



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, May 14, 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
David Moscoso, Asst. Co. Attorney
Kimlyn Walker, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent - Recorder

I. Call to Order

Chair McVety called the May 14, 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. Blair McVety was absent.

IV. Swearing In of Those Giving Testimony

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

V. Approval of Minutes

ACTION: A motion was presented by Mr. Filieo and seconded by Mrs. Beyer to approve the minutes of April 9, 2025, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Introduction of Staff/Comments

Vice-Chair Vieira introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Deputy County Attorney David introduces David Moscoso who is new to our office, he is going to be taking over the position I occupied as the lawyer for the board, he will also do the same thing for the Planning and Zoning Board. Asst. Co. Atty. David Moscoso and Vice-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.

VII. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the May 14, 2025, Board of Zoning Appeals meeting none were submitted.

VIII. New Business

The following petitions were advertised on April 29, 2025: VAR-25-006.

VAR-25-006

Todd Mathes, Benderson Development, representative for 7978 Associates XVIII, LLC, is requesting a variance to allow freestanding primary signage to exceed 20 feet in height and 150-square feet in area, to allow two replacement freestanding primary signs of 30 feet in height and 320-square feet in area, in the Commercial General (CG) zoning district. The property is located at 1910 – 2000 Kings Highway, in Port Charlotte, and is described as Parcels P1-1-1 and P1-1-9, located in Section 07, Township 40 South, Range 23 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 402307376002.

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

Applicant Presentation

Todd Mathes, representative for the applicant. Mr. Mathes said thanks to Ms. Nocheck and meets the criteria, talks about when property was built and provides the history. Talks about the signs which were destroyed from Hurricane Ian in 2022, and the steel was taken from them being able to do the repair, and the 50% rule. The rebuild of signs and explains the signs are lower and smaller than the prior ones along with what they will look like for the businesses.

Mr. Vieira said for both signs that is a complete rebuild, there is nothing that you can salvage from the previous signs, you will take away all the debris and rebuild in place.

Mr. Mathes said that is correct, we will excavate the existing foundations that are there because they are moving back, and the debris has been removed from the old signs.

Vice-Chair Vieira opened the meeting to Public Comments.

Ms. Nocheck said I did receive two emails from neighbors that are unable to attend from being out of town. From Mr. Taruc and that will be exhibit "H" and from Ms. Perucci that will be exhibit "I" both are in objection.

Mr. Vieira said regarding the communication, one of the Mr. Taruc he is assuming that there is going to be some sort of a traffic interference and is worrying about the traffic and nighttime use of lighting, illuminating larger signs. Do we have any information regarding traffic, impediment or distraction along that roadway. It's Rampart I assume he is talking about.

Mr. Cullinan said we have Candle power standards within the code for lighting. We do have those standards, obviously this will be on their property away from it.

Mr. Vieira said his comment about reduction and speed or speed limit change has nothing to do with this hearing whatsoever that is a traffic scenario, and both discuss. The second communication is from a resident in Buckingham Way. I think that she is under the assumption that these signs are going to illuminate into her property. Do we have any information regarding that location.

Mr. Cullinan said I can't speak for what the intent is. They are not here to testify, but we do have standards regarding spillage over onto lots, admittedly you may still see a sign that doesn't mean that the light is spilling over into your property, adding LED lighting a new way to illuminate those signs. That is a way for the developer to be able to reduce the lighting, and both discuss.

Mr. Mathes said our sign vendor company are obligated to the conditions of the permit and the county also has permit inspections. I can't speak to what your county does by way of inspection. We do ensure that the bulb installed meets the criteria, that is our check on their process.

Mr. Cullinan speaks what we have typically found with code enforcement cases is it's not these internal illuminated ones but rather the digital messaging boards that tend to be lighter and the bulbs are exposed on the outside and sometimes though not allowed flash or change images can be much brighter.

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 Mrs. 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 asks Mr. Mathes if he is in agreement with the recommendations of the county. **Mr. Mathes** said we are.

ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that Petition VAR-25-006 be APPROVED based on the Community Development Staff Report dated May 7, 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 variance, as approved by the Board of Zoning Appeals, is to allow freestanding primary signage to exceed 20 feet in height and 150-square feet in area, to allow two (2) replacement freestanding primary signs of 30 feet in height and 320-square feet in area, for a commercial shopping center.
2. The signage shall be subject to all other provisions established by Section 3-9-85, as may be amended, for non-residential signage. Each frontage shall be entitled to one (1) freestanding primary sign.
3. This variance is granted for a term of three (3) years from the date of approval from the Board of Zoning Appeals; however, the variance shall not expire if the owner commences the proposed development on or before the variance's term expires.
4. If the freestanding primary signage is removed or replaced, this variance shall expire and all future development must be constructed according to all applicable codes in existence at that time, unless a new variance is granted specific to the development proposed at that time. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the freestanding primary signage.

IX. **Public Comments –**
None



X. **Staff Comments –**
Ms. Nocheck said next month we will have four petitions; we have three special exceptions and one variance.

XI. **Member Comments –**
None

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, June 11, 2025 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:35 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder
/kas

Blair McVety, Chair

Approval Date: 6-11-25