



## Legislation Details (With Text)

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|-----------------------|---|----------------------|---|-------------------------------|--|
| <b>File #:</b>        | 2024-5818   | <b>Version:</b>      | 1 | <b>Name:</b>                  |  |
| <b>Type:</b>          | Public Hearing - Land Use Item  | <b>Status:</b>       |   | Agenda Ready                  |  |
| <b>File created:</b>  | 2/28/2024   | <b>In control:</b>   |   | Board of County Commissioners |  |
| <b>On agenda:</b>     | 3/26/2024   | <b>Final action:</b> |   |                               |  |
| <b>Title:</b>         | SV-23-11-07, Jeffrey M Devine 15-ft Unnamed Alley   |                      |   |                               |  |
| <b>Sponsors:</b>      |   |                      |   |                               |  |
| <b>Indexes:</b>       |   |                      |   |                               |  |
| <b>Code sections:</b> |   |                      |   |                               |  |
| <b>Attachments:</b>   | 1. 1-Staff Memo, 2. 2-Presentation, 3. 3-Application, 4. Resolution. SV-23-11-07. 15-foot unnamed alley |                      |   |                               |  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Title

SV-23-11-07, Jeffrey M Devine 15-ft Unnamed Alley

### Requested Motion/Action

### Department Making Request

### Community Development

Approve Resolution of Street Vacation to vacate the unnamed 15-foot alleyway lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Charlotte County, Florida, consisting of 3,123± square feet, to bring the existing structures, such as the swimming pool, carport, detached garage, etc., constructed within and adjacent to the alley into compliance with the required setbacks of the MHC zoning district and allow for more developable space on the properties. The proposed area to be vacated lies in between and within the properties located at 27492 Cleveland Avenue (Ave) and 27502 Cleveland Ave. The site is generally located north and parallel to Cleveland Ave, north and perpendicular to Beechwood Street, south of Riverside Drive and parallel to Griffith Ave, within the Punta Gorda area. Located in Commission District II.

### Legislative

### Agenda Item Type

Public Hearing

### Budgeted Action:

No action needed.

### Background (Why is this Action Necessary, and What Action will be accomplished)

#### Background:

Jeffrey M. Devine is requesting to vacate the unnamed 15-foot alleyway lying between Lots A through G and the remainder of Lot 1, Block 29, Holyman's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Charlotte County, Florida. The proposed area to be vacated lies in between and within the properties located at 27492 Cleveland Ave and 27502 Cleveland Ave. The alleyway abuts the property located at 27470 Cleveland Ave from the southeast. The applicant, Jeffrey M.

Devine owns the property located at 27492 Cleveland Ave and letters of no objection were provided from the property owners of 27502 Cleveland Ave and 27470 Cleveland Ave. On February 12, 2024, this request was presented to the Planning and Zoning Board (P&Z Board), which voted to forward the request to the Board with a recommendation of approval.

During the presentation of this application to the P&Z Board on February 12, 2024, the applicant requested waiver of the fees associated with the application since approval of his request would resolve outstanding issues for multiple properties with structures that have been built over 50 years ago.

There are existing nonconforming structures on the property. Per Sec. 3-9-9. - Legal nonconformities., nonconforming structures that have been legally existing before the ordinance became effective may be continued; however, nonconformities shall not be enlarged, expanded, intensified or extended, nor shall they be used as a basis for the addition of other structures or uses otherwise prohibited in the same district. Because the zoning review for the applicant's application to extend the patio and remodel the swimming pool under deck permit #20230436804 was rejected, the applicant has made this request to vacate the alleyway. Therefore, although approval of this request would allow for existing nonconforming structures to comply with the land development standards of the zoning district, it is not necessary, as the nonconforming structures that were legally existing before Sec. 3-9-9. - Legal nonconformities. became effective are legally existing.

It is staff's professional opinion that the proposed vacation of the alleyway is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines, provided that the applicant accepts the conditional approval of Real Estate Services and the Public Works Department.

What Action will be accomplished?

If approved, the petition would allow the existing structures, such as the swimming pool, carport, detached garage, etc., constructed within and adjacent to the alley to fall into compliance with the required setbacks of the MHC zoning district and allow for more developable space on the properties, and allow for more developable space on the property. However, the residential development rights will remain the same, which currently consists of one single-family home on the property.