

PREPARED BY:  
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PLEASE RETURN TO:  
Dawn Bowne, City Clerk  
City of Dunnellon  
20750 River Drive  
Dunnellon, FL 34431

**DEVELOPMENT ORDER #DOR2016-02  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEVELOPMENT ORDER  
GRANTING VARIANCE**

APPLICANT: Robert Ziegenfuss

VARIANCE #: VAR2016-02

OWNER(s)/Manager: Dunnellon Real Estate, LLC

ADDRESS OF PROPERTY: 11191 N. Williams Street  
Dunnellon, Florida 34432

**PARCEL ID #:** **33639-006-01 / 33639-006-02**

ZONING DESIGNATION: B4

COMPREHENSIVE PLAN  
LAND USE DESIGNATION: Commercial

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THIS MATTER came before the City Council on the 14<sup>th</sup> day of March, 2016, pursuant to Section 9.3-1 and 74-108(4)a of the City of Dunnellon Land Development Regulations. After having considered the recommendation of the Planning Commission and Staff's Report, having heard testimony, and being otherwise duly advised on the matter, the following findings of fact and conclusions of law are made:

**Findings of Fact.**

1. The Subject Property comprises .78 acres±, is located at 11191 N. Williams Street in Dunnellon, and is legally described in Exhibit "A" attached hereto and made a part of this Development Order.

2. The Subject Property is zoned Commercial (B-4). The goals, objectives, and policies of the Comprehensive Plan do not prohibit variances from the Code requirement of an outer perimeter landscape buffer with a minimum average width of 25 feet.

3. The City of Dunnellon Land Use and Development Code, Appendix A, Article IX, Section 9.3-1 states in pertinent part:

(a) All commercial development, regardless of size, shall comply with the following design standards.

(1) Landscape buffers shall be provided for all commercial uses in compliance with Section 74-108...

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4. Section 74-108 of the City of Dunnellon's Code of Ordinances states in pertinent part:

(1) *Location and design.* Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained in this article...

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(4) *Buffers in B-4 zoning district.*

a. Required Width. A minimum average width of 25 feet is required.

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5. Applicant seeks a variance from the Section 9.3-1 and Section 74-108 requirement of an outer perimeter landscape buffer with a minimum average width of 25 feet.

### **Conclusions of Law.**

6. Granting the variance is not inconsistent with the City's Comprehensive Plan.

7. *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the B-4 zoning district.* Without the variance, the Applicant's Property will incur a hardship, and the owner will be unable to construct a restaurant on the Property and will otherwise limit the ongoing businesses on the property.

8. *The special conditions and circumstances do not result from any actions of the Applicant.* The Applicant's actions have not created the buffer size and setback hardship.

9. *Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.* The Applicant will receive no special privileges as a result of granting the requested variance.

10. *Literal interpretation of the provisions of the ordinance requiring that a 25-foot perimeter landscape buffer around the Subject Property would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.* The Applicant,

without this variance, would be severely limited in the continued businesses he could have on the Property.

11. *The variance granted is the minimum variance that will make possible the reasonable use of the land.* The variance requested is the minimum to allow the reasonable use of this property.

12. *The grant of the variance will be in harmony with the general intent and purpose of the ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.* The property directly adjacent to the South and East of the site is zoned B-4 and is currently being operated as a shopping center with various businesses i.e. Italian restaurant, Computer repair shop, etc. There are two similar properties to the West including McDonald's and Pizza Hut restaurants, both of which are zoned B-4. The property to the North is a large field currently being used for a produce stand and at the rear of the property is a medical office. Located to the North West is a small shopping plaza and a Walmart Superstore. Allowing a landscape buffer of seven feet, as opposed to 25 feet, will not create a disharmony with existing buildings and uses in the B-4 district and would not be injurious to existing buildings along the Hwy 41 corridor.

15. In all other respects, the Applicant has met its burden of satisfying all criteria for the variance pursuant to Section 94-37(11)(a) of the LDR and Section 13.15 of Appendix A, "Zoning."

**BASED ON THE FOREGOING, IT IS ORDERED:**

A variance from the 25-foot perimeter landscape buffer requirement of Section 9.3-1 and Section 74-108 is hereby granted based on the following condition:

Landscape Buffers to be 25' West parallel to U.S.41, 7' East, 12.5' South, 12.5' North.

**[SIGNATURE PAGE FOLLOWS]**

**Upon motion duly made and carried,** the foregoing Development Order was approved and passed upon the public hearing on the 14<sup>th</sup> day of March, 2016.

ATTEST:

**CITY OF DUNNELLON**

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Dawn M. Bowne, M.M.C.  
City Clerk

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Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Andrew Hand, City Attorney

**I HEREBY CERTIFY** that a copy of the foregoing Development Order was sent by electronic mail to Robert Ziegenfuss at [bob@zdevelopmentservices.com](mailto:bob@zdevelopmentservices.com) and by U.S. Mail to Robert Ziegenfuss at 708 E. Colonial Drive, Orlando, FL 32803, on the \_\_\_day of \_\_\_\_\_, 2016.

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Dawn M. Bowne M.M.C.  
City Clerk