MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, November 13, 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	**Staff Present**
Katherine Ariens, Chair	Ty Harris, *Assistant County Attorney*
Steve Vieira, Secretary	Shaun Cullinan, *Zoning Official*
Blair McVety, Vice-Chair	Joshua Moye, *Assistant County Attorney*
Joe Tiseo	Ken Quillen, *AICP, Planner III*
Larry Fix	Diane Clim, *Recorder*

I. ***Call to Order***
Chair Ariens called the November 13, 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 September 11, 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 November 13, 2013 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 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 October 29, 2013: SE-13-014 and SE-13-015

SE-13-014

Gerald and Janice Baum are requesting a special exception to allow a metal accessory building exceeding 600 square feet in area and consisting of 3,328 square feet in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 13502 Wainwright Drive, Port Charlotte, and is described as Lots 1 and 2, of Block 2902, of Port Charlotte Subdivision, Sub-section 49, and parcels P-12, P1-5-6 and P1-5-7, all located in Section 08, Township 40 South, Range 21 East.

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

Applicant Presentation

Gerald Baum, applicant, said he was sworn in. Mr. Baum said he needs storage. He has cleared the site with the permits needed. He chose a large metal building that looks like a home. Coming down the road, you will only see a small portion of the garage door. He wants to put this 150' away from the canal. He submitted all the documents necessary.

Ms. Ariens said in your application, you state you want to use this for storage for a boat, trailer, car, a pick up truck, weed eaters, ladders, mowers and other equipment. Is that a true and accurate statement?

Mr. Baum said yes. He said his garage is full and he wants to put all that stuff into storage.

Mr. Tiseo asked about the clearing of the lot.

Mr. Baum said they cleared the overgrown vegetation, no trees were removed. There are still 17 trees on that site.

There was discussion about the site, the permits for clearing and the culvert.

Mr. Vieira asked if this building would be used for just Mr. Baum's own purposes, for storage for home items?

Mr. Baum said he does own a business on Boca Grande. Occasionally he does bring things home to work on in his garage, but it is a temporary thing. This is his home. He will retire soon. He likes to do hobbies and things and wanted to have enough room so he did not have a lot of stuff in his garage and out in the yard.

Mr. Vieira said the concern is he may do commercial work at the home and he has a concern with that.

Mr. Baum said he is going to pass his business to his family and he will not be doing commercial work at this site.

There was discussion about doing commercial work in residential and if you bring home items to work on at home. There was discussion about special exceptions for a home business and the processing through Code Enforcement.

Mr. Baum said that is not the purpose of this building to do commercial work for the business in this building.

There was discussion about accessory building use, lot coverage, and compatibility in appearance.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Roger Heller, 13407 Palau Circle, said he was sworn in. Mr. Heller said he wanted to pass out a few items. The first is a petition signed by 53 people in the neighborhood (many are here today) and the petition basically says they do not believe this building should be allowed for a variety of reasons, which he will explain in his presentation. He said he was going to show a power point presentation. The objective is to show items omitted from the application. He said this request does not meet Standard #2, which talks about compatibility with surrounding uses, and also Standard #6, detrimental or endanger public health/safety of the area. He does not believe the proposed site meets the intended use in acreage/qualifications as they have been put together. He discussed the neighbors believe there is commercial repairs going on at this site with the golf carts. He owns Jerry's Boca Grande carts and their primary address is this location of his house. He showed aerials of the house and adjacent lots. There are pictures of golf carts on the site. The intended storage in the application is personal items but the neighbors believe he will store golf carts in this building. He will be repairing carts in the building. He has come home with a large trailer with golf carts on them. He was concerned with hazards and environmental impact going in to the canal. He said it would be an eyesore from the canal. There is questions about the lot coverage and if this is allowed. They are against this request and would like to see this denied.

Ms. Ariens asked if the neighborhood has known the carts have been worked on at this site, why didn't someone call Code Enforcement before now?

Mr. Heller said it is a quiet community. They understand he has a business and is trying to make a living. No one wants to start trouble or be the police person of the neighborhood.

There was discussion on kill and combining lots, the size of accessory structures and uses. Because of the size of this site, he could by right, have a large roughly 1900 s.f. building, they would not have any restrictions over it except the normal building/permitting rules. The setbacks would apply, and he could be closer to the canal, but by him asking for this, conditions could be placed on this request.

Helene Panaretos, 13285 Windcrest Dr., said she was sworn in. Ms. Panaretos said she is a residential real estate agent. She handed out a sheet that explains they feel this would be detrimental to the neighborhood. She is against this request.

Carol Wade, 1107 W. Marion Avenue, said she was sworn in. Ms. Wade is also a realtor and spoke against this request. She handed out a brochure showing the type of homes in the area and what they are worth.

Joyce Gange, 13518 Wainwright Dr., said she was sworn in. Ms. Gange said she is against this request. She has seen golf carts delivered to and from this address.

Ron Driest, 13497 Palau Circle, said he was sworn in. Mr. Driest said he is against this request. He said the pictures he is handing in show a little of his business activity and he does not feel this is good for the neighborhood. Like Roger, he never wanted to call it in and start trouble.

Dick Carl, 1424 Carswell Street, said he was sworn in. Mr. Carl said he agrees with what has been said here today. He is against this request.

Diane Johnson, 13128 Windcrest Dr., said she was sworn in. Ms. Johnson said she has a question. If this gets approved, would it be easier to get an exemption to be able to run a business out of this structure? She is against this request.

Josh Moye, Asst. Co. Attorney, said staff would be against a request to have a business in this area. Increased traffic and other issues would be against the criteria.

George Mindling, 1316 Eppinger Dr., said he was sworn in. Mr. Mindling said he agrees with the previous speakers and is against this request.

Paul Pilch, 1552 Eppinger Dr., said he was sworn in. Mr. Pilch said he is the President of the Northwest Port Charlotte community league, and he agrees with what has been said earlier. If there are commercial vehicles going up and down the roads, they will have to pay more to have the road repaired.

William Rudolph, 579 Norwood St., said he was sworn in. Mr. Rudolph said he is the contractor for this building if this is approved. He said from the day he met with Jerry, he asked Jerry if he would be conducting commercial business out of this building. Jerry said no. He knows he cannot run a business in this area. He can rightfully put up a building 24 feet by 80 feet but has requested this building because it is an attractive building, he plans on landscaping and it will look nice when it is done.

Larry Thomas, 13564 Wainwright Dr., said he was sworn in. Mr. Thomas said they have all been fighting home values in the recent past and everyone is trying to do what they can to increase their home values.

Marci Heller, 13417 Palau Circle, said she was sworn in. Ms. Heller said she agrees with what all the other folks said who are in opposition to this request.

Ilse Mindling, 1316 Eppinger Dr., said she was sworn in. Ms. Mindling said she is against this request. She does not understand why someone needs such a big building.

Mary Bert, 13344 Windcrest Dr., said she was sworn in. Ms. Bert said she is against this request.

Bob Bert, 13344 Windcrest Dr., said he was sworn in. Mr. Bert said he is against this request.

Nancy Delude, 1418 Carswell St., said she was sworn in. Ms. Delude said she concurs with all the people who are opposing this.

Joseph Delude, 1418 Carswell, St., said he was sworn in. Mr. Delude said he concurs with everyone who is opposing this request.

Gayle Darga, 13327 Windcrest Dr., said she was sworn in. Ms. Darga said she also concurs with all who oppose.

Joan Rutan, 13540 Wainwright Dr., said she was sworn in. Ms. Rutan said she agrees with what has been said.

Dana Hanson, 13465 Palau Circle, said she was sworn in. Ms. Hanson said she agrees with all the others who are opposed to this request.

Jeff Brown, 13357 Palau Circle, said he was sworn in. Ms. Brown said he agrees with the opposition.

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.

Mr. Baum, applicant, said he owns a rental business. No rentals have ever gone out of this address. The pictures of the golf carts outside, have been removed. He didn't realize a building this attractive would cause such a problem. He does not believe this structure would devalue the homes in the area. He does not want his house value to be less. You would be able to see the structure from the canal, but he is far away from the canal and there is not much boat traffic in that canal.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

There was discussion about what might be stored in this building, if it was for Mercedes automobiles, would there be an issue. The applicant's activities have angered the neighbors.

Mr. Vieira moved for the purpose of discussion, to approve the Special Exception.

Mr. Vieira said he would like to see additional insurances that there will not be a commercial entity tied into this request. **Mr. Vieira** said he would like to amend his motion to include "No commercial activity, including but not limited to repairing, storage, use of any golf carts is allowed on this site."

There was discussion about landscaping and tile on the roof and matching the appearance of the house.

Mr. Vieira said he would like to add another condition for a landscaping buffer.

After more discussion, **Mr. Vieira** said he would like to withdraw his motion, and they can place a new motion on the table.

ACTION: ***A motion was presented by Joe Tiseo and seconded by Steve Vieira that Petition SE-13-014 be APPROVED based on the Community Development Staff Report dated November 5, 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 the following 7 conditions recommended by staff, and the two new conditions discussed here today regarding prohibition of commercial activity and shall have a Type D landscape buffer.***

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

1. The special exception as approved by the Board of Zoning Appeals is to allow a 3,328 square foot metal accessory building as indicated in the exhibits submitted with this application.
2. This special exception extends to the land included in the Site Plan and legal description submitted with this application. Subject property must be maintained at its current size and shape.
3. Subject property must comply with and maintain the required tree points for this lot.
4. The approved metal accessory building shall include two copulas as indicated in the Building Photo (Exhibit D).
5. The approved metal accessory building shall include shutters for all windows as indicated in the Building Photo (Exhibit D).
6. The approved metal accessory building shall include wainscoting as indicated in the Building Photo (Exhibit D).
7. 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.
8. Any commercial activity, including but not limited to storage and repair of golf carts, shall be prohibited on subject property.

9. A type "D" landscape buffer must be planted and maintained between the proposed accessory building and the northerly property line along Jupiter Waterway.

SE-13-015

Kim Grant is requesting a special exception to allow a Home Occupation consisting of a hair salon in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 22000 Felton Avenue, Port Charlotte, and is described as Lot 1, of Block 2781 of Port Charlotte Subdivision, Sub-section 33, all located in Section 14, Township 40 South, Range 22 East.

Applicant Presentation

Kim Grant, applicant lives at 22000 Felton Avenue, said she was sworn in. **Ms. Grant** said she would like to have this special exception to have a hair business in her home. She will have clients by appointments only, no walk in's. She would like to be able to sell products she uses, just to the clients, not open to anyone else. She may hire one other person in the future, but does not know yet how busy she may get.

Chair Ariens opened the meeting to Public Hearing.

Public Input

No one spoke for or against this petition.

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-13-015 be APPROVED based on the Community Development Staff Report dated November 5, 2013, 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 following 3 conditions recommended by staff.

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

1. This special exception shall allow a home occupation, consisting of a salon, only as an accessory use to the existing single-family residence.

2. 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.

3. 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.

IX. ***Public Comments*** **- None**

X. ***Staff Comments*** **–**
Ken Quillen said the next meeting is December 11, 2013 and there are 2 petitions.

XI. ***Member Comments*** **– None**

XII. ***Next Meeting***
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, December 11, 2013, at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 12:45 p.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

_____
Katherine Ariens, Chair

*Approval Date:*_____