



## MEMORANDUM

Date: 06-09-2026

To: Honorable Board of County Commissioners (Board)  
Planning and Zoning Board

From: Michael Jones

Subject: VST-26-01 A Portion of The Jupiter Waterway

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### **Request:**

James and Marcia Noble are requesting to vacate a portion of the Jupiter Waterway adjacent to lot 60, Block 2035, Port Charlotte Subdivision Section 24, according to the plat thereof as recorded in Plat Book 5, Page 16A-16E of the Public Records of Charlotte County, Florida (Attachment 1) and abutting property located at 488 Eppinger Drive. The site contains 3306± square feet and is located in Commission District IV (Attachment 2).

### **Analysis and Background:**

The subject area to be vacated lies inside of the Urban Service Area. The underlying Future Land Use Map (FLUM) designations Low Density Residential (Attachment 3). The underlying Zoning District RSF 3.5 (Attachment 4). It lies within Flood Zones X and 9AE (Attachment 5).

If approved, the petition would allow for more developable space on the property. However, the residential development rights will remain the same. No residents will be denied reasonable access to their property as a result of this petition. All pertinent departments have reviewed the petition (See Attachment 6). All the affected utilities have been notified. The proposed easements (See Attachment 7) have been created to address the following comments:

### **Real Estate Services – Approval with Conditions:**

1. We would require a 20' Canal Maintenance easement be granted. Owner can only grant after this portion of the property is conveyed to them and must be done prior to releasing the prior 20' canal maintenance easement.
2. Owner will need to apply for a occupation of easement for the existing seawall that will be in the new 20' canal maintenance easement.

**Public Works-Surveying – Approval with Condition:**

1. Recommend approval with guarantee that maintenance agreement transfers with any future conveyance of property

**Staff Summary:**

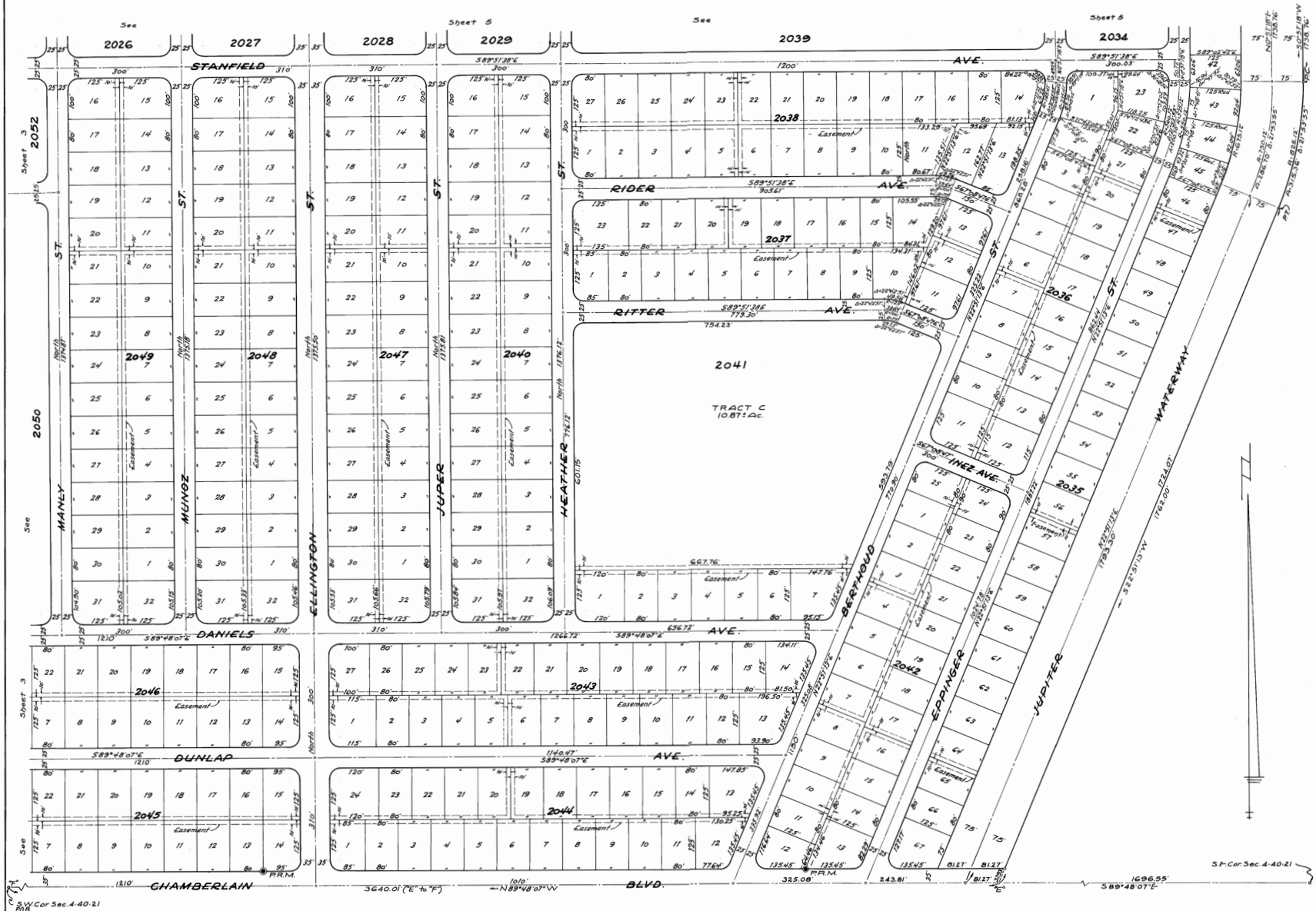
Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application, **VST-26-01** is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

**Planning and Zoning Board proposed recommendation on May 11, 2026:**

A motion to forward application **VST-26-01** to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff memo dated **May 11, 2026**, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

## **Attachment 1**

**Plat Book 5, Pages 16A-16E, of the Public Records of Charlotte  
County, Florida**



**PORT CHARLOTTE SUBDIVISION**

SECTION TWENTY FOUR  
A SUBDIVISION IN SECTIONS 465, TWP 40S, RGE 21E,  
CHARLOTTE COUNTY FLORIDA

ORDER NO. 32540  
F.D. NO. 1147  
BISCAYNE ENGINEERING COMPANY  
CIVIL ENGINEERS  
MIAMI, FLORIDA  
SCALE 1"=100'  
MARCH 1958  
SHEET 4 OF 5 SHEETS

**Attachment 2**  
**Legal Description and Sketch of Proposed Area to be Vacated**

**Subject Property Information:**

488 Eppinger Drive, Port Charlotte, FL 33953

Parcel ID # 402104456010

Lot 60 Block 2035 Port Charlotte Section 24

Homeowner : James & Marcia Noble

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**Canal Maintenance Easement Description:**

A 20' wide Canal Maintenance Easement over and across a portion of Jupiter Waterway (a 150' Wide Drainage Right of Way) lying adjacent to and Southeast of Lot 60, Block 2035, Port Charlotte Subdivision Section 24, a subdivision according to the plat thereof as recorded in Plat Book 5, Page 16A-16E, of the public records of Charlotte County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 60; thence S.67°08'47"E. along the Southeasterly prolongation of the Northerly line of said Lot 60, a distance of 22.77 feet to the intersection with a line lying 20.00 feet Northwesterly of and parallel with the Easterly edge of an existing 16" concrete seawall cap and being the Point of Beginning; thence continue S.67°08'47"E. along said Southeasterly prolongation of the Northerly line of Lot 60, a distance of 20.01' feet to said Easterly edge of the existing 16" concrete seawall cap; thence S.24°56'56"W. along said Easterly edge of the existing 16" seawall cap, a distance of 80.06 feet to the intersection with the Southeasterly prolongation of the Southerly line of said Lot 60; thence N.67°08'47"W. along said Southeasterly prolongation of the Southerly line of Lot 60, a distance of 20.01 feet to the intersection of said line lying 20.00 feet Northwest of and parallel with the Easterly edge of the existing 16" concrete seawall cap; thence S.24°56'56"W., along said line lying 20.00 feet Northwest of and parallel with the Easterly edge of the existing 16" concrete seawall cap a distance of 80.06' feet to the Point of Beginning and containing 1,601 square feet more or less. Said lands situate, lying and being in Charlotte County, Florida

**Subject Property Information:**

488 Eppinger Drive, Port Charlotte, FL 33953

Parcel ID # 402104456010

Lot 60 Block 2035 Port Charlotte Section 24

Homeowner : James & Marcia Noble

Square Footage : 3306 Square Feet More or Less

Acreage : 0.075 Acre More or Less

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**Parcel Description:**

A portion of Jupiter Waterway (a 150' Wide Drainage Right of Way) lying adjacent to and Southeast of Lot 60, Block 2035, Port Charlotte Subdivision Section 24, a subdivision according to the plat thereof as recorded in Plat Book 5, Page 16A-16E, of the public records of Charlotte County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 60; thence N.6708'47"W. along the Southeasterly prolongation of the Northerly line of said Lot 60, a distance of 42.79 feet to the Easterly edge of an existing 16" concrete seawall cap; thence S.2456'56"W. along said Easterly edge of the existing 16" seawall cap, a distance of 80.06 feet to an intersection of the Southeasterly prolongation of the Southerly line of said Lot 60; thence N.6708'47"W. along said Southeasterly prolongation of the Southerly line of said Lot 60, a distance of 39.86 feet to the Southeast corner of said Lot 60; thence N.2251'13"E. along the Easterly line of said Lot 60 and the Westerly Right of Way line of said Jupiter Waterway, a distance of 80.01 feet to the Point of Beginning. Said lands situate, lying and being in Charlotte County, Florida, containing 3306 Square Feet more or less.



# ABBREVIATIONS OF SURVEYING TERMS

M. = MEASURED DISTANCE OR ANGLE  
P. = PLAT DISTANCE OR BEARING\ANGLE  
C. = CALCULATED DISTANCE OR BEARING\ANGLE  
A/C = AIR CONDITIONER  
CL = CENTERLINE  
B.M. = BENCH MARK  
RCP = REINFORCED CONCRETE PIPE  
EM = ELECTRIC METER  
F.B. = FIELD BOOK  
FND. = FOUND  
I.R. = IRON ROD OR RE-BAR  
MAG = NAIL (BRAND NAME)  
L.B. = LICENSED BUSINESS  
OHPL = OVERHEAD POWER LINE  
PG. = PAGE  
P.C. = POINT OF CURVATURE  
P.K. = PARKER KALON (BRAND NAME)  
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER  
P.T. = POINT OF TANGENCY  
P.I. = POINT OF INTERSECTION  
PP = POWER POLE  
D.U.E. = DRAINAGE & UTILITY EASEMENT  
TELE = TELEPHONE RISER  
WM = WATER METER

THIS LIST IS PROVIDED PURSUANT TO 5J-17, FLORIDA ADMINISTRATIVE CODE AND SERVES TO ASSIST YOU IN UNDERSTANDING THE ATTACHED SURVEY.

## NOTES:

- SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- IMPROVEMENTS SUCH AS, BUT NOT LIMITED TO, SUBSURFACE UTILITIES AND FOUNDATIONS, AND LANDSCAPE FEATURES, ETC., ARE NOT SHOWN UNLESS OTHERWISE NOTED.
- THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY & OTHER MATTERS OF RECORD, WHICH ARE NOT SHOWN, SINCE THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ANY CURRENT TITLE INFORMATION.
- GOVERNMENTAL, JURISDICTIONAL OR LANDS OF SPECIAL ENVIRONMENTAL CONCERNS (WETLANDS, SURFACE WATER PROTECTION AREA, LISTED SPECIES ETC.) ARE NOT SHOWN UNLESS OTHERWISE NOTED.
- THIS SURVEY IS NOT INTENDED TO BE PROOF OF OWNERSHIP AND IS NOT A GUARANTEE OR WARRANTY OF OWNERSHIP OF ANY KIND, AND SURVEYOR ACCEPTS NO LIABILITY FOR ANY COSTS OR DAMAGES ARISING IN THE DEFENSE, PROOF OF, OR LOSS OF OWNERSHIP OF ANY, OR ALL OF THE LANDS SHOWN AND DESCRIBED ON SURVEY.

## FLOOD ZONE DATA:

\*\* THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION \*\*

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION. FLOOD ZONE DETERMINATION IS FOR INFORMATIONAL PURPOSES ONLY. PROPOSED FINISHED FLOOR ELEVATIONS CAN ONLY BE DETERMINED BY PERMITTING AUTHORITY. A PORTION OF THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE "AE" 9.0' BASE FLOOD ELEVATION. A PORTION OF THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE "XS" NO BASE FLOOD ELEVATION AS PER F.I.R.M., COMMUNITY #120061. PANEL #0040-G, DATED 12/15/22. MAP #12015C0040G  
\*\* TO BE VERIFIED BY THE LOCAL F.E.M.A. OFFICIAL \*\*

## ELEVATION BASE BENCH MARK:

NATIONAL GEODETIC SURVEY (N.G.S.) B.M. "DQ3264" FOUND FLANGE ENCASED STEEL ROD DRIVEN TO REFUSAL, STAMPED "CHARLOTTE COUNTY SURVEY MONUMENT M 796 2015", 20'± NORTH FROM THE CENTERLINE OF CHAMBERLAIN BOULEVARD, 159.3'± EAST OF THE CENTERLINE OF EPPINGER DRIVE & 15.3'± NORTHWEST OF THE NORTHWEST END OF A BRIDGE OVER JUPITER WATERWAY. ELEVATION=+11.21 (NAVD88 DATUM)

## ELEVATION DATUM NOTE:

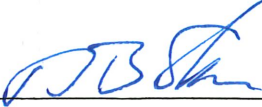
SPOT ELEVATIONS ARE SHOWN AS  $x^{9.9}$  AND REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988, (NAVD88)

Title: Boundary Survey  
Prepared for: James & Marcia Noble  
Certified to: James & Marcia Noble  
Sketch No. 65-21-B Scale: 1" = 20'  
Field Book: 370 Page: 62 & 63  
Drawn By: J.S. Checked By: DAVE

## SURVEYOR'S CERTIFICATE

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE FOR SURVEYS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

SHREMSHOCK SURVEYING, INC. LB #7747

BY:  DATE: 01/08/2026

DAVID B. SHREMSHOCK  
Registered Surveyor and Mapper no. 5637  
State of Florida

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITALLY ATTACHED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

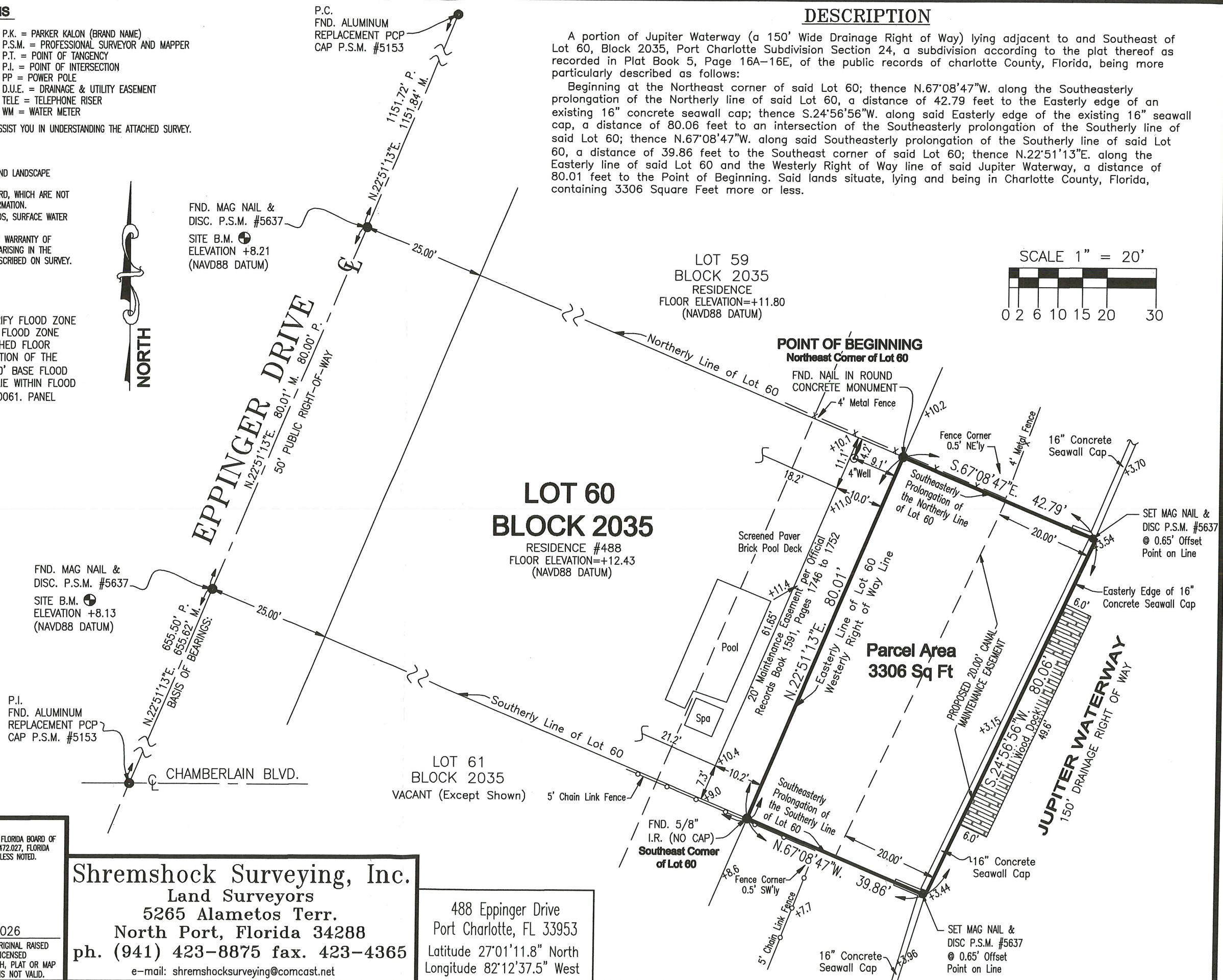
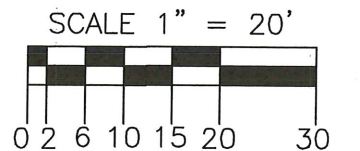
Shremshock Surveying, Inc.  
Land Surveyors  
5265 Alamos Terr.  
North Port, Florida 34288  
ph. (941) 423-8875 fax. 423-4365  
e-mail: shremshocksurveying@comcast.net

488 Eppinger Drive  
Port Charlotte, FL 33953  
Latitude 27°01'11.8" North  
Longitude 82°12'37.5" West

## DESCRIPTION

A portion of Jupiter Waterway (a 150' Wide Drainage Right of Way) lying adjacent to and Southeast of Lot 60, Block 2035, Port Charlotte Subdivision Section 24, a subdivision according to the plat thereof as recorded in Plat Book 5, Page 16A-16E, of the public records of Charlotte County, Florida, being more particularly described as follows:

Beginning at the Northeast corner of said Lot 60; thence N.67°08'47"W. along the Southeasterly prolongation of the Northerly line of said Lot 60, a distance of 42.79 feet to the Easterly edge of an existing 16" concrete seawall cap; thence S.24°56'56"W. along said Easterly edge of the existing 16" seawall cap, a distance of 80.06 feet to an intersection of the Southeasterly prolongation of the Southerly line of said Lot 60; thence N.67°08'47"W. along said Southeasterly prolongation of the Southerly line of said Lot 60, a distance of 39.86 feet to the Southeast corner of said Lot 60; thence N.22°51'13"E. along the Easterly line of said Lot 60 and the Westerly Right of Way line of said Jupiter Waterway, a distance of 80.01 feet to the Point of Beginning. Said lands situate, lying and being in Charlotte County, Florida, containing 3306 Square Feet more or less.



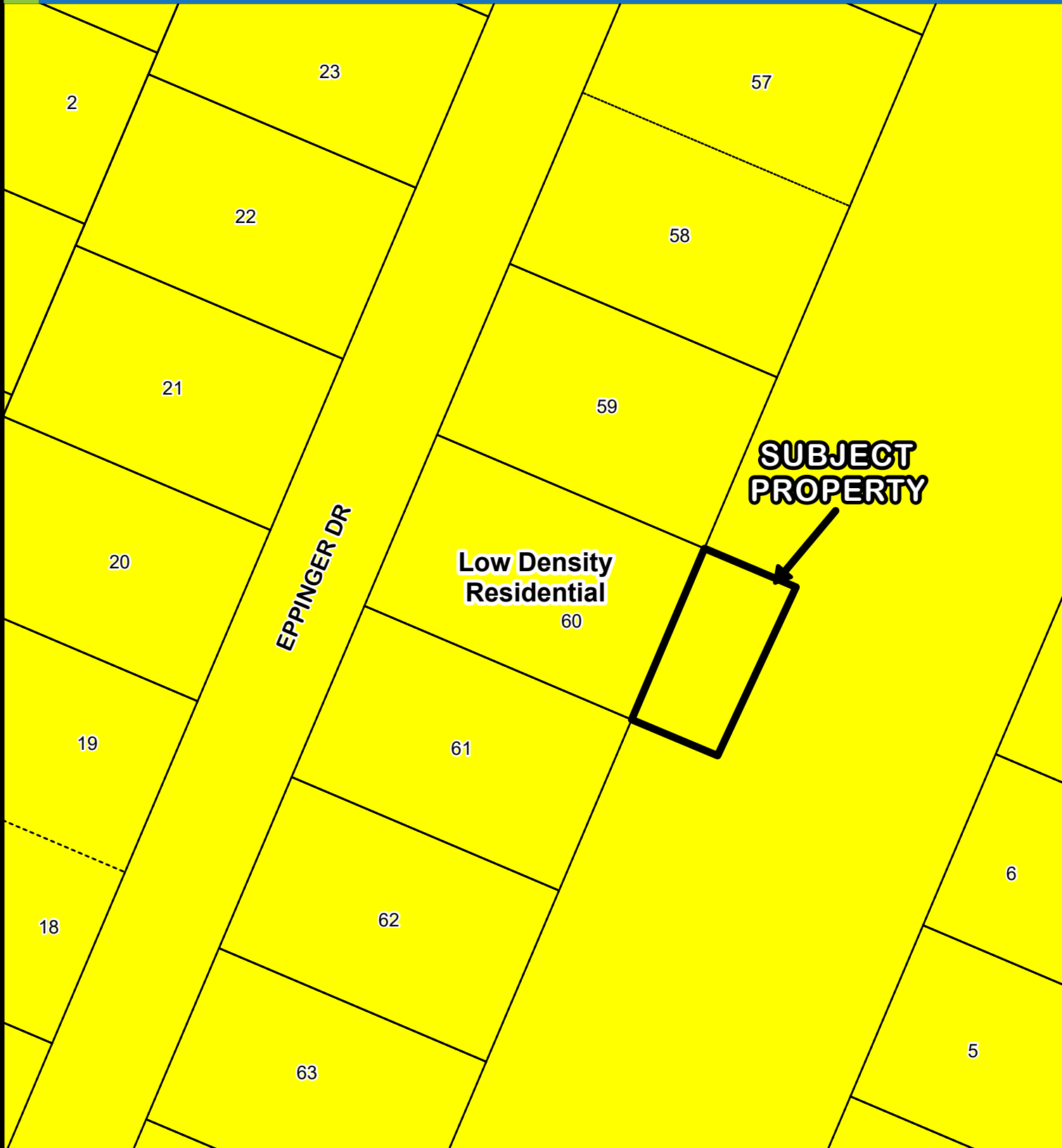


## **Attachment 3**

### **FLUM Designations**

# CHARLOTTE COUNTY

## FLUM Designations for VST-26-01



04/40/21 Mid County

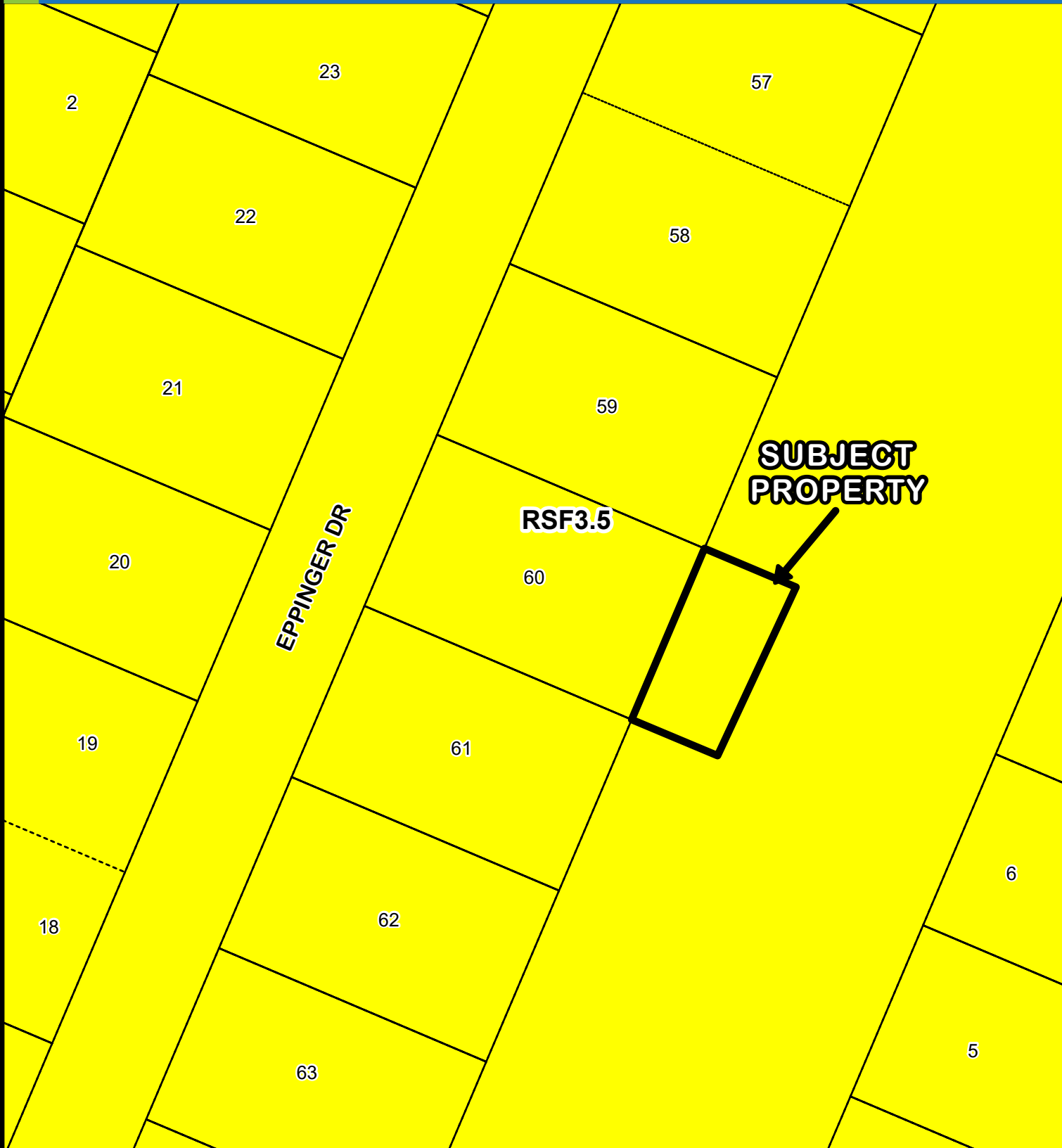


## **Attachment 5**

### **Flood Zones**

# CHARLOTTE COUNTY

## Zoning Designations for VST-26-01



04/40/21 Mid County



**Attachment 6**  
**Staff Review and Comments**





## MEMORANDUM

**Date:** March 20, 2026

**To:** James and Marcia Noble  
**From:** Michael Jones, Zoning Coordinator

**Via Email:** [Jnobleapd@gmail.com](mailto:Jnobleapd@gmail.com)

**Subject:** VST-26-01 Jupiter Waterway

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Dear Applicant,

Below are the comments which we have received from our reviewers to date. The following comments will be listed as conditions in our staff report for these meetings.

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**Greg Mosher-Real Estate Services-Response Required**

We would require a 20' Canal Maintenance easement be granted. Owner can only grant after this portion of the property is conveyed to them and must be done prior to releasing the prior 20' canal maintenance easement.

Owner will need to apply for a occupation of easement for the existing seawall that will be in the new 20' canal maintenance easement.

**J Kelly Davis- County Surveyor- Conditional Approval**

Recommend approval with guarantee that maintenance agreement transfers with any future conveyance of property

**Kathleen Duffy-GIS-Response Required**

The proposed vacation does not abut the lot line of lot 60 based on the coordinates/dimensions provided in the survey or legal description. The boundary is off several feet. See screenshot of proposed vacation per description. Please have applicant review and correct legal description and survey.



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If any conditions of approval require the supplementation of easement instruments, sketches, and descriptions, they must be provided prior to the application proceeding to public hearing.

If you have any questions or concerns, please feel free to contact me.

Michael Jones, Zoning Coordinator  
Community Development Department, Zoning Division  
18400 Murdock Circle  
Port Charlotte, FL 33948  
941-743-1230  
CC: Atwell, trebol@atwell.com

## Jones, Michael

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**From:** Duffy, Kathleen  
**Sent:** Thursday, March 26, 2026 9:27 AM  
**To:** Jones, Michael  
**Subject:** VST-26-01 Jupiter Waterway Revised Comments  
**Attachments:** VST-26-01 Comment Memo - Revised.docx

Hello Michael,

Upon further investigation, I have revised my comments for VST-26-01 Jupiter Waterway.

Thank you.



**Kathleen Duffy, M.A.**

GIS Specialist  
Information Technology Division  
Budget & Administrative Services  
Charlotte County Board of County Commissioners  
18500 Murdock Circle, Port Charlotte, Florida 33948  
941-764-5512  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
*Delivering Exceptional Service*

**Attachment 7**  
**Proposed Easement**

## **CANAL MAINTENANCE EASEMENT**

THIS CANAL MAINTENANCE EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2026 by James Noble and Marcia Noble, Husband and Wife, whose post office address is 13156 Dodds Court, Port Charlotte, Florida 33953, ("Owner") in favor of CHARLOTTE COUNTY, a political subdivision of the State of Florida whose post office address is 18500 Murdock Circle, Port Charlotte, Florida 33948 ("County").

WITNESSETH, that Owner, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by County, the receipt whereof is hereby acknowledged, hereby grants and conveys to County and County's successors and assigns forever, this perpetual Canal Maintenance Easement over, under and across the following described property, situate, lying and being in Charlotte County, Florida:

A PORTION of the parcel of land lying within Lot 60, Block 2035, Port Charlotte Subdivision, Section Twenty-Four, as recorded in Plat Book 5, Pages 16A-16E, of the public records of Charlotte County, Florida, and also identified with a short legal description of PCH 024 2035 0060 and identified in the Property Appraiser's Records as Parcel ID # 402104456010, and more commonly known as 488 Eppinger Drive, Port Charlotte, Florida 33953, and further described on Exhibit "A" which is attached hereto and incorporated herein by reference.

County's easement rights in respect to the Canal Maintenance Easement Area are as follows:

1. The restoration, construction, installation, operation, relocation, maintenance and repair of drainage improvements and facilities.
2. The shaping, maintenance, and repair of the contour of the ground and the placement, maintenance and repair of fill or other material necessary to support the structural integrity of any improvements constructed by the County and appurtenances thereto.
3. To trim or to remove trees, shrubs, weeds, bushes, undergrowth and any other obstructions inside or outside, but adjacent to the Canal Maintenance Easement Area which, in the opinion of the County, endanger, interfere or that may endanger or interfere with the County's safe and efficient exercise of the rights granted County herein or that present or may present a threat to public safety.
4. The reasonable right for the County to enter upon the land of Owner adjacent to the Canal Maintenance Easement Area for the purpose of exercising the easement rights granted County herein.
5. All other rights reasonably necessary or convenient for County's safe and efficient enjoyment of this Canal Maintenance Easement for the uses described herein.

Owner shall have the right to use and occupy the surface of the Canal Maintenance Easement Area for any purpose that is consistent with and that will not interfere with the rights and privileges granted to County herein.

This Canal Maintenance Easement shall be binding upon and shall inure to the benefit of the respective successor and assigns of the Owner and County.

WITNESS MY HAND AND SEAL on the date first above written.

Owner

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Witness #1 Printed Name

James Noble  
\_\_\_\_\_  
Owner Printed Name

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness #2 Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Witness #1 Printed Name

Marcia Noble  
\_\_\_\_\_  
Owner Printed Name

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness #2 Printed Name

\_\_\_\_\_  
Phone Number

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

THE FOREGOING INSTRUMENT was acknowledged before me by means of \_\_\_\_ physical presence or \_\_\_\_ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2026, by \_\_\_\_\_ who \_\_\_\_ is personally known to me, or \_\_\_\_ produced \_\_\_\_\_ as identification.

[AFFIX NOTARY SEAL]

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Print Notary Name

My commission expires: \_\_\_\_\_

## **Exhibit "A"**

### **Canal Maintenance Easement**

A 20' wide Canal Maintenance Easement over and across a portion of Jupiter Waterway (a 150' Wide Drainage Right of Way) lying adjacent to and Southeast of Lot 60, Block 2035, Port Charlotte Subdivision Section 24, a subdivision according to the plat thereof as recorded in Plat Book 5, Page 16A-16E, of the public records of Charlotte County, Florida, being more particularly described as follows:

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