



# MINUTES

## Charlotte County Board of Zoning Appeals

Wednesday, March 9, 2022 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 (Absent)  
William Abbatematteo, Vice-Chair (Absent)  
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

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

Chair McVety called the March 9, 2022 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 February 9, 2022 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 February 9, 2022 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 February 22, 2022: SE-22-002, SE-22-003 and SE-22-004***

**SE-22-002**

Jeffrey Raykos, P.E., agent for Blue Water Marine Products II, LLC., is requesting a special exception to allow light manufacturing and assembly in a completely enclosed building, consisting of fabrication of boat-related products, in the Commercial General (CG) zoning district. The property is located at **10106 & 10110 Winborough Drive**, Port Charlotte, and is described as Lots 34 & 35, Block 4616, of the Port Charlotte Subdivision, Subsection 85, located in Section 29, Township 41 South, Range 21 East.

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

**Applicant Presentation**

**Jeffrey Raykos, P.E., agent for the applicant**, said he was sworn in. **Mr. Raykos** said he is with DMK and Associates and they are doing the preliminary and site design for this petition.

**Shawn Winkelman, land owner who was also sworn in**, said he would be glad to answer any questions.

**Mr. McVety** asked if his building would be air conditioned?

**Mr. Winkelman** replied yes. He said aluminum is sensitive to humidity. He agrees with the staff report and conditions.

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

**Public Input**

**Alexa Areshchanka** said she was sworn in. **Ms. Areshchanka** said she is a realtor and does own a lot close to this site. She said although the lots are multi-family, she feels having a building close behind them will generate noise. She does not feel this should be allowed.

**David Cergnul** said he was sworn in. **Mr. Cergnul** said he recently purchased 2 lots behind this site. They are planning to build their home. They are under contract with a builder but now that this is coming in, he is not sure if he wants to live there. His family had a sheet metal company and they fabricated everything under the sun. He can state this is a noisy business. He said even if the doors are closed, there will be a lot of noise.

**Derrick Turner** said he was sworn in. **Mr. Turner** asked what type of building would be constructed? He agrees there might be a lot of noise coming out of that building. He also feels this area is more residential. He feels there are many other areas (Sawyer Circle and other areas) for commercial.

***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.***

### **Rebuttal**

**Mr. Winkelman** said he will be putting up an aluminum building and it will be insulated. He does not plan to leave the doors open, since the building will be air conditioned. They are not a production company. Nothing like sheet metal. We bend material, we machine material, none of it makes a lot of noise. I could be doing it right here and still have this conversation. Air compressors are quiet.

**Mr. Doner** asked what would be the noisiest manufacturing process you would be using?

**Mr. Winkelman** said really nothing I have makes that much noise.

**Mr. Doner** said he has a table saw, and they are pretty noisy.

**Mr. Winkelman** said he works with aluminum not wood. He has a sewing machine and printers. He only has 2 employees. No chemicals at all. No production, all custom aluminum fabrication.

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-22-002 be APPROVED based on the Community Development Staff Report dated March 2, 2022, 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 twelve conditions 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 light manufacturing and assembly in a completely enclosed building, consisting of fabrication of boat-related products, 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, including but not limited to Site Plan Review, right-of-way access, ADA accessibility, environmental, stormwater, vegetation removal, screening, paving, and landscape plan approval.
3. The building shall meet or exceed the architectural standards set forth in Article XXIV: Commercial Design Standards.
4. Noise attenuating insulation or other material shall be used in the construction of the building.
5. All fabrication, manufacturing, and assembly activity shall occur inside the building. Garage doors shall be closed while machines are in use.
6. Outdoor storage of materials or equipment is prohibited.
7. The use or storage of hazardous chemicals or materials is prohibited.

8. Temporary accessory storage of boats and trailers undergoing the fabrication process shall be permitted.
9. Leasing or renting outdoor storage spaces for vehicles, boats, or trailers is prohibited.
10. Prior to receiving a Certificate of Occupancy, a "Type D" landscape buffer with a six-foot-tall opaque fence or wall shall be installed and planted along the west and north property lines around the area proposed for temporary outdoor storage of boats and trailers. Chain link fencing is not permitted.
11. Prior to receiving a Certificate of Occupancy, a "Type C" landscape buffer shall be planted along the east property line.
12. 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-22-003**

Leslie Copeland, representative for Copeland Investment Properties, LLC., is requesting a special exception to expand a previously approved 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 **424 Zorita Street**, Port Charlotte, and is described as Lot 17, Block 1088, of the Port Charlotte Subdivision, Subsection 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, representative for the applicant**, said he was sworn in. **Mr. Copeland** said they were able to purchase the lots next to the original lot he owned. He does need the space. He wants to expand his existing plan.

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

#### **Public Input**

**Randy LeFever was sworn in.** **Mr. LeFever** said he owns a few lots on that street. He is good with this request. He said it is a hidden commercial area. He is also looking to building in that area soon also.

***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-22-003 be APPROVED based on the Community Development Staff Report dated March 2, 2022, 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 expand a previously approved special exception, 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, 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, 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-tall 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 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.
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-22-004**

Robert Berntsson, agent for Point Charlotte, LLC., is requesting a special exception to allow improvements to an existing entrance of a country club, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at **24550 Kingsway Circle**, Port Charlotte, and is described as Parcel P1-1, located in Section 05, Township 40 South, Range 23 East.

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

### **Applicant Presentation**

**Robert Berntsson, agent for the applicant**, said he was sworn in. **Mr. Berntsson** said the Country Club is going under major renovations right now. The club house was torn down and a new club house will be constructed. All of that is in DeSoto County. On the Charlotte County side, the intent is to create a gated entry way. There will be a shuttle. He would be happy to answer any questions.

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

### **Public Input**

**Debra Rackawitz** said she was sworn in. **Ms. Rackawitz** said she lives in this community and is happy with what is going on. Her concern is how this entrance might affect her property. Her property is right there by the entrance. Previously when the golf course was open, her husband would go out and help the people who ended up on their property, to be able to turn around and leave. She wondered if any of their property would be taken to expand the entrance. She loves the changes she sees coming.

**Mr. Berntsson** said there is no reason anyone should be accessing her property across the street. The driveway has shifted slightly away from her property. The current driveway is at the property line coming in. She should not have problems in the future.

***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.***

**Mr. Cullinan** said up until where her house begins, is a good 100 feet. It tapers down to 60 feet at the property line. There is about 35 feet from edge of pavement to property lines. He doesn't get how someone could get on their property. Maybe the Sheriff's department should be notified if this happens.

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-22-004 be APPROVED based on the Community Development Staff Report dated March 2, 2022, 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 improvements to an existing driveway of a country club / private club 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, and building permits.
3. This Special Exception is granted for a term of three 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.
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, may be approved by the Zoning Official.

IX. Public Comments –  
None

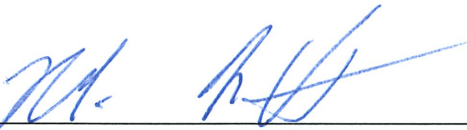
X. Staff Comments –  
Ms. Nocheck said we have 3 items for next month's meeting.

XI. Member Comments –  
None

XII. Next Meeting  
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, April 13, 2022 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 10:22 a.m.

Respectfully submitted,  
Diane Clim, Recorder  
/dlc



Blair McVety, Chair

Approval Date: 4-13-22