



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, November 9, 2022, 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:**

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

### **Staff:**

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

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### **I. Call to Order**

Chair McVety called the November 9, 2022, 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 September 14, 2022, 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 November 9, 2022, 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 October 25, 2022: SE-22-027, SE-22-028, SE-22-029 and SE-22-030***

**SE-22-027**

Robert Berntsson, representative for Robert L. Hill Jr., is requesting a special exception to allow a barge landing site, in the Bridgeless Barrier Island (BBI) zoning district. The property is located at 9394 Little Gasparilla Island, Placida, and is described as Parcel P1-7, of the Gasparilla Estates Subdivision, located in Section 22, Township 42 South, Range 20 East.

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

**Applicant Presentation**

**Robert Berntsson, Esq., representative for the applicants, said he was sworn in.** Mr. Berntsson said there is a unique lifestyle when you live on a bridgeless barrier island. You get to the island by boat or ferry. Either your own boat or a water taxi or a ferry. Any repair companies or other needs someone might need also need to come over via a boat or ferry. There is a barge service at the end of the island, but it may be going away with the sale of the marina. When the residents of Little Gasparilla Island (LGI) got together, they made a plan with their advisory committee and with county staff, and they allowed for 2 uses that are non-residential on the island. Golf cart repair and barge and ferry landings. They know they need these services when they need them. This is the first of many steps to bring this operation to fruition. It will require DEP and other permitting before the barge can be placed there. This property has been owned by the Hills for many years. When they sold the adjacent property, they specifically kept an easement to Grand Avenue for this purpose. 10 foot is a sufficient driving road. That leads to Grand Avenue to get to the other residences on the island. This barge is needed for construction materials, maintenance vehicles, emergency vehicles, and daily needs. He feels they do meet all 3 criteria for the special exception, and it is consistent with the comprehensive plan. This is compatible with existing and permitted uses. We accept the conditions proposed by staff.

**Mr. Vieira** said a lot of documents against this were handed in this morning. Does anyone have a realistic guess of how far the condominium buildings are from the proposed site and including the easement.

**Mr. Berntsson** said it looks about 40 feet.

**Shaun Cullinan, Planning and Zoning Supervisor,** said he is pulling up GIS to measure. He said GIS shows to the second building by the water, is about 42.8'.

***Chair McVety opened the meeting to Public Comments.***

**Public Input**

**Bruce Miller, Esq.,** who said he is an attorney from Pensacola and a member of the Florida bar, but he needs the record to reflect he is also a constitutional officer of the State of Florida, he is not here in his attorney capacity representing anyone, he is here because he is a property owner of one of the condos. He said he was sworn in. He said you can only approve a special exception if it meets the County code criteria. He feels it does not meet that criteria. He showed the board what a barge landing looks like. He read the Florida statute that provided the definition of a vessel. It does not have living quarters. Is not propelled by its own power. It is designed to be pushed and pulled by another vessel. The applicant's proposal is to use a 50-foot vessel powered by 2 – 150 horsepower engines to be used by a

commercial enterprise. The applicant is describing a commercial vessel. Section 3-2-7(02) what you need to recognize is Section 3-9-52(c)5 allows for non-commercial boat docks. It does not allow for commercial docks. They are prohibited on LGI. There is no exception or path that Mr. Hill can take that can pursue getting approval for a dock for commercial purposes. If you look at Section 3-9-52(e) of the BBI overlay, it says there is exceptions to allow for accessory use. Accessory use for non-commercial docks. He provided a copy of a prior easement with incumbrances on this property. He does not have 50 foot of water frontage to satisfy the requirements he needs to 50-foot water frontage. There is an easement of 5 feet that goes across the entire waterline for the benefit of a Gulf front property owner. If he builds a barge landing or dock, it will be a violation of that easement agreement. This is exhibit E-2 in the staff report. He is against this request.

**Michelle Welsh, one of the property owners adjacent to this property,** she said she is concerned with the environmental impact. She is concerned with the water quality in that area. She sees dolphins swimming into the cove and pushing their food into that cove. She said the barge may ruin the area the dolphins feed in. There are also manatees in that cove. She feels DEP will say this also. The grasses will be destroyed for our native species. There is a crane on that island for more than 8 years. Mr. Hill said he will not have overnight equipment, but this crane is here over 8 years. She feels it could be leaking oil and is an environmental hazard. She said there are currently 4 barge landings, they do not need another one.

**Chris Whittle, an owner at hide-away bay,** said he is adjacent to the site, he is opposed because there are at least 3 barge landings on the island, subject to that is there any empirical data that shows the additional need for an additional barge landing. He hears a lot of hearsay and opinion but not data. This is a bad location affecting many homeowners in a high-density location on the island. He wondered how you put in a 5-foot landscape plan on a 10-foot easement. There would not be any room for the vehicles. There are many roads that are difficult to get a golf cart through, let alone a commercial vehicle.

**Carl Strada, who lives at hide-away bay,** said was asked by a neighbor, Scott Almond, who could not attend today, to read his comments into the record. Mr. Almond's statement is – My name is Scott Almond, I live at Hide-away Bay, I am strongly opposed to Mr. Hill's plans for a 125-foot barge dock on this site and his plans for a private barge operation. LGI has an existing barge landing on Bay St. and one on Rumrunner Rd. There is one at Hide-away for our community use. All of these existing sites can and have always been used for emergency services. There is not another spot on the island that would have more of a negative impact on more homeowners than this site proposed by Mr. Hill. The 102 owners at Hideaway do not need or want this barge service as we have our own ferry. We all purchased here knowing it is a barrier island, with no vehicles, no traffic and limited access. These are the conditions we understood and wanted. Allowing this barge would have a significant negative impact on my property value. I would like to address 2 of the criteria for the special exception. One is to be consistent with the Comprehensive Plan. It is not. His plans are for more than a barge landing. His application shows a 125-foot commercial dock to operate a 50-foot barge. They are prohibited. All other barges are based on the mainland and simply land at the existing barge sites on the island. He has a family with 3 children and this site is where children play. '

**Balea Strade, who lives at hide-away bay,** said she explained living on the island, how it is peaceful and has tranquility. Only golf carts roam and people walk. They purchased a home knowing the only businesses on the island is the golf cart shop, the library, and a barge landing on bay street and one on rum runner. She had a cell phone with noise from a vehicle, a dump truck, and she played it for all to hear the noise. She said that is an audio of a vehicle, a dump truck at a speed of 5 to 8 miles per hour.

This is the sound all the units will be listening to from 8 a.m. until 5 p.m. if this barge is allowed. She feels there is other land on the island where they can put another barge. She is against this request.

**Maranda Noez, who lives on the island,** said she was going to read a statement from the Board President of the Condos, "the Hide-away Bay board of directors would like to clarify any representations about the board's position about Mr. Hill's barge landing project. One board member was having discussions regarding the project with Mr. Hill and made us aware of that conversation. However, our board has not received a formal presentation related to the barge landing project that you are considering. As such, there has not been a formal declaration of objections or support of the project. The board recognizes there are members in our association that either object or support the project. We will let the opinion of those members stand on their own since we have no formal opportunity to meet or reach any consensus of the board on this matter." There was an email that went out to the members to see if they were for or against this request. 55 people replied. 35 were against the barge landing. 15 were for it. 2 needed more info. 3 were for it but had concerns. As a homeowner, I am against this request.

**Pat Loston, a resident on the mainland but who wants to move to LGI,** said some of the things they mentioned about commercial docks, it appears hide-away bay has a commercial dock and barge landing. They comment about landscaping, however, they do not realize if they were a new condo development, they would have a huge landscape buffer next to them. Which they do not have now. He discussed the mangroves and some impacts.

**Adriana Moratchek, who lives on the island,** said she is giving her 5 minutes to Bruce Miller.

**Bruce Miller** came back up and said the previous speaker said there is a commercial dock at hide-away bay. That is not a commercial dock. It is a private dock, like any other private dock on LGI, for the use of the property owner, which is the HBBC and the attendant condo owners of the association. It is not for commercial use. It's for Hide-away Bay use only. He wanted to talk about the easement. The deed conveying the property interest to the combined lots to Mr. Hill Sr. once owned was June 13<sup>th</sup>, 2000. At the same time, one property owner owned it from gulf to bay. He split it up and sold the part on the side of Grande all the way to the bay to Mr. Hill Sr. When they did that, they reserved a reciprocal easement for each other so Hill's property could use the bay front property, 5-foot easement, pedestrian only across that easement so they could get to the gulf. The Hill's or the gulf front property owner has a 5-foot easement across the entire southern border of both of those properties from Grande to the bay and 5 foot up the bay. If that buffer is built, your rules require a 5-foot buffer that will destroy that easement. It will interfere. What is important is what was represented to you that barge traffic was always contemplated at the time of that deed. The agreement says they were going to build a dock and split the cost.

**Lake Welch, who lives on the island,** said his dock sticks out on that map, and that barge will impact that dock. My grandchildren fish there, and I would be concerned for them if this barge is there.

**Ross McBeth, who lives in Sebring FL,** said where you see P-7 on the map, that arrowhead on top is the back end of the house my family owns. We have owned this for many years and grew up coming here to this site. I now have grandchildren coming here and I am concerned this will change. We never expected a commercial area behind our house. He feels this would be incompatible to the area. He is opposed to this request.

**Don Schlant, who lives in the area**, said at first, he thought this might be a good idea, it would be competition but then he went to the County and did research to find out their options. He feels it is clear there is no legal Grand Avenue, they are crossing multiple lots to service the people. He said currently there is no legal way for anyone to come to his place to get his septic tank emptied. If you grant him this access, he will have to cross multiple pieces of property and the island is very busy. People on bikes and golf carts, then vehicles come across to work and they take the whole road. I have witnessed many accidents on the island. He feels they should figure out the best place for this barge and either create access north and south or grant us the beach to pay for stickers, like other beach properties. Being able to access the beach, then anyone can use to get supplies.

**Wayne Snell, who lives on the island**, said he respects his neighbor's opinions. He said they need a dependable way to transport all the things that come back and forth from the island. What we have now is undependable. Mr. Hill grew up on the island. I cannot think of a better person to operate this barge. He plans to build a home here and be a permanent resident. I am for the barge landing. He feels it is important.

*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**

There was discussion regarding dock questions/concerns, is it commercial or not, and what are private matters between property owners.

***ACTION:*** *A motion was presented by Larry Fix and seconded by Blair McVety that Petition SE-22-027 be APPROVED based on the Community Development Staff Report dated September 7, 2022, 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 the conditions listed in the staff report with deleting the first sentence in condition number 7, recommended by staff.*

***Motion was approved with a 2 to 1 vote with the following ten conditions:***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow a barge/ferry landing site at subject property and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plans 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, landscape plan approval, environmental review, emergency services review, and building permits. Subject property may not be used as a barge/ferry landing site until all required permits are obtained and all improvements completed, including the installation of the required buffer.
3. The barge/ferry shall not be used for transportation of personal vehicles or as a water taxi. This condition shall not apply in the event of a hurricane or other natural disaster to facilitate evacuations from the Island.

4. Hours of operation shall be limited to between 7:00 AM and 7:00 PM. These hours of operation shall not apply to emergency services (fire, EMS, police) or utility (water, electric, wastewater, communications) providers. Hours of operation shall also not apply in the event of a hurricane or other natural disaster to facilitate evacuations or post-storm cleanup.
5. Vehicles, materials, equipment, or debris shall not be stored on subject property.
6. The applicant shall provide signage or other distinguishing element to delineate the access easement located on the interceding parcel (Parcel P1-3, 9360 Little Gasparilla Island).
7. No encroachments of any structures or driveways shall be permitted within the required buffer. The buffer may consist of an opaque fence of at least six feet in height and/or landscaping as approved through the Site Plan Review process. The use of chain link fencing is not permitted. If the buffer is to be vegetative, a continuous hedge row shall be planted using species reaching a minimum of 60 inches at maturity and measuring a minimum of 24 inches at the time of planting. A minimum of 75 percent of the plant material shall be obtained from native, Florida-Friendly species. The buffer shall be installed prior to the site being used for barge/ferry operations.
8. Approval of the special exception does not grant authorization to use any County facility, including parks or boat ramps.
9. This special exception is granted for a term of five years from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
10. 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.

#### **SE-22-028**

VB BTS, LLC., c/o Mattaniah Jahn, Esq., representative for Timothy Thompson, is requesting a special exception to allow a 165-foot-tall communications tower, in the Commercial General (CG) zoning district. The property is located at 3092 Foley Drive, Punta Gorda, and is described as Lots 16 – 18, Block 117, of the Harbour Heights Subdivision, Section 5, located in Section 22, Township 40 South, Range 23 East.

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

#### **Applicant Presentation**

**Mattaniah Jahn, Esq., representative for the applicant, said she was sworn in.** Ms. Jahn said the access proposed on Foley Drive for the tower is completely contained within the area. The fire crews and site plan review may request an NFPA compliant review for the fire trucks to complete a turn around. Talks of the businesses in the area and for future commercial land use. Monopole will be completely dark at night. The nearest residential structure is 315 feet away or close to double the tower height separation. They are providing double the tower height separation. The top of the tower will be at a 155' and a 10' lightning rod to help protect the top end equipment from lightning strikes. The monopole will accommodate up to 4 users, which are the 4 main carriers. Explains the views of the surrounding areas in the photos provided to view the monopole and some areas where you can barely see the tower. Talks of the need to have the tower, as the area is growing and the amount of people traveling is increasing. This will benefit for all the 911 calls which is needed as well. Tells the board that Mr. Keene is here to answer any questions.

**Chair McVety** asks about the engineer and has questions.

**Patrick Keene, Engineer for T-Mobile, said he has been sworn in,** a representative with T-Mobile and the engineer who prepared the report.

**Chair McVety** asks how many towers will be needed, spacing and they discuss this for the populated areas with the rapid development.

**Mr. Keene** states it is not a straight-forward answer but there is a general trend. More urbanized areas need higher density towers and less urban need fewer towers.

***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**

There was discussion regarding Vinyl Fencing from the Hurricane between Chair McVety and Shaun, regarding with them blowing away.

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-22-028 be APPROVED based on the Community Development Staff Report dated September 7, 2022, 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 six conditions recommended by staff.***

***Motion was approved with a unanimous vote with the following six conditions:***

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 155-foot tall monopole communications tower, with a 10-foot lightning rod, and 1,600-square foot equipment compound, located in the Commercial General (CG) zoning district, generally as proposed in the application and as shown on the Concept Site Plan labeled Exhibit L, and Compound Plan, labeled Exhibit O, and extends only to the land included in the site plan and legal description as submitted with this application. The Concept Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower, including the lightning rod, shall not exceed 165 feet.
3. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
4. As shown on the Concept Landscape Plan (Exhibit Q), a minimum of a Type D landscape buffer with an eight-foot-tall opaque fence or wall is required around the perimeter of the equipment compound.

5. This Special Exception is granted for a term of three (3) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
6. 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.

**SE-22-029**

Nicholas Theiss, PE, representative for Radek Sanovec, is requesting a special exception to allow the outdoor storage of boats, trailers, and recreational vehicles, in the Commercial General (CG) zoning district. The property is located at **102 Harness Road**, Placida, and is described as Lots 7 & 12, Block 15, of the Rotonda Sands North Replat Unit 1, located in Section 29, Township 41 South, Range 21 East.

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

**Applicant Presentation**

**Nicholas Theiss, P.E., representative for the applicants said he was sworn in this morning. Mr. Theiss** said to use the property for storage of recreational vehicles and boats. Discusses the fence issue with the white fence which blew away and they want the chain link fence to remain for security purposes. Asks about the contracts they already have in place and what do they do.

He discusses issues with the fence, compliance, code enforcement case, extra time, special exceptions with Thomas David and Blair McVety. They will comply with what is required.

***Chair McVety opened the meeting to Public Comments.***

**Public Input**

**Leland Wilson**, Attorney for Rotonda Sands Conservation Association, said the association is against granting this and was given advise on how to do this, which was not followed. It went to litigation, judicial notice case # 2100-1119 in the Charlotte County court. Settlement agreement has not been followed by the applicant. They continued to use the property illegally as industrial use.

**Radek Sanovec, owner**, explains the use of the fence and buffer, talks about the conversation with the association. Discusses the fence after replacing the vinyl fence two times after both have been blown away. Explains why he installed the chain link after the vinyl fences. He will comply with the requirements and asks for the John Deere 310 backhoe allowed to be stored on the property for his use.

***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 Steve Vieira and seconded by Larry Fix that Petition SE-22-029 be APPROVED based on the Community Development Staff Report dated November 2, 2022, 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 seven conditions recommended by staff, including allowing the owners backhoe to remain on the property.***

***Motion was approved with a unanimous vote with the following seven conditions:***

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of boats, trailers, and recreational vehicles, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Site Plan submitted by the applicant, as part of the petition, is 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, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of construction materials, debris, heavy machinery, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a six-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted along the north, south, east, and west property lines. The use of chain link fencing as part of the required buffer is prohibited.
5. The outdoor storage use may not be used until all required improvements are completed and a Certificate of Occupancy has been issued. Existing vehicles stored on site must be removed until the outdoor storage yard permit has been issued and the required landscaping has been installed and inspected. A business tax receipt from the Charlotte County Tax Collector must be obtained and maintained by the property owner. All vehicles must be removed from subject property within 30 days of the issuance of the Notice of Approval.
6. This Special Exception is granted for a term of one year from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
7. 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.

**SE-22-030**

Andrew Shields is requesting a special exception to allow the outdoor storage of vehicles, in the Commercial General (CG) zoning district. The property is located at **6415 Florida Street**, Punta Gorda, and is described as a portion of Lot 1, of the Coveys Cornucopia Addition to Pineapple Center Subdivision, Parcel P2-1, located in Section 05, Township 41 South, Range 23 East.

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

**Applicant Presentation**

**Andrew Shields, owner, said he was sworn in. Mr. Shields** said Elizabeth pretty much has said it all.

***Chair McVety opened the meeting to Public Comments.***

**Public Input**

Martin Connell, neighbor, adjacent to the lot, states his concerns for the health and safety of the children who live in the area and are concerned with the traffic going in and out of the property. Informs he has 7 letters from people who live in the neighborhood who also oppose this. They are concerned with the issues that could happen at night and who is to stop people from coming back at night, with them jumping or climbing over the fence and taking items from their autos.

***There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mr. Fix. 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 Mr. Fix and seconded by Mr. Vieira that Petition SE-22-030 be APPROVED based on the Community Development Staff Report dated November 2, 2022, 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 eleven conditions recommended by staff.***

***Motion was approved with a unanimous vote with the following eleven conditions:***

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of impounded vehicles, 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, is 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, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of construction materials, debris, heavy machinery, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a six-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted along all four property lines, as shown on the Concept Plan (Exhibit H), provided by the applicant. The use of chain link fencing as part of the required buffer is prohibited.
5. Any perimeter outdoor lighting shall be directed towards the interior of the property.
6. The proposed building shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.

7. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy has been issued.
8. Compacting or disassembly of vehicles on-site is prohibited. The site shall not be used as a salvage or wrecking yard.
9. Items stored on subject property shall be limited to impounded vehicles. A modification of the special exception shall be required if the property, either by current or future property owners, is intended to be converted to a commercial outdoor storage operation where spaces are to be leased or sold.
10. This Special Exception is granted for a term of three years from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
11. 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.

IX. Public Comments –  
None

X. Staff Comments –  
Ms. Nocheck said she had no petitions for the December meeting.

XI. Member Comments –  
None

XII. Next Meeting  
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, January 11, 2023, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 12:46 p.m.

Respectfully submitted,  
Kimberly Sargent, Recorder  
/kas

  
\_\_\_\_\_  
Blair McVety, Chair

Approval Date: 1-11-23