

**STAFF REPORT**  
**Community Development Department**  
**File Number: SE-15-003**

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**To:** Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Planning and Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III  
**Report Date:** June 3, 2015

**BZA meeting date: June 10, 2015**

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**Requested Action/General Information:**

Sayme White is requesting a special exception to allow a Home Occupation, consisting of a dog grooming business, in the Residential Single-family-3.5 (RSF-3.5) zoning district. Subject property is located at **2200 Anne 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.

**Section 3-9-33 (Exhibit A)** regulates uses in the Residential Single-family zoning districts and does allow a 'Major Home Occupation' as a special exception use if operated in accordance with the home occupation regulations. The home occupation regulations in **Section 3-9-74 (Exhibit B)** state that: "It is the intent of this section to allow the operation of Home Occupations as an accessory to the primary use in any residential dwelling unit and to regulate them so that a neighbor, under normal circumstances, will not be disturbed or inconvenienced." This section also lists the requirements, which must be met for the operation of a home occupation. The applicant has stated that she will abide by all conditions required by this section for a 'Major Home Occupation'.

The applicant has submitted the attached **Floor Plan (Exhibit C)**, showing the existing dimensions of this residence (1,710 square foot), garage, lanai and shed, located on this 7,782 square foot lot. The area the applicant intends to use for this home occupation is approximately 210 square feet (10' by 21') and is indicated on the attached **Floor Plan (Exhibit C)**. Home Occupation regulations limit the area within a home that may be used for a home occupation to a maximum of 20 percent. The area proposed by the applicant is less than 13 percent of this home. Code requires two off-street parking spaces for a single-family residence. This residence has an existing one-car garage and a driveway, which has room for at least two vehicles. The applicant has stated in their narrative 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 applicant has also submitted the attached **Narrative (Exhibit D)** 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 May 14, 2014.

**Findings:** The three standards for approval for a Special Exception according to Section 3-9-6.2(i) of the Charlotte County Zoning Code are as follows:

1. The proposed special exception is consistent with the Comprehensive Plan.

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.

2. The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Single-family homes	Residential Single-family-3.5	Low Density Residential
South	Single-family homes	Residential Single-family-3.5	Low Density Residential
East	Single-family homes	Residential Single-family-3.5	Low Density Residential
West	Single-family homes	Residential Single-family-3.5	Low Density Residential

Finding: The surrounding land uses consist of single-family residences and this property will continue to be used as a single-family residence. This existing single-family residence is a permitted principal use, which is compatible with the surrounding residential land uses.

3. 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 addition of the proposed home occupation, consisting of dog grooming, as an accessory use would not be detrimental to or endanger the public health, safety or general welfare of the surrounding single-family residences.

**ANALYSIS AND CONCLUSIONS:**

After review of subject property and the application requesting this special exception staff believes that the proposed home occupation does meet the three 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 dog grooming business only as an accessory use to the existing single-family residence.
2. There shall not be any outdoor kennel associated with this home occupation.
3. This special exception, allowing a home occupation, shall be conducted according to all of the standards and conditions of **Section 3-9-74 (Exhibit B)**, as amended, of the Zoning Code.
4. 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, Section 3-9-33, Section 3-9-74, Floor Plan, Narrative, Environmental Specialist Memorandum, Charlotte County 2006 Aerial Photo



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-15-003



14/40/22 Mid County

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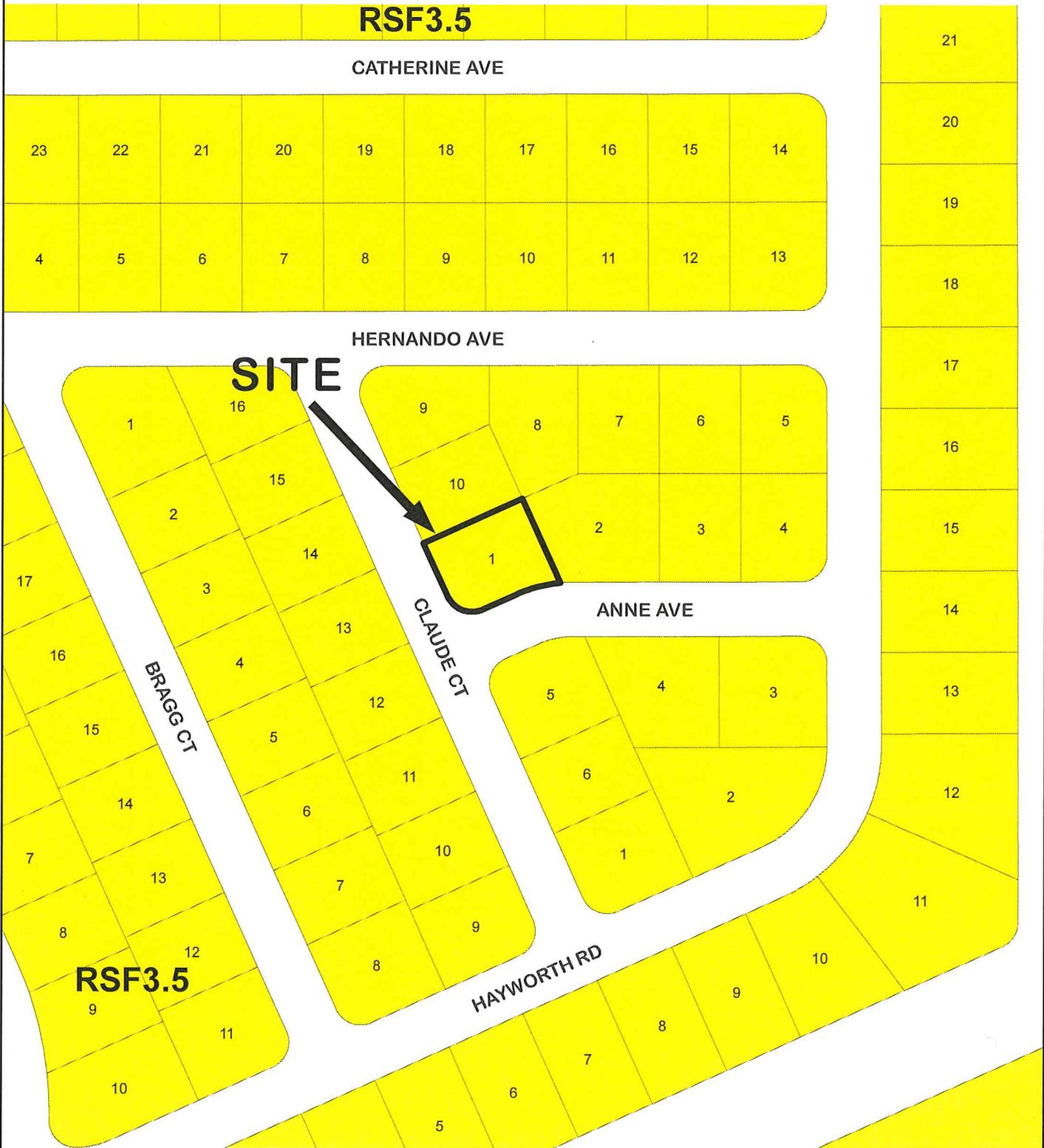
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Community Development

# CHARLOTTE COUNTY Zoning Map for SE-15-003



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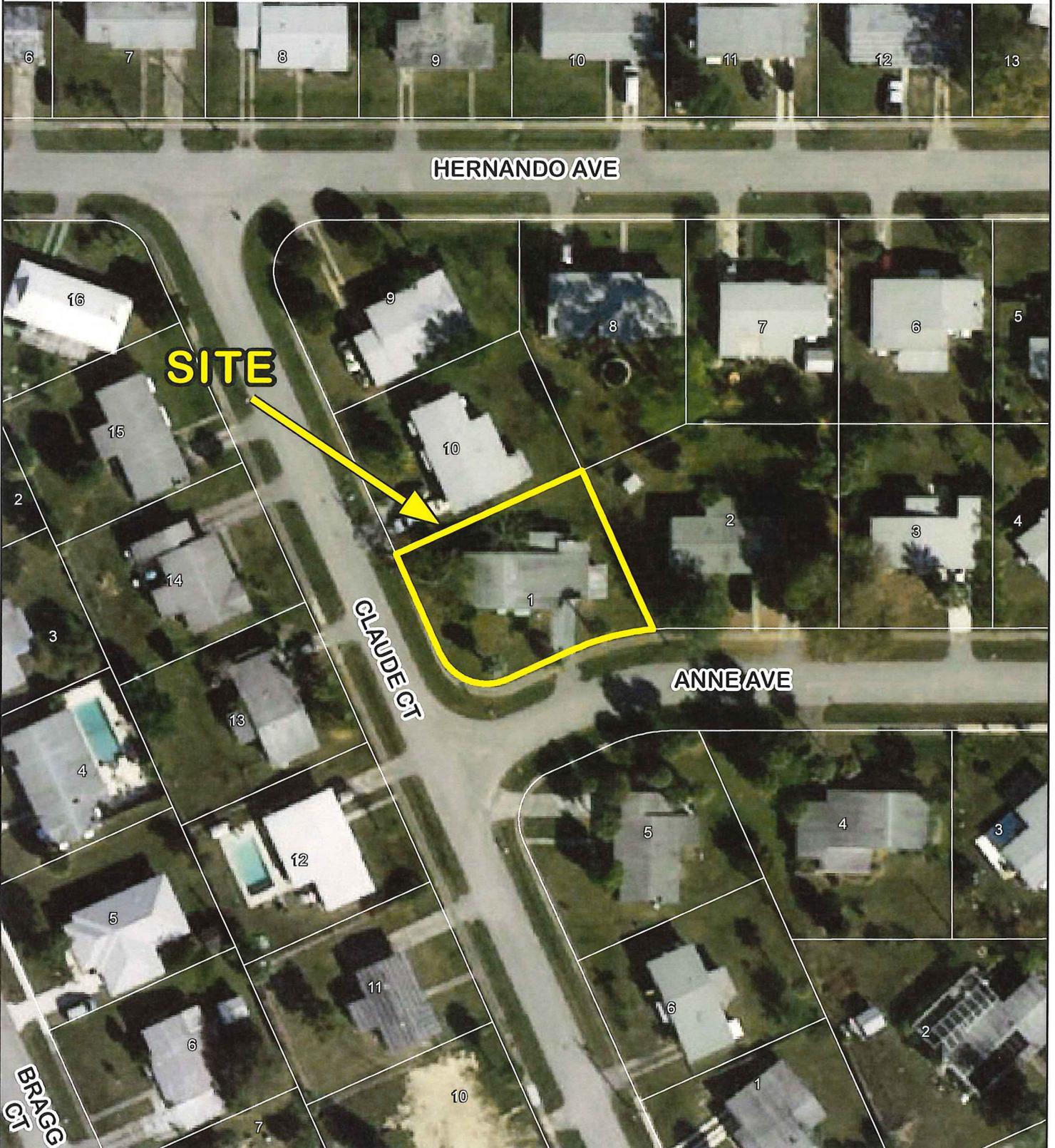
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# CHARLOTTE COUNTY

## 2014 Aerial View for SE-15-003



14/40/22 Mid County

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Section 3-9-33 Residential Single-family

Section 3-9-33

Residential Single-family (RSF).

- (a) *Intent.* The purpose and intent of these districts is to provide for single-family residential dwellings and other uses normally associated therewith. Among RSF-2, RSF-3.5 and RSF-5 districts, there are variations in requirements for lot area, width, and certain yards.
- (b) *Permitted Uses and Structures (P):* The following uses and structures are permitted in this district:
  - (1) Assisted Living Facility or day care center, adult, six or less. (see section 3-9-62 Assisted Living Facility)
  - (2) Emergency services.
  - (3) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure "C".
  - (4) Minor Home Occupation. (see section 3-9-74 Home Occupations)
  - (5) Model home. (see section 3-9-78 Model Homes)
  - (6) Noncommercial boat docks.
  - (7) Park, public or not-for-profit.
  - (8) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.
  - (9) Telecommunications facility, 50 feet or less in height. (see section 3-9-68 Communication Towers)
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are permitted in this district.
  - (1) Boat lifts, boat ramps, and noncommercial boat docks.
  - (2) Carports, garages, and storage structures.
    - a. Detached accessory structures greater than 250 square feet in footprint shall be compatible in appearance with the primary residence, at a minimum, materials and color shall be compatible with the primary residence.
    - b. The total footprint of all detached accessory structures shall not exceed 10% of the parcel size or 1,000 square feet, whichever is greater for a property less than a half-acre. If the property is one half acre or more in size, the total footprint of all detached accessory structures shall not exceed 3,000 square feet. The property owner(s) may apply for a Special Exception to exceed the total maximum accessory structures size limitations contained in this Section.
    - c. Detached accessory structures shall be located behind the leading edge of the living area of the residence except carports and garages, but must maintain required setbacks.
    - d. Construction trailers and cargo containers are prohibited.
  - (3) Fences or walls, which may be permitted prior to the principal uses and structures.
  - (4) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.
  - (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a detached guest suite. It must meet all applicable development standards set forth in the zoning district.
  - (6) Keeping of pets, excluding animal breeding, boarding, and training.
  - (7) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a Conditional Use or Structure, see section 3-9-69 Conditional Uses and Structures)
  - (1) Bed and breakfast, one or two bedrooms.
  - (2) Clubhouse.
  - (3) Cluster housing. (see section 3-9-67 Cluster Housing)
  - (4) Guest home.
  - (5) Subdivided lots with 50 foot wide frontage and 5,000 square foot.
- (e) *Prohibited Uses and Structures:* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.
- (f) *Special Exceptions (S):* (For procedure see section 3-9-6.2 Special Exceptions)
  - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
  - (2) Assisted Living Facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)

Section 3-9-33 Residential Single-family

- (3) Bed and breakfast, three or more bedrooms.
- (4) Cemetery, mausoleum.
- (5) Community garden.
- (6) Day care center, child.
- (7) Elementary, middle, or high school.
- (8) Essential services. (see section 3-9-71 Essential Services)
- (9) Government uses and facilities.
- (10) Major Home Occupation. (see section 3-9-74 Home Occupations)
- (11) Place of Worship. (see section 3.7.82 Places of Worship)
- (12) Private clubs.
- (13) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
- (14) University or college.
- (15) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis courts, basketball courts, and golf courses located on a separate parcel.
- (16) Such other uses as determined by the Zoning Official or his/her designee to be:
  - a. Appropriate by reasonable implication and intent of the district.
  - b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
  - b. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to section 3-9-6 Board of Zoning Appeals.

(g) *Development Standards:*

	RSF-2	RSF-3.5	RSF-5
<b>Lot (minimum)</b>	---	---	---
Area (square feet)	20,000	10,000	7,500
Width (feet)	100	80	70
<b>Setbacks (minimum feet)</b>	---	---	---
Front	25	25	25
Side (interior)	15	7.5	7.5
Side (street)	20	15	15
Rear (interior)	20	20	20
Rear for all accessory structures (interior)	10	10	10
Rear (street)	25	25	25
Abutting a greenbelt	15	15	15
All accessory structures abutting a greenbelt	10	10	10
Abutting water	20	20	20
<b>Bulk (maximum)</b>	---	---	---
Lot coverage of all buildings	40%	40%	40%
Height (feet)	38	38	38
Density (units/acres)	2	3.5	5

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, Waterfront Property.

Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5, of the Code, as the same shall be amended.

(h) *Signs.* Signs shall be in accordance with section 3-9-85.

(i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981, § 7; Res. No. 85-286, § 1, 10-05-1985; Res. No. 87-78, §§ 9, 10, 05-19-1987; Res. No. 87-254, § 17, 10-20-1987; Ord. No. 89-34, § 6, 05-31-1989; Ord. No. 92-40, §§ 1-4, 06-02-1992; Ord. No. 92-65, § 1, 08-18-1992; Ord. No. 94-55, § 14, 11-03-1994; Ord. No. 2001-031, § 1(a), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, §§ 6, 7, 08-26-2003; Ord. No. 2014-053, § 1, 11-25-2014)

**Section 3-9-74****Home Occupations.**

- (a) *Purpose and Intent.* Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. It is the intent of this section to allow the operation of Home Occupations as an accessory to the primary use in any residential dwelling unit and to regulate them so that a neighbor, under normal circumstances, will not be disturbed or inconvenienced. The following regulations are intended to allow residents to engage in a Minor or Major Home Occupation while ensuring that it does not become a detriment to the character and livability of the surrounding area.
- (b) *General Conditions for Home Occupations.* The following conditions must be met and complied with by all operators of any Home Occupation.
- (1) Home Occupations shall be subordinate to the allowed principal residential use.
  - (2) Home Occupations shall be conducted only by a resident of the principal dwelling unit.
  - (3) No more than 20 percent of the gross floor area of a dwelling unit may be devoted to a Home Occupation.
  - (4) The principal use of the dwelling unit shall at all times during the conduct of the Home Occupation remain residential.
  - (5) Retail sales shall not be conducted on the premises, except via the internet, phone and mail.
  - (6) No more than one non-illuminated wall sign, not exceeding two square feet in area, may be attached to the building. This sign must be on or next to the entrance.
  - (7) There shall be no exterior indication that the dwelling is being used for any purpose other than a residence, other than an allowed sign. Examples of prohibited alterations include, but are not limited to, construction of parking lots, paving of required yards, or adding commercial-like lighting.
  - (8) There shall be no outside storage of materials used in connection with the Home Occupation.
  - (9) No equipment shall be used in connection with a Home Occupation which creates noise, vibration, glare, fumes, odors, electrical interference, or requires the storage of hazardous substances which are not typically incidental to a residential use.
  - (10) Deliveries or pick-ups of items associated with Home Occupations shall generally be between the hours of 8:00 AM to 8:00 PM.
  - (11) Any operator of a Home Occupation must obtain, and keep current for as long as the Home Occupation is in operation, a business tax receipt from the Charlotte County Tax Collector, also known as the "Local Business Tax Receipt".
  - (12) The following uses shall be prohibited from being operated as a Home Occupation.
    - a. Any type of repair, assembly, or storage of vehicles or equipment (such as automobiles, motorcycles, marine engines, golf carts, lawn equipment or chain saws), or of large appliances, such as washing machines, dryers, and refrigerators, or any other work related to motor vehicles.
    - b. Any business where employees come to the site to be dispatched to other locations.
- (c) *Minor Home Occupations.*
- (1) Minor Home Occupations include, but are not limited to, Internet sales, professional or paraprofessional services, consulting, home-made crafting, artist studios, and home offices.
  - (2) A Minor Home Occupation is allowed, without the need for a Special Exception, provided it complies with all of the General Conditions established above as well as all of the following conditions.
    - a. The Minor Home Occupation shall register with the County.
    - b. No customers or clients may come to the home at any one time.
    - c. Employees from outside the home are prohibited.

**Section 3-9-74  
( Exhibit B-1 )**

## Section 3-9-74

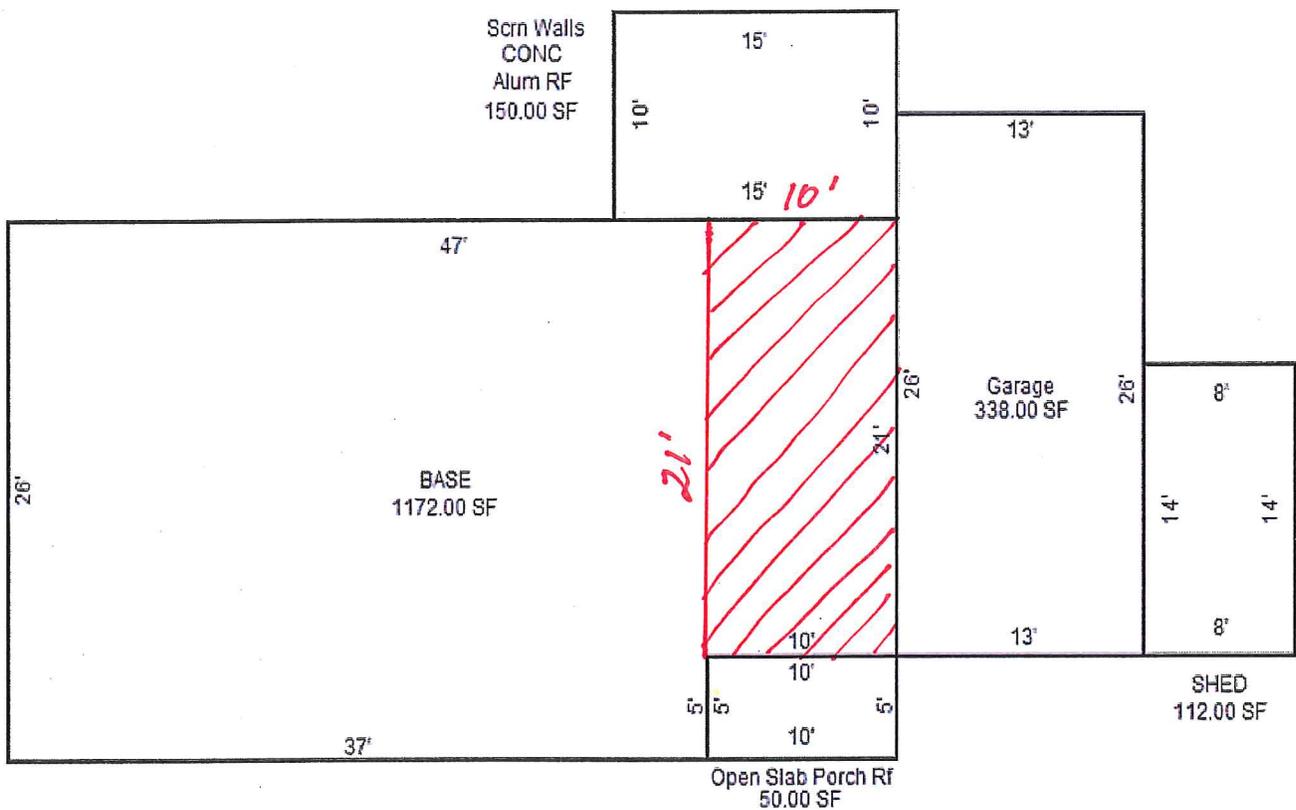
## Home Occupations. (continued)

**(d) Major Home Occupations.**

- (1) Major Home Occupations include, but are not limited to, beauty or barber shops, professional or paraprofessional services, consulting, animal grooming, and home offices.
- (2) A Major Home Occupation may be allowed as a Special Exception use provided it complies with all of the General Conditions established above as well as all of the following conditions and any conditions that may be added by the BZA.
  - a. No more than two customers or clients may visit the home at any one time.
  - b. Customers or clients may visit the home for purposes related to the Home Occupation between the hours of 8:00 AM and 8:00 PM, unless different hours of operation are set by the Special Exception.
  - c. In addition to residents of the home employed in the Home Occupation, the Board of Zoning Appeals may approve additional employees from outside of the home.
  - d. Additional off-street parking spaces may be required by the BZA.
  - e. The granting of a Special Exception to conduct a Major Home Occupation shall be automatically conditioned upon continued compliance with all the requirements of this section. Failure of the operator to meet these requirements shall empower the BZA to revoke the Special Exception after notice and a public hearing.
  - f. The approval of a special exception for a Major Home Occupation shall expire upon termination of the Home Occupation or a change in residency, whichever occurs first.
- (3) Riding lessons in RE zoning district.
  - a. The property must be located in the Rural Service Area.
  - b. No more than five students at a time are receiving riding instructions.
  - c. Shall also conform subsections (d)(2)b.- f.
  - d. An accessory tack shop may be permitted.

*(Minutes of 12-08-1981, § 8; Ord. No. 1989-47, § 10, 06-22-1989; Ord. No. 2014-072, § 1, 11-25-2014)*

**Section 3-9-74  
( Exhibit B-2 )**



Floor Plan from Property Appraiser

4/15/2015

I, Sayme White , am requesting permission to operate a dog grooming business from my home located at 2200 Anne Ave, Port Charlotte ,FL 33952.

My business will meet the criteria in the following ways:

General Conditions:

- (1) The business will be run from my residence where I reside with my two minor children.
- (2) I will be the only person operating this business with no other employees.
- (3) There will not be retail sales at this location.
- (4) There will not be any sign of a business on the exterior of the house. No storage, parking, or any other sign that the home is anything other than a residence.
- (5) There is no loud equipment or any noise that would differ from any other house in the neighborhood.
- (6) Hours of operation will fall into the requirement of 8:00 am to 8:00 pm.
- (7) A tax receipt will be obtained

Major Home Occupation Guidelines

- (1) my business will only take in ONE customer at a time.
- (2) My hours of operation will be 9:00 am to 6:00 pm

**Narrative**  
**( Exhibit D )**



## MEMORANDUM

**DATE:** May 14, 2015  
**TO:** Ken Quillen, Planner III  
**FROM:** Jamie Scudera, Environmental Specialist  
**SUBJECT:** SE-15-003, Ms. Sayme White, Home Occupation, 2200 Anne Avenue

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 located within a historically developed community.

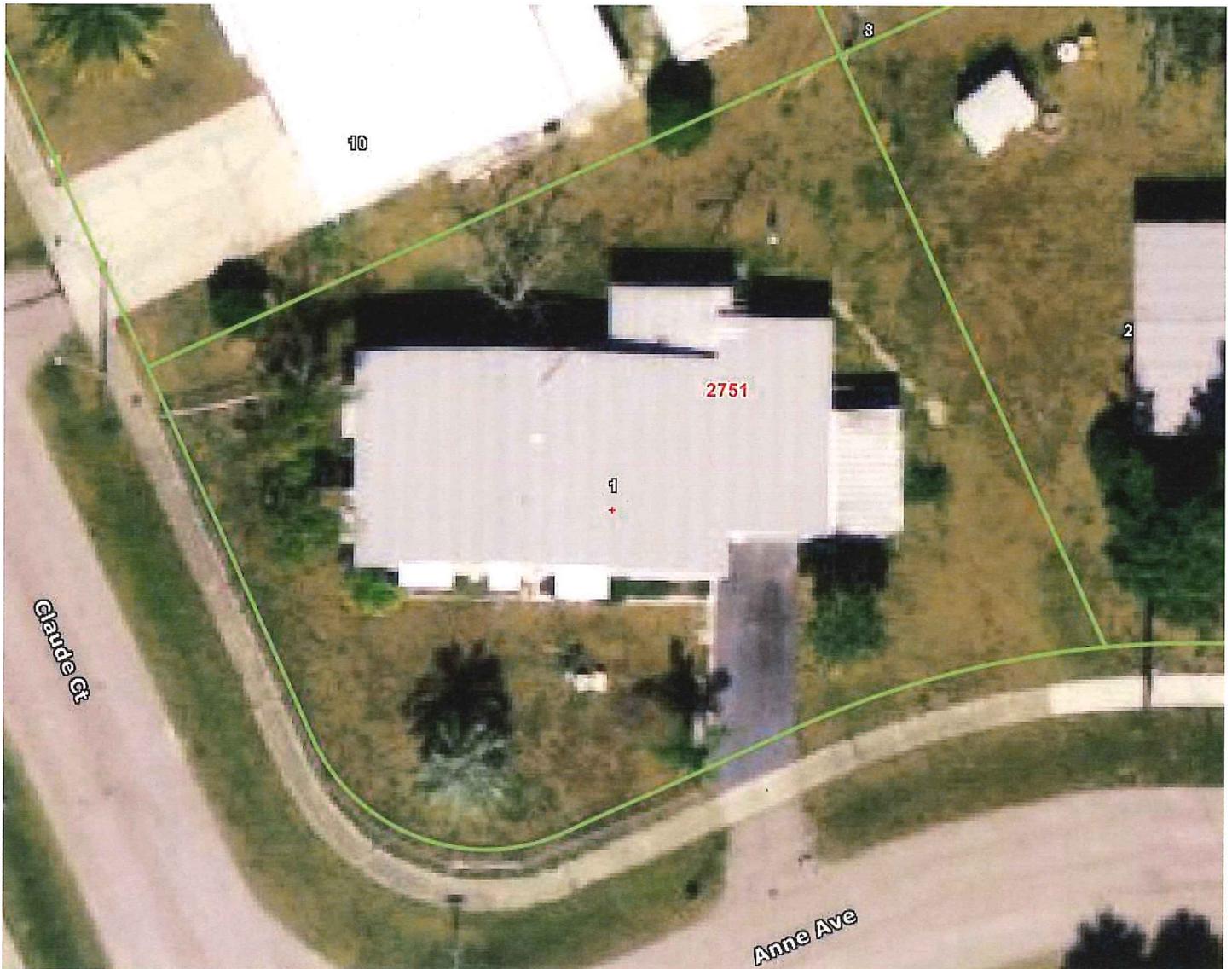
If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ 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 )**



**Charlotte County - 2006 Aerial Photograph**