



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Zoning Board of Appeals

Friday, March 8, 2019

9:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 04-11-2019 MEETING

1. CALL TO ORDER

The Zoning Board of Appeals Regular Meeting was called to order at 9:00 a.m. in City Commission Chambers by Chair Ramirez.

2. ROLL CALL

- Present** 6 - Chair Fernando Ramirez, Vice-Chair Sam George, Board Member Ronnie Carroll, Board Member Timothy Martin, Board Member James Bonsky, and Board Member Kent Anderson
- Absent** 1 - Board Member Mark Mousty

Also Present:

Staff Liaison Zoning Coordinator Sherry Willette-Grondin; Planner Josh Pelfrey; Assistant City Attorney Golen; and Recording Secretary Goodman.

3. The Pledge of Allegiance was led by the Board.

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

[19-0156](#) Current Vacancies for Boards and Committees

[19-0157](#) Upcoming Vacancies for Boards and Committees

Kent Anderson arrived at 9:02 a.m.

Ms. Goodman read the Current Vacancies and Upcoming Vacancies for Boards and Committees into the record.

6. PUBLIC HEARING

[VAR-19-020](#) Paul Kelly and Mellissa Kelly, 4028 Natchez Terrace, Variance Request to allow for a 4.7-foot Rear Setback where a 25-foot Setback is Required and a 5-foot Side Setback where a 7.5-foot Setback is Required

Members reported having no ex parte communications.

Ms. Goodman, Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda Item 6.

Applicant Paul and Melissa Kelly, being duly sworn, provided an overview and testified that when applying for the permit, they met with Neighborhood Development Services to ensure that everything was being done as required to construct the shed in question. The City Arborist inspected the property as did an inspector from Neighborhood Development Services and approved the permit. Subsequent to pouring the cement for the shed, the property owners were informed that a spot survey was required. When the spot survey was done, it was noted that the cement and area for the shed did not meet the setback requirements. Prior to the spot survey, the City Arborist approved the permit on October 30, 2018 for landscaping requirements. The Applicants are requesting a Variance and that if informed prior to pouring the cement, they would have planned for a different area to construct the shed. The Applicants contend that the spot survey should have been required before the cement was poured, not after and staff should have informed them of the error in placement of the shed. The shed is currently in storage with the company which was hired to install the shed upon completion of the cement pad. The cost to re-locate the placement of the shed would be approximately \$5,000.00 to \$6,000.00 and would cause a financial hardship on the applicants. The applicants submitted photographs depicting where the cement pad for the shed is located in relation to their property line.

Planner Pelfrey noted that the wrong Variance number was listed on the Staff Summary Sheet for this Agenda item and is for a corner lot. The lot in question is not a corner lot but a triangle shaped lot with the easement larger in the rear of the property. A PowerPoint presentation was provided regarding the timeline for the submitted permit, ariel of the property in question and Unified Land Development setback requirements. There was error on the City's part in approving the permit with the wrong setbacks submitted. The permit was issued with a 10-ft. setback which still is an encroachment of the easement. The "Special Circumstance" for a Variance was clarified. This request for a Variance was advertised as required with no responses from aggrieved persons or effected parties. Based on staff's findings staff requests denial if they do not meet all 5 criteria for a Special Circumstance.

There was no public comment.

A motion was made by Board Member Carroll, seconded by Board Member Anderson that the Zoning Board of Appeals hereby finds that Petition No. VAR-19-020, the request of Paul Kelly and Melissa Kelly for a Variance from the Unified Land Development Code (ULDC) Chapter 53-Zoning Regulations, Part 3. Special District Regulations, Article XX Special Circumstances Regulations, Section 53-240; Special Structures A.(6) to allow for a 4.7-foot rear set back where a 25--foot rear setback is required and for a 5-foot side setback where a 7.5-foot side setback is required does neet all of the five findings for granting a variance and hereby approves granting Variance Number VAR-19-020. The motion carried unanimously by voice vote.

7. APPROVAL OF MINUTES

[19-0167](#)

Approval of Minutes for the February 8, 2019 Zoning Board of Appeals Meeting.

A motion was made by Board Member Martin, seconded by Board Member Bonsky to approve the February 8, 2019 Zoning Board of Appeals Meeting Minutes as

presented. The motion carried unanimously by voice vote.

8. PUBLIC COMMENT

There was no public comment.

9. ADJOURNMENT

Chair Ramirez adjourned the Zoning Board of Appeals Meeting at 9:58 a.m.

City of North Port, Florida

By: _____
Ferando Ramirez, Chair

Minutes approved at the Zoning Board of Appeals Regular Meeting this ____ day of _____, 2019.