



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, July 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
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 July 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.

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 Mrs. Beyer to approve the minutes of June 11, 2025, meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VI. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. Co. Attorney Hackbarth 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.

VII. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the July 9, 2025, Board of Zoning Appeals meeting one was submitted.

VIII. New Business

The following petitions were advertised on June 24, 2025: APL-25-001, SE-25-005, VAR-25-008.

APL-25-001

Cody Richard is requesting an appeal of the Zoning Official's determination regarding the prohibition of outdoor storage of heavy machinery in the Manufactured Home Conventional (MHC) zoning district. The property is located at 29359 & 29355 Pine Villa Circle, in Punta Gorda, and is described as Tract 23, of the Pine Ridge Estates Subdivision, located in Section 12, Township 40 South, Range 23 East. The Parcel IDs for subject property are 402312252002 & 402312252004.

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

Applicant Presentation

Cody Richard, applicant. Mr. Richard spoke on the petition regarding the use and does not charge money for this and was sworn in.

Chair McVety had a discussion with **Mr. Richard, Mr. Smallwood, Mrs. Beyer. Mr. Cullinan** joined the discussion regarding this petition.

Chair McVety opened the meeting to Public Comments.

Public Input

Michael Spaulding spoke on the petition, was sworn in and in favor of keeping equipment on property to help the community.

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

Elizabeth Nocheck stated for this we do not have recommendations like we do for Special Exceptions or Variances. Staff recommends you uphold the determination of the zoning official to confirm that outdoor storage of any kind, but specifically in this case, heavy machinery is prohibited in the MHC Zoning District, unless it is in a fully enclosed building.

Mr. Cullinan spoke to Chair McVety on what is allowed and the provisions.

Board Member Comments and Questions

Mr. Vieira asked if exhibit D7 could be put back up on the screen.

Mr. Richard spoke to **Mr. Vieira** about the property and the two-car garage along with options. A discussion ensued with several members, staff and the applicant.

Asst. Co. Atty. Kimlyn Walker stated for the record if approved you would be setting a precedent and explained all involved, zoning codes, the areas in the county. **Chair McVety** spoke on when we pass on something it doesn't set a precedence and **Asst. Co. Atty. Walker** stated this is an appeal, and they discuss.

Mr. Filieo spoke about spot zoning and asked if the entire area could be re-zoned, and a discussion ensued with **Mr. Cullinan, Mr. Smallwood, Mrs. Beyer, Miss. Nocheck and Mr. Vieira.**

ACTION: ***A motion was presented by Nichole Beyer and seconded by Steve Vieira that Petition APL-25-001 be DENIED based on the Community Development Staff Report dated July 2, 2025, the evidence***

and testimony presented at the hearing and finding that the applicant HAS NOT MET the required criteria to overturn the decision of the Zoning Official for the granting of the Appeal.

SE-25-005

Boss Lighting, LLC, is requesting a special exception to allow light manufacturing and assembly in a completely enclosed building, for an LED lighting system manufacturer, in the Commercial General (CG) zoning district. The property is located at 8261 Burnt Store Road, in Punta Gorda, and is described as Lot 2, Block C, of the Charlotte Commercial Center Subdivision, located in Section 17, Township 41 South, Range 23 East. The Parcel ID for subject property is 412317278014.

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

Applicant Presentation

Emily Curran, representative for the applicant, said she has been sworn in. **Ms. Curran** said that she would like to thank **Ms. Nocheck**, we also have **Greg White** present and **Jim Grady**. **Mr. Grady** provided a background of the founding of the company, success and future plans.

Chair McVety spoke to **Mr. Grady** on the working environment being AC now and the machines work great in it as well along with the employees.

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 Mrs. Beyer. The public comments were 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 SE-25-005 be APPROVED based on the Community Development Staff Report dated July 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 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 light manufacturing and assembly in a completely enclosed building, for an LED lighting system manufacturer, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Floor 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.

3. All fabrication, manufacturing, and assembly activity shall occur inside the building. Exterior doors shall be closed while machines are in use.
4. Outdoor storage of materials or equipment is prohibited. The use or storage of hazardous chemicals or materials is prohibited.
5. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of light manufacturing or assembly. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

VAR-25-008

DMK Associates, representative for Larry & Martha Walker, is requesting two variances: (a) to reduce the required 20-foot rear yard setback by 11.6 feet to allow an 8.4-foot rear yard setback, and (b) to reduce the required 20-foot east side yard setback by 4.5 feet to allow a 15.5-foot east side yard setback, for a new single-family residence, in the Bridgeless Barrier Island (BBI) zoning district. The property is located at 9772 Little Gasparilla Island, in Placida, and is described as portions of Lots 12 & 13, of the Gasparilla Estates Subdivision, located in Section 22, Township 42 South, Range 20 East. A full legal description of subject property is available on file. The Parcel ID for subject property is 422022454004.

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

Applicant Presentation

Kreg E. Maheu, representative for the applicants, said he was sworn, thanked Ms. Nocheck for a report well done, and spoke about and explained all involved in the petition.

Chair McVety spoke on the seawall cap to **Mr. Maheu** and **Mrs. Walker** explained it is a vinyl seawall and wood cap.

Chair McVety opened the meeting to Public Comments.

Public Input

Mrs. Walker spoke about the property, losing her mom, hurricane damage, the layout of home prior and now, then explained all that is involved.

Mr. Walker said he was sworn in and explained the layout of the house and the changes.

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 were closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

ACTION: ***A motion was presented by Steve Vieira and seconded by Nichole Beyer that Petition VAR-25-008 be APPROVED based on the Community Development Staff Report dated July 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 variances, as approved by the Board of Zoning Appeals, are **(a)** to reduce the required 20-foot rear yard setback by 11.6 feet to allow an 8.4-foot rear yard setback, and **(b)** to reduce the required 20-foot east side yard setback by 4.5 feet to allow a 15.5-foot east side yard setback, for a new single-family residence.
2. The variances shall apply to the proposed single-family residence, as shown in the documents submitted with this application.
3. If the single-family residence is constructed and at a later date 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 caused by a natural disaster or involuntary destruction of the single-family residence.

Board Member Comments and Questions

None.

IX. Public Comments –

None

X. Staff Comments –

Ms. Nocheck stated next month we will have five petitions.

XI. Member Comments –

None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, August 13, 2025 at 9:00 a.m., in Room 119.***

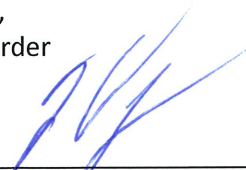
There being no further business, the meeting **ADJOURNED** at 10:33 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder
/kas



Blair McVety, Chair

Approval Date: _____


8-13-25