

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: VAR-16-006**

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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:** October 5, 2016 **BZA meeting date: October 12, 2016**

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**Requested Action/General Information:**

Allen Shrum, agent for Carolyn O'Connor, is requesting a variance to reduce the required 20-foot rear yard setback by four feet to allow a 16-foot rear setback for a new manufactured home in the Manufactured Home Conventional (MHC) zoning district. Subject property is located at **3021 Bayside Parkway** in Pelican Harbor Mobile Home Estates, located north east of Punta Gorda (see **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is currently Manufactured Home Conventional. This property has a Low Density Residential Future Land Use Map (FLUM) designation.

The attached **Aerial Photograph** shows the previous mobile home located on subject property, which consists of two platted lots (lots 141 and 142) created by the **Pelican Harbor Mobile Home Estates** subdivision (**Exhibit A**) in 1971. Carolyn O'Connor purchased this property in June of 2007; however, a fire destroyed the mobile home in April of 2015. The owner has purchased a new 30'-4" by 60-foot replacement manufactured home; however, the contractor discovered that the proposed manufactured home will not fit on this parcel, therefore the owner is requesting a variance to the 20-foot rear setback adjacent to a waterway to allow a 16-foot rear setback.

Staff has attached a copy of **Section 3-9-37 Manufactured Home Conventional** (**Exhibit B**) from the current zoning code. Subsection (g) **Development Standards** (**Exhibit B-2**) lists the development standards, which requires a 20-foot setback along waterways. This parcel exceeds the 60-foot minimum lot width requirement with 80 feet of frontage as well as the 7,500 square foot minimum lot size requirement, with approximately 7,919 square feet (3,959 ± sq. ft. per lot).

The applicant submitted the attached **Site Drainage Plan** (**Exhibit C**), which was based on a May, 2016 survey. This plan shows the proposed manufactured home, existing concrete driveway, seawall and other improvements located on this lot. Although these lots were platted with 40 feet of frontage and a depth of 115, their layout, with a 68 degree angle, reduces the actual width of both lots to approximately 74 feet (37' x 2 = 74'). This also reduces the depth of the platted lot to approximately 107 feet; however, the construction of a new seawall in September of 2015 resulted in an even greater reduction in the actual depth of this parcel to 93 feet.

**History:** Zoning records show that the original zoning of subject property, according to the 1962 zoning code, was Mobile Home Park (MHP). This zoning classification was changed to Mobile Home Park-Subdivision (MHP-S) in May of 1970 when revised zoning regulations were adopted by Charlotte County. In November of 1971 the **Pelican Harbor Mobile Home Estates** (**Exhibit A**) subdivision, with 184 lots, was approved and recorded, which established the size and shape of the lots in this mobile home subdivision. This zoning classification was again changed to Mobile Home Subdivision (MHS) on December 8, 1981 when another revision of the zoning regulations was adopted by Charlotte County. The adoption of the 1981 Zoning Code made all of the lots in Pelican Harbor nonconforming with regard to lot size and also required greater front, side and rear setbacks than the previous code. These changes resulted in an application by the developer for

multiple variances for 48 of the lots in Pelican Harbor. These variances stated in file number **VAR-82-120** (Exhibit D) were approved on April 20, 1982, which allowed front yards of 10'; side yards of 5'; and rear yards of 5' for the 48 lots specified in this application. The same issues arose again in 1989 and 1990 when four more variance requests were submitted and approved by the BZA for another four lots in Pelican Harbor. On July 11, 1990 the BZA requested that the Zoning and Legal Departments review the possibility of a variance to address all of these issues with Pelican Harbor lots. An application by the Charlotte County Board of County Commissioners for a blanket variance for all of the lots in Pelican Harbor, file number **VAR-90-033** (Exhibit E), was submitted to the BZA. On January 14, 1991 the BZA approved multiple variances for all the lots in Pelican Harbor which allowed: **1.** development of lots less than 5,000 square feet in area or less than 50 feet in width; **2.** front yards of ten feet; **3.** side yards of five feet; and **4.** rear yards of five feet where abutting a lot or a road.

**Table comparing Zoning Regulations affecting  
Pelican Harbor Mobile Home Estates from 1971 to present**

<b>Zoning Regulations:</b>	<b>1970</b>	<b>1981</b>	<b>2014</b>
<b>Zoning Classification:</b>	<b>MHP-S</b>	<b>MHS</b>	<b>MHC</b>
<b>Minimum lot requirements:</b>			
Area:	3,750 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Width:	40 feet	60 feet	60 feet
<b>Minimum yard requirements:</b>			
Front:	10 feet	25 feet	25 feet
Side, interior:	5 feet	7.5 feet	7.5 feet
Side, abutting a road:	5 feet	15 feet	15 feet
Rear, abutting a lot:	5 feet	15 feet	15 feet
Rear, abutting a road:	5 feet	25 feet	25 feet
Rear or Side abutting water:	10 feet	20 feet	20 feet

It appears that the required 20-foot setback from water was maintained by the BCC and BZA, which is evidenced by its' absence from the variance language and by notes on the **1980s-1990s Zoning Map** (Exhibit F) dated April 20, 1982 and January 14, 1991.

The applicant has also submitted the attached **Narrative** (Exhibit G) stating that the previous mobile home was located on this property prior to there being a seawall, which may have provided a greater distance to the mean high-water line for the required 20-foot rear setback from water. The attached aerial photograph from Bing Maps shows the previous **Mobile Home** (Exhibit H-1) as it existed on the property prior to the fire and construction of the seawall. The **Narrative** (Exhibit D) also states that the previous mobile home was destroyed by fire in April of 2015, after which the seawall was constructed (permit number 20150813431) in September of 2015. Another aerial photograph from Google Maps shows the **Vacant Lots** (Exhibit H-2) and the new seawall, dock and boat lift.

An Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit I) dated September 23, 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 lots were created in 1971 under a previous Zoning code, which had smaller minimum lot size and yard requirements. The existing layout and configuration of the lots in this subdivision, with a 68 degree angle, along with the newly added seawall does create a unique and peculiar lot size and shape. 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 20-foot rear yard setback from water for the **Proposed New Home (Exhibit J)** would require the owner to purchase a manufactured home smaller than 30 feet by 60 feet, either in width or length. A review of *Head Mobile Home Sales* web page, <http://www.headhomes.net/about-our-homes>, found that there are a number of three bedroom and two bathroom manufactured homes, that are smaller than 30 by 60 feet, available with varied dimensions, some as small as 26' by 44'. Having to select a smaller manufactured home that could fit on subject property would not be an undue hardship as distinguished from a mere inconvenience on the property owner.

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 indicating that the requested variance of four feet would 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: In April of 2015 a fire destroyed the **Old Mobile Home (Exhibit K)** located on subject property, which was 23 feet wide by 60 feet long according to the Property Appraiser's Real Property Record. The owner has chosen to replace the previous smaller 23-foot by 60-foot mobile home with a larger 30-foot by 60-foot manufactured home. These conditions can reasonably be corrected by the applicant and were created when the owner ordered, or purchased, the proposed manufactured home.

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

Finding: The requested variance of 4.0 feet is not the minimum modification that will afford relief because a smaller manufactured home could be purchased and located on subject property that would comply with the 20-foot setback requirement from a waterway.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a variance staff believes that the requested variance does not meet all five criteria for granting a variance. Specifically criteria numbers 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 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 20-foot rear setback, adjacent to water, by four feet to allow a 16.0-foot rear setback along the west rear mean high-water line.
2. The property owner must maintain ownership of both lot (lots 141 and 142) and may not divide, sell or transfer any part of subject property as long as this rear setback variance is being used.
3. This variance applies only to the proposed manufactured home as shown on the Site Drainage Plan submitted with this application and labeled Exhibit C in the staff report.
4. If the proposed manufactured home is located on subject property according to this variance and 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.

**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, Pelican Harbor Plat, Section 3-9-37 (2), Site Drainage Plan, VAR-82-120, VAR-90-033, 1980s-1990s Zoning Map, Narrative (2), Aerial Photo of Old Mobile Home, Aerial Photo of Vacant Lots & Seawall, Environmental Specialist Memorandum, Proposed Floor Plan and Old Mobile Home Dimensions



Community Development

# CHARLOTTE COUNTY

## Location Map for VAR-16-006

Charlotte County Government

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www.CharlotteCountyFL.gov



### 26/40/23 East 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 -186 Date Saved: 9/15/2016 2:34:38 PM





Community Development

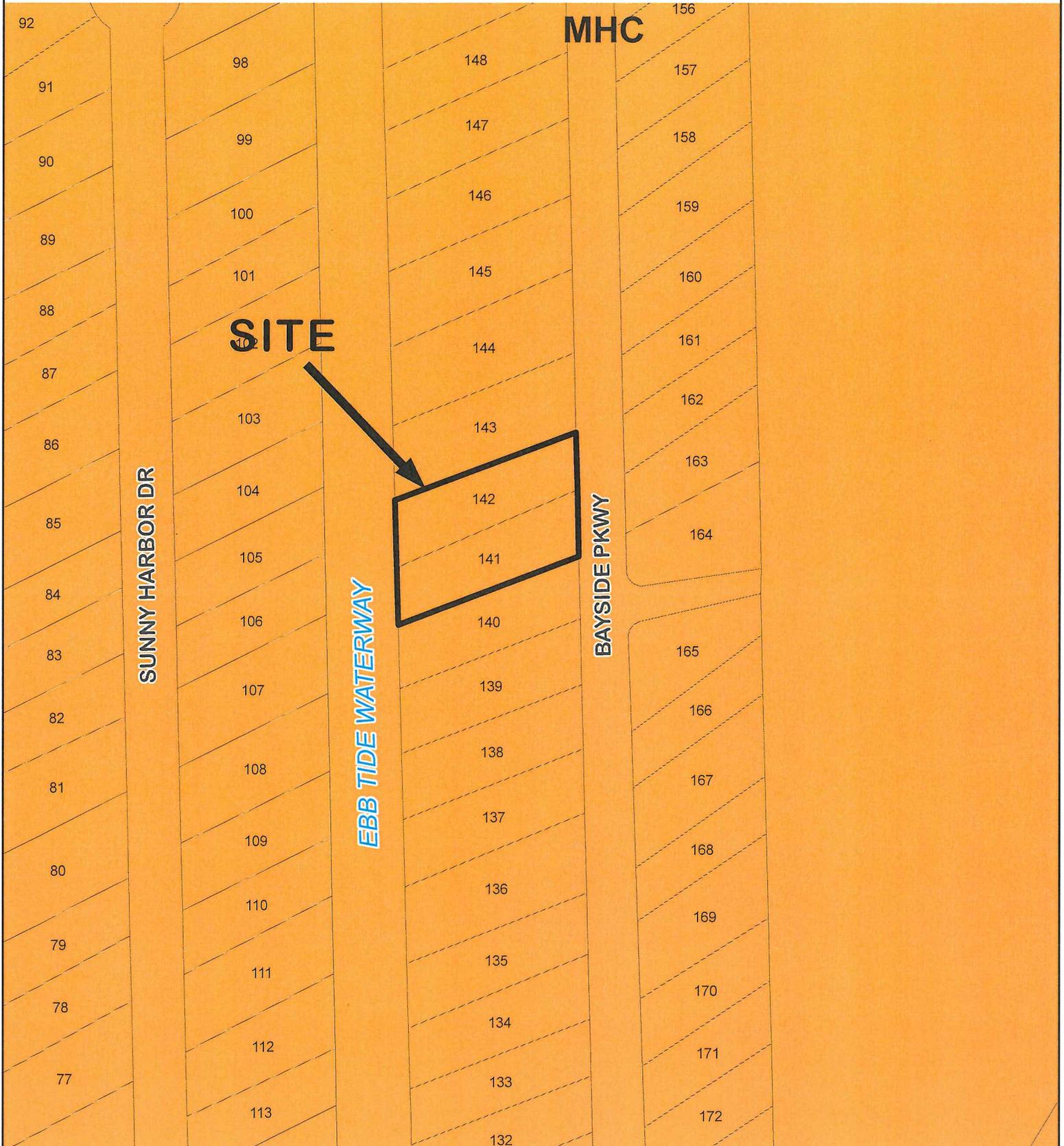
# CHARLOTTE COUNTY

## Zoning Map for VAR-16-006

Charlotte County Government

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(NOT TO SCALE)

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Community Development

# CHARLOTTE COUNTY

## 2014 Aerial View for VAR-16-006

Charlotte County Government

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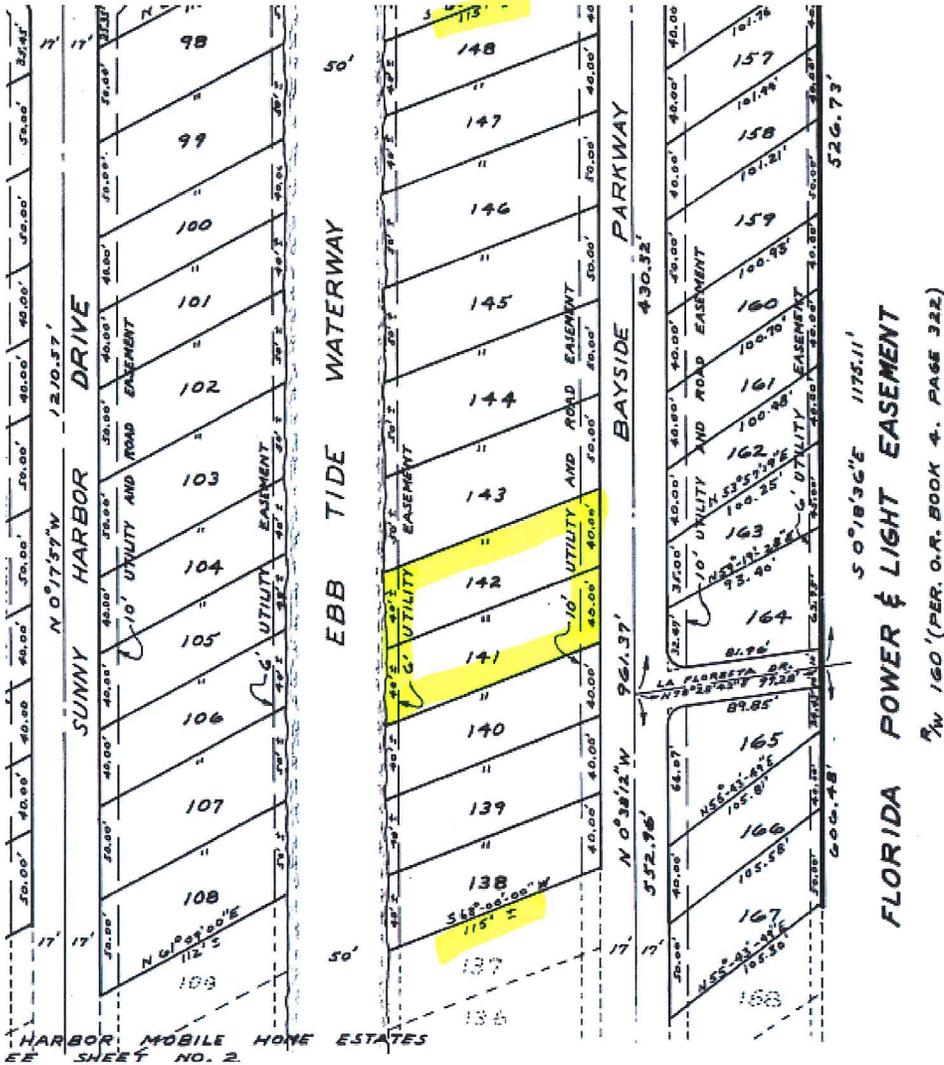
26/40/23 East County

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**PAUL W. NORMAN**  
 FLA. REG. LAND SURVEYOR; 1465  
 121 TAYLOR ST. PUNTA GORDA, FLA.

**ENGINEERS NOTE**

□ — INDICATES PERMANENT REFERENCE MONUMENTS. DIMENSIONS ON CORNER LOTS ARE TO THE INTERSECTIONS OF BLOCK LINES EXTENDED, UNLESS OTHERWISE INDICATED. ALL RADII ARE 10 FEET, UNLESS OTHERWISE INDICATED.

3 FEET EASEMENT ON EACH SIDE PROPERTY LINE.

DATE OF SURVEY:  
 AUG. 1971.



SCALE:  $1'' = 50'$

SHEET 3 OF 3 SHEETS

Part of Subdivision Plat of  
**Pelican Harbor Mobile Home Estates**  
 Approved and recorded on November 2, 1971

**Section 3-9-37 Manufactured Home Conventional (MHC).**

- (a) *Intent.* The purpose and intent of this district is to allow manufactured homes and single-family detached dwelling units and related uses on individual platted lots.
- (b) *Permitted Uses and Structures (P):*
- (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 (HUD), minimum requirement is Wind Zone three.
  - (4) Manufactured home (DCA), minimum requirement is 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, 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 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) Guest home.
  - (4) Subdivided lots with 50 foot wide frontage and 5,000 square foot lot.
  - (5) 4H, FFA and similar uses and activities.

**Section 3-9-37 Manufactured Home Conventional (MHC). (continued)**

- (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 but not limited to:
  - (1) ANSI park models and park models.
  - (2) Travel trailers and motor homes used for residential purposes.
- (f) *Special Exceptions (S):* (For procedure see section 3-9-6.2, Special Exceptions)
  - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
  - (2) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62, Assisted Living Facility)
  - (3) Bed and breakfast, three or more bedrooms.
  - (4) Community garden.
  - (5) Day care center, child.
  - (6) Elementary, middle, or high school.
  - (7) Essential services. (see section 3-9-71, Essential Services)
  - (8) Government uses and facilities.
  - (9) Major Home Occupation. (see section 3-9-74, Home Occupations)
  - (10) Place of Worship. (see section 3.7.82, Places of Worship)
  - (11) Private clubs.
  - (12) 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.

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:*

	MHC
<b>Lot (minimum)</b>	---
Area (square feet)	7,500
Width (feet)	60
<b>Setbacks (minimum feet)</b>	
Front	25
Side (interior)	7.5
Side (street)	15
Rear (interior)	15
Rear (interior) for all accessory structures	10
Rear (street)	25
Abutting water	20
<b>Bulk (maximum)</b>	
Lot coverage of all buildings	40%
Height (feet)	38
Density (units/acres)	5



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, Buffers, Landscaping and Tree Requirements of the Code, as the same shall be amended.

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.

- (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. 87-78, §§ 17, 18, 05-19-1987; Ord. No. 89-34, § 11, 05-31-1989; Ord. No. 94-57, §§ 1-3, 11-03-1994; Ord. No. 201057, § 1, 11-25-2014; Ord. No. 2014058, § 1, 01-28-2002; Ord. No. 2014-

**Section 3-9-37  
( Exhibit B-2 )**

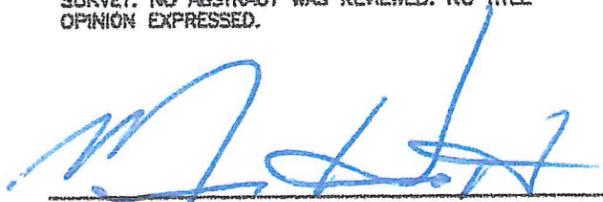
- = CONCRETE MONUMENT
- = SET PK NAIL
- = IRON PIPE
- = SET 5/8" IRON PIN
- EQP = EDGE OF PAVEMENT
- ∩ = EXISTING ELEVATION
- F = FIELD MEASURED
- R = RECORD INFORMATION
- FND = FOUND
- E/T = ELEC. TRANSFORMER
- TEL = TELEPHONE BOX
- TV = CABLE TV BOX

XXX = EXISTING ELEVATIONS  
 (A.S) = PROPOSED ELEVATIONS

SURVEY PREPARED FOR:

CAROLYN O'CONNOR  
 HEAD MOBILE HOME SALES

A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS PER CHAPTER 59-17 F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY. NO ABSTRACT WAS REVIEWED. NO TITLE OPINION EXPRESSED.



MELVIN HATTON, P.S.M.  
 FLORIDA REGISTRATION # 5109

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT FURNISHED AT TIME OF SURVEY.

**BASIS OF BEARINGS:**

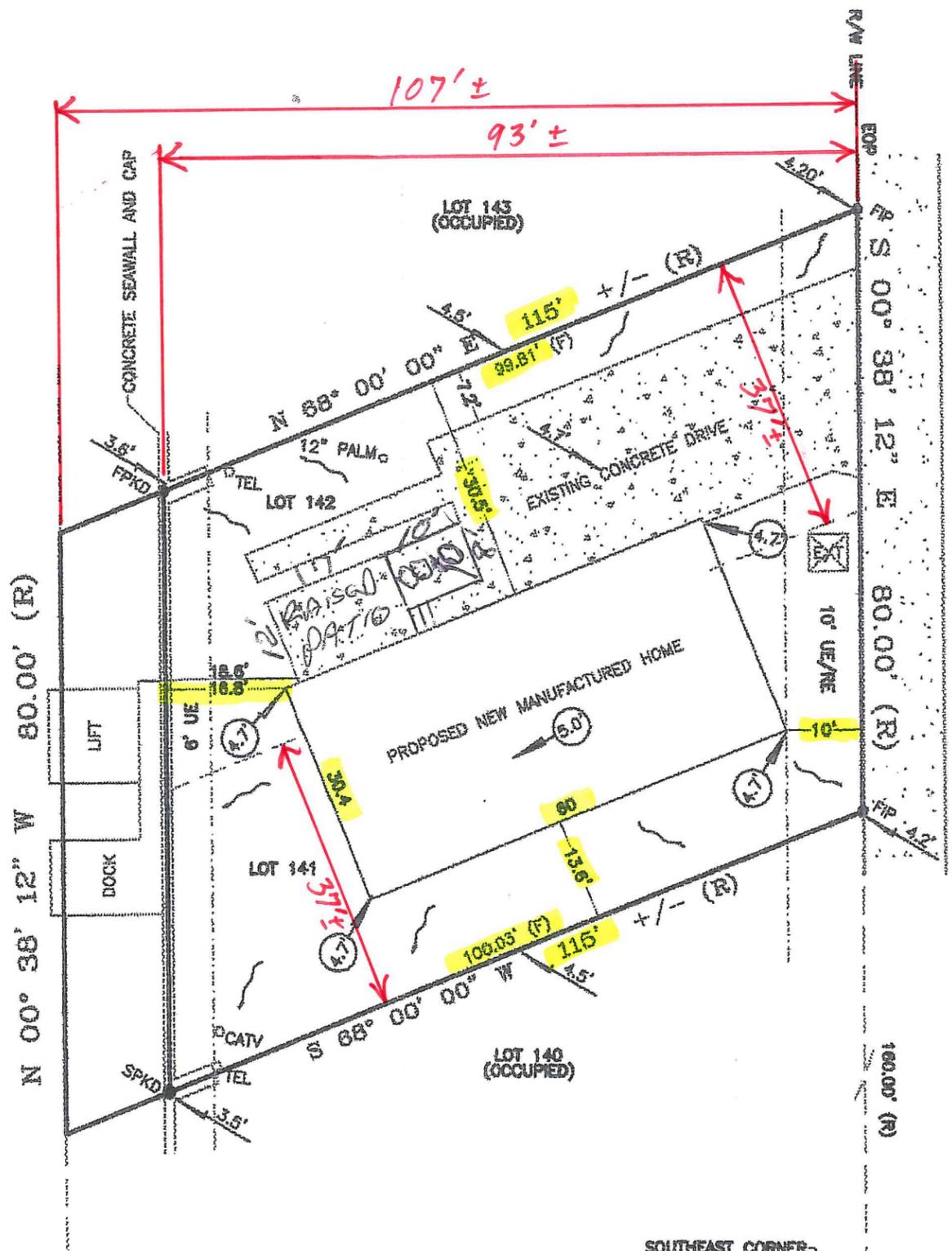
BEARINGS ARE BASED ON THE WEST R/W LINE OF BAYSIDE PARKWAY, BEING S 0° 38' 12" E.

**SITE DRAINAGE PLAN**

TITLE		PROJECT	
CAROLYN O'CONNOR		LOTS 141 & 142, PELICAN HARBOR MOBILE HOME ESTATES	
DATE	BY	REVISION	
		1	FIELD BOOK
		OF 1	79 71, PG 49
		SCALE	1" = 50'
		DATE	05/30/13
		18-143	18-143.DWG



**MEL HATTON**  
 LAND SURVEYORS, INC.  
 #313 EAST GRACE STREET, PUNTA GORDA, FLORIDA, 33950.  
 (239) 450-9949



BAYSIDE PARKWAY (34' R/W)  
 (MEDIAN STRIP)

**Site Drainage Plan (Exhibit C)**

THE PROPERTY SHOWN HEREON ZONE AE ELEVATION 8 FEET PER PANEL NUMBER 120061-0251-F

FOUND 5/8" PIN IN AS AT NORTHWEST CORNER ELEVATION = 3.48' (N)

**LEGAL DESCRIPTION**

LOTS 141 & 142, PELICAN HARBOR MC AS RECORDED IN PLAT BOOK 11, PAGE THE PUBLIC RECORDS OF CHARLOTTE C

- 1). MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
- 2). ELEVATIONS ARE BASED ON NGVD 1929 DATUM.
- 3). SUBJECT TO RESERVATIONS AND RESTRICTIONS ACCORDING



# COUNTY of CHARLOTTE

## ZONING DEPARTMENT

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

ENGLEWOOD OFFICE  
PLACIDA ROAD  
474-4989

April 22, 1982

Community Financial Corp.  
5555 Biscayne Blvd.  
Miami, FL 33137

*VAR-82-120*

Dear Petitioner:

This letter is to confirm the decision of the Board of County Commissioners meeting held on Tuesday, April 20, 1982, regarding Petition #82-120, requesting a variance from the required 25 foot front setback to 10 feet; and from the required 7.5 feet or 15 feet side setback to 5 feet; and from the required 15 feet or 25 feet rear setback to 5 feet in a MHS (Mobile Home Subdivision) zone on the following described property: Lots 12, 24, 24, 31, 32, 37, 54, 62, 65, 74, 76, 78, S 1/2 84, 116, 120, NW 1/2 121, 123, 125, 126, 129, 130, 132, N1/2 138, 139, 154, 158, 159, 160, 162, 163, 164, 165, 166, 167, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, S 1/2 92, Pelican Harbor Mobile Home Estates, Riverside Drive, Charlotte County, Florida..

It was the decision of the Board of County Commissioners that **Petition #82-120 be approved.**

Very truly yours,

CHARLOTTE COUNTY ZONING DEPARTMENT

*Thomas W. Frame*

Thomas W. Frame  
Zoning Director

*6720 Riverside Drive*

pa

**VAR-82-120**  
**( Exhibit D )**

\$6.00 Charge  
Zoning Dept.  
BCC

RECEIVED AT  
MURDOCK BRANCH

91 JAN 25 AM 9:21

NOTICE OF APPROVAL

FOR

BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL

VARIANCE TO CHARLOTTE COUNTY ZONING CODE

91 JAN 28 PM 3:46

RECORDED

001140  
OR BOOK

Pursuant to Charlotte County Code Section 3-9-6 (C), this is to acknowledge the approval of the variance application which was heard by the Charlotte County Board of Zoning Appeals.

Property Owner: Residents of Pelican Harbor Mobile Home Park.

Applicant: Charlotte County Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, Florida 33948.

083940

CHARLOTTE COUNTY

Legal Description: Lots 1 through 184, excluding Tracts A, B and C, Pelican Harbor Mobile Home Estates Subdivision located on the north side of Riverside Drive approximately 1.5 miles west of U.S. 17, Punta Gorda, Florida.

001849  
PAGE

Petition # VAR-90-33 Approval Date: January 14, 1991 6720 Riverside Drive

Requested Variance:

Four variances: 1. Variance to allow the development of lots less than 5,000 square feet in area or being less than 50 feet in width or both; 2. Variance from the required 25 foot front yard to allow a front yard of 10 feet; 3. Variance from the required 7.5 foot (interior lot) or 15 foot (abutting a road) side yard to allow a side yard of 5 feet; and 4. Variance from the required 15 foot (abutting a lot) or 25 (abutting a road) to allow a rear yard of 5 feet.

Conditions placed on the approval:

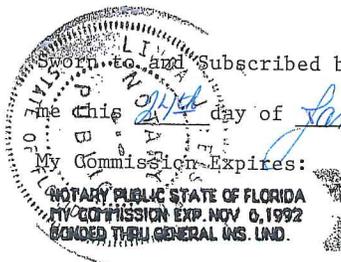
None.

Upon granting of this variance by the Board of Zoning Appeals, a copy of this notice shall be filed in the Public Records of Charlotte County.

James R. Kuzdas  
James R. Kuzdas  
Zoning Director  
Charlotte County Zoning Department  
18500 Murdock Circle  
Port Charlotte, Florida 33948



Linda J. Keister  
Linda J. Keister  
Notary Public



Sworn to and subscribed before  
me this 14th day of Jan, 1991  
My Commission Expires:

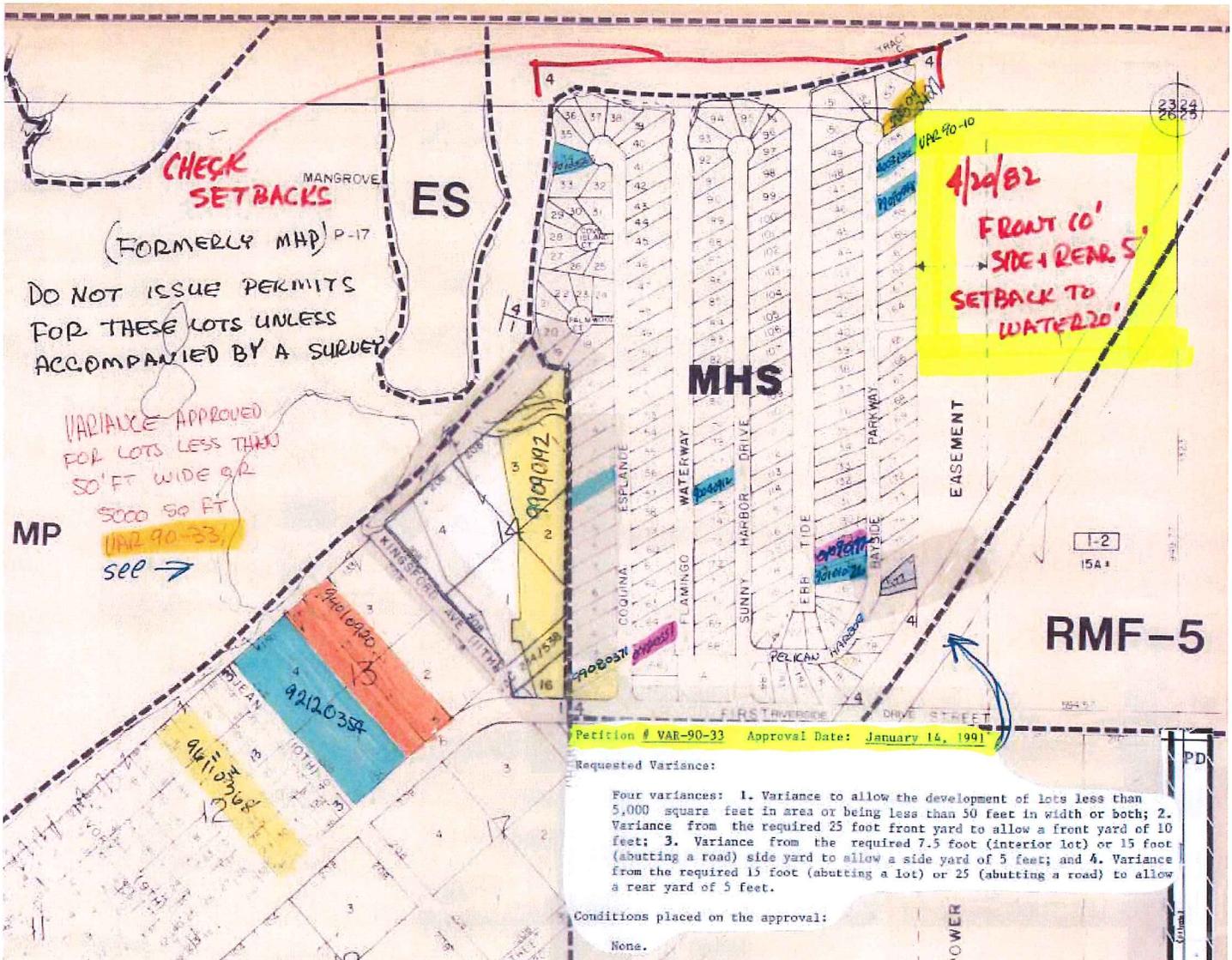
REC'D JAN 28 1991

CCZD 1/91

**VAR-90-033**  
**( Exhibit E )**

RECORD VERIFIED-Barbara T. Scott, Clerk  
By: BETTIE TOWNS D.C.

Zoning



### 1980s-1990s Zoning Map

With notes from 1982 for Pelican Harbor Mobile Home Estates regarding setbacks as being: Front = 10 feet; side and rear = 5 feet; and water = 20 feet.

HEAD MOBILE HOME SALES, INC.  
11311 Tamiami Trail  
Punta Gorda, FL 33955  
941-505-1571

To: Community Development  
Zoning Division

In April 2015 Mr. & Mrs. O'Connors house was destroyed by a fire. They contacted Head Mobile Homes for a replacement home in late July 2015. I looked at their property and at that time they had a rip rap seawall. Based on their survey, it appeared that a 60' replacement home would meet the 20' rear setback. However, shortly after I talked to them they had a seawall and dock built not knowing it could affect the 20' rear setback.

This May 2016 after many months of design changes they purchased a 30x60 replacement home. The O'Connors were very excited because this was their dream home and would be the last home they would ever purchase. The home was ordered with instructions to deliver the home in September.

A new survey was ordered for permits. In July work was started on their permit. At that time it was discovered a seawall and dock had been built. Now there is only 16' 8" to the seawall cap.

We contacted the factory to stop production of the home, but because of a paper work mix up the home has already been built.

**Narrative**  
**( Exhibit G-1 )**

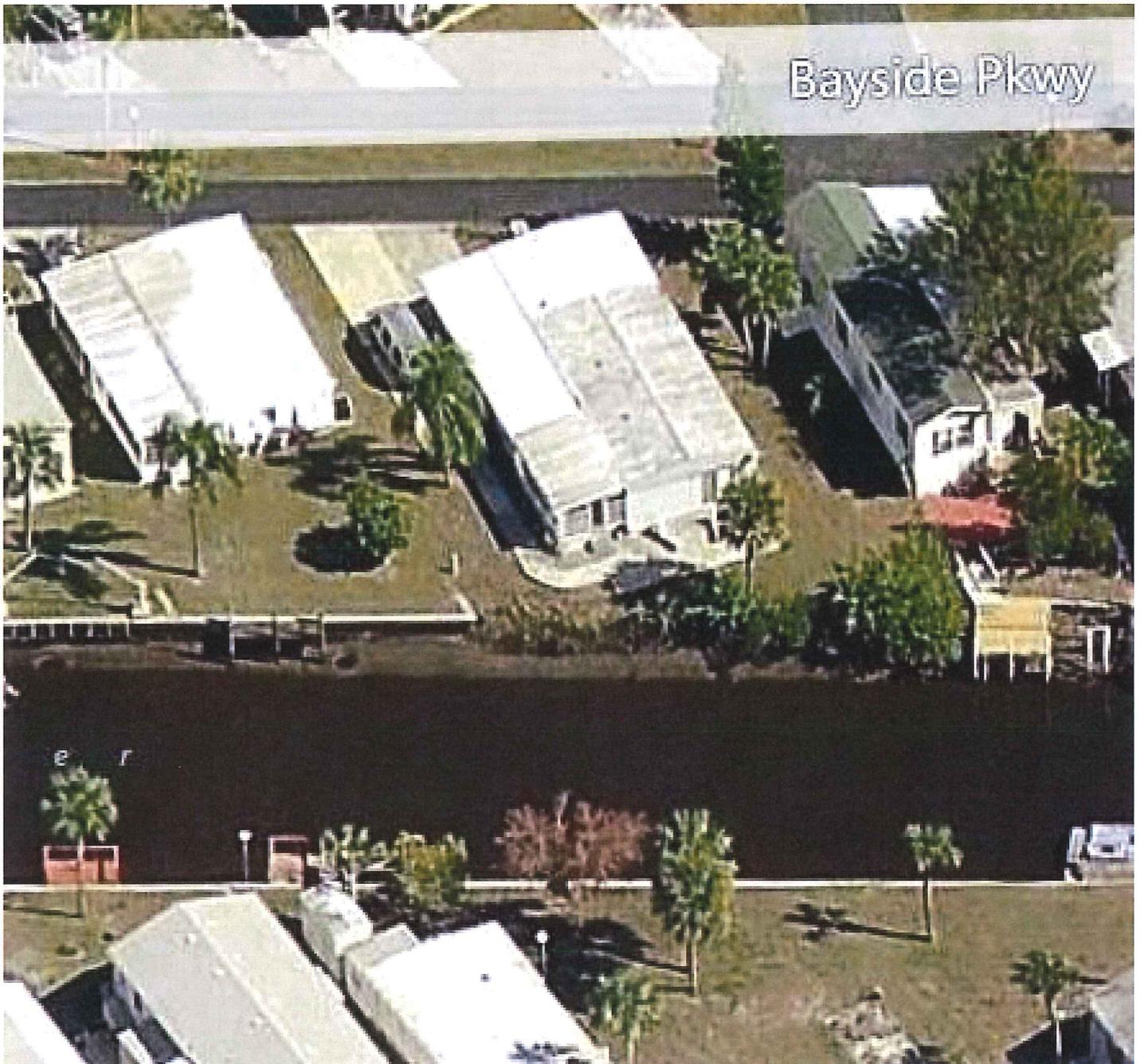
The O'Connors are asking for a 4' rear setback variance to allow a 16' setback instead of the required 20' to be able to place the home on their lot.

Sincerely,



Allen Shrum  
Agent for Carolyn O'Connor

Narrative  
( Exhibit G-2 )



Bing Maps © 2016 Microsoft - Pictometry Bird's Eye ©2016 Pictometry International Corporation

**Aerial photo looking east at old Mobile Home**



Google Maps, Imagery @ 2016 Google

**Aerial photo looking east at Vacant Lots**



## MEMORANDUM

**Date:** September 23, 2016  
**To:** Ken Quillen, Planner III  
**From:** Susie Derheimer, Environmental Specialist  
**Subject:** VAR-16-006, 3021 Bayside Parkway, Punta Gorda

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 property consists of a cleared and developed single-family lot with a seawall.

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 I )**

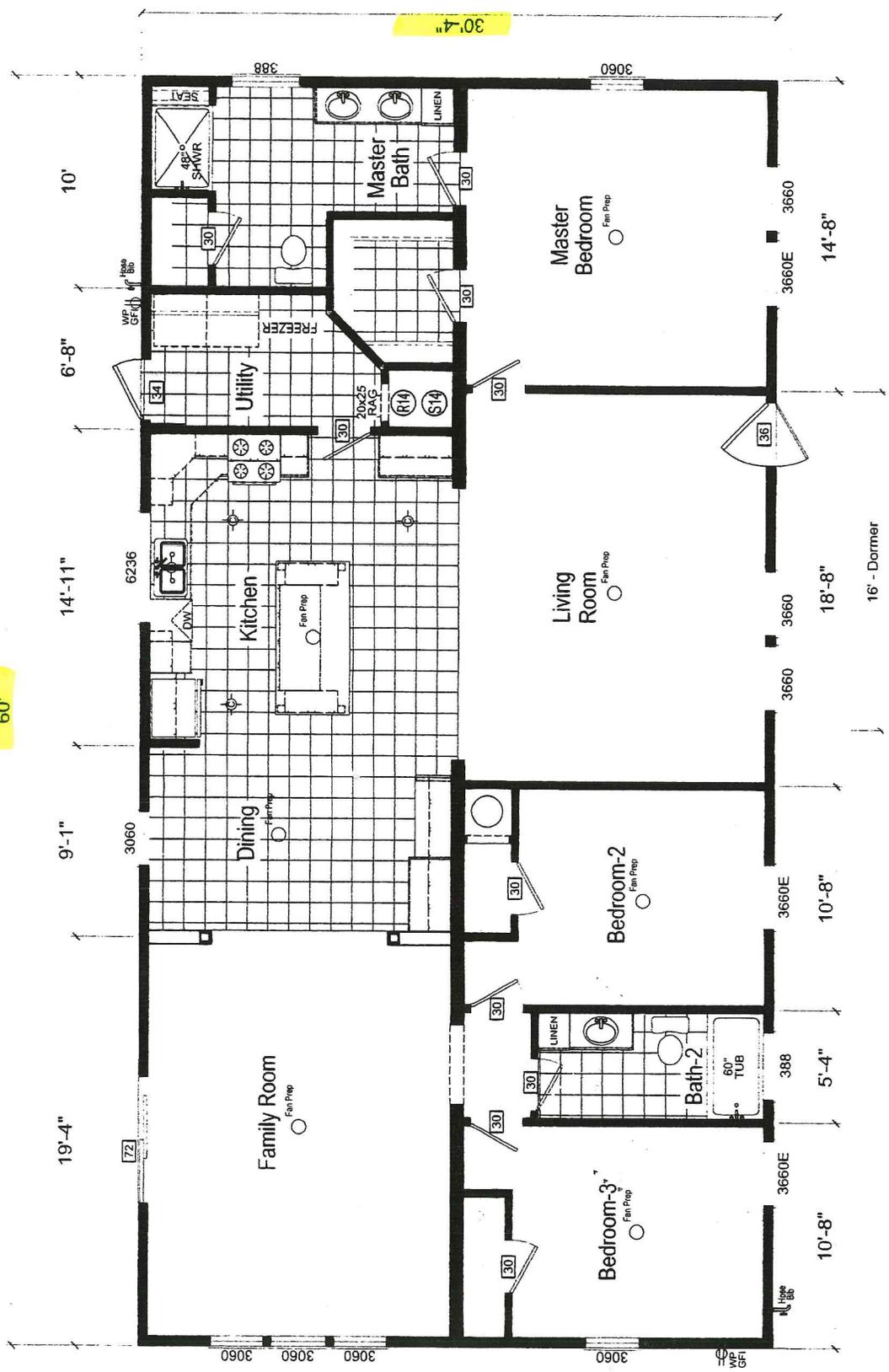
P:animal/Specexcep\_Variances/2016/VAR-16-006(3021BaysidePkwyWaterbodySetbackVariance).doc

3001 Bayside Dr X Stephanie Joyce

MODEL 261-0603M1-7  
3 BEDROOM, 2 BATH  
ACTUAL SIZE: 30'-4" x 60'-0"  
TOTAL AREA: 1,820 SQ. FT.

RECEIVED  
SEP 23 2016  
BY: \_\_\_\_\_

Proposed New Home  
(Exhibit J)



SHEET:	MODEL: 261-0603M1-7	MODIFICATIONS	APPROVER'S SEAL	CHAMPION
L-101	O'Connor	PROPRIETARY AND CONFIDENTIAL THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION. COPYRIGHT © 1976-2008 BY CHAMPION		P.O. BOX 2097 HWY 100 EAST LAKE CITY, FL 32056
TITLE:	Blackline			
DRAWN BY:	GCK			
SCALE:				



**Old Mobile Home  
( Exhibit K )**