



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, September 8, 2021 9:00 a.m. - Room 119

Charlotte County Administration Center

18500 Murdock Circle, Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Board Member:

Steve Vieira, Secretary
William Abbatematteo, Vice-Chair
Larry Fix
Blair McVety, Chair
John Doner

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Diane Clim - Recorder

I. Call to Order

Chair McVety called the September 8, 2021 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chair McVety led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Fix and seconded by Mr. Vieira to approve the minutes of August 11, 2021 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the September 8, 2021 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney David and Chair McVety made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on August 24, 2021: SE-21-021, VAR-21-003 and VAR-21-004

SE-21-021

James Jones, representative for Southern Style Homes, LLC., is requesting a special exception to allow an outdoor storage yard for a building trades contractor in the Commercial General (CG) zoning district. The property is located at **27016 Rushmore Avenue**, Punta Gorda, and is described as Lots 25, 26, 27 & 28, Block 34, of the Harbour Heights Subdivision, Section 5, located in Section 15, Township 40 South, Range 23 East.

Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

James Jones, representative for Southern Style Homes, LLC., said he was sworn in. **Mr. Jones** said they purchased this site a few years ago. At the time it was a storage lot. The fence was already up. We have been using this as a storage yard. In the future, we would like to put a building on it and everything would be up to code. The staff report suggests an 8 foot fence but we feel 6 foot should be sufficient.

Mr. Vieira said the County record says you purchased the site in 2018. He said you are a general contractor in this County, why didn't you check on the property and see what the rules were?

Mr. Jones said they live in Harbor Height in that area and the yard they have, does not really have much yard. He didn't think there was an issue because it was already used as a storage yard. We do not rent any space to other people, what is on the site is ours.

Mr. Vieira said so you did not do any due-diligence on it, you just went with what was there. He said he also lives in Harbor Heights and he asked staff, what is our recourse with all the issues on this site?

Shaun Cullinan, Planning and Zoning Official, said currently they are going through the steps to rectify the issues. They will have to bring this into compliance with all the relevant codes. The fencing does not meet the requirements because it has to be a solid wall or fence. The permitting history shows a fence permit in 2004. Anyone can fence in their property for safety purposes. Looking at historic aerials, the first time I saw vehicles on it was in 2017. The 2014, 2011 and further back aerials do not show any storage. If this is approved today, they will take all the steps to put in landscape buffering. If this is not granted, the Code Enforcement case will go forward and they would have to remove all the improvements put on the property. If it is approved, they will have to permit the right of way, go through the site plan review process, and pull any needed permits.

Mr. Nocheck said the 8 foot fence was a recommendation because that is what they have been recommending for past petitions for building trades businesses.

There was some discussion about if this is approved, how long do they have until they have to start work, fixing things. Also, how long is this good for until it would expire.

Chair McVety opened the meeting to Public Comments.

Public Input

James Amendola, who lives in the area, said he was sworn in. Mr. Amendola said he owns the property across the street. He does not have an objection but had one question. He would like to see the right of way be improved. (a driveway)

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public comments, seconded by Mr. Abbatematteo. The public comments was closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

They discussed the buffer on condition #6. Also, timelines because of the code cases.

ACTION: A motion was presented by Steve Vieira and seconded by Larry Fix that Petition SE-21-021 be APPROVED based on the Community Development Staff Report dated September 1, 2021, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with nine conditions recommended by staff.

Motion was approved with a unanimous vote with the following nine conditions:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow outdoor storage for a building trades contractor business and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicant, as part of the petition, are for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, right-of-way access, fencing, stormwater management, and landscape plan approval.
3. The outdoor storage area may not be rented out to another person or entity, or open to the public.
4. The outdoor storage areas may only be used for the storage of vehicles, materials, equipment, and machinery of the property owner and company employees. Overnight parking of company vehicles shall be permitted.
5. Storage of hazardous materials or chemicals is prohibited.
6. A "Type D" Landscape Buffer with an eight-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted along the north, south, east, and west property lines.
7. A primary structure, developed in accordance with all applicable regulations of the County Code, shall be constructed on subject property within three years of the approval date of this Special Exception. The primary structure must be completed prior to the placement of any accessory structures on subject property, including sheds. Outdoor storage may be permitted on subject property prior to construction of the primary building.

8. This Special Exception is granted for a term of 18 months from the date it receives approval from the Board of Zoning Appeals, and the applicant must obtain Final Site Plan Review approval within six months of the approval date of this Special Exception. However, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires. The applicant may request a one-time extension of six months from the Zoning Official, contingent upon completion of the Site Plan Review process and beginning the building permit process.
9. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

VAR-21-003

Kevin and Regina Anderson are requesting a variance to reduce the required 15-foot rear yard setback by 3 feet to allow a 12-foot rear yard setback for a swimming pool, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property is located at **9260 Griggs Road**, Englewood, and is described as Lot 73, of the Pine Cove Subdivision, located in Section 21, Township 41 South, Range 20 East.

Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Kevin Anderson, applicant, said he was sworn in. **Mr. Anderson** said the narrative outlined what they would like to do. He accepts the staff report and conditions. Would be happy to answer any questions.

Chair McVety opened the meeting to Public Comments.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public comments, seconded by Mr. Doner. The public comments was closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Larry Fix and seconded by John Donner that Petition VAR-21-003 be APPROVED based on the Community Development Staff Report dated September 1, 2021, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with four conditions recommended by staff.

Motion was approved with a unanimous vote with the following four conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 15-foot rear yard setback by 3 feet to allow a 12-foot rear yard setback for a new swimming pool.
2. The future construction of a pool cage shall also be permitted within the footprint of the approved swimming pool, provided all setbacks established by code and this variance are maintained.
3. The variance shall only apply to the proposed swimming pool, as shown in the documents submitted with this application.
4. If the proposed swimming pool is constructed and at a later date removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the swimming pool.

VAR-21-004

Reid Murphy is requesting a variance to reduce the required 25-foot front yard setback by 12.2 feet to allow a 12.8-foot yard setback for a new single family home, in the Manufactured Home Conventional (MHC) zoning district. The property is located at **761 Hollyhill Court**, Punta Gorda, and is described as Lot 10, Block D, of the Charlotte Park Subdivision, Section 3, located in Section 19, Township 41 South, Range 23 East.

Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Reid Murphy, applicant, said he was sworn in. **Mr. Murphy** said he has some medical conditions and if this house cannot be turned a little, they will not have much of a back yard. His back door would open close to the neighbor behind him. The only spots on the front that does not meet the 25 foot setback, is the area where the curve of the road is. The rest of the house meets the 25 foot setback.

Chair McVety opened the meeting to Public Comments.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Fix moved to close the public comments, seconded by Mr. Vieira. The public comments was closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by William Abbatematteo and seconded by Larry Fix that Petition VAR-21-004 be APPROVED based on the Community Development Staff Report dated September 1,

2021, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with three conditions recommended by staff.

Motion was approved with a unanimous vote with the following three conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 25-foot front yard setback by 12.2-feet to allow a 12.8-foot front yard setback for a new single-family home.
2. The variance shall apply only to the proposed manufactured single-family home as shown in the documents submitted with this application.
3. If the proposed single-family home is constructed and at a later date removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the single-family home.

IX. **Public Comments** –
None

X. **Staff Comments** –
Ms. Nocheck said we do not have any sufficient items, there will not be a meeting in October.

XI. **Member Comments** –
None

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, November 10, 2021 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:00 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Blair McVety, Chair

Approval Date: 12-8-21