



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, November 19, 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 November 19, 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 arrived late, and Nichole Beyer 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 October 8, 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 Moscoso 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 November 19, 2025, Board of Zoning Appeals meeting none were submitted.

### **VIII. New Business**

The following petitions were advertised on November 4, 2025: APL-25-002, VAR-25-013, SE-25-011, SE-25-012, and SE-25-013-(Continued to a Future Date).

**APL-25-002**

Barbara Heine is requesting an appeal of the Zoning Official's determination regarding the construction of boat docks on vacant property in the Bridgeless Barrier Island (BBI) zoning district. The property is located at 110 Bocilla Drive, in Placida, and is described as Lot 109, Block E, of the Palm Island Estates Subdivision, Unit 4, located in Section 33, Township 41 South, Range 20 East. The Parcel ID for subject property is 412033182008.

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

**Applicant Presentation**

**Barbara Heine, applicant, stated she lives at 141 Bocilla and purchased 110 Bocilla. Ms. Heine spoke about the petition, permit and dock, and the lift needs to be moved out further and explains.**

***Chair McVety opened the meeting to Public Comments.***

Miss Nocheck stated she received two emails from interested parties who are unable to attend. I will label the letter from Mr. Cohen as exhibit F and from Ms. McCulley as exhibit G.

**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 Mr. Smallwood. The public comments were closed with a unanimous vote.***

Miss Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

Mr. Vieira stated he is looking at exhibit C6, which is the addendum to the real estate contract. There are seven items on the contract, and more curious about this being an exception to the title. A discussion ensued with Mr. Cullinan, Asst. Co. Atty. Moscoso, Mr. Smallwood, Ms. Heine, and Miss Nocheck.

***ACTION: A motion was presented by Steve Vieira and seconded by Andrew Filieo that Petition APL-25-002 be APPROVED based on the Zoning Official Staff Report dated November 12, 2025, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the Appeal.***

**VAR-25-013**

Tony Mannaert is requesting a variance to reduce the required 25-foot front yard setback by 13 feet to allow a 12-foot front yard setback, for an addition to an existing single-family residence, in the Residential Single-family-5 (RSF-5) zoning district. The property is located at 1022 Newton Street, in Englewood, and is described as Lot 43, of the Gulf Aire Subdivision, located in Section 05, Township 41 South, Range 20 East. The Parcel ID for subject property is 412005377001.

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

**Applicant Presentation**

**Tony Mannaert, applicant, was sworn in.** Mr. Mannaert said he bought the house in 2009 to retire here. With the weather here and the fifty percent rule, he is forced to raise the house up.

***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 Mr. Filieo. The public comments were closed with a unanimous vote.***

Miss Nocheck presented the recommended conditions for the petition.

***ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that Petition VAR-25-013 be APPROVED based on the Community Development Staff Report dated November 12, 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 variance, as approved by the Board of Zoning Appeals, is to reduce the required 25-foot front yard setback by 13 feet to allow a 12-foot front yard setback, for an addition to an existing single-family residence.
2. The variance shall apply to the existing single-family residence and proposed addition, as shown in the documents submitted with this application.
3. If the single-family residence 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 of the single-family residence caused by a natural disaster or involuntary destruction of the single-family residence.

**Board Member Comments and Questions**

**Chair McVety** asked Miss Nocheck can we skip number three and go to SE-25-012.

**SE-25-012**

Jose Rodriguez, representative for Margo Rodriguez Grading Inc., is requesting a special exception to modify SE-09-16, to allow the expansion of an existing building trades contractor's office with outdoor storage, in the Commercial General (CG) zoning district. The property is located at 17352 Abbott Avenue, in Port Charlotte, and is described as Lots 1, 19, 20, 21, & 22, Block 1085, of the Port Charlotte Subdivision, Section 16, located in Section 01, Township 40 South, Range 21 East. The Parcel ID for subject property is 402101453011.

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

**Mr. Vieira** asked what the status of the code enforcement hearing is, is that on hold until we decide here today. **Mr. Cullinan** stated I believe it is.

#### **Applicant Presentation**

**Jose Rodriguez, applicant, was sworn in.** **Mr. Rodriguez** stated they did get underbrush permits for the two lots. I believe when you get those, they do an environmental report when you get those approved, cannot say for certain.

**Miss Nocheck** stated a mulching permit allows you to remove under brush, the site was scrapped clean of all trees and underbrush, which exceeded what is permitted by the mulching permit. This is part of where the issue comes in.

**Mr. Cullinan** stated mulching does not allow for any uses to go onto the property, just to clean up those things.

***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. Filieo moved to close the public comments, seconded by Mr. Smallwood. The public comments were closed with a unanimous vote.***

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

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

**Mr. Vieira** asked does the applicant agree with the ten conditions. **Mr. Rodriguez** stated he agrees.

**Mr. Filieo** spoke about approving this and explains on his problem with the clearing of the lands and going around everything as it pertains to our counties code. Basically, coming to us now and asking for forgiveness. I think the equipment needs to be removed today, if I vote to approve this. Somebody needs to be held accountable. **Mr. Vieira** asked **Mr. Cullinan** if this is approved today, and a discussion ensued.

***ACTION: A motion was presented by Phillip Smallwood and seconded by Steve Vieira that Petition SE-25-012 be APPROVED based on the Community Development Staff Report dated November 12, 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 ten conditions recommended by staff.***

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

1. The Special Exception, as approved by the Board of Zoning Appeals, is to modify SE-09-16 to allow the expansion of an existing building trades contractor's office with outdoor storage for a land grading business and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Concept Plan submitted by the applicant, as part of the petition, is 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 storage of debris, heavy machinery, cargo containers, or hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the entire perimeter of the site. The use of chain link fencing as part of the required buffer is prohibited.
5. Items stored in stacks or piles shall not exceed 6 feet in height.
6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. Any future building(s) shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. The outdoor storage use may not be used on Lots 1, 19, and 20 until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued. All existing outdoor storage must be removed from Lots 1, 19, and 20 within 30 days and may not resume use of these lots until a Certificate of Occupancy or final inspections have been issued. The use may continue to operate on Lots 21 and 22 during the development process.
9. This Special Exception is granted for a term of one (1) year 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. The applicant must obtain, at a minimum, after-the-fact environmental permits within three (3) months of the date of approval from the Board of Zoning Appeals. Final Site Plan Review approval shall be obtained within one (1) year and all other permitting and inspections must be completed within two (2) years of the date of approval from the Board of Zoning Appeals.
10. Any major changes or additions to this special exception shall require a modification of the special exception, including a change in type of outdoor storage. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.

#### **SE-25-011**

Mary Doty Solik, Esq., representative for Vertex Development, LLC, is requesting a special exception to allow a 169-foot-tall monopole communications tower, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 11050 Willmington Boulevard, in Englewood, and is described as the western portion of Block 3720, of the Port Charlotte Subdivision, Section 63, located in Section 01, Township 41 South, Range 20 East. A full legal description is available on file. The Parcel ID for subject property is 412001104001.

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

**Asst. Co. Atty. David Moscoso** stated a brief reminder for the information pertaining to the federal statute and explains.

#### **Applicant Presentation**

**Mary Solik, Esq., representative for Vertex Development, LLC.** Ms. Solik spoke on the petition and stated she has Alan Ruiz, principal of Vertex, Jennifer Frost, project manager and Darwin Felice, is the RF Manager for Verizon. If you have any questions for them to answer they are here.

**Miss Nocheck** stated we did receive a considerable number of written statements from people unable to attend. We will label these as composite exhibit Q and will distribute them to the board.

***Chair McVety opened the meeting to Public Comments.***

**Public Input**

**Amy Hibberd, lives in the neighborhood.** Ms. Hibberd stated she has been a real estate broker for forty years. Tells about her experience on this topic, the twenty percent drop in property values and opposes this petition.

**Chair McVety** spoke about the fact that they could put up a fifty-foot-tall tower without having to come here today and explains with Mr. Cullinan.

**Brandon**, he is a resident and property owner in the area, stated his concerns and opposes.

**Josep Shifflett**, I have two properties within the area, just purchased them in September, have a building permit for the house. Discusses the properties devaluation, this is for profit, options and is opposed.

**Mrs. Sargent** swore in next speaker.

**Unknown name**, spoke in opposition of the tower.

**Mrs. Sargent** swore in additional people wanting to speak.

**Mary Haverkamp**, spoke in opposition of the tower, just bought property not knowing and would have bought elsewhere.

**Miss Nocheck** stated the documents from prior person Joe as exhibit R for the record.

**Richard Warren**, lives on Willmington for almost 20 years, opposes and explains all this will affect and explains, states he wouldn't oppose a fifty foot not this.

**Penny McKenzie** opposed to this and requests packets to be passed out on radiation and discussed reasons she opposes.

**Miss Nocheck** stated this will be labeled exhibit S.

**Tom Crane**, stated he has been sworn in, and goes over the reasons for he opposes this.

**Teri French**, lives in area, explains her concerns and is opposed.

**Michael Gilak**, lives in area, discussed his findings and asked deputy to pass out paperwork, and is opposed.

**Miss Nocheck** stated this will be exhibit T.

**Unknown speaker**, stated never had reception issues, these should not be in residential areas, and that the church informed the congregation not to say anything.

**Kim Renard**, lives on Alexandria Ave, opposes this and moved here a short time ago and explains the reasons.

**Chair McVety** stated they are not elected we are volunteers and do not get paid.

**Bette Conlan**, lives nearby, also a volunteer reading buddy for the Boys and Girls Club, has concerns with kid's playing there. Spoke of her husband's history explains all in detail and opposes this.

**Lynn Donher**, sworn in, Director of Boys and Girls Club spoke on their request for the special exception to build club for the children and explains all that is involved.

**JoAnne Caisse**, stated I have been sworn in, lives on Euler Ave., strongly oppose and explains all the negative aspects and asks this be denied or delayed for more research from professionals. Then read out loud the letters from the neighbors.

**Mr. Cullinan** stated these were already submitted into the record.

**Bethann Burkhart**, lives here for almost sixteen years; I am very disappointed and explains all her concerns and asks board to deny this.

**Mrs. Sargent** swore in an additional speaker.

**Unknown speaker**, stated I've been a resident for twenty years, and explains her concerns for the children that will play there under that. Requests that they weigh all the people who have come to speak in opposition to this.

**Miss. Nocheck** asked the speaker to state her name for the record.

Donna Moss.

**Mike Ross**, lives within the 1,000 feet of where the tower will be. Agrees with what everyone has said and stated he opposes this tower.

**Mrs. Sargent** swore in another person wanting to speak.

**Mary Stillwagon**, lived in Charlotte County for over forty years, and spoke about her husband's line of work, stated we should honor those who served, worked hard and we paid more taxes than probably most people in this room.

***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.***

**Mary Solik** spoke on this petition and explains all involved, code allows towers and doesn't say incompatible and explains necessary infrastructure, spoke on the fifty feet towers and residential neighborhoods involved with different towers and explains the service providers to use the towers. With this you have one structure that covers everything within the area, stated property values are not part of your code consideration.

**Alan Ruiz**, stated he was sworn and spoke on tower height, benefits, coverage area and all involved, and including the different four different carriers. A discussion ensues with Chair Mcvety, Mary Solik.

**Darwin Feliz**, Verizon manager stated the tower coverage with adding more services and the fifty foot pole signal would be blocked due to trees, which this would be only for Verizon. A discussion ensued with **Mr. Vieira** and **Mary Solik** regarding the signal being sent, the design and residential area.

**Mary Solik** stated that all the requirements were met on the three areas.

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

**Board Member Comments and Questions**

**Chair McVety** stated that everyone does not want it next to their house, but everyone wants to have water, sewer and cell phones.

**Mr. Vieira** asked Mr. Cullinan is this considered an essential service at this point. **Mr. Cullinan** stated no.

***ACTION: A motion was presented by Andrew Filieo and seconded by Phillip Smallwood that Petition SE-25-011 be Denied based on the Community Development Staff Report dated November 12, 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 2-2 vote (Mr. Filieo and Mr. Smallwood voted against this request – Mr. Vieira and Mr. McVety voted against the denial)***

***Asst. Co. Atty. Moscoso stated a tie vote does not carry the motion.***

***ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-011 be APPROVED based on the Community Development Staff Report dated November 12, 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 seven conditions recommended by staff.***

***Motion was approved with a 3-1 vote (Mr. Vieira, Mr. Smallwood and Mr. McVety voted for this approval – Mr. Filieo voted against this approval)***

***Motion was approved with a 3-1 vote with the following seven conditions.***

1. This Special Exception, as approved by the Board of Zoning Appeals, is to allow a 165-foot-tall communications tower with a 4-foot-tall lightning rod, generally as proposed in the application and as shown on the Site Plans labeled Exhibit K 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, including the lightning rod, shall not exceed 169 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 building code review, environmental review, stormwater management, vegetation removal, fencing, and landscape plan approval.



5. A minimum of a Type D landscape buffer with an eight-foot-tall opaque fence or wall is required around the perimeter of the equipment compound.
6. 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.
7. 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.

IX. **Public Comments –**  
None

X. **Staff Comments –**  
**Ms. Nocheck** stated next month we will have three petitions, 2 special exceptions and 1 variance.  
**Mr. Cullinan** stated to wish everyone a Happy Thanksgiving and a reminder to keep County Attorney Janette Knowlton in your thoughts and prayers after the tragic loss of her son.

XI. **Member Comments –**  
None.

XII. **Next Meeting**  
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, December 10, 2025 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 12:04 p.m.

Respectfully submitted,  
Kimberly Sargent, Recording Secretary  
Community Development Department

  
Blair McVety, Chair

    
Date 12-10-25