

**BOARD OF ZONING APPEALS
MEETING
MAY 28, 2019**

MEMBERS PRESENT: John Burrage, Chairman
Samuel Hoagland, Thomas Lengauer, Frank Lepore,
Rebecca Rasmussen, Edward Weiner, Charles Wolley

OTHERS PRESENT: Lisa Hannon, Zoning Official
Neil Flynn

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
 - Recording Secretary Pues swore in all participants.
- B. Next Scheduled Meeting
 - 1. June 25, 2019

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. February 26, 2019
 - Mr. Weiner MOVED, Ms. Rasmussen SECONDED approval of the February 26, 2019 minutes. MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- A. V-01-19 - Request by Neil Flynn, property owner, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a rear yard setback of 10.9 feet at its closest point instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, in order to construct a new screen enclosure on an existing non-conforming pool deck, constructed in 1977, for a single-family residence located in a General Single-family zoning district.
Legal: Punta Gorda Isles Section 6, Block 51, Lot 22
A/K/A: 2523 Rio Plato Drive, Punta Gorda, Florida Charlotte County
PARCEL ID: 412214329010
 - Ms. Lisa Hannon, Zoning Official, entered the staff report denoted in the agenda material into the record by reference. She reviewed the criteria which must be met in order for a variance to be approved, providing a detailed explanation of the applicants' request as well as staff's findings and conclusions. She concluded staff was unable to recommend approval of this request as it did not meet the literal criteria of hardship.
 - Mr. Wolley verified approval of V-01-19 would bring the entire pool structure into legal non-conformance; however, the current structure could not be enlarged or replaced.

- Mr. Weiner inquired as to the required setback for pools.
- Ms. Hannon replied the pool met the 15-foot setback requirement, but the pool deck's stem wall did not.
- Mr. Neil Flynn, applicant, stated he wished to construct a screened enclosure on the pool deck and to replace an existing cement wall, explaining he would not expand the pool deck. He opined the request would enhance the property's appearance and safety.
- Mr. Lengauer commented the Board had approved similar variances, speaking in favor of the request.
- Mr. Burrage commented favorably on the request, noting same had the community's support and improved safety at the property.
- Ms. Rasmussen confirmed approval of the request would not require a hold harmless agreement releasing the City from responsibility for damage to the pool in the course of seawall repairs.
- Mr. Lepore inquired if a new pool would be required to meet City Code in the event a storm destroyed the existing non-conforming pool.
- Ms. Hannon responded the pool would have to be rebuilt in accordance with City Code if damage to the pool exceeded fifty percent of its value; however, she was unsure whether the value of the home or pool was considered in making such a determination.
- Mr. Weiner expressed uncertainty as to how constructing a screened enclosure on the existing pool deck would impact the seawall.
- Mr. Burrage called three times for anyone to speak on V-01-19.
- Ms. Rasmussen MOVED, Mr. Lengauer SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Lengauer MOVED, Mr. Weiner SECONDED to find V-01-19 consistent with the Comprehensive Plan and to recommend approval of the request based upon the evidence and testimony presented this date. MOTION CARRIED UNANIMOUSLY.

COMMITTEE/BOARD COMMENTS

- Mr. Wolley stated he could not attend the June 2019 or July 2019 meetings.

ADJOURNMENT

- Meeting Adjourned: 4:26 p.m.

John Burrage, Chairman

Leah Pues, Recording Secretary