

2021-42
Dionisio

Resolution/Special exemption use 0060-2021/Martin A. Meza and Sara Nair

August 24, 2021

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DESOTO COUNTY, FLORIDA
RESOLUTION NO. 2021- 42

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS GRANTING TO MARTIN A MEZA AND SARA NAIR DIONISIO A SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO ALLOW WITHIN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT A SITE BUILT SINGLE FAMILY RESIDENCE LOCATED ON NE CUBITIS AVENUE, THE PROPERTY IDENTIFICATION NUMBER BEING 08-37-25-0000-0471-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the DeSoto County Property Appraiser records show that the subject property located on NE Cubitis Avenue, and is owned by Marin A Meza and Sara Nair Dionisio; and

WHEREAS, the 2040 Future Land Use Map shows the .8 acre property is located within the Rural/Agricultural Land Use designation and the Official Zoning District Atlas shows the property is situated within the Commercial Neighborhood (CN) zoning district; and

WHEREAS, the applicant desires to change the use from vacant to placing a site built single family residence on the property; and

WHEREAS, Land Development Regulations (LDR) Section 20-136(c)(8) provides for Special Exception and Uses, "Any other professional or commercial use which is comparable in nature with the foregoing uses and which the Development Director determines to be compatible in the district."; and

WHEREAS, the applicant has filed with the Development Department a special exception use application (SITE 0060-2019) with the fee to allow the property owner to have a site built single family residence on the property; and

WHEREAS, the Development Director determined the application was complete and has caused the application to be distributed to the Development Review Committee for review and comments; and

WHEREAS, a Development Review Report was prepared and the report concluded the Special Exception use application is in harmony with the LDRs general intent and purpose, is not injurious to the neighborhood or to adjoining properties, or is not detrimental to the public welfare based on the findings therein and conditions of approval; and

WHEREAS, on August 3, 2021, the Planning Commission held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, and forwarded the record to the Board of County Commissioners (Board) with the recommendation that the Board adopt the proposed Resolution; and

WHEREAS, on August 24, 2021, the Board of County Commissioners (Board) held a duly noticed public hearing on the application and entered into the record the Development Review Report and all other competent substantial evidence presented at the Planning Commission and Board hearings; and

WHEREAS, the Board concluded the Special Exception use application established through competent substantial evidence the application was in harmony with the LDRs general intent and purpose, is not injurious to the neighborhood or to adjoining properties, or is otherwise detrimental to the public welfare based on the findings herein and conditions of approval.

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

Section 1. *Incorporation.* 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 property subject to this resolution is a .8 acre property located on NE Cubitis Avenue, the Property Identification Number being 08-37-25-0000-0471-0000.

Section 3. *Findings and conclusions.* The Development Review Report, incorporated herein by reference, represents the written findings of fact and conclusions to support granting to Martin A Meza and Sara Nair Dionisio a special exception use development order to allow within the Commercial Neighborhood (CN) zoning district, a site built single family residence in accordance with the Land Development Regulations.

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

PASSED AND DULY ADOPTED in DeSoto County, Florida, this 24 day of August, 2021.

ATTEST:

**DESOTO COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: Mandy Hines
Mandy Hines
County Administrator

By: JC Deriso
JC Deriso
Chairperson

Approved as to form and legal sufficiency:

By: Donald D. Conn
Donald D. Conn
County Attorney