

STAFF REPORT
Community Development Department
File Number: SE-12-015

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official 
Prepared By: Ken Quillen, AICP, Planner III
Report Date: November 6, 2012 **BZA meeting date:** November 14, 2012

Requested Action/General Information:

James Ehrenfeld is requesting a special exception to allow a guest house in a Residential Single-family-3.5 (RSF-3.5) zoning district. Subject property is located at 2376 Staver Street in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Single-family-3.5 (RSF-3.5). This property has a Low Density Residential Future Land Use Map (FLUM) designation.

This existing 2,824 square foot single-family residence was constructed in 2003. Subsection 3-9-32(e)(4) of the Zoning Code allows a guest house as a special exception, if approved by the Board of Zoning Appeals (BZA), provided the lot area is twice the minimum lot area required by the underlying zoning district. This property contains 22,990 square feet of land area, which exceeds the minimum lot size requirement of 20,000 square feet for a single-family residence and a "guest house" in the RSF-3.5 zoning district. As such the applicant has submitted this application for a special exception.

The applicant has submitted the attached **Boundary Survey** (**Exhibit A**), which shows the existing residence and accessory structures currently located on this lot, as well as the location of the proposed guest house. The applicant has also submitted a **Floor Plan** (**Exhibit B**) of the proposed guest house to be located on this property. Code requires two off-street parking spaces for a single-family residence. This residence has an existing two-car attached garage as well as a detached carport with room for at least six off-street parking spaces.

Section 3-9-2 of the Zoning Code defines a "guest house" as: "A dwelling unit in a building separate from and in addition to the principal residential building on a lot, intended for intermittent or temporary occupancy without compensation." This definition is fully applicable to this proposal and staff believes is understood by the applicants.

The applicant has also submitted the attached **Narrative** (**Exhibit C**) explaining why they believe a special exception should be granted for this proposed 468 square foot guest house. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit D**) dated October 24, 2012.

Findings: The six standards for approval of a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The Zoning Code explicitly states that a guest house is allowed by special exception in the RSF zoning districts as per Section 3-9-32(e).

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Finding: This property will continue to be used as a single-family residence. The proposed guest house, which may be considered an accessory use, is considered compatible with the existing single-family residences in the surrounding area.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Vacant lots	RSF-3.5	Low Density Residential
South	Single-family residences	RSF-3.5	Low Density Residential
East	Vacant lots	RSF-3.5	Low Density Residential
West	Single-family residences	RSF-3.5	Low Density Residential

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Existing access drives already exists off of Staver Street and McQueeney Avenue for the existing single-family residence and detached carport. No changes are proposed at this time.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: Buffers are not required for the existing single-family residence, which is a low intensity use. Staff believes there is no need for additional buffering or screening of this single-family residence due to the addition of the proposed guest house.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and **Land Development Regulations**.

Finding: The principal use will remain a single-family residence and the proposed guest house is consistent with the **Smart Charlotte 2050 Plan** and Future Land Use classification of Low Density Residential. Guest houses are permitted by special exception in the **Land Development Regulations**.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed guest house would not be detrimental to or endanger the public health, safety or general welfare of the surrounding residential properties, because the principal use will remain a single-family residence.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed guest house does meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. This special exception as approved by the Board of Zoning Appeals is to allow a guest house as that term is defined in the Zoning Code.
2. The Site Plans submitted with this application are for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the guest house as an accessory use to the existing single-family residence.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Area Map, Zoning Map, Aerial Photograph, Boundary Survey, Floor Plan, Narrative, and Environmental Specialist Memorandum



Community Development

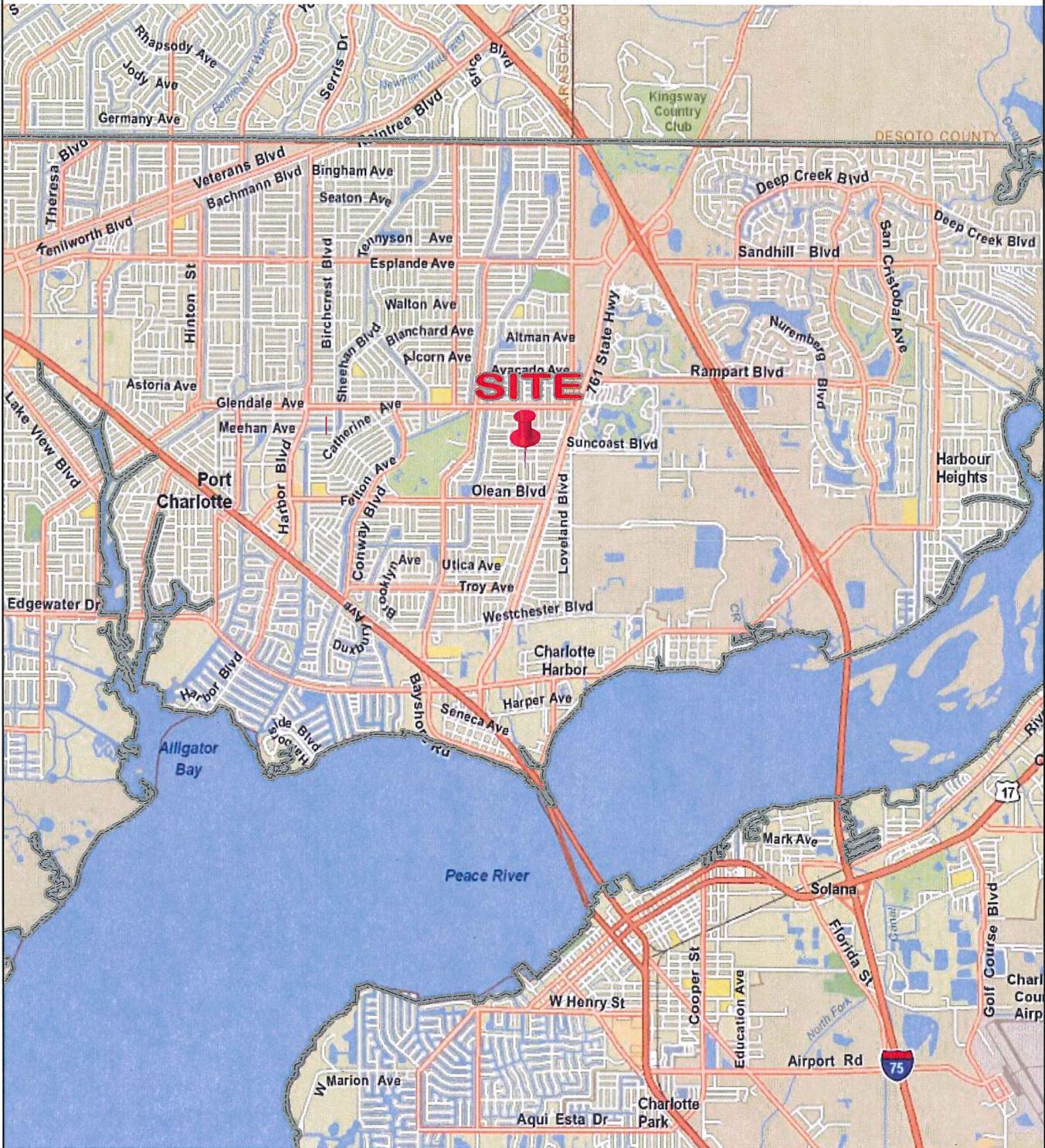
CHARLOTTE COUNTY

Location Map for SE-12-015

Charlotte County Government

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Community Development

CHARLOTTE COUNTY

Zoning Map for SE-12-015

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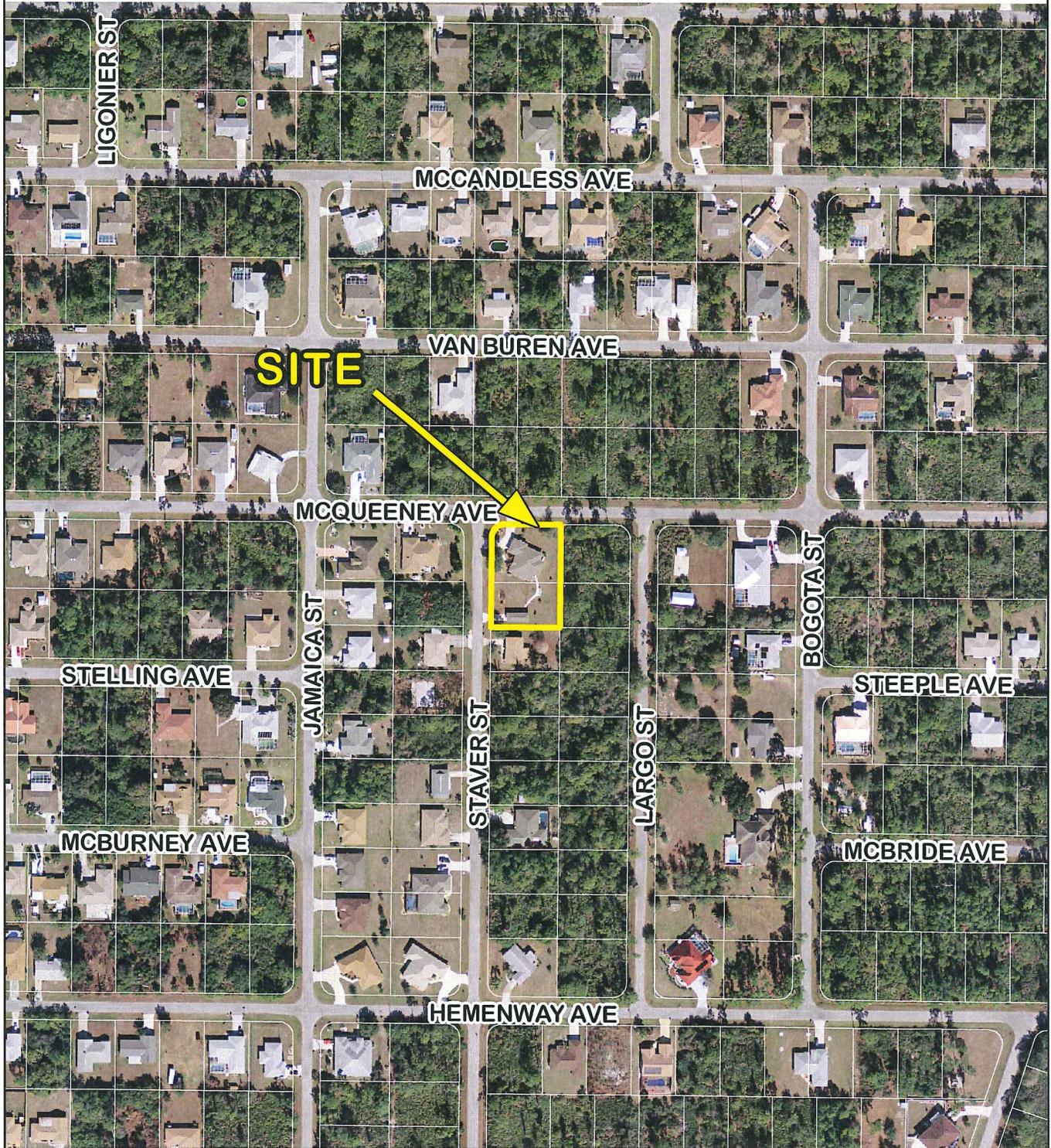
CHARLOTTE COUNTY

Aerial View for SE-12-015

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* BASIS OF BEARING - RECORD PLAT

NORTH

20
(VACANT)

19
(VACANT)

18
(VACANT)

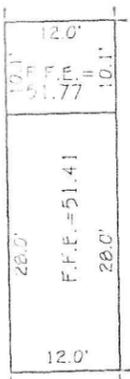
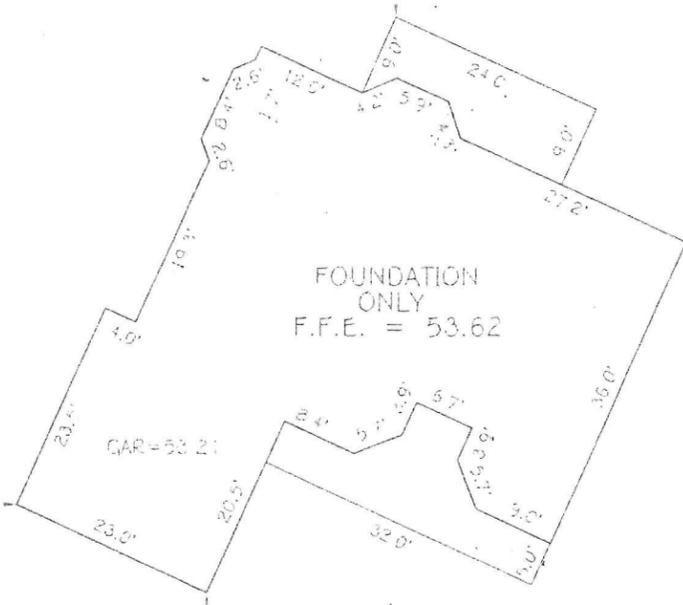
5.00°20'37"W. 185.00'(P)(M)

1

2

3
(OCCUPIED)

36'
Proposed
Guest House
13'



Boundary Survey
(Exhibit A)

EL = 50.00 (ASSUMED)
B Δ M

McQUEENEY AVE.

(50.0' WIDE ROW)

300.00'(P) 300.07'(M)

100.00'(P) 100.03'(M)

20.0' WIDE ASPHALT PAVEMENT

5.89°39'23"E. 100.00'(P)(M)

25.00'

SWALE

CB=N.45°20'37"E.
35.36'(P)(M)

25.00'

ARC= 39.27'
DELTA= 90°00'00"
RADIUS= 25.00'

N.00°20'37"E.

80.00'(P)

160.00'(P)(M)

80.00'(P)

SWALE

20.0' WIDE ASPHALT PAVEMENT

160.00'(P) 160.05'(M)

STAYER ST.

* 5.00°20'37"W. 900.00'(P) 900.22'(M)

(50.0' WIDE ROW)

N.89°39'23"W. 125.00'(P)(M)

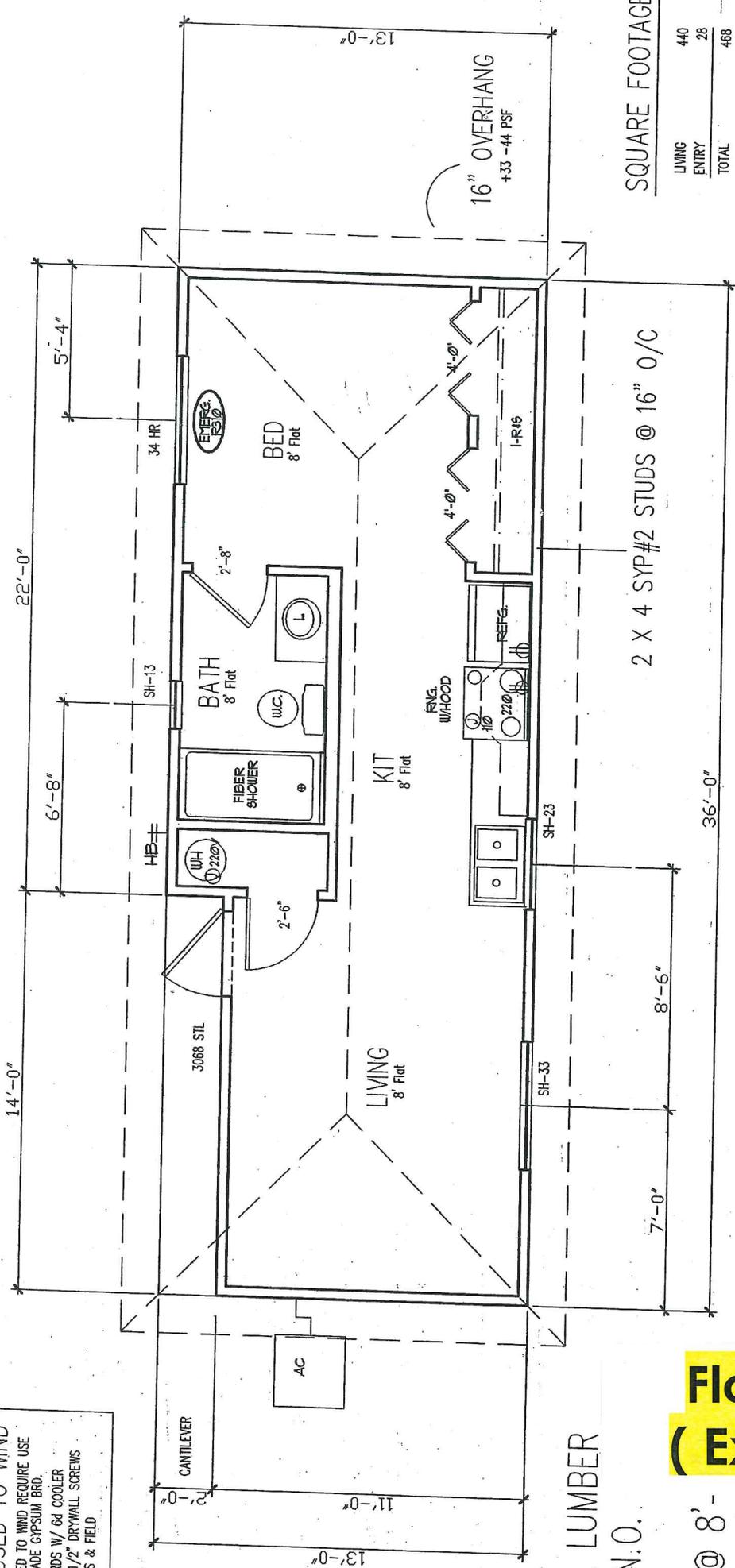
EL = 49.75 (ASSUMED)
B Δ M

HEMENWAY AVE.

690.00'(P)
690.17'(M)

FN
PI

AS EXPOSED TO WIND
 PLINGS EXPOSED TO WIND REQUIRE USE
 EXTERIOR GRADE GIPSUM BRD.
 BOTTOM CHORDS W/ 6d COOLER
 /8" L, OR 1 1/2" DRYWALL SCREWS
 6" O/C EDGES & FIELD



SQUARE FOOTAGE

LIVING	440
ENTRY	28
TOTAL	468

NOTE!
 ALL WOODWORK WITHIN
 8' OF GRADE MUST BE
 TREATED FOR MOISTURE
 DECAY & TERMITE PROTECTION
 AS PER FBC 25024.1

FLOOR PLAN

SCALE = 1/4" = 1'-0"

URAL LUMBER
 2 U.N.O.

**Floor Plan
 (Exhibit B)**

TOP @ 8'-
 S @ 80"
 ED OTHER

9/26/2012

Kenneth J Quillen Jr.
Community Development Department
Zoning Division

Dear Mr Quillen,

In 2002, I built a new home on the site that is the subject of this request. At the time, it was my desire to live here the rest of my life. Now, at age 68+, I find it is too difficult to maintain. In the current economy, with the bulk of my income from Social Security, I can no longer make the mortgage payments and perform the necessary maintenance.

I am told that the current value is equal to, or less than, the mortgage amount, so selling it to purchase a smaller home is not an option.

I believe my only option is to build a small guest home on the property, deed the home to my son, and live in the guest house part of the year. My daughter and her family live in Georgia, and have room for me to stay there part of the year. My son and his family would assume my mortgage payments, and I can live out my remaining years in peace, while enjoying my grandchildren.

I believe this structure is within the guidelines of Charlotte County Code, section 3-9-7. It will be built in the same design and appeal as my current home, and will blend in with the surroundings.

Sincerely,



Jim Ehrenfeld

**Narrative
(Exhibit C)**



MEMORANDUM

To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Re: SE-12-015
Guest House, 2376 Staver Street
Date: October 24, 2012

The Current Planning and Zoning Environmental Review Section (ERS) have conducted a cursory review (additional wildlife or environmental reviews may be required by state and federal agencies) of the above referenced petition for compliance with **Environmental and Tree and Landscaping code** and offer the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a single family residence on a corner lot with a detached garage on a second killed and combined lot. The request is to build a 1 bedroom cottage on the second lot behind the detached garage.

These conditions will be reviewed for compliance upon any land clearing, development, or permit approvals.

- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS***

**All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION*

If there are any questions pertaining to this application you may contact me at (941)743-1290.

JS

(Exhibit D)