

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, June 13, 2012 – 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*
Katherine Ariens, *Secretary*
Bill Truex
Blair McVety

Staff Present

Derek Rooney, *Assistant County Attorney*
Shaun Cullinan, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the June 13, 2012 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. McVety to approve the minutes of the May 9, 2012 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 13, 2012 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Shaun Cullinan, 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 May 29, 2012: VAR-12-02, VAR-12-007, VAR-12-003, VAR-12-005, VAR-12-006, SE-12-007, and SE-12-008

Petition VAR-12-02 was continued at the request of the applicant/agent

Petition #VAR-12-02

Robert Bernitsson, agent for Larry and Francis Ray, is requesting a variance, to reduce the required 10' side yard setback by 7.5' to allow a 2.5' side yard setback, to allow a deck, in a Manasota Multifamily-12 (MMF-12) zoning district. The property address is 1200 Shore View Drive, Englewood, and is described as lot 12, of Block A, of Englewood Shores Subdivision, located in Section 13, Township 41 South, Range 19 East.

Petition #VAR-12-007

Thomas Shaw, agent for James Keyes, is requesting a variance to reduce the required 7.5' side yard setback by 7.5' to allow a zero-foot side yard setback for a dock, to allow a shared boat dock in an existing shared boat basin, located in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is **1918 Mississippi Avenue, Englewood**, and is described as Lot 28, of Grove City Shores Subdivision, located in Section 17, Township 41 South, Range 20 East.

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

Applicant Presentation

Tom Shaw, agent for the applicant, said he was sworn in. He discussed when the neighbor had applied 2 years ago and that situation. He said the two neighbors are working together to get this dock completed. He said they would also like a covered boat lift approval.

Mr. Thornberry asked what was requested on the application for this applicant?

Mr. Quillen said Mr. Shaw originally applied only for a variance for the neighbor's property at 1912 Mississippi Avenue, Mr. Froelich's property. Staff determined because the dock is on the zero lot line, the lot line goes right down the center of the dock, we could not process his application without the adjacent property owner also requesting a variance for the dock. The variance for this property we are currently hearing, does not include a covered boat lift, because Mr. Keyes, the owner at 1918 Mississippi Avenue, did not want to have anything to do with applying for a variance, he would not pay a fee for it, he did not want to cover any of Mr. Shaw's expenses. Mr. Froelich was paying for everything. Staff agreed to give a free application for this property just for the dock. If Mr. Keyes or anyone else owns the property in the future, and wishes to do the covered boat lift, they will have to request a variance for that structure in the future.

Mr. Shaw said Mr. Keyes is a retired senior citizen and this is an asset for his future family members. Financially he is not in the position to pay for anything. If the economy was better and Mr. Keyes was still working, he would have been able to pay for the expenses. Mr. Froelich stepped up and paid for the engineering fee.

Mr. Quillen said staff did not advertise for a covered boat lift. That cannot be granted today. Staff report does not reference a covered boat lift.

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. 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

ACTION: A motion was presented by Bill Truex and seconded by Blair McVety that Petition VAR-12-007 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 two conditions:

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5' side yard setback by 7.5' to allow a zero-foot side yard setback, for a shared boat dock in a shared boat basin located between 1912 and 1918 Mississippi Avenue.
2. This variance is only for a shared boat dock. If the owner of 1918 Mississippi Avenue ever proposes a new covered boat lift, all future development must be constructed according to all applicable codes in existence at that time, unless a variance is granted specific to the development proposed at that time.

VAR-12-003

Thomas Shaw, agent for Joseph and Janet Froelich Trust Life Estate, is requesting two variances; one to reduce the required 7.5' side yard setback by 7.5' to allow a zero-foot side yard setback for a dock, to allow a shared boat dock in an existing shared boat basin; and reduce the required 7.5' side yard setback by 7.0' to allow a 0.5' side yard setback for a covered boat lift located in a Residential Single family-3.5 (RSF-3.5) zoning district. The property address is 1912 Mississippi Avenue, Englewood, and is described as Lot 29, of Grove City Shores Subdivision, located in Section 17, Township 41 South, Range 20 East.

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

Applicant Presentation

Thomas Shaw, agent for the applicants, said he was sworn in. He said he will answer any questions.

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. 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

ACTION: A motion was presented by Katherine Ariens and seconded by Bill Truex that Petition VAR-12-003 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 4 conditions.

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

1. The first variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5' side yard setback by 7.5' to allow a zero-foot side yard setback, for a shared boat dock in a shared boat basin located between 1912 and 1918 Mississippi Avenue.
2. The second variance, as approved by the Board of Zoning Appeals, is to reduce the required 7.5' side yard setback by 7.0' to allow a 0.5' side yard setback, for a covered boat lift in a shared boat basin located at 1912 Mississippi Avenue.
3. The pilings supporting the covered boat lift shall have a minimum setback from the side lot line of 1.5' from the centerline of the pilings to the property line.
4. All future development must be constructed according to all applicable codes in existence at that time, unless a variance is granted specific to the development proposed at that time.

VAR-12-005

Wilfred Aderman, agent for MAP, LLC, is requesting a variance to allow development of a single-family residence on a 4,250 square foot substandard size lot located in a Manasota Single-family-5 (MSF-5) zoning district. The property address is **85 Meredith Drive, Englewood**, and is described as Lot 2 of Block 36, of S. J. Chadwick's Re-subdivision of Government Lots 3 and 4, located in Section 12, Township 41 South, Range 19 East.

Applicant Presentation

Wilfred (Bill) Aderman, agent for MAP, LLC applicants, said he is one of the owners and principals of MAP LLC, who own these two lots subject to the variance request and the next item on the agenda. Both applications meet the 7 standards of approval for a variance. In 2008, we had previously applied for variances on these 2 lots and were granted. They are identical to what they are asking for today. We agree with the staff report and conditions.

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 Ms. Ariens. 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

Mr. Truex said he is for this approval but has said this before, this area where it is determined these lots are platted prior to 1989, he does not understand why the citizens of Manasota Key have to continue to come back for variances for property that meets the requirements. I hope this gets taken care of so they do not have to keep coming in for variances.

ACTION: A motion was presented by Bill Truex and seconded by Katherine Ariens that Petition VAR-12-005 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 1 condition.

Motion was approved with a unanimous vote with the following one condition:

1. This variance, as approved by the Board of Zoning Appeals, is to allow construction of a single-family residence on this existing, legal, non-conforming lot.

VAR-12-006

Wilfred Aderman, agent for MAP, LLC, is requesting a variance to allow development of a single-family residence on a 4,250 square foot substandard size lot located in a Manasota Single-family-5 (MSF-5) zoning district. The property address is **95 Meredith Drive, Englewood**, and is described as Lot 1 of Block 36, of S. J. Chadwick's Re-subdivision of Government Lots 3 and 4, located in Section 12, Township 41 South, Range 19 East.

Applicant Presentation

Wilfred (Bill) Aderman, agent for MAP, LLC applicants, said ditto – same as the previous request just heard. He requested one clarification. He said they could have done this administratively in 2011 and agrees with what Mr. Truex said earlier.

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, Ms. Ariens 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

ACTION: A motion was presented by Katherine Ariens and seconded by Bill Truex that Petition VAR-12-006 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 1 condition.

Motion was approved with a unanimous vote with the following one condition:

1. This variance, as approved by the Board of Zoning Appeals, is to allow construction of a single-family residence on this existing, legal, non-conforming lot.

SE-12-007

Jennifer O'Brien is requesting a special exception to allow an outdoor dog run for a dog boarding facility in a Commercial General (CG) zoning district. The property address is **17266 Toledo Blade Boulevard, Port Charlotte** and is described as Lots 1 and 2 of Block 1090 in Port Charlotte Subdivision, Sub-section 16, located in Section 01, Township 40 South, Range 21 East.

Applicant Presentation

Jennifer O'Brien, applicant, said she has been sworn in. Also **Brian Verhey** was with her and he also was sworn in. He said they are the co-owners of Suncoast Dog Services. They have reviewed the staff report and agree with the findings. They can answer any questions.

Ms. Ariens asked about something in the narrative. Specialized group of individuals that have training for minimizing barking dogs.

Mr. Verhey said that is correct. They go to Boulder Colorado, and get trained by the top people in the profession regarding behavior techniques, working with the humane society and some of the things they have been doing to minimize noise, aggression, things like that. Creating sort of an alpha dog within the group. The camp counselors will be trained to monitor group play. They are also interviewed for temperament, play, things like that.

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, Ms. Ariens 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

ACTION: A motion was presented by Katherine Ariens and seconded by Blair McVety that Petition SE-12-007 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 unanimous vote with the following two conditions:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor dog run and play area, in conjunction with the dog boarding facility, as indicated on the site plan presented by the applicant.
2. 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.

SE-12-008

Jason Lewis, agent for Discount Tire Company, is requesting a special exception to allow a retail tire sales and service facility in a Commercial General (CG) zoning district. The property address is **19681 Cochran Boulevard, Port Charlotte**, and is described as Parcel P9-1, located in Section 08, Township 40 South, Range 22 East.

Applicant Presentation

Kelly Keebler, Kimley Horn, said he has been sworn. He is here on behalf of **Discount Tire Company**, applicants. He said they agree with the staff report and conditions and appreciate all staff help.

They discussed the site next door (vacant Crispers building) and the access into the site.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

Ron Struthers, Real Estate Broker, said he was sworn in. He said this project will probably change the taxes from \$6,000 per year to \$22,000 per year. They anticipate sales tax would bring another \$100,000 to \$140,000 per year. Also the new employees will also bring in new taxes.

Grace Amodeo asked how many employees may be employed?

Mr. Keebler said around 10.

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

ACTION: A motion was presented by Katherine Ariens and seconded by Blair McVety that Petition SE-12-008 be APPROVED based on the Community Development Staff Report dated June 5, 2012, 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 unanimous vote with the following two conditions:

1. The special exception as approved by the Board of Zoning Appeals is to allow a tire sales and service facility.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. 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 a tire sales and service facility.
4. There shall be no outdoor display or storage of tires, auto parts, or any other merchandise.
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 -

Ken Quillen said there are 3 applications for the July hearing.

Mr. Rooney, Asst. County Attorney, said since Mr. Brown is no longer on this Board, we no longer have a Vice-Chair. We will be receiving a new member shortly. He said they should probably pick a new Vice-Chair who is experienced.

There was some discussion about procedure and they decided to vote on this at the next hearing.

XI. Member Comments - None

XII. Next Meeting

The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, July 11, 2012, at 9:00 a.m., in Room 119.**

There being no further business, the meeting **ADJOURNED** at 10:50 a.m.

Respectfully submitted,

Diane Clim, Recorder
/dlc



Tom Thornberry, Chairman

Approval Date: 7-11-12