

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, May 8, 2013 – 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, Secretary
Blair McVety, Vice-Chair
Joe Tiseo
Larry Fix

Staff Present

Ty Harris, Assistant County Attorney
Shaun Cullinan, Zoning Official (absent)
Joshua Moye, Assistant County Attorney
Ken Quillen, AICP, Planner III
Diane Clim, Recorder

I. Call to Order

Chair Ariens called the May 8, 2013 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. Tiseo and seconded by Mr. Fix to approve the minutes of the April 10, 2013 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 May 8, 2013 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 Ty Harris, 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 April 23, 2013: SE-13-004 and SE-13-005

SE-13-004

Jim Herston, agent for Murdock Baptist Church, is requesting a special exception to allow accessory church related uses for an existing house of worship in the Residential Single-family 3.5 (RSF-3.5) zoning district. The property address is 2030 Tinker Street, Port Charlotte, and is described as Lots 1, 2, and 3 of Block 335, of Port Charlotte Subdivision, Sub-section 21, located in Section 18, Township 40 South, Range 22 East.

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

Applicant Presentation

James W. Herston, agent for Murdock Baptist Church, said he was sworn in. Mr. Herston said they agree with the staff report and conditions and will answer any questions.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Dinah Trombley, 2070 Tinker St., who lives down the road from the church, said she was sworn in. She said on Sunday's, the parishioners park all over Tinker Street and Lington Avenue and it becomes a one lane street. Two cars cannot pass each other. She handed in pictures. She was concerned with this house/site the church will purchase and what might go on there. Will there be noise, more traffic, will it be used as a school, and what will the hours be?

Pastor Ron Tiptan, Pastor for the Church, said he was sworn in. He will ask the parishioners not to park on the roads. There is a large parking lot at the church and they share parking across the street with the Vo-Tech school. He said the house would be used for classes, a few nights a week. They can park at the church parking lot, if the house driveway is full.

Stephen R. Deutsch, Co. Commissioner, said he has been going to that church since before Hurricane Charley. He said he is there on Tuesday nights and they leave by 7:30 p.m. He feels the church is a good neighbor and this is an asset.

Christian Francis, 18385 Twilite Ave., who lives a block away from the church, said he is concerned there will be parking in the yard on this site where the house is.

He was told by staff there is no parking allowed on the grass at the house, just in the driveway. There are no zoning rules against parking on the grass off the road, (off street parking) but they could contact Public Works to see if they can apply for signs to be put in for no parking on the sides of the road.

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 Blair McVety that Petition SE-13-004 be APPROVED based on the Community Development Staff Report dated May 1, 2013, 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 2 conditions.

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

1. This special exception is to allow only limited accessory church uses consisting of class rooms, administrative office space, and occasional small meetings at 2030 Tinker Street, only by Murdock Baptist Church.
2. 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.

SE-13-005

Judy Hunter, agent for Charlotte County Utilities, is requesting a special exception to allow a sanitary sewer lift station in the Residential Single-Family 3.5 (RSF-3.5) zoning district. The property address is 193 Purus Street, Deep Creek, and is described as Lot 8, of Block 602, of Punta Gorda Isles, Sub-section 20, located in Section 05, Township 40 South, Range 23 East.

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

Applicant Presentation

Ruda Vardys, Staff Engineer for Charlotte Co. Utilities, (CCU) said she was sworn in. **Ms. Vardys** said the existing wastewater lift station is in need of upgrading and expansion in order to improve the reliability and increase capacity. The present lift station on residential property inhibits the potential for expansion and maintenance. CCU identified a vacant lot located in close proximity to the existing lift station.

Mr. Tiseo asked if the existing system is failing?

Ms. Vardys said the lift station in its current location is in front of a residence and is not conducive for maintenance vehicles to conduct maintenance, or to do large equipment replacement without disturbing the residents and performing upgrading.

The current system is undersized. There is an on-going program to relocate these systems and properly size the system for the area it serves. There is no easement around the lift station to work around it and bring it up to current standard.

Bruce Bullert, Operations and Engineering Manager, for CCU, said he was sworn in. **Mr. Bullert** explained where the gravity center sewer line is and how deep it is. They can access the manholes and service the lift station, but said as more homes are built in the area, it will be hard to keep up with the current system.

There was discussion about the lift station and relocating them.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Lee McManus, 180 Purus St. said he has been sworn in. He is against this request. He did attend the Property Owners Association (POA) meeting but did not see any photographs. He handed out a picture of a lift station at 132 Angol Street and there is almost no buffering around it. He feels it is very unattractive.

Jim Went, 179 Purus St. said he has been sworn in. **Mr. Went** said they own 3 lots on Purus St. He visited Charlotte Co. Utilities and met with Ruda and after that meeting she suggested he look at the lift station on Angol Street. He did not like the lift station on Angol Street, no buffer and ugly. He does not think we need a large lift station because no one has been building in the area.

Benjamin J. Pappa Jr., a member of the Section 20 Board (POA) in the area, said he was sworn in. **Mr. Pappa** said the duties of the Board members are to protect the interests of the residents. The pump station in question was built in 1981, which makes it 32 years old. He knows it may be able to handle today's capacity, but probably cannot handle tomorrow's capacity, and it would need to be updated. He said the landscaping on 132 Angol Street is not acceptable and he would recommend they not put the driveway right in the middle to the lift station, but put the driveway to the left or right, so they could hide the lift station front area facing the road.

Mr. Bullert said they will meet again with the POA and show them what the lift station would look like and go over the buffer.

Ms. Ariens said she would like to pass the gavel to Mr. McVety, who is Vice-Chair and make a motion to continue this request to the next meeting, this way the Utility department can meet with the POA and discuss where on the lot this lift station would go and the buffering.

Mr. Vieira said he would second the motion just to discuss it.

Ty Harris, Asst. Co. Attorney, suggested having the citizens who are here, to finish their public input, then decide to continue the meeting or make another motion.

They decided to table the motion, let the public finish their input, and then go back to the motion to continue this petition to next month, so CCU and POA could get together again before coming back to this Board.

Ron Rodrigue, 190 Purus Street, said he was sworn in. **Mr. Rodrigue** said he is opposed to this lift station at this location. It is close to his property. He said he believes the site is a scrub jay lot. He was concerned if it could affect his drinking water. He said the Ingle Street lift station site has a terrible odor coming from it. He does not want that next to his house.

Mr. Bullert, CCU, said they understand there can be an odor from these lift stations. They do have an odor control unit. There was a problem with the odor control unit at 132 Angol Street, but we went back in to do some additional work on the unit. At this time, it is now functioning. These older smaller stations do not have an odor control unit. There is no space for an odor control unit to be added. He said he was told this is not a scrub jay area.

Bonnie Went, 179 Purus Street, said she was sworn in. She said she was told by the POA 3 years ago, that this lot was a scrub jay lot.

Chris Goumas, 163 Purus St., said he was sworn in. He said he has visited Angol Street and would be very upset if he lived there. He hopes the same thing does not come to Purus Street. He feels it is over sized, ugly, huge wire fence. He feels the pumping station they have right now is handling the area. He wants to know if there have been any studies done to improve the situation for the area, but not be as massive a project.

Mr. Bullert, CCU, said the lift station on Angol Street, is our main lift station for everything north of Sandhill. All the other stations, (6 or 7 of them) all pump into 132 Angol Street. This main station pumps all the way to the south and it goes to 309 which is south of Rampart. In the future, 132 Angol Street will actually pump all the way to our Eastport Plant for treatment. This lift station site will not be as big as the Angol Street station, but it does need a bigger footprint than what exists today.

Lori Rodrigue, 190 Purus Street, said she was sworn in. She is opposed to this plan. She said the Angol site smelled on Monday when she walked past it. She would like to see a site plan of the site showing where the lift station would be and the landscaping.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public hearing, seconded by Mr. Fix. The public hearing was closed with a unanimous vote.

Board Member Comments and Questions

There was discussion that this site should be checked if it is scrub jay or not, with some type of site plan where the lift station would be, will it be in the back of the lot, behind the existing trees. This Board would like the CCU staff and the POA members and neighbors to get together again before June 12, 2013 (the next meeting date for this board), and make sure they are happy with the new site plans.

ACTION: A motion was presented by Katherine Ariens and seconded by Larry Fix that Petition SE-13-005 be CONTINUED to the next meeting based on the Community Development Staff Report dated May 1, 2013, and the evidence and testimony presented at the hearing today.

Motion was approved with a vote of 4 to 1 (Mr. McVety) to continue this request to the June 12, 2013 hearing.

IX. **Public Comments** - None

X. **Staff Comments** -

Mr. Quillen said there are three petitions now, including this one that just got continued, for the June hearing.

XI. **Member Comments** - None

XII. **Next Meeting**

The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, June 12, 2013, at 9:00 a.m., in Room 119.**

There being no further business, the meeting **ADJOURNED** at 11:55 a.m.

Respectfully submitted,

Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____