



DeSoto County Board of Adjustment Meeting Agenda

Tuesday, December 3, 2024

5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SET OR AMEND THE AGENDA

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION

1. Proof of Publication

[24-591](#)

Sponsors: Administrator

Attachments: [Legal Ad - Publishers Affidavit](#)
[Legal Ad - Proof of Publication](#)

ACTION ITEMS

2. Resolution / John and Pauline Lipe / VAR-0003-2024

[24-590](#)

Sponsors: Administrator

Attachments: [2024-11-21 VAR-0003-2024 Lipe Staff Report FINAL](#)
[Location Map](#)
[Zoning Map](#)
[FLUM](#)
[2024-11-21 Resolution Lipe VAR 0003 2024_approve FINAL](#)
[2024-11-21 Resolution Lipe VAR 0003 2024_deny FINAL](#)

BOARD MEMBERS REMARKS

ADJOURNMENT



DeSoto County

12/3/2024

Item #: 1.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Proof of Publication

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Proof of Publication

REQUESTED MOTION:

A motion to approve the proof of publication that ran Friday, November 22, 2024.

SUMMARY:

Legal ad ran in the Your Sun newspaper on Friday, November 22, 2024 noticing the following application for public hearing. Variance, filed by John and Pauline Lipe.



Ticket: 3944988-1
BOA Hearing 12.03
3x8.5 with map
Laura McClelland
Publish: 11/22/24
379254 3944990

**PUBLISHER’S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/22/24

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 22nd day of November, 2024

(Signature of Notary Public)



Personally known X OR Produced Identification



Gabrielle "Gabby" Petito posed at Monument Rocks, Kansas during a road trip in the summer of 2021 that she took with Brian Laundrie. Sometime in August, Laundrie killed Petito by choking her to death in a camp in Wyoming. It has been a year since Petito and Laundrie were involved in a police incident in Moab, Utah.



ASSOCIATED PRESS PHOTOS
Nichole Schmidt, mother of Gabby Petito, whose death on a cross-country trip has sparked a manhunt for her boyfriend Brian Laundrie, speaks alongside, from left, Tara Petito, stepmother, Joseph Petito, father, Richard Stafford, family attorney, and Jim Schmidt, stepfather, during a news conference, Sept. 28, 2021, in Bohemia, N.Y.

Petito/from A1

National Park in Wyoming. Authorities determined that she had been strangled.

Laundrie's remains were found a month later in a wildlife reserve near his parents' house in Florida. He died of a self-inflicted gunshot wound after writing in a notebook that he killed Petito.

An independent investigation found that Moab police made "several unintentional mistakes" when they encountered the couple. In their report investigators said Petito very likely "was a long-term victim of domestic violence, whether that be physically, mentally, and/or emotionally."

Her parents, Joseph Petito and Nichole Schmidt, sued Moab Police in November 2022, seeking \$50 million in damages.

Burton, their lawyer, said Wednesday that Gabby Petito called them during the interaction with police and they wanted her to come home, but she assured them police would take care of things. The attorney said the parents relied on the police to handle the situation but a "grossly negligent" investigation increased the chances of their daughter being harmed.



The law firm of Parker & McConkie, based in Utah, released a selfie taken by Gabby Petito after being attacked by Brian Laundrie.

Burton said officers placed Gabby Petito in a police car and sympathized with Laundrie, laughing with him, which could have emboldened him. He said one of the responding officers explained the risk of domestic violence,

showing he understood the situation but did not respond properly.

Mitchell Stephens, the attorney representing the Moab Police Department, argued for dismissal on the grounds of governmental immunity, while adding that allegations about Moab's involvement in her death are completely speculative.

He said the couple left Moab together and continued traveling. He cited multiple instances where courts have not found police at fault when domestic violence escalated to murder.

"Moab is not liable for criminal conduct that occurred a month later in a different state. Brian Laundrie is the cause of Gabby Petito's death," Stephens said.

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**CITY OF ARCADIA, FLORIDA
NOTICE OF PUBLIC HEARING**

CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2024 AT 6:00 PM

NOTICE IS HEREBY GIVEN THAT THE CITY OF ARCADIA, FLORIDA, CITY COUNCIL WILL HOLD A PUBLIC HEARING ON TUESDAY, DECEMBER 3, 2024, AT 6:00 PM IN THE MARGARET WAY BUILDING IN THE ARCADIA CITY COUNCIL CHAMBERS, 23 NORTH POLK AVENUE, ARCADIA, FLORIDA TO CONSIDER THE FOLLOWING:

RESOLUTION 2024-22

A RESOLUTION OF THE CITY OF ARCADIA, FLORIDA, APPROVING A REQUEST TO OBTAIN SPECIAL APPROVAL TO OPERATE A BED AND BREAKFAST USE ON A +/-1.12-ACRE PROPERTY, COMPRISED OF TWO (2) PARCELS OF LAND WITH A ZONING OF R-4, SINGLE-FAMILY/TWO-FAMILY/MULTIPLE-FAMILY RESIDENTIAL, LOCATED AT 601 WEST OAK STREET, ARCADIA, FLORIDA 34266.

The location map below pertains to Resolution 2024-22



ANY INTERESTED PERSONS WHO FEEL THEY ARE AFFECTED BY THESE CHANGES ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND BE HEARD. ANY PERSON(S) WISHING TO VIEW RELEVANT INFORMATION IN ADVANCE OF THE PUBLIC HEARING MAY VIEW SAID DOCUMENTS AT THE CITY OF ARCADIA ADMINISTRATION OFFICE AT 23 NORTH POLK AVENUE, ARCADIA, FLORIDA BETWEEN THE HOURS OF 8 AM AND 5 PM, MONDAY THROUGH FRIDAY.

ANYONE WISHING TO APPEAL ANY DECISIONS MADE AT THESE HEARING WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

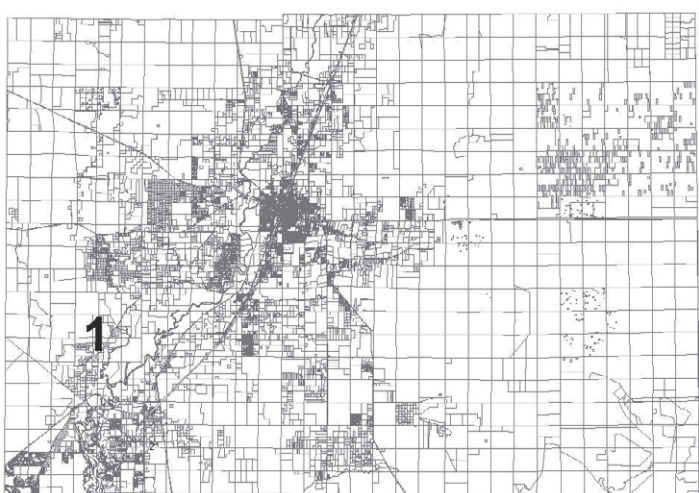
ANY PERSON WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE SHOULD CONTACT THE CITY CLERK PRIOR TO THE MEETING AT 863-494-4114.

NOTICE OF PUBLIC HEARING

The DeSoto County Board of Adjustment of DeSoto County, Florida will consider the adoption of a resolution regarding the below-described variance application. The resolution will be considered at regularly scheduled Public Hearing Meetings of the Board of Adjustment on the date listed and at the time listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the BoCC, you may need to arrange for a verbatim transcript to be prepared.

BOARD OF ADJUSTMENT: Tuesday, December 3, 2024 at 5:30 PM

- Resolution, John and Pauline Lipe (VAR-0003-2024)**
A RESOLUTION OF THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, DENYING / APPROVING / APPROVING WITH CONDITIONS, TO JOHN W. LIPE AND PAULINE E. LIPE A VARIANCE (VAR 0003-2024) TO REDUCE THE REQUIRED MINIMUM LOT SIZE FROM 10 ACRES TO 2.5 ACRES IN THE AGRICULTURE - 10 (A-10) ZONING DISTRICT FOR LAND LOCATED AT 9090 SW LIPE ROAD THE PROPERTY IDENTIFICATION NUMBER BEING 34-38-23-0000-0071-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.



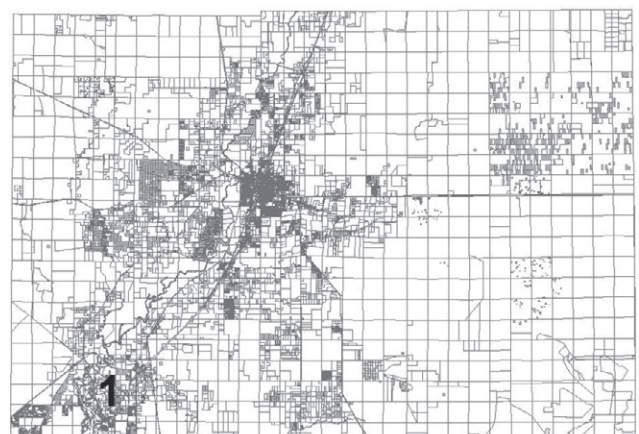
adno=3944988-1

NOTICE OF PUBLIC HEARING

The DeSoto County Planning Commission will consider recommending approval of the below-described matters to the DeSoto Board of County Commissioners (Board). The resolutions/ordinances will be considered at regularly scheduled Public Hearings/Meetings of the Planning Commission and Board of County Commissioners (Board) on the dates listed and at the times listed below, or as soon thereafter, as they may be heard on that date. All public hearings will be held in the County Commission Meeting Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. If you want to appeal any decision of the Planning Commission or Board, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, December 3, 2024 at 5:30 PM
BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, December 17, 2024 at 6:30 PM

- Ordinance, Cody and Emma Fussell (RZNE-0058-2024) PC & Board**
AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE OWNERS, CODY S. FUSSELL AND EMMA R. FUSSELL, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0058-2024) BY CHANGING THE ZONING DISTRICT OF 5 ACRES FROM AGRICULTURAL - 5 (A-5) TO RESIDENTIAL SINGLE FAMILY - 1 DWELLING UNIT PER ACRE (RSF-1), ON PROPERTY GENERALLY LOCATED IN SOUTHWEST DESOTO COUNTY, ON SW KISSIMMEE ROAD; THE PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0010-0000-0070 AND PROVIDING FOR AN EFFECTIVE DATE.



adno=3944989-1



DeSoto County

12/3/2024

Item #: 2.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Resolution

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Resolution / John and Pauline Lipe / VAR-0003-2024

REQUESTED MOTION:

A motion to approve/deny the request for a variance to John and Pauline Lipe.

SUMMARY:

John W. Lipe and Pauline E. Lipe, the property owners and applicants, request a variance to reduce the minimum lot size in the A-10 zoning district from 10-acres to 2.5-acres.

BACKGROUND:

The Desoto County (“County”) Comprehensive Plan has one future land use category that recognizes the agricultural and rural areas of the County. The category is Rural/Agriculture and Objective 1.3 describes the intent of these area as:

“The intent of the Rural Land Use Category is primarily agricultural, pastoral, and rural residential development. This district is designed to accommodate traditional agricultural uses and conservatory measures, where appropriate, while protecting the rural areas of the County. The intent of this category is to permit a reasonable use of the property, at a gross density of no more than one dwelling per ten (10) acres, unless the underlying zoning and/or recorded parcel configuration would allow a greater density. In no case would the density created by zoning exceed 1 unit per 5 acres. At the same time, the intent is to prevent the creation of conditions, which would endanger, damage, or destroy the agricultural base of the County, the environmental resources of the County, the potable water supply and the wild life resources. The first priority of this category is agricultural use.”

The Comprehensive Plan language provides an exception to the minimum gross density of 1 dwelling per 10-acres for properties previously zoned A-5 (Agriculture-5) or platted (prior to adoption of the 2007 Plan) as a way to recognize the legal non-conformity. The A-5 zoning district became inactive with adoption of the 2007 Comprehensive Plan, as the

ITEM #: 2.

Rural/Agriculture Future Land Use Category is the only category that prioritizes agricultural uses.

The applicant owns other land located to the north, south and east of the 32.5 acre parent parcel and submitted a narrative explaining that the land has been in the family since 1959 and used for agriculture (cattle, hay, sod, seed and watermelon farming).

The applicant inherited the land from their parents. More than 20-years ago, three other children were each given 2.5 acres to build their homes adjacent to the subject site.

**DESOTO COUNTY
PLANNING AND ZONING DEPARTMENT STAFF REPORT**

CASE # VAR-0003-2024

REQUEST: Variance (quasi-judicial)

PROPERTY OWNER: John W. Lipe and Pauline E. Lipe
9080 SW Lipe Road, Arcadia, FL 34269

APPLICANT: John W. Lipe and Pauline E. Lipe

PROPERTY: 9090 SW Lipe Road, Arcadia, FL 34269

PARCEL ID: 34-38-23-0000-0071-0000

TOTAL PARCEL SIZE: 32.5 acres (per Property Appraiser)

EXISTING ZONING DISTRICT: Agricultural - 10 (A-10)

FUTURE LAND USE DESIGNATION: Rural/Agricultural

REQUESTED VARIANCE: Variance to allow the reduction of the minimum lot size in the A-10 (Agricultural-10) zoning district from 10 acres to 2.5 acres.

SUBMITTAL REVIEWED: Variance Application received August 9, 2024

PROPOSED REQUEST:

John W. Lipe and Pauline E. Lipe, the property owners and applicants, request a variance to reduce the minimum lot size in the A-10 zoning district from 10-acres to 2.5-acres.

BACKGROUND

The Desoto County (“County”) Comprehensive Plan has one future land use category that recognizes the agricultural and rural areas of the County. The category is Rural/Agriculture and Objective 1.3 describes the intent of these area as:

“The intent of the Rural Land Use Category is primarily agricultural, pastoral, and rural residential development. This district is designed to accommodate traditional agricultural uses and conservatory measures, where appropriate, while protecting the rural areas of the County. The intent of this category is to permit a reasonable use of the property, at a gross density of no more than one

dwelling per ten (10) acres, unless the underlying zoning and/or recorded parcel configuration would allow a greater density. In no case would the density created by zoning exceed 1 unit per 5 acres. At the same time, the intent is to prevent the creation of conditions, which would endanger, damage, or destroy the agricultural base of the County, the environmental resources of the County, the potable water supply and the wild life resources. The first priority of this category is agricultural use.

The Comprehensive Plan language provides an exception to the minimum gross density of 1 dwelling per 10-acres for properties previously zoned A-5 (Agriculture-5) or platted (prior to adoption of the 2007 Plan) as a way to recognize the legal non-conformity. The A-5 zoning district became inactive with adoption of the 2007 Comprehensive Plan, as the Rural/Agriculture Future Land Use Category is the only category that prioritizes agricultural uses.

The applicant owns other land located to the north, south and east of the 32.5 acre parent parcel and submitted a narrative explaining that the land has been in the family since 1959 and used for agriculture (cattle, hay, sod, seed and watermelon farming).

The applicant inherited the land from their parents. More than 20-years ago, three other children were each given 2.5 acres to build their homes adjacent to the subject site.

The 32-acre parent parcel is currently configured as illustrated in blue:

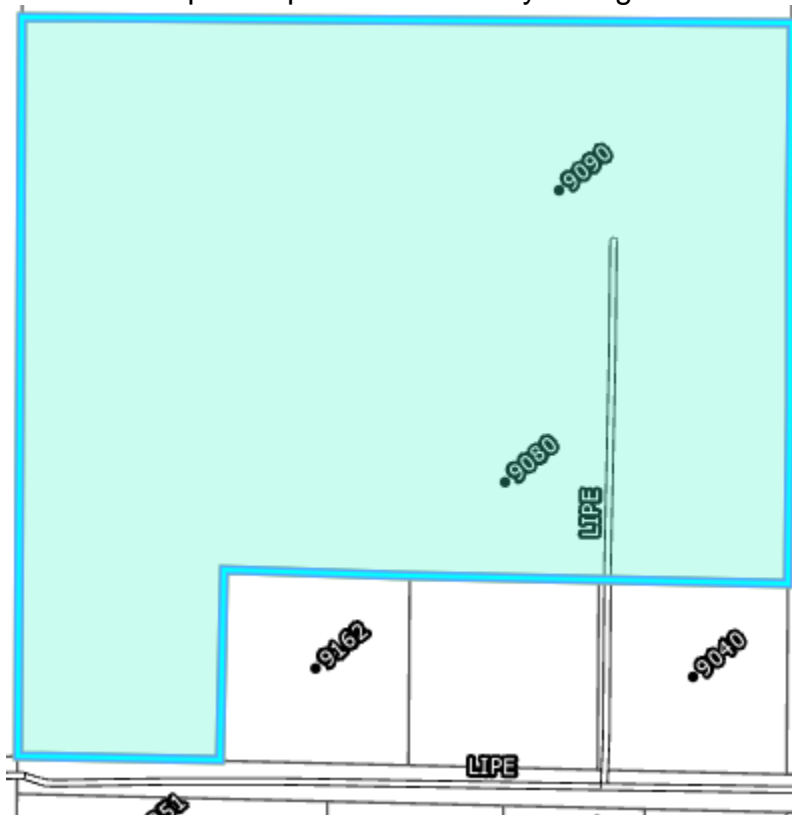
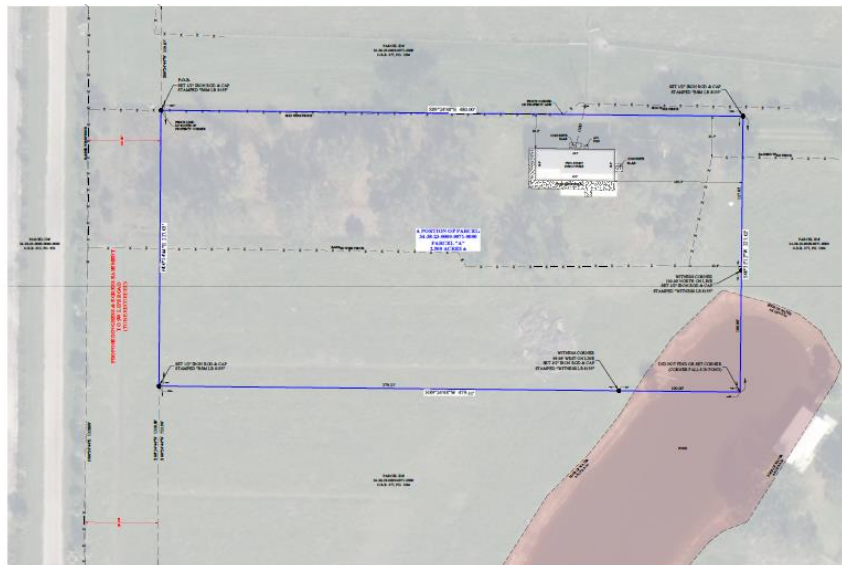


Illustration from the Desoto County Geographic Information System.



The 1981 Lot of Record Maps show the following lot configurations with the 32.5 acre parcel striped in purple:

Applicant's boundary survey illustrating the planned creation of a 2.5 acre lot and a 60' wide ingress/egress easement.



The applicant describes the reason for the variance application is their desire to sell a 2.5 acre parcel with an existing home to a granddaughter, because she cannot afford to purchase 10 acres, which is the minimum lot size for the district.

The application includes a survey showing a 2.5 acre split from the 32.5 acre parent parcel that is rectangular in shape (480' x 227.02') with an existing home located in the northeastern quadrant of the new parcel and a proposed 60' wide ingress & egress easement to SW Lipe Road, labeled "to be recorded."

According to the Property Appraiser, the 32-acre parent parcel contains two (2) single-family residences, constructed in 1968 and 1969 and other agricultural support buildings.

As noted above, the Rural/Agriculture Future Land Use Category of the Comprehensive Plan permits a gross density of no more than one dwelling per ten (10) acres, and in no case can the density created by zoning exceed 1 unit per 5 acres.

Furthermore, the A-10 zoning district require parcels to be at least 10 acres in size and meet other dimensional requirements (e.g., access, setbacks, etc.) for all land in the district.

The following table illustrates the subject property and adjacent properties land use and zoning.

Directions	Future Land Use	Zoning District	Types of Land Uses
Site (32.5 ac subject property)	Rural/Agricultural	A-10	Pastureland with two (2) single-family residences and ag support buildings
North	Rural/Agricultural	A-10	A ± 70-acre parcel used for pastureland and a single-family residence, owned by the applicant.
South	Rural/Agricultural	A-5	Three non-conforming 2.5 acre lots owned by the applicant, used for pastureland and single family residential and a ±20 acre parcel located on the south side of SW Lipe Rd developed with a single-family home and accessory buildings.
East	Rural/Agricultural	A-5	Non-conforming 2.5 acre lot owned by applicant and other land conforming to the zoning owned by the applicant, zoned A-5, Pastureland, single family residential
West	Rural/Agricultural	A-10	A ±126 acre parcel used for pastureland and single family residential.

VARIANCE REVIEW CRITERIA

County Staff has reviewed this request and considered and prepared the following comments on each of the required findings below consistent with the variance review criteria (Sections 20-1460 and 20-1465). The Board of Adjustment must consider these when deciding on whether to grant or deny a variance, per the DeSoto County Land Development Regulations.

In accordance with the DeSoto County Land Development Regulations, the Board of Adjustment must first make an initial determination pursuant to Section 20-1460(a), and then make a positive finding on each of the criteria set forth in Section 20-1460(b) in order to grant this variance.

Section 20-1460 Initial Determination and Required Findings by the Board of Adjustment

Section 20-1460(a) Initial Determination. *The Board of Adjustment shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographic conditions, or other physical or environmental conditions, that are unique to the specific property involved. If so, the Board of Adjustment shall make the required findings provided in Subsection (b) of this section.*

If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board of Adjustment shall make the required findings listed in Subsection (b) of this section based on the cumulative effect of granting the variance to all who may apply.

Staff Finding of Fact

There are no special conditions peculiar to the property that create the need for the proposed variance arising from the physical surroundings, shape, topographic conditions, or other physical or environmental conditions, that are unique to the specific property involved.

The Development Director finds the application is not in conformance with LDR Section 20-1460(a).

Section 20-1460(b) Required Findings. *The Board of Adjustment shall not grant a variance to any provision of the LDR unless it makes a positive finding, based on substantial competent evidence, on each of the following:*

- (1) *There are practical difficulties in carrying out the strict letter of the regulation.*

Staff Finding of Fact: There are no practical difficulties in carrying out the strict letter of the regulation. The parent parcel can be split with approval of a subdivision to create a parcel that is a minimum of 10-acres, as required by the Comprehensive Plan and Land Development Regulations.

This finding does not support the application.

- (2) *The variance request is not based exclusively upon a desire to reduce the cost of developing the site.*

Staff Finding of Fact: The variance request to create a 2.5-acre parcel is based exclusively upon a desire to reduce the cost of developing the site. The applicant's Variance Application Form states, "Due to the inflated value of land, we are asking for a variance to the regulation requiring 10-acres per house."

This finding does not support the application.

- (3) *The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.*

Staff Finding of Fact: Approval of the variance for a 2.5-acre parcel will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

This finding supports the application.

- (4) *The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.*

Staff Finding of Fact: Approval of the variance for a 2.5-acre parcel may substantially diminish property values in, and alter the essential character of, the area surrounding the site.

This finding does not support the application.

- (5) *The effect of the proposed variance is in harmony with the general intent of the LDRs and the specific intent of the relevant subject area of the LDRs.*

Staff Finding of Fact: Approval of a variance for a 2.5-acre parcel is not in harmony with the general intent of the LDRs and the specific intent of the relevant subject area of the LDRs.

This finding does not support the application.

In summary, the Development Director finds **the application is inconsistent with 4 of the 5 required findings and, therefore, concludes the application is not in conformance with LDR Section 20-1460(b)**, which states,

“Required findings. The Board of Adjustment shall not grant a variance to any provision of the LDR unless it makes a positive finding, based on substantial competent evidence, on each of the following:(1)There are practical difficulties in carrying out the strict letter of the regulation.(2)The variance request is not based exclusively upon a desire to reduce the cost of developing the site.(3)The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.(4)The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.(5)The effect of the proposed variance is in harmony with the general intent of the LDRs and the specific intent of the relevant subject area of the LDRs.”

STAFF CONCLUSIONS

Staff has determined that the granting of this variance, VAR-0003-2024, is inconsistent with the minimum lot size requirements and density requirements of the Comprehensive Plan and the Land Development Regulations, that the need for the proposed variance does not arise out of the physical surroundings, shape, topographic conditions, or other physical or environmental conditions, that are unique to the specific property involved, and does not meet the five (5) required findings for the Board of Adjustment to grant a variance.

Specifically, the application does not meet the criteria contained in Section 20-1460 of the LDR.

CONDITIONS AND SAFEGUARDS

Conditions and Safeguards are not appropriate as the request is inconsistent with the Comprehensive Plan and Land Development Regulations.

REQUIRED PUBLIC NOTIFICATION

Per Section 20-1465 Public Hearings, notification letters were sent to property owners within 1,000 feet of the subject property and the property was posted with a sign indicating time, date, and location of the public hearing. A newspaper ad is not required.

CORRESPONDENCE

There has been no correspondence received either in support or in opposition to the requested Variance at the time of this staff report writing.

PUBLIC HEARING SCHEDULE

This is a quasi-judicial public hearing.

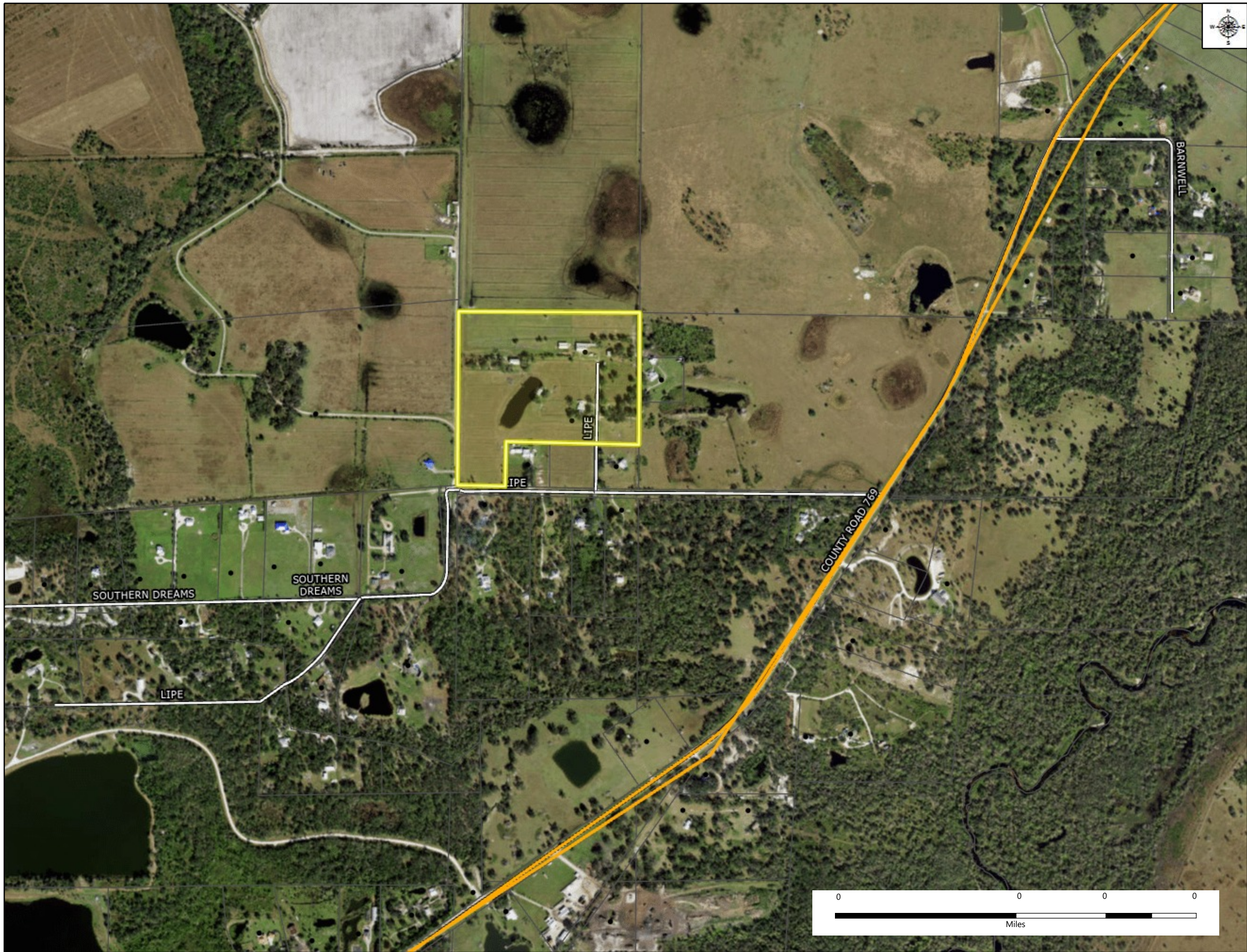
DeSoto County Board of Adjustments

Board of Adjustment Findings

Tuesday, December 3, 2024 5:30pm

APPEALS FROM DECISIONS OF BOARD OF ADJUSTMENT:

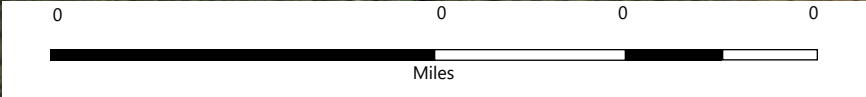
Any person or persons, jointly or severally, including any officer, department, or appointed board, commission of the County, aggrieved by any decision of the Board of Adjustment regarding a variance may appeal such decision to the Board of County Commissioners pursuant to LDR Section 20-1525.



Location Map Lipe

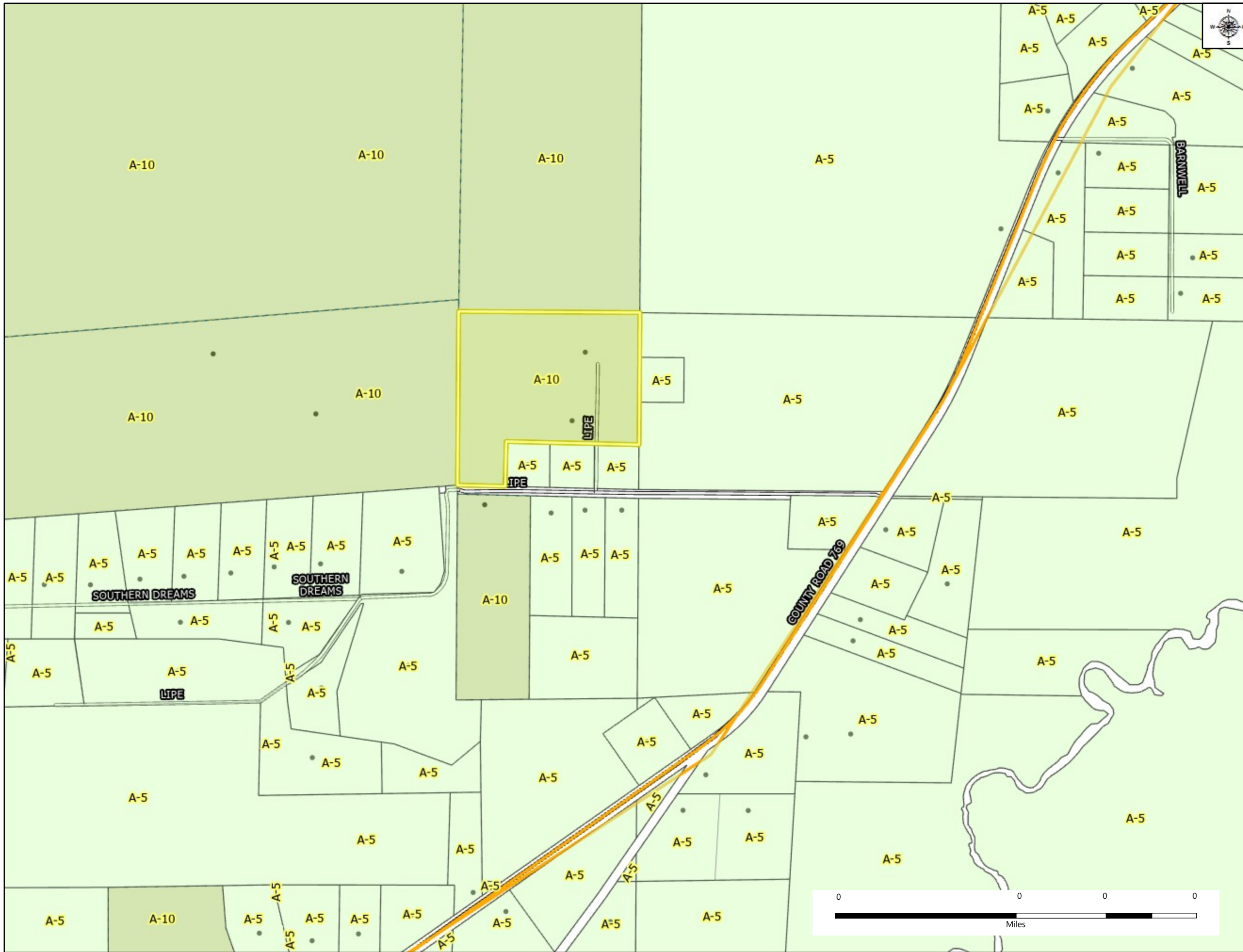
- Street Labels
- Major Road Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels

August 14, 2024



Prepared By
HORNER SHIFRIN

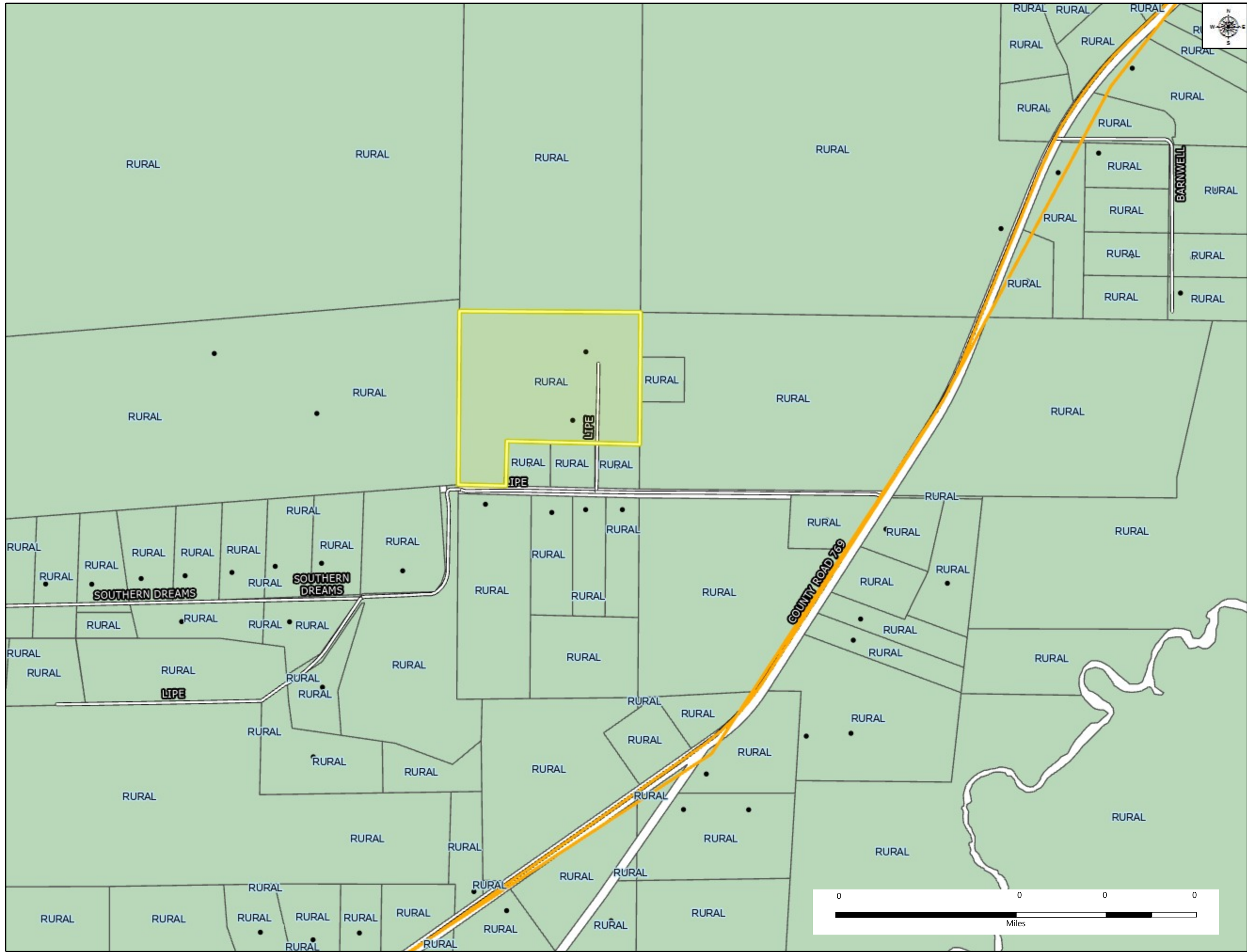
Zoning Map Lipe



- Street Labels
- Major Road Labels
- Zoning Labels
- Zoning Designation
- A-10
- A-5
- CE
- CG
- CITY
- CN
- IH
- IL
- ILE
- MHP
- MHS
- P/I
- PM-1
- PUD
- RM
- RMF-12
- RMF-6
- RMF-8
- RMF-M
- ROI
- RSF

August 14, 2024

FLUM Lipe



- Street Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels
- FLUM 2040
 - Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

August 14, 2024

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, APPROVING WITH CONDITIONS TO JOHN W. LIPE AND PAULINE E. LIPE A VARIANCE (VAR 0003-2024) TO REDUCE THE REQUIRED MINIMUM LOT SIZE FROM 10 ACRES TO 2.5 ACRES IN THE AGRICULTURE - 10 (A-10) ZONING DISTRICT FOR LAND LOCATED AT 9090 SW LIPE ROAD THE PROPERTY IDENTIFICATION NUMBER BEING 34-38-23-0000-0071-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 9, 2024, a Variance application and fee was submitted to the DeSoto County (“County”) Development Department (VAR-0003-2024) by John W. Lipe and Pauline E. Lipe for the creation of a 2.5 acre parcel for a family member from their existing 32.5 acre property (“Subject Property”) zoned Agricultural - 10 (A-10), which requires 10-acre minimum; and

WHEREAS, the County Property Appraiser records show that the subject property is located on 9090 SW Lipe Road and is owned by John W. Lipe and Pauline E. Lipe (Exhibit A: Location Map); and

WHEREAS, the 2040 Future Land Use Map shows the 32.5-acre property is located within the Rural/Agricultural Land Use designation (Exhibit B: 2040 Future Land Use Map) and the Official Zoning District Atlas shows the property is situated within the Agricultural - 10 (A-10) zoning district (Exhibit C: Zoning Map); and

WHEREAS, Land Development Regulations (LDR) Sections 20-1460 thru 20-1465 provide for staff review and Section 20-1460 provides that the Board of Adjustment must first make an initial determination as set forth therein, and thereafter the Board of Adjustment may only grant a variance if each of the criteria for variances in Section 20-1460(b) are met; and

WHEREAS, the Development Department has reviewed the Variance application for conformance with the LDR; and

WHEREAS, on December 3, 2024, the Board of Adjustment 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

WHEREAS, based upon the evidence in the Development Review Report, in addition to the evidence introduced at the public hearing which was not included in Development Review Report, the Board of Adjustment concluded the Variance application did establish through findings of fact and competent substantial evidence the need for the proposed variance arises out of the physical surroundings, shape, topographic conditions, or other physical or environmental conditions, that are unique to the specific property involved based on the findings herein and conditions of approval; and

WHEREAS, the Board of Adjustment concluded there are practical difficulties in carrying out the strict letter of the 10 acre minimum lot size regulation; and

WHEREAS, the Board of Adjustment concluded that the variance request is not exclusively based upon a desire to reduce the cost of developing the site; and

WHEREAS, the Board of Adjustment concluded that approval of the variance would not substantially diminish property values in the area surrounding the site; and

WHEREAS, the Board of Adjustment concluded that approval of the variance will not alter the essential character of the area surrounding the site; and

WHEREAS, the Board of Adjustment concluded that approval of the proposed variance is in harmony with the general intent of the LDR's and the specific intent of establishing a minimum lot size in a zoning district.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, 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 32.5-acre parcel is located at 9090 SW Lipe Road, the Property Identification Numbers being 34-38-23-0000-0071-0000.

Section 3. *Findings and conclusions.* The Board of Adjustment hereby approves the Variance application based upon having made an initial determination and required findings of fact as set forth above and pursuant to Section 20-1460(a) and (b) of the LDRs based upon the Development Review Report, incorporated herein by reference, in addition to the evidence introduced at the public hearing, which supports granting John W. Lipe and Pauline E. Lipe, a Variance to allow the creation of a 2.5 acre parcel located within the Agricultural - 10 (A-10) zoning district, in accordance with the Land Development Regulations subject to the following conditions:

1. The applicant shall apply for a lot split via the County's application process.
2. The applicant shall record a 60' wide ingress and egress easement from the subject parcel to SW Lipe Road.

Section 4. *Effective date.* This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 3rd day of December 2024.

ATTEST:

**BOARD OF ADJUSTMENTS
OF DESOTO COUNTY, FLORIDA**

By: _____
Misty Servia, AICP
Planning Director

By: _____
Bill Martin, Chairperson

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente,
County Attorney

Exhibit A Location Map

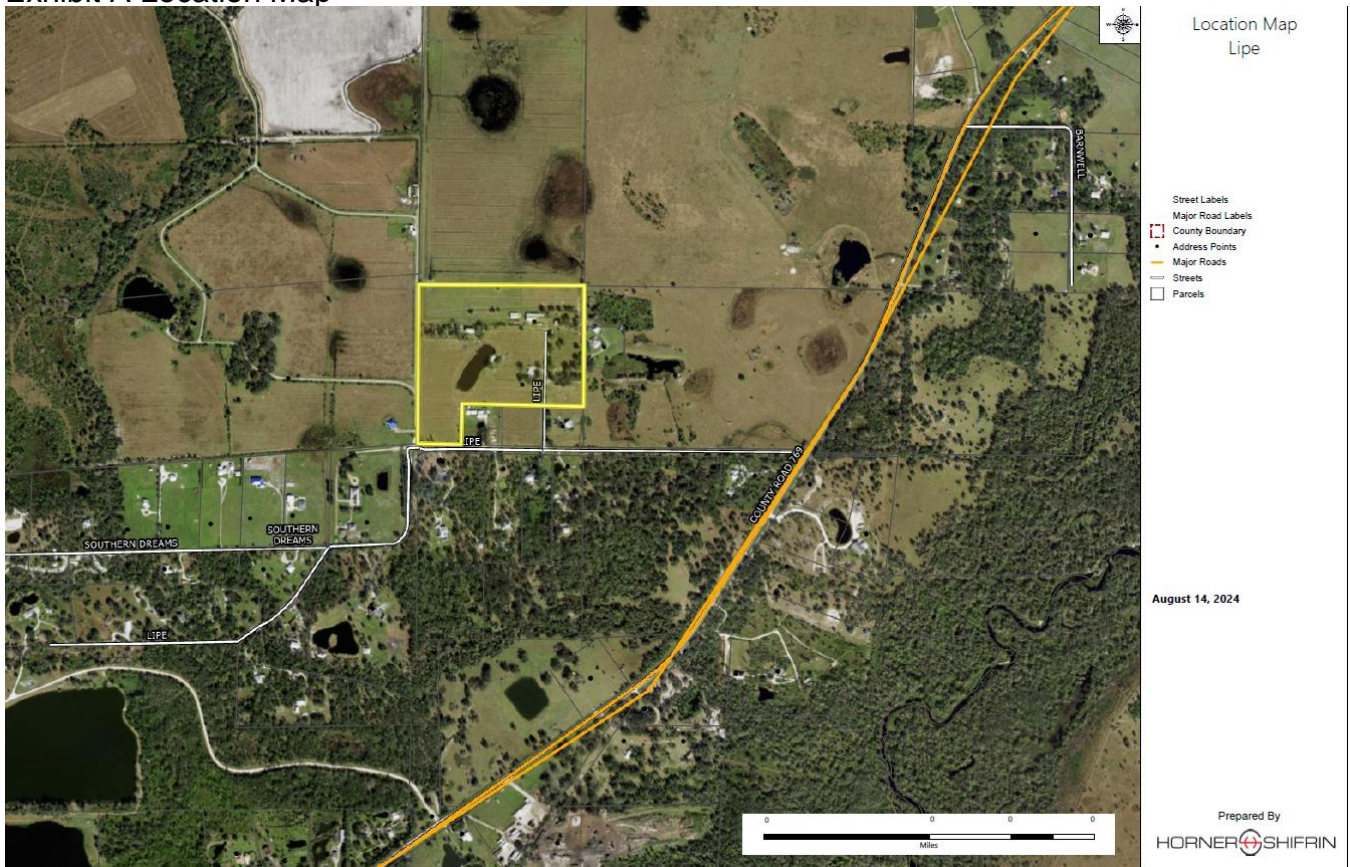


Exhibit B: 2040 Future Land Use Map

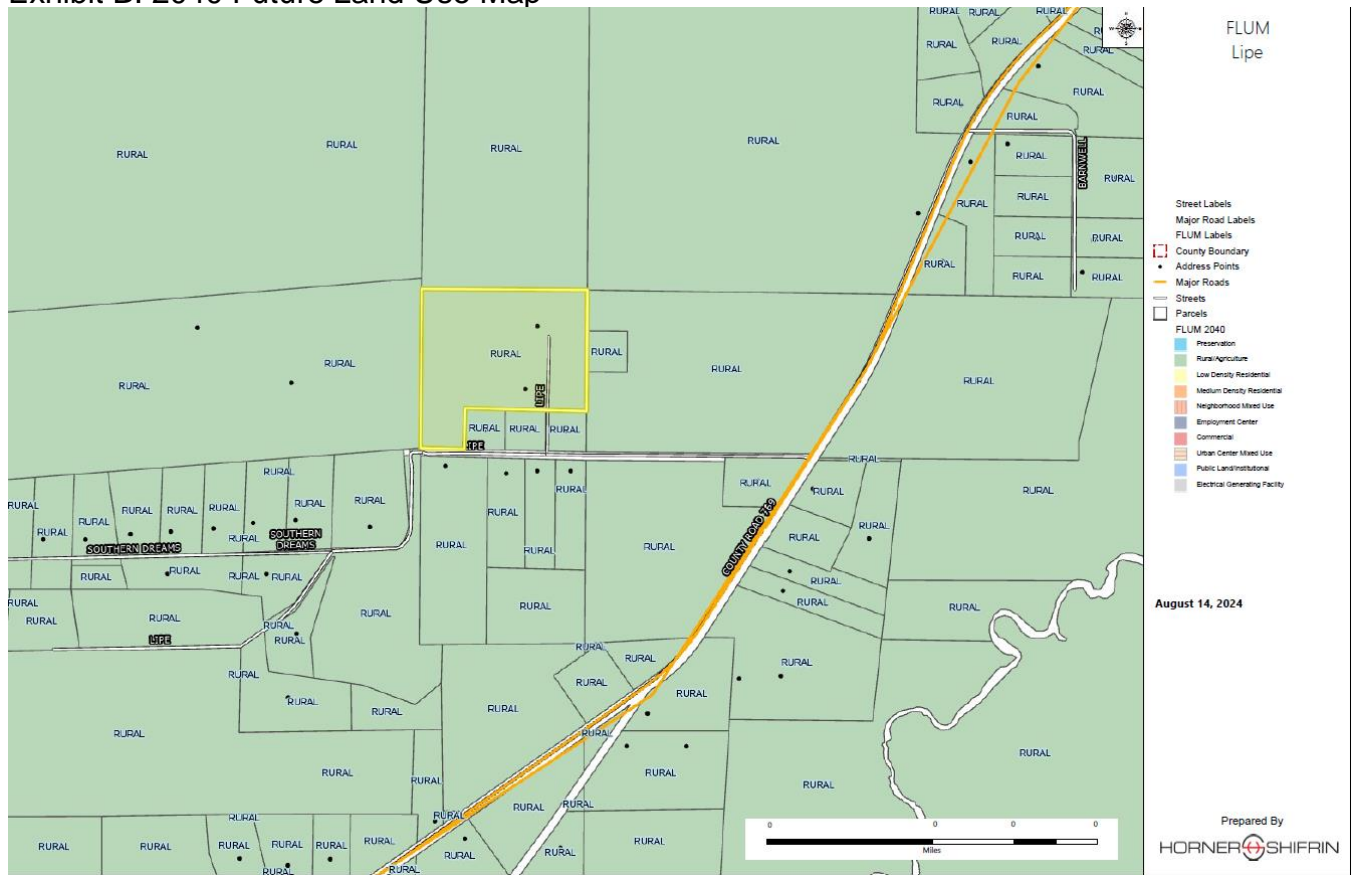
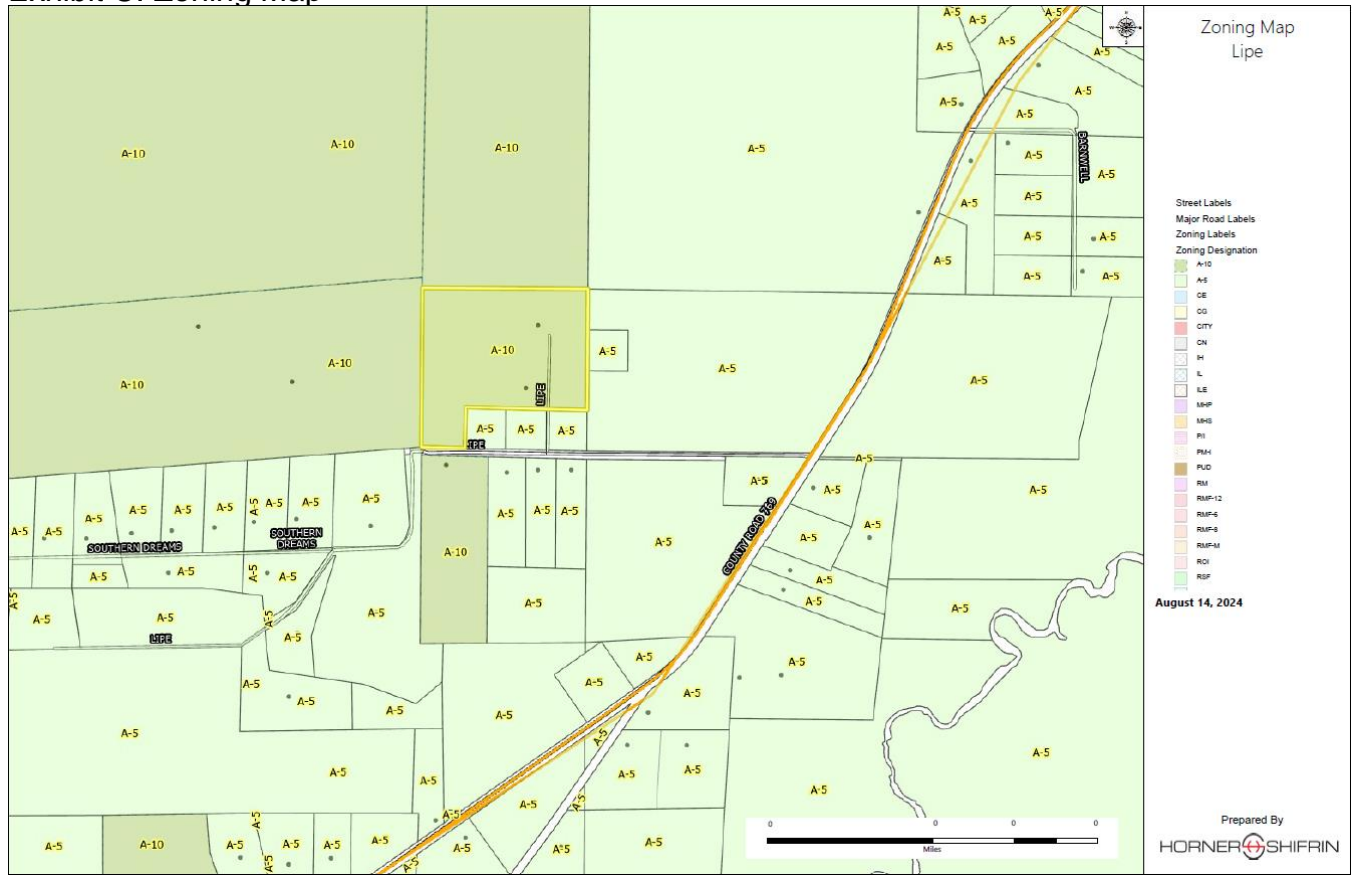


Exhibit C: Zoning Map



DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, DENYING TO JOHN W. LIPE AND PAULINE E. LIPE A VARIANCE (VAR 0003-2024) TO REDUCE THE REQUIRED MINIMUM LOT SIZE FROM 10 ACRES TO 2.5 ACRES IN THE AGRICULTURE - 10 (A-10) ZONING DISTRICT, FOR LAND LOCATED AT 9090 SW LIPE ROAD THE PROPERTY IDENTIFICATION NUMBER BEING 34-38-23-0000-0071-0000; INCORPORATING THE WHEREAS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 9, 2024, a Variance application and fee was submitted to the DeSoto County (“County”) Development Department (VAR-0003-2024) by John W. Lipe and Pauline E. Lipe for the creation of a 2.5 acre parcel for a family member from their existing 32.5 acre property (“Subject Property”) zoned Agricultural - 10 (A-10), which requires 10-acre minimum; and

WHEREAS, the County Property Appraiser records show that the subject property is located on 9090 SW Lipe Road and is owned by John W. Lipe and Pauline E. Lipe (Exhibit A: Location Map); and

WHEREAS, the 2040 Future Land Use Map shows the 32.5-acre property is located within the Rural/Agricultural Land Use designation (Exhibit B: 2040 Future Land Use Map) and the Official Zoning District Atlas shows the property is zoned Agricultural - 10 (A-10) (Exhibit C: Zoning Map); and

WHEREAS, Land Development Regulations (LDR) Sections 20-1460 thru 20-1465 provide for staff review and Section 20-1460 provides that the Board of Adjustment must first make an initial determination as set forth therein, and thereafter the Board of Adjustment may only grant a variance if each of the criteria for granting variances in Section 20-1460(b) are met; and

WHEREAS, the Development Department has reviewed the Variance application and concludes the application is not in conformance with the LDR; and

WHEREAS, on December 3, 2024, the Board of Adjustment 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

WHEREAS, the Board of Adjustment concluded the Variance application did not establish through findings of fact and competent substantial evidence a justification for the proposed variance based on the physical surroundings, shape, topographic conditions, or other physical or environmental conditions, that are unique to the specific property, based on the findings herein, and those set forth in the Development Review Report which the Board of Adjustment has accepted; and

WHEREAS, the Board of Adjustment concluded there are no practical difficulties in carrying out the strict letter of the 10 acre minimum lot size regulation; and

WHEREAS, the Board of Adjustment concluded that the variance request is based exclusively upon a desire to reduce the cost of developing site; and

WHEREAS, the Board of Adjustment concluded that approval of the variance would substantially diminish property values in the area surrounding the site; and

WHEREAS, the Board of Adjustment concluded that approval of the variance will alter the essential character of the area surrounding the site; and

WHEREAS, the Board of Adjustment concluded that approval of the proposed variance is not in harmony with the general intent of the LDR's and the specific intent of establishing a minimum lot size in a zoning district.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF DESOTO COUNTY, FLORIDA, 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 32.5-acre parcel is located at 9090 SW Lipe Road, the Property Identification Numbers being 34-38-23-0000-0071-0000.

Section 3. *Findings and conclusions.* The Development Review Report, incorporated herein by reference, represents the written findings of fact and conclusions of the Board of Adjustment and do not support granting John W. Lipe and Pauline E. Lipe, a Variance to allow a reduction of the minimum lot size from 10 acres to 2.5 acres in the A-10 zoning district in accordance with the Land Development Regulations.

Section 4. Effective date. This Resolution shall take effect immediately upon its adoption.
PASSED AND ADOPTED this 3rd day of December 2024.

ATTEST:

**BOARD OF ADJUSTMENTS
OF DESOTO COUNTY, FLORIDA**

By: _____
Misty Servia, AICP
Planning Director

By: _____
Bill Martin, Chairperson

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente
County Attorney

Exhibit A Location Map

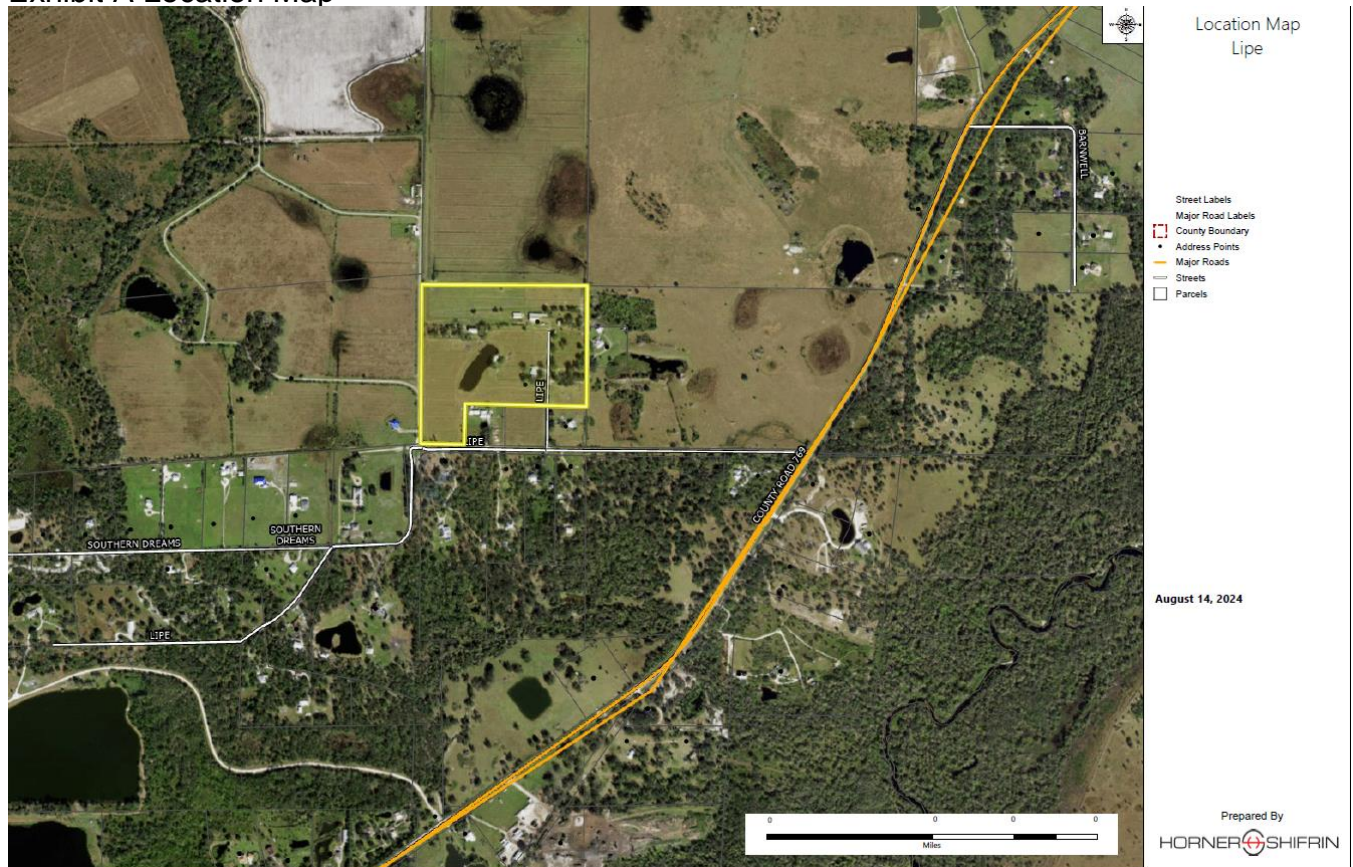


Exhibit B: 2040 Future Land Use Map

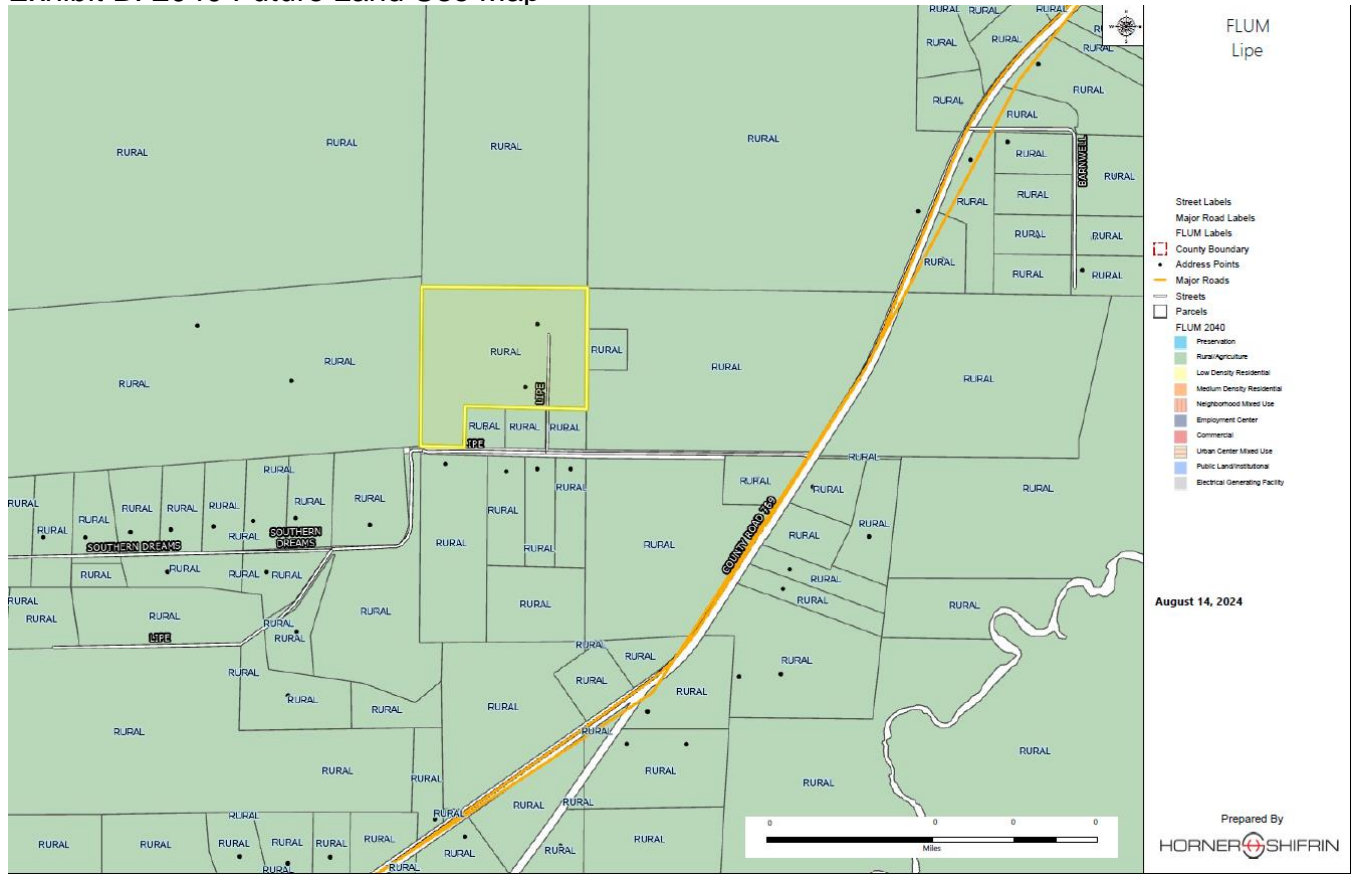


Exhibit C: Zoning Map

