



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Zoning Board of Appeals

Wednesday, June 29, 2022

6:00 PM

City Commission Chambers

1. CALL TO ORDER

Chair Martin called the meeting to order at 6:09 p.m.

2. ROLL CALL

Present 4 - Chair Timothy Martin, Board Member Ronnie Carroll, Board Member Gustavo Collazo, and Board Member Joseph Pumilia

Absent 2 - Vice Chair Robert C. Dyer, and Board Member Mark Mousty

2. Also Present

Assistant City Attorney Michael Golen, Planning and Zoning Division Manager Lori Barnes, Assistant Director/Building Official Derek Applegate, Planner III Sherry Willette-Grondin, Planner I Sam Hudson, and Recording Secretary Susan Hale.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Board.

4. PUBLIC COMMENT

There was no public comment.

5. PUBLIC HEARING

[VAR-22-087](#)

VAR-22-087 3167 Delor Avenue Creekmore Construction is requesting a variance from the Unified Land Development Code (ULDC) Section 53-240. - Special structures. A. (6) "Accessory structures over five hundred (500) square feet in total area, other than swimming pools, tennis courts and other similar recreational facilities, shall maintain the same required setback as the principal structure. Section 53-32. - Minimum setback requirements A. Front yard: Thirty (30) feet. & B. Side yard: Twenty-five (25) feet. The request is to allow for a 24-foot front setback where a minimum 30-foot front setback is required and a 23.8-foot side setback where a 25-foot side setback is required. The subject property is located at 3167 Delor Avenue.(QUASI JUDICIAL)

Chair Martin introduced the item.

Ms. Hale swore in all those wishing to provide testimony.

The Board reported having no ex parte communications to report.

There were no aggrieved or adversely affected persons.

Chris Creekmore, President Creekmore Construction of Florida, being duly sworn, spoke to the extraordinary conditions of moving concrete, removing trees, variance not impeding drainage or traffic, no negative impact to neighbors or surrounding property, no knowledge of error, and financial burden to resolve the situation.

Mr. Hudson, being duly sworn, provided an overview including notices sent, location of property, front and back setbacks, survey sketch, building views, Unified Land Development Code (ULDC) and City Code requirements, criteria for granting variance, and staff recommendation.

There was no rebuttal from the Applicant or Staff

PUBLIC COMMENT:

John Barkenquast: being duly sworn, spoke in favor of granting the variance.

Jonathan Barkenquast: being duly sworn spoke in favor of granting the variance.

Mr. Hudson addressed City approving concrete slab, permit for right-of-way access, and basis of recommendation for denial.

Ms. Barnes, being duly sworn, spoke to variance requests, making reasonable use of land, and non-compliance with setback requirement and land development regulations.

Mr. Applegate, being duly sworn, spoke to the applicant being unable to meet the extraordinary condition, and application review.

Mr. Creekmore spoke to cost and type of repair required, tree removal detrimental to land, and lack of knowledge of violation.

There were no closing arguments from Staff or the Applicant.

Chair Martin closed the public hearing and requested a motion.

A motion was made by Board Member Carroll, seconded by Board Member Collazo, to approve Petition No. VAR-22-087, requesting a variance from the Unified Land Development Code (ULDC) Section 53.240 -- Special Structures A(6) to allow for a 24-foot front setback where a minimum 30-foot front setback is required and a 23.8-foot side setback where a 25-foot side setback is required and find that the variance does meet the following findings(s) for granting a variance:

- 1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;***
- 2. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created);***
- 3. That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure;***
- 4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and***
- 5. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or***

recurrent a nature as to make it more reasonable and practical to amend these zoning regulations.

Discussion ensued regarding the variance not being injurious to neighborhood.

The motion failed by the following vote:

Yes: 2 - Board Member Carroll and Board Member Collazo

No: 2 - Chair Martin and Board Member Pumilia

Absent: 2 - Vice Chair Dyer and Board Member Mousty

Mr. Golen spoke to protocol to bring the item back for discussion.

A motion was made by Board Member Carroll, seconded by Board Member Collazo, to reconsider the motion. The motion carried by the following vote:

Yes: 4 - Chair Martin, Board Member Carroll, Board Member Collazo and Board Member Pumilia

Absent: 2 - Vice Chair Dyer and Board Member Mousty

Discussion ensued regarding reasons to approve the variance request, an agreement with staff concerning denial, and lack of information for new homeowners.

Mr. Golen noted that all five criteria must be met in order to grant the variance.

A motion was made by Board Member Carroll, seconded by Board Member Collazo, to approve Petition No. VAR-22-087, requesting a variance from the Unified Land Development Code (ULDC) Section 53.240 -- Special Structures A(6) to allow for a 24-foot front setback where a minimum 30-foot front setback is required and a 23.8-foot side setback where a 25-foot side setback is required and find that the variance does meet the following findings(s) for granting a variance:

- 1. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;***
- 2. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created);***
- 3. That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure;***
- 4. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and***
- 5. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make it more reasonable and practical to amend these zoning regulations.***

The motion failed by the following vote:

Yes: 2 - Board Member Carroll and Board Member Collazo

No: 2 - Chair Martin and Board Member Pumilia

Absent: 2 - Vice Chair Dyer and Board Member Mousty

6. APPROVAL OF MINUTES[22-2712](#)

Approval of Minutes for the March 30, 2022 Zoning Board of Appeals Meeting

A motion was made by Board Member Pumilia, seconded by Chair Martin, to approve the Minutes as presented. The motion carried by the following vote:

Yes: 4 - Chair Martin, Board Member Carroll, Board Member Collazo and Board Member Pumilia

Absent: 2 - Vice Chair Dyer and Board Member Mousty

7. PRESENTATION[22-3135](#)

Quasi-Judicial Training (Presented by the Office of the City Attorney)

Chair Martin introduced the item.

Mr. Golen requested to continue Item No. 22-3132 to the next meeting.

There was a consensus to continue Item No. 22-3132 to the next meeting.

8. PUBLIC COMMENT

Jonathan Barkenquast: moving the cement slab and cutting trees a travesty.

9. ADJOURNMENT

Chair Martin adjourned the meeting at 7:08 p.m.

By: _____
Robert C. Dyer, Vice Chair

These minutes were approved on the ____ day of _____, 2022.