

STAFF REPORT
Community Development Department
Petition Number: VAR-13-001

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: February 5, 2013 **BZA meeting date:** February 13, 2013

Requested Action/General Information:

Warren Hope, agent for George Fuchs, is requesting a variance to reduce the required 10' rear yard setback by 2.5' to allow a 7.5' rear setback for a shed. This property is located at **9454 Prospect Avenue** in Englewood (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Residential Single-family-3.5*. This property has a *Low Density Residential*, Future Land Use Map (FLUM) designation.

Section **3-9-32(f)** (**Exhibit A**) of the Zoning Code establishes the development standards, including setbacks for principal and accessory buildings, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The required setback for this shed from the rear lot line is 10'; however, there is also a required rear setback from a waterway of 20' if the property is located adjacent to a waterway. According to the **Boundary Survey** (**Exhibit B**) submitted by the applicant and dated October 25, 2012, the accessory building is located 19.5' from the Newgate Waterway and 7.5' from the rear lot line. The Zoning Official has determined that a variance of 2.5' to the required 10' rear yard setback is necessary, because it is a greater variance than the 0.5' variance that would be required for the 20' setback from the waterway.

The property owner, Mr. Fuchs, applied for a building permit for this shed on December 13, 1999. Among the documents submitted with this application were; the **Owner-Builder Statement** (**Exhibit C-1**), the **Boundary & Topographic Survey** (**Exhibit C-2**), and the **Proposed Site Plan** (**Exhibit C-3**). Both the Zoning Technician and the Building Plans Examiner failed this application based on the proposed site plan, which indicated that the proposed shed was located in the 20' wide maintenance easement (see **Permit Folder** **Exhibit C-4**). As such, a permit was never issued for this shed; however, the owner proceeded to construct the shed without a permit at its current location.

In 2012 Mr. Fuchs listed this home for sale and received an offer to purchase. In preparing for the closing on this sale it was discovered that the shed was in violation of the rear yard setback requirement of the Zoning Code. As a result the owner has submitted this request for a variance to allow the shed to remain "as is" at the location shown on the attached **Boundary Survey** (**Exhibit B**).

The applicant has submitted the attached **Narrative** (Exhibit D) 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 E) dated January 16, 2013.

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 a regularly shaped 10,000 (80' by 125') square foot lot. Although this lot is located on the Newgate Waterway; this waterway is located 12' beyond the rear lot line. The applicant has not submitted any evidence indicating that there are any unique or peculiar conditions that prevent the construction of a shed that is in compliance with Code. The shed could have been made smaller or reduced in size by 2.5 feet.

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. Any hardship which exists has been created by the applicant who constructed this shed without a permit. The applicant's narrative states that the 33' front yard setback has created a hardship, because it leaves little room for a shed in the rear yard. The owner is also responsible for this condition because he purchased this vacant lot in September of 1987 and constructed the home in 1988 on this lot. It was his choice to locate the home closer to the waterway.

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 shed, 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: Staff is not aware of any evidence that would indicate that the proposed variance would be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or detrimental to the public welfare.

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, including the existing location of the residence and the shed, have been created by the applicant, who is the property owner. The shed's setback violation could have easily been avoided by the applicant if he had obtained the required building permit.

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

Finding: The requested variance is the minimum modification that will afford relief because the shed already exists.

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.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting a variance to allow an unpermitted shed 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, 5 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 shed 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 the existing shed to remain "as is".
2. This variance extends only to the shed which is the subject of this variance request and shall carry with this structure only. If the shed 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 (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-32(f), Boundary & Survey, Owner-Builder Statement, Boundary & Topographic Survey, Site Plan, Permit Folder, Narrative (3) and Environmental Specialist Memorandum



Community Development

CHARLOTTE COUNTY

Location Map for VAR-13-001

Charlotte County Government

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03/41/20 West 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: 1/10/2013 11:53:40 AM

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Community Development

CHARLOTTE COUNTY

Zoning Map for VAR-13-001

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Community Development

CHARLOTTE COUNTY

Aerial View for VAR-13-001

Charlotte County Government

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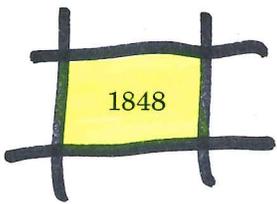


NOT TO SCALE

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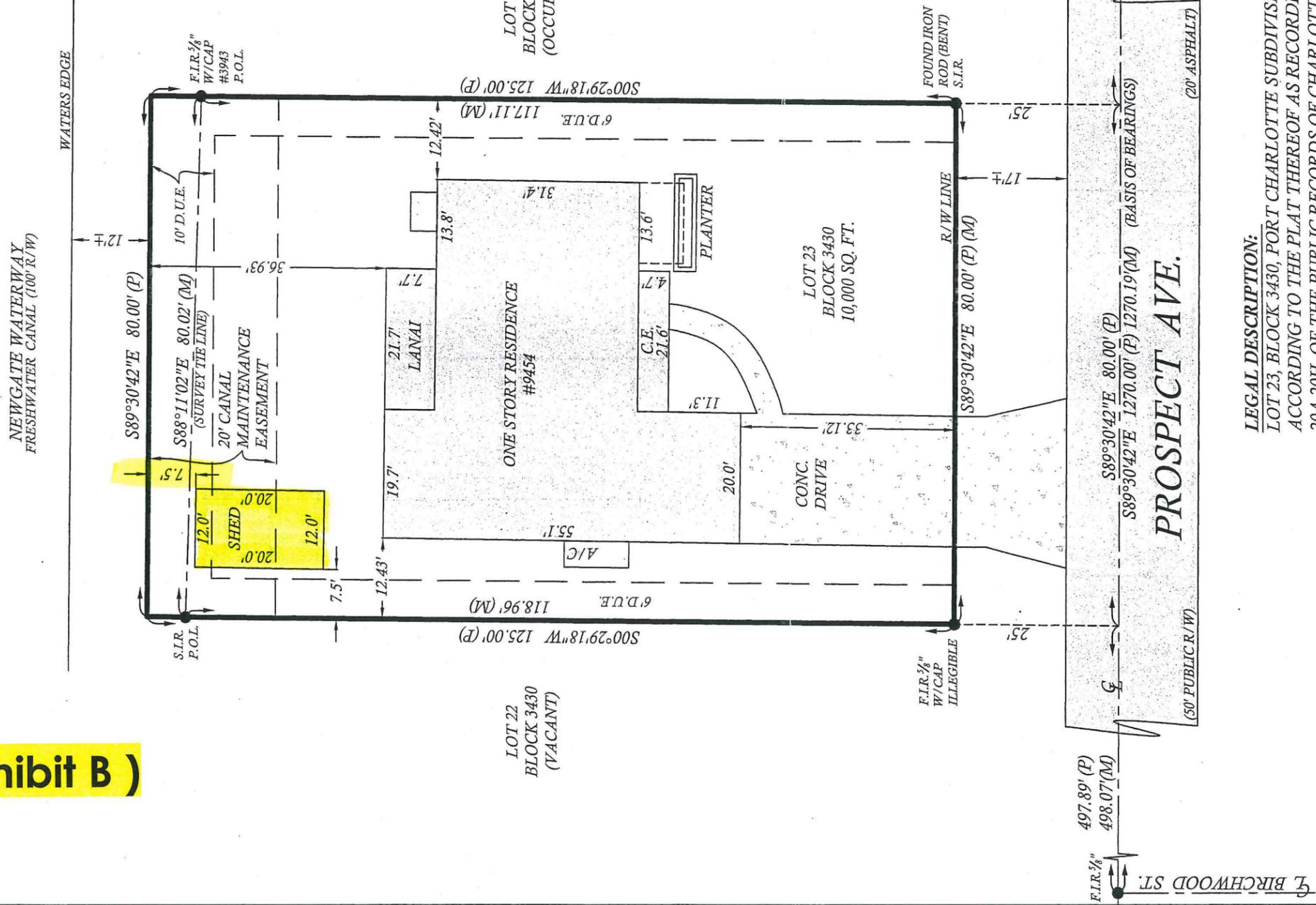
(f) Development standards. The following development standards shall apply in this district:

	<i>RSF-1</i>	<i>RSF-2</i>	<i>RSF-2.5</i>	<i>RSF-3.5</i>	<i>RSF-5</i>
Minimum lot requirements, in square feet (except as otherwise permitted)	40,000	20,000	15,000	10,000	7,500
Width, feet	125	100	100	80	70
Front yard, feet	25	25	25	25	25
Side yard:					
Interior, feet	15	15	15	7.5	7.5
Abutting a road, feet	20	20	20	15	15
Maximum lot coverage by all buildings, percent	35	35	35	35	35
Maximum building height, feet	38	38	38	38	38
Minimum rear yard, feet:					
Abutting a lot	20	20	20	20	20
Abutting a road	25	25	25	25	25
Abutting a greenbelt	15	15	15	15	15
Setback for accessory buildings from:					
Rear lot line, feet	10	10	10	10	10
Side yard	Same as principal building				
Abutting road right-of-way line	Same as principal building				
Rear or side line abutting a waterway, feet	20	20	20	20	20



**BOUNDARY SURVEY WITH IMPROVEMENTS LOCATED CERTIFIED TO:
GEORGE FUCHS**

(Exhibit B)

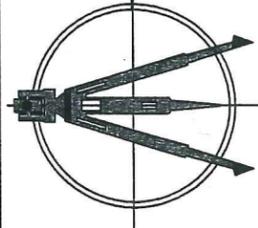


LEGAL DESCRIPTION:
LOT 23, BLOCK 3430, PORT CHARLOTTE SUBDIVISION, SECTION 69,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGES
20A-20H, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

P.E. = POOL EQUIPMENT
 F.I.R. = FOUND IRON ROD WITH CAP L.B.# 783
 F.L.P. = FOUND IRON PIPE
 S.N. = SET NAIL AND DISK L.B.#783
 F.N. = FOUND NAIL
 F.N.D. = FOUND NAIL AND DISK
 P.C.P. = PERMANENT CONTROL POINT
 P.R.M. = PERMANENT REFERENCE MONUMENT
 D.H. = DRILL HOLE MONUMENT
 M. = MEASURED DATA
 (P) = RECORD PLAT DATA
 (C) = CALCULATED DATA
 Δ = DELTA
 R.C. = RECORD LENGTH
 R. = RADIUS
 C.H.D. = CHORD LENGTH
 P.L. = POINT ON LINE
 P.O.L. = POINT OF BEGINNING
 R/W = RIGHT-OF-WAY
 F.F.E. = FINISHED FLOOR ELEVATION
 * = LAST DAT IN FIELD
 D.U.E. = DRAINAGE AND UTILITY EASEMENT
 N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM

NOTE:
 BEARINGS ARE BASED ON THE RECORD PLAT.
 FLOOD ZONE "AE"
 BASE FLOOD ELEVATION 10'
 COMMUNITY MAP # 120061
 PANEL #0192F DATE PRINTED 5-05-03
 ALL DISTANCES ARE EXPRESSED IN DECIMAL FEET.
 SYMBOLS DEPICTED ON THIS SKETCH ARE NOT TO
 SCALE AND ARE FOR INFORMATIONAL PURPOSES ONLY.
 LANDSCAPING, UNDERGROUND UTILITIES
 AND NON PERMANENT IMPROVEMENTS HAVE NOT
 BEEN LOCATED.

NOTE: THE UNDERSIGNED AND ALL SERVICE LAND SURVEYING, INC. MAKE NO
 WARRANTIES, GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN
 HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS,
 RESERVATIONS, AND OTHER SIMILAR MATTERS, EXCEPT PLATTED EASEMENTS WHERE
 APPLICABLE. DETERMINATION OR RESEARCH FOR THE ABILITY OR INABILITY TO USE
 THIS PARCEL OF LAND FOR ANY PURPOSE IS NOT INCLUDED IN THIS SURVEY. THE SURVEY
 SKETCH AS SHOWN WAS MADE WITHOUT BENEFIT OF A TITLE REPORT UNLESS NOTED
 OTHERWISE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND
 AN EMBOSSED SURVEYORS SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH
 OR DUPLICATION OF THIS SKETCH, IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF
 THE UNDERSIGNED. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE PARTY OR
 PARTIES LISTED ABOVE. USE OF THIS SURVEY BY OTHERS FOR LENDING, DESIGN,
 CONSTRUCTION, OR ANY OTHER REASON, WILL BE AT THE SOLE RISK OF THE USER.
 WHERE APPLICABLE, FLOOD ZONE INFORMATION HAS BEEN DETERMINED FROM THE
 F.E.M.A. FLOOD INSURANCE RATE MAPS AND IS A COURTESY TO THE CLIENT. IT IS THE
 RESPONSIBILITY OF THE CLIENT TO VERIFY THE FLOOD ZONE INFORMATION AND ANY
 APPLICABLE BASE FLOOD ELEVATION REQUIREMENTS WITH THE LOCAL GOVERNING
 BODY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FINAL
 DETERMINATION.



**ALL SERVICE
LAND SURVEYING, INC.**

17840 TOLEDO BLADE BOULEVARD, SUITE B
 PORT CHARLOTTE, FLORIDA
 PHONE: (941) 629-6801 FAX: (941) 627-5168
 EMAIL: allservicelandsurveying@comcast.net

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE
 AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA
 BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 51-17, FLORIDA
 ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

R.J. STRICKLAND, JR., P.S.M.
 FLORIDA REGISTRATION # 6144

DATE 10-25-12*

L.B. #7875 © COPYRIGHT 2012

DRAWN BY: J.S. SCALE: 1" = 20'

PROJECT: 12-611

PERMIT NO. 1909120530

DESCRIPTION: _____

OWNER-BUILDER STATEMENT

Charlotte County Community Development Department
Building Review and Inspections Division

Subject: Authorization and Responsibilities Associated with Securing Permits.

DISCLOSURE STATEMENT

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may also build or improve a commercial building, provided your costs do not exceed \$25,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building one (1) year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

This also includes that you must call for regular inspections and a final inspection. In the event a Building inspector requires a correction to the work, you must make that correction and request a reinspection, including the payment of any reinspection fees, before proceeding with the building. **Note:** For your convenience, you may ascertain if a contractor is licensed for Charlotte County by calling (941)-743-1209 during regular business hours.

CHECK THOSE CONTRACTOR CATEGORIES WHICH WILL BE DONE BY THE OWNER

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> A/C & HEAT | <input type="checkbox"/> SOLAR SYSTEMS | <input checked="" type="checkbox"/> CEMENT, CONCRETE & MASONRY |
| <input checked="" type="checkbox"/> ALUMINUM | <input type="checkbox"/> SPAS OR SWIMMING POOLS | <input checked="" type="checkbox"/> CERAMIC/MARBLE/TERRAZZO |
| <input checked="" type="checkbox"/> ELECTRIC | <input checked="" type="checkbox"/> INSULATION | <input checked="" type="checkbox"/> PLASTER, STUCCO, SPRAYCRETE |
| <input type="checkbox"/> MECHANICAL | <input type="checkbox"/> CARPENTRY | <input type="checkbox"/> PAINTING & WALLCOVERING |
| <input type="checkbox"/> MH SETUP | <input type="checkbox"/> DRYWALL | LIST ALL OTHERS: |
| <input checked="" type="checkbox"/> PLUMBING | | _____ |
| <input checked="" type="checkbox"/> ROOFING | | _____ |

Anyone applying for an owner/builder permit must complete this statement provided by the Building Department. Any violation of this agreement shall be cause to revoke the permit, at the discretion of the Building Director.

I have read the above statement and agree to abide by it.

George Fuchs
Signature-Owner

GEORGE FUCHS
Typed or printed name

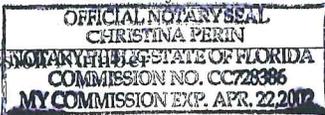
State of Florida/County of CHARLOTTE

The foregoing instrument was acknowledged before me this 13 day of DEC

1999 by George Fuchs, who is personally known to me or who has produced A Drivers as identification, and who did did not take an oath.
200-313-45-002-0

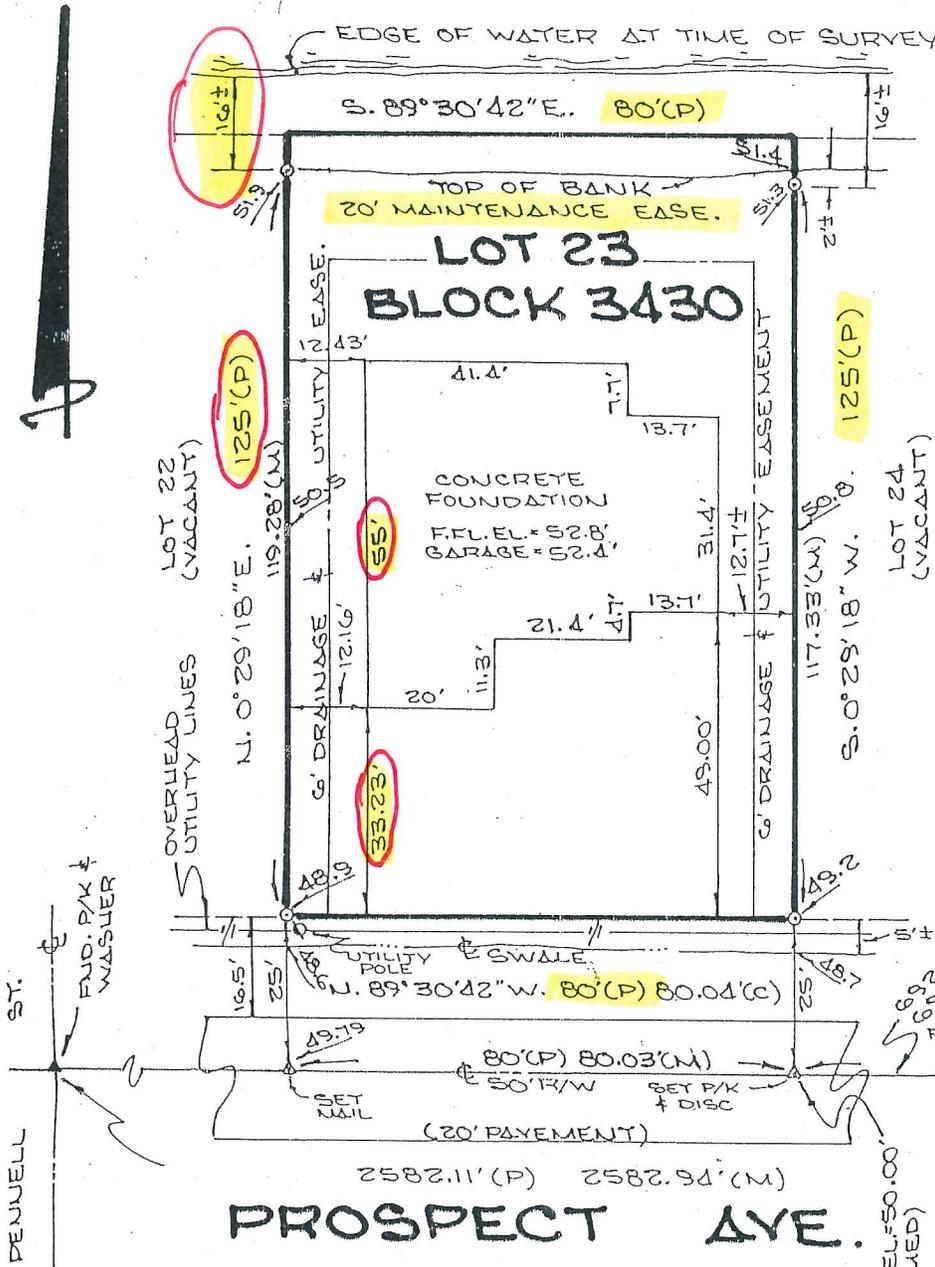
Christina Perin
Signature of Notary

Christina Perin
Printed name of Notary

Commissioner 

(Exhibit C-1)

NEWGATE WTRWY.



SURVEYOR'S NOTATIONS:

- NO. 1) BEARINGS BASED ON ϕ PROSPECT AVE., PER RECORD PLAT.
- NO. 2) (P) DENOTES PLAT DATA, (M) DENOTES MEASURED DATA, (C) DENOTES CALCULATED DATA.
- NO. 3) 5.1' DENOTES SPOT ELEVATION - BASED ON ASSUMED DATA.
- NO. 4) F.I.R.M. FLOOD ZONE: "D", ELEV. N/A.
- NO. 5) FIELD SURVEY DATE: 8-17-1987.
- NO. 6) ϕ DENOTES 5/8" I.R. W/CAP, L.B.# 3943, SET BY THIS SURVEY.

(Exhibit C-2)

LOT 23, BLOCK 3430, PORT CHARLOTTE SUBDIVISION, SECTION SIXTY-NINE, AS RECORDED IN PLAT BOOK 6, PAGES 20-A THROUGH 20-H, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

NOTES: The u Divers, McLeo easements, rlc matters, not pl Circuit Court. Abstract of Tll survey is not signed only re

business as ability for any rts or similar Clerk of the ut benefit of / of Law. This and the date

SURVEYORS CERTIFICATE

I hereby certify to the best of my belief and knowledge, this plat to be a true representation of a field survey made under my direction and supervision and that it meets the minimum technical standards for surveying in the State of Florida as per Chapter 21HH-6, F.A.C. Subject to all notes and notations shown hereon.

[Signature]
LYNN E. WHITE, P.L.S. #2479

Date Signed 12-03-1987
Florida Corp. Reg. No. L.B. 3943

PREPARED FOR THE EXCLUSIVE USE OF:

WARREN HOPE BUILDERS, GEORGE FUCHS,
FIRST FEDERAL SAVINGS & LOAN OF ENGLEWOOD,
COASTAL SECURITY TITLE

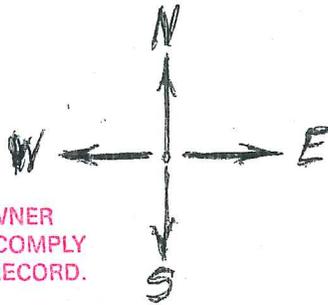


WATER AREA

OFFICE COPY

PLAT APPROVED DISTRICT 40
COUNTY ENGINEERING DEPT.
PROPERTY TRACT # 111111

Shoreline 200 ft



20'



7'-6"

THERE IS A LEGAL OBLIGATION BY THE OWNER AND/OR BUILDER ON THIS PROPERTY TO COMPLY WITH THE DEED RESTRICTIONS FILED OF RECORD.

ANY STRUCTURE OR APPURTENANCE LOCATED WITHIN AN EASEMENT WILL REQUIRE APPROVAL PURSUANT TO THE PROCEDURE ESTABLISHED BY THE CHARLOTTE COUNTY ENGINEERING DEPT.

ALL STRUCTURES ARE REQUIRED TO BE SETBACK A MINIMUM OF 20 FEET FROM THE MEAN HIGH WATER LINE OR SEAWALL (EXCLUDING SCREEN POOL ENCLOSURES). IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THESE REQUIREMENTS.

GEORGE FUCHS RES.

PROPERTY LINE

PROPERTY LINE

12'

12'

DRIVE-WAY

9454

Site Plan
(Exhibit C-3)

1999/120530 12/13 o/b Lucas, George
 Permit Application Applicant Name (Owners Names)
 UTS Date 941 475-9238
 Permit Type Phone Number

9454 Prospect Ave
 Job Address

\$
 Permit Price
 \$
 Impact Assessment

Permitting Notes _____

Hold for License Corrections: GC _____ Elec. _____ Mech. _____ Plumber _____ Roofer _____ Other _____

Date Received	Scope of Review	Reviewed By and Date	Review Fee or Exemption	A-Approved F-Failed	Comments and/or Discrepancy
..... Resubmit Date	Zoning Technician	DEC 13 1999 HC	Zoning: Tree: Landscape:	AF	SHED INTO EASEMENT, CALLED NO APLS.
..... Resubmit Date	Addressing				
..... Resubmit Date	Planning Tree Permit				
..... Resubmit Date	Building Plans Examiner	Reviewed for Code Compliance DEC 29 1999 G.B. County Examiner		F	BUILDING WILL BE IN 20' MAINTENANCE EASEMENT
..... Resubmit Date	R.O.W. Review				
..... Resubmit Date					
CALLED	Pricing & Typing		Additional Fees:		
Plans Change	ZONING BUILDING				

- State Application Signed
- Sub Contractor Work Sheet
- Owner/Builder Affidavit (if applicable)
- Fire Hydrant Affidavit
- Fire District Impact Fee Receipt
- 2 Sets Signed & Sealed Surveys
- 2 Sets of Site Plans Showing Setbacks
- 1 Set of Site Plans - ROW
- 2 Sets of Energy Calculations
- 2 Truss Layouts
- 2 Sets of Building Plans
- Manual J
- Septic Permit Number or HRS Letter
- No A/C Letter
- 2 sets of Floor Plans (MH only)
- TOPO-Survey (if in "A" or "V" Zone)
- Tree Survey (if applicable)

**Permit File
(Exhibit C-4)**

ISSUED: _____

FINALED: _____

EXTENDED: _____

EXPIRED: _____

16587
GG-1-1



Narrative -- Variance

George Fuchs

This is a request for a Variance to Section 3-9-32(f) of the Charlotte County Zoning Code. This section regulates both principal and accessory structures in the single family zoning district. The applicant, George Fuchs owns lot 23, Block 3430, Port Charlotte Subdivision, Section 69. The parcel contains 10,000 sq. ft., more or less, and is located on the Newgate Waterway. It is located at the northern boundary of Charlotte County, with the Myakka Preserve across the waterway. The lot to the west is vacant, and the lot to the east is combined with the house one lot further over. The applicant purchased the property in 1987, and the home was built immediately thereafter in 1988.

Mr. Fuchs constructed an accessory shed in the rear of his property. He obtained an Occupation of Easement for the shed to encroach into the Canal Maintenance Easement. This variance is to allow the shed to be permitted with a rear setback to the canal of 7.5 feet. The zoning code sets forth rear setbacks for principal structures and accessory structures. The code is unclear if the "setback for accessory buildings" which requires a 10 foot rear setback or the "rear or side line setback abutting a waterway" of 20 feet would apply, but in either event, a variance is required. The question is whether it is a 2.5 foot variance or a 12.5 foot variance.

This application meets the criteria for a Variance as follows:

1. Unique or peculiar conditions or circumstances exist which relate to the location, size, and characteristics of the land and structure involved, and are not generally applicable to other lands or structures. The subject property is located on a canal which forms the

**Narrative
(Exhibit D-1)**

northern boundary of Charlotte County with preserve land across the canal to the north. There is only 36.93 feet from the rear of the house to the property line. Meeting a 20 foot rear setback would not permit the shed to be constructed with the orientation that it has been, and would make accessing the shed difficult. To be outside of the rear setback would crowd the shed to the house.

2. Strict and literal enforcement of the zoning regulations would create an undue hardship as distinguished from mere inconvenience on the property owners. The house is setback 33.12 feet from the front property line, leaving little room in the rear for the shed to be built. The strict and literal enforcement of the regulations would require removal of the shed.
3. The Variance requested does not involve any use which is prohibited in the district where the property is located. Accessory sheds are permitted in the RSF 3 5 zoning district.
4. The granting of the Variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare. As indicated above, there is preserve land across the canal to the north, a vacant lot to the west, the side of the property that the shed is located on.
5. The condition giving rise to the request of Variance is not being created by any person presently having interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant. The single family home on site was constructed 33.12 feet setback from the front property line, leaving little room in the rear yard to build a shed without practically abutting against the house.

**Narrative
(Exhibit D-2)**

6. The requested Variance is the minimum modification of the regulations at issue that would afford relief. The shed is an existing structure; any other modification of the regulations would require relocation of the shed.
7. The requested Variance is consistent with the Charlotte County Comprehensive Plan. There are no comprehensive plan goals, objections, or policies that are contrary to this request.

Based on the foregoing, it is respectfully requested that the application for a Variance be approved.

Respectfully submitted, January 2, 2013.


Robert H. Berntsson

RECEIVED
JAN - 2 2012
BY: _____

**Narrative
(Exhibit D-3)**



MEMORANDUM

Date: January 16, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: VAR-13-001
Fuchs Shed Variance, 9454 Prospect Avenue

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 review was conducted by staff. The property consists of a developed single family residence located on the Newgate waterway. The request is for a variance from the rear yard setback for an existing unpermitted shed.

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 comment.

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

JS

(Exhibit E)

P:animal/Specexcep_Variences/2013/VAR-13-001(FuchsShedVariance).doc



Aerial Photograph (February 2006)

9454 Prospect Avenue (Lot 23)

(Exhibit F)