



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, January 14, 2026 9 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 meeting to order at 9 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. Blair McVety 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. Smallwood and seconded by Mr. Filieo to approve the minutes of December 10, 2025, meeting of the Board of Zoning Appeals, which passed with a unanimous vote.

### **VI. Introduction of Staff/Comments**

Vice Chair Vieira introduced staff. Shaun Cullinan, Planning and Zoning Official, read the Zoning rules, Asst. Co. Attorney Walker and Vice Chair Vieira 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**

No ex-parte forms indicating site visits related to the petitions to be presented at the January 14, 2026, Board of Zoning Appeals meeting were submitted.

### **VIII. New Business**

The following petitions were advertised on December 30, 2025: VAR-25-015, and VAR-25-016

**VAR-25-015**

Claremont Property Management, representative for Chelsea House of Port Charlotte Condo Association, Inc., is requesting a variance to reduce the required 25-foot front yard setback by 9 feet to allow a front yard setback of 16 feet, to allow for the replacement of carports in their previous locations on subject property, in the Residential Multifamily-15 (RMF-15) zoning district. The property is located at 2290 Aaron Street, in Port Charlotte, and is described as the Chelsea House of Port Charlotte Condominium, located in Section 15, Township 40 South, Range 22 East. The Parcel ID for subject property is 402215779000.

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

**Applicant Presentation**

**Ruth Newell, representative for the applicant**, stated she has been sworn. **Ms. Newell** noted that Elizabeth had addressed most points and expressed her appreciation to Ms. Nocheck for her professionalism, kindness, and knowledge. She explained that the applicant seeks to replace the carport damaged by the hurricane, now that the remodel and repairs have been completed.

**Vice Chair Vieira** asked whether the building is fully occupied and finished. **Ms. Newell** responded affirmatively.

***Vice Chair Vieira then opened the meeting for public comments.***

**Public Input**

**Thomas Barry**, HOA President of Chelsea House, stated that he represents the residents present and noted that this is the final component needed to complete the community's recovery from Hurricane Ian.

***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 motion passed unanimously, and public comments were closed.***

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

**Board Member Comments and Questions**

None.

***ACTION: A motion was presented by Andrew Filieo and seconded by Nichole Beyer that Petition VAR-25-015 be APPROVED based on the Zoning Official Staff Report dated January 7, 2026, 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 9 feet to allow a 16-foot front yard setback, to allow the replacement of carports in their previous locations on subject property.
2. The variance shall apply to the carport structures as shown in the documents submitted with this application.

3. If the carports are 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 carports.

#### **VAR-25-016**

Michael Melton, P.E., representative for Bill & Deb Ven Housen, is requesting two variances: (a) to allow an accessory structure to be located in front of the leading living edge of a primary structure, and (b) to reduce the required 25-foot front yard setback by 15 feet to allow a 10-foot front yard setback, for a new swimming pool, pool deck, and pool cage, in the Manasota Single-family-5 (MSF-5) zoning district. The property is located at 1235 Holiday Drive, in Englewood, and is described as Parcel P3, located in Section 18, Township 41 South, Range 20 East. A full legal description for subject property is available on file. The Parcel ID for subject property is 412018105009.

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

#### **Applicant Presentation**

**Michael Melton, representative for the applicant,** stated that Ms. Nocheck did a wonderful job. He explained that the house is currently under construction and had been properly permitted in advance. **Mr. Melton** also discussed the seawall, including the deadman anchors and tiebacks, noting that the chosen direction was primarily to avoid interfering with the existing seawall.

**Vice Chair Vieira** noted that, based on the photographs, it appeared the property had been cleared. **Mr. Melton** clarified that the property is under construction, and a discussion ensued. **Mr. Melton** confirmed that he had been sworn.

***Vice Chair Vieira then opened the meeting for public comments.***

#### **Public Input**

**Heather Nibert, 1125 Little Court, Manasota Key,** stated that she had been sworn and expressed several concerns regarding the request, noting potential precedent issues under the Manasota Key Overlay. She described the demolition and project progress to date, including concerns related to the proposed pool, and requested a redesign.

***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 motion passed unanimously.***

**Mr. Melton** stated the situation resulted from a miscommunication and provided a brief history of the project, including the house and pool layout. He explained the pool was proposed separately to avoid construction delays and acknowledged the oversight in not filing the variance.

Ms. Nocheck presented the recommended conditions for the petition.

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

None.

***ACTION: A motion was presented by Phillip Smallwood and seconded by Nichole Beyer that Petition VAR-25-016 be APPROVED based on the Zoning Official Staff Report dated January 7, 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 allow an accessory structure to be located in front of the leading living edge of a primary structure, and **(b)** to reduce the required 25-foot front yard setback by 15 feet to allow a 10-foot front yard setback, for a new swimming pool, pool deck, and pool cage.
2. The variances shall apply to the proposed swimming pool, pool deck, and pool cage, as shown in the documents submitted with this application.
3. If the swimming pool, pool deck, or pool cage are removed or replaced, the applicable variance shall expire and all future development must be constructed according to 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 swimming pool, pool deck, and pool cage.

**IX. Election of Officers –**

- **Chair**
- **Vice Chair**
- **Secretary**

**Asst. Co. Atty. Kimlyn Walker** opened the floor for nominations.

**Mr. Vieira** moved to nominate Blair McVety for Chair, seconded by Mrs. Beyer. The motion passed unanimously.

**Mr. Vieira** moved to nominate Nichole Beyer for Secretary, seconded by Mr. Smallwood. The motion passed unanimously.

**Mr. Filieo** moved to nominate Steve Vieira for Vice Chair, seconded by Mrs. Beyer. The motion passed unanimously.

**X. Public Comments –**  
None

**XI. Staff Comments –**  
**Ms. Nocheck** advised there will be four petitions, consisting of three variances and one special exception at next month's meeting.

**XII. Member Comments –**  
None.

**XIII. Next Meeting**  
***The next meeting of the Board of Zoning Appeals is scheduled for Wednesday, February 11, 2026, at 9 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:49 a.m.

Respectfully submitted,  
Kimberly Sargent, Recording Secretary  
Community Development Department

  
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Blair McVety, Chair

Date

