

**BOARD OF ZONING APPEALS
MEETING
OCTOBER 27, 2020**

MEMBERS PRESENT: Charles Wolley, Chairman
Samuel Hoagland, Frank Lepore,
Mike Merolla, Wendy Mueller,
Jay Nadelson, Edward Weiner

OTHERS PRESENT: Lisa Hannon, Zoning Official
Warren Ross, Donald Soukup

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Wolley called the meeting to order at 4:00 p.m.
- A. Roll Call
- Mr. Wolley provided an overview of the Board's role and quasi-judicial public hearing procedures.
- Recording Secretary Pues swore in all quasi-judicial public hearing participants.
- B. Next Scheduled Meeting
- 1. November 24, 2020

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. August 25, 2020
- Mr. Weiner MOVED, Mr. Lepore SECONDED approval of the August 25, 2020, minutes.
MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- A. V-02-2020 – A request by Warren R. Ross, Esquire, authorized agent for Donald D. and Diane M. Soukup, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a rear yard setback of 6.2 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 1974, for a single-family residence located in a General Single-family zoning district.
LEGAL: Punta Gorda Isles Section 14, Block 174, Lot 6
A/K/A: 951 Don Juan Court, Punta Gorda, Florida
CHARLOTTE COUNTY PARCEL ID: 412213153013
- Ms. Lisa Hannon, Zoning Official, entered the staff report denoted in the agenda material into the record by reference. She provided a detailed explanation of the applicants' request as well as staff's findings and conclusions, and next reviewed the criteria which

must be met in order for a variance to be approved. She noted there were no special circumstances or conditions which concerned the property; however, strict and literal enforcement of the zoning regulations regarding setbacks created an undue hardship in that the installation of the screen enclosure would not be permitted. She stated the applicant had provided two letters of support from neighbors and two letters regarding the benefit of the applicant's pool use from medical professionals. She concluded staff recommended approval of the request with the conditions that no expansion of the pool deck was permitted and that a proper building permit was required prior to construction and installation of the enclosure.

- Mr. Weiner stated he thought construction could not occur on non-conforming structures according to Florida Building Code.
- Ms. Hannon replied the only comment the Building Official had made on the application was that a screen enclosure was favored over a fence.
- Mr. Warren Ross, authorized agent, endorsed the staff report and recommendations of approval from the Punta Gorda Isles (PGI) Canal Advisory Committee (CAC) and the Development Review Committee, pointing out neighboring property owners supported the request and the applicant was understood they must adhere to the Florida Building Code.
- Mr. Nadelson inquired as to the PGI CAC's recommendation of approval.
- Ms. Hannon explained that Committee's review was a precautionary measure as the request was almost within six feet of the seawall.
- Ms. Mueller questioned if there had ever been a pool cage on the property.
- Mr. Ross replied with uncertainty.
- Mr. Nadelson inquired as to any other alternatives which had been investigated.
- Mr. Ross replied there were no alternatives.
- Mr. Nadelson indicated the letters from medical professionals indicated the screen enclosure was needed for protection from snakes, mosquitos and the sun, noting alternatives such as a misting system were available to address mosquitos.
- Ms. Mueller questioned if there were any statistics or an engineering study detailing the stress the 1974 foundation stem wall could withstand, questioning what would be done if there was a problem.
- Mr. Ross replied the permitting process should ensure construction of the screen enclosure would not create a problem.
- Mr. Nadelson stated structures should not be built close to the seawall in the absence of strong justification.

- Mr. Donald Soukup, property owner, clarified his wife’s medical need for reduced exposure to the sun and mosquitos, explaining the screen enclosure was expected to reduce same by 20% to 35%.
- Mr. Nadelson questioned if Mr. Soukup received a property disclosure from the seller.
- Mr. Soukup expressed uncertainty regarding same.
- Mr. Wolley called three times for public comment.
- Mr. Weiner MOVED, Mr. Lepore SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Hannon clarified the pool had never had a screen enclosure and the applicant was not requesting to expand any portion of the pool deck, noting the screen enclosure would be required to meet the Building Code. She stated the Canal Maintenance Division had no issues with the request, adding the PGI CAC had not expressed any concerns regarding undue stress on the rear yard or seawalls.
- Ms. Mueller confirmed the City was not responsible for saving the pool, pool deck or screened enclosure in the event the seawall collapsed at the subject property.
- Mr. Lepore confirmed if the non-conforming structures sustained damage of more than 50% of their value, same would be required to be rebuilt according to the codes in effect at that time.
- Mr. Nadelson pointed out the housing structure and pool did not meet current setback requirements, speaking against allowing further non-compliance with Punta Gorda Code. He reiterated alternative methods to address mosquitos would have less impact.
- Mr. Weiner MOVED, Ms. Mueller SECONDED to find V-02-2020 consistent with the Comprehensive Plan and to recommend approval of the request based upon the evidence and testimony presented this date.
- VOTING AYE: Hoagland, Lepore, Merolla, Mueller, Weiner, Wolley.
- VOTING NAY: Nadelson.
- MOTION CARRIED.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

A. 2021 Meeting Dates

- Ms. Hannon drew members’ attention to the 2021 meeting dates denoted in the agenda material, stating the November 24, 2020, meeting likely would not take place. She then

stated City Council had unanimously approved V-01-2020 at their September 23, 2020, meeting.

COMMITTEE/BOARD COMMENTS

- Ms. Mueller confirmed members would be notified in advance of meeting cancellations, clarifying cancellations due to lack of a quorum might not be known in advance.
- Mr. Merolla commented pool cages were being removed from homes on the East coast in favor of railings. He then introduced himself to the Board and provided a brief history of his public service background.
- Mr. Nadelson introduced himself to the Board.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:30 p.m.

Charles Wolley, Chairman

Leah Pues, Recording Secretary