution No. 2021-42); and

**WHEREAS**, LDR Section 20-1434(c) of the Land Development Regulations (LDR) provides that "Any special exception shall expire five years from the date of approval by the Board of County Commissioners if the special exception use has not commenced or five years following the discontinuance of the special exception use, unless appealed and extended by action of the Board of County Commissioners."; and

**WHEREAS**, based upon the foregoing, the subject Special Exception will expire on August 24, 2026, unless extended by the Board; and

**WHEREAS**, a 4-year time extension was filed for a previously approved Special Exception use (USE-0060-2021) (Resolution No. 2021-42), for a single-family residence, commercial office building, nursery, and BBQ on property zoned Commercial Neighborhood (CN); and

**WHEREAS**, the Development Director prepared a Memorandum analyzing the time extension request, concluding that granting a time extension was inconsistent with LDR Section 20-236(1).a, Section 20-236(1)b, and Section 20-236(1).c. which lists the uses permitted by right, as an accessory use, and by Special Exception in the CN zoning district, and all exclude a single-family residence; and

**WHEREAS**, extending the expiration date of the Special Exception (USE-0060-2021) was found to be injurious to the adjoining properties, or otherwise detrimental to the public welfare; and

**WHEREAS**, on July 28, 2026, the Board held a duly noticed public hearing on application number APPL-0013-2026 and the Board considered the staff analysis contained in the Memorandum and all substantial competent evidence presented at the hearing, including the testimony under oath by the Applicant, and determined that the

application does not comply with the DeSoto County Land Development Regulations, and by a vote of **XX** to **XX**, DENIED the application; and

**WHEREAS**, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

**NOW, THEREFORE BE IT RESOLVED BY THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

**Section 1.** *Whereas clauses incorporated.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

**Section 2.** *Property description.* The ± 0.8-acre parcel is located at 5040 NE Cubitis Avenue, the Property Identification Number being 08-37-25-0000-0471-0000.

**Section 3.** Findings of Fact and Conclusions of Law. The Board has considered all relevant, competent substantial evidence in the record, including testimony and documentary evidence, and based on preponderance of that evidence the Board finds that application number APPL-0013-2026 does not meet or comply with the following factors identified in Section 20-236(1).a, Section 20-236(1)b, and Section 20-236(1)c.to allow for a single-family residence to be built on property zoned Commercial Neighborhood (CN), and that the granting of the request will adversely affect the public interest.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND DULY ADOPTED** in DeSoto County, Florida, this 28<sup>th</sup> day of July, 2026.

**ATTEST:**

**DESOTO COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Mandy Hines  
County Administrator

By: \_\_\_\_\_  
Steve Hickox  
Chairman

**Approved as to form and legal sufficiency:**

By: \_\_\_\_\_  
Valerie Vicente  
County Attorney