



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, June 10, 2026 – 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
Steve Viera, Vice-Chair
Nichole Beyer, Secretary
Phillip Smallwood
Andrew Filieo

District:

District 4
District 1
District 3
District 2
District 5

Staff:

Shaun Cullinan, Planning/Zoning Official
Kimlyn Walker, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent, Recorder
Jane Babler, Recorder

I. **Call to Order**

Chair McVety called the June 10, 2026, 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. Nichole Beyer and Steve Vieira were absent.

IV. **Swearing In of Those Giving Testimony**

Kimberly Sargent swore in all persons who wished to provide testimony.

V. **Approval of Minutes**

ACTION: A motion was presented by Mr. Filieo and seconded by Mr. Smallwood to approve the minutes of May 13, 2026, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. **Disclosure Statements**

No Ex-parte forms indicating site visits concerning the petitions being presented before the June 10, 2026, Board of Zoning Appeals meeting were submitted.

VII. **Introduction of Staff/Comments**

Chair McVety introduced staff. Planning & Zoning Official, Shaun Cullinan, read the Zoning rules, Assistant County Attorney Walker 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 May 26, 2026: VAR-26-011, VAR-26-012, VAR-26-013, SE-26-005, SE-26-006, SE-26-007 and SE-26-008.

VAR-26-011

Ryan Finnegan is requesting two variances: **(a)** to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback, and **(b)** to reduce the required 15-foot east side yard setback by 10 feet to allow a 5-foot east side yard setback, to allow an existing boat cover/observation deck to remain “as-is” in its current location on subject property, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **502 Woodland Avenue**, in Port Charlotte, and is described as Lot 5, Block 133, of the Port Charlotte Subdivision, Section 10, located in Section 21, Township 40 South, Range 22 East. The Parcel ID for subject property is 402221379010.

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

Applicant Presentation

Ryan Finnegan, the applicant, was sworn. He believed that the contractor was obtaining the necessary permits for his project.

Chair McVety opened the meeting to Public Comments.

Public Input

Mr. Finnegan and State Representative, Danny Nix spoke on the petition.

Miss Nocheck received a letter from an adjacent property owner, labeled Exhibit I.

There being no further requests to speak for or against the petition, Mr. Filieo moved to close public comment, seconded by Mr. Smallwood. The public comments were closed with a unanimous vote.

Board Member Comments and Questions

Chair McVety asked the applicant if he hired a licensed contractor. He also asked how long the structure is and how big the boat is. Mr. Finnegan believed he was licensed. He told Chair McVety that the structure is 30’ long and the boat is 21.5’. Mr. Filieo asked when the 1st visit was by code enforcement. Mr. Finnegan replied within one month of completion. Chair McVety asked Miss Nocheck when the structure was built. Miss Nocheck stated 2024.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Phillip Smallwood and seconded by Andrew Filieo that Petition VAR-26-011 be APPROVED based on the Community Development Staff Report dated June 3, 2026, 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 2-1 vote with the following three conditions:

(Chair McVety, Mr. Smallwood voted for approval, Mr. Filieo voted against approval.)

1. The variances, as approved by the Board of Zoning Appeals, are: **(a)** to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback, and **(b)** to reduce the required 15-foot east side yard setback by 10 feet to allow a 5-foot east side yard setback, to allow an existing boat cover / observation deck to remain “as-is” in its current location on subject property.
2. The variances shall apply only to the existing boat cover / observation deck, as shown in the documents submitted with this application.

3. If the boat cover / observation deck is removed or replaced, these variances 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.

VAR-26-012

Zachary Grzywa is requesting a variance to reduce the required 15-foot rear yard setback by 5 feet to allow a 10-foot rear yard setback, for a new swimming pool, pool deck, and pool cage, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **15664 Meacham Circle**, in Port Charlotte, and is described as Lot 8, Block 4974, of the Port Charlotte Subdivision, Section 93, located in Section 15, Township 41 South, Range 21 East. The Parcel ID for subject property is 412115254013.

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

Applicant Presentation

Zachary Grzywa, the applicant, was sworn in. He explained that the company that built his home is based out of Cape Coral (Lee County) and this is the first home they have built in Charlotte County. The setback in Cape Coral is 10', not 15'. The construction was underway before anyone realized this.

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

Public Input

Jim McDonough, Carol McDonough, and Jim Weaver spoke on the petition.

Miss Nocheck received several letters in support from property owners, labeled Exhibit I.

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

Rebuttal

Mr. Grzywa stated that his house is graded correctly. He shortened the length of his home by 5' to accommodate the pool.

Board Member Comments and Questions

Chair McVety asked **Mr. Cullinan** questions about the building code regarding height of pool decks, pickets, porches and the house. **Chair McVety** had a question regarding the front yard setback, that **Miss Nocheck** answered.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that petition VAR-26-012 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with the 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 15-foot rear yard setback by 5 feet to allow a 10-foot rear yard setback, for a new swimming pool, pool deck, and pool cage.

2. The variance shall apply only to the proposed swimming pool, pool deck, and pool cage, as shown in the documents submitted with this application.
3. If the swimming pool, pool deck, or pool cage are removed or replaced, this variance shall expire and all future development must be constructed in accordance with 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 the removal or replacement caused by a natural disaster or involuntary destruction of the swimming pool, pool deck, or pool cage.

VAR-26-013

John Huffaker is requesting a variance to reduce the required 20-foot west side yard setback by 12.5-feet to allow a 7.5-foot west side yard setback, for a new detached garage, in the Residential Estate-1 (RE-1) zoning district. The property is located at 3800 Acline Road, in Punta Gorda, and is described as Parcel P2-5, located in Section 28, Township 41 South, Range 23 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 412328228002.

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

Applicant Presentation

John Huffaker stated he was sworn. He had nothing to add but is available to answer questions.

Chair McVety opened the meeting to Public Comments.

Public Input

None.

There being no requests to speak for or against the petition, Mr. Filieo moved to close public comment, seconded by Mr. Smallwood. Public comments were closed with a unanimous vote.

Board Member Comments and Questions

None.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Phillip Smallwood and seconded by Andrew Filieo that Petition VAR-26-013 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence 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 20-foot west side yard setback by 12.5 feet to allow a 7.5-foot west side yard setback, for a new detached garage.
2. The variance shall apply only to the proposed detached garage, as shown in the documents submitted with this application.
3. If the detached garage is removed or replaced, this variance shall expire and all future development must be constructed in accordance with 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 the removal or replacement caused by a natural disaster or involuntary destruction of the detached garage.

SE-26-005

Robert Berntsson, representative for Wrex Group LLC, is requesting a special exception to allow the outdoor storage of vehicles for a towing company, in the Commercial General (CG) zoning district. The property is located at 16070 Tamiami Trail, in Punta Gorda, and is described as Lots 13 – 18, Block 1, of the Orange Grove Park Subdivision, Part 1, located in Section 30, Township 42 South, Range 24 East. The Parcel ID for subject property is 422430201001.

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

Applicant Presentation

Robert Berntsson, representative for the applicant, stated he was sworn. Mr. Berntsson explained that this property is one of the few that has access from both northbound and southbound Hwy 41.

Chair McVety opened the meeting to Public Comments.

Public Input

None.

There being no requests to speak for or against the petition, Mr. Filieo moved to close public comment, seconded by Mr. Smallwood. Public comment was closed with a unanimous vote.

Rebuttal

Robert Berntsson had no comments and accepted the 11 conditions.

Board Member Comments and Questions

None.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that SE-26-005 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of this Special Exception with the 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 vehicles for a towing company, and extends only to the lands included in the Concept 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, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval. The outdoor storage use may not be used until all

- required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued.
3. The storage of construction equipment or materials, debris, heavy machinery, cargo containers, semi-trucks, or hazardous materials is prohibited.
 4. Subject property shall not be used as a building trades contractor's yard.
 5. Compacting or disassembly of vehicles on-site is prohibited. The site shall not be used as a salvage or wrecking yard.
 6. Items stored on subject property shall be limited to vehicles used by the towing company and 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.
 7. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the area(s) to be used for storage, as shown in the **Concept Plans** (Exhibit G), for each phase of the proposed development. The use of chain link fencing as part of the required buffer is prohibited. The final location(s) and design of the required buffers shall be determined during the Site Plan Review process.
 8. Any perimeter outdoor lighting shall be directed towards the interior of the property.
 9. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
 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, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-26-006

Adam Davie, P.E., representative for Tarpon Port Charlotte LLC, is requesting a special exception to allow the outdoor storage of fleet vehicles for a building trades contractor's office, for a pest control company, in the Commercial General (CG) zoning district. The property is located at 332 Tamiami Trail, in Port Charlotte, and is described as Lots 22 & 23, Block 2420, of the Port Charlotte Subdivision, Section 32, located in Section 21, Township 41 South, Range 23 East. The Parcel ID for subject property is 402103257001.

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

Applicant Presentation

Adam Davie, engineer of record for the owner, stated he was sworn. He had nothing to add but was available to answer any questions.

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

Public Input

None.

There being no requests to speak for or against the petition, Mr. Filieo moved to close public comment, seconded by Mr. Smallwood. Public comment was closed with a unanimous vote.

Board Member Comments and Questions

Chair McVety asked what the property is currently being used for. **Mr. Davie** stated a Terminex business.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that SE-26-006 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with the 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 the outdoor storage of fleet vehicles for a building trades contractor's office, for a pest control company, and extends only to the lands included in the Concept 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, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued.
3. The storage of construction equipment or materials, debris, heavy machinery, cargo containers, semi-trucks, or hazardous materials is prohibited.
4. Storage of vehicles shall be limited to company work trucks, trailers, and vans.
5. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the portion of the site to be used for the storage of fleet vehicles, as shown in the **Concept Plans** (Exhibit G). The use of chain link fencing as part of the required buffer is prohibited. The final design of the buffers shall be determined during the Site Plan Review process.
6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. 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.
9. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-26-007

Zachary Myers, representative for Myers Site Development LLC, is requesting a special exception to allow outdoor storage for a building trades contractor's office, for a site development company, in the Commercial General (CG) zoning district. The property is located at **12459 & 12443 Tamiami Trail**, in Punta Gorda, and is described as Lots 1 – 4, Block 3, of the Tropical Gulf Acres Subdivision, Unit 1, located in Section 02, Township 42 South, Range 23 East. The Parcel IDs for subject property are 422302378004 & 422302378002.

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

Applicant Presentation

Michael Kayusa, attorney for Myers Site Development, the applicant, and **Zachery Myers** were present. The owner of the property is in Ohio. Mr. Myers would like to purchase the property if granted approval of the special exception.

Board Member Comments and Questions

Mr. Filieo asked **Atty. Kayusa** if he represents the owner. **Atty Kayusa** replied that he does not. **Zachary Myers** explained that he needs the exception before he purchases the property otherwise, he cannot operate his business there. **Mr. Filieo** asked about exhibit E-1 and stated that it is unsigned. **Mr. Myers** stated that that paperwork is his intent for the future. **Mr. Smallwood** asked **Mr. Cullinan** about prior code enforcement violations. **Mr. Cullinan** stated that the liens would have to be paid and the property brought into compliance. He also stated that there are currently unpermitted fuel tanks on the property as well as heavy equipment on the property. (An excavator and a bulldozer are shown on google earth.) **Elizabeth Nocheck** asked when the applicant started using the property, who did the actual clearing work, and what will be stored on the property? Mr. Myers stated there are 9 F250's, 1 F350, 1 dump truck, 2 enclosed trailers, 4 other trailers and 2 500-gallon fuel tanks. **Mr. Filieo** had a question for the applicant regarding the strict timelines. **Mr. Myers** stated he would do all he could do meet the timeline requirements. **Chair McVety** clarified with **Mr. Cullinan** where the fencing is required.

Chair McVety opened the meeting to Public Comments.

Public Input

Tanner Bass spoke on the petition.

Miss Nocheck received several emails from adjacent property owners, labeled Exhibit K.

There being no further requests to speak for or against the petition, Mr. Smallwood moved to close public comment, seconded by Mr. Filieo. Public comment was closed with a unanimous vote.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Phillip Smallwood and seconded by Andrew Filieo that SE-26-007 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with the 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 a building trades contractor's office with outdoor storage, for a site development company, and extends only to the lands included in the Concept 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. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued.
3. The storage of debris, cargo containers, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (fully opaque) fence or wall, shall be constructed and planted around the entire perimeter of the site. The use of chain link fencing as part of the required buffer is prohibited.
5. Items stored in stacks or piles shall not exceed 6 feet in height.
6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. Hours of operation shall be limited to Mondays through Fridays, from 7:00 AM to 4:00 PM.
9. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued. All existing outdoor storage must be removed until a Certificate of Occupancy or final inspections have been issued.
10. This Special Exception is granted for a term of one (1) 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. The applicant must obtain, at a minimum, after-the-fact environmental permits within three (3) months of the date of approval from the Board of Zoning Appeals. Final Site Plan Review approval shall be obtained within one (1) year and all other permitting and inspections must be completed within two (2) years of the date of approval from the Board of Zoning Appeals.
11. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

SE-26-008

Andrey Avdeyuk, representative for Vitalina Yashchyshyna, is requesting a special exception to allow accessory structures to exceed 2,000-square feet in area for a property less than one-half acre in size, to allow a 2,400-square foot detached garage, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **327 Tazewell Drive**, in Port Charlotte, and is described as Lots 7 & 8, Block 1173, of the Port Charlotte Subdivision, Section 30, located in Section 02, Township 40 South, Range 21 East. The Parcel ID for subject property is 402102327028.

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

Applicant Presentation

Andrey Avdeyuk representative and Vitalina Yashchyshyna stated they were sworn. He has nothing to add but is available to answer any questions.

Chair McVety opened the meeting to Public Comments.

Public Input

Richard Jackson, Karen Cochran, Ron Cochran, and Jan Statt spoke on the petition.

There being no further requests to speak for or against the petition, Mr. Filieo moved to close public comment, seconded by Mr. Smallwood. Public comment was closed with a unanimous vote.

Board Member Comments and Questions

Chair McVety asked **Shaun Cullinan** to address some of the questions that were asked during public comment. A discussion ensued. **Mr. McVety** asked which lots the applicant purchased. Lot 15 & 16, which are across the street. **Mr. Cullinan** explained that this acreage does not apply for these purposes.

Miss Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that SE-26-008 be APPROVED based on the Community Development Staff Report dated June 3, 2026, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Special Exception with the seven conditions recommended by staff.

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 exceed the maximum of 2,000-square feet for accessory structures on a property less than one-half acre in size, to construct a 2,400-square foot detached garage, for a total allowance of 2,400-square feet of accessory structures, 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 building permits.
3. The detached garage shall be constructed to match the materials and colors of the existing single-family residence.
4. The detached garage shall not be used for the purpose of storing any commercial vehicles, construction materials, heavy machinery, or hazardous materials. The detached garage may not be used as a dwelling unit.
5. The construction of any additional accessory structures will require a modification of the Special Exception.
6. This Special Exception is granted for a term of three (3) 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.

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, may be approved by the Zoning Official.

IX. Public Comments –
None.

X. Staff Comments-
Miss Nocheck stated that next month we have 5 petitions.

XI. Member Comments-
None.

XII. Next Meeting
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, July 8, 2026, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 12:09 p.m.

Respectfully submitted,
Jane Babler, Recording Secretary
Community Development Department


Blair McVety, Chair

 
Date