

126 S. 7th AVENUE
WAUCHULA, FL 33873



PHONE (863) 773-9193
FAX (863) 773-0436

April 7, 2025

To: City Commission

From: Kyle Long, Community Development Director

RE: 314 S 10th Avenue

Parcel # 09-34-25-0291-0000B-0007

Variance request to allow primary structure within required 10-foot side setback

This report is being made to provide further guidance to the City Commission regarding the above referenced request made by Aerial Polk.

The property owner, Aerial Polk, is in the process of constructing a new 1,584 sq ft single family home on a parcel that is zoned R-1 (Single Family Residential). After the City approved the construction and permits were pulled, it was determined that the house would need to be moved 3'6" to the north to avoid a bamboo patch. This was done without an updated site plan. The issue was not caught until the house was nearing completion.

According to the Unified Land Development Code (ULDC), all primary structures in the R-1 zoning district must be setback at least 10 feet from the side property line. As the new home sits and according to the survey, it is exactly 3'6" into the required 10' setback. The applicant is therefore requesting a variance. As shown on the submitted survey, if the variance is approved, the building will sit 6'6" from the northern property line.

A variance may be granted if the Board determines that the request is not contrary to the 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. The City Commission shall approve the variance 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.