

STAFF REPORT
Community Development Department
Petition Number: VAR-14-002

To: The Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: March 4, 2014

BZA meeting date: March 12, 2014

Requested Action/General Information:

Alan McEachern, agent for Lock 'N Key Restaurant, is requesting two variances; (a) to reduce the required Perimeter Landscape Strip from ten feet to what is currently existing; and (b) to allow impervious brick paving instead of the required pervious paving for a parking lot in the Manasota Commercial General (MCG) zoning district. Subject property is located at **2045 North Beach Road** on Manasota Key in Englewood (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Manasota Commercial General. This property has a Commercial, FLUM designation.

Subject property consists of three and one-half lots which were created by the Chadwick Beach Subdivision recorded in 1926. The original building, located on lot 13, was constructed in 1955. This building was added onto in 1964, which expanded the footprint onto lots 11 and 12. This property meets the minimum lot size requirements with a lot width of approximately 174' and area of approximately 21,000 square feet.

The Manasota Key Overlay Code was adopted in February of 2005. There have been a number of revisions to this code with the latest being adopted by BCC in September of 2013. **Subsection 3-9-53(g)(2)C.a.6 (Exhibit A-1)**, of the Manasota Key Overlay Code, requires that front, side and rear peripheral landscape strips, no less than ten feet in width, be provided on all properties zoned MCG. The applicant has submitted this application for a variance to allow the existing peripheral landscape strip to remain "as is". Also, **Subsection 3-9-53(j)(3) (Exhibit A-2)** and **Subsection 3-9-53(k)(1)c (Exhibit A-3)** of the Manasota Key Overlay Code, requires that all drives and parking spaces be constructed of permeable materials. The applicant is also requesting a variance to eliminate the pervious paving requirement to allow reconstruction of the parking lot with impervious brick paving.

The applicant has submitted the attached **Boundary Survey (Exhibit B)** showing the existing building, parking lot and landscaped areas located on this parcel. The applicant has crosshatched the parking area that is proposed to be reconstructed with impervious brick pavers. There are existing porous concrete pavers that cover a French Drain that extends from the rear of the building to the south and then west to a storm water catch basin labeled "E" in the street near the southwest corner of subject property. This drainage system, which has been colored blue, is proposed to remain and is not part of the proposed reconstruction. The applicant has also provided the attached **Brick Paving Detail (Exhibit C)**.

The applicant has submitted the attached **Narrative (Exhibit D)** explaining why the applicant believes this request for two variances should be granted. The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit E)** dated February 21, 2014. The Manasota and Sandpiper Key Advisory Committee met on February 19, 2014, and recommended approval of the requested variance, see attached **Exhibit F**.

Findings: The seven standards for approval of (a) a variance to reduce the required "Perimeter Landscape Strip" from 10 feet to allow the existing landscape areas to remain "as is", 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: The **Boundary Survey** (Exhibit B) is evidence that there are unique or peculiar circumstances, which relate to the location, size or characteristics of the parking lot and landscape beds on subject property that are not generally applicable to other lands or structures on Manasota and Sandpiper Key. This property was developed in 1955 and 1964, prior to the existing zoning codes. There simply is not the physical space on subject property to meet all of the dimensional requirements of code for parking spaces, drive aisles, and ten-foot wide Perimeter Landscape Strip.

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: A strict and literal enforcement of all dimensional requirements of code for parking spaces, drive aisles, and a ten-foot wide Perimeter Landscape Strip would result in a large reduction of parking spaces. This would be an undue hardship on this property owner, because the use is a restaurant which has a greater parking demand than other commercial retail uses.

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 existing landscaping to remain "as is", which is a permitted aesthetic feature for all land uses in the MCG 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 indicates granting the requested variance to the Perimeter Landscape Strip would be injurious to, or incompatible with, the adjacent residential uses or otherwise 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 giving rise to the requested variance have not been created by the current property owner. This property was developed in 1955 and 1964. The current Zoning Code, which was adopted in 1982, together with the Manasota Key Overlay Code, which was adopted in 2005, have created the conditions which cannot reasonably be corrected by the applicant.

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

Finding: The requested variance, to reduce the ten-foot wide Perimeter Landscape Strip to what is existing is the minimum modification that will afford relief.

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 consistent with this objective.

Findings: The seven standards for approval of (b) a variance to allow reconstruction of an existing parking lot with impervious paving instead of the required pervious paving, 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: Staff is not aware of any evidence to indicate that there are any unique or peculiar circumstances, which relate to the location, size or characteristics of the parking lot on subject property that are not generally applicable to other parking lots on Manasota or Sandpiper Key. All paved surfaces, whether they are asphalt, concrete, gravel, brick, pervious or impervious, do not last forever and must eventually be reconstructed.

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: A strict and literal enforcement of the Manasota Key Overlay Code, which requires pervious paving, would not result in an undue hardship on the property owner. This is a code requirement which could be done at this time; however, the applicant has simply chosen not to do it.

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

Finding: The variance request would result in the use of an impervious paving material, which is prohibited by the Manasota Key Overlay Code in all zoning districts.

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: The requirement for pervious paving on Manasota and Sandpiper Key was adopted by the BCC in 2005, as recommended by the Manasota Community Plan, because the sandy soils on these keys promote stormwater percolation into the ground, lessening the chances of flooding, improving stormwater treatment, and thereby improve water quality in the Gulf of Mexico and Lemon Bay. Chapters Five of the Manasota Community Plan, titled Water Quality, identified untreated stormwater run-off as a source of contamination of coastal waters and recommend that paving "be constructed of water permeable surfaces" in order to promote percolation of stormwater and prevent exacerbation of the stormwater run-off problem. The granting of this requested variance could be injurious to, or incompatible with, surrounding uses and detrimental to the public welfare, due to increase chance of flooding, and contamination of stormwater, which drains into the coastal waters.

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 giving rise to the requested variance have been created by the current property owner. The Manasota Key Overlay Code, which was adopted in 2005, was intended to phase out over time existing pervious paving and replace it with pervious paving in order to improve the water resources this coastal community depends upon.

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

Finding: The requested variance, to allow reconstruction of the parking lot with impervious brick pavers instead of pervious brick pavers, or some other type of pervious paving, is not the minimum modification that will afford relief. There are many pervious paving alternatives that the applicant could utilize to meet this code requirement.

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

Finding: **Objective 2.3** of the **Future Land Use Element**, which is titled "**Water Quality and Quantity Protection**" proposes to: "enhance the significant assets associated with the County's water-based resources by ensuring that the water quality of these resources is protected, and the water supply is not compromised." Staff believes that this variance request may be considered inconsistent with this objective when all factors are considered, including storm water and water quality issues relevant to the Gulf of Mexico, located to the west, and Lemon Bay, located to the east. This variance request is also in consistency with the following Policies:

FLU Policy 2.3.1 Water Quality Protection

The County shall implement the recommendations of the Charlotte Harbor National Estuary Program for the Gasparilla Sound-Charlotte Harbor and Cape Haze Aquatic Preserves and their watersheds by establishing a program that focuses on:

1. Identifying and reducing sources of nutrients.
2. Restoring and maintaining natural surface and groundwater hydrology.
3. Identifying water quantity and quality impacts from mining, agriculture, and urban land uses.

FLU Policy 2.3.2 Charlotte Harbor Management Plan

The County shall require all development approvals, Future Land Use Map amendments and rezoning actions to be consistent with the provisions of the Charlotte Harbor Aquatic Preserves Management Plan (May 1983), which designates certain water bodies as wilderness preserves and requires the maintenance of these systems in a primarily natural state; Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (January 15, 1993), which seeks to preserve natural and functional components of the ecosystem in order to support biological communities; and the Lemon Bay Aquatic Preserve Management Plan (June 1991), which seeks to preserve marine and estuarine areas in natural or restored conditions in Lemon Bay.

FLU Policy 2.3.3 Nutrient Runoff

The County shall continue to monitor water quality in surface waters and shall require best management practices to reduce nutrient-laden runoff, which includes but is not limited to run-off from urban areas, residential landscapes, and agricultural lands.

FLU Policy 2.3.8 Reduce Impervious Surfaces

The County shall incorporate impervious surface limitations within the Code of Laws and Ordinances within one year of the effective date of this Plan.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting two variances staff believes that the requested variance (b) "to allow impervious brick paving instead of the required pervious paving for a parking lot" does not meet all seven criteria for granting a variance. Staff believes that approval of this variance would be a step backwards regarding efforts to lessen flooding, improve stormwater run-off and percolation, and water quality on Manasota Key.

However, after review of the site and the application requesting two variances staff believes that the requested variance labeled (a), which is "to reduce the required Perimeter Landscape Strip from ten feet to what is currently existing" does meet all seven criteria for granting a variance.

If the Board of Zoning Appeals decides to approve the requested variance (a) staff recommends the following conditions be adopted, as conditions of approval, to ensure that development 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 reduce the required Perimeter Landscape Strip from ten feet to what is currently existing.
2. This variance extends only to this development as it currently exists.
3. If this development is at a later date removed 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 (5), Location Map, Zoning Map, Aerial Photo, Boundary Survey, Code Section (3), Boundary Survey, Brick Paving Detail, Narrative (2), Environmental Specialist Memorandum, and Manasota Key recommendation



Community Development

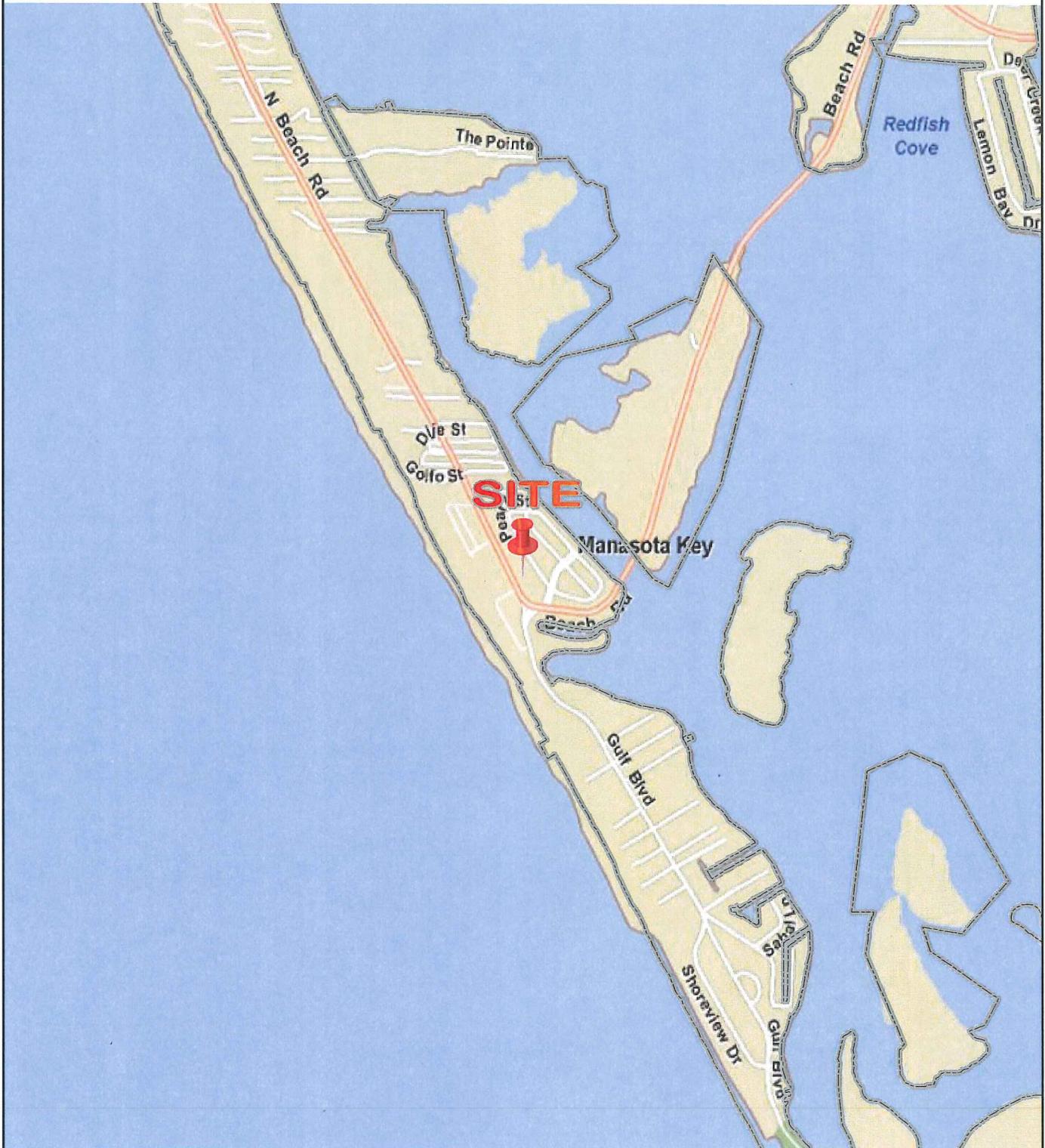
CHARLOTTE COUNTY

Location Map for VAR-14-002

Charlotte County Government

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

www.CharlotteCountyFL.com



12/41/19 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 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: 2/12/2014 11:37:58 AM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2014\Variances\VAR-14-002\PKT\Location Map\VAR-14-002.mxd



NOT TO SCALE

© Copyright 2014 Port Charlotte, FL by Charlotte County



Community Development

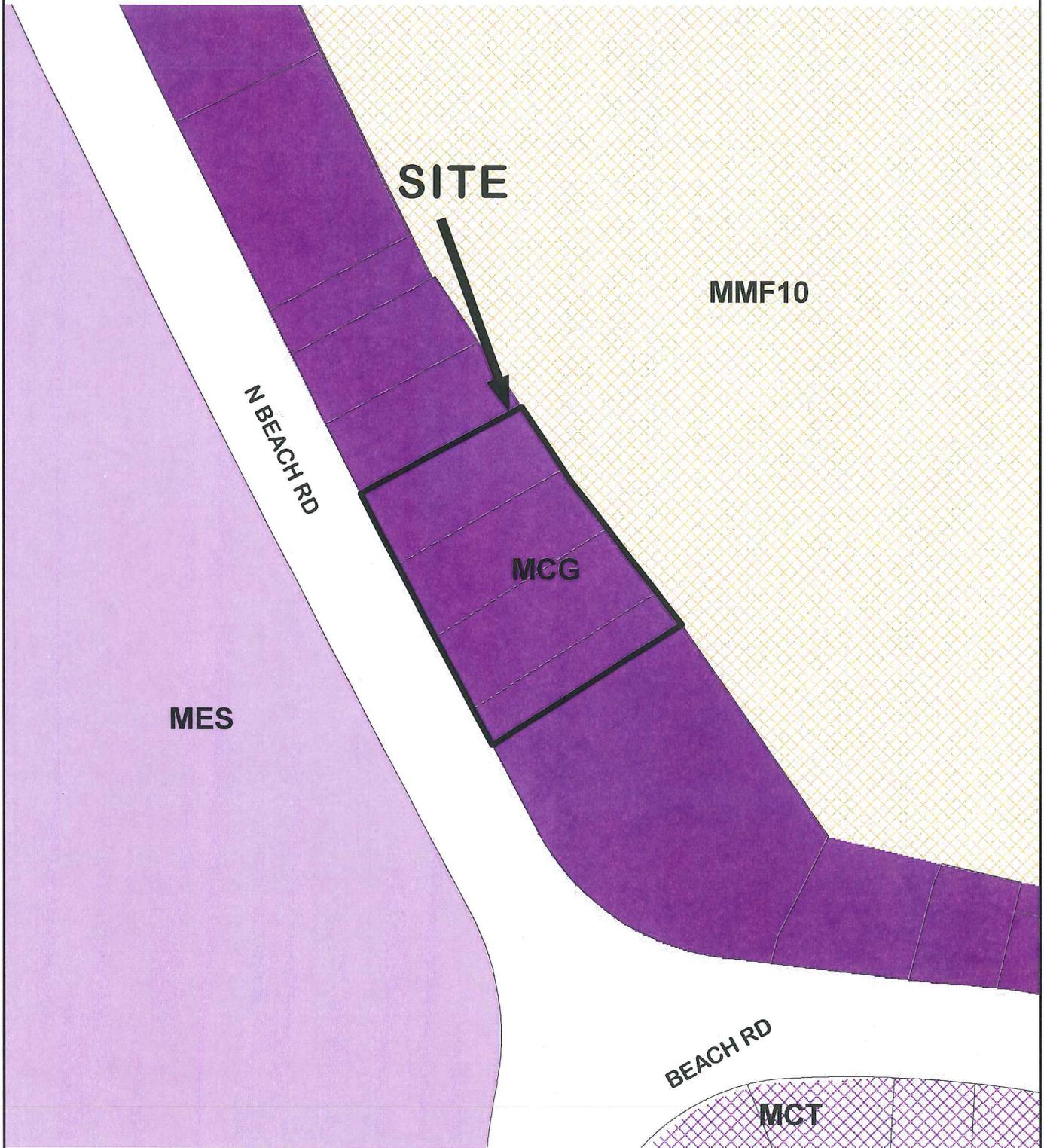
CHARLOTTE COUNTY

Zoning Map for VAR-14-002

Charlotte County Government

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

www.CharlotteCountyFL.com



12/41/19 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 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: 2/12/2014 11:44:05 AM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2014\Variances\VAR-14-002\PKCTZoningMap\VAR-14-002.mxd



NOT TO SCALE

© Copyright 2014 Port Charlotte, FL by Charlotte County



Community Development

CHARLOTTE COUNTY

Aerial View for VAR-14-002

Charlotte County Government

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

www.CharlotteCountyFL.com



12/41/19 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 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: 2/12/2014 11:09:11 AM
Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2014\Variances\VAR-14-002\PKCTAerial\VAR-14-002.mxd



NOT TO SCALE

© Copyright 2014 Port Charlotte, FL by Charlotte County

Rear yard (interior)	10	10	10	Stepped/20 See below.	10
Rear yard (street)	25	25	25	15	25
Abutting water	20/50 GM See below.	20/50 GM See below.	20/50 GM See below.	35/50 GM See below.	35/50 GM-R 20/50 GM-C See Note 3.
Peripheral landscape strip	10	10	10	10 See Note 2.	10
Abutting property zoned MSF and MCT-Residential	25	25	25	NA	25
<i>Bulk (max.)</i>					
Lot coverage	50%	35%	35%	35%	35%
Height (ft.)	48/43 See below.	48/43 See below.	48/43 See below.	55/48 See below.	55/48
Density (units/acre)	0	0	0	15	15

3-9-53(g)(2)C.a.6.

Note 1. MCT Commercial lots eighty-five (85) feet or less in depth shall utilize the eighteen-foot front yard standard of the MCG zoning district. All others shall meet the twenty-five-foot front yard standards of the MCT commercial zone.

Note 2. MCT Residential lots fifty (50) feet wide or less may apply for a twenty (20) percent administrative side setback waiver in hardship cases.

Note 3. On MCT Mixed Use lots, first floor MCT Commercial use setback shall be twenty (20) feet from the bay and upper floor MCT Residential setback shall be thirty-five (35) feet from the bay.

a. Manasota Commercial General (MCG).

1. Side yard interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions of this Code, but shall be no less than twenty-five (25) feet.
2. Side and rear yards that abut any water but the Gulf of Mexico shall be at least twenty (20) feet, and those that abut the Gulf of Mexico (GM) shall be at least fifty (50) feet.
3. Setbacks abutting property zoned residential shall be equal to twenty-five (25) feet.
4. Setback calculation provisions are contained under the development standards of this Code.
5. Maximum building height shall not exceed forty-eight (48) feet for all MCG Zones seaward of the Florida DEP Coastal Construction Control Line (CCCL) and forty-three (43) feet for MCG Zones landward of the CCCL as measured from zero (0) feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this Code.
6. All properties shall have front, side, and rear peripheral landscape strips of no less than ten (10) feet. Peripheral landscape strip and parking standards are contained under the development standards of this Code.
- 7.

Section 3-9-53(g)(2)C.a.6.

(Exhibit A-1)

Sport marinas and resort marinas shall be prohibited. However, leasing of dock space in the MCT district only on lots adjacent to coastal waters not on the Gulf of Mexico is permitted as a special exception with the following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait and tackle; no service buildings with laundry facilities, showers, toilets; no rental of motorized watercraft; and no launching of boats from the site. A condition of the permit is adequate parking for leased dock spaces.

(8) Unless specifically defined in the above use table, additional uses are prohibited.

(i) *Development review procedure.*

(1) Prior to submitting an application to the county for any type of development, for a special exception, or for a variance, an applicant shall appear before the Manasota and Sandpiper Key advisory committee at a regularly-scheduled public meeting of the advisory committee to review, discuss, and receive recommendations from the advisory committee regarding the proposed development's consistency with the Manasota Key Community Plan and the portions of this Code specifically applicable to the Manasota and Sandpiper Key Overlay Code. Such request for review shall be accompanied by documentation required by the advisory committee to perform its review. At the conclusion of the review, the advisory committee shall prepare written comments regarding the proposed development with recommendations or notations, as appropriate, which shall be considered by the county officials in their deliberations.

(2) All sketches, site plans, or other documentation submitted to the county as part of a development application shall be consistent with any information submitted to the advisory committee for review, except as such may be revised based upon recommendations made by the advisory committee.

(j) *Development standards.* These development standards shall apply to all zoning districts within the Manasota Key Overlay Code.

(1) *Uniform line of construction.* In order to maintain the uniform line of construction of major structures within the overlay district, no portion of a residential structure shall be located seaward of this line, or of a line traced between the corners of the two (2) nearest buildings along the Gulf of Mexico, except as permitted by DEP.

(2) *No-fill area.* The entire Manasota and Sandpiper Key overlay district is designated as a no-fill area, within which only pilings and stemwalls may be used for all construction, except the minimum amount of fill necessary within the building footprint and for drainfields associated with onsite waste treatment and disposal systems.

(3) *Permeable material.* With the exception of fences and walls, all ground-level amenities such as walkways, patios, new private roads, residential driveways, and all parking spaces outside of the building footprint shall be constructed of permeable materials. Handicapped accessible routes when required by ADA shall be exempt from this requirement.

(4) *Bulk limitations.* No building shall be over two hundred (200) feet wide or long in any zoning district.

(5) *Open space/reservation area.* All development within the overlay district subject to site plan review shall include an open space/habitat reservation area equal to five (5) percent of the total area of the development. No financial contribution in lieu of reservation shall be permitted. Peripheral landscape strips and setbacks may be counted as part of the open space habitat area unless the lot is greater than one-quarter ($\frac{1}{4}$) of one (1) acre.

(6) *Pilings for structures.*

Section 3-9-53(j)(3)
(Exhibit A-2)

yard variances which result in a side yard of less than ten (10) feet, and the provisions contained in sections 3-9-10.c.5.c and 3-9-75(2) shall not apply when they would result in a side yard of less than ten (10) feet.

- (13) *Parking standards.* For any residential development within the overlay district, each residential dwelling unit shall provide a minimum of two (2) spaces per unit. Multifamily developments shall provide additional parking spaces for services and guests. Service parking requirements shall be the lowest whole number that is greater than or equal to ten (10) percent of the number of units contained within the multifamily project. Guest parking requirements shall be the lowest whole number that is greater than or equal to twenty (20) percent of the number of units contained within the multifamily project. At least one (1) of the guest parking spaces as required by this section shall be handicapped accessible. Beach access points on the islands shall not be obstructed by parked cars or any other barriers. Parking of unlicensed or unregistered automobiles, recreational vehicles, boats and/or trailers shall be prohibited.
- (14) *Disaster recovery.* Following a natural disaster, as determined by the board of county commissioners, multifamily developments that are nonconforming due to their density may be rebuilt with no increase in square footage, so long as they comply with as many other development standards of this Code as possible, while still allowing the overall pre-disaster density which existed to be retained. In redevelopment of the site, first priority shall be given to establishing the peripheral landscape strip, to the greatest extent possible. Documentation shall be provided to indicate where a particular development standard cannot be met.
- (15) *Underground utilities.* Electrical wires that connect poles with structures shall be placed underground.
- (16) *Spot ground elevations.* The spot ground elevations for new development and for reconstruction that exceeds fifty (50) percent of the replacement value of an existing structure shall be established prior to any clearing of the site by a signed and sealed survey prepared by a surveyor licensed in Florida. There shall be a minimum of one (1) spot elevation per site, with additional spot ground elevations provided at every one (1) foot of elevation change within the site.

(k) *Architectural design standards.* These architectural design standards shall apply to all new development within the overlay district and to any alterations or additions to existing structures that exceed fifty (50) percent of the replacement value of the structure. These standards shall regulate the appearance and constructive elements of structures and be used in addition to those expressed elsewhere in this Code.

- (1) *Driveways and parking areas and walkways/sidewalks.*
- a. No driveway shall exceed twenty-four (24) feet in width where it connects with the roadway.
 - b. In MES and MSF Districts, only one (1) driveway crossing is permitted within the front yard setback. In MMF Districts, one (1) driveway crossing allowed every three hundred (300) feet within the front yard setback.
 - c. New private roads and parking and driveways, and those where fifty (50) percent of their area is repaired or replaced shall be paved with crushed shell, stone, brick, or other permeable materials, in accordance with the latest technology allowed by permitting districts, and in a manner that will permit maximum water absorption.
 - d.

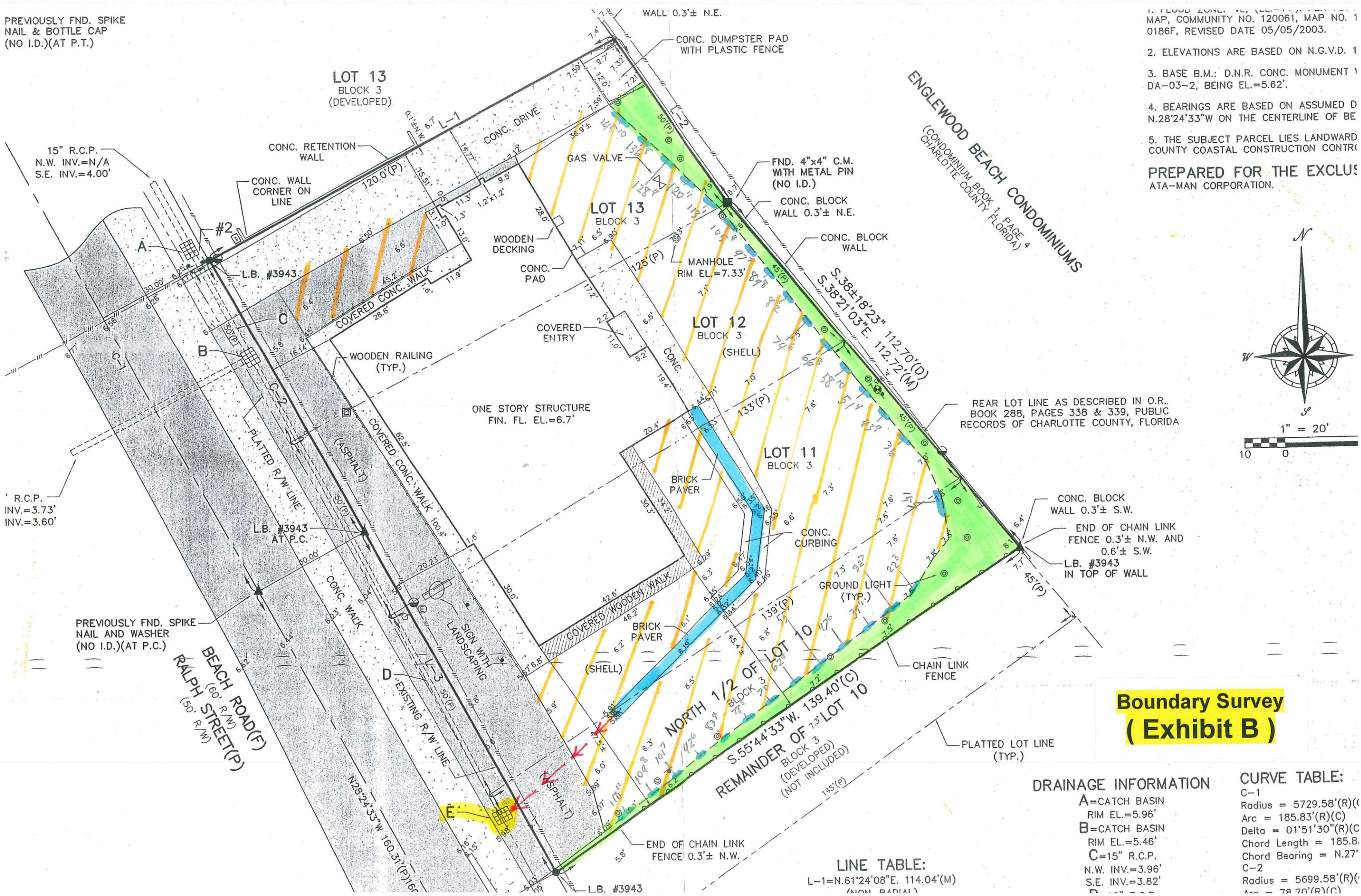
**Section 3-9-53(k)(1)c.
(Exhibit A-3)**

PREVIOUSLY FND. SPIKE
NAIL & BOTTLE CAP
(NO I.D.)(AT P.T.)

1. FLOOD ZONE: VE, (REV. 11/7/03)
MAP, COMMUNITY NO. 120061, MAP NO. 1
0186F, REVISED DATE 05/05/2003.

- ELEVATIONS ARE BASED ON N.G.V.D. 1
- BASE B.M.: D.N.R. CONC. MONUMENT
DA-03-2, BEING EL.=5.62'
- BEARINGS ARE BASED ON ASSUMED D
N.28°24'33"W ON THE CENTERLINE OF BE
- THE SUBJECT PARCEL LIES LANDWARD
COUNTY COASTAL CONSTRUCTION CONTR

PREPARED FOR THE EXCLUS
ATA-MAN CORPORATION.



**Boundary Survey
(Exhibit B)**

DRAINAGE INFORMATION

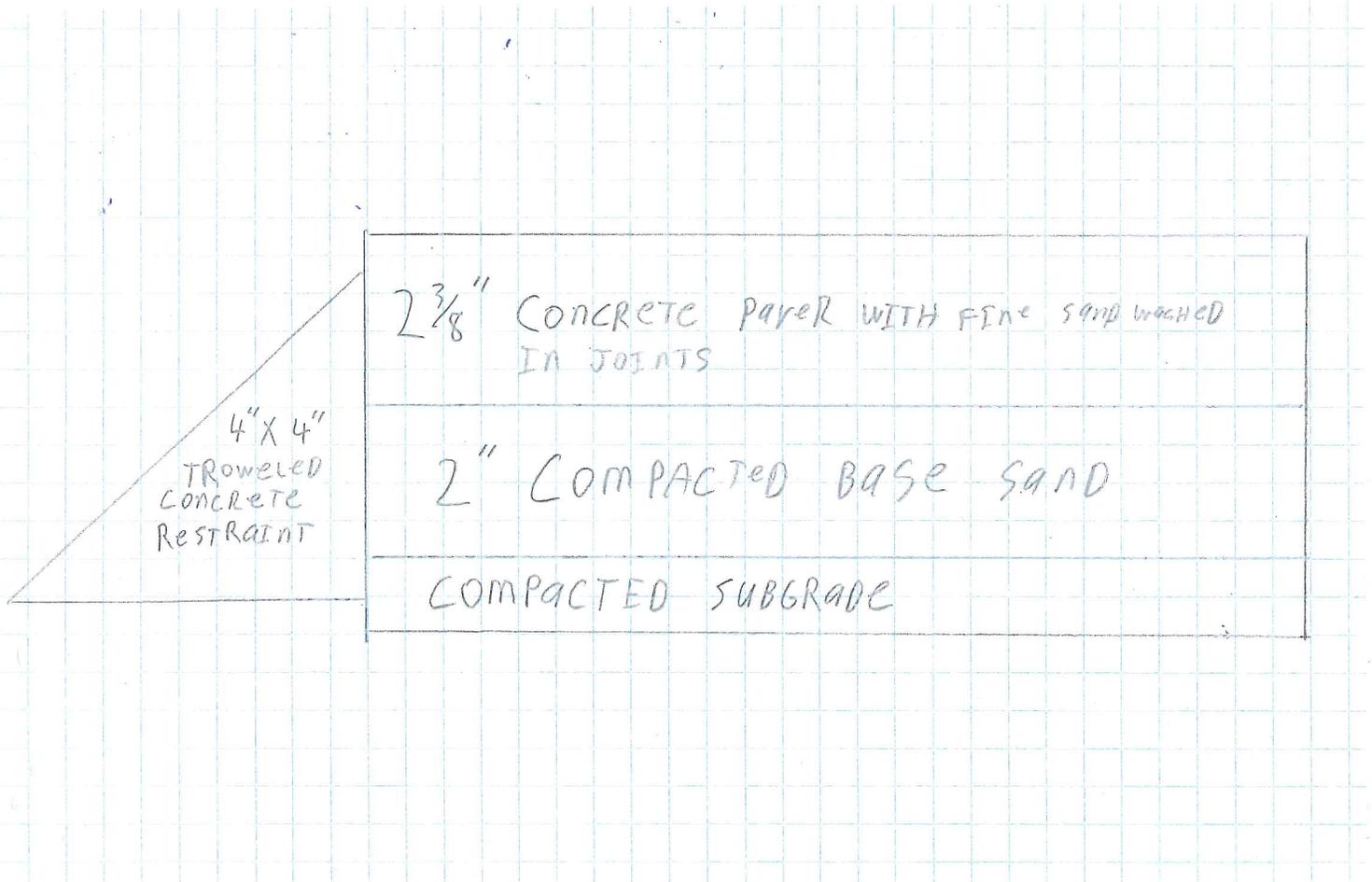
- A=CATCH BASIN
RIM EL.=5.96'
- B=CATCH BASIN
RIM EL.=5.46'
- C=15" R.C.P.
N.W. INV.=3.96'
S.E. INV.=3.82'

CURVE TABLE:

- C-1
Radius = 5729.58'(R)((
Arc = 185.83'(R)(C)
Delta = 01°51'30"(R)(C)
Chord Length = 185.8
Chord Bearing = N.27'
C-2
Radius = 5699.58'(R)((
Arc = 78.70'(R)(C)

LINE TABLE:

L-1=N.61°24'08"E. 114.04'(M)
(NON-RADIAL)



Brick Paving Detail

Variance Application
Section 3-9-6.1 Variance Application
Responses to questions of Page 4 of 6

11. Variance Requested:

We respectfully request a variance on the 10ft. landscaping set back and type of brick pavers that must be used currently.

The variance request is to use the current set back instead of the 10ft landscape buffer which would decrease parking space and revenue.

The variance request to change the paver type from a permeable to a standard paver due to the inherent unevenness and gaps that are typical for permeable pavers. There are two (2) large drains at the front of the property on both sides so there is no drainage problems or concerns.

12 Narrative

We respectfully request a variance on the 10 ft. landscaping buffer which would decrease parking therefore decreasing the number of people who can occupy the restaurant. Restaurant currently has a landscape buffer from the property line to the current parking stops. The variance would not change the use of the property or the amount of parking.

We further request a variance for the type of paver from a permeable to a standard paver. The parking area now consists of a dirt and shell. Not only does it create a mess inside the restaurant but because of the washouts, there are more holes and uneven ground creating an unsafe environment. Since there are two large drains in the front of the restaurant on both sides there is no reason for drainage concerns. We will be able to create a proper slope to ensure water run off goes toward the existing drains. Standard pavers have natural draining ability and interlock leaving enough space to absorb water. Standard pavers are safer and easier to walk on because compaction can be achieved.

**Narrative
(Exhibit D-1)**

Variance Application
Section 3-9-6.1 Criteria Applicable to Variances
Responses to questions of Page 2 of 6

1. This is an upscale restaurant that has a shell and dirt parking lot. Dirt and shell get on the floors inside.
2. Older customers and customers with handicaps have a hard time accessing the restaurant with uneven ground from washouts. The 10ft landscape buffer would eliminate parking for the establishment therefore, eliminating seating and revenue for the business.
3. The variance would not change the use of the property or the amount of parking; it would only enhance it and create a cleaner, safer environment.
4. The variance would enhance the neighborhood and create a safer environment for patrons.
5. No.
6. It adds a safer, cleaner, more beautiful Englewood beach restaurant.
7. Yes.

Narrative
(Exhibit D-2)



MEMORANDUM

Date: February 21, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: VAR-14-002
Lock 'N Key Restaurant, 2045 North Beach Road

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 an existing restaurant located on a highly sensitive coastal island community. The property is located in the Charlotte County Sea Turtle Lighting review area.

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 IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
Article XII, *SEA TURTLE PROTECTION*,

Chapter 3-2:

Article IX. *TREE REQUIREMENTS**

**All heritage trees (per Section 3-2-190) must remain preserved.

- ❖ 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 to contact Jamie Scudera at (941) 743-1290.

JS

(Exhibit E)

Manasota/Sandpiper Key Architectural
 Committee Submitted Plans
 Recommendation to: Approve Deny
 Date: 2/19/14
 Signed: [Signature]



Community Development Department

Zoning Division

18400 Murdock Circle, Port Charlotte, FL 33948-1094
 Phone: (941) 743-1956 or (941) 743-1964 / Fax: (941) 743-1598
www.charlottecountyfl.gov

"Leading the Way in Defining Community Development"

Variance - Application

File #: VAR-14-002 Invoice #: 155439
 Date Submitted: 1-29-2014 Date of BZA Meeting: March 12, 2014
Code M-SPECX (Office use only)

Incomplete applications will not be accepted.

1. Name of Applicant: Lock n Key Restaurant
2045 North Beach Road Englewood FL 34223
(Address) 474-1517 (City) (State) (Zip + four)
941-474-1517 / 941-4100 / locknkeyrestaurant@comcast.net
(Phone Number) (Fax Number) (E-mail Address)
2. Name of Local Agent: Pav2R mac Alan McEachern
940 W Douglas Ct Venice FL 34293
(Address) 915-2125 (City) (State) (Zip + four)
941-915-2125 / 441-997-5010 / AL@Pav2Rmac.com
(Phone Number) (Fax Number) (E-mail Address)
3. Owner(s) of Record: ATM-Map Inc. Donald Atamanchuk
2045 N. Beach Road Englewood FL 34223
(Address) (City) (State) (Zip + four)
941-474-1517 / locknkeyrestaurant@comcast.net
(Phone Number) (Fax Number) (E-mail Address)
4. **Owners Authorization:** Should an applicant not be the owner of the property, which is the subject of the request, the applicant must attach (on a separate sheet) a notarized authorization giving the applicant the right to apply for the special exception.
5. Full Property Address: 2045 North Beach Road Englewood FL 34223
(Address) (City) (Zip + four)
6. Tax ID/Parcel No.: 411912252005
7. Legal description: Lot(s): 2010/10003 Block(s): 3
 Subdivision: CWR Chadwick Beach Unit or Sub-section: — Book 2; Page 17
 Parcel(s) or Tract(s): _____
 Section(s): _____ Township: 41N (South); Range: 19E (East)
8. Total Area of Land in Acres: _____
9. Existing Zoning District Classification of Property: MCG
10. Existing Future Land Use Map (FLUM) Designation: Commercial

Signed: _____ Comments: _____

(Return completed form to the Zoning Division)

**Manasota/Sandpiper Key Architectural
 Advisory Committee Recommendation**

(Exhibit F)