



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, February 14, 2024, 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
Steve Vieira, Vice-Chair
Nichole Beyer, Secretary
Turner Rouse
Andrew Filieo

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent - Recorder

I. Call to Order

Chair McVety called the February 14, 2024, 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. Steve Vieira was absent from the meeting.

IV. Swearing In of Those Giving Testimony

Kimberly Sargent swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: A motion was presented by Mr. Filieo and seconded by Mr. Rouse to approve the minutes of January 10, 2024, 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 February 14, 2024, Board of Zoning Appeals meeting none 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 January 30, 2024: VAR-24-001.

VAR-24-001

William & Karri Yamnitz are requesting four variances: (a) to reduce the required 15-foot north side yard setback by 7.3 feet to allow a 7.7-foot north side yard setback, (b) to reduce the required 15-foot south side yard setback by 1.5 feet to allow a 13.5-foot south side yard setback, (c) to reduce the required 15-foot rear yard setback by 7.9 feet to allow a 7.1-foot rear yard setback to allow an existing single-family residence to remain "as-is;" and (d) to reduce the required 15-foot south side yard setback by 8 feet to allow a 7-foot south side yard setback for a new swimming pool, pool deck, and pool cage, in the Residential Multifamily-10 (RMF-10) zoning district. The property is located at 1750 Manor Road, in Englewood, and is described as the East 108 Feet of Lot 160, of the A. Stanley Lapp Subdivision First Addition of New Point Comfort, located in Section 06, Township 41 South, Range 20 East. Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Asst. Co. Atty. Thomas David says just a question Elizabeth. Can you go back to the survey that shows the house setback. I think that says 13.3 for the south side next to the driveway and I think we're saying 13.5 in the request. Maybe we should make it 13.3 it might be a type O. It would be under B and discusses it with Elizabeth. So, Mr. Chair what we would request is that for condition number one that under B instead of 13.5 it would be 13.3.

Chair McVety said ok.

Asst. Co. Atty. Thomas David the surveys that we have here are very hard to read, so I think it was a type O. The applicant can speak to it also.

Applicant Presentation

William Yamnitz and Karri Yamnitz, applicant, said he was sworn in. **Mr. Yamnitz** said we accept Elizabeth as our expert. We feel she did a very thorough job, not only researching but explaining the criteria needing for the variance. We really don't have anything else of value to add.

Chair McVety said I am looking at your house and it looks like across the street you got a marina.

Mr. Yamnitz said yes.

Chair McVety said next door you got some kind of office building or something.

Mr. Yamnitz yes across Winston. They discuss and Mrs. Yamnitz stated I think that's Placida and I haven't been sworn in.

Asst. Co. Atty Thomas David said I think the applicant said she was not sworn in.

Mrs. Sargent swears in the applicant.

Chair McVety asked does anyone have any questions for this couple?

Mr. Filieo said I have one, in regards to the letter of support Exhibit K2, this would be the letter of support from Dakota and Ashley. They own the vacant lot to the north side of your property is that correct?

Mr. Yamnitz said yes.

Chair McVety said it looks like you used to have opaque fence there and it got blown down by the hurricane.

Mr. Yamnitz said yes.

Chair McVety asks is that coming back up?

Mr. Yamnitz said it's gone through several renditions from the pictures.

Mrs. Yamnitz said storms, it's gone.

Asst. Co. Atty Thomas David said I just want to correct myself; I think that the decision to go with 13.5 I know this we're really getting deep the weeds here. But it's so that just in case there is an issue with the amount and 13.5 is a little more generous than what they actually need. So, just in case we have an error with the measuring. I would withdraw my suggestion and just go with what the recommendations that Elizabeth put in there correctly.

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. Filieo moved to close the public comments, seconded by Ms. Beyer. 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 Nichole Beyer and seconded by Turner Rouse that Petition VAR-24-001 be APPROVED based on the Community Development Staff Report dated January 3, 2024, 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 variances, as approved by the Board of Zoning Appeals, are: **(a)** to reduce the required 15-foot north side yard setback by 7.3 feet to allow a 7.7-foot north side yard setback, **(b)** to reduce the required 15-foot south side yard setback by 1.5 feet to allow a 13.5-foot south side yard setback, **(c)** to reduce the required 15-foot rear yard setback by 7.9 feet to allow a 7.1-foot rear yard setback to allow an existing single-family residence to remain "as-is;" and **(d)** to reduce the required 15-foot south side yard setback by 8 feet to allow a 7-foot south side yard setback for a new swimming pool, pool deck, and pool cage.

2. The variances shall only apply to the existing single-family residence, and proposed swimming pool, pool deck, and pool cage, as shown in the documents submitted with this application.
3. If the existing single-family residence is removed or replaced, or if the proposed swimming pool, pool deck, and pool cage are constructed and at a later date removed or replaced, these variances 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 existing single-family residence, or proposed swimming pool, pool deck, or pool cage.

IX. Public Comments –
None

X. Staff Comments –
Ms. Nocheck said Happy Valentine’s Day everyone my gift for you is that we have six petitions next month, four are special exceptions and two variances a lot of storage.

XII. Next Meeting
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, March 13, 2024, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:28 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder
/kas



Blair McVety, Chair

Approval Date: 2-4-24 3-13