

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, August 13, 2014 – 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, Vice-Chair
Joe Tiseo, Secretary
Blair McVety (Absent)
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 August 13, 2014 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. Vieira to approve the minutes of the July 9, 2014 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 13, 2014 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 July 29, 2014: SE-14-011 and SE-14-012

SE-14-011

Matthew and Megan Darda are requesting a special exception to allow a mobile home, to be used as a residence, in the Agriculture General (AG) zoning district. The property address is 39020 Cook Brown Road, Punta Gorda, and is described as Parcel P7-1, located in Section 22, Township 42 South, Range 25 East.

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

Applicant Presentation

Matthew Darda, 14909 American Eagle Court, Fort Myers, applicant, said he was sworn in. **Mr. Darda** said they purchased the property about 4 months ago and would like to put a manufactured home on it. They had wetlands inspection done and there are no wetlands. They will do landscaping and they take care of the access road. They have paid someone to grade it and maintain it.

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. Tiseo 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 Steve Vieira that Petition SE-14-011 be APPROVED based on the Community Development Staff Report dated August 5, 2014, 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 4 conditions recommended by staff.

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

1. The special exception as approved by the Board of Zoning Appeals is for a single mobile (manufactured) home to be used as a residence.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. Any modification, alteration or revision of this use may require a modification of the special exception.

3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and occupation of the proposed mobile (manufactured) home.
4. The mobile (manufactured) home erected on this property must be rated for the appropriate wind loads by HUD as evidenced by the Data Plate supplied by the manufacturer.

SE-14-012

Ruta Vardys, agent for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a lift station, in the Residential Multi-family 10 (RMF-10) zoning district. The property address is 15563-15571 Chamberlain Boulevard, Port Charlotte, and is described as lots 20 and 21, of block 2435, of Port Charlotte Subdivision, Sub-section 29, located in Section 11, Township 40 South, Range 21 East.

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

Applicant Presentation

Ruta Vardys, applicant for CCU, said she was sworn in. **Ms. Vardys** said they accept the staff report and would answer any questions.

Mr. Vieira asked about the future expansion, is that in case sewer services extend down the roadways adjacent?

Ms. Vardys said this is an area that is mainly served by septic. What is prompting them to do this lift station is they will be extending waste water services, part of the widening project for U.S. 41. This station will be phased to serve those properties as they develop.

Mr. Tiseo asked about commercial property in the area. Did CCU check on the commercial sites?

Ms. Vardys said they do evaluate all options.

Bruce Bullert, Operations and Engineering Manager, CCU, said he was sworn in. He said he did meet with the landowner who owns most all of the commercial property to the north. They have a concept plan for that property and did not have any room for this lift station. They did try to purchase some property in that area, but were not successful. He also said the Kia car dealership that is going across US 41 on the corner, will have their own lift station that will eventually be tied into the county system.

There was discussion about the lift station design, the amount of units/users that will be hooked up, the trunk lines, and the master system.

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. Tiseo 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

Ms. Ariens asked if the landscape plan in #2 that is illustrated, is that the landscape plan that will be approved and used?

Mr. Quillen said they can amend condition #2 to say the landscape plan that was submitted shall be equaled or exceeded. The plants may change but this would be a minimum for the landscape. The landscape plan needs to be approved during site plan review.

ACTION: A motion was presented by Joe Tiseo and seconded by Larry Fix that Petition SE-14-012 be APPROVED based on the Community Development Staff Report dated August 5, 2014, 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 5 conditions recommended by staff, with condition #2 being amended by striking the language illustrative and change it to the same or greater as landscape Exhibit B.

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

1. This special exception is for an essential service, consisting of a sanitary sewer 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 a type "A" landscape buffer equal to or exceeding the landscape plan shown in Exhibit "B" of the staff report, are applicable to the construction and operation of the proposed sanitary sewer lift station.
3. A final landscape plan shall be submitted to Community Development Department for approval prior to construction of the lift station. All of the landscaping indicated on the 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 -

Robert Berntsson, Esq., BigW Law Firm, said he is here today because they have been going through the Land Development Regulation amendment process. They meet every Wednesday with staff and members of the public that are interested and when going through the Board of Zoning Appeals section, one of the issues that came up was a continuance. Before the hearing is advertised, an applicant can request a continuance. At times, there are cases that come up where for example, a Home Owners Association (HOA) is notified and they are represented by an attorney, and then the attorney may call me say Friday or Monday before the Wednesday meeting and that attorney would like to meet with us and go over problems, issues to be resolved. They realize they can reach a conclusion for both sides, but they need to meet before this item is heard, causing a continuance, but the public has been notified and there may be many people coming in for the meeting. He discussed a few examples of maybe requesting the continuance before the meeting, so everyone does not have to come in.

There was some discussion from the Board but they were not required to make a motion, it was just for discussion.

Shaun Cullinan, Zoning Official, said he understands the request and is concerned about how to notify the public if a continuance was requested. It may be that the request would have to be before the publication is out. They are just in discussions. The big issue is notification just a few days before the hearing.

X. Staff Comments -

There are three petitions for the September 10, 2014 meeting.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, September 10, 2014, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:23 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____