

STAFF REPORT
Community Development Department
Petition Number: VAR-16-005

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 7, 2016 **BZA meeting date: September 14, 2016**

Requested Action/General Information:

Attorney Richard Rosenbaum, agent for Kevin and Mary Eilertsen, is requesting a variance to reduce the required 7.5-foot side yard setback by 1.03 feet to allow a 6.47-foot side setback for an existing single-family residence, in the Residential Single-family-3.5 zoning district. Subject property is located at **18222 Burkholder Circle** in 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 subject property, which is a regular shaped lot created by the *Port Charlotte Subdivision Section 37* in 1958. This lot meets the minimum lot width requirement of 80 feet and the 10,000 square foot minimum lot size requirement, with 10,000 square feet. Kevin and Mary Eilertsen purchased this property in June of 2002 and hired a contractor to construct this home. Sand Dollar Homes applied for a **Permit** (permit number 2004104913 **Exhibit A**), in October of 2004 to construct this single-family residence. This permit was issued in February of 2005 and the home was completed in August of 2006. The owners would now like to sell the property; however, this nonconforming setback was discovered when a survey was done for the property.

Staff has attached a copy of **Section 3-9-33 Residential Single-family** (**Exhibit B**) from the current zoning code. Subsection (g) **Development Standards** (**Exhibit B-2**) lists the development standards, which requires a 7.5-foot setback along interior side yards.

The applicant submitted the attached **Boundary Survey** (**Exhibit C**), which was done on July 15, 2016, showing the existing single-family residence, lanai, easements and other improvements located on this lot. The variance requested is "to reduce the 7.5-foot interior side setback by 1.03 feet to allow a 6.47-foot side setback for the existing single-family residence." The applicant is requesting this variance to bring this nonconforming setback into conformity with code.

The applicant has also submitted the attached **Narrative** (**Exhibit D**) stating that the existing residence projects one foot or more into the required setback and that this condition has existed since the home was constructed in 2006.

An Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit E**) dated August 31, 2016. This review states that there are no environmental issues regarding the requested variance.

Findings: **The five standards for approval of a variance according to Section 3-9-6.3(i) of the Charlotte County Zoning Code are as follows:**

1. Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures.

Finding: The existing nonconforming 6.47-foot north side setback was apparently created by mistake when the house was constructed in 2005. The existing building's location and configuration on this regular shaped lot is unique. These existing conditions create peculiar conditions that are not generally applicable to other properties.

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

Finding: A strict and literal enforcement of the 7.5-foot side yard setback for the existing single-family residence would require the relocation of the existing home on the lot or its demolition and reconstruction. This would be 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: This variance request is to allow an existing single-family residence to remain "as is" with a 6.47-foot side setback. Staff believes that allowing the existing nonconforming setback to continue "as is" would not be injurious to or incompatible with the surrounding residences.

4. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.

Finding: The applicant purchased subject property in June of 2002 and hired a building contractor to construct this home in 2004. Subject property was issued a Certificate of Occupancy on August 15, 2006. The owners were apparently unaware that their home was constructed with a nonconforming side setback. These conditions cannot reasonably be corrected by the applicant and were apparently created in 2006 when the existing residence was constructed by a General Contractor.

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

Finding: The requested variance of 1.03 feet is the minimum modification that will afford relief because the existing single-family residence has an existing setback of 6.47 feet.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting a variance staff believes that the requested variance does meet all five criteria for granting a variance.

If the Board of Zoning Appeals decides to approve the requested variance staff recommends the following conditions be adopted, as conditions of approval, to ensure that development is in compliance with the purpose and intent of the Zoning Code. The recommended conditions are as follows:

1. The variance as approved by the Board of Zoning Appeals is to reduce the 7.5-foot interior north side setback by 1.03 feet to allow a 6.47-foot side setback along the north side lot line.
2. This variance applies only to the existing single-family residence as shown on the Boundary Survey in the documents submitted with this application.
3. If the existing single-family residence is ever 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.

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, Permit (5), Section 3-9-33 (2), Boundary Survey, Narrative and Environmental Specialist Memorandum



Community Development

CHARLOTTE COUNTY

Location Map for VAR-16-005



30/40/22 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no 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 plans and related documents. Created By: Land Information - D. Vance -8276 Date Saved: 8/12/2016 3:33:19 PM



(NOT TO SCALE)



Community Development

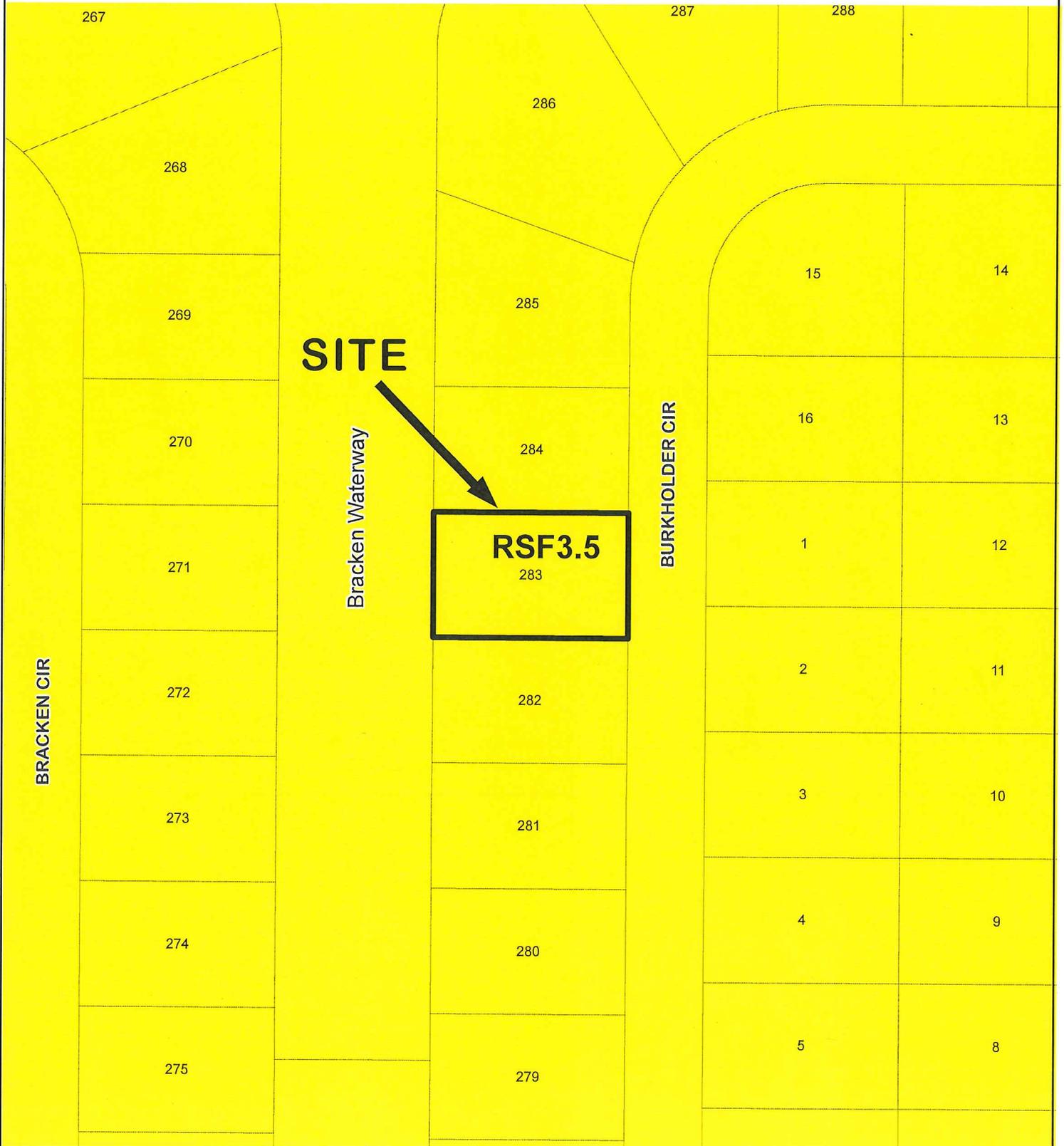
CHARLOTTE COUNTY

Zoning Map for VAR-16-005

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



30/40/22 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no 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 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 8276 Date Saved: 8/17/2016 10:52:09 AM



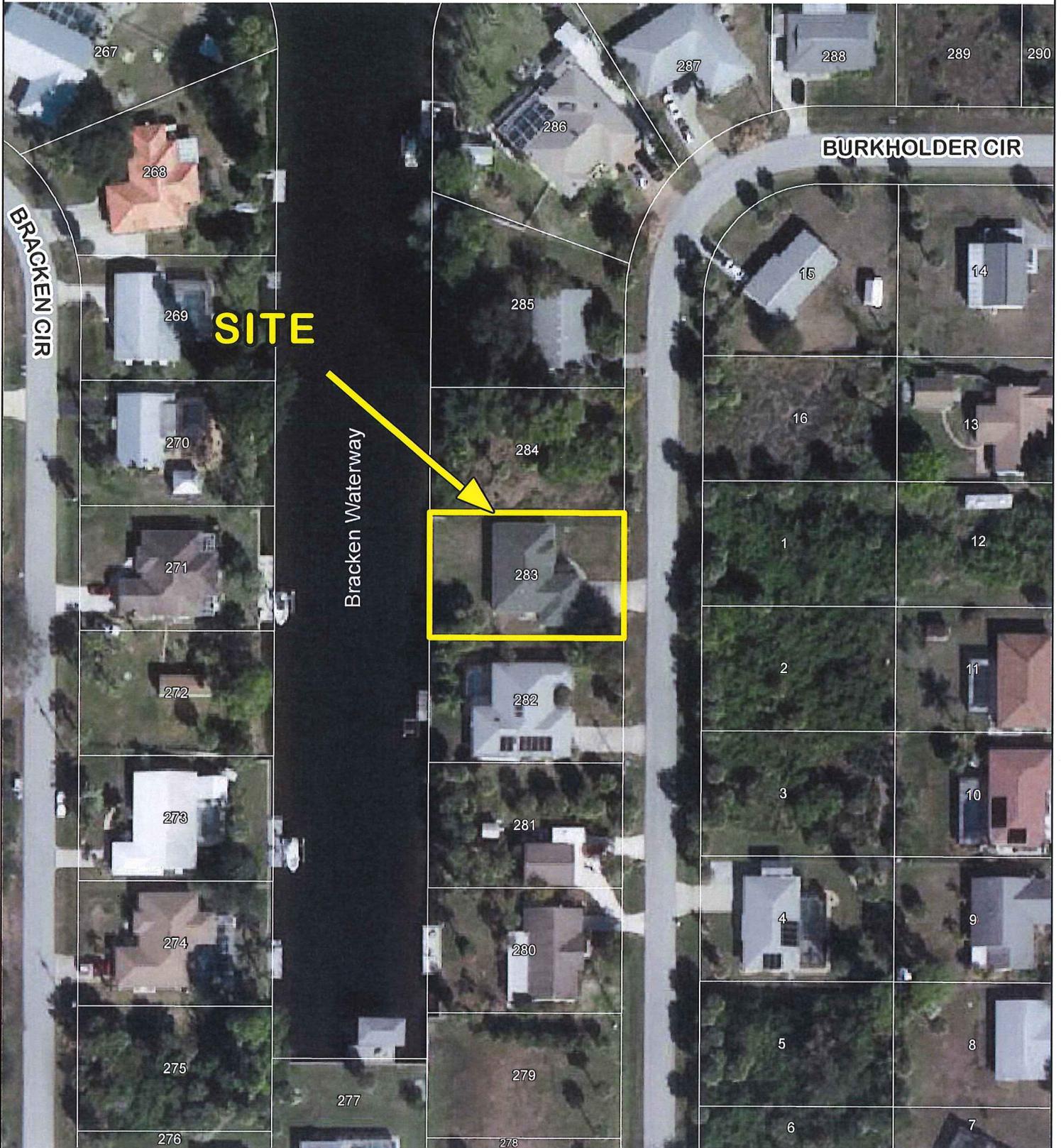
(NOT TO SCALE)



Community Development

CHARLOTTE COUNTY

2014 Aerial View for VAR-16-005



30/40/22 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no 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 - D. Vance 8276 Date Saved: 8/17/2016 10:45:57 AM
 Path: M:\Departments\LLIS\Projects\Petition_Maps\Current_Planning\2016\Variance\VAR\VAR-16-005\PKT\Aerial\VAR-16-005.mxd



(NOT TO SCALE)

CHARLOTTE COUNTY BUILDING DEPARTMENT

PERMIT - OFFICE COPY

AIRS CODE: 913

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 #: 2004104913 **JOB ADDRESS:** 18222 BURKHOLDER CIR
BLOCK: 2148 **LOT:** 0283 **SUBDIVISION #:** PCH037-PT CHAR SECTION 37
SECTION: 30 **TOWNSHIP:** 40 **RANGE:** 22 **FOLIO #:** 00410750000004
SETBACKS FRONT: 30' **REAR:** 42' **LEFT:** 11.33' **RIGHT:** 7.5'
OWNER NAME: SAND DOLLAR HOMES
CONTRACTOR/JOB PHONE#/JOB FAX# ETS INTERIORS INC/(941)628-1478/
LICENSE#: CBC059764 11824 **WC EXEMPT?** YE
PERMIT TYPE: SF **JOB VALUE:** \$142,000.00 **ROOF TYPE:** SHINGLE **#BEDROOMS:** 3
#BATHROOMS: 2 **#UNITS:** **#FLOORS:** **TONS/KW:** 3T 8KW
FLOOD ZONE: AE **FLOOD ELEV:** 8 **OCCUPANCY CLASS:** **CONSTR. TYPE:** 4R12VA
JOB DESCRIPTION: SFR

ISSUED DATE: 02/04/2005 **BY:** HOWELLK

ADDITIONAL INFO:

TREE PRESERVATION IN DISPATCH

IMAGER
A ST

SUBCONTRACTORS

<u>DBA</u>	<u>TYPE</u>	<u>STATUS</u>	<u>START DATE</u>	<u>END DATE</u>
THOMPSONS AIR CONDITIONING	ME	ACTIVE	11/5/2004	
STRAUBE CONSTRUCTION INC	CR	ACTIVE	11/5/2004	
BRENT GARROD DRYWALL INC	DR	ACTIVE	11/5/2004	
TOP GRADE CONCRETE INC	CE	ACTIVE	11/5/2004	
THE DRAGE CORPORATION	EL	ACTIVE	11/5/2004	
PATRIOT TECHNOLOGIES PLUMB CORP	PL	ACTIVE	11/5/2004	
WILFRED R CARLSON RFG SPEC INC	RF	ACTIVE	11/5/2004	

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 OUR NOTICE OF

Permit # 2004104913
(Exhibit A-1)

2004104913

Amount Paid

X-Reference Permit No.

Permit No

APPLICATION FOR BUILDING PERMIT CHARLOTTE COUNTY

Construction Services 18500 Murdock Circle, Room 107 Port Charlotte, FL 33948-1094

Permitting (941) 743-1201 Fax 743-1213 Zoning 743-1964 Toll Free From Englewood Area -- 697-2919

The following pre-application fees must be paid at the time of application.

Single Family Residence - \$150 Other Residential Permits - \$36 Commercial Fees - Based on Valuation

0041075-000000-4

Construction of SFR

Description of Work To Be Done

18222 Burkholder Circle

Address Where Work Will Be Done

Application Date:

Code Number:

Legal Description.

Lot: 283

Block: 2148

Section: 30

Township 40

Range: 22

Subdivision PC 37

This building will be used as SFR

Model Home. Y (N)

Zoning Class. RSF3.5

Corner Lot? (N)

Inside Lot? (Y)

Waterfront? (Y) N

Ft.:

Flood Zone: 8AE

Map Page: 4430S

Notes: SFR

Notes:

SFR

Is the property located within the Charlotte Harbor CRA? If so, the project must meet the CRA Design and Community Standards. Inquire at the Zoning Dept (743-1964) or www.charlottecountyfl.com/cra.

3/13

Owner Information:

Name Sand Dollar Homes Address 16812 Toledo Blade Blvd Port Charlotte, FL 33954 Telephone No 766-0307

Contractor Information:

Name ETS Interiors Address: 1385 Vermont Ln Port Charlotte, FL Phone No. 628-1478 Fax:

The undersigned applicant for this building permit does hereby certify that he/she has or will prior to the performance of any work in connection with the authorization granted under this permit comply with the provisions of the Florida Worker's Compensation Act of Employer's Liability Insurance and Social Security Act, the Florida Child Labor Laws, and other safety and labor laws of the state. Violation will invoke severe penalties. I certify that I have read the foregoing and the things set forth there are true to the best of my knowledge.

Signature of Contractor or Owner/Building

[Signature]

Contractor Number

CBC059764

Enclosed Living Area 1629 Other Area 834 Height 16.5' # of Stories: 1

For Commercial & Multi-Family -- Gross Sq Ft Per Floor:

Bedrooms 3 Bathrooms 2 Total Rooms 7

ZONING: SETBACKS Front 30' Rear 42' Left 11.33' Right 7.5' LOT Width 80' Depth 125'

MATERIALS: Walls (Exterior) Block Roof Shingle Walls (Interior) Drywall Built-Up Slope Tile: # of Plumb Fixtures A/C (Tons): 3 Heat (kw) 8 Commercial A/C Contract Cost: AMPS 200 New Service: Commercial-Roofing Contract Cost:

Septic No 0000 04-562 Sewer Company CCL 141572 Constructed \$130,626.00 (If \$2,500 or over, please see back)

ALL SUBC and receiv

Permit # 2004104913 (Exhibit A-2)

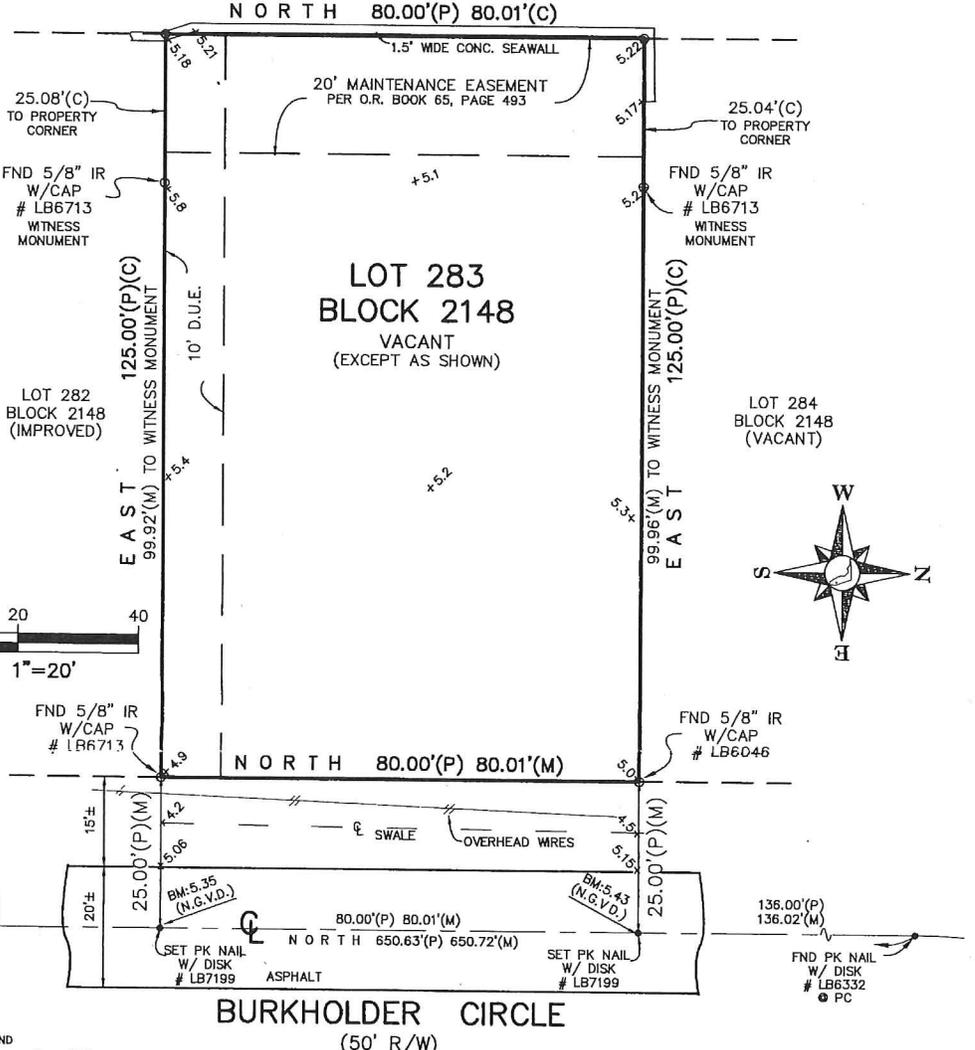
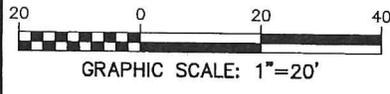
CERTIFICATE OF COMPETENCY Permit is VOID if construction is not started within six months of issue. An approved inspection will extend this permit for an additional six months.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF: **SAND DOLLAR HOMES**

TYPE OF SURVEY, (PER CHAPTER 61G17-6, F.A.C.): **BOUNDARY and TOPOGRAPHIC SURVEY**

CERTIFIED TO: **SAND DOLLAR HOMES**
OFFICE COPY ~ BRACKEN WATERWAY ~
 (100' R/W)

SURVEYOR'S NOTATIONS:
 1) Bearings are based on the centerline of BURKHOLDER CIR., as shown on the record plat, being assumed NORTH.
 2) (P) Denotes Plat Data. (C) Denotes Calculated Data.
 3) (M) Denotes Measured Data. (D) Denotes Deed Data.
 4) All elevations shown hereon are based on National Geodetic Vertical Datum, Adjustment of 1929.
 5) Base Bench Mark: CHAR. CO ENGINEERING DEPT # OH10, ELEV: 7.69
 6) x.6.4 Indicates Spot Elevation unless otherwise noted.
 7) Only those easements shown on the record plat are shown hereon. This survey is not valid unless it bears an original signature and an embossed surveyor's seal.



- LEGEND**
- ANC = ANY WIRE & ANCHOR
 - ATRS = AT TIME OF SURVEY
 - BM = BENCH MARK
 - CATN = CABLE TELEVISION
 - CD = CURVE DATA
 - CE = CURVE ELEVATION
 - CE/D = CENTERLINE
 - CE/D = SEMI-CIRCLE DUTY
 - CC = CONCRETE CURB
 - CCM = CORRUGATED METAL PIPE
 - CCM = CONCRETE MONUMENT
 - CUE = DRAINAGE & UTILITY EASEMENT
 - ELEV = ELEVATION
 - ES = ELECTRIC SERVICE
 - EG = EXISTING GROUND ELEVATION
 - FF = FINISHED FLOOR ELEVATION
 - FND = FOUND
 - HAT = HUB AND TACK
 - HTD = FIRE HYDRANT
 - HW = HYDRANT
 - IRV = IRON ROD
 - IP = IRON PIPE
 - L = LENGTH OF ARC
 - LS = LAND SURVEYING BUSINESS
 - LP = LIGHT PIPE
 - MH = MANHOLE
 - OR = OFFICIAL RECORD BOOK
 - C = CALCULATED
 - FB = FIELD BOOK
 - DW = DRAWN
 - W = WITH
 - NOVD = NATIONAL GEODETIC VERTICAL DATUM, ADJUSTMENT OF 1929
 - P = PLAT
 - POB = POINT OF BEGINNING
 - POC = POINT OF COMMENCEMENT
 - PC = POINT OF CURVATURE
 - PI = POINT OF INTERSECTION
 - PT = POINT OF TANGENCY
 - PCP = POINT OF COMPOUND CURVATURE
 - PR = POWER POLE
 - PRP = PARKER-KALON BRAND NAIL
 - PCP = PERMANENT CONTROL POINT
 - PRM = PERMANENT REFERENCE MONUMENT
 - PR = PLAT BOOK
 - R = RADII
 - RCP = REINFORCED CONCRETE PIPE
 - R/M = RIGHT-OF-WAY
 - SS = SANITARY SEWER
 - SUBD = SUBDIVISION
 - TEL = TELEPHONE
 - USGS = U.S. GEOLOGIC SURVEY
 - WM = WATER METER
 - W = WATER
 - W = WATER MAIN
 - A = CENTRAL ANGLE
 - PLS = PROFESSIONAL LICENSE SURVEYOR
 - PSM = PROFESSIONAL SURVEYOR & MAPPER
 - F.I.R.M. = FLOOD INSURANCE RATE MAP
 - P.G. = PAGE
 - CHK = CHECK
 - PH = PHONE

SURVEYOR'S CERTIFICATION:
 "I hereby certify to the party named hereon that this sketch of survey graphically represents the results of a field survey made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys, Chapter 61G17-6, F.A.C., as set forth by the Florida State Board of Professional Surveyors and Mappers, pursuant to Chapter 472, Florida Statutes; subject to all notes and notations shown hereon."

Date of Field Survey: 7/19/04
 Date Signed: 7/26/04

By: *C. Gary Hoffman*
 C. Gary Hoffman, PSM
 Certificate Number LS4909

UPDATES AND REVISIONS	DATE	BY	CHK	FB/PG

DESCRIPTION OF LANDS SURVEYED:
 Lot(s) 283, Block 2148, PORT CHARLOTTE SUBDIVISION SECTION 37, according to the plat hereof, as recorded in Plat Book 5, Page 41-A, through Page 41-H, of the Public Records of Charlotte County, Florida. Said lands situate, lying and t

The survey as shown hereon was prepared by Asian & American Surveying and Services, Inc. and represents or guarantees regarding boundary line disputes, agreement and complete abstract of title, but does not show or represent any other utilities or improvements, if any, shown hereon. This survey is NOT an opinion of ownership.

Permit # 2004104913
(Exhibit A-3)

Asian & American Surveying and Services, Inc.

1225 Tamiami Trail, Unit B-13
 Port Charlotte, FL 33953
 Ph: (941) 743-0985 Fax: (941) 743-0633

F.I.R.M. COMMUNITY PANEL NO.	F.I.R.M. INDEX DATE	FLOOD ZONE	FLOOD ELEVATION	F.B.	P.G.	DRAWN BY	CHECKED BY	SCALE	PROJECT NO.
120061 0209 F	5/05/03	AE	8	F	F28	MM	CGH	1"=20'	04-F28

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 ~~3-9-75~~ 3-9-74, Home Occupations)
 - (5) Model home. (see section ~~3-9-79~~ 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 sec. ~~3-9-69~~ 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.
 - (6) 4H, FFA and similar uses and activities.
- (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
Facility) ee section 3-9-62, Assisted Living

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~~ 3-9-82, Places of Worship)
- (12) Private clubs.
- (13) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68, Communication Towers)
- (14) University or college.
- (15) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis courts, basketball courts, and golf courses located on a separate parcel.
- (16) Such other uses as determined by the Zoning Official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
 - b. Not specifically prohibited in that district.

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

(g) Development Standards:

	RSF-2	RSF-3.5	RSF-5
Lot (minimum)	---	---	---
Area (square feet)	20,000	10,000	7,500
Width (feet)	100	80	70
Setbacks (minimum feet)			
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
Bulk (maximum)			
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 section 3-9-100, of the Code, as the same shall be amended.

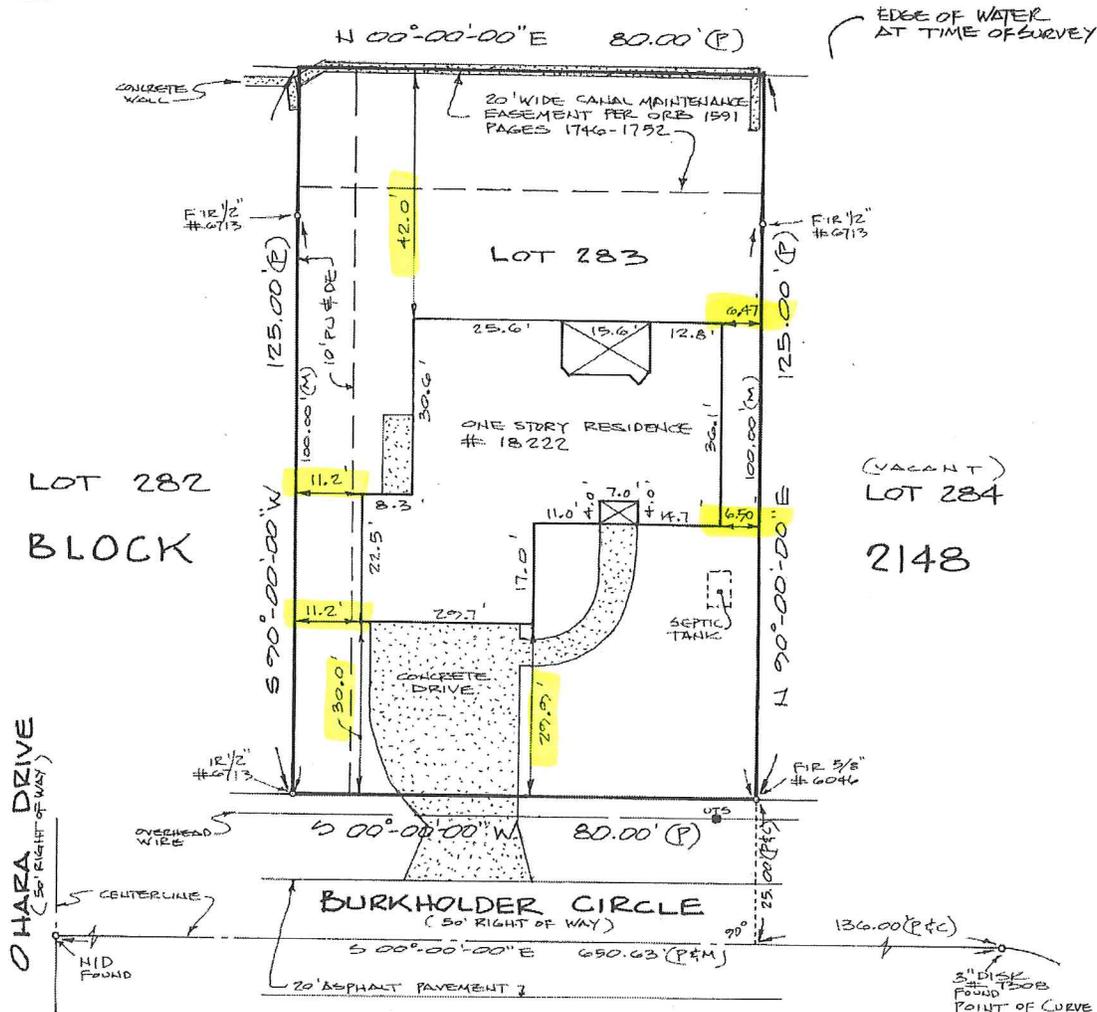
- (h) *Signs.* Signs shall be in accordance with section 3-9-85.
- (i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981, § 7; Res. No. 85-286, § 1, 10-05-1985; Res. No. 87-78, §§ 9, 10, 05-19-1987; Res. No. 87-254, § 17, 10-20-1987; Ord. No. 89-34, § 6, 05-31-1989; Ord. No. 92-40, §§ 1-4, 06-02-1992; Ord. No. 92-65, § 1, 08-18-1992; Ord. No. 94-55, § 14, 11-03-1994; Ord. No. 2001-031, § 1(a), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, §§ 6, 7, 08-26-2003; Ord. No. 2014-053, § 1, 11-25-2014; Ord. No. 2015-054 § 1, 12-08-2015)

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

BRACKEN WATERWAY (100' WIDE)

NORTH



BOUNDARY SURVEY LOT 283 BLOCK 2148 PORT CHARLOTTE SUBDIVISION SECTION THIRTY SEVEN

CHARLOTTE COUNTY, FLORIDA
PLAT BOOK 5, PAGE 41F
INCLUSIVE PAGES 41A-41H

CERTIFIED TO:
RICHARD ANTHONY PICONE & ALLISON J. PICONE
PREMIER TITLE OF FLORIDA
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
REGION'S BANK dba REGION'S MORTGAGE

07-15-2016

1. UNDERGROUND FEATURES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.		2. TITLE SEARCH PROVIDED BY OTHERS.		FIELD	BP/	COMPS	BP	DRAFTING	JM
BEARING BASIS: CENTERLINE BURKHOLDER CIRCLE - PLAT									
COMMUNITY NUMBER	120061	PANEL NUMBER	0209	SUFFIX	F	SCALE:	0	20	DATE: 07-15-2016
LEGEND:	P: PLAT		UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.						
IR: IRON ROD	D: DEED	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE	UTS: UNITED TELEPHONE SERVICE
DR: DRINKICLE	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION	CP: CABLE TELEVISION
CM: CONCRETE MONUMENT	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC	NOV: NATIONAL GEODETIC
SP: SPIRIT	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM	VE: VERTICAL DATUM
ND: NAIL & DISC	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION	XS: EXISTING ELEVATION
PCP: PERMANENT CONTROL POINT	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE	B: POWER POLE
PRM: PERMANENT REFERENCE MONUMENT									
F: FOUND									
S: SET									
PUE: PUBLIC UTILITY EASEMENT									
OE: DRAINAGE EASEMENT									
M: MEASURED									
C: CALCULATED									
<p>MELILLO and PLATT LAND SURVEYING, INC. 2511 VASCO STREET PUNTA GORDA, FLORIDA 33950</p> <p>Boundary Survey (Exhibit C)</p> <p>THIS SURVEY IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO CHAPTER 177, FLORIDA STATUTES AND CHAPTER 472, FLORIDA STATUTES AND CHAPTER 6107, FLORIDA ADMINISTRATIVE CODE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.</p> <p><i>Jean Michel Melillo</i> JEAN-MICHEL MELILLO R.S. & M. 5553 JOB NUMBER 16-1240</p> <p>07-15-2016</p>									

NARRATIVE

The Northerly portion of the house extends 1 foot into the required side yard setback as shown on the attached survey, on the North side of the residence into the 7.5 feet setback. That would leave a setback with a distance of 6.5 Feet. Residence was built in 2006 and encroachment existed at the time the residence received Certificate of Occupancy. I do not believe that the granting of a variance would cause any impact to the neighboring property and cannot be reasonably corrected or avoided.

**Narrative
(Exhibit D)**



MEMORANDUM

Date: August 31, 2016
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: VAR-16-005, 18222 Burkholder Circle, Port Charlotte

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 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.

JS

(Exhibit E)