

STAFF REPORT
Community Development Department
Petition Number: VAR-14-004

To: The Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: July 1, 2014

BZA meeting date: July 9, 2014

Requested Action/General Information:

David Kaelin, agent for Elaine McNeill, is requesting a variance to reduce the required 15' rear yard setback by 5.0' to allow a 10.0' rear setback to allow a swimming pool at an existing two-family residence in the Residential Multifamily-10 zoning district. Subject property is located at **9455 – 9457 Agate Street** in South Gulf Cove (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Multifamily-10. This property has a Medium Density Residential FLUM designation.

Subject property is a regular shaped interior lot, consisting of 10,000 square feet (80' by 125'), which was created by the Port Charlotte Section 78 Subdivision recorded in 1960. This lot, which meets the minimum lot width (80') and size (7,500) requirements, has been developed with a two-family residence, which has an existing 30' rear setback. The applicant is proposing to construct a new swimming pool and pool cage with a 20' wide pool deck and a 10' rear setback. **Section 3-9-33(f)** (**Exhibit A**) of the Zoning Code specifies the development standards for the RMF zoning districts and requires a 15-foot rear yard setback. As such the applicant has submitted this request for a variance.

The existing two-family residence and covered lanais were constructed in 2007. The applicant has submitted the attached **Boundary Survey** (**Exhibit B**), which shows the existing Two-family residence and covered lanais located on this lot. This variance request is based on the proposed pool deck dimensions (20' by 50') shown on the **Site Plan** (**Exhibit C**), which proposes a rear setback of 10.26' between the pool deck and the rear lot line. The applicant has also submitted the attached **Pool Plan** (**Exhibit D-1**), which is a more detailed drawing of the proposed swimming pool.

Staff believes that a number of design changes could be used to reduce or eliminate the need for a variance for the proposed swimming pool. First, the designs of the steps into the pool are located in such a way as to require greater width than is necessary. Staff has prepared an **Alternative Pool Plan** (**Exhibit D-2**) to show two alternate step locations "A" and "B", which reduce the width of the pool by 4.0'. Also, the bench feature projects out 1.5' further to the west. This bench could be designed to project into the pool. Finally, the 12' pool width could be reduce by one or more feet so that the new swimming pool could be constructed according to the required 15' setback.

The applicant has submitted the attached **Narrative** (**Exhibit E**) 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 F**) dated June 20, 2014.

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 lot is a regular shaped lot, which meets the minimum lot size and width requirements of code. There is also an existing 30' rear setback and there does not appear to be any unique or peculiar conditions, which are not generally applicable to other properties located in the RMF zoning district.

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 15' rear yard setback for a swimming pool does not result in an undue hardship on the property owner. There is adequate room in the rear yard for a redesigned and slightly narrower swimming pool.

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 construction of a swimming pool, which is a permitted accessory structure in the RMF-10 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 of the requested variance would be injurious to, or incompatible with, the surrounding land uses.

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 because of their proposed pool design.

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

Finding: The requested variance, to reduce the 15' rear yard setback to 10.0' is not the minimum modification that will afford relief. A swimming pool can be designed and constructed that meets the required 15' rear yard setback.

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 construction of a swimming pool, staff believes that the requested variance does not meet all seven criteria for granting a variance.

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 development is in compliance with the purpose and intent of the Zoning Code.

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 15' rear yard setback by 5.0' to allow a 10.0' rear setback.
2. This variance is only for a swimming pool and pool cage as proposed in the documents submitted with this application. This variance shall carry with the swimming pool and pool cage only once they are constructed.
3. If the swimming pool and pool cage are constructed and 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 (3), Location Map, Zoning Map, Aerial Photo, Sec. 3-9-33, Boundary Survey, Site Plan, Pool Plan, Alternative Pool Plan, Narrative, and Environmental Specialist Memorandum



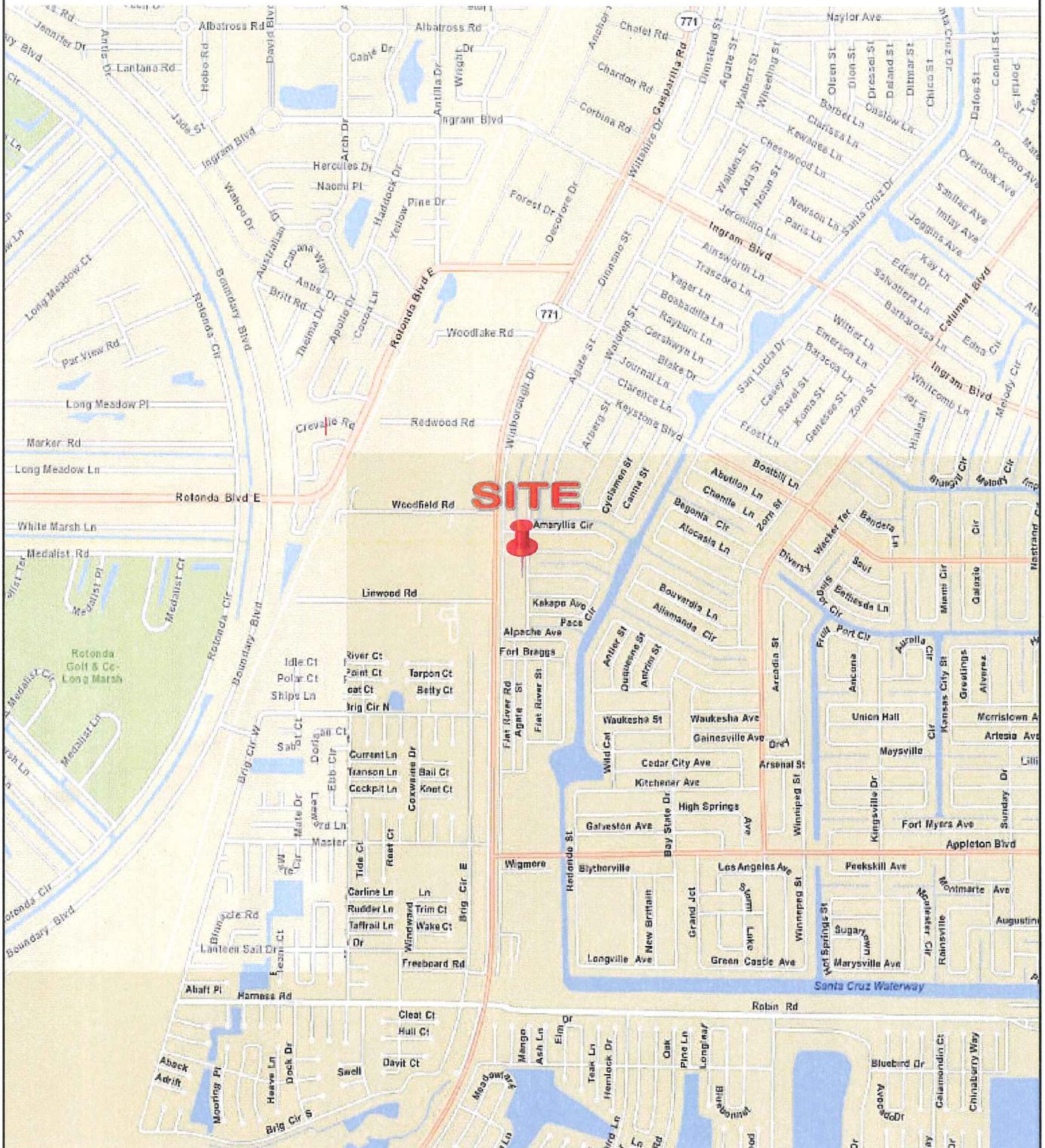
Community Development

CHARLOTTE COUNTY Location Map for VAR-14-004

Charlotte County Government

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CHARLOTTE COUNTY Zoning Map for VAR-14-004

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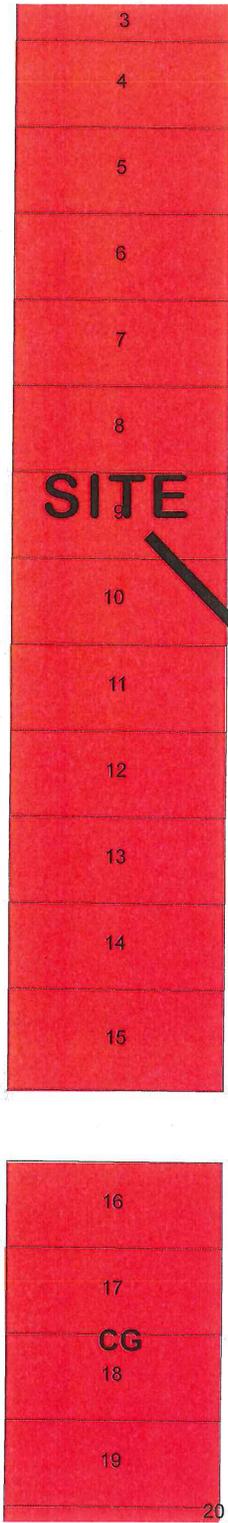
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P7

GASPARILLA RD



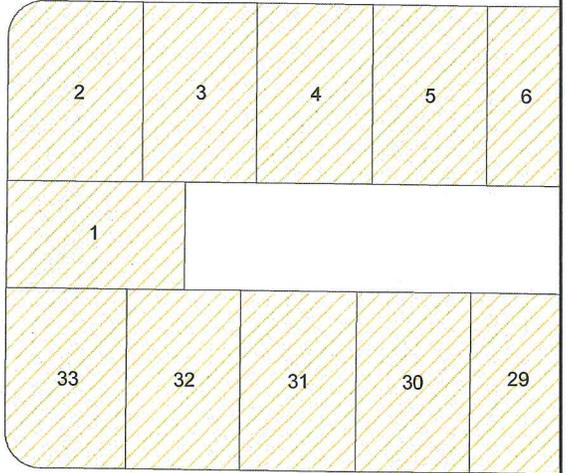
WINBOROUGH DR



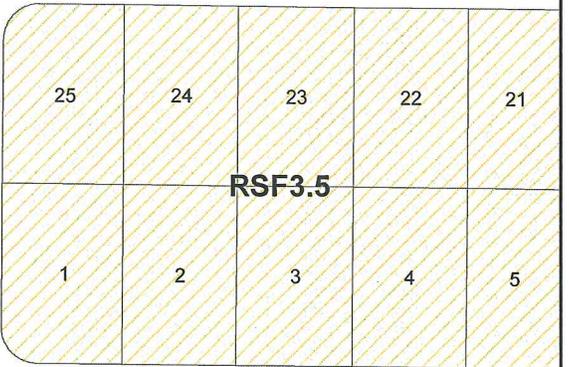
AGATE ST



AMARYLLIS CIR



PACE CIR



KAKAPO AVE



20/41/21 West County

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Community Development

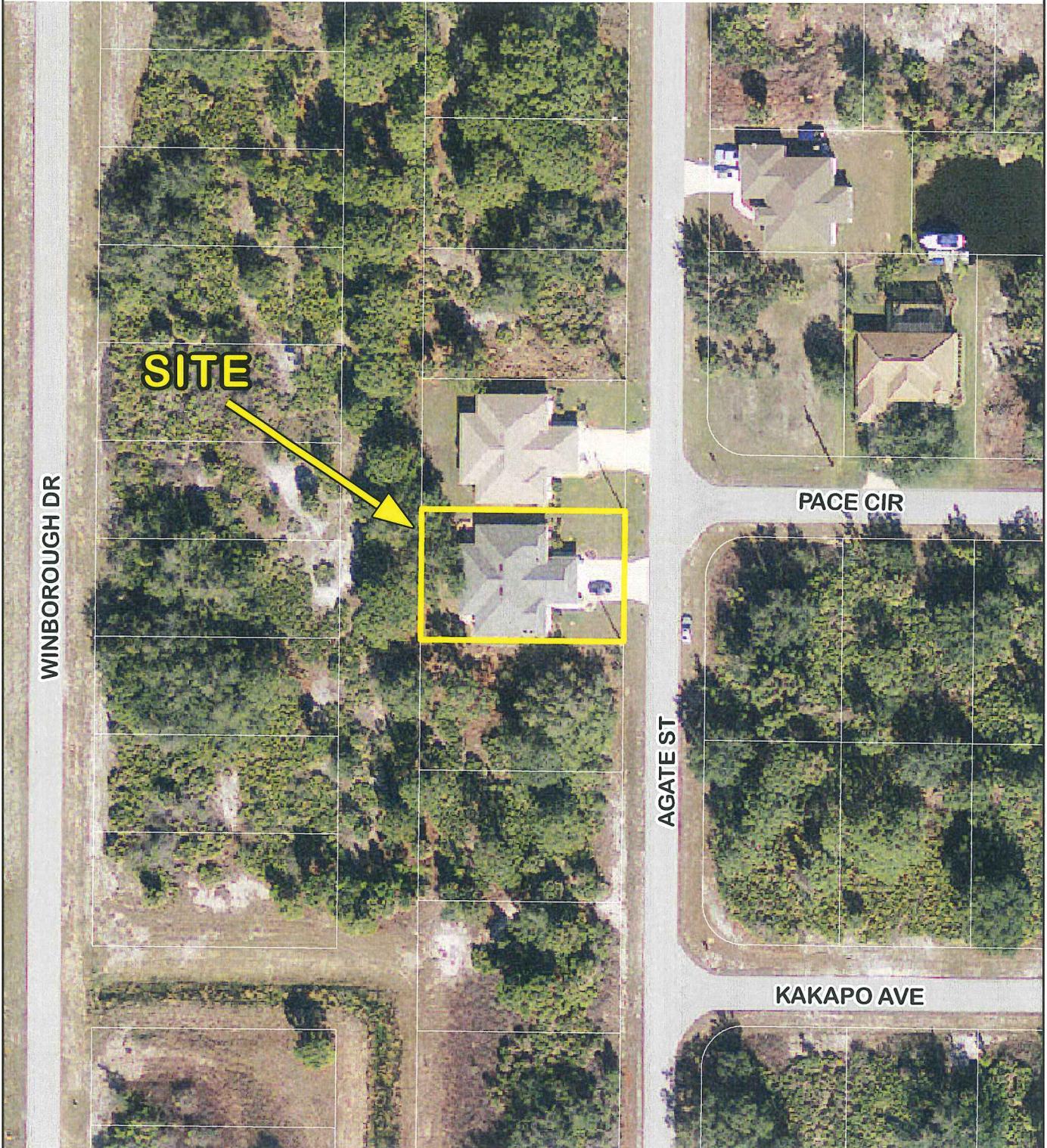
CHARLOTTE COUNTY

Aerial View for VAR-14-004

Charlotte County Government

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Sec. 3-9-33. Residential, multifamily (RMF).

- (a) *Intent.* The residential, multifamily (RMF) districts are intended to be low-or high-density residential districts with emphasis on multifamily use.
- (b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:
- (1) All principal uses and structures permitted in RSF districts.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Cluster houses.
 - (5) Townhouses.
 - (6) Patio houses.
- (c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.
- (d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district, including mobile homes and private clubs not otherwise permitted, or permitted by special exceptions.
- (e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:
- (1) Yacht clubs, country clubs in conjunction with golf courses and golf courses, including executive or par-3 golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least fifty (50) feet from adjacent property zoned for residential use.
 - (2) Houses of worship, in accordance with section 3-9-78.
 - (3) Elementary, middle and high schools.
 - (4) Home occupations in accordance with section 3-9-80.1.
 - (5) Group home facilities, child and adult day care facilities.
 - (6) Essential services and emergency services.
 - (7) Resort marinas.
 - (8) Adult congregate living facilities in accordance with section 3-9-63.1.
 - (9) Nursing homes.
 - (10) Rooming and boarding houses.
 - (11) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable

Sec. 3-9-33 Residential Multifamily

(Exhibit A-1)

Sec. 3-9-33 (RMF)

determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.



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

	RMF-3.5	RMF-5	RMF-7.5	RMF-10	RMF-12	RMF-15
Minimum lot requirements:						
Area, sq. ft. (except as otherwise permitted)	10,000	7,500	7,500	7,500	7,500	7,500
Width, feet	80	80	80	80	80	80
Front yard, feet	25	25	25	25	25	25
Rear yard:						
Abutting a lot	Half the building height but not less than 15 feet					
Abutting a road, feet	15	15	15	15	15	15
Minimum side yard:						
Interior	Half the building height but not less than 7.5 feet					
Abutting a road, feet	15	15	15	15	15	15
Side and rear abutting water, feet	20	20	20	20	20	20
Maximum lot coverage by all buildings, percent	35	35	35	35	35	35
Maximum building height, feet	60	60	60	60	60	60
Maximum density, units per acre	3.5	5	7.5	10	12	15

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

If the RMF district abuts a single-family district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, as the same may be amended, shall be erected closer to the abutting single-family zoned property than twenty-five (25) feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) **Signs.** Signs shall be in accordance with section 3-9-95.

(h) **Off-street parking.** Off-street parking shall be in accordance with section 3-9-90.

(Minutes of 12-8-81, § 7; Res. No. 85-286, § 1, 10-5-85; Res. No. 87-78, § 11, 5-19-87; Res. No. 87-254, § 18, 10-20-87; Res. No. 87-255, § 4, 10-20-87; Ord. No. 89-34, § 7, 5-31-89; Ord. No. 92-41, §§ 1—3, 6-2-92; Ord. No. 94-55, § 15, 11-3-94; Ord. No. 2001-031, § 1(b), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02)

Editor's note—

These provisions were formerly found in § 3-9-32. The provisions of former § 3-9-33 are now found in § 3-9-34.

**Sec. 3-9-33 Residential Multifamily
(Exhibit A-2)**

ABBREVIATIONS OF SURVEYING TERMS

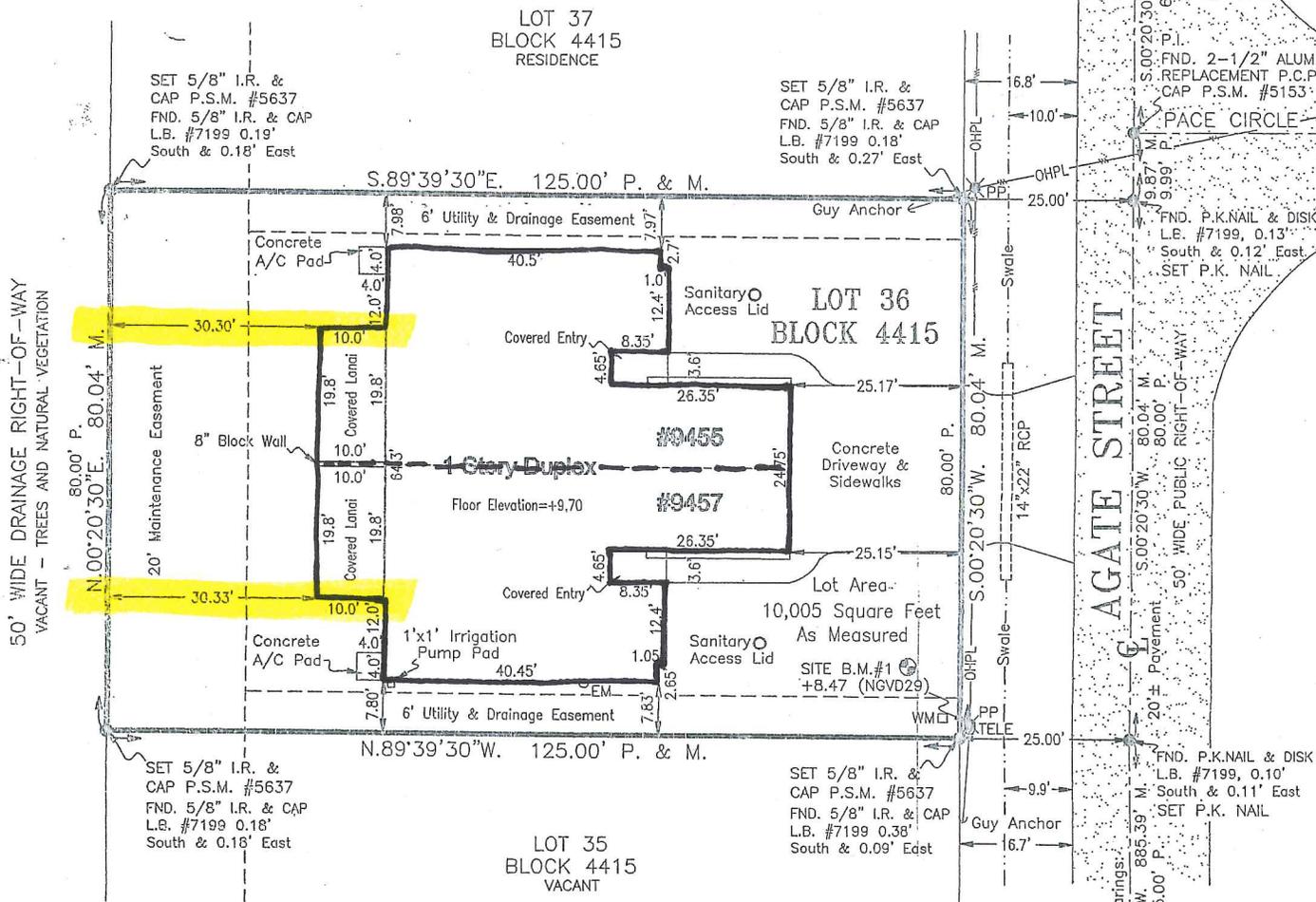
- | | | |
|---|----------------------------|--|
| M. = MEASURED DISTANCE OR ANGLE | F.B. = FIELD BOOK | P.K. = PARKER KALON (NAME BRAND) |
| P. = PLAT DISTANCE OR BEARING/ANGLE | FND. = FOUND | P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER. |
| C. = CALCULATED DISTANCE OR BEARING/ANGLE | I.R. = IRON ROD OR RE-BAR | P.T. = POINT OF TANGENCY |
| A/C = AIR CONDITIONER | I.P. = IRON PIPE | P.I. = POINT OF INTERSECTION |
| CL = CENTERLINE | L.B. = LICENSED BUSINESS | PP = POWER POLE |
| WM = WATER METER | OHPL = OVERHEAD POWER LINE | SWK. = SIDEWALK |
| RCP = REINFORCED CONCRETE PIPE | PG. = PAGE | TELE = TELEPHONE RISER |
| EM = ELECTRIC METER | P.C. = POINT OF CURVATURE | |

THIS LIST IS PROVIDED PURSUANT TO 5J-17, FLORIDA ADMINISTRATIVE CODE AND SERVES TO ASSIST YOU IN UNDERSTANDING THE ATTACHED SURVEY.

Parcel # 412120376004
 9457 Agate Street
 Port Charlotte, FL 33981
 Latitude 26°53'21.3" North
 Longitude 82°14'07.1" West

BASE BENCH MARK: CHARLOTTE COUNTY B.M. #SGC-056, C.C.S.D. BRASS DISK AT THE EAST END OF A PIPE CROSSING UNDER WINBOROUGH DRIVE, 980'± SOUTH OF THE CENTERLINE OF AMARYLLIS CIRCLE. ELEVATION=+4.41428 (NGVD29)

SITE B.M. #1 - SET P.K. NAIL & DISK IN WOOD POWER POLE AT THE SOUTHEAST CORNER OF LOT 36, BLOCK 4415, A.K.A. RESIDENCE #9455 & #9457 AGATE STREET. AS SHOWN BELOW, ELEVATION=+8.47 (NGVD29)



**Boundary Survey
 (Exhibit B)**

DESCRIPTION

Lot 36, Block 4415, Port Charlotte Subdivision Section 78, as per plat thereof, recorded in Plat Book 6, Page 42, of the Public Records of Charlotte County, Florida

Subject to lot line easements of: 6' sides and a 20' rear maintenance easement along all Drainage Right-of-Ways.

Certified To:
 Elaine McNeill
 Wells Fargo Bank, N.A.
 Stewart Title Company
 Stewart Title Guaranty Company

Shremshock Surveying, Inc.
 Land Surveyors
 5265 Alamos Terr.
 North Port, Florida 34288
 ph. (941) 423-8875 fax. 423-4365
 e-mail: shremshocksurveying@comcast.net

Title: Boundary Survey
 Prepared for: Elaine McNeill
 Certified to: See Above
 Sketch No: 33-14-B Scale: 1" = 20'
 Field Book: 139 Page: 76 & 77
 Drawn By: D.B. Checked By: DAVE

FLOOD ZONE "AE"
 9.0' BASE FLOOD ELEV.
 COMMUNITY #120061
 PANEL #0213 "F"
 FIRM DATE 5/5/03
 MAP #12015C0213F

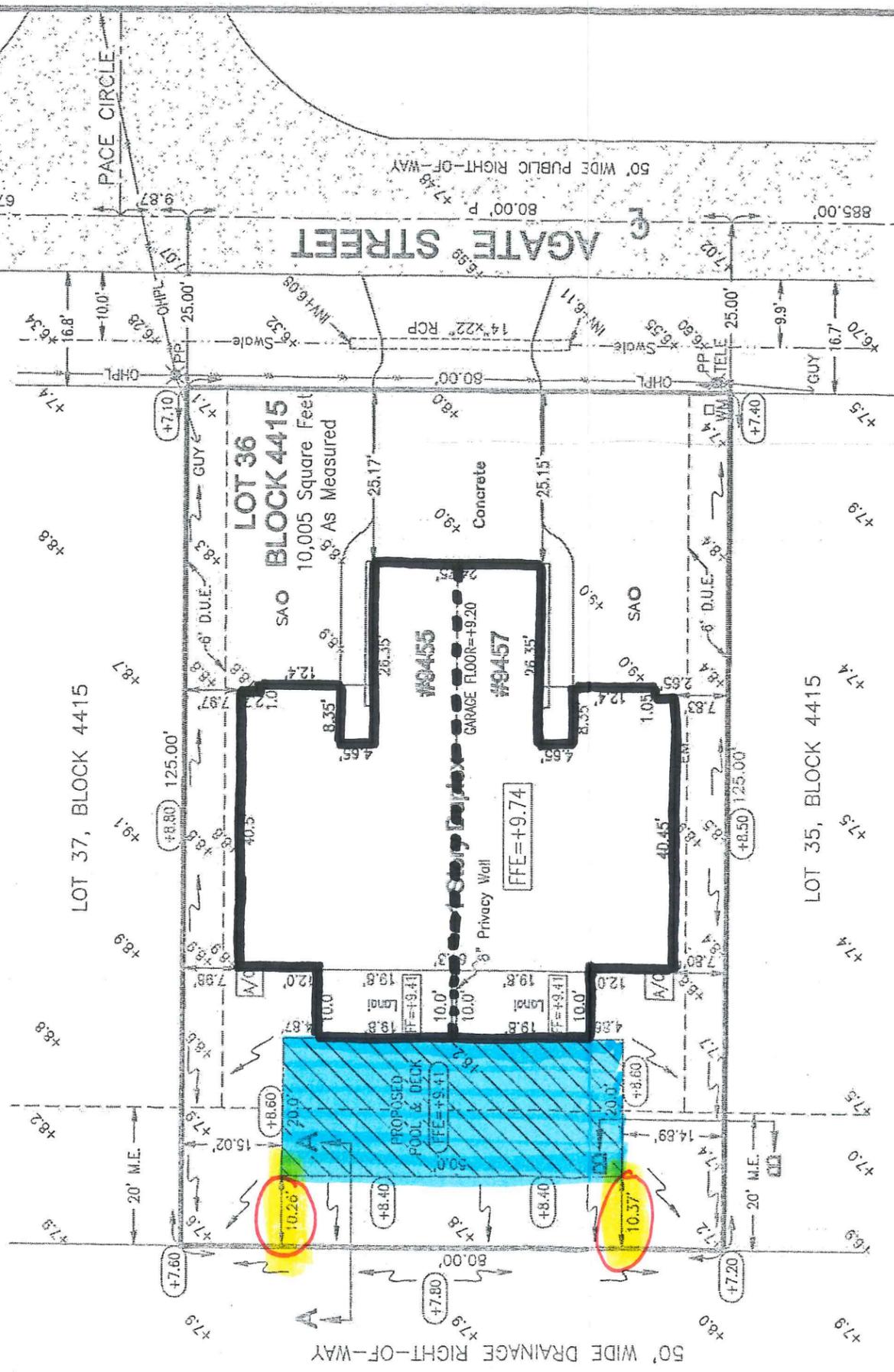
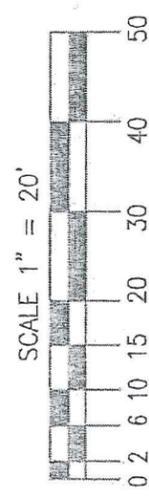


LOT DRAINAGE PLAN

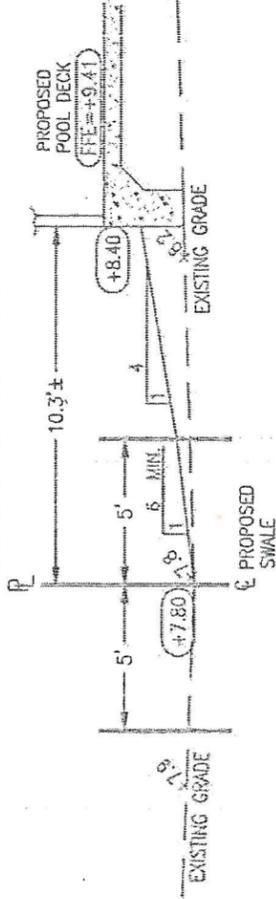
LEGEND

- = PROPOSED DRAINAGE FLOW DIRECTION
- (98.0) = PROPOSED FINISHED GRADE
- x98.2 = EXISTING GROUND ELEVATION
- [FFE=+93.1] = PROPOSED FINISHED FLOOR ELEVATION
- [FFE=+93.1] = EXISTING FINISHED FLOOR ELEVATION
- SA = SANITARY ACCESS
- ME = MAINTENANCE EASEMENT
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- FFE = FINISHED FLOOR ELEVATION
- INV = INVERT
- NTS = NOT TO SCALE

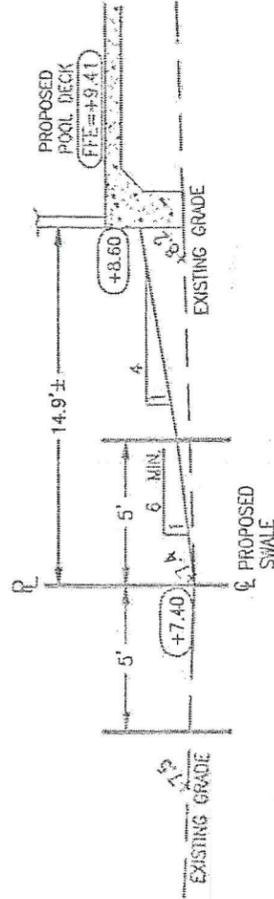
OWNER/CONTRACTOR TO VERIFY ALL DIMENSIONS AND BUILDING SETBACKS.



SECTION A - A (NTS)



SECTION B - B (NTS)



NOTE: LOT CONDITIONS PROVE EXISTING DRAINAGE IN PLACE AT TIME OF SURVEY. NEW CONSTRUCTION NOT TO EFFECT AND/OR ALTER EXISTING LOT CONDITIONS.

THE INFORMATION SHOWN HEREON, IS BASED ON SURVEY DATA PROVIDED BY: SHREMSHOCK SURVEYING, INC., AND IS SHOWN ON THE ACCOMPANYING "SURVEY" COPIES.

D & C Drafting Services

2908 Mayflower Street
Sarasota, FL 34231
(941) 587 - 5573
brig.cadd@gmail.com

MANAGE PLAN NOTES

- SHALL BE AT LEAST 10' AWAY FROM THE PROPERTY LINE AND DIRECTED AWAY FROM ADJACENT PROPERTY.
- THE GRADE SLOPE RATIO OF 6 FOOT HORIZONTAL TO 1 FOOT VERTICAL IS ALLOWED WITHIN 5 FOOT OF THE PROPERTY LINE.
- 4 FOOT HORIZONTAL TO 1 FOOT VERTICAL IS ALLOWED IN AREAS MORE THAN 5 FOOT FROM THE PROPERTY LINE.
- MINIMUM 6 TO 1 RATIO IS PREFERRED FOR ALL SLOPES.
- STORM WATER FROM THE PARCEL SHALL DRAIN TO A STREET, DRAINAGE GREENBELT, OR OTHER ESTABLISHED DRAINAGE FACILITY, WITHOUT ADVERSELY AFFECTING THE PROPER DRAINAGE OF ADJOINING PARCEL OF LAND.
- ELEVATION SHALL BE CONSISTENT WITH THE APPROVED MASTER DRAINAGE PLAN FOR THE SUBDIVISION OR A LATER SURVEY.
- SURVEY IS REQUIRED FOR LOTS LESS THAN 1 ACRE IN AREA OR FOR SUBDIVISIONS PLATTED BEFORE AUGUST 1, 2004.
- SUFFICIENT ELEVATIONS MUST BE PROVIDED TO DETERMINE IF THE SITE IS A SUBJECT PARCEL.
- THE DRAINAGE FACILITY SHALL BE A MINIMUM OF 0.2% LONGITUDINAL SLOPE.
- THE DRAINAGE FACILITY SHALL BE DIRECTED TO THE REAR OF THE LOT IF AN APPROVED DRAINAGE GREENBELT OR OTHER ESTABLISHED DRAINAGE FACILITY IS AVAILABLE.

**Site Plan
(Exhibit C)**

CLIENT INFORMATION
 NAME: ELAINE MCNEILL
 ADDRESS: 9455 / 57 AGATE STREET
 CITY: PORT CHARLOTTE
 STATE: FLORIDA ZIP: 33981
 RES. PHONE: 775-741-2390
 E-MAIL: emcneill1943@yahoo.com
 LOT #: 36 BLK: 4415 SECTION: 78
 COUNTY: CHARLOTTE
 SUBD'V: PCH / S. GULF COVE
 PROPERTY ID #: 412120376004

SCALE: 1/8" = 1.0'
 Date Designed: 3/4/2014
 Drafted By: DAVID KAELEN
 NOTE:
 A 5% tolerance is applied to all dimensions.
 Gas Line, Gas Hookup & Gas Tank not included
 Plan is property of
 Tropical Pools and Draftsman
 Copyright 2013

www.766swim.com

 Commercial and Residential
 State Certified Contractor
 Licensed and Insured



7133 Gasparilla Rd (SR-771)
 Port Charlotte, FL. 33981
 Made in USA
 OFFICE: 941-828-0070
 FAX: 941-828-0060

This plan and its contents are the property of Tropical Pools
 Plan may not be copied in whole or in part without express written permission from Tropical Pools
 © copyright 2013
 NOTE: A Current Survey plan is required by the county of record.
 All surveys must contain engineers seal and signature

General Specifications:

Earth Disposal: Dig & Drop for wall
 Size: 12.0' x 30.0' 419 Sq. Ft.
 Depth: 4.0 Ft. - 5.0 Ft. Perimeter: 98 Lf
 Swim Bench: YES Sunshelf: None
 Loveseat: None Therapy jets: 0
 Interior Finish: StoneScapes®
 Handrail: 2 Light(s): 2 Color LED
 Returns: 3 SP 1022
 Pool Cleaner: Vac port & Pool Vac

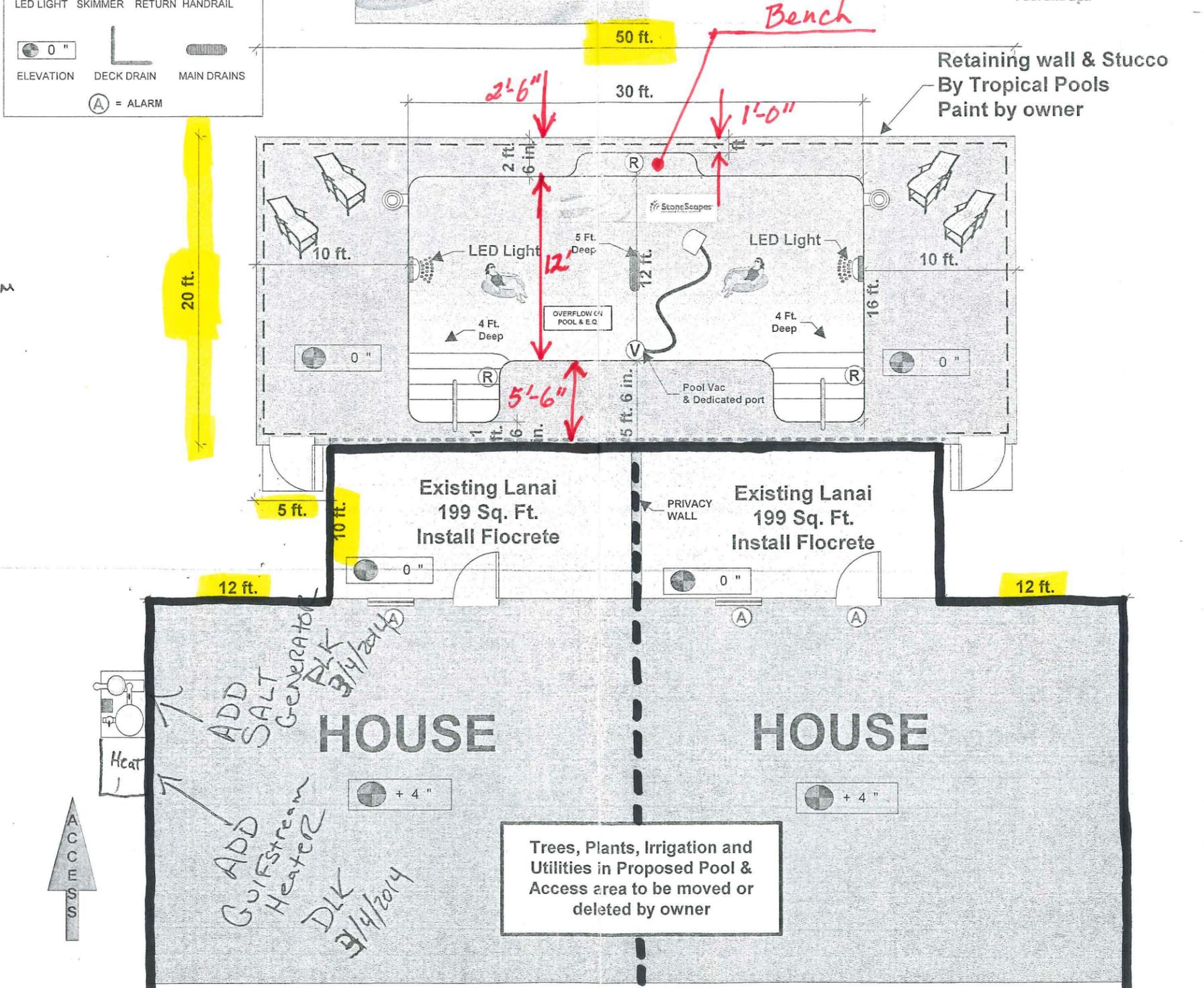
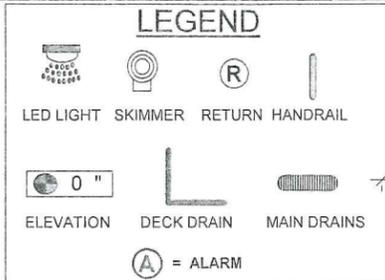
Elevation: Pool Deck Flush with Lanai
 Pool Deck: 581 SF. FLOCRETE
 Lanai: 398 Sf. FLOCRETE
 Deck Drain: Yes Raise deck: None
 Planters: None

Filter: Cartridge Pump: Pentair®
 Chlorinator: In-Line Treater: NONE *Guifstream Heater*
 Electrical Hookup: YES
 Subpanel: none *DLK 3/4/2014*

Screen Enclosure: 8.5' Mansard
 Door(s): 2 Gutter: Yes Screws: Standard
 Composite Roof: None Fan beams: 0

Notes: *****
 Safety Feature = Alarms

Retaining wall & Stucco



MAIN DRAIN SUCTION COVERS
 Compliant with
 ANSI / ASME A112.19.8M
 STANDARDS

This plan compliant with section 424.2.6.6 of the Florida Building Code and Chapter 515 of the Florida Statutes
 Plan is compliant with 2010 Florida building code and the ANSI/NSPI - 5 Standards
 Electrical designed to 2008 National electrical code with grounding requirements pertaining to article 680.26

NOTE: An approved safety barrier is required by Florida Law. Safety Barrier must be installed & operable prior to Final Inspection.

Trees, Plants, Irrigation and Utilities in Proposed Pool & Access area to be moved or deleted by owner

Hurricane anchor reset and cutting shutters to new elevation is the responsibility of the homeowner

Plan may be subject to homeowners association approval

MAP TO SITE

ACCEPTANCE AGREEMENT
 I accept this design and layout of swimming pool, deck and any accessories provided on this blueprint by Tropical Pools I also state that there have been no verbal agreements or promises that are not provided on this blueprint. I understand that any changes to design, layout, color selections, dimensions and or any accessories that must be installed during the construction process. Constitute a change order and may require an additional charge.
 Signature: *Elaine McNeill*
 Date: 3-4-14
 Signature: _____
 Date: _____

**Pool Plan
 (Exhibit D-1)**

Trees, Plants, Irrigation and Utilities in Proposed Pool & Access area to be moved or deleted by owner

CLIENT INFORMATION
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 ADDRESS: 9455 / 57 AGATE STREET
 CITY: PORT CHARLOTTE
 STATE: FLORIDA ZIP: 33981
 RES. PHONE: 775-741-2390
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 All surveys must contain engineers seal and signature

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Earth Disposal: Dig & Drop for wall
 Size : 12.0' x 30.0' 419 Sq. Ft.
 Depth : 4.0 Ft. - 5.0 Ft. Perimeter: 98 Lf
 Swim Bench : YES Sunshelf: None
 Loveseat : None Therapy jets: 0
 Interior Finish : StoneScapes®
 Handrail : 2 Light(s) : 2 Color LED
 Returns : 3 SP 1022
 Pool Cleaner : Vac port & Pool Vac

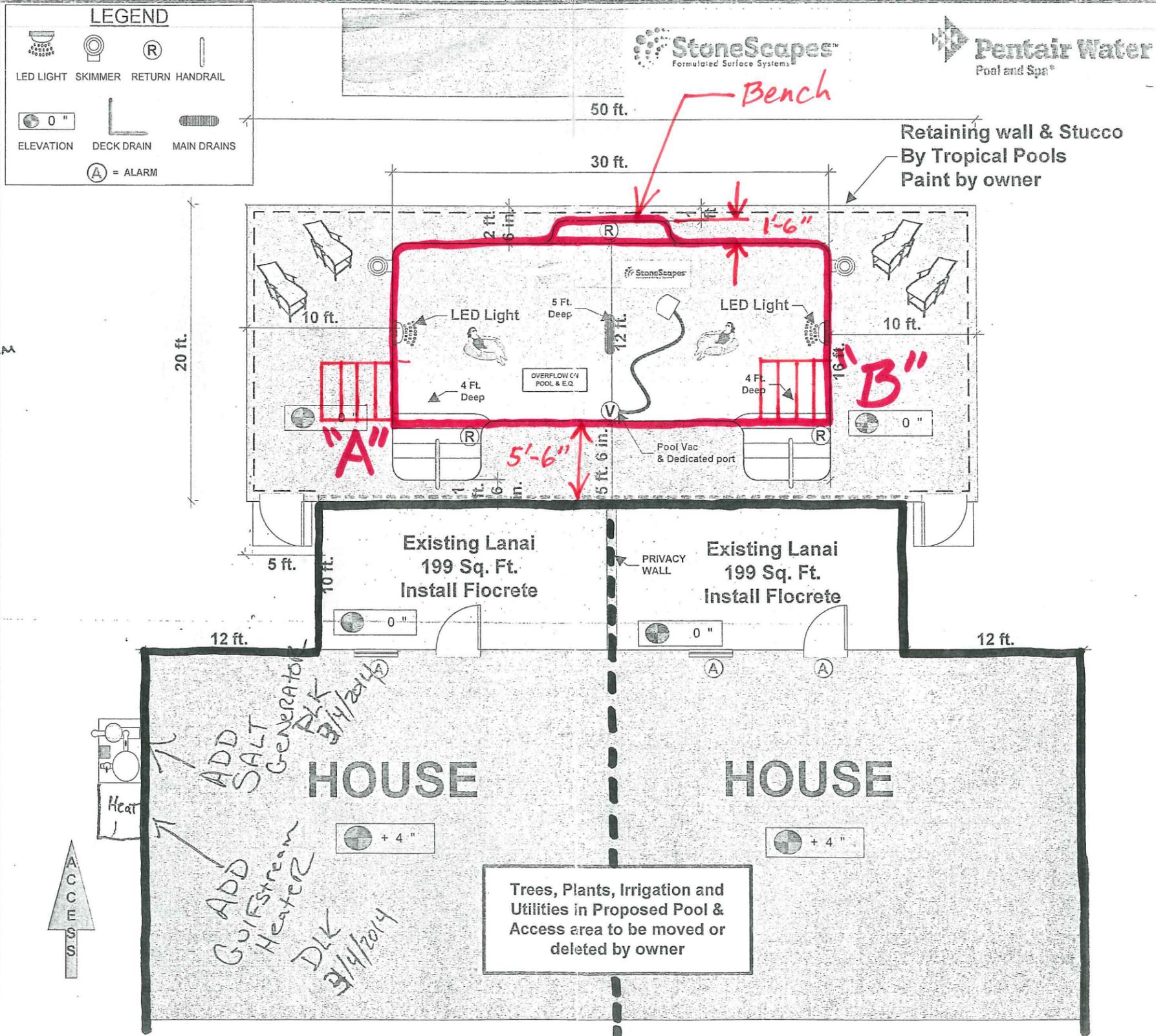
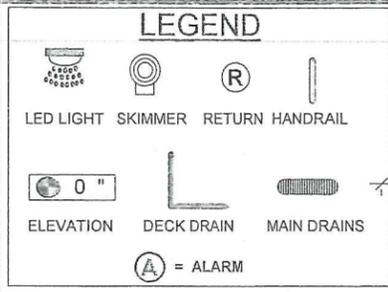
Elevation: Pool Deck Flush with Lanai
 Pool Deck : 581 Sf. FLOCRETE
 Lanai : 398 Sf. FLOCRETE
 DeckDrain: Yes Raise deck : None
 Planters : None

Filter: Cartridge Pump: Pentair®
 Chlorinator: In-Line Heater: NONE
 Electrical Hookup: YES
 Subpanel : none

Screen Enclosure : 8.5' Mansard
 Door(s) : 2 Gutter: Yes Screws: Standard
 Composite Roof: None Fan beams: 0

Notes: *****
 Safety Feature = Alarms

Retaining wall & Stucco



MAIN DRAIN SUCTION COVERS
 Compliant with
 ANSI / ASME A112.19.8M
 STANDARDS

This plan compliant with section 424.2.6.6 of the Florida Building Code and Chapter 515 of the Florida Statutes
 Plan is compliant with 2010 Florida building code and the ANSI/NSPI - 5 Standards
 Electrical designed to 2008 National electrical code with grounding requirements pertaining to article 680.26

NOTE: An approved safety barrier is required by Florida Law. Safety Barrier must be installed & operable prior to Final Inspection.

Trees, Plants, Irrigation and Utilities in Proposed Pool & Access area to be moved or deleted by owner

Hurricane anchor reset and cutting shutters to new elevation is the responsibility of the homeowner

Plan may be subject to homeowners association approval

MAP TO SITE

ACCEPTANCE AGREEMENT
 I accept this design and layout of swimming pool, deck and any accessories provided on this blueprint by Tropical Pools I also state that there have been no verbal agreements or promises that are not provided on this blueprint. I understand that any changes to design, layout, color selections, dimensions and or any accessories that must be installed during the construction process. Constitute a change order and may require an additional charge.
 Signature: Elaine McNeill
 Date: 3-4-14

Alternative Pool Plan (Exhibit D-2)

May 19, 2014

To Charlotte County Zoning,

In re: the property located at 9455 / 9457 Agate street, Port Charlotte, FL 33981
PID # 412120376004 Lot 36 Blk. 4415 PCH

I respectfully request a variance / release of 5 ft. from a recorded 15 ft. setback on my property for the purposes of constructing a swimming pool. The current property is a duplex unit in which I own and utilize both units.

I have already received an administrative variance only to find out that now I must also require a setback variance. This places undue hardship on me as I am a retired veteran that requires oxygen and exercise to improve my health and quality of life.

Granting of this variance affects no residences behind me as there are none and is abutted to a 50 ft drainage right of way.

Thank you for your attention to this matter.

If you should have any questions please feel free to contact me @ 775-741-2390 or emcneill1943@yahoo.com


Elanie McNeill

Narrative
(Exhibit E)



MEMORANDUM

Date: June 20, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: VAR-14-004
McNeill Pool, setback variance, 9455 – 9457 Agate Street

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes and ordinances and offers the following comments:

- ❖ The site consists of an existing duplex residence in a residential neighborhood.

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:

- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2: Article IX. TREE REQUIREMENTS

- Per Section 3-2-189, prior to the removal of any tree with a caliper of four (4) inches or greater a Charlotte County tree removal permit is required.
- Per Section 3-2-190, ALL heritage trees must remain preserved.

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

JS

(Exhibit F)