

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, August 10, 2016 – 9:00 AM, 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 August 10, 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 June 8, 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 August 10, 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.

VIII. New Business

The following petitions were advertised on July 26, 2016: VAR-16-003; SE-16-007 and SE-16-008.

VAR-16-003

Jim Benson, agent for Bernd and Ingrid Duerschmidt, is requesting a variance to increase the maximum height of an opaque fence from three feet to six feet to allow a six-foot privacy fence in the required front yard, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 9920 Winnipeg Street, Port Charlotte, and is described as Lots 51 and 52 of Block 4580 of Port Charlotte Subdivision, Sub-section 87, located in Section 21, Township 41 South, Range 21 East.

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

Applicant Presentation

Jim Benson agent for the applicant, said he was sworn in. Mr. Benson said the owners are his in-laws and they cannot attend today's meeting. **Mr. Benson** said he lives in the house with his in-laws, wife and children. He said they do have a registered offender in the neighborhood. He said they came into the County to get the fence permit. A county employee drew the diagram. It shows the setbacks and how high the fence can be built. The fence was put up by the fence company but failed inspection. He said they were told the fence was in the setback for that height. He showed pictures of the fence, there is landscaping all around most of the fence. He said some of the neighbors are here today to support them.

Ken Quillen said the photo's handed in will be Exhibit H1-H6 and the letter will be Exhibit G.

There was discussion about who pulled the permit, why the fence contractor did not pull the permit, and the setbacks for the fence.

Vice-Chair Tiseo opened the meeting to Public Hearing.

Public Input

Robert Schneider, neighbor who lives on Winnipeg St., said he was sworn in. **Mr. Schneider** said he likes the fence, it does keep his RV and clutter behind the fence where we can't see it. The fence and property looks very nice. He is not against the fence or where it is.

Blake Dolloff, neighbor who lives on Winnipeg St., said he was sworn in. **Mr. Dolloff** said they do not have a problem with this fence. They like it.

David Kardys, neighbor who lives on Winnipeg St., said he was sworn in. **Mr. Kardys** said he also likes the fence and does not have a problem with this fence.

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 Steve Vieira and seconded by Larry Fix that Petition VAR-16-003 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 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 increase the height of an opaque fence located in a front yard from three feet to six feet to allow the existing six-foot high fence to remain "as is".
2. This variance shall only apply to the existing six-foot high privacy fence. If this structure is at a later date demolished, removed, replaced or relocated by the owner, 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.
3. The expiration of this variance, mentioned in condition number two above, shall not apply to any specific accidental event, beyond the control of the owner, such as high winds or fire, which may damage or destroy this six-foot privacy fence. If such an accidental event occurs, then the owner may repair or replace this fence at the same height and location.

SE-16-007

Attorney Doty Solik, agent for Vertex Development, is requesting a special exception to allow a 150-foot communications tower in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 1341 Halsey Street, Port Charlotte, and is described as Parcel P1-1, located in Section 09, Township 40 South, Range 21 East.

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

Applicant Presentation

Doty Solik, agent for Vertex Development, said she was sworn in. Ms. Solik said staff has done a thorough analysis of this situation. She has other staff here to answer questions if the Board has any. She handed in a letter from Verizon.

Mr. Quillen said the Verizon letter would be Exhibit J.

There were a few questions, who owned the land, is it being leased for the tower, any other plans to develop the property.

Alan Ruiz, who works for Vertex, said he was sworn in. Mr. Ruiz said the land owner has future plans to develop it residentially. He wants to subdivide it into a residential development, but they do not have a time table set for that yet.

Patrick Keane, Team Mobile, said he was sworn in. Ms. Keane said this is a wireless facility so it will transfer its own signal.

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 Blair McVety and seconded by Steve Vieira that Petition SE-16-007 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 six conditions recommended by staff.

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

1. This special exception is to allow a 150-foot high communications tower on subject property 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. The proposed communications tower and ground facilities shall be developed and constructed according to all applicable County Codes and Land Development Regulations.
3. The required Landscape Buffer shall include an eight-foot high opaque vinyl fence, as proposed in the **Fence Detail** (Exhibit F-3) submitted with their application.
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, tree removal, landscaping, and invasive plant species removal.
5. If the proposed communications tower is not constructed within three years of the date of approval of this special exception, then this special exception shall expire and be null and void.
6. 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-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.

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.

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 was a tract when it was originally platted by General Development that was set aside for a park area. In 1996, the Board of County Commissioners had a resolution that eliminated the reference to a park to make it allowed for greater uses by the county.

There was discussion about the extension of Edgewater Blvd. four laning in this area in the future.

Secretary Vieira 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 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.

IX. Public Comments - None

X. Staff Comments –

Mr. Cullinan said there will be a planning workshop on October 14, 2016 to discuss the history of zoning and land uses in Florida.

Mr. Quillen said there are 3 petitions for the September 14, 2016 meeting.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, September 14, 2016, at 9:00 a.m., in Room 119.***

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

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____