



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, April 14, 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
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Diane Clim - Recorder

I. Call to Order

Chair McVety called the April 14, 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. Vieira to approve the minutes of March 10, 2021 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 April 14, 2021 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chair McVety introduced staff. Shaun Cullinan, Planning and Zoning Official, 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 March 30, 2021: SE-21-003 and VAR-21-001

SE-21-003

Mr. Doron Markowitz is requesting a special exception to allow a major home occupation, consisting of a stringed instrument repair business, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **18419 Meyer Avenue**, Port Charlotte, and is described as Lot 64, Block 2128, of the Port Charlotte Subdivision, Section 37, located in Section 30, Township 40 South, Range 22 East.

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

Applicant Presentation

Doron Markowitz said he was sworn in. **Mr. Markowitz** said he has been operating his shop since 2005 on the east coast of Florida. He moved to the Cape Coral area in 2016, and recently moved to this address in 2020. He operates repairs out of his garage. He makes appointments for all clients and has plenty of parking in his driveway.

Chair McVety opened the meeting to Public Comments.

Public Input

No one spoke for or against this request.

Ms. Nocheck said she did receive an email from a neighbor.

There being no further requests to speak for or against the petition, Mr. Doner moved to close the public comments, seconded by Mr. Vieira. 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 John Doner that Petition SE-21-003 be APPROVED based on the Community Development Staff Report dated April 7, 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.

Motion was approved with a unanimous vote with the following ten conditions:

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a major home occupation, consisting of a stringed instrument repair business, as an accessory use to the existing single-family residence.
2. This special exception shall be conducted according to these conditions as well as all standards and conditions set forth in Section 3-9-74, Home Occupations, of the Land Development Regulations, as may be amended.

3. Hours of operation shall be limited to 10:00 AM to 6:00 PM, Mondays through Saturdays.
4. A maximum of one (1) client may visit the home at any one time.
5. A maximum of six (6) clients may visit the home per day.
6. All activity relating to the stringed instrument repair business shall occur inside a completely-enclosed structure. The garage door shall remain closed while performing all work-related activities. Outdoor storage of materials or equipment is prohibited.
7. There shall be no retail sales on the premises, except via internet, phone, or mail.
8. This special exception shall apply only to the applicant. In the event of the sale of this property, this special exception shall expire.
9. The granting of a special exception to conduct a major home occupation shall be automatically conditioned upon continued compliance with all the requirements of Section 3-9-74: Home Occupations, and all other applicable codes and ordinances. Failure of the operator to meet these requirements shall empower the BZA to revoke the special exception after notice and a public hearing.
10. Any major changes or additions to this special exception, including a change of location, scope of services, or change in the type of major home occupation conducted, 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.

VAR-21-001

Ms. Brenda VanSalisbury is requesting two variances: one **(a)** to reduce the required 10-foot rear yard setback by 1.3 feet to allow an 8.7-foot rear yard setback to allow an existing pool to remain "as-is", and a second **(b)** to reduce the required 10-foot rear yard setback by 2.3 feet to allow a 7.7-foot rear yard setback for a composite roof for the existing pool, in the Commercial General (CG) zoning district. The property is located at **17162 Toledo Blade Boulevard**, Port Charlotte, and is described as Lots 9, 10, and 11, Block 1084, 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

Brenda VanSalisbury, applicant, said she was sworn in. Ms. VanSalisbury explained her business. She has been in business for 5 years. She works with aquatic therapy. They work with the elderly and those who need special therapy. Many of these folks leave feeling better and walking better. When it rains, they don't use the pool. If they put this roof over the pool, they can still come during regular rain, but will not ever use the pool if it is thundering. Also, with the sun every day, they will have less sun on them. They do worry about skin cancer. So this roof will also keep the sun off the clients.

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. Vieira. The public comments was closed with a unanimous vote.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Asst. Co. Attorney David said for #2, the criteria, the Code talks about the physical handicap or disabilities of the applicant and other consideration may be considered. We do not address that in the finding, but I think it would be useful to the Board to add a sentence something to the effect “the Board recognizes the physical handicaps or disabilities of the applicant’s customers would also support the granting of this variance”. I think that would be good for the record.

Mr. Abbatematteo said he would like to make a motion that Counselors recommendation be adopted as part of the recommendation as Item 4 or added to Item 2.

Asst. Co. Attorney David said it would just be an amendment to the staff report and that finding.

Mr. Fix moved to second that, motion passed with a unanimous vote.

ACTION: A motion was presented by Steve Vieira and seconded by Larry Fix that Petition VAR-21-001 be APPROVED based on the Community Development Staff Report dated April 7, 2021, 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 two variances, as approved by the Board of Zoning Appeals, are one (a) to reduce the required 10-foot rear yard setback by 1.3 feet to allow an 8.7-foot rear interior yard setback to allow an existing pool to remain “as-is”, and a second (b) to reduce the required 10-foot rear interior yard setback by 2.3 feet to allow a 7.7-foot rear yard setback for a composite roof for the existing pool.
2. The variance shall only apply to the existing swimming pool and proposed composite roof for the swimming pool as shown in the documents submitted with this application.
3. If the swimming pool is at a later date removed or replaced this 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.

IX. Public Comments –
None

X. Staff Comments –
Ms. Nocheck said we have 1 item for next month’s meeting.

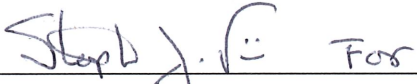
Asst. Co. Attorney David said he had a plan to bring this Board amendments to the Rules of Procedure. We had a member of the public attend the Zoning meeting and ask to provide a video to play on the system. The Board of County Commissioners rules are a little vague on that issue, so we want to incorporate something into the rules to address that question. There are a lot of inconsistencies in the Rules and Code, so we are still working on it. We need to update all of that.

XI. **Member Comments** –
None

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, May 12, 2021 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:02 a.m.

Respectfully submitted,
Diane Clim, Recorder
/dlc



Blair McVety, Chair
Approval Date: 5-12-21