

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, September 14, 2011 – 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*
Michael Brown, *Vice-Chairman*
Bill Truex, *Secretary*
Katherine Ariens
Blair McVety

Staff Present

Derek Rooney, *Assistant County Attorney*
Buddy Braselton, *Interim Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the September 14, 2011 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 Ms. Ariens and seconded by Mr. Brown to approve the minutes of the August 10, 2011 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 September 14, 2011 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Buddy Braselton, Interim 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 August 30, 2011: VAR-11-07; and SE-11-14 (SE-11-14 was continued at the request of the applicant/agent)

Petition #VAR-11-07

Perry Lawrence, agent for Richard and Nikki Powers, is requesting a variance to increase the maximum distance a dock and boat lift may project into a man-made waterway, from 12' to 41.2', in a Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 10430 Yacht Basin Drive, Placida, Florida and is described as the North half of Boat Lot 3 of Hidden Cove Estates subdivision, located in Section 29, Township 41 South, Range 20 East.

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

Applicant Presentation

Perry Lawrence, agent for Richard and Nikki Powers, said he has been sworn in. He agrees with the staff report and will answer any questions. There was some discussion about the neighbors docks being out further.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Grace Amodeo, 17079 O'Hara Drive, Port Charlotte, said on her canal, they can only go out 10% and have a problem with low tide. She was concerned if someone on the other side of this water put up a dock, if vessels would be able to pass by.

There being no further requests to speak for or against the petition, Mr. Truex 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 Bill Truex and seconded by Blair McVety that Petition VAR-11-07 be APPROVED based on the Community Development Staff Report dated September 6, 2011, 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 2 conditions.

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

1. This variance, as approved by the Board of Zoning Appeals, is to allow construction of a dock and boat lift that projects no more than 41.2' into the adjacent water body and only as shown and dimensioned on the surveys and site plans submitted with this variance application.

2. All mangrove trees must be preserved, protected, and maintained as required by the Mangrove Trimming and Preservation Act as specified in section 403.9321 of State Statutes, as may be amended from time to time.

PETITION SE-11-14 was continued by the applicant/agent

Petition #SE-11-14

Geri Waksler, agent for Florida Tracks and Trails, Inc., is requesting a special exception to allow a private recreational facility, in an Agriculture General (AG) zoning district. The property address is 39450 and 39550 Bermont Road, Punta Gorda, Florida, and is described as all of Section 27, together with the southeast Quarter of Section 34 and the East half of the West half of Section 34, all located in Township 40 South, Range 25.

IX. Public Comments - None

X. Staff Comments -

Ken Quillen said for the October hearing, we have 2 applications.

Mr. Thornberry said he will not be able to attend the October BZA hearing and wanted to make that announcement now.

XI. Member Comments - None

XII. Next Meeting

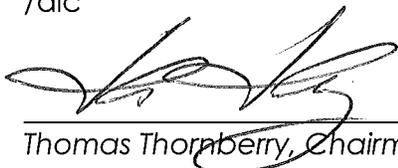
The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, October 12, 2011, at 9:00 a.m., in Room 119.**

There being no further business, the meeting **ADJOURNED** at 9:27 a.m.

Respectfully submitted,

Diane Clim, Recorder

/dlc



Thomas Thornberry, Chairman/Board of Zoning Appeals

Approval Date: 10-20-11