MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, April 13, 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
Joe Tiseo, Vice-Chair
Steve Vieira, Secretary (Absent)
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***
Chair Ariens called the April 13, 2016 meeting of the Board of Zoning Appeals to order at 9:00 AM.

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 9, 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 April 13, 2016 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 Josh Moye, 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 29, 2016: SE-16-003; SE-16-004; and APL-16-001.

Ms. Ariens said she wanted to disclose she has worked with Mr. Klootwyk more than three years ago, and this would not interfere with her decision today.

SE-16-003

Ronald Klootwyk is requesting a special exception to allow a Major Home Occupation, consisting of personal fitness training, in the Residential Estate (RE-1) zoning district. The property address is 27421 Lippizan Trail, Punta Gorda, and is described as Parcel P4-21, located in Section 27, Township 41 South, Range 23 East.

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

Applicant Presentation

Ronald Klootwyk, applicant, said he was sworn in. Mr. Klootwyk said he has been a personal training for the past 7 years. He built a gym at his house and he is looking to do personal training at his house, opposed to commercial locations.

Ms. Ariens said if you look at the aerial, most of this area has larger than normal lots. There is a pond to the left, so there is no neighbor on that side. She does not think this would impose on the neighbors.

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. 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 Joe Tiseo and seconded by Larry Fix that Petition SE-16-003 be APPROVED based on the Community Development Staff Report dated April 6, 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 four conditions:

1. This special exception shall allow a major home occupation consisting of personal fitness training 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*** 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. Also, the Environmental Section will require a protected species survey and FLUCCS map if any proposed activity is located within the current native vegetated portion of the property.
4. 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-16-004

Attorney Geri Waksler, agent for P.G.B.K. Properties, is requesting a special exception to allow outdoor storage of trucks and heavy equipment in the Commercial General (CG) zoning district. The property address is 12120 Tamiami Trail, Punta Gorda, and is described as Parcel P9-1 and Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Block 110, and part of Lot 10 of Block 110, of Tropical Gulf Acres Unit Seven Subdivision, located in Section 02, Township 42 South, Range 23 East.

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

Mr. Tiseo asked about the driveway cuts and when they were put in.

Mr. Cullinan said the applicant and his agent showed them photographs from back in the 1980's showing these driveway cuts back then. Some aerials don't show the openings because of trees.

Applicant Presentation

Geri Waksler, Esq., agent for the applicant, said she was sworn in. Ms. Waksler said she wanted to bring up J.T. Young to state his name and answer when the photographs were taken (she handed in the photos of the driveway cuts that have been there since the 1980's which were labeled Exhibits K-1 through K-4).

Mr. J.T. Young, Young Trucking, said he was sworn in. Mr. Young said these photos were taken off Tribune St. by the site. One of the photos has a date on it. January 1988. He said one of the trucks in the photo they had just purchased. It was purchased in 1988. Still had a temporary tag on it.

Ms. Waksler said the applicant is the owner of Young Trucking, which is a second generation business located here in Charlotte Co. Back then, Curley's restaurant was on the site. Trucks would go there to eat and ended up staying overnight. She pointed to the power point pictures and showed P.G.B.K. owns property next to this site in review.

There are trucks and storage on that lot. They have been there for many decades. This site has been used by Young Trucking since the late 1980's. Curley's was destroyed by fire along with trees on that site, then the property went back to the bank. Vegetation started to grow back and that is what you see in 2010 aerials. Back in those days, there was not even any stormwater requirements. There was gravel on the site back when Curley's was there. In 2015, they wanted to fence in a part of the property. They applied for a fence permit, and when the inspection came, the inspector saw the parked tractor trailers and thought they did not belong on that site. Once the Code case came about, Young trucking called Ms. Waksler and she started working with the County on this Special Exception application.

There was discussion about rezoning the site, possibly vacating the road in between the two sites for Young Trucking and the P.G.B.K. site. They discussed the landscaping requirements. How the property has been used and who was there before.

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. 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 Joe Tiseo and seconded by Larry Fix that Petition SE-16-004 be APPROVED based on the Community Development Staff Report dated April 6, 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 ten conditions recommended by staff.

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

1. This special exception is to allow an outdoor storage yard in the CG zoning district and extends only to the land included in the site plan and legal description submitted with this application.
2. The applicant shall obtain proper permitting for subject property to facilitate compliance with all County Codes, the Land Development Regulations, and these conditions of approval of the special exception.
3. Within 12 months of approval of this special exception the owner shall construct all of the improvements required by all applicable County Codes and Permitting approval.

4. The area designated for parking of semi-trucks or trailers shall be paved with an approved hard surface.
5. The locations and number of driveways along Tribune Boulevard shall be determined through the Permitting process. The owner shall obtain comments from the Florida Department of Transportation regarding access to Tamiami Trail and shall provide the FDOT comments to the County during the Permitting process.
6. The west side of the outdoor storage yard, adjacent to Tamaimi Trail, shall be buffered with a Type D buffer, including an eight-foot high opaque fence or wall. The type D buffer with an eight-foot high opaque fence or wall shall also be located from Tamiami Trail to the first access drive along Tribune Boulevard. Appropriately sized openings for access drives with opaque gates should be allowed. The opaque fence or wall shall be setback from the street right-of-way lines as required by code.
7. The north and east sides of the outdoor storage yard shall be screened with a Type B buffer.
8. No unlicensed or inoperable vehicles may be parked or stored on subject property. Vehicles may only be parked or stored on the paved areas identified on a plan approved through the permitting process.
9. The applicant shall obtain all necessary permits and approvals, as applicable to this development, including but not limited to, street access, paving, fence or commercial wall permits, storm water management, and landscape plan approval.
10. 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.

The Item below was continued

APL-16-001
Connie Bittle, agent for Riverwood Community Development District, is requesting an appeal of a Zoning Official determination to deny a Tree Removal Permit in the Planned Development (PD) zoning district. The tree is located in a landscape island in Pennyroyal Road at 3299 Pennyroyal Road, Port Charlotte, and is described as Tract "C" of Riverwood Subdivision, Unit Three, located in Section 21, Township 40 South, Range 21 East.

IX. *Public Comments* - None

X. *Staff Comments* –
Mr. Quillen said there is one petition for the May BZA meeting.

XI. *Member Comments* - None

XII. *Next Meeting*
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, May 11, 2016, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 10:45 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

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Katherine Ariens, Chair

*Approval Date:*_____