

**STAFF REPORT**  
**Community Development Department**  
**File Number: SE-13-015**

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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:** November 5, 2013                      **BZA meeting date:** November 13, 2013

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**Requested Action/General Information:**

Kim Grant is requesting a special exception to allow a 'Home Occupation', consisting of a beauty salon, in the Residential Single-family-3.5 (RSF-3.5) zoning district. Subject property is located at 22000 Felton Avenue 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 is an aerial photograph showing the existing 1,514 square foot residence, carport, and circular drive, located on this 8,865 square foot lot. The applicant has also submitted a **Floor Plan** (**Exhibit B**) of the residence showing the location and size (11' by 22' = 242 square feet) of the room proposed to be used for the salon. No more than 20 percent of this 1,514 square foot home, or 302 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 circular driveway with room for at least three 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 she 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 October 22, 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 salon, 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	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	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: A circular access drive already exists off of Felton Avenue and Inman Court 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 according to 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 salon, 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 salon, 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.**

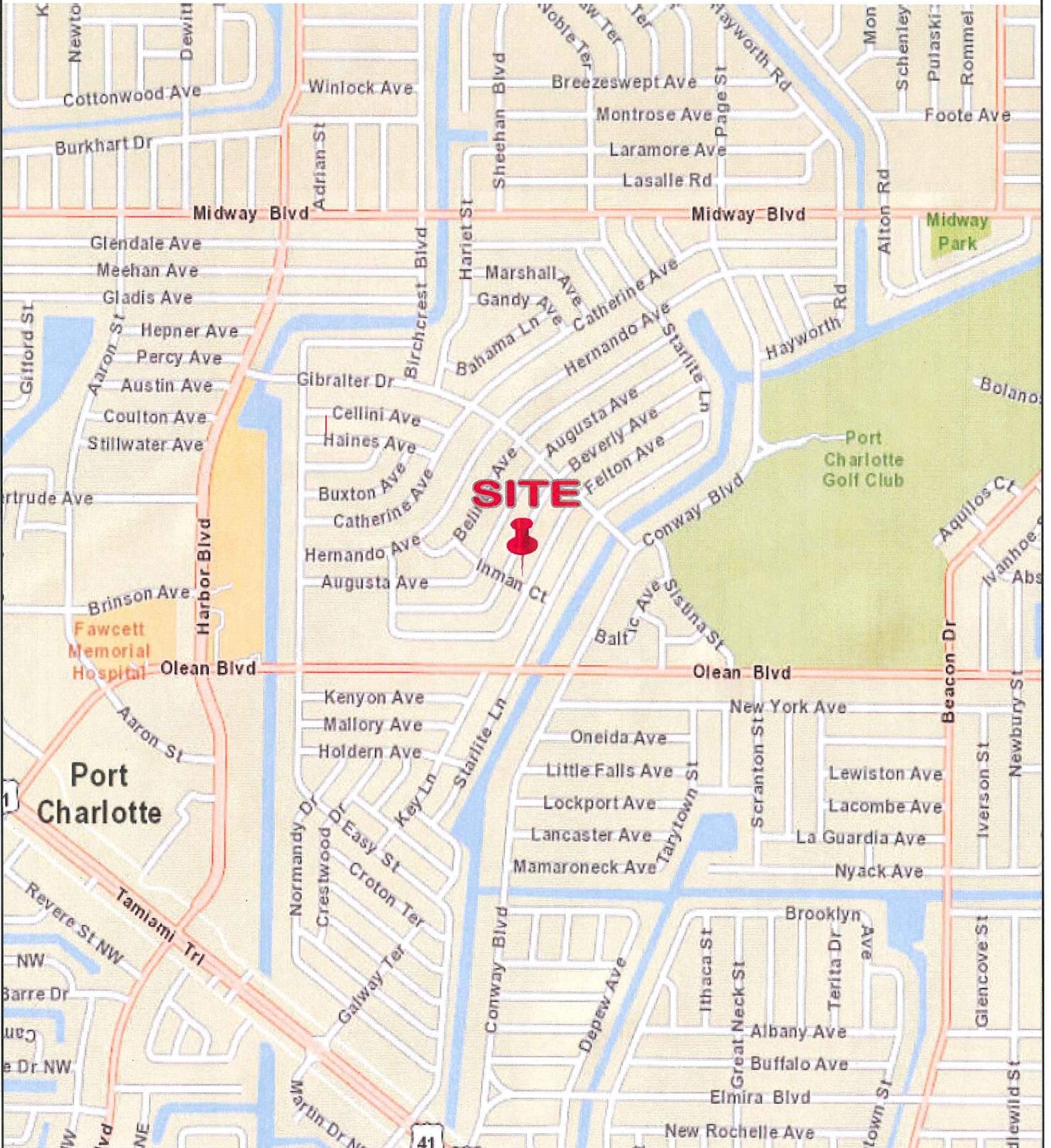
Attachments: Staff Report (3), Area Map, Zoning Map, Aerial Photograph, Site Plan, Floor Plan, Narrative, Section 3-9-79 (2) and Environmental Specialist Memorandum



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-13-015



### 14/40/22 Mid-County

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# CHARLOTTE COUNTY

## Zoning Map for SE-13-015

Charlotte County Government

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# CHARLOTTE COUNTY

## Aerial View for SE-13-015



### 14/40/22 Mid-County

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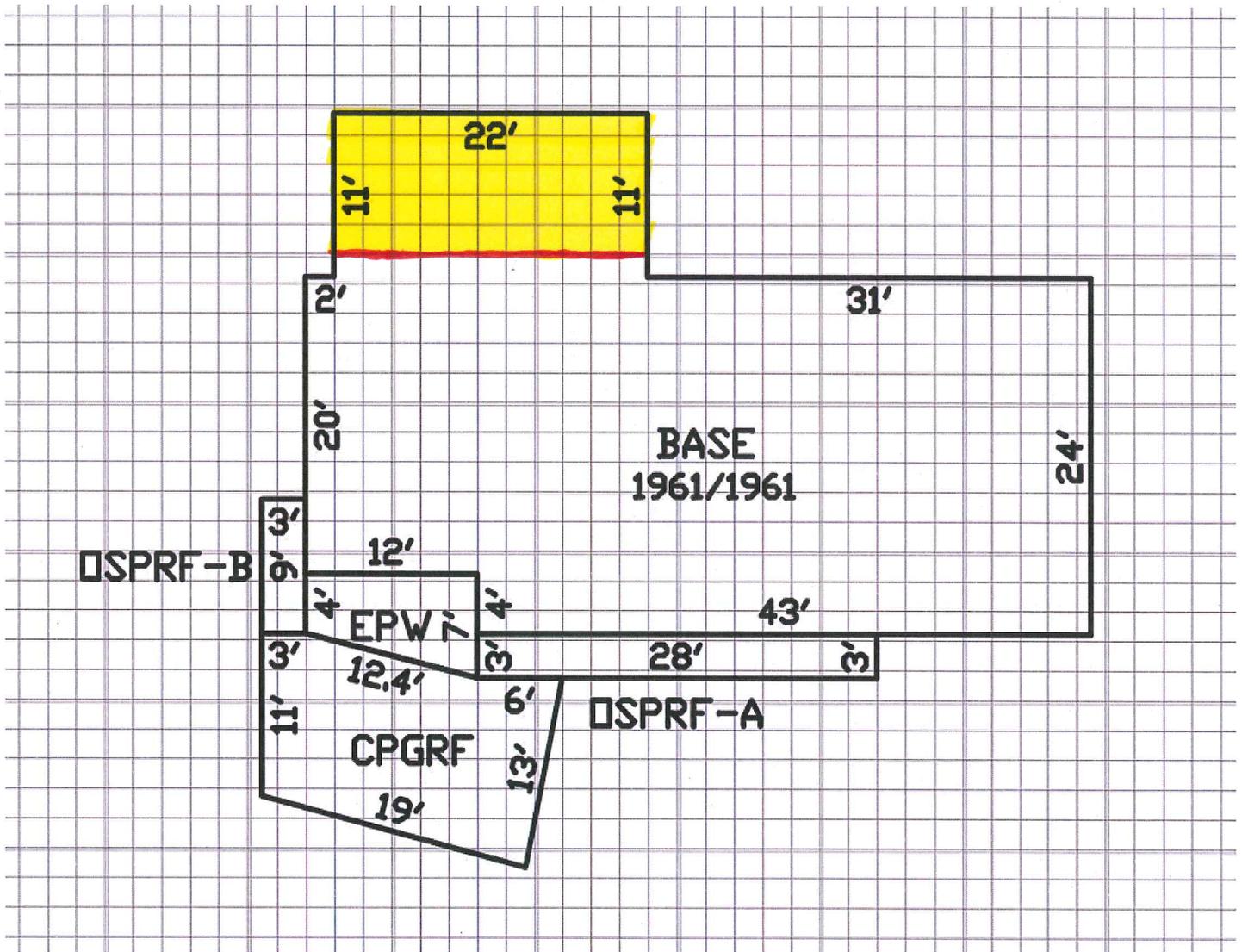


NOT TO SCALE



**Site Plan**

(February 2006 - Aerial Photograph)



Floor Plan

## **Midnight Blue Magic Beauty Salon**

This Beauty Salon is intended to operate as a home occupation respecting the residents in the neighborhood. The business shall be conducted by resident Kim Grant the principal resident of this property.

Less than 20% of the total floor plan is devoted to the use of the beauty salon. The salon is located in the rear (Florida room) of the house. The house at 22000 Felton Ave is a residents and will remain a residence with a beauty salon in the back section of the house.

There is no signage to attract new clients, at this time if there is to be a sign it will be non- illuminated not exceeding 2 square feet, attached to the building or next to the entrance.

All products used in the salon will be for the benefit of the customer not for resale and will not be stored outside but in a hazard free area in the salon space.  
The equipment used for the salon is not environmentally disruptive to the residence.

Traffic shall not cause a disruption to the area as I am the only hair salon worker and can only do one head at a time. As it permits at this time I may in the future need another beautician, traffic should remain normal.

The hours will be by appointment Monday , Tuesday, Thursday, Friday 8:00am to 6pm, Wednesday 11: 00am to 8:00 pm, Saturday by appointment only.

**RECEIVED**  
SEP 27 2013  
BY: Ken Quilan

**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:** October 22, 2013  
**TO:** Ken Quillen, Planner III  
**FROM:** Jamie Scudera, Environmental Specialist  
**SUBJECT:** SE-13-015  
Grant Home Occupation, 22000 Felton Avenue

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

- ❖ The site consists of an existing single family residence on the corner of Felton Avenue and Inman Court.

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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