



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, April 9, 2025 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
Phillip Smallwood
Andrew Filieo

Staff:

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

I. Call to Order

Chair McVety called the April 9, 2025, 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. Nichole Beyer and Andrew Filieo were absent.

IV. Swearing In of Those Giving Testimony

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

V. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Deputy 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.

VI. Approval of Minutes

ACTION: A motion was presented by Mr. Vieira and seconded by Mr. Smallwood to approve the minutes of March 12, 2025, 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 April 9, 2025, Board of Zoning Appeals meeting none were submitted.

VIII. New Business

The following petitions were advertised on March 25, 2025: SE-25-001, SE-25-002, SE-25-003, VAR-25-004, and VAR-25-005.

SE-25-001

Mary Sprague, P.E., representative for Marchelli Enterprise Inc., is requesting a special exception to allow a building trades contractor's office with outdoor storage, in the Commercial General (CG) zoning district. The property is located at 4017 S Access Road, in Englewood, and is described as Lots 15 – 20, Block 3630, of the Port Charlotte Subdivision, Section 64, located in Section 02, Township 41 South, Range 20 East. The Parcel ID for subject property is 412002478011.

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

Mr. Vieira asks could you tell me again the code hearing that was held in 2024 what was the result of that. Is that going to be reheard this year?

Ms. Nocheck said the code enforcement special magistrate found the property in violation. So, they appealed all of the completes submitted before him and gave him sixty days to come into compliance. They did not, they have been issued I think this is their second affidavit of non-compliance. It goes back before clerk magistrate in May.

Mr. Vieira asks so, why are we here?

Ms. Nocheck said they want to make the use a legal use and the only way to do that is by the special exception.

Mr. Vieira said does filing here today somehow negate the findings of the special magistrate, does this wipe any of that out? Does it defer any judgment by the special magistrate?

Ms. Nocheck said I am going to let Shaun answer, since he is with magistrate.

Mr. Cullinan said I am pulling up the signed order from the magistrate. So, no it wouldn't, and they were given sixty days from the date of the order to bring the property into compliance. Which as she stated was August 7th, 2024, is when it was signed. They did not meet that and that's why we took them for the first affidavit. We are preparing the second affidavit they are currently being fined \$500.00 per day. This would not negate it, if you approve it, we will continue the case. The case will be ongoing until they take the next steps. If they don't do it, we will continue the affidavits and lien process. If this is approved today, then their next step is going to be site plan review. If they get site plan review, we will probably push off the affidavit of non-compliance. Then once they get that approval, if they pull a building permit, then we will close it. Then they could apply for the lien releases and reduction.

Chair McVety said if we approve this today, if I understand you right, it stops the fine and give them time for permitting.

Mr. Cullinan said correct, I believe Elizabeth correct me if I am wrong. I know we haven't got to the recommendation yet, but I believe similar to some other of these items. We put in specific time frames into our recommendations for they have to get site plan approval within a number of days and have to pull building permits within a number of days, complete those types of things. The second they don't hit one of those triggers, we are taking them right back to the magistrate. I believe we also put it in the recommendations that if they don't meet some of the triggers your approval will be null and void. We're tight on this because this has just gotten way out of control, and we do have those concerns they are not going to follow through. We have had a number of similar situations with code cases, where they get the approvals, and they don't move forward, and we are right back here. They're with one that

is expired or right back before the code magistrate. In terms of construction this is pretty egregious they were visited and by code enforcement and at that time they stated to those officers that they were just running a business here. We put in very strict conditions, and we respect whatever decision you folks make.

Dep. Co. Atty. Thomas David said Mr. Vieira if I might just point out that the condition number seven which Elizabeth will describe to you requires essentially that they discontinue this use until they get permits. I don't know that, and both discuss.

Applicant Presentation

Mary Sprague, representative for the applicant, I have been sworn in. Ms. Sprague said I am here to present the special exception. I understand there's been violations I don't have a lot of knowledge of the process. I do know that this is one of the requirements that they have to go through to develop it and that was their intent to develop it. So, having said that we are requesting a special exception for the purpose of outdoor storage. Which is to me, it's kind of a term it's not really storage, it's a display. Unfortunately, with granite you have to go to look at the slab itself in order to purchase it. I understand that the county does see the granite as a storage yard and of course that is why we are here. But unlike carpeting and wood flooring which you choose from a sample, granite is sold by the slab. No samples to look at the buyer must actually look at the granite and order to choose both the color and pattern of the slab they want for their home. I understand Elizabeth says that you know it should be in an industrial park. Unfortunately, the industrial parks are little further out, the accessibility to the public is not as easy as in the CG zone along the highway here. The Marchelli's currently rent the adjacent offices and to access they're of granite displayed on their site it through a driveway from their rental property. The Marchelli's are proposing to develop the adjacent property as you can see on the six lots that they own. They have retained me already to do this work, which of course once I found out a special exception was needed. I said we need to get this first before I get into the actual design and construction permitting for the site itself. The storage or the display of the granite is allowable use with CG with a special exception approval. If it is approved the owners are required to construct a six-foot-high fence or wall with a landscape buffer along the entire perimeter of that storage area. The granite height varies but is approximately six to seven foot in height. There is a small like stand that it sits on, it sits at an angle so with the angle the six-foot wall will pretty much cover the site of the granite. You might see a few inches or depending on how it's leaning you know six to eight inches of granite above the wall. The board can also impose additional conditions which Elizabeth has recommended in her report. Should the board see to it to approve this special exception. I would ask that item number seven, as the attorney pointed out that the owners be allowed to permit and construct the fence first. With the landscaping as it would be quite costly and difficult to remove all the granite from the site. Of course, it would go along with the requirement if they got to get it up or the granite has to be removed. If they could be allowed to put the wall and the landscaping up while we are going through site development approval. That would be advantageous. I would also ask that some sort of a provision be added to recommendation number eight. I believe Shaun is that six months that's in the recommendation.

Dep. Co. Atty. Thomas David said final site plan approval review approval shall be obtained within six months and all the permitting inspections must be completed within one year.

Ms. Sprague said as doing a tremendous amount of site development in Southwest Florida it is next to impossible to get through full site development approval final in six months. I can do the best I can but for example there is thirty days for preliminary review. After those thirty days I can upload those revisions. Then there is another thirty days that the county has to respond to those comments. Not saying they always use the thirty days on the response, but they do have the thirty days. Then you

submit again and have thirty days for the final review. Then there is comments and changes, I submit those. Then they have another thirty days to review for that. There are also other items that need to be done through site development protected species report, landscape plan, traffic, surveys, septic, I don't do these items. So other consultants need to do them. Sometimes trying to get them done before preliminary is next to impossible, in today's times. For my sake I think I am asking for a possible extension that as long as we are making a concerted effort to get it done as quick as possible. There is a provision in there for some sort of an extension on my behalf, not the owners. That I would be able to get the permitting done in the six months and of course like I said if you would possibly consider the special exception. In conclusion I do respectfully request approval of the special exception based on the other requirements which will be imposed on the site development, and it does meet the intent of the code.

Chair McVety said are you the owner sir.

Unknown speaker said I am just to answer your question.

Chair McVety said wait first you've been sworn in and who you are and sign.

Unknown speaker said I have been sworn in, the main thing I want to address is just.

Dep. Co. Atty. Thomas David said state your name for the record please.

Chair McVety said state your name, so we know who you are.

Brian Pardee, certified general contractor, have been hired by the Marchelli group to handle this, I've been working hand and hand with Ms. Sprague. So, the reason I wanted to come up just to kind of offset some of the things that were said. I see in the beginning before she arrived or even unbobbed. It seems like they were just kicking the can down the road, and not really responding to the code enforcement, and what Shaun and his team were wanting to accomplish before having to get to this point. Once they realized hey, we are getting \$500.00 dollars a day that kinda of wakes people up. So, to show how serious they are they have put myself on retainer, they hired Mary, and we are just from the August meeting. You asked why we are here from that point this is how long it's taken just to get everything for the special exception and be on the calendar to even have this meeting. Since August 2nd we have been working to get to this day. I know the owners are very serious to coming into compliance and if you were to give us the special exception. I can tell you from myself and my reputation and Mary Sprague. We're going to do everything possible to make sure that we maintain that reputation by getting them inline and helping them get this out and through the finish line.

Ms. Sprague said just to add to what he said, during the process of site development. Once we get all the permits and they do what they are supposed to do. I have to certify once it's done, and they do have to have both approval of the site construction once it's done. As well as the certificate of occupancy for the building itself.

Chair McVety *opened the meeting to Public Comments.*

Ms. Nocheck said I did receive actually a written correspondence from an adjacent property owner Mr. Anthony Ray and for the record we will label this as exhibit K.

Chair McVety said do you know if this is against.

Mr. Nocheck said it is against.

Public Input

No one spoke for or against this request.

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

Mr. Cullinan said I would like to correct a few items on the site plan review process. With the site plan review process that is a three-week process not thirty days. Staff reviews within the first two weeks and then the applicant has a week to respond or more. We always grant extensions to that. The number of times they have to submit and resubmit it's always based on what is submitted and whether or not it meets code. We've had people get through first round admittedly very rare, we have had people that's taken ten to twelve rounds to go through to finally come up with a code compliant plan. Essentially, it's all based on the documents that are given to us. But physically in our hands our process is two weeks. Similar with building permits we are roughly at about a two-three-week review time for building permits and again those review times and number of resubmittals are solely based on the items that are submitted and reviewed whether they are code compliant or not. So, I just want to put that out there that no it's not multiple thirty-day periods. Our review times vary and that is under the code, that is a three-week process.

Ms. Sprague said quite candidly Shaun can I call you this afternoon with a few projects that I have going through site development. **Mr. Cullinan** said sure can.

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

Ms. Nocheck said yes that is exhibit K.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Chair McVety said can I ask why you are doing a six-foot fence and not an eight-foot fence.

Dep. Co. Atty. Thomas David said the type of buffer that's required under special exceptions for outdoor storage limits the height of the fence to six feet. Both discuss this.

Mr. Vieira said on the landscape buffer it's six-feet, six-foot opaque fence, is that to be placed on top of a berm, is that how we are going to interpret that.

Mr. Cullinan said no that is not a requirement, a discussion ensues.

Chair McVety asks are the owners here today?

Bryan Pardee said I am representing the owners as well as Ms. Mary and they are not here. They are short handed due to staff issues.

Dep. Co. Atty. Thomas David said I believe the hearing has been closed.

Chair McVety said the hearing has been closed.

Mr. Pardee asks am I able to Rebut?

Chair McVety said I will let you go.

Mr. Pardee said just real quick, I understand that this was a bunch of trash stored I'm complete in agreement with what this gentleman is saying. However, what you're suggesting is you're taking the showroom and having to move all that, that you see to some other location. Which I am sure you would be glad to open another code case because they put that somewhere it's not supposed to be. Now it's illegal storage somewhere else. But what you're doing is your cutting off the cash flow that is going to be able to allow them to get this case into compliance. It's over a million and a half dollars to put this fence and destruct the building and everything that we are talking about doing. So, it's very difficult to cut the cash flow and expect all this to happen.

Dep. Co. Atty. Thomas David said with respect to the witness, is this additional testimony, I don't know what we are doing here but as far as the point is that under the county code all that's illegal. None of that was put there legally. So, the fact that it causes a cash flow issue to the applicant is regrettable, but the county did not create the issue. This was done completely in violation of the code with multiple years of notices. This is not like this has popped up yesterday, this goes back to 2020. We have been talking about this case with the property owner for before the hurricanes, probably before Covid. So, this is not new, and everybody is aware of what is going on here. They were aware of what's going on here. They basically told our code enforcement people that they were not going to comply. Regardless that is not up to you, I am just letting this gentleman know that this is nothing new. The fact that you are violating the county. There are storage units all over the state, all over this county that are available to put stuff in. We have been approving them at this board like crazy. The idea that there is no place to put this stuff in the interim is not, to me Tom's opinion not the county attorney's opinion. Tom's opinion is that auspicious argument.

Mr. Vieira said I want to continue the discussion actually. I am sitting here and I'm listening to this. The applicant has intentionally just completely disregarded our codes and violated them and thumbed his nose at the county. Now the applicant and with due respect to his representatives coming in here. I understand what your job is and what you are trying to do on their behalf. But the point of the matter is that they just decided that they're not going to comply. Until they got to this point, and now that their back is against the wall they've decided that they will fall in line now. I don't know if we are lining ourselves up for additional hearings. Meaning that site plan asked for extensions and those sorts of things in the future. I think it's a game and I don't have a problem not supporting this application whatsoever at this hearing. That's my opinion.

Chair McVety said I just wished the applicant their self was here.

Mr. Vieira said I do too, a discussion ensues.

Ms. Sprague said I would like to say something. We are here to do our job, and the owners last fall had signed a contract with me, so they are serious about getting this taken care of. Unfortunately, at that time I didn't realize there was a violation on site. So, I said let's stop the site development until the special exception is approved, because if it is not approved then it's not going to do any good to go to site development. If necessary for the time frame it's again I asked not on the owner's behalf because I am sure he would love to have this done in six months. But on my behalf only because of the time

schedule and I appreciate what Shaun is saying and I am mistaking it's not thirty days it's twenty-one. On occasion it does go beyond that and it's twenty-one for their review. I will confirm it and look online. There are times I am waiting longer. But that's kind of irrelevant I'm just asking if you approve it. However, I feel that this hearing here has nothing to do with the violation, it could be obviously it's there. I can't address it because I am not involved in any of the violations. But should they be approved for the special exception they would then proceed, they have to, to comply with what's being done. If they don't comply, they will be shut down and you know obviously more and more penalties. So, they really don't have a choice, and I would just ask the board to keep the violations separate from the special exception. As Elizabeth stated if they didn't have a violation, we would still come in front of you unfortunately we are working with a violation.

Mr. Cullinan said since she brought that up, if you recall across the street roughly, we would not be recommending approval of this petition. Similar to the one across the street where they were looking to do outdoor storage. Based on compatibility issues and location issues, we looked at it as well without the code case being involved and we would still not be recommending approval of this type of use.

Chair McVety said that's where I would like to be is without a code case.

Mr. Vieira said too much emotion involved and both discuss this.

ACTION: A motion was presented by Phillip Smallwood and seconded by Steve Vieira that Petition SE-25-001 be DENIED based on the Community Development Staff Report dated April 2, 2025, 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 unanimous vote.

SE-25-002

Shawn Emery 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 4,800-square foot detached garage, for a total allowance of 8,840-square feet of accessory structures, in the Residential Single-family-5 (RSF-5) zoning district. The property is located at 3413 Pepperwood Lane, in Englewood, and is described as Parcel P11-2, located in Section 27, Township 41 South, Range 20 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 412027184003.

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

Mr. Vieira asks for this structure will a septic system be required for this, is there public sewer there or will it be a septic?

Ms. Nocheck said I am going to let the applicant address that.

Mr. Smallwood said would that building have to be moved different from what, because of the height, would it have to have more set back than a thirty-foot, forty feet.

Ms. Nocheck said yes, they will have to move it further into the property just a little bit.

Applicant Presentation

Shawn Emery, applicant, I have been duly sworn in. Mr. Emery said I am on city sewer, so what I have is a lift station that pumps to the city. So, there is not septic, and the height of the building was originally eighteen and we reduced it to sixteen to fall within the limits of the five feet addition. She said eighteen, it's really sixteen. Basically, I just want to get some older cars to store them, I am not going to work there. I own a business; I don't work at my business I have my mechanics work on my own stuff. I certainly have print outs of hours I have produced over the past two years and it's pretty low. I don't work at work; I don't want to work at home. I just want to store my ATV's, my side by sides, we go to River Ranch. I want to park my truck in there with my trailer attached and loaded up. So, we could just open the door, pull out, and go away for the weekend. No one can see my property is the picture, the front gate, you can't even see back there. There is no one around me, my one neighbor Jimmy Dickson is fine with everything. I fall under the same restrictions as people with a quarter acre I believe which is crazy. I have to get a special exception; I have five acres, and I have plenty of room.

Chair McVety opened the meeting to Public Comments.

Ms. Nocheck said we did receive two emails regarding this petition they are both from the same person. One sent on April 7th had objections and the one sent on April 8th said that the concerns have now been satisfied. I am going to distribute these, and we are going to label April 7th as Exhibit I and the email from April 8th as Exhibit J. So just as everyone's aware.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mr. Vieira moved to close the public comments, seconded by Mr. Smallwood. 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 we're including the future generator for the home under recommendation number four. The construction of any additional structure will require a modification. If we are approving the square footage now, is he still going to have to apply for a modification of the special exception.

Ms. Nocheck said no the whole home generator shed is included with this request. So, anything after that if they want to construct an additional shed or another garage. That would require a modification.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-002 be APPROVED based on the Community Development Staff Report dated April 2, 2025, 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 4,800-square foot detached garage, and a 140-square foot whole home generator shed, for a total

allowance of 8,840-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 environmental 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.

SE-25-003

Robin Palmer, P.E., representative for Elio Almaguer Cespedes, is requesting a special exception to allow the outdoor storage of commercial vehicles, boats, trailers, and recreational vehicles, in the Commercial General (CG) zoning district. The property is located at 15700 Tamiami Trail, in Punta Gorda, and is described as Lots 14 & 15, of the Punta Gorda Isles Comm Frontage 41 Subdivision, located in Section 19, Township 42 South, Range 24 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 422419376002.

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

Mr. Vieira said we are proposing a type D landscape barrier around the entire perimeter.

Ms. Nocheck said yes.

Mr. Vieira said how is that going to be irrigated.

Ms. Nocheck said that would be for the applicant's representative, but the code does not require a specific type of irrigation system. It just requires the plants be kept alive so they could go out with their watering cans and water the plants every day. They could set up an irrigation system, but I know Ms. Palmer is here from Weiler to address any of that.

Applicant Presentation

Robin Palmer, with Weiler Engineering, representative for the applicant, I was sworn in. Ms. Palmer said Ms. Nocheck did a wonderful introduction on this project. Let us give you a quick overview, as far as answering the question about irrigation. They are planning on putting in a well that will have water. As Elizabeth said they aren't necessarily required to put in irrigation, but they are required to ensure that the landscaping survives. So, whether they do that by hand or some other method, or some of the

bags around the trees. By code they are required to make sure the landscaping does survive and if it doesn't, they have to replace it. So, to be determined as we work with our landscape architect through that process. But essentially what we are trying to do is build a nice outdoor storage yard. We are looking at approximately seventy-four outdoor spaces depends on the size of the vehicle. We will have a paved driveway; we will have that six-foot opaque whether it be wood or PVC fencing surrounding it. With the landscaping on the outside, so it is a little more visually appealing. As Elizabeth mentioned there is no neighbors in the vicinity, it is on US 41 down by the landfill so there are a lot of big trucks garbage trucks and semi's that do use the area. This use in general does generate minimal trips so we don't expect any issues with traffic in this area. No buildings are proposed at this point in time, and as she mentioned each tenant will have their individual code to be able to punch in and out. That way they'll get a report every day if there is any unusual activity to be able to address that.

Chair McVety opened the meeting to Public Comments.

Ms. Nocheck said I did receive one email from an adjacent property owner opposing, which I will distribute and will label this Exhibit J

Chair McVety asks a commercial property owner?

Ms. Nocheck said from Gulf Atlantic Investments LLC.

Public Input

No one spoke for or against this request.

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

Mr. Cullinan said for reference they own the property lot sixteen to the north. They own the property immediately adjacent to the north, lot sixteen, commercial property.

Mr. Vieira asks is it only lot sixteen that they own. Both discuss.

Ms. Nocheck said while the board is reading that email from the adjacent property owner. I would just like to note that staff as you can see in the picture taken for the signs. There has been some storage started on the property already, there is not currently a code case but that needs to be removed or there will be a code enforcement case. I drove by it this weekend and I thought oh no. Just making sure that the applicant is aware of this, it has to be removed from the property.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira said has the applicant agreed to all ten items.

Chair McVety said she is shaking her head yes.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-003 be APPROVED based on the Community Development Staff Report dated April 2, 2025, 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 ten conditions recommended by staff.

Motion was approved with a unanimous vote with the following ten conditions:

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of commercial vehicles, 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, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of construction materials, debris, heavy machinery, semi-trucks, dumpsters, portable restrooms, or hazardous materials is prohibited. Subject property shall not be used as a contractor storage yard.
4. A "Type D" Landscape Buffer with a six-foot-tall sight-obscuring (fully opaque) fence or wall, shall be constructed and planted around the perimeter of the site. The use of chain link fencing as part of the required buffer is prohibited.
5. Any perimeter outdoor lighting shall be directed towards the interior of the property.
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 or final inspections have been issued or completed.
8. Wash and/or dump stations shall not be permitted as part of the storage facility.
9. 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.
10. 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. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

VAR-25-004

Diana Gillis, representative for Steve & Jakawana Minton, is requesting a variance to reduce the required 7.5-foot east side yard setback by 4.5 feet to allow a 3-foot east side yard setback, for a garage expansion, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 2284 Hayworth Road, in Port Charlotte, and is described as Lot 6, Block 2749, of the Port Charlotte Subdivision, Section 33, located in Section 14, Township 40 South, Range 22 East. The Parcel ID for subject property is 402214258018.

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

Applicant Presentation

Diana Gillis, representative for the applicant, and I was sworn in. Ms. Gillis said the Minton's reached out to us to ask us for a garage addition and when they told us what size they wanted. We know that it was not going to be in compliance, and we told them that the only way they could get it that large was to apply for this variance. He is a disabled veteran; he does have a condition where he is going to progress with his illness. So, they asked for the extra space in the garage so he could walk around the vehicle also with the doors open. It is simply their request to make it larger. The neighbor doesn't have any problem with it, we told them that we would be able to complete the project. But we would need the variance in order to apply for the permits.

Mr. Vieira asks Elizabeth if you could put exhibit C13 up on the screen please. Is the extension going to come out to the edge of that existing sidewalk, is that where the project terminates or does it go into the grassed area.

Ms. Gillis said it should be almost equal to where that concrete is already.

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 Mr. Smallwood. 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 Steve Vieira and seconded by Phillip Smallwood that Petition VAR-25-004 be APPROVED based on the Community Development Staff Report dated April 2, 2025, 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 7.5-foot east side yard setback by 4.5 feet to allow a 3-foot east side yard setback, for a garage expansion.
2. The variance shall apply to the existing attached garage, as shown in the documents submitted with this application.
3. If the attached garage is removed or replaced, this variance shall expire, and all future development must be constructed in accordance with 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 the removal or replacement of the attached garage caused by a natural disaster or involuntary destruction of the attached garage.

VAR-25-005

Michael Friedman is requesting 3 variances: (a) to reduce the required 7.5-foot east side yard setback by 1 foot to allow a 6.5-foot east side yard setback and (b) to reduce the required 20-foot rear yard setback by 0.5-feet to allow a 19.5-foot rear yard setback, to allow an existing single-family residence to remain “as-is” in its current location on subject property; and (c) to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback, for a new swimming pool, in the Residential Single-family-5 (RSF-5) zoning district. The property is located at 7 Current Lane, in Placida, and is described as Lot 122, Block 4, of the Rotonda Sands Subdivision, Unit 1, located in Section 30, Township 41 South, Range 21 East. The Parcel ID for subject property is 412130281004.

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

Applicant Presentation

Michael Friedman, applicant, I was sworn in. Mr. Friedman said she explained it pretty well. I was surprised to do the additional variances; the builder has been around for a long time and does a lot of houses in the area. So, a little disappointed to hear that but as far as the pool goes. The main thing is I have a one-and-a-half-year-old, we would like to get him swimming as soon as possible. For a lot of reasons, I would like to put a pool at least a decent size. If we ever want to sell the house, it’s a desirable back yard right now it’s more or less useless to me. Anybody in the future wants to buy it, as you see the shape, the L shape of the pool is really to work around that lanai that is existing there. To offset the pool to one side or the other, the house as is doesn’t seem logical to me to spend that kind of money on a pool. To put such a small pool and I really don’t think it adds any real value to the home. It definitely doesn’t add any value to me having a pool that small.

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 Mr. Smallwood. 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 Phillip Smallwood and seconded by Steve Vieira that Petition VAR-25-005 be APPROVED based on the Community Development Staff Report dated April 2, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Variance with four conditions recommended by staff.

Motion was approved with a unanimous vote with the following four conditions:

1. The variances, as approved by the Board of Zoning Appeals, are: (a) to reduce the required 7.5-foot east side yard setback by 1 foot to allow a 6.5-foot east side yard setback and (b) to reduce the required 20-foot rear yard setback by 0.5 feet to allow a 19.5-foot east side yard setback, to allow an existing single-family residence to remain “as-is” in its current location on subject property; and (c)

to reduce the required 10-foot rear yard setback by 5 feet to allow a 5-foot rear yard setback, for a new swimming pool.

2. The variances shall apply only to the existing single-family residence and proposed swimming pool and pool deck, as shown in the documents submitted with this application.
3. The applicable variance shall apply to a screened enclosure (pool cage), if constructed in the future.
4. If the single-family residence or swimming pool or pool deck is removed or replaced, the applicable variance shall expire, and all future development must be constructed in accordance with 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 the removal or replacement caused by a natural disaster or involuntary destruction of the single-family residence, swimming pool, pool deck, or future pool cage.

IX. **Public Comments –**
None

X. **Staff Comments –**
Ms. Nocheck said we have one petition for next month, it's a signage variance.


XI. **Member Comments –**
Chair McVety asks Mr. Vieira if you will be here next month. **Mr. Vieira** said yes, I will. **Chair McVety** asks him to be chair because he will not be here next month.

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, May 14, 2025 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:13 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder

/kas


Blair McVety, Chair

Approval Date: May 14, 2025