MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, September 11, 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
Katherine Ariens, Chair
Steve Vieira, Secretary
Blair McVety, Vice-Chair
Joe Tiseo
Larry Fix

Staff Present
Ty Harris, *Assistant County Attorney*
Shaun Cullinan, *Zoning Official*
Joshua Moye, *Assistant County Attorney*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. ***Call to Order***
Chair Ariens called the September 11, 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. Tiseo and seconded by Mr. Fix to approve the minutes of the August 14, 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 September 11, 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 August 27, 2013: VAR-13-004, VAR-13-005, SE-13-012 and SE-13-013

VAR-13-004

Gerald Barrett, agent for Jeffrey Broida, is requesting a variance of 17' to the required 25' front yard setback to allow an 8' front yard setback for an addition to a single-family residence, in the Residential Single-family 5 (RSF-5) zoning district. The property address is 1491 Maryknoll Road, Englewood, and is described as lot 20 of the Third Addition to the Oxford Manor Subdivision, located in Section 06, Township 41 South, Range 20 East.

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

Applicant Presentation

Jane Broida, 1491 Maryknoll Road, said she was sworn in. Ms. Broida said there were a number of standards not met, but she wanted to go over them. She discussed the uniqueness of this lot (showed a power point presentation of the area), she discussed the area where they would put the addition, other areas in the rear where it could go, but would have hardships, the access to this addition, and that the neighbors have no problems with this addition.

There was discussion about the right-of-way, the uniqueness of the site, the access to the water, and the access to the addition.

Chair Ariens opened the meeting to Public Hearing.

Public Input

No one spoke for or against the request.

There being no further requests to speak for or against the petition, Mr. Vieira 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

There was discussion about the water access and the hardship.

ACTION: A motion was presented by Joe Tiseo and seconded by Blair McVety that Petition VAR-13-004 be APPROVED based on the Community Development Staff Report dated September 3, 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 the following 3 conditions recommended by staff.

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 25' front yard setback for an addition by 17' to allow a setback of 8'.
2. This variance extends only to the addition as proposed for the existing single-family residence as it currently exists. This variance shall carry with the single-family residence 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.

VAR-13-005

Warren Newell, agent for Cheney Brothers, Inc., is requesting two variances as follows: (a) a variance to reduce the 762.5 tree points required per section 3-2-188 by 455 tree points, to allow 307.5 tree points; and (b) a variance to eliminate 25 trees and 10 accent trees from the landscape buffer required adjacent to I-75 per section 3-9-51(g)(2)(d) in the Enterprise Charlotte Airport Park (ECAP) zoning district. The property address is One Cheney Way, Punta Gorda, and is described as parcel P2-1 located in Section 16, Township 41 South, Range 23 East.

Shaun Cullinan presented general information and staff findings for the petition.

Mr. Tiseo asked when the ECAP zoning district was developed?

Mr. Cullinan said early 2000 time frame. It was intended to promote types of industrial, non-commercial uses, big uses such this warehouse distribution.

Mr. Tiseo asked if landscaping was taken into consideration back then?

Mr. Cullinan said yes, it was, but they are relaxed.

There was discussion about tree points and landscaping conditions.

Applicant Presentation

Warren Newell, agent for Cheney Brothers, Inc., said he was sworn in. **Mr. Newell** said visibility to their operations is critical to their business. They looked at many sites and could not find a perfect one, until they found this county property. They are in the process of getting their approvals. This is a major investment. They have been hiring people and this is an important part of their network in Florida. He said certain areas of this site, they could not put up trees, because it would block the site of the billboards out on I-75 and that is against the law. They will be putting trees and landscaping around the building. The landscaping they are putting in is more than what the Code requires. He said he would answer any questions.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Tom Patton, Economic Development Director for Charlotte County, said he was sworn in. Mr. Patton said one size for development standards does not fit all. Many projects are small and others are giant. This project is huge and significant for this County. He asked the Board to approve this variance.

There being no further requests to speak for or against the petition, Mr. Tiseo moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Shaun Cullinan presented the analysis, conclusion and recommended conditions for the petition.

There was discussion about the view from I-75, architectural issues, landscaping, buffering and the Code.

Board Member Comments and Questions

None

ACTION: A motion was presented by Joe Tiseo and seconded by Blair McVety that Petition VAR-13-005 be APPROVED based on the Community Development Staff Report dated September 3, 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 the following 1 condition recommended by staff.

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

1. If the development 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-13-012

David Jeffers is requesting a special exception to allow a Home Occupation, consisting of insurance sales office, in the Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 702 South Ellicott Circle, Port Charlotte, and is described as lot 1, of Block 429, of Port Charlotte Subdivision, Sub-section 18, located in Section 16, Township 40 South, Range 22 East.

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

Applicant Presentation

David Jeffers, applicant who lives at 702 So. Ellicott Circle, was sworn in. Mr. Jeffers said he wants to work out of his den. He sells insurance and works off the computer and phone. Once in a while a client may need to stop in, but not often.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Terry Heller, 767 S. Ellicott Circle, spoke against this request. Mr. Heller said he does not want a business on his street. He does not want more traffic on his street.

Charlene Rosselot, 719 Ellicott Circle, spoke against this request. Ms. Rosselot said there is not adequate access to allow ingress and egress for this site. There is not enough parking.

Ron Worthington, 768 Ellicott Circle, spoke against this request. Mr. Worthington said he is against a commercial business on his street. There are a lot of children in the area, and they do not want more traffic.

There was discussion about the lot across the street toward US Hwy. 41. Also people cutting into that commercial lot from US 41 and driving on to Ellicott Circle as a short cut.

Ned Samp, 751 S. Ellicott Circle, spoke against this request. Mr. Samp said this is a single family residence and feels there are many other commercial sites in the area that this business can go to.

Maureen Larkin, 1001 Messina Dr., Punta Gorda, said she was sworn in. Ms. Larkin said she is representing her cousin who lives adjacent to this site. He is against this request and does not want a business in the area.

Francis Terrola, 799 Ellicott Circle, was sworn in. Ms. Terrola said she is against this request. She does not want a business on this street. She is concerned about the traffic.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public hearing, seconded by Mr. Tiseo. 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 Steve Vieira and seconded by Blair McVety that Petition SE-13-012 be APPROVED based on the Community Development Staff Report dated September 3, 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 the following 3 conditions recommended by staff.

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

1. This special exception shall allow a home occupation, consisting of a home office for insurance sales and service, only as an accessory use to the existing single-family residence.
2. This special exception, allowing a home occupation, shall be conducted according to all of the standards and conditions of Section 3-9-79, as amended, of the Zoning Code.
3. Any major modifications, or change in the type of home occupation conducted, shall require a modification to the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

SE-13-013

Leigh Olson, agent for Connor Olson, is requesting a special exception to allow a golf cart rental, sales and service business in the Bridgeless Barrier Island (BBI) zoning district and Little Gasparilla Island (LGI) zoning district overlay. The property address is 8658 Grand Avenue, Little Gasparilla Island, and is described as the North half of lot 01, of block 2 of W.A. McElya's Subdivision of Little Gasparilla Island, all located in Section 16, Township 42 South, Range 20 East.

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

Applicant Presentation

Leigh Olson, lives at 8804 Grand Ave., agent for Connor Olson, said he was sworn in. **Mr. Olson** said he is representing his two sons. On Little Gasparilla Island, motor transportation is golf carts. There is a necessity for a repair shop. There was an issue with the overhang and side door. They will take care of what is needed for Code. They agree with the staff report and conditions.

There was discussion about the Manasota Key Advisory Board recommendations and fencing.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Charles DePury, lives in Tampa, but owns a house on the Island, and said he was sworn in. Mr. DePury said next to his property, there is a vacant lot which is associated with this golf cart repair shop site. He wanted to know if they could store golf carts on that lot. He was not against this request.

There being no further requests to speak for or against the petition, Mr. Tiseo 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 Joe Tiseo and seconded by Blair McVety that Petition SE-13-013 be APPROVED based on the Community Development Staff Report dated September 3, 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 the following 6 conditions recommended by staff.***

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

1. The special exception as approved by the Board of Zoning Appeals is to allow a golf cart rental, sales and service business on subject property.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. This golf cart rental, sales and service business must be operated at all times in compliance with all County Codes and Ordinances.
4. 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.
5. The wooden awning located on the north side of the accessory building must be removed.
6. The fencing surrounding the cart storage area must be extended westerly along the south side of the accessory building to the southwest corner of the accessory building.

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

X. ***Staff Comments*** **–**
Ken Quillen said there are no petitions for October. No meeting in October.

XI. ***Member Comments*** **– None**

XII. ***Next Meeting***
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, November 13, 2013, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 12:18 p.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens

Katherine Ariens, Chair

Approval Date: 11/13/13