

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, September 10, 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

I. Call to Order

Chair Ariens called the September 10, 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 August 13, 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 September 10, 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 August 26, 2014: VAR-14-005, SE-14-013 and SE-14-014

VAR-14-005

James and Patricia Thiel are requesting a variance to increase by 300 square feet the maximum area allowed for a metal garage from 600 to 900 square feet to allow the construction of a 900 square foot metal garage in the Residential Single family-3.5 (RSF-3.5) zoning district. The property address is 3020 Palm Drive, Punta Gorda, and is described as Lots 18 and 19 of Block "P" of Charlotte Park Subdivision, located in Section 18, Township 41 South, Range 23 East.

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

Applicant Presentation

James and Patricia Thiel, applicants, were present. **Mr. Thiel** said he was sworn in. **Mr. Thiel** said they were working on this projects a few years ago but had to put it on hold for financial and health reasons. They are ready now to move forward. He explained where the building would be. The medal building is much less cost wise than having a block or wood building built. He had engineering work done, had applied for the building permit, and then found out the 900 s.f. size for a metal building was not allowed.

There was some discussion about the size of the building, coming in for permitting, windows in the building, how much lot coverage is allowed, and what is allowed in the zoning code for accessory structures.

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. McVety. The public hearing was closed with a unanimous vote.

Board Member Comments and Questions

There was discussion about continuing this petition so the applicant can work with zoning and his engineer to get the correct size and aesthetics for the building, so they can approve the request.

The applicant said he would be able to wait and work this out. He would not be available for the November hearing, but will be available for December.

ACTION: A motion was presented by Joe Tiseo and seconded by Blair McVety that Petition VAR-14-005 be CONTINUED to the December 10, 2014 hearing, based on the evidence and testimony presented at the hearing today.

Motion was approved to continue this request to the December 10, 2014 hearing, with a unanimous vote.

Blair McVety said he knew the applicant and was going to abstain from voting on Petition SE-14-013.

SE-14-013

Gary Wolcott is requesting a special exception to allow light manufacturing and assembly, within a completely enclosed building, in the Commercial Intensive (CI) zoning district. The property address is 15040 Tamiami Trail, Punta Gorda, and is described as Lots 9 and 10 of Sunshine Estates Subdivision, located in Section 24, Township 42 South, Range 23 East.

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

Applicant Presentation

Gary Wolcott, applicant, said he was sworn in. **Mr. Wolcott** said he purchased this building about 3 years ago. The islands did not have any vegetation, just weeds. The curbing around the islands were crumbled, broken and a mess. People had driven over them. He said trucks cannot get in this area without driving over the islands. He finally got the parking lot resolved but now is selling the property. He said Eric Craig is interested in purchasing the site. They came into the building department to check on changes they would like to do.

Eric Craig, Waterway Boat Lift covers, said he was sworn in. **Mr. Craig** said he has a building and it is sold. He would like to purchase this one because it is in a good location for him. He does have semi-trucks, but the parking lot would have to be changed. He is planning on a new landscaping plan for the parking and would like the approval.

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. 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 Larry Fix that Petition SE-14-013 be APPROVED based on the Community Development Staff Report dated September 2, 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 7 conditions recommended by staff.

Motion was approved with a 4 to 0 vote (Blair McVety abstained) with the following seven conditions:

1. The special exception as approved by the Board of Zoning Appeals is to allow light manufacturing and assembly of boat lift covers, within a completely enclosed building, and in conformance with all requirements of code for this development.
2. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and County Codes are applicable to the development, construction, operation and maintenance of subject property.
3. All improvements required by the original Development Review Committee plans approval shall be restored and constructed according to the approved plan. However, if new revised parking or landscape plans are submitted and approved by staff then development of subject property shall be constructed according to the most recent approved plans.
4. Subject property shall be brought into compliance with all land development requirements of code within six months or prior to establishment of the new use of manufacturing and assembly, whichever occurs first.
5. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
6. Outdoor manufacturing, assembly and storage of materials, equipment, or heavy equipment, other than licensed vehicles, shall not be permitted.
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.

SE-14-014

Robert Berntsson, agent for Dennis Fullenkamp and Waterview Property Owners Association, is requesting a time extension for a previously approved special exception number SE-07-027 to allow community amenities in the Commercial General (CG) and Environmentally Sensitive (ES) zoning district. The property addresses are 9166, 9502, 10208 and 10432 St. Paul Drive and 16120 Eastern Boulevard, South Port Charlotte and is described as Parcels G-1, G-2, G-3, T-J and T-V of Port Charlotte Subdivision, Sub-section 94, located in Section 14, 23 and 26, Township 41 South, Range 21 East.

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

Applicant Presentation

Robert Berntsson, Esq., BigW Law Firm, represented the applicant. Mr. Berntsson said he was sworn in. He said this request is for the Section 94 subdivision of Port Charlotte. This was a General Development subdivision. It is basically on the eastern side of St. Paul Road. There are a few homes in this area. They obtained the original Special Exception in 2007 at the end of the boom of the market. Things were well at the time and anticipation was that these amenities would be put in as the area took off. Things changed and none of the improvements were put in. The legislature recognized the

down turn in the market, and allowed for extensions to be granted. They did obtain those extensions. There is another extension now put in place, but if you used more than 4 years, you cannot apply.

Mr. Bertsson discussed the environmentally sensitive (ES) area and the canals in the subdivision. He said the lots are overgrown and said they have applied with Florida Power and Light to bring electricity to this subdivision. He said it will take close to 3 years to get the electric in the area, so they are asking for a longer length on this Special Exception so they do not have to come back in for another extension.

There was discussion about the area, the ES areas, the amenities and who could use them, and water/sewer in the area.

Chair Ariens opened the meeting to Public Hearing.

Public Input

Tom Ireland, 15594 Aqua Circle, said he was sworn in. **Mr. Ireland** said he is against this request. He asked if there was a Property Homeowners Association that is being represented.

Mr. Bertsson said yes, there is a Waterview Property Owners Association, they are the owners of several of these parcels and Dennis Fullenkamp is the owner of the other parcels. He represents both parties.

Mr. Ireland said nothing has happened in the past several years in this area. He said these amenities are already in South Gulf Cove. They do not need these amenities.

Richard Redican, 9224 Arrid Circle, said he was sworn in. **Mr. Redican** is against this request. He said he spoke against this request in 2005 when it went to Development Review. He said it is an environmentally sensitive area and should not be disturbed. He is against the boat ramp and docks. He said the homeowners association is not active any more. He handed in 3 Exhibits (aerials) of lots in the area that have been cleared.

Ken Quillen said the Exhibits will be labeled "I", "J" and "K".

Mike Burns, 750 Boundary Blvd., said he was sworn in. **Mr. Burns** said they own a lot in this area and had a permit to clear/remove the exotic shrubs and over grown bushes. He said they paid a lot of money to get the electric to his lot. He supports any other development in this area.

John Robinson, 9437 Little Rock Street, said he was sworn in. **Mr. Robinson** said he is the President of the South Gulf Cove Homeowners Association. He said last year in South Gulf Cove, the home permitting went up. He is here to support this request, as a resident, not as the President of the HOA, but he believes this time extension should be granted. Not indefinitely, but maybe for 9-12 years. Any development needs to go through the proper permitting, but he would like to see this area grow.

Karen Price, 15546 Viscount Circle, said she was sworn in. Ms. Price said she knows this request is for the extension. She had some questions, but decided not to ask them at this time. She is not in favor of an extension indefinitely. She feels 3 years should be maximum. She would like to see this area continue to develop. She said the Association in Section 94 has lapsed. She checked and they have not renewed their deed restrictions or file reports on time.

Ms. Ariens asked Mr. Berntsson if the Section 94 HOA is active or expired?

Mr. Berntsson said there is an association. They have gone through changes. They have a President, Vice-President, Secretary and Treasurer. He has not gone back to see if the Corporation is up to date, but he has met them and spoken with them, they are also the owners of the property in this application.

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

Mr. Berntsson said the success of this area, equals the success of the remainder of the community. By enhancing this area, it enhances the whole area. He said the economy is turning around and he would agree to the 9-12 year extension, but if the Board of County Commissioners approve changes to the Special Exceptions that they do not expire in 3 years (delete the expiration dates), he would request that apply to this application.

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-14-014 be APPROVED for 6 years based on the Community Development Staff Report dated September 2, 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 Time Extension with the 3 conditions recommended by staff.***

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

1. A time extension of six years is hereby approved by the Board of Zoning Appeals for file number SE-07-27. This special exception shall expire on September 10, 2020. The Board of Zoning Appeals also re-affirms the original conditions adopted by the Board of Zoning Appeals on August 8, 2007, which are as follows:
2. Conditions for the Commercial General zoned properties (boat and RV storage lots):
 - a) The special exception, as approved by the Board of Zoning Appeals, is for two boat and RV storage lots at the locations indicated on the Master Concept Plan filed with this application.

- b) 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.
 - c) The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed boat and RV storage yards.
 - d) The owner is hereby required to obtain Site Plan approval for both boat and RV storage lots prior to construction of these improvements and all off-street parking and landscaping requirements of code must be met for the proposed boat and RV storage lots.
3. Conditions for the Environmentally Sensitive zoned properties (community amenities):
- a) The special exception, as approved by the Board of Zoning Appeals, is for amenities as shown on the Master Concept Plan and at the locations as indicated on the Master Concept Plan.
 - b) Any changes or additions to this special exception shall require a modification of the special exception.
 - c) The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction of the approved amenities as stated in condition 3.a) above.
 - d) The owner is hereby required to obtain Site Plan approval for the pavilion, playground and parking lot prior to construction of these improvements.

IX. Public Comments - None

X. Staff Comments –

There is one petition for the October 8, 2014 meeting.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, October 8, 2014, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:59 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Katherine Ariens, Chair

Approval Date: _____