

**RESOLUTION NO. PZB 2019 – 07
VARIANCE 2017-E002**

VILLAGE OF ESTERO, FLORIDA

WHEREAS, CHHLCA Investments, LLC has filed an application with the Village of Estero for variances from the Land Development Code for the **FBC Home Concept Sales and Display** business:

1. Section 33-351 Landscape Buffer - reducing width from 20 feet to 10 feet along US 41, and from 20 feet to 5 feet along Trailside Drive.
2. Section 34-845 Setbacks for Buildings - reducing 25 feet rear and street building setback to a minimum of 15.5 feet from Trailside Drive, and from 25 feet to 14.4 feet from US 41.
3. Section 34-2192(a) Setbacks for Buildings - required 25-foot street setback for commercial buildings from edge of right-of-way or easement line for local streets and arterial or collector streets without frontage, to 15.5 feet from Trailside Drive and 14.4 feet from US 41.
4. Section 34-3004 Outdoor Display of Merchandise for Sale or Rent - requiring a 25-foot setback from a street right-of-way and a 10-foot setback from property line, to a 5-foot setback along Trailside Drive and a 10-foot setback along US 41.

WHEREAS, the property is .4 acres, located at 20170 S. Tamiami Trail, Estero, Florida, on the west side of the intersection of US 41 and Trailside Drive. The subject property STRAP number is 28-46-25-E1-U1866.2534; and

WHEREAS, the subject property is designated Suburban and Urban Community on the Future Land Use Map in the Village of Estero Comprehensive Plan; and

WHEREAS, the property is zoned Commercial (C-1); and

WHEREAS, the business is currently operating under a code violation (#16100011) for not obtaining a “use permit”, and for insufficient site buffer requirements; and

WHEREAS, the proposed business is granite sales; and

WHEREAS, the applicant has also filed for a Limited Development Order and use permit; and

45 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
46 the Planning and Zoning Board has been delegated the authority to make determinations
47 with respect to variances that are not part of a rezoning request; and

48
49 **WHEREAS**, the Planning and Zoning Board reviewed this request and finds:

- 50
- 51 1. The applicant has not provided sufficient justification to meet its burden to
 - 52 prove that it has met all the variance criteria outlined in Section
 - 53 34-145(3)(a-3) of the Land Development Code.
 - 54
 - 55 2. There are not exceptional or extraordinary conditions inherent to the
 - 56 property that create a hardship on the property owner.
 - 57
 - 58 3. The applicant has created the need for the variances by maximizing the
 - 59 proposed use of the lot.
 - 60
 - 61 4. The regulations do not cause an unreasonable burden, as the owner has a
 - 62 current reasonable use of the property.

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64 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for
65 variances is not approved.

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67 **PASSED AND DULY ADOPTED** this 20th day of August, 2019.

68
69 **VILLAGE OF ESTERO, FLORIDA**
70 **PLANNING AND ZONING BOARD**

71
72 _____
73 Scotty Wood, Chairman

74 Attest:

75
76 By: _____
77 Kathy Hall, MMC, Village Clerk

78
79 Reviewed for legal sufficiency

80
81 By: _____
82 Nancy Stroud, Esq., Land Use Attorney

83
84 **Vote:**

85 Scotty Wood	Yes	___	No	___
86 Tim Allen, PhD	Yes	___	No	___
87 Anthony Gargano	Yes	___	No	___
88 Robert King	Yes	___	No	___
89 Marlene Naratil	Yes	___	No	___
90 James Tatoes	Yes	___	No	___
91 John Yarbrough	Yes	___	No	___