

**BOARD OF ZONING APPEALS
MEETING
MAY 25, 2021**

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

OTHERS PRESENT: Lisa Hannon, Zoning Official
Barbara Nelson, David Kessler,
Marvin Nelson

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Wolley called the meeting to order at 4:00 p.m.
- A. Roll Call
- 1. Election of Chair and Vice Chair
- Recording Secretary Pues opened the floor for nominations for Chair.
- Mr. Weiner NOMINATED Mr. Wolley for Chair.
- As there were no other nominations, Mr. Wolley was appointed Chair by acclamation.
- Recording Secretary Pues opened the floor for nominations for Vice Chair.
- Ms. Mueller NOMINATED Mr. Lepore for Vice Chair.
- As there were no other nominations, Mr. Lepore was appointed Vice Chair by acclamation.
- B. Next Scheduled Meeting
- 1. June 22, 2021

CITIZEN COMMENTS ON AGENDA ITEMS ONLY

- None.

APPROVAL OF MINUTES

- A. October 27, 2020
- Mr. Weiner MOVED, Ms. Mueller SECONDED approval of the October 27, 2020, minutes.
MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL PUBLIC HEARINGS

- Recording Secretary Pues swore in all participants.
- A. V-01-2021 – A request by Marvin P & Barbara A Nelson, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a single driveway 46 feet in width instead of 24 feet in width as is required by Chapter 26, Section 10.3(h)(6)(b), Punta Gorda Code, in order to reconstruct a driveway at an existing single-family structure, constructed in 1989.

LEGAL: PGI 006 0043 0018 Punta Gorda Isles Sec 6 BLK 43 LTS 18 & 19

A/K/A: 232 Lido Drive, Punta Gorda, FL 33950

Charlotte County Parcel ID: 412214105005

- 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, along with staff's findings. She explained the strict and literal enforcement of the Land Development Regulations would not permit the expansion of the driveway to 46 feet in width, noting the RV garage addition, which was constructed in 2005, and the driveway configuration could have been changed at the time of construction. She stated staff could find no evidence of hardship other than a mere inconvenience, noting the hardship was not generally shared by other properties in the same zoning district and in the same vicinity. She pointed out expansion of the impervious area could potentially cause drainage and runoff issues which could be detrimental to the surrounding neighborhood. She summarized the proposed variance request was in conflict with numerous Comprehensive Plan policies, enumerating each, as delineated in the agenda material. She reviewed staff's findings and conclusions, reiterating the driveway could have been redesigned at the time of construction to comply with Punta Gorda Code and to provide access from the right-of-way, noting the application did not meet the criteria required for a variance and the request was in conflict with the Comprehensive Plan. She stated if the variance were to be approved, proper permit applications must be submitted, including but not limited to a ROW permit along with the required building permits. She concluded staff recommended denial of the request as all of the criteria had not been met and there seems to have been no attempt to incorporate the requested driveway into the existing driveways at the time the garage addition was constructed.
- Ms. Mueller inquired whether the driveway was cement.
- Ms. Hannon replied with uncertainty.
- Mr. Nadelson inquired whether it was still possible for the applicant to request a reconfiguration of the driveway to provide access.
- Ms. Hannon replied affirmatively; however, a total reconstruction of everything in the ROW on the private property would be necessary.
- Ms. Barbara Nelson, applicant, explained to access the garage it was necessary to traverse a big ditch and over a sprinkler system, noting the location of the drain was between her home and the neighboring home. She stated the extension was needed in order to be able to back the RV into the garage, adding they desired to pave the area. She explained Mr. John Smith, Plans Examiner, informed them that because they had a

double lot and the driveway could be up to 63 feet; however, the request was for only 60 feet. She stated currently their vehicles dragged on the driveway due to a big dip, adding they desired to update same with pavers and a culvert under both sides. She clarified the request was for an additional 20 feet to allow the update.

- Mr. Nadelson questioned the limits for a single parcel versus two parcels.
- Ms. Hannon responded properties with more than 80 feet of street frontage on a single street, no single driveway shall exceed 24 feet in width at the property line and through the ROW, and total driveway width shall not exceed 35% of the total street frontage up to a maximum of 48 feet total driveway width at the property line and through the ROW unless a third driveway is approved by special exception as permitted herein. She stated when she spoke to Ms. Nelson about a third driveway, the problem with adding just a third driveway was the requirement for both a special exception and a variance because the property lacked the necessary 20 foot separation between the two driveways on the right side.
- Mr. Wolley questioned whether the applicant had considered installation of a conforming driveway.
- Ms. Nelson expressed uncertainty as to how same could be done as it would be necessary to drive over the culvert, which could damage the RV tires.
- Discussion ensued regarding alternative configurations for the driveway which would be conforming but would require the RV to be backed out of the garage.
- Mr. Merolla verified adjacent property owners had paver driveways.
- Mr. Wolley called for public comment.
- Mr. David Kessler stated the drain was next to the mailbox, opining it would not be necessary to drive over same. He stated the drain had good flow with no flooding issues, opining pavers would eliminate concrete runoff and would not cause flooding. He stated most of Ms. Nelson's neighbors had signed a petition in favor of the request, which would beautify the area and eliminated the dip in the driveway, opining variances should be approved when same were for the betterment of the area.
- Mr. Robert Wilson opined limiting the driveway to 24 feet would cause a tight turning radius with a three-car garage, opining the request was reasonable and should be accommodated.
- Mr. Wolley called three times for anyone to speak on V-01-2021.
- Mr. Weiner MOVED, Mr. Lepore SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Ms. Mueller inquired whether 34 feet would be allowed.
- Ms. Hannon replied same would still require a variance.

- Mr. Nadelson inquired what driveway width was permitted before the Code was changed to allow 24 feet.
- Ms. Hannon replied two 16 foot driveways were allowed back in 2006; however, the allowed width had increased over time due to numerous requests for larger garages to accommodate larger vehicles, adding the current language was added approximately ten years ago.
- Mr. Weiner MOVED, Mr. Nadelson SECONDED to recommend denial of V-01-2021 based upon the evidence and testimony presented this date.
- VOTING AYE: Lepore, Mueller, Nadelson, Weiner, Wolley.
- VOTING NAY: Hoagland, Merolla.
- MOTION CARRIED.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- No items.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- None.

CITIZENS' COMMENTS

- Mr. Marvin Nelson indicated he and Ms. Nelson were not retired at the time the RV garage was constructed; however, they now were and would be permanent residents. He briefly reviewed the intentions for the RV and garage along with the proposed changes, explaining the driveway's current configuration caused the RV to damage the driveway.
- Mr. Wolley recommended Mr. and Ms. Nelson attend the June 16, 2021, Council meeting.

ADJOURNMENT

- Meeting Adjourned: 4:50 p.m.

Charles Wolley, Chairman

Leah Pues, Recording Secretary