

**BOARD OF ZONING APPEALS
MEETING
NOVEMBER 24, 2009**

MEMBERS PRESENT: Lynne Matthews, Chairman
Henry Bauman, David Brower
Richard Kilmer, James McClary, Ray Rose

MEMBERS ABSENT: David Baird

OTHERS PRESENT: Teri Tubbs, Zoning Official
Lisa Hannon, Zoning Coordinator
Nancy Prafke, Ross Warren

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - December 15, 2009
- C. Last Scheduled Meeting - October 26, 2009

APPROVAL OF MINUTES

- A. Meeting of September 22, 2009
 - Mr. McClary MOVED, Mr. Rose SECONDED approval of the September 22, 2009 minutes. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

- A. Results of City Council Action
 - 1. V-03-09 - Request for a variance to the Land Development Regulations per Section 26-16.10 of the City Code of Ordinances to allow an existing swimming pool to have an existing rear yard setback of 9 feet to the property line at the closest point instead of 20 feet as required by City Code Section 26-3.13.(d); and to allow the existing swimming pool to have an existing side yard setback of 6.4 feet at the closest point instead of 7.5 feet as required by City Code Section 26-3.4.(g)(3); and a variance to allow an existing 7.4 foot side yard setback on the east front corner of the existing single family residence instead of 7.5 feet as required by City Code Section 26-3.4.(g)(3).
LEGAL: Block 12, Lot 18, Punta Gorda Isles Section 4 of the Public Records of Charlotte County, Florida (a/k/a 32 Sabal Drive, Punta Gorda, FL).
 - Ms. Teri Tubbs, Zoning Official, reported V-03-09 was approved by City Council on October 21, 2009.

NEW BUSINESS

- A. Presentation from the Punta Gorda Chamber regarding a New Logo

- Ms. Nancy Prafke explained the Punta Gorda Chamber of Commerce (PGCC) had been given the task of creating a brand for the City; however, no funding was available for same. She noted a grassroots organization had created the tag line, "It's Happening on the Harbor," which had been developed into a logo, as denoted within the agenda material, noting same was currently in the process of being trademarked. She stated PGCC owned the logo, confirming no other entity within the United States was currently using same. She explained several local associations were already using the logo, and at least two City Councilmembers were using it in their emails, reporting Charlotte County Airport representatives had expressed an interest in using the logo as well. She concluded the City Manager had requested the PGCC to meet with the City's advisory boards to ascertain the level of support for this activity.
 - Mr. McClary stated the logo appeared similar to the PGCC logo.
 - Ms. Prafke agreed it was similar, acknowledging although the copy appeared fuzzy, the original graphic was clear. She stated when not printed correctly, the logo could appear fuzzy.
 - Mr. Bauman stated the text had an ancient Spanish appearance, adding same recognized Punta Gorda's history.
 - Mr. Prafke agreed, adding that effect was intentional.
 - Ms. Patti Allen, General Manager, Fisherman's Village, explained use of the logo was in the beginning stages, adding a prototype would be developed with strict guidelines for use. She clarified at this time they were only seeking approval of the concept.
 - Mr. Kilmer stated he preferred the setting sun on the Chamber logo rather than the full sun on the proposed logo.
 - Ms. Prafke stated the idea was to be different from the Chamber's logo, noting earlier versions of the logo were no longer being used. She stated the intention of the logo was to increase interest in the area.
 - Mr. Kilmer MOVED, Mr. Bauman SECONDED to approve the concept of the logo. MOTION CARRIED UNANIMOUSLY.
 - Recording Secretary Smith swore in the witnesses.
- B. V-04-09 - Request for a variance to the Land Development Regulations per Section 16-16.10 of the City Code to allow an existing swimming pool and deck to have a rear yard setback of 6.2 feet instead of 20 feet as required per City Code Section 26-3.13(d); and to allow the wooden steps that extend to the seawall cap instead of having a maximum 5 foot encroachment into the required yard as allowed per City Code Section 26-8.14(f); and to allow the existing swimming pool deck to have a side yard setback of 4.73 feet at the closest point on the south side of the property instead

of 7.5 feet as required by City Code Section 26-3.4(g)(3); and a variance to allow an existing 24.82 foot street yard setback on the existing single family residence instead of 25 feet as required by City Code Section 26-3.4(g)(2); and a request to allow a new screen enclosure be constructed over the existing swimming pool deck with an existing non-conforming rear yard setback of 6.2 feet instead of 20 feet as required by City Code Section 26-3.13(d); and to allow the new screen enclosure have a non-conforming side yard setback of 4.73 feet at the closest point instead of 7.5 feet as required by City Code Section 26-3.4(g)(3).

LEGAL: Block 72, Lot 8, Punta Gorda Isles Section 7 of the Public Records of Charlotte County, Florida (aka 841 Pamela Drive, Punta Gorda, FL).

- Ms. Teri Tubbs announced the applicant had requested a continuance, noting she had provided the Board with information related to procedures for a continuance once an item was scheduled on the Board's agenda.
- Mr. Warren Ross, attorney for the applicant, explained he had not had time to review the case with his client, noting his client had been out of town and he had been experiencing some family health issues. He requested a continuance to the next meeting.
- Ms. Matthews advised if the Board decided to approve the continuance, it would be necessary to continue the hearing to a date certain, adding it would be necessary to schedule it for January, 2010 as 30 days was required.
- Ms. Tubbs agreed.
- Mr. Bauman suggested as a matter of procedure they should hear testimony and then recess on this issue until the Board reconvened next month.
- Ms. Matthews advised the Board's options were to not allow a continuance, continue the item to the December 2009 meeting or continue it to the January 2010 meeting.
- Mr. Ross clarified his request was to continue until the December 2009 meeting.
- Ms. Matthews reiterated the item must be continued for a minimum of 30 days.
- Mr. Brower stated he had not heard any reason for delaying the hearing other than a problem with counsel.
- Mr. Ross clarified he had not had time to review the results of the Development Review Committee staff report comments, which had been issued 10 days ago.
- Mr. Brower opined 10 days was sufficient time for the attorney to contact his client.
- Mr. Ross reiterated his client had been out of town, adding he had not been able to reach them.
- Mr. Brower inquired if his client was aware the case was being reviewed by DRC.

- Mr. Ross replied his client had travel plans that could not be changed, reiterating he was not able to reach them. He confirmed they were aware of the DRC meeting; however, they were unable to change their travel plans.
- Mr. Brower questioned whether his client was out of the country.
- Mr. Ross replied affirmatively.
- Mr. McClary stated he did not think this issue was complicated and had no problem delaying until January.
- Mr. Bauman stated in the spirit of the holidays, he had no problem continuing the item.
- Mr. McClary opined the request would be approved as it was not a complicated issue.
- Mr. Ross stated he preferred to review the matter with his client before proceeding.
- Mr. McClary MOVED, Mr. Kilmer SECONDED to continue the item until the January 2010 meeting.
- Motion DIED.
- Mr. Bauman questioned why it could not be continued to December 2009.
- Ms. Matthews reiterated the Bylaws required a minimum of 30 days.
- Mr. Ross questioned whether that could be interpreted to mean next month, reiterating he was requesting a continuance to December.
- Ms. Matthews replied in the negative.
- Mr. Bauman opined there was no time constraint.
- Ms. Matthews again confirmed the rule was a minimum of 30 days. She then called three times for public comment.
- Mr. Bauman MOVED, Mr. Brower SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. McClary MOVED, Mr. Kilmer SECONDED to continue V-04-09 until January 23, 2010.
- Mr. Bauman MOVED to AMEND the motion to continue until December 2009.
- Amendment DIED for lack of a SECOND.
- Voting Aye: Matthews, McClary, Kilmer, Rose and Bauman.
- Voting Nay: Brower.
- MOTION CARRIED.

OTHER BUSINESS

- A. 2010 Census Count
- No discussion.

MEMBER COMMENTS

- None.

CITIZEN COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:25 p.m.

Lynne Matthews, Chairman

Karen Smith, Recording Secretary