



# City of North Port

Office of the City Attorney

## ORDER DENYING VARIANCE PETITION

**Petition Number:** VAR-22-087

**Requested Variance:** For property zoned Agricultural (AG) District, variance from the Unified Land Development Section 53-240.A(6) to allow: (i) a 24-foot front setback where a minimum 30-foot front setback is required; and (ii) a 23.8-foot side setback where a 25-foot side setback is required

**Property Address/Location:** 3167 Delor Avenue, North Port, Florida 34286

**Parcel Identification Number:** 0939012412

**Legal Description:** Lot 12, Block 24, Second Addition to North Port Charlotte Estates

**Property Owner:** Done Right Pool Heating & A/C Inc..

**Petitioner:** Creekmore Construction of Florida, Inc.

### PROCEEDINGS

This matter came before the Zoning Board of Appeals on June 29, 2022. The parties were provided a complete opportunity to present evidence, and to refute and respond to evidence in accordance with federal, state, and local laws and procedures for the quasi-judicial proceeding.

### MOTION AND FINDINGS

After conducting the hearing on this matter, based on the testimony and evidence provided by the parties, the Zoning Board of Appeals made the following motion to approve the variance:

Motion to approve Petition No. VAR-22-087, requesting a variance from the Unified Land Development Code (ULDC) Section 53.240 -- Special Structures A(6) to allow for a 24-foot front setback where a minimum 30-foot front setback is required and a 23.8-foot side setback where a 25-foot side setback is required and find that the variance does meet the following findings(s) for granting a variance:

1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;

2. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created);
3. That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
5. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make it more reasonable and practical to amend these zoning regulations.

The motion to approve the variance FAILED by a vote of 2-2. Petition No. VAR-22-087 is not approved.

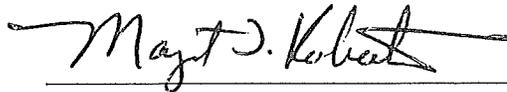
#### **HEARING RECORD**

The clerk shall maintain custody of all recordings of testimony, evidence, and documents submitted into evidence at the hearing. This shall include the official file in the matter, as well as any document presented at the hearing or demonstrative exhibit seen by the quasi-judicial body while making its decision. The parties have not been prohibited from providing a court reporter for the proceedings. Any party wishing to appeal the decision of a quasi-judicial body shall have the responsibility to ensure compliance with F.S. § 286.0105.<sup>1</sup>

#### **RIGHT TO APPEAL**

Any person aggrieved by any decision of the Zoning Board of Appeals may apply to the Circuit Court in Sarasota County within thirty (30) days of any decision by the Zoning Board of Appeals. The proceedings in the Circuit Court shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.<sup>2</sup>

THIS ORDER IS ISSUED IN COMPLIANCE WITH SECTION 2-83(D)(1) OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA.



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MARGARET T. ROBERTS, ASSISTANT CITY ATTORNEY  
Legal Counsel to the Zoning Board of Appeals

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<sup>1</sup> See § 2-83(e), Code of the City of North Port, Fla.

<sup>2</sup> See § 1-28.I, Unified Land Development Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing order has been furnished to the parties as indicated on July 28, 2022 as follows:

Via CMRRR # 7020 0640 0001 8402 1179

Christopher W. Creekmore, President, Registered Agent  
Creekmore Construction of Florida, Inc.  
3509 Donahue Avenue  
North Port, Florida 34288

Via CMRRR # 7020 0640 0001 8402 0882

Chris A. Wasdin, President, Registered Agent  
Done Right Pool Heating & A/C Inc.  
3167 Delor Avenue  
North Port, Florida 34286

Via email

City of North Port, Neighborhood Development Services Department  
Alaina Ray, Director  
Lori Barnes, Planning Manager  
Sherry Willette-Grondin, Planner  
Sam Hudson, Planner

Via email

City of North Port City Clerk  
Heather Faust



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MARGARET T. ROBERTS, ASSISTANT CITY ATTORNEY