



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, August 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

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

Chair McVety called the August 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.

### **IV. Swearing In of Those Giving Testimony**

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

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

Chair Vieira introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. County Attorney David and Chair Vieira 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.

### **VI. Approval of Minutes**

***ACTION:*** A motion was presented by Mr. Vieira and seconded by Ms. Beyer to approve the minutes of July 10, 2024, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

### **VII. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the August 14, 2024, Board of Zoning Appeals meeting none were submitted.

### **VIII. New Business**

The following petitions were advertised on July 30, 2024: SE-24-009, SE-24-013, SE-24-014, SE-24-015, SE-24-016, and SE-24-017.

**SE-24-009**

Robert Berntsson, representative for Acorn Port Charlotte, LLC, is requesting a special exception to modify SE-24-003, to remove conditions of approval, in the Commercial General (CG) zoning district. The property is located at 3740 El Jobean Road, in Port Charlotte, and is described as Parcel P2, located in Sections 21 & 22, Township 40 South, Range 21 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 402122301001.

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

**Applicant Presentation**

**Robert Berntsson, representative for applicant, said he was sworn in.** Mr. Berntsson said unfortunately in this case I'm going to object to Ms. Nocheck being considered an expert for the purpose of this hearing. We have hired an environmental consultant that will address you and I have copies of his resume that I've highlighted his wetland experience and relevance. I also have copies of Ms. Nocheck's resume which I've highlighted her wetland experience. Which you will see there is no highlight. So, I would ask that the resume be provided to the board and admitted as an exhibit. I ask that the board recognize Mr. Mann as an expert in environmental sciences and he's prepared to testify.

**Paul Mann with IVA Environmental, I have been sworn in.** Mr. Mann said my background in wetlands goes back twenty years, twenty-five years. I have a degree in wetlands management, I've worked in public and private firms assessing wetlands. I am a former environmental code compliance officer for Charlotte County, I've worked here quite a while ago, about twenty years ago. I have assessed wetlands in Charlotte County for twenty years. Looking at this site I went out and looked at the wetlands, I have pictures of the wetlands and I have labeled some of the plants and some of the conditions that are found there.

**Mr. Berntsson** said we would ask that this be entered into evidence as well.

**Mr. Mann** said we're not impacting the wetlands on this site. We are avoiding them and that's part of the no net loss goal of SWFWMD and also the core of engineers if they were involved in this project. There is no secondary impacts to Sam Knight Creek or Tippecanoe Bay because there is no riparian wetlands which would be creeks, and waterways and things like that. There is no connection to the bay. Looking at these wetlands there mostly category two wetlands if you would have classified them using the Charlotte County classification system. There is significant coverage of invasive plants within these wetlands. Talks about the types of trees, grass, and plants in the wetland. These are all very invasive and if left unchecked they will take over the wetlands that are there. There are significant wetlands because they are wetlands, wetlands should be preserved and we're doing that. As far as being special in their own right I hate to use the word, but they are average wetlands. There is wildlife usage there is probably wading birds, but there are frogs and reptiles that use them. We are providing buffers to the wetlands, and they won't be impacted. Further down the stormwater management system has been designed so there is no discharge to wetlands. Everything goes to the stormwater system and then to the retention pond, and from the retention pond there is a skimmer and a structure so they would out flow to an uplands swale. Then going back to the two-hundred-foot buffer that is a seven hundred percent increase from what has been permitted from the Southwest Florida Water Management District. There is already a permit for the north part, and they have buffer's that average from fifteen feet to forty feet. So, there is no discharge to the wetlands. I guess my next question is being former code compliance in Charlotte County, have there been reports of discharges, not what if's but are there actual cases. I could not find them, there is several RV storage areas with open storage for RV's and boats that I know that don't have the two-hundred-foot buffer from the wetlands. They were designed

there is a few along seventeen that the storage is within that two-hundred-foot buffer. I understand that we are adjacent to conservation lands but we're doing everything in our site plan to avoid any discharges to the wetlands or the surrounding area. Then finally as part of the management plan that will be required for these wetlands. There will be a plan to remove exotics, keep people out, and they'll be preserved in perpetuity with no filling or clearing or anything like that in the wetlands. Going back to the report that was referenced, that report it explains cultural eutrophication very well but it's in reference to more agricultural, aqua culture and then the concentrated feeding areas.

**Chair McVety** said just to keep it simple and don't want to put words in your mouth, you're stating that we don't need to put the two-hundred-foot and there is going to be no cause in effect to the wetlands from this development.

**Mr. Mann** said correct.

**Asst. Co. Atty. Thomas David** said may I ask a question.

**Mr. Vieira** said in your description you used the term upland swale where the water would go to the upland swale would you show me or illustrate to me where that upland swale is and where does that water go when it enters that upland swale.

**Mr. Mann** said it is on the east side of the property and explains while showing and discussing the photo on the screen.

**Mr. Vieira** said so where does the water go when it enters that, is it retained on the property.

**Mr. Mann** said yes, it is retained on the property correct.

**Mr. Rouse** said you don't even have a bachelor's degree, do you?

**Mr. Mann** said no.

**Mr. Rouse** said that's the answer, no you do not have one. Have you ever been accepted in any state of federal court as an expert.

**Mr. Mann** said yes.

**Mr. Rouse** said where?

**Mr. Mann** said right here, that's not state no county. I used to sit right there and bring cases to the code compliance board.

**Mr. Rouse** said have you ever published anything?

**Mr. Mann** said no I have not.

**Asst. Co. Atty. Thomas David** said if you wouldn't mind, I just want to make sure I am understanding the testimony related to the wetlands. Did you do an investigation of the wetlands surrounding the site.

**Mr. Mann** said no I did not.

**Asst. Co. Atty. Thomas David** said your testimony relates to the wetlands that are on site.

**Mr. Mann** said correct.

**Mr. Cullinan** said our concerns were two-fold, one in which he has addressed the wetlands surrounding the property the state own lands, the conservation owned lands to the north, south and east of the property but also the wetland areas within the site where the washes are going. It's two separate things inter twinned. So, if you look at the wetland up at the top where there is an encroachment of those areas into that wetland buffer. That is also one of our concerns there, with respect to some of the statements. It is different, I am not going to say it's not, but one of the code cases we've had actually relatively recently has been in the Punta Gorda area Riviera Marina. Talks about that and there has been significant environmental havoc, but again different situation but there have been cases such as that and that one has happened very recently, with respect to Mr. Berntsson's comment about the genesis for this condition being a pipeline project. That was one of the reasons but that wasn't the sole reason. Had that been the sole reason as was stated by Ms. Nocheck we would have limited it to pipelines and transmittal of interstate or through state transmission lines. But the way it was written it was written that way for a reason, very broadly to be able to encompass any situation that may arise.

**Mr. Berntsson** said so, first of all based on that comment. If any of you have been to the Riviera Oyster Bar and Marina, I don't believe there has ever been a site plan for that. I don't believe there's paving, I don't believe anything has been done in the last thirty, forty years to that. As opposed to this engineered and designed site for RV's, boats, and trailers. We are here because we have to have a special exception when you have outdoor storage. But in commercial general zoning there are forty-six allowed uses. Let me give you just a few of them, animal, hospital, and boarding facility, what chemicals might be involved in that. An auditorium convention center, performing arts center think of the acres of pavement around the convention center. Bars, cocktail lounges, night clubs, taverns, think of the people that comes out of there, what they might do. A dry cleaner there is not question about the chemicals used in a dry cleaner. A funeral home and crematoria again. One of the big ones, a gas station, a hospital, hotel, motel inn, a laundromat, a mass transit system station, a motor vehicle wash, a paid or public parking lot garage or structure, printing facilities, a restaurant, a university or college, vocational trade or business school and the conditional uses allow boat, travel trailer and motor vehicles sales including recreational vehicles and campers, boat, travel trailer and motor vehicle repair services including recreational vehicles and campers, building trade contractors office, farm equipment sales and service, laboratories class one, two and three, non-commercial vehicle rental, and private off street parking. In the conditional uses not one of those uses requires additional setback to wetlands. They require setbacks to residentially zoned property but as Mr. Cullinan and Ms. Nocheck said if the county commission said if they wanted that protection, they could have written it that way, but they didn't. At the March 13<sup>th</sup> Board of Zoning Appeals meeting, you heard this for the first time. At that time for the first time in my knowledge there came a request for an environmental report. In thirty-five years of doing this I've never had a request for that, nor has anyone else that I know have. It applies to special exceptions site plans, no one in the site plan to my knowledge has ever been asked to produce that report. But we took a continuance after suggestion by Mr. David that the board could approve the special exception at that time, on March 13<sup>th</sup> subject to a condition that the report be filed at a later date. We objected to that because there was no guideline for what this report was supposed to be. So, if we had an approval with the condition that we submitted the report and it was never accepted, it was a void approval. So, we instead asked for a continuance we came back but at that first meeting, I objected to conditions 8 and 9. When we came back in May it was determined that the report was acceptable, and the board could move forward and approve the special exception. We were so focused on that report that at that hearing we didn't bring up condition 8 and 9 again. It wasn't until the

excitement wore off that we were happy to get our special exception that we realized we hadn't addressed those two conditions and that's why we're back here today. I have copies of the minutes of the board from March 13<sup>th</sup> if you want them entered into evidence to substantiate what I've said. But this comes down to overkill for some reason which I don't know Ms. Nocheck hasn't liked this from the very beginning. I understand some you like some you don't, but she's gone too far in this case. There is no other use in the allowed uses that would require a two-hundred-foot setback to the wetlands. My client is willing to give up the request to delete condition 9 but I ask that you don't. Because it sets a dangerous precedent and, in the future, will come back and say well, we've done it before. That's the only reason that we're keeping number nine in. If the board decided to remove condition 8 and leave 9 we can live with but we still think it sets a dangerous precedent. I am happy to answer any questions and we reserve our rebuttal time.

**Mr. Cullinan** said this is a unique case I can't recall any other property that is bounded on three of the four sides by state environmentally preserved lands. This is relatively unique with respect to his statement about the conditions being imposed. It would be reviewed during the site plan review process. Mr. Mann's firm IVA and associates they regularly provide environmental studies for every site plan review that goes through. If this was a similar situation where it was a gas station going in, then yes, it would have to follow these requirements that are in the comprehensive plan. So, again this is a unique situation, I'm not going to argue that. Mr. Berntsson's comments about Riviera Marina he is not wrong that was an older one, but it shows what can happen. So, with that, that is the reason why we are holding to this. This is unique again not going to deny that I can't recall any other project in my thirteen years here maybe Mr. Berntsson can of an area that was almost completely bounded by preserve lands and have the significant wetlands on the site. The policy is in the comprehensive plan and staff has to hold to that.

**Asst. Co. Atty. Thomas David** said Mr. Berntsson has done a good job of presenting his argument, I think it's a fair one. I just want to make sure that the board understands where the staff's issue is arising and why it's been raised. The comprehensive plan environmental policy 3.1.7 governs special exceptions it applies; comprehensive plan policies apply to the special exception, and it says prohibited uses. Then continues to read on about the comprehensive plan and talks of the two code conditions.

**Mr. Berntsson** said this really comes down to taking it to the extreme, the reason that we are talking about this production or storage of hazardous waster is because their vehicles. So, if you take this argument no parking lot can be within two hundred feet of any wetland in Charlotte County. That's an absurd result that has not been applied, just think of it in a logical result that it would cause.

**Mr. Cullinan** said if I may sir, parking is not storage, storage is intended for long term, parking is not. Parking is for transient use.

**Asst. Co. Atty. Thomas David** said I would like to let Mr. Berntsson complete his rebuttal, then the board can entertain the motion.

**Mr. Berntsson** said again we think this is being taken to an extreme let's hear what the public has to say.

***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 Mr. Vieira. The public comments was closed with a unanimous vote.***

**Mr. Berntsson** said we would waive the reading of all the conditions that Ms. Nocheck normally does at this point, there all conditions that were previously proved. We're only dealing with condition 8 & 9; I think it's up to the board to determine whether either or both of them should be removed. If you look at common sense and I always caution my clients don't use common sense in the county in the same sentence because it doesn't always make common sense. But in this case, I think we have to ask you to look at common sense. There is no basis to require two-hundred-foot setback for the storage of these vehicles, that are in a modern designed facility that is designed to take the stormwater and any runoff into a stormwater system. It is designed so that there is no impact to the onsite wetlands, and it is designed so any offsite runoff is controlled and is not going into the offsite wetlands in conservation areas that are of high quality. With that we respectfully ask you to approve removal of conditions 8 and 9 but especially condition 8.

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

Board waives the reading from Ms. Nocheck.

**Mr. Vieira** said question for Asst. Co. Atty. Thomas David, precedence of removing one condition and leaving the other in place. What liability falls on the county from that point of view, we open up to litigation, future litigation on other developments that will come along. Where do we stand on that precedent and two, I still have a concern about the upland swale. Because if I look at the exhibit that's on the screen right now it shows it going to a wetlands area in the lower right-hand corner. I am just wondering what prevents contamination from going into the wetlands area and then proliferating.

**Chair McVety** said their expert I think is behind Mr. Berntsson.

**Mr. Berntsson** said our project engineer can answer that question.

**Mr. Vieira** said can I have his legal answer first please.

**Asst. Co. Atty. Thomas David** said we include in our recommendation when you do your motion the sentence is always included that this does not create a precedent. These are all one each individual application has to meet the criteria on its own. So, you're not creating a precedent by approving this because you're applying the criteria approval to a specific property. That would have to happen every time another property would come in.

**Chair McVety** said you've said in the past anything we do does not set a precedence right.

**Asst. Co. Atty. Thomas David** said that's correct because you have to apply the criteria to the specific site. That is why there is no precedent created. So, all that Mr. Berntsson is asking on behalf of his client today is for you to amend the already approved conditions. He's asking that number eight and number nine be removed from the conditions. We have done that in the past, we have amended previously approved variances and special exceptions.

**Chair McVety** said Ms. Nocheck I cut you out without asking is there anything you wanted to say.

**Ms. Nocheck** said no I would just note that I believe as a professional planner that it is not extreme to want to protect wetlands and to enforce comprehensive plan as it is written. But other than that, I respect your decision.

**Mr. Berntsson** said did you want to hear from our engineer with regard to the upland swale Mr. Vieira?

**Tom Radcliff** said I am a registered professional engineer in the State of Florida, I've been in private practice now for forty-eight years, I have been sworn in. Mr. Radcliff said this site is a relatively flat piece of land, has very little relief, it does drain naturally, be it very slowly to the east. He talks on this project, potential discharge and how it normally does and how this one does. Talks about the storm we just had. This is a spreaded swale and explains how it works and Southwest Florida Water Management District reviewed it.

**Mr. Vieira** said in your design then as the overflow goes to the east, is that a plain that's created so that there is some absorption that takes place before it continues.

**Mr. Radcliff** said right now the way the site lies, let's say we get ten inches of rain. The water pretty much lays across the site and it sheet overflows into the wetlands, and the sheet overflows to the east or goes over land and tries to head it. It does go downhill as you go to the east, not very fast, it's pretty flat. But it does go downhill, in the post condition it will do exactly the same thing except it won't discharge into the wetlands. Now by the way something that has been touched on here that I don't think really has been stressed enough the areas where these vehicles are stored are all one hundred percent paved. There's no connection from the vehicle area to the ground water tables or any natural ground. The pavements are all graded to drain to an inverted crown in the driving lane, which drains via pipe into the drainage system. There is no potential for any leaked fluids from these vehicles to ever go to the wetlands, it's all draining the other direction.

**Asst. Co. Atty. Thomas David** said Mr. Chair may I ask a question of the witness. Sir, could you just tell me what wetlands there are off site, in other words to the north, east and south are their wetlands outside this property.

**Mr. Radcliff** said are there wetlands outside of the SWFWMD property yes there are.

**Asst. Co. Atty. Thomas David** said outside of your property.

**Mr. Radcliff** said yes there are.

**Asst. Co. Atty. Thomas David** said there are, is that part of the ERP process, is that taken into consideration when you do your ERP permit?

**Mr. Radcliff** said does SWFWMD review where adjacent wetlands are, of course they do.

**Mr. Berntsson** said that concludes what we have to present.

**Ms. Nocheck** said one of you needs to make a motion I believe where at that point, since you waived me reading the conditions.

**Asst. Co. Atty. Thomas David** said the motions in order would be to approve the deletion of one or more conditions or a motion to deny the requested amendment.

***ACTION:*** A motion was presented by Turner Rouse and seconded by Andrew Filieo that Petition SE-24-009 be DENIED based on the Community Development Staff Report dated July 3, 2024, 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. Rouse and Mr. Filieo voted against this request – Mr. Vieira, Ms. Beyer and Mr. McVety voted against the denial)*

***ACTION:*** A motion was presented by Steve Vieira and seconded by Nichole Beyer that Petition SE-24-009 be APPROVED based on the Community Development Staff Report dated July 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 Special Exception, with recommended of both eight and nine of the eleven conditions being deleted by staff.

*Motion was approved with a 3 to 2 vote with the following conditions:  
(Mr. Vieira, Ms. Beyer and Mr. McVety voted for this request – Mr. Rouse and Mr. Filieo voted against this approval)*

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow outdoor storage of boats, trailers, and recreational vehicles, 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, right-of-way access, environmental review, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of construction materials, debris, heavy machinery, semi-trucks, commercial vehicles, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with an 8-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the perimeter of the site, as shown on the **Concept Plan** (Exhibit F), except where wetlands exist adjacent to the property boundary. The Type D buffer required along the east property line shall not require the 8-foot-tall fence or wall. The use of chain link fencing as part of the required buffer is prohibited. Final design of the required buffers shall be determined during the Site Plan Review process.
5. Any perimeter outdoor lighting shall be directed towards the interior of the property. Lighting used along the north, east, and west property lines shall be shielded or a designated wildlife-friendly lighting product.
6. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
7. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy has been issued.
8. This Special Exception is granted for a term of three (3) 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.



9. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage located on site. A change in ownership shall not require the modification of the special exception, provided the business continues to operate as a self-storage facility for boats, trailers, and recreational vehicles and complies with the conditions of this special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

**SE-24-013**

Amanda Weinrich is requesting a special exception to allow accessory structures to exceed 3,000-square feet for a property greater than one-half acre in size, to allow a 2,080-square foot detached garage, for a total allowance of 5,856-square feet of accessory structures, in the Residential Estate-1 (RE-1) zoning district. The property is located at 15170 Deer Pass Road, in Punta Gorda, and is described as Lot 20, of the Deer Pass Acres Subdivision, located in Section 21, Township 42 South, Range 23 East. The Parcel ID for subject property is 422321200005.

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

**Applicant Presentation**

**Amanda and David Weinrich, applicant, said he was sworn in.** Mr. Weinrich said I am looking to protect my stuff from the hurricane, it's hidden out back behind the main building, nobody is going to be able to see it from the street. It's typically for that, no hazardous material, no wetlands, just solely to protect my stuff.

**Mr. Rouse** asks how did the Quonset hut fair during the hurricane?

**Mr. Weinrich** said perfect, the doors actually rattled so hard it put a crease in the door in the centers. The structure is perfect.

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

**Public Input**

**Speaker number one, Charles Stodderd, I live at 156 Altoona Street in NW Port Charlotte.** Mr. Stodderd said I received this letter of proposal I think a lift station is going to be placed directly in back of my house.

**Chair McVety** said to the speaker we are talking about this case only right now.

**Mr. Stodderd** said oh this is a different case; I am so sorry.

**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 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 Turner Rouse and seconded by Andrew Filieo that Petition SE-24-013 be APPROVED based on the Community Development Staff Report dated August 7, 2024, 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 exceed the maximum of 3,000-square feet for accessory structures on a property greater than one-half acre in size, to allow a 2,080-square foot detached garage, for a total allowance of 5,856-square feet of accessory structures 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, 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 building permits.
3. The construction of any additional accessory structures will require a modification of the Special Exception.
4. Storage of heavy machinery, debris, or hazardous materials is prohibited.
5. The detached garage shall be for the personal use of the property owner and shall not operate as a commercial storage business. Storage spaces inside the garage may not be leased or sold to other individuals or businesses.
6. This Special Exception is granted for a term of three (3) 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, may be approved by the Zoning Official.

**SE-24-014**

Jason McMahan is requesting a special exception to allow accessory structures to exceed 3,000-square feet for a property greater than one-half acre in size, to allow a 6,215-square foot detached garage, in the Residential Estate-1 (RE-1) zoning district. The property is located at 2445 Minneola Avenue, in Punta Gorda, and is described as Parcel P1-18, located in Section 18, Township 40 South, Range 23 East. The Parcel ID for subject property is 402318451003.

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

**Mr. Cullinan** said I like to make one correction; Suncoast Lake is to the west not the east.

**Ms. Nocheck** continues.

**Mr. Vieira** said the lots are unconsolidated, correct?

**Ms. Nocheck** said correct.

**Mr. McVety** said he has no access to the house without it.

**Mr. Vieira** said unless he had an easement agreement, he would have access to the house. My question is if the property that's undeveloped was sold and an access agreement was reached. Would the square footage being requested exceed the amount of square footage for the site where the primary house is.

**Mr. Cullinan** said no I don't believe it would because the stand-alone site is greater than a half an acre. The way the code is written is half acre or less you're limited to 1,000 square feet, half acre or more you're limited to 3,000 square feet. Then explains the information of this with the board.

### **Applicant Presentation**

**Jason McMahan, applicant, lives on 2445 Minneola Avenue, I have been sworn.** **Mr. McMahan** said as you can tell I live on ten acres, and we have kind of have a large family. We are kind of like everybody else trying to protect our assets as you know our inclement weather. I am tired of my tractor sitting out, my boat sitting out, my RV that I have, I have to have it stored off site which I'm spending money on that. So, I am a local general contractor I comply with not running a business out of my house. I do have a current location that we currently have our office here at the north end of the airport off Airpark Drive. We are in permitting and already been approved with the DRC with another, we bought two and a half acres to put a 12,000 square foot building, office space, which we're getting ready to go into permitting. So, I know what I am asking is kind of large but at the same time when you own ten acres. You have to trim your trees, you have to maintain your land, I have two giant dogs that love to roam. We just want to be able to keep everything onsite and protected, just having to go here to get your RV. Or having to replace your seats in my tractors because of the sun has just delapidated them. This is why we kind of came up with this and I can't see any reason why I would ever need anymore. So, we just wanted to just go ahead and ask to try and do this now than having to do anything later. As you can tell we're not trying to put a pole barn up, we're not trying to do anything outside of making it just as beautiful as our house that we built four years ago.

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

**Ms. Nocheck** said I received a significant number of letters from neighbors who are unable to attend, most of them are snowbirds. There are some in favor and some against so I will distribute these, and we will label this composite exhibit H for the record.

### **Public Input**

**Catherine Gorman, I live at 24463 Pine Ridge Place, Port Charlotte, this property is actually in Port Charlotte not Punta Gorda, it's in the Suncoast Lakes Community, I have been sworn in.** **Ms. Gorman** said my home is within the 1,000 feet it's northwest of where this proposed garage is going to be built and I'm in agreement with it being built. I just have a couple of questions; you have some photographs of the trees that are screening the property line at the moment. I wanted to ensure that none of those trees, the tall shrubs were going to be removed during construction of this garage. So that the visual screening between this subject property and the Suncoast Lakes homes will remain so that we don't see this garage from our homes. On the north side of the property and the west side.

**Ms. Nocheck** said the applicant can address that when it's their turn after public input.

**Ms. Gorman** said you also mentioned another question, the wall height would be sixteen feet what would be the height at the top of the roof line?

**Chair McVety** said we're not here to answer your questions, I am sorry, you're just here to give your comments.

**Ms. Gorman** said oh that's my comment, I want to make sure that the homes in Suncoast Lakes Community to the north and to the west of this parcel where this proposed garage is being built do not see this garage. That this maintains a visual screening from the vegetation and that is also affected by the height of this garage. Also, the exterior lights on the proposed plan that I see, that those would not be visible to the Suncoast Lakes Community adjacent to this parcel at night.

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

**Mr. Vieira** asks Mr. Cullinan what would be the maximum height for this building?

**Mr. Cullinan** said the zoning district allows for up to thirty-eight feet.

**Chair McVety** said you can put up poles with lights on them and I get it but it would be nice to know that you're not going to have the lights pointing to affect the neighbors.

**Mr. McMahan** said yes, the way that this was designed if you would like to pull up whereas the proposed garage. Everything is facing inward to where there is nothing going to be seen. No lights, no anything like that, just because everything is faced inward because we did not want to impede on anybody else. If you could see us, our current house I believe is roughly around thirty-five feet tall. Being two-story, this one is smaller, this one is thirty-one and yes there is no trees. We picked this place just because again it was just kind of perfect to keep it secluded to us and not encroach on anybody behind us.

**Mr. McVety** speaks with Mr. McMahan has a small discussion.

**Chair McVety** asks Ms. Nocheck you said you have an exhibit for this.

**Ms. Nocheck** said yes, we are going to label this as composite exhibit H for the record.

**Mr. Cullinan** said just a few things to note, the citizens comment there is an intervening parcel to the north between their property and Suncoast Lakes. Obviously that person could come in and proper permits to do what they want and if you look at that aerial and the property lines. A majority of the existing vegetation is actually on Suncoast Lakes HOA property. So, with respect to removing vegetation, a majority of it is the HOA's and if they were so looking into removing it. They would have to go through all proper permitting as well.

**Chair McVety** said Miss Elizabeth do you know how many of these are No's and how many are Yes's.

**Ms. Nocheck** said I believe there almost all No's and I think the top one is Yes, but I'm not sure if there were any other yes's mixed in. I think it was pretty much one and then the rest.

Mr. Filieo said I will concur with Ms. Nocheck's statement, the top one is in the affirmative, the rest are in the negative.

Elizabeth Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

Chair Vieira asked the applicant, have you had an opportunity to read and understand and do you agree with the recommendations by the staff.

***ACTION: A motion was presented by Andrew Filieo and seconded by Steve Vieira that Petition SE-24-014 be APPROVED based on the Community Development Staff Report dated August 7, 2024, 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 exceed the maximum of 3,000-square feet for accessory structures on a property greater than one-half acre in size, to allow a 6,215-square foot detached garage 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, 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 right-of-way access and building permits.
3. Storage of heavy machinery, debris, or hazardous materials is prohibited.
4. The construction of any additional accessory structures will require a modification of the Special Exception.
5. The detached garage shall be for the personal use of the property owner and shall not operate as a commercial storage business. Storage spaces inside the garage may not be leased or sold to other individuals or businesses.
6. This Special Exception is granted for a term of three (3) 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, may be approved by the Zoning Official.

**10:31 Recess**

**10:39 Resume**

**SE-24-015**

Dennis Croyle, P.E., representative for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a vacuum pump station, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 660 N Ellicott Circle, in Port Charlotte, and is described as Lot 16, Block 436, of the Port Charlotte Subdivision, Section 18, located in Section 16, Township 40 South, Range 22 East. The Parcel ID for subject property is 402216326001.

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

**Chair McVety** said are all similar, just in three different locations.

**Mr. Cullinan** said this is all part of a master designs system and so that's why these locations were chosen via engineering. Because the whole system, they have to place the stations in the proper locations to make sure everything gets.

**Chair McVety** speaks with Mr. Cullinan and they both discuss the three petitions.

### **Applicant Presentation**

**Dennis Croyle, P.E., representative for Charlotte County Utilities, said he was sworn.** **Mr. Croyle** said talks about the exhibit and it's one project for Charlotte County utilities. The station sites have been centrally located to try to serve as much as possible to limit the amount of infrastructure for the county. We are under design, it's a vacuum sewer system which you mentioned it does flow downhill. One of the unique aspects for vacuum it flows down and it can lift back up within the collection system. So, we get more bang for our buck than a traditional gravity system in areas like this. If these sites are not selected, say we can't use them it would cause a major redesign at this point I wanted to point that out. There are currently four vacuum stations in Charlotte County for Charlotte County Utilities. One is in the neighbor right next to it, in spring lake, there's actually two over there and they are going to look pretty much identical. The same thing it's gonna be a masonry building, metal roof, masonry fence around the exterior of it, landscaping. These are not occupied stations, they're remotely operated with controls, there will be personnel there from time to time doing system checks. There will not be a daily worker being there, it is just for standard operation.

**Chair McVety** said here is the questions we usually get on this. The traffic path, how many times they're coming and going. They're always concerned with the smell and the noise; can you talk about that.

**Mr. Croyle** said with noise we understand that's a key factor, the two things that will create noise at this station are the pumps. There are several pumps in this system and there is also an external generator. There is just one generator on it and that's the standby generator if power goes out from a storm or whatever, it will run. When we select these pumps, we try to get ones that are quieter than others and like wise with the generator. There is certain types of exhaust, silencers we can put on those to reduce noise. We can also control the system in such a way that the pumps work is they run on power, and we can reduce the hertz going into them. How much they spin which also reduces noise through the controls. We do that as well, the masonry building with cells, we will fill those completely full, every cell will be full. That is the way to further minimize noise from leaving the building. It's not a closed building, it's ventilated there is not windows like you have on your house. There are louvers, we will select noise reducing louvers, they won't prevent noise from escaping the building, they will help minimizing it. Also, the walls on the exterior, is just another barrier for any noise vectors that are leaving the building. Also, that generator is housed in a noise reducing enclosure.

**Chair McVety** said the generator is only going to run when the power goes off.

**Mr. Croyle** said that is right, one thing that we want to point out. When you go to one of these existing stations if you're to drive by. It does make a different sound, but the sound does comply with development standards. We are meeting standards of the county, all the adjacent homes to these, which all the other stations are built by existing homes. They all have air conditioners running and those comply with development standards as well. It does make noise just like every other house makes

noise. Odors at the vacuum station are only possible through the vacuum exhaust, so unlike traditional gravity lift stations if you know what one of those is. It is a well that the wastewater flows into, this whole system is sealed. We are actually pulling vacuum down on a tank, but it does take odor and release it out of the tank through an odor control bed. That is a biofilter media, we have many of these in place. It's basically mulch that the exhaust fumes rise up through the mulch, the mulch creates a media that absorbs any foul odors and then releases it into the atmosphere. Those mulch beds require maintenance, utilities staff is trained in that maintenance.

***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. Vieira 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**

**Mr. Vieira** said on item number four in recommendations, is the ten-year time frame because of the length of time to develop the entire project.

**Ms. Nocheck** said yes, they also still have to establish the MSBU, so there are other things involved with this, so we wanted to allow enough time.

**Mr. Vieira** said can you just clarify for me on type B landscape buffer. The type of fencing required shall be determined based on the width of the purposed buffer during the site plan review, can you explain that to me.

**Ms. Nocheck** said yes, in our buffer code allows for different width options and as the buffer becomes narrower more planting and screenings is required. So, the narrower your buffer is, if you choose the seven-foot-wide option you are required to have a fence. If you go up to fifteen feet, there is no structure required however due to site constraints and staff's recommendation the wall would be required.

**Mr. Vieira** said it's on a standard 80x125 lot roughly.

***ACTION: A motion was presented by Steve Vieira and seconded by Andrew Filieo that Petition SE-24-015 be APPROVED based on the Community Development Staff Report dated August 7, 2024, 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 five conditions recommended by staff.***

***Motion was approved with a unanimous vote.***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an essential service, consisting of a vacuum pump station, 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 minimum of a "Type B" landscape buffer with a six-foot-tall, fully opaque fence or wall shall be constructed and planted around the perimeter of the development area. The type of fencing required shall be determined based on the width of the proposed buffer during the Site Plan Review or permitting process. All buffers and landscaping shall be installed prior to the Certificate of Occupancy being granted.
4. This Special Exception is granted for a term of ten (10) 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.
5. 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-24-016**

Dennis Croyle, P.E., representative for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a vacuum pump station, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 155 Grenada Street, in Port Charlotte, and is described as Lots 4 & 5, Block 143, of the Port Charlotte Subdivision, Section 8, located in Section 20, Township 40 South, Range 22 East. The Parcel ID for subject property is 402220455004.

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

**Asst. Co. Atty. Thomas David** said the remainder of the staff report is submitted into the record will be considered as part of this package for this item.

**Chair McVety** stated you said, and I just want you to repeat this, you put these where you can put the fewest amount of these as possible. If you don't put them in these locations, you would have to put more in, is that correct.

**Mr. Croyle** said yes that's correct.

#### **Applicant Presentation**

**Dennis Croyle, P.E., representative for Charlotte County Utilities, was already sworn in with last petition. Chair McVety** asked do you want to say different on this on, he said no.

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

#### **Public Input**

**Charles Stodder, I have been sworn in, and I live directly behind this proposed structure. Mr. Stodder** said my concern is, I have a question, I believe there is already a station at Altoona and Edgewater Street. If that's so why it is necessary to put another one within two blocks away from that current one. I am concerned also about how it would affect the value of my property and that is a concern for my wife and I when we first got this information on this proposal. I've seen a number of these as was



mentioned shown in the picture in different areas. I was just wondering why if there is one already that close to where I am why is it necessary to put another one that close.

**Chair McVety** said we can't tell you about the value of the property, matter of fact you should have brought in an expert to tell us that it would hurt or not hurt your value. I can't tell you that, sorry.

**Asst. Co. Atty. Thomas David** said we can have the applicant's representative answer the question about the other site.

**Mr. Stodder** said again we were concerned about the odor and the running of the motor and how would it affect the quality of life and living conditions there. This gentleman I think he explained pretty much, the same thing that will be in our area as well. So, I just want to represent my family and a couple of my neighbors that were concerned.

**Mr. Croyle** said I believe he is talking about the Altoona station; it is somewhere down off Edgewater and Altoona. Just north of Edgewater on the left side on Altoona, that is a master lift station, it's a completely independent system of this. It does not collect the flows from the Lakeview, Midway, Grenada area. It's collecting it from a different area, different type of technology, we're proposing a vacuum sewer system, that is part of a gravity sewer system for Edgewater Drive.

**Mr. Vieira** said the proposed site that were looking at now, does that transfer a waste to the location on Edgewater Drive or is it totally independent.

**Mr. Croyle** said totally independent, there is going to be some transmission mains, that will be taking flow from that Altoona station as well as the recently completed Akerman/Countryman station. Which also had a special exception, there gonna kind of manifold together go up Midway. The Grenada station will manifold into that pipe, and it will go to Wawa and its big complex utility system. There all connected through a transmission main but, the stations operate independently.

**Chris Smith, I live on the lot next to the proposed station, I have been sworn.** **Mr. Smith** said I know that there are smells that come out of there no matter how often the filter system has been cleaned, changed and I have a low-lying house. I sit five-foot above sea level, what is this proposed to be the height of it build up height for the lot. The building itself how high will it be, and noise is also a concern of mine. Been there twenty-three years, them woods have been there the whole time. I also want to ask is it just 125 by 80 ¼ acre lot, that's gonna be encroached on or is it gonna spread out further than that.

**Chair McVety** said they said they got two lots there. **Mr. Smith** said so it's a half-acre and both discuss.

**Mr. Smith** said I've been twenty-three years and if the station that is on Altoona and Edgewater is doing just fine. It's a small station it's not massive like this. Why can't that be used just as well like the one on Altoona, why do we need this big plant there. They both have a discussion about this.

**Donna Mofford, I have been sworn in.** **Ms. Mofford** said the way I am taking this meeting, I've never been to one. So, I don't truly understand how this works, but the way I'm taking it you're just listening and we're not getting any answers. There is a different station on Altoona and Edgewater which is just two streets from my house. I don't get any of this, this station where it's being put in is between me and my neighbor. There are sounds, there are smells, there goes my property value period, flushed down the toilet. Absolutely and the thing I want to make out first, because I am going to get a little

emotional because I am mad. I'm mad this is my home; I've been here twenty-three years I had been through all the hurricanes. I've been through all of this and for someone to come up here and think that I don't matter, well I do. I matter very much so; I don't think any of you live by any of these stations. I bet there not in your backyard, so when you go and you all say I and all your doing is smacking me down, down, down is how I feel, and I thought this was supposed to be for the public, but it isn't. This is all for big gain it ain't for me and my house is sitting right there. I'm telling you I don't want it, I don't want it next door, when I'm already looking at one. It's different I get that he says it's different but it's still the same kind of process two streets over. So, what there is already two and you're gonna put a third one here and the next one there. What's gonna happen my whole neighborhood because were not overpopulated but it's definitely populated. I can't walk outside without seeing a neighbor. So, what we're just gonna end up with all this in my house and my yard that's how I feel and that's all I got to say.

**Speaker, name unknown**, said is he gonna answer the questions that we ask or not.

**Chair McVety** said if I ask him the questions he'll answer.

**Mr. Stodder** asks could this proposal be reconsidered; we really don't like what's being proposed. Could the consideration be given, as far as the residents are concerned, we just not with it, we're disappointed, we're not happy with it.

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

**Chair McVety** speaks with **Mr. Croyle** on the questions that the people have and they have a discussion.

**Ms. Nocheck** asks Mr. Croyle do you have an estimated decibel.

**Mr. Croyle** said I believe it's less than sixty or fifty-four or something like that, I don't know.

**Mr. Vieira** said could you correlate that for me what that actually equals up to in comparison to.

**Mr. Croyle** said I will go back to an air conditioner running at a house and you standing at the street or perhaps you are standing at your house and hearing a garbage truck drive by in the morning, or a vehicle drive by. It's all noises that we hear regularly. A small discussion takes place on the noise.

**Ms. Beyer** said if one of these three that we're hearing today is not approved, it would affect placement or functionality of the others and in fact affect the sewerage movement in the area.

**Mr. Croyle** said it would affect the project I would say as a whole. So, the board has approved the project to eliminate septic tanks in this area with collection systems. So, I guess perhaps if this one was eliminated and said oh and we're not doing it, or we can't build it here. We would look for another way to expand on existing station which may make the other one bigger. I don't know it's a complex answer, but yes it would have impacts on the adjacent systems. As far as the location, we look at multiple sites when selecting these. When selecting a site, the first thing we do is evaluate what does the county already own, so we don't have to spend more money. If there is no county owned properties we look as using maybe parks or some other type of multiuse type situation we could have. If that doesn't work last resort, we purchase property. This particular Grenada site we purchased, we bought these two lots, they weren't for sale. We contacted the owner and wrote a letter and Real Estate Services did the deal.

The unique feature about this is it's centrally located, what's the name of the park in the middle. Talks about the Kiwanis Park and explains the area, the station we would not want it on the border and discusses all of this.

Elizabeth Nocheck presented the recommended conditions for the petition.

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

None.

***ACTION: A motion was presented by Andrew Filieo and seconded by Turner Rouse that Petition SE-24-016 be APPROVED based on the Community Development Staff Report dated August 7, 2024, 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 five conditions recommended by staff.***

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

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an essential service, consisting of a vacuum pump station, 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 minimum of a "Type B" landscape buffer with a six-foot-tall, fully opaque fence or wall shall be constructed and planted around the perimeter of the development area. The type of fencing required shall be determined based on the width of the proposed buffer during the Site Plan Review or permitting process. All buffers and landscaping shall be installed prior to the Certificate of Occupancy being granted.
4. This Special Exception is granted for a term of ten (10) 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.
5. 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-24-017**

Dennis Croyle, P.E., representative for Charlotte County Utilities, is requesting a special exception to allow an essential service, consisting of a vacuum pump station, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 700 Chevy Chase Street, in Port Charlotte, and is described as Lots 10 & 11, Block 731, of the Port Charlotte Subdivision, Section 23, located in Section 17, Township 40 South, Range 22 East. The Parcel ID for subject property is 402217381017.

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

**Chair McVety** asks Ms. Nocheck if the Class B buffer absorbs some of the noise.

**Ms. Nocheck** said the masonry wall that they're proposing in addition to the shrubs, canopy, and under story trees. That will provide some level of noise reduction, it's not going to remove it completely. But vegetation does act as a noise suppressant yes. Then she continues with her findings.

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

**Public Input**

**John Gernia, said I have not been sworn in.**

**Mrs. Sargent** swears in the citizen.

**Mr. Gernia** said my concern is with the location of the lift station is going is you'll have maintenance problems from time, or the system will leak. Right now, the culverts there are under water half the time, any time it rains, and we still have standing water in them. That if the system leaks it's gonna go right into the same places into the culvert. My opinion is it should not go there until everything else gets resolved. These plants do leak from time to time, what's going to stop it from going into the stormwater drainage system. The other part is what is going to affect efforts by FPL putting in all their utilities underground.

**Chair McVety** said we don't have nothing to do with FPL.

**Carol Bozman, I live at Bayard Street, I have been sworn in. Ms. Bozman** said I have just a few questions and hoping the gentlemen here from utility company can help us. This is from what I am hearing is a vacuum system it's not a low-pressure system.

**Chair McVety** said correct.

**Ms. Bozman** said because we learned what happened after Ian with those. I want to make sure the vacuum system for my residence that I don't have any kind of electrical pump. That when the power goes out it won't flood, all electricity is at the site.

**Chair McVety** said they have a generator.

**Ms. Bozman** said they're gonna have a generator ok, you mentioned taller walls, how tall are the walls, I didn't hear that part.

**Ms. Nocheck** said the walls I believe on this are ten feet and the others were either eight or nine, it's just slightly higher.

**Ms. Bozman** said OK, and do we have a timeline for construction from start to finish of these? I to am very concerned, my house is several streets away from this. My heart is going out for the people that live directly around it, either side front and back. I can't imagine that this doesn't affect their property values. I am thinking that's all I had, I had a whole bunch of questions, but I think you've answered them. But that is my concern I want to make sure I will still flush my toilets. During an outage which I've been here over fifty years, I've been through many. I guess that's my biggest issue and plus the property values and I know you don't know about that.

**Stephanie Sahn, I live directly across where this proposed building is going to be. I own 705 Chevy Chase, I also own the adjacent property next door to it. Ms. Sahn** said I'm very concerned and I

apologize and feeling very anxious out of fear, because I'm a widow and it doesn't take a rocket scientist or expert to understand that this is going to affect our property values. We have a lot of single ladies and elderly that are all surrounding here that are going to be affected by this. Just imagine out street gets flooded all the time, if you imagine sewer just running down your street. I can't imagine my eight-month-old granddaughter having to smell this or be bombarded with loud noises and all of this stuff. So, I pray to you that you have some compassion, and you take it into consideration that this is right around lots of houses. It's not just one or two, it's several houses are all around this property. I am sure there's other properties around that this could be taken to, and I would really appreciate it if you would deny this motion in this particular case. Because ya know I would appreciate it and I will be complaining very loudly on social media.

**Donna Angelini**, I have been sworn in. Ms. Angelini said I live on the corner of Chevy Chase and Merrick. It's directly in front of my house, it sit's here I sit here, so when I'm at my dining room table with my fourteen grandchildren. I'm looking and hearing these smells and all the holidays the windows are open. We are gonna smell this, I built my house in 1990, I've been through every hurricane. I rebuilt my house twice, and I think that they should find somewhere else. There is all these single woman and older woman in this area. Because there is an empty lot, I mean I don't know it's approved by whoever. We work hard to keep our houses; I've been in my house since 1990. I work my butt off for my house. I don't think it should be there and I think it should be denied. I don't think everybody should say Aye. The other thing was the time frame, if it is approved, what is the time frame.

**Chair McVety** said I will ask that.

**Ms. Angelini** said OK, our area as we know you could look the county does not know how to flow water out of our area. I can't even imagine, they've been out there three times, they dug our ditches we are under water. My mailbox is under water all year, so I can't imagine that the sewer is gonna flow when they can't flow water. But my biggest concern is I work hard for my house, I talked to realtors, and they said you better sell your house now and I don't plan on selling it. But if that's coming across the street, you know my house fits my fourteen grandkids for the holidays. After school and we're gonna smell this and hear this noise all the time. Yeah, a garbage truck goes by, but it doesn't stand there and we don't hear it all day and ninety five percent of us wake up when we hear the garbage man coming. So, I hope that you guys really take this into consideration.

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

**Ms. Nocheck** said does the applicant want to address any of the questions first.

**Chair McVety** said one question I have for you is timeline, when's this going to start and finish.

**Mr. Croyle** said I don't have an exact date, but I can say our goal is to have the design completed towards the end of 2025.

**Chair McVety** said start construction.

**Mr. Croyle** said hopefully, I don't believe we'll start construction on the entire project area.

**Chair McVety** said on just this one.

**Mr. Croyle** said we're not sure which one will start first yet. This will likely be the second one in que so I would imagine within the next ten years. That's about the best we can say, hence the special exception request time. They both discuss this and possible ones in the future, along with going over the questions.

**Mr. Croyle** said Elizabeth the walls will be eight feet, most of the wall will be opaque it will be a block wall and then there will be architectural feature aluminum, you may have seen in one of the photos there. We do everything possible to address the noise and odor with the types of louvers, with solid block walls, with the perimeter buffer wall, hospital grade generator silencers and the types of the mechanics in the pumps and the controls of the pumps. We're conscience of the noise if this site isn't approved. We will be looking at multiple sites then, we might have to split the baby and it's gonna be in the same area. Lift stations by nature go in developed areas because we're collecting sewerage. All the new West Port stuff out there, they are building the infrastructure before they build the houses. Here we are coming in and retrofitting, it's a different monster. But it's the same intent, there is lift stations near newly developed subdivisions and we're just adding them here now. Our site plan meets stormwater, there is minimal run off. It's just like a house; these are no bigger than homes in the area. So, the same amount of run off produced by a house that's what these will produce. Any type of flooding in the neighborhood, I can't comment on that, I can just talk about our site.

**Asst. Co. Atty. Thomas David** said they were asking about sewerage being released from the site.

**Mr. Croyle** said one unique thing about the vacuum station it's a sealed tank, I'm not saying that I am sure some bizarre event could come happen and you know a pipe breaks, and a leak does happen. But it's very rare, these are not like the old lift stations back from the general development days that are built too low and when we have floods that releases occur. It is a different technology completely, it's not an open wet well, it's a sealed system. Is there a potential that a release could happen and get into the ditch yes, but it would be very, very rare.

**Asst. Co. Atty. Thomas David** said the general purpose of this entire project is to take people off septic systems which from my understanding is that they pollute the water ways. Is that the purpose of this whole process to try to improve the general area and the pollution that happens in the water ways.

**Mr. Croyle** said the board has made that a goal of their comprehensive plan to sewer these areas. The water quality debate I am not going to comment on that. I just make sure that I can get sewerage from point A to point B. But I will say that the septic elimination is what the county is one of their goals in the comprehensive plan.

**Chair McVety** said long as the generator works, they'll be able to flush the toilets.

**Mr. Croyle** said yes, this is not the low-pressure system, where each house has an individual pump system. Although those systems are needed at times, this is not one of those. This is a much larger vacuum sewer system.

**Mr. Vieira** said can I ask you is ventilation programmed, how do you vent, what's the automated process for venting.

**Mr. Croyle** said the building is open to atmospheric air it is not a conditioned space. The reason it is there is a fire code and if National Fire Protection Agency puts out a code that says whenever you operate pumps in an enclosed building they need to be ventilated. In order to do that it's open louvers,

on the back of this building there is a generator, and you can see louvers on one of the walls. So, it's just air comes in and out, those louvers meet Florida building code. They stop wind driven rain, water can't get in through them, there special channelized louver blades. It's not like it's on a schedule these are not automated or anything like that. There just like a static louver.

**Mr. Vieira** said previously you had said that there is a mulch component to it and the gases come up through the mulch and then it's vented to the air. Is that how it's vented to the air through those louvers or is there an extraction pump.

**Mr. Croyle** said different venting process, then he explains the vacuum process, the louvers and how it works.

**Mr. Cullinan** said if I may elaborate on some of the items relating to the MSBU. This is step one, when this process which is why we have the ten-year time frame. They need to design the system to determine then what the costs is going to be, which will then determine what the amounts are for the MSBU. As stated unfortunately this is a necessary evil, we empathize with the neighbors, but we do have mandates that we are moving forward on. These plans for septic to sewer conversions have been talked about for many years, even long before probably most of us. Except maybe Mr. McVety have been here. In the future there has been legislation that was passed last year or the year before which required us to review the financial feasibility of a septic to sewer conversion for anything less than one unit per acre. Talks about the incoming legislation we'll probably have mandates from the state to do septic to sewer conversions for essentially the entire county. Unfortunately, these are to service the residents they have to go where the residents are. If this was to be moved somewhere else, then you would have a different group of people in here in opposition to it. We understand that I personally live near a lift station every so often I get a whiff if I am walking right next to it. But anywhere further away, about 10-15 feet I do not smell anything on it and it's one of the open-air ones. It is not concealed, and this is one of those things that we definitely understand the concerns, this is something that has been directed by the board. This is the first step of it is designing what the system how it will work.

**Ms. Nocheck** said to clarify the wall height, the overall height of the structure is ten feet, the concrete or masonry wall is eight with the additional of two feet of pickets. The overall wall height is ten feet.

Elizabeth Nocheck presented the recommended conditions for the petition.

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

**Ms. Beyer** said I just want to share we hear you guys it's not an easy decision to listen to you guys to hear about your houses and what's going to happen. But I think overall the goal here is does it meet the criteria and does it better the community.

***ACTION: A motion was presented by Nichole Beyer and seconded by Steve Vieira that Petition SE-24-017 be APPROVED based on the Community Development Staff Report dated August 7, 2024, 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 five conditions recommended by staff.***

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

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an essential service, consisting of a vacuum pump station, 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 minimum of a "Type B" landscape buffer with a six-foot-tall, fully opaque fence or wall shall be constructed and planted around the perimeter of the development area. The type of fencing required shall be determined based on the width of the proposed buffer during the Site Plan Review or permitting process. All buffers and landscaping shall be installed prior to the Certificate of Occupancy being granted.
4. This Special Exception is granted for a term of ten (10) 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.
5. 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.

**Chair McVety** said I agree with what she just said we do listen; we do hear you.

V. **Public Comments** –  
None

VI. **Staff Comments** –  
**Ms. Nocheck** said for our meeting next month September 11, 2024, we have one petition. **Chair McVety** speaks to Ms. Nocheck and they have a discussion about this.


VII. **Member Comments** –  
**Chair McVety** asks Asst. Co. Atty. Thomas David if we ever wanted to tour one of these facilities before one of these meetings could we get one. **Asst. Co. Atty. Thomas David** said yes, and you would have to disclose it. They both have a discussion on this.

**Mr. Cullinan** said that has happened in the past, board members have gone to sites to take a look at the neighborhoods and has a small discussion.

XII. **Next Meeting**  
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, September 11, 2024 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:54 a.m.

Respectfully submitted,  
Kimberly Sargent, Recorder  
/kas

  
\_\_\_\_\_  
Blair McVety, Chair

Approval Date: \_\_\_\_\_

11-13-24