



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, June 11, 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

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

Chair McVety called the June 11, 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. Andrew Filieo 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. Vieira and seconded by Mr. Smallwood to approve the minutes of May 14, 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, Asst. Co. Attorney 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 June 11, 2025, Board of Zoning Appeals meeting one was submitted.

### **VIII. New Business**

The following petitions were advertised on May 27, 2025: VAR-25-007, SE-24-021, and SE-24-022.

**VAR-25-007**

Michael Brown is requesting a variance to reduce the required 10-foot rear yard setback by 6 feet to allow a 4-foot rear yard setback, to allow an existing shed to remain “as-is” in its current location on subject property, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **2361 Pinellas Drive**, in Punta Gorda, and is described as Lots 75 – 78, Block 11, of the Harbour Heights Subdivision, Section 1, located in Section 15, Township 40 South, Range 23 East. The Parcel ID for subject property is 402315405004.

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

**Chair McVety** spoke to **Ms. Nocheck** about the complaint on the garage and there was discussion on the permit.

**Applicant Presentation**

**Michael Brown, applicant.** **Mr. Brown** asked if there were any questions.

**Mr. Vieira** asked about the status of the code violation and talked with **Mr. Cullinan** regarding the garage and shed.

**Mr. Brown** talked about the delay, the size of the garage, the shed and permits.

**Chair McVety** spoke to **Mr. Cullinan** on the square footage with the size requirements. **Ms. Nocheck** joins in the conversation and speaks on the shed back in 2009 which was not permitted. **Mr. Vieira** spoke with **Mr. Cullinan** and **Mr. Brown** regarding the shed, location, size allowed per lot size.

***Vice-Chair Vieira 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 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**

**Chair McVety** asks how much space is between the shed and the building? **Mr. Brown** said I believe it's about thirty-eight inches.

**Mr. Vieira** expressed his concerns with allowing this to go through.

**Chair McVety** said it looks like it has a window AC, and discusses it with **Mr. Vieira**, **Mr. Brown** and **Mrs. Beyer** and discusses flipping the shed in its current location, possible relocation. **Mr. Cullinan** speaks on the modification on the expired permit, with showing the new location of it.

**Ms. Nocheck** stated for clarification, denial of the requested variance would not prevent the applicant from relocating it on the property or turning it to meet the setbacks.

**Mr. Vieira** was looking for guidance and wanted to make sure this is the easiest process. A discussion takes place with members and staff.

***ACTION: A motion was presented by Steve Vieira and seconded by Nichole Beyer that Petition VAR-25-007 be DENIED based on the Community Development Staff Report dated June 4, 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 Variance.***

**Mr. Vieira** talked to Chair McVety regarding petition number 2 and 3, and stated he is a member of the Charlotte Harbor Water Association Board of Directors and has been for the last eleven years. He excused himself from both hearings.

#### **SE-24-021**

Derek Rooney, Esq., representative for Charlotte Harbor Water Association, is requesting a special exception to allow a 100-foot-tall radio communications tower with a 2-foot-tall lightning rod for an essential service provider (Charlotte Harbor Water Association), in the Commercial General (CG) zoning district. The property is located at **2515 Highlands Road**, in Punta Gorda, and is described as Tract B, of the Harbour Heights Subdivision, Section 9, located in Section 21, Township 40 South, Range 23 East. The Parcel ID for subject property is 402321227001.

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

Chair McVety spoke to Ms. Nocheck about the two towers.

The oath was provided by Recording Secretary Sargent for those wishing to speak.

#### **Applicant Presentation**

**Derek Rooney, Esq.**, representative for the applicants, said he has been sworn in. **Mr. Rooney** speaks about the two towers with the board and staff.

***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, Mrs. Beyer moved to close the public comments, seconded by Phillip Smallwood. The public comments was closed with a unanimous vote.***

Elizabeth Nocheck presented the recommended conditions for the petition and clarifies on number two, the sizes and explains.

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

None

***ACTION: A motion was presented by Phillip Smallwood and seconded by Nichole Beyer that Petition SE-24-021 be APPROVED based on the Community Development Staff Report dated June 4, 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 eight conditions recommended by staff.***

**Chair McVety** asked the applicant to speak about the location and the redundancy, and if it's ok with staff.

**Ms. Nocheck** mentions this so it is on the record and will let Dep. Co. Atty. Thomas David speak about this. He explained his recommendation and Ms. Nocheck highlighted any differences between the application and the prior one.

***ACTION: A motion was presented by Nichole Beyer to include the staff report into the record and for Ms. Nocheck to detail any additional notes or requirements to this motion and seconded by Phillip Smallwood.***

**Mr. Rooney** stated for the record no objection.

***Motion was approved with a unanimous vote with the following eight conditions.***

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 100-foot-tall radio communications tower with a 2-foot-tall lightning rod for an essential service provider, generally as proposed in the application and as shown on the Site Plans and extends only to the land included in the site plan and legal description as submitted with this application. The Site Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower shall not exceed 105 feet.
3. The communications tower shall be of monopole design. Exterior antennae shall be permitted.
4. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
5. A Type D landscape buffer, with an eight-foot-tall opaque fence or wall, shall be required around the perimeter of the ground level equipment compound.
6. The tower shall be for the exclusive use of Charlotte Harbor Water Association and other government agencies or essential service providers. Commercial communications providers shall not collocate on the radio communications tower unless a modification of the special exception is approved by the Board of Zoning Appeals.
7. This Special Exception is granted for a term of five (5) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
8. Any major changes or additions to this special exception shall require a modification of the special exception, including the collocation of commercial communication antennae. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

**SE-25-022**

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

**Applicant Presentation**

**Derek Rooney, Esq., representative for the applicants, said he has been sworn in and accepts Ms. Nocheck, staff report and recommendations into the record.**

**Ms. Nocheck has emails and passed them out to the members and for the record it is exhibit J.**

***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. Smallwood moved to close the public comments, seconded by Mrs. Beyer. The public comments was closed with a unanimous vote.***

**Asst. Co. Atty. David Moscoso spoke on the limitations placed upon the government and explains after reading the public comment received.**

**Mr. Rooney objects to the entry of the letter and explains.**

**Elizabeth Nocheck presented the recommended conditions for the petition.**

***ACTION: A motion was presented by Nichole Beyer and seconded by Phillip Smallwood that Petition SE-24-022 be APPROVED based on the Community Development Staff Report dated June 4, 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 and also move to include with eight conditions recommended by staff and all of Ms. Nocheck's notes.***

***Motion was approved with a unanimous vote with the following eight conditions.***

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a 100-foot-tall radio communications tower with a 2-foot-tall lightning rod for an essential service provider, generally as proposed in the application and as shown on the Site Plans and extends only to the land included in the site plan and legal description as submitted with this application. The Site Plans submitted as part of this application are for illustrative purposes only.
2. The total overall height for all elements of the communications tower shall not exceed 105 feet.
3. The communications tower shall be of monopole design. Exterior antennae shall be permitted.
4. The applicant shall obtain all necessary permits and approvals as applicable to this development, including but not limited to Site Plan Review, building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.
5. A Type D landscape buffer, with an eight-foot-tall opaque fence or wall, shall be required as shown on the **Site Plans** (Exhibit H) by the applicant. The final design of the buffers shall be determined during the Site Plan Review process.

6. The tower shall be for the exclusive use of Charlotte Harbor Water Association and other government agencies or essential service providers. Commercial communications providers shall not be permitted to collocate on the tower.
7. This Special Exception is granted for a term of five (5) years from the date it receives approval from the Board of Zoning Appeals; however, the Special Exception shall not expire if the owner commences the proposed development on or before the Special Exception's term expires.
8. 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.

**Board Member Comments and Questions**

Chair McVety speaks to Mr. Cullinan on one item from a prior hearing.

IX. **Public Comments –**  
None

X. **Staff Comments –**  
Ms. Nocheck stated next month we will have either three or four petitions, an administrative appeal, a variance and a special exception possibly two special exceptions.

XI. **Member Comments –**  
None

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

There being no further business, the meeting **ADJOURNED** at 10:16 a.m.

Respectfully submitted,  
Kimberly Sargent, Recorder  
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Blair McVety, Chair

Approval Date: 7-9-25