

STAFF REPORT
Community Development Department
Petition Number: SE-13-002

To: The Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: March 5, 2013

BZA meeting date: March 13, 2013

Requested Action/General Information:

Jason Rone is requesting a special exception to allow a mobile home, to be used as a residence, on property located at 50680 Bermont Road in East County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture General (AG). This property has an Agriculture Future Land Use Map (FLUM) designation.

Subsection 3-9-30(e)(16) of the Charlotte County Zoning Code does allow a mobile home, to be used as a residence, in the Agriculture General (AG) zoning district if a special exception is approved by the Board of Zoning Appeals (BZA). As such, the applicant has submitted this application for a special exception. A similar request, for a special exception (SE-03-013) to allow a mobile home to be used as a residence, was approved by the Board of Zoning Appeals on June 11, 2003, for the property located at 50676 Bermont Road. This property is 330 feet north of subject property.

The applicant has submitted the attached **Site Plan** (**Exhibit A**), which is a Boundary Survey, showing this ten-acre parcel and the proposed location of the mobile home and access driveway. This parcel and proposed mobile home will be located approximately one-half mile north of Bermont Road (County Road 74) and accessed by an unimproved private roadway. The mobile home will be located in the northwest corner of this parcel with a 200' and 260' setback from the west and north property lines respectively.

The applicant's property consists of approximately ten-acres of land, which meets the 10-acre minimum lot size requirement for a dwelling unit to be located on an AG zoned property. As such, one single-family residence may be located on this property, which is also located in the Rural Service Area.

The applicant has not yet selected the specific manufactured home, which they intend to place on this property, therefore a copy of the Data Plate, which provides manufacturing information for manufactured homes, cannot be provided at this time. The applicant has submitted the attached **Narrative** (**Exhibit B**) explaining why they believe this request meets the criteria for granting a special exception.

The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit C**) dated February 25, 2013. This preliminary review states that there may be jurisdictional wetlands located on the site, which must be avoided, minimized, or mitigated if impacted.

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 mobile home, used as a residence, may be allowed by special exception in the Agriculture General (AG) zoning district.

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.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Vacant lots and manufactured home	AG	Resource Conservation
South	Vacant residential lots	AG	Agriculture
East	Vacant residential lots	AG	Agriculture
West	Vacant lots and Single-family home	AG	Agriculture

Finding: This proposed mobile home is considered compatible with the agricultural and residential uses of the surrounding area.

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: An existing private access road off of Bermont Road will provide access to the proposed manufactured home. No changes are proposed to this private access.

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

Finding: All applicable code requirements, including setbacks and landscaping, will be enforced during the permitting process for the proposed manufactured home. Additional buffers are not required for a single-family residence.

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

Finding: This proposed residence would be consistent with the Comprehensive Plan, which plans for agricultural and residential uses at densities of one dwelling unit per 10 acres. Also, the Land Development Regulations allow mobile (or manufactured) homes by special exception in the AG zoning district.

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 mobile home would not be detrimental to or endanger the public health, safety or general welfare of the surrounding agricultural and residential properties since the proposed mobile home will be constructed to withstand wind loads for the appropriate category.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed manufactured home, to be used as a residence, 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. The special exception as approved by the Board of Zoning Appeals is for a single manufactured home to be used as a residence.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. Any modification, alteration or revision of this use may require a modification of the special exception.
3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and occupation of the proposed manufactured home.
4. The manufactured home erected on this property must be rated for the appropriate wind loads by HUD (or DCA) as evidenced by the Data Plate supplied by the manufacturer.

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

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Site Plan, Narrative, Environmental Specialist Memorandum and Exhibit D



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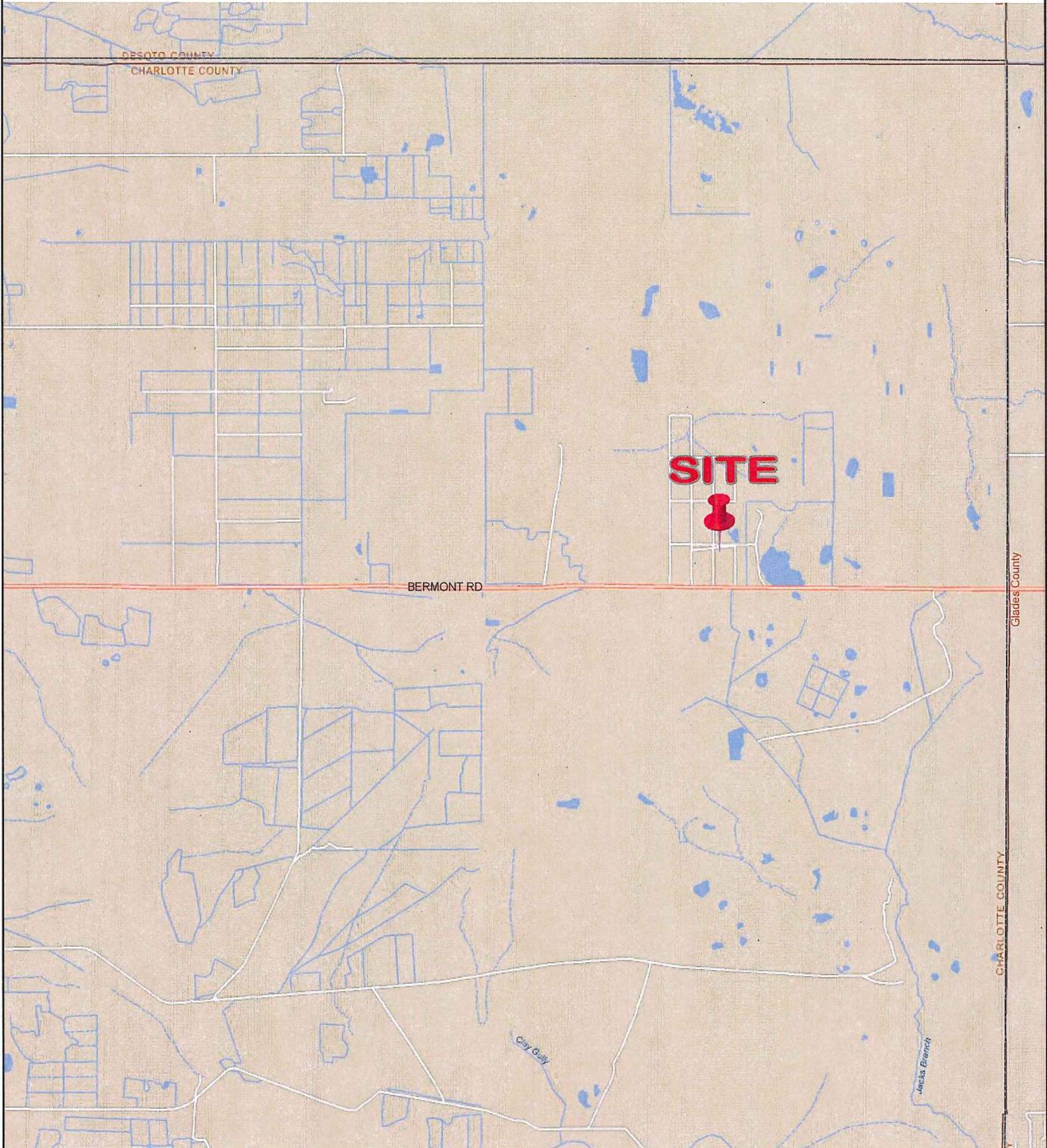
CHARLOTTE COUNTY

Location Map for SE-13-002

Charlotte County Government

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33/40/27 East County

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CHARLOTTE COUNTY

Zoning Map for SE-13-002

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BERMONT RD

P1

33/40/27 West County

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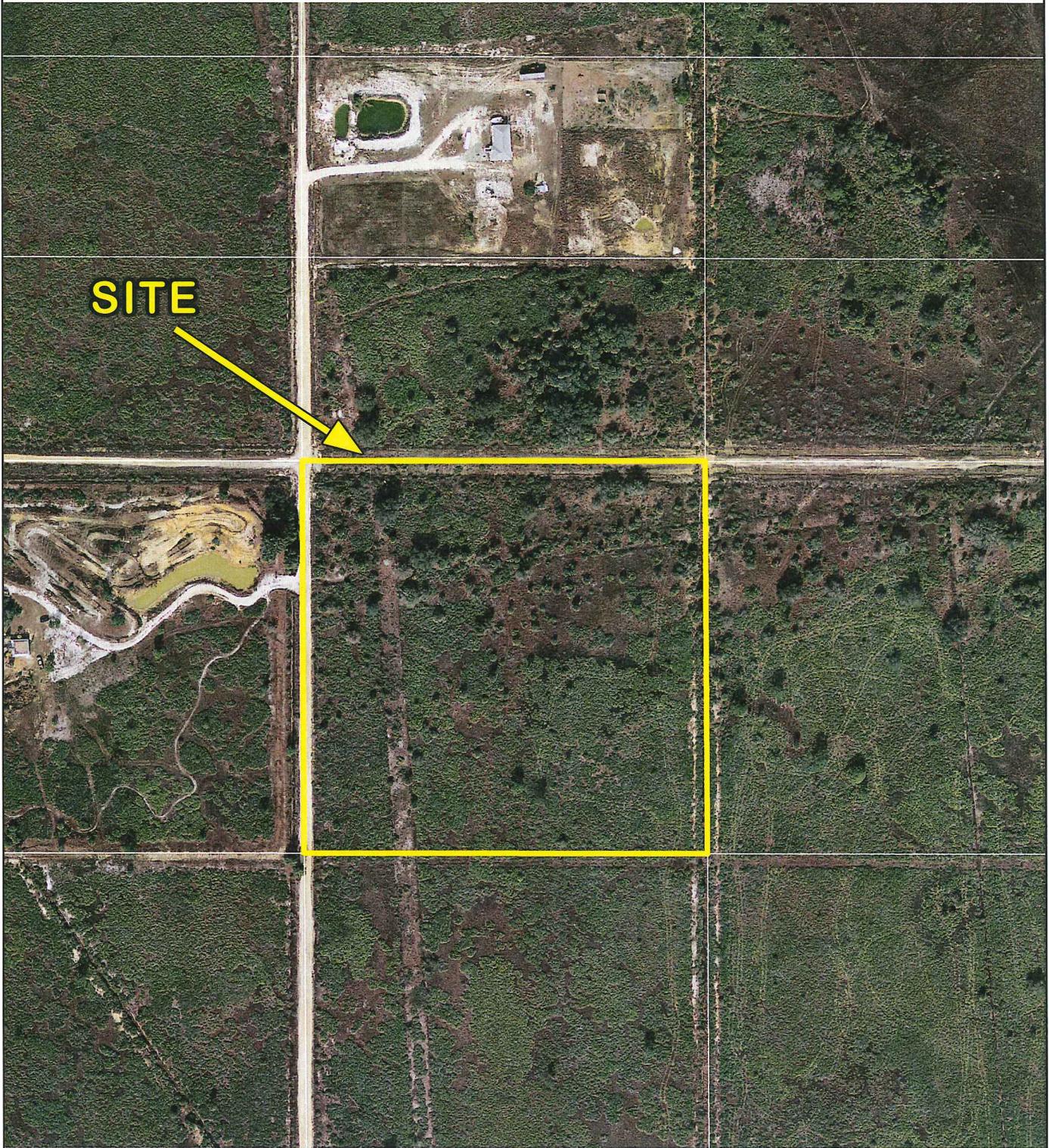
CHARLOTTE COUNTY

Aerial View for SE-13-002

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33/40/27 East County

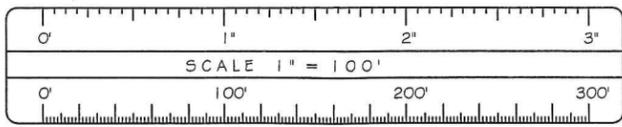
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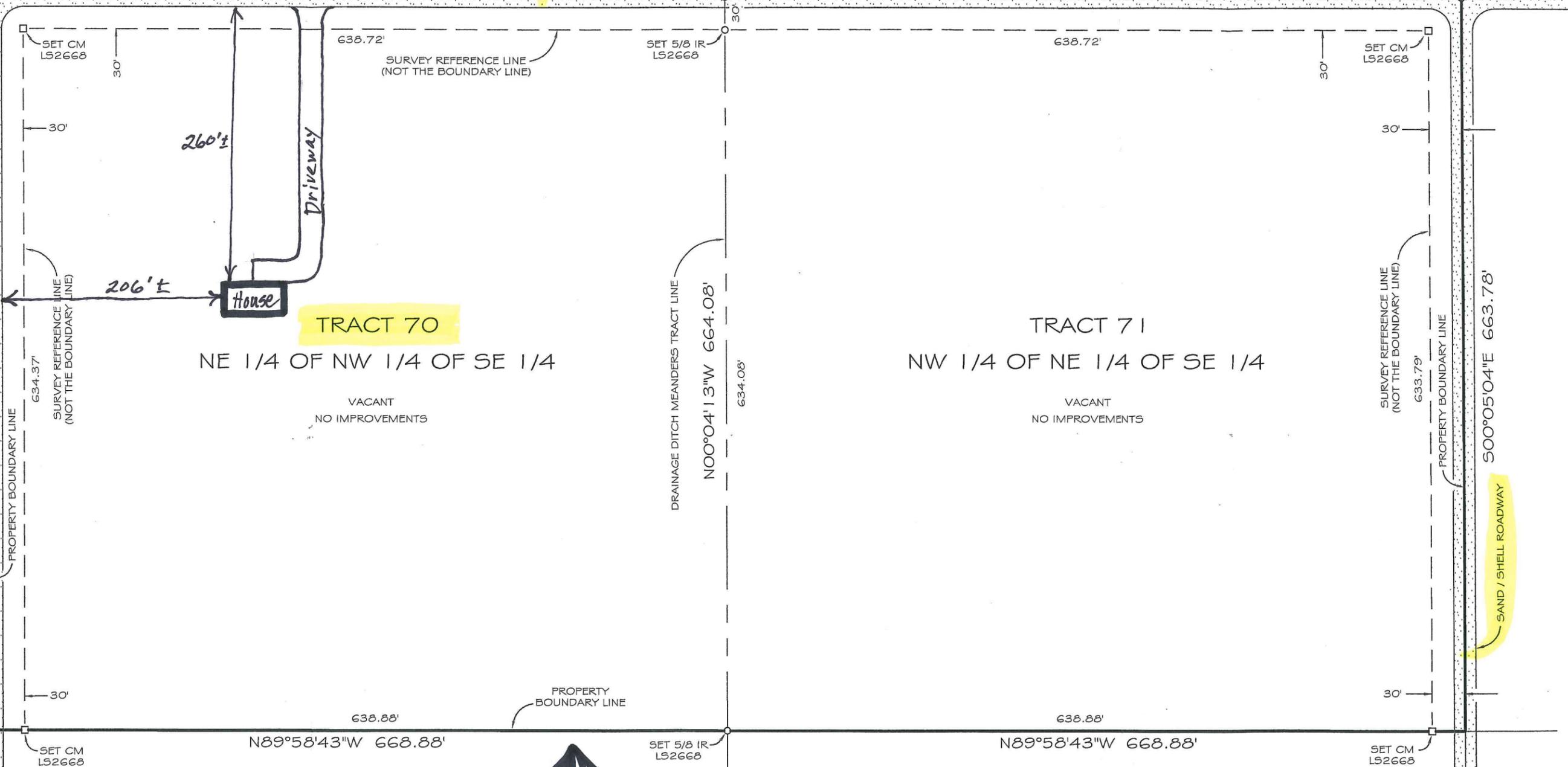


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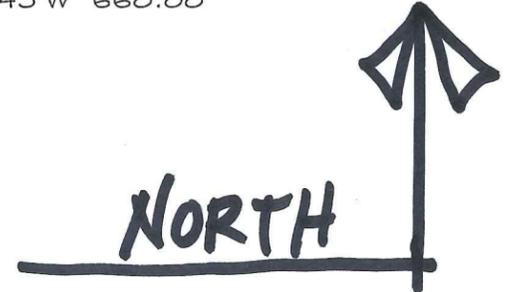


FOUND 5/8" IR 0.57' EAST 589°57'09"E 668.71' SAND / SHELL ROADWAY PROPERTY BOUNDARY LINE 589°57'09"E 668.71' FOUND 5/8" IR 0.15' EAST



TRACT 69
1/4 OF
OF SE 1/4
ING AND LAKE
ROVEMENTS

To *Bermont Road*



**Site Plan
(Exhibit A)**

Jason L. Rone
163 Palm Drive
#8
Naples, Florida 34112
239-839-9937

January 30, 2013

Dear Board of Zoning Appeals;

This letter is in reference to my special exception application. My Wife and I want to put a manufactured 28x52 3 bedroom 2 bath single family home on my 10 acre plot of land located at 50680 Bermont Road, Punta Gorda, Florida 33983.

In regards to the #6 requirements on the application.

#1 the area is zoned for residents.

#2 There are single family residence in the area.

#3 There is adequate access for ingress and egress from Bermont Road.

#4 The residence will meet all protocol for buffers, landscaping, trees, opens space, storm-water or other improvements associates with the proposed use.

#5 This request is consistent with the Charlotte county Comprehensive plan and land developing regulations. The land is zoned for agriculture and single family resident homes.

#6 The home will not impose any danger or be detrimental to the public health, safety or general welfare.

If you have any questions or concerns please do not hesitate to call me at the above number. Thank you for your time and consideration in this matter.

Sincerely
Jason and Cindy Rone

**Narrative
(Exhibit B)**



MEMORANDUM

Date: February 25, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-002
Rone Mobile Home, 50680 Bermont Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ A Charlotte County GIS aerial, National Wetlands Inventory and USGS Soil Survey review was conducted by staff. The property consists of undeveloped acreage in east Punta Gorda. Aerial and soil survey results indicate there is a possibility of jurisdictional wetlands being located on site.
- ❖ If jurisdictional wetlands are located on site a wetland delineation will need to be completed by a qualified environmental consultant or by the Florida Department of Environmental Protection (FDEP). If wetland impacts cannot be avoided a FDEP impact permit will need to be submitted prior to the issuance of county permits and land clearing activities.
- ❖ A listed species assessment may need to be submitted prior to the issuance of county permits and land clearing activities.

(Exhibit C-1)

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
Article XV, *SURFACE WATER AND WETLAND PROTECTION*
Article XV, *UPLAND BUFFER ZONE*,

Chapter 3-2:

Article IX. *TREE REQUIREMENTS*

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

- ❖ The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to:
 - NATURAL RESOURCES (ENV) GOALS, OBJECTIVES and POLICIES:
 - ENV GOAL 3 WETLANDS: Avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available.
 - ENV Policy 3.1.5 All Wetlands Impact Limitations.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit C-2)



Aerial Photograph (Jan. 2011)

50680 Bermont Road

(Exhibit D-1)



Aerial Photograph (Jan. 2011)