

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

REQUEST: VAR 0002-2023 (Variance)

PROPERTY OWNER: Craig's RV Park, Inc.
7895 NE Cubitis Ave., Arcadia, FL 34266

APPLICANT: Steven Brown

PROPERTY: 33-36-25-0000-0226-0000

TOTAL PARCEL SIZE: 8.28 acres

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

REQUESTED VARIANCE: Variance to allow for a single family residence with barn for livestock

SUBMITTAL REVIEWED: Variance Application received April 11, 2023

PROPOSED REQUEST:

Steven Brown, the applicant, has requested a variance to allow for a single-family residence with a barn for livestock on an 8.28-acre property zoned Agricultural - 10 (A-10), requires 10-acre minimum. The property identification number is 33-36-25-0000-0226-0000 and is located south of the intersection of NE Highway 17 and NE Cubitis Avenue in Section 33, Township 36, Range 25 in DeSoto County.

REQUIRED NOTIFICATIONS:

Notification postcards 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.

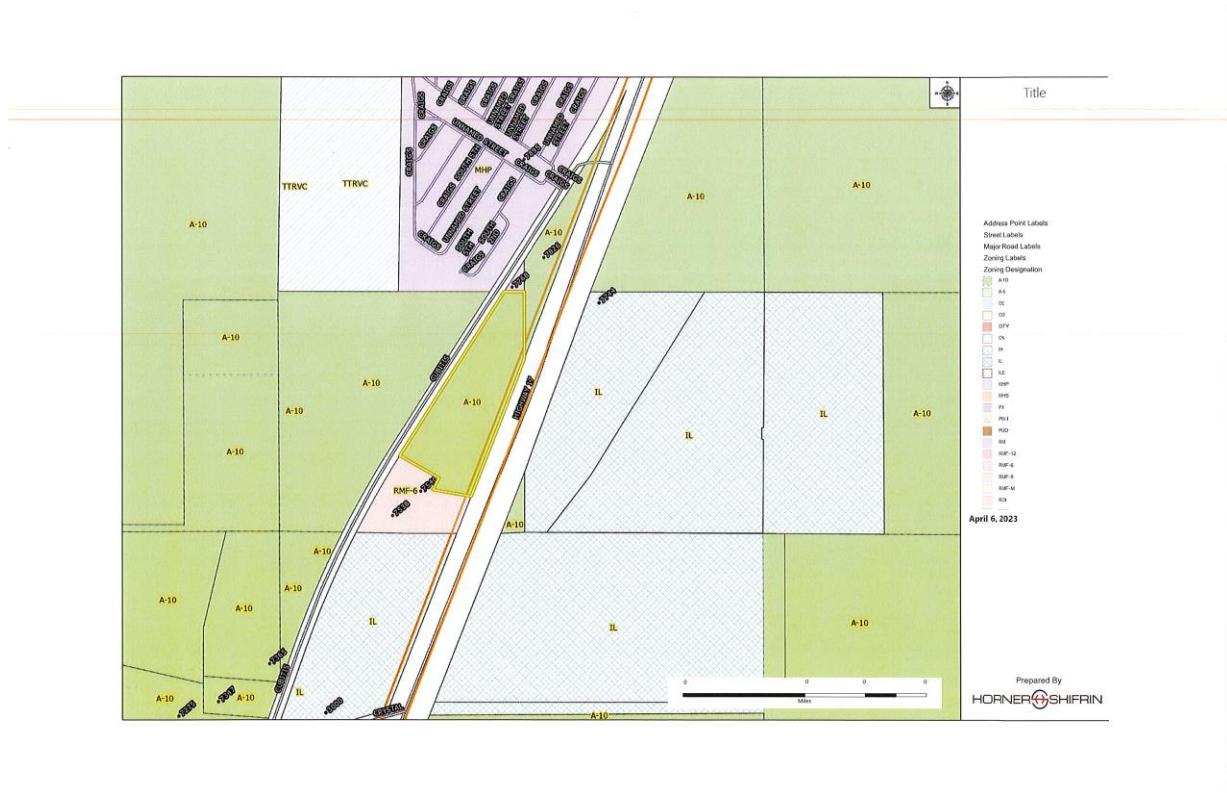
CORRESPONDENCE:

There has been no correspondence received either in support or in opposition to the requested Variance.

Findings of Fact

Future Land Use Designation, Zoning, and Current Use of Adjacent properties

Directions	Future Land Use	Zoning District	Types of Land Uses
Site	Rural/Agricultural	A-10	Vacant
North	Rural/Agricultural	MHP, A-10	Vacant, RV Park (Craig's RV Park)
South	Rural/Agricultural	RMF-6	Church
East	Rural/Agricultural	A-10, IL	Vacant and vacant commercial
West	Rural/Agricultural	A-10	Vacant (owned by Craig's RV Park)



DISCUSSION OF REQUEST: PRELIMINARY REVIEW OF REQUEST

The applicant submitted a variance request on April 11, 2023 to allow for a single family residence with a barn for livestock on 8.28 acres of land with Agricultural - 10 (A-10) zoning district, which requires 10 acres as the minimum lot area. The site does not meet the minimum 10 acres for this zoning district. Based on public records available for

review, the property was sold in 2000 with a legal description that differs from the current legal description on the DeSoto County Property Appraiser's website. This indicates that the property description and potential acreage has been modified since 2000. It appears some acreage was used by FDOT for US 17 improvements and a religious institution was built on a southern portion of this property.

SECTION 20-1460 INITIAL DETERMINATION AND REQUIRED FINDINGS BY THE BOARD OF ADJUSTMENT

- (a) 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

The request for proposed variance to allow for a single-family residence with a barn for livestock meets the criteria listed in Section 20-1460. The physical surroundings, shape and topographical conditions of the subject property are conditions which are specific or unique to the property involved.

REQUIRED FINDINGS

County Staff has reviewed this request and considered and prepared comments on each of the required findings that the Board of Adjustments must consider when deciding on granting a variance to the DeSoto County Land Development Regulations. In accordance with the DeSoto County Land Development Regulations, the Board of Adjustments must make a positive finding on each of these topics in order to grant this variance.

- (b) 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:

This parcel measures 8.28 acres, below the minimum lot size requirement in the A-10 zoning district. While a single-family residence and barn are permitted uses in the A-10 district, the proposed use exceeds the allowable density of 1 dwelling unit per 10 acres. As the subject property

does not meet the minimum lot size, the ability to develop this site under the current zoning designation is difficult.

- (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 for a single-family residence with a barn for livestock is not based exclusively upon a desire to reduce the cost of developing the vacant site. Single family residence and agricultural uses are permitted in the A-10 zoning district. The site is generally not inconsistent or incompatible with other A-10 parcels as the 1.72-acre difference in lot size would likely be indiscernible.

- (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:

The granting of this variance does not increase the quantity or intensity of traffic/congestion on surrounding streets, the danger of fire, or other hazard to the public. The proposed single-family residence and barn for livestock are permitted uses in the A-10 zoning district. Any development will be required to be consistent will all County and State regulations.

- (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:

The A-10 zoning district permits a single-family residence as well as a barn for livestock. The surrounding properties are mostly vacant to the north, east, and west with a church located to the south. Craig's RV Park, owned by the subject property owner, is located to the north as well. Allowing the development consistent with A-10 would likely not be inconsistent or incompatible with other A-10 zoned uses as the 1.72-acre difference in lot size would likely be indiscernible. Any development will be required to be consistent will all County and State regulations. Therefore, approval of this variance request would 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 FINDING OF FACT:

The request for variance to allow for a single-family residence and barn for livestock on 8.28 acres of land zoned A-10 is consistent and in harmony with the general intent of the LDR for the following reasons:

1. *The subject property appears to have been reduced in size in the past by the taking of land for the construction of Highway 17. The lot size of 8.28 acres is inconsistent with the A-10 zoning district, below the minimum lot size of 10 acres, and the property appears to have become a legal non-conformity with taking of land for the Highway 17 right-of-way.*
2. *Approval of this variance request allows for a non-intensive, non-intrusive use, a single-family residence with barn for livestock, that is typically permitted on agriculturally zoned land.*

C. Imposition of Conditions

In granting a development approval involving a variance, the Board of Adjustments may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

STAFF DETERMINATION

Staff review has determined that the granting of this variance, VAR 0002-2023, is consistent with the Land Development Regulations regarding criteria for granting a variance (Section 20-1460) for the following reasons:

1. *The subject property appears to have been reduced in size in the past by the taking of land for the construction of Highway 17. The lot size of 8.28 acres is inconsistent with the A-10 zoning district, below the minimum lot size of 10 acres, and the property appears to have become a legal non-conformity with taking of land for the Highway 17 right-of-way.*
2. *Approval of this variance request allows for a non-intensive, non-intrusive use, a single-family residence with barn for livestock that is typically permitted on agriculturally zoned land.*

Staff recommends approval of the requested variance.

APPEALS FROM DECISIONS OF BOARD OF ADJUSTMENT:

Any person or persons, jointly or severally, including any officer, department, or appointed board aggrieved by any decision of the Board of Adjustment may appeal such decision to the Board of County Commissioners. Such appeals shall be taken within ten days by filing with the Development Director and with the County Attorney, a notice of appeal specifying the grounds thereof. The Development Director will prepare the preliminary record on appeal and provide a copy to the party taking the appeal for their review. If the party taking the appeal feels that additional items should be included in the record, he/she shall specify those additional items within five business days and the Development Director shall confer with the County Attorney to finalize the record on appeal for transmittal to the Board of County Commissioners. The Development Director shall forthwith transmit to the Board of County Commissioners all papers constituting the record upon which the action appealed from

was taken. The Board of County Commissioners shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney for any person.

PUBLIC HEARING SCHEDULE

DeSoto County Board of Adjustments

Board of Adjustment Findings

Tuesday, November 9, 2023

Staff report presented by

John Osborne, AICP
Interim Director, Development Dept.

DATE



