

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-15-004**

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**To:** The Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Planning and Zoning Official

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** June 3, 2015

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

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**Requested Action/General Information:**

Richard Rosenbaum, agent for Suellen Bowser, is requesting a variance of 1.4 feet to reduce the required 7.5-foot side yard setback to 6.1 feet, to allow an existing lanai to remain "as is", in the Residential Single-family-3.5 zoning district. Subject property is located at **3318 Brooklyn Avenue** in Port Charlotte (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.

The attached **Aerial Photograph** shows subject property, which is a regular shaped corner lot created by the *Port Charlotte Subdivision (Section 7)* recorded in October of 1957. This lot meets the minimum lot width requirement of 80 feet; however, it is just under the 10,000 square foot minimum lot size requirement, with 9,865 square feet (135%). The existing single-family residence was constructed in 1976 and the current owner acquired subject property in March of 2015.

The applicant submitted the attached **Boundary Survey (Exhibit A)**, which was done on March 2, 2015, showing the existing single-family residence, screened lanai and other improvements located on this lot. This variance request is for the 6.1 foot interior side setback, which does not comply with the 7.5-foot setback required by code. As such the applicant is requesting a variance of 1.4 feet to allow the lanai to remain "as is".

Staff has attached a copy of **Section 3-9-33 Residential Single-family (Exhibit B)** from the current zoning code (1982-2015). **Subsection (g) (Exhibit B-2)** lists the development Standards, which requires a 7.5-foot setback along interior side yards and a 15-foot street side setback. The applicant has also submitted the attached **Narrative (Exhibit C)** stating that the lanai was constructed at the same time as the home, in **1976**, and explaining why the applicant believes this request for a variance should be granted.

Staff researched the **1962-1981 Zoning Regulations (Exhibit D)** because they governed development of this property in **1976** when the home was constructed. It appears that corner lots originally (1962) had to meet the 25-foot front yard setback along all streets according to **Exhibits D-4** and **D-5**. At some point during the 1970's the street side setback was reduced to 20 feet according to **Exhibit E**. The present code only requires a 15-foot street side setback. Over time it was recognized that corner lots platted with the same minimum lot width as interior lots were restricted more by required setbacks. As a remedy to this street side setbacks were reduced and corner lots were made wider than interior lots.

An Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit F) dated May 22, 2015.

**Findings:**     **The five standards for approval of a Variance according to Section 3-9-6.3(i) 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: Subject property was platted in October of 1957 as part of the *Port Charlotte Subdivision (Section 7)*. This 80-foot by 125-foot lot complied with the minimum lot width of 80 feet but not the minimum lot area of 10,000 square feet because of the rounding of the street right-of-way at the intersection. This may be the reason why latter plats, such as, *Port Charlotte Subdivision (Section 9)*, which was recorded in November of 1957 included 90-foot and 100-foot wide corner lots. Most subdivisions create corner lots which are wider than the minimum lot width required by code. The lot's width of only 80 feet, it's location at the corner of two streets, and building configuration on this substandard sized lot are unique, which creates peculiar conditions, that are not generally applicable to other properties.

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

Finding: A lanai is a typical accessory use to single-family residences in Florida. A strict and literal enforcement of the 7.5-foot side yard setback for the existing lanai would result in an undue hardship as distinguished from a mere inconvenience.

3. 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 variance request is to allow an existing lanai, with a 6.1-foot side setback, to remain "as is". This lanai is a permitted accessory use and structure in the RSF-3.5 zoning district and staff believes that this would not be injurious to or incompatible with the adjacent residences.

4. 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 applicant purchased subject property in March of 2015 with all of the existing conditions already in place. These conditions cannot reasonably be corrected by the applicant and were apparently created in 1976. There have been at least three other owners prior to the applicant.

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

Finding: The requested variance of 1.4 feet is the minimum modification that will afford relief because the existing lanai has an existing setback of 6.1 feet.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a variance to allow an existing lanai to remain "as is", staff believes that the requested variance does meet all five 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. The recommended conditions are as follows:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5-foot side yard setback by 1.4 feet to allow a 6.1-foot side setback for the existing lanai only.
2. This variance extends only to the existing lanai as shown on the Boundary Survey in the documents submitted with this application.
3. If the lanai is ever 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, Boundary Survey, 1981-2015 Zoning Code (2), Narrative, 1962-1981 Zoning Code (6), Environmental Specialist Memorandum and Exhibit G



Community Development

# CHARLOTTE COUNTY

## Location Map for VAR-15-004

Charlotte County Government

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### 23/40/22 Mid County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-S. Yancey 6837 Date Saved: 5/19/2015 8:21:11 AM

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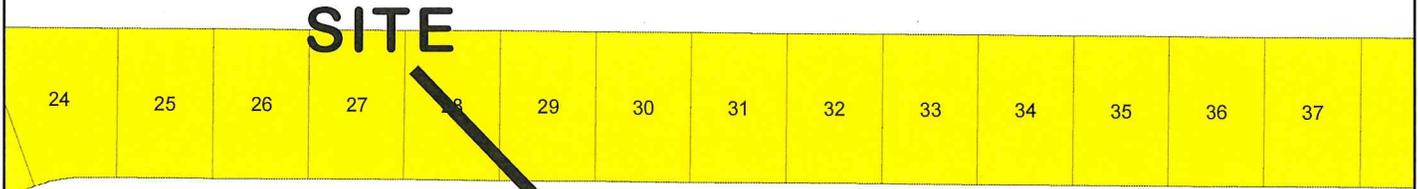


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# CHARLOTTE COUNTY Zoning Map for VAR-15-004



23/40/22 Mid County

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Community Development

# CHARLOTTE COUNTY

## 2014 Aerial View for VAR-15-004

Charlotte County Government

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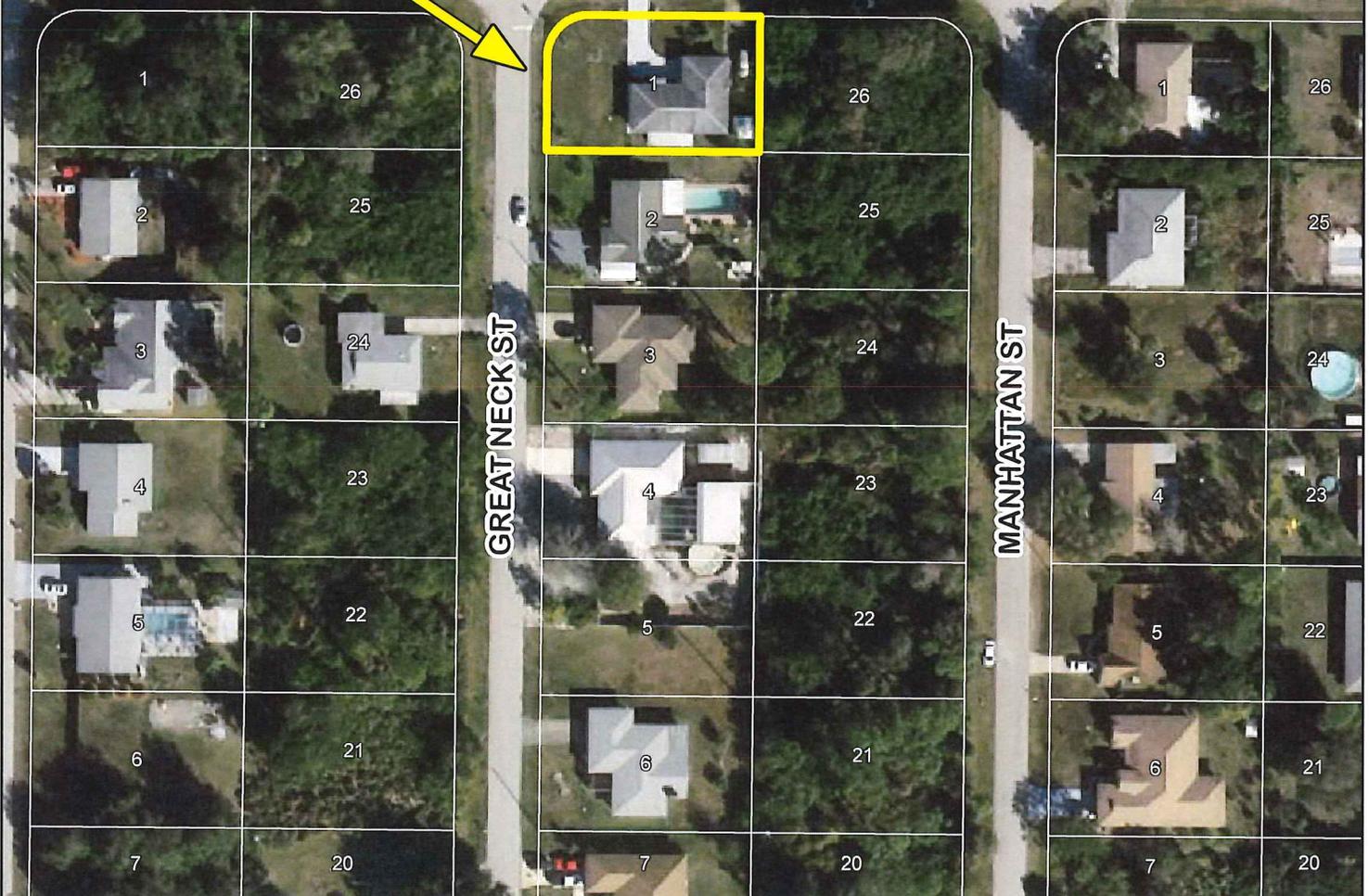
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**SITE**



**BROOKLYN AVE**



**GREAT NECK ST**

**MANHATTAN ST**

**23/40/22 Mid County**

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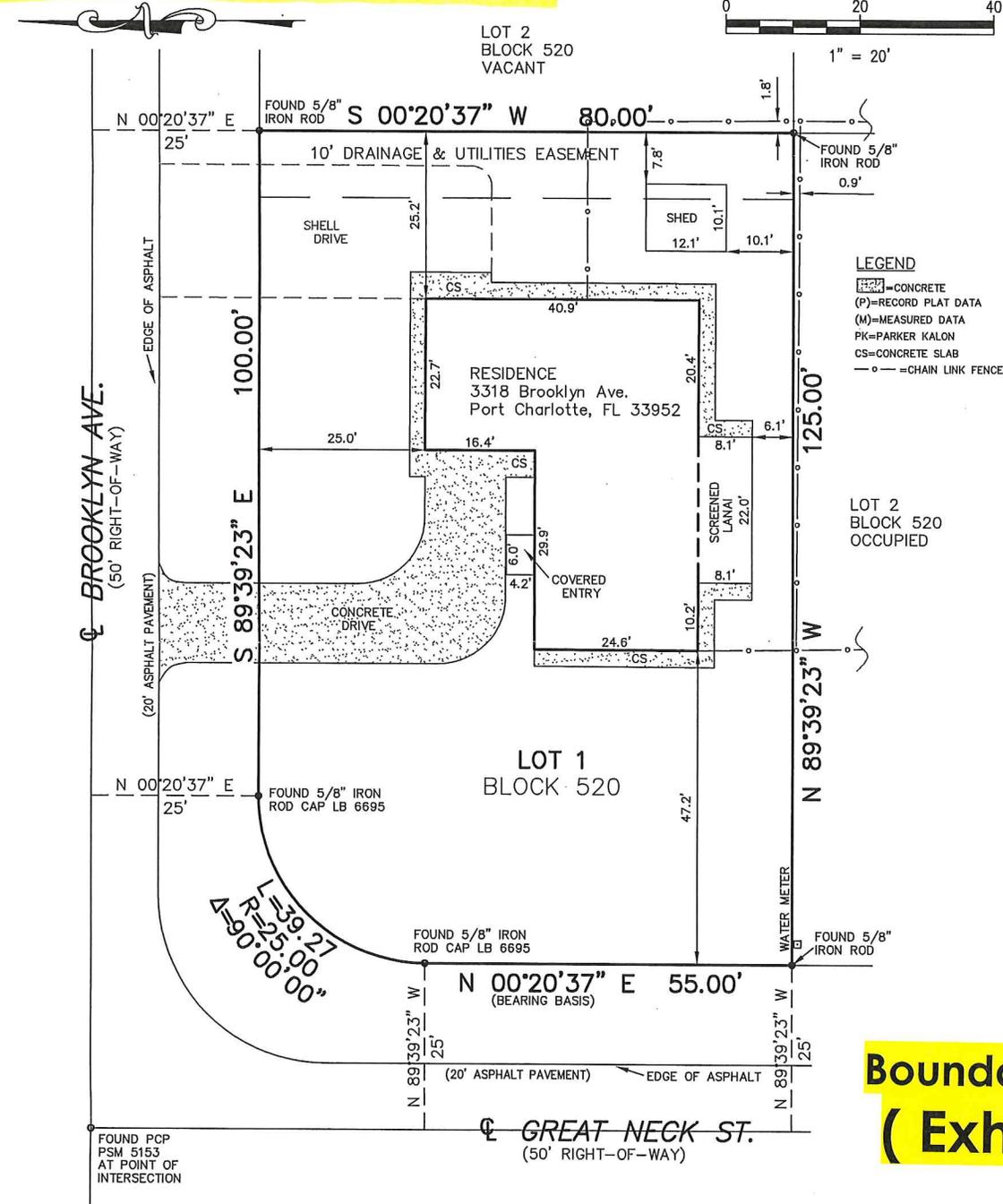
# SURVEY SKETCH

THE SURVEY SHOWN HEREON WAS MADE WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. UNLESS OTHERWISE NOTED BEARINGS REFERRED TO RECORD PLAT AND ELEVATIONS N.G.V.D. 1929. UNDERGROUND IMPROVEMENTS AND ENCROACHMENTS WERE NOT LOCATED. UNLESS OTHERWISE SHOWN ALL MEASUREMENTS (BEARINGS AND DISTANCES) ARE PLAT AND MEASURED. THIS SURVEY IS INTENDED FOR THE EXCLUSIVE USE BY THOSE CERTIFIED TO. WETLANDS, HAZARDOUS MATERIALS OR JURISDICTIONAL LINES, IF ANY, WERE NOT LOCATED.

Client Premier Title/ Bowser  
 CERTIFIED TO:(FOR THE EXCLUSIVE USE OF)  
 Suellen L. Bowser  
 Third Federal Savings Bank, ISAOA ATIMA  
 Premier Title of Florida  
 Old Republic National Title Insurance Co.

## BOUNDARY SURVEY (WITH IMPROVEMENTS)

SCALE



**LEGEND**  
 [Pattern] = CONCRETE  
 (P) = RECORD PLAT DATA  
 (M) = MEASURED DATA  
 PK = PARKER KALON  
 CS = CONCRETE SLAB  
 ○ — ○ = CHAIN LINK FENCE

LOT 2  
 BLOCK 520  
 OCCUPIED

## Boundary Survey (Exhibit A)

**DESCRIPTION:**

Lot 1, Block 520, PORT CHARLOTTE SUBDIVISION SECTION SEVEN as recorded in Plat Book 4, Pages 11A thru 11G (11D) of the Public Records of Charlotte County, Florida.

**FLOOD\_ZONE DATA**  
 COMMUNITY No.: 120061  
 MAP&PANEL No.: 12015C0227F  
 DATE: 05/05/03  
 F.I.R.M. FLOOD ZONE: "X"  
 BASE FLOOD ELEVATION: N/A  
**JOB NO. 150103**

NOTE: FLOOD PLANE DETERMINATION IS RESTRICTED TO REVIEW OF FLOOD INSURANCE RATE MAP AND IS NOT TO BE CONSTRUED AS A CONFIRMATION OR DENIAL OF FLOOD POTENTIAL. THE UNDERSIGNED MAKE NO GUARANTEE OR REPRESENTATION REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS, UNDERGROUND UTILITIES AND OTHER SIMILAR MATTER, UNLESS IT BEARS THE SIGNATURE AND ORIGINAL EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH PLAT OR MAP IS NOT VALID.

COPYRIGHT This work is protected by U.S. and International copyright laws		INTENDED USE OF SURVEY	FINANCING
DATE OF SURVEY	March 2, 2015	DRAFTED BY	B.H.
DATE OF FOUNDATION		THIS CERTIFIES THAT A FIELD SURVEY OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY IS SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.	
493 Barger Drive Unit A Port Charlotte, Fl. 33954 Fon (941)766-0011 Fax (941)766-0012		JOSEPH E. TROTT, P.S. & M. FL. REG. #5153 March 2, 2015 DATE	
MERIDIAN GROUP of South Florida Inc. Surveying-Planning-Construction Expediting		FL. REG. LB6046	

## Section 3-9-33 Residential Single-family

## Section 3-9-33

## Residential Single-family (RSF).

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

Section 3-9-33 Residential Single-family

(f) *Special Exceptions (S): (continued)*

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

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

(g) *Development Standards:*

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

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

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

- (h) *Signs.* Signs shall be in accordance with section 3-9-85.
- (i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

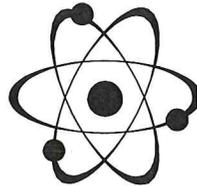
## Narrative

The Southerly most portion of the Screened Lanai extends 1.4' into the required side yard as shown on the attached Survey, on the South side of the residence into the required 7.5' setback. That would leave a setback with a distance of 6.1'. This residence was built in 1976 and included the screened lanai at the time the residence was built. I do not believe that the granting of a variance would cause any impact to the neighboring property and cannot be reasonably corrected or avoided.

**Narrative**  
**( Exhibit C )**

**ZONING REGULATIONS  
FOR  
CHARLOTTE COUNTY, FLA.**

**Adopted September, 1962**



*Charlotte County*

*Planning and Zoning Board*

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**OSCAR HETTEMA, Director  
CRAIG PAYNE, Chairman  
ROY HOGAN, Vice-Chairman  
JOHN BASS  
MILTON H. DAVIS, Jr.  
MATTHEW S. BANDLER, Jr.  
ROBERT E. CROSSLAND, Consultant  
LEO WOTITZKY, Legal Consultant**

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**1962 Zoning Code  
( Exhibit D-1 )**

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**

**Room 308 – County Building, Punta Gorda, Florida**

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**1962 Zoning Code  
( Exhibit D-2 )**

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**1962 Zoning Code  
 ( Exhibit D-3 )**

AMORTIZATION SCHEDULE

- (a) Unimproved Property – No time period.
- (b) Semi-Improved Property – One Year.  
This includes lots or parcels on which the principal structure is temporary or portable (such as mobile homes, trailers, sheds, etc.) or land that has been fenced.
- (c) Prefabricated Structures – Two years.  
This includes any structure which is designed and/or constructed in such a manner as to permit it to be disassembled and re-assembled on a new foundation elsewhere without loss in function or utility.
- (d) Frame Structures – Four Years.
- (e) Masonry Structures – Six years.  
This includes any structure in which 50% or more of the exterior walls are of masonry construction.

EXTENSION OF AMORTIZATION PERIOD

The time limits set forth in the above Amortization Schedule may be extended for individual cases by the Board of Adjustment, provided all of the following conditions are found to exist:

- 1. The established time limit would result in a demonstrable and undue hardship.
- 2. The structure(s) cannot be reasonably moved or transported in any usual manner to another location.
- 3. The structure(s) cannot be reasonably altered or converted to a permitted use.
- 4. A lesser extension of the time limit would not be deemed reasonable.

No extension of time limit may be granted to exceed a total amortization period of thirty years from date of erection of the structure involved.

2.4 Non-conforming Lots of Record

Any lots or parcels of land legally recorded prior to the effective date of adoption or amendment of this Resolution which do not contain the required area or width, or both, to qualify as a building site may be used for any purpose permitted in the district in which they are located, subject to the following limitations:

- (a) A single non-conforming lot must be in separate ownership and not contiguous to other lots in the same ownership.
- (b) Where two or more lots or combinations of lots and portions of lots are contiguous and in the same ownership, the lands involved shall be considered to be an undivided parcel for the purpose of this Resolution; no portion of said parcel shall be used which does not contain the minimum area and width to qualify as a building site in the district wherein located, nor shall any division of the parcel be made which leaves remaining an area less than that required for a building site.
- (c) Nothing herein contained is intended to require or imply that a non-conforming lot is planned to conform. However, it is the intent hereof that where a lot is planned to conform, provide one or more lots meeting the minimum area and width requirements, that no non-conforming portions be separated therefrom.
- (d) In the event that a sufficient and demonstrable hardship arises out of the provisions of this section, variance of area, width and/or yard requirements may be granted by the Board of Adjustment.

**1962 Zoning Code  
( Exhibit D-4 )**

2.5 Application of Setback Requirements

All buildings and structures hereinafter constructed, altered, re-constructed or moved shall comply with setback requirements set forth for the district wherein located. The setback distances shall be measured from the property line to the nearest building line. The following general rules shall apply to interpretation of these requirements:

- (a) Double frontage lots (including corner and through lots) shall provide "front" setback along all sides having street frontage, and "side" setback along all other property lines.
- (b) Where sixty percent (60%) of the properties fronting on the same street within the same block have been developed with front setbacks less than that required by this Resolution, then the front setback of other properties so fronting in the same block may be reduced to the average

Chapter III

**RESIDENTIAL DISTRICTS**

3.1 General Intent

Residential districts are intended to provide protected homesites, and classifications are based upon population density (number of families per lot). Single-family is designated R-1, duplex or two-family is designated R-2, and multi-family (three or more) is designated R-3. These classifications are further divided as to the minimum enclosed living area per family dwelling unit. Mobile home dwellings are classified as MH, and are restricted to areas specifically designated therefore.

3.2 R-1 – SINGLE-FAMILY RESIDENTIAL

APPROVED PRINCIPAL USES

1. Permanent single-family dwellings.
2. Non-profit parks and playgrounds.
3. Non-profit educational, recreational and social centers.
4. Public Library, art gallery or museum.
5. Existing residential uses.

APPROVED ACCESSORY USES

1. Private garage, storage room.
2. Greenhouse not for commercial use.
3. Doll house, tree house, or similar structure for use of children residing on the premises.
4. Hobby or crafts shop not for commercial use, and not producing a nuisance.
5. Private swimming pool if completely surrounded by screen or protective fence.
6. Music or art studio not for commercial use.

USES PERMITTED UPON SPECIAL APPROVAL

1. Churches and Church Schools providing a minimum of three (3) acres in building site.
2. Neighborhood shopping centers.
3. Bona fide servants quarters.

USES PROHIBITED

1. Mobile homes and mobile home parks.
2. All other uses.

MINIMUM BUILDING AREA

1. Minimum 600 square feet enclosed living area per family dwelling unit.

MINIMUM BUILDING SITE

1. Minimum lot area: 7,500 square feet.
2. Minimum average lot width: 60 feet.
3. Minimum front lot width: 40 feet.

MINIMUM YARDS

1. Front setback: 25 feet (35 feet on arterial thoroughfares).
2. Rear setback: 25 feet for principal structures.  
10 feet for accessory structures.
3. Side setback: 7 ½ feet for single-story structure.  
12 feet for two-story structure.

MAXIMUM BUILDING HEIGHT

1. Two-stories or 35 feet.

MINIMUM OFF-STREET PARKING

1. Residential: one space per family dwelling unit.
2. Churches: one space for every four seats (or fraction thereof) in sanctuary or auditorium.
3. Public Buildings: one space for every 200 square feet (or fraction thereof) of building floor area.
4. Commercial Buildings: one space for every 100 square feet (or fraction thereof) of building floor area.

SIGN RESTRICTIONS

No signs are permitted except those listed as “exempt” signs under Chapter II.

**1962 Zoning Code  
( Exhibit D-5 )**

4.5 Lot and Building Requirements

	R-1a	R-1b	R-1c
a. Minimum Living Area	1,200 sq. ft.	900 sq. ft.	750 sq. ft.
b. Minimum Lot Area	12,500 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
c. Minimum Lot Width	100 feet	80 feet	70 feet
d. Minimum Lot Depth	125 feet	110 feet	100 feet
e. Minimum Front Yard	25 feet	25 feet	25 feet
f. Minimum Rear Yard:			
Abutting Another Lot	25 feet	25 feet	20 feet
Abutting a Road	25 feet	25 feet	25 feet
g. Minimum Side Yard:			
Interior, 1 story	15 feet	7-1/2 feet	7-1/2 feet
Interior, 2 story	20 feet	12 feet	12 feet
Abutting a Road	20 feet	20 feet	15 feet
h. Setback for Accessory Buildings From:			
Rear Lot Line	10 feet	10 feet	10 feet
Side Lot Line	10 feet	7-1/2 feet	7-1/2 feet
Abutting a Road	Same	as the principal bldg.	
Rear or Side Lot Line Abutting			
a Waterway	20 feet	20 feet	20 feet
i. Maximum Building Height	*Thirty five	(35)	feet.
j. Maximum Percent of Lot Coverage	** 35%	35%	35%
k. Maximum Density	None	None	5 units per acre

*SETRACK FROM ANY WATERWAY = 20' MIN.*

*NOTE - IF ATTACHED TO MAIN BLDG. BY SOLID ROOF, CONSIDERED TO SETBACK FROM MAIN SIDE & CORNERS. SEE LOT LINE IN DEFINITION ON A CORNER.*

4.6 Front Yard Exceptions. When lots comprising forty (40) percent or more of the frontage on one (1) side of a street between intersecting streets are developed with the principal buildings having an average front yard with a variance of not more than six (6) feet from the required front yard, the Zoning Director may issue a building permit to provide for front yard of not less than the average established. This provision shall apply to all residential districts.

4.7 Side Yard Exceptions. In any R-1a, R-1b or R-1c districts any existing lot, platted and recorded prior to September 25, 1962, having an average width of not less than sixty (60) feet, and if it has been determined by the Zoning Director that the remedies provided in Section 27, Article V, cannot be complied with, it shall be permitted to have a side yard of not less than ten (10) percent of the average lot width; but not less than five (5) feet for an interior side yard, and not less than ten (10) feet for a side yard abutting a road. Any corner lot, abutting to the rear any portion of the front yard of a lot facing the intersecting road, shall be required to set back all buildings from the intersecting road, a distance of not less than the required front yard applicable to the abutting lot facing the intersecting road.

4.8 Signs Permitted. Same as RE, Residential, Estate Districts.

**1962 Zoning Code  
( Exhibit E )**

\* Amendment No. 90  
October 29, 1974

\*\* Amendment No. 112  
May 18, 1976



## MEMORANDUM

**Date:** May 22, 2015  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** VAR-15-004, Bowser residence, 3318 Brooklyn 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 or ordinances and offers the following comments:

- ❖ The site consists of an existing single family residence within a developed residential community.

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

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

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

JS

**( Exhibit F )**



**Aerial Photograph (High Resolution 2006)**



**Google Maps Street View**