MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, February 12, 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 (absent)
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

I. *Call to Order*
Chair Ariens called the February 12, 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. McVety and seconded by Mr. Tiseo to approve the minutes of the January 8, 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 February 12, 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 January 28, 2014: VAR-14-001 and SE-14-002

VAR-14-001

Darin and Mary Waldeck are requesting a variance of 6.2' to reduce the required rear yard setback from 15.0' to 8.8' for an existing lanai and a new screen enclosure for a swimming pool for an existing single-family residence in the Residential Single family 3.5 (RSF-3.5) zoning district. The property address is 5174 Cooper Terrace, Port Charlotte, and is described as lot 60, of block 1700, of Port Charlotte Subdivision, Sub-section 54, located in Section 33, Township 40 South, Range 21 East.

Applicant Presentation

Darin Waldeck, applicant and owner, said he was sworn in. **Mr. Waldeck** said he has some pictures of the site. The pool is going more on the side of the house but they come out the back of the house and that area is what needs the reduced setback for the small lanai.

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. 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 VAR-14-001 be APPROVED based on the Community Development Staff Report dated February 4, 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 reduce the required 15' rear yard setback from a waterway by 5.5' to allow a 9.5' rear setback.
2. This variance extends only to a new screen cage and swimming pool as proposed in the documents submitted with this application. This variance shall carry with the screen cage and swimming pool only once they are constructed.
3. If the screen cage and swimming pool are constructed and at a later date removed or replaced, 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-14-002

Judy Hunter, agent for Charlotte County Utilities, is requesting a special exception to allow a sanitary sewer pump station in the Residential Single Family 3.5 (RSF-3.5) zoning district. The property address is 391 Azalea Avenue and 592 Skylark Lane, Port Charlotte, and is described as Lots 13 and 14, of Block 110, of Port Charlotte Subdivision, Sub-section 10, located in Section 21, Township 40 South, Range 22 East.

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

Applicant Presentation

Ruta Vardes, CCU/Engineering, agent for the applicant, said she was sworn in. **Ms. Vardes** said they accept the staff report and she would answer any questions. She introduced Jonathan Cole, P.E. with Giffels Webster.

Mr. Cole said this will be a concrete block stucco structure, approximately 36 by 40. They want to make this look like a house so it blends in with the neighborhood. This will be modeled after their V-7 building which is in Englewood. There is a small cupola on top, which they use as ventilation for the building. They use stucco banding.

There was a lengthy discussion about the look of the building, blending it into the neighborhood, landscaping, odor control, the process of this pump station, and noise.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Richard Hulet, 373 Orange Dr., said he has been sworn in. **Mr. Hulet** said he is against this request. This is a sewer lift station in the middle of a residential area. He is concerned about the fumes, the noise and traffic.

Charles Backmann, 567 Norwood St., said he has been sworn in. **Mr. Backmann** asked why these lots were chosen when there are a few vacant houses in the area. He had concerns about flood zoning, ground water runoff, noise/generators, odors/leaks, backup, periodic maintenance, how often pump out, and the houses in the area losing value because of this pump station.

Mr. Cole answered his questions. He said the maintenance trucks would probably go in there once a day. They have to monitor the system and make sure everything is running okay. Occasionally, there could be a boom truck to change out a vacuum pump or sewage pump. This traffic would be less than if 2 single families were on these 2 lots. They will build this up so the finish floor is where the garage door is, just like any other house. There was discussion about putting this on two lots and that benefit.

Mr. Cole said there could be some noise because of the pumps running. The noise will be below what is allowed in the code. This is similar to when your neighbors air conditioning systems turns on.

Jim Chapman, 557 Skylark Lane, said he was sworn in. Mr. Chapman asked why was this not put on Port Charlotte Blvd., it would have been more centrally located. He said he is against this request.

Mr. Cole said the service area for this vacuum station is in another area. The area by Port Charlotte Blvd. will be serviced in a different way.

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 Larry Fix that Petition SE-14-002 be APPROVED based on the Community Development Staff Report dated February 4, 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 plus condition #5, requesting exterior building enhancements. (stucco banding, coining, faux shutters, and metal or architectural shingle roof)

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 pump 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 landscaping, are applicable to the construction and operation of the proposed sanitary sewer pump station.
3. A landscape buffer, equal to the landscape plan submitted with this application, shall be installed for this pump station and continuously maintained as long as the pump station is located on this site.
4. 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.
5. The proposed building shall be constructed of concrete block with stucco finish and pitched roof and shall include architectural enhancements, including some but not necessarily all of the following: doors and windows with trim framing, lintels, banding, medallions, faux windows, faux shutters, architectural shingles or standing seam metal roofing, roof overhangs, ornamental details, and wall texture, color, pattern or material changes.

IX. *Public Comments* - None

X. *Staff Comments* –

Shaun Cullinan said the Unified Land Development Code the latest draft has been posted on line. We are soliciting comments. We will be setting up round table discussions. The first one is Friday, February 21, 2014.

XI. *Member Comments* – None

XII. *Next Meeting*

The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, March 12, 2014, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 10:50 a.m.

Respectfully submitted,

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Diane Clim, Recorder
/dlc

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Katherine Ariens, Chair

Approval Date: _____