

STAFF REPORT
Community Development Department
Petition Number: VAR-16-002

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 1, 2016

BZA meeting date: June 8, 2016

Requested Action/General Information:

Paul and Mary Scott are requesting a variance to reduce the 20-foot side setback by 12.5 feet to allow a 7.5-foot side setback, for an existing accessory structure in the Residential Estate-1 (RE-1) zoning district. This property is located at **3423 Melissa Court** in Charlotte Harbor (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Estate-1 (RE-1). This property has a Low Density Residential, Future Land Use Map (FLUM) designation. The attached **Aerial Photograph** shows this regular shaped, one-acre lot, which was created by the Whidden Acres Subdivision - First Addition in 1980. Staff has attached a copy of the current **Residential Estate** (**Exhibit A**) zoning district regulations, which establishes minimum required setbacks for principal and accessory structures as 20 feet from a side lot line.

In January the owners applied for and were issued a permit to construct an 18- by 30-foot (540 square foot) concrete pad. The attached exhibit labeled **Concrete Slab** (**Exhibit B**) is from permit file number 20160101502, which is evidence that a permit was issued to allow a concrete slab to be constructed with a 7.5-foot side setback. This permit application included a site plan indicating a proposed side setback of 7.5 feet. In February the owners applied for and were issued a permit to construct an 18- by 30-foot (540 square foot) detached garage. The attached exhibit labeled **Detached Garage** (**Exhibit C**) is from permit file number 20160202888, which is evidence that a permit was issued to allow a detached garage to be constructed, on the existing concrete slab, with a 7.5-foot side setback. This permit application included a site plan indicating a proposed side setback of 7.5 feet.

The Zoning Official has determined that a variance is necessary to correct this non-conforming side setback. The variance process requires the submittal of a Survey to verify the existing setbacks so that the minimum modification to code can be identified. The attached **Boundary Survey** (**Exhibit D**) shows that the existing detached garage is located 7.5 feet from the side property line.

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 May 25, 2016.

Findings: The five standards for approval of a variance to the side yard setback 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 1980, is a regular shaped one-acre (140' by 330') lot. The existing detached garage was constructed with all the necessary permits, which were approved by County staff in error, with a 7.5-foot side yard setback. As such, there are unique and peculiar conditions and circumstances which relate to the characteristics of the location of the existing detached garage.

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 20-foot side setback would create an undue hardship as distinguished from a mere inconvenience since the existing 540 square foot detached garage would have to be demolished or relocated on the lot.

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 existing 7.5-foot side setback would be injurious to or incompatible with contiguous uses or detrimental to the public welfare of the surrounding properties. This existing detached garage was constructed with the required building permits, which included zoning review and approval with a side yard setback of 7.5 feet, instead of the required 20 feet.

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 has not been created by the property owners who constructed the building at its current location with all the required building permits. This condition was created in error by County staff and not by the applicant or current property owners. 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: A variance of 12.5 feet to reduce the required 20-foot side yard setback to 7.5 feet is the minimum modification of the regulation at issue that will afford relief because, this is the location of the existing detached garage.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting a variance, which is to reduce the 20-foot side setback by 12.5 feet to allow a 7.5-foot side setback for an existing detached garage, 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 detached garage 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 side yard setback by 12.5 feet to allow a 7.5-foot side setback to allow the existing detached garage to remain "as is".
2. This variance shall only apply to the existing detached garage. If this structure is at a later date demolished, removed, replaced or relocated by the owner 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. The expiration of this variance, mentioned in condition number two above, shall not apply to any specific accidental event, beyond the control of the owner, such as high winds or fire, which may damage or destroy this detached garage. If such an accidental event occurs then the owner may repair or replace this detached garage with the same, or smaller, footprint.

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, Section 3-9-32 (3), Permit No. 20160101502 (3), Permit No. 20160202888 (3), Boundary Survey, Narrative and Environmental Specialist Memo



Community Development

CHARLOTTE COUNTY

Location Map for VAR-16-002



19/40/23 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 plans and related documents. Created By: Land Information - D. Vance -7944 Date Saved: 5/12/2016 1:07:29 PM



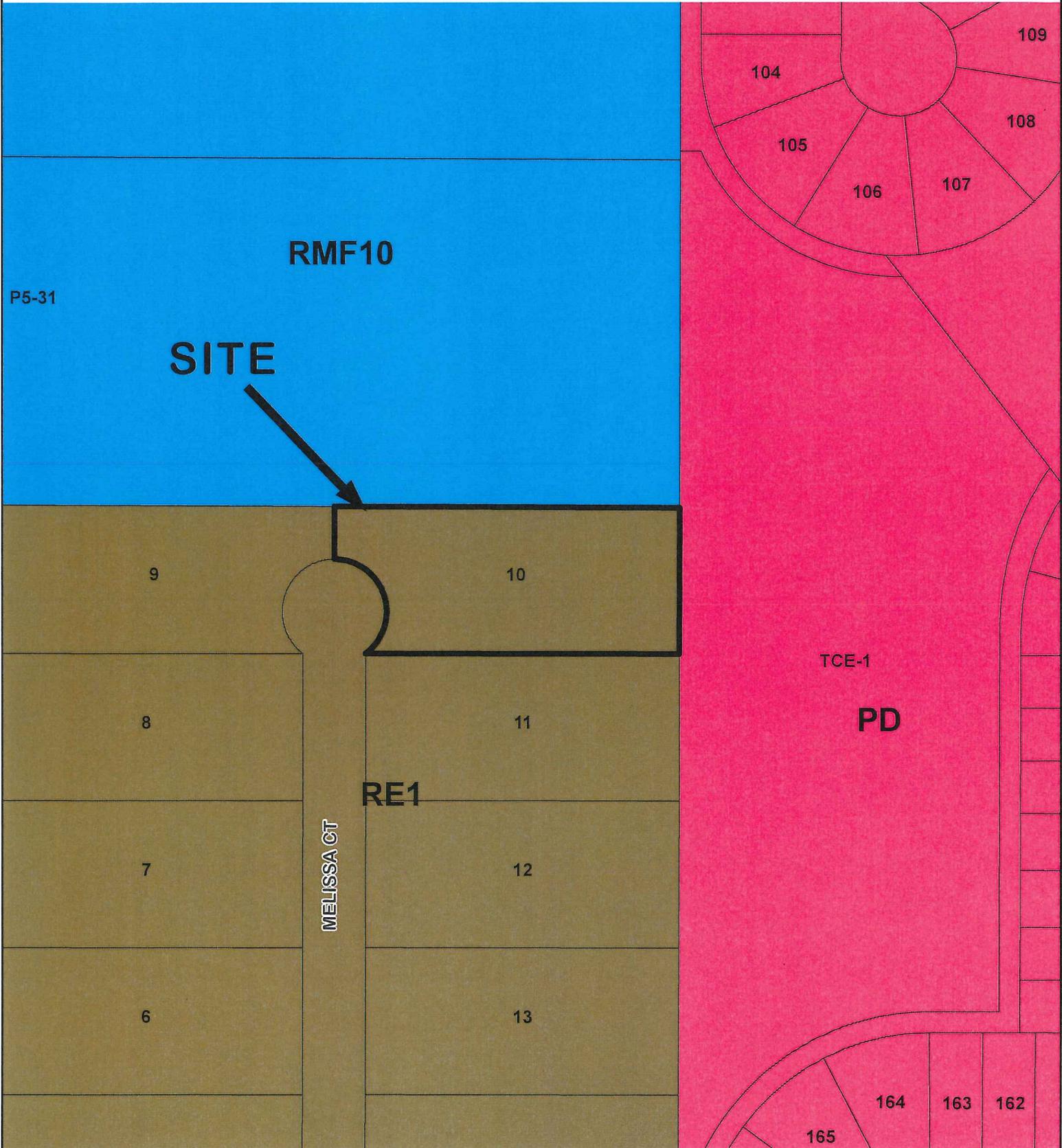
(NOT TO SCALE)



Community Development

CHARLOTTE COUNTY

Zoning Map for VAR-16-002



19/40/23 Mid-County

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Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2016\Variance\VAR\VAR-16-002\PKT\ZoningMap\VAR-16-002.mxd



(NOT TO SCALE)

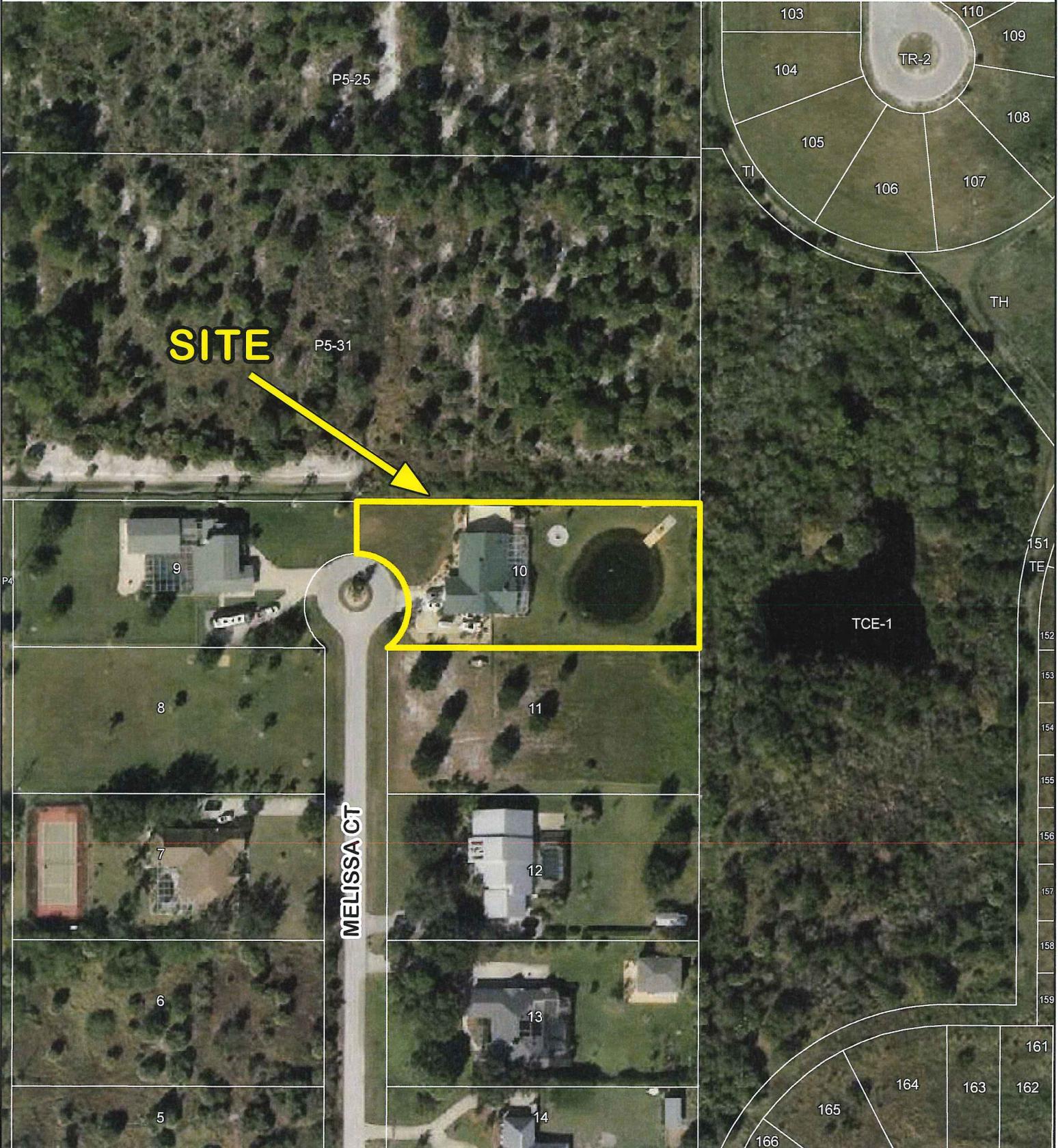
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Community Development

CHARLOTTE COUNTY

2014 Aerial View for VAR-16-002



19/40/23 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 - D. Vance 7944 Date Saved: 5/12/2016 11:03:14 AM



(NOT TO SCALE)

Sec. 3-9-32. - Residential estate (RE).

- (a) *Intent.* The purpose and intent of this district is to allow low-density, large-lot residential and related uses.
- (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 (6) or less. (See section 3-9-62, assisted living facility.)
 - (2) Community garden.
 - (3) Emergency services.
 - (4) Manufactured home (DCA), minimum requirement is one hundred fifty (150) miles per hour exposure C.
 - (5) Minor home occupation. (See section 3-9-74, home occupations)
 - (6) Model home. (See section 3-9-78, model homes.)
 - (7) Noncommercial boat docks.
 - (8) Park, public or not-for-profit.
 - (9) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.
 - (10) Telecommunications facility, fifty (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, including, but not limited to:
- (1) Boat lifts, boat ramps, and noncommercial boat docks.
 - (2) Carports, garages, and storage structures.
 - a. Detached accessory structures greater than two hundred fifty (250) square feet in area 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 (10) percent of the parcel size or one thousand (1,000) square feet, whichever is greater.
 - c. Detached accessory structures in RE-1 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 guest suite. It must meet all applicable development standards set forth in the zoning district.
 - (6) Keeping of pets, excluding animal breeding, boarding, and tra
 - (7) Swimming pools, tennis court or other similar noncommercial structures.

**Section 3-9-32
(Exhibit A-1)**

- (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) 4H, FFA, and similar uses and activities.
 - (2) Bed and breakfast, one (1) or two (2) bedrooms.
 - (3) Clubhouse.
 - (4) Cluster housing. (See section 3-9-67, cluster housing.)
 - (5) Domestic animal breeding, boarding, and training.
 - (6) Guest home.
 - (7) Horse stable.
- (e) *Prohibited uses and structures*: Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district, including manufactured homes.
- (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) Animal sanctuary, zoo.
 - (3) Assisted living facility or day care center, adult, seven (7) or more. (See section 3-9-62, assisted living facility.)
 - (4) Bed and breakfast, three (3) or more bedrooms.
 - (5) Cemetery, mausoleum.
 - (6) Day care center, child.
 - (7) Elementary, middle, or high school.
 - (8) Essential services. (See section 3-9-71, essential services.)
 - (9) Fish and wildlife management area, nature preserve.
 - (10) Government uses and facilities.
 - (11) Livestock breeding, boarding, training, and grazing.
 - (12) Major home occupation. (See section 3-9-74, home occupations.)
 - (13) Place of worship. (See section 3-9-82, places of worship.)
 - (14) Plant nursery.
 - (15) Private clubs.
 - (16) Private landing field.
 - (17) Telecommunications facility, greater than fifty (50) feet in height. (See section 3-9-68, communication towers.)
 - (18) University or college.
 - (19) 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.
 - (20) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

Section 3-9-32
(Exhibit A-2)

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:*

	RE-1	RE-5
Lot (min.)		
Area (acres)	1	5
Width (ft.)	125	250
Setbacks (min. ft.)		
Front	40	40
Side	20	20
Rear	15	15
Rear (accessory buildings)	10	10
Abutting water	20	20
Bulk (max.)		
Lot coverage of all buildings	20%	20%
Height (ft.)	38	38
Density (units/acres)	1 per acre	1 per 5 acres

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

(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.

(Ord. No. 2014-052, § 1(Exh. A), 11-25-14)

Section 3-9-32
(Exhibit A-3)



Building & Growth Management Department

Building Division

18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941.743.1201 FAX: 941.764.4907
Zoning 941.743.1964 Fax: 941.743.1598

www.CharlotteCountyFL.com

"To exceed expectations in the delivery of public services"

Print Form

Form 1

For Office Use Only

Permit Number

20 160101502

Application Date

1.26.16

CSR

He

Application for Construction Permit

Job Site Details

Description of work to be done CONCRETE SLAB

Address: 3423 MELISSA CT. PUNTA GORDA FL. 33980 Unit #
Number Name Type: (St., Dr., Pkwy., Blvd., etc.)

Tax Folio # 10 Block 15 Subdivision WIDDEN ACERS

Section _____ Township _____ Range _____ Wind Zone _____ Exposure _____ Flood Zone _____

This building will be used as SLAB FOR FUTURE METAL GARAGE Map Page _____

Zoning Class _____ Construction Cost (excluding lot but including labor) 2460.00

Model Home Corner Lot Inside Lot Waterfront

Owner Information

Name PAUL W. SCOTT

Address 3423 MELISSA CT.

City PUNTA GORDA State FL.

Phone No. 941-457-4113 Fax No. _____

Email MARY.SCOTT03@COMCAST.NET

Contractor Information

Name owner

Address _____

Number Name Type: (St., Dr., Pkwy., Blvd., etc.) State

Phone _____ Fax No. _____

Email _____

Contractors State Certification or Registration No. _____ Contractors Certificate of Competency Number _____

Concrete Slab
(Exhibit B-1)



Building and Growth Management Department

Building Division

18400 Murdock Circle, Port Charlotte, FL 33948

Phone: 941.743.1201 FAX: 941.764.4907

Zoning 941.743.1964

www.charlottecountyfl.com

"To exceed expectations in the delivery of public services"

For Office Use Only	
Permit Number	2 0 _____
Application Date	_____
CSR	_____

OWNER -BUILDER STATEMENT

DISCLOSURE STATEMENT (F-S 489.103.7.b)

Licensed contractors are regulated by laws designed to protect the public. **If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint.** Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

aws
Initials

I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address:

3423 MELISSA CT. PONTA GORDA FL. 33980
 Number and Street City Zipcode

aws
Initials

I agree to notify Charlotte County Building Construction Services immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

CHECK THOSE CONTRACTOR CATEGORIES WHICH WILL BE DONE BY THE OWNER:

- | | | | | |
|-------------------------------------|--|-------------------------------------|---|--|
| <input type="checkbox"/> A/C & Heat | <input type="checkbox"/> Plumbing | <input type="checkbox"/> Insulation | <input type="checkbox"/> Cement, Concrete, Masonary | <input type="checkbox"/> Painting and Wallcovering |
| <input type="checkbox"/> Electric | <input type="checkbox"/> Roofing | <input type="checkbox"/> Carpentry | <input type="checkbox"/> Ceramic/Marble/Terrazzo | <input type="checkbox"/> Spa /Swimming Pools |
| <input type="checkbox"/> Aluminum | <input type="checkbox"/> Solar Systems | <input type="checkbox"/> Drywall | <input type="checkbox"/> Plaster/Stucco/Spraycrete | <input type="checkbox"/> Other (Detail Below) |

I have read the above statement and agree to abide by it

Paul W. Scott
Signature of Owner

PAUL W. SCOTT
Printed Name of Owner

Sworn to (or affirmed) and subscribed before me this 20 day of Jan. 2016 by Paul W Scott

Personally Known OR Produced Identification Type of Identification FDL

Notary Name (Printed)

Notary Signature Heidi Lea Clement Commission Number _____



A recorded Notice Of Commencement is required in the Permitting Office prior to issuance of the permit

**Concrete Slab
(Exhibit B-2)**

OFFICE COPY

#20160101502

4 FT FENCE AND PROPERTY LINE

OFFICE COPY

12X12 FOOTER
2 BARS OF STEEL
#5

38' TO POND

SCREENED POOL AREA.

structural
18x30' concrete slab
Approved AS Proposed
only

Plan approved subject to
compliance with Charlotte
County Zoning Regulations
Date: JAN 29 2016

There is a legal obligation
by the owner and/or builder on
this property to comply with the
corner deed restrictions

CALL 2 FULL BUSINESS
DAYS BEFORE YOU DIG
1-800-432-4770
IT'S THE LAW IN FLORIDA

SIDE WALK

18 x 30
CONCRETE SLAB
FOR METAL
GARAGE

4" THICK
3000 PSI
12X12 FOOTER
2 BARS OF STEEL
#5

7.5

any structure or appurtenance located
within an easement will require
approval pursuant to the procedure
established by the Charlotte County
Engineering Department.

1 STORY

RESIDENCE #3423

REVIEWED FOR CODE COMPLIANCE
A permit shall be constructed 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
the code, not 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 the code
Charlotte County Building and Construction Services

Reviewed for Code
Compliance
FEB 04 2016

Ed Perry EP

CONCRETE DRIVEWAY.

Concrete Slab
(Exhibit B-3)

CONCRETE
DRIVEWAY.



Building & Growth Management Department

Building Division

18400 Murdock Circle, Port Charlotte, FL 33948

Phone: 941.743.1201 FAX: 941.764.4907

Zoning 941.743.1964 Fax: 941.743.1598

www.CharlotteCountyFL.com

"To exceed expectations in the delivery of public services"

For Office Use Only

Permit Number

20 160202888

Application Date

2/17/16

CSR

[Signature]

Print Form

Form 1

Application for Construction Permit

Job Site Details

Description of work to be done

18X30 Steel building/Garage on existing concrete.

NO ELEC/PLUMB

Address:

3423 Melissa Ct.

Unit #

Tax Folio #

402319352001

Lot

Block

Subdivision

Section

19

Township

40

Range

23

Wind Zone

140 Risk 1

Exposure

C

Flood Zone

X

This building will be used as

Garage

Map Page

5A19S

Zoning Class

Construction Cost (excluding lot but including labor)

\$6205.00

Model Home

Corner Lot

Inside Lot

Waterfront

Owner Information

Name

Paul S. Scott

Address

3423 Melissa Court

City

Port Charlotte

State

FL

Phone No.

(941) 457-4113

Fax No.

Email

Contractor Information

Name

James Player

called 11:50am

4/13/16

Address

169 McDonald Ct.

City

Leesburg

Type:(St., Dr., Pkwy., Blvd., etc.)

State

Ga

Phone

(229) 854-8360

Fax No

Email

jmsplayer@gmail.com

Contractors State Certification or Registration No.

CBC1251995

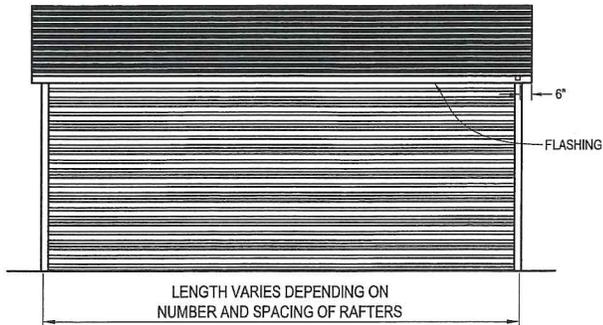
Contractors Certificate of Competency Number

**Detached Garage
(Exhibit C-1)**

A recorded Notice Of Commencement is required in the Permitting Office prior to

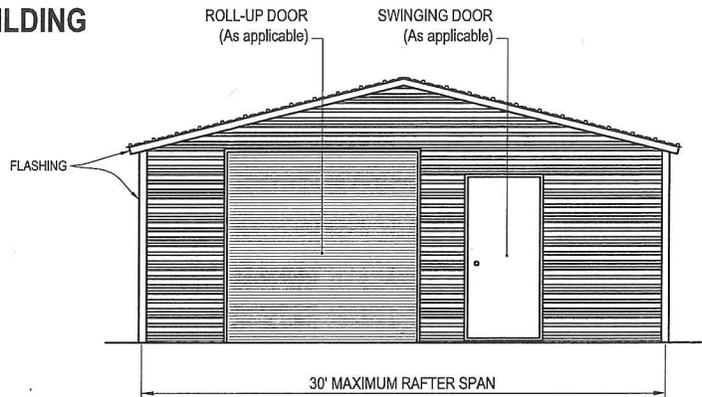
BOX EAVE FRAME RAFTER ENCLOSED BUILDING

(Sheets 2, 4, 5, 7, 8, 9, and 11)



TYPICAL SIDE ELEVATION - HORIZONTAL ROOF

SCALE: 1/8" = 1'

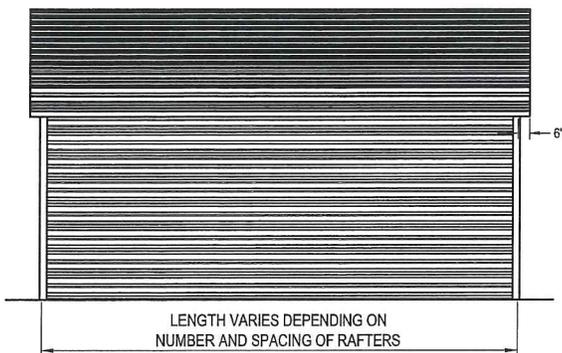


TYPICAL END ELEVATION - HORIZONTAL ROOF

SCALE: 1/8" = 1'

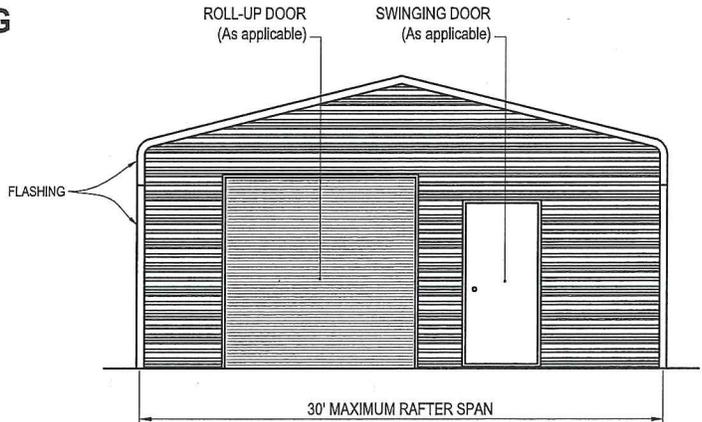
BOW FRAME RAFTER ENCLOSED BUILDING

(Sheets 3, 4, 6, 7, 8, and 10)



TYPICAL SIDE ELEVATION

SCALE: 1/8" = 1'



TYPICAL END ELEVATION

SCALE: 1/8" = 1'

METAL FRAMING AND SIDING PREFABRICATED BY
CARPORTS ANYWHERE
 P.O. BOX 830
 SWAINSBORO, GA 30401

THESE ENGINEERING DRAWINGS ARE THE PROPERTY OF BECHTOL ENGINEERING & TESTING, INC. AND J&B BUILDING SERVICES, INC. THESE DRAWING MAY NOT BE REPRODUCED, WITHOUT THE WRITTEN CONSENT OF BECHTOL ENGINEERING & TESTING, INC., AND J&B BUILDING SERVICES, INC.

THIS IS TO CERTIFY THAT THE CALCULATIONS AND SPECIFICATIONS HEREIN HAVE BEEN PREPARED BY THE UNDERSIGNED PROFESSIONAL ENGINEER, AND ARE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1609 OF THE FLORIDA BUILDING CODE, FIFTH EDITION (2014). THE PLANS ARE VALID UNTIL THE NEXT REVISION OF THE FLORIDA BUILDING CODE.

BECHTOL ENGINEERING AND TESTING, INC.
 605 WEST NEW YORK AVENUE
 DELAND, FLORIDA 32720
 Certificate of Authorization No. 5492
 No. 38538
 Thomas Bechtol, P.E.
 Florida License No. 28538
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER

METAL UTILITY STRUCTURES - INSTALLATION PLANS, DETAILS, AND FASTENER SPECIFICATIONS

FOR CONSTRUCTION IN THE STATE OF FLORIDA
 PREPARED BY:
BECHTOL ENGINEERING AND TESTING, INC.
 605 WEST NEW YORK AVENUE
 DELAND, FLORIDA 32720
 Certificate of Authorization No. 5492

OFFICE COPY
 Reviewed for Code Compliance
 16 0202888
 Daniel W. Devalk
 FEB 24 2016

GENERAL NOTES:

1. RISK CATEGORY I OR II.
2. WIND EXPOSURE CATEGORY B, C, OR D.
3. ULTIMATE WIND SPEED 115 TO 150 MPH (NOMINAL WIND SPEED 89 TO 116 MPH);
 MAXIMUM RAFTER/POST AND END POST SPACING = 5.0 FEET.
4. ULTIMATE WIND SPEED 151 TO 180 MPH (NOMINAL WIND SPEED 117 TO 139 MPH);
 MAXIMUM RAFTER/POST AND END POST SPACING = 4.0 FEET.
5. AVERAGE FASTENER SPACING ON-CENTERS ALONG RAFTERS OR PURLINS, AND POSTS (INTERIOR OR END) = 6 INCHES.
6. SPECIFICATIONS APPLICABLE TO 26 AND 29 GAUGE METAL PANELS FASTENED DIRECTLY TO 14 GAUGE STEEL TUBE RAFTER FRAMES.
7. FASTENERS CONSIST OF 1/4"-14X3/4" SELF-DRILLING SCREWS WITH CONTROL SEAL WASHER. SPECIFICATIONS APPLICABLE ONLY FOR OF 14° (3:12 PITCH). SPACING REQUIREMENT BOTH SIDES OF OPENINGS WHERE BASE
8. BASE RAIL GROUND ANCHOR REQUIREMENT BOTH SIDES OF OPENINGS WHERE BASE
9. GROUND ANCHORS ARE NOT REQUIRED
10. CONCRETE EXPANSION ANCHORS SHALL MODEL HSA 1260, OR EQUIVALENT.

**Detached Garage
 (Exhibit C-2)**

BECHTOL ENGINEERING AND TESTING, inc.
 CONSULTING GEOTECHNICAL, ENVIRONMENTAL, AND MATERIALS TESTING ENGINEERS
 Certificate of Authorization No. 5492

J&B BUILDING SERVICES, INC.

FIELD: RR	CHECKED: JP	DATE: 06-24-15	PROJ. NO.: G15003
DRAWN: RR	APPROVED: TB	SCALE: NOTED	SHEET 1 OF 11

BOUNDARY SURVEY OF LAND

CERTIFIED TO: PAUL W. & MARY F. SCOTT
 BRENTSSON, ITTERSAGEN, GUNDERSON, WAKSLER & WIDEIKIS, P.A.
 STEWART TITLE GUARANTY COMPANY
 HAMILTON GROUP FUNDING, INC.

Any structure or appurtenance located within an easement will require approval pursuant to the procedure established by the Charlotte County Engineering Department.

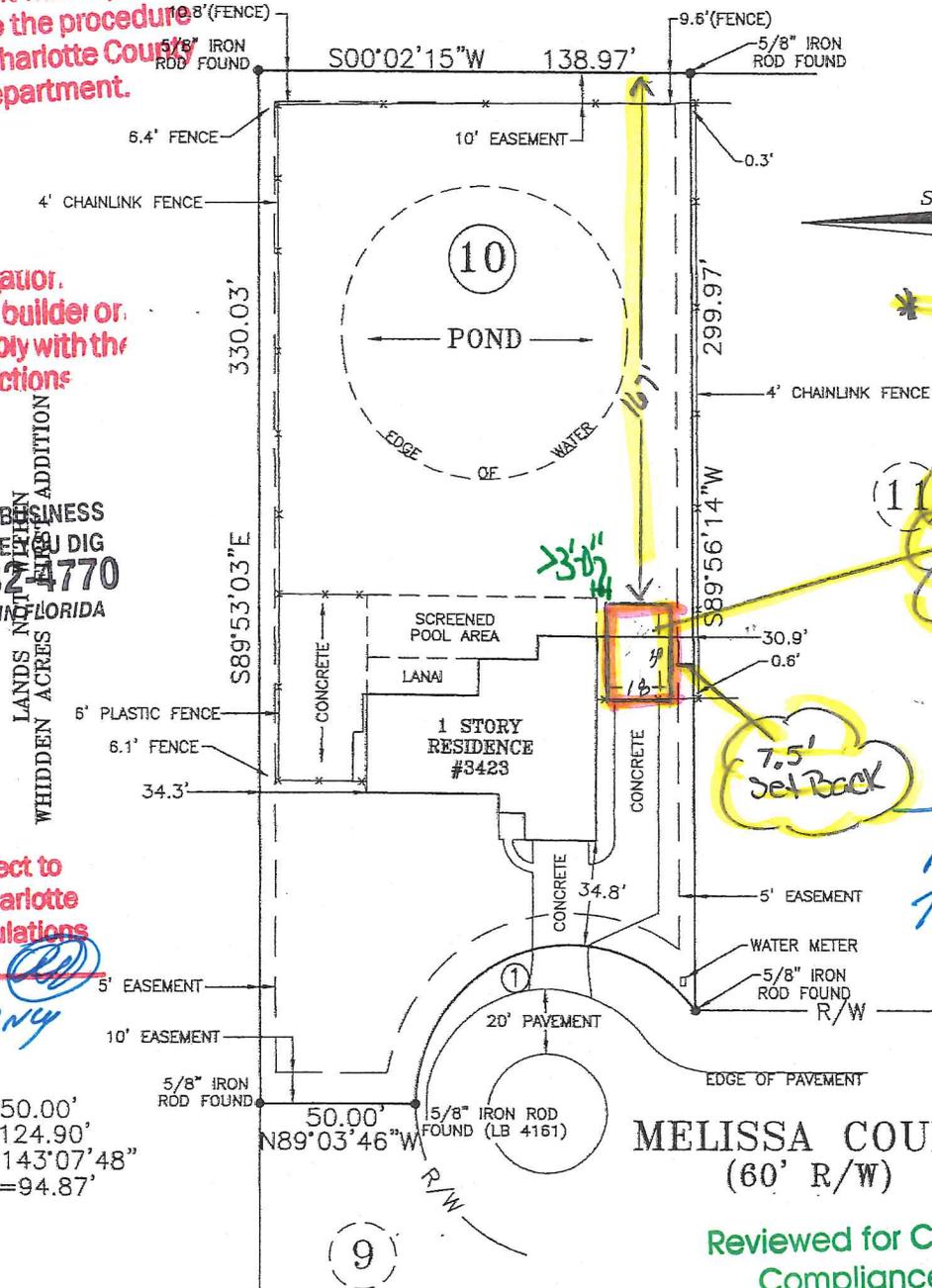
There is a legal obligation by the owner and/or builder of this property to comply with the recorded deed restrictions.

CALL 2 FULL BUSINESS DAYS BEFORE ANY DIG 1-800-432-4770 IT'S THE LAW IN FLORIDA

Plan approved subject to compliance with Charlotte County Zoning Regulations Date: 2/18/16

480 SF SHED ONLY

LANDS NOT WITHIN WHIDDEN ACRES - FIRST ADDITION



SCALE: 1" = 60'

11.5' MAX HEIGHT

11 18x30 Enclosed Steel Bldgs ON CONCRETE EXISTING

7.5' Set Back

MINIMUM 7.5'

MELISSA COURT (60' R/W)

Reviewed for Code Compliance 116 0202888 Daniel W. Devalk FEB 24 2016

LEGAL DESCRIPTION: (AS FURNISHED BY CLIENT)

LOT 10, WHIDDEN ACRES, FIRST ADDITION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 43 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

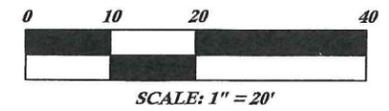
- NOTES:
- THIS SURVEY WAS PREPARED WITHOUT TITLE SEARCH AND MAY OR MAY NOT D RESTRICTIONS OF RECORD AFFECTING S
 - BEARING BASIS: RECORD PLAT (SEE LEI
 - AREA: 42,310 SQ. FT. OR 0.97 ACRES
 - BASED ON INFORMATION SHOWN ON FLI COMMUNITY-PANEL NO. 120061 0231 I AND ISSUED BY THE FEDERAL EMERGEN THE DESCRIBED PROPERTY IS IN FLOOD
 - ALL BEARINGS AND DISTANCES SHOWN VERIFIED THROUGH FIELD MEASUREMENT,
 - NO UNDERGROUND IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.

- LEGEND:
- NUMENT FOUND
 - E/NAIL FOUND
 - ID/NAIL SET (LB 6881)
 - F R/W
 - T
 - CONTROL POINT
 - PRM = PERMANENT REFERENCE MONUMENT

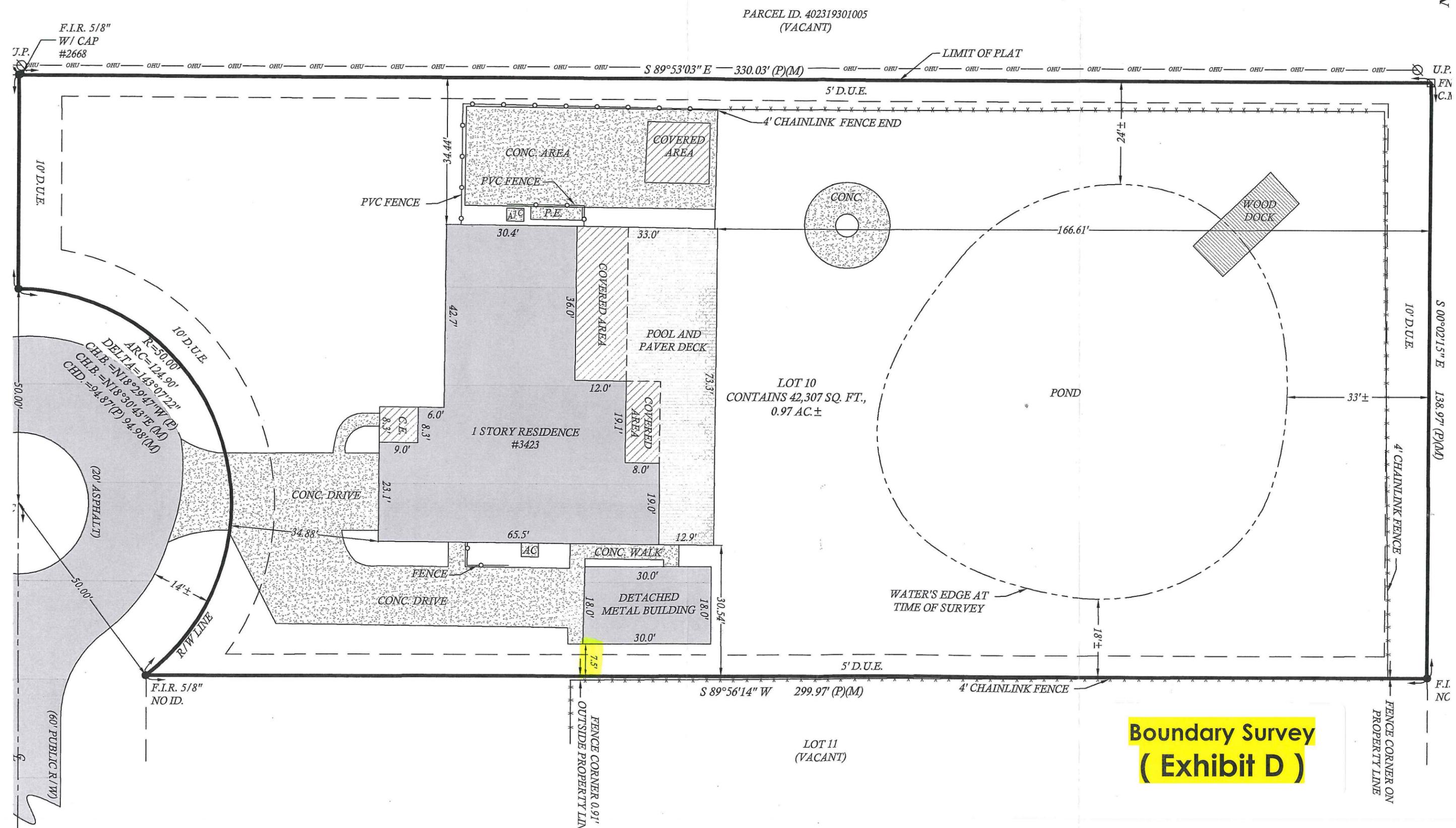
Detached Garage (Exhibit C-3)

SCALE: 1" = 60'
 SURVEY DATE: 7/14/11
 PROJECT NO. 11086
 F.B. 51, PG. 23
 REVISIONS:
 REVISED 7/15/11

OFFICE COPY



NORTH



PARCEL ID. 402319301005
(VACANT)

LOT 10
CONTAINS 42,307 SQ. FT.,
0.97 AC.±

LOT 11
(VACANT)

**Boundary Survey
(Exhibit D)**

Narrative

5/9/16: Narrative description of the project on 3423 Melissa Court, P.G. for Paul and Mary Scott

1. In relationship to the location, and size; the structure cannot be relocated anywhere else on the property due to the size of the structure and an existing pond on the property. There is no room sufficient enough to accommodate the structure elsewhere on the property. The characteristics of the structure are that of a steel cement, building originally approved by zoning with steel reinforced footers. This would be extremely financially straining to remove as we have no other place to relocate it.
2. In regards to hardship to us it would be significant to us, as opposed to a mere inconvenience to us. There is no other place on the property to move it to due to location of a pond and county easements for power lines. This would cause a significant loss of funds from us and all parties involved, as we are not sure we can financially afford to remove it. There was cement purchased from us at significant cost on our part to have slab securely and properly placed with footers as required by the Charlotte County Building Department. The permitting was obtained for this as well through zoning which was signed off on and approved for fixed structure placement as stated on the actual permit signed by the zoning department. There would need to be discussion with the company from whom the project was purchased from for reimbursement as there is no other place on the property to locate this. The cement would be a few thousand dollar loss to us in itself, not including what it would take to remove it and haul it away. The structure would have to be attempted somehow returned, since it cannot be relocated and the materials are cut to fit and specially ordered to match our house, IE: siding, roofing, and colors. The company would most likely not refund a project which all the materials were cut to fit this particular structure. The company will most likely partake in legal action as we cannot afford to pay them for removal and they would most likely not refund us. They are currently waiting for us to give them the final payment in which we refuse to pay until they get the final inspection and this matter has been reviewed with the county for a final decision. Since both of us and the company feel we are right in each pulling and being granted permits. We in turn would need legal representation to argue our point since two permits were obtained through the county before the project was undertaken to make sure it was legal. The company also pulled a permit which was approved by the county for placement of the project.
3. The project is neither injurious, incompatible, nor detrimental with its uses. It is a building with very specific characteristics to match the current dwelling almost exactly. It's a garage for storage of our items and to clean up the side of our property. In reviewing the surrounding neighborhood on our street there are also already a few buildings that are already in place on other properties that appear to have a similar setback that were apparently signed off on.
4. The variance is created due to the county giving us the wrong setbacks to place the structure. The structure is still on our property. These setbacks cannot be reasonably corrected without significant financial hardship on us and towards the company who provided the structure. The conditions could not have been avoided by us the applicant because we went through proper channels through county official's, Alexis Garcia in the zoning department and Kenneth Quillen Planner, whom both approved the project to move forward. If we had been denied permitting originally we would have not moved forward with the project. We relied on the expertise of the county for the official ok to proceed with the project before any undertaking of this.
5. Taking into consideration the financial hardship, stress, and time for all parties involved such as; us, the company who provided and constructed the building, and materials and the county, the variance is definitely the minimum modification to afford relief, again to all the above involved. If not given the wrong setbacks, this problem would not have occurred. The building is complete and awaiting final inspection and clearance from the county on the setbacks in this variance application.

Narrative
(Exhibit E)



MEMORANDUM

Date: May 25, 2016
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: VAR-16-002, side setback variance at 3423 Melissa Court

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 a cleared and developed single family 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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