

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, May 12, 2010 – 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*
Edmund T. Hittson, *Vice-Chairman*
Bob Stout, *Secretary*
Bill Truex
Audrey Seay (absent and excused due to illness)

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

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- I. **Call to Order**
Chairman Thornberry called the May 12, 2010 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**
Diane Clim swore in all persons who wished to provide testimony.
- V. **Approval of Minutes**
ACTION: *A motion was presented by Bob Stout and seconded by Bill Truex to approve the minutes of the April 14, 2010 meeting of the Board of Zoning Appeals, with a unanimous vote.*
- VI. **Disclosure Statements**
Ex-parte forms indicating site visits concerning the petitions being presented before the May 12, 2010 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 April 27, 2010: VAR-10-05; VAR-10-07; and SE-09-21(M1)

Petition #VAR-10-05

William Trexler and Jeanie Belcher are requesting a variance to reduce the required front yard setback from 25' to 20.8' to allow a covered entry addition to an existing single-family residence in a Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 23046 Midway Boulevard, Port Charlotte, Florida and is described as Lot 2, less the westerly 10' of Lot 2, and the westerly 38' of Lot 3 all in Block 2318 of Port Charlotte Subdivision, Sub-section 20, located in Section 13, Township 40 South, Range 22 East. The property contains +/- 13,500 square feet. A complete legal description and additional information are on file.

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

Applicant Presentation

William Trexler, applicant 23046 Midway Blvd., said he was sworn in.

Mr. Thornberry asked you built the porch, didn't have a permit, got caught, went to buy the permit but you cannot buy the permit until you get the variance. He asked how they are going to get it permitted? Do you have a contractor?

Mr. Trexler replied yes.

Mr. Truex asked if they originally did the work themselves?

Mr. Trexler replied yes.

Chairman Thornberry 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. Truex moved to close the public hearing, seconded by Mr. Stout. The public hearing was closed with a unanimous vote.

Mr. Quillen stated for the record that the applicants handed out pictures of the old awning and the new roof.

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

Board Member Comments and Questions

Mr. Truex said he has a problem with contractor's doing illegal things. A homeowner can have a mistake, maybe they're new to the area, or whatever. I think they met 6 of the 7 criteria and I speak in favor of this petition.

Mr. Stout said he is inclined to approve this also.

Mr. Hittson feels they have failed to meet the 7 criteria. This variance is not unique. He does not think it is a hardship, it is more an inconvenience. It is self created.

ACTION: *A motion was presented by Bob Stout and seconded by Bill Truex that Petition VAR-10-05 be APPROVED based on the Growth Management Staff Report dated May 3, 2010 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 2 conditions. Motion was approved with a vote of 3 to 1 (Mr. Hittson voted against this request) with the following conditions:*

1. The variance as approved by the Board of Zoning Appeals is to reduce the front yard setback requirement only for the existing 111 square foot (6.3' by 17.7') roofed entry, to allow it to remain "as is", as shown on the **Boundary Survey** submitted and labeled Exhibit A.
2. This variance extends to the existing single-family residence and the existing roofed entry and shall carry with these structures only. If the existing single-family residence or roofed entry is ever removed or replaced, all future redevelopment 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.

Petition #VAR-10-07 (continued by applicant)

Francis Damas is requesting variances to reduce the required front yard setbacks from 40' to 23.9' to allow an existing storage barn to remain "as is" and from 40' to zero feet to allow an existing greenhouse to remain "as is" in an Agricultural Estate (AE) zoning district. The property address is 32151 and 32241 Oil Well Road, Punta Gorda, Florida and is described as Parcels P1-71 and P1-29, located in Section 21, Township 42 South, Range 24 East. The property contains +/- 19 acres. A complete legal description and additional information are on file.

Petition #SE-09-21(MI)

Debra Myers is requesting a modification of a previously approved special exception to allow a guest house in conjunction with a private horse stable in an Agriculture Estate (AE) zoning district. The property address is 24485 Nova Lane, Port Charlotte, Florida and is described as Parcels P1-24 and P1-23-2, in Section 18, Township 40 South, Range 23 East. The property contains +/- 12 acres. A complete legal description and additional information are on file.

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

Applicant Presentation

Debra Myers, applicant, said she has been sworn in. She has an additional statement from a horse trainer referring to her second request about the paving. She handed out copies of the letter from Robyn Bombenger. They feel the guest house is allowed by the Code. Several of the neighbors have guest houses.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Steve Cammick, neighbor who lives at 24488 Nova Lane, said he does not mean to antagonize a new neighbor, but some things need to be addressed. He was concerned about the guest house, since they do not live in the main house, it is rented out to an employee, or semi-employee, the horse trainer.

Ms. Dozier said a guest home is supposed to be used on a temporary basis. It is not a permanent living situation. Typically, a guest home is on a property where the owners live on site. Guest home is an accessory structure to the main home.

Dave Myers, husband of applicant and owner of the property, said he has significant health issues. With his injuries, he is limited to how much heat and light he can handle. The guest quarters is built to be able to enjoy time at the site watching his daughter ride.

Mr. Thornberry asked if it is rental income that you have in the main home?

Ms. Myers said Robin, the horse trainer, lives there in exchange for lessons for her daughter. If at the end of the month, the trainer has spent more time training than what the "rent" would have been, they pay Robin the different. If Robin has not spent enough time in the training, she would pay the Myers some money.

There being no further requests to speak for or against the petition, Mr. Stout moved to close the public hearing, seconded by Mr. Truex. 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 Bill Truex and seconded by Bob Stout that Petition SE-09-21(MI) be APPROVED based on the Growth Management Staff Report dated May 3, 2010 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 5 conditions, with an amendment to condition #4, sentence one to read, where it says "as well as the accessible route to the building" to be stricken. Motion was approved with a unanimous vote with the following conditions:

1. The special exception as approved by the Board of Zoning Appeals is for an existing three-stall horse stable, a new 4,464 square foot 15-stall horse stable (124' by 36') to be used to board no more than 18 horses, and a guest house on the second floor of the new stables.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. This parcel may not be reduced to less than

10-acres in size by the owner unless the public use of the riding and boarding stables is discontinued.

3. All yards and setbacks for the proposed stable shall be according to code. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of the horse stable and guest house.
4. One off-street handicapped accessible parking space must be provided. This handicapped space shall be paved according to code. All other off-street parking and associated drives shall be improved with compacted crushed shell or stone paving.
5. 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.

IX. Public Comments - None

X. Staff Comments - None

XI. Member Comments --

Mr. Thornberry asked about the status of Audrey Seay.

Ms. Dozier said the status is still unknown.

Mr. Thornberry said we need a replacement and we need it for next month. If one of us remaining 4 is out, it puts a strain on this Board.

Mr. Rooney said the member needs to come from the P&Z Board.

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, June 9, 2010, at 9:00 a.m., in Room 119.***

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

Respectfully submitted,

Diane Clim, Recorder

/dlc



Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date: _____

6-9-10