

STAFF REPORT
Community Development Department
Petition Number: SE-13-017

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: December 31, 2014 **BZA meeting date: January 8, 2014**

Requested Action/General Information:

Edward and Sherry Taft are requesting a special exception to allow a mobile home, to be used as a residence, on property located at 16085 Begonia Drive in Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate (AE). This property has an Agriculture Future Land Use Map designation.

Subsection 3-9-30(e) of the Charlotte County Zoning Code does allow a mobile home, to be used as a residence, in the Agriculture Estate (AE) 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.

The applicant has submitted the attached **Site Plan (Exhibit A)**, which is a Topographic and Boundary Survey, showing lot 24 (100' by 435' = 43,500 square feet) and the proposed location of the mobile home, future well, and new access drive off of Begonia Drive. A new septic system and drain field will be located in front of the mobile home for the treatment of waste water.

Subject property is just under one-acre, which does not meet the 10-acre minimum lot size requirement for a dwelling unit located in the Rural Service Area and the AE zoning district. However, this lot was platted as part of the Orange Grove subdivision in 1960, therefore it is a legal non-conforming lot and one single-family residence may be located on this lot.

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 **Floor Plan (Exhibit B)** showing the layout of the proposed manufactured home.

The applicant has submitted the attached **Narrative (Exhibit C)** explaining why the applicant believes this request for a variance should be granted. The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit D)** dated December 20, 2013. This preliminary review states that there may be environmental issues, such as listed species or sensitive habitats 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 Estate (AE) 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	Single-family residences and vacant lots	Agriculture Estate	Agriculture
South	Single-family residences and vacant lots	Agriculture Estate	Agriculture
East	Single-family residences and vacant lots	Agriculture Estate	Agriculture
West	Single-family residences and vacant lots	Agriculture Estate	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: Begonia Drive was dedicated as a public street but never accepted by the County because it was not constructed according to County standards. Adequate access needs to be provided to this lot from Begonia Drive by the applicant.

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; however, tree points will need to be provided and maintained for this 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, and Land Development Regulations, which allows mobile (or manufactured) homes by special exception in the AE zoning district and must allow some use of a legally created non-conforming lot.

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 residence will be served by adequate potable water source and waste water treatment system and the manufactured 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 mobile (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 (mobile) 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, Floor Plan, Narrative, and Environmental Specialist Memorandum (2)



Community Development

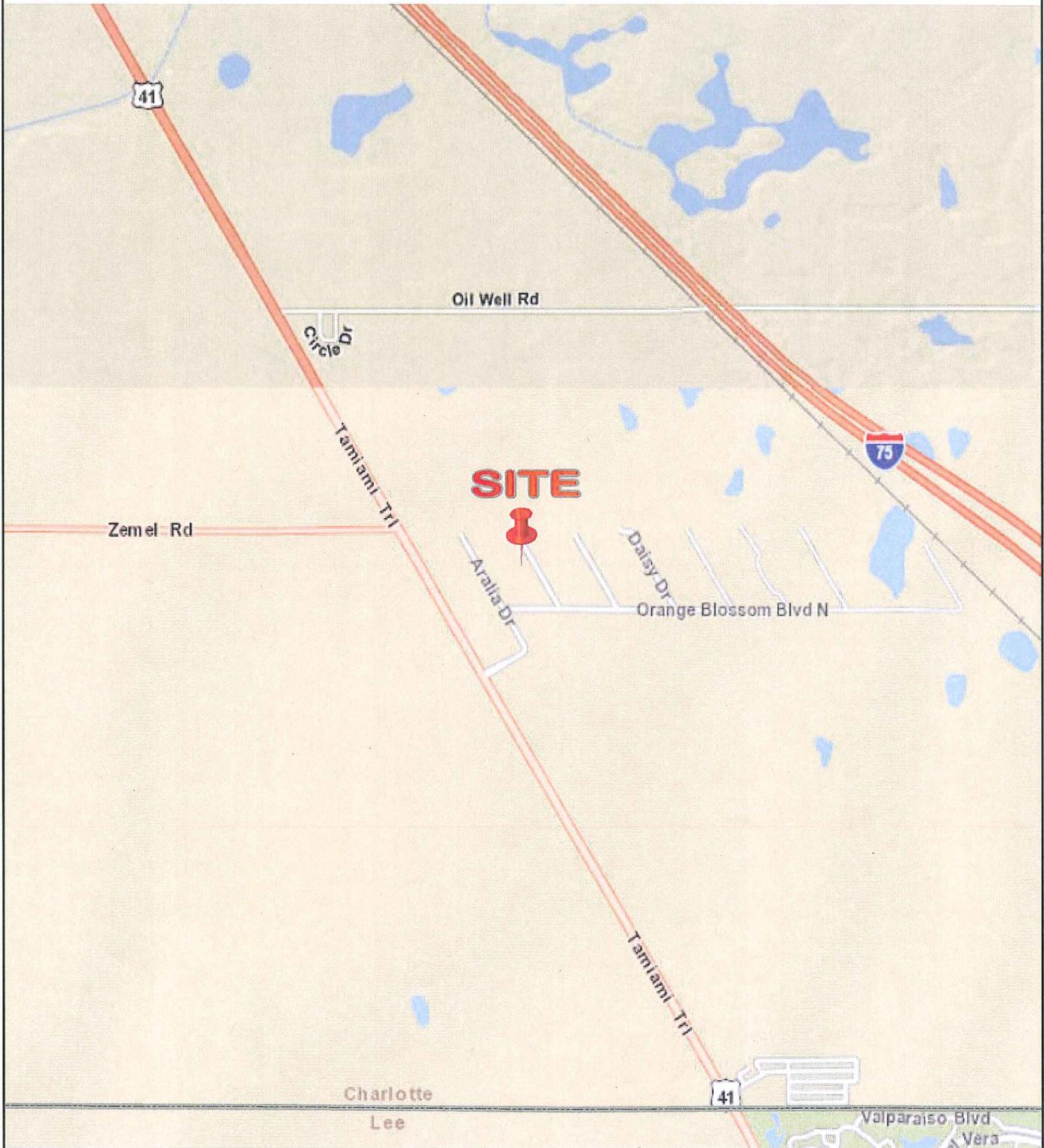
CHARLOTTE COUNTY

Location Map for SE-13-017

Charlotte County Government

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30/42/24 East County

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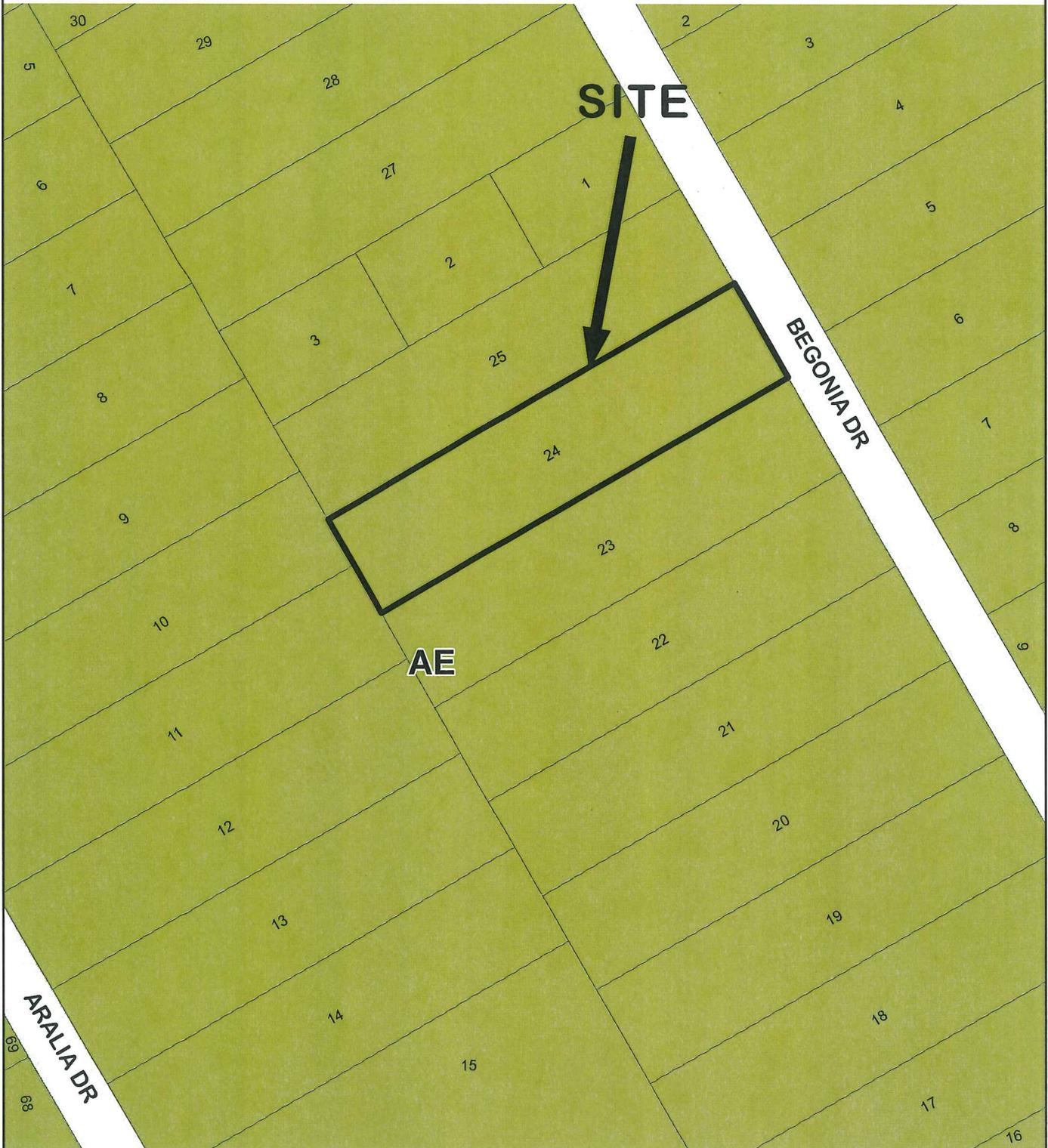
Community Development

CHARLOTTE COUNTY Zoning Map for SE-13-017

Charlotte County Government

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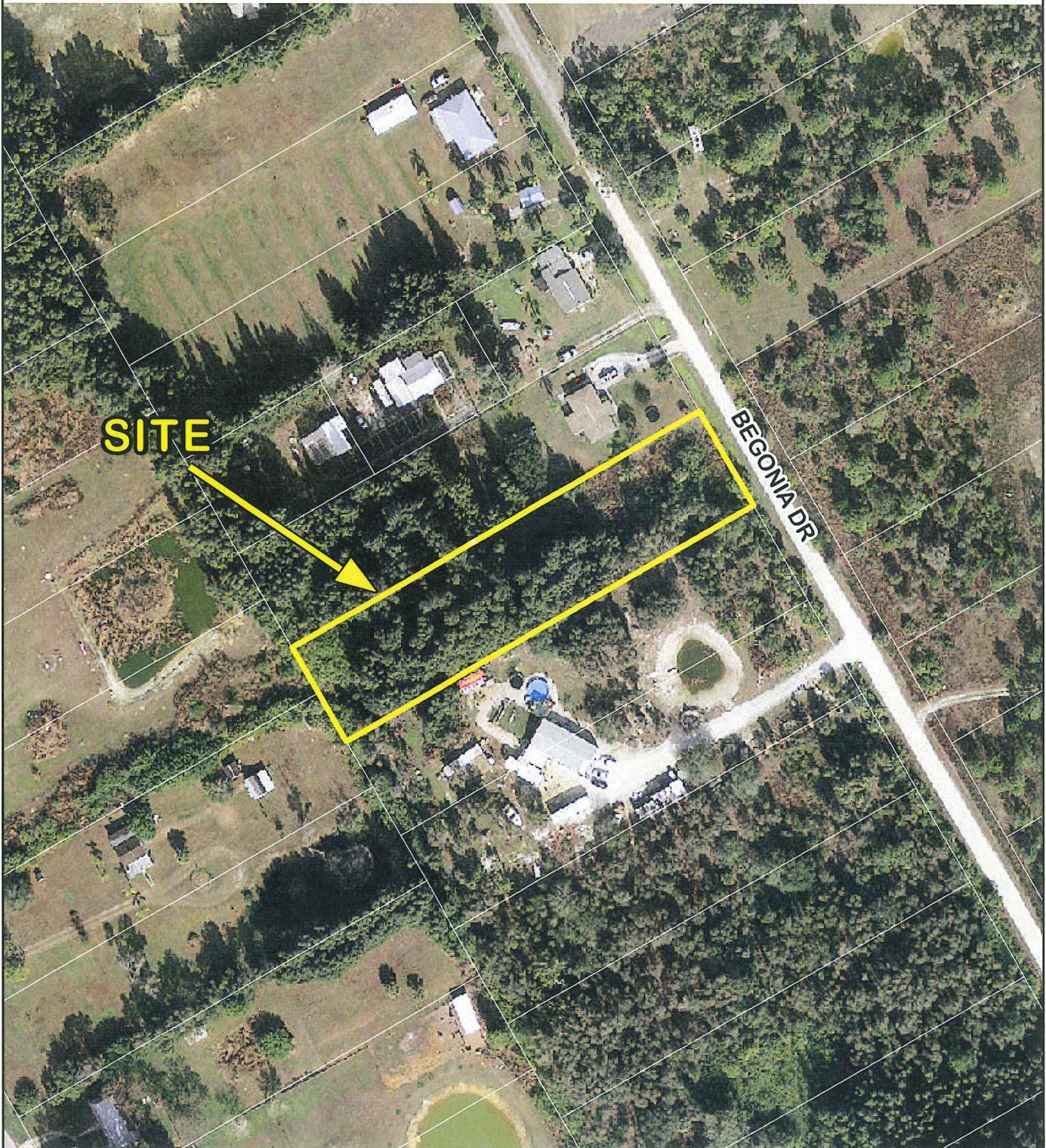
CHARLOTTE COUNTY

Aerial View for SE-13-017

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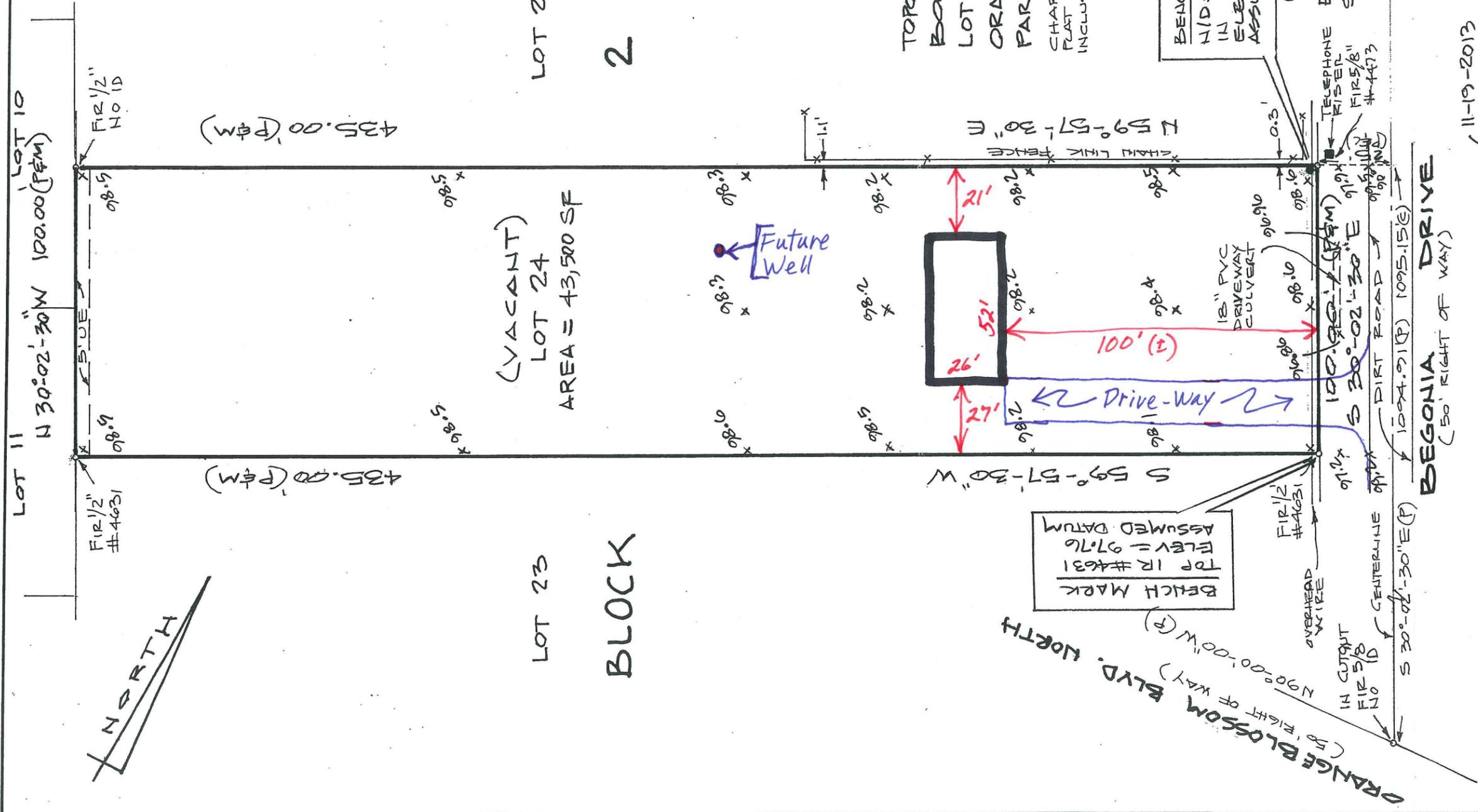
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TOPOGRAPHIC AND BOUNDARY SURVEY LOT 24 BLOCK 2 ORANGE GROVE PARK PART ONE
 CHARLOTTE COUNTY, FLORIDA
 PLAT BOOK 6, PAGE 46A
 INCLUSIVE PAGES 46A-46C

BENCH MARK
 N/D #6639
 IN POLE
 ELEV. = 100.00
 ASSUMED DATUM

CERTIFIED TO:
 EDWARD M. TAFT JR AND
 SHERRY L. TAFT

BEGONIA DRIVE
 (50' RIGHT OF WAY)

1. UNDERGROUND FEATURES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. 2. TITLE SEARCH PROVIDED BY OTHERS.		FIELD: JM/BP	COMPS: BP	DRAFTING: JM
BEARING BASIS: NORTH WESTERLY LOT LINE - PLAT		SCALE: 0	DATE: 11-19-2013	
COMMUNITY NUMBER: 120061	PANEL NUMBER: 0475	SUFFIX: F	EFFECTIVE DATE: 5-5-03	FIRM ZONE: NA
LEGEND: IR: IRON ROD DR: DRILL HOLE CM: CONCRETE MONUMENT IP: IRON PIPE ND: NAIL & DISC PCP: PERMANENT CONTROL POINT PRM: PERMANENT REFERENCE MONUMENT F: FOUND S: SET PUE: PUBLIC UTILITY EASEMENT DE: DRAINAGE EASEMENT M: MEASURED C: CALCULATED		THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO CHAPTER 177, FLORIDA STATUTES, CHAPTER 472 FLORIDA STATUTES AND CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.		
MELILLO and PLATT LAND SURVEYING, INC. 2511 VASCO STREET PUNTA GORDA, FLORIDA 33950 (941) 505-0366 Fax: 505-0368		IT BEARS THE SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS DRAWING, PLAT OR MAP IS FOR INFORMATIONAL USE ONLY AND IS NOT VALID.		
		JOB NUMBER: 13-1265 DATE: 11-19-2013		

Site Plan (Exhibit A)

Jean Michel Melillo
 JEAN-MICHEL MELILLO R.S.&M. 5553

11-19-2013

Narrative:

1. The requested special exception is either permitted by the regulations in the zoning district for which it is requested, or permitted by reasonable implication within that district.zoning district
 - Mobile Homes used as a residence in an AE zoning district are allowed by special exception.
2. The requested special exception is compatible with existing uses surrounding the land on which the requested special exception would exist. Sec. 3-9-2 defines compatible as "Capable orderly efficient integration and operation with other land uses and zoning districts."
 - Yes, the requested special exception is compatible with existing uses in the area.
3. Adequate access shall be provided for ingress and egress to the proposed use in the manner that minimizes hazards and congestion on streets and roads.
 - Yes, see site plan.
4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.
 - Property is abundant with trees; landscaping will be provided around residence.
5. The requested special exception in consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.
 - Yes, the requested special exception is consistent with the Charlotte County Comprehensive Plan.
6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
 - The proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Linda Smith

**Narrative
(Exhibit C)**



MEMORANDUM

Date: December 20, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-017
Edward and Sherry Taft, 16085 Begonia 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 and ordinances and offers the following comments:

- ❖ A preliminary environmental review was conducted by staff. The site consists of a 0.99± acre undeveloped lot. Due to the fact that the property is undeveloped, there is a probability of listed species utilization or sensitive habitats occurring throughout 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 D-1)

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION,*

- ❖ The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *NATURAL RESOURCES (ENV) & COASTAL PLANNING (CST) – GOALS, OBJECTIVES AND POLICIES* sections.

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

JS

(Exhibit D-2)