

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, July 9, 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 (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 July 9, 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. McVety to approve the minutes of the June 11, 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 June 11, 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 petition was advertised on June 24, 2014: VAR-14-004

VAR-14-004

Elaine McNeill is requesting a variance to reduce the required 15.0' rear yard setback by 5.0' to allow a 10.0' rear setback, to allow a swimming pool, in the Residential Multifamily-10 (RMF-10) zoning district. The property address is 9455-9457 Agate Street, Port Charlotte, and is described as Lot 36, of Block 4415, of Port Charlotte Sub-section 78, located in Section 20, Township 41 South, Range 21 East.

Applicant Presentation

David Kaelin, Agent for Elaine McNeill, applicant, said he was sworn in. **Mr. Kaelin** said he is the pool designer and sales person for Tropical Pools. He explained the way they designed the pool. Ms. Kaelin is on oxygen and needs the pool for therapy.

There was discussion about moving the bench, the pool being 12' wide, possibly making the pool smaller so the variance would be less than 5', and eliminating the steps or redesigning the steps.

Elaine McNeill, 9457 Agate Street, said she was sworn in. **Ms. McNeill** said she came down last year in November. She said this house was advertised as able to have a pool. She spoke with a few pool contractors and decided on this pool and size. She came to the Zoning department and was told to get a release of easement. Later, they found out they needed a Variance. She said two of her neighbors wrote letters not objecting to the pool or setback change. The applicant submitted two letters from surrounding property owners. Staff labeled them Exhibits G-1 and G-2.

There was a little more discussion about moving the bench and the steps in the pool.

Mary McNeill, 829 Balboa Street, was sworn in. **Ms. McNeill** said the design they have now, will give her room to exercise and swim around. If the pool is any smaller, she will not have room to effectively get her exercise.

Rosana Halprine, 9455 Agate Street, was sworn in. **Ms. Halprine** said she lives on the other side of this duplex. She knows Elaine very well. They worked closely with Dave designing this pool. She said she will also use the pool and if there is a third person (maybe her husband) in the pool, there will not be much room to swim if the pool is any smaller.

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 Blair McVety and seconded by Larry Fix that Petition VAR-14-004 be APPROVED based on the Community Development Staff Report dated July 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 reduce the required 15' rear yard setback by 5.0' to allow a 10.0' rear setback.
2. This variance is only for a swimming pool and pool cage as proposed in the documents submitted with this application. This variance shall carry with the swimming pool and pool cage only once they are constructed.
3. If the swimming pool and pool cage 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.

IX. **Public Comments** - None

X. **Staff Comments** -

There are two petitions for the August 13, 2014 meeting.

XI. **Member Comments** -

Mr. McVety reminded the Board he will not be at the meeting in August.

XII. **Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, August 13, 2014, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:28 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____