

**MINUTES**  
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**  
**Wednesday, December 10, 2014 – 9 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  
Steve Vieira, Vice-Chair  
Joe Tiseo, Secretary  
Blair McVety  
Larry Fix

**Staff Present**

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

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**I. Call to Order**

Chair Ariens called the December 10, 2014 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. Tiseo and seconded by Mr. Fix to approve the minutes of the November 12, 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 December 10, 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 November 25, 2014: VAR-14-007, SE-14-016 and SE-14-020***

**Mr. Quillen** said he was handing the Board a letter from Candee Sweeney and it will be Exhibit H.

**VAR-14-007**

Blase Bisceglia, agent for Michael Bartnikowski, is requesting a variance to eliminate the wildlife openings required in a solid fence on property located in the Manasota Single family-5 (MSF-5) zoning district. The property address is 170 Friendship Lane, in Englewood, more specifically described as Lot 8 of the Re-subdivision of Lot 8 of Government Lots 3 and 4, located in Section 12, Township 41 South, Range 19 East.

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

There was some discussion about Manasota Key being a wildlife sanctuary, the rules that apply, and the Manasota Key Code.

**Applicant Presentation**

**John Smythe, General Manager at Tarpon Bay General Contracting, representative for Blasé Bisceglia, agent for the applicant, said he was sworn in.** Mr. Smythe said the owners have a small dog. The holes in the fence are for the wild animals to get around, but the owners have a 45 pound dog and if there is a hole in the fence, the dog can get out and if the wildlife comes in, the dog may want to play with it or possibly hurt the wildlife. Their office was not aware of this rule when they applied for the fence permit. They are willing to put the holes in the fence, but are concerned about the dog with the wildlife.

**Lynn Bartnikowski, owner, said she was sworn in.** Ms. Bartnikowski said they did not know about the holes in the fence. There is wildlife across the street and next door to them. She does not see a problem with the fence.

**Michael Bartnikowski, owner, said he was sworn in.** Mr. Bartnikowski said they have tried to do everything by code since they bought this house two years ago. He said there are fences all around that probably don't have permits, and they don't have holes in those fences. He said his front yard is wide open and the back yard is only 12 feet long.

**Mr. Cullinan** said some of those fences are probably grandfathered in. They could have been there before the Manasota Key Code was created.

***Chair Ariens opened the meeting to Public Hearing.***

### **Public Input**

**Candee Sweeney, 160 Friendship Lane**, said she was sworn in. **Ms. Sweeney** said she is here in support of the environmental issue. She is in favor of the Manasota Key Code. She thought the fence could not be on the property line, but had to be closer to the house. She also suggested an invisible fence for the dog.

***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 VAR-14-007 be APPROVED based on the Community Development Staff Report dated December 1, 2014, 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 3 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 eliminate three of the six required wildlife openings in the privacy fence.
2. The owner shall install a minimum of three six-inch by nine-inch wildlife openings, one near the middle of each section of fence along the two sides and rear lot lines.
3. This variance shall be for the existing fence only and all other future fences or replacement fence shall comply with all County codes and ordinances in effect at that time.

### **SE-14-016**

Michael Haymans, agent for Burnt Store Colony Resident Owner Association, is requesting an expanded use special exception to allow expansion of a lawfully existing conforming use, consisting of a boat and recreational vehicle store yard, to property which is abutting the existing use, in the Agriculture Estate (AE) zoning district. The property address is 25300-25350 Zemel Road, Punta Gorda, which is described as the West 146.06 feet of the South one half of the Southwest one quarter of the Southeast one quarter, less the Northerly 30.00 feet thereof, of Section 20, Township 42 South, Range 23 East.

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

### **Applicant Presentation**

**Michael Haymans, Esq., agent for Burnt Store Colony Resident Owner Association, said he was sworn in. Mr. Haymans** said they worked with staff on this and all went well. The Association wanted more storage and they did discuss having another exit for emergencies, so this all makes sense. They agree with the staff report and he can answer any questions.

**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. 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 Joe Tiseo and seconded by Steven Vieira that Petition SE-14-016 be APPROVED based on the Community Development Staff Report dated December 1, 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 6 conditions recommended by staff.**

#### ***Motion passed with a unanimous vote to approve the request with six conditions:***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow expansion of the existing outdoor storage yard for recreational equipment that is in substantial conformance with the Site Plans submitted by the applicant.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed outdoor storage yard and access drive onto Zemel Road.
3. Site Plan Review approval is required prior to issuance of any building permits or construction of any improvements for the proposed new outdoor storage yard and access onto Zemel Road. All landscaping requirements of code must be constructed or installed and maintained for as long as the outdoor storage yard exists.
4. The outdoor storage yard may only be used by residents of Burnt Store Colony Mobile Home Park.
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.
6. An emergency ingress and egress lane from Zemel Road to Colony Parkway must be included in the development of the storage yard. This emergency lane may have a security gate to prevent daily use; however, all parking or storage may only be permitted outside of the designated emergency lane, which must remain open and unobstructed at all times.

**SE-14-020**

David Smith, agent for Bermont Shooting Club, Inc., is requesting a special exception to allow a private recreation facility, for shooting sporting clays and archery targets, in the Agriculture General (AG) zoning district. The property address is 40571 Bermont Road, in Punta Gorda, and is described as Section 2, less the Southwest quarter of the Southwest quarter of Section 2 and that right-of-way dedicated for Bermont Road (State Route 74), all in Township 41 South, Range 25 East.

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

**Mr. Quillen** said the applicant handed out two exhibits – Exhibit E1 is a letter and E-2 shows the shooting stations of the shooting stands and identifies wetlands.

**Applicant Presentation**

**David Smith, agent for the applicant, said he was sworn in. Mr. Smith** said this site is on the Hall Ranch which consists of 12 sections. Florida Tracks and Trails is on the very northwest part of the property which is across the street and about one mile away from this area. This area is near the old mine and the way this will be designed, they will be able to control the shot and reclaim the lead. The lead is worth a lot of money and they reuse that. He said there are no wetlands in this area.

***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. 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**

There was some discussion about the parking, paving and improvements to the site. This request will be going to the site plan review process.

***ACTION: A motion was presented by Joe Tiseo and seconded by Larry Fix that Petition SE-14-020 be APPROVED based on the Community Development Staff Report dated December 1, 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 10 conditions recommended by staff, with one change to condition number four.***

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

1. The special exception as approved by the Board of Zoning Appeals is to allow a private recreation facility, consisting of shooting ranges only for shotguns and archery, generally in conformance with the Layout Plan (Exhibit C-2) submitted with the application.
2. This special exception extends only to the land included in the Layout Plan (Exhibit C-2) and legal description submitted with this application.
3. The Layout Plan (Exhibit C-2) submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including Site Plan Review, are applicable to the construction, operation and occupation of the proposed shooting ranges.
4. Twenty to 30 improved off-street parking spaces shall be constructed and maintained. The specific number and location shall be determined by the Zoning Official during the Site Plan Review process. Also, 75-100 lawn overflow off-street parking spaces shall be provided and maintained. The specific number, location and design shall be determined by the Zoning Official during the Site Plan Review process.
5. Restroom facilities, including at least two restrooms, shall be constructed on site. These restroom facilities may utilize an in-ground holding tank with sufficient capacity for the intended use or may utilize a septic drain field. If a holding tank is used, the holding tank shall be pumped out according to a schedule to be determined by the County Health Department.
6. Adequate hand washing facilities shall be provided according to the recommendations of the County Health Department.
7. To protect the public interest, alcoholic beverages shall not be sold on subject property.
8. Adequate documentation, evidence, or science-based analysis shall be provided during the Site Plan Review process to address the following Policies of the Natural Resources Element of the Smart Charlotte 2050 Plan:
  - a. Environmental Policy 1.4.1 Water Quality Standards
  - b. Environmental Policy 2.3.3 Protecting Imperiled Habitat on Private Lands
  - c. Environmental Policy 3.1.5 All Wetland Impact Limitations
  - d. Environmental Policy 3.1.7 Prohibited Uses
9. If the shooting range is ever discontinued, the owner shall remediate the site according to any State and Federal Department of Environmental Protection guidelines or regulations.
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.

**IX. Public Comments - None**

**X. Staff Comments -**

Shaun Cullinan reminded the Board the BZA meetings will be televised starting in January, 2015.

Ken Quillen said there are 2 petitions for the January BZA meeting.

XI. **Member Comments** -

Ms. Ariens reminded the Board elections are in January and this Board is not allowed to talk to each other about it or who to nominate.

XII. **Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, January 14, 2015, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:20 AM.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

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Katherine Ariens, Chair

Approval Date: \_\_\_\_\_