



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, September 10, 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 September 10, 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. Mr. 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 August 13, 2025, Board of Zoning Appeals meeting minutes, which passed unanimously.

VI. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, read the zoning rules. Assistant County Attorney Moscoso and Chair McVety gave an overview of the types of cases the Board of Zoning Appeals considers, the standards for approval, the notification process, and how decisions are made.

VII. Disclosure Statements

One ex-parte form was submitted indicating a site visit related to a petition on the September 10, 2025, Board of Zoning Appeals agenda.

VIII. New Business

The following petitions were advertised on August 26, 2025: VAR-25-011 and SE-25-004.

Robert Berntsson, representative for Kathi Smith, is requesting two variances: (a) to reduce the required 10-foot north side yard setback by 10 feet to allow a 0-foot north side yard setback, and (b) to increase the required 9-foot maximum front yard setback by 97 feet to allow a maximum front yard setback of 106-feet, to allow the elevation of an existing single-family residence within its current footprint, in the Charlotte Harbor Neighborhood Business Residential (CHNBR) zoning district. The property is located at 23395 Farnam Street, in Port Charlotte, and is described as Lot 1, Block 32, of the Charlotte Harbor Subdivision, located in Section 36, Township 40 South, Range 22 East. The Parcel ID for subject property is 402236227001.

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

Applicant Presentation

Robert Berntsson, the applicant's representative, stated he was sworn in and accepted **Ms. Nocheck** as an expert. **Mr. Berntsson** spoke in support of the petition and noted a concern about the structure being shown as 106.7 feet on the survey, which he discussed with **Ms. Nocheck**.

Mr. Vieira asked **Mr. Berntsson** about the property line, the house placement, and how the structure would be lifted. **Chair McVety** explained that the house would be lifted using jacks. **Mr. Vieira** and **Mr. Berntsson** also discussed the screened porch.

Chair McVety then opened the meeting for public comment.

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.

Ms. Nocheck presented the recommended conditions for the petition.

Mr. Berntsson requested that condition #1 be revised to allow an increase, followed by discussion.

Board Member Comments and Questions

None.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition VAR-25-011 be APPROVED based on the Community Development Staff Report dated September 3, 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 10-foot north side yard setback by 10 feet to allow a 0-foot north side yard setback, and **(b)** to increase the required 9-foot maximum front yard setback by 99 feet to allow a maximum front yard setback of 108-feet, to allow the elevation of an existing single-family residence within its current footprint.
2. The variances shall apply only to the existing single-family residence, as shown in the documents submitted with this application.

3. If the single-family residence is removed or replaced, these variances 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 single-family residence caused by a natural disaster or involuntary destruction of the single-family residence.

SE-25-004

Radek Sanovec is requesting a special exception to allow the outdoor storage of vehicles, including boats, trailers, and recreational vehicles (RVs), in the Commercial General (CG) zoning district. The property is located at 100 & 102 Harness Road, in Placida, and is described as Lots 7, 12, & 13, Block 15, of the Rotonda Sands Commercial Lots Subdivision, Unit 1, located in Section 29, Township 41 South, Range 21 East. The Parcel IDs for subject property are 412132101002 & 412132101005.

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

Chair McVety discussed the code cases and compliance with **Ms. Nocheck**.

Applicant Presentation

Radek Sanovec, the applicant, was sworn in. He spoke about the fencing, his hospitalization, the property being under contract, and explained the details involved.

Chair McVety discussed these matters with **Mr. Sanovec**.

Bob Melvin, the listing agent, spoke about the applicant's health, the buyer's realtor, the HOA, and stated that the buyer will not purchase the property unless the special exception is granted.

Chair McVety and **Mr. Cullinan** discussed the special exceptions. **Mr. Vieira** joined and addressed the sale contingency, lack of proof of contract, and a code enforcement issue. **Assistant County Attorney Moscoso** and **Mr. Melvin** also participated, discussing liens, daily accruing fees, and a stormwater issue.

Chair McVety then opened the meeting for public comments.

Public Input

Charlie Thompson, representing the HOA, was sworn in. He spoke about discussions with **Ms. Nocheck** and **Mr. Sanovec**, the 2021 settlement agreement **Mr. Sanovec** signed to comply with HOA rules, which he did not follow or pay, and the amended final judgment. He noted the next step could be a sheriff's sale.

Richard Grent, a resident of the Sands (not nearby and cannot see the property from his home), was sworn in. He spoke about being involved three years ago when he was ordered to clear the lot and make repairs within one month, which was not done, and explained the situation.

Bob Melvin was sworn in and agreed with **Mr. Grent**, adding that the property is now heavily landscaped and no longer the eyesore it was after the hurricanes. However, the fencing is not the proper type. He provided recent photos to the deputy to share with Ms. Nocheck and the Board.

Ms. Nocheck stated the photos will be marked as Exhibit L for the record.

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 were closed with a unanimous vote.

Ms. Nocheck noted a few points to address before the recommendation. Staff recommended denial and provided a detailed explanation.

Board Member Comments and Questions

None.

Ms. Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Phillip Smallwood and seconded by Nichole Beyer that Petition SE-25-004 be DENIED based on the Community Development Staff Report dated September 3, 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.

Chair McVety asked Mr. Cullinan about the status of the granite place. A discussion followed regarding owed monies, liens, an affidavit of non-compliance, and other legal issues.

IX. Public Comments –

None

X. Staff Comments –

Ms. Nocheck stated there will be three petitions next month and provided details.

XI. Member Comments –

None.

XII. Next Meeting

The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, October 8, 2025, at 9:00 a.m., in Room 119.

There being no further business, the meeting adjourned at 10:14 a.m.

Submitted By
Kimberly Sargent, Recording Secretary
Community Development Department



Blair McVety, Chair



Date 