

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, June 10, 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 (Absent)
Joe Tiseo, Vice-Chair
Steve Vieira, Secretary
Blair McVety (Absent)
Larry Fix

Staff Present

Shaun Cullinan, Zoning Official (Absent)
Joshua Moye, Assistant Co. Attorney
Ken Quillen, AICP, Planner
Diane Clim, Recorder

I. Call to Order

Vice-Chair Tiseo called the June 10, 2015 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Vice-Chair Tiseo 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 the May 13, 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 June 10, 2015 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Vice-Chair Tiseo introduced staff. Ken Quillen, Planner III, read the Zoning rules, Attorney Josh Moye, and Vice-Chair Tiseo 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, 2015: VAR-15-002; VAR-15-004; and SE-15-003

VAR-15-002

Duané Needham, agent for Tile & Carpet World, is requesting a variance to increase the maximum area permitted for wall signs, from 50 to 72 square feet, to allow an additional 20.25 square foot wall sign on the north wall of the building, in the Charlotte Harbor Mixed Use zoning district. The property address is **4820 Tamiami Trail, Charlotte Harbor**, and is described as parts of Block 18, the vacated alley, vacated Short Street, and vacated Seneca Avenue, all in the Charlotte Harbor Subdivision, located in Section 36, Township 40 South, Range 22 East.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Duane Needham, applicant, owner of Tile and Carpet World, said he was sworn in. Mr. Needham said he recently became a Carpet One dealer and they have a logo that is required to be on the store. He showed a picture of that logo on the building (from another store).

Mr. Vieira asked has this sign been provided by the Manufacture for you or did you have it made?

Mr. Needham said this is just a picture of a model from Carpet One. He would be able to change the color but this is the logo they use, similar to McDonald's having a logo.

Mr. Tiseo asked if it is a light box?

Mr. Needham said yes, that is correct. He asked them for a smaller version because they do normally use a larger size.

Vice-Chair Tiseo opened the meeting to Public Hearing.

Public Input

James Herston, P.E., said he was sworn in. Mr. Herston said he is on the Charlotte Harbor CRA committee and they have approved this request.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public hearing, seconded by Mr. Fix. 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

No further questions

ACTION: A motion was presented by Steve Vieira and seconded by Larry Fix that Petition VAR-15-002 be APPROVED based on the Community Development Staff Report dated June 3, 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 two conditions recommended by staff.

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

1. The variance, as approved by the Board of Zoning Appeals, is to allow up to 72 square feet of wall signs or Class "A" Secondary Signs as proposed in the application.
2. The new 20.25 square foot sign proposed in the application must be located on the north building wall facing the parking lot.

VAR-15-004

Attorney Richard Rosenbaum, agent for Suellen Bowser, is requesting a variance of 1.4 feet to reduce the required 7.5 foot side yard setback to 6.1 feet, to allow an existing lanai to remain, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is **3318 Brooklyn Avenue, Port Charlotte**, and is described as Lot One of Block 520 in the Port Charlotte Subdivision, Sub-section Seven, all located in Section 23, Township 40 South, Range 22 East.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Richard Rosenbaum, agent for the applicant, said he was sworn in. Mr. Rosenbaum said he handled the closing for the applicant. Prior to closing, they received a survey showing the screened lanai projected into the setback by 1.4 feet. He will answer any questions.

Mr. Vieira asked if the transaction closed? Is this just an action to correct the errors in place, or is there any pending action?

Mr. Rosenbaum said yes, just to clean up the error. This has been there for 40 years.

Vice-Chair Tiseo 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. Vieira moved to close the public hearing, seconded by Mr. Fix. 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

No further questions

ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition VAR-15-004 be APPROVED based on the Community Development Staff Report dated June 3, 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 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 7.5-foot side yard setback by 1.4 feet to allow a 6.1-foot side setback for the existing lanai only.
2. This variance extends only to the existing lanai as shown on the Boundary Survey in the documents submitted with this application.
3. If the lanai is ever removed 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.

SE-15-003

Sayme White is requesting a special exception to allow a Major Home Occupation, consisting of a dog grooming business, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is **2200 Anne Avenue, Port Charlotte**, and is described as lot one of block 2751, of Port Charlotte Subdivision, Sub-section 33, all located in Section 14, Township 40 South, Range 22 East.

Ken Quillen presented general information and staff findings for the petition.

Applicant Presentation

Sayme White, applicant, said she was sworn in. Ms. White said she agrees with the staff report and will answer any questions.

Mr. Tiseo asked if she has a vehicle and does mobile grooming?

Ms. White replied she did originally, but now just wants to groom from her residence. She does not have a commercial vehicle parked out front.

Mr. Fix asked if the room she will be using is already there?

Ms. White replied yes.

Vice-Chair Tiseo 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. Vieira moved to close the public hearing, seconded by Mr. Fix. 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

No further questions

ACTION: A motion was presented by Steve Vieira and seconded by Larry Fix that Petition SE-15-003 be APPROVED based on the Community Development Staff Report dated June 3, 2015, 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 four conditions recommended by staff.

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

1. This special exception shall allow a Major Home Occupation, consisting of a dog grooming business only as an accessory use to the existing single-family residence.
2. There shall not be any outdoor kennel associated with this home occupation.
3. This special exception, allowing a Major Home Occupation, shall be conducted according to all of the standards and conditions of **Section 3-9-74 Home Occupations** (Exhibit B), as amended, of the Land Development Regulations.
4. Any major modifications, or change in the type of home occupation conducted, shall require a modification to 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 –

Ken Quillen said they added the information for the new Codes in the packet for today's meeting. Also, there are no petitions for the July 8 BZA meeting.

XI. Member Comments - None

XII. Next Meeting

The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, August 12, 2015, at 9:00 a.m., in Room 119.

There being no further business, the meeting **ADJOURNED** at 9:45 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____