MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, May 13, 2015 – 9 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)

Members Present
Katherine Ariens, Chair
Joe Tiseo, Vice-Chair
Steve Vieira, Secretary (absent)
Blair McVety
Larry Fix

Staff Present
Shaun Cullinan, Zoning Official
Joshua Moye, Assistant Co. Attorney
Ken Quillen, AICP, Planner
Buddy Braselton, Planner
Diane Clim, Recorder

I. ***Call to Order***
Chair Ariens called the May 13, 2015 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. ***Pledge of Allegiance***
Chair Ariens 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. Tiseo to approve the minutes of the April 8, 2015 meeting of the Board of Zoning Appeals. Motion passed with a unanimous vote.

VI. ***Disclosure Statements***
Ex-parte forms indicating site visits concerning the petitions being presented before the May 13, 2015 Board of Zoning Appeals meeting were submitted.

VII. ***Introduction of Staff/Comments***
Chair Ariens introduced staff. *Shaun Cullinan, Zoning Official,* read the Zoning rules, *Attorney Josh Moye, and Chair Ariens* 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 April 18, 2015: VAR-15-003

Shaun Cullinan recused himself from hearing the Variance petition. He said he knew the applicants. He said Buddy Braselton, Planner in Community Development and liaison for the Manasota and Sandpiper Key Advisory Committee will answer any questions.

VAR-15-003

Stephen and Jody Norris are requesting a variance to reduce the required rear yard setback by ten-feet, from 20' to ten-feet, for a swimming pool at an existing single-family residence, in the Manasota Single Family-3.5 (MSF-3.5) zoning district. The property address is **4086 North Beach Road, Englewood**, and is described as parcel P27-5, located in Section 02, Township 41 South, Range 19 East.

Ken Quillen presented general information and staff findings for the petition.
He handed out a copy of the Manasota and Sandpiper Key approval sheet for this petition, labeled Exhibit G.

Applicant Presentation

Stephen Norris, applicant, 4086 North Beach Road, said he was sworn in. Mr. Norris said when they were getting ready to purchase the house in November 2014, they had two pool contractor's come give them information where the pool could go. The first contractor did not say anything about a 20 foot setback, but the second contractor mentioned the code changed from 10 feet to 20 feet. They would like the pool for recreation and he has a son with a knee and foot injury and he would benefit from the therapy. He spoke with both neighbors and they had no problems with the variance.

Buddy Braselton, Planner, said he was sworn in. He said the Manasota and Sandpiper Key overlay changed the rear setback which used to be 10 feet to 20 feet. They are aware of this request and approved it.

Chair Ariens opened the meeting to Public Hearing.

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 hearing, seconded by Mr. McVety. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

None

***ACTION*: A motion was presented by Joe Tiseo and seconded by Blair McVety that Petition VAR-15-003 be APPROVED based on the Community Development Staff Report dated May 6, 2015, 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 the 3 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 rear yard setback by 10 feet to allow a 10-foot rear setback for the proposed swimming pool only.

2. This variance extends only to the swimming pool as proposed in the documents submitted with this application. This variance shall carry with the swimming pool only once it is constructed. If the proposed swimming pool is not constructed within three years then this variance shall expire.

3. If the swimming pool is constructed and at a later date removed, destroyed or replaced, 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.

IX. *Public Comments - None*

X. *Staff Comments –*
Ken Quillen said there are three petitions for the June 10 BZA meeting.

XI. *Member Comments - None*

XII. *Next Meeting*
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, June 10, 2015, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 9:26 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

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Katherine Ariens, Chair

*Approval Date:*_____