



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

1207 S. Swinton Avenue

Meeting	File No.	Application Type
July 20, 2026	PZ-000512-2026	Variance
Property Owner	Applicant / Authorized Agent	
1207 Swinton LLC	James Johnston, Shutts & Bowen LLP	

Request

Consideration of a variance request from Land Development Regulation (LDR) Table 4.3.4(K), Development standards matrix for nonresidential zoning districts, to allow for the reduction of the front setback from 30 feet to 10-feet, 7-inches and the reduction of the rear setback from 10 feet to 7-feet 7-inches.

Project Data

Location: 1207 S Swinton Avenue

PCN: 12-43-46-20-13-003-0010

Property Size: 0.53 Acres (4,045 SF)

Land Use Designation: Industrial (IND)

Zoning District: Industrial (I)

Existing Land Use: Warehouse/Distribution

Adjacent Zoning and Uses:

- North: Right-of Way – S Swinton Ave
- South: Industrial
- East: Industrial / FEC Railway
- West: Right-of Way – S Swinton Ave

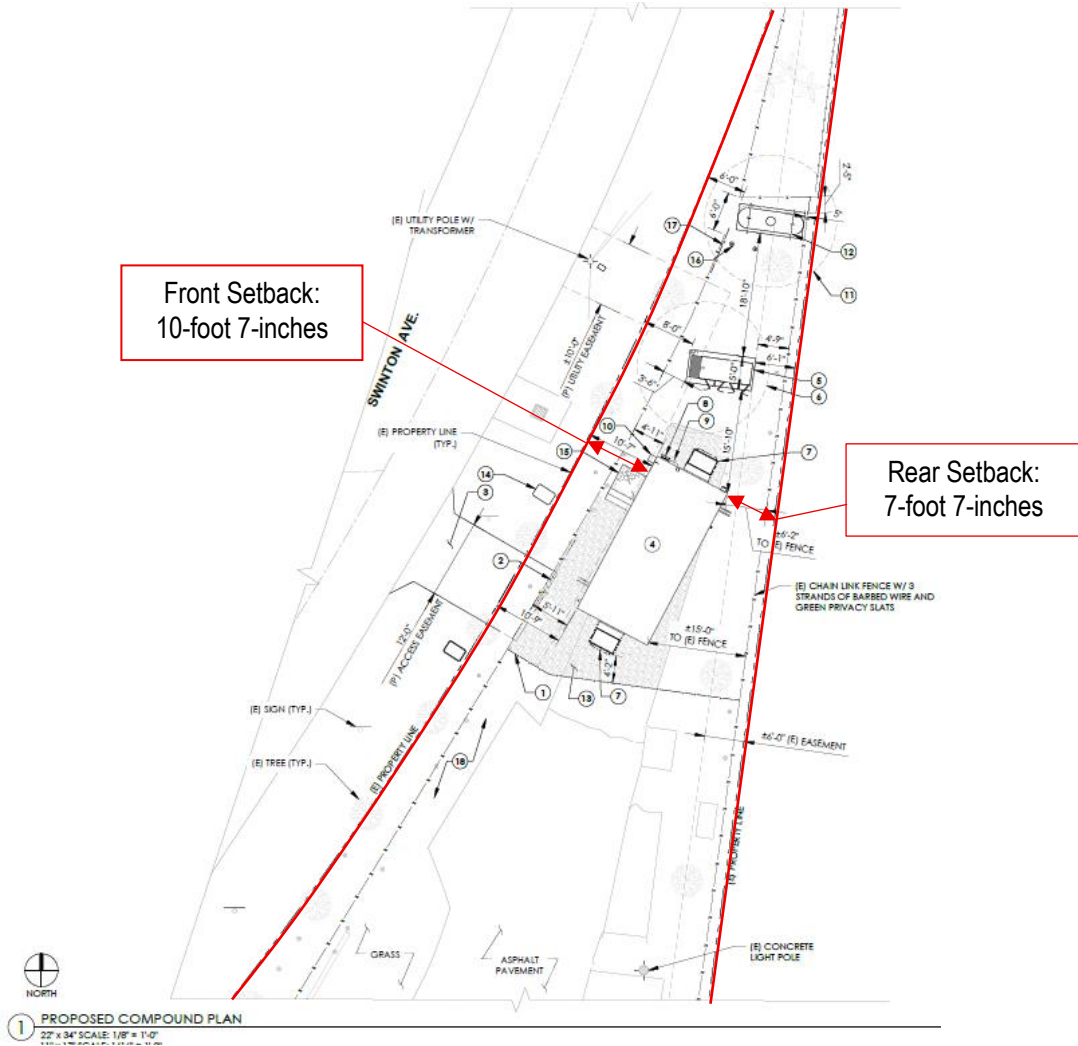


equipment within an enclosed, climate-controlled structure and include the necessary utility service connections to support its operation. The facility will remain accessory and subordinate to the principal commercial use of the property and will require only infrequent maintenance visits.

The proposed improvement consists of a 12-foot by 26-foot pre-engineered, unmanned wireless communications equipment shelter to be installed on a 12-foot by 26-foot reinforced concrete equipment pad and the structure is proposed to be constructed in accordance with applicable provisions of the Florida Building Code.

Verizon proposes to locate a wireless communications equipment shelter on the vacant portion of the property to support the surrounding wireless communications network, including existing wireless towers and small-cell wireless facilities in the area. Due to the property's unique configuration, existing development, and limited available buildable area, there is no feasible location for the proposed equipment shelter that would allow compliance with both the required 30-foot front setback and 10-foot rear setback while avoiding conflicts with existing improvements. As a result, the need for the requested front and rear setback variances is attributable to the property's unique physical characteristics and not to any action of the applicant.

The applicant asserts that the request represents the minimum relief necessary to allow functional use of the existing warehouse/office uses while maintaining consistency with the general purpose and intent of setback regulations, which are intended to preserve open space relationships, protect adjacent properties, and prevent incremental overdevelopment within industrial zoning districts. The location of the requested relief is depicted in the image below.



Review and Analysis

LDR Section 2.1.5(E)(6)(g)(1), Planning and Zoning Board: Duties, powers, and responsibility,

The Board hereby has the authority to grant variances from Base district development standards, Section 4.3.4

LDR Section 2.4.11(A) Relief, Variance

A variance is a departure from the dimensional or numeric requirements of the land development regulations where such variance will not be contrary to the public interest and where owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

LDR Section 2.4.11(A)(5)(a-f), Variance Findings

The following findings must be made prior to the approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.*
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.*
- (c) That the special conditions and circumstances have not resulted from actions of the applicant.*
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.*
- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.*

LDR Section 4.3.4(H), Setbacks (1) General.

Setbacks are measured at right angles to the lot line and represent the minimal distance within which a structure may come to said lot line. Setbacks are established for front, interior side, street side, and rear lot lines. Lot lines along rights-of-way are established, for setback purposes, as being for the ultimate right-of-way as required for the minimum section for the class of street or as otherwise required by the Traffic Network as contained in the Transportation Element of the Comprehensive Plan.

The following standards are provided in order to fulfill those purpose statements found in **LDR Section 4.3.1; Application of district regulations;** *(B) No building or structure shall hereafter be erected or altered; to exceed the height or mass; to accommodate or house a greater percentage of lot area; or to have narrower or smaller front yards, side yards, rear yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this chapter.*

Details of the request's compliance with the **Variance Findings** are discussed below.

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.***

The subject property is bordered by Swinton Avenue to the west and a railroad right-of-way to the east and tapers to a point at its northern end between these two rights-of-way. Due to this unique configuration, the buildable area on the property is significantly constrained, making it impracticable to locate the proposed equipment shelter within the vacant portion of the site while complying with the required 30-foot front setback and 10-foot rear setback. The hardship results from the property's unusual shape and configuration, which are conditions peculiar to this parcel and are not generally applicable to other properties within the Industrial zoning district. Accordingly, the need for the requested variance is attributable to the physical characteristics of the property rather than to any action of the applicant.

- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.***

Verizon has a need to locate the proposed wireless communications equipment shelter at this site to support the existing wireless communication towers and small-cell wireless facilities serving the surrounding area. The proposed equipment shelter is intended to be located on Industrial-zoned property that is already developed with an office/warehouse building, making it a use that is compatible with both the property's zoning and existing development. However, due to the property's unique configuration, a literal application of the required front and rear setbacks would prevent Verizon from locating the necessary wireless communications infrastructure in an appropriate and needed location.

(c) That the special conditions and circumstances have not resulted from actions of the applicant.

The special conditions and circumstances described above were not created by the actions of Verizon. Rather, the need for the requested front and rear setback variances arises from the property's unique configuration, which limits the available buildable area, together with the operational need to locate the proposed equipment shelter in this general area to support the surrounding wireless communications network.

(d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

Granting the requested variance will not confer a special privilege upon Verizon. Wireless communications equipment shelters are generally permitted on properties within the Industrial zoning district and, on sites without the unique physical constraints present on the subject property, can typically be approved through the site plan review process without the need for setback variances. The requested relief is necessitated solely by the property's unique configuration and does not provide Verizon with a development right or benefit that is unavailable to other similarly zoned properties

(e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

As outlined above, Verizon believes the requested front and rear setback variances satisfy the City's approval criteria. The proposed equipment shelter has been carefully sited within the vacant portion of the property to maximize compliance with the required front and rear setbacks while avoiding conflicts with the existing office/warehouse building and associated site improvements. The proposed location represents the minimum variance necessary to accommodate the equipment shelter and allow for the reasonable use of the property while maintaining compatibility with the site's existing development.

(f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.

Granting the requested variances will be in harmony with the intent and purpose of the Land Development Regulations by allowing a wireless communications equipment shelter to be located on Industrial-zoned property, where such facilities are an appropriate and compatible use. The proposed equipment shelter is an unmanned facility that requires only infrequent maintenance visits and, therefore, will not generate significant traffic or adversely impact the surrounding neighborhood. The reduced rear setback is adjacent to a railroad right-of-way, minimizing any potential impacts, while the reduced front setback will be buffered by the landscaping required by the Code, as well as existing fencing and vegetation along the property frontage. In addition, the proposed facility will support Verizon's existing wireless communications network, providing a public benefit by improving the reliability and capacity of wireless service in the area. Enhanced wireless service also supports public health, safety, and welfare by improving access to emergency communications, including 911 services, which are increasingly accessed through wireless devices.

Options for Board Actions

- A. Move **approval** of the Variance request for **1207 S Swinton Ave** (PZ-000512-2026-VAR-PZ) from LDR Section 4.3.4(K), Development standards matrix for nonresidential zoning districts, to allow for the reduction of the front setback from 30 feet to 10-feet, 7-inches and the reduction of the rear setback from 10 feet to 7-feet 7-inches is required by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).

B. Move **denial** of the Variance request for **1207 S Swinton Ave** (PZ-000512-2026-VAR-PZ) from LDR Section 4.3.4(K), Development standards matrix for nonresidential zoning districts, to allow for the reduction of the front setback from 30 feet to 10-feet, 7-inches and the reduction of the rear setback from 10 feet to 7-feet 7-inches request is not consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).

C. Move to **continue with direction**.

Public Notice

Pursuant to **LDR Section 2.6.3(G)**, Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing.

LDR Section	Date Posted
2.6.2 (A); Written notice provided to property owners within 500 feet	July 10, 2026
2.6.2 (B); Property posted placard on subject property	July 13, 2026
2.6.2 (C); Notice posted at City Hall	July 10, 2026
2.6.2(D); Notice posted on City Web Page	July 10, 2026

Technical Review of Comments (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	03/30/2026	05/29/2026