

STAFF REPORT
Community Development Department
Petition Number: SE-13-014

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: November 5, 2013 **BZA meeting date:** November 13, 2013

Requested Action/General Information:

Gerald Baum is requesting a special exception to allow a metal accessory building exceeding 600 square feet in area in the Residential Single-family-3.5 (RSF-3.5) zoning district. Subject property consists of an existing single-family residence located at **13502 Wainwright Drive** 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.

A copy of **Section 3-9-32(c)(1)** (**Exhibit A**) of the Zoning Code is attached. This code limits metal buildings located in the RSF zoning districts to 600 square feet in area. However, this section also provides a means to allow larger accessory buildings and states that: "Owners of property one acre or more in size may apply for a special exception from the total maximum coverage area limitation established in this subsection." The applicant has 1.5 acres of land and would like to construct a 3,328 square foot metal accessory building.

The applicant submitted the attached **Site Plan**, labeled **Exhibit B**, which shows the existing 3,799 square foot residence, screened pool area, and related improvements on this 1.5-acre lot. The applicant has also submitted the attached **Building Plan** (**Exhibit C**), **Building Photo** (**Exhibit D**), and **Building Colors** (**Exhibit E**), which show the building dimensions, layout, exterior appearance, and colors of the proposed metal accessory building. The applicant has informed staff that the building colors will not be the same as those shown in the **Building Photo** (**Exhibit D**). The roof, wainscot and shutters will be the color "Beige" and the siding will be the color "Ivory" as shown on **Exhibit E**.

The intent of this section seems to contradict itself. Subsection (1)a, allows metal buildings up to 600 square feet. However, this appears to conflict with subsection (1)b, which requires that accessory buildings over 250 square feet must be compatible in appearance to the principal residence. Subsection (1)c, allows accessory structures up to 1,000 square feet, or larger, if they are less than one-half the size of the principal residence. This Subsection (1)c, also allows owners of properties exceeding one acre in size to obtain a special exception to exceed the maximum size limitations of this subsection. Staff believes the BZA could require this building to be compatible in appearance to the residence (e.g. stucco) or allow it to be a metal building.

The proposed lot coverage of 7,127 square feet, which consists of the proposed 3,328 square foot accessory building and existing 3,799 square foot residence, is less than the maximum 35% lot coverage (22,869 square feet) permitted for this 1.50-acre (65,340 square foot) lot. As such, this proposal is in conformity with the 35% maximum lot coverage of the zoning code.

The applicant has also submitted the attached **Narrative (Exhibit F)** explaining how they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum (Exhibit G)** dated October 22, 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: A metal accessory building may be allowed by special exception in the Residential Single-family zoning districts based on Section 3-9-32(c)(1).

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 homes	Residential Single-family-3.5	Coastal Residential
South	Single-family homes	Residential Single-family-3.5	Coastal Residential
East	Single-family homes	Residential Single-family-3.5	Coastal Residential
West	Single-family homes	Residential Single-family-3.5	Coastal Residential

Finding: The surrounding land uses consist of single-family residences. Staff believes that the proposed metal accessory building could be made compatible with the surrounding residential land uses if the approved design includes conditions requiring architectural details that improve the overall appearance of the building.

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: The proposed development includes a new access drive from the street to the accessory building, which will require an access permit.

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

Finding: The addition of an accessory building to serve the existing single-family residence does not require any screening, fencing or landscaping. However, the BZA may require landscaping or screening if they determine it is necessary. Subject property must comply with the shade tree requirements of code, which requires one tree point for every 2,000 square feet of land area, which is 33 tree points for this lot.

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

Finding: The proposed use is in compliance with the **Smart Charlotte 2050 Plan**, and the Residential Single-family zoning district, which allows accessory buildings.

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 metal accessory building would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties if conditions requiring architectural details are adopted.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed metal accessory building 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 to allow a 3,328 square foot metal accessory building as indicated in the exhibits submitted with this application.
2. This special exception extends to the land included in the Site Plan and legal description submitted with this application. Subject property must be maintained at its current size and shape.
3. Subject property must comply with and maintain the required tree points for this lot.
4. The approved metal accessory building shall include two copulas as indicated in the Building Photo (Exhibit D).
5. The approved metal accessory building shall include shutters for all windows as indicated in the Building Photo (Exhibit D).
6. The approved metal accessory building shall include wainscoting as indicated in the Building Photo (Exhibit D).
7. 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 application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

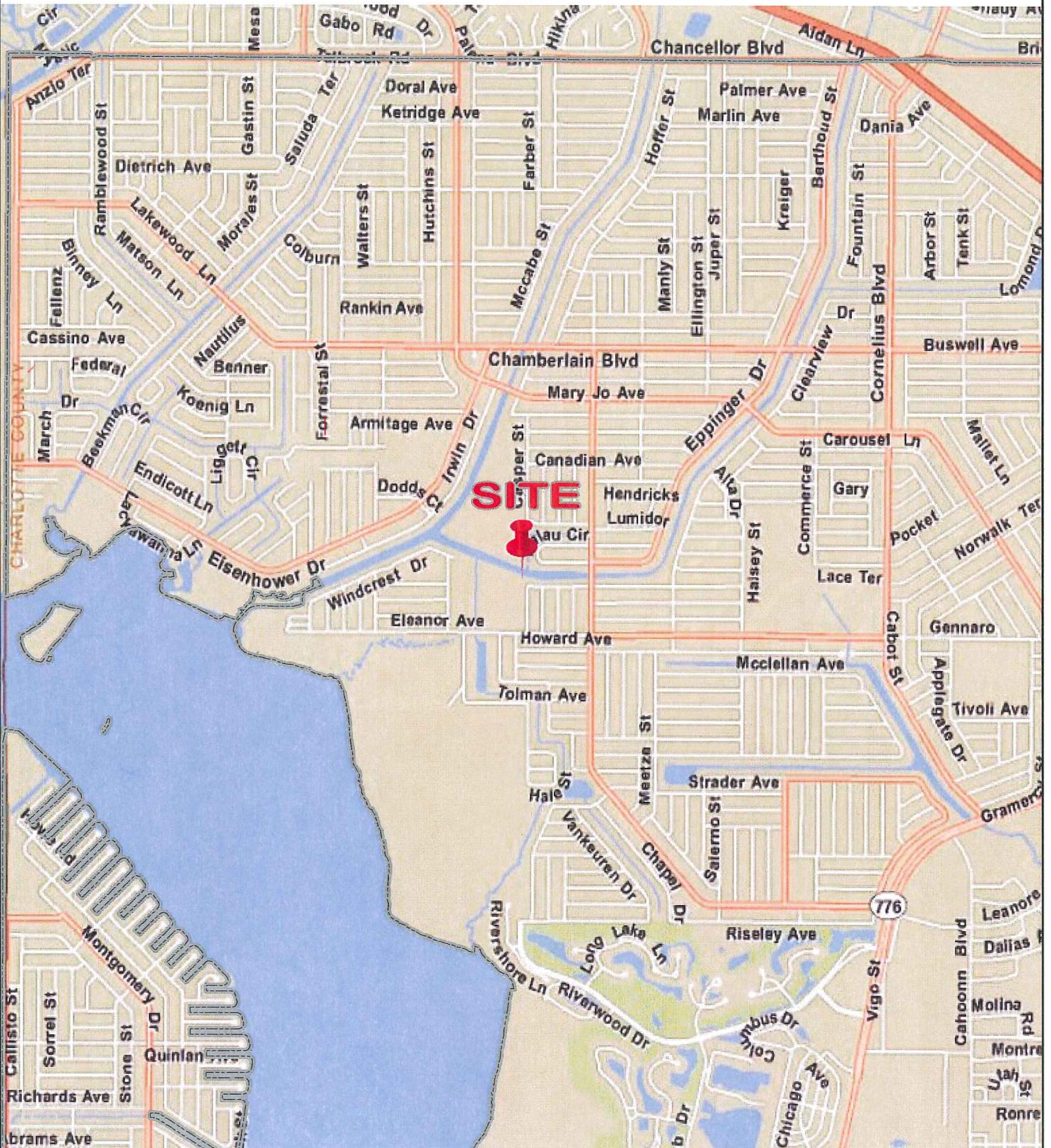
Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-32(c)(1), Site Plan, Building Plan, Building Photo, Building Colors, Narrative (2) and Environmental Specialist Memorandum (2)



Community Development

CHARLOTTE COUNTY

Location Map for SE-13-014



08/40/21 Mid-County

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Community Development

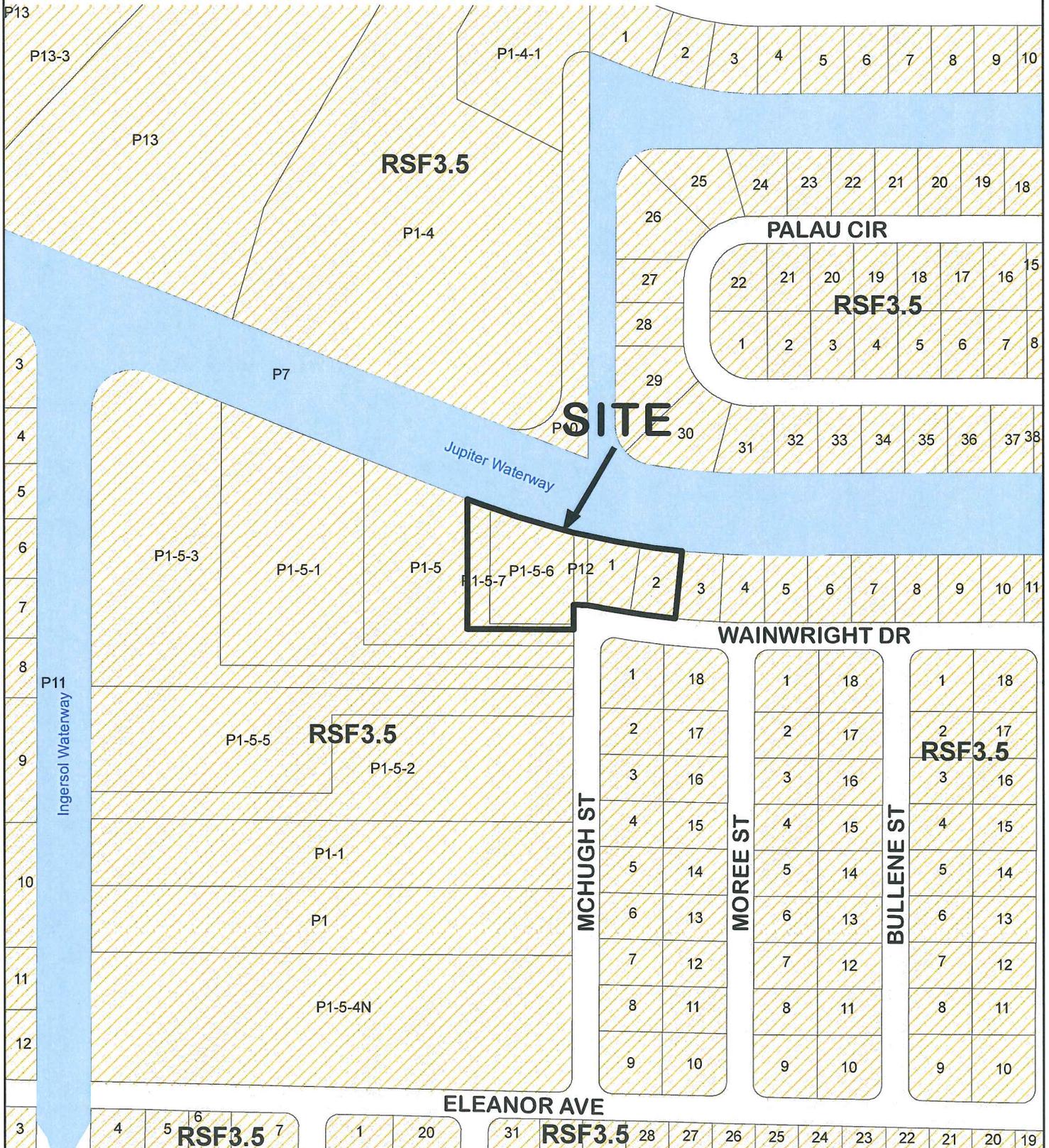
CHARLOTTE COUNTY

Zoning Map for SE-13-014

Charlotte County Government

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Community Development

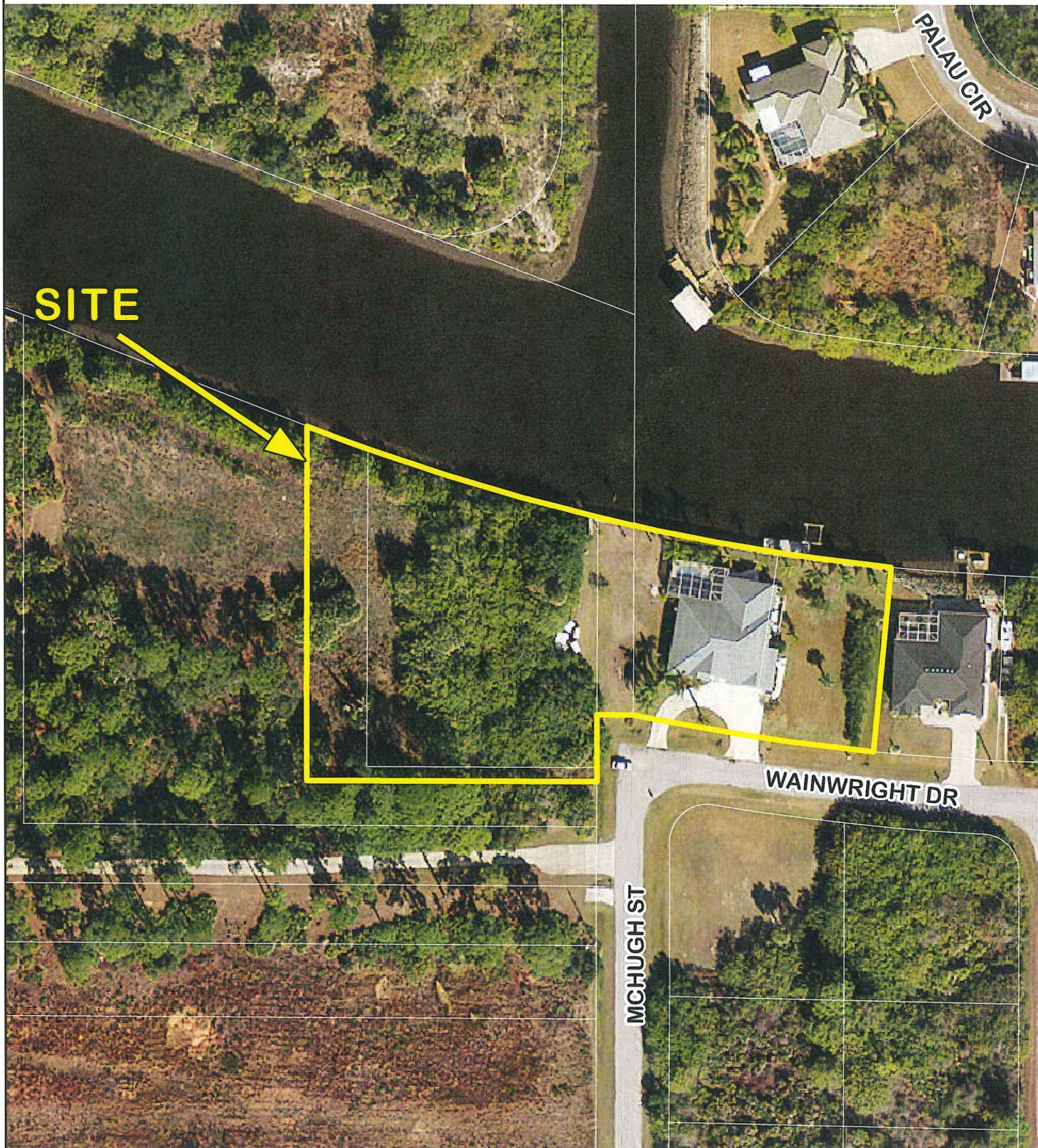
CHARLOTTE COUNTY

Aerial View for SE-13-014

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Accessory buildings shall be not closer than ten (10) feet from any rear property line.

Maximum lot coverage by all buildings, percent	20
Maximum height of structures, feet.....	38
Maximum residential density for:	
RE-5, unit per 5 acres	1
RE-4, unit per 4 acres	1
RE-3, unit per 3 acres	1
RE-2, unit per 2 acres	1
RE-1, unit per 1 acres	1

Where properties lie anywhere on a barrier island or within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) *Signs.* Signs shall be in accordance with section 3-9-95.

(h) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-90. (Minutes of 12-8-81, § 7; Res. No. 85-286, § 1, 10-15-85; Res. No. 87-78, §§ 7, 8, 5-19-87; Res. No. 87-254, § 16, 10-20-87; Ord. No. 89-34, § 5, 5-31-89; Ord. No. 94-55, §§ 11—13, 11-3-94; Ord. No. 2002-008, § 1, 1-28-02)

Editor's note—These provisions were formerly found in § 3-9-30. The provisions of former § 3-9-31 are now found in § 3-9-32.

Cross reference—Tree requirements for RE district, § 3-2-187.

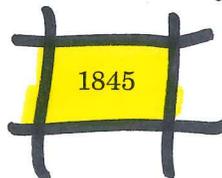
Sec. 3-9-32. Residential, single-family (RSF).

(a) *Intent.* The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associated therewith. Among RSF-1, RSF-2, RSF-3.5 and RSF-5 districts, there are variations in requirements for lot area, width and certain yards.

(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:

- (1) Single-family dwellings excluding mobile homes.
- (2) Nonprofit parks and playgrounds.
- (3) Occupied single-family residences used as family day care homes.
- (4) Art and music instruction provided only one (1) student at a time is receiving instructions.

(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district. Detached permanent garage structures are subject to the yard setback requirements



of this section. All other permitted accessory structures must be located behind the leading edge of the living area of the residence and must comply with applicable yard setback requirements. Permitted accessory structures include:

(1) Private garage and storage structures subject to the following standards:

- a. Metal buildings are limited to six hundred (600) square feet.
 - b. Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance to the residence.
 - c. The total maximum coverage area of all accessory structures shall not exceed the greater of one thousand (1,000) square feet or one-half (1/2) the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the thirty-five (35) percent maximum lot coverage established in subsection (f) of this section. Owners of property one (1) acre or more in size may apply for a special exception from the total maximum coverage area limitation established in this subsection.
- (2) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.
 - (3) Swimming pools.
 - (4) Tennis courts.
 - (5) Noncommercial boat docks.

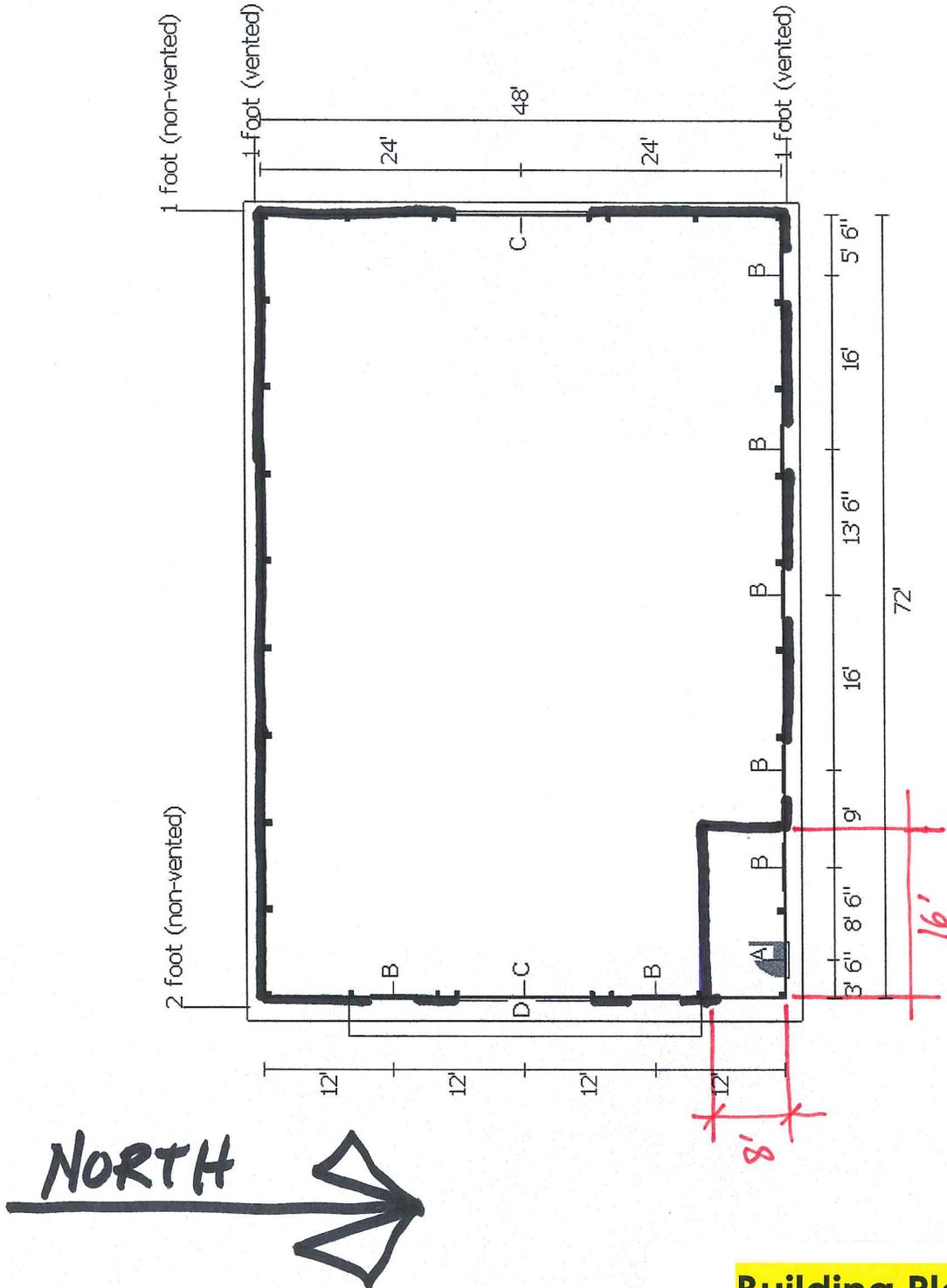
(d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception, including but not limited to mobile homes, commercial parking lots and private clubs not otherwise permitted, or permitted by special exception, shall be unlawful in this district.

(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

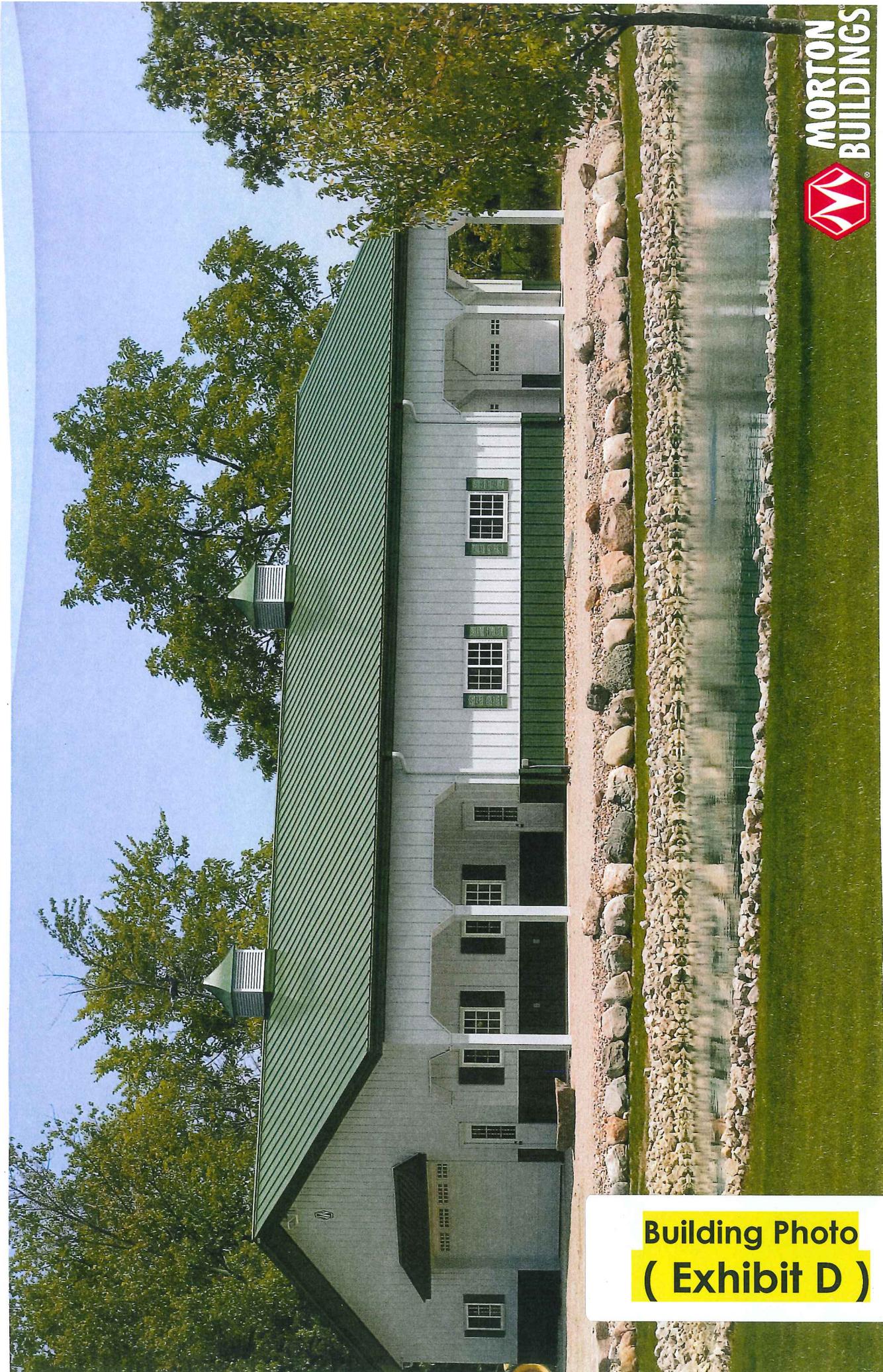
- (1) Cluster houses and patio houses, provided a site plan is approved by the development review committee.
- (2) Yacht clubs, country club, in conjunction with golf courses, and golf courses, including executive or par-3 golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least one hundred (100) feet from adjacent property zoned for residential use.
- (3) Houses of worship, in accordance with section 3-9-80.1.
- (4) One (1) guest house or one (1) servant's quarters for each single-family dwelling, provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling.
- (5) Elementary, middle and high schools.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

306 48'x14'x72' (#1) Column Plan



**Building Plan
(Exhibit C)**

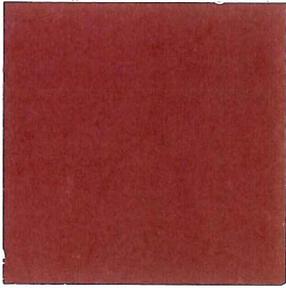


**Building Photo
(Exhibit D)**

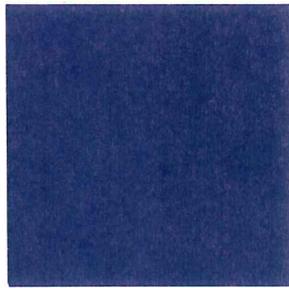


PAINT COLOR SELECTIONS

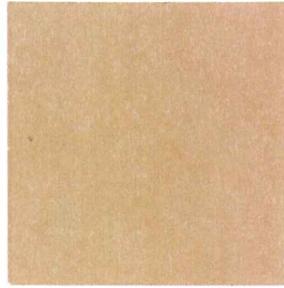
Colors are for illustrative purposes only and may vary from actual colors or finishes.



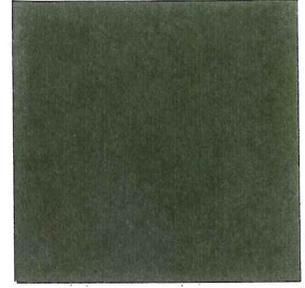
RED
KYNAR 500®/FLUOROFLEX 2000®



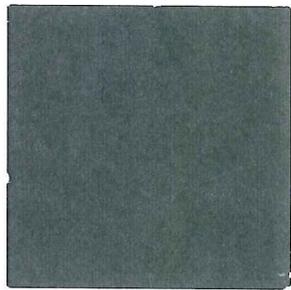
MARINE
KYNAR 500®



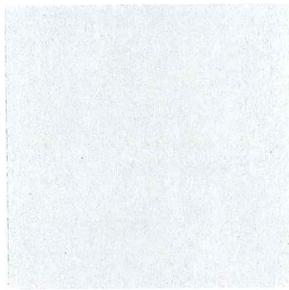
***TAN**
KYNAR 500®



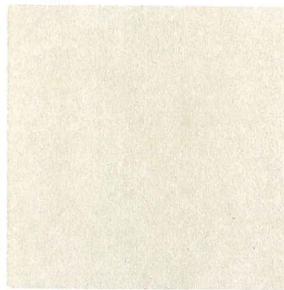
BROWN
KYNAR 500®/FLUOROFLEX 2000®



CHARCOAL
KYNAR 500®/FLUOROFLEX 2000®



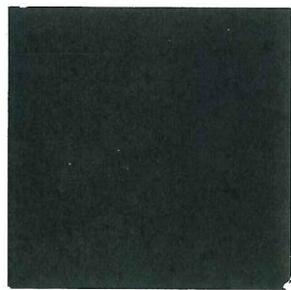
***WHITE**
KYNAR 500®/FLUOROFLEX 2000®/
Polyester



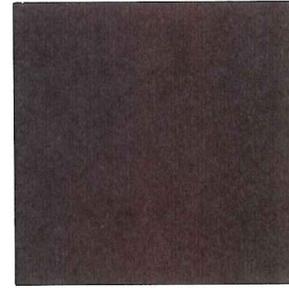
***IVORY**
KYNAR 500®



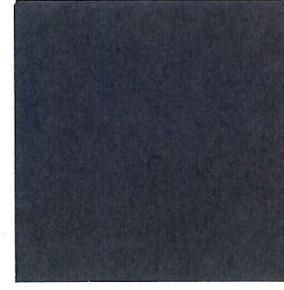
***BEIGE**
KYNAR 500®/FLUOROFLEX 2000®



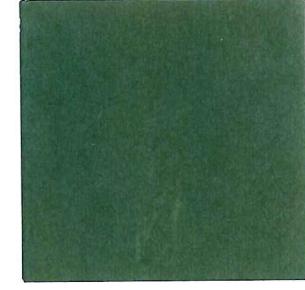
BLACK
KYNAR 500®



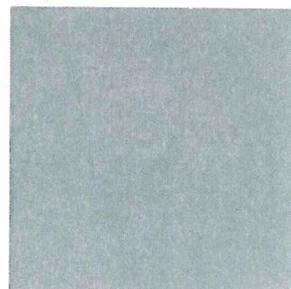
BURGUNDY
KYNAR 500®/FLUOROFLEX 2000®



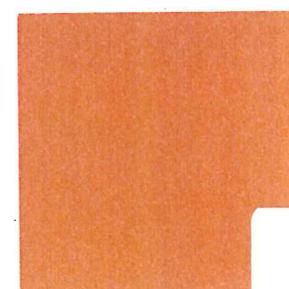
NAVY
KYNAR 500®



EVERGREEN
KYNAR 500®/FLUOROFLEX 2000®



***SILVER**
KYNAR 500®



***COPPER**
KYNAR 500®

**Building Colors
(Exhibit E)**



*Asterisk indicates
KYNAR 500® cool roof
colors that are ENERGY
STAR® label qualified.

NARRATIVE:

We Are requesting This SPECIAL EXCEPTION because we have A LACK OF STORAGE ROOM IN our GARAGE For our BOAT, TRAILER, CAR, PICK-UP TRUCK, MOWERS, WEED EATERS, LADDERS, OTHER EQUIPMENT ASSOCIATED WITH HOME MAINTENANCE, AND YARD CARE,

IT WOULD HAVE A SEPARATE DRIVE WAY LEADING INTO THAT PARCEL SO AS NOT TO CREATE ANY PROBLEMS OR CONFUSION FOR TRAFFIC ON THE SAID STREETS. DRIVING DOWN McHUGH ST YOU CAN'T EVEN SEE THE PROPERTY. DRIVING UP WAINWRIGHT DR. YOU WOULD ONLY SEE THE END OF THE BUILDING.

WE APPRECIATE YOUR TIME AND CONSIDERATION FOR THIS REQUEST.

THANK YOU.

GERALD & JANICE BAUM.

Narrative
(Exhibit F-1)

STANDARDS FOR APPROVAL.

- # 1. We believe THAT THE proposed STRUCTURE would Improve THE APPEARANCE OF THE SAID PROPERTY. THE PARCELS ALONG McHUGH ST. ARE OVERGROWN AND DON'T HAVE A NICE APPEARANCE FOR EXISTING PROPERTIES.
2. THE building would be COMPATIBLE TO OWNERS HOME IN COLOR.
3. A VERY NICE INGRESS AND EGRESS HAS BEEN PROVIDED SO THERE WON'T BE ANY CONGESTIONS OR HAZARDS.
4. TREES ARE CURRENTLY IN PLACE, COMPLETE LANDSCAPING WILL FOLLOW CONSTRUCTION OF PROPOSED BUILDING. STORM WATER RUNOFF HAS ALREADY BEEN ADDRESSED.
5. THE REQUEST FOR THE STRUCTURE WOULD ENHANCE THE APPEARANCE OF THE NEIGHBORHOOD AS WELL AS IMPROVE THIS PARCEL OF LAND.
6. IN NO WAY THE PROPERTY WOULD ENDANGER, THE SAFETY, PUBLIC HEALTH OR GENERAL WELFARE OF ANY PERSON.

Narrative
(Exhibit F-2)

THANK YOU FOR YOUR
CONSIDERATION

GERALD & JANICE BAUM



MEMORANDUM

Date: October 22, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-014
Baum Garage, 13502 Wainwright Drive

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 or ordinances and offers the following comments:

- ❖ An environmental review and site inspection was conducted by staff through clearing permit #20130607967. The property consisted primarily of mature invasive exotic vegetation with very minimal native trees. No listed species were documented utilizing the site.

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 or 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.

(Exhibit G-1)

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 pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit G-2)