

**BOARD OF ZONING APPEALS  
MEETING  
OCTOBER 23, 2018**

**MEMBERS PRESENT:** John Burrage, Chairman  
Samuel Hoagland, Rebecca Rasmussen,  
Edward Weiner, Charles Wolley

**MEMBERS ABSENT:** Thomas Lengauer, Frank Lepore

**OTHERS PRESENT:** Lisa Hannon, Zoning Official  
Barry Schraye, Gary Trombley, Dee Porter,  
Andrey Nikitin

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
  - Mr. Burrage reviewed quasi-judicial public hearing procedures.
  - Recording Secretary Welch swore in all participants.
- B. Next Scheduled Meeting
  - 1. November 27, 2018

**CITIZENS COMMENTS ON AGENDA ITEMS ONLY**

- There were none.

**APPROVAL OF MINUTES**

- A. August 28, 2018
  - Mr. Weiner MOVED, Mr. Hoagland SECONDED to approve the August 28, 2018 minutes.  
MOTION CARRIED UNANIMOUSLY.

**QUASI-JUDICIAL PUBLIC HEARINGS**

- A. V-03-18 - Request by Barry Schraye, authorized member of Peace River Beer Company, LLC, property owner, for a variance to the Land Development Regulations pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow the construction of a raised deck and ramp for outdoor dining and ADA accessibility with a zero (0) foot street yard setback on the northwest side of the property, instead of a twenty-five (25) foot street yard setback as is required per Chapter 26, Section 3.11(g)(3), at a commercial business located in the Special Purpose (SP) zoning district.  
Legal: La Punta Park, Block B, Lots 1, 2, 3  
A/K/A: 1732 Steadley Avenue, Punta Gorda, Florida  
Charlotte County Parcel ID: 412307403006
- Ms. Lisa Hannon, Zoning Official, displayed an overhead of the subject property and entered the staff report, both denoted in the agenda material, into the record by

reference, reviewing the latter in detail. She noted the ancillary decorative boat must be adequately secured as a condition of approval, concluding staff recommended approval of V-03-18 as the SP zoning district was intended to accommodate unique development, and the request was compatible with the surrounding neighborhood.

- Mr. Burrage asked if staff had received any objections.
- Ms. Hannon replied in the negative.
- Mr. Weiner suggested the handicap ramp be relocated in relation to the walkway, pointing out same on the overhead.
- Mr. Barry Schraye, applicant, replied relocation of the Americans with Disabilities Act ramp in relation to the three-foot-wide walkway would reduce usable space; however, same could be done if necessary.
- Mr. Wolley requested clarification of the property line's distance from the street.
- Ms. Hannon estimated 30 feet on each side.
- Mr. Wolley inquired as to the height of the deck.
- Mr. Schraye responded levels would be one and two feet high, respectively, explaining Peace River Beer Company intended to create a family-friendly, park environment where alcohol could be consumed.
- Mr. Weiner requested clarification of the ancillary boat's purpose.
- Mr. Schraye replied the boat had been a fixture in Punta Gorda for 20 years, expressing a desire to keep it in the City and to enhance the Peace River theme. He stated the boat would be inaccessible to the public.
- Ms. Rasmussen MOVED, Mr. Hoagland SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Weiner MOVED, Mr. Hoagland SECONDED to find V-03-18 consistent with the Comprehensive Plan and to recommend approval of the request. MOTION CARRIED UNANIMOUSLY.

- B. V-04-18 - Request by Andrey Nikitin, property owner, for a variance to the Land Development Regulations pursuant to Chapter 26, Section 16.10 and Section 17.6, Punta Gorda Code, to allow a new single-family residence to be constructed in a General Single-family zoning district (GS-3.5) on a non-conforming lot of record containing 9,042 square feet instead of 9,600 square feet as required per Chapter 26, Section 3.4(g)(1), Punta Gorda Code; and to allow construction of a new swimming pool, deck and screen enclosure with 16.2 feet rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code.

Legal: Punta Gorda Isles Section 2, Block 21, Lot 21

A/K/A: 115 Bayshore Court, Punta Gorda, Florida

Charlotte County Parcel ID: 412211355002

- Ms. Hannon displayed an overhead of the subject property, as delineated in the agenda material, noting the proposed construction which would encroach on the required setback. She entered the staff report, as denoted in the agenda material, into the record by reference, reviewing same in detail. She concluded staff recommended approval of the requested variance due to the lot's size and medical documentation of the applicant's need for water therapy.
- Mr. Weiner requested clarification of the pool's location.
- Ms. Hannon pointed out the requested pool setback in the site plan.
- Mr. Weiner requested greater detail in the drawings submitted with future variances.
- Ms. Rasmussen inquired as to the width of the pool.
- Mr. Gary Trombley, contractor, replied eight feet, noting the pool was intended for lap swimming. He asserted the request would not cause hardship to neighboring residents.
- Ms. Dee Porter, realtor, emphasized the applicant's significant height, opining he could not swim laps in a conventional pool.
- Mr. Wolley confirmed the pool would be 75 feet long, questioning the setback requested.
- Ms. Porter replied 15 feet.
- Ms. Hannon explained V-04-18 provided for a 16.2 foot setback, which was denoted in the site plan submitted with the application.
- Ms. Rasmussen requested clarification of the seawall's age at the subject property.
- Ms. Hannon voiced uncertainty regarding same.
- Mr. Wolley questioned if the pool could be accommodated closer to the required setback.

- Discussion ensued with regard to alternative configurations which might allow the pool to fall within the required setback.
- Mr. Andrey Nikitin, applicant, recounted difficulty obtaining a lot which could accommodate such a large pool, explaining he had been unaware of regulations limiting the pool's length.
- Mr. Burrage called three times for anyone to speak on V-04-18.
- Mr. Weiner MOVED, Mr. Hoagland SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Hoagland voiced support for V-04-18.
- Ms. Rasmussen voiced concern regarding encroachment of the setbacks, expressing hesitance to recommend approval of V-04-18 as homeowners had recently been denied permission to replace their swimming pools following seawall repairs.
- Mr. Wolley stated a 72-foot pool which conformed to Punta Gorda Code would be allowed at the subject property, questioning if there was a significant difference between a 75-foot pool and a 72-foot pool.
- Mr. Hoagland MOVED, Mr. Weiner SECONDED to find V-04-18 consistent with the Comprehensive Plan and to recommend approval of the request.
- VOTING AYE: Hoagland, Weiner, Burrage.
- VOTING NAY: Wolley, Rasmussen.
- MOTION CARRIED.

**STAFF COMMENTS**

- Mr. Burrage announced City Council approved V-02-18 on October 17, 2018.

**COMMITTEE/BOARD COMMENTS**

- Mr. Burrage noted an election for Vice Chairman would be held at the November 27, 2018, meeting.

**ADJOURNMENT**

- Meeting Adjourned: 4:58 p.m.

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John Burrage, Chairman

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Sara Welch, Recording Secretary