

STAFF REPORT
Community Development Department
Petition Number: VAR-15-008

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: January 6, 2016 **BZA meeting date:** January 13, 2016

Requested Action/General Information:

Charles Taylor, agent for Ryan Dunlap, is requesting two variances; one (a) to reduce the 25-foot front yard setback by 2.1 feet to allow a 22.9-foot front setback for an existing swimming pool; and a second (b) to reduce the 25-foot front yard setback by five feet to allow a 20-foot front setback for a proposed pool cage, in the Bridgeless Barrier Island (BBI) zoning district. Subject property is located at **16 Palm Drive on Palm Island** in Englewood (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Bridgeless Barrier Island (BBI). This property has a Coastal Residential, Future Land Use Map (FLUM) designation. The attached **Aerial Photograph** shows subject property, which was created by the Palm Island Estates Subdivision- Unit No. 2 in January, 1957. This 8,080 square foot lot (average width 101' by 80' deep) was platted and recorded prior to Charlotte County having any Zoning Regulations.

Staff has attached a copy of the current **Bridgeless Barrier Island (Exhibit A)** zoning district regulations, which was adopted in November of 2014, and requires a minimum front yard setback of 25 feet. Subject property was zoned RMF-5 when this existing 1,856 square foot single-family residence was constructed by Mr. and Mrs. Volenec in 2004 (permit # 2004093745). The RMF-5 zoning district required a minimum lot size of 7,500 square feet and a minimum lot width of 80 feet and subject property met all of these standards.

The Volenecs added the swimming pool in 2005 and staff has attached the **Pool Permit** (file #2005081448 **Exhibit B-1**), the **Pool Plan (Exhibit B-2)**, and **Pool Site Plan (Exhibit B-3)**. These swimming pool plans show that the swimming pool was proposed to have a 25.7-foot setback, which would have complied with the 25-foot front yard setback requirement. However, the existing swimming pool was not constructed in the correct location according to the attached **Boundary Survey (Exhibit C)**, which was done in November of 2015 and shows the swimming pool having a 22.9-foot front setback.

The applicants purchased subject property in June of 2015 and hired a contractor to construct a 990 square foot (22' by 45') screen cage around their existing swimming pool as shown on the **Pool Cage Site Plan (Exhibit D)**. This proposal does not meet the 25-foot front yard setback requirement of code and therefore was rejected. As such, the applicants are requesting two variances; one to bring the existing swimming pool into conformity with code; and another to allow construction of a pool cage. The amount of the requested variance has been reduced by the applicant from ten to five feet and the applicant is now proposing a 20-foot setback.

The applicant has also submitted the attached **Narrative (Exhibit E)** explaining why the applicant believes this request for a variance should be granted. The Community Development Department Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit F)** dated October 27, 2015.

Findings: The five standards for approval of a variance to reduce the required 25-foot front yard setback (a) by 2.1 feet to 22.9' for an existing swimming pool 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: This lot, which was platted in 1957, is an irregularly shaped lot (101' wide by 80' deep). The typical depth of lots in this area is 120 feet. The 80-foot depth of this lot contributes to its unique or peculiar conditions and reduces the lot depth by 40 feet (see **Boundary Survey Exhibit C**). As such, there are unique and peculiar conditions and circumstances which relate to the characteristics of the land.

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: Since the existing swimming pool does not currently meet the 25-foot front yard setback, the strict and literal enforcement of the 25-foot setback would require relocating the swimming pool. Therefore the strict and literal enforcement of the 25-foot front setback would create an undue hardship as distinguished from a mere inconvenience on the property owners.

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: Staff is not aware of any evidence that indicates that the proposed 2.1-foot front setback would be injurious to or incompatible with contiguous uses or detrimental to the public welfare of the surrounding properties.

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 conditions given rise to the requested variance have not been created by the applicants, who are the current property owners, but rather by a previous property owner and pool contractor. Also, the conditions cannot reasonably be corrected or avoided by the applicant.

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

Finding: The requested variance of 2.1 feet to the required front yard setback is the minimum modification that will afford relief because that is the existing location of the swimming pool.

Findings: The five standards for approval of a variance to reduce the required 25-foot front yard setback (b) by five feet to 20 feet for a proposed pool cage 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: This lot, which was platted in 1957, is an irregularly shaped lot (101' wide by 80' deep). The typical depth of lots in this area is 120 feet. The 80-foot lot depth of this lot contributes to its unique or peculiar conditions and reduces the lot depth by 40 feet (see **Boundary Survey Exhibit C**). As such, there are unique and peculiar conditions and circumstances which relate to the characteristics of the land.

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: Since the existing swimming pool does not meet the 25-foot front yard setback a pool cage could not possibly be constructed to meet the 25-foot setback. This inability to have a screen cage around their swimming pool may be an inconvenience, but it is not an undue hardship.

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: Staff is not aware of any evidence that indicates that the proposed 20-foot front setback for a screen cage would be injurious to or incompatible with contiguous uses or detrimental to the public welfare of the surrounding properties.

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 conditions given rise to the requested variance have been created by the applicants, who are the current property owners. The conditions could be avoided by the applicant by choosing not to construct a screen cage around the swimming pool.

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

Finding: The proposed five foot front yard variance would be a variance of 20 percent and allow a front setback of 20 feet. The requested variance may now be the minimum modification that will afford relief. A variance of five feet would result in a 20-foot setback for the screen cage and still provide a 2.9-foot clearance between the pool and the screen wall on this one side of the pool.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting variance **(a)**, which is to reduce the 25-foot front yard setback by 2.1 feet to allow a 22.9-foot front setback for an existing swimming pool, 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 this existing swimming pool 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 25-foot front yard setback by 2.1 feet to allow a 22.9-foot front setback to allow the existing swimming pool to remain "as is".
2. This variance shall only apply to the existing swimming pool. If this swimming pool is at a later date removed or replaced this variance shall expire and 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.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting variance **(b)**, which is to reduce the 25-foot front yard setback by five feet to allow a 20-foot front setback for a proposed pool cage, staff believes that the requested variance does not meet all five criteria for granting a variance. Specifically standards numbered 2 and 4 have not been met.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that the proposed pool cage 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 25-foot front yard setback by five feet to allow a 20-foot front setback for the proposed pool cage.
2. This variance shall only apply to the proposed pool cage. If this structure is at a later date removed or replaced this variance shall expire and 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.
3. If the proposed pool cage is not constructed within two years of this approval date then this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (4), Location Map, Zoning Map, Aerial Photo, Section 3-9-52 (2), Pool Permit (3), Boundary Survey, Pool Cage Site Plan, Narrative (4) and Environmental Specialist Memo



Community Development

CHARLOTTE COUNTY

Location Map for VAR-15-008

Charlotte County Government

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www.CharlotteCountyFL.gov



28/41/20 & 33/41/20
West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-S. Yancey-7263 Date Saved: 10/20/2015 12:09:08 PM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2015\Variance\VAR-15-008\PKT\Location Map\VAR-15-008.mxd



(NOT TO SCALE)

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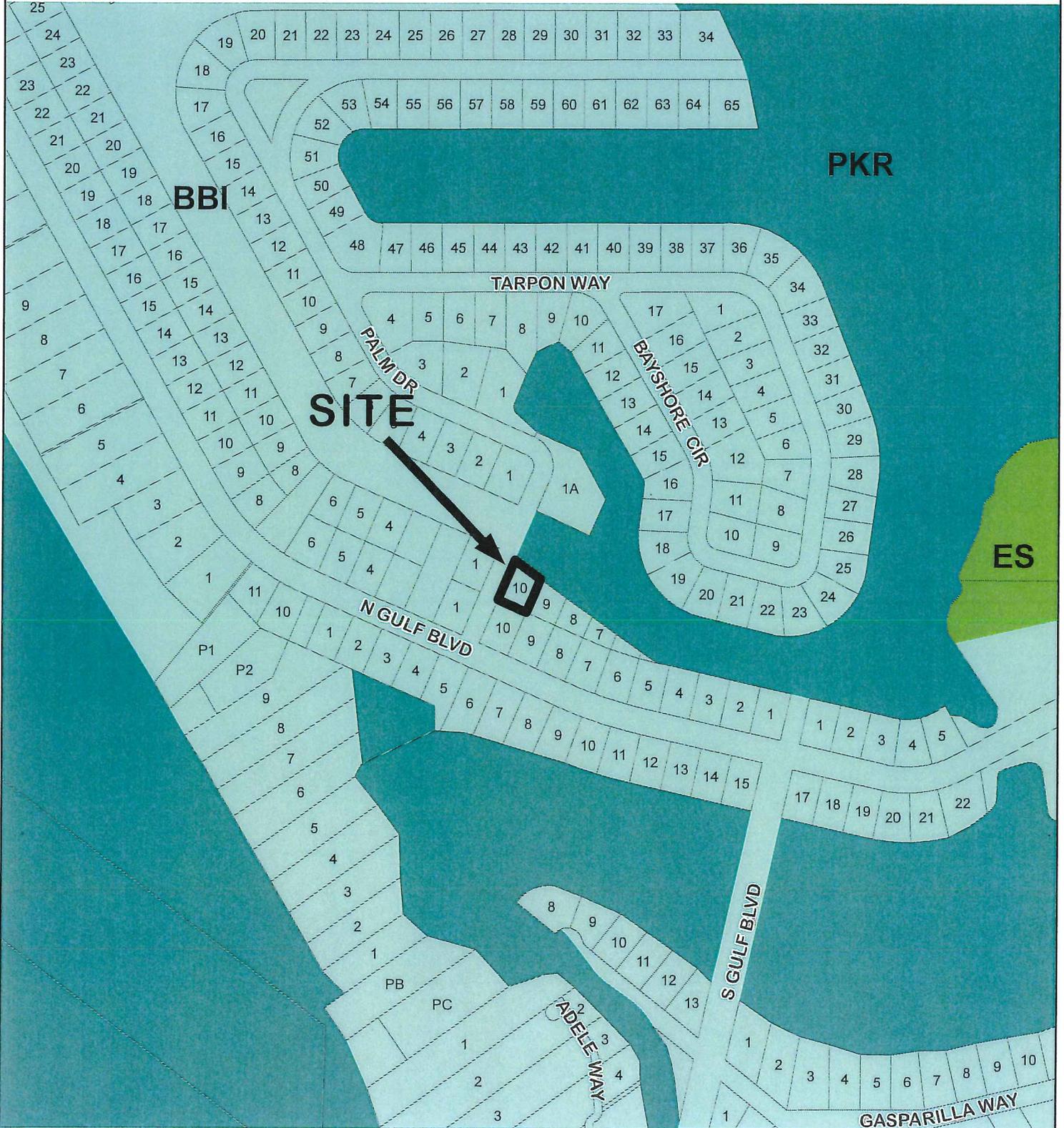
Community Development

CHARLOTTE COUNTY Zoning Map for VAR-15-008

Charlotte County Government

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Community Development

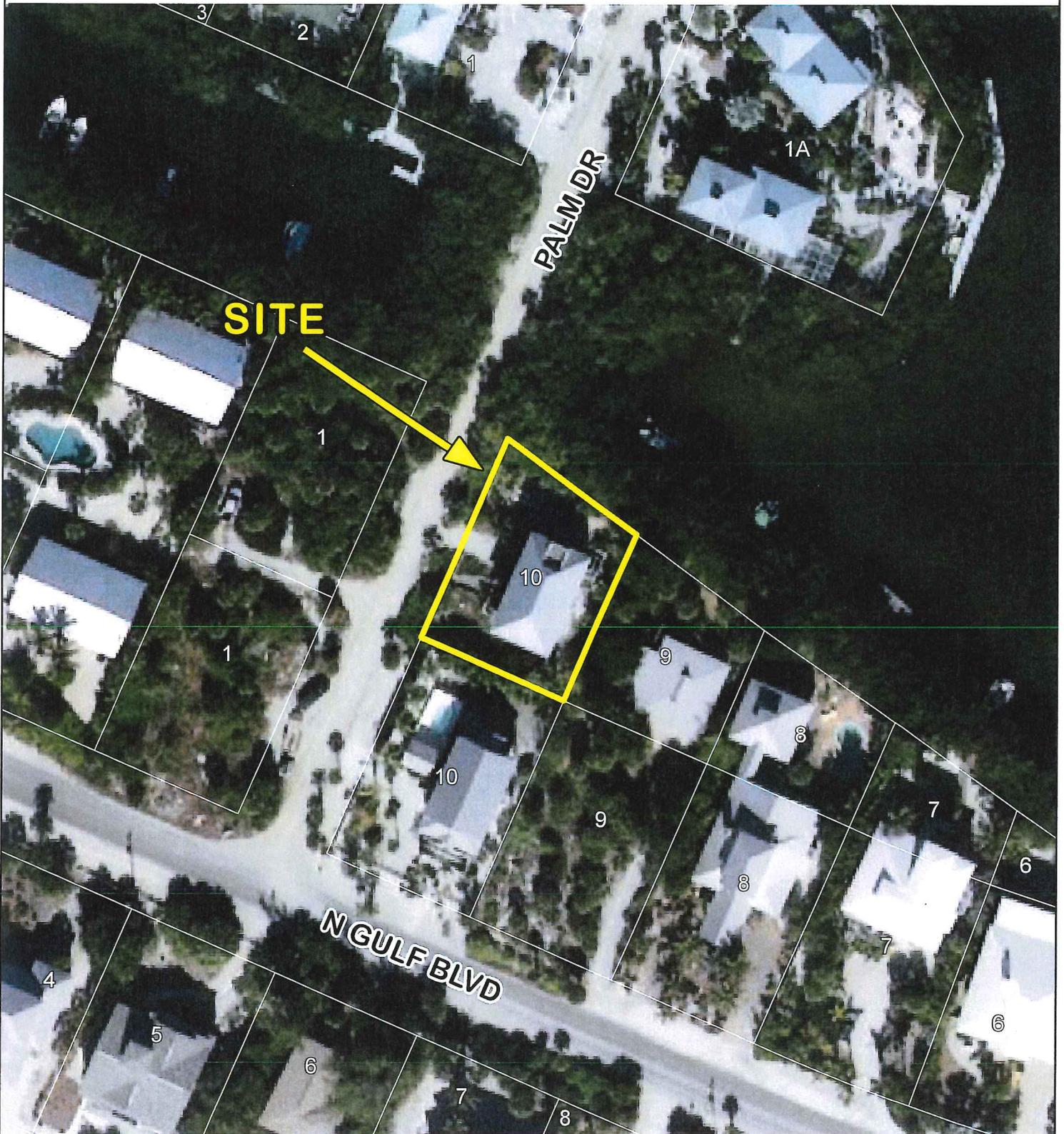
CHARLOTTE COUNTY

2014 Aerial View for VAR-15-008

Charlotte County Government

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28/41/20 & 33/41/20
West County

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Section 3-9-51 Babcock Overlay Zoning District (BOZD).

(at a future date staff will insert text for this section here)

(Ord. No. 2006-058, § 1, 06-20-2006; Ord. No. 2014-077, § 1, 11-25-2014)

Section 3-9-51.1 Babcock Community Pattern Book.

(at a future date staff will insert text for this section here)

(Ord. No. 2006-058, § 1, 06-20-2006; Ord. No. 2014-077, § 1, 11-25-2014)

Section 3-9-52 Bridgeless Barrier Island (BBI).

- (a) *Intent.* The Bridgeless Barrier Island zoning district is intended to be used for residential dwellings and uses normally associated with residential dwellings. Some small commercial uses in support of the residential used may also be allowed by Special Exception. The BBI zoning district is only allowed on those bridgeless barrier islands identified in the Smart Charlotte 2050 Barrier Island Overlay District, which are Little Gasparilla Island, Don Pedro Island, Knight Island and Thornton Key.
- (b) *Permitted Principal Uses and Structures (P):* The following uses and structures are permitted in this district:
 - (1) Single-family dwellings excluding mobile homes.
 - (2) Nonprofit parks and playgrounds.
 - (3) Occupied single-family residences used as family day care homes.
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures are also permitted in this district. All permitted accessory structures are subject to the yard setback requirements of this section. Permitted accessory structures include:
 - (1) Private garage and storage structures subject to the following standards:
 - a. Metal buildings are limited to 600 square feet.
 - b. Accessory buildings over 250 square feet must be compatible in appearance to the residence.
 - c. The total maximum coverage area of all accessory structures shall not exceed the greater of 1,000 square feet or one-half the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the 20 percent or 35 percent maximum lot coverage established in subsection (g) of this section.
 - (2) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.
 - (3) Swimming pools.
 - (4) Tennis courts.
 - (5) Noncommercial boat docks.
- (d) *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, parking lots and private clubs, shall be unlawful in this district.

Section 3-9-52 Bridgeless Barrier Island (BBI). (continued)

- (e) *Special Exceptions (S)*: (For procedure see section 3-9-6.2 Special Exceptions)
- (1) The following are special exceptions in this district:
 - a. Cluster houses and patio houses, provided a site plan is approved.
 - b. Houses of worship, in accordance with section 3-9-82, and community meeting halls.
 - c. Home occupations in accordance with section 3-9-74.
 - d. Child and adult day care facilities.
 - e. Essential services and emergency services.
 - f. The following Special Exception uses are permitted only within, and shall follow the development standards of, the LGI zoning district overlay:
 - (1) Golf cart rental, sales and service.
 - (2) Barge and ferry landing sites.
 - (3) Library.
 - (4) Structures for the enclosed storage of trucks and other equipment used to service the electric, telephone, or water utilities.
 - (5) Water utility treatment and distribution facilities.
 - (f) Such other uses as determined by the Zoning Official or his/her designee to be:
 - (1) Appropriate by reasonable implication and intent of the district.
 - (2) Similar to another use either explicitly permitted in that district or allowed by Special Exception.
 - (3) 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 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*:

	BBI Lots legally created on or after October 22, 1990	BBI Lots legally created prior to October 22, 1990
Lot (minimum)		
Area (acres)	1	The minimum lot size required by the zoning district in effect at the time the lot was created.
Width (feet)	100	The minimum lot width required by the zoning district in effect at the time the lot was created.
Yards (minimum feet)		
Front	25	25
Side (interior)	20	7.5 or 5 if lot is 50 feet wide or less
Side (street)	20	15
Rear (interior)	20	15
Rear (street)	25	25
Rear (Gulf)	50	50
Rear (other water)	20	20
Bulk (maximum)		
Lot coverage	20%	35%
Height (feet)	35	35
Density (units/acres)	1	1 unit per lot

CHARLOTTE COUNTY BUILDING DEPARTMENT

PERMIT - OFFICE COPY

AIRS CODE: 448

In consideration of the granting of this permit, it is agreed, in all respects, the work is to be performed and completed in accordance with the permitted plans and the applicable codes of Charlotte County, Florida. This permit may be revoked at any time upon the violation of any of the provisions of said laws, ordinances, or rules and regulations or upon any change in the plans and specifications unauthorized by this department. Permit is void after 6(six) months from the date of issuance if work is not started. To keep this permit valid, a legitimate inspection must be passed within 6(six) months of the previous passed inspection.

PERMIT #: 2005081448 **JOB ADDRESS:** 16 PALM DR
BLOCK: 000DD **LOT:** 0010 **SUBDIVISION #:** PIE002-PALM ISLAND ESTATES UNIT 2
SECTION: 33 **TOWNSHIP:** 41 **RANGE:** 20 **FOLIO #:** 00882780000000
SETBACKS FRONT: 22 **REAR:** 18 **LEFT:** 22 **RIGHT:** 20
OWNER NAME: VOLENEC
CONTRACTOR/JOB PHONE#/JOB FAX# TROPICAL POOLS & SPAS OF SW FLORIDA INC/(941)828-0070/(941)828-0070
LICENSE#: CPC1456585 14317 **WC EXEMPT?** YE
PERMIT TYPE: SW **JOB VALUE:** \$28,000.00 **ROOF TYPE:** **#BEDROOMS:**
#BATHROOMS: **#UNITS:** **#FLOORS:** **TONS/KW:**
FLOOD ZONE: VE **FLOOD ELEV:** 14 **OCCUPANCY CLASS:** **CONSTR. TYPE:**
JOB DESCRIPTION: INGROUND POOL & PAVER DECK

2005081448

ISSUED DATE: 09/20/2005 **BY:** JUDYS

ADDITIONAL INFO:
SELF-LATCHING, SELF-CLOSING

IMAGED
IM PD

SUBCONTRACTORS

<u>DBA</u>	<u>TYPE</u>	<u>STATUS</u>	<u>START DATE</u>	<u>END DATE</u>
LIVINGSTON ELECTRIC OF CC INC	EL	ACTIVE	08/11/2005	

24 HOURS NOTICE REQUIRED FOR INSPECTION 941/743-1966
TOLL FREE FROM ENGLEWOOD 941/697-2919

Know the Florida Litter Law. Florida Statutes 403.413 Commercial illegal dumping is a 3rd degree felony which can be punishable by imprisonment, fines, forfeiture of equipment, and civil penalties.

Notice: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the Public Records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

Notice: Each building permit for the demolition or renovation of an existing structure shall contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of s.493.003 and to notify the Department of Environmental Protection of her or his intentions to remove asbestos, where applicable, in accordance with State and Federal law.

Notice: It should be the responsibility of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing and inspections which the applicable governing authority may have adopted.

NOTICE TO APPLICANT: Please note impact fee amount of \$ _____ due on this permit. Impact fees would be due prior to issuance of a Certificate of Occupancy.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CDPR2020

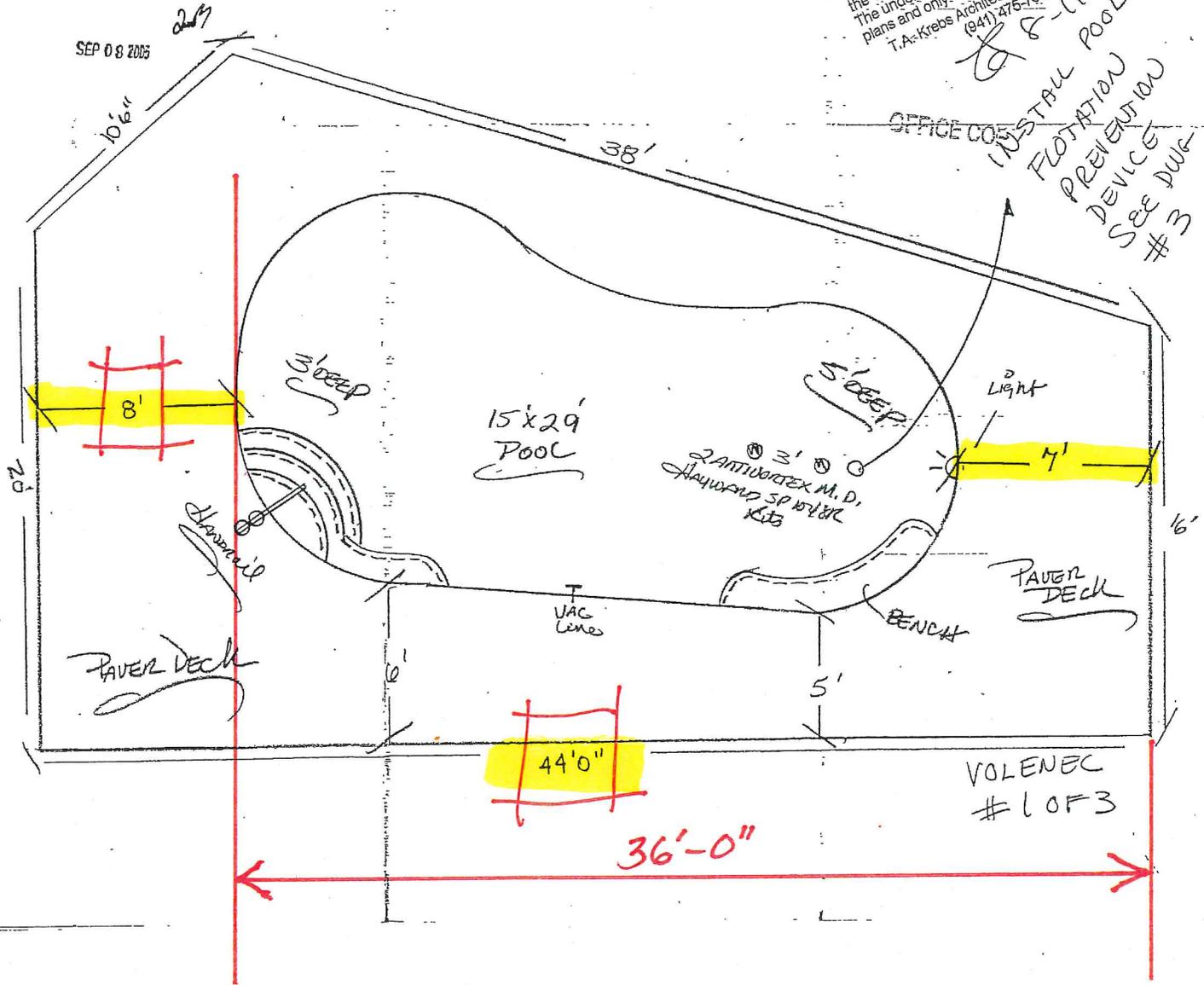
**Pool Permit
(Exhibit B-1)**

REVIEWED FOR CODE COMPLIANCE
A permit shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this code, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or of violation of this code.
-- Charlotte County Construction Services

2005081448

"These plans are in compliance with Section 1606 of the 2001 Florida Building Code for the 130 m.p.h. wind zone."
The undersigned has only reviewed these plans and only for Section 1606 compliance.
T.A. Krebs Architect, Inc. (AR0009168)
(941) 475-7327

8-11-05
INSTALL POOL
FLOTATION
PREVENTION
DEVICE
SEE DWG
3

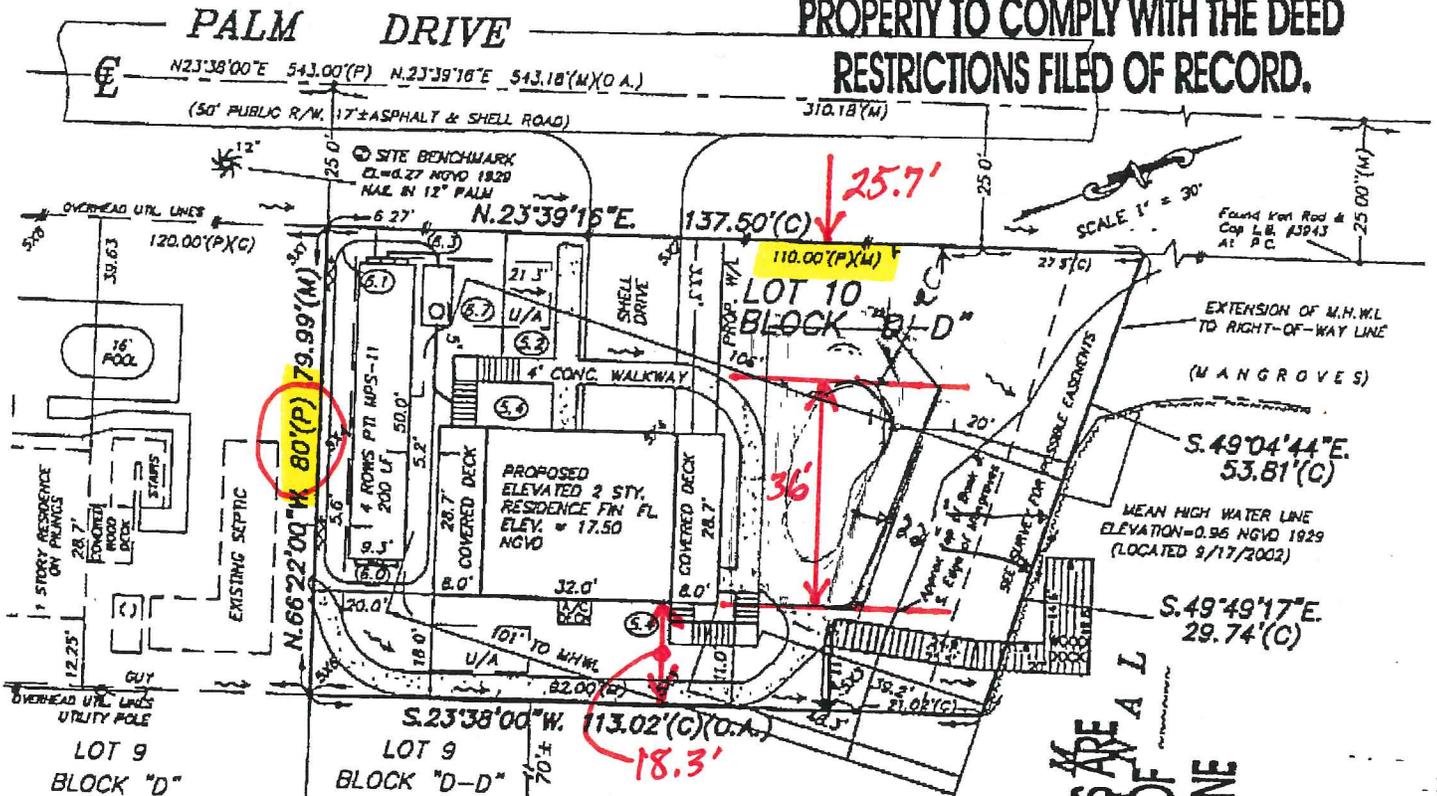


Swimming Pool (permit # 2005081448)

2005081448

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

OFFICE COPY



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

PLAN APPROVED SUBJECT TO COMPLIANCE WITH CHARLOTTE COUNTY ZONING REGULATIONS. DATE: 8/29/05

- NOTES:
1. ALL WELLS AND SEPTIC SYSTEMS WITHIN 75' OF PROPERTY ARE SHOWN.
 2. GUTTERS REQUIRED ON THE S. ROOFLINE
 3. REMOVE "O" HORIZON BENEATH MOUND INCLUDING SHOULDERS AND SLOPES.

Volencee
16 PALM DRIVE
POOL IS EXAMPLE ONLY
386-547-4131

POOLS AND SCREENED POOL ENCLOSURES ARE REQUIRED TO BE SETBACK A MINIMUM OF 15 FEET FROM THE MEAN HIGH WATER LINE OR SEAWALL. IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THESE REQUIREMENTS.

OFFICE COPY

JOB# E-1131 DATE: 8/23/05

SCALE: 1" = 30'

- DENOTES ELEVATION
- ////// DENOTES SOIL REPLACEMENT AREA
- DENOTES PERFORATED DRAINLINES
- DENOTES BOUNDARY OF UNOBSTRUCTED AREA (1143 SQ.FT.(min.))
- DENOTES NON-PERFORATED PIPE, EDGE OF DRAINBED AND TOP OF MOUND

LOT: 10 BLOCK: 0-D SUBDMISION: PALM ISLAND ESTATES UNIT 2 (NON SUBDMISION)

TOP OF MOUND ELEVATIONS (TO BENCHMARK)

HIGH END:	-0.25	(min)
LOW END:	-0.36	(min)
⊗ DENOTES RISER ELEV.:	-0.07	

LANDMARK
 LAND CONSULTANTS
 A Great Engineering Company
 1524 N. ACCESS RD. BOCA RATON, FL
 305-993-7131
 MGMT NO. 102501 EXP. FEB 28, 2005

ENGINEER'S SIGNATURE: *Russell Paul Klier*
 RUSSELL PAUL KLIER, P.E.
 FLA. REG. NO. 27398 DATE: 8/24/05

Pool Site Plan
 (Exhibit B-3)

ABBREVIATIONS:

- Alum.=Aluminum
- Approx.=Approximate
- B.M.=Bench Mark
- (C)=Calculated data
- C.=Chord dimension
- C.B.=Chord Bearing
- C.M.=Concrete Monument
- Conc.=Concrete
- (D)=Deed data, Description data
- D.E.P.=Department of Environmental Protection
- D.N.R.=Department of Natural Resources
- D.O.T.=Department of Transportation
- Drain.=Drainage
- El.=Elevation
- Es'mt=Easement
- (F)=Field data
- Fin. Fl.=Finished Floor
- Fnd.=Found
- Gar. Fl.=Garage Floor
- Invt.=Invert
- L.B.=Land Surveying Business
- L.S.=Land Surveyor
- (M)=Measured data
- M.H.W.L.=Mean High Water Line
- M.P.=Metal Pipe
- M.R.=Metal Rod
- N.A.V.D.=North American Vertical Datum 1988
- N.G.V.D.=National Geodetic Vertical Datum 1929
- O.R.=Official Records
- (P)=Plat data
- P.C.=Point of Curvature
- P.C.C.=Point of Compound Curvature
- P.C.P.=Permanent Control Point
- P.I.=Point of Intersection
- P.K.=PARKER-KALON
- P.L.S.=Professional Land Surveyor
- P.O.B.=Point of Beginning
- P.O.C.=Point of Commencement
- P.O.L.=Point on Line
- P.O.T.=Point of Terminus
- P.R.C.=Point of Reverse Curvature
- P.R.M.=Permanent Reference Monument
- P.S.M.=Professional Surveyor and Mapper
- P.T.=Point of Tangency
- R/W=Right-of-Way
- S.F.=Square Feet
- Sta.=Station
- Struc.=Structure
- T.B.M.=Temporary Bench Mark
- Typ.=Typical
- (U)=Unrecorded data
- U.S.G.S.=United States Geodetic Survey
- Util.=Utility
- Wit. Cor.=Witness Corner
- WTWY=Waterway
- ⊙ =Centerline

LEGEND:

- = Found 4"x4" Concrete Monument (number noted if any)
 - = Found 5/8" Rebar (I.D. noted if any)
 - ▲ = Found P.K. Nail and Disc (I.D. noted if any)
 - ⊙ = Spot Elevation
 - = Set 4"x4" Concrete Monument with Cap L.B. #3943
 - = Set 5/8" Rebar with Cap L.B. #3943
 - ⊗ = Set Mag. Nail and Disc L.B. #3943
 - ⊠ = Utility Box
 - ⊙ = Utility Pole
 - ⊠ = Water Meter
 - ⊠ = Water Valve
 - ⊠ = Fire Hydrant
 - ⊠ = Phone Riser
 - ⊠ = Backflow Preventer
 - //— = Overhead Utility Line
 - ⊠ = Guy Wire Anchor
- Legend symbols are not to scale and are for graphic I.D. only.

SURVEY PURPOSE: FINANCE

DMK ASSOCIATES
ENGINEERS ■ SURVEYORS

4315 S. Access Road
Englewood, FL 34224
TEL: (941) 475-6596
FAX: (941) 475-1881

TYPE OF SURVEY: **BOUNDARY**
ACCURACY STANDARD: SUBURBAN

JOB NO.	REVISIONS:	DATE:	FIELD BOOK	PAGE:	DRWN BY:	CHK'D BY:
15-0266		11/18/15	15-07	18-19	TDP	WAM
	ADD POOL SETBACK	11/23/15			TDP	WAM

NOTE: The undersigned and DMK Associates, Inc. do not guarantee or assume any liability for any easements, flood zones, rights-of-way, setbacks, reservations, restrictions, agreements, or similar matters which are not physically visible on-site, shown on record plat, or provided matters of Title. Unless otherwise noted subsurface structures, utilities and jurisdictional wetlands, if any, have not been located. Unless otherwise noted this survey was prepared without benefit of Abstract or commitment of Title. All matters of Title should be referred to an Attorney of Law. No liability will be taken for usage of this survey by any party not specifically named herein.

NOTE: "Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper". Additions, Deletions, or Reproductions of this survey is prohibited without the written consent of DMK Associates, Inc.

DESCRIPTION:

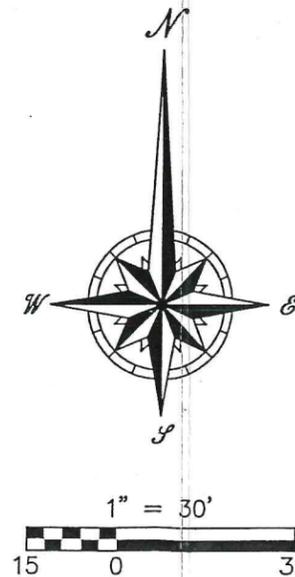
LOT 10, BLOCK D-D, PALM ISLAND ESTATES, UNIT No. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGES 72, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

SURVEYOR'S NOTATIONS:

1. FLOOD ZONE: "VE", (EL.=14') PER FLOOD INSURANCE RATE MAP, COMMUNITY No. 120061, MAP No. 12015C, PANEL No. 0352F, DATED 05/05/2003.
2. BEARINGS ARE BASED ON RECORD PLAT DATA BEING REFERENCED TO THE EAST R/W LINE OF PALM DRIVE BEING N.23°38'E.
3. ALL DISTANCES ARE EXPRESSED IN U.S. STANDARD FEET AND DECIMALS THEREOF.
4. THE APPROXIMATE MEAN HIGH WATER LINE SHOWN HEREON WAS NOT BASED ON A TIDAL STUDY BY THIS FIRM, AND DOES NOT REPRESENT A BOUNDARY LINE AS DEFINED IN CHAPTER 177, PART II, OF THE FLORIDA STATUTES, AND IS APPROXIMATE IN ITS LOCATION FOR THE PURPOSE OF THIS SURVEY.
5. THERE ARE NO LOT LINE EASEMENTS PER THE RECORD PLAT.

PREPARED FOR THE EXCLUSIVE USE OF:
RYAN M. & DEANNA D. DUNLAP

**Boundary Survey
(Exhibit C)**



SURVEYOR'S CERTIFICATE:

This sketch of survey represents the results of a field survey prepared under my direction, is true and correct to the best of my knowledge and belief and has only been prepared to comply with Minimum Technical Standards effective the date of this survey as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.05, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes. Subject to all notes and notations shown hereon.

DMK ASSOCIATES, INC.

11/05/15

DATE OF FIELD SURVEY

11/23/15

DATE OF SIGNATURE

BY:
WARREN (BARRY) McLEOD
Professional Surveyor and Mapper
Florida Licensed Surveyor No. 4855
Land Surveying Business No. 3943
File No. 15-0266

Section 3-9-6.3(i) Narrative

1. Variance request circumstances: I bought this property this year with house and pool already there, built in 2005. Our request is for a permit to attach a pool cage for liability and safety concerns. County/zoning allows 25' front and 20' side setbacks to cage wall. From street, it will be 29', from property line it will be 15' to only logical area around pool. I do have full vegetation landscaping between street and pool deck area.

2. Undue hardship: I've included photos of the property to illustrate the need for added security and safety of the pool cage. I worry that the fence and landscaping is not enough of a visual deterrent to passersby.

3. Surrounding public: I have no neighbors within eyesight of the pool/caged area, as the property backs to a canal with mangroves and treeline. The visual cosmetics will match the house and surrounding neighborhood perfectly. It should increase the values.

4. Not my creation: Unfortunately, I didn't build/install the pool (2005), as I would have had the proper setback to front and side. As it's already there and was a new purchase this year, we have to work with the permanent structure and patio area.

5. Minimum modification: the requested variance seems to be the only obvious solution to the zoning measurements as we can't control the distance of the already installed pool and road. As noted above, I have adequate landscaping between the requested cage wall and the property line/road. No vehicle could penetrate area.

Site Plan/Survey: I have included the most recent survey and site plan for the property, clearly illustrating the distances involved. No survey was done at the most recent sale as there is no mortgage involved and thus not required. Also attached with application are photos showing the variance area.



Ryan M. Dunlap
Owner, 16 Palm Dr.
614-306-6502

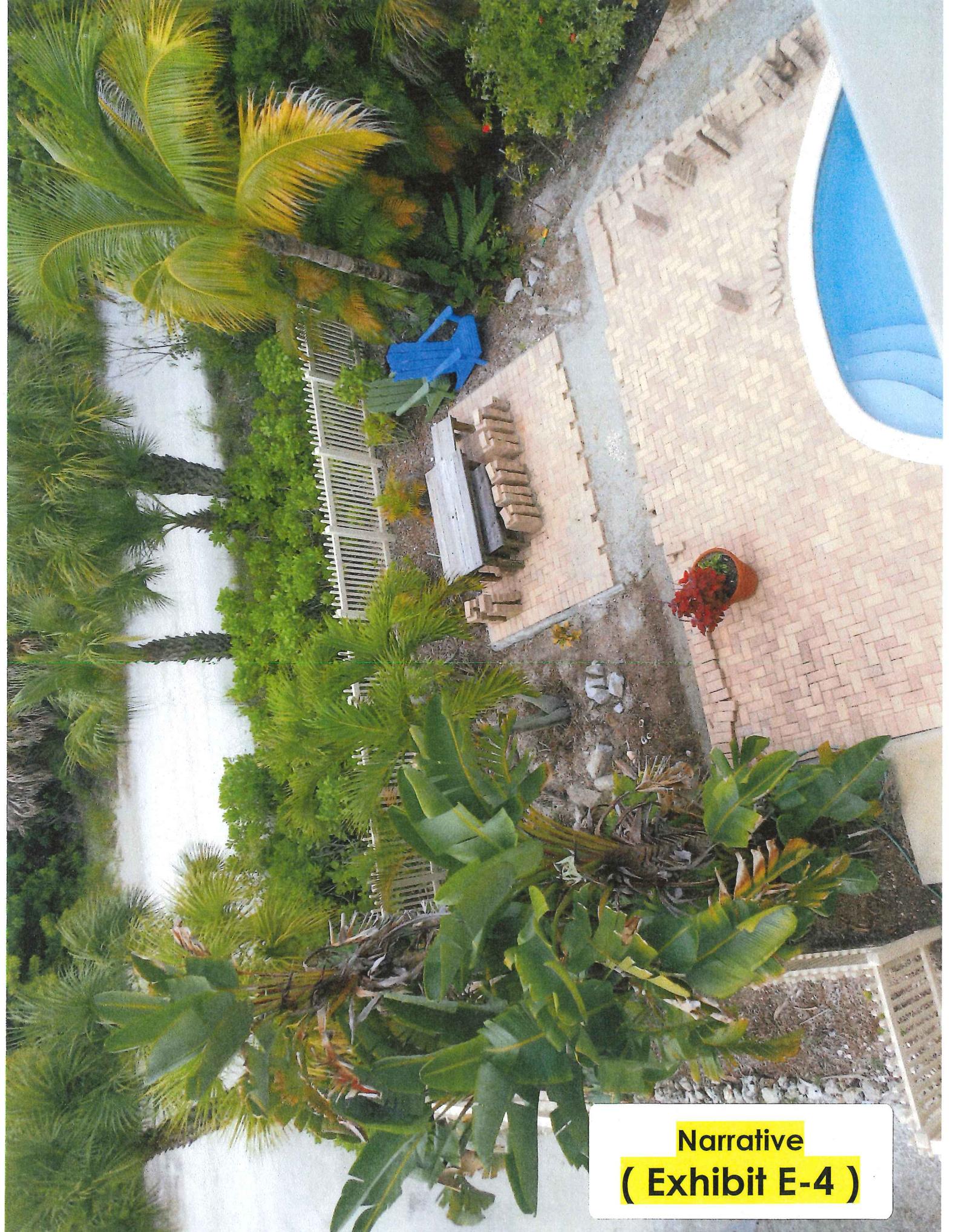
Narrative
(Exhibit E-1)



**Narrative
(Exhibit E-2)**



**Narrative
(Exhibit E-3)**



**Narrative
(Exhibit E-4)**



MEMORANDUM

Date: October 27, 2015
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: VAR-15-008, Pool Cage, 16 Palm Drive

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 or ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The site consists of an existing single family residence and pool within a developed residential lot.

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.

SD

(Exhibit F)