

County of Monroe Growth Management Division



**Planning & Environmental Resources
Department**

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Board of County Commissioners

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July 9, 2012

Subject: Surrounding Property Owner Notification Letter, Setback Variance Request
Square 24, Lots 1 through 20, Maloney Subdivision, PB1-55, Real Estate (RE)
#00124090.000000 (File #2012-070)

Dear Madam or Sir,

Boos Development Group, Inc. has applied to the Planning & Environmental Resources Department for approval of a setback variance at the above-referenced property.

The applicant is requesting approval of a variance of 5' from the required 15' front yard setback along the US 1 right-of-way (northern property line) in order to receive permit approval to construct 39 parking spaces as part of a proposed redevelopment of the site with a commercial retail use, in the form of a CVS Pharmacy. As a result, the front yard setback along US 1 would be 10'.

As set forth in §102-86 of the Monroe County Code, the Director of Planning & Environmental Resources has the authority to grant variances for the reduction of non-shoreline setback requirements for front and rear yards by no more than ten (10) feet and side yards by no more than twenty (20) percent after determining that an application complies with the requirements and standards set forth in §102-86(f).

After determining that an application for a variance complies with the requirements and standards, the Planning & Environmental Resources Department provides written notice of the proposed approval to owners of real property located within three hundred (300) feet of the property. This letter is to notify you of pending approval of this application. If requested in writing by the applicant or an adversely affected owner or resident of real property located in Monroe County during the required thirty (30) calendar days of posting, a public hearing by the Monroe County Planning Commission shall be scheduled on the application.

You may examine this application at our office, located at 2798 Overseas Highway, Marathon, Florida. In addition, please feel free to contact Timothy Finn, Planner, at (305) 289-2589 with any questions.

Respectfully,

Townsley Schwab, Senior Director of Planning & Environmental Resources

Attachment

Compliance with the Land Development Regulations:

§102-86(f) provides the following eight (8) standards for setback variances:

- 1) The applicant shall demonstrate a showing of good and sufficient cause;
- 2) Failure to grant the variance would result in exceptional hardship to the applicant;
- 3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
- 4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;
- 5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns;
- 6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family;
- 7) Granting the variance is not based on the domestic difficulties of the applicant or his family; and;
- 8) The variance is the minimum necessary to provide relief to the applicant

Staff Recommendation:

Staff recommends approval of a variance of five (5) feet with the following conditions (if necessary, following the consideration of public input, staff reserves the right to request additional conditions):

- 1) This variance is based on the design and placement of the parking spaces as shown on the site plan by CPH Engineers Inc., signed and sealed May 18, 2012, included with the application. Work not specified or alterations to the site plan may not be carried out without additional Planning & Environmental Resources Department approval.
- 2) This variance is to allow the placement of parking spaces as shown on the site plan submitted with the variance application within the required front yard setback along Overseas Highway. It does not waive any other required setbacks and it does not waive the required front yard setback for any future structures. In no case shall the major street buffer be reduced or waived.
- 3) The required major street buffer, a class "B", shall be the 10' width as shown in Section 114-128 of the Monroe County Code. The buffer shall be installed prior to or concurrently with the construction of the parking spaces subject to this variance request. In no case shall the required major street buffer be reduced or waived.
- 4) In no case shall the required parking lot landscaping be reduced or waived.