



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, January 12, 2022 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 (absent)  
John Doner (absent)

### **Staff:**

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

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### **I. Call to Order**

Vice-Chair Abbatematteo called the January 12, 2022 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

### **II. Pledge of Allegiance**

Vice-Chair Abbatematteo 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. Vieira to approve the minutes of December 8, 2021 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 January 12, 2022 Board of Zoning Appeals meeting were submitted.

### **VII. Introduction of Staff/Comments**

Vice-Chair Abbatematteo introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney David and Vice-Chair Abbatematteo 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. **Business**

***The following petitions were advertised on December 28, 2021: SE-21-028, SE-21-029, SE-21-030, SE-21-031, VAR-21-008, and VAR-21-009***

Mr. Cullinan stated Petition # SE-21-031 will be heard at the February 2022 BZA meeting. Since there are only 3 members today and one needs to abstain, this petition cannot be heard today.

Mr. Cullinan also stated Petitions VAR-21-008 and VAR-21-009 will be moved to the front of the agenda

**VAR-21-008**

Connie Winesett, agent for Albert Romanowski, Jr., is requesting a variance to reduce the required 25-foot front yard setback by 4 feet to allow a 21-foot front yard setback, to allow an existing garage to remain "as-is", in the Residential Single-family-5 (RSF-5) zoning district. The property is located at **28386 Royal Palm Drive**, Punta Gorda, and is described as Lots 68 and 69, of the Palm Shores Subdivision, located in Section 14, Township 40 South, Range 23 East.

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

Mr. Vieira asked looking at the photograph, he takes it the construction will stop and the driveway will be constructed correctly according to the right of way.

Ms. Nocheck said that is correct.

**Applicant Presentation**

**Albert Romanowski, applicant**, said he was sworn in. **Mr. Romanowski** said he redid the permit this past Monday. Originally when due, his wife was in the hospital and he could not get to all this. This was originally surveyed for the seawall before the building was put up. We used that survey to outline the building. The building was purchased from a Company in Arcadia. He put in the yard where he believed the building should be. When he was away for a funeral, they poured the slab and it was off 4 feet. When he was told to get a drainage and elevation survey, that is when they found out the slab was in the wrong spot.

***Vice-Chair Abbatematteo opened the meeting to Public Comments.***

**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 comments, seconded by Mr. Fix. The public comments was closed with a unanimous vote.***

Elizabeth Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition VAR-21-008 be APPROVED based on the Community Development Staff Report dated January 5, 2022, 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 three conditions recommended by staff.***

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

1. The variance, as approved by the Board of Zoning Appeals, is to reduce the required 25-foot front yard setback by 4 feet to allow a 21-foot front yard setback, to allow the existing detached metal garage to remain "as-is".
2. The variance shall only apply to the existing detached metal garage, as shown in the documents submitted with this application.
3. If the existing detached metal garage is removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the garage.

#### **VAR-21-009**

Fernando Ruiz III and Shirley Schwaeble are requesting a variance to reduce the required 15-foot rear yard setback by 4 feet to allow an 11-foot rear yard setback for a swimming pool and pool deck, in the Residential Single Family-5 (RSF-5) zoning district. The property is located at **184 Albatross Road**, Rotonda West, and is described as Lot 5, Block 3, of the Rotonda Lakes Subdivision, located in Section 13, Township 41 South, Range 20 East.

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

**Mr. Vieira** said the house to the east was built in 2014. He asked if the same regulations were the same in 2014.

**Ms. Nocheck** replied yes.

**Mr. Vieira** said the pool next door is in the same place as the one on this petition. He asked if that neighbor was also given a variance.

**Mr. Cullinan** said he looked up the neighbor pool permit and it shows a 15 foot setback on the plans. **Mr. Cullinan** said the plans were approved at 15 feet, whether the pool is at the 15 feet currently or not, we do not know.

#### **Applicant Presentation**

**Fernando Ruiz III, applicant**, said he was sworn in. **Mr. Ruiz** said he agrees with the staff report. He said the home to the east is a smaller home. They did notice their pool would be in line with the neighbors.

***Vice-Chair Abbatematteo opened the meeting to Public Comments.***

**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 comments, seconded by Mr. Fix. The public comments was closed with a unanimous vote.*

Elizabeth Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition VAR-21-009 be APPROVED based on the Community Development Staff Report dated January 5, 2022, 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 four conditions recommended by staff.***

***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 reduce the required 15-foot rear yard setback by 4 feet to allow an 11-foot rear yard setback to allow a swimming pool, pool deck, and pool cage.
2. The variance shall only apply to the proposed swimming pool, pool deck, and pool cage, as shown in the documents submitted with this application.
3. This variance is granted for a term of three (3) years from the date it receives approval from the Board of Zoning Appeals; however, the variance shall not expire if the owner commences the proposed development on or before the variance's term expires.
4. If the swimming pool, pool deck, or pool cage is removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the swimming pool, pool deck, or pool cage.

**SE-21-028**

Harry Taylor, agent for Redeemer Baptist Church, is requesting a special exception to modify an existing special exception, to allow the expansion of a place of worship in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **22455 Minerva Avenue**, Port Charlotte, and is described as Block 3140, Tract A, of the Port Charlotte Subdivision, Section 50, located in Section 02, Township 40 South, Range 22 East.

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

### **Applicant Presentation**

**Harry Taylor, agent for the applicant**, said he was sworn in. **Mr. Taylor** said this property received a special exception about 30 years ago. There was an allotment for future addition on the site plan, but no structure was drawn. If a structure was drawn, we would not need to be here today, but since there was no structure drawn in, we had to come back for this special exception. They agree with the staff report.

***Vice-Chair Abbatematteo opened the meeting to Public Comments.***

### **Public Input**

**Ron Logan, who lives in the area, said he was sworn in.** **Mr. Logan** said he is against this request. This is a residential area and we have flooding problems in this area. This addition will add more issues to this area. He is against this request.

**Ms. Nocheck** said she did receive an email regarding this petition. It would be labeled Exhibit "L".

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

Elizabeth Nocheck presented the recommended conditions for the petition.

### **Board Member Comments and Questions**

**Mr. Vieira** asked if at site plan review, does the County require to ask for modifications to the existing asphalt drive and check the drainage. Also, was a traffic study required?

**Mr. Cullinan** said the traffic study will be required for site plan review. As for the stormwater, it will depend on what the SWFWMD and stormwater permit require.

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-21-028 be APPROVED based on the Community Development Staff Report dated January 5, 2022, 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 six conditions recommended by staff.***

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

1. The special exception, as approved by the Board of Zoning Appeals, is to amend a previously approved special exception, to allow for the expansion of a place of worship and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Site Plans submitted by the applicant, as part of the petition, are for illustrative purposes only. All applicable regulations of County Code shall apply to this development. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, environmental review, stormwater, vegetation removal, landscaping, parking, and right-of-way access.

3. As shown on the landscape plans submitted by the applicant, perimeter landscape strips of at least eight feet in width shall be installed along the north and east property lines where abutting a public right-of-way. The perimeter landscape strip shall contain a minimum of one tree per 35 linear feet, as well as parking lot screening of a continuous hedge row of at least three feet in height at time of planting.
4. Any outdoor improvements proposed in the future, including playgrounds or sports fields, shall require a modification of the special exception.
5. This Special Exception is granted for a term of five years from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
6. 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.

**A 5 minute break was taken**

**SE-21-029**

Mary Solik, agent for CLQ, LLC., is requesting a special exception to allow a 150-foot-tall communications tower in the Residential Estates-1 (RE-1) zoning district. The property is located at **2506 Jerry Avenue**, Punta Gorda, and is described as a portion of Lot 7, Parcel P12-1, of the Woods Subdivision, located in Section 18, Township 41 South, Range 23 East.

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

**Mr. Vieira** asked if the tower is the only structure on the property?

**Ms. Nocheck** said this petition was just for the cell tower. Currently, there are no existing structures and I am not aware of any other permits come in for this site.

**Mr. Vieira** asked if the company who wants to construct this tower, are they required by any Federal Security Act to monitor this site for vandalism under Federal security laws?

**Mr. Cullinan** said that would be a question for the applicant.

**Mr. Abbatematteo** asked what are the heights of the other cell towers in the area?

**Ms. Nocheck** said there are 4 towers within 4 miles of this site. One is 80 feet tall, one is 187 feet tall, one is 167 feet tall and the 4<sup>th</sup> tower is 144 feet tall.

**Applicant Presentation**

**Mary Solik, Esq., agent for CLQ, LLC**, said she was sworn in. **Ms. Solik** said staff covered everything. She said her client is proposing to do a camouflage tower at this site. (camouflage means a uniform design) She showed that on a power point picture. She would be happy to answer any questions.

***Vice-Chair Abbatematteo opened the meeting to Public Comments.***

**Public Input**

**John Scoles, who lives in the area, said he was sworn in.** Mr. Scoles said he was the first person they contacted to put this tower on his property. He wanted to know why they chose this lot and not his.

**Asst. County Attorney David** said that is not relevant to this petition.

**Ricky Moore, who lives in the area, said he was sworn in.** Mr. Moore said he owns a lot of lots in this area. He lived by a cell tower up north and the generators make a lot of noise. He asked if there will be generators on this site. He feels the tower lowers the value of homes.

**Angela Meredith, who lives in the area, said she was sworn in.** Ms. Meredith said she just moved here in March and loves the area. She does not want her daughter to grow up under a cell tower. She was concerned about the magnetic fields. She said there is a school not far from this area. If this tower goes up, she will have to sell her house.

**Asst. County Attorney David** read Federal Law provides that no state or local government may regulate the placement, construction or modification of personal wireless service facilities on the basis of environmental effects of radio frequency omissions to the extent that such facilities comply with the FCC's regulations concerning such omissions. That is 47 USC 332 C7B4. This means testimony related to the environmental effects of radio frequency omissions are not a basis to deny the application.

**Nora DiMartino, who lives in the area, said she was sworn in.** Ms. DiMartino said if the tower gets approved, it will be right in front of my house. She really does not want that.

**Brian Goetz, who lives in the area, said he was sworn in.** Mr. Goetz said looking at the design, he is okay. He thought it would be where the sign is. But he feels it should be on a commercial lot.

**Harry Silak, who lives in the area, said he was sworn in.** Mr. Silak said he does not want to look at a tower first thing in the morning.

**Angela Meredith** came back up and said if someone puts a tower in a community, they should live in that area. Why put up a tower that does not affect you.

**John Schols, Sr., who lives in the area, said he was sworn in.** Mr. Schols said he is concerned about the flood zone area. Are they going to raise the property for the tower?

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

**Rebuttal**

**Mary Solik** said regarding the generators. Most of the carriers are moving to battery backups. They don't make any noise. She explained that cell tower zones is very tricky. We are governed or dictated by the needs of the wireless carriers. They tell us where they need the towers. She said there are maps in their reports which shows where existing towers are and where gaps are. She explained on the map where some towers are and how they work better for 911 and other's agencies when there are no gaps.

She said a lot of folks are now working from home, doing school work from home. All of this requires better service. The zoning code allows communication towers in the residential zone. They need a special exception. She said sometimes finding a site and having the owner allow it, can take some time and work. They will discuss the flood question when they go through site plan review. She has never met a property appraiser who lowers the price of a house because of a cell tower. There's no proof of a negative impact.

Elizabeth Nocheck presented the recommended conditions for the petition.

**Asst. County Attorney David** said he would like to read into the record, the legal standard for approval of a special exception. "In a special exception proceeding the allocation of burdens are as follows: once the petitioner meets the initial burden of showing that the petitioners application meets the statutory criteria for granting such exceptions, the burden is upon the opposing party to demonstrate by competent substantial evidence presented at the hearing and made part of the record, that the special exception requested by the petitioner does not meet such standards and is in fact, adverse to the public interest. In order for the agency to deny a permitted special exception application, the party opposing the application, that is either the agency itself or a third party, must show by competent substantial evidence that the proposed exception does not meet the published criteria. Unless the zoning authority carries its burden, the application must be granted. An applicant seeking special exceptions and unusual uses needs to demonstrate to the decision making body that 1) the proposal is consistent with the County's land use plan; 2) the uses are specifically authorized as special exceptions and unusual uses in the zoning district; and 3) the requests meet with the applicable zoning code standards of review. Once the petitioner demonstrates compliance with the conditions set forth in the zoning code, there is a presumption that the use applied for is permitted."

#### **Board Member Comments and Questions**

**Mr. Vieira** said under the conditions for approval, item #4, where agreeing to a type D landscape buffer and we have been presented with some fencing illustrations. Is that in here in in type D or do we have to mention that a wall will be constructed?

**Ms. Nocheck** said a type D buffer as proposed at 10 feet wide, does require an opaque fence or wall. However, you can amend this condition to include language stating that an 8 foot tall opaque fence or wall is required as part of the buffer.

**Mr. Vieira** said he thinks we should include that there is a fencing structure according to code.

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-21-029 be APPROVED based on the Community Development Staff Report dated January 5, 2022, 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 six conditions recommended by staff. (Mr. Fix did not include the amendment for Item #4, he did not feel it was necessary)***

**Mr. Vieira** said he would leave that amendment to the fence to the Site Plan review. He seconded the motion without the amendment to Item #4.



During discussion, Mr. Vieira said he feels there should be a wall around the complex. He said it would delineate the compound from the rest of the property because as stated earlier, they said the owner of the property plans to build a house in the future.

**Asst. County Attorney David** said the applicant just told him they would be okay with that amendment. He also said the maker of the motion would have to amend that motion for adding the wall. Then second that motion. **Mr. Fix** did not want to amend his motion because he felt the wall was not needed.

**Mr. Vieira** made the motion to approve with the amendment for the wall, seconded by **Mr. Abbatematteo**.

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

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 150-foot tall camouflage monopole communications tower, with a 2-foot lightning rod, and 4,900-square foot equipment compound, located in the Residential Estates-1 (RE-1) zoning district, generally as proposed in the application and as shown on the Concept Site Plan labeled Exhibit K, and Compound Plan, labeled Exhibit M, and extends only to the land included in the site plan and legal description as submitted with this application. The Concept Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower, including the lightning rod, shall not exceed 152 feet.
3. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
4. As shown on the Concept Landscape Plan (Exhibit O), a minimum of a Type D landscape buffer with an eight-foot-tall opaque fence or wall is required around the perimeter of the equipment compound.
5. This Special Exception is granted for a term of three (3) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
6. 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-21-030**

Robert Berntsson, agent for Daniel and Victoria Van Dine, is requesting a special exception to allow the outdoor storage of recreational vehicles, boats, and trailers in the Commercial General (CG) zoning district. The property is located at **6601, 6631, & 6691 Placida Road**, Englewood, and is described as Lots 15-18, T1N and T1S, of the Shamrock Shores 1<sup>st</sup> Addition Subdivision, located in Section 28, Township 41 South, Range 20 East.

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

### **Applicant Presentation**

**Robert Berntsson, Esq., agent for the applicant,** said he was sworn in. **Mr. Berntsson** said there are many uses allowed on this site. He said this use is the lowest impact. He listed some of the allowable uses without a special exception. Under the code, by right with no hearing, you can have an animal hospital with a boarding facility, you can have a bar, night club, tavern, emergency services, essential services with a large sewer lift station, a gas station, open 24 hours a day, a homeless shelter, a hotel, a liquor store, a car wash, a park, outdoor recreation site, which can generate all kinds of noise, or a restaurant. Storage is the least amount of noise. People will drop off their boat or trailer and not come back every day. Clients will sign up on the internet, be given a code, bring in their item and not come back for a while or long time. He discussed some of the layout for the stormwater, fence and buffer.

### ***Vice-Chair Abbatematteo opened the meeting to Public Comments.***

**Ms. Nocheck** said she received 3 emails regarding this request. The letter from Ms. Billy Jean Wood is Exhibit "I"; the letter from Dr. Daniel Porter is Exhibit "J"; and the letter from Mr. William Bevington is Exhibit "K".

### **Public Input**

**Mary Ellen Hessling, said she is the President of the Sandhaven Estates,** which is located behind where the inside storage unit is supposed to be, said she has had meetings for the residents to know this is coming in. She feels many of the residents will be affected. She is concerns with the ponds which flow back and forth with each other. There are concerns with the environmental issues. This past fall, they received a letter from an attorney who wanted to buy their ponds for \$55,000. She knew something was up and shady. We have to assure our water is going to be protected. We pay the lake Dr. every month. We have tarpon, turtles, allegators and other fish that spawn in there. This should be taken up as an issue. There are concerns if someone wants to work on their boats in the storage area. They are concerned with oil and gas spills. If this passes, they will be watching 100 percent.

**David Merbeto, asked to be sworn in. Mr. Merbeto** said it sounds like there are a lot of opinions on this. He asked what exactly is the change because they were told a lot of things are allowed without a meeting, so what is it that changed?

**Mr. Abbatematteo** said according to the zoning code, without coming to us, this commercial general zoning allows 46 items allowed – things like nursing homes, car washes, liquor stores, hotels and so forth. By law, they can build without asking for a special exception. When you ask for a special exception (which lists things that are allowed), those items would be allowed if they follow the 3 criteria required for a special exception. That is what staff does with their staff report.

**Mr. Merbeto** asked is one of those stipulations changing the zoning to industrial?

**Mr. Abbatematteo** said no. We do not change the zoning.

**Paul Bourke, was sworn in. Mr. Bourke** said he was elected to speak for the people from Shamrock Shores. During the reading they spoke about Placida Road and the impact. Nothing was talked about Bantry Way. That is our concern. We are on the north side, it is a small road. Shamrock Shores only has

one road in and out and that's Bantry Bay. Our concern is safety. If any RV's and boats have an issue that blocked the road, we would have no access.

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

#### **Rebuttal**

**Mr. Berntsson** said speaking with his client, he said the rental agreement will prohibit clients from working on anything in the storage lot. The access will be reviewed at site plan review, but there are 4 parcels with this site. Theoretically they can build 4 different items on those 4 parcels. All the other uses would generate more traffic on their roadway.

Elizabeth Nocheck presented the recommended conditions for the petition.

#### **Board Member Comments and Questions**

None

***ACTION: A motion was presented by Larry Fix and seconded by Steve Vieira that Petition SE-21-030 be APPROVED based on the Community Development Staff Report dated January 5, 2022, 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. The special exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of recreational vehicles, boats, and trailers, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicant, as part of the petition, are for illustrative purposes only. All applicable regulations of County Code shall apply to this development. 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, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. Outdoor storage of construction equipment or materials, heavy machinery, or hazardous materials is prohibited.
4. Prior to using the site for outdoor storage, a "Type D" Landscape Buffer with a six-foot high sight-obscuring fence or wall, shall be constructed and planted around the perimeter of the outdoor storage area inside the north, south, and west property lines. A "Type D" buffer with an eight-foot-tall sight obscuring fence or wall shall be constructed and planted inside the east property line, as well as the north property line where abutting residentially zoned properties, as shown on the Concept Plan submitted by the applicant with this petition. The use of chain link fencing is not permitted.

5. Outdoor storage of recreational vehicles, boats, and trailers shall be limited to the north half of the site, as shown on the Concept Plan provided by the applicant as part of this petition. Any future expansion of the outdoor storage area onto the south portion of the site shall require a modification of the special exception.
6. This Special Exception is granted for a term of three years from the date of approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
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.

**This petition was moved to the February 9, 2022, BZA meeting**

**SE-21-031**

Derek Rooney, agent for Charlotte Harbor Water Association, Inc., is requesting a special exception to allow an essential service, consisting of a potable water storage tank, in the Coastal Residential-3.5 (CR-3.5) zoning district. The property is located at **5002 Mystic Street** and **5023 Mill Stream Road**, Port Charlotte, and is described as Lots 8 and 1, Block 31, of the Charlotte Harbor Subdivision, located in Section 36, Township 40 South, Range 22 East.

**Election of Officers:**

- **Chair**
- **Vice-Chair**
- **Secretary**

Since 2 board members are absent, the Election of Officers will be held at the February BZA meeting.

**IX. Public Comments –**

None

**X. Staff Comments –**

**Ms. Nocheck** said we have 5 petitions for the February meeting.

**XI. Member Comments –**

None

**XII. Next Meeting**

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, February 9, 2022 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 12:28 p.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

 FOR BLAIR McVETZ  
William Abbate Matteo, Vice-Chair

Approval Date: 2-9-22