



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, May 12, 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 (absent)  
Larry Fix  
Blair McVety, Chair (absent)  
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

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

*Vice-Chair Vieira* called the May 12, 2021 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

### **II. Pledge of Allegiance**

*Vice-Chair Vieira* 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 April 14, 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 May 12, 2021 Board of Zoning Appeals meeting were submitted.

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

*Vice-Chair Vieira* introduced staff. *Shaun Cullinan, Planning and Zoning Official*, read the Zoning rules, *Asst. County Attorney David* 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.

**VIII. New Business**

***The following petitions were advertised on April 27, 2021: SE-21-006***

**SE-21-006**

Ms. Jeane Daugherty is requesting a special exception to allow a major home occupation, consisting of a dog grooming business, in the Residential Single Family-3.5 (RSF-3.5) zoning district. The property is located at 21476 Chipman Avenue, Port Charlotte, and is described as Lot 5, Block 1495, of the Port Charlotte Subdivision, Section 34, located in Section 03, Township 40 South, Range 22 East.

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

**Applicant Presentation**

**Jeane Daugherty** said she was sworn in. **Ms. Daugherty** said she is a retired horse trainer from Ohio. She lived in St. Petersburg and she worked on grooming dogs. She is now on this coast and she would like to have a few dogs per day to groom dogs. She agrees with the conditions.

**Mr. Doner** asked roughly how long does it take to groom a dog?

**Ms. Daugherty** said a small dog could take an hour. A medium size dog could take an hour and a half.

**Mr. Vieira** asked will the dogs enter from the garage?

**Ms. Daugherty** said yes, there is a small side door or maybe even use the big door.

**Ms. Daugherty** said she has a letter from her neighbor across the street. She handed that to Elizabeth.

***Vice-Chair Vieira opened the meeting to Public Comments.***

**Public Input**

**Dominic Cretacci, who lives in the area, said he was sworn in.** **Mr. Cretacci** said he is not against this request, just had a few questions. He understands now from the presentation there will be 2 dogs at a time. He asked if it might turn into a boarding for dogs.

**Ms. Nocheck** said no, that is not allowed in the residential zoning district.

**Mitchell Cook, who lives in the area, said he was sworn in.** **Mr. Cook** said after she is done grooming the dogs, they will probably be outside until the owner shows up. He feels it would be better if she went mobile to their house or rented a unit on the highway to do this work.

**Ms. Nocheck** said she received 2 emails. One was from Mr. Cook who just spoke.

***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**

There was discussion about the hours of 8 a.m. to 8 p.m. The Board felt it should be more like a regular job – 8 to 5. They decided 8 a.m. to 6 p.m. for those who work until 5 p.m.

***ACTION: A motion was presented by Larry Fix and seconded by John Doner that Petition SE-21-006 be APPROVED based on the Community Development Staff Report dated May 5, 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 seven conditions recommended by staff.***

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

1. This special exception, as approved by the Board of Zoning Appeals, is to allow a major home occupation, consisting of a dog grooming 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. There shall be no retail sales on the premises, except via internet, phone, or mail.
4. This special exception shall apply only to the applicant. In the event of the sale of this property, this special exception shall expire.
5. 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.
6. 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.
7. Hours of operation shall be limited to 8:00 AM to 6:00 PM.

**IX. Public Comments –**

None

**X. Staff Comments –**

**Ms. Nocheck** said we have 2 items for next month's meeting.

**XI. Member Comments –**


None

**XII. Next Meeting**

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

There being no further business, the meeting **ADJOURNED** at 9:33 a.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc

  
Blair McVety, Chair

Approval Date: 6/9/2021