

STAFF REPORT
Community Development Department
Petition Number: SE-14-015

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 30, 2014 **BZA meeting date: October 8, 2014**

Requested Action/General Information:

Scott and Joanne Volage are requesting a special exception to allow a mobile (manufactured) home, to be used as a residence, on property located at **6252 Alfred Boulevard** east of Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate (AE). This property has a Rural Estate Residential 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 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 **Boundary Survey** (**Exhibit A**), which shows the lot dimensions (168' by 324') of this existing 1.25-acre lot (tract). The applicant has also submitted a **Site Plan** (**Exhibit B**) showing the proposed mobile (manufactured) home, access drive, and accessory shed to be located on subject property. A new water well will be needed to supply potable water and a septic system and drain field will be necessary to process the waste water from this residence. The County Health Department must approve the design and locations for the well and septic system.

Access to this lot (Tract 208) is provided by 80' wide private access easements (40' from each Tract) along the west and south sides of subject property. The westerly easement has been named Alfred Boulevard and the southerly easement has been named Poplar Road. Subject property is 1.25-acres in size, which does not meet the ten-acre minimum lot size requirement for the AE zoning district when located in the Rural Service Area, however, these lots (tracts) were created prior to adoption of the Zoning and Subdivision Ordinances, therefore they are entitled to be developed with one single-family residence. These access easements have not been paved but are maintained by Charlotte County as part of an MSBU and MSTU.

The applicant has not yet selected the specific mobile (manufactured) home they intend to place on this property, therefore a copy of the Data Plate 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 September 15, 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	Vacant Tracts	Agriculture Estate	Rural Estate Residential
South	Single-family homes and Vacant Tracts	Agriculture Estate	Rural Estate Residential
East	Single-family homes and Vacant Tracts	Agriculture Estate	Rural Estate Residential
West	Single-family homes and Vacant Tracts	Agriculture Estate	Rural Estate Residential

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 access easement named Alfred Boulevard, which is an unpaved road maintained by Charlotte County through an MSBU and MSTU.

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 or 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 AE 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 must 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, Boundary Survey, Site Plan, Narrative, and Environmental Specialist Memorandum



Community Development

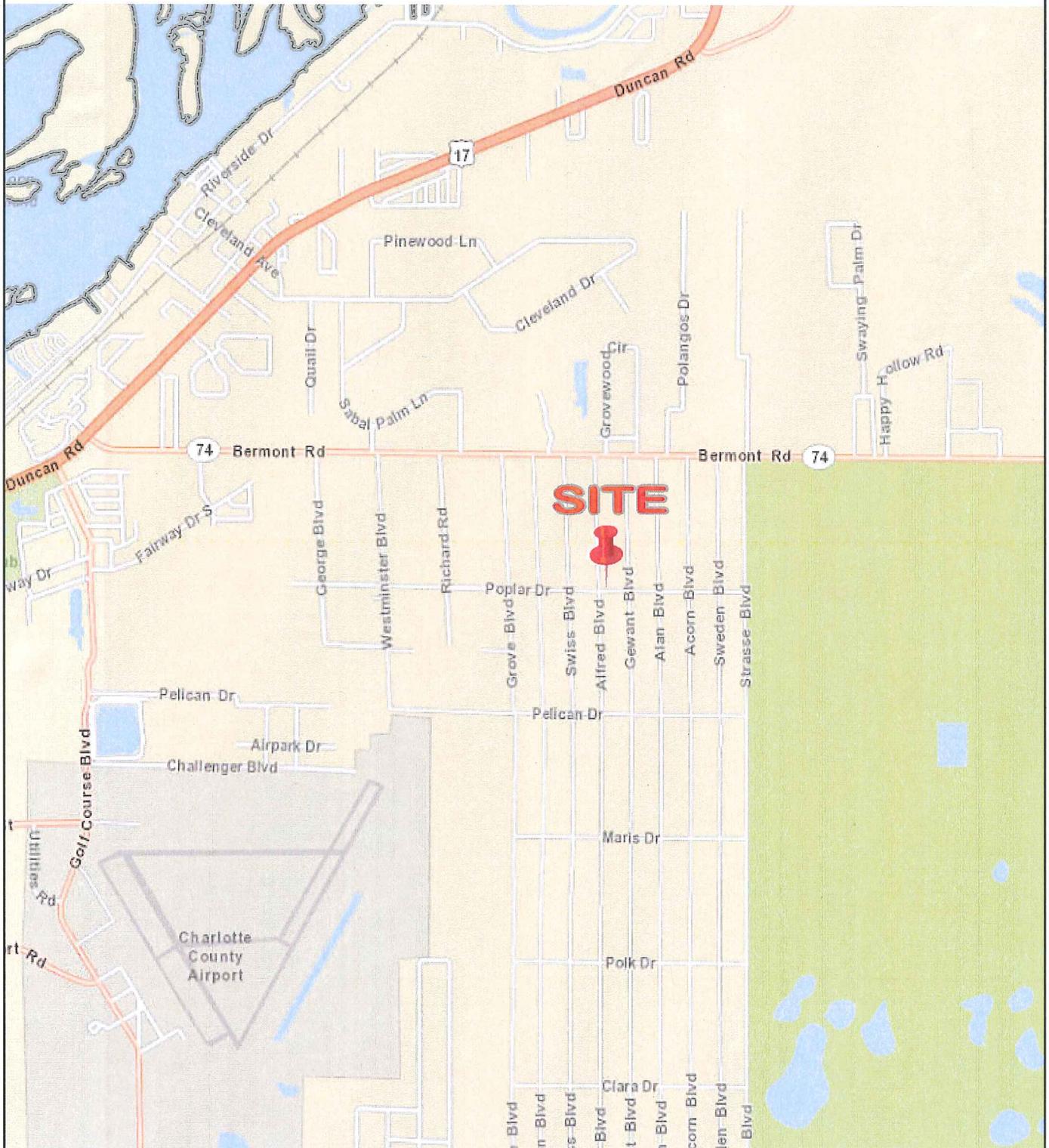
CHARLOTTE COUNTY

Location Map for SE-14-015

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 6014 Date Saved: 9/3/2014 4:25:22 PM

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CHARLOTTE COUNTY

Zoning Map for SE-14-015

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CHARLOTTE COUNTY

Aerial View for SE-14-015

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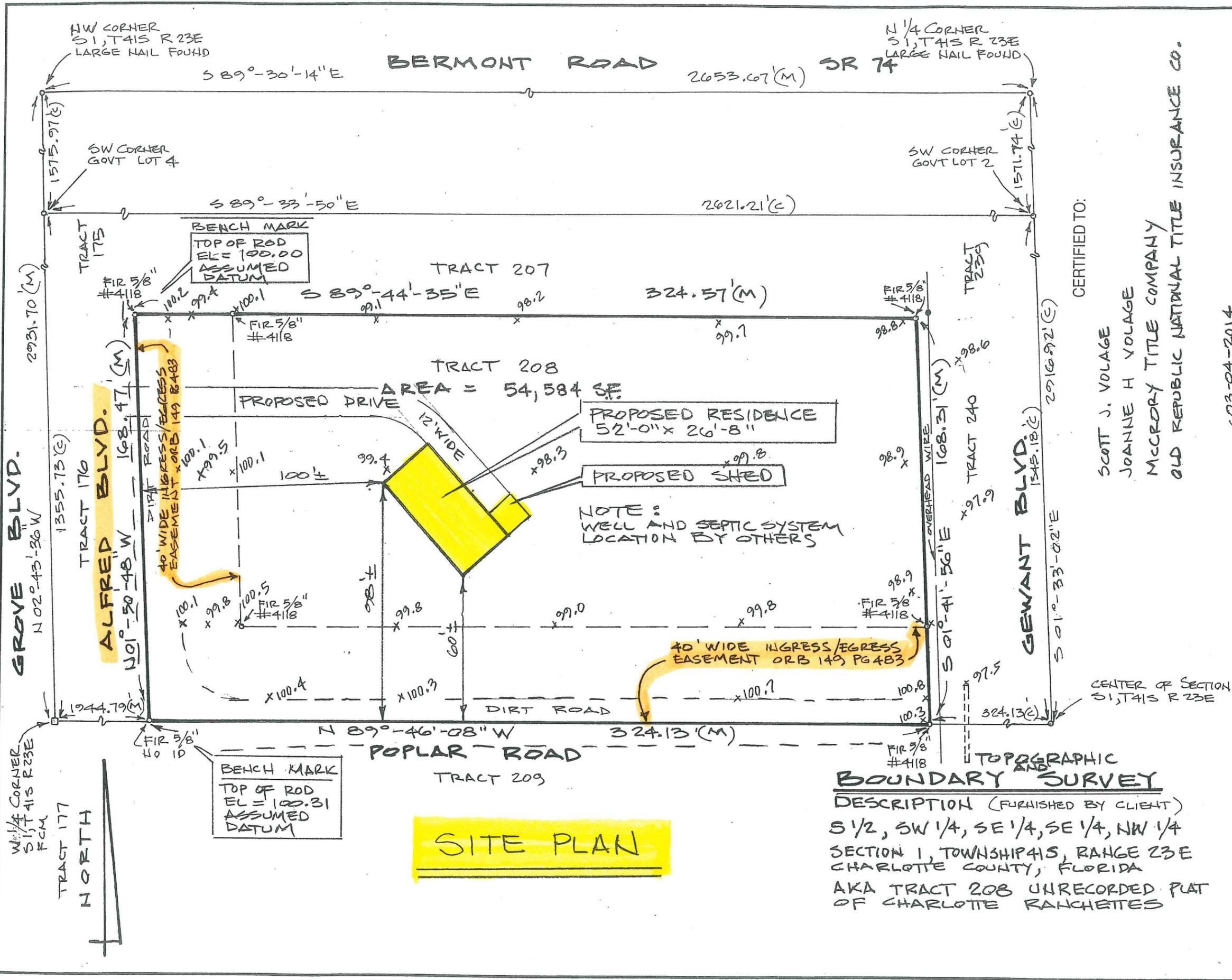
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SITE PLAN

BOUNDARY SURVEY
 DESCRIPTION (FURNISHED BY CLIENT)
 S 1/2, SW 1/4, SE 1/4, SE 1/4, NW 1/4
 SECTION 1, TOWNSHIP 41S, RANGE 23E
 CHARLOTTE COUNTY, FLORIDA
 AKA TRACT 208 UNRECORDED PLAT
 OF CHARLOTTE RANCHETTES

CERTIFIED TO:
 SCOTT J. VOLAGE
 JOANNE H VOLAGE
 MCCRORY TITLE COMPANY
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

1. UNDERGROUND FEATURES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.		FIELD: BP/RL	COMPS: BP	DRAFTING: JM
2. TITLE SEARCH PROVIDED BY OTHERS.		SCALE: 0 40	DATE: 08-22-2014	
BEARING BASIS: NORTH LINE S 1, T 41S, R 23E	EFFECTIVE DATE: 5-5-03	FIRM ZONE: X	BASE FLOOD ELEVATION: N/A	
COMMUNITY NUMBER: 120061	PANEL NUMBER: 0254	SUFFIX:		
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 ME: MEASURED C: CALCULATED		UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF AN FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.		
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 BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.		08-22-2014 <i>Jean Michel Melillo</i> JEAN-MICHEL MELILLO R.S.&M. 5553 JOB NUMBER: 14-1059		
MELILLO and PLATT LAND SURVEYING, INC. 2511 VASCO STREET PUNTA GORDA, FLORIDA 33950 (941) 505-0361 Fax: 505-0361		LB 6713		

Site Plan (Exhibit B)

NARRATIVE

PROPERTY LOCATED at 6252 ALFRED BOULEVARD
PUNTA GORDA, FLORIDA
PID # 412301177005

The purpose of this request is to allow a mobile home to be located on property located in an Agriculture Estate (AE) zoning district and to have the Board of Zoning Appeals (BZA) grant a special exception to allow a new manufactured/mobile home to be built on this property.

The site improvements would include an engineered septic system to treat the waste water, a new well to supply potable water, a gravel driveway to provide access to the property from Alfred Boulevard, a carport and shed. This home will be used as a single family residence.

Section 3-9-7(f)

- (1) The Zoning Code specifically states that a “mobile home, to be used as a residence” may be permitted with a Special Exception in the AE zoning district.**
- (2) The properties that are surrounding and immediately adjacent and contiguous to the land where the special exception would exist are either vacant or have homes on them.**
- (3) There will be a 12’ wide driveway to provide access to the property from Alfred Boulevard. This would not add congestion to the streets and roads.**
- (4) The lot is has a considerable amount of existing trees and bushes. The only area that would be cleared would be the area for the home, front and side lawn, driveway and carport area, septic and well area. The back east side of the lot would maintain the trees/bushes etc.**
- (5) It is consistent with the Comprehensive Plan and Land Development Regulations because it is permitted as a special exception in the AE zoning district according to the Zoning Code.**
- (6) The proposed home would not be detrimental or endanger public health, safety or general welfare.**

Regards,

Carol Brewer,
Lee Corp Homes

Narrative
(Exhibit C)



MEMORANDUM

Date: September 12, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-14-015, Volage Mobile Home, 6252 Alfred Boulevard

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 and ordinances and offers the following comments:

- ❖ A preliminary environmental review was conducted by staff. The site consists of an undeveloped lot in a rural community. Due to the fact the property is currently undeveloped there is a probability of listed species occurrence on site.
- ❖ County staff will conduct a field review prior to the issuance of county permits and land clearing activities. If listed species are documented on site all required U.S. Fish and Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC) permits (if applicable) must be provided to staff prior to the issuance of county permits and land clearing activities.

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