



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, April 13, 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  
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

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I. **Call to Order**

Chair McVety called the April 13, 2022 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 March 9, 2022 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 April 13, 2022 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 March 29, 2022: SE-22-006, VAR-22-001 and VAR-22-002***

**SE-22-006**

Jill Abney is requesting a special exception to allow an indoor and outdoor recreational use, limited to a wedding venue, in the Agriculture (AG) zoning district. The property is located at **6021 George Road**, Punta Gorda, and is described as Tracts 2, 3, 33, and 34 of the Charlotte Ranchettes Subdivision, located in Section 02, Township 41 South, Range 23 East.

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

**Applicant Presentation**

**Jill Abney, applicant**, said she was sworn in. **Ms. Abney** said she is proposing to do the wedding venue as staff reported. She wants to start out small. She did have a business, but had to sell it after her husband passed. She is just looking for something to do. Take it slow. She doesn't plan to have loud noise or disturb the neighborhood.

**Mr. Vieira** said you also own the property above what we are looking at. He asked why she did not include that piece in this application?

**Ms. Abney** said she recently closed on it.

***Chair McVety opened the meeting to Public Comments.***

**Public Input**

**Lylia Darling, who lives in the area, said she was sworn in.** **Ms. Darling** said she had a handout. She said the easement is on her property. She went over the sheets that highlighted the easement and the way heading to the applicant's property. She said another entrance does get gravel delivered to keep up with the driveway. **Ms. Darling** said the driveway part for the applicant's land is not kept up. It is just a dirt road with shell. She is concerned if 75 or more cars are attending these events, the easement will be a detriment to the area.

**Carol Nevling, who lives in the area, said she was sworn in.** **Ms. Nevling** said she is representing an HOA that is on this road. They are called The Ranch Estates HOA. There are 12 properties. They are 2.5 acres each. We are a little bit down George Road. The HOA starts just behind the applicant's property. They feel George Road is a private road. It is not public. They maintain this road, not the County. Our main concern is we are already putting in a lot of time and money to maintain this road. If we get more traffic for these weddings, it will be more of a burden on our families. There are 10 children who live in this area and we are also concerned about noise from these weddings.

**Donato Boccio, who lives in the area, said he was sworn in.** **Mr. Boccio** said we feel the same as what the other two ladies said. We have the same concerns with traffic and noise.

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

Elizabeth Nocheck presented the recommended conditions for the petition.

### **Rebuttal**

**Ms. Abney** said she almost doesn't know what to say. She is a law abiding citizen. She does plan to follow any rules or regulations. She said the gate out front is her gate. She is taking the neighbors into consideration. She said this will be a nice barn and will not be an eye sore.

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

*None*

***ACTION:*** *A motion was presented by Larry Fix and seconded by John Doner that Petition SE-22-006 be DENIED based on the Community Development Staff Report dated April 6, 2022, 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 was denied with a 2 to 3 vote (Mr. Fix and Mr. Doner voted against this request – Mr. McVety, Mr. Abbatematteo and Mr. Vieira voted against the denial)*

***ACTION:*** *A motion was presented by William Abbatematteo and seconded by Steve Vieira that Petition SE-22-006 be APPROVED based on the Community Development Staff Report dated April 6, 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 eleven conditions recommended by staff.*

***Motion was approved with a 3 to 2 vote with the following eleven conditions:  
(Mr. McVety, Mr. Abbatematteo and Mr. Vieira voted for this request – Mr. Doner and Mr. Fix voted against this approval/request)***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor recreational use, limited to a wedding venue, 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, is 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, ADA compliance, right-of-way access, environmental, stormwater, and building permits.
3. The maximum capacity for events on-site shall be 200 guests on Fridays and Saturdays. This does not include staff or vendors.
4. Use of subject property for a wedding venue may not occur until after the construction of the barn structure, or similar structure, as shown on the Concept Plan and associated renderings.
5. The maximum capacity for events on-site shall be 75 guests on Sundays through Thursdays. This does not include staff or vendors.
6. Events, including weddings, must end by 9:00 PM Sundays through Thursdays and by 11:00 PM on Fridays and Saturdays.

7. Any outdoor lighting shall be located and shielded so as to direct light away from adjacent properties.
8. Any outdoor speakers shall be directed away from adjacent properties. Outdoor speakers may not be placed within 100 feet of any property line.
9. Amplification of outdoor music shall cease by 8:00 PM Sundays through Thursdays. Amplification of outdoor music shall cease by 10:00 PM on Fridays and Saturdays.
10. The driveway providing access to the property from George Road shall be improved to comply with any requirements set forth by Public Works and Emergency Management.
11. 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.
12. Any major changes or additions to this special exception, including change of ownership, shall require a modification of the special exception. Minor changes or additions, such as accessory uses, may be approved by the Zoning Official.

#### **VAR-22-001**

Gary Mazey is requesting three variances: **(a)** to reduce the required 7.5-foot west side yard setback by 2.5 feet to allow a 5-foot west side yard setback, and **(b)** to reduce the required 7.5-foot east side yard setback by 0.5 feet to allow a 7-foot east side yard setback, to allow an existing single-family residence to remain "as-is"; and **(c)** to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback, to allow an existing shed to remain "as-is", in the Manufactured Home Conventional (MHC) zoning district. The property is located at **5200 Placida Road**, Englewood, and is described as a portion of Lot 7, of the Grove City Land Company Subdivision, located in Section 21, Township 41 South, Range 20 East.

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

#### **Applicant Presentation**

**Gary Mazey, applicant said he was sworn in. Mr. Mazey** said he would like to sell the house to a friend's son and did not realize there could be any problems. I knew the owner who built the house. The subdivision of the lot cause a lot of these setback problems.

***Chair McVety 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. Fix moved to close the public comments, seconded by Mr. Doner. 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 William Abbatematteo and seconded by Larry Fix that Petition VAR-22-001 be APPROVED based on the Community Development Staff Report dated April 6, 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 three variances, as approved by the Board of Zoning Appeals, are to (a) reduce the required 7.5-foot west interior side yard setback by 2.5 feet to allow a 5-foot west interior side yard setback and (b) to reduce the required 7.5-foot east interior side yard setback by 0.5 feet to allow a 7-foot east interior side yard setback, to allow an existing single-family residence to remain “as-is”; and (c) to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback to allow the existing shed to remain “as-is”.
2. The variances shall only apply to the existing single-family residence and shed, as shown in the documents submitted with this application.
3. If the single-family residence 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 single-family residence.
4. If the existing shed 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.

#### **VAR-22-002**

Harold Coxon, representative for Park Pointe Inc., is requesting a variance to amend a previously approved variance (VAR-91-6) to allow a 10-foot rear yard setback from the mobile home park boundary for all structures for Lots 20 – 46, in the Manufactured Home Park (MHP) zoning district. The property is located at **7500 Park Pointe Drive**, Englewood, and is described as Lots 20 – 46, of the Park Pointe Mobile Home Village, located in Section 17, Township 41 South, Range 20 East.

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

#### **Applicant Presentation**

**Harold Coxon, agent for the applicant**, said he was sworn in. **Mr. Coxon** said the staff report pretty much says it all. We would like to include an accessory structure, such as a deck.

***Chair McVety 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. Fix moved to close the public comments, seconded by Mr. Vieira. 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-22-002 be APPROVED based on the Community Development Staff Report dated April 6, 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 amend a previously approved variance (VAR-91-6) to allow a 10-foot rear yard setback from the mobile home park boundary for all structures for Lots 20 – 46.
2. The variance shall only apply to Lots 20 – 46, as shown in the documents submitted with this application.
3. A current signed and sealed survey of the lot is required to be submitted with any application for a building or accessory structure permit.

**IX. Public Comments –**

**Gary Mazey** said Elizabeth was very helpful when he applied for this variance.

**X. Staff Comments –**

**Ms. Nocheck** said we have 2 items for next month's meeting.

**Asst. County Attorney David** said he wanted to read a paragraph out of the Board member rules. Regarding attending BZA meetings. 2 absences in 6 months. More than that, they need to put in writing why they were absent.

**XI. Member Comments –**

None

**XII. Next Meeting**

***The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, May 11, 2022 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:40 a.m.

Respectfully submitted,

Diane Clim, Recorder

/dlc

  
Blair McVety, Chair

Approval Date: 5-11-22