RESOLUTION #RES2016-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS VAR2016-06, A VARIANCE FROM SECTION 9.3-1(A)6.D.4. – VEHICLE STOPS SHALL BE USED TO ENSURE THAT VEHICLES DO NOT OVERHANG REQUIRED LANDSCAPE AREAS. CONTINUOUS CURBING SHALL BE PROHIBITED, AS REQUESTED BY APPLICANT, TROY BURRELL, BURRELL ENGINEERING, FOR REVENUE PROPERTIES DUNNELLON, LLC, OWNER OF THE PROPERTY LOCATED AT 11352 & 11262 N. WILLIAMS STREET, DUNNELLON, FLORIDA 34432; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on November 15, 2016 to consider a request by the Applicant Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, to approve a variance from the requirements of Section 9.3-1(a)6.d.4. – Vehicle stops shall be used to ensure that vehicles do not overhang required landscape areas. Continuous curbing shall be prohibited, such property being located at 11352 & 11262 N. Williams St., Dunnellon, Florida 34432.

WHEREAS, the Planning Commission does have the authority under Section 94-37(11) of the Code of Ordinances to recommend to the City Council approval, disapproval, or approval with conditions of a variance from the terms of the relevant ordinance as will not be contrary to the public interest, so long as an applicant proves that all of the applicable criteria are met.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑ has ☐ has not shown that owing to special conditions, a literal enforcement of the provisions of the applicable ordinances that would result in unnecessary and undue hardship.

WHEREAS, the Planning Commission ❑ does ☐ does not find that the Applicant ❑ has ☐ has not shown that 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 same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the special conditions and circumstances do not result from the actions of the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that granting the variance 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.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that literal interpretation of the provisions of the applicable ordinances 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.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the variance proposed is the minimum variance which makes possible the reasonable use of the land, building, or structure.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the granting of the variance will be in harmony with the general intent and purpose of the applicable ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, the City of Dunnellon Planning Commission has determined that a recommendation of ❑approval ☐ disapproval ☐ approval with conditions is consistent with Dunnellon's Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF DUNNELLON PLANNING COMMISSION THAT:

A recommendation of ☐ approval ☐ disapproval ☐ approval with conditions in regard to the requested application for a variance by Troy Burrell, Burrell Engineering, representative of Revenue Properties Dunnellon, LLC, being Marion County Tax Parcel Identification Numbers 33639-002-00 & 33639-004-00, subject to the following recommended conditions:

1. _____
2. _____
3. _____

Severability. If any portion of this Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on November 15, 2016, by the Planning Commission upon a motion by Commissioner _____ and seconded by Commissioner _____ and upon being put to a vote, the result was as follows;

Commissioner Brenda D'Arville	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Lisa Sheffield	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Tracy Fero	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Wilber Vanwyck	☐Yes	☐No	☐Abstain	❑Did Not Vote
Vacant, Commissioner	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote
Vacant - 2nd Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote

Attested by:
PLANNING COMMISSION,
CITY OF DUNNELLON

BY: _____
Brenda D'Arville, Chairwoman
Planning Commission, City of Dunnellon

This 15th day of November, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 15th day of November, 2016.