



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, January 13, 2021 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:**

Steve Vieira, Secretary  
William Abbatematteo, Vice-Chair  
Larry Fix  
Blair McVety, Chair  
John Doner

### **Staff:**

Shaun Cullinan, Planning/Zoning Official (absent)  
Thomas David, Asst. Co. Attorney  
Stacy Bjordahl, Asst. Co. Attorney  
Elizabeth Nocheck, AICP, Sr. Planner  
Diane Clim - Recorder

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### **I. Call to Order**

Chair McVety called the January 13, 2021 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**

Diane Clim swore in all persons who wished to provide testimony.

### **V. Approval of Minutes**

**ACTION:** A motion was presented by Mr. Fix and seconded by Mr. Doner to approve the minutes of December 9, 2020 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

### **VI. Disclosure Statements**

Ex-parte forms indicating site visits concerning the petitions being presented before the January 13, 2021 Board of Zoning Appeals meeting were submitted.

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

Chair McVety introduced staff. Elizabeth Nocheck, Sr. Planner, read the Zoning rules, Asst. County Attorney David 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.

**VIII. New Business**

***The following petitions were advertised on December 29, 2020: SE-20-035, SE-20-036, SE-20-037, SE-20-038, SE-20-039, and SE-20-040***

**SE-20-035**

Renata Ellis is requesting a special exception to allow a Major Home Occupation, consisting of a scuba instructor business, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **286 Fields Terrace**, Port Charlotte, and is described as Lot 330, Block 2091, of Port Charlotte Subdivision, Section 40, located in Section 27, Township 40 South, Range 22 East.

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

**Mr. Abbatematteo** asked about a business using just the inside of the house. We've had a petition with dogs, so the outside of the house (the yard) was being used. One petition used part of its garage. I am concerned about the words on the Code which says a home occupation using the house. Does not say anything about using the outside or in genetic just using the "property". It says inside the house. This request is using their pool and probably the lanai. He feels it is inconsistent.

**Ms. Nocheck** said she did not feel the lanai or pool were inconsistent. It is attached to the house. It is considered part of their home, part of the main structure.

**Applicant Presentation**

**Renata Ellis, applicant, said she was sworn in.** **Ms. Ellis** said she is the sole owner of Bottoms Up Scuba. The business is located at 3781 Tamiami Trail in Port Charlotte. The only thing she does at the house is use the pool for their in pool confined water training sessions. I use the pool about all week, usually from 6 to 8 pm, and she feels mostly what the neighbors are upset about is parking on the street. She said she has a large family and so does her husband. They do have a lot of visitors. We do scuba training for the sheriff's department, both Charlotte County and Punta Gorda. Also the fire department. They start out as open water students like everyone else and they require a lot of training.

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

**Ms. Nocheck** said she received a lot of letters in the mail and email. She passed out copies to the Board.

**Public Input**

**Oleh Saciuk**, neighbor, spoke against this request. **Mr. Saciuk** said he and his wife reside almost across the street from the petitioner. He said he is a retired member of the Illinois State Bar and of the Federal Court for the northern district of Illinois and a retired member of California State Bar. He has been a private attorney since 1982. They have been in their house 5 years. The petitioner moved into her house a few years later. He said this operation has been going on at least 2 years. He said many times there were many cars at the neighbor's house. One time when the sheriff's deputies were there, I went to speak to one of them, that is how I know they were with the sheriff's dept. He told the man the neighbors were not happy with all the traffic and parking all over. He said one time when the ambulance came for him, he was grateful there were not a lot of cars around the neighbor's house because then the ambulance would have had a hard time getting to his house. He said the owner has had many more than 2 customers at a time for training. He said he has the neighbors key across the street, they do not live there full time. He went over there and watched them using the pool with the



scuba equipment. He said there were 6 people on the lanai. He was not sure how many were students. He said other neighbors have told him they are certified scuba diver instructors and there are other pools in the area where this training could happen. He said instructions have still been going on even after Code Enforcement stopped by their house to stop this until they were approved for a Special Exception.

**Leslie Cheminant**, neighbor who lives just down the road, said she is submitting 147 signatures of the residents of Grassy Point sailing community who strongly object to approving this request. Several residents are attending to speak, but others wanted to stay away because of the Covid pandemic. She said the owners of this request have been doing this training for 2 years. There are too many vehicles coming and going and parking all over the road. She also said property values go down when a business enters a residential area. She asked the Board to deny this request.

**Sharon Nicolosi**, who lives in the area, said she lives 2 houses away from the applicant. They do not like all the noise from their home and have seen a lot of traffic to their house since they moved in. Many of the drivers are speeding. This is a dead end street, so they have to go around the cul-de-sac to get out. She does not like that their company parks in front of her driveway.

**Anthony Nicolosi**, who lives 2 houses away from the applicant, said his wife said a lot but he worked in Community Development construction and they are not happy with all the cars around, parking anywhere, and a lot of the neighbors walk and these cars are all over the area. He said even the garbage truck has a hard time getting down the road. He said there was a robbery on the Ellis' boat last year. They have not had any robberies in that area before. He said they should rent a commercial pool. Port Charlotte Beach complex, there's one on San Casa, there are pools around they could use. He asked if this pool is ADA compliant. He said the classes seem to be more than 2 times a day.

**Susan Dunn**, who lives in the area, said she is worried who might move in next door to her if this is allowed.

**Pat Chairello**, who lives in the area, said she has lived in this house since 1979. She has never experienced the controversy that is taking place. The traffic is way more than before. She is concerned about the ignorance of the owners after being cited for not having the proper permits to have this business here. She said she is a certified diver and the people who trained her used the County pool. The people who owned this business before the Ellis family, those owners used a motel pool to train.

**Robert Guilmette** says he has been in his house 15 years. He said at his house before this one, he had a neighbor who parked on the street, and we are not allowed to park on the swale. This bothers him so he told the neighbor please don't park on the road/swale. He is against this request.

**Jamie Skelling** said there is a lot of noise coming from the back of the site. It carries across the canal to our area. She said she did not think people could park on the street. She spoke with Code Enforcement. She feels the neighbors do not have enough parking for themselves, company and the business.

**Mr. McVety** asked Ms. Nocheck if we are allowed to park on the street?

**Ms. Nocheck** said as far as she knew, we are allowed to park on the street. She did not find anything saying parking on the street is not allowed.

**Harvey Elliot** said he purchased his house in 1972. He agrees with the neighbors. He is concerned more with what is coming. He feels there will be other home businesses in the near future.

**Diana White** said she lives across the canal from the applicant. She has seen more than 2 people over for a class. She can hear the instructions and can hear the pressure sounds. She said they do hear a lot of negative offensive words. They have yelled across the canal to "clean it up".

**Oleh Saciuk** was allowed to cross examine Elizabeth Nocheck.

**Mr. Saciuk** asked Ms. Nocheck if she would agree that the petitioner has the burden of proof?

**Asst. County Attorney David** said he objected. That is a legal conclusion.

**Mr. Saciuk** said so you are not an attorney?

**Ms. Nocheck** replied no.

**Mr. Saciuk** said on the face of her petition, Ms. Ellis stated they have been operating the business, they have not been complying with the requirements for your recommendation.

**Ms. Nocheck** said the conditions have not been accepted yet, so the conditions have not actually applied.

**Mr. Saciuk** said my question is – if a petitioner states on a petition that they are violating the law, because the law will only allow them to have 2 customers in the house at a time, why even consider the condition when on its face, the petition should be rejected?

**Asst. Co. Attorney David** said he objects. He is calling for a conclusion of law from someone who is not an attorney.

**Mr. Saciuk** asked why consider the petition if on its face the petition states that the petitioner is not complying with the law, in the normal course of her business?

**Ms. Nocheck** replied when a code case comes in for something like a major home occupation, the main way for the person to remedy the situation is to come into compliance. In order to come into compliance, they have to receive approval from the Board of Zoning Appeals to get their special exception for their major home occupation. The conditions I put into the staff report are there for the future. If they get approved, these are the conditions they have to abide by. I understand they may have not been following that before, but if they get approved to proceed in the future, these are the conditions of approval that they would have to agree to and adhere to.

**Ms. Saciuk** asked have you determined whether or not have they the proper insurance for the business.

**Ms. Nocheck** replied that is not my business.

**Mr. Saciuk** excluded from a homeowners policy, if someone is injured in the pool, what would happen if there is no coverage?



**Ms. Nocheck** said that is not what we are discussing.

**Mr. Saciuk** asked if they have workers compensation coverage?

**Ms. Nocheck** said that is not relevant to the zoning part of the hearing.

**Mr. Saciuk** said thank you very much Mr. Chairman.

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

**Mr. McVety** asked on ADA, do you want to talk about it?

**Asst. Co. Attorney David** said the County does not enforce the ADA. The ADA is enforced against the business owner. The Board of Zoning Appeals is not related to the ADA. ADA compliance usually comes through the process of getting your building permits. There is also Code Compliance and then there is also a right of private action, that happens when a person comes into a building and is denied access. Those are the 3 main ways I am aware of ADA compliance. The County does look for, to make sure that properties are ADA compliance if they are requesting a permit, this is not a permit.

**Mr. Abbatematteo** said he is just curious, in addition to the Federal ADA, does the State of Florida have a parallel or at least similar set of codes that apply to ADA?

**Asst. Co. Attorney David** said I actually worked on the State ADA when I was a young man, in which predated the Federal ADA. There was and I believe there still is a section of the State Code but it is all preempted by the Feds.

**Mr. McVety** asked the applicant to come back up. He asked if she wanted to rebut what she heard today.

**Ms. Ellis** said yes. She said regarding the van and the children, that is her sister-in-law Shelley comes down to visit quite often and brings the children. They are in and out and in and out of the pool, they are loud, there's dogs. They're having fun. They are on vacation. I have 5 children myself, they are married, they have kids, they come over. They have dogs, they come from out of town. She has 6 siblings; my husband has 4. They all come from out of town. The noise is not from scuba diving, that is a relatively quiet activity. Yes, I own 3 compressors, they all reside at the business not at my home. I do have dive equipment, my personal dive equipment and many times the kids play with some of it. This is just friends and people coming over to visit and having fun. This is her personal life and how she lives it. She said others park on the road, it's not just her and her friends.

**Asst. Co. Attorney David** asked Ms. Ellis if she read the conditions and agrees with them.

**Ms. Ellis** said yes.

**Mr. Vieira** asked when the Code Compliance issued you a citation and you continued to operate; did your code compliance state you could not operate your business?

**Ms. Ellis** said he did not tell me I had to stop operating, he said as long as I was in the process of trying to come into compliance, I could continue to use it until we had the meeting.

**Mr. Vieira** asked Co. Attorney David if he could verify that?

**Asst. Co. Attorney David** said he cannot verify what the Code officer told her. The fact is if the Code officer said that, he misspoke, because the violation of the Code is not permitted at all. When people violate the Code, they are not permitted to violated the Code, even if a County staff person tells you you can violate the Code, you still cannot violate the Code. The Code is the law. In Code Enforcement, the County covers a lot of ground. You can have a situation like this where someone is operating a business without having the proper permit, there is other circumstances where someone has for example a structure they did not get a permit for, we don't ask them to tear down the building if they can bring it into compliance. So it depends on the violation what a Code officer should be telling someone. Now if the Code officer said something to the effect you are permitted to continue operating your business even though it is illegal, that is not a correct instruction.

**Mr. McVety** asked about changing clothes, putting on the wetsuit. Is that done in the garage?

**Ms. Ellis** said her husband is 100% disabled Vet. My house is 100% wheelchair accessible. I have a bathroom that is accessible from the lanai into the house and it is 100% wheelchair accessible. Since it did come up about handicap and scuba diving, they have special needs and we would have to have a special location and lots of special equipment and tools for handicap people.

**Mr. Abbatematteo** asked when did you apply for this special exception?

**Ms. Ellis** asked Ms. Nocheck if she knew the date, who replied it was around the end of October.

**Mr. Abbatematteo** said in July on the 30<sup>th</sup>, there was an inspector out there on the 31<sup>st</sup> and said the complaint was unfounded. There was a second complaint made on October 15<sup>th</sup>, the same inspector went out and the founding was on Oct. 16<sup>th</sup>, it was founded. Then the record is silent. There is no other information on the computer. I see the Notice of Violation posted and then there is nothing else. He asked if the case was closed or what happened.

**Ms. Nocheck** said she knows there have been follow up inspections and then the Code inspector will come and ask her personally if they applied for any special exceptions or variances. She said they do follow up with staff. If she did not come in for a special exception, then the Code inspector would go forward with the violation.

**Asst. Co. Attorney David** said the State Statute states you have to give the property owner an opportunity to come into compliance.

Elizabeth Nocheck presented the recommended conditions for the petition.

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

None



**ACTION:** *A motion was presented by Larry Fix and seconded by William Abbatematteo that Petition SE-20-035 be DENIED based on the Community Development Staff Report dated January 6, 2021, 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.*

**Mr. Abbatematteo** said language has meaning. Some types of business can be done at home and have little or no effect on the neighborhood. It is the intent. There was ample testimony given under oath. There is a distinction between noise and activity. I can have a hobby and make noise in my garage, but once I have a business now the noise can affect or impact the neighbors.

**Mr. Doner** said to some degree we may not set precedent, we kind of set our own precedent. I don't think since I've been on this board, that we dealt with a business that was outside the walls of a home. Obviously there is a big distinction between noise outside the home and noise level inside the walls of the home. Approving this could set a precedent.

*Motion was denied with a unanimous vote.*

#### **SE-20-036**

Darby Engineering, Inc., agent for Camacho Logistics Corporation, is requesting a special exception to allow the outdoor storage of tractor trailers, in the Commercial General (CG) zoning district. The property is located at **9351 Knights Drive**, and is described as Lot 5, of the Taylor Park Subdivision, located in Section 21, Township 41 South, Range 23 East.

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

#### **Applicant Presentation**

**Steve Darby, Darby Engineering, agent for the applicant, said he was sworn in.** Mr. Darby said they accept the conditions. He said they are doing this in two Phases. One reason right now they have 16 trucks and they are scattered all over. They would like to bring them all to one location. It is not really storage, it's parking. If trucks are sitting, they are not making money. Some are long haulers, some of short haulers. They are putting in an 8 foot wall to beautify the whole area. **Mr. Darby** asked if the last sentence of the conditions, it says "and with very limited exceptions or empty when stored on site", the condition #6, I would like to see if we can add that "very limited" because what happens sometimes, trucks come back, they had traffic, they get delayed, they don't get to drop off their load/delivery. He said the building will not be built at this time, they will do that in Phase 2.

**Mr. McVety** asked the Asst. Co. Attorney if they can make the change from storage to overnight parking.

**Asst. Co. Attorney David** said they can amend condition #6 – "tractor trailers shall be empty when stored on site when longer than 48 hours".

**Ms. Nocheck** said that is okay.

**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. Fix moved to close the public comments, seconded by Mr. Abbatematteo. The public comments was closed with a unanimous vote.***

Elizabeth Nocheck presented the recommended conditions for the petition.

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

None

***ACTION: A motion was presented by William Abbatematteo and seconded by Steve Vieira that Petition SE-20-036 be APPROVED based on the Community Development Staff Report dated January 6, 2021, 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, with Condition #6 modified for tractor trailers to be emptied within 48 hours.***

***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 allow for an outdoor storage yard for the storage of tractor trailers and an associated truck maintenance facility 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, 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 hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with an eight-foot high sight-obscuring (opaque) fence or wall, shall be constructed and planted along all property lines.
5. The facility shall not be open to the public.
6. Tractor trailers shall be empty when stored on site for more than 48 hours.
7. Any repair work shall only be performed in a completely-enclosed building. The repairs shall be limited to tractor trailers being stored on-site and shall not be operated as a stand-alone repair shop.
8. The outdoor storage use may not be used until all required improvements are completed and a Certificate of Occupancy has been issued.
9. This Special Exception is granted for a term of three 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.
10. 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.



**SE-20-037**

Jesse Goodwin is requesting a special exception to allow assembly and manufacturing in a completely enclosed building, consisting of a contractor's office and carpentry workshop, in the Commercial General (CG) zoning district. The property is located at **8251 Burnt Store Road**, and is described as Lot 3, Block C, of the Charlotte Commercial Center Subdivision, located in Section 17, Township 41 South, Range 23 East.

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

**Applicant Presentation**

**Jesse Goodwin, applicant, said he was sworn in.** Mr. Goodwin said he has been a Florida Certified Building Contractor since 1994. My three sons and my daughter are my company along with helpers for them. They have more work than they have people. The space they are in on Acline Road is way too small. I am jammed up, I can't move. I need more space. The building he is in now was marketed for Industrial but it is not.

**Mr. Doner** asked if he would be storing any materials (lumber and such) outside?

**Mr. Goodwin** said they order job specific, so his deliveries comes a few times a month. If this is granted, he will buy a small forklift to be able to pick up materials and bring it in the building. There will not be huge amounts of material, but specific materials. It will be stored in the building.

**Asst. Co. Attorney David** asked the applicant if he accepts the conditions.

**Mr. Goodwin** said yes, but he does not like having to close the doors in the summertime.

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

**Public Input**

**John Green, owner of the building Mr. Goodwin wants to work in,** said he was sworn in. Mr. Green said he is here for support. I had visited the place he is at now and his business is good. He feels this is a good fit.

***There being no further requests to speak for or against the petition, Mr. Fix moved to close the public comments, seconded by Mr. Doner. The public comments was closed with a unanimous vote.***

Elizabeth Nocheck presented the recommended conditions for the petition.

**Mr. McVety** asked you want the doors closed because of noise?

**Ms. Nocheck** said yes.

**Mr. McVety** asked what is around this building?

**Ms. Nocheck** said there are some other commercial businesses, not contractor's offices. There are warehouses and distribution.

**Mr. McVety** asked the applicant how noisy is your business?

**Mr. Goodwin** said his noisiest machine is the planer. The loudest it goes is 95 decibels. 100 feet away it would be about 40 decibels. Behind the building is a pond and the doors are facing the pond.

**Mr. McVety** said this Board has the opportunity to open those doors.

**Board Member Comments and Questions**

None

***ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-20-037 be APPROVED based on the Community Development Staff Report dated January 6, 2021, 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 five conditions recommended by staff, and modify the one condition to close the door, to be able to keep the doors open.***

***Motion was approved with a unanimous vote with the following five conditions:***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow light manufacturing and assembly in a completely enclosed building, consisting of a contractor's office and carpentry workshop, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. The Site 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.
3. All woodworking activity shall occur inside the building.
4. Outdoor storage of materials is prohibited.
5. 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

**SE-20-038**

Copeland Investment Properties, LLC., is requesting a special exception to allow an outdoor storage yard for a building trades contractor, in the Commercial General (CG) zoning district. The property is located at **441, 433, & 425 Dogwood Street and 440 & 432 Zorita Street**, and is described as Lots 1, 2, 18, 19, and 22, Block 1088, of the Port Charlotte Subdivision, Section 16, located in Section 01, Township 40 South, Range 21 East.

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

**Applicant Presentation**

**Steve Copeland, applicant, said he was sworn in.** **Mr. Copeland** said their main office is in Seabreeze, but they have been working in this area for many years. We are requesting to build our storage yard and equipment and the storage of our materials to install the systems.

**Asst. Co. Attorney David** asked Mr. Copeland if he agrees with the conditions?



**Mr. Copeland** said yes.

**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. Fix moved to close the public comments, seconded by Mr. Abbatematteo. The public comments was closed with a unanimous vote.*

Elizabeth Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

**Mr. Vieira** said the applicant said they will store their equipment on site. Are storage tanks or pump out tanks for sewage prohibited?

**Ms. Nocheck** said she believes the DEP Chapter 62 701 that is cited in the report, that deals with the environmental regulations for septic and sewer. I don't believe that is allowed to be stored.

**Mr. Copeland** said he does not own a pump out truck. If I did, it would get pumped out at the Charlotte facility.

**Mr. Copeland** asked about the 3 year limit, what happens then?

**Ms. Nocheck** said if you did not apply for a permit to start construction after 3 years, then this would become void.

***ACTION:*** *A motion was presented by Larry Fix and seconded by William Abbatematteo that Petition SE-20-038 be APPROVED based on the Community Development Staff Report dated January 6, 2021, 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 nine conditions recommended by staff.*

***Motion was approved with a unanimous vote with the following nine conditions:***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow for an outdoor storage yard for a building trades contractor 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, 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 hazardous materials is prohibited.
4. A "Type D" Landscape Buffer with an eight-foot high sight-obscuring (opaque) fence or wall, shall be constructed and planted along all property lines.

5. The facility shall not be open to the public. Only vehicles, machinery, materials, and equipment owned by the business owner may be stored on site.
6. The outdoor storage use may not be used until all required improvements are completed and a Certificate of Occupancy has been issued.
7. The business shall operate in compliance with Department of Environmental Protection, Florida Administrative Code, Chapter 62-701.710.
8. This Special Exception is granted for a term of three 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.
9. 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.

#### **SE-20-039**

BGE, Inc., agent for Charlotte County Facilities Department, is requesting a special exception to allow outdoor storage for a government facility, in the Residential Single-family-3.5 (RSF-3.5) and Residential Multi-family-10 (RMF-10) zoning districts. The property is located at **1120 Centennial Boulevard** and is described as portions of Tract P3 and P3-1, located in Section 11, Township 40 South, Range 21 East.

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

#### **Applicant Presentation**

**Dan Bond, agent for the applicant, said he was sworn in.** Mr. Bond said Ms. Nocheck pretty much covered everything. They are in agreement with the conditions – but condition #3, at the end of the condition, it references the wall/buffer will be placed along all property lines and he asked if this buffer could be just around the outdoor storage area, not the whole parcel/site. He asked if the condition would read “buffer around outdoor storage area, not the perimeter of the whole site”.

Ms. Nocheck said that is fine.

***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. Fix moved to close the public comments, seconded by Mr. Doner. The public comments was closed with a unanimous vote.***

Elizabeth Nocheck presented the recommended conditions for the petition.

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

None

***ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-20-039 be APPROVED based on the Community Development Staff Report dated January 6, 2021, 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 and the modification to Condition #3.***

***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 outdoor storage yard as part of a government facility and as an essential service 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. A "Type D" Landscape Buffer with a six-foot high sight-obscuring (opaque) fence or wall, shall be constructed and planted along the perimeter of the outdoor storage yard.
4. The storage of hazardous materials on site is prohibited.
5. This Special Exception is granted for a term of three 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.
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.

#### **SE-20-040**

Christopher Egolf is requesting a special exception to allow for an outdoor recreational use, in the Agriculture (AG) zoning district. The property is located at **43211 and 43041 Neal Road**, and is described as Parcels P-1 and P-1-1, located in Section 29 and 20, Township 41 South, Range 26 East.

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

**Mr. Doner** asked if there were any roads around this area?

**Ms. Nocheck** said no.

#### **Applicant Presentation**

**Christopher Egolf, applicant, said he was sworn in.** **Mr. Egolf** said they leased this property about a year ago and then found out there were others operating the same business through it. One of the Code Officers was down the road for a complaint and saw our sign. He asked if we had a business license. He said he was told since this was a hunting property, they did not need one. The Code Officer said you should check and find out. I called and spoke with Ms. Nocheck and she said we would need the Special Exception. I have all my other permits with the State. All our guides are made up of seasoned hunters and veteran sheriff department folks – some from the swat team. We are all first aid certified in every type of first aid and trauma. Two of our guides are part time Firefighters and EMT's. We have a safety plan with Station #9, which is the closest fire department. We have inside the lodge,

their agricultural unit and are retired ag deputies with Sarasota County and FWC. They put together a comprehensive plan so they all know where we are and a safety plan, so if they are ever needed, there will always have someone there to meet them. All of the stands, and when we do our hunts, all of the guides are trained so at no point do we allow more than 4 people in an area. Then every person who is hunting is hunting away from each other. Everyone is shooting away from the property lines. We do work with Operation Patriot support because it is a non-profit group and it's all about the Veterans. We do not charge the Veterans and take them out hunting. We have multiple visits and inspections by FWC that check out the entire property. We have a 5 year lease with the landowner now and hope to buy it. That is where we are right now.

**Mr. Abbatematteo** asked what is the width of the property?

**Mr. Egolf** said the total length is about 3.5 to 4 miles. We go almost all the way from Neal Road to Bermont Road.

**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. Fix. The public comments was closed with a unanimous vote.*

Elizabeth Nocheck presented the recommended conditions for the petition.

**Board Member Comments and Questions**

None

***ACTION:*** *A motion was presented by William Abbatematteo and seconded by Larry Fix that Petition SE-20-040 be APPROVED based on the Community Development Staff Report dated January 6, 2021, 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 four conditions recommended by staff.*

***Motion was approved with a unanimous vote with the following four conditions:***

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an outdoor recreational use, consisting of a hunting lodge and shooting range, and extends only to the lands included in the Site Plans and legal description submitted with this application.
2. Any special event held on site exceeding 100 guests will require a Temporary Use Permit.
3. The Site Plan and Landscape Plan 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.



4. 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 said we have 1 item for next month's meeting.

XI. Member Comments –  
None

XII. Election of Officers  
Mr. Abbatematteo moved to nominate Mr. McVety for Chair, seconded by Mr. Vieira with a unanimous vote.  
Mr. Fix moved to nominate Mr. Abbatematteo for Vice-Chair, seconded by Mr. Vieira, with a unanimous vote.  
Mr. Fix moved to nominate Mr. Vieira for Secretary, seconded by Mr. Abbatematteo with a unanimous vote.

XII. Next Meeting  
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, February 10, 2021 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 1:02 p.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

  
\_\_\_\_\_  
Blair McVety, Chair

Approval Date: 2-10-21