

**MINUTES**  
**CHARLOTTE COUNTY BOARD OF ZONING APPEALS**  
**Wednesday, October 8, 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  
Joshua Moye, Assistant Co. Attorney  
Ken Quillen, AICP, Planner  
Diane Clim, Recorder

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**I. Call to Order**

*Chair Ariens* called the October 8, 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. Tiseo and seconded by Mr. Fix to approve the minutes of the September 10, 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 October 8, 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 September 23, 2014: VAR-14-006 and SE-14-015***

**VAR-14-006**

Sharon Boyd is requesting a variance to exceed the three-foot height restriction for an opaque fence in a front yard, to allow a six-foot high opaque fence within the front yard, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property address is 5785 Gillot Boulevard, Port Charlotte, and is described as Lot 23 of Block 1714 of Port Charlotte Subdivision, Sub-section 52, located in Section 32, Township 40 South, Range 21 East.

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

**Applicant Presentation**

**Sharon Boyd, applicant, said she was sworn in. Ms. Boyd** said Mr. Quillen was a big help to them. She has a son with autism and he is on hospital home bound. He is not able to be educated in the school system. They are unable to meet his needs safely there. He is at the home all the time with safety assistance to protect him. She said a fence would be a great barrier for them in case he gets out of the house. A 6 foot fence would be hard for him to get over, giving them time to get out to him. She does not want to take the chance he gets out and gets into the neighbor's yards. This fence would protect them and the neighbors. Gillot Blvd. is getting busier and she needs to do all the protection she can.

There was discussion about where the fence would be, the setbacks, fencing in the back yard, and putting a decorative aluminum fence in as the front screen door.

***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. Vieira 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**

**Mr. Tiseo** asked if in the conditions, can a condition be put in if the house is sold, the fence needs to come down? This is a health and safety issue and probably would not be needed for another family.

**Mr. Cullinan** said it is hard to enforce that. If someone else buys the house, and it is not brought up at closing or in a title search, it could be missed and then the next family is in violation and may not even know.

There was some discussion about putting this in as a condition and the location of the fence.

***ACTION:*** A motion was presented by Steve Vieira and seconded by Joe Tiseo that Petition VAR-14-006 be APPROVED based on the Community Development Staff Report dated September 30, 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 and a 4th condition stating the improvement stays with the current ownership.

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

1. The variance, as approved by the Board of Zoning Appeals, is to increase the fence height for a non-opaque fence from four to six-feet in the front yard to allow a six-foot picket style fence. This fence shall be setback from the side lot line the same distance as the existing single-family residence and shall not extend more than 33 feet from the front wall of the existing single-family residence.
2. The owner or fence contractor shall obtain a fence permit and the fence shall be constructed according to all applicable building codes.
3. This variance shall be for the proposed non-opaque fence only. All other future principal and accessory structures shall comply with all County codes and ordinances in effect at that time.
4. This variance shall run with the property owner and applicant, Sharon Boyd, and shall not be assignable to any future purchaser of the property. The sale of the property would then necessitate removal of the six-foot fence located in the required front yard immediately.

**SE-14-015**

Scott and Joanne Volage are requesting a special exception to allow a mobile home, to be used as a residence, in the Agriculture Estate (AE) zoning district. The property address is 6252 Alfred Boulevard, Punta Gorda, and is described as T208, located in Section 01, Township 41 South, Range 23 East.

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

Mr. Tiseo asked if the applicant submitted elevations of the structure.

Mr. Quillen said no, they did not submit building elevations for the structure.

**Applicant Presentation**

Carol Brewer, 12695 Tamiami Trail South, said she was sworn in. Ms. Brewer works for LeeCorp Homes, which is the company that sold the mobile home to the applicants. They sell Jacobsen Manufactured and Modular Homes. The applicants picked out a manufactured home that is a 2013 model, never lived in, it was a model on their site. It meets all the structural requirements and wind codes for the state.

**Mr. Tiseo** asked if this would be rolling in on an axel, it is a manufactured home which will be mounted on a slab?

**Ms. Brewer** said no, it is not. It comes in, it is put on pads, piers and tie downs. That meets the Code. It will be brought in in two sections, set on the lot after all the improvements, grading, drainage, etc. It is an engineered pad and the axels and wheels will be taken off. It is tied into the anchors that are 4 feet into the ground. She said she lives in a Jacobsen home and you cannot tell it is a manufactured home. It is all certified.

Staff pulled up the Manufacturer's website on the computer for the Board to see the Jacobsen homes.

There was discussion of the dimensions of the home, a shear wall, wind shear, and how the house would look with the car port, shed and landscaping.

**Scott Volage, applicant**, said he was sworn in. **Mr. Volage** said they are renting a house until this all moves on. He said he and his mother both moved to Florida for health reasons. He did go to the zoning dept. and was told the mobile home was allowed in AE zoning with a special exception. So they applied.

***Chair Ariens opened the meeting to Public Hearing.***

#### **Public Input**

**Sam Woodard, 6170 Acorn Blvd. in the Ranchettes, said he was sworn in.** **Mr. Woodard** said he would like a continuance for this hearing. He was not aware of this request until just the other day. He did see the sign posted, but did not see it there last week. There has been a lot of rain and many areas are flooded and you cannot get down the roads. Many other people would have been here to object, but were not aware of this request.

There was some discussion about the notification the County gives out for these meetings. Through the mail, with the sign posted, and the ad in the newspaper. It was determined the County did the correct notification for the petition through the normal process.

**Mr. Woodard** said on page 2 of the special exception application, #2, states the SE is compatible with adjacent lands. He said he took pictures of the homes in the area and none of them are mobile homes. They are all conventional built homes and you need a special exception for a mobile home. They are against the mobile home in this area.

**Thomas Dandino, 29187 Poplar Dr., said he was sworn in.** **Mr. Dandino** said he received the county letter and saw the sign. He asked if mobile homes get insurance? He wondered if there was a hurricane, would there be coverage? He is also concerned they will sell in a short time just to make a profit.

**Mr. Cullinan** said he believes if someone pays cash for their home, they do not need to have insurance. Most everyone needs insurance if they have a mortgage. You can choose to not have insurance on your home if you don't have a mortgage. It is the mortgage/banks that require the property insurance.

**Mr. Tiseo** said we have had other petitions for mobile homes in the Agriculture zoning. In the near future, they will be allowed by right (without the special exception) if approved by the BCC. Will that be coming forward soon?

**Mr. Cullinan** said that was approved unanimously by the Planning and Zoning Board and will be going soon to the Board of County Commissioners (BCC) in the near future.

**Ms. Brewer** asked to answer some of the questions brought up. She said to move the home after the current owners leave, the cost of removing the home, would probably be \$30,000 to \$40,000 to take the home apart, to seal the home, remove it off the pads and piers and move it to another location, set it up, hook up the plumbing, electric, new septic, it would be very expensive. This is a new home. It is a model home that was on their lot. No one has ever lived in it. The warranty starts the day the home is sold. The difference between a manufactured/mobile home and a modular home – a manufactured home comes double or triple wide in 2 or 3 pieces. Each piece is brought in separately on wheels and axels. When the house is set, the wheels and axels are removed and taken away. Then it sites on the structure it will be sitting on. A modular home is built at the factory as well. It comes in 2 or 3 pieces. Each piece is brought in separately on wheels and axels. It is removed and goes on to the cement block wall that has been built as the foundation. The only difference in construction between both homes is there will be additional lenth above the windows and doors in a DCA module home and that it sits on a stem wall. Other than that, it is the same construction.

**Mary Pace, 6237 Gewant Blvd. said she was sworn in.** **Ms. Pace** said she lives next door to the property. She did receive the county letter. She does own a modular home. She feels the modular homes are more secured than a mobile home. After hurricane Charley, many mobile homes were all over the place.

**Gregory Kirkland, 6235 Alfred Blvd. said he was sworn in.** **Mr. Kirkland** said he did receive the county letter. He has been in this area for 15 years. He did not expect mobile homes in this area. He said when the news says a hurricane is coming, if you live in a mobile home, you need to evacuate. He is against this mobile home in this area.

**Raymond Churchill, 6170 Swiss Blvd., said he was sworn in.** **Mr. Churchill** said he can see this site from his back yard. He did not receive the letter. He is further away than 200 feet. He has lived in a mobile home before and there is a difference between a mobile home and a regular built home. He is against this mobile home in this area.

**Arlene Krasng, 6341 Gewant Blvd., said she was sworn in.** **Ms. Krasng** said she is 4 lots south of Poplar. She is too far away for the county letter. She is concerned about property values. She is against this mobile home in this area.

**Regina Berryhill, 6155 Alfred Blvd., said she was sworn in. Ms. Berryhill** said she objects to this mobile home in this area. She too believes it will lower the value of the homes.

**Duke McIver, 6187 Alfred Blvd., said he was sworn in. Mr. McIver** said his main concern is property value. He is against this request.

**Mason Pace, 6237 Gewant Blvd., said he was sworn in. Mr. Pace** asked if you would like to have a mobile home next to you?

***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.***

**Rebuttal**

**Mr. Volage, applicant,** said he and his mother plan to live here the rest of their days. This is not an investment they will sell quickly. They plan on being good neighbors. There will be a block skirting all around so it looks like the neighbors.

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

**Board Member Comments and Questions**

**Mr. Tiseo** said this is unique. Most special exceptions for mobile homes in agriculture have 10 acres. This piece is just barely over an acre and with the public input, he is leaning toward not approving this.

***ACTION: A motion was presented by Joe Tiseo and seconded by Larry Fix that Petition SE-14-015 be DENIED based on the Community Development Staff Report dated September 30, 2014, the evidence and testimony presented at the hearing and finding that the applicant HAS NOT MET the required criteria for the granting of the Special Exception.***

***Motion passed with a unanimous vote to deny the request.***

IX. **Public Comments** - None

X. **Staff Comments** -

There are three petitions for the November 12, 2014 meeting.

The meeting will be held in the BCS Large Conference room in November.

XI. **Member Comments** - None

**XII. Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, November 12, 2014, at 9:00 a.m., in Building Construction Services (BCS) Large Conference Room.***

There being no further business, the meeting **ADJOURNED** at 12:20 p.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

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*Katherine Ariens, Chair*

Approval Date: \_\_\_\_\_