

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-12-009**

---

**To:** The Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III  
**Report Date:** December 4, 2012                      **BZA meeting date:** December 12, 2012

---

**Requested Action/General Information:**

James Krusick is requesting a variance of 26' to increase the distance a dock may project into a waterway from 12' to 38', to allow an unpermitted dock to remain "as is". This property is located at 2263 Jacobs Street in Port Charlotte (see **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 **3-9-70(b)** (**Exhibit A**) of the Zoning Code regulates the location of boat docks, boat houses and boat lifts in waterways, and requires that: "... On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10) percent of the open water span or twelve (12) feet from the mean high waterline or seawall." The applicant has submitted a survey showing the location of the existing seawall, so all measurements must be made from the existing seawall.

A permit for the first boat dock and lift was issued to J & E Marine Contractors in 2006. Final inspection for this permit was completed in 2007 and the attached **Boundary & Topographic Survey** (**Exhibit B**), dated May 23, 2011, shows the location of this dock and lift and all other existing structures, including a detached garage, which was constructed in 2011.

On February 15, 2012, J & E Marine Contractors submitted an application for a permit for the second boat dock and lift, which is the subject of this variance. This application included a **Site Plan** (**Exhibit C**) showing the proposed dock (as it currently exists), which was rejected by County staff because it did not comply with code. J & E Marine Contractors submitted a **Request to Change to Content of Permit Package** (**Exhibit D-1**) along with a **Revised Site Plan** (**Exhibit D-2**) showing a dock and boat lift which was approved by staff. The permit was issued on April 5, 2012, and final inspection was made on July 3, 2012. However, a complaint was received on August 7, and an inspection on August 13, found that the dock was being made larger since the original permit was closed out. A copy of the **Photograph** taken by the Code Compliance Officer and the **Violation Notice** mailed to the owner is attached and labeled **Exhibit E**. As a result of this code violation the owner has submitted this request for a variance to allow the dock to remain "as is", projecting 38' into the adjacent waterway, as shown on the attached **Boundary Survey** (**Exhibit F**), dated October 23, 2012.

The applicant has submitted the attached **Narrative** (Exhibit G) explaining why the applicant believes this request for a variance should be granted. An Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit H) dated November 27, 2012.

**Findings: The seven standards for approval of a Variance according to Section 3-9-6.1(d) of the Charlotte County Zoning Code are as follows:**

1. Unique or peculiar conditions or circumstances exist which relate to the location, size and characteristics of the land or structure involved and are not generally applicable to other lands or structures.

Finding: This property consists of two building lots and has over 160 feet of water frontage. This allows for much greater access to the water than a typical 80-foot wide lot has. The applicant has not submitted any evidence indicating that there are any unique or peculiar conditions that prevent the construction of a dock that is in compliance with Code, such as a bathymetric survey showing water depths.

2. The strict and literal enforcement of the Zoning Regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant may be considered where relevant to the request.

Finding: Strict and literal enforcement of the Zoning Code would not create an undue hardship on the applicant because a dock could be constructed according to code that could provide handicapped access. Also, there is a previously permitted dock, which has been constructed according to code. The applicant has stated that he has a disability that requires handicapped access. However, the applicant has not said what kind of disability they have or provided evidence, such as a letter from a physician, regarding any disability.

3. The variance requested does not involve any use, which is prohibited in the district where the property is located.

Finding: The variance request is to allow a dock, which is a permitted accessory structure, in the Residential Single-family zoning district.

4. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

Finding: Because of the location and length of the proposed dock, projecting 38' from the seawall instead of 12', the granting of the requested variance may be injurious or incompatible with the residential property located adjacent to the south (lot 15). This dock could have an impact on the adjacent property's (lot 15) access to the water body. The attached **Aerial Photograph** (Exhibit I) shows the side lot lines of lot 15 as they would be extended according to one customary interpretation of riparian rights. This results in little, if any, access to the adjacent water body. An alternative interpretation of riparian rights uses lines calculated as perpendicular to the shoreline for water access purposes. There is no clear cut State Statute that covers this situation and both of these interpretations have been argued in the Courts and are subject to interpretation by the Courts.

5. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

Finding: The conditions given rise to the requested variance have been created by the applicants, who are the property owners. The conditions can reasonably be corrected or avoided by the applicant by constructing a dock which, both, meets their needs and complies with the Zoning Code.

6. The requested variance is the minimum modification of the regulation at issue that will afford relief.

Finding: The requested variance is not the minimum modification that will afford relief because there are other designs for a dock which could be constructed that meets all the dimensional requirements of Code.

7. The requested variance is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan).

Finding: **Objective 1.4** of the **Future Land Use Element**, which is titled "**Protection of Private Property Rights**" proposes to: "recognize and respect existing private property rights, ... and to consider such rights and the impact upon them when preparing recommendations for land use decisions." Staff believes that this variance request may be considered inconsistent with this objective in the **Smart Charlotte 2050 Plan**.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a variance to allow an unpermitted dock to remain "as is", staff believes that the requested variance does not meet all seven criteria for granting a variance. Specifically standards numbered 1, 2, 4, 5, 6 and 7 have not been met.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that this dock is in compliance with the purpose and intent of the Zoning Code. The recommended condition(s) are as follows:

1. The variance, as approved by the Board of Zoning Appeals, is to allow dock with a single finger, which is to be relocated to the north side of the existing dock location only as shown in the attached drawing labeled **Alternative Design Exhibit "J"**. This will allow the northerly pylons to be used for the southerly side of the relocated dock.
2. This variance extends only to the dock which is the subject of this variance request and shall carry with this structure only. If the dock is ever removed, destroyed or replaced, all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time.

**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 (4), Location Map, Zoning Map, Aerial Photo, Section 3-9-70, Boundary & Topographic Survey, Site Plan, Correction Letter, Change to Content of Permit Package, Revised Site Plan, Photograph, Notice of Violation Letter, Boundary Survey, Narrative (4), Environmental Specialist Memorandum, Lot 15 Aerial Photo and Alternative Dock Design



Community Development

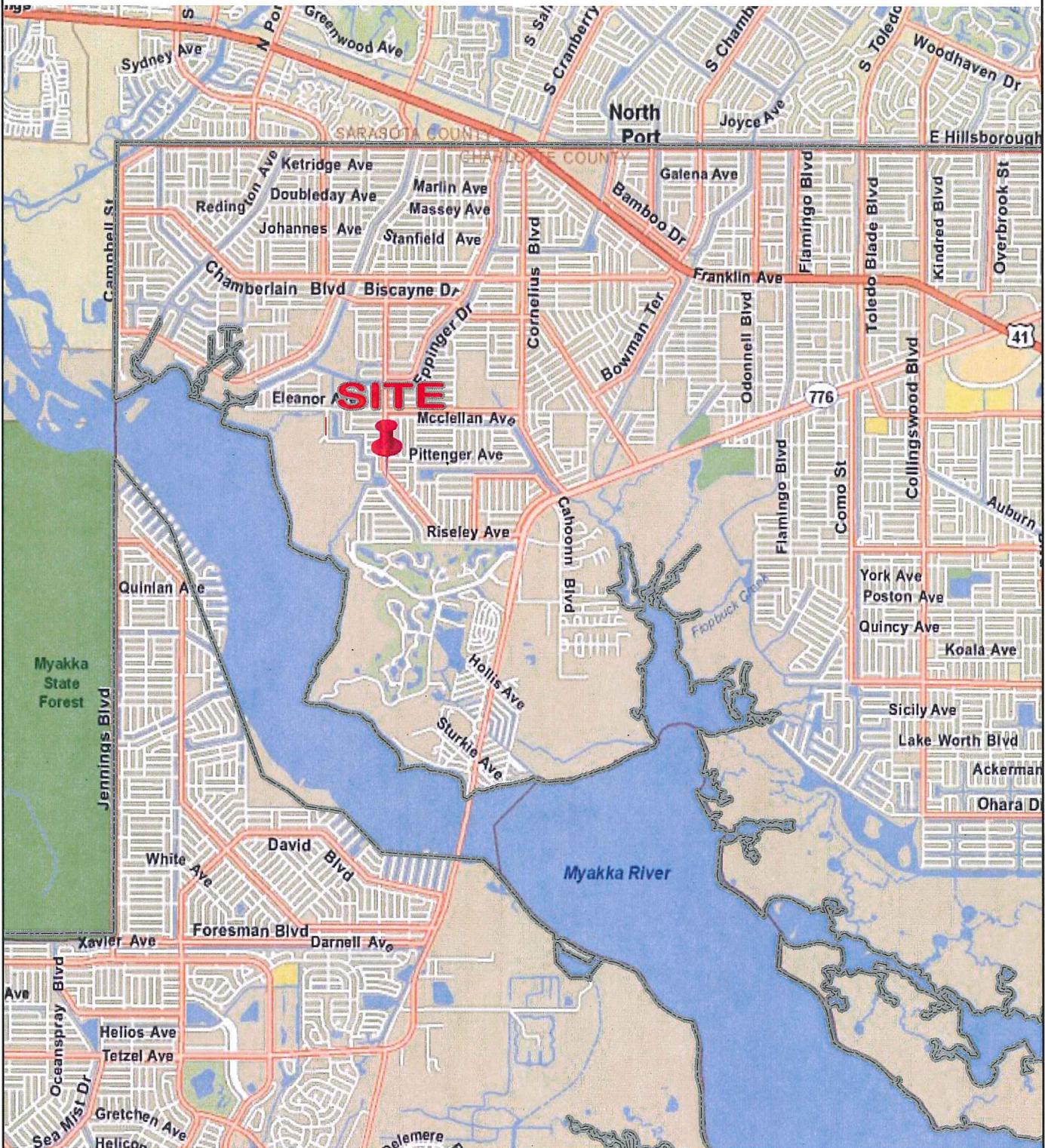
# CHARLOTTE COUNTY

## Location Map for VAR-12-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 17/40/21 Mid-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 guarantees, 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: 11/27/2012 2:54:04 PM

Path: M:\Departments\GIS\Projects\Petition\_Maps\Current\_Planning\2012\VAR-12-009\PKCTLocation Map\_VAR-12-009.mxd



NOT TO SCALE

© Copyright 2012 Port Charlotte, FL by Charlotte County



Community Development

# CHARLOTTE COUNTY

## Zoning Map for VAR-12-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



17/40/21 Mid-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 Date Saved: 11/27/2012 3:36:28 PM

Path: M:\Departments\LIS\Projects\Petition\_Maps\Current\_Planning\2012\VAR-12-009\PCKTZoningMap\_VAR-12-009.mxd



NOT TO SCALE

© Copyright 2012 Port Charlotte, FL by Charlotte County



Community Development

# CHARLOTTE COUNTY

Aerial View for VAR-12-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 17140/21 Mid-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 Date Saved: 11/27/2012 4:08:06 PM

Path: M:\Departments\LLSI\Projects\Petition\_Maps\Current\_Planning\2012\VAR-12-009\PKCTAerial\_VAR-12-009.mxd



NOT TO SCALE

© Copyright 2012 Port Charlotte, FL by Charlotte County

**Sec. 3-9-69. Base setback line.**

Required yards and setback lines abutting a road right-of-way shall be measured from the base setback line, which shall be a line parallel to the centerline of the road right-of-way. Such line shall be the following distances from the centerline of the right-of-way of the applicable road classification indicated on the Charlotte County Traffic Circulation Plan.

<i>Classification</i>	<i>Feet</i>
Major arterial .....	60
Minor arterial .....	50
Major collector .....	40
Minor collector .....	35
All others .....	25

If the base setback line plus the yard requirements of the applicable zoning district are greater than the district setback, the more restrictive shall prevail.

(Minutes of 12-8-81, § 8)

**Sec. 3-9-70. Boat docks; boat houses; boat lifts.**

(a) No boat docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit.

(b) In natural bodies of water, such structures shall not be erected or watercraft moored nearer to the centerline of an open water span than fifteen (15) feet, nor shall structures extend from the mean high waterline more than ten (10) percent of the open water span at the point of installation, or fifteen (15) feet from the centerline of the open water span, whichever is less. The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation. On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10) percent of the open water span or twelve (12) feet from the mean high waterline or seawall. Unwalled roofed areas or boat shelters are permitted on conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.

(c) No such structure shall be permitted in the waters of the Gulf of Mexico.

(d) No pilings or other mooring devices shall extend further seaward in a man-made canal than the lesser of twenty-five (25) percent of the width of the canal or twenty-five (25) feet. All pilings and other mooring devices located in a canal more than fifteen (15) feet seaward of the seawall or mean high waterline shall be marked with red or yellow reflectors or other acceptable reflectorized markings and the top three (3) feet thereof shall be painted white.

(e) No marine elevator and/or submergible boat lift shall extend farther seaward in a man-made canal than the lesser of twenty-five (25) percent of the width of the canal or twenty-five (25) feet. Cradle ends shall be marked so that when submerged, passing boat traffic will be able to identify their location in the water. These markings shall be white and reflectorized so as to be easily seen by boat traffic approaching from any direction.



**SURVEYORS' NOTE:**

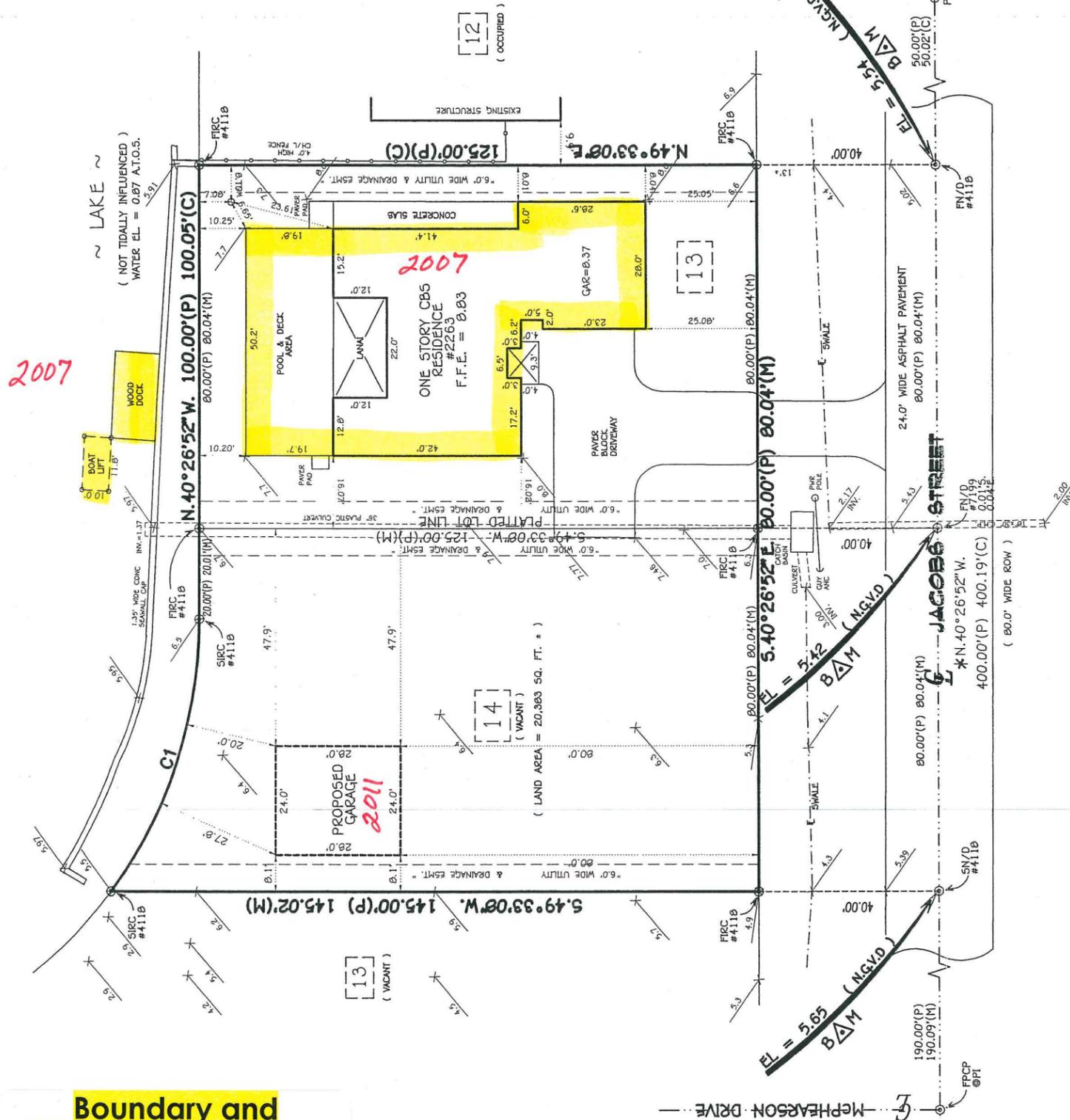
1) EASEMENTS DEPICTED HEREON ARE AS SHOWN AND / OR DESCRIBED ON RECORD PLAT ONLY.

**Boundary and Topographic Survey (Exhibit B)**

**CURVE TABLE:**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1(P)	100.00'	64.35'	63.25'	N 22°00'46" W	36°52'12"
C1(M)	100.00'	64.39'	63.28'	N 22°00'08" W	36°53'29"

**NORTH**  
BASIS OF BEARING -- RECORD PLAT



**CERTIFIED TO:**

JAMES G. KRUSICK  
BEVERLY M. KRUSICK

**DESCRIPTION:**

LOT 13 AND 14 BLOCK 3050 OF THE MAP OR PLAT ENTITLED "PORT CHARLOTTE SUBDIVISION SECTION SIXTY ONE" AS RECORDED IN PLAT BOOK 5, PAGE(5) 75A - 75C OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA

**FLOOD ZONE:**

"AE" (EL 8) AS TAKEN FROM F. E. M. A. FLOOD INSURANCE RATE MAP COMMUNITY / PANEL NUMBER 120061 0201 F  
REVISED / EFFECTIVE DATE: 05 MAY 2003

**BOUNDARY and TOPOGRAPHIC SURVEY**

**LOT (S) 13 & 14 BLOCK 3050**

RELATIVE DISTANCE ACCURACY = 1 : 7,500 ( MIN )

**REVISIONS**

A  
B  
C

LEGEND:  
POB ... POINT OF BEGINNING  
POC ... POINT OF COMMENCEMENT  
PIE ... PINE POLE  
POL ... POINT ON LINE  
POL ... POINT ON LINE  
ATOS ... AT TIME OF SURVEY  
E/P ... EDGE OF PAVEMENT  
TA ... TOP OF ASPHALT  
EDW ... EDGE OF WATER  
PC ... POINT OF CURVATURE  
CAL ... CALCULATED  
M ... MEASURED  
FN/W ... FOUND NAIL W/WASHER  
FN/V ... FOUND NAIL WITH V  
WR ... WATER METER  
PLAT ... PLAT  
F ... FIELD  
O/S ... OFFSET  
B/M ... BENCHMARK  
AC ± ... AREA  
CB ± ... CROWN  
TOB ... TOP OF BANK  
TOS ... TOE OF SLOPE  
HWM ... HIGH WATER MARK

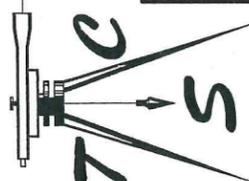
I HEREBY CERTIFY THAT THE GRAPHIC DEPICTION SHOWN HEREON REPRESENTS A RECENT FIELD SURVEY / SKETCH MADE UNDER MY RESPONSIBLE DIRECTION / SUPERVISION, MEETS OR EXCEEDS THE LATEST MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS CHAPTER 61G17 - 6 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO ALL NOTES AND NOTATIONS SHOWN HEREON.

DATE SIGNED: 5/23/11

ROBERT S. YATES, P.S.M.

FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER NUMBER 2022

NOT VALID UNLESS EMBOSSED WITH A RAISED SEAL



**Tri-County Survey, Inc.**

**SURVEYORS - MAPPERS - PLANNERS**

17880 TOLEDO BLADE BLVD, UNIT #101  
PORT CHARLOTTE, FL. 33948 (941)627-5733

ORDERED BY: JAMES G. KRUSICK

PREPARED FOR: JAMES G. & BEVERLY M. KRUSICK

SURVEY/SKETCH DATE: 21 MAY 2011

SCALE: 1" = 30'

U.C. BUSINESS NO. 4118

CHECKED BY: JAH

COMPILED BY: JAH

JOB NO.: 1104024

F.B. # 258

PG. # 32

SECTION 17

TOWNSHIP 40 S.

RANGE 21 E.

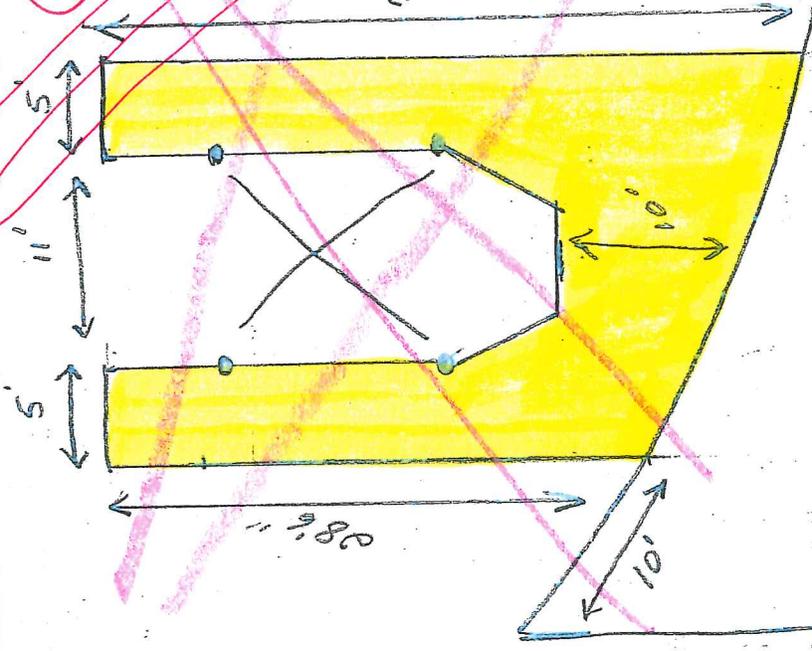
NOTES: THE UNDERSIGNED AND TRI - COUNTY SURVEY, INC. MAKE NO GUARANTEES OR ASSUMES ANY LIABILITY FOR ANY EASEMENTS, RIGHTS OF WAY, OR RESTRICTIONS ON SURFACE STRUCTURE OR AGREEMENTS OR SIMILARLY VISIBLE ON SITE OR SHOWN ON THE PUBLIC RECORDS OF WHICH THIS SURVEY / SKETCH IS DESCRIBED AS A PART AND RECORDED IN THE PUBLIC RECORDS OF THE GOVERNING JURISDICTION / COUNTY GOVERNMENT JURISDICTION LANDS / WETLANDS. IF ANY, HAVE NOT BEEN LOCATED UNLESS OTHERWISE SHOWN. THIS SURVEY / SKETCH AS SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND ALL SUCH MATTERS OF TITLE SHOULD BE DETERMINED BY THE APPROPRIATE TITLE VERIFICATION / ATTORNEY AT LAW. THE DATE, TIME, AND PLACE OF THE SURVEY / SKETCH AND NOT THE DATE, TIME, AND PLACE OF THE SURVEY / SKETCH WILL BE TAKEN FOR USAGE OF THIS SURVEY / SKETCH FOR ANY PURPOSE OTHER THAN ORIGINALLY REQUESTED.

1" = 10'

BASIN  
546

Handwritten notes: "Handwritten notes" and "Handwritten notes" with arrows pointing to the site plan.

- RIGHT-OF-WAY ACCESS ONLY APPROVED WITH CONDITIONS
- 1) If not on plans. All Driveways assumed to be Concrete
  - 2) This is a location and driveway surface approval ONLY
  - 3) Pipe size, material, & inverts to be set in the field
  - 4) SEAWALLS w/outfalls must call 743-1955 prior to construction
  - 5) All work must conform to Ordinance 74-3 & 85-43.
  - 6) NO UTILITY WORK APPROVED



Existing Seawall (MHAL)

Sec 61 PCH

Lot 14  
B1K 3050

2263 JACOBS

Site Plan (Exhibit C-1)



# Charlotte County Government

"To exceed expectations in the delivery of public services."

[www.CharlotteCountyFL.com](http://www.CharlotteCountyFL.com)

**Date:** February 23, 2012  
**To:** J+E MARINE  
**Fax:** 941-629-0886  
**Pages including cover:** 1

**From:** Julia Galofre, Plans examiner  
**Phone:** 941-743-1215  
**Fax:** 941-764-4905  
**Email:** [Julia.Galofre@Charlottefl.com](mailto:Julia.Galofre@Charlottefl.com)

**Subject:** 2263 Jacobs. Permit # 20120201895

---

## COMMENTS:

The review for the permit application has been completed; the following items need to be resolved. Provide **2 copies** of requested documentation.

1. Must comply with zoning and natural resources requirements before further building plans review *"This does not appear to be a basin & under one ownership. provide documentation that it is a basin under one ownership"*

## NOTES:

1. PLANS ARE SUBJECT TO FURTHER REVIEW
2. ALL CORRECTIONS MUST BE MADE PRIOR TO RE-SUBMITAL TO THE BUILDING DEPARTMENT.
3. RE-SUBMITTALS ARE REQUIRED TO BE RETURNED WITH ALL INFORMATION REQUESTED AT ONE TIME TO AVOID MULTIPLE REVIEWS AND MULTIPLE REVIEW FEES.
4. PLEASE DO NOT FAX BACK YOUR RE-SUBMITTAL

**Letter**  
**( Exhibit C-2 )**

### **BUILDING CONSTRUCTION SERVICES**

Permitting | Building Code Enforcement | Plans Review  
Zoning Code Compliance | Land Development  
18400 Murdock Circle | Port Charlotte, FL 33948  
Phone: 941.743.1201 | Fax: 941.764.4905



# Community Development

## Building Division

18400 Murdock Circle, Port Charlotte, FL 33948  
Phone: (941) 743-1201 FAX: (941) 764-4907  
Zoning (941) 743-1964  
Toll Free from Englewood (697-2919)  
www.charlottecountyfl.com

"To exceed expectations in the delivery of public services"

For Office Use Only
Permit Number 2 0 _____
Application Date _____
CSR _____

Print Form

### Request for Change to Content of Permit Package

The approved copy of this form must be on the job site at the time of inspection.

If this permit is in issued or inspect status, the contractor copy of the drawings must be part of this application.

Plans Change    Current Permit Status:  Apply     Issued     Inspect     Expired

Permit Number: 20120201895

Job Site Address: 2263 Jacobs PC

CASHSTOV1@AOL.com

Current Contractor: J+E MARINE

Phone Number for Pick up: 639-5430

Additional Information (P-Doc)     Elevation Certificate     Termite Certificate     Inspection Report  
 Other (Please Specify) \_\_\_\_\_

Corrections to Rejections  
**If Corrections Required - Please indicate areas requiring corrections below. Only resubmittals satisfying ALL required corrections will be accepted.**

Corrections Required as detailed by reviewers.	OFFICE USE ONLY - Corrections Submitted CSR's check Computer to verify ALL corrections answered
<input checked="" type="checkbox"/> ROW	<input type="checkbox"/> ROW
<input type="checkbox"/> Addressing	<input type="checkbox"/> Addressing
<input checked="" type="checkbox"/> Zoning	<input type="checkbox"/> Zoning
<input checked="" type="checkbox"/> Natural Resources	<input type="checkbox"/> Natural Resources
<input type="checkbox"/> Building Plans	<input type="checkbox"/> Building Plans
<input type="checkbox"/> Mechanical Plans (Commercial Only)	<input type="checkbox"/> Mechanical Plans (Commercial Only)
<input type="checkbox"/> Electrical Plans (Commercial Only)	<input type="checkbox"/> Electrical Plans (Commercial Only)
<input type="checkbox"/> Plumbing Plans (Commercial Only)	<input type="checkbox"/> Plumbing Plans (Commercial Only)
<input type="checkbox"/> Fire	<input type="checkbox"/> Fire

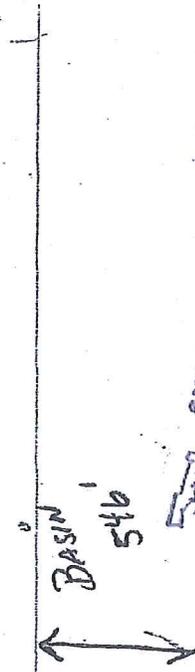
Description of Change DECREASE SIZE OF DOCK / MAKE LIFT FUTURE INSTALL

**For Office Use Only (Reviewer please initial)**

	Reviewer	Date	A/R		Reviewer	Date	A/R
ROW <input checked="" type="checkbox"/>	<u>S.I</u>	<u>3/30/12</u>	<u>A</u>	Building Plans <input type="checkbox"/>	<u>APR 04 2012</u>		
Addressing <input type="checkbox"/>				Mechanical Plans (Comme			
Zoning <input checked="" type="checkbox"/>	<u>MA</u>	<u>3/10/12</u>	<u>A</u>	Electrical Plans (Comme			
Natural Resources <input checked="" type="checkbox"/>	<u>GA</u>	<u>3/20</u>	<u>A</u>	Plumbing Plans (Comme			
Fire <input type="checkbox"/>							



1' = 10'



OFFICE COPY

Proposed Future Light (P153) (P153)

STRUCTURE MAY REQUIRE A PERMIT FROM DEPT. OF ENVIRONMENTAL PROTECTION AND/ OR CORP OF ENGINEERS CRITERIA ESTABLISHED BY ALL GOVERNMENTAL AGENCIES MUST BE MET.

There is a legal obligation by the owner and/or builder on this property to comply with the recorded deed restrictions.

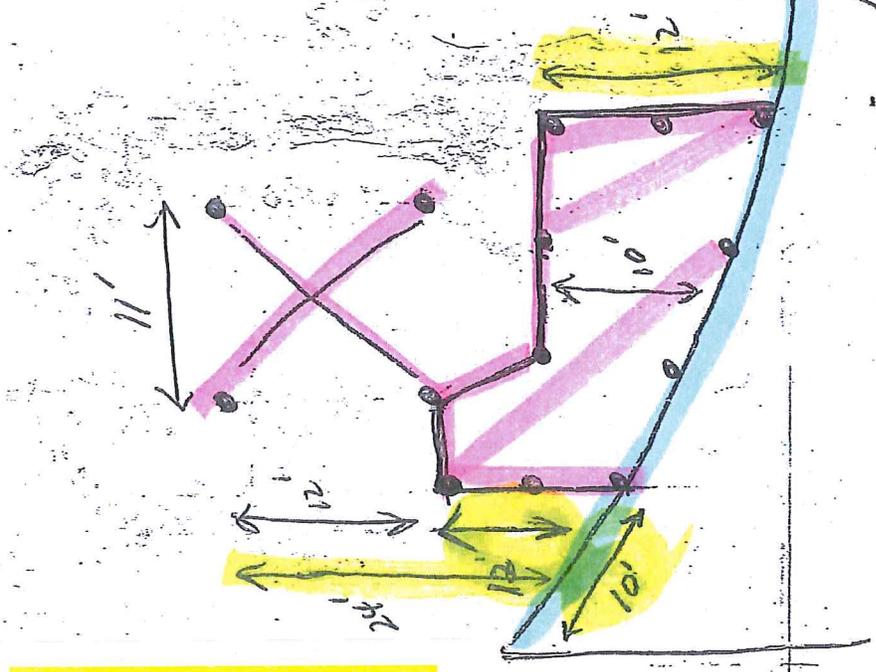
CRITERIA ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MUST BE MET.

Any structure or appurtenance located within an easement will require approval pursuant to the procedure established by the Charlotte County Engineering Department.

Plan approved subject to compliance with Charlotte County Zoning Regulations Date: MAR 16 2012

City Clerk's Office  
 101 Seawall + left to  
 City of Seawall  
 (MHW) from MHW  
 Seawall Only

**Revised Site Plan  
 ( Exhibit D-2 )**



Existing Seawall  
 79'  
 Sec 61 PCH  
 Lot 14  
 B116 3050  
 2263  
 Jacobs



2263 Jacobs St. 8/13/12 dwd

**Photograph  
( Exhibit E-1 )**

**COPY**

ORIG. SENT TO OWNER

8/14/2012



August 14, 2012

James & Beverly Krusick  
2620 Ridge Rd.  
Custer, WI 54423

**RE: CODE VIOLATION; No permit for construction work**

LOCATION: 2263 Jacobs St, Port Charlotte, Florida

Dear property owner:

An inspection of this property performed on August 13, 2012 found that a dock was constructed and electrical work performed that did not meet the building plans as submitted for permit the required inspections have not been performed or approved for this work. A review of the permitting database found no permits have been issued for this construction work. This condition is a violation of the Florida Building Code section 105.1 (Required permits). A copy of this code section has been enclosed for your review.

As the owner of the property you are responsible for any violations that may be present on the property. It is requested that you correct the listed violations **within thirty (30) days** of the date of this letter, by applying for the required building permits and by obtaining all required inspections for the project. For assistance with the renewal of the permit, please contact Building Construction Services at (941) 743-1201.

Your cooperation in correcting the violation, will avoid the necessity of a case being forwarded to the Code Enforcement Board, where **fines of up to \$250.00 a day**, can be assessed and liens may be placed against the property. If you have any questions, contact me at (941) 743-1931.

Sincerely,

Daniel W. DeValk  
Certified Code Compliance Officer  
Building & Growth Management Department  
18400 Murdock Circle, Port Charlotte, FL 33948  
Ph 941-743-1931, Fax 941-764-4905,  
Email [dan.devalk@charlottefl.com](mailto:dan.devalk@charlottefl.com)

**Violation Notice  
( Exhibit E-2 )**

**SURVEYORS' NOTE :**

1 ) EASEMENTS DEPICTED HEREON ARE AS SHOWN AND / OR DESCRIBED ON RECORD PLAT ONLY .

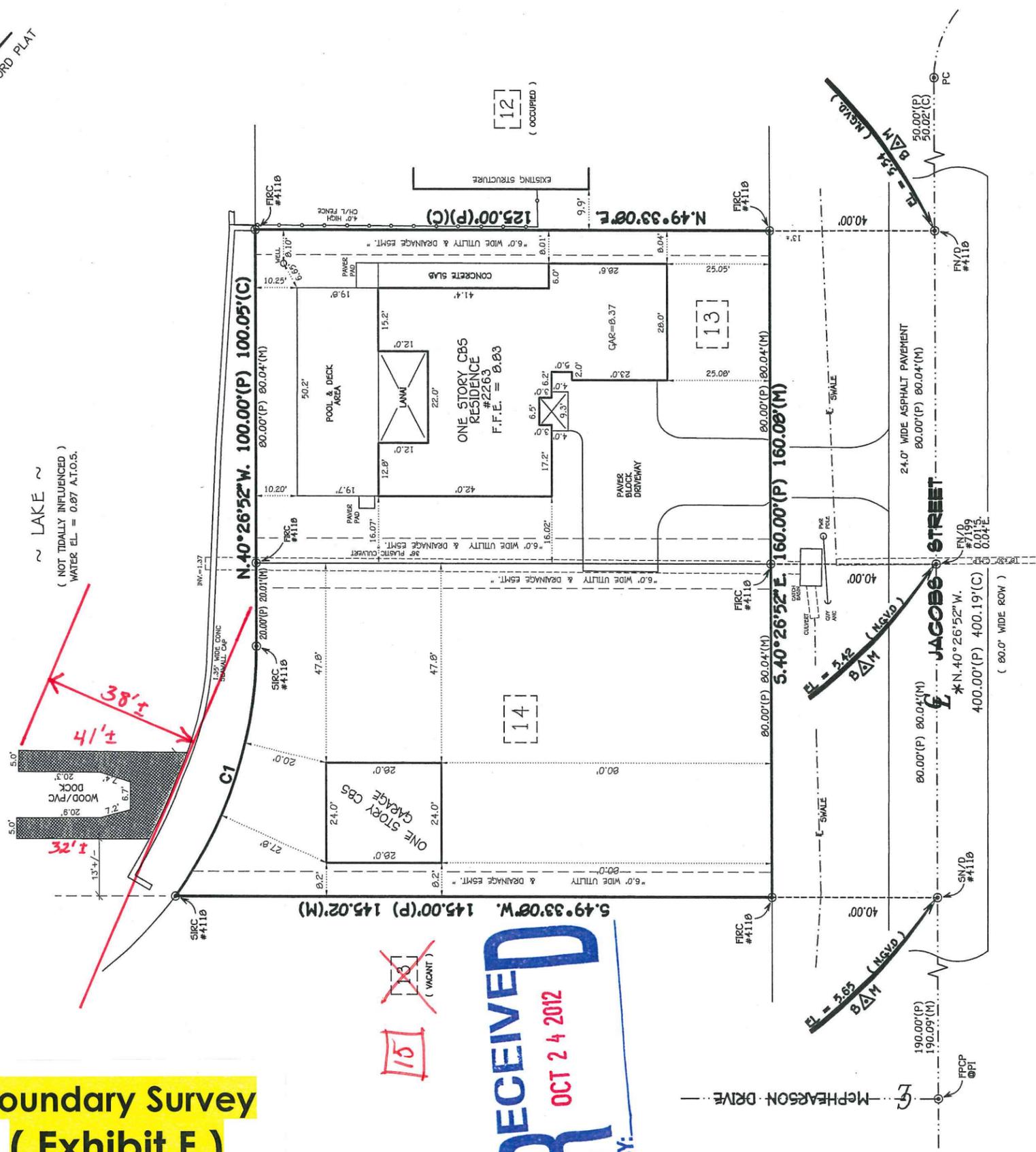
**CURVE TABLE :**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1(P)	100.00'	64.35'	63.25'	N 22°00'46" W	36°52'12"
C1(M)	100.00'	64.39'	63.28'	N 22°00'08" W	36°53'29"

**Boundary Survey  
( Exhibit F )**

~ LAKE ~  
( NOT TIDALLY INFLUENCED )  
WATER EL = 0.87 A.T.O.S.

**NORTH**  
BASIS OF BEARING - RECORD PLAT



**CERTIFIED TO :**  
JAMES G. KRUSICK  
BEVERLY M. KRUSICK

**DESCRIPTION :**

LOT 13 AND 14 BLOCK 3050 OF THE MAP OR PLAT ENTITLED " PORT CHARLOTTE SUBDIVISION SECTION SIXTY ONE " AS RECORDED IN PLAT BOOK 5 , PAGE(S) 75A - 75C OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY , FLORIDA

**FLOOD ZONE :**

" AE " ( EL 8 ) AS TAKEN FROM F. E. M. A. FLOOD INSURANCE RATE MAP COMMUNITY / PANEL NUMBER 120061 0201 F  
REVISED / EFFECTIVE DATE : 05 MAY 2003

**REVISIONS**

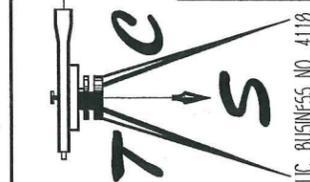
A	....	17 OCT 2012 - ADDED BOAT DOCKS AND GARAGE
B	....	
C	....	

**LEGEND :**  
POB ..... POINT OF BEGINNING  
POC ..... POINT OF COMMENCEMENT  
SIR ..... SET 5/8" IRON ROD W/ CAP #4118  
SN/D ..... SET NAIL W/ DISK #4118  
SD/D ..... SET DRILL HOLE IN CONCRETE  
PPCP ..... FOUND PERMANENT CONTROL POINT  
FN ..... FOUND NAIL  
FIP ..... FOUND IRON PIPE  
FIR ..... FOUND IRON ROD  
FN/D ..... FOUND NAIL W/ DISK

FN/W ..... FOUND NAIL W/ WASHER  
FN/T ..... FOUND NAIL W/ TIN TAG  
FDH ..... FOUND DRILL HOLE IN CONCRETE  
F.F.E. .... FINISH FLOOR ELEVATION  
(POL) ... POINT ON LINE  
ATOS ... AT TIME OF SURVEY  
E/P ..... EDGE OF PAVEMENT  
TOP ..... TOP OF ASPHALT  
(SC) ... POINT OF CURVATURE  
(C) ..... CALCULATED  
(M) ..... MEASURED  
PP ..... POWER POLE  
WM ..... WATER METER  
(P) ..... PLAT  
(F) ..... FIELD  
E ..... FLOW LINE  
O/S ..... OFFSET  
B.M. .... BENCHMARK  
AG ± ... AGREEMENT  
G.S. .... GROUND SURFACE  
TOS ..... TOE OF SLOPE  
HWM ..... HIGH WATER MARK

I HEREBY CERTIFY THAT THE GRAPHIC DEPICTION SHOWN HEREON REPRESENTS A TRUE AND ACCURATE FIELD SURVEY / SKETCH MADE UNDER MY RESPONSIBLE DIRECTION / SUPERVISION , MEETS OR EXCEEDS THE LATEST MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS CHAPTER 61G17 - 6 OF THE FLORIDA ADMINISTRATIVE CODE , PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF . SUBJECT TO ALL NOTES AND NOTATIONS SHOWN HEREON .

DATE SIGNED : 10/23/12  
DEREK S. MILLER P.S.M.  
FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER NUMBER 6341  
NOT VALID UNLESS EMBOSSED WITH A RAISED SEAL



**Tri-County Survey, Inc.**  
SURVEYORS - MAPPERS - PLANNERS  
17880 TOLEDO BLADE BLVD, UNIT #101  
PORT CHARLOTTE, FL. 33948 (941)627-5733

ORDERED BY : JAMES G. KRUSICK  
PREPARED BY : JAMES G. & BEVERLY M. KRUSICK  
FOR :  
DATE : SURVEY/SKETCH 21 MAY 2011

U.C. BUSINESS NO. 4118  
CHECKED BY : KC  
COMPILED BY : KC  
SCALE : 1" = 30'  
JOB NO. : 1104024  
F.B. # 258  
PG. # 32

**BOUNDARY and TOPOGRAPHIC SURVEY** for

**LOT(S) 13 & 14 BLOCK 3050**  
RELATIVE DISTANCE ACCURACY = 1 : 7,500 ( MIN )

NOTES: THE UNDERSIGNED AND TRI-COUNTY SURVEY, INC. MAKE NO GUARANTEES OR ASSUMES ANY LIABILITY FOR THE ACCURACY OF THE SURVEY. THE SURVEY IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED. THE SURVEY IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED.

NARRATIVE DESCRIPTION OF CRITERIA-SECT. 3-9-b.

1. THE DESIGN OF THE EXISTING DOCK AND LIFT ONLY ALLOW ENTRY TO THE BOAT AT THE BOW. I AM A DISABLED AMERICAN VETERAN AND CANNOT CLIMB OVER THE RAILING AND SEATS TO GET INTO THE BOAT, I CAN ONLY ENTER MY BOAT AT THE REAR.

2. I AM CLAIMING HARDSHIP. BEFORE MAKING ANY MODIFICATIONS TO THE EXISTING DOCK, I INQUIRED WITH PLANNING AND ZONING TO SEE IF THERE WERE ANY CRITERIA FOR HANDICAP ACCESSIBLE BOAT DOCKS AND WAS TOLD THAT THERE IS NONE. SO FOLLOWING THE BASIC GUIDELINES SET BY THE ADA, I BUILT HANDICAP RAMPS WITH A 32" MINIMUM WIDTH AND A 60" TURNING RADIUS. THE RAMPS ARE ATTACHED TO THE EXISTING BOAT LIFT POLES, HOWEVER I DID INSTALL ADDITIONAL POLES TO PROPERLY SUPPORT THE RAMPS. THE BOAT IS DESIGNED FOR WHEELCHAIR ENTRY ON THE STARBOARD SIDE, AND WALK-ON ENTRY ON THE PORTSIDE. MYSELF AND MANY OF MY FELLOW DISABLED VETS ARE LOOKING FORWARD TO USING THESE RAMPS TO SAFELY GET IN AND OUT OF THE BOAT

CONTINUED

Narrative  
( Exhibit G-1 )

NARRATIVE CONTINUED

3. CORRECT

4. YES

5. YES

6. YES

7. YES

DEAR SIRS OR MADAMS

I TRULY DID NOT KNOW THAT I NEEDED  
A VARIANCE BEFORE I BUILT THESE HANDICAP  
RAMPS. I AM HOPING THAT YOU GIVE  
SPECIAL CONSIDERATION TO OUR DISABLED  
NEEDS SO THAT WE CAN ENJOY FLORIDA'S  
WATERS LIKE EVERYONE ELSE.

SINCERELY,

*James G. Krusick*

JAMES G. KRUSICK

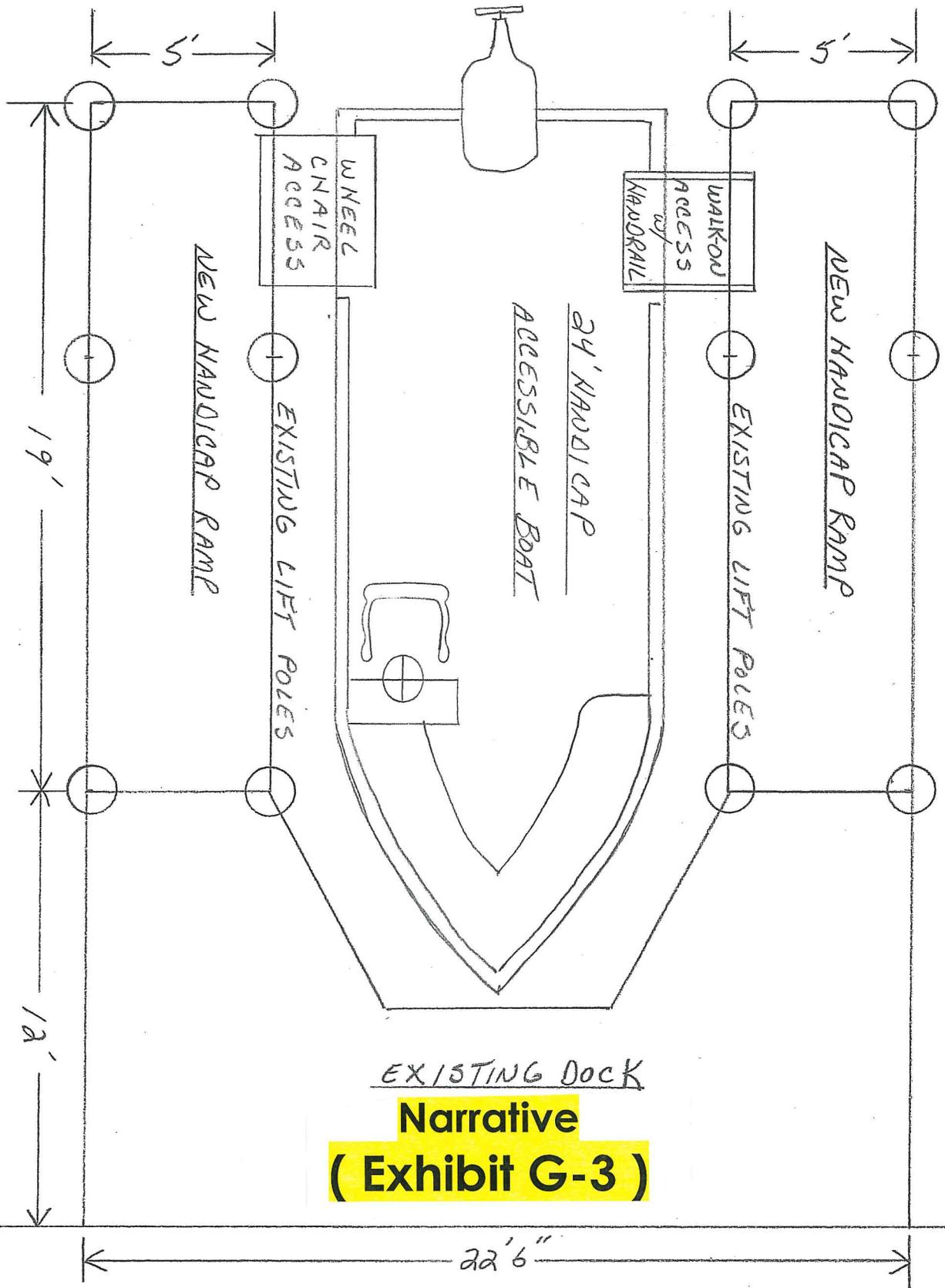
FORMER US ARMY SPECIALIST 4<sup>TH</sup> CLASS

SEE ATTACHED VERIFICATION OF DISABILITY:

DEPT. OF VETERANS AFFAIR LETTER

PHOTO COPY OF V.A. COMP CHECK

Narrative  
Exhibit G-2 )



EXISTING DOCK  
 Narrative  
 ( Exhibit G-3 )



**Department of  
Veterans Affairs**

5400 W NATIONAL AVE  
MILWAUKEE WI 53214-3461

March 10, 2011

Veteran's Name:  
Krusick, James, Gregory

JAMES G KRUSICK  
2620 RIDGE RD  
CUSTER WI 54423

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as housing entitlements, free or reduced state park annual memberships, state or local property or vehicle tax relief, civil service preference, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter replaces VA Form 20-5455, and is considered an official record of your VA entitlement.

**--America is Grateful to You for Your Service--**

Our records contain the following information:

**Personal Claim Information:**

Your VA claim number is: 28 570 381  
You are the Veteran

**Military Information:**

Your character(s) of discharge and service date(s) include:  
Army, Honorable, 11-Sep-1970 - 07-Mar-1971  
(You may have additional periods of service not listed above)

**VA Benefits Information:**

Service-connected disability: Yes  
Your combined service-connected evaluation is: [REDACTED] PERCENT  
The effective date of the last change to your current award was: 01-DEC-2008  
Your current monthly award amount is: \$ [REDACTED]  
Are you being paid at the 100 percent rate because you are unemployable due to your service-connected disabilities: Not Indicated  
Have you received a Specially Adapted Housing (SAH) and/or Special Home Adaptation (SHA) grant: No

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

**Narrative  
( Exhibit G-4 )**



## MEMORANDUM

**Date:** November 27, 2012  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** VAR-12-009  
Krusick Boat Dock  
2263 Jacobs Street

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/ordinances and offers the following comments:

- ❖ A GIS aerial and preliminary environmental review was conducted by staff. The boat dock is located on a man-made tidally influenced water body in the Gulf Cove section of Charlotte County. The original permitted dock was submitted to Charlotte County for review in February 2012. It was initially rejected by staff during the first review process due to the dock not meeting Charlotte County Code Section 3-9-70(b). The dock site plan was modified and resubmitted by the applicant in order to meet the Charlotte County Code requirements.

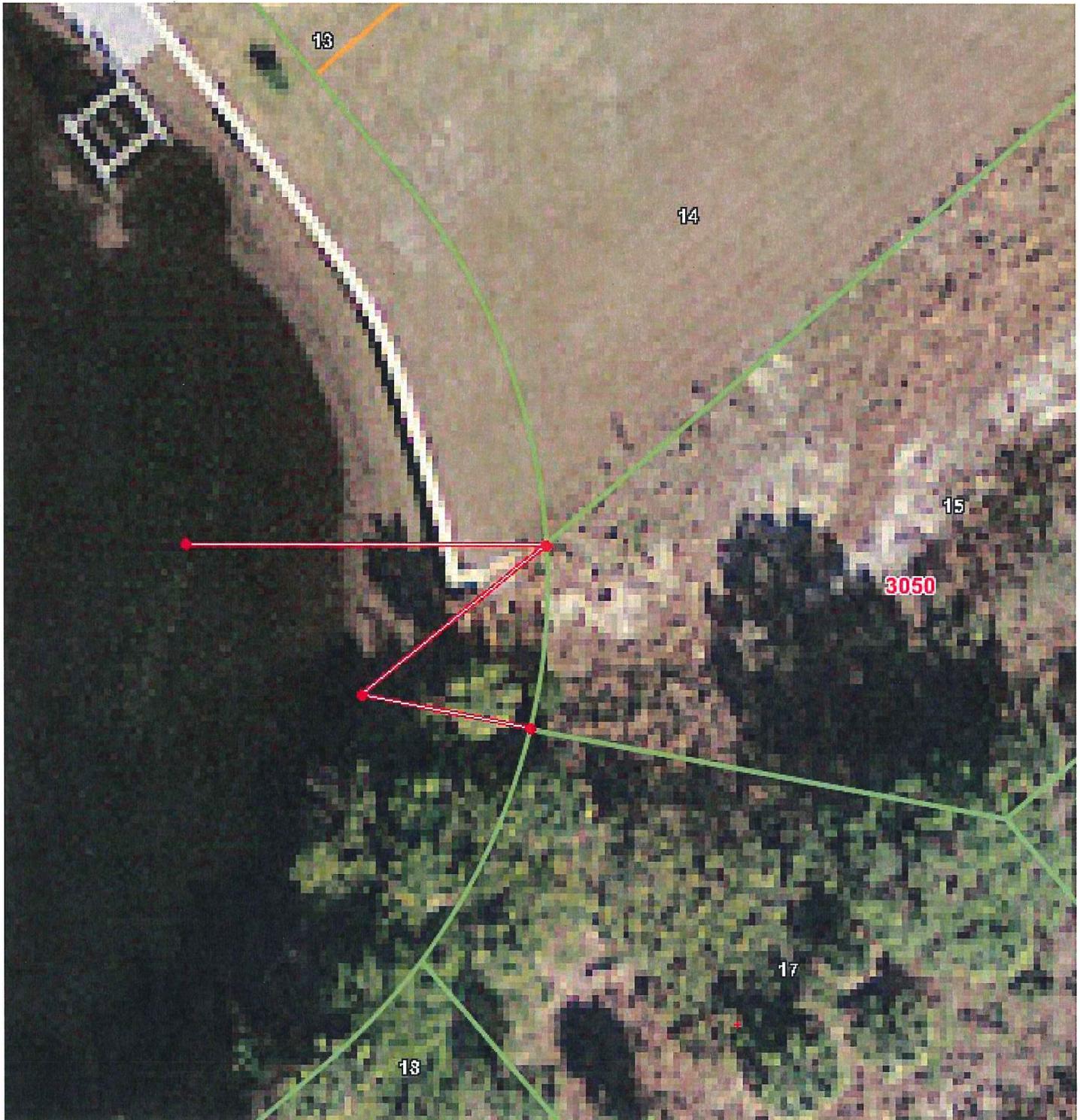
If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:
  - Chapter 3-5:  
Article XV. SURFACE WATER AND WETLAND PROTECTION
  - Chapter 3-9:  
Article III. SPECIAL REGULATIONS
- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

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

**( Exhibit H )**

P:animal/Specexcep\_Variances/2012/VAR-12-009(KrusickBoatDock).doc

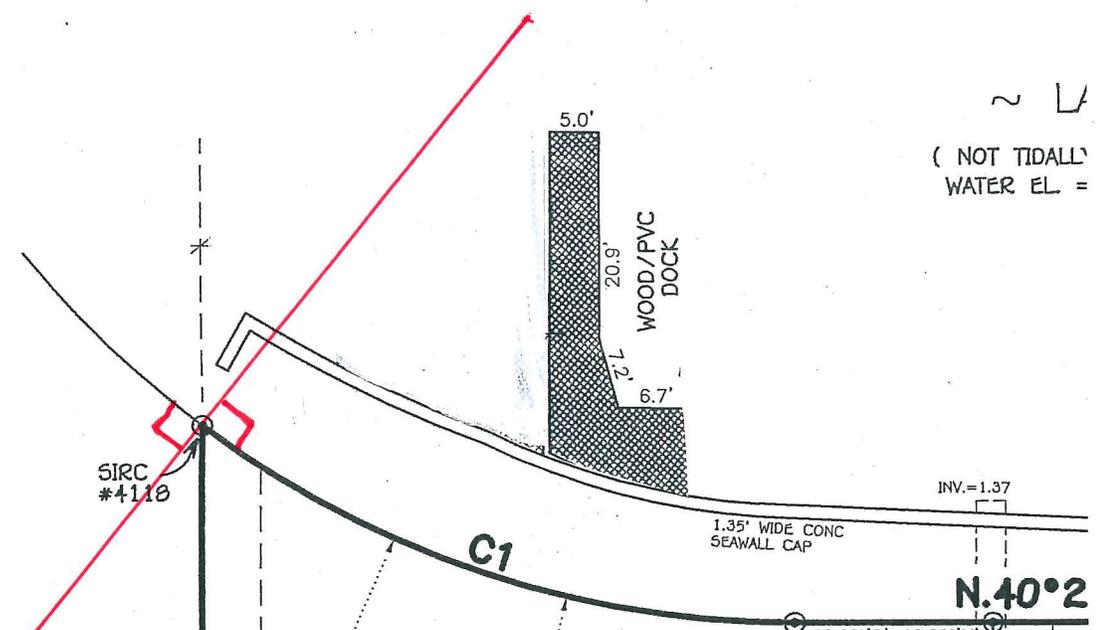


**Aerial Photograph (January 2011)**

2275 Jacobs Street (Lot 15)

**( Exhibit I )**

( NOT TIDALLY  
WATER EL. =



SIRC #4118

INV. = 1.37

C1

1.35' WIDE CONC SEAWALL CAP

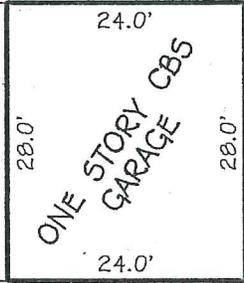
N.40°2

SIRC #4118

20.00'(P) 20.01'(M)

FIRC #411

13  
( VACANT )



ONE STORY GARAGE CBS

14

**RECEIVED**  
OCT 24 2012  
BY: \_\_\_\_\_

5.49°33'08"W. 145.00'(P) 145.02'(M)

"6.0' WIDE UTILITY & DRAINAGE ESMT."

"6.0' WIDE UTILITY & DRAINAGE ESMT."

"6.0' WIDE UTILITY & DRAINAGE ESMT."

**Alternative Design  
( Exhibit J )**

FIRC #4118

FIRC #4118

80.00'(P) 80.04'(M)

5.40°26'52"E. 160.1

SON DRIVE