



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, December 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 December 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. 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 November 19, 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 December 10, 2025, Board of Zoning Appeals meeting one was submitted.

VIII. New Business

The following petitions were advertised on November 25, 2025: VAR-25-014, SE-25-014, SE-25-013

VAR-25-014

Christian Waugh, Esq., B.C.S., representative for Rise Up Investments LLC, is requesting two variances: (a) to reduce the required 7.5-foot south side yard setback by 2.5 feet to allow a 5-foot south side yard setback, and (b) to reduce the required 25-foot front yard setback by 0.5 feet to allow a 24.5-foot front yard setback, to allow a single-family residence under construction 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 14463 Fort Worth Circle, in Port Charlotte, and is described as Lot 7, Block 4562, of the Port Charlotte Subdivision, Section 87, located in Section 28, Township 41 South, Range 21 East. The Parcel ID for subject property is 412128185013.

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

Mr. Vieira asked Miss Nocheck to explain the release of easement agreement again and what it entails, and a discussion ensued.

Applicant Presentation

Christian Waugh, representative for the applicant, stated he has been sworn. **Mr. Waugh** state he is the agent for the owner of the company. The owner of the property is Rueben Salvatella, he is here and has been sworn. **Mr. Waugh** discusses the petition and all that has transpired during this process and requests this be approved.

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.

Miss 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 VAR-25-014 be APPROVED based on the Zoning Official Staff Report dated December 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 four conditions recommended by staff.

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

1. The variances, as approved by the Board of Zoning Appeals, are: (a) to reduce the required 7.5-foot south side yard setback by 2.5 feet to allow a 5-foot south side yard setback, and (b) to reduce the required 25-foot front yard setback by 0.5 feet to allow a 24.5-foot front yard setback, to allow a single-family residence under construction to remain "as-is" in its current location on subject property.
2. The variances shall apply to the single-family residence, as shown in the documents submitted with this application.

3. A Release of Easement agreement must be obtained and recorded. A copy of the recorded agreement must be provided to the Zoning Department prior to the granting of the Final Certificate of Occupancy for the single-family residence. Failure to provide the recorded agreement shall invalidate this variance approval.
4. 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.

Chair McVety called for Nicole Massey present for the next case. No response we will skip ahead.

SE-25-013

Robert Berntsson, representative for Paradise Palms RV LLC, is requesting a special exception to allow the outdoor storage of vehicles, including boats, trailers, recreational vehicles (RVs), and other non-commercial vehicles, in the Commercial General (CG) zoning district. The property is located at 2351 & 3011 Duncan Road, in Punta Gorda, and is described as Parcels P2-1-3 and P1-1-1, located in Sections 13 & 24, Township 40 South, Range 23 East. A full legal description is available on file. The Parcel IDs for subject property are 402313400006 & 402324226001.

Mr. Cullinan read into the record the staff report and staff findings for the petition.

Chair McVety asked Mr. Cullinan why we pushed this off from November and a discussion ensued.

Mr. Vieira asked Mr. Cullinan to explain about the DCA settlement. Mr. Cullinan stated the county attorney will speak on that. **Asst. County Attorney Moscoso** stated their office prepared copies of the stipulated settlement agreement between the Department of Community Affairs and Charlotte County. Then requests it be submitted into the record along with the statement they prepared and passed copies to the deputy to pass the documents to the members for review. **Asst. County Atty. Moscoso** read the statement and discusses the settlement agreement and the outstanding issue.

Mr. Vieira asked what the status of Sun River is, and a discussion ensued with Mr. Cullinan. Mr. Vieira asked Asst. County Atty. Moscoso if he could summarize, and a discussion ensued. Then Asst. County Attorney Moscoso had read into the record.

Applicant Presentation

Robert Berntsson, Big W Law Firm, representing the applicant, was sworn in. Mr. Berntsson stated he has the owner and property engineer present, then explained his client was not part of the original plan amendment and rezoning that occurred in the early two-thousands. Then discussed the stipulated settlement agreement and legality of this with it not being recorded. Discussed the staff report, the property uses for his client, stated they meet the criteria and reserve time for rebuttal.

Mr. Vieira asked Mr. Berntsson on the use for onsite well and septic and a discussion ensued.

Asst. Cty. Attorney Kimlyn Walker stated that we have not had adequate time to research whether the settlement agreement needed to be recorded. A discussion ensued with **Mr. Vieira, Asst. Cty. Atty. Moscoso** and **Mr. Berntsson**.

Mrs. Sargent swore in additional persons wishing to speak.

Chair McVety opened the meeting to Public Comments.

Public Input

The following people stated their concerns and are opposed. Art Degrove, Cathy Scoog, Mary Ann Tipton, Janice Hewson, Patty Castro, Ann McFaden, Christopher Zeitler, Debbie Degrove, Chris Frohlich and Tim Ritchie.

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

Rebuttal

Mr. Berntsson stated I would like to start with the engineer.

Reed McCowan with Southwest Engineering and Design, stated a couple of clarifications to what Mr. Cullinan said about the total trips per day is going to be ninety-two and it is going to be forty-six entering and forty-six leaving. Explains about the wetlands, lighting to be inward and downward, spoke about get away storage losing two hundred rentable sites and explained, explains dry ponds not wet ponds, scrub habitat, and landscaping.

Chair McVety asked if it is paved or not paved. **Mr. McCowan** stated he will let the owner answer that.

Mr. Berntsson stated it parking will be gravel and driveway will be paved.

Mr. Vieira asked about the stormwater retention ponds and the residual materials if there is any that is oil, gasoline or whatever the substance may be. How does the ponds maintain after there has been a discharge into this. **Mr. McCowan** explains the DEP has guidelines and a discussion ensued with **Mr. Smallwood** and **Mr. Berntsson** joined in to discuss the dry ponds, RV storage, type D buffer, state preserve and scrub jay area.

Mr. Cullinan presented the recommended conditions for the petition.

Mr. Berntsson stated they agree to the revised site plan as shown in addition they would place an eight-foot-tall opaque fence along US-17.

Asst. Cty. Atty. Moscoso stated one quick request that should you approve this motion on the record simply acknowledge the outstanding issue regarding the stipulated settlement agreement and the notice we provided you is part of the consideration on the board today.

Board Member Comments and Questions

Mr. Vieira asked Mr. Cullinan if approved what are the next steps and a discussion ensued with **Mr. Smallwood** and **Mrs. Beyer**.

Mrs. Sargent asked Mr. Cullinan about the stipulated agreement being an exhibit. **Mr. Cullinan** stated it will be Exhibit M.

ACTION: A motion was presented by Phillip Smallwood and seconded by Steve Vieira that Petition SE-25-013 be APPROVED based on the Community Development Staff Report dated December 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 Special Exception with eleven conditions with the added on eight-foot opaque fence and the buffer recommended by staff.

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

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of vehicles, including boats, trailers, recreational vehicles, and other noncommercial vehicles, 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, environmental review, vegetation removal, fencing, stormwater management, and landscape plan approval.
3. The storage of debris, heavy machinery, commercial vehicles, semi-trucks, or hazardous materials is prohibited. The site may not be used as a building trades contractor's storage yard.
4. A "Type D" Landscape Buffer with a 6-foot-tall sight-obscuring (opaque) fence or wall, shall be constructed and planted around the perimeter of the site as shown on the **Annotated Concept Plan** (Exhibit K). The Type D landscape buffer along the east property line shall include an 8-foot-tall sight obscuring (opaque) fence or wall. The use of chain link fencing as part of the required buffer is prohibited. Final design of the buffers shall be determined during the Site Plan Review process.
5. Any perimeter outdoor lighting shall be directed towards the interior of the property. Lighting used along the west and south property lines shall be shielded or a designated wildlife-friendly lighting product.
6. Dump and wash stations are prohibited.
7. The boundaries and configuration of preservation areas shall be approved by the County's Parks and Natural Resources staff to meet Charlotte County's Habitat Conservation Plan ("HCP") requirements and shall be placed under a County-approved conservation easement as required by the HCP if the Developer voluntarily opts into the HCP. The acreage of the preservation areas shall remain fixed.
8. 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.
9. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy or final inspections have been issued.
10. This Special Exception is granted for a term of three (3) 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.
11. 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 located on site. A change in ownership shall not require the modification of the special exception, provided the business continues to operate as a self-storage facility for boats, trailers, recreational vehicles, and other noncommercial vehicles, and complies with the conditions of this special exception. Minor changes or additions, such as accessory uses or structures, may be approved by the Zoning Official.
12. (A) A Stipulated Settlement Agreement between the Florida Department of Community Affairs and Charlotte County, resolving DOAH Case No. 06-2011 GM, dated July 22, 2008 exists and contains conditions directly tied to resolution of State compliance issues. This Stipulated Settlement Agreement was entered in connection with Plan Amendment PA-05-05-28 and is part of the County's administrative file.

(B) Paragraph 4 of that agreement identifies specific conditions that resolved the State's compliance objections. Those conditions include confirmation of the Public Service Commission's approval of an amendment to Sun River Utilities' certificated territory, as well as the representation that current, off-site, and on-site water distribution and wastewater collection systems 'will be constructed by the developer. The County itself is a party to that Settlement Agreement, and that the County has ongoing obligations under it.

(C) The compliance determination that allowed the Plan Amendment to be finalized was expressly tied to the condition that water and wastewater infrastructure would be constructed by the developer of the subject property. Because the property was never developed following that agreement, and because ownership subsequently changed hands, the County cannot simply disregard that condition without confirming whether it remains applicable to the development now proposed.

(D) The County, as a party to that agreement, must and will remain in compliance unless and until we conclude otherwise.

(E) The County may condition the ability of the applicant to obtain permit approvals pursuant to the Special Exception application approved by Board at the December 10, 2025 hearing, unless and until the County makes a finding that the applicant is discharged from adhering to the conditions directly tied to the resolution of the compliance issues raised in the Department's Statement of intent.

Mr. Berntsson stated that condition number four would be a type D landscape buffer with a six-foot tall sight obscuring opaque fence or wall shall be constructed and planted around the permitter of the site as exhibit K, however a eight-foot-tall sight obscuring opaque fence shall be required along US-17 and just the condition number twelve is just going to say the board notes the existence of the settlement agreement.

Asst. Co. Atty. Moscoso stated the request of the county attorney's office is specific and the request is for the board to acknowledge the existence of the settlement agreement as well as the notice that was provided today. A discussion ensued with **Chair McVety, Mr. Vieira, Mr. Berntsson and Mr. Cullinan**.

SE-25-014

Nicole Macey, representative for Turtle Time Management LLC, is requesting a special exception to allow commercial vehicle rental, in the Commercial General (CG) zoning district. The property is located at 2534 Sulstone Drive, in Punta Gorda, and is described as Lots 34 – 41, Block 35, of the Harbour Heights Subdivision, Section 5, located in Section 15, Township 40 South, Range 23 East. The Parcel ID for subject property is 402315358016.

Mrs. Beyer exits the meeting.

10:57 Recess

11:02 Resume

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

Chair McVety asked what the initial developer had in mind with twenty-five-foot lots. A discussion ensued with **Mr. Cullinan**. **Mr. Vieira** asked **Miss Nocheck** about the type D buffer regarding landscaping and a discussion ensued.

Applicant Presentation

Nicole Macey was sworn in, and Matthew Dodge stated he was sworn in. **Mr. Dodge** stated he heard that the lots were zoned for potential mobile homes. **Ms. Macey** explains they own a moving company

and also bought this property a year ago. We want to have a U-Haul business, so we can have a self-pick up and do it easy with a code.

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

Ms. Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira asked about item number nine on the conditions, the three-year term. If phase one is commenced does that trigger everything completely. Is there no expiration on phase two or do you have to commence a phase one and phase two must come in separately and the three years extends. Mr. Cullinan stated there is no time frame for when phase two has to commence, so it would just be once phase one is done, and a discussion ensued.

ACTION: A motion was presented by Steve Vieira and seconded by Phillip Smallwood that Petition SE-25-014 be APPROVED based on the Community Development Staff Report dated December 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 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 allow commercial vehicle rental, 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 storage of debris, heavy machinery, semi-trucks, cargo containers, or hazardous materials is prohibited. The site may not be used as an outdoor storage yard for recreational or noncommercial vehicles.
4. There shall be no maintenance or repair of commercial vehicles on subject property.
5. For Phase 1, a continuous hedge row of at least 4 feet in height shall be planted along the south property line, as shown on the **Concept Plans** (Exhibit G) provided by the applicant. The final design of landscaping and buffers shall be determined during the Site Plan Review and/or permitting process. Storage of commercial vehicles shall be limited to the area shown on the **Concept Plans**. The hedge must be installed and pass final inspection prior to the site being used for rental of commercial vehicles. Lots 38 – 41 may not be used for any purposes as part of Phase 1.

6. For Phase 2, 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 area to be used for the outdoor storage of commercial vehicles as shown on the **Concept Plans** (Exhibit G). The final design of landscaping and buffers shall be determined during the Site Plan Review process. The use of chain link fencing as part of the required buffer is prohibited. All required improvements, including the required buffers, and a Certificate of Occupancy or final inspections must be issued prior to using Lots 38 – 41 for the commercial vehicle rental business.
7. Any perimeter outdoor lighting shall be directed towards the interior of the property.
8. 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.
9. This Special Exception is granted for a term of three (3) 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.
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 or vehicle rental. 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 for January we will have two variances and wishes everyone a joyful holiday and Christmas season.

XI. Member Comments –

The members wished a Merry Christmas to everyone!

XII. Next Meeting

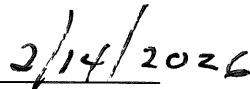
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, January 14, 2026 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:26 a.m.

Respectfully submitted,
Kimberly Sargent, Recording Secretary
Community Development Department



Blair McVety, Chair



Date

