

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-15-010**

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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:** December 2, 2015                      **BZA meeting date:** December 9, 2015

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**Requested Action/General Information:**

Arlin and Judy Gehrke are requesting two variances; one (a) to reduce the 25-foot front yard setback by 15.6 feet to allow a 9.4-foot front setback; and a second (b) to reduce the 20-foot rear yard setback, adjacent to a waterbody, by 2.7 feet to allow a 17.3-foot rear setback, for a proposed addition in the Residential Single-family-3.5 (RSF-3.5) zoning district. This property is located at **5099 Latham Terrace** in the Gulf Cove area of Port Charlotte (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Single-family-3.5 (RSF-3.5). This property has a Low Density Residential, Future Land Use Map (FLUM) designation. The attached **Aerial Photograph** shows this irregular shaped, 13,160 square foot lot, which was created by the Port Charlotte Subdivision (Section 54) in 1959.

The adjacent man-made canals were dredged and material deposited on the adjacent uplands when this subdivision was constructed to create these lots in 1959. Over time some of this material was eroded away by the Myakka River. This erosion removed 2,457 square feet of land from subject property (lot 74) leaving 10,703 square feet of uplands after the concrete seawall was constructed. In 1982 Warren Hope, a home builder, applied for and was granted a variance (**VAR-82-320 Exhibit A**) to reduce the 25-foot front yard setback by ten feet to allow a 15-foot front yard setback to construct a new home on subject property. This variance was granted apparently for two reasons. One being that the river eroded away some of this lot, and another being the location of the cul-de-sac adjacent to this lot, which reduces the lot depth by 25 feet. These two conditions created unusual circumstances for development of this lot; however, with this variance, this lot was able to be developed with a 1,519 square foot single-family residence.

Staff has attached a copy of the current **Residential Single-family (Exhibit B)** zoning district regulations, which establishes a minimum required front yard setback of 25 feet and a rear yard setback, abutting water, of 20 feet. The existing 1,519 square foot single-family residence was constructed in 1983 with a 15.4-foot front yard setback.

The applicants purchased subject property in November of 2014 and would like to construct a 390 square foot (15' by 26') lanai addition to their home, which does not meet the front or rear setback requirements of code. As such, they are requesting two variances to allow the proposed addition. The applicant has submitted a **Boundary Survey (Exhibit C)**, which shows the existing residence located on this lot and the setbacks for the existing residence, as well as, the proposed lanai and its proposed front and rear setbacks. The applicant has also submitted floor plans of this residence, which include an **Existing Floor Plan (Exhibit D-1)**, a **Proposed Floor Plan (Exhibit D-2)** and a **Lanai Floor Plan (Exhibit D-3)**, showing the existing home and proposed addition in greater detail. 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's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit F)** dated November 20, 2015.

**Findings:** The five standards for approval of a variance to the front yard setback (a) 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 1959, is an irregular shaped lot; however it is larger than the required minimum lot size of 10,000 square feet, with 10,703 square feet (13,160 – 2,457 = 10,703) in area. Apparently this lot has lost approximately 2,457 square feet to erosion prior to construction of the seawall. The location of this lot at the end of a cul-de-sac also contributes to its irregular shape and reduces the lot depth by 25 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: Strict and literal enforcement of the 25-foot front setback would create an undue hardship as distinguished from a mere inconvenience. This was also determined in 1982 by the Board of County Commissioners when they decided to grant a variance to allow a 15-foot front yard setback for subject property.

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 9.4-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 been created by the applicants, who are the property owners. The conditions can reasonably be corrected or avoided by the applicant by not constructing a second lanai, or by constructing a smaller lanai which complies with most, if not all, of the building setback requirements. The applicant does have reasonable use of this property, but merely wished to construct a second easterly facing lanai.

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

Finding: A variance of ten feet was granted in 1982 **VAR-82-320** (**Exhibit A**) to reduce the front yard setback to 15 feet. The existing variance, which was a reduction of 40 percent, allowed construction of the existing 1,519 square foot home. The proposed 15.6-foot front yard variance would be a variance of approximately 62 percent and allow a front setback of only 9.4 feet.

The requested variance is not the minimum modification that will afford relief because there are at least two other designs for a lanai which could accommodate a smaller variance. Staff has created four sketches, **Alternative #1** (**Exhibit G-1**), **Alternative #2** (**Exhibit G-2**), **Alternate Lanai #1** (**Exhibit H-1**) and **Alternate Lanai #2** (**Exhibit H-2**) showing two alternative designs, which could be constricted with a 15-foot front setback.

Even a 20-foot front yard setback could be achieved to construct a reasonably sized lanai. However, because a ten-foot variance has been granted to allow a 15-foot front setback, staff recommends that the same variance would be a reasonable variance that would afford relief.

**Findings:** The five standards for approval of a variance to the rear yard setback (b) 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 1959, is an irregular shaped lot; however it is larger than the required minimum lot size of 10,000 square feet, with 10,703 square feet (13,160 – 2,457 = 10,703) in area. Apparently this lot has lost approximately 2,457 square feet to erosion prior to construction of the seawall. The location of this lot at the end of a cul-de-sac also contributes to its irregular shape and reduces the lot depth by 25 feet **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: Strict and literal enforcement of the required 20-foot rear yard setback would not create an undue hardship. The requested variance, of only 2.7 feet, would be unnecessary if the applicant reduced the size of the proposed 390 square foot (15' by 26') lanai by only a few feet.

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 2.7-foot rear 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 been created by the applicants, who are the property owners. The conditions can reasonably be corrected or avoided by the applicant by not constructing a second lanai, or by constructing a smaller lanai which complies with the required 20-foot rear yard building setback. The applicant does have reasonable use of this property, but merely wished to construct a second easterly facing lanai.

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

Finding: The requested variance of 2.7 feet to the required rear yard setback is not the minimum modification that will afford relief because there are at least two other designs for a lanai which could accommodate the required 20-foot rear setback. Staff has created four sketches, **Alternative #1** (Exhibit G-1), **Alternative #2** (Exhibit G-2), **Alternate Lanai #1** (Exhibit H-1) and **Alternate Lanai #2** (Exhibit H-2) showing two alternative designs, which could be constructed, which does meet the required 20-foot rear setback.

## **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 15.6 feet to allow a 9.4-foot front setback for an addition to the existing residence, staff believes that the requested variance does not meet all five criteria for granting a variance. Specifically standards numbered 4 and 5 have not been met.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that this lanai addition 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 ten feet to allow a 15-foot front setback to allow a room addition.
2. This variance shall only apply to the existing single-family residence and proposed room addition. If these structures are 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 addition 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.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting variance **(b)**, which is to reduce the 20-foot rear yard setback by 2.7 feet to allow a 17.3-foot rear setback for an addition to the existing residence, staff believes that the requested variance does not meet all five criteria for granting a variance. Specifically standards numbered 2, 4 and 5 have not been met.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that this lanai addition 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 20-foot front yard setback by 2.7 feet to allow a 17.3-foot rear setback to allow a room addition.
2. This variance shall only apply to the existing single-family residence and proposed room addition. If these structures are 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 addition 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, Variance VAR-82-320 (3), Section 3-9-33 (2), Boundary Survey, Existing Floor Plan, Proposed Floor Plan, Lanai Floor Plan, Narrative (2), Environmental Specialist Memo, Exhibit G (2), Exhibit H (2) and Exhibit (I)



Community Development

# CHARLOTTE COUNTY

## Location Map for VAR-15-010

Charlotte County Government

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www.CharlotteCountyFL.gov



### 32/40/21 West County

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Community Development

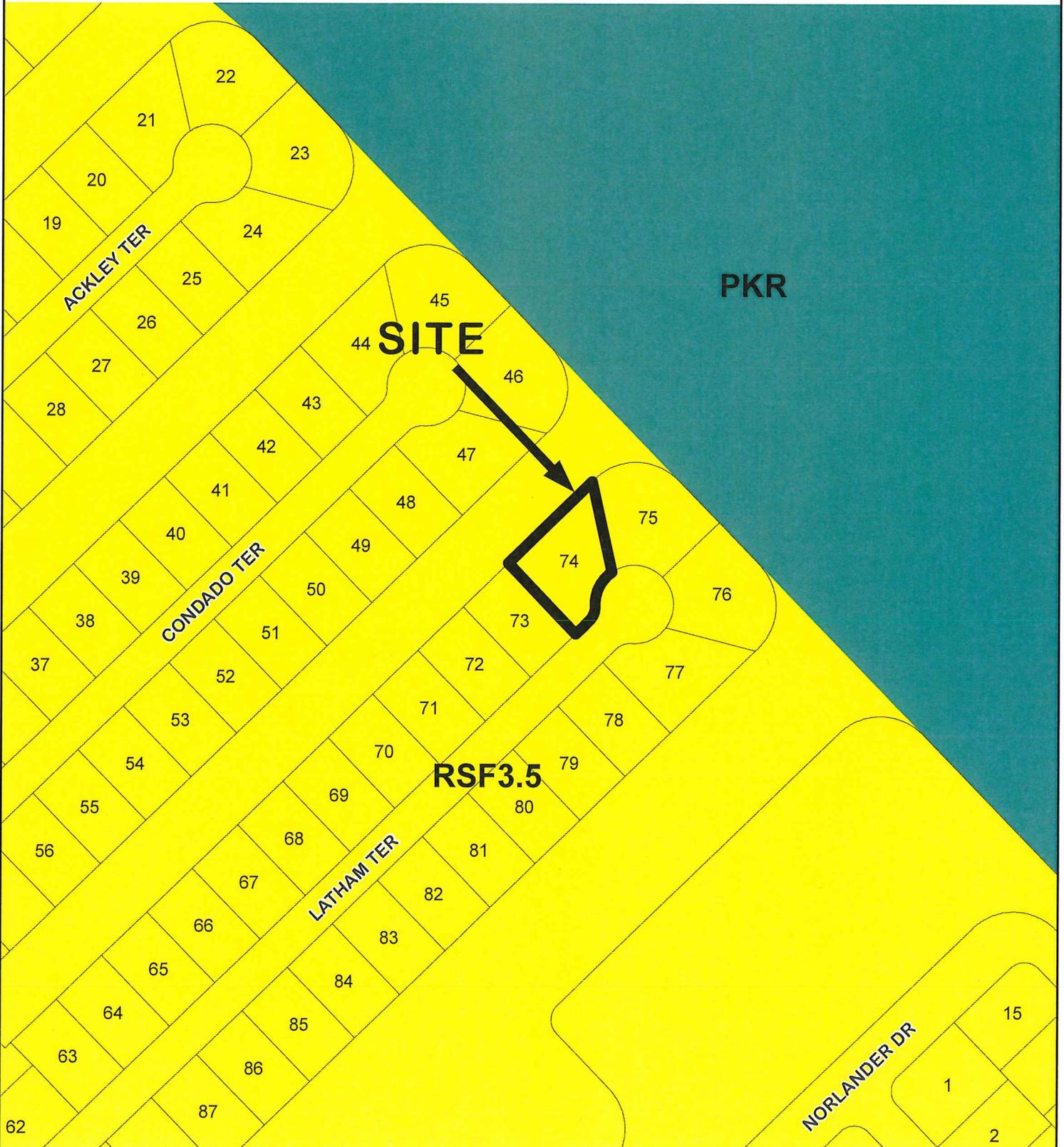
# CHARLOTTE COUNTY

## Zoning Map for VAR-15-010

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Community Development

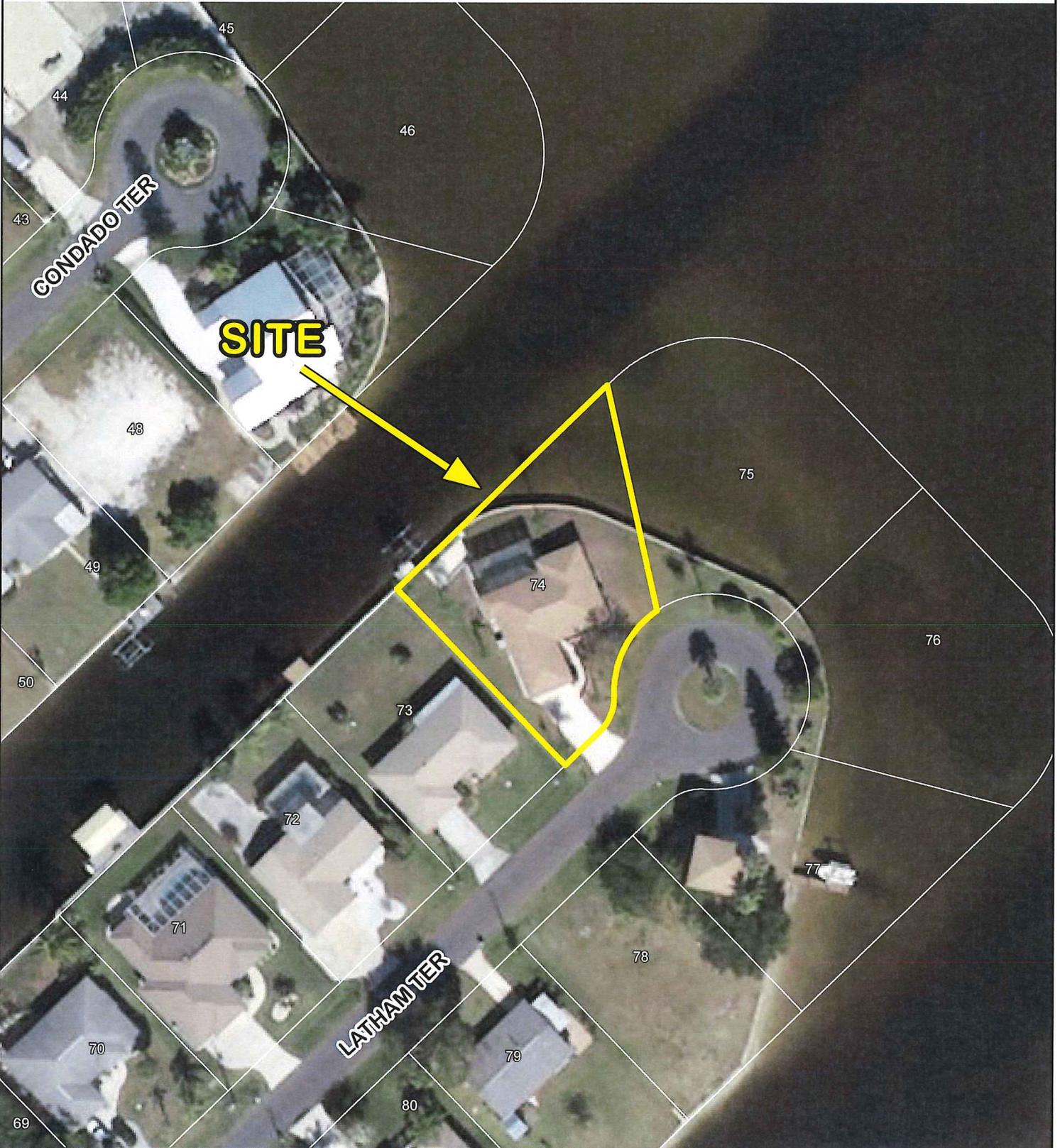
# CHARLOTTE COUNTY

## 2014 Aerial View for VAR-15-010

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# Warren Hope

Building Contractor - Carpenters



Box 952 • Englewood, Florida 33533  
(813) 474-1532 • (813) 474-2201

September 27, 1982

VAR-82-320

Board of County Commissioners  
Charlotte County Administration Center  
18500 Murdock Circle  
Port Charlotte, FL 33952

To Whom It May Concern:

I, Warren E. Hope, Builder, having contracted a home for Mr. & Mrs. Donald Eldon on Lot 74, Block 1864, Port Charlotte Sub-Division, Section 74, Latham Terrace, Gulf Cove, am requesting a variance in regards to the following:

I am requesting the 25' setback be changed to a 15' setback on the culdesac section of the property. The above mentioned property is bordered by an adjacent property on the west side, the back side is bordered by the Condado Waterway, the east side was bordered by an adjoining property, but prior to seawalling, the Myakka River has eroded the adjacent lot and a portion of Mr. Eldon's lot and only a small portion of the adjoining property remains. The front is partly on a culdesac and partly on a main street.

Prior to the seawalling of the property, the dimensions were supposedly 118.2' to the seawall on the east side and the Northwest side was originally 150' to the seawall. Now, due to erosion, the east side is only 43.88' and the northwest is only 47'. This has cut the size of the property down considerably.

Mr. and Mrs. Eldon were hoping to build a nice size retirement home with a pool on this property. I had contracted and designed the house prior to the survey therefore did not realize the substantial loss of the property. The 15' setback would permit Mr. & Mrs. Eldon to build the home they would like with a pool and have a beautiful view of the Myakka River, and still maintain all setback requirements on the waterways and all other setbacks will meet zoning requirements.

Thank you for your help in this matter.

Sincerely,

Warren E. Hope, Builder

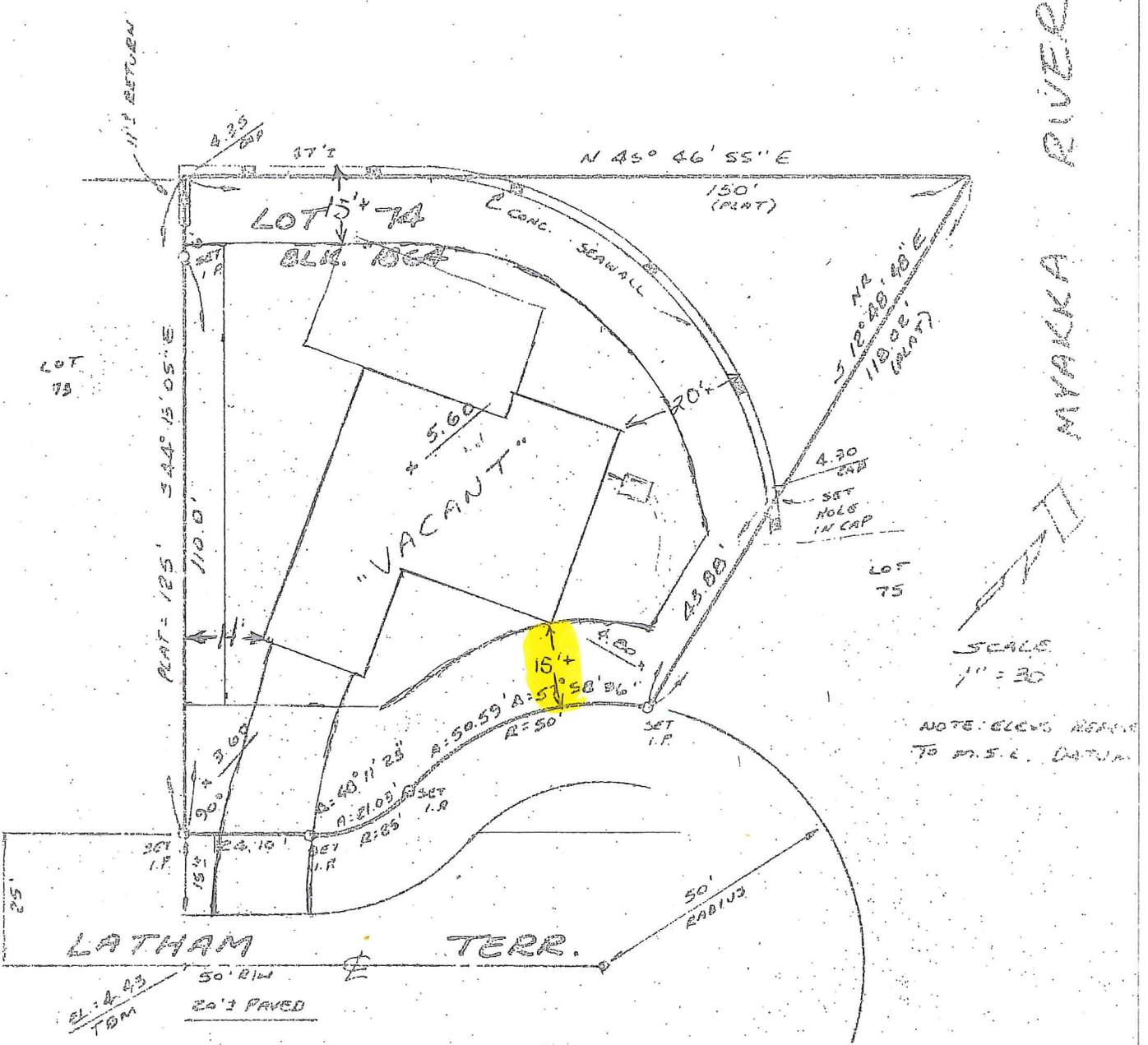
WEH/cmh

cc: Charlotte Co. Zoning Dept.  
Mr. & Mrs. Donald Eldon

VAR-82-320  
( Exhibit A-1 )

VERTU

CONDADO WATERWAY



LAND SURVEY DESCRIPTION: Lot 74, Block 1364, PORT CHARLOTTE SUBDIVISION, SECTION FIFTY FOUR, as recorded in Plat Book 5, Page 68-C, of the Public Records of Charlotte County, Florida.

1982 Site Plan

5099 Lathan Terrace

( Exhibit A-2 )



# COUNTY of CHARLOTTE

## ZONING DEPARTMENT

CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33952  
627-1180

ENGLEWOOD OFFICE  
PLACIDA ROAD  
474-4989

October 21, 1982

#82-320

Warren E. Hope  
P. O. Box 952  
Englewood, FL 33533

*VAR-82-320*

Dear Petitioner:

This letter is to confirm the decision of the Board of County Commissioners meeting held on October 19, 1982, regarding Petition #82-320, requesting a variance from the required twenty-five (25) foot front setback to fifteen (15) feet in an RSF-3.5 (Residential, Single Family, 3.5 units per acre) zone on the following described property: Lot 74, Block 1864, Port Charlotte Subdivision Section 54. Said property located on Latham Terrace, Gulf Cove.

It was the decision of the Board of County Commissioners that Petition #82-320 be approved.

Very truly yours,

CHARLOTTE COUNTY ZONING DEPARTMENT

Thomas W. Frame  
Zoning Director

CC: Mr. & Mrs. Donald Eldon  
862 Sixth St.  
Englewood, FL 33533

pa

**VAR-82-320**  
**( Exhibit A-3 )**

**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 ten percent 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 c section 3-9-62 Assisted Living Facility

**Section 3-9-33 Residential Single-family (RSF). (continued)**

- (3) Bed and breakfast, three or more bedrooms.
- (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:**

	<b>RSF-2</b>	<b>RSF-3.5</b>	<b>RSF-5</b>
<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.

(Minutes of 12-08-1981, § 7; Res. No. 85-20-1987; Ord. No. 89-34, § 6, 05-31-1989; 14, 11-03-1994; Ord. No. 2001-031, § 1(a) 2003; Ord. No. 2014-053, § 1, 11-25-2014)

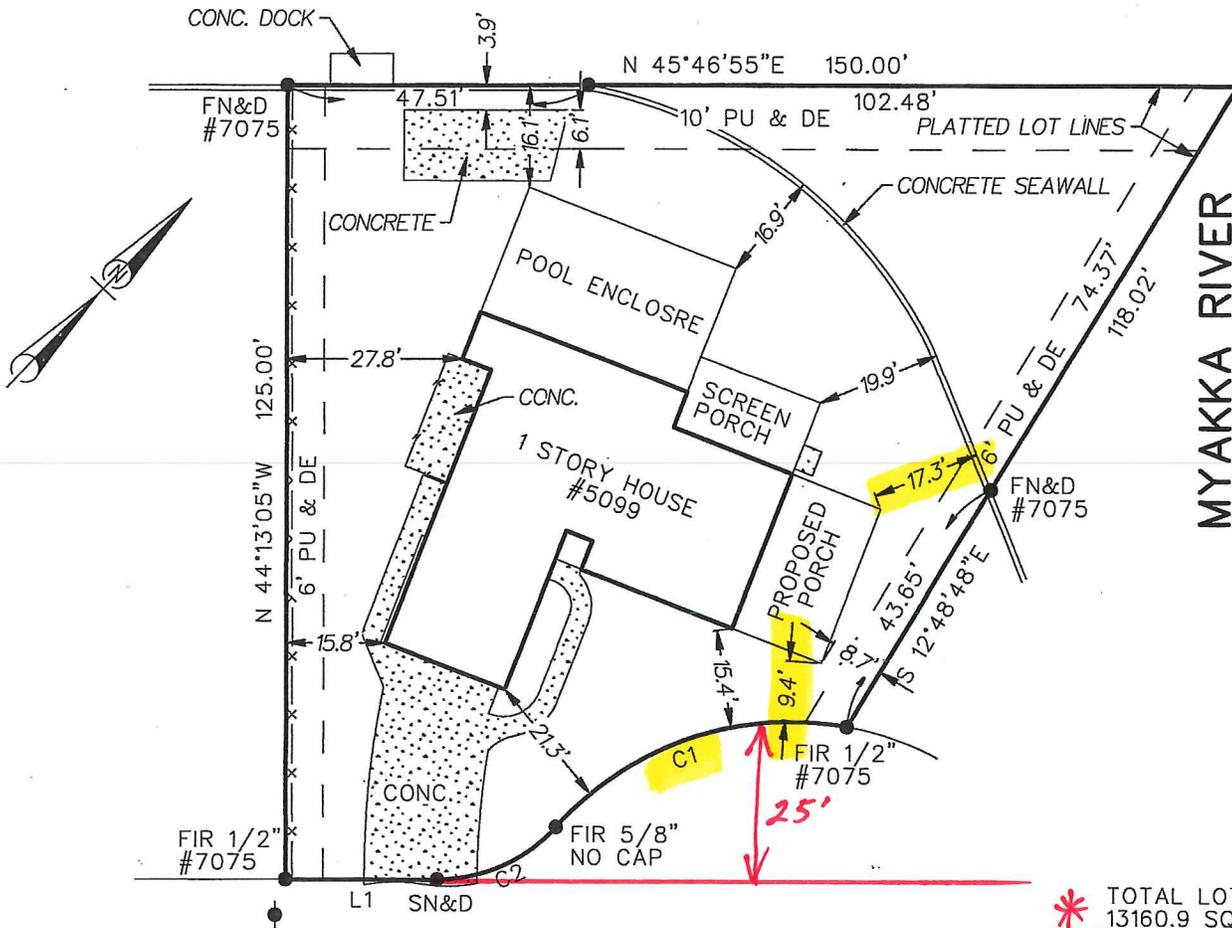
**Section 3-9-33  
( Exhibit B-2 )**

9-1987; Res. No. 87-254, § 17, 10-§ 1, 08-18-1992; Ord. No. 94-55, § Ord. No. 2003-061, §§ 6, 7, 08-26-

CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	50.59'	57°58'36"	48.46'	S 26°34'50"W	50.00'	27.70'
C2	21.03'	48°11'23"	20.41'	S 21°41'13"W	25.00'	11.18'

LINE	BEARING	DISTANCE
L1	S 45°46'55"W	24.10'

### CONDADO WATERWAY



### LATHAM TERRACE (50')

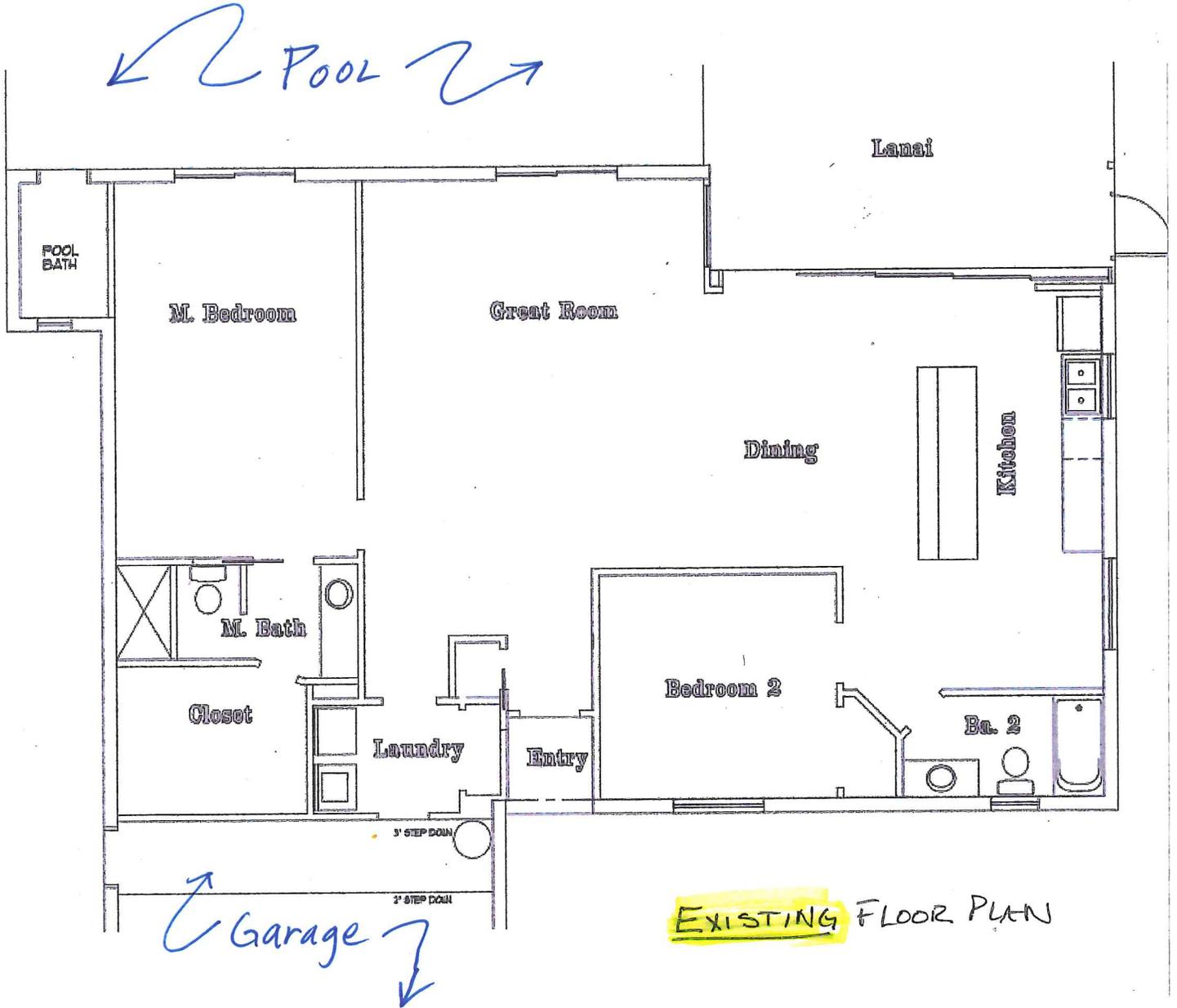
\* TOTAL LOT AREA+  
13160.9 SQ.FT. +/-

\* DEVELOPABLE AREA=  
10703.6 SQ.FT. +/-

## BOUNDARY SURVEY

LOT 74, BLOCK 1864  
 PORT CHARLOTTE SUBDIVISION SECTION 54  
 PLAT BOOK 5, PAGES 68A-68E  
 CHARLOTTE COUNTY, FLORIDA

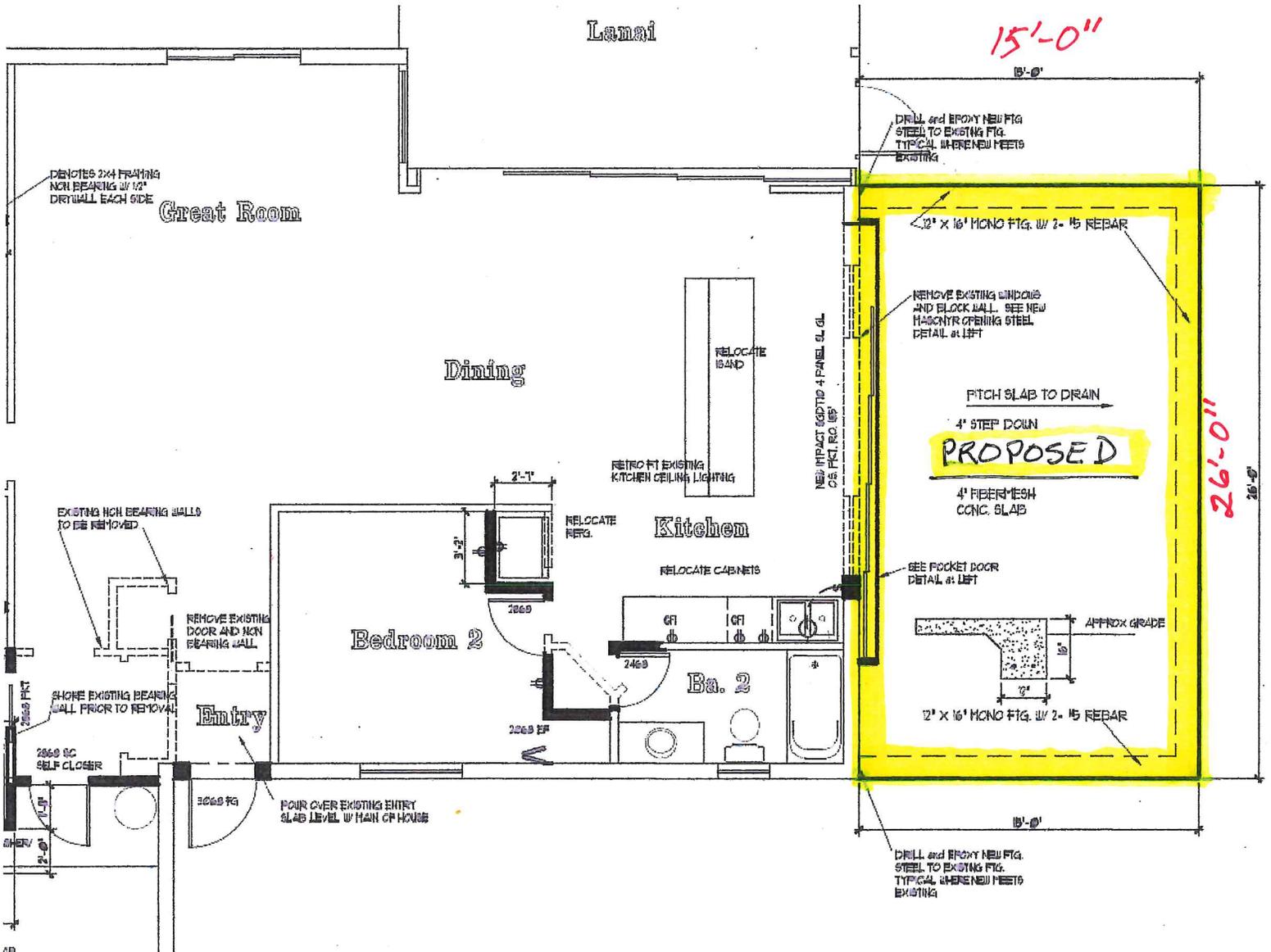
**Boundary Survey**  
**( Exhibit C )**



Existing Floor Plan

5099 Lathan Terrace

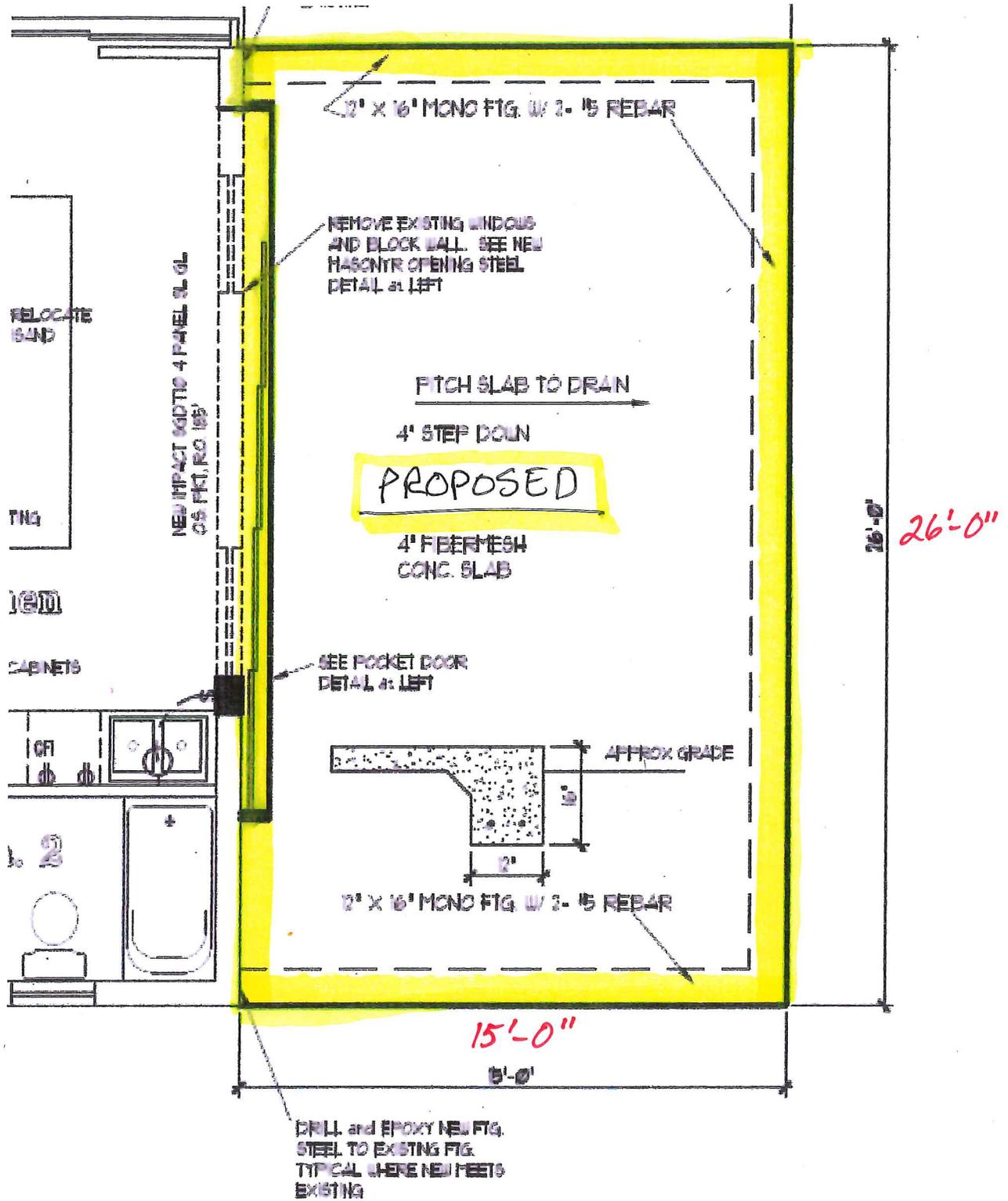
( Exhibit D-1 )



Proposed Floor Plan

5099 Lathan Terrace

( Exhibit D-2 )



### Lanai Floor Plan

## **#12. Narrative 3-9-6.3 (i)**

The previous owner built our home in the early 1980s. At this time, zoning regulations allowed it to be constructed in a unique configuration: diagonally on the lot, with a 15.4' FRONT set back and a 19.9' WATER set back, and with the curve of the cul-de-sac street significantly cutting into the front right corner of the lot. As such our home is now considered a non-conforming structure (please see figures 2 and 3). Our home remains in this configuration at the present time and a significant portion of the lot (approximately 1/3) is now underwater (beyond the seawall) and is undevelopable.

We are requesting to build a 15'x26' screened-in porch (with a roof) on the east side of our home, with the following variance requests: (please see figures 4 & 5)

- A. 14.8' variance to allow for a 10.2' FRONT set back (instead of the required 25')
- B. 2.2' variance to allow for a 17.8' WATER set back (instead of the required 20')

The proposed screened-in porch would exceed the current regulations of 25' from the front and 20' from the water. Given the unique circumstances of the lot, anticipated undue hardship from not granting the variance, no evidence that the screened-in porch would be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or public welfare, inability to reasonably avoid or correct the present issue, and minimum modification of the variance, the proposed variance meets all approval criteria for variances provided in Section 3-9-6.3(i) of Charlotte County Code. The specific criteria are addressed in detail below:

1. **Unique Conditions, not generally applicable to other lands/structures:** Unlike all other nearby properties, our lot is diagonal and a significant portion of the lot is impeded by two surrounding features: the water (which covers about 1/3 of the lot, beyond the seawall) and the curve of the cul-de-sac street (which cuts into the front right corner of the lot). These unique characteristics result in a limited area available for development. Please see figure 6 for visual representation.
2. **Undue Hardship:** As indicated in figure 4 & 5, we installing a four-panel sliding pocket door and it is not possible to put screens in this type of door. Adding the screened-in porch will allow the doors to open, while providing a screen between the home and the outside environment. Strict and literal enforcement of the zoning section of the Land Development Regulations would create undue hardship, because if there is no screened-in porch, opening the doors would expose the inside environment to unwanted pests, etc.
3. **Not injurious to or incompatible with contiguous uses, surrounding neighborhood, or otherwise detrimental to public welfare:** The neighboring two lots (on the east side of our lot) are mostly underwater and undevelopable. Therefore, no public stakeholders will incur any visual or spatial impairments due to this screened-in porch. It will not significantly obstruct any water view due to the transparent nature of the screen walls.
4. **Condition not created by applicant/cannot be reasonably corrected by applicant:** The requested variance is due to the incursion of the cul-de-sac, orientation of the existing structure, and addition of the sea wall to stop erosion; all of these conditions were put in place by the previous owner.
5. **Minimum Modification of the Regulation:** The proposed screened in porch is the minimum size needed to achieve the desired goals of an enclosed area over the entrance way to our home, with sufficient space to accommodate reasonable living.

**Narrative**  
**( Exhibit E-1 )**

Figure 6  
Aerial View



Ham Terrace

Ham Terrace

**Narrative  
( Exhibit E-2 )**

Aerial View



## MEMORANDUM

**Date:** November 20, 2015  
**To:** Ken Quillen, Planner III  
**From:** Susie Derheimer, Environmental Specialist  
**Subject:** VAR-15-010, front and rear setback variances at 5099 Latham Terrace

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, pool, and sea-walled shoreline 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.

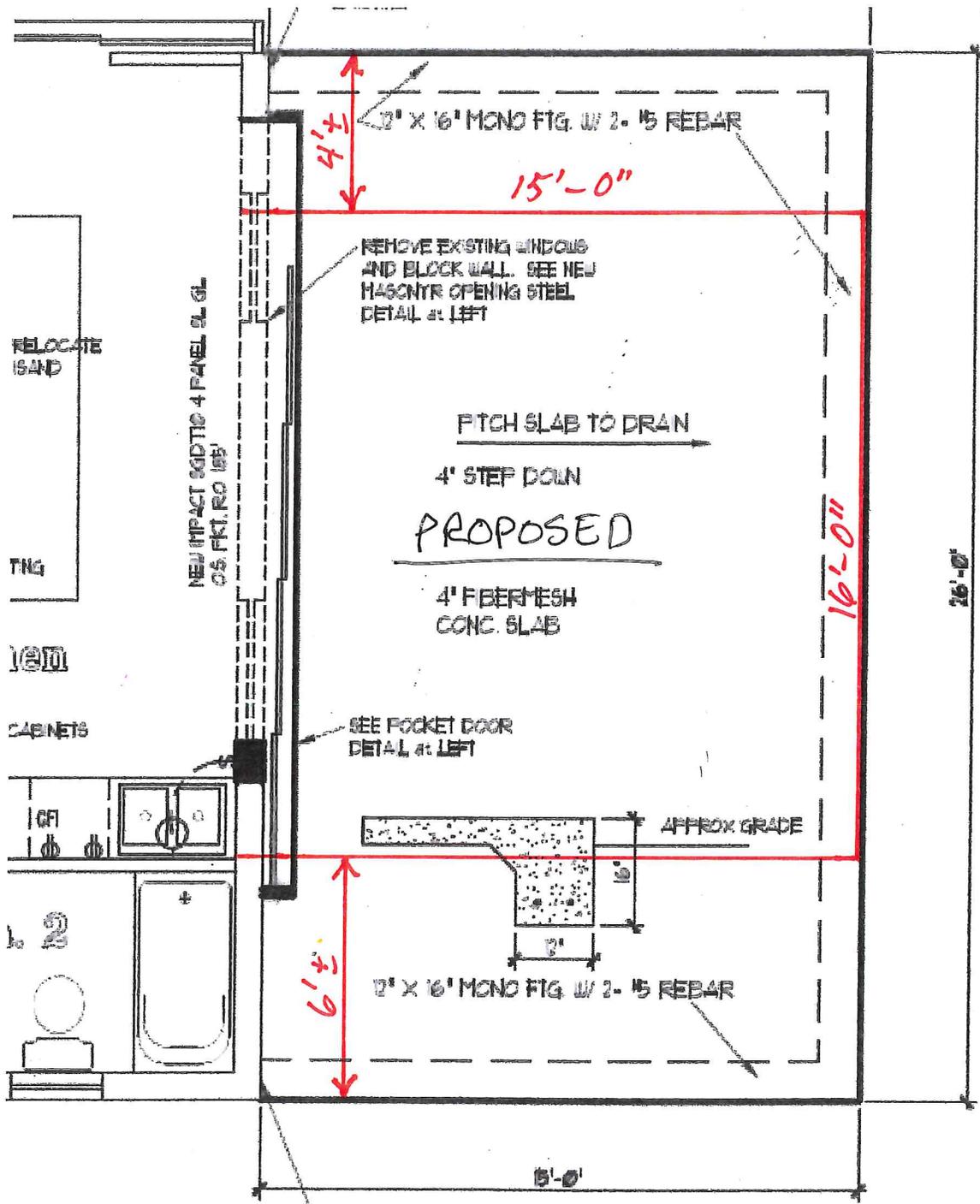
SD

**( Exhibit F )**

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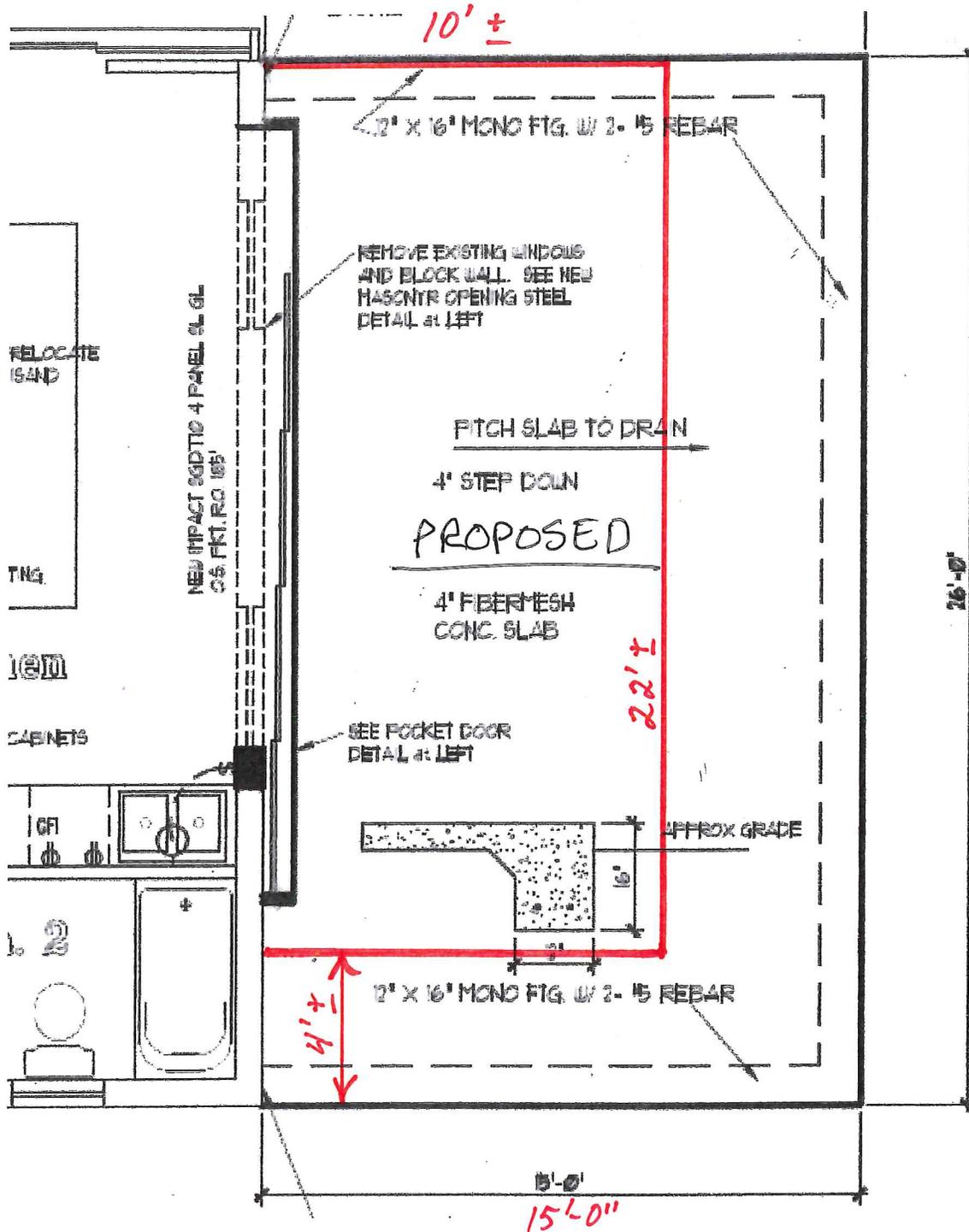




Alternate Lanai #1

5099 Lathan Terrace

( Exhibit H-1 )



Alternate Lanai #2

5099 Lathan Terrace

( Exhibit H-2 )

# Conversion Chart

## Tenths of a Foot and Inches

$1/10^{\text{th}}$ Foot	to	Inches	Inches	to	$1/10^{\text{th}}$ Foot
0.1'	=	1.2"	1"	=	0.08'
0.2'	=	2.4"	2"	=	0.16'
0.25'	=	3.0"	3"	=	0.25'
0.3'	=	3.6"	4"	=	0.33'
0.4'	=	4.8"	5"	=	0.42'
0.5'	=	6.0"	6"	=	0.50'
0.6'	=	7.2"	7"	=	0.58'
0.7'	=	8.4"	8"	=	0.66'
0.75'	=	9.0"	9"	=	0.75'
0.8'	=	9.6"	10"	=	0.83'
0.9'	=	10.8"	11"	=	0.92'
1.0'	=	12.0"	12"	=	1.00'

1 **mile** = 5,280 feet or 1,760 yards or 320 rods or 80 chains  
 $\frac{1}{2}$  mile = 2,640',  $\frac{1}{4}$  mile = 1,320',  $\frac{1}{8}$  mile = 660'

1 **chain** = 66 feet or 100 links or 4 rods

1 **rod** = 25 links or 16.5 feet or 1 perch or 1 pole

1 **link** = 7.92 inches

1 **township** = 36 sections

1 **full section** = 640 acres or 1 square mile

1 **square mile** = 640 acres or 1 full section

1 **acre** = 43,560 square feet, 4,840 square yards, 160 square rods, 10 square chains  
 and also equal to 208.71' squared

1 **square yard** = 9 square feet

1 **square foot** = 144 square inches

**Fathom:** a unit of distance equivalent to 6 feet, used primarily in marine measurement.

**( Exhibit I )**