



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, May 11, 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:

Blair McVety, Chair
William Abbatematteo, Vice-Chair
Steve Vieira, Secretary
Larry Fix
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 May 11, 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 April 13, 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 May 11, 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 April 26, 2022: SE-22-008 and VAR-22-003

SE-22-008

Kurtis Pelto, PE, representative for Charlotte County Facilities Department, is requesting a special exception to allow outdoor storage for a government facility and as an essential service, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **18181 Sinatra Avenue**, Port Charlotte, and is described as Tract H, Block 1061, of the Port Charlotte Subdivision, Section 14, located in Section 06, Township 40 South, Range 22 East.

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

Mr. McVety asked didn't we just pass one of these at Centennial Park?

Ms. Nocheck replied yes.

Mr. McVety asked if this is an additional one or are they not doing the one at Centennial Park?

Ms. Nocheck said this is in lieu of.

Mr. Cullinan said the one you recently approved at Centennial Blvd. in the West Port area, now that the County is under contract for the middle portion, the developer intends to bridge over that canal that bisects that western most portion from the middle portion, right around where the JB Yard was going to be, so Administration and staff thought it would be better to relocate that to another location. Centrally located for easy access onto SR 776 and US 41, also closer to I-75.

Mr. McVety said this is also next to their mechanic shop so it makes sense.

Mr. Cullinan said there are other uses in that area, commercial and industrial. Transit is moving over to the older JB Yard.

Applicant Presentation

Kurtis Pelto, with BGE, project engineer for the applicant, said he was sworn in. **Mr. Pelto** said the staff report said most of it. He would be happy to answer any questions.

Mr. Doner asked they have a large pond there. You will be storing various things on the lot, is there an environmental analysis done on that for anything that might run into the pond?

Mr. Pelto said that existing pond will be used for stormwater management for the property. The environmental analysis for it would be more to control roll off continuation for flooding. We will put a control structure in there to allow stormwater to be released from the pond at a slow and controlled rate.

Mr. Doner asked what is asphalt millings?

Mr. Pelto said they are remains of existing roads that get milled up and can be used for paving other areas. It is not the same as new asphalt. It's like recycled asphalt/grindings.

Chair McVety opened the meeting to Public Comments.

Public Input

Marjorie Izzo said she was sworn in. She said she owns 2 lots adjacent to this site. She knew the area was residential and that there was a church there. She did not expect this type of facility to be allowed there. This is a residential area and that is what she expected in this area. She also said the County purchased this site before even getting the special exception. She is concerned about big trucks with heavy items going through this residential area. She feels the town should have bought property in a commercial area. She is against this request.

Jon Colleen was sworn in. He said he lives on Bredette Avenue, which is two streets north, and he agrees with the previous person. He has purchased several lots around his house and agrees the County should not have purchased this until they knew they could do this. The area will be impacted by this facility. About a quarter mile to the west there is a school bus depot. That area is designated for commercial over there.

Eric Colleen was sworn in. He said he lives down the street with his father. He feels the effort by the development team is commendable for trying to save the trees. He agrees the County should have had this approved before purchasing the land. The neighbors should have been notified before the purchase. He does not understand how an 8 foot wall can help this development. He proposed and requested this Board go back and speak to the developer that maybe they can put this somewhere in the Centennial site.

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.

Mr. Vieira said looking at the current site, to the east the images that show trees in place, are they existing trees that will remain? Including the heritage trees.

Ms. Nocheck said yes, all of these trees will be preserved. Including the heritage trees.

Rebuttal

Mr. Pelto said this is just the BZA hearing. We have to go through site plan review for the development and stormwater review. We will meet all development requirements.

Bob Gause, landscape architect and arborist said he was sworn in. He explained there are a lot of old trees and some not in the best of health.

John Elias, Public Works Director, said he was sworn in. He said they do coordinate with the school board. They have been looking for property since the 80's. They knew the JB yard was going to change. He said the Centennial Park site was also a temporary option. He said they were looking for land for a long time. When this property became available, we knew it would be a good site at a reasonable rate. They try to meet the needs to the public. They needed a place in central county.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Abbatematteo asked about allowing this type of service in the “essential services” category. He understands a lift station needs to be in the neighborhood, but this is not a lift station.

Asst. Co. Attorney David said this is Residential Single family zoning that does allow essential services, government uses with a Special Exception. Government uses by Special Exception are in most categories.

Mr. Cullinan went over some of the items they have pictures of that would be stored on this site.

There was some discussion about the ingress and egress on the site.

ACTION: A motion was presented by Steve Vieira and seconded by John Doner that Petition SE-22-008 be APPROVED based on the Community Development Staff Report dated May 4, 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 3 to 2 vote with the following six conditions:
(Mr. Vieira, Mr. McVety and Mr. Doner approved vote; Mr. Fix and Mr. Abbatematteo voted against)***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor storage yard as part of a government facility and as an essential service, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept 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, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. A “Type D” Landscape Buffer with an eight-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted along the exterior perimeter of the areas to be used for outdoor storage, as generally depicted on the attached Concept Site Plan (Exhibit F) in grey.
4. The storage of hazardous materials or chemicals on site is prohibited.
5. This Special Exception is granted for a term of three 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.

VAR-22-003

Pamela Martin, representative for Wet Hen, LLC., is requesting a variance to reduce the required 20-foot rear yard setback by 3 feet to allow a 17-foot rear yard setback, to allow an existing attached lanai to remain “as-is”, in the Manufactured Home Park (MHP) zoning district. The property is located at **3 North Street**, Punta Gorda, and is described as Lot 24-B, of Windmill Village Mobile Home Park, 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.

Applicant Presentation

Pamela Martin, representative for the applicant, said she was sworn in. **Ms. Martin** said she would be happy to answer any questions. She said the report is more information than they ever had.

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. Abbatematteo. 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 William Abbatematteo that Petition VAR-22-003 be APPROVED based on the Community Development Staff Report dated May 4, 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 20-foot rear yard setback by 3 feet to allow a 17-foot rear yard setback, to allow an existing attached lanai to remain “as-is”.
2. The variance shall only apply to the existing manufactured home and attached lanai, as shown in the documents submitted with this application.
3. If the existing manufactured home or attached lanai 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 manufactured home and attached lanai.

IX. Public Comments –

None

X. Staff Comments –

Asst. County Attorney David said they updated the Ex-Parte form for BZA. The major change is the subject of communication. Due process has been updated over the years. There are choices of who contacted you and how (phone, in person, email, etc).

Ms. Nocheck said we have 4 items for next month's meeting.

XI. Member Comments –

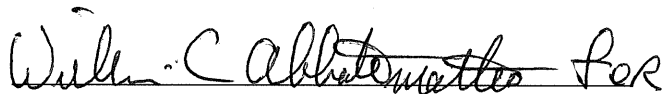
Mr. McVety said he would not be able to attend the June meeting next month.

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, June 8, 2022 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:45 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc


Blair McVety, Chair

Approval Date: 6-8-22