

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2026 - ____

A RESOLUTION OF THE BOARD OF ADJUSTMENT (BOA) OF DESOTO COUNTY, FLORIDA, REPEALING BOA RESOLUTION NO. 2023-01, WHICH APPROVED A VARIANCE TO ALLOW A SINGLE-FAMILY RESIDENCE WITH A BARN FOR LIVESTOCK ON PROPERTY LOCATED ON NE CUBITIS AVENUE AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 33-36-25-0000-0226-0000; FINDING THAT THE PRIOR VARIANCE APPROVAL CANNOT EXIST CONCURRENTLY WITH THE APPROVED SPECIAL EXCEPTION USE FOR A COMMUNICATIONS TOWER; INCORPORATING RECITALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Craig's RV Park, Inc. is the owner of certain real property located on NE Cubitis Avenue / NE Highway 17, Arcadia, Florida, identified by Parcel Identification Number 33-36-25-0000-0226-0000 (the "Property"); and

WHEREAS, on November 7, 2023, the DeSoto County Board of Adjustment adopted Resolution No. 2023-01 granting a variance to allow a single-family residence with a barn for livestock on the approximately 8.28-acre Property located within the Agricultural-10 (A-10) zoning district; and

WHEREAS, Resolution No. 2023-01 was approved based upon the specific facts, circumstances, and proposed use presented to the Board of Adjustment at that time; and

WHEREAS, no building permits were issued and no construction or development has occurred pursuant to Resolution No. 2023-01; and

WHEREAS, the owner and applicant subsequently filed Special Exception Use Application USE-0215-2025 seeking approval of a communications tower and accessory equipment on the Property; and

WHEREAS, the proposed communications tower use cannot exist concurrently on the Property with a single-family residence and barn as contemplated in the previously approved variance; and

WHEREAS, the Board of Adjustments finds that repeal of Resolution No. 2023-01 is necessary and appropriate to avoid conflicting land use entitlements on the Property and to ensure consistency with the approved Special Exception use; and

WHEREAS, the Board of Adjustment further finds that repeal of Resolution No. 2023-01 does not adversely affect any vested rights, as no permits were issued and no development authorized by Resolution No. 2023-01 was commenced, and the owner's subsequent application for, and the Board's approval of, the Special Exception Use Application USE-0215-2025 for a communications tower on the Property constitutes a voluntary abandonment of the previously approved variance use and an election to proceed under the subsequently approved Special

Exception use approval.

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

Section 1. *Recitals.* The foregoing recitals are true and correct and are hereby ratified and incorporated herein as findings of the Board.

Section 2. *Repeal of Resolution No. 2023-01.* Resolution No. 2023-01, adopted by the DeSoto County Board of Adjustment on November 7, 2023, approving a variance to allow a single-family residence with a barn for livestock on the Property identified by Parcel Identification Number 33-36-25-0000-0226-0000, is hereby repealed in its entirety and shall be of no further force or effect.

Section 3. *Effect of Repeal.* Upon the effective date of this Resolution, any approvals, authorizations, or entitlements granted pursuant to Resolution No. 2023-01 shall terminate, and the Property shall thereafter be governed by the applicable provisions of the DeSoto County Land Development Regulations, together with any subsequently approved development orders or land use approvals applicable to the Property.

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

PASSED AND ADOPTED this 2nd day of June, 2026.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Misty Servia
Planning Director

By: _____
Bill Martin, Chairman
Board of Adjustments

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente