

STAFF REPORT
Community Development Department
Petition Number: SE-14-011

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: August 5, 2014 **BZA meeting date: August 13, 2014**

Requested Action/General Information:

Matthew and Megan Darda are requesting a special exception to allow a mobile (manufactured) home, to be used as a residence, on property located at 39020 Cook Brown Road in Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture General (AG). 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 (manufactured) home, to be used as a residence, in the Agriculture General (AG) 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 **Certified Sketch** (**Exhibit A**), which shows the dimensions (330' by 1,320') of this existing ten-acre parcel. The applicant has also submitted a **Site Plan** (**Exhibit B**) showing the location of the existing pole barn, farm pond, access drive and proposed mobile (manufactured) home on subject property. A new water well will be needed to supply potable water and a septic system and drain will is necessary to process the waste water from this residence. The County Health Department must approve the locations for both the well and septic system.

Access to this parcel is provided by a 60' wide private access easement along the east side of the parcel and extending north from Cook Brown Road. Subject property is ten-acres in size, which does meet the ten-acre minimum lot size requirement in the Rural Service Area and the AG zoning district. The applicant has not yet selected the specific mobile (manufactured) home, which they intend to place on this property, therefore a copy of the Data Plate, which provides manufacturing information for mobile (manufactured) homes, cannot be provided at this time.

The applicant has submitted the attached **Narrative** (**Exhibit C**) explaining why the applicant believes this request for a special exception 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 July 17, 2014.

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 (manufactured) home, used as a residence, may be allowed by special exception in the 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 | FLUM Designation |
|-----------|------------------------------|---------------------|------------------|
| North | Grazing Land | Agriculture General | Agriculture |
| South | Grazing Land and mobile home | Agriculture General | Agriculture |
| East | Grazing Land | Agriculture General | Agriculture |
| West | Grazing Land | Agriculture General | Agriculture |

Finding: This proposed mobile (manufactured) 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: Access is by way of a private drive off of Cook Brown Road. Cook Brown Road is a paved and dedicated public road maintained by the County through a MSBU. The private access drive must be maintained by the applicant and three or four other adjacent property owners who have access rights to this easement.

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 mobile (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 (manufactured) homes by special exception in the AG zoning district.

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 (manufactured) home would not be detrimental to or endanger the public health, safety or general welfare of the surrounding agricultural properties since the proposed residence will be served by adequate potable water source and waste water treatment system and the mobile (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 mobile (manufactured) 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 mobile (manufactured) home.
4. The mobile (manufactured) home erected on this property must be rated for the appropriate wind loads by HUD 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, Certified Sketch, Site Plan, Narrative, and Environmental Specialist Memorandum



Community Development

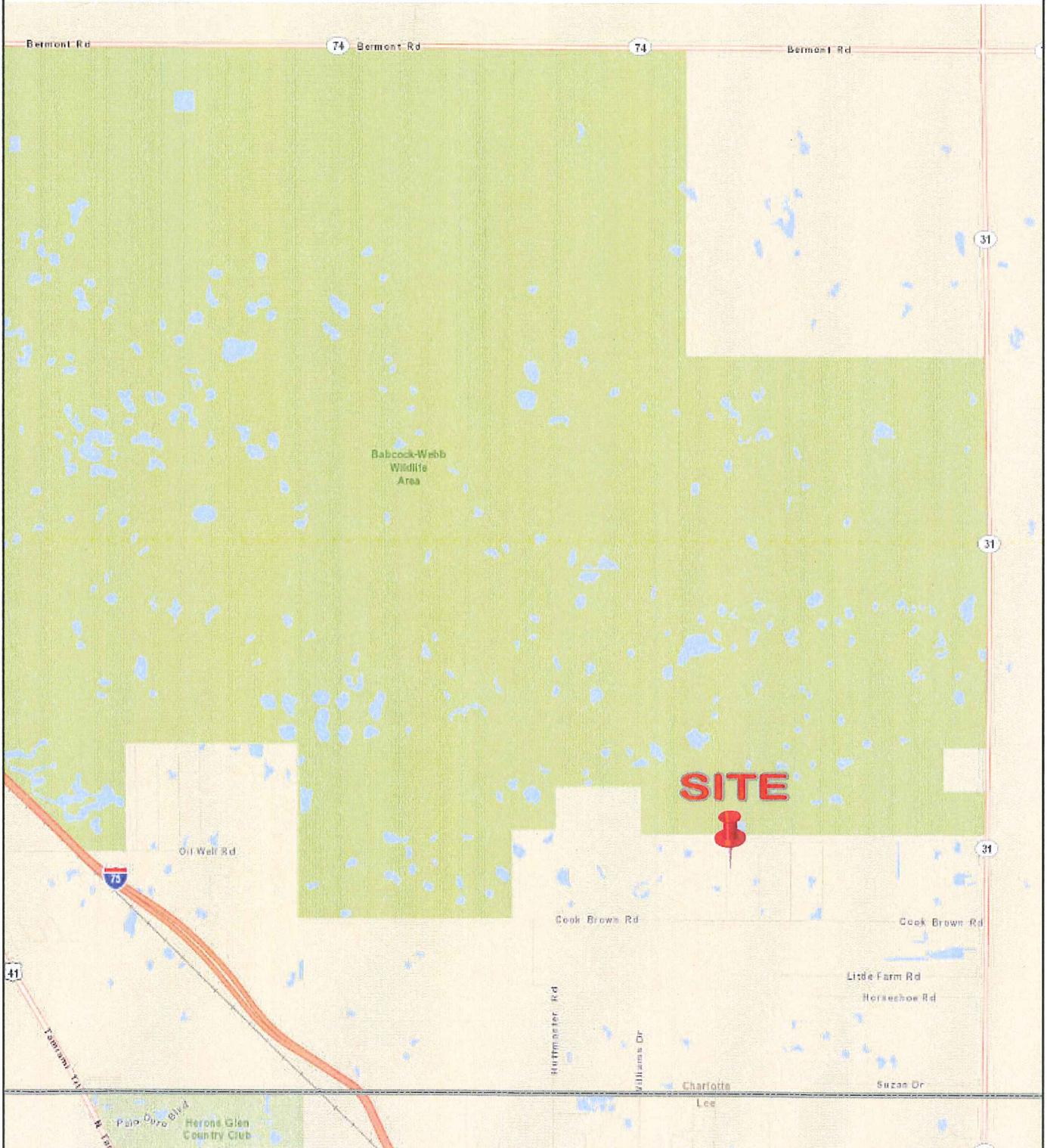
CHARLOTTE COUNTY

Location Map for SE-14-011

Charlotte County Government

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This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--D. Vance Date Saved: 7/16/2014 9:28:43 AM

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Community Development

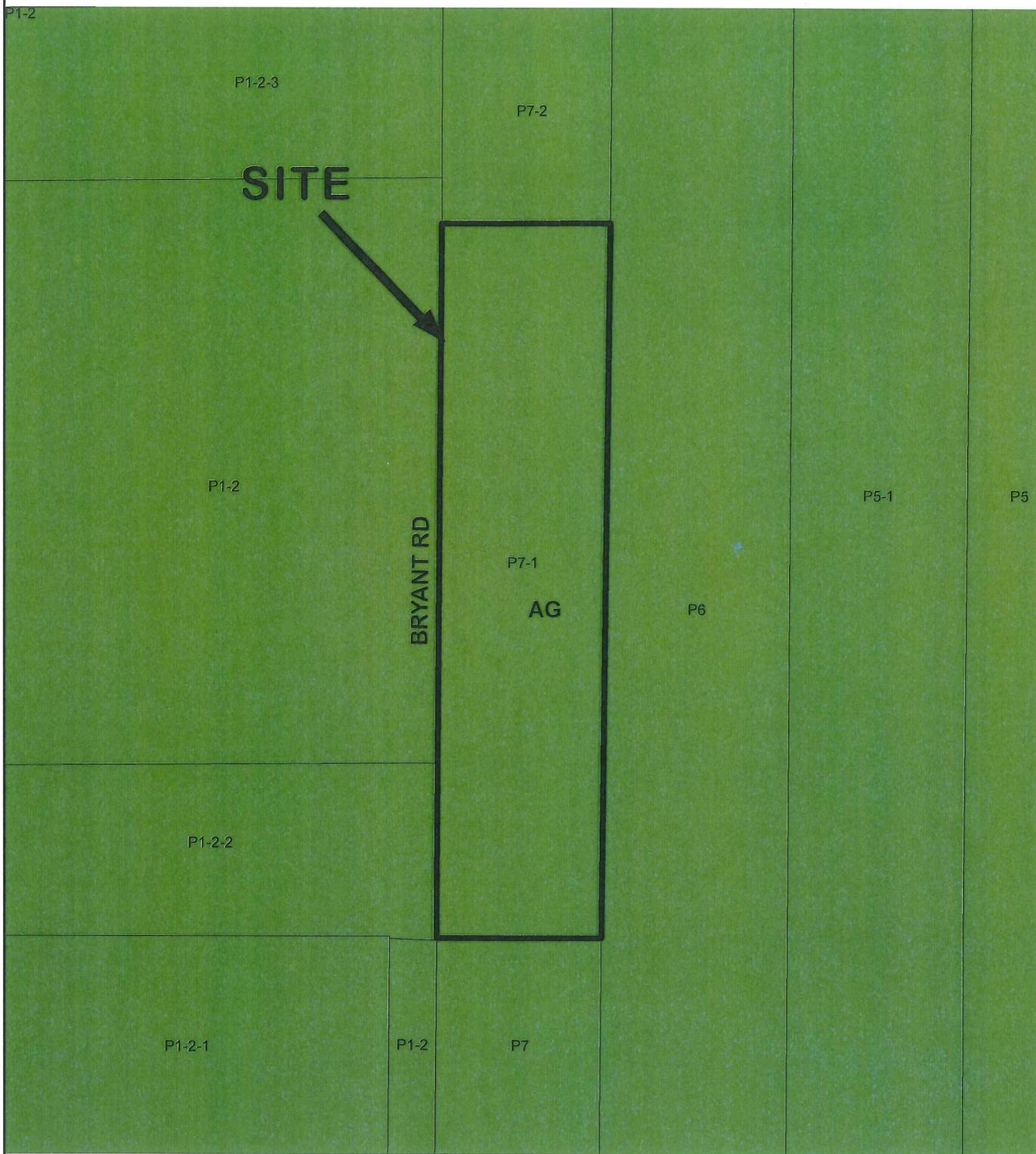
CHARLOTTE COUNTY

Zoning Map for SE-14-011

Charlotte County Government

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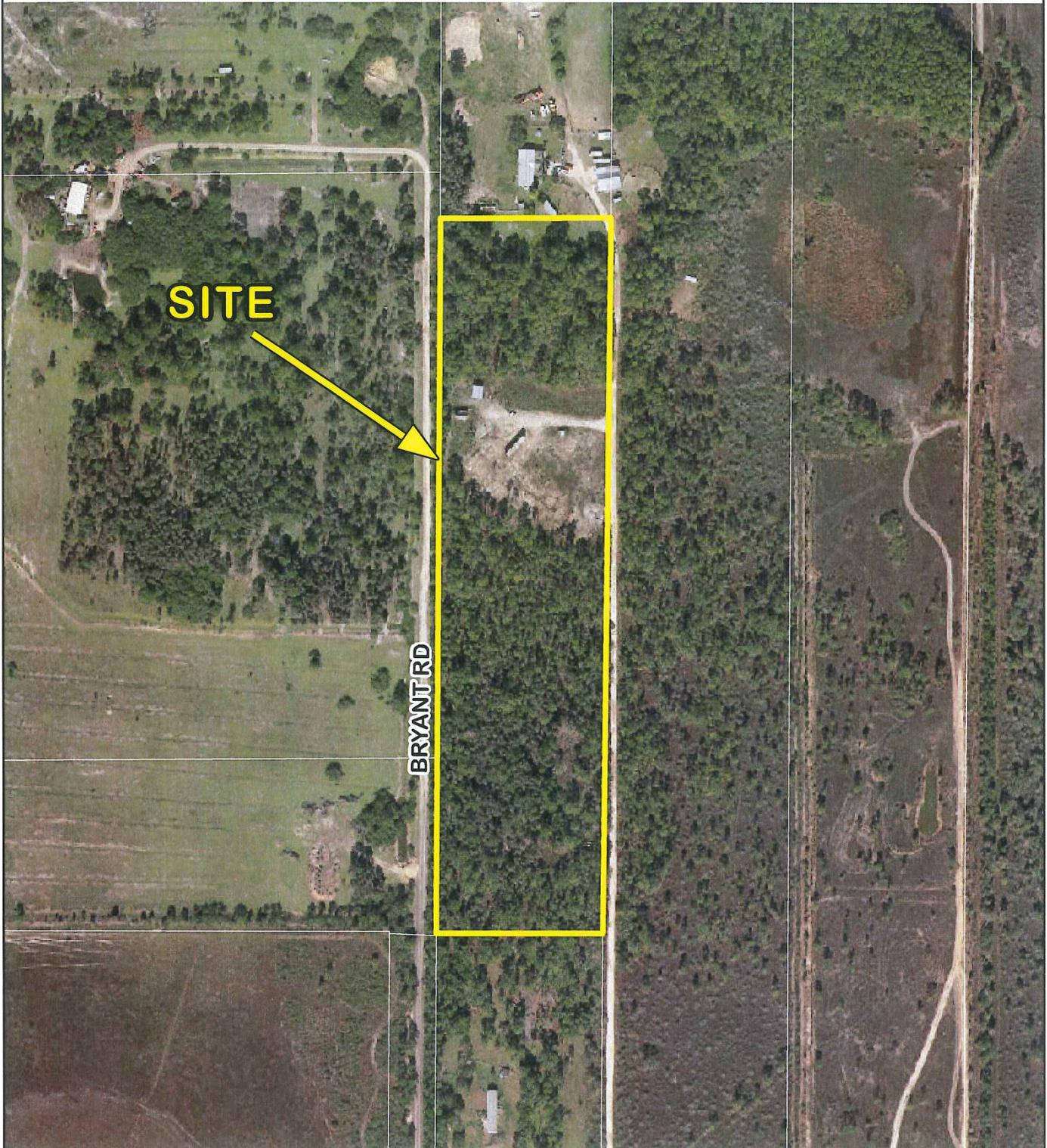
CHARLOTTE COUNTY

Aerial View for SE-14-011

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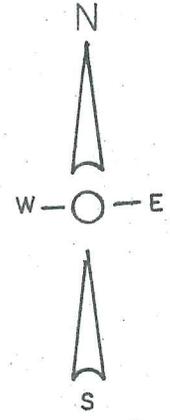
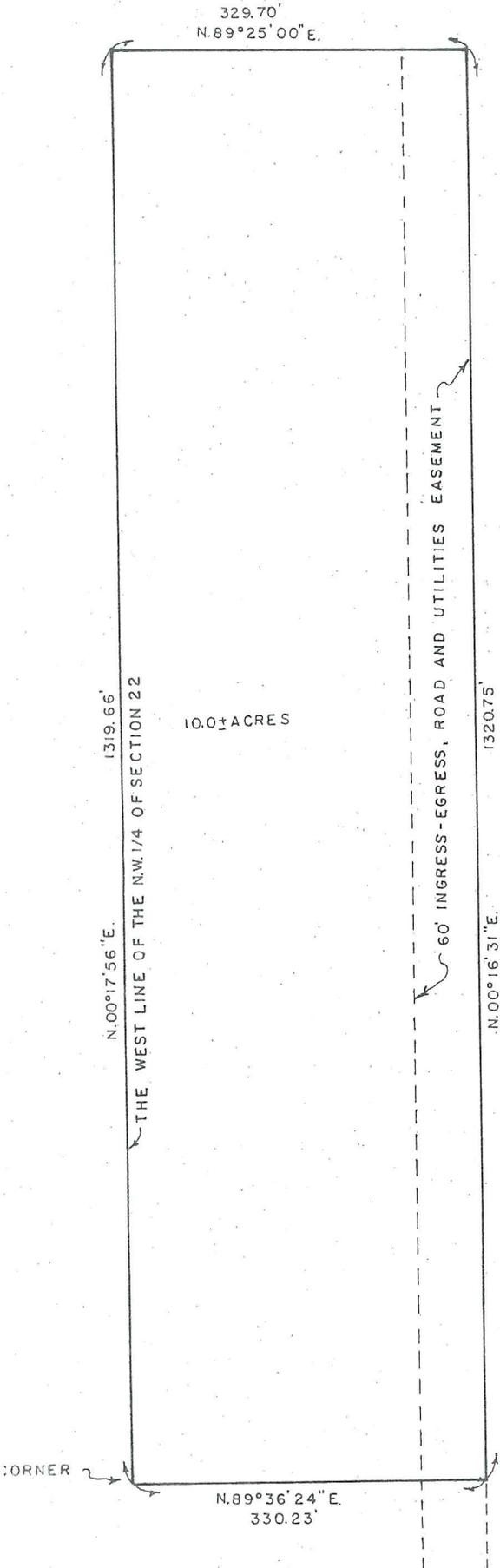
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I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

James R. Starnes
 REGISTERED LAND SURVEYOR P.L.S. #4869
 STATE OF FLORIDA JAMES R. STARNES

NOTE: THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS SKETCH IS NOT A SURVEY!



- LEGEND:
- (1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - (2) FD. = FOUND
 - (3) N = NORTH
 - (4) S = SOUTH
 - (5) E = EAST
 - (6) W = WEST
 - (7) C.M. = CONCRETE MONUMENT
 - (8) = CENTERLINE
 - (9) B.D. = BRASS DISC
 - (10) B.M. = BENCH MARK
 - (11) EL. = ELEVATION
 - (12) R.O.W. = RIGHT-OF-WAY
 - (13) U.T.S. = UNITED TELEPHONE SYSTEM
 - (14) C.B. = CATCH BASIN
 - (15) F.P.&L. = FLORIDA POWER & LIGHT
 - (16) P.O.B. = POINT OF BEGINNING
 - (17) P.O.C. = POINT OF COMMENCEMENT
 - (18) P.R.M. = PERMANENT REFERENCE MARKER
 - (19) P.C.P. = PERMANENT CONTROL POINT
 - (20) P.U.E. = PUBLIC UTILITY EASEMENT
 - (21) CALC. = CALCULATED
 - (22) MEAS. = MEASURED
 - (23) PRO. = PRORATED

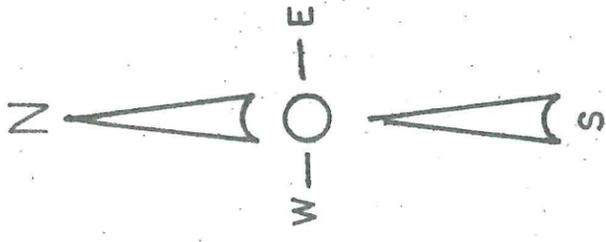
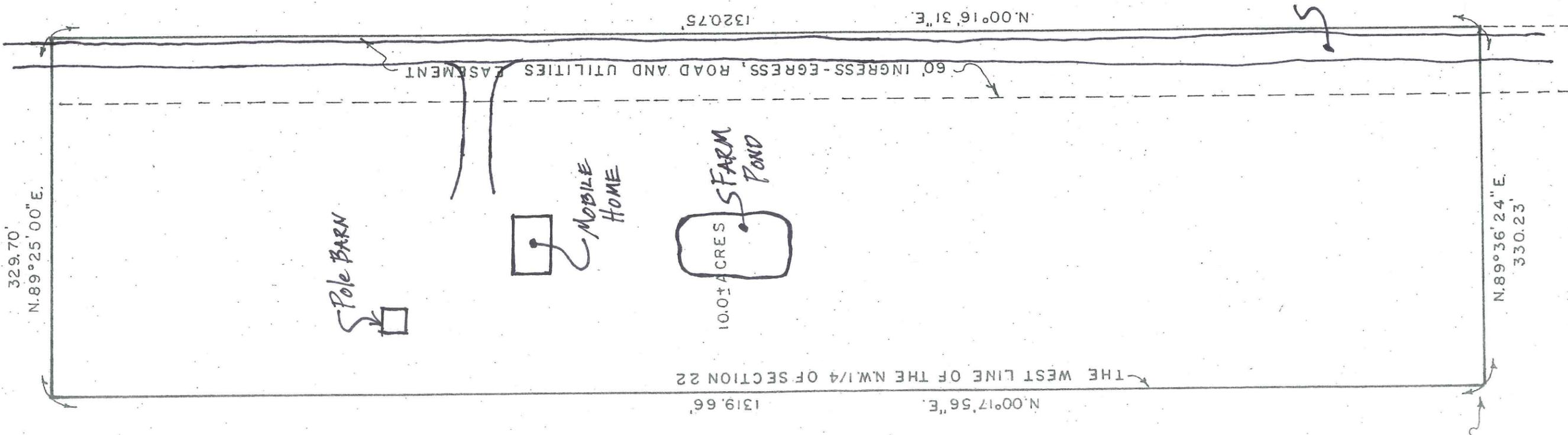
**Certified Sketch
 (Exhibit A)**

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REGISTERED LAND SURVEYOR P.L.S. #4869
STATE OF FLORIDA JAMES R. STARNES

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SCALE: 1" = 100'
NORTH

LEGEND:

- (1) DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
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 - (21) CALC. = CALCULATED
 - (22) MEAS. = MEASURED
 - (23) PRO. = PRORATED
 - (24) STARNES #4 REBAR = A #4 REBAR AND METAL CAP STAMPED STARNES
 - (25) STARNES MON. = CONCRETE MONUMENT WITH A METAL PLATE, STAMPED STARNES
 - (26) N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
 - (28) M.H.T. = MEAN HIGH TIDE
 - (29) Δ = DELTA
- NOTE: UNDER GROUND IMPROVEMENTS THAT ARE NOT SHOWN, IF ANY WERE NOT LOCATED.

Site Plan
(Exhibit B)

L.B. 6766

CERTIFIED SKETCH

Darda Narrative Special Exception Request

We are requesting a special exception at the address of 39020 Cook Brown Road, Punta Gorda, Florida 33982. The request includes the following: to place a single-family mobile home on the property to serve as a homestead. This request would be compatible with existing uses surrounding adjacent and contiguous land. There is current existing adequate access via a fourteen feet wide private road to the said address that will not impede traffic congestion and allows for minimal hazards. The proposed location for the mobile home is on a two-acre cleared and elevated pad. The remaining property consists of landscaping/trees, and a 0.25-acre pond that allows for agricultural use. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations. The establishment of this mobile home will not be detrimental to or endanger the public health, safety, or general welfare.

RECEIVED
JUL - 2 2014
BY: KA

**Narrative
(Exhibit C)**



MEMORANDUM

Date: July 17, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-14-011, Darda Mobile Home, 39020 Cook Brown Road

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 complete environmental review was conducted by staff through excavation exemption no. EXE-14-00006 and tree permit no. 20140609027. No listed species or sensitive habitats were documented in the areas of impact. Excluding the existing cleared and filled area located on site the remainder of the site consists of dense Pine Flatwoods. A wetland determination was provided by the applicant through the tree permit application and no wetlands were identified in the areas proposed to be impacted.

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.

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION.*

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

JS

(Exhibit D)

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COMMUNITY DEVELOPMENT DEPARTMENT - Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598