**MINUTES**
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**
**Wednesday, April 10, 2013 – 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** | **Staff Present** |
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| Katherine Ariens, Chair | Ty Harris, Assistant County Attorney |
| Steve Vieira, Secretary (Absent) | Shaun Cullinan, Zoning Official |
| Blair McVety, Vice-Chair | Joshua Moye, Assistant County Attorney |
| Joe Tiseo | Ken Quillen, AICP, Planner III |
| Larry Fix | Diane Clim, Recorder |

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I. ***Call to Order***

*Chair Ariens* called the April 10, 2013, meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. ***Pledge of Allegiance***

*Chair Ariens* 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 Mr. Fix and seconded by Mr. Tiseo to approve the minutes of the March 13, 2013, 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 April 10, 2013 Board of Zoning Appeals meeting were submitted.

VII. ***Introduction of Staff/Comments***

Chair Ariens introduced staff. Shaun Cullinan, Zoning Official, read the Zoning rules, Attorney Ty Harris, and Chair Ariens 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 26, 2013: VAR-13-002 and SE-13-003***

**VAR-13-002**

Phil Eason, agent for Charles and Margaret Scarl, is requesting a variance to reduce the required westerly street side yard setback requirement by 4.0', from 20.5' to 16.5', in the Manasota Single-family-5 (MSF-5) zoning district. The property address is 105 Wilhelm Drive, Englewood, and is described as Lot 1, of S. J. Chadwick's re-subdivision of Lot 10, of Part of Government Lot 3 and Government Lot 4, of Section 12, Township 41 South, Range 19 East.

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

**Applicant Presentation**

**Phil Eason, agent for the applicant, said he was sworn in. Mr. Eason** discussed the dimensions for the site and said they tried many different designs for this house in order to have a stairway that runs continuously from the ground floor to the upper floor. They have received approval from the Manasota Sandpiper Key board.

**Chair Ariens opened the meeting to Public Hearing.**

**Public Input**

**Jack Landis, who is on the Manasota Sandpiper Key Advisory Board,** said he was sworn in. **Mr. Landis** said they gave their recommendation for this board of approval with one stipulation. The stipulation is to increase the east setback from the seven feet to 10 feet which would be in compliance with the overlay code requirements on Manasota Key. Also moving the structure three feet westerly, which change the setback from 16.5 to 13.5 feet along Gulf Boulevard.

**Ms. Ariens** said you have a tentative agreement with the owners for this?

**Mr. Landis** replied yes.

**Mr. Eason** said the owners would agree to this variance modification.

**Shaun Cullinan, Zoning Official**, said the one problem staff has is #6, the minimum modification for four feet. This change would make it seven feet. It would be closer to Gulf Boulevard.

There was some discussion about the Manasota Advisory Board recommendation, zoning code, setbacks, and staff's recommendation.

**Mr. Quillen** said this proposed modification had not been advertised.

**Buddy Braselton, Planner II**, said moving the entire building three feet will put the building within that site triangle, so they would need a variance for that as well.

**Mr. Tiseo** said they need to focus just on the original request.

**There being no further requests to speak for or against the petition, Mr. McVety moved to close the public hearing, seconded by Mr. Fix. 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 Joe Tiseo and seconded by Blair McVety that Petition VAR-13-002 be APPROVED based on the Community Development Staff Report dated April 2, 2013, 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 three conditions.**

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

1. This variance, as approved by the Board of Zoning Appeals, is to reduce the required 20.5' westerly street side yard setback by 4.0' to allow a setback of 16.5'.
2. This variance extends only to the single-family residence as it is currently proposed to be constructed and located on subject property and shall carry with this structure only once it is constructed.
3. If the home is ever removed, destroyed or replaced, 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.

**SE-13-003**
Attorney Barbara Luikart, agent for Dollar Thrifty Automotive Group, Inc. is requesting a special exception to allow an automobile rental agency in the Commercial General (CG) zoning district. The property address is 1931 Tamiami Trail, Port Charlotte, Florida, and is described as Parcel P3-2, located in Section 08, Township 40 South, Range 22 East.

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

**Applicant Presentation**
**Attorney Barbara Luikart, agent for Dollar Thrifty Automotive Group (DTG), Inc.,** said she was sworn in. **Ms. Luikart** said also with her was Dan Ashby, Manager for DTG and the owners Don and Joyce Ward. She said the staff report is correct and this is compatible with the current uses.

There were some questions about the parking for the rental cars and the shopping center spaces (shared parking).

**Dan Ashby, Manager for Dollar Thrifty**, explained how they use the rental cars in the parking lot, when cars are returned, and briefly how the rental process works.

**Don Ward, owner of the shopping center,** said most of the stores in the front use the parking during the day, they close around 5 and the parking lot is mostly empty after those hours. The Days Inn gets busier after 5 p.m. and some of them use our parking at night but it works out. The parking has worked out well for years. The Thrifty parking will probably have signs saying reserved.

***Chair Ariens 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. McVety moved to close the public hearing, seconded by Mr. Fix. 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 Joe Tiseo and seconded by Larry Fix that Petition SE-13-003 be APPROVED based on the Community Development Staff Report dated April 2, 2013, 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.***

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

1. The special exception file number SE-87-201 approved by the Board of Zoning Appeals on November 9, 1987, is hereby modified and amended as file number SE-13-003 to allow an automobile rental agency office to occupy up to 2,000 square feet of the existing building located at 1931 Tamiami Trail.
2. This special exception extends only to the land included in the Boundary Survey and legal description submitted with this application.
3. No more than 15 parking spaces may be used for the storage of rental vehicles and all vehicles must be stored only at the locations indicated on the ***Boundary Survey*** labeled Exhibit D.
4. The hand washing of vehicles may only be done in the two parking spaces located on the ***Boundary Survey*** labeled Exhibit D.
5. At least three orange, or yellow, safety cones must be placed four to six feet into the vehicular traffic lane nearest the vehicle washing area when vehicles are being washed.

**IX.** ***Public Comments*** **- None**

**X.** ***Staff Comments*** **–**
**Mr. Quillen** said there are two petitions for the May hearing.

**XI.** ***Member Comments*** **– None**

**XII.** ***Next Meeting***
The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, May 8, 2013, at 9:00 a.m., in Room 119.**

There being no further business, the meeting **ADJOURNED** at 10:20 a.m.

Respectfully submitted,

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Diane Clim, Recorder
/dlc

Katherine Ariens
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Katherine Ariens, Chair

*Approval Date:* 5-8-13