BOARD OF ZONING APPEALS AGENDA

CITY OF PUNTA GORDA, FLORIDA
COUNCIL CHAMBERS, CITY HALL, 326 WEST MARION AVENUE, PUNTA GORDA, FLORIDA 33950
NOVEMBER 23, 2021, 4:00 PM

Michael Coine, Board Member
Wendy Mueller,
Frank Lepore, Vice Chair
Jay Nadelson,
Sam Hoagland,
Michele Merolla,

CALL TO ORDER
Roll Call
Pledge of Allegiance
Announcements
Next Meeting - December 28, 2021

Election of Chair

PUBLIC COMMENTS
Anyone wishing to address the Board of Zoning Appeals on any subject may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

1. **APPROVAL OF MINUTES**

1.a **Minutes**

2. **LEGISLATIVE PUBLIC HEARINGS**

3. **QUASI-JUDICIAL PUBLIC HEARINGS**

3.a **V-02-2021 - A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closes points instead of 20 feet as is required per Chapter 26, Section 3.13(d),**

Punta Gorda Code, at an existing single-family structure constructed in 1974. Â Legal: Punta Gorda Isles Sec 7 Blk 66 Lt 4 A/K/A: 410 Bal Harbor Blvd, Punta Gorda, FL 33950 Charlotte County Parcel Id: 412212305003

3.b **V-03-2021 - A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall tan vinyl security fence with a twenty-four (24) foot wide gate, instead of a four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011. Â Legal: Punta Gorda Blk 119 Lts 10 and 11 A/K/A: 1385 Elizabeth St, Punta Gorda, FL 33950 Charlotte County Parcel Id: 412307256008**

4. **REGULAR AGENDA**

STAFF COMMENTS

2022 Meeting dates

MEMBER COMMENTS

ADJOURNMENT

If any person decides to appeal any matter considered at this meeting, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens, and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@cityofpuntagordafl.cpm, at least two (2) calendars days prior to the meeting.

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/23/2021

CALL TO ORDER

Title:	Election of Chair
Funds:	N/A
Recommended Action:	For nomination and appointment
Summary:	As Mr. Charles Wolley is no longer on the Board a new Chair will need to be elected.
Department/Division:	Urban Design

EXHIBITS:

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/23/2021

APPROVAL OF MINUTES

Title: Minutes

Funds:

Recommended Action: For approval

Summary: May 25, 2021 Meeting Minutes

Department/Division: Urban Design

EXHIBITS:

1. 05-25-2021 Minutes

BOARD OF ZONING APPEALS
MEETING
MAY 25, 2021

MEMBERS PRESENT: Charles Wolley, Chairman
Samuel Hoagland, Frank Lepore,
Mike Merolla, Wendy Mueller,
Jay Nadelson, Edward Weiner

OTHERS PRESENT: Lisa Hannon, Zoning Official
Barbara Nelson, David Kessler,
Marvin Nelson

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Wolley called the meeting to order at 4:00 p.m.

A. Roll Call

1. Election of Chair and Vice Chair

- Recording Secretary Pues opened the floor for nominations for Chair.
- Mr. Weiner NOMINATED Mr. Wolley for Chair.
- As there were no other nominations, Mr. Wolley was appointed Chair by acclamation.
- Recording Secretary Pues opened the floor for nominations for Vice Chair.
- Ms. Mueller NOMINATED Mr. Lepore for Vice Chair.
- As there were no other nominations, Mr. Lepore was appointed Vice Chair by acclamation.

B. Next Scheduled Meeting

1. June 22, 2021

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

A. October 27, 2020

- Mr. Weiner MOVED, Ms. Mueller SECONDED approval of the October 27, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- Recording Secretary Pues swore in all participants.

A. V-01-2021 – A request by Marvin P & Barbara A Nelson, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a single driveway 46 feet in width instead of 24 feet in width as is required by Chapter 26, Section 10.3(h)(6)(b), Punta Gorda Code, in order to reconstruct a driveway at an existing single-family structure, constructed in 1989.

LEGAL: PGI 006 0043 0018 Punta Gorda Isles Sec 6 BLK 43 LTS 18 & 19

A/K/A: 232 Lido Drive, Punta Gorda, FL 33950

Charlotte County Parcel ID: 412214105005

- Ms. Lisa Hannon, Zoning Official, entered the staff report denoted in the agenda material into the record by reference. She reviewed the criteria which must be met in order for a variance to be approved, along with staff's findings. She explained the strict and literal enforcement of the Land Development Regulations would not permit the expansion of the driveway to 46 feet in width, noting the RV garage addition, which was constructed in 2005, and the driveway configuration could have been changed at the time of construction. She stated staff could find no evidence of hardship other than a mere inconvenience, noting the hardship was not generally shared by other properties in the same zoning district and in the same vicinity. She pointed out expansion of the impervious area could potentially cause drainage and runoff issues which could be detrimental to the surrounding neighborhood. She summarized the proposed variance request was in conflict with numerous Comprehensive Plan policies, enumerating each, as delineated in the agenda material. She reviewed staff's findings and conclusions, reiterating the driveway could have been redesigned at the time of construction to comply with Punta Gorda Code and to provide access from the right-of-way, noting the application did not meet the criteria required for a variance and the request was in conflict with the Comprehensive Plan. She stated if the variance were to be approved, proper permit applications must be submitted, including but not limited to a ROW permit along with the required building permits. She concluded staff recommended denial of the request as all of the criteria had not been met and there seems to have been no attempt to incorporate the requested driveway into the existing driveways at the time the garage addition was constructed.
- Ms. Mueller inquired whether the driveway was cement.
- Ms. Hannon replied with uncertainty.
- Mr. Nadelson inquired whether it was still possible for the applicant to request a reconfiguration of the driveway to provide access.
- Ms. Hannon replied affirmatively; however, a total reconstruction of everything in the ROW on the private property would be necessary.
- Ms. Barbara Nelson, applicant, explained to access the garage it was necessary to traverse a big ditch and over a sprinkler system, noting the location of the drain was between her home and the neighboring home. She stated the extension was needed in order to be able to back the RV into the garage, adding they desired to pave the area. She explained Mr. John Smith, Plans Examiner, informed them that because they had a

double lot and the driveway could be up to 63 feet; however, the request was for only 60 feet. She stated currently their vehicles dragged on the driveway due to a big dip, adding they desired to update same with pavers and a culvert under both sides. She clarified the request was for an additional 20 feet to allow the update.

- Mr. Nadelson questioned the limits for a single parcel versus two parcels.
- Ms. Hannon responded properties with more than 80 feet of street frontage on a single street, no single driveway shall exceed 24 feet in width at the property line and through the ROW, and total driveway width shall not exceed 35% of the total street frontage up to a maximum of 48 feet total driveway width at the property line and through the ROW unless a third driveway is approved by special exception as permitted herein. She stated when she spoke to Ms. Nelson about a third driveway, the problem with adding just a third driveway was the requirement for both a special exception and a variance because the property lacked the necessary 20 foot separation between the two driveways on the right side.
- Mr. Wolley questioned whether the applicant had considered installation of a conforming driveway.
- Ms. Nelson expressed uncertainty as to how same could be done as it would be necessary to drive over the culvert, which could damage the RV tires.
- Discussion ensued regarding alternative configurations for the driveway which would be conforming but would require the RV to be backed out of the garage.
- Mr. Merolla verified adjacent property owners had paver driveways.
- Mr. Wolley called for public comment.
- Mr. David Kessler stated the drain was next to the mailbox, opining it would not be necessary to drive over same. He stated the drain had good flow with no flooding issues, opining pavers would eliminate concrete runoff and would not cause flooding. He stated most of Ms. Nelson's neighbors had signed a petition in favor of the request, which would beautify the area and eliminated the dip in the driveway, opining variances should be approved when same were for the betterment of the area.
- Mr. Robert Wilson opined limiting the driveway to 24 feet would cause a tight turning radius with a three-car garage, opining the request was reasonable and should be accommodated.
- Mr. Wolley called three times for anyone to speak on V-01-2021.
- Mr. Weiner MOVED, Mr. Lepore SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Mueller inquired whether 34 feet would be allowed.
- Ms. Hannon replied same would still require a variance.

- Mr. Nadelson inquired what driveway width was permitted before the Code was changed to allow 24 feet.
- Ms. Hannon replied two 16 foot driveways were allowed back in 2006; however, the allowed width had increased over time due to numerous requests for larger garages to accommodate larger vehicles, adding the current language was added approximately ten years ago.
- Mr. Weiner MOVED, Mr. Nadelson SECONDED to recommend denial of V-01-2021 based upon the evidence and testimony presented this date.
- VOTING AYE: Lepore, Mueller, Nadelson, Weiner, Wolley.
- VOTING NAY: Hoagland, Merolla.
- MOTION CARRIED.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- None.

CITIZENS' COMMENTS

- Mr. Marvin Nelson indicated he and Ms. Nelson were not retired at the time the RV garage was constructed; however, they now were and would be permanent residents. He briefly reviewed the intentions for the RV and garage along with the proposed changes, explaining the driveway's current configuration caused the RV to damage the driveway.
- Mr. Wolley recommended Mr. and Ms. Nelson attend the June 16, 2021, Council meeting.

ADJOURNMENT

- Meeting Adjourned: 4:50 p.m.

_____

Charles Wolley, Chairman

_____

Leah Pues, Recording Secretary

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/23/2021

QUASI-JUDICIAL PUBLIC HEARINGS

Title: V-02-2021 - A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closes points instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, at an existing single-family structure constructed in 1974.

Legal: Punta Gorda Isles Sec 7 Blk 66 Lt 4
A/K/A: 410 Bal Harbor Blvd, Punta Gorda, FL 33950
Charlotte County Parcel Id: 412212305003

Funds:

Recommended Action: Based on the findings and conclusions outlined in the staff report and with respect to the Americans with Disabilities Amendments Act (ADA) of 2009 and Fair Housing Act (FHA) to provide reasonable accommodations, staff recommends approval of V-02-2021 with stated conditions.

Punta Gorda Development Review Committee recommended moving the request forward to Board of Zoning Appeals and City Council.

Summary: Staff is in receipt of a request for a variance to construct a new pool deck, pool and screen enclosure which will have a 15 foot rear yard setback instead of a 20 foot rear yard setback as required by the Land Development Regulations.

Department/Division: Urban Design

EXHIBITS:

1. Proof of publication
2. Legal Ad 11-5-21
3. V-02-2021 BZA Staff Report
4. V-02-2021 - Application
5. V-02-2021 - Survey & site plan
6. V-02-2021 410 Bal Harbor Blvd presentation
7. DRC Excerpt V-02-2021

CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE

Kenneth E. and Susan R. Krause
Applicant

V-02-2021, 410 Bal Harbor Blvd.
File # & Title

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned authority, personally appeared Lavosia Price Jr, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 410 Bal Harbor Blvd, Punta Gorda, Florida;

2. That this property is owned by Kenneth E. and Susan R. Krause
The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

Dated this 5 day of November, 2021.

Code Compliance Officer

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5 day of November 2021 by Lavosia Price, who is personally known to me and who did not take an oath.

Signature, Notary Public

(SEAL)

SAMANTHA SORRENTINO
MY COMMISSION # GG 947164
EXPIRES: February 16, 2024
Bonded Thru Notary Public Underwriters


NOTICE OF PUBLIC HEARING
CONCERNING THIS PROPERTY WILL BE HELD BY:
The Punta Gorda Board of Zoning Appeals will hold a public hearing on Tuesday, November 23, 2021 at 4:00 p.m. and the Punta Gorda City Council will hold public hearing on Wednesday, December 1, 2021 at 9:00 a.m. or as soon thereafter as may be heard to consider the following request:
TO CONSIDER:
V-02-2021 – A request by Kenneth E. and Susan A. Krause, property owners, pursuant to Chapter 26, Section 18.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 3.11(d), Punta Gorda Code, Punta Gorda Code, at an existing single-family structure, constructed in 1974.
LEGAL: Punta Gorda Isles SEC 7 BLK 66 LT 4
A/K/A: 410 Bal Harbor Blvd, Punta Gorda, FL 33950
CHARLOTTE COUNTY PARCEL ID: 412712305003
Said hearings will be held in Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on this matter may appear at the above time and place
FOR ACCOMMODATIONS AND ADDITIONAL INFORMATION PLEASE CONTACT
URBAN DESIGN DIVISION
PHONE: (941) 575-3372
EMAIL: URBANDESIGN@CITYOFPUNTAGORDAFL.COM
Punta Gorda
11/05/2021 14:07

NOTICE OF INTENT

CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA

TO WHOM IT MAY CONCERN

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that Tatiana Bilinska and Roman Meixner the property owners, intends to petition the City of North Port to vacate the six foot platted utility easements located on the interior of Lots 19 and 20, Block 2452 of 49TH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 21, Page 1, of the Public Records of Sarasota County, Florida. All the above lying and being in the City of North Port, Sarasota County, Florida. Filed by attorney Aaron J. Backo of Mellor & Backo LLP: (941) 426-1193 13801 Tamiami Trail, Suite D, North Port, FL 34287
Publish: 11/05/21, 11/12/21
418901 3819999

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the Punta Gorda **Board of Zoning Appeals** will hold a Public Hearing on **Tuesday, November 23, 2021, at 4:00 p.m.**, and the Punta Gorda **City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon thereafter as may be heard, to consider the following requests:

V-02-2021 - A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, Punta Gorda Code, at an existing single-family structure, constructed in 1974.
Legal: PGI 007 0066 0004, Punta Gorda Isles, Section 7, Block 66, Lot 4
aka: 410 Bal Harbor Boulevard, Punta Gorda, FL 33950
Charlotte County Parcel ID: 412212305003

V-03-2021 - A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall tan vinyl security fence with a twenty-four (24) foot wide gate, instead of a four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011.
Legal: PUG 000 0119 0010, Punta Gorda, Block 119, Lots 10 and 11
aka: 1385 Elizabeth Street, Punta Gorda, FL 33950
Charlotte County Parcel ID: 412307256008

Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/ Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.
KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA
Publish: November 5, 2021
102469 3819381

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City of Punta Gorda, Florida

VARIANCE REQUEST
Staff Report

TO: Punta Gorda Board of Zoning Appeals
FROM: Lisa Hannon, Zoning Official
PUBLIC HEARING DATE: November 23, 2021
RE: V-02-2021 – 410 Bal Harbor Blvd

Applicant Request:

V-02-2021 – A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck, and screen enclosure with 15 feet rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, Punta Gorda Code, at an existing single-family structure, constructed in 1974.

LEGAL: Punta Gorda Isles SEC 7 BLK 66 LT 4
A/K/A: 410 Bal Harbor Blvd, Punta Gorda, FL 33950
CHARLOTTE COUNTY PARCEL ID: 412212305003

Summary of Applicant's Request:

The request is to allow for the construction of a pool deck, pool and skeletal screen enclosure, on the property at 410 Bal Harbor Blvd.

City Code of Ordinance, Chapter 26, Section 16.10. Application for Variance - Owners of lands or structures or their designated agents may appeal in writing to the Board of Zoning Appeals (BZA) for variance from the requirements or restrictions of the land development regulations; except that no appeal for use or density issues may be considered. Appeals should be submitted through the Zoning Official, stating specific variances requested. An application for a variance shall include a written statement with supporting evidence regarding compliance with the following approval criteria:

(1) The particular provision of the Code which prevents the proposed construction on, or use of the property.

Chapter 26, Section 3.13(d) requires a pool deck with a skeletal screen enclosure to maintain a minimum 20 foot rear yard setback. The applicant is requesting a variance of 5 feet to allow for the installation of a pool deck, pool and screen enclosure.

(2) The existing zoning of the property, including any previously approved conditions, or modifications.

The property is zoned General Single Family 3.5 units per acre (GS 3.5). The house was constructed in 1974.

(3) The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with the terms of this Ordinance.

The house is currently situated towards the rear of the property, which does not allow for the construction of a pool deck, pool and screen enclosure, given the 20 foot setback requirement.

(4) The particular hardship that would result if the specified provisions of the ordinance were to be applied to the subject property.

The strict and literal enforcement of the zoning regulations would not allow for the construction of a pool deck, pool and screen enclosure meeting the required setbacks.

(5) The extent to which it would be necessary to vary the provisions of this Ordinance in order to permit the proposed construction on, or use of, the property.

In order to construct the pool deck, pool and screen enclosure, the request is the minimum modification of the regulation at issue that will afford relief for the property owner.

(6) A disclosure statement of the real parties in interest signed by the applicant and notarized.

A signed affidavit is included with the variance application.

(k) The Board of Zoning Appeals and City Council shall use the following criteria, in making their decision regarding approval or disapproval of a variance application. No variance shall be approved unless all of the following statements are true with respect to the subject property:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.

Per the records of the Charlotte County Property Appraiser and the City of Punta Gorda, the home was constructed in 1974 with no pool or pool deck constructed at that time. At the time the house was constructed, the required rear yard setback was 15 feet. Per the survey provided, the house is situated towards the back of the lot, which does not allow a pool deck, pool and screen enclosure given the 20 foot rear yard setback requirements. Therefore, the property owners are asking for a 5 foot variance.

The property is similar in size and configuration as many other properties in the General Single Family 3.5 (GS 3.5) zoning district.

There are still several existing swimming pools that were originally constructed with setbacks which are now considered existing non-conforming based on the current development regulations. The lot size and shape are similar to that of many others in the area.

Therefore staff found no special conditions or circumstances that are particular to the size and characteristics of the land or structure involved that are not applicable to other lands or structures in the same zoning district.

(2) The strict and literal enforcement of the zoning 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.

The strict and literal enforcement of the zoning regulations would not allow a pool deck, pool and screen enclosure given the 20 foot rear yard setback requirements. The property was purchased in 2014 and the condition existed at the time of purchase. The regulations have not changed since the purchase.

The applicant has provided documentation from a local medical professional which describes the need to partake in physical activities, including swimming, to help alleviate symptoms of the applicant's medical condition(s). The applicant is requesting reasonable accommodations be made by permitting the construction of the pool deck, pool and screen enclosure with a 15 foot rear yard setback. With respect to HIPPA regulations, the medical conditions are not required to be disclosed.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

The 5 foot variance would allow access to the pool when using a wheelchair, therefor providing the applicants reasonable accommodations. There are properties which have conforming accessory structures such as pool decks, pools and screen enclosures and there are also properties within the same zoning district which may be considered existing non-conforming as it relates to setbacks for accessory structures. Therefore, the hardship may potentially be shared.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the

surrounding neighborhood or otherwise detrimental to the public welfare.

There are neighboring properties that have pools and screen enclosures around their pools, therefore the request would not be incompatible with contiguous uses or the neighborhood.

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

In order to construct an accessible pool, the request is the minimum modification of the regulation at issue that will afford relief for the property owner.

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

The condition and configuration of the property was existing at the time the property was purchased by the current property owners in 2014. Therefore, the requested variance has been created by the current property owner which have an interest in the property.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

The variance does not involve any use of the property which is prohibited.

(8) The requested variance is consistent with the City of Punta Gorda Comprehensive Plan.

The request is not in conflict with the City of Punta Gorda's adopted Comprehensive Plan 2040.

Additional Findings

(1) Based on the letter provided by the Medical professional, the applicant qualifies for "*all of the reasonable accommodations*" as set forth in the ADA Amendments Act of 2009.
(2) The seawall at 410 Bal Harbor Blvd was replaced in 2015. The last assessment of the wall was performed on January 25, 2021 and the wall and cap were rated 1 (ratings are 1 to 5, a 1 rating is good and a 5 rating is failed) and the inspector found no cracks or spalls or any kind of deficiencies with the structure.

Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

(1) When the house was constructed in 1974 the required rear yard setback was 15 feet. The current rear yard setback requirement of 20 feet has been in place since 1984.
(2) The Fair Housing Act requires local governments to consider the granting of relief from its zoning and building codes when necessary to afford a person with a disability the opportunity to enjoy the use of their property in a similar fashion with a person without such a disability. In order to support a request for a "reasonable accommodation" under the FHA, a person with a disability is required to demonstrate that their disability is of the type covered by such federal laws, that the accommodation is "needed", and the relationship between the person's disability and the need for the requested accommodation.
(3) The letter from the applicant's medical provided satisfies the criteria justifying the granting of the requested reasonable accommodation.
(4) Canal Maintenance has provided an email regarding the condition of the seawall. The seawall was replaced in 2015. The seawall and cap were rated in good condition.

Staff Recommended Conditions of Approval

(1) A proper building permit is required prior to construction and construction of the ADA accessible pool.
(2) The property owner sign a hold harmless agreement and have such hold harmless agreement recorded into the public records of Charlotte County. (example verbiage)

I, the undersigned, will indemnify, defend and hold harmless the City of Punta Gorda, its agents, employees, officers and any and all other associates, from and against any and all actions, in

law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the repair and/or replacement of the seawall and/or seawall cap on my property located at ***410 Bal Harbor Blvd, Punta Gorda, FL.***

I fully understand that if the pool and/or deck becomes damaged or marred due to work that the City or its contractors elect to do on my property that I, as property owner, am responsible for any costs associated with replacing the pool and/or deck. The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:

Based on the findings and conclusions outlined in the above staff report and with respect to the Americans with Disabilities Amendments Act (ADA) of 2009 and Fair Housing Act (FHA) to provide *reasonable accommodations*, staff recommends approval of V-02-2021 with the stated conditions.

Punta Gorda Development Review Committee recommended moving the request forward to Board of Zoning Appeals and City Council.

Punta Gorda

RECEIVED
AUG 18 2021
URBAN DESIGN

CITY OF PUNTA GORDA
URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VARIANCE APPLICATION

Date Received: 8/18/21 **File #:** V- 02-2021
Application Fee: $750.00

Office use only:

Ad Date		DRC		BZA		City Council	

Application and all pertinent required data (listed below) MUST be submitted with this application

- ☑ ORIGINAL application with Signed & Notarized Variance Application and/or Affidavit Authorization for Agent (if applicable)
- ☑ A copy of the deed or other evidence of ownership
- ☐ Plot Plan: If building exists, should show all existing structures with dimensions, spacing, set-backs and off-street parking. **if new construction is proposed as part of this request, a plot plan is required and must show any existing structures on the land and any proposed structures, including setbacks, spacing and dimensions & total impervious area calculations
- ☑ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.
- ☑ Survey MUST show ALL Easements, Dedications & Improvements
- ☑ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations
- ☑ Date of Survey: 4-6-21
- ☐ Total Acreage of Property _____
- ☐ Square Footage _____

☐ Certificate of Appropriateness application and application fee if property is located within the National Register Historic Overlay District, listed on the National Register, or property listed on the Florida Master Site File by the State of Florida Department of State, Bureau of Historic Preservation of the Division of Historical Resource Florida Master Site File No. _____ Contributing Structure ☐ Yes ☐ No

In addition to the original application ANY documents greater than 11x17 MUST ALSO be submitted on a CD/DVD

In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing.

The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

1. Applicant

Name	Kenneth E. and Susan R. Krause						
Address	410 Bal Harbor Blvd	City	Punta Gorda	State	FL	Zip	33950
Phone	267-664-0461	Email	susiekrause@yahoo.com				

2. Owner(s) of Record

Name	Kenneth E. and Susan R. KRAUSE						
Address	410 BAI Harbor Blvd	City	Punta Gorda	State	FL	Zip	33950
Phone	267-664-0461	Email	SusieKRAUSE@yahoo.com				

3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)

Name							
Address		City		State		Zip	
Phone		Email					

4. Property Address

Address: 410 BAI Harbor Blvd - Punta Gorda - FL - 33950

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
	4	66	7		

5. Legal Description of Property (Attach separate sheet if necessary)

See Survey

6. Is this variance request for new construction? ☐ Yes ☑ No

A. If yes, what is the total impervious area calculation?

7. Existing Zoning Classification

8. Is this request the result of a Violation? ☐ Yes ☒ No **When?**

9. Are there any existing structures on the property? ☑ Yes ☐ No

If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property. Single Family Residence

10. Reason Variance is being requested

To construct AN ADA Compliant pool.

11. Burden of Persuasion.

The burden of showing that a variance should be granted to alleviate undue hardship shall be on the applicant. The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this ordinance; (2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property; (3) The condition situation or development of property immediately adjacent to the subject property.

Explanation:

Shallowness - Cannot fit ADA Compliant pool Given 20' Restriction from sea wall.

12. Approval Criteria No variance shall be approved unless all of the following statements are true with respect to the subject property. Please state your position for each of the following approval criteria:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

TRUE - House is situated towards BACK of the Lot which does not Allow FOR ADA Compliant Pool given 20' Restriction For Improvements. Therefore - ASKing For 5' VARIANCE.

(2) The strict and literal enforcement of the zoning 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.

TRUE - Homeowner SUFFERS disability CAUSED by multiple musculoskeletal diseases and arthritic conditions. See ATTACHED Letter FROM Dr. Leslie TAR.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

TRUE - Need A 5' VARIANCE For Reasonable ACCOMODATION AND ACCESS to POOL VIA WHEELCHAIR.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

TRUE

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

TRUE

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

TRUE

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

TRUE

(8) Please explain in detail how this variance request is consistent with the City of Punta Gorda Comprehensive Plan

TRUE - This Request has no Impact on City of P.G. Comprehensive Plan.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property relative to this application.

NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Susan R. Krause
Kenneth E. Krause
Signature of Owner or Authorized Agent

SUSAN R. KRAUSE
KENNETH E. KRAUSE
Print Name & Title

8/18/21
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this day of August 18, 20 21, by Susan R Krause + Kenneth E Krause, who is personally known to me or who has produced FL D.L. as identification.

Julie Black
(Signature of Notary)

Notary Public State of Florida
Julie Black
My Commission GG 280329
Expires 02/26/2023

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We_____, property owner(s), hereby authorize_____to act as ***Agent*** on our behalf regarding a VARIANCE APPLICATION on the property commonly known as _____ _____ in Punta Gorda, Florida.

_____ _____ _____
Signature of Property Owner | Print Name of Property Owner | Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this day of _____, 20 _____, by _____, who is personally known to me or who has produced _____ as identification.

_____
(Signature of Notary)

(Seal)

CHARLOTTE COUNTY PROPERTY APPRAISER

PAUL L. POLK, CFA, AAS, RES

TAX ASSESSOR 1921-1976
PROPERTY APPRAISER 1976-PRESENT

"

Real Property Information for 412212305003 for the 2021 Tax Roll

The Charlotte County Property Appraiser makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If a discrepancy is discovered in your property's records, or those of another, please bring it to our attention immediately.

Owner:

KRAUSE KENNETH E & SUSAN R
410 BAL HARBOR BLVD
PUNTA GORDA , FL 33950

Ownership current through: 7/29/2021

Property Location:

Property Address: 410 BAL HARBOR BLVD

Property City & Zip: PUNTA GORDA 33950

Business Name:

General Parcel Information

Taxing District:
155

Current Use:
SINGLE FAMILY

Future Land Use (Comp. Plan):
City

Zoning Code:
GS-3.5

Market Area / Neighborhood / Subneighborhood:
03/01/02

Map Number:
4B12S

Section/Township/Range:
12-41-22

SOH Base Year:
2019

Waterfront:
YES

Sales Information

Date	Book/Page	Instrument Number	Selling Price	Sales code	Qualification/Disqualification Code
4/1/2000	1787/54	722463	$135,000	IMPROVED	
10/10/2014	3909/1281	2300903	$225,000	IMPROVED	02

Click on the book/page or the instrument number to view transaction document images on the Clerk of the Circuit Court's web site.

Click on Qualification/Disqualification Code for a description of the code. Codes are not available prior to 2003.

FEMA Flood Zone (Effective 5/5/2003)

Firm Panel	Floodway	SFHA	Flood Zone	FIPS	COBRA	Community	Base Flood Elevation (ft.)	Letter of Map Revision (LOMR)
0237F	OUT	IN	9AE	12015C	COBRA OUT	120062	9	

***If parcel has more than 1 flood zone, refer to the flood maps available on the GIS web site by clicking on View Map below.**

Flood term definitions.

For more information, please contact Building Construction Services at 941-743-1201.

2020 Value Summary

Approach	Land	Land Improvements	Building	Damage	Total
Cost Approach	$160,000	$5,696	$105,948	$0	$271,644
Income Approach					N/A
Market Approach					N/A
Classified Value					N/A

2020 Certified Tax Roll Values, as of January 1, 2020

Approach	County	City	School	Other
Certified Just Value (Just Value reflects 193.011 adjustment.):	$230,234	$230,234	$230,234	$230,234
Certified Assessed Value:	$230,234	$230,234	$230,234	$230,234
Certified Exemption - 01 Homestead	$25,000	$25,000	$25,000	$25,000
Certified Exemption - 17 Additional up to $25,000 Homestead	$25,000	$25,000	$0	$25,000
Certified Taxable Value:	$180,234	$180,234	$205,234	$180,234

Land Information

Line	Description	Land Use	Zoning	Unit Type	Units	Depth	Table/ Factor	Acreage
1	PGI 007 0066 0004	0100	GS-3.5	LOT	1	0		0

Land Value may be adjusted due to scrub jay habitat. You can access the Board of County Commissioner's website to determine if this parcel is within scrub jay habitat. For more information on scrub jay habitat whith Charlotte County, see the County's Natural Resources web site.

Land Improvement Information

Code	Description	Size	Year Built	Year Condition
0010	Dock, Conc (sq. Ft.)	105	1974	1974
0010	Dock, Conc (sq. Ft.)	105	2015	2015
0620	Lawn Sprinkler, Avg. (fv)	1	1974	1974
3993	Driveway, Large (fv)	1	1974	1974

View Building Sketch

Building Information

Building Number	Description	Quality	Building Use	Year Built	Year Cond	Floors	Rooms	Bedrooms	Plumbing Fixtures	Area	A/C Area	Total Area
1	SINGLE FAMILY RES	2.5	0100	1974	1974	1	6	3	9	1872	1872	2810

Building Component Information

Bld #	Code	Description	Category	Area	Percent	Year Built	Year Cond	Type
1	701	Attached Garage (SF)	Garage/Carport	506	100	1974	1974	Appendage Component
1	736	Garage Finish, Attached (SF)	Garage/Carport	506	100	1974	1974	Appendage Component
1	904	Slab Porch (SF) with Roof	Porch/Deck	12	100	1974	1974	Appendage Component
1	908	Enclosed Porch (SF), Knee Walls w/ Glass	Porch/Deck	420	100	1974	1974	Appendage Component
1	169	Masonry, Stucco on Block	Exterior Walls	0	100	1974	1974	Construction Component
1	204	Clay Tile or Concrete Tile	Roofing	0	100	1974	1974	Construction Component
1	351	Warmed & Cooled Air	Heating/Cooling	0	100	1974	1974	Construction Component
1	402	Automatic Floor Cover Allowance	Floor Cover	0	100	1974	1974	Construction Component
1	601	Plumbing Fixtures (#)	Miscellaneous	1	100	1974	1974	Construction Component
1	602	Plumbing Rough-ins (#)	Miscellaneous	1	100	1974	1974	Construction Component
1	621	Slab on Grade (% or SF)	Miscellaneous	1	100	1974	1974	Construction Component
1	631	Add for Plaster Interior (% or SF)	Miscellaneous	0	100	1974	1974	Construction

								Component
1	40048	Storm Covers (%)	Segregated Costs	1	100	1974	1974	Construction Component
1	44549	Single Family Res Water & Waste Water Service	Segregated Costs	1	100	1974	1974	Construction Component

Legal Description:

Short Legal:	Long Legal:
PGI 007 0066 0004	PUNTA GORDA ISLES SEC 7 BLK 66 LT 4 426/247 DC959-124-JER 1787/54 3909/1281

Data Last Updated: 8/18/2021- Printed On: 8/18/2021.

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410 Bal Harbor



August 18, 2021

Property Ownership

Override 1

Property Ownership

Lots

Block Number

Road Centerlines

Collector

Freeway

Highway

Local

Major Arterial

Minor Arterial

1:500

0 0.004 0.008 0.016 mi

0 0.005 0.01 0.02 km

Charlotte County
Charlotte County GIS

Charlotte County GIS

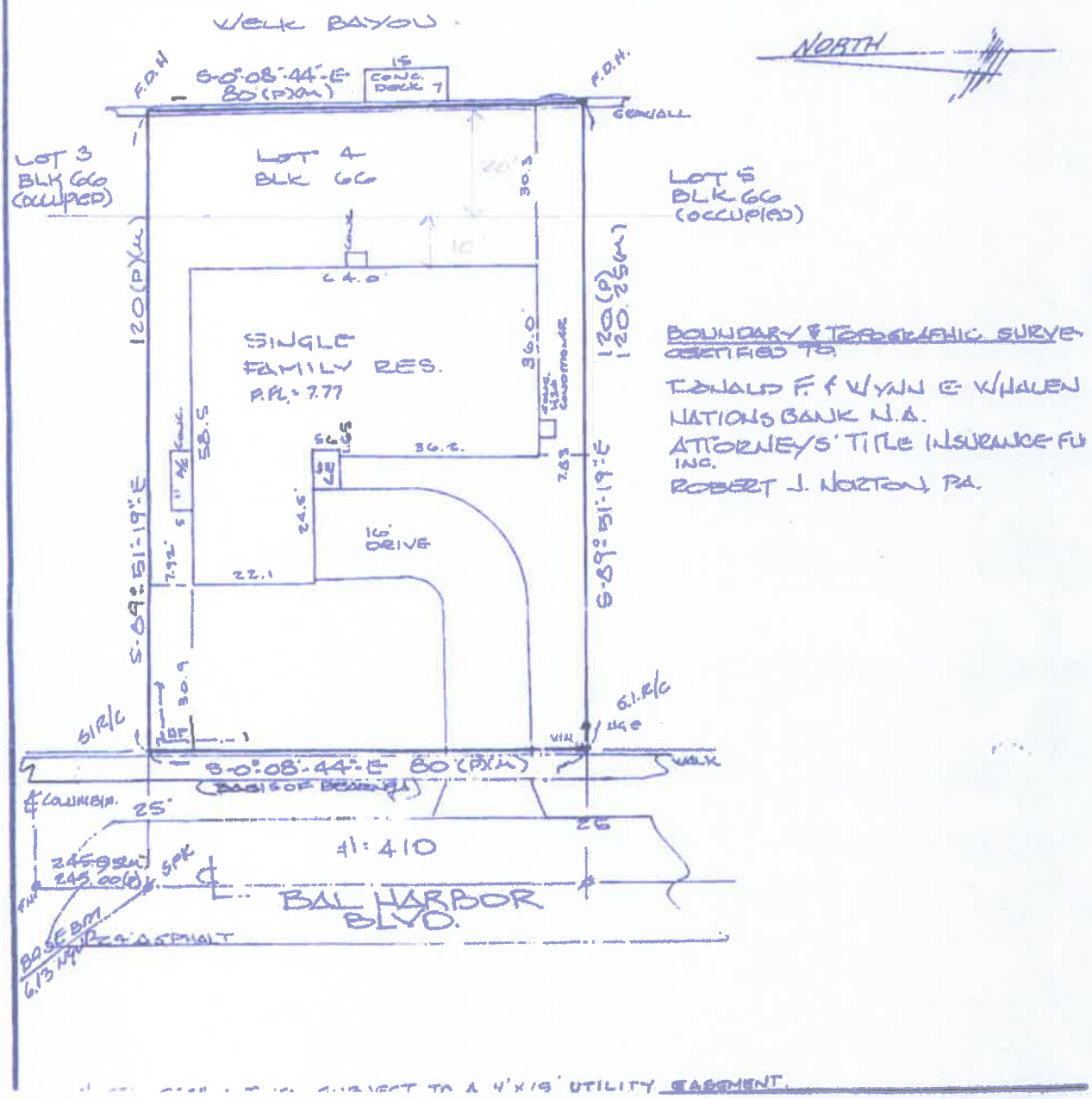
20' rear
7.5' side
60% Impervious

THE PHOENIX SURVEYING COMPANY, INC.

CONSULTANTS * SURVEYORS * PLANNERS

3466 DEPEW CIRCLE, PORT CHARLOTTE, FL. 33952

PH. (941) 629 - 6801 FAX (941) 627 - 5168



BOUNDARY & TOPOGRAPHIC SURVEY CERTIFIED TO

DONALD F. & W/WIFE & W/HALEN

NATIONS BANK N.A.

ATTORNEYS' TITLE INSURANCE FU INC.

ROBERT J. NORTON, P.A.

... SUBJECT TO A 4'X 8' UTILITY EASEMENT.

Allergy & Arthritis Treatment Centers, LLC.

Dr. Leslie Tar, MD, MPH

22226 Westchester Blvd.

Port Charlotte, FL 33952

941-625-3402

June 28, 2021

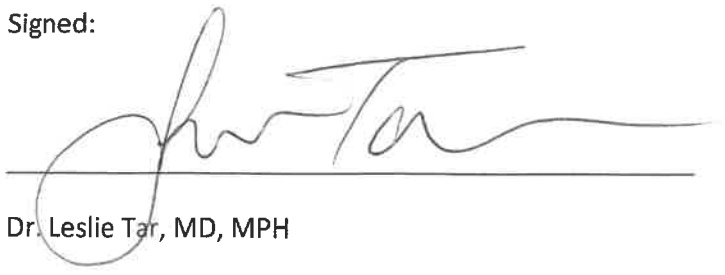
To Whom It May Concern.

Kenneth E. Krause is a one of my patients, he has been diagnosed with several chronic Arthritic Musculoskeletal Diseases and is also suffering acute lower back pain due to degenerative discs and spinal stenosis.

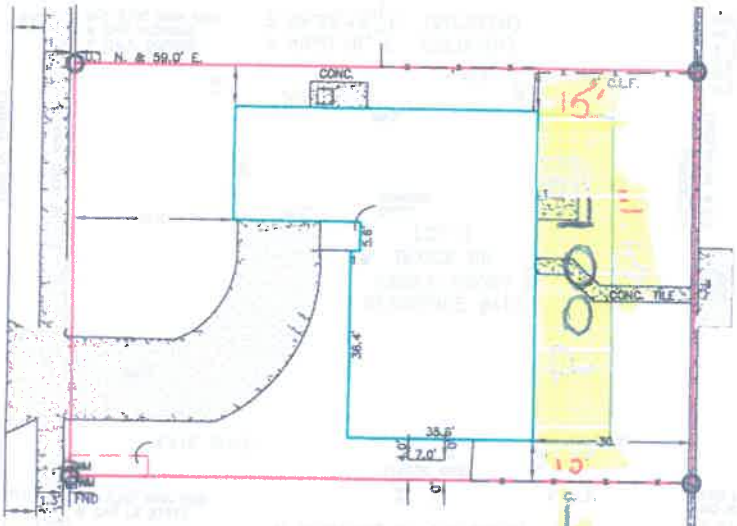
Mr. Krause is on a lifelong term treatment plan which includes medications, physical therapy, exercise, and waterborne therapies like swimming, and water resistance activities. This type of therapy is imperative for successful long-term care and quality of life.

These diseases are recognized and qualify the patient to "all of the reasonable accommodations" as set forth in the ADA Amendments Act of 2009.

Signed:



Dr. Leslie Tar, MD, MPH

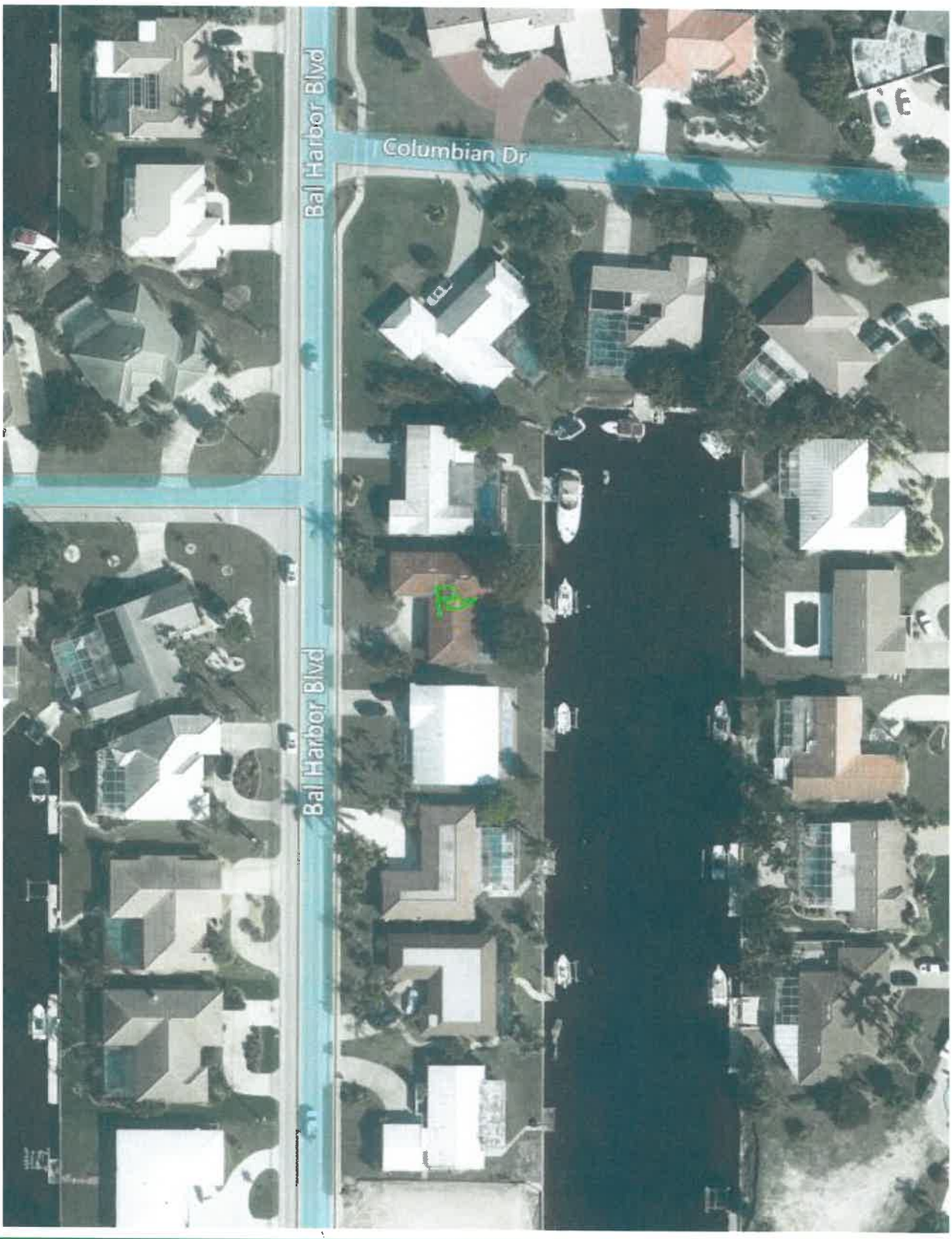


1:30

area

SURVEYOR'S NOTES:

AERIAL VIEW



PROPERTY ADDRESS: 410 BAL HARBOR BOULEVARD, PUNTA GORDA, FLORIDA 33950

LEGEND

A.E.	= ACCESS EASEMENT
L.E.	= LANDSCAPE EASEMENT
M.E.	= MAINTENANCE EASEMENT
P.D.E.	= PRIVATE DRAINAGE EASEMENT
P.V.U.E.	= PRIVATE UTILITY EASEMENT
L.M.E.	= LANDSCAPE MAINTENANCE EASEMENT
C.N.A.	= CORNER NOT ACCESSIBLE
FND	= FOUND
N&D	= NAIL AND DISK
WM	= WATER METER
WV	= WATER VALVE
B.F.P.	= BACKFLOW PREVENTER
B.P.V.	= BACKFLOW PREVENTER VALVE
COV.	= COVERED
E/P	= EDGE OF PAVEMENT
C.T.V.	= CABLE TV BOX
E.B.	= ELECTRIC BOX
E.M.	= ELECTRIC METER
G.V.	= GATE VALVE
G.T.	= GREASE TRAP
L.P.	= LIGHT POLE
M.H.	= MANHOLE
M.W.	= MONITOR WELL
R.S.R.	= RISER
S.V.	= SEWER VALVE
T.B.	= TELEPHONE BOX
OHU	= OVERHEAD UTILITY LINE
C/S	= CONCRETE SLAB
P.P.	= POWER POLE
P/E	= POOL EQUIPMENT
CONC.	= CONCRETE
C.L.F.	= CHAIN LINK FENCE
W.F.	= WOOD FENCE
B.W.F.	= BARBED WIRE FENCE
H.W.F.	= HOG WIRE FENCE
P.V.C.F.	= PLASTIC VINYL FENCE
P/L	= PROPERTY LINE
INST.	= INSTRUMENT NUMBER
D.B.	= DEED BOOK
O.R.B.	= OFFICIAL RECORDS BOOK
P.B.	= PLAT BOOK
PG.	= PAGE
P.I.D.	= PARCEL IDENTIFICATION NUMBER
B.S.L.	= BUILDING SETBACK LINE
E.O.W.	= EDGE OF WATER

AERIAL PROVIDED IS FOR VIEWING ONLY

AERIAL IS NOT TO SCALE

ORDERED BY:

LEGAL DESCRIPTION:

LOT 4, BLOCK 66, PUNTA GORDA ISLES, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE(S) 48A THROUGH 48G, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA

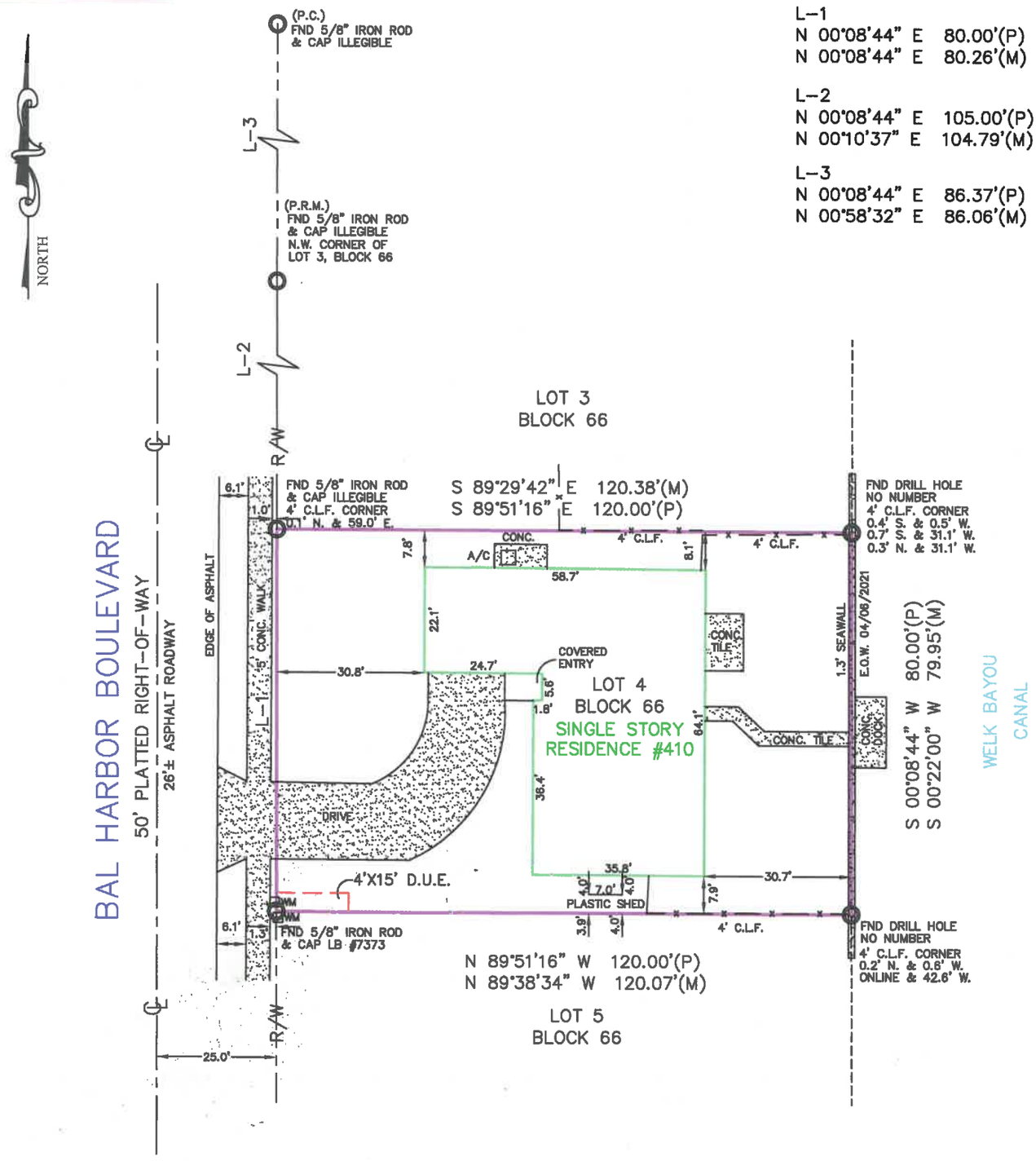
CERTIFIED TO:

KENNETH KRAUSE AND SUSAN J. KRAUSE

CLIENT NO:	
JOB NO:	51269
FIELD DATE:	4/6/2021
APPROVED BY:	J.S.
CHECKED BY:	L.R.
DRAWN BY:	J.D.
DRAWN DATE:	04/06/21

FIRST CHOICE SURVEYING, INC.
P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564
WWW.FIRSTCHOICESURVEYING.COM

BOUNDARY SURVEY



PROPERTY ADDRESS: 410 BAL HARBOR BOULEVARD, PUNTA GORDA, FLORIDA 33950

LEGEND

P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
(P)	= PLAT
(M)	= MEASURE
(D)	= DESCRIPTION
(CF)	= CALCULATED FROM FIELD DATA
(CR)	= CALCULATED FROM RECORDED DATA
P.C.P.	= PERMENANT CONTROL POINT
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.I.	= POINT OF INTERSECTION
P.C.	= POINT OF CURVATURE
P.T.	= POINT OF TANGENCY
℄	= CENTER LINE
R/W	= RIGHT OF WAY
R	= RADIUS
L	= ARC LENGTH
Δ	= CENTRAL ANGLE
C	= CHORD
C.B.	= CHORD BEARING
D.U.E.	= DRAINAGE/UTILITY EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
C.M.E.	= CANAL MAINTENANCE EASEMENT

WOOD — BRICK/PAVER/TILE — ASPHALT — CONCRETE

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE AE(BFE 9'), PER F.I.R.M MAP NUMBER 12015C0237F, DATED 05/05/2003.

THIS SURVEYOR MAKES NO GUARANTEES AS THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A AGENT SHOULD BE CONTACTED FOR VERIFICATION.

FIRST CHOICE SURVEYING, INC.

POINTS OF INTEREST:
NONE VISIBLE

GRAPHIC SCALE: 1" = 30'
0' 15' 30' 60'

SURVEYOR'S NOTES:
1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE LEGAL DESCRIPTION PROVIDED BY OTHERS.
2. UNLESS SHOWN, UNDERGROUND UTILITIES IMPROVEMENTS, FOUNDATIONS AND/OR SUBSURFACE STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF BAL HARBOR BOULEVARD, AS BEING, N 00°08'44" E, PER PLAT, ASSUMED.
4. THE PURPOSE OF THIS SURVEY IS FOR THE USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
5. FENCE OWNERSHIP NOT DETERMINED.
6. THE LAND(S) SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

LEGAL DESCRIPTION:
LOT 4, BLOCK 66, PUNTA GORDA ISLES, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE(S) 48A THROUGH 48G, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA

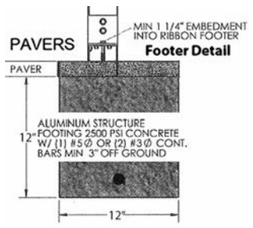
CERTIFIED TO:
KENNETH KRAUSE AND SUSAN J. KRAUSE

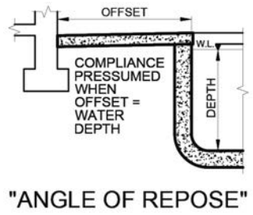
CLIENT NO:	
JOB NO:	51269
FIELD DATE:	4/6/2021
APPROVED BY:	J.S.
CHECKED BY:	L.R.
DRAWN BY:	J.D.
DRAWN DATE:	04/06/21

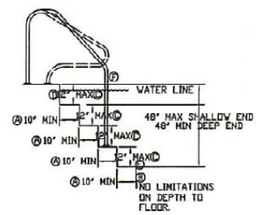
I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050 THROUGH 5J-17.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

CERTIFIED BY: JON SHOEMAKER PSM NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. 470978, LAKE MONROE, FL 32747
407.951.3425 (OFFICE); 407.520.5453 (FAX); LB 7564
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE SIGNED: 04/06/21







"ANSI 7 FLOW": DETERMINED BY TDH CALCULATION (E.G. MAX FLOW)
"ANSI 15 FILTRATION FLOW": 6 HR TURNOVER, MIN 36 GPM
"ANSI 15 AUXILIARY FLOW": GREATER OF SPA JET OR OTHER FEATURE FLOW
"ANSI 5 FLOW": 12 HR TURNOVER OR OTHER "ESTIMATED/ DESIGN" FLOW

PIPE FLOW AT GIVEN VELOCITY (GPM)

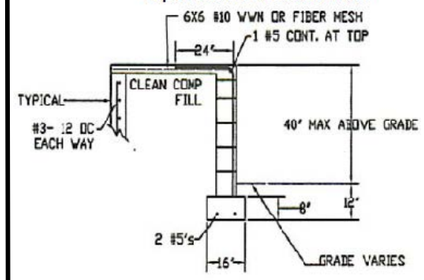
PIPE	6 FPS	8 FPS
1"	16	22
1-1/2"	38	51
2"	63	84
2-1/2"	90	119
3"	138	184

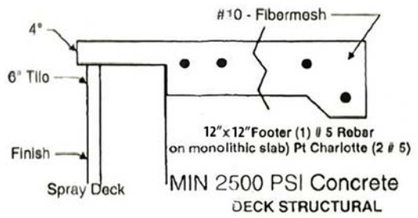
Designer: Tara Marley
Phone: 941-743-7171
City: Port Charlotte
Email: Tara@superiorpools.com

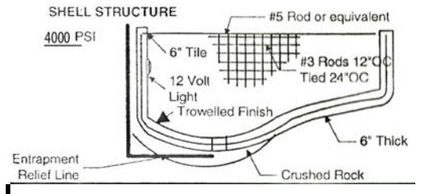
Superior Pools is NOT responsible for repair or replacement of landscaping, sod, irrigation, fence, sidewalks, driveways, or stucco

NAME: Krause, Ken and Susan
ADDRESS: 410 Bal Harbor Blvd
CITY: Punta Gorda
STATE/ZIP: Fl 33950
CELL: 267-664-0461
EMAIL: kenkrause@yahoo.com
DATE: 8/30/21
HOA: Punta Gorda Isles County: Charlotte County

Up to 5 course Stemwall detail

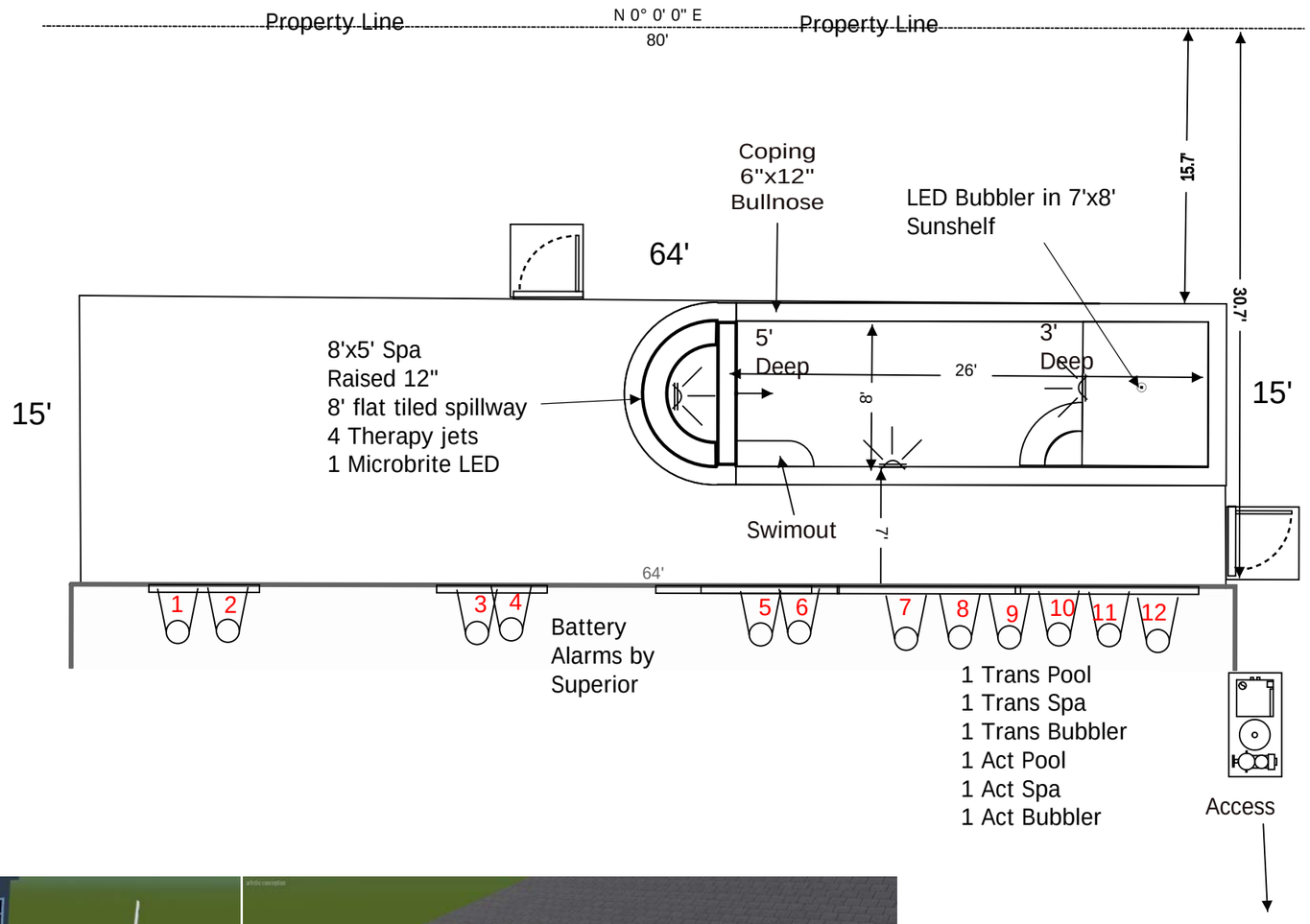






Cage by Absolute Aluminum

COLORS: TBD



POOL SPECS:

SIZE: 8'x26' SQ FT: 208
DEPTH: 3'-5' PERIMETER: 68
RETURNS: 4 3/8 Returns SWIM OUT: Yes
HANDRAIL: No EARTH DISPOSAL: Dig&Haul

DECK:

DECK TYPE: Classic Travertine ELEVATION: Existing
TOTAL DECK SQ FT: 689 COPING MAT: Classic Travertine
RAISED BEAM: No LIP STYLE: Bullnose
EAVES: 9' OVERHANG: 1'
EXISTING LANAI SQ FT: NA
SCREEN CAGE: MANSARD COLOR: Bronze
GRADING BY: SUPERIOR ELECTRIC BY : SUPERIOR

PLUMBING:

RETURNS: 4 3/8 Returns SKIMMMERS: 1 Admiral
POOL MAIN DRAINS: 32"Channel SPA MAIN DRAINS: 32" Channel
WATER FEATURES: LED Bubbler in sunshelf LIGHTS IN POOL: 2 Microbrite LED

EQUIPMENT:

POOL PUMP: Intelliflo VSF XF CHLORINATOR IC-40
PENTAIR FILTER: CC200RP TIMER: EZ Touch 4 p/s & Screen logic
HEATER: Ultratemo 120Q
SPECIAL: LED Bubbler in sunshelf CLEANING SYSTEM: na
SURGE PROTECTOR: YES

SPA SPECS:

SIZE: 5'x8' HEATER: Shared Ultratemp
SHAPE: Half Round PUMP: Shared Intelliflo
RAISED HEIGHT: 12" SPILLWAY: 8' flat
JETS: 4 therapy LIGHTS: 1 Micrbrite LED
HANDRAIL: No

NOTES: 1 - 2 Surface Alarms
2 - Intelliflo VSF XF Pump
3 - 2 micro brite led
4 - 4 Returns 3/8
5- 200 RP Filter
6-IC-40 Salt Chlorination
7 - start up filter
8 - EZtouch 4 w screenlogic
9- LED bubbler sunshelf
10-Ultratemp 120Q
SCALE 1/8" = 1'
* ALL DIMENSIONS 5% TOLERANCE

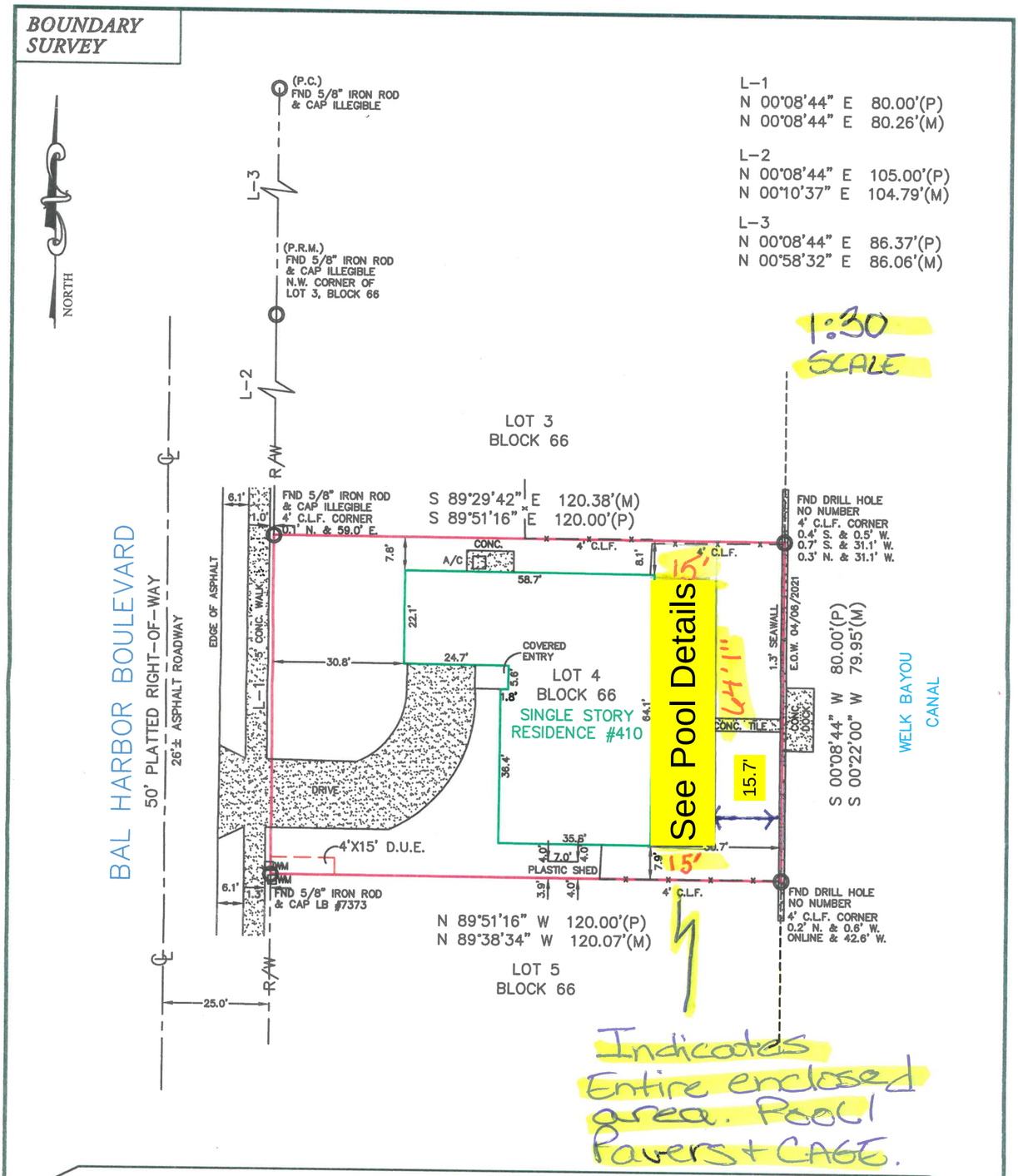
Location points, dimensions and construction specifications have been explained to me and I approve of them. Everything we have discussed and agreed to is shown and there are no verbal agreements. I understand that any changes will necessite extra charges.

X _____
CustomerSignature Date





BOUNDARY SURVEY



PROPERTY ADDRESS: 410 BAL HARBOR BOULEVARD, PUNTA GORDA, FLORIDA 33950

LEGEND

P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
(P)	= PLAT
(M)	= MEASURE
(D)	= DESCRIPTION
(CF)	= CALCULATED FROM FIELD DATA
(CR)	= CALCULATED FROM RECORDED DATA
P.C.P.	= PERMENANT CONTROL POINT
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.I.	= POINT OF INTERSECTION
P.C.	= POINT OF CURVATURE
P.T.	= POINT OF TANGENCY
℄	= CENTER LINE
R/W	= RIGHT OF WAY
R	= RADIUS
L	= ARC LENGTH
Δ	= CENTRAL ANGLE
C	= CHORD
C.B.	= CHORD BEARING
D.U.E.	= DRAINAGE/UTILITY EASEMENT
P.U.E.	= PUBLIC UTILITY EASEMENT
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
C.M.E.	= CANAL MAINTENANCE EASEMENT

WOOD · BRICK/PAVER/TILE · ASPHALT · CONCRETE

FIRST CHOICE SURVEYING, INC.

POINTS OF INTEREST:
NONE VISIBLE

GRAPHIC SCALE: 1" = 30'
0' 15' 30' 60'

LEGAL DESCRIPTION:
LOT 4, BLOCK 66, PUNTA GORDA ISLES, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE(S) 48A THROUGH 48G, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA

CERTIFIED TO:
KENNETH KRAUSE AND SUSAN J. KRAUSE

CLIENT NO:	
JOB NO:	51269
FIELD DATE:	4/6/2021
APPROVED BY:	I.S.
CHECKED BY:	L.R.
DRAWN BY:	I.D.
DRAWN DATE:	04/06/21

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARD OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050 THROUGH 5J-17.053, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

CERTIFIED BY: JON SHOEMAKER PSM NO. 5144
FIRST CHOICE SURVEYING, INC.
P.O. 470978, LAKE MONROE, FL 32747
407.951.3425 (OFFICE); 407.520.9453 (FAX); LB 7564
NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OR ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE SIGNED: 04/06/21

FLOOD ZONE
(FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE AE(BFE 9'), PER F.I.R.M MAP NUMBER 12015C0237F, DATED 05/05/2003.

THIS SURVEYOR MAKES NO GUARANTEES AS THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A AGENT SHOULD BE CONTACTED FOR VERIFICATION.

SURVEYOR'S NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE LEGAL DESCRIPTION PROVIDED BY OTHERS.
2. UNLESS SHOWN, UNDERGROUND UTILITIES IMPROVEMENTS, FOUNDATIONS AND/OR SUBSURFACE STRUCTURES WERE NOT LOCATED BY THIS SURVEY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY LINE OF BAL HARBOR BOULEVARD, AS BEING, N 00°08'44" E, PER PLAT, ASSUMED.
4. THE PURPOSE OF THIS SURVEY IS FOR THE USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
5. FENCE OWNERSHIP NOT DETERMINED.
6. THE LAND(S) SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

V-02-2021 – Variance Request

410 Bal Harbor Blvd.

Punta Gorda

Lisa Hannon, Zoning Official
November 23, 2021
Board of Zoning Appeals

410 Bal Harbor Blvd
Existing Conditions

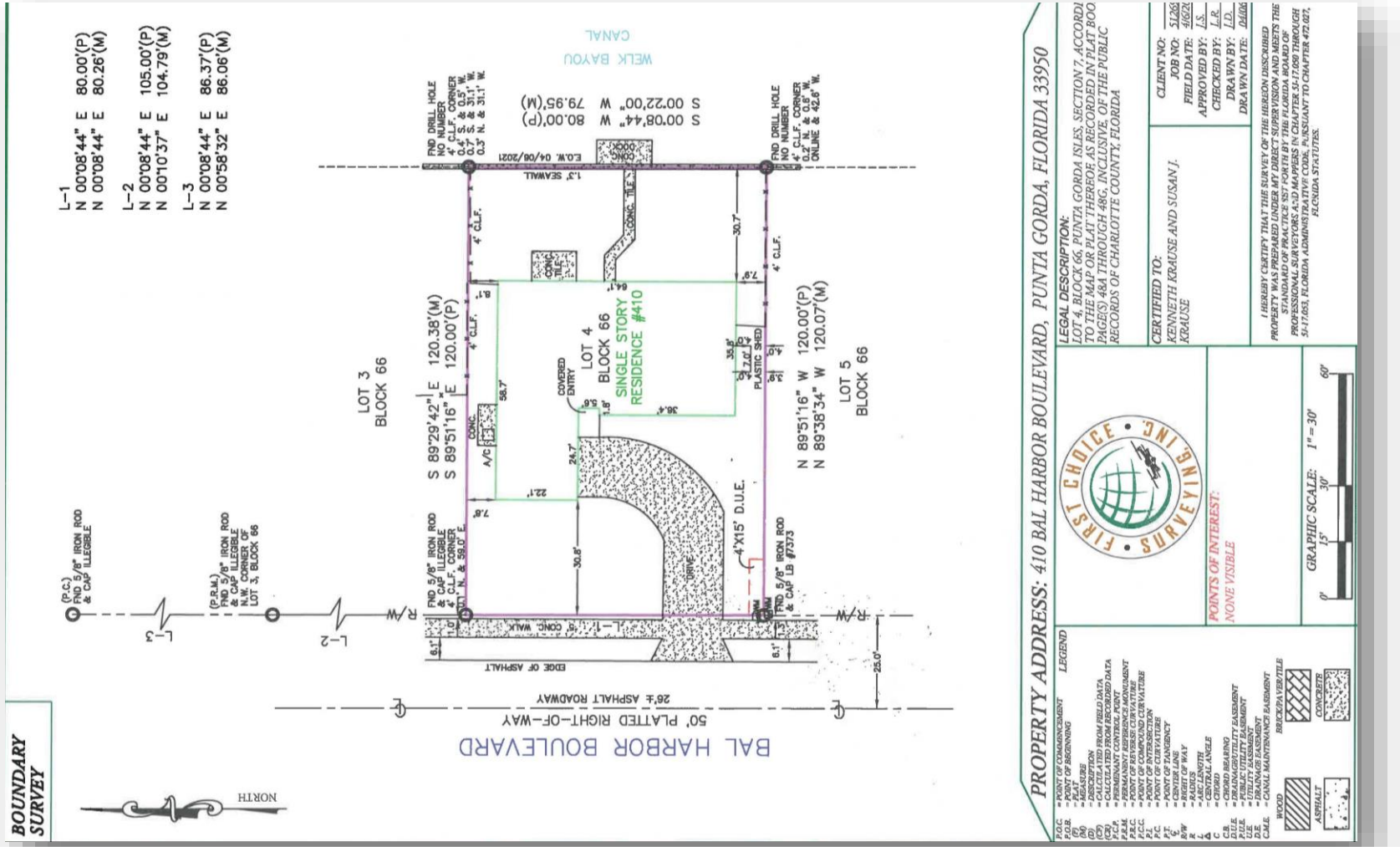


Image: First Choice Surveying,

Punta Gorda

410 Bal Harbor Blvd
Existing Conditions

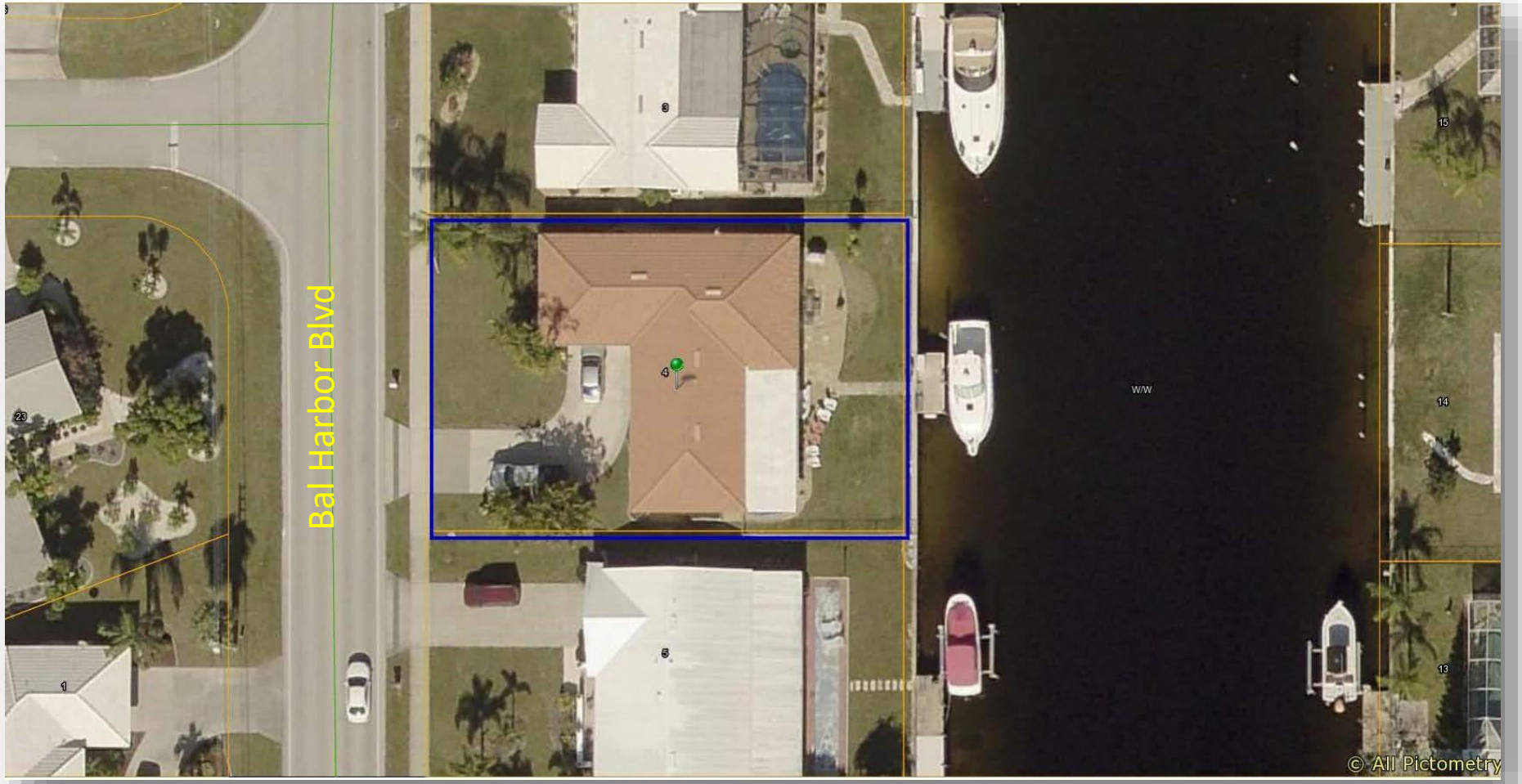


Image: Pictometry website

Punta Gorda

410 Bal Harbor Blvd Request:

- Construction
  - Pool
  - Pool deck
  - Screen enclosure
- 15 foot rear yard setback
- 20 foot rear yard setback required

Punta Gorda

410 Bal Harbor Blvd
Proposed Pool Construction

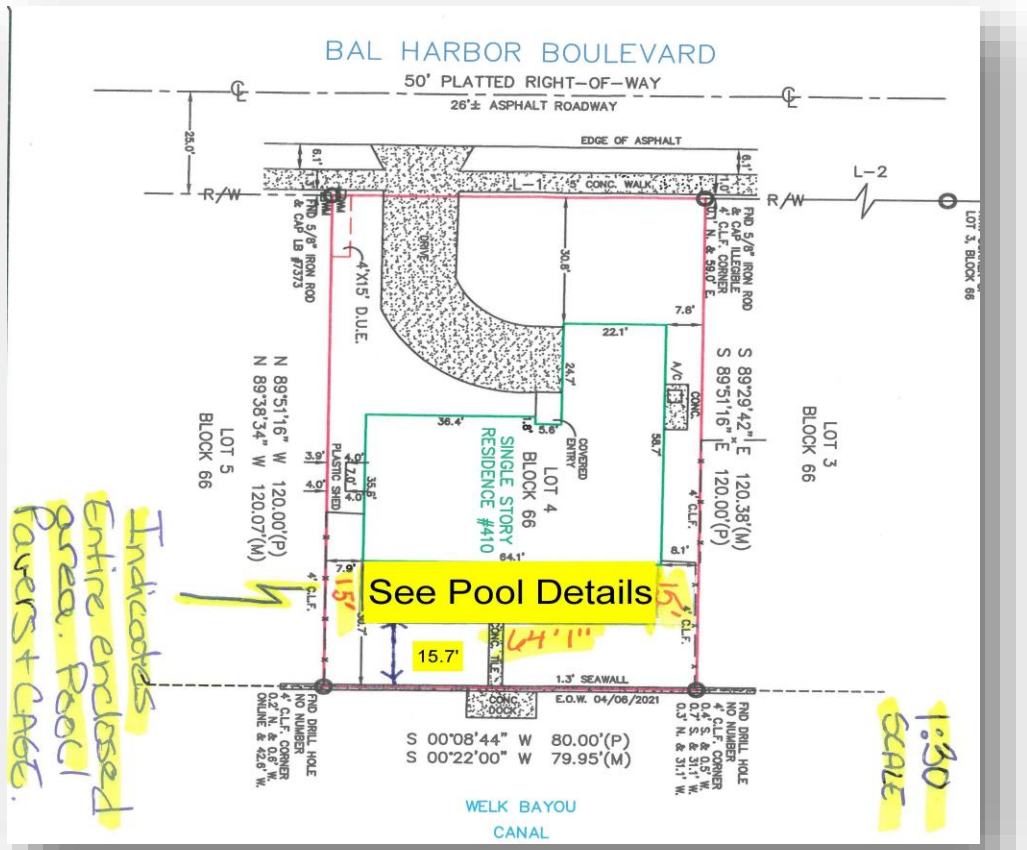
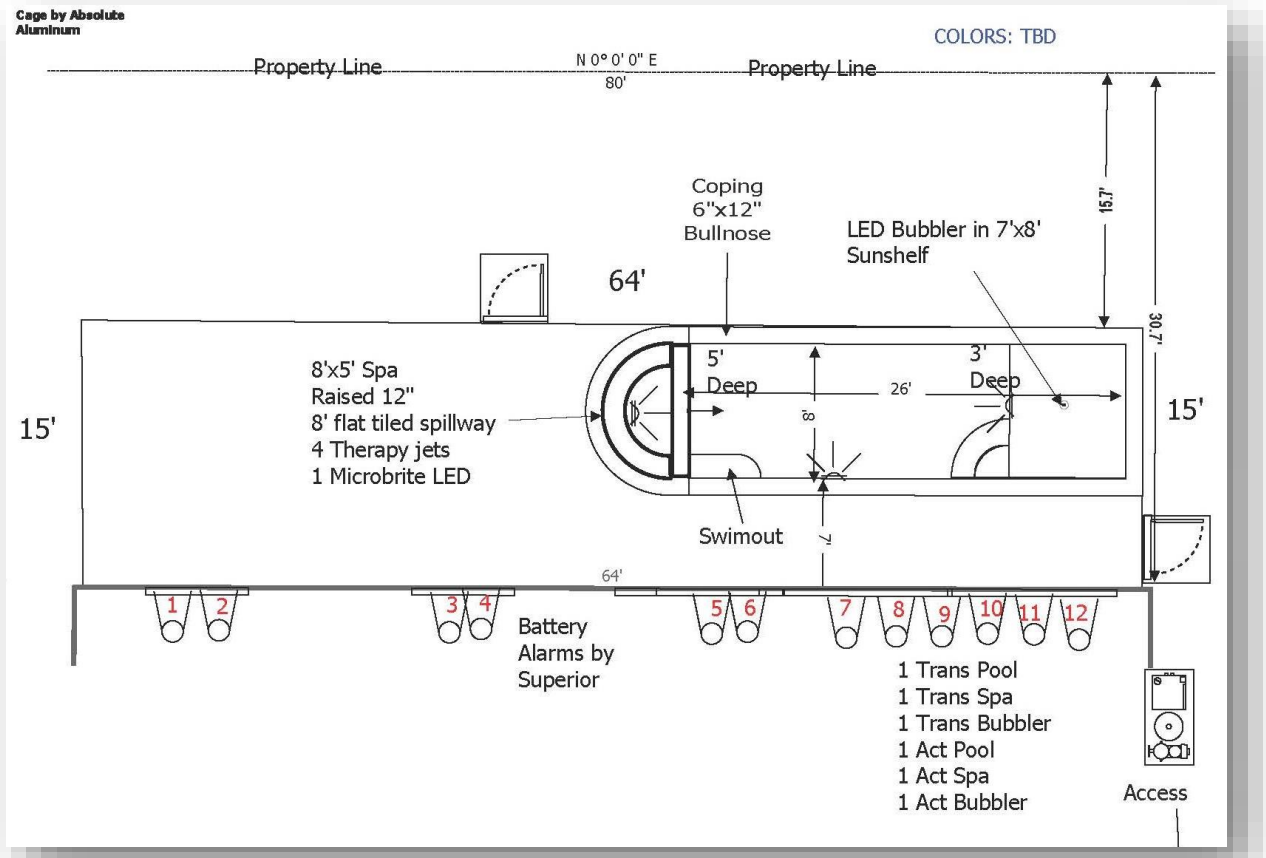


Image: Superior Pools of Southwest Florida, Inc.

Punta Gorda

410 Bal Harbor Blvd
Proposed Pool Construction







Plan view and concept images
By: Superior Pools of Southwest Florida, Inc.

Approval Criteria

1. Special conditions/circumstances exist:
    a) 1974 construction
    b) No pool originally
    c) 15 feet - minimum rear yard setback in 1974
    d) There are still existing nonconforming pools in the City
    e) Property similar in size to other GS 3.5 zoned parcels
    f) Staff finds no special conditions/circumstances exist
2. Strict/literal enforcement of LDRs create undue hardship:
    a) Pool, pool deck and screen enclosure not permitted at proposed 15 foot rear yard setback
    b) Request to an accessible pool
    c) Applicant provided medical documentation for reasonable accommodations (ADA)
3. Hardship shared generally by others:
    a) Other properties have conforming pools/pool decks
    b) Request for reasonable accommodation to provide an accessible pool, deck and enclosure
4. Variance not injurious/incompatible with contiguous uses:
    a) Other properties have pools/pool decks/enclosures
    b) Not incompatible with other properties

Punta Gorda

Approval Criteria

5. Request is minimum modification to afford relief:
    a) 1974 construction
    b) No pool originally
    c) Minimum rear yard setback in 1974 – 15 feet
    d) 5 foot setback variance minimum modification
6. Condition giving rise to request:
    a) Pool, pool deck and screen enclosure not permitted at proposed 15 foot rear yard setback
    b) Request is to add an accessible pool
    c) Applicant provided medical documentation for reasonable accommodations (ADA)
    d) Current owner requested variance
7. Request does not involve a prohibited use:
    a) Request does not involve a prohibited use
8. Variance consistent with Comprehensive Plan:
    a) Request is not in conflict with the Comprehensive Plan

Punta Gorda

Conditions/Recommendations

Conditions of Approval

1. Building permit required
2. Hold Harmless agreement
    a) Required to be signed and recorded by property owner

Recommendations

DRC:

Urban Design Staff:

Based upon the aforementioned approval criteria and findings, Urban Design staff recommends approval of the request with the above stated conditions.

Punta Gorda

EXCERPT EXCERPT EXCERPT

DEVELOPMENT REVIEW COMMITTEE
MEETING
OCTOBER 22, 2021

MEMBERS PRESENT: Lisa Hannon, Acting Chair
Randy Cole, Chief Building Official
Steve Adams, Utilities Engineering Manager
Jennifer Molnar, Fire Marshal
Norman Nahra, Police Lieutenant
Linda Sposito, Public Works

OTHERS PRESENT: David McCarty, Code Compliance Supervisor
Bob White, Drew Hamernik, John Wright,
Janet Watermeier, Brian Corso, Kenneth Krause,
Susan Krause, Lloyd Cranford, Jay Wester

APPLICATION REVIEW

B. V-02-2021 - A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closest points instead of 20 feet as is required by Chapter 26, Section 3.13(d), Punta Gorda Code, at an existing single-family structure, constructed in 1974.

Legal: Punta Gorda Isles, Section 7, Block 66, Lot 4

aka: 410 Bal Harbor Boulevard, Punta Gorda, FL 33950

Charlotte County Parcel Id: 412212305003

- Ms. Hannon reviewed the request from the agenda material, noting same was to permit construction of an ADA accessible pool deck and screen enclosure. She stated the Canal Maintenance Division had no objections to the request and had issued a letter verifying the seawall was replaced and in good condition. She concluded staff recommended approval of the request based on their findings and conclusions as well as with respect to the ADA Act and the Fair Housing Act which allowed reasonable accommodations.
- Ms. Sposito confirmed the Public Works Department had no comments for the request.
- Mr. Cole clarified the request was subject to the Fair Housing Act and not to ADA regulations.
- Ms. Molnar verified the Fire Department had no issues with the request.
- Mr. Nahra confirmed the Police Department had no issues.
- Mr. Adams stated the Utilities Department had no issues.
- Ms. Hannon concluded the request would move forward to the Board of Zoning Appeals and to City Council.

- Ms. Molnar MOVED, Mr. Nahra SECONDED to move V-02-2021 forward to the Board of Zoning Appeals. MOTION CARRIED UNANIMOUSLY.

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/23/2021

QUASI-JUDICIAL PUBLIC HEARINGS

Title: V-03-2021 - A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall tan vinyl security fence with a twenty-four (24) foot wide gate, instead of a four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011.

Legal: Punta Gorda Blk 119 Lts 10 and 11
A/K/A: 1385 Elizabeth St, Punta Gorda, FL 33950
Charlotte County Parcel Id: 412307256008

Funds:

Recommended Action: While City staff understands the request to improve the property by removing and replacing an existing non-conforming slatted chain link fence with a more attractive and secure vinyl privacy fence, the application does not meet the literal criteria of hardship as outlined in the Punta Gorda Code, Land Development Regulations, therefore, the Urban Design Division recommends denial of the request.

Punta Gorda Development Review Committee recommended moving the request forward to Board of Zoning Appeals and City Council.

Summary:

The request is to replace an existing non-conforming fence, with a new, updated, and secure fence that will be kept at the same dimensions (6 feet in height) on the property 1385 Elizabeth Street.

Department/Division: Urban Design

EXHIBITS:

1. Proof of Publication
2. Legal Ad 11-5-21
3. V-03-2021 BZA 1385 Elizabeth St Staff Report
4. V-03-2021 1385 Elizabeth Street Application
5. 1385 Elizabeth Street Fence Specifications
6. V-03-2021 1385 Elizabeth St BZA presentation

7. DRC Excerpt - V-03-2021

CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE

Anthony Favara
Authorized Agent

V-03-2021, 1385 Elizabeth St.
File # & Title

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 1385 Elizabeth St, Punta Gorda, Florida;

2. That this property is owned by Lloyd and Deborah Cranford
The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

Dated this 5th day of November, 20 21.

Code Compliance Officer

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 5 day of November 20 21 by Nick Faulkner, who is personally known to me and who did not take an oath.

Signature, Notary Public

(SEAL)

SAMANTHA SORRENTINO
MY COMMISSION # GG 947164
EXPIRES: February 16, 2024
Bonded Thru Notary Public Underwriters


NOTICE OF PUBLIC HEARING
11/05/2021 11:01

NOTICE OF INTENT

CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA

TO WHOM IT MAY CONCERN

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that Tatiana Bilinska and Roman Meixner the property owners, intends to petition the City of North Port to vacate the six foot platted utility easements located on the interior of Lots 19 and 20, Block 2452 of 49TH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 21, Page 1, of the Public Records of Sarasota County, Florida. All the above lying and being in the City of North Port, Sarasota County, Florida. Filed by attorney Aaron J. Backo of Mellor & Backo LLP: (941) 426-1193 13801 Tamiami Trail, Suite D, North Port, FL 34287
Publish: 11/05/21, 11/12/21
418901 3819999

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the Punta Gorda **Board of Zoning Appeals** will hold a Public Hearing on **Tuesday, November 23, 2021, at 4:00 p.m.**, and the Punta Gorda **City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon thereafter as may be heard, to consider the following requests:

V-02-2021 - A request by Kenneth E. and Susan R. Krause, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to construct a new swimming pool, deck and screen enclosure with 15 feet rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, Punta Gorda Code, at an existing single-family structure, constructed in 1974.
Legal: PGI 007 0066 0004, Punta Gorda Isles, Section 7, Block 66, Lot 4
aka: 410 Bal Harbor Boulevard, Punta Gorda, FL 33950
Charlotte County Parcel ID: 412212305003

V-03-2021 - A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall tan vinyl security fence with a twenty-four (24) foot wide gate, instead of a four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011.
Legal: PUG 000 0119 0010, Punta Gorda, Block 119, Lots 10 and 11
aka: 1385 Elizabeth Street, Punta Gorda, FL 33950
Charlotte County Parcel ID: 412307256008

Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/ Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendars days prior to the meeting.
KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA
Publish: November 5, 2021
102469 3819381

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City of Punta Gorda, Florida

VARIANCE REQUEST
Staff Report

TO: Punta Gorda Board of Zoning Appeals
FROM: Lisa Hannon, Zoning Official
PUBLIC HEARING DATE: November 23, 2021
RE: V-03-2021 – 1385 Elizabeth St

Applicant Request:

V-03-2021 – A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall tan vinyl security fence with a twenty-four (24) foot wide gate, instead of a four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011.

LEGAL: Punta Gorda BLK 119 LTS 10 and 11
A/K/A: 1385 Elizabeth St, Punta Gorda, FL 33950
CHARLOTTE COUNTY PARCEL ID: 412307256008

Summary of Applicant's Request:

The request is to replace an existing non-conforming fence, with a new, updated, and secure fence that will be kept at the same dimensions (6 feet in height) on the property 1385 Elizabeth Street.

City Code of Ordinance, Chapter 26, Section 16.10. Application for Variance - Owners of lands or structures or their designated agents may appeal in writing to the Board of Zoning Appeals (BZA) for variance from the requirements or restrictions of the land development regulations; except that no appeal for use or density issues may be considered. Appeals should be submitted through the Zoning Official, stating specific variances requested. An application for a variance shall include a written statement with supporting evidence regarding compliance with the following approval criteria:

(1) The particular provision of the Code which prevents the proposed construction on, or use of the property.

Chapter 26, Section 17.4, does not permit the removal and replacement of a nonconforming accessory structure. If the nonconforming structure is removed, any replacement must be in compliance with the code in effect at the time of replacement.

Chapter 26, Section 8.5 (3) permits fences in non-residential districts to a height of up to eight feet in rear yards and four feet in height in other applications. This property is situated on two street fronts; technically the property has two side yards and no rear yard.

(2) The existing zoning of the property, including any previously approved conditions, or modifications.

The property is zoned Special Purpose zoning district (SP). The commercial structure was constructed in 2011.

(3) The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with the terms of this Ordinance.

The property is situated on two street fronts, therefore, makes installation of a security fence in conformance with the current code requirements difficult.

(4) The particular hardship that would result if the specified provisions of the ordinance were to be applied to the subject property.

The strict and literal enforcement of the zoning regulations would not allow the replacement of the existing non-conforming fence with a six (6) foot vinyl privacy fence and gate in the same location as the existing fence.

(5) The extent to which it would be necessary to vary the provisions of this Ordinance in order to permit the proposed construction on, or use of, the property.

In order to replace the existing non-conforming fence, the request is the minimum modification of the regulation at issue that will afford relief for the property owner.

(6) A disclosure statement of the real parties in interest signed by the applicant and notarized.

A signed affidavit is included with the variance application.

(k) The Board of Zoning Appeals and City Council shall use the following criteria, in making their decision regarding approval or disapproval of a variance application. No variance shall be approved unless all of the following statements are true with respect to the subject property:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.

Per the records of the Charlotte County Property Appraiser and the City of Punta Gorda, the existing garage structure was constructed in 2011. The property has had an existing non-conforming six (6) foot slatted chain link fence along the property perimeter since approximately 1968. The existing non-conforming fence can be removed and replaced with the proposed privacy/security fence, however, the fence would have to meet the current code requirements regarding height and placement.

The property is situated on two street fronts, however, there are several other properties located on corner lots within the City of Punta Gorda. Therefore, staff can find no special circumstances which are not applicable to other lands.

(2) The strict and literal enforcement of the zoning 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.

The Land Development Regulations (LDR) permit a maximum four (4) foot tall fence along street yards. The strict and literal interpretation of the code would not permit the existing non-conforming six (6) foot fence to be removed and replaced with a six (6) foot vinyl fence in the same location.

Although, the current fence may not allow for proper landscaping, property maintenance, or security, and the height regulations may provide an inconvenience to the property owner, as they desire a six (6) foot fence, staff cannot find that the regulations create an undue hardship.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

The request is to replace a non-conforming six (6) foot tall slatted chain link fence with a six (6) foot vinyl security fence along the entire property, including the street yard. The property is zoned Special Purpose (SP), and the existing non-conforming fence was built in 1968, and was later updated in 2006.

The property is located on two street fronts. There are several parcels within the City of Punta Gorda which are located on corner lots with two street fronts, therefore, the potential hardship may be shared with other properties in the same zoning district and in the same vicinity.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

The granting of the variance for the fence height would not be injurious or incompatible with the contiguous uses. The new property owner is improving the property and the replacement of the existing non-conforming slatted chain link fence with a vinyl fence material. In addition, the LDRs

requires the installation of landscaping between the fence and the property line.

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

The existing non-conforming fence can be removed and replaced with the proposed privacy/security fence, however, the fence would have to meet the current code requirements regarding height and placement. Therefore, the variance requested is not the minimum modification of the regulations that will afford relief.

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

The existing non-conforming fence was not installed by the current property owner, however, the requested variance to remove and replace the existing non-conforming fence has been initiated by the current property owner.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

The requested variance does not involve any use which is prohibited in the district where the property is located.

(8) The requested variance is consistent with the City of Punta Gorda Comprehensive Plan.

The requested variance is not in conflict with the City of Punta Gorda's adopted Comprehensive Plan 2040.

Additional Findings

Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

1. The property is zoned Special Purpose (SP) and the use of a garage facility has been in place prior to 2005.
2. The original fence was installed in 1968, upgraded in 2006 and is considered existing non-conforming. The current fence material, slatted chain link, is no longer permitted by the code.
3. The property is located on two street fronts, however, there are other properties that are located on two street fronts.

Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

1. The request is to replace the existing fence with a more decorative and secure vinyl fence.
2. Landscaping is required to be installed between the fence and property line.

Staff Recommended Conditions of Approval

1. If approved, staff will require a landscape plan be submitted by the property owner or contractor prior to installation to determine acceptability.
2. Fence will require a building permit prior to installation.

Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:

While City staff understands the request to improve the property by removing and replacing an existing non-conforming slatted chain link fence with a more attractive and secure vinyl privacy fence, the application does not meet the literal criteria of hardship as outlined in the Punta Gorda Code, Land Development Regulations, therefore, the Urban Design Division recommends denial of the request.

Punta Gorda Development Review Committee recommended moving the request forward to Board of Zoning Appeals and City Council.

Punta Gorda

RECEIVED
AUG 25 2021
URBAN DESIGN

CITY OF PUNTA GORDA
URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VARIANCE APPLICATION

Date Received: AS
Application Fee: $750.00 CK#5437

File #: V- 03-2021

Office use only:

Ad Date		DRC		BZA		City Council	

Application and all pertinent required data (listed below) MUST be submitted with this application

- ☐ ORIGINAL application with Signed & Notarized Variance Application and/or Affidavit Authorization for Agent (if applicable)
- ☐ A copy of the deed or other evidence of ownership
- ☐ Plot Plan: If building exists, should show all existing structures with dimensions, spacing, set-backs and off-street parking. **if new construction is proposed as part of this request, a plot plan is required and must show any existing structures on the land and any proposed structures, including setbacks, spacing and dimensions & total impervious area calculations
- ☐ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.
- ☐ Survey MUST show ALL Easements, Dedications & Improvements
- ☐ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations
- ☐ Date of Survey:_____
- ☐ Total Acreage of Property _____
- ☐ Square Footage_____
- ☐ Certificate of Appropriateness application and application fee if property is located within the National Register Historic Overlay District, listed on the National Register, or property listed on the Florida Master Site File by the State of Florida Department of State, Bureau of Historic Preservation of the Division of Historical Resource Florida Master Site File No. _____ Contributing Structure ☐ Yes ☐ No

In addition to the original application ANY documents greater than 11x17 MUST ALSO be submitted on a CD/DVD

In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing.

The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

1. Applicant

Name	Lloyd Cranford						
Address	43 Sabal Dr.	City	Punta Gorda	State	FL	Zip	33950
Phone	559-679-4369	Email	totheisles@verizon.net				

2. Owner(s) of Record

Name	Lloyd Cranford and Debra Cranford						
Address	43 Sabal Dr.	City	Punta Gorda	State	FL	Zip	33950
Phone	559-679-4369	Email	totheisles@verizon.net				

3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)

Name	Anthony Favara / Peace River Custom Fence						
Address	P.O. Box 510515	City	Punta Gorda	State	FL	Zip	33951
Phone	941-628-5654	Email	prchcharlotte@yahoo.com				

4. Property Address

Address: 1385 Elizabeth St., Punta Gorda, FL 33950

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412307256008	10	119		7125	1/6
	11	119		7125	1/6

5. Legal Description of Property (Attach separate sheet if necessary)

Lots 10 and 11, Block 119, S.J. Chadwick's Subdivision of Block 119, Punta Gorda, according to the Plat thereof, recorded in Plat Book 2, Page(s) 51, of the Public Records of Charlotte County, Florida.

6. Is this variance request for new construction? ☐ Yes ■ No

A. If yes, what is the total impervious area calculation?

7. Existing Zoning Classification SP

8. Is this request the result of a Violation? ☐ Yes ■ No **When?**

9. Are there any existing structures on the property? ■ Yes ☐ No

If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property.

10. Reason Variance is being requested

To replace aged existing fence with new, updated, secure fence with the same dimensions.

11. Burden of Persuasion.

The burden of showing that a variance should be granted to alleviate undue hardship shall be on the applicant. The applicant shall be required to demonstrate that the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant or that strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

(1) Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this ordinance; (2) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property; (3) The condition situation or development of property immediately adjacent to the subject property.

Explanation: We are not requesting special priviledge or covenience. Topographically, the existing fence has encouraged over-growth of poison ivy. We are cleaning and updating the property to fall in line with the City of Punta Gorda's continual improvements. There are numerous residential construction projects adjacent to the property.

12. Approval Criteria No variance shall be approved unless all of the following statements are true with respect to the subject property. Please state your position for each of the following approval criteria:

(1) That special conditions or circumstances exist which are particular to the size and characteristics of the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The property is zoned SP across the street from residential properties. The new 6 ft fence is a replacement for the current 6 ft fence as a cosmetic and security improvement benefiting the entire neighborhood.

(2) The strict and literal enforcement of the zoning 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.

The regulation, as written, varies from the existing property. The fence has been in place for 20 years. The existing fence does not allow for proper landscaping, property maintenance or security. The planned new fence would not promote poison ivy and wasps as the current fence, The planned power gate is necessary as the gate will be opened and closed several times a day.

(3) That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

The property is unique as it will house a million dollar plus auto collection. Insurance companies agree that a 6 ft security fence is needed.

(4) The granting of the variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.

The current 6 ft fence has been in place for 20 years with no issues. The rear fence cannot be replaced with a 4 ft fence as the neighboring buildings use a 6 to 8 ft trellis as a back drop.

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

We are only replacing an existing fence.

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

We purchased the property with a 6 ft security fence. The sellers, the Realtors, the City and the insurance companies were all informed and all approved of our intended use of the property.

(7) The variance requested does not involve any use which is prohibited in the district where the property is located.

The new fence does not involve any prohibited use of the property.

(8) Please explain in detail how this variance request is consistent with the City of Punta Gorda Comprehensive Plan

The area needs improvement and is undergoing numerous construction projects. We have discussed our plans with numerous neighbors, contractors and citizens of Punta Gorda who all agree that the new vinyl security fence, which is a vital part of upscale landscaping, will be a much needed and welcomed improvement bringng the area up to scale with downtown.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property relative to this application.

NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Signature of Owner or Authorized Agent

Anthony Tavara/President
Print Name & Title

8/24/21
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of August, 20 21, by Anthony Tavara, who is personally known to me or who has produced _____ as identification.

Blair Sutton
(Signature of Notary)

BLAIR SUTTON
MY COMMISSION # GG 219617
EXPIRES: September 18, 2022
Bonded Thru Notary Public Underwriters

(Seal)

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We Lloyd Crawford, property owner(s), hereby authorize Anthony Tavara to act as ***Agent*** on our behalf regarding a VARIANCE APPLICATION on the property commonly known as 1385 Elizabeth St in Punta Gorda, Florida.

Signature of Property Owner

Lloyd Crawford
Print Name of Property Owner

08-17-21
Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this day of August, 20 21, by Lloyd Crawford, who is personally known to me or who has produced DL as identification.

Blair Sutton
(Signature of Notary)

BLAIR SUTTON
MY COMMISSION # GG 219617
EXPIRES: September 18, 2022
Bonded Thru Notary Public Underwriters

Prepared By and Return to:
Steve Schiller - File# 20210624
Suncoast One Title & Closings, Inc.
357 W. Marion Ave.
Punta Gorda, FL 33950
Parcel ID Number: 412307256008

Warranty Deed

Made this 29th day of June, 2021, Carl Baker, a married man, 750 Coral Drive, Punta Gorda, FL 33950, hereinafter called the grantor, to Debra Cranford and Lloyd Cranford, Husband and Wife whose post office address is: 43 Sabal Drive, Punta Gorda, FL 33950, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in Charlotte County, Florida, wit:

Lots 10 and 11, Block 119, S.J. Chadwick's Subdivision of Block 119, Punta Gorda, according to the Plat thereof, recorded in Plat Book 2, Page(s) 51, of the Public Records of Charlotte County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Signature: _____ Carl Baker

1st Witness Printed Name: TRACY TOTH

2nd Witness Signature: Cindy Brown

2nd Witness Printed Name: Cindy Brown

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29th day of June, 2021, by Carl Baker, who ☐ are personally known to me or who ☒ have produced photo ID as identification.

(Notary Seal)

Notary Public Signature: _____

Notary Printed Name: TRACY TOTH

My Commission Expires: 4-20-2025

Notary Public State of Florida
Tracy Toth
My Commission HH 091493
Expires 04/20/2025

BOUNDARY SURVEY
XXXX ELIZABETH ST. PUNTA GORDA, FLORIDA 33950



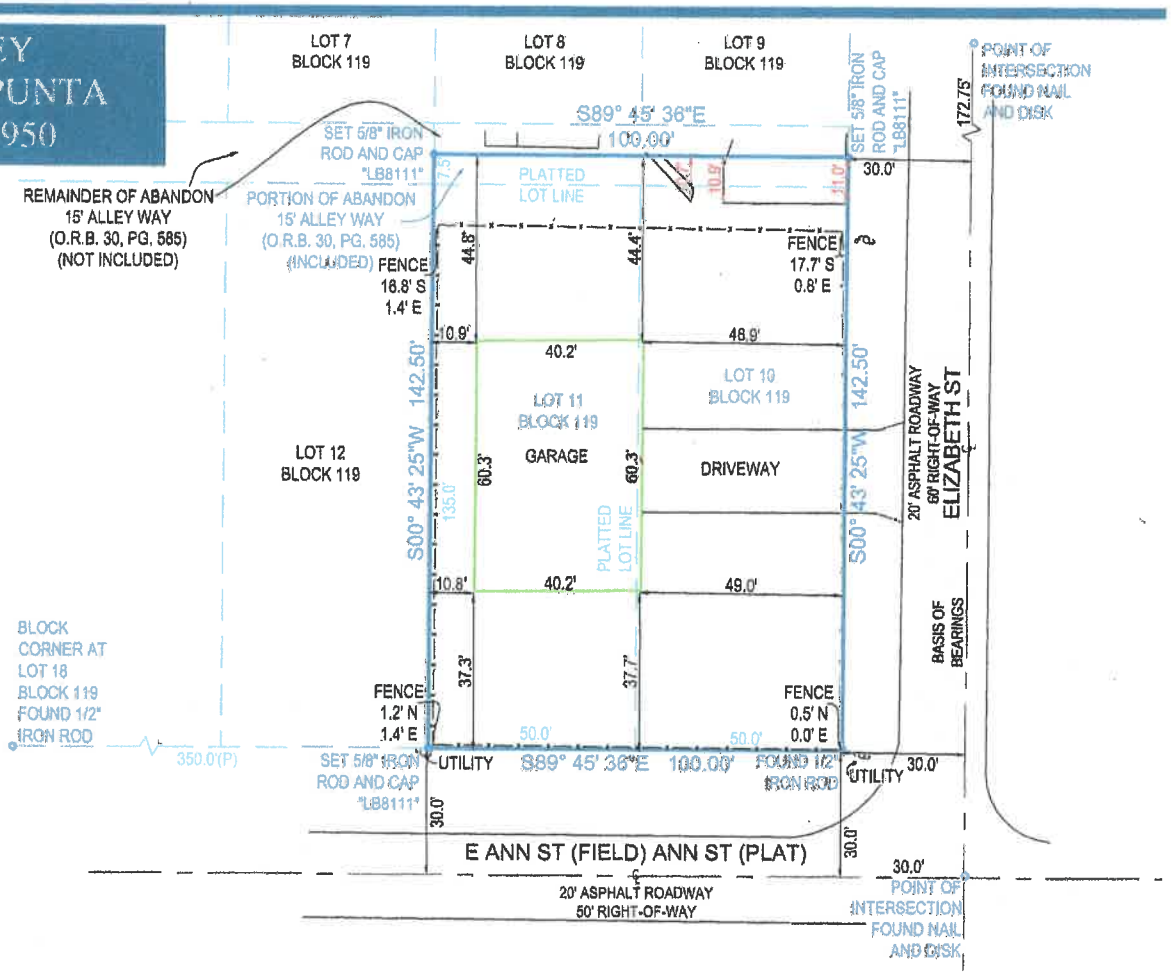
SCALE = 1" = 30'

LEGAL DESCRIPTION:
LOTS 10 AND 11, BLOCK 119, CITY OF PUNTA GORDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES(S) 51, TOGETHER WITH THE SOUTH 7.5 FOOT OF THE 15 FOOT VACATED ALLEY LYING NORTH OF SAID LOTS, WHICH HAS BEEN VACATED BY RESOLUTION RECORDED IN O.R. BOOK 30, PAGE 587, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

CERTIFIED TO:
FRAN EARLE

FLOOD ZONE:
12015C0241F
ZONE: AE
ELEV: 8 FT
EFF: 05/05/2003

GENERAL NOTES:
1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC. ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LB (LICENSED SURVEYOR)



LEGEND:
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A/C-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING	D.E.-DRAINAGE EASEMENT	R-RADIUS(R)	(P)-PLAT	ELEV-ELEVATION	-LIGHT POLE	# -NUMBER	-WELL	-FENCE
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT	P.U.E.-PUBLIC UTILITY EASEMENT	O.R.B.-OFFICIAL RECORDS BOOK	EOW-EDGE OF WATER	FF-FINISHED FLOOR		-ASPHALT	-WATER VALVE	-PLUS OR MINUS
AL-ARC LENGTH	P.B.-PLAT BOOK	L.A.E.-LIMITED ACCESS EASEMENT	SQ.FT.-SQUARE FEET	TOB-TOP OF BANK	LS-LICENSED SURVEYOR		-CONCRETE	-CENTER LINE	-POLE
(C)-CALCULATED	PG-PAGE	L.M.E.-LAKE MAINTENANCE EASEMENT	AC.-ACRES	OHL-OVERHEAD LINE	LB-LICENSED BUSINESS		-PAVER/BRICK	-CATCH BASIN	-MANHOLE
(M)-MEASURED	U.E.-UTILITY EASEMENT	O.H.E.-OVERHEAD EASEMENT	DB-DEED BOOK(D)-DEED	C/O-CLEAN OUT	PSM-PROFESSIONAL SURVEYOR & MAPPER		-WOOD	-FIRE HYDRANT	XXX -TOPOGRAPHIC ELEVATION

SHEET 1 O

- SURVEY NOTES:
-DRIVEWAY EXTENDS THROUGH EAST BOUNDARY LINE AS SHOWN
-CONCERT AND BRICK EXTENDS THROUGH NORTH BOUNDARY LINE AS SHOWN
-FENCES LIE NEAR BOUNDARY LINE AS SHOWN.

FIELD DATE:4/27/2021
DRAWN BY:C.C.
ORDER NO:131347
REVISIONS:

5601 CORPORATE WAY, SUITE 103
WEST PALM BEACH, FL 33407
NexgenSurveying.com LB#8111
PHONE: 561.508.6272
FAX: 561.508.6309

NEXGEN SURVEYING, LLC.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY CLYDE O. MCNEAL PSM 2883 ON 4/28/2021

BOUNDARY SURVEY
XXXX ELIZABETH ST, PUNTA GORDA, FLORIDA 33950



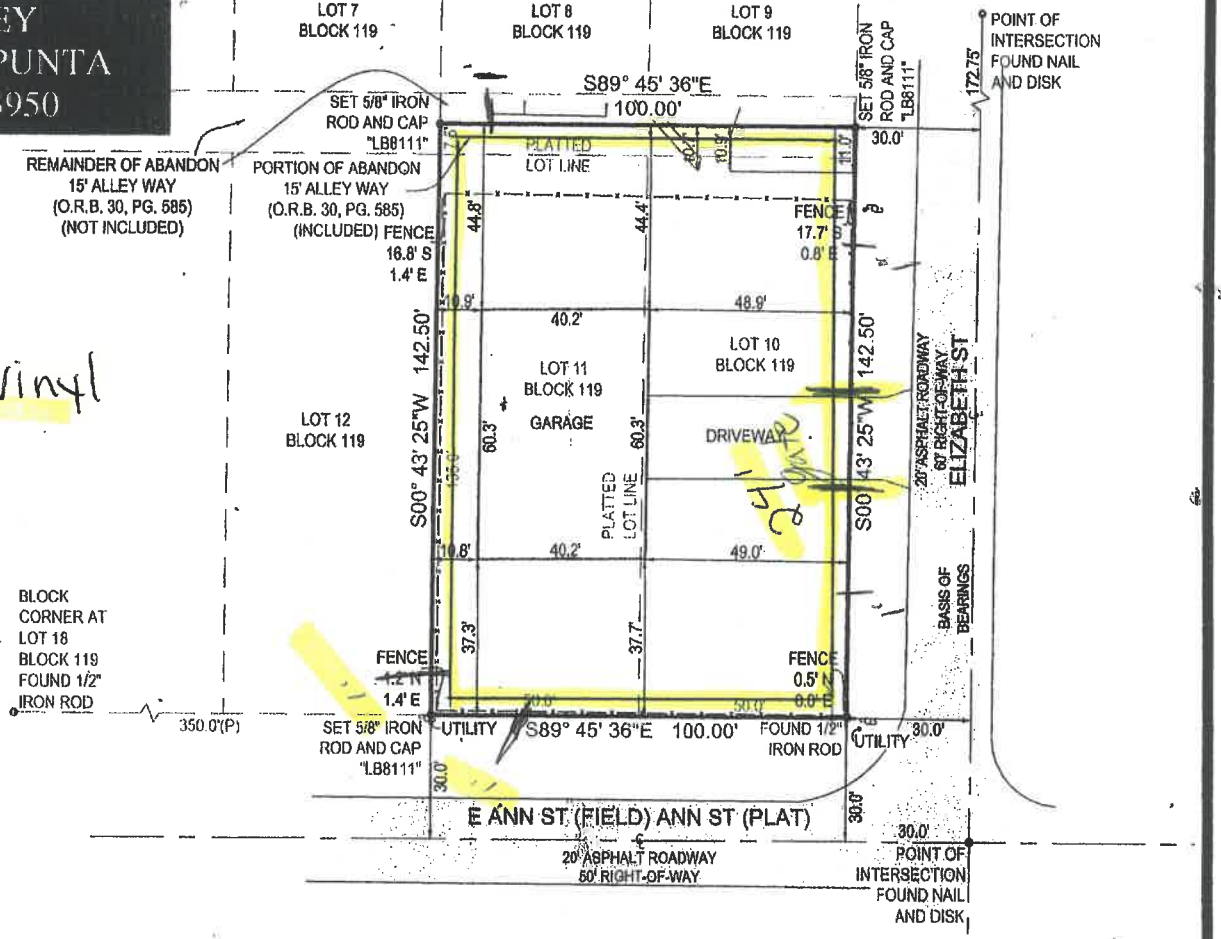
SCALE = 1" = 30'

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8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)



install 6' tan vinyl fence with 1-24' gate

LEGEND:
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

AC-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING	D.E.-DRAINAGE EASEMENT	R-RADIUS(R)	(P)-PLAT	ELEV-ELEVATION	-LIGHT POLE	# -NUMBER	-WELL	-FENCE
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT	P.U.E.- PUBLIC UTILITY EASEMENT	O.R.B.-OFFICIAL RECORDS BOOK	EOW-EDGE OF WATER	FF-FINISHED FLOOR		-ASPHALT	-WATER VALVE	-PLUS OR MINUS
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SHEET 1 OF 1

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NEXGEN SURVEYING, LLC.

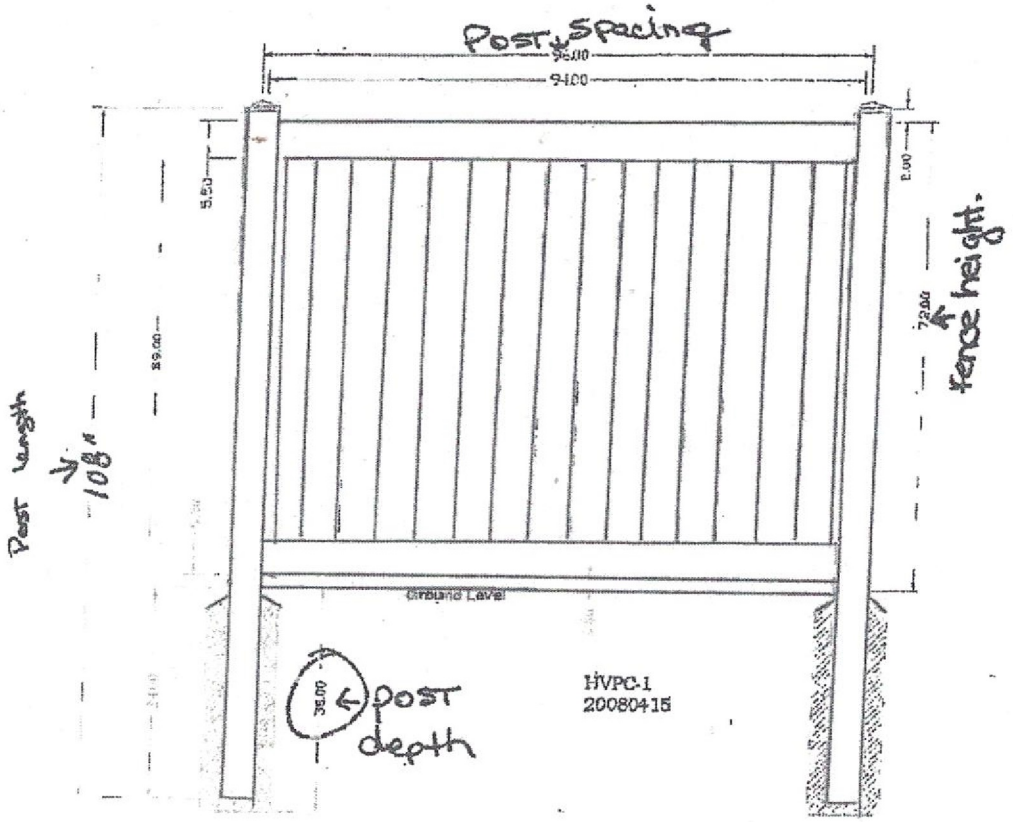
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THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY CLYDE O. MCNEAL PSM 2883 ON 4/28/2021

Fence Outlet
6 ft. Privacy Panel (7/8 X 6 T&G)
5½" Pocket Rail

MATERIAL LIST:
(1) 5" Pyramid Cap
(1) 5" X 5" X 108"
(2) Pocket Rail 1¾" x 5½" x 94"
(15) 7/8" x 6" T &G X 62"
(2) Trim channel X 59"
(1) Aluminum Pocket Rail Insert in bottom rail

Material PVC



FO-1

DRAWINGS ARE PROPERTY OF HOMELAND VINYL PRODUCTS, INC
This drawing is for illustration purposes only. All building products must be installed in compliance with local building code and zoning requirements. The height and/or length may be adjusted to meet compliance requirements.

2011111

V-03-2021

1385 Elizabeth Street – Fence Request

Punta Gorda

Lisa Hannon, Zoning Official
November 23, 2021
Board of Zoning Appeals

1385 Elizabeth Street Fence Existing Conditions

- Request
  - Remove/replace existing nonconforming fence
  - Currently slatted chain link
  - Replacing with decorative/secure vinyl material



Images: provide by City staff





Approval Criteria

1. Special conditions/circumstances exist:
    a) 1968 original fence construction
        i. updated in 2006
    b) Garage constructed in 2011
    c) Corner lot – two street fronts
    d) Other properties with same configuration
    e) No special circumstances
2. Strict/literal enforcement of LDRs create undue hardship:
    a) Six (6) foot fence not permitted in a street yard
    b) Slatted chain link not a permitted material
    c) Code does not permit replacement of fence at the same height and configuration
    d) Fence can be installed to conform with code
    e) No hardship found from a mere inconvenience
3. Hardship not shared generally by others:
    a) Property situated on two street fronts
    b) Other properties are also located on corner lots with two street fronts
    c) Hardship potentially shared
4. Variance not injurious/incompatible with contiguous uses:
    a) Not incompatible with other properties
    b) Request to replace fence
        a) More aesthetically pleasing material
        b) Improving property
        c) Landscaping required

Punta Gorda

Approval Criteria

5. Request is minimum modification to afford relief:
    a) Fence replacement could be in conformance with code
    b) Not minimum modification to afford relief
6. Condition giving rise to request:
    a) Original fence installed 1968/2006
    b) Request for fence replacement initiated by new property owner
7. Request does not involve a prohibited use:
    a) Request does not involve a prohibited use
8. Variance consistent with Comprehensive Plan:
    a) Request is not in conflict with the Comprehensive Plan

Punta Gorda

Conditions/Recommendations

If Approved – Staff Conditions

1. Landscape installation required
    1. Landscape plan to be submitted prior to installation
2. Building permit required

Recommendations

DRC:

Urban Design Staff:

While City staff understands the request to improve the property by removing and replacing an existing non-conforming slatted chain link fence with a more attractive and secure vinyl privacy fence, the application does not meet the literal criteria of hardship as outlined in the Punta Gorda Code, Land Development Regulations, therefore, the Urban Design Division recommends denial of the request.

EXCERPT EXCERPT EXCERPT

DEVELOPMENT REVIEW COMMITTEE
MEETING
OCTOBER 22, 2021

MEMBERS PRESENT: Lisa Hannon, Acting Chair
Randy Cole, Chief Building Official
Steve Adams, Utilities Engineering Manager
Jennifer Molnar, Fire Marshal
Norman Nahra, Police Lieutenant
Linda Sposito, Public Works

OTHERS PRESENT: David McCarty, Code Compliance Supervisor
Bob White, Drew Hamernik, John Wright,
Janet Watermeier, Brian Corso, Kenneth Krause,
Susan Krause, Lloyd Cranford, Jay Wester

APPLICATION REVIEW

C. V-03-2021 - A request by Anthony Favara, authorized agent, for Debra and Lloyd Cranford, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow for the replacement of an existing non-conforming six (6) foot tall chain link fence, with a six (6) foot tall, tan vinyl security fence with a twenty-four (24) foot wide gate, instead of four (4) foot tall fence, as required by Chapter 26, Section 8.5(b)(3), Punta Gorda Code, for the property located in a Special Purpose (SP) zoning district and constructed in 2011.

Legal: Punta Gorda, Block 119, Lots 10 and 11

aka: 1385 Elizabeth Street, Punta Gorda, FL 33950

Charlotte County Parcel Id: 412307256008

- Ms. Hannon reviewed the request from the agenda material, noting replacement of a six-foot fence within a street yard was prohibited. She indicated the property had an existing nonconforming, six-foot chain-link fence which was required to be installed in a conforming manner when replaced, explaining staff acknowledged the new fence was more aesthetically pleasing and would enhance the property; however, staff recommended denial of the request as same did not meet the literal criteria of hardship outlined in the Punta Gorda Code. She concluded the request would continue forward to the Board of Zoning Appeals and to City Council for final decision.
- Ms. Sposito verified the Public Works Department had no issues with the request.
- Mr. Cole confirmed the Building Division had no comments.
- Ms. Molnar stated the Fire Department had no issues.
- Mr. Nahra indicated the Police Department had no comments.

- Mr. Adams verified the Utilities Department had no issues.
- Mr. Lloyd Cranford, applicant, stated the intent was to upgrade the property which was in a low traffic area, noting the security company and neighboring property owners spoke in favor of the request.
- Ms. Hannon reiterated staff could not recommend approval of the request due to the literal criteria for hardship, explaining the applicant could provide the burden of proof for hardship when the request moved forward to the Board of Zoning Appeals and to City Council.
- Ms. Molnar MOVED, Ms. Sposito SECONDED to move V-03-2021 forward to the Board of Zoning Appeals. MOTION CARRIED UNANIMOUSLY.

BOARD OF ZONING APPEALS
CITY OF PUNTA GORDA
11/23/2021

STAFF COMMENTS

Title: 2022 Meeting dates

Funds:

Recommended Action: For discussion and approval.

Summary: 2022 Board of Zoning Appeals Meeting Dates

Department/Division: Urban Design

EXHIBITS:

1. 2022 BZA Meeting Dates

Punta Gorda

Board of Zoning Appeals Dates
Every 4th Tuesday

January 25, 2022

February 22, 2022

March 22, 2022

April 26, 2022

May 24, 2022

June 28, 2022

July 26, 2022

August 23, 2022

September 27, 2022

October 25, 2022

November 22, 2022

December 27, 2022

DRAFT

Florida's Harborside Hometown.