

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, June 11, 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
Larry Fix

Staff Present

Shaun Cullinan, Zoning Official (Absent)
Joshua Moyer, Assistant Co. Attorney
Ken Quillen, AICP, Planner
Diane Clim, Recorder

I. Call to Order

Chair Ariens called the June 11, 2014 meeting of the Board of Zoning Appeals to order at 9:12 a.m. (there was a computer problem with the power point)

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: Mr. Tiseo said based on the last meeting, there was going to be follow up from staff on Petition SE-13-011 regarding a time limit on the installation of a landscape buffer. Ms. Ariens said they received an email regarding this from staff. Mr. Tiseo said he did not see the email. Mr. Quillen said he sent the 5 board members an email so they could listen to what was said. Mr. Quillen said he listened to the audio. Staff had added the condition based on the discussion of the Board. He asked if they wished to change that. Mr. Moyer said since that meeting was two months ago in April, they could not make a change now because it would have had to be the following meeting and the applicant would have had to be notified so they could attend. They agreed to leave it stand as is and in the future, they will make sure any time limitations are discussed.

A motion was presented by Mr. Tiseo and seconded by Mr. McVety to approve the minutes of the May 14, 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. Ken Quillen, Planner III, read the Zoning rules, Attorney Josh Moyer, 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 May 27, 2014: SE-14-008 and SE-14-009

SE-14-008

Dona Cole is requesting a special exception to allow a Home Occupation, consisting of a dog sitting business, in the Mobile Home Conventional (MHC) zoning district. The property address is 701 Del Ray Place, Punta Gorda, and is described as Lot 16, of Block "C", of Charlotte Park Section No. 3, located in Section 19, Township 41 South, Range 23 East.

Applicant Presentation

Dona Cole, applicant, 701 Del Ray Place said she was sworn in. **Ms. Cole** said she has a dog and likes to watch other dogs. This will help supplement her income. She will not have more than 3 visiting dogs at any time.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Diane Baker, 750 Coral Drive, said she was sworn in. **Ms. Baker** said she supports her position for this business. She walks her dog and has seen Ms. Cole with her dog and knows she takes care of them.

Linda Pearson, 4210 Deltona Drive, said she was sworn in. **Ms. Pearson** said she lives across the street from Ms. Cole and she knows Ms. Cole takes care of her dog. **Ms. Pearson** said she has been in Ms. Cole's house and it is kept very nice and clean.

Anna Bell Deblauw, 720 Del Ray Place, said she was sworn in. **Ms. Deblauw** said Ms. Cole is one of the most respectful people she knows and is for 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-14-008 be APPROVED based on the Community Development Staff Report dated June 3, 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 four conditions recommended by staff.

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

1. This special exception shall allow a home occupation, consisting of a dog sitting business for no more than three dogs not owned by the resident, only as an accessory use to the existing single-family residence.
2. There shall not be any outdoor kennel associated with this home occupation.
3. This special exception, allowing a home occupation, shall be conducted according to all of the standards and conditions of Section 3-9-79, as amended, of the Zoning Code.
4. Any major modifications, or change in the type of home occupation conducted, shall require a modification to the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

SE-14-009

Brad Melliken-Setser, agent for Dorothy Milliken, is requesting a special exception to allow a guest house in the Charlotte Harbor Coastal Residential 3.5 (CR-3.5) zoning district. The property address is 4551 Melbourne Street, Port Charlotte, and is described as Lot 2 and the Southerly 35.22 feet of Lot 1, of Block 35, of Charlotte Harbor Subdivision, located in Section 36, Township 40 South, Range 22 East.

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

Applicant Presentation

Brad Melliken-Setser, applicant who lives at 4551 Melbourne St., said he was sworn in. **Mr. Melliken-Setser** said about a year ago he and his wife sold their house and moved in with his in-laws. His father in law is very sick and they have been helping them out. They still want to help, but would like to have their own house on the site.

Mr. Vieira said he was at the site and wondered about the shed on the property.

Mr. Melliken-Setser said the new building would be approximately 16 feet from the existing house. They are good with their setbacks.

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. Vieira. 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 Blair McVety that Petition SE-14-009 be APPROVED based on the Community Development Staff Report dated June 3, 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 2 conditions recommended by staff.

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

1. This special exception as approved by the Board of Zoning Appeals is to allow a guest house as that term is defined in the Zoning Code.
2. The Site Plans submitted with this application are for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the guest house as an accessory use to the existing single-family residence.

IX. **Public Comments** - None

X. **Staff Comments** –

Mr. Quillen said there is one petition for the July 9, 2014 meeting.

XI. **Member Comments**

Mr. Tiseo said he is leaving on July 9 for vacation and may not be here.

Mr. McVety said he will not be at the August 2014 meeting.

XII. **Next Meeting**

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

There being no further business, the meeting **ADJOURNED** at 10:02 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____