

**126 S. 7th AVENUE
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To: City Commission

From: Kyle Long, Community Development Director

RE: 217 W Palmetto Street and 120 N 8th Avenue
Parcel # 04-34-25-0260-00016-001B and 04-34-25-0260-00016-0004
Variance request to allow structure within required 30-foot rear setback

This report is being made to provide further guidance to the City Commission regarding the above referenced request made by the Hardee County Industrial Development Authority.

The applicant, the Hardee County Industrial Development Authority, proposes to construct a new parking lot on the property located east of 217 W. Palmetto Street and 120 N. 8th Avenue. In conjunction with this project, the applicant, intends to sell the property located west of the proposed parking lot for the development of townhomes.

The subject property is zoned HC-1 (Historic/Downtown Commercial), which requires a minimum front and side setback of 0 feet and a minimum rear setback of 30 feet. To facilitate the proposed townhome development, the applicant is requesting a variance to reduce the required rear setback from 30 feet to 25 feet, allowing the buildings to encroach 5 feet into the required rear setback. Approval of the variance would provide the flexibility necessary to accommodate the proposed site layout while maintaining consistency with the overall development plan.

As shown on the submitted site plan, the building will sit approximately 25 feet from the proposed rear property line.

A variance may be granted if the Board determines that the request is not contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience, or economics shall not be considered as justification for a variance. For each variance granted, shall be based on the following criteria:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.

- (B) The special conditions and circumstances do not result from the actions of the Applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The City Commission will need to review the criteria listed above and determine whether or not this request meets those considerations. Once granted, the variance shall run with the land. Staff recommends approval.

