

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-14-016**

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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:** December 1, 2014                      **BZA meeting date:** December 10, 2014

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**Requested Action and General Information:**

Michael Haymans, agent for Burnt Store Colony Resident Owner's Association, is requesting a special exception to allow "expansion of a lawfully existing conforming use to property which is abutting the existing use" in the Agriculture Estate (AE) zoning district. The Burnt Store Colony Mobile Home Park would like to expand their boat and RV storage yard and are proposing to acquire one acre from the adjacent property owner to the east. The adjacent property is owned by Robert Corrigan and Linda Trittschuh located at **25300-25350 Zemel Road** in South County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate. This property has a Burnt Store Limited Development Future Land Use Map (FLUM) designation.

It should be noted that the motivation for this application is the result of Fire/EMS suggesting that the applicant consider providing a second means of emergency ingress or egress to their development in case the only access on Burnt Store Road is somehow blocked. The applicant believes that the solution proposed by this application is the most efficient way to achieve this.

**Subsection 3-9-7(b)(3)** (**Exhibit A**) of the Zoning Code states that a special exception may be used to allow "Expansion of a lawfully existing conforming use to property which is abutting the existing use." As such the applicant is requesting a special exception to expand their existing storage yard onto adjacent property and provide a second means of emergency access.

The applicant has submitted the attached **Site Plan** (**Exhibit B**), which includes a location map, and shows the proposed outdoor storage yard in relation to the existing storage yard. A typical type "D" landscape buffer, which will be used to screen the storage yard from the surrounding properties, is also shown. The applicant has also submitted a **Boundary Survey** (**Exhibit C**) showing the dimensions and location of the parcel being acquired by the applicant for this storage yard and emergency access drive. This development proposes a new access drive onto Zemel Road; however, this access must be approved by the County Transportation Engineer. The final details of this development, including the engineered gravel surface, new access drive onto Zemel Road, traffic circulation, storm water management system, and landscaping, must be reviewed and approved according to the Site Plan Review process. **Chapter 3-5, Article XVIII, Subsection 3-5-406(a)** (**Exhibit D**) of County Code requires a type "D" landscape buffer along the periphery of the proposed outdoor storage yard.

The applicant has also submitted the attached **Narrative** (**Exhibit E**) explaining why they believe they meet the criteria for granting this special exception. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit F**) dated October 24, 2014. The Planning and Zoning Board met on November 10, 2014, and recommended approval of the requested special exception, subject to the conditions proposed by staff, see attached **Memorandum** (**Exhibit G**).

**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 by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Sections 3-9-7(b)(3) and 3-9-7(m) (Exhibit A) of the Zoning Code explicitly states that "expansion of a lawfully existing conforming use to property which is abutting the existing use" may be allowed by special exception.

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: The Site Plan, which includes landscaping to buffer the outdoor storage yard from surrounding properties and the public right-of-way, has been submitted showing that the proposed outdoor storage yard could be compatible with surrounding residential and agricultural uses. Staff recommends that approval be subject to compliance with all applicable County Codes including a type "D" landscape buffer.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	Single-family residence	AE	Burt Store Limited Development
South	Vacant lots	RSF-3.5	Low Density Residential
East	Agricultural uses	AE	Burt Store Limited Development
West	Mobile homes	MHP	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: Burnt Store Colony Mobile Home Park currently has only one access off of Burnt Store Road. This proposal is not only to expand the existing outdoor storage yard, but also to provide a second means of emergency access to and from the mobile home park. The design of this new access drive must be approved during the Site Plan Review process prior to construction.

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

Finding: The applicant is proposing to comply with all applicable code requirements, including landscaping. This will be implemented during the Site Plan Review process for the proposed outdoor storage yard.

5. The requested Special Exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

Finding: This proposed expansion of the existing outdoor storage yard would be consistent with the Comprehensive Plan, which allows residential uses, and the Zoning Code, which allows open storage areas for recreational equipment as an accessory use in the MHP zoning district with a special exception.

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 expansion of the existing outdoor storage yard would not be detrimental to the public health, safety or general welfare of the surrounding properties if the facility is properly screened with a type "D" landscape buffer. Also, the proposed second access drive will improve emergency access for this residential community thereby improving the general safety and welfare.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception for expansion of an existing outdoor storage yard staff believes the proposed development does meet all six criteria (Exhibit A-2) 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 expansion of the existing outdoor storage yard for recreational equipment that is in substantial conformance with the Site Plans submitted by the applicant.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed outdoor storage yard and access drive onto Zemel Road.
3. Site Plan Review approval is required prior to issuance of any building permits or construction of any improvements for the proposed new outdoor storage yard and access onto Zemel Road. All landscaping requirements of code must be constructed or installed and maintained for as long as the outdoor storage yard exists.
4. The outdoor storage yard may only be used by residents of Burnt Store Colony Mobile Home Park.
5. 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.
6. An emergency ingress and egress lane from Zemel Road to Colony Parkway must be included in the development of the storage yard. This emergency lane may have a security gate to prevent daily use; however, all parking or storage may only be permitted outside of the designated emergency lane, which must remain open and unobstructed at all times.

**Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon after consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photograph, Section 3-9-7 (4), Site Plan, Boundary Survey, Chapter 3-5-406 (3), Narrative (2), Environmental Specialist Memorandum and Planning and Zoning Board Recommendation



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-14-016

Charlotte County Government

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### 20/42/23 East County

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 6201 Date Saved: 10/24/2014 8:55:44 AM  
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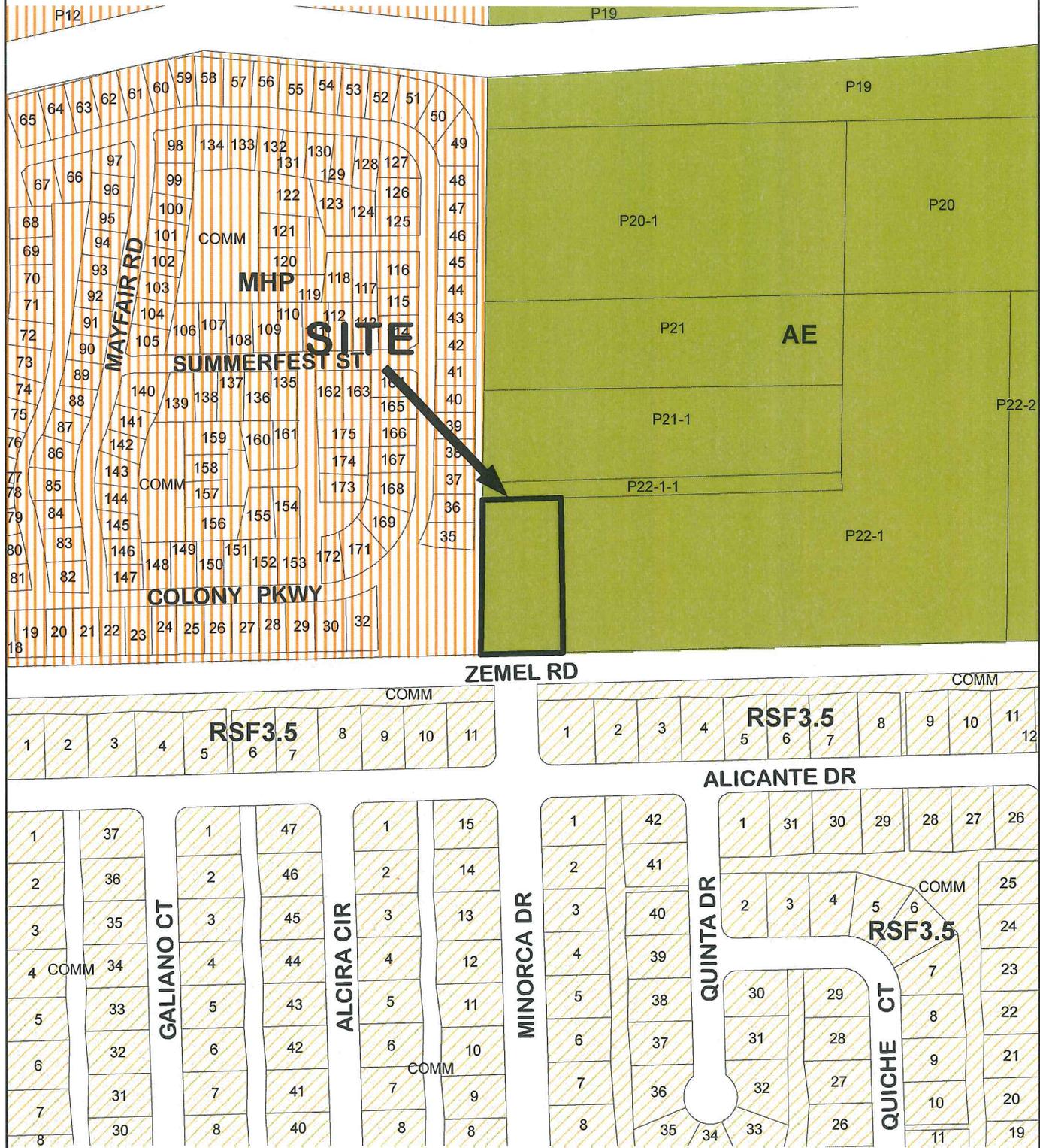
Community Development

# CHARLOTTE COUNTY Zoning Map for SE-14-016

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Community Development

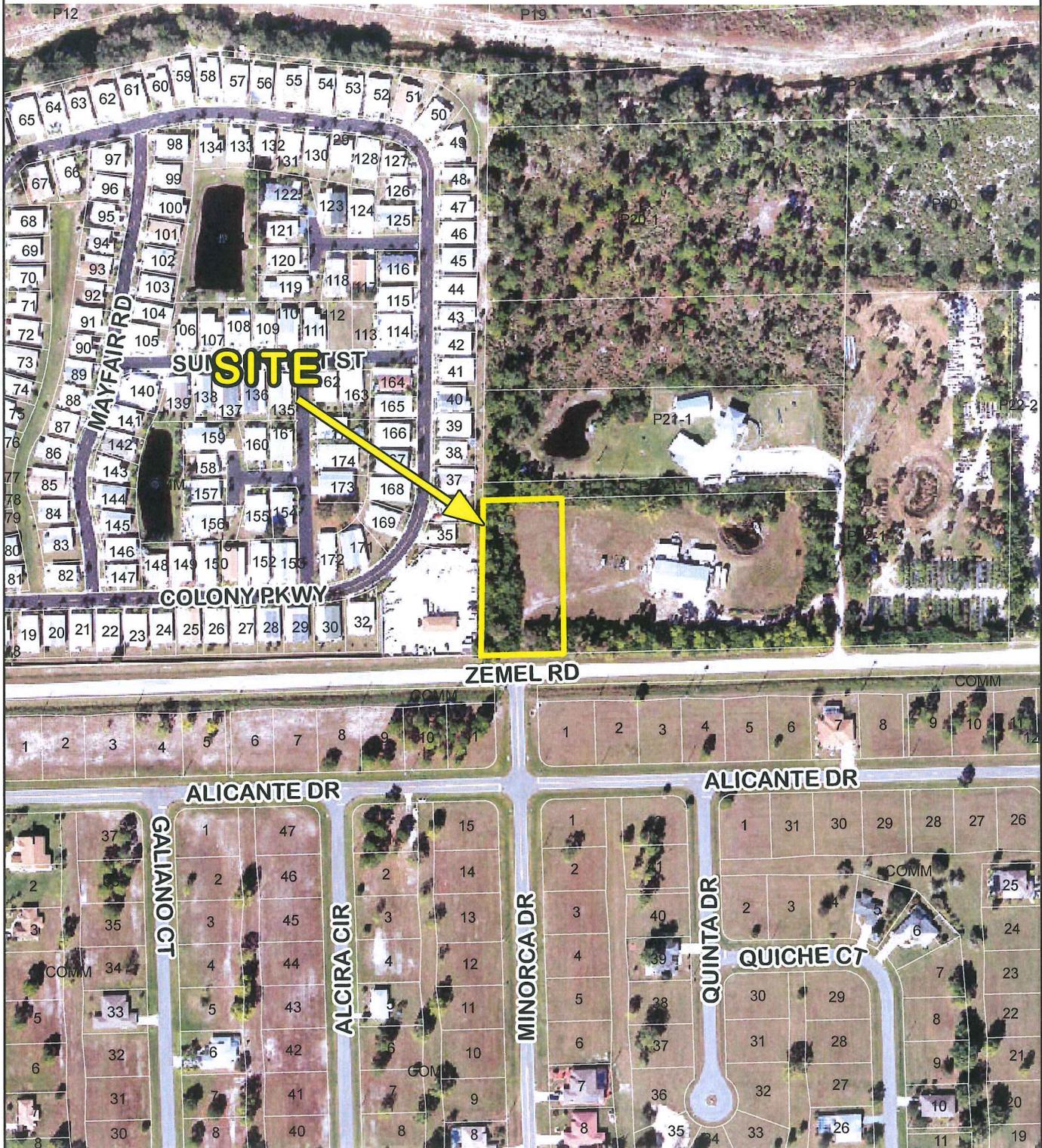
# CHARLOTTE COUNTY

## Aerial View for SE-14-016

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**Sec. 3-9-7. - Special exceptions.**

- (a) *Generally.* A special exception is permission for a use that would not be permissible generally or without restriction throughout a zoning district but which, if controlled as to area, location, relation to the neighborhood and other such restrictions as may be deemed appropriate in each case, would be compatible with surrounding land uses and found to be consistent with the Comprehensive Plan for Charlotte County.
- (b) *Application.* Special exceptions are established to allow the approval of specific uses in addition to the permitted uses in each zoning district. Uses eligible for a special exception shall be limited to:
- (1) The uses listed as special exceptions in each zoning district.
  - (2) Uses allowed by special exception upon a determination by the zoning official.
  - (3) Expansion of a lawfully existing conforming use to property which is abutting the existing use.
- (c) *Written petition.* Applications for special exceptions shall be obtained from and filed with the zoning official and shall be accompanied by the applicable fee to be established by resolution of the board of county commissioners. The zoning official shall review the application for sufficiency, which includes completeness of the application. If additional data is required, the zoning official shall advise the applicant within ten (10) working days after receipt of the application. Upon finding the application to be correct and complete, it shall be scheduled for a public hearing before the next available board of zoning appeals meeting, except in the case of an application for a special exception for the purpose listed in subsection (b)(3), which shall be scheduled for public hearings before the next available planning and zoning board meeting and the next available board of zoning appeals meeting following such planning and zoning board meeting, in accordance with the process for such special exceptions contained in subsection (m). Should an error in the application be discovered, the zoning official shall have the discretion to require the applicant to reapply or submit revised or additional information. Special exception applications shall include but not be limited to the following where applicable:
- (1) Site plans of an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas and required yards and other spaces.
  - (2) Plans showing proposed locations for utilities hookups.
  - (3) Plans for screening and buffers, with references to type, dimensions and character.
  - (4) Proposed landscaping.
  - (5) Proposed signs and lighting, including type, dimension and character.
  - (6) A legal description of the entire property encompassing the special exception.
  - (7) A narrative description of the total project in sufficient detail to provide an understanding of the nature of the development proposal and a statement describing how the requested special exception meets the standards for approval as set forth below.
  - (8) A notarized affidavit which lists the names and addresses of property owners within two hundred (200) feet of the subject property corresponding address labels. This information shall be available in the public available property records of the property app

**Section 3-9-7  
( Exhibit A-1 )**

provide a map clearly showing the subject property and all of the other properties within two hundred (200) feet.

- (d) **Public hearing.** Following the public hearing, the board of zoning appeals may grant or deny the special exception or may grant approval subject to compliance with certain conditions, restrictions or requirements as the board of zoning appeals may deem necessary to protect the interest of the public health, safety, morals and welfare appropriate to be in accordance with the land development regulations established to implement the comprehensive plan. Approval of a special exception, with or without conditions, shall be considered permanent to the extent that it may only be revoked following the procedure for a new special exception unless a time limit or ownership condition is provided in the approval of the use, in which case, the approval shall become void and the use shall be terminated at the end of the time specified in the approval. Notwithstanding this provision, any unused or abandoned special exception shall expire pursuant to subsection (h) of the zoning regulations.
- (e) **Notice of public hearing.** Upon the receipt of an application for a special exception, the zoning official shall establish a date, time and place for the public hearing before the board of zoning appeals or, in the case of an application for a special exception for the purpose listed in section 3-9-7(b)(3), the zoning official shall establish dates, times and places for the public hearings before the planning and zoning board and the board of zoning appeals. Public notice shall be given at least fifteen (15) calendar days prior to the date of any public hearing hereunder by publication in a newspaper of general circulation in the county. The notice shall contain a description of the request, a brief description of the property involved (subject property), and the time, date and place of the hearing, or the times, dates and places of the hearings, whichever is applicable, and shall invite all interested persons to appear and be heard. When a special exception is requested, the owners of property situated within two hundred (200) feet of the subject property shall be mailed written notice of the proposed request at least fifteen (15) days prior to the initial public hearing on the special exception before either the board of zoning appeals or the planning and zoning board, whichever is applicable. The notice shall contain the time, date and place of the public hearing, or the times, dates, and places of the public hearings, whichever is applicable, for the request and a brief description of the property involved (subject property). Notice by mail shall be addressed to the property owner at the address shown on the latest available records of the property appraiser. Such notice shall be considered effective when placed in the United States mail, postage paid; and failure to receive notice shall not invalidate any appeals proceeding. In addition, a sign shall be posted conspicuously on the subject property. The sign shall contain the time, date and place of the public hearing, or the times, dates and places of the public hearings, whichever is applicable, and shall state the action being considered. The sign shall be placed on the property at least ten (10) calendar days prior to the initial public hearing on the special exception before the board of zoning appeals or planning and zoning board, whichever is applicable. Failure to comply strictly with these notice requirements shall not invalidate the proceedings. The zoning official shall investigate the conditions pertaining to a particular request and submit a report to the board or boards that is or are hearing the special exception application giving the facts involved. The parties in interest shall appear at the hearing or hearings in person by agent or attorney.
- (f) **Standards for approval.** A special exception shall be granted by the board of zoning appeals only if all of the following requirements are satisfied:
- (1) The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.
  - (2)

## Section 3-9-7 ( Exhibit A-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.

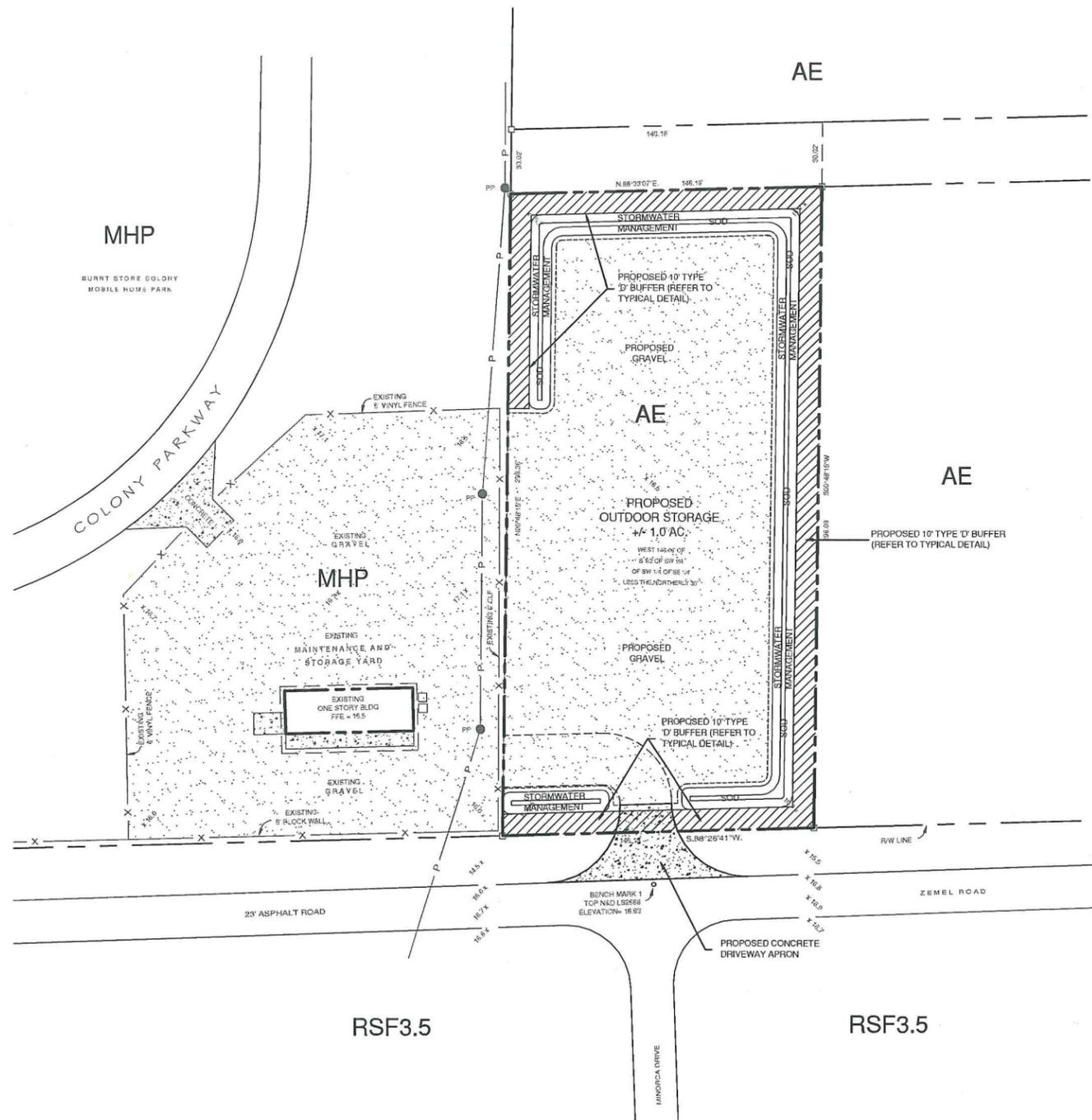
- (3) Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.
  - (4) Adequate provision has been made for buffers, landscaping, trees, open space, stormwater or other improvements associated with the proposed use.
  - (5) The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.
  - (6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
- (g) *Denial.* If the board of zoning appeals should deny an application for a special exception, it shall state fully in its record its reasons for so doing. Such reasons shall take into account the standards for approval stated in this section as they may be applicable to the denial.
- (h) *Conditions and safeguards.* Should the board of zoning appeals approve a special exception, the BZA may impose reasonable conditions in order to prevent or minimize adverse effects on other property in the surrounding neighborhood. Any violation of the conditions and safeguards that may be imposed on any special exception by the board of zoning appeals when made a part of the terms under which the special exception is granted shall be deemed a violation of this Code. Any special exception granted shall expire three (3) years after the date of approval unless the use allowed by the special exception is in existence and actively occurring on the subject property prior to the date of expiration. Any such special exception which ceases to exist and actively occur on the subject property shall expire three (3) years after the date the activity permitted by the special exception ceased. Further, any previously granted special exception or special approval which has not been utilized shall, unless otherwise provided in said approval, expire three (3) years from the effective date of this regulation unless good faith commencement of the special exception has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the board of zoning appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any nonconforming special exception shall be subject to requirements of section 3-9-10 of the zoning regulations with regard to nonconforming uses.
- (i) *Lot and building requirements.* Lots and buildings shall comply with the lot and building requirements of the district in which the special exception is to be located, or shall comply with more stringent requirements as may be imposed by the board of zoning appeals upon approval of the special exception.
- (j) *Signs permitted.* Signs shall comply with the district requirements for the district in which the special exception is located, or such requirements as may be imposed by the Board of Zoning Appeals upon approval of the special exception.
- (k) *Modifications.* Expansion, alteration or modification of any special exception shall require reapplication for a modification to the original special exception.
- (l) *Limitations of applications for special exception.* Whenever the board of zoning appeals has denied an application for a special exception, the board of zoning appeals shall not thereafter consider an identical application for special exception concerning all or any part of the same property for a period of six (6) months from the date of such action, except that this requirement may be waived by the positive votes of a majority of the members of the board of zoning appeals when such action is deemed ly to applications for a modification of a previously

## Section 3-9-7 ( Exhibit A-3 )

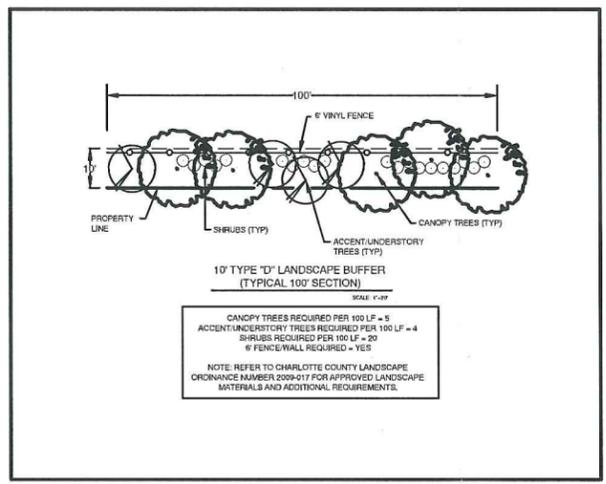
(m) **Procedure for expanded use special exception application.** A special exception application submitted for the purpose listed in section 3-9-7(b)(3) hereof shall be reviewed and considered at a public hearing by the planning and zoning board prior to being submitted to the board of zoning appeals for consideration and disposition at a public hearing. The planning and zoning board shall review and make recommendations to the board of zoning appeals regarding approval, denial, or conditions, restrictions or requirements for any special exception application submitted for the purpose listed in section 3-9-7(b)(3). The planning and zoning board's recommendations shall be advisory only and not binding on the board of zoning appeals. Public hearings before the planning and zoning board and board of zoning appeals, and notices therefor, concerning any special exception application submitted for the purpose listed in section 3-9-7(b)(3) shall be subject to the requirements contained in section 3-9-7(f), and shall be subject to all other requirements of this section 3-9-7

(Minutes of 12-8-81, § 11; Res. No. 85-112, § 2, 6-18-85; Res. No. 87-78, § 4, 5-19-87; Res. No. 87-256, § 5, 10-20-87; Res. No. 87-257, § 4, 10-20-87; Ord. No. 89-50, § 2, 6-22-89; Ord. No. 94-50, § 1, 11-3-94; Ord. No. 2000-013, §§ 1—4, 4-25-00)

**Section 3-9-7**  
**( Exhibit A-4 )**



LOCATION MAP



LEGAL DESCRIPTION:

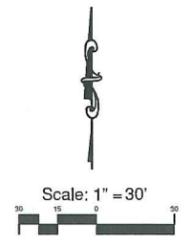
The West 146.06 feet of the South one half of the Southwest one quarter of the Southwest one quarter of the Southeast one quarter, less the Northernly 30.00 feet thereof, lying in Section 20, Township 42 South, Range 23 East, Charlotte County, Florida being more specifically described as follows:

Begin at the Southwest corner of the Southeast one quarter of Section 20, thence N.0°48'15"E., along the West line of the Southeast quarter, a distance of 298.36 feet to the South line of the North 30.00 feet of the South one half of the Southwest one quarter of the Southwest one quarter of the Southeast quarter; thence N.88°33'07"E., along said South line, a distance of 146.18 feet; thence S.0°48'15"W., parallel with and 146.06 feet Easterly from the West line of the Southeast one quarter, a distance of 298.09 feet to the South line of Section 20; thence S.88°26'41"W., along said South line, a distance of 146.19 feet to the Point of Beginning.

Containing 43,560 square feet or 1.0 acre.

FLOOD ZONE

COMMUNITY PANEL NUMBER 120061  
SUFFIX 0141, SUFFIX D  
MAP REVISED MAY 1, 1984  
FLOOD ZONE 'D'  
OUTSIDE 500 YEAR FLOOD PLAIN



Site Plan (Exhibit B)

Charlotte Engineering & Surveying, Inc.  
1700 El Jobean Road  
P.O. Box 33948  
Tallahassee, Florida 32309-2552  
Tel: (904) 629-2552  
Fax: (904) 743-8288  
E-mail: ces@cep-us.com

CES/American  
CIVIL ENGINEERS/LAND DEVELOPMENT  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS

Site Plan  
Special Exception  
Charlotte County, Florida

FOR  
Burnt Store Colony,  
RO Association, Inc.  
15550 Burnt Store Road, #1  
Punta Gorda, Florida 33955

Joseph S. Menon, P.E.  
P.E. No. 44745  
State of Florida  
Charlotte Engineering & Surveying, Inc.  
Corporation No. 2504

Date: 08/14/2014  
Scale: 1" = 30'  
Drawn By: JTS  
Checked By: JSM  
Project #: 12725

SHEET SE-1



### Division 3. Buffering

#### Sec. 3-5-405. When buffering required; exemptions.

- (a) *New construction.* The requirements of this division shall apply to all new development.
- (b) *Improvements to existing development.* Whenever additions to existing buildings, structures or parking are constructed, the requirements of this division apply if:
  - (1) The square footage of the addition(s) exceeds fifty (50) percent of the square footage of the existing improvement(s), or
  - (2) The estimated cost of the addition(s) or improvement(s) exceeds fifty (50) percent of the appraised value of the existing improvement(s).
- (c) *Exemptions.*
  - (1) Private recreational facilities constructed for use by the residents of a development when the facility is located in the interior of the development.
  - (2) Public buildings and structures such as those operated by law enforcement, fire and EMS including, but not limited to jails, fire stations and police stations, as determined by the board of county commissioners at their discretion. (Ord. No. 2009-017, April 21, 2009)
  - (3) Property which is separated from the adjacent property by more than two hundred (200) feet of waterway, right-of-way, greenbelt, drainage facility, or combination thereof.
  - (4) The front property line of property zoned IL, IOP, IG, CI, or CH but only when the adjacent property is zoned CG, CN, CT, NBR, MU, CI, CH, IG, IL or IOP.
  - (5) Whenever the application of the strict requirements of this division to the renovation, restoration, reuse or rehabilitation of property developed prior to June 20, 2001, will result in the loss of other site improvements required by this Code, the department may approve a site-specific buffer plan which best meets the purpose and intent of these buffer requirements, provided:
    - a. All new development occurs within the footprint of the existing improvements and structures, and
    - b. No new impervious surfaces are created.

#### Sec. 3-5-406. Types of buffering.

- (a) *Minimum buffer requirements.* The minimum buffer requirements pursuant to this division shall be as provided in Table 1A, and Exhibits 1 through 9, unless otherwise specifically provided in this section.
- (b) *Greenbelts, easements, native shoreline and riparian vegetation.* Greenbelts, easements, native shoreline and riparian vegetation may be used to satisfy the requirements of this division if:
  - (1) The plant materials and density comply or can be altered to comply with the requirements of this article;
  - (2) The greenbelt, easement, native shoreline or riparian vegetation is in accordance with the provisions of this article;

**Chapter 3-5-406**  
**( Exhibit D-1 )**

Appendix

Table 1A: Table of Buffer Type Requirements (Minimum)

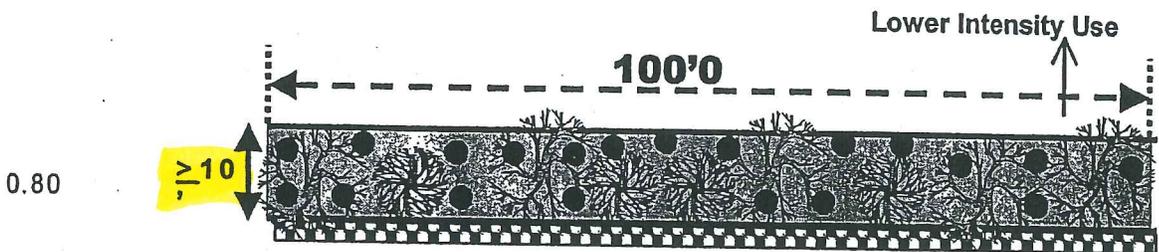
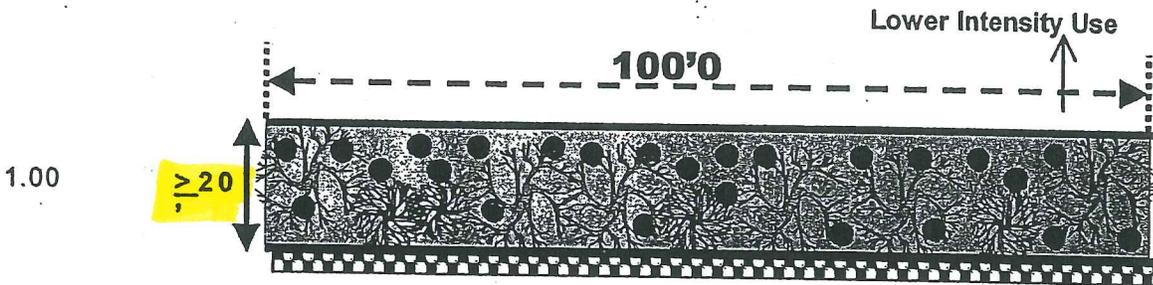
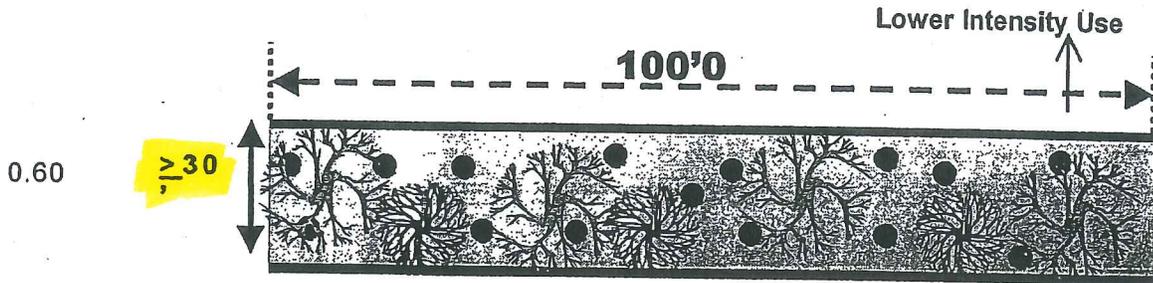
<i>Abutting Zoning:</i>	RSF, AE, RE	RMF, RMF-T	MHS MHC	MHP	RVP	OMI, COP	CG, CN, CT, NBR MU	CI, CH	IL, IOP	IG
<i>Developing Lot's Zoning:</i>										
Single-Family Residential, Agricultural Estates, Residential Estates	-	-	-	-	-	-	-	-	-	-
Residential Multifamily, Residential Multifamily- Tourist	B	-	-	-	-	-	-	-	-	-
Mobile Home Subdivision, Mobile Home Conventional	B	A	-	-	-	-	-	-	-	-
Mobile Home Park	B	B	B	-	-	-	-	-	-	-
Recreational Vehicle Park	C	C	C	C	-	-	-	-	-	-
Office/Medical/Institutional, Commercial Office Park	C	C	C	C	B	-	-	-	-	-
Commercial General, Commercial Neighborhood, Commercial Tourist, Neighborhood Business Residential, Mixed Use	C	C	C	C	B	A	-	-	-	-
Commercial Intensive, Commercial Highway	D	D	D	D	C	B	A	-	-	-
Industrial Light, Industrial Office Park	D	D	D	D	C	C	B	A	-	-
Industrial General	E	E	E	E	D	D	D	B	A	-
Communication Towers (regardless of zoning)	E	E	E	E	E	E	E	E	E	-
Essential Services as defined in § 3-9-74 (regardless of zoning)	A	A	A	A	A	A	A	A	A	-
Active Use Parks (regardless of zoning)	C	C	C	C	C	C	-	-	-	-
Storage Yards (regardless of zoning)	D	D	D	D	D	D	D	D	D	D
Preserve / mitigation lands and passive use parks	-	-	-	-						

Table 1A  
( Exhibit D-2 )

# Buffer Type Illustration

- 6 Canopy Trees
- 4 Accent/Understory Trees
- 25 Shrubs
- Per Plant Unit Multiplier

## Buffer "D"



Structure Required

none

B1

F1 or BW1

Buffer D  
(Exhibit D-3)

~~Exhibit 4 (not to scale)~~

**BURNT STORE COLONY RO ASSOCIATION, INC.  
SPECIAL EXCEPTION APPLICATION  
NARRATIVE**

The subject parcel is a one-acre portion of property owned by Robert Corrigan and Linda Trittschuh. The applicant and the owner have entered into a contract for purchase and sale of the subject property contingent upon the approval of a Special Exception to allow additional access to the Mobile Home Park and for storage ancillary to and as an accessory use to the MHP property, in accordance with Charlotte County Code Section 3-9-7 and 3-9-7 (b)(3).

**1. The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or permitted by reasonable implication within that district.**

This request is to allow the expansion of a lawfully existing conforming use to the subject property, which is abutting the existing use.

**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.**

The applicant is seeking approval of a request to allow the expansion of a lawfully existing conforming use to property which is abutting the existing use. This extension of an existing use is compatible with existing surrounding uses: Mobile Home Park to the west, Agricultural with a residence and dog-grooming business to the north, Agricultural with a barn and workshop to the east, and Zemel Road then vacant residential to the south.

**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.**

The main ingress and egress for the mobile home park is via Burnt Store Road. The subject parcel would provide additional ingress and egress for emergencies via Zemel Road. The additional entrance is to be aligned with Minorca Drive directly to the south.

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

The property will be fenced with an opaque 6' fence and landscaped buffering.

**5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.**

There is no inconsistency. The use of the subject parcel for additional storage and as ingress/egress to Zemel Road is an appropriate use.

**Narrative  
( Exhibit E-1 )**

**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 use supports the general welfare in a safe and efficient manner and provides an emergency access to the Mobile Home Park.

**Narrative  
( Exhibit E-2 )**



# Charlotte County Government

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## MEMORANDUM

**Date:** October 24, 2014  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-14-016, 25300 Zemel Road

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:

- ❖ The western portion of the subject property is undeveloped while the eastern half is cleared, sodded and regularly mowed. Due to the fact that a portion of the property is undeveloped there is a probability of listed species occurrence on site.
- ❖ A listed species assessment will need to be conducted 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,
    - Article XV, SURFACE WATER AND WETLAND PROTECTION,
    - Article XV, UPLAND BUFFER ZONE,
    - Article XVI, OPEN SPACE / HABITAT RESERVATION TRUST,
    - Article XVIII, LANDSCAPING AND BUFFERS.

The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the Natural Resources (ENV) and Coastal Planning (CST) Goals, Objectives and Policies. 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 F )**

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**COMMUNITY DEVELOPMENT DEPARTMENT - Zoning Division**

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598



# Charlotte County Government

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## MEMORANDUM

**Date:** November 10, 2014  
**To:** Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Subject:** Planning and Zoning Board recommendation for a special exception to allow an outdoor storage yard for boats and RVs

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Dear BZA Members,

At their regularly scheduled meeting on Monday, November 10, 2014, the Planning and Zoning Board met, held a public hearing, and took the following action regarding an application by Burt Store Colony Resident Owners Association requesting a special exception to allow expansion of an existing outdoor storage yard for boat and RVs in the Agriculture Estate (AE) zoning district at 25300-25350 Zemel Road.

A motion was presented by Michael Gravesen and seconded by Stephen Viera that the application for a special exception to the Board of Zoning Appeals, file number SE-14-016, requesting a special exception to allow expansion of an existing outdoor storage yard for boat and RVs be APPROVED based on the application submitted on September 16, 2014, the evidence and testimony presented at the meeting, and finding that the applicant must comply with all of the applicable regulations of the Zoning Code relating to development of an outdoor storage yard and subject to the five conditions recommended by staff.

*Motion was approved with a unanimous vote of 4-0.*

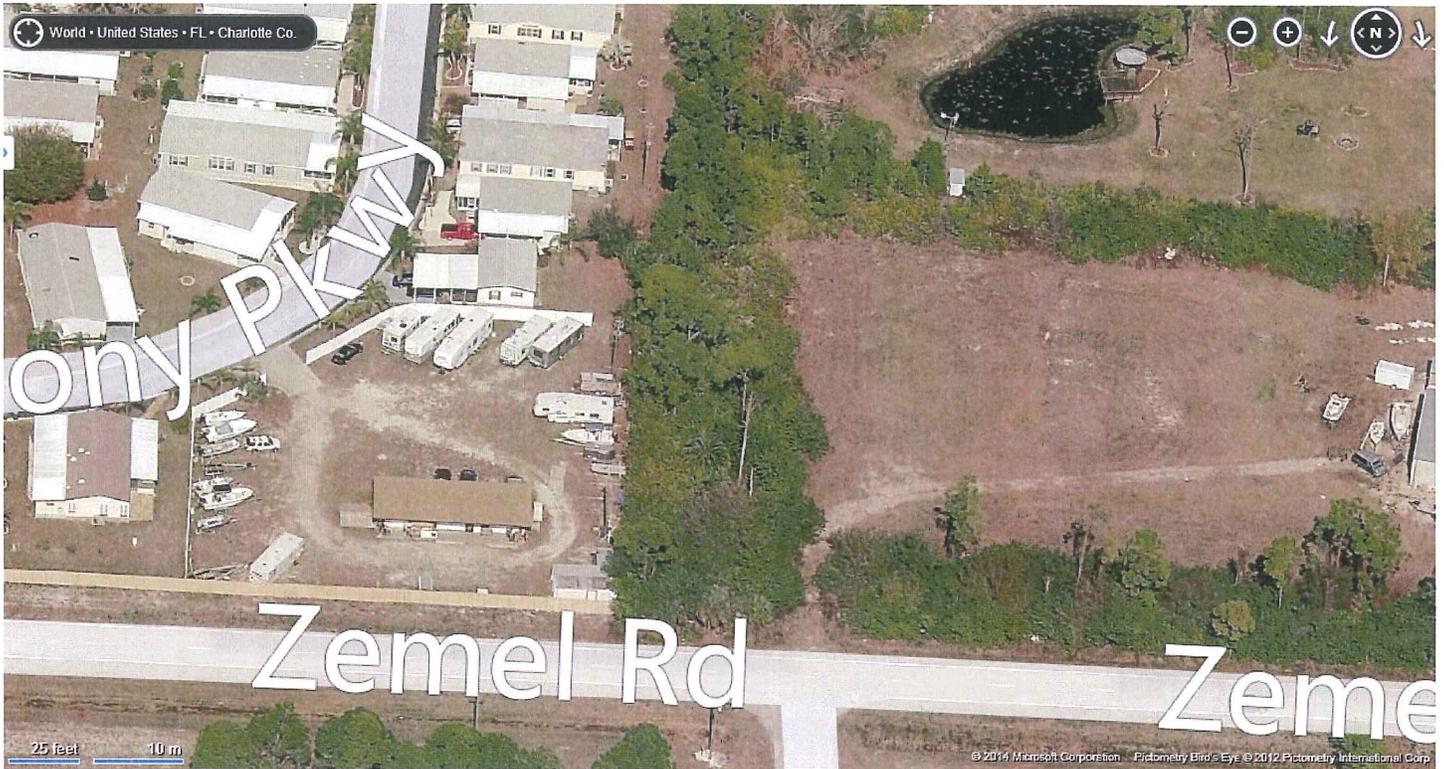
cc: File: SE-14-016

**( Exhibit G )**

**Community Development Department – Zoning Division**

18400 Murdock Circle, Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598



**Aerial Photograph of Existing Site  
Burnt Store Colony Mobile Home Park**

**(25300 Zemel Road)**

**( Exhibit H )**