

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-13-004**

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**To:** Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Zoning Official

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** May 1, 2013

**BZA meeting date: May 8, 2013**

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**Requested Action/General Information:**

James Herston, agent for Murdock Baptist Church, is requesting a special exception to allow accessory church related uses for an existing house of worship, located across the street at 18375 Cochran Boulevard. Subject property is located at 2030 Tinker 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.

South Biscayne Baptist Church obtained a special exception (SE-82-49) on March 16, 1982, to allow development of a house of worship at 18375 Cochran Boulevard in the Residential Single-family-3.5 (RSF-3.5) zoning district. This is now Murdock Baptist Church, which is located directly across the street, to the west from subject property, on a six-acre parcel. The attached **Notice of Approval Letter** (**Exhibit A**) is evidence of this approval.

Subsection 3-9-32(e) of the Zoning Code does allow a house of worship as a special exception in the RSF-3.5 zoning district provided the standards of **Section 3-9-80.1** (**Exhibit B**) are met. Approval of a special exception by the Board of Zoning Appeals may also include reasonable conditions in order to prevent or minimize adverse effects on other property in the surrounding neighborhood.

Subject property consists of three lots, consisting of 32,365 square feet of land area and a 2,427 square foot single-family residence, with accessory structures and an in-ground swimming pool. The church would like to use the residence on subject property for church related uses, including class rooms and administrative office space. As such, the applicant has submitted this application along with the attached **Site Plan** (**Exhibit C**), which shows the location of the existing single-family residence on subject property. There are two existing driveways for access to two garages, which does provide space for up to eight on-site parking spaces. The applicant has stated that they do not wish to construct any new facilities on the property or additions to the building at this time. They only intend to use the property "as is" for various church related uses.

The applicant has submitted the attached **Narrative** (**Exhibit D**) explaining why the applicant believes this request for a special exception should be granted. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit E**) dated April 18, 2013.

**Findings: The six standards for approval for 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: Houses of worship, along with related accessory uses, are allowed with a Special Exception in the RSF zoning district as per Section 3-9-32(e) of the Zoning Code.

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	FLUM Designation
North	Single-family residences	RSF-3.5	Low Density Residential
South	Single-family residences	RSF-3.5	Low Density Residential
East	Single-family residences	RSF-3.5	Low Density Residential
West	House of worship	RSF-3.5	Low Density Residential

Finding: The existing house of worship and related accessory uses are considered compatible with the surrounding residences and existing institutional use.

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: There are two existing driveways to the residence. No changes are proposed, at this time, to the residence or the existing driveway.

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 on-site parking, tree and landscaping requirements will be maintained according to code.

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

Finding: The existing house of worship and proposed new accessory uses would be consistent with the **Smart Charlotte 2050 Plan**, which plans for residential uses, including houses of worship and the proposed associated uses, which are permitted by special exception according to 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 accessory uses, for the existing house of worship, would not be detrimental to, or endanger the public health, safety or general welfare of the surrounding residential properties or other institutional uses.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the proposed accessory uses for a house of worship do 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 is to allow only limited accessory church uses consisting of class rooms, administrative office space, and occasional small meetings at 2030 Tinker Street, only by Murdock Baptist Church.
2. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

**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), Location Map, Zoning Map, Aerial Photo, Approval Letter, Section 3-9-80.1, Site Plan, Narrative and Environmental Specialist Memorandum



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-13-004

Charlotte County Government

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### 18/40/22 Mid-County

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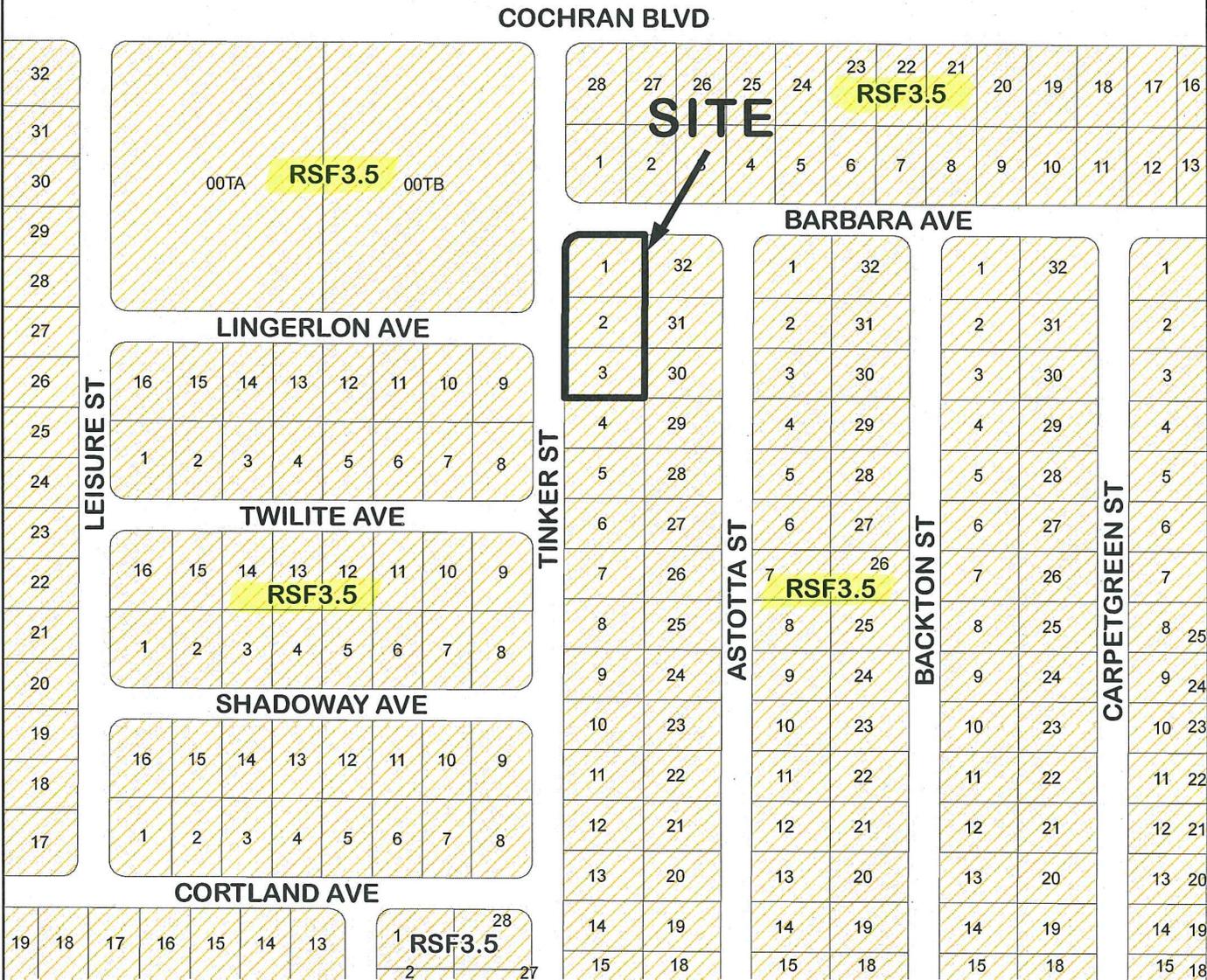
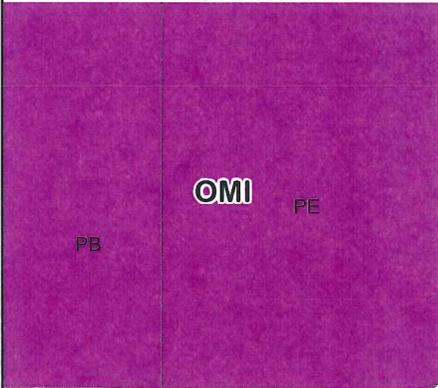
Community Development

# CHARLOTTE COUNTY Zoning Map for SE-13-004

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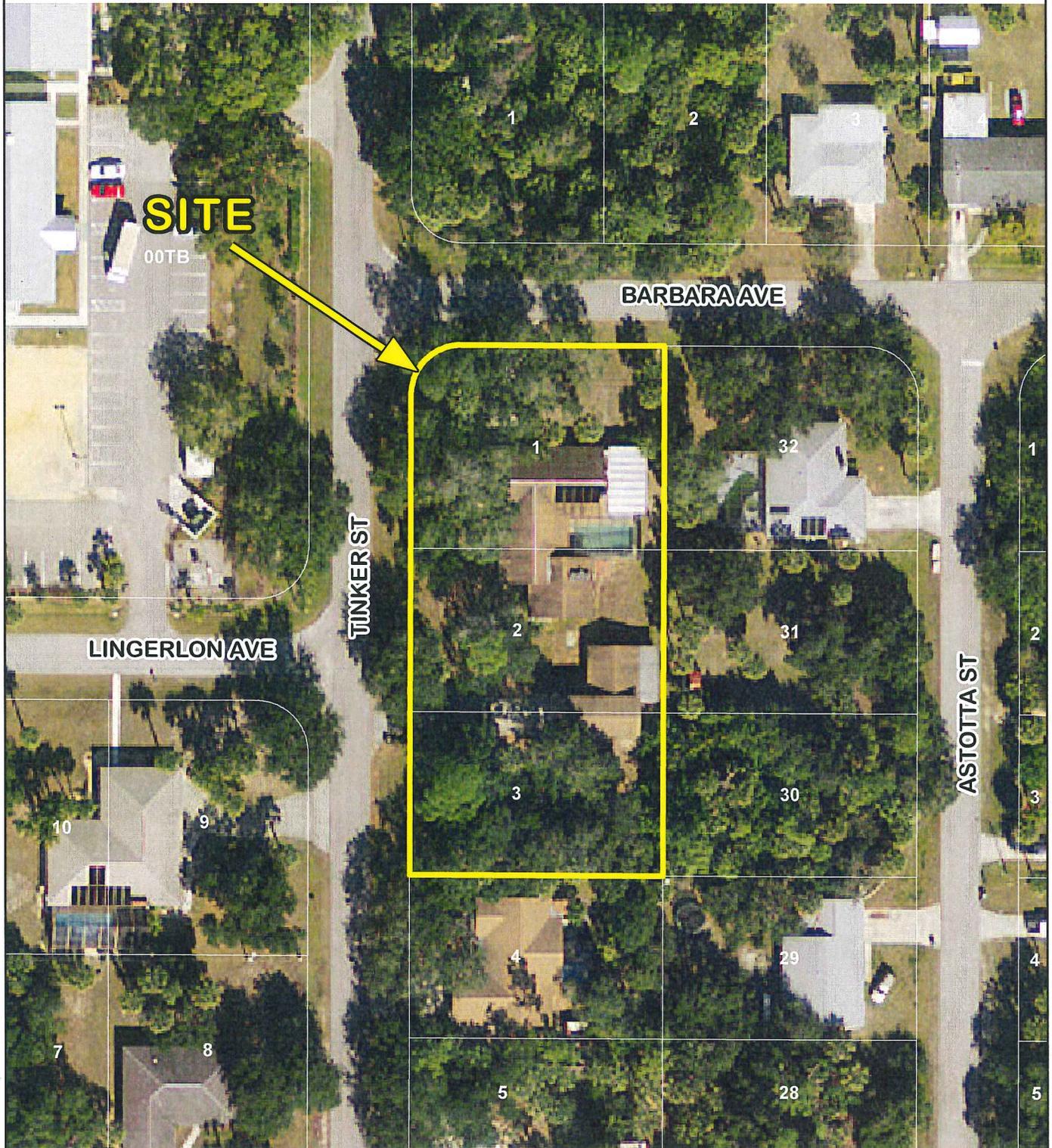
# CHARLOTTE COUNTY

Aerial View for SE-13-004

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# COUNTY of CHARLOTTE

## ZONING DEPARTMENT

CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33952  
627-1180

ENGLEWOOD OFFICE  
PLACIDA ROAD  
474-4989

March 18, 1982

Sherman Hollis, Trustee  
South Biscayne Baptist Church  
498 S. Biscayne Dr.  
North Port, FL 33959

*18375 Cochran Blvd.  
~~1833~~*

Dear Petitioner:

This letter is to confirm the decision of the Board of County Commissioners meeting held on Tuesday, March 16, 1982, regarding Petition #82-49, requesting a special exception to allow a church in an RSF-3.5 (Residential, Single Family, 3.5 units per acre) zone on the following described property: Tracts A & B, Block 337, Section 21 of Port Charlotte Subdivision according to the plat thereof as recorded in Plat Book 6, Page 12A of the Public Records of Charlotte County, Florida.

It was the decision of the Board of County Commissioners that Petition #82-49 be approved.

Very truly yours,

CHARLOTTE COUNTY ZONING DEPARTMENT

*Thomas W. Frame (jtd)*

Thomas W. Frame  
Zoning Director

CC: General Development Corp.  
1111 S. Bayshore Dr.  
Miami, FL 33131

pa

**Approval Letter  
( Exhibit A )**

**Sec. 3-9-80.1. Houses of worship.**

The purpose of this section is to provide regulations for the establishment of houses of worship within certain zoning districts. Unless specifically stated in other sections of this Code, the following regulations shall apply:

- (1) Any house of worship, regardless of size, shall be subject to site plan approval through the development review committee. Those houses of worship located in an existing building having parking in accordance with section 3-9-90 are exempt from this requirement.
- (2) The minimum property size for houses of worship is located in RSF and RMF zoning districts shall be two (2) acres. No variance from this requirement shall be allowed.
- (3) The 1,000-foot distance separation between a house of worship located in a CG or CI zoning district, and an establishment with on-premises consumption of alcoholic beverages shall not apply.
- (4) Parking shall be in accordance with section 3-9-90.
- (5) Houses of worship shall be allowed as principal permitted uses in accordance with all development standards in the OMI, CG, COP, CN, CI, CH and CT zoning districts.
- (6) Houses of worship shall be allowed by special exception in the following zoning districts: AC, AE, AE-10, RE, RSF, RMF, MHC, MHP and MHS.
- (7) Houses of worship shall be prohibited in the ES, AC, RMF-T, IOP, IL and IG zoning districts.

(Ord. No. 89-47, § 11, 6-22-89; Ord. No. 91-06, § 4, 2-26-91; Ord. No. 92-66, § 1, 8-8-92; Ord. No. 92-81, § 1, 10-20-92; Ord. No. 92-81, § 1, 10-20-92)

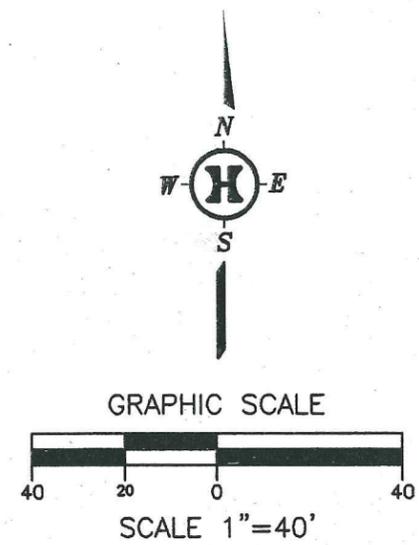
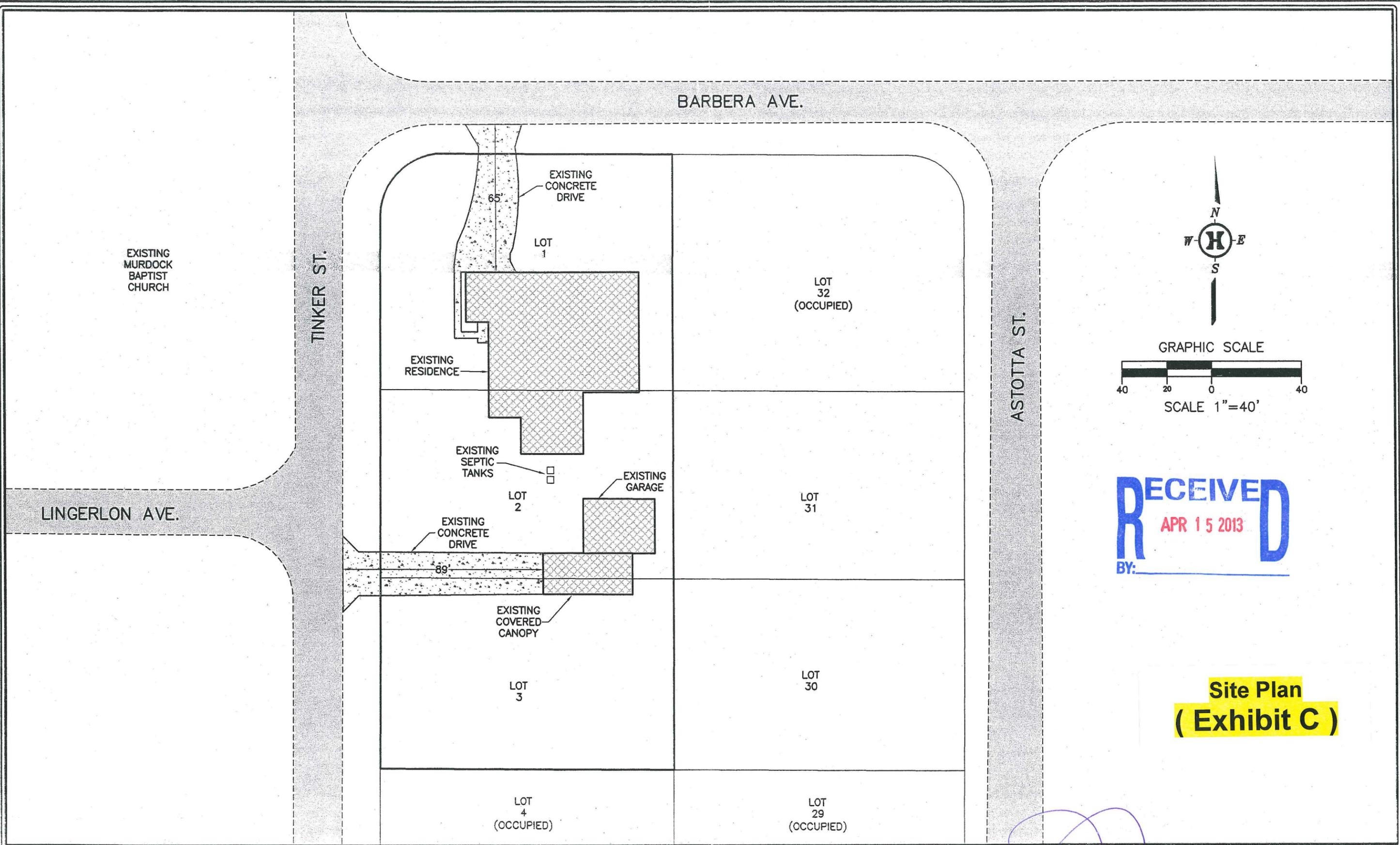
**Sec. 3-9-81. Industrial performance standards.**

(a) *Generally.* In addition to standards imposed by other governmental authorities, including the state department of environmental regulation, the standards in this section shall apply to the permitting of industrial uses.

(b) *Radioactive emission.* There shall be no radiation emitted from materials or byproducts that creates a dangerous level of radioactivity at any point. Radiation emission shall not exceed those levels established as safe by the United States Bureau of Standards. Radioactive material storage or disposal of radioactive waste is prohibited.

(c) *Electromagnetic interference.* Electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than sources of electromagnetic energy, which disturbances interfere with the operation of electromagnetic receptors. It shall be unlawful for any person to operate or cause to be operated any source of electromagnetic radiation for any purpose unless such source shall comply with then applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other elec-





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**Site Plan  
 (Exhibit C)**

**H** HERSTON ENGINEERING SERVICES, INC.  
 20101 Peachland Blvd, Unit 207  
 PORT CHARLOTTE, FLORIDA 33954  
 PHONE 941.629.2777 FAX 941.629.0046  
 jherston@herstonengineering.com  
 CERTIFICATE OF AUTHORIZATION NUMBER: 00007691

**SITE PLAN**  
 2030 TINKER STREET  
 SPECIAL EXCEPTION

MURDOCK BAPTIST CHURCH  
 18375 COCHRAN BLVD.  
 PORT CHARLOTTE, FLORIDA 33948  
 941.627.6352

JAMES W. HERSTON, P.E.  
 STATE OF FLORIDA NO. 43980  
 DATE 4/15/13 2013

REVISION	DATE	REMARKS	CHG. BY

SHEET **1** PROJECT: **3007**



HERSTON

ENGINEERING SERVICES, INC.

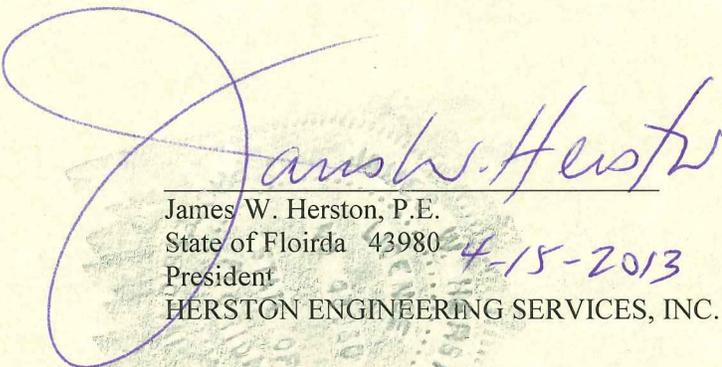
4161 Tamiami Trail, Suite 802  
Port Charlotte, Florida 33952  
941.629.2777 • Fax 941.629.0046

**EXHIBIT A**  
**MURDOCK BAPTIST CHURCH**  
**2030 TINKER STREET**  
**SPECIAL EXCEPTION NARRATIVE**  
**SECTION 3-9-7(F) CRITERIA**

1. *The requested Special Exception (**House of Worship Related Accessory Uses**) in a Residential Zone is explicitly permitted by the regulations in the RSF 3.5 Zoning District. If this Special Exception is approved, the 2030 Tinker Street property (Lots 1, 2, and 3), will be purchased by Murdock Baptist Church, Inc. for, and will be utilized primarily as, classroom and administrative space for Murdock Baptist Church purposes only. The Tinker Street property will augment existing Murdock Baptist Church activities and facilities utilized for the same purposes by the church at their current adjacent campus, 18375 Cochran Blvd, Port Charlotte.*
2. *The requested Special Exception (**House of Worship Related Accessory Uses**) is compatible with the existing RSF 3.5 uses that surround the lands on which the Murdock Baptist House of Worship Related Accessory Uses will be located. The requested Special Exception for the **House of Worship Related Accessory Uses**, will be compatible with the surrounding single-family residences because there will be no changes to the exterior of the property, except the filling of the pool. The exterior appearance of the residence will continue to have the appearance of a single family residence and the property could one day be used again as a single family residence. The regular use of the Tinker Street property is anticipated to be two days weekly, coinciding with the established use and service schedules of Murdock Baptist Church. Specifically, the Tinker Street property will be utilized on Sunday mornings (8:30 AM to 12:30 PM) and Wednesday evenings (6:00 PM to 8:30 PM). Classes will principally consist of adults, college, and career aged adults, and teens. The potential of other classes using the Tinker Street property at other times also exists but would be on an inconsistent, non-regular basis. It is not anticipated that the Tinker Street property would receive active use during the early morning or late evening hours.*
3. *Adequate existing access is provided for ingress/egress for the **House of Worship Related Accessory Uses** as indicated on the attached Exhibit A, site plan. The existing access to the site is arranged in such a manner that minimizes hazards and congestion on the streets and roads, and will not be modified. Existing driveways of the Tinker Street property will remain unaltered, but could be designated for Handicapped Parking. Regular parking, as needed for the Tinker Street property, is available within approximately 25 yards of the property by utilizing the church's primary campus parking facilities located directly across Tinker Street.*
4. *Adequate provisions currently exist for buffers, landscaping, trees, open space, and stormwater, if required, in accordance with Charlotte County and the SWFWMD criteria, as indicated on the attached site plan.*

**Narrative**  
**( Exhibit D-1 )**

5. *The Special Exception, to allow a **House of Worship Related Accessory Uses** in a RSF 3.5 zoning district, is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.*
6. *The establishment, maintenance, and operation of the **House of Worship Related Accessory Uses** will not be detrimental to/or endangering the public health, safety, or general welfare.* There are no additions or exterior alterations contemplated for the Tinker Street property. Therefore, as indicated on the site plan, the existing structures will remain unchanged, apart from the filling and decking over, of the existent swimming pool. Interior remodeling for the Tinker Street property is anticipated in order to create appropriate classroom or administrative space throughout the Tinker Street building. The existing detached garage will be utilized as most garages are, for storage of props, other church supplies, and two nine passenger golf carts, that are currently used to aid the elderly and others in moving comfortably between their vehicle and the existing church sanctuary and facilities.

  
James W. Herston, P.E.  
State of Florida 43980 4-15-2013  
President  
HERSTON ENGINEERING SERVICES, INC.

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APR 15 2013  
BY: \_\_\_\_\_

**Narrative**  
**( Exhibit D-2 )**

**Exhibit B**  
**Special Exception Application**  
**2030 Tinker Street**  
**Property Use Narrative**

If this Special Exception is approved, the 2030 Tinker Street property (Lots 1, 2, and 3), will be purchased by Murdock Baptist Church, Inc. for, and will be utilized primarily as, classroom and administrative space for Murdock Baptist Church purposes only. The Tinker Street property will augment existing Murdock Baptist Church activities and facilities utilized for the same purposes by the church at their current adjacent campus, 18375 Cochran Blvd, Port Charlotte. The regular use of the Tinker Street property is anticipated to be two days weekly, coinciding with the established use and service schedules of Murdock Baptist Church. Specifically, the Tinker Street property will be utilized on Sunday mornings (8:30 AM to 12:30 PM) and Wednesday evenings (6:00 PM to 8:30 PM). Classes will principally consist of adults, college, and career aged adults, and teens. The potential of other classes using the Tinker Street property at other times also exists but would be on an inconsistent, non-regular basis. It is not anticipated that the Tinker Street property would receive active use during the early morning or late evening hours.

There are no additions or exterior alterations contemplated for the Tinker Street property. Therefore the site plan, as indicated on the attached aerial, will remain unchanged, apart from the filling and decking over, of the existent swimming pool. Interior remodeling for the Tinker Street property is anticipated in order to create appropriate classroom or administrative space throughout the Tinker Street building. The existing detached garage will be utilized as most garages are, for storage of props, other church supplies, and two nine passenger golf carts, that are currently used to aid the elderly and others in moving comfortably between their vehicle and the existing church sanctuary and facilities. Existing driveways of the Tinker Street property will remain unaltered, but could be designated for Handicapped Parking. Regular parking, as needed for the Tinker Street property, is available within approximately 25 yards of the property by utilizing the church's primary campus parking facilities located directly across Tinker Street.

**Narrative**  
**( Exhibit D-3 )**



## MEMORANDUM

**Date:** April 18, 2013  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-13-004  
Murdock Baptist Church, 2030 Tinker Street

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 GIS aerial review was conducted by staff. The property consists of three quarter acre lots in a residential neighborhood with one single family house and a detached garage.

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 3-2:

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,*

Article XVIII, *LANDSCAPING AND BUFFERS*

\*\*Staff highly encourages that all existing native trees located on site remain preserved.

- ❖ The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

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

JS

**( Exhibit E )**

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