

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, February 11, 2009 - 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

Tom Thornberry, *Chairman*
Audrey Seay, *Vice-Chair*
Ed Hittson, *Secretary*
Bob Stout
Bill Truex

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Jeff Ruggieri, *Growth Management Director*
Ken Quillen, *AICP, Planner III*
Jane Starr, *Recorder*

I. Call to Order

Chairman Thornberry called the February 11, 2009 meeting of the Board of Zoning Appeals to order at 9:00a.m.

II. Pledge of Allegiance

Chairman Thornberry 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

Jane Starr swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Ed Hittson and seconded by Audrey Seay to approve the minutes of the January 14, 2009 meeting of the Board of Zoning Appeals with corrections. Motion carried unanimously.

VI. Disclosure Statements - None

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Nicole Dozier, Zoning Official, Attorney Derek Rooney and Chairman Thornberry* 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 January 27, 2009: Petition #SE-08-39; Petition #SE-09-05

Petition #SE-08-39 – Withdrawn by Applicant

Petition #SE-09-05

Sam and Buffy Astin are requesting a special exception to allow a guest house in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 610 Bocilla Drive, Placida, Florida and is described as Lot 9, Bocilla Beach to Bay Land Condominium, in Section 33, Township 41 South, Range 20 East. The property contains +/- 41,989 square feet. A complete legal description and additional information are on file.

Chair Thornberry felt that, after looking at the prints and the site, it did not appear the petitioner would need a special exception and asked for clarification as to why this petition was brought before the Board. *Nicole Dozier* advised this initially came in as a request for a guest home but, after review of the application, it was questioned whether this was a guest home or a standard addition. She further explained there was conflict with regards to the Comprehensive Plan interpretation as it related to Bridgeless Barrier Island code as opposed to the zoning code. *Ken Quillen* confirmed the applicant initially applied for a permit and zoning rejected it thinking this was a guest house. *Ms. Dozier* stated in going forward with examining the documents, it didn't appear a special exception was needed, however this was already on today's agenda and it seemed appropriate to continue the discussion before the Board.

Jeff Ruggieri confirmed the issue with the Comprehensive Plan is based on whether this is in fact a density unit. Further discussion ensued. *Mr. Ruggieri* voiced concerns with specifications that would qualify this as a unit as it relates to barrier islands. Discussion continued. *Attorney Rooney* felt one distinction is that there are no exterior doors. It was *Chair Thornberry's* view that this is one (1) project under construction and cannot be classified as an addition.

Mr. Quillen and *Ms. Dozier* addressed an inquiry from *Audrey Seay* regarding the initial application. *Attorney Rooney* advised this cannot go forward as a guest home special exception. The issue of whether or not it is a dwelling unit can still be reviewed by zoning and comprehensive planning, but if there is a separate state consent order, he believes the definition of dwelling unit as defined in that consent order needs to be examined further.

After looking further at the layout, *Mr. Ruggieri* stated he was inclined to say, from a Comprehensive Plan standpoint, this is not a dwelling unit. *Ms. Dozier* confirmed this could go forward as a residential addition if the determination by Comprehensive Planning is that it is not a dwelling unit. *Attorney Rooney* suggested this be reviewed once more by county staff.

ACTION: A motion was made by Bill Truex and seconded by Audrey Seay that it is the decision of this Board that this not be considered a guest house and is instead an addition to a single family home which does not require a special exception. Following discussion a vote was taken and the motion approved unanimously.

IX. Public Comments

Chairman Thornberry opened the meeting to Public Hearing.

Michelle Sears, agent for the applicants, wanted to know when this was brought to the attention of the Growth Management Director for review. *Jeff Ruggieri* stated he

was consulted yesterday to advise on Comprehensive Plan guidelines. *Chair Thornberry* added Mr. Ruggieri was only involved because this was on the Barrier Islands and advised the applicants to withdraw their application and continue with their plans through the Building Department.

There being no further requests to speak, the Public Hearing was closed.

X. Staff Comments

Ken Quillen advised there are four (4) applications on the next agenda.

XI. Member Comments - None

XII. Next Meeting

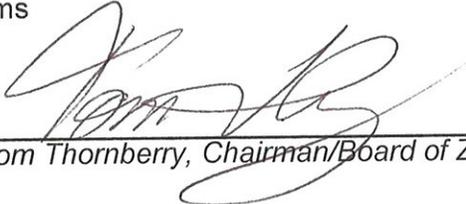
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, March 11, 2009, 9 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:47 ^{a.m.} p.m.

Respectfully submitted,

Jane Starr, Recorder

/jms



Tom Thornberry, Chairman/Board of Zoning Appeals

Approved: js 3-11-09