MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, December 9, 2020 9:00 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)

Board Member:
Steve Vieira, Secretary
William Abbatematteo, Vice-Chair
Larry Fix
Blair McVety, Chair
John Doner

Staff:
Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Diane Clim - Recorder

I. *Call to Order*
Chair McVety called the December 9, 2020 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. *Pledge of Allegiance*
Chair McVety 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. Fix and seconded by Mr. Doner to approve the minutes of the November 18, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. *Disclosure Statements*
Ex-parte forms indicating site visits concerning the petitions being presented before the December 9, 2020 Board of Zoning Appeals meeting were submitted.

VII. *Introduction of Staff/Comments*
Chair McVety introduced staff. *Shaun Cullinan, Planning and Zoning Official,* read the Zoning rules, *Asst. County Attorney David and Chair McVety* 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 November 24, 2020: SE-20-033 and SE-20-034

SE-20-033
Lisa Denver is requesting a special exception to allow a Major Home Occupation, consisting of a one-chair hair stylist business, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property is located at 2350 Brown Street, Port Charlotte, and is described as 11, Block 328, of Port Charlotte Subdivision, Section 21, located in Section 18, Township 40 South, Range 22 East.

Elizabet Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation
Lisa Denver, applicant, said she was sworn in. Ms. Denver said Elizabeth covered everything in the staff report. Covid has slowed down customers and much of her staff are not working now. She is alone in the large building she is in, so she would rather do this in her house. She has maybe 2 clients at a time and there is plenty of room in the driveway. She agrees with the conditions.

Chair McVety 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. Fix moved to close the public hearing, seconded by Mr. Abbatematteo. The public hearing was closed with a unanimous vote.

Ms. Nocheck said she has not received any calls for or against this request.

Elizabeth Nocheck presented the recommended conditions for the petition.

Mr. Abbatematteo asked if she would be able to sell hair products at her house?

Ms. Nocheck said retail sales shall not be conducted at the premises. They are allowed to be sold on-line.

Ms. Denver said she already has an on-line website and does sell items that way.

Board Member Comments and Questions
None

ACTION: A motion was presented by Larry Fix and seconded by William Abbatematteo that Petition SE-20-033 be APPROVED based on the Community Development Staff Report dated December 2, 2020, 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 seven conditions recommended by staff.

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

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a major home occupation, consisting of a one-chair hair stylist business, as an accessory use to the existing single-family residence.
2. This special exception shall be conducted according to these conditions as well as all standards and conditions set forth in Section 3-9-74, Home Occupations, of the Land Development Regulations, as may be amended.
3. Hours of operation shall be limited to 9:00 a.m. to 8:00 p.m.
4. A maximum of two (2) clients may visit the home at any one time, by appointment only.
5. There shall be no retail sales on the premises, except via internet, phone, or mail.
6. This special exception shall apply only to the applicant. In the event of the sale of this property, this special exception shall expire.
7. Any major changes or additions to this special exception, including a change of location, scope of services, or change in the type of major home occupation conducted, 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-20-034

Randall Sellers and Christopher Vane are requesting a special exception to allow a farm animal sanctuary, in the Agriculture (AG) zoning district. The property is located at 2280 State Road 31, and is described as Parcels P3, P3-2, and P3-3, located in Section 18, Township 40 South, Range 26 East.

Elizabet Nocheck read into the record the staff report and staff findings for the petition.

Mr. Vieira asked regarding the tiny home component they are requesting. The Ordinance says they can have one additional facility. Are the two tiny homes because of the size, are they considered one unit.

Ms. Nocheck said that is what the applicant proposes, to have 2 tiny homes, but we cannot allow that. The size of the unit does not matter, it is the number of dwelling units.

Applicant Presentation

Christopher Vane, applicant, said he was sworn in. Mr. Vane said he is the founder and executive director of Little Bear sanctuary. He said they were not aware of the special exception required. He went through his work history and said their mission is to rescue farm animals from abuse and neglect and give them a permanent home at the sanctuary. This is a 503 non-profit sanctuary and they receive many donations. He has been on the Today Show for this sanctuary and many of the main-stream media has contacted them. They are on social media. He said they do not have any problems with the neighbors, they actually like the sanctuary. One of the farmers down the road donates watermelons to the animals every year. They receive many calls each day for animals that have need.

Mr. Doner asked you have 29 acres, do you have a limit on how many animals you can handle?

Mr. Vane said we decided to just continue to rescue pigs mostly because they are the most abused animals in need of rescue. We think 250 would be the maximum. Currently they have 80 animals.

Chair McVety 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. Fix moved to close the public hearing, seconded by Mr. Vieira. The public hearing was closed with a unanimous vote.

Ms. Nocheck said she had received one call about this petition, but they were very supportive of this request.

Elizabeth Nocheck presented the recommended conditions for the petition.

Mr. Cullinan said they will look into the 2 tiny homes requested. He said they want to modify one of the conditions.

Ms. Nocheck said the condition would read – Any new dwelling units shall be constructed in accordance with all applicable zoning codes and Florida building code. This would cover the density.

Mr. McVety said he was just concerned if the fundraising was not there and then you have a lot of animals.

Mr. Vane said they have a contingency fund. It is equal to 3 months of overhead. If they never received funding again, they have already spoken with other sanctuaries who would take in the animals.

Board Member Comments and Questions
None

ACTION: A motion was presented by William Abbatematteo and seconded by Steve Vieira that Petition SE-20-034 be APPROVED based on the Community Development Staff Report dated December 2, 2020, 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 eight conditions recommended by staff, with condition #3 modified as read in by staff.

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

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a farm animal sanctuary, and extends only to the land included on the site plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicants, as part of the petition, is for illustrative purposes only. All applicable regulations of County Code shall apply to this development.
3. Any new dwelling units shall be constructed in accordance with all applicable zoning codes and the Florida Building Code.
4. The possession of venomous, Class I, or Class II Wildlife, as defined by the Florida Fish and Wildlife Conservation Commission, is prohibited, unless a modification to this Special Exception is requested and approved.

5. Any special events, including fundraisers, exceeding 50 people in size shall require a Temporary Use Permit.
6. A detailed inventory for all animals kept on site shall be maintained and provided upon request to Charlotte County Animal Control Officers. Inspections shall be allowed by Charlotte County Animal Control Officers without notice or in response to a complaint.
7. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, right-of-way access, ADA compliance, utilities, parking, and stormwater management.
8. 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.

IX. ***Public Comments*** –
None

X. ***Staff Comments*** –
Mr. Cullinan introduced a new planner, Laura Tafft. She started last week and she is currently in the learning phase and they are very excited to have her on board.

Ms. Nocheck said we have 6 items for next month's meeting.

XI. ***Member Comments*** -
None

XII. ***Next Meeting***
The next meeting of the Board of Zoning Appeals is scheduled for ***Wednesday, January 13, 2021 at 9:00 a.m., in Room 119.***

There being no further business, the meeting ***ADJOURNED*** at 10:05 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc

Blair McVety, Chair
Approval Date: 7-13-21