

STAFF REPORT
Community Development Department
File Number: SE-13-012

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 6, 2013 **BZA meeting date:** September 11, 2013

Requested Action/General Information:

David Jeffers is requesting a special exception to allow a 'Home Occupation', consisting of a home office for insurance sales, in the Residential Single-family-3.5 (RSF-3.5) zoning district. Subject property is located at 702 South Ellicott Circle 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.

The applicant has submitted the attached **Site Plan** (Exhibit A), which shows the existing residence and detached garage located on this 10,700 square foot lot. The applicant has also submitted a **Floor Plan** (Exhibit B) of the residence showing the location and size (10' by 20' = 200 square feet) of the room proposed to be used for the home office. No more than 20 percent of this 1,852 square foot home, or 370 square feet, may be used for this home occupation. Code requires two off-street parking spaces for a single-family residence. This residence has an existing detached garage and driveway with room for at least four off-street parking spaces. The applicant has stated in the **Narrative** (Exhibit C) that only one client will be coming to the home at a time by appointment, therefore parking should not be an issue for this proposed home occupation.

The home occupation regulations in section 3-9-79 states: "It is the intent of this section to allow the operation of home occupations in any residential zoning district by special exception, and to regulate them so that a neighbor, under normal circumstances, will not be disturbed or inconvenienced. The following conditions must be met and complied with." A copy of the Home Occupation regulations and the ten conditions required for the operation of a home occupation is attached on **Pages 1938.3 and 1938.4** (Exhibit D). The applicant has stated that he will abide by all ten conditions required in Section 3-9-79 of the Zoning Code.

The applicant has also submitted the attached **Narrative** (Exhibit C) explaining why they believe a special exception should be granted. The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum** (Exhibit E) dated August 26, 2013.

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: Home occupations are allowed by special exception in the RSF zoning districts as long as the conditions listed in Section 3-9-79 are complied with.

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. This residence and the proposed home office, which may be considered an accessory use, would be compatible with the surrounding residential area.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Vacant commercial lots	CG	Commercial
South	Single-family residences	RSF-3.5	Low Density Residential
East	Vacant commercial lots	CG	Commercial
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: An access drive already exists off of South Ellicott Circle for this existing single-family residence and adequate off-street parking is available for the existing single-family residence as well as the proposed home occupation.

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

Finding: The existing use is a 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 home occupation.

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

Finding: The use will continue as a single-family residence and the proposed home occupation is consistent with the **Smart Charlotte 2050 Plan** and Future Land Use classification of Low Density Residential. The proposed home occupation may be permitted with a special exception by the Zoning Code.

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 home occupation, consisting of a home office for insurance sales and service, would not be detrimental to or endanger the public health, safety or general welfare of the surrounding 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 home occupation 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 shall allow a home occupation, consisting of a home office for insurance sales and service, only as an accessory use to the existing single-family residence.
2. This special exception, allowing a home occupation, shall be conducted according to all of the standards and conditions of Section 3-9-79, as amended, of the Zoning Code.
3. Any major modifications, or change in the type of home occupation conducted, shall require a modification to 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), Area Map, Zoning Map, Aerial Photograph, Site Plan, Floor Plan, Narrative, Section 3-9-79 (2) and Environmental Specialist Memorandum



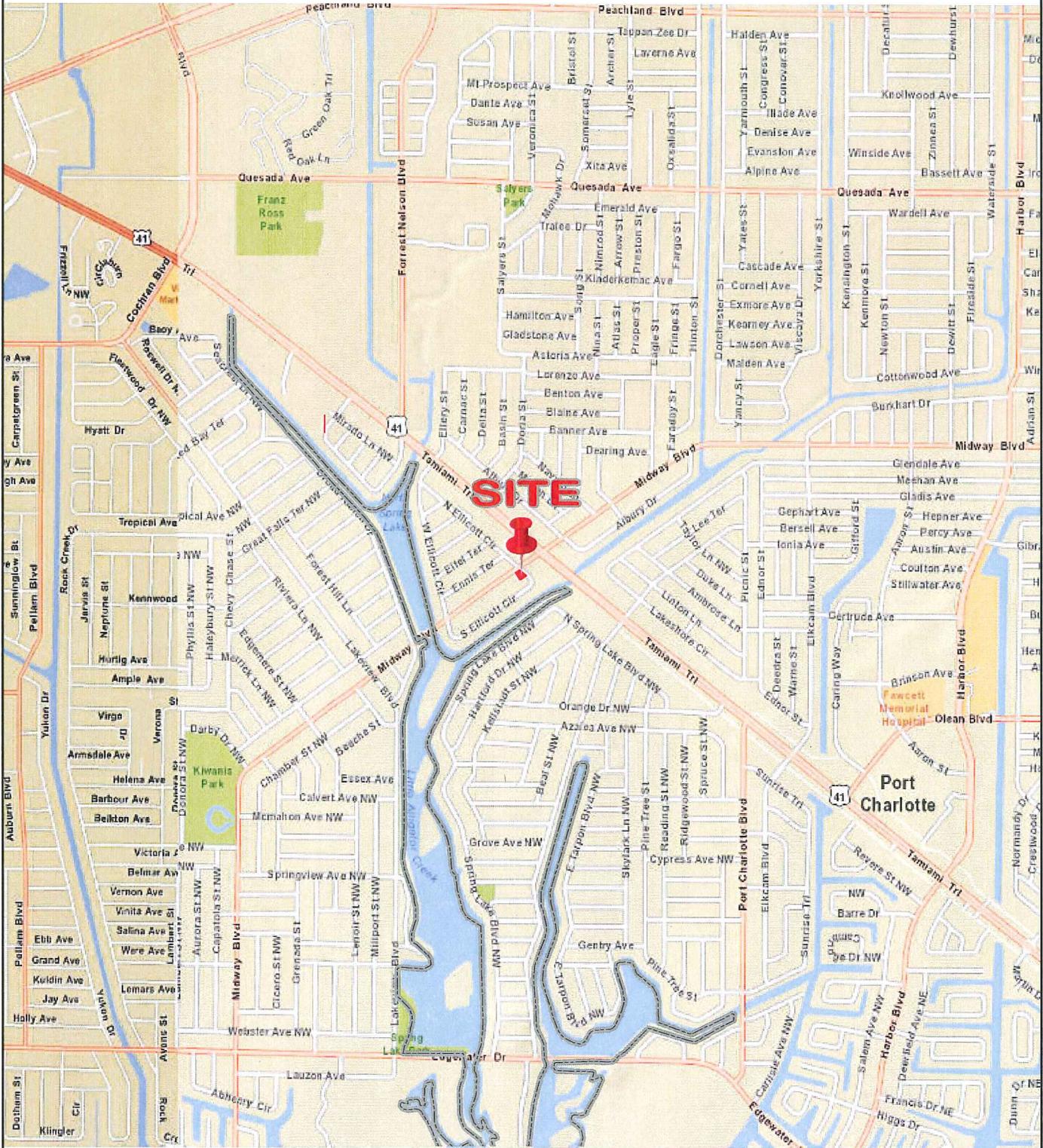
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CHARLOTTE COUNTY Location Map for SE-13-012

Charlotte County Government

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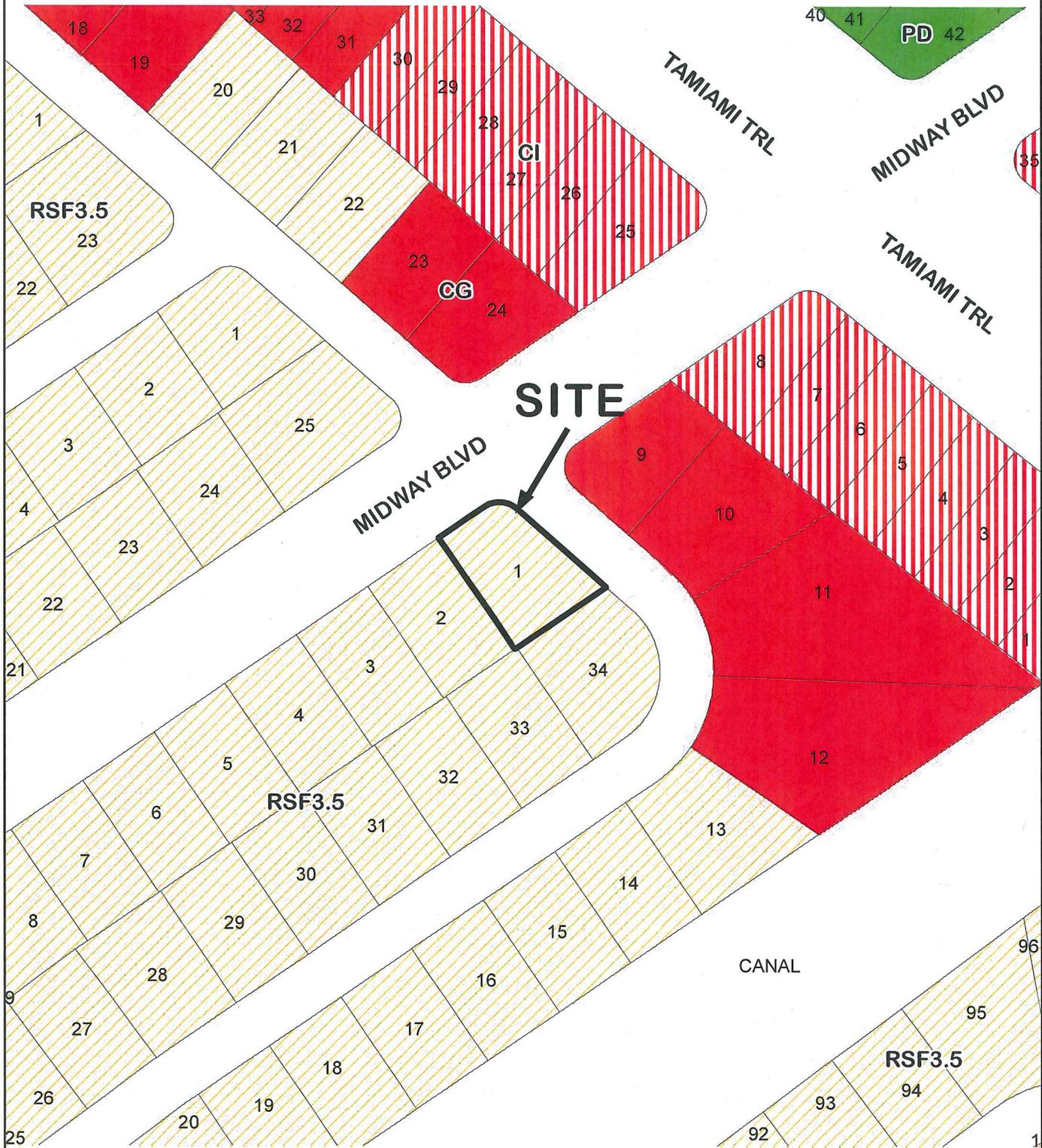
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CHARLOTTE COUNTY Zoning Map for SE-13-012

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Community Development

CHARLOTTE COUNTY

Aerial View for SE-13-012

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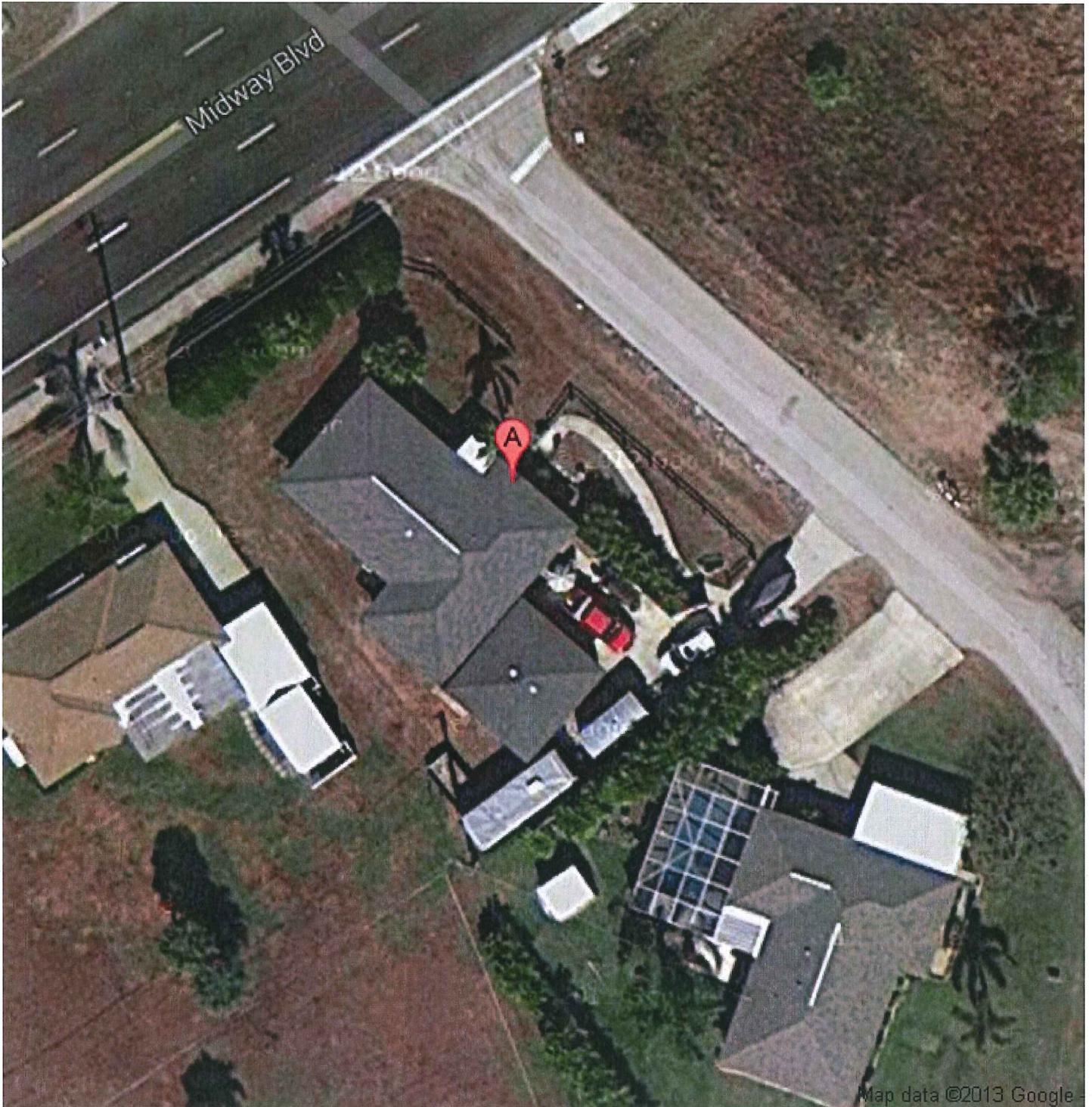
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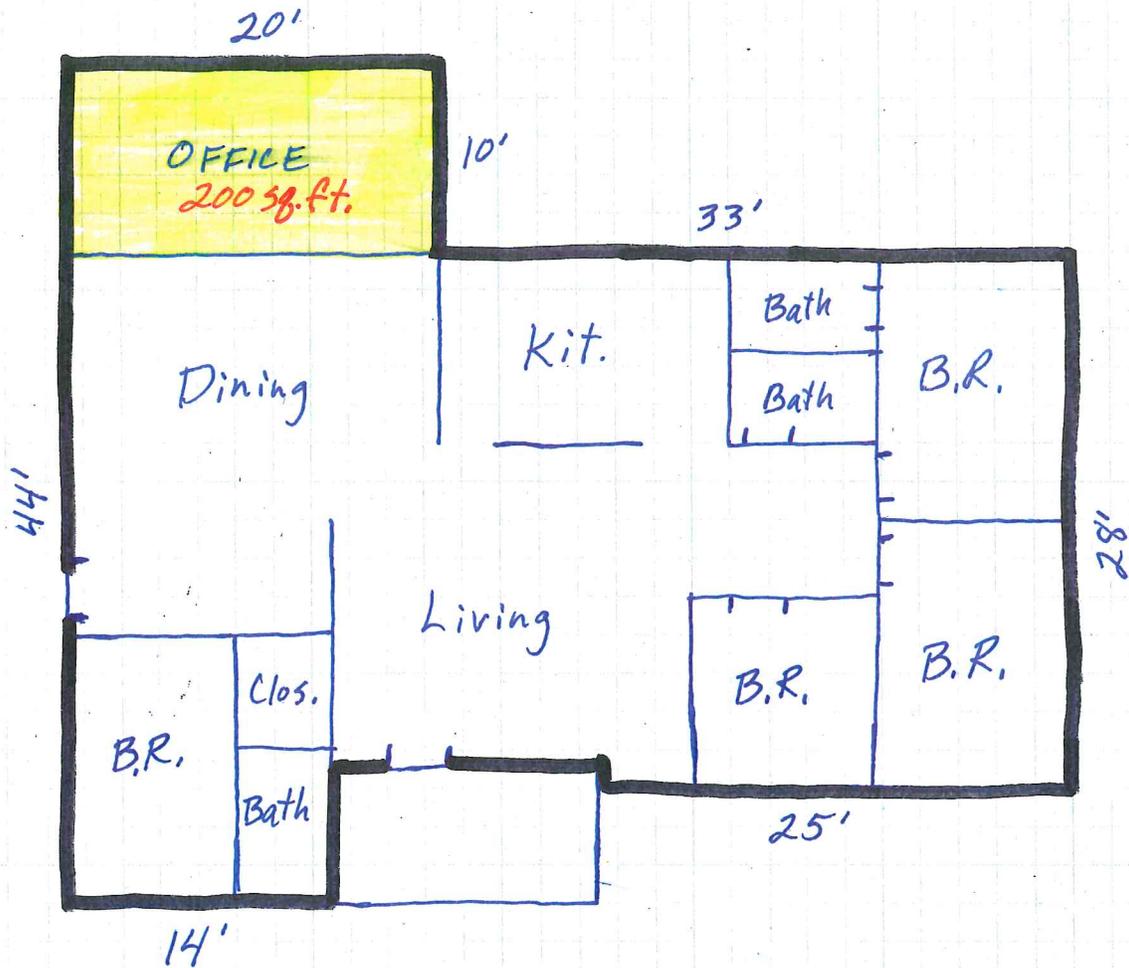
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Site Plan - Aerial Photograph

702 South Ellicott Circle

(Exhibit A)



Floor Plan

REQUEST FOR SPECIAL EXCEPTION ZONING CHANGE

NARRATIVE

I, David C Jeffers am the owner of the property located at 702 S Ellicott Cir, Port Charlotte. The property is located at the corner of Midway and S Ellicott Cir and is directly behind a vacant lot which adjoins the ATT Store facing Tamiami Trail. The property is zoned RSF-3.5 and due to the size of the dwelling and nature of my consulting activities, I request that I be permitted to conduct my Insurance Consulting business activities from within my personal residence.

1. Our site plan is the 'GIS' map showing the existing structures and no plans are contemplated for renovation or additions. Ingress and egress are the existing concrete drive which connects to S Ellicott and is approx 150 feet off Midway Blvd. No offstreet parking or loading areas are needed due to the nature of my Insurance Consulting activities which do not require any physical goods to be stocked or sold. My business is the business of ideas and eliciting contracts from approved Florida Insurance Carriers. Refuse and service areas and required yards and other spaces will not be changed as no business expansion is possible in the field I am operating.
2. Utility hookups are already in place and no changes are needed.
3. There are no plans for screening or buffers.
4. Landscaping changes are not needed.
5. Business Signs or lighting are not needed as I work by 'appointment only'. On average, less than one person appears in person per week , and generally, only to take the time to sign paperwork. I spend 99% of my time interacting via the telephone and computer internet. I do no public advertising.
6. The legal description is 'PCH 018 0429 0001'.
7. Having moved to Florida in 1990 and transferring my Insurance License to the State of Florida (FL A130638), I consult with local residents to obtain personal lines insurance contracts from Florida authorized Insurance Companies. I primarily engage in interacting with the Insurance Companies through their websites. In order to assist my clients in this endeavor, I spend as much as 12 hours each day for 6 or 7 days per week in this activity. I currently lease an office space @ 2765 Tamiami Trail, Unit F, Port Charlotte which I will close upon moving to Ellicott Cir. I would utilize the 'Guest space which includes a seperate lavatory' as space for my Desk,telephones, internet, computers, shelving and filing cabinets which my Daughter (my one employee) and I would conduct our Insurance Consulting activities. The remainder of the dwelling to remain as Bedrooms, Living Room, Kitchen and seperate bathrooms. Having reached the age of 60, I am finding it difficult to maintain the stress of being away from a home setting and spending so many hours in a commercial office environment that affords few amenities. I need to be near the telephone and computer for business, but not in a commercial environment constantly being interrupted by walk in peddlers (most of whom I suspect are not properly licensed) attempting to sell to me products for which I have no interest. I request consideration for approval which will improve my efficiency in regards to the activity I perform in the Insurance marketplace for the benefit of the local populace.

**Narrative
(Exhibit C)**

Sec. 3-9-78.1. Historical structures.

(a) Structures which have been designated as being historically significant shall be exempt from the provisions of the zoning code pertaining to nonconforming structures.

(b) Owners of historically designated structures may petition the board of zoning appeals for a special exception for any type of use which would serve to perpetuate the viable contemporary utilization of the historic structure, regardless of whether such use is permitted by special exception in the zoning district in which the historic structure is located. The procedure for issuance of the special exception shall be in accordance with section 3-9-7, and the property owner shall be required to prove that the proposed use will adequately provide for each of the criteria enumerated in the appropriate section of the zoning code, to the extent applicable. (Ord. No. 89-47, § 9, 6-22-89)

Sec. 3-9-79. Home occupations.

It is the intent of this section to allow the operation of home occupations in any residential zoning district by special exception, and to regulate them so that a neighbor, under normal circumstances, will not be disturbed or inconvenienced. The following conditions must be met and complied with.

- (1) Home occupations shall be conducted only by residents of the principal dwelling unit and not more than one (1) nonresident employee.
- (2) No more than twenty (20) percent of the total floor area of a dwelling unit may be devoted to such uses.
- (3) The principal use of the dwelling unit shall at all times during the conduct of the home occupation remain residential.
- (4) No retail sales shall be conducted on the premises.
- (5) There shall be no exterior indication that the dwelling is being used for any purpose other than a residence, except that one (1) nonilluminated nameplate, not exceeding two (2) square feet in area, may be attached to the building on or next to the entrance.
- (6) There shall be no outside storage of materials used in connection with the home occupation.
- (7) No equipment shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses shall be used in any home occupation. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (8) No home occupation shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.
- (9) The grant of a special exception to conduct a home occupation shall be automatically conditional upon continued compliance with all the requirements of this section.

Failure of the occupant to meet these requirements shall empower the board of zoning appeals to revoke the special exception after notice and a hearing.

- (10) The approval of a special exception for a home occupation shall expire upon a change of ownership of the property.

(Minutes of 12-8-81, § 8; Ord. No. 89-47, § 10, 6-22-89)

Cross reference—Licenses and business regulations, Ch. 1-10.

Sec. 3-9-80. Houseboats; boats used for living purposes.

(a) *Generally.* Living aboard boats and houseboats is prohibited in any district except within a marina approved by the board of county commissioners in accordance with this section.

(b) *Procedure.* All applications for approval of such marinas shall be filed with the zoning official in a form to be specified by him, accompanied by such plans and specifications as he may require and by a filing fee in an amount to be specified from time to time by resolution of the board of county commissioners. If the zoning official finds that the proposed marina meets all requirements of this chapter, he shall cause the application to be set for public hearing before the board of county commissioners. The board may allow such use if it determines that the use will meet all the standards herein and also finds that the use:

- (1) Will not be unduly detrimental to surrounding properties;
- (2) Is suitable in its proposed location;
- (3) Will not unduly burden the transportation system;
- (4) Will not result in undue economic burdens on the public or undue demands on utilities, community facilities and public services; and
- (5) Will not be detrimental to the safety, health, morals or general welfare of the public.

(c) *Standards.* No marina shall be approved unless it provides the following:

- (1) *Water supply.* An adequate, safe and potable supply of water shall be provided in compliance with all applicable governmental regulations. Whenever a municipal or public water supply is available to the marina, such water supply shall be used. At least one (1) service connection shall be provided for each boat slip consisting of at least a water hydrant and the necessary appurtenances to protect it against backflow and siphonage.
- (2) *Toilet facilities.* In addition to those required for employees, not less than the following toilet and bathing facilities contained in central units for men and women shall be provided: For women: One (1) toilet seat for each fifteen (15) boat slips or fraction thereof, one (1) lavatory for each twenty (20) boat slips or fraction thereof and one (1) shower bath for each twenty (20) boat slips or fraction thereof. For men: One (1) toilet seat for each twenty (20) boat slips or fraction thereof, one (1) urinal for each twenty-



MEMORANDUM

DATE: August 26, 2013
TO: Ken Quillen, Planner III
FROM: Jamie Scudera, Environmental Specialist
SUBJECT: SE-13-012
Jeffers Home Occupation, 702 South Ellicott Circle

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.

- ❖ The site consists of an existing single family residence on the corner of Midway Boulevard and South Ellicott Circle.

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:

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

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

JS

(Exhibit E)

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