



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, October 8, 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 October 8, 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 Mr. Filieo to approve the minutes of September 10, 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. 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

Ex-parte forms indicating site visits concerning the petitions being presented before the October 8, 2025, Board of Zoning Appeals meeting none were submitted.

VIII. New Business

The following petitions were advertised on September 23, 2025: VAR-25-012, SE-25-009, and SE-25-010.

Chair McVety recommended SE-25-10 to be heard first.

SE-25-010

Raymara Castro is requesting a special exception to allow livestock breeding, boarding, training, and grazing, for miniature Highlands cows, in the Residential Estate-5 (RE-5) zoning district. The property is located at 3551 Ridgeland Court, in Punta Gorda, and is described as Lots 9 & 10, Block 5, of the Prairie Creek Park Subdivision, located in Section 24, Township 40 South, Range 24 East. The Parcel ID for subject property is 402424376001.

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

Applicant Presentation

Raymara Castro, applicant, said she was sworn in. **Ms. Castro** requested approval to proceed.

Chair McVety opened the meeting to Public Comments.

Ms. Nocheck reported that three letters of support were received from adjacent property owners within the HOA. The letters will be labeled as Exhibit F and distributed to the members.

Public Input

Cathie Spoo, president of the **Prairie Creek Park Properties Association HOA**, stated they do not have any objection and spoke about the conditions they have.

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 presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira asked staff a question regarding the homeowner association's request to place special conditions on the property. He inquired whether this constitutes a modification of the HOA rules and if the board is obligated to consider it.

Asst. Co. Atty. Moscoso stated that the board is not obligated to consider any conditions proposed by the HOA. He further referenced his opening statement regarding the presentation of evidence and expert testimony and provided additional explanation.

ACTION: A motion was presented by Steve Vieira and seconded by Andrew Filieo that Petition SE-25-010 be APPROVED based on the Community Development Staff Report dated October 1, 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 six conditions recommended by staff.

Motion was approved with a unanimous vote with the following six conditions.

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow livestock breeding, boarding, training, and grazing, for miniature Highlands cows, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. A maximum of five (5) miniature Highlands cows may be kept on subject property at any one time.

3. Commercial breeding operations of miniature Highlands cows shall not be permitted.
4. A change in species of livestock shall require a modification of the special exception.
5. A change in property ownership shall not require a modification of the special exception, provided the new property owner complies with all conditions of approval.
6. 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.

Chair McVety stated that VAR-25-012 and SE-25-009 would be heard together, with separate votes to follow for each item. **Ms. Nocheck** confirmed and noted that it is unusual to have a unified petition, providing further explanation.

VAR-25-012

Charlotte County Utilities is requesting a variance to increase the maximum building height of 38-feet by 152 feet to allow a maximum building height of 190-feet, for a water tower, in the Residential Estate-1 (RE-1) zoning district. The property is located at 27544 Green Gulf Boulevard, in Punta Gorda, and is described as a portion of Parcel P3, located in Section 34, Township 41 South, Range 23 East. A full legal description is available on file. The Parcel ID for subject property is 412334383001.

SE-25-009

Charlotte County Utilities is requesting a special exception to allow an essential service, consisting of a 190-foot-tall water tower, in the Residential Estate-1 (RE-1) zoning district. The property is located at 27544 Green Gulf Boulevard, in Punta Gorda, and is described as a portion of Parcel P3, located in Section 34, Township 41 South, Range 23 East. A full legal description is available on file. The Parcel ID for subject property is 412334383001.

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

Applicant Presentation

Jesse Cummins, project engineer for the applicant, was sworn in. **Mr. Cummins** highlighted the growth in the south county area and explained that the project will promote potable water storage, provide emergency water in case of power loss, and supply up to two days of water at current demand levels. He noted that as demand increases, the supply will cover approximately one day around the year 2050. **Mr. Cummins** also discussed the system's design, storage maintenance, capacity, and referenced the video presentation provided.

Chair McVety asked about the life expectancy of the tower.

Brandon Ivey with Weston and Sampson, representing CCU, was sworn in. **Mr. Ivey** spoke stated that the tower's life expectancy is many decades. A discussion followed, during which **Mr. Viera** expressed concerns about the potential increase in water demand in the future and the construction timeline.

Chair McVety opened the meeting to Public Comments.

Public Input

Larry Mervel, was sworn in. **Mr. Mervel** asked who provided the grants for construction, emphasized that this is an essential service, and inquired who will benefit from the project. He questioned the

locations of nearby houses and businesses and suggested that moving the water tower closer to the properties might eliminate the need for it to be as tall.

Marion Briggs, was sworn in. **Ms. Briggs** expressed opposition to the variance and special exception, citing concerns about placing a commercial structure in a residential area. She noted that the area still relies on well and septic systems and questioned why an offensive tower should be placed on 41, suggesting the area should be rezoned for commercial use instead.

Mr. Cullinan spoke about the history of the parcel, noting it was previously three separate parcels. He stated that the parcel will move forward for rezoning to CG and that a future fire station is being proposed.

Mr. Vieira addressed **Mr. Cullinan** with questions regarding the fire station.

Ms. Briggs commented that the area needs to be rezoned commercial sooner rather than later.

Holly Garmin had not yet been sworn in.

Mrs. Sargent then swore in Ms. Garmin.

Ms. Garmin, from Tropical Gulf Acres, described their neighborhood and surrounding development. She expressed opposition to the project and provided detailed reasons for her concerns.

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

Chair McVety asked the applicant to return and respond to the questions raised by the citizens.

Mr. Cullinan explained that Fire Station #17 is funded through a sales tax project.

Mr. Ivey stated that the grant funding comes from FEMA emergency relief funds allocated for recent hurricanes and addressed the prior questions.

Board Member Comments and Questions

Mr. Vieira asked if the project is totally funded from the FEMA grants. **Mr. Ivey** responded that the project has not yet gone out to bid, and a discussion followed.

Gary Ferrante, was sworn in. **Mr. Ferrante** addressed several questions, including the capacity of the Burnt Store tank, noting it aligns with previous master planning reports from Utilities. He discussed the planned expansion of Burnt Store, additional water sources, and the location. A discussion ensued involving **Mr. Vieira**, **Chair McVety**, and **Mr. Cummins**.

Ms. Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-009 be APPROVED based on the Community Development Staff Report dated October 1, 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 six conditions recommended by staff.

Motion was approved with a unanimous vote with the following six conditions.

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an essential service, consisting of a water tower, 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, 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, including but not limited to Site Plan Review, right-of-way access, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The tower shall be located on subject property with minimum setbacks from all property lines of 110 percent of the overall height of the water tower.
4. A minimum of a "Type B" landscape buffer is required around the base of the water tower compound. A chain link fence may be substituted for an opaque fence for security purposes. The final design of the required buffers shall be determined during the Site Plan Review process. All buffers and landscaping shall be installed prior to the Certificate of Occupancy or final inspections being granted.
5. This Special Exception is granted for a term of ten (10) 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.
6. 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.

Ms. Nocheck presented the recommended conditions for the petition.

ACTION: A motion was presented by Steve Vieira and seconded by Nichole Beyer that Petition VAR-25-012 be APPROVED based on the Community Development Staff Report dated October 1, 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 increase the maximum building height of 38-feet by 152 feet to allow a maximum building height of 190-feet, for a new water tower.
2. The variance shall apply only to the proposed water tower, as shown in the documents submitted with this application.
3. This variance is granted for a term of ten (10) 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 water tower is constructed and later 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 water tower caused by a natural disaster or involuntary destruction of the water tower.

IX. **Public Comments –**
None

X. **Staff Comments –**
Ms. Nocheck reported that next month will have several petitions. Discussion ensued.

XI. **Member Comments –**
Mrs. Beyer advised she will not be at the next meeting.

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, November 19, 2025 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:18 a.m.

Submitted By
Kimberly Sargent, Recording Secretary
Community Development Department



Blair McVety, Chair

 

Date