



MINUTES

Charlotte County Board of Zoning Appeals

Wednesday, March 8, 2023 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:

Blair McVety, Chair
Steve Vieira, Vice-Chair
Nichole Beyer
Vacant
John Richardson

Staff:

Shaun Cullinan, Planning/Zoning Official
Thomas David, Asst. Co. Attorney
Stacy Bjordahl, Asst. Co. Attorney
Elizabeth Nocheck, AICP, Sr. Planner
Kimberly Sargent - Recorder

I. Call to Order

Chair McVety called the March 8, 2023 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

Kimberly Sargent swore in all persons who wished to provide testimony.

V. Staff Comments

Staff welcomes aboard new member Nichole Beyer. Mr. Cullinan says that Petition SE-23-006 has been withdrawn by the applicant and we are going to adjust the agenda to move the Variance request up to the first item.

VI. Approval of Minutes

Change of Minutes for the Meeting on January 11, 2023 on page 8 to correct in the ACTION that the Petition VAR-22-015 to reflect VAR-22-014.

ACTION: A motion was presented by Mr. Vieira and seconded by Mr. Davidson to approve the minutes of February 8, 2023 meeting of the Board of Zoning Appeals which passed with a unanimous vote.

VII. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the March 8, 2023 Board of Zoning Appeals meeting were submitted.

VIII. 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.

IX. New Business

The following petitions were advertised on February 21, 2023: SE-23-005, SE-23-006, SE-23-007, SE-23-008 and VAR-23-005

VAR-23-005

Caroline & Rusty Crews are requesting two variances: (a) to reduce the required 15-foot west side yard setback by 4 feet to allow an 11-foot west side yard setback for a new swimming pool and pool deck, and (b) to reduce the required 15-foot east side yard setback by 6.5 feet to allow an 8.5-foot side yard setback for a new single-family residence, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 24380 Henry Morgan Boulevard, in Punta Gorda, and is described as Lot 23 of Block E and Lot 33 of Block F, of the Pirate Harbor Subdivision, located in Section 19, Township 42 South, Range 23 East.

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

Applicant Presentation

Caroline Crews, applicant, said she was sworn in. **Mrs. Crews** said we are asking for a variance on this property. She says Ms. Nocheck has gone over everything in full.

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. Davidson. 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 asks if this is approved, we're referring to a single residence are we referring to a single residence because they are connected by that breezeway.

Ms. Nocheck says yes.

Mr. Vieira even though it's two separate living units it's still one single residence.

Ms. Nocheck yes because they are structurally attached, they are considered one unit.

Mr. Vieira is there a building permit filed already on this project.

Ms. Nocheck there is not.

ACTION: A motion was presented by Steve Vieira and seconded by John Davidson that Petition VAR-23-005 be APPROVED based on the Community Development Staff Report dated March 1, 2023, 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 five conditions recommended by staff.

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

1. The variances, as approved by the Board of Zoning Appeals, are to: **(a)** to reduce the required 15-foot west side yard setback by 4 feet to allow an 11-foot west side yard setback for a new swimming pool and pool deck, and **(b)** to reduce the required 15-foot east side yard setback by 6.5 feet to allow an 8.5-foot east side yard setback for a new single-family residence.
2. The variances shall only apply to the proposed single-family residence, swimming pool, and pool deck, as shown in the documents submitted with this application.
3. If a pool cage is proposed in the future, the pool cage shall be subject to the same setback requirements as the proposed swimming pool and pool deck.
4. These variances are granted for a term of three (3) years from the date of approval from the Board of Zoning Appeals; however, the variances shall not expire if the owner commences the proposed development on or before the variances' term expires.
5. If the single-family residence, swimming pool, or pool deck is 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. This condition shall not apply to removal or replacement caused by a natural disaster or involuntary destruction of the single-family residence, swimming pool, or pool deck.

SE-23-005

Mark Pricer, P.E., representative for Suncoast Trucking Academy, Inc., is requesting a special exception to allow the outdoor storage of semi-trucks and trailers as part of a trucking school, in the Commercial General (CG) zoning district. The property is located at 27761 Bermont Road, in Punta Gorda, and is described as Lots 11 and 14-29 of Tract C, Lots 1-3, 5, 6, and 10-12 of Block 39, of the Tee & Green Estates Subdivision, First Addition, located in Section 03, Township 41 South, Range 23 East.

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

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

Mr. Vieira asks ingress and egress is a concern. Looking at what's been supplied, is there any provision for a pullover lane coming back from Punta Gorda onto the site? I understand leaving to go to Punta Gorda and taking off but coming back into the site. Is there a deceleration lane or anything like that or is that something that happens during site plan review?

Mr. Cullinan, we do have county transportation engineer present for questions like that so we would like to call Robert Fakhri up to testify.

Mr. Fakhri says he has been sworn, correct the traffic numbers they do not require a decel lane into that driveway. However, for safety reasons and due to the size of the trucks, we will be requiring a right turn lane decel lane into the driveway.

Asst. County Attorney David and that will happen at site plan approval is that when that goes, I think that was the other part of the question.

Mr. Fakhri yes at the site plan review we will be asking for a right turn lane, that might change or not. The location of the driveway but that will be looked at.

Mr. Cullinan if I may, the use of the school is allowed by right as a vocational school in this district. It's the outdoor storage of the vehicles that is a subject here. I just want to make sure that's clear.

Mr. Vieira yup, I am not questioning that. Can you define for me what peak hour is and trips? It refers to seventeen trips during peak hour times. What is peak hours' time?

Mr. Fakhri peak hours being 4 and 6 o'clock.

Mr. Vieira 4 and 6 it doesn't any morning traffic nots involved, it's just evening.

Applicant Presentation

Robert Berntsson, Esq., representative for the applicant, said he was sworn in. **Mr. Berntsson** said he accepts Ms. Nocheck as an expert for this petition. I think what Shaun just reminded you is the most important thing of this petition. This is a very unusual petition were basically requesting a special exception for an accessory use, which is the overnight parking of the vehicles. They can operate the school and take the vehicles to an offsite location every night, we wouldn't be here. But that would be putting more traffic on the roadway. It would be much more difficult to operate the school having to bring in the vehicles every day. Having said that they are operating a trucking school at this time in the ecap area. Because of expansions in that area their lease is terminating, they need a new location to relocate to. As an ongoing enterprise they haven't had any safety concerns or issues with their academy to date and don't expect any at this location. I think this is really rather straight forward, it's a very limited question. Can they park the trucks there at night or do they have to take them offsite? Everything else is an allowed use that they are doing on the site, issues with regard to the wetlands. The site is designed taking that into account the ponds will act a water oil separator. All of that is what is reviewed through the site plan review process. They already submitted for their pre-liminary site plan review. That's when this issue came up that required the exception to park the vehicles overnight. So, I am going to leave it with that, I understand there may be some testimony and opposition. I will reserve some rebuttal time.

Chair McVety opened the meeting to Public Comments.

Public Input

Ms. Nocheck states she received two emails from residents who are unable to attend due to work commitments. I will distribute these now and label them "Exhibit L".

Mr. Dave Calan I own a property out off of Bermont Rd. in the Ranchettes very familiar with the area. Let me start by saying I am a huge proponent of capitalism using your property as you choose. However, when it impacts safety to the extent that this property of this use may do. We are forced to speak up as a community. There is nearly 300 trips per hour on Bermont Road with tractor trailers,

dump trucks and other cross county trucks from the east coast. It is a two-lane road that was not built for this type of traffic. There is currently a traffic study being done by the MPO. I've also been engaged in a number of the traffic studies as well as the issues going on in that area. I was a little late getting to this meeting this morning because there was a fatal accident at that intersection this morning. Involving a truck and a motorcycle. There was an accident two evenings ago at the same location involving a diesel spill with another truck causing additional accidents at this location, because of the diesel spill. I think all of us out there that live in that immediate area that are familiar with Sunset. That is the adjoining street as well as Bermont Road the ingress and egress, as well as the shopping center, the concrete barrier, as well as the sidewalks for the school students that abut this location. This is in my opinion a very bad decision to allow this to go forward in this location. This is an industrial park type location that you would want to put this project into, not along Bermont Road ingress and egress is going to become a nightmare for the rest of us. Traffic is already a nightmare in that location and as we look to expand Bermont Road hopefully in the near future. What does that set for the setbacks of this school? I would strongly caution you on approving this, simply because of the safety concerns that are currently existing at Bermont Road. We have about a fatality a month in this stretch of highway.

Irene Nabroska I bought land for area just couple of houses from this one and I came from Fort Myers. I completely don't understand how your gonna put for future residential area. It's look how many land that's sold for people like me. We wanna build houses for family. Thinking about it's not safe and who wanna live in area when your back yard looking for outdoor storage. I think it's parking, I check out this trucking, they have a huge truck. This truck is going with diesel, it's concern about pollution about vegetation, about soil. It's practical no barrier they just put its wall between residential area and heavy machinery. I don't know how it's possible, thinking about all this area it's only Winn Dixie one store. Bermont Road is only one road when all this people travel to this food store. Think it's not safe, it's a not feel safe travel. This road it's not good for heavy machinery operation, this road it's not ready for future development residential area. It's absolutely supposed to be no and thinking about its practical no barrier between all this area when we going to build our houses. It's health issues, it's pollution we live in Florida thinking about it's so dry. If it's will be spilled, what it can be on us. If it's stay like this it will be air pollution it will be in my house, in my back yard, will be on my kids and my grandkids. Thinking about how many trucks they will be parking, who will be counting this? It's control it's no control and they just make it outdoor storage. Storage it's when someone put it's and stay. This is operation and they wanna make it an heavy residential area. You mentioned it's will be project with lots of residential in future. Thinking about in future you just put it mine when people will be not happy. All this land when I bought it if your approve it, I have to sell this land I don't want to live with area like this. I told you I came from Fort Myers; they have a lot of problem now you wanna put in nice Punta Gorda. You want to put heavy machinery, you already have airport. Why we need something on residential area. I am politely ask you not approve this project and deny this. It's something will be logical and consider health safe and well fare for public for us.

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

Mr. Rob Berntsson, Rebuttal, just to reiterate no testimony received has to do with the parking of the vehicle. The vehicles can be there, the school can be there quite frankly think of the other things that can be there. Gas station and figure the number of trips that something like that would generate for this site. It's commercial general it would be allowed to be a Wawa, or a similar gas station and the number of trips are enormous at a site like that. It would likely have access right onto Suncoast as well. It's a very simple question can they park the trucks there at night when the school day is over, and I

don't see any reason why the answer should be no. We respectfully request your approval, and we accept the conditions as presented.

Mr. Vieira during the presentation, staff's presentation I believe you said there was a proposed barn approved residential development to the north. Can you identify that for me please?

Ms. Nocheck yes sir, this area on the right side of Maze Drive this large parcel is coming in for site plan review.

Mr. Vieira it is an approved subdivision at this point?

Ms. Nocheck I do not know for sure, I don't wanna guess on that, but I know we have had at least one project conference. I think they may have come in for a preliminary already, have they Shaun?

Mr. Cullinan correct their preliminary site plan is approved, that was approved Dec. 9th, 2022, that is for a cluster housing development consisting of 110 units of single family.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Mr. Vieira has two questions. Item number eight any onsite maintenance or repairs of the semi-trucks or trailers must be performed in a fully enclosed building. I thought during the course of the presentation it said all repairs would be done at an offsite location.

Ms. Nocheck that is correct just on the off chance they have to do something on site, this is intended to be a catch all.

Mr. Vieira doesn't this open that up to opening up a fully operational maintenance garage for these semi-trailers at that point. I am concerned about that I just think we leave the door open to a fully operational garage operation for those trucks. The other thing I am concerned about it the ingress coming back in from Duncan Road. I know that the traffic engineer told us that they would require some sort of pull over lane so they can get in and get off Bermont Road. I like that incorporated as item number twelve, that we ensure that that actually goes in place if this is approved.

Ms. Nocheck do you have any proposed language that you'd like to suggest?

Mr. Vieira that's what we have an attorney for.

Asst. County Attorney David I have a concern with that condition because that is more appropriate for the site plan approval process number one. Number two remember that the request from the applicant here is to park vehicles overnight. I think it would be more appropriate for that to occur during the site plan process which is where public works would make a technical analysis of ingress and egress to the property. If we do that here, we don't have any a technical basis, you have not established a technical basis to say that there is going to be a road improvement there. In my judgment, but those are my concerns from a legal department's perspective.

Mr. Vieira can I rephrase that then and say at the request of the Board of Zoning Appeals that be given the upmost consideration during site development reveal.

Asst. County Attorney David we can certainly add that to the record there is no question about that. It will be done it has to be done that review is part of what the public works will have to do for the site during site plan approval. It has to look at ingress and egress as part of our policies.

Mr. Vieira just looking on the side of safety and we can get onto that road, a quick pull over that close to the traffic intersection at Duncan Road would really be a necessity in my opinion.

Mr. Rob Berntsson I just want to say basically the same thing as Mr. David, a lot of time we think this would be a good idea. But the traffic engineers really need to look at it and the analysis and things of that nature, so it is something. It was not brought up in the original site plan review, but clearly it will be as part of the final site plan review, and I think it's appropriate to be there where the experts look at it and can decide whether it's necessary or not. And again, there coming whether we park there overnight or not so it's really not part of the special exception.

Mr. Vieira number eight

Ms. Nocheck we could remove that at your request if that's what you would like to see happen. I understand your concerns with that.

Mr. Cullinan or it could be rephrased to say there shall be no maintenance or repairs allowed on site.

Ms. Nocheck or no outside vehicles may be serviced in the maintenance building. I do understand the applicant has made it clear after submitting all their stuff that the maintenance building is intended to be a maintenance building for the grounds of the property. However, there is still some uncertainty with that. So however, you would like to address it.

Mr. Rob Berntsson we have no objection to you removing the condition again it's parking. From a zoning standpoint what there allowed to do and not allowed to do is a zoning issue. Parking the vehicles overnight doesn't affect one way or the other so if you want to remove condition # 8, we have no objection to that. We have no objection to the condition as presented we have no objection to removing the condition, we have no intention of operating a maintenance facility. This is a trucking school not a truck servicing area.

Mr. Vieira I'd feel comfortable if it was removed.

Asst. County Attorney David that would be appropriate to include that at part of the motion.

Mr. Davidson expressed that having Suncoast Trucking School in the county provides growth and opportunity for the youth to build careers. He agrees with the citizens there is a lot of traffic on Bermont Road and fatalities. Also, the location would involve more traffic especially with the big trucks which would not be good. Having said that we are talking about a storage issue.

Mr. Cullinan just for reference staff wrestle with those same things because your absolutely right. This is not a good location. However, our commercial general code allows for vocational schools which this clearly falls under and they can be public or private. We did wrestle with this quite a lot, we share your same concerns.

Asst. County Attorney David the code is what we are bound by, and the code does permit this in this location.

Mr. McVety and were only here to approve parking.

Asst. County Attorney David it's whether they can park overnight which is ancillary to the code use.

ACTION: A motion was presented by John Davidson and seconded by Nichole Beyer that Petition SE-23-005 be APPROVED based on the Community Development Staff Report dated March 1, 2023, 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 eleven conditions recommended by staff.

Asst. County Attorney David states that motion will include deleting condition # 8 as Mr. Vieira has requested.

Discussion

Mr. McVety comments he agrees that the traffic is busy and will be hard to get in and out, but we are just here for the storage.

Asst. County Attorney David states we will make sure that the traffic review will be done pursuant to the staff's requirements.

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

1. The Special Exception, as approved by the Board of Zoning Appeals, is to allow the outdoor storage of semi-trucks and trailers as an ancillary use to the trucking school 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 construction materials, debris, or hazardous materials is prohibited. Items stored on subject property shall be limited to semi-trucks and trailers owned by the trucking academy. Storage spaces may not be rented out to a third party. A modification of the special exception shall be required if the property, either by current or future property owners, is intended to be converted to a commercial outdoor storage operation where spaces are to be leased or sold.
4. No more than ten (10) semi-trucks and associated trailers may be stored on subject property.
5. A "Type D" Landscape Buffer with an eight-foot-tall sight-obscuring (fully opaque) fence or wall, shall be constructed and planted along all property lines abutting the area to be used for outdoor storage as shown on the Annotated Concept Plan (Exhibit J). The use of chain link fencing as part of the required buffer is prohibited.

6. Any perimeter outdoor lighting shall be directed towards the interior of the property.
7. The proposed buildings shall meet or exceed all applicable Commercial Design Standards set forth in Chapter 3-5, Article XXIV, as may be amended.
8. ~~Any on-site maintenance or repairs of the semi-trucks or trailers must be performed in a fully enclosed building.~~ (Removed per Mr. Vieira's request upon recommendation)
9. The outdoor storage use may not be used until all required improvements are completed, including the required buffers, and a Certificate of Occupancy has been issued.
10. 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.
11. 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-23-007

Steven Leonard, representative for the City of Punta Gorda, is requesting a special exception to allow the expansion of an existing essential service, consisting of the City of Punta Gorda Water Treatment Plant, in the Environmentally Sensitive (ES) zoning district. The property is located at 30999 Bermont Road, in Punta Gorda, and is described as Sections 6 & 7, located in Township 41 South, Range 24 East. Elizabeth Nocheck read into the record the staff report and staff findings for the petition.

Applicant Presentation

Steven Leonard, representative for the applicant. Mr. Leonard I am the regulatory compliance facilities manager for the City of Punta Gorda Utilities Department we are undergoing an upgrade to our plant because the hydraulic capacity of the plant does not jive with, does not align with the four million gallon a day flow. That it's permitted, we are not increasing the permitted capacity of the plant. We are increasing the hydraulic capacity to prevent overflows and things that would cause public harm. We are totally funded from rights this will not affect tax base. It will not put sewers any where they are not. It will assist if there ever is a decide to put sewers in Charlotte Park, but nothing is on the table today.

Mr. McVety asks Mr. Leonard if he has been sworn and he answers he has and Mr. McVety asks if is ok with Ms. Nocheck as an expert witness, he answers that I am.

Chair McVety opened the meeting to Public Comments.

Public Input

David Kaylon I live right there off Bermont Road actually in the Charlotte Ranchettes, I know the area very well. While I understand we need to maintain and expand it I would ask one condition be applied to the special exception. Those of us know the area very well know that the south end of this is a wetland area. Talks about the waterways that come down to the tributary for the Alligator Creek. Recently Charlotte Harbor has been declared as an impaired waterway. There is a high volume of protein that comes out of this location, that comes from a fluent or animal waste that comes into that

tributary. I would ask that as a condition of this you put a water monitoring station at the outfall on the southwest corner of the Cecil Webb which is the southern portion of this parcel. That's the only thing I have on that.

Ms. Nocheck we did receive one email from a resident nearby who is unable to attend due to work for Mr. Badessa, so I will distribute this now and label this exhibit J.

Mr. Vieira asks a question in reference to the previous speaker, looking at the site plan your expanding detention basins to prevent any overflow or to capture any overflow.

Mr. Leonard no sir, I am sorry those are storm water basins, that's a storm water treatment facility to make up for the impervious surface that we are putting in. It's already permitted through FDEP, typically that's done through SWFWMD but.

Mr. Vieira so the tanks increasing in storage capacity I guess you will, as what's to prevent any of that pollution going into tributaries or to prevent it from happening or to slow it down?

Mr. Leonard absolutely our plan as it currently sits is 100 percent goes down the deep well. We do not have a discharge permit for the plant.

Mr. Vieira so you have a deep well injection system, I didn't see it on the plans, I was looking for that.

Mr. Leonard it is to the far right as I am looking at them. Right next to the storm water pump yes right where she is pointing.

Mr. McVety is there a smell coming off that water plant for the neighbors?

Mr. Leonard not, it is a wastewater plant, but it doesn't typically have a very strong aroma to it. There can be upsets and stuff that could make it have an aroma, but not typically. Both discuss.

Mr. Vieira when it's treated as it goes thru the tertiary filter system, the affluent is pumped into the deep well injection system correct? Mr. Leonard answers yes, and both discuss the processing, separation, biological tests, biosolids component. Mr. Vieira asks how deep is your deep well injection system? Mr. Leonard answers at the wastewater plant its 2,850 feet.

Mr. Cullinan just for reference for the question regarding the smell the closest residence is about 2,800 feet away.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

None

ACTION: A motion was presented by Steve Vieira and seconded by John Davidson that Petition SE-23-007 be APPROVED based on the Community Development Staff Report dated March 1, 2023, 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 three conditions recommended by staff.

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

1. The special exception, as approved by the Board of Zoning Appeals, is to allow the continued operation and expansion of an existing essential service, consisting of the City of Punta Gorda's Wastewater Treatment Plant, 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, building permits, and environmental review.
3. Any changes or additions to the essential service facility located within 1,000 feet of any property line shall require a modification of the special exception. All other changes or additions to the essential service facility may be approved by the Zoning Official.

10:29 meeting will take a 5-minute break.

10:34 meeting resumes.

SE-23-008

Christopher Beers, P.E., is requesting a special exception to allow the expansion of an existing assisted living facility, in the Residential Single-family-3.5 (RSF-3.5) zoning district. The property is located at 370 Blarney Street, in Port Charlotte, and is described as Lots 31 & 32, Block 1527, of the Port Charlotte Subdivision, Section 15, located in Section 01, Township 40 South, Range 22 East.

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

Applicant Presentation

Christopher Beers, P.E., representative for the applicants, said he wasn't sworn in. My partner Matthew Bright and he has not been sworn in yet either.

Mrs. Sargent has sworn in both gentlemen.

Mr. McVety asks if he is ok with Ms. Nocheck as an expert witness, he answers absolutely.

Mr. Beers she was very thorough in presenting our application. In 2018 we bought a foreclosed home that Old Dr. Potter built back in the 90's in section 15. Which was the up-and-coming area because they got sewer in that area first in Charlotte County. He built a really nice 6-bedroom home, but at the time we bought in 2018 it was in disrepair including the property with overgrown weeds, trees, bushes, and the pool was just a disaster. We initially upgraded it and renovated it and brought it all back to life. Since then, the property value increased. If you view it from Blarney Street you will not even know that there is an expansion going on in back, it will still maintain it's architectural integrity from Blarney Street. There is nothing that's gonna be done from Blarney Street, it will maintain that residential feel from Blarney Street. Of course, we ask to the type B landscape buffer that Shelby needs so that we can be good neighbors and buffer it as much as possible of the expansion area from our neighbors. So, they don't feel intruded on by that expansion. The expansion will be again residential scale it's not going to be a 3-story monster. Our residents don't like stairs anyways they just want it all one floor. So, it will be residential scale, to continue what is existing. There are a few more items that we'll take care of those in rebuttal of the process of what an ALF is and the service we provide to the elderly people of Charlotte County. But that's it for now.

Chair McVety opened the meeting to Public Comments.

Public Input

Patricia Crow, Yes, I have been sworn in, I am an actual real estate appraiser, I live in section 15. I can tell you that the home values will decrease if this proposed project goes thru. They have already decreased in that general area and are going outward in that whole section, because of that assisted living facility. It can be an eye sore, there is just a chain link fence, so everybody knows a chain link fence doesn't destruct the view. So that is an eye sore to many of the neighbors, and I would assume just like I feel most of the neighbors feel there is already somebody that is harmful in that facility. If they get more, they'll bring more harmful people in the facility to them and their children. Now there was some things that I've seen in the current, currently they say they have 9 people living there. The current statute of a residential RSF section 3-933 states 6 or less adults permitted. So there currently non-conforming according to the statute of assisted living for residential properties. Also, I noticed that there using the garage as a mother-in-law suite. According to the residential property a single family detached may have a guest suite, but it must be attached. According to RSF so there is a couple already non-conforming issues. Plus, the detached garage is supposed to be a maximum 400 square foot, it's 650 square foot. So, it's already non-conforming. There proposing 15 more people they currently have one living outside the, two living outside the facility and one living inside the facility but all on the property. Again, like I said there only supposed to have 6 or less, they have 9. So, are they proposing 19 or are they gonna have 30 or 40 people here? And ya know they're already violating what they're supposed to have there. So, I feel that in their own admission in their own paperwork they're already currently not doing what they're supposed to do. I feel that they'll just be worse in the future if allowed to go forward. So, I ask that you deny this I think that they're already being bad neighbors and they're already being harmful to their neighbors, and they should be told a cease and desist what they are doing and follow the rules of there bidden told to follow.

Danielle Monroe, I have been sworn in, I am a current resident at 396 Blarney Street, I live there with my two young sons and my husband. We are here today to oppose the expansion of the assisted living facility on 370 Blarney Street. We moved to section 15 for a residential atmosphere and as property owners living next to an assisted living facility or any commercial building that displays signs was never our goal. While we sympathize with the elder population in Charlotte County an expansion to the assisted living facility at 370 Blarney which is two houses away from us. In my opinion be a nightmare for us and all of the residents surrounding Blarney. I have here a petition with about 100 plus signatures from all of the residents on Blarney and surrounding in section 15. With the six residents currently living there, they're currently housing a sexual offender. I also have that information. In the petition to expand they ask for 15 residents with the ones that they already have they're allowing a sexual offender. What is next, what comes next after that, what are the barriers protecting us from that? Sexual offenders network how are we to know that this man isn't on a computer sending messages to other sexual offenders in the area. When he is not a tax paying resident we are, we should have more say than he does. The fact that Mr. Beers with all due respect comes up here and says what's best for our neighborhood, what's best for our property values. He is damaging in my opinion our property values the simplicity of the neighborhood, the residential feel. We are fine with the current residents the six residents, my family is. They don't hurt anyone however, if you expand from 6 people to 15 people that's like a large party. So, at any time there's gonna be 19 individuals in one house. With the expansion or without the expansion I myself have been inside the resident, the rooms are tiny, the residents complain, they wander the streets, they solicit help from neighbors. The staff can be heard from screen lanais screaming at them. I mean I am walking with my kids, and I can hear staff so with all due respect we just asking for the mercy and please do not allow this to happen. It would really

jeopardize our neighborhood and again as tax paying citizens and residents of Blarney Street we should have the say not the potential residents that don't exist yet.

Shirley Gubler, I have been sworn in, I live about two blocks from this property, I just want to share with you something that happened to me approximately about a month ago. I truly was not even aware that it's an assisted living facility. Again, I don't live immediately there and I was not aware cause there is not signage that I could see but anyway. I am heading to the grocery store there is an elderly man standing on the corner with a walker who looks like he is just about to pass out. I am a retired nurse it's in me, I rolled down my window do you need some help are you ok? He forced his way into my car forced his walker into the back seat of my car damaging my grandson's car seat. Asked me where I was going now, I am thinking ok I can handle this man if he's, I think I can handle this man. I said I am going to Publix, he said that's where I am going can you give me a ride. Well, I thought you poor thing you're sweating yeah, I will give you a ride to Publix. Meanwhile, I am trying to feel him out, what's your name, where do you live, he couldn't answer a single question I asked him. He just mumbled; he couldn't tell me anything. He pulls out a cell phone he doesn't know how to use it. So, I called the police, I got to Publix I watched him go in. I called the police and I said I think this man needs help more than I can give him. While I watched for him to exit, and he did while I am waiting for the police to get there. He is heading towards Peachland which is a very busy street. I caught up with him and I am just trying to get him to sit for a minute until the police can get there. Out of his wallet he pulls a yellow post it note and I believe it said Venetian Gardens and there was a phone number and I thought that sounds like a facility. I called the number, and no one answered, and I called the police to them I think this might be where this man lives. If you can find them, they called the number, and nobody answered. The police did finally come, and I turned him over to them and I did not know at this time the man lived in that building right there. And he couldn't tell me I live right there, and he is just outside the chain link fence. Right across Loveland there is a school bus stop. Maybe middle school kids I am guessing there is a lot out there in the morning and that is right behind this facility if there is a sexual offender living there. I think that's a potential problem. We do want safe living environments for our senior citizens I am almost one myself I guess I am one. But I don't consider this to be a safe living environment for the resident's, I don't think it's safe for the neighbors who live nearby. If this man can come out and force his way into my car. They are not supervised; they say don't plan on adding anymore staff. I think this is a bad situation I hope you won't approve it.

Kurt Havey, yes, I was sworn in, this is the first meeting I've ever been to like this, so I am sorry if I seem rusty, I have never done this in my life. I am here because I love section 15, I bought here as a retirement to transition the move here. I bought a house, I redid the house, beautiful neighborhood, met great people, it's a residential single-family neighborhood no duplex's, well maintained, kid's, dogs, elderly, young everyone getting along, walking but it's a residential neighborhood. I actually bought two lot's right around the corner from this property down the street and around the corner to build my final home. And finding out that this is here it's 6 people now really no big deal if we can get the right care to the people which I am hearing from my neighbor's all different types of stories. I walked around I got some signatures and heard different stories about different times of people wandering. I got pictures of a guy walking down Loveland and Shelby on his walker at 4 O'clock in the afternoon. And Loveland is a very busy street so there not being supervised. I am used to assisted living my mom was in one in for 6 years. I understand it there is a need, but they need to be safe. This is not safe, this a money grab they're trying to build this house. This house was bought a repo yes, I went to Charlotte State Bank and tried to buy that house too. They bought it under a different precinct, I can't get into that because I don't know all the legalities of that. But I bought there because it's single-family neighborhood not a business. If they are allowed to build a 2200 square foot home basically onto this home to make it look like that home. It's gonna forever change that property that properties never gonna be a single-family

home again. Which is what that neighborhood was built for. Section 15 is like Deep Creek; Deep Creek is where the owner of this lives. He can not do that in Deep Creek, so he comes to section 15 where we don't have an HOA or deed restriction. Because we don't need it, we have a beautiful area, we pay some of the highest taxes in Charlotte County. I love it, I love Charlotte County, I love Punta Gorda, but we came here because of what it is, and we want to keep it the way it is. And a need is for places like that with 6 people that are in there. You know if he could maintain that and keep the 6 people safe, we are fine with that, we can't change that so please don't let this happen. I am sure you will hear other people with the stories of the wandering there not supposed to have dementia patients. They either do or they don't.

Paul Crow, yes, I have been sworn in, first thing I can say is were all here and you can see that were all here. Other ones probably could be here if they could. We are asking the board to deny this straight up. The community is saying no and that's what really matters. I would hope in your hearts and your minds of community matters. This is our community section 15, as the prior gentlemen before me said it's a nice area. We moved here for a retirement ya know. And that's fine everybody's to retire but I like to keep the values of my home going up. I don't want to see my value of my home go down because something goes in, the people start leaving the area because of this. You know the track records of that and to all your years of doing this you known the track record for that. I reiterate that it says the petitioner says it's 6 and a total of 9 occupants. It is not within the bounds of what they originally said. That needs to be totally investigated. Another part I have not seen other assisted living facilities with a big extension there is one on the corner of Presque Isle and Peachland I believe. His looks a mess you should go by and look at it. It's a mess I don't know where the ordinance would be to keep messes from going that way. They said there going to keep it clean, that's fine but there is no expansion on that. The only time that he wants expansion is just to it's a big money grab. Let's just go ahead and make some more money because you know each one of these persons in there is not doing this for \$250.00 a month. Again, section 15 is nice area and in closing I will say please keep it that way for us for all of us and for the city and for the county of Charlotte County thank you.

Susan Garrett, yes, I have been sworn in, I live on Hallcrest Terrace my husband and I bought a home 10 years ago. It is in section 15, and it is within the 1,000-foot buffer that we were mailed out to. I am here to oppose an expansion of the project on Blarney. I personally have not had contact with any of the staff or any of the residents of this facility. I have heard the stories. But it's not mine to testify to. My primary concern is with the expansion of the property. The physical addition to the property and the fact that it will become visually larger than a single-family home. The view from Loveland is of primary concern to me Loveland is a busy road now with the addition of the stop light at Peachland and Loveland. It is a two-lane road it is a perimeter road that is the eastern barrier of section 15 and across the road is multi-family units. With this one being on Loveland Blvd., and looking in from Loveland Blvd., to appear larger than a single-family home. That corner unit has egress into the neighborhood and will forever change the characteristic of that home and because of the entrance there also the characteristic of the neighborhood. We are a well-established low-density single-family area and like so many others that is why I bought there 10 years ago. If this had been on a neighboring property at the time, I was looking I probably would not have bought in that neighborhood. It's gorgeous I don't see a plant buffer being able to disguise it from it's not Blarney it's the other side street. Shelby, I don't see a type B certainly not being able to do much disguising of the addition from Blarney either. No, I am sorry Blarney you will not see from obviously a sign in the front would just further the impression that it is indeed a commercial enterprise rather than a residential. And other homes in the area that have home based businesses as I walk around you would never see or know that they were a business. I understand that you're ruling here today will not set any kind of legal precedence for the neighborhood. But I am concerned about a slippery slope type event. Where others will see this there will be more applications,

there will be possibly other types of enterprises wanting to move in so that being said I am in favor of assisted living facilities for our elderly. But I think they should be relegated to area where this would be more permissible for this number of residents thank you,

Bobbie Blackford, I have been sworn, first of all I would like to say that my home faces this property. I live on Shelby Avenue with my husband. We are not full-time residents; however, we are here between 5-6 months out of the year. We do plan to have this as our full-time residence in the future. I just want to reiterate on the safety and concerns and our community. My husband and I have witnessed multiple EMS, Fire, Sheriff vehicles to the residence at all hours of the day. Those copies, Danielle has those copies of the information that I received from EMS and CCSO. From January of 2021 until 2023 there has been 61 calls to 370 Blarney. That's 30 in a half a year, 2.5 a month and during this time there have been 6 or less residents in the facility. This does not include the staff, that others have spoke upon. If these numbers continue with the 15 residents, there could potentially 75 calls per year. That's over 6 calls per month to that residence. That's a 40 % increase that's concern, because that's right at the intersection of my property. Due to the HIPA Laws, we don't know how many of those were false alarms. I am not sure how many residents were actually in the facility during the Covid time frame and how many were not in this residence was not occupied during the hurricane last year. So, the number of those calls could have been higher, we don't know. And also, during that same time frame there were 10 Sheriff calls and two of them were non-medical. Also, in that area with Shelby being the main entrance and exit to and from Loveland and Blarney this can cause traffic risks at that intersection. Shelby and Loveland is also the location of a bus stop which others have spoken upon. For this section of our community which is the location of the expansion. We also have concerns with um the residents just walking the streets. The other evening, we had a gentleman walk up to us while I was at the neighbors five different times. He left came, left came, left came, left he asked us to attend today because he is not happy. Being a resident and having to have additional people come to the area. In there with him when he already feels like he is not being well taken care of. So, I ask that you do not approve this expansion, it's a wonderful place to live in section 15 and we want to keep it zoned residential not as commercial area for that home thank you.

Mark Giovinazzo, I have been sworn in, I am a resident at 23526 Shelby Avenue, I live directly across the street from this residence. I have lived here since May of 2017 before Mr. Beers acquired the property on Blarney Street in April 2018. I was present before the attached garage was converted to living space. Before the conversion was made to the detached garage facing Loveland it has now become an administrator/manager and her husband's residence. Now Mr. Beer's wants a special exemption for 2,224 or 22 excuse me square feet addition to the existing home. Traffic is already an issue at Shelby and Loveland there is bus stop, parents drop off their kids and park along Shelby Avenue to wait for the bus to drop them off and pick them up from the bus. By adding another 10 people to this ALF this will only add more congestion with deliveries, visitors, and more emergency vehicles. With regards to public welfare, I have witnessed verbal confrontations on Blarney Street and Shelby at the corner between families and the residents of the ALF. I've also witnessed loud and agitated conversations by the staff on the phone standing between the main residence and the converted garage. Staff members have often times seen being driving erratically from the residence. Also, there is a registered sex offender using 370 Blarney Street as his address. There is a bus stop across the street within 300 feet of that residence. Finally, a resident named Andrew repeatedly walking up and down my driveway with Bobbie and Tim there expressing his concern of the expansion to me. As the resident of the facility he stated, and I quote "all hell will break loose if this addition to the facility happens" he also stated "he was quite unhappy with the possible addition" he called the owner Matt Bright and I quote "Just being money hungry" how is this not detrimental to traffic, public welfare or public safety. This is why I don't think this should be approved thank you.

Mr. McVety asks Ms. Nocheck do you want to give numbers to these?

Ms. Nocheck let me see what our last exhibit is. We will label all of this as "Exhibit K" for the record.

Tim Blackford, yes, I have been sworn, I just want to speak a lot of the other speakers have already said really the meat of why were here. But I might have a few things to add. Section 15 the esthetics will forever change from Shelby it will look like the elephant and your family reunion. Now they want to show the pictures of the east and west, well sure if you're standing on Blarney the front of property is gonna look like a house. From Shelby it's gonna look like a warehouse. So, with that many square feet you just can't disguise it. Unless you throw a tarp over it, and I don't think he wants to do that. Um some facts here per a Loyola University Study as soon as this is announced property values will drop. I can give ya that, anybody can google that and find it. Um this next one kinda of surprised me per realtor.com January 2023 Section 15 median home value \$450k, Deep Creek \$406K, Charlotte County average \$354k we have a nice area we don't need warehouses. We don't need signs in our yard nobody else has one nor do we want one. There is a lot of passion here or we wouldn't be here. It's a neighborhood emphasis on neighbor not commercial. I ask you today to deny this thank you.

Teresa Helton, I was sworn in, I am not going to add much to what everyone else said. Because I agree ya know we bought I had friends here that told me what a great neighborhood section 15 was. We came here to buy a retirement home in this neighborhood since we've been here, we purchased in 2020. We've met lots of wonderful people here and by far our neighborhood if you drive around Port Charlotte you will see that the homes in our neighborhood are well kept, people have pride in the neighborhood. Everyone is friendly and you feel safe there. And I just want to share that on two separate occasions, when I was just walking around the neighborhood like most of us do. I had no idea that this was an assisted living home, but I was walking by and all of sudden this older man just came flying out the front door with his walker and was yelling back at someone I am not coming back your mean to me. I'm not coming back in there and just came right out into the street where I was at. And I didn't know what was going on, I said who's being mean to you, those people in there, I said do you live with your family. He said no they left me here and so I didn't go into the conversation a lot. But then he was just kinda was following me down the street. So eventually I said I need to go back home so I will talk to you later kinda got away. Another day I was walking with my dog and that same gentlemen came flying out the house with his walker. That time he was gonna go the opposite direction so the only comments he made was about my dogs, saying nice doggie, pretty doggie ya know what ever. Then on the third occasion I was at the Goodwill store on Peachland, and I saw that same man coming up the parking lot towards the Goodwill store with his walker. I kinda looked around I could see no one like with him, supervising him or anything. I said to my mom that's that same man, I wonder if he just ran away from the house and has come over here. I was kinda concerned with his welfare and safety at that time. So, I just wanted to add that part as far as my own contact with a person that was living there so thank you.

Thersa Soloman, I live in neighborhood where this is proposed, it's so disturbing I agree so hardly with everyone else speaking here. But this is a residence we bought homes for us not for a bunch of elderly people. They can go live someone else but not in our neighborhood. Would you like to live next door to this? Any of you would you like to live next to an assisted living facility by your home and want to keep this a home. I find so disturbing, so disturbing thank you.

Vivian Walthall, sworn in, I didn't know if I was going to really have anything to say today. I live on Shelby 23494 Shelby, so this facility is about 3 houses down from me. I came over yesterday and I met

Ms. Nocheck and she referred me to where I could get all the information I needed. I spent a big part of my day going through all those 30 plus pages of documentation. Sadly, really sadly this application is gonna meet the letter of the law. And I am not real sure how much our voice is going to count here. When I went through this documentation, and I looked at the schematics on the inside of that building. I am also health care professional, a has been health care professional. I've worked in nursing homes. When I looked at this, these small rooms and the few people that I have seen in the neighborhood from this residence. What's happening here is these people are being warehoused in the survival mode in the smallest space. Can you imagine two people living in each of these rooms. It just broke my heart to think of how there being warehoused to make a buck and that's just what it feels like to me. So, I hope that you will not approve an extension, an addition of more people into this small space even with the addition it's a small space for that number of people.

Bob Matheis, I have been sworn in, to start off with my mother is in a memory care facility. So, she has been in a facility like this before. So, I am familiar with how this work, how they do and don't work. And what's safe and what's not. My concern is this facility getting bigger is not gonna be good for the residents. As people stated they seen them wandering. Well, if wandering people, ya need more staff to make sure that doesn't happen. So that just shows different things. Our neighborhood doesn't have side walks we don't have places for them to exercise outside appropriately. So, this facility would not accommodate that. There is not room for that. The homeowners ya know want to change this. This gonna change the primary entrance to our neighborhood. It's gonna change the entire look to our neighborhood. Just because you turn in and turn the corner and now there is a huge facility here. But none of us bought we sought off this neighborhood to be in a residential well-established neighborhood. And this does not conform to anything that we all bought into. It's a quite friendly neighborhood and this is just not what we all signed up for. I hope you please agree with us thank you.

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

Mr. McVety asks Mr. Cullinan to explain the zoning on assisted living facilities.

Mr. Cullinan explains and goes over the code pertaining to the assisted living facility.

Mr. McVety and Mr. Cullinan has a discussion on this.

Mr. Beer's rebuttal it's good that we have the neighborhood that we do. They are very concerned and show a lot of love to our residents and we do also as do our caretakers. Let's talk about Andrew, he has a I don't know what the political correct term is. But a diminished mental capacity, he is a great man, his family loves, adores and cares for him a lot. They sought us out, they wanted a small residential boutique ALF, because he was not fitting in the big Solaris, South Port Square or Royal Palms type environment. But it is good that our neighborhood watches out for him, that's what were supposed to do, and we appreciate that. But yes, he probably says some outlandish things he says it to us too. But we do love and care for him and our always concerned about him. He does have a tracker on his walker, we can follow him. And this is it's not a jail it's an assisted living facility, and it's not to the degree that it's a nursing home or a memory care or other more elevated sort of assisted living. These people are transitioning from independent like we all do into the basic needs of this group home. Where we take care of his laundry, his bedding, his meals every day. But yes, he does enjoy the neighborhood he loves going to Goodwill and spends his money there. He loves the Publix trip he does every day, and we are sorry for the inconvenience and the perception of how dangerous it is crossing Loveland to get to that

sidewalk on the other side. It's nice to know we all take care of him when he's outside the home. Seeing there was confusion about the beds and the staff, bedding has Mr. Cullinan said 6 right now going to 15 beds paid beds. We will provide the appropriate staff as all those state agencies require us to. AHCA, Agency for Health Care Administration, DOH Florida Department of Health, Charlotte County Fire Department, Charlotte County Emergency Management we are very regulated in what we have to do and provide for the safety and care of our residents. We also again are under the AHCA code for providing the square footage and AHCA does a survey every two years. Unannounced surprise visit to make sure we are in compliance with all of the AHCA rules and regulations to provide a safe and secure place for all the residents. And if we don't pass that it is put up on the AHCA website it becomes public knowledge. So, we do make sure and try to be in tip top condition at all times whenever this survey is done. As far as the warehouse look, I haven't seen many warehouses with a hip pitched roof, shingled with windows in it. We will maintain that residential architectural and scale with what we do with the addition. Staff arguing absolutely probably has happened, we did get especially around the hurricane, and we worked thru the hurricane. Our shingles peeled off, but ah and we had to place the residents at other places around Charlotte County for a little bit until we renovated. At times we do get emotional about what were doing and so absolutely this happened, and we will make sure our employees, our caregivers follow a conduct that's appropriate for the neighborhood that were in and that's it for now.

Mr. Davidson asked Mr. Beers have you personally addressed any neighbors brought concerns to you directly have you had personal interaction with them on any of the issues they brought.

Mr. Beers I have not my partner Matt Bright has and again you're you heard the chorus line. Most people didn't even know this was an ALF until they put the sign out for it. I have not no but my partner has.

Mr. Bright so I am, Chris is the owner of the house

Asst. County Attorney David could you state your name for the record.

Mr. Bright Oh sir sorry my name is Matt Bright and we were sworn in front of everybody. The one thing that I wanted to just bring out because I run the operation mostly. I live in North Port Chris does live in Deep Creek he has a home in Deep Creek. But Chris lives in Punta Gorda. We are around the facility; I am there probably 4 days a week at least. Like Chris says we are regulated thru AHCA now and I loving this is my first time. I've been a little nervous about this whole thing doing something like this. She has been great walking us through it. I think this is great hearing from these people, we actually know a couple of them back there from church. This is a great thing to know because I would love you guys in the four years we've been there. I'd love you to come say hi to us or pop in if there is a problem, please let us know. Especially with our caregivers. Andrew is a special case like he said, I am very close with Andrew's family. They did seek us out, cause if ask any of our residents which we only have 4 residents living in our home right now. We do not have 6, we haven't had 6 for a little while. We don't always have 6 if we could have one person in each room that's what we do. The way that you live in a facility is you can have a private room, or you can have a shared room. Like Chris Beers said AHCA regulates that if you can have two in a room or not. And so, Andrew is a special case, he did come to us the family sought us out because everyone in there loves the care that their family is getting. That's how they came to us. I own in home healthcare, I done that since 2012 the idea of coming up with a place to put our residents that we have that are kinda special to us not 200, 300, 400 people just a couple residents to place into places like this. This was our idea of doing it, but we feel that they also deserve, these people we bring in we don't do Medicaid we don't do low income. But we also don't charge \$4,000 to \$6,000 dollars which is the going rate for a private room. We make it affordable to have people living in

a nice neighborhood that we think that's fair that they have that option too. If you notice our girls don't wear nursing clothes at the house, there in regular clothes we don't look anything like a hospital. We have been permission we've been given permission to put a sign up, we have not put a sign up out there. We don't want it to look ya know look at commercial place. But I just wanted to make sure that everybody understands I keep hearing lots of our clients, we have one client that leaves the house. The other clients lay by the pool or sit in their rooms, but we have one client, and his name is Andrew and yes, Andrew has been given permission from his family, they gave us that permission they brought him there because of the new side walks that are built along Loveland. Take him right to his daily McDonald's, Publix, Goodwill he likes to go to, they all know him down there. They call us from there if they see him and he's got some heat stroke or something. This is something we just allow, ya know this is the family that's allowing this. We do track him; we have trackers, and we have all those things. But,

Asst. County Attorney David sir, could you answer the question I think the board member asked whether you had complaints directly made to you regarding the facility.

Mr. Bright Ah no I have never had a complaint come to my, I have met a couple of our neighbors here and there. One time at Christmas time a family came to sign some Christmas carols and had no clue that we were even an assisted living. So, I am glad we are doing this, and I get to see who around us and would love you guys to come and talk to us and if there is something wrong, I would love to hear it from you.

Mr. Beers one last thing let's we would like to address while the public is here about the sex offender. We're not gonna hide around it, um and Robert Little it's public information. Anyone can google it and see it on the FDLE sex offender registry. He is an 84-year-old man, he's at he's close to the end um he did a bad thing 10 years ago and he wears an ankle bracelet. Our sex offender wears an ankle bracelet, has a parole officer that he has to check in with often.

Mr. Bright weekly.

Mr. Beers and when we did a google search on FDLE within the 1-mile radius there's 13 in our community, you do a 2-mile radius there's 29 of which one is a sexual predator, in a 3-mile radius of section 15 there's 57 sex offenders with 3 being sexual predators. And within the 33954-area code there's 360 offenders according to www.kidslivesafe.com. It was a special case this we worked with the state that was placing him, we evaluated and vetted his condition just this once and ah because of his parole officer, ankle bracelet and his medical condition we were comfortable taking him for however long he has.

Mr. Bright one of the reasons we did bring him in too is no one probably has ever seen him, because he's bed ridden. He can't walk outside um he is monitored, and they came to us in a special exception because he came out of a rehab, and they do have those stipulations. They know about the bus stop they know, we let them know that all this is here. But this was the state coming to us asking if we could do a 60-day trial to place him until they could find somewhere. So, we went ahead and did the trial with him, after we vetted him, and um went thru everything. He has Parkinson's he can't even speak, and so and he's bedridden that was the biggest thing. He's not going to be a nuisance or a wander to the neighborhood. Now after the 60-day trial was up, we asked our caregivers to let us know at anytime we will have him move out. We will have him move out, they absolutely love him he's a great guy and we'd love for everybody to come and meet him if you wanted to. He is a not a threat to the neighborhood.

Elizabeth Nocheck presented the recommended conditions for the petition.

Board Member Comments and Questions

Discussion on the sign, the facility with the sex offender, the single-family homes, and the staff with being better neighbors.

ACTION: *A motion was presented by John Davidson and seconded by Steve Vieira that Petition SE-23-008 be DENIED based on the Community Development Staff Report dated March 1, 2023, 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.*

Asst. County Attorney David explains the approval process of the criteria when a motion is forwarded by a board member. Which are: 1.) is that the proposed special exception is consistent with the comprehensive plan. 2.) is the post special exception is compatible with existing and permitted uses surrounding the land in which the proposed special exception would exist. 3.) that the establishment maintenance or operation of the proposed use should not be detrimental or endanger the public health safety or general welfare. So, if you would like to identify one of those two or both of those as justification for your denial motion.

Mr. Davidson I believe that would fall under the second one then that the intent of the property. Although it is zoned with the ability to be commercial when that neighborhood was developed it wasn't developed as a commercial neighborhood.

Asst. County Attorney David it's a residential use, I think the question is whether the intensity of that residential use is appropriate for that neighborhood. So, I think to refrain what your stating is that it's your view that the intensity of the residential use on that property would be not compatible with the existing permitted uses. If that's what you're saying I think that's a debatable point.

Motion was denied with a unanimous vote.

X. **Public Comments** –
None

XI. **Staff Comments** –
Ms. Nocheck said we have one special exception and one variance for next month. **Asst. County Attorney David** given the lateness of the day maybe we defer the training to the next meeting if that's your pleasure Mr. Chair. Mr. McVety it is absolutely. **Asst. County Attorney David** we will reschedule the training for next month.

XII. **Member Comments** –
Discuss the meeting next month with the videos of Roberts Rules and Sunshine Law.

XII. **Next Meeting**
*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, April 12, 2023 at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 11:55 a.m.

Respectfully submitted,
Kimberly Sargent, Recorder
/kas



Blair McVety, Chair

Approval Date: 4-12-23