

**BOARD OF ZONING APPEALS
MEETING
FEBRUARY 26, 2019**

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

OTHERS PRESENT: Lisa Hannon, Zoning Official
Dee Porter

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
 - Recording Secretary Welch swore in all participants.
- B. Next Scheduled Meeting
 - 1. March 26, 2019

CITIZENS COMMENTS ON AGENDA ITEMS ONLY

- There were none.

APPROVAL OF MINUTES

- A. December 18, 2018
 - Mr. Lepore MOVED, Mr. Wolley SECONDED approval of the December 18, 2018 minutes. MOTION CARRIED UNANIMOUSLY.

QUASI- JUDICIAL PUBLIC HEARINGS

- A. 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 15.0 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.
 - Ms. Lisa Hannon, Zoning Official, entered the staff report denoted in the agenda material into the record by reference. She announced City Council reopened this public hearing for the Board's review due to new medical documentation from the applicant, providing a brief explanation of the request. She then reviewed certain criteria which must be met in order for a variance to be approved, as well as staff's findings and conclusions, reporting the property's seawall was original and in good condition. She concluded staff recommended approval of this request conditioned upon the property owner signing and recording a hold harmless agreement releasing the City from

- responsibility for damage to the pool in the course of seawall repairs; additionally, the therapy pool could not exceed the dimensions denoted in the medical provider's letter.
- Mr. Weiner expressed concern regarding the accuracy of dimensions denoted in the drawing of the pool, particularly as they related to the angle of repose.
 - Ms. Hannon replied the Building Division would review plans and the angle of repose at the time of permitting.
 - Ms. Rasmussen voiced concern the dimensions of the pool did not meet the doctor's minimum requirements, confirming members could require adherence to the doctor's minimum requirements in plans submitted with the building permit application.
 - Mr. Lepore spoke against the request, opining a rehabilitation or sports medicine specialist should have provided the required dimensions. He asserted Americans with Disabilities Act (ADA) requirements regarding accessible entry to pools were not being met.
 - Ms. Rasmussen pointed out the drawing of the pool included a sun shelf.
 - Ms. Hannon reported City Attorney Levin found the doctor's letter to be sufficient for the request.
 - Ms. Dee Porter, applicant's representative, reported Mr. Nikitin did not physically require a ramp to enter the pool.
 - Mr. Burrage called three times for anyone to speak on V-04-18.
 - Mr. Lepore MOVED, Mr. Weiner SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
 - Mr. Weiner MOVED, Mr. Lengauer SECONDED to find V-04-18 consistent with the Comprehensive Plan and to recommend approval of the request with staff's conditions based upon the evidence and testimony presented this date.
 - Mr. Wolley MOVED, Mr. Lengauer SECONDED to amend the motion to include requirement of a hold harmless agreement and adherence to the doctor's recommended pool depth.
 - Ms. Rasmussen expressed concern the pool drawings did not meet the doctor's recommended five-foot minimum depth.
 - MOTION CARRIED UNANIMOUSLY.
 - VOTING AYE: Lengauer, Lepore, Sacilotto, Weiner, Wolley, Burrage.
 - VOTING NAY: Rasmussen.
 - MOTION CARRIED.

STAFF COMMENTS

- A. Election of Chair & Vice Chair
- Recording Secretary Welch opened the floor for nominations for Chairman.
 - Mr. Weiner NOMINATED Mr. Burrage.
 - As there were no other nominations, Mr. Burrage was appointed by acclamation.
 - Recording Secretary Welch opened the floor for nominations for Vice Chairman.
 - Ms. Rasmussen NOMINATED Mr. Wolley.
 - As there were no other nominations, Mr. Wolley was appointed by acclamation.

COMMITTEE/BOARD COMMENTS

- Mr. Lepore expressed concern individuals were requesting ADA accommodations without meeting the requirements of the Act.
- Ms. Hannon replied staff operated under the guidance of City Attorney Levin.
- Ms. Rasmussen commented the majority of homes on the subject property's block were constructed prior to 1980.

ADJOURNMENT

- Meeting Adjourned: 4:29 p.m.

John Burrage, Chairman

Sara Welch, Recording Secretary