

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, December 10, 2008 - 9 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)

Members Present

Bill Coy, *Chairman*
Tom Thornberry, *Vice-Chair*
Bob Stout, *Secretary*
Ed Hittson
Audrey Seay

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Barbara D. Watkins, *Recorder*

I. Call to Order

Chairman Coy called the December 10, 2008 meeting of the Board of Zoning Appeals to order at 9 a.m.

II. Pledge of Allegiance

Chairman Coy 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

Barbara Watkins swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: *A motion was presented by Bob Stout and seconded by Audrey Seay to approve the minutes of the November 12, 2008 meeting of the Board of Zoning Appeals as written. Motion carried unanimously.*

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the December 10, 2008 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Coy introduced staff. *Nicole Dozier, Zoning Official, Attorney Derek Rooney and Chairman Coy* 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 October 25, 2008: VAR-08-15; VAR-08-16; VAR-08-18; SE-07-40 (Modified); SE-08-37; SE-08-38; SE-08-40; SE-08-41

Petition #VAR-08-15

Patrick and Christine O'Connor are requesting a variance to reduce the front yard setback from 25' to 0' and reduce the rear yard setback from 20' to zero feet to allow an accessory structure, consisting of an awning, in a Manasota Commercial Tourist (MCT) zoning district. The property address is 1855 Gulf Boulevard, Englewood, Florida and is described as Block 12 and part of Lots 10, 11, 12 and 13, Block 9, Chadwick Beach Subdivision in Section 12, Township 41 South, Range 19 East. The property contains +/- 32,000 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Ed Hittson asked if this was the result of a code enforcement violation; staff responded that it resulted from a permit rejection.

Patrick O'Connor, owner of the *White Elephant Pub*, 1855 Gulf Boulevard, the applicant, appeared before the Board to further present the petition at great length. He submitted a list of numerous signatures in support of the awning. Mr. O'Connor distributed **Exhibit I** for the record which he reviewed in detail. He stressed how they have improved the property from its previous condition and commented that the restaurant is a beautiful and enjoyable establishment. He stated he could not understand why the Manasota Architectural Review Committee did not approve of the installation of the canopy, nor why they were singling him out.

Tom Thornberry asked to speak to the contractor, Dennis Wallace, D&D Awning, regarding the permits he was approved for. Mr. Wallace stated the permits for the awning were approved and were built to specifications submitted. *Mr. Thornberry* commented that the awnings are fabulous. Mr. Wallace explained in detail why he constructed the second awning without a permit...he wanted to get it installed prior to the rainy season and explained he had submitted many permits in the past and there were no problems and, therefore, he didn't see any reason why this one would not be approved as well.

Audrey Seay asked Mr. Wallace if it is customary for him to begin projects prior to receiving a permit; he responded no, that he did it with this project because of the rainy season approaching, and stated again, he did not see any reason why it would not be approved since the previous canopy was approved without a problem. Discussion ensued. It was clarified that the decision of the Board in this case deals with the setbacks of both the blue awning in front and the red canopy in the rear.

Mr. Wallace stated that the Manasota Key Architectural Review Committee was not involved at all with the red canopy...Phase 1. He commented that what the review committee is rejecting is in no way comparable to what they reference/rejected. The canopy is not a temporary structure.

Tom Thornberry asked Mr. O'Connor if he had prior knowledge of the Manasota Key Architectural Review Committee looking at the red awning to which he responded no. *Mr. Thornberry* asked Mr. O'Connor if he any knowledge of the committee when the blue awning was being constructed...he stated no, not until weeks later.

Chairman Coy opened the meeting to Public Hearing.

Bud Hagley, Tarpon Point, spoke at length in support of the petition.

Nancy Hagley, Tarpon Point, spoke at length in support of the petition.

Steve Kykendall, spoke at length in support of the petition.

Don Martin, 2958 North Beach Road, a resident on Manasota Key for 21 years, spoke in support of the petition.

Dale Raterink,, 1130 Gulf Boulevard, spoke at length in support of the petition.

Ray Marvin, 165 Mockingbird Lane, spoke in support of the petition.

There being no further requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Bob Stout commented he has a problem with the red awning being approved and the BZA having to decide the outcome of the setback of the blue awning. Nicole Dozier spoke that she does not have the ability to say what the setback should be; the code defines the setbacks and that is the dimension she has to use. If an applicant chooses to do something outside of what the code allows, it is then up to the BZA to make the decision; she stated she can only make recommendations to the Board. Mr. Stout confirmed that no matter the decision reached by the Board today, the red awning remains. Ms. Dozier replied this is correct. Discussion ensued.

Ed Hittson asked Mr. O'Conner if he confers with the County's recommendations...he stated he does not and provided additional testimony.

Tom Thornberry held a discussion with Attorney Rooney regarding how he would make a motion should he wish the existing structures to remain. Attorney Rooney and Ms. Dozier conferred with each other that should the Board wish the existing structures to remain, the motion would have to recommend both setbacks be at 0'. Further discussion ensued.

Audrey Seay commented that common sense is what we're about, however, there are zoning and building codes that need to be adhered to. This Board needs to follow the rules in their decision. Mr. O'Connor pointed out that in his mind, he did follow the rules; there was a permit issued for the first red awning and he was unaware there was not a permit for the blue awning.

ACTION: A motion was presented by Tom Thornberry and seconded by Bob Stout that Petition #VAR-08-15 be APPROVED based on the Growth Management Staff Report dated December 1, 2008, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the variance, with the following conditions:

1. **The variance to the front yard setback as approved by the Board of Zoning Appeals is to reduce the front yard setback requirement from 25' to 0' to allow an accessory structure, consisting of a canopy.**
2. **The variance to the rear yard setback as approved by the Board of Zoning Appeals is to reduce the front yard setback requirement from 20' to 0' to allow an accessory structure, consisting of a canopy.**
3. **These variances extend only to a canopy and shall carry with the existing uses and structures only. If this site or these structures are ever replaced or redeveloped all development must be constructed according to all applicable codes in existence at that time or a new variance obtained.**

Discussion: Ed Hittson commented that he agrees with Audrey Seay.

Motion carried 3 to 2 (Seay and Hittson opposed).

Chairman Coy commented that the Board received a memorandum from one of the Commissioners regarding the above petition, however, since he is not present to cross examine, it cannot be used as evidence, but will become part of official record.

***** 5 MINUTE BREAK *****

Petition #VAR-08-16

Danny and Martha Moore are requesting a variance to reduce both side yard setbacks from 15' to 0.5' to allow an accessory structure, consisting of a boat dock and lift, in a Residential Single-family-2.5 (RSF-2.5) zoning district. The property address is 1535 Manor Road, Englewood, Florida and is described as part of Lot 23, Englewood Gardens Subdivision in Section 05, Township 41 South, Range 20 East. The property contains +/- 57,500 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Attorney Warren Ross, representing the applicant, appeared before the Board to further present the petition at considerable length. He noted that his client was under the impression that one of staff's comments in the report had already been responded to with regards to the depth of the water and distance to the dock. They concur with staff's findings and recommendations, however, *Attorney Ross* reminded the Board that under Section 3-9-6.1 of the Code, the Board can add any additional conditions they feel appropriate. He distributed **Exhibit I** for the record which he reviewed in detail and also reviewed and commented on each of the criteria. He stressed that this piece of property has always been shown to be waterfront property with access to Lemon Bay.

Danny Moore, 1535 Manor Road, the applicant, appeared before the Board to further explain his petition at great length. *Mr. Moore* mentioned that they purchased the residence in late 2007 and stated that when they made the offer, there was a contingency placed in the offer that a boat lift and dock could be installed. After speaking with the neighbors regarding their desire to install a boat lift and dock and having received no negative comments or opposition, they lifted the contingency and closed on the property. He explained how he employed a professional permitting agency to obtain the proper permits and that he received approval from the Army

Corps of Engineers and DEP. However, the riparian lines were incorrectly drawn and submitted in the permit package. He further explained how the dock and lift have since been redrawn and discussed the changes that he feels will work. In closing, he discussed the mangrove issue.

Chairman Coy opened the meeting to Public Hearing.

Attorney Michael Haymans, representing the Rubergs, provided **Exhibit II** and a video, spoke at great length in opposition to the petition. He stated he has concerns with criteria #s 4, 5 and 6. He requested denial of the variance.

Tom Thornberry asked *Attorney Haymans* whether his clients built their dock, to which he responded no, but there has been some reconstruction. Further, *Mr. Thornberry* asked, if his clients are legally in compliance with the setbacks, to which *Attorney Haymans* responded probably not.

There being no further requests to speak for or against the petition, the Public Hearing was closed.

Attorney Ross provided a rebuttal to the comments/statements presented by *Attorney Haymans*, including his concerns with criteria #s 4, 5 and 6. *Mr. Moore* responded to the video presented and to the comments made regarding the water depth, size of his boat and the opportunity to use County ramp which is located nearby.

The Board members had questions/concerns after viewing the video.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Ed Hittson questioned *Attorney Rooney* regarding criteria #5 *that the condition hasn't been created by a person having an interest in the property and that he knew or should have known the conditions when the property was purchased.* *Attorney Rooney* stated it's up to the Board to review the testimony presented and make a decision based upon that testimony.

ACTION: A motion was presented by Bob Stout and seconded by Ed Hittson that Petition #VAR-08-16 be DENIED based on the Growth Management Staff Report dated September 29, 2008, the evidence presented at the hearing and finding that the applicant HAS NOT MET the required criteria for the granting of the variance, specifically criteria #s 4 and 5.

Discussion:

Tom Thornberry commented that it's a shame this had to come before the Board; the neighbors on either side have had the luxury of having boat docks and lifts, as difficult as it may be to enjoy due to the water depth, yet they have a problem with Mr. Moore enjoying the same luxury. He said it's his opinion that the applicant has met the criteria and he's not in favor of the motion.

Ed Hittson stated he agrees with Mr. Thornberry regarding the fact that access is already impaired, however, it should not be made worse.

Audrey Seay stated she is not in favor of the motion as presented. She feels the petitioner made every effort to meet the criteria.

Motion failed 3 to 2 (Coy, Seay and Thornberry against), resulting in a new motion as follows:

ACTION: A motion was presented by Audrey Seay and seconded by Tom Thornberry that Petition #VAR-08-16 be APPROVED based on the Growth Management Staff Report dated September 29, 2008, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the variance with the following conditions:

- 1. The variance as approved by the Board of Zoning Appeals is to reduce both side yard setback requirement from 15' to 0.5' to allow an accessory structure consisting of a boat dock and boat lift only of the size and location as shown on the survey submitted with the application.**
- 2. The existing Mangrove tree located in the southeast corner of the property, at the shoreline, must be preserved and protected according to the 1996 Mangrove Trimming and Preservation Act and may not be removed.**
- 3. This variance extends only to the proposed boat dock and boat lift and shall carry with these structures only. If these structures are ever replaced all development must be constructed according to all applicable codes in existence at that time or a new variance obtained.**

Motion carried 3 to 2 (Stout and Hittson against).

Petition #VAR-08-18

Ronald Strich is requesting a variance to increase the maximum length permitted for a dock on a man-made water body from 12' to 42' to allow a new accessory structure, consisting of a boat dock and lift, in a Residential Single-family-3.5 (RSF-3.5) zoning district. The property address is 1937 Georgia Avenue, Grove City, Florida and is described as Lot 43, Grove City Shores, Unit No. 03 Addition, in Section 17, Township 41 South, Range 20 East. The property contains +/- 11,625 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition. *Ed Hittson* asked how the dock was permitted at 32' originally. *Mr. Quillen* responded he did not know, however, and deferred the question to the applicant who stated that he hasn't seen the permit, but in reviewing the property records they show when the dock was expanded and it was recorded as such.

Ronald Stritch, 1937 Georgia Avenue, the applicant, appeared before the Board to further present the petition at length. He presented **Exhibit I** for the record which he reviewed and portions of which also show the surrounding docks extend into the water body at the same length or greater. There appears to be disagreement as to the location of his dock being on a man-made waterway or Lemon Bay which he reviewed and provided evidence. He stated he does not agree with staff's findings and recommended conditions.

Audrey Seay questioned staff about the fact that the applicant's position is that this body of water is not a man-made water body, that it's part of Lemon Bay. *Ken*

Quillen responded by saying that the land on which the applicant's house exists now did not exist before; the fill was dredged out of the waterway and placed there to make high ground to build homes on. In doing so, this created the canals which were man made. It was not naturally Lemon Bay in 1951.

Tom Thornberry commented that he is impressed by the fact that the applicant did his homework. In his opinion, the water in front of the applicant's home was not man made until such time when the seawalls were constructed and the area was filled which then made the water way man made. He further commented that there was water in front of this home forever that was not man made.

Ed Hittson commented that he feels this body of water is very wide and he doesn't see that it should make any difference whether it's man made or natural.

Bob Stout wondered why the applicant would object to what it is; he gains nothing by man made waterway being deleted...there will always be different interpretations. He does not see anything wrong with #2.

Chairman Coy opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Mr. Stritch provided a rebuttal to the comments made. He clarified why they're requesting that the conditions be removed. He feels the interpretation has changed, not the body of water.

Attorney Rooney commented on the second recommendation by saying that regulations do change with time, and if some end point is not provided, there's a possibility that this particular parcel could be grandfathered to 42' forever. Hurricanes come and go and docks do get destroyed, but not necessarily the pilings, and there are certain rules; however, some language needs to be incorporated to address the applicant's concerns, but not necessarily vest this property with some right in perpetuity.

Nicole Dozier stated if the Board wants certain language in the conditions, staff does not have an issue with it.

Considerable discussion ensued as to suggested language for the conditions. *Attorney Rooney* stated he would draft suggested language for the motion.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Audrey Seay and seconded by Ed Hittson that Petition #VAR-08-18 be APPROVED based on the Growth Management Staff Report dated December 1, 2008 , the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the variance, with the following conditions:

- 1. The variance as approved by the Board of Zoning Appeals is to allow a 42' length private dock extending into a portion of Lemon Bay.**
- 2. This variance shall carry with the proposed dock only. If the dock, as proposed, is to be replaced with a different dock in the future, all development must be constructed according to all applicable codes in existence at that time.**

Discussion:

Tom Thornberry addressed the applicant to provide clarification stating that should Hurricane (?) demolish his house and the dock, they can be built back to what they were prior to the hurricane without having to go to the State agencies again.

Motion carried unanimously.

Petition #SE-07-40 (Modified)

Francisque Paulemon is requesting a modification of a previously approved special exception for an Adult Congregate Living Facility to increase the number of beds from 25 to 50 in a Residential Multifamily-10 (RMF-10) zoning district. The property address is 2021, 2029, 2037 and 2045 Fraser Street, Port Charlotte, Florida and is described as Lots 23, 24, 25 and 26, Block 644, Port Charlotte Subdivision Section 41, in Section 13, Township 40 South, Range 21 East. The property contains +/- 4

Ken Quillen presented general information and staff findings for the petition.

Attorney Warren Ross, Wotitsky Ross Law Firm, representing the applicant, appeared before the Board to further present the petition. They agree with staff's findings and recommended conditions.

Magnus Karlstadt of MK Construction, appeared before the Board to further explain the construction. He noted that they have been notified that sewer is now available. When the previous petition came before the Board, the property was on septic.

Tom Thornberry questioned that he only noticed 38 rooms on the floor plan; *Mr. Karlstadt* explained that some of the rooms have double beds, thus the request for 50 beds. The third floor is only for storage and staff use.

Chairman Coy opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Audrey Seay asked if buffering is included since there are no buffer requirements in RMF zoning. There are landscaping requirements, but no buffer requirements. *Nicole Dozier* stated that if the Board so wishes, a condition of approval can be added to require a buffer if so desired.

ACTION: A motion was presented by Bob Stout and seconded by

Audrey Seay that Petition #SE-07-40 (Modified) be APPROVED based on the Growth Management Staff Report dated November 3, 2008, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception, with the following conditions:

- 1. The special exception, as approved by the Board of Zoning Appeals, is for an Adult Congregate Living Facility (or Assisted Living Facility) for a maximum of 50 residents that is in substantial conformance with the site and architectural plans submitted by the applicant for this request.**
- 2. The exterior architectural appearance of the building shall be in substantial compliance with the building elevation drawings submitted with this application.**
- 3. 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.**
- 4. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed Adult Congregate Living Facility including section 3-9-63.1.**
- 5. Development Review Committee (DRC) site plan review is required prior to issuance of any building permits for the proposed new Adult Congregate Living Facility and all off-street parking and landscaping requirements of code must be met for the proposed development.**

Motion carried unanimously.

Petition #SE-08-37

Flamingo Signs, LLC is requesting a special exception to allow two wall signs totaling 108.5 square feet in a Planned Development (PD) zoning district. The property address is 24220 Corporate Court, Port Charlotte, Florida and is described as Lot 5, J.C. Center Subdivision, in Section 06, Township 40 South, Range 23 East. The property contains +/- 35,300 square feet. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Elisha Severance, Flamingo Signs, representing the applicant, appeared before the Board to further present the petition.

Chairman Coy opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Audrey Seay and seconded by Ed Hittson that Petition #SE-08-37 be APPROVED based on the Growth Management Staff Report dated December 1, 2008, the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception, with the following conditions:

- 1. This special exception is to allow two secondary class "A" wall signs on this building, not to exceed 108.5 square feet in area, as indicated on the sign drawings submitted with this application. Any proposed additional future secondary class "A" wall signs for this building will require a modification of this special exception.***
- 2. Any primary class "A" signs that comply with all of the requirements of the sign code shall be permitted.***
- 3. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed commercial business and all associated signage.***

Motion carried unanimously.

Petition #SE-08-38

South Gulf Cove Advisory Committee is requesting a special exception to allow four community identification signs totaling 162 square feet at 8110 Wiltshire Drive (Residential Multifamily-12); 8400 Wiltshire Drive (Commercial General); 9100 Winborough Drive (Commercial Intensive); and 10320 Winborough Drive (Commercial General), Port Charlotte, Florida and is described as parcels PK1, PK4, PK1 and TI within selected Port Charlotte Subdivisions, in Sections 17, 20 and 29, Township 41 South, Range 21 East. The properties contain +/- 4 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Joseph Berrios, South Gulf Cove Entranceway Project Manager, representing the applicant, appeared before the Board to further present the petition. They believe this will enhance the property values. He stated they agree with staff's findings and recommended conditions.

John Payne, South Gulf Cove Advisory Committee and previously the project manager for the signs, stated he is also chairman of the County's Streets and Drainage MSBU. He clarified that this project is in the Streets and Drainage budget for next year, as well as maintenance. The signage is needed for all four entrances.

Chairman Coy opened the meeting to Public Hearing.

Kendall Leach, resident of South Gulf Cove, spoke in support of the petition.

Karen Price, representing the South Gulf Cove Homeowner's Association, spoke in support of the petition and requested approval.

There being no further requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Tom Thornberry and seconded by Audrey Seay that Petition #SE-08-38 be APPROVED based on the Growth Management Staff Report dated December 1, 2008 , the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception, with the following conditions

- 1. This special exception is to allow four “entrance signs” at the locations specified in the application and as indicated on the sign drawings submitted with this application. Any proposed additional “entrance signs” for this community will require a modification of this special exception.***
- 2. This approval also includes the alternate location at the northeast corner of Gasparilla Road and Keystone Boulevard if the applicant obtains an easement from that property owner.***
- 3. The site plans presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed community entrance signage.***

Motion carried unanimously.

Petition #SE-08-40

Donald and Linda Smith are requesting a special exception to allow a mobile home in an Agriculture Estate (AE) zoning district. The property address is 16095 Begonia Drive, Punta Gorda, Florida and is described as Lots 22 and 23, Block 2, Orange Grove Park Subdivision, in Section 30, Township 42 South, Range 24 East. The property contains +/- 1.94 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Linda Smith, the applicant, appeared before the Board to further present the petition. She agrees with staff's findings and recommended conditions.

Chairman Coy opened the meeting to Public Hearing.

Kelly Bastido, 16025 Begonia Drive, spoke in opposition to the petition. She's worried that the approval of this special exception will bring in other mobile homes.

Ed Hittson commented that during his site visit, he thought he had seen other mobile homes in the area. *Ms. Bastido* stated that these were probably grandfathered in. She indicated that when they purchased her property three years ago, her real estate agent told her that the Agriculture Estates zoning does not allow mobile homes in the area, but manufactured homes are allowed.

Nicole Dozier declared that through the special exception process per code, mobile homes are allowed in the Agriculture Estates zoning district. A brief discussion ensued.

There being no further requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Ed Hittson and seconded by Audrey Seay that Petition #SE-08-40 be APPROVED based on the Growth Management Staff Report dated December 1, 2008 , the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception, with the following conditions:

- 1. The special exception as approved by the Board of Zoning Appeals is for a single mobile home to be used as a residence. All yards and setbacks for the Agriculture Estate (AE) zoning district shall be observed in the placement of the mobile home.***
- 2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. Any modification, alteration or revision of this use may require a modification of the special exception.***
- 3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of the proposed mobile home.***

Motion carried unanimously.

Petition #SE-08-41

Charlotte County Fire/EMS is requesting a special exception to allow essential services, consisting of a fire training building with reductions and modifications to the design and development standards of section 3-9-51(g) in the Enterprise Charlotte Airport Park (ECAP) zoning district. The property address is 26551 Airport Road, Punta Gorda, Florida and is described as parcel P2, in Section 16, Township 41 South, Range 23 East. The property contains +/- 79 acres. A complete legal description and additional information are on file.

Ken Quillen presented general information and staff findings for the petition.

Ed Hittson asked if this Board is the appropriate body to approve this request. *Ken Quillen* replied that staff has had experience with what is being requested, has reviewed everything and agrees with the proposal. If there were any objections to any of the requests, they would have been so noted.

Thomas Huff, Thomas A. Huff Architect, representing the applicant, appeared before the Board to further present the petition at length. He noted that the construction is much needed and said the residents of Charlotte County are experiencing higher insurance premiums due to the absence of a fire training facility in the County; residential rates are paying up to \$60 a year and businesses are based on their needs. *Mr. Huff* commented that the staff report indicates 20 acres for the facility, however, the fire training facility is less than 5 acres. They are asking for a relief on

some of the landscaping requirements and explained the reason for this request. He noted that this facility is being designed to be certified by the Florida Fire Academy as well, which provides a better certification for Charlotte County Firefighters. They agree with staff's findings and recommended conditions.

Audrey Seay asked if the increased insurance costs will go down \$60 upon completion of this project. Mr. Huff replied that yes, in time.

Chairman Coy opened the meeting to Public Hearing.

There being no requests to speak for or against the petition, the Public Hearing was closed.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

ACTION: A motion was presented by Tom Thornberry and seconded by Bob Stout that Petition #SE-08-41 be **APROVED based on the Growth Management Staff Report dated December 1, 2008 , the evidence presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception.**

- 1. This Special Exception is to allow the construction of a fire training facility as shown on the plans submitted.**
- 2. The site plans presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of the proposed fire training facility, except the specific modifications to the design and development standards of section 3-9-51(g) requested by the applicant and specified in Exhibit S-3a.**
- 3. 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.**

Motion carried unanimously.

IX. Public Comments - None

X. Staff Comments - None

XI. Member Comments - None

Chairman Coy announced that this will be his last meeting as a member of the Board of Zoning Appeals. The new commissioner for District 3 will be appointing someone else. Audrey Seay stated that she wished to go on record stating that Bill Coy has served the BZA exceeding well and the BZA has been very fortunate to have had someone with Bill's integrity and intelligence. The entire Board is saddened to see Bill Coy leave the Board of Zoning Appeals.

Audrey Seay announced that she was informed last week that she would not be reappointed to one of the Boards she serves on. Attorney Rooney presented the legal opinion of this situation and stated that research determined that serving on the

P&Z as well as the BZA is not violating any constitutional laws and Audrey will be able to continue serving on both boards.

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Wednesday, January 14, 2009, 9 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 1:46 p.m.

Respectfully submitted,

Barbara D. Watkins, Recorder

/bdw

Willard Coy, Chairman/Board of Zoning Appeals

Approved: _____