

BOARD OF ADJUSTMENT ACTION

Tab 4

C&D MIGRANT HOUSING VARIANCE
VAR-08-02

Staff Report
C&D Fruit and Vegetable Company, Inc.
713 17th Street West – VAR0701
City of Palmetto

BACKGROUND

In 2005, the C&D Fruit and Vegetable Company (C&D) purchased the property located at 713 17th Street West. The property is currently zoned RM-6 by the City and is used as a Farm Labor camp. The site currently contains 7 buildings with 14 units used for farm worker housing.

The applicant is requesting a variance to construct a new building in the southeast portion of the lot to add a 4,500 square-foot building to accommodate 9 additional units.

ACTION REQUESTED

The applicant is requesting a variance of 10 feet on the rear yard to construct a 9-unit building 10 feet from the rear yard and lot line.

Justification for this request is attached to this Staff Report.

VARIANCE PROCEDURES

In accordance with Section 13.6, Appendix B: the Zoning Code, the following procedures must be met for approval:

(a) A written application for a variance is submitted to the zoning administrator demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same district;

There are no special conditions peculiar to the land that are not applicable to other lands in the same district to merit a hardship for the strict application of the required setbacks.

(2) That literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code;

The applicant is not being denied the right to build on the property under the current area, height, and placement requirements of the RM-6 zoning district.

(3) *That the special conditions and circumstances do not result from the actions of the applicant; and*

The granting of this variance would confer upon the applicant a special privilege that is denied to other lands in the RM-6 district.

(b) *No petition for a variance may be considered by the Planning and Zoning Board until public notice has been given of a public hearing.*

The applicant has given public notice of the public hearing.

(c) *The Planning and Zoning Board shall make findings that the above notice requirements have been met.*

The applicant has provided an affidavit and other proof that the public noticing requirements have been met.

(d) *The Planning and Zoning Board shall make findings that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*

No reasonable use of the land is denied without the approval of this variance. As a point of reference, currently a building on the subject parcel is not in compliance with the rear yard setback.

ACTION REQUESTED

The Planning and Zoning Board shall make findings that the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant's justification for the variance notes that there is an existing structure on the site that is within 8.5 feet of the rear property line.

In addition, there is also a public interest issue that should be noted. There is an existing City water and sewer line located along the south property line of the parcel. The developer is proposing to work with the City to relocate some or all of that sewer line to the front of the proposed building.

In spite of these two circumstances, Staff recommends Denial for the following reasons:

(1) **A viable land use exists on the site; therefore, there is no undue hardship involved.**

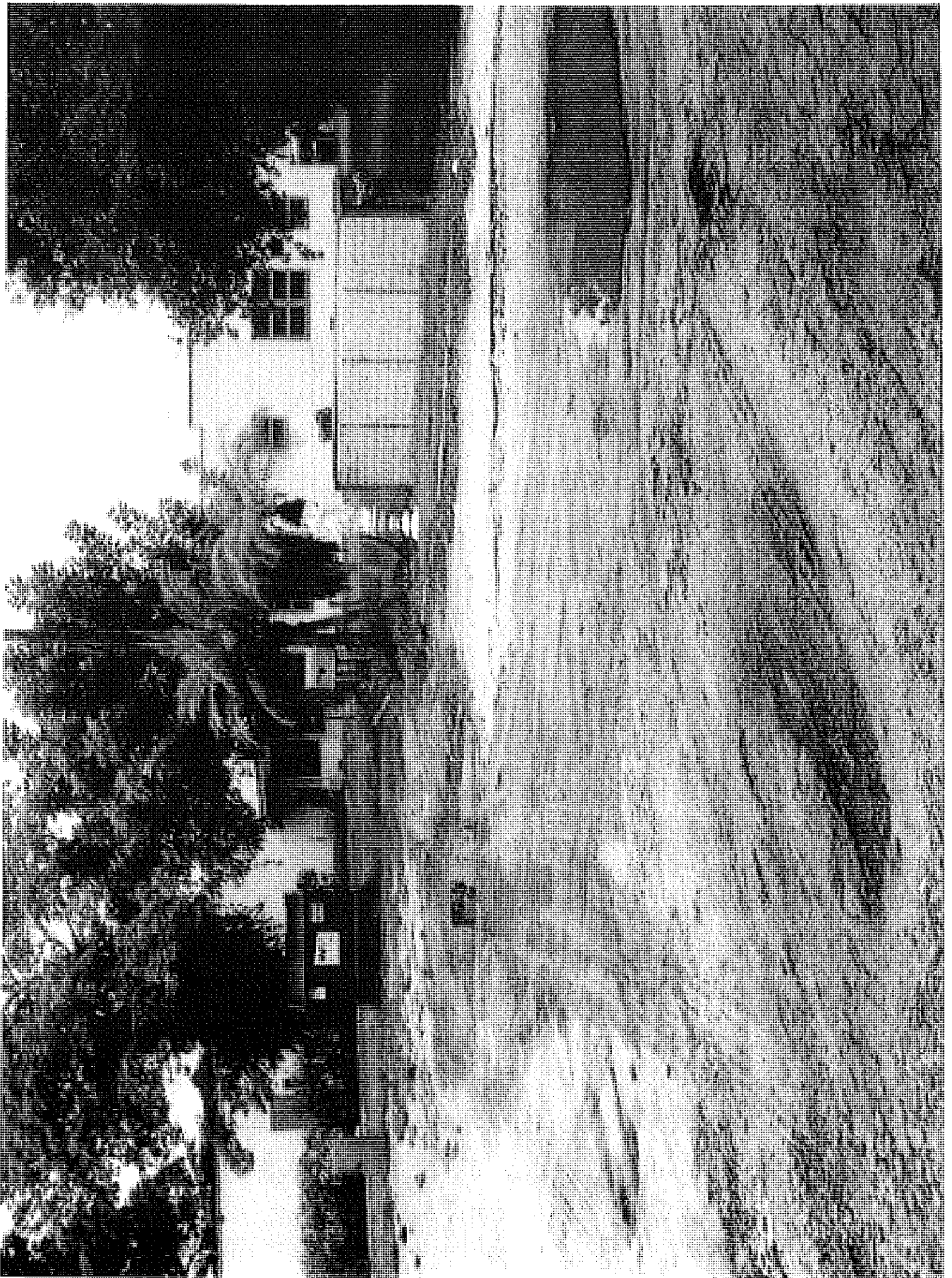
(2) There are no special conditions peculiar to the land. The owner purchased the land in its current physical configuration.

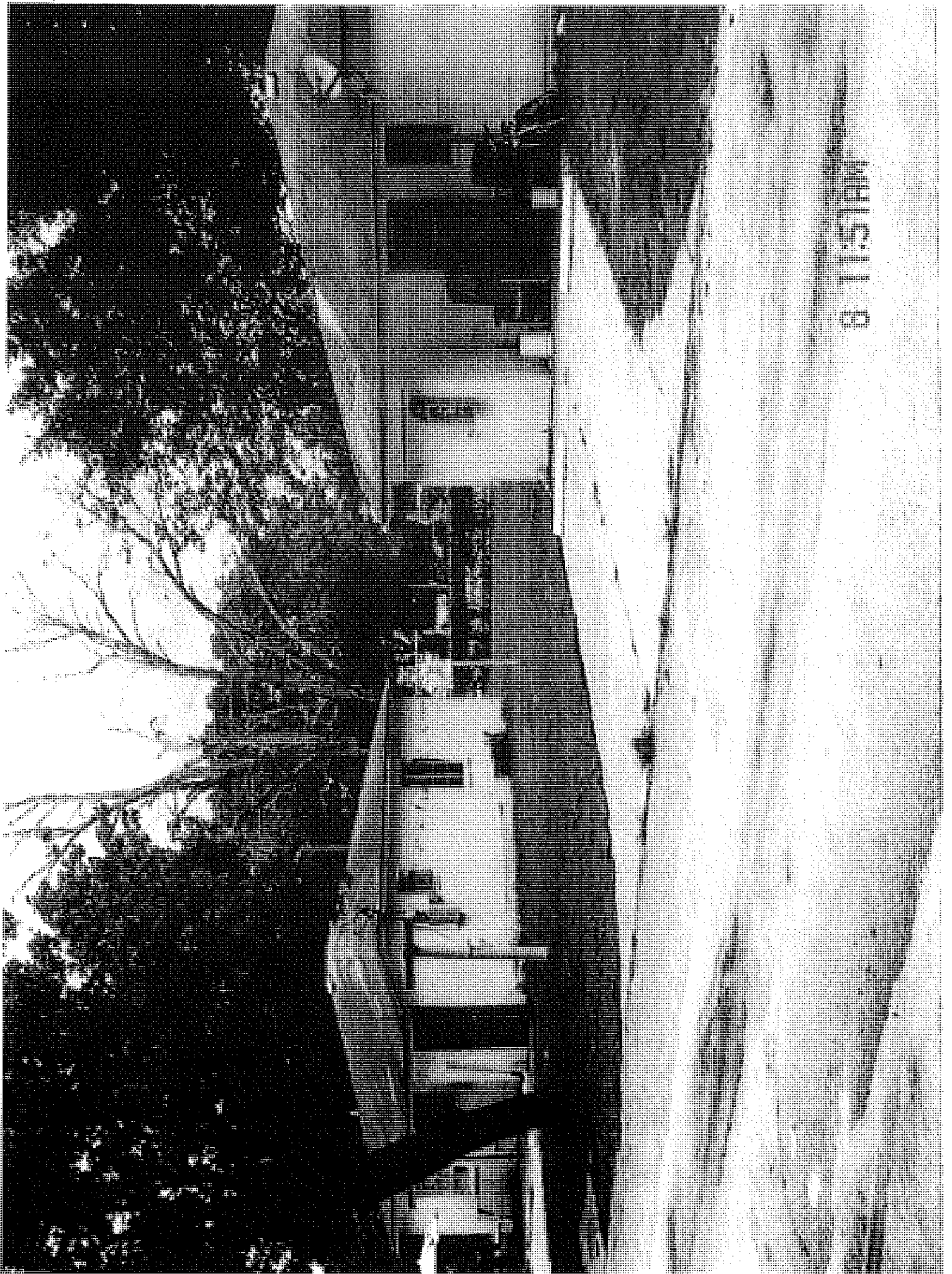
(3) The required 20-foot rear yard setback is a reasonable and standard setback in this zoning district.

(4) The applicant has failed to show that there is some unique economic hardship that necessitates this variance.

PHOTOGRAPH







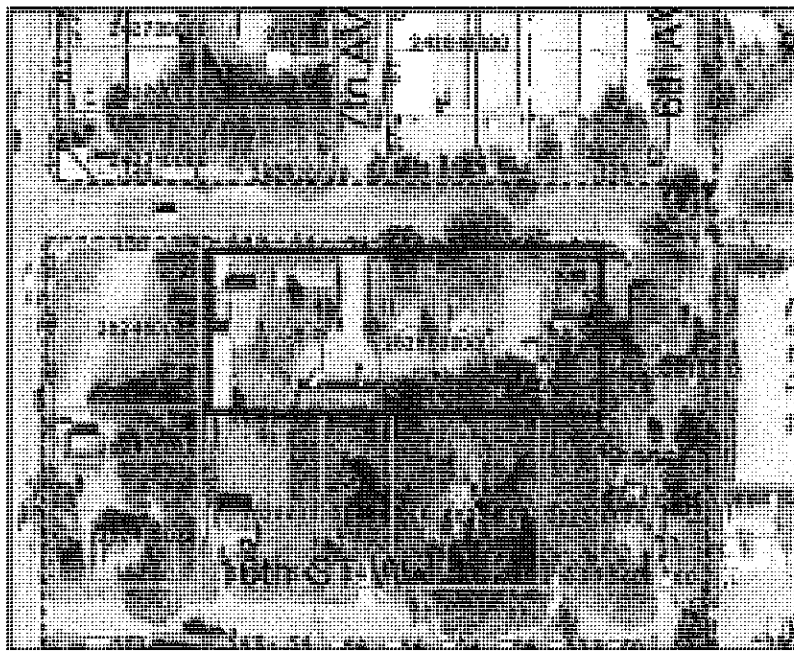
WALSH 8



C&D Migrant Housing

PARID: 2625600008
C AND D FRUIT AND VEGETABLE CO
INC

713 17TH ST W



Manatee County

OLD BUSINESS

NEW BUSINESS

- a. 2009 P&Z Meeting Schedule

PLANNING AND ZONING BOARD 2009 MEETING SCHEDULE

JANUARY 12, 2008	6:15 P.M.
FEBRUARY 9, 2008	6:15 P.M.
*MARCH 16, 2008 *	6:15 P.M.
APRIL 13, 2008	6:15 P.M.
MAY 11, 2008	6:15 P.M.
JUNE 8, 2008	6:15 P.M.
JULY 13, 2008	6:15 P.M.
AUGUST 10, 2008	6:15 P.M.
* SEPTEMBER 21, 2008 *	6:15 P.M.
OCTOBER 12, 2008	6:15 P.M.
NOVEMBER 9, 2008	6:15 P.M.
DECEMBER 14, 2008	6:15 P.M.

If you are unable to attend any scheduled meeting, please call Linda Butler at 723-4580, or e-mail me at lbutler@palmettofl.org as early as possible. Packets will be delivered Wednesday prior to the Monday meeting.

NOTE P&Z meetings are typically held the seconded Monday of the month, March and September meeting dates was changed to the third Monday due to City Commission meeting dates.

Meeting dates are subject to change.