

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, September 14, 2016 – 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 (Absent)
Joe Tiseo, Vice-Chair
Steve Vieira, Secretary
Blair McVety
Larry Fix

Staff Present

Shaun Cullinan, Zoning Official
Joshua Moye, Assistant Co. Attorney
Ken Quillen, AICP, Planner
Diane Clim, Recorder

I. Call to Order

Vice-Chair Tiseo called the September 14, 2016 meeting of the Board of Zoning Appeals to order at 9:00 AM.

II. Pledge of Allegiance

Vice-Chair Tiseo 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. Vieira to approve the minutes of the August 10, 2016 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, 2016 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Vice-Chair Tiseo introduced staff. Shaun Cullinan, Zoning Official, read the Zoning rules, Attorney Josh Moye, and Vice-Chair Tiseo 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.

Old Business

SE-16-008 Wastewater lift station at 19149 Edgewater Drive

Due to an error in the mailed notice to surrounding property owners, the Board heard this petition from last month again.

Mr. Vieira made a motion to reconsider re-hearing this petition from last month, Mr. McVety seconded the motion, with a vote of 3 to 1 (Mr. Fix voted against) to re-hear the petition

At last month's meeting, Vice-Chair Joe Tiseo disclosed he is a candidate for Charlotte Co. Commissioner and has made public statements regarding sewer and he has a business partner who owns a lot with financial interest within this district, so he is passing the gavel to the secretary.

At this meeting, Josh Moye, Asst. Co. Attorney, said he did some research and Mr. Tiseo can hear and vote on this petition if he wants to. He just needs to sign Form 8B, "Memorandum of Voting Conflict" stating his friend has property near the site.

Vice-Chair Tiseo said he would rather not vote on this petition. He would prefer to pass the gavel to Secretary Vieira and abstained to vote.

SE-16-008

Gary Hubbard, agent for Charlotte County Utilities, is requesting a special exception to allow a wastewater lift station in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 19149 Edgewater Drive, Port Charlotte, and is described as Tract B (TB) of Port Charlotte Subdivision, Sub-section 37, located in Section 29, Township 40 South, Range 22 East.

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

Applicant Presentation

Ruta Vardys, Engineer/agent for CCU, said she was sworn in. Ms. Vardys said she is here with Kevin Rainey with SW Engineering, who worked on the design. They would be happy to answer any questions.

Kevin Rainey, Engineer with SW Engineering, said he was sworn in. Mr. Rainey said this lift station is not similar to some of the past vacuum stations. These are underground stations. The only thing sticking up out of the ground is an electrical control panel and piping that comes up for emergency access. He discussed the station and said there is a fence and landscaping around the lift station. They are monitored monthly.

Secretary Vieira opened the meeting to Public Hearing.

Public Input

Antonietta Chrzanowski, who lives in the area, said she was sworn in. Ms. Chrzanowski asked if there would be any noise from the lift station.

Louise Mowll, who lives in the area, said she was sworn in. Ms. Mowll said she did not see the sign last month when the hearing was first heard, but the sign is there now. She was concerned about odor also.

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

Mr. Rainey explained the process of the lift station and said there is no noise, or very little, and no odor.

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

Board Member Comments and Questions

None

ACTION: A motion was presented by Larry Fix and seconded by Blair McVety that Petition SE-16-008 be APPROVED based on the Community Development Staff Report dated August 3, 2016, 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 five conditions recommended by staff.

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

1. This special exception is for an essential service, consisting of a wastewater lift station, and extends only to the land included in the site plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including screening and landscaping, are applicable to the construction and operation of the proposed wastewater lift station.
3. A landscape plan that meets the minimum requirements for a type "B" landscape buffer, shall be submitted to Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the final approved landscape plan shall be installed prior to operation of the lift station and continuously maintained as long as the lift station is located on this site.
4. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, landscaping, and invasive plant species removal.
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.

VIII. New Business

The following petitions were advertised on August 30, 2016: VAR-16-004; VAR-16-005; SE-16-009 and SE-16-010.

VAR-16-004

Luana Kneebone, agent for Roy and Gale Gregory, is requesting a variance to reduce the required 7.5 foot side yard setback by 5.0 feet to allow a 2.5 foot side setback for an existing single family residence, in the Residential Single Family 3.5 (RSF-3.5) zoning district. The property address is 3389 Conway Boulevard, Port Charlotte, and is described as lot 20 of block 540 of Port Charlotte Subdivision, Sub-section Seven, all located in Section 23, Township 40 South, Range 22 East.

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

Applicant Presentation

Luana Kneebone, agent for the applicant, said she was sworn in. Ms. Kneebone said she works for the title company handling the closing. The survey showed the discrepancy.

Mr. Tiseo said he is so surprised in 40 years there is a 5 foot discrepancy, and none of the buyers over time had a survey done.

Vice-Chair Tiseo 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. Vieira 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 Larry Fix and seconded by Blair McVety that Petition VAR-16-004 be APPROVED based on the Community Development Staff Report dated September 7, 2016, 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 three conditions recommended by staff.

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

1. The variance as approved by the Board of Zoning Appeals is to reduce the 7.5-foot interior south side setback by five feet to allow a 2.5-foot side setback along the south side lot line.
2. This variance applies only to the existing single-family residence as shown on the Boundary Survey in the documents submitted with this application.
3. If the existing single-family residence is ever removed or replaced this variance shall expire and 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-16-005

Attorney Richard Rosenbaum, agent for Kevin and Mary Eilertsen, is requesting a variance to reduce the required 7.5 foot side yard setback by 1.03 feet to allow a 6.47 foot side setback for an existing single family residence, in the Residential Single Family 3.5 (RSF-3.5) zoning district. The property address is 18222 Burkholder Circle, Port Charlotte, and is described as lot 283 of block 2148 of Port Charlotte Subdivision, Sub-section 37, all located in Section 30, Township 40 South, Range 22 East.

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

Mr. Tiseo said just like the last petition, people don't want to get a survey. When you are building, have the surveyor go out when the form boards are up before the slab is poured, they will check the elevation and form boards for proper location. Do this before the slab is poured, then you won't have any setback problems.

Applicant Presentation

Attorney Richard Rosenbaum, agent for the applicant, said he was sworn in. Mr. Rosenbaum said the staff report is correct and he would be happy to answer any questions.

Vice-Chair Tiseo 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. Fix 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 Larry Fix and seconded by Blair McVety that Petition VAR-16-005 be APPROVED based on the Community Development Staff Report dated September 7, 2016, 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 three conditions recommended by staff.

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

1. The variance as approved by the Board of Zoning Appeals is to reduce the 7.5-foot interior north side setback by 1.03 feet to allow a 6.47-foot side setback along the north side lot line.
2. This variance applies only to the existing single-family residence as shown on the Boundary Survey in the documents submitted with this application.
3. If the existing single-family residence is ever removed or replaced this variance shall expire and 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-16-009

Leanne Montero is requesting a special exception to allow a Major Home Occupation consisting of a home bakery for custom cakes, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 23333 Wilber Avenue, Port Charlotte, and is described as lot 16 of block 1321 of Port Charlotte Subdivision, Sub-section 13, located in Section 24, Township 40 South, Range 22 East.

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

Applicant Presentation

Leanne Montero, applicant, said she was sworn in. Ms. Montero said occasionally she will bake a cake for a wedding or a birthday. Most times she will deliver the item, but occasionally the purchaser will come pick it up.

Vice-Chair Tiseo asked approximately how many cakes would you bake a week?

Ms. Montero said maybe only two a week. Some week's there are no orders.

Vice-Chair Tiseo 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. Fix 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 Larry Fix and seconded by Blair McVety that Petition SE-16-009 be APPROVED based on the Community Development Staff Report dated September 7, 2016, 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 five conditions recommended by staff.*

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

1. This special exception shall allow a major home occupation consisting of a home bakery only as an accessory use to the existing single-family residence.
2. This special exception, allowing a major home occupation, shall be conducted according to these conditions as well as all of the standards and conditions of section 3-9-74, Home Occupation, of the Land Development Regulations, as amended.
3. The owner shall obtain all applicable County permits if any future development, tree removal or land clearing is proposed.
4. This special exception, allowing a major home occupation, shall be only for lot 16 where the existing single-family residence is located.
5. 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-16-010

Debrah Forester, agent for Murdock Village Community Redevelopment Agency, is requesting a special exception to allow for the construction of educational facilities, according to Section 1013.01(6) Florida Statutes, in the Residential Multi-Family 10 (RMF-10) and Residential Single Family-3.5 (RSF-3.5) zoning districts. The property consists of 40 acres, plus or minus, has an address of 1033 Buena Vista Circle, Port Charlotte, is located southeast of the intersection of Flamingo Boulevard and Buena Vista Circle, and is part of the Northwest quarter of Section 12, Township 40 South, Range 21 East. A complete legal description is on file.

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

Applicant Presentation

Debrah Forester, applicant/agent for Murdock Village CRA, said she was sworn in. Ms. Forester said according to State rules and regulations, the CRA must own the property to be able to sell it. The Murdock Village CRA is the owner.

Vice-Chair Tiseo 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. Fix 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 Larry Fix and seconded by Blair McVety that Petition SE-16-010 be APPROVED based on the Community Development Staff Report dated September 7, 2016, 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 four conditions recommended by staff.

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

1. This special exception is to allow "educational facilities", as defined by Section 1013.01(6), Florida Statutes, on subject property and extends only to the land included in the legal description submitted with this application.
2. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, tree removal, landscaping, and invasive plant species removal.
3. 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 -

Mr. Quillen said there are two applications for the October meeting.

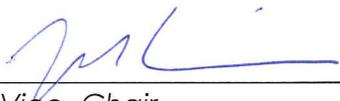
XI. Member Comments - None

XII. Next Meeting

The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, October 12, 2016, at 9:00 a.m., in Room 119.

There being no further business, the meeting **ADJOURNED** at 10:30 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Joe Tiseo, Vice- Chair

Approval Date: 10/12/16