

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, April 8, 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*
Ken Quillen, *AICP, Planner III*
Jane Starr, *Recorder*

- I. Call to Order**

Chairman Thornberry called the April 8, 2009 meeting of the Board of Zoning Appeals to order at 9:00 a.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 Bob Stout and seconded by Audrey Seay to approve the minutes of the March 11, 2009 meeting of the Board of Zoning Appeals as written. Motion carried unanimously.
- VI. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the April 8, 2009 Board of Zoning Appeals meeting were submitted.
- VII. Introduction of Staff/Comments**

Chairman Thornberry introduced staff. Nicole Dozier, Zoning Official, Attorney Derek Rooney and Chair 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 March 24, 2009: VAR-09-06, VAR-09-07 and SE-09-08

Petition #VAR-09-06

John Sullivan is requesting a variance to reduce the required front yard setback from 25' to 17.2' to allow an addition to the existing single-family residence in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 149 Barre Drive NW, Port Charlotte, Florida and is described as Lot 10, Block 17, Port Charlotte Subdivision Subsection 02, located in Section 22, Township 40 South, Range 22 East. The property contains +/- 11,960 square feet. A complete legal description and additional information are on file.

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

Ed Hittson asked if the original carport was in compliance and if the metal shed met the setback requirements. *Mr. Quillen* stated the carport was nonconforming but he did not have information pertaining to the shed at this time as it is not part of the Variance.

John Sullivan, the applicant, 149 Barre Drive NW, Port Charlotte, appeared before the Board to further present the petition and confirmed the shed was in compliance.

Chair Thornberry confirmed the home was purchased in 1994 and inquired about the septic tank location and an item seen in the aerial photo.

Chairman Thornberry opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

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

Board Member Comments and Questions

Responding to a question by Bill Truex, Mr. Quillen confirmed the size of the side setback and pointed out the front of the property. Nicole Dozier added additional comments.

ACTION: A motion was presented by Audrey Seay and seconded by Bill Truex that Petition VAR-09-06 be APPROVED based on the Growth Management Staff Report dated March 30, 2009, 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 following conditions.

- 1. The variance as approved by the Board of Zoning Appeals is to reduce the front yard setback from 25' to 17.2' to allow an addition, consisting of a carport, to the existing residence as shown on the Site Plan submitted and labeled Exhibit 2.**
- 2. This variance extends only to the proposed carport addition and shall carry with the structure only. If the existing single-family residence is ever removed 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.**

Motion carried unanimously.

Petition #VAR-09-07

John and Judy Alvarez are requesting a variance to increase the maximum square footage allowed for an accessory structure by 600 square feet, from 1,000 square feet to 1,600 square feet, to allow a 1,600 square foot accessory garage for a 1,526 square foot residence located in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 192 Norfolk Avenue, Port Charlotte, Florida and is described as Lots 13 and 14, Block 63, Port Charlotte Subdivision Subsection 05, located in Section 21, Township 40 South, Range 22 East. The property contains +/- 20,800 square feet. A complete legal description and additional information are on file.

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

Audrey Seay questioned whether the property consisted of one or two lots and was told two lots were combined into one tax bill and will be utilized as one.

Ed Hittson inquired about the 100 sq. ft. accessory building and was told it did meet setback requirements. *Ms. Dozier* added that certain sheds do not require building permits.

John Alvarez, the applicant, 192 Norfolk Avenue, Port Charlotte, appeared before the Board to further present the petition.

Chair Thornberry inquired about the applicant's motor home and the culvert drainage across the front of his property.

Audrey Seay inquired about the industrial appearance of the planned garage and whether it will conform to the neighborhood. The applicant provided pictures of other like structures that currently exist in the neighborhood.

Chairman Thornberry opened the meeting to Public Hearing.

Donald Drum, Drum Engineer Corporation, 17435 Abbott Avenue, Port Charlotte, stated the applicant enlisted his firm to prepare the drawings and to assist in this endeavor. It is his belief, after viewing the neighborhood, that the structure is consistent and would be a benefit to the community.

There being no further requests to speak for or against the petition, the Public Hearing was closed.

Nicole Dozier added additional comments regarding the size of the proposed structure and suggestions from staff on ways to better incorporate the building and to offset the massive size. Audrey Seay inquired about turning the building sideways and the possibility of incorporating features to make the building more decorative.

Chair Thornberry inquired about the size of the doors and was told 14 foot doors are required to accommodate a motor home. Chair Thornberry commented further on the lot and stated he commended the applicant for coming forward to show his property and felt the structure would not be a detriment to the community.

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

Board Member Comments and Questions

Bob Stout felt standards have not been met and the building would be detrimental to the neighborhood. Ed Hittson referred to statutes and agreed with Mr. Stout. It is his position that conditions have not been met. Audrey Seay agreed and voiced concerns regarding the future sale of the property and the size and location of the garage. Bill Truex had additional questions regarding the house structure.

ACTION: A motion was presented by Bob Stout and seconded by Ed Hittson that VAR-09-07 be DENIED based on the Growth Management Staff Report dated March 30, 2009, the evidence presented at the hearing and finding that the applicant HAS NOT met the required criteria for the granting of the variance.

Motion carried 3 to 2 to deny VAR-07-09. (Chair Thornberry and Bill Truex opposed)

Petition #SE-09-08

Visually Impaired Persons of Charlotte County, Inc. is requesting a special exception to allow a teaching and rehabilitation center for visually impaired persons in a Residential Multifamily-15 (RMF-15) zoning district. The property address is 26195 Sandhill Boulevard, Harbor Heights, Florida and is described as Lots 7, 8, 9 and 10, Punta Gorda Isles

Subdivision Subsection 23, located in Section 09, Township 40 South, Range 23 East. The property contains +/- 81,000 square feet. A complete legal description and additional information are on file.

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

Audrey Seay asked for confirmation regarding the property location.

Pamela Bergman, representing the applicant, appeared before the Board to further present the petition.

Audrey Seay and *Bob Stout* inquired further about the organization and the facility. *Chair Thornberry* received confirmation that the applicant could cope with the five required (5) stipulations.

Chairman Thornberry opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

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

Board Member Comments and Questions

ACTION: A motion was presented by Bill Truex, seconded by Audrey Seay, that Petition #SE-09-08 be APPROVED based on the Growth Management Staff Report dated March 30, 2009, 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 following modified conditions:

- 1. The special exception, as approved by the Board of Zoning Appeals, is for a teaching and rehabilitation center for visually impaired persons in substantial conformance with the site plans submitted by the applicant for this request.***
- 2. The exterior architectural appearance of the building shall comply with those sections of the Commercial Design Standards (Article XXIV) that are applicable to, and compatible with, residential buildings.***
- 3. 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.***
- 4. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to***

the construction and operation of the proposed teaching and rehabilitation center for visually impaired persons.

- 5. Site Plan Review is required prior to issuance of any building permits for the proposed new teaching and rehabilitation center for visually impaired persons and all off-street parking and landscaping requirements of code must be met for the proposed development.***

Motion carried unanimously,

IX. Public Comments - None

X. Staff Comments

Nicole Dozier made known the County will be going paperless in the near future and packets will soon be available digitally. *Ken Quillen* addressed questions regarding large format documents. *Chair Thornberry* asked for a show of hands of all members who review packets prior to meetings and who perform site visits.

XI. Member Comments

Audrey Seay inquired about the possibility of the meetings being televised. *Nicole Dozer* responded that she is not aware of any plans at this time.

Audrey Seay confirmed two petitions are presently on the May agenda.

XII. Next Meeting

The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, May 13, 2009, at 9:00 a.m., in Room 119.

There being no further business, the meeting ***ADJOURNED*** at 10:47 a.m.

Respectfully submitted,



Jane Starr, Recorder

/jms



Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date: 5-14-09